

REQUEST OF FRED KISSEL (AGENT) FOR CARTER LUMBER CO. (OWNER)
FOR A ZONING MAP AMENDMENT FROM
INDUSTRIAL ONE (I-1) TO COMMERCIAL SERVICES (C-3)
January 27, 1988

This is a request of Fred Kissel for Carter Lumber Co. (owner) for a Zoning Map Amendment to Commercial Services (C-3) to allow expansion of their existing retail sales operation. The current zoning of the 8.6 acre site is Industrial One (I-1). The retail sales operation is a pre-existing, non-conforming use in the I-1 zone.

The submitted Concept Development Plan indicates expansion of the showroom area towards Dixie Highway. The proposed addition is approximately 2,700 square feet and would almost double the existing showroom space. The resulting setback would be about 80 feet. A future lumber storage building is also indicated toward the rear of the site. A railroad spur enters the site at this location. The plan indicates new customer parking north of the showroom building, and proposes a relocation of the curb cut on Dixie Highway.

Natural Features of the Site

The site slopes generally to the rear except for the area immediately adjacent to Dixie Highway. The rear portion of the site supports heavy brush, while the southeast corner includes a small portion of a lake. Soils present on the site include Jessup Silt Loam (JeD) usually found on slopes of 12 to 20 percent, and two types of Rossmoyne Silt Loam (RsB and RsC) usually found on slopes of 0 to 12 percent.

Surrounding Land Uses and Zoning

To the north of the site is an existing lawn mower repair shop and vacant property to Mt. Zion Road. This area is zoned Industrial One (I-1). East of the site are the railroad tracks. The area east of the tracks is zoned Industrial Two (I-2). South of the site is an existing mobile home park which is in a Mobile Home Park zoning district. West, across Dixie Highway, are two convenient markets/gas stations and some vacant property. This area is zoned Commercial One (C-1).

Relationship to Comprehensive Plan

The Boone County Comprehensive Plan Future Land Use Map depicts the site as commercial usage. In addition, the text of the Land Use Element addresses the immediate area on page L-21:

"To the east of US 25 only light manufacturing should occur and southward expansion should be tempered by locational factors including the interchange access and association to the existing industrial park. The frontage along US 25 would be suitable for commercial activity with access management provisions and the proposed industrial development behind. The frontage on the east of US 25 will contain a mixture of commercial and light industrial uses."

Page B-15 of the Business Activity Element addresses the location of commercial uses relative to the proposed Mt. Zion Interchange:

"The proposed Mt. Zion interchange should have any commercial activity concentrated to the east of I-75 and along Highway 25."

In addition, page G-3 includes Goals and Objectives for the location of commercial uses in Boone County:

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.

2. Future commercial development shall be encouraged, whenever practicable, to occur in the forms 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 influence."

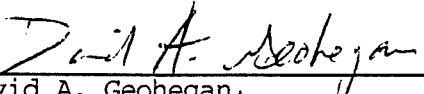
Staff Concerns

1. The primary concern of staff is the proposed relocation of the access on Dixie Highway. The current access point has poor sight distance and would be discontinued. The proposed access point would be at the crest of the rise and, therefore, would afford good sight distance. One area of concern, however, is that the proposed curb cut would be only about 100 feet from Mt. Zion Road which intersects on the opposite side of Dixie Highway. The proposed access could easily align with the Convenient Mart drives across Dixie Highway. The next access point to the north of Carter Lumber Co. would be for the mower repair and would allow a spacing of approximately 275 feet which is the required minimum through the Access Management Regulations.
2. Truck circulation on the site will have to be addressed in more detail at subsequent review stages.

3. Since the main building would be extended closer to Dixie Highway, appropriate architecture, landscaping, lighting, and signage are very important. Lighting for the proposed storage building should also not adversely impact the existing mobile home park to the south.

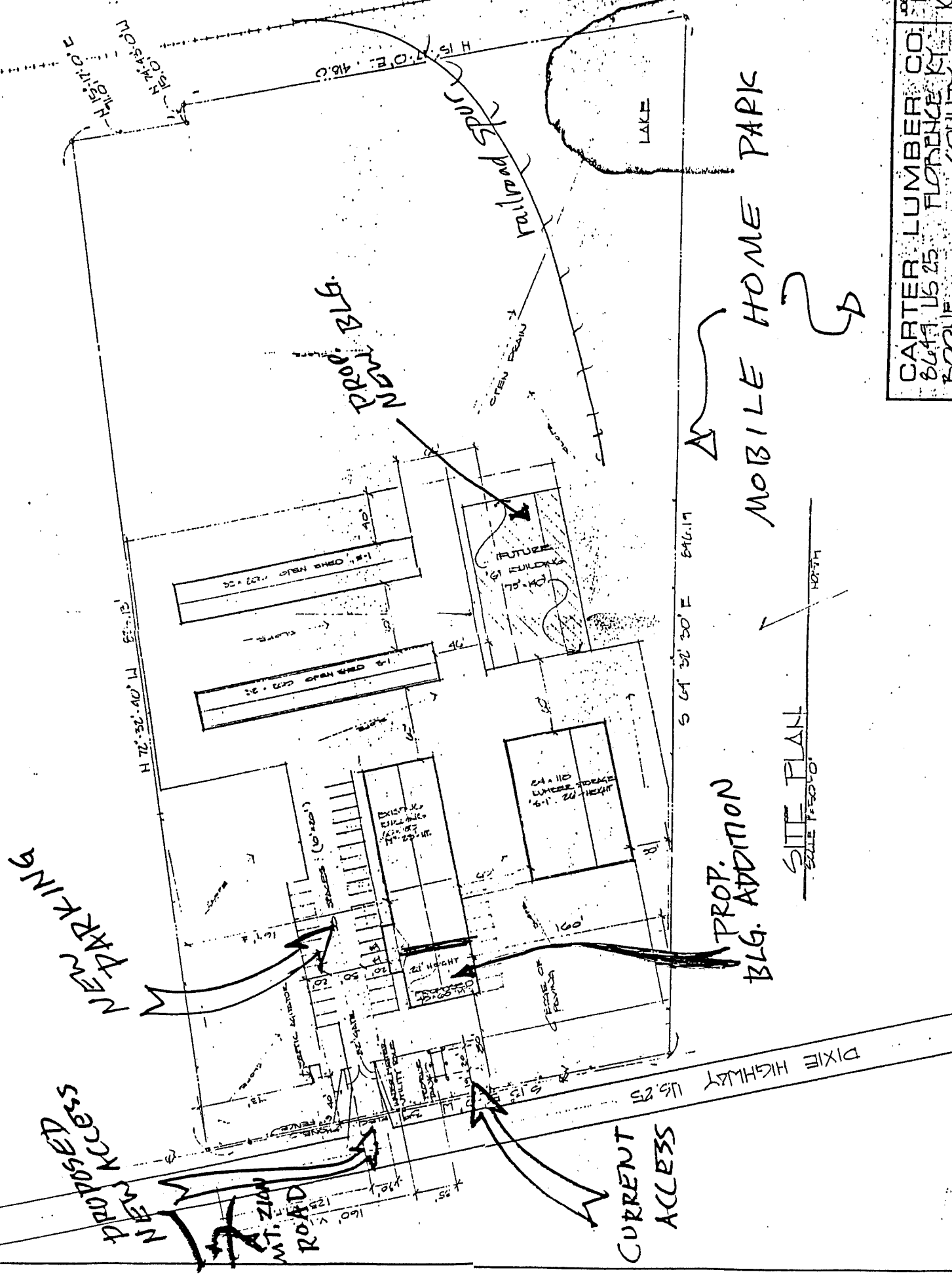
Conclusion

This Zoning Map Amendment request needs to be reviewed in light of the Boone County Comprehensive Plan and the anticipated growth characteristics of the Dixie Highway corridor. Should the request be approved by the Boone County Planning Commission and the Boone County Fiscal Court, the Comprehensive Plan would not need to be adjusted.



David A. Geohegan,
Planner/Plans Examiner

DAG:mcb



JOB NUMBER	121
CARTER LUMBER CO.	8641 US 25
FLORENCE KY	BOONE COUNTY KY 25
DATE	
SHEET	2

MOBILE HOME PARK

PROP. ADDITION

SITE PLAN
SCALE 1" = 20'

CURRENT ACCESS

NEW PARKING

NEW OCCUPIED

NEW OCCUPIED

PROP. BLDG.

OPEN FIELD

LAKE

RAILROAD SPUR

S 64° 30' 30" E 84.617'

H 72° 52' 40" W 85' 13"

H 15° 17' 0"

H 21° 45' 0"

H 15° 17' 0" E 416.0'

H 72° 52' 40" W 85' 13"

S 64° 30' 30" E 84.617'

DIXIE HIGHWAY US 25

H 128' x 160'

H 15° 12' 30" E 125' 10"

H 15° 12' 30" E 125' 10"

H 15° 12' 30" E 125' 10"

H 15° 12' 30" E 125' 10"

H 15° 12' 30" E 125' 10"

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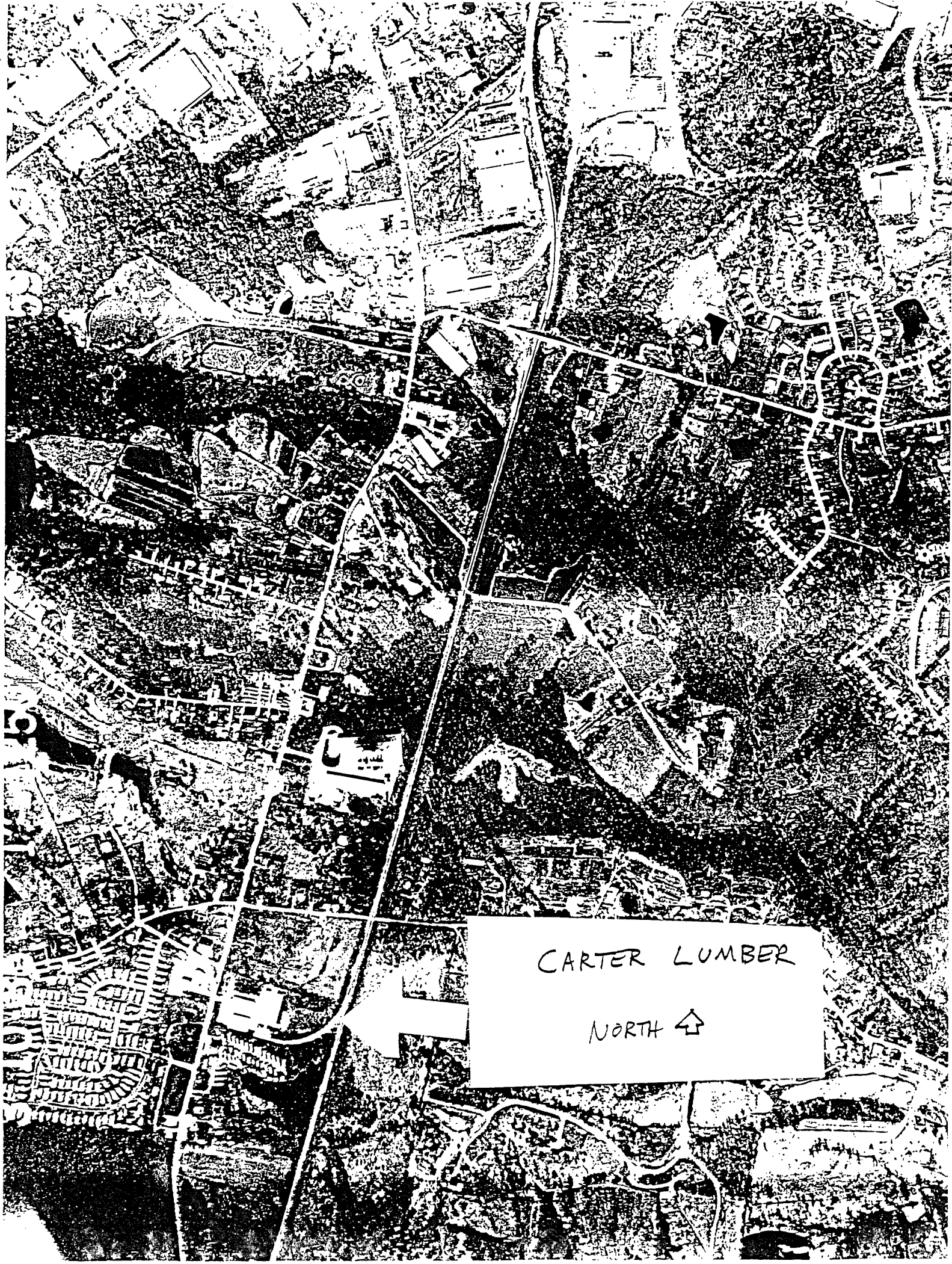
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CARTER LUMBER

NORTH ↕

Boone Kent ZONING LEG

- A-1 Agricultural
- A-2 Agricultural
- R Residential
- RSE Residential
- RS Residential
- SR-1 Suburban
- SR-2 Suburban
- UR-1 Urban
- UR-2 Urban
- UR-3 Urban
- MHP Medium Density Residential
- R-1F Residential
- C-1 Commercial
- C-2 Commercial
- C-3 Commercial
- C-4 Commercial
- O-1 Office
- O-2 Office
- I-1 Industrial
- I-2 Industrial
- I-3 Industrial
- PF Public Facility
- A Airport
- /PD Planned
- /SC Small
- /H Historic
- Airport
- Zone
- Improvement
- Voluntary
- Concept

CARTER LUMBER (CD)

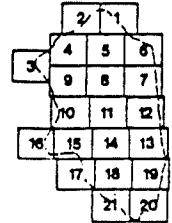
Refer to Article 5, Section 10.010 for Interdistrict boundaries.

Revised AUGUST, 1988

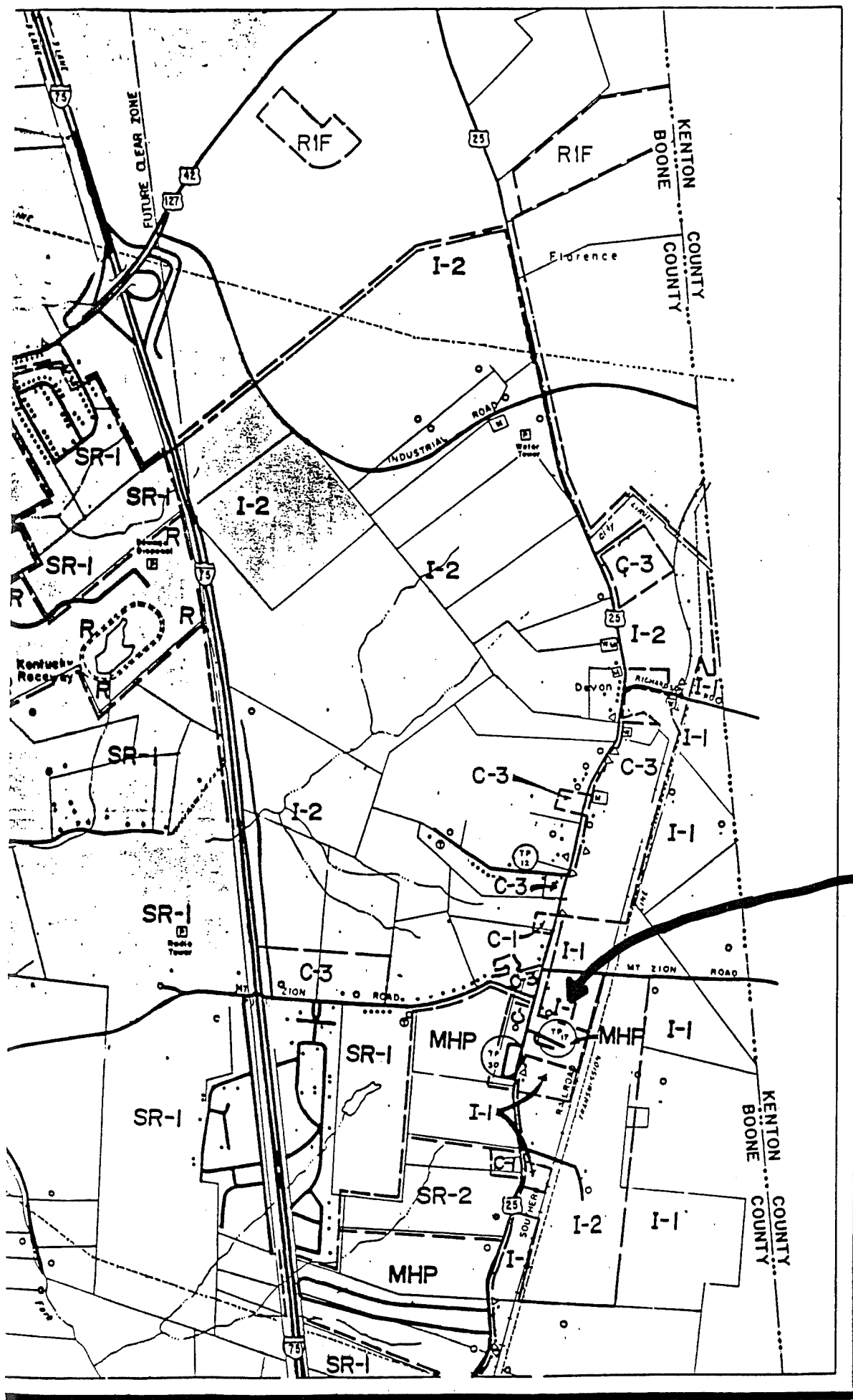
Prepared by
BOONE COUNTY PL
Legislative Approval Date
Board Ct. 12/19/88, Pub. 12/22/88
WALTON 1/26/87
BASE MAP SOURCE: U.S. Geol. Surv. Series Topographic Maps, Department of Commerce, Zoning (1963), Boone Co. (1979).

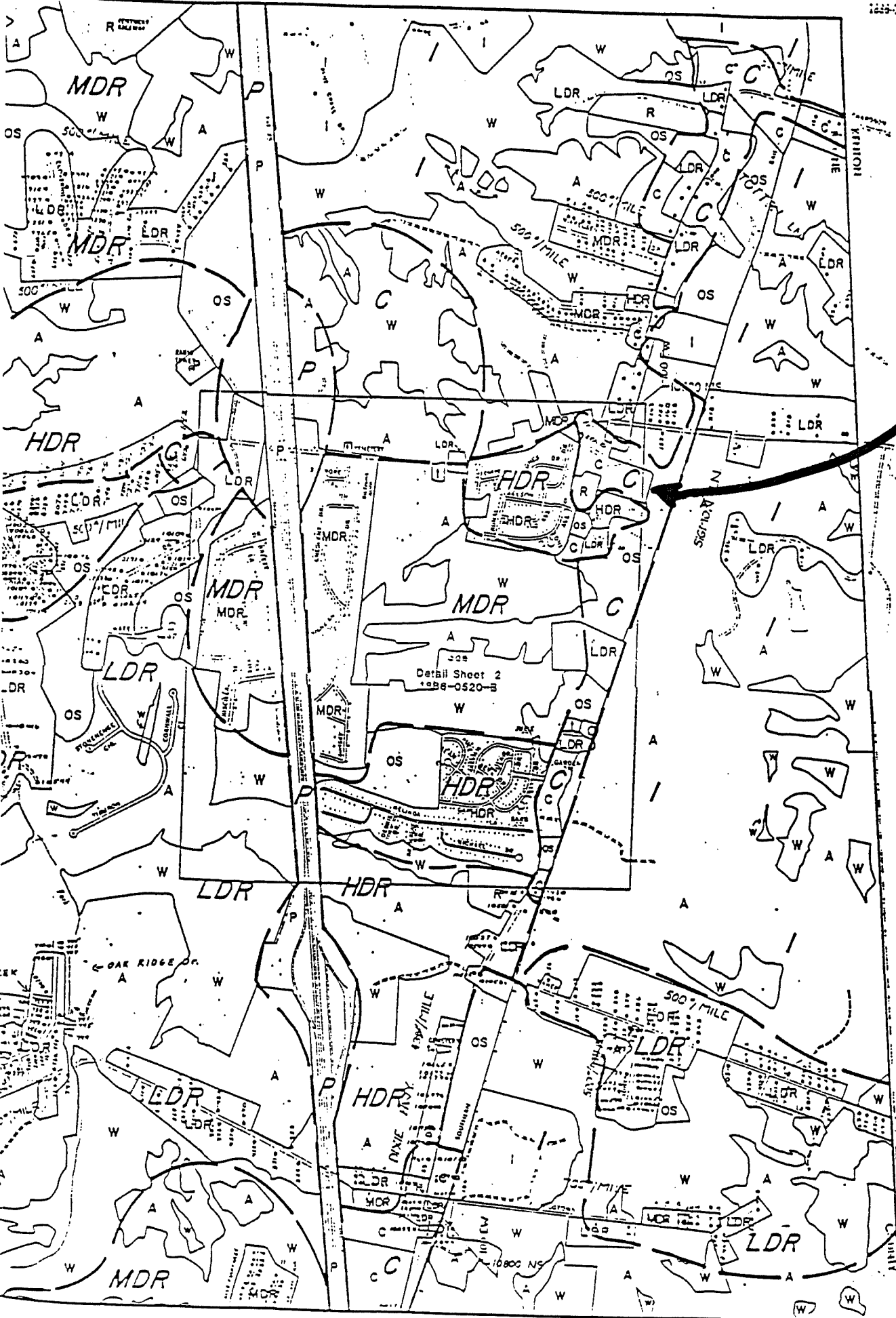
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Section Map Index



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**CARTER
LUMBER**

**Bow Co.
1986
FUTURE
LAND
USE
MAP**

APPLICATION FOR ZONING ACTION

- 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: Fred Kissel For Center lumber. Owner
 Address: 10060 Dixie Hwy. Florence Ky 41042 Agent
 Telephone: 871-8363 371*8363

Location: Center lumber. Hwy 25
 Name of Property Owner: Center Lumber.
 Address of Property Owner: 601 Tallmadge Ave. Kent Ohio 44240
 Zoning District: F-1 Area in Acres: 0.606
 Deed Book: 197 Page Number: 700 Group Number: 2058
 Description of Request: Rezone - Farm - Inv - F-1 to Commercial - C-3

Applicant's Signature: [Signature]
 Property Owner's Signature: Fred Kissel For Center Lumber Co.

FOR PLANNING COMMISSION USE ONLY
 Application Fee: \$425.00 Date Received: 12/2/87 By: Dave G.
 Referred To: Dave Meeting Date: NB. 12/2/87 PH Jan 27, 88
 Action Taken: Approved w/ Conditions Date of Action: 2/3/88

EXHIBIT "A"

N O T I C E
P U B L I C H E A R I N G

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by Fred Kissel for certain real estate owned by Carter Lumber Co. . The map amendment request is for a change from the present zoning district of Industrial C-1 (F-1) to Commercial Services (C-3) . The Public Hearing is to be held the 27th day of January ¹⁹⁸⁸ ~~1986~~, at 8:00 p.m., prevailing time, in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is more particularly described as follows:

Located generally on the East side of U. S. Highway #25 about 0.1 mile South of Mt. Zion Road and described thus: Beginning at a 4" diameter pipe in the apparent East line of said Highway #25 at the common corner of the properties now or formerly owned by Hayes and William J. Meyer; thence along said line on said highway (29 feet East of and parallel to a chord in the centerline thereof) S 13-52 W 391.0 feet to a hub therein; thence leaving said Highway S 64-32-30 E 846.19 feet to the West Line (50 feet from centerline) of the Cincinnati Southern Railroad; thence with the West Line of said railroad, N 15-17-0 E 418.0 feet to a stone, N 74-43-0 W 15.0 feet to a stone, N 15-17-0 E 91.0 feet; thence N 72-32-40 W 828.13 feet to the place of beginning containing 8.6063 acres and subject to legal highways in existence.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #5
January 27, 1988

Page 1

Chairman Viox opened the Public Hearing for the fifth item on the Agenda:

5. Applicant: Fred Kissel (agent) for Carter Lumber Co. (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the 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, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments.

Mr. Fred Kissel, Manager of Carter Lumber Company, presented an artist's rendering of the proposed facility and a Site Plan to the Commission. He asked that the request be approved.

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

Mr. Walter Hayes, an adjoining property owner, stated that he supports the request.

Chairman Viox asked if there was anyone present in opposition to the request. There being no one, he asked if there were any comments from the Commission.

Mr. DeLong asked if the applicant was agreeable to complying with Staff's request that their access be aligned with the Stop-N-Go across the street. Mr. Kissel stated that they are agreeable to this request.

Mr. Geohegan advised that Mt. Zion Road intersects Dixie Highway at the northwest corner of the site. Site distance is a problem. In the event of a future traffic light, access across from Mt. Zion Road should be considered. He stated that the proposed access probably has the best site distance.

Mr. Collins stated that he believed the State intends to change the entire contour of U.S. 25 in this area. Following discussion, Mr. Geohegan stated that he would investigate this and get additional information.

Mr. DeLong asked that the Staff look into the buffering for the residents of the trailer park.

There being no further discussion, Mr. Viox stated that this request will be on the Agenda for the Business Meeting on February 3, 1988 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.

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.

Chairman Viox asked the applicant if he was in agreement with the conditions contained in the Committee Report.

Mr. Kissel stated that he was in agreement with the conditions.

In response to questions from Mr. Greene, Mr. Geohegan stated that the Zoning Administrator had examined this request and had determined that the existing business was not able to expand in the I-1 Zone as it is a pre-existing, non-conforming use. He added that the proposed addition is primarily for the retail sale of supplies.

Counselor Wilson advised that the Principally Permitted Uses in the I-1 Zone are wholesale oriented as opposed to retail oriented.

There being no further discussion, Mr. McMillian moved that the request be approved based on the findings of fact and subject to the conditions indicated in the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

6. Revision of a Previously Approved Concept Development Plan

A request of Albert Moffett, agent for Walton Commons, Ltd. for revision of a previously approved Concept Development Plan for a 3-acre (approx.) site located on Kuchle Drive, Walton, Kentucky. The site is zoned Urban Residential One (UR-1) and the proposed development is multi-family housing.

Staff Member, Kevin Costello, read the Committee Report which recommended approval of the revision based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked Mr. Moffett if he was in agreement with the conditions.

Mr. Moffett stated the he is in agreement with all the conditions, except for the east fence. He stated that he would be agreeable to providing additional shrubs along the east property line but does not see the need to bulldoze the trees and erect a chainlink fence.

Mr. Barnett stated that the purpose of the proposed fence is to keep people from going across that boundary and onto private property. He added that the applicant has not been asked to remove existing trees and shrubs.

Mr. Moffett stated that there is currently an old farm fence on the property line. Chairman Viox asked Mr. Moffett if he could erect a fence inside the east property line. Mr. Moffett stated that people will just go around the end of the fence.

Chairman Viox noted that the applicant is not agreeable to one of the conditions. Counselor Wilson advised that conditions are not enforceable unless agreed to by the property owner and suggested that the Committee Report may need to be changed.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

RE: 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).

DATE: February 3, 1988

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions. The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 1/27/88 Public Hearing.

Findings of Fact

1. The map amendment is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map indicates current and future commercial usage on the site, and the text of the Business Activity and Land Use Elements discusses future commercial development along U.S. 25 in conjunction with industrial development of the area. Specific references to the Comprehensive Plan are made in the Staff Report dated 1/27/88.
2. The existing zoning classification of Industrial One (I-1) is inappropriate to reflect the existing viable land use on the site, and the proposed zoning classification of Commercial Services (C-3) is appropriate to enable the existing use to become a conforming use, and thereby expand its scope as a suitable business for the site.

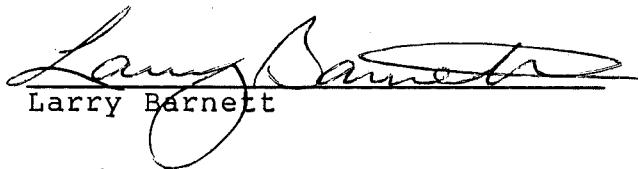
Conditions

1. The proposed relocation of the site access point on U.S. 25 shall coordinate with the Convenient Mart and/or Stop-N-Go curb cut across U.S. 25. The exact configuration shall be determined at subsequent review stages.
2. Owner of the site shall participate in constructing future access to, or a common driveway with, property to the north upon change in use of that property. This common driveway access will be designed in order to provide access for these two adjoining properties in coordination with Mt. Zion Road.

3. The landscaping plan submitted by the applicant shall be further refined during Site Plan Review. The number of trees shall be increased to double that on the submitted plan along the frontage containing the warehouse and parking, as well as the northwest corner of the site. The types of plantings will also need to be further refined to provide healthy, attractive landscaping for the site. All outside storage of materials shall be effectively screened from public view by use of wood fence and/or plantings as determined through subsequent review stages.
4. Any lighting for the area containing the proposed future storage building shall be designed at subsequent review stages so as not to shine upon the adjacent mobile home park. Development of this portion of the site shall also include sufficient screening of evergreen trees for the adjacent mobile home park, as determined through subsequent site plan review.

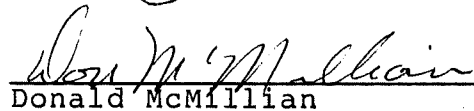


Fred Burch, Chairman



Larry Barnett

Rector Jones



Donald McMillian



Carol Smith

FB:mcb

R-8-88

ORDINANCE 920.141

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL SERVICES (C-3) FOR AN 8.6 ACRE SITE LOCATED AT 10060 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY, AS REQUESTED BY FRED KISSEL (AGENT) FOR CARTER LUMBER COMPANY (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION (R-8-88).

WHEREAS, the Boone County Planning Commission received a request for approval with conditions for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Services (C-3) for an 8.6 acre site located at 10060 Dixie Highway, 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 approval with conditions for the zoning map amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval with conditions, this Zoning Map Amendment being a zone change from Industrial (I-1) to Commercial Services (C-3) for an 8.6 acre site located at 10060 Dixie Highway, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval with conditions is more particularly described in attached "Exhibit A".

SECTION II

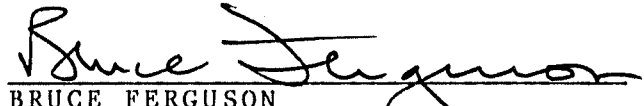
That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, 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 this zone change request, shall be and are hereby incorporated by reference as if fully set out in this Ordinance (Attached - EXHIBITS "B" AND "C").

ORDINANCE 920.141
PAGE 2

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 8th day of March, 1988.

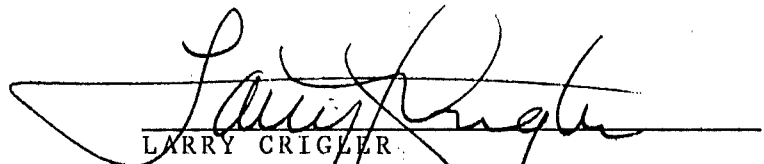
Adopted by the Fiscal court of Boone County after Second Reading at a regular meeting on the 5th day of April, 1988, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be 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

April 20, 1988
DATE PUBLISHED