

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

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BOONE COUNTY
PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: Parkview Estates
2. Location of Project: 9696 Camp Ernst Road, Union, KY 41091
3. Total Acreage of Project: 49.6 +/-
4. Current Zoning of Property: 91% Agriculture (A-1), 9% Rural Suburban Estates (RSE)
5. Proposed Zoning of Property (classification being requested): Rural Suburban Estates (RSE)
6. Proposed Use(s) (specify each use):
Proposed Subdivision with 32 total lots (1 acre minimum).
7. Proposed Building Intensities (specify for each building):
The proposed RSE District will have one dwelling unit per lot (32 total lots).
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Smoky Acres LLC
Address: 11996 Decker Lane
Walton Kentucky 41094
City State Zip Code
Phone Number: (859)816-4863 Fax Number: _____
Email: tkloeker@twc.com
10. Applicant: Great Development Properties INC
Address: 3180 Burlington Pike
Burlington Kentucky 41005
City State Zip Code
Phone Number: (859)393-1424 Fax Number: _____
Email: tfinke72@yahoo.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 2 Mobile Homes & 2 Barns

12. 976 562 2046
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff: Yes No

14. Have you submitted a Concept Development Plan: Yes No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input checked="" type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input checked="" type="checkbox"/> Boone County Water District | <input checked="" type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input checked="" type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

16. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____

ORIGINAL Property Owner's Signature: Frank R. Klueber Smoky Acres LLC, Inc.
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Geoff Finkbe Great Development Properties Inc. President
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

EXHIBIT

“A”

STAFF REPORT

#1

Request of Great Development Properties Inc (applicant) for Smoky Acres LLC (owner) for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

January 6, 2021

REQUEST

- A. The submitted request is to rezone approximately 45 acres from A-1 to RSE. Approximately 4.5 acres of the site is currently zoned RSE.
- B. The applicant is proposing a residential subdivision containing 32 lots for detached single family dwellings, public streets, public storm drainage, public water, and individual private sanitary septic systems.

SITE HISTORY

Prior
to

1938 Based on information contained in the Boone County GIS, approximately half of the site was used for agricultural purposes.

1981 -

1974 Based on information contained in the Boone County GIS, the first building was constructed on the site

1981 -

1985 Based on information contained in the Boone County GIS, additional buildings were constructed on the site.

1986 Sarah M. Kloeker submitted a Zoning Map Amendment application changing an approximate 52 acre area of the site in question from RSE and A-2 to A-1. On October 1, 1986, the Boone County Planning Commission recommended approval of the request, subject to the condition that the site be limited to a maximum of four (4) mobile homes (R-37-86). On November 4, 1986, the Boone County Fiscal Court adopted Ordinance Number 920.100, approving the request, subject to the condition as recommended by the planning commission.

1985 -

1990 Based on information contained in the Boone County GIS, the building which has an address of 9692 Camp Ernst Road was built.

1992 As part of the 1992 county-wide zoning update, an approximate 495 foot deep area of

the site, fronting Camp Ernst Road, was rezoned from A-1 to RSE.

1992 -

1994 Based on information contained in the Boone County GIS, the building which has an address of 9694 camp Ernst Road was built.

2020 On October 6, 2020, Great Development Properties Inc (applicant) for Smoky Acres LLC (owner) submitted a zoning map amendment changing an approximate 96 acre area, which includes the site in question, from A-1 and A-2 to RSE. On November 30, 2020, following the public hearing, the applicant withdrew the application from consideration.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment 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.
- B. Section 910 of the Boone County Zoning Regulations states that "Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.
- C. Section 610 of the Boone County Zoning Regulations states that "the purpose of the Agricultural district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.

SITE CHARACTERISTICS

- A. The site contains approximately 49.6 acres, of which 9% (4.5 acres) is currently zoned RSE and 91% (45.1 acres) is currently zoned A-1.
- B. The site has approximately 115 feet of frontage along Camp Ernst Road.
- C. The site is currently occupied by two mobile homes, various outbuildings, pasture/crop land, and vacant/wooded areas.

- D. The east side of the site is bordered by an intermittent fork of Long Branch Creek.
- E. A 100 foot wide, utility easement runs through the site in question, generally paralleling Camp Ernst Road, approximately 1,400 feet west of Camp Ernst Road.
- F. Topographically, the site has its highest point (900 msl) in the central portion of the site. The site slopes downward to 840 msl along the north boundary of the site and 840 msl along the east boundary of the site.
- G. Based on information contained in the Boone County GIS, a 12-inch public water line runs along the east side of Camp Ernst Road.
- H. The site is centrally located within an approximate 450 acre Agricultural District (see Attached description).
- I. Approximately twenty percent (20%) of the site contains a tree canopy. This tree canopy is predominantly located along the north, east, and west perimeter of the site.

ADJACENT LAND USES AND ZONING

- North: Single family residential and agricultural/undeveloped land (A-2)
- South: Single family residential and agricultural/vacant land (A-1, A-2, and RSE)
- East: Agricultural/vacant land (A-2)
- West: Single family residential and agricultural/undeveloped land (A-2, and RSE)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates that portion of the site fronting along Camp Ernst Road for Rural Density Residential. The remainder of the site is identified for Suburban Density Residential. These designations are described as follows:
 - 1. Rural Density Residential – Low density residential uses of up to one dwelling unit per acre.
 - 2. Suburban Density Residential – Single family housing of up to four units per acre.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
 - 1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 - 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
4. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).
5. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
6. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
7. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
8. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
9. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
10. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities (Demographics Goal B, Objective 9).
11. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
12. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).
13. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
14. Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).

15. The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed (Natural and Cultural Resources Goal B, Objective 3).
 16. Plans for new or redeveloped commercial, industrial, institutional, and residential sites shall be reviewed and reasonable measures taken to ensure identification and protection of significant cultural resources (Natural and Cultural Resources Goal C, Objective 8).
 17. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 18. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 19. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets (Transportation Goal B, Objective 5).
 20. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
 21. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system (Transportation Goal B, Objective 9).
- C. The following are excerpts from Our Boone County – Plan 2040:
1. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels. Most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county. Consideration must be given to existing conditions that may affect new development in established areas such as adjoining land uses and proximity to the Cincinnati-Northern Kentucky International Airport where commerce and airplane noise may be an issue (Demographics, Conclusions and Recommendations, Housing Types and Locations, pages 19-20).
 2. Existing and planned water, stormwater, and sanitary sewer services influence

the locations of new residential construction. However, just because one form of public infrastructure exists or has been improved, does not automatically mean the area is ready for suburban development. Other forms of infrastructure may also be needed or improved first. Development phasing is an option to ensure that the timing of a new development corresponds with the provision of adequate infrastructure (Demographics, Conclusions and Recommendations, Housing Types and Locations, page 20).

3. The USDA classifies soils for their agricultural suitability for field crops under normal conditions and considers prime agricultural land as important for the sustainability of a region (see Natural & Cultural Resources element). Agricultural lands provide much of the open space in a community and can create a character-defining visual identity for a community. Across the nation, farmlands in metropolitan areas continue to be urbanized, partly because the qualities that make for desirable farm land (flat, well-drained, clear, etc.) coincide with those desired for urban development. Growing urban populations increase demand for agricultural productivity while also displacing it, at a time when desire for local food sources is rising. Future studies and visioning efforts should determine whether Boone County wants to retain its rural identity. If the agricultural lands should develop in a more urban manner, then standards should be established and incentives offered which attempt to preserve the unique character of these areas (Environment, Physical Characteristics and Potential Impacts, Geology, Soils, Agricultural Values, page 25).
4. Woodlands are significant natural resources and improve community quality of life by reducing noise, light, air pollution, and visual impacts between land uses. Tree roots also stabilize soils by reducing storm water volume and intensity, stabilize stream banks, and filter runoff before it reaches and pollutes streams. Woodland cover beautifies the landscape, diminishes the effects of strong winds, filters air pollutants, adds humidity, creates shade, and provides specialized wildlife habitats. Stream valleys in western and northern Boone County are heavily wooded, while the eastern uplands have limited and scattered forest cover. Protecting wooded areas in the less developed areas of the county as well as scattered vegetation remaining in urbanized areas and along major public roadways serves functional and visual purposes (Environment, Plant and Animal Life, Woodlands, page 30).
5. Tree cover is directly related to environmental quality. Maintaining tree cover robust enough to function as green infrastructure reduces the need and expense of building infrastructure to manage air and water resources. Local agencies can use programs such as the CITYgreen GIS to calculate the environmental and economic values of the ecosystem services that trees provide. American Forests helps communities calculate the value of their trees so that leaders can make better decisions about integrating "green" into their urban infrastructure. Along these lines, an updated study of Boone County's forest cover should be conducted to track changes over the last 15 years (Environment, Plant and Animal Life, Woodlands, page 31).
6. The Kentucky Division of Conservation's Agricultural (Ag) District Program is

administered locally by the Boone County Conservation District under KRS 262.850 (enacted 1982). Agricultural Districts are distinct from zoning districts and are aimed at protecting the best agricultural land for food and fiber production and discouraging its conversion to non-agricultural uses. In addition, these Agricultural Districts are voluntary and offer members the following protection under the law:

- The right to have their land assessed at the land's agricultural use value;
- Protection against involuntary annexation;
- Deferred assessment of fees for water service extensions unless the land is sold for nonagricultural purposes;
- Right to a public hearing to contest condemnation by certain utilities.

An Agricultural District must include a minimum of 250 contiguous acres, with certain parcel size requirements, and must meet the state definition of agricultural land in KRS 132.010. In 1995, Boone County had five Agricultural Districts totaling 3,343 acres. In 2004, there were 13 districts comprising 6,770 acres. There are currently 16 districts encompassing 8,227 acres of land owned by 80 families (Boone County Conservation District Annual Report 6/30/10; Boone County GIS 2017) (Natural and Cultural Resources, Agriculture, Agricultural Districts, page 43).

7. Agricultural land has value beyond the production of goods and services, according to the Boone County Conservation District, including benefits for storm water filtration, ground water recharge, flood reduction, soil retention, wildlife habitat, air purification, historic sites, scenic corridors, as well as the economic benefit of visual character. However, recent statistics show that development of the county's rural areas continues. To protect farming, a combination of tax structures, planning efforts, incentive programs, conservation easements, and utility expansions should continue to be explored. New residential development should be correlated with sufficient infrastructure, including sewer, adequate roads, fire hydrant water pressure, storm water management, and emergency response are necessary to support residential development in the long term. This adds to the cost of providing community services. Agriculture, on the other hand, enables an economic use of the land and requires relatively little infrastructure support or public expenditure (Natural and Cultural Resources, Conclusions and Recommendations, pages 55-56).
8. The Boone County Subdivision Regulations contain specific criteria for evaluating potential street connections between developments and adjoining property. The Boone County Planning Commission maintains conceptual maps and a GIS layer of possible future street connections for public review as well as to assist the Planning Commission in the development plan review process. These are working maps that change as communities develop. In addition to already planned improvements, certain geographic areas must develop both an interconnected collector and local street system as well as improved routes or connections to the interstate system. Some of these connections will be developer-built. The recommended connections listed in the Boone County Transportation Plan are in addition to the existing GIS street connection layer

information being used on a daily basis. Individual building lot access to these connector routes should not occur and the connectors should be designed to serve side streets. Existing examples include Oakbrook Drive, Wetherington Boulevard, Fox Run Drive, Triple Crown Boulevard, Hanover Boulevard, Thornwilde Drive, and Grand National Boulevard. Some connections may need to be three lanes in order to adequately serve turning movements. These planned connections are based on future land use planning and are important for the 2040 Future Land Use Plan to develop property. Details regarding the recommended connections can be found in the 2017 Boone County Transportation Plan (Transportation, Street Connections, page 88).

9. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that 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. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 95).
 10. New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as paths, bike lanes, and bus stops to help make Union more pedestrian-oriented. Wetherington Boulevard is an example. Further road connections that prohibit driveway access and street parking should occur between U.S. 42, Camp Ernst Road, Longbranch Road, and Hathaway Road. Hathaway Road needs special attention to protect this important east-west route. Water and sanitary sewer infrastructure should accompany such road connections and extensions as to prevent premature, estate-style residential development, and to prevent frontage subdivisions that result in poor access management. Development proposals shall be carefully evaluated relative to the area-wide road network and any necessary contributions to the network (Land Use, Description and Purpose of Land Use Maps, 20 – Union, page 138).
- D. Camp Ernst Road is a county maintained collector street providing for two way traffic within two driving lanes. Within the vicinity of the site, the roadway has a pavement width of approximately 20 feet within a 60 foot right-of-way. Camp Ernst Road has a posted speed limit of 35 MPH. There are no sidewalks along the roadway.

BOONE COUNTY TRANSPORTATION PLAN

- A. The Boone County Transportation Plan indicates the following projects that are in the vicinity of the site in questions:
 1. Camp Ernst Road Widening Phase 1
Location: Boone County Arboretum to KY 237 (Pleasant Valley Road)
Type: Roadway Widening/Relocation/New Facility

Total Cost: \$27,910,000

Description: Widen Camp Ernst Road from two to four lanes and extend the multi-use path from the KY 237 (Camp Ernst/Pleasant Valley) widening project to improve safety and mobility.

2. Camp Ernst Road Widening Phase 2
Location: KY 536 (Hathaway Road to the Boone County Arboretum)
Type: Roadway Widening/Relocation/New Facility
Total Cost: \$16,000,000
Description: Widen Camp Ernst Road from two to four lanes with multi-use path to improve safety and mobility.
3. Central Parkway Scoping Study
Location: Central Boone County
Type: Study
Total Cost: \$500,000
Description: Perform a scoping study to determine the preferred alignment, cost estimates, and potential phases of a Central Parkway to improve mobility through Boone County. The route should connect Camp Ernst Road at KY 237 (Pleasant Valley) to Verona.

CONCEPT PLAN

- A. The submitted Concept Development Plan indicates the following:
1. Provision for 32 lots, at a density of 0.65 units per acre, having an average area of 1.42 acres (the smallest lot having an area of 1.00 acre and the largest lot having an area of 3.07 acres).
 2. Provision for a public stormwater detention system.
 3. Provision for public water service.
 4. Provision for individual, private, sanitary sewer systems.
 5. Provision of a public street system having a right-of-way width of fifty (50) feet with a shoulder and ditch profile.
 6. Provision for a street connection to the property located at 9382 Camp Ernst Road, presently owned by Charles and Judith Haynes.
 7. Provision for a street connection to the north, being the remainder of the 95.93 acre property.
 8. Access from a new curb cut onto Camp Ernst Road, approximately 600 feet south of Deer View Drive.
 9. Provision for a forty (40) foot wide easement along the majority of the perimeter of site. There shall be no land disturbance or construction within this easement, except for the installation of a fence.
 10. Provision of a notation stating that the required sight distance of 390 feet is provided for the proposed intersection.
 11. Provision of a notation stating that a potential driveway connection for parcel 040.00-00-021.00 to the proposed road has been discussed.

ADDITIONAL INFORMATION SUBMITTED BY APPLICANT

- A. The applicant has submitted a project narrative covering the following topics:
 - 1. Project Overview
 - 2. Rezoning Request Supporting Data

STAFF COMMENTS

- A. The Boone County Subdivision Regulations do not require sidewalks to be provided for residential subdivisions that have a density of one dwelling unit per two acres or more. The submitted concept plan indicates a density of 1.3 dwelling unit per two acres.
- B. There are two other subdivisions within the vicinity of the site in question that have been approved through the major subdivision review process.
 - 1. Andrew Subdivision (3 buildable lots), located immediately to the west of the site and along the east side of Camp Ernst Road, was approved in 2007 and has a density of 0.2 units per acre.
 - 2. Mathis Acres (6 buildable lots), located along the west side of Camp Ernst Road and immediately to the west of Andrew Subdivision, was approved between 2008 and 2011 and has a density of .32 units per acre.
- C. The following table provides a comparison between the density recommended in the current comprehensive plan and the density shown on the submitted concept plan:

	Our Boone County – Plan 2040	Concept Plan
Approximate 225 foot frontage depth along Camp Ernst Road	Up to 1 unit/acre (Rural Density residential)	0.65 units/acre
Remainder of site	Up to 4 units/acre (Suburban Density Residential)	0.65 units/acre

- D. Based on a visual inspection of the site, the proposed access onto Camp Ernst Road will have a sight distance to the right of approximately 350 feet and a sight distance to the left of approximately 450 feet. The applicant should provide documentation verifying the sight distance that can be achieved at the proposed intersection.
- E. An inter-departmental email was sent to the Boone County Conservation District, Boone County Public Works, Boone County Schools, and the Union Fire Protection District requesting comments pertaining to the original 2020 application.
 - 1. Chief Michael Morgan, Union Fire Protection District, responded that they have no issues with the application.
 - 2. Rob Franxman, Boone County Public Works, responded that he met the applicant and consultant on site and that the proposed access onto Camp Ernst

Road appears to meet site distance requirements. However, these distances will have to be verified at the time of submittal of an Improvement Plan and that off site improvements might be necessary to meet the applicable sight distance requirements.

- F. During the public hearing for the zoning map amendment application in 2020, the Planning Commission asked if staff could gather traffic accident data within the vicinity of the site. The following table provides that information:

	Between Longbranch Road And Hathaway Road	Between 1,600 feet north and south of the proposed street
2016	17	3
2017	18	3
2018	14	3
2019	18	5
2020	10	5
TOTAL	77	19
AVERAGE	15.4	3.8

- G. The Planning Commission public hearing minutes of the original 2020 application have been attached to the staff report and are being made part of the record for the current request.
- H. The minimum front yard setback within the RSE district is forty (40) feet. The submitted concept plan indicates a fifty (50) foot front yard setback. The applicant should confirm that they are going to provide a front yard setback that is greater than that required by the proposed zoning district.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Articles 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Planner

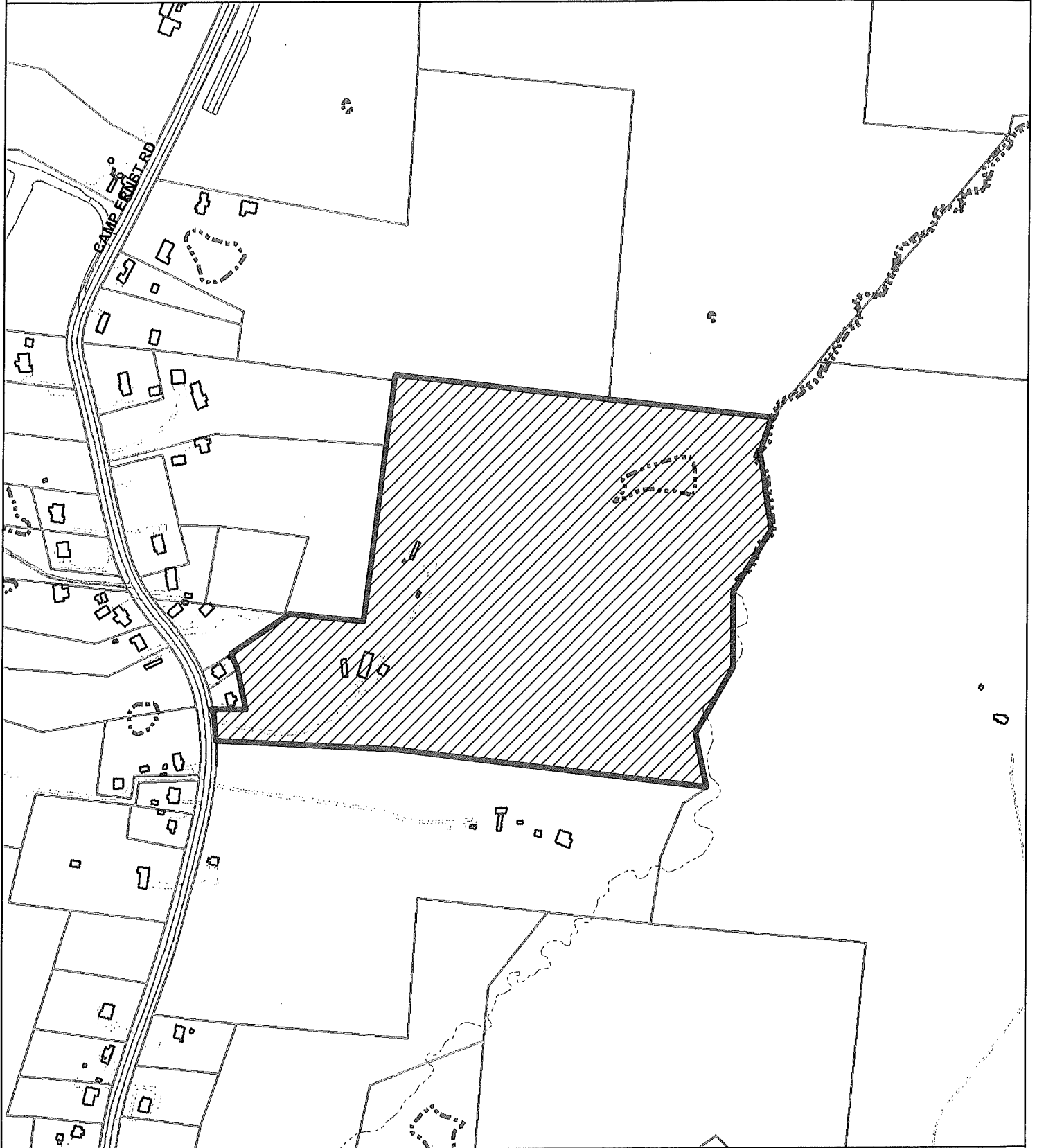
MDS/ss

Attachments:

- *Vicinity Map
- *Original Application
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Agricultural District Map
- *Tree Canopy Map
- *Application
- *Additional Narrative
- *Concept Development Plan
- *Description of Agricultural District
- *Union Fire Protection District Email (10/8/20)
- *Boone County Public Works Email (10/28/20)
- *Boone County Planning Commission Public Hearing Minutes – November 4, 2020

Vicinity Map

www.boonecountygis.com

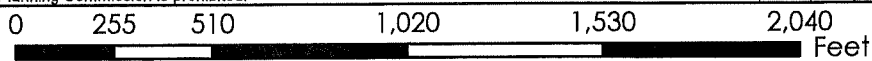


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Boone

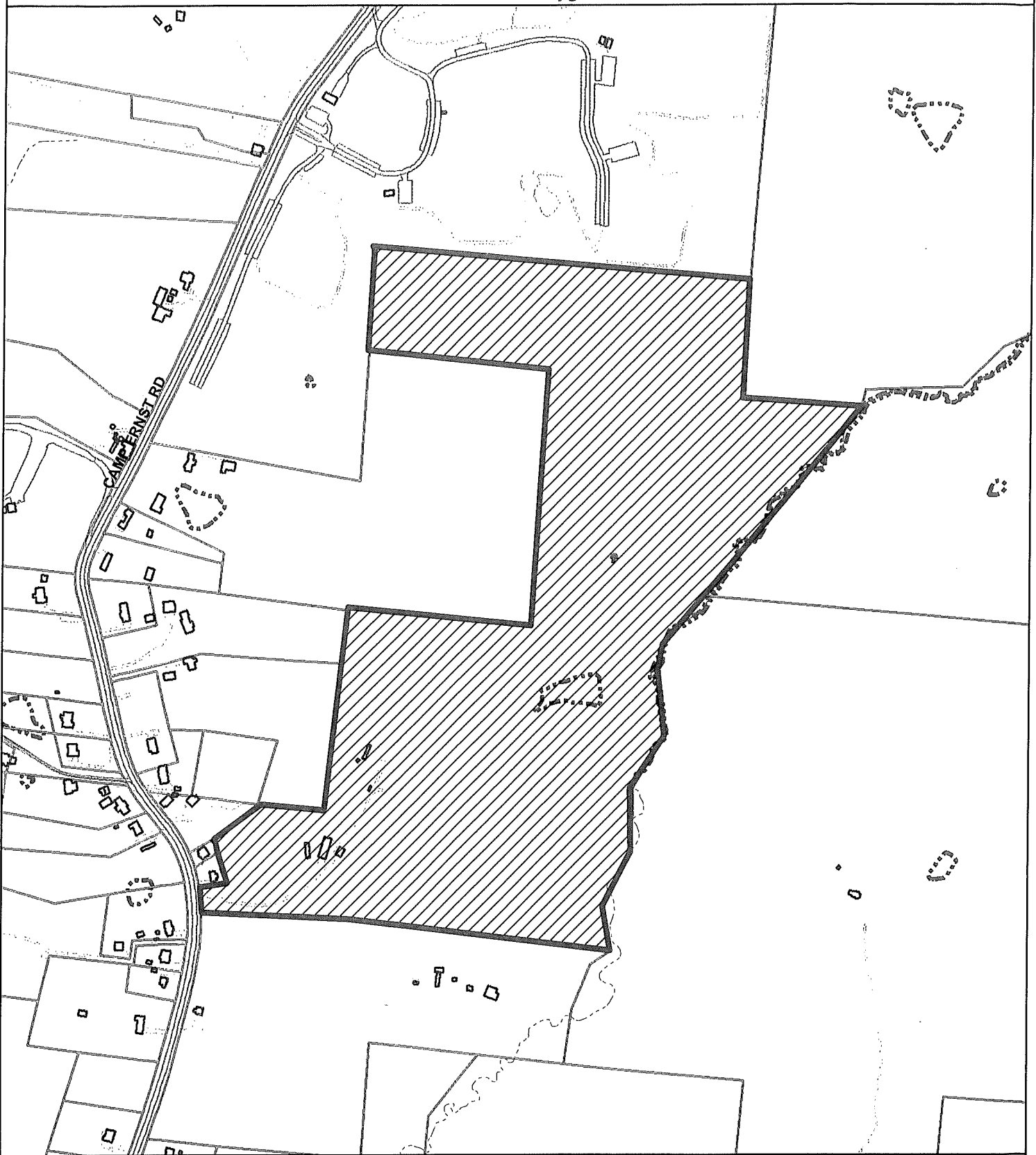


1 inch = 500 feet



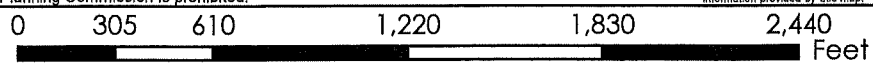
Original Application

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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 01/01/2018

Boone County GIS, 2018
ArcMap Document: *.mxd

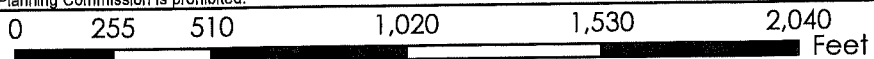
Aerial Map

www.boonecountygis.com



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1 inch = 500 feet



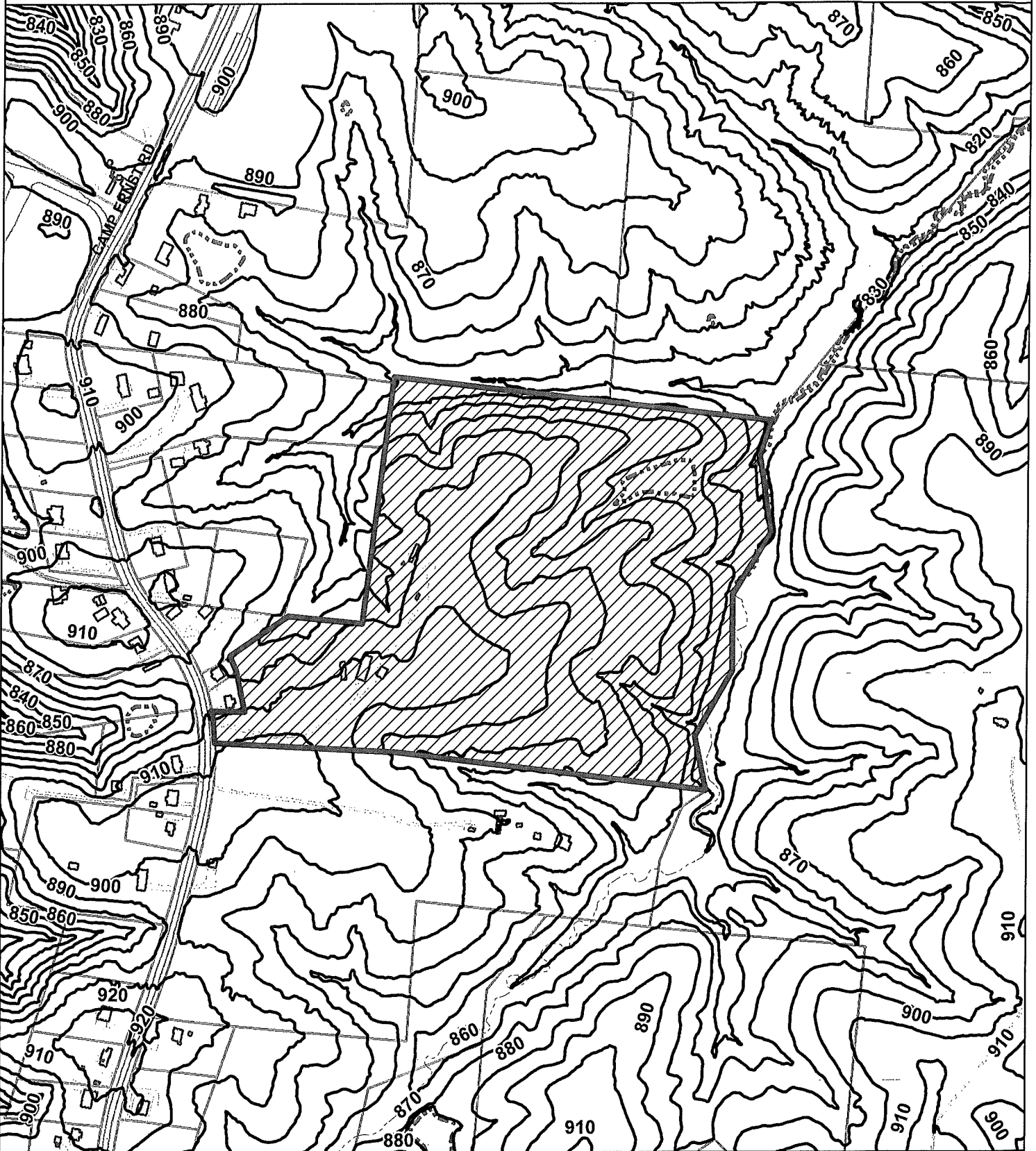
Boone County GIS

Map Created: 01/01/2018

Web Files: C:\boone\gis\maps\2018\181101
ArcMap Document: *.mxd

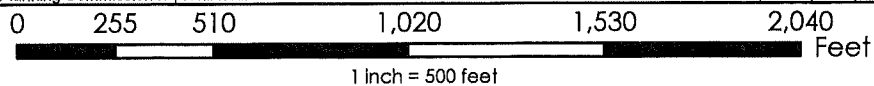
Topographic Map

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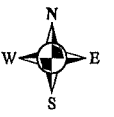


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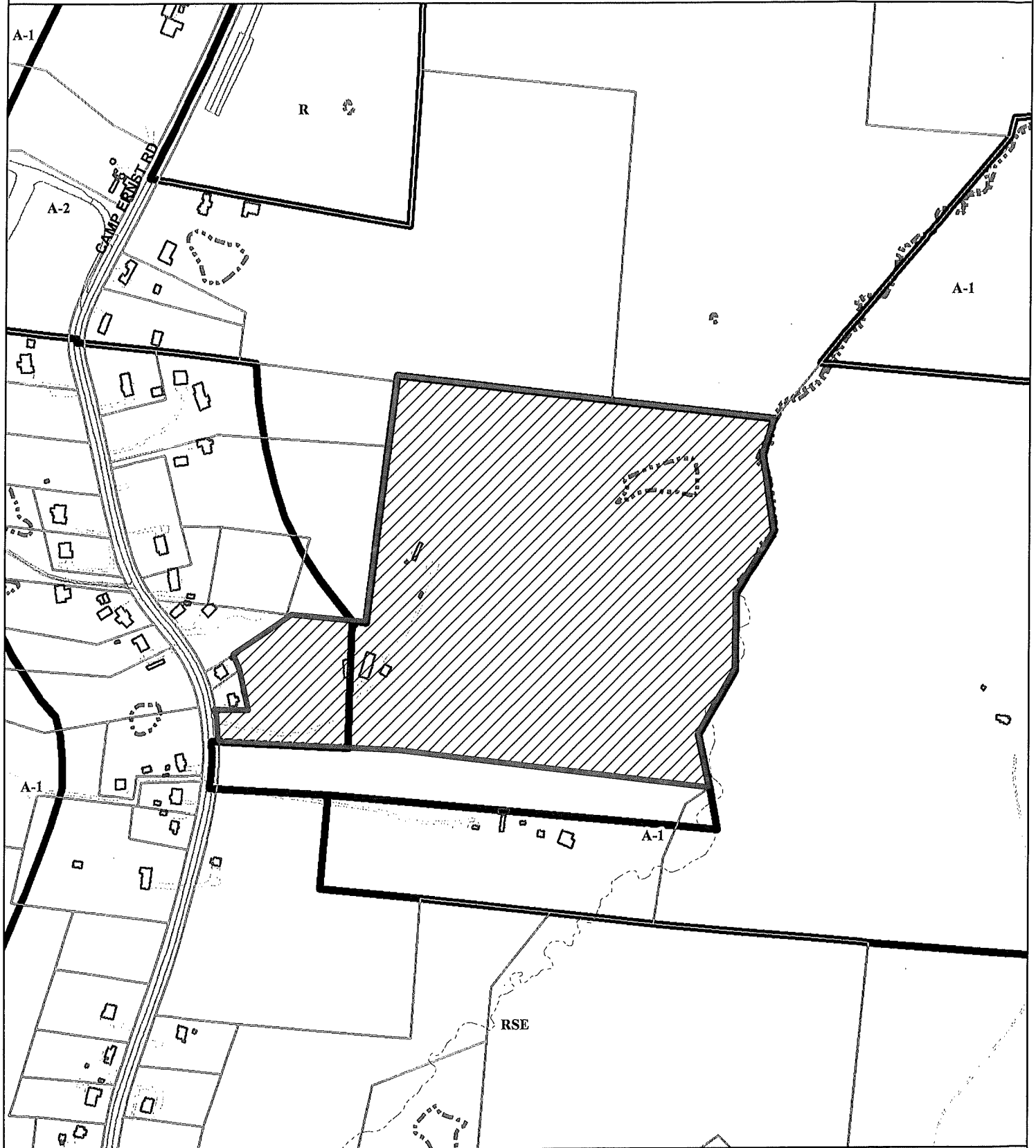


Boone County GIS - Putting Northern Kentucky on the Map



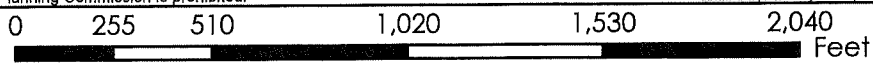
Zoning Map

www.boonecountygis.com



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Boone County GIS

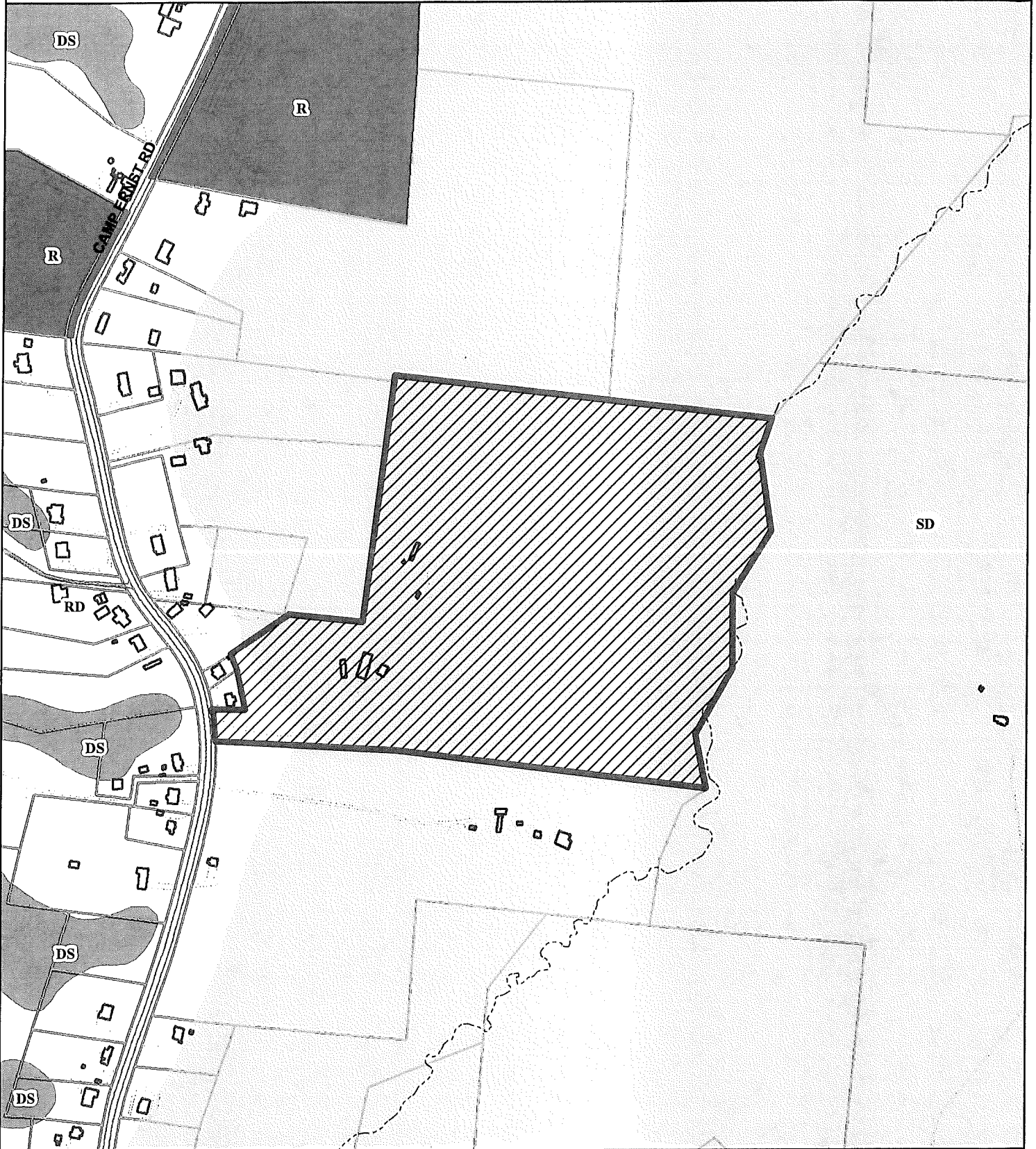


Map Created: 01/01/2010

Boone County GIS
ArcMap Document: *.mxd

2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS

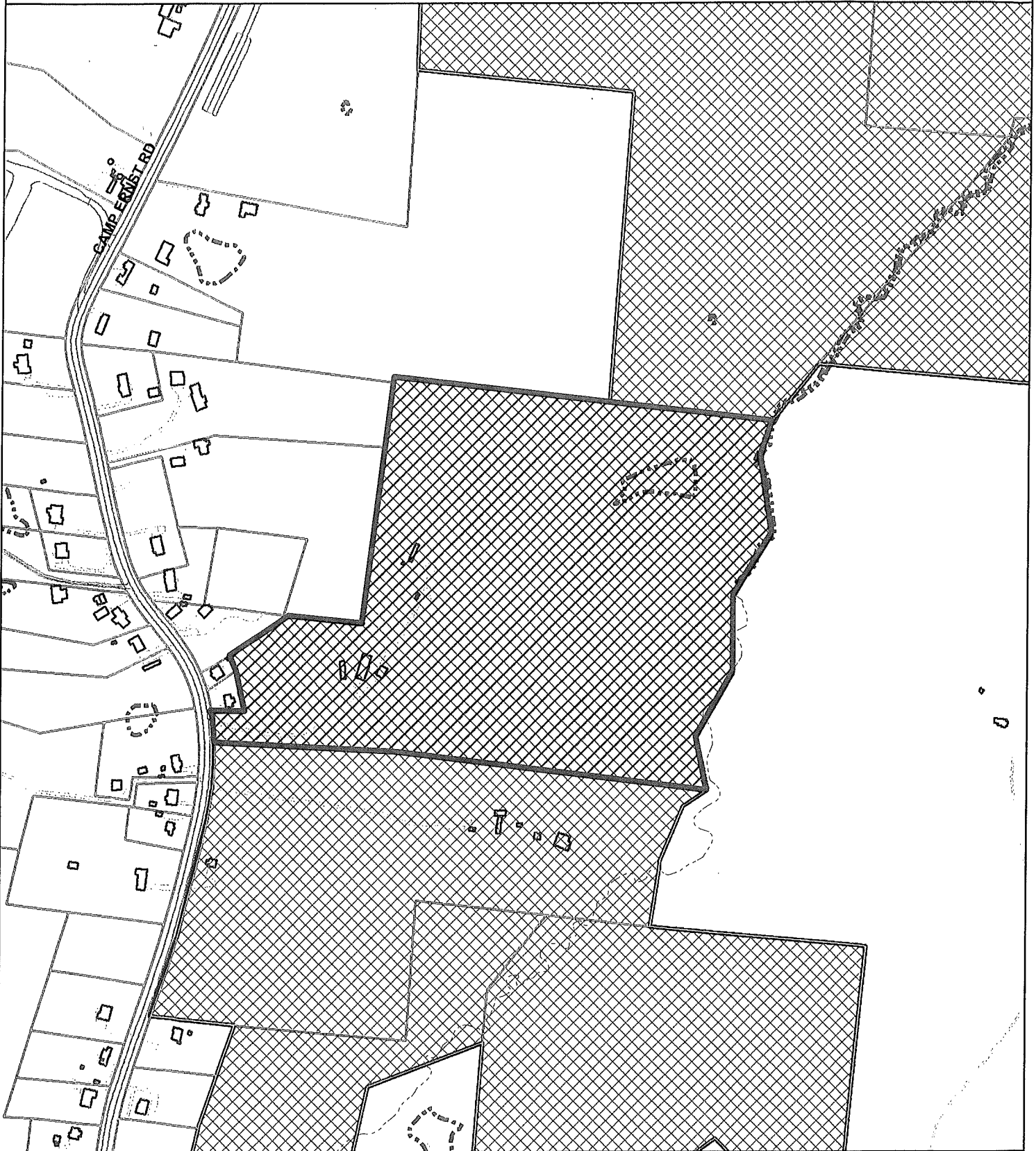
Map Created: 01/01/2018



File Path: C:\Users\BOONE\GIS\2040\2040.mxd
ArcMap Document: *.mxd

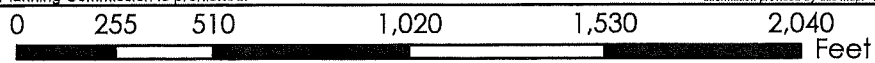
Agricultural District Map

www.boonecountygis.com



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1 inch = 500 feet

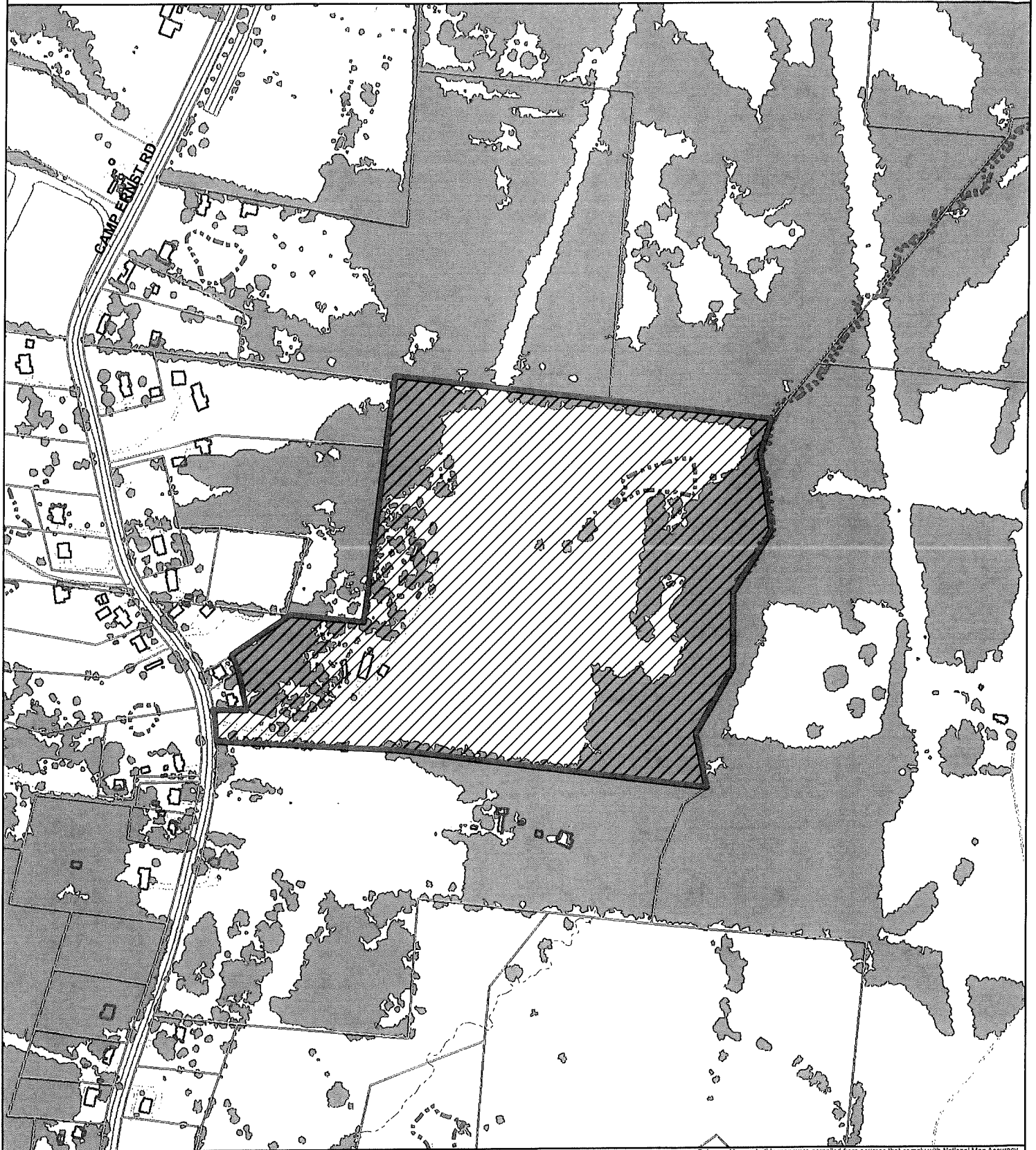


Boone County GIS - Putting Northern Kentucky on the Map



Tree Canopy Map

www.boonecountygis.com



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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet

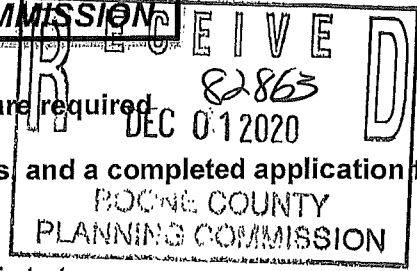


Boone County GIS

Map Created: 01/01/2018

Map File: C:\arcgis\work\018\018_018.mxd
ArcMap Document: *.mxd

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: Parkview Estates
2. Location of Project: 9696 Camp Ernst Road, Union, KY 41091
3. Total Acreage of Project: 49.6 +/-
4. Current Zoning of Property: 91% Agriculture (A-1), 9% Rural Suburban Estates (RSE)
5. Proposed Zoning of Property (classification being requested): Rural Suburban Estates (RSE)
6. Proposed Use(s) (specify each use):
Proposed Subdivision with 32 total lots (1 acre minimum).
7. Proposed Building Intensities (specify for each building):
The proposed RSE District will have one dwelling unit per lot (32 total lots).
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Smoky Acres LLC
Address: 11996 Decker Lane
Walton Kentucky 41094
City State Zip Code
Phone Number: (859)816-4863 Fax Number: _____
Email: tkloeker@twc.com
10. Applicant: Great Development Properties INC
Address: 3180 Burlington Pike
Burlington Kentucky 41005
City State Zip Code
Phone Number: (859)393-1424 Fax Number: _____
Email: tfinke72@yahoo.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 2 Mobile Homes & 2 Barns

12. 976 562 2046
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff: Yes No

14. Have you submitted a Concept Development Plan: Yes No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input checked="" type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input checked="" type="checkbox"/> Boone County Water District | <input checked="" type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input checked="" type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

16. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____

ORIGINAL Property Owner's Signature: John B. Klueber Smoky Acres LLC, Inc.
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Geoff Finkbe Great Development Properties Inc President
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 12-1-20 Fee Received: \$2,660.00 Receipt #: 82863
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: MICHAEL SCHWARTZ
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountky.org
www.boonecountky.org

Park View Estates
Project Overview
for
Boone County Planning Commission
Presented by
Great Development Properties INC

Dated
12/1/2020

Project Overview

Great Development Properties INC proposes to construct a single-family residential subdivision with 32 total lots on 49.6 acres of land, which is currently owned by Smoky Acres LLC, located at 9696 Camp Ernst Road, Union, Kentucky 41091. The land subject to this request is more particularly described in Deed Book 976, Page 562, Group 2046 as recorded in the Boone County Clerk's office.

According to Section 305Q of the Boone County Subdivision regulations, sidewalks are required on one side of the street for residential subdivisions with an overall average density between one dwelling unit per acre and one dwelling unit per two acres.

Narrative and exhibits are provided to support this request.

Rezoning Request Supporting Data

Great Development Properties INC is requesting the rezoning of approximately 49.6 acres of land from a current mix of A-1 and RSE zone to a proposed RSE zone. Currently the property contains 2 mobile homes and 2 barn structures. The balance of the 96+/- acre parcel is to remain A-2 and undeveloped.

The site is outlined in red on the attached exhibit 1, Existing Zoning, which depicts the area to be rezoned.

Exhibit 2 is provided to show the Existing Land Use, which Residential, Agricultural and Wooded. The area to be rezoned is outlined in red.

Exhibit 3, provides the Future Land Use envisioned within the Boone County Comprehensive plan. The area to be rezoned is depicted on the map with a red border. The area is envisioned by Boone County Planning Commission to be a small portion of Rural Density with a majority to be Suburban Density.

A pre-application meeting was held with the Boone County Planning Commission.

A meeting occurred on site with the Boone County Engineer, Rob Franxman on 9/24/20. Camp Ernst road is 35 mph and the new road intersection meets the approved criteria.

The concept plan (Exhibit 4) notes that the sanitary provision will be provided with an approved private system on each lot. Sanitary sewer is not available to the property. In discussion with staff at Sanitation District No. 1, it may be many years into the future before it will be available. Each private sanitary system will be carefully designed based on public water being provided to each lot.

Support for the rezoning includes the following:

- 1) The Future Land Use Map envisions a residential land use. The site is located in a transition area with Suburban Density (4 units per acre) on the majority of the site and also to the east and south. The future land use to the north, shown in green, is the Boone County Arboretum, Botanical Gardens and Athletic Fields. The land Use to the West is envisioned to be limited Rural Density (1 unit per acre), open space and Recreational use. The requested rezoning and associated concept plan proposes 32 residential units on approximately 49.6 acres for a proposed density of (1.5 units per acre). The proposed project serves as a transition between the denser land use to the south and east, to the less dense land use to the west and Recreational use to the north.

The rezoning is supported by the Boone County Comprehensive Plan Goals and Objectives, Demographics, Goal B, Item 8. "Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features.

- 2) The Boone County Comprehensive Plan envisions development to occur without sanitary sewer being available. *The rezoning is supported the Future Land Use Development Guidelines, under Development Layout, Lot Sizes and Setbacks, "Most residential development in outlying areas without access to sewer service typically develop on lots larger than on acre".*



Boone County Water District
2475 Burlington Pike • Burlington, Kentucky 41005-0018
(859) 586-6155 • Fax (859) 586-5016
www.boonewater.com

September 25, 2020

Re: 9696 Camp Ernst Rd. Subdivision (Parkview Estates)

To Whom it may concern:

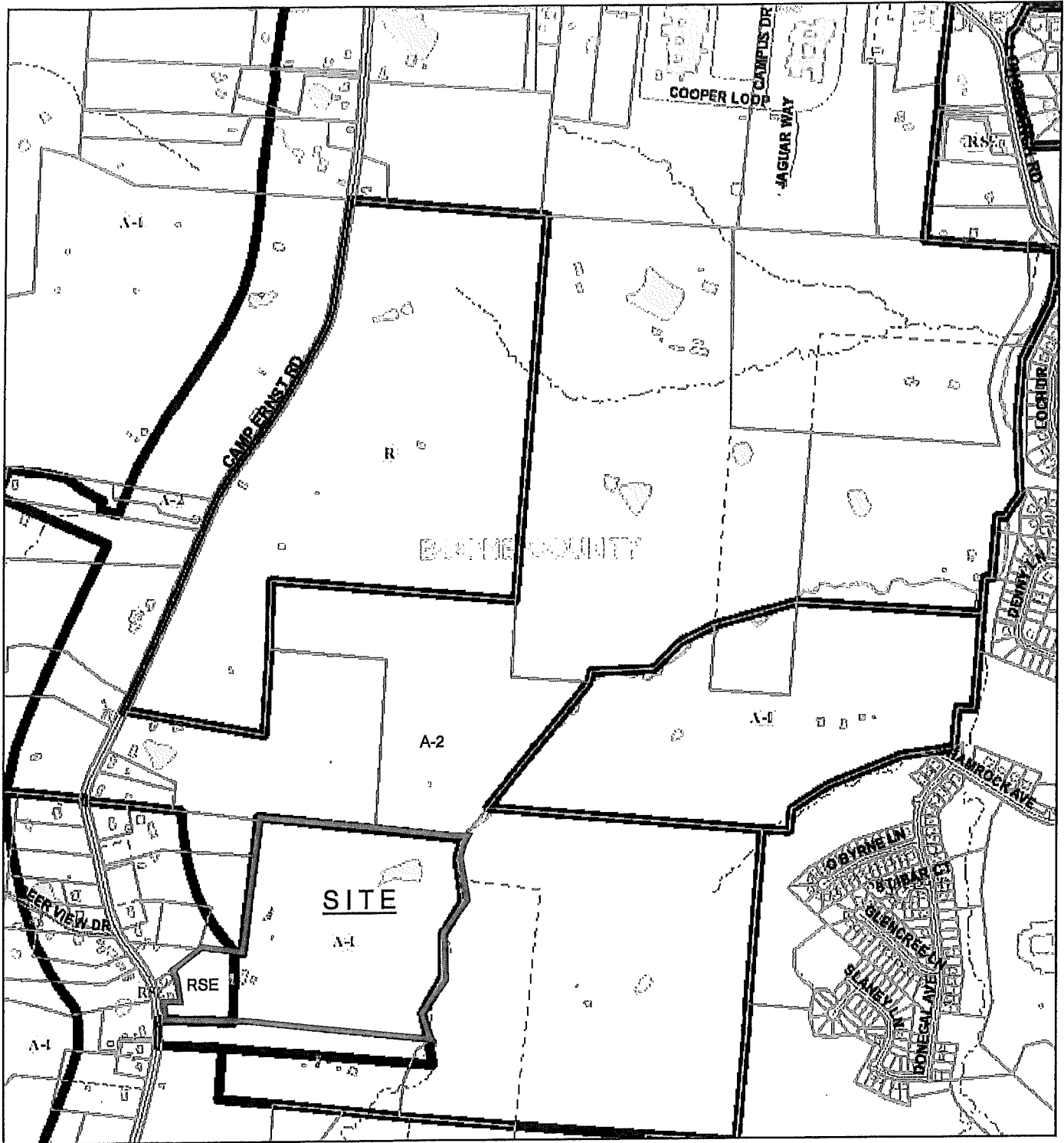
Boone County Water District has potable water available and will provide water service to the site listed above. Please understand that the customer shall be responsible for all costs related to providing service to this property. If we may be of further service, please let us know.

Sincerely

A handwritten signature in black ink that reads "Michael Rouse". The signature is written in a cursive style with a large, looped initial "M".

Mike Rouse, Project Manager

Existing Zoning



9/23/2020, 3:21:07 PM

1:15,000

Major Streets

— Interstate

— Arterial

— Collector

— Access Ramp

— Residential Streets

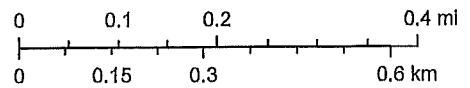


EXHIBIT 1

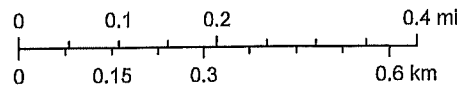
GIS Services Division, Boone County Planning Commission

Existing Land Use



9/23/2020, 3:21:38 PM

1:15,000



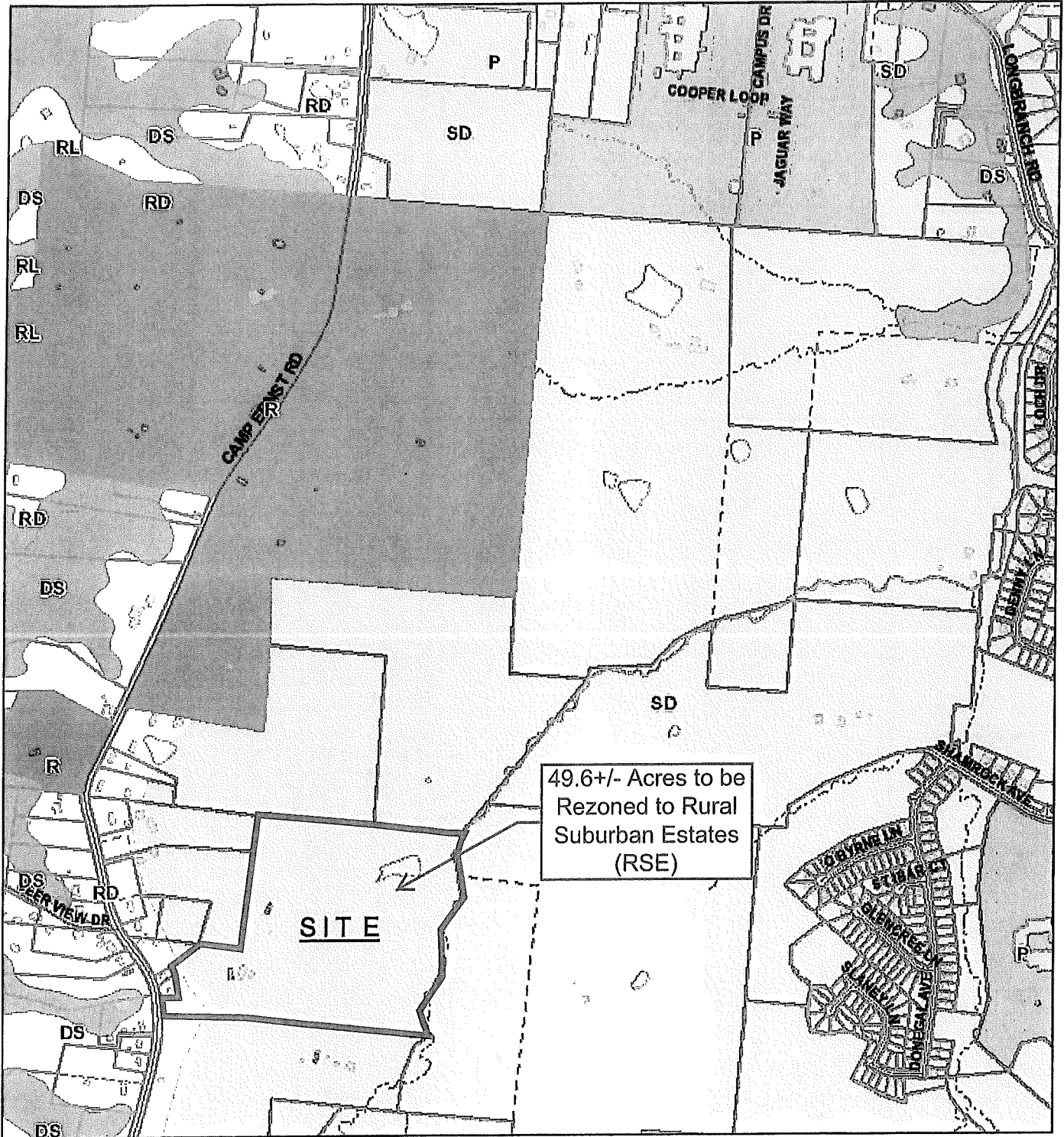
- Major Streets
- Interstate
 - Arterial
 - Collector
 - Access Ramp
 - Residential Streets

EXHIBIT 2

- Land Use Legend
- A= Agricultural
 - RD= Rural Density Residential
 - W= Woodland
 - R= Recreational

GIS Services Division, Boone County Planning Commission

Future Land Use



9/23/2020, 3:22:06 PM

- Major Streets
- Interstate
- Arterial
- Collector
- Access Ramp
- Residential Streets

EXHIBIT 3

Land Use Legend
 DS= Developmentally Sensitive
 RD= Rural Density Residential
 SD= Suburban Density Residential
 R= Recreational

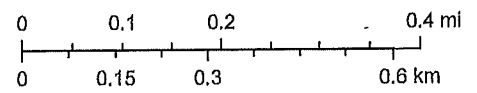
GIS Services Division, Boone County Planning Commission

Existing Aerial



9/23/2020, 3:25:24 PM

1:15,000



Major Streets

— Interstate

— Arterial

— Collector

— Access Ramp

— Residential Streets

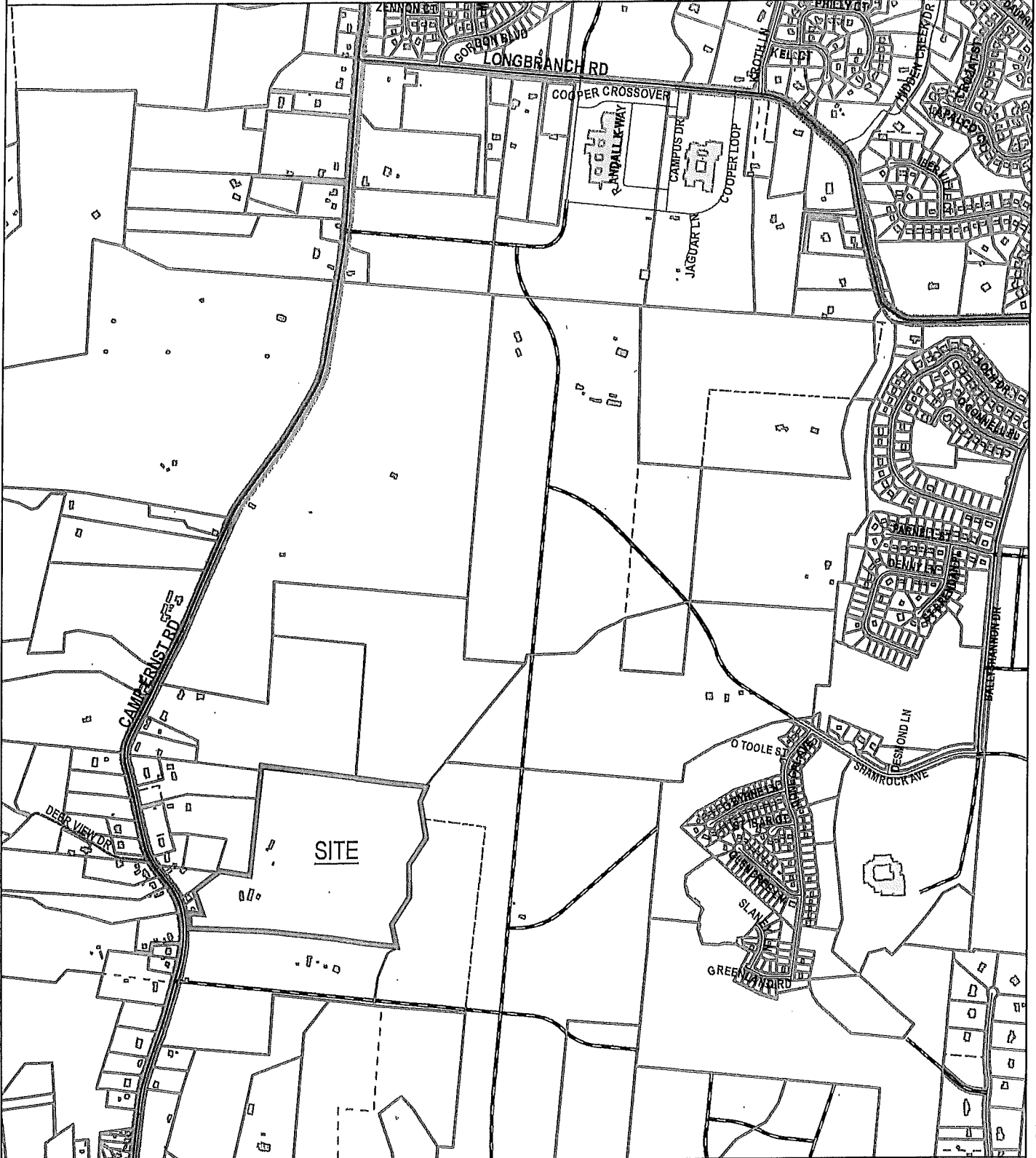
GIS Services Division, Boone County Planning Commission

(C) 2020 Boone County Planning Commission

Boone County GIS Map

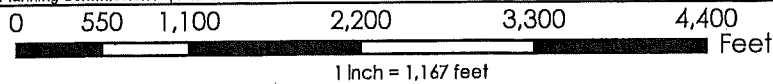
County Conceptual Street Connection Plan

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Park View Estates

Boone County, KY

Aerial Photos



Photo Overlooking the General Area of the Property

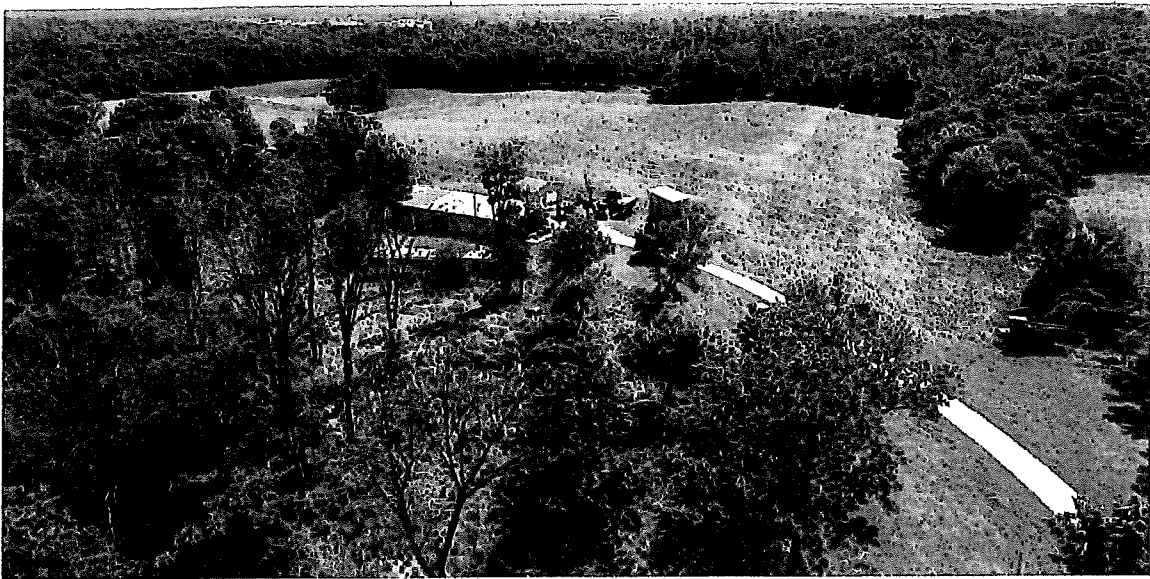


Photo Overlooking Existing Structures on the Property

COVID-19 Alert - For the latest information on the novel coronavirus in Kentucky, please visit kycovid19.ky.gov
(<https://kycovid19.ky.gov>)

Kentucky Energy and Environment Cabinet (/)

Agricultural Districts

The Division of Conservation administers the Agricultural District Program. This program was created by the Agricultural District and Conservation Act (KRS 262.850) (<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=12811>) that was passed by the Kentucky General Assembly in 1982.

Kentucky has been a national leader in the protection of its land resources and in promoting the economic importance of its agricultural industry. The Agricultural District Program plays a valuable role in protecting our agricultural land base and family farms across the state.

The goals of the Agricultural District Program are to protect our best agricultural land for food and fiber production and to prevent its conversion to nonagricultural usage.

Land enrolled in the Agricultural District Program cannot be annexed, cannot be condemned without mitigation, is taxed at the agricultural rate, is eligible for deferred assessment costs when water lines are extended and receives extra points when applying for state Cost Share or to the Purchase of Agricultural Conservation Easements (PACE) Program.

A landowner or group of landowners with at least 250 contiguous acres in active agricultural production is eligible to form an agricultural district. Individual parcels must contain at least 10 acres or 11 acres with a homestead. The total acreage in the district may drop below 250 over time, but individual parcels must remain at 10 or 11. Participation is strictly voluntary, and a landowner may withdraw land at anytime without penalty or without jeopardizing the status of the existing agricultural district.

Currently, there are 538 certified agricultural districts consisting of approximately 465,715 acres in 81 of Kentucky's 120 counties. These numbers change often.

For additional information, contact your local conservation district office or e-mail Paulette Akers (<mailto:paulette.akers@ky.gov>) or Mark Davis (<mailto:MarkJ.Davis@ky.gov>).

Agriculture District Documents

Download

Establishing an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Establishing an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Establishing%20an%20Agricultural%20District.doc))

Tracking Form.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Tracking Form.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Tracking%20Form.doc))

Petition to Establish an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Petition to Establish an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Petition%20to%20Establish%20an%20Agricultural%20District.doc))

Recertifying an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Recertifying an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Recertifying%20an%20Agricultural%20District.doc))

Recertification Survey.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Recertification Survey.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Recertification%20Survey.doc))

Map of Current Districts.pdf ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Map of Current Districts.pdf](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Map%20of%20Current%20Districts.pdf))

Commonwealth of Kentucky Kentucky Energy and Environment Cabinet

Contact (<https://eec.ky.gov/Pages/contact.aspx>) Site Map (<https://eec.ky.gov/Pages/sitemap.aspx>)

Policies (<http://kentucky.gov/policies/Pages/default.aspx>) Security (<http://kentucky.gov/policies/Pages/security.aspx>)

Disclaimer (<http://kentucky.gov/policies/Pages/disclaimer.aspx>) Accessibility (<http://kentucky.gov/policies/Pages/accessibility.aspx>)



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Kentucky.gov (<http://www.kentucky.gov>)

Michael Schwartz

From: Morgan, Michael <m.morgan@unionky911.org>
Sent: Thursday, October 08, 2020 9:12 AM
To: Michael Schwartz
Subject: RE: Zoning Map Amendment - 9696 Camp Ernst Road

EXTERNAL MESSAGE

The Union Fire Protection District has no issues with the application.

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

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From: Michael Schwartz <mschwartz@boonecountyky.org>
Sent: Wednesday, October 7, 2020 1:08 PM
To: Robert Franxman <rfranxman@boonecountyky.org>; 'mike.ford@boone.kyschools.us' <mike.ford@boone.kyschools.us>; Morgan, Michael <m.morgan@unionky911.org>
Subject: Zoning Map Amendment - 9696 Camp Ernst Road

We are in receipt of the above mentioned zoning map amendment application.

The proposal is to rezone the 95 acre parcel to RSE in order to construct a 48 lot residential subdivision.

If you would like to provide any comments to the Boone County Planning Commission, please forward your comments to me no later than Wednesday, October 28, 2020 and I will include them in our staff report.

Feel free to contact me if you have any questions.

Michael D. Schwartz, Planner



BOONE COUNTY
PLANNING COMMISSION

2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

Michael Schwartz

From: Robert Franxman
Sent: Wednesday, October 28, 2020 2:34 PM
To: Michael Schwartz
Subject: Re: Zoning Map Amendment - 9696 Camp Ernst Road

Michael,

The only comment I have is regarding note number nine. I did meet with the applicant and consultant at the proposed street access to Camp Ernst Road. It appears applicable site distances can be achieved, but I informed them this would need to be presented and verified with submission of any improvement plans. Ultimately, work may be (or may not be) required on Camp Ernst Road and adjacent properties in order to meet the applicable sight distance requirements determined by their engineering analysis.

Thanks,
Rob

On Oct 26, 2020, at 5:53 AM, Michael Schwartz <mschwartz@boonecountyky.org> wrote:

Just a friendly reminder that if you would like to provide the planning commission with any comments pertaining to the above referenced zoning map amendment, please forward them to me no later than this Wednesday, October 28, 2020.

Michael D. Schwartz, Planner

<image001.png>

2950 Washington Street, Room 317

Burlington, Kentucky 41005

(P) 859-334-2196 (F) 859-334-2264

From: Michael Schwartz
Sent: Wednesday, October 07, 2020 1:08 PM
To: Robert Franxman <rfranxman@boonecountyky.org>; 'mike.ford@boone.kyschools.us' <mike.ford@boone.kyschools.us>; 'Morgan, Michael' <m.morgan@unionky911.org>
Subject: Zoning Map Amendment - 9696 Camp Ernst Road

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Michael D. Schwartz, Planner

<image001.png>

2950 Washington Street, Room 317

Burlington, Kentucky 41005

(P) 859-334-2196 (F) 859-334-2264

<202010_Parkview Estates_Concept Plan.pdf>

<Vicinity Map.pdf>

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael Schwartz, Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the second item on the Agenda at 7:38 p.m.

ZONING MAP AMENDMENT - Michael Schwartz, Staff

2. Request of **Great Development Properties Inc (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) and Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site contains 96 acres, of which 5% is currently zoned RSE, 47% is zoned A-1 and the remaining 48% is zoned A-2. The site has approximately 115 feet of frontage along Camp Ernst Road. There is a 12 inch water main that runs along the east side of Camp Ernst Road. Pages 1 & 2 of the Staff Report provide a site history. The site is currently occupied by 2 mobile homes, various outbuildings, pasture/crop land and vacant/wooded areas. The east side of the site is bordered by an intermittent fork of Long Branch Creek. There are two, 100 foot wide utility easements that run through the site. Mr. Schwartz described the surrounding land uses and zoning. Central Park and the Boone County Arboretum are adjacent to the site. About 52 acres of the site was rezoned in 1986 from RSE and A-2 to A-1. As part of the 1992 county wide zoning update, an approximate 495 foot deep area of the site fronting on Camp Ernst Road was rezoned from A-1 to RSE. Page 2 of the Staff Report provides the purpose of the RSE zoning district. Topographically, the site has its highest point (900 msl) in the central portion of the southern half of the site. The site slopes downward to 840 msl midway in the site and then rises to 880 msl in the central portion of the northern half of the site. From there, the site slopes downward to 840 msl before rising to 880 msl along the northern property line. The 2040 Comprehensive Plan Future Land Use Map designates a small portion of the site as Rural Density (RD), which allows low density residential uses of up to 1 dwelling unit per acre. The majority of the site is designated as Suburban Density Residential (SD), which allows single family housing up to 4 dwelling units per acre. Camp Ernst Road is a collector street that is owned and maintained by Boone County. The road is approximately 20 feet in width and has two lanes adjacent to the project site. It has a 60 foot right of way and the posted speed limit is 35 mph. Pages 3-5 of the Staff Report identifies the appropriate Goals and Objectives from the Comprehensive Plan. Pages 3-5 include excerpts from the Comprehensive Plan pertaining to the demographics, water and sanitary sewer, woodlands, tree cover, agricultural districts, transportation and the specific land use descriptions. It is important to note that the site is centrally located inside an Agricultural District. It is not a zoning designation. An Agricultural District is a voluntary program that allows property owners to protect their property from encroachments and water resources. It is totally voluntary to get in and totally voluntary to get out of the program. About 50% of the site contains a tree canopy. The tree canopy is predominantly in the northern half and the east side of the southern half of the site. Mr. Schwartz showed photographs of the project site and adjoining properties. The Concept Development Plan shows 48 single family lots at a density of 0.5 units per acre. The average lot size is 1.68 acres. A public stormwater detention system is being provided along with public water. Individual private sanitary sewer systems will be installed. The proposed public road will be 25 feet wide with a 50 foot right of way. Two street connections are being provided. Access is from a new curb cut off Camp Ernst Road located about 600 feet from Deer View Drive. Sidewalks are not being provided based upon

the overall density of the subdivision and in accordance with the Boone County Subdivision Regulations. Mr. Schwartz referred to 2 other major subdivisions in the area – Andrew Subdivision (3 lots) and Mathis Acres (6 lots). Staff suggests that the applicant address the need for/lack of street extensions from the site to the east. Staff received some phone calls and emails since the Staff Report was finished. Mr. Schwartz reviewed one from the Friends of the Boone County Arboretum (Exhibit A) and the other one was from Mr. Dennis Harris (Exhibit B).

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Mark Rosenberger, Bayer-Becker Engineers, introduced Brittany Finke-Mayer, representing Great Development Properties, Inc., and Finke Homes, Inc. The company developed 8 communities in Boone and Kenton Counties. One of their projects is Eagle Oak Estates Subdivision. This community is similar to the one being proposed. Nine lots have been sold in the last 2 years. Young families and older adults are interested in these types of developments. Another example of this type of development is the new Davis Estates Subdivision located off U.S. 42. Six of eight lots have been pending since introduced on the market. The market continues to grow according to lenders. Park View Estates is planned to preserve the rural setting. Boone County is a wonderful place to raise children and owning a home on 2 acres of land.

Mr. Alex Betsch, Bayer-Becker Engineers, stated that they are rezoning the property to obtain one RSE zoning district, which would allow for one acre lots. The applicant is proposing a density at the lower end of the threshold up to 4 dwelling units per acre. The site serves as a transition from the more suburban style from the north eastern portion of the area. There is no sanitary sewer service access to the site. The closest service is 3,200 feet away from the site. The one acre sites are a perfect size for private septic systems. With one acre lots, it allows the opportunity to preserve the existing vegetation, streams and other natural features on the site. The street design respects the natural assets of the site running along the ridge lines and existing contour lines. Two street connections are proposed to the west and they are strategically placed to allow development to occur. In regard to the comments made by the Arboretum, most of the land to the northwest will be untouched and will serve as a natural buffer. What is proposed is the most desirable in terms of traffic. It is fewer lots and less trip generation.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment?

Ms. Lorna Harold, Chair of the Friends of the Boone County Arboretum, stated that she, Steve Wills and Brock MacKay (Viox & Viox, Inc.) are present at the Public Hearing. She suggested that her group meet with the developer at some time to obtain further details about the project.

Mr. Ben Mathis, 3049 Deer View Drive, stated he is not against development. He referred to the planned expansion of Camp Ernst Road. He doesn't think Pleasant Valley Road and KY 18 are close by this development. The whole idea of expanding Camp Ernst Road has been on the books for 45 years. The second phase of the project has been dropped. The traffic through this area is atrocious. He recommended looking up the accident reports in the area especially near the house of Michael Kloeker. How many accidents have there been on a weekly basis? He felt

there was a blind area on Camp Ernst Road that would affect pulling out of the proposed subdivision. Where is the new road? When will it be built? The current county roads can't handle the traffic. Is the 8 inch water main sufficient in serving the proposed development? Mr. Mathis stated that his family subdivision is not comparable to what is being proposed. Until the County can address the adequacy of the infrastructure in the area, the project should be reconsidered.

Chairman Rolfsen asked Staff to obtain accident information adjacent to the site.

Ms. Natalie Moore stated that she owned the property at 9678 Camp Ernst Road. It is rental property. If the development occurs, how would the developer address the impacts of development on her property located so close to the new entrance road? She bought the house as an investment. She doesn't want her investment devalued by the subdivision. She is concerned about access and stormwater runoff. She doesn't want her dream to be devalued. She noted that she personally witnessed a couple of accidents at the current entrance to the property. The subdivision entrance is her primary concern.

Mr. Adam Grubbs, 9542 Camp Ernst Road, stated that Lots 2,3,4,5,6,7,8 & 9 back up to his property. What is the minimum building setback? How is fencing addressed with the proposed development?

Mr. Charles Haynes, 9382 Camp Ernst Road, expressed a concern about fencing. The Kloekers tore down the fencing without contacting him. With families and kids living in the area, there is more liability if no fence exists. He also stated that he did target practice in his backyard. It is not a safety issue but rather a noise issue. He has been living there for 35 years. He has waited for 20 cars to go by in order to collect his mail. Traffic is getting worse. The development could generate 150 to 300 trips per day.

Mr. Grubbs asked if it was possible to reduce the number of lots or make the lots bigger to reduce the traffic impact?

Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Bunger asked if the proposed street will be public and meet County standards or be private? Mr. Schwartz replied that it would be a public County street and meet County standards – 25 feet wide and 50 foot right of way. Chairman Rolfsen asked if there was a sight distance issue with the proposed curb cut? Mr. Schwartz expressed a concern. A letter/email from the Boone County Engineer was received. It stated that it appears that the sight distances can be met. It would be verified at the Improvement Plan stage. If it can't be met, then the developer might have to do some off-site remediation in order to meet the sight distances both left and right. Mr. Bunger recommended against a ditch design street because of maintenance.

Mr. McMillian asked where is a place to go out of this subdivision? Mr. Schwartz responded that the proposed entrance is the only way to get out today until the two street connections are built. Mr. McMillian replied if it occurs.

Mrs. Kegley asked what was the size of the utility easement? Mr. Schwartz replied 100 feet. A house could be located on either side of the easement. Is there any opportunity for the developer

and the Arboretum to make the remaining land west of the utility easement public open space? Mr. Rosenberger, Bayer-Becker replied that the area in question is dead space. It is warranted that both parties discuss the possibility. Mr. Patton noted that it would be logical since the County (Arboretum) owns on both sides of the site and the developer could receive a tax break. It would be great to get an answer by the Committee Meeting. Chairman Rolfsen asked what was the plan to buffer the Arboretum from the remaining residential lots? Mr. Rosenberger responded they didn't have one since there are trees already existing in that area.

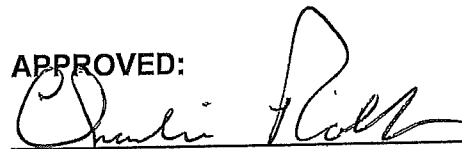
Ms. Gulick asked if the developer was performing a traffic study and whether it will include a sight distance analysis? Mr. Rosenberger replied that they will follow up based upon Mr. Franxman's letter. He thought that the sight distance figures may be reversed in the Staff Report. They will do a sight analysis with the new intersection. Ms. Gulick asked the developer to take into consideration vegetation in the analysis even though it is Fall and the leaves are down. Chairman Rolfsen asked Staff to collect accident data for the past 5 years.

Mr. Shipe inquired about stormwater on the neighboring property from the proposed street. Mr. Rosenberger responded that they will look at that issue closer when they actually do design. Currently, they are thinking about a ditch design road but they may have to put in a curb to direct the stormwater.

Mr. Bunger asked if the developer plans to construct the entire street at once? Mr. Rosenberger replied that it would be developed in phases. It could be a 5 year phase project.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 18, 2020 at 4:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on December 2, 2020 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:38 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:

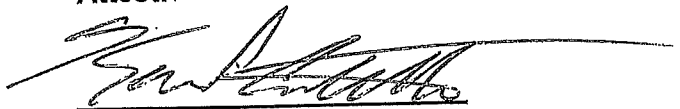

Kevin P. Costello, AICP
Executive Director

Exhibit A – Email and Letter from Friends of the Boone County Arboretum
Exhibit B – Email from Mr. Dennis Harris

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: February 3, 2021

RE: Request of Great Development Properties Inc (applicant) for Smoky Acres LLC (owner) for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

REMARKS:

We, the Committee Members were present via live teleconference at the Committee Meeting, and recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The proposed request is in agreement with the 2040 Future land Use Map of Our Boone County – Plan 2040 which identifies the majority of the site for Suburban Density Residential (single family housing of up to four units per acre) and a minority portion of the site for Rural Density Residential (low density residential uses of up to one dwelling unit per acre.

The proposal is to provide 32 lots for detached single family residential dwellings at a density of 0.65 dwelling units per acre.

2. The proposed request is consistent with the Demographics Chapter of Our Boone County – Plan 2040 which states that most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county.

The site in question is on the western edge of the suburban area of the county, being approximately 0.6 miles west of Ballyshannon Subdivision. Additionally, access to the site will be from Camp Ernst Road, a county maintained collector street.

3. The proposed request is in agreement with the Comprehensive Plan due to its agreement with the following Our Boone County – Plan 2040 Goals and Objectives:
 - a. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 - b. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

- c. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - d. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).
 - e. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - f. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
 - g. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 - h. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
 - i. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
 - j. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
 - k. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
4. The proposed request will provide for a land use and density that is consistent with the surrounding area. Areas along Camp Ernst Road, within the vicinity of the site in question, have developed with single family residential dwellings at a density ranging from 0.2 to 1 dwelling unit per acre.

5. The proposed development, at a density of 0.65 dwelling units per acre, can act as a transition between the more urban subdivisions to the north and east of the site and the rural character to the south and west of the site.
6. The use of one (1) acre minimum lots allows for the preservation of natural features and the existing tree canopy.
7. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. Development shall follow the Revised Concept Plan received by the Boone County Planning Commission on January 14, 2021, except as modified by the conditions contained herein.
2. The following Principally Permitted Uses shall be prohibited:
 - a. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops.
 - b. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms, and other agricultural and related activities.
 - c. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls.
 - d. Wildlife preserve sanctuaries, habitats, cultures and related activities.
3. Any safety measures that are required for the new street entrance, via an encroachment permit, shall be implemented by the developer prior to the construction entrance being used.

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 Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 20, 2021

ZONING MAP AMENDMENT – Janet Kegley, Chairwoman, Michael Schwartz, Staff

1. Request of **Great Development Properties Inc. (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

Via Live Teleconference
Kim Bunger
For Project Absent
Against Project
Abstain Deferred

Lori Heilman (Alternate)
For Project Absent
Against Project
Abstain Deferred

Via Live Teleconference
Janet Kegley (Chairwoman)
For Project Absent
Against Project
Abstain Deferred

Steve Turner (Alternate)
For Project Absent
Against Project
Abstain Deferred


Via Live Teleconference
Rick Lunnemann
For Project Absent
Against Project
Abstain Deferred

Randy Bessler (Alternate)
For Project Absent
Against Project
Abstain Deferred

Via Live Teleconference
Kim Patton
For Project Absent
Against Project
Abstain Deferred

Corrin Gulick ^{Via Live} Teleconference
(Alternate)
For Project Absent
Against Project
Abstain Deferred

For Project Absent
Against Project
Abstain Deferred



Recorded Vote by Michael
Schwartz, Planner

TOTAL: 0 DEFERRED 5 FOR PROJECT 0 ABSENT
 0 AGAINST PROJECT 0 ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARING
JANUARY 6, 2021
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's January 6, 2021 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Hellman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:54 p.m.

ZONING MAP AMENDMENT – Michael Schwartz, Staff

1. Request of **Great Development Properties Inc. (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site contains 50 acres of which 9% is currently zoned RSE and the remaining 91% is zoned A-1. It has 115 feet of frontage along Camp Ernst Road. Pages 1 & 2 of the Staff Report provide a history of the site. Mr. Schwartz showed the Board the original submittal from October, 2020 that was withdrawn. The site was 96 acres in size and the application was withdrawn by the applicant prior to action by the full Planning Commission. The minutes of the previous Public Hearing are included in the packet. The current application represents the southern half of the original proposal. The site is currently occupied by 2 mobile homes, various outbuildings, pasture/cropland and vacant/wooded areas. The east side of the site is bordered by an intermittent fork of Long Branch Creek. There is a 100 foot wide utility easement that runs through the site and parallel to Camp Ernst Road. Mr. Schwartz described the surrounding land uses and zoning. Page 2 of the Staff Report describes the purpose of the RSE zoning district. He also explained the topography of the site. Mr. Schwartz noted that Mr. Haines contacted him to express concern about stormwater runoff from the subject site draining downhill onto his property. The 2040 Future Land Use Map designates the portion of the site fronting on Camp Ernst Road to be Rural Density Residential (RD) as low density residential of up to one dwelling unit per acre and Suburban Density Residential (SD), single family housing of up to four dwelling units per acre on the remainder of the site. Camp Ernst Road is a County collector street. It has an approximate 20 foot pavement width and a 60 foot right-of-way. The posted speed limit is 35 mph. Pages 3-5 of the Staff Report identify the Goals and Objectives from the Comprehensive Plan that apply to the request. Pages 5-8 of the Staff Report includes excerpts from the Comprehensive Plan that pertain to the request. The site is part of an Agricultural District as described in the Staff Report. Approximately 20% of the site contains a tree canopy. The tree canopy is predominantly located along the north, east and west perimeter of the site. Mr. Schwartz showed photographs of the site and adjoining properties. Site distances along Camp Ernst Road are approximately 350 feet to the north and 450 feet to the south as measured by GIS. At the previous Public Hearing, the Board asked the Staff to collect traffic accident data. Between 1,600 feet north and south of the proposed street entrance, there have been a total of 19 accidents from 2016-2020 (October/November 2020). It is an average of 3.8 accidents per year. The submitted Concept Development Plan is the same as the previous submittal but just cut in half. It includes 32 lots at an overall density of 0.65 units/acre. The average lot size is 1.42 acres. The developer is providing a public water system and a public stormwater system and individual private sanitary sewer systems. A public street will be built with a 50 foot wide right-of-way. A street connection is planned to Mr. Haines' property and to the remainder of the 95 acres. A 40 foot easement will be placed on the majority of the perimeter of the site. The 40 foot easement will prohibit land disturbance and construction but will allow the installation of a fence. The applicant has provided a notation that the required sight distance of 390 feet at the intersection can be met.

In regards to Staff comments, the applicant should confirm that the front yard setback is greater than the minimum required of 40 feet in a RSE zoning district. The submitted plan is showing 50 feet. Is this an error? Lastly, the Staff did receive a letter from Ms. Amanda Chism (see Exhibit A). Mr. Schwartz read the email and entered it into the record.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Ms. Brittany Finke-Mayer, stated that she was speaking on behalf of the applicant, George Finke. Mr. Finke has decided to develop the front 50 acres and the project will be done in phases. At the time he is ready to develop the "back" acres, he will submit another zone change application at that time.

Mr. Mark Rosenberger, Bayer-Becker Engineers, stated that his firm physically surveyed the site entrance and determined that they meet the sight distance in both directions (Item #10). Mr. Finke is also willing to relocate the existing driveway to the residence located at 9678 Camp Ernst Road, owned by Ms. Natalie Moore (Item #11). The reference to the minimum front yard setback is correct. It is an error. It should be 40 feet and not 50 feet.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Mr. Ben Mathis, 3049 Deer View Drive, stated that in using Boone County GIS, he estimated that the distance to the peak of the hill south of the entrance is 231 feet. In the other direction going toward Central Park, it is 558 feet at the crest of the hill or Deer View Drive. Both have curves and both are elevated. All the measurements need to be certified by code and meet the engineering design requirements. There has to be a safe travel distance from an intersection. Factors must be taken into consideration with curves in the road and elevated roadways. Are the distances mentioned in the Staff Report inverted or correct? Camp Ernst Road is elevated and doesn't have a drop off or shoulder. It gently slopes to the opposite direction. It is a dangerous left turn out of the site and no one has anywhere to go to avoid a vehicle if not given enough time to pull out. Mr. Mathis isn't against development. Access to the site needs to be addressed and be safe. It needs to be made right from the beginning and the developer needs to do it. The County or taxpayers shouldn't do it. The subject property has been for sale for 10 years. Chairman Rolfsen responded by telling Mr. Mathis to focus on the current application and not in conjecture on why the site hasn't sold in the past. Mr. Mathis again stated that the applicant has not been able to certify that the entrance meets safety standards. In addition, the volume of traffic on Camp Ernst Road has increased. It serves as a bypass to U.S. 42. It is a heavy truck traffic route for gravel trucks. For morning and evening, it is rush hour residential traffic. In 15 minutes, he witnessed 72 cars go by. It is heavy congestion for the type of road that it is today. What is the status of the New Camp Ernst Road proposal? It has been on the books for at least 20 years. It should be addressed with the application. The property next to the subject site is in the process of being purchased and it could tie into Ballyshannon Subdivision. The new road is needed but nothing is being done about it. Development is occurring without taking into consideration the Comprehensive Plan. If nothing is done, all the traffic will use the existing Camp Ernst Road. Infrastructure and the safety of the public must be first.

Mr. Charles Haynes, 9382 Camp Ernst Road, expressed a concern about a future road built by the developer on top of the hill. There is about a 100-125 foot drop from where the street ends to his property. There will be a river of water going onto his property that is 45 feet below the applicant's property. It will wash everything out. There are other options. The road could be built on the south side or the road could wrap around his property and connect to the back of it. It is unacceptable. The proposed project will dump 150 people onto Camp Ernst Road instead of 4 people today. There was a detention pond built in Central Park and the dam broke. It made the creek larger from 18 inches deep to 8 feet deep. Detention ponds need to be maintained.

Chairman Rolfsen asked if any Board Members had questions or comments?

Mr. Schwartz showed the drawing of where the proposed street connection would occur and how it would affect Mr. Haynes' property. He explained the subdivision review process. The approved Improvement Plan would show the final grade, the street construction location and storm water system. Predevelopment storm water amounts must meet post development amounts. Any difference must be detained or retained on site. The individual lot owners or HOA would be responsible for maintaining stormwater facilities.

Chairman Rolfsen asked what is the plan to manage the stormwater? Mr. Rosenberger replied that the developer would have to build a detention basin on the back side of Lot 10 if the street is extended to Mr. Haynes' property line. The developer hasn't decided who will own and maintain the detention basin in the subdivision.

Mr. Schwartz noted that it will be up to the Boone County Public Works Department to determine what the safest sight distance would be on Camp Ernst Road as the County owns the road. To date, the County hasn't determined it yet. Typically, it is done at the Preliminary Plat and Improvement Plan stage. The County would validate the developer's study and final intersection location.

Mrs. Kegley questioned whether there is a need for a street connection to Mr. Haynes' property considering the topography and creek? Chairman Rolfsen asked the applicant why is it necessary? Mr. Rosenberger responded because there is a limit on the length of a dead end street of more than 1,200 feet and adding the side street helps meet this requirement. Mr. Schwartz stated there has to be a mid-block crossing. There is also a regulation of continuing access to adjoining properties. Mr. Haynes' property is a sizeable parcel of land.

Mr. Bunger expressed a concern not only about the amount but also the velocity of storm water to Mr. Haynes' property. Mr. Bunger asked the applicant to provide the sight distance study data to the Staff for the Committee meeting. He also asked if the overall stormwater system for the subdivision be built in the very beginning instead of phases.

Mr. Schwenke inquired about the 3.8 accidents per year figure? Mr. Schwartz responded that it was an average in the last 5 years for an area 1,600 feet north and south of the planned entrance to the new subdivision. Mr. Schwenke suggested getting the figures that the County prefers and providing them to the Committee members. The proposed is fine as long as we can get the entrance safe enough.

Mr. Patton stated that it is not only the sight lines but also the volume of the traffic leaving and entering the subdivision. What is the threshold of being safe or unsafe? Chairman Rolfsen said that it is difficult to generalize since one will have to research the cause of each of the 19 accidents. None of the accidents could have been caused by sight distances. Who knows? Was it the road? Was it a drunk driver? Mr. Costello stated that he will invite the County Engineer to the Committee meeting in order to address the questions posed by the public and Board. Ms. Gulick responded that she would also attend the Committee meeting. The Green Book has set criteria measuring from a set elevation such as the driver eye height and vehicle headlights on the road. The County Engineer will know how to measure it. Measurements will be taken to see if anything is blocking the view (e.g. a house, tree, etc.). There is a specific formula that is based upon speed and how people drive. Mr. Rosenberger stated that he would provide all of the data to the County Engineer before the Committee meeting.

Mr. Bunger asked the applicant to consider making road improvements or removing trees/debris along Camp Ernst Road to assure safe sight distance. Mr. Costello replied that the County Engineer will make that decision since the developer must apply for an encroachment permit. It would most likely have to be a condition.

Mr. McMillian inquired about another way out of the proposed subdivision? Also, the short road connects to a larger tract to the north. He expressed a concern about more traffic coming out of the subdivision with inadequate sight distance. Will the sanitary sewer include a treatment plant or be individual systems? Mr. Rosenberger replied individual septic tanks.

Mr. Lunnemann asked about the proposed housing type? Ms. Mayer responded that they are not at that stage yet. There will be private covenants about house size and building materials. Ms. Mayer asked if there was a requirement of all subdivisions having more than one way in and out? Mr. Schwenke replied there is no regulation.

Mr. Bunger asked if the applicant could provide a range of house prices for the subdivision if possible? Ms. Mayer responded based on developments completed previously it would be a range of \$300,000 - \$500,000. It would be different for this subdivision. The developer is just selling the lot and the new owner will have a custom builder.

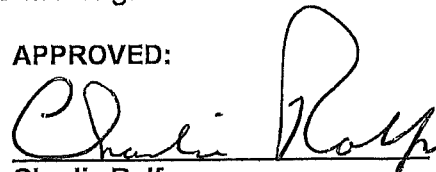
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 20, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on February 3, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:59 p.m.

Attest:



Kevin P. Costello, AICP
Executive Director

APPROVED:



Charlie Rolfsen
Chairman

Michael Schwartz

From: Sara Smith
Sent: Monday, December 28, 2020 8:00 AM
To: Michael Schwartz
Subject: FW: Zoning Change Camp Ernst Road: Rural to Rural Estates

From: A Chism [mailto:mandygull@hotmail.com]
Sent: Thursday, December 24, 2020 1:10 PM
To: Planning Commission General Account
Subject: Zoning Change Camp Ernst Road: Rural to Rural Estates

EXTERNAL MESSAGE

This zoning change should be denied.

Everything that makes Boone County special is being eradicated by the proliferation of ugly housing developments with no integrity or beauty. The developer purchased this rural property knowing that you would bend the knee and give them what they want. They will take their profit and move-on. Leaving us to deal with the detritus.

Most of the new homes are devoid of any architectural design (and architecture is for everyone,) shoddy in design and construction. I call them tomorrow's tenements. When I queried the President of Fisher homes about this, he replied, "We only do that here." They do it because you allow it.

We need to take control back of our county.

Amanda Chism

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARING
JANUARY 6, 2021
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed everyone to the Planning Commission's January 6, 2021 Public Hearing via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Hellman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:54 p.m.

ZONING MAP AMENDMENT – Michael Schwartz, Staff

1. Request of **Great Development Properties Inc. (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site contains 50 acres of which 9% is currently zoned RSE and the remaining 91% is zoned A-1. It has 115 feet of frontage along Camp Ernst Road. Pages 1 & 2 of the Staff Report provide a history of the site. Mr. Schwartz showed the Board the original submittal from October, 2020 that was withdrawn. The site was 96 acres in size and the application was withdrawn by the applicant prior to action by the full Planning Commission. The minutes of the previous Public Hearing are included in the packet. The current application represents the southern half of the original proposal. The site is currently occupied by 2 mobile homes, various outbuildings, pasture/cropland and vacant/wooded areas. The east side of the site is bordered by an intermittent fork of Long Branch Creek. There is a 100 foot wide utility easement that runs through the site and parallel to Camp Ernst Road. Mr. Schwartz described the surrounding land uses and zoning. Page 2 of the Staff Report describes the purpose of the RSE zoning district. He also explained the topography of the site. Mr. Schwartz noted that Mr. Haines contacted him to express concern about stormwater runoff from the subject site draining downhill onto his property. The 2040 Future Land Use Map designates the portion of the site fronting on Camp Ernst Road to be Rural Density Residential (RD) as low density residential of up to one dwelling unit per acre and Suburban Density Residential (SD), single family housing of up to four dwelling units per acre on the remainder of the site. Camp Ernst Road is a County collector street. It has an approximate 20 foot pavement width and a 60 foot right-of-way. The posted speed limit is 35 mph. Pages 3-5 of the Staff Report identify the Goals and Objectives from the Comprehensive Plan that apply to the request. Pages 5-8 of the Staff Report includes excerpts from the Comprehensive Plan that pertain to the request. The site is part of an Agricultural District as described in the Staff Report. Approximately 20% of the site contains a tree canopy. The tree canopy is predominantly located along the north, east and west perimeter of the site. Mr. Schwartz showed photographs of the site and adjoining properties. Site distances along Camp Ernst Road are approximately 350 feet to the north and 450 feet to the south as measured by GIS. At the previous Public Hearing, the Board asked the Staff to collect traffic accident data. Between 1,600 feet north and south of the proposed street entrance, there have been a total of 19 accidents from 2016-2020 (October/November 2020). It is an average of 3.8 accidents per year. The submitted Concept Development Plan is the same as the previous submittal but just cut in half. It includes 32 lots at an overall density of 0.65 units/acre. The average lot size is 1.42 acres. The developer is providing a public water system and a public stormwater system and individual private sanitary sewer systems. A public street will be built with a 50 foot wide right-of-way. A street connection is planned to Mr. Haines' property and to the remainder of the 95 acres. A 40 foot easement will be placed on the majority of the perimeter of the site. The 40 foot easement will prohibit land disturbance and construction but will allow the installation of a fence. The applicant has provided a notation that the required sight distance of 390 feet at the intersection can be met.

In regards to Staff comments, the applicant should confirm that the front yard setback is greater than the minimum required of 40 feet in a RSE zoning district. The submitted plan is showing 50 feet. Is this an error? Lastly, the Staff did receive a letter from Ms. Amanda Chism (see Exhibit A). Mr. Schwartz read the email and entered it into the record.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Ms. Brittany Finke-Mayer, stated that she was speaking on behalf of the applicant, George Finke. Mr. Finke has decided to develop the front 50 acres and the project will be done in phases. At the time he is ready to develop the "back" acres, he will submit another zone change application at that time.

Mr. Mark Rosenberger, Bayer-Becker Engineers, stated that his firm physically surveyed the site entrance and determined that they meet the sight distance in both directions (Item #10). Mr. Finke is also willing to relocate the existing driveway to the residence located at 9678 Camp Ernst Road, owned by Ms. Natalie Moore (Item #11). The reference to the minimum front yard setback is correct. It is an error. It should be 40 feet and not 50 feet.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request?

Mr. Ben Mathis, 3049 Deer View Drive, stated that in using Boone County GIS, he estimated that the distance to the peak of the hill south of the entrance is 231 feet. In the other direction going toward Central Park, it is 558 feet at the crest of the hill or Deer View Drive. Both have curves and both are elevated. All the measurements need to be certified by code and meet the engineering design requirements. There has to be a safe travel distance from an intersection. Factors must be taken into consideration with curves in the road and elevated roadways. Are the distances mentioned in the Staff Report inverted or correct? Camp Ernst Road is elevated and doesn't have a drop off or shoulder. It gently slopes to the opposite direction. It is a dangerous left turn out of the site and no one has anywhere to go to avoid a vehicle if not given enough time to pull out. Mr. Mathis isn't against development. Access to the site needs to be addressed and be safe. It needs to be made right from the beginning and the developer needs to do it. The County or taxpayers shouldn't do it. The subject property has been for sale for 10 years. Chairman Rolfsen responded by telling Mr. Mathis to focus on the current application and not in conjecture on why the site hasn't sold in the past. Mr. Mathis again stated that the applicant has not been able to certify that the entrance meets safety standards. In addition, the volume of traffic on Camp Ernst Road has increased. It serves as a bypass to U.S. 42. It is a heavy truck traffic route for gravel trucks. For morning and evening, it is rush hour residential traffic. In 15 minutes, he witnessed 72 cars go by. It is heavy congestion for the type of road that it is today. What is the status of the New Camp Ernst Road proposal? It has been on the books for at least 20 years. It should be addressed with the application. The property next to the subject site is in the process of being purchased and it could tie into Ballyshannon Subdivision. The new road is needed but nothing is being done about it. Development is occurring without taking into consideration the Comprehensive Plan. If nothing is done, all the traffic will use the existing Camp Ernst Road. Infrastructure and the safety of the public must be first.

Mr. Charles Haynes, 9382 Camp Ernst Road, expressed a concern about a future road built by the developer on top of the hill. There is about a 100-125 foot drop from where the street ends to his property. There will be a river of water going onto his property that is 45 feet below the applicant's property. It will wash everything out. There are other options. The road could be built on the south side or the road could wrap around his property and connect to the back of it. It is unacceptable. The proposed project will dump 150 people onto Camp Ernst Road instead of 4 people today. There was a detention pond built in Central Park and the dam broke. It made the creek larger from 18 inches deep to 8 feet deep. Detention ponds need to be maintained.

Chairman Rolfsen asked if any Board Members had questions or comments?

Mr. Schwartz showed the drawing of where the proposed street connection would occur and how it would affect Mr. Haynes' property. He explained the subdivision review process. The approved Improvement Plan would show the final grade, the street construction location and storm water system. Predevelopment storm water amounts must meet post development amounts. Any difference must be detained or retained on site. The individual lot owners or HOA would be responsible for maintaining stormwater facilities.

Chairman Rolfsen asked what is the plan to manage the stormwater? Mr. Rosenberger replied that the developer would have to build a detention basin on the back side of Lot 10 if the street is extended to Mr. Haynes' property line. The developer hasn't decided who will own and maintain the detention basin in the subdivision.

Mr. Schwartz noted that it will be up to the Boone County Public Works Department to determine what the safest sight distance would be on Camp Ernst Road as the County owns the road. To date, the County hasn't determined it yet. Typically, it is done at the Preliminary Plat and Improvement Plan stage. The County would validate the developer's study and final intersection location.

Mrs. Kegley questioned whether there is a need for a street connection to Mr. Haynes' property considering the topography and creek? Chairman Rolfsen asked the applicant why is it necessary? Mr. Rosenberger responded because there is a limit on the length of a dead end street of more than 1,200 feet and adding the side street helps meet this requirement. Mr. Schwartz stated there has to be a mid-block crossing. There is also a regulation of continuing access to adjoining properties. Mr. Haynes' property is a sizeable parcel of land.

Mr. Bunger expressed a concern not only about the amount but also the velocity of storm water to Mr. Haynes' property. Mr. Bunger asked the applicant to provide the sight distance study data to the Staff for the Committee meeting. He also asked if the overall stormwater system for the subdivision be built in the very beginning instead of phases.

Mr. Schwenke inquired about the 3.8 accidents per year figure? Mr. Schwartz responded that it was an average in the last 5 years for an area 1,600 feet north and south of the planned entrance to the new subdivision. Mr. Schwenke suggested getting the figures that the County prefers and providing them to the Committee members. The proposed is fine as long as we can get the entrance safe enough.

Mr. Patton stated that it is not only the sight lines but also the volume of the traffic leaving and entering the subdivision. What is the threshold of being safe or unsafe? Chairman Rolfsen said that it is difficult to generalize since one will have to research the cause of each of the 19 accidents. None of the accidents could have been caused by sight distances. Who knows? Was it the road? Was it a drunk driver? Mr. Costello stated that he will invite the County Engineer to the Committee meeting in order to address the questions posed by the public and Board. Ms. Gulick responded that she would also attend the Committee meeting. The Green Book has set criteria measuring from a set elevation such as the driver eye height and vehicle headlights on the road. The County Engineer will know how to measure it. Measurements will be taken to see if anything is blocking the view (e.g. a house, tree, etc.). There is a specific formula that is based upon speed and how people drive. Mr. Rosenberger stated that he would provide all of the data to the County Engineer before the Committee meeting.

Mr. Bunger asked the applicant to consider making road improvements or removing trees/debris along Camp Ernst Road to assure safe sight distance. Mr. Costello replied that the County Engineer will make that decision since the developer must apply for an encroachment permit. It would most likely have to be a condition.

Mr. McMillian inquired about another way out of the proposed subdivision? Also, the short road connects to a larger tract to the north. He expressed a concern about more traffic coming out of the subdivision with inadequate sight distance. Will the sanitary sewer include a treatment plant or be individual systems? Mr. Rosenberger replied individual septic tanks.

Mr. Lunnemann asked about the proposed housing type? Ms. Mayer responded that they are not at that stage yet. There will be private covenants about house size and building materials. Ms. Mayer asked if there was a requirement of all subdivisions having more than one way in and out? Mr. Schwenke replied there is no regulation.

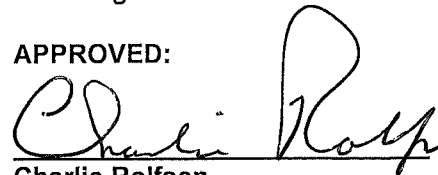
Mr. Bunger asked if the applicant could provide a range of house prices for the subdivision if possible? Ms. Mayer responded based on developments completed previously it would be a range of \$300,000 - \$500,000. It would be different for this subdivision. The developer is just selling the lot and the new owner will have a custom builder.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 20, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on February 3, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:59 p.m.

Attest:


Kevin P. Costello, AICP
Executive Director

APPROVED:


Charlie Rolfsen
Chairman

Michael Schwartz

From: Sara Smith
Sent: Monday, December 28, 2020 8:00 AM
To: Michael Schwartz
Subject: FW: Zoning Change Camp Ernst Road: Rural to Rural Estates

From: A Chism [mailto:mandygull@hotmail.com]
Sent: Thursday, December 24, 2020 1:10 PM
To: Planning Commission General Account
Subject: Zoning Change Camp Ernst Road: Rural to Rural Estates

EXTERNAL MESSAGE

This zoning change should be denied.

Everything that makes Boone County special is being eradicated by the proliferation of ugly housing developments with no integrity or beauty. The developer purchased this rural property knowing that you would bend the knee and give them what they want. They will take their profit and move-on. Leaving us to deal with the detritus.

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We need to take control back of our county.

Amanda Chism

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
FEBRUARY 3, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's February 3, 2021 Business Meeting. The Boone County Planning Commission, pursuant to KRS 61.826, Kentucky Senate Bill 150 and OAG 20-05, is conducting its regularly scheduled meeting on Wednesday, February 3, 2021 at 7:00 p.m. via live video teleconference. This meeting format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin Wall, Director, Zoning Services
Mr. Todd Morgan, Senior Planner
Mr. Michael D. Schwartz, Planner
Mr. John Harney, GISP, GIS Systems Administrator

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the January 20, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Schwenke moved to approve the Minutes as presented. Mr. Patton seconded the motion and it carried unanimously.**

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between January 7, 2021 and February 3, 2021.

EXPENSES:

Accounting Fees	\$ 1,154.99
Attorney Fees	4,000.00
Auto Expense	72.77
Consultant/Professional Svcs Fees	2,130.00
Filing Fees (CLURs)	650.00
GIS Operations	5,125.93
Legal Ads/Recruitment	311.90
Miscellaneous Expense	113.55
Office & Board Meeting Supplies	2,653.72
Office Equipment/Expense	1,276.09
Postage Expense	500.00
Refunds	100.00
Printing/Pub/Dues/Subscriptions	<u>551.09</u>
TOTAL:	\$18,640.04

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,241.28
Health/Dental/Life/LTD	15,036.37
Retirement – BCPC Portion	20,434.65
Salaries – Staff Expenses	85,490.88
Salaries – BCPC	<u>1,645.00</u>

TOTAL: \$128,848.18

GRAND TOTAL: \$147,488.22

Ms. Kegley moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mrs. Steele seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT – Michael Schwartz, Staff

1. Request of **Great Development Properties Inc. (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). He presented a summary of the Findings of Fact. Mr. Schwartz noted the Committee voted unanimously to approve the request with Mr. Bunger, Mrs. Kegley, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Mark Rosenberger, Bayer and Becker Engineers, stated that he is in agreement with the Findings of Fact and Conditions and revised Concept Development Plan. He is available to answer any questions.

Mr. Don McMillian entered the meeting.

Mr. Charles Haines, 9382 Camp Ernst Road, asked if the buffer was also located on the north side? Mr. Schwartz responded that the 40 foot buffer easement encompasses the entire perimeter of the site. Mr. Haines continued to express a concern about the proposed road that will lead towards his property. The road will be steep coming down from the hill to his property line. There is a creek on the other side of the property line. With all of the stormwater, it will wash out the area between the property line and creek. It will be difficult to install a retention pond in that topography or grade in the future when that phase is developed. Mr. Schwartz explained that the request is a zone change. There will be other steps such as the Preliminary Plat Review and the Improvement Plan Review. That will show exactly how the grading will be done and where the detention basins will be located and how large they will be. The County will maintain the public roads in the future. Mr. Haines noted that the County graded Central Park years ago and his property was covered with mud as a result of rain and grading work. Chairman Rolfsen responded that the developer is required to install a silt fence and maintain it. The regulations today are different than the ones in place when Central Park was built.

Mr. Ben Mathis, 3049 Deer View Drive, expressed a concern about the sheer volume of traffic on Camp Ernst Road and other traffic from other developments in the area. The Comprehensive Plan notes the new Camp Ernst Road and where does that come in?

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action? **Ms. Kegley moved to approve the Zoning Map Amendment by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the motion.** Chairman Rolfsen asked if the Board members had comments or questions?

Mrs. Kegley noted that the County Engineer attended the Committee Meeting. He sent the Planning Commission an email and statement that he agreed to the methodology used on the curb cut sight analysis. She read the email from Mr. Rob Fraxmann. The County Engineer also provided a slideshow on how they review the measurements for sight distances. They also look at accident history and safety. Perhaps a warning sign could be installed. Mr. Bunger reinforced that whatever is recommended from the Study will be the responsibility of the developer in order to assure safety before the entrance is used. He also noted that stormwater will be looked at the next stage of review as described by Mr. Schwartz. Chairman Rolfsen also stated that the developer may also have to make some improvements to Camp Ernst Road if necessary. Mr. Schwenke announced that he will not vote on the request since he knows parties on both sides.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Kegley and seconded by Mr. Lunnemann. The motion passed unanimously by a vote of 12-0 with Mr. Schwenke passing his vote.

NEW BUSINESS:

ZONING MAP AMENDMENT AND VARIANCE – Todd Morgan, Staff

2. Request of **Viox & Viox, Inc. (applicant)** for **Bonnie J. Livingston and William Rex Livingston (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial Two (I-2), and a variance from the **Boone County Zoning Regulations**, for the approximate 1.83 acre site located at 8450 Dixie Highway, and the easternmost, approximately 0.14 acres of the site located at 149 Mikkelsen Drive, Boone County, Kentucky (approximately 1.97 acres total). The request is for a zone change to allow self-storage and a variance from Table 31.1 to reduce the side yard setback from 100 feet minimum to 40 feet.

CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

3. Request of **ECE, Inc. (applicant)** for **R&T Real Estate LLC (owner)** for a Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 0.87 acre site located at 1409 Donaldson Highway, Boone County, Kentucky. The request is for a Concept Development Plan to permit a multi-tenant building for commercial, office, and industrial uses.

ZONING MAP AMENDMENT – Kevin Wall, Staff

4. Request of **Viox & Viox, Inc. (applicant)** for **Norbert A. Kahmann Trust, Timothy Kahmann, and Christie Kahmann (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 151.7 acre site located at 2298-2318 Clarkston Lane, and the southernmost, approximate 7.5 acres of the site located at 2425 Longbranch Road, Boone County, Kentucky (approximately 159.2 acres total). The request is for a zone change to allow a cluster subdivision for detached single family dwelling units.

Mr. Patton moved to schedule the Public Hearing for Items #2, #3 and #4 on March 3, 2021 at 7:30 p.m. Mr. Harper seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP reminded Board Members that there is no Business Meeting on February 17, 2021. However, there is a Zone Change Committee Meeting on February 17, 2021 at 5:00 pm.

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Lunnemann
No Report

ENFORCEMENT: Mr. Bungler
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

EXECUTIVE: Chairman Rolfsen
No Report

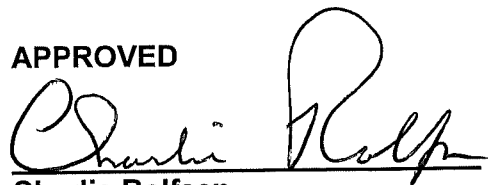
CHAIRMAN: Chairman Rolfsen
No Report

OTHER:

Chairman Rolfsen welcomed the Planning Commission's newest Board member, Mrs. Jackie Steele.

There being no further business to come before the Planning Commission, **Mr. Schwenke moved to adjourn the meeting. Ms. Gulick seconded the motion. The meeting was adjourned by unanimous consent at 7:29 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

January 25, 2021

Mr. George Finke
Great Development Properties, Inc.
3180 Burlington Pike
Burlington, Kentucky 41005

RE: Request of **Great Development Properties Inc (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

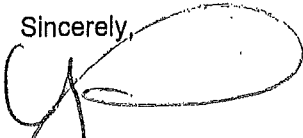
Dear Mr. Finke:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their January 20, 2021 meeting. If you, and the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, January 29, 2021.

CONDITIONS

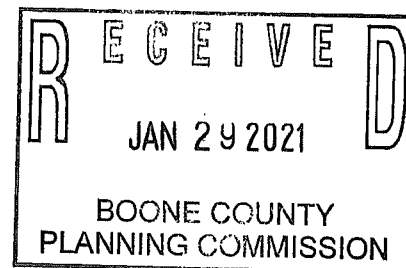
1. Development shall follow the Revised Concept Plan received by the Boone County Planning Commission on January 14, 2021, except as modified by the conditions contained herein.
2. The following Principally Permitted Uses shall be prohibited:
 - a. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops.
 - b. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apary farms, and other agricultural and related activities.
 - c. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls.
 - d. Wildlife preserve sanctuaries, habitats, cultures and related activities.
3. Any safety measures that are required for the new street entrance, via an encroachment permit, shall be implemented by the developer prior to the construction entrance being used.

Sincerely,



Michael D. Schwartz
Planner

MDS/ss



AGREEMENT

We, the applicant and property owner of the approximate 45.1 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.

Jed Klueber Smoky Acres LLC mgl
Smoky Acres, LLC (Owner)

1-26-2021
Date

Greg Farky Pres.
Great Development Properties, Inc. (Applicant)

1-26-2021
Date

Copy

QUITCLAIM DEED

44.2 acres
51.73 acres

KNOW ALL MEN BY THESE PRESENTS:

That Grantors: LAURA KLOEKER McMURRER and WILLIAM GRANVILLE McMURRER, her husband; MARK EDWARD KLOEKER and SHERRY LYNN KLOEKER, his wife; DENNIS ANDREW KLOEKER and KAREN KLOEKER, his wife, LINDA KLOEKER CREECH, a single person; DANIEL STEVEN KLOEKER and CYNTHIA KLOEKER, his wife; TED BERNARD KLOEKER and D'ANNA KLOEKER, his wife; MICHAEL LOUIS KLOEKER, a single person; PATRICIA KLOEKER GILLIECE and AUBREY JAMES GILLIECE, her husband; GARY ALLEN KLOEKER, a single person, his wife; MARSHA KLOEKER WATERS and LARRY WINFIELD WATERS, her husband; THE SARAH M. KLOEKER REVOCABLE TRUST DATED AUGUST 6, 2005 MARSHA KLOEKER WATERS, TRUSTEE; and THE ESTATE OF SARAH M. KLOEKER, DECEASED, by and through MARSHA KLOEKER WATERS, EXECUTRIX

^{Grantor}
whose mailing address is: c/o 12025 South Ridge Lane, Walton, KY 41094

for and in consideration of One Dollar (\$1.00) to them paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell, convey and quitclaim to:

Grantee: SMOKY ACRES, LLC, a Kentucky Limited Liability Company, in fee simple, its

successors and assigns forever, the following described real estate near the City of Union, County of Boone and Commonwealth of Kentucky, to wit:

Grantee mailing address: c/o 12025 South Ridge Lane, Walton, KY 41094
Present street address: 9428 Camp Ernest Road, Union, KY 41091

Group No. 2046
P.I.D.N. 040.00-00-012.00

TRACT I

Containing approximately 44.2 acres as more particularly described on the attached Exhibit "A", a copy of which is incorporated herein by reference.

Being the same property conveyed to Cyril G. Kloeker and Sarah M. Kloeker, his wife, by Deed of Conveyance dated June 25, 1956 and recorded July 23, 1956 in Deed Book 124, Page 190 of the Boone County Clerk's records at Burlington, Kentucky. On August 20, 1983, Cyril G. Kloeker died, with title in and to the real estate passing to Grantor, Sarah M. Kloeker, by virtue of the survivorship clause contained therein. On May 13, 2009, Sarah M. Kloeker died, testate. Her Last Will and Testament was admitted to probate by the Boone District Court, Probate Division, Case No. 09-P-239. A copy of the Last Will and Testament of Sarah M. Kloeker is found in Will Book 72, Page 253 of the Boone County Clerk's records at Burlington, Kentucky.

RETURN TO: 16

Copy

Subject to all easements, restrictions, covenants and other matters of record.

Group No. 2046
P.I.D.N. 040.00-00-012.00

TRACT II

Containing 51.73 acres as more particularly described on the attached Exhibit "B", a copy of which is incorporated herein by reference.

Being the same property conveyed to Cyril G. Kloeker and Sarah M. Kloeker, his wife, by Deed of Conveyance recorded in Deed Book 165, Page 350 of the Boone County Clerk's records at Burlington, Kentucky. On August 20, 1983, Cyril G. Kloeker died, with title in and to the real estate vesting in the Grantor, Sarah M. Kloeker, by virtue of the survivorship clause contained therein. On May 13, 2009, Sarah M. Kloeker died, testate. Her Last Will and Testament was admitted to probate by the Boone District Court, Probate Division, Case No. 09-P-239. A copy of the Last Will and Testament of Sarah M. Kloeker is found in Will Book 72, Page 953 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to all easements, restrictions, covenants and other matters of record.

The purpose of this conveyance is to transfer title in and to Tract I and II to the Grantee, a Kentucky Limited Liability Company, whose Members are the ten Legatees and beneficiaries under the Sarah M. Kloeker Revocable Trust.

A Memorandum of Trust for the Sarah M. Kloeker Revocable Trust Agreement is filed with this Deed of Conveyance as attached.

This transfer is exempt pursuant to KRS 142.050(8)(b).

Pursuant to KRS 382.135(c), the in-care-of address for current year tax bill shall be:
12025 South Ridge Lane, Walton, KY 41094

Together with all the privileges and appurtenances to the same belonging.

TO HAVE AND TO HOLD the same to the said Grantee, SMOKY ACRES, LLC, a Kentucky Limited Liability Company, in fee simple, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors, LAURA KLOEKER McMURRER and WILLIAM GRANVILLE McMURRER, her husband; MARK EDWARD KLOEKER and SHERRY LYNN KLOEKER, his wife; DENNIS ANDREW KLOEKER and KAREN KLOEKER, his wife, LINDA KLOEKER CREECH, a single person; DANIEL STEVEN KLOEKER and CYNTHIA KLOEKER, his wife; TED BERNARD KLOEKER and D'ANNA KLOEKER, his wife; MICHAEL LOUIS KLOEKER, a single person; PATRICIA KLOEKER GILLIECE and AUBREY JAMES GILLIECE, her husband; GARY ALLEN KLOEKER, a single person, his wife;

Date: November 30, 2020
Description: Zoning Description
Location: Boone County, Kentucky



Situated in Boone County, Kentucky, and located on the East side of Camp Ernst Road, approximately 2,145 feet North of Hathaway Road, and being part of the lands of Smoky Acres, LLC as conveyed in Deed Book 976, Page 562 of the Boone County Clerk's records at Burlington, Kentucky and more particularly described as follows:

Beginning at the northwesterly corner of a 33.58 acre tract conveyed to Matthias & Michelle Krenner on the easterly right of way line of said Camp Ernst Road, said point being the True Point of Beginning:

- thence, leaving said Matthias & Michelle Krenner and with said easterly right of way line, North 02° 20' 28" West, 115.48 feet to the southwest corner of Natalie Moore;
- thence, leaving the easterly right of way line of said Camp Ernst Road, and with the southerly line of said Natalie Moore, North 88° 15' 01" East, 125.00 feet;
- thence, with the easterly line of said Natalie Moore, North 12° 31' 01" West, 154.44 feet to the southeast corner of William & Lila Ransom;
- thence, with the easterly line of William & Lila Ransom, North 21° 45' 00" West, 61.40 feet to the southerly line of Jesse & Jeana Slaughter;
- thence, with said southerly line of Jesse & Jeana Slaughter, North 55° 47' 00" East, 264.40 feet to the southerly line of Jacklynn & Adam Grubbs and Andrew Subdivision, Section 1;
- thence, with the southerly line of said Andrew Subdivision, Section 1, South 83° 40' 46" East, 275.07 feet;
- thence, with the easterly line of said Andrew Subdivision, Section 1, North 07° 05' 18" East, 932.45 feet to the southerly line of Charles & Judith Haynes;
- thence, with the southerly line of said Charles & Judith Haynes, South 83° 20' 01" East, 1428.99 feet to the westerly line of Ridgefield Farm, LLC;
- thence, with the westerly line of said Ridgefield Farm, LLC the following six courses, South 16° 29' 59" West, 138.90 feet;
- thence, South 07° 59' 59" East, 294.00 feet;
- thence, South 31° 29' 59" West, 272.00 feet;
- thence, South 00° 05' 01" East, 289.50 feet;
- thence, South 30° 02' 17" West, 277.83 feet;
- thence, South 12° 00' 11" East, 202.31 feet to the northeast corner of said 33.58 acre tract conveyed to Matthias & Michelle Krenner;
- thence, with the northerly line of said Matthias & Michelle Krenner the following two courses, North 83° 01' 24" West, 1178.65 feet;
- thence, North 86° 58' 04" West, 683.40 feet to the Point of Beginning, containing 49.6 Acres, more or less, and subject to all easements and rights-of-way of record.

The above description was prepared from deeds and plats of record only and does not represent a boundary survey per 201 KAR 18:150 and is not intended for land transfer.

- ① Parcel 040.00-01-003.00
Bayne Brenton G & Kathy
9808 Camp Ernst Road
Union, KY 41091
- ② Parcel 040.00-00-019.00
Slaughter Jesse & Jeana
9812 Camp Ernst Road
Union, KY 41091
- ③ Parcel 040.00-00-020.00
Ransom William & Lila
10120 Conco Drive
Union, KY 41091
- ④ Parcel 040.00-00-021.00
Moore Natalie
11078 Harrison Way
Walton, KY 41094
- ⑤ Parcel 040.00-00-018.00
Jones Orvel & Lorina Marie
9807 Camp Ernst Road
Union, KY 41091
- ⑥ Parcel 040.00-00-017.03
Mae Terry & Melinda
9735 Camp Ernst Road
Union, KY 41091

- ⑦ Parcel 040.00-00-017.02
Davis James Brian & Melissa S
9725 Camp Ernst Road
Union, KY 41091
- ⑧ Parcel 040.00-00-017.01
Harris Dennis C & Junna May D
9745 Camp Ernst Road
Union, KY 41091

Parcel 040.00-00-006.01
Boone County Public Properties
Washington Street
Burlington, KY 41005

Parcel 040.00-00-009.00
Doll James & Diana
8880 Camp Ernst Road
Union, KY 41091

Parcel 040.00-00-012.00
Smoky Acres LLC
11998 Decker Lane
Walton, KY 41094

Parcel 040.00-00-011.01
Haynes Charles & Judith
9382 Camp Ernst Road
Union, KY 41091

Parcel 051.00-00-007.00
Riegler Family LLC
185 Weaver Road
Florence, KY 41042

Parcel 040.00-01-001.00
Thomas Logan
9520 Camp Ernst Road
Burlington, KY 41005

Parcel 040.00-01-002.00
Grubbs Jacklynn & Adam
9540 Camp Ernst Road
Union, KY 41091

Parcel 040.00-00-035.00
Ridgefield Farm, LLC
2788 Hathaway Road
Union, KY 41091

Parcel 040.00-00-035.00
Ridgefield Farm, LLC
2788 Hathaway Road
Union, KY 41091

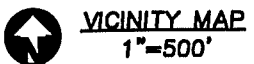
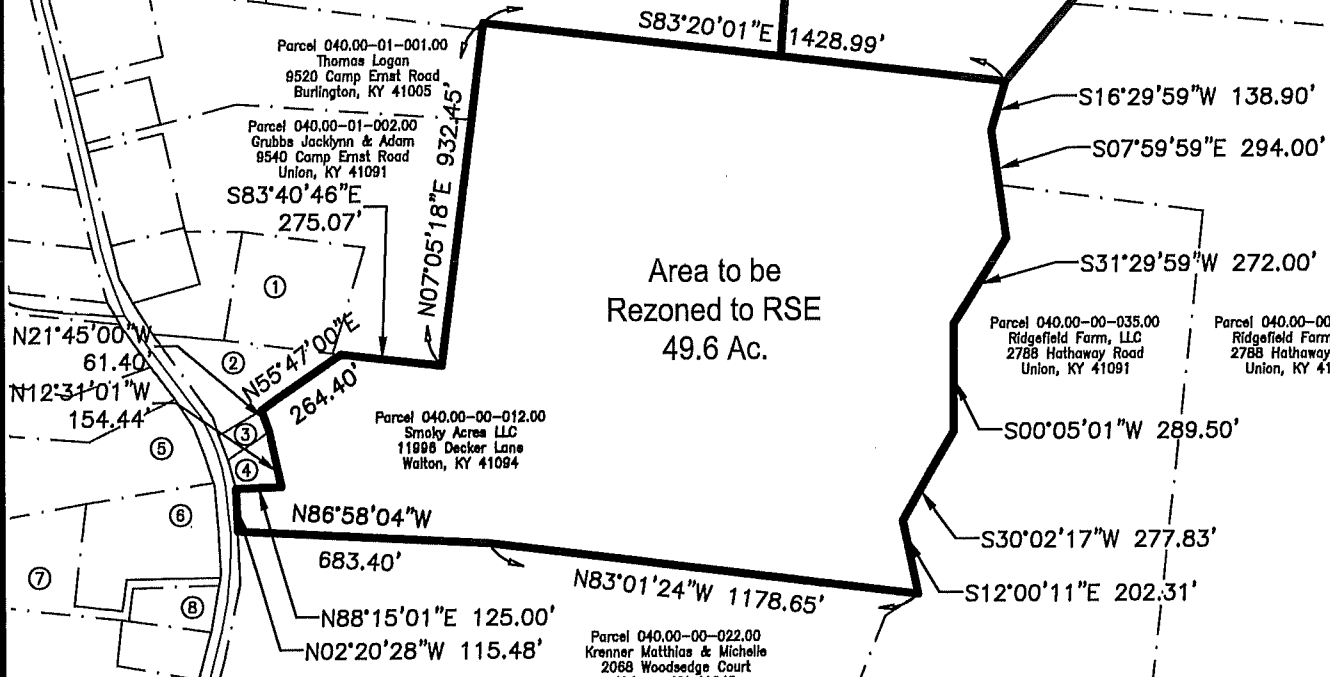
Parcel 040.00-00-012.00
Smoky Acres LLC
11998 Decker Lane
Walton, KY 41094

Parcel 040.00-00-022.00
Krenner Matthias & Michelle
2068 Woodledge Court
Hebron, KY 41048

CAMP ERNST ROAD

Area to remain
A-2
46± Ac.

Area to be
Rezoned to RSE
49.6 Ac.



This plat is not representative of a boundary survey.

Drawing:	20-0030 RSE ZONE
Scale	1"=500'
Drawn by:	JLE
Checked By:	MAR
Issue Date:	12-01-20

PARK VIEW ESTATES

9696 Camp Ernst Road
Union, KY 41091
Boone County

AREA TO BE REZONED



www.bayerbecker.com
209 Grandview Drive
Fort Mitchell, KY 41017 - 859.261.1113

ORDINANCE NO. 2021 - 08

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF GREAT PROPERTIES, INC. (APPLICANT) FOR SMOKY ACRES, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO RURAL SUBURBAN ESTATES (RSE) FOR AN APPROXIMATE 45.1 ACRE PORTION OF THE APPROXIMATE 95.93 ACRE SITE LOCATED AT 9696 CAMP ERNST ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendments.

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 Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agriculture (A-1) zone is more particularly described in DEED BOOK: 976, PAGE NO: 562 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval of a Zoning Map Amendment request 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 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".

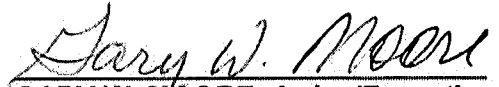
Section Three

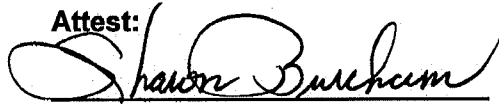
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 9th day of March, 2021

Second Reading - the 23rd day of March, 2021

Adopted this 23rd day of March, 2021. Yes 4 No 0


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

Attest:

Sharon Burcham,
Fiscal Court Clerk

