

REQUEST OF MITCHAEAL WADE FOR A ZONING MAP AMENDMENT FROM  
SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3)  
January 27, 1988

This is the request of Mitchael Wade for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow an auto body repair facility. The +4.75 acre tract, located at the end of Squire Drive between I-75/71 and Crescent Drive in the Highland Acres Subdivision (east side), is owned by Mitchael Wade (by land contract from Larry and Annette Ramsey).

History

In October, 1986, the applicant was issued an Occupational License for "rebuilding of salvaged vehicles" and "paint and body repair." In July of last year, the applicant removed a large amount of trees and shrubs from the property, exposing the garage to interstate traffic. Therefore, after our office received a complaint, a Notice of Violation was written (on August 10, 1987) to the applicant advising him that such activity was not permitted in a residential zone. After repeated warnings, a criminal complaint was filed. This action prompted Mr. Wade to file for a Zoning Map Amendment. A continuance has been granted by the District Court to allow this request to be processed.

Surrounding Zoning and Land Uses

All adjoining properties are zoned SR-1. Adjacent land uses include:

- North: residential (Highland Acres Subdivision)
- South: residential (Highland Acres Subdivision)
- East: residential (Highland Acres Subdivision)
- West: residential on west side of I-75/71 (Highland Acres Subdivision)

During the 1986 Comprehensive Plan update, property across Mt. Zion Road from the entrance to the subdivision was rezoned from SR-1 to C-3. This change was made in response to the proposed Mt. Zion interchange, scheduled for construction in the Spring of 1990. No changes in zoning were made for the other three quadrants of the proposed interchange in an effort to maintain the residential character of the area.

Site Features

The subject property, relatively flat along the interstate, slopes gently down to an 8 foot drainage easement along the eastern property line (behind the houses on Crescent Drive). Soils of the site include Jessup Silt Loam (12 to 30 percent slopes), which has severe limitation to building due to its slope and high shrink-swell potential, and Rossmoyne Silt Loam (0 to 6 percent slopes), which has moderate limitations to building according to the Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky.

The property advertised for the zone change has four structures - the applicant's house, swimming pool, and shed, as well as the body shop found to be in violation. A gravel and dirt one-way driveway has been made from the end of Squire Drive to the garage. This drive off of Squire is the only

vehicular access to the site. The applicant stores cars awaiting service in a gravel, dirt, and grass area in front of the garage. The garage itself has been constructed approximately 10 feet from the right-of-way fence of the interstate.

#### Future of Site

As mentioned above, the proposed Mt. Zion Road interchange is scheduled to begin construction in the Spring of 1990. Preliminary construction plans filed with the Planning Commission office indicate that the applicant's body shop will be removed since it is located in the expanded right-of-way. The applicant will lose approximately 0.5 acres at the northern corner of the property for the new exit ramp. A reduction of the proposed construction is attached.

#### Concept Development Plan

The applicant has written: "At this time there is no Concept Development Plan; therefore, any future development would be presented for approval at the time any development would be planned." Additionally, the applicant has not requested a waiver of the requirement for a Concept Development Plan. Should the zone change request be approved without such a plan, the property could be developed for any of the C-3 uses, including lumber yards, sale of mobile homes, and used car sales. The complete list of principally permitted, accessory, and conditional uses in the C-3 is attached.

#### 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). The map calls for the entire Highland Acres Subdivision to remain residential, with only properties on the north side of Mt. Zion Road and on the west side of I-75 to be future commercial. The Land Use Element of the Plan makes much reference to the proposed Mt. Zion interchange:

"The Mt. Zion interchange will have the single largest impact on this area. The west side of the interchange will develop rapidly with the new accessibility but must do so in a manner so as not to disrupt much of the existing residential development. As outlined in the Housing Element, the west side of the interchange would be an ideal location for higher density residential development. This is compatible with the residential character of the area besides providing housing opportunities for employees of the Florence urban area, and would provide a limit to over expansion of commercial activity towards Union.

Commercial activity associated with the interchange should be concentrated on the northeast quadrant. Most of the existing residential development is south of Mt. Zion although the Mobile Home Park Uses will experience pressure from high land values in the future. Any commercial development should occur carefully with attention paid to

effects on traffic. This is important because increasing amounts of residential traffic will be entering the area from the west and additional industrial traffic from development along US 25 will need to access I-75 from the east. The placement of commercial uses in the northeast quadrant of the interchange should also provide a buffer to the industrial expansion from the Northern Kentucky Industrial park. The northwest quadrant of the interchange should contain any higher density residential development that occurs. Low-density, neighborhood scale offices uses should occur on the southwest quadrant. Any such development should be carefully done to minimize impacts on neighboring residential uses and on traffic characteristics of the area. As with all new interchanges, a specific plan for the area impacted by the placement of the new interchange should occur while the engineering aspects are being determined. Transportation and land use planning need to be a joint-venture." (p. L-21) (Underlines were added for emphasis.)

Two objectives of the Housing Element of the Plan read:

- "#8 Existing sound residential areas/neighborhoods shall be conserved, and deteriorated residential areas with redeeming qualities should be regenerated.
- #9 In implementing the land use plan, those areas of the county proposed for residential use shall be protected from incompatible land uses." (p. G-2)

Three objectives of the Business Activity Element read:

- "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." (p. G-3)

The Business Activity Element further explains that commercial activity generated by the proposed Mt. Zion interchange should be concentrated east of I-75 and along U.S. 25.

### Conclusion

The purpose of the C-3 zoning district is to:

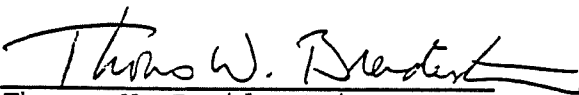
"provide, control and centralize those types of commercial activities which: a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas, and c) which do not fit the scale, character,

trade area, and general objectives of the other commercial districts in this article or the employment districts defined in Article 10. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting, and other spaces and improvements as possible." (p. 9-8, 1986 Boone County Zoning Regulations)

Also, the Commission and Fiscal Court must find that the request meets the following criteria before granting approval:

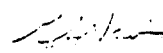
1. The Zoning Map Amendment is in agreement with the adopted Comprehensive Plan; or
2. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Should the Commission recommend, and the Fiscal Court ultimately approve, this request, the 1986 Boone County Comprehensive Plan Future Land Use Map will need to be altered.

  
Thomas W. Breidenstein,  
Zoning Enforcement Officer

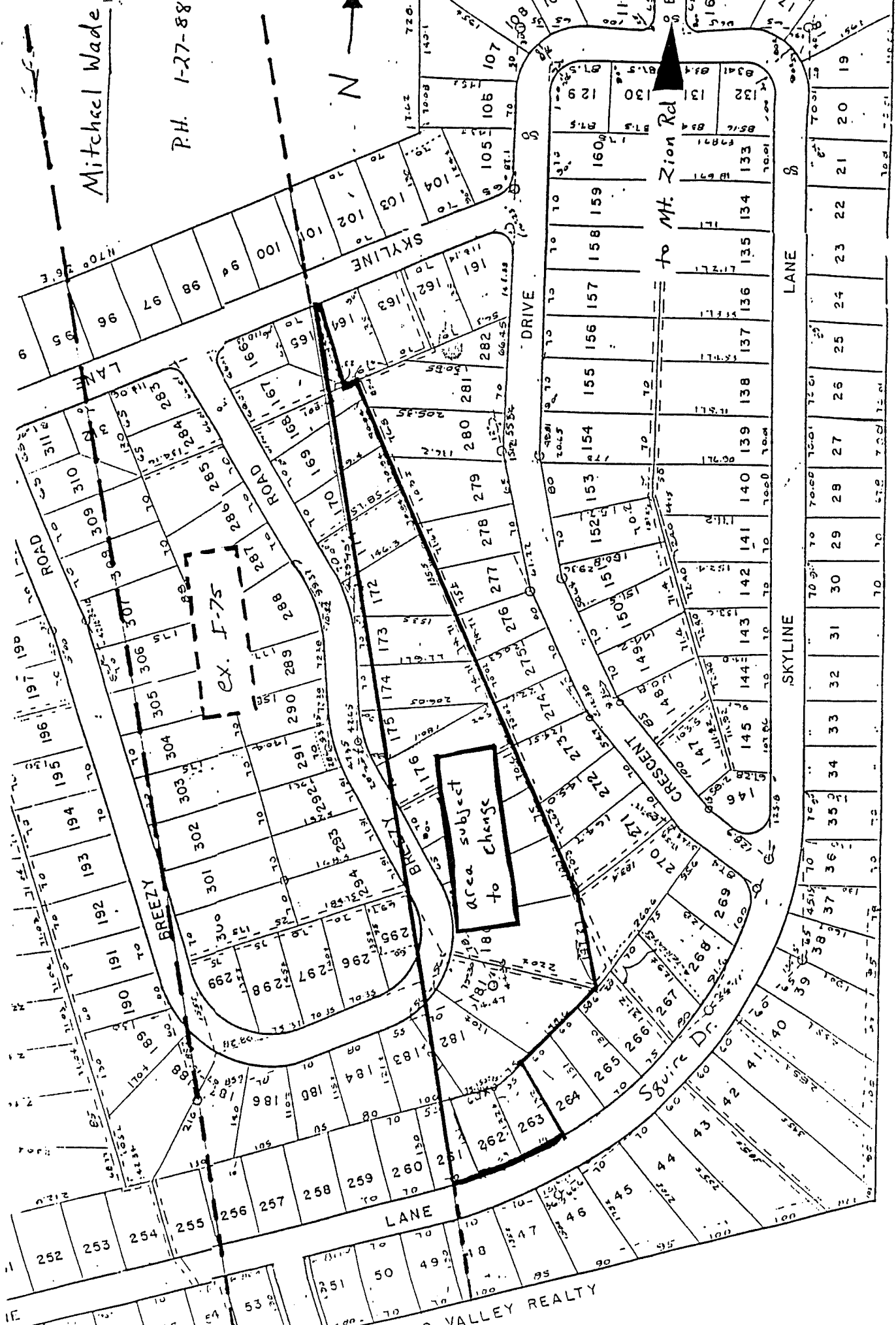
March, 1985

TWB:mcb

 11-83

Mitchel Wade

P.H. 1-27-88



Area subject to change

OHIO VALLEY REALTY

**MITCHELL MADE - Zoning Map Amendment (SR-1 to C-3)**  
 - Public Hearing 1-27-88

MADE house  
 10247 Squire Dr.

SCALE: 1"=50'  
 SHEET TOTALS  
 STA. 525+00 TO STA. 590+00  
 FOR CONSTRUCTION

existing gravel  
 and dirt driveway

existing right-of-way

centerline I-75

North

existing  
 body shop

proposed  
 right-of-way

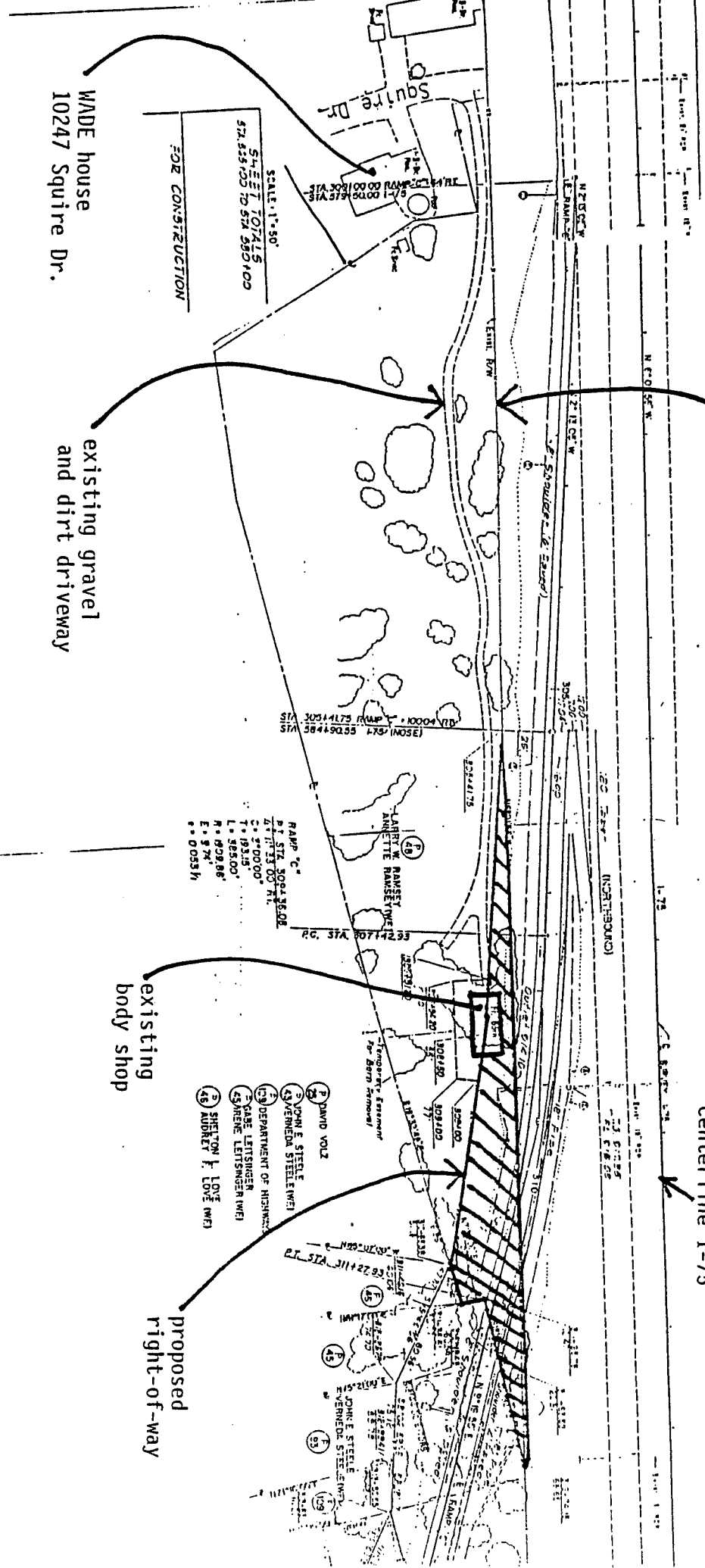


applicant's property to be taken  
 by new right-of-way

RAMP "C"  
 PT. STA. 502+38.08  
 Z = 11.33 00° H.  
 C = 700.00'  
 T = 19.315'  
 L = 95.00'  
 R = 1929.86'  
 E = 9.74'  
 S = 0.0533h

- 44 BRAND VOLZ
- 45 JOHN E. STEELE
- 46 WERNER STEEL (WFI)
- 47 DEPARTMENT OF HIGHWAYS
- 48 STANE LETSINGER
- 49 STANE LETSINGER (WFI)
- 50 MORTON F. LOVE
- 51 MORTON F. LOVE (WFI)

- 52 JOHN E. STEELE
- 53 WERNER STEEL (WFI)
- 54 JOHN E. STEELE
- 55 WERNER STEEL (WFI)
- 56 JOHN E. STEELE
- 57 WERNER STEEL (WFI)
- 58 JOHN E. STEELE
- 59 WERNER STEEL (WFI)
- 60 JOHN E. STEELE
- 61 WERNER STEEL (WFI)



# Boone County Kentucky ZONING MAP

## LEGEND

- A-1
- A-2
- R
- RSE
- RS
- SR-1
- SR-2
- UR-1
- UR-2
- UR-3
- MHP
- R-1F
- C-1
- C-2
- C-3
- C-4
- O-1
- O-2
- I-1
- I-2
- I-3
- PF
- A
- /PD
- /SC
- /H
- (CD)

Approved August 1981, Amended - 12/12/81  
 Prepared by  
**BOONE COUNTY PLANNING COMMISSION**  
 Legislative Approval District 1, Boone County, Kentucky  
 with the assistance of the Boone County Planning Commission  
 and the Boone County Planning Commission  
 1111 East Main Street, Boone, Kentucky 40309  
 Department of Community Development  
 (202) 338-1111, Boone County Planning Commission

This representation of this document was prepared with the assistance of the Boone County Planning Commission and the Boone County Planning Commission, Boone County, Kentucky, and the Boone County Planning Commission, Boone County, Kentucky.

Section Map Index

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40

SCALE  
 0 1000 2000 FEET

SECTION 12



\*MITCHAELE WADE property

C-3 uses

Section 940

COMMERCIAL SERVICES (C-3)

The purpose of the commercial services district is to provide, control and centralize those types of commercial activities which: a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 10. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials, District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

Section 941

Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

3. Sales and service of new and used motor vehicles including tires, batteries and accessories;
4. Major furniture, floor coverings, household appliances and home furnishing outlets;
5. Eating and drinking establishments including alcoholic beverages, entertainment, drive-in and fast food franchises;
6. Specialized sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers and motorcycles;
7. Sale of mobile homes;
8. Farm and garden supply outlets including equipment and vehicles;
9. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
10. Equipment, automobile, truck rental and leasing services;
11. Gasoline service stations, ~~truck---steps~~ (\*See Status of Amendments), automobile repair, maintenance and wash services including auto body work, but excluding junk yards, wrecking or other storage;
12. Liquor and beverage sales.
13. Sale of satellite dishes;
14. Grocery stores and supermarkets;
15. Convenience stores;
16. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services;
17. Postal services;
18. Florists including greenhouses;
19. General dry goods and merchandise stores;
20. Department stores, mail order houses, direct retail selling organizations of general merchandise;
21. Household appliances, china, glassware and metal ware;
22. Medical and dental laboratory services.

Section 942

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
  - a. Stages and similar assembly areas;
  - b. Auditoriums, exhibition halls and other public assembly spaces;
  - c. Amusement centers;
  - d. Tennis courts and billiards;
  - e. Play lots, tot lots, recreation centers and similar athletic uses;
  - f. Swimming beaches and swimming pools;
  - g. General, leisure, ornamental and other park spaces;
2. Dwelling unit of the family of the owner-operator or resident manager including:
  - a. Private garage and parking;
  - b. Structures such as fences and walls;
  - c. Buildings such as storage sheds;
  - d. Appropriate storage of a recreation vehicle or unit;
  - e. The keeping and use of appropriate household pets;
3. Directional and incidental signage (See Article 19);
4. Parking (See Article 18);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of the permitted use.

Section 943

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Small scale leasing of new and used automobiles including but not limited to the storage of no more than 50 vehicles.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district.

3. Churches, synagogues, temples and other places of religious assembly for worship only where the membership area is of magnitude requiring regional visibility and accessibility.
4. Hotels and motels including convention facilities;
5. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district.
6. Truck stops (\*See Status of Amendments).

Section 945

Intensity

The intensity of use in a Commercial Services (C-3) district is 18,000 - 20,000 square feet of gross floor area per 1 acre.

Section 946

Minimum Size

The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

Section 947

Minimum Standards

See Table 1 for dimensional standards. (Site plan review required for all permitted uses. See Article 14.)

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: MITCHEL WADE

- Owner
- Agent

Address: 10247 SQUIRE DRIVE

FLORENCE, KENTUCKY 41042

Telephone: (606) 525-6326

Location: 10247 SQUIRE DR. FLORENCE, KY 41042 BOONE COUNTY

Name of Property Owner: MITCHEL WADE

Address of Property Owner: 10247 SQUIRE DR. FLORENCE, KY 41042

Zoning District: BOONE COUNTY Area in Acres: APPROX. 5.0

Deed Book: PLAT BOOK 3 247 Page Number: 2,303 Group Number: #419, #412, #411, #422

Description of Request: I REQUEST A ZONE CHANGE ON AFOREMENTIONED PROPERTY FROM THE PRESENT SR-1 ZONING TO C-3 ZONING. AT THIS TIME THERE IS NO CONCEPT DEVELOPMENT PLAN, THEREFORE ANY FUTURE DEVELOPMENT WOULD BE PRESENTED FOR APPROVAL AT THE TIME ANY DEVELOPMENT WOULD BE PLANNED.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

FOR PLANNING COMMISSION USE ONLY

Application Fee: \$457 Date Received: 12-1-87 By: GAN

Referred To: \_\_\_\_\_ Meeting Date: new business

PH 1-27-88

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

EXHIBIT "A"

Parcel 1

BEGINNING at a point in the east 150' Right of Way line at station 578+67.5, thence leaving said R/W N. 6°29' W. 269.0'; thence leaving said R/W and following east line of dedicated street N 51°31' E. 41.1'; N. 36°30' W. 54.2'; N. 4°55' E. 58.0'; N. 27°13' W 55.0'; N. 32°40' W. 114.5' to a point in the east Interstate R/W line; thence following said R/W N. 6°29' W. 745.5' to station 591+82.0; thence leaving R/W and following east property line of lot #165, S 25°13' E. 111.3' to point in north property line of lot #168; thence following said lot line N. 72°57' E. 23.0' to lot corner; thence following lot line of a series of lots as shown on plot of Highland Acres Subdivision S. 20° E. 330.5' S. 13°20' E. 147.5'; S. 51°44' W. 233.2'; S 78°19' W. 62.1; S. 17°12' E. 116.5'; S. 74°18' W. 33.3' to point of beginning and containing 4.05 acres.

For a Plat of this Parcel of Land, see Deed Book 177, Page 334.

Being the same property conveyed to grantors by deed dated 29, 1971, and recorded in Deed Book 195, page 377, Boone County Clerk's records at Burlington, Kentucky.

Parcel 2 (See description attached on page 1A.) Parcel 3 (See description attached on page 1A)  
2. Purchasers agree to pay for the above property the

amount of \$17,000.00, to be paid as follows:

- (a) The sum of \$1,000.00 to be paid in cash upon the signing of this Contract, the receipt of which is acknowledged by the signing;
- (b) The balance of \$16,000.00, together with interest at the rate of 12% per annum on the unpaid balance,

Parcel 2

Group No. 419

Located generally in the Highland Acres Subdivision Plat Book 3 Page 2 and Group #419 on the North side of Skyline Lane and described thus; BEGINNING at the South common corner of Lots #261 and #262 of said subdivision as referenced in the North line of Skyline Lane; thence running with a chord of a curve in the South line of Lot #262, N 69-50 E 9.56 feet; thence leaving said line and running on a line partitioning said lot N 6-54 W 127 feet or sufficient to reach the North line thereof; thence S 78-5 W 35.75 feet to the common North corner of Lots #261 and #262; thence with the common line of said lots, S 18-40 E 129 feet to the place of beginning CONTAINING 2880 square feet and subject to legal easements of record and in existence.

The above described parcel of land comprises a portion off the West side of said lot #262 of said subdivision as mentioned and referenced above.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S.

Being part of the same property conveyed to the grantors, Larry W. Ramsey and Annette Ramsey, his wife, by deed dated February 11, 1974, and recorded in Deed Book 207, page 350 of the Boone County Clerk's Records at Burlington, Kentucky.

Subject to restrictions (1) through (9), inclusive, as set out in Deed Book 110, page 323.

Parcel 3

Group no. 410,411,422

Located generally in Boone County Groups Numbers 410, 411 & 422 and being a portion of Breezy Road of the Highland Acres Subdivision as shown in Plat Book 3, Page 2 and described thus:

BEGINNING at the intersection of the East right-of-way line of Interstate Highway #75, with the East line of Breezy Road and the front line of lot #176 of said subdivision; thence Southeast, South and Southwest with the East line of Breezy Road 385 feet or sufficient to intersect said right-of-way line of Interstate Highway #75 and the front of lot #182; thence crossing Breezy Road, N 6-37-57 W 70 feet or sufficient to intersect the West line of Breezy Road; thence Northeast and North therewith, 140 feet or sufficient to intersect the West right of way line of Interstate Highway #75; thence crossing Breezy Road, N 6-37-57 W 140 feet or sufficient to reach the place of beginning, containing approximately 13,000 square feet.

The above described parcel comprises that portion of Breezy Road on which lots numbers 176 to 182 abut on the East side and which lots numbers 294 and 295 abut on the West side. Said lots are in Groups numbers 410, 411 and 422. The plat of Highland Acres Subdivision is recorded in Plat Book 3 at page 2 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. and L.S. November 29, 1982.

following-described property, situated in Boone County, Commonwealth of Kentucky, to wit:  
Being all of Lot No. Two Hundred Sixty-three (263) and part of Lot No. Two Hundred Sixty-two (262) of the Highland Acres Subdivision as shown on plat recorded in Plat Book 3, Page 2 of the Boone County Clerk's Records at Burlington, Kentucky, and more particularly described as follows:

Beginning at the common corner of Lots 263 and 265 of said subdivision in the north line of Skyline Lane; thence with the said north line of Skyline Lane with a curve to the right and in the southwesterly direction 70 feet to reach the common corner of Lots 262 and 263 therein; thence continuing with said curve in a southwesterly direction, a distance of 59 feet to a point in the south line of said Lot 262 (the north line of Skyline Lane); thence running in a northerly direction on a line partitioning said lot 262, N. 6°54' West 128.5 feet to the north line thereof; thence therewith in a northeasterly direction 24.25 feet to the north common corner of Lots 262 and 263; thence in a northeasterly direction with the north line of Lot 263, 55 feet to the northeast corner thereof; thence in a southeasterly direction with a common line of Lots 263 and 264, 132 feet or sufficient to reach the place of beginning. This description was prepared by Noel Walton, Ky. Rge. P.E.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4  
January 27, 1988

Page 1

Following a five-minute recess, Chairman Viox opened the Public Hearing for the fourth item on the agenda, which was advertised for 8 P.M.:

4. Applicant: Mitchael Wade (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on a request of Mitchael Wade (owner) for a Zoning Map Amendment for property located at 10247 Squire Drive, Boone County, Kentucky. The 5-acre site is located south of Mt. Zion Road and just east of I-75. The request is to rezone the 5-acre site from Suburban Residential One (SR-1) to Commercial Services (C-3).

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Viox asked the applicant for his comments.

Mr. Tom Willenborg, representing the applicant, stated that the car repair business is Mr. Wade's part-time and evening business. He was given an occupational license in 1985 and applied for a permit to operate in 1986. There is no signage on the site and it is not a commercial auto body repair shop. Mr. Wade wants to continue with his present use, for which he has a license. They do not want any of the other uses permitted in the C-3 Zone.

Mr. Wade stated that he has been repairing salvage vehicles since 1981. He applied for his license and pays his sales tax. He stated that once the new intersection goes through, the value of his property will be gone. Mr. Wade stated that if he built homes on his property he would not be able to sell them due to the noise level, which will increase when the truck route goes through to the industrial park. He stated that his use of the property does not increase the traffic.

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

Mr. Gerald Sanfous, a resident of Crescent Drive, stated that this repair shop is directly behind his house. He stated that there is no water to Mr. Wade's building and no fire protection available other than through his front yard. He stated that the fluids and chemicals used are dangerous. He stated that Mr. Wade hauls the cars to the site on a truck and there is work going on at 3 a.m. and 4 a.m.. The site is visible from his deck

and looks like a junkyard. He stated that at one time a cigarette was thrown from the expressway and a field caught fire. He stated that this use was hazardous and the site drains onto his property. He stated that the cars parked on the site provide places for intruders to hide and have quick access to the expressway. He asked that the request be denied.

Mr. Ray Stallworth stated that he is opposed to the zone change as in the future any use could go on the site.

There being no further comments, Chairman Viox asked if there were any questions from the Commission.

Mr. DeLong stated that he would be concerned about traffic problems in the future if the property were sold. He stated that a Concept Development Plan was needed.

Mr. Wade stated that the contract by the Highway Department would be let on December 15, 1988 and his building will not be there after that.

Chairman Viox asked if anyone else wanted to comment.

Mr. J. D. Wooten of Crescent Drive stated he is concerned about the appearance of this facility and the protection services, such as fire protection. He stated that the residents are opposed to this request.

Mr. Barnett noted the criteria needed to be met in order to justify a zone change. He stated that he had not heard evidence in the presentation to indicate why the zoning should be changed.

Mr. Willenborg stated that the applicant has had a license for this use since 1981. He added that in conversations between the Staff and the applicant, the Staff advised him to apply for a zone change. He noted that there is action pending in criminal court against Mr. Wade.

Mr. Barnett stressed that he had not heard any of the necessary evidence. He stated that he did not see the need to change the zone to correct a violation.

Mr. Breidenstein stated that the criteria referred to by Mr. Barnett is contained in the Staff Report.


Mr. Willenborg stated that he did not think the criteria could be met.

Margaret Loomis asked if the zoning of this property were changed to C-3 and the intersection did not go through, could the property be parceled off and sold to commercial businesses. She stated that this could bring traffic through their subdivision. Mrs. Loomis lives on Crescent Drive.

Counselor Wilson advised that the application states that there would be no Development Plan without first submitting a Concept Development Plan. However, those properties would be entitled to some C-3 uses at some point.

There being no further discussion, Chairman Viox stated that this item would be on the Agenda for the February 3, 1988 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:

  
William Viox, Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 3, 1988            8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
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. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of January 20, 1988 and the Public Hearings of January 27, 1988 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 January 20, 1988 and the Public Hearings of January 27, 1988 be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. McMillian and it carried unanimously.

4. Zoning Map Amendment

A request of Mitchel Wade (owner) for a Zoning Map Amendment for property located at 10247 Squire Drive, Boone County, Kentucky. The 5-acre site is located south of Mt. Zion Road and just east of I-75. The request is to rezone the 5-acre site from Suburban Residential One (SR-1) to Commercial Services (C-3).

Staff Member, Tom Breidenstein, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Collins moved that the request be denied based on the Committee Report. Mr. Damstrom seconded the motion.

Chairman Viox asked the applicant if he wished to comment.

Mr. Wade stated that he is a disabled Vietnam Veteran and that denial of this request affects his livelihood. He stated that the site is useless as residential property.

Mr. Gerald Sanfous asked that the request be denied. He stated that Mr. Wade knew the land could not be built on when he bought it.

Chairman Viox asked if there were any comments or questions from the Commission.

Mrs. Bushelman asked if the auto repair shop represented a livelihood or a hobby for Mr. Wade.

Mr. Wade stated that it is a livelihood.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Collins to deny the request and it carried unanimously.

5. Zoning Map Amendment

A request of Fred Kissel (agent) for Carter Lumber Co. (owner) for a Zoning Map Amendment to expand an existing business at 10060 Dixie Highway, Boone County, Kentucky. The request is to rezone the 8.6-acre site from Industrial One (I-1) to Commercial Services (C-3).

Staff Member, Kevin Costello, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He noted that the applicant is being asked to agree to include these items as part of the Concept Development Plan.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: February 3, 1988

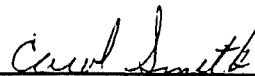
RE: Request of Mitchael Wade (owner) for a Zoning Map Amendment for property located at 10247 Squire Drive, Boone County, Kentucky. The 5 acre site is located south of Mt. Zion Road and just east of I-75. The request is to rezone the 5 acre site from Suburban Residential One (SR-) to Commercial Services (C-3).

REMARKS:

We, the Committee, recommend denial of the requested Zoning Map Amendment based on the following findings of fact:

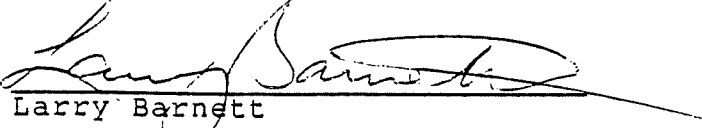
1. The proposed map amendment is not in agreement with the 1986 Boone County Comprehensive Plan which indicates the future use of the subject property, as well as all adjoining properties except the interstate, to be Medium Density Residential. The Plan further explains that commercial activity associated with the proposed Mt. Zion Road interchange should be concentrated in the northeast quadrant of the interchange. Other references to the Comprehensive Plan are found in the Staff Report.
2. The current zoning classification is appropriate and the proposed commercial zoning and use, the rebuilding of salvaged vehicles, is inappropriate due to the property's limited access through Highland Acres East residential subdivision and surrounding land uses.
3. There have been no major changes of an economic, physical, or social nature not anticipated in the 1986 Boone County Comprehensive Plan that substantially alters the area's character. The Plan describes in some detail the impact of the proposed Mt. Zion interchange. Additionally, the Boone County Planning Commission recommended and the Boone County Fiscal Court approved a change of zoning for the northeast quadrant of the interchange only during the 1986 update leaving the other three quadrants zoned SR-1.
4. The applicant has not sufficiently shown the land use reasons or facts necessary to grant a Zoning Map Amendment.

  
 \_\_\_\_\_  
 Fred Burch, Chairman

  
 \_\_\_\_\_  
 Carol Smith

\_\_\_\_\_  
 Rector Jones

  
 \_\_\_\_\_  
 Donald McMillian

  
 \_\_\_\_\_  
 Larry Barnett

R-6-88

RESOLUTION 03-88-02

A RESOLUTION REQUESTING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-1) FOR A SITE LOCATED AT 10247 SQUIRE DRIVE, BOONE COUNTY, KENTUCKY, BEING REQUESTED BY MITCHEL WADE (OWNER), THE INTENDED USE IS AN AUTO BODY SHOP. THE BOONE COUNTY PLANNING & ZONING COMMISSION IS RECOMMENDING DENIAL VIA PLANNING & ZONING RESOLUTION R-6-88.

WHEREAS, the Boone County Fiscal Court received a recommendation for denial 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 Services (C-3) for a site located at 10247 Squire Drive, 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 was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial 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 denial, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a site located at 10247 Squire Drive, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for denial is more particularly described in attached "Exhibit A".

SECTION II

That as a basis for the recommendation of denial of the zoning map amendment request 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 Resolution and marked as "Exhibit B" and "Exhibit C".

RESOLUTION 03-88-02

PAGE 2

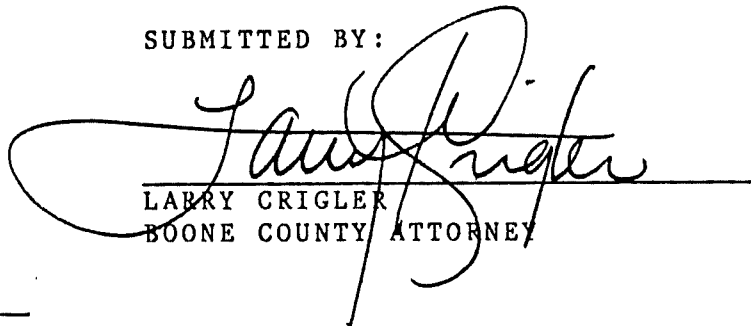
Introduced, seconded and given First Reading on the 8<sup>th</sup>  
day of March, 1988, and on the same occasion  
denied in open session by the Boone County Fiscal Court.

  
\_\_\_\_\_  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

March 8, 1988  
\_\_\_\_\_  
DATE