

REQUEST OF FRANK ENSMINGER FOR A ZONING MAP AMENDMENT
FROM AGRICULTURAL ESTATE (A-2) TO AGRICULTURE (A-1)

This is a Zoning Map Amendment request by Frank Ensminger to change the existing zoning of a 40.554 acre parcel from Agricultural Estate (A-2) to Agriculture (A-1) for the purposes of locating a mobile home on the parcel. The site is located at the east end of East Frogtown Road, and extends to within 400 feet of the Kenton County boundary.

SURROUNDING LAND USES AND ZONING

The surrounding land uses in the area consist of agricultural and low density residential to the north, agricultural to the east, agricultural and low density residential to the south, and woodland and low density residential to the west. The existing zoning near the site is Rural Suburban Estate (RSE) to the north, and Agricultural Estate (A-2) to the east, south, and west. An Industrial One (I-1) zoning district lies within 200 feet to the southwest.

NATURAL FEATURES OF THE SITE

Approximately two-thirds of the site drains to the east into Kenton County. The drainage swale that drains the site in that direction contains a pond adjacent to which the proposed mobile home would be located. This location is not easily visible to adjoining properties because of the depression around the pond.

The eastern and western portions of the site support woodland, while the central portion of the site contains fields that are harvested for hay. The site also contains a tobacco base. There is an existing garage building near the center of the site that is used for storage. No residences exist on the property.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Boone County Comprehensive Plan refers to the area mainly in the Land Use Element. The Future Land Use Map shows the areas as proposed for Low Density Residential because of existing residential development on East Frogtown Road and along Maher Road. Areas south of east Frogtown Road are proposed for industrial development on the Future Land Use Map.

APPLICANT'S PLANS FOR THE SITE

Even though the applicant is not required to submit a Concept Development Plan, he has indicated that he plans to install a mobile home adjacent to the pond on the site to serve as a weekend recreational vehicle. The applicant has indicated no intentions of utilizing the mobile home as a residence.

SPECIAL CONCERNS

- 1) The method of sanitary sewage treatment on the site should be consistent with the amount of usage the site is to receive.
- 2) The trailer should be placed as to create the least amount of visual impact on neighboring properties because of the proposed Low Density Residential Land Use on the Future Land Use Map.

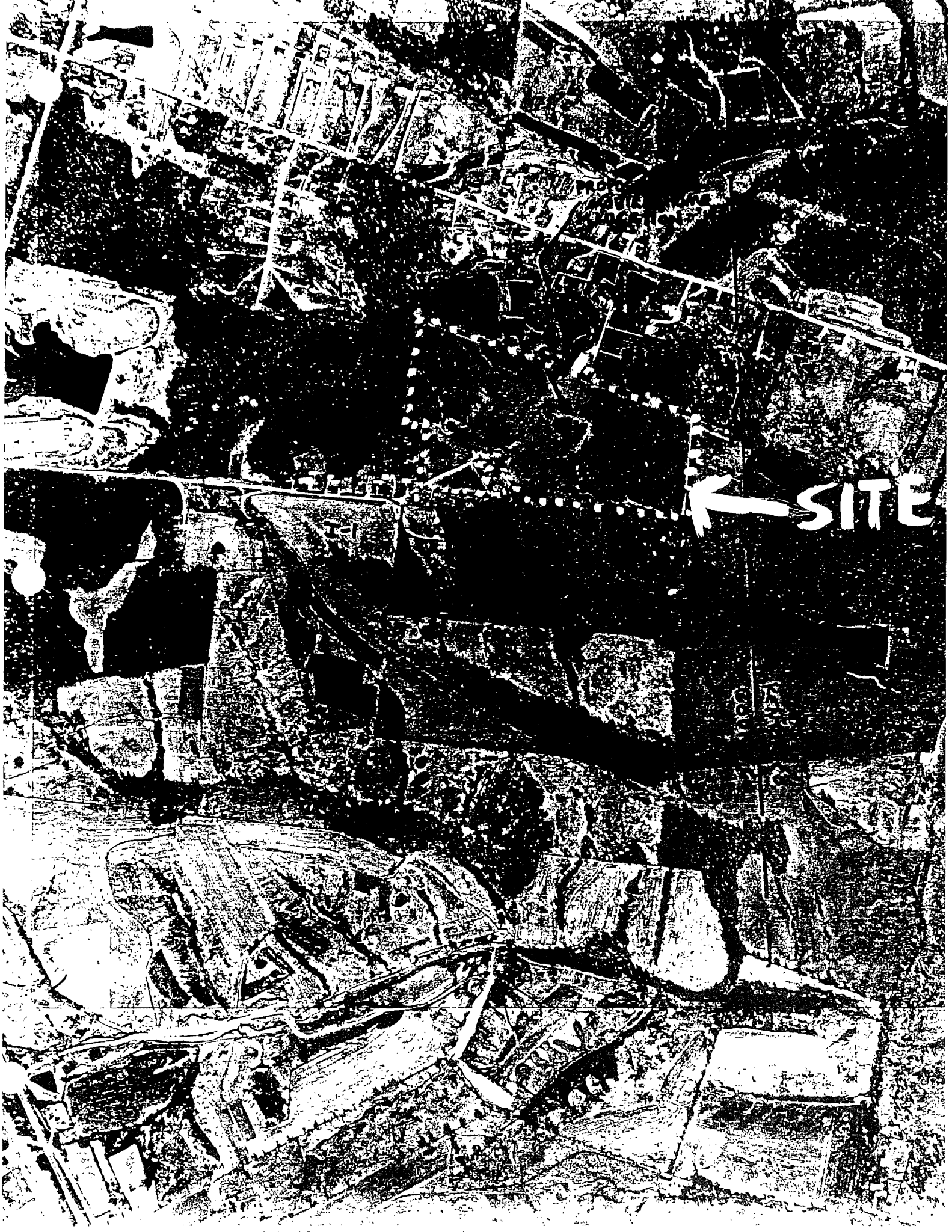
CONCLUSION

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



David A. Geohegan,
Planner/Plans Examiner

DAG:mcb



← SITE

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

6. Applicant: Mr. Frank Ensminger (owner)
Request: Zoning Map Amendment

This was a Public Hearing on an application submitted by Mr. Frank Ensminger (owner). It is a request for a Zoning Map Amendment changing a 40.554-acre parcel located at the east end of Frogtown Road (extending to within 400 feet of the Kenton County boundary), from Agricultural Estate (A-2) to Agriculture (A-1).

Staff member, Dave Geohegan, stated that the applicant intends to place a mobile home on the site as a weekend recreational vehicle, not as a residence. He summarized the Staff's findings regarding this request and noted the surrounding land uses, including agricultural, low density residential and woodland. The site is not easily visible to adjoining properties due to depression at the lake area. No residences currently exist on the property. The Future Land Use Map of the 1986 Boone County Comprehensive Plan indicates the area for Low Density Residential use. Mr. Geohegan noted concerns regarding sanitary sewage treatment on the site and placement of the mobile home.

Mr. Geohegan advised the Commission that the applicant was not present due to a family emergency.

The Chairman asked if there was anyone present who wished to speak in favor of the application. There was no audience support expressed.

The Chairman then asked if there was anyone present in opposition to the application, or if there were any questions. There being no response, he asked the Commission members for their questions or comments.

Mr. Donald Davis stated that he had been contacted by the applicant. He noted that the applicant would not have had to incur the expense of this request if he had put a camping trailer on the site. He stated that the applicant is attempting to abide by the regulations. The applicant wished to place the mobile home near the lake so that it may be used by him and his sons during weekend fishing trips.

The Chairman asked Mr. Davis if he personally knew the applicant.

Mr. Davis stated that he had met the applicant when contacted by him to discuss the costs and procedure regarding this request. Mr. Davis added that the applicant would be willing to accept any restrictions the Commission may impose regarding this request.

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

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

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 15, 1987

8:00 P.M.

Mr. Paul Kroger, Chairman, called the meeting to order.

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch
Mr. Lawrence Collins
Mr. Donald Davis
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Paul Kroger, Chairman
Mr. Don McMillian
Mr. Barry Neltner
Mrs. Carol Smith
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Michael Hemmer
Mr. David Martin, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The Chairman noted that each member had received a copy of the Minutes of the Meeting of April 1, 1987 and asked if there were any comments or corrections. There were three corrections to Page 12 - i.e., Paragraph 1, Line 1 - delete "Mr. Davis" and insert "Mr. Neltner"; Paragraph 2, Line 1 - delete "Mr. Neltner" and insert "Mr. Davis"; Paragraph 10, Line 3 - delete "Mr. Martin" and insert "Mr. McMillian".

Mr. McMillian moved, seconded by Mr. Davis, that the Minutes be approved as corrected. The motion carried unanimously.

CORRESPONDENCE:

The Chairman noted receipt of correspondence from The Northern Kentucky Area Development District, which will be on file at the Staff Office.

4. Zoning Text Amendment

A request of James Ruh (applicant) for a Zoning Text Amendment to Section 883 of the Boone County Zoning Regulations. The request is to add mobile home sales as a Conditional Use in the existing Mobile Home Park (MHP) zoning classification.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the finding of fact (see Committee Report).

The Chairman asked the applicant if he wished to comment at this time.

Mr. Ray Erpenbeck, speaking in behalf of the applicant, stated that he was in agreement with the Committee Report.

Mr. Davis moved that the request be approved as recommended in the Committee Report. Mr. Barnett seconded the motion.

Chairman Kroger indicated his concerns regarding the clarity of the text amendment. He stated that the present wording would require an interpretation by the Director of each individual application of the amendment.

Following discussion, Mr. McMillian suggested that the application be sent back to the Committee for further review. Mr. Erpenbeck noted his agreement.

Based on the discussion, Mr. Davis withdrew his motion and Mr. Barnett withdrew his second to the motion.

Mr. William Viox moved that action on this request be deferred, as requested by the applicant, until the wording of the amendment is clarified as indicated by the discussion. Mr. Jones seconded the motion and it passed unanimously.

5. Zoning Map Amendment

A request of Frank Ensminger (owner) for a Zoning Map Amendment for a 40-acre site located south of Maher Road and east of U.S. 25 in Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the finding of fact (see Committee Report).

In response to a question from the Chairman, Mr. Ensminger stated that he was in agreement with the Committee Report.

Mr. Davis moved that the request be approved as recommended in the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

The Chairman stated that the Fiscal Court will be notified of the Commission's recommendation of approval of this request.

COMMITTEE REPORT

TO: Boone County Planning Commission
FROM: Rector Jones, Chairman
DATE: April 15, 1987
RE: Request of Frank Ensminger (owner) for a Zoning Map Amendment for a 40.5 acre site located south of Maher Road and east of U.S. 25, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1).

REMARKS:

We, the Committee, recommend approval based upon the following Finding of Fact:


Finding of Fact

The map amendment is in agreement with the Low Density Residential classification indicated on the Future Land Use Map of the Boone County Comprehensive Plan.

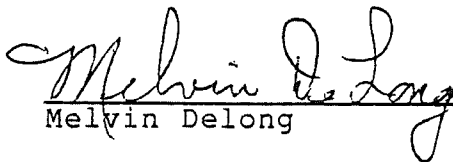
The Committee would like to emphasize that since the map amendment request did not require a Concept Development Plan, approval is being recommended based in part on the applicant's indications that his plans to locate a mobile home on the property include only one mobile home for recreational purposes.



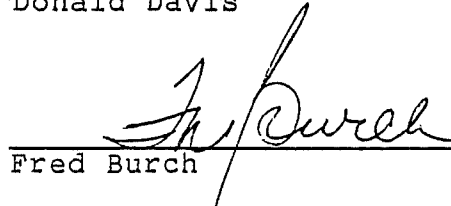
Rector Jones, Chairman



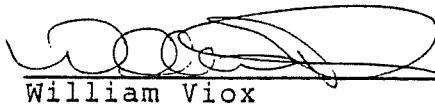
Donald Davis



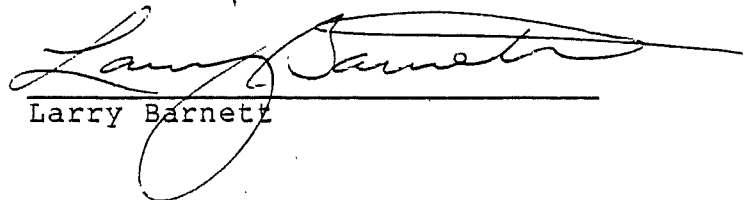
Melvin DeLong



Fred Burch



William Viox



Larry Barnett

ORDINANCE 920. 116

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, BEING A ZONE CHANGE FROM AGRICULTURE ESTATE (A-2) TO AGRICULTURE (A-1) FOR PROPERTY LOCATED SOUTH OF MAHER ROAD AND EAST OF U.S. 25, BOONE COUNTY, KENTUCKY AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-21-87).

WHEREAS, the Boone County Planning Commission received a request for approval and adoption for a map amendment for a zone change from Agricultural Estate (A-2) to Agriculture (A-1) for property located south of Maher Road and east of U.S. 25, Boone County, Kentucky, which is more particularly described below, and

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

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption this map amendment being a zone change from Agricultural Estate (A-2) to Agriculture (A-1) for property located south of Maher Road and east of U.S. 25, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A."

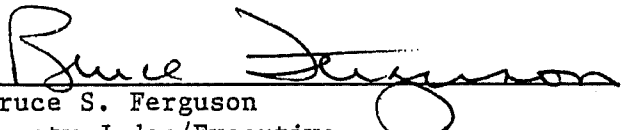
SECTION II

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

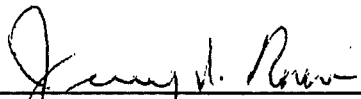
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 26th day of May, 1987.

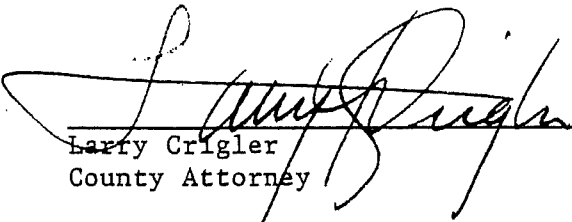
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 16th day of June, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


Bruce S. Ferguson
County Judge/Executive

ATTEST:


Jerry Rouse
County Clerk

SUBMITTED BY:


Larry Crigler
County Attorney

07/02/87
Date Published