

REQUEST OF WATER RECLAMATION INC. FOR A ZONING MAP AMENDMENT
FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL TWO (I-2)

This is a Zoning Map Amendment request by Water Reclamation Inc. (owner) to change the zoning of a 22.79 acre portion of a tract from Agricultural Estate (A-2) to Industrial Two (I-2). The site is located on the north side of East Frogtown Road immediately east of the existing Water Reclamation Inc. establishment.

SURROUNDING LAND USES AND ZONING

The surrounding land uses in the area consist of woodland and single-family residential to the north, and woodland to the east and south. The existing Water Reclamation Inc. industry is to the west. Existing zoning is Rural Suburban Estate (RSE) to the north, Agricultural Estate (A-2) to the east and south, and Industrial Two (I-2) to the west.

NATURAL FEATURES OF THE SITE

The site contains an intermittent stream which drains to the northeast in the direction of Maher Road. The stream is fed by an existing man-made lake on the west. The dam of this lake and the gravel road on top of it forms much of the current I-2 and A-2 zoning district boundary. As a result, the southern half of the site is very low-lying. The northern part of the site is situated somewhat higher than the rest of the site. Vegetation includes dense woodland along the eastern boundary with some shrub vegetation along the stream. Soil types include Faywood Silty Clay Loam (FcD) in the low-lying portions of the site and two types of Rossmoyne Silt Loam (RsB and RsC).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Future Land Use Map depicts the area as industrial. The area is addressed in the Land Use Text under Section D-5, the Mt. Zion area. Page L-21 refers to the location:

"To the east of U.S. 25 only light manufacturing should occur and southward expansion should be tempered by locational factors including the interchange access and association to the existing industrial park. The frontage along U.S. 25 would be suitable for commercial activity with access management provisions and the proposed industrial development behind. The frontage on the east of U.S. 25 will contain a mixture of commercial and light industrial uses."

Page G-4 contains one of the business activity objectives of the Comprehensive Plan:

"Industrial development shall be encouraged to locate near railroads, highways, airports and/or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages."

Page B-16 refers to the general area in regards to industrial growth:

There are several good reasons to encourage the expansion of industrial development towards Walton, east of I-75. First, the landscape in this area is fairly level and the soils do not present a severe obstacle to development. Second, there are existing highway and rail facilities which provide good access for labor and the shipping of raw materials and finished products. In addition, there are existing interchanges along I-75 at KY-338 (Richwood), KY-16 at Walton, and a planned interchange at Mt. Zion Road."

In summary, the 1986 Boone County Comprehensive Plan recommends continued and increased industrial activity in the area because of locational and terrain advantages. Immediately west of the site, areas of Low Density Residential development are planned because of existing development and decreased transportation advantages.

WATER RECLAMATION INC. CONCEPT DEVELOPMENT PLAN

The applicant has submitted a letter requesting waiver of the Concept Development Plan based upon the three conditions listed on page 3-2 of Article Three of the Boone County Zoning Regulations. However, the applicant has also submitted a letter detailing the future use of the subject property. This letter also includes provisions for buffering in case of future development of adjacent property. No additional access or utilities are planned for the site.

The current use of the site is for outside storage of equipment related to the existing industry. The applicant's purpose behind rezoning the subject parcel is to make the use conforming to the zoning district. The use has continued on the site for approximately 21 years.

SPECIAL CONCERNS

The area immediately to the east of the site is recommended for Low Density Residential on the Future Land Use Map. There is also existing residential development on Tonya Drive. One of the houses on that street is approximately 50 feet from the proposed I-2 zoning district. Staff feels that the existing vegetation on the subject site should be retained for present and future buffering of land uses. Thought should be given to screening along Frogtown Road. Also, care should be taken that certain areas below the lake are not disturbed in a manner that causes erosion or slippage.

CONCLUSION

This zone change request must be reviewed in terms of its relationship with the 1986 Boone County Comprehensive Plan. If the Planning Commission and the Boone County Fiscal Court approve this request, the Future Land Use Map would not need to be adjusted.

David A. Geohegan

David A. Geohegan,
Planner/Plans Examiner

DAG:mcb

Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

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March 3, 1987

LEGAL DESCRIPTION

ZONE CHANGE

22.79 Acre Parcel

Frogtown Road

Being located on the north side of Frogtown Road, Boone County, Kentucky and being more particularly described as follows:

Beginning at the northwest corner of the WRI, Inc. property on the east line of the Southern Railroad right of way; thence with the north line of said property S 79 degrees 26 minutes 55 seconds E, 751.17 feet to a point on the existing I-2 Zone Line, said point being the real point of beginning; thence continuing with said north line of WRI, Inc., S 79 degrees 26 minutes 55 seconds E, 363.38 feet to an existing hub; thence S 79 degrees 52 minutes 09 seconds E, 233.79 feet; thence S 79 degrees 52 minutes 09 seconds E, 191.57 feet to an existing iron pin; thence leaving said line S 14 degrees 13 minutes 10 seconds W, 1224.37 feet to a point on Frogtown Road; thence with said road N 86 degrees 22 minutes 26 seconds W, 789.60 feet to a point on the existing I-2 Zone Line; thence leaving said road and with said zone line N 13 degrees 45 minutes E, 1316.00 feet to the real point of beginning and containing 22.79 acres.

WRI 11

Mr. Paul Kroger, Chairman, opened the Public Hearing for the third item on the agenda:

3. Applicant: Water Reclamation, Inc. (owner).
Request: Zoning Map Amendment

This was a Public Hearing on an application submitted by Water Reclamation, Inc.. It is a request for a Zoning Map Amendment changing a 22.79-acre portion of a tract located on the north side of East Frogtown Road (immediately east of the existing Water Reclamation, Inc.), from Agricultural Estate (A-2) to Industrial Two (I-2).

Staff member, Dave Geohegan, summarized the Staff's findings regarding this request. He presented slides indicated the surrounding land uses. He stated that the 1986 Boone County Comprehensive Plan recommends continued and increased industrial activity in the area. The applicant has requested a waiver of the Concept Development Plan and submitted a letter detailing the future use of the property. Mr. Geohegan noted concerns relative to screening and buffering of the site, and indicated that care should be taken not to cause erosion or slippage of the areas below the lake.

At this time, the Chairman asked the applicant for his comments.

Mr. Ray Erpenbeck, representing Water Reclamation, Inc., introduced Mr. Richard Smith, President of the company. Mr. Erpenbeck stated that Water Reclamation, Inc. manufactures sewage treatment plants and lift stations. He stated that the site has been used for industrial purposes for the past twenty-one years and is now a non-conforming use. He requested that the site be changed to the I-2 Zone to conform to the Comprehensive Plan.

The Chairman asked if there was anyone present who wished to speak in favor of or in opposition to the application, or if there were any questions.

Mr. George Molicule, a resident of Tanya Drive, stated that his property adjoins the subject property. He asked what the tanks were used for that are stored on the property and why they were against the fence line. He also asked if there were toxic wastes stored at the site.

In response to his questions, Mr. Erpenbeck advised him that the tanks were sewage treatment plants and do not contain toxic chemicals. He noted the location of a wooded area that provides a natural buffer for the site. There are no current plans to disturb that buffer, nor any plans for expansion at this time.

Mr. Mark Kier, 169 Maher Road, asked if the zone change would affect only the property within the boundaries of Water Reclamation, Inc.. He stated that his property also adjoins the subject property.

The Chairman advised Mr. Kier that this request pertains only to property located within the meets and bounds description of the subject property.

The Chairman stated that action will be taken on this request at the Boone County Planning Commission meeting on April 1, 1987 at 8 P.M..

There being no further questions or comments, the Chairman closed this Public Hearing.

3. Zoning Map Amendment

A request of Ben Wright and Steve Ireland (owners by option) for a Zoning Map Amendment for a 3.30-acre site located on both sides of Ridge Road and south of KY 18. The two parcels are currently zoned Suburban Residential Two (SR-2) and the request is to rezone both parcels Commercial Services (C-3). The intended uses are a retail garden supply outlet store and a plumbing and heating business.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the April 15, 1987 Business Meeting.

The Chairman asked if there was any discussion regarding the Committee Report. There being none, Mr. McMillian moved that this request be deferred until the April 15, 1987 Business Meeting. Mr. DeLong seconded the motion and it carried unanimously.

4. Zoning Map Amendment

A request of Water Reclamation, Inc. (owner) for a Zoning Map Amendment for a 22.7-acre site located northeast of Frogtown Road and south of Maher Road in Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Industrial Two (I-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request on the basis that the proposed zone (I-2) is generally consistent with the 1986 Boone County Comprehensive Plan. He noted that the zone change would make the present use (storage) a conforming use.

The Chairman asked if there was any discussion concerning this request.

Mr. Ray Erpenbeck, representing the applicant, indicated their agreement with all items contained in the Committee Report.

Mr. McMillian moved that the request be approved as recommended in the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

The Chairman stated that the Fiscal Court will be notified of the Commission's recommendation of approval of this request.

5. Concept Development Plan

A request of American Heritage Realty, Inc. (owner) for the utilization of an underlying zone in Planned Development. The 1.5-acre site is located in the Heritage Hill Subdivision, KY 18 and Centennial Circle, in Boone County, Kentucky; and is zoned Commercial Two/Planned Development (C-3/PD). The intended use is a 6,000 square foot office building.

"EXHIBIT B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald Davis, Chairman

DATE: April 1, 1987

RE: Request of Water Reclamation, Inc. (owner) for a Zoning Map Amendment for a 22.7 acre site located northeast of Frogtown Road and south of Maher Road, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Industrial Two (I-2).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact:

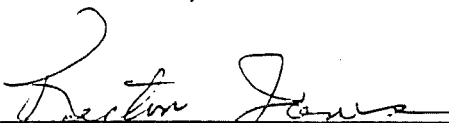
Findings of Fact

1. The proposed zone (I-2) is generally consistent with the 1986 Boone County Comprehensive Plan. The Plan describes the area as future industrial uses and refers to the locational advantages of the area. The Future Land Use Map depicts the site as industrial.

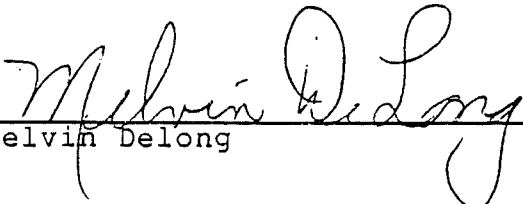
The Committee wishes to emphasize that this zone change request is being recommended for approval due to the fact that the area is currently being used for storage, and such a zone change would make the use conforming. The Committee is recommending approval while acknowledging the applicant's plans to retain existing woodland vegetation on the site and provide screening along East Frogtown Road. In the event that this site is used for an industrial use other than limited outside storage, a formal site plan review will be necessary and will include a 50 foot landscaped buffer area on the north property line.



Donald Davis, Chairman



Rector Jones

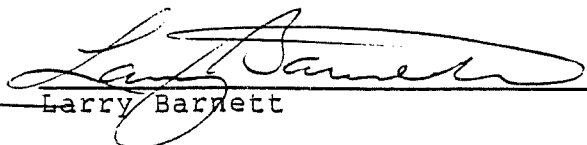


Melvin Delong

Fred Burch



William Viox



Larry Barnett

ORDINANCE 920.115

AN ORDINANCE FO THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL (I-2) FOR PROPERTY LOCATED NORTHEAST OF FROGTOWN ROAD AND SOUTH OF MAHER ROAD, BOONE COUNTY, KENTUCKY, AS IS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-15-87).

WHEREAS, the Boone County Planning Commission received a request for approval and adoption for a map amendment for a zone change from Agricultural Estate (A-2) to Industrial (I-2) for property located northeast of Frogtown Road and South of Maher Road, Boone County, Kentucky, which is more particularly described below, and

WHEREAS, the Boone County Planning Commission has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption this map amendment being a zone change from Agricultural Estate (A-2) to Industrial (I-2) for property located Northeast of Frogtown Road and South of Maher Road, Boone County Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A."

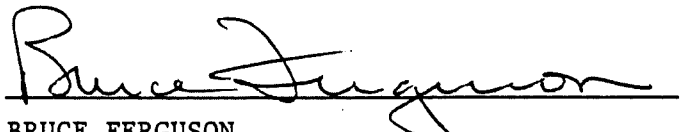
SECTION II

That as a basis for the recommendation of approval of the zone change request is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit B".

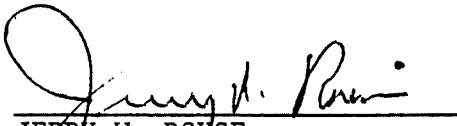
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 5th day of May, 1987.

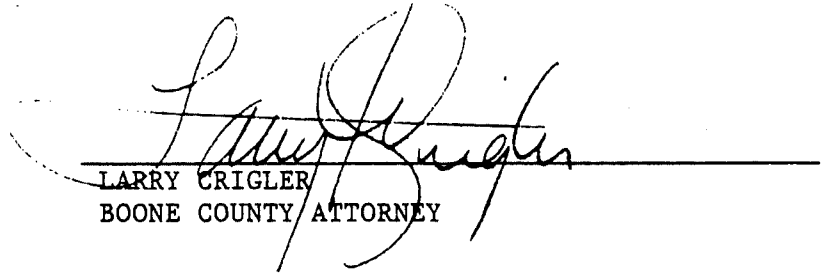
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26th day of May, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


JERRY W. ROUSE
BOONE COUNTY CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

07/02/87
DATE PUBLISHED