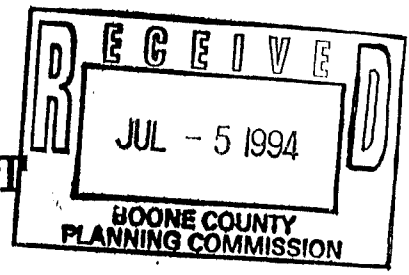


APPLICATION FORM
ZONING MAP AMENDMENT

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 Road along Gunpowder Creek
3. Total Acreage of Site 19.08 Ac.
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) _____
SR-1
6. Proposed Uses (please specify each use) _____
Single family detached housing
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) Joseph and Carolyn Spille
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) 2489 Kremer Lane
Villa Hills Ky 41017
City State Zip
11. Proposed Building Intensities (please specify) _____
3.0 D.V.A.
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 222 Page No. 01 Group No. 2038
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? _____
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:
No Boone County Water and Sewer District
NA Florence Water and Sewer Commission
No Union Light Heat and Power
No Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicant) for Joseph and Carolyn Spille (owners) for a Zoning Map Amendment on a 19.08 acre site located on Pleasant Valley Road, east of Camp Ernst Road, Boone County, Kentucky. The request is to change the zone from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in order to allow a residential subdivision.

July 27, 1994

The property in question is located on the south side of Pleasant Valley Road between the Immanuel Baptist Church and Gunpowder Creek (see Sheet #1). The request for the Suburban Residential One (SR-1) zoning district would enable the development of approximately 75 detached single family houses. The 19.08 acre site, under current zoning, could yield 19 single family homes.

Surrounding Zoning and Land Uses (see Sheet #2)

North: Low density single family development zoned Rural Suburban Estates (RSE).

South: Pebble Creek Subdivision zoned Suburban Residential One/Planned Development (SR-1/PD).

East: Immanuel Baptist Church zoned Rural Suburban Estates (RSE).

West: Agricultural land zoned Rural Suburban Estates (RSE).

Site Characteristics (see Sheet #3)

The 19.08 acre site gradually slopes upward from Pleasant Valley Road and drastically slopes upward from Gunpowder Creek. The site overall generally slopes upward to the northwest. Fields of overgrown brush and weeds comprise most of the site while the southern and eastern boundaries are covered with trees. A creek and strand of trees separate the site from the Pebble Creek subdivision. There is one small pond just near the center of the site as well as an abandoned barn on the ridge near Gunpowder Creek.

Relationship to the 1990 Comprehensive Plan (see Sheet #4)

The **Future Land Use Map** of the 1990 Comprehensive Plan calls for the majority of the site to develop as Rural Density Residential (RD) which limits residential density to 1 dwelling unit per acre. The remainder of the site located along the ridge of Gunpowder Creek is designated to remain Rural Land (RL). Residential density in this classification is to be limited to one dwelling unit per 2 acres.

The **Land Use** element of the Comprehensive Plan states that development in the Pleasant Valley area should use Pleasant Valley Road as a collector and not for driveway access.

Concept Development Plan

No Concept Development Plan was submitted with this request.

Staff Concerns

1. Staff is concerned that the proposed Zoning Map Amendment is not in conformance with the 1990 Boone County Comprehensive Plan which calls for this area to develop as Rural Density Residential (RD) with a density of 1 unit per acre. The proposed zoning district of Suburban Residential One (SR-1) allows a density of 4 units per acre. According to the Comprehensive Plan, the current zoning of Rural Suburban Estates (RSE) is appropriate since it restricts residential density to 1 unit per acre.
2. As noted in the Land Use element of the Comprehensive Plan, no lots should have curb cuts on Pleasant Valley Road.
3. Staff is concerned with the increasing traffic load on Pleasant Valley Road. According to the Kentucky Transportation Cabinet there are no plans for improvements to Pleasant Valley Road at this time.

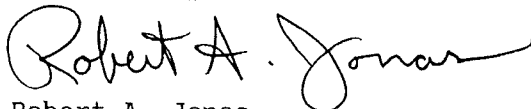
Conclusion

The Planning Commission must use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the 1990 Comprehensive Plan;
or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the 1990 Comprehensive Plan that substantially alter the area's character.

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

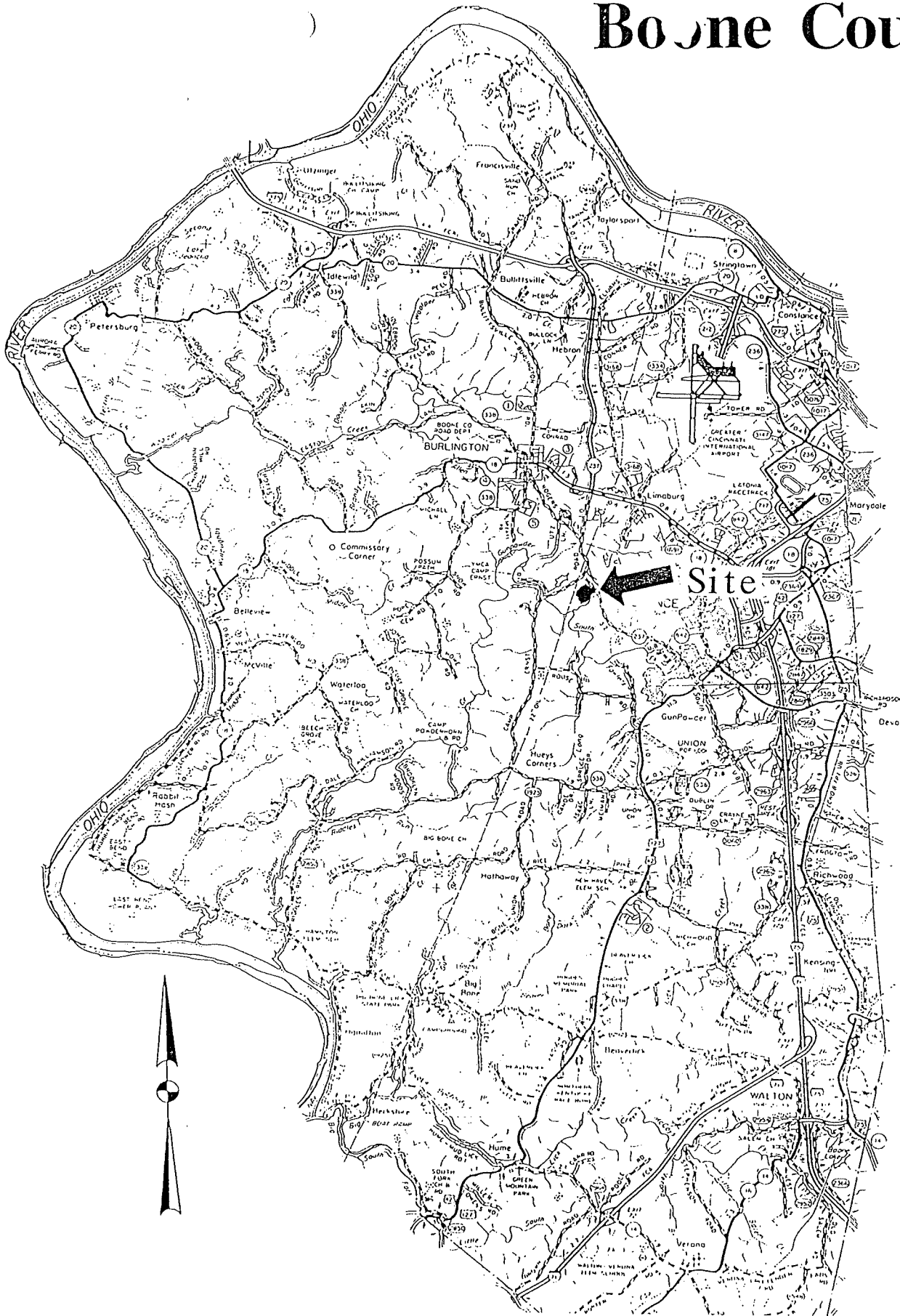
Respectfully submitted,



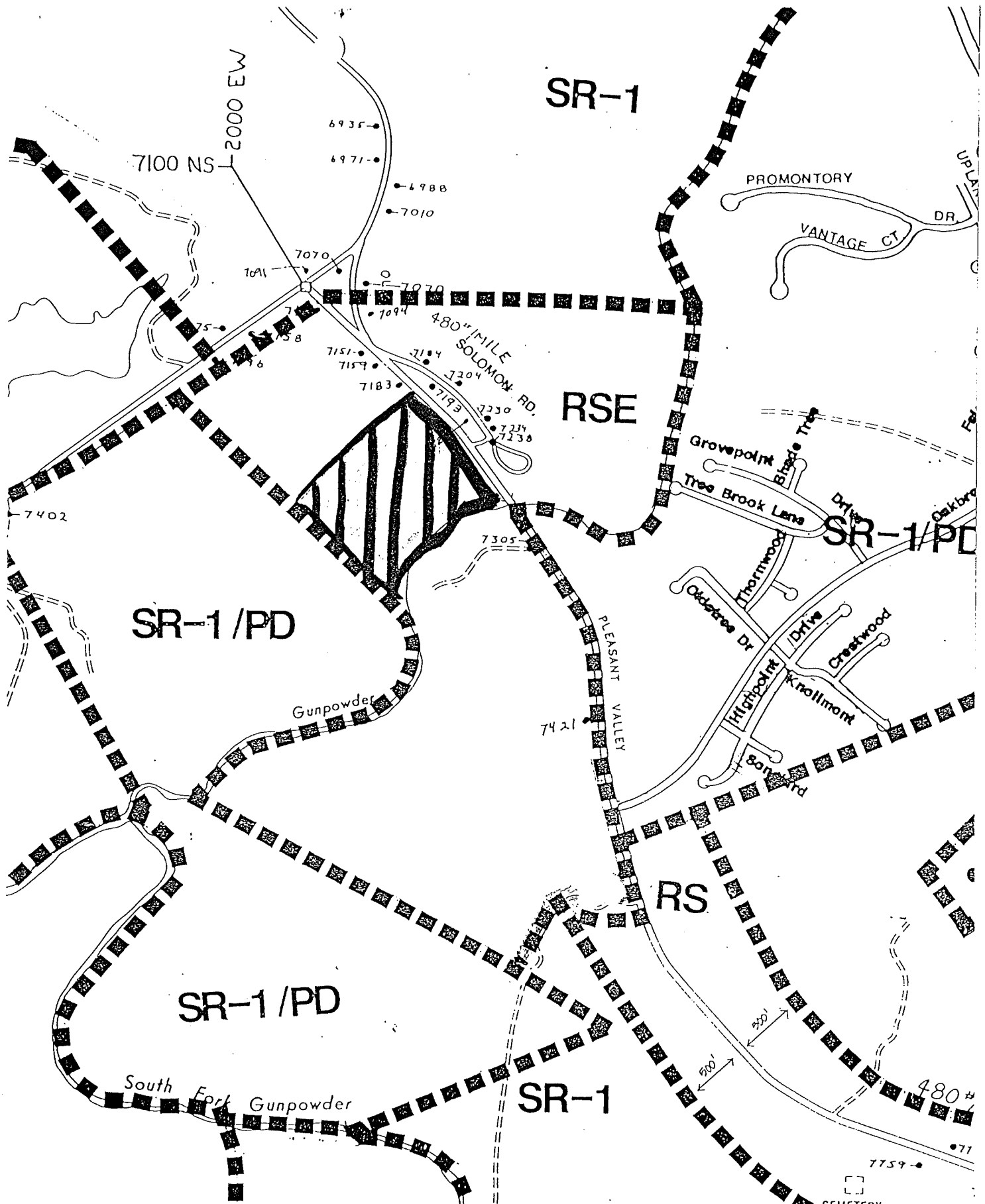
Robert A. Jonas
Planner I

RAJ\par

Boone County



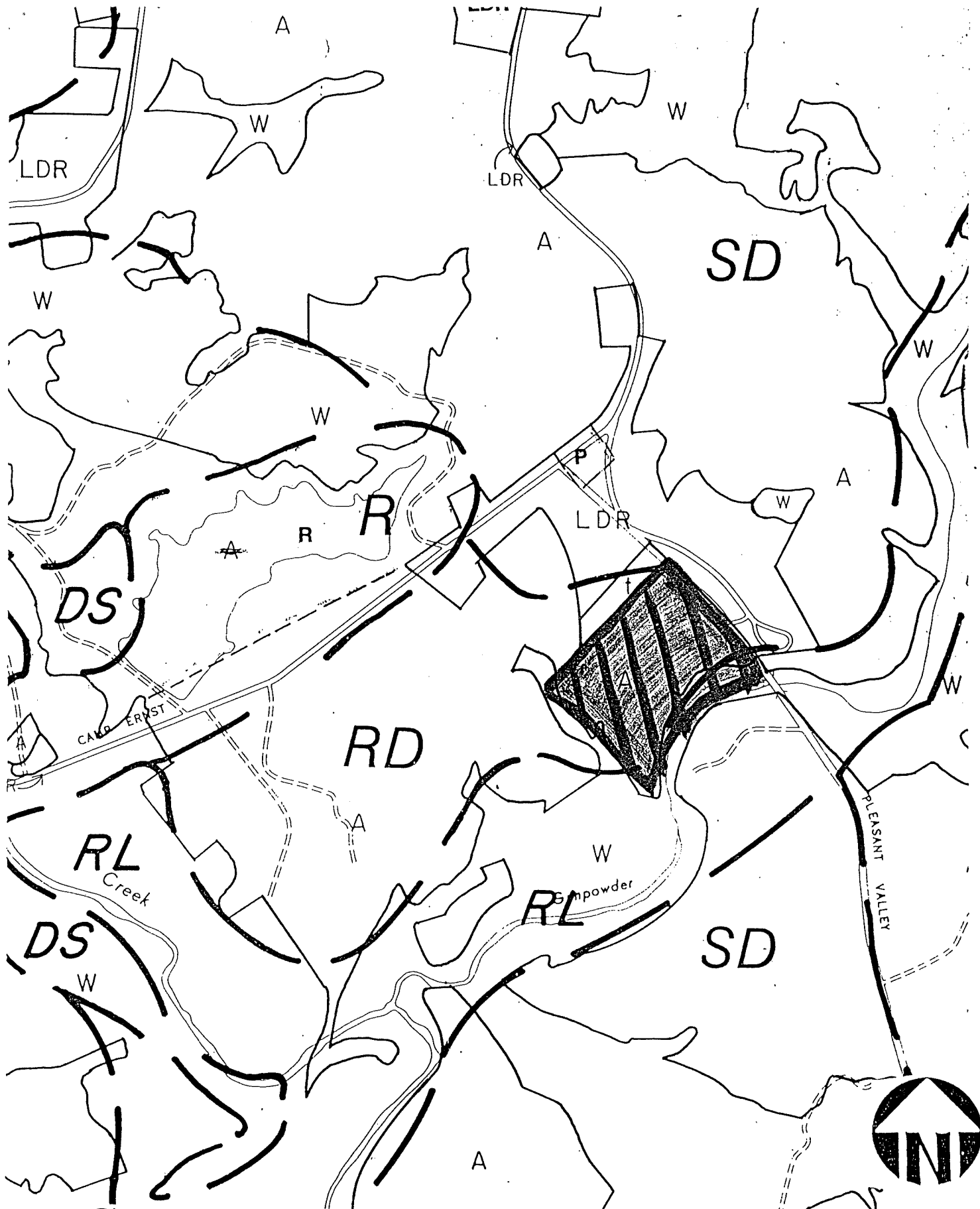
Erpenbeck/Spille
SHEET # 1 - Location Map



Sheet # 2 - Zoning

Erpenbeck/Spille





Sheet #4 - Future Land Use
 Erpenbeck/Spille

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mrs. Schaffer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Raymond Erpenbeck Consulting Engineers for
Joseph and Carolyn Spille (owners)
Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Joseph and Carolyn Spille (owners) for a Zoning Map Amendment on a 19.08-acre site located on Pleasant Valley Road, east of Camp Ernst Road, Boone County, Kentucky. The request is to change the zone from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in order to allow a residential subdivision.

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

Chairman Viox asked for the applicant's presentation.

Mr. Ray Erpenbeck, using an exhibit, stated that they are proposing a total of 51 lots, which is about a density of 2.6 units per acre. He reviewed the drawing and indicated the roadways and land uses in the area. He stated that there was a recent zone change for the Berkshire property. Thunder Ridge, Silverlake, and Pleasant Valley Subdivisions are within a mile and the whole area is developing as SR-1. He referred to the Concept Plan and stated that they have no lots fronting on Pleasant Valley Road. All the lots will front on interior streets and there will be no driveways onto Pleasant Valley Road. There are three flag lots and two large lots at the end of the cul-de-sac to take advantage of the bluffs and keep the homes as far away as possible from the bluffs. He stated that there has been a major change -- there is a sewer line in the area and a 16" water main on Pleasant Valley Road that is in service. The development is very compatible with other developments that have been approved in the immediate area.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Damstrom questioned the location of the proposed driveway in relation to Solomon Road. Mr. Erpenbeck indicated that Solomon Drive is a little closer to the church entrance than their entrance.

Mr. Bob Kallmeyer, a resident of Solomon Road, stated that it is not closer to the church. Mr. Jonas stated that the entrance to Solomon Road is approximately in the middle of the site. In response to a question from Mr. Kallmeyer, Mr. Jonas advised that the street is shown coming out west of Solomon Road and he is not sure it aligns with Solomon Road. Mr.

Kallmeyer stated that there are two close streets coming out on Pleasant Valley Road creating a possible problem. He asked if the development will be single-family homes or apartments.

Mr. Erpenbeck advised that the zone only permits single-family detached homes.

Mr. Schaffer asked if they are committing to 51 lots. Mr. Erpenbeck replied "yes".

Mr. Schaffer asked if there are any roads which abut Pebble Creek and if the Commission wants to make a connection. Mr. Costello stated that he does not think so but will look into this.

Mr. Kallmeyer stated that the only thing they are concerned with is the traffic. There is a traffic problem on Pleasant Valley Road.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be at 4 P.M. on August 8, 1994 at the Extension Office, Claxton Room. This item will be on the Agenda for the Business Meeting on August 17, 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
August 17, 1994
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:20 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. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Schaffer
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Kirby stated that he would abstain from voting as he is involved with K and P Development.

A vote on the motion made by Mr. Owens found all voting members in favor. Mr. Kirby abstained. The motion carried.

4. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Joseph and Carolyn Spille (owners) for a Zoning Map Amendment on a 19.08-acre site located on Pleasant Valley Road, east of Camp Ernst Road, Boone County, Kentucky. The request is to change the zone from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in order to allow a residential subdivision.

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

There being no discussion, Mr. Bailey moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Burch seconded the motion and it carried unanimously.

Chairman Viox stated that Agenda Item No. 6 would be heard next:

6. Zoning Text and Map Amendments

The request of the City of Florence to consider a series of Zoning Text Amendments to the Boone County Zoning Regulations and a Map Amendment to the Florence Zoning Map as part of the Main Street Zoning District Study. The proposed amendments generally affect property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road, Florence, Kentucky. The proposed text amendments will include the formulation of a new zoning district for the study area and amendments to the appropriate articles in the Zoning Regulations.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but with revisions (see Committee Report).

Mr. Bailey asked if the revisions were reviewed by the Main Street Committee and if they are in agreement. Mr. Hayes advised that most of the revisions are a reflection of a memorandum presented by the Main Street Association at the Committee Meeting.

Mr. Bailey stated that he is impressed with the study and the Staff has done an excellent job.

Mr. Kirby moved by resolution to the City of Florence that the text amendments and the zoning map amendment be approved, and that the study be adopted, based on the Staff and Committee Reports. Mr. Rush seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 17, 1994

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for Joseph and Carolyn Spille (owners) for a Zoning Map Amendment on a 19.08 acre site located on Pleasant Valley Road, east of Camp Ernst Road, Boone County, Kentucky. The request is to change the zone from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in order to allow a residential subdivision.

Remarks:

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

Findings of Fact

1. Although this request is not in conformance with the 1990 Boone County Comprehensive Plan, the Committee feels that the proposed Suburban Residential One (SR-1) zoning is appropriate and the existing Rural Suburban Estates (RSE) zoning is not appropriate due to the addition of a sewer line along Gunpowder Creek ~~and~~ ^{which was} not anticipated in the 1990 Comprehensive Plan.
2. The submitted Concept Development Plan shows a density of 2.6 units per acre. This is less than the maximum 4 dwellings per acre as permitted in the Suburban One (SR-1) zoning district.

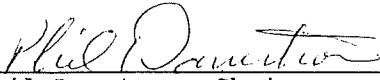
Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the July 27, 1994 Public Hearing.


1. The proposed subdivision is to be limited to 51 lots as shown on the submitted Concept Development Plan.
2. There are to be no curbcuts on Pleasant Valley Road other than for the main entrance road into the development.

The applicant has signed a letter of agreement with the above conditions.

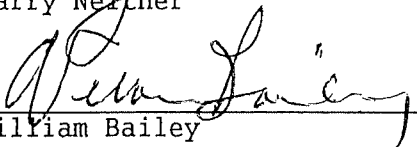
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Phil Damstrom, Chairman



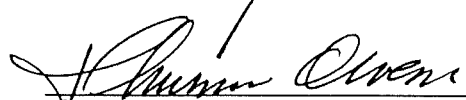
Barry Neltner



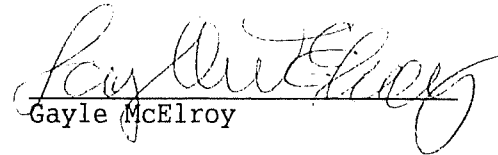
William Bailey



Fred Burch



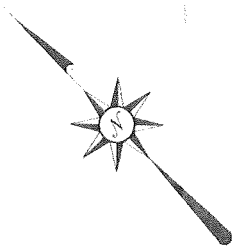
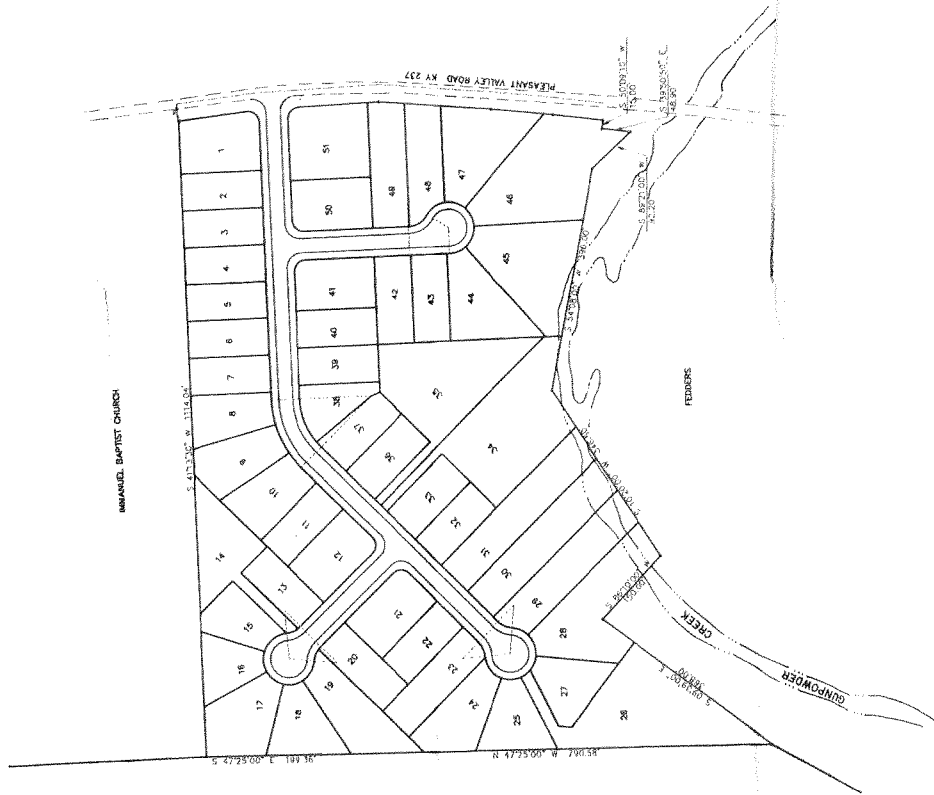
Thurman Owens



Gayle McElroy

RAJ\par

TOTAL AREA: 19.08 ACRES
 EXISTING ZONE: RSE
 PROPOSED ZONE: SR-1
 ALL HOUSING SHALL BE SINGLE FAMILY DETACHED



PEASANT VALLEY SUBDIVISION

APPROVED

Staff: *[Signature]*
 Date: 8-17-94
 Boone County
 Planning Commission



ENGINEERS, RAYMOND ERPENBECK CONSULTING ENGINEERS
 4205 DIXIE HIGHWAY ELSMERE KENTUCKY
 SURVEYORS

DEVELOPER: SPILLE BUILDERS AND DEVELOPERS
 2469 KREMER LANE
 WILLO HILLS KENTUCKY

CONCEPT PLAN

SHEET 25

Boone County Recorder
October 5, 1994

LEGAL SUMMARY
ORDINANCE NO. 920.291

The Boone County Fiscal Court at its meeting held Tuesday, September 27, 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 RAYMOND ERPENBECK CONSULTING ENGINEERS (APPLICANT) FOR JOSEPH AND CAROLYN SPILLE (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 19.08 ACRE SITE GENERALLY LOCATED ON PLEASANT VALLEY ROAD, EAST OF CAMP ERNST ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-034-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.

CAROLYN A. RUDICILL
FISCAL COURT CLERK
#P9602762