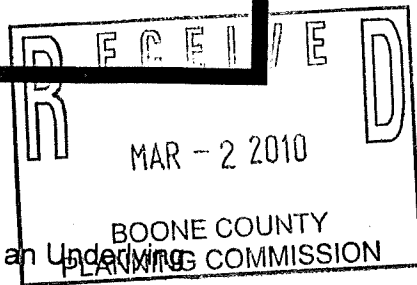


APPLICATION FORM

10-CCDP-06A

\$2000

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant).

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

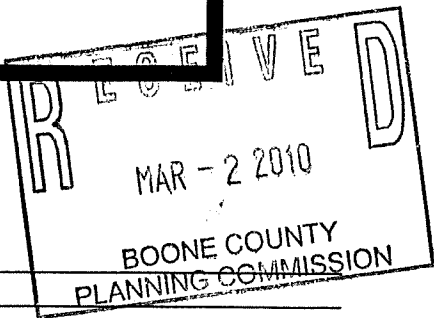
- 2. Name of Project LIMITED MOTORS
- 3. Location of Project 8484 DIXIE HWY
- 4. Total Acreage of Site 2.54 TOTAL 1.14 0.73 TOTAL CDP
- 5. Current Zoning C-3, I-2
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
- 8. Proposed Uses (please specify each use) AUTOMOBILE SALES AND ALL C-3 USES
- 9. Proposed Building Intensities (please specify) ONE SALES BUILDING - SAME AS EXISTING
- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) DOUG AND MARY COX
Phone Number 859 240 5782 Fax No. _____
- 13. Address of Applicant(s) 11199 SANDE COURT
UNION KY 41091
City State Zip
- 14. Name of Property Owner(s) JERRY KING
Phone Number 859 371 9948 Fax No. _____
- 15. Address of Property Owner(s) 12140 US HWY 42
WALTON KY 41094
City State Zip
- 16. Are there any existing buildings on the site? YES
How many? 1
- 17. Deed Book 827 Page No. 45 Group No. 44
- 18. Have you had a pre-application meeting with BCPC Staff? YES

5 2 302 00

10-2MA-006-A

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project LIMITED MOTORS
- 2. Location of Project 8484 DIXIE HWY
- 3. Total Acreage of Site 2.54 TOTAL, 0.41
- 4. Current Zoning of Site C-3, I-2
- 5. Proposed Zoning (Classification being requested) C-3
- 6. Proposed Uses (please specify each use) AUTOMOBILE SALES AND ALL C-3 USES
- 7. Names of Applicant(s) DOUG AND MARY COX
Phone Number 859 240 5782 Fax No. _____
- 8. Address of Applicant(s) 11199 SANDE COURT
UNION KY 41091
City State Zip
- 9. Name of Property Owner(s) JERRY KING
Phone Number 859 371 9948 Fax No. _____
- 10. Address of Property Owner(s) 12140 US HWY 42
WALTON KY 41094
City State Zip
- 11. Proposed Building Intensities (please specify) ONE SALES BUILDING - SAME AS EXISTING
- 12. Are there any existing buildings on the site? YES
How many? 1
- 13. Deed Book 827 Page No. 45 Group No. 44 Joffe B
- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
- 15. Have you submitted a Concept Development Plan? YES
- 16. Have you had a pre-application meeting with BCPC Staff? YES
- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

April 7, 2010

REQUEST

This request is for both a Change in Approved Concept Development Plan and a Zoning Map Amendment for the property at 8484 Dixie Highway, Boone County. The Change in Concept Development Plan is for the eastern 0.73 acre part of the site that fronts on Dixie Highway. This part of the site is subject to a conditional zone change approval from I-2 to C-3 in 2002 to allow mobile home sales and service only (2002 Concept Development Plan and 10/2/02 Committee Report are attached). The Zoning Map Amendment from I-2 to C-3 is for a 0.41 acre area to the immediate west of the original 0.73 acre area along Weber Lane. Both applications are to allow all uses permitted in the C-3 zone, although automobile sales is the initial use planned for the overall 1.14 acre site.

A Concept Development Plan was submitted with these applications. This plan shows the removal of the two mobile home display pads, and the expansion of the parking area from fourteen (14) to seventy eight (78) parking spaces. A possible building expansion in the middle tier of parking is also shown. This would potentially increase the size of the building from 2,400 to 4,800 square feet. Landscaping from Buffer Yard A is noted along both street frontages, and landscape from Buffer Yard B is noted along the north and west boundaries of the parking lot expansion. New landscape islands are shown in the parking area. The existing access points on both Dixie Highway and Weber Lane, and the existing monument sign, are proposed to remain.

SITE HISTORY

The previously mentioned zone change from I-2 to C-3 for the 0.73 acre part of the site was conditionally approved in 2002. Because the Fiscal Court did not act on this application by 12/31/02, the Planning Commission's 10/2/02 recommendation became the final action.

On 10/9/02, the Boone County Board of Adjustment conditionally approved a Change in Nonconforming Use to allow the reconfiguration of a mobile home park on 1.81 acres that is to the immediate west of the 0.73 acre, 2002 zone change area (2002 BOA proposal and 10/15/02 CLUR outlining BOA conditions are attached). This 1.81 acre area is zoned I-2. The reconfigured mobile home park was never constructed, and the eastern 0.41 acres of this area is the subject of the current zone change application from I-2 to C-3.

The Planning Commission approved a Major Site Plan for the construction of the mobile home sales and service business on 9/23/03.

SITE CHARACTERISTICS

As mentioned previously, the overall site contains 1.14 acres. It has 218 feet of frontage along Dixie Highway and approximately 233 feet of frontage along Weber Lane. The site is currently developed with a 2,400 square foot, one story building and a small parking area in the northeast part of the site. The southern part of the lot by the Dixie Highway/Weber Lane intersection is graveled and includes two concrete mobile home display pads. There is an existing access point in the northeast corner of the site along Dixie Highway, and two access points on Weber Lane (the western one lane access point is not legal). The western part of the site is currently undeveloped. The topography of the site is relatively level with a more pronounced slope in the zone change area. The site drains from east to west. Both public water and sanitary sewer lines adjoin this site. Soil types on the site include Rossmoyne silt loam (RsB, RsC).

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include the following.

- A. A mini warehouse facility is located to the north (I-2).
- B. A funeral home, a detached, single family residence, a roadside motel, and an industrial building are located to the east across Dixie Highway (C-2 and C-3).
- C. An auto sales lot is located to the south across Weber Lane, and a heating/air conditioning business and a display/storage lot for an equipment rental business are located further to the south along Dixie Highway (C-3).
- D. A vacant area is located to the immediate west along Weber Lane, a storage lot for an equipment rental business is located further to the west, and a combination of mostly detached single family residences, a few smaller scaled industrial uses, an

equipment rental business, and a mini warehouse facility are located further to the west along both sides of Weber Lane (I-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Map designates the site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element makes the following statements that relate to the general area.

- A. Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. The presence of the new Gateway Technical College will encourage development of this area. Street and parking lot connections are critical in this area. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks ("Devon Area," pg. 147).
- B. The planned reconstruction and widening of U.S. 25 will create the potential for redevelopment in much of this corridor ("Devon Area," pg. 147).
- C. The growth of this section will be impacted in several ways. There are several major influences behind the anticipated growth, including the Northern Kentucky Industrial Park to the north, the Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the extension of public sanitary sewer service, and the Southern Railroad Line. Because of the development pressure all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road ("Richwood Area," pg. 148).

The Land Use Element's "Future Land Use Development Guidelines" make the following comments which relate to this proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 141).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist

attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element makes the following general comments.

- A. Other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union ("Recommended Areas of Commercial Activity," pg. 64).
- B. Existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under utilized commercial sites that provide redevelopment opportunities. These areas are often referred to as grayfields or brownfields because they have older structures or pavement that are not functioning as an effective business use. ("Recommended Areas of Industrial and Office Activity," pg. 65).

The Housing Element makes the following comments regarding the general area.

- A. South of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant ("Florence, U.S. 25 Corridor," pg. 79).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone where the site is located (818) is expected to decrease from 602 in the year 2000, to 542 in 2010, and to 460 in 2020 (pp. 24 and 25).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element (pg. 129) lists an improvement in the overall area described as the "reconstruction of U.S. 25 from KY 1829 (Industrial Rd.) to KY 338 (Richwood Rd.) - R.O.W. 2010." The Proposed Trail Network exhibit (Figure 11.4, pg. 129) illustrates a planned trail lane along the section of Dixie Highway which adjoins the subject site.

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued and supported through incentives ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- J. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial Objective 1).

BOONE COUNTY TRANSPORTATION PLAN 2030

- A. Exhibit 5-2 "Operational Improvement Plan Project Locations" (pg. 5-4) illustrates the section of Dixie Highway between Industrial Road and Richwood Road as a Six Year Highway Plan Project.
- B. Exhibit 6-10 (pg. 6-16) lists the "Year 2030 Recommended Transportation Plan Levels of Service - Two Lane State Routes" for the segment of Dixie Highway between Mt. Zion Road and Weaver Road as LOS D.
- C. Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a planned trail alignment along the section of Dixie Highway which adjoins the subject site.

STAFF COMMENTS

1. The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates this site as "Industrial." This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Comprehensive Plan's text does not discuss this particular site, but it does discuss the overall area. The Land Use Element states "industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25" ("Devon Area," pg. 147). Similarly, the Housing Element states "south of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant" ("Florence, U.S. 25 Corridor," pg. 79). Note that neither of these quotes favor industrial uses to the absolute exclusion of all others. In a more general sense, the Land Use Element also states that "any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25" ("Richwood Area," pg. 148).

The Business Activity Element discusses "the eventual restoration and redevelopment of older commercial areas, developments and corridors," including Dixie Highway ("Recommended Areas of Commercial Activity," pg. 64). This Element additionally states that "existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under utilized commercial sites that provide redevelopment opportunities" ("Recommended Areas of Industrial and Office Activity," pg. 65).

The planned widening of Dixie Highway is mentioned in the Land Use Element several times. In this regard, the Element states "the planned reconstruction and widening of U.S. 25 will create the potential for redevelopment in much of this corridor" ("Devon Area," pg. 147), and "the Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road ("Richwood Area," pg. 148). Both the Transportation Element and the Boone County Transportation Plan 2030 list the reconstruction of Dixie Highway between Industrial Road and Richwood Road as a Six Year Plan project.

The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character. The basic finding of fact used to conditionally approve the 2002 zone change was that the existing I-2 zoning classification was inappropriate and that the proposed C-3 zoning classification was appropriate (refer to attached 10/2/02 Committee Report).

2. Staff has the following comments on specific design related issues.
 - A. A potential building addition which could double the size of the building to 4,800 square feet is indicated on the Concept Development Plan. Condition #5 in the 10/2/02 Committee Report for the original zone change approval outlines several basic design requirements for the building. Staff recommends that this condition be incorporated into any approval of the current applications, with the additional caveat that the building addition will visually correlate to the original structure.
 - B. The Concept Development Plan notes that the existing monument sign is to be maintained. Condition #6 in the 10/2/02 Committee Report limits the site to a 10 foot high, 60 square foot monument sign. In case the applicant would like to replace the existing sign or it is removed due to the planned road construction, Staff recommends that this same basic condition be included in any approval of the current applications.
 - C. In the event these applications are approved, the following issues are noted for the applicant's information.
 - I. The proposed rear (western-most) drive aisle is approximately 2 feet short of the required 24 foot width. This can be readily modified by shortening the stall lengths in the western-most row of parking to 16 feet (15.5' minimum length permitted when an "overhang" area is provided at the nose end).

- ii. Additional handicap accessible parking will need to be provided based on the increase in the parking space count.
- iii. A paved turn-around is shown encroaching approximately 6 feet into the required 20 foot wide Buffer Yard B along the north property line. Because this turn-around adjoins the back side of a mini-warehouse building on the adjoining lot, the Zoning Administrator is open to entertaining a waiver to reduce the Buffer Yard requirement accordingly.
- iv. Based on the increase in the number of parking spaces, vehicular use area ("VUA") landscaping is required. The basic landscape island arrangement shown on the Concept Development Plan meets the requirements of Section 3625 of the Boone County Zoning Regulations. The applicant will need to verify through the site plan process that at least 5 percent of the vehicular area is landscaped per Section 3625.

3. Staff has the following comments on specific use related issues.

- A. Although automobile sales is the use currently intended for the site, both applications request that all C-3 uses be permitted. Based on the extensive use lists in the C-3 zone text (includes C-1 and O-1 Principally Permitted Uses by reference), Staff recommends that the Zone Change Committee review these lists and consider eliminating any uses which are deemed incompatible, inappropriate, or implausible due to the size of the site or other factors (C-3 zone text is attached).
- B. As noted previously, the 0.73 acre part of the site that is zoned C-3 is currently approved for mobile home sales and service only. Because the scale of mobile home sales display can be dominating and the site is relatively small, Staff recommends that any future use of the site for mobile sales and service remain subject to the 2002 Concept Development Plan and the supplemental written conditions in the 10/2/02 Committee Report. This would still allow parking in the proposed 0.41 acre zone change area in the west part of the site.
- C. Aside from the 1.14 acre total combined area for the current Zoning Map Amendment and Change in Concept Development Plan applications, there is an additional 1.4 acres to the immediate west along Weber Lane that is to remain in common ownership and is zoned I-2. The applicant's representative informed staff that this area may be developed at some point in the future for a storage lot and shop to prep inventory vehicles for sale. For the applicant's information, this area cannot be used as a "junk yard" as

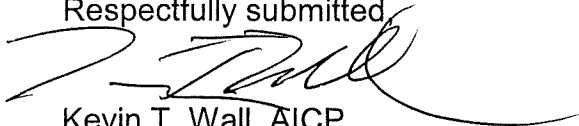
defined in Article 40 of the zoning regulations without the issuance of a Conditional Use Permit by the Boone County Board of Adjustment. This definition is fairly specific and is much more limiting than a conventional understanding of the term.

4. Greg Sketch, Boone County Engineer, has noted that he has no comments on the plan because the access point on Weber Lane is not proposed to change. If this access point is proposed to change during the process, he will provide input at that time.
5. Written comments have been received from Mike Bezold, Planning Supervisor for the Kentucky Transportation Cabinet, District 6 (4/1/10 e-mail is attached). This e-mail states that the planned right-of-way for the widening of Dixie Highway will extend further into the site than is indicated on the Concept Development Plan. The proposed right-of-way line will extend approximately 3 feet into the parking area as shown on the Concept Development Plan and would require the removal of parking spaces. The applicant should be prepared to address this issue at the Zone Change Committee meeting.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the proposed Zone Change and Change in Concept Development Plan in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations. The Future Land Use Map should be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/pr

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- 2002 Concept Development Plan and 10/2/02 Committee Report
- 2002 BOA proposal and 10/15/02 CLUR outlining BOA conditions
- C-3 zone text
- 4/1/10 e-mail from Mike Bezold, Planning Supervisor, KTC District 6
- application materials including Concept Development Plan

Location

www.boonecountygis.com

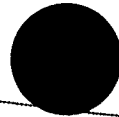
MIKKELSEN DR

DIXIE HWY

SITE

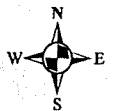
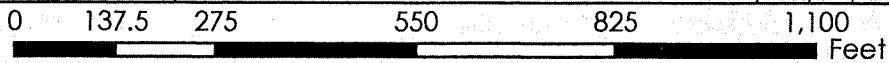
WEBER LN

ARISTOCRAT DR



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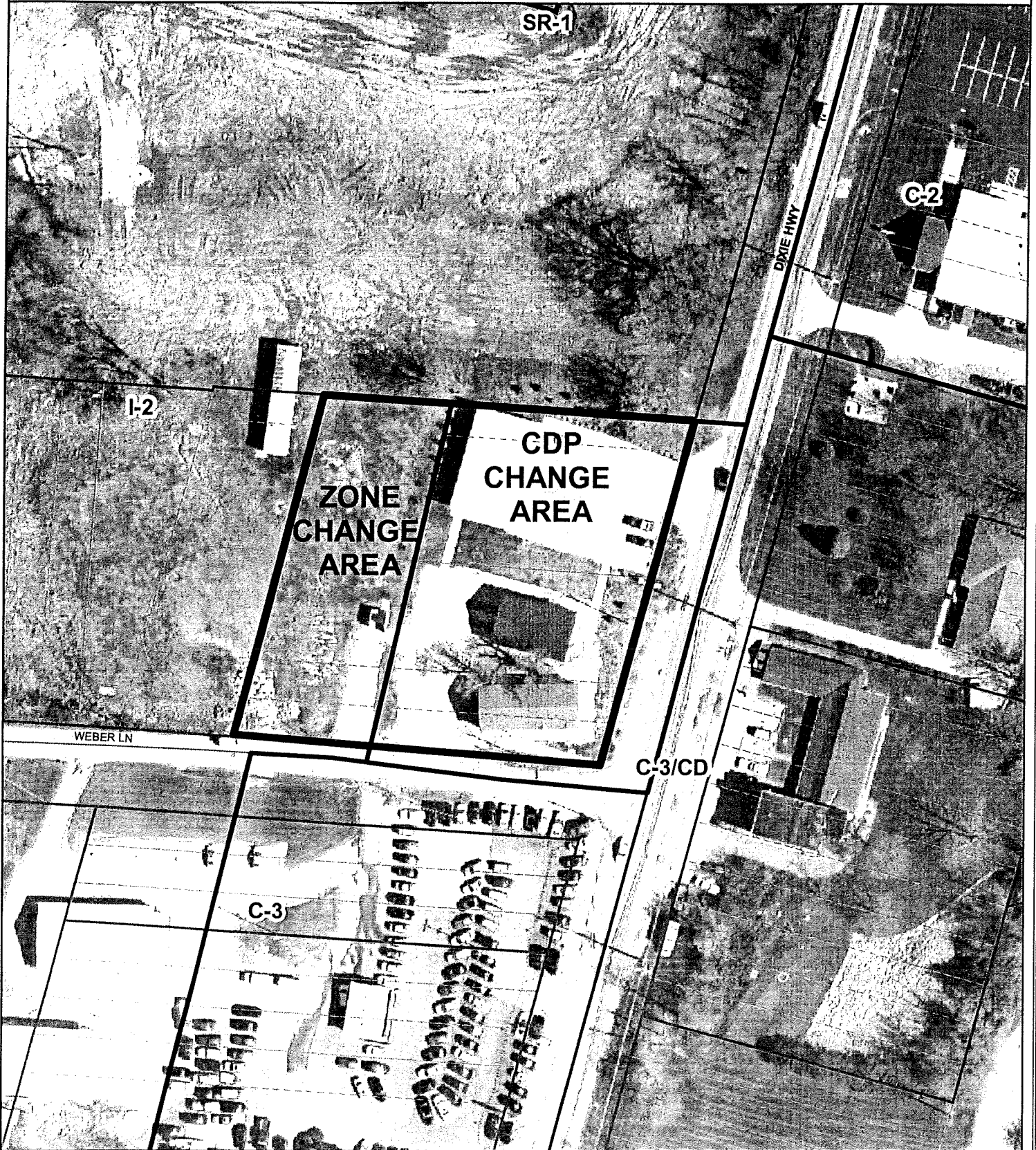
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Boone County GIS - Putting Northern Kentucky on the Map

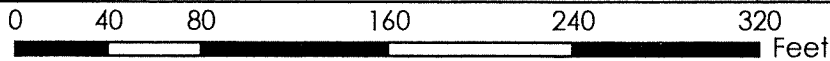
Zoning

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1 inch = 82 feet

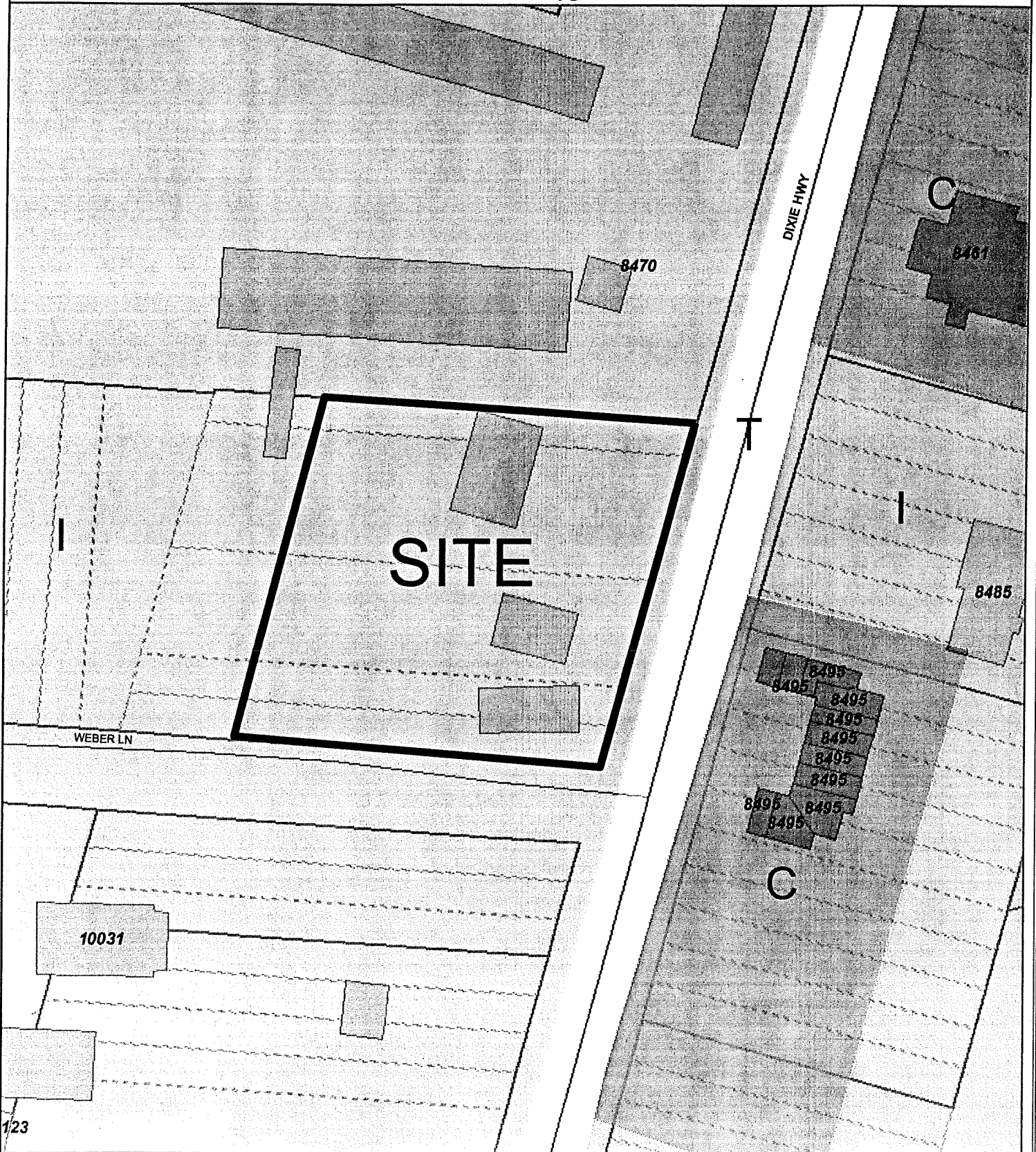


Boone County GIS - Putting Northern Kentucky on the Map



Future Land Use

www.boonecountygis.com



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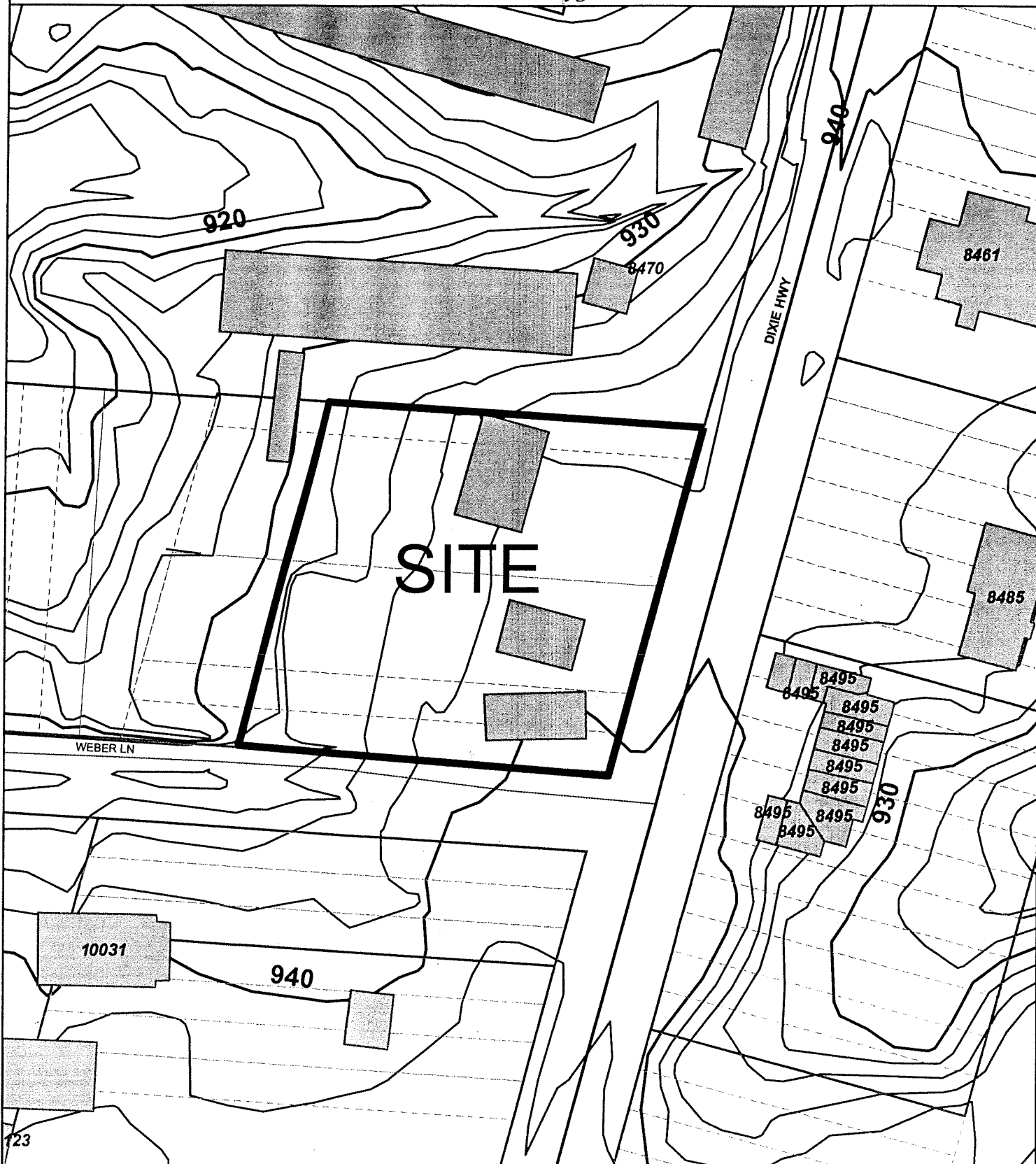
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Boone County GIS - Putting Northern Kentucky on the Map

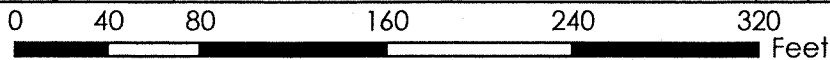
Topography

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: October 2, 2002

RE: Request of **Center Line Engineering and Surveying PLLC (applicant)** for **Jerry King and Mona King (owners)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

Findings of Fact

1. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate. This conclusion is based on the following considerations:
 - a. the site's location on the northwest corner of Dixie Highway and Weber Lane is ideally suited for commercial uses. In addition, the southwest corner of this intersection contains a used automobile dealership, which is a far more intensive use than the proposed mobile home sales and service business;
 - b. the pavement and Weber Lane right-of-way are not suited for heavy industrial type vehicles;
 - c. the last use on the property was a non-conforming mobile home and trailer park. To date, this use has not been abandoned and can be continued by the property owners. The Committee determined that the proposed use is a far better alternative than the continuation of the mobile home and trailer park at the intersection area.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

Conditions

1. No more than two mobile homes are permitted in the sales lot. These units must be properly set up and skirted at all times.
2. The mobile home sales lot will be grass with two concrete pads. The curb cut will be asphalt.
3. The sales and service building will be at least 75' from the Dixie Highway right-of-way.
4. Concrete sidewalks will be provided between the model mobile homes and the parking lot.
5. Staff Design Review is required during Site Plan Review. Elevation drawings of the sales and service building will be provided which show:
 - a. the north, east, and south building elevations are 50% brick and 50% steel siding;
 - b. boxed overhangs on all four elevations; and
 - c. the building is not using any vibrant colors or color schemes.
6. The existing pole sign will be dismantled. The site will be limited to a 10' tall monument sign, which is no larger than 60 square feet.
7. No light poles are permitted on the site. A photometric plan will be required during Site Plan which shows that the average foot candle measurements are 3.6 or less in the internal parking lot and 1.0 or less at the property lines.
8. The front and side property lines will be screened with Buffer Yard A. The rear boundary will be screened with a 20' wide shared buffer. The plantings in this buffer will consist of 5 evergreen trees (6' tall at planting) and 3 deciduous trees (2" in caliper size at planting) per 100 linear feet.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 18, 2002

RE Request of Center Line Engineering and Surveying PLLC (applicant) for Jerry King and Mona King (owners) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.7349 acre tract located on the northwest corner of the Dixie Highway/Weber Lane intersection, Boone County, Kentucky. The request is for a zone change to allow mobile home sales and service.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

September 18, 2002

Center Line/Jerry & Mona King

Dixie Highway & Weber Lane

Susan Poston

Susan Poston, Chairwoman

For Against
 Abstain Absent
 Deferred

Bob Newman

Bob Newman

For Against
 Abstain Absent
 Deferred

Earl White

Earl White

For Against
 Abstain Absent
 Deferred

Lisa Wilson

For Against
 Abstain Absent
 Deferred

David Zimmer

David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

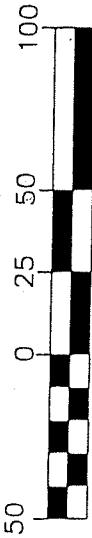
For Against
 Abstain Absent
 Deferred

Janet Kegley (Alternate)*

For Against
 Abstain Absent
 Deferred

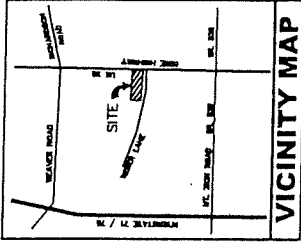
TOTAL: 0 DEFERRED 5 FOR 0 AGAINST 0 ABSTAIN
1 ABSENT

GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.



VICINITY MAP

LEONARD AND MARTHA ANDERSON
DB 291 PG 270

I-2

I-2

I-2

RONALD SANDI
DB 429 PG 232

BOARD OF ADJUSTMENT EXHIBIT

JERRY KING
85 NORTH MAIN STREET
WALTON, KENTUCKY 41094

CHANGE OF NON-COMFORMING USE

8484 DIXIE HIGHWAY
BOONE COUNTY, KENTUCKY

519 Enterprise Drive
Suite #103
Crescent Springs, KY 41017
(859) 578-8050 Fax (859) 578-6632

CENTER LINE
ENGINEERING &
SURVEYING, PLLC



DRAWN BY:
JBR

CHECKED BY:
DTR

JOB #
V-02-038

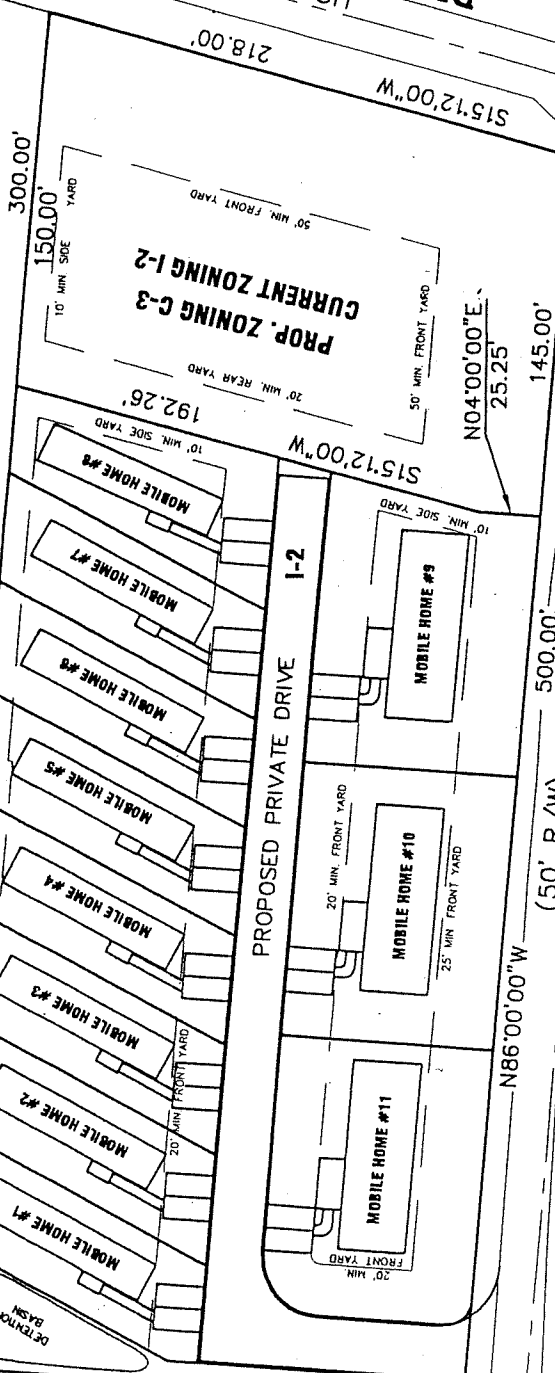
DATE
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DIXIE HIGHWAY
US 25
(60' R/W)

C-3

WINNORA & JACK ELY

PLYMOUTH STEEL



PROP. ZONING C-3
CURRENT ZONING I-2

S86'00"00"E

N1512'00"E

1.88'

241.98'

S86'00"00"E

212.00'

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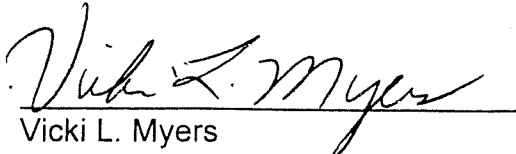
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COMMONWEALTH OF KENTUCKY

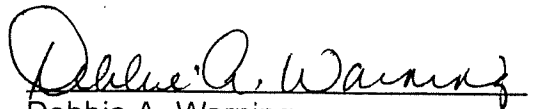
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of October, 2002.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:


Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of October 9, 2002 Certificate of Land Use Restriction (#02-BCBOA-019-A), for Jerry King, Property Owner(s).

The following conditions will apply:

A ten-foot wide buffer yard is required to be installed along the western property line and the proposed Commercial Services (C-3) zoning boundary. Plantings in the buffer area are to consist of five evergreen trees (six-feet tall at planting) and three deciduous trees (two inches in caliper size at planting) per one hundred linear feet of frontage as recommended by Staff. This buffer will be in addition to the street frontage buffer that is required along Weber Lane; and subject to the requirement that the applicant file a Site Plan with the Boone County Planning Commission which addresses building setbacks, parking, storm water detention, landscaping, and any other pertinent conditions of approval.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 827

PAGE NO. 45

GROUP NO. 2049B

12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
13. Recycling collection containers.

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
4. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
5. Mini-warehouses or storage facilities (**Does not apply in the City of Florence**);
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
7. Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas.

Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.
3. Commercial parking facilities and commercial recreational vehicle parking facilities;
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
7. Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. Equipment (light), automobile, truck rental and leasing services;
13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage, and excluding the repair of tractor-trailers and other trucks;
14. Florists including greenhouses;
15. General dry goods and merchandise stores;
16. Department stores, mail order houses, direct retail selling organizations of general merchandise;
17. Household appliances, china, glassware and metal ware;
18. Medical and dental laboratory services;
19. Travel arranging, transportation ticket and public event or promotional booking agencies;
20. Hotels and motels including convention facilities;

21. Auto parts and accessories stores;
22. Flea markets;
23. Churches, synagogues, temples and other places or religious assembly for worship;
24. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**
25. Pawn shops. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**
26. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Amusement centers;
 - d. Tennis courts and billiards;
 - e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. Swimming beaches and swimming pools;
 - g. General, leisure, ornamental and other park spaces;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;

6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
7. The rental of trucks and trailers;
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
9. Recycling collection containers.

SECTION 1033

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;
2. Truck stops;
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
4. Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.

SECTION 1034

Intensity

The intensity of use in a Commercial Services (C-3) district shall not exceed 18,000 square feet of gross floor area per acre of land.

SECTION 1035

Minimum Size

The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

SECTION 1036

Minimum Standards

See Article 31 for dimensional standards. (Site plan review required for all permitted uses, See Article 30)

SECTION 1040

COMMERCIAL FOUR (C-4)

The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population.

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110
OFFICE ONE (O-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111
Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);

Kevin Wall

From: Bezold, Mike (KYTC-D06) [Mike.Bezold@ky.gov]
Sent: Thursday, April 01, 2010 2:33 PM
To: Kevin Wall
Subject: 8484 Dixie Highway

Sorry for the delay in sending comments back concerning this proposed change in concept development plan. Due to changes in personnel we just discovered the comments were never sent. KYTC has no objections to this zone change. We would like to bring it to your and the developers attention that the proposed Right of Way line they show on their drawings is incorrect. The proposed right of way line should be about 15 feet further from the existing roadway than is shown. The proposed right of way for the widening of US 25 will be into the existing and proposed parking lots about 3 feet and require the removal of a number of parking spaces. I would not stop this development based upon a road plan that we have no specific dates for implementation, but we felt the developer should be made aware of this situation.

Thanks for this opportunity to comment, and sorry for the delay.

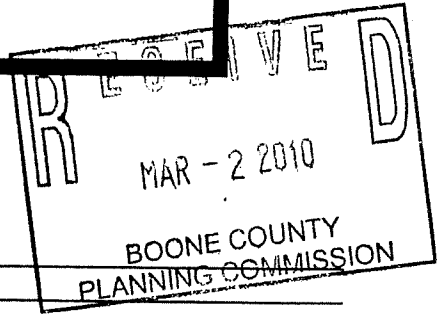
Mike Bezold, P.E.
Planning Supervisor
District 6 Covington

This transmission is sent on behalf of the Kentucky Transportation Cabinet and may be privileged, proprietary, or confidential. It is intended only for the intended recipient. If you are not the intended recipient or a person to whom it is being delivered, you should not disclose, copy, or distribute this transmission or take any action in reliance on it. If you have received this transmission in error, please notify us immediately by telephone at (855) 341-2700, by facsimile transmission at (859) 341-3661, or by e-mail at Mike.Bezold@kycabinet.gov. Please dispose of and delete this transmission. Thank you.

15 2 302 00

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project LIMITED MOTORS
2. Location of Project 8484 DIXIE HWY
3. Total Acreage of Site 2.54 TOTAL, 0.41
4. Current Zoning of Site C-3, I-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) AUTOMOBILE SALES AND ALL C-3 USES
7. Names of Applicant(s) DOUG AND MARY COX
8. Phone Number 859 240 5782 Fax No. _____
9. Address of Applicant(s) 11199 SANDE COURT
UNION KY 41091
City State Zip
10. Name of Property Owner(s) JERRY KING
11. Phone Number 859 371 9948 Fax No. _____
12. Address of Property Owner(s) 12140 US HWY 42
WALTON KY 41094
City State Zip
13. Proposed Building Intensities (please specify) ONE SALES BUILDING - SAME AS EXISTING
14. Are there any existing buildings on the site? YES
How many? 1
15. Deed Book 827 Page No. 45 Group No. 44
16. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
17. Have you submitted a Concept Development Plan? YES
18. Have you had a pre-application meeting with BCPC Staff? YES
19. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- YES _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County
 - Florence
 - Walton
 - Union

19. ORIGINAL Property Owner's Signature Greg King
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/2/10
2. Review Fee \$ 2,302.00 R# 60242
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 4/7/10
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

**** Five (5) Copies Are Required**

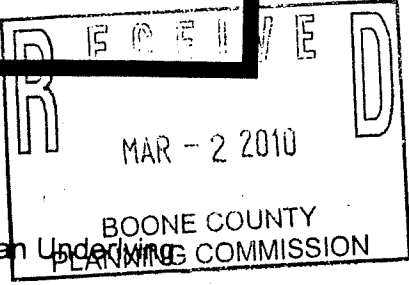
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

\$2000

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project LIMITED MOTORS
- 3. Location of Project 2484 DIXIE HWY
- 4. Total Acreage of Site 2.54 TOTAL 1.14 0.73 TOTAL CDP
- 5. Current Zoning C-3, I-2
- 6. Date of Previous Zoning Map Amendment 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) NO
- 8. Proposed Uses (please specify each use) AUTOMOBILE SALES AND ALL C-3 USES
- 9. Proposed Building Intensities (please specify) ONE SALES BUILDING - SAME AS EXISTING
- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
 - NO Conditional Use Permit
 - NO Dimensional Variance
- 12. Name of Applicant(s) DOUG AND MARY COX
Phone Number 859 240 5782 Fax No. _____
- 13. Address of Applicant(s) 11199 SANDE COURT
UNION KY 41091
City State Zip
- 14. Name of Property Owner(s) JERRY KING
Phone Number 859 371 9948 Fax No. _____
- 15. Address of Property Owner(s) 12140 US HWY 42
WALTON KY 41094
City State Zip
- 16. Are there any existing buildings on the site? YES
How many? 1
- 17. Deed Book 827 Page No. 45 Group No. 44
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union

21. ORIGINAL Property Owner's Signature Jason King
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/2/10 Fee Received \$2,000.00 R#60240

2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received **

3. Is application complete? YES NO

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson _____

6. Scheduled Public Hearing Date 4/7/10

7. Boone County Planning Commission Action:

Approved Approved With Conditions
 Denied

8. Other: _____

** Five (5) Copies Required

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone (859) 334-2196 - Fax (859) 334-2264
plancom@boonecountky.org - E-Mail
www.boonecountky.org - Web Page

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

PUBLIC HEARING ITEM #3

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

APPLICANT: Doug Cox and Mary Cox (applicants) for Jerry King (owner)

REQUEST: Zoning Map Amendment and Change In Concept Development Plan


3. Request of **Doug Cox and Mary Cox (applicants) for Jerry King (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of **Doug Cox and Mary Cox (applicants) for Jerry King (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He explained that the site is located at the corner of Dixie Highway and Weber Lane. The request includes two applications - one which involves a 2002 Zone Change from Industrial Two (I-2) to Commercial Services (C-3) with limited uses (e.g. mobile home sales and service). The applicant is requesting all C-3 uses as part of a Change In an Approved Concept Development Plan. The second application involves a Zoning Map Amendment from Industrial Two (I-2) to Commercial services (C-3) to allow all commercial uses. There is a remainder tract owned by the applicant that is not part of the application located along Weber Lane and it would remain industrial. The Future Land Use Map of the Comprehensive Plan shows the site as Industrial. Initially, the proposed use is automobile sales with a change in the number of parking spaces (from 14 spaces to 78 spaces) and expansion of the existing building (from 2,400 square feet to 4,800 square feet). The site will utilize the existing curb cuts off Dixie Highway and Weber Lane. Photographs of the site and surrounding area were presented to the Planning Commission. Mr. Wall outlined the staff comments including the Comprehensive Plan's suggestion for redevelopment along Dixie Highway as it relates to the proposed road widening project. He referred to the 2002 Committee Report and the reasons for rezoning the property as well as the conditions relating to building design (condition #5) and matching the building materials with the planned expansion. Further, Mr. Wall noted the size requirements of the monument sign and the permitted uses in the Commercial One (C-1) and Office One (O-1) zoning districts. He suggested that the Planning Commission review these uses carefully including the possibility of mobile home sales and services and the scale of the uses in the future. Mr. Wall noted that an e-mail has been received by the Kentucky Transportation Cabinet explaining the location of the new Dixie Highway right-of-way.

Mr. Jim Bertram, One Eleven Engineering and Surveying, stated that he is representing the applicant. He submitted an exhibit showing the new right-of-way of Dixie Highway based upon a meeting with Carol Callen Rambler. She gave him plans and he placed the information on the submitted Concept Development Plan. According to the State, there are two plans. The first plan is a near future widening of the intersection of Mt. Zion Road and Dixie Highway to five lanes leading from a two lane section near the site. The second plan is more long-range and the line didn't change at all. The line the Staff is referring to is from the 2002 application. Mr. Bertram offered to work with the Committee on all of the concerns stated by Staff.

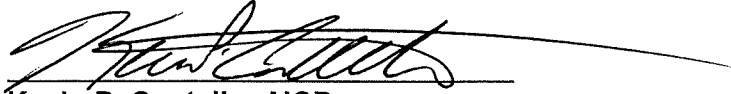
There being no further questions or comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 8:10 P.M.

APPROVED:



Mike Ford
Vice-Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", is written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

May 5, 2010

7:00 P.M.

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
Mr. Mark Hicks
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the April 7, 2010 Business Meeting and the April 7, 2010 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ford moved that the Minutes be approved as written. Mr. Bunger seconded the motion and it carried unanimously.

Staff Member, Mitch Light, read the Committee Report, which recommended approval subject to conditions (see Committee Report). He referred to the Findings of Fact for Approval and the list of Conditions. Mr. Light stated that owner has signed a letter agreeing to the conditions. The Committee approved the request 4-0 with Mr. Bunger, Mr. Brandstetter, Mrs. Kegley and Mrs. Poston voting in favor of the request.

Chairman Rolfsen asked if the applicant wanted to make any comments. Mr. Don Castle, representing 42 Lodging LLC responded no, but he was present to answer any questions. At this time, Chairman Rolfsen asked if there was anyone in the audience that wanted to speak in opposition to the request? There being no further comments, Chairman Rolfsen asked if the Planning Commissioners had any questions or comments and if not, he would entertain a motion.

There being no further discussion, Mr. Bunger moved that the request be approved by Resolution to the City of Florence with conditions based on the Committee Report. Mr. Ford seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN

3. Request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions (see Committee Report). He referred to the Findings of Fact for Approval and the list of Conditions. Mr. Wall stated that the property owners have signed a letter agreeing to the conditions. The Committee approved the request 4-0 with Mr. Bunger, Mr. Brandstetter, Mrs. Kegley and Mrs. Poston voting in favor of the request.

Chairman Rolfsen asked if the applicant wanted to make any comments. Mr. Jim Bertram, One Eleven Engineering & Surveying, responded no, but he was present to answer any questions. At this time, Chairman Rolfsen asked if there was anyone in the audience that wanted to speak in opposition to the request? There being no further comments, Chairman Rolfsen asked if the Planning Commissioners had any questions or comments and if not, he would entertain a motion.

There being no further discussion, Mr. Brandstetter moved that the request be approved by Resolution to the Boone County Fiscal Court with conditions based on the Committee Report. Ms. Reeves seconded the motion and it carried unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN

4. Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.

Chairman Rolfsen stated the Agenda Item #4 is recommended for deferral to the June 2, 2010 Business Meeting at 7:00 P.M. Mr. Ford moved to defer the request until June 2, 2010. Mrs. Poston seconded the motion and it carried unanimously. The next Committee Meeting for this request is scheduled for May 12, 2010 at 5:00 P.M. in this room.

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN

5. Request of Rosa Perea c/o Harrison French & Associates Architects, LTD (applicant) for Benenson FLO KY, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 13.22 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a change in an approved Concept Development Plan to allow the relocation of the customer loading zone, addition of a tire and battery station, and site improvements.

Mr. Ford moved to schedule the Public Hearing for this request for June 2, 2010 at 7:30 P.M. Mr. McMillian seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission.

- A) 2010 Streets & Points of Interest Map - The County received a grant to assist in funding the printing of the Boone County 2010 Streets & Points of Interest Map. It will be printed within the next 30 days. It replaces the 2009 Boone County Tourism Map.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: May 5, 2010

RE: Request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

REMARKS:

We, the Committee, recommend approval of the above referenced requests based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate due to the following reasons. This was the same basic finding used to conditionally approve the 2002 zone change for the 0.73 acre portion of the site.
 - A. The site's location on the northwest corner of Dixie Highway and Weber Lane is ideally suited for commercial uses. The site has direct frontage on Dixie Highway, the major corridor in the area, which is planned for major improvements. The site has a limited amount of road frontage (218 feet along Dixie Highway and approximately 233 feet along Weber Lane) and a relatively small lot size (1.14 acres total for both applications combined), not making it conducive to the types of industrial uses generally intended for the I-2 zone.
 - B. The types of uses proposed through these two applications, which are further limited through the agreed conditions, are compatible with those along Dixie Highway in the immediate area. These neighboring uses include a mini-warehouse facility, a funeral home, a car dealer, a heating/air conditioning business, a small hotel, and a motorcycle shop. There is a substantial amount of land already zoned C-3 along Dixie Highway in this vicinity.

- C. The pavement and right-of-way width for Weber Lane are not suited for heavy industrial type vehicles.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The following uses as outlined in the 2008 Boone County Zoning Regulations shall be prohibited on the site.

O-1 Principally Permitted Uses (Principally Permitted in the C-3 zone by reference)

23. Business colleges or schools;
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

C-3 Principally Permitted Uses

20. Hotels and motels including convention facilities;
 22. Flea markets;
 23. Churches, synagogues, temples and other places or religious assembly for worship;
 26. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities.
2. Principally Permitted Use #9 "sale of mobile homes, sheds, car ports and other pre-fabricated buildings" may be conducted on the site in accordance with the terms of the 2002 zone change approval for the original 0.73 acre portion of the site, including the Concept Development Plan and supplemental conditions of approval. If this use is opted, the 0.41 acre area that is subject to the current zone change application may be used for parking.
 3. Design review by the Planning Commission's staff is required through the site plan review process for the building addition. Elevation drawings of the building addition will be provided which show:

Cox/King
May 5, 2010

- A. The south and east building elevations are 50 percent brick and 50 percent steel;
 - B. Boxed overhangs shall be provided on all elevations;
 - C. The building is not using any vibrant colors or color schemes; and,
 - D. The design of the building addition will visually correlate to the existing structure.
4. For freestanding signage, the site shall be limited to a 10 foot high monument sign which is no larger than 60 square feet.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

PUBLIC HEARING ITEM #3

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

APPLICANT: Doug Cox and Mary Cox (applicants) for Jerry King (owner)

REQUEST: Zoning Map Amendment and Change In Concept Development Plan

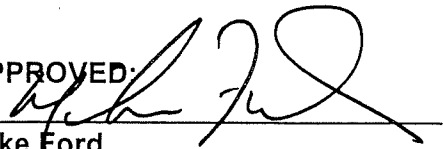
3. Request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He explained that the site is located at the corner of Dixie Highway and Weber Lane. The request includes two applications - one which involves a 2002 Zone Change from Industrial Two (I-2) to Commercial Services (C-3) with limited uses (e.g. mobile home sales and service). The applicant is requesting all C-3 uses as part of a Change In an Approved Concept Development Plan. The second application involves a Zoning Map Amendment from Industrial Two (I-2) to Commercial services (C-3) to allow all commercial uses. There is a remainder tract owned by the applicant that is not part of the application located along Weber Lane and it would remain industrial. The Future Land Use Map of the Comprehensive Plan shows the site as Industrial. Initially, the proposed use is automobile sales with a change in the number of parking spaces (from 14 spaces to 78 spaces) and expansion of the existing building (from 2,400 square feet to 4,800 square feet). The site will utilize the existing curb cuts off Dixie Highway and Weber Lane. Photographs of the site and surrounding area were presented to the Planning Commission. Mr. Wall outlined the staff comments including the Comprehensive Plan's suggestion for redevelopment along Dixie Highway as it relates to the proposed road widening project. He referred to the 2002 Committee Report and the reasons for rezoning the property as well as the conditions relating to building design (condition #5) and matching the building materials with the planned expansion. Further, Mr. Wall noted the size requirements of the monument sign and the permitted uses in the Commercial One (C-1) and Office One (O-1) zoning districts. He suggested that the Planning Commission review these uses carefully including the possibility of mobile home sales and services and the scale of the uses in the future. Mr. Wall noted that an e-mail has been received by the Kentucky Transportation Cabinet explaining the location of the new Dixie Highway right-of-way.

Mr. Jim Bertram, One Eleven Engineering and Surveying, stated that he is representing the applicant. He submitted an exhibit showing the new right-of-way of Dixie Highway based upon a meeting with Carol Callen Rambler. She gave him plans and he placed the information on the submitted Concept Development Plan. According to the State, there are two plans. The first plan is a near future widening of the intersection of Mt. Zion Road and Dixie Highway to five lanes leading from a two lane section near the site. The second plan is more long-range and the line didn't change at all. The line the Staff is referring to is from the 2002 application. Mr. Bertram offered to work with the Committee on all of the concerns stated by Staff.

There being no further questions or comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 8:10 P.M.

APPROVED:



Mike Ford
Vice-Chairman

Attest:

A handwritten signature in black ink, appearing to read "Kevin P. Costello", written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: April 21, 2010

RE: Request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of **Doug Cox and Mary Cox (applicants)** for **Jerry King (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Cox/King

April 21, 2010

Ben Brandstetter
Ben Brandstetter, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Janet R. Kegley
Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston

For Project Absent
 Against Project
 Abstain Deferred

Linda Herald (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

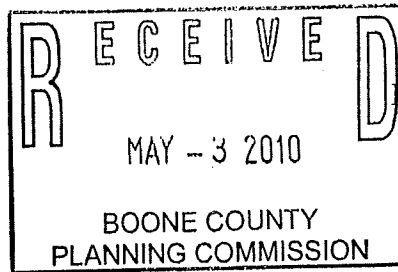


BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org



April 23, 2010

Mr. Jerry King
c/o Mr. Doug Cox and Mrs. Mary Cox
11199 Sande Court
Union, KY 41091

RE: Recommended Conditions of Approval for Cox/King Zoning Map Amendment and Change in Concept Development Plan Applications, 8484 Dixie Highway, Boone County, Kentucky

Dear Mr. King:

The following represents the conditions of approval for the above referenced applications as discussed by the Planning Commission's Zone Change Committee at their 4/21/10 meeting. If you, as the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, April 30, 2010.

CONDITIONS

1. The following uses as outlined in the 2008 Boone County Zoning Regulations shall be prohibited on the site.

O-1 Principally Permitted Uses (Principally Permitted in the C-3 zone by reference)

23. Business colleges or schools;
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

C-3 Principally Permitted Uses

20. Hotels and motels including convention facilities;
22. Flea markets;
23. Churches, synagogues, temples and other places or religious assembly for worship;
26. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities.

Mr. Jerry King
c/o Mr. Doug Cox and Mrs. Mary Cox
April 23, 2010
Page 2

2. Principally Permitted Use #9 "sale of mobile homes, sheds, car ports and other pre-fabricated buildings" may be conducted on the site in accordance with the terms of the 2002 zone change approval for the original 0.73 acre portion of the site, including the Concept Development Plan and supplemental conditions of approval. If this use is opted, the 0.41 acre area that is subject to the current zone change application may be used for parking.
3. Design review by the Planning Commission's staff is required through the site plan review process for the building addition. Elevation drawings of the building addition will be provided which show:
 - A. The south and east building elevations are 50 percent brick and 50 percent steel;
 - B. Boxed overhangs shall be provided on all elevations;
 - C. The building is not using any vibrant colors or color schemes; and,
 - D. The design of the building addition will visually correlate to the existing structure.
4. For freestanding signage, the site shall be limited to a 10 foot high monument sign which is no larger than 60 square feet.

Sincerely,

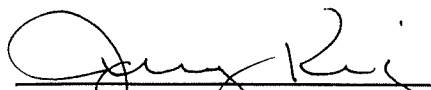


Kevin T. Wall, AICP
Director, Zoning Services

KTW/pr

AGREEMENT

I, the property owner for the 1.14 acre site located at 8484 Dixie Highway, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment and Change in Concept Development Plan applications.


Jerry King, property owner

4/29/10
Date

cc: Jim Bertram, One Eleven Eng.

5

JERRY KING
DEED.

8484 DIXIE HWY.

AFTER RECORDING
MAIL TO:

TITLECARE CLOSING COMPANY
3307 Dixie Highway
Erlanger, KY 41018
(859) 331-3240

DEED

02-1457

FAIR CASH VALUE _____
TRANSFER TAX _____

PIDN: _____
GROUP: _____
PLAT: _____

Know All Men By These Presents:

That Richard Waldman, acting as Executor of the Estate of Madeline Hamilton, and acting pursuant to the power of sale granted in the Will of said decedent which is recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, at Burlington, KY.

whose mailing address is: 1961 NE 196th Terrace, North Miami Beach, FL 33179

for and in consideration of \$180,000.00 to them paid by
the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:
Jerry W. King and Mona King, his wife, jointly for and during their
lives with the remainder in fee simple to the survivor of them,
his or her

heirs and assigns forever, the following described Real Estate, in the City of N/A

County of Boone and Commonwealth of Kentucky, to-wit:

L

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

TO HAVE AND TO HOLD the same to the said Jerry W. King and Mona King, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

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

IN WITNESS WHEREOF, the said Grantor, Richard Waldman, acting as Executor of the Estate of Madeline Hamilton, and acting pursuant to power of sale granted in said decedent's Will recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, at Burlington, KY

hereunto set his hand, this 22 day of April in the year 2002.

_____ Madeline Hamilton Estate
by Richard Waldman
Executor

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged, subscribed and sworn to before me this 22 day of April, 2002, by the Grantor,

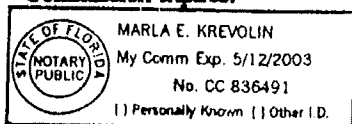
Richard Waldman, acting as Executor of the Estate of Madeline Hamilton,

Marla E. Krevolin

Notary Public

(Title)

Commission expires:



BOONE COUNTY

D827 Pg 46

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 22 day of April, in the year 2002.

GRANTOR

GRANTEE

Madeline Hamilton Estate

by Richard Waldman
Executor

Jerry W. King
Jerry W. King
Mona King
Mona King

STATE OF KENTUCKY
COUNTY OF Hendon

The foregoing certification was acknowledged, subscribed and sworn to before me this 22nd day of April, 2002, by

Jerry W. King and Mona King

Commission expires: 7/8/05

Notary Public [Signature]

(Title)

PREPARED BY:

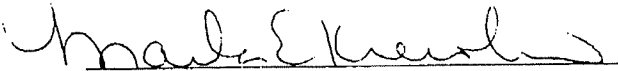
THIS DOCUMENT WAS PREPARED BY

Eddie W. Brown

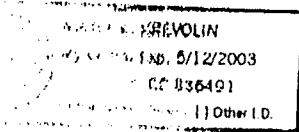
EDDIE W. BROWN
ATTORNEY AT LAW
7130 PRICE PIKE
FLORENCE, KY 41042

STATE OF FLORIDA
COUNTY OF DADE

The foregoing Certification was acknowledged, subscribed and sworn to before me, this
22 day of April, 2002, by Richard Waldman, acting as Executor of the Estate of Madeline
Hamilton.



Notary Public
My Commission Expires: _____



Group No. 44
Plat No. 1/9

PARCEL 1: Situated in the County of Boone and Commonwealth of Kentucky, to-wit Being the South twenty (20) feet of Lot Eighty-four (84) and ALL of Lots 85 to 88 both inclusive in the WEBER PLACE SUBDIVISION, made by W. H. Weber in October, 1925, as said Lots are shown and laid out on the Plat recorded in Burlington, Boone County Records, Plat Book 1, pages 8 and 9. All of said lots adjoin and form together a frontage of 218 feet by a depth of 300 feet according to said Plat.

Group No. 167
Plat No. 1/98A

PARCEL 2: Located on the North side of Weber Lane (Ridgeway Avenue) and being portions of Lots 163-169 inclusive of the Weber Place Subdivision (also part of Parcel A of 5.6 acres of the Dixie Manor Homesites) and described particularly thus: BEGINNING at a point in the N line of said Weber Lane 300 ft. NW as measured along said line from the W right of way line of US Highway 25 (said point is also a common corner of lots 88 and 169 of said Weber Place subdivision) thence along said line of Weber lande N 86 W 200 feet; thence at right angles, N E 212 feet; thence parallel to Weber lane S 86 E 242.3 feet to a point in the W line of the front lot block of Rt. 25 of said Weber Place Subdivision; thence with said line S 15-17 W 216 feet to the place of beginning containing 1 acre more or less. The property herein conveyed shall be subject to all restrictive covenants as set out in previous deeds of conveyance relating to this real estate.

The above described 1 acre lot is part of Baby Farm "A" of 5.60 acres of the Dixie Manor Homesites Subdivision as shown and recorded in Plat Book 1, page 98A of the Boone County Clerk's records, and is part of the land conveyed to Freda Turner Snead by Beuford E. Stanley by deed dated 2-12-43, recorded in Deed Book 80, page 177 Boone County. The said Baby Farm "A" comprises along with other lots, lots #s 163 to 169 inclusive of the Weber Place Subdivision which was laid out prior to the time that the Dixie Manor Homesites Subdivision was laid out. The plat of said Weber Place Subdivision is recorded in Plat Book 1 page 9 of the said Boone County Clerk's records.

Being the same property conveyed to Martha Madeline Hamilton (aka Madeline Hamilton) by Anna Preising, a widow, by Deed dated the 28th day of August, 1973, and recorded in Deed Book 205 page 547 of the Boone County Court Clerk's records, at Burlington, KY.

The said Madeline Hamilton died testate on June 2, 1999, and under the terms of her Will which was probated on July 9, 1999, and recorded in Will Book 63 Page 74 of the Boone County Court Clerk's records, she granted to her executor, Richard Waldman, the full power and authority to sell her real estate.

PROPERTY ADDRESS: 8484 Dixie Highway, Florence, KY 41042

GRANTEE MAILING ADDRESS: 65 North Main St, ^{Walton} ~~Walton~~ KY 41094

BOONE COUNTY
D827 PG 49

DOCUMENT NO: 117693
RECORDED ON: MAY 01, 2002 02:48:23PM
TOTAL FEES: \$16.00
TRANSFER TAX: \$188.00
GROUP : 44
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D827 PAGES 45 - 49

ORDINANCE 10-06

AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF DOUG & MARY COX (APPLICANTS) FOR JERRY KING (OWNER) FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL TWO (I-2) TO COMMERCIAL SERVICES (C-3) FOR A 0.41 ACRE PORTION OF THE SITE LOCATED AT 8484 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF DOUG & MARY COX (APPLICANTS) FOR JERRY KING (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) ZONE FOR A 0.73 ACRE PORTION OF THE SITE LOCATED AT 8484 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky and for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky, which is more particularly described below; 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, with conditions, for both a Zoning Map Amendment and for a Change in an Approved Concept Development Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky and for a change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. The real estate which is subject to both requests is described in DEED BOOK 827, PAGE NO. 45 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval, with conditions, for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky and for a change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of

fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 22nd day of June, 2010.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of July, 2010 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.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE


DAPHNE KORNBLUM
FISCAL COURT CLERK

