

REQUEST OF DON TUCKER TO PLACE THE EXISTING ZONING OF THE INTERSECTION AREA OF CAMP ERNST ROAD AND ROGERS LANE UNDER A SMALL COMMUNITY OVERLAY ZONE. ALSO, THE APPLICANT HAS REQUESTED A CONDITIONAL USE PERMIT TO ALLOW A TRUCK/AUTOMOBILE REPAIR FACILITY.
SEPTEMBER 23, 1987

The request is to place the existing zoning of Commercial One (C-1) and Suburban Residential One (SR-1) in a specific area around the intersection of Camp Ernst Road and Rogers Lane under a Small Community Overlay Zone. The area under review was requested by the applicant to include the following:

The area contained between the intersection of Rogers and Camp Ernst Roads; fronting approximately 1,000 feet on Camp Ernst and 800 feet on Rogers. Also a strip of ground fronting 1,000 feet on Camp Ernst directly across from the intersection property. The proposal is to limit the depth of this frontage to 200 feet.

History of Request

According to the applicant, the commercial repair of automotive vehicles began in 1968. The business operation expanded over the years as Mr. Tucker's reputation spread. In October, 1985, the applicant obtained a building permit for a one story, 1,920 square foot, accessory garage for "parking and storage of owner's vehicles." The application indicated that the garage would be accessory to the residential use of the property.

Late last year, the Zoning Enforcement Officer tried to contact the applicant since the commercial use of the property had begun to expand noticeably. No explanation or attempt at compliance were forthcoming until a letter of July, 1987, threatened legal action. Staff then met with a representative of the applicant, who agreed that this request for a Conditional Use Permit in conjunction with a Small Community Overlay could be an appropriate solution.

Surrounding Land Use and Zoning

The following reviews the surrounding land uses and zoning:

north: SR-1 and SR-2 - single-family residences, Rose Bud Stables, Ammon Wholesale Nursery, Willow Bend Subdivision, new Extension Office
south: SR-1 - single-family residences, farmland, Spiritual Freewill Baptist Church
east: SR-1 - single-family residences along Camp Ernst, Perry Lane, and Holbrook Lane, Oakbrook Subdivision across Gunpowder Creek
west: SR-1 - single-family residences, Hickory Hill Subdivision (UR-1 apartments in rear of subdivision), agricultural.

Relationship to Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map depicts the area as Medium Density Residential uses. The text of the Land Use Element addresses future growth in the Camp Ernst area on page L-14:

C-4 Camp Ernst Area

This section of the county will receive primarily residential development with commercial growth in the eastern portions. The subdivision growth discussed for the Burlington, KY 18 section will spill over to the northern edges of this section to approximately the transmission line area. Development on the remaining portions of Camp Ernst Road will be moderate. Oakbrook and the golf course will remain and the subdivision may tie in with new subdivisions in the area with the possibility of a road connection to Camp Ernst Road.

An objective of the Housing Element states on page G-3 that:

9. In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses.

Several objectives of the Business Activity Element, on page G-3, addresses location of commercial uses:

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.
3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

Staff Concerns Over Small Community Overlay

1. The request needs to be evaluated in terms of the existing and future growth characteristics of the Camp Ernst Road-Rogers Lane intersection area. The existing land uses indicated that the area has functioned as a residential area. Recently constructed homes in the area, as well as developing subdivisions, such as the adjacent O'Daniel Subdivision,

Willow Bend, and extensive growth on Pleasant Valley Road, indicate that the area will develop extensively as residential subdivisions. This growth is largely a result of urbanization of the Florence area and the upgrading of KY 18 in the last decade or so.

2. The area of the request lies within a mile of the major intersection of KY 18 and new KY 237, a location that will support considerable office, commercial, and public facilities development in the near future. The construction of such new roadways often shifts areas appropriate as community centers. The area between Florence and Burlington is rapidly developing into a major corridor of development and a focus of the overall Boone County community. As indicated in the Boone County Comprehensive Plan, the Camp Ernst Road-Rogers Lane area is already developing in a subdivision manner adjacent to this corridor. As is evident from the Comprehensive Plan and growth trends in the area, the Camp Ernst area may have been appropriate for a Small Community Center at one time; however, it is now part of the much larger, easily accessible, and rapidly growing, Florence-Burlington area of Boone County.
3. The types of uses that could be permitted as conditional uses under a Small Community Overlay district may not be as suitable for the request area as they would for nearby areas such as Burlington and the KY 18 corridor.
 - Public Facilities uses are conditionally permitted in the Small Community Overlay zone, and according to the Comprehensive Plan should be located in easily accessible areas. There are many of these services in Burlington and much public facilities development planned for the KY 18-KY 237 intersection area. These areas are much more accessible to service areas.
 - Urban Residential uses could be permitted as conditional uses. The Comprehensive Plan calls for locating these uses in areas of major arterial roads and to protect existing low density residential from infill of high density residential. The request area largely consists of low density residential uses.
 - Commercial Two (C-2) zone uses could also be permitted as conditional uses. As can be seen by the vacant condition of the commercial building as the corner of Camp Ernst Road and Rogers Lane versus the new commercial growth along KY 18, the request area is not functioning as a center of community development. The needs of the adjacent area, as well as the county, are being met in nearby areas of growth.

4. There is not currently a large variety of land uses in the request area. The existing commercial building is in a Commercial One (C-1) zone that allows neighborhood commercial uses. The rest of the request area supports residential uses and a truck repair shop that is not permitted in a residential zone. As is evident by the vacancy of the commercial use and the nature of the truck repair shop, the intersection area of Camp Ernst Road may not be able to provide for a small community center "where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community" (Boone County Zoning Regulations, p. 16-1). The Intent section of Article 16 (page 16-1) also refers to meeting "the needs of new community development in the county as well." There are many areas along the KY 18 corridor and other parts of Boone County with appropriate zoning that could accommodate the commercial uses within this request area.

Evaluation of Conditional Use Permit

As mentioned above, this request is not only for a Zoning Map Amendment, but also for a Conditional Use Permit. The Boone County Zoning Regulations lists seven general standards that the Board of Adjustment or Planning Commission must apply when considering such a request. The following reviews these standards:

1. The relationship of the proposed use to the Comprehensive Plan is examined first. As indicated earlier, the Future Land Use Map depicts the area as Medium Density Residential Uses. It also calls for the KY 18 corridor to experience the commercial, high density residential, and public facilities growth for the general area, and the Camp Ernst area to experience residential subdivision growth.
2. The current design, construction, operation, and maintenance of the car/truck repair is not harmonious and appropriate in appearance with the existing or intended residential character of the general vicinity. Staff feels the essential residential character of the area is often overpowered by large trucks awaiting repair in the applicant's front yard.
3. A repair facility could pose a potential hazard to existing or future neighboring uses.
4. The site is adequately served by essential public facilities.

5. Increased truck and automobile traffic to the site could create additional requirements at public costs for more frequent road improvements. Also, the potential need for increased police and fire protection would be detrimental to the economic welfare of the community.
6. A repair facility does involve uses, activities, processes, materials, equipment, and conditions of operation that can be detrimental to persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, and odors.
7. The current vehicular approaches to the property are not designed for the safest and most efficient access to the site. Staff feels, however, that proper driveways could be designed in conjunction with the Kentucky Department of Transportation.

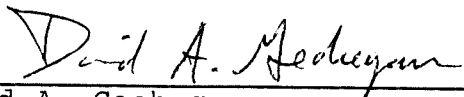
The Commission must also consider two criteria which apply to Conditional Uses in the Small Community.

- a. Should the Commission and the Fiscal Court decide that the area in question is indeed a small community center, the proposed activity of a automobile/truck repair could be an integral part of the area's function as such a center. However, the current scale of the use does detract from and conflict with the principal residential purpose of the center.
- b. The arrangement of the garage and parking is not compatible with the arrangement and organization of permitted uses to be protected. As stated above, the large number of trucks and automobiles awaiting service in the applicant's front yard overpowers the residential character of the area. The use may be less obtrusive if a limit were placed on the number of vehicles stored and if a proper screen could be planted or constructed.

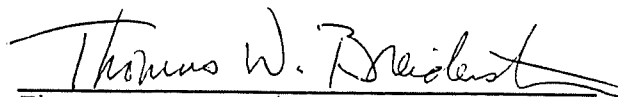
Conclusion

The request for the Small Community Overlay zone for the area around the intersection of Camp Ernst Road and Rogers Lane needs to be reviewed in its relationship to the Boone County Comprehensive Plan and the appropriateness of the area as a community center. The future growth patterns of Boone County also impact the appropriateness of the area as a community center. The requested area for the Small Community Overlay zone does not contain as much of a variety of uses without the existing church; however, the request does offer the opportunity to allow an existing use to become conforming.

The request for the Conditional Use Permit for the subject property must be reviewed in its relationship to existing and future surrounding land uses. A truck and car repair facility often involves conditions of operation that are incompatible with neighboring residential uses. However, should the request be granted, the Planning Commission would be empowered to prescribe certain supplementary conditions and safeguards which would have lessened the impact of an existing use on its neighboring residential uses.



David A. Geohegan,
Planner/Plans Examiner

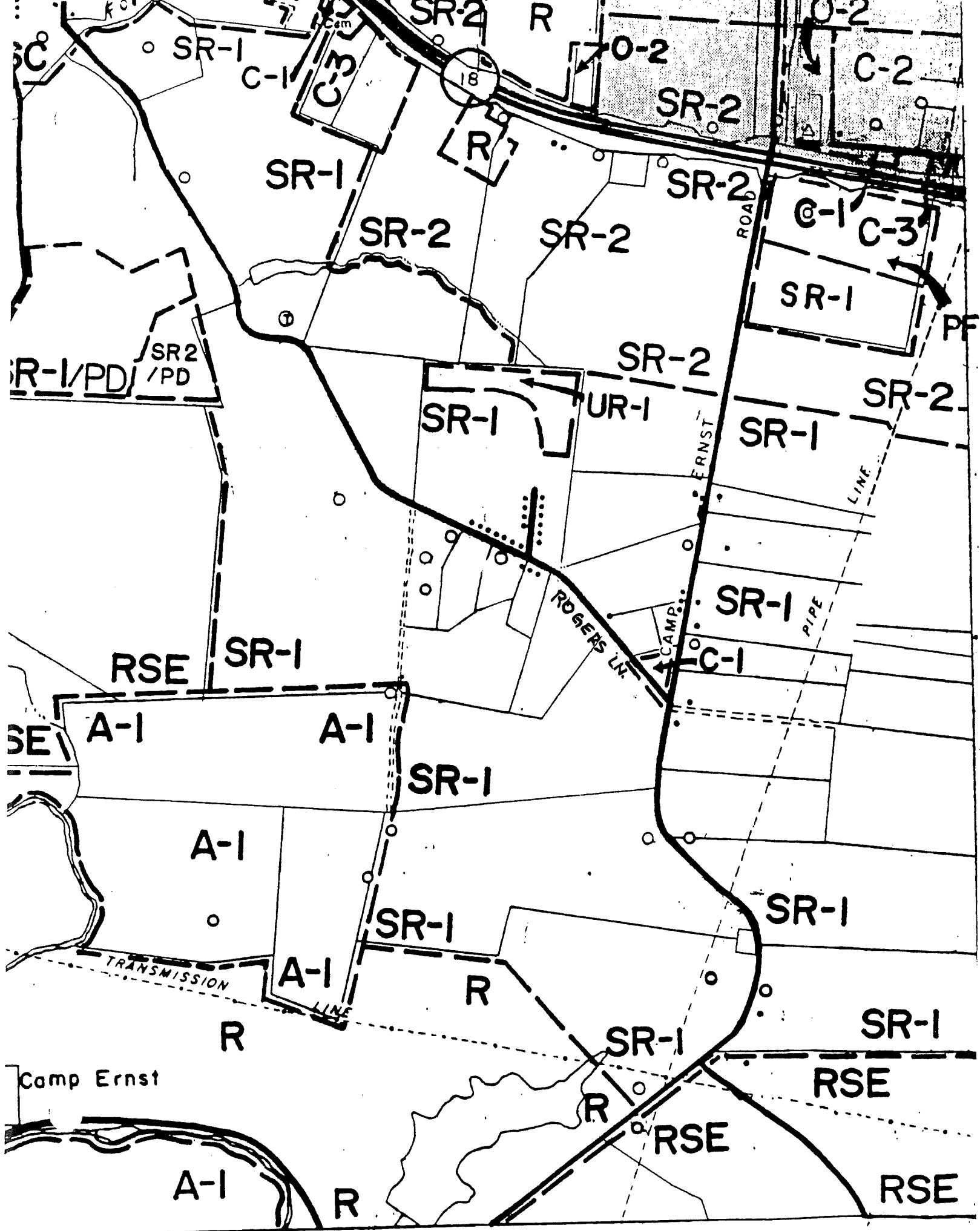


Thomas W. Breidenstein,
Zoning Enforcement Officer

DAG/TWB:mcb



The area contained between the intersection of Rodgers and Camp Ernst Roads; fronting approximately 1000 feet on Camp Ernst and 800 feet on Rodgers. Also a strip of ground fronting 1000 feet on Camp Ernst directly across from the intersection property. The proposal is to limit the depth of this frontage to 200 feet.



APPLICATION FOR ZONING ACTION

TO:

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

FOR:

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

Applicant: Don Tucker Owner

Address: 6680 Rodgers Road Burlington NC Agent

Telephone: 431-6064

Location: 6680 Rodgers Road Burlington NC

Name of Property Owner: DON TUCKER

Address of Property Owner: 6680 Rodgers Road Burlington NC

Zoning District: SR-1/C-1 Area in Acres: 200 X 250 CAMP ERNST

Deed Book: 337 Page Number: 54 Group Number: 165' X 100' Rodgers

Description of Request: _____

See Concept Plan

Applicant's Signature: _____

Property Owner's Signature: Don W. Tucker

Application Fee: #385 FOR PLANNING COMMISSION USE ONLY Date Received: 9-2-87 By: TWB

Referred To: TWB & DAG Meeting Date: _____

Action Taken: Approved Date of Action: 10/7/87

300 + 65 + 20

EXHIBIT "B"

PUBLIC HEARING ITEM #2

September 23, 1987

Page 1

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

2. Applicant: Don Tucker (owner)
Request: Zoning Map Amendment

This was a Public Hearing on a request of Don Tucker (owner) for a Zoning Map Amendment to place a Small Community Overlay over existing Suburban Residential One (SR-1) and Commercial One (C-1) zoning districts and to consider a Conditional Use Permit to allow a car and truck repair facility. The site is located at the intersection of Rogers Lane and Camp Ernst Road, Boone County, and is owned by Don Tucker.

Staff Members, Tom Briedenstein and Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Viox asked the applicant for his comments.

Mr. Peter Summe, an attorney, stated that he was representing the applicant, Mr. Don Tucker, and the co-applicants, Mr. Jack Tucker, Mr. Melvin Perry, and Robin Hill. Mr. Summe introduced the following abutting property owners who were also present: Mr. Bud Malapelli, Mr. Ackerman, Mr. Greg Tucker, Mr. Dave Tucker, and Mr. Jasper Henry.

Mr. Summe stated that there are people in the area who run small businesses out of their homes. He indicated that their request is to allow the area to remain single-family residential with a particular portion of it being allowed to grow into a small community. He indicated that the church in the area is not opposed to the request, but did not wish to join in the application. He stated that they know that if the proposed Small Community does not grow within two years, they will lose that designation. He added that it will, however, solve the problem of the existing garage being a non-conforming use. Mr. Summe indicated that he had chosen the boundaries of the proposed zone based on conversations with the residents and his belief that 200 feet off the road was a reasonable depth.

Counselor Wilson advised that there is not an automatic reversion back to the current zoning if all conditions are not met in two years. He noted that such a change would require a Public Hearing.

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

Mr. Don Tucker stated that he is not planning any future expansion of the garage. He added that he makes his living on the site and lives nearby.

Mr. Bud Malapelli asked what effect the rezoning would have on taxes. Counselor Wilson advised that a zone change does not automatically result in an increase in assessment. He referred Mr. Malapelli to Mr. Henderson's Office, the Boone County PVA.

Mr. Summe advised Mr. Malapelli that his property is not included in this request.

Mr. Viox asked if there was anyone present in opposition to the request or if there were any questions.

Mr. and Mrs. Tremble, property owners on Rogers Lane, questioned the amount of traffic that would be generated, the size of the trucks that would be serviced, the hours of operation, if the building on the corner would be part of the garage, and if there would be a sign on the property.

Mr. Don Tucker indicated his normal hours of operation, noting that he sometimes works on Saturdays, but is closed on Sundays and holidays. He stated that in the last three to four years he has had two large trailers on the site. He indicated that many of the vehicles parked around the garage area are not on his property. He added that there are many people living in the nearby subdivision that park their tractor trailers on the store lot and this is nothing to do with him. He noted that he is the only person working in the garage and can only do so much work. He does not intend to put up a sign or advertise.

Mrs. Lillian Tucker, the applicant's mother, stated that she and her husband own the store and will reopen it as a grocery store. She lives next to the garage site and they are not disturbed by it. She added that she is not aware of any of the neighbors being disturbed by the garage.

Mr. Viox asked if there were any further comments or questions. There being no further discussion, Mr. Viox stated that this request will be on the agenda for the Business Meeting on October 7, 1987 at 8 P.M..

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

A large, stylized handwritten signature, likely of Mr. Viox, written in black ink. The signature is cursive and somewhat illegible, but appears to start with 'W. Viox'.A smaller handwritten signature in black ink, possibly 'at Hancock'.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 7, 1987 8:00 P.M.

Mr. David Martin, Vice Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch
Mr. Lawrence Collins
Mr. Donald Davis
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. David Martin, Vice Chairman
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Floyd Sharp
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Paul Kroger, Chairman
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Vice Chairman Martin noted that each member had received a copy of the Minutes of the Business Meeting of September 16, 1987 and the Public Hearings held September 23, 1987 and asked if there were any comments or corrections.

There being no changes to the Minutes of the September 23, 1987 Public Hearings, Mr. McMillian moved that they be approved as written. Mr. Jones seconded the motion and it carried unanimously.

Following discussion of the Minutes of the Business Meeting of September 16, 1987, Mr. Viox moved that they be approved as written. Mr. Collins seconded the motion and it carried unanimously.

business, this facility will become a motel or condominiums. He stated that the homes in the area are valuable homes, as is Mr. Godsey's home. He noted that they had presented their position at the Public Hearing and added that this request should not be approved.

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

There being no further discussion, Mr. Barnett moved by resolution to the City of Florence that this request be approved as recommended by the Staff and Committee Reports, including the conditions. Mr. Burch seconded the motion. Mr. Moore stated that he would abstain from voting as he was not present at the Public Hearing and had not reviewed the Staff Report. All voting members were in favor of the motion and it carried.

2. Zoning Map Amendment

A request of Don Tucker (owner) for a Zoning Map Amendment to place a Small Community Overlay over existing Suburban Residential One (SR-1) and Commercial One (C-1) zoning districts and to consider a Conditional Use Permit to allow a car and truck repair facility. The site is located at the intersection of Rogers Lane and Camp Ernst Road in Boone County, Kentucky and is owned by Don Tucker.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request for a Small Community Overlay zone over the existing zoning and approval of the Conditional Use Permit, based on the findings of fact, but subject to conditions, as well as clarification of the Small Community Overlay zone boundaries (see Committee Report).

Vice Chairman Martin asked if there was anyone present who wished to speak in behalf of the request.

Mr. Peter Summe, attorney for the applicant, stated that in regard to Condition #1, they are dealing with an existing facility, not raw land. He noted that they do not have sufficient knowledge of the requirements to be able to guarantee that they can meet them. He stated that they will do the best they can but cannot ensure, for instance, that they can provide the required number of parking spaces.

Mr. Barnett stated that it was not the intent of Condition #1 to cause undue hardship, but for the applicant to comply with the regulations to the extent possible, such as providing paved parking.

Staff Member, Tom Briedenstein, stated that the Board of Adjustment has the power to exempt the applicant from the requirements. He stated that the intent was for the applicant to meet the requirements for a conforming use as much as possible, with an outlet via the Board of Adjustment.

Counselor Wilson advised that the applicant is indicating that by agreeing to Condition #1, they feel that they would be waiving the right to appeal to the Board of Adjustment. Mr. Summe agreed with Counselor Wilson's interpretation and requested that Condition #1 be amended to indicate that the applicant will do everything possible to conform to the zoning requirements.

Vice Chairman Martin stated that action on this request will be delayed until later in the meeting and that the Committee may want to amend the Committee Report during that time.

Following a ten-minute recess after hearing Agenda Item #12, Vice Chairman Martin recalled this request.

Mr. Newton read the Amended Committee Report, noting that Condition #1 had been changed to read, "The lot is to be paved and landscaped within one year or, if the top floor is utilized before that time period, paving will be required at that time in order to obtain a zoning permit." (see Amended Committee Report).

Mr. Summe stated that they are in agreement with the Amended Committee Report.

Counselor Wilson advised that approval of the Conditional Use Permit would be subject to approval of the Zoning Map Amendment by the legislative body. Mr. Davis stated that he would abstain from voting as he would be involved in this process.

Mr. Barnett moved by resolution to the Boone County Fiscal Court that the zone change request be granted. Mr. Jones seconded the motion. Mr. Davis abstained from voting for the reason noted. Mr. Moore abstained from voting as he was not present for the Public Hearing and had not reviewed the Staff Report. All voting members were in favor and the motion carried.

Mr. Barnett moved that the Conditional Use Permit be granted, if the Zoning Map is amended. Mr. Jones seconded the motion. Mr. Davis and Mr. Moore abstained from voting for the reasons noted. All voting members were in favor and the motion carried.

3. Site Plan Review

A request of Quality Forest Products, Inc. (owner) for Site Plan Review to make improvements to a 23.9-acre parcel located east of I-75 and south of KY 16 in Boone County, Kentucky. The site is zoned Industrial One (I-1).

Staff Member, Tom Briedenstein, presented the Staff Report which indicated that this Site Plan meets the requirements of Article 14 of the 1980 Boone County Zoning Regulations. Staff recommended approval (see Staff Report).

Staff Member, Kevin Costello, read the Committee Report which recommended approval based on the Staff and Engineer's Report.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: October 7, 1987

RE: Request of Don Tucker (owner) for a Zoning Map Amendment to place a Small Community Overlay over existing Suburban Residential One (SR-1) and Commercial One (C-1) zoning districts and to consider a Conditional Use Permit to allow a car and truck repair facility. The site is located at the intersection of Rogers Lane and Camp Ernst Road, Boone County, and is owned by Don Tucker.

REMARKS:

We, the Committee, recommend approval of both the request for a Small Community Overlay zone over the existing zoning and of the Conditional Use Permit to allow a car and truck repair facility. This recommendation is based upon the following finding of fact, and with the following conditions, as well as the following clarification of the Small Community Overlay zone boundaries. The applicant is being asked to agree to the conditions to further clarify the applicant's plans as presented at the 9/23/87 Public Hearing and to further clarify the uses and development for the presented plans.

FINDINGS OF FACT

The existing zoning classifications of Commercial One (C-1) and Suburban Residential One (SR-1) are inappropriate to reflect the current land uses and function of the area, while the proposed zoning classifications of Commercial One/Small Community Overlay and Suburban Residential One/Small Community Overlay are appropriate to reflect current land uses and to permit a variety of uses to serve the needs of the local community. The proposed truck repair facility, being reviewed in terms of a conditional use, will be compatible with the surrounding small community area as long as all applicable zoning regulations are met, and as further defined in the conditions of this report.

CLARIFICATION OF SMALL COMMUNITY OVERLAY ZONE BOUNDARIES

The area recommended to be placed under the requested Small Community Overlay zone shall contain the area requested by the applicant and advertised, with exception of any land south of Holbrook Lane on the east side of Camp Ernst Road. (see attached)

From the desk of:

GERALD NEWTON

Director/Zoning Administrator

New Condition # 1, Don Tucker Zone Change

The lot is to be paved and landscaped within one year or if the top floor is utilized before that time period, paving will be required at that time in order to obtain a zoning permit.

GN
10-7-87

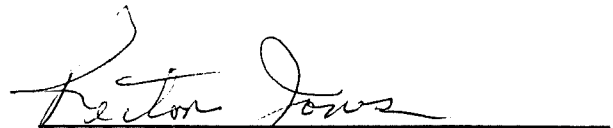
See Minutes

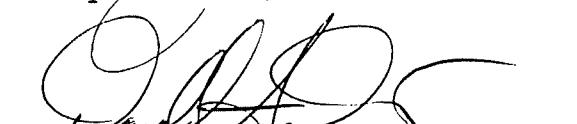
BOONE COUNTY PLANNING COMMISSION

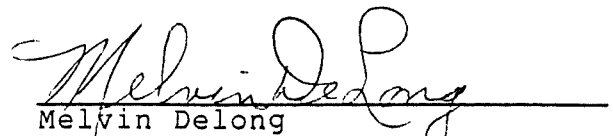
CONDITIONS

1. At such time as a commercial or office use is proposed in the currently vacant store on the corner of Camp Ernst Road and Rogers Lane, that use shall conform to all applicable codes and the Boone County Zoning Regulations. This would require items such as adequate paved parking area and landscaping.
2. No parking of truck trailers shall be permitted within the Small Community Overlay zone. Trucks awaiting service at the Tucker repair facility shall be the tractors only and no trailers.
3. The truck repair facility shall be required to undergo formal site plan review and conform to the Boone County Zoning Regulations. This will help ensure compatibility with adjacent land uses, as well as public safety and welfare that is the objective of the Zoning Regulations.
4. No free-standing signage will be permitted for the automobile/truck repair facility as indicated by the applicant during the Public Hearing. Since the applicant has indicated no intentions of installing signage on the site, any future plans for building-mounted signage will need to be reviewed by the Technical Committee. Signage for other Conditional Uses in the Small Community shall be as allowed by Article 19 of the Boone County Zoning Regulations or by the Board of Adjustment and Zoning Appeals.


Larry Barnett, Chairman


Rector Jones


Donald Davis


Melvin DeLong


Fred Burch


William Viox

ORDINANCE 920.135

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 TO PLACE A SMALL COMMUNITY OVERLAY OVER EXISTING SUBURBAN RESIDENTIAL ONE (SR-1) AND COMMERCIAL ONE (C-1) ZONING DISTRICTS FOR A SITE GENERALLY LOCATED AT THE INTERSECTION OF ROGERS LANE AND CAMP ERNST ROAD, BOONE COUNTY, KENTUCKY, AS REQUESTED BY DON TUCKER (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION (R-56-87).

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change to place a Small Community Overlay over existing Suburban Residential One (SR-1) and Commercial One (C-1) zoning districts for a site generally located at the intersection of Rogers Lane and Camp Ernst Road, 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 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 shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change to place a Small Community Overlay over existing Suburban Residential One (SR-1) and Commercial One (C-1) zoning districts for a site generally located at the intersection of Rogers Lane and Cap Ernst Road, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

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 his zone change request, shall be and are


ORDINANCE 920.135
PAGE 2.

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 3rd day of November, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 16th day of February, 1988, 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

July 30, 1987
DATE PUBLISHED