

REQUEST OF CHARLES K. SASSIN (APPLICANT AND OWNER)  
FOR A ZONING MAP AMENDMENT FROM  
SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL ONE (C-1)  
JUNE 3, 1987

This request is a Zoning Map Amendment on a 0.25 acre site on the north side of Donaldson Highway directly across from Turfway Road. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial One (C-1) in order to permit a Realtor's office. The site currently contains a duplex used for residential purposes.

SURROUNDING LAND USES AND ZONING

The surrounding land uses consist of single-family residential both east and west of the site, industrial to the north, and the Passionists Nuns Convent to the south. The surrounding zoning includes Suburban Residential One (SR-1) to the east and west, Industrial One (I-1) to the north, and Public Facilities to the south.

FEATURES OF THE SITE

In addition to the existing duplex, there are two garages to the rear of that duplex. The site is mostly level with the rear of the site sloping gradually to the north. There are existing trees in the rear yard. The site currently contains two interconnected driveways onto Donaldson Highway.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Zoning Map Amendment request is being reviewed to determine whether it is consistent with the objectives and recommendations of the Boone County Comprehensive Plan.

The 1986 Future Land Use Map indicates Medium Density Residential on the site with industrial to the north. In addition, the text describes the area in the following ways.

Page L-18 addresses future commercial development along Donaldson Highway:

"Donaldson Road, between Mineola Pike and the county line will eventually become widened and the small pockets of residential homes will become commercial establishments. Due to the industrial and airport influences on each side of Donaldson Road the commercial development on this road will be limited in scope and function."

Page G-3 contains an overall objective and several specific objectives for commercial development for the Business Activity Element:

## Objectives:

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.

Page T-7 includes a reference to the proposed road between Donaldson Highway and Dolwick Road:

"In addition to the proposed road detailed in the Transportation Improvement Program, another road generally termed the Inner-Belt Parkway has been discussed lately. This road would affect the northeastern portion of the county by creating a new roadway north of the I-75/Turfway interchange continuing just east of the new Mineola/I-275 interchange. Should this road develop, industrial development should occur in close proximity."

## SASSIN CONCEPT DEVELOPMENT PLAN

The applicant intends to remodel and add on to the existing duplex building on the site for the purposes of operating a real estate office. The addition would be to the rear of the existing building and would be visible from the Donaldson-Dolwick Connector Road. This site will be on the future northwest corner of the intersection of that new road with Donaldson Highway.

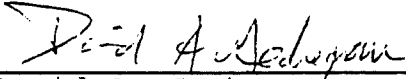
## STAFF CONCERNS

1. The visual impact of the proposed business must be considered because of the future importance of this intersection. The location of parking, type of building layout and signage, and provision of sufficient landscaping must be done sensitively at this location.
2. The site currently contains two access points onto Donaldson Highway. Because of the size of the lot, the Access Management Regulations would not be able to be met in terms of minimum corner clearances or minimum spacing of driveways. The location and type of access is very important at this future high-traffic area.

3. The site is extremely small, and staff is concerned that the minimum 20 foot buffer area can be accommodated on the west side of the site adjoining the remaining residential zone. A variance may be necessary. Staff is also concerned that the layout of the site permit appropriate parking facilities that provide for safety and ease of movement as well as minimal visual impact on the surroundings.

### CONCLUSION

In conclusion, the Planning Commission should evaluate this request based upon the Comprehensive Plan, existing land uses, the criteria for granting a zone change, the impact of this proposal on the character of the future major intersection, and the impact of the development on traffic flow and access at this intersection. Should the Planning Commission and the Boone County Fiscal Court approve this request, the Zoning Map and the Land Use Map would need to be changed.

  
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David A. Geohegan,  
Planner/Plans Examiner

DAG:mcb



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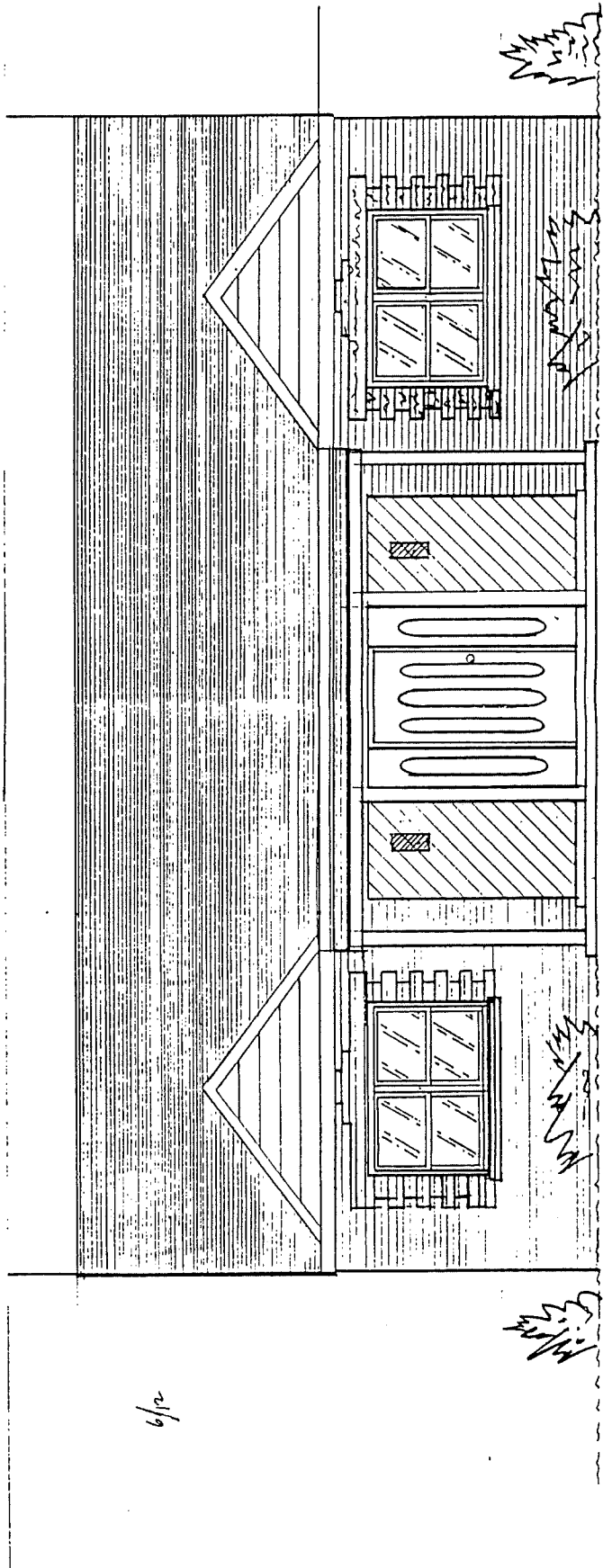






EXHIBIT "A"

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

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by *CHARLES K. SASSIN* for certain real estate owned by *CHARLES K. AND PEGGY A. SASSIN*. The map amendment request is for a change from the present zoning district of *Suburban Residential One (SR-1)* to *Commercial One (C-1)*. The Public Hearing is to be held the *3<sup>rd</sup>* day of *June* 198*7*, at *7:00* p.m., prevailing time, 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 more particularly described as follows:

Located on the north side of Donaldson Highway about 2 miles east of the Airport at 756 Donaldson Highway Erlanger Route #4, and described thus: Being in Johnson Subdivision and designated on the map or plat of said subdivision as Lot No. 3 fronting 70 feet on said Highway. See said plat recorded in Plat Book 2, Page 38, in the Boone County Clerk's office at Burlington, Kentucky.

Mr. David Martin, Vice Chairman, opened the Public Hearing for the third item on the agenda:

3. Applicant: Charles K. Sassin  
Request: Zoning Map Amendment

This was a Public Hearing on a request of Charles K. Sassin for a Zoning Map Amendment for a 0.25-acre site located at 1194 and 1200 Donaldson Highway. The site is north of Donaldson Highway and west of the proposed Donaldson-Dolwick Connector Road and is currently zoned SR-1. The request is to rezone the site to Commercial One (C-1).

Staff Member, Dave Geohegan, presented slides of the site and surrounding areas. He stated that the applicant wished to make a presentation.

Mr. Charles K. Sassin, 1180 Donaldson Road, stated that the State of Kentucky wants to buy his property that he is now using for a real estate office, and the property to the west of his office, for the new Donaldson-Dolwick Connector Road. He also owns 1194 and 1200 Donaldson Road and is asking that they be rezoned to C-1 to allow him to operate his real estate office at that location, which is two doors from his present location.

Vice Chairman Martin asked if there were any comments or questions. There being no discussion, he asked the Staff for their report.

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

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

In response to questions from Mr. Burch, Mr. Sassin stated that he has asked the Highway Department if access to the rear of the property could be provided. He stated that one of the driveways which currently exists may be closed and, if so, he is requesting access to the new road.

Mr. Vernon White stated that he lives in one of two houses that are left amongst the commercial properties. He stated that the people on the south side have been advised that they will be rezoned. He asked why this rezoning does not apply to the two houses left on the north side.

Mr. Gerald Newton, Director, advised him that any individual property owner can seek a zone change. He added that the Comprehensive Plan is updated every five years, which includes a zoning update.

Counselor Wilson stated that he believes Mr. White is referring to the Houston Donaldson Study, which is not yet finalized. He advised Mr. White that there will be another hearing on this Study on June 24, 1987.

Mr. Newton stated that every study has boundaries. For the Houston Donaldson Study they used the natural boundary, which just happened to be in this location.

Vice Chairman Martin asked if there were any further comments or questions.

Mr. White stated that he would like to have his property involved in the Houston Donaldson Study.

Mr. Sassin added that his current property is being taken for progress in the State of Kentucky. He stated that he is being displaced and asked the Commission to consider his position. Mr. Sassin added that many of his neighbors are in favor of this request.

Mr. Martin stated that this request will be on the agenda for the Business Meeting on June 17, 1987 at 8 P.M.. He encouraged interested parties to attend.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

EXHIBIT "B"

Hearing no further comments from the floor, Vice Chairman Martin asked if there were any questions or comments from the Commission.

Mr. William Viox stated that he will abstain from voting on this issue. He stated that he was not involved in the preparation of this Concept Development Plan or the application, but the Plan does involve a survey done by his firm in 1981 for the Munsons.

Mr. Larry Barnett stated that he will also abstain from voting on this issue on the basis that he has an interest in an auto sales business in the City of Florence.

Vice Chairman Martin noted that a motion had been made and asked for a vote on the motion. All voting Commission Members were in favor. Mr. Viox and Mr. Barnett abstained. The motion carried.

Counselor Wilson advised that this application will be sent to the City of Florence for final action.

5. Zoning Map Amendment

A request of Charles K. Sassin for a Zoning Map Amendment for a 0.25-acre site located at 1194 and 1200 Donaldson Highway. The site is north of Donaldson Highway and west of the proposed Donaldson-Dolwick Connector Road and is currently zoned SR-1. The request is to rezone the site to Commercial One (C-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions and reservations regarding the submitted Concept Development Plan.

Mr. DeLong moved that the application be approved based on the Staff and Committee Reports and be forward to the appropriate fiscal body. Mr. Davis seconded the motion.

Vice Chairman Martin asked if the applicant wished to comment regarding the Committee Report.

Mr. Rick Meyer, present in behalf of Mr. Charles Sassin, stated that they agree to all conditions placed on the approval.

Vice Chairman Martin asked if there were any additional comments or questions; hearing none, he asked for a vote on the motion made by Mr. DeLong. All Commission members voted in favor of the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Zone Change Committee, William Viox, Chairman

DATE: June 17, 1987

RE: Request of Charles K. Sassin for a Zoning Map Amendment for a 0.25 acre site located at 1194 and 1200 Donaldson Highway. The site is north of Donaldson Highway and west of the proposed Donaldson-Dolwick Connector Road and is currently zoned SR-1. The request is to rezone the site to Commercial One (C-1).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions and reservations regarding the submitted Concept Development Plan:

FINDINGS OF FACT

1. The proposed map amendment is in agreement with the text of the Boone County Comprehensive Plan which foresees the pockets of residential use along Donaldson Highway becoming commercial establishments.
2. The existing residential zoning classification is inappropriate because of the nearby industrial and commercial uses and traffic associated with Donaldson Highway and Turfway Road. The proposed commercial zoning is appropriate because of the high traffic area and adjacent arterial roadway and intersection.
3. There has been a major change of an economic, physical or social nature in the area. The proposed Donaldson-Dolwick Connector Road, which at the time of the drafting of the Comprehensive Plan was in the preliminary planning stages, is now slated to begin construction in 1987-1988. The site under review will be on a corner of this roadway's intersection with Donaldson Highway. This represents a significant change that will alter the character of the area.

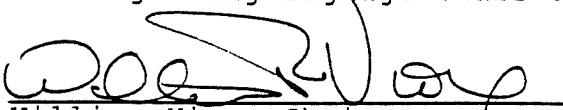
COMMENTS

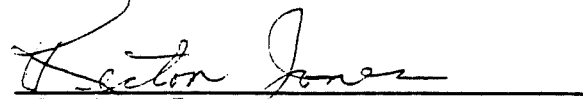
The Committee recognizes that the general area is suitable for commercial uses; however, the Committee feels that the proposed Concept Development Plan, as submitted for the June 3, 1987, Public Hearing, is not feasible for this site. The site is of such small size that it is not sufficient to support the

proposed building and still meet the minimum parking, driveway, and buffer requirements of the Boone County Zoning Regulations. The Committee recommends that the applicant utilize the existing building as indicated on the submitted Concept Development Plan, but not construct the proposed addition onto the building unless sufficient additional property is added to the site and appropriate zoning is obtained on that property. A list of conditions on the zone change follows:


CONDITIONS


1. The applicant shall close the existing access drive on the eastern portion of the site. The existing access drive on the western portion of the site will be designated a Temporary Access Point under Section 1758A of the Boone County Zoning Regulations. As such time as the Donaldson-Dolwick Connector Road is constructed and access to the site becomes available from that road, the Planning Commission can, if appropriate at that time, require that the existing drive be closed, as well as reserve the right to designate the new access on the Donaldson-Dolwick Connector as a Temporary Access Point should it be in conformance with the Boone County Access Management Regulations. In the event that the applicant acquires property between the site and the Donaldson-Dolwick Connector Road, a zone change on such property will be necessary in order to provide access to the site currently under review.
2. The applicant shall seek a Variance in the appropriate setback and buffer requirements prior to Site Plan Review on the site.
3. At the Site Plan Review stage, the applicant shall submit detailed landscaping plans that effectively screen the parking area and building from both Donaldson Highway and the proposed Donaldson-Dolwick Connector Road. These plans will include both trees and shrubs.
4. The development shall be limited to one building-mounted sign per road frontage, and shall otherwise conform to the Boone County Zoning Regulations. All pertinent information regarding signage shall be supplied at Site Plan Review.


  
William Viox, Chairman

  
Rector Jones

  
Donald Davis

  
Melvin Delong

  
Fred Burch

  
Larry Barnett

ORDINANCE 920.125

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY , KENTUCKY , ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL ONE (C-1) FOR A 0.25 ACRE TRACT LOCATED AT 1194 AND 1200 DONALDSON HIGHWAY, BOONE COUNTY, KENTUCKY AS REQUESTED BY CHARLES K. SASSIN AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-41-87.

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment to the Boone County zoning map requested by Charles K. Sassin and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial One (C-1) for a 0.25 acre tract located at 1194 and 1200 Donaldson Highway, Boone County, Kentucky which is more particularly described below; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial One (C-1) for a 0.25 acre tract located at 1194 and 1200 Donaldson Highway, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A", which is attached and incorporated herein by reference.

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 this Ordinance (Attached - Exhibit C").

SECTION 111

This recommended zoning classification is subject to the committee report setting forth certain terms or conditions as part of a Concept Development Plan which, to be enforceable, should be agreed upon and to by the property owner.

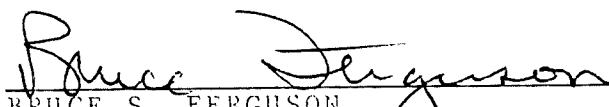
SECTION IV

That a copy of this Ordinance recommending approval of a Zoning Map Amendment for a zone change from Suburban Residential One (SR-1) to Commercial One (C-1) for a 0.25 acre tract located at 1194 and 1200 Donaldson Highway, Boone County, Kentucky shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

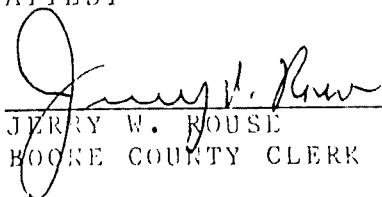
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded to law.

Introduced, seconded and given First Reading on the 7<sup>th</sup> day of July, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21<sup>st</sup> day of July, 1987, and on the same occasion signed in open session by the County Judge/jExecutive as evidence of his approval, attested under seal by the Boone county Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE S. FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST

  
JERRY W. HOUSE  
BOONE COUNTY CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
COUNTY ATTORNEY

7/28/87