

APPLICATION FOR ZONING ACTION

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

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

Applicant: Michael T. McKinney  Owner  Agent  
Address: 546 Florence Pike, P. O. Box 588  
Burlington, Kentucky 41005 Telephone: 606-586-9955

Location: Intersection of Williams Road, Graves Road and KY 20 in Hebron, Kentucky  
Name of Owner: Edna Miller

Address of Owner: 22 Mary's Court  
Zone: RS Area in Acres: .992 Acres

Description of Request: Zone change from SRI to C1

Owner's Signature: *Edna Miller*

Applicant's Signature: *Michael T. McKinney*

FOR PLANNING COMMISSION USE:

Date application and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_

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

Location: \_\_\_\_\_ Date: \_\_\_\_\_

*(A) Mr. McKinney  
of new P.H. date  
9/15/82 SMZ.*

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- City of Florence Board of Adjustment  City of Walton Board of Adjust
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FOR PLANNING COMMISSION USE:

Date application and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_

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

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

## RESOLUTION

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT DENYING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT REQUEST BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) ZONE TO A COMMERCIAL ONE (C-1) ZONE FOR A .992 ACRE SITE OF PROPERTY AT THE INTERSECTION OF WILLIAMS ROAD, GRAVES ROAD AND KENTUCKY (20).

WHEREAS, the Boone County Planning Commission received a request for a Map Amendment for a zone change from Rural Suburban (RS) to Commercial One (C-1) zone for certain real estate which is more particularly described below, and

WHEREAS, the Boone County Planning Commission recommended that the Boone County Fiscal Court deny the said zone change based upon the following findings of fact:

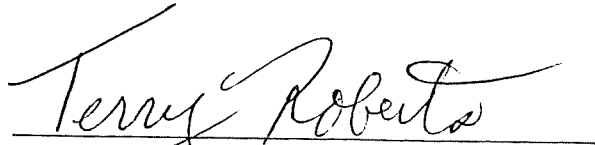
1. The requested zone change is not in agreement with the Comprehensive Plan. While commercial development is indicated on the Land Use Plan Map, the Comprehensive Plan text states that such Commercial use should be an extension of the Hebron Urban Center is not yet developed.
2. The Comprehensive Plan provides that neighborhood commercial convenience facilities should be developed in a manner to avoid strip commercial development. Use of the existing structure in its present locations for the use of automotive repair would encourage strip type development.
3. Use of the existing structure in its present location as shown on applicant's Concept Development Plan would result in the commercial use activity being within five (5) feet of Williams Road, in the immediate vicinity of its intersection with Graves Road and Ky. (20). Cars being repaired at the structure's present location would require maneuvering of cars through constant use of Williams Road as a turn around location or an integral part of the business as part of its parking lot.
4. Existing adjacent uses in the immediate area of this request are predominately residential.
5. The intersection of Ky. Route (20), Williams Road and Graves Road is a "Y" type intersection with the subject property lying between Graves Road and Williams Road. There are blind spots at this intersection for cars using Graves and Williams Roads.
6. Urban Development in Hebron and Bullittsville has not yet occurred to make the requested commercial zone change in agreement with the Comprehensive Plan.
7. Based on the foregoing, the requested zone change is not compatible with existing uses in the immediate vicinity as it has been presented in its Concept Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT, Commonwealth of Kentucky, that the zone change for real estate which is more particularly described in Attachment "A" and is incorporated by reference as if fully set-out herein, shall be and is hereby denied, this Map Amendment being a zone change from Rural Suburban (RS) to Commercial One (C-1) as requested for a .992 acre site of property at the intersection of Williams Road, Graves Road and Kentucky (20).

That as a basis for the denial the Boone County Fiscal Court incorporates the findings of fact of the Boone County Planning Commission in denying the zone change request.

Approved by the Fiscal Court of Boone County on the 2nd day of November, 1982, and on the same occasion signed by the County Judge/Executive as evidence of approval and attested under seal by the Clerk of Boone County.

This Resolution shall be in effect on the 2nd day of November, 1982.



Terry Roberts  
BOONE COUNTY JUDGE/EXECUTIVE

ATTACHMENT: Exhibit A

ATTEST:

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Jerry W. Rouse  
BOONE COUNTY CLERK

rm

ATTACHMENT "A"

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for denial, this map amendment being a zone change from Rural Suburban (RS) zone to a Commercial One (C-1) zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

BEGINNING at the Northwest corner of a parcel of 2.93 acres conveyed to Anna Engle in Deed Book 86, Page 234, Boone County Clerk's records, in the East edge of the surface as existing in 1946 on Williams Road (Bullittsville-North Bend Road); thence N 71-10 E 150 feet to a point and corner in the west line of the Clifton Miller lot; thence therewith S 24-45 E 132 feet to the center of Graves Road; Thence therewith N 43-15 E 78 feet; thence S 51-30 E 6 feet; thence with South line of said 2.93 acre tract, S 38-30 W 285 feet to a point South of said road; thence crossing Graves Road and running along the edge of Williams Road and with the west line of said 2.93 acres tract, N 17-45 W 254.2 feet to the place of beginning, containing 0.756 acre and subject to legal highways

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

SEPTEMBER 29, 1982 8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Vice Chairman Shafer called the Public Hearing to order at 8:01 P.M. Nine members were present: Messrs. Collins Greene, Ingram, Jones and Kroger were absent. Staff members present were Mr. Block, Ms. Sullivan and Mr. Wilson.

Vice Chairman Shafer noted that six (6) items originally appeared on the agenda for the Public Hearing. One (1) item, however, had been withdrawn: i.e., the request of Mr. Larry Burcham, agent for Lillie Rose Fletcher Rarden, Executrix, for a Zoning Map Amendment from Airport Zone to Rural Suburban (RS), lying on the east side of KY. 237 (Limaburg Road) approximately 2/10 of a mile north of KY. 1334 (Old Youell Road), on a 5.513 acre site, zoned Airport (A). Mr. Shafer then proceeded with the evening's agenda.

PUBLIC HEARING #1

ZONING MAP AMENDMENT, requested by James Huff, to change from Commercial Three, C-3, to Commercial Two, C-2, for an 8,927 square foot site located on the corner of Hollywood Drive and U.S. 42, Florence, Boone County, Kentucky, for the purpose of operating a barber shop. Mr. Block presented the Enforcement Officer's Report.

Vice Chairman Shafer asked if there was anyone present that would like to say anything for the proposed zone change.

Mr. Jim Huff addressed the Commission members and said that when he had purchased the property about four (4) years ago there had been a real estate office in the building. He stated he might move his office to the location at some time in the future. He stated that the size of the property makes it suitable for C-2 zoning, which accommodates small businesses such as real estate offices.

Vice Chairman Shafer asked if there was anyone in the audience opposed to this zone change. No one spoke. He asked if any of the Board members had any comments or remarks. There were none. He declared the public hearing closed.

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PUBLIC HEARING #2

ZONING MAP AMENDMENT, requested by Fred W. Fehr, Jr., President of Richter & Phillips, agent for Robert L. Bakst, owner for a change from Commercial Two, C-2, to Commercial Three, C-3, in order to permit additional uses. This property is located at 7851 Tanners Lane, on a 3 acre site. Mr. Block read the Enforcement Officer's report.

Vice Chairman Shafer asked if the owner or the agent for this request was present.

Mr. Fred W. Fehr, Jr., President of the Richter & Phillips stepped forward. He noted that there are two Richter & Phillips Corporations, the one which went out of business, and his company, which is still operating. Mr. Fehr stated that if the zone change is granted he would be able to rent the property in the near future. He pointed out that across the street from this property the zoning is C-3. Vice Chairman Shafer asked if anyone was present in opposition. No one spoke. He asked if the Board members had any questions. There were none. He declared the public hearing closed.

Vice Chairman Shafer informed both Mr. Huff and Mr. Fehr, that these requests would come before the Commission meeting on Wednesday, October 6, 1982 at 8:00 P.M.

PUBLIC HEARING #3

ZONING MAP AMENDMENT, request of David Parker for a Zone change from Suburban Residential One, SR-1, to Urban Residential One/Planned Development, UR-1/PD, Overlay on a 16.24 acre site located on the easterly side of Hopeful Road, approximately one (1) mile south of KY. 18, Boone County, Kentucky, for the purpose of constructing a retirement village. Mr. Block read the Enforcement Officer's report.

Vice-Chairman Shafer asked if anyone was present to represent the applicant for the request.

Mr. Andy Busald stepped forward, and stated that he represented the owner and the developer. He distributed literature on the Richmond Retirement Center, to the members and described the project, which is a new concept in retirement living. The individuals present involved in developing the center were introduced as Mr. E.W. Richmond, developer; Mr. David Parker, Mr. Roger Meece, President of National Health and Retirement Corporation; Mr. Earl Hayes, Architect; and Phil Roberts, Director of Marketing & Management for Mr. Richmond.

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Mr. Hayes and Mr. Roberts presented a Concept Development Plan.

Mr. Busald noted that Mr. Richmond is constructing a similar project in the Lexington area and that a 19 million dollar bond had been approved by the City of Lexington. Mr. Busald informed the Commission members that the City Council of Florence has passed an inducement resolution for a 16 million dollar bond in the event the zone change is granted.

Mr. Hayes described the individual apartments; as well as offices and shops and a health facility planned for the project. Parking will be provided for all apartments. There will be storage areas, laundry facilities, and garden plots provided.

Mr. Hayes pointed out that this is not an institution: The people living at the project will be in good health and able to care for themselves.

At this point Mr. Busald introduced Mr. Phil Roberts. Mr. Roberts said that this is the twenty sixth (26) retirement village he has been associated with. It is unique in the project entrance fee is refundable in full, to residents. Accomodations are provided for life, with health care and other services available for additional fees. He stated that the Richmond would eventually employ approximately sixty people, and would generate more than 2million dollars into the local economy annually. Mr. Roberts stated that Mr. Richmond had developed retirement homes in Kentucky, Indiana, and in West Virginia.

At this point, Mr. Richmond was introduced. He said that he enjoys working with this type of project, and that he thought that the City of Florence would benefit from the Center.

Vice Charman Shafer asked if any one in the audience or on the Commission had any questions.

Mrs. Robert Miller asked why Florence had been selected. Mr. Richmond responded that Florence had the population density necessary to support the project.

Hearing no further comments, Vice Chairman Shafer declared the Public Hearing closed.

PUBLIC HEARING #4

ZONING MAP AMENDMENT requested by Michael T. McKinney, agent for Edna Miller, for a change from Rural Suburban (RS) to Commercial One (C-1), for a .992 acre site zoned Rural Sub-

rban, located the intersection of Williams Road, Graves Road and Ky. 20 in Hebron, Kentucky, Boone County. Mr. Block read the Enforcement Officer's report.

Vice Chairman Shafer asked if anyone was present to represent the owner in the request.

Mr. Michael McKinney, attorney, stated that he would speak for the owner, who was present, Mrs. Edna Miller. Mr. McKinney stated that the building on the property is more than thirty years old, and has been used as a gas station and a store. He stated that the proposed tenant intended to use the building for light automotive repair. He noted that Mr. Block's report mentioned that the future use of the property was designated as commercial. Mr. McKinney stated that a number of persons supported the project, and he presented the Commission with a petition signed in support of the request.

Vice Chairman Shafer asked if there was anyone in the audience in opposition to the request.

At this point, Mr. Wilson clarified that the current zoning of the property is Rural Suburban (RS).

Mr. Ray Mattox from the Bullittsville area next was recognized, and stated that he was appearing as a spokesman for those in opposition to the request. He presented a petition in opposition displaying 95 names. He stated that he had attended a meeting of the Fiscal Court, and had presented a petition at that time in opposition, since he considers the project to be a potential safety hazard. He then read one of two letters presented to the Commission in opposition to the request.

Vice Chairman Shafer asked if anyone else wished to voice an opinion.

Mr. Robert Miller stepped forward, and noted that his name appeared on the petition in opposition. He recalled use of the building in question as a pool hall; he stated that he thought that the County should purchase the building to improve the safety of the intersection.

Mr. Charles Compton, 705 Petersburg Road, stepped forward and asked that the list of uses permitted in the Commercial One(C-1) zone be read; Mr. Block enumerated the uses. Mr. Compton noted that he would oppose use of the property as a liquor store, one of the permitted uses. Mr. Compton stated that his interest is in keeping the neighborhood residential. He stated that visibility at the intersection is poor, and that he thought that property values would decrease if certain types of commercial uses were permitted. He said that he opposed the change.

Mrs. Wanda Smith, Williams Road, Bullittsville, was recognized and said that she and her family now enjoy peace and quiet in the area. She said that a vehicle parked by the building would block view of the intersection.

Mrs. Edna Masters, Williams Road, was recognized and inquired about the set back requirements in a C-1 zone. Mr. Block responded that for a new structure, the frontage would have to be 30 feet.

Vice Chairman Shafer then recognized Mr. Dennis Miller, son of the applicant, who stated that the property has never been used as a liquor store since his family owned the property. He said that he felt Mr. Mattox was holding a grudge against the previous owner for damage which had been done to the Mattox property.

Mr. Jim Smith, a resident of the area for ten years, said that the building is not suitable for a business of any sort. He also noted that the intersection was dangerous.

Mrs. Litrell stepped forward and, noting that she had lived in the area for four years, complained about the outhouse on the property.

Mr. Marion Willoughby said that as a thirty year resident, he knew that the intersection was dangerous since the road dips, and fog often accumulates. Adding people and traffic, he said, would increase the safety hazard.

In rebuttal, Mr. McKinney reiterated that the intended use is for a light automotive business with daytime hours. With respect to the outhouse, and other improvements, McKinney stated that the zone change would have to be approved before any improvements would be economically justified.

Mrs. Carol Smith, Commission member, asked if the present building would remain, or whether a new one was planned.

Mr. McKinney repeated that any changes to the existing site would depend upon the decision of the Commission.

Commissioner R. L. Buse asked Mr. Block to clarify use of a service station with respect to automotive repairs. Mr. Block said that if a zone change were to be approved, the applicant would then have to apply for a Conditional Use Permit from the Boone County Board of Adjustments, in order to use the facility as an automotive repair shop.

In response to further inquiry from Mr. Buse, Mr. Block stated that a Mrs. Smith had logged a complaint about a similar operation earlier in the year; a notice to vacate was issued, resulting in compliance. Mr. Block further stated that if a new building were placed on the property, the 30 foot setback requirement would have to be observed. Mr. Wilson interjected that such use of the existing building would constitute a pre-existing non-conforming use.

After further discussion, Vice Chairman Shafer, hearing no further comments, declared the Public Hearing closed, noting that the Commission could take action on the request at the next regular meeting, October 6, 1982.

PUBLIC HEARING # 5

ZONING MAP AMENDMENT, requested by Mr. Paul Nagy, owner for a change from Urban Residential Two (UR-2) to Commercial Three (C-3), for a 13.4549 acre site located at Turfway Road and Kentucky 18 (Price Pike), presently zoned Urban Residential Two. Mr. Blcok read the Enforcement Officer's report.

Vice Chairman Shafer asked if anyone was present to speak on behalf of the application.

Mr. Lawson Walker, attorney, stepped forward and presented an architectural rendering of the motel project. He said that the interchange at I-75 and Turfway Road is to be constructed in the near future. He presented a letter from the Kentucky Department of Highways confirming construction of the interchange. At present the land is vacant. He stated that if the request is granted, the project would improve the area, create jobs, generate tax revenues, and be an asset to the community.

Vice Chairman Shafer asked if anyone wished to speak in favor of the proposed zone change. No one responded. Nor was there response to his query for spokespersons in opposition.

Mr. R L. Buse, noting that Mr. Nagy was an option holder, asked if the owner of the property was aware and in favor of the request. Mr. Walker said that owners Imfeld and Gemmer had stated their support of the project in writing to the Commission.

Mr. Paul Nagy was recognized and stated that the project would be an asset to the community; he would not want to be associated with a project that would be a detriment to the community.

In response to a question from Mr. Godsey, Mr. Nagy stated that there would be considerable distance between the project's parking area and the nearby apartments.

Mr. Jacobs, owner of the apartments, stated that he had no objection to the project; he was present just to obtain more information about the proposed motel.

Vice Chairman Shafer asked if anyone else wished to speak in favor or in opposition to the request; he received no response. He declared the Public Hearing closed at 9:52 P.M.

APPROVED: 10/26/82

Paul D. Nagay

Chairman

Respectfully submitted:

Leatrice Monk

Clerk

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

OCTOBER 6, 1982

8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Chairman Kroger called the business meeting to order at 8:02 P.M. Ten members were present: Messrs. Conkle, Greene, Ingram and Jones were absent. Staff members present were Mr. Block, Ms. Sullivan and Mr. Wilson. Mr. Jenkins was absent.

Minutes from meetings of September 13, 1982 and September 15, 1982, were approved by motion of Mr. Barnett, seconded by Mrs. Smith, the vote carried unanimously.

Since minutes from the Public Hearing of September 29, 1982, were not available Mr. Kroger indicated that they would be approved at the next regular meeting.

COMMUNICATIONS AND BILLS:

There were two communications: Fiscal Court and Larry Burcham.

Ms. Sullivan noted that a communication had been received from Mr. Larry Burcham requesting that his previously submitted application for a zone change of property located on Limaburg Road be withdrawn. At Mr. Burcham's request, the Public Hearing on the matter had been cancelled. Mr. Kroger asked if anyone was present regarding the matter. No one responded.

The following bills were presented: Boone County Finance Department, \$58.28 for photocopies for August; Boone County Finance Department, \$68.68 for photocopies for September; Jerry Rouse, Recording, \$7.50 for Conditional Use Permit for King Kwik; Boone County Recorder, \$419.27 for Public Notices; John R. Green Company, \$42.50 for office supplies; Madison Office Products, Inc, \$88.60 for office supplies; Rev. Thomas Middendorf, \$50.00 for re-imburement; Staff Salaries, \$2,731.45; Catherine Monk, Clerk, \$57.20 petty cash; A.H. Block, Z.E.O., \$79.56 mileage. Mr. Godsey moved that the bills be paid, Mr. Shafer seconded; the vote carried unanimously.

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REPORTS:

Mr. Godsey presented the Treasurer's Report: balance on hand September 1, 1982, \$29,753.40 in the checking account; \$512.63 in savings.

City of Florence, Building Inspector issued permits 3507 thru 3531 during August for a total of \$872,452. estimated construction costs. Boone County Building Inspector issued 23 permits for a total construction costs of \$1,208,279.00.

Mr. Block presented the Enforcement Officer's Report.

UNFINISHED BUSINESS:

The first item on the agenda was a request of David Parker for a Zoning Map Amendment from Suburban Residential One, SR-1, to Urban Residential One/Planned Development, UR-1/PD Overlay on a 16.24 acre site located on the easterly side of Hopeful Road, approximately one (1) mile south of KY 18, Florence, Boone County, Kentucky, for the purpose of constructing a retirement village.

Mr. Kroger asked if a representative was present to synopsise the request.

Mr. Busald stepped forward to introduce representatives involved in the Richmond Project. He described briefly the financial concept behind the retirement village, and the facilities which would be available to residents. He stated that although the concept was unique to this area, similar projects have been developed in Lexington, Kentucky, and in Dayton, Ohio. He stated that a tour would be provided to the Dayton facility. He noted that Florence had made a 16 million dollar bond issuance to support the project.

Mr. Kroger asked if there was anyone present in opposition. No one responded. He asked if there was anyone in favor of the request. No one responded. He then asked if anyone on the Commission had any comments or questions. Mr. Block identified the project location. Mr. Wilson noted that his firm represented the City of Florence and would thus be involved in the issuance of bonds. The Committee report was read by Mr. Larry Barnett, which recommended approval.

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Hearing no further comments from the audience or from the Commission, Mr. Kroger called for a motion. Based upon the staff report, the Committee report, and the information presented by the agent of the applicant, and the comments made at the Public Hearing, Mr. Viox moved by Resolution, R-15-82, that the request be approved, and that a letter indicating the Commission's approval be sent to the City of Florence. Mr. Godsey seconded the motion. There was no discussion. Mr. Kroger called for the vote. The motion to approve the request passed unanimously.

Mr. Shafer moved by Resolution, R-16-82, to change the Comprehensive Plan map and tables as necessary to reflect the request should it be approved by the Florence City Council. Mr. Viox seconded the motion. Calling for discussion and then a vote. The Chairman noted that the vote on the motion was unanimous.

The next item on the agenda was the request of Michael T. McKinney, agent for Edna Miller, for a Zoning Map Amendment, to change Rural Suburban, RS, to Commercial One, C-1, for property at the intersection of Williams Road, Graves Road and KY 20, in Hebron, Boone County, Kentucky, zoned RS, on a .992 acre site.

Mr. McKinney was recognized. He noted that at the Public Hearing the past use of the property in question had been identified as commercial, and that the intended use was commercial, that is, light automotive, and that Mr. Block's report had indicated that the Comprehensive Plan provided for commercial use of the property. He asked the Commission to weigh only pertinent facts in their decision, and not be influenced by emotional factors, which came out at the Public Hearing. He stated the project would add to the cohesiveness of the Bullittsville area.

Mr. Kroger recognized Mr. Raymond Mattox, spokesman for those in opposition, who had appeared at the Public Hearing. Mr. Mattox noted that the concern of persons signing a petition in opposition were safety and the direction of growth in the community. He stated that he trusted that the Commission members would base their decision on the merits of the request.

Mr. Block identified the project location. Mr. Kroger called for questions from the Commission. He asked if anyone in the audience wished to add to what had been said.

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Mr. Jim Smith, Bullittsville, noted that some names on a petition favoring the change did not live in the area; Mr. McKinney noted that the same was true for signers of the petition in opposition. Mr. Kroger, at Mr. Smith's request, asked for a show of hands from persons present in support and in opposition to the request.

Mr. Barnett then presented a Committee report, signed by R.L. Buse, Mr. Raymond Godsey and Mr. Barnett, which recommended that the project not be approved.

Mr. McMillian commented that the decision was on land use, not on a specific building. Mr. Wilson noted that the Concept Development Plan submitted in conjunction with the request indicated use of the existing structure. Mr. Viox moved to deny the request based upon the Committee report, as well as on the following facts:

- The requested zone change is not in agreement with the Comprehensive Plan. While commercial development is indicated on the Land Use Plan map, the Comprehensive Plan text states that such Commercial use should be on extension of the Hebron Urban Center, when developed. The Hebron Urban Center is not yet developed.
- The Comprehensive Plan provides that neighborhood commercial convenience facilities should be developed in a manner to avoid strip commercial development. Use of the existing structure in its present location for the use of automotive repair would encourage strip type development.
- Use of the existing structure in its present location as shown on applicant's Concept Development Plan would result in the commercial use activity being within five (5) feet of Williams Road, in the immediate vicinity of its intersection with Graves Road and KY 20. Cars being repaired at the structure's present location should require maneuvering of cars through constant use of Williams Road as a turn around location or an integral part of the business as part of its parking lot.

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- Existing adjacent uses in the immediate area of this request are predominately residential.
- The intersection of KY 20, Williams Road and Graves Road is a "Y" type intersection with the subject property lying between Graves Road and Williams Road. There are blind spots at this intersection for cars using Graves and Williams Roads.
- Urban development in Hebron and Bullittsville has not yet occurred to make the requested commercial zone change in agreement with the Comprehensive Plan.
- Based on the foregoing, the requested zone change is not compatible with existing uses in the immediate vicinity as it has been presented in its Concept Development Plan.

Mr. R.L. Buse seconded the motion to deny the request.

Mr. McMillian stated that the intersection was the problem of the state, not of the owners of the property. He noted that changes would have to be made to operate the business, which would serve the Community. He said that adequate parking was available at the site. Since there was no further discussion, the Chairman called for a roll call vote. There were nine yes votes and one no vote. The dissenting vote was that of Mr. McMillian. The motion to deny carried.

Mr. Wilson noted that the Commission's action was a recommendation to the Fiscal Court, which would take final action.

In response to a question from the audience, Mr. Kroger suggested that interested persons stop by the Commission office to inquire about the impact of the Comprehensive Plan on the area. Mr. Kroger noted that interested persons should be alert to the appearance of the matter on the agenda of the Fiscal Court.

The next item on the agenda was the request of Thomas Schreiber, owner, for a Site Plan Review to construct a metal building 70' X 100', located on Sussex Drive, Florence, Boone County, Kentucky, zoned Office Two ,O-2, on a 99.5' X 275' lot.

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Mr. Block read the staff report. Mrs. Monk read the Committee report approving the request. At Mr. Kroger's call, Mr. Hasselbring moved that the request be granted based on the information presented in the staff and committee reports. Mr. Godsey seconded the motion. The vote was unanimous to pass the motion approving the request.

The next item considered was the request of Wajih A. Safi, owner, for a Site Plan Review to construct a multi-tenant retail shopping center, located at 8410 U.S. 42, Florence, Boone County, Kentucky, zoned Commercial Two, C-2, on a 0.782 acre site.

The Chair noted that the location was in Florence, not in Union, as indicated on the agenda.

Mr. Block read the Enforcement Officers Report. The Committee report recommending approval was read. The Chairman called for a motion; Mr. Viox moved that based on the staff and committee reports that the request be granted, Mr. Godsey seconded. The vote to pass the motion was unanimous.

The next item considered was the request of the Salvation Army, William Booth Memorial Hospital, owner for a Site Plan Review to place a 55' X 64' modular structure on the hospital property to accommodate a School for Practical Nurse Education (48) students, located at 7380 Turfway Road, Florence, Boone County, Kentucky, zoned Public Facility, PF, on a .4 acre site.

The Enforcement Officer's report was read by Mr. Block; the Committee report recommending approval was read by Mrs. Monk. Mr. Shafer, at the Chairman's request for a motion, moved that the request be granted subject to the Staff and Committee reports. Mr. Godsay seconded. There was no discussion. The vote on the motion approving the request was unanimous.

Mr. Kroger then addressed the request of Mr. Paul Nagy for a Zoning Map Amendment from Urban Residential Two, UR-2, to Commercial Three, C-3, for the purpose of developing a Motel, Restaurant, and Commercial Uses, located at Turfway Road and KY 18 (Price Pike), presently zoned, UR-2, on a 13.4549 acre site. Mr. Block located the property on an area map. Mr. Nagy, at the Chairman's invitation, commented that the site in question is suitable for commercial development, and that the adjoining property owners had been contacted and were not in opposition to the project.

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He noted that the Comprehensive Plan had been adopted during a time of economic inflation, a factor which might have influenced the future land use designation of the area.

He said that the interchange ramp area is now being surveyed; he continued that it was in the community interest to have the area zoned commercial. Chairman Kroger asked if anyone else wished to speak. Mr. Shafer commented that he had spoken with the Kentucky Department of Transportation, and was advised that bids on the interchange would be let on December 17, 1982.

At Chairman Kroger's request, Mrs. Monk read the Committee report recommending approval of the request. Chairman Kroger called for questions, discussion and a motion. Mr. Barnett moved by Resolution, R-18-82, to approve the request based on the Committee and the Staff reports, as well as on information presented by the applicant, and that presented at the Public Hearing. Mr. Hasselbring seconded the motion; vote on the motion to approve the request was unanimous.

Mr. Godsey moved by Resolution, R-19-82, to change the map, text and appropriate tables of the Comprehensive Plan, if the request was granted by Florence City Council. Mr. R.L. Buse seconded. Subsequent vote on the motion was unanimous; the motion carried.

Mr. Nagy thanked the Commission for their consideration.

The next item considered was the request for a Preliminary Plat Approval by K & H Corporation, option holder, for the purpose of a residential subdivision, the Fairwinds, located near the Hebron-Limaburg Roads with the nearest intersection road at Val Court Drive, Boone County, Kentucky, zoned Urban Residential One, UR-1, on a 3.84 acre site.

Ms. Sullivan, prior to reading the staff report submitted by James Jenkins, Engineer, commented that it was her understanding that two (2) of the items noted by Mr. Jenkins as being deficient had been corrected. Mr. Viox identified that as project engineer, he would abstain from any action taken by the Commission. Mr. Viox continued that two of the shortcomings noted in the staff report, primarily drafting problems, had been corrected; with respect to the third item, he said that he had been notified by Mr. Ken Bohannon that the State had, that day, issued a discharge permit.

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Since Mr. Jenkins was out of town, Mr. Viox had not been able to communicate the issuance to Mr. Jenkins in order to have his report updated for the meeting.

A representative of K & H Corporation stated that there might be an upgrade in the plant in the future. Mr. Kroger asked what the time frame for the project was: the representative stated that he anticipated starting construction in November.

Mr. Kroger noted that water and sewage for the project would have to be approved by the Boone County Water and Sewer District.

The Committee report submitted by Mrs. Smith, Chairperson, approving the project was read.

Mr. Shafer moved that the project be approved subject to Mr. Jenkins review and approval of the most recent plans. Mr. Barnett seconded the motion to give conditional approval to the request, pending Mr. Jenkins review approval. In the discussion following, Mr. Buse stated that although he did not doubt Mr. Viox' veracity, he would vote, no, on the motion since he did not think it proper to override staff recommendation for postponement. Mr. Kroger called for a roll call vote: Eight (8) members voted yes, Mr. Buse voted no, Mr. Viox abstained, since he had interest in the project. The motion passed.

The next item was the request of Mr. James Huff for a Zoning Map Amendment from Commercial Three, C-3, to Commercial Two, C-2, for an 8,927 square foot site located on the corner of Hollywood Drive and U.S. 42, Florence, Boone County, Kentucky, for the purpose of operating a barber shop. Mr. Block read the Enforcement Officer's report. Mr. Kroger asked if anyone wished to speak in favor of or in opposition to the request. No one responded.

Mrs. Monk read the Committee report recommending approval of the request. Since the report referred to findings of fact stated in the staff report, Mr. Block, at Mr. Kroger's request, stated that the Comprehensive Plan shows the area as commercial, and that the change would result in what is now a pre-existing non-conforming use being a permitted use. Mr. Kroger called for a motion. Mr. Viox announced that he would abstain as he had prepared the project Concept Development Plan.

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Mr. Shafer moved by Resolution, R-20-82, that the Florence City Council be notified that the request was recommended by the Commission, based upon the Committee and staff report, Mr. Godsey seconded the motion. The vote on the motion was unanimous; the motion carried.

The next item considered was the request of Fred W. Fehr, Jr., President of Richter & Phillips, agent, for Robert L. Bakst, owner for a Zoning Map Amendment from Commercial Two, C-2, in order to permit additional uses, located at 7851 Tanners Lane, presently zoned, C-2, on a 3 acre site.

Mr. Block read the Enforcement Officer's report.

Mrs. Monk read the report of the Committee, which recommended approval of the request. Mr. Kroger asked if Mr. Fehr was present in the audience, and if he had any comments. He had none. Nor were there other comments in support or in opposition. Mr. Buse stated that he would abstain from action as he had a financial interest in the project; Mr. Viox abstained because he had prepared the Concept Development Plan.

Mr. Kroger noted that it was a tradition that Commission members disclose their interest in projects before the Commission, and abstain from any official Commission action on such requests. He then called for a motion. Mr. Don McMillian moved by Resolution, R-21-82, that the request be recommended for approval to the Florence City Council based upon the staff and Committee reports. Mrs. Carol Smith seconded the motion. There was no discussion. The vote on the motion, with Messrs. Buse and Viox abstaining, was unanimous: The motion for approval carried.

NEW BUSINESS:

Mr. Kroger accepted the request of Bankers Financial Corporation, owner, for a Zoning Map Amendment for a Financial Institution, located at 8121 U.S. 42, Florence, Boone County, Kentucky, from Commercial Three, C-3, to Commercial One, C-1, on a 0.3056 acre site.

Mr. Buse moved that a Public Hearing for the project be set for October 27, 1982 at 8:00 P.M. Mr. Shafer seconded: The vote was unanimous to carry the motion setting the hearing.

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The request of Orville Saylor, owner, for a Zoning Map Amendment, from Agricultural Two, A-2, to Rural Suburban Estate, RSE, located on KY Highway 338, Boone County, Kentucky, presently zoned Agricultural Two, A-2, on a 5.38 acre site.

Mr. Buse moved that a Public Hearing be scheduled for October 27, 1982, Mr. Shafer seconded; the vote carrying the motion was unanimous.

The request of Ida Pearl Sebree for a Zoning Map Amendment, from Commercial Three, C-3, to Commercial One, C-1, to permit physician and dental services, located on KY 18, 300 feet east of Carlton Drive, Burlington, Boone County, Kentucky, presently zoned Commercial Three, C-3, on a 1.0 + acre site.

Mr. Buse moved that a Public Hearing be scheduled for October 27, 1982, Mr. Shafer seconded; the vote carrying the motion was unanimous.

Mr. Kroger, noting that the agenda items were dispensed with, entertained Mr. Shafer's traditional motion to adjourn; Mr. Buse seconded. Mr. Kroger adjourned the meeting at 9:17 P.M.

APPROVED: W. C. Buse

W. C. Buse  
CHAIRMAN

Respectfully submitted,

Catherine Monk  
CLERK


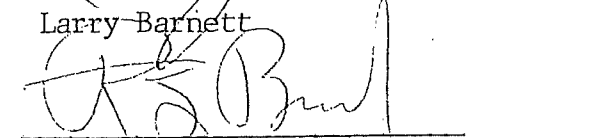
DATE: October 6, 1982  
TO: Boone County Planning Commission  
FROM: Larry Barnett  
SUBJECT: Zoning Map Amendment

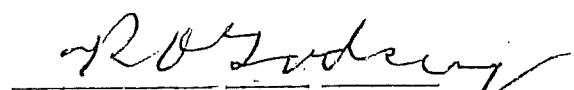
Request of Michael T. McKinney, agent for Edna Miller for a Zoning Map Amendment, to change Rural Suburban (RS) to Commercial One (C-1), located at intersection of Williams Road, Graves Road and KY. 20 in Hebron, Boone County, Kentucky, zoned RS, on a .992 acre site.

Based upon information gathered during a view of the site, local topography, local traffic patterns, and surrounding existing land uses, this Committee is unable to recommend approval of this request.

Although the Comprehensive Plan envisions the area as commercial, it is the finding of this Committee that such zoning now, rather than on the long term planning horizon, would be premature, and would create a use incompatible with surrounding residential uses.

For these reasons, as well as on the findings of the Staff report, the Committee recommends that the request be denied.

  
Larry Barnett  
  
Pat Buse

  
Raymond Godsey

## CONCEPT DEVELOPMENT PLAN

1. The ownership of the subject property, 0.992 acres located in the fork of Graves and Williams Roads at their intersection with Ky. 20 in Hebron, Kentucky, is in the name of Mrs. Edna Miller, widow, who resides at 22 Mary's Court in Florence, Kentucky.

Neither the topograph, soils, drainage or vegetation will change as a result of the granting of a zone change. The topography is flat; the vegetation is primarily grass and trees.

Existing improvements include a concrete block building which was used previously as a grocery store and gas station. There is also a gravel parking area adjacent to this building. Access to the subject property is from the Williams Road (See, Exhibit "A".)

The environs surrounding the subject property is grassy with a few trees.

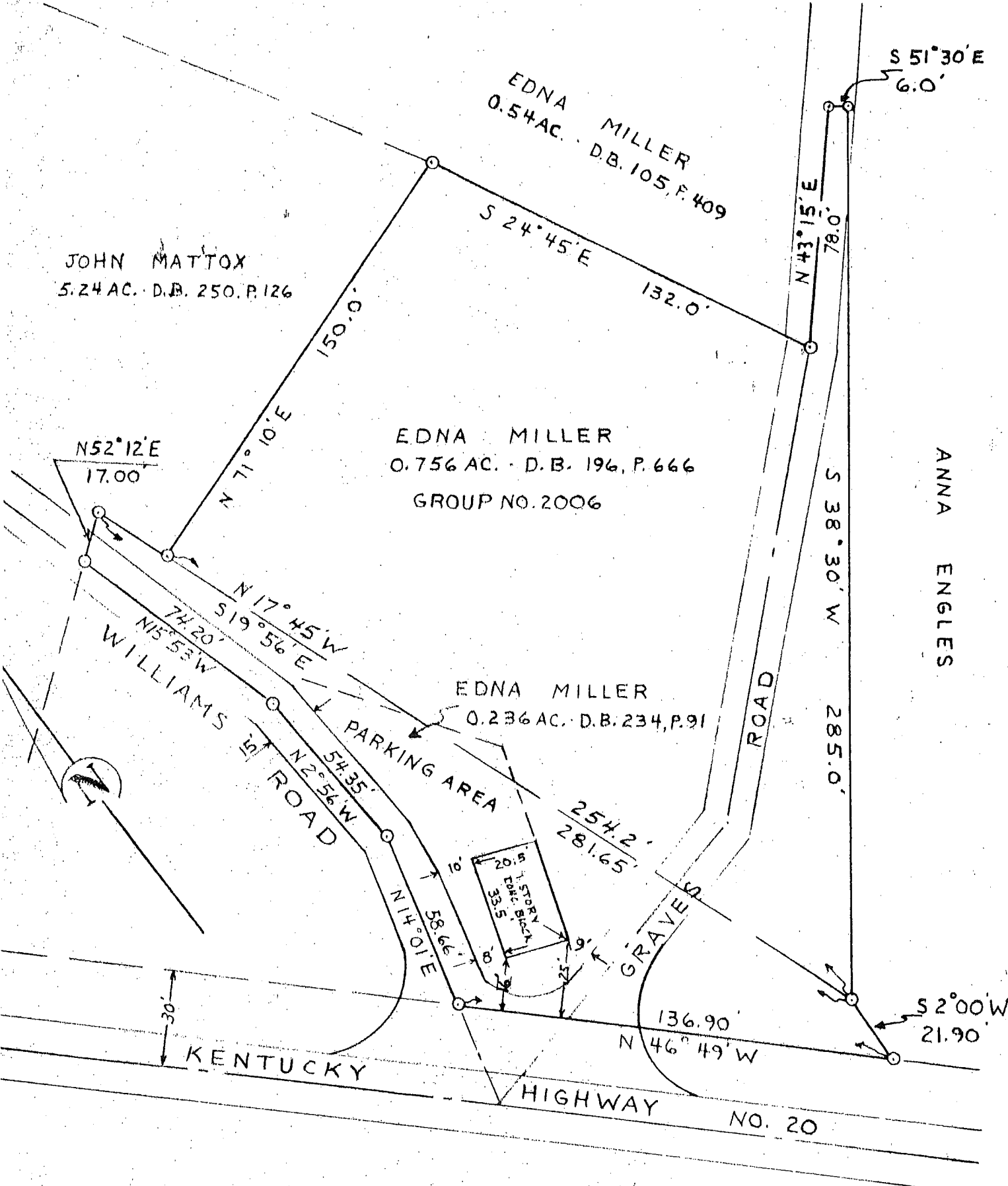
2. Public and private circulation within and between the subject property and its environs will be accomplished directly from Williams Road to the parking area of the subject property.

3. The existing concrete block building located on the subject property will be utilized for light automotive repairs. No new buildings, structures or other improvements are planned or anticipated.

4. Adequate utilities and infrastructure currently exist within and between the subject property and its environs. No new utilities nor infrastructures need be constructed or installed.

5. No new provisions for visual design aspects need be implemented. The subject property will be utilized as it currently exists with the presently existing building being used for a commercial purpose.

6. The relationship of the proposed district to the Boone County Comprehensive Plan is one of the mutual need and of a complementary effect. Though the locale of the subject property is currently zoned Rural Suburban, the subject property is not suited to that use. Before the initiation of the current Comprehensive Plan the subject property was utilized in a manner consistent with a Commercial Services zoning. To allow the subject property to be zoned for Commercial Services would insure the unchanging and continued use of same, without creating an adverse impact upon the topograph, drainage, access or aesthetic quality of the subject property. The proposed change is viewed only as a means of allowing the subject property to be used in the same manner in which it has been used previously for several years. Because of the small size of the subject property (0.992 acres) and the nature of its intended use, the impact, if any, on the Comprehensive Plan and upon the surrounding area would be so small as to be considered insignificant.



PLAT OF PART OF EDNA MILLER PROPERTY  
BOONE COUNTY KENTUCKY GROUP NO. 2006