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RECEIVE

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 "DEER TRACE" Mobile Home PARK
2. Location of Development 10537 US 25 WALTON, Ky
3. Total Acreage of Site 18.6
4. Current Zoning SRI
5. Proposed Zoning (classification being requested) MHP
6. Proposed Uses (please specify each use) Mobile Home PARK
7. Name of Applicant(s) George Higdon Byron GRIFFITH Logan DAUGHERTY
Phone Number(s) 371-8666 371-8666 2700 MORNINGSTAR DR. CIN. OHIO 45211
8. Address of Applicant(s) 10485 DIXIE Hwy Florence Ky 41092
City State Zip
9. Name of Property Owner(s) John JORDAN
Phone Number(s) 371-6083
10. Address of Property Owner(s) 10537 DIXIE Hwy WALTON Ky 41094
City State Zip
11. Proposed Building Intensities (please specify) Mobile Home PARK
12. Are there any existing buildings on the site? yes
How many? 3 BARNES/1 HOVIC
13. Deed Book 90 & 106 Page No. 500 & 325 Group No. _____
14. Have you had a pre-application meeting with BCPC staff? yes (Kevin)
15. Please check the following organizations/agencies which you Castello 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

#2

REQUEST FOR ZONING MAP AMENDMENT
TO ALLOW A MOBILE HOME PARK AT
10537 U.S. 25, BOONE COUNTY, KENTUCKY

December 16, 1992

This is a request of George Higdon, Byron Griffith, and Logan Daugherty (applicants) for John Jordan (owner) for a Zoning Map Amendment on a 17.96 acre site from Suburban Residential One (SR-1) to Mobile Home Park (MHP) to allow the development of a 90 lot mobile home park, called "Deer Trace." The site includes an approximately 3 acre area along U.S. 25 that contains an existing residence, and is also proposed to be zoned MHP. The submitted Concept Development Plan indicates that access to the proposed development would be from Old Lexington Pike Villa Mobile Home Park and from an approved mobile home park on the Schweitzer property to the south. Details of the development on the front 3 acre portion are not shown on the plan.

Surrounding Land Uses and Zoning

North - Old Lexington Pike Mobile Home Park, zoned MHP.

East - Across Dixie Hwy., single family residences, zoned I-1.

South - approved 75 lot mobile home park site, zoned MHP.

West - I-75.

Comprehensive Plan

The 1990 Future Land Use Map indicates High Suburban Density residential development for the site and adjacent property west of Dixie Highway for a 25 year horizon. This classification could allow a rough density of up to six dwelling units per acre.

The Land Use text, on page 223, recommends a variety of residential uses for the general area, and generally recommends apartment or attached affordable housing as an alternative to the mobile home parks that are prevalent in the area. Such residential developments should be of innovative design and utilize positive site characteristics. The plan cautions against the negative visual impacts of continuous mobile home park development in the area.

The Housing Element, on page 118, notes that further multi-family housing may be suitable in the area, single-family should be limited to Maher Road. The Housing Goals and Objectives recommend that a broad range of housing opportunities be provided in the county, and that residential development be judged primarily on the basis of gross density and design with secondary consideration given to the type of dwelling unit proposed. Access to adjacent properties and consistency with adjacent land uses is treated as important.

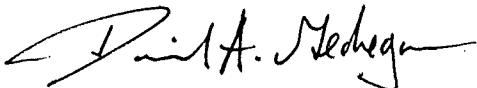
Staff Concerns

1. The use and anticipated access for the 3 acre portion of the site along Dixie Highway should be described.
2. There is a high tension electric transmission line on the north edge of the site. Staff questions whether any of the accompanying easement is on the subject site, and whether it is wise to have residential uses this close to such a line with recent findings on long term health impacts.
3. No recreation areas are proposed in this development, as they have been in past requests.
4. Since a private street is proposed, the lots would have to be rentals under one overall ownership.
5. The access to the south may not occur for some time until the Schweitzer property develops. The approved mobile home park on the Schweitzer property was required to provide access to U.S. 25 either across from Maher Road or shared access with the property under review in this report.

Conclusion

The Planning Commission and Fiscal Court must consider the three criteria necessary for a Zoning Map Amendment. Should the request be approved, no changes to the 1990 Boone County Comprehensive Plan would be needed.

Respectfully Submitted,



David A. Geohegan, AICP
Senior Planner

DAG:par

FLORENCE

OLD LEXINGTON PIKE VILLA

DIXIE HWY

U.S. ROUTE NO. 25

MAHER RD.

RICHWOOD



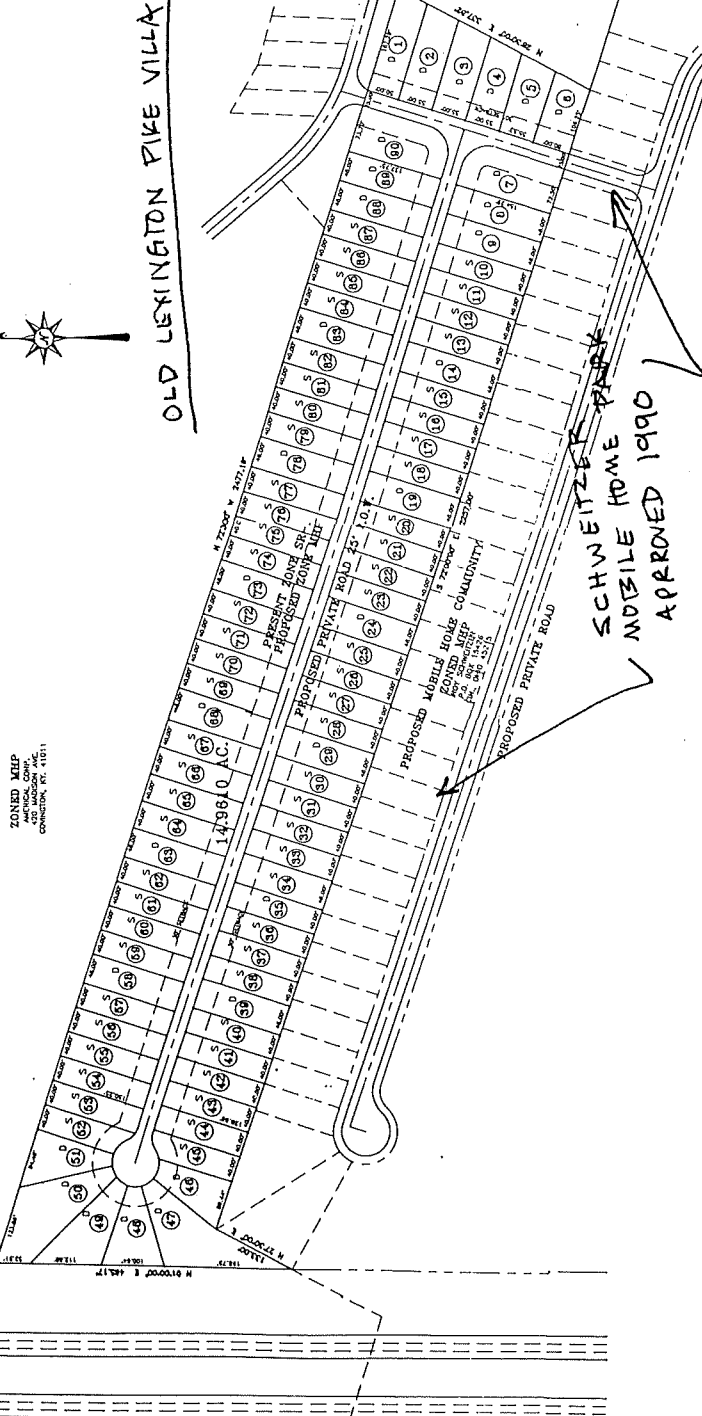
ZONED MHP
1000 S. W. 1000 W.
300 W. WOODROW W.
CONDOMINIUM, RT. 41011

ZONED MHP
1000 S. W. 1000 W.
300 W. WOODROW W.
CONDOMINIUM, RT. 41042

ZONED I-1
1000 S. W. 1000 W.
300 W. WOODROW W.
CONDOMINIUM, RT. 41004

ZONED I-1
1000 S. W. 1000 W.
300 W. WOODROW W.
CONDOMINIUM, RT. 41004

3.0000 ACRES
PRESENT ZONE SR-1
PROPOSED ZONE MID
1000 S. W. 1000 W.
300 W. WOODROW W.
CONDOMINIUM, RT. 41004



SCHWEITZER PARK
MOBILE HOME PARK
APPROVED 1990

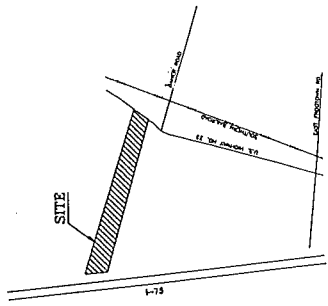
SITE DATA

- 1. SMALLEST LOT = 5000 SQ. FEET.
- 2. THIS PLAN IS FOR CONCEPT ONLY AND NOT TO BE USED FOR FINAL DESIGN OR DEVELOPER TO BE USED FOR FINANCING, PERMITTING, PLANNING AND ZONING APPROVAL PRIOR TO CONSTRUCTION.

OWNER: JOHN JORDAN
DEVELOPER: DEEVELOPER
MC-ROSON, CRAFTIN & DAUGHTERY

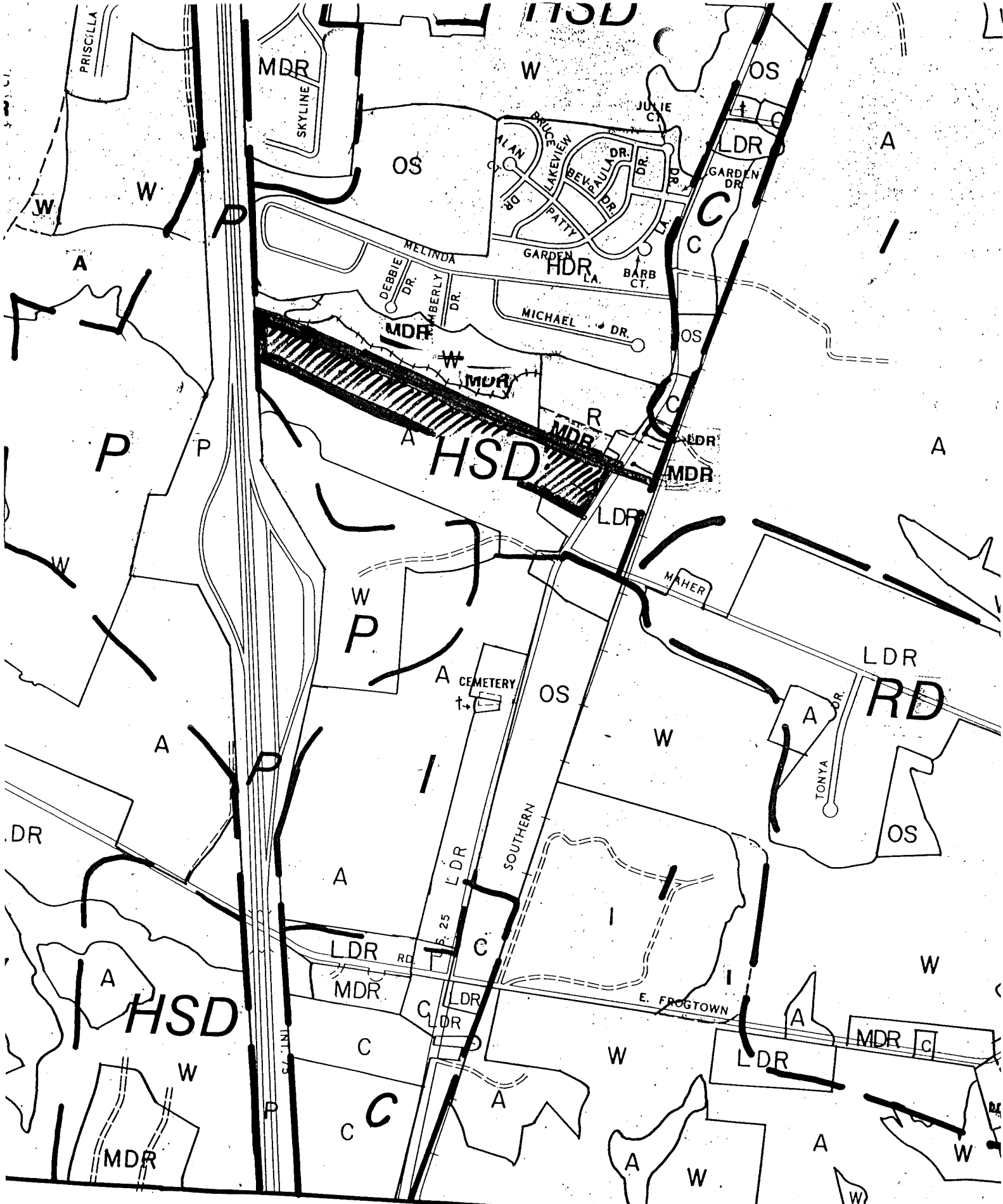
CONCEPT DESIGN PLAT
FOR PROPOSED MOBILE HOME PARK
WEST SIDE OF U.S. HWY. #25, EAST SIDE
OF I-75 AND SOUTH OF VILLA DRIVE
MOUNTAIN COUNTY, TENNESSEE

OCT 28 1992
L.L. 555165




VICINITY MAP
RT. 5.

DEER TRACE



1990 FUTURE LAND USE MAP
 -25 YR. PROJECTION-

 - SITE

PUBLIC HEARING ITEM #2:

Mr. Burch introduced the second item on the Agenda:

2. Applicants: George Higdon, Byron Griffith, and Logan Daugherty
Request: Zoning Map Amendment

The request of George Higdon, Byron Griffith, and Logan Daugherty (applicants) for a Zoning Map Amendment on an 18.46-acre site at 10537 U.S. 25, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Mobile Home Park (MHP).

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

Mr. Byron Griffith stated that he, Mr. Higdon, and Mr. Daugherty are general partners and they purchased the Schweitzer property this week. They have an option to buy Mr. Jordan's three-acre property in the front at a later date. The green areas shown on the drawing will be a strip shopping center, which will require rezoning. They will eliminate the present driveway on U.S. 25 and have access off the existing Villa Drive for future development. The shaded orange area shown on the drawing is for recreation (about 14,000 square feet). The area shown in blue is a retention pond. All utilities will be underground. There will be C.G.&E. lighting on the streets instead of lamp posts on each lot. They will have one sign. There will off-street parking for two automobiles per lot. The entrance on the south, the old Schweitzer property, will be three lanes to the proposed shopping center. One lane will turn south and one north, and the entrance lane will be on the north side. Surface water from both parks would go to the dry detention lake.

Mr. Logan Daugherty distributed flyers from C.G.&E. to the Commissioners in regard to health concerns related to transmission lines. He reviewed the data in the flyer. He stated that what you get from some common household appliances is greater than what you would get from the power lines. He stated that there is no link between EMF (Electro-Magnetic Fields) and human health. Mr. Daugherty referred to a report from Dr. Khizar Wasti of the Virginia Department of Health which indicates that most of the studies that indicate that exposure to magnetic fields causes health problems are only suggestive and fall short of critical evidence. Mr. Daugherty referred to a report from Dr. George Moore which indicated that fears of exposure to EMF from power lines are not founded and there is no evidence of carcinogenic effects. Mr. Daugherty referred to a report from Rodale press, dated 1990, which indicated that they polled 200 doctors at cancer centers and 33% of them think it is ridiculous to worry about Electro-Magnetic Fields. Mr. Daugherty referred to information from the International Brotherhood of Electrical Workers, whose members work in close proximity to wires, which stated that, to their knowledge, there have been no fatalities due to exposure. Mr. Daugherty referred to data from Oak Ridge Associated Universities which indicated that there is no convincing evidence to support the contention that exposure to low frequency magnetic fields is a health hazard. Mr. Daugherty stated that there are similar examples in his packet of information. Mr. Burch

accepted the packet of information from Mr. Daugherty and advised that it will be forwarded to the Committee.

Mr. Griffith indicated the location where there will be a greenbelt or fence and stated that the mobile home parks will not be visible from U.S. 25, but will be visible from the interstate.

Mr. Burch asked if there was anyone in the audience who wished to speak in favor of this request. There being no response, he then asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Mrs. Thelma Castellini stated that there is a problem with traffic. She stated that expectations for the new interchange at Mt. Zion Road were too high and there is no noticeable difference on U.S. 25 because of the new interchange, particularly south of Mt. Zion Road. The last traffic count by KDOT was made about a year ago, prior to the opening of the interchange, and the figures at that time indicated that there were 15,000 cars in a 24-hour period. She stated that the bulk of the traffic does not travel from 11 P.M. to 6 A.M. and, therefore, the average is one car every 4 or 5 seconds for 17 hours a day. That stretch of road will not be back in the traffic count rotation for a number of years.

Mrs. Castellini stated that the subject property is located on a straight stretch of road about 1,000 feet long between two curves. On the west side of U.S. 25, there are six driveways and entrances and a 70-foot utility right-of-way. To the east there is a 3 or 4 bay garage right in the curve, then there is an area of 3, 4, or 5 driveways all together, then there is the transmission line right-of-way, a residence, and then Maher Road before the next curve. She noted that two of the roads serve several hundred units and there is no other access and there will be another 100 units or so on the Schweitzer property, which is a huge pit. U.S. 25 is on the primary list for snow removal, but the snow removal from Boone County cleans south to Mt. Zion Road and Grant County cleans north; therefore, this section of road is going to be one of the last cleaned even though it is on the priority list.

Mrs. Castellini stated that the track record of mobile home park development on U.S. 25 is less than satisfactory. Time after time, plans presented at the Public Hearing do not happen. They crowd in as many units as possible. They ignore improvements and amenities that might help because they cost money. If there is a patch of land that would give some relief to the park, they come back and rezone it for more units. She stated that the proponents of this zone change are part of the same entity that owns the overnight camp and Old Lexington Pike Villas. They poured a pad for a mobile home in the setback for old Lexington Pike park and it was supposed to be removed, but that is the kind of thing that goes on. She stated that the county is not staffed to address every shortage in all of the plans that are submitted. The Comprehensive Plan says developers of 300 units must provide open space for recreation, but the way they found to circumvent this is to go down the road 100 units at a time, usually under a different combination of owners of record, and they let the kids play in the streets. The proposal for 90 units is 1.6 people per household, which would be 200 people on one-third of an acre -- which is

not what the Comprehensive Plan had in mind. She stated that other types of residences improve with time, but mobile home parks on U.S. 25 get worse -- often before completion. The dwellings resemble campsites, not home sites. The profits are extracted from working people who are looking for a better life in the only kind of affordable single-family housing available in this county.

Mrs. Castellini stated that the approval of the Schweitzer property mobile home park resulted from a 2 to 2 split vote at Fiscal Court, which became an automatic approval after a certain period of time. It has been three years and no activity has taken place on the property and it is her understanding that the property reverts to the former zoning if the project is not started within a two-year period. She stated that it has become obvious that the zone change on the Schweitzer property was premature and should not have been done until the extent of rock mining was known. There will not be trees on the property without major restoration. She stated that the property is located directly under the flight path of the I-75 corridor. The air traffic noise level is such that residents on Maher Road cannot converse inside their homes at several times during the day with the doors and windows closed. Their sleep is interrupted by noise and landing lights. There is vibration from the planes and thermal windows have broken. These areas are not included in the study areas for relief. There is no way to soundproof a manufactured dwelling unit after it leaves the factory. Air traffic patterns will change, but not on the I-75 corridor. The only way the residents can be protected from the airport noise problem in the future is through the scrutiny and consideration of the Commission now, before more residential units are added.

Mrs. Castellini stated that the transmission line was built in the early to mid 1980's and was funded by significant Kentucky tax dollars. The purpose of upgrading the line was to allow Kentucky utilities to sell more power to C.G.&E.. There are heavy metal towers from 36" in diameter strung with enormous cables. She stated that studies have been conducted for more than twenty years in the U.S. and other countries to determine the relationship between power transmission lines and the increased rate of several types of cancers of residents in the immediate vicinity, but information damaging to utility companies was suppressed from the people, but was shown on TV and other media. Mrs. Castellini stated that she was directed by the National Cancer Foundation to a lengthy article in the December 7, 1992 issue of the New Yorker Magazine. It is a complex article, 35 pages long, that offers a play-by-play account of studies conducted throughout the United States and their results, as well as those responsible for withholding study results from the American people. She submitted a copy of the article for the record. She stated that there is documented evidence that the risk of several kinds of cancers exists for people living within the vicinity of transmission lines and the evidence is conclusive. The higher the radiation, the greater the risk. The risk increases for those living within 150 feet of the lines and decreases as the distance from the power lines increases. When the Old Lexington Park was approved, this information was known and was intentionally withheld from the public by the EPA and the utility companies. She stated that residential use should not occur within 300 feet of either side of the transmission line and these facts require a new look at the area. This

information was not available when the earlier zone changes to MHP were made. She referred to the information booklet from C.G.&E. as propaganda. She stated that granting this zone change would put a maximum number of Boone County residents at maximum risk to known hazards. She asked that the request be denied and that the Commission reconsider the area to determine appropriate future uses based on current information.

Mr. Burch asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments from the Commission.

Mr. McMillian noted that the brochure from the electric company says there is no danger, but it also says that they do not know. He questioned if the property owners would take responsibility for any lawsuits that may come about if this request is granted. Mr. Higdon stated that if the electro-magnetic field danger is proven, then half the people in Florence have a very serious problem. Mr. Geohegan indicated the location of the transmission lines on the plan. Mr. Damstrom questioned the distance from the lines to the mobile home pads. Mr. Geohegan advised that the pads would be about 55 feet from the center line of the transmission line, and about 20 feet from the edge of the easement.

Mr. Damstrom stated that the recreational area seems very small for the total project. Mr. Geohegan advised that there is really no criteria in the Zoning Ordinance regarding the size of the recreational area. He stated that he would personally not want a recreational area next to the interstate or the retention area and believes that there could be a better location for it.

Mr. Kirby questioned the depth of the site and how far the kids living in the front would have to go to get to the playground. Mr. Geohegan advised that the six lots in the front are about 2,500 feet from the back. Mr. Kirby commented that the kids would have to go about one-half mile.

Mr. Collins noted Mrs. Castellini's comment about the Schweitzer property and questioned if the zoning would revert back to SR-1. Mr. Costello replied "no", and Counselor Wilson advised that Kentucky does not have automatic reversion.

Mr. Collins stated that they mined the land and then backfilled it from the highway. He questioned how the land would be reclaimed. Mr. Costello advised that they can contact the Highway Department in regard to restoration plans for the site. There would be some obligation on the part of the Highway Department to restore it.

Mr. Higdon stated that they intend to bring the dirt back and to bring the dirt from the ridge. They will fill the hole to facilitate the drainage and make it aesthetically pleasing.

Mr. McMillian noted that the drawing shows 14.96 acres and also 18.6 acres. Mr. Higdon stated that they are not going to put mobile homes on the front. Rather than breaking up the property, they applied for the entire farm to be MHP and for approval on developing the back part. They then have to come back for a change to Commercial for the strip center, as

they are applying for MHP zoning for the entire site at this time. Mr. Geohegan stated that the Schweitzer property is not included.

Mr. DeLong stated that he is concerned about there being a private road. He is concerned about fire trucks and safety vehicles going back there and turning around. He is concerned about the recreational area and the lot sizes.

Mr. Higdon stated that the lots are 20% larger than the minimum standard.

Mr. DeLong asked if the front property could be used for commercial services, such as mobile home sales. Mr. Burch replied "no". Mr. Higdon stated that they are not in the mobile home sales business. Mr. Griffith advised that Mr. Jordan will be staying on the property for 3 or 4 years. Mr. Costello stated that "mobile home sales" is a Conditional Use.


Mr. Higdon indicated on the map where he has lived for the past 22 years and stated that he is the only mobile home park owner in the county who lives on his premises. He stated that the mobile home park is his neighborhood. He indicated a fishing lake that the people can use. He indicated recreational facilities in the overnight park that people can use. He stated that they put the recreational area where it is because he built a basketball court at one time and there were problems with people playing in the evening. They put the recreational area to the rear to affect as few people as possible because there is also the interstate noise.

Mrs. Castellini stated that there is a shear cliff on the Schweitzer property and the run off goes onto the property. Mr. Burch stated that it would be their obligation to grade the property.

Mrs. Castellini stated that nothing has been said about screening the development from the interstate. She questioned why they do not combine the Schweitzer property with this property and get the people out from under the transmission wires. Mrs. Castellini stated that Mr. Higdon's property is in far better shape than anyone else's out there.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on January 6, 1993 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

January 6, 1993 - 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.*
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox, Chairman

*arrived during Agenda Item #1

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey
Mr. Barry Neltner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox advised that Mrs. Smith has been reappointed to the Commission, and Mrs. Judy Arnett has been appointed as a new member of the Commission. Mrs. Arnett was sworn in by Counselor Wilson prior to the meeting.

5. Storm water runoff and detention outlets shall be designed to flow toward the west side of the site and not to the rear of the site.

Mr. Rush moved that the request be approved based on the Staff and Amended Committee Report with the conditions as shown above. Mr. Kirby seconded the motion.

Mr. DeLong questioned that the access road will still go through to the two lots to the west. Mr. Burch stated that it would and clarified that the applicant's concern is that the access road not be the neighbor's primary accessway in or out.

There being no further discussion, Mr. Burch asked for a vote on the motion made by Mr. Rush and it carried unanimously.

Chairman Viox chaired the meeting at this time and introduced Agenda Item #6:

6. Zoning Map Amendment

The request of George Higdon, Byron Griffith, and Logan Daugherty (applicants) for a Zoning Map Amendment on an 18.6-acre site at 10537 U.S. 25, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Mobile Home Park (MHP).

Mr. Burch read the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report).

Mr. DeLong moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. McMillian noted that there is no report concerning the electric line and the conditions underneath it. He questioned having a metal home under an electric line. Mr. Burch stated that the applicant must comply with all state, local, and federal requirements, and the easements in regard to the location of homes near the electric lines. The Committee did not feel that additional requirements could be imposed.

Mr. Ries stated that he is opposed to this request. There is a limited amount of SR-1 property along U.S. 25 and this is an ideal opportunity for housing. The occupancy rate of existing mobile homes is not at capacity in this area. It is not realistic to put in more mobile homes when the others are not filled.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. DeLong which found Mr. Burch, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Rush, Mrs. Smith, and Chairman Viox in favor. Mr. Ries was opposed. Mrs. Arnett abstained. The motion carried by a vote of 11 to 1 with one abstention.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: January 6, 1993

RE: Request of George Higdon, Byron Griffith and Logan Daugherty (applicants) for a Zoning Map Amendment on an 18.6 acre site located at 10537 U.S. 25, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Mobile Home Park (MHP).

REMARKS:

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

Findings of Fact

1. The request is in conformance with the 1990 Boone County Comprehensive Plan, specifically the Land Use Element which recommends High Suburban Density residential for the site, and the Housing Element which recommends that residential development promote the continuation of interior streets, and that higher density development be near arterial roadways, such as U.S. 25. Even though the Land Use Element recommends against the proliferation of more mobile home parks in the U.S. 25 area, the Committee believes that the setback of the development from U.S. 25 and its harmony of design with adjacent existing and planned development makes it consistent with the Comprehensive Plan. Specific references to the Comprehensive Plan are made in the December 16, 1992 Staff Report.

2. In the Committee's opinion, the existing zoning of SR-2 is inappropriate and the proposed zoning of MHP is appropriate for the site because of the narrowness of the site and the fact that the site is surrounded on two sides by existing or approved mobile home park development.

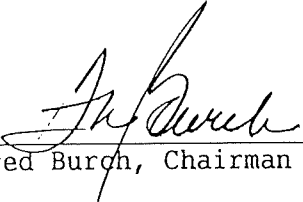
Conditions

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 December 16, 1992 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. As indicated by the applicant, the mobile home park shall be designed to be consistent with the mobile home park approved on the Schweitzer property. This applies to grading, access, and recreation as described in the December 16, 1992 Public Hearing. The applicant indicated at that hearing that he controlled both sites and intended to coordinate the grading between the sites. He also indicated that the necessary grading on the Jordan site would be conducted during the first phase of development.

2. The proposed street shall include a full street connection to the Schweitzer site at the rear of the site, as opposed to the cul-de-sac arrangement shown on the submitted Concept Development Plan. The proposed connection near the front of the site shall also be constructed, both to the Schweitzer site and the Old Lexington Pike Mobile Home Park.
3. As indicated by the applicant, the front 3 acre parcel shall not be used for mobile home sales, and shall continue in its current land use until further application is made. Access to this front parcel shall only be from the proposed street system on the submitted Concept Development Plan.
4. The development shall be sufficiently buffered from I-75 with pine trees of the size and spacing to accomplish the task.
5. Consistent with the approved Schweitzer project, the recreation facilities proposed by the applicant shall be located at approximately the midpoint around lots 24 and 25. As indicated by the applicant, this recreation area shall contain the area of approximately two mobile home lots and be combined with the recreation area on the Schweitzer site. As proposed by the applicant, the recreation area shall include a grass and shade tree area with park furniture, and an active facility such as a basketball court.
6. The applicant shall comply with all state, local, and federal requirements and easements on the location of homes in relation to the electric transmission line present on the north property line.

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.

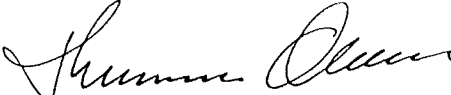


Fred Burgh, Chairman


Barry Neltner



Phil Damstrom



Thurman Owens



Carol Smith

PUBLIC HEARING ITEM #2:

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Mr. Logan Daugherty distributed flyers from C.G.&E. to the Commissioners in regard to health concerns related to transmission lines. He reviewed the data in the flyer. He stated that what you get from some common household appliances is greater than what you would get from the power lines. He stated that there is no link between EMF (Electro-Magnetic Fields) and human health. Mr. Daugherty referred to a report from Dr. Khizar Wasti of the Virginia Department of Health which indicates that most of the studies that indicate that exposure to magnetic fields causes health problems are only suggestive and fall short of critical evidence. Mr. Daugherty referred to a report from Dr. George Moore which indicated that fears of exposure to EMF from power lines are not founded and there is no evidence of carcinogenic effects. Mr. Daugherty referred to a report from Rodale press, dated 1990, which indicated that they polled 200 doctors at cancer centers and 33% of them think it is ridiculous to worry about Electro-Magnetic Fields. Mr. Daugherty referred to information from the International Brotherhood of Electrical Workers, whose members work in close proximity to wires, which stated that, to their knowledge, there have been no fatalities due to exposure. Mr. Daugherty referred to data from Oak Ridge Associated Universities which indicated that there is no convincing evidence to support the contention that exposure to low frequency magnetic fields is a health hazard. Mr. Daugherty stated that there are similar examples in his packet of information. Mr. Burch

accepted the packet of information from Mr. Daugherty and advised that it will be forwarded to the Committee.

Mr. Griffith indicated the location where there will be a greenbelt or fence and stated that the mobile home parks will not be visible from U.S. 25, but will be visible from the interstate.

Mr. Burch asked if there was anyone in the audience who wished to speak in favor of this request. There being no response, he then asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Mrs. Thelma Castellini stated that there is a problem with traffic. She stated that expectations for the new interchange at Mt. Zion Road were too high and there is no noticeable difference on U.S. 25 because of the new interchange, particularly south of Mt. Zion Road. The last traffic count by KDOT was made about a year ago, prior to the opening of the interchange, and the figures at that time indicated that there were 15,000 cars in a 24-hour period. She stated that the bulk of the traffic does not travel from 11 P.M. to 6 A.M. and, therefore, the average is one car every 4 or 5 seconds for 17 hours a day. That stretch of road will not be back in the traffic count rotation for a number of years.

Mrs. Castellini stated that the subject property is located on a straight stretch of road about 1,000 feet long between two curves. On the west side of U.S. 25, there are six driveways and entrances and a 70-foot utility right-of-way. To the east there is a 3 or 4 bay garage right in the curve, then there is an area of 3, 4, or 5 driveways all together, then there is the transmission line right-of-way, a residence, and then Maher Road before the next curve. She noted that two of the roads serve several hundred units and there is no other access and there will be another 100 units or so on the Schweitzer property, which is a huge pit. U.S. 25 is on the primary list for snow removal, but the snow removal from Boone County cleans south to Mt. Zion Road and Grant County cleans north; therefore, this section of road is going to be one of the last cleaned even though it is on the priority list.

Mrs. Castellini stated that the track record of mobile home park development on U.S. 25 is less than satisfactory. Time after time, plans presented at the Public Hearing do not happen. They crowd in as many units as possible. They ignore improvements and amenities that might help because they cost money. If there is a patch of land that would give some relief to the park, they come back and rezone it for more units. She stated that the proponents of this zone change are part of the same entity that owns the overnight camp and Old Lexington Pike Villas. They poured a pad for a mobile home in the setback for old Lexington Pike park and it was supposed to be removed, but that is the kind of thing that goes on. She stated that the county is not staffed to address every shortage in all of the plans that are submitted. The Comprehensive Plan says developers of 300 units must provide open space for recreation, but the way they found to circumvent this is to go down the road 100 units at a time, usually under a different combination of owners of record, and they let the kids play in the streets. The proposal for 90 units is 1.6 people per household, which would be 200 people on one-third of an acre -- which is

not what the Comprehensive Plan had in mind. She stated that other types of residences improve with time, but mobile home parks on U.S. 25 get worse -- often before completion. The dwellings resemble campsites, not home sites. The profits are extracted from working people who are looking for a better life in the only kind of affordable single-family housing available in this county.

Mrs. Castellini stated that the approval of the Schweitzer property mobile home park resulted from a 2 to 2 split vote at Fiscal Court, which became an automatic approval after a certain period of time. It has been three years and no activity has taken place on the property and it is her understanding that the property reverts to the former zoning if the project is not started within a two-year period. She stated that it has become obvious that the zone change on the Schweitzer property was premature and should not have been done until the extent of rock mining was known. There will not be trees on the property without major restoration. She stated that the property is located directly under the flight path of the I-75 corridor. The air traffic noise level is such that residents on Maher Road cannot converse inside their homes at several times during the day with the doors and windows closed. Their sleep is interrupted by noise and landing lights. There is vibration from the planes and thermal windows have broken. These areas are not included in the study areas for relief. There is no way to soundproof a manufactured dwelling unit after it leaves the factory. Air traffic patterns will change, but not on the I-75 corridor. The only way the residents can be protected from the airport noise problem in the future is through the scrutiny and consideration of the Commission now, before more residential units are added.

Mrs. Castellini stated that the transmission line was built in the early to mid 1980's and was funded by significant Kentucky tax dollars. The purpose of upgrading the line was to allow Kentucky utilities to sell more power to C.G.&E.. There are heavy metal towers from 36" in diameter strung with enormous cables. She stated that studies have been conducted for more than twenty years in the U.S. and other countries to determine the relationship between power transmission lines and the increased rate of several types of cancers of residents in the immediate vicinity, but information damaging to utility companies was suppressed from the people, but was shown on TV and other media. Mrs. Castellini stated that she was directed by the National Cancer Foundation to a lengthy article in the December 7, 1992 issue of the New Yorker Magazine. It is a complex article, 35 pages long, that offers a play-by-play account of studies conducted throughout the United States and their results, as well as those responsible for withholding study results from the American people. She submitted a copy of the article for the record. She stated that there is documented evidence that the risk of several kinds of cancers exists for people living within the vicinity of transmission lines and the evidence is conclusive. The higher the radiation, the greater the risk. The risk increases for those living within 150 feet of the lines and decreases as the distance from the power lines increases. When the Old Lexington Park was approved, this information was known and was intentionally withheld from the public by the EPA and the utility companies. She stated that residential use should not occur within 300 feet of either side of the transmission line and these facts require a new look at the area. This

information was not available when the earlier zone changes to MHP were made. She referred to the information booklet from C.G.&E. as propaganda. She stated that granting this zone change would put a maximum number of Boone County residents at maximum risk to known hazards. She asked that the request be denied and that the Commission reconsider the area to determine appropriate future uses based on current information.

Mr. Burch asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments from the Commission.

Mr. McMillian noted that the brochure from the electric company says there is no danger, but it also says that they do not know. He questioned if the property owners would take responsibility for any lawsuits that may come about if this request is granted. Mr. Higdon stated that if the electro-magnetic field danger is proven, then half the people in Florence have a very serious problem. Mr. Geohegan indicated the location of the transmission lines on the plan. Mr. Damstrom questioned the distance from the lines to the mobile home pads. Mr. Geohegan advised that the pads would be about 55 feet from the center line of the transmission line, and about 20 feet from the edge of the easement.

Mr. Damstrom stated that the recreational area seems very small for the total project. Mr. Geohegan advised that there is really no criteria in the Zoning Ordinance regarding the size of the recreational area. He stated that he would personally not want a recreational area next to the interstate or the retention area and believes that there could be a better location for it.

Mr. Kirby questioned the depth of the site and how far the kids living in the front would have to go to get to the playground. Mr. Geohegan advised that the six lots in the front are about 2,500 feet from the back. Mr. Kirby commented that the kids would have to go about one-half mile.

Mr. Collins noted Mrs. Castellini's comment about the Schweitzer property and questioned if the zoning would revert back to SR-1. Mr. Costello replied "no", and Counselor Wilson advised that Kentucky does not have automatic reversion.

Mr. Collins stated that they mined the land and then backfilled it from the highway. He questioned how the land would be reclaimed. Mr. Costello advised that they can contact the Highway Department in regard to restoration plans for the site. There would be some obligation on the part of the Highway Department to restore it.

Mr. Higdon stated that they intend to bring the dirt back and to bring the dirt from the ridge. They will fill the hole to facilitate the drainage and make it aesthetically pleasing.

Mr. McMillian noted that the drawing shows 14.96 acres and also 18.6 acres. Mr. Higdon stated that they are not going to put mobile homes on the front. Rather than breaking up the property, they applied for the entire farm to be MHP and for approval on developing the back part. They then have to come back for a change to Commercial for the strip center, as

they are applying for MHP zoning for the entire site at this time. Mr. Geohegan stated that the Schweitzer property is not included.

Mr. DeLong stated that he is concerned about there being a private road. He is concerned about fire trucks and safety vehicles going back there and turning around. He is concerned about the recreational area and the lot sizes.

Mr. Higdon stated that the lots are 20% larger than the minimum standard.

Mr. DeLong asked if the front property could be used for commercial services, such as mobile home sales. Mr. Burch replied "no". Mr. Higdon stated that they are not in the mobile home sales business. Mr. Griffith advised that Mr. Jordan will be staying on the property for 3 or 4 years. Mr. Costello stated that "mobile home sales" is a Conditional Use.

Mr. Higdon indicated on the map where he has lived for the past 22 years and stated that he is the only mobile home park owner in the county who lives on his premises. He stated that the mobile home park is his neighborhood. He indicated a fishing lake that the people can use. He indicated recreational facilities in the overnight park that people can use. He stated that they put the recreational area where it is because he built a basketball court at one time and there were problems with people playing in the evening. They put the recreational area to the rear to affect as few people as possible because there is also the interstate noise.

Mrs. Castellini stated that there is a shear cliff on the Schweitzer property and the run off goes onto the property. Mr. Burch stated that it would be their obligation to grade the property.

Mrs. Castellini stated that nothing has been said about screening the development from the interstate. She questioned why they do not combine the Schweitzer property with this property and get the people out from under the transmission wires. Mrs. Castellini stated that Mr. Higdon's property is in far better shape than anyone else's out there.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on January 6, 1993 at 8 P.M. and closed this Public Hearing.

APPROVED:

Fred Burch, Vice Chairman

Attest:

Jan Hancock, Recording Secretary

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Judge Lucas advised the County will receive \$410,683.75.

Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ORDINANCE NO. 920.243 - HIGDON/GRIFFITH/DAUGHERTY - MHP

Judge Lucas presented Ordinance No. 920.243 for second reading.

Commissioner Davis said since second reading is considered a public hearing he would like to hear from persons present before a motion is placed on the floor.

Mr. Richard Miller, a resident at 421 Maher Road, said there are seven Mobile Home parks within a 1 1/2 mile span in this area and stated a line has to be drawn somewhere. Mr. Miller expressed concerns about the overcrowding of schools that are already staggering bus schedules to accommodate their load.

Ms. Thelma Castillini, a resident on U.S. 25, said that she is speaking on behalf of several hundred residents in the area. Ms. Castillini said at the Public Hearing conducted by the Boone County Planning Commission, concerns were expressed about traffic and the unsatisfactory track record of mobile homes in that area. Ms. Castillini said noise is a concern since the Mobile Home Park will be located directly under the plane flight pattern along the I-75 corridor. Ms. Castillini said that mobile homes cannot be insulated once they leave the factory and of all structures that might be placed there, mobile homes are the least appropriate. Ms. Castillini expressed concerns about the exposure of residents to the alternating-current magnetic fields given off by power lines and referred to an article written by Paul Brodeur entitled "The Cancer at Slater School" (attached to these minutes as part of Exhibit "C"). Ms. Castillini said the area in question has become the Mobile Home Park dumping ground and for all the good the Boone County Planning Commission has accomplished in the rest of Boone County, it does not seem to be working in their area.

Ms. Castillini said the Schweitzer property that had been previously approved for a mobile home park now resembles a landfill. She further suggested there should be some sort of a default that would allow property not developed within two years to revert to its original zoning, to prevent this type of situation from happening.

Ms. Castillini further expressed concerns about the overcrowding of schools already overburdened. She said the property in that area is the most densely populated in entire unincorporated Boone County. Ms. Castillini said the Mobile Home Park is already out of control as the number of units between Richwood Road is undetermined at this point, the condition of road within the park, recreation plans that have disappeared, and the green buffer zone wiped out. Ms. Castillini said the area needs more neighborhood services. She said they seem to have no representation on the Planning Commission as they had been promised that the last Mobile Home Park approved would be the last one of U.S. 25. Ms. Castillini said the County is not staffed to enforce conditions imposed on Mobile Home Parks. She said that individual properties are treated as an island rather than as a whole, and verbal agreements and variances have been granted after the fact. Ms. Castillini said the proliferation of Mobile Home Parks should be stopped. Ms. Castillini said the intent of the Comprehensive Plan has been disregarded by the very body that recommended it in the first place. She said failure to adhere to the published Goals and Objectives will cause a downward spiral of the community. Ms. Castillini asked that court members deny this request and take necessary steps to have the zoning on the Schweitzer property return to its original zoning. Ms. Castillini further requested that the Fiscal Court appoint someone from the Richwood/Mt. Zion road area to serve on the Boone County Planning Commission.

Ms. Vicki Berberich, resident, said she knew nothing about the proposed Mobile Home Park until two weeks ago. She presented the Court with a petition of 129 signatures opposing the proposed Mobile Home Park. She said she could have obtained many more signatures had time allowed her to do so. Ms. Berberich said she feels another Mobile Home Park will be a detriment rather than an asset and cited the following reasons: 1) The roads are not able to handle the present traffic, more cars will create an even bigger traffic flow problem, especially since U.S. 25 is a two lane road; 2) The schools are already overcrowded, Ryle High School is already projected to be 300 students over capacity next year; 3) There is no apparent plan to keep these mobile home parks from becoming an eyesore and a blight on the community as evidenced by the Greenlawn Mobile Home Park and Lakewood Mobile Home Park. Ms. Berberich said adjacent residential

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property will go down in value. Ms. Berberich said the Mobile Home Parks are not required to provide buffer zones and any proposition can be made to look good on paper, however, in reality, it's another story. (Petition attached to these minutes as part of Exhibit "C")

Commissioner Davis questioned the number of proposed new mobile homes in this development and the number of conditions.

Mr. Dave Gohegan, Planner with the Boone County Planning Commissioner responded there are 90 proposed mobile homes and only six conditions. Mr. Gohegan said that he would like to clarify that variances are not the domain of the Boone County Planning Commission, but rather the Boone County Board of Adjustments. He further said the variances that can be given are addressed under the Kentucky Revised Statutes.

Commissioner Davis said he has received numerous phone calls concerning this matter and there seems to be a lot of misinformation floating around. Commissioner Davis said the high tension wires were a concern, however, they meet or exceed the minimum requirement. Commissioner Davis said when the Schweitzer Mobile Home Park was approved in 1990, he did think it would be the last, however, he feels this use is appropriate. Commissioner Davis emphasized he didn't say "if he had his druthers", only that it is appropriate.

Commissioner Meihaus questioned the follow-up to see that conditions are enforced and Mr. Gohegan said there was no zoning inspector until two years ago and now there are two on board and they will review plans from time to time.

Commissioner Meihaus questioned the two trailers that Ms. Berberich mentioned and Mr. Gohegan said one matter was a function of the Health Department and the other matter was a function of the State Highway Department.

Commissioner Meihaus also expressed concerns about recreational facilities.

Commissioner Patrick expressed concerns that the Planning Commission does not advise Fiscal Court when the two years are up as it relates to a requested zone change and said she had concerns about land that is being used as a landfill.

Mr. Gohegan said that the Planning Commission is not able to regulate reclamation because that is a state project and there are real legal ramifications that fall under EPA.

Commissioner Patrick expressed concerns that the Fiscal Court does not have the authority to correct this situation.

Commissioner Davis said he drives by the area on a daily basis and there are piles of rock, traffic barrels, heavy equipment and oil spots, but it is not necessarily a dumping site.

Mr. Higdon, owner of the property in question, said that he agrees the Schweitzer property is an eyesore and said that he will be removing some of the dirt from the Jordan property since it is high ground to fill in some of the Schweitzer property and will correct the unsightly situation.

Commissioner Meihaus asked Mr. Higdon if he can guarantee this Mobile Home Park will not become an eyesore and Mr. Higdon said because this is his personal business and he lives in the area, and it will be in his best interest to keep the Mobile Home Park up. He said there are many rules and regulations to ensure this development will not become an eyesore. Mr. Higdon said he has lived in the area for a number of years.

Commissioner Meihaus said she was under the impression that the occupancy rate for mobile homes is not at capacity and Mr. Higdon said he begged to differ and that both parks (Schweitzer & Jordan properties) will be filled within a very short time.

Commissioner Meihaus questioned the recreational facilities.

Mr. Higdon said that he had taken out four lots as requested by the Planning Commission and put in a green belt.

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Commissioner Meihaus asked if there were any rules relative to the recreational facilities and Mr. Gohegan said prior to 1988 there was no open space master plan and subdivisions do not have recreation requirements, however, everything is being updated.

Commissioner Patrick again expressed concerns about the transmission lines and the potential health risk for residents.

Commissioner Meihaus asked about turn lanes and Mr. Gohegan said as far as the long range plans, the state has talked about renovating U.S. 25 into three lanes.

Mr. Gohegan also said the applicant entrance will be across from Maher and will be three lanes .

Commissioner Meihaus then asked if the "line has been drawn in the sand" as far as Mobile Home Parks and Mr. Gohegan said that because of the Schweitzer property wording has been placed in the Comprehensive Plan to discourage Mobile Home Parks. Mr. Gohegan said the Adams property had been turned down, however, the property in question is situated between two existing Mobile Home Parks.

Commissioner Davis asked Mr. Gohegan to clarify that the northern access to this property will be Old Lexington Pike and the southern access will be through the Schweitzer property so there is, in fact, no curb cut on this property. Mr. Gohegan confirmed this and said the only additional curb cut will be for the existing house south of the area in question.

Mr. Higdon advised the court there will be a 500 feet set back for the first mobile home and he anticipates in the future there will be some types of service for residents.

Commissioner Meihaus said the negative visual impact is a major concern and Mr. Higdon said both the Schweitzer property and Jordan property will be set back equally and allow for a strip center without coming out on to U.S. 25.

Ms. Genny Woodruff, resident, said she would like to clarify the question that was brought up as to what did the Comprehensive Plan say about Mobile Home Parks in this area. She said she would like to quote from the Comprehensive Plan Land Use Text. It specifically says south of the Mt. Zion Road Interchange between the interstate and U.S.. 25 should develop in 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. This area is an ideal location for apartment or attached affordable housing. Innovative designs and affordable construction should provide a good alternative to the Mobile Home Parks that dominate the area and which create negative visual impact on U.S. 25.

Ms. Castillini apologized to court for misquoting the number of conditions and then questioned why Ms. Schuler had been approached about purchasing her property if the developer did not intend to further expand the Mobile Home Park. Ms. Castillini further stated that if the Highway Department started to widen U.S. 25, even if they had the money, it will take four years before the first spade of dirt is turned.

Mr. Miller again asked the court to consider the petition submitted containing 129 signatures and the other resident already living there rather than the developer.

Commissioner Davis said he is very appreciative that the people have taken the time to come to this meeting, but when a request meets all the conditions of the Comprehensive Plan and all the conditions of the Boone County Planning Commission, and it is not approved the door is opened to a lawsuit and the tax payer ends up paying the lawsuit. Commissioner Davis said he understands what the people are saying, however, he does not feel he can deny the property owner the right to use the property as long as it complies with the Comprehensive Plan.

Commissioner Meihaus questioned the location of the Schuler property and Mr. Higdon said he knew Ms. Schuler was concerned as her property adjoins the Schweitzer. Mr. Higdon said he did tell Ms. Schuler that if she wished to sell in the future, he would be interested in her property, however, it would not be for a mobile home park, but rather apartments.

Judge Lucas asked the pleasure of the court concerning this matter.

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Commissioner Davis moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance NO. 920.243, an ordinance of the Boone County Fiscal Court recommending approval for a request of George Higdon, Byron Griffith and Logan Daugherty (Applicants) for a zoning map amendment, such zoning map amendment being a zone change from Suburban Residential One (SR-1) to Mobile Home Park (MHP) on an 18.6 acre site located at 10537 U.S. 25, Boone County, Kentucky, and as recommended 11 to 1 by the Boone County Planning Commission via Resolution R-93-005-A. Commissioner Meihaus said she seconded the motion because she believes the line has been drawn and further, she will not vote for any more mobile home parks on U.S. 25.

There was more discussion whether the Fiscal Court has the power to include a caveat in the motion regarding future Mobile Home Parks in this area and Attorney Crigler advised there wording of this nature can be included in the motion.

Judge Lucas asked Commissioner Davis to accept a friendly amendment that as a caveat, there is an understanding with the members of the Boone County Planning Commission, the Boone County Fiscal Court and residents of that area this is the southern most boundary for the approval of a Mobile Home Park for now and in the future. Commissioner Davis agreed to the friendly amendment as did Commissioner Meihaus. Judge Lucas called for a vote of the motion, Commissioner Patrick voted NO, Commissioner Meihaus voted AYE, Commissioner Davis voted AYE, and Judge Lucas voted AYE. Motion Carried. Exhibit "C"

ORDINANCE NO. 920.244 - BARLOW

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve on Second Reading Ordinance No. 920.244, an Ordinance of the Boone County Fiscal Court recommending approval for a request of James L. Barlow, Sr. (Owner) for a change in an approved Concept Development Plan and Conditions in a Suburban Residential One/Planned (SR-1/PD) zone on a 10.48 acre site generally located off Cayton Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-93-004-A. Commissioner Davis stated he attended the Public Hearing and noted the people in opposition met with the developer and they came to a mutual agreement. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

RETURN TO DELEGATIONS

Susan Cabot, Historic Preservation Officer, advised the court that a meeting had been held with the property owners in Petersburg and they expressed concerns that they did not want the National Registration Nomination of the Historic Archaeological site in Petersburg to proceed, therefore, the Historic Preservation Review Board has chosen not to make the nomination.

ITEM V.

PERSONNEL MATTERS

Assistant County Attorney Gwen Vice presented a proposed change to the Personnel Policy. Attorney Vice recommended that any time an employee's job performance or medical condition may affect the safety of himself/herself and/or others, he/she may be required to visit a doctor of the Fiscal Court's choosing for a physical examination at the Court's expense.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the proposed change to Chapter 22 of the Personnel Policy as relates to safety. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

Commissioner Patrick requested that a copy of the change be sent to each employee.

Mr. Collins presented several recommendations to the Fiscal Court.

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve the appointment of Tina Kern to the position of Part-time On-call Child Care Worker at the Grade/Step of 4/A, \$6.75 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.