

April 15, 1981
Date

APPLICATION FOR ZONE CHANGE

Name of owner: William & Mary Robinson (Option Holder-Dr. William Waller)

Address of owner: 26 Needmore St., Walton, Ky. 41094

Phone Number of owner: 485-4786 (Dr. Waller - 485-4116)

Location of property: Near intersection of Needmore & Beatrice, Walton
BETWEEN KY. 1416 CONNECTOR

Purpose of zone change: To construct office building

Deed book and page of latest recorded deed: D.B.85, P.571 & D.B.88, P.473

Area, in acres, to be rezoned: 1.06 acre +/-

Present zone or zones: UR - 1

Zone or zones requested: ~~UR~~ O-2 W.M. Waller

Name of agent, if any: James E. Ransom

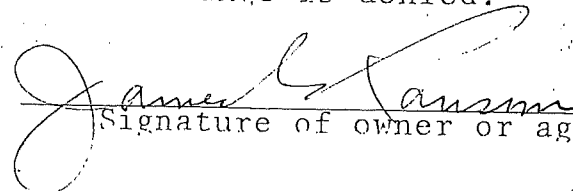
Address of agent: 245 Main St., Florence, Ky. 41042

Attached herewith are three (3) copies each of the following:

1. Legal description of the area to be rezoned.
2. Plat of area to be rezoned.

Also attached must be the names and mailing addresses of all adjoining property owners.

I request that the required public hearing be scheduled at your earliest convenience. A check in the amount of one hundred dollars (\$100.00) plus two dollars (\$2.00) per each abutting property owner, payable to the Boone County Planning Commission, is attached. Also attached is a check to cover the map amendment fee which I understand will be refunded if my request for a zone change is denied.


Signature of owner or agent

FOR PLANNING COMMISSION USE ONLY:

Date of Public Hearing: May 27, 1981

Action by Planning Commission: Recommended approval

Date of Action: 6-3-81

Recommended to Legislative Body: _____

Map Amendment Fee: \$ 214.00 ~~MAP AMENDMENT FEE \$ 214.00~~ ~~SEE NOTE # 3 ON~~ ~~ATTACHED~~ ~~ME~~

Committee Appointed: Mayor Ewing, Chairman, Mr. Shafer

Mr. Godsey, Mr. Buse and Mr. Vaughn. Mr. Webster

JAMES E. RANSOM
CIVIL ENGINEER REG. NO. 673
LAND SURVEYOR REG. NO. 111

April 3, 1981

TELEPHONES:
371-7613 OFFICE
371-8665 HOME

110 ROGER LANE
FLORENCE, KY.

DESCRIPTION OF 1.06 ACRE TRACT TO BE REZONED
FROM UR TO O1, WALTON, KENTUCKY

Lying and being in the State of Kentucky, County of Boone, and City of Walton, located on the east side of Beatrice Avenue and north side of Kentucky Highway 14&16 and I-75 Connector at their intersection and is described thus:

BEGINNING at a point in the east right of way of Breatrice Avenue 17.5 feet from the center line; thence with said right of way for four calls:

S 13-57-43 E 25.89 feet to a concrete monument; thence
S 24-57-56 E 44.30 feet to a concrete monument; thence
S 24-25-56 E 112.10 feet to a concrete monument 50 feet
left of the center line; thence S 16-22-54 E 118.37 feet to the
controlled right of way fence 138.22 feet from the center line;
thence with said fence for one call N 60-18-11 E 155.96 feet;
thence with the remaining land of the Grantor N 13-49-19 W
260.73 feet to a fence; thence S 74-26-18 W 184.69 feet to the
beginning and containing 1.06 acre and being all of Lot 84 and
part of Lots 73 thru 83 and part of Lot 86 of Glenn Subdivision,
Walton, Kentucky. Lots 73 thru 84 conveyed to the Grantor by
deed, recorded in Deed Book 88, Page 473; Lot 86 conveyed by deed,
recorded in Deed Book 85, Page 571, Boone County Court Clerk's
Office at Burlington, Kentucky.

Zone Change Request by William and Mary Robinson
(Option holder Dr. William Waller) for property
located at the corner of Beatrice and the
Kentucky 14 and 16 Connector in Walton

This is a zone change request by William and Mary Robinson (Option holder - Dr. William Waller) for property located at the northeast corner of the intersection of Beatrice Avenue and the Kentucky 14, 16 connector to I-75, in Walton.

The applicant is requesting a zone change from the current Urban Residential One (UR-1) zoning to Office Two (O-2) for the 1.06 acre tract. The stated purpose of the zone change is to permit the construction of an office building on the site.

The current zoning of abutting properties to the north is Suburban Residential One (SR-1). To the east is current zoning of Urban Residential One (UR-1). The current zoning to the south, across the Kentucky 14, 16 connector to I-75, is Industrial One (I-1), in the City of Walton. And to the west, across Beatrice Avenue, is current zoning of Public Facilities (PF) and Urban Residential One (UR-1).

The current land use of the subject property is undeveloped. To the north the adjoining properties are currently used as single family residential. To the east is current land use of undeveloped. To the south, across the Kentucky 14, 16 connector to I-75 in the City of Walton, is current land use of undeveloped farmland. And to the west across Beatrice Avenue, is current use of Public/Institutional, that being All Saints Church and associated uses to the Church.

The Boone County Comprehensive Plan Land Use map shows the planned future land use of the site is Medium Density Residential. To the north and east of the subject site it is planned as Medium Density Residential. To the west is planned Public/Institutional. And to the south is planned Environmentally Sensitive and Industrial land uses.

The text of the Comprehensive Plan states, "Major residential development is planned east of I-75 in the northwest part of the existing City....The existing central


Zone Change Request
William and Mary Robinson
Option Holder Dr. William Waller
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business district on U.S. 25 is planned to continue as the community commercial center of the community,..."

A Concept Development Plan was required by the Commission. As submitted, the applicant plans an office building with a first floor and basement. A total gross floor area of 7,000 square feet is planned. Along the north side of this site is a planned screen planting area to act as a buffer next to the existing single-family residential land uses on Needmore Street. Access to the site is planned to be provided by two access drives off of Beatrice Avenue, to a parking area for twenty-three (23) cars. If, however, the office uses will utilize the entire 7,000 square feet, then the applicant must supply a minimum of twenty-eight (28) parking spaces.

There is no current City water or sanitary sewage available to the site. The applicant plans, however, to connect to the current water and sanitary sewer lines along Needmore Street according to the Concept Development Plan.

In summary, if the Commission would consider a recommendation of approval, it would be necessary to change the Land Use map from Medium Density Residential to Commercial. It would also require a change in the number of acres for each use under Tables 1, 2, and 4 and the associated figures in these tables. I would also recommend wording be included on pages 3.8 (at the end of the initial paragraph) and 3.13 (at the end of the first full paragraph) to reflect this change, if it is eventually approved by the City of Walton City Council.


Alvin "Chip" Block
Zoning Enforcement Officer
and Staff Assistant

May 27, 1981

ACB:mf

BOONE COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARINGS MAY 27, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Members present were Mr. Buse, Mr. Godsey, Mr. Hasselbring, Mr. Jones, Mr. Leicht, Mr. Miller, Mr. Webster and Chairman Kroger. Also present were Mr. Block, Mr. Clark, and Mr. Wilson.

PUBLIC HEARING #1

The public hearing was held to consider the request of Edna Miller, owner, by her agent, Michael T. McKinney, for a zone change from RS to C-3 for a 0.236 acre tract located at the intersections of Williams Road, Graves Road and Kentucky 20. Mr. McKinney was present on behalf of this request and stated that they would like to withdraw the application due to a misunderstanding of the minimum requirements of the C-3 zoning regulations. Mr. McKinney stated that Mrs. Miller owns four adjoining parcels of land which total a little more than the two acre requirement for the C-3 zone. Mr. McKinney further stated that at the time the application was submitted he was under the impression that he could request a zone change on just the one 0.236 acre tract which contained the building which was to be used for the commercial purpose. Mr. McKinney also stated that he would be present at the next Planning Commission meeting to request that the fee be refunded and to resubmit this application within the guidelines of the Commission.

PUBLIC HEARING #2

The public hearing was held to consider the request of William and Mary Robinson for the option holder, Dr. William Waller, for a zone change from UR-1 to O-2 for a 1.06 acre tract located on Beatrice Avenue, between Kentucky 14-16 connector and Needmore Street in Walton. This property was located on the map by Mr. Block and he read his report which was accepted and made a part of the minutes. Dr. William Waller was present on behalf of this request and stated that the City of Walton and All Saints Church have sent letters to the Planning Commission endorsing this zone change request. These letters were accepted and made a part of the minutes.

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No one was present in opposition to the zone change request. There being no further discussion, this public hearing was declared closed.

PUBLIC HEARING #3

The public hearing was held to consider the request of Chelsea Moore Development Corporation by its agent, T. J. Brandt, for a text amendment to Section 921 of the C-2 zone of the City of Florence Zoning Ordinance by adding the following language: "41. Retail tire sales business including the providing of routine maintenance services for vehicles and the sale and installation for vehicles of tires and routine parts, equipment, fluids (other than fuel), supplies and/or accessories, provided that all normal operations shall be conducted within a completely enclosed building". Mr. Block's report was accepted and made a part of the minutes.

Mr. T. J. Brandt, attorney, was present on behalf of this request. Mr. Brandt stated the reason Chelsea Moore is requesting this text amendment is to allow a retail tire store as a "principally permitted use" in the C-2 zone. Mr. Brandt further stated that in the area being considered for the retail tire store (Mall Road) there is a Goodyear store, Sears, and a Midas Muffler Shop with an adjacent tire center. Mr. Block pointed out that the Goodyear, Sears and J. C. Penny stores all predated the new zoning regulations however the Midas Muffler Shop and its adjacent retail tire center were approved by the Florence Board of Adjustment on November 19, 1980, by the issuance of a conditional use permit. In answer to a question by Mr. Jones, Mr. Wilson stated that under the current zoning regulations, "gasoline service stations including normal maintenance, repair and wash services" is a permitted conditional use in the C-2 zone. Mr. Wilson further stated that the Boards of Adjustment are allowed to apply a flexible interpretation of what the conditional use is. Mr. Roger Kerlin, Chelsea Moore Development Corporation, was present on behalf of this request. In answer to a question by Mr. Kerlin, Mr. Wilson stated that under Section 268 of the City of Florence Zoning Ordinance,

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if a conditional use permit has not been exercised within two years from the date it was issued, or a time limit established by the Board, or if said conditional use shall cease for more than one year, the conditional use permit shall not revert to its original designation unless a public hearing has been conducted. In answer to a question by Mr. Kerlin regarding the renewal process on a conditional use permit, Mr. Block stated that it would be necessary for the applicant to reapply to the Board of Adjustment before the two year period was over and it would be up to the Board of Adjustment to approve or deny the application. In answer to a question by Mr. Buse, Mr. Brandt stated that the purpose of this request is for Bob Sumere1 to build a tire store. There being no further discussion, this public hearing was declared closed.

The meeting adjourned at 8:30 p.m.

APPROVED: _____

Respectfully submitted,

CHAIRMAN

CLERK

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY PLANNING COMMISSION
MINUTES OF MEETING JUNE 3, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Roll call was taken showing 13 members present, 2 absent. Those 2 absent being Mr. Shafer and Mr. Vaughn. Also present were Mr. Block, Mr. Clark, and Mr. Wilson.

Mr. Jones moved the minutes of the meeting held on May 20, 1981, and the minutes of the public hearings held on May 27, 1981, be approved as reviewed. Mr. Godsey seconded. Roll call vote of 13 for, 0 against. Motion passed.

COMMUNICATIONS AND BILLS:

A bill was presented from Cincinnati Bell for \$72.24 for telephone service. A bill from the City of Florence was presented for \$100.00 for photostat copies. A bill from the Boone County Recorder was presented for \$387.00 for notices of public hearings. A bill from Jerry Rouse was presented for recording fees in the amount of \$18.60. A bill was presented from Village Square Office Products for \$67.72 for office supplies. A bill from P.I.P. for \$595.00 was presented for the printing of the Zoning Regulations. A bill from Arrow Blue was presented in the amount of \$116.10 for maps. A bill from Vincent & Skees in the amount of \$235.30 was presented for professional services in the Martin-Marietta case. A bill from Olsten Temporary Services in the amount of \$950.01 was presented for secretarial services. Mr. Block submitted a bill for \$82.11 for auto expense. The employees were to be paid and the clerk requested a total of \$63.90 for postage and certified letters for the public hearings. Mr. Godsey moved these bills be paid. Mr. Miller seconded. Roll call vote of 13 for, 0 against. Motion passed.

Communications were received from the Boone County Fire Chief's Association and Vincent and Skees.

The following receipts were accepted and given to Mr. Godsey for deposit:

Tom Kelly	\$ 57.84
Final Plat Approval	

Zoning and sign permit fees turned in by Mr. Tobergte	\$ 165.00
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her agent Michael T. McKinney for a zone change from RS to C-3 for a 0.236 acre tract located at the intersections of Williams Road, Graves Road and Kentucky 20, Mr. McKinney was present on behalf of this request which was withdrawn at the public hearing on May 27, 1981 due to a misunderstanding of the minimum requirements of the C-3 zoning regulations. Mr. McKinney requested that the fee be refunded because at the time the application was submitted he was not made aware of the minimum requirements of the C-3 zone. He further stated that he was contacted by the Enforcement Officer the day before the public hearing and advised that there wasn't sufficient property in the application. Mr. McKinney advised the Commission that Mrs. Miller does own sufficient property to conform to the C-3 zoning regulations and at this time he is requesting that the fee be refunded so that they can resubmit the application in conformance with the zoning regulations. Mr. Buse moved that the Commission refund to the applicant, Mrs. Edna Miller, through her agent Michael T. McKinney, the amount of money that has not been actually expended in the pursuit of the zone change as requested. Mr. Godsey seconded. Roll call vote of 13 for, 0 against. Motion passed.

The committee and staff reports were read, accepted, and made a part of the minutes regarding the request of William and Mary Robinson (Option holder - Dr. William Waller) for a zone change from UR-1 to O-2 for a 1.06 acre tract located on Beatrice Avenue, between Kentucky 14-16 connector and Needmore Street in Walton. Dr. William Waller was present on behalf of this zone change request and submitted to the Commission a letter from All Saints Church in Walton endorsing this zone change request. This letter was accepted and made a part of the minutes. Mr. Godsey moved to recommend to the City of Walton by Resolution No. R-10-81 approval of this zone change based upon the findings as outlined in the committee report:

- (1) that the requested O-2 zone would permit a use more appropriate for this particular site and the area because of the proximity of this site to the existing four lane Kentucky 14-16 connector,
- (2) that this zone change for this site and the Kentucky 14-16 connector would act as a buffer between existing residences fronting Needmore Street from planned future land use of industrial across the Kentucky 14-16 connector,
- (3) the committee has met with the developer and as stated

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by the applicant, he will follow the concept development plan and this committee is recommending approval of this zone change in accordance with the concept development plan and (4) that there was no opposition present or stated at the public hearing and that we have received letters stating that All Saints Church and the City of Walton City Council endorse this zone change request. Mr. Buse seconded. Roll call vote of 12 for, 0 against and 1 abstention. Mr. Viox abstained because his firm is providing the engineering services to the applicant. Motion passed. Mr. Godsey then moved by Resolution No. R-11-81 that if this zone change is approved by the City of Walton City Council that the Comprehensive Plan including its land use map be amended to reflect this zone change. Mr. Leicht seconded. Roll call vote of 13 for, 0 against. Motion passed.

The committee report was read, accepted and made a part of the minutes regarding the request of Chelsea Moore Development Corporation by its agent, T. J. Brandt, for a text amendment to Section 921 of the C-2 zone of the City of Florence Zoning Ordinance. Mr. T. J. Brandt was present on behalf of this request and stated that his client, Chelsea Moore Development Corporation, is requesting this text amendment to allow a retail tire store as a principally permitted use in the C-2 zoning district. The specific purpose of this request is to allow a Bob Sumerel tire store on Mall Road in Florence. Mr. Brandt stated that he did not feel it would be harmful to the adjoining property owners since there are already tire stores in this area. In answer to a question by Mr. Godsey, Mr. Block stated that some of the other areas in the City of Florence that are zoned C-2 are Main Street, Dixie Highway, Turfway Road, Shelby and Girard Sts. Mr. Viox stated that he had no objection to a tire store on Mall Road since there are already tire stores on Mall Road. Mr. Godsey stated that he felt the applicant should apply to the Florence Board of Adjustment for a conditional use permit. Mr. Block stated that the Comprehensive Plan states that Mall Road is planned for office and commercial uses. Mr. Block further stated that the Midas Muffler Shop and its adjacent retail tire center were granted a conditional use permit by the Florence Board of Adjustment on November 19, 1980 and the J. C. Penny Store went in before the new zoning ordinance went into effect. Mr. Buse stated that he felt the purpose of the zoning regulations was to have certain

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did obtain a building permit from the City of Florence Building Inspector. Mr. Wilson further stated that upon receipt of a letter from the Enforcement Officer, Mr. Barnett stated that he would go before the Florence Board of Adjustment to obtain a conditional use permit before any future automobile tent sales are conducted.

There being no further business, Mr. Jones moved the meeting be adjourned. Mr. Buse seconded. Roll call vote of 13 for, 0 against. Motion passed and meeting adjourned at 9:20 p.m.

APPROVED: June 17, 1981

Respectfully submitted,

Paul L. Jones
CHAIRMAN

Ernest Fleming
CLERK

June 3, 1981

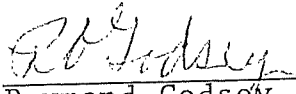
TO: Boone County Planning Commission
FROM: Raymond Godsey
SUBJECT: Request of William and Mary Robinson
(Option Holder - Dr. William Waller)

In regards to the request of William and Mary Robinson (Option Holder - Dr. William Waller) for a zone change from UR-1 to O-2 for a 1.06 acre tract located on Beatrice Avenue, between Kentucky 14-16 connector and Needmore Street in Walton, we recommend that this request be approved based on the following findings of fact:

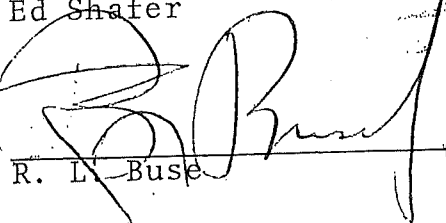
1. That the requested O-2 zone would permit a use more appropriate for this particular site and the area because of the proximity of this site to the existing four lane Kentucky 14-16 connector.
2. That this zone change for this site and the Kentucky 14-16 connector would act as a buffer between existing residences fronting Needmore Street from planned future land use of industrial across the Kentucky 14-16 connector.
3. The committee has met with the developer and as stated by the applicant he will follow the concept development plan and this committee is recommending approval of the zone change in accordance with the concept development plan.
4. That there was no opposition present or stated at the public hearing and that we have received letters stating that All Saints Church/Roman Catholic Diocese of Covington and the City of Walton City Council endorse this zone change request.

If the zone change is eventually approved by the City of Walton City Council, this committee recommends that the Boone County Comprehensive Plan and Land Use Map be changed to reflect this zone change in accordance with the zone change report presented

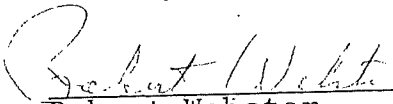
at the public hearing on May 27, 1981.



Raymond Godsey, Chairman

Ed Shafer


R. L. Buse



Robert Webster

Rou Vaughn

