

APPLICATION FOR ZONING ACTION

TO:

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|--|---|
| <input checked="" type="checkbox"/> Boone County Planning Commission | <input type="checkbox"/> City of Union Board of Adjustment  |
| <input type="checkbox"/> City of Florence Board of Adjustment        | <input type="checkbox"/> City of Walton Board of Adjustment |
| <input type="checkbox"/> Boone County Board of Adjustment            | <input type="checkbox"/> Zoning Enforcement Officer         |

FOR:

- |   |   |
|---|---|
| <input type="checkbox"/> Zoning Text Amendment                                  | <input checked="" type="checkbox"/> Zoning Map Amendment    |
| <input type="checkbox"/> Comprehensive Plan Change                              | <input type="checkbox"/> Planned Development Overlay Change |
| <input type="checkbox"/> Preliminary Plat Review                                | <input type="checkbox"/> Improvement Plat Review            |
| <input type="checkbox"/> Conditional Use Permit                                 | <input type="checkbox"/> Final or Deed Plat Review          |
| <input type="checkbox"/> Concept Development Plan Change                        | <input type="checkbox"/> Site Plan Review                   |
| <input type="checkbox"/> Preliminary Development Plan                           | <input type="checkbox"/> Historic District Overlay          |
| <input type="checkbox"/> Change of Non-Conforming Use                           | <input type="checkbox"/> Appeal or Variance                 |
| <input type="checkbox"/> Design Review Board and Certificate of Appropriateness | <input type="checkbox"/> Sign or Zoning Permit              |

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Applicant: Averitt Express  Owner  
Address: 518 Old Kentucky Road - P.O. Box 3166  Agent  
Cookeville, TN 38502-3166 Telephone: 800/251-6730  
615/526-3306

Location: U.S Hwy 25 ( North of Frogtown Rd )

Name of Property Owner: Gorman Dillingham

Address of Property Owner: 826 St Route 131 Milford, OH 45150

Zoning District: C-3 Area in Acres: 15.6538

Deed Book: 343 Page Number: 314 Group Number: 2058

Description of Request: Change to I-1 zoning

Applicant's Signature: George F Sasser

Property Owner's Signature: Gorman Dillingham

## STAFF REPORT

### REQUEST OF AVERITT EXPRESS FOR A ZONING MAP AMENDMENT FOR PROPERTY ON U.S. 25 NORTH OF FROGTOWN ROAD

This is a request for a Zoning Map Amendment by Averitt Express to rezone a 15.65 acre site from Commercial Services (C-3) to Industrial One (I-1), to allow the construction of a freight transportation distribution center. The property is owned by Gorman Dillingham and is located on the west side of U.S. 25, approximately 300 feet north of Frogtown Road.

#### Background

This property has been the subject of two previous Zoning Map Amendment requests. On May 7, 1986, the Planning Commission recommended denial of a request to rezone this property from Suburban Residential One (SR-1) to Industrial One (I-1). On July 2, 1986, a second application to rezone the property, from Suburban Residential One (SR-1) to Commercial Services (C-3) for use as a crane rental business, was approved with conditions. The crane rental business was never developed, however, and the property is currently undeveloped.

#### Surrounding Land Uses and Zoning

north:	SR-1; single-family residences fronting on U.S. 25, mostly agricultural uses
south:	C-3; a bearings business, single-family residences, a dog kennel, and a mobile home park is located on the opposite (south) side of Frogtown Road
east:	C-3 and I-1; a gasoline service station, clothing store, and restaurant, I-1 and I-2 zoning beyond
west:	I-75 forms the west boundary, beyond is zoned SR-1

#### Site Features

The majority of the site is fairly level or gently sloping, although the northwest corner of the site slopes down approximately 30 feet to a natural drainageway. Soils on this site are of the Rossmoyne series, between 0 and 12 percent slopes, and are generally suitable for industrial development. The approximate elevation of this site is 920 feet.

Currently the majority of the site is fallow fields. There are the foundations of old farm out-buildings and a burned-down house, as well as a small paved area and driveway.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial along U.S. 25 and High Density Residential (greater than eight dwelling units per acre) on the remainder of the site.

The Land Use Element of the Plan makes the following statements about the general area:

"The growth of this area will be impacted in several ways. The major influences will be the Northern Kentucky Industrial Park to the north, the proposed Mt. Zion interchange on I-75, the Hopeful Road connection to the Industrial Park, development pressures along US 25, and the Southern Railroad Line. Because of the development pressure, all necessary types of infrastructure will increase in scale...The Mt. Zion interchange will have the single largest impact on this area...Commercial activity associated with the interchange should be concentrated on the northeast quadrant. Most of the existing residential development is south of Mt. Zion although the Mobile Home Park Uses will experience pressure from high land values in the future...Because of the various land uses along US 25, it will carry a wide selection of traffic types. For this reason any traffic intensive or truck-oriented uses should locate near connections to the interstate."  
(pp. L-20, 21)

The Business Activity Element of the Comprehensive Plan states:

"The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridor. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads." (p. B-16)

Goals and Objectives for Industrial uses include:

1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to locate near railroads, highways, airports and/or the Ohio River.

3. Amenity for industrial uses and a favorable relationship with adjoining uses should be fostered by means of design. Industrial nuisances such as smoke, dust, noise, and odor should be controlled.

The Transportation Element of the Comprehensive Plan states:

"As urbanized areas expand and increase in population, some rural roads experience enough through traffic that they become functionally more important in the road classification hierarchy. For this element and the comprehensive plan, several of the rural major collectors have been reclassified to rural major arterials. These include U.S. 25, U.S. 42-127, KY 18 from the urban line to Burlington, and KY 237 from I-275 to KY 18...The arterials should be regarded as the roadways most suitable for planned land use development in the county. Arterials close to the urbanized areas are prime for commercial development although intense development can impede through traffic...The resurfacing of U.S. 25 at the Richwood Exit and the proposed connection of the I-75/I-71 junction to U.S. 25 north of Walton makes the Kensington area very favorable for industrial development while offering the Walton area a resurgence of population growth."

#### Staff Concerns

1. The proposed use of this property, should the zone change be approved by the Commission and the Fiscal Court, would generate a high volume of truck traffic on a portion of U.S. 25 which is projected for increased traffic of all kinds. The Staff is concerned that the traffic generated by this site would adversely impact existing and future non-industrial traffic on U.S. 25, creating traffic congestion and stacking problems.
2. The applicant has not provided any trip generation figures to allow analysis of the potential traffic impact of the proposed use on this portion of U.S. 25. Further, the applicant has not provided for any improvements to the portion of U.S. 25 that the site would access, such as widening or creation of sufficient turning radius.
3. The proposed use of this property substantially deviates from the use projected for the area in the Boone County Comprehensive Plan. The Staff feels the proposed Industrial One (I-1) zoning is not appropriate at this location on the

west side of U.S. 25, as it is not compatible with the commercial/residential land uses and zoning of the surrounding properties and with the Comprehensive Plan. The Staff further feels this use would be better located in a clustered industrial area, such as, but not limited to, the Richwood Industrial Park, which is located approximately 3000 feet south of the subject property. This would place the use closer to the Richwood Exit access to I-71/I-75, thus reducing truck travel on U.S. 25.

4. The Concept Development Plan submitted with this request indicates approximately 43% of the total area will be paved. This could create a negative visual impact on the surrounding properties, particularly the residential areas to the north and south of the site. The proposed landscaped areas are of insufficient width to meet with the requirements of the Boone County Zoning Regulations.

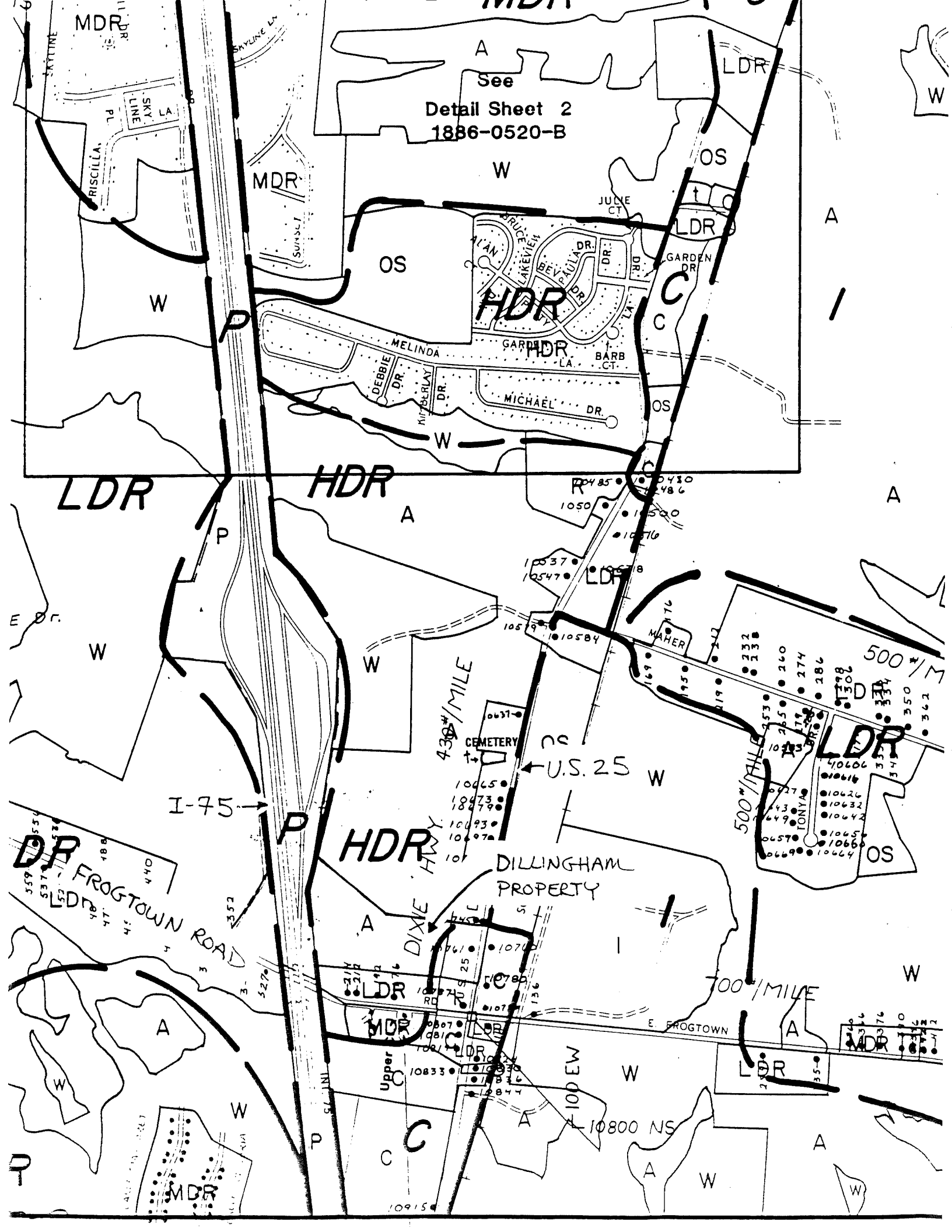
#### Conclusion

Should the Planning Commission recommend, and the Fiscal Court subsequently approve, this Zoning Map Amendment, the Boone County Comprehensive Plan will need to be amended.

  
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Paul R. Miller  
Plans Examiner/Planner

PRM:mcb

See  
Detail Sheet 2  
1886-0520-B



MDR

MDR

LDR

W

OS

W

OS

HDR

LDR

A

LDR

HDR

A

A

W

W

430' / MILE

CEMETERY

U.S. 25

W

LDR

500' / M

I-75

HDR

DIXIE HWY

DILLINGHAM PROPERTY

100' / MILE

W

FROGTOWN ROAD

A

LDR

MDR

Upper C

100' EW

W

LDR

A

10800 NS

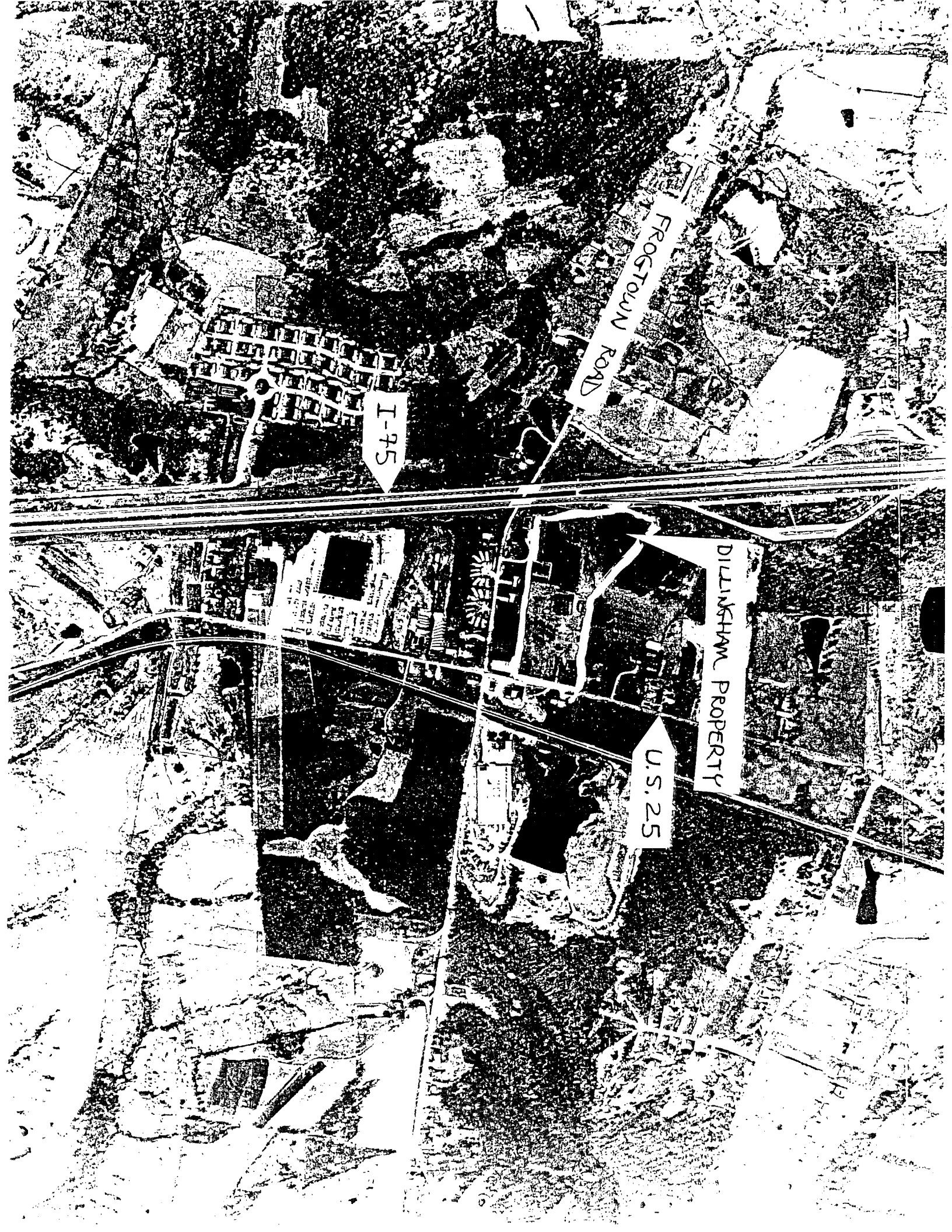
W

MDR

10915

A

W



I-75

FROGTOWN ROAD

DILLINGHAM PROPERTY

U.S. 25

AMERITT EXPRESS ZONING-MAP AMENDMENT

SITE PLAN  
6-28-88

KY. STATE HIGHWAY NO 536 (FRODTOWN ROAD)

US (DIXIE) HIGHWAY NO 25

INTERSTATE 75

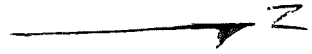
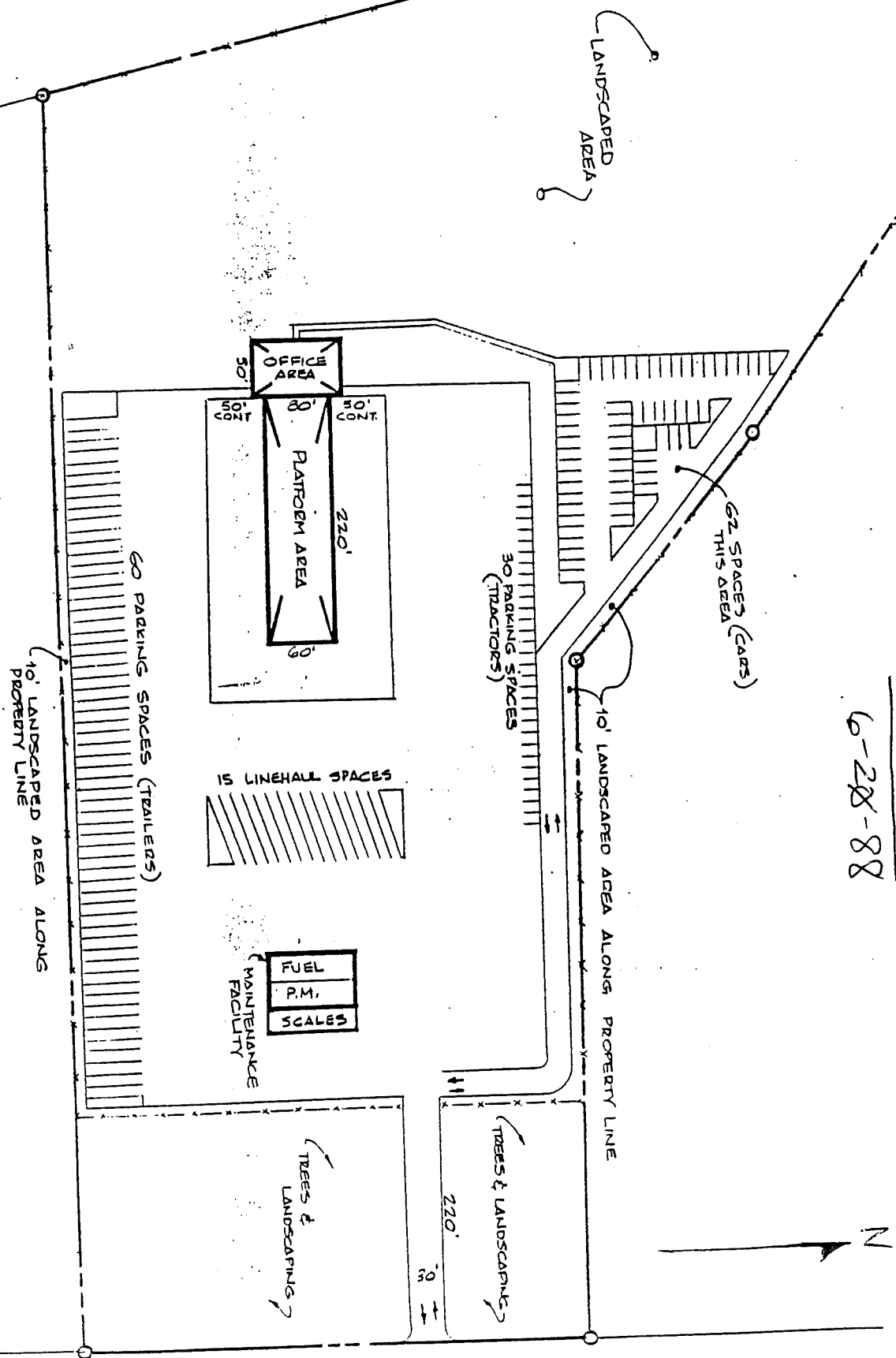


EXHIBIT "A"

N O T I C E

P U B L I C H E A R I N G

The Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by Averitt Express for certain real estate owned by Gorman Dillingham. The map amendment request is for a change from the present zoning district of Commercial Services (C-3) to Industrial One (I-1) to allow construction of a freight transportation distribution center. The Public Hearing is to be held Wednesday, June 29, 1988, at 8:00 p.m., in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is located at U.S. 25, just north of Frogtown Road. The legal description for this property is represented as a part of or the complete tract as recorded in DEED BOOK 343 PAGE 314 of the Boone County Clerk's office, as supplied by the applicant for this application. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the map amendment, if approved, would be consistent with the Comprehensive Plan. If such a map amendment would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the requested map amendment, if approved, will be reviewed.

All interested persons are encouraged to attend and be heard.

(For publication in the Boone County Recorder, 6-15-88.)

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5  
June 29, 1988

Page 1

Following a five-minute recess, Chairman Viox introduced the last item on the Agenda:

5. Applicant: Averitt Express  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Averitt Express for a Zoning Map Amendment for property located on the west side of U.S. 25 (Dixie Highway) approximately 300 feet north of Frogtown Road. The 15.65-acre site is presently zoned Commercial Services (C-3) and the request is to rezone the site to Industrial One (I-1).

Staff Member, Paul Miller, presented slides of the site and surrounding area.

Chairman Viox asked if there was a representative of the applicant present who wished to comment.

Mr. Jerome Terrill, Regional Director for Averitt Express, stated that they are a transportation company operating in eight states. They currently have six facilities in Kentucky. They have over 1,400 associates, each of whom has ownership in the company. Their facilities and equipment are state-of-the-art. Mr. Terrill stated that they have received safety awards and offered to show them to the Commission. He presented an artist's rendering of a facility in Knoxville, which would be similar to the proposed facility except for the location of the parking. He stated that an addition to their Site Plan based on the suggestion of an adjoining property owner, Mr. Don Davis, are turning lanes to give the equipment more turning room.

Chairman Viox asked that the Site Plan be provided to the Commission.

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

Mr. Floyd Kells, owner of a farm adjoining this property on the north side, stated that this would be an improvement to the area and a good project for the county. He stated that the project will also benefit him.

Ms. Jane Wershan, representing the property owner in the sale of the property, asked that Mr. Terrill explain the nature of their business more fully so that there will be no misunderstanding. She stated that this company would enhance Boone County.

Mr. Terrill stated that their operation is like a warehouse, but it is a short-term warehouse since items are only stored until they are delivered. The warehouse is emptied twice a day. Their business is a delivery service of all types of shipments.

Chairman Viox asked if there was anyone else present who wished to speak. There being no one, he asked if there were any comments from the Commission.

Mr. Damstrom questioned the square footage of the proposed building. Mr. Terrill advised that it will be approximately 20,000 sq. ft..

Mr. McMillian asked if this was a delivery-type service or a distribution center. He asked if trucks were stored on the site. He asked what activities there were on the site besides shipping parcels.

Mr. Terrill stated that the trucks would be fueled and lubricated on the site, but there will be no major repairs. He stated that there would be only preventative maintenance of the trucks. There will also be storage of the equipment.

In response to a question from Mr. Collins, Mr. Kells advised that there is a building next to the site used for plumbing materials. Mr. Collins noted that this operation is in a single-family residential area. Chairman Viox asked that this be investigated.

Mr. Moore questioned the number of trucks going to and from the site in a 24-hour period.

Mr. Terrill advised that there would be ten to twelve trucks going out in the morning and returning in the evening, with possibly a few trips during the day. They expect to grow to about 25 trucks per day.

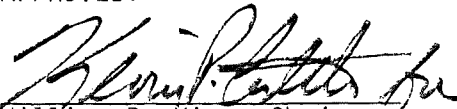
Mr. Neltner questioned the parking on the site, noting there are 62 parking spaces.

Mr. Terrill stated that they encourage their customers to visit the site. There may also be people who will take a tractor out and be gone four or five days and need a place to park their car. The operation is expected to grow to 40 or 50 employees in two years. He added that their working hours are from about 5 a.m. to 9 p.m..


At this time, Mr. Miller completed the Staff Report (see Staff Report).

There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on July 6, 1988 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

July 20, 1988

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong  
Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The Chairman advised that Mr. Greene's wife had passed away on Saturday, July 16, and expressed the deepest sympathy of the Commission to the Greene family in their loss. Services for Mrs. Greene were on Tuesday, July 19.

Chairman Viox asked if there were any comments from the Commission.

There being no discussion, Mr. Burch moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, subject to the conditions. Mr. Collins seconded the motion.

The Chairman asked for a vote on the motion made by Mr. Burch which found all those voting to be in favor.

Mrs. Bushelman stated that she had abstained from voting as she was not present at the Public Hearing and could not make the proper judgment. Mr. Rush stated that he was present but not voting as he was not present at the Public Hearing.

The motion carried.

Mr. Barnett moved that the Land Use Plan be changed to reflect the Committee Report following final action on the zone change for adoption. Mrs. Smith seconded the motion and it carried unanimously.

## 2. Zoning Map Amendment

The request of Averitt Express for a Zoning Map Amendment for property located on the west side of U.S. 25 (Dixie Highway) approximately 300 feet north of Frogtown Road. The 15.65-acre site is presently zoned Commercial Services (C-3) and the request is to rezone the site to Industrial One (I-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

The Chairman asked if there was a representative of the applicant present. There being no response, he asked if there was anyone else present who wished to speak in regard to this request.

There being no discussion, Mr. McMillian moved that the request be denied based on the Committee Report. Mr. Neltner seconded the motion.

The Chairman asked for a vote on the motion which found all voting members in favor. Mr. Rush stated that he was present and not voting as he was not present at the Public Hearing.

The motion carried.

## 3. Concept Development Plan and Conditional Use Permit

The request of Flying J, Inc. for revision of a previously approved Concept Development Plan and Conditional Use Permit for a truck stop and travel plaza. The 10.286-acre site is located at the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky, and is zoned Commercial Services (C-3).

EXHIBIT "C"

COMMITTEE REPORT

2

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: July 20, 1988

RE: Request of Averitt Express for a Zoning Map Amendment for property located on the west side of U.S. 25 (Dixie Highway) approximately 300 feet north of Frogtown Road. The 15.65 acre site is presently zoned Commercial Services (C-3) and the request is to rezone the site to Industrial One (I-1).

REMARKS:

We the Committee, recommend denial based upon the following findings of fact. These findings are based upon the statements made at the June 27, 1988 Public Hearing.

1. The requested zone change is not in agreement with the 1986 Boone County Comprehensive Plan which recommends the future land use of this property to be Commercial along U.S. 25 and High Density Residential on the remainder of the site.
2. The applicant has failed to show that the existing Commercial Services (C-3) zoning classification is inappropriate and that the proposed Industrial One (I-1) classification is appropriate.
3. The applicant has failed to show there have been major changes of an economic, physical, or social nature not anticipated in the 1986 Boone County Comprehensive Plan that substantially alter the area's character.
4. The Committee feels the proposed use of this site would create a high volume of truck traffic which would have a substantial adverse impact on the current and future traffic volume and patterns on U.S. 25. The Committee further feels this type of use would be better located in a clustered industrial area closer to the major interstates as stated in the 1986 Boone County Comprehensive Plan. Finally, the Committee feels the proposed use would be in conflict with the adjoining residential uses to the north of the subject property.

(Committee member signatures on following page.)

Donald McMillian  
Donald McMillian, Chairman

Larry Barnett  
Larry Barnett

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Fred Burch

\_\_\_\_\_  
Rector Jones

Carol Smith  
Carol Smith

DM:kat