

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING: OCTOBER 27, 1982

Zone Change Request by Ida Pearl Sebree
for property on Kentucky 18, Boone County

This is a zone change request by Ida Pearl Sebree for a 1.10 acre tract located on the north side of Kentucky 18 generally 300 feet east of the intersection of Carlton Drive, Boone County. This request is to change the current zoning of the property of Commercial Services, C-3 and Urban Residential Two, UR-2 to Commercial One, C-1 to permit the construction of a building for physician and dental services.

Adjoining properties to the north are zoned Urban Residential Two, UR-2. To the east is Suburban Residential Two, SR-2 Zoning. To the south, across Kentucky 18, is current zoning of Commercial One, C-1. And to the west is Commercial Services, C-3 zoning.

Current land use of the subject property is undeveloped. To the north is residential (multifamily) and undeveloped. To the east is residential land use. To the west and south is Commercial useage.

The planned future land use of the subject tract according to the Land Use Map of the Boone County Comprehensive Plan is shown to be Commercial. According to the text of the Comprehensive Plan it is stated on page 3.15, "Commercial uses are planned immediately east of Burlington on both the north and south sides of KY 18. These may include both neighborhood and community type uses to serve the larger Burlington area, and planned development is encouraged to ensure coordinated access and facilities in these centers.

And on 3.7 it is stated, "Neighborhood or convenience oriented commercial districts are much more broadly dispersed throughout the County. These districts should be located close to their consumer population and developed as "planned" districts to avoid "strip" development.

A Concept Development Plan was submitted with this request. Planned is an approximate 5,300 square foot building for physicians and dental services. No plans for sanitary sewer or water supply have been submitted with this development.

Water could be available from an eight inch County Water main across the front of this site. Approval for this must be granted by the Boone County Water and Sewer District.

There is no current sanitary sewage disposal system available to the site and none is planned by this request.

Access is planned by way of an entrance off of Ky. 18 leading to a parking area across the front of the site. The development plan shows a highway cut through to provide access to both east and west bound traffic.

In my opinion, if this development is not creating a "strip" development in the opinion of the Commission, then the Planning Commission could recommend approval for, or the Boone County Fiscal Court could approve this request to rezone based upon its compliance to the map and text of the Comprehensive Plan.

Alvin "Chip" Block

Alvin "Chip" Block
Zoning Enforcement Officer

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

OCTOBER 27, 1982 8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Chairman Kroger called the Public Hearing to order at 8:05 P.M.. Eleven (11) members were present: Messrs. Buse, Conkle, Hasselbring, Smith were absent. Staff members present were Ms. Sullivan and Mr. Wilson.

Chairman Kroger noted that four (4) items originally appeared on the agenda for the Public Hearing. Chairman Kroger then proceeded with the evening's agenda.

PUBLIC HEARING #1

ZONING MAP AMENDMENT, requested by Orville Saylor, to change a 5.28 acre site, located at KY 338, Boone County, Kentucky. The requested change is from Agriculture Two (A-2), to Rural Suburban Estates, (RSE). Ms. Sullivan presented the Enforcement Officer's Report.

Chairman Kroger asked if there was anyone present that would like to say anything in favor of the proposed zone change.

Mr. Orville Saylor stepped forward and said that he planned to build two (2) homes immediately facing Richwood Road with 1400 sq. ft. lots. In later years, he plans an earth shelter home facing farm land in the rear.

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

PUBLIC HEARING # 2

ZONING MAP AMENDMENT, requested by Ida Pearl Sebree, owner, for a change on a 1.0 + acre site, located on KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. The requested change is from Urban Residential Two, (UR-2) and Commercial Services, (C-3) to Commercial One, (C-1) to permit physician and dental services. Ms. Sullivan read the Enforcement Officer's report and located the property on the map.

Chairman Kroger asked if the owner or an agent for the request was present.

Mr. James Berling, Engineer for Mrs. Sebree, acknowledged his presence and stated he had nothing to add.

Chairman Kroger asked if anyone was present in opposition. No one spoke. He asked if the Board members had any questions or comments.

Mr. Viox commented that the Staff report seemed to fall between a Concept Plan and a Development Plan. He stated that he felt that a Concept Plan had been turned in and there was no necessity for a Development Plan. He expressed objection to the wording of the report.

Chairman Kroger asked for any further comments.

In response to a question from Ms. Sullivan, Chairman Kroger stated that the Commission had not taken a position on cuts on State Highways, since the State regulated that matter exclusively.

Chairman Kroger asked for any further comments.

Bob Kirby asked if the change to (C-1) affected the full depth of the property; Ms. Sullivan indicated that the entire tract was affected.

Mr. Shafer questioned Staff's comment regarding "strip" shopping centers noted in the Enforcement Officer's Report. He inquired as to what factors should be used to determine what constitutes a "strip development".

Chairman Kroger said that he deduced that what Mr. Block intended to say, was that possibly, if the Commission deemed the project not to be a strip center, then it would not constitute a strip center.

The Chairman noted that the charge is to the lay committee to review the project to make an evaluation of the matter.

Chairman Kroger noted that this as well as the previous request would be on the agenda for final action on November 3, 1982.

Asking for further comments and hearing none, Chairman Kroger declared the Public Hearing closed.

PUBLIC HEARING # 3

ZONING MAP AMENDMENT, requested by Bankers Financial Corporation to recommend a zone change on a 0.3056 acre site, located at 8121 U.S. 42, Florence, Boone County, Kentucky. The requested change is from Commercial Services, (C-3)

to Commercial One, (C-1). Ms. Sullivan located the property on a map and read the Enforcement Officer's report.

Chairman Kroger asked if there was a representative of Bankers Financial present that would care to make a comment.

Mike McCoy, Secretary of Banker's Financial, stated that the interest was to move a present office in Covington to Florence.

Chairman Kroger asked if anyone else in the audience or the Commission wished to speak in behalf, or in opposition, to the request.

Mr. Viox stated that he objected to the portion of the Staff's report addressing specifics of driveway size. He said the Concept Plan's purpose is to point out to the applicant a deficiency in meeting those dimensions, but not to get specific about driveway sizes.

Chairman Kroger hearing no further comments or questions declared the Public Hearing closed, noting that action would be taken at the November 3, 1982 meeting.

In response to Mr. McCoy's question, Mr. Wilson explained the purpose of the Concept Development Plan requirement.

Chairman Kroger then declared the Public Hearing closed.

PUBLIC HEARING # 4

Chairman Kroger then opened a Public Hearing for the purpose of discussion of zone changes from Suburban Residential One (SR-1) to Residential One Family (R1F) for designated areas within the following platted subdivisions located in the City of Florence, Boone County: Buckingham Woods, Circle Park, Colonial Estates, Deters, Dilcrest, J.B. Herring, Lincoln Woods, Pheasant Run, Spring Meadows, Williamsburg West.

Chairman Kroger noted that the proposal was the culmination of Mr. Jones' desire to rectify a problem which arose as a result of the development of the Comprehensive Plan, and the development of the County Zoning Ordinance. He noted that KZF had indicated that little change would occur to the makeup of Florence's subdivisions as a result of the plans; Mr. Jones and others in the City realized that there had been changes which became evident only after the new zoning regulations were adopted.

Ms. Sullivan stated that the purpose of the R1F zoning was to protect the owners of single-family homes who purchased with the expectation that existing zoning would exclude multi-family developments with the platted subdivision. The Committee had established criteria to evaluate subdivisions with the City of Florence.

First, the area had to include a minimum of 5 acres, Second, only platted subdivisions were considered and it was understood that the boundary lines of the existing zoning district would be maintained. Third, that the majority of the average lots meet the R1F guidelines as set out in the ordinance. The Committee decided to eliminate set back requirements since very few if any of the subdivisions under study met them. The fourth criteria was that the area had been zoned R-1 and R-2 under the prior zoning ordinance. The Committee also looked to construction or authorization of multi-family units since August 1, 1980, and to the existence of such units prior to that date. The Committee examined the conformance of the proposed zoning to the Comprehensive Plan. Every single subdivision platted in the City of Florence was examined, in order that none would be excluded from consideration. From a windshield inspection made by the Staff, the Committee determined how many and what kind of multi-family development had taken place within the subdivision and the intergration of the units into subdivision's single family character. A matrix was developed to determine how the subdivisions fell within these criteria and the R1F guidelines. The result of the evaluation process was the recommendation that the final subdivision be rezoned R1F. Buckingham Woods, Circle Park, Colonial Estates, Deters, Dilcrest, J.B. Herring, Lincoln Woods, Pheasant Run, Spring Meadows, Williamsburg West.

Ms. Sullivan pointed out that one reason why J.B. Herring and the Deters subdivisions had been included was because of their geographic inclusion in larger subdivisions which were recommended for rezoning. Ms. Sullivan stated that a description of the areas to be rezoned had been published on two separate occasions, constituting the best notice available under the circumstances.

Mr. Viox asked if the developers of the subdivisions had been notified.

Ms. Sullivan said that the Committee had decided not to contact the parties.

Mr. Viox expressed concern that some developers who do not live in the County might not have had notice of the rezoning activity. Mr. Viox noted his fear of repercussions from developers for lack of notice of the Public Hearing. He said that although Mr. Votel did not have many lots left in Buckingham Woods, in Pheasant Run, Mr. Butler had approximately 60 lots vacant in another subdivision. Mr. Viox stated that he was in favor of R1F, but felt that someone who owns 60 lots should be notified of a proposed zone change.

Chairman Kroger stated that Staff should prepare written designation of what is included and what is not included in the proposed rezoning project.

General discussion concerning the creation of pre-existing nonconforming uses by approval of zone changes followed.

Chairman Kroger stated that he would like to review the subdivisions individually for comments or problems. With respect to J.B. Herring and Colonial Estates, Chairman Kroger noted that the four family was an illegal use from the beginning, but that the problem would have to be addressed.

Chairman Kroger asked if there were problems in Spring Meadows, other than the existing multi-unit dwellings pointed out by Mr. Collins. There were no comments. No were there comments on Circle Park or Dilcrest.

With regard to Williamsburg West, Mr. Collins asked if the Storer Cable property was included.

Chairman Kroger replied that Storer was on Old Toll Road and was included, except for the front portion of the property rezoned for Storer to Commercial two (C-2). That area would not be changed.

Pheasant Run Subdivision was next considered. No comments were made.

Mr. Barnett asked if the City of Florence was in agreement with the Committees recommendations. Ms. Sullivan said that the representatives of the City, Mr. Bailey, Mr. Osborne and Mr. Janken had reviewed the preliminary recommendations. Chairman Kroger, in response to Mr. Barnett's question, stated that the recommendations would be made to the City of Florence, and that the City could make changes if they wished; that the City could, if they wished, conduct an independant Public Hearing. Ms. Sullivan said that the initial recommendations made by the City had been considered by the Committee in making its recommendations. Mr. Collins inquired whether or not the zoning change would affect home occupations: Chairman Kroger said he did not think zoning was or would be used to control home occupations.

Chairman Kroger invited members to direct their comments regarding the project to the Staff during the upcoming week, and declared the Public Hearing closed at 9:38 P.M..

APPROVED: _____

Respectfully submitted,

CHAIRMAN

Sherry G. Baker

CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

NOVEMBER 3, 1982

8:00 P.M.

BOONE COUNTY ADMINISTRATION BUILDING

Chairman Kroger called the meeting to order at 8:05 P.M. Nine (9) members were present: Messrs. Buse, Conkle, Hasselbring, Ingram, Jones and Smith were absent. Staff members present were Ms. Sullivan, Mr. Wilson and Mr. Block.

Chairman Kroger called for approval of the minutes of October 20, 1982 meeting and also of the Public Hearing of October 27, 1982. Mr. Godsey moved that the minutes of the Public Hearing of October 27, 1982 be approved as stands, and that minutes of October 20, 1982 be corrected to include the names of members absent. Mr. Viox seconded, the vote carried unanimously.

COMMUNICATIONS AND BILLS:

Mrs. Baker noted that one communication had been received from the Robert McGraw and Co. concerning renewal of an insurance policy. Chairman Kroger accepted the communication and said action would be taken.

The following bills were presented: Budget Print Center, \$8.00 for copies; Jerry Rouse, Recording, \$30.00; Petty Cash, \$50.00; Alvin Block, \$60.18 mileage; Staff salaries and benefits, \$3,056.46. Mr. McMillian moved that the bills be paid, Mr. Shafer seconded; the vote carried unanimously.

REPORTS:

Mr. Godsey presented the Treasurer's Report. Balance on hand October 6, 1982, \$29,119.30 in the checking account; \$526.08 in savings; in certificates of deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector issued permits 3553 thru 3571 during October for a total of \$494,614.00, estimated construction costs. Boone County

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Building Inspector, Conrad Tobergte, issued 23 permits for total construction costs of \$686,519.00. Mr. Tobergte issued zoning and sign permits in the county totalling \$450.00 for the month of October.

Chairman Kroger proceeded to the request of Bankers Financial Corporation to recommend a zone change on a 0.3056 acre site, located at 8121 U.S. 42, Florence, Boone County, Kentucky. The requested change is from Commercial Services, (C-3), to Commercial One, (C-1) in order to permit operation of a financial institution. Mr. Block identified the project location. Chairman Kroger asked if a representative was present. Mr. Mike McCoy, Assistant Secretary-Treasurer of Bankers Financial, stepped forward and stated the intent of the company to move an office from Covington to Florence. Chairman Kroger asked if there was anyone present in opposition. No one responded. Chairman Kroger asked for the Committee report. The Committee report, read by Sherry Baker, Clerk, recommended that the request be denied. Chairman Kroger asked if Mr. McCoy would like to make a rebuttal to the report. Mr. McCoy stated that he was not sure why the request was denied. He felt that a change from a C-3 to C-1 was a change to less restrictive zoning. Chairman Kroger asked for comments from the members of the Commission. No one responded. At Chairman Krogers request, Mrs. Baker re-read the report. Chairman Kroger asked for further comments. Mr. Greene stated that in agreement with Mr. McCoy, he felt that the C-1 zone was the lesser of the two evils. Mr. Wilson asked Mr. Block to outline the area where the nearest C-1 zone is located: Mr. Block indicated a C-1 zone adjoining on the southwest side. Chairman Kroger asked for further comments from Commission, audience or Staff. Ms. Sullivan stated that with the interchange being such a dominant factor in the area, that the Commission might wish to review what the C-3 zoning in the interchange area permits; i.e. hotels and larger types of business operations, etc.. Ms. Sullivan stated that the adjoining C-1 property is a large corner lot with access to Sycamore Drive. She expressed concern that should each home along U.S. 42 request and receive a zone change, the zoning character of the area would be significantly changed. General discussion followed. Mr. Viox noted that the C-3 zoning provides for bigger projects but that the types of services the applicant intends to provide should be permitted somewhere near the interchange. Mr. Greene agreed. Chairman Kroger asked Mr. Block how many houses were between White Castle and the property in question. Mr. Block stated that there were approximately 5 houses all zoned C-3. Chairman Kroger stated his opinion that a C-3

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zone was overwhelming for that particular area. Chairman Kroger stated that he felt no obligation to maintain the integrity of the C-3 zone in this area. Mr. Viox asked if the applicant had estimated the amount of daily in and out traffic. Mr. McCoy stated most of the company's business was done by telephone, the only time people would come would be to make deposits or loan closings. He estimated that no more than two automobiles would be in the lot at one time. Mr. Godsey expressed his concern for safety with the people backing out onto U.S. 42. Mr. McCoy stated that they were considering eliminating the drive-thru and putting a parking lot in the rear so that customers could turn around before pulling onto the highway. Ms. Sullivan expressed concern that rezoning the entire strip of homes to C-1 would be inconsistent with interchange land uses. Mr. Shafer stated his opinion that the area was not conducive to a C-1 zone. Mr. Shafer moved, by Resolution ~~R~~222-82 based on the Committee and Staff report, that the request be denied and that the City Council so be informed. Mr. McMillian seconded. A roll call vote was taken: 6 for and 3 against. Members voting against the denial were: Mr. Greene, Mr. Kroger and Mr. Viox. The motion passed.

Chairman Kroger next addressed the request of Westhorn Company, agent for Queen City Storage, for Site Plan Review for property located on Tanners Lane, Florence, Boone County, Kentucky, zoned Commercial Three, (C-3) on a 3.4 acre site. Mr. Block read the Enforcement Officer's Report. Chairman Kroger asked Mr. Jenkins, Commission Engineer, for his report. In response to the Chairman's query, the Committee Report was read by Ms. Baker, Clerk, recommending action on the matter be deferred. Chairman Kroger asked if a representative of Westhorn Company was present. Mr. Bernard Horn, President, stepped forward and stated that he was aware the retention pond was not on Westhorn's property, but that one of the contingencies on the purchase from '76 Truck Stop was that their Engineers design a holding pond sufficient to handle water from the '76 parking lot and the Westhorn development. The company knew that a retention pond would be necessary. Designs for the pond had been sent from Chicago and Westhorn had accepted them. Mr. Horn noted that he realized that Mr. Jenkins had not had that information, but that he had all the documentation that the Commission might wish, and could provide a letter from '76 stating the terms of the agreement. Mr. Horn stated that he had not known the requirements for this stage of the review process. He stated that he had gone through the requirements, item by item, and there was nothing in them that he or his Engineer was aware of saying that complete engineering drawings for the size of the sewer and the cut were needed at this stage of the review. He gave assurance that he and Mr. David Walton, representing his company as Engineer, would conform and meet with the engineering requirements of the County for handling of storm water. He stated

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that the size was in conformance to all regulations listed on the sheet he had received from Mr. Block. Horn stated again that he had not been made aware of the requirements for Site Plan Review. Chairman Kroger asked Mr. Block to confirm his statement that there was nothing in the file indicating an agreement between Westhorn and 76 regarding the retention pond. Mr. Block stated that to his knowledge there was no such agreement. Chairman Kroger acknowledged that this was a "package deal" but asked if all the necessary documents affecting the retention pond, i.e. ownership and the permission from the owners to place that pond on their property, could come together prior to leaving the Planning Commission. Mr. Horn stated that he would be glad to get approval with such a contingency. He offered to call Chicago and have a letter prepared. He stated again that he had not come prepared since he had not been told what information was necessary. He stated that he had no problem with the retention pond, since it was a contingency upon purchase of the property. For the record, Mr. Jenkins read the requirements of the Site Plan Review as set out in the zoning ordinance. Mr. Horn asked Mr. Block if he had a copy of the sheet he had given him. Mr. Block stated that he had given Mr. Horn a copy of the same sheet Mr. Jenkins had read from. Mr. Horn said that he stood corrected, but stated again that he had not known that he would need this information for a Site Plan Review. He thought it necessary only to acquire a building permit. Chairman Kroger noted that Site Plan Review was the first stage toward getting a building permit, stating that the Committee's request was honorable in recommending deferral rather than denial to allow time to provide the necessary information. Mr. McMillian moved that action on the request be deferred for two weeks. Mr. Viox seconded. Chairman Kroger asked Mr. Horn if two weeks would be sufficient. Mr. Horn replied that it would. Chairman Kroger asked Mr. David Walton if two weeks would be sufficient: Mr. Walton replied affirmatively. Chairman Kroger hearing no further questions, called for the vote. The motion carried unanimously.

Chairman Kroger proceeded to the next item on the agenda: The request of Cisco Construction Inc., agent for Kentucky Land Co., (Perkins) for a Site Plan Review on property located at 7501 Woodspoint Drive, Florence, Boone County, Kentucky, zoned Commercial Three (C-3) on a 1.62 acre site. Mr. Block read the Enforcement Officer's Report. Chairman Kroger asked if Mr. Jenkins had reviewed this request. Mr. Jenkins indicated that he had reviewed the submission and wished to note that the plat had been prepared by an Ohio Engineer, Mr. John Sansolone,

but bore a Kentucky Stamp, but no signature. Chairman Kroger asked for the Committee's report: Mrs. Baker read the report which recommended approval based upon its review and Staff's report. Chairman Kroger asked if a representative of Cisco Construction was present. The representative, Mr. James Cucinnotto, stepped forward and stated the purpose of the addition was to provide additional seating and that he thought the problem with the Kentucky seal had been taken care of. Mr. Block stated that a revised plan bearing the proper seal had been submitted. Mr. Viox moved that the request be granted. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of K & H Corporation, Option Holder, for Improvement Plan Approval by the Fairwinds Subdivision located on Hebron- Limaburg Road, with the nearest intersection at Val Court Drive, Boone County, Kentucky, zoned Urban Residential One, (UR-1), on a 1.62 acre site. Mr. Jenkins read his report recommending approval on the condition that every effort be made to hook up to the Boone County Sewer System. Mrs. Baker read the Committee report which recommended approval based on review and Staff's report. Chairman Kroger stated that he had talked with K & H and they are interested and willing, provided all the agreements and arrangements can be met, to tie into the County system. Mr. Viox noted that they had a letter from the State authorizing a package plant if necessary. Mr. Viox noted that he would abstain from action on the matter because he is engineer for the project. Mr. Shafer moved, based on Staff and Committee reports that the Improvement Plan be approved. Mr. McMillian seconded. The motion passed unanimously, with Mr. Viox abstaining.

Chairman Kroger moved to the next item on the agenda, the request of Ida Pearl Sebree, owner, to recommend a zone change on a 1.0 + acre site, located on KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. The requested change is from Urban Residential Two, (UR-2), and Commercial Services (C-3), to Commercial One, (C-1), to permit physician and dental services. Mr. Block located property on map and read Enforcement Officer's report. Chairman Kroger asked for the reading of the Committee's report. Mrs. Baker read the Committee report which recommended approval based on review and the Staff report. Chairman Kroger recognized Mrs. Sebree as being present in the audience. Mr. Shafer noted that the findings of fact should be included in Committee's report. Mr. McMillian moved by Resolution R-23-82 that the change be recommended to the Fiscal Court with a stipulation of the findings of fact. Mr. Viox seconded. The

motion carried unanimously.

Chairman Kroger proceeded with the request of Orville Saylor to recommend a zone change on a 5.28 acre site, located on KY 338, Boone County, Kentucky. The requested change was from Agriculture Two, (A-2), to Rural Suburban Estates, (RSE). Mr. Block read the Enforcement Officer's Report. Mrs. Baker read the Committee's Report which recommended approval of the request based on review and the Staff report. Chairman Kroger recognized Mr. Saylor in the audience and asked for comments. Mr. Godsey stated that the findings of facts, upon which the Committee had based its recommendation were noted in Mr. Block's report. Mr. Godsey moved by Resolution R-24-82 that, based on the facts established in the Staff report presented by Mr. Block, that the recommendation be forwarded to the Fiscal Court. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger stated that action on the final item on the agenda, the Residential One Family Zoning (R1F), would be deferred until the meeting on November 17, 1982. Chairman Kroger proceeded new business concerning the Commission's support of recreational development at Boone Woods Park. He mentioned that the communication from the McGraw Company was regarding renewal of an Insurance Policy; the premium would be approximately \$1,400.00. Everyone agreed to renew policy. Mr. Shafer by Resolution R-25-82 moved that Sherry Y. Baker, Clerk of the Boone County Planning Commission, be designated as Custodian of the official records. Mr. McMillian seconded. The motion carried unanimously. Mr. Godsey, Secretary-Treasurer was presented with check and cash collected by Staff from October 26, 1982 thru November 3, 1982 in the amount of \$370.10. Mr. Godsey presented a letter from Fiscal Court which indicated that the Planning Commission was to be involved to an undetermined extent in implementation of a street numbering project. Chairman Kroger noted that further consideration would have to be made by the Commission of the scope of the Commission's involvement before any final letters to residents were mailed out. Mr. Jenkins stated that he had the Kitzmiller project plans which had been given conditional approval on Site Plan Review. Mr. Shafer moved for adjournment. Mr. Viox seconded.

The meeting adjourned at 9:39 P.M.

APPROVED: _____

Respectfully submitted,

CHAIRMAN

CLERK

MEMORANDUM

TO: BOONE COUNTY PLANNING COMMISSION


FROM: RAYMOND GODSEY, CHAIRPERSON
ZONING MAP AMENDMENTS

RE: Request of Ida Pearl Sebree, owner, to recommend a zone change on a 1.0 * acre site, located on KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. The requested change is from Urban Residential Two, (UR-2) and Commercial Services (C-3), to Commercial One, (C-1), to permit physician and dental services.

Based on review and the Staff report, the request is recommended for approval.

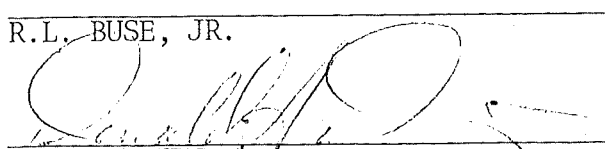


RAYMOND GODSEY, CHAIRPERSON



LARRY BARNETT

R.L. BUSE, JR.



DONALD DAVIS

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 — 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. P. E. KROGER
CHAIRMAN

MR. E. R. SHAFER
VICE CHAIRMAN

MR. R. O. GODSEY
SECRETARY-TREASURER

MS. SHARON A. SULLIVAN
DIRECTOR

MR. D. T. WILSON
ATTORNEY

MR. J. E. JENKINS
ENGINEER

MR. A. H. BLOCK, III
ENFORCEMENT OFFICER

MRS. SHERRY Y. BAKER
CLERK

MEMBERS—

MR. L. BARNETT

MR. R. L. BUSE, JR.

MR. L. COLLINS

MR. P. CONKLE

MR. D. A. DAVIS

MR. R. N. GREENE

MAYOR S. HASSELBRING

MR. J. INGRAM

MR. R. JONES

MR. D. McMILLIAN

MS. C. SMITH

MR. W. R. VIOX

November 30, 1982

The Honorable Terry Roberts
Boone County Judge/Executive
Boone County Administration Bldg,
Burlington, KY, 41005

Dear Judge Roberts:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of Ida Pearl Sebree for a Zoning Map Amendment.

At their meeting of November 3, 1982, the Commission voted unanimously to recommend approval by Resolution R-23-82 of this zone change from Urban Residential Two, (UR-2) and Commercial Services Three (C-3), to Commercial One, (C-1) zone, on a 1.0 + acre site, located at KY 18, 300 feet East of Carlton Drive, Burlington, Boone County, Kentucky. These minutes are enclosed.

This action was taken upon hearing the recommendation of the Committee which included the following findings of fact:

Requested zone change is in conformance with future land use for the area as envisioned by the Comprehensive Plan.

The site is suitable for the type of neighborhood and community commercial use envisioned by the Comprehensive Plan, and needed to serve the growing population.

Adequate and safe access is available to the site as a result of its location relative to the cut on Route 18, providing access to both east and west bound traffic.

November , 1982
Judge/Executive Terry Roberts
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The relatively small size of the site in question is a factor which will prevent strip development in the immediate area.

Lack of access to and from the rear of the property, which is currently zoned Urban Residential Two (UR-2), as well as the size of the lot, prohibits development of the site for housing.

A copy of the Committee Report is enclosed. Also, taken into consideration was the report of the Enforcement Officer. A copy of this report, along with a copy of the minutes of the Public Hearing which was held on October 27, 1982, are enclosed.

The Commission also voted unanimously by Resolution R-23-82 that upon final approval of this zone change by the Fiscal Court, if given, the necessary changes are to be made to the Comprehensive Plan text and Land Use Map and should be so authorized by the Fiscal Court. Enclosed are copies of the above mentioned resolution.

If you desire any further information or have any questions concerning this action, please contact us.

With kindest regards,

Paul Kroger
Chairman

PK/syb

Enclosure

cc: Ida Pearl Sebree
21 E Washington Street
Burlington, KY. 41005

Settee

ORDINANCE NO. 920.33

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM (UR-2) and (C-3) to (C-1) LOCATED at Ky. (18), 300' E. of Carlton Dr. for a 1.0± acre site.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning Commission for a map amendment for a zone change from (UR-2) and (C-3) to (C-1) for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted public hearing by the Boone County Planning Commission serving as a due process trial-type hearing and its findings recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.*

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

SECTION 1

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from (UR-2) and (C-3) to (C-1). The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT #1)

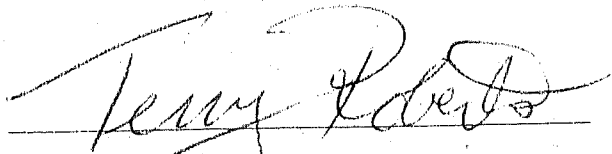
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this zone change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.
(ATTACHMENT - EXHIBIT #2)

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given first reading on the 7th day of December 1982.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 21st day of December, 1982, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

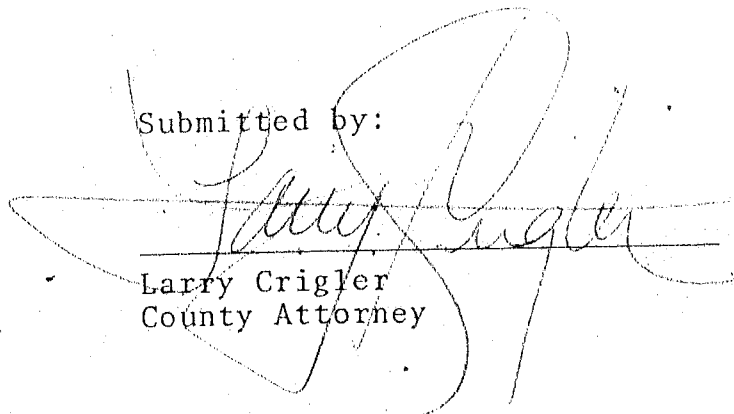


Terry Roberts
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:



Larry Crigler
County Attorney

12/30/82

(DATE PUBLISHED)

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption, this map amendment being a zone change from Urban Residential Two. (UR-2) and Commercial Services (C-3) zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

BEGINNING at a point in the northeast line of Kentucky Highway No. 18 said point being the common front corner between Ida Sebree DBA Burlington Realty; thence N 38° 33' E along the common line between Ida Sebree and Burlington Realty 487 feet (*) to a point; thence S 50° 37' along Ida Sebree's east line 223 feet to a point; thence S 38° 33' W along the common line between Sebree and Rouse 320 feet to a point in the northeast line of Kentucky Highway No. 18 thence along same in a northwesterly direction 122 feet (+) to the place of beginning.

- 1.) Requested zone change is in conformance with future land use for the area as envisioned by the Comprehensive Plan.
- 2.) The site is suitable for the type of neighborhood and community commercial use envisioned by the Comprehensive Plan, and needed to serve the growing population.
- 3.) Adequate and safe access is available to the site as a result of its location relative to the cut on Route 18, providing access to both east and west bound traffic.
- 4.) The relatively small size of the site in question is a factor which will prevent strip development in the immediate area.
- 5.) Lack of access to and from the rear of the property, which is currently zoned Urban Residential Two (UR-2), as well as the size of the lot, prohibits development of the site for housing.