

## STAFF REPORT

REQUEST OF JOHN CUMMINS FOR A ZONING MAP AMENDMENT FROM  
COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3)

FEBRUARY 24, 1988

This is the request of John Cummins (dba Insurance Distribution Center) for a Zoning Map Amendment to change the current zoning designation of Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles. The intent of the applicant is to rezone approximately 7.0 acres of an 11.0 acre tract located on the north side of Florence Pike (immediately west of Flick's IGA), Boone County. The property is currently owned by Richard and Shirley Ammon and Robert and Bonita Maddox.

Proposed Use

The name of the applicant's business in Lockland, Ohio, is the "Insurance Distribution Center," also known as the "Tri-County Salvage Pool." When insurance companies take possession of a vehicle they have declared "totaled," they bring it to the applicant's place of business for resale. Occasionally, repossessed cars or recovered stolen vehicles are brought to the site. The applicant, who does not take title of the vehicles, auctions off the vehicles once a week to licensed dealers. Vehicles are towed onto and off of the site; no repair work occurs in conjunction with the sales operation. Typically, 100 vehicles are processed per week at the Lockland site. The applicant has not determined whether or not the proposed Burlington location will replace or supplement the current business location.

Junkyards, which are defined in the Boone County Zoning Regulations as "any land, property, structure, building, or combination of the same, on which junk is stored or processed," are Conditional Uses in the Industrial Two zoning districts. The applicant does not disassemble vehicles and sell individual parts, nor does he store wrecked vehicles for long periods of time; therefore, his use is not considered a junkyard. Rather, the use is considered to fall under the broader category of "sales and service of new and used motor vehicles including tires, batteries, and accessories," which is a principally permitted use in the Commercial Services (C-3) zoning district.

Surrounding Land Uses and Zoning

Property in the area is zoned and used as follows:

North: R - Beechland Golf Club; UR-1 - Whispering Woods  
Apartments  
South: C-3 - vacant property between Florence Pike and KY  
18

- East: C-2 - Flick's IGA, Scanlon Drugs, Snappy Tomato Pizza, The Cleaners 18 dry cleaners, Florence Deposit Bank (further east is Tom Cronin's Used Cars and the Action Body Shop in a C-3 zone at the intersection of KY 18 and Limaburg Road)
- West: C-2 - single-family residences (adjoining residence has welding shop in accessory structure), Florence Baptist Temple

### History

In the past, the subject property has been used for the "Truck Store" (used trucks and parts), and "Happy Time Pools" (pool, spa, and woodstove sales). More recently, on July 9, 1986, the Boone County Board of Adjustment granted a Conditional Use Permit to Sedric Scott to allow the operation of a repair garage on the subject property. As a condition of approval, Mr. Scott was to have supplied the Boone County Planning Commission with a Site Plan to review the new use. The plan was never prepared; therefore, a Notice of Violation was issued. During enforcement of this violation, it was discovered that Mr. Scott was not paying his rent and was not living up to the conditions of his rent agreement. In particular, the appearance of the property was not kept up to the standards of the owner. Therefore, an eviction order was signed, but later withdrawn when back rent was paid. The applicant is proposing to purchase the property and discontinue the current use. Should the Zoning Map Amendment fail, Mr. Scott will be required to submit a Site Plan for review or discontinue his repair service to avoid criminal action.

### Site Features

The subject property is composed primarily of the Rossmoyne Silt Loam class, which has moderate limitations for building or road construction. The site is relatively flat in the middle and on the western edge. The eastern edge (along Taylor Drive) is approximately 20 feet higher than the larger portion of the lot. The northern edge of the property slopes into a ravine which eventually drains into Gunpowder Creek. There is a small pond in the flat portion of the site which also drains into the ravine. Vegetation on the site is principally grasses, with deciduous trees along the northern ravine.

There is currently one metal structure on the site, which is used for the repair of vehicles. This building is approximately 600 feet from Florence Pike (and consequently 800 feet from KY 18), 20 feet from the west property line, and 220 feet from the rear line. Area around the building and the pond is used for the storage of vehicles awaiting repair. Access to the site is from a 20 foot gravel driveway located 400 feet west of Flick's IGA entrance onto Florence Pike. A gas pipeline easement cuts across the northwest corner of the property, directly behind the building.

### Relationship to Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of the subject property, and property to the south, east, and west, to be commercial. Property to the north is projected to be industrial. The Land Use Element of the Plan makes the following statements about the property:

#### "C-3 Burlington - KY 18 Area

This section will be one of the fastest growing areas in the county.

KY 18 will become a corridor with a planned mixture of all types of development. (page L-13)

Land on the north side of KY 18 between Zig Zag Road and KY 237 should be commercially developed in clustered fashions with particular concern on the airports noise impacts. More specifically, the land between KY 237 and Limaburg Road should be developed by utilizing the existing frontage road to serve local commercial needs." (page L-14) (underlines added)

### Concept Development Plan

As mentioned above, the applicant is requesting a zone change for approximately 7.0 acres of an 11.0 acre tract. A strip 200 feet wide (measured from the center line of the street) along the entire length of Florence Pike, and a strip 100 feet wide along the property's frontage on Taylor Drive, will remain Commercial Two and will be reserved for future commercial or office uses. In fact, the applicant intends to construct a 3,200 square foot two-story office building for the vehicle sales within the remaining C-2 zone along Taylor Drive. The proposed C-2/C-3 border along Florence Pike will consist of a five foot high earthen berm planted with evergreens. The western and eastern property lines will also be planted with an evergreen screen. The applicant intends to supplement the natural screening in the northern portion of the property with evergreen trees as needed. No indication of the height, type, or density of the evergreen screens has been given. Within this landscaped border, surrounding the proposed parking/storage area, the applicant intends to construct a fence. Again, no height or type of fence is indicated; however, the applicant's current location in Lockland, Ohio, is surrounded by an eight foot high chain link fence topped with barbed wire. The lot is patrolled by guard dogs.

The existing gravel access to the site from Florence Pike will be closed in favor of a new asphalt driveway off Taylor Drive. This new driveway will be constructed to the existing metal building in the rear portion of the lot. The future use of this building is not indicated. On either side of this drive, and comprising the majority of the proposed C-3 zone, will be parking/storage for 680 cars. Although not labeled on the plan, the applicant has expressed a desire to store cars awaiting sale on gravel. The future of the existing pond is not indicated.

### Concerns

The following are staff's concerns about the proposed development:

1. With an expected sales rate of 100 cars per week, staff is concerned with the amount of traffic, especially truck traffic, generated. As mentioned above, most vehicles are towed onto and off of the site. Some are brought and removed with large car carriers. This amount (coupled with customer volume once a week) and type of traffic may be inappropriate for the current commercial and residential character of the area. Further, left turns onto east bound KY 18 from Florence Pike can be hazardous, especially for vehicles pulling a heavy load.
2. Seven acres of developed area (the storage area may need to be paved) will generate a large quantity of storm water runoff. Staff is concerned about the effect of this runoff on properties downstream.
3. As mentioned, the details of the landscaped screen are unknown. Staff is concerned with the visual appearance of the use, especially from KY 18 and adjoining residential properties.

### Conclusion

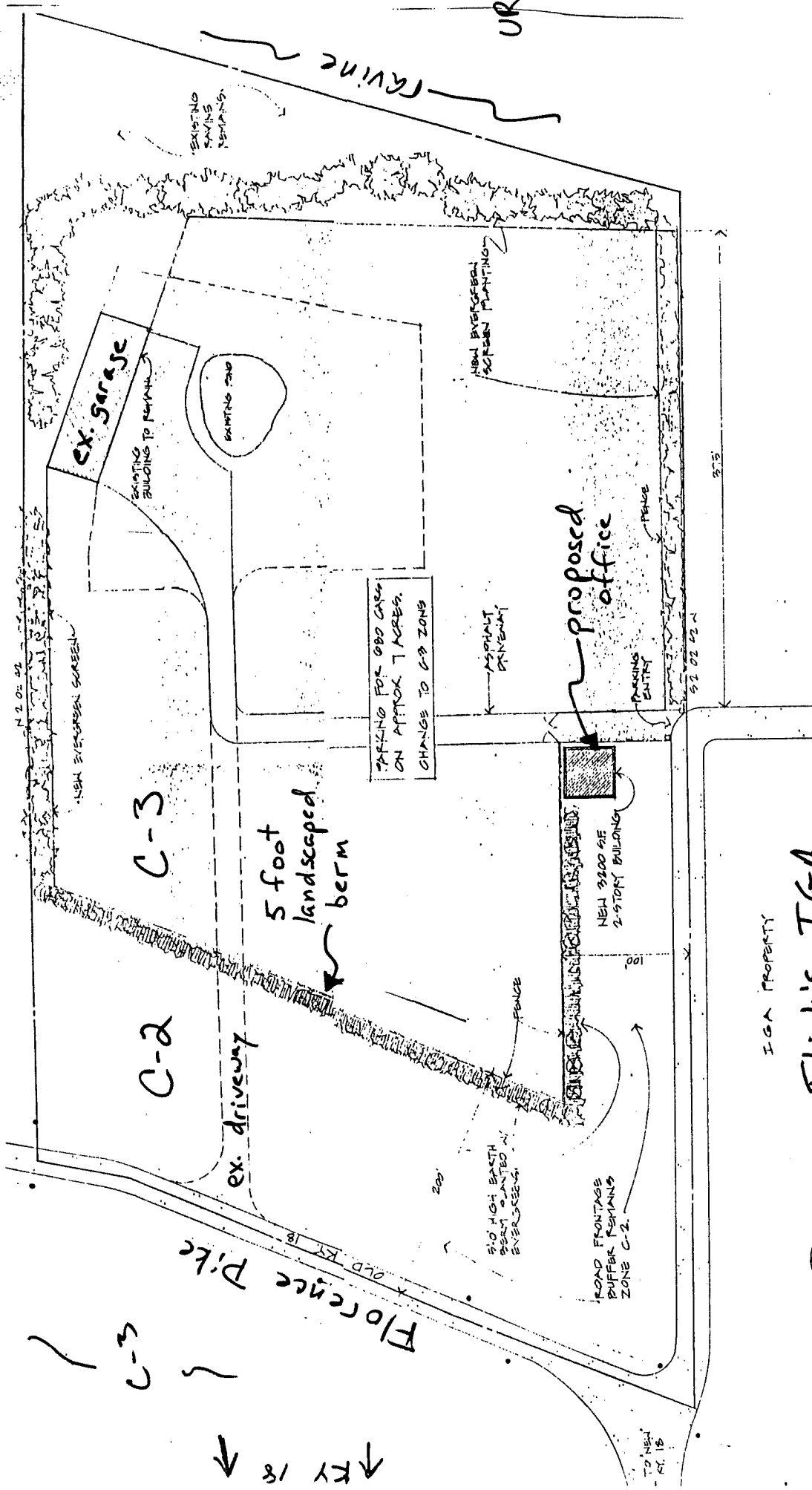
Should the Planning Commission recommend and the Fiscal Court approve this request, the Future Land Use Map will not need to be altered.



Thomas W. Breidenstein,  
Zoning Enforcement Officer

TWB:mcb

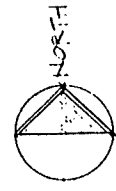
C-2



DATE: FEB 2, 1988	1 OF 1
<b>HUMPERT DESIGN</b>	
ARCHITECTURE • INTERIORS • PLANNING	
7410 US 42, FLORENCE, KY 41042 (606)283-2211	
<b>PROPOSED SITE DEVELOPMENT</b>	
<b>INSURANCE DISTRIBUTION CENTER</b>	
SCALE: 1" = 50'	

IGA PROPERTY

Flick's IGA  
(C-2)



John Cummins ZMA

C-2 → C-3

2-24-88 P.H.

C-3

→ KY 18



John Cummins  
P.H. 2-24-88

# Boone County Kentucky ZONING MAP

## LEGEND

- A-1
- A-2
- R
- RSE
- RS
- SR-1
- SR-2
- UR-1
- UR-2
- UR-3
- MHP
- R-1F
- C-1
- C-2
- C-3
- C-4
- O-1
- O-2
- I-1
- I-2
- I-3
- PF
- A
- /PD
- /SC
- /H
- (CD)

Revised AUGUST, 1988. Adopted \_\_\_\_\_ METERS

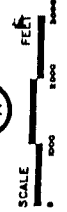
Prepared by  
BOONE COUNTY Planning Commission  
Legislative Approval Date \_\_\_\_\_  
Date of Issuance \_\_\_\_\_  
Effective Date \_\_\_\_\_

BASE MAP SOURCE: U.S. Geological Survey 7.5 Minute Series Topographic Maps (1960-1975); Kentucky State Plane Map (1963); Boone County Planning Commission (1978).

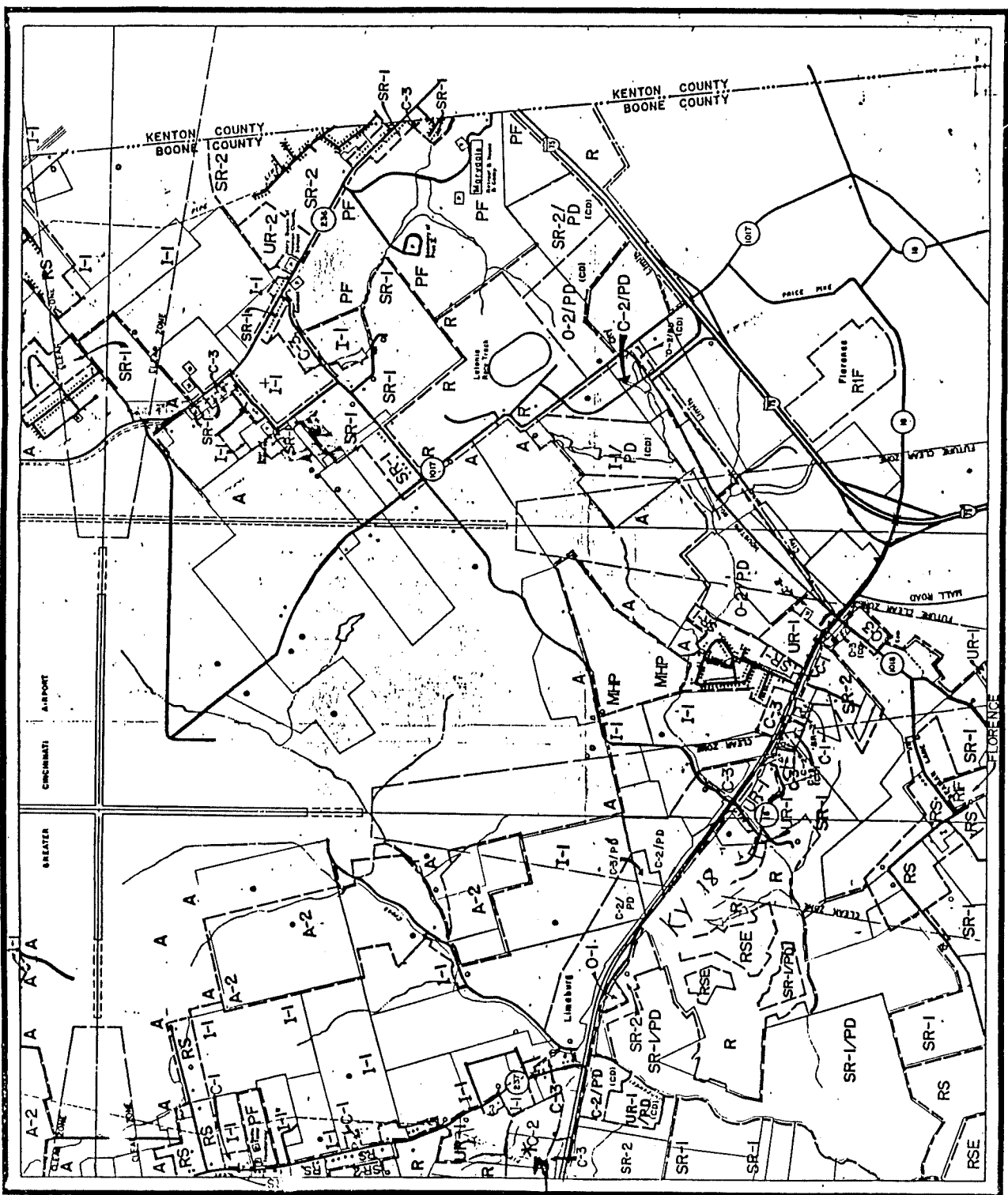
The preparation of this document was financed with American Legion, and local funds under a grant funding agreement with the Southern Poverty Law Center, Inc. of the Southern Poverty Law Center, Inc.

Section Map Index

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11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30



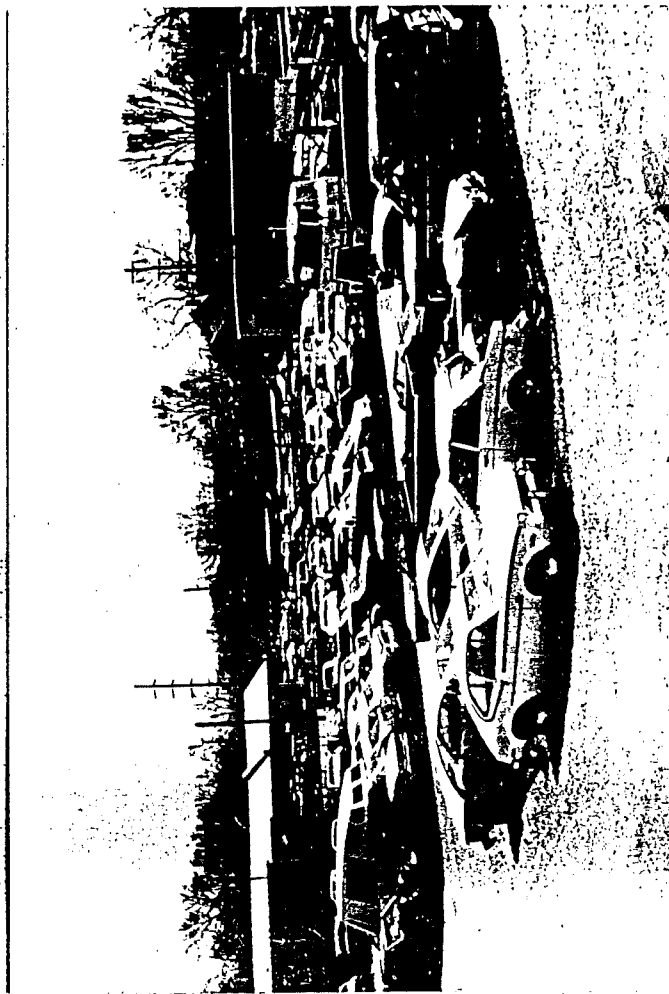
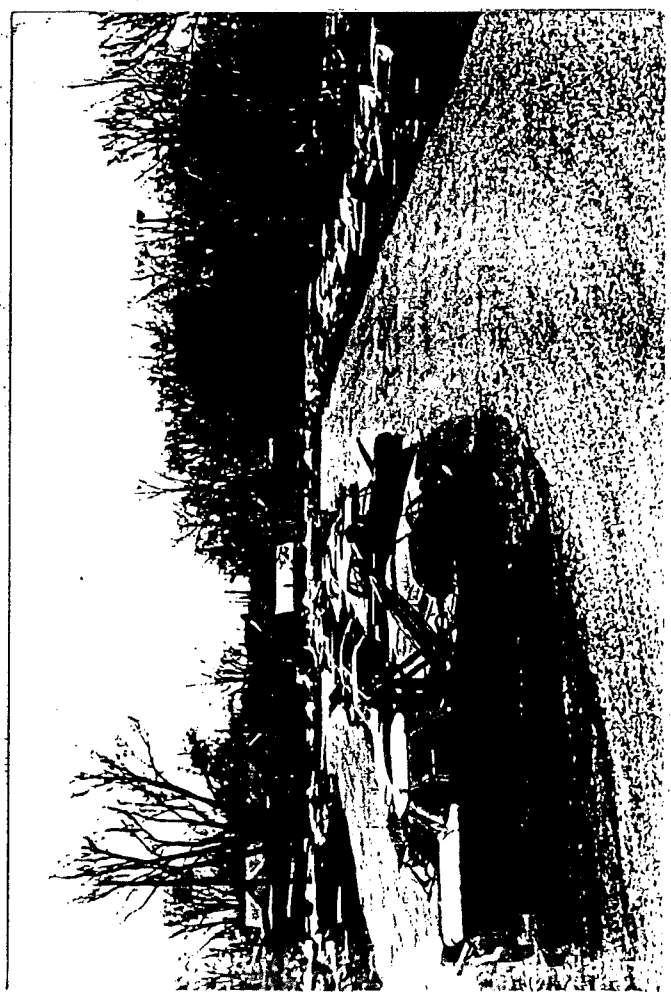
SECTION 7



area subject to change

John Cummins

Tri-County Salvage Pool - Lock 6, OH



APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: John Cummins-DBA/Insurance Distribution Center

- Owner
Agent

Address: 552 Beckridge Drive
Edgewood, Kentucky 41017
Telephone: Business 513-554-4440
Residence 606-341-0511

Location: (860 Old Ky. 18) Burlington, Kentucky 41005 1840 Florence Pike

Name of Property Owner: Richard & Shirley Ammon, Robert & Bonita Maddox

Address of Property Owner: 2141 Burlington Pike Burlington, Kentucky 41005

Zoning District: C-2 Area in Acres: 11 Acres

Deed Book: 255 Page Number: 3 Group Number: 2025

Description of Request: Change zoning from C-2 to C-3 on approximately 7 acres starting 200' from center line of old Ky 18 and 100' from center line of Taylors Lane, Balance to remain C-2. See enclosed drawing showing areas to be changed and evergreen plantings to screen

Applicant's Signature: [Signature]

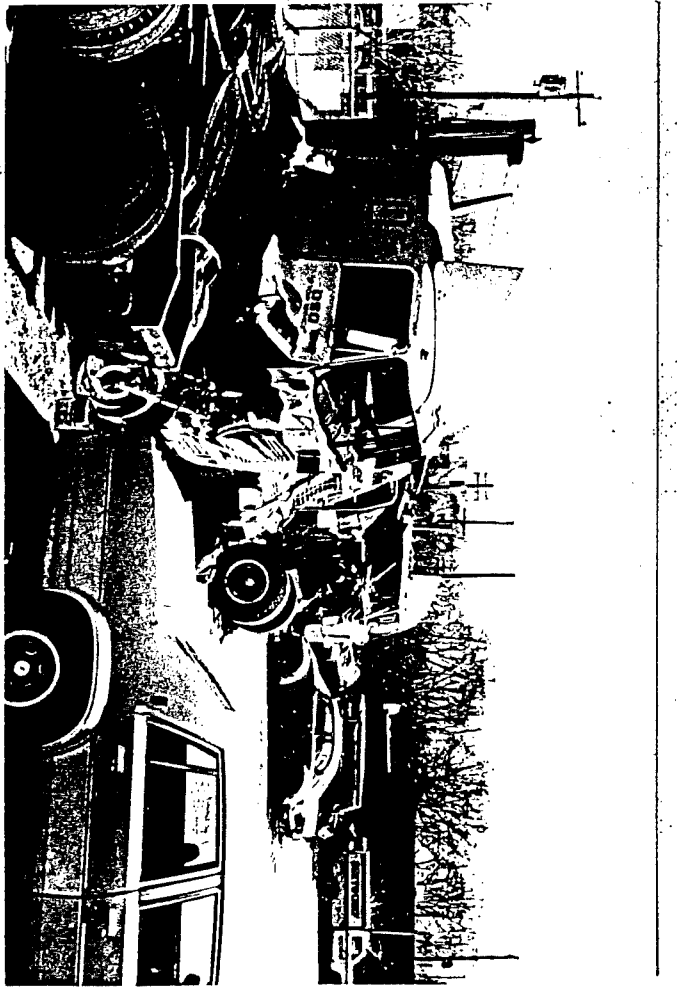
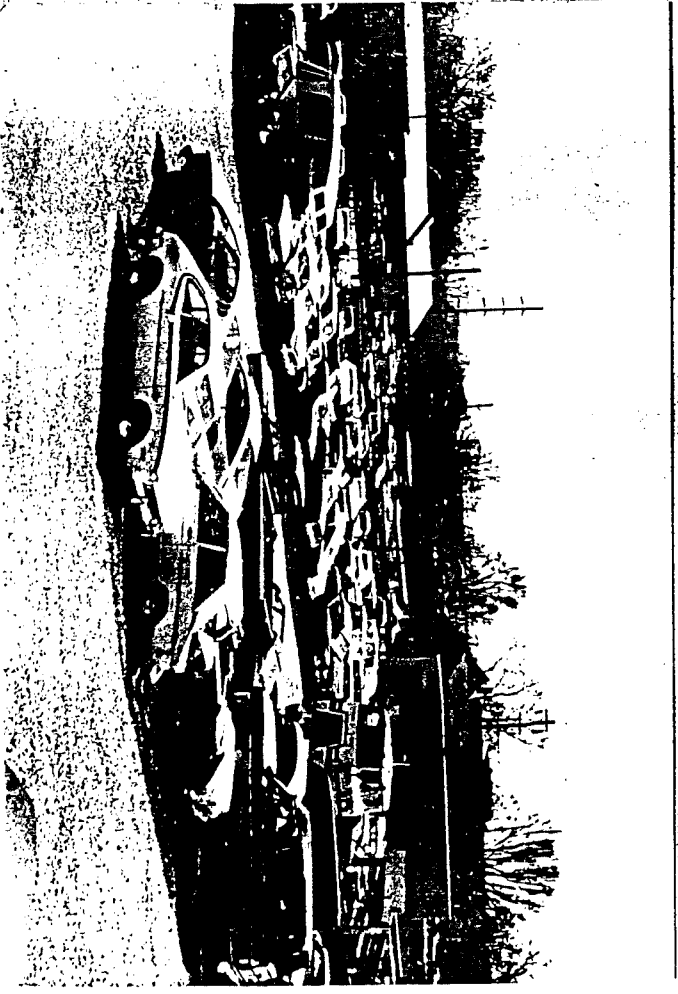
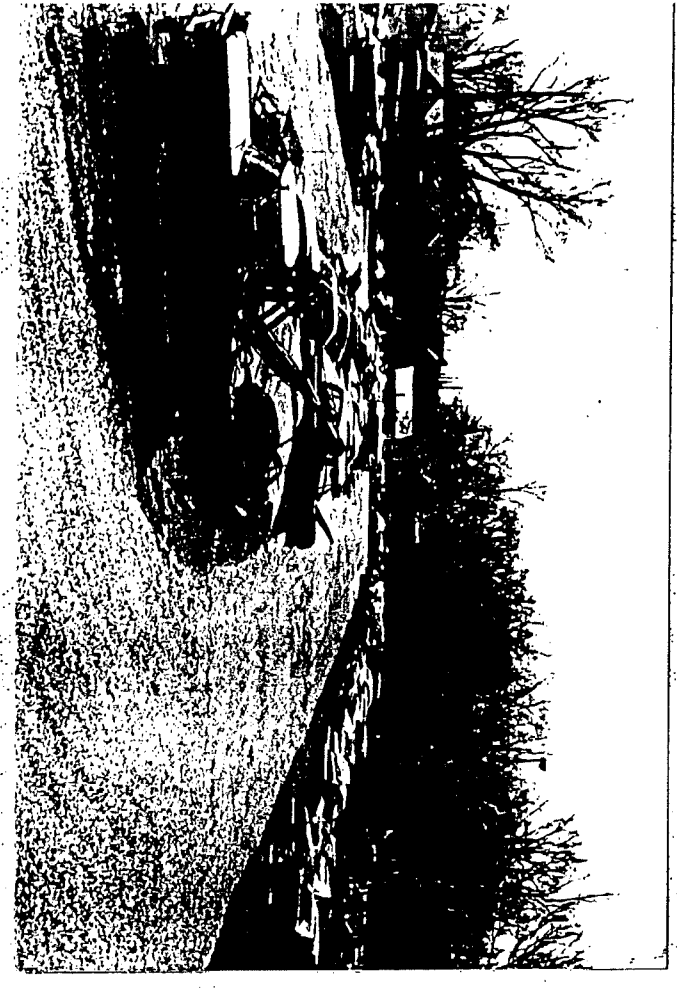
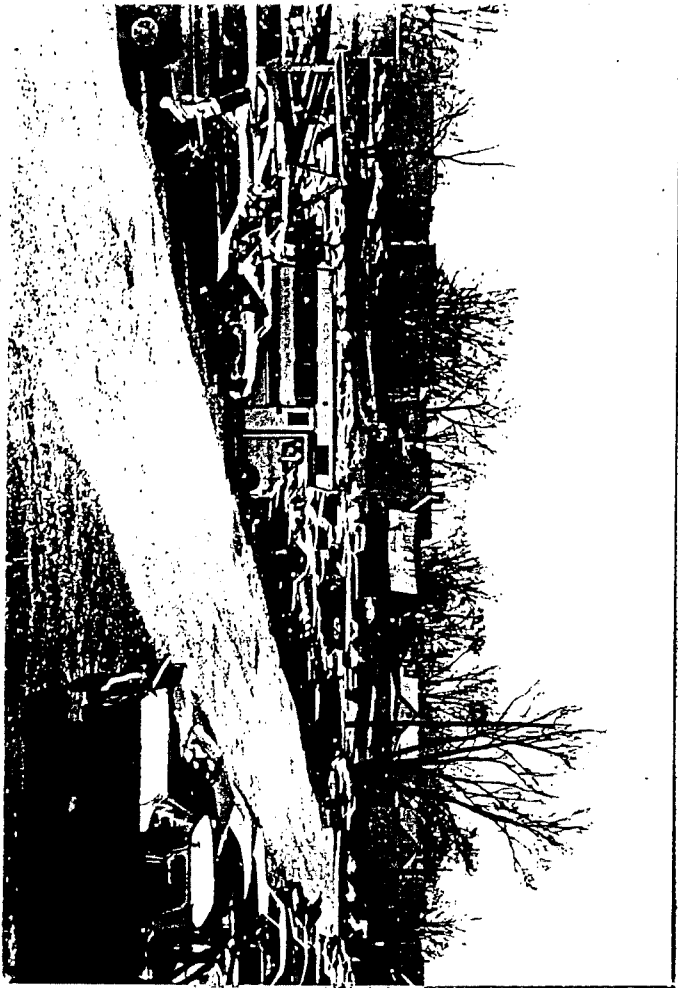
Property Owner's Signature: [Signature]

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$421 Date Received: 2-3-88 By: TWB

Referred To: Meeting Date: PH 2-24-88

Action Taken: Date of Action:



*T. Lawrence Hicks*

*Attorney and Counselor at Law*

*Larry Hicks*

March 2, 1988



Boone County Planning Commission  
Boone County Courthouse  
Burlington, Kentucky 41005

RE: REQUEST OF JOHN CUMMINS FOR A ZONING MAP AMENDMENT FROM C-2  
TO C-3

Members of the Commission:

We are writing to you on behalf of Paul and Carol Genever, the owners of the property adjacent to the subject property. Mr. & Mrs. Genever's land lies just to the west of the tract mentioned by John Cummins in his Request For An Amendment.

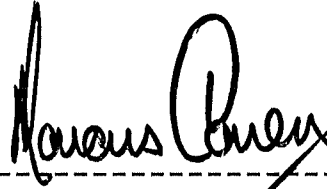
Mr. & Mrs. Genever are strongly opposed to any zone change which would allow Mr. Cummins to operate his salvage pool next to their property. They are in complete agreement with the reservations raised by the Staff Report dated February 24, 1988. In the first page of the report, Mr. Breidenstein points out that it is questionable whether the intended use for the property even is appropriate in a C-3 District. The Boone County Zoning regulations defined a junkyard as any land on which junk is stored. The applicants response to this is that wrecked vehicles are not stored for long periods of time. But there is no time requirement mentioned in the definition.

The applicant feels that the intended activities would more appropriately be classified as sales and service of new and used motor vehicles including tires, batteries and accessories, which is a principally permitted use in the C-3 District. It is obvious that a company that mainly stores and sells wrecked motor vehicles is more fairly classified as a junkyard rather than a new and used car sales operation.

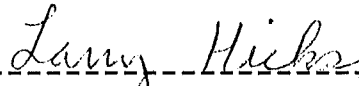
Also on page three of the Staff Report, Mr. Breidenstein quotes from the 1986 Boone County Comprehensive Plan. The Plan states that "Kentucky 18 will become a corridor with a planned mixture of all types of development." The Plan obviously did not intend that a junkyard be part of that mixture. It would certainly present a poor image of the County if the main thoroughfare to the County seat afforded motorists a view of a

wrecked car lot. On the last page of the Report, Mr. Breidenstein lists three items of concern with the project. His concerns are well presented and will not be repeated in this letter, but I would ask that you consider the soundness of his logic in the concerns as he has expressed them.

On behalf of Mr. & Mrs. Genever our office strongly supports the Staff Report and respectfully request the Commission to deny the zoning change on the basis of that Report. Thank you for your consideration.



-----  
Marcus S. Carey



-----  
Larry Hicks

EXHIBIT "A"

Property Transfer Tax Paid \$

99.00

Harry W. Rouse, Clerk



DC

**Know All Men By These Presents:**CLERK'S OFFICE  
LONG  FORM  
DEED

That Elizabeth Dawn, an unmarried widow,

for and in consideration of \$99,000.00 to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey an undivided one-half ( $\frac{1}{2}$ ) interest to Richard L. Ammon and Shirley L. Ammon, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-half ( $\frac{1}{2}$ ) interest to Robert G. Maddox and Bonita B. Maddox, his wife, or the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of \_\_\_\_\_;

Boone  
County of ~~Boone~~ and Commonwealth of Kentucky, to-wit:Group No. 2025Present Street Address ~~Florence Pike, Burlington, Kentucky~~ Plat No. \_\_\_\_\_Mailing Address ~~9567 MAZE RD Florence, Ky 40442~~

Lying and being in the State of Kentucky and County of Boone located on the north side of old Ky. Hwy 18 approximately 0.3 mile northwest of Ky. Hwy 237 and is described thus; BEGINNING at a p.k. nail in the center of old Ky. 18 the south west corner of the 53.29 acre tract; thence with the center of old Ky. 18 for three calls S 74-10-49 E 72.42 feet to a p.k. nail; thence S 64-05-48 E 269.93 feet to a p.k. nail; thence S 66-29-19 E 209.00 feet to a p.k. nail; thence with lines partitioning the 53.29 acre tract for two calls N 2-02-42 E 1040.89 feet to a stake; thence N 87-57-18 W 511.70 feet to a stake in the original tract line; thence with said line S 2-02-42 W 837.93 feet to the beginning and containing 11.00 acres subject to legal right of way of old Ky. 18.

Being part of the same property conveyed to Roy Dawn and Elizabeth Dawn, his wife, with right of survivorship by Harry J. May and Kathryn S. May by deed dated the 24th day of March, 1943, and recorded in Deed Book 80, page 287, of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Roy Dawn is now deceased and by virtue of the survivorship clause in their deed the fee simple title is now vested in Elizabeth Dawn, the grantor herein.

N O T I C E  
P U B L I C     H E A R I N G

The Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by John Cummins (dba Insurance Distribution Center) for certain real estate owned by Richard and Shirley Ammon and Robert and Bonita Maddox. The map amendment request is for a change from the present zoning district of Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles . The Public Hearing is to be held Wednesday, February 24, 1988, at 7:00 p.m., in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is located at 1840 Florence Pike (west of Flick's IGA), Boone County. The legal description for this property is represented as a part of or the complete track as recorded in DEED BOOK 255 PAGE 3 of the Boone County Clerk's office, as supplied by the applicant for this application. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the map amendment, if approved, would be consistent with the Comprehensive Plan. If such a map amendment would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the requested map amendment, if approved, will be reviewed.

All interested persons are encouraged to attend and be heard.

(For publication in the Boone County Recorder, 2-11-88 .)

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5  
February 24, 1988

Page 1

Chairman Viox opened the Public Hearing for the fifth item on the agenda:

5. Applicant: John Cummins (dba Insurance Distribution Center) for Richard Ammon and Robert Maddox (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on a request of John Cummins (dba Insurance Distribution Center) for Richard Ammon and Robert Maddox (owners) for a Zoning Map Amendment for a 7-acre (approx.) parcel located at 1840 Florence Pike, Boone County, Kentucky. The request is to rezone the property from Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles.

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments.

Mr. John Cummins stated that Mr. Breidenstein had given an accurate representation of the site and added that it would be used for an insurance and automobile salvage lot. He indicated the proposed buffer zone on the Site Plan and stated that the automobiles are stored in an organized manner.

Chairman Viox asked if there was anyone else present in behalf of the request. There being no one, he asked if there was anyone present in opposition to the request or if there were any questions.

Mr. Paul Genover, an adjacent property owner, stated that there is a water problem in the area which was created by the regrading of this property. He stated that he had had to repair his basement walls due to the drainage. Mr. Genover stated that he wants the property cleaned up and does not want a junkyard on the site. He stated that he would not agree to the proposed change and would not cooperate as prior agreements had not been followed.

Mr. Breidenstein indicated the location of Mr. Genover's property which is a welding shop.

Mr. Bob Flick asked what could be done if the landscaping is not adequate or satisfactory.

Mr. Breidenstein stated that the Conditional Use permit for the site had been granted subject to the condition that the applicant come back for Site Plan Review in a reasonable time. He added that the applicant was unable to provide a Site Plan after a year and that this request is by a new applicant.

Chairman Viox asked if the owners of the property were part of the request referred to by Mr. Breidenstein.

Mr. Breidenstein stated that the owners did not act as the applicant. However, Mr. Ammon was present at the meeting and gave his assurance that the property would be bermed, landscaped, and screened properly, which was not done.

Mr. Flick stated that he was concerned about the visibility of the site. He asked that the property be adequately screened in consideration of the grading.

Mr. Breidenstein advised that the applicant intends to have a 100-foot strip which will be zoned C-2 and will have a landscape buffer behind it. The office will be on this C-2 strip.

Mr. Maddox stated that there will be white pines planted on the 5' berm which will be 5' on center, except on the west side where they will be 4' on center. There will be supplemental white pines in the wooded area.

Mr. Breidenstein stated that a 75' front yard setback would be required for the office in the C-2 Zone. Mr. Cummins stated that the setback indicated for the office building is 60'. Mr. Breidenstein advised him that a Variance would be needed.

Mr. Flick raised questions regarding the intersections on KY 18 and the number of accidents. He asked where he could obtain additional information. Chairman Viox suggested that he contact the Fiscal Court and the Road Department.

Chairman Viox asked if anyone else wished to speak or if there were any comments or questions from the Commission.

Mr. Larry Burcham, auctioneer for Mr. Cummins, asked Mr. Cummins if he wanted to move the office building.

Mr. Cummins stated that they do not have walk in trade and do not sell to the general public. They sell only to licensed people. The biggest truck that comes to their facility is a 30 series wrecker chassis, which he stated is not a heavy truck. He added that their business is a service to the insurance industry and the public. It is a brokerage operation between the buyer and the seller. He indicated that the office building could be moved to another corner of the site.

Mr. Genover again stated his concerns regarding the water problems. He noted that the property is used for dumping and the grass is not mowed.

Mr. Neltner asked if the office should be located in the C-2 zone since the sale of the automobiles takes place in the office.

Mr. Burcham stated that the sale of the automobiles takes place on the lot which is in the C-3 Zone.

Counselor Wilson stated that if the sales take place on the lot in the C-3 Zone and the building is used as an office, then it would be proper in the C-2 Zone.

Mr. Breidenstein stated that the office structure is an administrative type building. He added that on the site in Lockland the sales occurred on the lot and, therefore, he had reviewed this case in that manner.

Mr. Neltner commented that if contracts or agreements are signed in the office then the sale occurs in the office.

Counselor Wilson agreed and stated that the activities that take place in the office must be reviewed.

Mr. Cummins stated that the vehicles are sold on an auction ticket on the lot. There are cashiers in the office to take care of the money. He added that since they will have to move the office building due to the setbacks, the office will be in the C-3 Zone.

Mr. Rush questioned the fencing requirements for the site.

Mr. Cummins stated that the lot has to be screened if it is within 1,000 feet of the highway. He added that there will be fencing around the site inside the berm. The fence will be 6' high with two strands of barbed wire on top of it. He added that the fence should not be visible from the highway due to the elevation.

In response to questions from Mr. Sharp, Mr. Cummins stated that cars are not stripped on the premises and are not burned. He added that each car is inventoried and even the owner cannot remove anything without permission from the insurance company. He stated that he has sold in excess of 85,000 cars since he started this business. He added that their business is based on volume.

Mr. McMillian questioned what type of security would be provided for the site.

Mr. Cummins stated that they have four lights on the corners and trained dogs. They may also have a security person on the premises at night. There will be fencing completely around the lot. He stated that the lights are not bright and provide only for a silhouette. He added that their business hours are 9 a.m. to 5 p.m. and they are in on Saturday during the winter.

There being no further comments or questions, Chairman Viox stated that this request will be on the agenda for the Business Meeting on March 2, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

March 2, 1988

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Barnett moved that the Minutes of the Business Meeting of February 17, 1988 and the Public Hearings of February 24, 1988 be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the finding of fact, but subject to one condition (see Committee Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Ray Erpenbeck stated that they are in agreement with the condition.

Chairman Viox asked if there was anyone present who wished to speak in regard to this request.

There being no response, Mr. Collins moved by resolution to the Fiscal Court that the request be approved as recommended by the Committee Report, based on the finding of fact, and subject to the condition. Mr. Burch seconded the motion and it carried unanimously.

### 3. Revision of a Concept Development Plan

A request of Corporex Parks of Kentucky, Inc. (owner) for a Revision of a previously approved Concept Development Plan on a 4.3-acre site located at Lot 1, Circleport I, off Mineola Pike, Boone County, Kentucky. The current zoning of the site is Industrial One (I-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Tom Banta stated that they are in agreement with the conditions.

Chairman Viox asked if there was anyone else present who wished to speak.

There being no response, Mr. Burch moved by resolution to the Fiscal Court that the request be approved as recommended by the Committee Report, based on the findings of fact and subject to the conditions. Mr. DeLong seconded the motion and it carried unanimously.

### 4. Zoning Map Amendment

A request of John Cummins (dba Insurance Distribution Center) for Richard Ammon and Robert Maddox (owners) for a Zoning Map Amendment for a 7-acre (approx.) parcel located at 1840 Florence Pike, Boone County, Kentucky. The request is to rezone the property from Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles.

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Chairman Viox asked the applicant if he wished to speak.

Mr. John Cummins stated that the decision regarding this request was up to the Commission's discretion and the Commission knows how it wants the land used.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request.

Mr. Larry Hicks, representing the adjoining property owners, Mr. and Mrs. Paul Genover, stated that he had submitted a letter to the Commission regarding their position.

There being no further discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be denied based on the Committee Report. Mrs. Smith seconded the motion.

Chairman Viox asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, Mrs. Smith and Chairman Viox in favor. Mr. Collins and Mr. DeLong were opposed. The motion carried.

5. Zoning Map Amendment

A request of Waco Oil Company, Inc. for a Zoning Map Amendment from Urban Residential Two (UR-2) to Commercial Services (C-3) to construct a Jiffy Lube Service Center. The .69-acre site is located at the old Sunrise Federal site on U.S. 42, Florence, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request, based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Joe Baker, representing the applicant, stated that they are in agreement with the Committee Report, except for the condition that all exit movements from the site be right hand turn only. He stated that this sentence creates a problem with the proposed tenant. Mr. Baker asked that the Commission adopt the Committee's recommendation without this restriction. He noted that this is not a new curb cut and they have agreed to move the driveway further to the west on U.S. 42. He stated that the traffic in the area is heavy and at times it may only be possible to make a right hand turn, but the traffic can determine that. He added that this use will not create a large number of cars exiting at the same time and congestion will not be created.

Mr. McMillian, Chairman of the Committee, stated that he did not attend the Committee meeting but believed it would be fair to erase the sentence regarding the right hand turn only referred to by Mr. Baker.

EXHIBIT "C"

4

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman


DATE: March 2, 1988

RE: Request of John Cummins (dba Insurance Distribution Center) for Richard Ammon and Robert Maddox (owners) for a Zoning Map Amendment for a +7.0 acre parcel located at 1840 Florence Pike, Boone County, Kentucky. The request is to rezone the property from Commercial Two (C-2) to Commercial Services (C-3) to allow the sale of pre-owned automobiles.

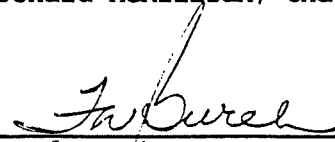
REMARKS:

We, the Committee, recommend denial of the requested Zoning Map Amendment based on the following findings of fact:


1. The proposed map amendment is not in agreement with the 1986 Boone County Comprehensive Plan, which states "the land between KY 237 and Limaburg Road should be developed by utilizing the existing frontage road to serve local commercial needs." (pl-14) The proposed use, as stated by the Applicant, or the sale of preowned and demolished automobiles, attracts buyers and sellers from a multi-state region.
2. The existing zoning classification of Commercial Two (C-2) is appropriate to "serve local commercial needs" and the proposed zoning classification of Commercial Services (C-3) would be inappropriate. The current zoning of the site is more compatible with the adjoining land uses and zoning. It provides a natural transition from the existing Recreation (R) and Urban Residential/One (UR-1) zones.
3. The Applicant has not sufficiently shown the land use reasons or facts necessary to grant a Zoning Map Amendment as stated in Article 3 of the Boone County Zoning Regulations.

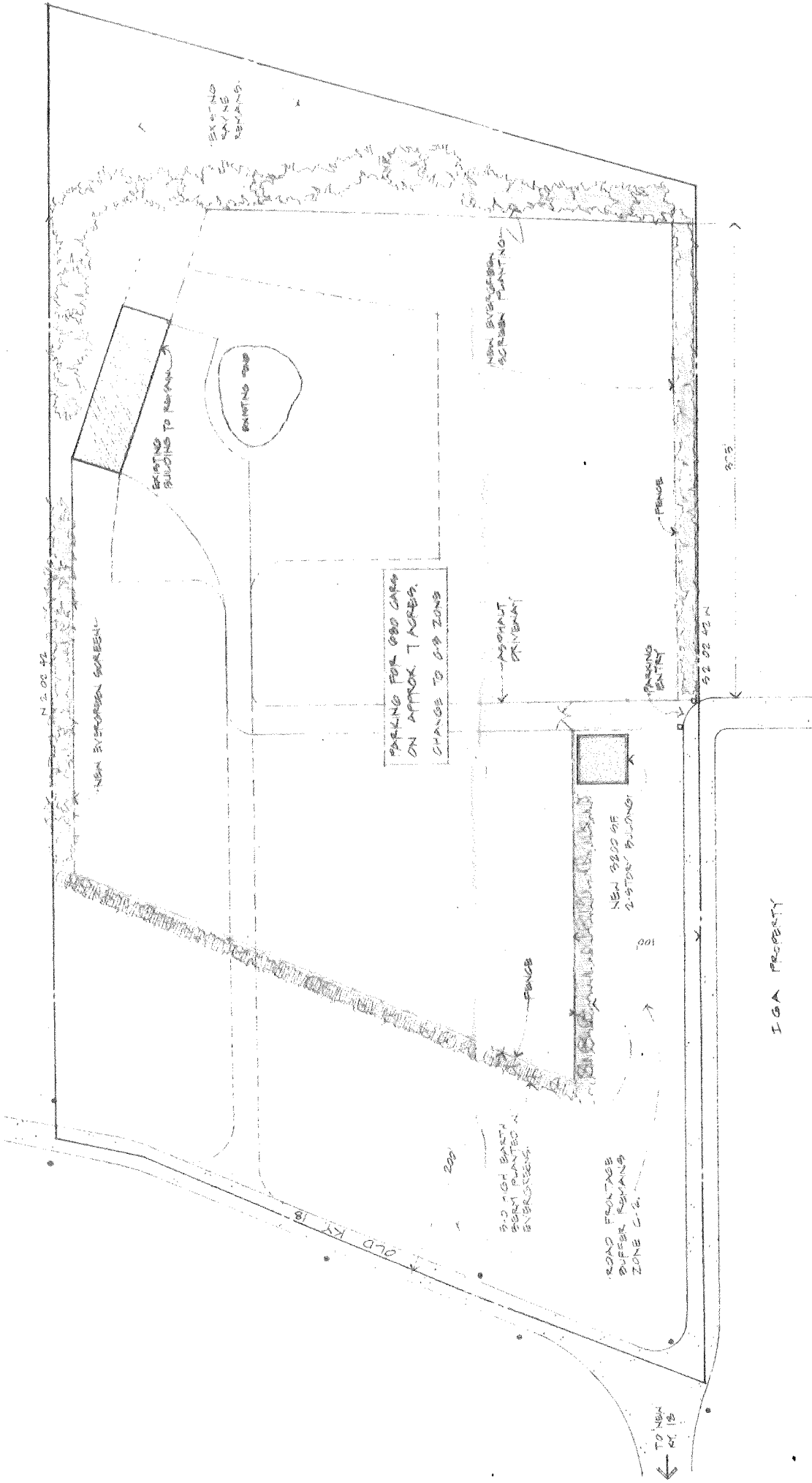
  
\_\_\_\_\_  
Donald McMillian, Chairman

  
\_\_\_\_\_  
Carol Smith

  
\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Rector Jones

  
\_\_\_\_\_  
Larry Barnett



**HUMPERT DESIGN**  
 ARCHITECTURE • INTERIORS • PLANNING  
 7410 US 42, FLORENCE, KY 41042 (606)283-2211

PROPOSED SITE DEVELOPMENT  
INSURANCE DISTRIBUTION CENTER  
 SCALE: 1" = 50'

*Denial*  
*4/5/88*

RESOLUTION 04-88-01

A RESOLUTION REQUESTING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3) FOR A 7.0 ACRE SITE LOCATED AT 1840 FLORENCE PIKE, BOONE COUNTY, KENTUCKY, BEING REQUESTED BY JOHN CUMMINS (DBA INSURANCE DISTRIBUTION CENTER) FOR RICHARD AMMON AND ROBERT MADDOX (OWNERS). THE BOONE COUNTY PLANNING & ZONING COMMISSION IS RECOMMENDING DENIAL VIA PLANNING & ZONING RESOLUTION R-15-88.

WHEREAS, the Boone County Planning Commission received a request for denial for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Commercial Two (C-2) to Commercial Services (C-3) for a 7.0 acre site located at 1840 Florence Pike, 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 denial for the zoning map amendment.


NOW, THEREFORE, BE IT RESOLVE BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

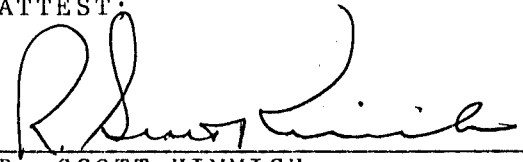
That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for denial, this Zoning Map Amendment being a zone change from Commercial Two (C-2) to Commercial Services (C-3) for a 7.0 acre site located at 1840 Florence Pike, Boone County, Kentucky. The real estate which is the subject of this zoning amp amendment recommendation for denial is more particularly described in attached "Exhibit A".

That as a basis for the recommendation of denial for the zoning map amendment request is 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 Resolution and marked as "Exhibit B and Exhibit C".

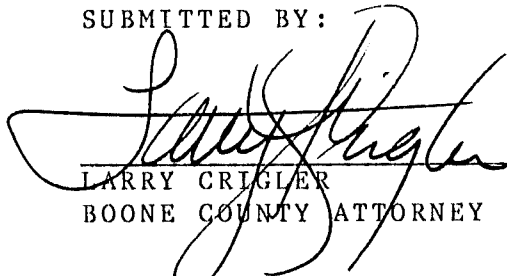
Introduced, seconded and given First Reading on the 5<sup>th</sup> day of April, 1988, and on the same occasion denied in open session by the Boone County Fiscal Court.

  
\_\_\_\_\_  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY