

REQUEST OF HAINES OIL LTD. FOR A ZONING MAP AMENDMENT
FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND
RURAL SUBURBAN (RS) TO COMMERCIAL SERVICES (C-3)
JUNE 3, 1987

This is a request of Haines Oil Ltd. to change the existing zoning of property located at 8600 U.S. 42, Boone County, from SR-1 and RS to C-3 to allow such uses as lawn and garden sales, landscaping services, and heating and air conditioning contractors. The 11.9 acre site (\pm 2.11 acres of which is currently zoned C-3) is located at the southwest quadrant of U.S. 42 and Pleasant Valley Road, and is currently owned by David Haines.

SURROUNDING LAND USES AND ZONING

The zoning and land use of property surrounding the Haines Oil site are:

- North: I-1; asphalt plant; SR-1/PD - Farmview Subdivision
- South: SR-1; vacant property
- East: C-3 vacant land between Gunpowder Creek and Pleasant Valley Road; across Pleasant Valley is currently used residentially.
- West: RS and SR-1; single-family residences, open space, farm land

HISTORY OF SITE

According to the applicant, the development of this site began in 1968 with the construction of the Haines service station. In 1975 the automobile repair garage was added. Coal storage with the office trailer began in 1976; and in 1978, the Four D Auto Body shop began operation. Although the Planning Commission's files do not reflect this development, aerial photographs taken in April, 1980, confirm the pre-existing status of the structures.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Boone County Comprehensive Plan Land Use Map indicates the future use of this property to be partially Commercial but predominantly High Density Residential, which is described as "greater than eight dwelling units per acre."

The Land Use element of the Comprehensive Plan further describes this area:

"This section of the county will receive primarily residential development with commercial growth in the eastern portions." (p. L-14)

"The intersection of US 42 and Pleasant Valley Road will eventually become a prime commercial area to serve community needs in this area. A major residential development is

planned along US 42 from Pleasant Valley Road south towards Union. Known as the Farmview Subdivision, this huge residential development will greatly impact every public service and utility. The subdivision, which may increase the county's population by up to 10,000 persons, will need to contain commercially oriented developments, public areas and the necessary infrastructure to meet the residents needs. Every public service and utility needs to plan for the influx of individuals created by the proposed subdivision." (p. L-15)

The Business element of the Plan explains:

"The land surrounding the US 42 area, south of Florence, will experience additional growth towards the City of Union. Any commercial developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit service the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence."

CONCEPT DEVELOPMENT PLAN

The applicant has submitted an informal Concept Development Plan which indicates the future phases of the site's development.

Phase I: "lawn and garden warehouse" - retail sale of lawn and garden equipment; permitted use in C-3 ("farm and garden supply outlets including equipment and vehicles")

Phase II: "Haines Oil warehouse" - basically used to store products used at the Haines Service Station and automobile repair shop.

Phase III: multi-tenant building with "boat covers and tarps and welding supplies" - permitted uses in the C-3 and "tree service and landscaping company" - uses more appropriate to I-1

Phase IV: "machine shop" - permitted as a Conditional Use in C-3; "heating and air conditioner contractor" - permitted only as an accessory to the retail sales of heating and plumbing equipment; "swimming pool supplies" - permitted in the C-3

Phase V: "small grocery store" - permitted in C-3

Phase VI: multi-tenant building with five unspecified uses

These Phases, as well as the existing structures, will face onto a proposed driveway which will extend from the existing

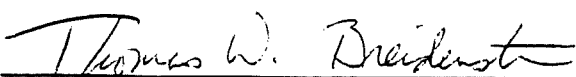
drive between the service station and the body shop, loop around the back, and come back onto U.S. 42 between the service station and the proposed grocery store.

SPECIAL CONCERNS

1. There is an old cemetery located on the property. The Tanner family cemetery contains about four to five graves and one headstone. Any development of this site should occur with sensitivity to the preservation of this portion of Boone County's past.
2. The auto body shop and auto repair buildings have been built on fill dirt. Over the years, the majority of the property along Gunpowder Creek has been filled in. The slope of this fill is quite steep and virtually unplanted. Future development of this site should occur only with the proper engineering and landscaping precautions.
3. Article 17A (Access Management) would not permit the driveway development as proposed on the informal Concept Development Plan. If the zone change is approved, proper development of the access point(s) will be determined during site plan review.
4. The improvements to U.S. 42 between Mall Road and Union will not take any of the Haines' property. However, the highway improvements will affect the site. A new, higher bridge will be constructed over Gunpowder Creek. The approach to the bridge will be approximately 5 feet higher than the existing grade. Access point(s) to the site will be affected by this change.
5. Many discarded items have accumulated over the years on the site. Development of the site will necessitate cleaning up this debris.
6. The applicant should understand that only one free-standing sign will be permitted for this proposed mixed use commercial development. The sign can contain the names of individual tenants.

CONCLUSION

Should the Planning Commission recommend approval, and the Fiscal Court approve this zone change request, the 1986 Boone County Comprehensive Plan Future Land Use Map will need to be changed to reflect the commercial, rather than residential, use of the property.


Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:mcb

EXHIBIT "A"

PUBLIC HEARING

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by Haines Oil, Ltd. for certain real estate owned by Haines Oil, Ltd. The map amendment request is for a change from the present zoning district of Suburban Residential One (SR-1) to Commercial Services (C-3)

The Public Hearing is to be held the 3rd day of June 1987, 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:

in Boone County, Kentucky on the Northwest side of U.S. Rt 42, 2.8 Miles southwest of it's intersection with U. S. Rt. 25 and described particularly thus: Beginning at a point in the Northwest right of way line of said Rt. 42, the intersection of the flow centerline of the Bridge over Gunpowder Creek and said right of way line; thence with said Northwest right of way line; thence with said Northwest right of way line S. 39-08 W. 459.3 feet to a point and corner with McLoney's Subdivision of the original 12 acre tract of which this boundary is a part; thence with the lines of said subdivision N. 48-09 W. 202.7 feet to a point, S. 46-51 W. 270 feet to a point, N. 40-50 W. 23.2 feet to a point, N. 6-50 W. 131.5 feet to a point, S. 71-40 W. 144.5 feet to a point in an old line of Pusby's; thence with said line N. 12-35 W. 912.8 feet to a point in Gunpowder Creek at a branch fork; thence up the general course of said creek S. 66-35 E. 660 feet to a point, S. 47-30 E. 520 feet to the place of beginning containing 11.9 acres including the Graveyard one (1) acre. This being a new survey made by Noel Walton, County Surveyor, made June, 1947.

Being the same property conveyed to the grantors herein by deed from H. P. and Sara P. Coleman dated October 18, 1947 and recorded in Deed Book 98, page 174.

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
June 3, 1987

Page One

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

4. Applicant: Haines Oil Ltd. (owner)
Request: Zoning Map Amendment

This was a Public Hearing on a request of Haines Oil Ltd. (owner) for a Zoning Map Amendment on a 9.79-acre tract located west of Pleasant Valley Road and north of U.S. 42 in Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3). The intended use is mixed commercial buildings.

Staff Member; Tom Breidenstein, presented the Staff Report and noted that attached to it is a copy of an informal Concept Development Plan. Mr. Breidenstein also presented slides of the site and surrounding areas. (see Staff Report)

Mr. David Haines stated that he and his three brothers own the site and want to develop it. He stated that the site would be cleaned up, filled and graded.

Mr. Neltner noted that the tree line along Gunpowder Creek was no longer dense. He asked the applicant what his plans were for this area.

Mr. Haines stated that they did not take out the trees that are gone, but will leave those that remain.

Vice Chairman Martin asked if there were any further comments or questions. There was no further discussion.

Mr. Martin stated that this item will be on the agenda for the Business Meeting on June 17, 1987 at 8 P.M. and encouraged interested parties to attend. He stated that the Staff Office could be contacted in the meantime if there were questions.

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

EXHIBIT "B"

6. Zoning Map Amendment

A request of Haines Oil Ltd. (owner) for a Zoning Map Amendment on a 9.79-acre tract located west of Pleasant Valley Road and north of U.S. 42 in Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3). The intended use is mixed commercial buildings.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the requested Zoning Map Amendment based on the finding of fact and subject to conditions (see Committee Report).

Mr. DeLong moved by resolution that the application be approved based on the Staff and Committee Reports. Mr. Davis seconded the motion.

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

The Haines brothers indicated their agreement to the Committee Report and the conditions.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission. There was no discussion.

A vote on the motion found all Commission Members in favor and the motion carried unanimously.

7. Annexations for the City of Florence

A request of the City of Florence to annex properties located outside the incorporated city limits. The purpose of the request is to hold a Public Hearing for each request to determine the effect of annexation on zoning and to make a recommendation on the most appropriate zoning classification for each site. The following property owners and properties are involved (a thru d):

a) The former William and Marion Foote property

Mr. Gerald Newton, Director, read the Committee Report which recommended the current zoning of the site be changed from Suburban Residential Two (SR-2) to Recreation (R) based on the planned future uses, submitted Concept Development Plan, and findings of fact (see Committee Report).

Mr. Barnett moved the annexation request be approved by resolution to the City of Florence, based on the Committee Report. Mr. Neltner seconded the motion.

Vice Chairman Martin asked if there was anyone present from the City of Florence who wished to comment on this request. There was no one present from the City of Florence.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman

DATE: June 17, 1987

RE: Request of Haines Oil Ltd. (owner) for a Zoning Map Amendment on a 9.79 acre tract located west of Pleasant Valley Road and north of U.S. 42, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3). The intended use is mixed commercial buildings.

REMARKS:

We, the Committee, recommend approval of the requested Zoning Map Amendment based on the following finding of fact and subject to the following conditions:

Finding of Fact

1. The map amendment is in agreement with the 1986 Boone County Comprehensive Plan. The Business element of the Plan reads, in part:

"The land surrounding the U.S. 42 area, south of Florence, will experience additional growth towards the City of Union. Any commercial developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence." (p. B-14)

The Land Use element of the Plan reads, in part:

"The intersection of U.S. 42 and Pleasant Valley Road will eventually become a prime commercial area to serve community needs in this area." (p. L-15)


Other references to the Comprehensive Plan are made in the Staff Report.

Conditions

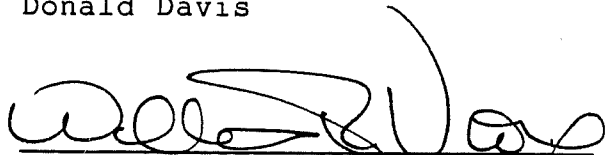
1. The intensity of development and types of land use shall be consistent with the submitted informal Concept Development Plan and in conformance with the uses and intensity in the Commercial Services (C-3) zone.
2. A 100 foot buffer of existing vegetation must remain along the southwest border of the Haines property. No construction can occur in this buffer zone. The purpose of this buffer is to separate future commercial land uses from future residential uses and to allow for a transitional area between residential and commercial zones.
3. Any change in the intensity and land use shall be submitted to the appropriate committee for review to determine if it is a major or minor change. All major changes shall require a new application and Public Hearing.



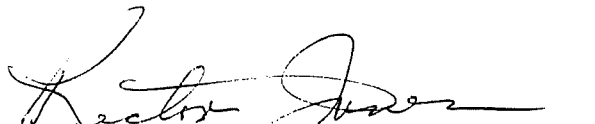
Melvin DeLong, Chairman




Donald Davis



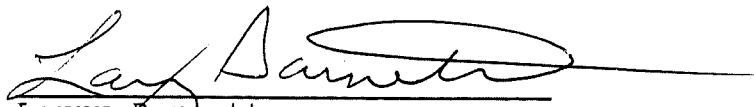
William Viox



Rector Jones



Fred Burgh



Larry Barnett

R-42-87
R-42-87

ORDINANCE 920.126

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 9.79 ACRE TRACT GENERALLY LOCATED WEST OF PLEASANT VALLEY ROAD AND NORTH OF U.S. 42, BOONE COUNTY, KENTUCKY, AS REQUESTED BY HAINES OIL LTD. (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-42-87.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a map amendment for a zone change from Suburban Residential One (Sr-1) to Commercial Services (C-3) for a 9.79 acre tract located west of Pleasant Valley Road and north of U.S. 42, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing and its findings of fact recommending approval of the zone change request; and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone county pursuant to the Fiscal court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval this zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 9.79 acre tract generally located west of Pleasant Valley Road and north of U.S. 42, Boone County, Kentucky. The real which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT "A")

SECTION 11

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 - 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 21st day of July, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 4th day of August, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

Jerry H. Rouse
JERRY ROUSE
BOONE COUNTY CLERK

SUBMITTED BY:
Larry Crigler
LARRY CRIGLER
BOONE COUNTY ATTORNEY

8-13-87
DATE PUBLISHED