

## STAFF REPORT

REQUEST OF D.L.W. & ASSOCIATES FOR A  
ZONING MAP AMENDMENT ON A 12.71 ACRE SITE LOCATED  
WEST OF U.S. 25 AND NORTH OF OLD RICHWOOD ROAD, BOONE COUNTY, KENTUCKY.

August 23, 1989

This is a request of D.L.W. & Associates for a Zoning Map Amendment from Urban Residential One (UR-1) to Commercial Services (C-3) to allow the extension of a commercial subdivision on the 12.71 acre site. This subject site is part of a 22.83 acre parcel on which the applicant intends to develop a commercial subdivision. The applicant has also applied for Preliminary Plat Review and Improvement Plan Review on the remaining 10.12 acres of the parcel.

### SURROUNDING LAND USES AND ZONING

North of the site, beyond the area submitted as a Preliminary Plat for D.L.W. Commercial Park, is a vacant outlot that lies adjacent to the Holiday Homes Mobile Home Sales operation. This area is zoned Commercial Services (C-3). East of the site, across U.S. 25 is a narrow strip of property adjacent to the railroad, zoned Agricultural Estate (A-2). Across the railroad tracks is the Richwood Industrial Park Subdivision, zoned Industrial One (I-1) and Industrial Two (I-2). South of the site are several single-family residences and two businesses at U.S. 25 and Old Richwood Road. These properties are zoned Rural Suburban (RS). The site borders I-75 on the west. Across I-75 are several interchange related commercial businesses zoned Commercial Services (C-3) and vacant property zoned Suburban Residential One (SR-1).

### CHARACTERISTICS OF THE SITE

In general, the 12.71 acre site slopes from U.S. 25 toward the Richwood interchange. The site has previously been cleared of all mature vegetation and supports grass and weeds at this time. The south edge of the site contains frontage on Old Richwood Road. An outlot, known as the Burford tract, exists on the north edge of this 12.71 acre site and creates a "hole" in the proposed 22.83 acre D.L.W. Commercial Park. The site has excellent visibility from I-75.

Soil types present on the site include Rossmoyne silt loam (RsC) usually found on slopes of 6-12 percent, Nicholson silt loam (N1B) usually found on slopes of 0-6 percent, and two types of Faywood silty clay loam (FcC and FcD) usually found on 6-12 and 12-20 percent slopes, respectively. Two ponds had existed on the site previously, but have dried up.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Future Land Use Map depicts the 12.71 acre site as mostly future commercial. The northern portion of the overall 22.83 acre D.L.W. property is shown as future medium density residential.

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The text of the Land Use Element forecasts a combination of industrial and highway-related commercial development in the Richwood area. The Plan notes that the commercial interchange development that currently exists at the I-75/Richwood exit will likely continue in that area, and move east to U.S. 25 and encompass a portion of that area. The Plan, however, does call for protecting established residential subdivisions from commercial development.

The Business Activity Element warns that commercial development east of the Richwood interchange should not occur to the extent that industrial traffic associated with future planned industrial development along U.S. 25 is disrupted.

The Objectives of the Business Activity Element include the following:

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

Commercial

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.)

STAFF CONCERNS

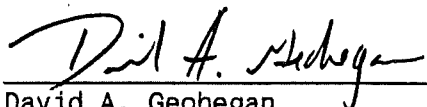
1. The Planning Commission needs to carefully consider the proposed Concept Development Plan as it affects the future development trends of the Richwood area, since no specific uses have been proposed by the applicant. All Commercial Services (C-3) uses would be possible if this request is approved.
2. The southern access of Belcher Boulevard onto U.S. 25 must align with the entrance to the Richwood Industrial Park.

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3. Both intersections of Belcher Boulevard with U.S. 25 will need to include full left turn lanes and right-hand deceleration lanes on U.S. 25.
4. Future access to the Robinson property south of the site and the Burford property north of the site should be provided in the form of a public right-of-way.
5. No access should occur onto Old Richwood Road unless a restricted emergency area is necessary.
6. The required buffer setbacks will be necessary along the southern edges of the site if this request is approved. This should include any trees along property lines.
7. The applicant has provided no information regarding the availability of sanitary sewerage to the site.
8. The applicant should consider consolidating some lots along I-75 to help avoid a line of businesses visible from the interstate. In addition, these lots should be developed carefully, if approved, to include screening of all mechanical equipment, dumpsters, etc. from I-75.
9. Regional or shared stormwater detention should be provided for the commercial park, if approved.

CONCLUSION

The Planning Commission should carefully consider the permitted uses in the requested zoning district and their potential impacts on the future development patterns of the Richwood area. Should this request be approved, the 1986 Boone County Comprehensive Plan need not be adjusted.



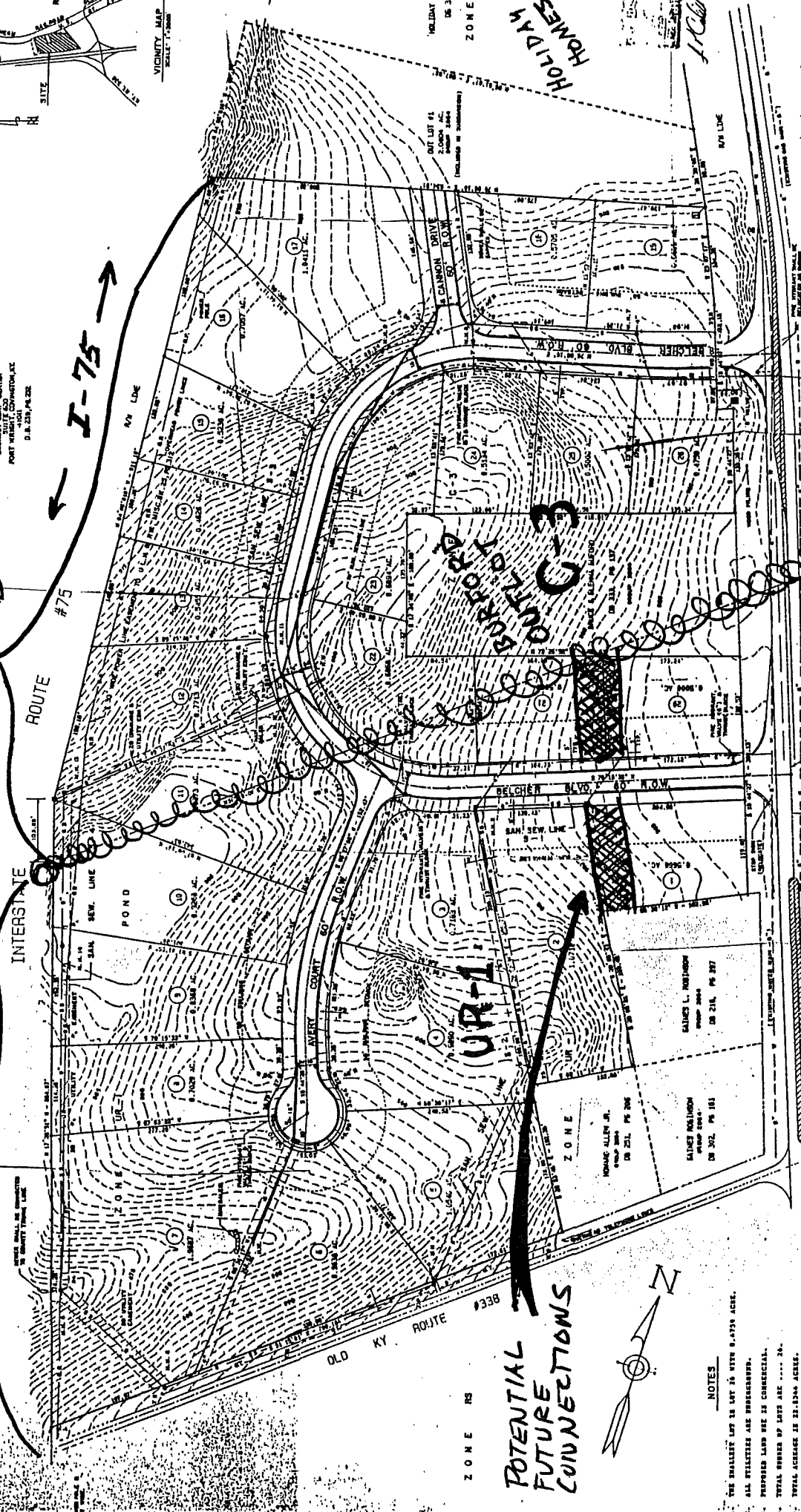
David A. Geohegan  
Planner/Plans Examiner

DAG:jdh

**AREA OF ZONE CHANGE REQUEST TO C-3**

**DLW**

**AREA OF PRELIMINARY PLAT AND IMPROVEMENT PLAN REQUESTS**



**NOTES**

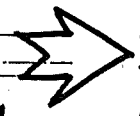
1. THE SHALLETT LOT IS LOT 16 WITH 0.4729 ACRES.
2. ALL UTILITIES ARE INDICATED.
3. PROPOSED LAND USE IS COMMERCIAL.
4. TOTAL SQUARE FEET OF LOTS ARE 4,000,000.
5. TOTAL ACRES ARE 92.1204 ACRES.
6. ALL EXISTING SEWER LATERALS WITHIN STREET R.O.W.'S SHALL BE MAINTAINED AT 5' DEPTH TO THE CURB AND 3' FROM ALIQUOT STRIPS.
7. ALL CONCRETE METAL PIPES SHALL BE PERMANENTLY COVERED IN 1980, SHALL BE ALUMINUM ALLOY (ACCEPTED OR APPROVED) WITH LINED INTERIOR SURF AND 3" MIN. THICK.
8. ALL CONCRETE METAL PIPES ARE 16" DIAMETER.
9. ALL METAL PIPES SHALL BE CONSTRUCTED TO MEET COUNTY STANDARDS FOR METAL PIPING.
10. ALL CONSTRUCTION OF IMPROVEMENTS SHALL BE IN ACCORDANCE WITH REGULATORY ORDINANCES OF BOONE COUNTY, KY.
11. CONTRACTOR SHALL NOTIFY AND COORDINATE WITH ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION.
12. CHANGES TO THIS PLAN, INCLUDING UTILITY DEGREE CROSS SECTIONS, SHALL BE MADE IN ACCORDANCE WITH THE BOONE COUNTY REGULATIONS.

**SITE DATA**

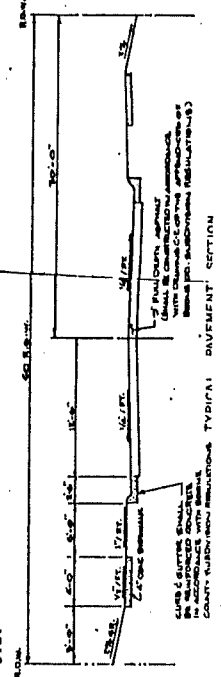
1237-07-07'E  
1107-18-33'E  
26.00'

Notes: Survey conducted by D.L.W. Associates, Inc. in accordance with Boone County Subdivision Regulations (Revised 1975).

**← US 25 → To Florence**  
**To KY 38**

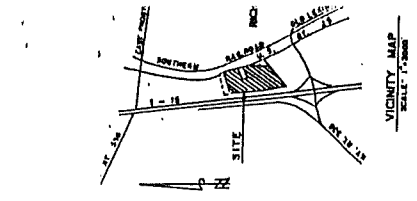


**TO RICHWOOD INDUSTRIAL PARK**



**IMPROVEMENT PLAT OF D.L.W. COMMERCIAL PARK BOONE COUNTY**  
PREPARED BY **HICKS & MANN, INC.**  
CONSULTING ENGINEERS & LAND SURVEYORS  
18 HAWKS ROSE ROAD  
WILLIAMSBURG, KENTUCKY 40399  
SCALE: 1" = 40'

**OWNER:**  
DLW ASSOCIATES  
A KENTUCKY PARTNERSHIP  
CORPORATION  
SUITE 200  
1001 WEST COMPAGNORATE  
AVENUE  
D.B. 228, P.O. 228



**HOLIDAY HOMES**

**ZONE**

**OUT LOT #1**  
0.8 ACRES  
ZONED C-3

**OUT LOT #2**  
0.8 ACRES  
ZONED C-3

**OUT LOT #3**  
0.8 ACRES  
ZONED C-3

**OUT LOT #4**  
0.8 ACRES  
ZONED C-3

**OUT LOT #5**  
0.8 ACRES  
ZONED C-3

**OUT LOT #6**  
0.8 ACRES  
ZONED C-3

**OUT LOT #7**  
0.8 ACRES  
ZONED C-3

**OUT LOT #8**  
0.8 ACRES  
ZONED C-3

**OUT LOT #9**  
0.8 ACRES  
ZONED C-3

**OUT LOT #10**  
0.8 ACRES  
ZONED C-3

**OUT LOT #11**  
0.8 ACRES  
ZONED C-3

**OUT LOT #12**  
0.8 ACRES  
ZONED C-3

**OUT LOT #13**  
0.8 ACRES  
ZONED C-3

**OUT LOT #14**  
0.8 ACRES  
ZONED C-3

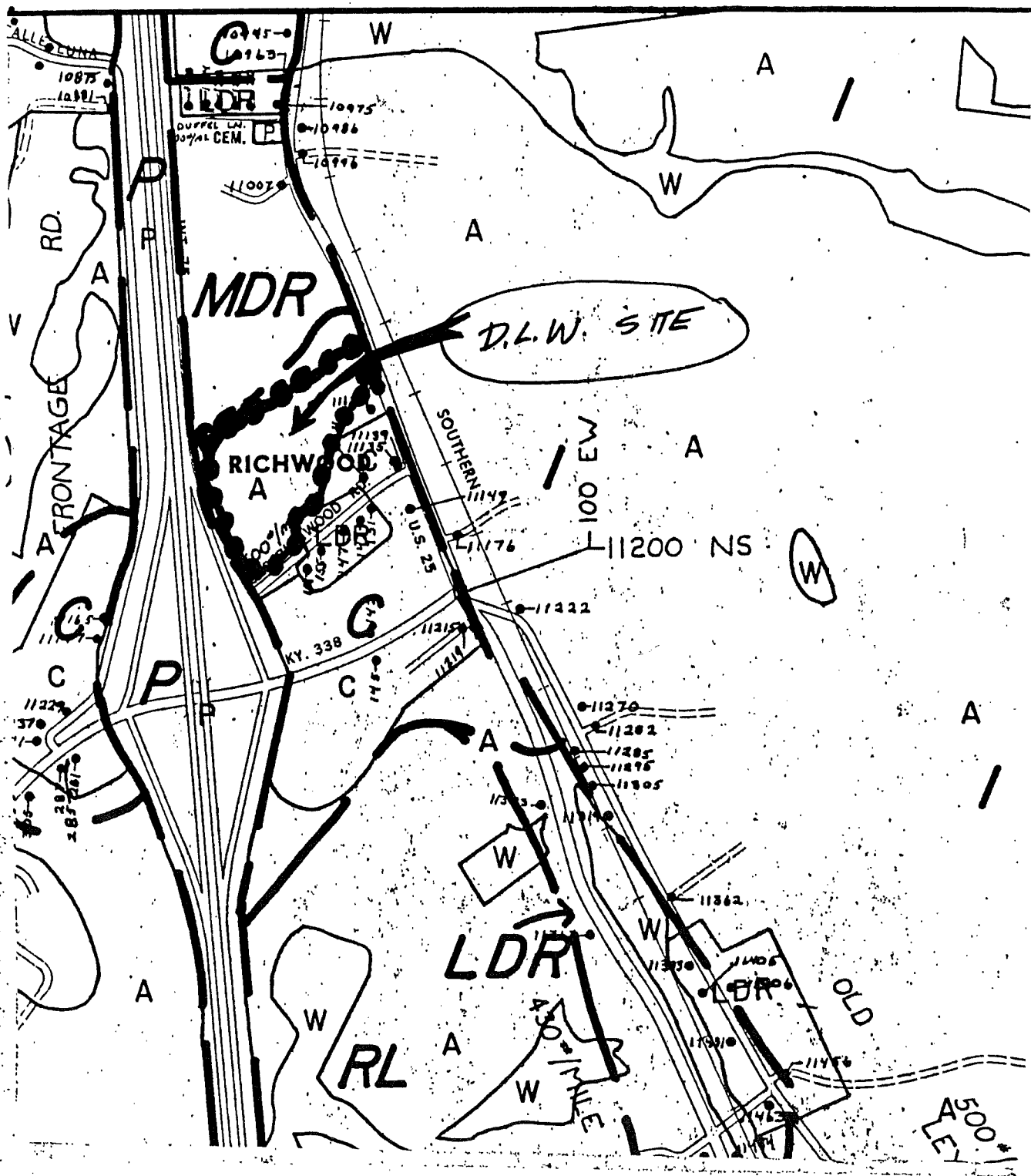
**OUT LOT #15**  
0.8 ACRES  
ZONED C-3

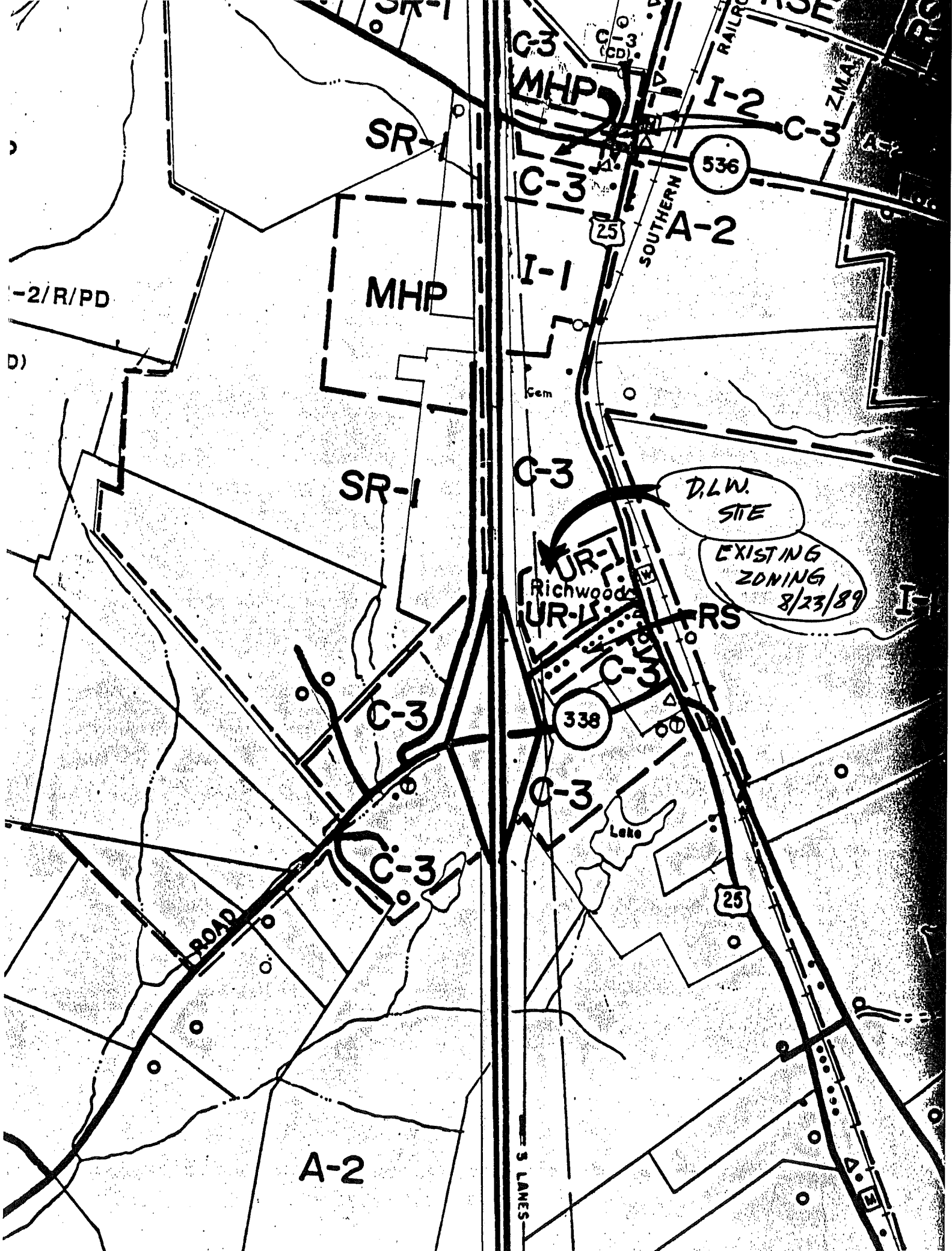
**OUT LOT #16**  
0.8 ACRES  
ZONED C-3

**OUT LOT #17**  
0.8 ACRES  
ZONED C-3

**OUT LOT #18**  
0.8 ACRES  
ZONED C-3

# 1986 FUTURE LAND USE MAP





SR-1

C-3  
MHP

RAILROAD

536

A-2

SOUTHERN

-2/R/PD

MHP

I-1

D)

SR-1

C-3

D.L.W.  
SITE

EXISTING  
ZONING  
8/23/89

Richwood

UR-1

RS

C-3

338

C-3

Lake

ROAD

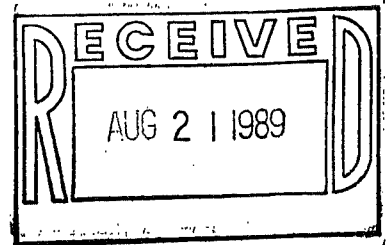
C-3

25

A-2

3 LINES

Mr. W. Viox, Chairman  
Boone County Planning Commission  
Burlington, KY 41005



RE: Public Hearing, Aug. 23, DLW Zone Change Request

Dear Mr. Viox and Commissioners,

I am unable to attend the Public Hearing on August 23 because my husband is paralyzed from a stroke and cannot be left alone in his frail condition.

I have seen a map of the DLW commercial development for the land to our north and west. We oppose this zone change or any plan which would allow that many businesses in such a small area right next to our home. The noise, dust, black, greasy film, and fumes from the truck stops to our south and west is already very bad, and more businesses will make it worse. Right now I can still open the windows on the north for fresh air but with so many businesses so close on that side, we will have to keep all the windows closed all the time and live in air-conditioning so my husband can breathe properly. Living cooped-up in air-conditioning will remove the one chance I now have to vary his surroundings a little. Also the additional expense of running the air-conditioning for 6 or 8 months a year is considerable, and it comes at a time when his medical expenses are very high and are likely to remain that way.

It is not convenient right now to consider moving, but I don't know how long we could continue to live here closed-up inside the house all the time, almost like prisoners. Our home is located on land that has been in the Robinson/Carpenter family at least as far back as 1834, and leaving here under the best circumstances will be very hard for us.

If this project is like the Pilot Oil deal and you can't stop it, can you please put the C-3 zone at the other end of the property next to Holiday Homes, and leave the southern end of the property for the quieter, office-type businesses and smaller neighborhood services? There are several businesses we request you to keep out - truck stops, gas stations, sales of motor and diesel fuels, businesses that require outside storage (junk cars, old tires, iron, crates and such). Also, please do not allow pole lights, pole signs, or beer joints, or other noisy, messy businesses.

For our protection we request the developer be required to put up a chain link security fence along our north and west property lines to keep out intruders, that they leave all the trees on the property lines, and in the maximum buffer space we can get, plant evergreen trees to reduce some of the noise and dirt, and help screen our view of their places and give us some privacy from their traffic and customer views.

Thank you for understanding our absence from this hearing.

Sincerely yours,

Shirley Robinson  
G. L. Robinson

*Shirley Robinson*  
*G. L. Robinson by Shirley P.O.A.*

*Aug 19, 1989*

BOONE COUNTY PLANNING COMMISSION

August 23, 1989  
8:00 P.M.

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M.. Following an explanation of the public hearing process, the Chairman introduced the item on the Agenda:

Applicant: D.L.W. and Associates (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of D.L.W. and Associates (owner) for a Zoning Map Amendment on a 12.71-acre site on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The request is to rezone the site from Urban Residential One (UR-1) to Commercial Services (C-3).

Staff Member, David Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked the applicant for his comments at this time.

Mr. Ron Tackett, one of the owners of D.L.W. and Associates, using an enlarged drawing, stated that they presented a Preliminary Plat on July 21, which was delayed by the lack of information regarding sanitary sewers. They will not start the project until they know when they can hook into the sanitary sewer. They will not build a street unless they can sell the sites, which requires sanitary sewer. He stated that the parent tract for this property was 35.5 acres, with 8 acres sold to Holiday Homes. Prior to 1979, the entire tract was commercial/planned development. In 1979, Walker Supply and Associates of Cincinnati came in for a Special Use Permit for a UR-1 Zone for 12 acres. On the Comprehensive Plan, the site is shown for C-3 commercial uses. It was approved in 1979 and the Staff Report recommended denial of the project based on truck stops not being suitable with residential. He stated that the property to the south is Rural Suburban, but is shown for commercial uses in the Comprehensive Plan. In 1980, at the time of the KZF Study, the UR-1 project was to start construction within two years or the Special Use Permit would run out. They thought it would revert back to the overall zone. In 1980, the Special Use Permit was still in tact and shown on the map as UR-1. That same zone has stayed in the Comprehensive Plan. Mr. Tackett stated that he had read the letter from the Robinsons, and he knows them. He stated that the Robinson property goes all the way to Old Richwood Road and he does not see the need to provide access. He noted that the Staff's concerns can be addressed through Site Plan Review. He added that the size of

the lots meets the minimum standards and many exceed the minimum standards. He stated that most people will buy two lots. He noted that they are eliminating one lot. He stated that the county has a contract to bring the sewer from Duro to U.S. 25 and along Richwood Road toward the new country club and they will hook on at the southwest end of their property. Mr. Tackett stated that approval of truck stops has to come from the Board of Adjustment and he does not sign contracts with truck stops as he does not want to tie up the property.

The Chairman asked if there was anyone else present who wished to speak in favor of this request. There was no response.

The Chairman then asked if there was anyone present in opposition to the request or having questions.

Mrs. Thelma Castellini, U.S. 25, Richwood, stated that she was present in behalf of The Richwood Action Committee, area residents, and property owners in this immediate vicinity. She stated that the property in the southwest corner is in an estate. She stated that two of the four lots along Old Richwood Road, which are owned by the Robinsons, are rented out. She stated that Mr. Robinson had had a stroke and Mrs. Griggs had had heart surgery. Also, Bobby Robinson had heart valve replacement. She noted that this is almost the entire population of this area and these people were not able to be present. She stated that this property is like the property on I-75 from U.S. 42 to KY 18 over to Tanners Lane. It is about the same size and topography. The visibility is at least as good from the expressway and U.S. 25. The property is important to the county because of its exposure to the expressway. They do not want to show the backs of buildings or houses to the expressway. She added that they have been promised extra lanes on U.S. 25 but there are not there yet. They are tired of the truck stop image and do not want any zone that would accommodate a truck stop. This development will set the standard for everything else to come. She noted that there are differing opinions as to what a commercial park is. Mrs. Castellini stated that a commercial park is an area with a design carried through. It has common parking and possibly a strip center with various businesses. This proposal does not meet the picture of a commercial park. She noted that she was given the example of Dream Street in Florence as a commercial park. She stated that this plan does not offer any indication as to what will go in there. If the plan is to sell off the lots one at a time, then there will be all different types of buildings. There needs to be coordination. She quoted from the regulations and the Comprehensive Plan and stated that this plan makes no attempt to address the criteria.

Mrs. Castellini stated that there are ten lots that do not meet the minimum frontage requirement (Lots #5, #6, #7, #9, #10, #12, #13, #15, #16, and #26). She stated that Lot #9 is designated .92 acre and Lot #10 is .83 acre. If you subtract the pond area, you have 14,000 sq. ft. and 19,000 sq. ft. respectively, and 20,000 sq. ft. is the minimum lot size. She does not believe that the intention is for the water area to be included in the square footage. There are two lots less than one-half acre and six lots at one-half acre. She stated that a one-half acre lot is not adequate. She noted that the requirement is for 275 feet between

driveways and the lots are not able to fit that requirement. She added that twelve of the lots back up to the expressway and there could be twelve different owners with twelve different businesses and building plans. She stated that the zone change should not be approved. It is improbable that the different businesses can co-exist. She stated that rather than rezoning the entire tract and taking what comes, she suggested that the northern part of the property be rezoned and used to demonstrate what the owners have in mind. She suggested that the quieter businesses and office-type businesses be near the residences. She stated that enough has been done to the families in the area. If the businesses on the north end of the property are successful, they will be a drawing card and signs will not be needed. She stated that this plan does not meet the Goals in the Comprehensive Plan nor meet the intent of the Zoning Regulations.

Mrs. Castellini suggested the following conditions: 1) No truck stops, 2) no gas stations, 3) no motor fuel sales, 4) no outside storage, 5) maximum buffer and security fence along Old Richwood Road and around the residential property (the two parcels on the corner), with buffers installed before development begins, 6) dumpsters are to be screened and not within 100 feet of Richwood Road or residential properties, 7) rat and roach control, 8) no pole signs, 9) no pole lights, 10) no loud speakers, 11) a limit on the height of the buildings, 12) the southern half of the property limited to office and quieter uses, 13) no junk cars, 14) no beer joints, 15) and the plan is to have an integrated design and theme. She added that thought should be given to management of the project during and after construction. She stated that there is an inadequate amount of information at this time to warrant rezoning the property.

The Chairman questioned the area of interest of The Richwood Action Committee, noting that there had been many residents present on other occasions.

Mrs. Castellini stated that they do not have actual limits. There are seven members on the Committee, each one living in a different part of the Richwood area. Each puts out information on their own individual section. They have no official standing, but try to keep the neighbors informed. She noted that Dennis Davis is also on this committee.

The Chairman noted that there are only three people in the audience, which includes the applicant and the reporter from the Recorder.

Mrs. Castellini noted the development 300 feet from this property and commented that everything they said would happen happened. She noted the traffic problems with criss-cross truck traffic between the truck stops, which has increased at least twofold. She did not know why more people from the community were not present, but noted that some people were on vacation and her comments earlier regarding the immediate residents with health problems.

The Chairman asked if there were any comments or questions from the Commission.

Mr. Greene questioned the size of the Rural Suburban section and Mr. Geohegan stated that there were nine residences when the map was drawn, but there are less now. The area is about two acres in size.

Mr. Greene suggested that the little strip between the C-3 zones and the UR-1 Zone be looked into as it is confusing.

In response to questions from Mr. Neltner, Mr. Tackett stated that he needs the zone change before he can present a Preliminary Plat. The Preliminary Plat will address the issues of lots sizes. He did not check the scale of the lots as he hired engineers to do this. If they do not meet the requirements, they will have to be redone. He added that "D.L.W." stands for Durr, Lucas, and Whitton. He added that the Burford tract is undeveloped. He stated that the lake is to be drained and there will be general overall retention to take care of surface water on the site. Each individual tract will not require its own detention. He added that associations can create problems in regard to fees. He stated that he will not take contracts for uses he does not feel will fit in, such as truck garages. He noted that they will be enlarging the rest area which will help the traffic on KY 338, and the Flying J in Walton will help address truck traffic in Richwood. In response to comments from Mr. Sharp, Mr. Tackett stated that he will delete truck stops if requested.

Mr. Sharp noted that there are many uses in the C-3 Zone and questioned what controls there would be. Counselor Wilson advised that the law in Kentucky is that if you have a zoning classification not conditioned by a Development Plan agreeing to prohibit certain uses, then any of the Principally Permitted Uses are allowed if they meet the requirements for Site Plan development. Conditional Uses are subject to Board of Adjustment review if not a part of the rezoning process.

In response to a question from Mr. Collins, Mr. Tackett stated that he does not own the Buford outparcel. Mr. Collins stated that there would be too many access points. Mr. Tackett stated that he had probably made a mistake in selling the lot four or five years ago.

Mr. Damstrom noted that this development is very visible from I-75 and it is difficult to be comfortable with making a determination when there is not a complete plan.

Mr. McMillian noted that there are notes on the drawing which are incorrect. Mr. Tackett agreed that there are errors.

Mr. Greene noted that lot sizes are not important at this stage as he is asking for a zone change. He stated that people may buy more than one lot.


The Chairman asked if Mr. Tackett had considered having one sign for the whole park. Mr. Tackett stated that he had not. He thought there could be different pole signs.

Mrs. Castellini commented that there was a developer before the Commission several weeks ago with a \$46 million project. He had to draw a hotel that he may or may not build seven to ten years from now. If that much information is required from a developer, why is it not required for all developments. She noted that when the lots are sold, the Commission will not be doing business with Mr. Tackett. She stated that reducing the intensity of the zoning would be an option.

Mr. Geohegan stated that the Buford property would not be able to meet the minimum requirements and the Highway Department does not want another access point along this stretch of roadway as it is being upgraded. He stated that Staff has drawn potential connections on the drawing. These are Staff's suggestions, not those of the applicant.

There being no further comments, the Chairman stated that this item will be on the Agenda for the Business Meeting on September 6, 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

September 20, 1989 8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
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. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman\*

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch noted that each member had received copies of the Minutes of the Business Meeting and Public Hearing of September 6, 1989. He asked if there were any comments or corrections.

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

\* Chairman Viox arrived at the conclusion of the Director's Report.

REPORTS:

Mr. Burch noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Record of Convenience Plats had been distributed for the Commission members to review.

Mr. Collins advised that there was not a report from the Zoning Enforcement Committee.

There being no discussion of the reports, Mr. Burch proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of D.L.W. and Associates (owner) for a Zoning Map Amendment on a 12.71-acre site on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The request is to rezone the site from Urban Residential One (UR-1) to Commercial Services (C-3).

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). Mr. Newton stated that a copy of the conditions was included in the packet and had been signed by the applicant indicating his agreement with the conditions.

Mr. Burch asked if there was a representative of the applicant present who wished to speak.

Mr. George Whitton stated that they have been working with the Staff to work out any problems and believes that the problems have been addressed.

Mr. Burch asked if there was anyone else present who wished to comment.

Mrs. Thelma Castellini, a resident of Richwood, stated that she had not seen the letter signed by Mr. Whitton and a copy was provided for her. She questioned whether there was any limitation on the heights of the buildings, outside storage along the expressway, minimum lot sizes, if there would be gas stations, and the time frame for the sewers. She questioned the continuity of the project and the buildings.

Mr. Burch asked that Mr. Newton read the letter from Mr. Whitton. Mr. Newton read the letter from Mr. George D. Whitton and Mr. Ron Tackett to Mr. Phil Damstrom, Chairman, and the Zone Change Committee Members, dated July 14, 1989 (see copy on file).

Mr. Jones moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions and the letter from the applicant. Mr. McMillian seconded the motion.

Mr. Burch asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, and Mrs. Smith in favor. Mrs. Bushelman and Mr. Collins were opposed. The motion carried by a vote of 12 to 2.

Mrs. Castellini advised that on the last page of the letter from Mr. Whitton, under Item #2, the property is incorrectly identified. It should indicate the Gaines Robinson Estate property and the Gaines L. (G.L.) Robinson property. They are two separate parcels.

2. Goals and Objectives of the 1990 Boone County Comprehensive Plan

In accordance with the legal requirements of KRS 100, the Boone County Comprehensive Plan Update Committee is considering taking action on the Goals and Objectives of the 1989-1990 Boone County Comprehensive Plan as a result of the September 6, 1989 Public Hearing.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the Goals and Objectives as submitted at the September 6, 1989 Public Hearing with one minor change (see Committee Report), adding the phrase "and sanitary sewer service". He stated that the Committee Report was amended after it was written deleting the word "public" in line three under New Wording or Proposed Change (see Committee Report).

Mr. Burch stated that a large portion of the county does not have public water supply and they felt that it was too restrictive to use the word public.

Mr. McMillian stated that the Goal is to get water supply for the entire county. People already have the "appropriate" water supply and that is not a Goal.

Mr. Greene questioned if this would eliminate a person who does not want electric service or telephone service. Mr. Newton advised that this is an Objective -- not a regulation.

Mr. Barnett stated that he signed the Committee Report before the change was made and was not aware of the change. He stated that the recommendation of the Committee is the report as written. He questioned the changing of the report and stated that the appropriate phrase should be, "public water and sewerage where available".

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Committee Chairman

DATE: September 20, 1989

RE: Request of D.L.W. and Associates (owner) for a Zoning Map Amendment on a 12.71 acre site on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The request is to rezone the site from Urban Residential One (UR-1) to Commercial Services (C-3).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The request is in conformance with the 1986 Boone County Comprehensive Plan. Specifically, the Future Land Use Map recommends commercial uses for the site, and the text of the Land Use element notes that commercial development at the I-75 / Richwood interchange will extend east to U.S. 25 and encompass a portion of that area. Specific references to the Comprehensive Plan are made in the August 23, 1989 Staff Report.
2. The Committee believes that the requested Commercial Services (C-3) zone as modified by a letter from the applicant and the conditions contained in this report, is appropriate on the 12.71 acre site because of the sites visibility to I-75, the general commercial character of land use in the interchange area, and planned improvements to U.S. 25. The Committee also believes that the existing zoning of Urban Residential One (UR-1) is inappropriate because of the site's exposure to noise, odors, and lights associated with the Richwood interchange.


CONDITIONS

The Committee is basing its approval, in part, upon the letter of commitment submitted by George D. Whitton on September 14, 1989. Therefore, this letter is incorporated into this Committee recommendation with the exception of item 3 of the applicant's letter regarding the number of lots. This item applies to areas outside the zone change request. In addition, the applicant is being asked to agree to include the following conditions as part of the Concept Development Plan in order to clarify the plan presented at the August 23, 1989 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

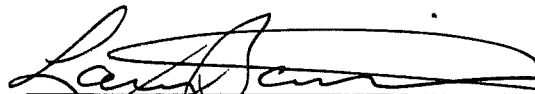
1. The developer shall contact, and work with the Boone County Water and Sewer District in order to ensure adequate sanitary sewerage for the site before development begins.


- =====
2. All commercial buildings and landscaping within the 12.71 acre site shall be generally consistent in types of facade materials to help establish the applicant's expressed intentions that this site will be marketed as a commercial park.
  3. As the applicant has indicated, regional or shared stormwater detention will be provided throughout the development.
  4. Because of the visibility of this site to the adjacent residential uses and the effect of surrounding those uses with commercial development, the required buffer areas shall be installed when the 12.71 acre site is graded. In addition, commercial uses adjacent to the existing residential area shall not use exterior loud speakers or paging systems while those residences remain.
  5. The access drive onto U.S. 25 shall include a left-turn lane and a right-turn deceleration lane on U.S. 25. The dimensions of these turning lanes shall conform to Department of Transportation requirements and shall be shown at Preliminary Plat review.
  6. All pole-mounted site lighting within the development shall be of the same type and height, and shall consist of box-type lamp fixtures directed straight downward. All building-mounted site lighting shall not shine onto adjacent properties or roadways.
  7. The development shall conform to Article 19, Sign Regulations, of the Boone County Zoning Regulations which effectively limits the development to a single free-standing entrance sign for the purpose of identifying the name of the overall development and its major access point. This shall not preclude the applicant from seeking or Special Sign District for the development.
  8. No vehicular access shall occur onto Old KY 338 except for any required emergency access.


  
\_\_\_\_\_  
Phil Damstrom, Committee Chairman

  
\_\_\_\_\_  
Fred Burch

\_\_\_\_\_  
Barry Neltner

  
\_\_\_\_\_  
Larry Barnett

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

  
\_\_\_\_\_  
Carol Smith

HW 525 539  
WK 371 1212  
FAX 371-5386  
Honda

Received  
9/14/89

DLW and Associates  
6507 Dixie Highway  
Florence, Ky. 41042

September 14, 1989,

to: Mr. Phil Damstrom, Chairman, and Zone Change Committee Members

Re: Zoning Map Amendment Request for DLW at Richwood

Dear Mr. Damstrom and Members,

Because of the visibility of this property to I-75, we realize this development will have an impact on the surrounding properties. Consequently we think it is in our best interest to limit the number of lots, certain uses, certain types of construction, and provide appropriate street intersections and easement locations. Therefore we agree to the following conditions:

In regard to uses on the rezoned section will not permit:

1. Truck stops
2. Mini-warehouses
3. Heavy equipment and heavy truck rental or leasing
4. Mobile home sales
5. Body shops
6. Commercial parking facilities
7. No more than 2 fast food restaurants

In regards to the lots:

1. We will limit the number of expressway lots in the rezoned section from the original request of 4 lots, to no more than 3.
2. We will buffer all adjoining residential districts where required.
3. We will reduce the number of lots on the existing C-3 property from 22, to no more than 17.

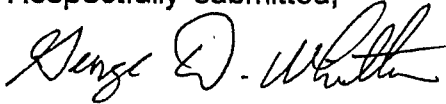
In regards to the construction permitted in the rezoned section:

1. No buildings with metal sided construction will be permitted.
2. Roof equipment will be screened by parapet, or if not possible, painted as to be not offensive.
3. All dumpster areas will be screened by enclosures and vegetation.

In regards to the street and easements:

1. The proposed street will be re-drawn in order to line up with the Duro Bag entrance.
2. A 50' public right of way will be provided to the Burford property, and to the Gaines and Robertson property. These rights of way will be approximately 200' from US 25.

Respectfully submitted,



George D. Whitton  
Ron Tackett  
Agents and Partners for DLW and Associates

ORDINANCE 920.188

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT REQUESTING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE (UR-1) TO COMMERCIAL SERVICES (C-3) FOR A 12.71 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY ACROSS FROM RICHWOOD INDUSTRIAL PARK, BOONE COUNTY, KENTUCKY, BEING REQUESTED BY D.L.W. AND ASSOCIATES (OWNERS). THE BOONE COUNTY PLANNING COMMISSION RECOMMENDS APPROVAL.

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 Urban Residential One (UR-1) to Commercial Services (C-3) for a 12.71 acre site generally located on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky, which is more 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 PLANNING COMMISSION 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 Urban Residential One (UR-1) to Commercial Services (C-3) for a 12.71 acre site generally located on the west side of Dixie Highway across from Richwood Industrial Park, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in DEED BOOK 239, PAGE 232, in the Boone County Clerk's office.

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 ninth day of November, 1989.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twenty-first day of November, 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  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

Carolyn A. Rudicill  
CAROLYN RUDICILL  
FISCAL COURT CLERK

SUBMITTED BY:

Larry Crigger  
LARRY CRIGGER  
BOONE COUNTY ATTORNEY

Dec. 13, 1989  
DATE PUBLISHED