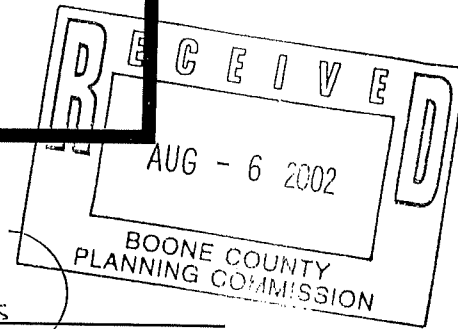


APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project 8484 DIXIE HWY (King's Castles)
2. Location of Project 8484 DIXIE HWY FLORENCE, KY 41042
3. Total Acreage of Site 0.7349 AC.
4. Current Zoning of Site I-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) MOBILE HOME SALES OFFICE
  
7. Names of Applicant(s) CENTER LINE ENGINEERING & SURVEYING PLLC  
Phone Number 859.578.8050 Fax No. 859.578.6632
8. Address of Applicant(s) 519 ENTERPRISE DRIVE  
CRESCENT SPRINGS KY 41017  
City State Zip
9. Name of Property Owner(s) JERRY & MONA KING.  
Phone Number 859.485.9948 Fax No. 859.485.9648
10. Address of Property Owner(s) 65 NORTH MAIN STREET  
WALTON KY 41094  
City State Zip
11. Proposed Building Intensities (please specify) 40X60 SALES OFFICE, AND  
AND AREA FOR MOBILE HOME SALES.
12. Are there any existing buildings on the site? YES (TO BE REMOVED)  
How many? 1 MOBILE HOME + 1 HOUSE.
13. Deed Book 827 Page No. 45 Group No. ~~20498~~ 2049B
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

# EXHIBIT

“A”

## STAFF REPORT

Request of **Center Line Engineering and Surveying PLLC (applicant)** for **Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

August 28, 2002

### REQUEST

The request is for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) to allow a mobile home sales and service business on the northwest corner of the Dixie Highway/Weber Lane intersection. The submitted Concept Development Plan indicates that the 0.7349 acre lot would contain a 2,400 square foot sales and service building, a 15 stall asphalt parking lot, a gravel sales lot, and some additional landscaping.

### SITE CHARACTERISTICS

The zone change area is currently part of a 2.5483 acre site which was being used a mobile home and camper park. The 1999 aerial photographs indicate that there were approximately 13 single-wide mobile homes, 11 camper trailers, and a single-family residence that were being rented on-site. The applicant has recently removed all the campers and mobile homes.

The site is fairly level and is mostly gravel. The site contains approximately 6 mature deciduous trees and curb cuts on Dixie Highway and Weber Lane. The curb cut on Dixie Highway nearly comprises the whole street frontage. The site also contains an old free-standing sign near the northern property boundary. Water and sanitary sewer lines exist on-site.

### ADJACENT LAND USES AND ZONING

North: Undeveloped 18 Acre Tract of Land (I-2 & SR-1)  
South: Weber Lane & Limited Motors (C-3)  
East: Dixie Highway, Ely Apartments, and a Single-Family Residence (C-3)  
West: Proposed Mobile Home Park (I-2)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element (Devon Area, pg. 166) states the following regarding this area:

- A. "Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks. Industrial development to the east of U.S. 25 and the railroad must be accompanied by improvements to important access roads, such as East Mt. Zion Road and East Frogtown Road."

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. 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 ("Buffering," pg. 159).
- B. 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.

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 ("Landscaping," pg. 159).

- C. 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 traffic 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 ("Access Management," pg. 159).
- D. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
- E. Developments in Boone County should give consideration to the overall design of the project. 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 ("Design, Signs, and Historic Preservation," pg. 211).

The "Areas of Future Industrial and Office Activity" found within the Business Activity Element makes the following comments that relate to the proposal:

- A. "The Northern Kentucky Industrial Park has the potential to expand along its southern boundary. The location of the county's population involved in manufacturing correlates well with this concentration of industry. The area southward to Mt. Zion Road should be reserved for the expansion of the Northern Kentucky Industrial Park."

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper design principles shall be applied in development ("Overall," Objective 3).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).

- C. Boone County shall strive to achieve both a diversity and balance in land use ("Overall," Objective 6).
- D. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- F. New development or redevelopment shall attempt to design sites utilizing 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. ("Environment", Physical Objective 2).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity", Goal).
- H. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well-maintained buffer spaces between the business use and other land usage ("Business Activity", Overall Objective).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and affective access and ample parking space ("Business Activity", Objectives).
- J. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system ("Transportation", Objectives).
- K. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities", Goal).

#### STAFF COMMENTS

1. The applicants contacted Staff earlier this year in regard to pursuing this zone change. At the time, the single-wide mobile homes and camper trailers were still being rented. As a result, the Zoning Administrator has determined that the non-conforming mobile home and camper park has not been abandoned. Thus, the applicants have also filed a Change of Non-Conforming Use application for the remaining 1.8134 acres of property that they own. The Concept Development Plan (see attachments) for this application indicates that 11 mobile homes and a detention basin are proposed. The Change of Non-Conforming Use Permit is required because the limits of the mobile home park are being altered. The Boone County Board of Adjustment is scheduled to act on the application on September 11, 2002.

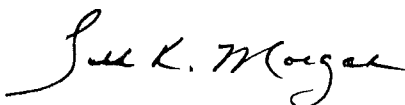
2. The Zoning Administrator has indicated that Type A Buffer Yards will be required along the perimeter of the zone change boundary because new improvements are being made to the site and the proposed zoning district line also serves as a break between a commercial area and a residential area. The Zoning Administrator has indicated that the buffer on the rear property line can be a shared buffer.
3. Staff is concerned about the appearance of the sales and service building because no renderings, details, or pictures have been provided to indicate what the structure will look like.
4. Staff is concerned about the height and intensity of site lighting due to the proximity of the site to Dixie Highway, Weber Lane, and the proposed mobile home park.
5. Staff is concerned about dust and the appearance of the gravel storage lot from Dixie Highway and Weber Lane. The Planning Commission needs to determine if gravel is appropriate in this area. The zoning code does allow storage lots to be graveled.
6. Staff recommends a condition which requires curbing to be installed between the street frontage buffer yards and the edge of the parking and storage lots. This curbing would delineate the curb cuts and protect any newly installed landscaping.
7. Staff recommends a condition which limits the number of mobile homes being housed in the storage lot to two.
8. Staff recommends a condition which would require the old free-standing sign to be removed and replaced with a low level monument sign (10' tall, 100 square feet in area) due to the proximity of the proposed mobile home park and other single-family dwellings on Weber Lane.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations.

The Future Land Use Map will need to be amended if the Planning Commission and Boone County Fiscal Court approve the Zoning Map Amendment.

Respectfully submitted,



Todd K. Morgan  
Planner

TKM/pr

Attachments:

- \*Site Vicinity Map
- \*Concept Development Plan (Zone Change)
- \*Concept Development Plan (Change in Non-Conforming Use)
- \*Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographic Map
- \*Application Form



# King-Zone Change Site Vicinity Map

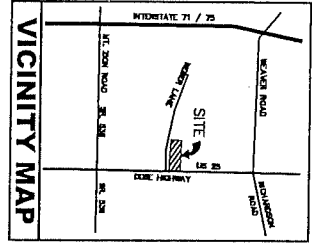
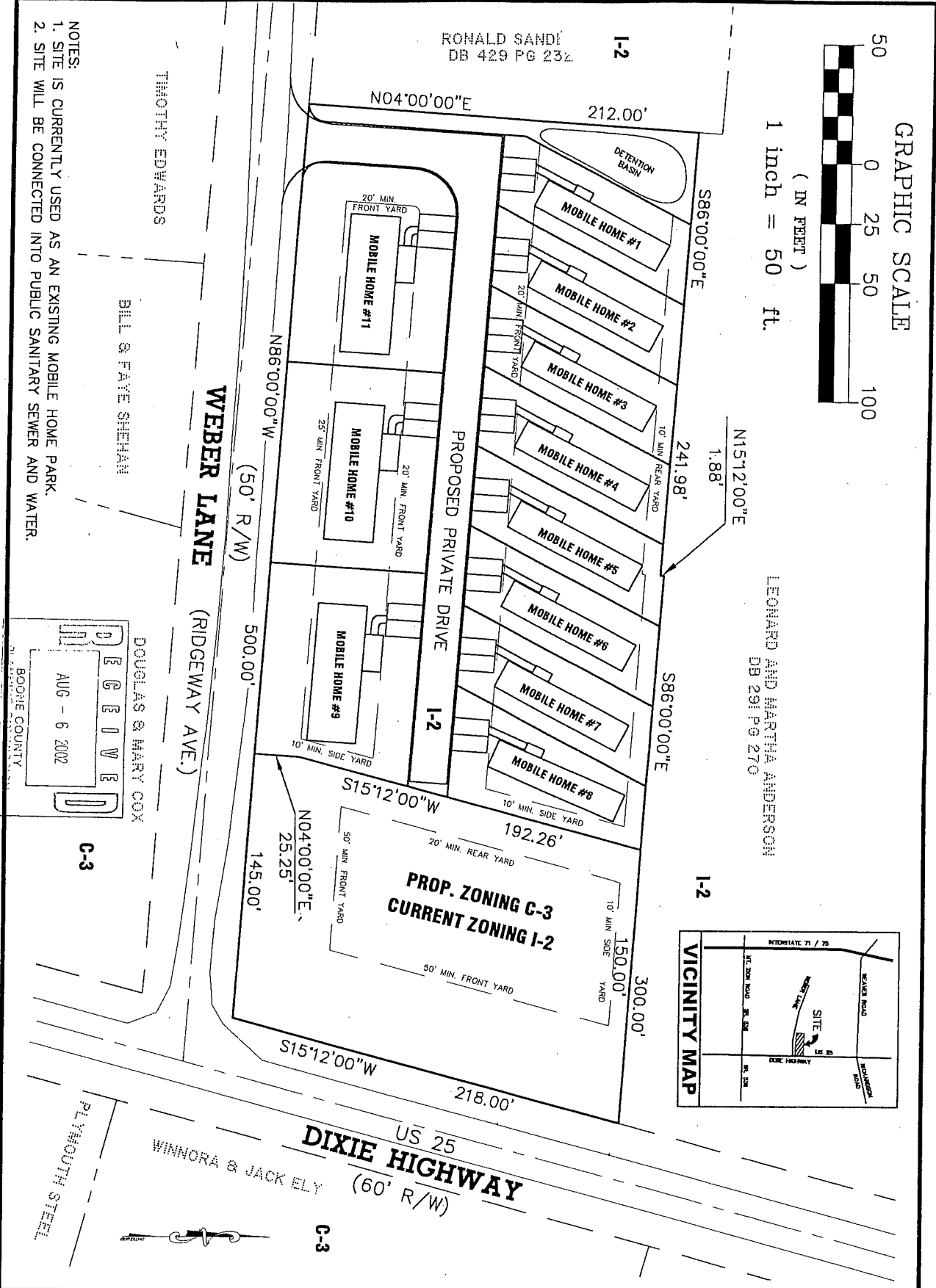
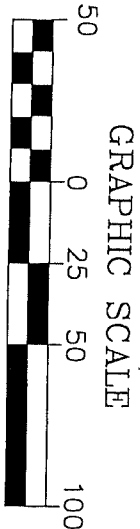
300 0 300 Feet

1 inch equals 300 feet

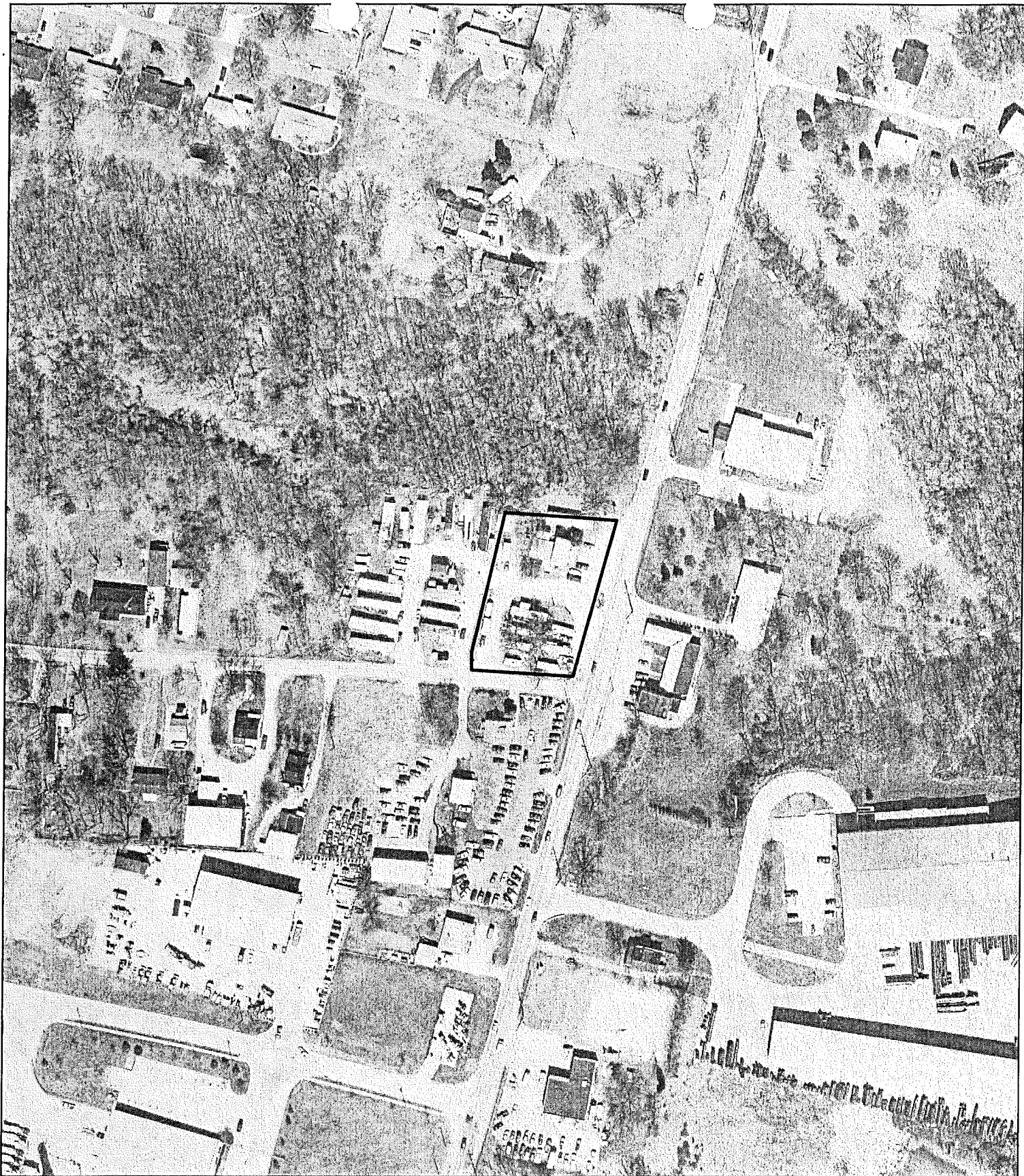
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 19, 2002







DRAWN BY: JBR	<b>BOARD OF ADJUSTMENT EXHIBIT</b> <b>JERRY KING</b> 65 NORTH MAIN STREET WALTON, KENTUCKY 41094	 <b>CENTER LINE ENGINEERING &amp; SURVEYING, PLLC</b> 519 Enterprise Drive Suite #103 Crescent Springs, KY 41017 (859) 578-8050 Fax (859) 578-6632
CHECKED BY: DTRE		
JOB # V-02-038	<b>CHANGE OF NON-COMFORMING USE</b> <b>8484 DIXIE HIGHWAY</b> <b>BOONE COUNTY, KENTUCKY</b>	
DATE 08-05-02		



# King-Zone Change Aerial Map

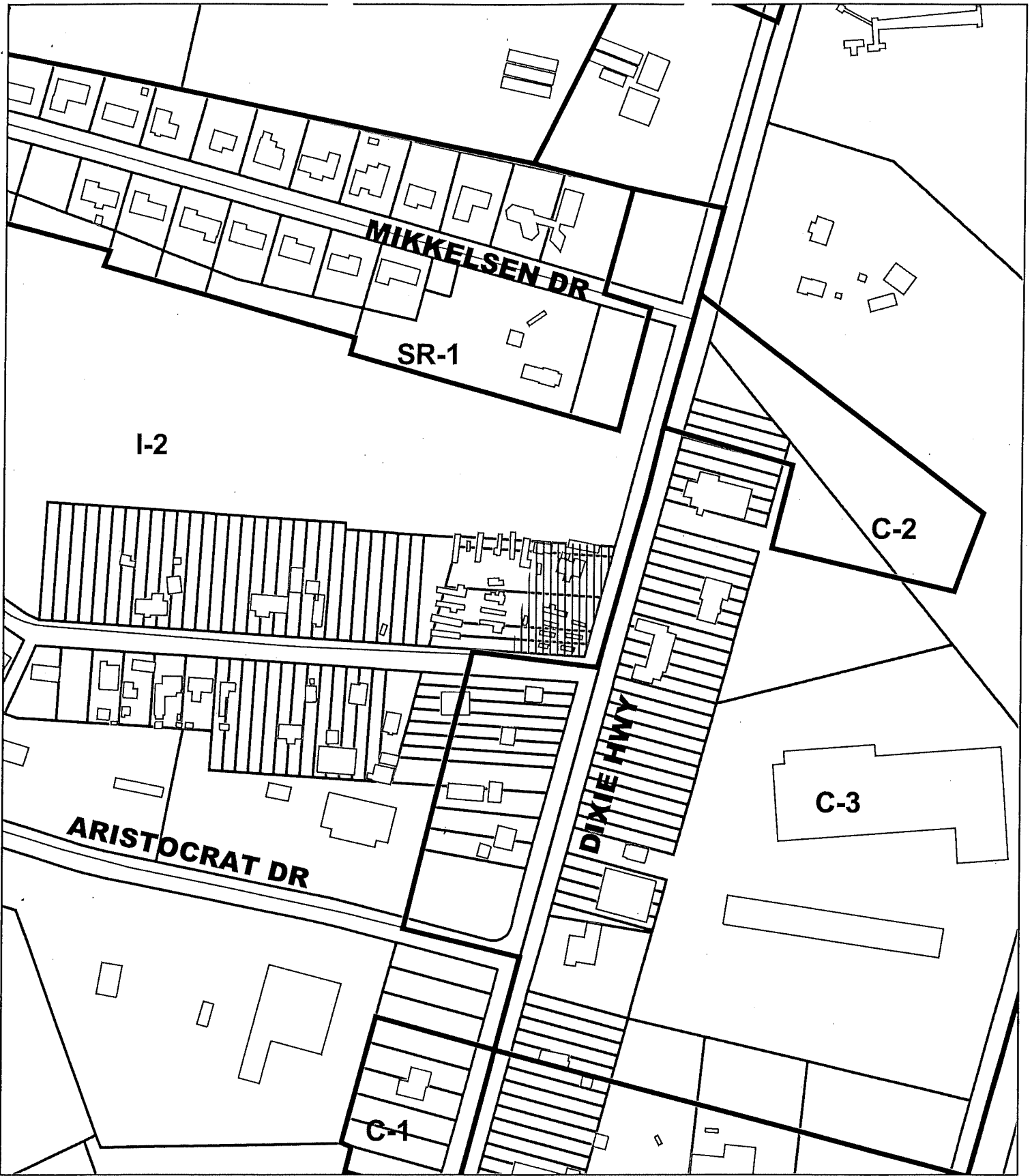
175 0 175 Feet



1 inch equals 175 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 19, 2002





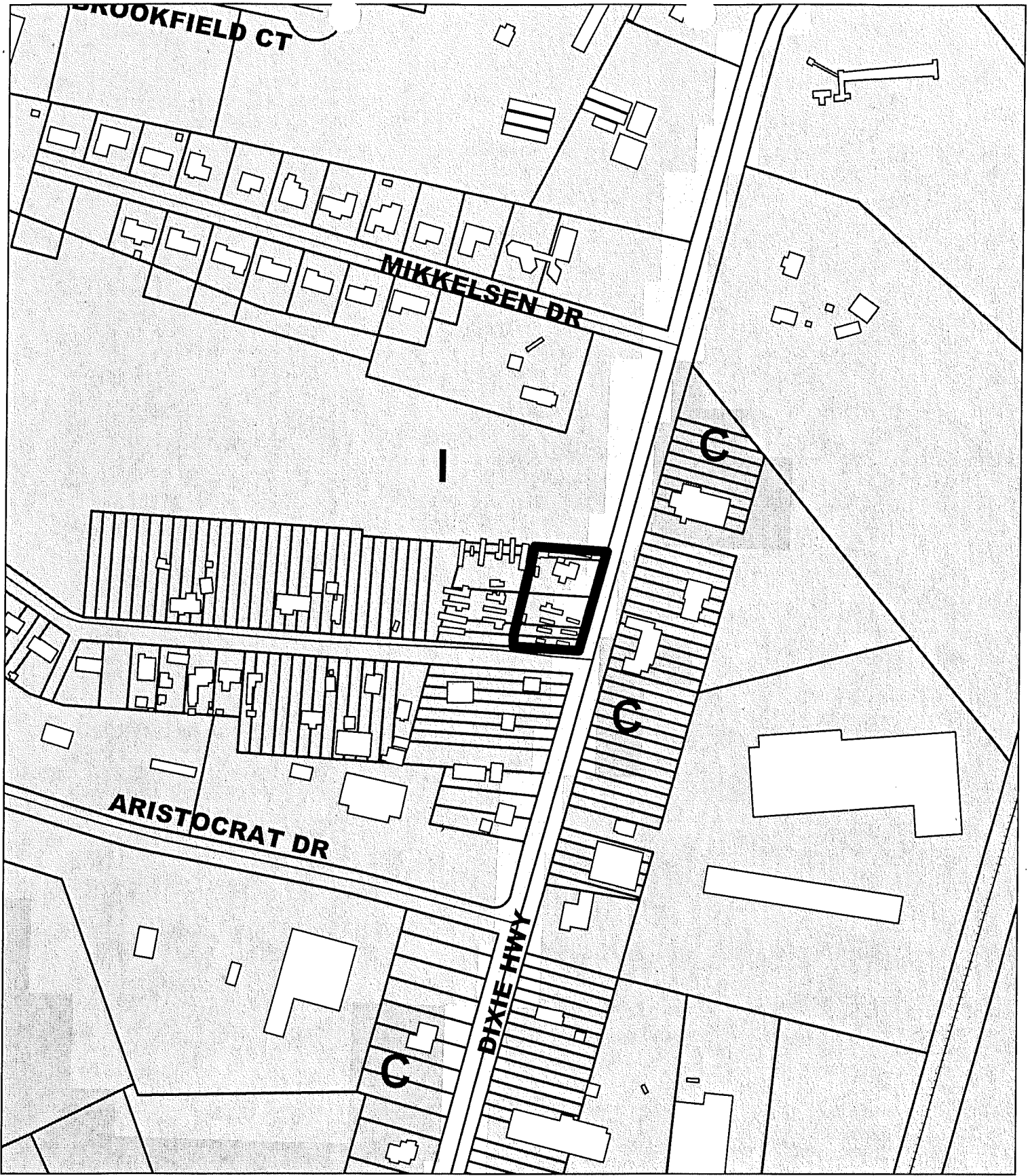
# King-Zone Change Zoning Map

250 0 250 Feet

1 inch equals 250 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 19, 2002





# King-Zone Change Future Land Use Map

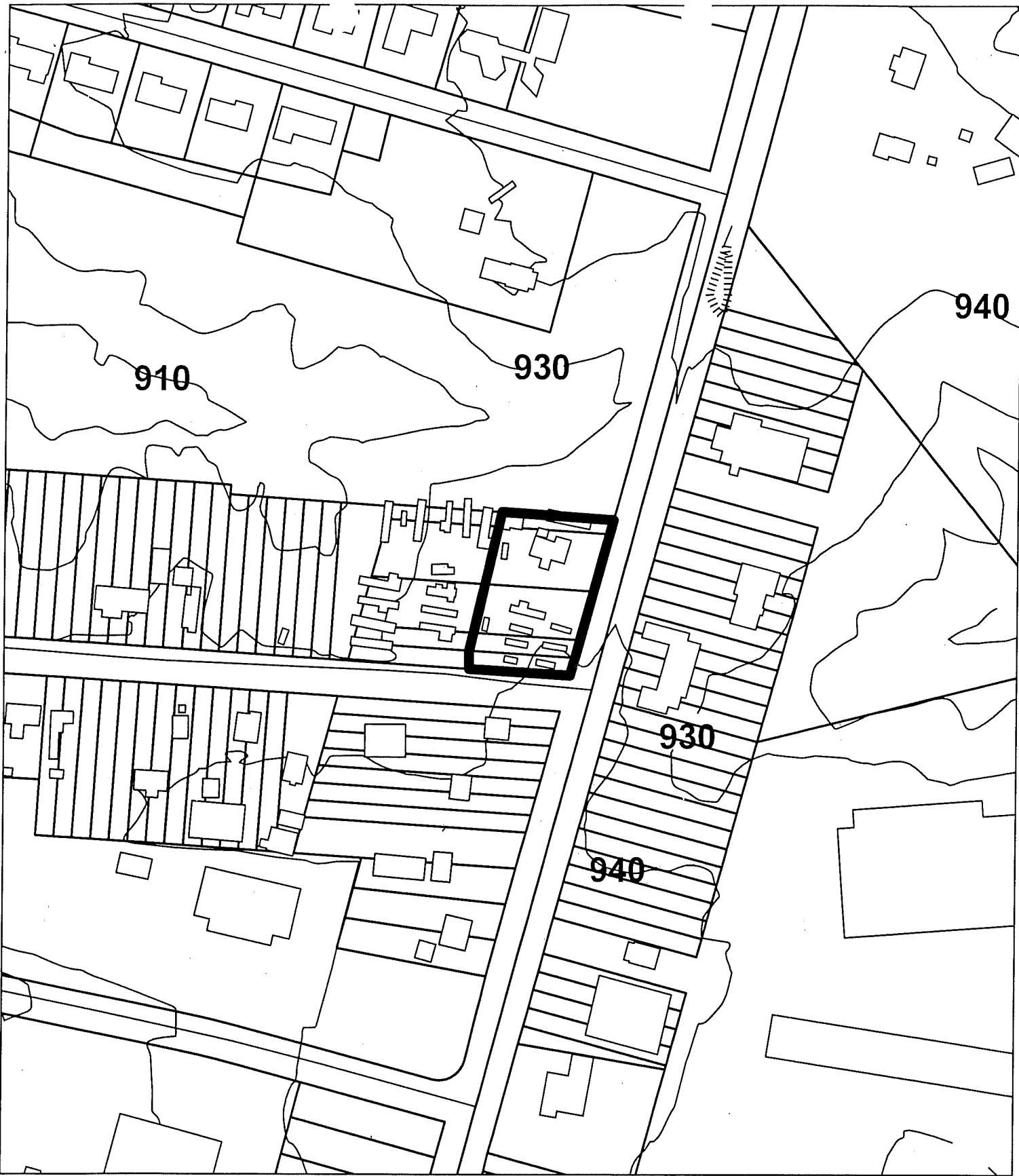
275 0 275 Feet



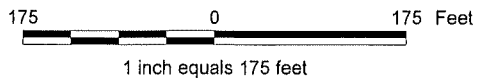
1 inch equals 275 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 19, 2002





# King-Zone Change Topographical Map

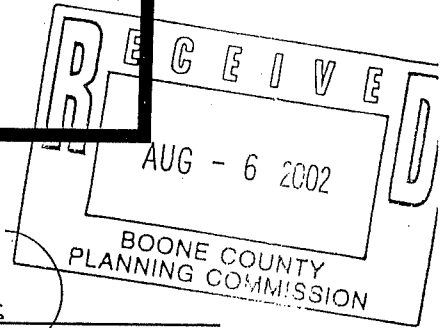


Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 19, 2002



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 8484 DIXIE HWY (Kings Castles)
- 2. Location of Project 8484 DIXIE HWY FLORENCE, KY 41042
- 3. Total Acreage of Site 0.7349 AC.
- 4. Current Zoning of Site I-2
- 5. Proposed Zoning (Classification being requested) C-3
- 6. Proposed Uses (please specify each use) MOBILE HOME SALES OFFICE

- 7. Names of Applicant(s) CENTER LINE ENGINEERING & SURVEYING PLLC  
Phone Number 859. 578. 8050 Fax No. 859. 578. 6632
- 8. Address of Applicant(s) 519 ENTERPRISE DRIVE  
CRESCENT SPRINGS KY 41017  
City State Zip

- 9. Name of Property Owner(s) JERRY & MONA KING.  
Phone Number 859. 485. 9948 Fax No. 859. 485. 9648
- 10. Address of Property Owner(s) 65 NORTH MAIN STREET  
WALTON KY 41094  
City State Zip

- 11. Proposed Building Intensities (please specify) 40X60 SALES OFFICE, AND  
AND AREA FOR MOBILE HOME SALES.

- 12. Are there any existing buildings on the site? YES (TO BE REMOVED)  
How many? 1 MOBILE HOME + 1 HOUSE.
- 13. Deed Book 827 Page No. 45 Group No. 44H167

- 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

**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Following a short recess, the Chairman introduced the second item on the Agenda:

**Applicant:** **Center Line Engineering and Surveying PLLC for Jerry King and Mona King (owners)**

**Request:** **Zoning Map Amendment**

**The request of Center Line Engineering and Surveying PLLC for Jerry King and Mona King (owners) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.**

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Bertram with Center Line Engineering and Mr. Jerry King of U.S. 42 in Walton were present. Mr. Bertram stated that the buffer yard will be shared with the back section and they will provide adequate landscaping. The building has not yet been designed, but they will provide renderings at the Committee meeting. He stated that the gravel storage lot can be addressed and they will try to minimize the amount of gravel. They will try to save the existing treeline. He stated that the plan shows extruded concrete curb at the driveway cut on Dixie Highway running back to the sidewalk and around to the gravel road. In the back, it will run from the concrete walk to the gravel lot. In response to Staff Comment #7, he stated that they have agreed to two mobile homes. He added that the old pole sign will be removed and they will look at putting in a monument type sign.

Mr. Jerry King stated that this is a five-day a week business from 7:30 AM to 5:00 PM and lighting would be limited to motion sensors for safety. They are not open at night. He stated that they will not take out the treeline. This concluded the applicant's presentation.

The Chairman 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 or ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Poston stated that the request is for mobile home sales and service and asked if the mobile homes are brought to them at the site. Mr. King responded that they work on mobile homes at the site. The parts shop is like going to Wal-Mart and there is warehouse space for parts. Mrs. Poston asked if the applicant is the owner of the two units for sale on the lot. Mr. King responded "yes". Mrs. Poston questioned how the mobile homes are moved. Mr. King responded that the access point on Weber Lane is wide enough to take them in and out. They are section units and they come apart.

Mrs. Poston questioned what is happening with the Board of Adjustment. Mr. Morgan indicated the limits of the existing mobile home park. He stated that they are altering the area where the mobile home park will be located and it will be in the area closer to the existing dwellings on Weber Lane. The Zoning Administrator made a decision that they need to go to the Board of Adjustment for a Change of Non-Conforming Use Permit because the limits of the mobile home park are being altered.

Mr. Roland Hay, 179 Weber Lane, asked if the front of the lot takes into consideration the widening of Dixie Highway with the bike paths. He stated that Dixie Highway is supposed to be widened to five lanes.

Mr. Bertram responded that they do not have any plans from the state on the widening yet. Mr. Costello stated that preliminary design work is being done. Staff will provide information at the Committee Meeting on how the widening of Dixie Highway affects this property.

Mr. Hay asked if there are two mobile homes that are for-sale units. Will they sell them and move them out and bring more in? Mr. King responded that the two units are for sale and they are in and out units. Chairman Hicks asked if they will be skirted and finished off or if the wheels will be showing. Mr. King responded that they will be closed up and finished – they need to be attractive when someone comes to look at them.

Chairman Hicks questioned sidewalks in this location. Mr. Costello responded that the question is whether the widening would be three lanes or five lanes. There is sixty feet of right-of-way and 11' – 12' lanes, plus the sidewalks or bike lane. He stated that Staff will get the latest plan available and show the Committee how this project is impacted by the plan.

Chairman Hicks asked if the mobile homes in the rear are occupied now. Mr. Morgan reviewed the limits of the property and indicated the detention/retention area. He stated that they want to expand the area and have cleaned up the site. He stated that the Zoning Administrator has made a determination that the use has not been abandoned and they could come back and replace the units as shown in the picture. The units are not currently there. It is a non-conforming use in the I-2 zone.

Chairman Hicks stated that if the zoning is changed to C-3, they can connect C-3 into I-2 with a connector off Weber Lane into the property behind it. He does not want to go from I-2 to C-3 and not be able to use Weber Lane if it develops in that way. Mr. Morgan responded that there is no connection now. Mr. Costello stated that Weber Lane is a public street regardless of the zoning and if there is access to the lot they can use it. Mr. Bertram stated that Weber Lane has a fifty-foot right-of-way and if an industrial park developed at the back they could use Weber Lane. Mr. Costello responded that the county and the developer would recognize that the road is limited to fifty feet and probably cannot support heavy truck traffic. Chairman Hicks asked if it can support mobile home traffic. Mr. Costello responded that Staff will check with the County Engineer.

Chairman Hicks stated that he is concerned about going from gravel onto blacktop and wheels spinning. Mr. Bertram responded that the curb cut would be a hard surface of asphalt or a concrete apron.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 4:00 PM in the Fiscal Courtroom on the second floor. Mrs. Poston will be the Committee Chairperson. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

The Chairman closed this Public Hearing.

**APPROVED:**



**Mark Hicks, Chairman**

Attest:

  
**Jan Hancock, Recording Secretary**

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

---

---

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Mark Hicks, Chairman  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Robert Newman  
Mr. Randy Poe  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer  
Mr. David Zimmer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell  
Mr. Richard Knock, Temporary Presiding Officer  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Robert Ries  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Todd Morgan, AICP, Planner

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Center Line Engineering and Surveying, PLLC (applicant) for Jerry King and Mona King (owners) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349-acre tract on the northwest corner of the Dixie Highway/Weber Lane Intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed the letter agreeing to the conditions. Mr. Morgan stated that the Concept Plan submitted by the applicant has been handed out to the Commissioners. He stated that the mobile homes shown are for the Board of Adjustment to analyze as a Change in Non-Conforming Use.

There being no discussion, Mr. White moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Zimmer seconded the motion.

In response to a question from Mrs. Wilson, the property owner, Jerry King of 1210 U.S. 42, Walton, Kentucky, stated that if a model unit is vinyl-sided, then the skirting would probably be vinyl. For a log style home, the skirting would be fabricated stone. He stated that these units are not permanent units and would not be blocked. The skirting will be matched to what the unit looks like.

The Chairman questioned if the 75-foot setback will leave enough room for the buffer yard when the road is widened. Mr. Morgan responded "yes" and stated it was moved back 25 additional feet from the original Concept Plan to accommodate the right-of-way widening. The Chairman asked if there will be enough room for the landscaping or if the parking lot will be right off the road. Mr. Morgan responded that there is no time horizon for the widening and it will wipe out the landscaping. Mr. Costello stated that they may be able to replant in the right-of-way close to the property line (if the state allows it). Mr. Morgan stated that the widening is not funded. Mr. Zimmer stated that it is not on the Six-Year Plan for construction.

Chairman Hicks asked if sidewalks are being waived. Mr. Morgan responded that there are no sidewalks fronting on Dixie Highway in this area. Mr. Costello stated that the state will handle sidewalks as part of the upgrade. Chairman Hicks asked for an estimate of the timeframe for widening the road. Mr. White responded "ten years". Mr. Costello agreed. Chairman Hicks questioned sidewalks on Weber Lane. Mr. Costello stated that sidewalks are part of the Site Plan Review process. Mr. Morgan stated that the Zoning Administrator will make the determination as to whether sidewalks are required on Weber Lane. He noted that none of the other properties along Weber Lane have sidewalks and it does not make sense to have an

isolated sidewalk. Chairman Hicks stated that the back portion of the property is going through the Board of Adjustment and the Board could require sidewalks. He stated that sidewalks would not be a bad idea on Weber Lane. He questioned curb and gutter at the entrance on Weber Lane. He stated that there will be industrial traffic with mobile homes coming in and out – tractor trailers will pull the mobile homes in and out. Mr. Zimmer stated that the tractor trailers go in and out once a year. This location is for showing the units and then people will order them and there is no impervious surface from Weber Lane to where the trailers are parked.

In response to a question from the Chairman, Mr. King stated that he bought the property seven to ten months ago. Mr. Zimmer stated that Mr. King has cleaned the property up a lot.

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

**NEW BUSINESS:** None.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

1. **Continuing Education Credits** Mr. Costello stated that he sent out a memorandum to the Commissioners regarding House Bill No. 55 requirements, number of hours, and a list of upcoming workshops and conferences. Anyone interested in attending any of the events should contact him.
2. **Burlington Town Plan** was presented to Fiscal Court yesterday morning and they had first reading on adopting the Planning Commission's recommendation of approval of the Plan.
3. **Zoning Update** There is a meeting tomorrow with the City of Florence to hopefully finish the review of the Zoning Update (text) and City Council is expected to vote on it sometime this month so that all four legislative units will have adopted the Zoning Code.
4. **Planning Future Schools** Staff has been asked by the Diocese of Covington to help them do a complete analysis of their future needs. Mr. Costello has been asked to serve on a Committee that has divided Northern Kentucky into three quadrants – he is in the western quadrant – and will be participating in planning sessions for future schools in Boone County. He will keep the Commissioners up to date.

**COMMITTEE REPORTS:**

**Airport:** Mr. Ries

Mr. Costello stated that the Airport Committee will meet on October 16, 2002 at noon at the Airport Marriott. The Agenda and minutes will be mailed out to the Commissioners.

**Administrative/Personnel:** Mrs. Poston

No report.

EXHIBIT

“B”

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Susan Poston, Chairwoman

**DATE:** October 2, 2002

**RE:** Request of **Center Line Engineering and Surveying PLLC (applicant)** for **Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

### REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

#### Findings of Fact

1. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate. This conclusion is based on the following considerations:
  - a. the site's location on the northwest corner of Dixie Highway and Weber Lane is ideally suited for commercial uses. In addition, the southwest corner of this intersection contains a used automobile dealership, which is a far more intensive use than the proposed mobile home sales and service business;
  - b. the pavement and Weber Lane right-of-way are not suited for heavy industrial type vehicles;
  - c. the last use on the property was a non-conforming mobile home and trailer park. To date, this use has not been abandoned and can be continued by the property owners. The Committee determined that the proposed use is a far better alternative than the continuation of the mobile home and trailer park at the intersection area.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

Conditions

1. No more than two mobile homes are permitted in the sales lot. These units must be properly set up and skirted at all times.
2. The mobile home sales lot will be grass with two concrete pads. The curb cut will be asphalt.
3. The sales and service building will be at least 75' from the Dixie Highway right-of-way.
4. Concrete sidewalks will be provided between the model mobile homes and the parking lot.
5. Staff Design Review is required during Site Plan Review. Elevation drawings of the sales and service building will be provided which show:
  - a. the north, east, and south building elevations are 50% brick and 50% steel siding;
  - b. boxed overhangs on all four elevations; and
  - c. the building is not using any vibrant colors or color schemes.
6. The existing pole sign will be dismantled. The site will be limited to a 10' tall monument sign, which is no larger than 60 square feet.
7. No light poles are permitted on the site. A photometric plan will be required during Site Plan which shows that the average foot candle measurements are 3.6 or less in the internal parking lot and 1.0 or less at the property lines.
8. The front and side property lines will be screened with Buffer Yard A. The rear boundary will be screened with a 20' wide shared buffer. The plantings in this buffer will consist of 5 evergreen trees (6' tall at planting) and 3 deciduous trees (2" in caliper size at planting) per 100 linear feet.

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.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 18, 2002

RE Request of **Center Line Engineering and Surveying PLLC (applicant)** for **Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

### 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 28, 2002  
Center Line/Jerry & Mona King  
Dixie Highway & Weber Lane

*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"/>		

*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"/>		

Lisa Wilson

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input checked="" 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*  
Randy Barlow (Alternate)\*

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

Janet Kegley (Alternate)\*

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

TOTAL: 0 DEFERRED 5 FOR 0 AGAINST 0 ABSTAIN  
1 ABSENT

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 4, 2002

RE Request of **Center Line Engineering and Surveying PLLC (applicant)** for **Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

### 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.

September 4, 2002

Center Line/Jerry & Mona King

Dixie Highway & Weber Lane

*Susan Poston*

**Susan Poston, Chairwoman**

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain   /   Absent \_\_\_\_\_  
 Deferred   /  

*Bob Newman*

**Bob Newman**

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent \_\_\_\_\_  
 Deferred   /  

**Earl White**

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent   /    
 Deferred \_\_\_\_\_

*Lisa Wilson*

**Lisa Wilson**

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent \_\_\_\_\_  
 Deferred   /  

*David Zimmer*

**David Zimmer**

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent \_\_\_\_\_  
 Deferred   /  

*Randy Barlow*

**Randy Barlow (Alternate)\***

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent \_\_\_\_\_  
 Deferred   /  

**Janet Kegley (Alternate)\***

For \_\_\_\_\_ Against \_\_\_\_\_  
 Abstain \_\_\_\_\_ Absent \_\_\_\_\_  
 Deferred \_\_\_\_\_

TOTAL:   5   DEFERRED    FOR    AGAINST    ABSTAIN  
  1   ABSENT

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

Following a short recess, the Chairman introduced the second item on the Agenda:

Applicant: Center Line Engineering and Surveying PLLC for Jerry King and Mona King (owners)

Request: Zoning Map Amendment

The request of Center Line Engineering and Surveying PLLC for Jerry King and Mona King (owners) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Bertram with Center Line Engineering and Mr. Jerry King of U.S. 42 in Walton were present. Mr. Bertram stated that the buffer yard will be shared with the back section and they will provide adequate landscaping. The building has not yet been designed, but they will provide renderings at the Committee meeting. He stated that the gravel storage lot can be addressed and they will try to minimize the amount of gravel. They will try to save the existing treeline. He stated that the plan shows extruded concrete curb at the driveway cut on Dixie Highway running back to the sidewalk and around to the gravel road. In the back, it will run from the concrete walk to the gravel lot. In response to Staff Comment #7, he stated that they have agreed to two mobile homes. He added that the old pole sign will be removed and they will look at putting in a monument type sign.

Mr. Jerry King stated that this is a five-day a week business from 7:30 AM to 5:00 PM and lighting would be limited to motion sensors for safety. They are not open at night. He stated that they will not take out the treeline. This concluded the applicant's presentation.

The Chairman 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 or ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Poston stated that the request is for mobile home sales and service and asked if the mobile homes are brought to them at the site. Mr. King responded that they work on mobile homes at the site. The parts shop is like going to Wal-Mart and there is warehouse space for parts. Mrs. Poston asked if the applicant is the owner of the two units for sale on the lot. Mr. King responded "yes". Mrs. Poston questioned how the mobile homes are moved. Mr. King responded that the access point on Weber Lane is wide enough to take them in and out. They are section units and they come apart.

Mrs. Poston questioned what is happening with the Board of Adjustment. Mr. Morgan indicated the limits of the existing mobile home park. He stated that they are altering the area where the mobile home park will be located and it will be in the area closer to the existing dwellings on Weber Lane. The Zoning Administrator made a decision that they need to go to the Board of Adjustment for a Change of Non-Conforming Use Permit because the limits of the mobile home park are being altered.

Mr. Roland Hay, 179 Weber Lane, asked if the front of the lot takes into consideration the widening of Dixie Highway with the bike paths. He stated that Dixie Highway is supposed to be widened to five lanes.

Mr. Bertram responded that they do not have any plans from the state on the widening yet. Mr. Costello stated that preliminary design work is being done. Staff will provide information at the Committee Meeting on how the widening of Dixie Highway affects this property.

Mr. Hay asked if there are two mobile homes that are for-sale units. Will they sell them and move them out and bring more in? Mr. King responded that the two units are for sale and they are in and out units. Chairman Hicks asked if they will be skirted and finished off or if the wheels will be showing. Mr. King responded that they will be closed up and finished – they need to be attractive when someone comes to look at them.

Chairman Hicks questioned sidewalks in this location. Mr. Costello responded that the question is whether the widening would be three lanes or five lanes. There is sixty feet of right-of-way and 11' - 12' lanes, plus the sidewalks or bike lane. He stated that Staff will get the latest plan available and show the Committee how this project is impacted by the plan.

Chairman Hicks asked if the mobile homes in the rear are occupied now. Mr. Morgan reviewed the limits of the property and indicated the detention/retention area. He stated that they want to expand the area and have cleaned up the site. He stated that the Zoning Administrator has made a determination that the use has not been abandoned and they could come back and replace the units as shown in the picture. The units are not currently there. It is a non-conforming use in the I-2 zone.

Chairman Hicks stated that if the zoning is changed to C-3, they can connect C-3 into I-2 with a connector off Weber Lane into the property behind it. He does not want to go from I-2 to C-3 and not be able to use Weber Lane if it develops in that way. Mr. Morgan responded that there is no connection now. Mr. Costello stated that Weber Lane is a public street regardless of the zoning and if there is access to the lot they can use it. Mr. Bertram stated that Weber Lane has a fifty-foot right-of-way and if an industrial park developed at the back they could use Weber Lane. Mr. Costello responded that the county and the developer would recognize that the road is limited to fifty feet and probably cannot support heavy truck traffic. Chairman Hicks asked if it can support mobile home traffic. Mr. Costello responded that Staff will check with the County Engineer.

Chairman Hicks stated that he is concerned about going from gravel onto blacktop and wheels spinning. Mr. Bertram responded that the curb cut would be a hard surface of asphalt or a concrete apron.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 4:00 PM in the Fiscal Courtroom on the second floor. Mrs. Poston will be the Committee Chairperson. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

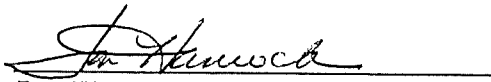
The Chairman closed this Public Hearing.

APPROVED:



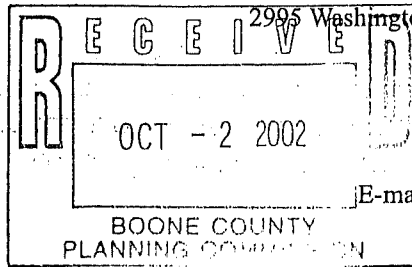
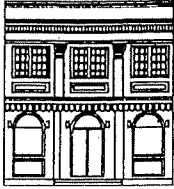
Mark Hicks, Chairman

Attest:

  
Jan Hancock, Recording Secretary

# SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

September 24, 2002

Mr. & Mrs. Jerry King  
~~65 North Main Street~~  
~~Walton, KY 41094~~

NOTE: NEW ADDRESS  
10136 DIXIE HWY  
FLORENCE KY 41042

RE: Request of **Center Line Engineering and Surveying PLLC (applicant) for Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

Dear Mr. & Mrs. King:

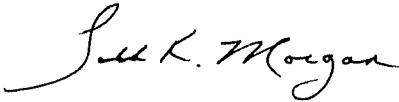
The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owners, agree to the following conditions, please indicate so by signing the spaces provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on October 1, 2002.

Conditions

1. No more than two mobile homes are permitted in the sales lot. These units must be properly set up and skirted at all times.
2. The mobile home sales lot will be grass with two concrete pads. The curb cut will be asphalt.
3. The sales and service building will be at least 75' from the Dixie Highway right-of-way.
4. Concrete sidewalks will be provided between the model mobile homes and the parking lot.
5. Staff Design Review is required during Site Plan Review. Elevation drawings of the sales and service building will be provided which show:
  - a. the north, east, and south building elevations are 50% brick and 50% steel siding;

- b. boxed overhangs on all four elevations; and
  - c. the building is not using any vibrant colors or color schemes.
6. The existing pole sign will be dismantled. The site will be limited to a 10' tall monument sign, which is no larger than 60 square feet.
  7. No light poles are permitted on the site. A photometric plan will be required during Site Plan which shows that the average foot candle measurements are 3.6 or less in the internal parking lot and 1.0 or less at the property lines.
  8. The front and side property lines will be screened with Buffer Yard A. The rear boundary will be screened with a 20' wide shared buffer. The plantings in this buffer will consist of 5 evergreen trees (6' tall at planting) and 3 deciduous trees (2" in caliper size at planting) per 100 linear feet.

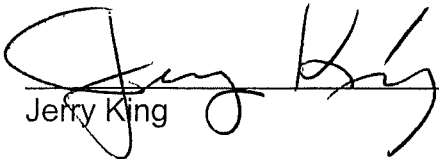
Sincerely,



Todd K. Morgan, AICP  
Planner

TKM\dw

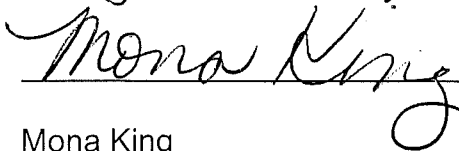
We, Jerry King and Mona King, do hereby agree to the above-listed conditions of approval for the Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky.



---

Jerry King

9/27/02  
Date



---

Mona King

9/27/02  
Date

5  
AFTER RECORDING  
MAIL TO:

TITLECARE CLOSING COMPANY  
3307 Dixie Highway  
Erlanger, KY 41018  
(859) 331-3240

02-1457

# DEED

FAIR CASH VALUE \_\_\_\_\_  
TRANSFER TAX \_\_\_\_\_

PIDN: \_\_\_\_\_  
GROUP: \_\_\_\_\_  
PLAT: \_\_\_\_\_

## Know All Men By These Presents:

That Richard Waldman, acting as Executor of the Estate of Madeline Hamilton, and acting pursuant to the power of sale granted in the Will of said decedent which is recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, at Burlington, KY.

whose mailing address is: 1961 NE 196th Terrace, North Miami Beach, FL 33179

for and in consideration of \$180,000.00 to them paid by

the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Jerry W. King and Mona King, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of N/A

County of Boone and Commonwealth of Kentucky, to-wit:

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said Jerry W. King and Mona King, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor his heirs, executors and administrators, HEREBY COVENANTING with the Grantees, their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that he will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, Richard Waldman, acting as Executor of the Estate of Madeline Hamilton, and acting pursuant to power of sale granted in said decedent's Will recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, at Burlington, KY

hereunto set his hand, this 22 day of April in the year 2002.

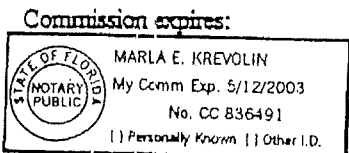
\_\_\_\_\_  
Madeline Hamilton Estate  
by Richard Waldman  
\_\_\_\_\_  
Executor  
\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged, subscribed and sworn to before me this 22 day of April, 2002, by the Grantor,

Richard Waldman, acting as Executor of the Estate of Madeline Hamilton

Marla E. Krevolin  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
(Title)



his wife  
e simple

CERTIFICATE OF CONSIDERATION

ENANTING  
FREE AND  
legal claim

utor of  
wer of  
63  
ington,

002-

te

*Madeline*

of April

adeline Ha

*[Signature]*

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 22 day of April, in the year 2002.

GRANTOR

GRANTEE

Madeline Hamilton Estate

*Jerry W. King*  
Jerry W. King

by *Richard Waldman*  
Executor

*Mona King*  
Mona King

STATE OF KENTUCKY  
COUNTY OF Henton

29th

The foregoing certification was acknowledged, subscribed and sworn to before me this 29th day of April, 2002, by

Jerry W. King and Mona King

Commission expires:

7/8/05

Notary Public

*[Signature]*  
(Title)

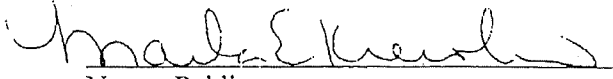
PREPARED BY:

THIS DOCUMENT WAS PREPARED BY  
*Eddie W. Brown*

EDDIE W. BROWN  
ATTORNEY AT LAW  
7130 PRICE PIKE  
FLORENCE, KY 41042

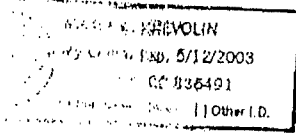
STATE OF FLORIDA  
COUNTY OF DADE

The foregoing Certification was acknowledged, subscribed and sworn to before me, this 22 day of April, 2002, by Richard Waldman, acting as Executor of the Estate of Madeline Hamilton.



Notary Public

My Commission Expires: \_\_\_\_\_



Group No. 44  
Plat No. 1/9

PARCEL 1: Situated in the County of Boone and Commonwealth of Kentucky, to-wit Being the South twenty (20) feet of Lot Eighty-four (84) and ALL of Lots 85 to 88 both inclusive in the WEBER PLACE SUBDIVISION, made by W. H. Weber in October, 1925, as said Lots are shown and laid out on the Plat recorded in Burlington, Boone County Records, Plat Book 1, pages 8 and 9. All of said lots adjoin and form together a frontage of 218 feet by a depth of 300 feet according to said Plat.

Group No. 167  
Plat No. 1/98A

PARCEL 2: Located on the North side of Weber Lane (Ridgeway Avenue) and being portions of Lots 163-169 inclusive of the Weber Place Subdivision (also part of Parcel A of 5.6 acres of the Dixie Manor Homesites) and described particularly thus: BEGINNING at a point in the N line of said Weber Lane 300 ft. NW as measured along said line from the W right of way line of US Highway 25 (said point is also a common corner of lots 88 and 169 of said Weber Place subdivision) thence along said line of Weber lande N 86 W 200 feet; thence at right angles, N E 212 feet; thence parallel to Weber lane S 86 E 242.3 feet to a point in the W line of the front lot block of Rt. 25 of said Weber Place Subdivision; thence with said line S 15-17 W 216 feet to the place of beginning containing 1 acre more or less. The property herein conveyed shall be subject to all restrictive covenants as set out in previous deeds of conveyance relating to this real estate.

The above described 1 acre lot is part of Baby Farm "A" of 5.60 acres of the Dixie Manor Homesites Subdivision as shown and recorded in Plat Book 1, page 98A of the Boone County Clerk's records, and is part of the land conveyed to Freda Turner Snead by Beuford E. Stanley by deed dated 2-12-43, recorded in Deed Book 80, page 177 Boone County. The said Baby Farm "A" comprises along with other lots, lots #s 163 to 169 inclusive of the Weber Place Subdivision which was laid out prior to the time that the Dixie Manor Homesites Subdivision was laid out. The plat of said Weber Place Subdivision is recorded in Plat Book 1 page 9 of the said Boone County Clerk's records.

Being the same property conveyed to Martha Madeline Hamilton (aka Madeline Hamilton) by Anna Preising, a widow, by Deed dated the 28<sup>th</sup> day of August, 1973, and recorded in Deed Book 205 page 547 of the Boone County Court Clerk's records, at Burlington, KY.

The said Madeline Hamilton died testate on June 2, 1999, and under the terms of her Will which was probated on July 9, 1999, and recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, she granted to her executor, Richard Waldman, the full power and authority to sell her real estate.

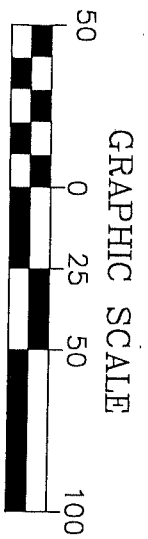
PROPERTY ADDRESS: 8484 Dixie Highway, Florence, KY 41042

GRANTEE MAILING ADDRESS: 65 North Main St, Walton, KY 41094

BOONE COUNTY  
D827 PG 49

DOCUMENT NO: 117693  
RECORDED ON: MAY 01, 2002 02:48:23PM  
TOTAL FEES: \$16.00  
TRANSFER TAX: \$188.00  
GROUP : 44  
COUNTY CLERK: MARILYN K ROUSE  
COUNTY: BOONE  
DEPUTY CLERK: BARBARA

BOOK D827 PAGES 45 - 49



GRAPHIC SCALE

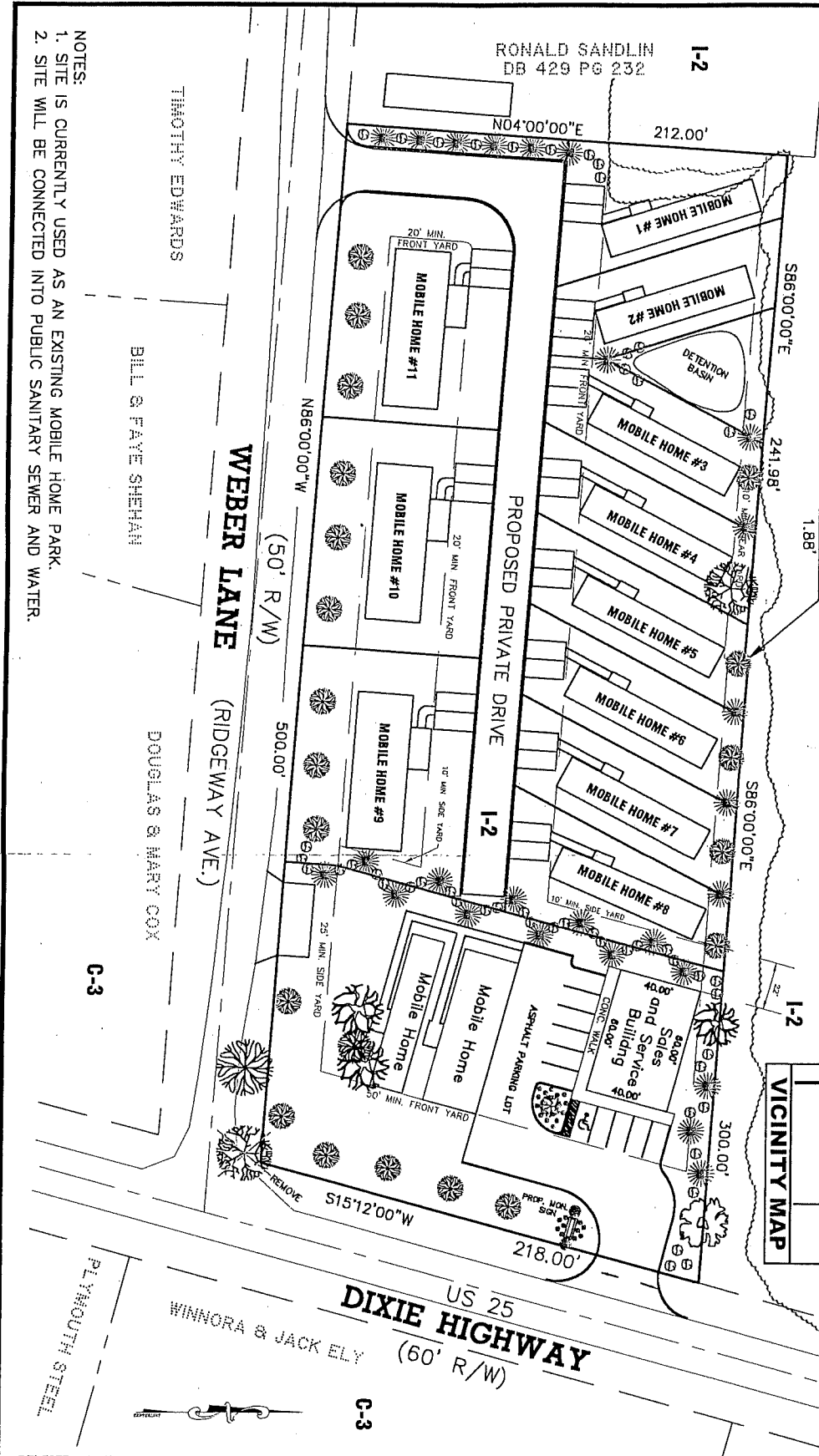
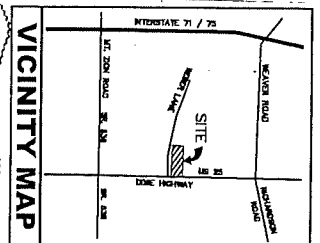
( IN FEET )  
1 inch = 50 ft.

CONCEPT PLAN WITH APPROVED CONDITIONS

Staff *Jessie McGehee*

Date *10-2-02*

Boone County Planning Commission  
\* Concept Plan is for 7349 Ac. Zone Change Area Only




- NOTES:
1. SITE IS CURRENTLY USED AS AN EXISTING MOBILE HOME PARK.
  2. SITE WILL BE CONNECTED INTO PUBLIC SANITARY SEWER AND WATER.

REVISED: 9-11-02

DRAWN BY:	JBER
CHECKED BY:	DTRE
JOB #	V-02-038
DATE	08-05-02

**ZONING EXHIBIT**  
**JERRY KING**  
 65 NORTH MAIN STREET  
 WALTON, KENTUCKY 41094

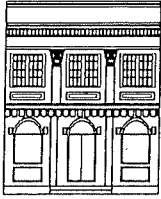
**CHANGE OF NON-COMFORMING USE**  
**8484 DIXIE HIGHWAY**  
**BOONE COUNTY, KENTUCKY**



**CENTER LINE ENGINEERING & SURVEYING, PLLC**

519 Enterprise Drive  
 Suite #103  
 Crescent Springs, KY 41017  
 (859) 578-8050 Fax (859) 578-6632

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

## MEMORANDUM

Phone: (859) 334-2196

Fax (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

**TO:** Zone Change Committee

**FROM:** Todd K. Morgan, AICP *TKM*  
Planner, Zoning Services

**DATE:** September 4, 2002

**RE:** Jerry & Mona King – Zoning Map Amendment Application

The following issues were brought up during the August 28, 2002 Public Hearing:

1. Does the plan consider the widening of Dixie Highway?

Staff has learned that the KY Transportation Cabinet has laid out four alternative plans for widening Dixie Highway, between Industrial Road and Richwood Road. All four plans show a 103' +/- right-of-way, 5 lanes, bicycle lanes, and sidewalks. The Transportation Cabinet has right-of-way acquisition slated for 2006.

The Four Alternative Plans would have the following impacts on the property based on the existing right-of-way being 75' wide (the applicant's Concept Plan shows a 60' wide right-of-way):

Alternative 1 (adding lanes of both sides of road) – 20' to be acquired

Alternative 2 (adding lanes to the west) – 47' to be acquired

Alternative 3 (adding lanes to the east) – 15' to be acquired

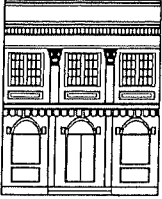
Alternative 4 (Combining favorable characteristics of first three plans) – 22' to be acquired

The applicant's submitted plan does not recognize the widening of Dixie Highway

2. Can Weber Lane accommodate the heavy truck traffic?

The County Engineer indicated that he would grant an encroachment permit on Weber Lane because the overall number of curb cuts was being reduced.

# 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

## MEMORANDUM

**TO:** Zone Change Committee

**FROM:** Todd K. Morgan, AICP  
Planner, Zoning Services *TKM*

**DATE:** September 18, 2002

**RE:** Jerry & Mona King – Zoning Map Amendment Application

The following issues were discussed during the September 4, 2002 Zone Change Committee Meeting:

1. Moving the building further back on site to accommodate the future widening of Dixie Highway.

The applicant has furnished Staff with a new Concept Plan, which shows the proposed building located 75' from the Dixie Highway right-of-way. The previous Concept Plan showed the building 55' from the right-of-way. However, the building could be moved back an additional 12' and still be located within the proposed C-3 zone.

2. Landscaping

The applicant's new Concept Plan shows buffering around the perimeter of the property. The front and sides of the property will be required to be planted with Buffer Yard A. Staff would recommend a Condition which requires the buffer along the zoning boundary to be 10' wide (can be shared) and consist of 5 evergreen trees (6' tall at planting) and 3 deciduous trees (2" in caliper size at planting) per 100 linear feet.

3. Potential Conditions

- a. Staff Design Review is required during Site Plan Review. Elevation drawings of the sales and service building will be provided which show:
  - North, East, and South building elevations are 50% brick and 50% steel siding
  - Boxed Overhangs will be provided on all four elevations
  - The building cannot use any vibrant colors or color schemes;
- b. The existing pole sign will be dismantled. Free-standing signage will be limited to a 10' tall monument sign, which is no larger than 60 square feet;
- c. Concrete sidewalks will be provided between the model mobile homes and the parking lot;

Zone Change Committee  
September 18, 2002

- d. No light poles are permitted on the site. A photometric plan will be required during Site Plan which shows that the average foot candle measurements are 3.6 or less in the internal parking lot and 1.0 or less at the property lines.
- e. No more than 2 mobile homes are permitted in the sales lot. These units must be properly set up and skirted at all times.
- f. The mobile homes sales lot will be grass with two concrete pads. The curb cut will be asphalt.



DEPARTMENT OF HIGHWAYS  
DISTRICT 6

## **PUBLIC MEETING**

CONCERNING

## **US 25 RECONSTRUCTION**

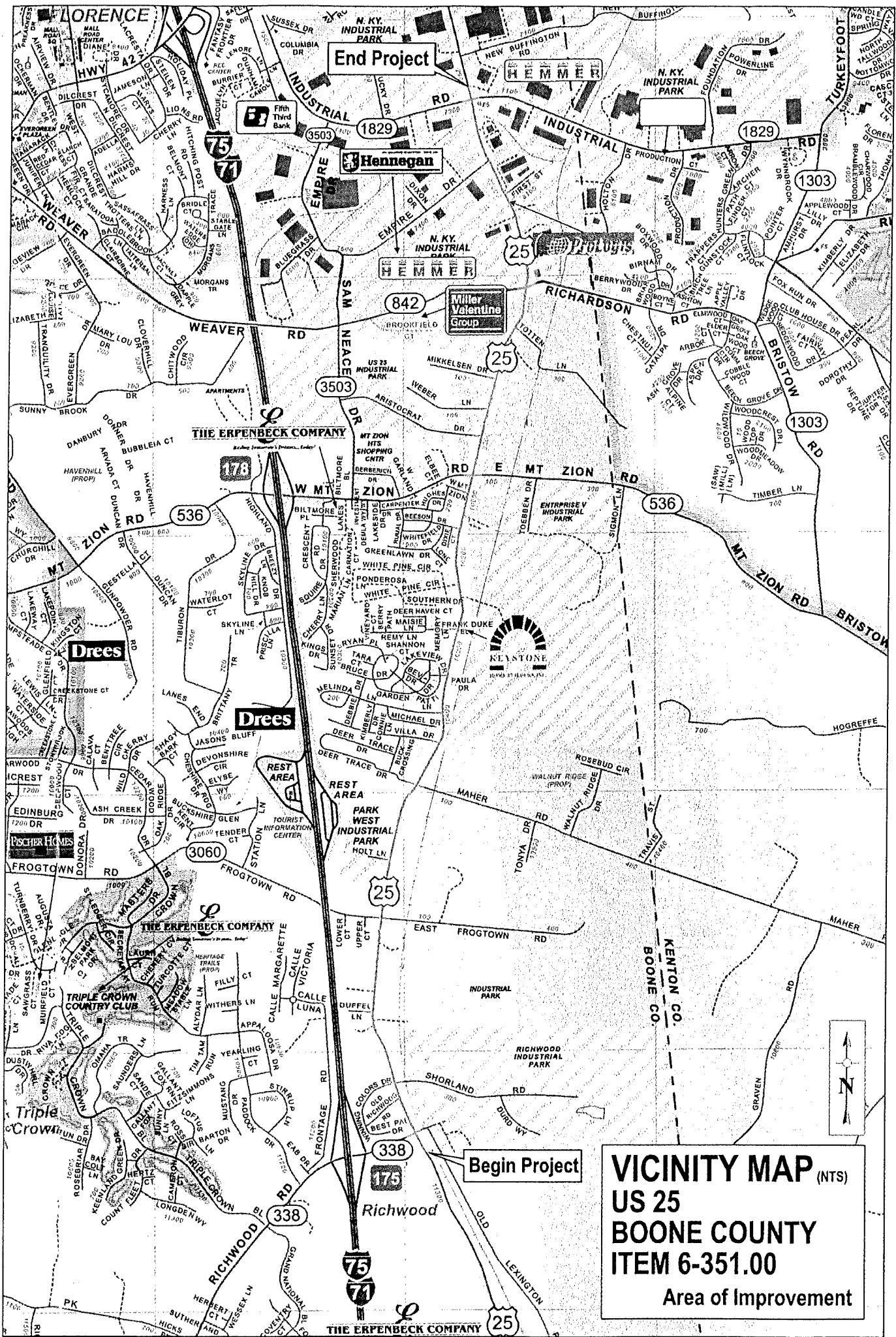
ITEM No. 6-351.00

AT

Ryle High School  
Florence, Kentucky  
Tuesday July 23, 2002  
5:00 pm – 7:00 pm

### **PROJECT DESCRIPTION**

This project studies an approximately 4.6 mile corridor of US 25, known locally as Dixie Highway in Boone County, Kentucky. The study area begins just south of KY 338, and ends slightly north of KY 1829, Industrial Road (see attached vicinity map). The project intends to make improvements to US 25 in order to meet future traffic demands by reconstructing the existing road or by possibly constructing new roadway segments within the corridor.



**End Project**

**Begin Project**

**VICINITY MAP** (NTS)  
**US 25**  
**BOONE COUNTY**  
**ITEM 6-351.00**  
 Area of Improvement

THE ERPENBECK COMPANY

LORENCE

Hennegan

Miller Valentine Group

THE ERPENBECK COMPANY

Drees

Drees

THE ERPENBECK COMPANY

TRIPLE CROWN COUNTRY CLUB

Triple Crown

Richwood

KENTON CO.  
BOONE CO.





Commonwealth of Kentucky  
**Transportation Cabinet**

Department of Highways, District Six  
421-423 Buttermilk Pike & I-75, P. O. Box 17130  
Covington, Kentucky 41017  
859/341-2700, (Fax) 859/341-3661  
Samuel H. Beverage  
Chief District Engineer

Paul E. Patton  
Governor

James C. Codell, III  
Secretary of Transportation

Clifford C. Linkes, P.E.  
Deputy Secretary

July 23, 2002

Dear Citizen:

I would like to take this opportunity to welcome you to this Design Public Meeting on the proposed reconstruction of US 25 (Dry Ridge – Florence Road) from KY 1829 (Industrial Road) to KY 338 (Richwood).

Please take a few minutes and read the material in this handout. The information contained herein may address some of your concerns or answer some questions you may have about the project.

This meeting is being conducted using the "Open Format" procedure. No speeches or oral presentations will be given. Please feel free to roam about and take time to acquaint yourself with the various exhibits of maps, plans and other pertinent information concerning the proposed project. Representatives of the Department of Highways and the Department's Design Consultant are available to help answer any questions and/or explain any of the provided information.

This meeting is provided for your information and assistance in formulating an opinion or comment, and affording you an opportunity to express that comment. A Comment Sheet is provided in this handout to aid you in submitting your views. The Comment Sheet may be submitted at this meeting or to the District #6 Office within 15 days after the hearing. The views and comments in this document will be considered and may affect decisions to be made concerning this project. *Therefore, it is important that you express your views as an individual, even though that view is the same as one previously voiced or written.*

During the 15-day period after the public meeting, the exhibits and information provided at this meeting shall be available at the District #6 Office in Covington. Employees will be available to answer questions and explain the plans and proposals.

I want to thank you for attending and participating in this Design Public Meeting. Your comments are important to us and we *will* consider them as we work together toward developing final construction plans for this project.

Sincerely,

Carol A. Callan, P.E.  
Project Manager



## **PURPOSE**

The purpose of this meeting is to present to the general public alternatives being considered by the Kentucky Transportation Cabinet for improvements to US 25 and to solicit comments from concerned citizens. Additionally, this meeting marks the beginning of the Section 106 Process, as described below.

### **Protection of Historic Properties under Section 106 of the Historic Preservation Act**

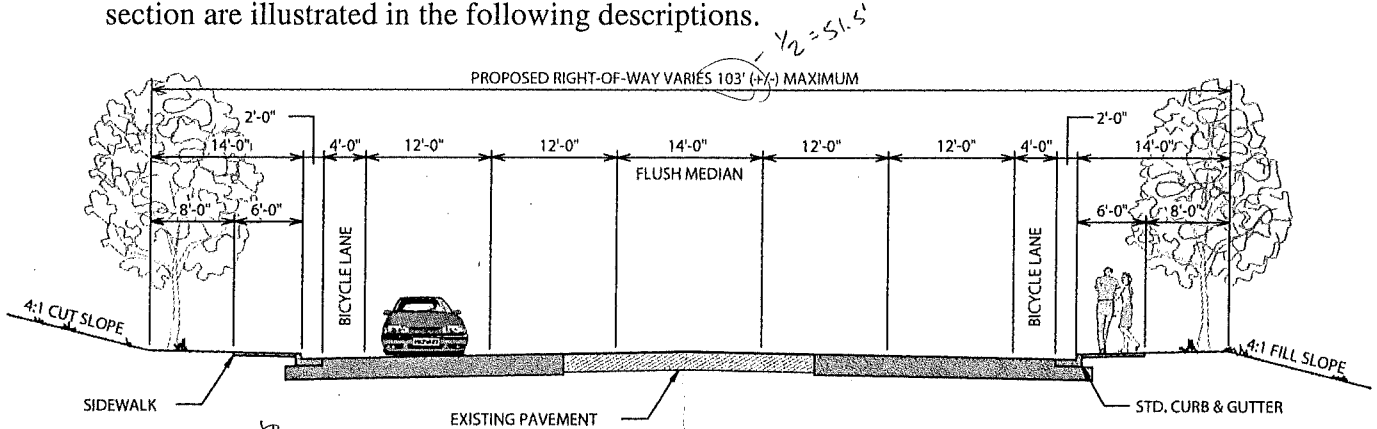
- ◆ Section 106 of the Historic Preservation Act (16 United States Code 470) requires federal agencies to take into account the effects of the proposed project on historic properties. Because this project involves federal funds by the Federal Highway Administration, the Section 106 process must be conducted.
- ◆ The Section 106 process seeks to accommodate historic preservation concerns with the needs of the project through consultation among several groups or individuals. These are known as Consulting Parties and include the following: State Historic Preservation Officer, local government and other individuals or groups with a demonstrated interest in the project or concern for the project's effect on historic properties.
- ◆ Consultation is the process of seeking, discussing and considering the views of other interested parties, and where feasible, seeking agreement with them.
- ◆ The goal of consultation is to identify historic properties potentially affected by the project, assess its effects, and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.
- ◆ The regulations implementing Section 106 are listed in 65 Federal Register 77698 (December 12, 2000). Information on the Section 106 regulations also is available from the Advisory Council on Historic Preservation. The information can be found on the world wide web at: [www.achp.gov/106summary.html](http://www.achp.gov/106summary.html).

For further information on the Section 106 process and/or to determine if you are eligible for consulting party status, please contact:

Sharon Laycock, Environmental Coordinator  
Kentucky Transportation Cabinet  
Department of Highways, District Six  
421-423 Buttermilk Pike & I-75, P.O. Box 17130  
Covington, Kentucky 41017-0130  
(859) 341-2707 ext. 293  
email: [sharon.laycock@mail.state.ky.us](mailto:sharon.laycock@mail.state.ky.us)

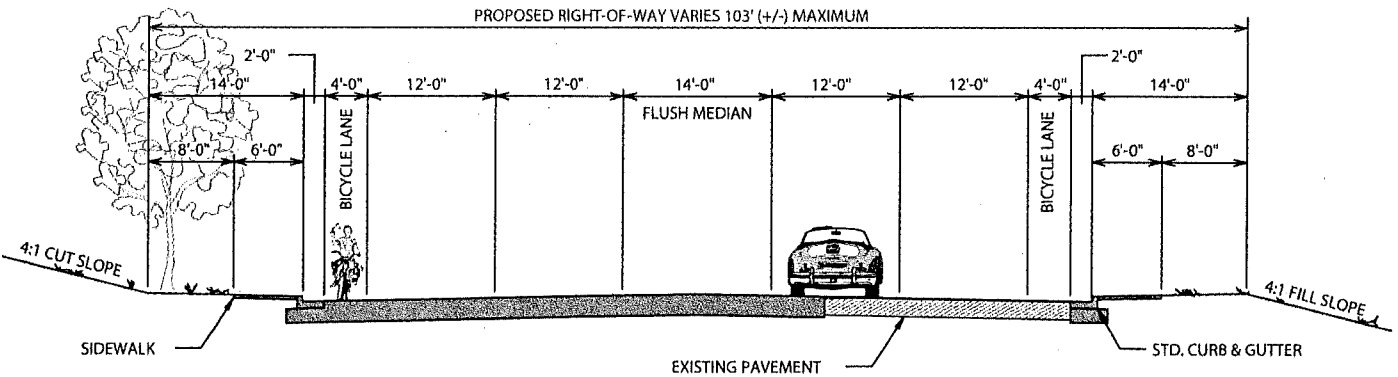
## ALTERNATES

Four alternatives have been proposed all of which utilize much of the existing US 25 right-of-way. The alternates are designed to the minimum criteria for a 45 mile-per-hour urban arterial roadway. A five-lane roadway section with two lanes in each direction and a center turn lane (flush median) has been applied to each alternate. Other features of this section include bicycle lanes, curb & gutter, and sidewalks typical of an urban roadway. The proposed right-of-way is estimated to be approximately 103 feet in width, but will vary according to existing conditions. Details of the typical roadway section are illustrated in the following descriptions.



### **ALTERNATE 1**

Alternate 1 widens the road by adding new lanes on both sides of present US 25. Based on preliminary estimates, this alternate appears to affect the greatest number properties for either right-of-way acquisition or relocation.

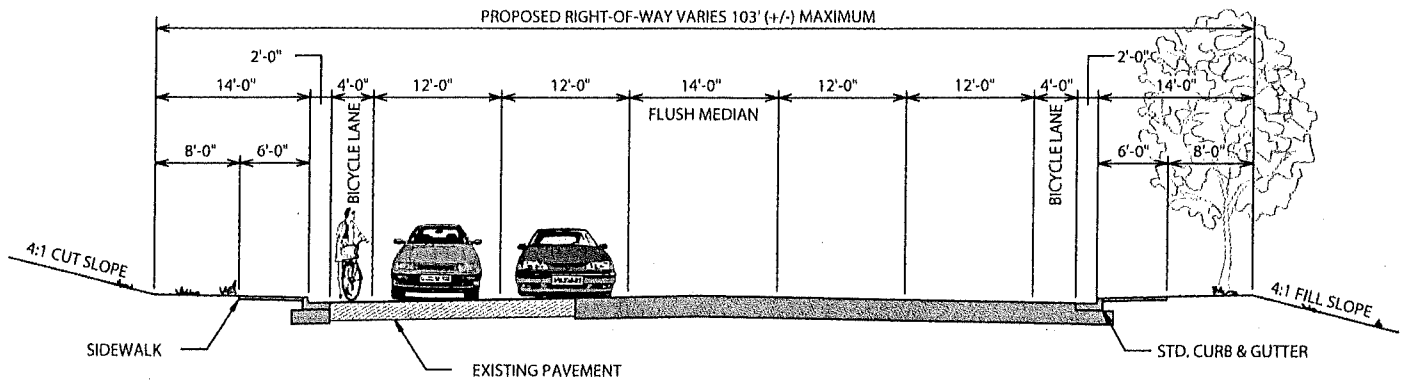


### **ALTERNATE 2**

This alternate expands US 25 to the left (west) of the present roadway, while minimizing impacts to the existing right hand (east) right-of-way.

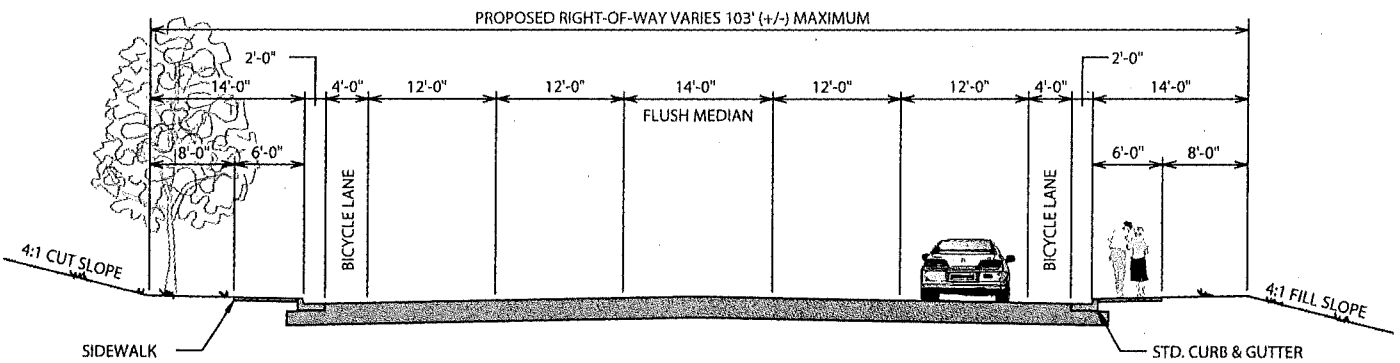
Source: map  
75

37.5' to  
EX. R/W



**ALTERNATE 3**

Alternate 3 minimizes impacts to the present left (west) side properties by expanding US 25 to right (east), just the opposite of Alternate 2.

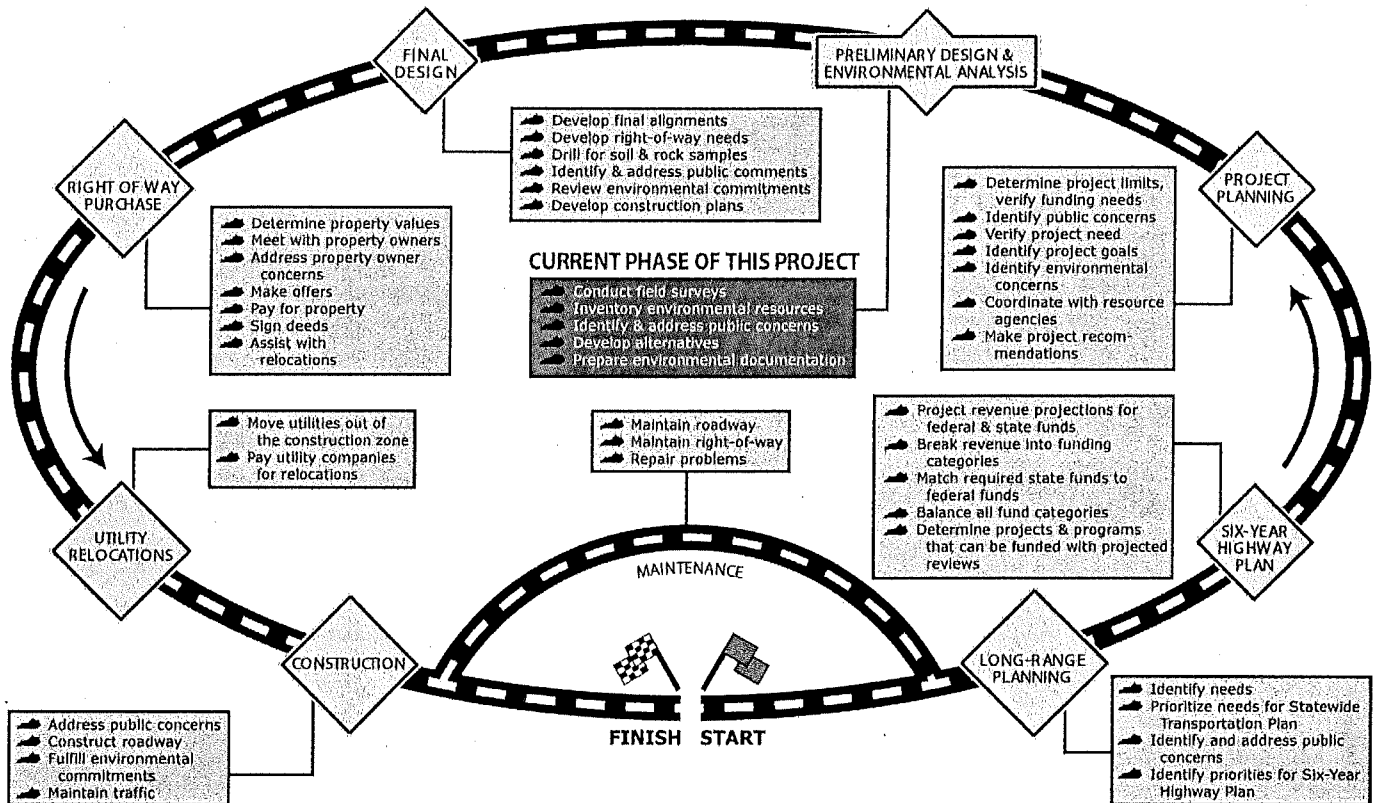


**ALTERNATE 4**

Alternate 4 attempts to combine favorable characteristics of Alternates 1,2 and 3 by avoiding or reducing disturbance to adjacent property. This alternative, while largely following existing US 25, suggests a new alignment near KY 338, and Maher Road in order to accommodate proposed grade separations (a possible future construction) with the CNO&TP railroad at those locations.

## SCHEDULE AND FUNDING

The following diagram illustrates the steps necessary in order to bring a roadway project to construction. This project is currently in the Preliminary Design and Environmental Analysis phase (Phase 1) as shown below.



Original Illustration by Reid Webb, KYTC / Division of Planning

The project schedule and funding are summarized in the following table, an excerpt from the *Kentucky Transportation Cabinet Six Year Highway Plan*, February 2002.

PHASE	FUNDING	FISCAL YEAR	AMOUNT (millions of dollars)
Right of Way	STP	2006	\$6
Utility Relocation	STP	2007	\$5
Construction			\$20*
<b>TOTAL</b>			<b>\$31</b>

STP-Federal Surface Transportation Funding

\* Not Six Year Plan

## PUBLIC MEETING QUESTIONNAIRE AND COMMENTS

### US 25 RECONSTRUCTION

Item No. 6-351.00

**We need your help!** The Kentucky Transportation Cabinet (KYTC) requests that you provide written comments on this form so they can be given full consideration during the developmental stages of this study and preliminary design process. Return this form to any of the KYTC personnel or mail to the following address:

Ms. Carol Callan, PE  
Kentucky Transportation Cabinet  
Department of Highways, District Six  
421-423 Buttermilk Pike & I-75, P.O. Box 17130  
Covington, Kentucky 41017-0130  
(859) 341-2707 ext. 272  
email:carol.callan@mail.state.ky.us

**All comments are welcome and we appreciate your participation!**

Please provide the following information (optional).

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 1.) Which of the following statements best describe your position? (circle one)
  - A. I welcome improvements to US 25.
  - B. I oppose changes to existing US 25. (Do nothing, no build).
  - C. Other: \_\_\_\_\_
  
- 2.) Of the four alternates on display at the public meeting, which do you think would best serve the residential communities and commercial interests along the portion of US 25 under study? (circle one)
  - A. Alternate 1-widen US 25 on both sides of the existing roadway
  - B. Alternate 2-widen existing US 25 to the West and minimize impacts to the East.
  - C. Alternate 3-widen existing US 25 to the East and minimize impacts to the West.
  - D. Alternate 4- attempts to minimize impacts by selecting the best features of Alternates 1, 2 and 3. This alternate considers railroad grade separations as possible future construction.

3.) Should another alternative be developed and investigated which was not shown at this public meeting?

Please describe:

---

---

---

---

4.) Are you aware of any sensitive areas on which the above alternates would have a significant detrimental impact?

Please name and describe location:

---

---

---

---

5.) What do you perceive as the greatest benefit of this project.

Please describe:

---

---

---

---

6.) Are there any other issues the KYTC need to consider in order to improve US 25 from KY 832 to Industrial Road?

Please comment:

---

---

---

---

