

DECEMBER 15, 1982

Zone Change Request by Winslow and
Barry Baker for property at 8074 U.S.
Highway 42, Florence

This is a zone change request by the property owners Winslow and Barry Baker for a 3.022 acre tract located at 8074 U.S. Highway 42, Florence. This request is to change the current zoning of the property from Commercial Services, C-3 to Commercial Two, C-2 for the purpose of changing the use of an existing building from a restaurant to a liquor store.

Adjoining property to the north is currently zoned Commercial Two, C-2 and Commercial Services, C-3 and is presently being used as farmland. To the east is current zoning of Commercial Services, C-3 and presently is undeveloped. To the south, across U.S. Highway 42, is current Commercial Services, C-3 zoning presently used as a gasoline service station and a restaurant. And adjoining to the west is current zoning of Urban Residential Two, UR-2 and is currently used as a gasoline service station.

According to the Land Use map of the Boone County Comprehensive Plan the planned future land use is Commercial. Regarding this planned Commercial use the text of the Comprehensive Plan states on page 3.7 "Highway commercial development is anticipated at most interstate interchanges in Boone County. These include I-75 interchanges at KY 18, U.S. 42, KY 338/ U.S. 25, and KY 14-16.

A Concept Development Plan was submitted along with this request. This plan does not propose any new structures. It will maintain the existing and developing structures on the site. The only change involves the change in use of the existing building from a restaurant to a liquor store. This application is to create a change in the zoning of this tract for the change of a use of the building. Being maintained, though, is a gasoline service station use. If this request is approved the service station will remain to be permitted but as a conditional use in the proposed C-2 zone.

In my opinion, this request does not agree with the Boone County Comprehensive Plan, based upon the text of the Comprehensive Plan, the location of the property relative to the interchange of I-75 and U.S. 42, and the fact that the current C-3 zoning of the property is in agreement with the Comprehensive Plan. Should this Commission decide to recommend approval of or

Zone Change Request
for Winslow and
Barry Baker
December 15, 1982

the legislative body would approve this request for a map amendment, then further findings of facts would need to be used to support this decision.

Alvin "Chip" Block
ALVIN "CHIP" BLOCK
ZONING ENFORCEMENT OFFICER

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

DECEMBER 15, 1982

7:00 P.M.

Mr. Godsey, Secretary/Treasurer called the meeting to order at 7:05 P.M.. Mr. Godsey stated that the purpose of the Public Hearing was to hear the request of Winslow and Barry Baker, for a zone change from Commercial Services Three (C-3) to Commercial Two (C-2) on property located at 8076 and 8074 U.S. 42, Boone County, Florence, Kentucky on a 3.022 acre site, to change the use of the existing building from a restaurant to a liquor store. Mr. Godsey noted that appropriate signs had been posted and that adjoining property owners had been notified. Mr. Block read the Enforcement Officer's Report and located the property on an area map. Mr. Godsey asked if anyone present were in opposition of the request. No one responded. Mr. Godsey stated that Mr. Viox was Chairman of the Committee to review Mr. Baker's request and noted that Mr. Viox was absent.

Mr. Hasselbring stated that he had no objection to the existing zoning, noting that the Comprehensive Plan had established Commercial zoning at the interchange areas. Mr. Baker stated that the C-3 zone had limited uses and that nothing permitted in the C-3 zone was desirable for his property. The C-2 zone, which he requested, permits liquor stores which would not attract large trucks. The existing station no longer services large diesel trucks. Mr. Kroger stated the best possible use of the land must be considered, and that areas close to the interstate were zoned C-3 in order to keep the heavier traffic flow near the interchange. Mr. Godsey asked if Mr. Baker's property adjoined Mr. Berkshire's. Mr. Baker stated that it did and noted that a portion of the Berkshire property fronted on Mall Road. Mr. Baker stated that if he put a restaurant on his property it would attract more tourists which would contribute to traffic in the area. Mr. Baker stated that he felt a liquor store would mainly serve the local public and would not generate as much traffic as would a C-3 use. Mr. Baker asked what the Commission would suggest he develop on the property. Mr. Kroger stated that

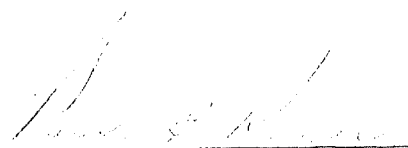
BOONE COUNTY PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 15, 1982

it was not appropriate for the Commission to suggest what to put on the property. Mr. Baker stated that he had enough property to build a motel but has been advised not to consider a motel at this time.

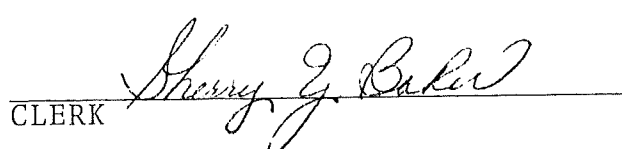
Mr. Godsey asked for further comments. No one responded. Mr. Godsey advised Mr. Baker that the Commission would consider his request at the meeting of January 5, 1983.

The Public Hearing was declared closed at 7:35 P.M.

APPROVED


CHAIRMAN

RESPECTFULLY SUBMITTED:


CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

FEBRUARY 2, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:00 P.M.. Eleven (11) members were present. Messrs. Buse, Godsey, Felty and Mrs. Smith were absent. Staff members present were Mr. Block, Mr. Wilson, Mr. Jenkins, Ms. Sullivan and Mrs. Baker.

Chairman Kroger acknowledged that former Vice Chairman Edward Shafer was in the audience and asked him to step forward. Chairman Kroger, presented Mr. Shafer with a plaque. The Commission then passed a resolution in appreciation of Mr. Shafer's twelve years of service to the citizens of Boone County. Mr. Shafer stated his 12 years of service had been very enjoyable and that through his membership on the Commission had had fine friends and associates. Mr. Shafer wished the Commission luck in their future endeavors and thanked them for their recognition of his retirement.

Chairman Kroger proceeded with the approval of the minutes of January 19, 1983. Mr. McMillian moved to approve the minutes. Mr. Jones seconded, the vote carried unanimously. Mr. Viox moved to approve Public Hearing minutes of January 26, 1983 with correction of a minor error as noted by Mr. Neltner. Mr. McMillian seconded, the vote carried unanimously.

BILLS:

Staff salaries and benefits, \$4,070.89; Ms. Catherine Monk, \$87.69; Mrs. Betsy Conrad, \$207.00; Boone Finance Department \$63.72; Madison Office Supplies, \$64.73; Sharon Sullivan, \$23.73; Petty Cash, \$50.00. Chairman Kroger asked for comments on the bills to be paid. Mr. Barnett felt the Xerox copy bill was too high, noting that the Commission could rent its own copier. Vice Chairman Viox moved to pay the bills, Mr. McMillian seconded. The vote carried unanimously.

REPORTS:

Ms. Baker presented the Treasurer's Report. Balance on hand February 2, 1983, \$19,374.96 in checking account; in certificates of deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector, issued 13 permits during January for a total of \$222,831.00 estimated construction costs. Boone County Building Inspector Conrad Tobergte issued 26 permits for a total construction costs of \$830,739.00. Mr. Tobergte issued zoning and

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING MINUTES
FEBRUARY 2, 1983
PAGE TWO

sign permits in the county totalling \$555.00 for the month of January, 1983. Chairman Kroger asked for, but received no comments on the Enforcement Officer Report.

Chairman Kroger proceeded to the request of Winslow and Barry Baker, for a zone change from Commercial Services Three (C-3) to Commercial Two (C-2) for property located at 8076 and 8074 U.S. 42, Boone County, Florence, Kentucky on a 3.022 acre site, in order to change the use of the building from a restaurant to a liquor store. Mr. Block stated that the Enforcement Officer Report had been presented at the Public Hearing. Chairman Kroger instructed that the report be made part of the record. Ms. Baker then read the Committee Report which recommended approval. Chairman Kroger asked if anyone was present representing Mr. Baker. Mr. Steve Huddleston, Attorney for Mr. Baker, stepped forward. He pointed out that there had been no objection to the request at the Public Hearing, and that the request conforms with the Comprehensive Plan. Mr. Huddleston stated that, as a result of these factors and in consideration of the minimal change in usage of the property, as well as the minimum impact on adjoining uses and the fact that the project be more aesthetically pleasing than the existing truck stop, he hoped for a favorable decision from the Planning Commission. Chairman Kroger asked if the drawing submitted in conjunction with the application was to be considered as Mr. Baker's concept development plan for the property. Mr. Baker indicated that it was, and agreed to add a formal acknowledgement of the fact to the drawing submitted. Mr. Baker asked that the plan be made part of the record; he stated again that the plan is submitted would serve as his concept development plan, and acknowledged that he was aware that the conformance to the plan would be a condition of the zone change request. Mr. Wilson informed Mr. Baker that the Concept Development Plan would be filed at the County Clerk's office with the deed and would serve as a restriction on the deed. Mr. Baker indicated his knowledge and approval. Vice Chairman Viox moved by Resolution R-1-83 the request be granted based on Staff and Committee Report and that the City of Florence be notified of the Commission's action. Mr. Jones seconded, the vote carried unanimously. Mr. Duane Vincent asked if the Resolution would be submitted to the City of Florence before Tuesday. Chairman Kroger stated that the official letter of the Commission would not be sent for about two (2) weeks, but a letter would be sent to the City of Florence as soon as possible informing them of the Commission's action at tonight's meeting.

Chairman Kroger then proceeded to the request of Erlanger Lions Club, Inc. for a zone change from Suburban Residential Two (SR-2) to Recreation (R) on property located at

the intersection of I-75 and the boundary line of Boone and Kenton Counties on a 26 + acre site. Mr. Block noted that the Enforcement Officers Report was the same as had been presented at the Public Hearing. Chairman Kroger instructed that the report be made part of the record. Ms. Baker then read the Committee Report in which the Chairman, Mr. Hasselbring, noted that the Commission might wish to limit recreational use of the property due to its location. Chairman Kroger asked Mr. Wichmann if he had communicated with Mr. Hasselbring concerning his recommendation. Mr. Wichmann stated that he and Mr. Hasselbring had walked the site, and had discussed limitations, but that he had not had a chance to read the report. He expressed concern regarding terminology of some of the suggested limitations. Chairman Kroger asked Mr. Wichmann if he would like a few minutes to review the Report; Mr. Wichmann indicated that he would. Chairman Kroger stated that discussion would be suspended on the request while Mr. Wichmann reviewed the report, and met with the club members present in the audience.

Chairman Kroger proceeded to the request of Donald Knapmeyer for a proposed text amendment to Article 19 Section 1950 of the Boone County Zoning Regulations. Mr. Hasselbring presented an oral Committee report recommending a two week deferral of the request in order that the Committee might further define implications of the proposed amendment. Mr. Knapmeyer had agreed previously to the two week delay and waived time limitations. Mr. McMillian moved that the request be deferred for two weeks, Mr. Jones seconded; the vote carried unanimously.

Chairman Kroger proceeded to the new request of Eagle Mortgage and Investment Company for a zone change from Suburban Residential One (SR-1) to Suburban Residential One/Planned Development Overlay (SR-1/PD) for property located at Hopeful Road, Boone County, Florence, Ky, containing 61.136 acres. Mr. Collins asked for a specific location of the Site. Mr. Block pointed out that the site, formerly Stonegate Meadows, was located at the end of Kelley Drive, off of Hopeful Road. Mr. Jones moved that a Public Hearing be set for February 23, 1983 at 8:00 P.M.; Mr. McMillian seconded. The vote carried unanimously.

Chairman Kroger proceeded to the next new business item: the request of Philip N. Damstrom, agent for Murl Blair for a zone change from Rural Suburban/Small Community to Commercial One/Small Community, located at U.S. 42 and Hathaway Road, Union, Boone County, KY, on a site less than one acre. Chairman Kroger noted that the site was the E-Z Stop across from Union Bank. Mr. Collins moved that a Public Hearing be set for February 23, 1983. Mr. McMillian seconded; the vote carried unanimously.

Chairman Kroger asked for business from the floor.

Mr. Wayne Thomas stepped forward to present a zone change request from Commercial Three to Commercial One for property located at the Corner of Ky 18 and 237, adjacent to Grubbs and Linneman Funeral Home, on a 1.07 acre site. Chairman Kroger asked if application were complete; Mr. Block stated that everything necessary for publication had been submitted and that the applicant had promised to submit a Concept Plan prior to the Public Hearing. Mr. Viox moved that a Public Hearing be scheduled for February 23, 1983. Mr. Jones seconded, the vote carried unanimously.

Chairman Kroger then resumed consideration of the Erlanger Lions request. Mr. Wichmann stated he had reviewed the report and was concerned that the Committee's recommendation if adopted, would prevent the continuation of some activities currently engaged in at the site.

Chairman Kroger suggested the Commission as a whole review the specifications. Discussion followed as to the appropriate uses of the site. Mr. Wichmann requested that the basis for recommendation use as its finding that the original rezoning was inappropriate. Mr. Wilson stated that what Mr. Wichmann seemed to be asking the Commission was to agree that the current recreational uses of the site were not considered in the original zoning of the property to SR-2. Mr. Hasselbring stated he could not unequivocally say that such was the case; he stated that he would not recommend the request on that basis. Mr. Hasselbring moved to incorporate the word "major" (pertaining to changes) in the Committee Report. Mr. Neltner seconded. Mr. Viox abstained. The vote carried unanimously.

Mr. Wichmann stated the parcel of land owned by the Lions which lies within the City of Florence was intended to be deleted from the request of the zone change; He said that he would provide the Commission with an adjusted legal description of the property to be affected by the change. Mr. Hasselbring moved by Resolution No. R-2-83 to recommend approval of the request based upon the Staff report, and upon the findings of fact contained in the Committee report; Mr. Jones seconded, Mr. Viox abstained. The vote carried unanimously. Mr. Hasselbring moved by Resolution No R-3-83 to change the Comprehensive Plan to reflect the zone change, if such change is approved by the Fiscal Court. Mr. Greene seconded, Mr. Viox abstained. The vote carried unanimously.

At a welcome and predictable cue from retired Vice Chairman Shafer, still seated in the audience, Mr. Viox moved to adjourn and Mr. Jones seconded. The meeting adjourned at 10:00 P.M.

APPROVED: _____

RESPECTFULLY SUBMITTED,

CHAIRMAN

Sherry G. Baker

CLERK

COMMITTEE REPORT

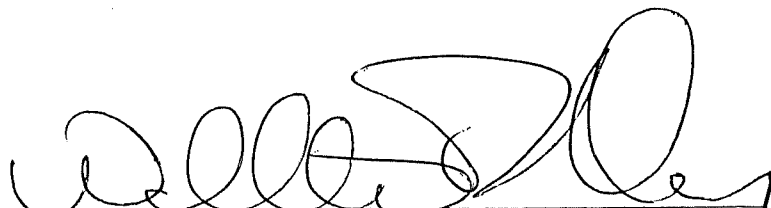
TO: BOONE COUNTY PLANNING COMMISSION

FROM: WILLIAM VIOX, CHAIRMAN

IN REGARD: Request of Winslow and Barry Baker, for a zone change from Commercial Services Three (C-3) to Commercial Two (C-2) on property located at 8076 and 8074 U.S. 42, Boone County, Florence, Kentucky on a 3.022 acre Site, for changing the use of the building from a restaurant to a liquor store.

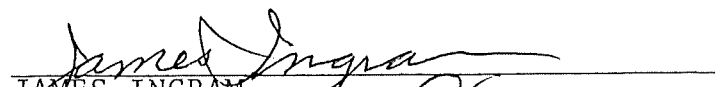
CONCLUSION:

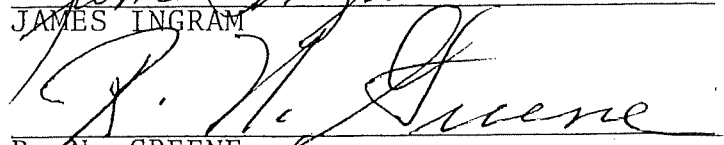
The Committee recommends approval based on the Concept Development Plan and Staff Report.


WILLIAM VIOX , CHAIRMAN


LAWRENCE COLLINS

CAROL SMITH


JAMES INGRAM


R. N. GREENE

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 — 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. P. E. KROGER
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MR. E. R. SHAFER
VICE CHAIRMAN
MR. R. O. GODSEY
SECRETARY-TREASURER
MS. SHARON A. SULLIVAN
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MR. D. T. WILSON
ATTORNEY
MR. J. E. JENKINS
ENGINEER
MR. A. H. BLOCK, III
ENFORCEMENT OFFICER
MRS. SHERRY Y. BAKER
CLERK

February 3, 1983

The Honorable Roger Rolfes
City of Florence
Florence City Building
Florence, KY. 41042

Dear Mayor Rolfes:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regards to the request of Winslow and Barry Baker for a Zoning Map Amendment.

At their meeting of February 2, 1983 the Commission voted unanimously to recommend approval by Resolution R-1-83, of this zone change from Commercial Services (C-3) to Commercial Two (C-2). These minutes are attached.

This action was taken upon hearing the recommendations of the Committee which included the following findings of fact;

- Request for Commercial Two (C-2) use is in conformance to the Comprehensive Plan to the extent that the property is in an area planned for Commercial Development.
- The zone change would expand an abutting Commercial Service Two (C-2) zone.
- The recommended change would provide additional community services, ie office space and retail outlets West of I-75 in the general area of the Florence Mall.

A copy of the approved minutes of the Public Hearing which was held December 15, 1982, along with unofficial minutes of February 2, 1983.

MEMBERS—
MR. L. BARNETT
MR. R. L. BUSE, JR.
MR. L. COLLINS
MR. P. CONKLE
MR. D. A. DAVIS
MR. R. N. GREENE
MAYOR S. HASSELBRING
MR. J. INGRAM
MR. R. JONES
MR. D. McMILLIAN
MS. C. SMITH
MR. W. R. VIOX

Mayor Rolfes .
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If you desire any further information or have any questions concerning this action, please contact use.

With kindest regards,

Sincerely,

Paul Kroger
Chairman

PK/syb

Enclosure

1/2 = 25'



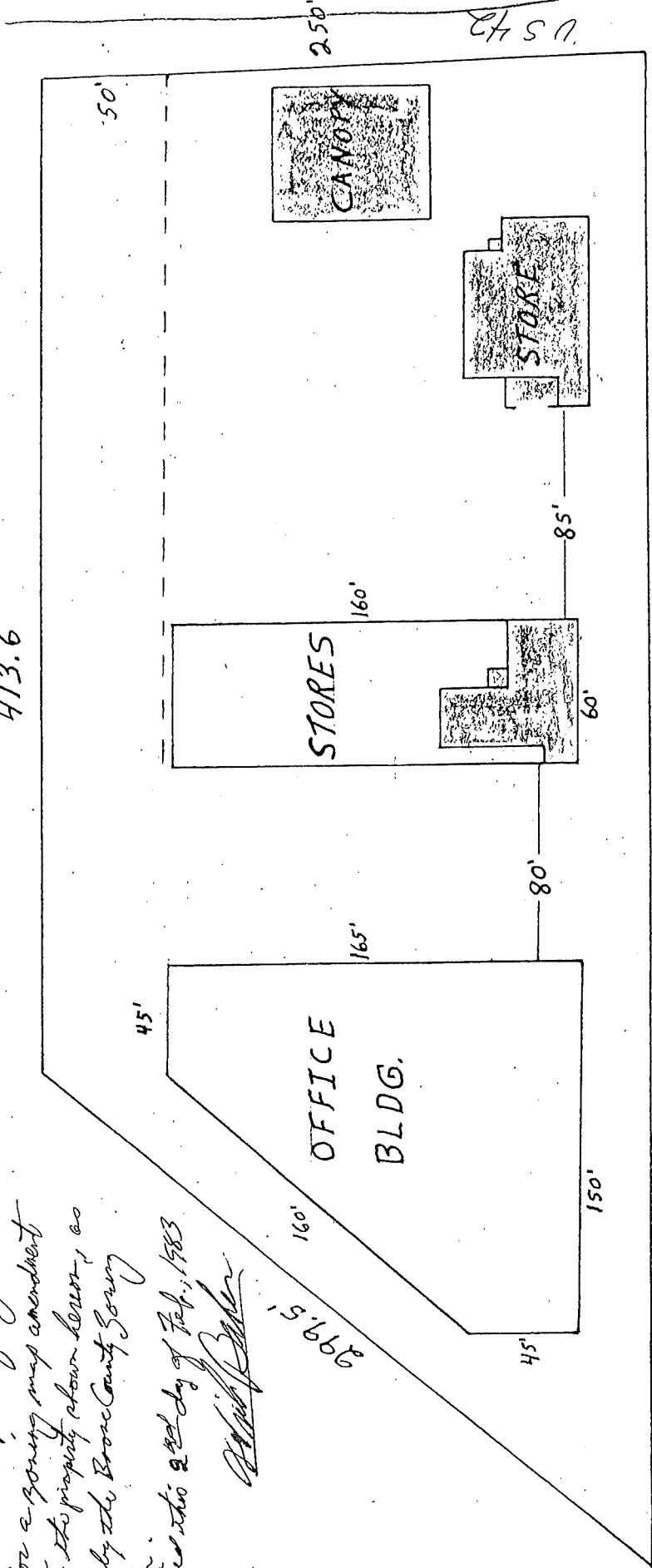
BAKER PETROLEUM, INC.

413.6'

This is to certify that the page and the page attached constitute to concept development plan submitted as part of my request for a zoning map amendment relative to the property shown herein, as requested by the Boone County Zoning Commission.

Signed this 2nd day of Feb., 1983

Robert Baker



630'

SHADED AREA PRESENT

3780 SQ. FT.

