

REVIEW NO. \_\_\_\_\_

# APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

1. Name of Development Kids AND Company Child Care Cntr
2. Location of Development 5826 Limaburg Rd. Burlington, Ky 41005
3. Total Acreage of Site 1/4 of an acre
4. Current Zoning C-3
5. Proposed Zoning (classification being requested) C-1  
for a child care center
6. Proposed Uses (please specify each use) To be used as a day-  
care center only.
7. Name of Applicant(s) LINDA MULLINS  
Phone Number(s) 472-2157 (Home) 684-2687 (work)
8. Address of Applicant(s) RT 1 BOX 474  
Demossville Ky 41003  
City State Zip
9. Name of Property Owner(s) MARY Bosse Executor of Estate of Margaret Stein  
Phone Number(s) 341-5320
- ✓ 10. Address of Property Owner(s) 3178 Brookwood Dr.  
Edgewood Ky 41017  
City State Zip
- ✓ 11. Proposed Building Intensities (please specify) 768 sq. ft  
768 sqft in basement
12. Are there any existing buildings on the site? YES  
How many? ONE
- ✓ 13. Deed Book 83 Page No. 325 Group No. 2026
14. Have you had a pre-application meeting with BCPC staff? YES
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- \_\_\_\_\_ Boone County Water and Sewer District
- \_\_\_\_\_ Florence Water and Sewer Commission
- \_\_\_\_\_ Union Light Heat and Power
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen County Rural Electric
- \_\_\_\_\_ Boone County Road Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Works Department
- \_\_\_\_\_ City of Walton Public Works Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ U.S. Soil Conservation Service
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- Other: BCPC - State Fire Marshall - State Representative  
Dept. of Judge Ferguson Bill McE...  
HUMAN RESOURCES

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

## STAFF REPORT

#3

Request of Linda Mullins for a Zoning Map Amendment to change the current zoning designation of Commercial Services (C-3) to Commercial One (C-1).

September 26, 1990

This is the request of Linda Mullins for a Zoning Map Amendment to change the current zoning designation of Commercial Services (C-3) to Commercial One (C-1) to allow a child day care center. The site is located on the east side of Limaburg Road at 5826 Limaburg Road, Burlington, Kentucky. The one-quarter of an acre tract is owned by Mary Bosse, the Executor for the Estate of Margaret Stein.

### Surrounding Land Uses and Zoning

The properties immediately to the north and east of this site are zoned Industrial One (I-1) and those to the south and west are zoned Commercial Services (C-3). The nearest Commercial One (C-1) zoning district is located approximately 1/4 mile north of the applicant's property (at Distribution Drive). Land uses of adjacent properties include:

- North: Vacant (Commerce Park West is located approximately 0.2 miles north of the applicant's property)
- South: Low density residential
- East: Woodland, Commercial/Industrial use
- West: Low density residential

### Site Features

The property is fairly level for approximately the front one-quarter of the site and then slopes down to the rear property line. A wooded area and a ravine runs along the rear property line.

Three soils are predominate on this site. These soils are Rossmoyne silt loam with 0 to 6% slopes, Rossmoyne silt loam with 6 to 12% slopes and Jessup silt loam with 12 to 20% slopes.

Presently the only structure located on the property is a four room single-family home. The applicant intends to use this building for the proposed child day care center. A play area and 6 parking spaces have also proposed for the site. The applicant may also construct a building addition to the existing structure within a couple of years.

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Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of the property to be Industrial (I). Presently nursery and child care centers are Conditional Uses within Industrial One (I-1) and Industrial Two (I-2) zoning classifications.

The Comprehensive Plan refers to this site in the description of the Burlington - KY 18 area:

"Due to the impacts of noise, industrial uses are recommended along the east side of Limaburg Road, from Hossman Road south to KY 18." (p. 213)

Future commercial activity in this area is also referred to in the Comprehensive Plan:

The commercial developments that occur shall be limited in scale and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas. These commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Burlington and Union areas. This principal should apply to the Limaburg and surrounding 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 from Florence. An example of this type of coordination is the Oakbrook Marketplace, which ties into the Oakbrook subdivision while serving a larger trade area. (p. 94)

Staff Concerns

1. The Staff has some traffic related concerns regarding the proposed development. Limaburg Road is a two lane roadway, with no shoulders along the site location. Sight distance is adequate, but the number of turning vehicles the proposed use will generate is a concern. The staff believes that at a minimum, the parking should be designed to allow for vehicles to safely turn off of Limaburg Road, so as not to block traffic.
2. A second concern of the Staff is the noise that may possibly affect this site. The existing structure is located 37 feet off of Limaburg Road. If traffic increases due to additional industrial development north of this site, the noise generated by this traffic may affect the children at the child day care center. Secondly, the site is located approximately 2,000 feet outside the 65 Ldn noise exposure contours as indicated on the 1994 Noise Exposure Map.

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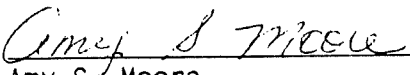
Conclusion

The Boone County Planning Commission must evaluate this and all zoning map amendments in terms of the three findings of fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

Attached to this staff report is a drawing of the layout of the site including the existing structure and the proposed parking and play areas. A letter concerning the proposed use has also been submitted by the applicant. A portion of the Boone County Zoning Map and the Future Land Use Map are also included. A copy of a letter received by the Boone County Planning Commission stating the concerns that one neighbor has with the Zoning Map Amendment has also been included.

Respectfully submitted,

  
\_\_\_\_\_  
Amy S. Moore  
Plans Examiner / Planner I

ASM:kat



PROPERTY LINE

LOT SIZE APPROXIMATELY 110' X 100'

FENCE

FENCE

PLAY AREA

HOUSE

FENCE

50'

60'

PARKING LOT

ENTRANCE

20'

LIMABURG ROAD

EXIT

30'

50'

PROPERTY LINE

OUR PLAN IS TO REMOVE TREES AND LEVEL FRONT OF PARKING LOT TO ROAD LEVEL.

OPEN FIELD

PROPERTY LINE

WOODED AREA

TO WHOM IT MAY CONCERN:

We feel that our business, KIDS AND COMPANY CHILD CARE CENTER, would greatly benefit our fast growing community for several reasons. After talking to other child care center directors in the community, we found that there are long waiting lists for enrollment. Their support for our center is very encouraging.

We have had over five years experience including child care in our homes and had to turn down several families because of limited space and number of children according to state regulations.

Our center will have a good appearance not only for our own community, but for visitors also.

In closing, we believe we can maintain the high standard of living that our community has been accustomed to.

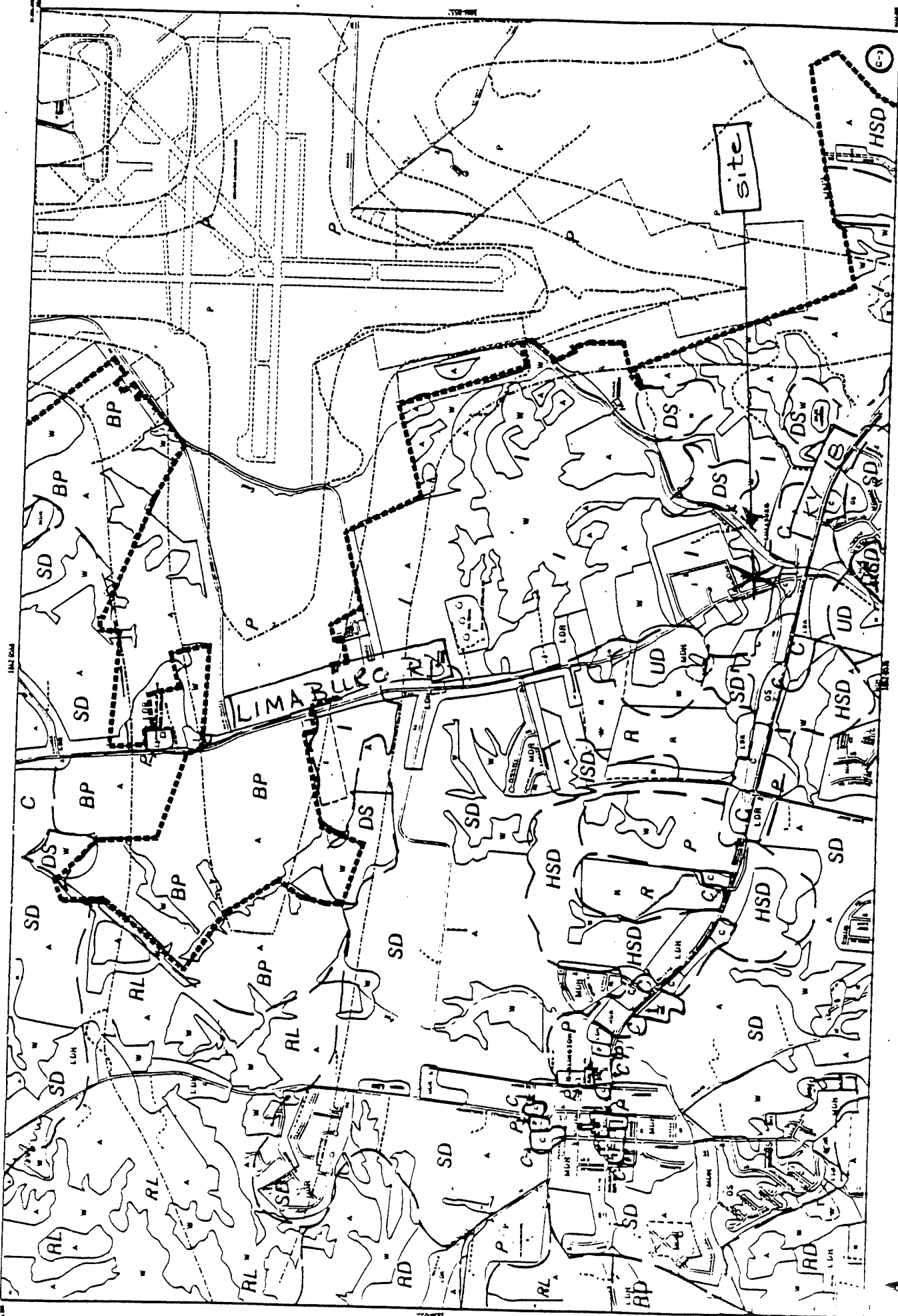
Thanks for your time.

Sincerely,

KIDS AND COMPANY STAFF

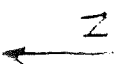


1862-0552



BOONE COUNTY

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C  
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Sept. 17, 1990

Boone Co. Planning Commission  
Boone Co. Administration Bldg.  
P.O. Box 596 - 2950 Washington St.  
Burlington, Ky. 41005

Dear Sirs:

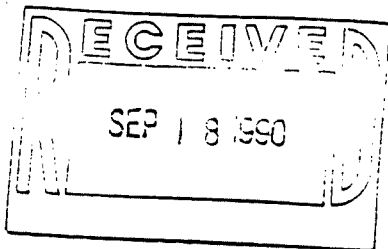
This letter is in reference to a Certified letter I received a few days ago, regarding the rezoning of 0.25-acre site located at 5826 Limeburg Rd.

I am sorry but I will not be able to attend the hearing on Sept. 26<sup>th</sup> at 7:00 P.M.; but I wish to protest this rezoning. It has been zoned C-3 and I think it should be left that way.

I do not think a Child Care Center would benefit this area, and would lower the value of property here. So I am against a change to rezone this property to C-1.

Very truly yours,

A Concerned Citizen



BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3  
September 26, 1990

Page 1

At this time, Mr. Barry Neltner chaired the meeting and introduced the third item on the Agenda:

3. Applicant: Linda Mullins for  
the Estate of Margaret Stein (owner)  
Request: Zoning Map Amendment

The request of Linda Mullins (applicant) for the Estate of Margaret Stein (owner) for a Zoning Map Amendment on a 0.25-acre site located at 5826 Limaburg Road, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial One (C-1) in order to allow a child care center.

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Neltner asked if the applicant was present.

Ms. Linda Mullins stated that Kim and Kelly would be the Director and the Assistant Director and they were also present. They have spent many months looking for the perfect location and this site appears to be perfect. The lot is 60' x 50', with 50 feet in the back that could be used for additional parking. There is room to build a 20' x 20' addition. They have contacted numerous day care centers in the community and they have long waiting lists. They have also contacted the Department of Human Resources, the State Fire Marshall, and the Highway Department. They have talked to the Highway Department in regard to reducing the speed limit through the area. They have studied the traffic flow in and out of various day care centers. They found that most people arrive between 5:30 A.M. and 9 A.M.. It is rare to have more than two cars in the parking lot at the same time because it only takes a few minutes to pick up or drop off a child. They do not see any problem with the parking. They feel that they can make the building very professional looking and maintain the standard to which the community is accustomed. She stated that there is a great need for child care centers with many new homes and condominiums being built. Kim does child care in her home now and turns away families.

Mr. Neltner asked if there was anyone else present who wished to speak in regard to this request. There was no response.

Mr. McMillian stated that the house does not look very big and the play area is small. He questioned how many children there would be.

Ms. Mullins stated that there would be approximately 20 children. The play area can be enlarged. There is 50 feet behind the parking lot and 30 feet behind the house. The lot is 110 feet wide. The play area is larger than most of the day care center play areas.

Mr. Damstrom questioned if there were city sewers or a septic system.

Ms. Mullins advised that there is a septic tank with leach line. She checked with a day care center that has 29 children and the same septic system and there was no problem. Another day care center with 60 children also had no problem. She stated that the state will license them with a septic system.

Mr. Collins noted a letter included with the Staff Report that was signed "A Concerned Citizen". He stated that this should not be included in the record. Counselor Wilson stated that it is the Staff's duty to put the letter in front of the Commissioners, and they can give it whatever merit they feel is appropriate.

Mrs. Amy Moore advised that the parking area may be altered at Site Plan Review. Mr. Powell, the Transportation Planner, had concerns about the driveway. There was a proposal for two access points which came in yesterday.

Ms. Mullins stated that the parking lot will be relatively level and the grade will go down at the edge of the parking.

Mr. Sharp stated that he had visited the site and questioned if there was a creek behind the house. Mrs. Moore stated that she was informed by the applicant that the property line runs back to where the trees start.

Mr. Kirby agreed with Ms. Mullins that people drop their child off quickly. He noted that the center does not start at a particular time with all the parents arriving at that time. He stated that it is realistic that the speed limit be reduced as they are approaching the traffic light.

In response to a question from Mrs. Smith, Ms. Mullins advised that there will be two employees and she will be there part time. When she comes, one of the others will leave.

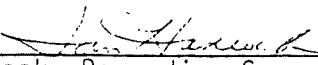
Mrs. Smith commented that this would only leave three parking places for customers to park, and she does not believe this is enough.

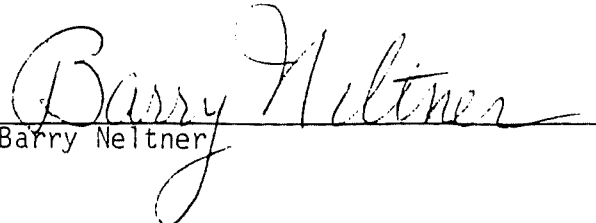
Mr. McMillian questioned the age of the children and Ms. Mullins advised that they would be from two to five years old -- not going to school.

There being no further comments, Mr. Neltner advised that this item will be on the Agenda for the Business Meeting on October 3, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:

  
Jan Hancock, Recording Secretary

  
Barry Neltner

Mr. Kirby referred to Condition #7 regarding property/conservation easements within the Developmentally Sensitive Areas. He questioned what would happen if a taker for the property is not found.

Mr. Geohegan advised that the applicant could continue working towards agreements, but could not be required to do so. Mr. Kirby asked if the lands could be incorporated into the backyards. Mr. Geohegan advised that they could, or the owner could retain ownership. It would be likely that a lot of the land would end up being back yards.

At this time, Chairman Viox asked for a roll call vote on the motion made by Mr. Collins which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. Kirby, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush and Chairman Viox in favor. Mr. DeLong and Mr. Sharp were opposed. The motion carried by a vote of 10 to 2.

## 2. Utilization of an Underlying Zone in Planned Development

The request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9-acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

Staff Member, Dave Geohegan, read the Committee Report which recommended approval of the request, but subject to conditions (see Committee Report). He stated that the applicant has not signed the letter agreeing to the conditions. He added that this request, without a time waiver, has to be acted upon this evening.

Mr. Neltner asked Mr. Ron Erpenbeck if they required action on the request this evening or if the matter could be deferred. Mr. Ron Erpenbeck stated that his client wants action on the request this evening, but cannot agree to all four of the conditions.

At this time, Chairman Viox asked for a short recess to allow the Committee to meet.

Following the recess, Mr. Neltner moved that the request be deferred until the next Business Meeting, which is agreeable to the applicant. Mr. Ron Erpenbeck stated that they are agreeable to the deferral. Mr. Kirby seconded the motion and it carried unanimously.

## 3. Zoning Map Amendment

The request of Linda Mullins (applicant) for the Estate of Margaret Stein (owner) for a Zoning Map Amendment on a 0.25-acre site located at 5826 Limaburg Road, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial One (C-1) in order to allow a child care center.

Staff Member, Amy Moore, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). A copy of the Public Hearing Minutes accompanies the findings and recommendation serving as a summary of the presentations.

Mr. Greene moved that the request be denied based on the Staff and Committee Reports. Mr. Collins seconded the motion.

Mr. DeLong stated that he is in favor of having the day care center on this site. The septic system is not under the control of the Commission and other applicants have said that is up to the government. He stated that the truck traffic is a concern, but there are day care centers on US 25 and 42.

Mr. Kirby stated that Item #6 of the Committee Report in regard to the septic system indicates that it is just a matter of opinion that it is not adequate. The applicant is of the opinion that it is adequate. He stated that it is not a valid point as it is only an opinion, not factual information. He asked for clarification of Item #1.

Mrs. Moore advised that the site is one lot to the south of Production Drive. The Future Land Use Plan calls for this site to be industrial. Counselor Wilson added that when property is identified in the Plan and referenced on the Future Land Use Map for a use different from its current zoning, there is normally discussion in the Plan of what needs to occur for the Zoning Map to change to the different land use.

Mr. Kirby stated that in the meantime the property is being held to the Industrial requirements. Counselor Wilson disagreed and advised that it is held to the C-3 requirements. He noted that the site is in close proximity to an active industrial park.

Mr. Kirby stated that if the site were zoned I-1 in the future, then the day care center would be a Conditional Use.

Mr. DeLong stated that there is a five-acre requirement and unless an adjacent land owner would purchase the property, there could not be a plant on the site. Counselor Wilson advised that the property could meet the requirements by being attached to the existing I-1 zone.

At this time, Chairman Viox asked for a vote on the motion made by Mr. Greene which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Sharp, and Chairman Viox in favor. Mr. DeLong, Mr. Kirby, and Mr. Rush were opposed. The motion carried by a vote of 9 to 3.

At this time, Chairman Viox changed the order of the meeting and asked for Item #7.

#### 7. Site Plan Review

The request of Raymond Erpenbeck (applicant) for Richard Boh (owner) for Site Plan Review to construct a 1,800 sq. ft. building addition at 7659 Turfway Road, Boone County, Kentucky. The two-acre site is zoned Industrial One/Planned Development (I-1/PD).

EXHIBIT "B"

## COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: October 17, 1990

RE: Request of Linda Mullins (applicant) for the Estate of Margaret Stein (owner) for a Zoning Map Amendment on a 0.25 acre site located at 5826 Limaburg Road, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial One (C-1) in order to allow a child care center.

### REMARKS:

We, the Committee, based on the statements made and facts gathered at the September 26, 1990 Public Hearing, recommend denial of this request based on the following Findings of Fact:

#### Findings of Fact

1. The Committee believes that the proposed zoning map amendment is not in agreement with the adopted 1990 Boone County Comprehensive Plan. The comprehensive plan states that:

"Due to the impacts of noise, industrial uses are recommended along the east side of Limaburg Road, from Hossman Road south to KY 18."  
(p. 213)

The Committee believes that some commercial uses may be consistent with the industrial character of the area, but that the type of industrial activity present in the area would adversely affect the health and safety of the proposed day care center use.

The Future Land Use Map also classifies this site to be for Industrial (I) uses. Industrial (I) is described as:


"...includes the base land uses such as manufacturing, warehousing, construction, and extractive industries... The industrial classification also includes office uses related to the primary industrial uses." (p. 197)

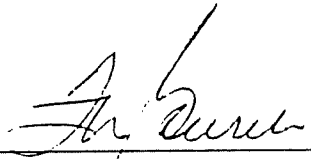
2. The Committee feels that the existing zoning classification is appropriate and the proposed zoning classification is inappropriate for this site. Presently, the property is zoned Commercial Services (C-3). The Committee believes that the Principally Permitted Uses and Conditional Uses of the Commercial Services zoning district are more compatible with the existing and future industrial uses in the vicinity.
3. The Committee does not believe that the applicant has proven that any

changes of an economic, physical, or social nature not anticipated in the adopted 1990 Comprehensive Plan have occurred to substantially alter the area's character from industrial-oriented to neighborhood commercial-oriented.

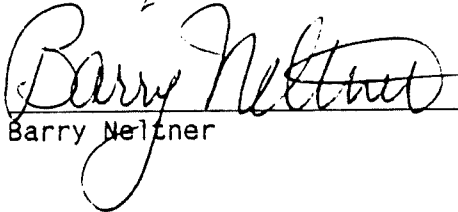
4. Limaburg Road is a two lane roadway, with no shoulders along the site location. The 1990 Comprehensive Plan classifies the road as a Class II, Arterial. The Committee believes that the number of vehicles entering and exiting the site generated by the proposed use during peak periods would cause traffic problems with the adjoining industrial traffic. In addition, due to the size of the site, it would not be possible to construct an additional parking area, thus vehicular circulation would be severely limited and will create on-site congestion.
5. The existing residence that would be used for the child day care center is located only 37 feet from Limaburg Road. Due to the number of trucks that pass this site en route to the industrial park, the Committee feels that the noise generated by this traffic would greatly impact proposed use.
6. The Committee also believes that the individual septic system presently on the site may not adequately serve the proposed use. Adequate public sanitary sewer is needed for the proposed use.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

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

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

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

  
\_\_\_\_\_  
Barry Neizer

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

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

  
\_\_\_\_\_  
Larry Collins

PD:kat

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3  
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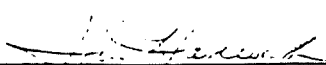
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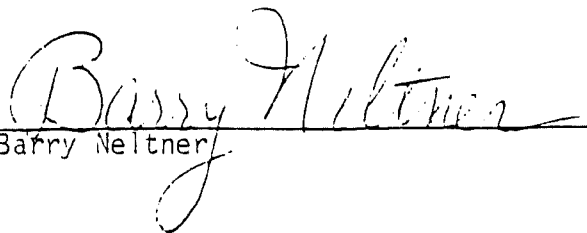
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APPROVED:

Attest:

  
Jan Hancock, Recording Secretary

  
Barry Neltner

MINUTES  
BOONE COUNTY FISCAL COURT  
NOVEMBER 20, 1990  
5:30 P.M.

RESOLUTION NO. R-11-20-90-01-PZ - MULLINS/STEIN

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve Resolution No. R-11-20-90-01-PZ, A RESOLUTION OF THE BOONE COUNTY FISCAL RECOMMENDING DENIAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY LINDA MULLINS (APPLICANT) FOR THE ESTATE OF MARGARET STEIN (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO COMMERCIAL ONE (C-1) FOR A 0.25 ACRE SITE LOCATED AT 5826 LIMABURG ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED FOR DENIAL ON A 9-3 VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-40-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "G"

ITEM V.

PERSONNEL MATTERS

Ms. Marilyn Kruempelman, Director of Personnel, presented several recommendations to the court.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointments of Donna Green, Reathel Jones, and Dorothy Wainscott at the Grade/Step of 5-A, \$6.80 per hour and Darlene Long at the Grade/Step of 5-B, 6.99 per hour due to length of service, to the position of Maplewood Child Care Worker/Supervisors. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Meihaus moved, seconded by Commissioner Davis, to approve the appointment of Michelle Collins Richardson to a part time Child Care Worker at Maplewood at the Grade/Step of 4-A, \$6.18 per hour. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the request to allow Mercer, Inc., to review the salaries, pay classification, and job descriptions for the Department of Public Works, with Mercer's fee not to exceed \$12,000.00. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Ms. Kruempelman advised that the Job Evaluation for Grades 5 & 6 had been deferred.

Commissioner Patrick moved, seconded by Commissioner Davis, to approve the request to advertise for a Part Time Receptionist in the Police Department. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

Ms. Kruempelman stated that Marlene Ford, Animal Control Officer at the Boone County Animal Shelter, had submitted a Doctor's statement that she could no longer continue to work at the animal shelter due to an allergy to the cats. Ms. Kruempelman advised that Mr. Jack Ravenscraft, Director of the Boone County Animal Shelter, would like to wait until spring to advertise to fill the position vacated by Marlene Ford.

ITEM VI.

JUDGE'S REPORT

SEWER CONTRACT SANITATION DISTRICT

Judge Ferguson advised the signing of the sewer contract between the Boone County Water & Sewer District and Sanitation District #1 of Campbell & Kenton Counties would be signed at 10:00 A.M. on November 28th at the office of the Boone County Water District.

ASSISTED HOUSING AWARD

Judge Ferguson advised that the Boone County Assisted Housing Department was nominated for "Excellence in Housing" at the