

APPLICATION FOR ZONING ACTION

- 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 or Deed Plat
  - Conditional Use Permit
  - Site Plan Review
  - Concept Development Plan
  - Historic District Overlay
  - Preliminary Development Plan
  - Sign Permit or Zoning Permit
  - Change of Non-Conforming Use
  - Appeal or Variance
  - Design Review Board Hearing and Certificate of Appropriateness

Applicant: LAURA F. TESSENER  <sup>Prospective</sup> Owner  
 Agent

Address: 18 LINDEN HILL DRIVE  
CRESCENT SPRINGS, Ky. 41017 Telephone: 341-2145

Location: 557 FLORENCE PIKE, BURLINGTON

Name of Owner: \_\_\_\_\_

Address of Owner: Minnie Beil (formerly Mrs. John)  
557 FLORENCE PIKE, BURLINGTON

Zone: SR-2 Area in Acres: one

Deed Book: 79 Page No.: 406 Group No.: \_\_\_\_\_  
88 570

Description of Request: Rezoning for cottage style small business-  
to sell Ky. hand crafts, some antique reproductions, and gifts

Owner's Signature: Minnie R. Beil

Date March 20, 1984 Applicant's Signature: Laura F. Tessener

FOR PLANNING COMMISSION USE:

Application date and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_

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

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

ZONE CHANGE REQUEST  
BY LAURA F. TESSENEER  
FOR PROPERTY LOCATED ON  
FLORENCE PIKE, BOONE COUNTY

This is a zone change request by Laura F. Tesseneer for a one (1) acre tract located at 557 (now 2217) Florence Pike, Boone County and owned by Minnie Beil. This request is to change the current Suburban Residential Two, (SR-2) to Commercial One (C-1) for this tract.

The adjoining property to the south, east, and west is currently Suburban Residential Two, (SR-2). To the north across Kentucky 18 is current Office Two, (O-2) and Recreation (R) zoning.

The current land use of this tract along with adjoining tracts to the east and west is Residential. To the south is current Agriculture use. While to the north, across Kentucky 18, is current Recreation and Commercial land uses.

The Land Use Map of the Boone County Comprehensive Plan shows a planned future land use of Medium Density Residential. Other adjoining lands to the south, east, and west are similarly planned for Medium Density Residential. To the north, across Kentucky 18, is planned as Recreation. The text of the Comprehensive Plan makes the following statements:

Regarding the planned Medium Density Residential:

- Medium Density - Densities range from two to eight (2-8) dwelling units per acre and a wide variety of housing types are anticipated, including single-family detached and attached, multi-family, including townhouse and garden apartments, and mobile homes in designated planned areas. (page 3.3 and 3.4)
- Large scale medium density development is planned in the future urban services areas of Hebron and Burlington. In the Hebron area, the development would be widespread south of I-275 and east and west of KY 237 along KY 20. A ring of medium density development would encompass the existing Burlington center, within the service area. (page 3.5)
- The Burlington area is also scheduled for full urban services in the Comprehensive Plan, and urban development is planned in the areas surrounding the central district. High density residential uses are existing and planned east of Burlington along KY 18. Medium density residential development is planned to the north, northeast, south, and southeast encompassing existing development in those areas.

- The development corridor both north and south of KY 18 between Burlington and Florence is a crucial component of the overall land use element. This area is relatively undeveloped, yet is served by a fourlane divided highway and planned between two urban centers. The area could easily become congested and overdeveloped if not well planned and coordinated. The impact of the Airport on this corridor must also be anticipated.

The area is planned to receive full urban services in the long range plan, further increasing its development potential. (page 3.15)

Regarding the planned Recreation use:

- Recreation uses included in the Comprehensive Plan are public and private active recreation uses, and other sites, both public and private which are held for environmental conservation purposes and may incorporate active recreation use.

Planned public recreation areas dominate the recommended pattern of recreation development. In existing urbanized areas, and in areas planned for intense residential development, the ability to purchase and develop recreation lands is limited. Recreation uses may best be provided on shared sites with public schools or in conjunction with planned residential developments as an amenity provided by the developer. Additional recreation opportunities may be available on publicly-held open space land such as that surrounding the Airport. (page 3.9)

- The Beechland Golf Course/Boone Woods Park area is recommended for continued and expanded recreation use, as the Fairgrounds area northwest of Burlington. The Boone-Aire County Club is planned for maintenance as a public or private facility (page 3.9)

- The expansion of Boone Woods Park on Ky 18 is planned to the west as far as the Burlington-Bullittsville Road, and east to encompass the Beechland Golf Course. To the west, this recreation area would serve as a buffer between the older central Burlington Community and new development to the north. (page 3.15)

- The Comprehensive Plan includes the maintenance and expansion of a County parks system with local support from individual communities and other public bodies.

The Boone Woods Park on KY 18 east of Burlington is recommended for expansion to serve growing population in

that area. The park may be expanded west to incorporate open space land as far as Burlington-Bullittsville Road. This expansion would surround much of the Burlington historic district with buffers from newer development to the north. East of Boone Woods Park, the Beechland Golf Course is recommended for continuation in its present use (page 5.6)

The applicant has submitted a Concept Development Plan which generally involves the remodeling of the existing residence on the site to house a small shop for the sales of gifts and crafts. Off-street parking, for five (5) vehicles, is planned to the front of the site. Other minor additions and alterations are planned to make the site more useable.

Concerning the requested Commercial One (C-1) district the Boone County Zoning Order states the following purpose of this district:

The purpose of the commercial one district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area provided direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians within the district's facilities and major shopping spaces. (page 9-1)

The Soil Survey of Boone County shows that the soil for this property is Rossmoyne Silt Loam at 0 to 6 percent slope with moderate limitations to building location and severe limitations because of slow permeability for septic tank filter fields.

In conclusion, should the Planning Commission decide to recommend approval for this request and/or the Boone County Fiscal Court would approve this request the following changes to the Comprehensive Plan should be considered:

1. Change the Land Use Map from Medium Density Residential to Commercial.
2. Change Tables 1,2, and 4 by the corresponding acreages and other associated numbers.
3. Since this involves a new area of Commercial, if approved, evaluation of this change and its effects on adjoining properties should be made, along with a consideration of additional text statements supporting Commercial use.



ALVIN "CHIP" BLOCK  
ZONING ENFORCEMENT OFFICER

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

APRIL 25, 1984

8:00 P.M.

Chairman Kroger called the Public Hearing to order at 8:00 p.m. to hear the request of Laura F. Tesseneer, agent for Minnie Beil, owner, for a zoning map amendment from its present zoning district of Suburban Residential Two (SR-2) to Commercial One (C-1). The property is located at 557 Florence Pike, Burlington, containing 1 acre, for the purpose of a cottage-style small business to sell Ky. Handcrafts, some antique reproductions, and gifts.

Mr. Block presented his Enforcement Officer's Report and gave a slide presentation.

Chairman Kroger asked if there was anyone present on behalf of the request. Mrs. Laura Tesseneer stated that the business would not change the residential appearance of the area, but they would only improve the appearance of the property. She stated that she has talked to the neighbors and their only concern was what would happen to the property if in fact the business would fail and they would move out. She continued they had given thought to that possibility and have given first right of refusal to Mr. Arnold Caddell, and felt that would protect the property in the future. Mrs. Tesseneer stated she felt it would not pose a traffic problem due to being located off of Old Burlington Pike and that this type of business would not generate a large amount of traffic.

Chairman Kroger asked if there was anyone else in behalf of the request. No one responded. He asked if there was anyone in opposition.

Mr. Carl Smith stated he has a contract to purchase the property immediately adjacent to the east of the property in question. He stated his concern was not necessarily with the craft shop, but a zone change to Commercial One (C-1) in the middle of a residential area. He stated he has two small children and one of the good points of buying his property was that it was located off the main road. He expressed his concern if the property is zoned commercial and the possibility of another use occupying the property which could cause added traffic. In response to Chairman Kroger, Mr. Smith stated he has a contract to purchase the brick house next to this request.

Chairman Kroger asked if there were any further comments. Mr. Viox stated this property is in the middle of quite a large Suburban Residential Two (SR-2) zone. He stated there are some recreation, office type uses across Ky. 18; however, Ky. 18 is a major arterial which makes a natural break for a zone. He stated when the Comprehensive Plan and zoning were drawn up in 1980, one of the points considered was the availability of infrastructure to support the uses. He stated septic tank would be required in this situation for a commercial use with a possible slow permability. He expressed concern of the possibility of a future commercial use which would require more water.

In response to Mr. Viox, Mrs. Tesseneer stated she is requesting a zone change based on the fact that there has been changes in the area. She stated there is an office building two doors down and on the other side there is Gold Star Chili, which looks more like a business, and generates more traffic than the business she is proposing. She stated across the street it is partially commercial. Mrs. Tesseneer stated she was sure the original zoning wasn't improper, but that there have been a lot of changes in the area. In response to Mr. Collins, Mrs. Tesseneer stated Mr. Caddell is an adjacent property owner. In reply to Mr. Barnett, Mrs. Tesseneer stated Mr. Caddell is the owner of a steakhouse. In response to Chairman Kroger, Mrs. Tesseneer stated Mr. Caddell purchased the property to the rear and is in the process of building a house. Mr. Block stated a building permit has been approved for the construction of Mr. Caddell's house.

Mr. Wilson read KRS 100.213 which governs the requirements for a zone change.

Mrs. Tesseneer felt the character of the road is going to commercial.

Chairman Kroger questioned whether the handcrafts would be made at the site or would they purchase the crafts for resale. Mrs. Tesseneer stated they would be purchasing the crafts from different locations, such as the Ky. Craft Fair in Lexington. Mrs. Tesseneer introduced Mrs. Brownfield, her partner in the business.

Chairman Kroger asked if there were any further comments; no one responded. He stated that the request would be considered May 2, 1984 at 8:00 p.m..

Chairman Kroger closed the Public Hearing at 8:30 p.m..

APPROVED: May 2, 1984

RESPECTFULLY SUBMITTED:

Paul E. Kroger  
PAUL E. KROGER, CHAIRMAN

Sherry Y. Baker  
SHERRY Y. BAKER, CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

MAY 2, 1984

8:00 P.M.

Chairman Kroger called the meeting to order at 8:05 P.M.. Thirteen (13) members were present. Mr. Godsey and Mr. Mitchell were absent. Staff members present were Mr. Wilson, Mr. Jenkins, Mr. Block, Mr. Lynn, Mrs. Ryan and Mrs. Baker.

Mr. Barnett moved to approve the minutes of April 18, 1984 and Public Hearing minutes of April 25, 1984. Mr. Viox seconded; the motion carried unanimously.

BILLS:

Mrs. Baker presented the following bills: Staff salaries and benefits; Boone County Recorder, publication fees, \$1,103.15; GBBN, Turfway Land Use Study, \$2,671.00; Jerry W. Rouse, filing fees, \$15.00; Boone Co. Finance, Xerox usage (March), \$268.12; Boone Co. Finance, Postage usage, (March), \$213.73; Picture Place, film & developing, \$31.61, Jos. J. Sayre & Son Co., name plates, \$13.79.

Mr. Jones moved to pay the bills, Mr. Viox seconded; the motion carried unanimously.

COMMUNICATION:

Chairman Kroger noted that A-95 Review was received and will be returned with a favorable review. He noted that the Walton City Council has passed the Planning Commission's Resolution No. R-5-84.

TREASURERS REPORT:

Mr. Barnett read the Treasurer's Report stating the total on deposit is \$60,353.85; Certificates of Deposit totalling \$10,000.00.

BUILDING INSPECTOR'S REPORT:

No report was received.

REPORTS:

The Commission reviewed the Zoning Enforcement Officer's Report and the Engineer's Convenience Plat Report.

Chairman Kroger proceeded to the first item on the Agenda, the request of Hamill & McKinney, Architects, Agents for White Castle Systems Inc., for site plan review for property located at the SW corner of U.S. 42 and LaCresta Dr., Florence on a 1 acre site, zoned Commercial Three (C-3) zone.

Mr. Block presented the Enforcement Officer's Report.

Mr. Lynn presented the Committee Report which recommended that the request be deferred.

Chairman Kroger asked if there was anyone present representing White Castle. No one responded.

In response to Mr. Barnett, Mr. Block stated there is a letter in the file in which the applicant waives the time limitation requirement. Mr. Barnett move that the request be deferred until the Board of Adjustments review. Mr. Buse seconded; the motion carried unanimously.

Chairman Kroger proceeded to request of Ray Merkel, First Commercial Realty, Agent for Ottis Hollon, John Young and Ottis King for Site Plan Review in a Commercial Three (C-3) zone on one acre site. The properties are located at 8115, 8117 and 8119 U.S. 42, Florence, Ky.

Mr. Block presented the Enforcement Officer's Report.

Mr. Lynn presented the Committee's Report which recommended the request be deferred

Mr. Jenkins stated he reviewed the site plan pertaining to the storm water run off, etc. and felt the architect and engineer has done an admirable job in assessing the impact of the storm water retention and from that point of view in his opinion there is no problem

Chairman Kroger read a letter presented by Mrs. Conrad in which she and Rax Restaurant have come to an agreement pertaining to landscaping, etc. Chairman Kroger stated. Mrs. Conrad confirmed she presented the letter and urged the Planning Commission to approve the site plan contingent upon approval of the variance by the Board of Adjustment.

Mr. Tim Brandt stepped forward and stated his clients have agreed to the conditions with Mrs. Conrad. Chairman Kroger noted the letter has been an official part of the record.

Mr. Brandt stated his clients are betwix and between the Planning Commissions decision and the Board of Adjustments. He stated the Board wants his client to receive approval of the Planning Commission contingent on their approval. Mr. Brandt pointed out they will be before the Board next week. He stated that someone has to start the ball rolling and asked that the Commission approve the Site Plan upon the condition that the variance is approved by the Board.

Chairman Kroger asked if there were any comments, pro or con from the audience. No one responded.

Mr. Buse stated he was glad the adjoining property owner and the applicant has reached an agreement, however, he felt it was improper for the Commission to approve a site plan on a conditional basis. Mr. Buse stated he felt it proper to defer the matter for two week period. He felt the variance should be obtained in order that a proper site plan can be presented to the Commission.

Mr. Viox stated he disagreed with Mr. Buse in this particular application. He pointed out all the residents along that area sit at the 45 foot setback. He stated that in many zoning orders there is a provision that you must meet the setback requirement in that particular zone or neighborhood, the existing frontline of the neighborhood, so you do not have a building behind or in front of another. He stated it was his opinion that deferring this request will not change the outcome. Mr. Viox moved that the site plan be approved based on the staff's and engineers reports and on the agreement made by Mrs. Conrad and Rax Restaurant, and conditional upon approval of the variance of the Board of Adjustments. Mr. Greene seconded.

Mr. Wilson stated he wanted the record to reflect the site plan approval is conditional upon compliance with the zoning ordinance as to setback by way of variance, so that if the variance is not granted it is not in accordance with the zoning ordinance and the site plan approval would be voided.

In response to Mr. Neltner, Mr. Block stated the site plan submitted illustrates the 45 foot setback which he and Mr. Jenkins have reviewed.

Chairman Kroger asked if there were any further comments. No one responded. A roll call voted was taken. The motion passed, 10 yes, 3 no. Mr. Barnett, Mr. Buse, Mr. McMillian voted, "no".

Chairman Kroger pointed out to the applicant that they must appear before the Board of Adjustment for approval of the variance before any work on the project can begin.

Chairman Kroger proceeded to the request of K & H Development Company, optionholder, for an Improvement Plan Approval on property located at the southerly end of Tiburon, containing 10.5 acres in a Suburban Residential One (SR-1) zone. Owner of the property is the Triangle Development Co.

Mr. Jenkins stated in his review, particular information was absent from the plan, but has since been revised. He stated this is the first phase of six lots of Southampton Estates, Phase 8. He stated since the plan was revised he recommended approval.

Mr. Lynn read the Committee Report which recommended approval.

In response to Chairman Kroger, Mr. Block stated the applicant was K & H Development Company. Chairman Kroger asked if

there was a representative of K & H Company present.

Mr. Viox stated he was the Engineer of record and would represent the applicant.

Chairman Kroger stated his concern of the applicant not meeting their commitments to the Boone County Water and Sewer District pertaining to another development.

Discussion followed.

Mr. McMillian moved that the request be approved based on staff's report. Mr. DeLong seconded. The motion passed unanimously: Mr. Viox abstained, due to being the Engineer of record.

Chairman Kroger proceeded to the request of HAI, Inc., Agent for MaBentley's, for a site plan review for property located on Mall Road, Florence on a 1.4 acre site in a Commercial Two (C-2) zone, for a proposed retail building.

Mr. Block presented the Enforcement Officer's Report. Mr. Jenkins stated that he concurred with Mr. Block's report.

Mr. Lynn read the Committee Report which recommended approval.

Chairman Kroger asked if there was anyone present representing HAI, Inc.

Mr. Hilton stated he represented HAI, Inc. but had no comments at this time.

Mr. Barnett moved that the request be approved based on staff's report. Mr. Jones seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of Hemmer Industries, Inc., Agent for Dr. Michael Grogan, for a site plan review for property located on Ky. 18 and relocated Ky Hwy. 237, on a 1.0543 acre site in a Commercial One (C-1) zone, for the purpose of constructing a doctors office.

Mr. Block presented the Enforcement Officer's Report. Mr. Jenkins stated his concern pertaining to the proposed septic tank, who it serves and it's adequacy.

Mr. Lynn read the Committee Report which recommended approval.

In Response to Mr. Jenkins; Chairman Kroger stated it was the intention of the Boone County Water and Sewer District, in the future, to tie this facility into the Limaburg Treatment Plant located on Ky. 18 and Limaburg Road.

Chairman Kroger asked if there was any further discussion;

No one responded.

Mr. Collins moved that the request be approved based on staff's report. Mr. Barnett seconded. The motion passed unanimously.

Chairman Kroger proceeded to the request of Laura F. Tesseneer, Agent for Minnie Beil, owner, for a zoning map amendment from its present zoning district of Suburban Residential Two (SR-2) to Commercial One (C-1). The property is located at 557 Florence Pike, Burlington, containing 1 acre. For the purpose of a cottage-style small business to sell Ky. Handcrafts, some antique reproductions and gifts.

Mr. Block presented his Enforcement Officer's Report.

Mr. Lynn read the Committee Report which recommended denial.

Chairman Kroger asked Mrs. Tesseneer if she had any comments.

Mrs. Tesseneer stated her concern of the future use of this property if her request for a craft shop was not granted. She felt her request would be a better alternative.

Chairman Kroger asked if there was anyone else to speak in behalf or in opposition of the request. No one responded.

Mr. DeLong stated he did not sign the Committee Report which recommended denial. He felt the area has changed considerably to warrant a change to the C-1 zone.

Mr. Greene commented there are businesses all along Ky. 18, the Funeral Home, Bank, Restaurant, etc., he felt sometime in the future, the property in question would commercial, including the undeveloped area.

Mr. Martin stated he agreed with Mr. Greene and stated he could find no fault with this particular request. He felt this use would not generate an increase in traffic. He pointed out there was only one adjoining landowner that appeared, and his concern was not of this particular use but of future use. Mr. Martin also pointed out all along the Burlington corridor it is being used for commercial. He felt it inequitable to deny one landowner commercial use when the other landowners in the area have that privilege. Mr. Martin stated it was only a matter of time before the area would become commercial. Mr. Martin stated he had no objection to the requested use, but the other permitted uses may not be appropriate for the area and suggested that a condition be placed on the approval that it be for only this use and, if the use is changed, they would have to appear before the Commission for approval. Mr. Martin stated that denying the applicant would be denying reasonable use of the ground.

Mr. Barnett pointed out the requested zone change is located on Old Florence Pike, not Ky. 18. He pointed out Old Florence Pike is residential in nature. He stated there has been no evidence of changes to warrant granting this request.

Mr. McMillian stated he agreed with Mr. Martin and stated that a residence is not compatible for an office, or commercial business, but since this is a craft shop and they are intending to leave the building similar to what it is, he stated he would have to agree that a zone change would be appropriate.

Mr. Martin felt the applicant was not aware of the two requirements that warrant a zone change until the night of the Public Hearing and that if she had assistance of council, he felt she would have made a much presentation. He felt she should have been better informed of the procedures and requirements.

Chairman Kroger stated the Commission has always taken a stance that anyone can appear and the regulations are designed in such a manner that they can be understood, but if assistance is needed to some degree, Staff will provide it. He continued that one concern has always been, that the Staff or Commission does not make the application nor present it for the applicant. There has to be a hands off relationship with the applicant and still give the assistance they need.

Chairman Kroger asked if there was any further discussion. No one responded.

Mr. Martin moved that the zone change be approved based on the following findings of fact: (1). That the original zoning is inappropriate and there has been substantial changes in the area. (2). That the Florence/Burlington corridor has been improved to handle a larger amount of traffic. (3) There has been an increased usage of Commercial on both sides of the Florence/Burlington corridor and with the Florence area developing there is an increased demand and need for this type of commercial useage along the Florence/Burlington corridor. Mr. McMillian seconded.

Chairman Kroger asked if there were any further comments.

Mr. Viox stated he had some problems with the findings of fact. He continued that the increased usage of traffic along Ky. 18 was anticipated with the comprehensive plan. Mr. Viox pointed out this request is located on Florence Pike and that there are no commercial uses near this location, it is in the middle of a Surban Residential Two area. Mr. Viox stated even though Florence is developing he felt there is sufficient vacant land between Burlington and Florence.

Chairman Kroger asked if there was any further comments. No one responded. A roll call vote was taken; the motion failed. 8 No, 5 Yes. Messers. Barnett, Buse, Collins, Davis, Neltner, Viox, Kroger, and Mrs. Smith, voted "no".

Mr. Viox moved by Resolution to deny the request based on the Committee's Report, and that the recommendation be forwarded to the Boone County Fiscal Court. Mr. Neltner seconded. A roll call vote was taken; 8 Yes, 5 No. Messers. Greene, McMillian, Martin, DeLong and Jones voted "no".

Chairman Kroger informed the application the recommendation of denial would be forwarded to the Boone County Fiscal Court.

Chairman Kroger proceeded to the request of Mr. James Horn, owner by contract, for a zoning map amendment for property located at 8519 U.S. 42, Florence, Kentucky from Suburban Residential One (SR-1) zone to Commercial Three (C-3) zone, on a 3 acre site, more or less, for the purpose of a boat sales and service.

Mr. Block presented the Enforcement Officer's Report.

Mr. Lynn read the Committee Report which recommended approval.

Chairman Kroger asked if the applicant had any comments.

Mr. Tom Willenborg, Attorney representing Mr. Horn, stated that he urged the Commission to follow the recommendation of the Committee and approve the zone change on the basis that the original zoning was inappropriate and it should be rezoned to Commercial Services (C-3).

Chairman Kroger asked if there were any further comments, either in opposition or in behalf of the request. No one responded.

Mr. Barnett commented that he reviewed the site and felt the entire zone needs a comprehensive study. Mr. Barnett moved by Resolution that the request be approved based on Committee and Staff's Reports, and that it be forwarded to the Boone County Fiscal Court. Mr. Viox seconded. The motion carried unanimously.

Mr. Barnett moved by Resolution that if the Boone County Fiscal Court adopts the Commission's recommendation for approval that the Land Use Map and Text be changed accordingly. Mr. Viox seconded; the motion carried unanimously.

#### NEW BUSINESS:

Chairman Kroger proceeded to the first item of New Business, the request of Precision Construction Corporation, owners, for an Improvement Plan Approval on property located at the rear of Willow Bend Subdivision, Burlington on a 10 acre site, zoned Suburban Residential One (SR-1). For the approval of Lots 188 through 215, Phase 5, Willow Bend Subdivision

Chairman Kroger stated the request would be referred to Committee with Mr. McMillian as Chairman.

Chairman Kroger proceeded to the next item of New Business, the request of Sue Travis, Agent for Bob Strunk for a zoning map amendment from Urban Residential Two (UR-2) and Office Two (O-2) zone to Commercial Services (C-3) for property located between Columbia Drive and Carol Lane on both sides of Industrial Road, Florence, on approximately 9 acre site, more or less.

Mr. Barnett moved to set a Public Hearing date for May 23, 1984 at 8:00 P.M., Mr. Neltner seconded. The motion carried unanimously.

OTHER BUSINESS:

Chairman Kroger stated the item before the Commission is the budget request. He stated the budget has come through Staff and the Budget Committee to the Commission as a whole. Chairman Kroger noted that the Commissioners have had an opportunity to review the budget in the past two weeks. Chairman Kroger stated that Mr. Lynn would give a brief presentation of the Budget.

Mr. Lynn stated the Budget is essentially to provide a professional full-time Planning Commission Staff. He pointed out that the growth of Boone County has gone from 45,842 in 1980, to 53,000 in 1985, according to the Urban Studies and by the end of this decade it will have reached a population of 60,000 people. Mr. Lynn stated that the Budget proposes to increase the Staff by two people, by converting the current Zoning Enforcement Officer as a full-time Planner and hiring an additional Planner and a part-time Zoning Enforcement Officer. He stated he is essentially proposing to increase the expenses by \$60,000.00, the hard cost rising from anticipated expenditures this Fiscal Year of \$120,000.00 to \$180,000.00. He pointed out the additional \$30,000.00 will be for the Comprehensive Plan update. He stated he is proposing to increase the office hours from 9:00 A.M. to 5:00 P.M. and try to establish some type of minimal drafting capacity. He continued that the primary thrust of this budget is to establish the capacity of some short term planning studies and possibly writing the text of the comprehensive plan update by the Staff. He stated the mapping component of the Comprehensive Plan is simply something the Staff can not do at this time. He stated the Turfway study is an example of something that could have been done in house if there is adequate Staff. Mr. Lynn pointed out there are other planning "hotspots" in the community that need attention, land use inventory, how much industrial land, etc.. The budget proposes to setup a two tract system, basically there would be one planner for Fiscal Court and a legislative body and one planner for Florence and a legislative body. Essentially this Planner would follow the zone changes from the date of application to final action by the legislative body. He pointed out as a statistic, there were 62 meetings last year which is approximately 1.5 meetings per month, and attending one legislative meeting per month, brings it to a total of 110 meetings. Mr. Lynn stated this Budget proposes to up-grade the Staff and provide a Planning Commission Staff that most counties have the size of Boone County.

Mr. McMillian asked what other counties has a staff that size? Mr. Lynn stated the City of Hopkinsville, Ky. has a population of 27,000 and has a planning commission staff of (8) eight, consisting of planners and a full-time draftsman. He stated that Hardin County has a staff of about (5) five, which excludes the City of Elizabethtown, it's for the unincorporated area. Mr. Lynn stated he didn't have a list of comparisons, but felt this is a reasonable proposal for a community the size of the county. Mr. Lynn pointed out that you can't compare Boone County to just another County of 45,000 people because the county is experiencing a lot of growth, if we were an isolated rural County away from a City like Cincinnati, it might be a different story.

Mr. Viox commented in regard to smaller planning studies, one of the Florence City councilmen indicated he would like to have a study done in the area where the Hasekasters application was made we had the staff ask for a study of the Dream Street corridor. Mr. Viox stated that he felt it's very important and would like to have some planning capabilities at this time on this planning commission.

Mr. Lynn stated essentially right now the staff is really a zoning application process entity, with very little to no planning done on a long term basis. Mr. Lynn stated for example the floor traffic generated on a given day, and with averaging about 40 phone calls per day, he can understand why there were major complaints that phone calls were never returned because it's impossible to talk to everybody that calls.

Mr. Barnett commented that in the motion he made for approval of the piece on U.S. 42 he mentioned it should probably have a comprehensive look at that Industrial area. When he was talking to Bill Bailey at the Florence City Council last week, he suggested that the whole corridor of Hopeful Road be studied and again the Hasekoester area. He stated those are the type things we need to do that we do not have adequate staff or facilities to do. Mr. Barnett stated he would whole heartedly support Mr. Lynn and this Budget.

Mr. Buse stated he looks at the Commission, who's obligation is primarily to serve the people of Boone County to make sure that what takes place is in an orderly fashion and create as little harm as possible to the existing areas, but does provide a way for Boone County to assimilate the additional population by jobs and by a healthy environment in which people want to live. Mr. Buse stated as Boone County has grown it has been impossible for a staff the size we currently have to look at all the aspects and to make reasonable determinations, not only on what exists today, but what will probably exist tomorrow. He continued that has been a problem that we might look at what exist today and it's immediate effect, but we have not had time or the capabilities to look at what exists tomorrow. He stated there is no question that many mistakes were made when the last comprehensive plan was approved, it is of no basic fault of this commission, but of the quality of the people who advised the Commission. He stated the Comprehensive Plan needs to be changed

revisions in wording of the text, in the location, in the direction in which various districts and areas of the County are going to grow. He stated in order to do that we do need additional staff, felt it is a necessary and logical step. He stated it is not going to solve all the problems, but it will help the Commission to serve the people of Boone County better and also to serve developers that want to do things that will be good for the County. He stated there needs to be adequate staff to be able to handle them properly. He stated we don't need to have everything written up half an hour before the meeting, but need to be able to have the time to think and address these problems and one of the difficulties existing now is that there isn't enough time for people to think on the staff but that they have to react to problems as presented. Mr. Buse urged the Commission to adopt the budget.

Mr. Collins stated he was very concerned of the newspaper article which pertained to Regional Planning Commission. Mr. Collins felt the Commission is doing an admirable job and by upgrading the staff and adopting this Budget that we can the job properly without outside input from the Regional Planning Commission.

Mr. David Martin stated he adopted Mr. Collins and Mr. Buses statements and added that Boone County is basically an inventory of raw land that is readily developing. He pointed out there are only several things holding them back, one right now is the interest rates which we cannot control and the other is the lack of sewer and water in a lot of areas in which Mr. Kroger has worked hard over the years to try and provide but and finances have held him back. He stated, thirdly, people are ready to make deals within a month or two, then by the time they get through the phase of the planning system itself, the prime jumps up another point or two and can destroy there incentive. Mr. Martin stated he could not see raising taxes to create a bigger administrative agency. Mr. Martin felt Mr. Lynn's plans are to assist applicants in getting through the planning system in a proper fashion to allow the growth in this county. This county has the growth system, the land readily available and it's ready to go but it has to happen in an orderly fashion. Mr. Martin stated that he felt it's the least we can do for the people of Boone County.

Mr. Wilson stated a lot of the comments made have been pretty much related to short term things, handling the paperwork as it comes in, etc. and he sees nothing wrong with that. But another concern that justifies adding more staff is the fact that we do have a duty to continually look at that Comprehensive Plan infact, we are suppose to look at it every five (5) years. He stated the Comprehensive Plan is not a document that is not unchangable .He stated it is a document that was done in 1980 and by getting adequate staff we can continually refine that document and not wait every five years and in the long run would save money. Mr. Wilson pointed out the document cost in 1980 was around \$80,000.00,. That's not local money some government money was involved and it's his understanding those funds are gone. So given the responsibility of the Comprehensive Plan refinement, its' reasonable and logical budget.

Mr. McMillian asked if the budget was realistic for adoption tonight, or a long-range plan.

Chairman Kroger stated the budget as presented is very much in adoptable form right now. He stated it's very difficult to add anything of a positive nature to what has already been said but if you look at the population growth of Boone County, we may be seeing geometric expansion within the county, rather than a rhythmic expansion. Simply meaning that our population because of the intense development that's going to occur at our interchanges at Mineola Pike, Hebron, the airport, Richwood, and the Turfway interchange all of these interchange developments are going to occur very rapidly now and what we saw as far as population explosion in a five to 10 year period we are going to see in a two to three year period. Interest rates are going to have some concern, but interest rates at this stage have no bearing on what's happening. He stated that Boone County will see within the next three or four years an additional fifteen hundred to two thousand new jobs in the county. How many people this means in terms of homes maybe something else. Mr. Kroger stated he did not know if this budget as presented is really strong enough to really meet the demands in the next four or five years. He felt the personnel on the staff is going to have to be reviewed on a continuing basis to see if we have enough people on staff. We have to cover the demands. He stated the legislative bodies of our community have said that their commissioners are doing a good job, which reflects from you back to staff and from staff back to you as members of this commission. He pointed out the Commission has no tax base that of which to work from, but work within the legislative framework for those bodies as a recommending agency. Mr. Kroger felt it behoves the Commission to let them know what we are anticipating as a planning agency for this community and how we see this community and felt that those legislative bodies then would react accordingly as they see our abilities within the community. Chairman Kroger stated to answer Mr. McMillian's question again, "yes", he felt the budget is very well in form and in place to be adopted this evening.

Mr. McMillian stated the enforcement so far has been shoddy.

Mr. Kroger stated enforcement is a loser, enforcement by any branch of government by anyone for any reason is shoddy, as much as the police try to enforce there is crime, as much as we try to enforce there's problems, as many times as we have situations before us that we become more and more aware of, we have that many more that are there that we don't know about. We simply cannot catch up with enforcement. He stated that we as a commission would be better off without enforcement, the community as a whole would not be better off if enforcement were somewhere other than this agency for zoning. It has been generally agreed by the community that enforcement should be in the hands of the commission. The budget reflects that there will be a person whether full or parttime directed to enforcement, which is more that we can get right now. We can't because of the paperwork, we can't get in the field to do the enforcement that's necessary, we simply can't do it, it's impossible to handle the reams and mountains of paperwork that is created by the application process and the day to

day traffic and then go out into field.

Mr. McMillian expressed his concern as to the developers unfulfilled obligations to other agencies. Mr. McMillian expressed concern as to the lack of information on the situation and whether it was from lack of communciation.

Chairman Kroger stated the issue was raised because of a long standing problem but was not an enforcement matter for the commission.

McMillian expressed concern of the possibility of overstaffing and in the future have to cut back. Mr. McMillian questioned approving a budget and maybe not receiving the money to back it.

Chairman Kroger stated it behoves the legislative body to recognize the statements that we are sending forth from this commission with the budget.

Mr. Greene, stated he would like to pour a little bit of cold water on it. Mr. Greene stated he agreed the need for the right office equipment, mapping facilities and so on and that those things should be acquired. Mr. Greene felt that whatever is needed to simplify some of this paperwork could be and should be used. He felt there is entirely too much paperwork, and felt it could be minimized. Mr. Greene stated that he was not in favor of hiring two \$40,000.00 year men to ride around over the county and just appear at the meetings. He continued that we have jumped from \$80,000 to \$220,000 all of a sudden, he felt the county has grown but it hasn't grown that fast. To double it in size in one year, it doesn't seem to be necessary.

Mr. Buse moved that the Budget be adopted as presented. Mr. Barnett seconded,.

In response to Mr. DeLong, Mr. Lynn stated he hasn't discussed specific numbers with the legislative bodies, but you have to start somewhere. Mr. Lynn pointed out we are not jumping from \$80,000 to \$210,000. Mr. Green stated it says \$210,613.00 is what's proposed within the next 12 months. Mr. Lynn stated that was correct and pointed out the current expenditures this Fiscal Year are going to run about \$120,000.00. He stated he didn't know how the legislative units are going to react, but there is a concensus that the planning commission staff has to expand. Mr. Lynn pointed out he has to get approval from the Commission, before he can go forth to the legislative bodies and get approval at that level. He stated he as to start somewhere and this is where he has to start.

Mr. Barnett stated he talked to a couple of members of the Florence City Council and felt there is a concensus that some updating needs to be done and they were receptive to going over the budget and working with the Commission as much as possible to upgrade staff. He stated they recognized there might be some areas that might need

◦ further looking into. They are aware of the need and Mr. Barnett felt they would be very receptive, whether they go along totally will be another question, but they are certainly receptive.

In response to Mr. Jones, Mr. Lynn stated the original budget for this fiscal year was around \$99,000.00 was what the planning commission budgeted. According to the projections he has done based on the expenditures for the last six months our actual expenditures are going to reach about \$120,000 for this fiscal year. He stated he is proposing a \$210,613.00 budget. Mr. Jones question whether we are asking for too much at one time.

Mr. Lynn stated he was playing some catch up ball. He felt that the planning commission may have been under staffed in years past, and the reason this seems like such a large jump is that we are trying to rectify a situation that has been going on for maybe a couple of years.

Mr. Davis pointed out that on page 14, at the bottom of the total cost it is approximately \$30,000 of this \$210,000.00 is for an update of the Comprehensive Plan, bringing this down to \$180,000.00 which is only \$60,000.00 over what we are spending this year. He stated that brings it a little bit more in perspective.

Chairman Kroger restated the motion for approval of the budget. A roll call vote was taken. The motion passed, 12 yes, 1 no. Mr. Greene, voted "no".

Chairman Kroger stated a question was raised whether or not the \$10.00 per meeting per member is included in the budget. Chairman Kroger stated it is not included in the budget but has been a gratuity from Fiscal Court.

Chairman Kroger asked if there were any further comments. No one responded.

Mr. Neltner moved for adjournment; Mr. Barnett seconded. The meeting adjourned at 9:45 P.M..

RESPECTFULLY SUBMITTED:

Sherry Y. Baker  
Sherry Y. Baker, Clerk

Sandra G. Ryan  
Sandra G. Ryan, Clerk

APPROVED: May 17, 1984

Paul E. Kroger  
PAUL E. KROGER  
CHAIRMAN

COMMITTEE REPORT

MAY 2, 1984

TO: BOONE COUNTY PLANNING COMMISSION


FROM: DON DAVIS, Chairman


SUBJECT: Request of Laura F. Tesseneer, Agent for Minnie Bell, owner, for a zoning map amendment from its present zoning district of Suburban Residential Two (SR-2) to Commercial One (C-1). The property is located at 557 Florence Pike, Burlington, containing 1 acre. For the purpose of a cottage-style small business to sell Ky. Handcrafts, some antique reproductions and gifts.

CONCLUSION:


We the Committee recommend denial based on the following:

1. The request does not conform to map or text of the Comprehensive Plan.
2. With the current and existing development in this immediate area being Residential the requested Commercial would be inconsistent.
3. Sufficient reasons of changes in the area, inappropriate or improper zoning have not been shown to support the zone change.

  
DON DAVIS, Chairman

  
LARRY BARNETT

\_\_\_\_\_  
MELVIN DELONG

  
R.L. BUSE, JR.

  
WILLIAM R. VIOX

Concept Development Plan:

We wish to purchase the Minnie Beal (Mrs. John Beal) property for the purpose of opening a small shop where we plan to sell Kentucky crafts, and other gift or accessory items of good quality. We do not plan to change the residential appearance of the property except by improvement. Specific changes, improvements, or repairs include:

1. rewiring the house, adding electric heat, lighting, etc.
2. new roof for porch and small concrete-block building to left of house
3. painting existing good roof and new roof to match
4. adding new siding and insulation to house and concrete-block building
5. adding design features (shutters, for example) to improve the house appearance
6. connecting house and concrete-block building by lattice-covered walk
7. Adding patio at back
8. adding a five-car parking area in front
9. grading the lawn, clearing of undergrowth, removal of dead tree, etc., then implementing a landscape plan to give an attractive appearance
10. renovating house interior with new finish or cover for walls, ceilings, floors, windows, and woodwork
11. putting an unobtrusive sign at the edge of parking area, to announce our shop

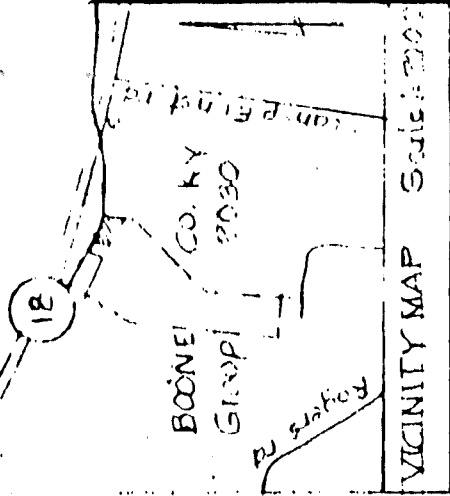
We will comply with county laws and regulations, planning in no way to detract from the area--rather to improve the appearance of this little stretch of Highway 18. There is easy access to the property, via Old Highway 18 which circles by the property. The nature of our business precludes causing any traffic problems, as we anticipate only limited numbers of cars on hand at any particular time.

By "we" I am referring to my husband, Ralph A. Tesseneer, Jr., who will help me purchase the house, if we can obtain rezoning & clear title, and to Ireme Brownfield (Mrs. Ed), Hallum Street, Erlanger, Kentucky, who will be a partner in running the shop.

Very truly yours,

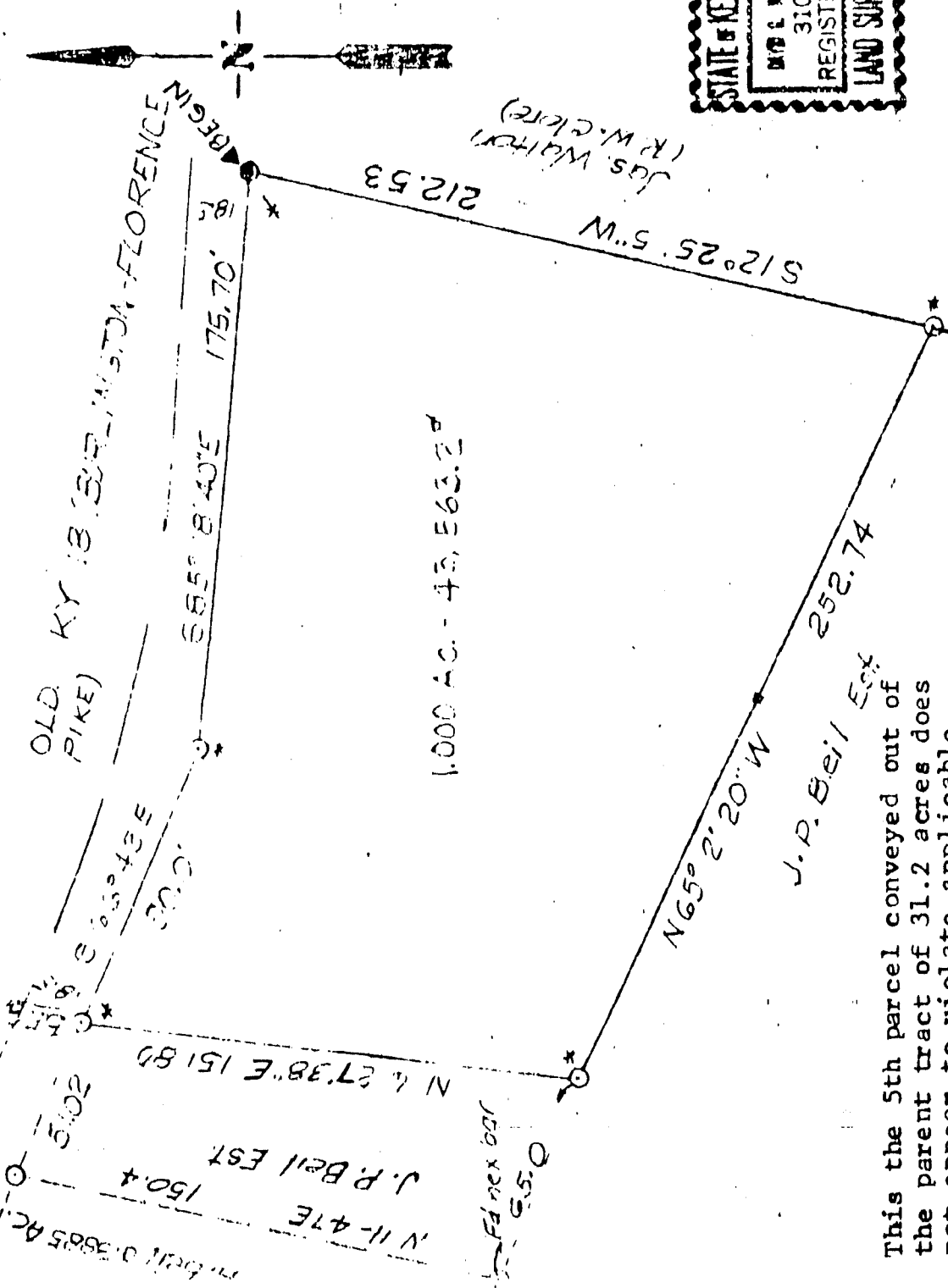
*Laura F. Tesseneer*

Laura F. Tesseneer



I state that this survey by me is correct.

*Walter Walton*  
Ky. Reg. P.E., L.S.



1.000 AC. - 43,563.2<sup>sq</sup>

This the 5th parcel conveyed out of the parent tract of 31.2 acres does not appear to violate applicable zoning regulations.

*Walter Walton*  
Ky. Reg. P.E. & L.S.

Approved for recording purposes, June 1982. The Boone County Planning Commission.

Chairman

Plat - 1.000 acre parcel to be conveyed by J.P. Beil estate to

SCALE: 1" = 50'

DATE: 5-31-82

APPROVED BY: F.B.155 P. 59

Part 31.2 Ac. less except D. 8.79 E. 4.06 - Group 2030

Walton & Walton - Civil Engineers - Surveyors  
Burlington, KY 41005 Phone 596 5017

DRAWING NUMBER

