

APPLICATION FORM

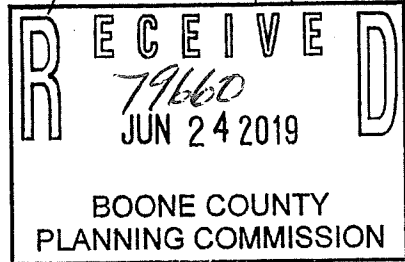
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project RES Truck Sales
2. Location of Project 10883 Dixie Highway Walton, Ky 41094
3. Total Acreage of Site 6.2657 acres
4. Current Zoning of Site C3
5. Proposed Zoning (Classification being requested) I1
6. Proposed Uses (please specify each use) Dealer sales of Semi trucks and trailers.
7. Names of Applicant(s) RES, LLC
8. Address of Applicant(s) 11061 Dixie Highway Walton KY 41094
9. Name of Property Owner(s) Cmra of KY
10. Address of Property Owner(s) 5000 Clayton Road Maryville TN 37804
11. Proposed Building Intensities (please specify) Existing
12. Are there any existing buildings on the site? Yes
13. Deed Book D790 Page No. 300-305 Group No. 2065
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
Boone County Building Department
Northern Kentucky Health District
USDA NRCS/Boone County Conservation District
KY Division of Water
Local School District
Local Fire District
Other:



EXHIBIT

“A”

STAFF REPORT

Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

August 7, 2019

REQUEST

RES, LLC has submitted an application to rezone 10833 Dixie Highway from Commercial Services (C-3) to Industrial One (I-1) so they can sell semi trucks and trailers from the property. The property is currently owned and occupied by Clayton Homes and they sell manufactured homes from the lot. The submitted Concept Development Plans shows the applicant will retain three buildings on site and store trucks and trailers in existing gravel areas to the north of south of the asphalt driveway. Street frontage landscaping is proposed along the Dixie Highway frontage.

SITE CHARACTERISTICS

The 6.2657 acre site has approximately 300 feet of street frontage on the west side of Dixie Highway and 380 feet of frontage on the east side of Interstate I-71/75. The property contains two modular office buildings, a garage, and approximately eight manufactured homes that are for sale. Access to the property is provided from a single access point on Dixie Highway. The driveway that extends through the center of the of site is asphalt and the northern and southern portions of the parking lot are gravel. Overhead utility lines and white three board fence exist along the Dixie Highway frontage and mature trees exist along the northern and southern property lines. A water main exists along Dixie Highway and a sewer main runs through the rear of the site. Boone County G.I.S. shows the topography of the site falls from 940' above sea level along the northeast property line to 900' above sea level at the rear property line.

ADJACENT LAND USES AND ZONING

North: Single-Family Residential Dwelling Fronting on Dixie Highway (C-3) and Single-Family Residential Dwelling Fronting on Frogtown Road (MHP)

South: Indian Motorcycles (C-3/CD)

East: Dixie Highway, Garcia Auto Sales (C-3/CD) and Single-Family Residential Dwellings (I-1)

West: I-71/75, Parcel owned by Kentucky Transportation Cabinet

RELATIONSHIP TO COMPREHENSIVE PLAN

1. The following Goals and Objectives are pertinent to the application:
 - A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Goal A, Objective 4).

- B. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
 - C. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment, Goal A, Objective 7).
 - D. Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and incentivizes innovation and prosperity with meaningful employment opportunities (Economy, Goal A).
 - E. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 - F. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy, Goal B, Objective 1).
 - G. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy, Goal B, Objective 5).
2. The Land Use Element contains the following Future Land Use Development Guidelines that relate to the proposal:
- A. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pg. 95).
 - B. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands

as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 96)

3. The land use element contains the following passage regarding the existing and future land use maps:

A Future Land Use Map, projected to the year 2040, and an Existing Land Use Map, accurate through 2017, have been produced with the Boone County Geographic Information System (GIS) and are intended to be used in tandem with the accompanying text in this chapter per the respective geographic areas descriptions included on the following pages. In addition, the recommendations contained in the following geographic area descriptions are the result of the culmination, review, and analysis of information contained in the previous chapters of this document. The individual elements/chapters of the plan are pulled together and considered when composing the conclusions and recommendations for each individual area, Boone County as a whole, and the Northern Kentucky and Greater Cincinnati region.

The area breakdowns are provided to allow for ease of use in finding text for specific areas of the county. The Future Land Use boundaries are intended to be approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies. It is important to consult the Land Use Element text to learn of timing or phasing issues that may be present in a particular area. The Future Land Use Map may indicate future land uses for a particular area, however, the area may not be ready for development until certain infrastructure is in place or another area develops first. It is critical to note that the Future Land Use Map is a projection to the year 2040, and is not necessarily intended to commit areas to development immediately. In some areas, phasing may be used to make sure development is supported by infrastructure, and in others, development may be delayed until planned infrastructure is provided (Description and Purpose of Land Use Maps, pg. 99).

4. The 2040 Future Land Use Map designates the majority of the site for Commercial (C) uses and the smaller area in the northwest tip of the site for Rural Lands (RL) and High Suburban Density Residential (HSD) uses. These future land use designations are defined as follows:

Rural Lands (RL) - Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision (pg. 97).

High Suburban Density Residential (HSD) - Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks (pg. 98).

Commercial (C) - Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc (pg. 98).

5. The Land Use Element makes the following statements regarding the Richwood East geographical area:
 - A. There are several major influences behind the anticipated growth in this area, including the Northern Kentucky Industrial Park to the north, the new Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the extension of public sanitary sewer service, and the Norfolk & Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. (pp. 139-140).
 - B. Industrial growth can occur around the northbound I-75 rest stop, but should provide a buffer to hide outside storage and pavement areas from the rest stop and interstate. The U.S. 25 and Frogtown Road intersection should support locally-oriented commercial uses. However, special attention should be given to controlling and coordinating access points with this area. Multiple street connections are critical in the area south of the Mt. Zion interchange and west of I-75 to avoid burdening specific connections with too much traffic (pp. 139-140).

BOONE COUNTY TRANSPORTATION PLAN

The Boone County Transportation Plan shows that the widening of Dixie Highway, between Industrial Road and Winning Colors Drive, is an unscheduled need (phase 3 improvement - implemented after 2040). The project description indicates the road should be upgraded from two to four lanes with a multi-use path.

ZONE CHANGE CRITERIA

Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

STAFF COMMENTS

1. A Zoning Map Amendment application is required because the proposed business use includes the sales of tractor trailers. The use is not a permitted use or conditional use in the Commercial Services (C-3) zoning district.

Tractor trailer sales is a principally permitted use in the Industrial One (I-1) zone under the following listing:

38. "Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor trailers and other commercial trucks and trailers."
2. RES Truck and Trailer Sales currently operates at 11061 Dixie Highway (about 0.44 miles to the south) and Staff took some pictures of the property. The applicant has made Staff aware that they would leave their current location and move to the subject property.

Staff would like to note that the property at 11061 Dixie Highway is zoned Commercial Services (C-3). Republic Truck Sales was allowed to move on the property because the 2002 Boone County Zoning Regulations allowed truck sales as a principally permitted use in the (C-3) zoning district.

3. Staff received an email from Linzy Brefeld, with Kentucky Transportation Cabinet, regarding the application. The email is attached to the Staff Report.
4. Staff would like the applicant to address the following:
 - A. Is semi truck and trailer sales the only use that is being proposed?
 - B. Approximately how much inventory will be kept on site?
 - C. Will the gravel storage yard limits be expanded?
 - D. Will any additional site lighting be added to the site?
 - E. One of the pictures of the existing operation at 11061 Dixie Highway shows a trailer with tractor trailer parts? Is this typical? If so, could parts be kept inside buildings and not in the storage yard?
 - F. Is the applicant aware that the Zoning Regulations only permit one monument sign that is a maximum of 10' tall and 100 square feet in area in an I-1 zoning district?
 - G. The submitted Concept Plans show that street frontage landscaping will be added along the Dixie Highway frontage. Could landscaping be added along the I-71/75 frontage and in the gap along the northern property line?
 - H. The zone change criteria.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by Boone County Planning Commission and Boone County Fiscal Court in terms Article 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

Attachments:

- *Site Vicinity Map
- *Concept Development Plans (Google Map and landscaping proposal)
- *Zoning Map
- *2040 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *7/9/19 Email from Linzy Brefeld, Kentucky Transportation Cabinet
- *Application

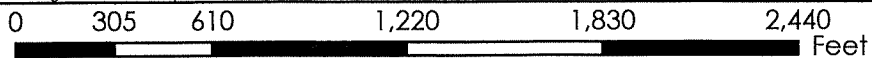
SITE VICINITY MAP

www.boonecountygis.com



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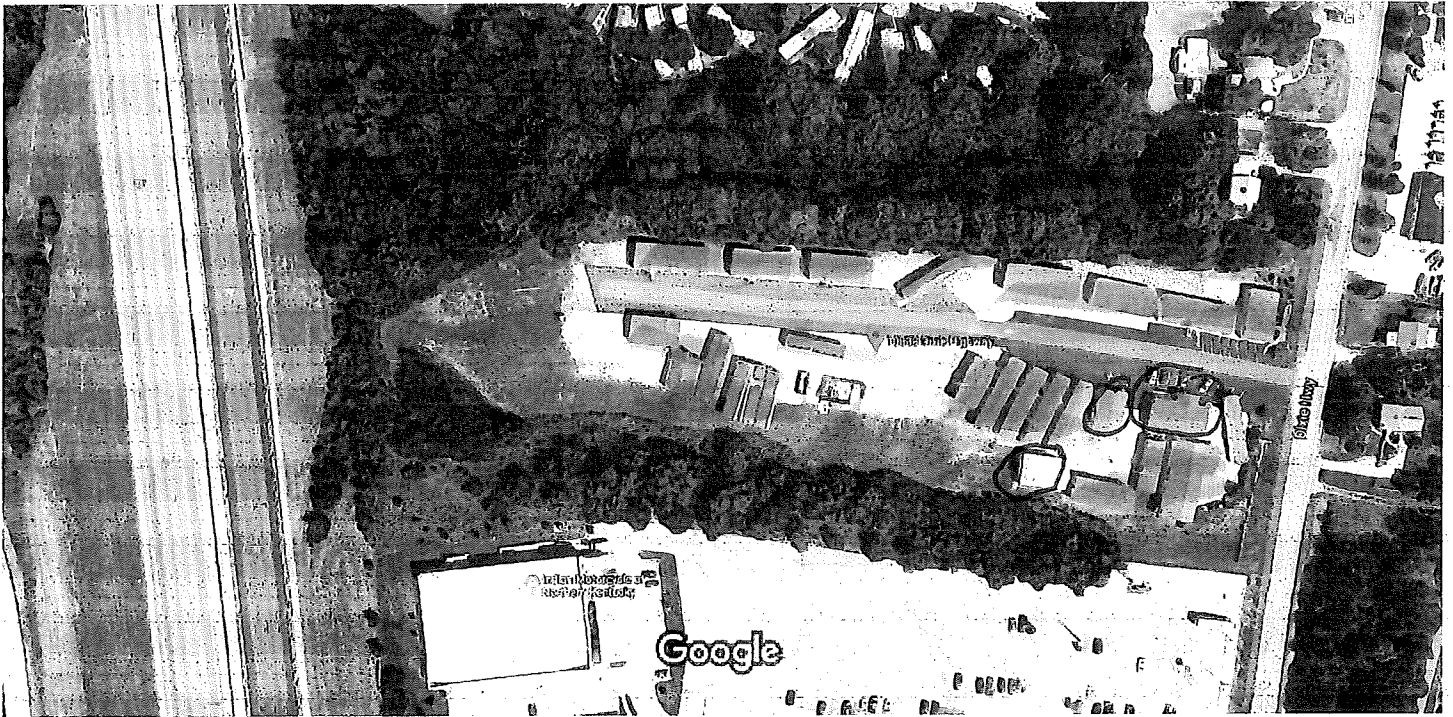
1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map



Google Maps 10833 Dixie Hwy



Imagery ©2019 Google, Map data ©2019 50 ft



Buildings circled
will stay.

Highlighted pink will
be removed from site.

Tractors & trailers
will be added to
both sides of
drive

10833 Dixie Hwy

Walton, KY 41094



Directions



Save



Nearby



Send to your
phone

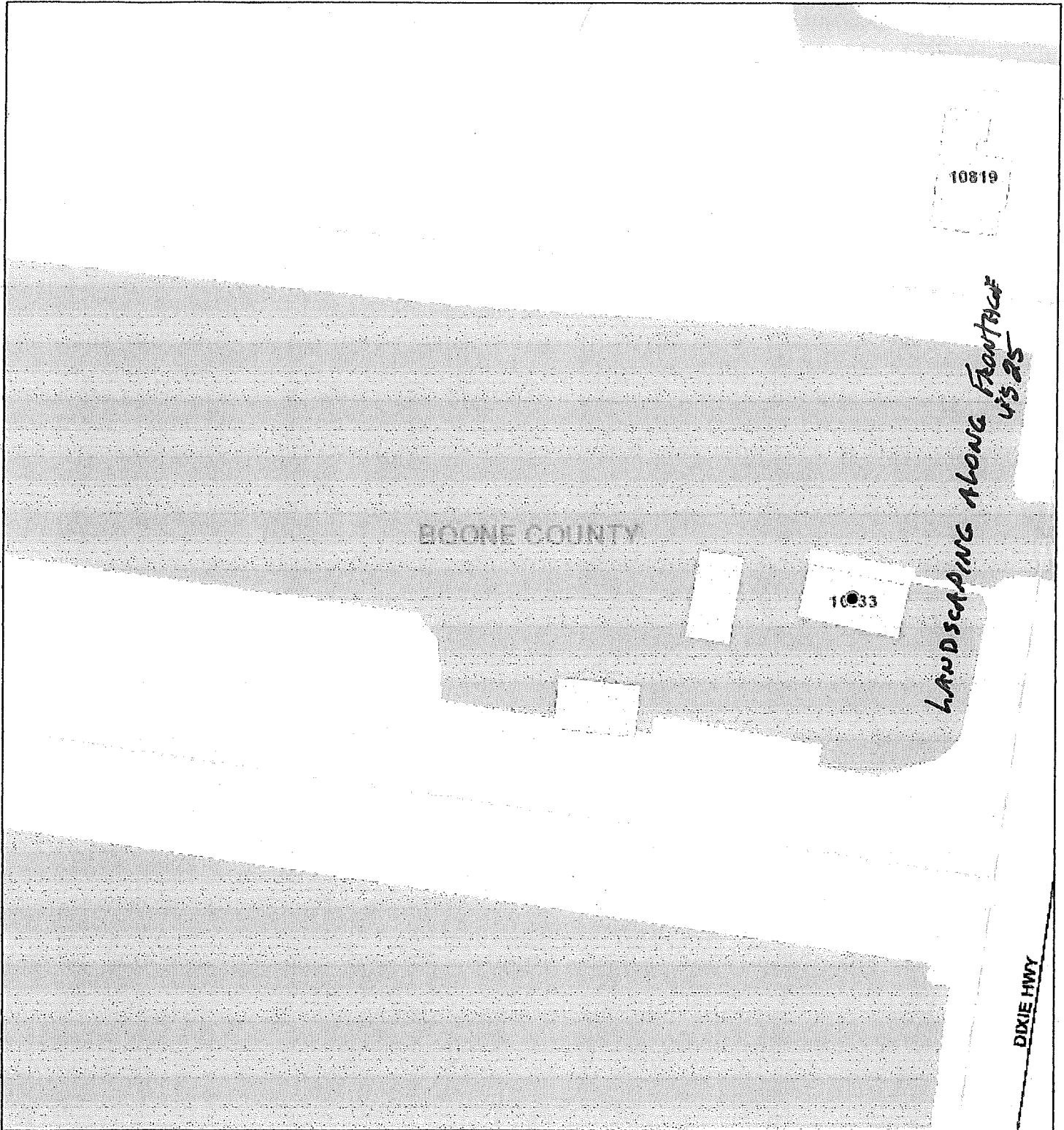


Share

W9JC+4J Florence, Kentucky

Photos

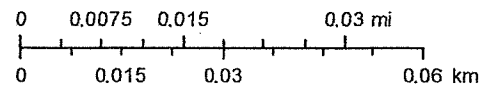
Boone County, Kentucky



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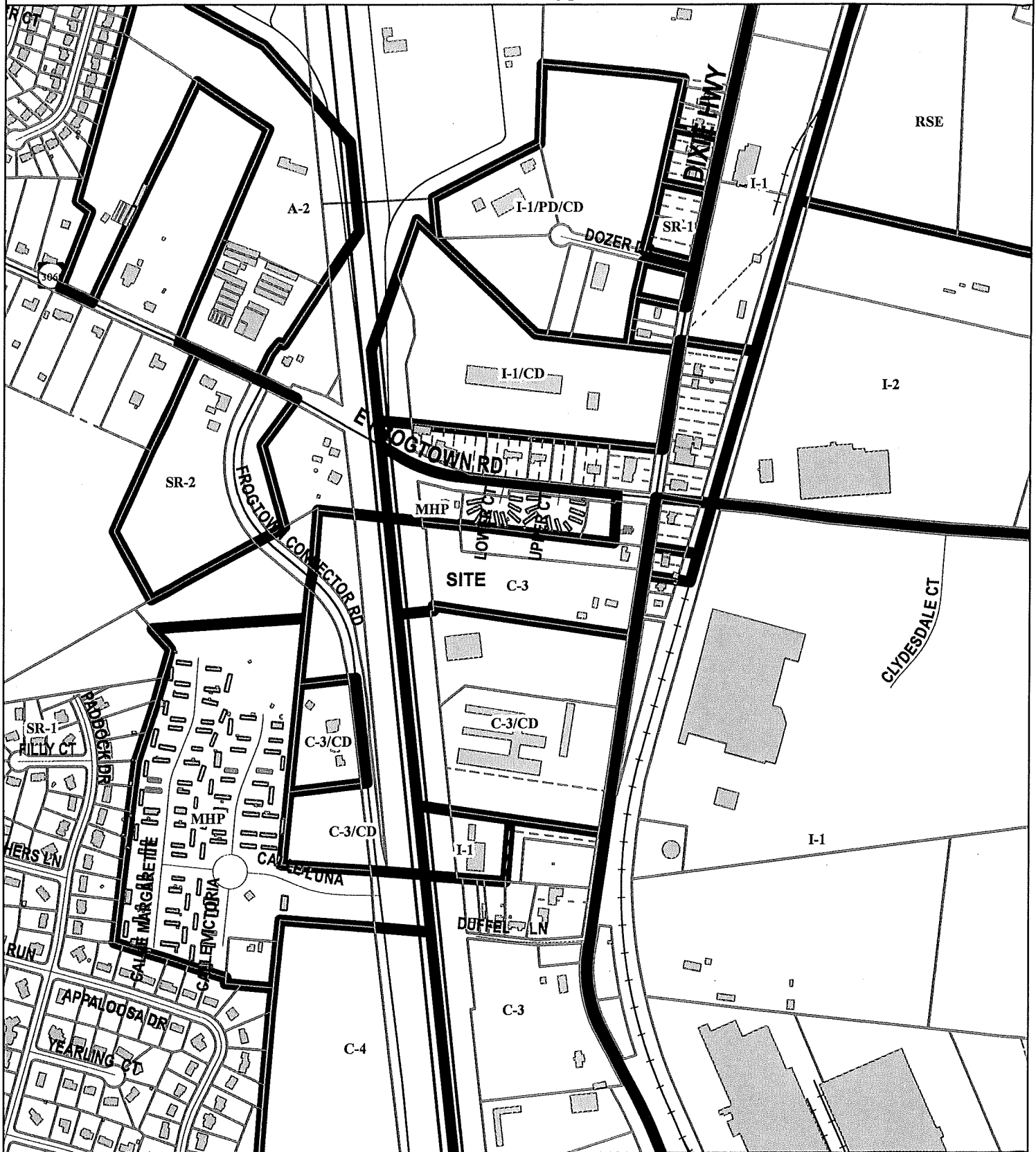
- | | | |
|----------------------|---------------------|--------------------|
| County Boundary | Access Ramp | Tax Parcels |
| Site Number Labels | Residential Streets | Parcel Tract Lines |
| Major Streets | Railroad Lines | Runways |
| Interstate | All Streets (FT) | Runway Numbers |
| Arterial | All Streets (TF) | |
| Collector | Building Footprints | |



GIS Services Division, Boone County Planning Commission

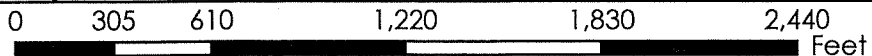
ZONING MAP

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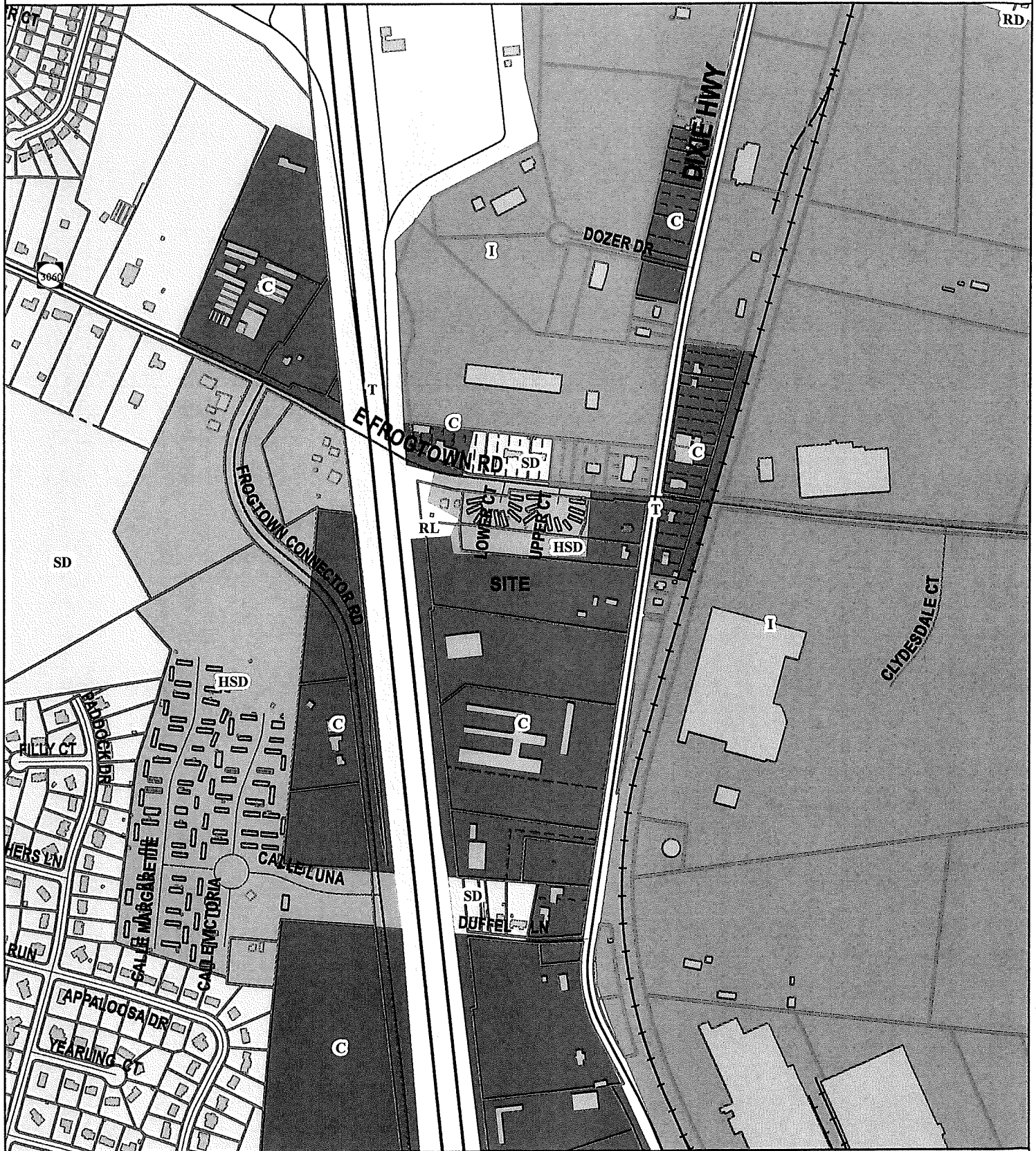
1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

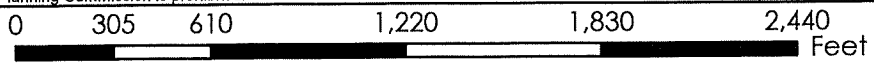
2040 FUTURE LAND USE MAP

www.boonecountygis.com



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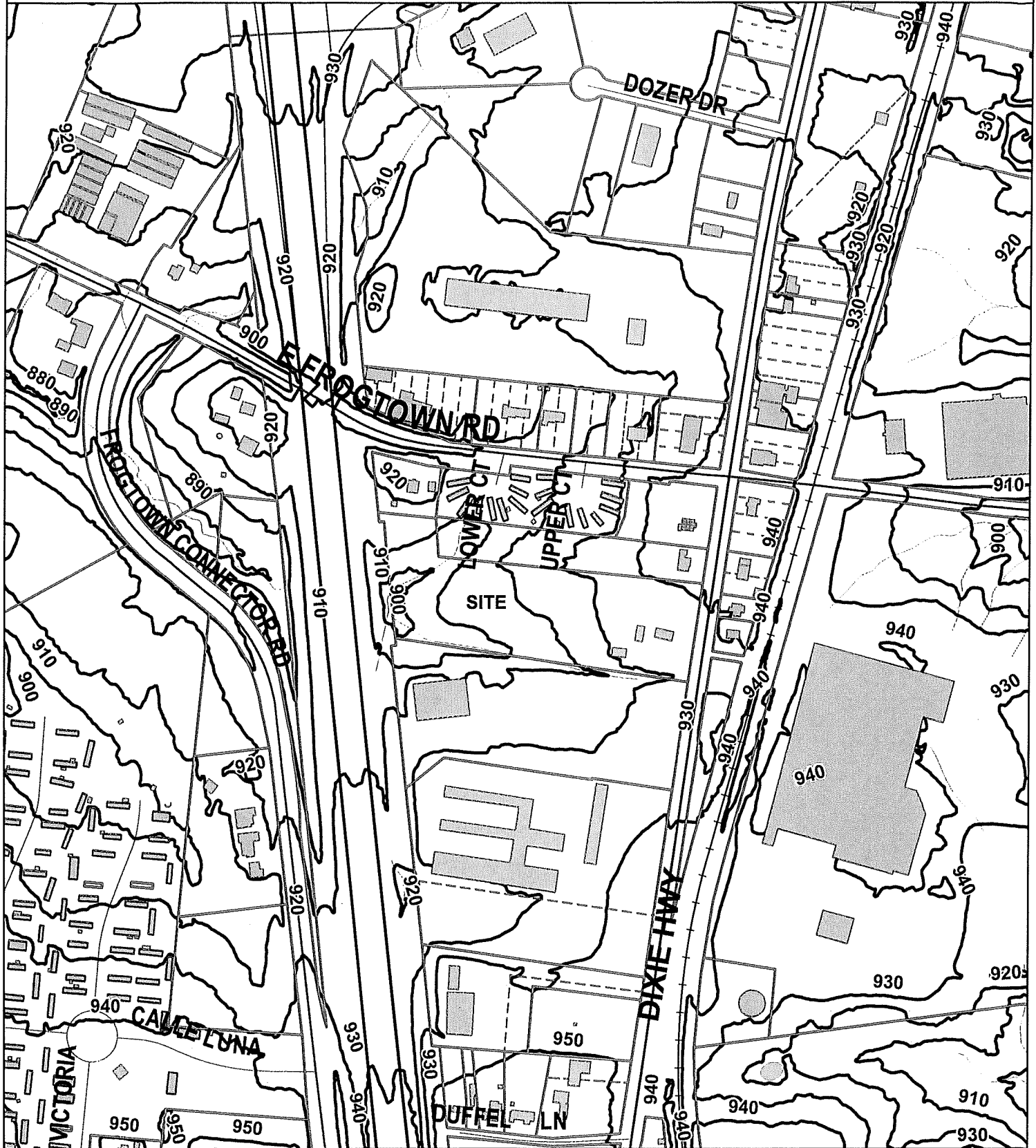
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (1te).mxd

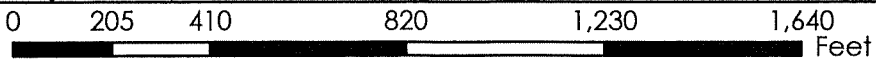
TOPOGRAPHICAL MAP

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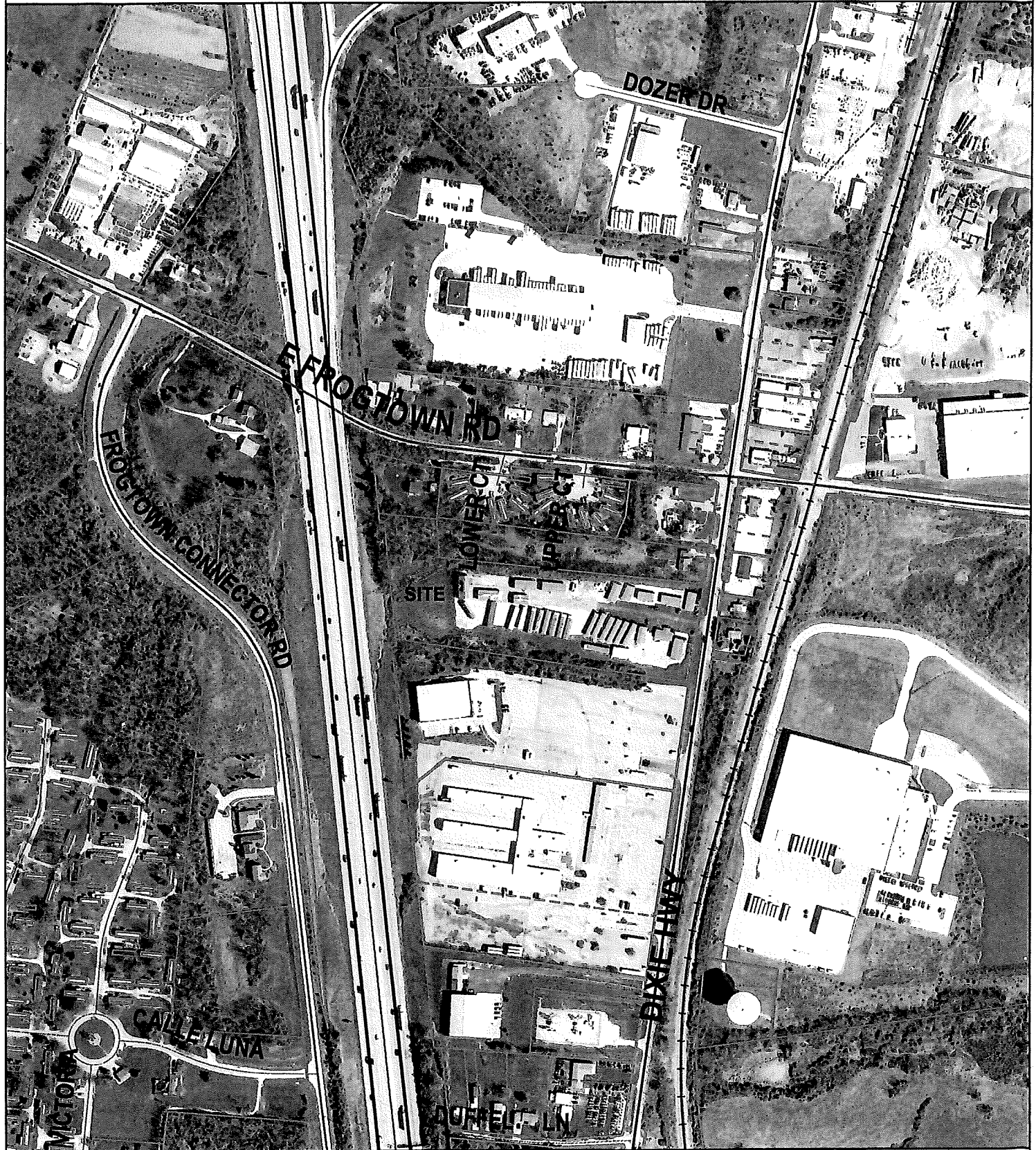
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Boone County GIS - Putting Northern Kentucky on the Map

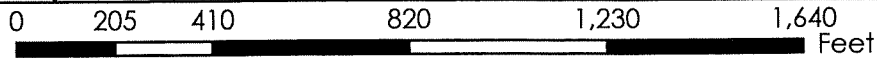
2016 AERIAL MAP

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



Todd Morgan

From: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Sent: Tuesday, July 09, 2019 1:34 PM
To: Todd Morgan
Cc: Brannon, Mark K (KYTC-D06)
Subject: RE: Zoning Map Amendment Application by RES Truck Sales at 10833 Dixie Highway, Boone County, KY

Todd,

We have no comments on this one.
If anything, I believe trips will decrease, therefore no traffic impact study would be warranted.

Thanks,

Linzy Brefeld, P.E.

Transportation Engineer Supervisor
Traffic & Permits Section
KYTC, District 6
421 Buttermilk Pike
Covington, KY 41017
859-341-2700 ext. 273
Linzy.Brefeld@ky.gov

From: Todd Morgan [<mailto:TMorgan@boonecountyky.org>]
Sent: Tuesday, July 09, 2019 9:12 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Subject: Zoning Map Amendment Application by RES Truck Sales at 10833 Dixie Highway, Boone County, KY

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Linzy,

I wanted to make you aware that RES Truck Sales has submitted a Zoning Map Amendment application to rezone the property at 10833 Dixie Highway from Commercial Services (C-3) to Industrial One (I-1) so they can sell semi- trucks and trailers from the property. The property is currently owned by Clayton Homes and they sell manufactured homes. The submitted photos (see attachments) show that RES Truck Sales will retain the same access point on Dixie Highway.

The public hearing for this application is scheduled for 8/7/19. Please let me know if you have any comments or questions and I will include them in my Staff Report.

Thanks for your help.

APPLICATION FORM

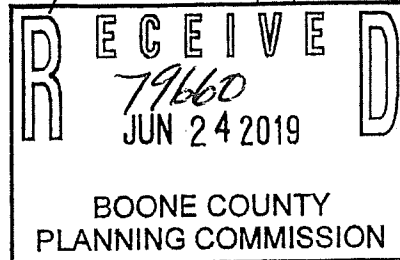
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project RES Truck Sales
2. Location of Project 10833 Dixie Highway Walton, Ky 41094
3. Total Acreage of Site 6.2657 acres
4. Current Zoning of Site C3
5. Proposed Zoning (Classification being requested) I1
6. Proposed Uses (please specify each use) Dealer sales of
Semi trucks and trailers.
7. Names of Applicant(s) RES, LLC
Phone No. 859-485-3450 Fax No. 859-485-3320 E-Mail glenn@restrucksales.com
8. Address of Applicant(s) 11061 Dixie Highway
Walton KY 41094
City State Zip
9. Name of Property Owner(s) Crnk of KY
Phone No. 865-382-9797 Fax No. _____ E-Mail jerry.tackett@claytonhomes.com
10. Address of Property Owner(s) 5000 Clayton Road
Maryville TN 37804
City State Zip
E-Mail Amenda.Sutton@claytonhomes.com
11. Proposed Building Intensities (please specify) Existing
12. Are there any existing buildings on the site? Yes
How many? 3
13. Deed Book D790 Page No. 300-305 Group No. ~~2064~~ 2065
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ USDA NRCS/Boone County Conservation District
- _____ KY Division of Water
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: September 4, 2019

RE: Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

REMARKS:

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

Findings of Fact

1. The Committee concluded the request is in general agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. Although the 2040 Future Land Use Map forecasts the majority of the site for Commercial (C) uses, the Boone County Comprehensive Plan text states "the Future Land Use boundaries are intended to be approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies" (Description and Purpose of Land Use Maps, pg. 99).

The Committee concluded the Dixie Highway/I-71/75/Frogtown Road corridor contains a mixture of industrial, commercial, and residential uses. The proposed industrial use, with the attached conditions, is appropriate.
 - B. The proposal is in agreement with the following future land use development guideline:
 - "Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways"...(Landscaping, pg. 96).

The Committee recommendation includes a condition which requires landscaping to be installed along Dixie Highway, I-71/75, and in gaps along the side property lines.
 - C. The Land Use Element text states "there are several major influences behind the anticipated growth in this area, including the Northern Kentucky Industrial Park to the north, the new Mt. Zion interchange, Weaver Road, development pressures along U.S. 25, the extension of public sanitary sewer service, and the Norfolk & Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure should increase in scale. This area is bisected by U.S. 25, a major corridor for growth, extending

from urbanized Florence to Walton. The fact that it runs parallel to I-75, and is located between the interstate and the railway, makes it an ideal transportation connector. Because of the various existing and future land uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25" (Richwood East, pp. 139-140).

D. The proposal is an agreement with the following Goals and Objectives:

- Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy, Goal B, Objective 5).

2. The Committee has concluded the attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed a letter demonstrating agreement with the conditions.

Conditions

1. The approval shall be limited to the sales of semi trucks and trailers only. Semi truck and trailer repair shall not be permitted on site.
2. No more than twenty-five (25) semi trucks and fifteen (15) trailers shall be for sale on the subject property at any given time.
3. There shall be no outside storage of truck parts, trailer parts, or tires.
4. The existing gravel storage limits shall not be expanded. Any new semi truck or trailer storage areas shall be paved and comply with the Boone County Zoning Regulations. Any such addition shall be approved through the Site Plan application process.
5. The following landscaping shall be required:
 - A. Street frontage landscaping along Dixie Highway and I-71/75.
 - B. Gaps in the side property line buffers shall be filled in with landscaping that complies with the Boone County Zoning Regulations.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: August 21, 2019

ZONING MAP AMENDMENT - Brad Shipe, Chairman, Todd Morgan, Staff

2. Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

REMARKS:

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

Kim Bunger

Kim Bunger

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Mark Hicks (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Lori Heilman (Alternate)

For Project _____ Absent _____
Against Project _____

Rick Lunnemann

Rick Lunnemann

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Patton

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Brad Shipe

Brad Shipe (Chairman)

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 7, 2019
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 8:50 p.m.

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is the former Clayton Homes site. It is located north of the Richwood Flea Market. RES, LLC is pursuing a zone change in order to sell tractor trailers. The applicant will retain 3 existing buildings on the property. All of the mobile homes will be removed. The applicant is proposing to enhance the landscaping along Dixie Highway. The site slopes towards I-75. The current zoning of the site is Commercial Services (C-3). There is a mix of C-3 and I-1 zoning in the area. Mr. Morgan showed photographs of the site and surrounding properties. There is a single family home located north of the site that is zoned C-3. All trees on the site are deciduous. Therefore, the leaves will fall in the winter and there won't be any protection. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C) matching the existing zoning.

In terms of Staff Comments, Mr. Morgan referred to the zone change criteria on page 4 of the Staff Report. He mentioned that Staff Comments are identified on page 5 of the Staff Report. The applicant is proposing a use that is not permitted in the C-3 zoning district. It is, however, permitted in an Industrial One (I-1) zone. Currently, RES Truck and Trailer Sales operates at 11061 Dixie Highway (about 0.44 miles to the south). Staff took some pictures of the property. The applicant has made Staff aware that they would leave their current location and move to the subject property. Mr. Morgan noted that the current site has tractor trailer parts stored outside. Will this occur at the new site or will they store the parts inside a building?

Staff received an email from Linzy Brefeld, with Kentucky Transportation Cabinet, regarding the application. The email is attached to the Staff Report. Staff would also like the applicant to address the following:

- A.) Is semi truck and trailer sales the only use that is being proposed?;
- B.) Approximately how much inventory will be kept on site?;
- C.) Will the gravel storage yard limits be expanded?;
- D.) Will any additional site lighting be added to the site?;
- E.) One of the pictures of the existing operation at 11061 Dixie Highway shows a trailer with tractor trailer parts? Is this typical? If so, could parts be kept inside buildings and not in the storage yard?;
- F.) Is the applicant aware that the Zoning Regulations only permit one monument sign that is a maximum of 10' tall and 100 square feet in area in an I-1 zoning district?;

- G. The submitted Concept Plans show that street frontage landscaping will be added along the Dixie Highway frontage. Could landscaping be added along the I-71/75 frontage and in the gap along the northern property line? What about improving the buffers on the side? Perhaps some supplemental evergreens can be added.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Gerry Dusing, attorney, stated that he was representing RES, LLC. He introduced Glenn Crone, President of RES, LLC and Denenna Singleton who is the office manager for the company. She stated that they are a family owned company and have been in business for 3 years but both have been in the trucking sales industry between 25 - 30 years. Ms. Singleton stated that RES has 8 full time employees and several part time employees as needed. They sell semi-trucks and trailers. Their customer base is all over but most is from the tri-state area. About 80% of their sales are negotiated by phone or by email. The other 20% of sales is from walk-in or drive-by traffic from US 25 or I-75. The company delivers the inventory to the buyer. They don't perform mechanical work or recondition work from their location. Those types of activities are sent out to a second party. Usually their inventory is minimal. The proposed site will have the same amount of traffic as the existing site. It will not cause problems with neighboring businesses. The use is similar to Fyda Freightliner south of the subject site but is much smaller. They are a small family owned company. Being small allows them to provide a comparable inventory of vehicles at largely reduced prices. They don't generate one-tenth of the in and out traffic that Freightliner does. The zone change will have zero traffic impact.

Mr. Dusing referred to the vicinity map for the proposed project showing existing land uses and zoning. Most of the area is currently zoned industrial. The site is currently zoned commercial. Historically, tractor and trailer sales were permitted in a commercial zone but it was changed in the 2000s to allow it only in the industrial districts. This is exactly what happened with the Fyda site. The 2040 Future Land Use Map designates the site for Commercial but the site is surrounded by industrial, railroad tracks, I-75 and a major arterial - Dixie Highway. He referred to page 2, number 6 of the Staff Report, which supports industrial uses on the site. On page 3, there is reference to Future Land Use Boundaries being approximate and not fixed. The site has a small portion designated as Rural Lands (RL), which is not realistic. Mr. Dusing described the Richwood East area in terms of proposed land uses as identified on page 4 of the Staff Report. The applicant would like to move down the street as they are leasing property now. They will purchase the new site. It is an ideal site. The mobile homes will be removed from the site. In response to the questions posed in the Staff Report, Mr. Crone offered the following:

- A.) Only the uses of semi truck and trailer sales are being proposed on the site; B.) Twenty tractors and ten trailers will be stored on the site; C.) The gravel storage yard limits will not be expanded at this time; D.) No additional lighting will be added to the site; E.) Parts will be stored inside one of the buildings; F.) They are aware of the monument sign requirements; G.) They are committed to planting landscaping on the upside of the hill located along I-75. There are some existing trees on the sides of the parcel and there are some gaps.

Mr. Dusing stated that the request meets the criteria for a zone change. He identified the text from the Comprehensive Plan which says so.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one, Chairman Rolfsen asked if any Board members had any comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:10 P.M.

APPROVED:



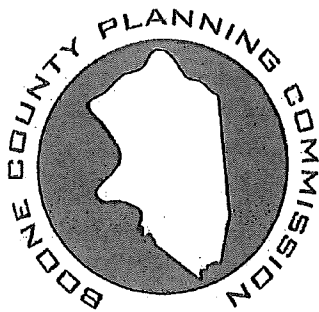
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

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

August 22, 2019

Mr. Glenn Crone
RES, LLC
10833 Dixie Highway
Walton, KY 41094

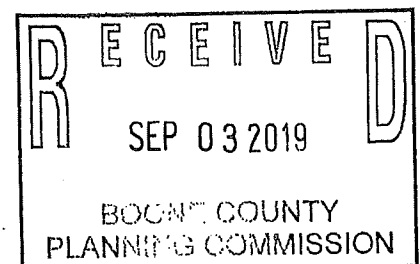
RE: Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

Dear Mr. Crone:

The following represents the conditions of approval for the above referenced Zoning Map Amendment as agreed to by the applicant's team and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. The current property owner and you will need to sign the appropriate lines on the last page of this letter if you are in agreement with the listed conditions. Please return this letter to the Boone County Planning Commission office by September 3, 2019.

CONDITIONS

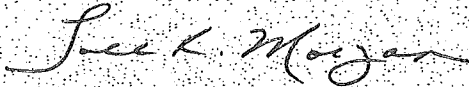
1. The approval shall be limited to the sales of semi trucks and trailers only. Semi truck and trailer repair shall not be permitted on site.
2. No more than twenty-five (25) semi trucks and fifteen (15) trailers shall be for sale on the subject property at any given time.
3. There shall be no outside storage of truck parts, trailer parts, or tires.
4. The existing gravel storage limits shall not be expanded. Any new semi truck or trailer storage areas shall be paved and comply with the Boone County Zoning Regulations. Any such addition shall be approved through the Site Plan application process.
5. The following landscaping shall be required:



Mr. Glenn Crone
August 22, 2019
Page 2

- A. Street frontage landscaping along Dixie Highway and I-71/75.
- B. Gaps in the side property line buffers shall be filled in with landscaping that complies with the Boone County Zoning Regulations.

Sincerely,





Todd K. Morgan, AICP
Senior Planner, Zoning Services


TKM/ss

AGREEMENT

I, Glenn Crone, do hereby agree to the listed conditions of approval for the Zoning Map Amendment, which is referenced on the first page of this letter.

 8/29/19
Mr. Glenn Crone, Applicant Date
RES, LLC


I, ~~Hugh Statum~~, do hereby agree to the listed conditions of approval for the Zoning Map Amendment, which is referenced on the first page of this letter.

 8/30/19
~~Hugh T. Statum~~ Davy Warrick, Resident Date
CMH of KY, LLC

ORDINANCE NO. 2019 - 28

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING THE REQUEST, WITH CONDITIONS, OF RES, LLC (APPLICANT) FOR CMH OF KY, INC. (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1) FOR A 6.2657 ACRE TRACT LOCATED AT 10833 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 790, PAGE NO.300 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval, with conditions, of a Zoning Map Amendment request are the Findings of Fact of the Boone County Planning Commission as set forth in its Minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the Findings of Fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."


Section Three

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading - the 8th day of October, 2019

Second Reading - the 12th day of November, 2019

Adopted this 12th day of November, 2019 Yes 4 No 0


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

Attest:



Sharon Burcham,
Fiscal Court Clerk

Google Maps 10833 Dixie Hwy



Imagery ©2019 Google, Map data ©2019 50 ft



Buildings circled will stay.

Highlighted pink will be removed from site.

Tractors & trailers will be added to both sides of

drive ^{Zoning Map Amendment with conditions}

APPROVED

Staff Jess K. Morgan

Date 9/4/19

Boone County

Planning Commission

10833 Dixie Hwy

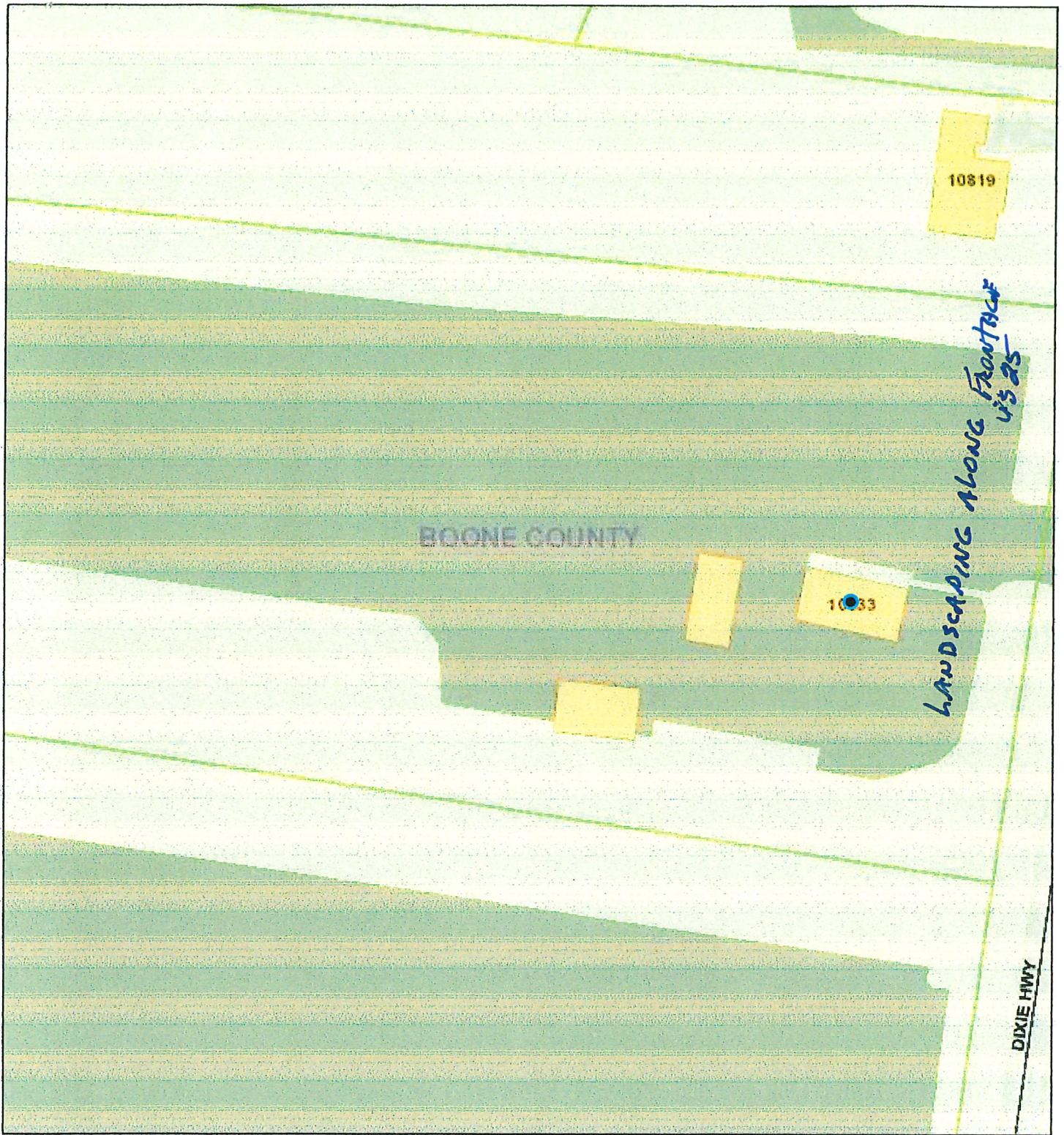
Walton, KY 41094

- Directions
- Save
- Nearby
- Send to your phone
- Share

W9JC+4J Florence, Kentucky

Photos

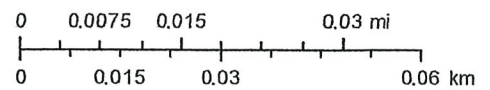
Boone County, Kentucky



6/5/2019, 1:27:02 PM

1:1,128

- | | | |
|----------------------|-----------------------|----------------------|
| --- County Boundary | — Access Ramp | □ Tax Parcels |
| Site Number Labels | — Residential Streets | □ Parcel Tract Lines |
| Major Streets | + Railroad Lines | □ Runways |
| — Interstate | All Streets (FT) | Runway Numbers |
| — Arterial | All Streets (TF) | |
| — Collector | □ Building Footprints | |



GIS Services Division, Boone County Planning Commission