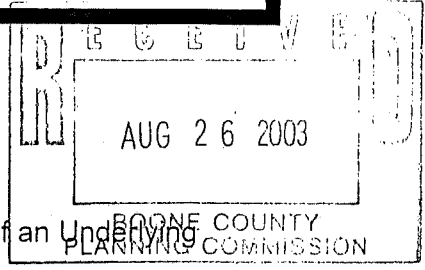


APPLICATION FORM

D.L.W.
Prop
IMP
1-25-2000
1-25-2000

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project D.L.W. Associate -
- 3. Location of Project Corner of Extension of Winnie Colons U.S 25
- 4. Total Acreage of Site 2.24 ACRES
- 5. Current Zoning C-3 @ EXCEPTIONS
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) SEPT 20, 1989 SINCE THIS DATE ALL RESIDENTIAL TO CHANGE
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study). NO C-3

- 8. Proposed Uses (please specify each use) CLOSE CANDLE LIGHT HOMES CLOSE CLAYTON HOMES - MOVE TO THIS LOCATION & ATTACH TO OLD CANDLER SITE
- 9. Proposed Building Intensities (please specify) MOBILE SALES LOT - USE EXISTING OFFICE -

10. Have you submitted a Concept Development Plan? NO

11. Are you also applying for:
NO Conditional Use Permit
Dimensional Variance

12. Name of Applicant(s) D.L.W. Associate
Phone Number 859 485 4578 Fax No. 859 485 1013
13. Address of Applicant(s) 11135 U.S 25
WATSON KY 41094
City State Zip

14. Name of Property Owner(s) D.L.W. Associate
Phone Number 859 485 4578 Fax No. _____
15. Address of Property Owner(s) SAME
City State Zip

16. Are there any existing buildings on the site? NO
How many? _____

17. Deed Book 239 Page No. 232 Group No. 2064

18. Have you had a pre-application meeting with BCPC Staff? TALKED TO KEVIN Costello

EXHIBIT

“A”

STAFF REPORT

Request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

September 24, 2003

REQUEST AND BACKGROUND

This request is for a Change in an Approved Concept Development Plan for a 2.24 acre tract located on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, across Dixie Highway from Merchant Cold Storage and Richwood Industrial Park, to allow a mobile home sales lot. This 2.24 acre tract would be combined with the adjoining approximate 1.85 acre tract to the immediate north on Dixie Highway, which was previously used as a manufactured home dealer (Candlelight Homes). The 2.24 acre tract is part of a 12.71 acre site that was subject to a conditional zone change approval from UR-1 to C-3 in 1989 (Concept Development Plan, Committee Report, and ordinance are attached). A letter from the owner that was incorporated into the Committee Report indicated that mobile home sales would not be developed within the zone change area, thus, the current application requests that this prohibition be removed for the 2.24 acre tract in question. The current application does not include the remaining approximate 10 ½ acres that are subject to the original zone change approval, nor does it request that any other conditions or terms of the original approval be modified. No Concept Development Plan was submitted with the current application, although a narrative was provided with the attached application materials.

The 1989 Concept Development Plan included approximately 10 additional acres that were proposed to be developed as part of the overall commercial subdivision, but were not part of the zone change area (located to the immediate north, this area was already zoned C-3). This additional area was subsequently developed as a mobile home dealership.

SITE HISTORY

The previously described zone change from UR-1 to C-3 for the overall D.L.W. property was approved in 1989; the prior UR-1 zoning is shown on the 1980 zoning map that was prepared by KZF, Inc. A Preliminary Plat and Improvement Plan for the property ("D.L.W./Richwood Commercial Park" Subdivision) was approved on January 25, 2000. A Major Site Plan application for the adjoining 1.85 acre Candlelight Homes tract to the north which is proposed to be combined with the current 2.24 acre was approved June 25, 1999.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- A. Several mobile home dealers are located to the north and northwest (C-3).
- B. A warehouse operation, which is part of the Richwood Industrial Park, is located to the east across Dixie Highway (I-1). A rail line runs immediately along the east side of Dixie Highway.
- C. The remaining parts of the D.L.W./Richwood Commercial Park Subdivision are located to the west and south (C-3), and I-71/75 is located further to the west. With the exception of the street, the subdivision is undeveloped.
- D. A single family residence and a general store are located further to the south along the west side of Dixie Highway, near the intersection with Old Richwood Road (C-3). Three residences are located along Old Richwood Road (C-3).

SITE CHARACTERISTICS

The site contains 2.24 acres and has 167 feet of frontage along Dixie Highway and 318 feet of frontage along Winning Colors Drive. The lot is vacant and has no vegetation except grass. The topography of the site gently slopes to the west. Both public water and sanitary sewer are available to the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the general area ("Richwood Area," pg. 167).

- A. The growth of this section will be impacted in several ways. There are several major influences behind the anticipated growth, including the Northern Kentucky Industrial Park to the north, the Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the expansion of the I-75 rest stop areas, the extension of public sanitary sewer service, and the Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector.

Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is considering a major widening of U.S. 25 south to the Richwood area.

- B. Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75. The industrial development should primarily occur on the east side of U.S. 25, and south of the existing commercial area, as well as along Old Lexington Pike. Any heavy industrial uses proposed for Boone County should be directed to this area because of the distance from residential uses and the proximity to rail services vegetation to minimize visual impacts to the residential uses across the highway . . .
- C. Commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange. The commercial development northwest of the interchange will expand and extend along the interstate . . .

The Land Use Element provides the following general statements which relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. 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 ("Buffering," pg. 159).

- C. 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 uses ("Landscaping," pg. 159).

- D. 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 ("Access Management," pg. 159).
- E. 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 a specific development, but should not be used as a means to compete for motorist attention ("Designs, Signs, and Historic Preservation," pg. 160).

The Business Activity Element makes the following statements that relate to the overall area.

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area ("Areas of Future Commercial Activity," pg. 71).

- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads. The southwest quadrant of the Richwood I-75 Interchange has the potential to develop into a business park development with office uses. The area between U.S. 25 and the Boone/Kenton County line contains industrial potential due to interstate and rail access. Development of this area should utilize Old Lexington Pike as a frontage road to limit the number of access points onto Dixie Highway. The realignment of Old Lexington Pike with Richwood Road has made this area more accessible to the interstate ("Areas of Future Industrial Activity," pg. 73).

The site is within the "Florence, U.S. 25 Corridor" area described in the Geographic Housing Issues section of the Housing Element (pg. 88). However, this section does not discuss the specific area in question.

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

- A. 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 ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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 maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. 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. Residential development design in particular shall minimize grading work as

- opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
 - I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
 - J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
 - K. 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 ("Business Activity," Commercial [Retail and Office] Objective 1).
 - M. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

STAFF COMMENTS

1. First, the governing bodies will need to consider the Comprehensive Plan as it relates to this request. The Future Land Use Map designates the site and the overall area between Dixie Highway and I-71/75 as "Commercial." Highlights of the Comprehensive Plan text that relates to the general area include:
 - A. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25.
 - B. Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75.
 - C. Commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange.

- D. Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses.
- E. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads.

Because this request involves a modification in the terms of a zone change approval, the alternate criteria for the evaluation of zoning map amendment requests also need to be considered. Regarding the three criteria as a whole, several view points could be taken. The proposal could be seen as an incidental expansion of a use which already encompasses several adjoining properties (a mobile home dealer district of sorts), particularly when this expansion would apply only to the corner lot in question versus the entire original zone change area, there is no residential zoning remaining in the proximity of the site, and the site is not located immediately at the interchange. Alternatively, the Comprehensive Plan does express caution regarding truck-oriented uses and industrial traffic in the area—the transport of mobile homes does have some basic characteristics of both.

- 2. No Concept Development Plan was submitted with the application. Some of Staff's basic concerns with the proposal are already addressed by the zoning regulations or subdivision regulations including:
 - A. No additional access point is permitted on Dixie Highway. One access point on Winning Colors Drive is permitted provided it meets the access management standards in Article 32 of the zoning regulations, including spacing from the intersection. As Wining Colors Drive has a roll curb design, Greg Sketch, P.E., PLS, Boone County Engineer, has stated that the roll curb could be cut and removed, and a flush apron constructed, for a new access point on said street provided that the County's specifications are followed and the flow line is maintained in the street gutter.
 - B. Only one freestanding sign is permitted for this lot and the neighboring Candlelight Homes lot combined. A 9-foot high, 36 square foot freestanding sign was previously approved for Candlelight Homes lot.
 - C. Because the inventory mobile homes are structures, they must be situated on the site in a manner which meets all building setbacks. However, the applicant should explain the intended arrangement and number of the inventory units (with the objective of avoiding a crowded or haphazard appearance), and explain whether a sales office is intended on the 2.24 acre lot (there is an existing sales building on the Candlelight Homes lot). Due to

these issues as well as those discussed below, Staff highly recommends that some sort of graphic plan be prepared for the Zone Change Committee to consider.

3. Aside from the issues outlined above, Staff's primary concern with the proposal is its appearance and visual impact from the adjoining roadways; this basic issue is also addressed in the Comprehensive Plan's Future Land Use Development Guidelines. Although there are a number of other such uses in the immediate area, none of them have any tangible amount of inventory placed immediately along the Dixie Highway right-of-way, especially since the other dealerships have substantially more land area. In order to maintain the "open" appearance of the Dixie Highway frontage, Staff recommends that the normally required street frontage landscaping area (10' wide with plantings from Buffer Yard A) be increased to at least 20 feet in width, with the same amount of plantings that are required for the 10 foot width.

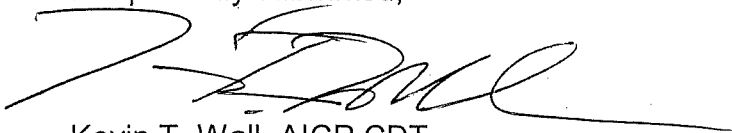
There is currently an open view shed into the site from I-71/75, and it is Staff's contention that the view of the neighboring mobile home dealers inventory is their most obvious impact. In order to diffuse the view of the project from the freeway, Staff recommends that the trees required under Buffer Yard B (three evergreens and four deciduous trees per 100 linear feet) be installed within the normally required Buffer Yard A space (10' wide) along the west (rear) property line and the two shorter property lines that adjoin the Palm Harbor dealership in the northwest corner of the lot. Under normal circumstances, only a 10 foot wide grass street with no woody plants is required.

4. For the applicant's information, a Major Site Plan application prepared by a Professional Engineer will need to be submitted. The plan will need to address parking (including hard surfaced paving for all parking and vehicular circulation areas), storm water management, landscaping, access management, etc.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,

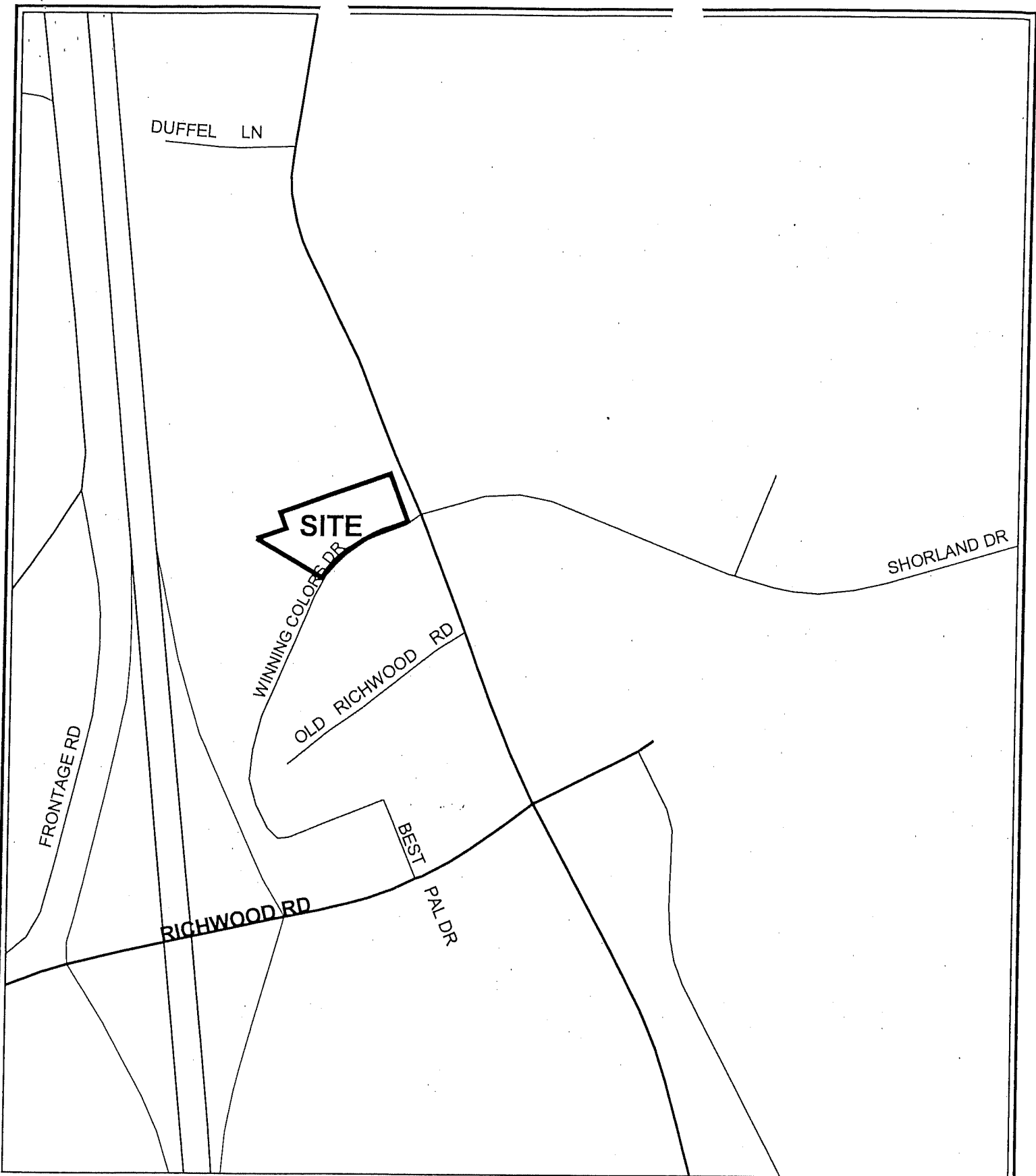


Kevin T. Wall, AICP CDT
Director, Zoning Services

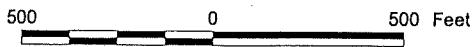
KTW/pr

attachments:

- location map
- aerial photo w/zoning information
- topographic map
- Future Land Use Map excerpt
- Concept Development Plan, 9/20/89 Committee Report, and Ordinance 920.188 for original D.L.W. zone change approval
- application materials

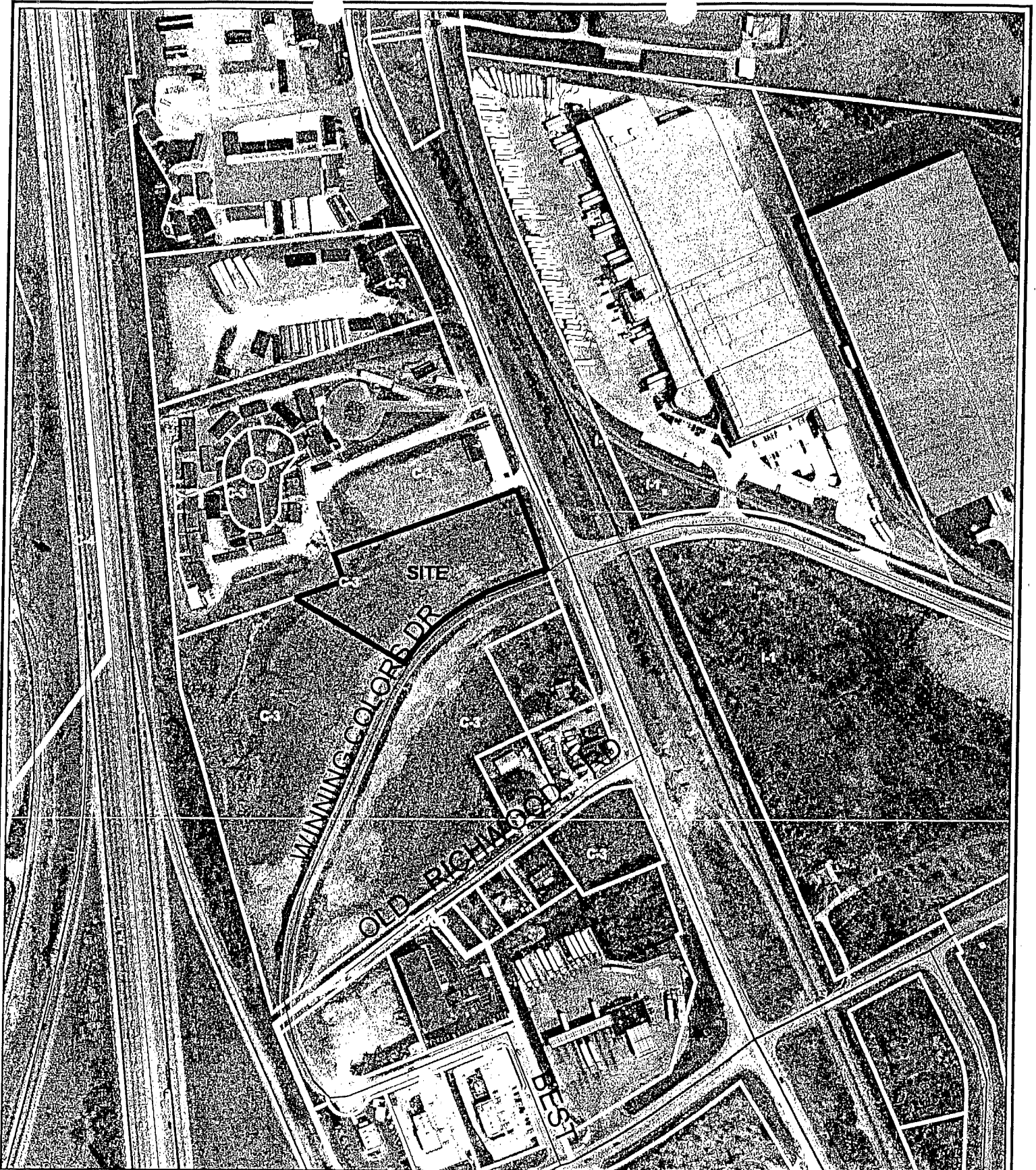


Location



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 9, 2003

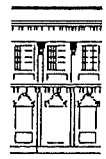


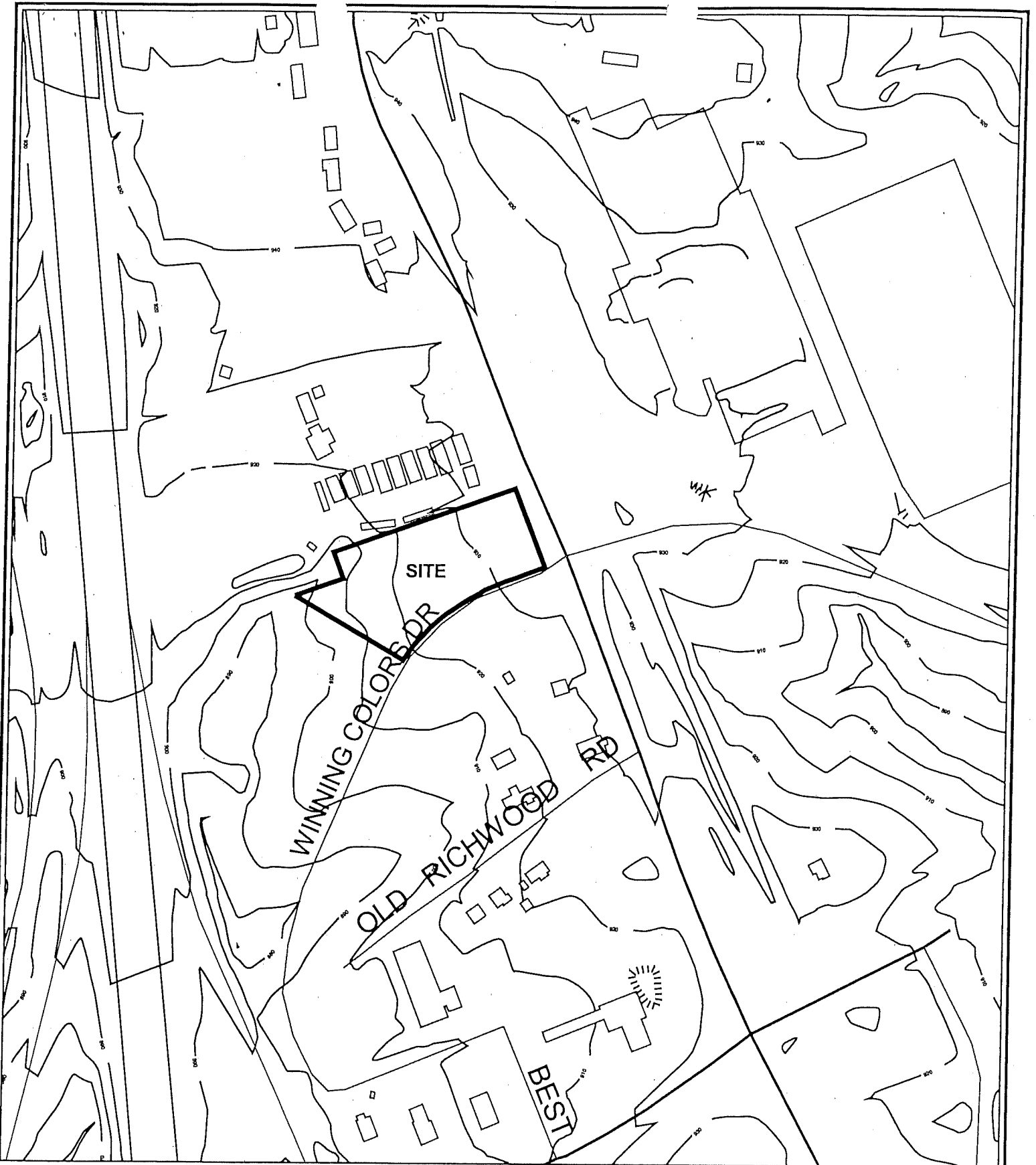


Zoning

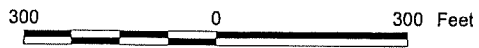
300 0 300 Feet

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Boone County Planning Commission
GIS Services Division
September 9, 2003



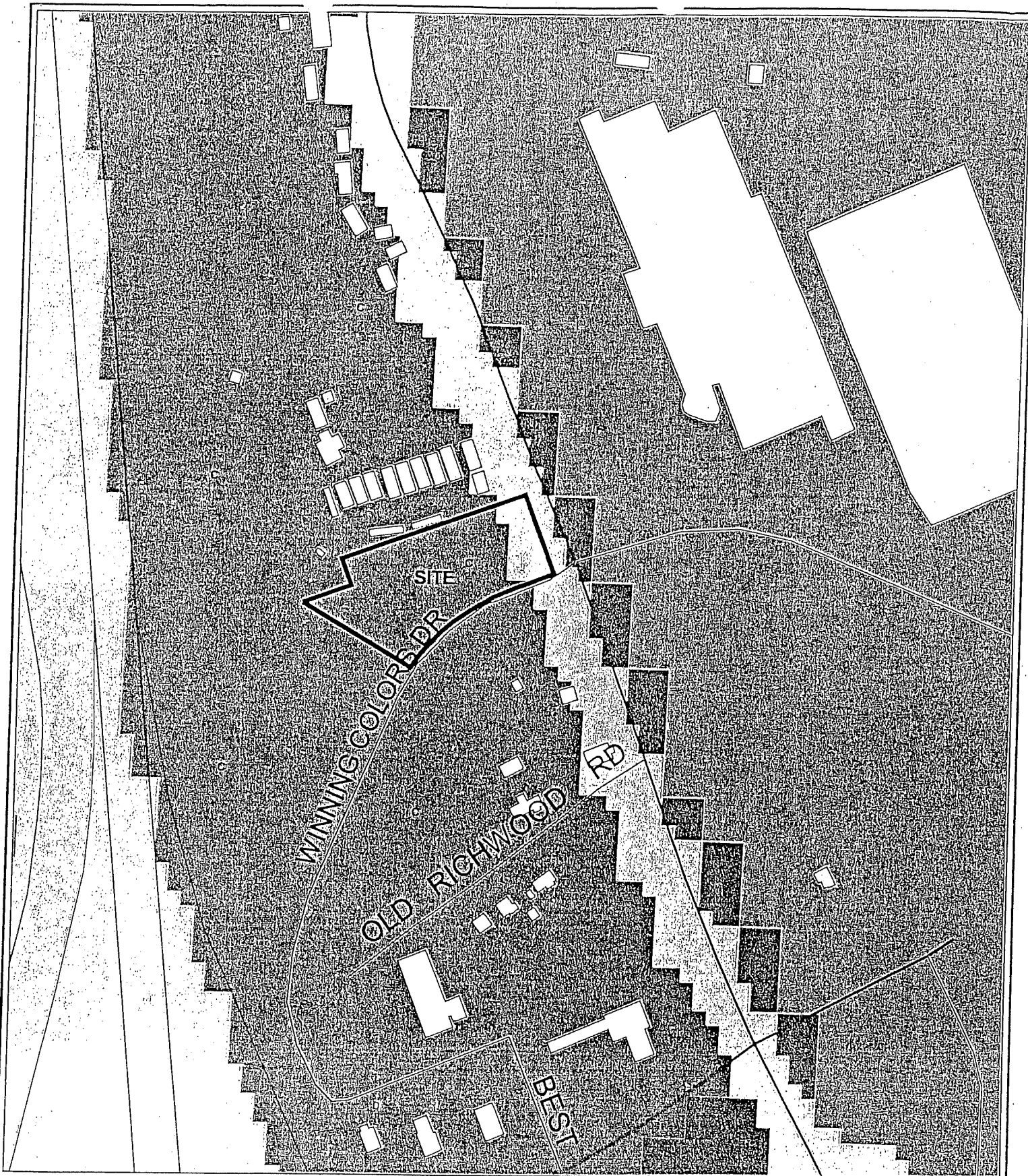


Topography



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Produced by the
Boone County Planning Commission
GIS Services Division
September 9, 2003





Future Land Use

300 0 300 Feet



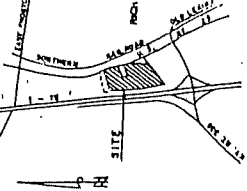
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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 9, 2003



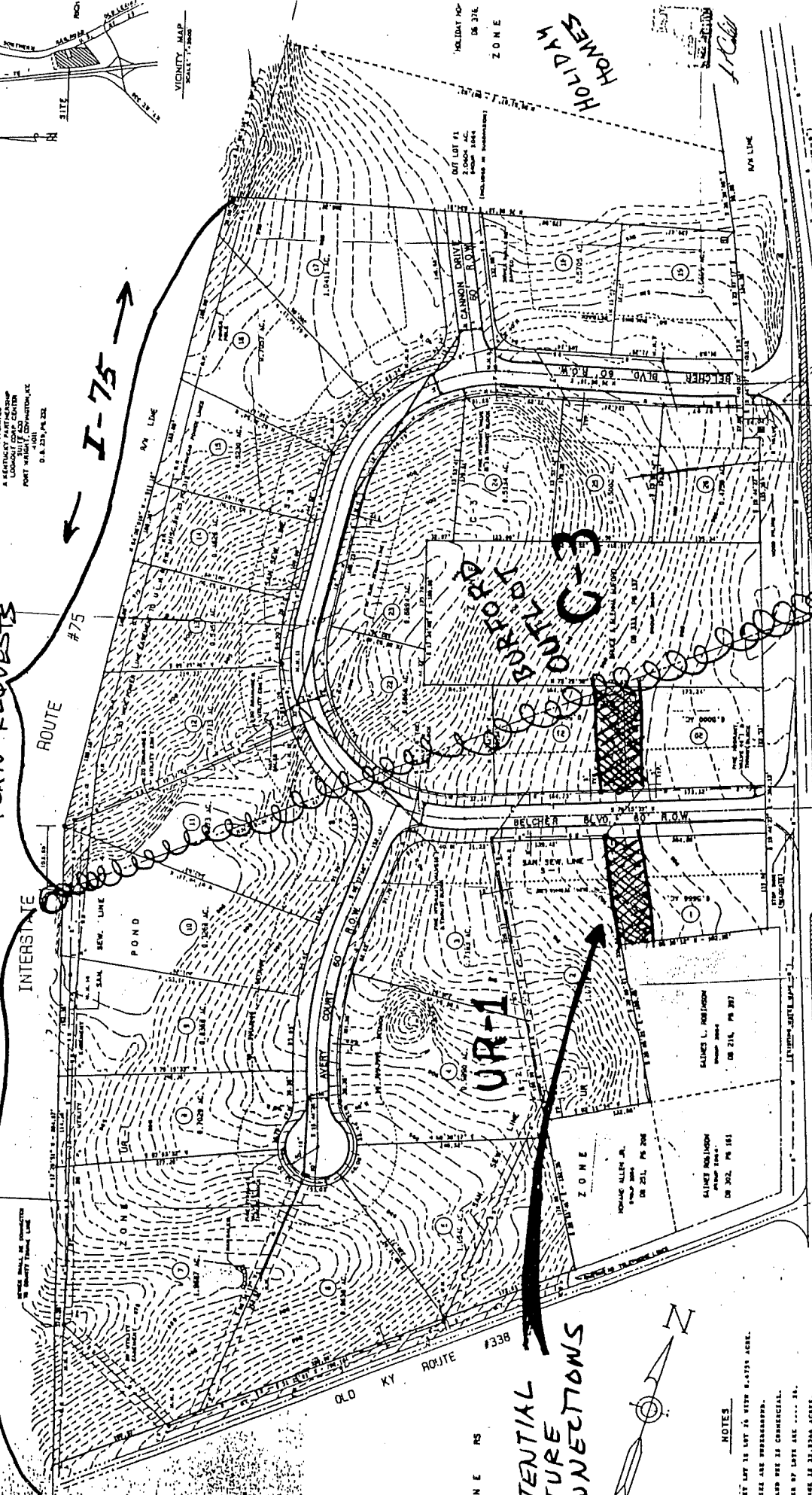
DLW

AREA OF ZONE CHANGE REQUEST
TO C-3

AREA OF PRELIMINARY
PLAT AND IMPROVEMENT
PLAN REQUESTS



OWNER:
DLW ASSOCIATES
A REVENUE PARTNERSHIP
LOCATED AT
PORT WRIGHT, OHIO, OHIO
O.R. 239, P. 122



HOLIDAY
HOMES

LOT 41
2.000 AC.
DEED 1984

LOT 42
2.000 AC.
DEED 1984

LOT 43
2.000 AC.
DEED 1984

LOT 44
2.000 AC.
DEED 1984

LOT 45
2.000 AC.
DEED 1984

LOT 46
2.000 AC.
DEED 1984

LOT 47
2.000 AC.
DEED 1984

LOT 48
2.000 AC.
DEED 1984

LOT 49
2.000 AC.
DEED 1984

LOT 50
2.000 AC.
DEED 1984

LOT 51
2.000 AC.
DEED 1984

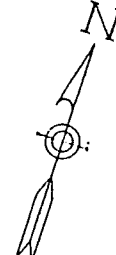
LOT 52
2.000 AC.
DEED 1984

LOT 53
2.000 AC.
DEED 1984

LOT 54
2.000 AC.
DEED 1984

LOT 55
2.000 AC.
DEED 1984

POTENTIAL
FUTURE
CONNECTIONS



NOTES

1. THE SHALLETT LOT IS LOT 26 WITH 8.215 ACRES.
2. ALL UTILITIES ARE UNDEGROUND.
3. PROPOSED LAND USE IS COMMERCIAL.
4. TOTAL NUMBER OF LOTS ARE 55.
5. TOTAL ACRES ARE 31.704 ACRES.
6. ALL EXISTING SEWER LATERALS WITHIN STREET R.O.W. SHALL BE RELOCATED TO 5' OFFSETS U.S.C. AND 3' FROM PAVERS WITHIN SIDEWALKS.
7. ALL EXISTING UTILITY LINES SHALL BE IN ACCORDANCE WITH THE CITY OF FLORENCE (EXCEPT AS SPECIFIED) AND THE STATE OF MISSISSIPPI (EXCEPT AS SPECIFIED).
8. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
9. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
10. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
11. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
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16. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
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18. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
19. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.
20. ALL CONDUITED METAL PIPES ARE TO BE 15 INCHES.

← US 25 → To Florence
To 4338

SITE DATA
1. 1.1' x 1.1' x 1.1' x 1.1'
2. 1.1' x 1.1' x 1.1' x 1.1'

DURO BAG ACCESS ROAD

U.S. ROUTE #25

ROUTE #25

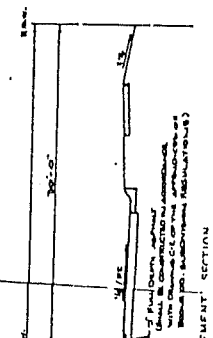
U.S. ROUTE #25

U.S. ROUTE #25

U.S. ROUTE #25

U.S. ROUTE #25

IMPROVEMENT PLAT OF
DLW COMMERCIAL PARK
BOONE COUNTY
PREPARED BY
HICKS & MANN, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
116 HUNTER HOLE ROAD
PO BOX 9
MOUNTAIN VIEW, MISSISSIPPI 39061



TO RICHWOOD
INDUSTRIAL PARK

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Committee Chairman

DATE: September 20, 1989

RE: Request of D.L.W. and Associates (owner) for a Zoning Map Amendment on a 12.71 acre site on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The request is to rezone the site from Urban Residential One (UR-1) to Commercial Services (C-3).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The request is in conformance with the 1986 Boone County Comprehensive Plan. Specifically, the Future Land Use Map recommends commercial uses for the site, and the text of the Land Use element notes that commercial development at the I-75 / Richwood interchange will extend east to U.S. 25 and encompass a portion of that area. Specific references to the Comprehensive Plan are made in the August 23, 1989 Staff Report.
2. The Committee believes that the requested Commercial Services (C-3) zone as modified by a letter from the applicant and the conditions contained in this report, is appropriate on the 12.71 acre site because of the sites visibility to I-75, the general commercial character of land use in the interchange area, and planned improvements to U.S. 25. The Committee also believes that the existing zoning of Urban Residential One (UR-1) is inappropriate because of the site's exposure to noise, odors, and lights associated with the Richwood interchange.

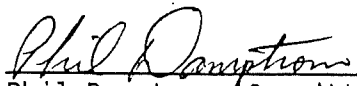
CONDITIONS

The Committee is basing its approval, in part, upon the letter of commitment submitted by George D. Whitton on September 14, 1989. Therefore, this letter is incorporated into this Committee recommendation with the exception of item 3 of the applicant's letter regarding the number of lots. This item applies to areas outside the zone change request. In addition, the applicant is being asked to agree to include the following conditions as part of the Concept Development Plan in order to clarify the plan presented at the August 23, 1989 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

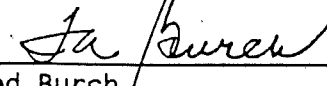
1. The developer shall contact, and work with the Boone County Water and Sewer District in order to ensure adequate sanitary sewerage for the site before development begins.

=====

2. All commercial buildings and landscaping within the 12.71 acre site shall be generally consistent in types of facade materials to help establish the applicant's expressed intentions that this site will be marketed as a commercial park.
3. As the applicant has indicated, regional or shared stormwater detention will be provided throughout the development.
4. Because of the visibility of this site to the adjacent residential uses and the effect of surrounding those uses with commercial development, the required buffer areas shall be installed when the 12.71 acre site is graded. In addition, commercial uses adjacent to the existing residential area shall not use exterior loud speakers or paging systems while those residences remain.
5. The access drive onto U.S. 25 shall include a left-turn lane and a right-turn deceleration lane on U.S. 25. The dimensions of these turning lanes shall conform to Department of Transportation requirements and shall be shown at Preliminary Plat review.
6. All pole-mounted site lighting within the development shall be of the same type and height, and shall consist of box-type lamp fixtures directed straight downward. All building-mounted site lighting shall not shine onto adjacent properties or roadways.
7. The development shall conform to Article 19, Sign Regulations, of the Boone County Zoning Regulations which effectively limits the development to a single free-standing entrance sign for the purpose of identifying the name of the overall development and its major access point. This shall not preclude the applicant from seeking or Special Sign District for the development.
8. No vehicular access shall occur onto Old KY 338 except for any required emergency access.

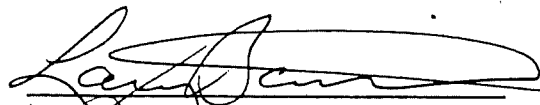


Phil Damstrom, Committee Chairman

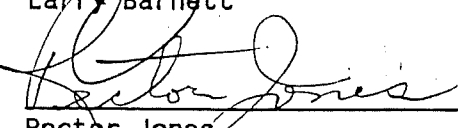


Fred Burch


Barry Neltner



Larry Barnett



Rector Jones



Carol Smith

HW 525 7539
WK 371 1212
FAX 371-5386
Honda

Received
9/14/89

DLW and Associates
6507 Dixie Highway
Florence, Ky. 41042

September 14, 1989,

to: Mr. Phil Damstrom, Chairman, and Zone Change Committee Members

Re: Zoning Map Amendment Request for DLW at Richwood

Dear Mr. Damstrom and Members,

Because of the visibility of this property to I-75, we realize this development will have an impact on the surrounding properties. Consequently we think it is in our best interest to limit the number of lots, certain uses, certain types of construction, and provide appropriate street intersections and easement locations. Therefore we agree to the following conditions:

In regard to uses on the rezoned section will not permit:

1. Truck stops
2. Mini-warehouses
3. Heavy equipment and heavy truck rental or leasing
4. Mobile home sales
5. Body shops
6. Commercial parking facilities
7. No more than 2 fast food restaurants

In regards to the lots:

1. We will limit the number of expressway lots in the rezoned section from the original request of 4 lots, to no more than 3.
2. We will buffer all adjoining residential districts where required.
3. We will reduce the number of lots on the existing C-3 property from 22, to no more than 17.

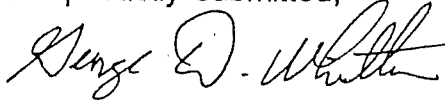
In regards to the construction permitted in the rezoned section:

1. No buildings with metal sided construction will be permitted.
2. Roof equipment will be screened by parapet, or if not possible, painted as to be not offensive.
3. All dumpster areas will be screened by enclosures and vegetation.

In regards to the street and easements:

1. The proposed street will be re-drawn in order to line up with the Duro Bag entrance.
2. A 50' public right of way will be provided to the Burford property, and to the Gaines and Robertson property. These rights of way will be approximately 200' from US 25.

Respectfully submitted,



George D. Whitton

Ron Tackett

Agents and Partners for DLW and Associates

ORDINANCE 920.188

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT REQUESTING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE (UR-1) TO COMMERCIAL SERVICES (C-3) FOR A 12.71 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY ACROSS FROM RICHWOOD INDUSTRIAL PARK, BOONE COUNTY, KENTUCKY, BEING REQUESTED BY D.L.W. AND ASSOCIATES (OWNERS). THE BOONE COUNTY PLANNING COMMISSION RECOMMENDS APPROVAL.

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 Urban Residential One (UR-1) to Commercial Services (C-3) for a 12.71 acre site generally located on the west side of Dixie Highway across from Richwood Industrial Park, 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 for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Urban Residential One (UR-1) to Commercial Services (C-3) for a 12.71 acre site generally located on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in DEED BOOK 239, PAGE 232, in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

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

Introduced, seconded and given First Reading on the sixth day of November, 19 89.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twenty-first day of November, 19 89, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

Carolyn A. Rudicill
CAROLYN RUDICILL
FISCAL COURT CLERK

SUBMITTED BY:

Larry Crigger
LARRY CRIGGER
BOONE COUNTY ATTORNEY

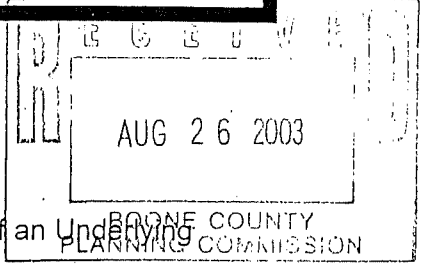
Dec. 13, 1989
DATE PUBLISHED

D.L.W.
Assoc.
IMP

1-25-2003
1-25-2000

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project D.L.W. ASSOCIATE
- 3. Location of Project Corner of EXTENSION OF WINNING COLORS U.S 25
- 4. Total Acreage of Site 2.24 ACRES
- 5. Current Zoning C-3 @ EXCEPTIONS
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) SEPT 20, 1989 SINCE THIS DATE ALL RESIDENTIAL CHANG
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study). NO C-3
- 8. Proposed Uses (please specify each use) CLOSE CANDLER LIGHT HOMES CLOSE CLAYTON HOMES - MOVE TO THIS LOCATION IF ATTACH TO OLD CANDLER site
- 9. Proposed Building Intensities (please specify) MOBILE SALES LOT - USED EXISTING OFFICE -

- 10. Have you submitted a Concept Development Plan? NO
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) D.L.W. ASSOCIATE
- Phone Number 859 485 4578 Fax No. 859 485 1013
- 13. Address of Applicant(s) 11135 U.S 25
- WAXTON WY 41094
- City State Zip
- 14. Name of Property Owner(s) D.L.W. ASSOCIATES
- Phone Number 859 485 4578 Fax No. _____
- 15. Address of Property Owner(s) SAME
- City State Zip

- 16. Are there any existing buildings on the site? NO
- How many? _____
- 17. Deed Book 239 Page No. 232 Group No. 2064
- 18. Have you had a pre-application meeting with BCPC Staff? TALKED TO KEVIN Costello

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H & P. Co
- Sanitation District #1
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District

Other: None - They were aware when street was built.

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s) Kevin G. Jockett Partner

22. Property Owner's Signature(s) Kevin G. Jockett Partner

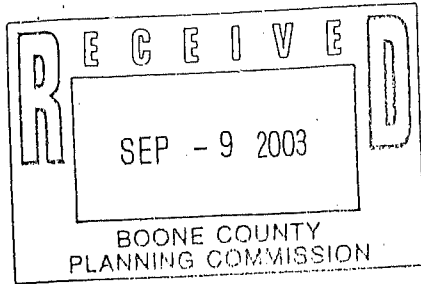
SECTION B (To be completed by BCPC Staff)

1. Date Received 8-26-03 Fee Received \$1359.40 #36414
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer Kevin White
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 9/24/03
7. Boone County Planning Commission Action:
 Approved
 Approved With Conditions
 Denied
8. Other: _____

** Five (5) Copies 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: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



September 9, 2003

Reference to D.L.W. Property
Richwood, Kentucky

D.L.W. Purchased Property 1978

In the late 70s, early 80s, the property was zoned highway commercial.

Approximately 13 acres of the southernmost property along Old Richwood Road was re-zoned UR1 for an outfit called Walker Supply. You have those files if you want to review them. Walker Supply was going to build apartments. It was approved by a narrow vote. There was a statement in the minutes during that time frame for the project to start or the zone would revert back.

However, through the years on the zone map, that zone stuck and in 1988-1989 we wanted to do a commercial development. Since there were no commercial lots in the area ready for restaurants and other community services, we thought we could market it. Old Richwood Road is now closed on the lower end where those houses were.

This whole area is zoned C-3 that was residential and they don't have the restrictions that D.L.W. Property has.

Plus the dead end street that Brandy Hussens, the Cincinnati developer, put in with the four fast foods – motel – D.L.W. at our expense put in. This relieved congestion at KY 338 and gave the industrial park and customers to the north on U.S. 25 another way in and out.

The purpose of this request: Richwood Partners purchased 1.84 acres to the north and adjoining this property and wants to purchase the tract in question.

The 1.84 acres formerly was used by Candlelight Homes, a mobile home sales lot with four of these residences sold and three taken down. The old road is no longer used for residences.

The property was bought by two Cincinnati developers and divided into five lots. On that property sits Holiday Inn Express, Burger King, Arby's and White Castle. The other lot was bought by Frisch's and is now for sale.

September 9, 2003

Page Two

This little development, which was already C-3, allowed four fast food places and a hotel. Because of our circumstances, we were only going to be permitted two fast foods.

Because of the truck stop battles, the Commission changed the truck stops to a condition use in a C-3 zone.

However, we needed a zone change on 13 or 14 acres of the 25 or 26 acres that we owned. The remaining land was zoned C-3.

At that time, there was Sohio, 338 Truck Stop, Bingo Truck Stop, and Pilot had just gotten approval over a lot of objection for a third truck stop on this quadrant of the interstate. All these were zoned C-3.

In 1989, the Old Richwood Road area still had quite a few houses, plus the Robinson property adjacent to D.L.W. Property was residential.

There was a real adversarial group of people who were organized and fought against the truck stops, so in the public hearings and committee meetings we took a beating.

Since then, a lot has changed. Bingo Truck Stop went out of business. It pumped as much fuel as the Sohio.

Richwood Partners also owns the Richwood Flea Market, which is three-fourths of a mile north on U.S. 25.

Clayton Homes, a national mobile and modular home sales lot, joins Richwood Flea Market to their north. They will buy the Clayton Homes property or trade, and Clayton Homes will piece together Candlelight (which is out of business and the subject property for a new Clayton Homes sales lot). The old lot of Clayton will be out of mobile home sales business - no new mobile home sales will be created. They will all be together at this exit.

I hope I haven't been too boring. I have good knowledge of the history of these properties as I grew up around here and followed this closely.

September 9, 2003
Page Three

D.L.W. did not pursue the development after the D.L.W. commercial plan was approved because of the economy in 1989 and other interests, plus Brandy Hussens' development of the fast foods and motel.

Under today's zoning, the surrounding properties would allow the use for which I request.

If I can be of further help, please call.

Ron Tackett
(859) 485-4578

C.C.W. Realty Company
240 Shoreland Avenue
Walton, Kentucky 41094

D.L.W. and Associates
11135 U.S. 25
Walton, Kentucky 41094

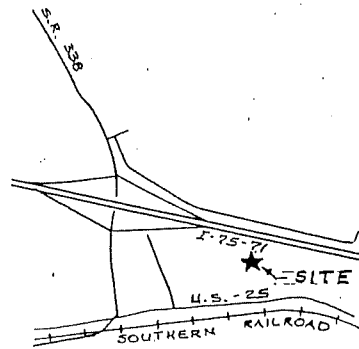
LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

I certify that I have examined the records of the Boone County Clerk and find that this is the first conveyance made under the present ownership and the parent tract since 1966 or from the adoption krs 100.

3-31-03

Date James W. Berling, L.S., Ky. Reg. #206

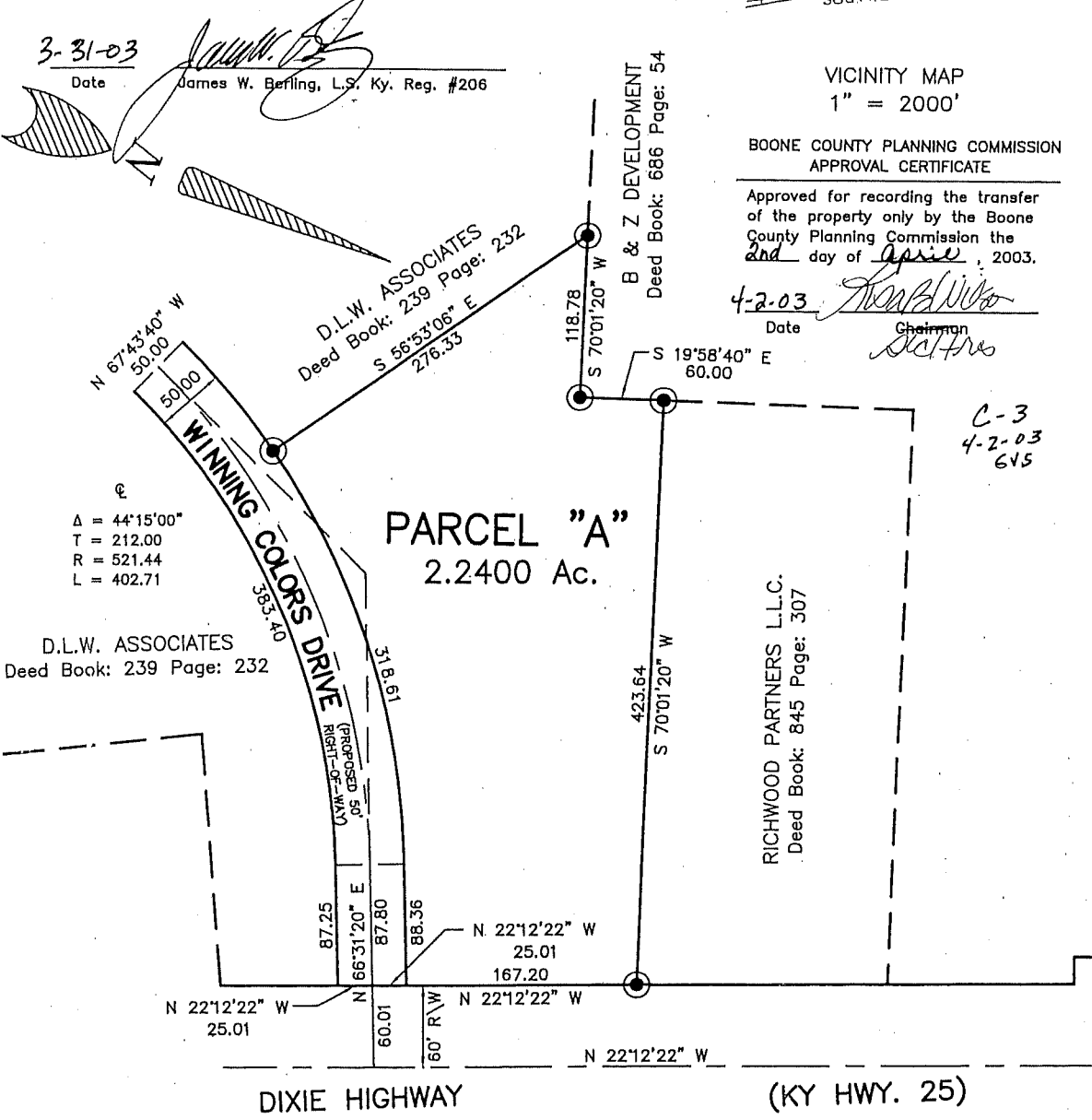


VICINITY MAP
1" = 2000'

**BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE**

Approved for recording the transfer of the property only by the Boone County Planning Commission the 2nd day of April, 2003.

4-2-03 [Signature]
Date Chairman



⊙
Δ = 44°15'00"
T = 212.00
R = 521.44
L = 402.71

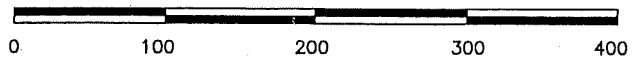
D.L.W. ASSOCIATES
Deed Book: 239 Page: 232

RICHWOOD PARTNERS L.L.C.
Deed Book: 845 Page: 307

C-3
4-2-03
615

⊙ = IRON PIN (SET)

GRAPHIC SCALE



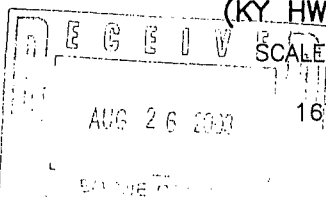
This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

BACK REFERENCE:
DEED BOOK: 239, PAGE: 232
GROUP No. 2064

P & Z Code No. 4065

**PLAT OF SURVEY
D.L.W. ASSOCIATES**

(KY HWY. 25) - BOONE COUNTY KY.



SCALE: 1" = 50' APRIL 2003
JAMES W. BERLING
1671 PARK ROAD - SUITE ONE
FT. WRIGHT KY 41011
KY SURVEYOR 206

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 24, 2003
7:00 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:05 PM and introduced the item on the Agenda:

Applicant: D.L.W. & Associates

Request: Change in Concept Development Plan

The request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). The Commissioners reviewed the Power Point slides with Staff and the applicant in regard to the existing land uses in the area and the existing mobile home dealerships to the north.

Mrs. Poston asked for the applicant's presentation.

Mr. Ron Tackett, 1135 U.S. 25 Walton, stated that the property has been owned by D.L.W. & Associates since 1978. He stated that in late 1978, Walter Supply was going to buy the thirty-five acre site, which was zoned C-3, and put 150 apartment units on twelve-acres – but there was no public sewage in the area at

that time. He stated that the lower part of Old Richwood Road has been abandoned. He stated that when the UR-1 zoning was approved, there was a stipulation that if the project did not get started within two years, then the zoning would revert back to the prior zoning classification – but the UR-1 zoning continued on in the Comprehensive Plan Updates. Pilot bought the property on the corner of KY 338 and was trying to get a zone change for property between their property and the general store. There were residences in the SR zone and a lot of people were against the zone change. Scott Oil Company sold four acres to a Cincinnati group and they put a street in off KY 338 and three fast food restaurants. In the D.L.W. & Associates zone change application, they were only going to be allowed two fast food restaurants – the Cincinnati group was allowed to do without a zone change what D.L.W. & Associates agreed not to do. D.L.W. & Associates withdrew their zone change application because they did not think they could sell the property for more fast food restaurants there. Three years ago, they were able to work with Frisch's and put in a short street to connect Winning Colors Drive to Dixie Highway so that traffic would have more than one way in and out of the restaurant, and having the through road would be advantageous to their development. They have not sold any lots. He stated that there will not be any new mobile home dealerships there. To the north of Holiday Homes is a car lot and a plumbing company. To the north of the flea market is Clayton Homes, which has been bought out by Berkshire-Hathaway, and they will sell that site to the flea market and relocate Clayton Homes to the subject site. The mobile homes and manufactured housing will move from north of the flea market to the subject site. There is an office on the site and a lot of storage on the Candlelight site. If this request is approved, they will have to meet the requirements and restrictions in developing the site, and they will present a Site Plan at that time. It is a 2.24 acre site. He stated that there are only three residences left there and they are in the C-3 zone. Those properties are to the south and could be purchased and developed as C-3 uses. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in regard to this application. There being no response, she asked if there were any questions or comments from the Commissioners.

Mr. McMillian asked if they own the brick house there. Mr. Tackett responded "yes". Mr. McMillian asked if this use would be an extension of the mobile homes that are there. Mr. Tackett responded that the dealership that was there went out of business. He stated that most of the mobile home sales in Boone County are in this area -- this would be a "manufactured home mall" concept like the "auto mall" concept near Kings Island.

Mr. Costello questioned how the size of the Clayton Homes parcel compares to this parcel. Mr. Tackett responded that the Clayton Homes parcel is larger, but much of it is not flat land so they do not use all of the site.

Mrs. Wilson asked that the applicant bring pictures to the Committee meeting. She stated that she drives by this area and there is a shed on one of the parcels (not shown in the Power Point presentation) that has tires which probably belong to the trailers. Her understanding is that there is to be no outside storage of tires – but they are out there all the time. Mr. Tackett responded that the shed is not on their property. He stated that it is on the old Oakwood site and he indicated its location on the Power Point slide. Mr. Costello stated that Staff will follow up on Mrs. Wilson's comments regarding the shed. Mrs. Wilson asked if the applicant will have a facility like the shed for their tires. Mr. Tackett responded "no". Mrs. Wilson questioned how many mobile homes will be on the site, since it is a smaller parcel. Mr. Tackett responded that they will probably have as many homes on this site as on the other site. He stated that they do not utilize all of the land on the other site. Mrs. Wilson asked if there is a number of units allowed on the site. Mr. Costello responded "no". Mr. Tackett stated that they have to be able to get the trailers in and out. Mrs. Wilson stated that she is concerned about the trailers being right on the interstate. Mr. Tackett commented that they display them well. Mrs. Wilson disagreed. Mr. Tackett stated that the site does not abut the interstate – it is 1,000 to 1,500 feet from the interstate and the trailers will not be seen from the interstate.

Mr. Barlow asked if Mobile Home Sales is a Permitted Use or a Conditional Use in the C-3 zone. Mr. Wall responded that it is a Permitted Use, but the applicant agreed to exclude this use from the previous approval. He stated that a number of uses were excluded and the overall intent was to create a commercial park and avoid the outside storage.

Mr. Tackett stated the railroad tracks and the industrial park across the road disfavor the site for the commercial park they once proposed. Cold Storage was not built at that time. He stated that the character of the area has changed. The residences are gone. The industrial park is built out to the highway and affects this site.

Mrs. Wilson questioned how the widening of U.S. 25 may affect the site. Mr. Tackett responded that surveying to widen the road has been going on for the last two or three years. He stated that there is room on the railroad side, but the road will not go that way. Mr. Costello stated that he believes there is enough right-of-way there. The Highway Department has a preliminary design for the widening of U.S. 25 and Staff will check to see what the impact would be.

Mrs. Poston asked if the homes will be stored on the site or if it will be a showroom. Mr. Tackett responded that he believes they show the units there and do not move them in and out. They set them up to look nice and even put shingles on the roofs. People come in and look at the units and choose their accessories. He believes the units are shipped from the factory to the buyers' lots.

Mrs. Poston questioned how the Planning Commission will have input into the design of this lot. Mr. Wall responded that if there are specific items other than the normal code requirements, then this is the process to do that. Mr. Costello stated that any conditions imposed would only apply to this site.

Mr. Poe stated that approving this request will change the entire makeup of the rest of the C-3 zone. Once that corner goes to a mobile home park, there will not be other commercial behind it. He asked the Committee to consider that this will change the whole concept of the area. He stated that anyone who buys the land without a Concept Development Plan can basically develop it anyway they want. Mr. Wall responded "without conditions or commitment, that is correct". He noted that the applicant has not asked to change the terms of the previous approval other than this request.

Mr. Tackett stated that they will have to submit a Site Plan – and the Planning Commission can design the shrubbery, landscaping, and setbacks at that time. He stated that he is only asking that the mobile home restriction be lifted so that the request can go to the next step where checks and balances are in place.

Mr. Costello stated that the condition is only proposed to be lifted from this parcel and it would still apply to the other lots in the subdivision. There are additional conditions that affect this property. He stated that the Planning Commission has to get a firm understanding of the mobile home/manufactured home district out there. There may be some existing enforcement issues and Staff will look into that. He stated that there is a process for Site Plan Review. He stated that this property is opposite the Richwood Industrial Park. Mr. Poe stated that Site Plan Review is would be done by Staff, not by the Planning Commission. Mr. Costello agreed. Counselor Wilson advised that Site Plan Review is based on the standard regulations and additional conditions could be imposed through the rezoning process.

Mr. Tackett stated that the reasons the conditions were imposed in 1989 are no longer there and the reasons why they agreed to the conditions have been extinguished. There was SR zoning there and the people wanted those restrictions – but that property is now C-3. This parcel is the only parcel that is not allowed this use. The reasons for these restrictions no longer exist at this quadrant of the Richwood exit. He stated that Staff does a good job of requiring landscaping and setbacks. He stated that the Planning Commission used to review Site Plans but gave Staff that authority.

Mr. Reynolds stated that the Planning Commission is only reviewing the 2.2 acres and making it fit into what else is there, which is C-3. Mr. Costello stated that the property is still C-3, but the applicant wants to lift the condition to accommodate a manufactured housing business that wants to relocate there. Mr. Reynolds stated that none of those restrictions apply to any other C-3 in the area and granting this request would level the playing field.

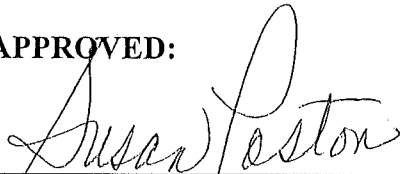
Mr. McMillian asked if they are mobile homes or manufactured homes. Mr. Tackett responded that they are brought in on wheels, the axles are removed, and they are put on permanent foundations. They are HUD standard and Freddie Mac makes loans on them. The wheels are not cut off on the site.

In response to a question from Mr. Barlow, Mr. Tackett stated that he will be selling the site to Richwood Partners who will do a trade with Clayton Homes. The Candlelight business has closed down. The two properties will be combined into one site for one use -- it will be an approximate four-acre site.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on October 1, 2003 at 5:00 PM. This item will be on the Agenda for the Business Meeting on October 15, 2003 at 7:30 PM.

Mrs. Poston closed this Public Hearing at 7:57 PM.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
SPECIAL BUSINESS MEETING
October 22, 2003
6:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 6:35 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the October 15, 2003 Business Meeting in their packets this evening. Action will be taken on those minutes at the next Business Meeting.

ACTION ON PLAN REVIEW:

1. Change in Concept Development Plan

The request of D.L.W. & Associates (owner) for a **Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky.** The request is for a **Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.**

Chairman Caddell stated that due to a possible conflict of interest and a relationship with the applicant, he has asked Mrs. Poston to chair the meeting. Chairman Caddell left the meeting at this time.

Staff Member Kevin Wall 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 owner has signed the letter agreeing to the conditions.

Mrs. Kegley moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions, but with Condition #1 being amended to read: 1) Any ~~display~~ *mobile home* units located along the road frontage shall be fully skirted. Mr. White seconded the motion.

Mrs. Kegley stated that there was clear discussion at the Committee Meeting that the Committee did not want storage up against the road frontage. Mr. Wall stated that when dealing with RV's, and cars, display and storage are one and the same. Mrs. Kegley responded that "display" to her means that people can go through the unit.

Mr. Ron Tackett stated that their understanding was that the displays along the road frontage would be fully skirted. He stated that anything stored along the road frontage would be skirted. Mr. Bungler questioned if that would include short-term storage of units along the road frontage that are not display models. Mr. Tackett suggested that Condition #1 be worded "Any stored or displayed units located along the road frontage shall be fully skirted". He stated that he does not want "mobile home units" in the condition because they are "housing units".

Counselor Wilson advised that there could be debate in the future over whether a unit is a mobile home unit or a manufactured housing unit and someone could say that the unit is not a "mobile home unit".

Mr. Poe stated that he does not want to allow storage along the road frontage and wants to be sure that the word "stored" is not part of the motion. He stated that there has not been a good job done of enforcing the conditions of the existing mobile home parks in the area -- they have units dropped off and leave them there for weeks without skirting. Mr. Wall stated that the products are buildings and have to meet the setback requirements.

Mr. Costello stated that Staff will check on the point Mr. Poe is making that other dealers there are not complying with the approved Site Plan. He stated that some of them have gone out of business and just left things there. Mr. Poe stated that when the dealers get a shipment, they will just leave them in the front for 15 – 20 days until they move them out to be sold or they go to the back of the lot.

Counselor Wilson advised that "shall meet all setbacks" could be added to the motion.

Mrs. Kegley amended her motion and moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions, but with Condition #1 being amended to read: 1) Any housing unit located along the road frontage shall be fully skirted and meet all building setback requirements. Mr. White seconded the motion as amended.

Mr. Tackett indicated his agreement.

Mr. McMillian asked if the unit behind the front unit becomes the front unit when that one is moved out. Mr. Wall responded "yes" and stated that the units have to be a minimum of fifty feet from the right-of-way line along Dixie Highway and the unit closest to the street frontage needs to be skirted. He stated that the condition does not say "just the units at the minimum setback" and any units along the road frontage would have to be skirted. Mr. McMillian asked if any unit you can see is "road frontage". Mr. Wall responded "yes".

Mr. Tackett stated that the Site Plan will show where the housing units will set. If they change inventory and move out a home that has been there for six months, another unit will be put in its place. He stated that the hookup are underground. He stated that the units along the front might be parallel to the road and the units behind might be perpendicular. The site where the unit was located would still be the front. The second unit could be 100 feet back from the road and could be exposed for a few days.

Counselor Wilson advised that if the situation described by Mr. McMillian occurred, the Zoning Enforcement Officer would give them a Notice of Violation and they will have to skirt the unit behind the front row and cure the problem -- but they would be given a number of days to do so.

Mr. Poe stated that this happens all of the time – the front unit is moved out and not replaced for an extended period of time and there is a unit behind it. He stated that either there are not enough Zoning Enforcement Officers or they have not been looking in that area.

There being no further discussion, Mrs. Poston asked for a vote on the amended motion made by Mrs. Kegley which found Mr. Bungler, Mr. Breetz, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Schwenke, Mr. White, and Mrs. Poston in favor. Mr. Poe was opposed. Mr. Barlow was not yet present. Chairman Caddell did not participate and did not vote. The motion carried with 8 votes in favor and 1 opposed.

Mr. Barlow arrived at this time. Chairman Caddell returned to the meeting at this time and introduced the next item on the Agenda:

NEW BUSINESS:

Agenda Item
No.

1

Zoning Map Amendments and Annexation

The request of the City of Florence for Jack Steele and Alpha Steele (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) in conjunction with the annexation of real property into the City of Florence, for a 0.30 acre site at 8205 Pleasant Valley Road, Boone County, Kentucky; and the request of the City of Florence for Ronald Rice and Virginia Rice (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1), in conjunction with the annexation of real property into the City of Florence, for a 0.30 acre site at 8213 Pleasant Valley Road, Boone County, Kentucky.

Mr. White moved to schedule a Public Hearing for the above item on November 19, 2003 at 7:30 PM. Mr. Bungler seconded the motion and it carried unanimously.

There being no further business to come before the Planning Commission, Mr. White moved to adjourn. Mr. McMillian seconded the motion. The meeting was adjourned by unanimous consent at 6:54 PM.

APPROVED:

Arnold Caddell, Chairman

Attest:

Jan Hancock, Recording Secretary

EXHIBIT
"B"

Read at the October 15, 2003 Business Meeting - No Action taken due to no quorum. Re-Read at the October 22, 2003 Business Meeting.

#2

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 15, 2003

RE: Request of **D.L.W. & Associates (owner)** for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The text of the Land Use Element ("Richwood Area," pg. 167) states "because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types" and "commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75." This section of the Land Use Element also states "commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange." Based on these statements, it is the Committee's conclusion that the Comprehensive Plan anticipates a wide range of

commercial uses in the vicinity, including appropriately developed mobile/manufactured home sales uses which generate small traffic volumes, such as the one proposed.

- C. The Goals and Objectives state "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" ("Business Activity," Goal) and "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" ("Business Activity," Commercial [Retail and Office] Objective 1). When considering these statements, the Committee has concluded that the proposed mobile home sales use is a modest expansion of the established mobile home sales district, and with the conditions outlined below, will be compatible with the surrounding area.
 - D. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines.
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 also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Any housing unit located along the road frontages shall be fully skirted and shall meet all building setbacks.
2. A minimum 20 foot wide landscape area shall be provided along the Dixie Highway frontage. All landscape materials required by Section 3720 of the Zoning Regulations for the 10 foot wide street frontage landscaping area shall be provided within this minimum 20 foot wide landscape area.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 24, 2003
7:00 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:05 PM and introduced the item on the Agenda:

Applicant: D.L.W. & Associates

Request: Change in Concept Development Plan

The request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). The Commissioners reviewed the Power Point slides with Staff and the applicant in regard to the existing land uses in the area and the existing mobile home dealerships to the north.

Mrs. Poston asked for the applicant's presentation.

Mr. Ron Tackett, 1135 U.S. 25 Walton, stated that the property has been owned by D.L.W. & Associates since 1978. He stated that in late 1978, Walter Supply was going to buy the thirty-five acre site, which was zoned C-3, and put 150 apartment units on twelve-acres – but there was no public sewage in the area at

that time. He stated that the lower part of Old Richwood Road has been abandoned. He stated that when the UR-1 zoning was approved, there was a stipulation that if the project did not get started within two years, then the zoning would revert back to the prior zoning classification – but the UR-1 zoning continued on in the Comprehensive Plan Updates. Pilot bought the property on the corner of KY 338 and was trying to get a zone change for property between their property and the general store. There were residences in the SR zone and a lot of people were against the zone change. Scott Oil Company sold four acres to a Cincinnati group and they put a street in off KY 338 and three fast food restaurants. In the D.L.W. & Associates zone change application, they were only going to be allowed two fast food restaurants – the Cincinnati group was allowed to do without a zone change what D.L.W. & Associates agreed not to do. D.L.W. & Associates withdrew their zone change application because they did not think they could sell the property for more fast food restaurants there. Three years ago, they were able to work with Frisch's and put in a short street to connect Winning Colors Drive to Dixie Highway so that traffic would have more than one way in and out of the restaurant, and having the through road would be advantageous to their development. They have not sold any lots. He stated that there will not be any new mobile home dealerships there. To the north of Holiday Homes is a car lot and a plumbing company. To the north of the flea market is Clayton Homes, which has been bought out by Berkshire-Hathaway, and they will sell that site to the flea market and relocate Clayton Homes to the subject site. The mobile homes and manufactured housing will move from north of the flea market to the subject site. There is an office on the site and a lot of storage on the Candlelight site. If this request is approved, they will have to meet the requirements and restrictions in developing the site, and they will present a Site Plan at that time. It is a 2.24 acre site. He stated that there are only three residences left there and they are in the C-3 zone. Those properties are to the south and could be purchased and developed as C-3 uses. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in regard to this application. There being no response, she asked if there were any questions or comments from the Commissioners.

Mr. McMillian asked if they own the brick house there. Mr. Tackett responded "yes". Mr. McMillian asked if this use would be an extension of the mobile homes that are there. Mr. Tackett responded that the dealership that was there went out of business. He stated that most of the mobile home sales in Boone County are in this area -- this would be a "manufactured home mall" concept like the "auto mall" concept near Kings Island.

Mr. Costello questioned how the size of the Clayton Homes parcel compares to this parcel. Mr. Tackett responded that the Clayton Homes parcel is larger, but much of it is not flat land so they do not use all of the site.

Mrs. Wilson asked that the applicant bring pictures to the Committee meeting. She stated that she drives by this area and there is a shed on one of the parcels (not shown in the Power Point presentation) that has tires which probably belong to the trailers. Her understanding is that there is to be no outside storage of tires – but they are out there all the time. Mr. Tackett responded that the shed is not on their property. He stated that it is on the old Oakwood site and he indicated its location on the Power Point slide. Mr. Costello stated that Staff will follow up on Mrs. Wilson's comments regarding the shed. Mrs. Wilson asked if the applicant will have a facility like the shed for their tires. Mr. Tackett responded "no". Mrs. Wilson questioned how many mobile homes will be on the site, since it is a smaller parcel. Mr. Tackett responded that they will probably have as many homes on this site as on the other site. He stated that they do not utilize all of the land on the other site. Mrs. Wilson asked if there is a number of units allowed on the site. Mr. Costello responded "no". Mr. Tackett stated that they have to be able to get the trailers in and out. Mrs. Wilson stated that she is concerned about the trailers being right on the interstate. Mr. Tackett commented that they display them well. Mrs. Wilson disagreed. Mr. Tackett stated that the site does not abut the interstate – it is 1,000 to 1,500 feet from the interstate and the trailers will not be seen from the interstate.

Mr. Barlow asked if Mobile Home Sales is a Permitted Use or a Conditional Use in the C-3 zone. Mr. Wall responded that it is a Permitted Use, but the applicant agreed to exclude this use from the previous approval. He stated that a number of uses were excluded and the overall intent was to create a commercial park and avoid the outside storage.

Mr. Tackett stated the railroad tracks and the industrial park across the road disfavor the site for the commercial park they once proposed. Cold Storage was not built at that time. He stated that the character of the area has changed. The residences are gone. The industrial park is built out to the highway and affects this site.

Mrs. Wilson questioned how the widening of U.S. 25 may affect the site. Mr. Tackett responded that surveying to widen the road has been going on for the last two or three years. He stated that there is room on the railroad side, but the road will not go that way. Mr. Costello stated that he believes there is enough right-of-way there. The Highway Department has a preliminary design for the widening of U.S. 25 and Staff will check to see what the impact would be.

Mrs. Poston asked if the homes will be stored on the site or if it will be a showroom. Mr. Tackett responded that he believes they show the units there and do not move them in and out. They set them up to look nice and even put shingles on the roofs. People come in and look at the units and choose their accessories. He believes the units are shipped from the factory to the buyers' lots.

Mrs. Poston questioned how the Planning Commission will have input into the design of this lot. Mr. Wall responded that if there are specific items other than the normal code requirements, then this is the process to do that. Mr. Costello stated that any conditions imposed would only apply to this site.

Mr. Poe stated that approving this request will change the entire makeup of the rest of the C-3 zone. Once that corner goes to a mobile home park, there will not be other commercial behind it. He asked the Committee to consider that this will change the whole concept of the area. He stated that anyone who buys the land without a Concept Development Plan can basically develop it anyway they want. Mr. Wall responded "without conditions or commitment, that is correct". He noted that the applicant has not asked to change the terms of the previous approval other than this request.

Mr. Tackett stated that they will have to submit a Site Plan – and the Planning Commission can design the shrubbery, landscaping, and setbacks at that time. He stated that he is only asking that the mobile home restriction be lifted so that the request can go to the next step where checks and balances are in place.

Mr. Costello stated that the condition is only proposed to be lifted from this parcel and it would still apply to the other lots in the subdivision. There are additional conditions that affect this property. He stated that the Planning Commission has to get a firm understanding of the mobile home/manufactured home district out there. There may be some existing enforcement issues and Staff will look into that. He stated that there is a process for Site Plan Review. He stated that this property is opposite the Richwood Industrial Park. Mr. Poe stated that Site Plan Review is would be done by Staff, not by the Planning Commission. Mr. Costello agreed. Counselor Wilson advised that Site Plan Review is based on the standard regulations and additional conditions could be imposed through the rezoning process.

Mr. Tackett stated that the reasons the conditions were imposed in 1989 are no longer there and the reasons why they agreed to the conditions have been extinguished. There was SR zoning there and the people wanted those restrictions – but that property is now C-3. This parcel is the only parcel that is not allowed this use. The reasons for these restrictions no longer exist at this quadrant of the Richwood exit. He stated that Staff does a good job of requiring landscaping and setbacks. He stated that the Planning Commission used to review Site Plans but gave Staff that authority.

Mr. Reynolds stated that the Planning Commission is only reviewing the 2.2 acres and making it fit into what else is there, which is C-3. Mr. Costello stated that the property is still C-3, but the applicant wants to lift the condition to accommodate a manufactured housing business that wants to relocate there. Mr. Reynolds stated that none of those restrictions apply to any other C-3 in the area and granting this request would level the playing field.

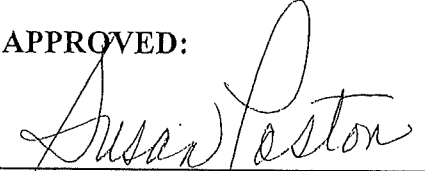
Mr. McMillian asked if they are mobile homes or manufactured homes. Mr. Tackett responded that they are brought in on wheels, the axles are removed, and they are put on permanent foundations. They are HUD standard and Freddie Mac makes loans on them. The wheels are not cut off on the site.

In response to a question from Mr. Barlow, Mr. Tackett stated that he will be selling the site to Richwood Partners who will do a trade with Clayton Homes. The Candlelight business has closed down. The two properties will be combined into one site for one use -- it will be an approximate four-acre site.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on October 1, 2003 at 5:00 PM. This item will be on the Agenda for the Business Meeting on October 15, 2003 at 7:30 PM.

Mrs. Poston closed this Public Hearing at 7:57 PM.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 1, 2003

RE: Request of **D.L.W. & Associates (owner)** for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

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.

October 1, 2003

D.L.W. & Associates

Susan Poston
Susan Poston, Chairwoman

For Project Absent
 Against Project
 Abstain Deferred

Randy Barlow
Randy Barlow

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds(Alternate)*

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 4 FOR PROJECT 1 ABSENT
 AGAINST PROJECT ABSTAIN

Read at the October 15, 2003 Business Meeting - No Action taken due to no quorum. Re-Read at the October 22, 2003 Business Meeting.

#2

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 15, 2003



RE: Request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

REMARKS:

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commercial uses in the vicinity, including appropriately developed mobile/manufactured home sales uses which generate small traffic volumes, such as the one proposed.

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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.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 24, 2003
7:00 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:05 PM and introduced the item on the Agenda:

Applicant: D.L.W. & Associates

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Mrs. Poston asked if there was anyone else present who wished to speak in regard to this application. There being no response, she asked if there were any questions or comments from the Commissioners.

Mr. McMillian asked if they own the brick house there. Mr. Tackett responded "yes". Mr. McMillian asked if this use would be an extension of the mobile homes that are there. Mr. Tackett responded that the dealership that was there went out of business. He stated that most of the mobile home sales in Boone County are in this area -- this would be a "manufactured home mall" concept like the "auto mall" concept near Kings Island.

Mr. Costello questioned how the size of the Clayton Homes parcel compares to this parcel. Mr. Tackett responded that the Clayton Homes parcel is larger, but much of it is not flat land so they do not use all of the site.

Mrs. Wilson asked that the applicant bring pictures to the Committee meeting. She stated that she drives by this area and there is a shed on one of the parcels (not shown in the Power Point presentation) that has tires which probably belong to the trailers. Her understanding is that there is to be no outside storage of tires – but they are out there all the time. Mr. Tackett responded that the shed is not on their property. He stated that it is on the old Oakwood site and he indicated its location on the Power Point slide. Mr. Costello stated that Staff will follow up on Mrs. Wilson's comments regarding the shed. Mrs. Wilson asked if the applicant will have a facility like the shed for their tires. Mr. Tackett responded "no". Mrs. Wilson questioned how many mobile homes will be on the site, since it is a smaller parcel. Mr. Tackett responded that they will probably have as many homes on this site as on the other site. He stated that they do not utilize all of the land on the other site. Mrs. Wilson asked if there is a number of units allowed on the site. Mr. Costello responded "no". Mr. Tackett stated that they have to be able to get the trailers in and out. Mrs. Wilson stated that she is concerned about the trailers being right on the interstate. Mr. Tackett commented that they display them well. Mrs. Wilson disagreed. Mr. Tackett stated that the site does not abut the interstate – it is 1,000 to 1,500 feet from the interstate and the trailers will not be seen from the interstate.

Mr. Barlow asked if Mobile Home Sales is a Permitted Use or a Conditional Use in the C-3 zone. Mr. Wall responded that it is a Permitted Use, but the applicant agreed to exclude this use from the previous approval. He stated that a number of uses were excluded and the overall intent was to create a commercial park and avoid the outside storage.

Mr. Tackett stated the railroad tracks and the industrial park across the road disfavor the site for the commercial park they once proposed. Cold Storage was not built at that time. He stated that the character of the area has changed. The residences are gone. The industrial park is built out to the highway and affects this site.

Mrs. Wilson questioned how the widening of U.S. 25 may affect the site. Mr. Tackett responded that surveying to widen the road has been going on for the last two or three years. He stated that there is room on the railroad side, but the road will not go that way. Mr. Costello stated that he believes there is enough right-of-way there. The Highway Department has a preliminary design for the widening of U.S. 25 and Staff will check to see what the impact would be.

Mrs. Poston asked if the homes will be stored on the site or if it will be a showroom. Mr. Tackett responded that he believes they show the units there and do not move them in and out. They set them up to look nice and even put shingles on the roofs. People come in and look at the units and choose their accessories. He believes the units are shipped from the factory to the buyers' lots.

Mrs. Poston questioned how the Planning Commission will have input into the design of this lot. Mr. Wall responded that if there are specific items other than the normal code requirements, then this is the process to do that. Mr. Costello stated that any conditions imposed would only apply to this site.

Mr. Poe stated that approving this request will change the entire makeup of the rest of the C-3 zone. Once that corner goes to a mobile home park, there will not be other commercial behind it. He asked the Committee to consider that this will change the whole concept of the area. He stated that anyone who buys the land without a Concept Development Plan can basically develop it anyway they want. Mr. Wall responded "without conditions or commitment, that is correct". He noted that the applicant has not asked to change the terms of the previous approval other than this request.

Mr. Tackett stated that they will have to submit a Site Plan – and the Planning Commission can design the shrubbery, landscaping, and setbacks at that time. He stated that he is only asking that the mobile home restriction be lifted so that the request can go to the next step where checks and balances are in place.

Mr. Costello stated that the condition is only proposed to be lifted from this parcel and it would still apply to the other lots in the subdivision. There are additional conditions that affect this property. He stated that the Planning Commission has to get a firm understanding of the mobile home/manufactured home district out there. There may be some existing enforcement issues and Staff will look into that. He stated that there is a process for Site Plan Review. He stated that this property is opposite the Richwood Industrial Park. Mr. Poe stated that Site Plan Review is would be done by Staff, not by the Planning Commission. Mr. Costello agreed. Counselor Wilson advised that Site Plan Review is based on the standard regulations and additional conditions could be imposed through the rezoning process.

Mr. Tackett stated that the reasons the conditions were imposed in 1989 are no longer there and the reasons why they agreed to the conditions have been extinguished. There was SR zoning there and the people wanted those restrictions – but that property is now C-3. This parcel is the only parcel that is not allowed this use. The reasons for these restrictions no longer exist at this quadrant of the Richwood exit. He stated that Staff does a good job of requiring landscaping and setbacks. He stated that the Planning Commission used to review Site Plans but gave Staff that authority.

Mr. Reynolds stated that the Planning Commission is only reviewing the 2.2 acres and making it fit into what else is there, which is C-3. Mr. Costello stated that the property is still C-3, but the applicant wants to lift the condition to accommodate a manufactured housing business that wants to relocate there. Mr. Reynolds stated that none of those restrictions apply to any other C-3 in the area and granting this request would level the playing field.

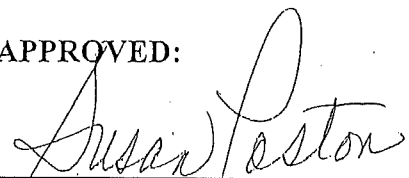
Mr. McMillian asked if they are mobile homes or manufactured homes. Mr. Tackett responded that they are brought in on wheels, the axles are removed, and they are put on permanent foundations. They are HUD standard and Freddie Mac makes loans on them. The wheels are not cut off on the site.

In response to a question from Mr. Barlow, Mr. Tackett stated that he will be selling the site to Richwood Partners who will do a trade with Clayton Homes. The Candlelight business has closed down. The two properties will be combined into one site for one use -- it will be an approximate four-acre site.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on October 1, 2003 at 5:00 PM. This item will be on the Agenda for the Business Meeting on October 15, 2003 at 7:30 PM.


Mrs. Poston closed this Public Hearing at 7:57 PM.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 1, 2003

RE: Request of D.L.W. & Associates (owner) for a Change in an Approved Concept Development Plan for a 2.24 acre tract on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a mobile home sales lot in a Commercial Services (C-3) zone.

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 Project ___ Absent
Against Project ___
Abstain ___ Deferred ___

Randy Barlow

Randy Barlow
For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Greg Breetz

Greg Breetz
For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Bunger

Kim Bunger
For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Janet Kegley

Janet Kegley
For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

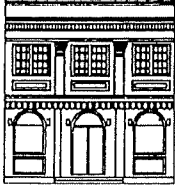
Charlie Reynolds(Alternate)*
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

TOTAL: ___ DEFERRED 4 FOR PROJECT ___ ABSENT
___ AGAINST PROJECT ___ ABSTAIN

)

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



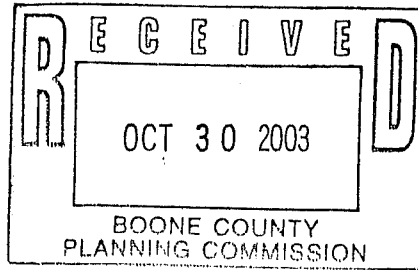
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



October 23, 2003

Mr. Ronald Tacket
11135 U.S. 25
Florence, KY 41094

FAX: 485-1013

RE: Planning Commission Conditions of Approval for D.L.W. & Associates Change in Concept Development Plan Application, 2.24 Acre Lot on Northwest Corner of Dixie Highway/Winning Colors Drive Intersection, Boone County, Kentucky

Dear Mr. Tacket:

The following represents the conditions of approval for the above referenced application as amended by the Planning Commission at their October 23, 2003 Business Meeting. As you verbally agreed to these conditions at the meeting as authorized representative of the property owner, please sign this letter demonstrating with the following written conditions.

CONDITIONS

1. Any housing unit located along the road frontages shall be fully skirted and shall meet all building setbacks.
2. A minimum 20 foot wide landscape area shall be provided along the Dixie Highway frontage. All landscape materials required by Section 3720 of the zoning regulations for the 10 foot wide street frontage landscaping area shall be provided within this minimum 20 foot wide landscape area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall'.

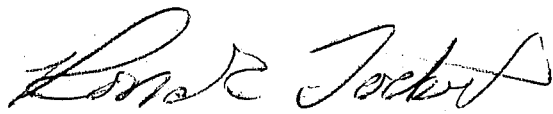
Kevin T. Wall, AICP, CDT
Director, Zoning Services

KTW/pr

Mr. Ronald Tackett
October 23, 2003
Page 2

AGREEMENT

I, partner and the authorized representative of the owner of the aforementioned real estate on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky, agree to the conditions listed herein for the D.L.W. & Associates Change in Concept Development Plan application.



10-29-03

Mr. Ronald Tackett, Partner and Authorized Representative
D.L.W. & Associates

Date



JAMES W. BERLING ENGINEERING, PLLC

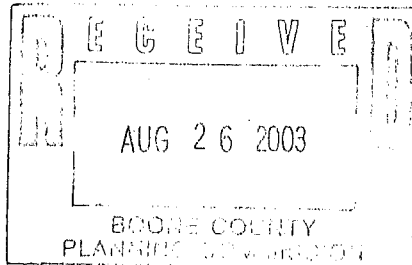
Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY License No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor License KY 206

April 9, 2003



LEGAL DESCRIPTION

D.L.W. ASSOCIATES
DIXIE HIGHWAY
RICHWOOD, KENTUCKY

PARCEL "A"

Beginning at a point in the west right of way line of Dixie Highway (U. S. Hwy. 25), said point being the northeast corner of the grantor's property (Deed Book 239, Page 232); thence S-70°-01'-20"-W along the north line of the grantor and the south line of Richwood Partners, L.L.C. (Deed Book 845, Page 307) a distance of 423.64 feet to a point along the north line of the grantor and the south line of B & Z Development (Deed Book 686, Page 54), S-19°-58'-40"-E 60.00 feet, and S-70°-01'-20"-W 118.78 feet to a point; thence through the land of the grantor S-56°-53'-06"-E 276.33 feet to a point in the proposed northwest right of way line of Winning Colors Drive; thence in a northeasterly direction along the proposed northwest right of way line of Winning Colors Drive as it curves to the right with a radius of 546.44 feet, an arc distance of 318.61 feet to a point; thence N-66°-31'-20"-E along the proposed northwest right of way line of Winning Colors Drive 88.36 feet to a point in the west right of way line of Dixie Highway; thence N-22°-12'-22"-W along the west right of way line of Dixie Highway (U. S. Hwy. 25) a distance of 167.20 feet to the place of beginning.

Containing 2.2400 Acres

RECEIVED
DEC 29 2003
BOONE COUNTY
PLANNING COMMISSION

Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-27

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF DLW & ASSOCIATES (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR A 2.24 ACRE SITE GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE DIXIE HIGHWAY/WINNING COLORS DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 2.24 acre site generally located on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, 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 a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 2.24 acre site generally located on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky.

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

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, in a Commercial Services (C-3) zone for a 2.24 acre site generally located on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 239, PAGE NO. 232 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for this approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 2.24 acre site generally located on the northwest corner of the Dixie Highway/Winning Colors Drive intersection, Boone County, Kentucky, 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."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

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 18TH day of November, 2003.

Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-27

Adopted by the Boone County Fiscal Court after Second Reading at a regular meeting on the 19th day of December, 2003, 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

GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

Christina M. Wanner

CHRISTINA M. WANNER
FISCAL COURT CLERK

James R. Schrand II

JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

12-26-03

DATE PUBLISHED

