

EXHIBIT "A"

STAFF REPORT

Request of James W. Berling (applicant) for Whispering Pines, Association (owner) for a Zoning Map Amendment on a 15.51 acre site located on the west side of U.S. 25 and south of White Pine Village Mobile Home Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) in order to develop 117 lots in Whispering Pines Mobile Home Park.

April 28, 1993

This is the request of James W. Berling for a Zoning Map Amendment to change the current zoning designation of Suburban Residential Two (SR-2) and Commercial One (C-1) to allow the development of Whispering Pines Mobile Home Park. The 15.51 acre site is located on the west side of U.S. 25 (Dixie Highway) and south of White Pine Village Mobile Home Park, Boone County, Kentucky. The property is currently owned by Whispering Pines, Assoc.

In 1991, this site was subject to a Zoning Map Amendment request. The Concept Development Plan that was submitted as part of the request illustrated the development of 107 mobile home lots. A Public Hearing was held by the Boone County Planning Commission on May 22, 1991. On June 19, 1991, the Planning Commission voted to recommend denial of the request to the Boone County Fiscal Court. The Fiscal Court ultimately denied the request on July 28, 1991.

SURROUNDING LAND USES AND ZONING

The property immediately to the north is zoned Mobile Home Park (MHP). To the east, the property is zoned Commercial One (C-1), Industrial One (I-1) and Industrial Two (I-2). A Suburban Residential Two (SR-2) zoning district is located to the south of the site and an Urban Residential One (UR-1) zoning district directly to the west.

North: Medium Density Residential (White Pine Village Mobile Home Park).
South: Low Density Residential (single family dwelling units).
East: Low Density Residential (single family dwelling units).
West: Vacant (A Concept Development Plan has been approved for the Mt. Zion Development Corporation to build apartments in this area).

SITE FEATURES

The site is relatively level and lightly wooded. The site has approximately 500 feet of frontage along Dixie Highway. A single family dwelling unit and several outbuildings are currently located on the property. An 8 inch water line runs along the western side of Dixie Highway and an overhead electric line runs along the northern property line.

The Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky indicates that the site is composed of Rossmoyne silt loam with 0 to 6 percent slopes (RsB), Rossmoyne silt loam with 6 to 12 percent slopes, and Jessup silt loam with 12 to 20 percent slopes (JeD). The RsB and RsC soils are associated with moderate building limitations and JeD soils is associated with severe building limitations.

PROPOSED CONCEPT DEVELOPMENT PLAN

The proposed Concept Development Plan indicates that if the Zoning Map Amendment is approved, 117 mobile home lots will be developed on the site. The lots will be for rental purposes only. The proposed density of the development is approximately 7.5 dwelling units per acre. Water service is available along Dixie Highway and sanitary sewer service is available through the White Pine Village Mobile Home Park.

One access point is proposed to the site from U.S. 25. A 40' wide private right-of-way is proposed from U.S. 25 to access the site. The street would run approximately 450' into the site before splitting into a circular 25' wide street network. Staff has contacted the Kentucky Department of Transportation regarding the road improvements that would be required at U.S. 25 if this mobile home park is constructed. At this time, KDOT does not believe that any improvements would be necessary.

Five park areas are designated within the development. A detention area is also illustrated in the southwestern portion of the site. The Concept Development Plan illustrates that some trees will be planted along the southern and eastern property lines to serve as a buffer between this site and the adjoining properties.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of the property to be High Suburban Density Residential (HDS). HDS is described as "residential uses that do not exceed six dwelling units per acre." (p. 199) The text of the Comprehensive Plan also describes in area in additional detail.

"This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25." (p. 222)

"South of the 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 affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area and which create negative visual impacts on the U.S. 25 corridor. Permanent attached housing is also preferable to mobile home park development because less site preparation is necessary and more open space is retained." (p. 223)

A portion of the overall objective of the Boone County Comprehensive Plan reads:

"There is nothing inherently incompatible between the various board categories of land uses when properly developed. Residential, commercial, industrial and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity. The application of proper design principles among land uses will maximize the long term quality of life of Boone County residents. The future growth and the redevelopment of areas shall be accompanied by adequate infrastructure and services..." (p. 1)

Two of the Transportation element objectives state:

"Proper access to adjoining property should be provided and/or retained when a property develops or redevelops." (p. 3)

"Roadway capacity shall be preserved by enforcement of the access management policies and guidelines." (p. 3)

A few of the Housing element objectives include:

"In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit." (p. 6)

"Residential development plans shall insure the continuity of the interior street system with the system already built or planned in the neighboring areas, as well as provide for the coordination of this local system with the major transportation network." (p. 6)

"New or redeveloped residential areas shall be designed to establish neighborhoods. Established residential neighborhoods shall be protected and enhanced..." (p. 6)

"High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities." (p. 6)

"Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access." (p. 6)

The Housing element of the Comprehensive Plan also states that:

"It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics. As stated previously, the youthful population, divorcees, and elderly often select a multi-family units or manufactured homes to satisfy their housing needs..." (p. 114)

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips... Housing densities should vary within the established developed areas, which is in agreement with the objective of land use section based on housing densities rather than housing types." (p. 115)

"South of Mt. Zion Road, mobile home parks constitute most of the housing units, while a 576 unit apartment complex has been approved in concept off Mt. Zion Road. Further, multi-family housing may be suitable between I-75 and U.S. 25." (p. 118)

STAFF CONCERNS

1. The Boone County Zoning Regulations state that the maximum development intensity for the MHP zoning district is 7 dwelling units per acre. The submitted Concept Development Plan indicates a development intensity of approximately 7.5 dwelling units per acre.

2. The applicant has not submitted any information regarding the types of recreational facilities that will be located within the proposed park areas. Staff believes that adequate recreational facilities should be provided for the residents of the proposed mobile home park.
3. Due to the limited information that has been submitted regarding the proposed landscaped buffer, it is difficult to determine its effectiveness of buffering the proposed development from the adjoining properties. Section 3165 of the Zoning Regulations states that a 15 foot wide landscaped buffer is required between MHP and SR-2 zoning districts.
4. The submitted Concept Development Plan does not indicate any direct access from this site to the adjoining properties especially to the mobile home park located immediately to the north of the site. Article 32, Section 3220 of the Boone County Zoning Regulations strongly encourages immediate access to adjoining properties.
5. The Concept Development Plan does not clearly illustrate the width of the proposed roadway system and its right-of-way. The main entrance road is noted as having a 40 foot right-of-way but does not indicate the street width. The remaining roadway system is proposed to be 25 feet wide but no right-of-way width is indicated.
6. Sidewalks are not illustrated on the submitted Concept Development Plan. Staff believes that sidewalks would be essential for the residents to safely access the park areas located within the proposed development.

CONCLUSION

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

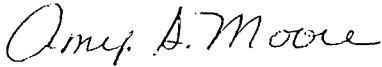
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

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April 28, 1993

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Should the Planning Commission recommend, and the Boone County Fiscal Court ultimately approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan will need to be altered.

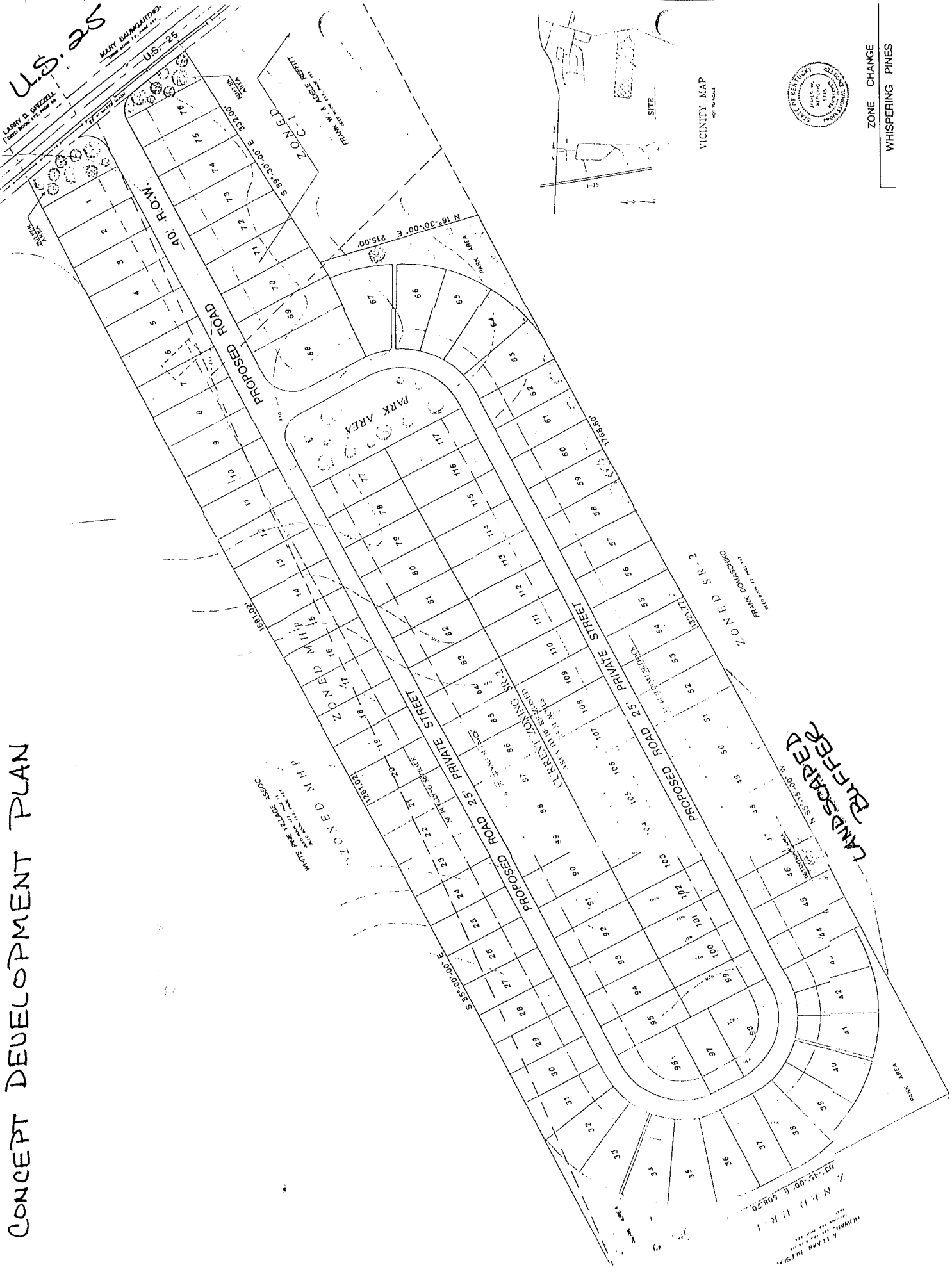
Respectfully Submitted,



Amy S. Moore
Planner II

CONCEPT DEVELOPMENT PLAN

U.S. 25



LARRY D. SPEZEL
PLANNING INC.

MARY DANKOWITZ
PLANNING INC.

U.S. 25

PROPOSED ROAD 25

PROPOSED ROAD 25

PROPOSED ROAD 25

PROPOSED ROAD 25

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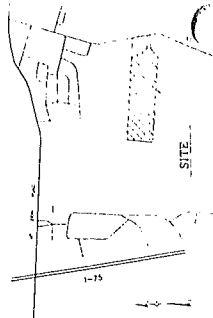
PROPOSED ROAD 25

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PROPOSED ROAD 25



VICINITY MAP



ZONE CHANGE
WHISPERING PINES

LANDSCAPED
BUFFERED

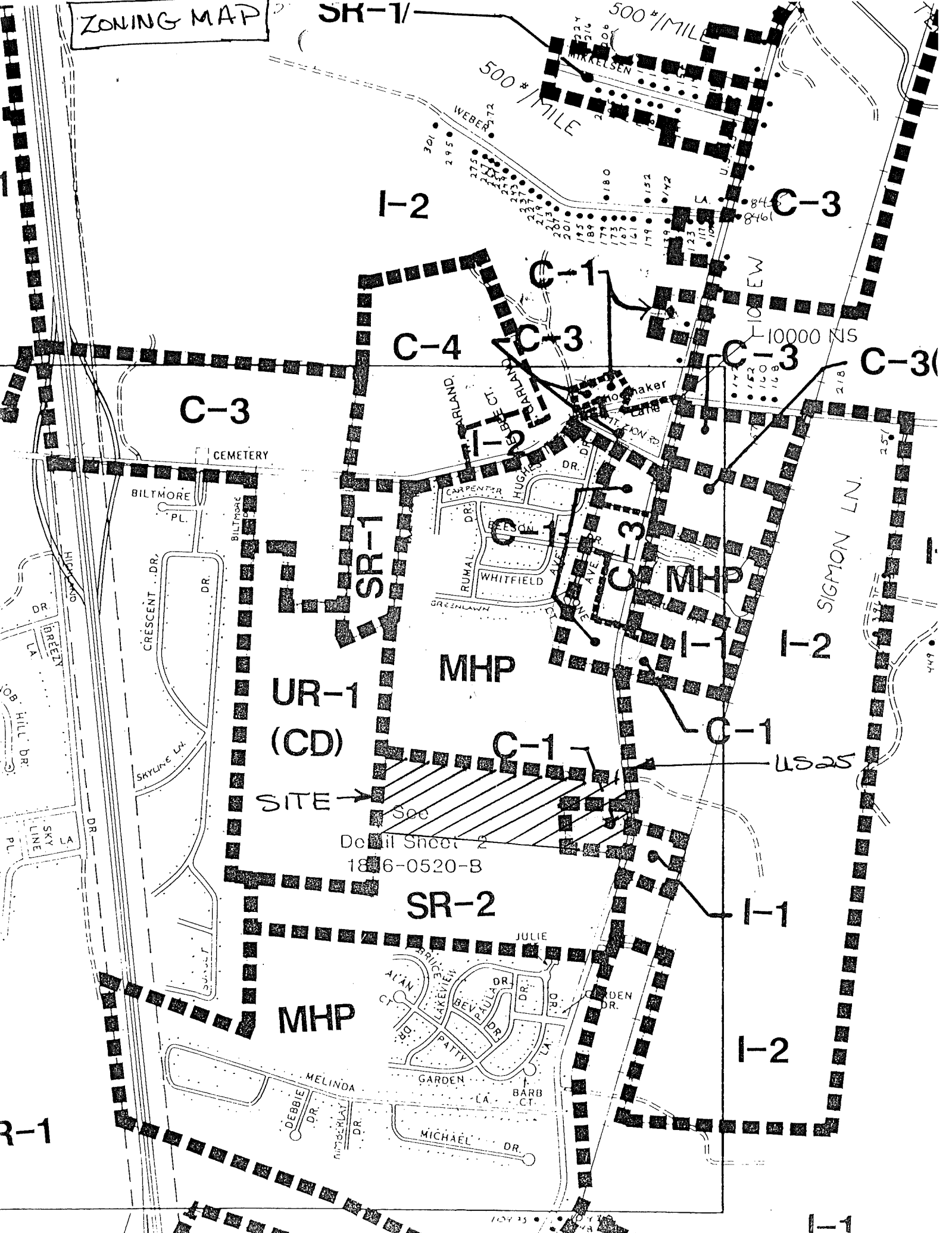
HAWAIIAN PLANNING
INCORPORATED
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ZONING MAP

SH-1/

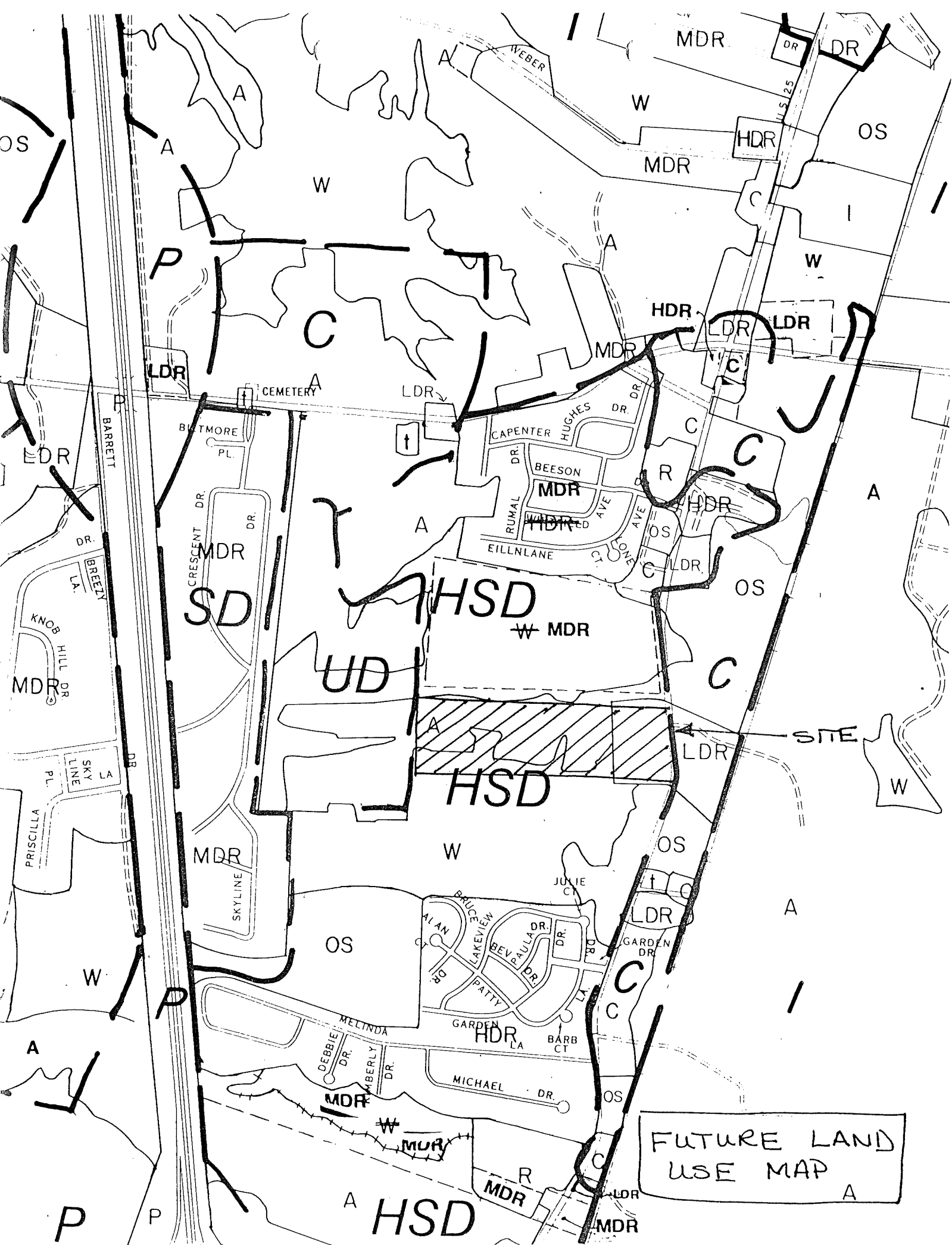
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SITE →
Detail Sheet 2
18-16-0520-B

I-1



Chairman Viox introduced the second item on the Agenda:

2. Applicant: James W. Berling for
Whispering Pines Association (owner)
Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Whispering Pines Association (owner) for a Zoning Map Amendment on a 15.51-acre site on the west side of U.S. 25, south of White Pine Village Mobile Home Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) in order to develop 117 lots in Whispering Pines Mobile Home Park.

Staff Member Amy Moore presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Jim Berling introduced Mr. Jeff McClury. Mr. McClury stated that he wants to turn a vacant and unused piece of land into a vibrant residential community. He stated that the function of zoning is to direct and control growth in a region and to maintain compatible and complimentary land uses in an area, which is what he is promoting.

Mr. McClury stated that this will be an affordable residential community, and it is the best and most realistic use of the land. Using a preliminary drawing of the proposed mobile home park, Mr. McClury indicated the entrance off U.S. 25. The entrance will be an attractive boulevard with the two lanes of traffic separated. It will be setback to allow the mobile homes to come in without the trucks going over the curbs. They will have a buffer zone at U.S. 25 and, if the Highway Department allows, they would like an earthen berm with plantings on top. They show white pines throughout the park because they grow quickly and provide screening. There is a privately owned and maintained circular drive throughout the park. The utilities will be underground. The only poles will be for street lights. They will have two main parks, one on each side of the loop. They envision having picnic benches and grills there. They would consider a basketball court if the Commission thinks it would be more appropriate. He stated that there will be "parked" areas on the corners with grass and bird houses.

Mr. McClury stated that all of the lots are a minimum of 5,000 square feet and some of them are over-sized. He showed an aerial picture of the area with this parcel outlined in red. He reviewed the roadways and land uses on the picture. He stated that there are two mobile home parks adjacent to this parcel. There are several other mobile home parks existing and proposed south of his property all the way to the next interchange. He indicated a mobile home sales lot on the picture. Mr. McClury stated that there are some single-family residences across from his property, but the majority of the land is now zoned Commercial or Industrial. His property is essentially surrounded by mobile home parks and MHP Zoning, and that is the use in the area. The zoning to the west of his property was changed to multi-family at 12 units per acre and it will provide a buffer between the mobile home parks there and the single-family residences abutting I-75 and Mt. Zion Road. He stated that this is an appropriate piece of land on

which to build affordable housing. Mobile homes are an affordable alternative to living in apartment buildings. People in mobile home parks typically stay there for a long period of time. Mobile homes can be designed, built, and maintained in an attractive manner. He stated that White Pine Village, which is adjacent to his property, is a clean park with new homes and the residents have pride in ownership. He has invested several hundred thousand dollars of his own money and has a verbal loan commitment on the project. He stated that there is a great demand for lots for mobile homes because a lot of people cannot afford to buy their own land.

Mr. McClury stated that this parcel is surrounded by mobile homes and there is no alternative but to have mobile homes here. He asked that the request be approved.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There was no response. Chairman Viox then asked if there was anyone present who wished to speak in opposition or to ask questions.

Thelma Castellini, a resident of U.S. 25 in Richwood, stated that all she said one and a half years ago still holds. She stated that U.S. 25 makes a slight curve where the entrance is. The area indicated on the report from the property line across the front is not 500 feet, it is about 250 or 300 feet. The recreational facilities mentioned may not be adequate for 117 families. In White Pine and Greenlawn, where the land is owned by the same owners, the children play in the streets because there is no place for them to play. Children cannot be kept in a yard the size of an aisle. She questioned Mr. Berling's connection to this development.

Mr. Berling stated that he is only the engineer and has no financial interest in the project.

Mrs. Castellini stated that the property is not surrounded by mobile home parks. There is a major mobile home park to the north. There are no mobile home parks to the west, south, or east. The recreation areas being set aside are not dedicated and in the mobile home parks owned by the same owners the lands set aside for recreation have been eliminated after a few years. This has occurred in every mobile home park on that stretch of road. There are 9 mobile homes parks in 1.5 miles. The owners come back and get permission to put mobile homes in the recreation areas and this has gone on for 15 years. No provision is made for guest parking. The MHP Zone requires two spaces to park; but when there are two people working, there are already two cars. She went to White Pine and could not park on the street and there were no vacant spots to park in.

Mrs. Castellini stated that this property is under the same ownership where there was soil erosion and the runoff water was not adequately piped -- and all the mobile homes had mold up the sides and under the trailers. The yards were covered with black mold. The streets are not maintained in Greenlawn. There is a questionable record of the management of these parks -- particularly Greenlawn and White Pine.

Mrs. Castellini read from the Committee Report dated June 1, 1991 and quoted the findings of fact for denial of the request -- "that the land south of the Mt. Zion Interchange between the interstate and U.S. 25 should develop in a variety of residential units and urban density up to 12 units per acre" She stated that the Plan specifies apartments or attached, affordable, housing. She continued to quote from the Committee Report that "2. the Comprehensive Plan further states that innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area and create a negative visual impact on U.S. 25." and that "3. Permanent attached housing is preferable to mobile home park development because less site preparation is necessary and more open space is retained." Mrs. Castellini stated that this is the same piece of property where the grading took place before any approvals were given two years ago. She again quoted from the Committee Report that "4. The present zoning of the property of SR-2 allows a variety of residential types at a density of 8 units per acre. MHP would allow only 7 units per acre and the Committee, therefore, feels the present zoning is the more appropriate use of the area." and "5. The applicant has not proven major changes of an economic, or social nature not anticipated in the adoption of the Comprehensive Plan that have substantially altered the area's character."

Jenny Woodruff, a resident of Richwood, stated that her children travel U.S. 25 daily. She quoted from Section 880 of the Zoning Regulations regarding mobile home parks and stated that the purpose is "to provide an alternative type dwelling within well planned and desirable environments" and "such parks should be located in areas with adequate infrastructure and convenient access". She referred to accident data on U.S. 25 for the 1.3 miles from Mt. Zion Road to Maher Road which already has mobile home parks on it. She received this data from Bob Boster of the Public Safety Office. The data was from 7/28/92 to 4/27/93 when there were 66 reported accidents from Mt. Zion Road to Richwood, with 35 of them (53%) occurring in the 1.3 mile stretch of road. She noted a comment made by Mr. Kirby in regard to another zoning issue that "oftentimes something very bad must happen before anything is done to address the current road conditions and someone may have to die before anything gets done". She stated that this terrifies her as her children travel this road daily on school buses. There is a minimum of 15 school buses traveling this treacherous road daily. The Department of Transportation told her that it is difficult to utilize school buses due to the current congestion and traffic conditions. Traffic is a major problem. Buses are encountering a large number of tractor trailers. The school buses are overcrowded and there are 4 and 5 children to a seat and younger ones on the laps of older ones. There are children standing in the aisles on the school buses. She asked that the safety of the children be considered.

Vicky Burbrink, a resident of Mt. Zion Road, submitted a petition with 236 signatures of people against the zone change (see EXHIBIT 3, 4/28/93). She stated that they are opposed to the zone change due to the traffic. A mobile home park of 114 trailers would cause more congestion. The schools are at capacity and they are having to consider staggered school starts due to the overcrowding. The new school, Ryle Elementary, is already 300 over capacity and this is where the children from the mobile home park would go. The existing mobile home parks add to the crowding. She stated

that there is a rapid deterioration of the mobile home parks. There are not enough people to enforce the regulations and self-regulation does not work. She has spent many hours on the phone trying to get the regulations enforced and is passed from one agency to another. The existing mobile home parks are not required to provide buffer zones, which is evident on the newly widened part of Mt. Zion. She submitted a picture of the view from her front porch. She stated that there was a buffer zone before the reconstruction of the road, but there is no buffer zone now. She stated that all Planning & Zoning Regulations were thrown out in 1980 and when the new regulations were adopted, the pre-existing mobile home parks did not have to comply. She submitted a second picture and stated that the mobile home in the picture has been there since 1982 and it is not skirted. The owners of Greenlawn are not in compliance with the regulations at this time. The owners of Greenlawn asked for a Variance from the Board of Adjustment, which was denied, but they had already placed a mobile home on Lot #49 and poured several pads. The pads and mobile home are still there, and the mobile home is occupied. Greenlawn should be made to follow the regulations. There are mobile homes in violation of the setbacks. She stated that the owners of Greenlawn do not care about the regulations.

Mrs. Burbrink stated that another mobile home park will devalue the existing single-family homes. On a appraisal of her property, the appraiser indicated that the mobile home park had a negative impact on her property.

Mr. Richard Miller, Maher Road, built his home in 1985 and thought there would not be more mobile home parks. He stated that zoning means balancing a community and this area is tilted. He submitted a petition with 48 signatures of property owners against this request (Note: two additional signatures were obtained after the meeting) (see EXHIBIT 4, 4/28/93). He suggested that the Commissioners travel down the "beautiful boulevards" in the mobile home park and see the quality and how they are maintained. He stated that there are about 2,000 trailers in this area, and enough is enough.

Mr. Miller noted the staggered starts for school buses because they are so crowded. He stated that there will be a minimum of two children per household in the mobile home park. He commented that if he buys a piece of property and gets it zoned MHP, he could then buy another down the street and have it zoned MHP, which would make everything in the middle fair game for MHP. He stated that every third or fourth day there is an accident in the area. The traffic is bad on U.S. 25 in the mornings and in the evenings. If there are more mobile home parks in the county, they should be on the other side of the county.

Joyce Alee, Principal of Collins Elementary School, stated that Collins was built to house 600 children and there are now 636 children at the school and others are sent to Ockerman because they do not have enough room. They cannot house another 230 children in the schools, and maybe not even another 100 children. They made \$2.1 million in cuts in 1993 and 1994, including 8 buses they did not buy. The buses are already overcrowded and some of them have so many children that they cannot sit down, which is a safety problem. Twenty-five teaching positions will not

be filled in Boone County next year. If the school systems starts to decline because of cuts and the education starts decreasing, will people want to move to Boone County? They have to try to deal with the cuts and may have to go to double sessions. They cannot afford to build more schools and hire more teachers. She asked that changing the zoning and increasing the density be rejected. She stated that the trailer parks should be spread out.

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

Chairman Viox stated that the SR-2 Zone offers 8 units per acre. He asked if the applicant is saying that there is not a product they can develop on the property as SR-2.

Mr. McClury stated that they had the property for sale. A buyer was going to develop lots at 8 units per acre, but none of the builders in Cincinnati and Northern Kentucky were willing to build in this location because of its proximity to the mobile home parks. He stated that people do not want the mobile home parks next to them. The parcel behind this property is multi-family at a density higher than 8 units per acre. A mobile home park is the only alternative he sees as no one will buy it for "stick build".

Chairman Viox stated that he had heard comments this evening about overcrowded schools and buses, and he believes that everyone on the Commission is aware of this. His wife is a guidance counselor and he is familiar with this situation. He does not know that the Commission is responsible for the problems in the education system or that he would vote "no" to allowing development to occur in Boone County. He would not want to be involved in shutting down the county because there is a problem in education.

Mr. Neltner questioned if the lots in the White Pine park are a lot smaller than the lots being proposed. Mr. McClury replied that he does not know how his lots relate to the lots in White Pine. Mr. Berling stated that they are proposing lots 50-foot wide and 115-foot deep. Mr. Neltner reviewed the drawings and raised the same question. Mr. Berling stated that the red lines on the drawings may be out of proportion. Amy Moore stated that the proposed density is the same as the maximum intensity in White Pine Village.

Mr. Ries questioned what is different between the application of June 19, 1991 and the current application. He noted that the 1991 application was denied. Mrs. Moore advised that 107 lots were proposed in 1991. The request involves a circular traffic pattern basically like it was in 1991 with one access onto Dixie Highway. Mrs. Castellini offered to submit a copy of the previous application. Mrs. Moore added that in 1991 the house on the property was proposed to remain for a period of time for the management to use.

Mrs. Smith questioned the pond on the site. Mr. Berling stated that it will be removed.

Mr. McMillian noted that the buffer used next door to this site was 18" white pine trees about 6-feet on center, which is not much of a buffer. He questioned the buffer proposed for this site.

Mr. McClury stated that he has an affiliation with the other parks in that his father and his uncle participate in those parks. His father is retired and his uncle has failing health, and they are not interested in pursuing the development of mobile homes. He was involved in the first zone change proposal last year. He stated that small white pines grow quickly. He is open to suggestions about planting materials, but is considering white pines and would be open to a minimum of 3-foot trees.

Mr. Bailey asked if there are any plans for play equipment for the children. Mr. McClury replied that they do not propose play equipment for children because his insurance man advised him against it. They propose park benches.

Chairman Viox again asked why the site cannot be developed as SR-2. He stated that there are mobile homes adjacent to the site, but there is a large piece of property zoned UR-1, which will likely be an apartment complex at some point, and there is acreage to the south. With the proper buffering, he believes something else could be developed here.

Mr. McClury stated that they looked at this possibility and came up with "spades". He does not build "stick built", but professionals say it is not worth the effort and there is not a demand for it. There is a proven success for mobile homes in this area.

Chairman Viox asked if there were any final comments.

Mr. McClury stated that he has children and is concerned about the schools, but that is not Planning & Zoning's jurisdiction. He asked if the Commission wants a moratorium on housing. If the answer is no, then the question is what type of housing is wanted. If there is concern about density and schools, mobile homes are a viable alternative because they are less dense per acre. He can today build 8 units per acre and those units would most likely have children in them. There is 0.25 children per mobile home on a national basis. Greenlawn and White Pine are higher than this, but have less than one child per unit. People do not typically raise a trailer full of children in mobile homes parks because they are not that large. He stated that there will not be 230 children in the park.

Joyce Alee stated that they have 170 children coming from another recently approved development, plus this development.

Mr. McClury stated that he is offering less children and less density, which will be less of a burden on the school system. He stated that zoning likes to put all the like uses together, and there are mobile homes in this area. There is a vacant parcel adjacent to this property, but there are several mobile home parks to the south, and this is the tone that has been set for the area. He is only talking about this particular zone change and cannot address the fact that the residents think mobile homes will be springing up everywhere. He is offering lower density with


this development and there will be more traffic if it is "stick built" at 8 units per acre. He stated that Greenlawn and White Pine were just inspected by the Department of Health and Safety and they were rated 96 on a scale of 100 for health and safety issues, and there were no violations. He stated that Mt. Zion Road was relocated and 17 pads were taken and it may now be disheveled, but part of that is the Department of Transportation's concern. His family developed White Pine Village and it is a very nice development with very nice people. His family bought Greenlawn from a bank foreclosure in 1980 and it is 100% occupied. He stated that there are no guidelines for recreation facilities, but they have tried to address this with about 40,000 square feet of open space dedicated to recreation. They cannot add mobile home pads haphazardly. Once he gets approval for 113 pads, that is all there will be. He wants the children to have a place to play. He stated that he is also trying to change the commercial zone in the front to MHP. If there were a United Dairy Farmers, a Gold Star Chili, or a Blockbuster Video on the commercial area, there would be hundreds of cars coming in and out of there all day long. A mobile home park does not have the traffic flow experienced in a commercial development. The residents will live there and be familiar with the traffic flow and will be less apt to have an accident. A person pulling in and out of a gas station who is not familiar with the traffic is more likely to have an accident. He suggested that possibly a traffic light is needed if there is concern.

Mrs. Castellini stated that 40,000 square feet is less than one acre, and it is divided into four spots -- it is a minimal amount of land. Guidelines for recreation could be determined by considering what the kids are doing in the street. She stated that the 100% occupied figure includes an undetermined number of rental units, 17 of which were obtained from the Highway Department, as well as other units that were abandoned or foreclosed.

Mrs. Moore stated that Greenlawn is in violation of the Subdivision Regulations at this time. There was a mobile home placed within the mobile home park which did not meet the front yard setback and a Variance was denied. The mobile home has not been removed. Counselor Wilson asked that Mr. McClury advise the owner of this situation. Mr. McClury said he would do this.

Chairman Viox stated that the Committee Meeting for this application will be on May 10, 1993 at 7 P.M. in the Staff Office. This item will be on the Agenda for the Business Meeting on May 19, 1993 at 8 P.M.. Chairman Viox closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 16, 1993 - 8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
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. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith
*Mr. William Viox, Chairman

*arrived during Agenda Item No. 2

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dillon

Approval of the Minutes:

Mr. Burch stated that each Commission member had received copies of the Minutes of the June 2, 1993 Business Meeting. He asked if there were any comments or questions.

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

3. Zoning Map Amendment

The request of James W. Berling (applicant) for Whispering Pines Association (owner) for a Zoning Map Amendment on a 15.51-acre site on the west side of U.S. 25, south of White Pine Village Mobile Home Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) in order to develop 117 lots in Whispering Pines Mobile Home Park.

Staff Member Amy Moore presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Burch advised that Mr. Baumgartner was in the audience, but had been unable to attend the Public Hearing. He stated that the Commission would acknowledge Mr. Baumgartner for a brief statement, but emphasized that the Public Hearing has been completed.

Mr. Baumgartner stated that he sent a letter as he could not be present at the Public Hearing, but it seems that no one got the letter. He stated that Mrs. Moore indicated that she had given copies of the letter to all the Commissioners, but it was not brought up at the Public Hearing. Mr. Baumgartner has lived across the street from the subject property for 58 years. The trailer courts have just about put him out of business. The people harass him. Signs and fences do not keep the people out. He stated that when you put 200 or 300 people on 15 acres, they have to go some place -- and they go to his place. He raised seven children and they were not allowed to build homes next to him. He emphasized that the Commission will allow 100+ homes across the street from him, but would not let him build one home on 121 acres. He questioned the impact of the trailers on the value of his property. He noted concerns about traffic and traffic accidents at the entrance. The entrance will point directly in front of his house and the car lights will shine on his house. He stated that you cannot have a recreational area for people in a trailer park. At Mobley Court they tore up the swimming pool twice, they tore up the recreational hall, and tore the plumbing off the walls. There were people on his silo that took his bull and put it in the barn. He cannot keep the people from the trailer park out of his lake. He asked that these items be considered.

Mr. Bailey advised that a copy of Mr. Baumgartner's letter was attached to the report the Committee members received.

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

Chairman Viox stated that he disagrees with the Committee Report and believes the site could be developed as SR-2 with eight dwelling units per acre, and such development would be appropriate. He will vote "no" on the motion for this reason.

Mr. Ries questioned the differences between the original application, which was denied, and this application; and the basis for recommending approval now vs. the denial recommended on the first application. He stated that not being able to develop or sell the property based on the zoning is not a basis on which to change the zoning.

Mrs. Moore advised that she did not attend the Committee Meeting. She stated that the 1991 application proposed 107 lots. This application proposed 117 lots, but the condition reduced that number. The traffic pattern is basically the same in both applications. The recreational areas were in different places. Mr. Fromm advised that in the initial application commercial use was proposed for the two lots as you enter the subdivision, and this application proposed that those lots (#1 and #75) be left vacant and turned into a grassy area. Mr. Neltner commented that the entrance was more than a grassy area. He stated that they eliminated the commercial and put in a fairly nice entrance.

Mr. Jim Berling, engineer for the development, stated that they worked with the Committee and tried to address the concerns brought up at the Public Hearing -- traffic and density. There is no more density than there would be with stick built houses, and probably less. They eliminated the commercial. They gave the first two lots for landscaping in the front and then they gave two more lots. They had two large park areas and two small park areas and the applicant has agreed to provide a central park activity with items like basketball courts. He stated that the basic difference is how they addressed the concerns raised at the Public Hearing.

Mr. DeLong stated that he attended the Committee Meeting and his understanding was that they would apply later to use the front two lots for commercial. Mr. Berling advised that there was some suggestion that the developer would later ask that the park area be commercial or mobile home sites, but this did not occur through their initiative. He stated that the park area will be a park area. He emphasized that nothing can be changed unless they come back for approval, but they have no intention of doing anything like that.

Mr. Ries stated that he believes that part of the reason for the recommendation of denial in 1991 was that the property could be developed with the existing zoning, and not because of the reasons being heard now. He believes the property can be developed as it is currently zoned. Mr. Ries commented that there cannot be mobile homes on U.S. 25 from Florence all the way to Williamstown because no one can develop the property there.

Mrs. Arnett noted that Mr. McClury indicated at the Public Hearing that White Pine Village is 100% occupied. Mr. McClury stated that White Pine Village is 100% occupied, which means that there is a house on each pad. Mrs. Arnett advised that she visited the site and a significant number of the units appear to be for sale and vacant. Mr. McClury stated that the park is 100% occupied.

Mr. Harry Gospel, Century 21 Realtors, representing Edna May Gears, an adjoining property owner with 43 acres across from the Baumgartner property, quoted from the Comprehensive Plan regarding innovative design

and construction providing an alternative to mobile homes and began to comment on the negative impacts of mobile homes. Mr. Burch advised Mr. Gospel that the Public Hearing is closed and new evidence cannot be accepted.

Mr. Gospel stated that the chances of being able to sell the Gears property will be greatly diminished if over 100 mobile homes go in there. He stated that it is going to end up being nothing but mobile homes up and down U.S. 25.

At this time, Mr. Burch asked for a vote on the motion made by Mr. Owens which found Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, and Mrs. Smith in favor. Mrs. Arnett, Mr. Bailey, Mr. DeLong, Mr. Kirby, Mr. Ries, Mr. Rush, and Chairman Viox were opposed. The motion carried by a vote of 8 to 7.

4. Zoning Map Amendment

The request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hobert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19-acre site located off KY 18, west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

Staff Member Dave Geohegan presented 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 all 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. Ries seconded the motion.

Mr. Bailey stated that originally there was discussion of having several acres of commercial development in the front, which has changed. This was a change that the developer favored. He questioned why the change was made.

Mr. Brehm advised that it is indicated in the Minutes of the May 19, 1993 Public Hearing that they changed the amount of commercial frontage along KY 18 in response to the comments made at the original Public Hearing and in context with the Land Use Plan to achieve compliance with the Comprehensive Plan.

Mr. Geohegan advised that there were two Public Hearings.

Mr. Bailey stated that if commercial development is not encouraged in these areas as they develop, all the traffic will go to the City of Florence. It is getting to where Florence has a continuous traffic problem. He would like to see some commercial development to help serve the people when there is a big development like this and to help spread

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: June 16, 1993

RE: Request of James W. Berling (applicant) for Whispering Pines, Association (owner) for a Zoning Map Amendment on a 15.51 acre site located on the west side of U.S. 25 and south of White Pine Village Mobile Home Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) in order to develop 117 lots in Whispering Pines Mobile Home Park.

REMARKS:

We, the Committee, based on the statements made and fact gathered at the April 28, 1993 Public Hearing, recommend approval of this request based on the following findings of fact and subject to the following conditions:

Findings of Fact:

1. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The area in question already has several mobile home parks and doesn't seem attractive to builders of conventional homes.
2. The map amendment is in general agreement with the Comprehensive Plan for the location. The Comprehensive Plan recommends High Suburban Density (around 6 units per acre); however, the present SR-2 zoning permits 8 units per acre. Seven units per acre would be appropriate and within reason. It would cut the allowable density from that now permitted.

Conditions:


1. The density of development shall be reduced to 7 rather than 7.5 per acre. This would permit 109 units, not 117 as proposed.

2. Lots numbers 1 and 75 shall not be used for the location of mobile home units, but shall be landscaped and beautified into an attractive park-like entrance to the park.
3. The remaining six of the eight eliminated lots shall be developed into additional recreation space centrally located within the development.
4. All concerns, not here-to-fore addressed but noted in the minutes of the Public Hearing of April 28, 1993 and the Staff Report shall be addressed at the Site Plan Review stage.


A copy of the Public Hearing minutes accompanies the findings and recommendations serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



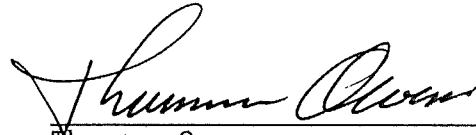
Barry Neltner, Chairman



Fred Burch



Gayle McElroy

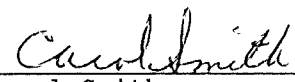


Thurman Owens



Phil Damstrom

Ralph Rush



Carol Smith

:par

Chairman Viox introduced the second item on the Agenda:

2. Applicant: James W. Berling for
Whispering Pines Association (owner)
Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Whispering Pines Association (owner) for a Zoning Map Amendment on a 15.51-acre site on the west side of U.S. 25, south of White Pine Village Mobile Home Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) in order to develop 117 lots in Whispering Pines Mobile Home Park.

Staff Member Amy Moore presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Jim Berling introduced Mr. Jeff McClury. Mr. McClury stated that he wants to turn a vacant and unused piece of land into a vibrant residential community. He stated that the function of zoning is to direct and control growth in a region and to maintain compatible and complimentary land uses in an area, which is what he is promoting.

Mr. McClury stated that this will be an affordable residential community, and it is the best and most realistic use of the land. Using a preliminary drawing of the proposed mobile home park, Mr. McClury indicated the entrance off U.S. 25. The entrance will be an attractive boulevard with the two lanes of traffic separated. It will be setback to allow the mobile homes to come in without the trucks going over the curbs. They will have a buffer zone at U.S. 25 and, if the Highway Department allows, they would like an earthen berm with plantings on top. They show white pines throughout the park because they grow quickly and provide screening. There is a privately owned and maintained circular drive throughout the park. The utilities will be underground. The only poles will be for street lights. They will have two main parks, one on each side of the loop. They envision having picnic benches and grills there. They would consider a basketball court if the Commission thinks it would be more appropriate. He stated that there will be "parked" areas on the corners with grass and bird houses.

Mr. McClury stated that all of the lots are a minimum of 5,000 square feet and some of them are over-sized. He showed an aerial picture of the area with this parcel outlined in red. He reviewed the roadways and land uses on the picture. He stated that there are two mobile home parks adjacent to this parcel. There are several other mobile home parks existing and proposed south of his property all the way to the next interchange. He indicated a mobile home sales lot on the picture. Mr. McClury stated that there are some single-family residences across from his property, but the majority of the land is now zoned Commercial or Industrial. His property is essentially surrounded by mobile home parks and MHP Zoning, and that is the use in the area. The zoning to the west of his property was changed to multi-family at 12 units per acre and it will provide a buffer between the mobile home parks there and the single-family residences abutting I-75 and Mt. Zion Road. He stated that this is an appropriate piece of land on

which to build affordable housing. Mobile homes are an affordable alternative to living in apartment buildings. People in mobile home parks typically stay there for a long period of time. Mobile homes can be designed, built, and maintained in an attractive manner. He stated that White Pine Village, which is adjacent to his property, is a clean park with new homes and the residents have pride in ownership. He has invested several hundred thousand dollars of his own money and has a verbal loan commitment on the project. He stated that there is a great demand for lots for mobile homes because a lot of people cannot afford to buy their own land.

Mr. McClury stated that this parcel is surrounded by mobile homes and there is no alternative but to have mobile homes here. He asked that the request be approved.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There was no response. Chairman Viox then asked if there was anyone present who wished to speak in opposition or to ask questions.

Thelma Castellini, a resident of U.S. 25 in Richwood, stated that all she said one and a half years ago still holds. She stated that U.S. 25 makes a slight curve where the entrance is. The area indicated on the report from the property line across the front is not 500 feet, it is about 250 or 300 feet. The recreational facilities mentioned may not be adequate for 117 families. In White Pine and Greenlawn, where the land is owned by the same owners, the children play in the streets because there is no place for them to play. Children cannot be kept in a yard the size of an aisle. She questioned Mr. Berling's connection to this development.

Mr. Berling stated that he is only the engineer and has no financial interest in the project.

Mrs. Castellini stated that the property is not surrounded by mobile home parks. There is a major mobile home park to the north. There are no mobile home parks to the west, south, or east. The recreation areas being set aside are not dedicated and in the mobile home parks owned by the same owners the lands set aside for recreation have been eliminated after a few years. This has occurred in every mobile home park on that stretch of road. There are 9 mobile homes parks in 1.5 miles. The owners come back and get permission to put mobile homes in the recreation areas and this has gone on for 15 years. No provision is made for guest parking. The MHP Zone requires two spaces to park; but when there are two people working, there are already two cars. She went to White Pine and could not park on the street and there were no vacant spots to park in.

Mrs. Castellini stated that this property is under the same ownership where there was soil erosion and the runoff water was not adequately piped -- and all the mobile homes had mold up the sides and under the trailers. The yards were covered with black mold. The streets are not maintained in Greenlawn. There is a questionable record of the management of these parks -- particularly Greenlawn and White Pine.

Mrs. Castellini read from the Committee Report dated June 1, 1991 and quoted the findings of fact for denial of the request -- "that the land south of the Mt. Zion Interchange between the interstate and U.S. 25 should develop in a variety of residential units and urban density up to 12 units per acre" She stated that the Plan specifies apartments or attached, affordable, housing. She continued to quote from the Committee Report that "2. the Comprehensive Plan further states that innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area and create a negative visual impact on U.S. 25." and that "3. Permanent attached housing is preferable to mobile home park development because less site preparation is necessary and more open space is retained." Mrs. Castellini stated that this is the same piece of property where the grading took place before any approvals were given two years ago. She again quoted from the Committee Report that "4. The present zoning of the property of SR-2 allows a variety of residential types at a density of 8 units per acre. MHP would allow only 7 units per acre and the Committee, therefore, feels the present zoning is the more appropriate use of the area." and "5. The applicant has not proven major changes of an economic, or social nature not anticipated in the adoption of the Comprehensive Plan that have substantially altered the area's character."

Jenny Woodruff, a resident of Richwood, stated that her children travel U.S. 25 daily. She quoted from Section 880 of the Zoning Regulations regarding mobile home parks and stated that the purpose is "to provide an alternative type dwelling within well planned and desirable environments" and "such parks should be located in areas with adequate infrastructure and convenient access". She referred to accident data on U.S. 25 for the 1.3 miles from Mt. Zion Road to Maher Road which already has mobile home parks on it. She received this data from Bob Boster of the Public Safety Office. The data was from 7/28/92 to 4/27/93 when there were 66 reported accidents from Mt. Zion Road to Richwood, with 35 of them (53%) occurring in the 1.3 mile stretch of road. She noted a comment made by Mr. Kirby in regard to another zoning issue that "oftentimes something very bad must happen before anything is done to address the current road conditions and someone may have to die before anything gets done". She stated that this terrifies her as her children travel this road daily on school buses. There is a minimum of 15 school buses traveling this treacherous road daily. The Department of Transportation told her that it is difficult to utilize school buses due to the current congestion and traffic conditions. Traffic is a major problem. Buses are encountering a large number of tractor trailers. The school buses are overcrowded and there are 4 and 5 children to a seat and younger ones on the laps of older ones. There are children standing in the aisles on the school buses. She asked that the safety of the children be considered.

Vicky Burbrink, a resident of Mt. Zion Road, submitted a petition with 236 signatures of people against the zone change (see EXHIBIT 3, 4/28/93). She stated that they are opposed to the zone change due to the traffic. A mobile home park of 114 trailers would cause more congestion. The schools are at capacity and they are having to consider staggered school starts due to the overcrowding. The new school, Ryle Elementary, is already 300 over capacity and this is where the children from the mobile home park would go. The existing mobile home parks add to the crowding. She stated

that there is a rapid deterioration of the mobile home parks. There are not enough people to enforce the regulations and self-regulation does not work. She has spent many hours on the phone trying to get the regulations enforced and is passed from one agency to another. The existing mobile home parks are not required to provide buffer zones, which is evident on the newly widened part of Mt. Zion. She submitted a picture of the view from her front porch. She stated that there was a buffer zone before the reconstruction of the road, but there is no buffer zone now. She stated that all Planning & Zoning Regulations were thrown out in 1980 and when the new regulations were adopted, the pre-existing mobile home parks did not have to comply. She submitted a second picture and stated that the mobile home in the picture has been there since 1982 and it is not skirted. The owners of Greenlawn are not in compliance with the regulations at this time. The owners of Greenlawn asked for a Variance from the Board of Adjustment, which was denied, but they had already placed a mobile home on Lot #49 and poured several pads. The pads and mobile home are still there, and the mobile home is occupied. Greenlawn should be made to follow the regulations. There are mobile homes in violation of the setbacks. She stated that the owners of Greenlawn do not care about the regulations.

Mrs. Burbrink stated that another mobile home park will devalue the existing single-family homes. On a appraisal of her property, the appraiser indicated that the mobile home park had a negative impact on her property.

Mr. Richard Miller, Maher Road, built his home in 1985 and thought there would not be more mobile home parks. He stated that zoning means balancing a community and this area is tilted. He submitted a petition with 48 signatures of property owners against this request (Note: two additional signatures were obtained after the meeting) (see EXHIBIT 4, 4/28/93). He suggested that the Commissioners travel down the "beautiful boulevards" in the mobile home park and see the quality and how they are maintained. He stated that there are about 2,000 trailers in this area, and enough is enough.

Mr. Miller noted the staggered starts for school buses because they are so crowded. He stated that there will be a minimum of two children per household in the mobile home park. He commented that if he buys a piece of property and gets it zoned MHP, he could then buy another down the street and have it zoned MHP, which would make everything in the middle fair game for MHP. He stated that every third or fourth day there is an accident in the area. The traffic is bad on U.S. 25 in the mornings and in the evenings. If there are more mobile home parks in the county, they should be on the other side of the county.

Joyce Alee, Principal of Collins Elementary School, stated that Collins was built to house 600 children and there are now 636 children at the school and others are sent to Ockerman because they do not have enough room. They cannot house another 230 children in the schools, and maybe not even another 100 children. They made \$2.1 million in cuts in 1993 and 1994, including 8 buses they did not buy. The buses are already overcrowded and some of them have so many children that they cannot sit down, which is a safety problem. Twenty-five teaching positions will not

be filled in Boone County next year. If the school systems starts to decline because of cuts and the education starts decreasing, will people want to move to Boone County? They have to try to deal with the cuts and may have to go to double sessions. They cannot afford to build more schools and hire more teachers. She asked that changing the zoning and increasing the density be rejected. She stated that the trailer parks should be spread out.

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

Chairman Viox stated that the SR-2 Zone offers 8 units per acre. He asked if the applicant is saying that there is not a product they can develop on the property as SR-2.

Mr. McClury stated that they had the property for sale. A buyer was going to develop lots at 8 units per acre, but none of the builders in Cincinnati and Northern Kentucky were willing to build in this location because of its proximity to the mobile home parks. He stated that people do not want the mobile home parks next to them. The parcel behind this property is multi-family at a density higher than 8 units per acre. A mobile home park is the only alternative he sees as no one will buy it for "stick build".

Chairman Viox stated that he had heard comments this evening about overcrowded schools and buses, and he believes that everyone on the Commission is aware of this. His wife is a guidance counselor and he is familiar with this situation. He does not know that the Commission is responsible for the problems in the education system or that he would vote "no" to allowing development to occur in Boone County. He would not want to be involved in shutting down the county because there is a problem in education.

Mr. Neltner questioned if the lots in the White Pine park are a lot smaller than the lots being proposed. Mr. McClury replied that he does not know how his lots relate to the lots in White Pine. Mr. Berling stated that they are proposing lots 50-feet wide and 115-feet deep. Mr. Neltner reviewed the drawings and raised the same question. Mr. Berling stated that the red lines on the drawings may be out of proportion. Amy Moore stated that the proposed density is the same as the maximum intensity in White Pine Village.

Mr. Ries questioned what is different between the application of June 19, 1991 and the current application. He noted that the 1991 application was denied. Mrs. Moore advised that 107 lots were proposed in 1991. The request involves a circular traffic pattern basically like it was in 1991 with one access onto Dixie Highway. Mrs. Castellini offered to submit a copy of the previous application. Mrs. Moore added that in 1991 the house on the property was proposed to remain for a period of time for the management to use.

Mrs. Smith questioned the pond on the site. Mr. Berling stated that it will be removed.

Mr. McMillian noted that the buffer used next door to this site was 18" white pine trees about 6-feet on center, which is not much of a buffer. He questioned the buffer proposed for this site.

Mr. McClury stated that he has an affiliation with the other parks in that his father and his uncle participate in those parks. His father is retired and his uncle has failing health, and they are not interested in pursuing the development of mobile homes. He was involved in the first zone change proposal last year. He stated that small white pines grow quickly. He is open to suggestions about planting materials, but is considering white pines and would be open to a minimum of 3-foot trees.

Mr. Bailey asked if there are any plans for play equipment for the children. Mr. McClury replied that they do not propose play equipment for children because his insurance man advised him against it. They propose park benches.

Chairman Viox again asked why the site cannot be developed as SR-2. He stated that there are mobile homes adjacent to the site, but there is a large piece of property zoned UR-1, which will likely be an apartment complex at some point, and there is acreage to the south. With the proper buffering, he believes something else could be developed here.

Mr. McClury stated that they looked at this possibility and came up with "spades". He does not build "stick built", but professionals say it is not worth the effort and there is not a demand for it. There is a proven success for mobile homes in this area.

Chairman Viox asked if there were any final comments.

Mr. McClury stated that he has children and is concerned about the schools, but that is not Planning & Zoning's jurisdiction. He asked if the Commission wants a moratorium on housing. If the answer is no, then the question is what type of housing is wanted. If there is concern about density and schools, mobile homes are a viable alternative because they are less dense per acre. He can today build 8 units per acre and those units would most likely have children in them. There is 0.25 children per mobile home on a national basis. Greenlawn and White Pine are higher than this, but have less than one child per unit. People do not typically raise a trailer full of children in mobile homes parks because they are not that large. He stated that there will not be 230 children in the park.

Joyce Alee stated that they have 170 children coming from another recently approved development, plus this development.

Mr. McClury stated that he is offering less children and less density, which will be less of a burden on the school system. He stated that zoning likes to put all the like uses together, and there are mobile homes in this area. There is a vacant parcel adjacent to this property, but there are several mobile home parks to the south, and this is the tone that has been set for the area. He is only talking about this particular zone change and cannot address the fact that the residents think mobile homes will be springing up everywhere. He is offering lower density with

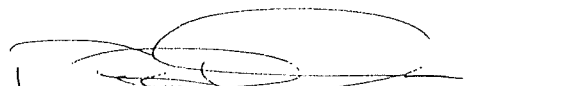
this development and there will be more traffic if it is "stick built" at 8 units per acre. He stated that Greenlawn and White Pine were just inspected by the Department of Health and Safety and they were rated 96 on a scale of 100 for health and safety issues, and there were no violations. He stated that Mt. Zion Road was relocated and 17 pads were taken and it may now be disheveled, but part of that is the Department of Transportation's concern. His family developed White Pine Village and it is a very nice development with very nice people. His family bought Greenlawn from a bank foreclosure in 1980 and it is 100% occupied. He stated that there are no guidelines for recreation facilities, but they have tried to address this with about 40,000 square feet of open space dedicated to recreation. They cannot add mobile home pads haphazardly. Once he gets approval for 113 pads, that is all there will be. He wants the children to have a place to play. He stated that he is also trying to change the commercial zone in the front to MHP. If there were a United Dairy Farmers, a Gold Star Chili, or a Blockbuster Video on the commercial area, there would be hundreds of cars coming in and out of there all day long. A mobile home park does not have the traffic flow experienced in a commercial development. The residents will live there and be familiar with the traffic flow and will be less apt to have an accident. A person pulling in and out of a gas station who is not familiar with the traffic is more likely to have an accident. He suggested that possibly a traffic light is needed if there is concern.

Mrs. Castellini stated that 40,000 square feet is less than one acre, and it is divided into four spots -- it is a minimal amount of land. Guidelines for recreation could be determined by considering what the kids are doing in the street. She stated that the 100% occupied figure includes an undetermined number of rental units, 17 of which were obtained from the Highway Department, as well as other units that were abandoned or foreclosed.

Mrs. Moore stated that Greenlawn is in violation of the Subdivision Regulations at this time. There was a mobile home placed within the mobile home park which did not meet the front yard setback and a Variance was denied. The mobile home has not been removed. Counselor Wilson asked that Mr. McClury advise the owner of this situation. Mr. McClury said he would do this.

Chairman Viox stated that the Committee Meeting for this application will be on May 10, 1993 at 7 P.M. in the Staff Office. This item will be on the Agenda for the Business Meeting on May 19, 1993 at 8 P.M.. Chairman Viox closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:

Jan Hancock / PR
Jan Hancock, Recording Secretary

MINUTES
BOONE COUNTY FISCAL COURT
AUGUST 17, 1993
5:00 P.M.

ITEM III.

DELEGATIONS

Judge Lucas asked if there were any delegations to come before the court and there being none present, Judge Lucas moved on to the next item.

ITEM IV.

PERSONNEL MATTERS

Ms. Marilyn Kruempelman, Personnel Director, presented several recommendations to the Fiscal Court.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of Donna Bottorff from part-time to full-time Animal Control Officer at the Grade/Step of 4/A, \$6.95 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve the appointment of Bernie M. Wehrmeyer to the position of Ranger and the appointment of Brian Thomas Scott to the position of Starter, both at the Grade/Step of S/A, \$4.97 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Patrick moved, seconded by Commissioner Davis, to approve the appointments of Billy McMillian and Darrin Williams to the position of Seasonal Laborers at the Grade/Step of S/A, \$4.97 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the appointment of Dwight Coble, Florence resident and Eastern Kentucky University student majoring in Parks & Recreation, as an intern with the Parks Department at the Grade/Step of S/A, \$4.97 per hour. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ITEM V.

ORDINANCES & RESOLUTIONS

ORDINANCE 920.260 - BERLING/WHISPERING PINES ASSOCIATION

Commissioner Meihaus moved, seconded by Commissioner Patrick, to DENY Ordinance 920.260, an ordinance recommending approval for a request of James W. Berling (Applicant) for Whispering Pines Association (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) and Commercial One (C-1) to Mobile Home Park (MHP) for a 15.51 acre site generally located on the west side of US 25 and south of White Pine Village Mobile Home Park, Boone County, Kentucky, as recommended by a vote of 8-7 by the Boone County Planning Commission via Resolution No. R-93-027-A, based on the following findings of fact:

1. The map amendment is not in agreement with the Comprehensive Plan, which specified that the land "south of the Mt. Zion interchange between the Interstate and US 25 should develop in a variety of residential uses. This area is an ideal location for apartments or affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area and which create negative visual impacts on the US 25 corridor. Permanent attached housing is also preferable to mobile home park development because less site preparation is necessary and more open space is retained".
2. The existing zoning classification of SR-2 is appropriate and the proposed zoning classification is not appropriate. The Comprehensive Plan reads: "There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial, and institutional uses can co-exist provided proper design principles are applied in developments to minimize friction created by activities of whatever diversity".
3. There have been no major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

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