

STAFF REPORT

#2

REQUEST OF SHIRLEY DAHLENBURG (OWNER) FOR A ZONING MAP AMENDMENT  
FOR PROPERTY AT 10745 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY

MAY 24, 1989

This is a request for a Zoning Map Amendment by Shirley Dahlenburg (owner) on a less than one acre site located on the west side of U.S. 25, approximately 700 feet north of the U.S. 25 and Frogtown Road (KY 536) intersection in Boone County, Kentucky. The request is to change the zoning of the property from Suburban Residential One (SR-1) to Industrial One (I-1) to allow the operation of a plumbing business and storage of related equipment and vehicles. The property consists of Lots #1 and 2 of the Marion Grubbs Homestead Subdivision.

Site Features

The property under consideration for rezoning is approximately 100 X 200 feet, or 20,000 square feet, in area. The site is fairly level and cleared of vegetation except for a row of trees along the southern property line. A building is in place on the site, and access is by a single curb cut onto U.S. 25 with a gravel drive and parking area in front of the building. Behind the structure is a garden plot ending at a stand of trees.

Surrounding Zoning and Land Uses

- north: SR-1; immediately adjacent is a single-family residence which is owned and rented by the applicant. Single-family residences and agricultural uses are beyond.
- south: I-1; 15 acres, undeveloped (subject of a recent rezoning per the request of Averitt Express).
- east: I-1; across U.S. 25 is forested land
- west: SR-1; agricultural uses

Concept Development Plan

The submitted Concept Development Plan shows the location of the existing building on the subject property, and indicates that the drive and parking area in the front of the building are to be concrete, while new paving will be placed along the south side and in the back of the building. The Concept Development Plan also indicates a row of evergreens to be planted to separate the subject property from the adjoining residential property which is owned by the applicant, but is not being included as part of the requested zone change. Included with the submitted plan is a letter from the applicant's attorney indicating their awareness of the required minimum 25 foot landscape buffer between industrial and residential zones, and indicating the applicant's willingness to comply with this requirement. The two structures are approximately 75 feet apart, thus exceeding the minimum 50 side yard setback for industrial and residential uses.

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Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be High Density Residential (greater than 8 dwelling units per acre). The Land Use Element of the plan concentrates on the likely impacts of the future Mt. Zion interchange on this section of the county. South of the interchange is anticipated to develop as neighborhood scale offices, with commercial and light industrial uses located along U.S. 25 south of the Northern Kentucky Industrial Park and the Mt. Zion interchange (pp. L-20, 21).

Among the Goals and Objectives for the Business Activity Element are Objectives that relate to industrial uses in the county. These include 1) that industries shall be grouped together, 2) that industries locate near highways, and 3) that a favorable relationship with adjoining uses should be fostered by means of design (p. G-4). And the Business Activity Element indicates that the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 corridor, and so states that most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads (B-16). The overall objective of the Comprehensive Plan states that the various broad categories of land use are not inherently incompatible provided proper design principles are applied (p. G-1). In the opinion of the Staff, the proposed use, in and of itself, is of sufficiently small scale and impact that it can be compatible with the adjoining residential uses, provided the site is brought to conformity with the existing Zoning Regulations regarding paving, landscaping, and buffering.

Staff Concerns

The presence of industrial uses on the west side of U.S. 25 and north of Frogtown Road, regardless of the relative impacts of specific uses, is in conflict with the Future Land Use Map of the Comprehensive Plan, which indicates residential uses in this area. While the Staff finds that the proposed use does not conflict with the general intention, goals and objectives of Comprehensive Plan for Boone County, the Planning Commission must consider the consequences of granting the requested zone change. Industrial One zoning on this site will represent a northward extension along U.S. 25 of the industrial district created by the Dillingham (Averitt Express) zone change .

The Planning Commission must consider among their deliberations on this requested zone change the possible impact of industrial zoning on the subject property and the Dillingham property to the south as it relates to the future land use of adjoining parcels. Specifically, the Commission must consider whether an expanding industrial zone is the intention of the Comprehensive Plan and whether it represents the best use of the land given the present land uses and the anticipated development of this general area of Boone County. The Comprehensive Plan designates approximately 500 acres on the west side of U.S. 25, between Mt. Zion Road and Frogtown Road, as Medium or High Density Residential. Should this parcel be rezoned to I-1, 3.4 percent of that area (approximately 17 acres), will have been changed for light industrial use in the past six months. In the opinion of the Staff, the purpose of the residential designations on the west

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side of U.S. 25 is to provide sufficient residential land for housing the workers anticipated to be associated with the new industrial uses on the east side of U.S. 25.

Conclusion

Should the Planning Commission recommend, and the Fiscal Court ultimately approve, this requested zone change, the 1986 Boone County Comprehensive Plan Future Land Use Map will need to be amended to reflect industrial rather than residential use on this property.

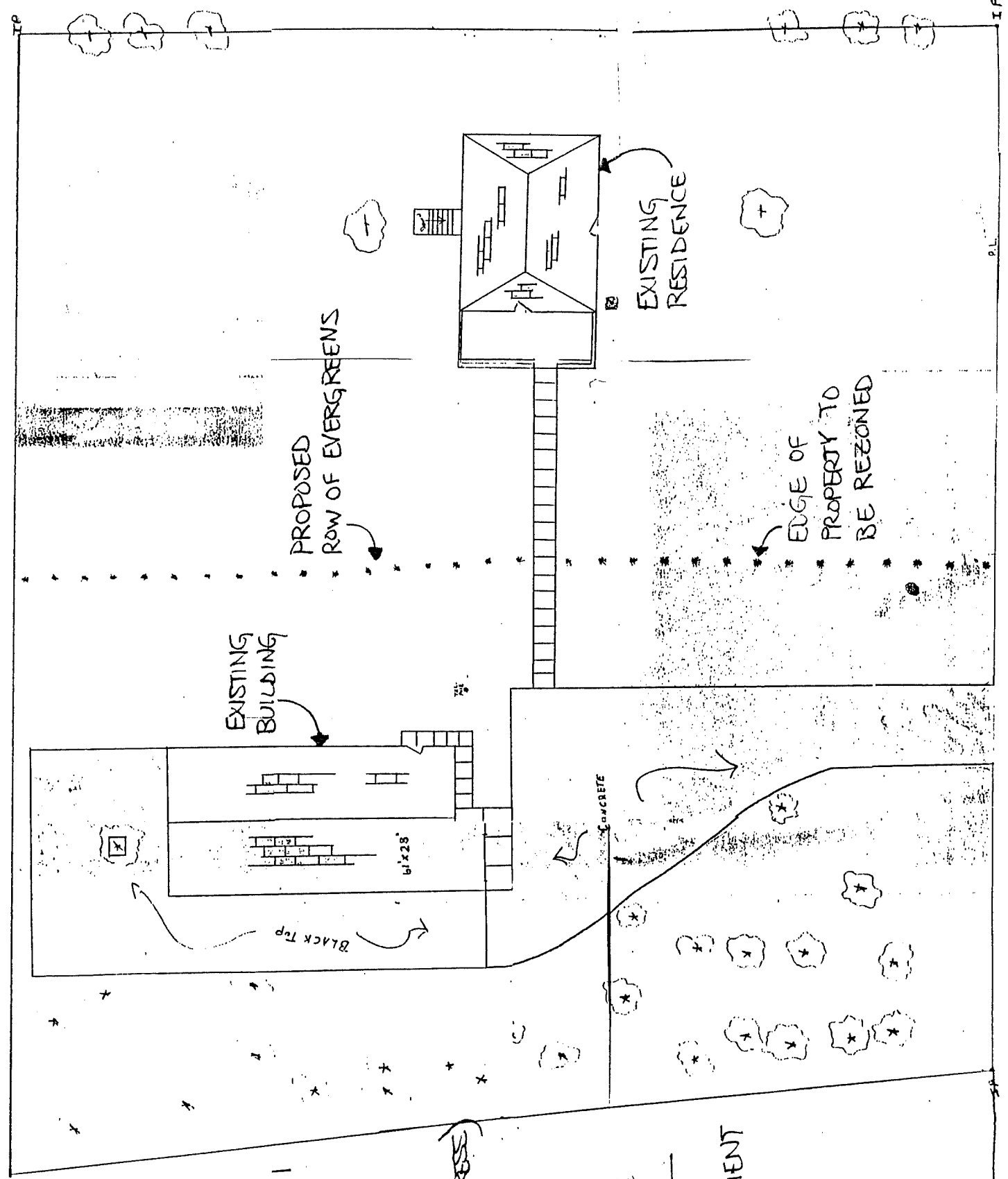
Attached to this report is a reduction of the submitted Concept Development Plan, a portion of the Future Land Use Map depicting this section of the county, a copy of a Plot Plan for the property, and a copy of written material from the applicant regarding this Zoning Map Amendment request.

Respectfully submitted,



Paul R. Miller  
Plans Examiner/Planner

PRM:



PROPOSED  
ROW OF EVERGREENS

EXISTING  
BUILDING

EXISTING  
RESIDENCE

EDGE OF  
PROPERTY TO  
BE REZONED

DILLINGHAM  
PROPERTY  
(AVERITT EXPRESS)

DAHLENBURG, ZONE  
CHANGE  
5-24-89  
CONCEPT DEVELOPMENT  
PLAN

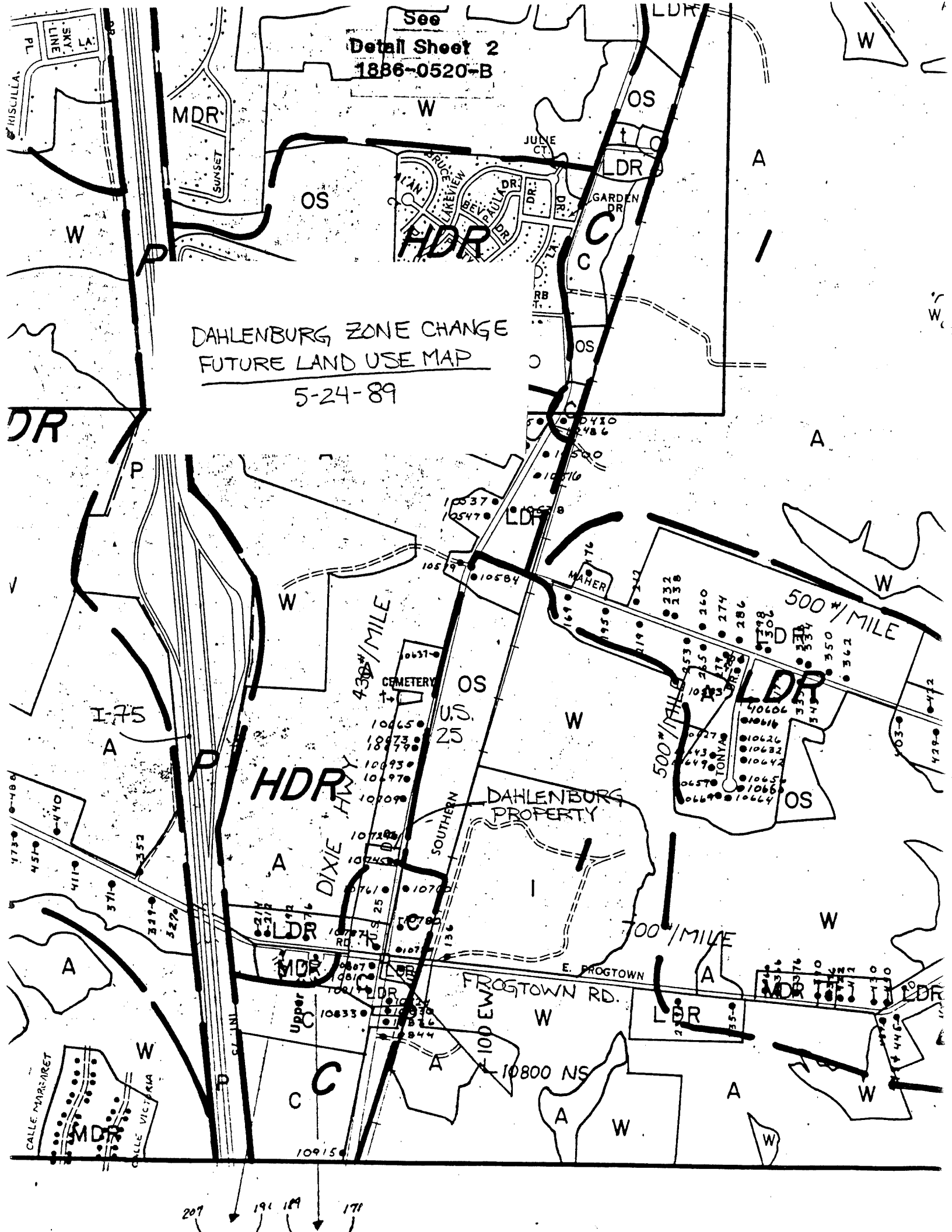
TO FROGTOWN RD.

U.S. 25

TO MT ZION RD.

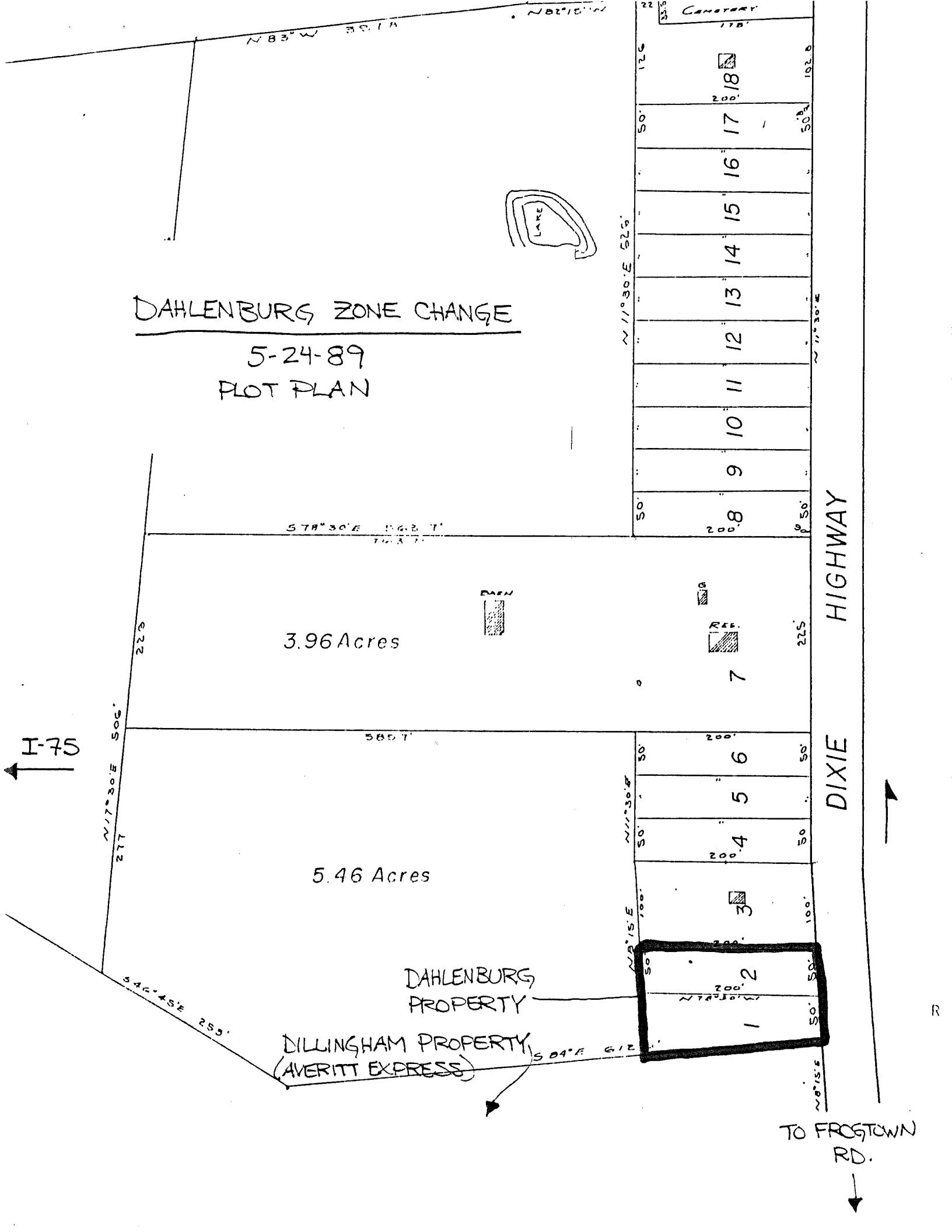
See  
Detail Sheet 2  
1886-0520-B

DAHLENBURG ZONE CHANGE  
FUTURE LAND USE MAP  
5-24-89



DAHLENBURG ZONE CHANGE

5-24-89  
PLOT PLAN



3.96 Acres

5.46 Acres

DAHLENBURG  
PROPERTY

DILLINGHAM PROPERTY  
(AVERITT EXPRESS)

DIXIE HIGHWAY

TO FROGTOWN  
RD.

I-75

LAKE

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DAHLENBURG ZONE CHANGE

5-24-89

The attached application is submitted pursuant to Section 302(3), Article 3 of the Boone County Zoning Regulations for a map amendment relative to the property located at 10745 U. S. Highway 25, Walton, Kentucky, lying 1,000 feet North of the intersection of Frogtown Road and U. S. 25. Copies of legal descriptions, deeds and plats are attached.

The property owner herein is the wife of the principal shareholder of Dahlenburg Plumbing, Inc., the applicant. Dahlenburg Plumbing, Inc. has been in business in Boone County for more than thirty years and engages in the business of commercial and residential plumbing.

The current application is made to bring the use of the property into conformity with the zoning regulation. The property is currently used for a storage facility for materials of the business and is the pickup and return point each day for the three service vans utilized in the business. The employees park their personal vehicles at the site during the business day and return to the site at the end of the day to park the service vans.

The property lies immediately to the North of the property owned by Dillingham Mobile Homes, Inc., which is before the Fiscal Court upon the application of Averett Express, Inc.

The property is bordered on the North by the property of Floyd Kells, on the East by the right of way of U. S. 25, and to the West by the property of Kells.

The applicant contemplates no change in the present use of the property. No retail sales take place on the property and only the employees of the business enter and exit the property

during the course of the business day.

Utility services to the property include electric service and water service, as well as a septic system for employee restroom facilities.

The current use of the property makes no demands for other utility services, and traffic flow to and from the property is limited to the company's employees as previously indicated.

The property which is the subject matter of this application, lies immediately adjacent to the commercial designation as indicated on the 1986 future land use plan.

In the immediate vicinity of the property, across the U. S. 25 right of way is a garage, auction barn and restaurant, other property lying between U. S. 25 to the east and the Southern Railroad is undeveloped at the present time.

The site development plan is currently being prepared and will be submitted to the Planning Commission Staff within the next two (2) weeks.

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Dahlenburg Plumbing, Inc.
2. Location of Development 10745 Dixie Highway, Walton, KY 41094
3. Total Acreage of Site 1 Acre, More or Less
4. Current Zoning SR-1
5. Proposed Zoning (classification being requested) ~~SR-1~~ I-1
6. Proposed Uses (please specify each use) 60 X 30 Storage Building for plumbing supplies and equipment, two panel trucks, bulldozer, one dumptruck, back hoe and ditch witch.
7. Name of Applicant(s) Shirley Dahlenburg  
Phone Number(s) 371-4799/525-7314/283-2163
8. Address of Applicant(s) 9062 Evergreen Drive  
Florence Kentucky 41042  
City State Zip
9. Name of Property Owner(s) Shirley Dahlenburg  
Phone Number(s) 371-4799/525-7314/283-2163
10. Address of Property Owner(s) 9062 Evergreen Drive  
Florence Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. Are there any existing buildings on the site? Yes  
How many? 2
13. Deed Book 312 Page No. 141 Group No. 202
14. Have you had a pre-application meeting with BCPC staff? Yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- \_\_\_\_\_ Boone County Water and Sewer District
- \_\_\_\_\_ Florence Water and Sewer Commission
- \_\_\_\_\_ Union Light Heat and Power
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen County Rural Electric
- \_\_\_\_\_ Boone County Road Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Works Department
- \_\_\_\_\_ City of Walton Public Works Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ U.S. Soil Conservation Service
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

DEED

BOOK 312 PAGE 139

Know All Men By These Presents:

CLERK'S OFFICE  
SHORT FORM  
DEED

Property Transfer Tax Paid \$ 5.00  
Jerry W. Rouse, Clerk

That JEANETTE B. KELLS, single

for and in consideration of Five Thousand (\$5,000.00) Dollars to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

SHIRLEY K. DAHLENBURG, her

heirs and assigns forever, the following described Real Estate, in the City of \_\_\_\_\_;  
BOONE

County of ~~KENTON~~ and Commonwealth of Kentucky, to-wit: Group No. 202

Present Street Address Box 260, Route #2, Walton, Kentucky 41094 Plat No. 1/114

Mailing Address 906 1/2 Englewood Lane 16,

Being the front part of Lot No. 1, Resubdivision of Tracts 3, 4, and 5, Marion Grubbs Re-subdivision, as shown on plat recorded in Plat Book 1, Page 114, Boone County Clerk's records at Burlington, Kentucky and more particularly described as follows:

Beginning at a point on the southern right of way line of Dixie Highway, said point being the common front corner of Lots 1 and 2; thence with the dividing line of Lots 1 and 2, North 78° 30' West 200 feet to the rear corner of Lot 2; thence partitioning Lot No. 1, South 8° 15' West 70 feet, more or less, to the southern boundary line of Lot No. 1; thence South 34° East 200 feet, more or less, to the most southeasterly corner of Lot 1, in the right of way of Dixie Highway; thence with the Dixie Highway North 8° 15' East 50 feet to the place of beginning.

Being all of the remaining part of Lot No. One that was conveyed to Jeanette B. Kells by deed from James H. Blain and Lorena Blain, his wife, dated February 12, 1976 and recorded in Deed Book 216, Page 520. (It will be noted that in said deed, the remaining part of Lot One had erroneously been referred to as all of Lot One. To correct said error, Jeanette B. Kells has simultaneously executed a quit-claim deed to Floyd E. Kells, who had received title to the remaining part of Lot One in 1957, by deed recorded in Deed Book 128, Page 456, and also Deed Book 204, Page 402.)

All references to the Boone County Clerk's records at Burlington, Kentucky.

HEREBY CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN UNALTERED  
BY JOHN H. KLETTE, JR., ATTORNEY-LAWYERS BLDG. COVINGTON, KENTUCKY  
*John H. Klette, Jr.*  
JOHN H. KLETTE, JR.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.  
TO HAVE AND TO HOLD the same to the said

SHIRLEY DAHLENBURG, her

heirs and assigns, forever, the Grantor, her COVENANTING with the grantee, her CLEAR, FREE AND UNINCUMBERED, and that she same against all legal claims whatsoever. heirs, executors and administrators, HEREBY heirs and assigns, that the TITLE so conveyed is will WARRANT AND DEFEND the

DEED

Know All Men By These Presents:

CLERK'S OFFICE  
SHORT  FORM  
DEED

BOOK 298 PAGE 199

That Vernon Smallwood and Edna Smallwood, his wife,

Pro. by Treasurer Tax Paid 28.00  
Jury W. Reese, Clerk B. Cope DS

for and in consideration of Twenty Eight Thousand Dollars---- to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Paul Dahlenburg and Shirley Dahlenburg, his wife, jointly for and during their natural lives with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of \_\_\_\_\_;

Boone  
County of ~~Kenton~~ and Commonwealth of Kentucky, to-wit: Group No. 202 Boone  
Present Street Address Box 260, Route 2, Walton, Kentucky Bk 1, pages  
Mailing Address 321 Evergreen Drive, Florence, Kentucky 41042 Plat No. 85 & 114

Being Tracts No. 2 and 3 of the Re-subdivision of Tracts 3, 4 and 5 of the Marion Grubbs Homestead as recorded in Plat Book 1, page 85, of the Boone County Clerk's records at Burlington, Kentucky. The plat of said Re-subdivision is recorded in Plat Book 1, page 114, of the same records.

Being the same property conveyed to grantors by deed of G. Curtis Ely and Winnona Ely, his wife, 8-18-75 recorded in Deed Book 214, page 270, Boone County Clerk's records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.  
TO HAVE AND TO HOLD the same to the said Paul Dahlenburg and Shirley Dahlenburg, his wife, jointly for and during their natural lives with remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor s their heirs, executors and administrators, HEREBY COVENANTING with the grantee s their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever, except taxes payable during 1982 which have been pro-rated and which grantees shall pay.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
May 24, 1989 - 8:00 P.M.

Page 1

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Shirley Dahlenburg (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Shirley Dahlenburg (owner) for a Zoning Map Amendment on a 1-acre (approx.) site located at 10745 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Industrial One (I-1).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in favor of the request.

Mr. Ray Boguki, attorney for the applicant, stated that the issue is whether there have been major changes of an economic, social, or physical nature not anticipated in the adoption of the Comprehensive Plan. He stated that the property will not be a retail outlet for plumbing supplies. The plumber leaves the site and the site is more of a storage facility, and a pick-up and return point for three vans and employees' personal vehicles. The property is bordered by Mr. Kell's property to the rear and the Averitt site to the south. To the north, it is bordered by a continuation of this parcel. The applicant contemplates no change in the present use of the property. There will be no retail sales and no impact on the traffic. He stated that the Commission is aware of the major changes in the area based on the Averitt request. He stated that the Averitt development is also a change to the area. He stated that a buffer would be required between the smaller house on the site, and buffer will also be needed to the Kell's property. The buffer between this site and Averitt will not be disturbed unless there would be an expansion of the existing building for further storage. He stated that the present zoning is inappropriate and the proposed zoning is appropriate based on the fact that they now border on an industrial site.

There being no one else present who wished to speak either for or against the request, the Chairman asked if there were any comments from the Commission.

Mr. Damstrom questioned if this site had not been in the report of the Enforcement Committee due to a violation. Mr. Newton stated that this was correct and that this request is an attempt to resolve that issue.

In response to questions from Mr. Neltner, Mr. Dahlenburg stated that they are trying to eliminate waste materials, such as old water heaters, as they get them. In regard to screening, they will be putting up a wood fence. Mr. Boguki stated that there will be no hazardous or volatile materials stored on the site.

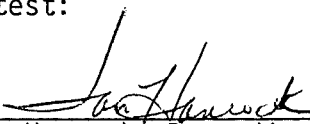
Mr. Damstrom questioned the commercial sign and Mr. Boguki advised that there will be a sign on the building.

There being no further discussion, the Chairman advised that this item will be on the Agenda for the Business Meeting on June 7, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

June 7, 1989

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett  
Mr. Charles Moore

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of May 17, 1989 and the Public Hearings of May 24, 1989. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

Mr. Collins moved that the request be deferred until the June 21, 1989 Business Meeting. Mr. McMillian seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Shirley Dahlenburg (owner) for a Zoning Map Amendment on a one-acre (approx.) site located at 10745 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Industrial One (I-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He stated that the applicant had signed the letter agreeing to the conditions.

There being no discussion, Mr. Jones moved that the request be approved based on the Staff and Committee Reports, and including the conditions. Mr. Damstrom seconded the motion and it carried unanimously.

3. Site Plan Review

The request of James W. Berling (agent) for Ryan's Family Steak House for Site Plan Review of Lot #4 of Turfway Commercial Park. The 2.650-acre tract is zoned Commercial Services/Office Two/Planned Development (C-3/PD and O-2/PD), and is located off Cavalier Boulevard and Cavalier Court in Florence, Kentucky.

Mr. Kevin Costello, Assistant Director, noted a correction to the agenda regarding the zoning of the site which is Commercial Services/Planned Development and Office Two/Planned Development. He presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report. (see Committee Report).

There being no discussion, Mr. Rush moved that the request be approved based on the Staff and Committee Reports. Mr. Collins seconded the motion.

Mr. Neltner noted that there are a lot of parking spaces shown and questioned if the Staff was satisfied with the additional landscaping.

Mr. Costello advised that approximately 90 parkings spaces are required and the applicant has elected to have 194 spaces, which is a reduction from the original amount. Staff is satisfied with the additional landscaping.

Mr. Damstrom questioned the sit-down capacity of the restaurant and Mr. Steve Rhoads of Ryan Steak House advised that they seat 450 people.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Rush and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: June 7, 1989

RE: Request of Shirley Dahlenburg (owner) for a Zoning Map Amendment on a  $\pm 1$  acre site located at 10745 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Industrial One (I-1).

REMARKS:

We, the Committee, based on the statements made and facts gathered at the May 24, 1989 Public Hearing, recommend approval of this Zoning Map Amendment based on the following findings of fact, and subject to the following condition.

Findings of Fact

1. The recent rezoning of the 16 acre parcel immediately to the south from Commercial Services (C-3) to Industrial One (I-1) represents a major change of an economic and social nature not anticipated by the 1986 Boone County Comprehensive Plan which substantially alters the nature of this portion of the county. With this major change, the requested rezoning of the subject property from Suburban Residential One (SR-1) to I-1 is appropriate.
2. The Committee finds that the proposed use of the subject property, being a substantially lighter industrial use than that which will take place on the Dillingham property to the south, will act as a transitional use and buffer between the future Averitt Express freight distribution center and residential uses to the north. The Committee further finds that the nature of the proposed use is such that the use, in and of itself, will be compatible with adjoining residential uses.
3. The subject property is adjacent to an existing Industrial One (I-1) zone and will constitute an extension of that district.

The applicant is being asked to include the following Condition as part of the submitted Concept Development Plan in order to address concerns and clarify questions raised at the May 24, 1989 Public Hearing. Further, this condition is intended to clarify the suitable uses and development for the present plan.

Condition

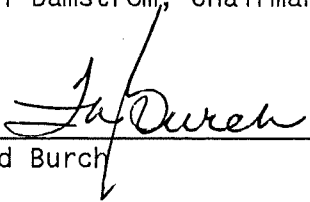
1. The applicant shall plant and maintain a row of pine trees along the west boundary of Lot #1 and 2 (being a length of approximately 125 feet), and north boundary of Lot #2 (being a length of approximately 200 feet) of the old Marion Grubbs Homestead Subdivision, which is the subject property of this Zoning Map Amendment request. At no time shall the proposed use of the site expand to within the 25 foot landscape buffer zone along the western and northern boundaries of this parcel.

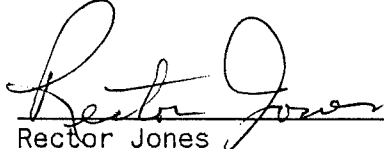
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Since the requested zone change represents a change from the use anticipated in the 1986 Boone County Comprehensive Plan, the Committee recommends the Future Land Use Map be amended to reflect industrial use on this property.

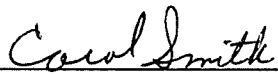
  
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Phil Damstrom, Chairman

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Larry Barnett

  
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Fred Burch

  
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Rector Jones

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Barry Neitner

  
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Carol Smith

PD:kat

ORDINANCE 920.183

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE FOR A ONE (1) ACRE SITE LOCATED AT 10745 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY AS REQUESTED BY SHIRLEY DAHLEBURG (OWNER). THE BOONE COUNTY PLANNING COMMISSION RECOMMENDED APPROVAL VIA RESOLUTION R-24-89.

WHEREAS, the Boone County Fiscal Court received a request for a zoning map amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) for a 1 (one) acre site located at 10745 Dixie Highway, Boone County, Kentucky, which is particularly described below; and,

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

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Industrial One (I-1) for a one (1) acre site located at 10745 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

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 and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, 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 the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

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 sixth day of July, 1989.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twenty-fifth day of July, 1989, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

ALL EXHIBITS, APPENDAGES AND FISCAL COURT MINUTES ARE ON FILE IN THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE AND MAY BE REVIEWED BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M., MONDAY THROUGH FRIDAY, ADMINISTRATIVE BUILDING, SECOND FLOOR, BURLINGTON, KENTUCKY.

*Boone Co. Recorder 08/16/89*