

REVIEW NO. _____

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 The PINES OF BOONE COUNTY M.H.P.
2. Location of Development West side U.S. 25 - 2500 South Mt. Zion Rd.
3. Total Acreage of Site 16 Ac. ±
4. Current Zoning SR-2
5. Proposed Zoning (classification being requested) M.H.P.
6. Proposed Uses (please specify each use) Mobile Home Park
7. Name of Applicant(s) MidWest Contractors (Phillip G. Hicks - Agent)
Phone Number(s) 606 824-5231
8. Address of Applicant(s) 116 Humes Ridge Rd., P.O. Box 9
Williamstown Ky. 41097
City State Zip
9. Name of Property Owner(s) D.C. Adams Est. Co Vovys, Sater, Seymore, Pease
Phone Number(s) 513-421-8777
10. Address of Property Owner(s) Suite 2100 Atrium II
CINCINNATI OHIO 45202
City State Zip
11. Proposed Building Intensities (please specify) Not to exceed 7 units per Acre
12. Are there any existing buildings on the site? Yes
How many? 4 Barns, Shed, Garage
13. Deed Book 84 Page No. 334 Group No. _____
14. Have you had a pre-application meeting with BCPC staff? _____
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: _____

(COMPLETE OTHER SIDE OF APPLICATION)

Apr-24

APPLICATION FORM
ZONING MAP AMENDMENTS

J. Hicks
will supply
copy of contract
to buy
\$ 2 more
copies of
plan

16. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
17. Applicant's Signature: Phillip M. Hicks, Agent for Hamedy
18. Property Owner's Signature: D.C. Adams Est. by Mid-West Cont. as per agreement
19. Have you submitted a Concept Development Plan? yes for discussion purposes only

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/19/91
2. Fee Received 756.88
3. Check what has been submitted:
X Application X Fee X Legal Description
X Concept Development Plan X Addresses of Adjoining Property Owners
- 3 No. of copies of plan received** J.A.G.
4. Is application complete? X Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
____ Approval
____ Approval With Conditions
____ Disapproval
9. Other: _____

** FIVE (5) COPIES ARE REQUIRED

BCPC: 7/11/88

EXHIBIT "A"

STAFF REPORT

#1

Request of Midwest Contractors (Phillip G. Hicks, Agent)
for a Zoning Map Amendment on a 16 acre site
located on the west side of U.S. 25,
south of Mt. Zion Road,
Boone County, Kentucky.

MAY 22, 1991

This is a request to rezone a 16+ acre parcel from Suburban Residential Two (SR-2) to Mobile Home Park (MHP). The applicant intends to develop 107 mobile home lots in a wooded setting. The submitted Concept Development Plan is intended for conceptual purposes only. The developer will need site plan approval prior to construction. The concept plan proposes an entrance road with a private right-of-way of 40 feet connected to an elongated circular type of interior roadway of 25 feet in width. The street is proposed to be privately maintained. All lots will be rental. The units would be placed on both sides of this interior roadway. The requested gross density is not to exceed seven units per acre. The proposed development is located within the Boone County water and sewer district.

SITE CHARACTERISTICS AND SURROUNDINGS

The site currently contains four barns, a shed and a garage, although there is a residence a few feet east of the proposed development which is to serve as a home for the resident manager. The site is flat for the most part, is wooded and contains a fairly large fresh water pond, although not shown on the concept map, nor USGS map. Soil types are of the Rossmoyne Jessup association, which is nearly level to moderately steep, is loamy to clayey subsoil on ridge tops and side slopes of the glaciated uplands. There is no problem of erosion as long as no crops are grown.

IMMEDIATE SURROUNDING USES AND ZONING

North: White Pine Village Association Mobile Home Park (MHP)
South: Vacant (SR-2) and MHP about 1/2 mile to the south
East: Some single family modest homes among vacant land (I-1 and I-2) development fronting on U.S. 25.
West: Vacant in immediate vicinity (UR-1) - The site to the west is subject to an approved Concept Development Plan for apartments and is known as the Beeson tract.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 1990 Future Land use plan indicates that south of the interchange between the interstate and U.S. 25, there should develop a variety of residential uses. South of Mt. Zion Road is land appropriate for Urban Density development and High Suburban Density residential development should extend from the road south to the Maher Road area. Although the plan addresses permanent attached housing as being more preferable to mobile home park development, there is at this time, a pattern

of well established mobile home parks in the area. The housing element of the plan also says that housing densities should vary within established developed areas based on housing densities rather than housing types.

Also in the housing element, it is recommended that residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area, but also with the existing conditions of the site including the suitability of adjoining lands for appropriate access.

STAFF CONCERNS

1. The site is beautifully wooded with a fairly large pond on it. A site plan should take into consideration these amenities and encourage the continuance of this setting as much as possible within the density allowance. The property seems to offer the chance for an innovative design, however, the proposed common areas appear to be inaccessible to the residents.
2. The entrance to the park should be an enhancement to the area with proper landscaping and discreet signage.
3. Proper buffering should not only be placed along the U.S. 25 entrance, but along the south and north boundaries of the property.
4. The existing residence to be used for the living accommodations of the resident manager should be enhanced in its setting, changed only by necessary upkeep or improved landscaping. It will be a real asset to the entrance to the park.
5. The applicant should be encouraged to present any intentions of future development of the commercially zoned property along U.S. 25.

CONCLUSION

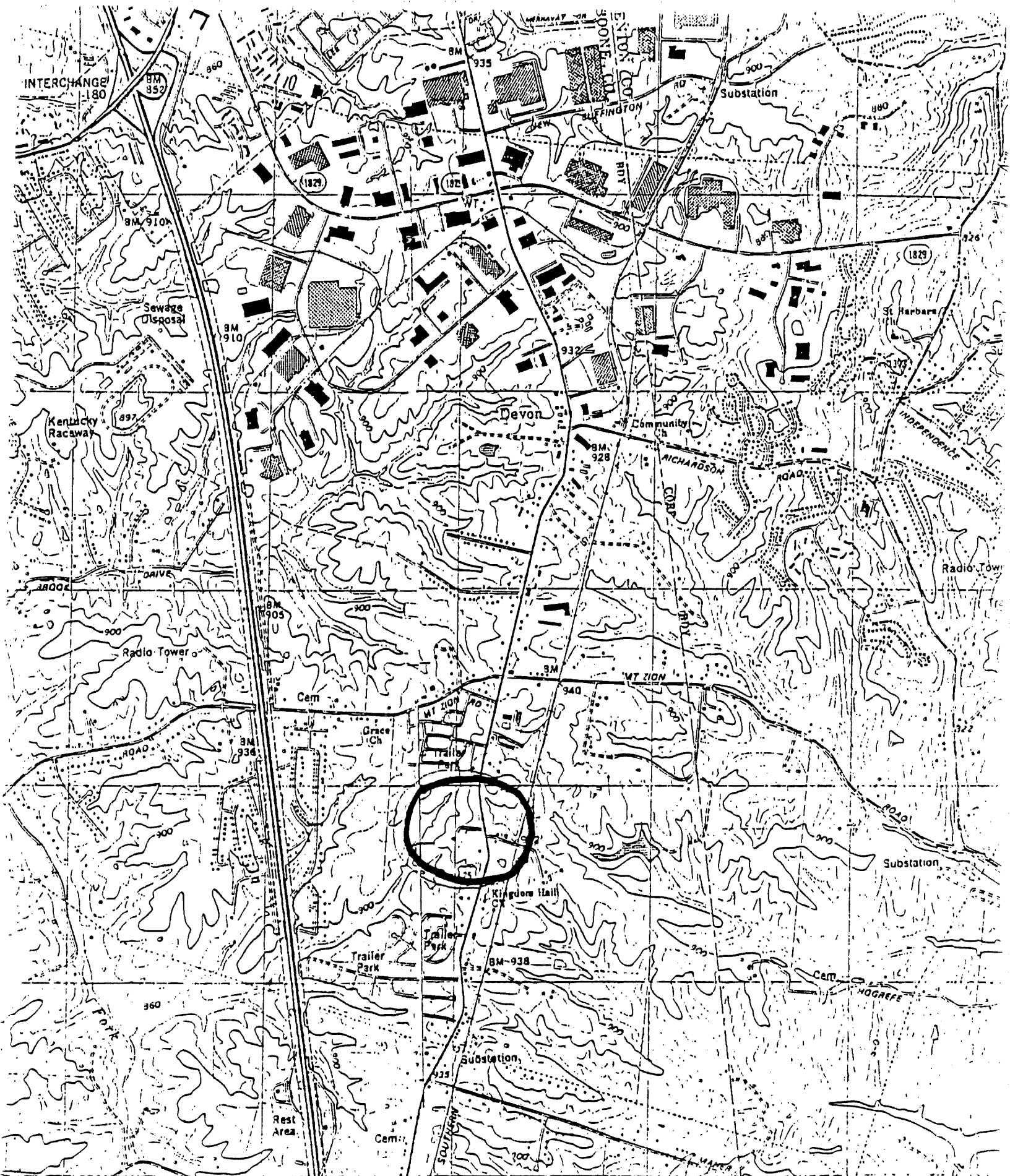
The Planning Commission and Fiscal Court need to consider this request in terms of the three criteria necessary for a Zoning Map Amendment and in light of the housing and industry development trends in the U.S. 25 corridor. Should the request be approved, no changes to the Comprehensive Plan would be necessary.

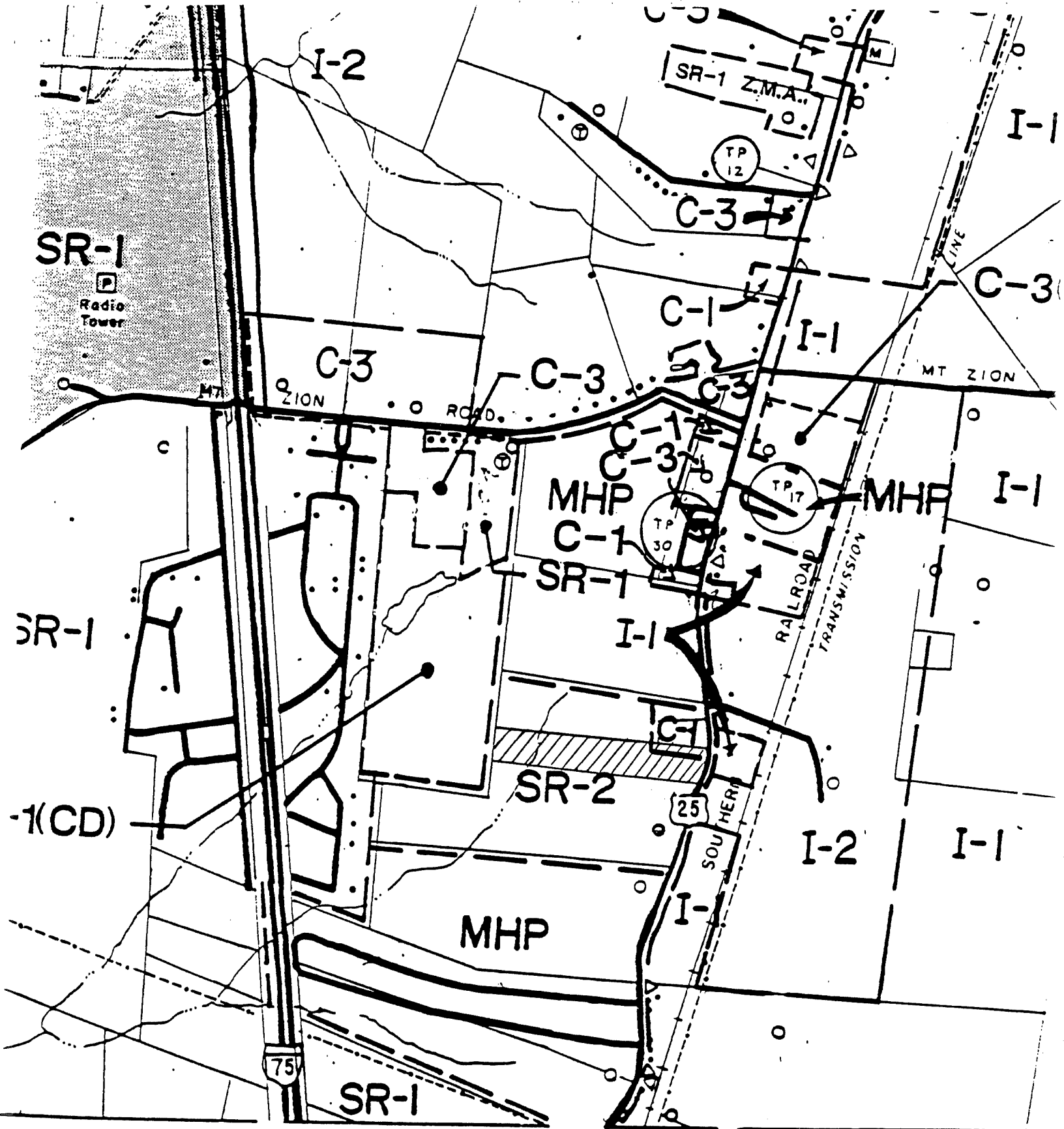
Respectfully submitted,

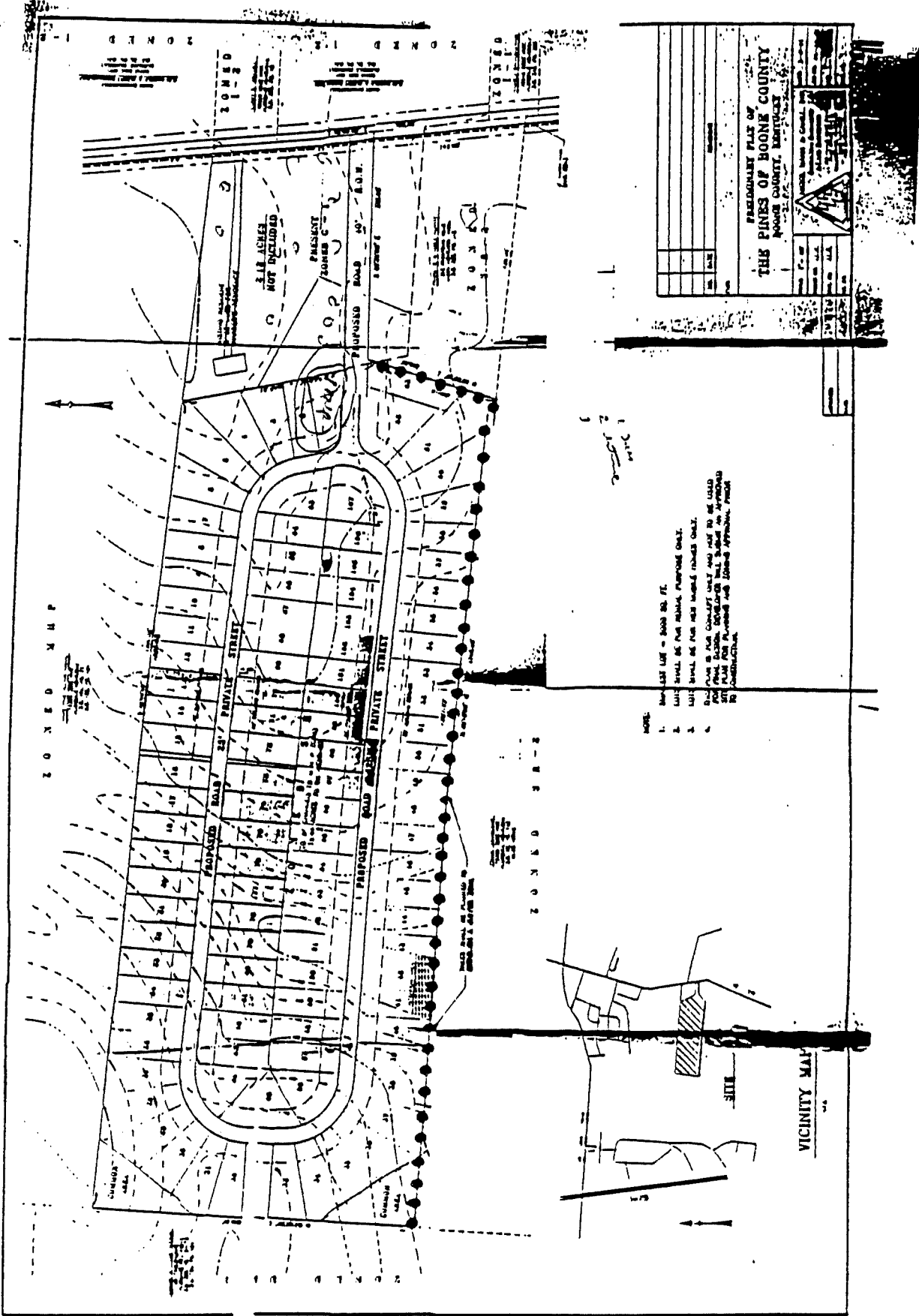


William D. Fromm
Director

WDF:kat





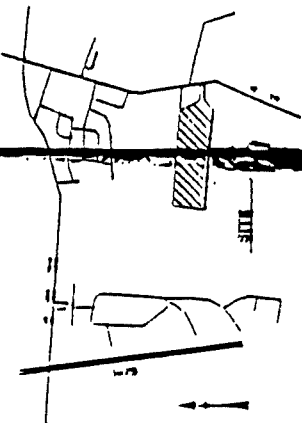


PRELIMINARY PLAT OF
THE PINES OF BOONE COUNTY
 BOONE COUNTY, KENTUCKY

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- NOTE:
1. MINIMUM LOT SIZE - 1000 SQ. FT.
 2. LOTS SHALL BE FOR RESIDENT PURPOSES ONLY.
 3. LOTS SHALL BE FOR RESIDENT PURPOSES ONLY.
 4. THIS PLAT IS FOR COUNTY ONLY AND MAY NOT BE USED FOR ANY OTHER PURPOSE. DEVELOPER SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

VICINITY MAP



ZONED SR-2

ZONED SR-2

3.18 ACRES NOT INCLUDED

PRESIDENT ZONING C-1

PROPOSED ROAD 10' R.O.W.

PROPOSED ROAD 12' PRIVATE STREET

PROPOSED ROAD 14' PRIVATE STREET

PROPOSED ROAD 16' PRIVATE STREET

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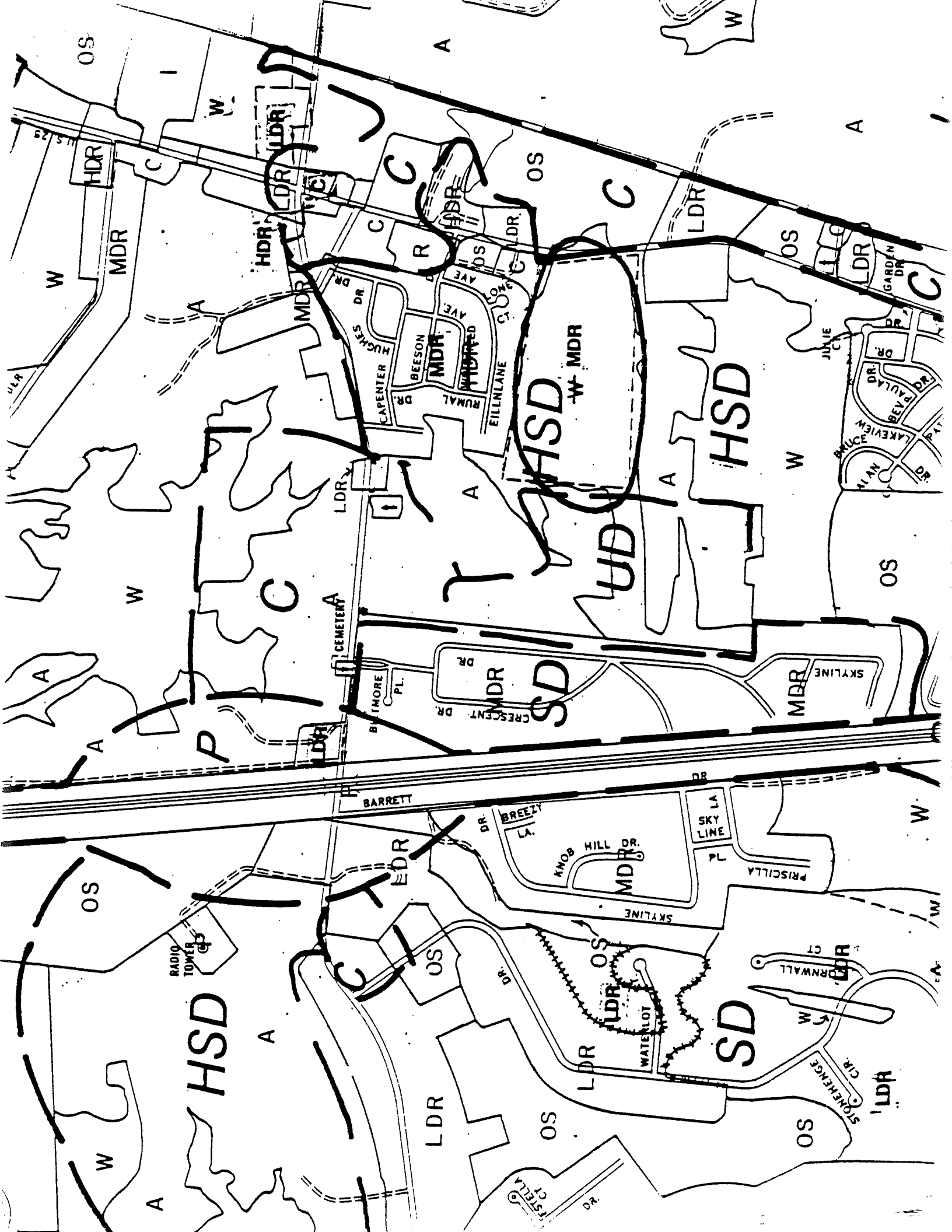
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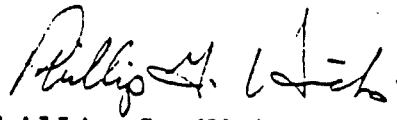
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LEGAL DESCRIPTION

Lying and being in Boone County, Kentucky and West of U.S. Route #25, 0.5 miles South of Mt. Zion Road and more particularly described as follows, to-wit: BEGINNING at a point being the Southwest corner of a 1.92 Acre Tract of Frank W. Reffitt (D.B.223, Page 212) and in the North line of Frank Domaschko; thence with the line of Domaschko, N 85° 15' W -- 1321.77 feet to a point in the line of Howard Beeson; thence with said line, N 3°45' -- 508.2 feet to a point a corner to White Pine Village Association; thence with said line, S 85° 00' E -- 1281.02 feet to a point; thence with a new made line partitioning the Grantors original 13.08 acre tract, S 11° 48' E -- 318.35 feet to a point in the West line of Reffitt; thence with said line, S 16° 30' W -- 201.6 feet to the place of beginning containing 15.44 Acres more or less.

The above description was prepared by Hicks, Mann & Cahill Inc. on this the 13 March 1990 from existing deeds and descriptions of record.

Hicks, Mann & Cahill Inc.



Phillip G. Hicks
Registered Land Surveyor
Lic. # 1770

This being a part of the property described in D.B. 84 Page 334 of the Boone County Court Clerk's Records at Burlington, Kentucky.

BOONE COUNTY PLANNING COMMISSION

May 22, 1991
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7 P.M..

Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Midwest Contractors by Phillip G. Hicks, Agent
Request: Zoning Map Amendment

The request of Midwest Contractors by Phillip G. Hicks, Agent, for a Zoning Map Amendment on a 16-acre site located on the west side of U.S. 25, south of Mt. Zion Road, Boone County, Kentucky. The request is to change the current zoning of Suburban Residential Two (SR-2) to Mobile Home Park (MHP) in order to develop 107 mobile home lots. This request was rescheduled from April 24, 1991 due to the sign being placed on the wrong property.

Mr. William Fromm, Director, indicated a portion of the site in the northeast corner, fronting on U.S. 25, which was erroneously zoned MPH and advised that this Public Hearing includes that portion of the property which is already zoned MHP.

Mr. Fromm presented the Staff Report which included a slide presentation (see Staff Report). Mr. Fromm stated that the Minutes of the April 24, 1991 Public Hearing are included as a part of the record of this hearing.

Chairman Viox asked if the applicant was present.

Mr. Phillip Hicks stated that they have a question as to whether or not a zone change is necessary to change the portion of the site in the front that is zoned MHP back to C-2. His clients were not aware that this portion of the site is zoned MHP, even though they own the property to the north of it.

Mr. Hicks stated that Mrs. Smith had questioned the rents that would be charged. The rent would be \$200 per month for a single-wide and \$210 for a double-wide. The rent includes sewer, the first 3,000 gallons of water, and trash pick-up. He stated that they plan to establish some areas within the park as recreational areas with access. In regard to a road from this development to White Pines, he stated that the Limited Partnership owns three-sevenths of White Pines and they cannot speak for the remaining property owners. It may or may not be a problem.

Mr. Hicks stated that the house on the site is tentatively planned to be used as a resident manager's house. In the future, it may be used for something else that falls within the guidelines of the zone, or they may sell it. They will

designate a lot within the park as a manager's residence, but will use the existing house temporarily. He stated that they will create a homeowners association, or an association which will go into a corporation of some sort. He stated that he does not think his clients have any problem with the Commission's concerns.

Mr. Hicks added that the pond was drained last week. It is being allowed to dry and settle and will be filled in. Their main concern was liability in regard to the pond. He added that they will try to work with the Commission to save what trees they can inside the park. Most of the mature trees will be along the boundary line.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present in opposition to the request.

Mrs. Thelma Castellini stated that she is in opposition to the zone change. She asked for clarification regarding the mistake that was discovered on the zoning map. She referred to Section 530 of the Boone County Zoning Regulations and stated that where uncertainty exists, the property lines would be construed to be the zoning district boundaries. She asked that the Commission, the attorney, the Staff and the owner agree that a mistake was made and that no portion of the Adams property was intended to be included in the zoning of the adjacent property and should never have been marked "MHP" on the zoning map.

Counselor Wilson advised that the Zoning Administrator must determine if uncertainty exists. Once this determination is made, it can be appealed to the Board of Adjustment. This determination must be made before the sections regarding where the boundary line is are applicable. Also, the Commission can look at this property as part of the county-wide update. In response to further comments from Mrs. Castellini, Counselor Wilson explained that the Commission does not have the authority to change a zoning line without going through a Public hearing. It is the responsibility of the Zoning Administrator to interpret the regulations.

Mr. Fromm advised that the Zoning Administrator collaborated with the Zoning Enforcement Officer, a Planner, and him and it was determined that an unintentional error was made and that the smaller portion of the property, as indicated on the drawing, is now zoned MHP.

Mrs. Castellini stated that they believe that, according to the Planning and Zoning Regulations, the zoning line and the district line belong on the north Adams property line.

Mrs. Castellini stated that a deed for the property was recorded on May 1, 1991 and they began draining the pond, even though approval for the zoning has not been given. The Staff Report of April 24, 1991 specifically states that the pond and woods should be incorporated into the design as much as possible. Their actions show confidence in the outcome of these proceedings.

Mrs. Castellini stated that there are 10,000 residents directly affected by zone changes and developments on U.S. 25, which is about 15% of the population of Boone County. U.S. 25 is their only physical link to the rest of the world. Mrs. Castellini noted the developments along the west side of U.S. 25 between Devon and Richwood, and stated that no adjacent uses are alike, many are

incompatible, and buffer/screening are non-existent. From Mt. Zion Road going north the uses included a warehouse, ice cream store, cement factory, used car lot, trailer park, a single-family residence, a nursery/garden store, a motel, a fishing lake, etc.. She noted that uses on the east side are almost the same, except on the west side there are spaces of weeds and empty lots that divide the uses. She noted that money and effort have been expended to produce such negative results along a major historical arterial highway and that some of the areas are so small that they are indicated on the zoning map with arrows.

Mrs. Castellini stated that the proposed development is without merit to the county or the residents. It fails to make any attempt to comply with the Goals and Objectives. The 1950 development concept is outdated and inappropriate, and it adversely affects the 10,000 people in the southwest section of the county. The development makes a mockery of the Comprehensive Plan. The preparation time, money, and effort that went into the Comprehensive Plan are wasted when it is ignored.

She noted the applicant's comment regarding saving as many trees as possible. This should be tempered with an assessment of what is possible with minimum size lots of 5,000 sq. ft. and units being moved in from a 25-foot roadway. They have no doubt that trees were destroyed in the draining process for the pond. Usually the fill dirt comes from a hill and whatever vegetation was there is gone. Most of the remaining trees will have to be cleared to make flat places for the pads, the parking spaces, the road, and the accesses. Only a few trees can be left along the property line or in areas that may be discovered to be economically unfeasible to use. She noted that this developer does not have an encouraging track record for saving trees. She noted that this plat was prepared by the same office that prepared the DLW Commercial Park at Richwood and it was below the minimum requirements.

Mrs. Castellini stated that the entrance driveway requires 275 feet between curb cuts. There are already three curb cuts within 350 or 400 feet. She noted that the plan does not indicate a curve in the roadway that begins at the southeast corner of the former Adams property. There are no plans to improve U.S. 25, except for the turn lanes for the Mt. Zion interchange. It is a two-lane road that has existed for two centuries. Even after an improvement is approved, it would take five or six years for it to happen.

Mrs. Castellini stated that the site will house approximately 300 people, with one-third of them being children. The children cannot be expected to stay in a 10' to 15' wide yard which leaves them to play in the 25-foot wide street, the areas to the rear if they can get to them, White Pines, or the berm of U.S. 25. U.S. 25 is a bike path, a walkway, and the only pedestrian way to the stores and the friends. This development will create additional hazards.

Mrs. Castellini advised that with this development, they will still be 13 short of the number of units for mandatory recreational areas. The developer has indicated that they are not including recreational areas due to the cost of insurance. If the developer can consider a 40% expansion with a 60% occupancy rate at White Pines, cost should not be a consideration. There are currently 2,000 dwelling units and 5,400 people -- with 2,000 of them being children -- and no recreation area or playground within miles. It is no wonder the ratio of sheriff and police calls is greater to the mobile home park area.

Mrs. Castellini noted that the plan does not address the need of storage space for the residents. She added that the planes go right over the area and there is a significant noise level. The planes are so low that she could read the numbers on one of them. Mrs. Castellini advised that mobile homes cannot be soundproofed after they leave the factory and development should be limited to on-site constructed houses. The property could be developed as it is zoned -- SR-2; or it could be developed as a much-needed recreational area for the White Pines residents or other mobile home parks. The county could buy it and create a public recreational facility or a pilot project for affordable housing. The property taxes would then exceed the current levels and the proposed mobile home park level.

Chairman Viox asked if there was anyone else present in opposition to the request.

Mr. Charles Brouce, 334 Maher Road, stated that he has been a resident for four months. U.S. 25 is the only way to the interstate for him to get to work and he has nearly been hit four times. The area is dangerous now. The kids from the trailer park and the overnight park play on the road. The kids go into the neighborhood and steal. The other trailer parks look terrible and this one will follow suit. When he bought his house he was told that the area was progressive and moving toward single-family houses. He stated that they have about 100 employees looking for an improving area, not something that will look like the existing trailer park. He stated that the people developing the trailer park have no respect for the Commission and are draining the ponds now.

Ms. Beth Ziegler stated that she lives on Dixie Highway next to the Adams farm. In March or April there were four deer that came up from the woods to get a drink of water and a guy from the trailer park shot them. The Game Warden did not have time to come out. They got no response from the mobile home park managers. She added that last year there was a pit with bloody feathers that was a devil worship place. They called the manager and were told this person was killing dogs in the area, but that the detectives and police were on the case. They were not told about this even though it was on their property. The kids are stealing things from the garages and they have had to board up the basement windows. The county promised them fences and buffers, but nothing has been done. Her mother lives at the back end of the Tomasco Farm and Holiday Homes has cut down trees and asked for power lines to go up. There is nothing left for the residents. They are scared to call the police because the kids slash their tires. The police do not have the time or manpower to control the trailer courts. The Game Wardens will not come out. The school districts are overpopulated and this will bring in more children.

Mr. Bill Woodroft, a resident of Richwood, stated that he is against more mobile homes. The Commission should follow the Comprehensive Plan and develop affordable housing, not create more mobile home parks.

Mr. Don Huney stated that the existing mobile home park is 60% occupied. Mr. Hicks advised that it is 65% to 70% occupied. Mr. Huney questioned why they want to expand when it is 30% unoccupied now.

Mr. Dave Emerson, a resident of Sunset Drive, stated that he has been a resident for three years. He stated that the residents have lost money on their resale value since Holiday Homes wiped out the trees. He has discussed this with the staff. There could have been a compromise and they could have left some of the

trees for privacy and a peaceful atmosphere. This is a good opportunity to make a compromise. He asked that buffer zones be set up to respect the rights of everybody, not just those people who want low-budget housing.

Mr. Forrest Gibson, a resident of Sunset Drive, asked if any of the Commissioners had driven around the neighborhood to see what is happening within the various mobile home parks. Chairman Viox advised that they have.

There being no further comments from the audience, Chairman Viox asked if there were any comments or questions from the Commission.

Mr. Sharp asked if there had been a recent traffic study of the area between the Richwood exit and Weaver Road. Mr. Breidenstein advised that he is not aware of one. Mr. Sharp stated that this is something the Committee should look at. Mr. Sharp questioned the curb cuts.

Mr. Fromm advised that there is a simple way to solve the curb cuts by curving the entrance north which would get in the 275-foot allowance. He stated that he did not know how many curb cuts were in the area.

Mr. Sharp stated that he is concerned about the lack of recreational areas. The buffer should be looked at. He added that he lives out U.S. 25 and questioned why there are so many mobile home parks on U.S. 25.

Mr. Collins, the Chairman of the Committee, stated that at the last Public Hearing, which was not a legal Public Hearing, there was discussion of an access between the two properties and Mr. Hicks has indicated that this is out. Mr. Collins stated that there is access management and he had told Mr. Hicks that this access was for emergency use. He noted that Mr. Hicks had said there would be a group of homeowners that would keep the park up, but then he said it was rental property only. He questioned how they could have an HOA with rental property. The recreation has to be addressed. He added that the track record of this group is not good. He stated that they do not have a Site Plan or an Excavation Plan and advised them not to do any more work on the property.

Mr. Viox determined that the maximum length of a typical mobile home is 80 feet. He noted a 30-foot setback and a rear yard setback of 10 feet. He questioned if the mobile homes would fit on the lots as projected, particularly with the detention pond. He questioned if they would have a problems with Lots Nos. 41, 42, 86, 85, 84, 63, 107, and 1; and added that the widths of the lots may also need to be checked.

Mr. Neltner asked that the applicant provide a sketch for the Committee to review showing which trees will most likely be saved so that there is no misunderstanding.

Mr. Hicks stated that it is the Commission's prerogative to put conditions on the project as far as the trees. The people who are paying him might not like it, but will have to go along with it if it is a condition. They want to keep the front of the property open and that is where most of the trees are. They may sell the front part of the property.

Mr. Emerson stated that he walked back on the property and there are massive land cuts which will lead to the deterioration of the adjacent properties. He

stated that the Commission needs to look at the site. Ms. Ziegler offered to walk the Commissioners through the woods and show them the destruction.

Mr. Brouce advised that Mrs. Shelly is afraid of reprisals and did not come to the meeting. Attorneys told her that if she doesn't keep quiet they will condemn her other pond. One of her ponds has been drained. Mrs. Castellini added that Mrs. Shelly is a senior lady and afraid to come out. She is afraid of the people coming on her property, but does get things mixed up. It would be a good idea to seek her out. Mrs. Castellini noted that the representation here this evening in opposition to the request is from a wide spread area.

There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on June 5, 1991 and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

June 19, 1991 8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian, Secretary/Treasurer
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received copies of the Minutes of the Jake Sweeney Public Hearing of May 22, 1991 and the Business Meeting of June 5, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as written. Mr. Owens seconded the motion and it carried unanimously.

REPORTS:

Mr. Burch stated that the Zoning Enforcement Officer's Report had been distributed for the Commission members to review.

Mr. Sharp questioned the Deters violation and Mr. Breidenstein advised that the Circuit Court has not decided on Mr. Deters' appeal of the Board's action and the District Court put the Criminal Complaint on hold until September 20, 1991.

Mr. DeLong questioned the status of the Hemmer matter and Mr. Breidenstein advised that they are constructing the third building on the site. They have made substantial erosion control improvements to the front and rear. Mr. Breidenstein will continue to monitor.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Midwest Contractors (applicant) for D. D. Adams Estate (owner) for Zoning Map Amendment on a 16-acre site in order to develop The Pines of Boone County Mobile Home Park on the west side of U. S. 25, south of Mt. Zion Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Mobile Home Park (MHP).

Mr. William Fromm, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Collins moved that the Committee Report be adopted and that the request be denied based on the Staff and Committee Reports. Mr. Sharp seconded the motion.

Mr. Burch asked if the applicant was present. There was no response.

There being no discussion, Mr. Burch asked for a vote on the motion made by Mr. Collins to deny the request and it carried unanimously.

2. Annexation by the City of Walton

The request of the City of Walton to determine the impact of annexation, if any, on the zoning of property currently owned by Ronald R. and Brenda A. Tackett and CSX Corporation. The Tackett and CSX Corporation properties are generally located south of Boone Lake, between I-75 and U.S. 25. The Tackett property is currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The 9-acre CSX Corporation property is currently zoned Industrial One (I-1) and Agricultural Estate (A-2). The City of Walton would like the Planning Commission to consider rezoning both properties (located in Boone County) Industrial Two (I-2).

Mr. Kevin Costello, Assistant Director, read the Committee Report noting the attached exhibits (see Committee Report).

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

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Larry Collins, Chairman

DATE: June 19, 1991

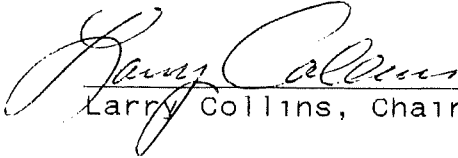
RE: Request of Midwest Contractors (applicant) for D.C. Adams Estate (owner) for a Zoning Map Amendment on a 16 acre site in order to develop **The Pines of Boone County Mobile Home Park** located on the west side of U.S. 25 and south of Mt. Zion Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Mobile Home Park (MHP).

REMARKS:

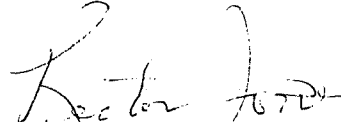
We, the Committee, recommend denial based on the following findings of fact:

- 1) The Boone County Comprehensive Plan specifies that the land south of the Mt. Zion interchange between the interstate and U.S. 25 should develop in a variety of residential uses and south of Mt. Zion Road is land the plan calls appropriate for Urban Density (up to 12 units per acre) and high Suburban Density development (up to 6 units per acre) south to Maher Road. The Plan specifies apartment or attached affordable housing.
- 2) The Comprehensive Plan further states that innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area and which create negative visual impacts on the U.S. 25 corridor.
- 3) In addition, the plan states that permanent attached housing is also preferable to mobile home park development because less site preparation is necessary and more open space is retained.
- 4) The present zoning of the property (SR-2) allows a variety of residential types such as detached single family, duplexes, and town houses at a density of 8 units per acre. MHP zoning would allow only 7 units per acre. The Committee, therefore, feels that SR-2, the present zone, is the appropriate use for the area.
- 5) The applicant has not proven that there have been major changes of an economic, physical or social nature that were not anticipated in the adopted Comprehensive Plan that substantially alter the area's character and therefore warrant the requested zone change.

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.




Larry Collins, Chairman



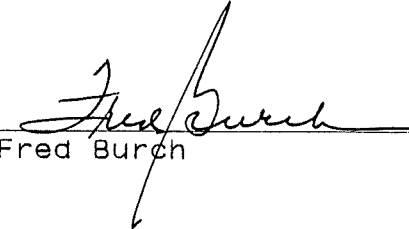
Rector Jones

Phil Damstrom

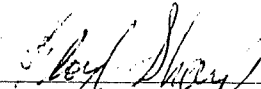


Carol Smith

Barry Neltner



Fred Burch



Floyd Sharp

MINUTES
BOONE COUNTY FISCAL COURT
JULY 23, 1991
4:00 P.M.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the recommendation to allow a one time request by Short Long Term of funds left over from FY 91 MR allocation of up to \$25,800.00 (twenty five thousand, eight hundred dollars) to repair driveway and front stairs at Hopeful Road Home and to assist toward purchase of a van for Hopeful Road Home. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve the recommendation for a one time allocation from reserves/contingency of \$15,000.00 (fifteen thousand dollars) to CAC for renovation of a new administration and program building they are attempting to purchase. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Davis moved, seconded by Commissioner Patrick, to approve the recommendation allocating for FY 92 from reserves/contingency a total of \$124,298.00 (one hundred, twenty four thousand, two hundred, ninety eight dollars) for personal care and respite services needed for Boone County senior citizens. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

SIGNAGE - PLANNING & ZONING

Mr. Bill Fromm, Director of the Boone County Planning Commission, advised that Commissioner Meihaus had previously requested that a sign be placed on property at the specified location on which action by the Planning Commission was pending so as to notify the public of same. Mr. Fromm presented a replica of a sign and advised same would be placed at sites in question.

ITEM IV.

ORDINANCES & RESOLUTIONS

ORDINANCE 840.2H - ANIMAL CONTROL

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on second reading Ordinance 840.2H, an ordinance relating to amending Ordinance 840.2G to provide for the care, treatment, handling and population control of animals within Boone County and to provide for the disposition of stray animals found in Boone County.

Mr. Scott Kimmich, Deputy Judge/Executive, advised that the only change was on Page 4, Paragraph D, whereby the phrase "or sale" was removed from the paragraph.

Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "A"

ORDINANCE NO. 920.227 - JAKE SWEENEY AUTOMOTIVE

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve on first reading Ordinance No. 920.227, an ordinance of the Boone County Fiscal Court recommending approval for a request of Jake Sweeney Automotive (Applicant) for Sweeney Realty (Owner) for a change in an approved concept development plan in a Commercial Services/Planned Development (C-3/PD) Zone on a 4.23 acre site located in Heritage Hill commercial center, Boone County, Kentucky, as recommended by the Boone County Planning Commission on a 9-4 vote via Resolution R-91-015-A. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

RESOLUTION NO. R-07-23-91-01-PZ - MIDWEST CONTRACTORS/ADAMS

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Resolution No. R-07-23-91-01-PZ, A RESOLUTION OF THE BOONE COUNTY FISCAL COURT RECOMMENDING DENIAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP

MINUTES
BOONE COUNTY FISCAL COURT
JULY 23, 1991
4:00 P.M.

AMENDMENT BEING REQUESTED BY MIDWEST CONTRACTORS (APPLICANT) FOR D.C. ADAMS ESTATE (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO MOBILE HOME PARK (MHP) FOR A 16 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF U.S. 25 AND SOUTH OF MT. ZION ROAD, BOONE COUNTY, KENTUCKY AS RECOMMENDED FOR DENIAL UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-91-013-D. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

ITEM V.

PERSONNEL MATTERS

Ms. Marilyn Kruempelman, Director of Personnel, presented several recommendations to the fiscal court.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the update to Chapter 4 of the Personnel Policies & Procedures as presented. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "C"

RETURN TO DELEGATIONS

BID AWARD - FOWLER CREEK ROAD BRIDGE #2

Mr. Pelley advised that he had reviewed the bids and in doing so, found that the bid from Langenheim & Thompson Company was actually \$57,485.00, due to the additional \$2,500.00 for removal of the existing bridge which had not been included in the amount when the bids were opened and read aloud. Therefore, Mr. Pelley, said it would be his recommendation that the bid be awarded to Raymond Lonkard Construction as the lowest and best bid.

Mr. Pelley advised that this was the second bridge in the State's Bridge Replacement Program which was an 80/20 funding match with 80% being state and 20% being county. Mr. Pelley said even the lowest bid was higher than the State's estimate of \$45,600 for this project.

Commissioner Davis moved, seconded by Commissioner Meihaus, to recommend to the state that the bid for Fowler Creek Road Bridge #2 be awarded to Raymond Lonkard Construction in the amount of \$56,000.00. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "D"

RETURN TO PERSONNEL MATTERS

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve the recommendation to appoint Sharon Pence to the position of Secretary II in the Department of Human Services at the grade/step of 5/A. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of Dixie Fritchman, to the position of Caseworker/Social Worker in the Department of Human Services at the grade/step of 8/A. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve changing Ron Sebree's classification from a temporary position to a full time Laborer II position in the Public Works Department. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve the appointment of William Westermeyer to a Seasonal Laborer position at Boone Links Golf Course at the grade/step of S-A. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.