

REQUEST OF RONALD D. MECHLIN FOR
UTILIZATION OF AN UNDERLYING ZONE IN A PLANNED DEVELOPMENT
FOR PROPERTY LOCATED AT U.S. 42 AND THE U.S.25/42 CONNECTOR ROAD

JANUARY 25, 1989

This is a request for the Utilization of an Underlying Zone in a Planned Development. The applicant is seeking approval of a Concept Development Plan for the establishment of a branch bank and support offices for the Bank of Verona. The 1 acre site is located on the south side of U.S. 42, being part of the Boone-Kenton Tobacco Warehouse site, in unincorporated Boone County and Florence, Kentucky. The property is zoned Commercial Two/Planned Development (C-2/PD) and is owned by Shirlye Boyd Elliot.

Background

This site is partially contained within the City of Florence city limits, and partially within unincorporated Boone County. The proposed bank is to be located on that portion of the site outside the city limits. The portion of the site within the corporate limits will be used for parking and access only.

Surrounding Zoning and Land Uses

- north: C-2/PD; across U.S. 42 is a commercial strip center containing a convenience-type store, a laundromat, a pool business, etc. The new Florence Deposit Bank is to the northwest of this site.
- south: I-1; the Boone-Kenton Tobacco Warehouse
- east: C-2/PD; across the U.S. 25/42 Connector Road is a vacant lot and then a church
- west: C-2/PD; vacant land which is part of the warehouse site

Site Features

The site is a 1 acre portion of the paved area in front of the Boone-Kenton Tobacco Warehouse. The paved site sits slightly above U.S. 42 and slopes to the south toward the warehouse. Currently the site is being used to store material from the construction on U.S. 42. Access to the site is by a single curb cut adjacent to the site's western property line. The site has approximately 230 feet of frontage on U.S. 42.

Concept Development Plan

The proposed use of the site is as a branch bank and offices for the Bank of Verona. The Concept Development Plan indicates the construction of the bank building on the Boone County portion of the site. The building would include a covered drive-through service area. Access to the site is by a single curb cut off of the existing driveway for the Boone-Kenton Tobacco Warehouse; no access off of U.S. 42 is proposed. A possible future driveway is indicated at

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the southeast corner of the lot to provide access from the U.S. 25/42 Connector Road. Parking, utilities, and limited landscaping are also detailed on the plan.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The Land Use Element of the Plan makes the following statements about the general area:

"This section of the county will receive primarily residential development with commercial growth in the eastern portions...

Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principle road for development. This is especially important for development along Hopeful Road as its functional service will be changing to more thoroughfare patterns as it becomes straightened and is extended across I-75 to alleviate industrial traffic...

The Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled... The existing residential areas on US 42 should remain protected from the development... (pp. L-14, L-15)."

The Transportation Element of the Plan states:

"The county contains minor arterial streets and collector streets within the urban area. The minor arterial streets include KY 18, U.S. 42, U.S. 25, Industrial Road, KY 212, and KY 236...

The arterials should be regarded as the roadways most suitable for planned land use development in the county. Arterials close to the urbanized areas are prime for commercial development although intense development can impede through traffic... Future development must be viewed in light of this functional classification system and developed accordingly. Also, the availability of curb-cuts needs to be determined using this system so that access becomes more limited as the functional classification increases (pp. T-1, T-3)."

The Business Activity Element states:

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and Route 42... The land surrounding the US 42 area, south of Florence, will experience additional growth towards the City of Union. Any commercial

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developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area... (p. B-14)."

Goals and Objectives for the Business Activity Element include:

"1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.

2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design (p. G-3)."

In conclusion, the submitted Concept Development Plan proposes a commercial use as anticipated by the Comprehensive Plan, and seeks to meet with the access management concerns of the Plan by providing access off a drive rather than requesting a new curb cut on U.S. 42. The submitted plan is not, however, designed to be part of a clustered commercial development as encouraged by the Comprehensive Plan.

Staff Concerns

1. This site is located in a planned development area. The planned development overlay zone was placed on this area in part due to the changes resulting from the widening of U.S. 42. As U.S. 42 has widened, the area has changed physically and future changes in commercial establishments are anticipated, with the Comprehensive Plan encouraging commercial uses to develop in a clustered, local area resident oriented, fashion. The intent of the planned development is to encourage "innovative" and "imaginative" uses and designs in the clustering of uses, and "a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets."

The submitted Concept Development Plan indicates the development of a 1 acre lot independently from other sites located within the Planned Development zone. This C-2/PD zone extends on the south side of U.S. 42 from Hopeful Road to Pleasant Valley Road. The Staff is concerned that the independent development of this site, coupled with other recently approved independent developments, may establish a trend leading to the autonomous development of small sites, each requesting separate access points, along this important arterial road. The absence of a Concept Development Plan for the whole planned development area along U.S. 42, of which the subject 1 acre is part, compounds this potential problem.

Care should be taken to insure that as sites on this portion of the road develop, provisions are made to insure that the goals of the

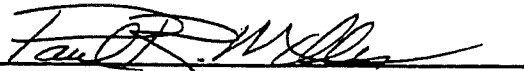
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Planned Development Overlay are met. These include compatibility of uses, design of structures, building setbacks, and coordination of access management and public utilities. If the Planning Commission recommends approval of this Concept Development Plan, consideration should be given to requiring the applicant to agree to provisions for access management between this property and sites to the south and west.

Should the Planning Commission recommend, and the Fiscal Court and City of Florence ultimately approve, this Concept Development Plan, the 1986 Boone County Comprehensive Plan need not be amended. Given the nature of the improvements indicated on the Concept Plan, the applicant would be required to go through formal Site Plan Review. The possibility of shared access to the industrial property to the south of the subject property and to the U.S. 25/42 Connector Road will be examined at the Site Plan Review stage. A copy of the access easement agreement between the property owner of this site and the owner of the drive which the proposed bank will use for access would be required as part of the Site Plan Review as well.

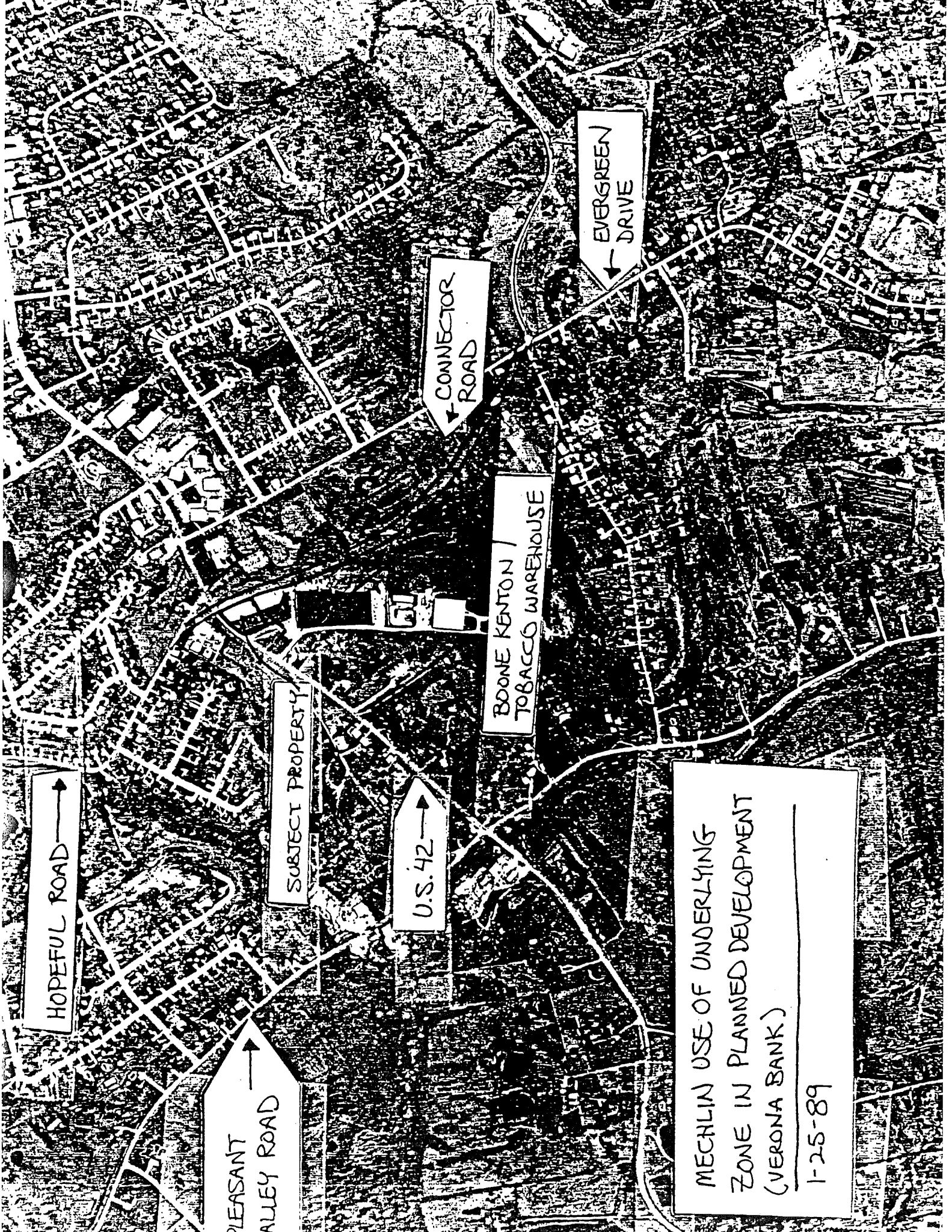
Attached to this report is a copy of an aerial photograph of the site, a portion of the Future Land Use Map, a portion of a topographical map of the site, and a reduction of the submitted Concept Development Plan.

Respectfully submitted,



Paul R. Miller,
Plans Examiner/Planner

PRM:kat



HOPEFUL ROAD →

PLEASANT ALLEY ROAD →

SUBJECT PROPERTY

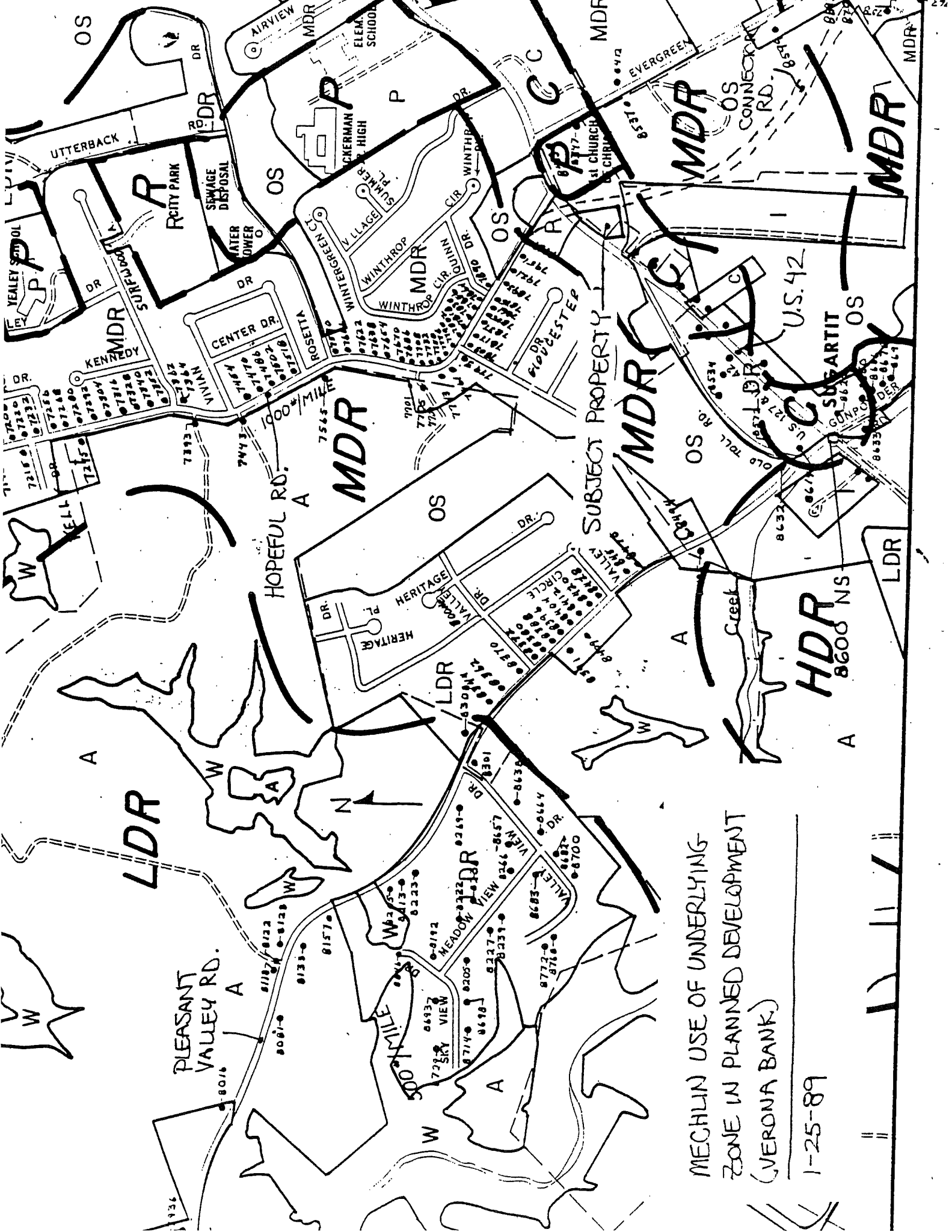
U.S. 42 →

CONNECTOR ROAD

BOONE KENTON / TOBACCO WAREHOUSE

EVERGREEN DRIVE

MECHLIN USE OF UNDERLYING ZONE IN PLANNED DEVELOPMENT (VERONA BANK)
1-25-89



MECHLIN USE OF UNDERLYING
 ZONE IN PLANNED DEVELOPMENT
 (VERONA BANK)

1-25-89



40'

703

704

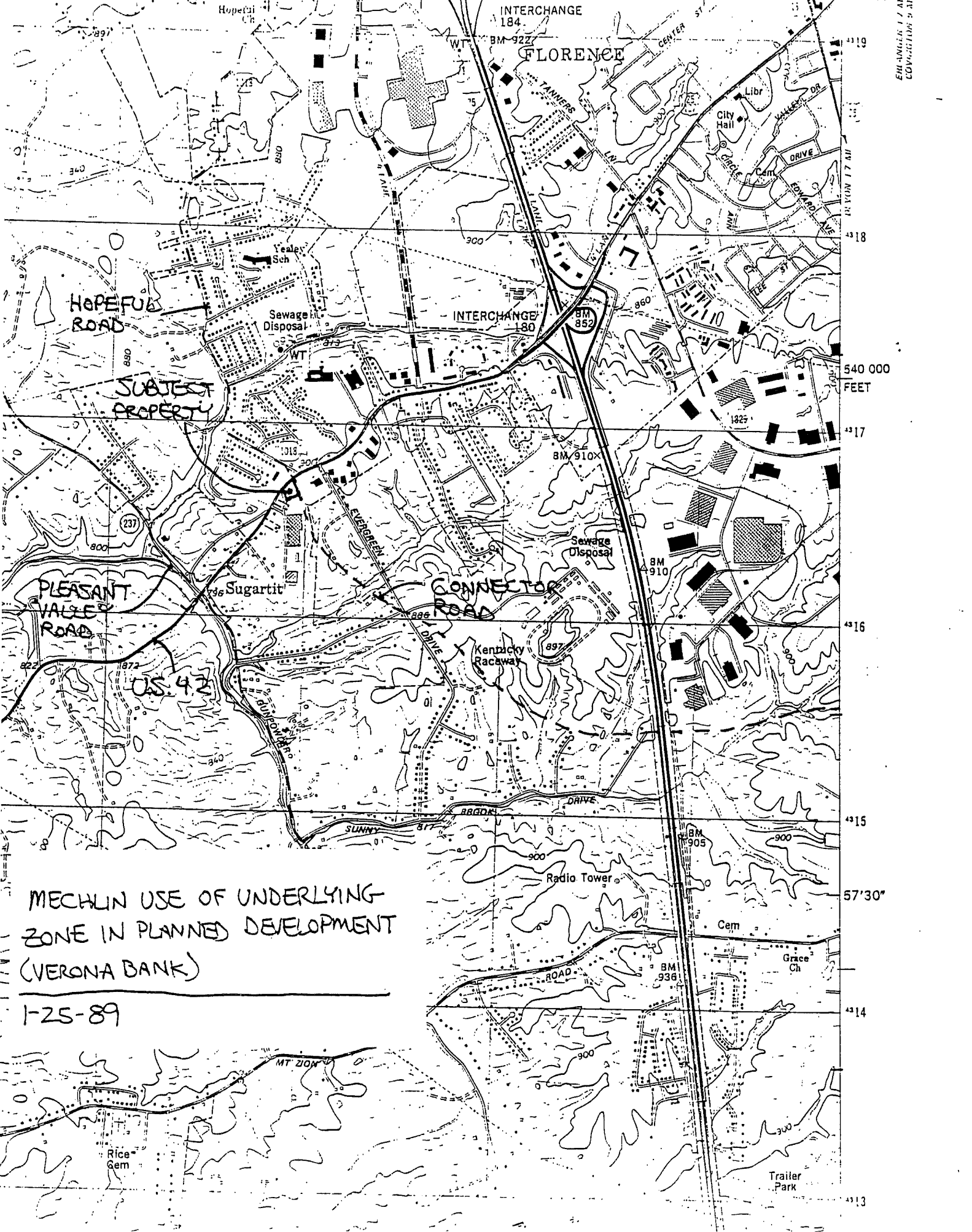
1 890 000 FEET

05

84°27'30"

39°00'

ENCLOSURE 17 MAP
CONTRACT 531



SUBJECT PROPERTY

HOPEFUL ROAD

PLEASANT VALE ROAD

CONNECTOR ROAD

INTERCHANGE 184

INTERCHANGE 180

U.S. 43

MECHANICAL USE OF UNDERLYING
 ZONE IN PLANNED DEVELOPMENT
 (VERONA BANK)

1-25-89

4319
 4318
 540 000 FEET
 4317
 4316
 4315
 57'30"
 4314
 4313

MT ZION

Rice Cem

Trailer Park

FIRST CHURCH OF CHRIST

8453 U.S. 42 P.O. BOX 546

FLORENCE, KENTUCKY 41022-0546

TELEPHONE 606-525-8227

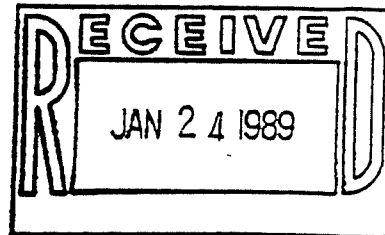
PASTOR-TEACHERS

L.D. CAMPBELL
606-525-9356

BARRY TUCKER
606-283-0261

TOMMY BAKER
606-525-0127

TRACY WRIGHT
606-371-6364



January 23, 1989

Paul R. Miller
c/o Boone Co. Planning Commission
2950 Washington St
Burlington, KY 41005

Dear Sir:

Your January 9th letter was presented to the Board of Elders of the First Church of Christ, Florence, on January 15. The First Church of Christ has no objections to the one area plot being rezoned to allow a bank to be constructed. Please present this letter at the Public Hearing on Wednesday, January 25.

Regards,

William Dolwick

William E. Dolwick
Chairman of the Board of Elders

djh

APPLICATION FORM

**CHANGE IN CONCEPT DEVELOPMENT PLAN
OR
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT**
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Check one:
 Change in Concept Dev. Plan
 Utilization of an Underlying Zone in Planned Development
- 2. Name of Development BRANCH BANK FOR BANK OF VERONA
- 3. Location of Development U.S. Hwy 42
- 4. Total Acreage of Site 1 ACRE
- 5. Current Zoning C-2 PD
- 6. Date of Zone Change or Approved Concept Development Plan (if applicable) _____
- 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) _____
- 8. Proposed Uses (please specify each use) _____
BRANCH BANK AND SUPPORT OFFICES

- 9. Name of Applicant(s) RONALD D. MEHLIN (El Grande Corp.)
 Phone Number(s) 441-7947
- 10. Address of Applicant(s) P.O. Box 308
NEWPORT KY 41072
 City State Zip
- 11. Name of Property Owner(s) SIMONE BOVE ELLIOTT
354 MADISON, MOREHEAD, KY 41063
 Phone Number(s) 525-7065 356-7354(H)
- 12. Address of Property Owner(s) _____

 City State Zip
- 13. Proposed Building Intensities (please specify) _____
6,000 sq. Ft

- 14. Are there any existing buildings on the site? N/A
 How many? _____
- 15. Deed Book 340 Page No. 27 Group No. 2048-A
- 16. Have you had a pre-application meeting with BCPC staff? YES

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

BOOK 340 PAGE 27

PROPERTY TRANSFER TAX PAID \$ 10.00
JERRY W. ROUSE, CLERK J. Rouse

Know All Men By These Presents:

CLERK'S OFFICE
LONG ★ FORM
DEED

That Ralph Edward Wiglesworth and Albert Foster Wiglesworth, acting as Co-executors of the Estate of Russell L. Elliott, (a.k.a. Russell Elliott) pursuant to a power of sale granted to them in the Will of the said decedent, which is recorded in Will Book 37, Page 190 of the Boone County Court Clerk's records, at Burlington, Kentucky,

for and in consideration of \$10,000.00 to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey all of the right, title and interest of the said Russell L. Elliott, to Shirlye Elliott, as a partner of B & K Leasing and Land Company, a Kentucky partnership, his

heirs and assigns forever, the following described Real Estate, in the City of _____;

Boone

County of ~~Kentax~~ and Commonwealth of Kentucky, to-wit:

171

Group No. 2048A

Present Street Address U.S. 42, Florence, Kentucky Plat No. _____

Mailing Address P.O. Box 354 Madison Ph. Morington Ky.

Part of Lots 1, 2, 3 and 4 of Sugartit Subdivision.

All that tract or parcel of land located approximately one mile west of Interstate 75 and on the South side of U.S. Highway 42 in Boone County, Kentucky, and being more particularly described as follows:

Beginning at a point, said point being in the south right-of-way line of U.S. #42 and also being the northwest corner of the First Church of Christ property; thence with the west line of said property S 20-20-25 E 484.3 feet to a point; thence S 61-4-35 W 133.3 feet to a point; thence S 20-47-13 E 568.26 feet to a point; thence S 9-29-42 W 280.86 feet to a point; thence N 62-27-20 W 204.4 feet to a point; thence S 86-56-42 W 255.50 feet to a point; thence N 3-3-18 W 358.73 feet to a point; thence N 7-20-50 E 30 feet to a point; thence N 47-41-15 W 7.72 feet to a point; thence N 3-3-18 W 320.50 feet to a point; thence N 29-1-36 E 46.13 feet to a point; thence N 24-45-46 W 189.18 feet to a point in the right-of-way of U.S. 42; thence along and with the right-of-way of U.S. 42 for two calls N 36-22-47 E 222.49 feet to a point; thence N 53-50-53 E 238.54 feet to the point of beginning; and being approximately 10.474 acres.

Less all restrictions, exceptions and easements of record and specifically those set forth in the deed which is recorded in Deed Book 224, Page 88 of the Boone County Court Clerk's records, at Burlington, Kentucky.

Being the interest in the property which was conveyed to the decedent, Russell L. Elliott, by two separate deeds, one deed recorded in Deed Book 224, Page 88 and the other deed being recorded in Deed Book 269, Page 149 of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Russell L. Elliott (a.k.a. Russell Elliott) died testate in 1984 and under the terms of his Will which was probated in the Pendleton District Court and in Will Book 37, Page 190 of the Boone County Court Clerk's records, he granted to his co-executors, Ralph Edward Wiglesworth and Albert Foster Wiglesworth the power of sale to sell any and all of his property.

NOTE: This conveyance represents a conveyance of _____ percent interest.

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

TO HAVE AND TO HOLD the same to the said Shirlye Elliott, as a partner of B & K Leasing and Land Company, a Kentucky partnership, his

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

IN WITNESS WHEREOF, The said Grantors, Ralph Edward Wiglesworth and Albert Foster Wiglesworth, acting as Co-executors of the Estate of Russell L. Elliott pursuant to a power of sale granted to them in the Will of said decedent which is recorded in Will Book 37, Page 190 of the Boone County Court Clerk's records, at Burlington, Kentucky,

came unto set their hands, this 6th day of August, in the year 1985.

STAMPS

	Russell L. Elliott Estate
	By <u>Ralph Edward Wiglesworth</u> Executor
	By <u>Albert F. Wiglesworth</u> Executor

State of Kentucky
County of ~~Knox~~ HARRISON

The foregoing instrument was acknowledged before me this 6th day of August, 1985 by

Ralph Edward Wiglesworth and Albert Foster Wiglesworth acting as Co-executors of the Estate of Russell L. Elliott.

John Swinford
Notary Public (Title)

My commission expires: November 16, 1987



EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5
January 25, 1989

Page 1

The Chairman introduced the next item on the Agenda:

5. Applicant: Ronald D. Mechlin (applicant) for Shirlye Boyd Elliott (owner)
Request: Concept Development Plan

This was a Public Hearing on the request of Ronald D. Mechlin (applicant) for Shirlye Boyd Elliott (owner) for the Utilization of an Underlying Zone in Planned Development on a one-acre site located on the south side of U.S. 42, west of the U.S. 42/25 Connector and north of the Boone-Kenton Tobacco Warehouse. A portion of the site is located within the City of Florence and Unincorporated Boone County. The site is zoned Commercial Two/Planned Development (C-2/PD).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Ronald Mechlin stated that Mr. Jim Berling would make his presentation.

Mr. Jim Berling stated that they are in an area of new highway construction and part of the logic of the design is the access. The only access would be through the present entrance. The curb cut is already made.

The Chairman asked if there was anyone else present who wished to address this issue. There being no one, he asked if there were any comments from the Commission.

Mr. Collins questioned if they would be using the services of Florence, such as water, and if they would be back later to request annexation.

Mr. Berling stated that due to the banking regulations, the facility needs to be in Boone County, not in the City of Florence. He does not know why the corporation limits were established in an irregular manner. He stated that they will pay for Florence services.

Mr. Collins asked that Mr. Berling check to see that they can receive water from the City of Florence without being annexed to the city.

Mr. Sharp asked what would happen to the bank if it is required to be in the county and then the property is annexed to the city. Mr. Berling stated that it is his understanding that annexation of the bank once it is in existence is not a problem.

Counselor Wilson advised that there are some areas entitled to water service from the City of Florence as they are in a designated service area, even though they are not within the city limits.

Mr. Neltner questioned what steps would be taken to separate this property from the massive parking lot.

Mr. Berling advised that there would be curbing and landscaping. He added that they are willing to join into the entrance point near the corner of the warehouse building which lines up with the entrance to the church across the street. This would allow several access points to merge and come out on U.S. 42.

Mr. Neltner asked for further clarification of the landscaping between the parking lots.

Mr. Berling stated that there would be a median of four feet and possibly the adjacent property could provide four feet on their side. He stated that the activities are similar and massive buffering is not needed. He added that the existing drive would be upgraded to the end of their property. He stated that there will be a landscape package at the time of Site Plan Review and they will do more than the minimum.

There being no further comments, the Chairman advised that this item will be on the Agenda for the February 1, 1989 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 1, 1989

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mrs. Rita Bushelman
Mr. Melvin DeLong
Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of January 18, 1989, and the Public Hearings of January 25, 1989 and February 1, 1989. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

5. Concept Development Plan

The request of Ronald D. Mechlin (applicant) for Shirlie Boyd Elliott (owner) for the Utilization of an Underlying Zone in Planned Development on a one-acre site located on the south side of U.S. 42, west of the US 42/25 Connector and north of the Boone-Kenton Tobacco Warehouse. A portion of the site is located within the City of Florence and Unincorporated Boone County. The site is zoned Commercial Two/Planned Development (C-2/PD).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). Mr. Newton stated that a letter has been received from Mr. Mechlin indicating his agreement to the condition.

Mr. Sharp moved that the request be approved based on the Staff and Committee Reports. Mr. Rush seconded the motion.

Mr. Collins questioned how this request could be approved when there are no public services.

Staff Member, Paul Miller, advised that in regard to the utilities, particularly water, the applicant has been in contact with the City of Florence and they are now in the process of drawing up documents which will indicate that the city will provide water service to the site provided the applicant does not object to annexation at a future date. He noted that there is a letter from the City of Florence on file in this regard.

In response to further questions from Mr. Collins, Mr. Mechlin stated that the sewer line will be extended up through the tobacco warehouse site to the bank facility.

Chairman Viox asked the applicant if he would object to annexation.

Mr. Tony Listingi, Vice President of the holding company, stated that they would come under Federal regulations and the state banking authority on items of that nature. Mr. Mechlin added that there is a technicality in some of the banking rules that may affect them, but only as far as the timing is concerned. They anticipate being able to resolve this.

Mr. Miller stated that the city does not object to providing utility services provided that once the bank is operational, they would not object to annexation.

Mr. Sharp questioned what would happen if the approval is not obtained from the banking authorities for annexation.

Counselor Wilson stated that the City would have no obligation to continue the services.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Sharp which found Mr. Burch, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. Collins was opposed. The motion carried.

EXHIBIT "C"

PM

COMMITTEE REPORT

#5

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: February 1, 1989

RE: Request of Ronald D. Mechlin (applicant) for Shirlie Boyd Elliott (owner) for the Utilization of an Underlying Zone in Planned Development on a one (1) acre site located on the south side of U.S. 42, west of the US 42/25 Connector and north of the Boone-Kenton Tobacco Warehouse. A portion of the site is located within the City of Florence and unincorporated Boone County. The site is zoned Commercial Two/Planned Development (C-2/PD).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the January 25, 1989 Public Hearing recommend approval of this Concept Development Plan, based on the following findings of fact and subject to the following conditions.

Findings of Fact


1. The proposed use of the site as a branch bank is consistent with the 1986 Boone County Comprehensive Plan, which calls for neighborhood and community oriented commercial activities for the general vicinity of the subject property. Further, the branch bank, being a principally permitted use in the underlying Commercial Two (C-2) zone, is an appropriate use of the site. Other references to the Comprehensive Plan are made in the Staff Report.
2. The design and arrangement of the proposed building, parking, and access for the site, when combined with the condition listed below, will be consistent with the access management provisions encouraged by the Comprehensive Plan and the intent of Article 15, Planned Development, of the Boone County Zoning Regulations.

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Condition

1. The applicant shall insure adequate screening between the proposed bank site and the parking lot for the warehouse by planting a row of trees in the 4 foot wide strip of land to be located along the bank site's southern boundary.

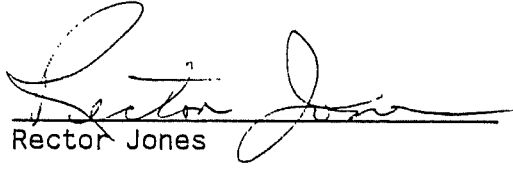
Larry Barnett, Chairman




Fred Burch



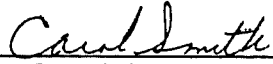
Phil Damstrom



Rector Jones



Barry Neltner



Carol Smith

LB:kat

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN
MR. FRED BURCH
VICE CHAIRMAN
MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR
MR. D. T. WILSON
ATTORNEY

January 31, 1989

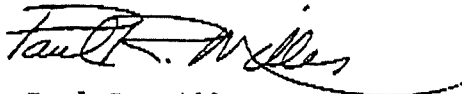
RE: Conditions of approval for the following Use of Underlying Zone in a Planned Development review.

Dear Ron Mechlin:

The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, February 1, 1989.

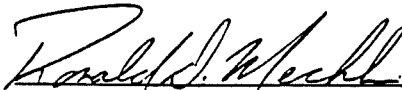
1. The applicant shall insure adequate screening between the proposed bank site and the parking lot for the warehouse by planting a row of trees in the 4 foot wide strip of land to be located along the bank site's southern boundary.

Sincerely,



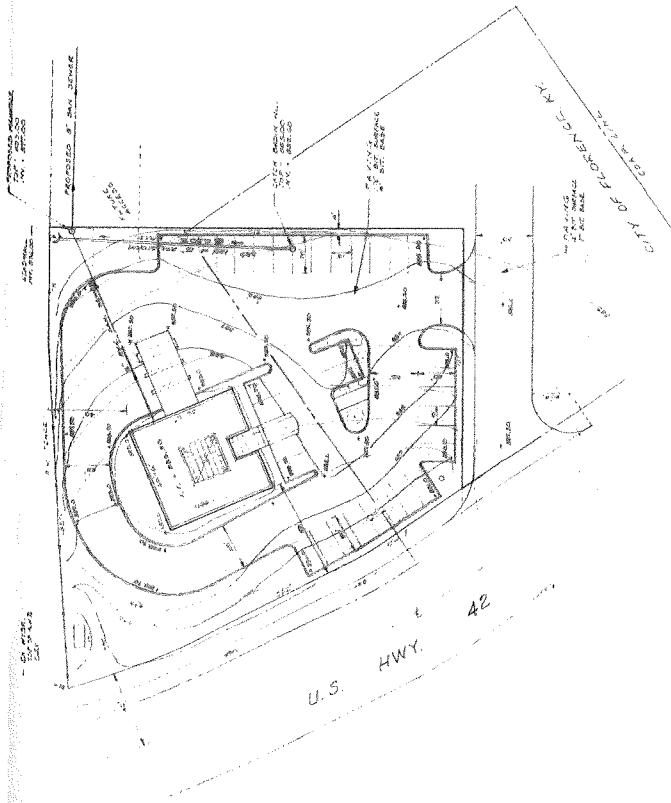
Paul R. Miller
Plans Examiner/Planner

I, the applicant, agree to the above listed conditions for approval of my request for the approval of a Concept Development Plan in a Planned Development.



Ronald D. Mechlin

PRM:



STORM WATER RETENTION

PRE - DEVELOPMENT
 1.000 cfs @ 1.00 ft depth
 2.000 cfs @ 1.00 ft depth
 3.000 cfs @ 1.00 ft depth
 4.000 cfs @ 1.00 ft depth
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PROPOSED BRANCH BANK
 BANK OF VERONA, KENTUCKY
 JAMES W. BERLING
 427 EIDER RD., SPRINGFIELD, KY 40381
 U.S. HWY. 42
 BOONE COUNTY, KY
 17-3-85

ORDINANCE 920.176

R-09-89

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING THE UTILIZATION OF AN UNDERLYING ZONE THAT ZONE BEING COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ON A ONE ACRE SITE GENERALLY LOCATED ON THE SOUTHSIDE OF U.S. 42, WEST OF THE U.S. 42/25 CONNECTOR AND NORTH OF THE BOONE-KENTON TOBACCO WAREHOUSE, BOONE COUNTY, KENTUCKY AS REQUESTED BY RONALD D. MECHLIN (APPLICANT) FOR SHIRLIE BOYD ELLIOTT (OWNER) AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-09-89.

WHEREAS, the Boone County Planning Commission received a request for the utilization of an underlying zone, that zone being Commercial Two/Planned Development (C-2/PD) on a one acre site generally located on the south side of U.S. 42, west of the U.S. 42/25 Connector and north of the Boone-Kenton Tobacco Warehouse, Boone County, Kentucky, 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 utilization of an underlying zone, this zone being Commercial Two/Planned Development (C-2/PD) on a one acre site generally located on the south side of U.S. 42, west of the 42/25 Connector and north of the Boone-Kenton Tobacco Warehouse Boone County, Kentucky.

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

SECTION I

That the request for the real estate which is more particularly described below shall be and is hereby recommended for approval for the utilization of an underlying zone in a Commercial Two/Planned Development (C-2/PD) zone on a one acre site. The real estate which is the subject of this request for approval for the utilization of an underlying zone in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in attached "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 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 21st day of February, 19 89.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the seventh day of March, 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:

R. Scott Kimmich
R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

Larry Crigler
LARRY CRIGLER
BOONE COUNTY ATTORNEY

March 22, 1989
DATE PUBLISHED

w/conditions
3-7-89 Fiscal Court
Minutes