

STAFF REPORT  
OCTOBER 28, 1987

REQUEST OF TIMOTHY MCNEELY FOR PATRICIA QUAST (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL ONE (C-1) TO COMMERCIAL TWO (C-2) AND TO CONSIDER A CONDITIONAL USE REQUEST

This request is for a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2) and to consider a conditional use on the site. The 0.36 acre site is located on the southwest corner of Dixie Highway and Rogers Lane. The proposed conditional use on the site is car sales and rental.

Surrounding Land Uses and Zoning

Across Rogers Lane to the north is an existing liquor store that is zoned Commercial One (C-1). To the east across Dixie Highway is the Remke Shopping Center that is zoned Commercial Two (C-2). To the south is an existing retail strip center that is zoned Commercial One (C-1). A single-family residential subdivision exists to the west on Rogers Lane and is zoned Suburban Residential One (SR-1).

Characteristics of the Site

The site currently contains a vacant building originally used as a gasoline service station. The entire frontage along Dixie Highway is paved while a grass area exists behind the building. There is one curb cut on Rogers Lane and one curb cut on Dixie Highway. No freestanding lights or signs exist on the property.

Relationship to the Boone County Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Lane Use Map depicts the site as future Commercial uses borderline to medium density residential uses. Page L-19 of the Land Use Element discusses the location of commercial development in the Florence section:

"Commercial development in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. The coordination of curb cuts and parking lot tie ins in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads."

Page G-3 contains the Goals and Objectives of the Business Activity Element and special objectives for commercial development:

"Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space."

McNeely Concept Development Plan

The submitted Concept Development Plan indicates that the existing building and pavement would be utilized for the proposed car sales and rental use. The plan indicates the existing grass area to the rear of the building and two existing curb cuts.

Proposed Conditional Use

The request is for a conditional use permit for a car sales and rental business in the requested Commercial Two (C-2) zone. Article 2 of the Boone County Zoning Regulations contains seven general standards used to consider conditional use requests. These are evaluated below:

1. Should the zoning map amendment be approved, the proposed would be in accordance with the Boone County Comprehensive Plan.
2. The proposed use utilizes existing facilities and is similar to past uses on the site. With no expansion of facilities or project area, the intended use would not change the essential character of the area, other than the visual impact of the storage of vehicles.
3. The intended use, if operated at a normal scale, would not be hazardous to neighboring uses.
4. The site is served adequately by essential public services.
5. Staff can find no reason that the intended use will create excessive public cost or be detrimental to the economic welfare of the community.

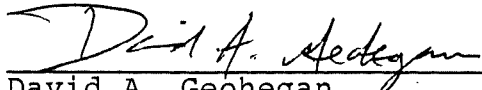
6. The intended use could potentially affect the adjacent residential land uses through lighting/glare, noise, and/or traffic generation if appropriate measures are not taken to minimize those effects.
7. The site contains two existing curb cuts. The cut on Dixie Highway does not meet the Boone County Access Management Regulations and may cause conflict with traffic entering and leaving Rogers Lane and adjacent businesses.

#### Staff Concerns

1. Since Dixie Highway has recently been upgraded to a three-lane roadway, the character of the area has begun to change. The trend of uses has been toward supermarket, retail, office, and convenience purchase uses along Dixie Highway. These types of uses provide the goods and personal services for daily living needs. The proposed use would introduce a use designed to provide a major purchase opportunity that may or may not be appropriate to the business district. The appearance of the site is also very important along Dixie Highway. Although the front portion of the site is entirely paved, provision for landscaping would be necessary. The applicant should also consider commitments to signage and lighting should the request be approved.
2. The submitted Concept Development Plan depicts the grass area at the rear and side of the site. It is not clear as to whether this area would remain in its current condition or be used for part of the proposed business, such as storage of vehicles. This would have a profound visual impact on the adjacent single-family residential uses. Potential noise impacts may arise from phones or paging devices, and lighting of the lot could also impact adjacent residential uses.
3. The proposed use may generate test-driving traffic, that instead of trying to access Dixie Highway, may decide to utilize Rogers Lane. People test-driving cars are often unfamiliar with the local streets and potentially create more traffic conflicts than people accustomed to using the local streets.
4. The existing access point on Dixie Highway does not meet the Boone County Zoning Regulations and may cause conflicts with Rogers Lane and adjacent commercial access points. The Dixie Highway curb cut should be eliminated and the Rogers Lane curb cut modified to provide orderly ingress and egress to the site.

Conclusion

The requested Zoning Map Amendment and Conditional Use Request propose a use that needs to be reviewed in terms of its compatibility with the Dixie Highway business district. The proposed use is a major purchase opportunity while adjacent uses provide convenience items and daily living needs. Should the Boone County Planning Commission and Florence City Council approve the request, the Boone County Comprehensive Plan would not need to be adjusted.



---

David A. Geohegan  
Planner/Plans Examiner

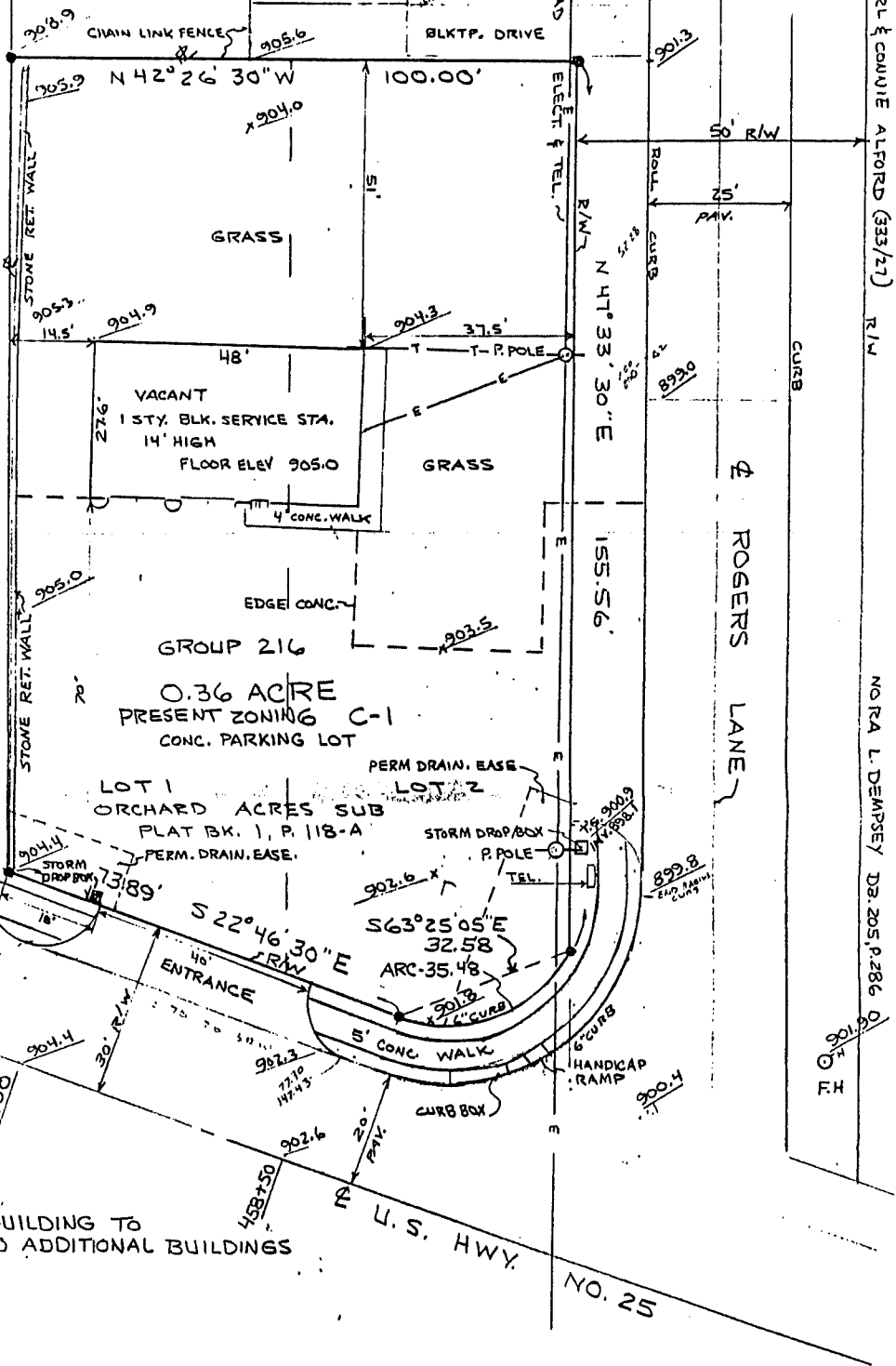
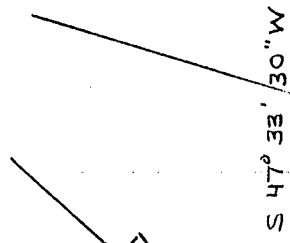
DAG/jdh

1 STY BRICK COM.  
ESTER HANCOCK  
DB. ZZZ, P. 100

PEARL & SARAH  
DB. 198, P. 681

LOT 3

1 STY  
BRICK  
RES.



NOTE: NO GRADING.  
SIZE OF EXISTING BUILDING TO  
REMAIN SAME. NO ADDITIONAL BUILDINGS

SITE-CONCEPT DEVELOPMENT PLAN  
PATRICIA A. QUAST PROPERTY  
BOONE COUNTY - FLORENCE - KENTUCKY  
7800 DIXIE HWY.

INTERSECTION OF U.S. 25 & ROGERS LN.  
REF. DB 336, P. 188

1" = 20'

TIMOTHY R. McNEELY  
REG LAUD SURVEYOR  
6256 MAIN ST  
BURLINGTON, KY. 41005

*Timothy R. McNeely*



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
- Appeal or Variance
- Sign or Zoning Permit

Applicant: TIMOTHY R. McNEELY  Owner  
 Address: 6256 MAIN ST  Agent  
BURLINGTON, KY. 41005 Telephone: 586-6497

Location: 7800 DIXIE HWY., FLORENCE, KY. - INTER. US 25 & ROGERS LN.

Name of Property Owner: PATRICIA QUAST 371-3318 <sup>371-8080</sup> (Dentist)

Address of Property Owner: 7020 Dixie Hwy Flo Ky 41042

Zoning District: C-1 Area in Acres: 0.36

Deed Book: 336 Page Number: 188 Group Number: 216

Description of Request: ZONE CHANGE FROM C-1 TO C-2

PROPOSED USE - RENTAL AND CAR SALES

Applicant's Signature: Timothy R. McNeely

Property Owner's Signature: Patricia Quast

Application Fee: \$536 FOR PLANNING COMMISSION USE ONLY Date Received: 10/7/87 By: J. Miller

Referred To: Dave G. Meeting Date: N.B. 10/7/87 PH 10/28/87

Action Taken: Approved w/ conditions Date of Action: 11/4/87

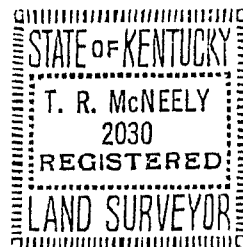
EXHIBIT "A"

## DESCRIPTION OF 0.36 ACRE

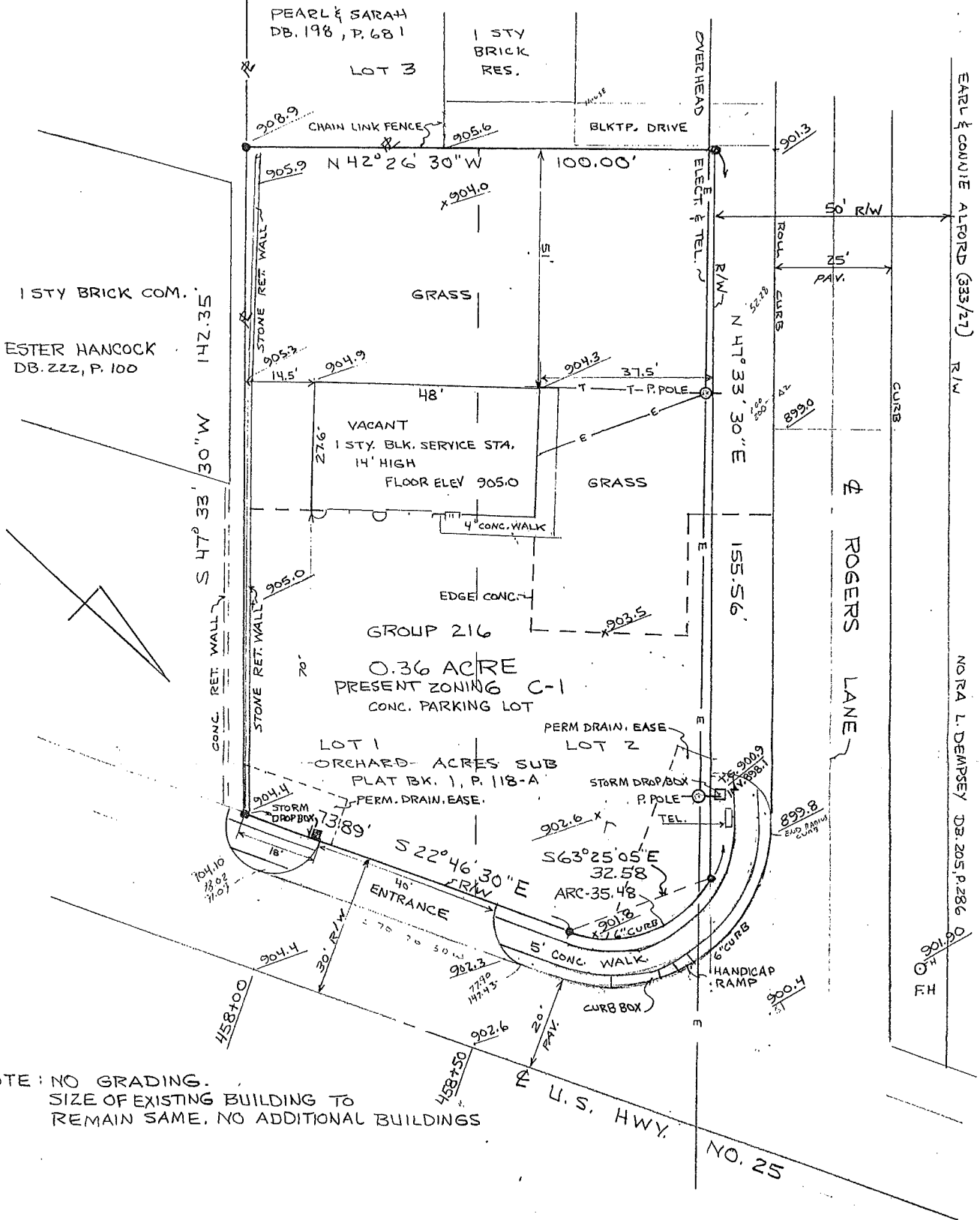
Located in Boone County, Florence, Kentucky, lying on the southwest side of U.S. Highway 25 and the southeast side of Rogers Lane being all of the remaining part of Lots 1 and 2 of Orchard Acres Subdivision as shown and recorded in Plat Book 1 page 118-A and is described as follows;

Beginning at a point in the southeast right-of-way line of Rogers Lane common corner of Lot No. 2 and 3 of Orchard Acres Subidivision; thence with said right-of-way N  $47^{\circ} 33' 30''$ E 155.56 Feet to a point in the right-of-way line of U.S. Highway No. 25 (51.22 Feet left of centerline station 458+8608); thence with the right-of-way of U.S. 25 along the arc of a curve, said arc whose chord is S  $63^{\circ} 25' 05''$ E 32.48 Feet, 32.58 Feet to a point (30 Feet left of centerline station 458+61.36); thence S  $22^{\circ} 46' 30''$ E 73.89 Feet to a point corner of Ester Hancock (Deed Book 222, page 100); thence with Hancock S  $47^{\circ} 33' 30''$ W 142.35 Feet to a point common corner of Lot 1 and 3; thence with the common line of Lots 1, 2 and 3 N  $42^{\circ} 26' 30''$ W 100.00 Feet to the point of beginning containing 0.36 acres and subject to all legal right-of-ways and easements of record.

Being all of the remaining property conveyed to Patricia A. Quast by deed recorded in Deed Book 336, page 188 in the Boone County Clerks Office at Burlington, Kentucky.



*T. R. McNeely*



NOTE: NO GRADING.  
 SIZE OF EXISTING BUILDING TO  
 REMAIN SAME. NO ADDITIONAL BUILDINGS

SITE-CONCEPT DEVELOPMENT PLAN  
 PATRICIA A. QUAST PROPERTY  
 BOONE COUNTY - FLORENCE - KENTUCKY  
 7800 DIXIE HWY.

INTERSECTION OF U.S. 25 & ROGERS LN.  
 REF. DB 336, P. 188 1" = 20'

TIMOTHY R. McNEELY  
 REG. LAND SURVEYOR  
 6256 MAIN ST  
 BURLINGTON, KY. 41005

*Timothy R. McNeely*



EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5  
October 28, 1987

Page 1

Mr. William Viox opened the Public Hearing for the third item to be heard, which was Public Hearing Item #5.

5. Applicant: Timothy R. McNeely for Patricia A. Quast (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on a request of Timothy R. McNeely (applicant) for Patricia A. Quast (owner) for a Zoning Map Amendment from the current zoning of Commercial One (C-1) to Commercial Two (C-2) for a 0.36-acre site located at the southwest corner of U.S. 25 (Dixie Highway) and Rogers Lane, Florence, Kentucky. The application includes a request for a Conditional Use Permit for a rental and car sales facility.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Tim McNeely stated that he is a land surveyor, that he prepared the Development Plan, and is representing the owner. He stated that the proposed use of the site is a car sales and rental facility. There would be approximately 25 cars on the lot. The existing building will be remodeled and cleaned. No grading is planned. Mr. McNeely stated that access to the property will be via Rogers Lane through the existing curb cut. The existing curb cut on U.S. 25 will be blocked off and not used. There will be no lights at the rear of the property and no outside phone paging.

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

Mr. Dave Quast, one of the owners of the property, stated that the C-2 Zone is appropriate and noted other C-2 uses in the area. He stated that the site was used as a Texaco station from 1958 to 1963, and then there was a car repair and cleaning operation on the site.

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

Mr. McMillian questioned the difference between the buffer required when a C-1 Zone abuts a residential use and a C-2 Zone abuts a residential use.

Mr. Geohegan stated that the required buffer under these circumstances would be 20 feet for a C-1 Zone and 25 feet for a C-2 Zone. Mr. McNeely stated that the 51-foot buffer zone will remain.

Mr. McMillian questioned the need for a noise barrier. Mr. Geohegan stated that it would be up to the Committee to determine if additional buffer is needed beyond what is existing.

Counselor Wilson stated that he had received questions regarding the use of the rear grass area. Mr. McNeely stated that they did not plan to use this area and that it would be maintained in its current condition.

Counselor Wilson also noted that he had received questions regarding what type of service would be performed on the site.

Mr. Doug Schmidt stated that there would be no heavy mechanical or body work performed, only auto clean up which would be done inside the building. Mr. Schmidt stated, in response to Mr. Larry Collins, that he will be operating the facility.

Mr. Viox asked if there were any further comments or questions. There being none, he advised that this item will be on the agenda for the Business Meeting on November 4, 1987 at 8 P.M..

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

APPROVED:

*William Viox* <sup>SAW 11-5-87</sup>  
\_\_\_\_\_  
William Viox

ATTEST:

*Jan Hancock*  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

November 4, 1987            8:00 P.M.

---

---

Mr. Paul Kroger, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
Mr. Lawrence Collins  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Paul Kroger, Chairman  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch  
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 October 21, 1987 and the Public Hearings held October 28, 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 October 21, 1987 and the Public Hearings of October 28, 1987 be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

4. Zoning Map Amendment and Conditional Use Permit

A request of Timothy R. McNeely (applicant) for Patricia A. Quast (owner) for a Zoning Map Amendment from the current zoning of Commercial One (C-1) to Commercial Two (C-2) for a 0.36-acre site located at the southwest corner of U.S. 25 (Dixie Highway) and Rogers Lane, Florence, Kentucky. The application includes a request for a Conditional Use Permit for a rental and car sales facility.

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

Chairman Kroger asked the applicant for his comments.

Mr. McNeely stated that the applicant was concerned about the screening requirements along Dixie Highway. Mr. Quast agreed and asked for clarification of the condition.

Mr. Newton reread Condition #3 and noted that this condition is in regard to landscaping, not screening. Staff Member, Dave Geohegan, agreed and stated that it may be necessary to remove some of the concrete or possibly to place planters on top of the concrete.

Following this clarification, Mr. Quast stated that he accepts the Committee Report and the findings therein.

Mr. Collins moved that the request be approved based on the findings of fact contained in the Committee Report and subject to the conditions noted and that the appropriate legislative body be notified. Mr. McMillian seconded the motion. Mr. Barnett abstained from voting as he has an interest in a possibly competitive business. Mr. Moore also abstained from voting on the basis that he has an interest in a competitive business. All voting members were in favor and the motion carried.

5. Zoning Map Amendment

A request of Raymond T. Kunz (owner) for a Zoning Map Amendment on an 11.18-acre parcel located on the south side of Easton Road and west of Idlewild Road, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Agricultural Estate (A-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Chairman Kroger asked the applicant for his comments at this time. The applicant was not present.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman of Zone Change Committee

DATE: November 4, 1987

RE: Request of Timothy R. McNeely (applicant) for Patricia A. Quast (owner) for a Zoning Map Amendment from the current zoning of Commercial One (C-1) to Commercial Two (C-2) for an 0.36 acre site located at the southwest corner of U.S. 25 (Dixie Highway) and Rogers Lane, Florence, Kentucky. The application includes a request for a Conditional Use Permit for a rental and car sales facility.

## REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request and Conditional Use Permit based upon the following finding of fact and with the following conditions.

Finding of Fact

1. The Zoning Map Amendment is in conformance with the Boone County Comprehensive Plan. The Future Land Use Map indicates commercial usage for the site and the Committee feels that the requested use provides a business activity adjacent to an arterial and respective of its trade area, as called for in the Comprehensive Plan. Specific references to the Comprehensive Plan are made in the Staff Report. In addition, the Committee can find no reason that the proposed use, as modified by the conditions in this report, would have a negative impact on the surrounding land uses or otherwise violate the seven criteria used to evaluate a Conditional Use request. Specific discussion appears in the Staff Report.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan and proposed Conditional Use in order to clarify the plan presented at the 10/28/87 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The curb cut on Dixie Highway shall not be utilized by this or any subsequent business on the site. The Committee also encourages the Kentucky Transportation Cabinet to remove the curb cut entirely. Also, during Preliminary and Site Plan Review, the curb cut on Rogers Lane may be required by the Planning Commission to be modified since the existing curb cut is somewhat undefined and is very wide.

