

STAFF REPORT

REQUEST OF BILL BRAMBLE REALTY, INC. FOR A ZONING MAP AMENDMENT AND TWO VARIANCES FOR PROPERTY AT 828 DONALDSON ROAD, BOONE COUNTY, KENTUCKY

JULY 27, 1988

This is a request for a Zoning Map Amendment and two Variances by Bill Bramble Realty, Inc. to rezone a 0.34 acre site from Suburban Residential One (SR-1) to Office One (O-1), to allow the establishment of a real estate office on the site. The Variance requests are for a variance on the minimum landscaped area to adjoining residential properties and a variance on the minimum width of access driveways. The property is located at 828 Donaldson Road (Lot #14 of the Ranch Hill Subdivision), Boone County, Kentucky, and is owned by Dennis and Ruth Kennedy.

Surrounding Land Uses and Zoning

north: SR-1; an empty lot, single-family residences beyond
south: SR-1; single-family residences
east: SR-2; single-family residences (Cherry Hill Subdivision)
west: SR-1; across Donaldson Road are single-family residences (Johnson Subdivision), the Marydale property beyond

Site Features

The small lot is 75 feet by 200 feet in area, fairly level on the half fronting on Donaldson Road, and gently sloping down to a drainageway in the backyard. A single-story house is located on the property with a circular driveway with two access points onto Donaldson Road, and a drive to a paved area behind the house. A sign advertising RU-NIC paving company is currently located in the front yard.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Medium Density Residential (three to eight dwelling units per acre) on both sides of Donaldson Road.

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

"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... A new road should be developed to connect Donaldson and Turfway

Roads, in direct alignment with Houston Road. Such a road would open up the area to carefully planned commercial and residential areas while also extending the Hopeful Road connection from US 25 to Donaldson Road. The large Marydale property will probably be divided and partially established in a residential nature as development continues to all sides of this property." (p. L-18)

The Transportation Element of the Comprehensive Plan states:

"The county contains minor arterial streets and collector streets within the urban area. The minor arterial streets include KY 18, U.S. 42, U.S. 25, Industrial Road, KY 212, and KY 236 (Donaldson Road)... The arterials should be regarded as the roadways most suitable for planned land use development in the county. Arterials close to the urbanized areas are prime for commercial development although intense development can impede through traffic." (p. T-1, T-3)

Variance on Minimum Landscaping

If this Zoning Map Amendment was approved and the property was rezoned to Office One (O-1), Section 1782 of the Boone County Zoning Regulations would apply, requiring a 15 foot landscaping buffer between the site and adjoining residential properties. The following reviews the criteria applied to granting a Variance:

1. Staff can find no reason why granting the Variance on the landscaping buffer would adversely affect the public health, safety or welfare, or cause a hazard to the public. The Commission must determine whether the Variance would alter the essential character of the general vicinity, cause a nuisance to the public, or allow an unreasonable circumvention of the requirements of the zoning regulations.
2. The special circumstances necessitating the Variance is the small size of the subject property. There is insufficient land to provide the required amount of buffering. Land in the general vicinity does not have the buffering requirement.
3. The strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land in an office capacity.
4. However, the circumstances are the result of the actions of the applicant taken subsequent to the adoption of the

zoning regulation from which relief is sought since it was due to the applicant's efforts that the property was rezoned.

Further, if the zone change is approved, the property would be subject to Section 1822 of the Boone County Zoning Regulations requiring a driveway width of 25 feet for two-way traffic in non-residential district parking. The following reviews the criteria applied to granting this Variance:

1. Staff can find no reason why granting this Variance would adversely affect the public health, safety or welfare, or cause a hazard to the public. The Commission must determine whether or not the Variance would alter the essential character of the general vicinity, cause a nuisance to the public, or allow an unreasonable circumvention of the requirements of the zoning regulations.
2. The special circumstances necessitating this Variance is the existence of a non-conforming driveway and the limited amount of area available to construct a driveway to the required 20 feet of width for access, 25 feet of width opposite proposed parking lots.
3. The strict application of the zoning regulations concerning width of driveway would not deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant.
4. The special circumstances are the result of the actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the rezoning of the property is the result of the applicant efforts.

In addition to the Variances, the submitted Concept Plan calls for use of the existing RU-NIC sign in the front yard as a sign to advertise Bill Bramble Realty.

Staff Concerns

1. The Staff is concerned that the proposed access and off-street parking will be insufficient to handle the amount of traffic the use of the property is likely to generate. Driveway widths and space for exiting parking spaces may create traffic flow difficulties. Additionally, the proposed parking spaces in the rear of the lot has insufficient space to allow cars to turn around and exit the lot in a forward motion. The Planning Commission should consider consolidating curb cuts or redesign of the proposed access and parking.

2. The Staff is concerned about adequate landscaping surrounding the site since adjoining properties are residential in nature.

Conclusion

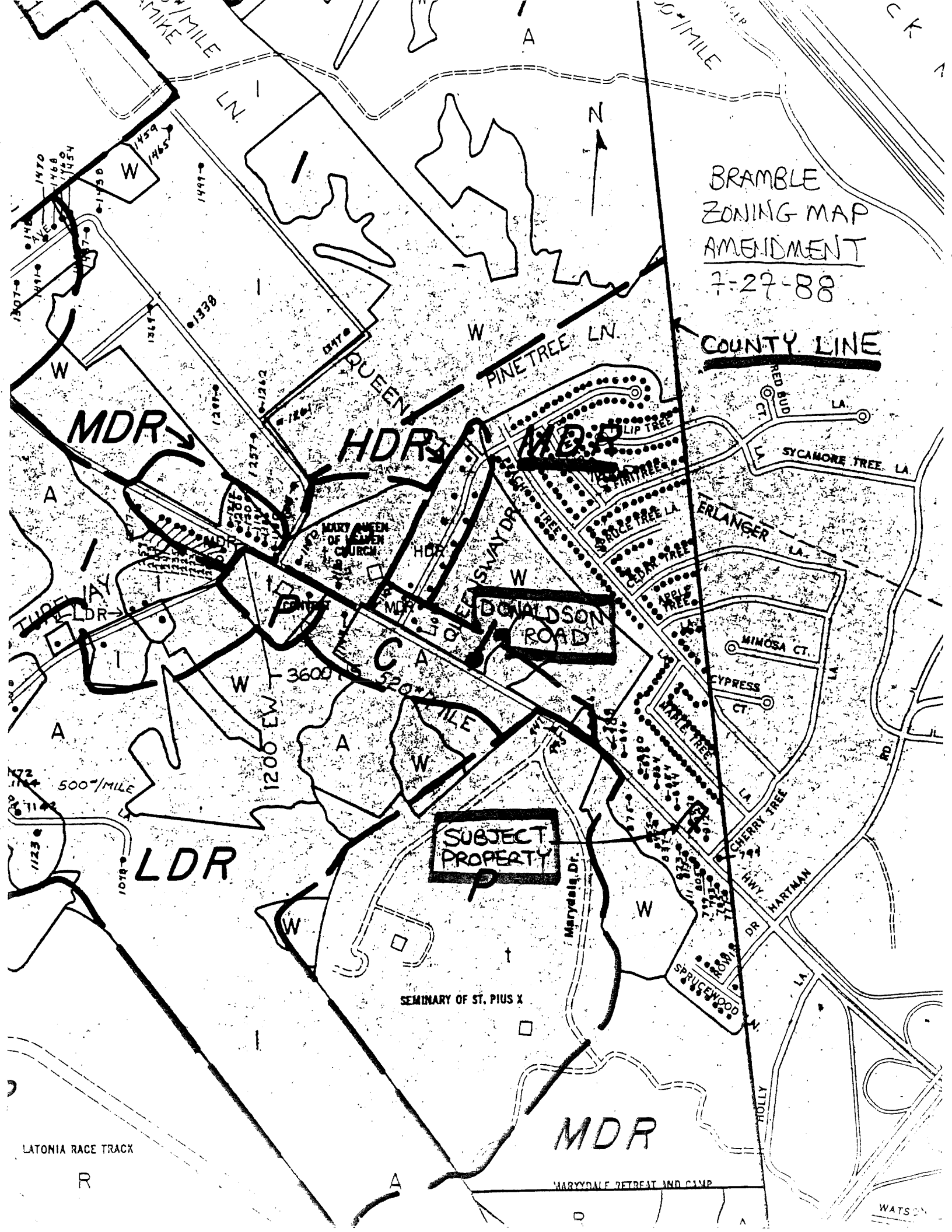
Should the Planning Commission recommend, and the Fiscal Court subsequently approve, this Zoning Map Amendment and Variance requests, the Boone County Comprehensive Plan Future Land Use Map will need to be amended.



Paul R. Miller,
Plans Examiner/Planner

BRAMBLE
ZONING MAP
AMENDMENT
7-27-88

COUNTY LINE



**SUBJECT
PROPERTY**

SEMINARY OF ST. PIUS X

MDR

LATONIA RACE TRACK

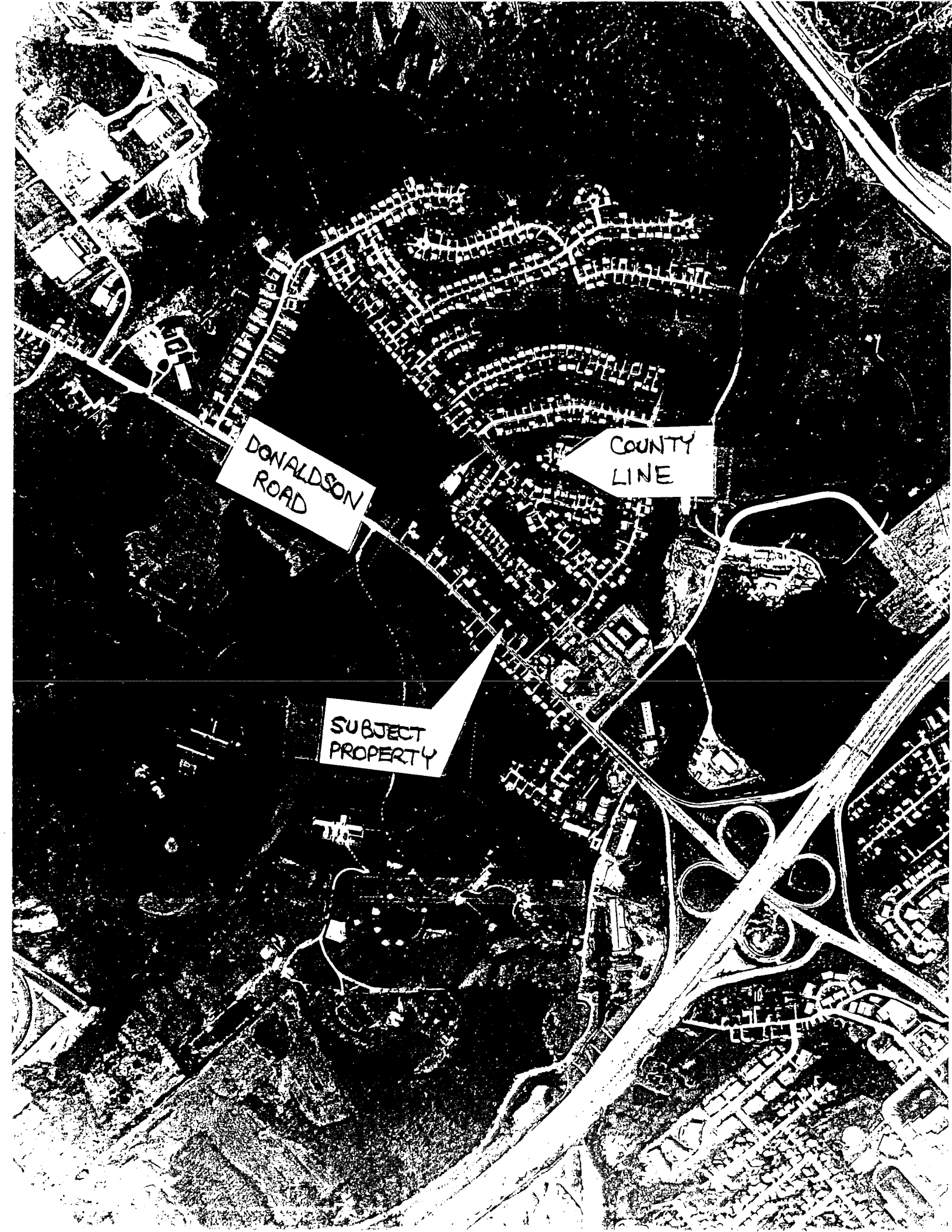
MARYDALE RETREAT AND CAMP

WATSON

DONALDSON
ROAD

COUNTY
LINE

SUBJECT
PROPERTY



APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- ~~APPLICANT'S~~ Variance
- Sign or Zoning Permit

Applicant: Bill Bramble Realty, Inc. Owner by Optic

Address: 7736 U.S. 42, Suite 4D Agent

Florence, Kentucky 41042 Telephone: (606) 371-1500

Location: 828 Donaldson Road, Erlanger, Kentucky 41018

Name of Property Owner: Dennis Kennedy & Ruth (Heeney) Kennedy

Address of Property Owner: 828 Donaldson Road, Erlanger, Kentucky 41018

Zoning District: Suburban Residential^(SR-1) On Area in Acres: 75 x 200

Deed Book: 315 Page Number: 118 Group Number: 555

Description of Request: (See attached)

Applicant's Signature: *William D. Bramble*

Property Owner's Signature: _____

FOR PLANNING COMMISSION USE ONLY

Application Fee: _____ Data Received: _____ By: _____

Referred To: _____ Meeting Date: _____

Action Taken: _____ Date of Action: _____

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
ZONE CHANGE REQUEST
BILL BRAMBLE REALTY, INC.
828 DONALDSON ROAD
ERLANGER, KENTUCKY 41018

County of ~~Meigs~~^{BOONE} and Commonwealth of Kentucky, to-wit: Group No. 555
Present Street Address 828 Donaldson Highway, Erlanger, Ky. 41018 Plat No.
(formerly 666 Donaldson Highway)
Mailing Address same

Being all of Lot No. 14 (Fourteen) of the Ranch Hill Subdivision, Number Two (2), as shown on the Plat of same recorded as Original Plat No. 3, Page 43, of the Boone County Records at Burlington, Kentucky.

Subject to restrictions of record.

Being the same property conveyed to Ralph C. Stansel, Sr. and Georgia S. Stansel, his wife, by deed dated September 8, 1972 and recorded in Deed Book 200, Page 136 of the Boone County Clerk's records at Burlington, Kentucky.

Ralph C. Stansel, Sr., died 2/27/78 and by virtue of the survivorship clause in the above mentioned Deed, fee simple title vested in Georgia S. Stansel. Georgia S. Stansel died April 1, 1982 and her Last Will and Testament is recorded in Will Book 32, page 152, of the Boone County Clerk's records at Burlington, Kentucky.

The grantor Timothy H. Wainscott, Administrator, WWA was appointed Administrator, WWA by the Boone District Court on the 21st day of July, 1983 and this conveyance is made pursuant to the power to sell real estate contained in the Last Will and Testament of Georgia S. Stansel.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

July 27, 1988

8:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:30 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the agenda:

1. Applicant: Bill Bramble Realty, Inc. for Dennis and Ruth Kennedy (owners)
Request: Zoning Map Amendment and Variances

This was a Public Hearing on the request of Bill Bramble Realty, Inc. for Dennis and Ruth Kennedy (owners) for a Zoning Map Amendment and Variances in minimum landscape buffer yard and driveway width requirements. The request is to rezone a 0.34-acre parcel located at 828 Donaldson Road, Boone County, Kentucky from Suburban Residential One (SR-1) to Office One (O-1).

Staff Member, Paul Miller, presented the Staff Report (see Staff Report).

Mr. Raymond Beducki of Florence, Kentucky stated that he was representing the applicant as the applicant was out of town. He stated that the 9' wide drive in front of the property would be "in only" and the 10'7" drive would be "out only". Proper signs will be posted. He stated that the requested Variance is in conformity with the Comprehensive Plan. There is a landscaped area at the rear of the property and a knoll that could be used as a turn around space and blacktopped. There would be a maximum of three employees in the real estate office at any one time. They will use the existing sign and not remove the trees. They will use the natural buffers or put up a privacy fence if requested. They are in agreement with the Staff Report that there would be no adverse effect on the public health, safety, and welfare.

Chairman Viox asked if anyone else wished to speak in favor of the request. There being no one, he asked if there was anyone present in opposition to the request or if there were any questions.

Mr. Jack Medor, owner of the vacant lot and the house north of the site, stated that this would be spot zoning in the middle of a residential area. This house is served by a septic tank and the water from the property, including from the driveway and the roof, runs on his property. He stated that many years ago, twenty-six dump trucks of dirt were brought onto the site to make it higher than Mr. Medor's property and it now drains onto his property.

Mr. Tom Silvers stated that he lives behind the property and at times he cannot walk in his yard due to the septic tank draining into his yard. He has called the Health Department and the police. He stated that there is also an odor problem.

Ms. Dawn Spencer, who lives three lots from this site, questioned the effect of rezoning this site on other parcels. Counselor Wilson advised that other lots would not be automatically rezoned and requests to rezone parcels would be considered on a case by case basis. He noted that the Comprehensive Plan is updated every five years.

Mrs. Louis Beckman stated that the Zoning Board does not enforce the laws. She asked that the property rezoned as a day care center be investigated in regard to its use. She stated that she is concerned about the effect of the rezoning of this site if it would be sold in the future.

Mr. Collins noted that there were concerns years ago about the sewer when a ceramic shop made an application. Mr. Beckman noted that the ceramic shop did not proceed when they found out about the septic tank problem. Mr. Collins questioned how they could put a parking lot on top of a septic tank.

Mr. Barnett noted that if the request is approved, the applicant will need to submit a Site Plan and many of the concerns discussed by the residents would be addressed in the Site Plan.

In response to a question from Mr. DeLong, Mr. Beducki stated that this will be the main office of the real estate company. Mr. DeLong stated that Mr. Bramble's agency is larger than three agents. He stated that Mr. Bramble is an aggressive person and would want more than three people in the office at a time. He noted that there may be a possibility of a smaller sign.

Mr. Sharp asked if the applicant could get any more parking spaces in the front. Mr. Newton advised that the small acreage would be a limiting factor, but he may be able to get two more parking spots. He noted that the applicant would be bound by the Concept Development Plan.

Mr. DeLong questioned how many agents would go on tour. Mr. Beducki stated that he was advised by one of the agents, Miss Mathes, that six to eight agents go on tour and leave right after the meeting. Mr. DeLong stated that parking will be a problem.

Mr. Virgil Swanner stated that the sewage situation should be assessed. He stated that it is a matter of public record with the Health Department and at least two citations have been issued.

In response to a question from the Chairman, Mr. Miller reviewed the Site Plan and stated that approximately six parking spaces would be required for a 1,400 sq. ft. building.

Mr. Beckman stated that the driveway is not wide enough for two cars to pass. Mr. Neltner noted that the exit would be difficult to negotiate due to a sharp angle.

Mr. Miller noted that the request involves two Variances -- one of which is the driveway width.

Chairman Viox asked if there were any further comments. There being none, he advised that this item will be on the Agenda for the Business Meeting on August 3, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 17, 1988

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
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:

Mr. Melvin DeLong

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearing and the Business Meeting of August 3, 1988 and asked if there were any comments or corrections.

Mrs. Smith stated that on Page 5, paragraph 7, of the Minutes of the Public Hearing, Mr. DeLong's comment should be that he would like the applicant to talk with the Hebron Fire Department.

There being no additional corrections, Mr Moore moved that the Minutes of the Public Hearing be approved as amended and the Minutes of the Business Meeting be approved. Mr. McMillian seconded the motion and it carried unanimously.

2. Zoning Map Amendment and Conditional Use Permit

The request of Don Conrad (applicant) for Norman H. and Ruth Arlinghaus (owners) to set a Public Hearing date for a continuance of a Zoning Map Amendment and a Conditional Use Permit request, which was originally scheduled for June 29, 1988 but not held. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) and for a Conditional Use Permit to operate a gasoline service station and a car wash. The site is located at the southeast corner of KY 18 and Ridge Avenue, Boone County, Kentucky.

Mr. Tom Nienaber, attorney, stated that they had just received a copy of the Committee Report which recommends approval of the request subject to six conditions. At least three of the conditions could have a serious economic impact on the development. He asked that the request be deferred for two weeks to allow time for him to meet with his clients.

Mr. McMillian moved that the request be deferred for two weeks. Mr. Jones seconded the motion.

Mr. Nienaber stated that they will waive the time limitations for thirty days.

Chairman Viox asked for a vote on the motion made by Mr. McMillian and it carried unanimously.

3. Zoning Map Amendment

The request of Bill Bramble Realty, Inc. for Dennis and Ruth Kennedy (owners) for a Zoning Map Amendment and Variances in minimum landscape buffer yard driveway width requirements. The request is to rezone a 0.34-acre parcel located at 828 Donaldson Road, Boone County, Kentucky from Suburban Residential One (SR-1) to Office One (O-1).

Mrs. Carol Smith, Chairwoman, stated that there are two Committee reports.

Mr. Gerald Newton, Director, explained the Land Use Plan Element, including the text and the map, as applied to this request. Mr. Newton read the first Committee Report, signed by Mrs. Smith and Mr. McMillian, which recommended denial of the request based on the findings of fact. Mr. Newton then read the Committee Report signed by Mr. Burch, Mr. Barnett, and Mr. Jones which recommended approval of the request based on the findings of fact, but subject to conditions.

Mr. Barnett moved that the request be approved based on the findings of fact, but subject to conditions. Mr. Burch seconded the motion.

Mr. Raymond Bogucki, attorney, stated that the applicant was also present. Mr. Bogucki stated that they are in agreement with all the conditions.

Mr. McMillian noted that the driveway is on the property line and questioned how the applicant could comply with the condition regarding the buffer.

Mr. Bogucki presented a drawing of the site. He stated that the adjoining property owners, Mr. Meader and Mr. Beckmann, were present. Using the drawing and discussing the conditions, Mr. Bogucki emphasized that they can meet all the conditions.

Mr. Newton noted that the Committee Report refers to buffering on the west side of the drawn plan and screening of the front parking lot.

Mr. McMillian stated that the driveway is on the property line and asked how they could buffer between the properties.

Mr. Kennedy stated that Mr. Meader would grant them an easement to allow continuous planting along the driveway.

Mr. McMillian noted that they have a 75' lot and want to park 16 cars.

Mr. Bogucki stated that they have provided for nine parking spaces with an optional tenth space. Mr. McMillian stated that the tenth space is indicated for a turnaround. Mr. McMillian stated that he does not see how the applicant can meet the conditions of the Committee Report.

Mr. Neltner questioned the trees, including what type they were and if they would survive when paving is put around them. Mr. Bogucki advised that they are pinoaks and Mr. Kennedy has found out that there is a minimum distance to be maintained between the asphalt and the trees.

Mr. Kennedy stated that it is their objective to save the trees.

Mr. Neltner asked for comments regarding the sanitation system. Mr. Bogucki advised that it has to be approved by the Boone County Health Department before construction can occur. He discussed this with the residents following the Public Hearing. There were violations in the past by the current resident and the local residents had a lot of work done in response to those violations. This was overseen by the State Health Department. A broken line was also found. He stated that he believes the system is in conformity with the regulations at this time. He noted that they would be using less water than the residents use. He stated that he believed the residents were happy with the commitments made to them by Mr. Bramble.

Mr. Moore stated that he would abstain from voting in regard to this request as he is associated in the practice of law with Mr. Bogucki.

Chairman Viox asked for a roll call vote on the motion made by Mr. Barnett to approve the request subject to conditions, which found Mr. Barnett, Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. Jones, and Mr. Rush in favor. Mrs. Busheiman, Mr. Collins, Mr. McMillian, Mr. Neltner, Mr. Sharp, Mrs. Smith, and Chairman Viox were opposed. Mr. Moore abstained. The motion did not carry.

Mr. McMillian moved that the request be denied based on the findings of fact in the Committee Report signed by Mrs. Smith and Mr. McMillian. Mrs. Smith seconded the motion.

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

Counselor Wilson advised that this recommendation will go to the Fiscal Court.

4. Site Plan Review

The request of R. Joseph Rademaker (owner) for Site Plan Review to construct a 4,200 sq. ft. addition to Airport Truck Diesel located at 737 Petersburg Road (KY 20 and Bluebird Lane), Boone County, Kentucky. The 1.8-acre site is zoned Commercial Services (C-3).

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

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report.

There being no discussion, Mr. Sharp moved that the request be approved based on the Staff and Committee Reports. Mr. Moore seconded the motion and it carried unanimously.

5. Site Plan Review

The request of Danny R. Perkins (owner) for a revision to a previously approved Site Plan in order to make parking lot improvements. The 0.46-acre site, located at 236 Main Street, Florence, Kentucky is zoned Commercial Two (C-2) and is owned by Danny Perkins.

Staff Member, Dave Geohegan, presented the Staff Report which recommended deferral of the request (see Staff Report). The applicant has waived the time limitations.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the September 7, 1988 Business Meeting based on the Staff Report.

There being no discussion, Mr. Jones moved that the request be deferred until the September 7, 1988 Business Meeting based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "C"

2nd report used - Vote 7-1
motion approved

Recommendation for Denial

COMMITTEE REPORT #2

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: August 17, 1988

RE: Request of Bill Bramble Realty, Inc. for Dennis and Ruth Kennedy (owners) for a Zoning Map Amendment and Variances in minimum buffer yard and driveway width requirements. The request is to rezone a 0.34 acre parcel located at 828 Donaldson Road, Boone County, Kentucky, From Suburban Residential One (SR-1) to Office One (O-1).

REMARKS:

We the Committee, based upon the statements made and facts gathered at the July 27, 1988 Public Hearing, recommend denial of this Zoning Map Amendment application based upon the following findings of fact.

Findings of Fact

1. The proposed zone change from Suburban Residential One (SR-1) to Office One (O-1) is not in agreement with the 1986 Boone County Comprehensive Plan Future Land Use Map, which indicates the future use of this particular site to continue to be residential. The Committee believes the reasonable interpretation of the Land Use Element of the plan is that the transition of the general area from residential to commercial uses will take place in planned developments involving greater acreage as opposed to the conversion of single lots.
2. The Committee believes the proposed use as presented by the applicant will not be compatible and harmonious with surrounding residential uses due to the traffic volume anticipated by the applicant to be generated by the use.

The Committee likewise recommends denial of the requested Variances in width of internal driveway isles and minimum landscaping buffers. The Committee believes the circumstances which lead to the requested Variances are the result of the action of the applicant in seeking to rezone the property from residential to office. Additionally, the plan submitted at the July 27, 1988 Public Hearing contains insufficient driveway widths to allow the safe ingress and egress of the traffic volume likely to be generated by the proposed use without creating potential traffic congestion on Donaldson Road. The plan also has an insufficient number of parking spaces for the number of employees and customers.

=====

While the applicant has shown a revised plan to the Committee which attempts to address these concerns, the Committee is still concerned with the traffic volume. Further, the small size of the lot will not allow for sufficient buffering between the proposed use and surrounding residential uses. Finally, the Committee finds that the granting of both Variances would alter the essential character of the general vicinity.

Carol Smith
Carol Smith, Chairwoman

Larry Barnett

Fred Burch

Rector Jones

Donald McMillian
Donald McMillian

:kat

R-44-88

ORDINANCE 920.167

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY BILL BRAMBLE REALTY, INC. (APPLICANT) FOR DENNIS AND RUTH KENNEDY (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO OFFICE ONE (O-1) FOR A 0.34 ACRE SITE LOCATED AT 828 DONALDSON ROAD, BOONE COUNTY, KENTUCKY.

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 Suburban Residential One (SR-1) to Commercial One (O-1) for a 0.34 acre site located at 828 Donaldson Road, 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 for the zoning map amendment.

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

SECTION I

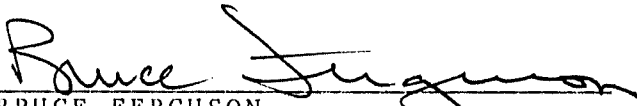
That the zoning map amendment for the real estate which is more particularly described below being a zone change from Suburban Residential One (SR-1) to Commercial one (O-1) for a 0.34 acre site located at 828 Donaldson Road Boone county, Kentucky. The real estate which is the subject of this zoning map amendment recommendation is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval of the zone change request the findings of fact of the Boone County Fiscal Court 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.

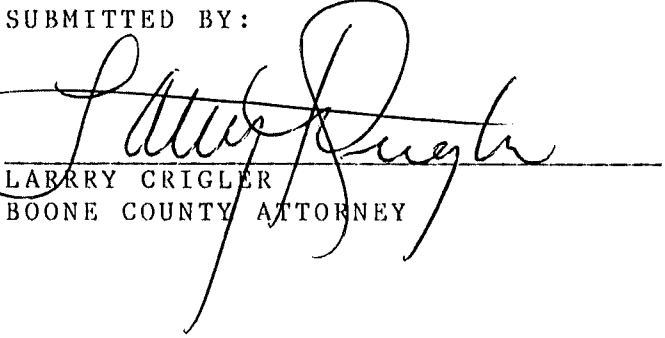
Introduced, seconded and given First Reading on the seventh day of October, 1988.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the eighth day of November, 1988 88, 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
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:

LARRY CRIGLER
BOONE COUNTY ATTORNEY

12/21/88
DATE PUBLISHED