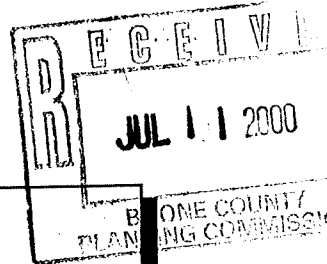


APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Name of Project DAYS Auto Center
2. Location of Project 7800 Dixie Highway
3. Total Acreage of Site .36
4. Current Zoning of Site C1
5. Proposed Zoning (Classification being requested) C2
6. Proposed Uses (please specify each use) Auto Repair, USED CAR lot
7. Names of Applicant(s) TIMOTHY M DAY CHRIS DAY
8. Phone Number 282-8664 Fax No. 282/0109
9. Address of Applicant(s) 1419 Clayton Rd
Florence Ky 41042
City State Zip
10. Name of Property Owner(s) PATRICIA + DAVID QUAST
11. Phone Number 283 9400 Fax No. 283-8741
12. Address of Property Owner(s) 7620 Dixie Hwy
Florence Ky 41042
City State Zip
13. Proposed Building Intensities (please specify) 7600 ft² per Acre Land
14. Are there any existing buildings on the site? YES
15. How many? (one)
16. Deed Book 748 Page No. 301 Group No. 216
17. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
18. Have you submitted a Concept Development Plan? yes
19. Have you had a pre-application meeting with BCPC Staff? yes
20. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

EXHIBIT
“A”

STAFF REPORT

Request of Timothy M. Day and Chris Day (applicants) for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre tract located 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

August 23, 2000

Site Characteristics

The site consists of the existing two (2) bay car repair facility with office. There is an existing access point off Dixie Highway and Roger Lane. The access off Roger Lane runs for approximately 90 feet. Both access points should be re-defined through the review of the Major Site Plan. The frontage along Roger Lane and Dixie Highway is paved and has been used for automobile storage and would be used for the display of automobiles. The area between the existing building and 2 Roger Lane is undisturbed yard and will be utilized for the buffer yard requirement. The area between the existing building and the commercial strip center is paved and used for storage. A new privacy fence has been installed to better screen this area from public view. The site also has an existing 20 foot high free-standing sign with a 30 square foot sign face.

Request/Concept Development Plan

The applicant's proposal is to change the existing zoning classification from Commercial One (C-1) to Commercial Two (C-2) with a Conditional Use Permit to allow auto sales and the expansion of the automotive repair facility. The submitted Concept Development Plan shows expansion of the existing structure to the rear toward 2 Roger Lane reducing the distance from the building to the property line from 46 feet to 28 feet. If 2 Roger Lane were residentially zoned, the rear setback for the subject property would be 50 feet, however since it is zoned Commercial One (C-1) the minimum rear yard setback is only 20 feet.

The Concept Development Plan also shows expansion of the existing structure to the side toward Roger Lane reducing the distance from the building to the property line from 40 feet to 28 feet.

The applicant has been having problems with loiterers and has expressed a desire to plant shrubs and install a picket fence along the retaining wall between this site and the parking lot of the commercial strip center to the south, however the City of Florence does not permit fences in the front yard.

Surrounding Zoning and Land Uses

- North: Across Roger Lane - Domino's Pizza at 7708 Dixie Highway and 1 Roger Lane (a single-family detached residence) zoned Commercial One (C-1). Single-Family detached residences along the north side of Roger Lane zoned Suburban Residential One (SR-1).
- East: Across Dixie Highway - Remke's complex zoned Commercial Two (C-2).
- South: Ameristop zoned Commercial One (C-1). Dixie Apartments off Riehl Drive zoned Urban Residential Two (UR-2).
- West: 2 & 4 Roger Lane (single-family detached residences) immediately adjacent to the subject parcel zoned Commercial One (C-1). Single-Family detached residences along the south side of Roger Lane zoned Urban Residential Two (UR-2).

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Commercial (C), defined in the adopted Comprehensive Plan as:

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element within the 1995 Boone County Comprehensive Plan refers to this area generally by stating:

"Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."

Conditional Use Permit Review

The Boone County Planning Commission and the City of Florence must determine if the proposal meets the criteria outlined in Section 262 - General Standards Applicable to All Conditional Uses - of the Boone County Zoning Regulations (attached).

Section 1023 - Conditional Use and Criteria - of the Boone County Zoning Regulations states that the list of Conditional Uses, including "Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises," are permitted in the C-2 zone provided that:

- a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district

Staff Concerns/Comments

1. This site currently has no on-site detention. Two (2) catch basins along Roger Lane handle all storm water from this site as well as the street. The site pre-dates the detention requirements. Therefore, storm water detention is only required for any additional impervious area. Since additional impervious area is part of the Concept Development Plan, the Planning Commission and City of Florence may require the applicant/owner to detain all impervious area in order to bring this site closer to compliance with the current regulations.
2. With regard to the proximity of this project to the established residential property, staff is concerned about issues such as site lighting. A Photometric Plan can be required as part of the Major Site Plan.
3. The only landscape buffer required along the rear property line is a 10 foot wide Buffer Yard "A," since the adjoining property owner at 2 Roger Lane is zoned C-1. Staff would like to see the plants from a Buffer Yard "C" be required as would be if the existing residence were within a residential zone.
4. A 10 foot wide Buffer Yard "A" should be required along Dixie Highway and Roger Lane as would be required with any new development or redevelopment of an existing site.
5. If approved, a Major Site Plan should be required to insure:
 - a. that the re-define access points off Dixie Highway and Roger Lane are properly designed; and
 - b. that any landscaping meets the current requirements; and
 - c. that storm water detention is addressed; and
 - d. that site lighting is directed away from the existing residences and any other issues regarding this property are properly addressed.

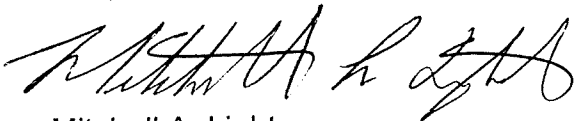
6. The Boone County Planning Commission and the City of Florence may want to evaluate the current zoning on Roger Lane through the updates of the Comprehensive Plan and Zoning Regulations.
7. If approved, the Future Land Use Map would not need to be altered.

Conclusion

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; 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 areas character.

Respectfully Submitted,

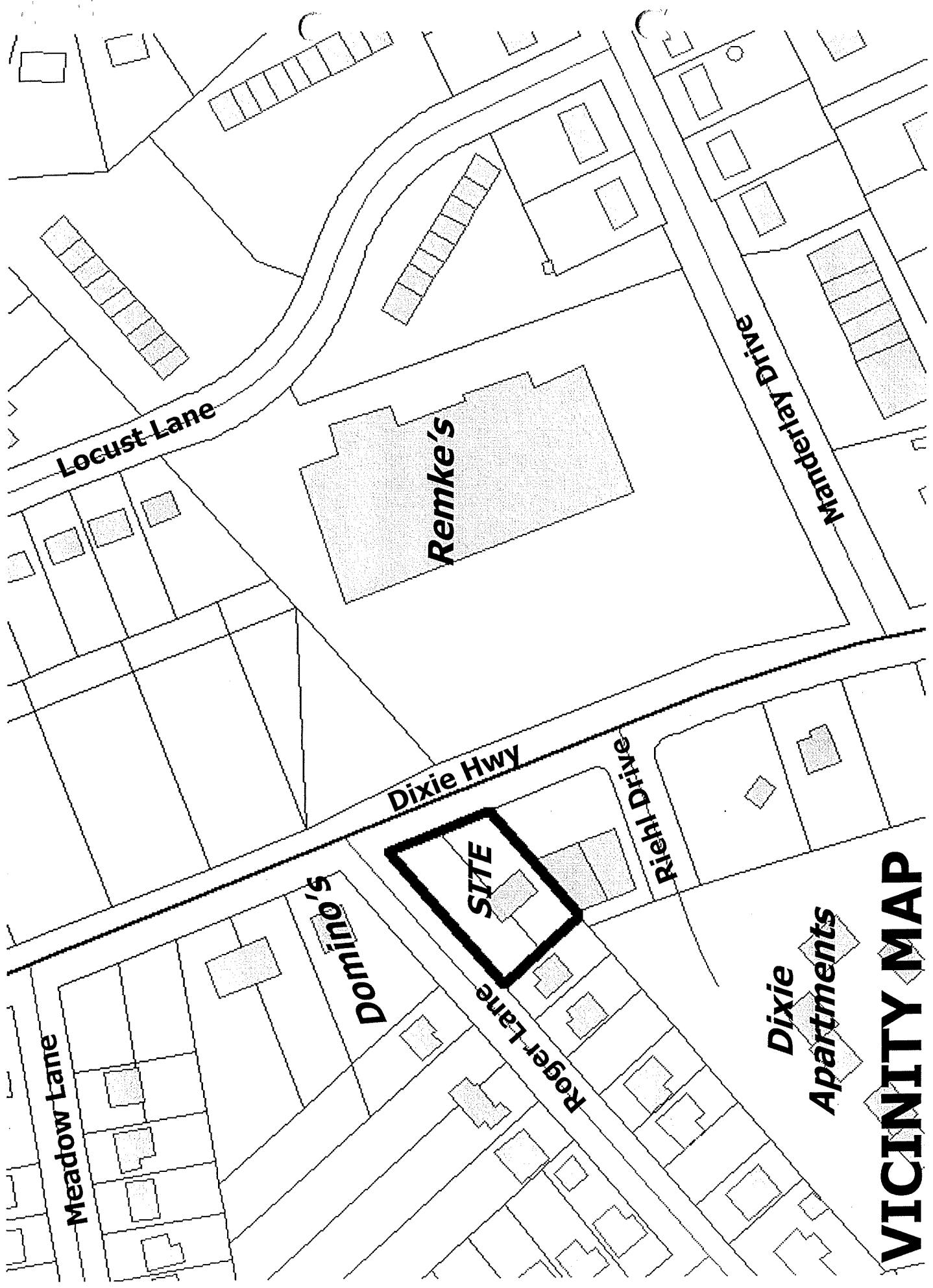


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Existing Topography
- Section 262
- Request
- Existing Site Conditions
- Concept Development Plan
- Application



VICINITY MAP

Locust Lane

Manderlay Drive

Remke's

Dixie Hwy

Richl Drive

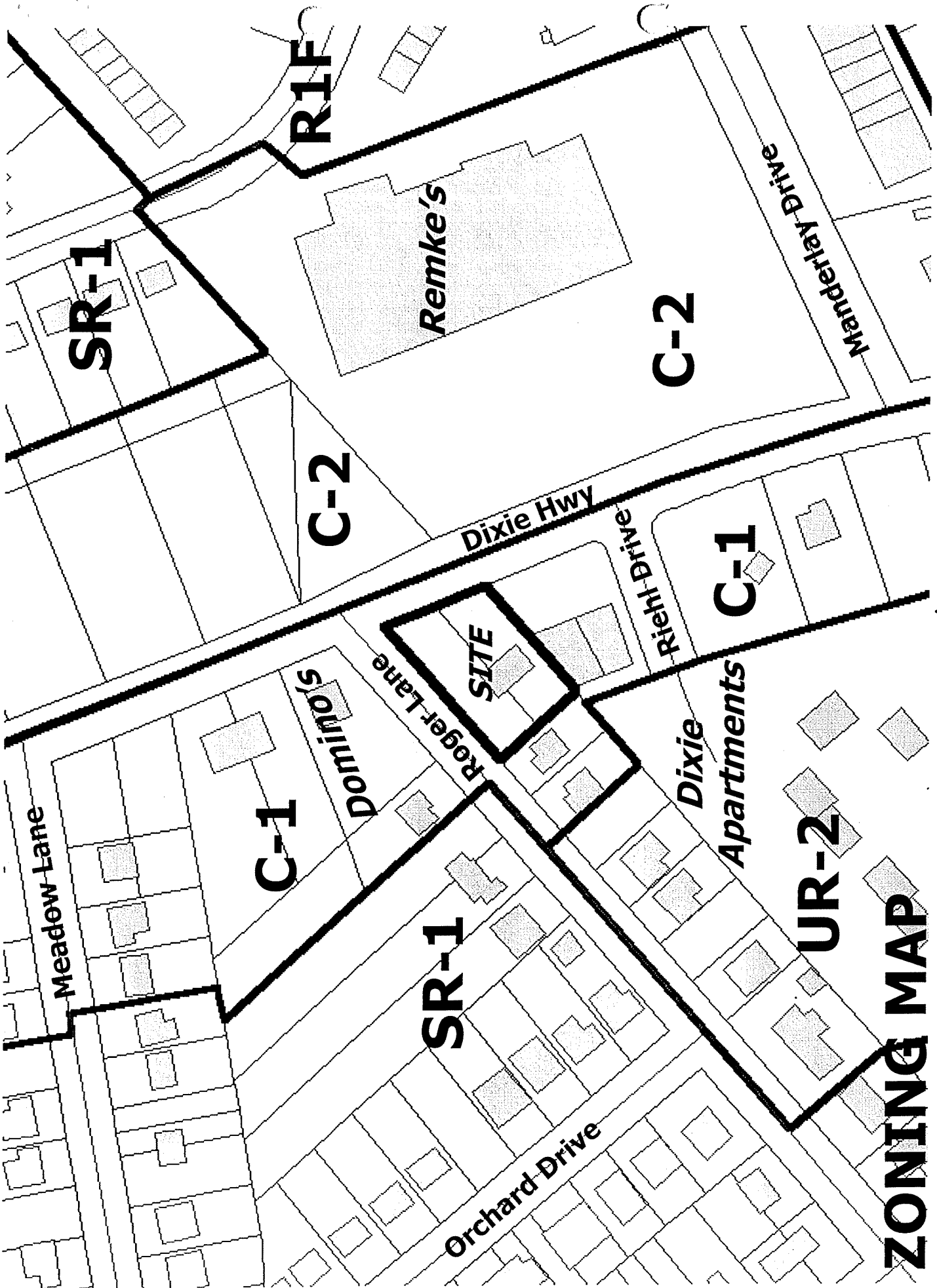
SITE

Dixie
Apartments

Meadow Lane

Domino's

Roger Lane



SR-1

R1F

Remke's

C-2

Manderley Drive

C-2

Dixie Hwy

Riehl Drive

C-1

SITE

Domino's

Roger Lane

Dixie Apartments

Meadow Lane

C-1

SR-1

UR-2

Orchard Drive

ZONING MAP

Dixie Hwy

920

916

7800

920

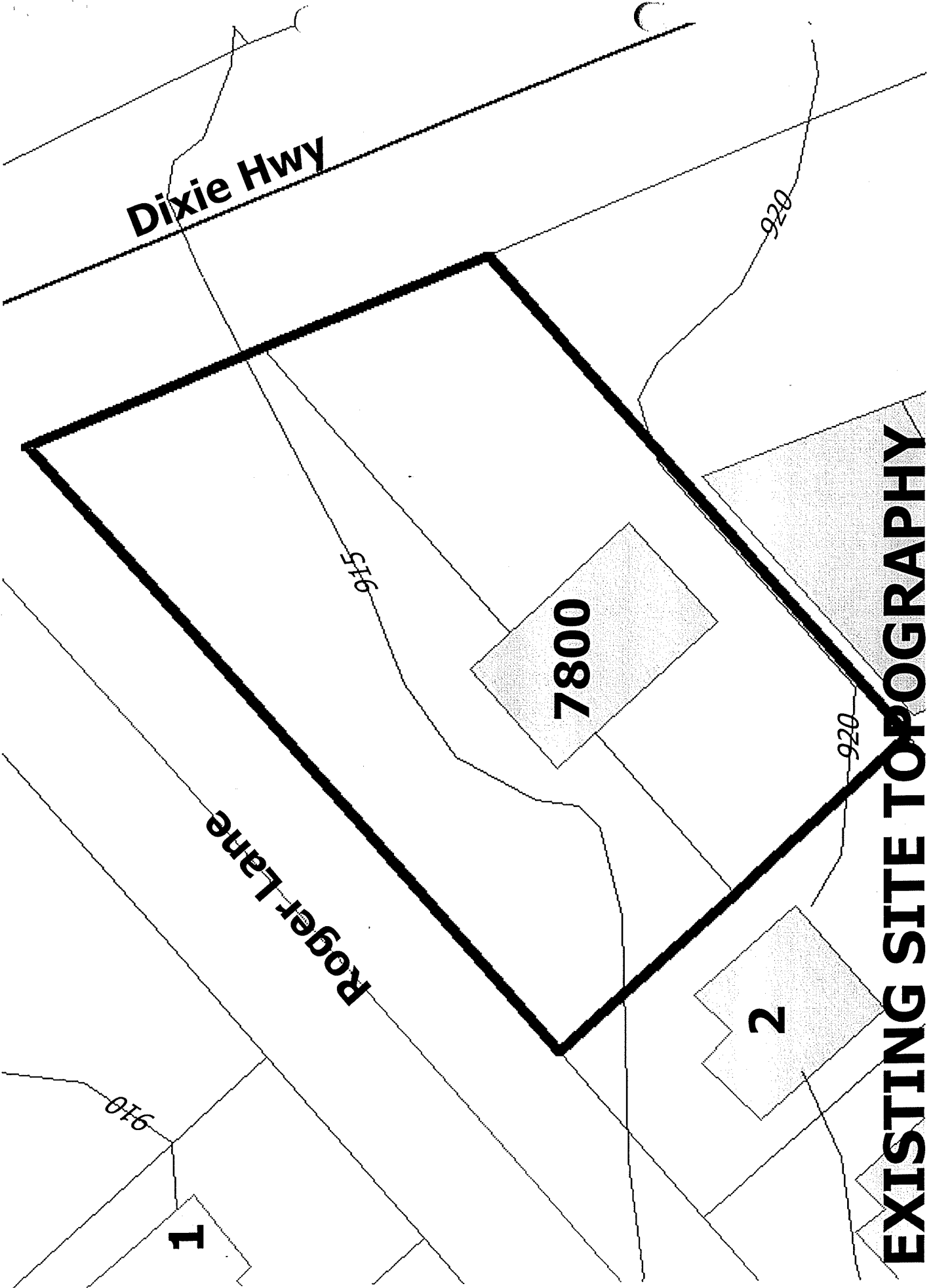
Roger Lane

2

916

1

EXISTING SITE TOPOGRAPHY



SECTION 262

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

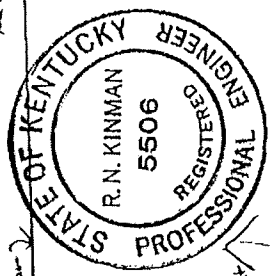
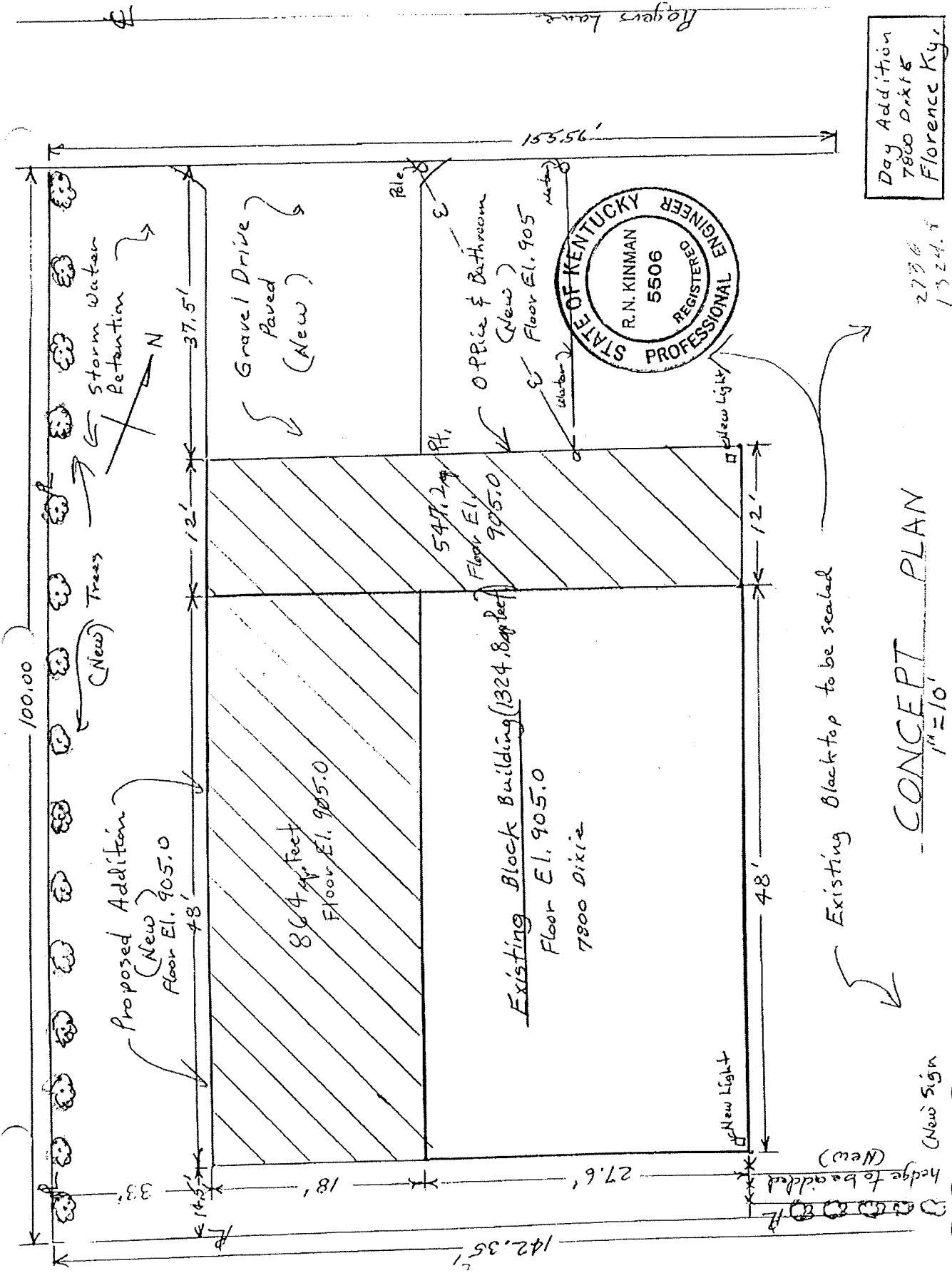
Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Statement of Proposed Changes Under the Requested Zone Change

1. A new 2-auto bay addition will be added to the back of the existing building, which will increase the number of auto bays to 4. (18' x 60') 1080 ft.² x 14' tall
2. A new 12' extension to the long side of the building will add a new office area and permit entrance to the bathrooms from the inside of the building. (12' x 27.6') 331.2 ft.²
3. A new 18' wide paved entrance will be added from Rogers Lane to the new addition.
4. A new wood fence will be constructed from the existing building to the rock wall on the southeast front of the building.
5. The existing rock retaining wall will be repaired on the southeast side of the parking lot.
6. A new hedge will be planted behind the rock retaining wall between the two properties on the southeast side of the parking lot.
7. All the existing blacktop parking area will be resealed and coated.
8. The block building will be painted a white color.
9. A new sign will be placed on the southeast corner.
10. Two new lights will be placed on the building to shine on the front lot.
11. Proposed hours of operation for auto repair:

Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	No operation
Sunday	No operation
12. Proposed hours of operation for auto sales:

Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	8:00 a.m. to 4:00 p.m.
Sunday	No operation



Day Addition
7800 Dixie
Florence Ky.

2736
1324.8

CONCEPT PLAN
1" = 10'

CONCEPT DEVELOPMENT PLAN

Existing Blacktop to be sealed

(New) Sign
hedge to be added (New)

New Light

547.2 sq ft
Floor El. 905.0

Existing Block Building (1324.8 sq feet)
Floor El. 905.0

864 sq feet
Floor El. 905.0

Gravel Drive
Paved
(New)

Storm Water
Retention

(New) Trees

Proposed Addition
(New)
Floor El. 905.0

145'

33'

37.5'

12'

48'

18'

27.6'

142.35'

153.56'

New Light

48'

12'

Rogers Lane

7800 Dixie

Office & Bathroom
(New)
Floor El. 905

547.2 sq ft
Floor El. 905.0

Existing Block Building (1324.8 sq feet)
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Gravel Drive
Paved
(New)

(New) Trees

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APPLICATION FORM

RECEIVED
JUL 11 2009
PLANNING COMMISSION

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

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**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 23, 2000
7 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney, Vice Chairman, Mr. Hicks, Mr. Knock (arrived during the applicant's presentation), Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries – Temporary Presiding Officer, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Larry Dillon

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

1. **Applicant:** Timothy M. Day and Chris Day for Patricia Quast and David Quast (owners)

Request: Zoning Map Amendment

The request of Timothy M. Day and Chris Day for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre lot at 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Riley Kinman with R N K Environmental Inc., representing Chris Day and his son Timothy Day, presented an exhibit containing photographs of the site. He stated that the building was formerly blue, but is now white. Mr. Day and his son have made improvements to the property, including straightening up the wall and planting shrubbery on it, removing a lot of the debris, and putting up a new fence. He stated

that Chris and Timothy Day are small businessmen. Under the existing zoning, they are allowed to repair automobiles, but not sell them. They want to be able to sell some of the automobiles they repair. He stated that they currently have two bays and by adding the 18-foot addition they will have two additional bays, which will double their capacity for automobile repair.

Mr. Knock arrived at this time.

Mr. Kinman stated that they will add eighteen feet to the back of the building and twelve feet to the side. The propose improvements to the office and restroom area, a two-bay addition (18' x 16' and 14' tall) to the back of the existing building for a total of four bays, a twelve-foot extension to the long side (27.6') of the building (parallel to Roger Lane), and an eighteen foot wide paved entrance from Roger Lane. He stated that the existing rock retaining wall on the southeast side of the building is finished. He indicated where they have planted some new trees. He stated that the concrete/blacktop area will be resealed and coated. There is a new sign on the southeast corner. Two new lights will be placed on the building to shine on the sales area and front lot area. The lights will be protected from shining onto the residential area behind the building. He stated that the proposed hours for auto repair are Monday through Friday from 8 AM to 5 PM and no Saturday or Sunday hours. Auto sales will be Monday through Friday from 8 AM to 5 PM, Saturday 8 AM to 4 PM, and no Sunday hours.

Mr. Newman questioned the eighteen-foot extension on the back of the building and the driveway into the new bays. Mr. Kinman stated that the bays will open towards Roger Lane and people will drive in from Roger Lane. Mr. Newman asked if all the bay doors will be accessed from Roger Lane. Mr. Kinman responded that the existing two bay doors are entered from Dixie Highway and only the new bay doors will be entered from Roger Lane. He reviewed pictures of the site.

Mrs. Arnett asked if they will move the dumpster. Mr. Kinman responded that they will move it to the back and enclose it.

Mr. Kinman stated that they have improved the appearance of the site with trees and wall repair. He stated that the fence is to conceal the storage area. He stated that there will be trees across the back to buffer the building from the residential area on Roger Lane. It is 33 feet to the next property, which is 33 feet for detaining water, and they can put a small depression there with berming. He indicated the high bay area, where the gravel drive will be, and where the refurbished restrooms and offices will be. He offered to answer any questions.

Mr. Newman asked if the high bays will be for diesel trucks or just for automobiles. Mr. Kinman responded "only automobiles".

Pictures provided by the applicant showing the "before" and "after" appearance of the site were circulated by Staff.

Chris Day stated that he had a license to sell cars on Industrial Road, so this is not a new car sales lot coming into Florence – it is just one moving from one place to another. He stated that he hopes to improve this site.

Timothy Day stated that this is a family-owned business. They were on Industrial Road, but left because the property was not being maintained by the management. They have had a car license for two years. He stated that the Fire Marshall signed off on the Coopers property after they made improvements. They have worked hard at cleaning up the site and have planted some shrubs. He stated that the kids are still coming over the four-foot fence. He stated that some of the shrubs in the back will need to come out because of the beer cans and debris – and they will clean up that area. They currently have cars parked at the opening onto Dixie Highway to keep people from cutting through to Roger Lane. They can close that access or make it smaller. He stated that the maximum number of cars they had on their lot was twenty to twenty-five. He stated that they would never have over twenty-five cars for sale.

The applicant submitted a booklet entitled “Day Addition – Request for Zoning Change from C-1 to C-2” (see Exhibit 1). This concluded the applicant’s presentation.

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

Mr. Tom Wilson, 5 Roger Lane, across the street from the site, read his written comments into the record (see Exhibit 2).

Mr. Ken Alford, 1 Roger Lane, stated that he will be looking at the site from his house. His children walk through there and there will be extra traffic. This use will bring down the value of his home. His main concerns are safety and property value. He stated that he lives in a residential area, but he will have a garage across the street from him.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned the storage. Mr. Timothy Day responded that the storage is outside at the end of the building in the fenced area. Mr. Kinman indicated the location of the storage area between the existing building and the adjacent building (Ameristop). Mrs. Poston asked if there is storage there now. Mr. Kinman responded that it has been cleaned out and there is a new white fence that prevents people from Dixie Highway seeing what is stored back there. Mr. Chris Day stated that there were tires back there, but they do not have anything back there now. Mr. Knock asked if they plan to store back there. Chris Day responded “no”. Mr. Knock commented that they refer to it as a storage area. Timothy Day stated that right now they have an

engine crane, used tires, and some lumber back there. Mrs. Poston asked if properties on Roger Lane will be able to see into the storage area. Timothy Day responded "no" and stated that there is a fence back there.

Mrs. Poston questioned the gravel drive. Mr. Kinman responded that it will be paved. Mr. Knock questioned if the drive is used as an access from Dixie Highway to Roger Lane or if it is only ingress and egress for this property. Mr. Kinman responded that it is only ingress/egress for this property.

Mr. Knock asked if storage is permitted on the site under C-1 zoning. Mr. Light responded that storage is not permitted in the rear. He stated that tires have been seen above the fence. He stated that no storage is permitted outside without being screened. The storage along the side has been there for a number of years and there have been complaints. Mr. Knock asked if C-1 permits the outside storage of tires with a fence. Mr. Light responded that he does not think so, but will check and let the Committee know. Mr. Costello stated that it could be that the storage is illegal and that it is pre-existing. State law is that if the violation exists for ten years or more, it is permitted. Staff will have to determine how long tires or any storage has been there. Staff will provide this information to the Committee. Mr. Knock commented that this may be a better alternative if outside storage is permitted.

Mr. White stated that this was an abandoned gas station and asked if the EPA has signed off on the underground fuel tanks. Mr. Kinman responded that the site is not on the list of underground storage areas in the state of Kentucky, so the EPA either signed off on it or it pre-dates the regulations. Mr. White responded that there is no pre-dating of the regulations. Mr. Kinman stated that he believes the tanks were filled in place and paved over. Mr. Costello stated that Staff will check into this. Mr. Knock questioned an NFA (No Further Action) by the state in instances like this. Chris Day stated that Dr. Quast told him that the tanks were taken up twenty years ago. Chairman Caddell stated that Staff will provide this information to the Committee.

Mrs. Arnett asked if they will be doing mechanical or auto body repairs. Chris Day responded "just mechanical – no auto body".

Mr. Newman stated that the way the C-1 zoning line runs seems odd. He questioned if there were commercial uses at 1, 2, and 4 Roger Lane. Mr. Costello responded that some years ago, the Planning Commission through its consultant, KZF, had manually drawn maps and he has found a number of misrepresentations. Errors also occurred when working with aerial photographs. Mr. Light stated that he was told by Staff Member Dave Geohegan that Jerry Newton made a Zoning Administrator interpretation that included these houses. He stated that this is not the issue at this time, but does need to be looked at. Chairman Caddell stated that this issue can be looked at in the update process. Mr. Costello stated that if the houses were zoned Residential, there would have to be a 50-foot minimum setback because this would be a commercial business next to residential. If the houses are zoned C-1, there are less

stringent setbacks. Mr. Newman asked Staff to check on what appears to be a vacant lot behind #1 Roger Lane. Mr. Costello responded that he believes that is one house on two lots. Mr. Newman asked Staff to look at the zoning in the entire area and to see if #1, #2, and #4 Roger Lane were ever commercial uses. Mr. Light will check to see if there were ever Occupational Licenses for these properties.

Mr. Ries asked if there will be repairs done to cars other than those that will be up for sale. Mr. Chris Day responded "yes". Mr. Ries stated that those cars will be stored at the back of the building and questioned if will be adequately buffered from the residents. Mr. Chris Day responded "yes". Mr. Ries questioned the lighting back there. Chris Day responded that he hired the electrical company to put up the lights that are there now and they light up the lot.

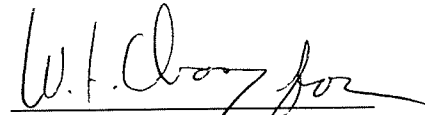
Mr. Knock stated that the houses were probably zoned C-1 because there is not a fifty-foot setback. He believes the houses may have been zoned to accommodate the setback. Mr. Costello responded that the zoning code changed in 1980 and this needs to be researched.

The Chairman asked if there were any further comments.

Mr. Alford emphasized the effect this will have on his house. He will be able to see the garage that will be on the property.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 6, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on September 20, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:10 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits:

- 1 "Day Addition – Request for Zoning Change from C-1 to C-2 for Property at 7800 Dixie Highway, Florence, Kentucky" with cover letter signed by Riley N. Kinman, Ph.D., P.E. – submitted by the applicant.
- 2 Memo In re: Day Auto Care Rezoning and Conditional Use, dated August 22, 2000, submitted by Tom Wilson, 5 Roger Lane.

R N K ENVIRONMENTAL INC.

2643 CRESCENT SPRINGS ROAD
ERLANGER, KY 41017
FAX / PHONE: (606) 344-0966

8/23/2000
PH. # /
EX 1

July 11, 2000

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

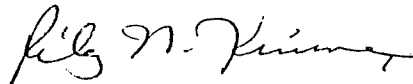
Re: Request for Zoning Change from C-1 to C-2
For Property at 7800 Dixie Highway

Dear Members of the Commission:

This is to provide you with an application for a zoning change request at 7800 Dixie Highway, Florence, Ky., from C-1 to C-2. The reason for this request is to permit expansion of existing automobile repair operations and add automobile sales to the existing operations. A copy of a concept plan is attached as a part of the zoning change application.

Please contact me at 344-0966 if you have any questions.

Respectfully yours,



Riley N. Kinman, Ph.D., P.E.
President, RNK Environmental, Inc.

RNK/hlh

Enclosures

DAY ADDITION

**Request For Zoning Change
From C-1 to C-2
For Property at
7800 Dixie Highway, Florence, Kentucky**

By

**RNK Environmental, Inc.
2643 Crescent Springs Road
Erlanger, Ky. 41017
Phone: 344-0966**

RNK

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• Site Location Map (USGS Topo Map)	11

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 DAYS Auto Center
- 2. Location of Project 7800 Dixie Highway
- 3. Total Acreage of Site .36
- 4. Current Zoning of Site C1
- 5. Proposed Zoning (Classification being requested) C2
- 6. Proposed Uses (please specify each use) Auto Repair, USED CAR lot

- 7. Names of Applicant(s) Timothy M DAY CHRIS DAY
- Phone Number 282-8664 Fax No. 282/0109

- 8. Address of Applicant(s) 1419 Clayton Rd 41042
- Florence Ky Zip
- City State

- 9. Name of Property Owner(s) PATRICIA + DAVID QUAST
- Phone Number 283 9400 Fax No. 283-8741

- 10. Address of Property Owner(s) 7620 Dixie Hwy 41042
- Florence Ky Zip
- City State

- 11. Proposed Building Intensities (please specify) 7600 ft² per Acre Land

- 12. Are there any existing buildings on the site? yes
- How many? (one)

- 13. Deed Book 748 Page No. 301 Group No. 216

- 14. Are you also applying for:
- Conditional Use Permit
- Dimensional Variance

- 15. Have you submitted a Concept Development Plan? yes

- 16. Have you had a pre-application meeting with BCPC Staff? yes

- 17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
- _____ Unincorporated Boone County
 - Florence
 - _____ Walton Union
 - _____ Union

19. Applicant's Signature Twitty Day Chris Day Jr

Property Owner's Signature Patricia A. Quish

SECTION B (To be completed by BCPC Staff)

1. Date Received _____
2. Review Fee _____
3. Check what has been submitted:
 - _____ Application
 - _____ Fee
 - _____ Legal Discription
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

**** Five (5) Copies Are Required**

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

PEARL & SARAH
DB. 198, P. 681

1 STY
BRICK
RES.

LOT 3

CHAIN LINK FENCE

BLKTP. DRIVE

OVERHEAD
ELECT. & TEL. R/W

EARL & COVIE ALFORD (333/7) R/W

N 42° 26' 30" W 100.00'

50' R/W

75' PAV.

1 STY BRICK COM.

GRASS

ESTER HANCOCK
DB. 222, P. 100

142.35'

S 47° 33' 30" W

ROLL Y CURB

ROGERS LANE

VACANT
1 STY. BLK. SERVICE STN.
14' HIGH
FLOOR ELEV 905.0

GRASS

EDGE CONC. Y

155.56'

GROUP 216

0.36 ACRE
PRESENT ZONING C-1
CONC. PARKING LOT

PERM DRAIN. EASE
LOT 2

LOT 1
ORCHARD ACRES SUB
PLAT BK. 1, P. 118-A

STORM DRSP/BOX

PERM. DRAIN. EASE.

P. POLE TEL.

S 22° 46' 30" E
SRW

S 63° 25' 05" E
32.58
ARC-35.48

ENTRANCE

5' CONC. WALK

HANDICAP RAMP

U.S. HWY.

NO. 25

PATRICIA A. QUAST PROPERTY
7800 Dixie Highway

Plat

*Don
Conrad
use
Permit*

List of Adjacent Property Owners
Day Addition

E. S. Hancock, LLC
5 Sanctuary Ct.
Edgewood, KY 41017

Pearl & Sarah Collins
2 Rogers Lane
Florence, KY 41042

Earl & Connie Alford
1 Rogers Lane
Florence KY 41042

Spring M. Associates
c/o Thomas Schleper
3075 Ashley Drive
Edgewood, KY 41017

Nora Dempsey
275 Rotonda Blvd. (N)
Rotonda West, FL 33947

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Statement of Proposed Changes Under the Requested Zone Change

1. A new 2-auto bay addition will be added to the back of the existing building, which will increase the number of auto bays to 4. (18' x 60') 1080 ft.² x 14' tall
2. A new 12' extension to the long side of the building will add a new office area and permit entrance to the bathrooms from the inside of the building. (12' x 27.6') 331.2 ft.²
3. A new 18' wide paved entrance will be added from Rogers Lane to the new addition.
4. A new wood fence will be constructed from the existing building to the rock wall on the southeast front of the building.
5. The existing rock retaining wall will be repaired on the southeast side of the parking lot.
6. A new hedge will be planted behind the rock retaining wall between the two properties on the southeast side of the parking lot.
7. All the existing blacktop parking area will be resealed and coated.
8. The block building will be painted a white color.
9. A new sign will be placed on the southeast corner.
10. Two new lights will be placed on the building to shine on the front lot.
11. Proposed hours of operation for auto repair:

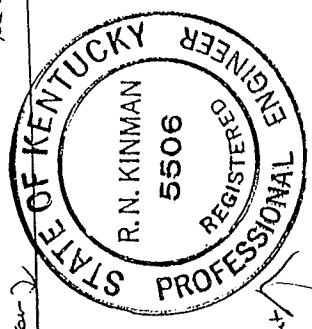
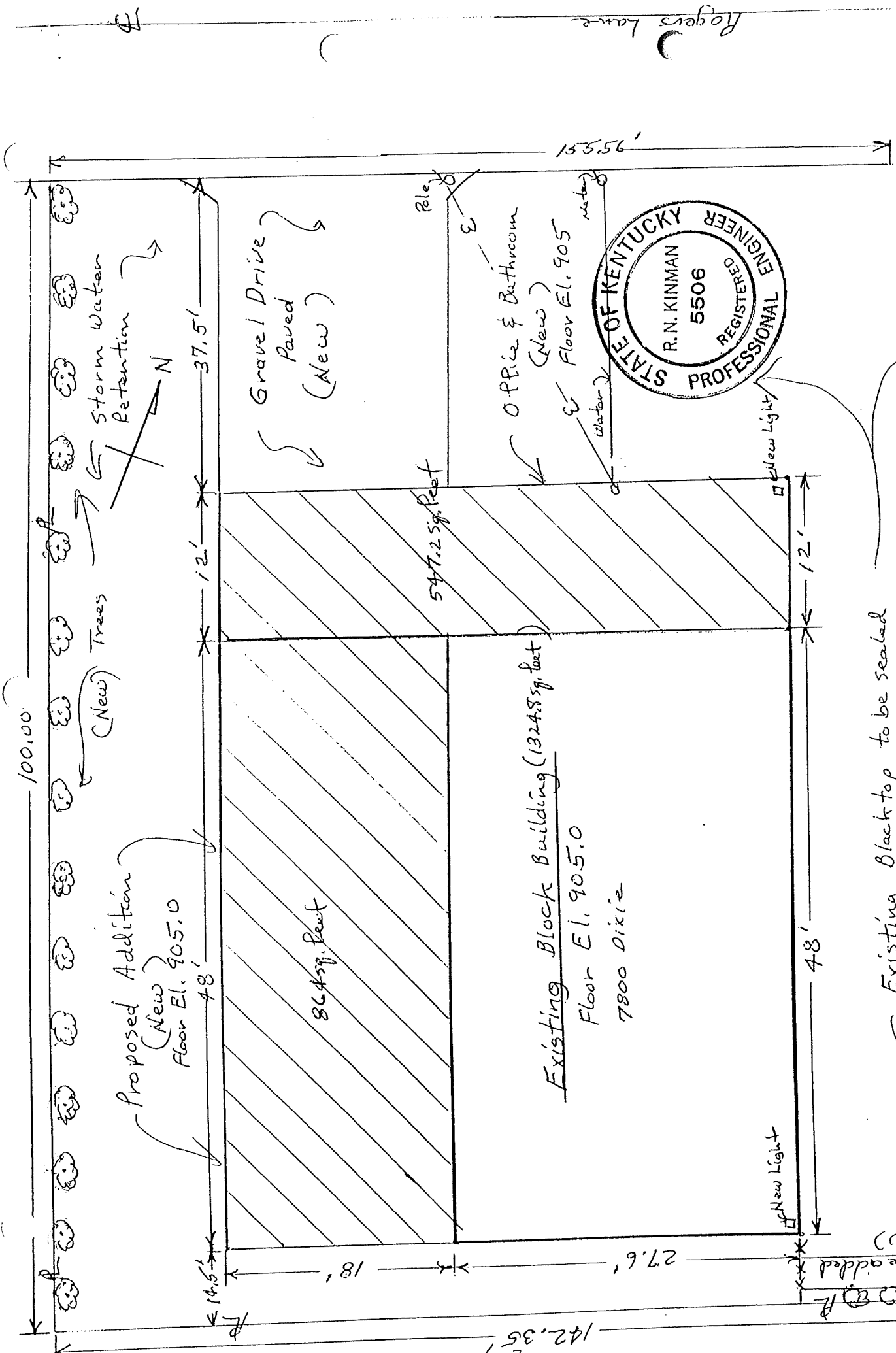
Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	No operation
Sunday	No operation
12. Proposed hours of operation for auto sales:

Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	8:00 a.m. to 4:00 p.m.
Sunday	No operation

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Grading Statement

"No grading or utility construction necessary for construction of building addition."

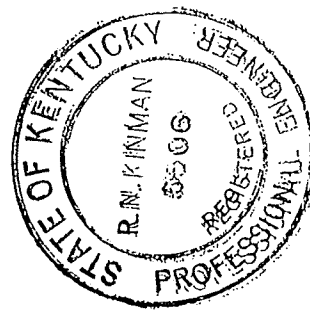
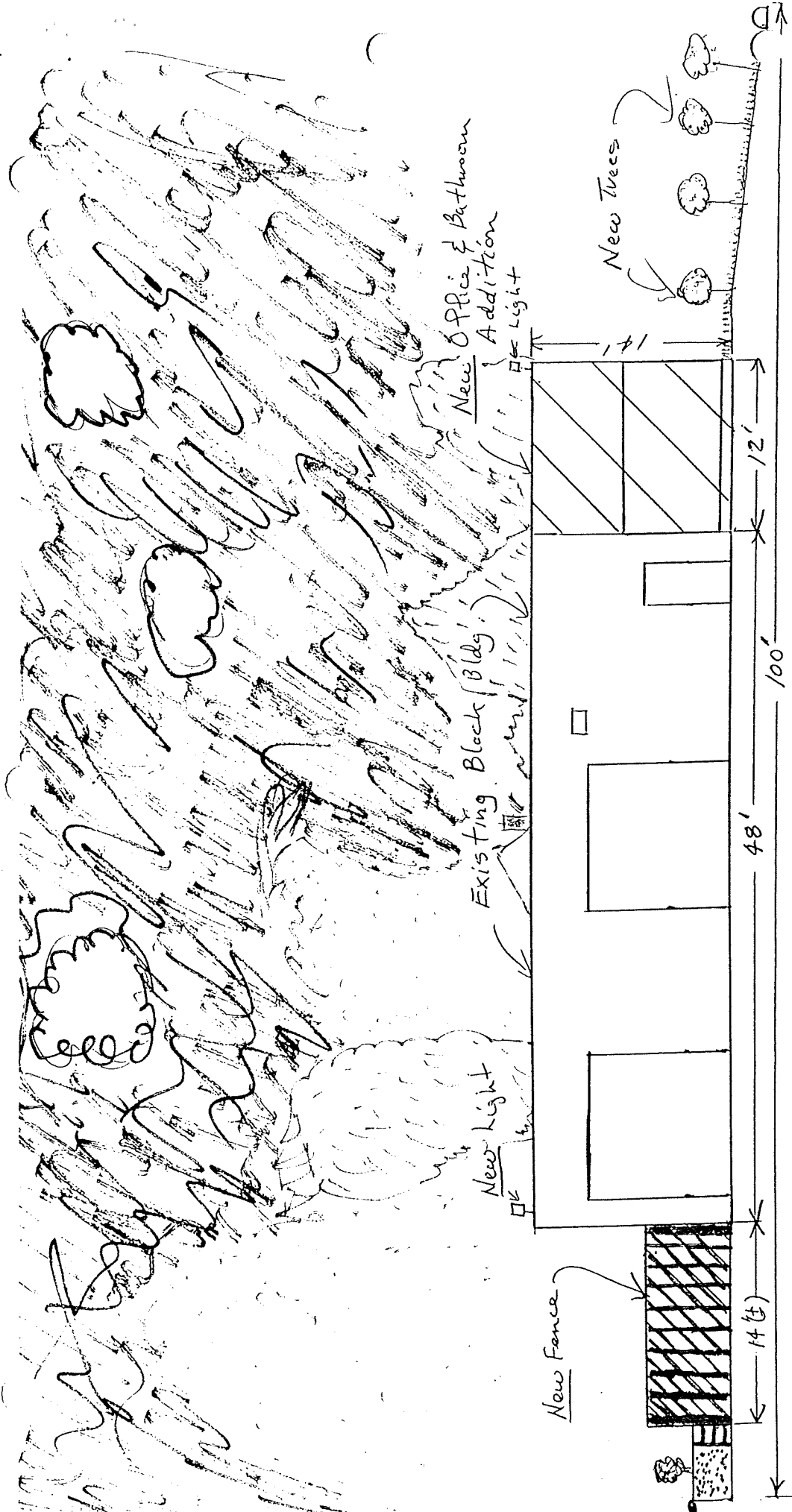


Day Addition
7800 Dixie
Florence Ky.

Existing Blacktop to be sealed

CONCEPT PLAN
1" = 10'

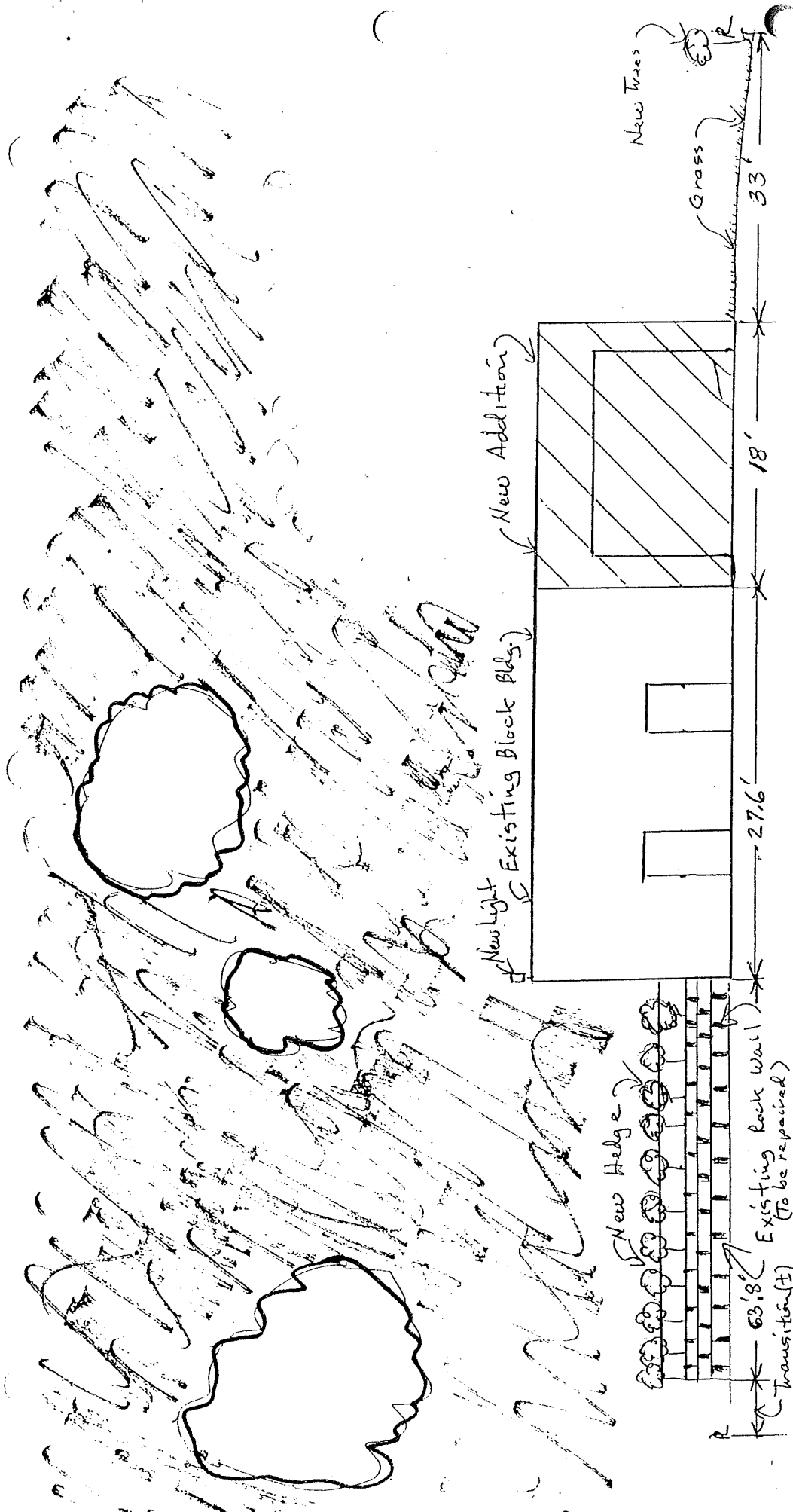
(New) Sign



Front View
 1" = 10'

CONCEPT PLAN

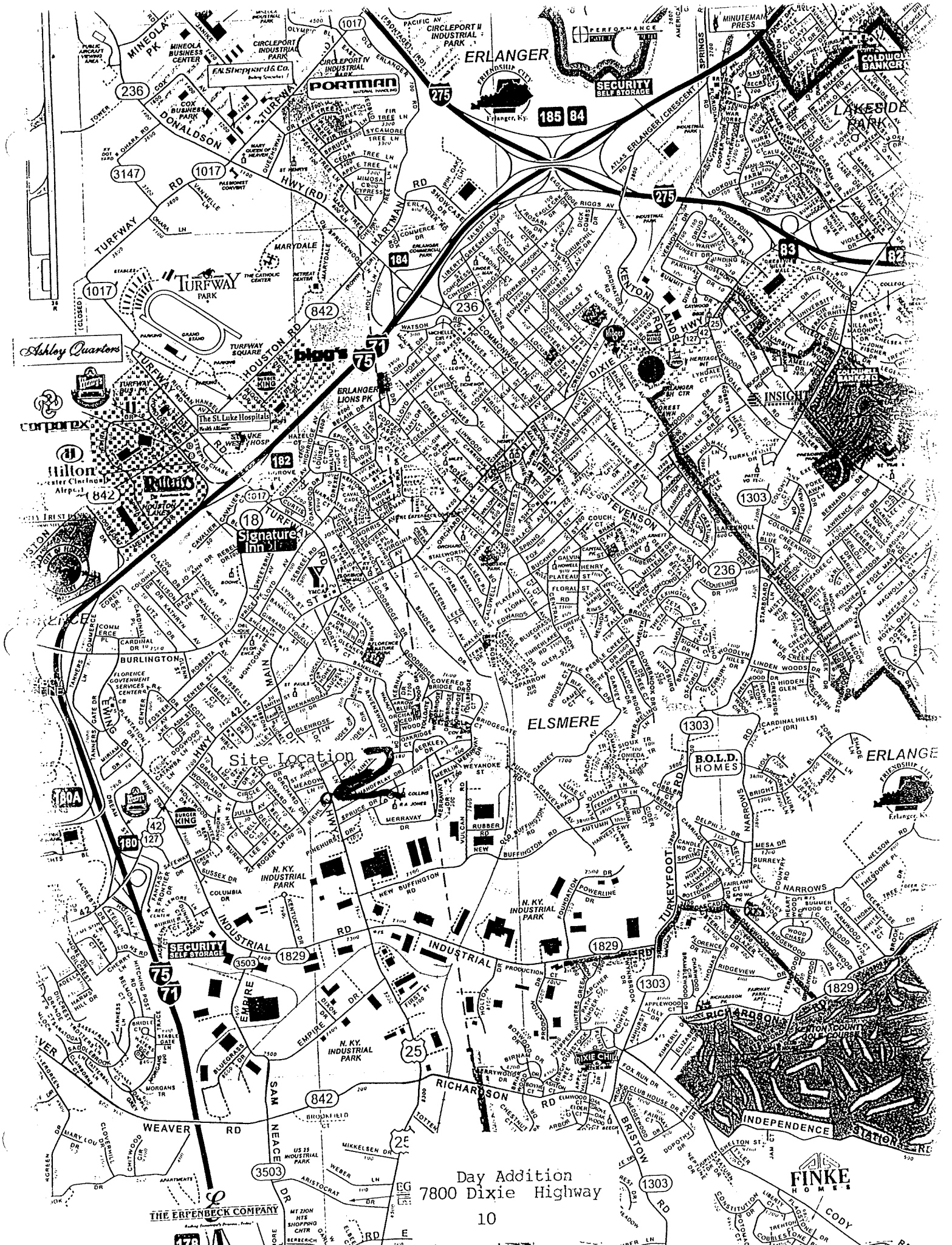
Day Addition
 7800 Dixie
 Florence, Ky.



Day Addition
7800 Dixie
Florence, Ky.

Side View
1" = 10'

CONCEPT PLAN



Day Addition
7800 Dixie Highway

THE ERPENBECK COMPANY

FINKE HOMES

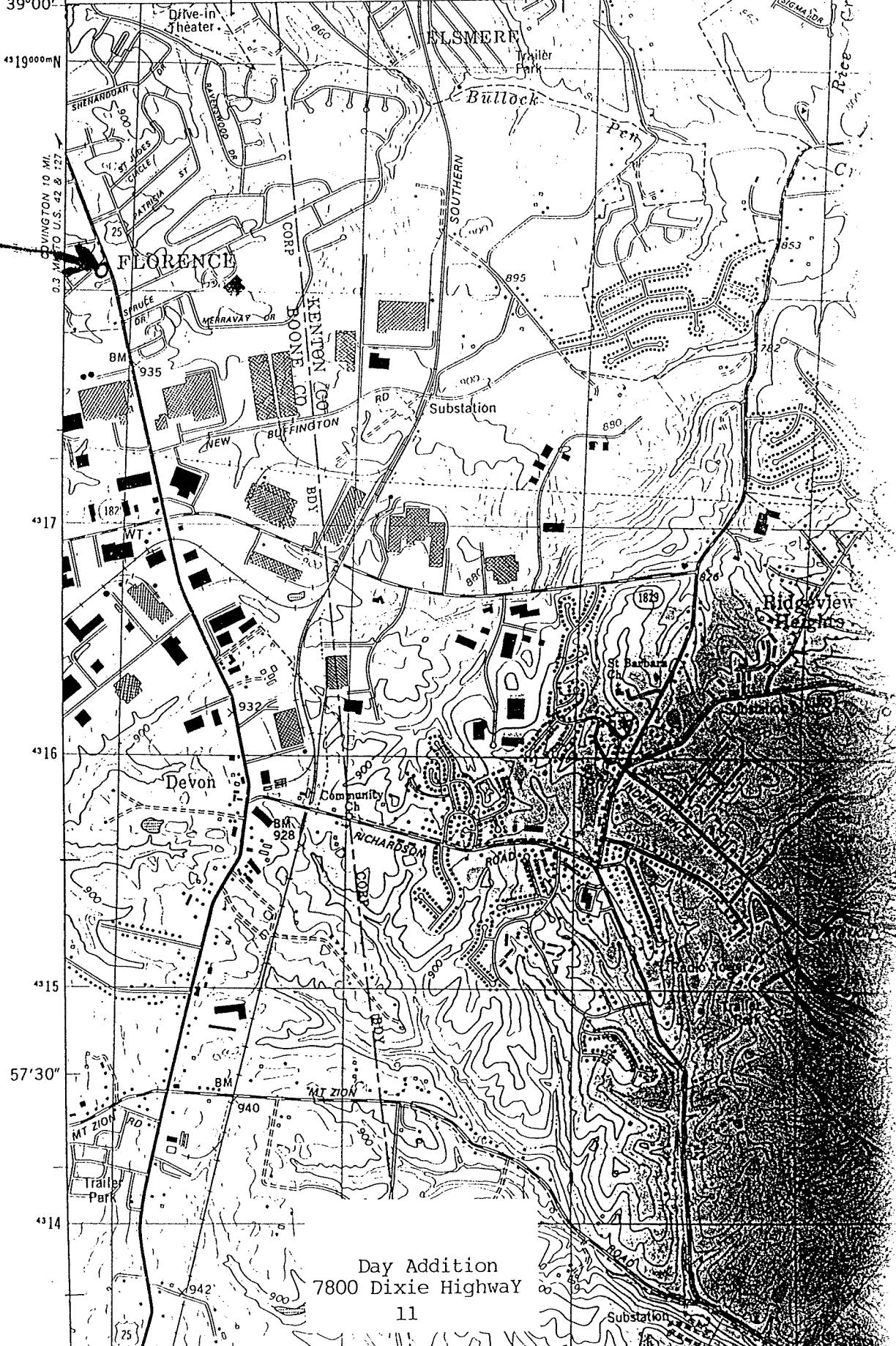
(536)

4932 11 SW
BURLINGTON

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

84°37'30" 706000mE 707 708 709
39°00' 4319000mN

Site Location



Day Addition
7800 Dixie Highway

8/23/2000

EXHIBIT 2

Memo

In re: DAY AUTO CARE REZONING AND CONDITIONAL USE

Date: AUGUST 22, 2000

Location of Proposed Rezoning

The proposed site is on the ~~south~~^{west} side of US 25 at its intersection with Roger Lane. Roger Lane at its intersection with US 25 is about halfway from the US 25/US 42 intersection and the US 25/Industrial Road intersection. Between the US 42 and Industrial Road intersections with US 25, there are no used car lots and the only car repair location is where Mr. Day wants this rezoning.

Brophy's Service Station does some auto repair at the US 25/42 intersection and there is a used car lot across from Brophy's on the east side of US 25 at that same intersection. Two used car lots are located at the Industrial Road/US 25 intersection. At the proposed rezoning site there has never been a used car lot operation and the car repair business has been of a small scale, confined to the existing building as a pre-existing use. Mr. Day recently took over the pre-existing car repair business and wants to add the sale of used cars and enlarge the existing building by adding more bays for car repair.

There is a reason why the existing used car lots and Brophy's Service Station are appropriate where they are located. The reason is those locations do not adversely affect established residential subdivisions. Those locations are in areas clearly developed with existing commercial and industrial uses and no residential subdivision adjoins those locations. Mr. Day previously had a location on Industrial Road for both the uses he seeks through this rezoning. That location was appropriate for used car lots and car repair and did not adversely affect single family residential development.

At the proposed site of this rezoning, Mr. Day wants to expand not toward US 25, but to the rear of the property, toward existing single family houses. These houses are part of a residential subdivision that is nearly all single family and is one of the oldest and largest residential subdivisions in the City. His proposed expansion places a large overhead door for entrance into the proposed bays, facing houses on Roger Lane and requiring more use of Roger Lane as access to the proposed expansion. Roger Lane is a residential street without sidewalks and many people use Roger Lane to walk over to Remke's grocery store, a nearby pharmacy, and other locations. Several children walk Roger Lane to and from R. A. Jones School.

Opposition to Granting the Rezoning or the Conditional Use

We oppose granting the C-2 rezoning and the conditional use permit. Mr. Day can operate a car repair business within the existing building and this would keep the operation to that scale of activity that has been there for over 40 years. Expansion to enlarge the building for additional bays as proposed toward existing residential uses should not be permitted.

Page 228 of the Comprehensive Plan discusses future land uses in the City of Florence and states that commercial, industrial and residential developments must be balanced. Commercial expansion through rezoning should not be granted under this provision of the Comprehensive Plan when it would adversely affect existing residential development. If Mr. Day wants to operate a commercial development that exceeds what has existed on the property for over 40 years, he should go to an area that is predominately commercial or industrial, like he was previously on Industrial Road. He should not go to an area that is predominately residential, like the proposed site. Instead of finding a proper location, Mr. Day wants to expand what has been a low-scale car repair operation and use a residential street as direct access for the new car repair bays. This adversely affects the residential character of the immediate area and is dangerous for the people, including children, that walk to the nearby locations.

Conclusion

Mr. Day has presented no justification for this rezoning. As proposed, this rezoning does not agree with the Comprehensive Plan because of its effect on the adjoining residential area. The current zoning of C-1 is more appropriate for the proposed site than the requested rezoning. That C-1 zoning limits commercial use to a level or scale more consistent with the residential area. Nor has Mr. Day shown any change to the area not anticipated in the Comprehensive Plan that would justify the C-2 rezoning. The area's character is the same as it has been for over the past 40 years. According to the zoning map, there is no property zoned C-2 on the west side of US 25 between the Industrial Road and US 42 intersections with Dixie Highway.

The rezoning application and its proposed conditional use would adversely affect a residential area and should be denied. Existing zoning allows reasonable commercial uses more consistent with the adjacent residential subdivision than the proposal as submitted by Mr. Day. This rezoning request attempts to relocate a commercial development from Industrial Road that was part of the Northern Kentucky Industrial Park to a residential area and this should not be allowed.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 20, 2000
7:30 P.M.**

Mr. Robert Ries, Temporary Presiding Officer, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Mark Hicks
Mr. Don McMillian
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Richard Knock
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Mr. Ries stated that the Commissioners received copies of the Minutes of the September 6, 2000 Business Meeting and Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Zimmer moved that they be approved as mailed. Mr. White seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment
The request of David L. Helmer and Dennis C. Helmer (owners) to consider a Zoning Map Amendment from Residential One family (R1F) to Commercial Two (C-2) for an approximate 0.8 acre tract on the southeast corner of the intersection of U.S. 42 and Dilcrest Drive, Florence, Kentucky. The request is for a zone change to C-2 with uses limited to those permitted in the Office One (O-1) zone.

Mr. Ries stated that Agenda Item #1 has been withdrawn by the applicant. Mr. Costello stated that a copy of a letter dated September 1, 2000 from Dennis C. Helmer to Kevin Wall officially withdrawing the request is on file.

2. Zoning Map Amendment
The request of Timothy M. Day and Chris Day (applicants) for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre lot at 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

Staff Member Mitch Light presented the Committee Report which recommended denial of the request based on the findings of fact.

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be denied based on the Committee Report. Mr. Zimmer seconded the motion and it carried unanimously.

Mr. Costello explained to the audience that the Planning Commission is a recommending body and the recommendation will be forwarded to the City of Florence on October 6. After that date, those interested should contact Jeff Koenig, City Coordinator, to find out when this item will come before Florence City Council.

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: September 20, 2000

RE: Request of Timothy M. Day and Chris Day (applicants) for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre tract located 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

REMARKS:

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

Findings of Fact

1. The Committee concluded that the applicant has not adequately demonstrated that the proposed map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question. Specific references to the Comprehensive Plan that relate to this request are outlined in the Staff Report.
2. The Committee concluded that the applicant has not demonstrated that the proposed zoning classification of Commercial Two (C-2) is appropriate and the existing zoning classification of Commercial One (C-1) is inappropriate.
3. The Committee concluded that the applicant has not demonstrated that there have been any major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.
4. The Committee concluded that since the proposed map amendment request does not fulfill any of the three (3) criteria, further review of the Conditional Use Permit is not necessary.

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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 23, 2000
7 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell - Chairman, Mr. Chaney, Vice Chairman, Mr. Hicks, Mr. Knock (arrived during the applicant's presentation), Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries - Temporary Presiding Officer, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Larry Dillon

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

1. **Applicant:** Timothy M. Day and Chris Day for Patricia Quast and David Quast (owners)

Request: Zoning Map Amendment

The request of Timothy M. Day and Chris Day for Patricia Quast and David Quast (owners) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre lot at 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Riley Kinman with R N K Environmental Inc., representing Chris Day and his son Timothy Day, presented an exhibit containing photographs of the site. He stated that the building was formerly blue, but is now white. Mr. Day and his son have made improvements to the property, including straightening up the wall and planting shrubbery on it, removing a lot of the debris, and putting up a new fence. He stated

that Chris and Timothy Day are small businessmen. Under the existing zoning, they are allowed to repair automobiles, but not sell them. They want to be able to sell some of the automobiles they repair. He stated that they currently have two bays and by adding the 18-foot addition they will have two additional bays, which will double their capacity for automobile repair.

Mr. Knock arrived at this time.

Mr. Kinman stated that they will add eighteen feet to the back of the building and twelve feet to the side. The proposed improvements to the office and restroom area, a two-bay addition (18' x 16' and 14' tall) to the back of the existing building for a total of four bays, a twelve-foot extension to the long side (27.6') of the building (parallel to Roger Lane), and an eighteen foot wide paved entrance from Roger Lane. He stated that the existing rock retaining wall on the southeast side of the building is finished. He indicated where they have planted some new trees. He stated that the concrete/blacktop area will be resealed and coated. There is a new sign on the southeast corner. Two new lights will be placed on the building to shine on the sales area and front lot area. The lights will be protected from shining onto the residential area behind the building. He stated that the proposed hours for auto repair are Monday through Friday from 8 AM to 5 PM and no Saturday or Sunday hours. Auto sales will be Monday through Friday from 8 AM to 5 PM, Saturday 8 AM to 4 PM, and no Sunday hours.

Mr. Newman questioned the eighteen-foot extension on the back of the building and the driveway into the new bays. Mr. Kinman stated that the bays will open towards Roger Lane and people will drive in from Roger Lane. Mr. Newman asked if all the bay doors will be accessed from Roger Lane. Mr. Kinman responded that the existing two bay doors are entered from Dixie Highway and only the new bay doors will be entered from Roger Lane. He reviewed pictures of the site.

Mrs. Arnett asked if they will move the dumpster. Mr. Kinman responded that they will move it to the back and enclose it.

Mr. Kinman stated that they have improved the appearance of the site with trees and wall repair. He stated that the fence is to conceal the storage area. He stated that there will be trees across the back to buffer the building from the residential area on Roger Lane. It is 33 feet to the next property, which is 33 feet for detaining water, and they can put a small depression there with berming. He indicated the high bay area, where the gravel drive will be, and where the refurbished restrooms and offices will be. He offered to answer any questions.

Mr. Newman asked if the high bays will be for diesel trucks or just for automobiles. Mr. Kinman responded "only automobiles".

Pictures provided by the applicant showing the "before" and "after" appearance of the site were circulated by Staff.



Chris Day stated that he had a license to sell cars on Industrial Road, so this is not a new car sales lot coming into Florence – it is just one moving from one place to another. He stated that he hopes to improve this site.

Timothy Day stated that this is a family-owned business. They were on Industrial Road, but left because the property was not being maintained by the management. They have had a car license for two years. He stated that the Fire Marshall signed off on the Coopers property after they made improvements. They have worked hard at cleaning up the site and have planted some shrubs. He stated that the kids are still coming over the four-foot fence. He stated that some of the shrubs in the back will need to come out because of the beer cans and debris – and they will clean up that area. They currently have cars parked at the opening onto Dixie Highway to keep people from cutting through to Roger Lane. They can close that access or make it smaller. He stated that the maximum number of cars they had on their lot was twenty to twenty-five. He stated that they would never have over twenty-five cars for sale.

The applicant submitted a booklet entitled “Day Addition – Request for Zoning Change from C-1 to C-2” (see Exhibit 1). This concluded the applicant’s presentation.

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

Mr. Tom Wilson, 5 Roger Lane, across the street from the site, read his written comments into the record (see Exhibit 2).

Mr. Ken Alford, i Roger Lane, stated that he will be looking at the site from his house. His children walk through there and there will be extra traffic. This use will bring down the value of his home. His main concerns are safety and property value. He stated that he lives in a residential area, but he will have a garage across the street from him.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned the storage. Mr. Timothy Day responded that the storage is outside at the end of the building in the fenced area. Mr. Kinman indicated the location of the storage area between the existing building and the adjacent building (Ameristop). Mrs. Poston asked if there is storage there now. Mr. Kinman responded that it has been cleaned out and there is a new white fence that prevents people from Dixie Highway seeing what is stored back there. Mr. Chris Day stated that there were tires back there, but they do not have anything back there now. Mr. Knock asked if they plan to store back there. Chris Day responded “no”. Mr. Knock commented that they refer to it as a storage area. Timothy Day stated that right now they have an

engine crane, used tires, and some lumber back there. Mrs. Poston asked if properties on Roger Lane will be able to see into the storage area. Timothy Day responded "no" and stated that there is a fence back there.

Mrs. Poston questioned the gravel drive. Mr. Kinman responded that it will be paved. Mr. Knock questioned if the drive is used as an access from Dixie Highway to Roger Lane or if it is only ingress and egress for this property. Mr. Kinman responded that it is only ingress/egress for this property.

Mr. Knock asked if storage is permitted on the site under C-1 zoning. Mr. Light responded that storage is not permitted in the rear. He stated that tires have been seen above the fence. He stated that no storage is permitted outside without being screened. The storage along the side has been there for a number of years and there have been complaints. Mr. Knock asked if C-1 permits the outside storage of tires with a fence. Mr. Light responded that he does not think so, but will check and let the Committee know. Mr. Costello stated that it could be that the storage is illegal and that it is pre-existing. State law is that if the violation exists for ten years or more, it is permitted. Staff will have to determine how long tires or any storage has been there. Staff will provide this information to the Committee. Mr. Knock commented that this may be a better alternative if outside storage is permitted.

Mr. White stated that this was an abandoned gas station and asked if the EPA has signed off on the underground fuel tanks. Mr. Kinman responded that the site is not on the list of underground storage areas in the state of Kentucky, so the EPA either signed off on it or it pre-dates the regulations. Mr. White responded that there is no pre-dating of the regulations. Mr. Kinman stated that he believes the tanks were filled in place and paved over. Mr. Costello stated that Staff will check into this. Mr. Knock questioned an NFA (No Further Action) by the state in instances like this. Chris Day stated that Dr. Quast told him that the tanks were taken up twenty years ago. Chairman Caddell stated that Staff will provide this information to the Committee.

Mrs. Arnett asked if they will be doing mechanical or auto body repairs. Chris Day responded "just mechanical – no auto body".

Mr. Newman stated that the way the C-1 zoning line runs seems odd. He questioned if there were commercial uses at 1, 2, and 4 Roger Lane. Mr. Costello responded that some years ago, the Planning Commission through its consultant, KZF, had manually drawn maps and he has found a number of misrepresentations. Errors also occurred when working with aerial photographs. Mr. Light stated that he was told by Staff Member Dave Geohegan that Jerry Newton made a Zoning Administrator interpretation that included these houses. He stated that this is not the issue at this time, but does need to be looked at. Chairman Caddell stated that this issue can be looked at in the update process. Mr. Costello stated that if the houses were zoned Residential, there would have to be a 50-foot minimum setback because this would be a commercial business next to residential. If the houses are zoned C-1, there are less

stringent setbacks. Mr. Newman asked Staff to check on what appears to be a vacant lot behind #1 Roger Lane. Mr. Costello responded that he believes that is one house on two lots. Mr. Newman asked Staff to look at the zoning in the entire area and to see if #1, #2, and #4 Roger Lane were ever commercial uses. Mr. Light will check to see if there were ever Occupational Licenses for these properties.

Mr. Ries asked if there will be repairs done to cars other than those that will be up for sale. Mr. Chris Day responded "yes". Mr. Ries stated that those cars will be stored at the back of the building and questioned if will be adequately buffered from the residents. Mr. Chris Day responded "yes". Mr. Ries questioned the lighting back there. Chris Day responded that he hired the electrical company to put up the lights that are there now and they light up the lot.

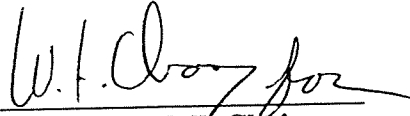
Mr. Knock stated that the houses were probably zoned C-1 because there is not a fifty-foot setback. He believes the houses may have been zoned to accommodate the setback. Mr. Costello responded that the zoning code changed in 1980 and this needs to be researched.

The Chairman asked if there were any further comments.

Mr. Alford emphasized the effect this will have on his house. He will be able to see the garage that will be on the property.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 6, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on September 20, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:10 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits:

- 1 "Day Addition – Request for Zoning Change from C-1 to C-2 for Property at 7800 Dixie Highway, Florence, Kentucky" with cover letter signed by Riley N. Kinman, Ph.D., P.E. – submitted by the applicant.
- 2 Memo In re: Day Auto Care Rezoning and Conditional Use, dated August 22, 2000, submitted by Tom Wilson, 5 Roger Lane.

R N K ENVIRONMENTAL INC.
2643 CRESCENT SPRINGS ROAD
ERLANGER, KY 41017
FAX / PHONE: (606) 344-0966

8/23/2000
PH. #1
EX 1

July 11, 2000

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

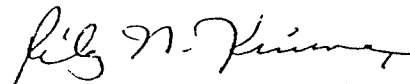
Re: Request for Zoning Change from C-1 to C-2
For Property at 7800 Dixie Highway

Dear Members of the Commission:

This is to provide you with an application for a zoning change request at 7800 Dixie Highway, Florence, Ky., from C-1 to C-2. The reason for this request is to permit expansion of existing automobile repair operations and add automobile sales to the existing operations. A copy of a concept plan is attached as a part of the zoning change application.

Please contact me at 344-0966 if you have any questions.

Respectfully yours,



Riley N. Kinman, Ph.D., P.E.
President, RNK Environmental, Inc.

RNK/hlh

Enclosures

DAY ADDITION

**Request For Zoning Change
From C-1 to C-2
For Property at
7800 Dixie Highway, Florence, Kentucky**

By

**RNK Environmental, Inc.
2643 Crescent Springs Road
Erlanger, Ky. 41017
Phone: 344-0966**



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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 DAYS Auto Center
- 2. Location of Project 7800 Dixie Highway
- 3. Total Acreage of Site .36
- 4. Current Zoning of Site C1
- 5. Proposed Zoning (Classification being requested) C2
- 6. Proposed Uses (please specify each use) Auto Repair, USED CAR lot

- 7. Names of Applicant(s) Timothy M DAY Chris DAY
- 8. Phone Number 282-8664 Fax No. 282/0109
- 9. Address of Applicant(s) 1419 Clayton Rd 41042
Florence Ky Zip

- 10. Name of Property Owner(s) Patricia + David Quast
- 11. Phone Number 283 9400 Fax No. 283-8741
- 12. Address of Property Owner(s) 7620 Dixie Hwy 41042
Florence Ky Zip

- 13. Proposed Building Intensities (please specify) 7600 ft² per Acre limit

- 14. Are there any existing buildings on the site? YES
- 15. How many? (one)

- 16. Deed Book 748 Page No. 301 Group No. 216

- 17. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

- 18. Have you submitted a Concept Development Plan? yes
- 19. Have you had a pre-application meeting with BCPC Staff? yes

17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
- _____ Unincorporated Boone County
 - Florence
 - _____ Walton Union

19. Applicant's Signature Lucy Day Chris Day Jr

Property Owner's Signature [Signature]

SECTION B (To be completed by BCPC Staff)

1. Date Received _____
2. Review Fee _____
3. Check what has been submitted:
 - _____ Application
 - _____ Fee
 - _____ Legal Discription
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

**** Five (5) Copies Are Required**

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

PEARL & SARAH
DB. 198, P. 681

1 STY
BRICK
RES.

LOT 3

BLKTP. DRIVE

OVERHEAD
ELECT. & TEL.

EARL & CONNIE ALFORDS (333/27) R/W

1 STY BRICK COM.

ESTER HANCOCK
DB. 222, P. 100

142.35'

S 47° 33' 30" W

GRASS

VACANT
1 STY. BLK. SERVICE STA.
14' HIGH
FLOOR ELEV 905.0

GRASS

EDGE CONC.

GROUP 216

0.36 ACRE
PRESENT ZONING C-1
CONC. PARKING LOT

LOT 1
ORCHARD ACRES SUB
PLAT BK. 1, P. 118-A

PERM. DRAIN. EASE
LOT 2

STORM DRAP/BOX
P. POLE
TEL.

S 22° 46' 30" E
CRW

S 63° 25' 05" E
32.58
ARC-35.48

ENTRANCE

5' CONC. WALK

HANDICAP
RAMP

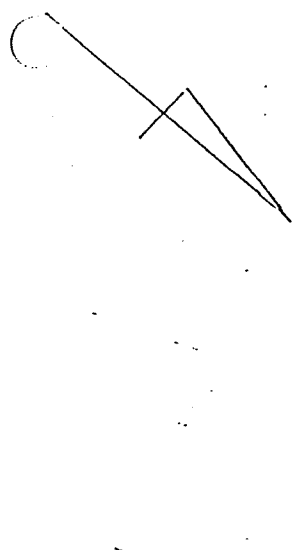
U.S. HWY.
NO. 25

ROGERS LANE

NORRA L. DEMPSEY DB. 205, P. 286

PATRICIA A. QUAST PROPERTY
7800 Dixie Highway

Plat.



Handwritten notes:
Dand
Cond
use
Fruit

List of Adjacent Property Owners
Day Addition

E. S. Hancock, LLC
5 Sanctuary Ct.
Edgewood, KY 41017

Pearl & Sarah Collins
2 Rogers Lane
Florence, KY 41042

Earl & Connie Alford
1 Rogers Lane
Florence KY 41042

Spring M. Associates
c/o Thomas Schleper
3075 Ashley Drive
Edgewood, KY 41017

Nora Dempsey
275 Rotonda Blvd. (N)
Rotonda West, FL 33947

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Statement of Proposed Changes Under the Requested Zone Change

1. A new 2-auto bay addition will be added to the back of the existing building, which will increase the number of auto bays to 4. (18' x 60') 1080 ft.² x 14' tall
2. A new 12' extension to the long side of the building will add a new office area and permit entrance to the bathrooms from the inside of the building. (12' x 27.6') 331.2 ft.²
3. A new 18' wide paved entrance will be added from Rogers Lane to the new addition.
4. A new wood fence will be constructed from the existing building to the rock wall on the southeast front of the building.
5. The existing rock retaining wall will be repaired on the southeast side of the parking lot.
6. A new hedge will be planted behind the rock retaining wall between the two properties on the southeast side of the parking lot.
7. All the existing blacktop parking area will be resealed and coated.
8. The block building will be painted a white color.
9. A new sign will be placed on the southeast corner.
10. Two new lights will be placed on the building to shine on the front lot.
11. Proposed hours of operation for auto repair:

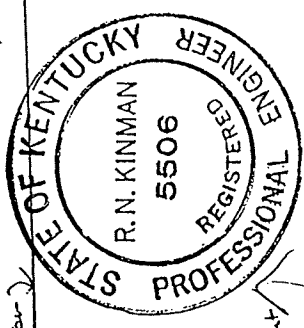
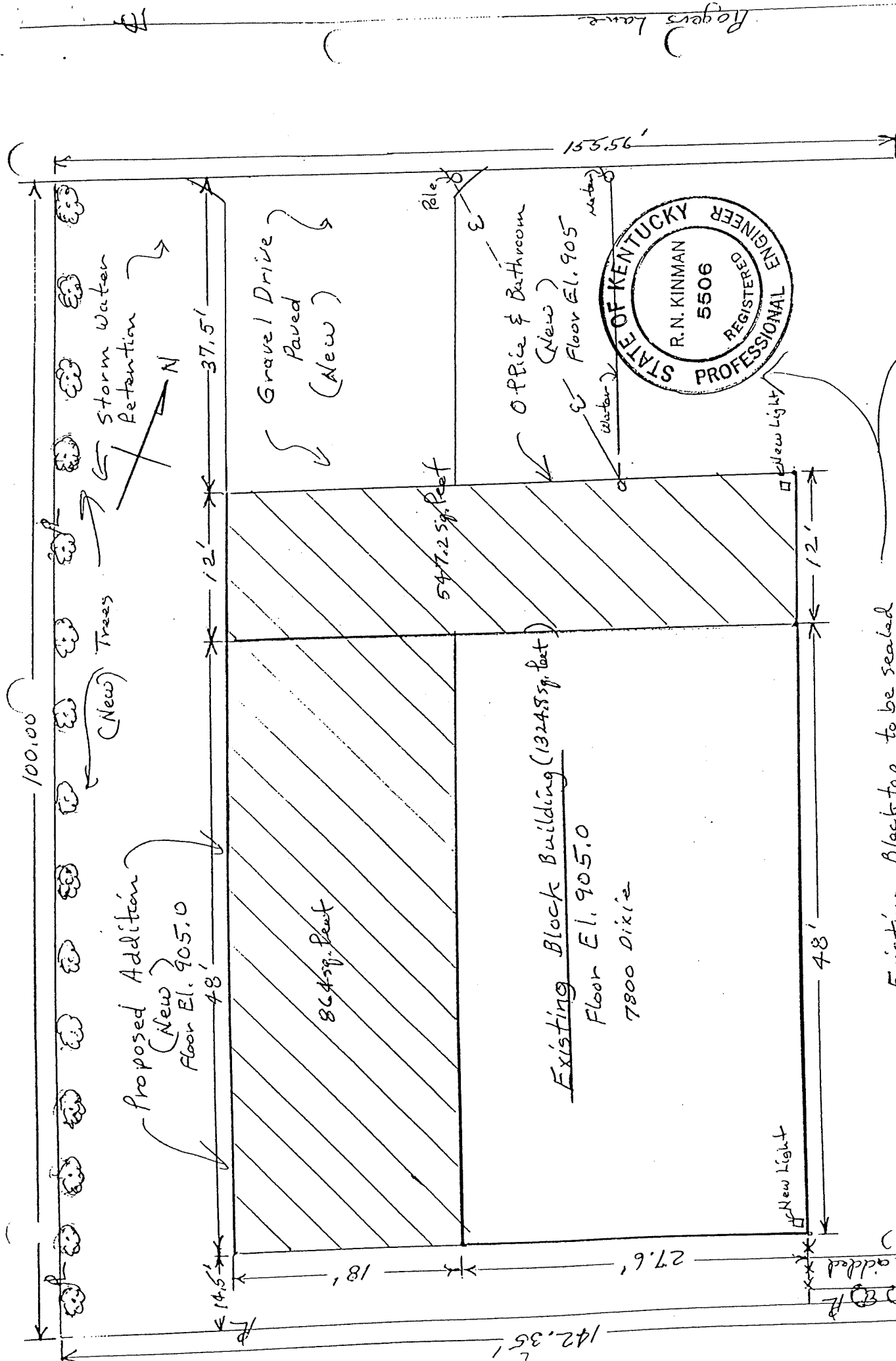
Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	No operation
Sunday	No operation
12. Proposed hours of operation for auto sales:

Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	8:00 a.m. to 4:00 p.m.
Sunday	No operation

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Grading Statement

"No grading or utility construction necessary for construction of building addition."

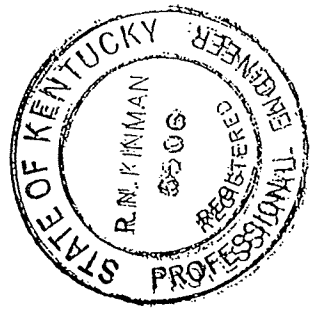
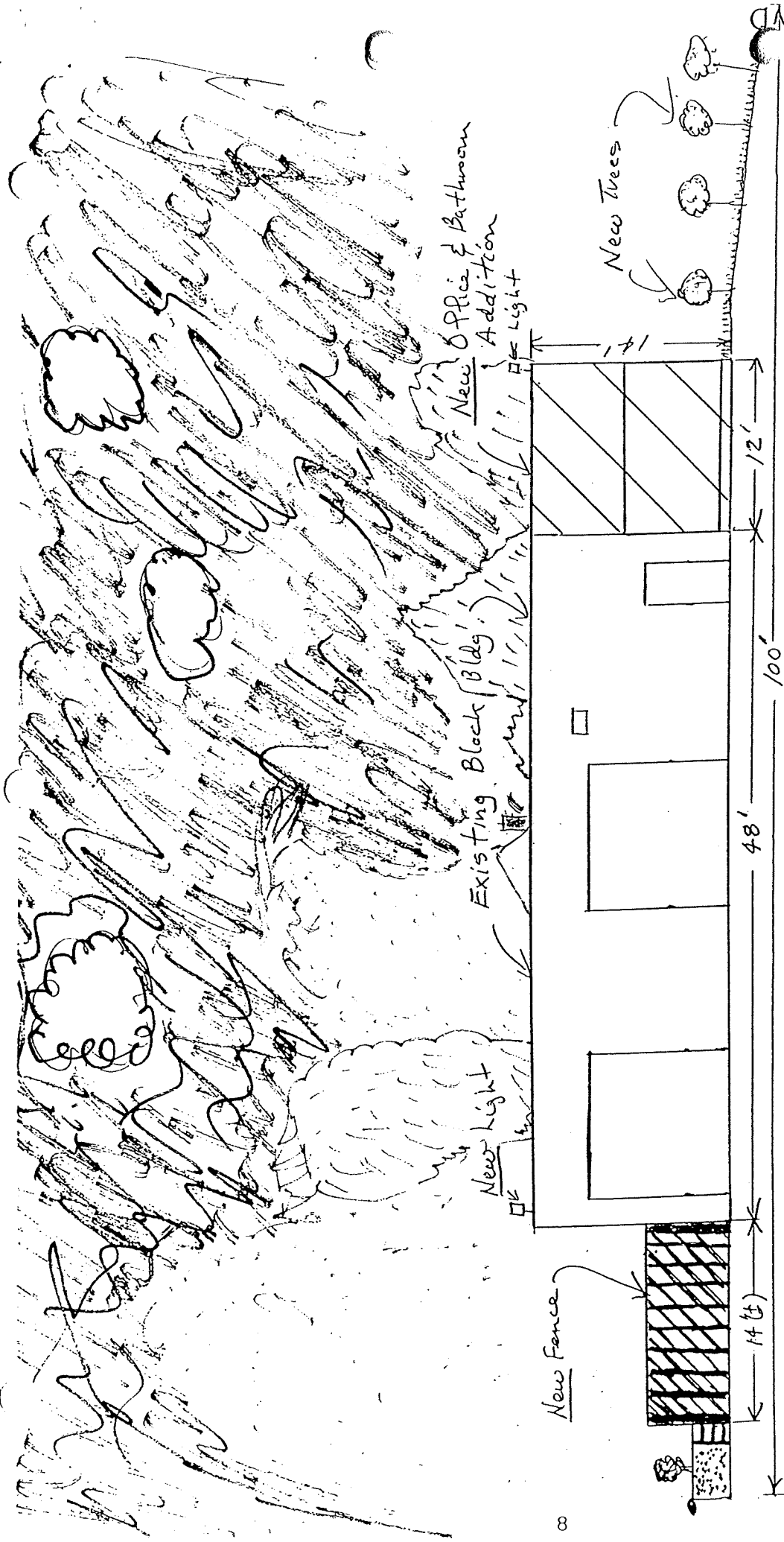


Day Addition
7800 Dixie
Florence Ky.

Existing Block top to be sealed

CONCEPT PLAN
1" = 10'

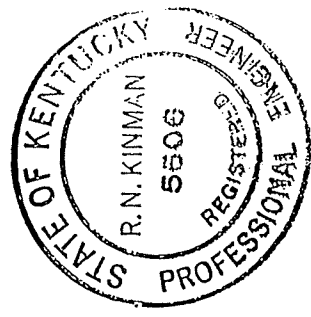
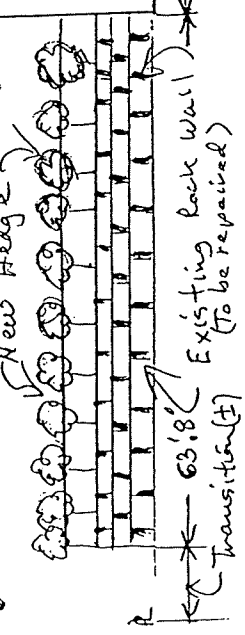
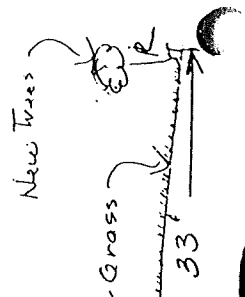
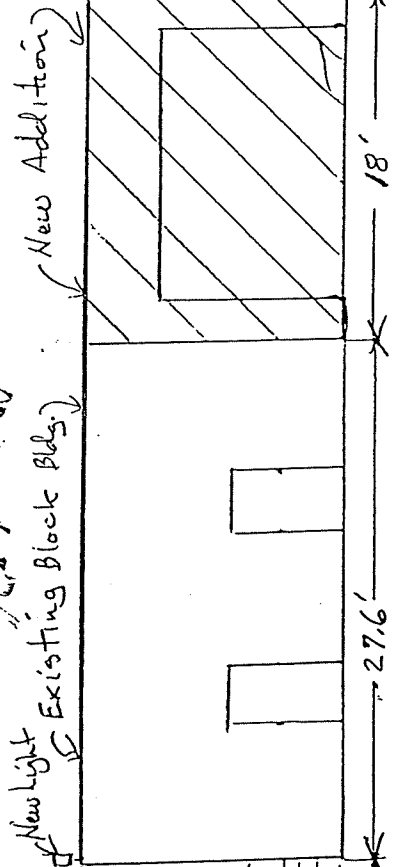
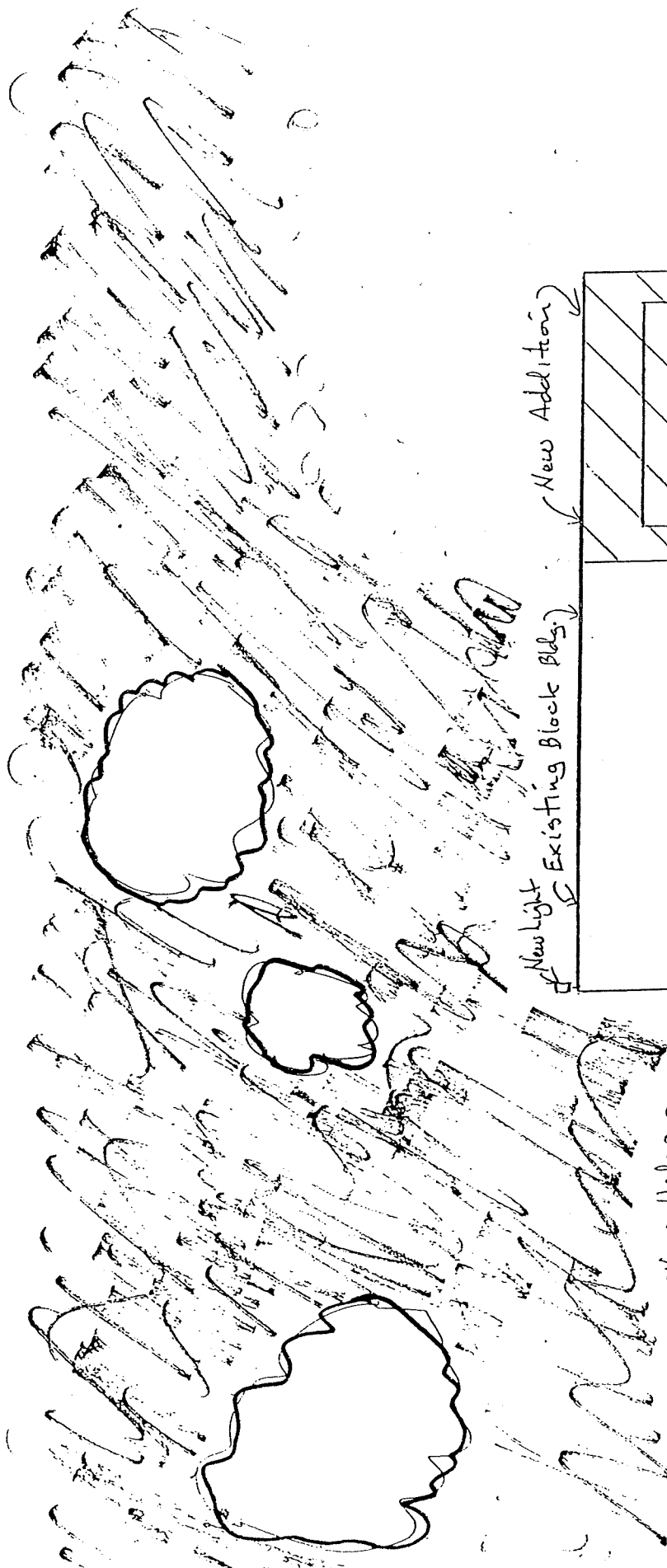
(New) Sign



Front View
1" = 10'

CONCEPT PLAN

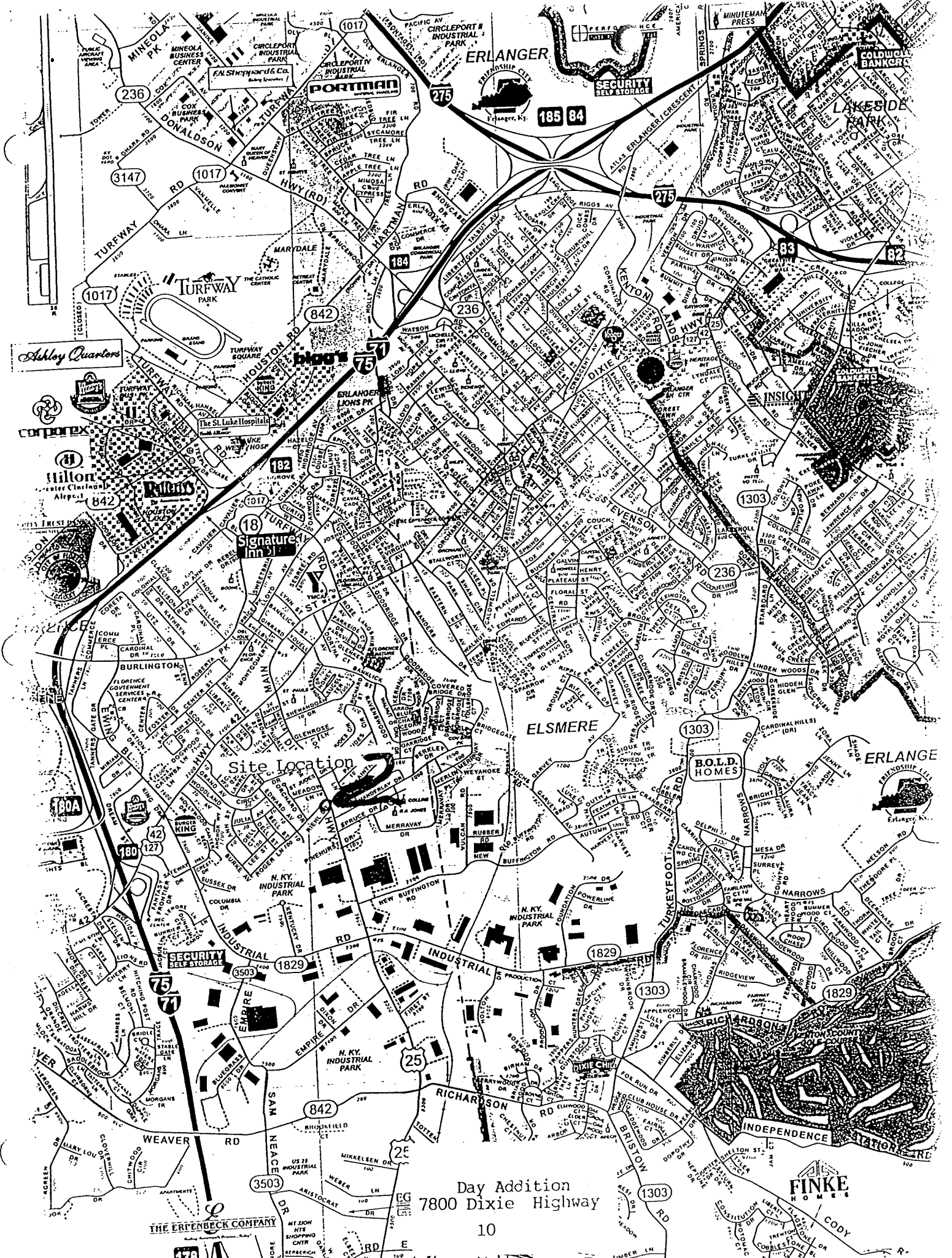
Day Addition
7800 Dixie
Florence, Ky.



Side View
1" = 10'

CONCEPT PLAN

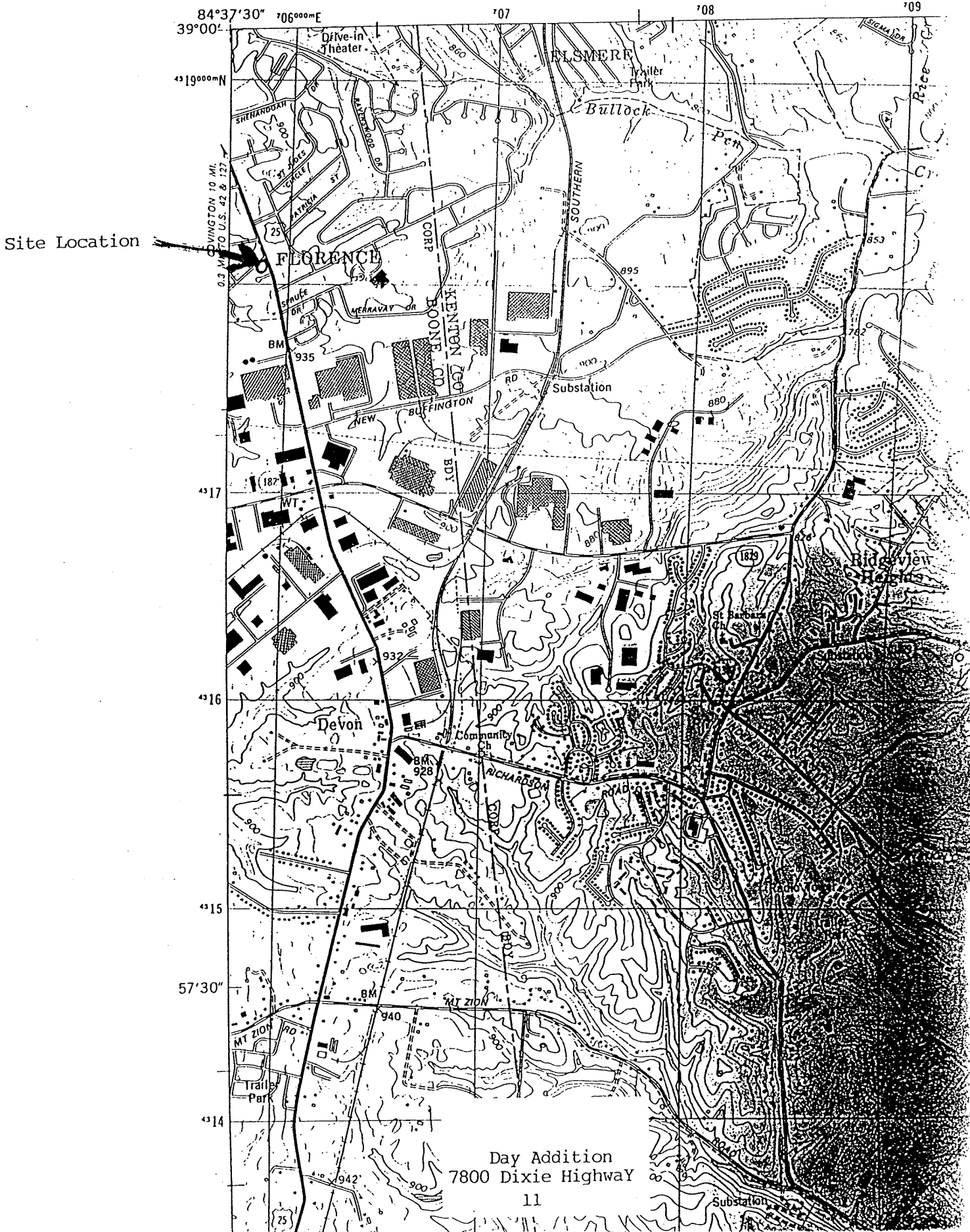
Day Addition
7800 Dixie
Florence, Ky.



Day Addition
7800 Dixie Highway

482 II SW
(BURLINGTON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Site Location

Day Addition
7800 Dixie Highway
11

8/23/2000
EXHIBIT 2

Memo

In re: DAY AUTO CARE REZONING AND CONDITIONAL USE

Date: AUGUST 22, 2000

Location of Proposed Rezoning

The proposed site is on the ~~south~~^{west} side of US 25 at its intersection with Roger Lane. Roger Lane at its intersection with US 25 is about halfway from the US 25/US 42 intersection and the US 25/Industrial Road intersection. Between the US 42 and Industrial Road intersections with US 25, there are no used car lots and the only car repair location is where Mr. Day wants this rezoning.

Brophy's Service Station does some auto repair at the US 25/42 intersection and there is a used car lot across from Brophy's on the east side of US 25 at that same intersection. Two used car lots are located at the Industrial Road/US 25 intersection. At the proposed rezoning site there has never been a used car lot operation and the car repair business has been of a small scale, confined to the existing building as a pre-existing use. Mr. Day recently took over the pre-existing car repair business and wants to add the sale of used cars and enlarge the existing building by adding more bays for car repair.

There is a reason why the existing used car lots and Brophy's Service Station are appropriate where they are located. The reason is those locations do not adversely affect established residential subdivisions. Those locations are in areas clearly developed with existing commercial and industrial uses and no residential subdivision adjoins those locations. Mr. Day previously had a location on Industrial Road for both the uses he seeks through this rezoning. That location was appropriate for used car lots and car repair and did not adversely affect single family residential development.

At the proposed site of this rezoning, Mr. Day wants to expand not toward US 25, but to the rear of the property, toward existing single family houses. These houses are part of a residential subdivision that is nearly all single family and is one of the oldest and largest residential subdivisions in the City. His proposed expansion places a large overhead door for entrance into the proposed bays, facing houses on Roger Lane and requiring more use of Roger Lane as access to the proposed expansion. Roger Lane is a residential street without sidewalks and many people use Roger Lane to walk over to Remke's grocery store, a nearby pharmacy, and other locations. Several children walk Roger Lane to and from R. A. Jones School.

Opposition to Granting the Rezoning or the Conditional Use

We oppose granting the C-2 rezoning and the conditional use permit. Mr. Day can operate a car repair business within the existing building and this would keep the operation to that scale of activity that has been there for over 40 years. Expansion to enlarge the building for additional bays as proposed toward existing residential uses should not be permitted.

Page 228 of the Comprehensive Plan discusses future land uses in the City of Florence and states that commercial, industrial and residential developments must be balanced. Commercial expansion through rezoning should not be granted under this provision of the Comprehensive Plan when it would adversely affect existing residential development. If Mr. Day wants to operate a commercial development that exceeds what has existed on the property for over 40 years, he should go to an area that is predominately commercial or industrial, like he was previously on Industrial Road. He should not go to an area that is predominately residential, like the proposed site. Instead of finding a proper location, Mr. Day wants to expand what has been a low-scale car repair operation and use a residential street as direct access for the new car repair bays. This adversely affects the residential character of the immediate area and is dangerous for the people, including children, that walk to the nearby locations.

Conclusion

Mr. Day has presented no justification for this rezoning. As proposed, this rezoning does not agree with the Comprehensive Plan because of its effect on the adjoining residential area. The current zoning of C-1 is more appropriate for the proposed site than the requested rezoning. That C-1 zoning limits commercial use to a level or scale more consistent with the residential area. Nor has Mr. Day shown any change to the area not anticipated in the Comprehensive Plan that would justify the C-2 rezoning. The area's character is the same as it has been for over the past 40 years. According to the zoning map, there is no property zoned C-2 on the west side of US 25 between the Industrial Road and US 42 intersections with Dixie Highway.

The rezoning application and its proposed conditional use would adversely affect a residential area and should be denied. Existing zoning allows reasonable commercial uses more consistent with the adjacent residential subdivision than the proposal as submitted by Mr. Day. This rezoning request attempts to relocate a commercial development from Industrial Road that was part of the Northern Kentucky Industrial Park to a residential area and this should not be allowed.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Earl White, Committee Chairman

DATE: September 6, 2000

RE: Request of **Timothy M. Day and Chris Day (applicants)** for **Patricia Quast and David Quast (owners)** to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and a Conditional Use Permit for an approximate 0.36 acre lot located 7800 Dixie Highway, Florence, Kentucky. The request is for a zone change and a Conditional Use Permit to allow auto sales and the expansion of an automotive repair facility.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
September 6, 2000

Chris Day/Timothy Day
7800 Dixie Highway

Earl White

Earl White, Chairman

For	___	Against	<input checked="" type="checkbox"/>
Abstain	___	Absent	___
Deferred	___		

W. Thomas Chaney

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

Mark Hicks

Mark Hicks

For	___	Against	<input checked="" type="checkbox"/>
Abstain	___	Absent	___
Deferred	___		

Robert Newman

Robert Newman

For	___	Against	<input checked="" type="checkbox"/>
Abstain	___	Absent	___
Deferred	___		

David Zimmer

David Zimmer

For	___	Against	<input checked="" type="checkbox"/>
Abstain	___	Absent	___
Deferred	___		

Bob Schwenke (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

Lisa Wilson

Lisa Wilson (Alternate)*

For	___	Against	<input checked="" type="checkbox"/>
Abstain	___	Absent	___
Deferred	___		

Don McMillian (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: ___ DEFERRED ___ FOR 5 AGAINST ___ ABSTAIN
 ___ ABSENT

SUPPORTING INFORMATION

R N K ENVIRONMENTAL INC.

2643 CRESCENT SPRINGS ROAD
ERLANGER, KY 41017
FAX / PHONE: (606) 344-0966

July 11, 2000

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

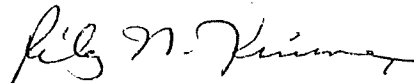
Re: Request for Zoning Change from C-1 to C-2
For Property at 7800 Dixie Highway

Dear Members of the Commission:

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Please contact me at 344-0966 if you have any questions.

Respectfully yours,



Riley N. Kinman, Ph.D., P.E.
President, RNK Environmental, Inc.

RNK/hlh

Enclosures

DAY ADDITION

**Request For Zoning Change
From C-1 to C-2
For Property at
7800 Dixie Highway, Florence, Kentucky**

By

**RNK Environmental, Inc.
2643 Crescent Springs Road
Erlanger, Ky. 41017
Phone: 344-0966**



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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 DAYS Auto Center
- 2. Location of Project 7800 Dixie Highway
- 3. Total Acreage of Site .36
- 4. Current Zoning of Site C1
- 5. Proposed Zoning (Classification being requested) C2
- 6. Proposed Uses (please specify each use) Auto Repair, USED CAR lot

- 7. Names of Applicant(s) Timothy M DAY Chris DAY
- 8. Phone Number 282-8664 Fax No. 282/0109
- 9. Address of Applicant(s) 1419 Clayton Rd 41042
- Florence Ky City State Zip

- 9. Name of Property Owner(s) PATRICIA + DAVID QUAST
- 10. Phone Number 283 9400 Fax No. 283-8741
- 11. Address of Property Owner(s) 7620 Dixie Hwy 41042
- Florence Ky City State Zip

- 11. Proposed Building Intensities (please specify) 7600 ft² per Acre Land

- 12. Are there any existing buildings on the site? YES
- How many? (one)

- 13. Deed Book 748 Page No. 301 Group No. 216

- 14. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance

- 15. Have you submitted a Concept Development Plan? yes
- 16. Have you had a pre-application meeting with BCPC Staff? yes

17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
- _____ Unincorporated Boone County
 - Florence
 - _____ Walton
 - _____ Union

19. Applicant's Signature *Lutthy Day* *Chris Day Jr*

Property Owner's Signature *[Signature]*

SECTION B (To be completed by BCPC Staff)

1. Date Received _____
2. Review Fee _____
3. Check what has been submitted:
 - _____ Application
 - _____ Fee
 - _____ Legal Discription
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

**** Five (5) Copies Are Required**

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

PEARL & SARAH
DB. 198, P. 681

LOT 3

1 STY
BRICK
RES.

BLKTP. DRIVE

OVERHEAD
ELECT. & TEL.

EARL & CONNIE ALFORD (333/27) R/W

1 STY BRICK COM.

ESTER HANCOCK
DB. 222, P. 100

147.35'

S 47° 33' 30" W

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

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STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

CONC. WALK

STONE RET. WALL

GRASS

VACANT
1 STY. BLK. SERVICE STA.
14' HIGH
FLOOR ELEV 905.0

GRASS

EDGE CONC.

GROUP 216

0.36 ACRE
PRESENT ZONING C-1
CONC. PARKING LOT

LOT 1
ORCHARD ACRES SUB
PLAT BK. 1, P. 118-A

PERM DRAIN. EASE

LOT 2

STORM DRAP BOX

P. POLE

TEL.

S 22° 46' 30" E
110' R/W

S 63° 25' 05" E
32.58
ARC-35.48

ENTRANCE

5' CONC. WALK

CURB BOX

6' CURB

HANDICAP RAMP

11' CURB

6' CURB

5' CONC. WALK

CURB BOX

6' CURB

5' CONC. WALK

CURB BOX

6' CURB

5' CONC. WALK

CURB BOX

6' CURB

5' CONC. WALK

CURB BOX

6' CURB

5' CONC. WALK

U. S. HWY.

NO. 25

ROGERS LANE

NORRA L. DEMPSEY DB. 205, P. 286

PATRICIA A. QUAST PROPERTY
7800 Dixie Highway

Plat

*Don
Cond
use
Permit*

List of Adjacent Property Owners
Day Addition

E. S. Hancock, LLC
5 Sanctuary Ct.
Edgewood, KY 41017

Pearl & Sarah Collins
2 Rogers Lane
Florence, KY 41042

Earl & Connie Alford
1 Rogers Lane
Florence KY 41042

Spring M. Associates
c/o Thomas Schleper
3075 Ashley Drive
Edgewood, KY 41017

Nora Dempsey
275 Rotonda Blvd. (N)
Rotonda West, FL 33947

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Statement of Proposed Changes Under the Requested Zone Change

1. A new 2-auto bay addition will be added to the back of the existing building, which will increase the number of auto bays to 4. (18' x 60') 1080 ft.² x 14' tall
2. A new 12' extension to the long side of the building will add a new office area and permit entrance to the bathrooms from the inside of the building. (12' x 27.6') 331.2 ft.²
3. A new 18' wide paved entrance will be added from Rogers Lane to the new addition.
4. A new wood fence will be constructed from the existing building to the rock wall on the southeast front of the building.
5. The existing rock retaining wall will be repaired on the southeast side of the parking lot.
6. A new hedge will be planted behind the rock retaining wall between the two properties on the southeast side of the parking lot.
7. All the existing blacktop parking area will be resealed and coated.
8. The block building will be painted a white color.
9. A new sign will be placed on the southeast corner.
10. Two new lights will be placed on the building to shine on the front lot.
11. Proposed hours of operation for auto repair:

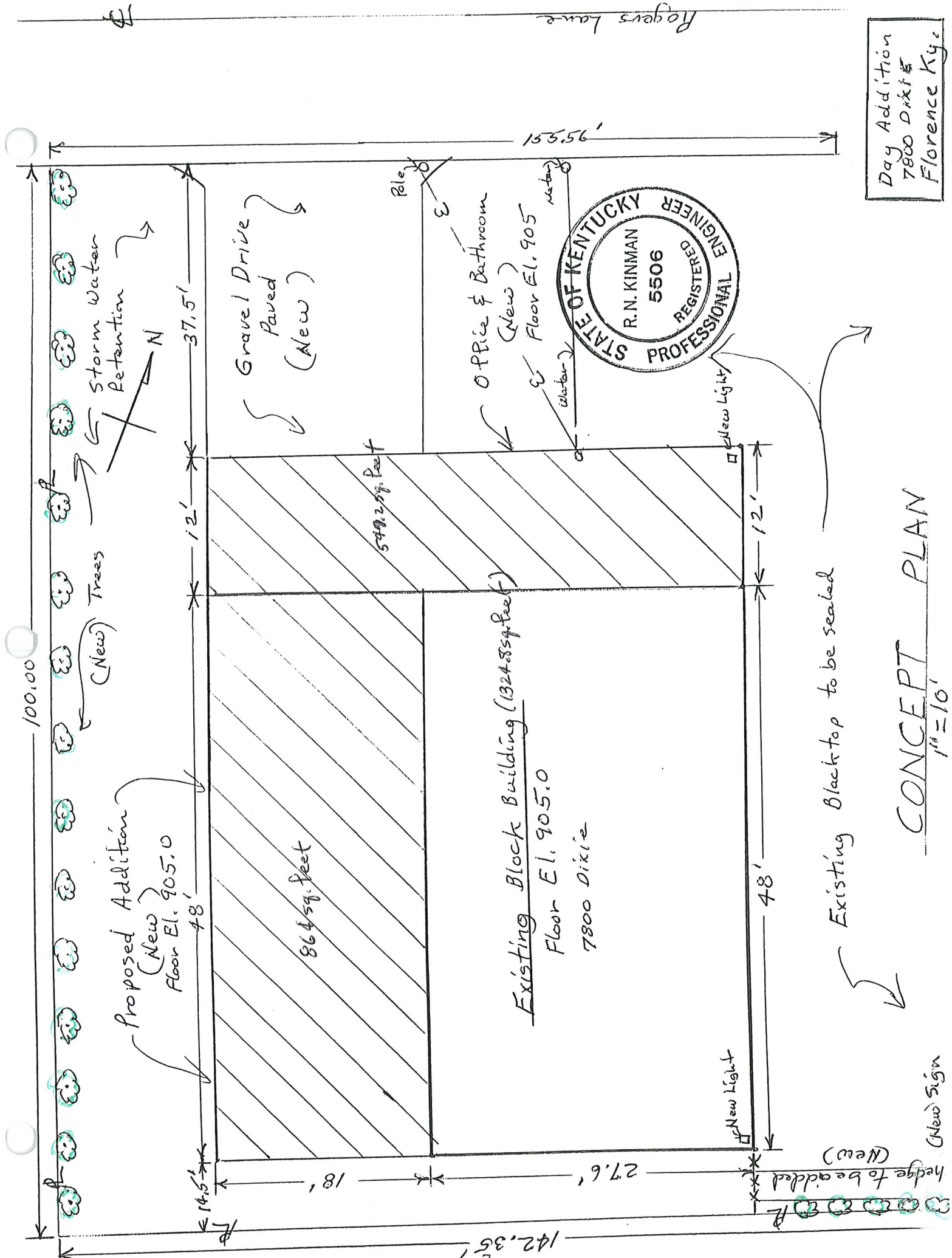
Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	No operation
Sunday	No operation
12. Proposed hours of operation for auto sales:

Monday - Friday	8:00 a.m. to 5:00 p.m.
Saturday	8:00 a.m. to 4:00 p.m.
Sunday	No operation

Zone Changes C-1 to C-2
7800 Dixie Highway
Florence, Ky.

Grading Statement

"No grading or utility construction necessary for construction of building addition."



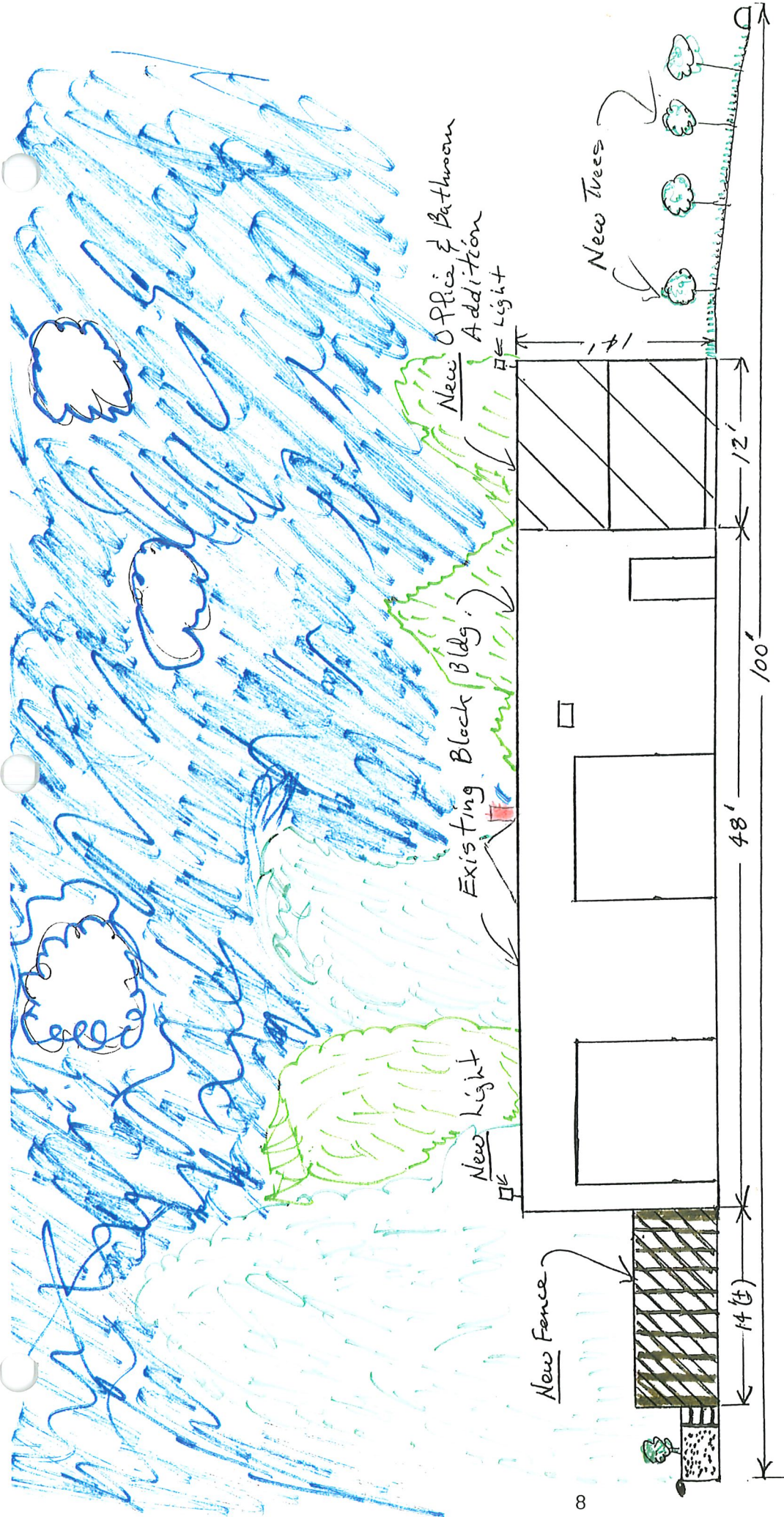
Day Addition
7800 Dixie
Florence Ky.

Existing Blacktop to be sealed

CONCEPT PLAN
1" = 10'

(New) Sign

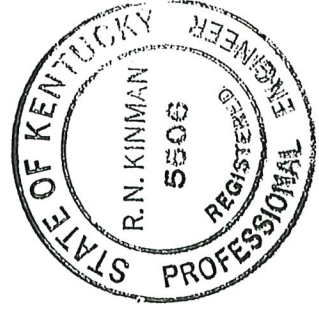
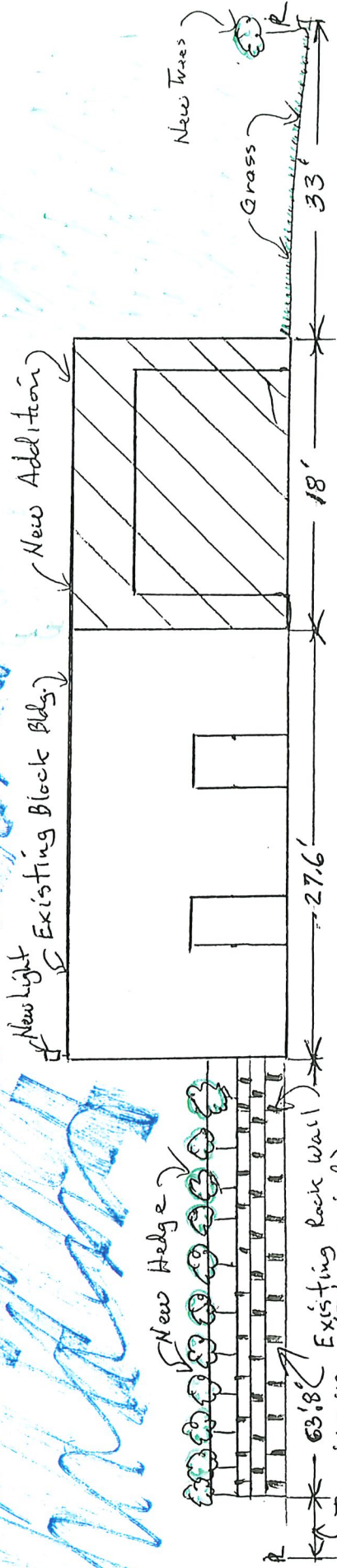
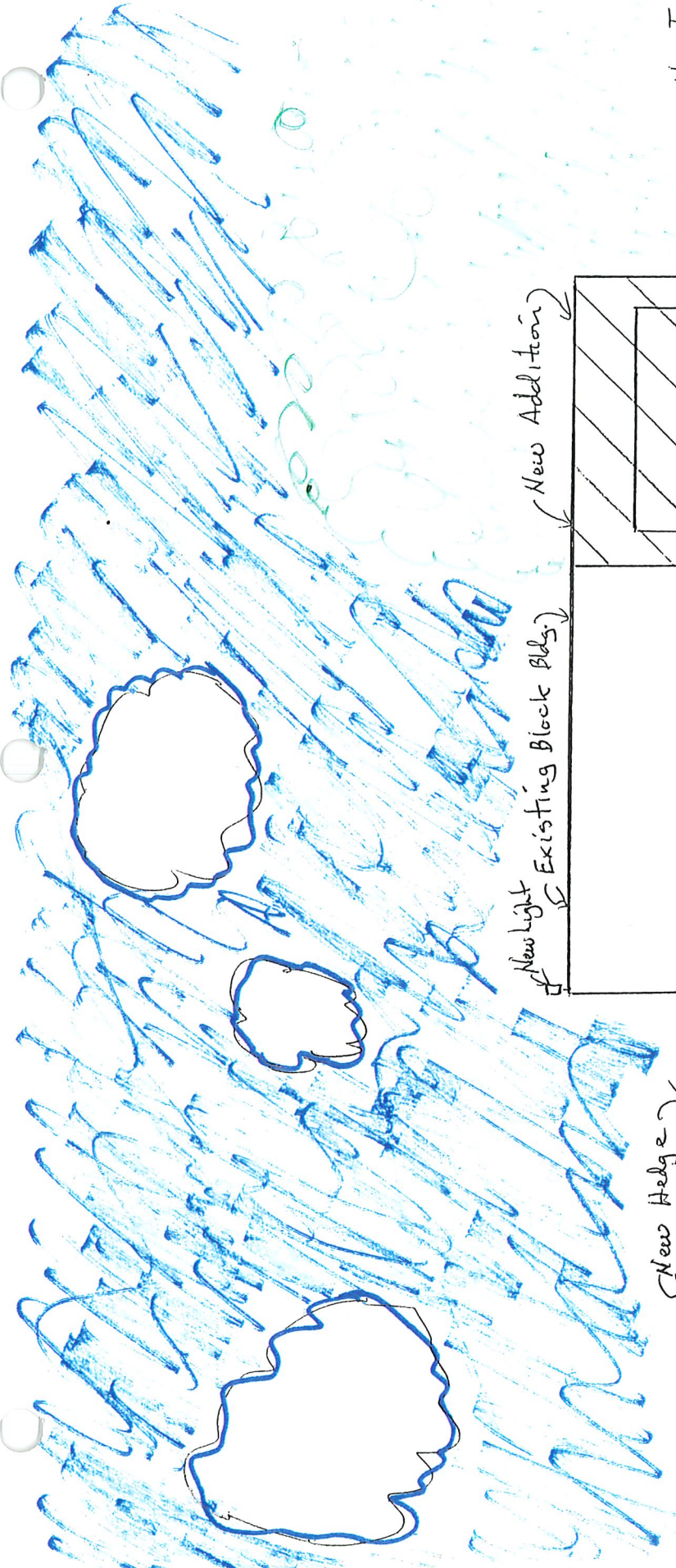
Rogers Lane



Front View
 1" = 10'

CONCEPT PLAN

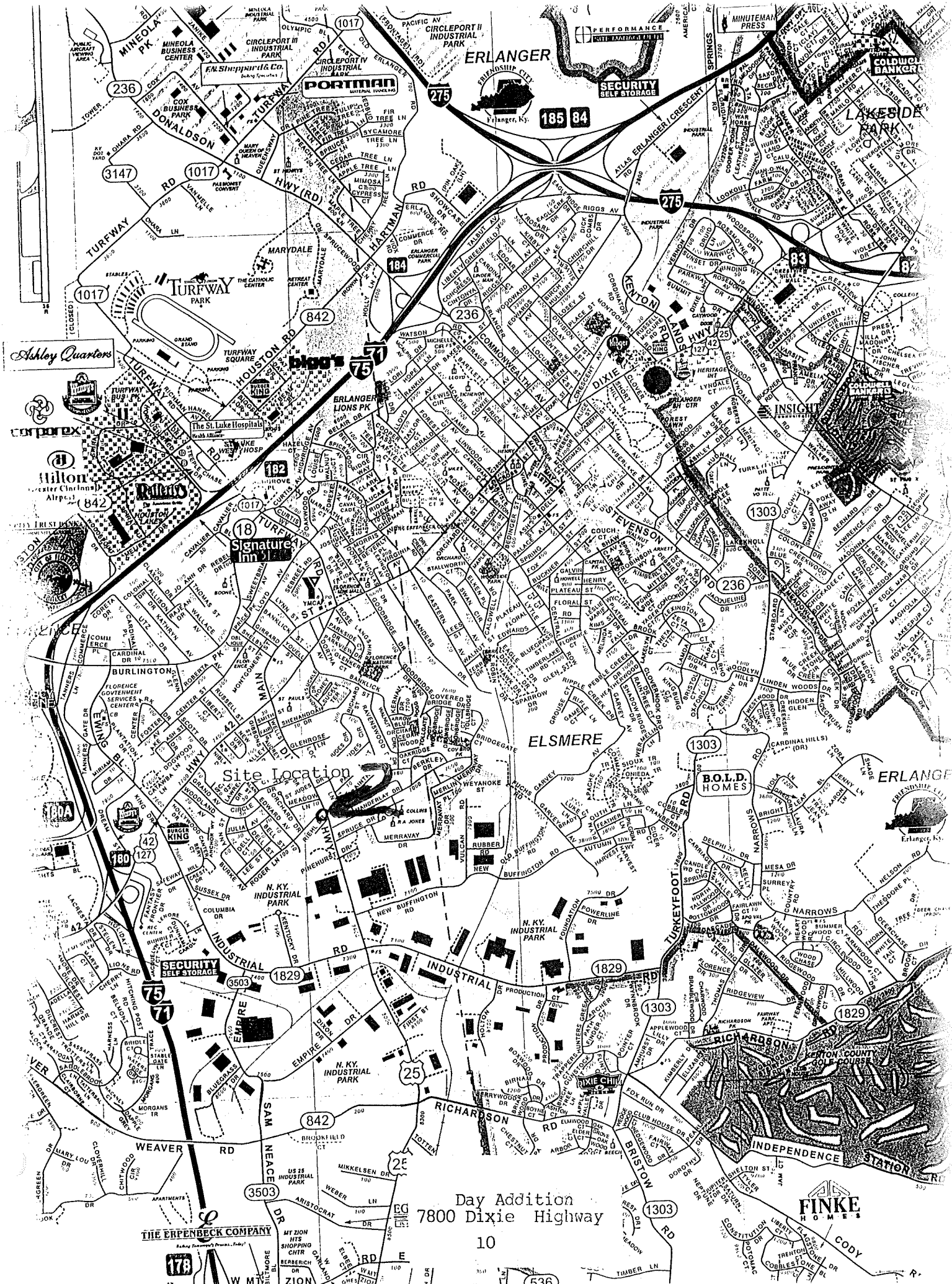
Day Addition
 7800 Dixie
 Florence, Ky.



Side View
1"=10'

CONCEPT PLAN

Day Addition
 7800 Dixie
 Florence, Ky.



Day Addition
7800 Dixie Highway

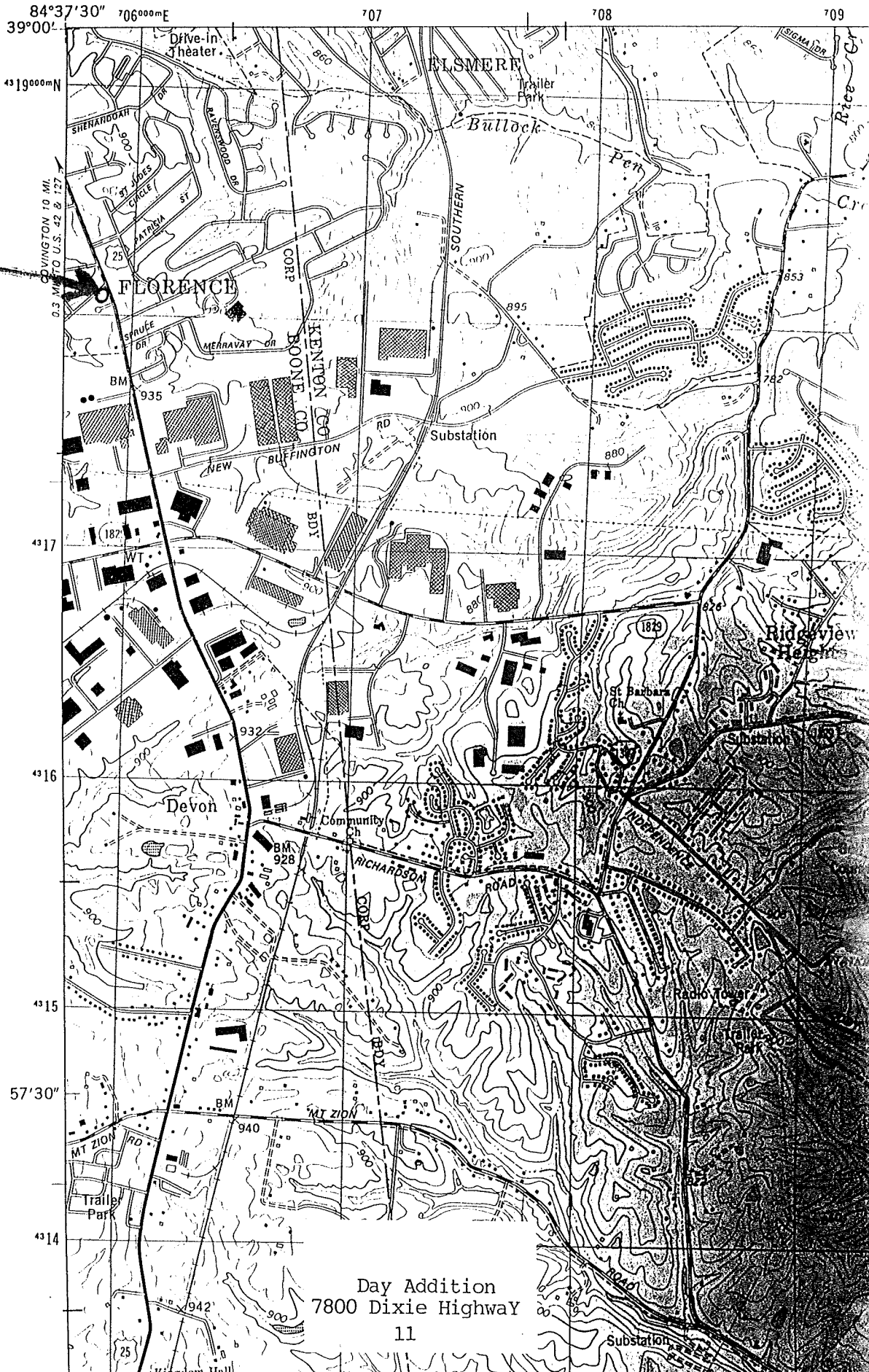
THE ERBENBECK COMPANY
Equal Opportunity Employer

178

FINKE
HOMES

4302 11 SW
(BURLINGTON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Site Location

Day Addition
7800 Dixie Highway
11

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF TIMOTHY M. DAY AND CHRIS DAY (APPLICANTS) FOR PATRICIA QUAST AND DAVID QUAST (OWNERS) FOR A ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.36 ACRE LOT LOCATED AT 7800 DIXIE HIGHWAY, FLORENCE, KENTUCKY. THE REQUEST IS TO REZONE THE SITE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL TWO (C-2) IN ORDER TO ALLOW AUTO SALES AND THE EXPANSION OF AN AUTOMOTIVE REPAIR FACILITY.

The Committee met in a duly called special meeting on October 25, 2000, in Council Chambers at the Florence Government Center Building to consider Resolution No. R-00-022-D of the Boone County Planning Commission which recommended denial of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the August 23, 2000, public hearing. The Committee determined that the recommendation of denial is fully supported by the record and that no need exists for an additional hearing for the City Council.


Further, the Committee determined that the recommendation for denial should be affirmed based upon the findings contained in the record before the Boone County Planning Commission.

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and

b. That the recommendation of denial from the Boone County Planning Commission be affirmed.

MEMBERS OF THE COMMITTEE:



JULIE METZGER



LINDA SCHAFFER

Mayor Whalen presented the following summary of the Ordinance. The effect of this Ordinance is to rezone property to allow sales and service of new and used marine craft and related accessories and sporting equipment. These uses are in addition to the existing uses continuing of an antique mall and cabinet shop. This rezoning is subject to a Concept Development Plan and agreed conditions. Further, in addition to those conditions agreed to at the Boone County Planning Commission, other conditions were agreed to by the applicant/owner in writing with the City Council of Florence, Kentucky.

Councilmember Metzger moved, seconded by Councilmember Schaffer, that Ordinance No. O-23-00 be approved on first reading and be held for second and final reading at next meeting of Council. **Council approved by unanimous vote.**

Mayor Whalen recognized Councilmember Schaffer, who advised this item is in regard to the request of Timothy and Chris Day (applicants) for Pat and David Quast (owners) for a zoning map amendment and conditional use permit for a 0.36 acre lot located at 7800 Dixie Highway, Florence, KY, in order to allow an auto sales and automotive repair facility. Councilmember Schaffer stated that the Boone County Planning Commission recommended denial. She advised that the Planning and Zoning Committee met and reviewed the record of the Planning Commission. Councilmember Schaffer **motioned**, seconded by Councilmember Metzger, **to approve the denial of the Day/Quast request** based upon the findings and record contained in the recommendation from the Boone County Planning Commission.

Councilmember Brown noted that there are cars for sale on the lot. Mr. Skees advised that he has spoken with the Zoning Administrator, who is issuing a "Cease and Desist Order."

Councilmember Merrell stated she would be abstaining. Mayor Whalen requested a Roll Call vote. Voting Yes: Councilmembers Brown, Metzger, Schaffer, Stephens and Osborne. Voting No: None. Abstaining: Councilmember Merrell. **Council approved the denial of the Day/Quast request with a vote of five (5) with one (1) abstaining.**

Mayor Whalen advised that there would be a Special Meeting next Tuesday at 7:00 p.m. prior to the regularly scheduled Caucus meeting for second reading of Ordinance Nos. O-22-00 and O-23-00.

Mayor Whalen stated that the next item on the Agenda for discussion was the Hopeful Church/Mall Road Connector. She recognized Bill Mattingly, who lives at 324 Chelsea Square, who stated that he felt that all the studies have shown that the connector road would not help reduce traffic sufficiently to justify the cost of building the road. Mr. Mattingly stated that he felt that North American Properties was trying to "bully" the citizens of Florence by stating that they would not cooperate, except on their terms.

Mayor Whalen recognized Anita Mattingly, who stated that in her opinion a connector road would only generate more traffic to the Mall Road area, which is already a congested area and that the GRW study showed no relief to traffic on U. S. 42 and a savings of only nine seconds on KY 18. Ms. Mattingly asked that Council put the welfare of the citizens of Florence over the interest of big business and stated that she felt this road would cause a hardship to residents of Florence.

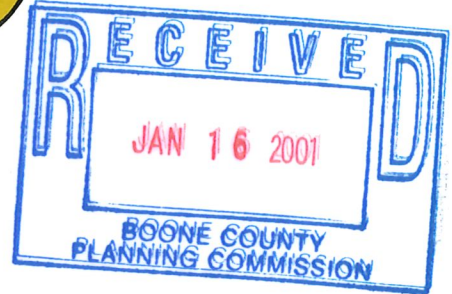
Mayor Whalen recognized Mike Lyons, who spoke on behalf of the Boone County Businessmen's Association, stating that the Businessmen's Association was convinced that a connector road needed to be built. He expressed concern that the preferred and least expensive route, Alignment D was being set aside for Alignment C, which could result in the project being cost prohibitive.

City of Florence



CITY CLERK/
HUMAN RESOURCES DIRECTOR
Betsy R. Conrad

January 11, 2001



Mr. Kevin P. Costello, AICP, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Attn: Vicki Myers

Re: Request of Timothy M. Day and Chris Day (applicants) for Patricia Quast and David Quast (owners) for a Zoning Map Amendment and Conditional Use Permit for an approximate 0.36-acre lot located at 7800 Dixie Highway, Florence, KY. The request is to rezone the site from Commercial One (C-1) to Commercial Two (C-2) in order to allow auto sales and the expansion of an automotive repair facility. (B.C. Resolution R-00-022-D) (Recommended Denial)

Dear Mr. Costello:

At the November 28, 2000 meeting of Florence City Council, the above referenced recommendation from the Boone County Planning Commission was approved for denial by Council in accord with the recommendation of the Planning and Zoning Committee following a review of the Planning Commission's records.

Please contact me if you have any further questions regarding this Ordinance.

Sincerely,

Betsy R. Conrad

Encs. Minutes
P&Z Committee recommendation
Copies: Hugh O. Skees, Esq.
William Viox, City Engineer
Public Services Director