

ZONING MAP AMENDMENT REQUEST BY WESTBOURNE INSURANCE AGENCY, INC.
(APPLICANT) FOR JAMES R. SCHWARZ, ET. AL. (OWNERS) FOR PROPERTY
LOCATED OFF KY. 18, BOONE COUNTY, KENTUCKY

This is a Zoning Map Amendment request by Westbourne Insurance Agency, Inc., (applicant) for James R. Schwarz, et. al. (owners) of a 31.367 acre tract located on the northeast side of KY. 18 across from Boone Aire Drive, Boone County, Kentucky.

This request is to change the current zoning of Industrial One, I-1 to Commercial Services, Planned Development Overlay, C-3/PD Overlay and Commercial Two, Planned Development Overlay, C-2/PD Overlay. Adjoining property to the north and west of the site is zoned Industrial One, I-1, while property just east of the site is zoned Airport, A. Property to the south of the site and across KY. 18 is currently zoned Suburban Residential One, SR-1. The 31.367 acre site is located in the Greater Cincinnati International Airport Clear Zone. A portion of the site is in the 65 LDN noise contour. The LDN is the Federal Aviation Administration's standard metric for determining the cumulative exposure of individuals to noise. Finally, the site is part of the Heritage Hill Industrial Center Subdivision. A preliminary plan for this subdivision was approved by the Boone County Planning Commission on January 3, 1979.

The applicant's request is to rezone the 31.367 acre tract of land for commercial use in a Planned Development (PD) zone. The Planned Development zone is intended to demonstrate a development pattern which preserves and utilizes natural topography, trees and other vegetation and prevents the disruption of natural drainage patterns. The submitted Concept Development Plan is to be completed in three stages over a ten-year time period by Mr. Barry J. Williams. The intent is for Mr. Williams to relocate his current business at KY. 18 and Limaburg Road and possibly add two dealerships for a total of 32,000 square feet. The three automobile dealerships would be located on the front portion of the site (8.867 acres) in the proposed Commercial Services, Planned Development Overlay (C-3/PD Overlay) zone. The remaining portion or approximately 22.50 acres will be a mixed-use commercial development in the proposed Commercial Two, Planned Development Overlay (C-2/Planned Development Overlay) zone.

The applicant has submitted a Concept Development Plan (see attached copy). The following is a summary for the proposed development.

<u>PROPOSED C-3/PD OVERLAY ZONE</u>	<u>USE</u>	<u>SQ. FOOTAGE</u>
Stage 1	auto dealership	12,000
Stage 2	auto dealership	12,000
	auto dealership	<u>8,000</u>
	TOTAL	32,000 square feet
<u>PROPOSED C-2/PD OVERLAY ZONE</u>	<u>USE</u>	<u>SQ. FOOTAGE</u>
Stage 3	-prof. offices & shops (12) 3,600 s.f. units	43,200
Stage 4	-prof. offices & shops (9) 7,000 s.f. units	63,000
Stage 5	-specialty shops (3) 20,000 s.f. units	60,000
	TOTAL	<u>166,200 square feet</u>

The total amount of commercial use for the 31.367 acre site is 198,200 square feet. The purpose of the proposed C-2/PD Overlay zone is to provide services to the community. These services would include professional business offices and shops in the middle of the development and larger specialty stores towards the rear of the site. The entire site will be served by a four-lane boulevard street in the front portion of the parcel and then the boulevard would be reduced to two lanes in the rear section of the development. The principle point of access will be in direct line with Boone Aire Drive. One possible concern may be the dispersal of traffic from the site once development has been completed and the traffic from Boone Aire Drive. It may be necessary to install a traffic signal at some point in time to permit traffic from exiting and entering the site due to the amount of traffic generated from the commercial development and the gradient of KY. 18. Presently, there is no connection between adjacent property owners being planned for the project.

The Concept Development Plan also indicates that a storm water detention pond and waste water treatment facility will be built in the rear portion of the site to serve businesses in the C-2/PD Overlay zone. The waste water disposal system for the automobile dealerships will be self-contained units. Water to the site will be provided by extending existing lines. The applicant proposes to maintain the existing pond for natural drainage throughout the site and create an additional pond along KY. 18 for aesthetic purposes. Also, the applicant has demonstrated the need to preserve existing vegetation and the natural topography of the site in order to provide an adequate buffer to adjacent property owners.

The Boone County Comprehensive Plan Land Use map indicates a planned future land use for this site and immediate area as Industrial, Environmentally Sensitive and Public/Institutional. The text of the Boone County Comprehensive Plan refers to the 31.367 acre site and immediate area in the following manner:

Page 3.5 "Industrial uses are also planned in several areas in the vicinity of the Airport where higher levels of Airport noise make residential uses less desirable. These areas may be developed for industrial purposes once adequate infrastructure is made available or provided as part of the proposed development."

Page 3.8 "The dominant public/institutional land use planned to continue in the County is the Greater Cincinnati International Airport. The Airport plans to construct a new north-south runway east of existing facilities and is continuing a program of land acquisition to allow safe operation of the expanded facility. Land acquisition is reflected in the plan....south to industrial development along KY. 18."

Page 3.15 "Industrial uses, many of which have been recently constructed or committed, are planned along the north side of KY 18, backing up to Airport properties and expanding onto those lands as the opportunity develops. These uses will be compatible with Airport operations and have good transportation access, with minimal impact on residential development in the area."

Page 3.16 "Commercial uses, including highway commercial and community type uses, are planned at several sites in the Burlington-Florence corridor. These include the intersections of KY 18 with new KY 237, Limaburg Road, Zig Zag Road, and the old Florence-Burlington Road. Other commercial development may occur as part of residential planned development."

In summary, the Boone County Comprehensive Plan Land Use map and text suggest that the 31.367 acre site and surrounding area is highly suited for industrial, public/institutional, environmentally sensitive and commercial land uses. Further, the applicant has submitted (see enclosed letter) in writing of how the proposed development meets community requirements, the objectives of the Planned Development (PD) zone and the unique design of commercial land use along KY 18.

In conclusion, the Williams Concept Development Plan demonstrates an innovative approach to commercial development along KY 18 without the complete visibility of the entire site. The Plan utilizes the existing vegetation and natural topography, which may not be conducive for a large scale industrial development project. The impact of this proposed commercial development upon the community would not be immediate because it is scheduled to be completed over a ten-year period. This project should be examined and be evaluated by the Planning Commission in terms of meeting the objectives of the Planned Development (PD) zone. The proposed zone change request would require a change in the Boone County Comprehensive Plan Land Use map from Industrial, Environmentally Sensitive, and Public/Institutional to Commercial, should the request be eventually granted by the Boone County Fiscal Court. The Comprehensive Plan text would also need to be adjusted on pages 3.5, 3.8, 3.15, and 3.16.

Respectfully submitted,



Kevin P. Costello
Assistant Director/Senior Planner

J.N.



17 January 1986

Boone County Planning Commission
Boone County Administration Building
P. O. Box 697-2950 Washington Square
Burling, Kentucky 41005

Att: Mr. Kevin Costello

Re: Concept Development Plan for Mr. Barry Williams

Dear Mr. Costello:

The following is in response to your letter of 14 January 1986:

1. Principal ties to community in regard to transportation, water and sewer.
 - A. Vehicular transportation onto the site will begin at the existing intersection of Boone Aire Drive and Kentucky 18. The road into the proposed site will be constructed to meet the requirements of a dedicated street.
 - B. A water main will be placed in the street right of way. There are three alternatives for extension of water mains to the site. The nearest is a 12" \emptyset water main across Kentucky 18 on Boone Aire Drive. The Boone County Water Department will review and advise on same.
 - C. The waste water disposal system for the car dealerships will be self-contained units. A future waste water treatment facility will be built for the entire Planned Development. The construction and operation of this facility will be in concert with any development of requested C-2 zoning. At that time the car dealerships will be required to tie into same.
2. There will be no environmental impact on community facilities such as schools, fire department, or cultural facilities. The property is bound by Kentucky 18 to its west and property zoned industrial one on its other sides. The site lies in the airport landing strip clear zone.
3. The proposed Planned Development meets community requirements on several accounts.
 - A. Boone County zoning regulations implement a comprehensive plan that supports a "Growth Management" approach. Mr. Williams' business is growing and present location does



not allow for expansion of his existing facilities. The Planned Development submitted will allow Mr. Williams' business long term growth for expansion of his business.

- B. The concept development plan is sensitive in its design to natural environment. The plan for this specific site is an innovative and creative development which responds to circumstances and features of the site and will provide lasting value to the community. Please note the following:
1. Installation of dedicated street to follow existing contours of site.
 2. Preservation of existing pond for public use.
 3. Preservation of existing wooded areas to preserve original qualities.
 4. Location of buildings to take advantage of site views and not be intrusion.
- C. The C-3 Concept Development Plan originates from the single purpose of developing a civic area for public use. The idea is two fold; first, Mr. Williams business is extremely competitive. He must handle his business operations and facilities to be in harmony with the community he works within. He wants to remain in Boone County as a positive contributor to the area growing in concert with the area. This brings about the second idea that goes in hand with the first. The preservation of natural site amenities will be open to use by the public. As far as Mr. Williams is concerned the more his property looks like a park the better. His property value and public image will increase in value as well as the facility becoming an asset to the community. This idea will take great pains on Mr. Williams part in the way of design approach and maintenance, yet long range benefits are extremely promising.
4. The C-3 Zoning per section 940 sites several objectives, all of which the Concept Development Plan addresses.
- A. Centralization of commercial activities (3 dealerships on road frontage, commercial development to the rear).
 - B. Site is appropriately buffered from suburban areas.
 - C. District has direct visibility from major vehicular artery.
 - D. District facilities are designed to cluster compatible uses.
 - E. Sharing of parking service center, signage, lighting, etc.

5. Mr. Williams will own and maintain properties with pond and pond frontage on Kentucky 18. These areas can be dedicated with the road to the county for maintenance of same at a later date. The sale of other parcels will not hamper existing natural elements of site. The property development must follow concept development plan requirements.
6. Stage 1 of development will be within 2 years.
Stage 2 of development will be within 5 years.
Stage 3 of development will be within 10 years.
7. The general intent of C-2/PD is to provide the area with a broad scope of community services. C-2 encompasses uses in C-1 and O-1. These would include professional business offices and shops in the middle of the development. Larger speciality stores to the rear of the site.

<u>Dealerships</u>	<u>Professional Offices/ Shops</u>	<u>Specialty Shops</u>
Williams Subaru	Real Estate, Office rental space, special-ty shops	Furniture sale, Home service type operations.

The project meets the objectives of Planned Development Zoning District as follows:

- A. Maximum choice of living environment per item No. 7.
- B. Useful pattern of open space and recreation areas.
- C. Convenient location of accessory commercial uses.
- D. Plan preserves and utilizes natural topography and geological features.
 1. Trees
 2. Ponds
 3. Views
 4. Natural Drainage

The Planned Development would better suit the site than its present industrial one on the following accounts:

1. Narrow shape of site not conducive to large scale industrial development.



JOHNSON CLIPSON ARCHITECTS, INC. 280 E. SHARON RD. , CINCINNATI, OHIO 45246 TEL (513) 771-3123

2. Extreme topography of hills and valley not conducive to large scale industrial development.
3. Commercial services buffered by Kentucky 18 available to R Districts to west of site on other side of Kentucky 18.

Sincerely,

Anthony J. Hoekstra

cc: Barry Williams

Chairman Kroger opened the Public Hearing on the request of Westbourne Insurance Agency, Inc., (applicant) to rezone 31.367 acres of the James Schwarz property located on KY 18, Boone County, Kentucky. The property is currently zoned Industrial One, I-1 and is requested to be rezoned to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay.

Asst. Director Costello stated the applicant would like to present a slide presentation which would identify the site as well as the existing business.

Chairman Kroger inquired who would be speaking in behalf of

the applicant.

Atty. Jim Wolterman, representing the applicant, stated he would be speaking for the applicant. Mr. Wolterman introduced Mr. Jim Berling, Engineer for the proposed property and Addison, Clipson and Hockstra, Architects for the applicant. Mr. Wolterman stated the purpose of the application was to relocate Williams Subaru and also to move the facility in closer proximity to the existing automobile dealerships on that side of KY. 18.

Mr. Barry Williams, owner, explained his wanting to rezone from I-1 to C-3. Mr. Williams stated he would be the only person having a car dealership on the property and noted his intentions were to add another line or two of cars. Mr. Williams pointed out he wanted to get part of the site rezoned to c-2 so he could use some other source of development behind the dealership.

Mr. Clipson presented a slide presentation of the proposed site and the surrounding area.

Mr. Hockstra presented the architectural layout of the proposed development. Mr. Hockstra noted the clustering of compatible uses would be the dealership. Mr. Hockstra described each use of the proposed site. Mr. Hockstra explained the site gave some topographical restraints and noted buildings had been situated on the sites and the parking for the automobiles to use as a display had been terraced. Mr. Hockstra pointed out a small pond was developed in front of the dealership to be used as an advertising gimmick. Mr. Hockstra noted the configuration of the road would follow the topography of the sites leaving the pond where it was. Mr. Hockstra explained the office units would be terraced down and would have use of the pond and wooded area. Mr. Hockstra stated the dealership would set upon the highest point of the site at the northwest corner and noted the parking of display for the new vehicles would be terraced with enough room for one row of cars and a small drive approximately 18 feet to maneuver cars in and out. Mr. Hockstra stated the applicant had sufficient use of the land for Planned Development and was in conformance with the Comprehensive Plan. Mr. Hockstra stated the zoning of the property was I-1 and the applicant felt I-1 was an improper zoning of the property for that particular parcel because it was a restricted site such as topography, the property was narrow, had a large pond in the middle of the site and the location. Mr. Hockstra stated the concept the applicant had tried to show and establish was to develop a park for public use. Mr. Hockstra stated the primary purpose though was to achieve a dealership along with creating an image through the design of the site and the design of the architecture combined.

Mr. Costello presented staff report. (See attached "Exhibit D").

Mr. Roy Neal inquired of a proposed road tunneling under the

new runway of the airport and at what point would the road come out.

Director Newton pointed out the Airport Board had given the Commission a copy of their land use proposed for the year 2000 and stated the future proposed road would end up tied-in generally with Zig Zag Road on KY. 18.

Mr. Dudley Rouse, adjoining property owner to the east, expressed concern as to what would be developed on the east side of the property.

Mr. Berling, engineer of the proposed development, stated the drainage and utilities would go in the area and noted approval would have to be obtained by the local people and the State. Mr. Berling stated a large buffer of trees would be left on the east side of the property.

Further discussion followed on requirements of C-2 zoning.

Chairman Kroger inquired what use the applicant had specified for the C-2 zoning.

Mr. Williams stated the type of business specified for the C-2 zoning would be light traffic/automotive related.

Chairman Kroger inquired would the C-2 zoning entail a PD/Overlay.

Mr. Costello stated it would.

Mr. Hockstra stated the building adjacent to the east property line was 110 feet from the property line. Mr. Hockstra noted the area east of the building would be large retail-type buildings.

Mr. Rouse stated he had a problem with the retention of the storm water runoff.

Mr. Berling pointed out retention of the storm water runoff would be required by the Planning Commission and the county. Mr. Berling stated as much of the storm water flow as could be put into the existing lake as possible would be and noted willingness to do whatever was necessary.

Further discussion followed on the storm water runoff.

Mr. McMillian inquired of the possibility of an access management through the lot.

Mr. Berling stated the proposed curb cut which was just pledged to be a public roadway would be developed in the manner of a subdivision and noted the entrance would be directly across from a curb cut which was already established in Boone Aire Road. Mr.

Berling stated the Highway Department would also be involved.

Mr. McMillian expressed concern of a traffic signal being at every curb cut.

Mr. Berling noted he had not mentioned a traffic signal but stated the proposed curb cut would be only for the proposed site.

Mr. McMillian stated the possible need in the area for an access management highway.

Mr. Berling stated an access management highway was possible but explained at the present time he did not see a need for it.

Mr. Costello stated the applicant had submitted a Concept Development Plan that showed the plan did tie in with one of the adjacent property owners.

Further discussion followed on the proposed curb cut.

Chairman Kroger inquired if the applicant was aware of holding the line on automobile dealerships to Zig Zag Road.

Mr. Wolterman stated he was not aware of an attempt of limiting dealerships in the Zig Zag Road vicinity.

Chairman Kroger inquired what the amount of road frontage would be available for the proposed site.

Mr. Hockstra stated 750 feet.

Chairman Kroger stated Mr. Williams would be successful at the proposed location as he presently is at the current location and noted other dealerships would come forward to possibly move in on the current site which would be vacant on Limaburg Road. Chairman Kroger stated concern of the density which would be contained within the proposed development with only 750 feet of frontage being utilized and also noted the adjoining property was currently zoned Industrial and inquired what potential there would be in terms of the same type of intensity presently there.

Mr. Williams noted one thing which should be realized was every major American manufacturer with the exception of Lincoln Mercury was already located in the Florence area.

Chairman Kroger noted action on the request would be heard on the February 5, 1986 meeting. Hearing no further questions or comments, Chairman Kroger closed the Public Hearing.

made part of any action that would be taken by the Planning Commission and if adopted by the City of Florence the Committee Report would be made part of their approval and in turn would create a situation for the Building Inspector and the Inspector's within the City of Florence who are responsible for overseeing the construction. Chairman Kroger stated that should the City of Florence grant approval of the request their enforcement people would take every precaution to see the Committee Report as part of the approval would be met.

Mr. Jerry Feldman, owner stated for the record that trees were planted on the green belt and Mr. Don Maddox, landscaper could verify that for anyone. Mr. Feldman noted he did intend to maintain the wooded area and explained realistically some of the tree would have to come out. Mr. Feldman also noted walkways would be placed within the wooded area.

The motion was seconded by Mr. Collins.

After further discussion, the motion carried unanimously.

Zoning Map Amendment

A request of Westbourne Insurance Agency, Inc., (applicant) to rezone 31.367 acres of the James Schwarz property located on KY 18, Boone County, Kentucky. The property is currently zoned Industrial One, I-1 and is requested to be rezoned to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay.

Asst. Director Costello briefly described the location of the proposed site. Mr. Costello noted the Commission had before them a summary of the proposed land uses and zoning districts as well as a reduced copy of the Concept Development Plan. Mr. Costello explained that basically Mr. Williams wanted to pursue three car dealerships and was trying to relocate his present business at Limaburg Road to KY. 18. Mr. Costello stated Mr. Williams also wanted to put in some mix-commercial use for the rear portion of the site which is a narrow shaped lot. Mr. Costello noted the mixed-uses was explained in the summary. Mr. Costello noted one item which was under the C-3/PD Overlay zone in which Mr. William's stated at the Public Hearing that he would like an automotive repair shop or automotive related shops located in the zone not in relation to the three proposed dealerships. Mr. Costello stated the staff had determined that as a principally permitted use an automotive related shop use would be more appropriate in the C-3/PD Overlay zone. Mr. Costello explained that as a result Mr. Williams had agreed to take four of the 3,600 square foot units and include that in the C-3/PD Overlay zone and the rest would be in the C-2/PD Overlay zone. Mr. Costello pointed out in the C-2/PD Overlay zone Mr. Williams would be putting in eight (8) 3,600 square foot professional offices and shops and nine (9) 7,000 square foot units, professional offices and shops, real estate

was appropriate, whether the proposed type of living arrangement was appropriate in a PF zone. Mr. Costello stated another concern was the number of curb cuts at KY. 18 as well as the buffering the rear portion of the 200 unit structure. Mr. Costello noted other concerns of the storm water runoff as well as the sanitary sewer passage. Mr. Costello stated as a result the Technical Committee met to determine if the PF/PD Overlay zone was an appropriate zone for the proposed type of use for independent living/assistant living. Mr. Costello summarized the Technical Committee's report stating the Committee members felt the PF/PD Overlay zone was appropriate primarily because the 200 residential units was attached to the existing skill care facility being Parcel #1. Mr. Costello stated the Committee felt it was health related and there would be some health services provided from the building to Parcel #4 building where there would be 200 units. Mr. Costello noted there was some connection between the medical office building (Parcel #2) and the connection between the existing skill care facility. Mr. Costello noted the connection was Parcel #4 and Parcel #1. Mr. Costello stated the Committee also felt the applicant had a desire to have a complete health care facility in which there would be existing skill care facility as well as the independent living and assistant living. Mr. Costello noted as a result the Committee decided the PF/PD Overlay zone was appropriate. Mr. Costello described the location of the PF/PD Overlay zone showing the existing skill care facility and the proposed residential units. Mr. Costello pointed out the C-2/PD Overlay zone would be Parcel #2 and #3. Mr. Costello noted because of the flexibility of the Planned Development and the attachment to the existing skill care facility the Committee felt since a small portion of the medical office building was within the PD/Overlay zone it would be appropriate to be included in the PD/Overlay zone.

Director Newton read the Technical Committee Report. (See attached "Exhibit E")

Asst. Director Costello read the Committee Report. (See attached "Exhibit F")

Chairman Kroger inquired if Mr. Andre' Busald, Atty. would be speaking in behalf of the applicant.

Atty. Busald stated yes.

Chairman Kroger inquired if Atty. Busald was aware of all the conditions set forth in the Committee's recommendations.

Atty. Busald stated yes.

Chairman Kroger inquired if Atty. Busald's client was willing to agree to all the conditions.

Atty. Busald stated the applicant was prepared to accept all

the conditions.

Mr. Viox moved by Resolution to the City of Florence that a zone change be granted based on Staff and Committee Reports with findings of fact and conditions contained therein, to GBBN (applicant) for Jerry Feldman (owner) be granted for property located in Florence, Kentucky.

Mr. Neltner requested clarification of the treed area located at the end of Sweetbriar.

Atty. Busald stated Mr. Feldman felt the park-like atmosphere made the property such a unique setting and intended to maintain it as such. Atty. Busald stated it was Mr. Feldman's desire to leave as much of the natural vegetation that was located there presently in it's current state. Atty. Busald noted that if during the construction process some of the trees are knocked out Mr. Feldman agreed to replace the trees.

Mr. Neltner inquired if the area would be cleaned up.

Atty. Busald stated the area would be cleaned up, there would be no building on the area, nothing recreational would be located on the area and the woods that are located there now will not be disturbed other than the degree of disturbance necessary to construct a building.

Mr. Tom Boone, 33 Sweetbriar, stated the Public Hearing Mr. Feldman had promised to take care of the green belt and noted Mr. Feldman had not done anything so far. Mr. Boone inquired how the retention pond would be put in without tearing up the wooded area. Mr. Boone requested clarification on the sewage system and how with the 200 units the sewage system that is there presently would be affected.

Chairman Kroger stated the Committee had addressed the issue of water runoff in the Committee Report. Chairman Kroger stated the Committee had advised the applicant would be required to meet the City of Florence storm water detention regulations. Chairman Kroger noted the applicant would also be required to meet the City of Florence's regulations if tapping into the Florence sewer system.

Atty. Busald stated the applicant does have to meet the standards of the City of Florence.

Mr. Jerry Goins stated the wooded area is basically a marsh area and Mr. Goins stated he does not see how the applicant could put a walkway there without eliminating several trees in the wooded area.

Chairman Kroger noted it was his understanding that as a recommendation to the City of Florence the Committee Report would be

office rental space, custody shops and towards the rear portion there would stage five which would be three (3) 20,000 square foot buildings which would be specialty shops (i.e., furniture sale, home service type operations). Mr. Costello noted in the proposed in the C-3/PD Overlay zone there would be 46,400 square feet and in the proposed C-2/PD Overlay zone there would be 151,800 square feet.

Director Newton read the Committee Report. (See attached "Exhibit G")

Chairman inquired who would be representing the applicant.

Atty. Jim Wolterman stated he would be representing the applicant and noted review had been made of the recommendations and the commitments to be made under the Committee Report and the applicant did accept them. Atty. Wolterman noted a revised Concept Development Plan had been brought showing the change in the line between the C-2 and C-3 zone. Atty. Wolterman stated Mr. Jim Berling, Engineer for the proposed site, would like to address the sanitation lines.

Mr. Hockstra, Architect for the proposed development, briefly reviewed the original lay-out for the PD/Overlay.

Mr. Jim Berling, Engineer for the proposed development, explained he had been in contact with the Boone County Water and Sewer District and there would be a change in the sanitary sewage. Mr. Berling stated the proposed site could connect into the Oakbrook sewage treatment plant by means of a lift station rather than sewage treatment.

Mr. McMillian inquired of the difference between an automotive related shop and an automotive repair shop being proposed on the site.

Mr. Williams, owner, stated the shop being proposed would not necessarily have to be an automotive repair shop but rather preferred an automotive related shop (i.e. body shop, part shop).

Mr. Viox moved by Resolution to the Fiscal Court for a zone change for Westbourne Insurance Agency, Inc., to rezone 31.367 acres of the James Schwarz property located on KY. 18, Boone County, Kentucky be granted based upon Staff and Committee Reports and the revisions in the Concept Development Plan. The motion was seconded by Mr. Jones.

Mr. Delong stated he felt the proposed site may be over extensive in the amount of use of the property and he stated he had notice while working with the Concept Development Plan that the rest of the development would have to be change in the area. Mr. Delong suggested the Commission should do something so there would be coordination between the other properties located near the proposed site and also so there would be a mix-use of traffic. Mr. Delong

stated he felt the development was too intense for the use at the proposed area.

Chairman Kroger expressed his concern of automobile dealerships along the KY. 18 Corridor and what would happen between the major city and the seat of Government in the KY. 18 Corridor. Chairman Kroger explained the property located next to the proposed site had 750 feet of road frontage in three acres compared to 700 feet of road frontage for the 31.367 acre tract being proposed. Chairman Kroger recommended the Commission in the future keep that point in mind since he felt it was a problem that had been neglected in the past.

A roll call was taken on the motion.

Ayes: Messrs: Collins, Davis, Greene, Hemmer, Jones, Martin, McMillian, Neltner, Slusher, Viox, Mrs. Smith and Chairman Kroger.

Nays: Mr. Delong.

The motion carried.

Mr. Viox moved by Resolution to the Fiscal Court that if Fiscal Court approved the Planning Commission's recommendation for the request a Resolution amending the text be concurrent and Fiscal Court approve the text amendment also on the Planning Commission recommendation.

After further discussion, the motion carried unanimously.

NEW BUSINESS:

Site Plan Review

A request of Jimmer's Marine (applicant) for William Crouch (owner) for Site Plan Review for a 3,600 square foot building located at 8519 U.S. 42, Boone County, Kentucky. The 3.36 acre site is currently zoned Commercial Services, C-3. The applicant is also seeking a setback variance from the Boone Board of Adjustment.

Zoning Text Amendment

A request of Mark Sanford, owner, of Mark's Guns, Inc., for a Zoning Text Amendment to allow a "ballistically secure indoor target range" to be an accessory use in a Commercial One, C-1 zoning district under Section 912 (1). The potential site is located at 7413 Dixie Highway, Florence, Kentucky and is zoned Commercial One, C-1.

Zoning Map Amendment

A request of R. C. Durr (owner) for a Zoning Map Amendment

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman
Zone Change Request Committee

DATE: February 5, 1986

RE: Request of Westbourne Insurance Agency, Inc. (applicant) to rezone 31.367 acres of the James Schwarz et al property located on KY 18, Boone County, Kentucky. The property is currently zoned Industrial One, I-1 and is requested to be rezoned to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay.

REMARKS:

We, the Committee, recommend approval of the zone change request from Industrial One, I-1 to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay for the 31.367 acre site. The Committee also recommends approval in principle of the Concept Development Plan as amended as discussed below. Approval is based on the following findings of fact and subject to the following reservations and conditions:

1) The Committee recognizes that the Florence-Burlington corridor is conducive for commercial development based upon accessibility and topography. The Committee believes that large-scaled industrial development is not the best use for the site because of the unique environmental features (e.g. terrain, existing vegetation and ponds) and the narrow width of the 31.367 acre site. Also, the Committee feels that a continued trend of large-scaled industrial development will result in a mixture of truck and automobile traffic and may pose problems between planned residential and commercial uses in the Florence-Burlington corridor.

As addressed in the staff report, this particular site has three land uses discussed in the Comprehensive Plan Land Use map and text. While the Comprehensive Plan states that industrial uses along the north side of KY 18 are compatible with the airport properties (pg. 3.15), the Committee believes that it failed to evaluate industrial traffic (specifically, the mixture of truck and car traffic) as it would impact future and existing residential development in the area. On page 3.16 commercial uses, including highway commercial uses, are stated as being planned in the Florence-Burlington corridor.

In addition, the proposed project is located on the north side of KY 18 with the south side of KY 18 containing an 8.50 acre Commercial Services, C-3 zoning district and a Suburban Residential One, SR-1 zoning district. The character of the Florence-Burlington corridor is changing. The area

is also becoming residential along KY 18 or specifically the area directly across from the proposed project. The map and text of the Comprehensive Plan's Land Use element also discuss the environmentally sensitive aspect of the property. Therefore, the Committee believes that the original zoning was not as appropriate as a commercial district development under planned development guidelines for this site.

2) The applicant's Concept Development Plan does meet the objectives of Planned Development (PD) zone by encouraging a maximum choice of living environments (e.g. building setbacks from KY 18), a more useful pattern of open space (e.g. the site shows unique landscape pattern and location of buildings), and it preserves and utilizes the existing topography and geological features (e.g. ponds, trees, views, and natural drainage) for buffering and building purposes. The proposed C-3/PD Overlay and C-2/PD Overlay zones are appropriate for the site because all commercial activities are centralized and are served by one road running the entire length of the site. The proposed project also utilizes one access point off KY 18 and clusters compatible land uses.

3) The Committee agrees in principle with the following land uses:

<u>Proposed C-3/PD Overlay Zone</u>	<u>Use</u>	<u>Square Footage</u>
Stage 1 (within 2 years)	auto dealership	12,000
Stage 2 (within 5 years)	auto dealership	12,000
	auto dealership	8,000
		<u>32,000</u> sq. ft.
Stage 3 (within 10 years)	4 (3,600 sq. ft. units) automotive repair shops	<u>14,400</u> sq. ft.
		<u>46,400</u> sq. ft.
<u>Proposed C-2/PD Overlay Zone</u>		
Stage 3 (within 10 years)	8 (3,600 sq. ft. units) professional offices and shops	<u>28,800</u> sq. ft.
Stage 4 (within 10 years)	9 (7,000 sq. ft. units) professional offices and shops-- real estate, office rental space, specialty shops	63,000
Stage 5 (within 10 years)	3 (20,000 sq. ft. units -- specialty shops, furniture sale, home service type operations	<u>60,000</u>
		<u>151,800</u> sq. ft.

A Concept Development Plan will be submitted to reflect the above land uses, zoning district boundaries, acreage, and square footage.

4) The Committee acknowledges the presence of special environmental features of the site. The Committee recommends that the applicant preserve these features (e.g. existing pond and vegetation) in the overall design of the site and in the Preliminary Development Plan.

5) As the site and adjacent properties become developed, the Committee recommends that a connector road be built either in the front or middle portions of the site to serve the three properties and to permit traffic to travel through each development without entering and exiting first from KY 18.

*

6) The Committee wishes to state that any change in the Concept Development Plan will need to be brought before the Technical Committee to determine whether it is a minor or major change in the plan. Any alteration deemed to be a major change will require a new application and public hearing.

Fred Burch, Chairman

Melvin Delong

Larry Barnett

Rector Jones
Rector Jones

Don Davis

William Viox
William Viox

BOONE COUNTY FISCAL COURT ORDINANCE NO. 920.83

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL SERVICES/ DEVELOPMENT OVERLAY, (C-3PD OVERLAY) AND COMMERCIAL TWO/ PLANNED DEVELOPMENT OVERLAY, (C-2/PD OVERLAY) FOR A 31.367 ACRE SITE OF THE JAMES SCHWARTZ PROPERTY LOCATED ON KY. 18, BOONE COUNTY, KENTUCKY AND AS RECOMMENDED BY THE BOONE COUNTY PLANNING & ZONING VIA RESOLUTION R-9-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a Map Amendment for a zone change from Industrial-One to Commercial Services/Planned development Overlay, and Commercial Two/Planned Development Overlay for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from Industrial-One, to Commercial Services/Planned development Overlay, and Commercial Two/Planned Development Overlay. The real estate which is the subject of the zone change recommendation is more particularly described as follows to wit:

See legal description which is incorporated by reference as if fully set out herein, as on file in the office of the County Judge/Executive.

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 & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference if fully set out in this Ordinance as on file in the office of the County Judge Executive.

SECTION III

That as a basis for the approval and adoption of the zone change request the stipulation of the Boone County Fiscal Court at its meeting held 3-18-86 that the property owner and/or developer be required to provide a frontage road to serve as a connector road; and, that signs for the

[Cont'd. on page 18]

[Cont'd. from Page 17] purpose of advertising business on said land within the zone change request be limited to twenty feet in height with adequate cutoff time limits which were confirmed with the developer during this meeting to be approximately 10:00 P.M. See Minutes of Boone County Fiscal Court dated 3-18-86, Page (6), Paragraph (4).

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 4th day of March, 1986.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 18th day of March, 1986, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
Boone County
Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
County Attorney
BCRIT

The Boone Co. Recorder 04/17/86

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL-ONE, (I-1) TO COMMERCIAL SERVICES/PLANNED DEVELOPMENT OVERLAY, (C-3PD OVERLAY) AND COMMERCIAL TWO/PLANNED DEVELOPMENT OVERLAY, (C-2/PD OVERLAY) FOR A 31.367 ACRE SITE OF THE JAMES SCHWARZ PROPERTY LOCATED ON KY 18, BOONE COUNTY, KENTUCKY AND AS RECOMMENDED BY THE BOONE COUNTY PLANNING & ZONING VIA RESOLUTION R-9-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a Map Amendment for a zone change from Industrial-One to Commercial Services/Planned development Overlay, and Commercial Two/Planned Development Overlay for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from Industrial-One, to Commercial Services/Planned development Overlay, and Commercial Two/Planned Development Overlay. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.

(ATTACHMENT - EXHIBIT "A")

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 & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference if fully set out in this Ordinance.

(ATTACHMENT - EXHIBIT "B")

SECTION III

That as a basis for the approval and adoption of the zone change request the stipulation of the Boone County Fiscal Court at its meeting held 03/18/86 that the property owner and/or developer be required to provide a frontage road to serve as a connector road; and, that signs for the purpose of advertising business on said land within the zone change request be limited to twenty feet in height with adequate cutoff time limits which were confirmed with the developer during this meeting to be approximately 10:00 P.M. See Minutes of Boone County Fiscal Court dated 03/18/86. Page [6], Paragraph [4].

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 4th day of March, 1986.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 18th day of March, 1986, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
Bruce Ferguson
Boone County Judge/Executive

ATTEST:


Jerry W. Rouse
Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
Larry Crigler
County Attorney

04/17/86
(DATE PUBLISHED)

DEED

Know All Men By These Presents:

CLERK'S OFFICE
SHORT  FORM
DEED

Property Transfer Tax Paid 333.50
Jerry W. Rouse, Clerk B. C. A. W. R.

That **MID-AMERICA ERECTORS, INC.**, a Kentucky corporation

considerations to it for and in consideration of One Dollar (\$1.00) and other good and valuable/ ~~has been~~ paid by the grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to:
(a) an undivided one-half (1/2) interest to James R. Schwarz and Carla Anne Schwarz, husband and wife, for and during their joint natural lives with the remainder in fee simple to the survivor of them, his or her separate heirs and assigns; and
(b) an undivided one-half (1/2) interest to Ralph Schwarz and Anne Marie Schwarz, as tenants in common, their

heirs and assigns forever, the following described Real Estate, in the City of _____
Boone
County of ~~Kenton~~ and Commonwealth of Kentucky, to-wit: Group No. 2026
Present Street Address _____ Highway 18 Plat No. _____
Mailing Address 250 Riverside Drive, Ormond Beach, Florida 32074

Located in Boone County on the northeast side of Kentucky State Route 18 approximately 0.7 mile southeast of the intersection with Kentucky State Route 237 and being more particularly described as follows:

Beginning at a point in the northeast right-of-way of State Highway 18, said point being 115 feet right of Station 166+14.86 and also being a corner to the 17.249 acre tract contiguous hereto; thence with said northeast right-of-way N 54° 08' W, 321.00 feet to a point 115 feet right of Station 163+00; thence N 54° 48' 25" W, 421.62 feet to a point 110 feet right of Station 158+78 and a corner to Lee J. Vesper, Trustee; thence with Vesper's line, N 76° 02' E, 1,836.43 feet to a stone; thence continuing with Vesper's line and with the line of the Kenton County Airport Board, N 75° 42' 12" E, 703.55 feet to an iron pin; thence with the line of Rouse S 14° 11' 50" E, 822.00 feet to an iron pin; thence with Tanner's line S 75° 57' 30" W, 611.11 feet; thence with the lines of said 17.249 acre tract, N 14° 03' 29" W, 434.58 feet to a point; thence S 75° 56' 31" W, 300.00 feet to a point; thence with a curve tangent to the last course deflecting to the right 115.72 feet, the radius of said curve being 75.00 feet and the chord bearing N 59° 51' 22" W, 104.58 feet; thence with a line radial to the last course S 74° 20' 45" W, 50.02 feet; thence S 14° 03' 29" E, 244.62 feet; thence S 75° 56' 31" W, 1,027.92 feet to the point of beginning. Containing 31.367 acres.

Being a part of the same property conveyed to the Grantor herein by deed from C. D. E. Corporation, a Kentucky corporation, dated December 22, 1978, and recorded in Deed Book 234, Page 176, of the Boone County Court Clerk's records in Burlington, Kentucky.

Attached hereto is a copy of a plat depicting the above-described property, indicated thereon as Parcel II.

THIS INSTRUMENT PREPARED BY
W. C. S. W. Attorney
HECKERMAN, HOOD & SNYDER
200 W. CENTRAL TRUST TOWER
CINCINNATI, OHIO 45202

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

TO HAVE AND TO HOLD the same to the said JAMES R. SCHWARZ and CARLA ANNE SCHWARZ, husband and wife, for and during their joint natural lives with the remainder in fee simple to the survivor of them, who take an undivided one-half (1/2) interest herein; and RALPH SCHWARZ and ANNE MARIE SCHWARZ, who take an undivided one-half (1/2) interest herein as tenants in common, their

and assigns heirs and assigns, forever, the Grantor, its successors, ~~heirs and assigns~~, HEREBY COVENANTING with the grantees, their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

ORDINANCE NO. 920.84

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING IN PRINCIPLE FOR THE UTILIZATION OF THE UNDERLYING COMMERCIAL SERVICES AND COMMERCIAL TWO ZONES BOTH IN A PLANNED DEVELOPMENT OVERLAY DISTRICT AND IN CONNECTION WITH ORDINANCE NO. 920.83 AND AS RECOMMENDED BY BOONE COUNTY PLANNING AND ZONING VIA RESOLUTION R-10-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission to adopt a zoning Map Amendment to the Boone County, Kentucky, Zoning Map, such map being a zone change from the Underlying Commercial services and Commercial Two Zones both in a Planned Development Overlay District and in connection with Ordinance No. 920.83 of which was approved by the Fiscal Court, and;

WHEREAS, the Boone County Fiscal Court has received a request from the Boone County Planning & Zoning Commission to adopt in principle for the utilization of the Underlying Commercial Services and Commercial Two Zones both in a Planned Development Overlay District and in connection with Ordinance No. 920.83, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County Pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Knetucky Revised Statutes.

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

SECTION I

That the zone change approval as granted in Ordinance No. 920.83 authorizes consideration being given to Ordinance No. 920.84. The zone change and Real Estate of which is the subject of same is more particularly described and reflects within Ordinance No. 920.83.

See legal description which is incorporated by reference as if fully set out herein and as appears in Ordinance No. 920.83.

SECTION II

That as a basis for the recommendation of approval and adoption of this Ordinance to support in principle for the utilization of the Underlying Commercial Services and Commercial Two Zones both in a Planned development Overlay District and in connection with Ordinance No. 920.83 that the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be an are hereby incorporated by reference as if fully set out in this Ordinance in addition to the amendment as reflects within Ordinance No. (920.83) as approved by the Boone County Fiscal Court on 03/18/86, and as described in Section III of Ordinance No. (920.83).

SECTION III

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 4th day of March 1986.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 18th day of March 1986 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
Larry Crigler
County Attorney

04/17/86
(DATE PUBLISHED)

**BOONE COUNTY FISCAL
COURT
ORDINANCE NO. 920.84**

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING IN PRINCIPLE FOR THE UTILIZATION OF THE UNDERLYING COMMERCIAL SERVICES AND COMMERCIAL TWO ZONES BOTH IN A PLANNED DEVELOPMENT OVERLAY DISTRICT AND IN CONNECTION WITH ORDINANCE NO. 920.83 AND AS RECOMMENDED BY BOONE COUNTY PLANNING AND ZONING VIA RESOLUTION R-10-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission to adopt a zoning Map Amendment to the Boone County, Kentucky, Zoning Map, such map being a zone change from the Underlying Commercial services and Commercial Two Zones both in a Planned Development Overlay District and in connection with Ordinance No. 920.83 of which was approved by the Fiscal Court, and;

WHEREAS, the Boone County Fiscal Court has received a request from the Boone County Planning & Zoning Commission to adopt in principle for the utilization of the Underlying Commercial Services and Commercial Two Zones both in a Planned Development Overlay District and in connection with Ordinance No. 920.83, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County Pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change approval as granted in Ordinance No. 920.83 authorizes consideration being given to Ordinance No. 920.84. The zone change and Real Estate of which is the subject of same is more particularly described and reflects within Ordinance No. 920.83. See legal description which is incorporated by reference as if fully set out herein and as appears in Ordinance No. 920.83.

SECTION II

That as a basis for the recommendation of approval and adoption of this Ordinance to support in principle for the utilization of the Underlying Commercial Services and Commercial Two Zones both in a Planned development Overlay District and in connection with Ordinance No. 920.83 that the findings of fact of the Boone County Planning & Zoning Commission, 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 this Ordinance in addition to the amendment as reflects within Ordinance No. (920.83) as approved by the Boone County Fiscal Court on 3-18-86, and as described in Section III of Ordinance No. (920.83).

SECTION III

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 4th day of March 1986.

Adopted by the Fiscal Court of Boone County, after second reading at a regular meeting on the 18th day of March, 1986 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:
Larry Crigler
County Attorney
BCRIT

The Boone Co. Recorder 04/17/86

ORDINANCE NO. 920.85

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN OF BOONE COUNTY, KENTUCKY, AND IN CONNECTION WITH ORDINANCES NO. 920.83 AND 920.84 AS RECOMMENDED BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-11-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for an amendment to the Comprehensive Plan of Boone County, Kentucky, and in connection with Ordinances No. 920.83 and 920.84.

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the amendment to the Comprehensive Plan of Boone County, Kentucky, and in connection with Ordinances No. 920.83 and 920.84 as follows hereby be approved and adopted.

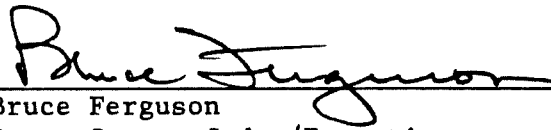
SECTION II

That as a basis for the recommendation of approval and adoption of this amendment to the Comprehensive Plan of Boone County, Kentucky. The findings of fact of the Boone County Planning & Zoning Commission as set forth in its Minutes and official records for this amendment, shall be are hereby incorporated by reference as if fully set out in this Ordinance and that Section III of Ordinance No. (920.83) be incorporated within Ordinance No. (920.85).

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

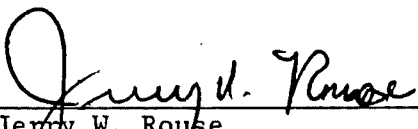
Introduced, seconded and given first reading on the 4th day of March, 1986.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 18th day of April, 1986, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court and declared to be in full force and effect.



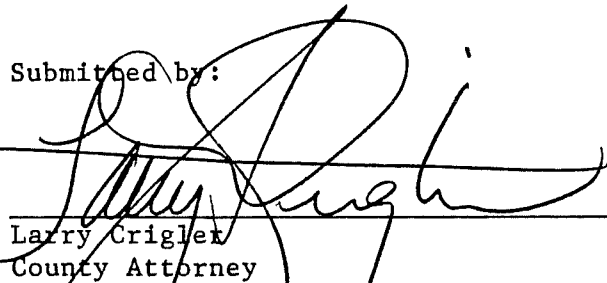
Bruce Ferguson
Boone County Judge/Executive

ATTEST:



Jerry W. Rouse
Boone County Clerk

Submitted by:



Larry Crigler
County Attorney

04/17/86

(DATE PUBLISHED)