

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project _____
2. Location of Project Pleasant Valley Ranch
3. Total Acreage of Site 2.2 ac. 16.6 ac.
4. Current Zoning of Site RS
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family
7. Names of Applicant(s) Joseph Berkshire
Phone Number 371-5653 Fax No. _____
8. Address of Applicant(s) 7414 Hwy 42
Florence Ky 410
City State Zip
9. Name of Property Owner(s) Joseph Berkshire
Phone Number 371-5653 Fax No. _____
10. Address of Property Owner(s) 7414 Hwy 42
Florence Ky
City State Zip
11. Proposed Building Intensities (please specify) 3-5
3 Buildings for ACR
12. Are there any existing buildings on the site? No
How many? N/A
13. Deed Book 149 Page No. 120 Group No. _____
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? _____
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

Boone County Water and Sewer District

Florence Water and Sewer Commission

Union Light Heat and Power

Cincinnati Bell

Owen County Rural Electric

Boone County Public Works Department
(over)



J. W. BERLING ENGINEERING COMPANY

LAND SURVEYING, SITE DEVELOPMENT AND CIVIL ENGINEERING SERVICES

1671 PARK ROAD, SUITE ONE — FT. WRIGHT, KY 41011

Phone (606) 331-9191

Land Surveyor Registration
Ky. 206

Ky. Registration
No. 5745

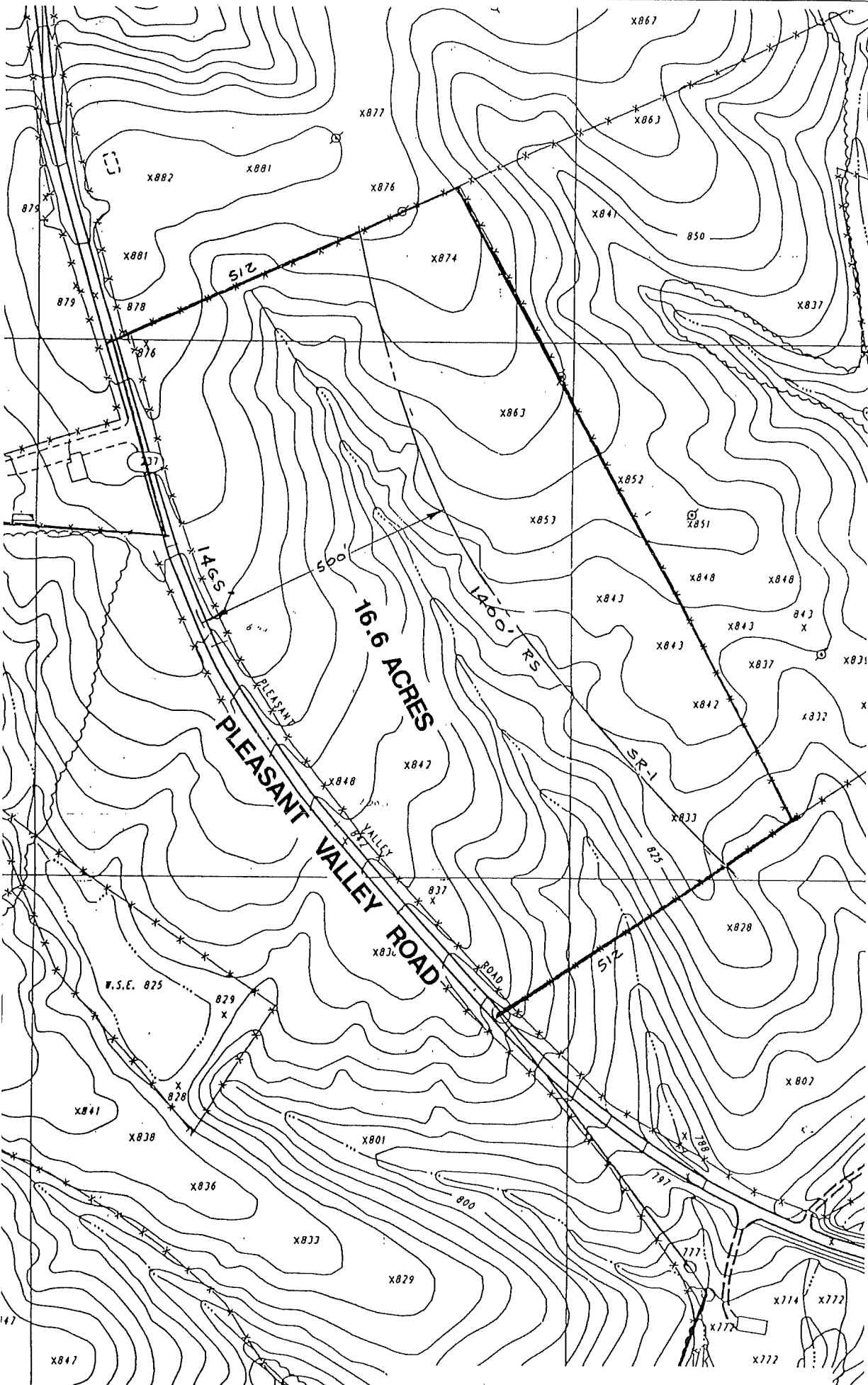
April 6, 1994

LEGAL DESCRIPTION

16.60 ACRES TRACT
PLEASANT VALLEY ROAD
BOONE COUNTY, KENTUCKY
PROPOSED ZONE CHANGE FROM RS to SR-1

Beginning at a point in the center line of Pleasant Valley Road, said point being the northwest corner of Lot No. 1 of the Berkshire Land Division as shown in the records of the Boone County Clerk at Burlington, Kentucky; thence with the north line of said Lot No. 1, N $59^{\circ}-13'-15''$ E 512 feet to a point; thence through the Berkshire Land Development in a southeasterly direction running 500 feet northeast and parallel to the center line of Pleasant Valley Road, and running along the present zoning line division between the existing SR-1 zone and the RS zone, an arc distance of 1,400 feet to a point in the southeast line of Lot No. 10 of said division; thence S $50^{\circ}-03'-00''$ W along the southeast line of Lot No. 10 of the Berkshire Land Division a distance of 512 feet to a point in the center line of Pleasant Valley Road; thence along the center line of Pleasant Valley Road in a northwesterly direction 1,465 feet to the place of beginning.

CONTAINING 16.60 ACRES.



BERKSHIRE PROPERTY

SCALE: 1"=200'

EXHIBIT "A"

STAFF REPORT

Request of Joseph Berkshire (applicant and owner) to change the zone on a 16.6 acre site located between Oakbrook Subdivision and Thunder Ridge Subdivision on Pleasant Valley Road, Boone County, Kentucky. The request is to re-zone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) to allow a single family residential development.

May 4, 1994

This is a request to change the zone on 16.6 acres of a development site that totals approximately 23 acres. The existing RS zoning district extends 500 feet back from Pleasant Valley Road. The applicant has submitted a preliminary rough layout of a residential subdivision for the 23 acre site that depicts two entrances onto Pleasant Valley Road. The site currently contains scrub vegetation and a swale running the length of the site.

Surrounding Land Uses and Zoning

- North - Oakbrook Subdivision, zoned SR-1/PD. The planned commercial section of Oakbrook immediately adjoins the site.
- East - Thunder Ridge Subdivision, zoned SR-1.
- South - Thunder Ridge Subdivision, zoned RS.
- West - Across Pleasant Valley Road, woodland, agricultural land, and a single family residence, zoned RS and RSE.

Relationship to Comprehensive Plan

The 1990 Future Land Use Map indicates Suburban Density (SD) for the site and surroundings with the exception of the commercial land use in Oakbrook Subdivision. The text of the Land Use Element, on page 216, recommends that the subdivision development planned for this area shall contain through-road connections between developments, and that where possible these connections should contain no parking or private driveway access. This concept is similar to nearby Oakbrook Road. The Housing Element and The Housing Goals and Objectives also treat road connections between subdivisions as critical.

Staff Concerns

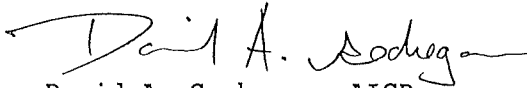
1. Sight distance is poor along the entire length of the site frontage, particularly the area nearest Oakbrook. Should the request be approved, there should be no more than one street entrance, located at the optimum sight distance.

2. Water service will be available through a recently constructed 16 inch main on Pleasant Valley Road, and sanitary sewer service is available through a 8 inch line in Thunder Ridge. However, the sanitary lift station in Thunder Ridge has a capacity limit which will handle only the number of units in Thunder Ridge. In addition, the Jolly Farm development has expressed interest in accessing this lift station.
3. Approved Thunder Ridge plans indicate two street connections to this site. The Berkshire Plan shall provide for these connections.

Conclusion

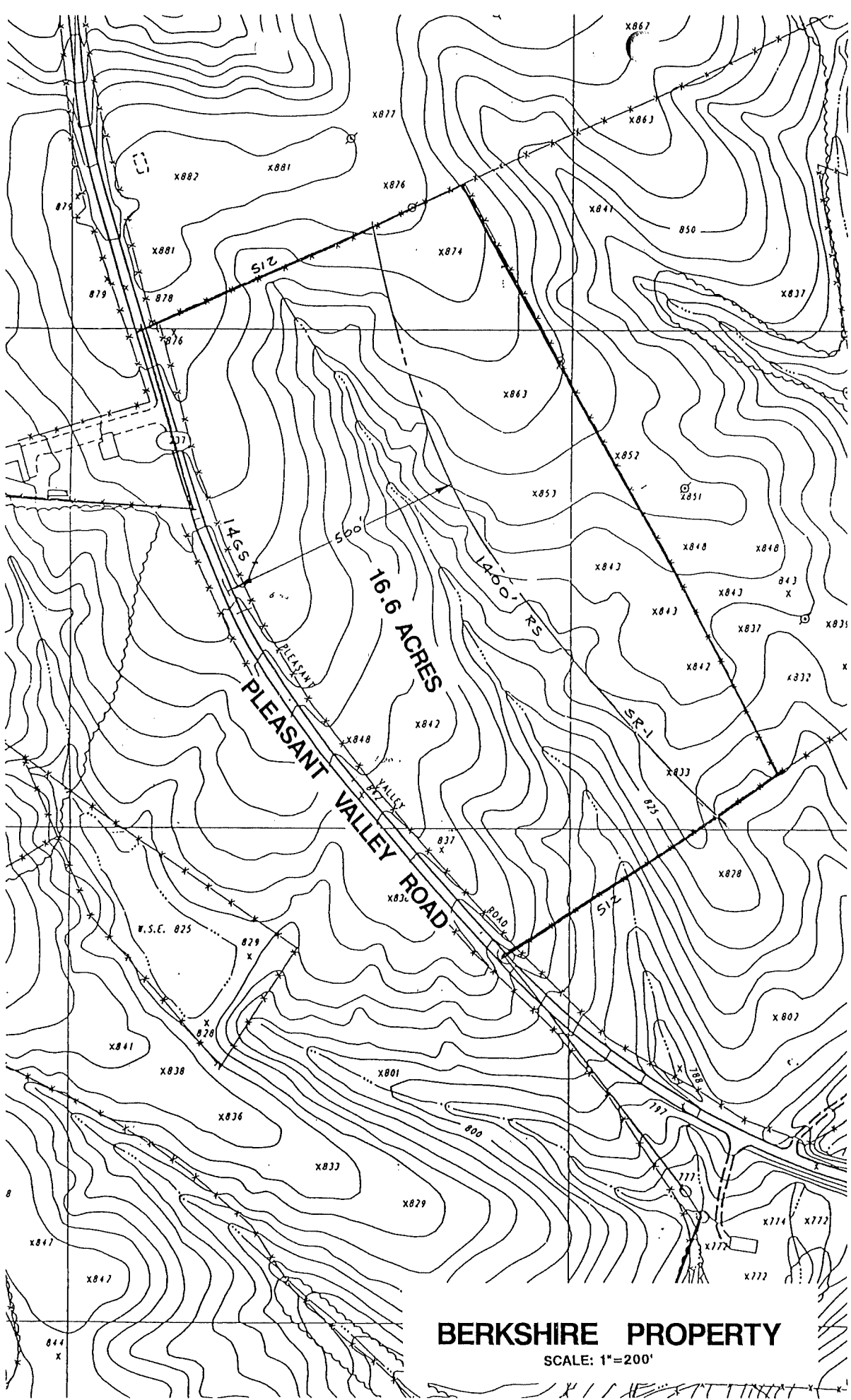
Should this request be approved, no changes would be necessary to the 1990 Boone County Comprehensive Plan.

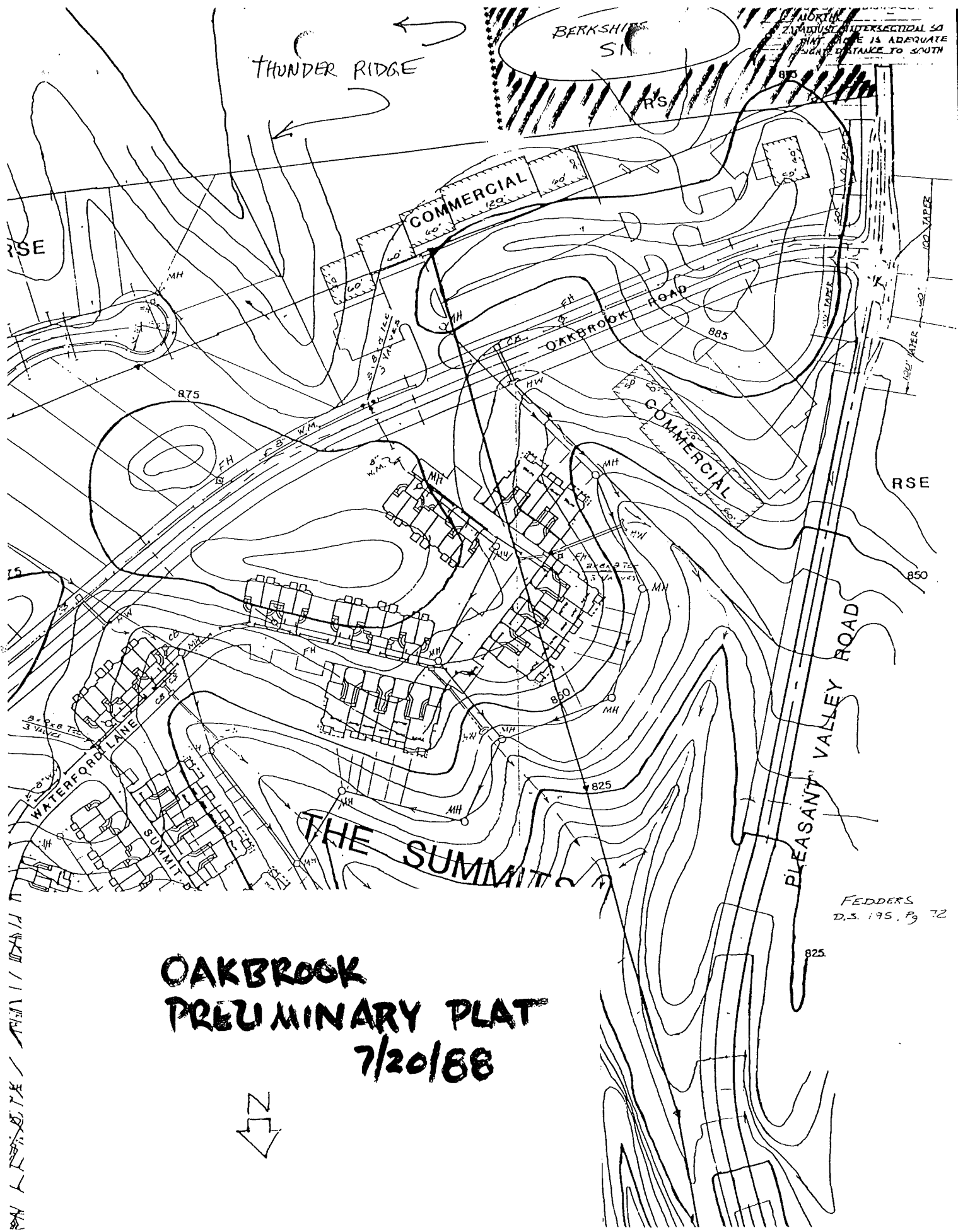
Respectfully Submitted,



David A. Geohegan, AICP
Senior Planner

DAG\par





BOONE COUNTY PLANNING COMMISSION

May 4, 1994
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7:15 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Joseph Berkshire (applicant and owner)
Request: Zoning Map Amendment

The request of Joseph Berkshire (applicant and owner) to change the zone on a 16.6-acre site located between Oakbrook Subdivision and Thunder Ridge Subdivision on Pleasant Valley Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) to allow a single-family residential development.

Staff Member Dave Geohegan presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report). He advised that the applicant has revised the plan and will present the revised plan this evening.

Chairman Viox asked for the applicant's comments.

Mr. Jim Berling, representing the applicant, stated that the zone change is to allow them to do a development which is in conformance with the zoning to the rear of the property. He stated that for some reason, there was a different zone on the front 500 feet of the property. The property is only 23 acres and it is difficult to deal with two zones on such a small area. They are asking that the entire site be zoned SR-1. Using an exhibit, he indicated Pleasant Valley Road and a swale through the center of the property. He stated that the vegetation on the site is mainly along the swale and the perimeter of the property. The topo goes towards the center swale. Mr. Berling showed the Preliminary plat. He stated that the Staff indicated in their meeting that there are two entrances onto Thunder Ridge and they would like them to line up with them. He stated that they have 1,400 feet of frontage on Pleasant Valley Road and they see it as a plus to eliminate the curb cuts and come out in one location. He stated that the revised scheme takes into account the Staff's concerns. The lots are 70 feet by 140 feet deep. They have left the center portion unidentified as to ownership and it could be given to

the adjacent lots or used as a common area. They will do something to protect the center core of trees. There are 72 lots. The Zoning Ordinance does not require a Concept Plan on this type of application, but they want to show what they have in mind for the development. They would like to build homes \$100,000 - \$110,000 in value, including house and lot. Sewer and water is available in the area. He stated that they will be back at the Preliminary Plat and Improvement Plan levels and engineering details can be addressed at that time.

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

Mr. George Rehkamp stated that the rest of the subdivisions along Pleasant Valley have complied with the RS zoning, including Thunder Ridge, which was not RS when they made their plans, but were asked to do so by Planning & Zoning and then they were changed back to RS. This request should comply with the same zoning the rest of the subdivisions complied with.

Diane Bressler asked if the rest of Pleasant Valley Road is all RS along the road frontage. Mr. Geohegan stated that the only zone change he can recall from RS to SR-1 was Spring Garden Estates in 1988. Oakbrook went from RSE (one-acre lots) to SR-1/PD, which included single-family, condominium, and commercial development. Chairman Viox questioned Farmview. Mr. Geohegan stated that Farmview is SR-1 all the way up to the road. Pleasant Valley Acres is A-2. Going west towards Camp Ernst Road, the property behind the frontage is RSE. Going east towards U.S. 42 the entire frontage along Pleasant Valley Road up to Pleasant Valley Meadows and beyond is RS 500 feet deep. Pleasant Valley Meadows also has RS zoning in the front. When you get up to Boone Valley Subdivision almost to U.S. 42 most of that area is SR-1.

Diane Bressler asked if they would have to see the back of these homes as they drive down Pleasant Valley Road. She stated that if there were half-acre lots, there would only be half as many homes.

Mr. Berling stated that the curb cuts have been turned to the interior street and they will put an earthen berm along the rear for the privacy of the residents. The residents do not want to see the traffic.

Mr. Rehkamp stated that the lots between Lilac Drive and Rosebud are all one-half acre lots, not one-quarter acre lots. Mr. Geohegan advised that Lilac Drive is in Spring Garden Estates. Mr. Rehkamp stated that there is a sign on the three lots there that are not sold saying that they are one-half acre lots.

Melinda Now questioned the benefit to the existing neighborhood in changing this to SR-1.

Mr. Berling stated that they own the property on both sides of the road and he does not know why there is different zoning on the frontage. He stated that they front themselves on the other side of the road and does not think that they are impacting anyone. The rear properties adjacent to Thunder Ridge are already zoned this way. He stated that he believes they

are doing something better because they only have one curb cut. He questioned the spacing of the driveways if they were to front lots on Pleasant Valley Road.

Chairman Viox questioned the speed limit on Pleasant Valley Road in this location. Mr. Kirby advised that it is 45 MPH. Mr. Geohegan stated that it is an arterial road and at 45 MPH there would be 230 feet between curb cuts. Mr. Berling stated that they could have 6 or 7 curb cuts. They already have ten lots approved and could possibly have ten curb cuts for them. They do not have lots that will be sold on existing roadways, which has been a potential for sales in the past because they would not have to build a road. They are simply turning the back of the houses to the highway to comply with Staff's request that they have one curb cut and they will do a landscaping berm there.

Mrs. Now questioned why this would not be a good development with the front being SR-1. She stated that unless they do a mound of dirt that is higher than a car, they will see the back end of the houses.

Linda Kreidler, a resident of Pleasant Valley Road, stated that most of the homes on Pleasant Valley Road are more than one-half acre. These houses will not comply with what is on Pleasant Valley Road now. Most of the homes on Pleasant Valley Road sell for more than \$110,000. She is concerned that the property values will go down and there will be more traffic. She stated that the speed limit is 45 MPH up to Pleasant Valley Meadows and then it is 55 MPH. It is a curvy road. She questioned why each home cannot be on a couple-acre lot so that it will be nicer to look at. She stated that the people on Pleasant Valley Road bought there for the rural setting and would like to keep it that way. The rest of the development went in with RS zoning.

Mr. Richard Charing, a resident of Pleasant Valley Meadows, stated that once one developer gets in with lower priced homes and smaller lots, it will be a cakewalk for anyone else who wants to do the same thing. He is opposed to the size of the lots and the value of the homes.

Mr. Don Now, a resident of Pleasant Valley Road, questioned if it has been determined where there is a saturation point of how many homes can be put on one road. He stated that there are 500+ units off Camp Ernst Road, this development of about 80 units, another 100 units down the road -- where does it come to a point that there is no land left? He stated that this is a rural community and they do not want to become downtown Cincinnati in Boone County.

Mr. Don Lackey referred to the streets coming in from Thunder Ridge and stated that it will be 100-foot lots up against it on one side and 80-foot lots on the back side, and questioned maintaining the continuity of the area. He stated that a precedent was set in Thunder Ridge and this should be the same.

Mr. Berling stated that they would build the berm higher than a car. They are willing to build it to a point that people do not see the development there. The lots are more marketable if people do not see Pleasant Valley

Road. He stated that the density is 3 units to the acre, not 4 or 4.5 units.

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


Mr. White asked how they would address the sewage problem if they cannot tap into the 8" line. Mr. Berling stated that there is the opportunity for some upgraded facilities downstream. He believes they have an opportunity to build a new sewer with the Berkshire property and perhaps go all the way to the larger pump station. He stated that they have three alternatives. Mr. White questioned if Mr. Berling was saying that if they cannot tap into the lift station, they can overcome that. Mr. Berling replied "yes".

Mrs. Schaffer questioned the zoning on Thunder Ridge Subdivision. Mr. Geohegan advised that the first 500 feet is RS and beyond that it is SR-1.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on May 9, 1994 at 7 P.M. in Room 3B. This item will be on the Agenda for the Business Meeting on May 18, 1994 at 8 P.M..

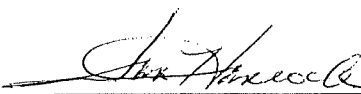
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

May 18, 1994
8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:45 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox, Chairman*
Mr. Earl White
* Chairman Viox arrived after Item No. 4

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Dean Niemeyer

conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved. Mr. Neltner seconded the motion.

Mrs. Schaffer stated that the Public Hearing minutes were amended and approved and this site is not in the City of Florence. Chairman Viox asked that the record show that the site is not in the City of Florence.

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

3. Zoning Map Amendment

The request of John McCausland, Buchanan Development (applicant) for Lawrence and Mary Lou Howe, and Lawrence and Frannie Lawson (owners) to change the zone from Rural Suburban (RS) and Industrial One (I-1) to Residential One-Family (R1F) on a 107-acre site located on the north side of Maher Road. The total project lies in both Boone County and Kenton County and totals 214 acres. The Kenton County and Municipal Planning and Zoning Commission is currently evaluating a Zoning Map Amendment on the portion of the project in that county. The request is to allow a single-family residential development.

Chairman Viox advised that the applicant wishes to speak in regard to this request.

Mr. Martin Butler, attorney, asked that this request be deferred for a month as they are working on some new developments which they believe are responsive to some of the concerns raised. He requested deferral to June 15, 1994.

Mr. Kirby moved that the request be deferred to the June 15, 1994 Business Meeting. Mr. Neltner seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Joseph Berkshire (applicant and owner) to change the zone on a 16.6-acre site located between Oakbrook Subdivision and Thunder Ridge Subdivision on Pleasant Valley Road, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) to allow a single-family residential development.

Staff Member Dave Geohegan read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Owens seconded the motion.

Mr. White asked if the height of the berm was mentioned at the public hearing. He asked if "land forming" means the berm.

Mr. Jim Berling stated that they are trying to keep it as it is as people enjoy it the way it is. They do not intend to do a landscape berm. He stated that "land forming" would be topsoil that is formed soft enough to be mowed with a riding mower. He stated that the idea is to do enough to give privacy to the people living there and keep it pleasant.

Mr. White stated that he understood from the Public Hearing that people object to looking at the backs of the houses. He stated that he believes it was mentioned that they would put a berm in so that the backs of the houses would not be visible.

Mr. Berling stated that they would do this work large earthmoving equipment and then dress it down with topsoil and seed it. Mr. White stated that the "land forming" means the berm. Mr. Berling agreed.

Mrs. Schaffer stated that the Preliminary Concept Plan says 79 lots, but the Minutes say 72 lots. Mr. Berling advised that they changed the lot sizes and there are 72 lots.

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

6. Utilization of an Underlying Zone in Planned Development

The request of Nanubhai Patel (applicant) for Marathon Oil Company (owner) for the Utilization of an Underlying Zone in Planned Development to allow a 60-unit motel. The 2.16-acre site is located at Commerce Drive and Commerce Place, Florence, Kentucky and is zoned Commercial Services/Planned Development (C-3/PD) and is subject to the Parkway Corridor Study.

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Owens moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Burch seconded the motion and it carried unanimously.

Chairman Viox advised that the following items are recommended for deferral:

7. Site Plan Review: The request of E. J. Foltz (applicant) for Sugarcamp Properties - Ted Richardson (owner) to construct infill retail shops between Florence Dental Center and Flo's Hot Dogs and also a storm water retention basin. The 3.030-acre site is zoned Commercial Two (C-2) and is located on U.S. 42 across from LaCresta Drive, Florence, Kentucky.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: May 18, 1994

RE: Request of Joseph Berkshire (applicant and owner) to change the zone on a 16.6 acre site located between Oakbrook Subdivision and Thunder Ridge Subdivision on Pleasant Valley Road, Boone County, Kentucky. The request is to re-zone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) to allow a single family residential development.

REMARKS:

We, the Committee, recommend approval 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, which recommends Suburban Density residential (SD) for the site. The request also provides for street connections into another subdivision, as recommended in the Housing, Transportation, and Land Use Elements of the Plan.
2. The request is in keeping with the access management objectives of the Boone County Comprehensive Plan, the Boone County Zoning Regulations, and the Boone County Subdivision Regulations by eliminating ten future driveways and holding access along this portion of Pleasant Valley Road to one entrance.

Conditions

- 1) Subdivision design on the site shall provide for street connections to Thunder Ridge Subdivision at the two locations already approved.
- 2) Access to Pleasant Valley Road shall be limited to one publicly dedicated street.
- 3) This street shall be located where sight distance can be maximized along Pleasant Valley Road. The developer shall provide additional right-of-way if needed for future road improvements. The applicant also agrees to provide for a right-turn deceleration lane and left turn lane if suitable sight distance cannot be obtained for the access street.

- 4) The rear of the proposed lots toward Pleasant Valley Road shall contain a visual screening to consist of landforming, vegetation, and/or a masonry and wood fence designed to soften, but not completely block the view of the lots from Pleasant Valley Road.

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



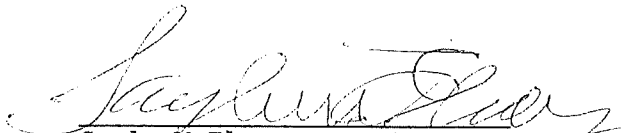
Phil Damstrom, Chairman



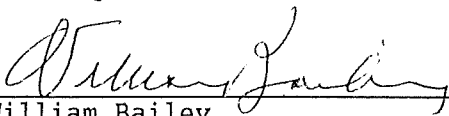
Fred Burch



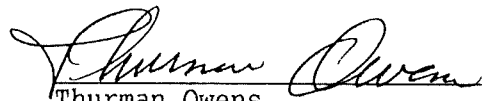
Barry Neltner



Gayle McElroy



William Bailey



Thurman Owens

Boone County Recorder

June 29, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.280**

The Boone County Fiscal Court at its meeting held Tuesday, June 21, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF JOSEPH BERKSHIRE (APPLICANT AND OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 16.6 ACRE SITE GENERALLY LOCATED BETWEEN OAKBROOK SUBDIVISION AND THUNDER RIDGE SUBDIVISION ON PLEASANT VALLEY ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-016-A.

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

ATTEST:

**CAROLYN A. RUDICILL
FISCAL COURT CLERK**