

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

OCT - 9 2001

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Hebron Auto Sales
2. Location of Project 10824 Dixie Hwy, Walton, KY 41094
3. Total Acreage of Site 0.3896 acres
4. Current Zoning of Site I-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) Retail vehicle sales. Existing house will be converted into private office for owner's use. Existing garage to remain in place - no improvement.
7. Names of Applicant(s) HKR Enterprises
Phone Number (859) 282-2773 Fax No. (859) 282-2777
8. Address of Applicant(s) 1938 Petersburg Road
Hebron KY 41048
City State Zip
9. Name of Property Owner(s) HKR Enterprises
Phone Number (859) 282-2773 Fax No. (859) 282-2777
10. Address of Property Owner(s) 1938 Petersburg Road
Hebron KY 41048
City State Zip
11. Proposed Building Intensities (please specify) 2 Existing buildings to remain - 1 house to be converted into office space and 1 detached garage.
12. Are there any existing buildings on the site? Yes
How many? 2 - 1 house and 1 detached garage
13. Deed Book 790 Page No. 282 Group No. 491 2065
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Phone call with Kevin Wall
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)

EXHIBIT

“A”

STAFF REPORT

Request of HKR Enterprises (applicant) for HKR Enterprises (owners) to consider a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site located at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

November 28, 2001

REQUEST

This request is for a zone change from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site, immediately adjacent to a 0.7796 acre site used for retail auto sales. The zone change would allow for an expansion of the existing facility.

A concept development plan has been submitted with the zone change request. This plan shows a proposed paved lot, which will be used for vehicle sales. The existing garage on the site would be used for the owner's private office space. A house shown on the site is also to remain. The entire lot is to be paved, matching the pavement that exists on the property located at the edge of the northern property line. The concept development plan shows the addition of a 24-foot wide driveway, 11 feet to the north of the property line shared with 10830 Dixie Highway. This driveway is to be located 320 feet south of the intersection with Frogtown Road. An existing gravel driveway, located at the southern property line, is to be removed. On the adjacent lot to the north, there is a driveway located 45 feet east of the corner of Frogtown Road and Dixie Highway.

A landscape buffer yard, 10 feet wide and 130 feet long is shown along the frontage with Dixie Highway, at the west property line. A landscaped area, 10 feet wide and 110 feet long, is to be located adjacent to 10830 Dixie Highway, at the south property line. Along the property line east of the railroad tracks there is to be a landscaped area, ranging between 10 feet wide at its narrowest point to 30 feet wide at its widest point. The landscaped area is to be 120 feet long.

No mention of a sign package was made in the concept development plan.

SITE HISTORY

1998 The property adjoining the site to the north (at the southeast corner of the intersection of Frogtown Road and U.S. 25) was part of a zone change request from I-1 to C-3. The Boone County Planning Commission's Zone Change Committee placed the following conditions upon the Concept Development Plan:

1. The applicant shall provide a Buffer Yard "B" along the south property line accordance with Article 37 of the Boone County Zoning Regulations.
2. The allowable signage for the site will be limited to one (1) freestanding monument sign that is a maximum of ten (10) feet in height and one hundred and fifty (150) square feet in size. The dimensions and placement of this sign shall be in accordance with the regulations set forth in Article 34 of the Boone County Zoning Regulations. Building mounted signage will not be allowed on this site.
3. The exterior walls of any structure located on site shall be predominately earth tone (tans, beiges, reddish browns, warm greys and/or white in color and roof structures shall use colors that coordinate with the exterior walls. The Planning Commission staff shall review and determine the appropriateness of proposals involving the exterior color of structures on site through the Site Plan Review Process.
4. Major repairs or maintenance of any vehicles will not occur on site. Minor repairs and replacement of parts (including but not limited to washing of the vehicles; charging batteries; fixing flat tires; replacing headlamps, wiper blades and air filters; etc.) will be allowed on inventory vehicles (vehicles intended to be sold on site only) (staff letter to Zone Change applicant, September 9, 1998)."

The Boone County Fiscal Court unanimously approved the zone change request on October 27, 1998. The Fiscal Court placed no further conditions upon the approval of the request.

SITE CHARACTERISTICS

The site is comprised of two parcels and is adjacent to the existing Hebron Auto Sales. Currently on the site are a house and a garage, neither of which will be demolished in the proposed expansion. The land is generally flat. Railroad tracks run through the eastern border of the site, which is tree lined. The site has 130 feet of road frontage along Dixie Highway. County water and sewer are available at the site, accessed through existing water and sewer lines.

ADJACENT LAND USES

- **North:** The Hebron Auto Sales facility, which is zoned C-3, is located north of the property.
- **South :** There is a single-family residence, zoned I-1, on the south property line.
- **East:** Railroad tracks are immediately adjacent to property line on the east. Behind the railroad tracks is a large wooded area with a single-family residence, totaling 60.51 acres. This property is zoned I-1.
- **West:** To the west are single-family residences, zoned C-3.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map designates the property as industrial, which includes manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses. Specifically, the 2025 Future Land Use text states the following regarding the Richwood area, in which the site is located:

"The industrial area to the south of Maher Road should be accessed via Frogtown Road, and the possibility of extending East Frogtown Road to connect with Maher Road should be explored because of the better visibility at the railroad crossing and intersection with U.S. 25. The frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activity with proper access management provisions (p. 167, 'Richwood Area')."

The Future Land Use Development Guidelines of the Land Use Element of the Comprehensive Plan provide general suggestions that merit consideration in the review of this site. The section titled "Buffering" states:

"Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within

developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, 'Buffering')."

In the section entitled "Landscaping," the following applies:

"Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts.

"Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (p. 159)."

The "Access Management" section states:

"Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system (pg. 159)."

Stated in the section "Designs, Signs, and Historic Preservation" of the Land Use Element is the following:

"Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify specific

development, but should not be used as a means to compete for motorist attention (pg. 160)."

In the Goals and Objectives element of the plan, in the "Business Activity" section, are the following objectives:

1. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space (p.8)."
2. "Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access (p. 8)"

These objectives are taken from the "Environment" section:

2. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used (p. 6)."

From the "Overall" section of the Goals and Objectives Element of the Comprehensive Plan, these objectives apply:

3. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments (p.4)."

STAFF COMMENTS / CONCERNS

1. In summary the 2000 Boone County Comprehensive Plan states the following:

A. "The frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activity with proper access management provisions (p. 167, 'Richwood Area')."

B. "Developments in Boone County must recognize the potential impacts upon adjoining land uses...Buffering to mitigate these impacts should be an integral part of the design of proposed projects...Developments should provide buffering along public roadways, to soften the visual impact.

Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Buffering should be employed to ease the transition between land uses (p. 159, 'Buffering')."

C. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems...Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way (p. 159, 'Access Management')."

D. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space (p.8)."

E. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments (p.4, 'Overall')."

2. In considering this proposal, the Planning Commission should recognize that development of the site as an industrial property, while not impossible, would be difficult given the size and depth of the lot.
3. While the Future Land Use designates the site's zoning as industrial, the text of the 2000 Boone County Comprehensive Plan indicates that the locally-oriented commercial uses in the Frogtown Road/U.S. 25 intersection are acceptable.
4. No additional freestanding sign will be added to the property.
5. If this zone change is approved, a condition limiting the site to auto sales only should be considered. When considering the range of uses permitted in a C-3 zone, other permitted uses may have undesirable effects.
6. The applicant should bring a plan to the Zone Change Committee meeting with parking/vehicle display areas shown, as the concept development plan does not

indicate how the paved lot would be used.


7. The applicant needs to explain how the existing house on the site is to be used.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment:

1. The map and submitted concept development plan are in agreement with the 2000 Boone County Comprehensive plan; 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 2000 Boone County Comprehensive plan, and these changes significantly alter the character of the area in question.

Respectfully submitted,



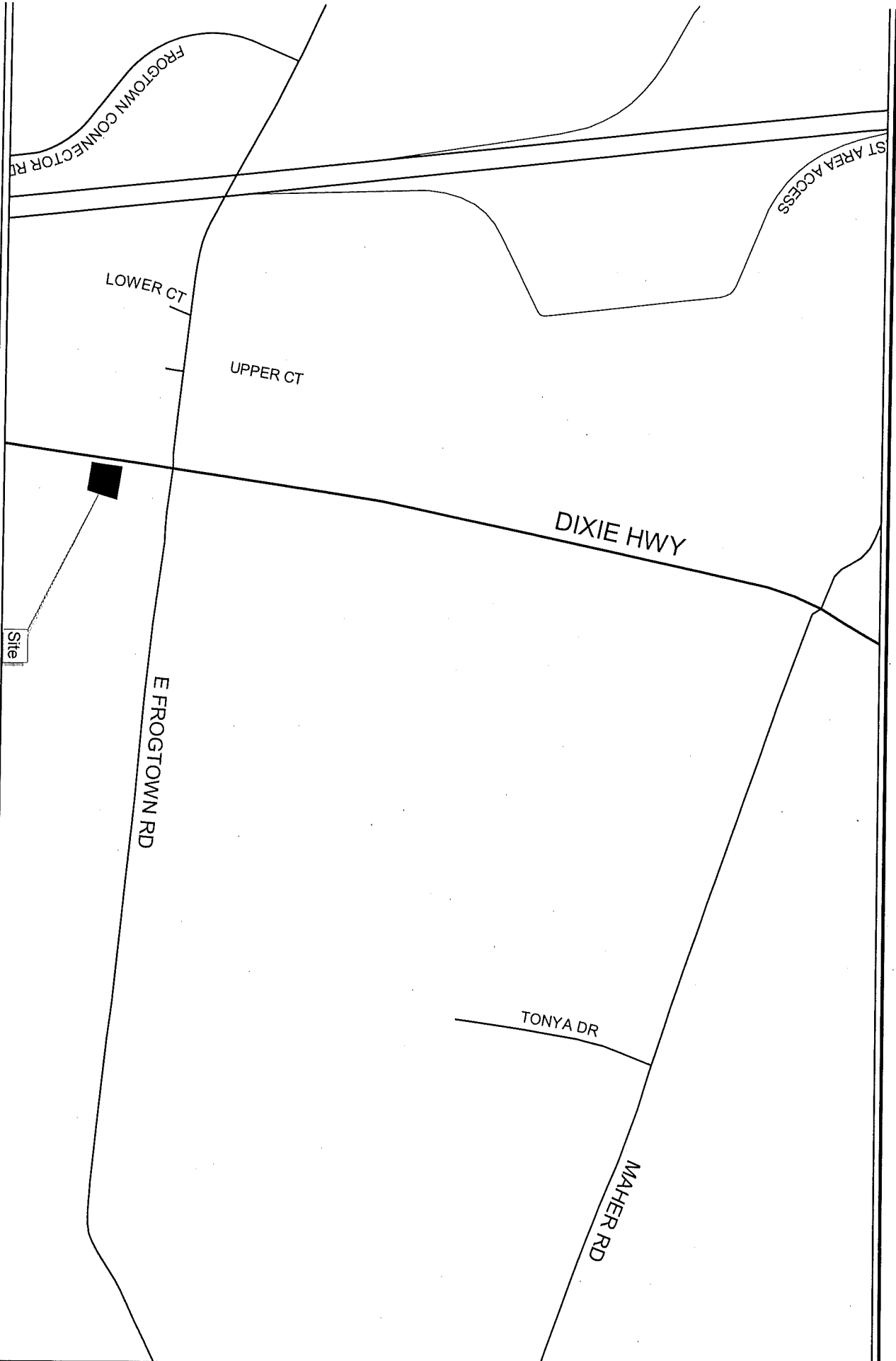
Patty Bachman
Planner

PB/pr

Attachments:

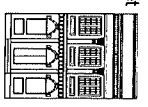
- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- staff report dated 8/26/98 for zone change of 0.8 acre site adjoining property
- application materials including concept development plan

Vicinity Map



1 inch equals 600 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 20, 2001



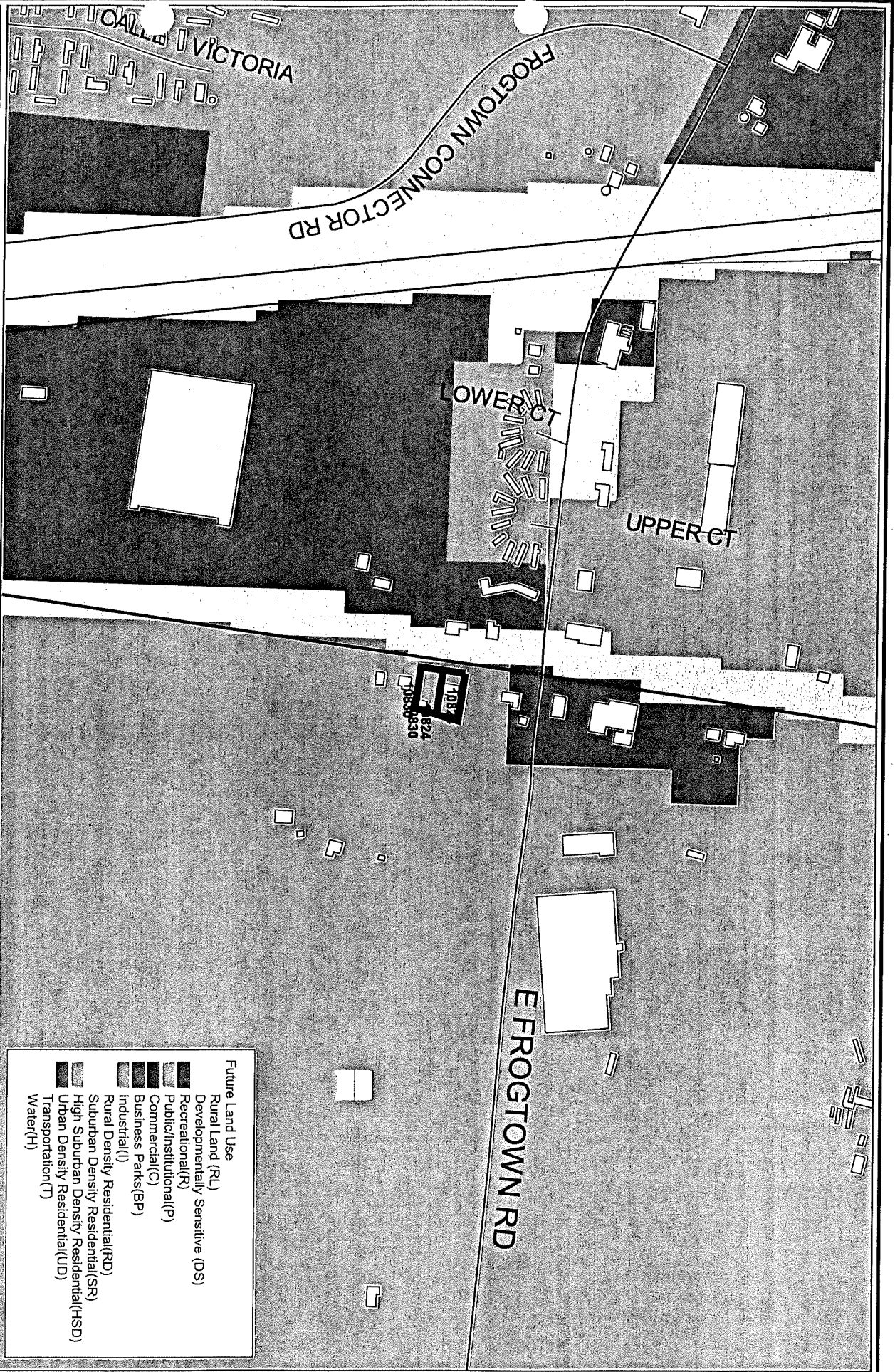


300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 20, 2001

Zoning Map

Future Land Use Map

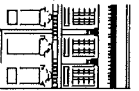


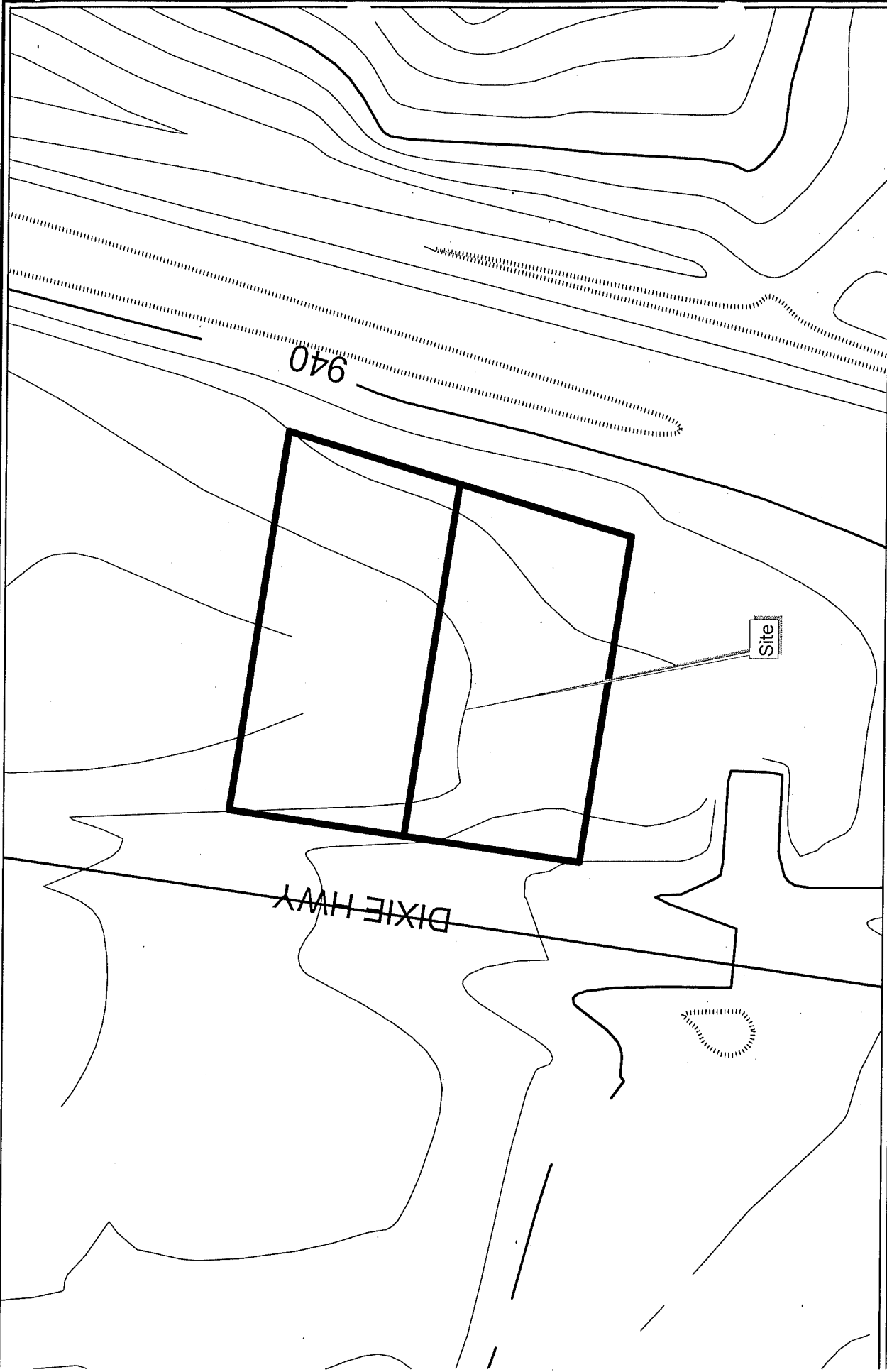
- Future Land Use**
- Rural Land (RL)
 - Developmentally Sensitive (DS)
 - Recreational (R)
 - Public/Institutional (P)
 - Commercial (C)
 - Business Parks (BP)
 - Industrial (I)
 - Rural Density Residential (RD)
 - Suburban Density Residential (SR)
 - High Suburban Density Residential (HSD)
 - Urban Density Residential (UD)
 - Transportation (T)
 - Water (H)



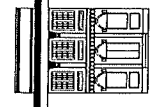
1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 20, 2001





100 0 100



1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 20, 2001

Topographic Map



STAFF REPORT

Request of Blane Reese (owner by contract) to consider a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for an approximate 0.8 acre site located on the southeast corner of the Dixie Highway/Frogtown Road intersection at 111 East Frogtown Road, Boone County, Kentucky. The request is for a zone change to allow retail auto sales.

August 26, 1998

Proposal

The applicant is requesting to rezone an approximate 0.8 acre tract of land located on the southeast corner of the Dixie Highway/Frogtown Road intersection at 111 East Frogtown Road (See Vicinity Map). The applicant is proposing to use the site for retail auto sales. The existing single family residence will be used as an office and additional parking will be constructed for the inventory of vehicles (See Concept Plan). Access into the facility will be from Frogtown Road and the parking will be located along Dixie Highway.

Site Characteristics

The site is located on the southeast corner of the Dixie Highway/Frogtown Road intersection. This site is approximately an eighth of an acre large and is generally flat. The site is approximately 173 feet by 215 feet (See Plat Map). Trees line the east and south side of the site and are also scattered throughout the site. An existing single family residence is located on the property. The site is presently zoned I-1.

Surrounding Zoning and Land Uses (See Zoning Map and Land Use Map)

The Applied Industrial Technologies facility is located northwest of the site and is zoned I-1. The Richwood Bar and Grill is located directly north of the site and is zoned C-3. To the northeast of the site is a vacant office building and a storage warehouse. Both buildings are zoned I-2.

Railroad tracks run along the east side of the site. The land east and south of the site is zoned I-1. The land to the east of the site is undeveloped. South of the site is a single family residence.

The land west of the property across Dixie Highway is zoned C-3. The entrance to the Richwood Motel and Apartments is directly across from the site. A single family residence is also located across from the site.

Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the adopted 1995 Boone County Comprehensive Plan. The Future Land Use Map of this plan classifies this site as Industrial. The Industrial designation is described as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.

The Land Use Text of the Boone County Comprehensive Plan states the following regarding the Mt. Zion Area (Area D-5, pg.228)

"The industrial area to the south of Maher Road should be accessed via Frogtown Road, and the possibility of extending East Frogtown Road to connect with Maher Road should be explored because of the better visibility at the railroad crossing and intersection with U.S. 25. The frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activity with proper access management provisions"(pg 228).

"The U.S. 25 and Frogtown Road intersection should support locally-oriented commercial uses, however, special attention should be given to controlling and coordinating access points with this area"(pg 229).

The Land Use Element Development Guidelines, identified in the Access Management category, indicate that: "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems."(pg.211)

"Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way."(pg.211)

The Land Use Element Development Guidelines, identified in the Design, Signs and Historic Preservation category, indicate that:

"Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention." (Pg.211)

The Future Land Use Development Guidelines regarding buffering states(pg.210):

"Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline."

The Goals and Objectives section for Business Activity, regarding commercial uses states(pg.7):

"1. Commercial uses shall be limited to strategic locations serving trade area and neighborhood needs and shall have safe and effective access and ample parking."

"3. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access."

Staff Concerns

1. When considering this proposal, the Planning Commission needs to recognize that the size and depth of the site prevents many of the principally permitted uses in the I-1 zoning district from effectively being located there. Additionally, The Future Land Use Map of the 1995 Boone County Comprehensive Plan designates this site for industrial uses but the text in the Comprehensive Plan indicates that locally-oriented commercial uses in the Frogtown Road/U.S. 25 intersection may be appropriate. The Planning Commission will need to determine if a small-scale auto sales facility is a "locally-oriented commercial use".
2. The access on Frogtown Road may be too close to the Frogtown Road/Dixie Highway intersection. Additionally, it may be difficult for larger vehicles and vehicles with a wide turning radius to negotiate this driveway. Staff recommends that the access be moved further down Frogtown Road and the driveway

connecting the parking area be located behind the office. Pavement or parking areas should not be located between the building itself, and the streets.

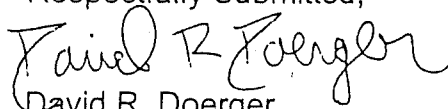
3. A signage package was not included with the Concept Development Plan. In a C-3 zoning district, this site would be allowed a freestanding sign along Dixie Highway at a height of 30 feet and 200 square feet in size. Since this intersection has such high visibility and the site is moderately sized, staff does not believe that a sign of this scale is necessary. Staff recommends that signage for the proposed site be limited to what is allowed in the present I-1 zoning district. In an I-1 zoning district a 10 foot high, 150 square foot monument style sign could be placed along Dixie Highway.
4. Staff is concerned that the site is properly buffered from the surrounding uses, especially the single family residence located south of the site. Article 37 of the Boone County Zoning Regulations requires a buffer yard "B" between a developing C-3 zone and an I-1 zone unless the developing zone is less than three acres. The buffer yard may then be reduced to a buffer yard "A". Although the developing site is less than three acres, staff recommends that the buffer yard between the proposed site and the single family residence south of the site remain as a buffer yard "B" in order to mitigate any negative visual impacts. Additionally, the trees along the east and south sides of the site should be preserved and incorporated into the buffer area.

Conclusion

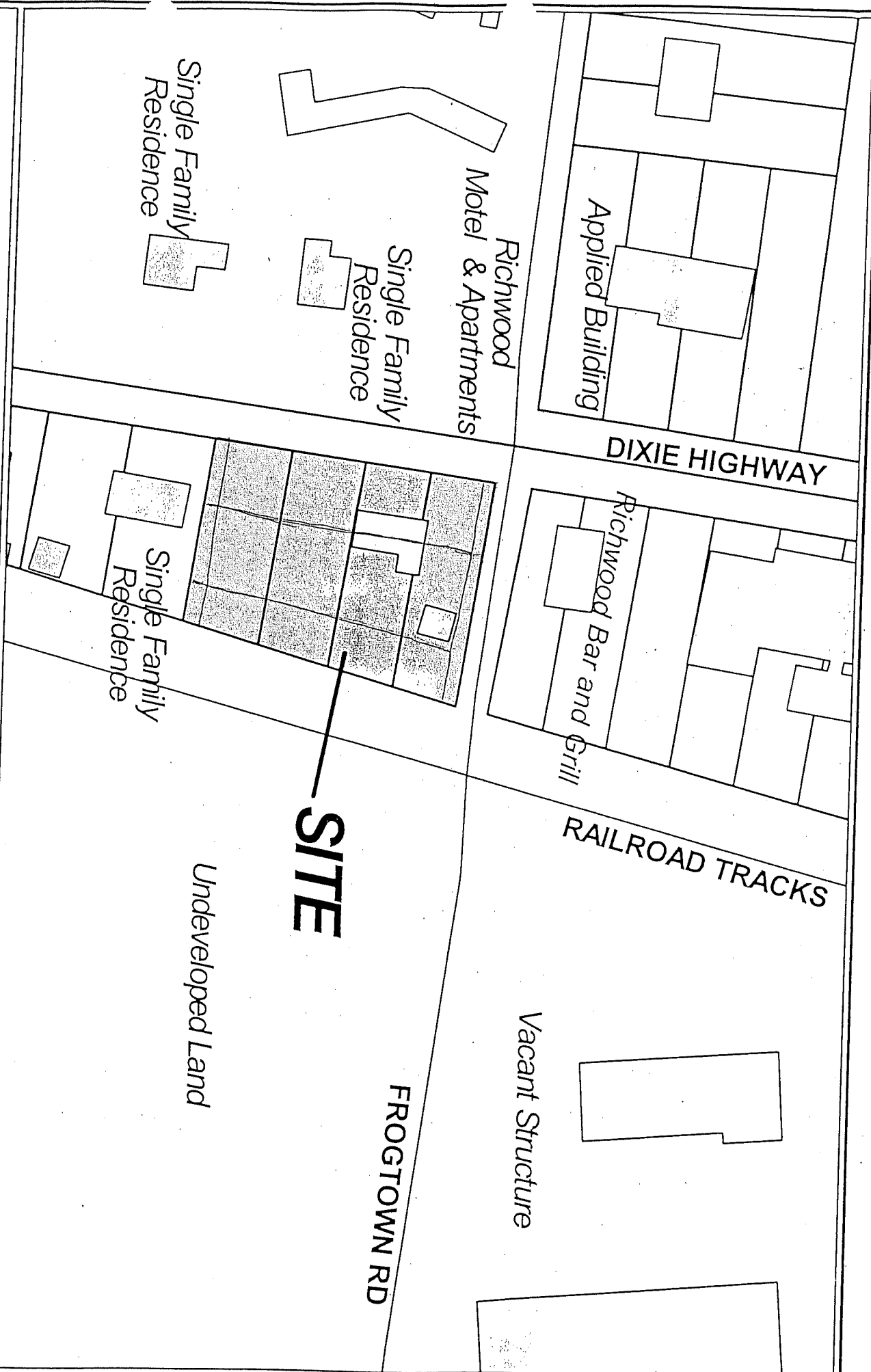
The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

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.

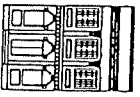
Respectfully Submitted,

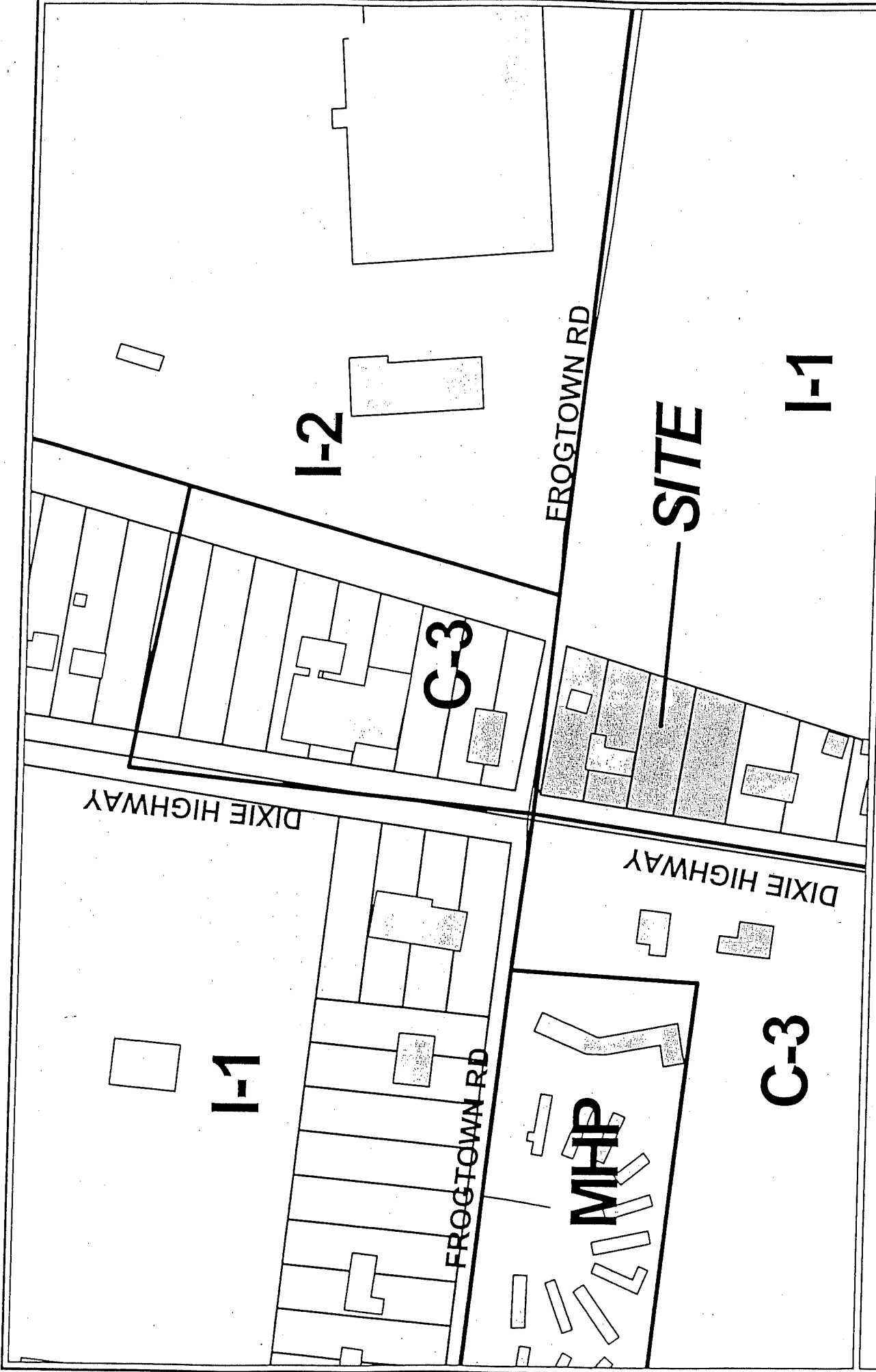

David R. Doerger
Planner

LAND USE MAP

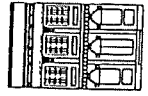


1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 14, 1998





1 inch equals 150 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 13, 1998

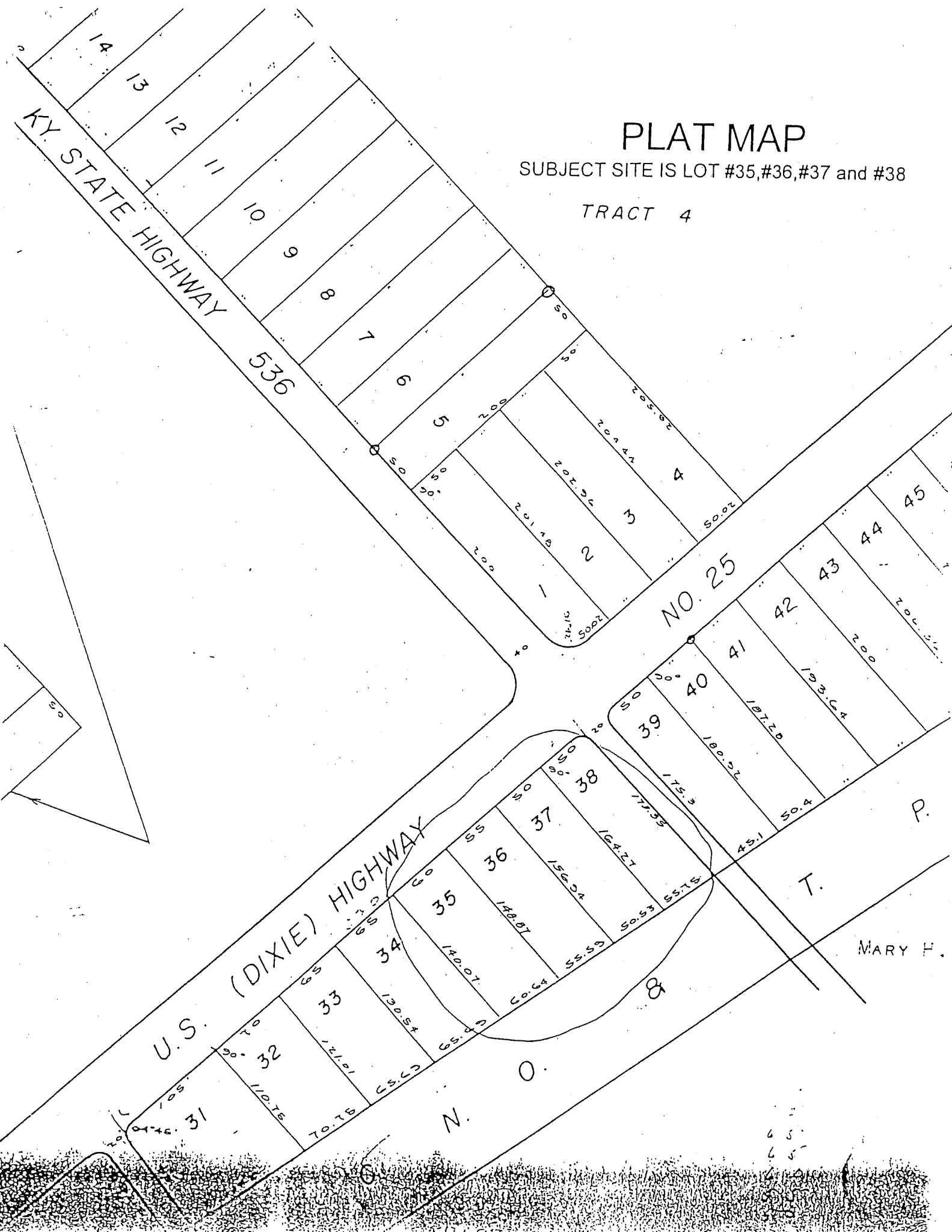


ZONING MAP

PLAT MAP

SUBJECT SITE IS LOT #35, #36, #37 and #38

TRACT 4



MARY E.

140 FT

PARKING

OFFICE

35 FT

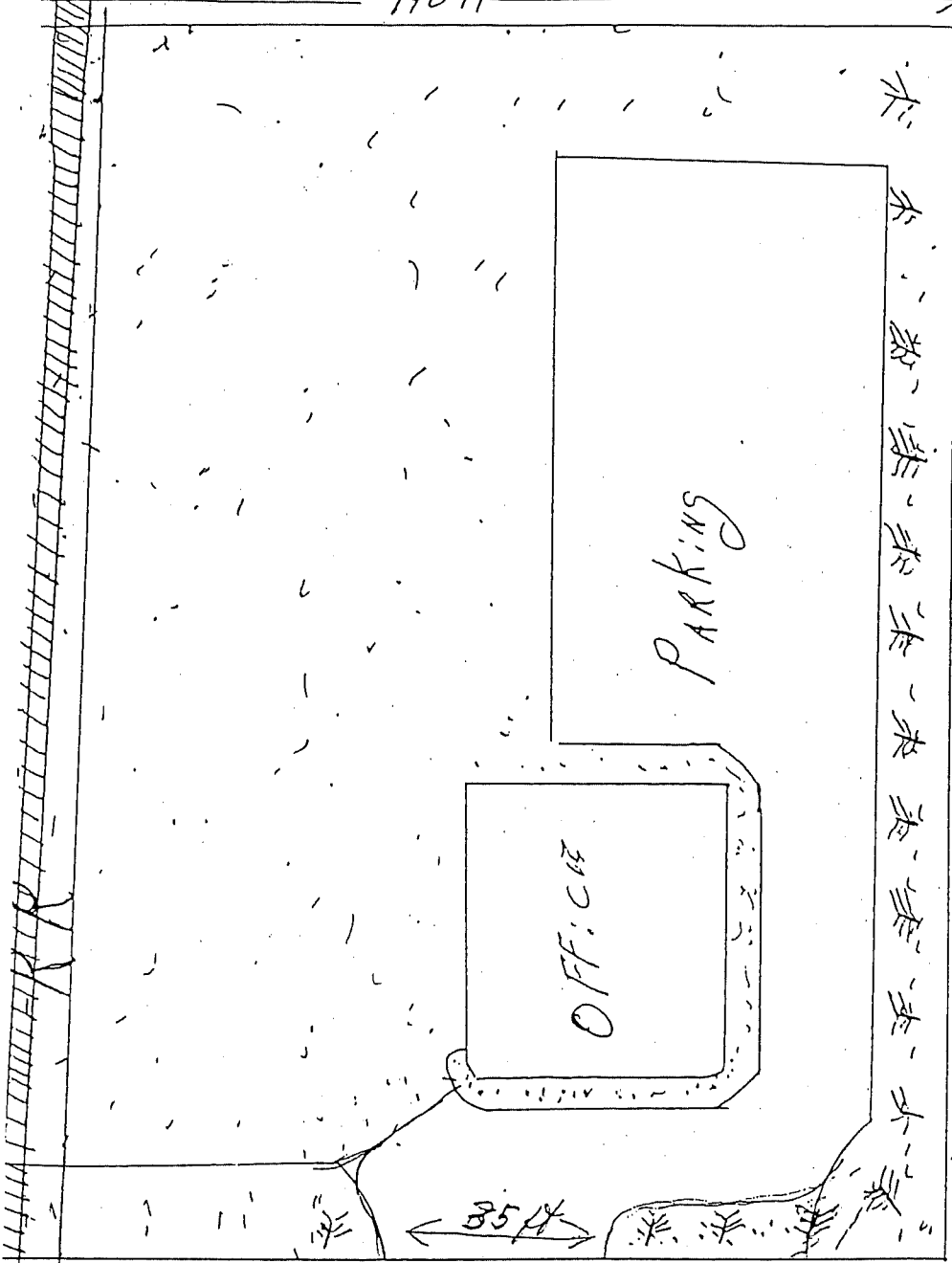
173 FT

111 E. FROGTOWN

216 FT

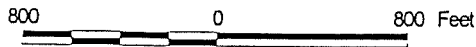
US DIXIE Highway

No 25





VICINITY MAP

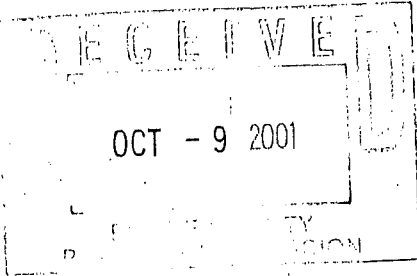


1 inch equals 800 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 12, 1998



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 Hebron Auto Sales
2. Location of Project 10824 Dixie Hwy, Walton, KY 41094
3. Total Acreage of Site 0.3896 acres
4. Current Zoning of Site I-1
5. Proposed Zoning (Classification being requested) C-3
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Dimensional Variance
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16. Have you had a pre-application meeting with BCPC Staff? Phone call with Kevin Wall
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- Florence Water and Sewer Commission
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- 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 _____
Property Owner's Signature _____

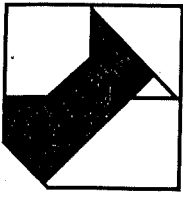
SECTION B (To be completed by BCPC Staff)

1. Date Received 10-9-01
2. Review Fee \$ 1108.90 R# 29318 \$ 21.00 R# 29319
3. Check what has been submitted:
 - _____ Application
 - _____ Fee
 - _____ Legal Description
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer PATTY BACHMAN
6. Committee Chairman SUSAN POSTON
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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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



CARDINAL

ENGINEERING
ARCHITECTURE
LAND SURVEYING

October 5, 2001

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Zone Map Amendment Request

To Whom It May Concern:

The purpose of this submittal is to request a zone map amendment for the property located at 10824 Dixie Highway, Walton, Kentucky. The property is owned by HKR Enterprises doing business as Hebron Auto Sales. HKR Enterprises owns and has developed the adjoining property at 111 E. Frogtown Road into a business for retail auto sales. Their current business was amended from zone I-1 to zone C-3 in the 1990's.

The 1995 Comprehensive Plan designates this property to remain zoned I-1 for industrial development as shown in Figure 5.3 "Future Industrial and Commercial Development". Properties across Dixie Highway to the west and the property adjoining to the north is zoned C-3 and therefore the proposed zone change would be a part of and existing C-3 district. As stated before, the property to the north is under the same ownership and was rezoned from I-1 to C-3 in the 1990's.

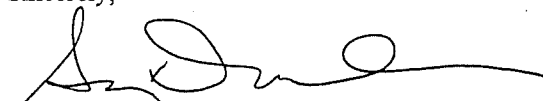
The existing zoning classification is inappropriate as Hebron Auto Sales at 111 E. Frogtown Road wish to expand their existing business onto the subject property, 10824 Dixie Highway. This property is currently zoned I-1 which does not allow retail auto sales. Also the area of the property, approximately 0.4 acres, is too small for an industrial development.

For this submittal, the following is attached:

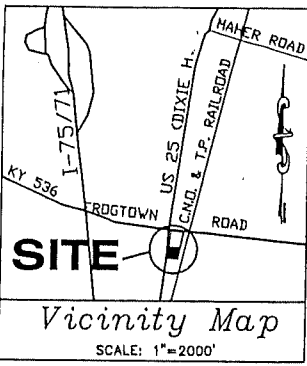
- 8 1/2 " x 14" copy of the site plan for 10824 Dixie Highway. Includes adjoining owners, addresses, and current zoning classification.
- Copy of the soils map sheet #40 from the Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky
- Copy of the soil description from the Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky
- 24" x 36" scaled copy of the site plan for 10824 Dixie Highway
- Fees per current fee schedule.

Please contact me if you have any questions or comments.

Sincerely,



Amy Dunkman



PROPERTY INFORMATION:

OWNER: HKR Enterprises
ADDRESS: 1938 Petersburg Road
Hebron, KY 41048

D.B. 790, PG. 282
LOTS 33 & 34
THEO. CARPENTER ESTATE
SUBDIVISION
PLAT No. 3 PAGE 26

0.3896 TOTAL ACRES

BENCHMARK:

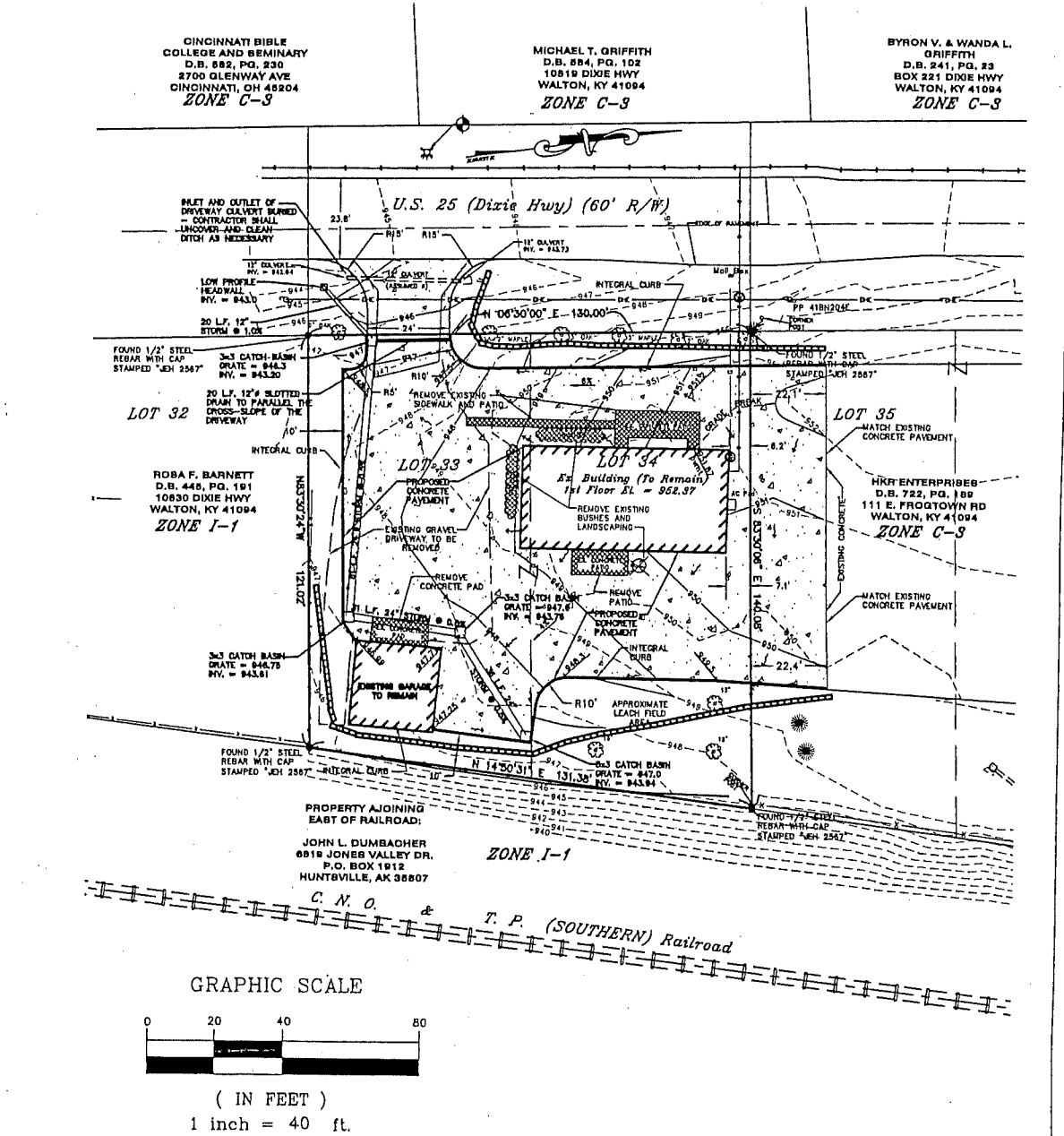
TOP BOLT ON FIRE HYDRANT
ELEV. = 946.33

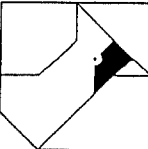
LEGEND

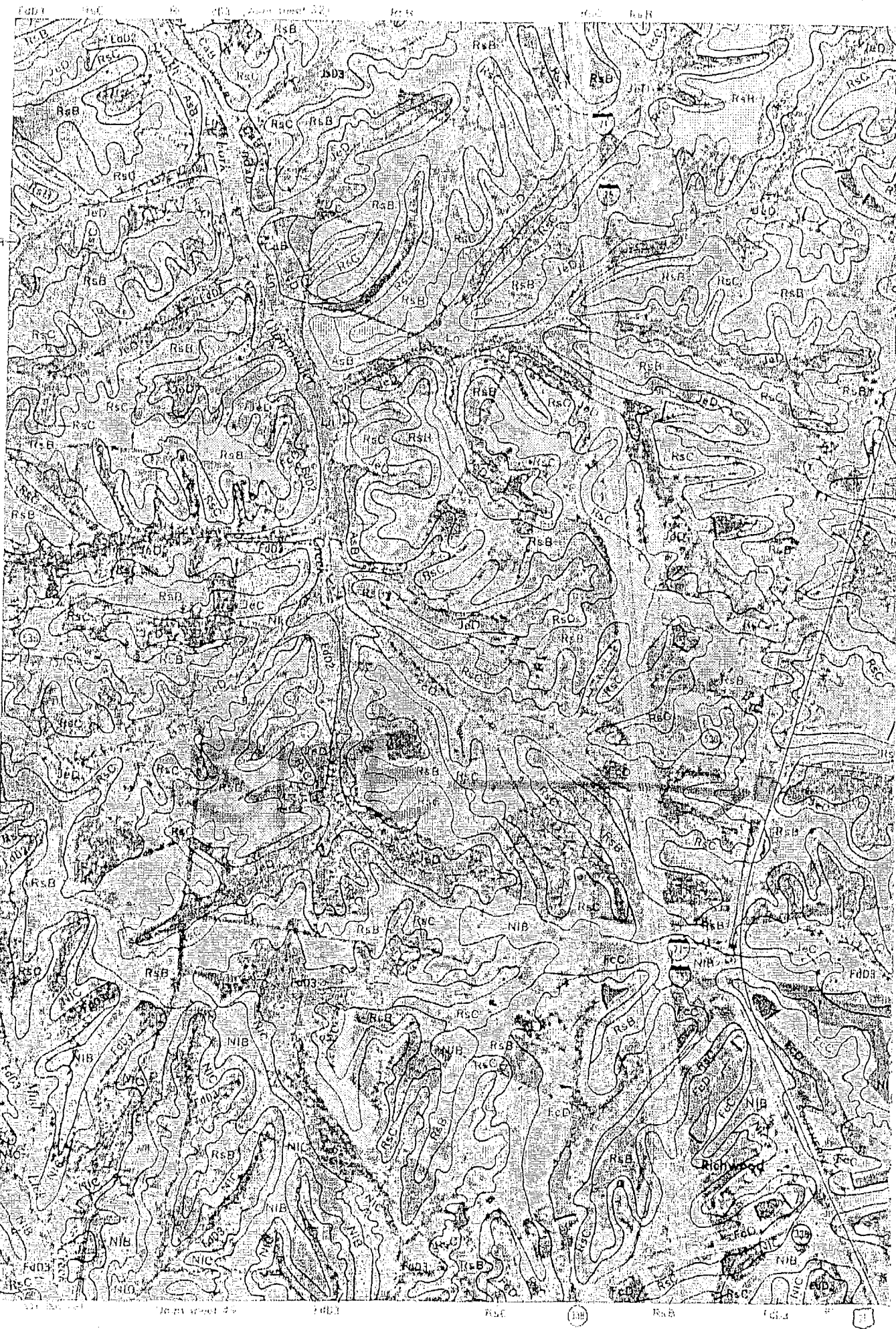
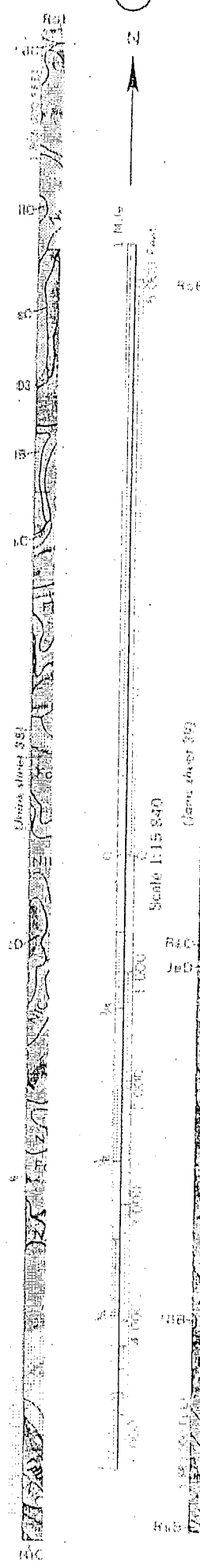
- overhead electric
- underground electric
- overhead telephone
- underground telephone
- power pole
- guy pole
- light pole
- fire hydrant
- water valve
- water main
- water meter
- water whorl
- mailbox
- gas meter
- gas line
- gas valve
- sewer manhole
- storm manhole
- catch basin
- curb inlet
- driveway
- utility fence

EXISTING ZONE: I-1 INDUSTRIAL ONE		PROPOSED ZONE: C-3 COMMERCIAL THREE	
MIN. LOT SIZE	20,000 B.F.	MIN. LOT SIZE	20,000 B.F.
MIN. FRONTAGE	180 FT.	MIN. FRONTAGE	100 FT.
MAX. HEIGHT	80 FT.	MAX. HEIGHT	80 FT.
MIN. FRONT YARD	80 FT.	MIN. FRONT YARD	80 FT.
MIN. REAR YARD	30 (80') FT.	MIN. REAR YARD	20 (80') FT.
MIN. SIDE YARD	10 (80') FT.	MIN. SIDE YARD	10 (80') FT.

* WHEN ABUTTING A RESIDENTIAL ZONE



 CARDINAL ARCHITECTURE ENGINEERING LAND SURVEYING	REQUEST FOR ZONE CHANGE for HKR ENTERPRISES 10824 Dixie Highway, City of Walton County of Boone, State of Kentucky	DRAWN BY: AED
	DATE: 10/5/01	SCALE: 1" = 40'
	ONE MOCK ROAD WILDER, KENTUCKY 41071 (859) 581-9600	FILE NO. 98-312-01
	2d-Bx14BOR.dwg 41001 44557	



Scale 1:15,840

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brown (7.5YR 4/4) mottles; weak, coarse, blocky structure; firm, brittle and compact; few clay films; very strongly acid; gradual, wavy boundary.

C—36 to 50 inches +, yellowish-brown (10YR 5/6) light silty clay loam; common, medium, distinct light-gray (10YR 6/1) mottles and common, fine, faint, yellowish-brown (10YR 5/4) mottles; massive; friable; few very small dark concretions; very strongly acid.

The solum ranges from 32 to 48 inches in thickness, the depth to rock is more than 10 feet, and depth to the fragipan ranges from 12 to 16 inches. The A1 horizon described in the profile occurs only in wooded areas. The A horizon is in hues of 10YR and 2.5Y. The texture of the Bx horizon is silt loam or silty clay loam.

The Robertsville soils are more poorly drained and have a higher proportion of gray colors in the subsoil than the Lawrence soils that are nearby.

Robertsville silt loam (0 to 2 percent slopes) (Ro).—This soil is on stream terraces in areas that are generally 20 to 50 acres in size.

Included in mapping are small areas that are clayey in the lower part of the B horizon. Some included areas also lack a fragipan.

The hazard of erosion on this soil is slight, but the soil becomes waterlogged above the slowly permeable fragipan in winter and spring. At times, water collects on the flat areas. The fragipan and the lack of suitable outlets make this soil difficult to drain. Cultivated crops and pasture or hay plants that can tolerate seasonal wetness are suited to this soil. The soil is used mostly for pasture and hay. (Capability unit IVw-1; woodland suitability group 3)

✓ Rossmoyne Series

The Rossmoyne series consists of deep, moderately well drained soils that have a fragipan. The upper layers of these soils formed in loess, and the lower layers formed in loamy and clayey calcareous glacial till. The soils occur mostly on broad glaciated ridges in the northeastern part of Boone County and the northwestern part of Kenton County. Slope ranges from 0 to 12 percent.

In a representative profile, the surface layer is dark-brown silt loam about 7 inches thick. The uppermost part of the subsoil consists of 4 inches of friable dark-brown silt loam that overlies 10 inches of yellowish-brown, firm silty clay loam that contains mottles in the lower part. A mottled, firm, brittle and compact, loamy fragipan, about 31 inches thick, is below a depth of 21 inches. Underlying the fragipan, to a depth of 60 inches or more, is mottled silty clay.

The Rossmoyne soils are moderately deep to a fragipan that slows water movement and restricts root growth. The soils are strongly acid in the surface layer unless limed, and they are moderate in natural fertility. Available moisture capacity is moderate, and the organic-matter content is low. The soils are easy to till, and they can be worked throughout a wide range of moisture content without clodding.

Representative profile of Rossmoyne silt loam, 0 to 6 percent slopes:

Ap—0 to 7 inches, dark-brown (10YR 4/3) silt loam; weak, fine, granular structure; friable; medium acid; abrupt, smooth boundary.

B1t—7 to 11 inches, dark-brown (7.5YR 4/4) silt loam; weak, fine and medium, subangular blocky structure; fri-

able; few clay films; medium acid; gradual, smooth boundary.

B21t—11 to 17 inches, yellowish-brown (10YR 5/6) light silty clay loam; moderate, medium, subangular blocky structure; firm; common clay films; strongly acid; clear, smooth boundary.

B22t—17 to 21 inches, yellowish-brown (10YR 5/6) light silty clay loam; common, medium, distinct, light brownish-gray (10YR 6/2) mottles; moderate, medium, subangular blocky structure; firm; few clay films on some ped surfaces; grayish-brown (10YR 5/2) silt coats on about 5 percent of ped surfaces; strongly acid; abrupt, wavy boundary.

Bx1—21 to 34 inches, mixed yellowish-brown (10YR 5/6) and dark-brown (7.5YR 4/4) light silty clay loam; light brownish-gray (10YR 6/2) and gray (10YR 5/1) silt coatings up to 1 millimeter thick on most ped surfaces; moderate, very coarse; prismatic structure parting to medium and fine prisms in the upper part; firm, compact and brittle; few dark concretions; very strongly acid; gradual, smooth boundary.

IIBx2—34 to 52 inches, dark-brown (7.5YR 4/4) clay loam or silty clay loam; common, medium, distinct, light brownish-gray (10YR 6/2) mottles; weak, fine and yellowish-brown (10YR 5/6) mottles; weak, fine and medium, angular blocky structure; few clay films; firm, brittle and compact; few (1 percent) small pebbles 1 to 3 millimeters in size; few patches of black concretions; very strongly acid; gradual, smooth boundary.

IIC—52 to 60 inches +, mottled, grayish-brown (10YR 5/2), yellowish-brown (10YR 5/4), yellowish-red (10YR 4/6), and pale-brown (10YR 6/3) silty clay that contains small pieces of weathered chert; massive; firm; neutral in upper part becoming mildly alkaline with depth.

The solum ranges from 44 to 60 inches in thickness. In most places the depth to rock is more than 10 feet. The depth to the fragipan ranges from 18 to 22 inches. The Ap and B1 horizons are strongly acid where unlimed. The Ap horizon is dark brown (10YR 4/3) or dark grayish brown (10YR 4/2). The B horizon is in hues of 10YR and 7.5YR. The texture of the IIB horizon is clay loam or light silty clay loam. The texture of the C horizon is silty clay or clay.

Rossmoyne soils occur with Avonburg, Nicholson, and Jessup soils. They are better drained and deeper to gray mottling than Avonburg soils. They are generally less well drained than Nicholson and Jessup soils and are generally deeper to bedrock than Nicholson soils because they are underlain by glacial till instead of limestone and shale.

✓ **Rossmoyne silt loam, 0 to 6 percent slopes (RsB).**—This soil is on broad ridgetops; many areas are more than 100 acres in size. It has the profile described as representative for the series.

Included in mapping were areas on Ohio River terraces, where the underlying material is alluvium, rather than glacial till.

The hazard of erosion is moderate if cultivated crops are grown. Permeability is slow in the fragipan.

Most of the cultivated crops and pasture or hay plants commonly grown in the survey area are suited to this soil. The soil is used mostly for hay and pasture, but a large acreage is used for tobacco and corn. (Capability unit IIE-3; woodland suitability group 4)

Rossmoyne silt loam, 6 to 12 percent slopes (RsC).—This soil is mostly in areas that border the edge of gently sloping Rossmoyne soils. Areas of the soil are narrow but long enough to be more than 100 acres in size in many places. The soil has the profile described as representative for the series, except that the surface layer is thinner and, where tilled, the plow layer consists of the original surface layer and part of the subsoil.

Included in mapping were areas that have a weakly

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Hicks – Temporary Presiding Officer, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Hicks introduced the second item on the Agenda:

2. **Applicant:** HKR Enterprises (owner)

Request: Zoning Map Amendment

The request of HKR Enterprises (owner) to consider an application for a **Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3)** for a 0.3896 acre site at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

Mr. Hicks asked for the applicant's presentation. The applicant was not present.

Mr. Hicks asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition to the request.

Mr. Tom Barnett, 10830 Dixie Highway, stated that his property adjoins the site and he is concerned about the Site Plan, the berming strip, and the use of the property. He feels that the use will be against his fence and he does not see a berm there, but he does see gravel and cars within a foot of the fence. Ms. Bachman reviewed the Concept Development Plan with Mr. Barnett. She indicated the ten-foot wide buffer yard with trees and shrubs that will be required. Mr. McMillian stated that there could be a wooden fence there. Mr. Hicks suggested to Mr. Barnett that he attend the Committee Meeting.

There being no one else present who wished to speak in opposition to the request, Mr. Hicks asked if there were any comments or questions from the Commissioners.

Mr. Zimmer recommended that prior to the Committee Meeting the applicant be requested to bring a concept of what they will do with the building, access management of this site and the adjacent site, and a Site Plan. He wants to know what they are doing with the house and property now and in the future. Mr. Newman asked if they will tear down the home. Mr. Ries stated that he also has questions of the applicant and he cannot ask them at the Committee meeting.

Counselor Wilson noted a letter in the file from Cardinal Engineering and asked if they indicated that they would or would not be present for the applicant. Ms. Bachman advised that she has not heard from Cardinal Engineering or from the applicant.

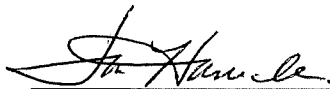
Following discussion, Mr. Costello stated that the full Commission wants the benefit of talking to the applicant. He recommended that this Public Hearing be continued to December 5, 2001 at 8:00 PM for the applicant to make a presentation. He will get the names and numbers of those present this evening. The general consensus of the Commissioners was to continue the Public Hearing to December 5, 2001 at 8:00 PM.

APPROVED:



Mark Hicks
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
January 2, 2002
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Richard Knock
Mr. Don McMillian
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

current level of operation will remain – whether it is twenty-eight trucks, trailers, or half-trucks, which is a moot point. He stated that the Committee's opinion was that there does not seem to be a traffic/infrastructure problem at the current level of use and, therefore, the Committee wants that level of use to continue. There has been assurance from the current and proposed owners that the level of activity cannot be any greater than it is currently.

Counselor Wilson referred to the Public Hearing and advised that the condition Fiscal Court imposed was "twenty-eight trucks" and the Zoning Administrator did not find more than twenty-eight trucks. There were more than twenty-eight trailers, but not more than twenty-eight trucks and, therefore, the Zoning Administrator determined that they were not in violation. He stated that we are now removing that ambiguity and it is just the level of activity, not whether it is a truck or a trailer. Mr. Wall agreed. Mr. McMillian questioned the definition of a truck. He stated that at the Public Hearing it was brought out that there was a problem with the tractor trailers/trucks on Mt. Zion Road. Mr. Knock responded that the reference is to power units – if they only have twenty-eight power units they can only make twenty-eight movements in and out of the facility. He stated that the power units make the deliveries. He does not think Fiscal Court was referring to trailers.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Zimmer with the amendments to Conditions #2 and #4. The vote found Mr. Barlow, Mr. Knock, Mrs. Poston, Mr. Reynolds, Mr. Schwenke, Mr. Zimmer, and Chairman Caddell in favor. Mr. McMillian, Mr. Ries, and Mrs. Wilson were opposed. The motion carried by a vote of 7 to 3.

2. Zoning Map Amendment

The request of HKR Enterprises (owner) to consider an application for a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mrs. Poston moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report with the conditions. Mr. Schwenke seconded the motion.

Mr. Knock questioned the word "predominately" in Condition #2. Ms. Bachman responded that the word was taken from the Staff Report for the adjacent site. Chairman Caddell stated that "predominantly" is something that is more than a majority of the area.

The Chairman asked for a vote on the motion made by Mrs. Poston and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: January 2, 2002

RE: Request of **HKR Enterprises** to consider a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site located at 10824 Dixie Highway, Boone County, Kentucky. This request is for a zone change to allow auto sales.

REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan is appropriate for the property located at 10828 Dixie Highway, Boone County, Kentucky. The Committee's decision is based on the fact that the applicant's request is in agreement with the 2000 Boone County Comprehensive Plan.

The 2025 Future Land Use text states the following regarding the Richwood area, in which the site is located: "The frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activity with proper access management provisions (p. 167)." The proposal would allow for increased commercial development in the area, which at present contains a mixture of commercial and industrial development.

The Goals and Objectives state in the "Business Activity" section that "[c]ommercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space (p.8)." The section further states that "[h]ighway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access (p. 8)." The placement of this proposed commercial use is within a strategic location as recommended by the 2000 Boone County Comprehensive Plan.

2. The Committee has determined that the proposed zoning category would be appropriate for the site. The limited size and depth of the site would limit the ability of the site to be used for the principally permitted uses listed in the I-1 zoning category, the site's current zoning.
3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as a basis for this recommendation.

CONDITIONS

1. The applicant will provide a privacy fence, 6 feet high, running the length of the south property line. This fence will extend from the east property line to the side of the house located south of the site. The fencing will be provided in addition to the Buffer Yard "A" that is required per Article 37 of the Boone County Zoning Regulations, and the fencing will be located on the property line, with landscaping located immediately to the north of the fencing.
2. The exterior walls of any structure located on site shall be predominately earth tone (tans, beiges, reddish browns, warm greys) and/or white in color, and roof structures shall use colors that coordinate with the exterior walls. The Planning Commission staff shall review and determine the appropriateness of proposals involving exterior color of structures on site through the Site Plan Review Process.
3. Major repairs or maintenance of any vehicles will not occur on site. Minor repairs and replacement of parts (including but not limited to washing of vehicles, charging batteries, fixing flat tires, replacing headlamps, wiper blades, air filters, etc.) will be allowed on inventory vehicles (vehicles intended to be sold on site) only. These repairs are to take place during business hours only.
4. Cosmetic repairs to the garage, including repair and replacement of siding, shall take place prior to its use as a repair facility for inventory vehicles.
5. There will be no additional signage added to the property.

6. There will be no alteration of the natural contours of the property other than what would be required for the proposed paving of the property.
7. Commercial uses permitted on the site will be limited to auto sales and office support for the sale of autos.
8. Any lighting fixtures added to the property would be shielded. Glare from these lighting fixtures would extend no further than the site itself.

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 Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Committee Chairwoman

DATE: December 19, 2001

RE Request of **HKR Enterprises (owner)** to consider an application for a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site located at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

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.

Susan Poston

Susan Poston, Chairwoman

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

M Hicks

Mark Hicks

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

Bob Newman

Bob Newman

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

Earl White

Earl White

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

David Zimmer

David Zimmer

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

Randy Barlow (Alternate)*

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

Don McMillian (Alternate)*

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

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

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Hicks – Temporary Presiding Officer, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Hicks introduced the second item on the Agenda:

2. Applicant: HKR Enterprises (owner)

Request: Zoning Map Amendment

The request of HKR Enterprises (owner) to consider an application for a Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3) for a 0.3896 acre site at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

Mr. Hicks asked for the applicant's presentation. The applicant was not present.

Mr. Hicks asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition to the request.

Mr. Tom Barnett, 10830 Dixie Highway, stated that his property adjoins the site and he is concerned about the Site Plan, the berming strip, and the use of the property. He feels that the use will be against his fence and he does not see a berm there, but he does see gravel and cars within a foot of the fence. Ms. Bachman reviewed the Concept Development Plan with Mr. Barnett. She indicated the ten-foot wide buffer yard with trees and shrubs that will be required. Mr. McMillian stated that there could be a wooden fence there. Mr. Hicks suggested to Mr. Barnett that he attend the Committee Meeting.

There being no one else present who wished to speak in opposition to the request, Mr. Hicks asked if there were any comments or questions from the Commissioners.

Mr. Zimmer recommended that prior to the Committee Meeting the applicant be requested to bring a concept of what they will do with the building, access management of this site and the adjacent site, and a Site Plan. He wants to know what they are doing with the house and property now and in the future. Mr. Newman asked if they will tear down the home. Mr. Ries stated that he also has questions of the applicant and he cannot ask them at the Committee meeting.

Counselor Wilson noted a letter in the file from Cardinal Engineering and asked if they indicated that they would or would not be present for the applicant. Ms. Bachman advised that she has not heard from Cardinal Engineering or from the applicant.

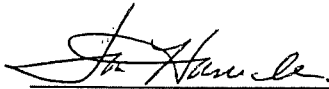
Following discussion, Mr. Costello stated that the full Commission wants the benefit of talking to the applicant. He recommended that this Public Hearing be continued to December 5, 2001 at 8:00 PM for the applicant to make a presentation. He will get the names and numbers of those present this evening. The general consensus of the Commissioners was to continue the Public Hearing to December 5, 2001 at 8:00 PM.

APPROVED:



Mark Hicks
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
December 5, 2001
8:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mrs. Kegley, Mr. Knock, Mr. McMillian, Mrs. Poston, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. W. Thomas Chaney, Vice Chairman, called the meeting to order at 8:00 PM and reconvened the Public Hearing that began on November 28, 2001 for the following item:

1. **Applicant:** HKR Enterprises (owner)
Request: Zoning Map Amendment

The request of HKR Enterprises (owner) to consider an application for a **Zoning Map Amendment from Industrial One (I-1) to Commercial Services (C-3)** for a 0.3896 acre site at 10824 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow auto sales (Hebron Auto Sales).

Mr. Chaney stated that the Staff Report was presented on November 28, 2001 and asked for the applicant's presentation.

Ms. Amy Dunkman with Cardinal Engineering, representing HKR Enterprises, stated that the Staff Report indicates that the existing garage will be renovated into an office. She stated that the existing garage will be renovated – but it will be used to store lawn equipment and maintenance items for the facility. The house will be renovated into private offices for the owners and will not be open to the public. She offered to answer any questions.

Mr. Chaney asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Tony Barnett, owner of the adjacent property to the south at 10830 Dixie Highway, stated that he is concerned that he no longer has privacy because the trees have been removed. Gravel has been installed and there are cars along the fence between the properties. He wants his privacy back so that he can use his back yard. He does not necessarily oppose the request – but he wants what he has had for the past eleven years. He stated that the four trees that were removed provided privacy for his property. The trees also helped prevent a ball or rock from going over and damaging the cars when children were playing in his yard. He does not like the cars being so close to his property and feels that there should be landscaping and a berm there. He does not want to have to look at the cars. He passed around pictures of the properties. He also has a problem with retail customers asking him questions when he is in his backyard on a Sunday afternoon. He would like his privacy back.

There being no one else present in opposition to the request, Mr. Chaney asked if there were any comments or questions from the Commissioners.

Mr. Ries stated that he understands from the last meeting that a buffer yard is required and they are in violation. Ms. Bachman presented the Concept Development Plan and indicated where the ten-foot Buffer Yard A would be required on the property. Mr. Reis questioned the type of buffering the applicant would put in to provide privacy for the adjoining property. He is also concerned about lighting and a paging system.

Mr. Tom Herold, one of the three owners of HKR Enterprises, 1938 Petersburg Road, Hebron, KY, stated that when they originally purchased the property, they asked Mr. Barnett if he was opposed to the trees being removed and he said “no”. He stated that Mr. Barnett is also in the car business and is an associate of theirs at times. They turned down purchasing the Barnett property and he feels that Mr. Barnett’s concerns are nothing more than his being vindictive towards them. He stated that they will do whatever the county requires in regard to buffer.

Mr. Ries questioned any lighting that might shine on the adjoining property. Mr. Herold responded that there will be no more lighting than is there now and there will be no paging system.

Mr. Hicks asked if Buffer Yard A is standard between C-3 and Residential. Mr. Wall responded that when the developing zone is I-1 and it adjoins a Commercial zone, Buffer Yard B is required unless the developing site is less than three acres, which this site is, and then Buffer Yard A is required. Mr. Hicks questioned the requirement if the adjoining property is Residential. Mr. Wall responded that the requirement would then be Buffer Yard C, which is twenty-five feet wide with evergreen trees. Mr. Hicks questioned requiring more buffer since the adjoining use is residential. Mr. Wall responded that if the Planning Commission concludes that it is Residential, then it is necessary to mitigate the impacts of this proposal

from the existing residence, which could be discussed as a condition. Mr. Hicks stated that this will be discussed in Committee.

Mr. Barlow stated that the property to the north is a car lot in the same ownership and questioned if that would alter how the Site Plan is developed. He asked if the two could be tied together with an end result more appropriate than considering individual houses. Ms. Bachman responded that this is not necessarily piecemeal development because there is considerable C-3 zoning that adjoins this property. She reviewed the zoning map and indicated the adjoining C-3 properties and the C-3 zoning across the street. There is I-1 zoning to the south and east. The zoning of the adjoining Barnett property is I-1. Mr. Barlow questioned if instead of a Site Plan for just the property in question, could it be tied to the property being used for the same use in the same ownership to make it look like one operation. Mr. Herold responded that it is their ultimate goal to have the two uses be one functional use.

Mrs. Poston questioned Mr. Herold's comment that there will be no additional lighting. Mr. Herold responded that there is no need for additional lighting.

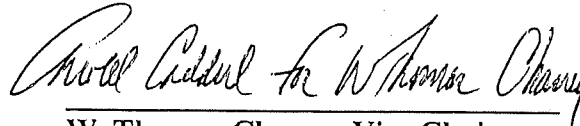
Mr. McMillian questioned the curb cut. Mr. Herold responded that the curb cut for the new property is off U.S. 25 and they need to keep that curb cut. The curb cut for the current property is on East Frogtown Road and they need to keep that curb cut also.

Mr. Hicks asked if they plan to concrete the entire lot. Mr. Herold responded that there will be concrete in front of the building. Mr. Hicks noted the concrete shown on the plan and asked if that is what they plan to do. Mr. Herold responded "yes".

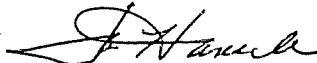
Mr. Hicks questioned streamers, banners, and car lifts. Mr. Herold responded that he does not think streamers and banners are allowed. He stated that there will not be any car lifts.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on December 19, 2001 at 4:00 PM in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 2, 2002 at 7:30 PM. Mr. Chaney closed this Public Hearing.

APPROVED:

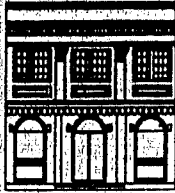

W. Thomas Chaney, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



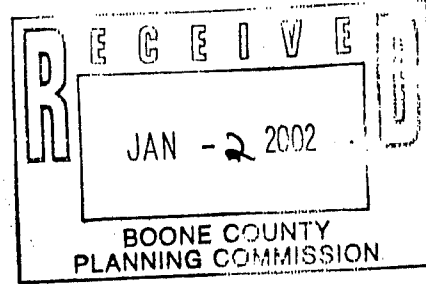
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



December 20, 2001

HKR Enterprises
1983 Petersburg Road
Hebron, Kentucky 41048

RE: Zoning Map Amendment for 10824 Dixie Highway

Dear Sirs:

The following conditions in conjunction with the Concept Development Plan Application, as agreed to by the Boone County Planning Commission's Zone Change Committee, serve as the basis for the Committee's recommendation of approval. If you, as the applicant and owner, agree to the following conditions, please indicate so by signing at the space provided below and return this letter to the Planning Commission Office by 5:00 P.M. Friday, December 28, 2001.

1. The applicant will provide a privacy fence, 6 feet high, running the length of the south property line. This fence will extend from the east property line to the side of the house located south of the site. The fencing will be provided in addition to the Buffer Yard "A" that is required per Article 37 of the Boone County Zoning Regulations, and the fencing will be located on the property line, with landscaping located immediately to the north of the fencing.
2. The exterior walls of any structure located on site shall be predominately earth tone (tans, beiges, reddish browns, warm greys) and/or white in color, and roof structures shall use colors that coordinate with the exterior walls. The Planning Commission staff shall review and determine the appropriateness of proposals involving exterior color of structures on site through the Site Plan Review Process.
3. Major repairs or maintenance of any vehicles will not occur on site. Minor repairs and replacement of parts (including but not limited to washing of vehicles, charging batteries, fixing flat tires, replacing headlamps, wiper blades, air filters, etc.) will be allowed on inventory vehicles (vehicles intended to be sold on site) only. These repairs are to take place during business hours only.

4. Cosmetic repairs to the garage, including repair and replacement of siding, shall take place prior to its use as a repair facility for inventory vehicles.
5. There will be no additional signage added to the property.
6. There will be no alteration of the natural contours of the property other than what would be required for the proposed paving of the property.
7. Commercial uses permitted on the site will be limited to auto sales and office support for the sale of autos.
8. Any lighting fixtures added to the property would be shielded. Glare from these lighting fixtures would extend no further than the site itself.

Sincerely,

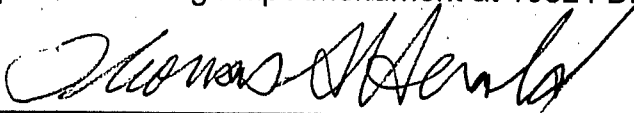


Patty Bachman
Planner

MPB/pr

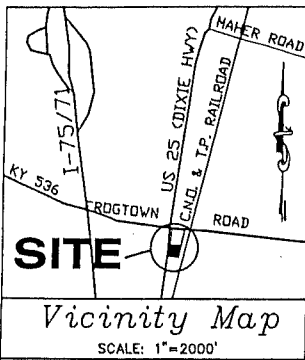
Agreement

I, the owner and applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment at 10824 Dixie Highway, Walton, Kentucky.



Representative of HKR Enterprises,
Owner and Applicant

12-28-01
(Date)



PROPERTY INFORMATION:

OWNER: HKR Enterprises
ADDRESS: 1938 Petersburg Road
Hebron, KY 41048

BENCHMARK:

TOP BOLT ON FIRE HYDRANT
ELEV. = 946.33

D.B. 790, PG. 282
LOTS 33 & 34
THEO. CARPENTER ESTATE
SUBDIVISION
PLAT No. 3 PAGE 26

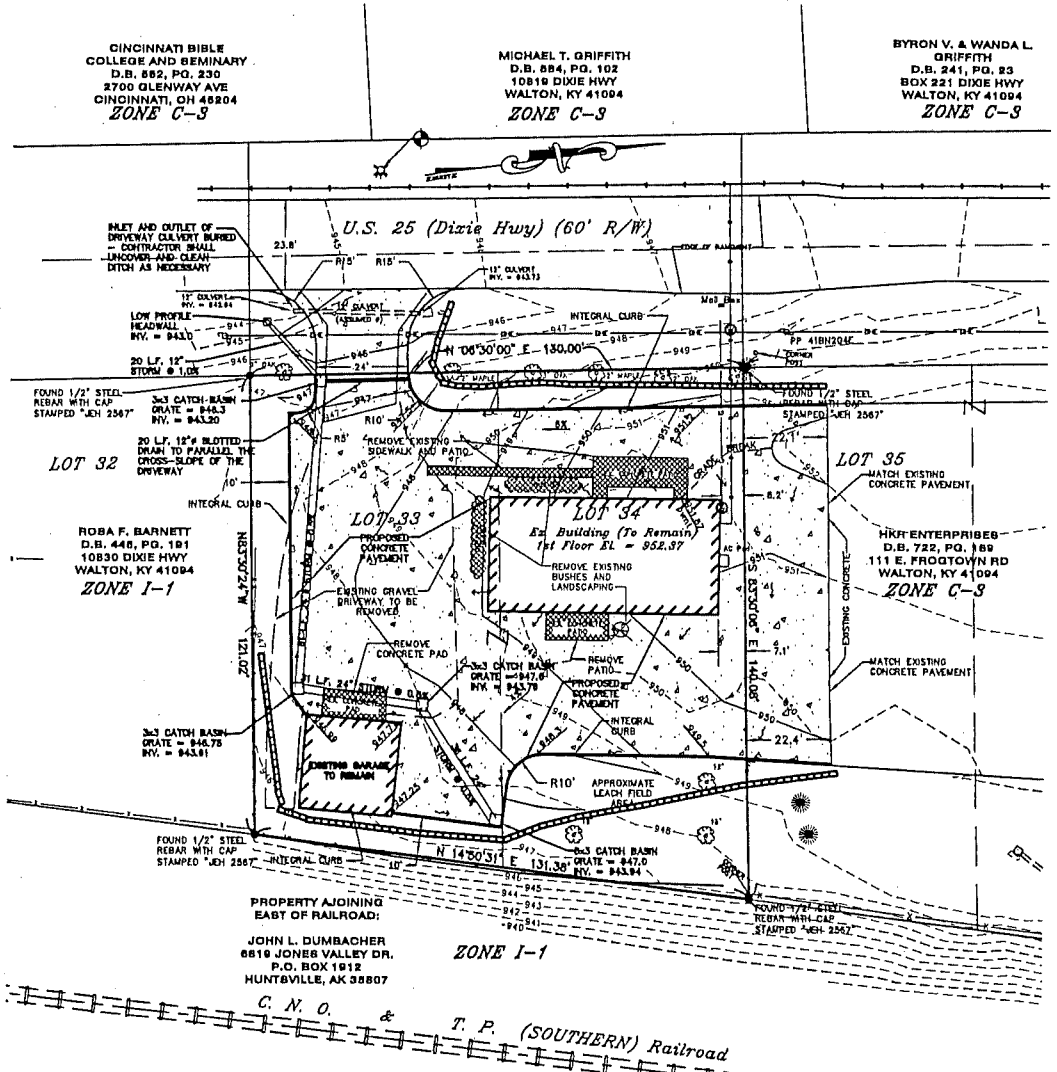
0.3896 TOTAL ACRES

EXISTING ZONE: I-1 INDUSTRIAL ONE	
MIN. LOT SIZE	20,000 S.F.
MIN. FRONTAGE	180 FT.
MAX. HEIGHT	80 FT.
MIN. FRONT YARD	80 FT.
MIN. REAR YARD	30 (80') FT.
MIN. SIDE YARD	10 (80') FT.

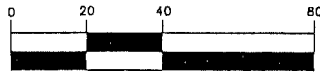
PROPOSED ZONE: C-3 COMMERCIAL THREE	
MIN. LOT SIZE	20,000 S.F.
MIN. FRONTAGE	100 FT.
MAX. HEIGHT	80 FT.
MIN. FRONT YARD	80 FT.
MIN. REAR YARD	30 (80') FT.
MIN. SIDE YARD	10 (80') FT.

* WHEN ABUTTING A RESIDENTIAL ZONE

LEGEND	
—○—	overhead electric
—□—	underground electric
—○—	overhead telephone
—□—	underground telephone
—	power pole
—	gas pole
—	light pole
—	fire hydrant
—	water valve
—	water main
—	water meter
—	water shutoff
—	manhole
—	gas meter
—	gas line
—	gas valve
—	sewer manhole
—	storm manhole
—	catch basin
—	curb inlet
—	fencing
—	lot fence

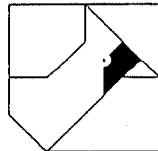


GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.



CARDINAL

ARCHITECTURE
ENGINEERING
LAND SURVEYING

REQUEST FOR ZONE CHANGE

for
HKR ENTERPRISES
10824 Dixie Highway, City of Walton
County of Boone, State of Kentucky

ONE MOOCK ROAD
WILDER, KENTUCKY
41071 (859) 581-9600

DRAWN BY:

AED

DATE:

10/5/01

SCALE:

1" = 40'

FILE NO.

98-312-01

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 02-01

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF HKR ENTERPRISES (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL SERVICES (C-3) ON A 0.3896 ACRE SITE LOCATED AT 10824 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-02-002-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Services (C-3) on a 0.3896 acre site located at 10824 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Services (C-3) on a 0.3896 acre site located at 10824 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One (I-1) zone is more particularly described in DEED BOOK 790, PAGE NO. 282 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval of a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 02-01

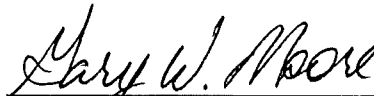
The Committee recommended approval, with conditions, for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B." As a further condition of this change, there shall be no outdoor public address or audible intercom system on the site.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

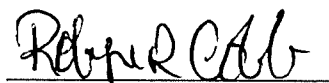
Introduced and given First Reading on the 5th day of February, 2002.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 12th day of March, 2002, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

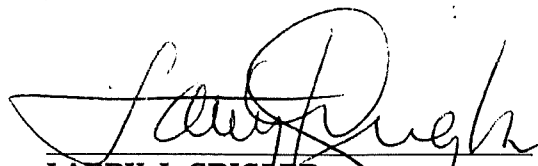


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

3-21-02
DATE PUBLISHED