

APPLICATION FOR ZONING ACTION

TO:  Boone County Planning Commission  City of Union Board of Adjustment  
 City of Florence Board of Adjustment  City of Walton Board of Adjustment  
 Boone County Board of Adjustment  Zoning Enforcement Officer

FOR:  Zoning Text Amendment  Zoning Map Amendment  
 Comprehensive Plan Change  Preliminary Plat Approval  
 Improvement Plat Approval  Final Plat or Deed Plat  
 Conditional Use Permit  Site Plan Review  
 Concept Development Plan  Historic District Overlay  
 Preliminary Development Plan  Sign Permit or Zoning Permit  
 Change of Non-Conforming Use  Appeal or Variance  
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: Timothy R. McNeely  Owner  
 Agent  
Address: 2592 Bellevue Rd. Burlington, Ky 41005  
Telephone: 586.6497

Location: Southwest side Ky. Hwy. 20  
0.2 Mile Northwest Williams Road  
Name of Owner: Wm. C. Anderson, Inc. - DBA Anderson Tealand Die  
C. Vernon Anderson, General Manager  
Address of Owner: 3171 Petersburg Rd. Burlington, Ky. 41005

Zone: RSE Area in Acres: 5.00

Deed Book: part 227 Page No.: 33 Group No: 2013  
part 227 36

Description of Request: Zone change from RSE to I-1  
for existing business (Anderson Tealand Die) since  
1963

Owner's Signature: C. Vernon Anderson  
Applicant's Signature: Timothy R. McNeely

Date: 11-16-83

FOR PLANNING COMMISSION USE: 250.00  
40.00  
20.00 (paid amount)  
20.00 (balance)  
Application date and fee of \$ 344.00 Received: 11/16/83

Referred to: \_\_\_\_\_ For Meeting Date: \_\_\_\_\_

Action: \_\_\_\_\_ Date: \_\_\_\_\_

ZONE CHANGE REQUEST BY TIMOTHY R.  
MCNEELEY FOR PROPERTY LOCATED  
ON THE SOUTHWEST SIDE OF KY. 20,  
BOONE COUNTY

This is a zone change request by Timothy R. McNeeley for a five (5) acre tract owned by William C. Anderson and located on the southwest side of Ky. 20 about two-tenths of a mile northwest of its intersection of Williams Road, Boone County. The request is to change the current zoning of Rural Suburban Estate, RSE, to Industrial One, I-1, for the tract.

All adjoining tracts are currently zoned Rural Suburban Estate, RSE.

The Boone County Comprehensive Plan Land Use Map shows a planned future land use for this and all adjoining tracts as Low Density Residential and Environmentally Sensitive. Concerning the low density part of the Plan the text makes the following statements:

Low density residential development is planned around all future urban service areas as densities gradually decline outward from those centers. A large area of low density development is planned north of I-275, east and west of KY 237. (on page 3.5)

The Bullittsville area is planned for development as an extension of the Hebron urban center, focusing on the intersection of Graves Road/KY 20/Burlington-Bullittsville Road. At this intersection, neighborhood commercial facilities are planned to serve the immediate area.

Residential development densities are planned to decrease west of Bullittsville and south toward Burlington, out of the full urban service area. (on page 3.15)

Regarding the Environmentally Sensitive area in the southeast portion of the site the text makes the following statement:

Environmentally sensitive areas include all lands upon which urban development would entail a serious environmental hazard or social or economic impact, or an extraordinary cost to overcome the hazard. Appropriate measures must be taken to attenuate the environmental hazards and minimize social and economic impacts before active urban use of such areas is permitted. Environmentally sensitive areas in the northeastern quadrant of the County are largely stream drainage networks and some steep slopes. In the south, stream drainage areas become broader and steeper, leaving ridgelines for urban development. The broadest areas of environmentally sensitive lands are in the western half of the County and in the extreme north, where deep ravines empty into the Ohio River. (on page 3.10)

It must be pointed out that the Anderson Tool & Die facility on this tract has been there for years. The text makes the following statement toward pre-existing non-conforming uses:

There are a number of existing commercial and industrial land uses on specific sites in Boone County which are not in conformance with the land use plan element. It is the intent of this Plan to allow those uses to continue to exist as long as they are compatible with their surrounding environment. This is necessary to maintain the economic well-being of the community as a transition is made from rural to urban type land use patterns. Any expansion of these existing land uses must be carefully evaluated to determine the long-term effect on existing and proposed surrounding land uses. (on page 3.17)

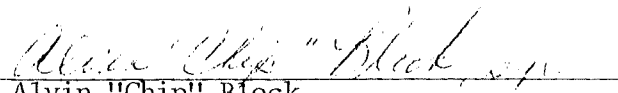
A Concept Development Plan was submitted showing the continuance of the existing land use as contained in the 2800 square foot building. In addition is shown a future expansion area of around 6000 square feet. No further development plans are shown.

Access is available from an approximate 9 foot wide driveway off of Kentucky 20 with a surfacing of concrete.

This property lies outside of the planned urban services area where sanitary sewage is planned to be provided.

Public water supply could be available from a nearby 8 inch main on Ky. 20. The Boone County Water and Sewer District would need to review and accept this or other proposals.

In that this request is for Industrial zoning in a planned residential area, it would be necessary to evaluate and change the Land Use map and text should the request be recommended for approval by this Commission and if the legislative body (Boone County Fiscal Court) would approve the request for rezoning.

  
Alvin "Chip" Block  
Zoning Enforcement Officer  
December 21, 1983

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

JANUARY 4, 1984

8:00 P.M.

Chairman Kroger called the meeting to order at 8:00 P.M.. Twelve (12) members were present. Mr. Godsey and Mr. Jones were absent. Staff members present were Messrs. Wilson, Lynn, Block and Mrs. Baker. Mr. McMillian moved to approve the minutes of the December 15, 1983 Public Hearing and December 21, 1983 Business Meeting. Mrs. Smith seconded; the vote carried unanimously.

BILLS:

Mrs. Baker presented the following bills: Robert McGraw Co., Insurance Premium, \$1,269.89; John R. Green Co., \$29.90, xerox paper; Business Equipment Co., \$107.85, typewriter repairs; Picture Place, \$38.42, film and developing; staff salaries and benefits. Totalling \$3,048.58. Mrs. Smith moved that the bills be paid. Mr. Viox seconded. Mr. Buse abstained to the McGraw payment, due to being a partner of the Company. The vote carried unanimously.

TREASURER'S REPORT:

Due to Mr. Godsey's illness, Chairman Kroger read the Treasurer's Report, stating balance on hand as \$26,047.33; total of both accounts, \$45,351.76.

REPORTS:

The Commission reviewed the Enforcement Officer's Report submitted by Mr. Block. Mr. Block pointed out that he and Mr. Lynn visited the site on Pleasant Valley Road and made notations of the license plate numbers of all vehicles on the property and that the Sheriff's Department is reviewing the list and will report back the ownership of the vehicles. Mr. Block stated he has been in contact with the property owner and their statements are that they are not operating a body shop and have agreed to submit a notarized letter to that effect to the Planning Commission. In response to Mr. Neltner, Mr. Block stated the only vehicle in a disable condition was a blue Camero, which the owner of the property indicated it belonged to a friend and would only be there for a short period of time, until it could be removed to a tow yard. Mr. Block pointed out that if a disabled vehicle is stored outside of a garage in a residential area for more than three days it would be a possible violation.

The Commission reviewed the Convenience Plat Report submitted by Mr. James Jenkins. Mr. Jenkins pointed out that he had inadvertently placed Convenience Plat number two on the list, but it has not formally been approved, due to creating a possible non-conforming use.

Mrs. Baker presented the Building Inspector's Report, stating that for the City of Florence, William Rieger, Building Inspector, issued permits 3876 thru 3894 during December for a total of \$502,624.00. The Boone County Building Inspector, Conrad Tobergte, issued 26 permits for total construction costs of \$860,950.00. Mr. Tobergte issued zoning and sign permits in the County totalling \$450.00 for the month of December.

Chairman Kroger proceeded to the first item on the Agenda, the request of Drees Company, for Improvement Plan Approval, for Oakbrook, Phase H, Part 4, located in Boone County, on a 9 + acre site. Mr. Jenkins stated that he has reviewed the plan and as far as the technical side he had no problem with it. Mr. Lynn read the Committee report recommending approval. Mr. Barnett moved that the request be granted; Mr. Collins seconded. Mr. Viox abstained due to being the Engineer on the site. The vote carried unanimously.

Chairman Kroger proceeded to the request of Chevron USA, Inc. for site plan review zoned Commercial Services (C-3), located at 450 Burlington Pike, on a 1 acre site. Mr. Block presented his Enforcement Officer's Report. Mr. Lynn read the Committee Report which recommended approval. Mr. Jenkins stated that he saw no problem with the request. Mr. Collins moved that the request be granted. Mr. Hasselbring seconded, the vote carried unanimously.

Chairman Kroger proceeded to the request of Timothy R. McNeeley, Agent for William Anderson for a zoning map amendment from its present zone of Rural Suburban Estates (RSE) to Industrial One (I-1) for property located at the southwest side of Ky. HWY. 20, 0.2 miles northwest of Williams Road, on a 5 acre site. Mr. Lynn read the Committee Report which recommended approval. Chairman Kroger asked Mr. Anderson if he had any comments. At Mr. Anderson's request Mr. Lynn restated the conditions placed on the recommendation for approval. Chairman Kroger asked if there was anyone in opposition.

Mr. James Bowling 3180 Peel Rd. stated he did not understand the nature of the request. He continued that it was his understanding that the zoning had been established in the area as residential. At Chairman Kroger's request, Mr. Block outlined the request and pointed out the location of the property. Mr. Bowling inquired of how the sewage would be handled and if this request is granted will it open the door for future industry. Chairman Kroger stated that the sewage was addressed during the Public Hearing and that the Concept Development Plan was for an extension to an existing site. Chairman Kroger stated that if the request is granted the next step of the applicant would be to submit a site plan and at that time all the necessary permits would have to be obtained pertaining to sewage, etc. In response to Mrs. Stephens, Mr. Anderson stated they would hire approximately six (6) more employees. He continued that there would be a small amount of sludge that would be disposed of in the garbage and would not go into the septic system. Mr. Bowling expressed concern of the area becoming another Limaburg Road, with light industry. Chairman Kroger stated in the committee's recommendation of approval

they provided for a limitation of the use that it would be this five acres and no more. Mr. Barnett stated that even though the business has been in this location for years he felt it was poor planning use and that there was enough available land already zoned for Industrial use.

Chairman Kroger asked if there was further questions. No one responded.

Mr. Collins moved by Resolution to approve the request based on the findings of fact contained in the Committee Report and that the recommendation of approval be forwarded to the Boone Fiscal Court. Mr. Greene seconded. Chairman Kroger asked if there was any further discussion. Mr. Viox stated that when the Comprehensive Plan was being developed that they tried to make sure there was no non-conforming uses, but that the County is large and some of the areas were missed and found later. He continued that the small family business has been there for 20 years and he felt it should have been zoned appropriately when the Plan was adopted. Mr. Viox felt the business was not a hinderance to the community and as stated in the Public Hearing most of the individuals employed there live nearby, and the industry has caused no problems to-date. Mr. Viox stated he was in favor of the request.

Mr. Hasselbring asked that the applicant agree to the conditions set out by the Committee. Mr. Anderson agreed to the conditions. In response to Chairman Kroger, Mr. McNeeley, Agent for Mr. Anderson stated that he surveyed the property and applied for the zone change in Mr. Andersons behalf. Mr. Ken Anderson stated the Company was founded by William C. Anderson and that he is his partner. He continued that Mr. William Anderson is deceased. A roll call vote was taken, the motion for approval passed. Ten (10) yes, two (2) no. Mr. Barnett and Mr. McMillian voted no.

Chairman Kroger proceed to the first item of New Business the request of Elmo Greer & Sons, Inc. Agent, for Site Plan Review for property located approximately .3 miles East of I-75 & Ky. 16 intersection and 1/8 mile South of Ky. 16, on a 6.40 acre site, zoned Industrial One (I-1) for the proposed Asphalt Plant Construction. Chairman Kroger noted that an adjustment of agenda fee was submitted. Chairman Kroger referred the request to committee for review.

Chairman Kroger proceeded to the election of officers. Mr. Lynn read the nominating committees report which recommended for Chairman, Paul Kroger; Vice Chairman, Barry Neltner and Secretary/Treasurer, Larry Barnett. Chairman Kroger turned to Chair over to Vice Chairman Viox for election of Chairman. Mr. McMillian nominated Paul Kroger for Chairman; Mr. Neltner seconded. Vice Chairman Viox asked for further nomination. No one responded. Mr. Buse moved that the nominations be closed. Mr. Hasselbring seconded; the motion carried unanimously. By acclamation Paul Kroger was elected Chairman.

Chairman Kroger returned to the Chair for nominations for Vice Chairman. Mr. McMillian nominated Barry Neltner for Vice Chairman; Mr. Collins seconded. Chairman Kroger asked for further nomination.

No one responded. Mr. Viox moved to close the nominations. Mr. Hasselbring seconded; the vote carried unanimously. By acclamation Mr. Barry Neltner was elected Vice Chairman.

Chairman Kroger opened the nominations for Secretary/Treasurer. Mr. McMillian nominated Larry Barnett for Secretary/Treasurer. Mr. Neltner seconded. Chairman Kroger asked for further nominations. No one responded. Mr. Viox moved that the nominations be closed. Mr. Hasselbring seconded; the vote carried unanimously. Mr. Larry Barnett, by acclamation was elected Secretary/Treasurer.

Chairman Kroger noted that new Committees would be assigned for the coming year.

Mr. Wilson stated that the Audit from Morris and Bressler had been presented to Chairman Kroger and accepted by the Commission.

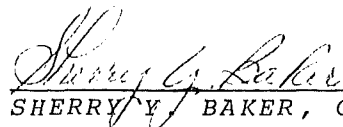
Mr. Collins inquired as to the status of the study by GBBN. Mr. Lynn stated there will be a meeting with GBBN and Staff next Thursday and will possibly be moving into the Public Hearing stage by the end of January or the first of February.

Chairman Kroger asked if there was further business. No one responded.

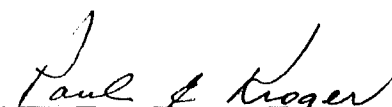
Mr. Viox moved for adjournment. Mr. Davis seconded.

The meeting adjourned at 9:15 P.M.

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
SHERRY Y. BAKER, Clerk

APPROVED: January 18, 1984

  
\_\_\_\_\_  
PAUL E. KROGER, Chairman

C O M M I T T E E      R E P O R T

**TO:**            **BOONE COUNTY PLANNING COMMISSION**

**FROM:**        **BARRY NELTNER, Chairman**

**IN RE:**        **Request of Timothy R. McNeely, Agent for William Andreson for a zoning map amendment from its present zone of Rural Suburban Estates (RSE) to Industrial One (I-1) for property located at the southwest side of Ky. Hwy. 20, 0.2 miles northwest of Williams Road, on a 5 acre site.**

**CONCLUSION:**

*We the Committee recommend approval based on the following findings of fact , but subject to the condition as listed:*

- 1.    The current land use of the property existed prior to the adoption of the new zoning regulations.*
- 2.    The text of the Comprehensive Plan does take into consideration where some current Industrial uses are not in conformance with the land use map of the Plan. And that continuance of and expansion of this use would not adversely affect current and planned surrounding land uses.*
- 3.    The submitted Concept Development Plan along with the planned future use would be consistent with the I-1 zone and uses permitted in the zone.*

**CONDITIONS:**

- 1.    This recommendation of approval incorporates the Concept Development Plan provided the applicant agrees to follow it and no further additions or changes in land use will be allowed.*

*Barry Neltner*  
BARRY NELTNER, Chairman

*Lawrence Collins*  
LAWRENCE COLLINS

*Scott Hasselbring*  
SCOTT HASSELBRING

*Carol Smith*  
CAROL SMITH

*Charles Mitchell*  
CHARLES MITCHELL

*R. N. Greene*  
R. N. GREENE

