

REVIEW NO. _____

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Mobile Home Sales Lot (Dixie Homes)
2. Location of Development U.S. Highway 25 & Beason Ave.
3. Total Acreage of Site 3.285 Acres
4. Current Zoning Commercial 1 -- C-1
5. Proposed Zoning (classification being requested) Commercial Services -- C-3
6. Proposed Uses (please specify each use) _____

7. Name of Applicant(s) Dixie Homes, Inc.
Phone Number(s) (513) 752-6120
8. Address of Applicant(s) 618 Mt. Moriah Drive
Cincinnati Ohio 45245
City State Zip
9. Name of Property Owner(s) Greenlawn Associates
Phone Number(s) (513) 752-6120
10. Address of Property Owner(s) 618 Mt. Moriah Drive
Cincinnati, OH 45245
City State Zip
11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? No
How many? None
13. Deed Book 278 Page No. 75 Group No. _____
14. Have you had a pre-application meeting with BCPC staff? Yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

REQUEST OF DIXIE HOMES INCORPORATED (APPLICANT) FOR GREENLAWN ASSOCIATES (OWNER) FOR A ZONING MAP AMENDMENT ON A 3.28 ACRE SITE LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY AND ON BOTH SIDES OF BEESON AVENUE, BOONE COUNTY, KENTUCKY.

March 28, 1990

The applicant is requesting a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3). The 3.28 acre site is currently undeveloped and the existing land use consists of open grassland.

SURROUNDING LAND USES AND ZONING

The surrounding land uses and zoning includes the following:

- North: A couple of convenience stores located along Dixie Highway. This area is currently zoned Commercial One (C-1).
- East: Across Dixie Highway several residences located in the Lakewood mobile home park. This area is currently zoned Mobile Home Park (MHP). Across Dixie Highway a single family residence. This area is currently zoned Industrial One (I-1). Across Dixie Highway a laundry services facility, and self service car wash. This area is currently zoned Commercial One (C-1).
- South: A hair styling salon located along Dixie Highway. This area is currently zoned Commercial One (C-1).
- West: Two residences located along Dixie Court. This area is currently zoned Commercial One (C-1). Several residences located in the Greenlawn mobile home park. This area is currently zoned Mobile Home Park (MHP).

FEATURES OF THE SITE

The 3.28 acre site gently slopes from the western boundary in an easterly direction towards Dixie Highway. Two drainage ditches are located adjacent to Dixie Court and Dixie Highway. Short grasses dominate the site with several mature trees scattered throughout the site. Soils on the site are of the Rossmoyne series with 0 to 6 percent slopes. An asphalt loop drive in a state of relative disrepair connects Beeson Avenue and Dixie Highway. The asphalt loop drive is approximately seven (7) feet in width.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan indicates that the majority of the site is to develop into Commercial (C) uses and a smaller portion of the site is to develop into High Density Residential (HDR) uses. The portion of the site north of Beeson Avenue, which constitutes the majority of the site, is to develop into Commercial (C) uses. The smaller

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portion of the site south of Beeson Avenue is to develop into High Density Residential (HDR) uses.

The text of the 1986 Boone County Comprehensive Plan addresses the site and the type of development along Dixie Highway. Page L-21 of the Land Use Element addresses development in the Mount Zion area:

"The Mount Zion area is bisected by US 25, a major direction of growth from the Florence urban center. The fact that it runs parallel between I-75 and the railway makes it an ideal transportation connector. It also connects Walton and Florence. Because of the various land uses along US 25, it will carry a wide selection of traffic types."

"Any commercial development should occur carefully with attention paid to effects on traffic."

Page T-8 of the Transportation Element addresses development along major roadways in Boone County:

"New development needs to be designed so as to promote effective and efficient use of highway facilities while sustaining reasonable economic development of land. Traffic controls and evaluations should vary according to the functional classification of the roadway. Obviously, high traffic roadways need stricter control of access and frontage roads than low traffic roadways."

The following Transportation Objective of the 1989-1990 Boone County Comprehensive Plan, Goals and Objectives addresses maintaining roadway capacity in Boone County:

"Roadway capacity shall be preserved by enforcement of the access management policies and guidelines."

The following Business Activity Objectives of the 1989-1990 Boone County Comprehensive Plan, Goals and Objectives address the location and development of commercial areas in Boone County:

"Commercial areas shall be limited to strategic locations relative to their trade areas with direct access and ample parking space."

"Small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood."

In general, the Future Land Use Map, Land Use Element Text, Transportation Element Text, and the Transportation and Business Activity Objectives recommend that this site develop into a commercial use. Additionally, particular consideration is stated towards proper access management provisions and the proper integration of commercial activity with residential areas.

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PROPOSED USE

The applicant is proposing the establishment of a mobile home sales lot. The submitted concept development plan indicates the mobile home sales lot will be comprised of a mobile home office, a storage garage, and several model mobile homes. A stormwater retention area is indicated at the eastern boundary. Landscaped areas are proposed at the entrances along Dixie Highway. The proposed location of a sign is indicated at the intersection of Beeson Avenue and Dixie Highway.

Proposed access to the mobile home sales lot is off of Beeson Avenue, Dixie Court, and a new upgraded access loop drive. The upgraded access loop drive is aligned with the intersection of Dixie Court and Beeson Avenue and provides an additional connection between Beeson Avenue and Dixie Highway. A parking area is indicated for customer traffic.

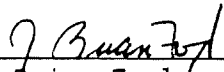
STAFF CONCERNS

1. The submitted Concept Development Plan indicates the site will have access off of Beeson Avenue and a substantially upgraded loop drive. The upgraded loop drive would create an additional curb cut onto Dixie Highway. Staff believes that the additional curb cut is not necessary in order to provide the site full and reasonable access. Staff believes the site has reasonable access to Dixie Highway via Beeson Avenue and the need for an additional curb cut is unwarranted. Furthermore, the allowance of the additional curb cut would not be in compliance with the Access Management Regulations of the 1986 Boone County Zoning Regulations.
2. Impact(s) of the proposed mobile home sales lot upon residences located along Dixie Court and the Greenlawn mobile home park. Appropriate buffering measures should be considered to mitigate any negative impacts the proposed mobile home sales lot could have on neighboring residences.

CONCLUSIONS

The Zoning Map Amendment request should be reviewed in terms of the three findings of fact contained in Article 3, Section 308 of the 1986 Boone County Zoning Regulations. The Planning Commission must determine if the proposed Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) is appropriate for this site. Should the Planning Commission approve the requested Zoning Map Amendment it would be necessary to change the Future Land Use Map of the 1986 Boone County Comprehensive Plan.

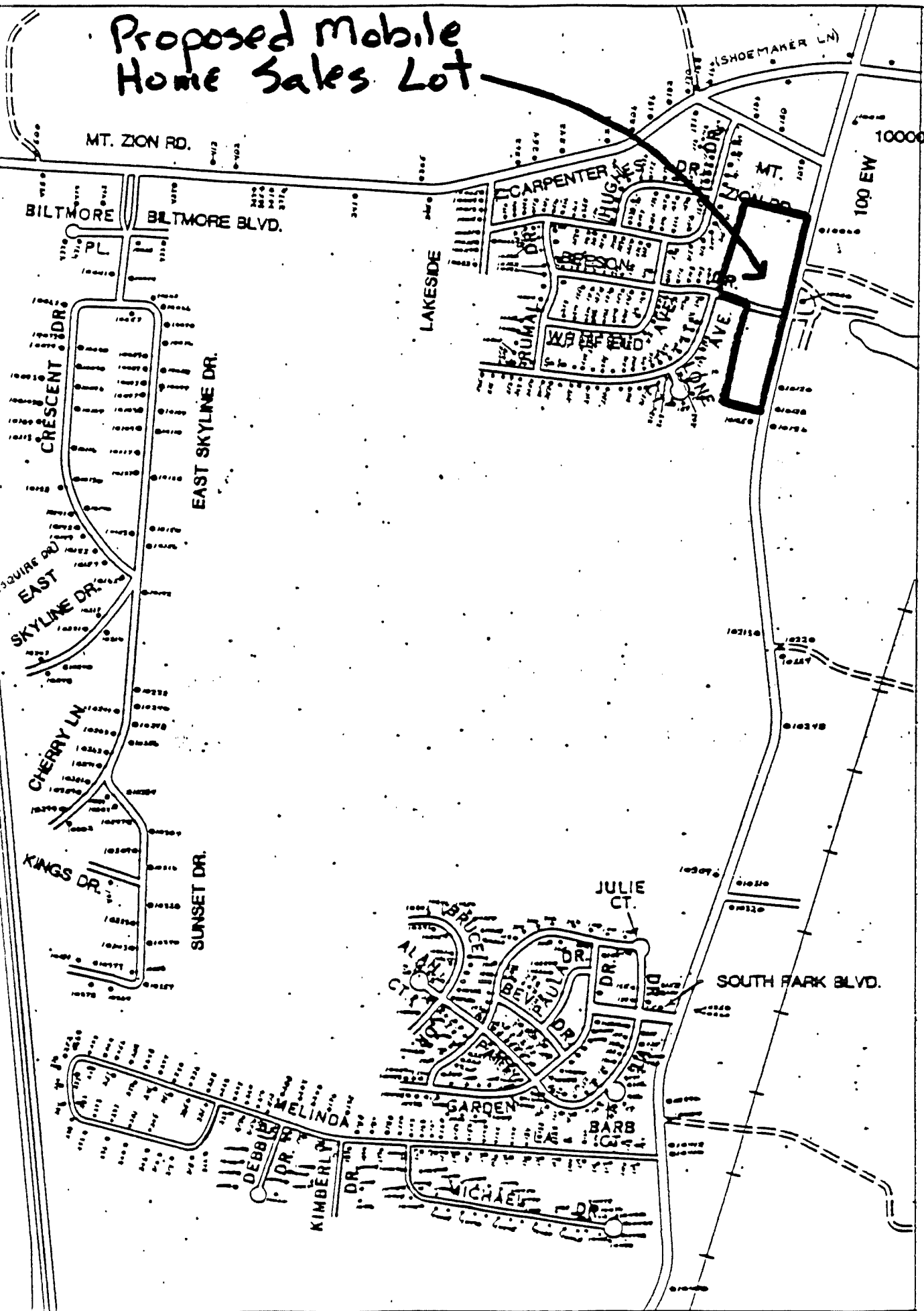
Respectfully submitted,

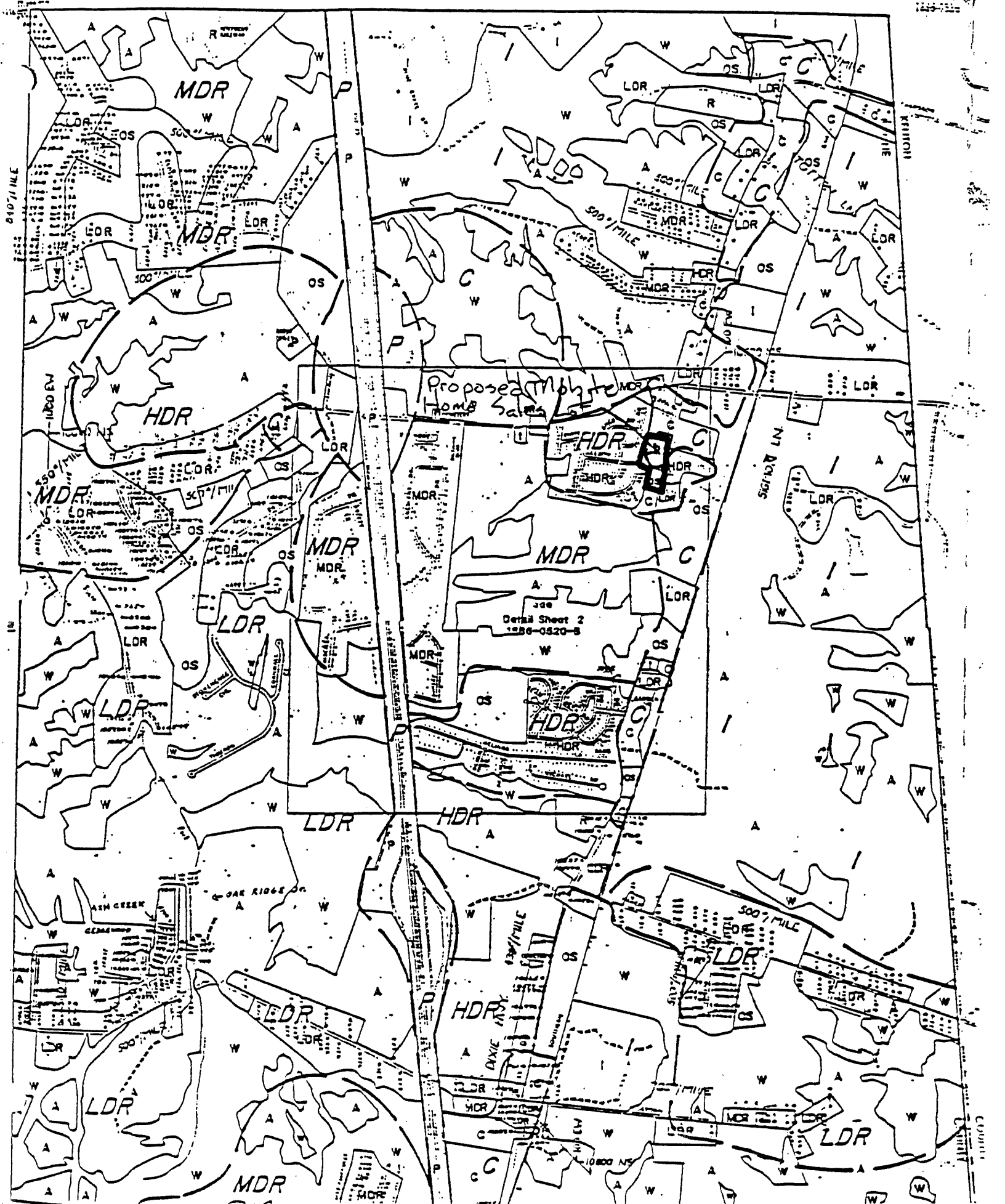


J. Brian Fogle
Planner/Plans Examiner I

JBF:kat

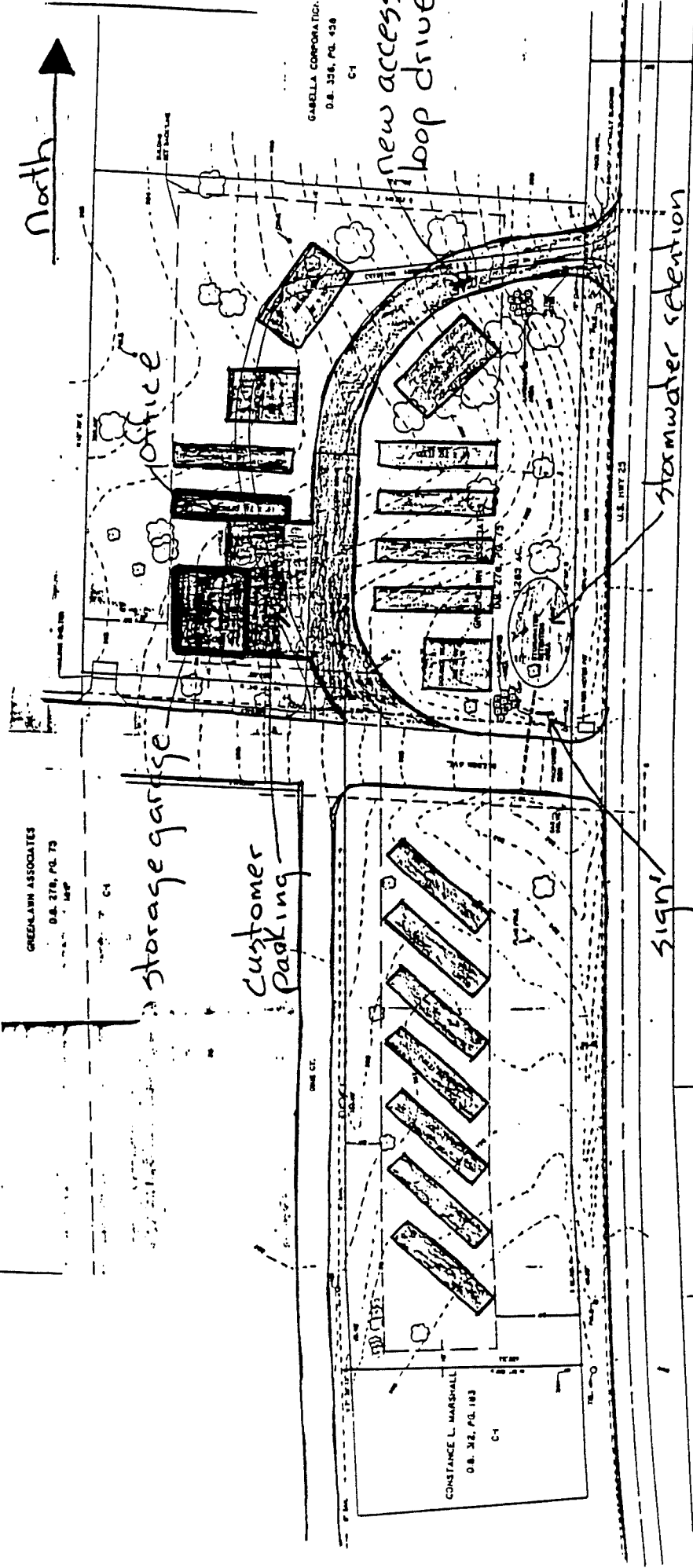
Proposed mobile Home Sales Lot





Proposed Mobile Home Sales Lot

03-28-90



GREENLAWN ASSOCIATES
D.B. 278, P.L. 79

storage garage

Customer Parking

new access loop drive

stormwater retention

sign

North

GABELLA CORPORATION
D.B. 356, P.L. 438
C-1

CONSTANCE L. MARSHALL
D.B. 312, P.L. 183
C-1

U.S. HWY 23

EARL E. DARLENE JACKSON
D.B. 116, P.L. 6

RODNEY CANN
D.B. 113, P.L. 48

NOTES:

1. All items shown are proposed.
2. The above plan is proposed as typical. It may vary from the plan for the lot.
3. The above plan is for the lot and is not an accurate drawing.
4. All items shown are shown on the lot. If correct, correct them.
5. All other measurements and notes are for the lot plan.

JULIUS A. RAY
D.B. 216, P.L. 438

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
March 28, 1990

Page 1

Following a five-minute recess, Mr. Burch introduced the third item on the Agenda:

3. Applicant: Dixie Homes, Inc. for
Greenlawn Associates (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Dixie Homes, Inc. (applicant) for Greenlawn Associates (owner) for a Zoning Map Amendment for a 3.28-acre site located on the west side of Dixie Highway and on both sides of Beeson Avenue, Boone County, Kentucky. The request is to rezone the site from Commercial One (C-1) to Commercial Services (C-3) in order to allow a mobile home sales lot (Dixie Homes).

Staff Member, Brian Fogle, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked if the applicant was present.

Mr. Greg Bretz, representing Dixie Homes, stated that due to congestion or site distance problems, they have decided to eliminate a portion of the roadway and utilize the opening on Beeson Avenue as the only entrance to the sales area. Basically, all of the sales activity will be on the north side of Beeson Avenue. They will eliminate the area south of Beeson Avenue and along Dixie Court from the request as they do not anticipate having the capacity for overwhelming sales. He added that they have decided to eliminate the road opening on U.S. 25, but were advised not to resubmit a Revised Plan.

Mr. Burch questioned if they were eliminating the southern section in total, and Mr. Bretz stated that was correct, but depending on the Commission. He added that Mr. Fogle had advised that they may need buffering along Dixie Court and they can possibly do without that sales area.

Mr. Burch asked if they were changing their application. Mr. Bretz stated that they were not and reviewed their plan with Mr. Burch. Mr. Burch stated that they are eliminating the looped curb cut on U.S. 25 and everything else remains the same.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There being no one, he asked if there were any comments from the Commissioners.

Mr. Damstrom asked that the applicant specify the criteria used to request the zone change. He also asked if the storm water retention will be by a visible pond or underground.

Mr. Bretz advised that the storm water retention has not yet been designed. They have talked with Greg Sketch and will provide detention above ground if allowed. The location and exact amount has not been determined and will be addressed in the Site Plan.

Mr. Damstrom stated that he was concerned about the detention being a hazard to children in the area. Mr. Bretz added that it will be retention of the excess and would not contain water at all times.

Mr. Burch noted that there was also a question in regard to the criteria. Mr. Damstrom stated that this was a question of the basis for the zone change -- economic changes in the neighborhood, etc..

Mr. Bretz stated that it is a basic business need for a sales office in this location. The area along U.S. 25 is basically mobile homes and there are mobile home sales lots to the south of the property. Also, Lakewood, which is across U.S. 25, conducts sales there.

Mr. Sharp questioned if they would be displaying mobile homes on the southernmost portion of the property.

Mr. Bretz stated that they would like to display mobile homes in this area, but was led to believe that it would not be acceptable due to the two mobile homes to the west. They have decided to eliminate this area if the Commission warrants it. He stated that there are no buffer requirements in the Regulations that give them a step-by-step idea of what to do.

Counselor Wilson clarified the applicant's position that since there is a minimum size of three acres for the request, the property to the south is included. In conversations with the Staff, there has been a question raised about the screening requirements. The committee may want such screening or berming that the applicant will not be able to use that portion.

Mr. Collins stated that his concern is in regard to access management. He would like to see the road continued to the edge of the property next door (the Convenient Store). He noted that the whole area will be upgraded with the new expansion.

Mr. Jim McCleary of Greenlawn Associates stated that the state intends to close Mt. Zion Road where the stop sign is and all of Greenlawn can go out on Mt. Zion to get to the Stop & Go. The residents of Greenlawn will be able to use Mt. Zion up to U.S. 25. He added that the new road will come in more direct.

Mr. McMillian stated that he is in agreement with access management and the road going over to the Stop & Go or Ameristop to keep the people from the trailer park from going out onto the highway.

Mr. McCleary stated that this would be people passing through the sales lot and these are two different businesses.

Mr. Neltner questioned the width of Beeson Lane in consideration of maneuvering the mobile homes.

Mr. Fogle stated that the Transportation Planner visited the site. The road is wide enough that there should be no problem with the occasional occurrence of hauling a mobile home into the lot. Mr. Powell, the Transportation Planner, added that if Beeson Lane were to be the way to get the trailers in and out, it is necessary to be sure, by way of the decel lane and turning radii, that there will not be a back-up on Dixie Highway.

Mr. McCleary stated that Greenlawn Estates has 210 mobile homes and at least 150 were brought in off this entrance. They have found the entrance to be ideal. The width accepts 70' and 80' long motor homes. He stated that it is one direct turn without any reversing.

Mr. Neltner questioned the five structures on the site other than the trailers and Mr. McCleary advised that they are double-wides.

Mr. Neltner asked if there would be landscaping around the sales units.

Mr. Bretz stated that they planned landscaping in the front section of the sales lot. They are basically leaving this to the Site Plan and up to the Board.

Mr. Neltner questioned how the sales models would be finished. Mr. Bretz stated that they would be leveled and would have steps and walk-up paths.

Mr. DeLong questioned skirting and shrubs and Mr. Bretz stated that they did not have plans for this but it might develop.

Mr. DeLong stated that other developers have been asked for landscaping and skirting. He stated that the C-3 zone may not be right for this area and he has a problem with all three acres being C-3. He noted that it cannot be controlled after it is zoned and there may be a future problem with a business in the C-3 Zone. Mr. DeLong added that he is curious about a 40' x 50' storage building and if it is needed. He added that the Committee may want a new plan to see where the development is and buffering may still be needed in the back.

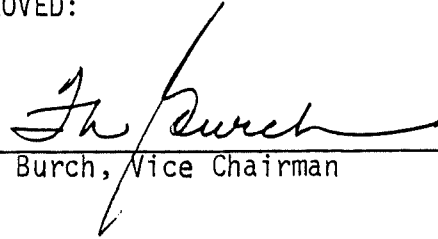
Mr. Collins cautioned that the height of the buffering and the skirting will have to be addressed in the Site Plan.

In response to questions from Mr. Damstrom, Mr. McCleary advised that the sales area will be all grass, other than the drives, parking and the walks.

Mr. Damstrom questioned if there was a regulation in regard to what should be beneath the mobile homes and Mr. Fogle stated that he will research this question.

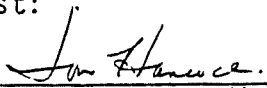
There being no further comments, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on April 4, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



Fred Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 4, 1990

8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 9:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Collins
Mr. Phil Damstrom
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner, Temporary Presiding Officer
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mr. Melvin DeLong
Mr. Rector Jones
Mrs. Carol Smith
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Neltner noted that each member had received copies of the Minutes of the Business Meeting of March 21, 1990 and the Public Hearings of March 21 and March 28, 1990. 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. Collins seconded the motion and it carried unanimously.

Mr. Hub agreed that he received Mr. Newton's letter and it was explained to him that the building cannot go in until construction begins. He asked if they could begin some construction. If necessary, they will agree to remove the trailer if construction of the building does not begin by August 1, 1990. He emphasized that they are trying to start a business and not being able to start when they are ready is a financial hardship.

Counselor Wilson stated that the issue before the Commission is whether or not the Concept Development Plan should be recommended for approval. He stated that the Commission does not have the authority to tell him he can violate the Zoning Regulations. The Zoning Administrator will have to determine at what point construction begins. This is a separate issue for the Zoning Administrator.

Mr. Hub stated that they would like to put in the parking and utilities to the trailer prior to Site Plan approval, but he stated that he believes Counselor Wilson's comments are correct.

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

5. Zoning Map Amendment

The request of Dixie Homes Inc. (applicant) for Greenlawn Associates (owner) for a Zoning Map Amendment for a 3.28-acre site located on the west side of Dixie Highway and on both sides of Beeson Avenue, Boone County, Kentucky. The request is to rezone the site from Commercial One (C-1) to Commercial Services (C-3) in order to allow a mobile home sales lot (Dixie Homes).

Mr. Kevin Costello, Acting Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He noted that the applicant has agreed to the conditions.

Mr. Sharp moved that the request be approved based on the Committee Report, including the conditions. Mr. Owens seconded the motion.

Mr. Kirby questioned to intent behind the pines being 6' tall. He stated that at 8 feet apart they will be choking each other once they mature.

Mr. Sharp stated that it is an instant boundary. He stated that people would be trying to come in from Dixie Court and the Committee did not want this. Also, this would block the view for the residents across the street.

Mr. Neltner asked for a roll call vote on the motion made by Mr. Sharp which found Mr. Collins, Mr. Greene, Mr. Kirby, Mr. McMillian, Mr. Neltner, Mr. Owens, and Mr. Sharp in favor. Mr. Damstrom and Mr. Rush were opposed. The motion carried by a vote of 7 to 2.

Mr. Neltner stated that a motion was needed to amend the Future Land Use Map. Mr. Sharp so moved. Mr. Kirby seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#5

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: March 4, 1990

RE: Request of Dixie Home, Incorporated (applicant) for Greenlawn Associates (owners) for a Zoning Map Amendment on a 3.28 acre site located on the west side of Dixie Highway and on both sides of Beeson Avenue, Boone County, Kentucky. The request is to rezone the site from Commercial One (C-1) to Commercial Services (C-3).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the March 28, 1990 Public Hearing, recommend approval of this Zoning Map Amendment based on the following findings of fact, and subject to the accompanying conditions.

Findings of Fact

1. The proposed commercial use of this site is in conformance with the Boone County Comprehensive Plan, which indicates the future land use of the majority of this site to be commercial. Additionally, the type of commercial use proposed, a mobile home sales lot, is an use principally permitted in the Commercial Services (C-3) zoning district.
2. The text of the Boone County Comprehensive Plan addresses the occurrence of commercial development along Dixie Highway and adjacent to residential areas. The conditions of approval for this Zoning Map Amendment address access management provisions and appropriate buffering of the proposed commercial use and adjacent residences.

The applicant is being asked to include the following conditions as part of the submitted Concept Development Plan in order to address concerns and clarify questions raised at the March 28, 1990 Public Hearing.

- 1.) The existing asphalt loop drive connecting Beeson Avenue and Dixie Highway will be removed. The existing asphalt loop drive provides an additional curb cut onto Dixie Highway which does not comply with the Access Management Regulations of the 1986 Boone County Zoning Regulations. At the time of site plan review and the subsequent site improvements the asphalt loop drive will be removed.
- 2.) A continuous lineal landscaped buffer will be planted and maintained along the western boundaries of the site. The landscaped buffer will be composed of six (6) foot white pines on eight (8) foot centers. The landscaped buffer will be required on areas of the site that are being actively utilized.

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- 3.) Loading and unloading access via Dixie Court will not occur. A continuous lineal landscaped buffer will assist in the prevention of loading and unloading via Dixie Court.

The requested zone change represents a change from the anticipated land use on a small portion of the site in the 1986 Boone County Comprehensive Plan. The Committee recommends the Future Land Use Map be amended to reflect commercial use at this site.

Fred Burch, Chairman

Rector Jones


Barry Neitner

Carol Smith

Larry Barnett


Floyd Sharp

FB:kat

MINUTES
BOONE COUNTY FISCAL COURT
MAY 22, 1990
5:30 P.M.

ORDINANCE 920.198 - DIXIE HOMES

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance 920.198, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by Dixie Homes, Inc. (applicant) for Greenlawn Associates (owner) and such map amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3) for a 3.28 acre parcel generally located on the west side of Dixie Highway and on both sides of Beeson Avenue, Boone County, Kentucky as recommended by the Boone County Planning Commission via Resolution No. R-09-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. (Exhibit "G")

ORDINANCE 920.199 - FUTURE LAND USE MAP

Commissioner Davis moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance 920.199, an ordinance of the Boone County Fiscal Court recommending approval for a change to the Future Land Use Map (Map Number D-5) of the Boone County Comprehensive Plan from High Density Residential (HDR) to Commercial (C) for the entire site as recommended by the Boone County Planning Commission via Resolution R-09A-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. (Exhibit "H")

ITEM VI. RETURN TO OLD BUSINESS

GALLATIN STREET

Mr. Pelley deferred to Commissioner Patrick as the motion had been tabled at the previous regular meeting in order to allow Commissioner Patrick to talk to the resident who was opposed to opening Gallatin Street.

Commissioner Patrick said the resident is reconciled to the fact that it needs to be done.

Commissioner Davis moved to authorize the Public Works Department at its most convenient time to complete this project (opening of Gallatin Street), project not to exceed \$12,000.00. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

It was the consensus of the court that this would be worked in and not take priority over other projects that need to be completed.

CLOSING OF OLD TANNERS

Mr. Pelley presented the Viewer's Committee Report relative to the closing of the portion of old Tanners Lane, located near U.S. 42 in Florence, Kentucky.

Commissioner Patrick moved, seconded by Commissioner Davis, to approve the closing of the portion of old Tanners Lane, located near U.S. 42 in Florence, Kentucky as recommended by the Viewer's Committee. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. (Exhibit "I")

ITEM VIII. DEPARTMENTAL INFORMATION

Judge Ferguson advised that departmental reports had been placed in the commissioner's packets for their information.

ITEM IX. NEW BUSINESS

Commissioner Patrick questioned the status of upkeep of sidewalks that had been in existence for a number of years.