

MAR 31 1992

REVIEW NO. _____

APPLICATION FORM

ZONING MAP AMENDMENTS

RECEIVED

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development PEBBLE CREEK
2. Location of Development 7402 CAMP ERNST ROAD
3. Total Acreage of Site 175.278 ACRES
4. Current Zoning RSE
5. Proposed Zoning (classification being requested) SR1/PD
6. Proposed Uses (please specify each use) _____

SEE PLAN
7. Name of Applicant(s) GEORGE FINKE - FINKE HOMES
Phone Number(s) 606/586-7422 586-7589
8. Address of Applicant(s) 3180 BURLINGTON PIKE
BURLINGTON KY 41005
City State Zip
9. Name of Property Owner(s) WOODROW BORDERS
Phone Number(s) _____
10. Address of Property Owner(s) 7402 CAMP ERNST ROAD
BURLINGTON KY 41005
City State Zip
11. Proposed Building Intensities (please specify) SEE PLAN
12. Are there any existing buildings on the site? _____
How many? _____
13. Deed Book SEE ATTACHED Page No. _____ Group No. 2038 A
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: _____

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

#2

REQUEST OF GEORGE FINKE (APPLICANT) FOR WOODROW BORDERS (OWNER)
FOR A ZONING MAP AMENDMENT ON A 175.3 ACRE SITE LOCATED
ACROSS FROM CAMP ERNST LAKE ON CAMP ERNST ROAD,
BOONE COUNTY, KENTUCKY

APRIL 22, 1992

This is a request of George Finke (applicant) for Woodrow Borders (owner) for a zoning map amendment from Rural Suburban Estate (RSE) to Suburban Residential One/Planned Development (SR-1/PD) to allow a planned residential subdivision known as Pebble Creek. The 175.3 acre site is located at 7402 Camp Ernst Road, across from Camp Ernst Lake and the YMCA facility. The applicant has submitted a Concept Development Plan, which shows 492 single-family residential lots. The plan includes a two-lane collector road that would proceed from Camp Ernst road, at a crest, to the rear of the site where it could potentially connect to adjacent properties. Common ownership or public open space is shown to be retained on portions of the site. The proposed road would include a bridge over the north fork of the Gunpowder Creek.

Characteristics of the Site

The topography is generally rolling with some level areas near Camp Ernst Road and near Gunpowder Creek. A pronounced bluffline overlooks the floodplain area of Gunpowder Creek. Several agricultural outbuildings exist on the high portion of the site near Camp Ernst Road, and the remains of a former residence exist immediately next to Gunpowder Creek. Most of the site, except for the creek and bluff areas has been in agricultural usage. Some soils that are sensitive to development are located in the stream and the bluff areas.

Surrounding Land Uses and Zoning

- North - several single-family residences and a church along Camp Ernst Road and along Pleasant Valley Road, zoned Rural Suburban Estate (RSE).
- East - Agricultural land and wooded areas off of Pleasant Valley Road, zoned Rural Suburban Estate (RSE) and Suburban Residential One (SR-1).
- South - A single-family residence along Camp Ernst Road, and agricultural and wooded areas, zoned Rural Suburban Estate (RSE) and Agricultural Estate (A-2).
- West - Across Camp Ernst Road is the YMCA property, of which the Camp Ernst Lake area is leased by Boone County for recreation purposes. The area is zoned Recreation (R).

Relationship to Comprehensive Plan

The 1990 Future Land Use Map indicates Suburban Density Residential (up to 4 units per acre) on the eastern half of the site, and Rural Density Residential (up to 1 unit per acre) on the western half of the site. The stream valley area is indicated as Rural Lands (up to 1 unit per 2 acres).

The Land Use Element recommends subdivision development for the general area, and strongly recommends connector roads with no individual driveway access as a part of the design. In addition, the Gunpowder Creek valley should contain pathway and recreation amenities in connection with such planned facilities in the Pleasant Valley Meadows and Farmview areas. This site is important for this concept also because of its proximity to the recreation uses further downstream on the YMCA property.

The Housing Element reaffirms the need for collector type roads similar to that in Oakbrook, and recommends the coordination of residential development and public infrastructure, particularly sanitary sewer.

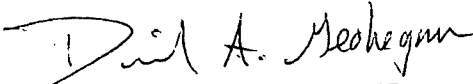
Staff Concerns

1. Residential subdivision growth is now moving into a new area across Gunpowder Creek. Public sewer and development timing must be coordinated.
2. The overall road network of the area and connections to adjacent property should be provided for in the design of this development.
3. Access on Camp Ernst Road needs to be carefully handled and may require turn lanes.
4. The development will visually impact the park facility across the road.
5. The location of the bridge should be planned to minimize disruption to the creek area.
6. The usability and maintenance of the proposed open space areas should be described in more detail.
7. Will the development include different types of housing?
8. The development should provide for a path system along Gunpowder Creek.

Conclusion

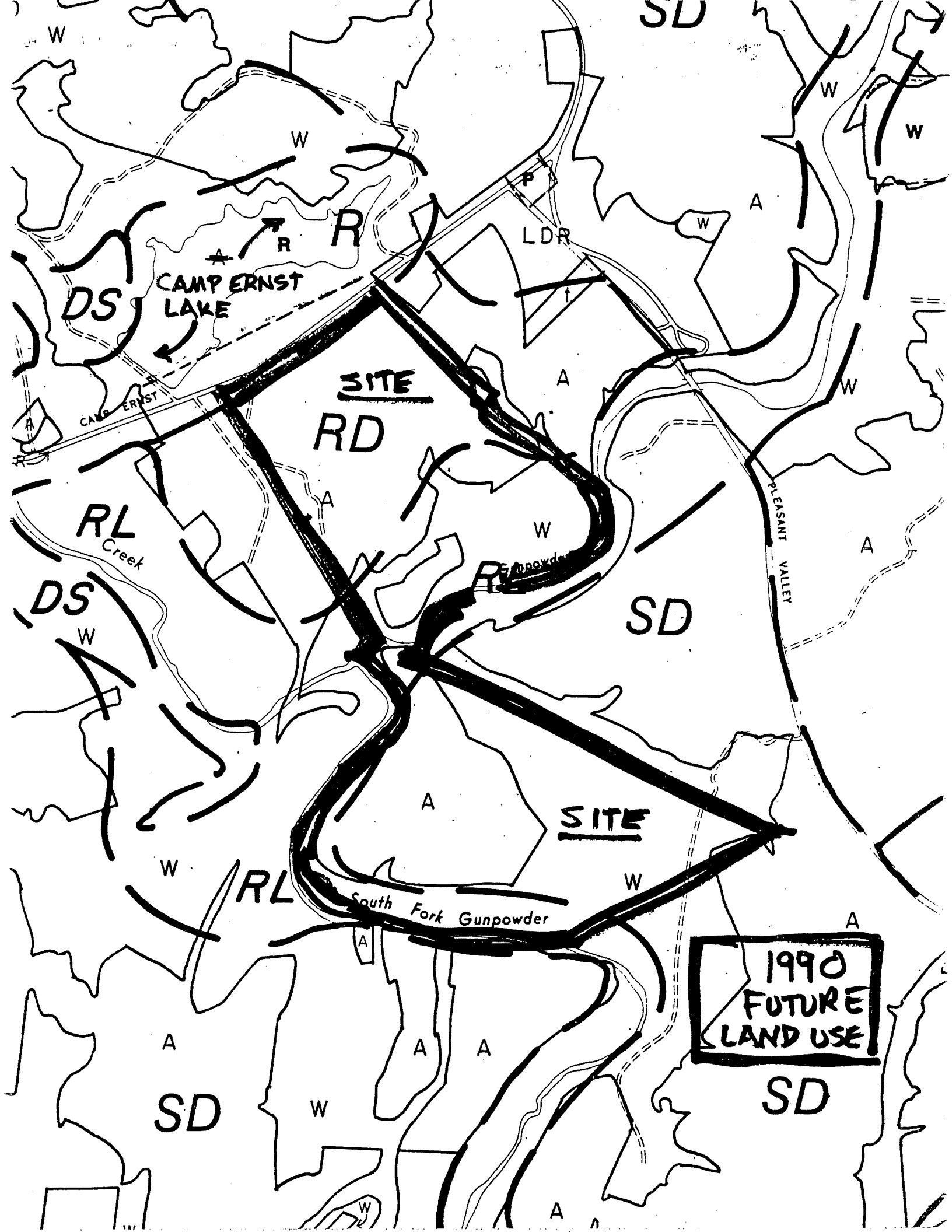
The Planning Commission and Fiscal Court need to consider this request in terms of a important piece in the development of the surrounding area. Should the request be approved, the Comprehensive Plan would need to be adjusted.

Respectfully submitted,

A handwritten signature in cursive script that reads "David A. Geohegan".

David A. Geohegan, AICP
Senior Planner

DAG:kat



SD

W

W

W

W

A

W

CAMP ERNST LAKE

R

R

LDR

DS

SITE

RD

A

RL
Creek

W

PLEASANT VALLEY

DS

SD

Gunpowder

SITE

W

RL

South Fork Gunpowder

W

1990
FUTURE
LAND USE

SD

SD

A

A

A

W

A

A

BOONE COUNTY PLANNING COMMISSION

April 22, 1992

Public Hearing Item #2

Chairman Viox introduced the second item on the Agenda:

2. Applicant: George Finke - Finke Homes for
Woodrow Borders (owner)
Request: Zoning Map Amendment

The request of George Finke - Finke Homes (applicant) for Woodrow Borders (owner) for a Zoning Map Amendment on a 175.278-acre site at 7402 Camp Ernst Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD).

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if the applicant was present.

Mr. Jay Bayer of Bayer & Becker Engineers advised that George Finke was also present in regard to this application. Mr. Bayer presented a drawing to show the obstacles and amenities of the site. The green on the drawing indicated existing vegetation. Camp Ernst lake is on the north part of the site. The units will back up to the lake. They tried to take advantage of the steep slopes along the south fork of Gunpowder Creek, and the views and vistas. There was an underground pipeline that they had to deal with, as well as some springs and creeks. There is an overhead power line in the rear of the site.

Using a drawing entitled "Pebble Creek", which is the preliminary name of the development, Mr. Bayer stated that they have tried to provide a main thoroughfare through the site with no lots fronting on that roadway. The road is not a raceway and traverses through the site to provide a more natural setting. He indicated the location of the road on the drawing and the provision for a future extension of the road in the back of the development. The road could be tied to the Drees area or to Thunder Ridge on Pleasant Valley Road.

Mr. Bayer stated that their plan is based on cluster development. They are coming off the thoroughfare street with the individual pods. They are providing the open space in other areas and, by doing that, they are able to reduce the lot sizes slightly. He stated that the Staff recommended that they come in with a PD rather than a cluster development to allow for more flexibility. They went with the PD to get more flexibility.

Mr. Finke distributed brochures to the Commissions to show housing types that are typically built and would be built in this community. He advised that each series has a price range.

Mr. Bayer stated that the price range in this development is approximately \$80,000 to \$160,000. The plan is for approximately 492 units on the site, for a total density of 2.81 units per acre -- which is well below the six units per acre they could have in a PD Overlay in SR-1. They feel that they are in agreement with the Comprehensive Plan. They also feel that there are major changes. Mr. Bayer indicated the southeast corner of the site and stated that it is shown with "suburban density" on the Land Use Plan, which would allow for four units per acre and they are asking to go with that density. He referred to Section 308 of the Zoning Regulations, which indicates three ways to get a map amendment; one of which is to cite that the plan is in agreement with the Comprehensive Plan -- which is the case for the southeast portion of the site. In regard to the northern portion of the site, or the western portion of the site, he stated that the sewer is coming through the north fork of Gunpowder and a lift station will be on Camp Ernst Road. He noted that plans have gone to Frankfort for approval and construction will hopefully be within 28 months. They feel that this was not anticipated in the Comprehensive Plan to occur this quickly and it is a major change in this vicinity. They are willing to commit to a bridge which would be a tying link between Camp Ernst Road and the Pleasant Valley area. He stated that the Land Use Plan spells out that any developments in this vicinity should have a major collector roadway with no lots fronting on it, and they have tried to do that. They are providing for ditches on both sides of the main road. They are providing an 8-foot wide bike path along the main road from the future extension area to Camp Ernst Road, with a sidewalk on the other side of the road. He stated that the sewer coming and the bridge are major changes to this area and a motion could be made that a significant change has taken place and a map amendment is correct in this case.

Mr. Bayer stated that they are not going to take advantage of the 50% increase for a PD Overlay in an SR-1 Zone. Their plan is only 2.8 units per acre. If a certain type of unit is selling, the PD allows for the flexibility to go with more or less of the unit.

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 who wished to speak in opposition to the request or ask questions.

Mr. Rick Zalla stated that he lives further down Camp Ernst Road. He stated that in regard to the future tie in to the Drees Subdivision, there is only one way in and one way out and they do not show any property to indicate how they would get in and out. He stated that the 500 units would be a burden on Camp Ernst Road, which is an old one-lane road. There are traffic problems now. Enhancements to the road system would be required. Mr. Zalla stated that he works for a company that builds sewer plants. He noted that Mr. Bayer mentioned 28 months for the plant to be operational and stated that it takes a long time to get the plans through Frankfort, get bids, and build -- and changing zoning for something that may happen in three years is premature. The development should not be pushed along before the utilities are there to back it up. He is concerned about the effect of a large subdivision with a dense population on property values. It is a rural area now and a lot of people moved

there because it is rural. They would like to see the area stay not overpopulated.

Mr. Bayer advised that they have spoken with Boone County Water and Sewer. They did not have a problem with them putting in a treatment plant at this time as they have agreed to connect to the sewer main when it is done. The treatment plant would have a three-year permit. Mr. Bayer added that the project is phased and they will not come in tomorrow and build 500 units. They are looking at about 80 units a year. He stated that the plan shows a variety of lot sizes, which will cause a variety of housing types. The lots range from a minimum frontage of 55 feet up to 90 feet.

Mr. Bennett Wellsworth stated that he lives on Camp Ernst Road and WWV Stables. Changing the zoning sets a precedent and could change the future of Camp Ernst Road and stop future growth in the manner it has taken place over the last 40 years. Camp Ernst was established in 1928 and camps followed that. Ballfields were constructed. Camp Ernst is a recreational type area and that growth pattern continues. Down the road there will no place for people to "get away". Boone County park right now is a major "get away" for people throughout Boone County to get away from housing and people and use the recreational site. This development will squelch that feeling. He stated that he is concerned about the future growth on the rest of the road and a precedent being set that will cause massive population growth on the road. They want to keep it as a recreational area.

Mr. Wayne Lancaster, a land owner in the area, stated that he moved out of a subdivision to get away from sewer plants. He thought the state was trying to get away from this type of system. He stated that when you come up Camp Ernst Road you will be looking at the backs of houses, which is not appealing. He works for the same company as Mr. Zalla that builds sewer treatment plants and knows how long it takes to get one drawn, bid, and built. He questioned building this development when no one is sure the state is going to approve the treatment plant.

Betty Kress stated that the subject property adjoins her property for about 650 feet. There is an old fence there that has been down for years. She has a lake in the back of her property. She cannot keep people off the lake now and can imagine how much worse it will be with this development. She is concerned about the road. There is a dip in the road where the lake drive is and when you come down the road you cannot see people until you are right on top of them. She cannot pull out of her driveway unless she sits there long enough to make sure there isn't a car in the dip. She stated that the road is at its limit now.

Dr. Jim Zalla stated that he lives in the neighborhood and owns property adjacent to Gunpowder Creek on the other side of the creek but on the same side of Camp Ernst Road. He has been there 17 years and enjoys the view from his home that is on the ridge top. They also overlook a good portion of the subject property. They are aware of the increased traffic and litter along the road. Low-density, high-quality units would not be such a drastic change. He could be looking at a concrete city. He is concerned about the traffic.

Dave Kroth, an adjoining property owner, stated that the current zoning would require two acre lots. He questioned how many units per acre would be permitted if the PD is granted.

Chairman Viox replied "six".

Mr. Kroth stated that he is skeptical of the PD. He stated that he would like to see their drawings. He is not comfortable with the development because of the creek and the way everything is. One-acre or one-and-a-half acre lots would be different and lessen the impact on the rural character.

Chairman Viox asked if the Staff was driving this zone change. Mr. Geohegan stated that there were some pre-application meetings with the applicant. The applicant had been considering going for the new clustered subdivision approach. They showed their plan to the Staff and it included ideas such as a unique street pattern layout and the Staff could foresee problems with the Public Works Department. The applicant also indicated that they might have difficulty complying with the lot size requirements and frontage requirements. Staff suggested that they consider the Planned Development if they needed that flexibility. It was ultimately the applicant's decision. Chairman Viox commented that the Staff was being helpful to the applicant.

Mr. Kroth stated that using every portion of the ground defeats the purpose of the clustered development and the PD.

Mr. Frank Henson, representing the Board of Directors of the YMCA, stated that Mr. Martin Malloy, Executive Director of Camp Ernst, was also present. Mr. Henson stated that the YMCA is concerned about the appropriateness of any development in relation to the character of the areas as it exists. The development facility and their 365 acres of primarily undeveloped land is directly across from this development. The facility is to help children develop their spirits, minds, and bodies. They do not want to wind up in the same position as Airydale where the nature of the land around them changed so that it was no longer viable to operate a camp facility there. The development facility has been there since 1928. They would like the Commission to consider the impact on the camp operation in any proposal.

Vincent Powell, representing Emmanuel Baptist Church, which is an adjoining property owner, questioned the location of the temporary sewage plant. They have no objection to the development but would like to know where it is going to be in relation to the church and its outdoor activities. They are concerned about Camp Ernst Road and he stated that there would have to be changes to the road for the 450 houses to be developed. The entrance to the lake area will cause problems and accidents. If the road is brought from the camp up to the top of the hill, it should not be at county expense. The road problems need to be ironed out before the development goes in. They want development of the community because it means people, but want it kept to a safe minimum. They would like to know when the bridge is going to be developed.

Mr. Henson questioned what types of homes are planned for the front, middle, and back of the development and where they will begin development. He questioned if the phasing would be front to back or back to front.

Chairman Viox noted some of the questions that were raised and asked for a response from the applicant.

Mr. Bayer indicated the Kress property in relation to their site. He noted that the pipeline runs through the Kress property and through their site and stated that they are not doing any work around that easement line and it would be the corner of two of their development areas. He indicated the location of the Baptist Church in relation to their site and the proposed location of the treatment plant. He stated that they have submitted the treatment facility for 150 units. They cannot do the entire 500 lots using the treatment plant. If the sewer line is not there, then they are stuck with 150 units. They are looking at working from Camp Ernst Road to the back. When the front portion is completed, they will cross the bridge and begin development in the back. They will not outlet the bridge expense until it is needed. He noted the markings S-1, S-2, S-3, etc. on the site and stated that those areas marked S-1 are 80 foot wide lots, S-2 are 55 to 60 foot wide lots, S-3 are 60 foot wide lots, S-4 are 75 to 80 foot wide lots, S-5 are 60 to 75 foot wide lots, and S-6 are 75 to 80 foot wide lots. S-7, S-8, S-9, and S-10 are in the rear section. S-7 are 80 to 90 foot wide lots, S-8 are 50 to 60 foot wide lots, S-9 are 80 to 90 foot wide lots, and S-10 are 60 foot lots. He noted that a variety of lot widths is provided throughout the development. He quoted from the Land Use Plan in regard to the bridge and noted the text specific to the Camp Ernst area. He stated that the bridge could take place from Pleasant Valley Road over to the Camp Ernst area as provided in the Comprehensive Plan. Mr. Bayer stated that they have conserved all of the green space along the northern border. They will not do anything along the creek. He indicated the proposed tennis courts, volleyball courts, and playgrounds, along with an approximate 5-acre area that will be left as it is.

Mr. Bayer stated that good planning calls for using the infrastructure as efficiently as possible. The sewer that is coming is a 24" gravity sewer and the lift station will be located as shown on the plan. The Comprehensive Plan states that there is major population occurring there. It is good planning to take advantage of this sewer and provide a reasonable density on this site. He stated that they do not build 24" sewers for one-acre lots -- you can use septic on one-acre lots.

Mrs. Kress questioned if there would be a barrier to keep people off of her property. Chairman Viox stated that she is concerned about security between the two properties. Mr. Bayer stated that they do not have a security system planned. They will leave the treeline in the vicinity of Mrs. Kress' property. Mrs. Kress indicated that she is concerned about the lake on her property and that kids like to go to a lake.

Mr. Rick Zalla questioned the sideyard setbacks. Mr. Geohegan advised that it would be five feet on one side, with a total of 15 feet on both sides in the SR-1 Zone.

Mr. Lancaster questioned if there could be townhouses, condominiums, and apartments on the site.

Mr. Geohegan advised that the applicant is representing that they will all be single-family units. If they want to have the other types of units in the future, they would have to come back through the Public Hearing process to change the plan.

Chairman Viox asked if there were any comments from the Commission.

Mr. Sharp questioned who would maintain the common areas and what assurance there would be that they will be maintained. Mr. Bayer stated that the only real common areas are the tennis/volleyball courts and the playground area. The rest of the common area is the creek area and the five-acre area which he indicated. They have talked about setting up an HOA with a minimal fee, or approaching the county to see if the county is interested in these areas.

Mr. Sharp questioned access to adjacent properties and Pleasant Valley Road. Mr. Geohegan advised that he and Doug Powell (the Transportation Planner) have talked with the applicant in this regard. The area towards the east portion of the site on the north edge would be very close to the Oakbrooke entrance onto Pleasant Valley Road and it would make the most sense in this location. Another area that made sense is on the northern portion of the site near Camp Ernst Road. The third area is south of the site along Camp Ernst Road. The topography would make it difficult to access from Camp Ernst Road and it may be best to access through this site. There is a problem with the large hill close to the entrance to the YMCA property. Mr. Sharp questioned going from the site over to Pleasant Valley Road. Mr. Geohegan advised that there is only one property there and very little obstacle.

Mr. Damstrom questioned in what stage the recreational facilities would be. Mr. Bayer advised that the first phase would be to the first intersection, and the recreational area would be in the second phase when construction begins. The five-acre area would be used like a picnic area.

Mr. Damstrom questioned where the tap would be for the water line, how big the water line will be and whether it is sufficient to handle 492 homes.

Mr. Bayer advised that in discussions with Boone County Water & Sewer they have committed to extending the water line through the development and continuing out to Pleasant Valley Road. There is a 16" line on Pleasant Valley Road and they will connect to it in the future. They will connect to the 6" line on Camp Ernst Road through their first phase to the bridge.

Mr. Damstrom questioned if they are infringing on the pipeline easement with the lots shown on the easement. Mr. Bayer advised that there is an easement that overlaps the property, but the property can be transferred. The lot owners will own a part of the easement and they cannot build on it. They are taking the lot lines to the center of the easement, but there will not be construction in the easement area.

Mr. Damstrom questioned how adequate Camp Ernst Road is to handle this development from the standpoint of number of trips per day.

Dave Geohegan advised that the ITE Manual Fifth Edition indicates basically ten trips per day for a single-family home. This would then be 4,920 trips per day on the average. Camp Ernst Road is a county road about 18 feet wide. He believes that eventually it will have to be upgraded. He noted that the county is building a 125-acre recreational facility further south and there will be a lot going on in that area of the county. Something is going to have to happen to Camp Ernst Road in that area.

Mr. Kirby divided the proposed plan into "left" and "right" areas and stated that the right half would be about four units to the acre and the left half would be about one unit to the acre. He calculates that 440 units could be built according to the Comprehensive Plan. He stated that he travels KY 18 several times a week and it has a lot of problems. The traffic has increased. KY 18 was a great road when it was built. The state is looking at improvements to KY 18 -- improvements always come after problems. He stated that if you wait for Camp Ernst Road to be improved to handle this development, it will not happen. Mr. Kirby questioned the treatment plant.

Mr. Bayer advised that they have submitted for a first step with design effluent limits and expect that any day. Site evaluation has been completed. Boone County Water & Sewer foresees it as a viable place for a treatment plant as long as the effluent limits are reasonable.

Mr. Kirby stated that they can have the treatment plant ready to go in a months time once the permit is granted. They then have to do the internal lines for all of the lots. Public service has a turnaround period of about six months. They would have the permit by fall to build the plant if they are going to get it. The 24" line is not a 100%, but generally speaking, it is going to happen. They are looking ahead to something that is realistic. With the big sewer line, the best use is not one and two acre lots. He noted that hatched areas on the plan that is the floodplain area.

Mr. Bayer stated that the creek has not gotten near the top of its banks in the last few months during the rains and, for the most part, the creek stays within the banks. They feel that the floodplain is usable for passive recreation -- such as a ballfield. They are keeping the residential development out of the floodplain area.

Mr. Kirby commented that if the neighbors do not like the development next to them, their option would be to buy the property.

Chairman Viox questioned if the flight pattern would cross over the property on the 195. Mr. Owens questioned if there is a problem with the airplanes.

Mr. Bayer indicated 195 on the plan. Mrs. Kress stated that the planes mostly go over Oakbrooke. She stated that there is a flight notation on one of her deeds. Mr. Henson advised that during Friday night campfires

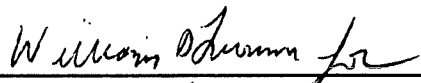
the singing and talking has to stop up to ten times because of the air traffic.

Mr. Damstrom questioned if the green space is not totally unusable land due to the topography. Mr. Geohegan advised that the yellow shown in the open space area is very steep, but the lighter green area near the road is fairly level. The cross hatched area is also level. The area of the recreational areas is level. The area around the southern perimeter is extremely steep. Chairman Viox advised that the light green area is an existing overhead power line. The lots will be under the power line, but the houses will be outside the power lines.

Mr. Neltner questioned if they had considered berming along Camp Ernst Road to minimize the impact of the subdivision. Mr. Bayer stated that there could be berming to some extent. The site sits above Camp Ernst Road. They will have to cut the area back to get sight distances, but there could be berming on the plateau. He stated that the people buying the lots will be Boone County people. The lake is great to look at and they can take advantage of the view.

Chairman Viox asked if there were any further comments from the audience. There being none, he stated that this item will be on the Agenda for the Business Meeting on May 6, 1992 at 8 P.M.. The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

May 6, 1992

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Lawrence Collins
Mr. Rector Jones
Mr. Barry Neltner
Mr. Thurman Owens
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of April 15, 1992 and the Public Hearings of April 22, 1992. He asked if there were any comments or corrections.

Mr. Kirby stated that the second to last paragraph on Page 8 appeared to be out of order. The Recording Secretary advised that this was a clerical error and the paragraph should have been included under Item #5 on Page 5.

Preliminary Development Plan and the Site Plan be considered at the meeting. The Site Plan has not yet been submitted to the Committee.

Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

1. Zoning Map Amendment and Conditional Use Permit

The request of Samanna Corporation (applicant) for Erpenbeck et al (owners) for a Zoning Map Amendment and a Conditional Use Permit for a Natorp's Garden Store located on the north side of new U.S. 42, Florence, Kentucky. The 5-acre site is currently zoned Suburban Residential One (SR-1) and is requested to be zoned Commercial Two (C-2).

Mr. Damstrom read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions and it is attached to the Committee Report.

Mr. Sharp moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Kirby seconded the motion.

The applicant advised that they put a clarification on the condition letter regarding the word "poly huts", which is a generic term. Technically the structures they will build fall into that classification, but they intend to build greenhouses. He submitted photographs of the types of structures they will build. Mr. Damstrom advised that the Committee is aware of this and it is acceptable.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Sharp and it carried unanimously.

Mr. Burch arrived at this time.

2. Zoning Map Amendment

The request of George Finke - Finke Homes (applicant) for Woodrow Borders (owner) for a Zoning Map Amendment on a 175.278-acre site at 7402 Camp Ernst Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD).

Mr. Damstrom read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

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

Counselor Wilson advised the audience that the action taken by the Commission is a recommendation that will go to the Fiscal Court for their final action and they can agree with the Commission's recommendation or override it. The Fiscal Court also has the authority to conduct its own Public Hearing.

3. Site Plan Review

The request of Paul Meyrose (applicant) for Richwood Presbyterian Church (owner) for Site Plan Review to construct a 5,900 sq. ft. building addition at 1070 Richwood Road, Boone County, Kentucky. The 1.5-acre site is zoned Agricultural Estate.

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

Mr. Sharp read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. McMillian moved that the request be approved based on the Staff and Committee Reports. Mr. Greene seconded the motion and it carried unanimously.

9. Preliminary Plat Review

The request of Asa Rouse and John Brooking (owners) for Preliminary Plat Review to develop four lots in Sunnybrook Farm Subdivision at KY 16 and Vest Road, Boone County, Kentucky. The 48.508-acre site is zoned Agricultural Estate (A-2) and Rural Suburban (RS).

Mr. Fromm presented the Staff Report (see Staff Report).

Mr. DeLong read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

Mr. Sharp questioned if the entrance for Lot #2 is planned to be off Vest Road or KY 16. He stated that he does not see how the entrance could be off KY 16 as there would not be adequate sight distance due to the curve in the road. He stated that he brought this point up at the Committee meeting and believes that it has been investigated. He asked that the access be from Vest Road.

Mr. Sketch will check with Mr. Costello and if they have agreed to access off of Vest Road, he will ask that a note be put on the Final Plat that there be no access off KY 16 for Lot #2. Mr. McMillian noted that Lot #4 has access off KY 16. Mr. McMillian advised that this area is right in the curve of the road and it is on a hill. He stated that the flag lot could be tolerated, but he is concerned about the access for Lots #1 and #2 and asked that this be investigated.

Chairman Viox stated that the concern regarding the entrances, particularly for Lot #2, has been noted in the record.

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: May 6, 1992

RE: Request of George Finke - Finke Homes (applicant) for Woodrow Borders (owner) for a Zoning Map Amendment on a 175.278 acre site located 7402 Camp Ernst Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Suburban Residential One / Planned Development (SR-1/PD).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

The request is in conformance with the 1990 Boone County Comprehensive Plan. Although the western portion of the proposed development is more dense than recommended on the 1990 Future Land Use Map, the proposed density of the development is generally consistent with the overall intention of the Future Land Use Map. The stream valley, designated as Rural Lands (RL) on the Future Land Use Map, is shown mainly as open space on the submitted Concept Development Plan. The eastern portion of the submitted plan is well within the recommended density of residential development on the Future Land Use Map.

The request is in conformance with the Comprehensive Plan's recommendations for connector roads with no individual access, and for recreation and pathway opportunities in the Gunpowder Creek Valley. These major recommendations of the Land Use Element and Housing Element are accommodated on the submitted Concept Development Plan and addressed within the attached conditions. In addition, the request is in conformance with the Housing and Public Facilities Elements which indicate that development should efficiently utilize existing or planned services, such as the planned sanitary sewer main through this site. Specific references to the Comprehensive Plan are made in the April 22, 1992 Staff Report.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the April 22, 1992 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The developer shall provide the owner of Camp Ernst Road with adequate right-of-way for future improvements to that road. Right-of-way dedication on Camp Ernst Road may be required at subdivision review. The developer shall provide for a left-turn lane on Camp Ernst Road at such time as Planning Commission analysis determines it is needed. The developer shall either construct the lane or deposit adequate funds into an escrow account toward major public improvement of the roadway.
2. All utilities shall be underground.

COMMITTEE REPORT - FINKE HOMES

MAY 6, 1992


PAGE TWO

3. The design of the main roadway shall be consistent with that presented by the applicant, and contain a sidewalk and bikeway scheme similar to what is shown on the submitted Concept Development Plan. No lots will directly access this roadway.
4. As presented by the applicant, all streets will be publicly-dedicated. Long cul-de-sac streets shall provide adequate turn-around space for school buses.
5. The proposed main road shall meet the requirements of the Kentucky EPA Division of Water.
6. The existing wooded areas to be retained shall be consistent with the plan presented at the April 22, 1992 Public Hearing. The developer is agreeable to locating the proposed bridge so that significant vegetation can be retained.
7. The total common open space area for the development shall be a minimum of 32 acres and contain the types of facilities and pathways consistent with those on the Concept Development Plan submitted at the April 22, 1992 Public Hearing. As represented at the Public Hearing, a ballfield will be constructed on the east side of the North Fork Gunpowder Creek, if feasible.
8. The developer is agreeable to considering, at Preliminary Plat and Improvement Plan Review, partial screening along Camp Ernst Road to minimize the visual impacts of the rear of the proposed lots on the passive recreation uses across the road.
9. Detailed Homeowners Association Agreement documents shall be submitted at Preliminary Plat Review. These documents shall describe who will maintain all open space and common areas, and shall indicate how this maintenance will be sufficiently funded.
10. The proposed active recreation site shall be installed at the time of construction of section S-3.
11. The developer will cooperate with the appropriate water and sewer agencies in achieving adequate service for the development.
12. The proposed main roadway shall provide for a connection to property to the east, as shown on the submitted plan. In addition, the development shall provide a connection of the same design as the proposed main roadway to property to the north of section S-10. This connection shall be in a location as to provide a future direct road connection to the Oakbrook Road intersection on Pleasant Valley Road.

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

Barry Neltner

Thurman Owens



Floyd Sharp

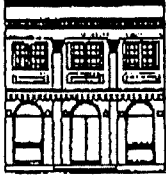
Carol Smith

PD:kat

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street Burlington, KY 41005

606-334-2196 FAX 606-334-2264



May 5, 1992

Mr. George Finke
Finke Homes
3180 Burlington Pike
Burlington, KY 41005

RE: Conditions of approval for the Finke Homes request.

Dear Mr. Finke:

The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, May 6, 1992.

CONDITIONS

1. The developer shall provide the owner of Camp Ernst Road with adequate right-of-way for future improvements to that road. right-of-way dedication on Camp Ernst Road may be required at subdivision review. The developer shall provide for a left-turn lane on Camp Ernst Road at such time as Planning Commission analysis determines it is needed. The developer shall either construct the lane or deposit adequate funds into an escrow account toward major public improvement of the roadway.
2. All utilities shall be underground.
3. The design of the main roadway shall be consistent with that presented by the applicant, and contain the sidewalk and bikeway scheme similar to what is shown on the submitted Concept Development Plan. No lots will directly access this roadway.
4. As presented by the applicant, all streets will be publicly-dedicated. Long cul-de-sac streets shall provide adequate turn-around space for school buses.
5. The proposed main road shall meet the requirements of the Kentucky EPA Division of Water.
6. The existing wooded areas to be retained shall be consistent with the plan presented at the April 22, 1992 Public Hearing.

CONDITION LETTER - GEORGE FINKE
MAY 5, 1992
PAGE TWO

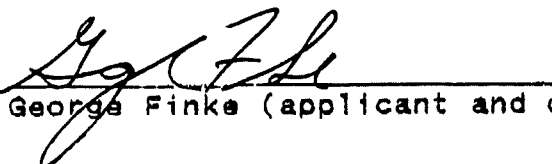
The developer is agreeable to locating the proposed bridge so that significant vegetation can be retained.

7. The total common open space area for the development shall be a minimum of 32 acres and contain the types of facilities and pathways consistent with those on the Concept Development Plan submitted at the April 22, 1992 Public Hearing. As represented at the Public Hearing, a ballfield will be constructed on the east side of the North Fork Gunpowder Creek, if feasible.
8. The developer is agreeable to considering, at Preliminary Plat and Improvement Plan Review, partial screening along Camp Ernst Road to minimize the visual impacts of the rear of the proposed lots on the passive recreation uses across the road.
9. Detailed Homeowners Association Agreement documents shall be submitted at Preliminary Plat Review. These documents shall describe who will maintain all open space and common areas, and shall indicate how this maintenance will be sufficiently funded.
10. The proposed active recreation site shall be installed at the time of construction of section S-3.
11. The developer will cooperate with the appropriate water and sewer agencies in achieving adequate service for the development.
12. The proposed main roadway shall provide for a connection to property to the east, as shown on the submitted plan. In addition, the development shall provide a connection of the same design as the proposed main roadway to property to the north of section S-10. This connection shall be in a location as to provide a future direct road connection to the Oakbrook Road intersection on Pleasant Valley Road.

Sincerely,


David A. Geohagan, AICP
Senior Planner

I, the applicant, agree to the above listed conditions for approval of my request for Finke Homes.


George Finke (applicant and owner by contract)

CONCEPT PLAN

CAMP ERNST ROAD
 BOULDER BRIDGE
 MAIN ROAD
 FUTURE RIGHT-OF-WAY



EXISTING DATA

Present Zoning - RSE (Rural Suburban Estates)
 Proposed Zoning - SR-1 (Suburban Residential One)
 Total # of Lots: 492 single family detached
 Intensity - 2.8 dwelling units/acre
 * Residential Cluster Development *

AREA	ACRES	LOTS
RECREATION SITE	155	0
NON-DEVELOPMENT AREA (155 ACRES)	155	0
NON-DEVELOPMENT AREA (250 ACRES)	250	0
NON-DEVELOPMENT AREA (250 ACRES)	250	0
NON-DEVELOPMENT AREA (437 ACRES)	437	0
TOTAL	1147	0

PEBBLE CREEK

Developer:
 Fine Homes, Inc.
 390 Burlington Drive
 Boone County, KY 40305



MINUTES
BOONE COUNTY FISCAL COURT
JUNE 16, 1992
5:00 P.M.

of the Fiscal Court and their recommendations to the airport. Mr. Crigler stressed this is not in any way mandatory, nor does it direct the airport in any way.

Judge Lucas called for a vote on the motion, Commissioner Patrick voted NO, Commissioner Melhaus voted AYE, Commissioner Davis voted AYE, and Judge Lucas ABSTAINED. Motion carried. Exhibit "I"

CABLE BOARD UPDATE

Judge Lucas advised that representatives of the Cable Board and representatives of Storer were present to discuss the proposed settlement. Attorney Crigler recommended that the court enter into Executive Session to discuss this matter since it involved pending litigation before taking action.

It was the consensus of the court to enter into Executive Session after taking action on Ordinance 920.237.

ORDINANCE NO. 920.237 - FINKE/BORDERS

Commissioner Patrick moved, seconded by Commissioner Davis, to approve on second reading Ordinance No. 920.237, 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 George Finke - Finke Homes (Applicant) for Woodrow Borders (Owner) and such map amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) on a 175.278 acre site generally located at 7402 Camp Ernst Road, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-92-011-A. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE. Exhibit "J"

EXECUTIVE SESSION

Commissioner Davis moved, seconded by Commissioner Patrick, to enter into Executive Session at 5:45 P.M., ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Davis, to reconvene in Open Session at 6:00 P.M., ALL PRESENT VOTING AYE.

CABLE BOARD

Following the Executives Session on this matter, Commissioner Davis moved, seconded by Commissioner Patrick, to approve the settlement document and authorize the County Judge/Executive to enter into the agreement, with the condition that final approval of the language of all documents be reviewed and agreed to by the County Attorney. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE. Exhibit "K"

ITEM VI.

JUDGE'S REPORT

Judge Lucas advised he had no report for the court at this time.

ITEM VII.

OLD BUSINESS

NORTHERN KENTUCKY DRUG STRIKE FORCE AGREEMENT

Judge Lucas presented the Northern Kentucky Drug Strike Force Agreement and advised that it had been approved by both Kenton & Campbell County Fiscal Courts.

Commissioner Melhaus moved, seconded by Commissioner Davis, to approve the Northern Kentucky Drug Strike Force Agreement as presented and attached to these minutes as an exhibit. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE. Exhibit "L"