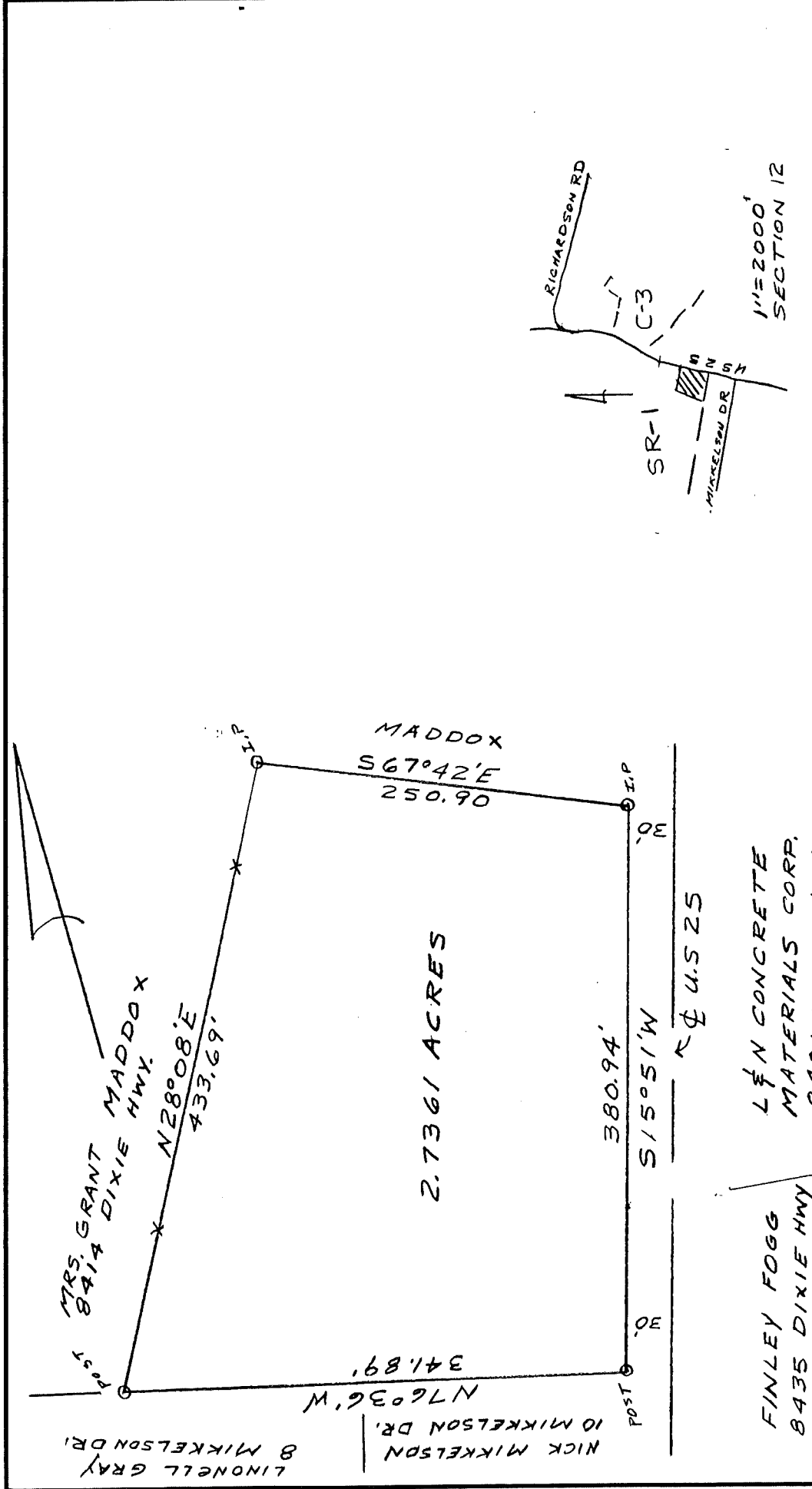


APPLICATION FOR ZONING ACTION

- TO: Boone County Planning Commission City of Union Board of Adjustment
 City of Florence Board of Adjustment City of Walton Board of Adjustment
 Boone County Board of Adjustment Zoning Enforcement Officer
- FOR: Zoning Text Amendment Zoning Map Amendment ✓
 Comprehensive Plan Change Preliminary Plat Approval
 Improvement Plat Approval Final Plat Approval
 Conditional Use Permit Site Plan Review
 Concept Development Plan Historic District Overlay
 Preliminary Development Plan Sign Permit
 Change of Non-Conforming Use Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: Robert G. Maddox Owner Agent
Address: R#1 Box 33
Union, Ky. 41091 Telephone: 371-6340
384-4532
Location: 8420 Dixie Highway, Florence, Ky.
Name of Owner: MRS. Archmarie Maddox
Address of Owner: 8414 Dixie Highway, Florence, Ky.
Zone: SR-1 to C-3 Area in Acres: 2.7
Description of Request: For construction of a garden center
(Devon Garden Center)
Owner's Signature: Archmarie Maddox
Applicant's Signature: Robert A. Maddox

FOR PLANNING COMMISSION USE:
Date application and fee of \$ 218⁰⁰ Received: July 31, 1981
Referred to: Planning Comm. For Meeting Date: August 5, 1981
Action: Recommended Approval Date: September 2, 1981
PUBLIC HEARING DATE: AUGUST 26, 1981
Referred to Committee of: Raymond Godsey, chairman, R. L. Buse, Jr.
Robert Webster, Roy Vaughn and Ed Shafer



| | |
|---|----------------|
| MRS. GRANT MADDOX REQUEST FOR ZONE CHANGE FROM SR-1 TO C-3 | |
| 2.7361 ACRES | SCALE 1"=100' |
| DRAWN BY | |
| REVISED | |
| A. J. WILLIAMSON R.L.S. NO. 1008 92-B RIVER RD., BURLINGTON, KY 41005 525-8722 — 586-6459 | |
| DATE APPROVED BY | DRAWING NUMBER |
| 7-30-81 | I-81-54 |



A & J LAND SURVEYORS

92 B RIVER ROAD
BURLINGTON, KENTUCKY 41005
371-7551 586-6459

July 30, 1981

DESCRIPTION OF 2.7361 ACRES
FOR A ZONE CHANGE ONLY FROM
SR-1 TO C-3

Situated in Boone County, Kentucky and lying on the west side of U. S. 25 at Devon, Kentucky and being part of the 54.37 acres, less exception (0.68 acres), owned by Mrs. Grant Maddox, found on record in Deed Book 72, page 39 of the Boone County Records at Burlington, Kentucky and is described as follows:

Beginning at a post in the 30' right-of-way of U.S. 25 and corner to Nickolas Mikkelson, thence with Mikkelson's and Linonell Gray's line $N76^{\circ}36'W$ 341.89' to a post, thence along a new division line of Maddox $N28^{\circ}08'E$ 433.69' to a $\frac{1}{2}$ " re-bar, $S67^{\circ}42'E$ 250.90' to a $\frac{1}{2}$ " re-bar in the 30' right-of-way of U.S. 25, thence with the right-of-way $S15^{\circ}51'W$ 380.94' to the point of beginning containing 2.7361 acres.

This description was prepared by A. J. Williamson, R.L.S. #1008, 92 B River Road, Burlington, Kentucky 41005 (606) 586-6459.

AJW/jw

Zone Change Request by Robert G. Maddox
for property located on U. S. 25, Dixie
Highway, In Boone County.

This is a zone change request by Robert G. Maddox for a 2.7361 acre tract owned by Mrs. Grant Maddox and located on the west side of U.S. 25 less than one-tenth of a mile north of its intersection with Mikkelson Drive, in Boone County. The applicant is requesting a change from the current Suburban Residential One, SR-1 zone to Commercial Services, C-3 for the purpose of the development of a Garden Center.

The current zoning of adjoining properties to the north, south and west is Suburban Residential One. And to the east, across U.S. 25, is current zoning of Industrial One, I-1.

The subject tract is currently used as a mixture of agricultural uses and undeveloped. Current land use to the north and south is residential. To the west is current agricultural land uses. And to the east, across U.S. 25, is current use of residential and industrial (L & N Concrete Plant).

The Land Use map of the Boone County Comprehensive Plan indicates the planned future land use of the site is Medium Density Residential. The text of the Comprehensive Plan does not directly address this particular area. In general though, the Plan states, "Medium density residential could include the expansion of existing developments in the Florence and Walton service areas." It goes on to say that as the Florence urban service area is expanded new medium density residential is encouraged adjacent to many existing and committed subdivisions. As indicated on the Land Use map this site is planned as one of these areas.

The applicant has submitted a Concept Development Plan in accordance with the zoning requirements for a planned commercial land use. The applicant plans to develop a garden center with a 1200 square foot store building near the rear of the 2.7 acre tract. Along the southern property line is the proposed area for the plant beds. And to the front and right of the proposed store is the planned parking area showing around twenty-three (23) parking spaces.

The applicant shows no plans for the provision of water to this project. But there is an existing 8 inch County water main along this west side of U.S. 25 in front of the

Zone Change Request
Robert G. Maddox
Page Two

subject tract. Plans to tie into this line should be presented to the Boone County Water and Sewer District for their review.

The plan does not indicate the method for sanitary sewage disposal for this development.

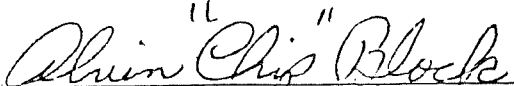
The site does front on U.S. 25, a state maintained highway having a surface of twenty-two (22) feet and maintained in good condition. The Concept Plan does plan for one driveway cut, which will need to be reviewed by the Kentucky Bureau of Highways.

In my opinion, this zone change request does not conform with the Comprehensive Plan text or map and would require other findings of fact to support the request for the zone change.

If the Commission and its committee would consider a recommendation of approval and the legislative body would eventually approve this request, it would be necessary to change the text and map as follows:

1. Change the Land Use map from Medium Density Residential to Commercial for this tract.
2. Change Tables 1, 2 and 3 of the text of the Plan by decreasing the number of acres involved in this request under Medium Density Residential and increasing the same number of acres under Commercial.

These would be the only changes I feel would be necessary, if eventually this request is approved.


Alvin "Chip" Block
Zoning Enforcement Officer
and Staff Assistant

August 26, 1981

ACB:mf

BOONE COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARINGS AUGUST 26, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Members present were Mr. Buse, Mr. Godsey, Mr. Hasselbring, Mr. Jones, Mrs. Patrick, Mr. Shafer, Mr. Tobergte, Mr. Viox and Chairman Kroger. Also present were Mr. Block, Mr. Clark and Mr. Wilson.

PUBLIC HEARING #1

The public hearing was held to consider the request of Robert G. Maddox for a zone change from SR-1 to C-3 for a 2.7 acre tract located at 8420 Dixie Highway and owned by Mrs. Archmarie Maddox. Mr. Robert Maddox was present on behalf of this request and stated that the 2.7 acre tract was part of a 54 acre farm owned by the Maddox family. He further stated that they plan to have plant beds at the extreme south of the property and a small store near the rear of the property. Mr. Maddox pointed out that they plan to use the lake sources rather than county water for the watering of the plant beds. Mr. Maddox stated that there are 14 businesses in this area and seven residences. In answer to a question by Mr. Buse, Mr. Maddox stated that there would be 300 feet of road frontage on U.S. Highway 25.

Mrs. Deborah Gray, 8 Mikkelson Drive, was present and stated that she was concerned whether the applicant planned to provide some type of screening or fencing along the property line that abuts her property. Mrs. Gray stated that the back of her house is glass and that she has an inground swimming pool. Mr. Don Maddox stated that he was considering putting in a windbraker of evergreens or white pines. In answer to a question by Chairman Kroger, Mr. Robert Maddox stated that he would agree to add the screening to the Concept Development Plan that has been submitted. There being no further discussion, this public hearing was declared closed.

PUBLIC HEARING #2

Regarding the request of Ronald E. Clark for a zone change from SR-1 to C-3 for a 32.7812 acre tract located on Service Road 1A, Chairman Kroger stated that prior to the meeting Mr. Wilson received a phone call from Mr. Clark's attorney stating

Minutes
August 26, 1981
Page 2

that they would like to withdraw or defer this request. Mr. Wilson stated that a Concept Development Plan was required for this request but that it wasn't submitted until today and that there wasn't sufficient time for the staff to review it. There was no one present on behalf of this request.

Mr. Dennis Davis was present representing 68 residents of this area who are opposed to this request and Mr. Davis stated that they have a petition opposing this request. In answer to a question by Mr. Davis, Chairman Kroger suggested that Mr. Davis be present at the September 2nd meeting. Mr. Wilson stated that if the request has not been officially withdrawn or deferred as of the September 2nd meeting, the Planning Commission will have to take action on it.

The meeting adjourned at 8:30 p.m.

APPROVED: _____

Respectfully submitted,

CHAIRMAN

CLERK

BOONE COUNTY PLANNING COMMISSION
MINUTES OF MEETING SEPTEMBER 2, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Roll call was taken showing 12 members present, 3 absent. Those absent being Mr. Hasselbring, Mr. Leicht and Mr. Vaughn. Also present were Mr. Block, Mr. Clark and Mr. Wilson.

Mr. Godsey moved the minutes of the meeting of August 19, 1981, and the minutes of the public hearings held on August 26, 1981, be approved as reviewed. Mr. Jones seconded. Roll call vote of 12 for, 0 against. Motion passed.

COMMUNICATIONS AND BILLS:

Communications were received from the Greater Cincinnati International Airport and Vincent & Skees.

A bill was presented from Cincinnati Bell for \$72.24 for telephone service. A bill from the City of Florence was presented for \$100.00 for photostat copies. A bill from the Boone County Recorder was presented for \$330.12 for notices of public hearings. A bill from Jerry Rouse was presented for \$74.40 for recording fees. A bill from Village Square Office Products was presented for \$9.64 for office supplies. A bill from B. C. Printing was presented for \$19.75 for letterhead envelopes. A bill from Olsten Temporary Services for \$715.64 was presented for secretarial services. Mr. Block submitted a bill for \$53.38 for auto expense and Mr. Clark submitted a bill for \$453.91 for professional services. The employees were to be paid and the clerk requested a total of \$35.00 for postage. Mr. Jones moved these bills be paid. Mr. Godsey seconded. Roll call vote of 12 for, 0 against. Motion passed.

The following receipts were accepted and given to Mr. Godsey for deposit:

| | |
|---|----------|
| T. R. McNeely Convenience Plat | \$ 25.00 |
| Edward Purnell Zoning Permit | \$ 10.00 |
| Union Swim Club, Inc. B.C. Board of Adj. Hearing | \$ 59.00 |

Minutes
September 2, 1981
Page 4

In his report, Mr. Block referred to a letter received from Signs/American Incorporated requesting a waiver of the required fee of \$50.00 for a sign permit for the Florence Christian Center on U.S. 42 in Florence. Mrs. Patrick moved the fee be waived for the Florence Christian Center. Mr. Greene seconded. Roll call vote of 12 for, 0 against. Motion passed.

Chairman Kroger stated that Mr. Block has requested two days vacation to be taken on September 3rd and 4th. Mr. Buse moved that Mr. Block's request be granted. Mr. Jones seconded. Roll call vote of 12 for, 0 against. Motion passed.

UNFINISHED BUSINESS:

The committee report was read, accepted and made a part of the minutes regarding the request of Robert G. Maddox for a zone change from SR-1 to C-3 for a 2.7 acre tract located at 8420 Dixie Highway and owned by Mrs. Archmarie Maddox. Mr. Buse then moved that based upon the findings of fact contained in the committee report which is made a part of the minutes, that a letter be sent to the Fiscal Court recommending approval of this zone change by Resolution No. R-22-81. Mr. Shafer seconded. Roll call vote of 12 for, 0 against. Motion passed. Mr. Shafer then moved by Resolution No. R-23-81 that if this zone change is approved by the Fiscal Court, that the Comprehensive Plan and its Land Use Map be amended to reflect this zone change. Mr. Buse seconded. Roll call vote of 12 for, 0 against. Motion passed.

Regarding the request of Ronald E. Clark for a zone change from SR-1 to C-3 for a 32.7812 acre tract located on Service Road 1A, Chairman Kroger stated that he received a phone call from the applicant's attorney requesting that the Planning Commission postpone any action on this request and readvertise the request for a new public hearing. The applicant's attorney agreed to waive the 60 day time period and to pay the additional fees involved. The reason for the requested deferment was that the engineer was not present at the public hearing to present the concept development plan,

Minutes
September 2, 1981
Page 11

Chairman Kroger then read a letter he wrote to Mr. Michael T. McKinney, attorney for Mrs. Edna Miller regarding a refund due Mrs. Miller of \$93.03.

Mr. Buse moved by Resolution No. R-25-81 that Mr. Block be officially designated as one of the custodians of the official records of the Planning Commission so that he can properly certify certain copies of the Planning Commission records. Mr. Jones seconded. Roll call vote of 12 for, 0 against. Motion passed.

Mr. Tobergte apologized to the Commission and its staff for jumping the gun on the Ammon request. Chairman Kroger accepted Mr. Tobergte's apology.

There was some discussion regarding the time needed by the staff to review site plans and it was decided that the staff decide how much time is needed and report back to the Commission at the next meeting.

There being no further business, Mr. Shafer moved the meeting be adjourned. Mr. Jones seconded. Roll call vote of 12 for, 0 against. Motion passed and meeting adjourned at 11:00 p.m.

APPROVED: September 16, 1981

D. C. Kroger
CHAIRMAN

Respectfully submitted,

Mary Joerin
CLERK

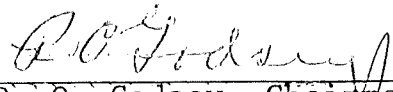
BOONE COUNTY PLANNING COMMISSION

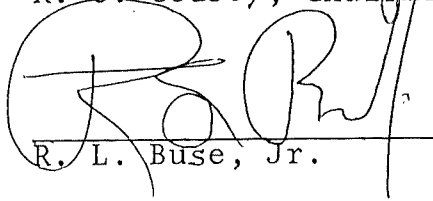
TO: Boone County Planning Commission September 2, 1981
FROM: Raymond Godsey
SUBJECT: Request of Robert G. Maddox

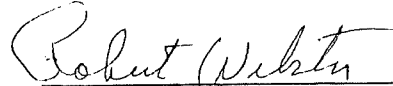
Regarding the request of Robert G. Maddox for a zone change from SR-1 to C-3 for a 2.7 acre tract located at 8420 Dixie Highway, the committee recommends approval of the zone change based on the following findings:

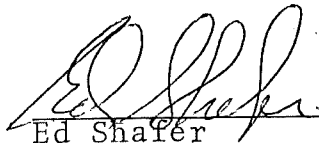
1. That the original zoning classification of SR-1 is inappropriate because of the existing and planned industrial land use on the east side of U.S. 25 across from this site and that the requested C-3 zoning is a more appropriate zoning district for this site because it will act as a buffer between existing and proposed industrial uses to the east of U.S. 25 from planned medium density residential to the west of U.S. 25.
2. The applicant has agreed at the public hearing to follow his concept development plan including additional screening along the southern property boundary line screening the site from existing residential along the southern property line as he stated at the public hearing.

We also recommend that if the legislative body would approve the zone change that the comprehensive plan land use map and text be changed as recommended in the staff report presented at the public hearing.

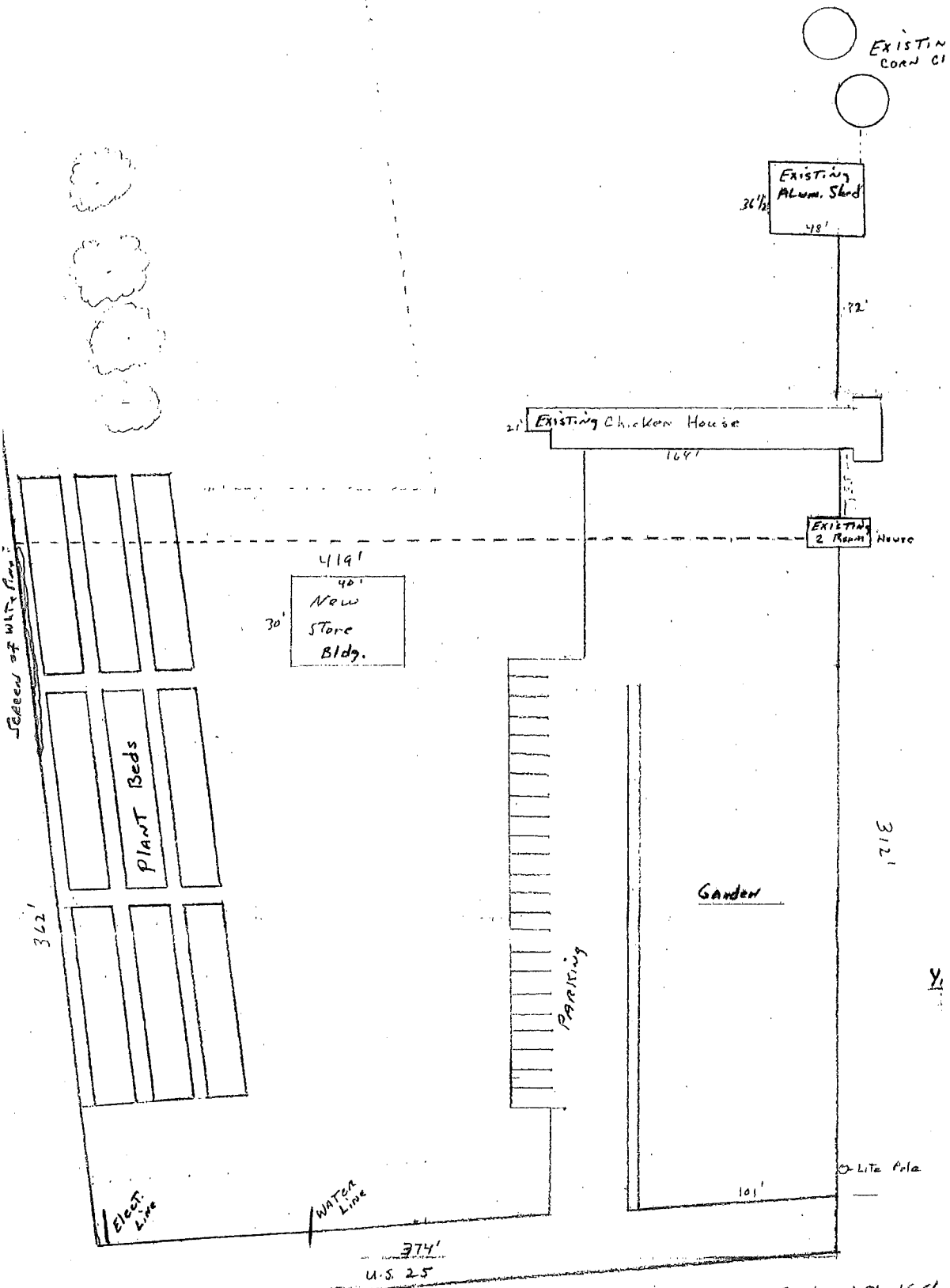

R. O. Godsey, Chairman


R. L. Buse, Jr.


Robert Webster


Ed Shafer

Roy Vaughn



MRS. GRANT MADDox 8420 Dixie Highway Florence, Ky.

Scale 1" = 6'