

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development MIA
2. Location of Development East of Lot 10 - Dunwoody Lane
3. Total Acreage of Site 24 24' 20"
4. Current Zoning RSE
5. Proposed Zoning (classification being requested) AI
6. Proposed Uses (please specify each use) To place or include home furnishings, washers, dryers, etc. To place or include home, etc. kitchen.
7. Name of Applicant(s) Matthew G. Anderson
Phone Number(s) 502-6386
8. Address of Applicant(s) 1000 Pine 430
Burlington Mo. 41500
City State Zip
9. Name of Property Owner(s) Timothy and Linda Anderson
Phone Number(s) 586-7469
10. Address of Property Owner(s) P.O. Box 835
Burlington Mo. 41500
City State Zip
11. Proposed Building Intensities (please specify) one mobile home - under roof of garage
12. Are there any existing buildings on the site? no
How many? -
13. Deed Book 254 Page No. 151 line 259 Group No. 247
14. Have you had a pre-application meeting with BCPC staff? yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

EXHIBIT "A"

STAFF REPORT

#3

Request of Kathleen J. Carnahan (applicant) for
Timothy and Linda Carnahan (owners) for a
Zoning Map Amendment on a 34.64 acre site
located south of East Bend Road and is part of Lot 10
of Burlington Acres Subdivision, Boone County, Kentucky

August 22, 1990

This is the request of Kathleen J. Carnahan for a Zoning Map Amendment to change the current zoning designation of Rural Suburban Estates (RSE) to Agriculture (A-1) to allow the placement of a mobile home on the northern portion of the property. The 34.64 acre tract is located south of East Bend Road, approximately 1.4 miles southwest of Burlington. The property is presently owned by Timothy and Linda Carnahan.

Surrounding Land Uses and Zoning

The adjoining properties to the east, north and west are zoned Rural Suburban Estates (RSE). The property immediately to the south is zoned Agriculture (A-1). Land uses of the adjacent properties include:

North: Farmland, Low Density Residential

South: Woodland

East: Farmland, woodland, a small lake, Low Density Residential

West: Farmland, woodland, Low Density Residential

Site Features

The northern portion of the Carnahan's property has a slope that varies about 50 feet. The southern portion of the property has a much more rugged terrain which is bisected by a creek.

Three soils are predominate on this site. These soils are Rossmoyne silt loam with 0 to 6% slopes, Rossmoyne silt loam with 6 to 12% slopes, and Faywood silty clay. The Soil Survey of Boone, Campbell and Kenton Counties lists all three soils as severe in their capability of supporting a septic tank filter due to its slow permeability.

The property is currently being used predominantly for woodland. The owners of the property presently live in a house located on the northern portion of the property. This site is accessed from East Bend Road by an 1,322 foot long right-of-way.

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Rural Lands (RL), which the text describes as "to remain in a rural character and include agricultural uses, woodlands, recreational uses, and residential uses that do not exceed one dwelling unit per two acres."

Two objectives of the Housing Element of the Comprehensive Plan are:

1. A broad range of housing opportunities shall be provided at locations which meet the needs and desires of all household types.
2. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number of dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit.

However, the Housing Element of the Comprehensive Plan explains the need to control isolated mobile homes:

"The only high-density residential uses that should occur outside of urbanized areas are either planned developments with adequate infrastructure and mobile home parks which help to reduce the proliferation of isolated mobile homes in rural areas. Individual mobile homes have presented a problem of inefficient and sometimes illegal land use in the rural area, and since they are increasing in number, efforts should be made to ensure that these mobile homes conform to basic health and safety considerations. the most efficient way to do this is to concentrate most of these units in property-maintained mobile home parks... (p 114)

Staff Concerns

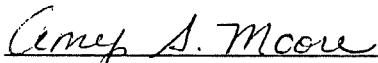
1. Staff is concerned that the slow permeability of the soils on this site may lead to future septic system problems.
2. Staff also has strong concerns with the direct conflict that approval of this request would have with the previous statement taken from the Housing Element of the Comprehensive Plan. Strong consideration as to the intent of this statement needs to be taken when considering this request.
3. A final concern of the Staff is that the approval of this request would permit the applicant to place up to five mobile homes on the site. If this request is approved, Staff would suggest that one condition of the approval be that only one mobile home may be placed on the property.

Conclusion

The Boone County Planning Commission must evaluate this and all zoning map amendments in terms of the three findings of fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

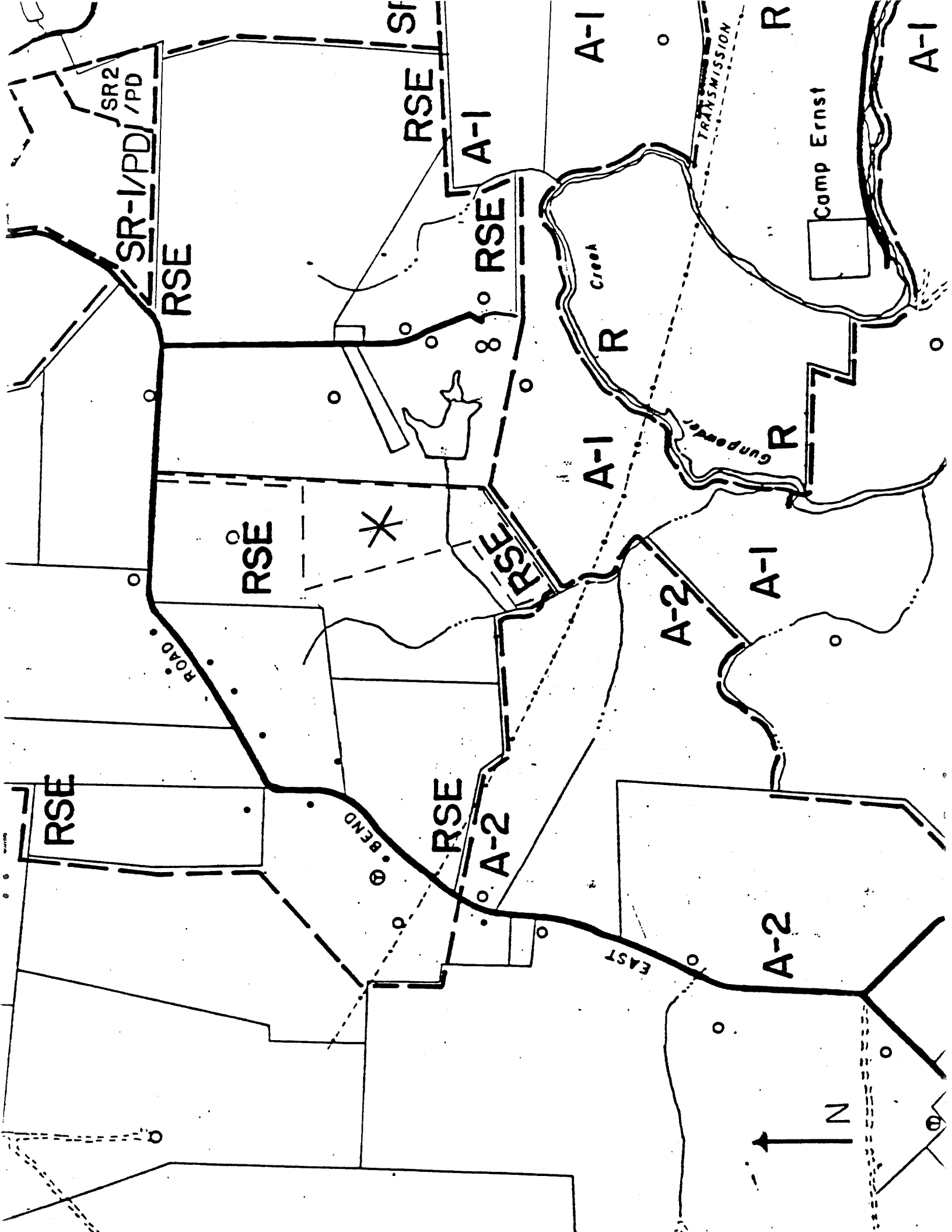
1. The map amendment is in accordance with the adopted comprehensive plan; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the areas's character.

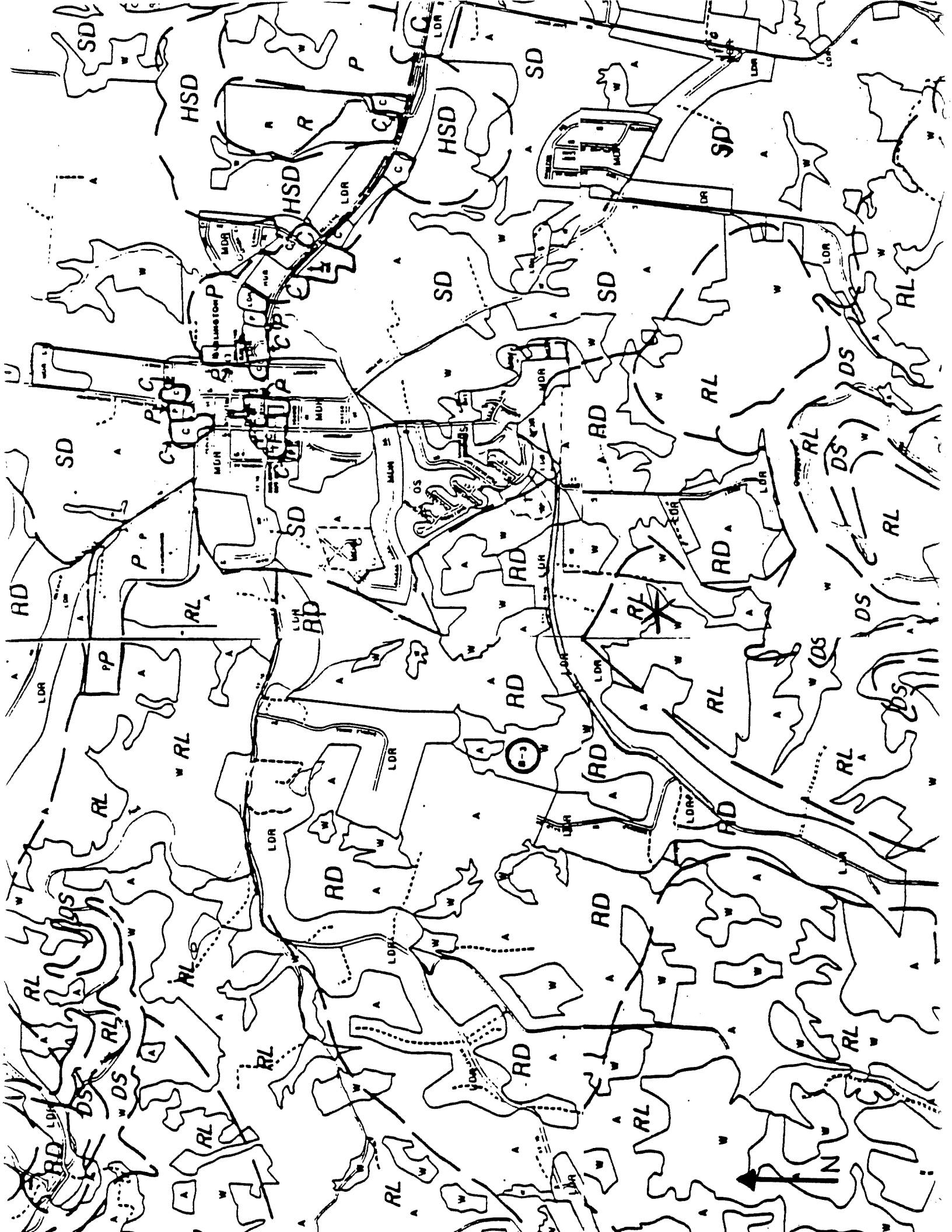
Attached to this report are copies of the current Boone County Zoning Map and the Future Land Use Map. Also attached is a copy of a petition that the applicant has submitted. The petition has been signed by several of the adjoining property owners.



Amy S. Moore
Plans Examiner/Planner I

ASM:kat





We, the undersigned, acknowledge and give our consent to Kathleen Carnahan to allow a mobile home to be moved on to the property of Tim Carnahan located at Lot 40, Burlington Acres. Deed Book 354 page 257-259.

Upon the death of Kathleen Carnahan the mobile home is to be moved off the property within a reasonable amount of time.

Allan Judge

Emma Judge

Bianchi Nuteni

[Signature]

[Signature]

Mr & Mrs Edwin Smith

Sam & Frances Trauberman

Sandra & Parker Freyman

Ted Carnahan

Leland Pyle

BOONE COUNTY PLANNING COMMISSION

August 22, 1990
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Public Hearing Item #3

Following a short recess, Mr. Burch introduced the last item on the Agenda:

3. Applicant: Kathleen J. Carnahan for
Timothy and Linda Carnahan (owners)
Request: Zoning Map Amendment

The request of Kathleen J. Carnahan (applicant) for Timothy and Linda Carnahan (owners) for a Zoning Map Amendment on a 34.64-acre site located south of East Bend Road and part of Lot #10 of Burlington Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Agriculture (A-1) in order to allow a mobile home.

Staff Member, Amy Moore, presented the Staff Report (see Staff Report).

Mr. Burch asked the applicant for her comments.

Mrs. Kathleen Carnahan stated that she and her husband had lived on the property for 17 years. Her husband's family has owned the property since the 1940's. Her husband died a year and a half ago and she wants to live near her children, but not with them. The mobile home would be 1,600 to 1,800 feet off the road and would not be seen from the road. When she dies the mobile home could be moved. If she builds a home, the children would be stuck with a house they do not want and having other people there would destroy their privacy.

Mr. Tim Carnahan stated that he is aware of the concerns about mobile homes. He stated that his driveway is four-tenths of a mile long. The trailer will be set back on his property and no one will see it. They will make any necessary agreements regarding removal of the mobile home. They will not put any other trailers back there. The trailer would only be for his mother.

Mr. Burch noted that there was no one present in the audience in regard to this request.

Mr. Rush noted that the last page of the Staff Report contains signatures of adjacent property owners.

Mrs. Kathleen Carnahan stated that she talked to all of the neighbors. They all want her to stay in the community and signed their names.

Mr. Sharp questioned what would happen if the property was sold in the next few years.

Counselor Wilson advised that any conditions which are agreed to will run with the land. He stated that a condition could be worked out that is agreeable to everyone to address this situation.

Mr. Sharp asked if the applicant would be willing to agree to a condition that the trailer will be removed if the property is sold.

Mr. Carnahan stated that they are agreeable to anything.

Mr. Neltner noted that the Agenda indicates the property to be Lot #10 and the signed petition indicates it to be Lot #40. He stated that he wants to be sure it is the same parcel of property.

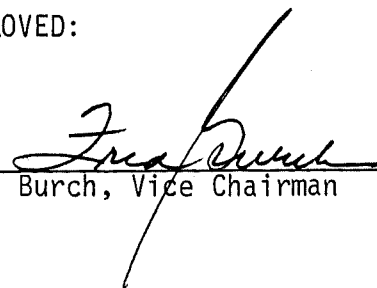
Mrs. Amy Moore advised that it is Lot #40. Mrs. Carnahan indicated that she may have made a mistake. Mr. Burch stated that the Commission will assume that those who signed the petition knew the piece of property involved.

Counselor Wilson read the petition which indicates "the property of Tim Carnahan". He asked if he owned another lot known as Lot #40.

Mrs. Linda Carnahan stated that their house is on a 1 3/4 acre lot separate from the others for loan purposes.

There being no further comments, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on September 5, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



Fred Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 5, 1990 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of August 15, 1990 and the Public Hearings of August 22, 1990. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

Chairman Viox advised Mr. Williams that the Public Hearing had been held in August and at this time the Commission is addressing the Committee's findings and taking a vote.

Chairman Viox asked for a roll call vote on the motion made by Mr. McMillian which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush, Mrs. Smith and Chairman Viox in favor. Mr. DeLong, Mr. Kirby, and Mr. Sharp were opposed. The motion carried by a vote of 11 to 3.

4. Zoning Map Amendment

The request of Kathleen J. Carnahan (applicant) for Timothy and Linda Carnahan (owners) for a Zoning Map Amendment on a 34.64-acre site located south of East Bend Road, being part of Lot #10 of Burlington Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Agriculture (A-1) in order to allow a mobile home.

Mr. Fromm read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Sharp moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mrs. Smith seconded the motion and it carried unanimously.

5. Site Plan Review

The request of Florence, Kentucky MPO (applicant) for Lou Pohl (owner) for Site Plan Review to make parking lot improvements at the Florence Post Office located at 710 Turfway Road, Florence, Kentucky. The site is zoned Commercial Two (C-2).

Staff Member, Amy Moore, presented the Staff Report (see Staff Report).

Mr. Fromm read the Committee Report which recommended approval of the request based on the Staff Report.

Mr. Rush moved that the request be approved based on the Staff and Committee Reports. Mr. Greene seconded the motion.

Mr. Barnett stated that one side of the site abuts the YMCA. There is extensive remodeling going on there. The other side of the site abuts Turfway Road. He stated that he does not know why the Post Office should be immune to landscaping.

Mr. William Frede, architect/engineer for the Cincinnati Division of the Post Office, stated that the total shopping center is wall to wall asphalt. They do not feel that they as a tenant have the right to tear up the owner's

EXHIBIT "B"

COMMITTEE REPORT

#4

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: September 5, 1990

RE: Request of Kathleen J. Carnahan (applicant) for Timothy and Linda Carnahan (owners) for a Zoning Map Amendment on a 34.64 acre sit located south of East Bend Road and is part of Lot 10 of Burlington Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Agriculture (A-1) in order to allow a mobile home.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the August 22, 1990 Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following Conditions:

Findings of Fact

1. The Committee believes that the current zoning of Residential Suburban Estates (RSE) is inappropriate and the proposed zoning of Agriculture (A-1) is more in conformance with the 1990 Boone County Comprehensive Plan Future Land Use Map. The present zoning of RSE allows for one dwelling unit per acre and the proposed zoning of A-1 allows for only one dwelling unit per five acres. The Future Land Use Map refers to this area as Rural Lands. Rural Lands is "intended for areas which should remain in a rural character and includes agricultural uses, woodlands, recreational uses, and residential uses that do not exceed one dwelling unit per two acres." (p. 198)
2. This 34.64 acre tract currently abuts an A-1 zoning district. This allows for an extension of a existing zoning district and does not create any additional "spot zoning".

The property owner is being asked to include the following conditions as part of the Zoning Map Amendment request in order to address concerns and clarify questions raised at the August 22, 1990 Public Hearing.

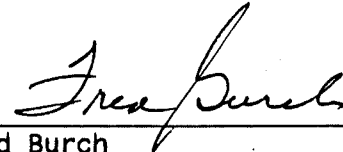
Conditions

1. The applicant agrees to place only one mobile home on the entire 34.64 acre site.
2. The removal of the mobile home shall be per the petition that the applicant has submitted with the Zoning Map Amendment application.

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.

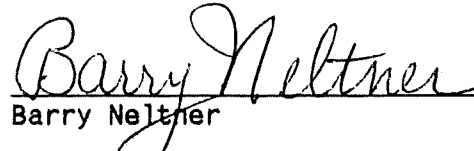


Phil Damstrom, Chairman

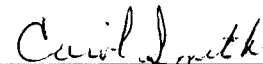


Fred Burch

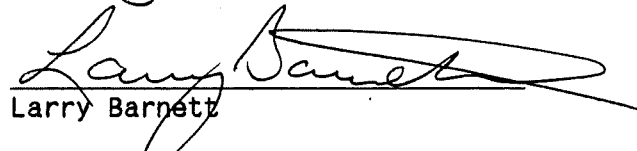
Rector Jones




Barry Neltner



Carol Smith



Larry Barnett



Thurman Owens

PD:kat

Boone County Recorder

11-14-90

Kathleen J. Carnahan

Ord-920.216

R# R-36-90

LEGAL NOTICE
ORDINANCE NO. 920.216

The Boone County Fiscal Court at its meeting held Tuesday, November 20, 1990 at 5:30 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY KATHLEEN J. CARNAHAN (APPLICANT) FOR TIMOTHY AND LINDA CARNAHAN (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO AGRICULTURE (A-1) FOR A 34.64 ACRE SITE GENERALLY LOCATED SOUTH OF EAST BEND ROAD AND IS PART OF LOT 10 OF BURLINGTON ACRES SUBDIVISION, BOONE COUNTY, KENTUCKY AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-36-90.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 33420

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

"WORKING TO KEEP BOONE COUNTY TOPS IN KENTUCKY"