

REQUEST OF THE BOONE COUNTY FISCAL COURT TO REZONE THE
MIKKELSON DRIVE AND WEBER LANE AREAS FROM
INDUSTRIAL TWO (I-2) TO SUBURBAN RESIDENTIAL ONE (SR-1)
AUGUST 26, 1987

The Boone County Fiscal Court is requesting a Zoning Map Amendment that includes lots fronting on Mikkelson Drive and Weber Lane in Boone County, Kentucky. These two areas are a part of a much larger area that had been changed from Suburban Residential One (SR-1) to Industrial Two (I-2) during the 1986 Update of the Boone County Zoning Map. The request is to rezone the immediate areas of Mikkelson Drive and Weber Lane to Suburban Residential One (SR-1). Staff has analyzed the request as including the following areas: Lots 1A through 10 and Lots 13 through 21 of Little Denmark Subdivision on Mikkelson Lane; Lots 97 through 104 and Lots 140 through 169 in Weber Place Subdivision on Weber Lane; and Lots 23 through 42 of the F. Martin Subdivision on Weber Lane; as well as unsubdivided frontage opposite Lots 29 through 42 on Weber Lane for a depth of 225 feet. All parcels fronting on Dixie Highway are not analyzed as part of the request.

Surrounding Land Uses and Zoning

The area subject to this request contains residential uses as well as small amounts of vacant land. Adjacent land use to the north of Mikkelson Drive is agricultural or woodland and also contains a plant nursery on Dixie Highway. Land uses to the south of Weber Lane include agricultural uses and used car sales on Dixie Highway. To the east of Dixie Highway is a mixture of commercial, residential, and industrial uses, including Plymouth Steel. The area between Mikkelson Drive and Weber Lane is mostly wooded.

Surrounding zoning includes Industrial Two (I-2) to the north, south, and west; and Commercial Services (C-3) to the north and south fronting Dixie Highway, as well as to the east across Dixie Highway.

Natural Features of the Area

The area contains residential subdivisions along Mikkelson Drive and Weber Lane. Between these two streets is a natural drainage swale that drains to the west toward I-75. The swale is heavily wooded. Soils on the site include Jessup Silt Loam (JeD) found on slopes of 12 to 20 percent and two types of Rossmoyne Silt Loam (RsB and RsC) found on slopes of up to 12 percent. These soils present limited risk of erosion, and the area within the request is fairly level.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan addresses the area specifically through the Land Use Element, as well as several other more general elements.

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The Future Land Use Map depicts the areas as future industrial uses. In addition, the text of the Land Use Element, page L-19, addresses the Florence section of the map:

"The southern portion of this section contains the Industrial Park. Expansion and continued growth of this employment center is expected to continue over the study period. The residential areas to its north prohibit any expansion in that direction. The short term movement of industries will be along Industrial Road into Kenton County, and north on Industrial Road with very light industries which are primarily consumer oriented. The park should be encouraged to expand to the south, along US 25 and the proposed new road and near the railways. Large tracts of developable land exist in the area and development hinges only on an improved road networking system. With the opening of Mt. Zion Road Interchange and road widening to US 25, and the reliever loop from Hopeful Road, truck and car traffic (respectively) will be substantially reduced off of US 42."

One of the objectives of the Land Use Plan on page G-6 addresses location of different land uses:

"4. There shall be a hierarchy of land uses, specialized to create centers of intense use, with less intense use occurring outward from those centers."

Page B-16 of the Business Activity Element addresses expansion of the Northern Kentucky Industrial Park:

"The Northern Kentucky Industrial Park still has some space for expansion at its southern edge. The location of the county's population involved in manufacturing correlates well with this proposed concentration of industry. As Figure E-10 shows, the nearby Union area contains a very high percentage of its people employed in manufacturing. Walton also has a fairly high percentage. This could have a reinforcing effect on the expansion of industry along the I-75/US 25 corridor. There are several good reasons to encourage the expansion of industrial development towards Walton, east of I-75. First, the landscape in this area is fairly level and the soils do not present a severe obstacle to development. Second, there are existing highway and rail facilities which provide good access for labor and the shipping of raw materials and finished products. In addition, there are existing interchanges along I-75 at KY 338 (Richwood), KY-16 at Walton, and a planned interchange at Mt. Zion Road."

The Housing Element describes future trends in the area between Florence and Walton on pages H-20 and H-21:

"A proposed interchange at Zion Road will ensure very easy access to the area. Extensive residential development should not be permitted to the east of this new interchange because of Northern Kentucky Industrial Park traffic. A separation of residential and industrial traffic would avoid some of the traffic problems evident at the nearby US 42 interchange."

Goal number 9. of the Housing Element, page G-2, states that "In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses."

In conclusion, the overall Land Use Plan of Boone County emphasizes future industrial development in this area because of locational and transportation advantages, as well as logical expansion of the Northern Kentucky Industrial Park.

Special Concerns

The current industrial zoning for the area under review, as proposed and approved in 1986, was based on many sound land use justifications, as outlined in the previous section of this report. One factor that profoundly impacts this area is the U.S. 42 and U.S. 25 Connector Road, now under construction. The current Industrial zoning would permit logical and well-planned development of the entire region north of Mt. Zion Road and between I-75 and Dixie Highway. Staff is concerned that the impact of changing the zone on several central portions of the region would inhibit well-planned industrial development of the entire region and efficient use of the new road system.

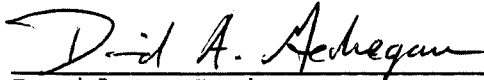
The proposed zone change could result in several isolated islands of residential zoning that could later develop as industrial or commercial uses through individual zone changes as opposed to larger more well-planned developments. The configuration of the existing residential lots could result in isolated residences between industrial and commercial uses without adequate opportunity for protection from incompatible uses.

Conclusions

This Zoning Map Amendment request needs to be reviewed in regards to the Boone County Comprehensive Plan and the logical future progression of land uses within the county. The overall

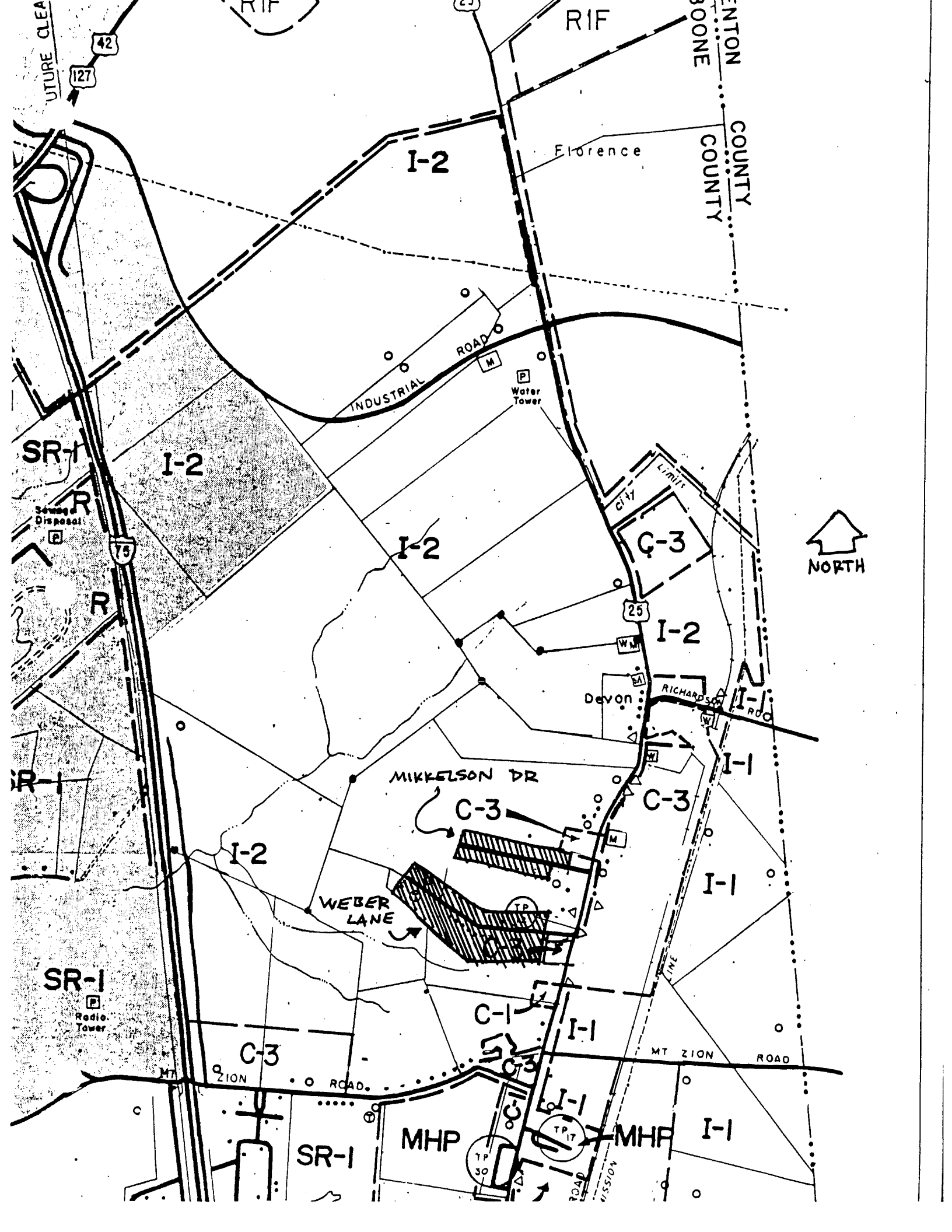
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planning of development in the area also needs to be correlated and served by the developing road system in the area. Should this request be approved by the Boone County Planning Commission and the Boone County Fiscal Court, the Future Land Use Map and accompanying text may not need to be changed to reflect the 25 year projection of land uses.



David A. Geohegan,
Planner/Plans Examiner

DAG:mcb



ANTON COUNTY
BOONE COUNTY

RIF

Florence

I-2

INDUSTRIAL ROAD

Water Tower

I-2

SR-1

Storage Disposal

I-2

C-3



25

I-2

Devon

RICHARDSON

MIKKELESON DR

C-3

C-3

I-1

WEBER LANE

I-2

SR-1

Radio Tower

C-3

MT ZION ROAD

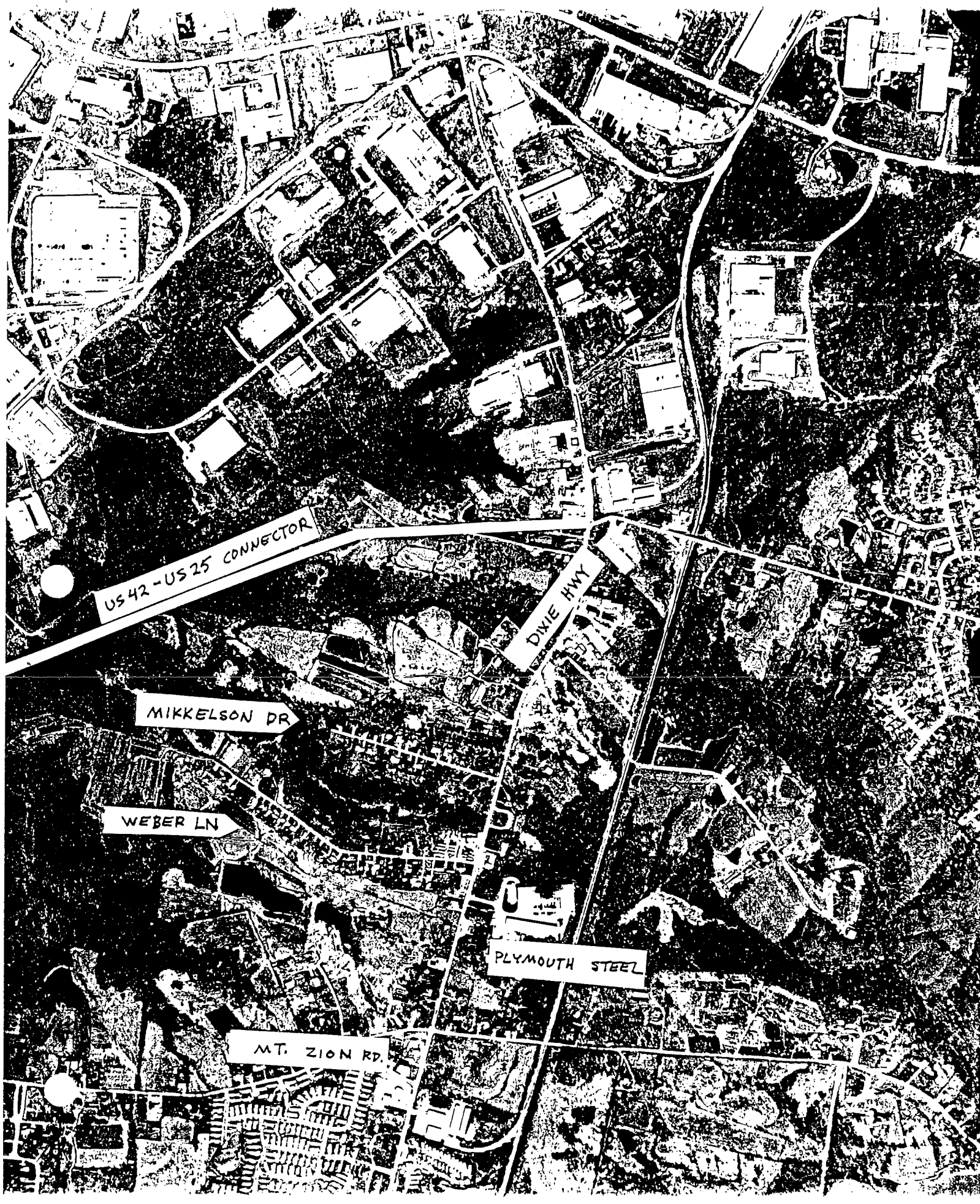
MT ZION ROAD

MHP

MHP

I-1

SR-1



US 42 - US 25 CONNECTOR

MIKKELSON DR

WEBER LN

DIXIE HWY

PLYMOUTH STEEL

MT. ZION RD.



BRUCE FERGUSON
County Judge - Executive

ROBERT C. MARTIN
Director of Administration
(606) 334-2200

R. SCOTT KIMMICH
Administrative Assistant
(606) 334-2242

OFFICE OF
THE COUNTY JUDGE-EXECUTIVE
BOONE COUNTY, KENTUCKY

P.O. Box 900
Burlington, KY 41005

M E M O R A N D U M

Date: August 26, 1987
To: Boone County Planning & Zoning
From: Boone County Fiscal Court
By: R. Scott Kimmich
R. Scott Kimmich, Admin. Asst.
RE: Zone Change on Mikelson and Webber Lane

The Boone County Fiscal Court has voted in open session to request that the Boone County Planning & Zoning Commission reconsider the zoning on Webber Lane and Mikelson Drive, and that careful consideration be given to returning the residential areas on each street to a zone of Suburban Residential - Z (SR-2) from the present of Industrial - Z (I-2).

It is the opinion of the Fiscal Court that there may be cause for this zone change as a result of residents' request, based on their claim that they were unaware of the intent of the commission to adopt a change with the passage of the comprehensive plan.

The court respectfully requests your serious consideration of this zone change and will await your promptest possible response.

Thank you in advance for your continued cooperation in matters such as this.

RSK:car

cc: Boone County Fiscal Court

EXHIBIT "A"

EXHIBIT "A"

From the Committee Report:

Definition of Zoning District Boundaries

The Committee recommendation regarding approval of the Suburban Residential One (SR-1) zoning for the Mikkelson Drive area includes the following properties: Lots 1A through 10 and Lots 13 through 21 of the Little Denmark Subdivision on Mikkelson Drive. It also includes parcels located on the Property Valuation Administration (PVA) map number 74 as parcels 26D (DB 195, PG 204); 26D-1 (DB 275, PG 127); 26D-2 (DB 126, PG 226); and 26D-2A (DB 289, PG 55). These parcels comprise a residential use on the south side of Mikkelson Drive and near Dixie Highway, but not fronting on Dixie Highway.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2
August 26, 1987

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Mr. William Viox opened the Public Hearing for the second item on the agenda:

2. Applicant: Boone County Fiscal Court
Request: Zoning Map Amendment

This was a Public Hearing on a request of Boone County Fiscal Court for a Zoning Map Amendment to rezone Mikkelson Drive and Weber Lane to Suburban Residential One (SR-1) from its current zoning of Industrial Two (I-2).

Staff Member, Dave Geohegan, presented the Staff Report which included transparencies of the area (see Staff Report). He noted a memorandum from the Boone County Fiscal Court requesting that the Commission seriously consider this request (see Memorandum from the Boone County Fiscal Court to the Boone County Planning & Zoning Commission, dated August 26, 1987, which is available in the Staff Office).

There being no one present from the Fiscal Court, Mr. Viox asked if there was anyone present who wished to speak in behalf of this request.

Mr. Gary Krumpfen, a resident of Mikkelson Drive, stated that he was one of the residents who brought this matter to the attention of the Fiscal Court. He stated that no one would want to buy a house in an Industrial Zone and this amendment was requested in order to prevent the properties on Mikkelson Drive from being devalued. He noted that a recent purchaser of a house had to obtain a letter indicating that he could rebuild the house if it were to burn down. This letter was needed in order to obtain a mortgage.

Mr. Paul Krumpfen, Mr. Gary Krumpfen's father, stated that one of the objections he had heard regarding this request was that new construction was not desirable in the area. He stated that there has been a moratorium on new construction for ten years due to the lack of a sewage disposal plant. He stated that on that basis, building permits cannot be obtained. He noted that there are also no lots available.

Mrs. Martha Anderson stated that they own 18 acres of land which lies between Mikkelson Drive and Weber Lane, with 422 feet of highway frontage. She presented Mr. Viox with a map of the area indicating the location of her property. She stated that they want this property to remain Industrial. Mrs. Anderson added that they also own a 50-foot wide parcel at the end of Weber Lane. They also want that property to remain Industrial. They want these properties to remain Industrial as rezoning to Residential will devalue them. Mrs. Anderson also provided Mr. Viox with a map of the area indicating current

commercial and industrial uses, as well as vacant land, in the area. She added that they currently live on Mikkelson Drive and are not opposed to that property reverting back to Residential zoning.

In response to a question from Mr. Viox, Mr. Geohegan advised that as the request stands at this time, Mrs. Anderson's 18-acre tract would not be involved in the zone change request, but her property on Weber Lane would be involved.

Mr. Viox asked if there was anyone else present who wished to speak regarding this request.

Ms. Deborah Gray stated that she lives in the first house on the right side of Mikkelson Drive next to a vacant lot. She asked what uses could go on that lot if it remains zoned Industrial and why it is not included in the zone change request.

Mr. Dave Geohegan gave examples of typical industries in the I-2 Zone and referred her to the Zoning Regulations for a precise listing. He advised that Ms. Gray's home was included in the zone change request. Mr. Geohegan added that the boundaries of this zone change request are hypothetical at this time. He stated that the reason for not including the lot next to Ms. Gray's home is that it abuts Dixie Highway and, according to the Comprehensive Plan, commercial and industrial uses are appropriate along Dixie Highway.

In response to comments from Mr. Paul Krumpfen, Mr. Geohegan stated that this request is a request of the Boone County Fiscal Court, based on a request of the residents. The request did not indicate fixed boundaries. The Staff has formulated boundaries for the purpose of this hearing in consideration of the Comprehensive Plan.

Mr. Viox asked if the boundaries of this request could be expanded.

Counselor Wilson advised that if the boundaries noted by Staff were advertised, expanding those boundaries would require a readvertisement. It would be permissible to decrease the area involved if justified by the findings.

Mr. Viox asked if there was anyone present who wished to speak in opposition to the request.

Ms. Irma Rich, 237 Weber Lane, stated that she lives directly across the street from the property owned by Mrs. Anderson. She indicated the location of her house and stated that there is sufficient property behind her house for a factory. Mrs. Rich recently purchased her home and wants it to remain zoned Industrial. She indicated that their homes could be bought by industries. Mrs. Rich asked the Commission to look into the trailer park on the street, noting its poor condition.

Mr. Roland Hay, a resident of Weber Lane, stated that the only use for property zoned Residential is houses, but there are a myriad of uses permitted in an Industrial Zone. He stated that many of these uses allow one to earn an income, such as a garage, a shop, or any light industrial use. He stated that in 1987 in California a Supreme Court decision was rendered that if a Zoning Board, such as this Commission, took these uses of the land from the residents, then the residents were entitled to compensation. He stated that if his property is rezoned R-1, this decision will be involved in the litigation. He stated that he wants to run a business on his lot and if an industry wants to buy his lot, they can pay the price.

Counselor Wilson clarified that the Supreme Court Case referred to by Mr. Hay involved a moratorium in the county of Los Angeles which prohibited all structures within the flood plain due to flooding in the early 1970's. He stated that changing the zoning of an area does not involve a Constitutional taking requiring compensation.

Mrs. Norma Reece, 167 Weber Lane, stated that she wants her property to remain Industrial in consideration of the resale value.

Mrs. Frieda Enda, a resident of Weber Lane, stated that they own 27 acres which they want to remain Industrial. She is against the zone change request.

Mr. Newton provided her with a diagram indicating the area included in the zone change discussion. Mrs. Enda determined that the majority of her land is not included in the request, but a portion of it is.

Mr. Paul Krummen stated that he would be opposed to the request as it is written. He stated that the request should include Mikkelson Drive only.

Mr. Gary Krummen stated that he had only proposed that Mikkelson Drive be rezoned.

Mr. Viox asked if there were any comments from the Commission.

Mr. McMillian asked how many of the property owners in the area wanted this zone change. Mr. Geohegan advised him that the Staff had reviewed a request of the Fiscal Court which refers to "residents", it does not indicate a number.

Mr. Newton stated that this request is before the Commission as a letter was received by the Commission asking why the property had been rezoned during the Update. The Chairman referred the letter to the Technical Committee and the Comprehensive Plan Committee. A response was sent out indicating why these two residential streets had been rezoned to Industrial, and what options were available to the property owners. The owners opted to ask the Fiscal Court to reconsider the zoning. In Mr. Newton's conversation with the Judge Executive, it was determined that it would be unfair

to consider rezoning existing residences on one street and automatically exclude the other. The Judge Executive felt it would be in the best interest of the residents to let them express their opinions regarding both streets via the Public Hearing process.

Mr. Barnett stated that he can understand the Krummens' position of not wanting to live in an Industrial Zone. He indicated that often a commercial or industrial development does not buy the homes in the area, they build around them. The residences will then be in the middle of an industrial area. He suggested a PD (Planned Development) overlay be considered for the area.

Mr. Newton advised that a typographical error on the agenda indicated the current zoning of the area to be Industrial One (I-1), when it is in fact Industrial Two (I-2) as indicated in the Staff Report.

Mr. Collins stated that there is a used clothing business currently operating in the area which should be stopped.

Mr. Neltner questioned whether or not expansion of the industrial area would bring sanitation to the area.

Mr. Viox stated that, in his opinion, if the Industrial Park is expanded, the infrastructure would be updated accordingly. However, it would be questionable as to whether or not these improvements would be extended to the residential area. He noted that the Industrial Park is served mainly by Kenton County.

Mr. Neltner noted undeveloped property indicated on the map and asked who owned the property.

Mrs. Anderson noted the location of her property and it was noted that the vacant land referred to by Mr. Neltner is owned by Mr. Sandler, who is deceased.

Mr. Hemmer asked that the map which is distributed to the Commission members be enlarged and expanded for the Business Meeting discussion in order to accurately determine which properties are affected.

Mr. Gary Kruppen suggested that Weber Lane be deleted from the request. He stated that it was never intended to be included. Mr. Kruppen noted that all the objections to the request have come from residents of Weber Lane, not Mikkelson Drive. He asked for a show of hands of those in the audience who were residents of Mikkelson Drive. He asked if any of those residents present had any objection to this request. There were no objections indicated.

Mr. Roland Hay stated that there are much better homes on Mikkelson Drive than on Weber Lane. He stated that the homes on Weber Lane are not worth much and the land may be worth more than the homes in a few years. He stated that the residents of Weber Lane have a lot to gain with the rise of the land prices. He stated that with Industrial zoning, factories may buy their properties.

Mrs. Anderson commented that the value of the homes on Mikkelson Drive may go down when they are surrounded by industrial and commercial development.

Mr. Viox asked if there were any further comments or questions. There being none, he stated that this request will be on the agenda for the Business Meeting on September 2, 1987 at 8 P.M..

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

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 2, 1987 8:00 P.M.

Mr. Paul Kroger, Chairman, called the meeting to order.

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch
Mr. Lawrence Collins
Mr. Donald Davis
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Michael Hemmer
Mr. Rector Jones
Mr. Paul Kroger, Chairman
Mr. Don McMillian
Mr. Barry Neltner
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. David Martin, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Kroger noted that each member had received a copy of the Minutes of the Business Meeting of August 19, 1987 and the Public Hearing held August 26, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that the Minutes of the Business Meeting of August 19, 1987 and the Public Hearings of August 26, 1987 be approved. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Greene stated that he would like this request to be deferred for further study and to be reconsidered at the time of the next update.

Mr. Barnett asked if the Committee is satisfied with the Staff's interpretation regarding truck stops as a Conditional Use and that an applicant could find a means of using a site in a C-3 Zone as a truck stop.

Mr. Viox stated that he cannot speak for the Committee on this point, but stated that he is personally satisfied with the Staff's interpretation.

Mr. Viox moved that all legislative bodies be notified by resolution of a recommendation to approve this request based on the Committee Report. Mr. Davis seconded the motion.

Chairman Kroger asked if there were any further comments. There being no further discussion, the Chairman asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Davis, Mr. DeLong, Mr. Hemmer, Mr. Jones, Chairman Kroger, Mr. McMillian, Mr. Sharp, Mrs. Smith, and Mr. Viox in favor. Mr. Greene and Mr. Neltner were opposed. The motion carried by a vote of 12 to 2.

3. Zoning Map Amendment

A request of Boone County Fiscal Court for a Zoning Map Amendment to rezone Mikkelson Drive and Weber Lane to Suburban Residential One (SR-1) from its current zoning of Industrial Two (I-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended that the request to rezone the area of Mikkelson Drive to SR-1 be approved, but that the request to rezone the area of Weber Lane be denied based on the findings of fact (see Committee Report).

Staff Member, Dave Geohegan, presented a slide of the area under discussion indicating those properties affected by the zone change request. He advised Mrs. Martha Anderson, a resident of 185 Mikkelson Drive, that her 18-acre tract was not a part of the area recommended to be rezoned, nor was the property owned by Mrs. Irma Rich.

The Chairman asked if there were any additional comments or questions from the audience. There being no further discussion, the Chairman asked if there were any comments from the Commission.

Mr. Barnett moved by resolution that the request be approved for a zone change to the Mikkelson Drive area, and that no changes be made to the zoning in the area of Weber Lane based on the findings of fact contained in the Staff and Committee Reports. Mr. Jones seconded the motion.

Mr. Burch asked if all property owners affected by this request had been notified.

Mr. Newton stated that this application was based on the request of a few residents of Mikkelson Drive to the Fiscal Court. He noted that there were a number of residents of Mikkelson Drive present at the Public Hearing and all indicated that they were in favor of this request.

Mr. Neltner stated that he was concerned with changing the zoning of Mikkelson Drive for the short-term as he believes the future of the area is industrial.

Mr. Terry Krummen stated that it has been proven that residential zoning and I-2 zoning can co-exist. He disagreed that the future of Mikkelson Drive is industrial. He noted the prices of homes on Mikkelson Drive and stated that there are many acres of land around the area which are zoned Industrial at a lesser price that an industry could purchase, rather than buying property on Mikkelson Drive. Mr. Krummen is a resident of Mikkelson Drive.

There being no further discussion, the Chairman asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Davis, Mr. Greene, Mr. Hemmer, Mr. Jones, Chairman Kroger, Mr. McMillian, Mr. Sharp, Mrs. Smith and Mr. Viox in favor. Mr. DeLong and Mr. Neltner were opposed. The motion carried by a vote of 12 to 2.

Mrs. Adeline Hamilton, 8484 Dixie Highway, owner of a trailer park located on Weber Lane, asked that a copy of her Certificate from the Board of Health, indicating a 94% rating, be entered into the record. She noted that her trailer park was subject to discussion at the Public Hearing on August 26, 1987.

The Chairman accepted a copy of her rating Certificate from the Board of Health and it is available in the Staff Office.

4. Zoning Text Amendment

A request of the Boone County Planning Commission Staff through the Technical Committee to consider certain text amendments defining model centers and model homes, and providing the classification for each in the 1986 Boone County Zoning Regulations.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the September 16, 1987 Business Meeting in order to further review the proposed amendment based on comments made at the August 26, 1987 Public Hearing (see Committee Report).

The Chairman asked if there were any comments or questions. There being none, Mr. Barnett moved that the request be deferred until the September 16, 1987 Business Meeting as recommended in the Committee Report. Mrs. Greene seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: September 2, 1987

RE: Request of Boone County Fiscal Court for a Zoning Map Amendment to rezone the areas of Mikkelson Drive and Weber Lane to Suburban Residential One (SR-1) from its current zoning of Industrial Two (I-2).

REMARKS:

We, the Committee, recommend that the request to rezone the area of Mikkelson Drive to Suburban Residential One (SR-1) be approved, and recommend that the request to rezone the area of Weber Lane to Suburban Residential One (SR-1) be denied. These recommendations are based upon the following findings of fact, conditions, and definition of zoning district boundaries.

Findings of Fact

The existing zoning of Industrial Two (I-2) for the residential area of Mikkelson Drive is inappropriate and the proposed zoning of Suburban Residential One (SR-1) is appropriate to reflect the existing stable residential character of that area. The existing zoning of Industrial Two (I-2) is appropriate and the proposed zoning of Suburban Residential One (SR-1) is inappropriate for the area of Weber Lane, as Weber Lane does not present a stable residential area. The arrangement of residential lots and the character of the Weber Lane area, which contains uses non-conforming to the SR-1 zone, does not form the basis for a future planned residential area.

Although the Boone County Comprehensive Plan Future Land Use Map depicts the areas as industrial, the Housing Element of the Plan does provide for the protection of stable residential areas from incompatible land uses. The Committee feels that this item is applicable to Mikkelson Drive, but not to Weber Lane because of the nature of the existing uses on each street.

Definition of Zoning District Boundaries

The Committee recommendation regarding approval of the Suburban Residential One (SR-1) zoning for the Mikkelson Drive area includes the following properties: Lots 1A through 10 and Lots 13 through 21 of the Little Denmark Subdivision on Mikkelson Drive. It also includes parcels located on the Property Valuation Administration map number 74 as parcels 26D (DB 195, PG 204); 26D-1 (DB 278, PG 127); 26D-2 (DB 126, PG 226); and 26D-2A (DB 289, PG 55). These parcels comprise a residential use on the south side of Mikkelson Drive and near Dixie Highway, but not fronting on Dixie Highway.

Barry Neltner, Chairman

Donald Davis

~~_____~~
Fred Burch

Larry Barnett

Rector Jones

Rector Jones

Melvin DeLong

Melvin DeLong

~~_____~~
William Viox

ORDINANCE 920.131

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 INDUSTRIAL TWO (I-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR THE AREA OF MIKKELSON DRIVE AND THAT THE ZONE REMAIN INDUSTRIAL TWO (I-2) FOR THE AREA OF WEBER LANE, BOONE COUNTY KENTUCKY, AS REQUESTED BY THE BOONE COUNTY FISCAL COURT AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION R-51-87.

WHEREAS, the Boone County Planning Commission received a request to consider a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment request initially being a zone change fromo Industrial Two (I-2) to Suburban Residential One (sr-1) for the area of Mikkelson Drive and Weber Lane, 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 an adjustment to the initial request and further recommending approval of the zone change request from Industrial Two (I-2) to Suburban Residential One (Sr-1) on Mikkelson Drive and to have the zone reamin Industrial Two (I-2) on Weber Lane; and,

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 Industrial Two (I-2) to Suburban Residential One (Sr-1) for the area of Mikkelson Drive and that the zone remain Industrial Two (I-2) for the area of Weber Lane, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A"; and,

SECTION II

That as a basis for the recommendation of approval of the zone change request from Industrial Two (I-2) to Suburban Residential One (SR-1) for the area of Mikkelson Drive and that the zone remain Industrial Two (I-2) for the area of Weber Lane is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked "Exhibit B."

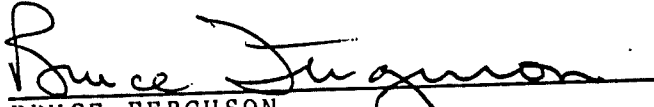
The Committee recommended approval for the zone change request from Industrial Two (I-2) to Suburban Residential One (SR-1) for the area of Mikkelson Drive and that the zone remain Industrial Two (I-2) for the area of Weber Lane based on the finding of fact and conditions as set forth in the Committee Report and marked as "Exhibit C."

SECTION III

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 9th day of September, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20th day of October, 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
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

11-5-87
DATE PUBLISHED