



EXHIBIT "A"

# STAFF REPORT

Request of Rhonda L. Hermanek (applicant and owner) to change the zone from Agriculture (A-1) to Agricultural Estate (A-2) to allow single-family, detached residential development. The 17.643 acre parcel is located at 3005 Camp Ernst Lane, Boone County, Kentucky.

May 25, 1994

The request for the Agricultural Estates (A-2) would enable the development of 2 single-family dwellings on Camp Ernst Lane. The 17.643 acre site is located on the southeast side of Camp Ernst Lane just off of Camp Ernst Road (see sheet #1).

## Surrounding Zoning and Land Uses (see sheet #2)

North: Camp Ernst YMCA zoned Recreation (R).  
South: Agricultural and a few residential units zoned Agricultural One (A-1) and Agricultural Estates (A-2).  
East: Camp Ernst YMCA zoned Recreation (R).  
West: Agricultural and woodlands as well as Developmentally Sensitive land consisting step slopes zoned Agricultural One (A-1).

## Site Characteristics

The southeastern tip of the site is already zoned Agricultural Estates (A-2). The land is currently home to the Brookside Equestrian Center and includes pastures for horses as well as undeveloped fields to the west along Camp Ernst Lane. Gunpowder Creek runs parallel with the north property line across Camp Ernst Lane and separates the land from the Camp Ernst YMCA property. The road itself is a one lane gravel drive that leads back to a couple of residences and a historic grist mill.

## Relationship to the Comprehensive Plan (see sheet #3)

The Future Land Use Map of the 1990 Boone County Comprehensive Plan classifies this land to remain Rural Land (RL) in character with a residential density of no more than one dwelling unit per two acres. The Agricultural Estates (A-2) district density would be in conformance with the Future Land Use Map.

This area is not expected to experience any significant growth due to factors such as lack of utilities and adequate roads. The land to the southwest of this request is labeled as Developmentally Sensitive due to the 20 percent or greater slopes in the topography.

Concept Development Plan

No Concept Development Plan was submitted with the application, but the applicant has told staff that the intent is to build two single family homes along the western portion of the tract. This would be in the field down Camp Ernst Lane from the stable.


Staff Concerns

1. Without a Concept Development Plan staff is unable to envision how the applicant plans to divide the land for two single family dwellings. Minimum lot size for the proposed Agricultural Estates (A-2) district is 80,000 square feet (or approximately 2 acres). The 17.643 acre site could theoretically yield 8 single family units. It is unclear exactly where the two dwellings will be located.
2. Much of the surrounding area is classified as Developmentally Sensitive according to the Future Land Use Map of the 1990 Boone County Comprehensive Plan (due to steep slopes) and should be considered when developing this property.
3. Camp Ernst Lane, being a one lane gravel road, is not designed to handle much traffic. Staff feels that the residential development for the site should be limited to the two units requested.

Conclusion

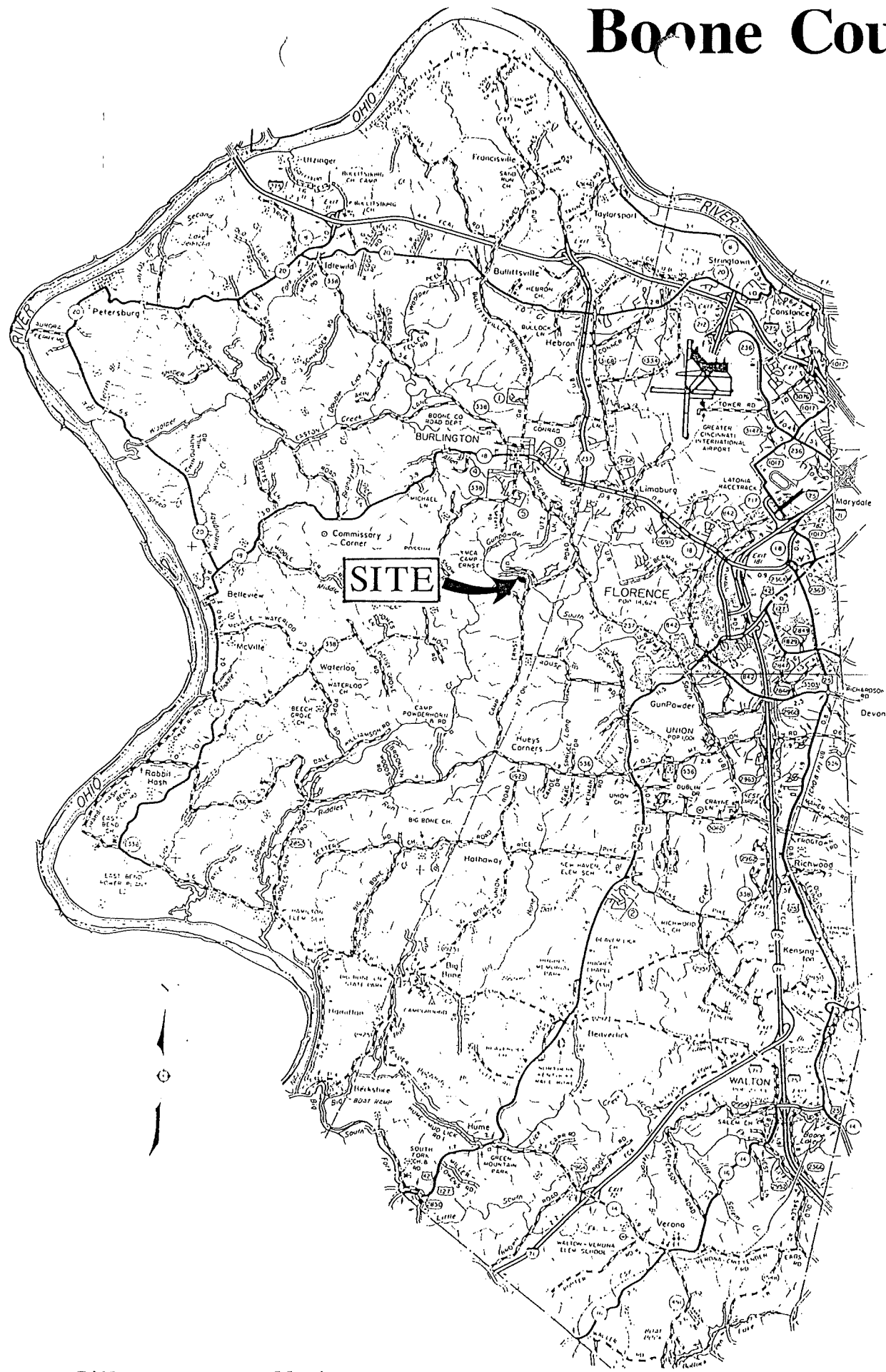
In conclusion, the proposed Zoning Map Amendment request is in compliance with the Future Land Use Map of the 1990 Boone County Comprehensive Plan which indicates this area to develop as Rural Land (RL) with a residential density of no more than one dwelling unit per two acres. If this request is granted by the Boone County Fiscal Court, no changes would be required to the Comprehensive Plan.

Respectfully submitted,

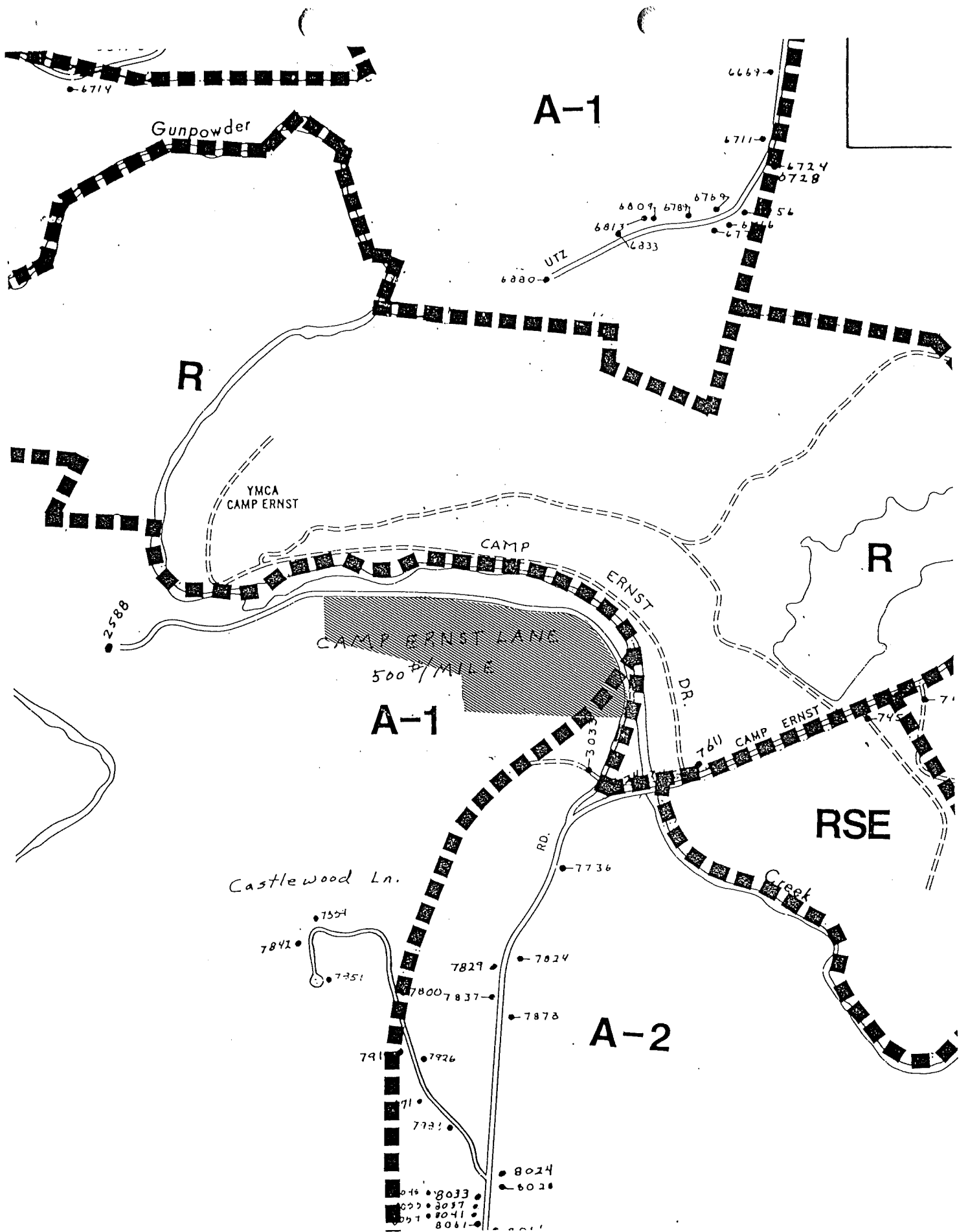
  
Robert A. Jonas  
Planner I

RAJ\par

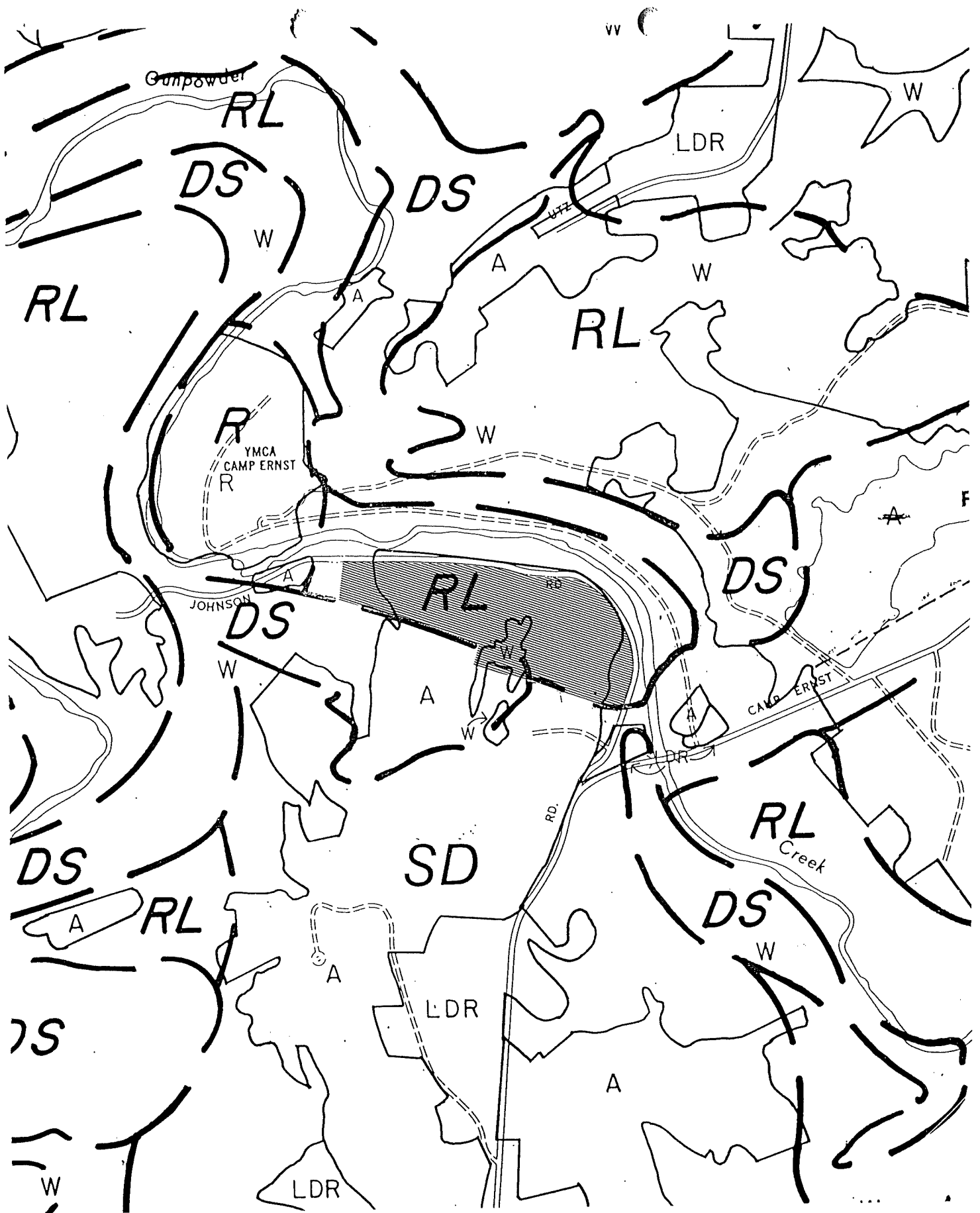
# Boone County



Sheet #1 - Location Map



Sheet #2 - Zoning Map



**Sheet #3 - Future Land Use Map**

BOONE COUNTY PLANNING COMMISSION

May 25, 1994  
7:00 P.M.

PUBLIC HEARINGS

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

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

PUBLIC HEARING ITEM NO. 1:

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

2. Applicant: Rhonda L. Hermanek (applicant and owner)  
Request: Zoning Map Amendment

The request of Rhonda L. Hermanek (applicant and owner) to change the zone from Agriculture (A-1) to Agricultural Estate (A-2) to allow single-family, detached residential development. The 17.643-acre parcel is located at 3005 Camp Ernst Lane, Boone County, Kentucky.

Staff Member Robert Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's presentation.

Mr. Frank Hermanek, speaking for his wife, stated that they intend to build two dwellings -- one for themselves and one for another family member -- in the field on the west side of the property. They do not intend to build any more than two single-family dwellings. He advised that they board and raise horses on the property.

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

Ida Sebree, owner of the farm on down the lane from the subject property, questioned if the applicant would be limited to two houses. She stated

that the road is narrow. Her home is listed in the historical records and has been in her family for many years.

Counselor Wilson advised that if the zone change is granted, the applicant would need to agree to a condition that only two houses will be built on the 17 acres -- without such a condition, the zoning would allow up to 8 houses on the 17 acres. He advised that there has to be at least two acres per lot. Mrs. Sebree asked if the applicant could agree to the condition this evening. Counselor Wilson advised that no action would be taken this evening. He stated that the Committee will meet and will likely discuss that issue with the applicant. The Commission will have that information before taking a vote.

Chairman Viox advised that the Committee will meet on June 6, 1994 at 1 P.M. in the office across the street and Mrs. Sebree may want to attend that meeting.

There being no one else present who wished to speak, Chairman Viox asked for comments and questions from the Commission.

Mr. Neltner stated that if they were to subdivide 5 acres to one site and 12 acres to the other, they would not need the zone change. He asked if it is a logical conclusion that they want two acres for one house and 15 acres for the other. Mr. Hermanek advised that that is their intent.

Mrs. Smith asked why they want to go from A-1 to A-2. Mr. Hermanek stated that they have a \$120,000 barn out there and they board horses. Much of the property is used for fields and pasture. He stated that they are not looking to build immediately, but there is a family member who wants to build now. They need to maintain at least 12 acres for the barn and pasture, which only leaves 5 acres on which to build the two residences. The area they want to build the two houses on is the only flat area on the property. He stated that they have no intention of tearing down the barn and building homes there in the future. They need to go to the A-2 Zone to get the two-acre minimum.

Mrs. Smith asked why they do not change to A-2 zoning just on the five acres. Mr. Hermanek stated that his understanding is that they need to attach to current A-2 zoning. He stated that of the 17.6 acres belonging to the stables, only one-quarter of it is zoned A-2 and the rest is zoned A-1. The property they want to build the houses on is zoned A-2. They need to attach the entire 17.6 acres to get to the 5-acre parcel.

Mr. Jonas explained that the minimum size for the A-2 zoning district is 20 acres and they would not be permitted to rezone only the five acres.


Mrs. Smith asked if they are willing to agree to a condition that there be only two single-family dwellings. Mr. Hermanek replied "I don't think so at this time" and stated that if future developments would make the property more valuable down the road, he would not want to be locked into a commitment that there would only be two single-family residences on the property. He stated that there is not enough road frontage there for two-acre lots and much of the property is hillside.

Mrs. Schaffer asked if Camp Ernst Lane is a public right-of-way or an easement. Mr. Hermanek stated that he believes it is an easement. Mr. Costello stated that this information is available in the office and can be provided at the Committee Meeting.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on June 6, 1994 at 1 P.M. in the offices across the street. This item will be on the Agenda for the Business Meeting on June 15, 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

June 15, 1994  
8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mrs. Linda Schaffer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Ralph Rush  
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director  
Mr. Dave Geohegan, AICP  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas  
Mr. Dean Niemeyer

11. Site Plan Review: The request of Fred Hill (applicant) for Ronald and Brenda Tackett (owners) to construct a 5,040 sq. ft. office, warehouse, and manufacturing building for Bluegrass Press Equipment, Inc.. The 2.46-acre site is zoned Industrial One (I-1) and is located on Chandler Drive, Walton, Kentucky.
  
15. Site Plan Review: The request of Emro Marketing Company (applicant) for Marathon Oil Company (owner) to construct a gasoline service station and convenience store. The 0.87-acre site is zoned Commercial Services (C-3) and is located at 7819 U.S. 42, Florence, Kentucky.

Mr. McMillian moved that Agenda Items No. 2, 7, 9, 11, and 15 be deferred to the July 6, 1994 Business Meeting. Mr. Burch seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Rhonda L. Hermanek (applicant and owner) to change the zone from Agriculture (A-1) to Agricultural Estate (A-2) to allow single-family, detached residential development. The 17.643-acre parcel is located a 3005 Camp Ernst Lane, Boone County, Kentucky.

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report).

Mr. Owens 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.

Mrs. Schaffer questioned what the procedure would be if the applicant would want to build more than two single-family dwelling units. Counselor Wilson explained that if there is a condition agreed to in writing, they would have to come back before the Commission to change the Development Plan -- which would require the same type of notice as is required for a zone change. Minor changes do not have to go through the Public Hearing process, but going beyond two dwelling units would be a major change. Mrs. Schaffer asked if that restriction would be recorded. Counselor Wilson advised that it would.

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

4. Zoning Map Amendment

The request of Mr. Anthony Neltner (applicant) for Kentucky Motors Service, Inc. and Raymond Philip, Sr. and Donna Ridgell (owners) for a zone change on a 1.64-acre site to allow an expansion to the existing KOI Auto Parts Outlet. The request is to rezone the site from Residential One Family (R1F) to Commercial Two (C-2). The site is located at 7232 Burlington Pike, Florence, Kentucky.

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thurman Owens, Chairman

DATE: June 15, 1994

RE: Request of Rhonda L. Hermanek (applicant and owner) to change the zone from Agriculture (A-1) to Agricultural Estate (A-2) to allow single-family, detached residential development. The 17.643 acre parcel is located at 3005 Camp Ernst Lane, Boone County, Kentucky.

## Remarks:

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

### Findings of Fact

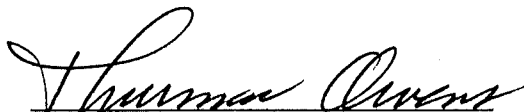
1. This request is in conformance with the 1990 Boone County Comprehensive Plan. The Future Land Use Map of the Plan indicates the area of the requested Zoning Map Amendment to remain rural in character with a residential density of no more than one dwelling unit per two acres. The requested Agricultural Estates (A-2) district is in conformance with the desired density for the area as noted on the Future Land Use Map.
2. The Committee believes that the condition contained in this report is consistent with the Zoning Map Amendment request in which the applicants called for the development of two single family dwelling units. The Zoning Map Amendment would allow two acre lot sizes which would allow the applicants to build on the more level western portion of the 17.643 acre lot. The condition takes into consideration the physical nature of Camp Ernst Lane which is a one lane gravel drive as well as the fact that the property is bordered by land designated on the Future Land Use Map as Developmentally Sensitive due to steep hillsides. The applicant has signed a condition letter demonstrating their agreement with the condition.


### Condition

This item is being included to address concerns heard at the May 25, 1994 Public Hearing.

1. The 17.643 acre site to be rezoned shall be limited to two (2) single family dwelling units.

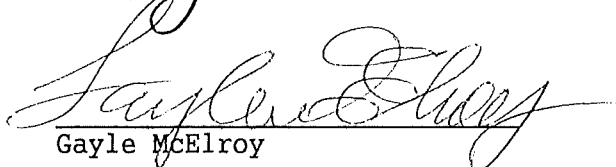
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.


  
Thurman Owens, Chairman

  
Fred Burch

  
Barry Neltner

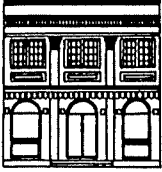
Phil Damstrom

  
Gayle McElroy

  
William Bailey

## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

June 8, 1994

Ms. Rhonda Hermanek  
8730 Valley View Drive  
Florence, KY 41042

RE: Condition Of Approval For The Zoning Map Amendment Request For  
Camp Ernst Lane

Dear Ms. Hermanek:

The following represents the condition of approval as unanimously decided upon by the Zone Change Committee. If you, as applicant, will agree to the following condition, please indicate so by signing your name at the space provided at the end of this letter and return it to our office by **Noon, Tuesday, June 14, 1994.**

## Condition of approval

1. The 17.643 acre site to be rezoned shall be limited to two (2) single family dwelling units.

Sincerely,

Robert A. Jonas  
Planner I

RAJ\par

## Agreement

I, the applicant, agree to the above listed condition for approval of the requested Zoning Map Amendment on Camp Ernst Lane, Boone County, Kentucky.

  
x Rhonda Hermanek, owner and applicant

4-13-94  
date

Boone County Recorder  
Aug 3, 1994

**LEGAL SUMMARY  
ORDINANCE NO. 920.282**

The Boone County Fiscal Court at its meeting held Tuesday, July 26, 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 RHONDA L. HERMANEK (APPLICANT & OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO AGRICULTURAL ESTATE (A-2) FOR A 17.649 ACRE SITE LOCATED AT 3005 CAMP ERNST LANE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-019-A.**

I heroby 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**