

ZONING MAP AMENDMENT REQUEST BY JOHN CRONIN (APPLICANT)
FOR HARRIS LEE AND LENORE SURFACE (OWNERS) FOR
PROPERTY LOCATED AT 1065 BURLINGTON PIKE
BOONE COUNTY, KENTUCKY

This request is for a zoning map amendment for a 3.2 acre site, presently zoned Commercial Two (C-2) and requested to be rezoned to Commercial Services (C-3) for use as a new car dealership. The site is located on the south side of KY 18 approximately four tenths of a mile west of Hopeful Road and 700 feet east of Boone Aire Road. The site has approximately 285 feet of frontage on KY 18. The present use of the site is single family residential.

Surrounding Land Uses and Zoning

North of the site, across Ky 18, in a Commercial Services (C-3) zone is Mall Chrysler-Plymouth and the Greenview Baptist Church. East of the church is the Honda dealership and west of the Chrysler dealer is Square D (zoned I-1) and a Buick dealership.

East of the site along KY 18 is a single family residence in a Suburban Residential One (SR-1) zone. There are several small businesses on the south side of Ky 18, up to Ridge Road, in an SR-2 zone and a Commercial One (C-1) zone. South of the site is a single family residence and open fields in a Suburban Residential One (SR-1) zone.

West of the site in the C-2 zone is a single family residence, and a commercial building housing a camera shop, insurance office, and upper story dwelling units. West of this building, up to Boone Aire Road, is a vacant lot in a C-3 zone.

Soils, Topography and Vegetation

Soils on the site are Jessup Silt Loam and Rossmoyne Silt Loam, which present only moderate limitations to urban development, although they do have severe limitations for sewage septic systems and are highly erodeable if not properly managed (Soil Conservation Source, Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky, 1973). The site is relatively level except that an intermittent stream forms the south boarder of the site and a small drainage swale begins in the center of the parcel. The small stream valley and drainage swale are heavily wooded. There are several mature maple and poplar trees in the front of the lot near the house. There is also a pair of dilapidated farm out-buildings, overgrown with weeds and bushes, on the site.

Public Facilities

There is a 12 inch water main that cuts across the front of the site with a fire hydrant near the existing house. Electric and telephone services are available. The closest sanitary sewer service is a manhole about 900 feet east of the site.

At the present time, the only feasible access to the site is directly from Ky 18.

Relationship to Boone County Comprehensive Plan

This zoning map amendment request must be reviewed on the basis of its relationship to both the 1980 and 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1980 Future Land Use Map

Boarder-line Medium density
residential/commercial/environmentally sensitive

1986 Future Land Use Map (unofficial)

Commercial

1980 Comprehensive Plan, Land Use Element

a. Several types of commercial development are accounted for in the Comprehensive Plan. They include: regional, serving populations within and beyond Boone County; community, serving populations of 25,000 to 100,000 within a five to ten mile radius; neighborhood or convenience, serving populations under 25,000 and usually much smaller, within close proximity; transportation or highway-oriented commercial; and business and office development apart from any of the four above categories of commercial activity. (p. 3.6)

b. BURLINGTON-FLORENCE CORRIDOR - 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 four-lane 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. (p. 3.15)

c. Commercial uses, including highway commercial and community type uses, are planned at several sites in the corridor. These include the intersections of KY 18 with new KY 237, Limaburg Road, Zig Zag Road and the old Florence-Burlington Road. Other commercial development may occur at part of residential planned development. (p. 3.16)

1986 Comprehensive Plan, Goals and Objectives

BUSINESS ACTIVITY

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.
3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.
4. Highway services shall be located in close proximity to major highway interchanges for maximum convenience and economy to the motoring public. (However, they should not be located so close to interchanges that they congest the traffic movements at these points of access). (p. G-3)

1986 Comprehensive Plan, Business Activity Element

Areas of Future Commercial Activity

Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along Ky 18 and Route 42. Along KY 18 in the I-75/Mall Road/Houston Road area, there are many traffic problems that can be worsened by adding commercial access points. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence. (p. B-14)

1986 Comprehensive Plan, Land Use Element (unofficial)

The Mall Road area will continue to grow as a regional shopping area and its spill over onto U.S. 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. Commercial growth on KY 18 will be primarily interchange related. The existing residential homes fronting on KY 18 will become small commercial areas. The use of interconnecting parking lots or frontage roads on this section of KY 18 is critically important to the success of any development and trafficability on this portion of KY 18. (p. L-15)

In summary, the 1980 Comprehensive Plan alludes to the need to make sure any commercial development along KY 18 is carefully developed so that it does not become congested or over developed. The 1986 Comprehensive Plan's Land Use Element is more specific. However, the land use element has yet to be approved by the Boone County Fiscal Court, and therefore cannot serve as the official guide for development of this area.

Special Concerns

The potential impact of traffic flow to and from the site could create a significant impact on KY 18 without proper deceleration/turning lanes. There presently exist over 15 access points to KY 18 along a 1,600 foot section of roadway that includes this site. As the uses change on these other lots, the access points will likely be consolidated and a frontage system of some sort put in place. The Concept Development Plan submitted by the applicant indicates two proposed access points to KY 18 for the site. These proposed access points would not be in the same location as the two existing access points to the site. Staff believes that the site should be limited to one access point to KY 18 and that the site also provide access connections to adjoining properties.

Another important concern is buffering the proposed use of the site from the adjoining residential uses and zones to the south and east. The potential impacts of noise, from service facilities and loud speakers, and of light from the parking lot area, should receive adequate attention.


Because of the high percentage of impervious surface the development of this site would require, storm water runoff from the site should be carefully managed so as to avoid effecting neighboring and downstream properties.

This site is located in an area of high visibility along a major thruoghfare which links the County's largest city with the County Seat. This site, and the surrounding Florence-Burlington Corridor, is a sensitive area in terms of what its visual impact implies about Boone County and the City of Florence. Staff believes that factors which create a site's visual effect, such as landscaping, lighting and signage, are important concerns regarding this proposed developments impact on the overall character of the corridor.

Conclusion

In conclusion, the major issues concerning this zoning map amendment request are its relationship to the Boone County Comprehensive Plan, the potential impact of the proposed land use on traffic flow on KY 18, adequate buffering of the site from adjoining residential zones, stormwater runoff, and the potential visual impact of the site from KY 18.

Should the Planning Commission and Boone County Fiscal Court approve this request, the 1980 and 1986 Comprehensive Plan Land Use map and text need not be amended.



Jim Sturdevant
Plans Examiner/Planner

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

OCTOBER 22, 1986 8:00 P.M.

Secretary-Treasurer Don Davis opened the Public Hearing on the request of John Cronine (agent) for Harris and Lenore Surface (owners) for a Zoning Map Amendment to rezone 3.2 acres of land located at 1065 Burlington Pike, Boone County, Kentucky. The property is currently zoned Commercial Two, C-2 and is being requested to be Commercial Services, C-3. The intended use is a new automobile dealership.

Staff member Jim Sturdevant presented a slide presentation of the proposed request and the surrounding area. Mr. Sturdevant presented the Staff Report during the slide presentation. (See Staff Report)

Mr. Davis referred to the applicant for comment.

Mr. Gene Weber of William Hub Architects described the Zoning Map Amendment in relation to the Concept Development Plan. Mr. Weber explained the current zoning of the property was C-2 and they were proposing a new car dealership which would require C-3 zoning. Mr. Weber noted that existing trees on the south and east sides of the property would be maintained for buffering to the residential area. Mr. Weber stated there were two access points to the property which would be changed and placed further apart to provide more control for the traffic on the site. Mr. Weber described the proposed traffic flow through the development in relation to the two access points. Mr. Weber described the architectural layout of the proposed development and also the utility provisions for the site. Mr. Weber stated for buffering and screening for the residents they would maintain the existing trees on the site, plant low growing shrubs and also install white pines. Mr. Weber noted the back portion of the site would be left open which would be used for water retention purposes. Mr. Weber stated they would also plant low growing shrubs in front of the display area and annual flowers and plantings up against the building. Mr. Weber stated the design of the building would be compatible with the other businesses in the area (e.g. the Simon & Fischer Honda building). Mr. Weber stated the use being proposed was not incompatible with the land use for the area. Mr. Weber closed by noting that a 100 foot setback for the proposed building was being provided for from the property line, so that at a future date if development did grow on either side of the property, they could provide for an additional access from one property to the other.

Mr. Davis inquired of support, opposition or comments on the proposed request.

Mr. Viox inquired of screening of the lighting for the residents. Mr. Weber explained that the existing mature trees would remain and would help screen some of the lighting from going onto the surrounding residential developments.

Mr. Viox inquired if the applicant would commit to not establishing a body shop on the site. Mr. John Cronin, agent for the proposed request stated he would not like to give up the option of a body shop since the use was allowed in the C-3 zone. Mr. Cronin explained that he had never in his twenty-three years of business operated a body shop but he pointed out that other dealerships in the area had body shops, therefore, he wanted the same option.

Mr. Viox inquired where Mr. Cronin envisioned a body shop being on the site if in fact he did decide to build one. Mr. Cronin stated a body shop, if built, would be constructed at the back of the present building on the south end of the lot.

Mr. Viox inquired of the architectural design of the building. Mr. Weber stated the building had not been designed at the present time but noted it would be designed similar to the Simon Fischer Honda dealership located on KY. 18 which his firm had designed.

Mr. Viox expressed concern of the residents to the west and east being protected by some type of screening. Mr. Cronin stated screening for those residents would be no problem and he noted pine trees would be placed at the particular area shown on the concept plan for those residents.

Mr. Viox inquired if the southwest area, behind the building, where the detention area would be was where the water runoff naturally flowed. Mr. Weber stated yes.

Mr. Viox inquired of the necessity for two access points. Mr. Weber stated one access point would be the service entry for cars to be services and the other access would be for the large delivery trucks. Mr. Weber stated the two access points would help maneuver the flow of traffic through the site.

Mr. Viox inquired where would vehicles waiting for service be parked. Mr. Cronin explained the vehicles would be parked in a designated area until a mechanic could pull them into a garage for servicing.

Mr. Viox inquired if there was adequate sight distance to the east. Mr. Sturdevant stated yes, there was at least 700 feet of sight clearance.

Mr. Davis inquired if the lighting would be direct or indirect. Mr. Weber stated the lighting would be directed in towards the property.

Mr. Davis referred to the trees that were intended for buffering along the west side of the property and inquired how much buffering would actually be done. Mr. Weber indicated there would be white pines planted 20 foot on center.

Mr. Davis inquired of the distance to the green area from Burlington Pike to where the first line of cars would be displayed. Mr. Sturdevant stated approximately 60 feet.

Mr. Davis inquired that if there were some joint connector between the noted property and an adjoining property in the future, then that would be the area the connector would be within. Mr. Weber stated they did not know what form the connector would take at the present time and noted basically two options discussed which were (1) interconnecting parking lots which would basically be access points somewhere along the property and; (2) a designated lane or road. Mr. Weber explained they had put their building back further to allow for some future access.

Mr. Kenneth Kine, property owner to the south and east of the proposed business stated his main objections to the request was the lights which would be shining all the time and the noise that came from the outside paging systems was very irritating. Mr. Kine noted that the row of pine trees that were to be planted would take many years to grow big enough to really block out most of the lights. Mr. Cronin stated paging systems were usually within a building and he noted there would not be anyone to page on the outside of the building except a salesman.

Mr. Davis inquired if Mr. Cronin would commit to no speakers outside of the building for paging purposes. Mr. Cronin stated yes. Mr. Cronin addressed the lighting system and described a new lighting system which he felt was very directional which when ran up a pole would prohibit any lighting from glaring.

Hearing no further questions or comments on the proposed request, Mr. Davis informed the public to contact the Planning Commission's office for the action date of the request and closed the Public Hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

NOVEMBER 5, 1986

8:00 P.M.

With no officer of the Boone County Planning Commission present and hearing no objections, Mr. William Viox assumed the duties of the Chair as Acting Chairman and called the Boone County Planning Commission meeting to order. Roll call was taken by Staff member Dee Ann Brewer. 11 members present. Absent: Messrs: Davis, Martin, Slusher and Chairman Kroger. All staff members were present. Atty. Dale Wilson was also present.

Minutes of the October 15, 1986 Business Meeting and the October 22, 1986 Public Hearing were considered. Mr. Barnett moved the October 15, 1986 Business Meeting and October 22, 1986 Public Hearing Minutes be approved as reviewed. The motion was seconded by Mrs. Smith. The motion carried unanimously.

Administration

Mr. Viox inquired of bills to be paid. Staff member Dee Ann Brewer read the bills to be paid: Staff Salaries and Benefits, \$14,990.83; Bi-Co. Farm Bureau (tobacco sticks), \$16.00; Ohio Blue Print, \$71.88; E.D.M. Business Interiors, \$141.66; The Picture Place, \$66.23; Budget Print, \$191.05; Scot Business Machines (toner), \$402.00; John R. Green Co. (supplies), \$339.61; American Planning Association, \$7.75; The Boone County Recorder (legal ads), \$468.78; Village Square Office Products, \$36.00; Boone County Fiscal Court (postage 9/86), \$187.92; Dolbey and Company, \$3.50; Central Hardware (tape measurer), \$16.79; Queen City Business Systems, Inc. (payroll checks), \$158.88; total: \$2,306.69; Computerland, \$920.00; Sperry Corporation (computers), \$7,536.25; total: \$8,456.25; Staff Salaries and Benefits paid, \$4,920.46; for overall total of, \$30,674.23.

Mr. Jones moved that all bills be paid as presented. The motion was seconded by Mr. McMillian. The motion carried unanimously.

Director Gerald Newton stated there was not any correspondence for review.

Reports

Mr. Viox noted the Zoning Enforcement Officer's Report and the Building Inspector's Report for the Commission review.

-----Vice-Chairman David Martin entered the meeting-----

Hearing no questions or comments on the above noted reports, Mr. Viox turned the meeting over to Vice-Chairman David Martin.

Mr. Martin proceeded to the items on the agenda.

Zoning Map Amendment

A request of John Cronin (agent) for Harris and Lenore Surface (owners) for a Zoning Map Amendment to rezone 3.2 acres of land located at 1065 Burlington Pike, Boone County, Kentucky. the property is currently zoned Commercial Two, C-2 and is being requested to be Commercial Services, C-3. The intended use is a new automobile dealership.

Mr. Newton read the Committee Report which recommend approval of the Zoning Map Amendment based upon the following conditions:

1. The applicant shall agree to submit a detailed landscaping and screening plan as a part of the Site Plan Review for the project. These landscaping/screening details shall include, but not necessarily be limited to, the following:

White pine trees, 4 to 6 feet minimum height, shall be planted along the east and west property lines of the site to provide screening for existing single-family residences. These trees shall be planted at 20 foot maximum intervals, with two rows staggered at 10 foot intervals, for a minimum distance of 175 feet from the front property line. the remaining distance to the rear of the site shall have similar trees planted at maximum 20 foot intervals.

2. The applicant shall submit detailed plans for outside lighting and outside paging/sound system for Site Plan Review. These systems shall be designed to be sensitive to preventing spillover of noise and light onto adjacent properties and public streets.
3. Any change in, or additional use of, the site shall be reviewed by the Boone County Planning Commission Technical Committee and Staff, to determine if the proposed change constitutes a major or minor change in the approved Concept Development Plan. If it is determined that the proposed change is major in scope, then a public hearing for a Change in the Concept Development Plan shall be required.
4. The applicant agrees to cooperate with the Planning Commission and adjoining property owners to help provide future access management improvements to the site. The applicant also agrees to limit the western most access point to KY 18 to in-bound traffic movements only, and to provide

appropriate plans to accommodate this with the Site Plan Review.

5. The applicant shall provide appropriate engineering details for storm water detention with the Site Plan Review.

Mr. Martin referred to the representative for the proposed request and inquired if he understood and agreed to all conditions within the Committee Report. Mr. Gene Weber of William Hub Architects and representative for the proposed request stated yes to both questions.

Mr. Martin inquired of support, opposition or comments on the proposed request.

Ms. Helen Bants, adjoining property owner, inquired of the turning lane, and the grading on the site and also requested that a slated fence be placed between the proposed dealership and her property. Mr. Newton explained the current plan was a conceptual plan which some of the details (e.g. finished contours, deceleration lane) may not be known at the present time. Mr. Martin explained there would be a Site Plan submitted on the proposed request which would be more detailed and more specific with the construction and the methods that would be used. Staff member Jim Sturdevant agreed the current plan was just a Concept Development Plan for the zone change request and at the present time it was not know if a turning lane would be required into the site and noted the turning lane would be determined in coordination with the State Highway Department at the time of the Site Plan Review along with the grading plan. Mr. Sturdevant stated the landscaping had been looked at as part of a buffer area along the west property line to account for the existing residents. Mr. Martin again clarified that screening, turning lanes, and grading would all be addressed at the Site Plan Review stage.

Mr. Martin referred to the Commission for discussion or comments.

Mr. Viox moved by Resolution to the Boone County Fiscal Court that the request of John Cronin (agent) for Harris and Lenore Surface (owners) for a Zoning Map Amendment to rezone 3.2 acres of land located at 1065 Burlington Pike, Boone County, Kentucky be granted based upon the Committee and Staff Reports. The motion was seconded by Mr. Barnett. The motion carried unanimously.

Site Plan Review

A request of Larry Warner (owner) for Site Plan Review for a 3,000 square foot addition to the Markesbery Moving and Storage Company. The 0.27 acre site is zoned Commercial Services, C-3 and is located at 7533 Industrial Road, Florence, Ky.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don Davis, Chairman

DATE: November 5, 1986

RE: Request for John Cronin (agent) for Harris and Lenore Surface (owners) for a Zoning Map Amendment to rezone 3.2 acres of land located at 1065 Burlington Pike, Boone County, Kentucky. The property is currently zoned Commercial Two (C-2) and is being requested to be Commercial Services (C-3). The intended use is a new automobile dealership.

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT:

- 1) The proposed zoning map amendment is in conformance with the 1980 Boone County Comprehensive Plan, Future Land Use Map, and Land Use Element, which indicates a future land use of commercial for the vicinity of the subject property.
- 2) The proposed zoning map amendment request is in conformance with the 1986 Boone County Comprehensive Plan, Goals and Objectives, which states that "Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.

CONDITIONS:

- 1) The applicant shall agree to submit a detailed landscaping and screening plan as a part of the Site Plan Review for the project. These landscaping/screening details shall include, but not necessarily be limited to, the following:
 - White pine trees, 4 to 6 feet minimum height, shall be planted along the east and west property lines of the site to provide screening for existing single-family residences. These trees shall be planted at 20 foot maximum intervals, with two rows staggered at 10 foot intervals, for a minimum distance of 175 feet from the front

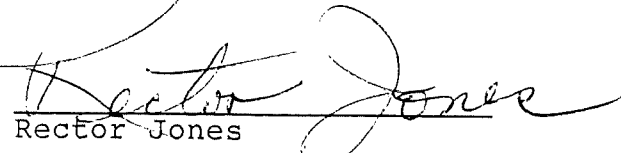
property line. The remaining distance to the rear of the site shall have similar trees planted at maximum 20 foot intervals.

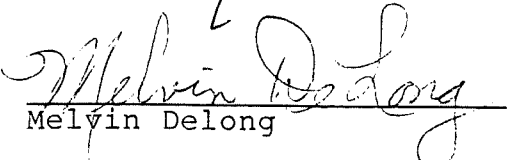
- 2) The applicant shall submit detailed plans for outside lighting and outside paging/sound system for Site Plan Review. These systems shall be designed to be sensitive to preventing spillover of noise and light onto adjacent properties and public streets.
- 3) Any change in, or additional use of, the site shall be reviewed by the Boone County Planning Commission Technical Committee and Staff, to determine if the proposed change constitutes a major or minor change in the approved Concept Development Plan. If it is determined that the proposed change is major in scope, then a public hearing for a Change in the Concept Development Plan shall be required.
- 4) The applicant agrees to cooperate with the Planning Commission and adjoining property owners to help provide future access management improvements to the site. The applicant also agrees to limit the western most access point to KY 18 to in-bound traffic movements only, and to provide appropriate plans to accommodate this with the Site Plan Review.
- 5) The applicant shall provide appropriate engineering details for storm water detention with the Site Plan Review.

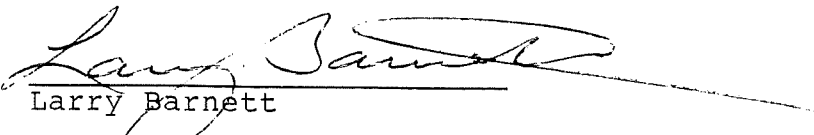

Don Davis, Chairman

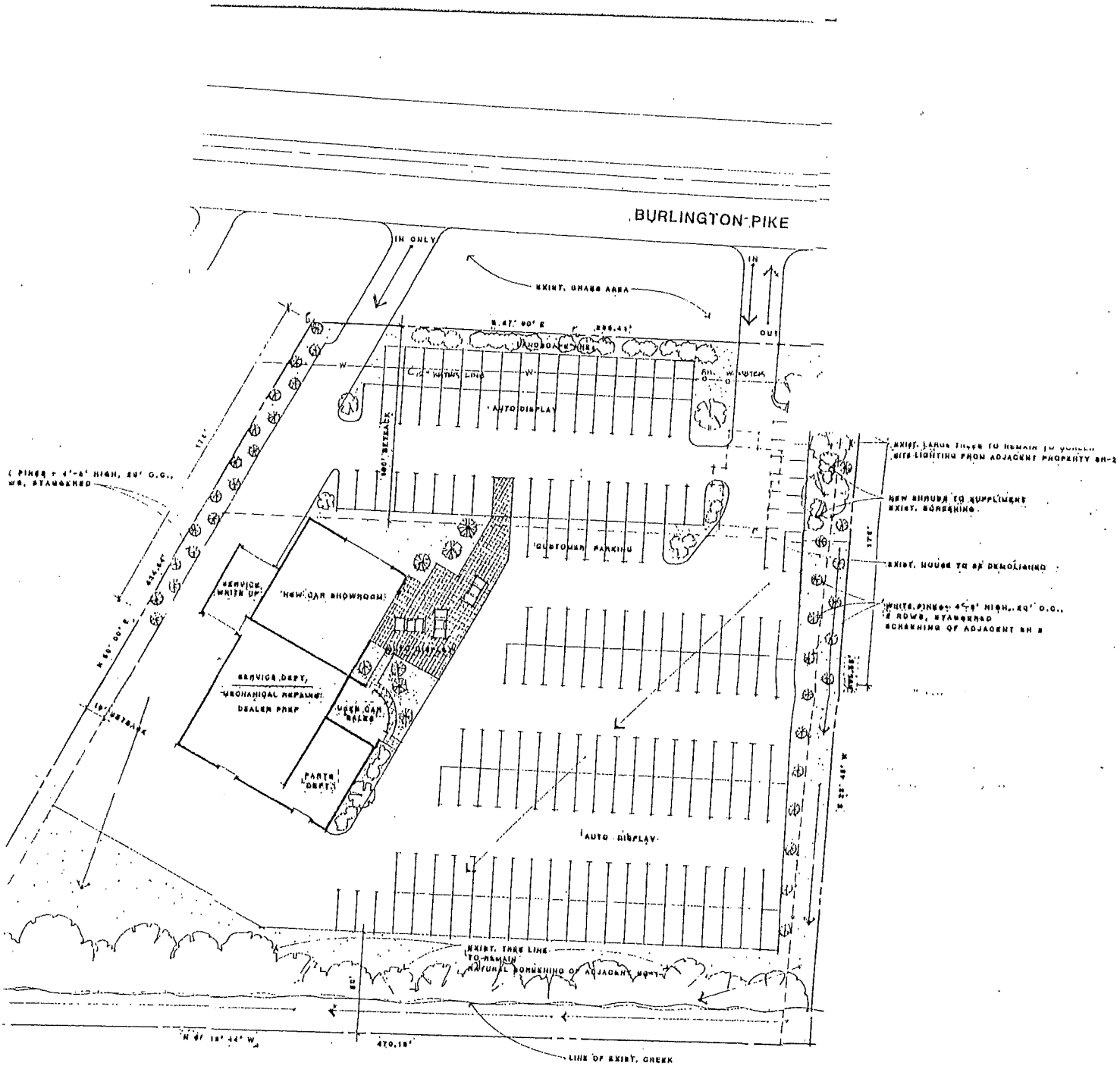

William Viox


Fred Burch


Rector Jones


Melvin Delong


Larry Barnett



BURLINGTON PIKE

(PINES - 4'-6" HIGH, 20' O.C., WS. STAGGERED)

EXIST. LAMP TOWER TO REMAIN TO PREVENT SIG. LIGHTING FROM ADJACENT PROPERTY SH-2
 NEW SIGNAGE TO SUPPLEMENT EXIST. SIGNAGING
 EXIST. HOUSE TO BE DEMOLISHED
 WHITE PINE 4'-6" HIGH, 20' O.C., 2 ROWS, STAGGERED SCHEDULING OF ADJACENT SH 2

SITE PLAN



TOTAL BUILDING AREA 13,880 S.F.

PROPOSED NEW CAR DEALERSHIP

Exhibit 1
-116187

BOONE COUNTY FISCAL COURT
ORDINANCE NO. 920.104

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 COMMERCIAL TWO (C-2) TO COMMERCIAL THREE (C-3) LOCATED AT 1065 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY, AS REQUESTED BY JOHN CRONIN (AGENT) FOR HARRIS AND LENORE SURFACE (OWNERS) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-38-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a map Amendment for a zone change from Commercial Two (C-2) to Commercial Three (C-3) 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 of fact 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 I

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 Commercial Two (C-2) to Commercial Three (C-3). 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 "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 & Zoning 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 "B")

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 9th day of Dec., 1986.

Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 6th day of January, 1987, 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.

Bruce Ferguson
Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Jerry W. Rouse
Boone County Clerk

Submitted by:

Larry Crigler
Larry Crigler
Boone County Attorney

02/12/87
(DATE PUBLISHED)

MINUTES
BOONE COUNTY FISCAL COURT
Regular Meeting
January 6, 1987
3:00 P.M.

(NEW BUSINESS CONTINUED...)

Judge Ferguson asked if there was any other new business to come before the court. Scott Kimmich, Administrative Assistant, advised that the request had been made by the Kentucky Department of Transportation that the county adopt into the County Maintenance System Duro Way and Shoreline Drive in the Richwood Industrial Park. Commissioner Raverty moved approval of said roads and acceptance into the County Road Maintenance System, seconded by Commissioner Miller. There being no discussion, Judge Ferguson called for a vote. Raverty voted AYE, Miller voted AYE, Robinson voted AYE, and Judge Ferguson's vote is to be recorded as AYE to reflect with the majority. The motion passed unanimously.

PLANNING & ZONING MATTERS

Item 16. Ordinance No. 920.104 - Judge Ferguson presented same to the Fiscal Court, a request for a Zone Change on behalf of Harris & Lenore Surface (Owners), as requested by John Cronin (Agent), and as approved by the Boone County Planning & Zoning Commission via resolution R-38-86. Wally Pagen was on hand in the Fiscal Courtroom to represent Mr. Cronin and the Surfaces in this Zone Change. Commissioner Robinson requested that the persons accept the following conditions in accepting the Zone Change. He requested they reduce the number of entrances and exits from the property from two to one. He requested eight foot white pines on six foot centers. He requested no outside speakers, the two rows of pines to be staggered, low level lighting and 100 foot setback. Commissioner Miller questioned the need for only one driveway and was advised by Commissioner Robinson that since the county had adopted a plan whereby all future expansion further out Kentucky 18 would be utilizing service roads, that he felt that it was inappropriate for a firm such as this to be granted two curb cuts. He advised that companies such as Square D, Mall Chrysler Plymouth, and T.L. Christen Buick, all which are large operations, were functioning with only one driveway. Commissioner Raverty questioned the drainage problem and was advised by Mr. Pagen and also another associate from the firm that there was a problem with the drainage and that problem had been addressed and resolved at prior meetings with the Planning & Zoning Commission. Mr. Pagen questioned the need for a PA System, saying that he felt that there would be some sort of system necessary to reach those persons outside on the automobile lot during business hours. Commissioner Robinson presented Planning & Zoning Minutes whereby Mr. John Cronin had advised that he could function without such a system. Mr. Pagen asked for time to review this action and requested the Judge allow him to return on the Agenda at a later time in the meeting. He advised that at that time he and his associate would be prepared to act on behalf of Mr. Cronin in making those changes necessary to get the Zone Change approved by the Fiscal Court of the county. In the meantime, Commissioner Robinson asked that the County Attorney review the legalities of the county deferring action on such an Ordinance for an indefinite period of time. He advised that he was of the opinion that Planning & Zoning Ordinances took effect automatically after a certain period of time if no action were taken by the Fiscal Court.

Judge Ferguson then recognized Mr. Todd Williams, of Booneland Trails, who advised that he was quite upset as well as many other residents with the way the street had been left in great degree of disrepair. He advised that at the present time the street is a one lane mud path with major ditches through it. Judge Ferguson advised that he had talked with representatives of Interstate Asphalt as well as representatives of Corporex including Mr. Tom Banta, of Corporex, who was also in the courtroom as agent on behalf of Mr. Butler and Corporex. Judge Ferguson advised that he felt that it would be in the county's best interest to put gravel onto the road and to simply deduct from the bill to be forwarded to the county through Interstate Asphalt for the work being done since the county had in fact contracted for the road's construction through an agreement with the Commonwealth of Kentucky's Department of Commerce and Department of Transportation. Commissioner Robinson said that he felt that Corporex should build a temporary road to eliminate the traffic
(continued, Page [6]...)

MINUTES
BOONE COUNTY FISCAL COURT
Regular Meeting
January 6, 1987
3:00 P.M.

(continued from Page [5]...)

which is caused the deterioration and collapse of the present road. Mr. Banta advised that he does not feel it's Corporex's fault that the road has decayed. He said they had no way of controlling the unexpected delays that have caused the problems in the area. Commissioner Raverty asked what would be the recommendation of the County Road Supervisor. Mr. Pelley advised he would recommend to grade the road and place gravel on it at the present time. Commissioner Raverty said that he felt that wasn't a good idea to put in a reasonable base and to post it for vehicular traffic only. Judge Ferguson said that he had given those orders to Mr. Pelley earlier in the day. Commissioner Robinson said that he feels the county needs to send a letter to both Interstate Asphalt and Carlisle Construction advising that the county is of the opinion that this should be one of the first projects handled in the new construction year as soon as the Asphalt Plant reopens. He said the residents should not be required to live with the problem they presently have. The consensus of the court was that Mr. Pelley would grade the road on 01/07/87 and apply the necessary gravel to provide for safe passage along the road and to keep the road open for vehicular traffic only. Said signs are to be posted at the entrance of the road effective in the early a.m. of 01/07/87.

Judge Ferguson moved back to Item 16 of the Agenda, Ordinance No. 920.104, and recognized Mr. Wally Pagen who advised that his client could live with the restraints of the pine trees as requested by Commissioner Robinson. They could accept the requests for low level lighting and one curb cut with great reluctance, however, he advised that they felt there was some sort of speaker system needed for the outside of the building to ensure for adequate communication with the employees who maybe out on the lot. Commissioner Robinson moved for approval of the Zone Change as requested along with those stipulations he had previously requested in the Ordinance, those being that the developer agree to one curb cut on Kentucky 18 instead of two, they would plant eight foot white pines on six foot centers, that there be two rows of pines staggered along the western edge of the property and that there would be a 100 foot setback with low level lighting, seconded by Commissioner Raverty. There being no further discussion, Judge Ferguson called for a vote. Robinson voted AYE, Raverty voted AYE, Miller voted AYE, and Judge Ferguson's vote is to be recorded as AYE to reflect with the majority. The motion passed unanimously.

(ATTACHMENT - EXHIBIT 1) - approval of Ordinance No. 920.104 - Second Reading

RESOLUTIONS AND/OR ORDINANCES

Item 18. Ordinance No. 310.04 - Judge Ferguson presented to the Fiscal Court for their action, Ordinance No. 310.04, an Ordinance of the Fiscal Court banning open burning during periods of extreme fire hazard. A motion was made by Commissioner Raverty, seconded by Commissioner Robinson to approve the second reading of Ordinance No. 310.04. There being no discussion, Judge Ferguson called for a vote. Raverty voted AYE, Robinson voted AYE, Miller voted AYE, and Judge Ferguson's vote is to be recorded as AYE to reflect with the majority. The motion passed unanimously.

(ATTACHMENT - EXHIBIT 2) - approval of Ordinance No. 310.04 - Second Reading

Item 19. Ordinance No. 930.7 - Judge Ferguson presented Ordinance No. 930.7, an ordinance of the Fiscal Court establishing new rates for the inspection of new construction in the County of Boone. Commissioner Robinson requested that this Ordinance be amended to indicate that those persons failing to obtain a building permit prior to construction would be accessed double the normal building permit and that any exceptions to this rule must be approved by the Fiscal Court prior to the issuance of said permit, seconded by Commissioner Raverty. There being no discussion, Judge Ferguson called for a vote. Robinson voted AYE, Raverty voted AYE, Miller voted AYE, and Judge Ferguson's vote is to be recorded as AYE to reflect with the majority. The motion passed unanimously.

(ATTACHMENT - EXHIBIT 3) - approval of Ordinance No. 930.7 - Second Reading