

REVIEW NO. _____

APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development BEN + SANDY WRIGHT
2. Location of Development 5529 HWY 237, BURLINGTON, KY 41005
3. Total Acreage of Site 6.69 ACRES
4. Current Zoning SR-2
5. Proposed Zoning (classification being requested) C-2
6. Proposed Uses (please specify each use) WHOLESALE LANDSCAPE SUPPLY (SELLING PLANTS, MULCH, FERT., TOOLS, TIMBERS, BOULDERS, ETC.)
7. Name of Applicant(s) BEN + SANDY WRIGHT
Phone Number(s) 606-586-8208
8. Address of Applicant(s) 5529 HWY 237
BURLINGTON KY 41005
City State Zip
9. Name of Property Owner(s) BEN + SANDY WRIGHT
Phone Number(s) 606-586-8208
10. Address of Property Owner(s) 5529 HWY 237
BURLINGTON KY 41005
City State Zip
11. Proposed Building Intensities (please specify) NO NEW CONSTRUCTION PROPOSED
12. Are there any existing buildings on the site? YES
How many? 4
13. Deed Book 332 Page No. 193 Group No. 441
14. Have you had a pre-application meeting with BCPC staff? By PHONE
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

Boone County Recorder
6-29-91

LEGAL NOTICE
ORDINANCE NO. 920.226

The Boone County Fiscal Court at its meeting held Tuesday, June 18, 1991, at 5:30 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY BEN AND SANDY WRIGHT (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) AND A CONDITIONAL USE PERMIT FOR A 6.69 ACRE SITE LOCATED AT 5529 KY 237, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON AN 8 TO 5 VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-11-91.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 54036

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY

EXHIBIT "A"

STAFF REPORT

#3

Request of **Ben and Sandy Wright** (applicant/owner)
for a Zoning Map Amendment from Suburban Residential Two (SR-2)
to Commercial Two (C-2) and for a Conditional Use Permit

MARCH 27, 1991

The request is to rezone the 6.69 acre parcel located on the west side of KY 237, approximately 0.5 miles north of KY 18, from Suburban Residential Two (SR-2) to Commercial Two (C-2) and to grant a Conditional Use Permit in order to allow wholesale of landscape supplies.

Surrounding Land Use and Zoning

| | |
|--------|---|
| North: | Vacant - Suburban Residential Two (SR-2) |
| South: | Stephens Elementary School - Public Facilities (PF) |
| East: | Tall Trees Subdivision - Suburban Residential Two/Planned Development (SR-2/PD) |
| West: | Stephens Elementary School - Public Facilities (PF) |

Existing Features of the Site

The site contains a one-story A-frame residence with a pool. There are also numerous greenhouses at various locations throughout the site, as well as two warehouse storage buildings. The site also contains two ponds. The concept plan submitted for this development reflects only the existing features of the site.

Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates that the site develop as High Suburban Density Residential, which allows a maximum of 6 units per acre.

The Land Use Element makes the following reference to the area:

"KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function."

"The remaining portions of this section of Boone County should develop in a Suburban Density Residential fashion, with the exception of planned High Suburban Density Residential uses between Hickory Hill Subdivision and KY 18."

The Conditional Use Permit the applicant is also requesting is to be considered by the Commission whether the use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning order;

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
6. Will involve uses, activities, process, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Conclusion

The Planning Commission must use the following criteria in granting approval of a Zone Map Amendment:

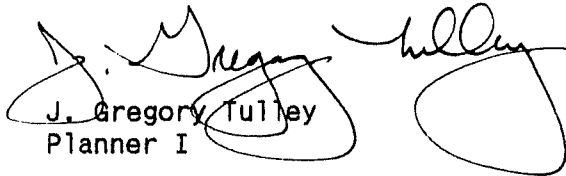
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question.
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
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.

Staff Concerns

1. Staff is concerned about a commercial designation in an area that is residential in character. In addition there is no commercial zoning in the area.

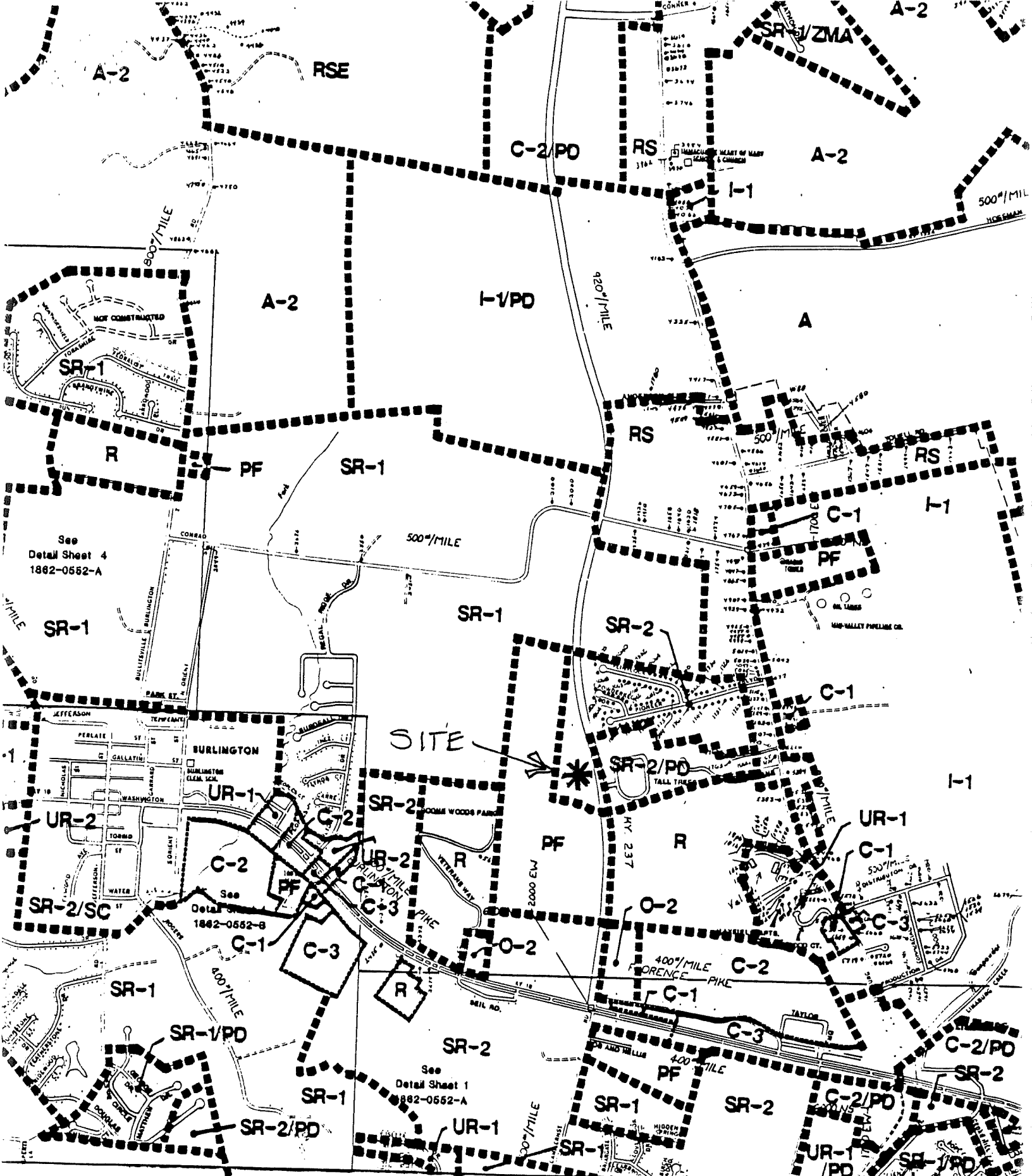
2. Staff is also concerned with the appropriateness of a commercial type use next to the new Stephens Elementary School.

Respectfully submitted,



J. Gregory Tulley
Planner I

JGT:kat

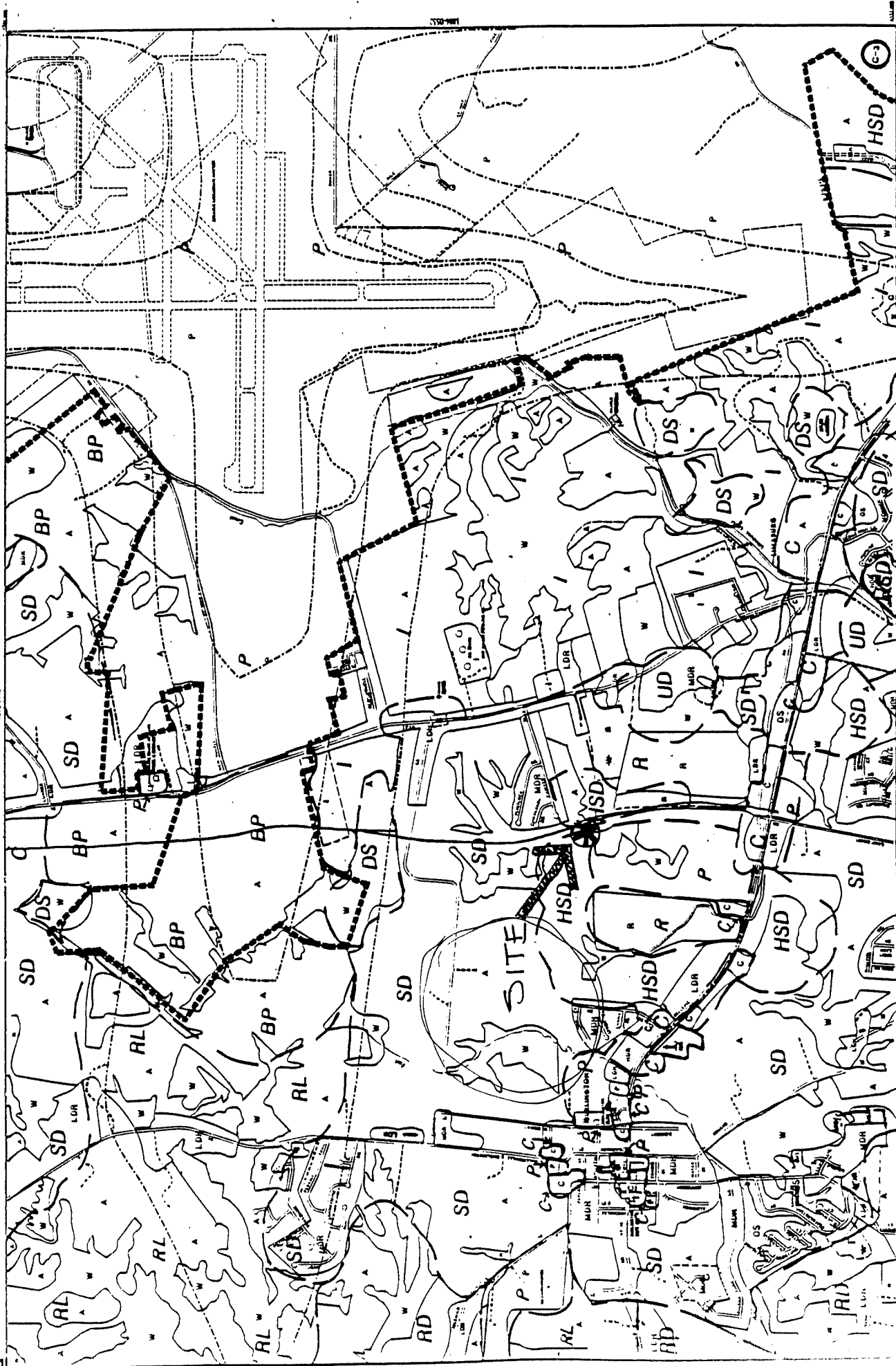


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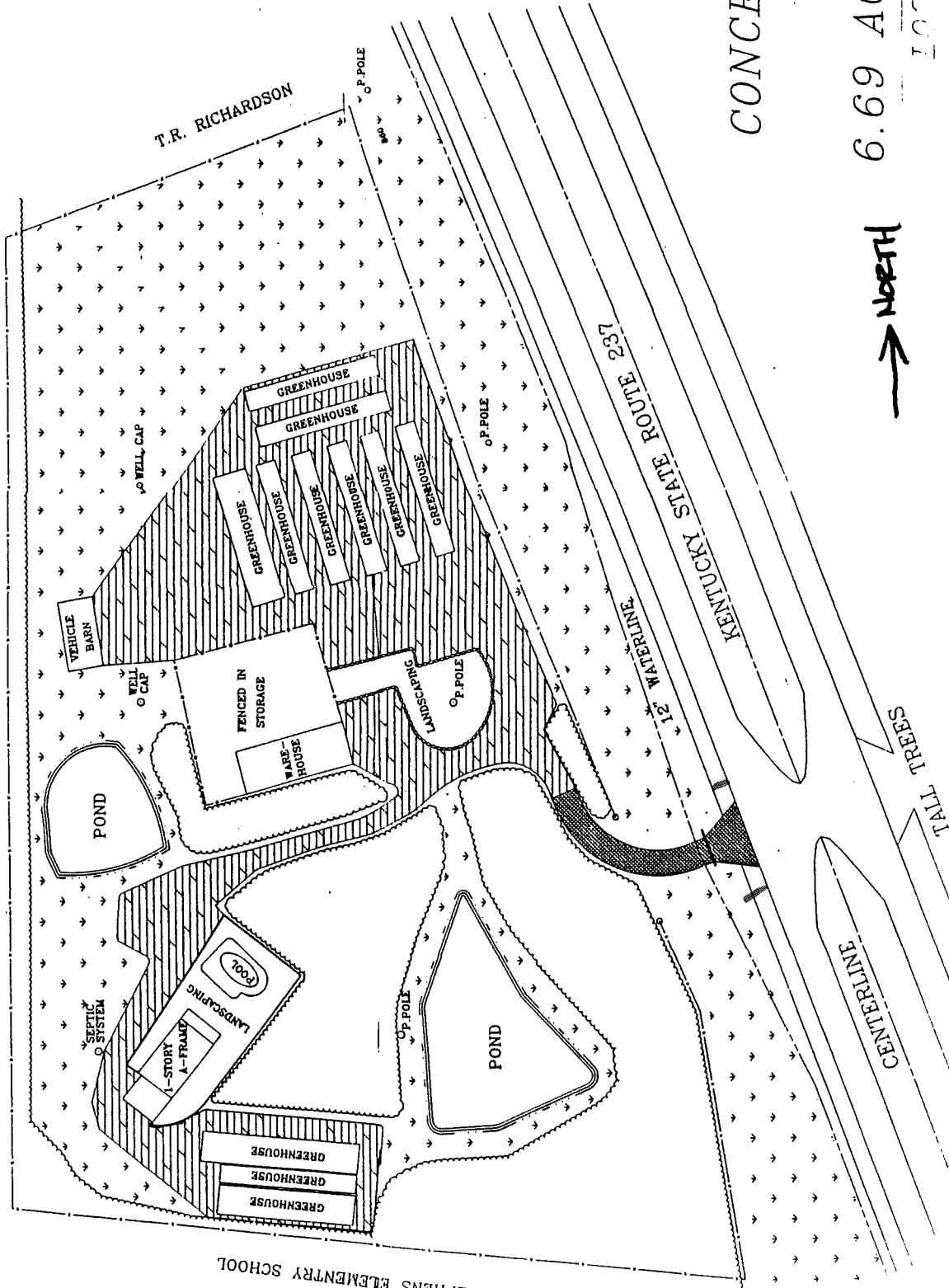
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BOONE COUNTY

STEPHENS ELEMENTRY SCHOOL



CHAINLINK FENCE

GRASS

GRAVEL

CONCRETE

CONCEPT PLAN

OF

6.69 ACRE TRACT

IC

NORTH



OWNER: BEN & SANDY

STEPHENS ELEMENTRY SCHOOL

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
March 27, 1991

Page 1

The Chairman introduced the third item on the Agenda:

3. Applicant: Ben and Sandy Wright (owners)
Request: Zoning Map Amendment and Conditional Use Permit

The request of Ben and Sandy Wright (owners) for a Zoning Map Amendment and a Conditional Use Permit to allow a wholesale landscaping business at 5529 KY 237, Boone County, Kentucky. The request is to rezone the 6.69-acre site from Suburban Residential Two (SR-2) to Commercial Two (C-2).

Staff Member, Greg Tulley, advised that the Agendas indicated the request to involve both wholesale and retail activities, which is incorrect. The request involves wholesale only.

Mr. Tulley presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Jim Woltermann, attorney for the applicants, Ben and Sandy Wright, indicated on the Concept Plan the location of Stephens Elementary School and property owned by Ted Richardson fronting on KY 237 in relation to the subject site. He stated that all of the items shown on the plan are already existing on the property -- the greenhouses, the A-frame, the pool, the pond, storage warehouse, landscape area, vehicle barn, etc. -- and they will continue to exist. There will not be additional buildings or changes to the facility. The purpose of the zone change request is that Mr. and Mrs. Wright currently have two landscape facilities -- one on KY 18 at Ridge Road and the other on US 42 -- where they sell both retail and wholesale. They grow their plants in the greenhouses and take them to the two sites. Many of their sales are wholesale and it makes more sense to have them come to the subject site to pick up the materials rather than on KY 18 where there is a greater volume of traffic. There will be more trucks picking up materials at this location, approximately 10 or 15 more trucks per day. The other change will be that instead of paying for the materials at their other operations, they will be paying for them here. Also, they will have a sign near the right-of-way to identify the location of the property. He stated that the property is barely visible from KY 237. He doubts that anyone would see the greenhouses or the A-frame from KY 237 because of the elevation.

Mr. Woltermann stated that they believe the commercial zoning is more harmonious with the elementary school than a high-density residential development having six units per acre. He stated that there could be approximately 38 units on the site. They believe that the wholesale nursery with a small amount of traffic is more harmonious with the elementary school than the traffic involved with high-density residential development. He stated that their facilities have existed on this site since the mid 1980's.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of this request. There was no response. Chairman Viox then asked if anyone wished to speak in opposition to the request or ask questions.

Mrs. Pat Russ questioned how many trucks would be going in and out per day. Mr. Wright stated that he would estimate 12 to 15 trucks in addition to what is going in and out now. He stated that some of the trucks she may have seen there are people picking up plant materials and going back to KY 18 and paying at that location. He stated that it is his understanding that they can grow plants on the site and wholesale them, with the people picking them up. However, they are not allowed to sell at this location.

Mrs. Russ commented about tractor trailers and diesel trucks. Mr. Wright stated that these are trucks delivering to him, not people picking up materials. The entrance is large enough to accommodate these delivery trucks.

Mrs. Russ stated that they have a support group in her neighborhood, Boone Creek, which is directly across KY 237. From their homes, they can look directly at this site as there is no buffer at all. She stated that the site is surrounded by residential zoning and they believe it should remain residential in keeping with the 1990 Comprehensive Plan and the Future Land Use Map. She stated that the land is developing in a residential character with new subdivisions going in. An isolated development with commercial zoning is not justified and will interfere with the new school. She added that there are no signs along KY 237 now and signage in the area will destroy the residential character. She is concerned about the added noise from the trucks. The sound carries from west to east and they can even hear what the people on the site are yelling to each other. She is concerned that loud speakers might be installed to call their employees.

Mrs. Russ added that she has a problem with the frequent burning of material on the property. The smoke carries to her yard. She is concerned about future lighting and odors from spraying of insecticides and fertilizers. She feels that the commercial zoning will set a precedent and the strip next to this site could also be zoned commercial.

Mrs. Russ stated that the Comprehensive Plan clearly states that residential uses should develop in the area. The existing zoning classification is appropriate. The area is developing residentially. There have been no major changes in the area. Mrs. Russ showed the Commission a drawing indicating that this would be a commercial area surrounded by residential areas. She submitted this drawing, along with a copy of the Future Land Use Plan showing residential development in the area for the next five years.

Mr. Wright stated that he does not use pesticides. He offered to allow a soil test and stated that he has never used pesticides on the site. He stated that there was burning when they cleared the land, but they are through burning now. He stated that he will not do any more open burning. He apologized for the smoke if it bothered the neighbors.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Loren Rusk stated that when he moved into the area some years back the developer told them that there would be some green areas. Some of the areas were to be filled in for playgrounds. The sewage treatment plant has caused untold problems. Also, the trees are no longer there because KY 237 went through. He stated that this zoning is fine for Mr. Wright at this time, but there could very possibly be something there in the future other than a nursery. He has no objection to the nursery, but other things could happen.

Mr. Wright stated that he and his family want to live there and sell plants. They have no intention of selling the property. They intend to do exactly what they are saying and if there is any change, he would expect the neighbors to oppose it.

Mr. Rusk stated that he is okay with this operation, but is struggling with the request.

Mrs. Jean Ammon, a resident of Boone Creek, stated that you have to be impressed with the beauty of the drive across KY 237. It is nice to have something pretty to see in an area that is becoming industrialized and commercialized. She would not like to see anything come in to change the beauty of the area.

Mrs. Carolyn Ilers stated that she is concerned with the precedent that may be set.

Mr. Bill Schmidt stated that he is okay with the nursery, but is afraid that changing this will open the door to allow the other piece of property to be changed.

Mrs. Russ added that old equipment is stored on the site and it is not pleasant to look at. There is no buffering for their properties. The greenhouses are not great to look at. She stated that there could be some buffer put in. She stated that she does not think it is a wise choice to have commercial zoning if no improvements are going to be made.

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

Mr. McMillian noted that there will be "12 to 15 additional trucks" and questioned how many trucks come in and out now. Mr. Wright stated that he assumed someone had counted. He stated that he and his wife each come in and out five or six times a day. His employees come in and out 15 or 20 times a day. He stated that the number is already 25 or 30, but they are not large vehicles. There are an additional 12 or 15 trucks purchasing plant material from him. He stated that there would be about 50 or 60 trips a day.

Mr. DeLong stated that once a change is made in the Comprehensive Plan, then anything that is adjacent to the property or across the street will be acceptable to change. He does not think the area is ready for this kind of change.

Mr. Collins questioned why the site is not connected to the water and sewer.

Mr. Wright stated that they just put a 12" water main in front. He donated a sizable sum of money to the School Board for it. The sewers are 15 or 20 feet away from his property and he has no intention of tapping into them. He will tap into the water. He has a good aerobic system that is only 5 or 6 years old.

Mr. Collins stated that he has a swimming pool without a fence, which is a violation. Mr. Wright stated that he has a safety cover and the entire property is fenced. Mr. Collins stated that he believes a swimming pool fence has to be four feet high.

Mr. Sharp commented that Mr. Wright is doing everything now that he intends to do on the property, with the exception that he intends to accept money. Mr. Wright stated that this is correct. Mr. Woltermann added that there will also be a sign.

Mr. Sharp asked if they would put up an additional building. Mr. Wright stated that they will not.

Mr. Kirby questioned if they would be open to considering a monument type sign -- something more attractive than what is typically seen. Mr. Wright stated that he does not intend to have a large sign and may be very limited legally in terms of having the sign on a four-lane highway. He assumes it will be a small directional sign and does not care if it is lit or not. They do not operate at night.

Mr. Kirby questioned if Mr. Wright could put a tree line/buffer between his property and the right-of-way to buffer the residences across the highway. Mr. Wright stated that this is the business he is in and he has no problem with this. He stated that it will probably be a combination of a berm and Austrian pines, which are about 5 feet or six feet high. He stated that the view from the road is not important to him. He stated that it is a wholesale business and the road traffic cannot see his place.

Mr. Jack Osborne, a resident of Boone Creek Subdivision, questioned how the noise of the trucks coming in and out would affect the students learning at the school.

Mr. Tulley stated that he did not have an exact answer, but this was also a concern of Staff. Mr. Wright stated that he cannot regulate the traffic and trucks on KY 237 and the increased traffic on the road over the next few years will be greater than the 15 vehicles per day going into his place.

Mr. Neltner asked if it is Mr. Wright's intention to keep this a family business limited to landscaping. Mr. Wright stated that this is his intention.

Mr. Neltner asked Mr. Wright if he would accept the zone change if it were limited to just this one use. Mr. Wright replied, "most definitely".

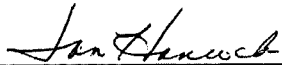
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 3, 1991 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

May 1, 1991

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Lawrence Collins
Mr. Don McMillian

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the Business Meeting of April 17, 1991 and the Public Hearing of April 24, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Owens moved that they be approved as corrected. Mr. Jones seconded the motion and it carried unanimously.

the owner moved a house to this property from another location and it is temporarily on blocks.

UNFINISHED BUSINESS:

1. Zoning Map Amendment and Conditional Use Permit

The request of Ben and Sandy Wright (owners) for a Zoning Map Amendment and a Conditional Use Permit to allow a wholesale landscaping business at 5529 KY 237, Boone County, Kentucky. The request is to rezone the 6.69-acre site from Suburban Residential Two (SR-2) to Commercial Two (C-2).

Chairman Viox stated that it was his understanding that the applicant did not agree to one of the conditions. Mr. Jim Woltermann, attorney, stated that this was correct.

Mr. Woltermann advised that the applicant accepts all of the conditions, except for Condition #1 that "The development shall include a left-turn lane containing 200 feet of storage and a 180 foot taper, and a right-turn deceleration lane containing 150 feet of storage and a 150 foot taper on KY 237." Mr. Woltermann stated that he spoke this afternoon with Mr. Forrest Rankin of the Transportation Department. The left turn and deceleration lanes are not needed or required by the Department of Transportation for this project. He advised that if they do build the deceleration and left turn lanes, they must meet the Kentucky Department of Transportation requirements, which would be a 500-foot deceleration lane, with 320 feet of taper being 12 feet wide, 180 feet of which would taper from 180 feet down to zero. The left turn lane would also be 500 feet. The specifications for the 500-foot deceleration and left turn lanes are intended for a project having 40 trips per hour. Their project will have approximately 40 trips per day. The lanes would involve costs of \$60,000 to \$75,000 and this cost is not needed. Mr. Woltermann commented on other turning and deceleration lanes he has seen in Boone County, noting that the Wal-Mart left hand turn on Houston Road cannot possibly be 380 feet as is being recommended by the Staff. There is no deceleration lane for a righthand turn into Hardee's going eastbound on KY 18. Wal-Mart and Hardee's generate a lot of traffic, but they generate virtually no traffic. Mr. Woltermann emphasized that the cost would be excessive and they cannot agree to Condition #1.

At this time, the Chairman called for a short recess to allow the Committee to meet.

Following the recess, Staff Member, Dave Geohegan, read the amended Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions. He advised that Condition #1 had been eliminated from the Committee Report. (See amended Committee Report.) Mr. Geohegan stated that Mrs. Smith, Mr. Collins and Mr. Sharp did not sign the Committee Report.

Chairman Viox asked if the applicant was now in agreement with the conditions. Mr. Woltermann advised that the applicant accepts the conditions as stated by Mr. Geohegan.

Mr. Damstrom moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports, including Conditions #2, 3, 4, 5, and 6. Mr. Kirby seconded the motion.

Mr. Sharp stated that he was a member of the Committee, but did not sign the report. He has nothing against what exists there currently or the applicant, but approval of this request will change the character of the neighborhood. He is concerned about the "snowball effect" of commercial zoning in the area. In his opinion, approval of this request violates the Comprehensive Plan.

Mrs. Smith stated that she was Chairwoman for this request. She agreed with Mr. Sharp's comments.

Mr. Owens questioned what the original authorization for the 6.9 acres said. Mr. Geohegan advised that nobody reported the development or complained about it until this request came in. The equipment storage and most of the buildings on the site are not in compliance with the zoning. The growing of plants is allowed in the residential zone. Mr. Owens commented that approving this is approving something that is illegal.

Counselor Wilson questioned whether it was an agricultural type use which would be exempt under the zoning. If the use fits under the agricultural exemption, then they are not in violation. Even if there is a violation, the zone change request is entitled to a decision on its own merits. He stated that he does not know if there has been a determination made as to whether or not it is an agricultural use of five acres or more having an exemption. He read the definition of agricultural use from the state statute.

Mr. Costello, Zoning Administrator, stated that there is a residential use on the property in accord with the Zoning Regulations. He has been the Zoning Administrator for about a year, and to his knowledge there has been no determination. There is concern about the growing scope of the use and whether it fits the agricultural use. He would need more information about the business and to review the records in order to make a determination. There is suspicion that it is a violation because the scope of activity has increased and has not been monitored. There has been no official determination by the Zoning Administrator.

Mr. Owens stated that he was concerned about the lack of an answer to his question regarding the original authorization.

Mr. Ben Wright stated that he is asking to be able to take people out there and to be able to sell products on the site. He is allowed to grow plants there. He stated that he knows what his legal rights are in terms of horticultural product production. He cannot sell on the site and wants to get it rezoned so that he can. He has a horticultural tax base on the part of his property on which he produces, but not on the portion where he lives. He stated that he has had contact with the Staff over the years and they did know there were quansat huts, which are structures not having foundations. A greenhouse is heated and used year-round for production.

Mr. Ries stated that if he were a resident of the area, he would be concerned about a precedent being set which could ruin the residential character of the area. If Mr. Wright were to sell the property or something were to happen to his family, there could be modifications made due to a new commercial venture. Once this is opened up to commercial, it could be opened up to other commercial uses.

Mr. Woltermann stated that there is no vast area there. There is only 2.5 acres of undeveloped land and it is well separated from the Drees development by the topography.

Mr. Owens commented that, counting Mr. Wright's development, there would be some 9 or 10 acres for commercial development. Mr. Wright emphasized that he is being heavily restricted.

Mr. Woltermann stated that they cannot use the remaining uses under the C-2 Zone. They are limited by the conditions. If they want to do anything else, they will have to come back and start over. They are surrounded on two sides by a school and their use has existed since the middle 1980's. He stated that this is a unique circumstance and he does not know how it can be stretched to the remaining 2.5 acres being opened up for anything. He noted that the conditions are on the real estate.

Counselor Wilson stated that as long as the conditions are enforceable under the Zoning Regulations, changing them would require a Public Hearing. The Fiscal Court would have to approve the change. The Commission could vote "no" on a change, but the Fiscal Court could override that decision.

Mr. Wright stated that the nearest resident has to be 400 feet or more away. There are plenty of residential areas with commercial uses across the street on a four-lane highway. On the other side, there is a sewage treatment plant between his property and the subdivision. The topography is such that he would assume that nothing could be built in the area. On the other two sides is a school.

Mr. Ries stated that he is also concerned about the school. Mr. Wright advised that he talked to the principal and people in the school and, if necessary, they would agree to recommend that this be approved. They prefer this as opposed to housing which would increase vandalism and security problems.

Mr. Burch stated that KY 237 has a lot of mixed uses -- residential, commercial, condos, etc. up and down the four-lane highway. This use has been there for the last several years. The school board bought property surrounding the site in the last few years. The zone change is in accord with the Comprehensive Plan criteria in that there has been a recent change. There is not going to be houses all around the property. If they are granted a C-2 Zone and limited to one use, the property is not being opened up for a strip center.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Damstrom which found Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. Kirby, Mr. Neltner, Mr. Rush, and Chairman Viox in favor. Mr. DeLong, Mr. Owens, Mr. Ries, Mr. Sharp, and Mrs. Smith were opposed. The motion carried by a vote of 8 to 5.

2. Zoning Text Amendment

The request of the City of Florence for the Planning Commission to consider a Zoning Text Amendment to Article 8, Section 831 of the Suburban Residential One (SR-1) zoning classification in order to allow golf courses, miniature golf courses and golf driving ranges.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: May 1, 1991

RE: Request of Ben and Sandy Wright (owners) for a Zoning Map Amendment and a Conditional Use Permit to allow a wholesale landscaping business located at 5529 KY 237, Boone County, Kentucky. The request is to rezone the 6.69 acre site from Suburban Residential Two (SR-2) to Commercial Two (C-2).

REMARKS:

We, the Committee, recommend approval of the request based upon the following finding of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee believes that Commercial Two (C-2) zoning is appropriate for the 6.69 acre site because the proposed wholesale operation can be made non-obtrusive. Other commercial uses would likely be found not appropriate for the site because of greater visual and traffic impacts, however, with the attached conditions, the proposed wholesale landscape business will present less impact on the surroundings than the current use of the property. The applicant has argued that the existing zoning of Suburban Residential Two (SR-2) is inappropriate because the residential development permitted under that zoning would have a greater traffic impact than the proposed wholesale landscaping business would have.

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 as presented at the 3/27/91 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan. These conditions apply to the Zoning Map Amendment request regardless of the Conditional Use Permit.

- Eliminated 1. See minutes D.A.G.*
- ~~1. The development shall include a left-turn lane containing 200 feet of storage and a 180 foot taper, and a right-turn deceleration lane containing 150 feet of storage and a 150 foot taper on KY 237.~~
 2. The development shall include buffering along the north and east property lines that includes a berm and 6 foot Austrian pines designed to screen the operation from residential areas across KY 237, and to minimize the possibility of commercial development on adjacent property to the north. The undeveloped northern portion of the site indicated on the submitted Concept Development Plan shall be used only as planting and growing space in addition to the buffer area.


3. As stated by the applicant, no additional buildings will be constructed. The requested use shall be the only commercial use to occur on the 6.69 acre site. In addition, the number of greenhouses on the Concept Development Plan shall be the maximum constructed on the site.
4. Any site lighting shall be for security purposes only and be directed downward to avoid any glare off site. In addition, no loud speakers will be utilized on this site.
5. Any proposed sign shall be a non-illuminated monument sign.
6. In accordance with Article 18 of the Boone County Zoning Regulations, all vehicle circulation areas will have to be paved.

CONDITIONAL USE PERMIT

In consideration of the General Standards applicable to Conditional Uses, the Committee's opinion is that the proposed use will not change the essential character of the area if developed as required; will be served adequately by public facilities and services; will not be detrimental to the economic welfare of the community; and will not have vehicular entrances that are designed to create an interference with traffic on KY 237. The Committee recommends that the Conditional Use Permit be granted.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Carol Smith, Chairwoman



Fred Burch

Larry Collins



Phil Damstrom



Rector Jones



Barry Neltner

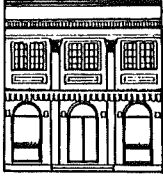
Floyd Sharp

CS:kat

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street Burlington, KY 41005

606-334-2196 FAX 606-334-2264



April 30, 1991

Ben & Sandy Wright
5529 Hwy 237
Burlington, KY 41005

RE: Conditions of approval for the Ben Wright request.

Dear Mr. Wright:

The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 5:00 p.m., Wednesday, May 1, 1991.

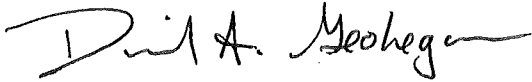
1. The development shall include a left-turn lane containing 200 feet of storage and a 180 foot taper, and a right-turn deceleration lane containing 150 feet of storage and a 150 foot taper on KY 237.
2. The development shall include buffering along the north and east property lines that includes a berm and 6 foot Austrian pines designed to screen the operation from residential areas across KY 237, and to minimize the possibility of commercial development on adjacent property to the north. The undeveloped northern portion of the site indicated on the submitted Concept Development Plan shall be used only as planting and growing space in addition to the buffer area.
3. As stated by the applicant, no additional buildings will be constructed. The requested use shall be the only commercial use to occur on the 6.69 acre site. In addition, the number of greenhouses on the Concept Development Plan shall be the maximum constructed on the site.
4. Any site lighting shall be for security purposes only and be directed downward to avoid any glare off site. In addition, no loud speakers will be utilized on this site.
5. Any proposed sign shall be a non-illuminated monument sign.

CONDITION LETTER - BEN WRIGHT
APRIL 30, 1991

PAGE TWO

6. In accordance with Article 18 of the Boone County Zoning Regulations, all vehicle circulation areas will have to be paved.

Sincerely,



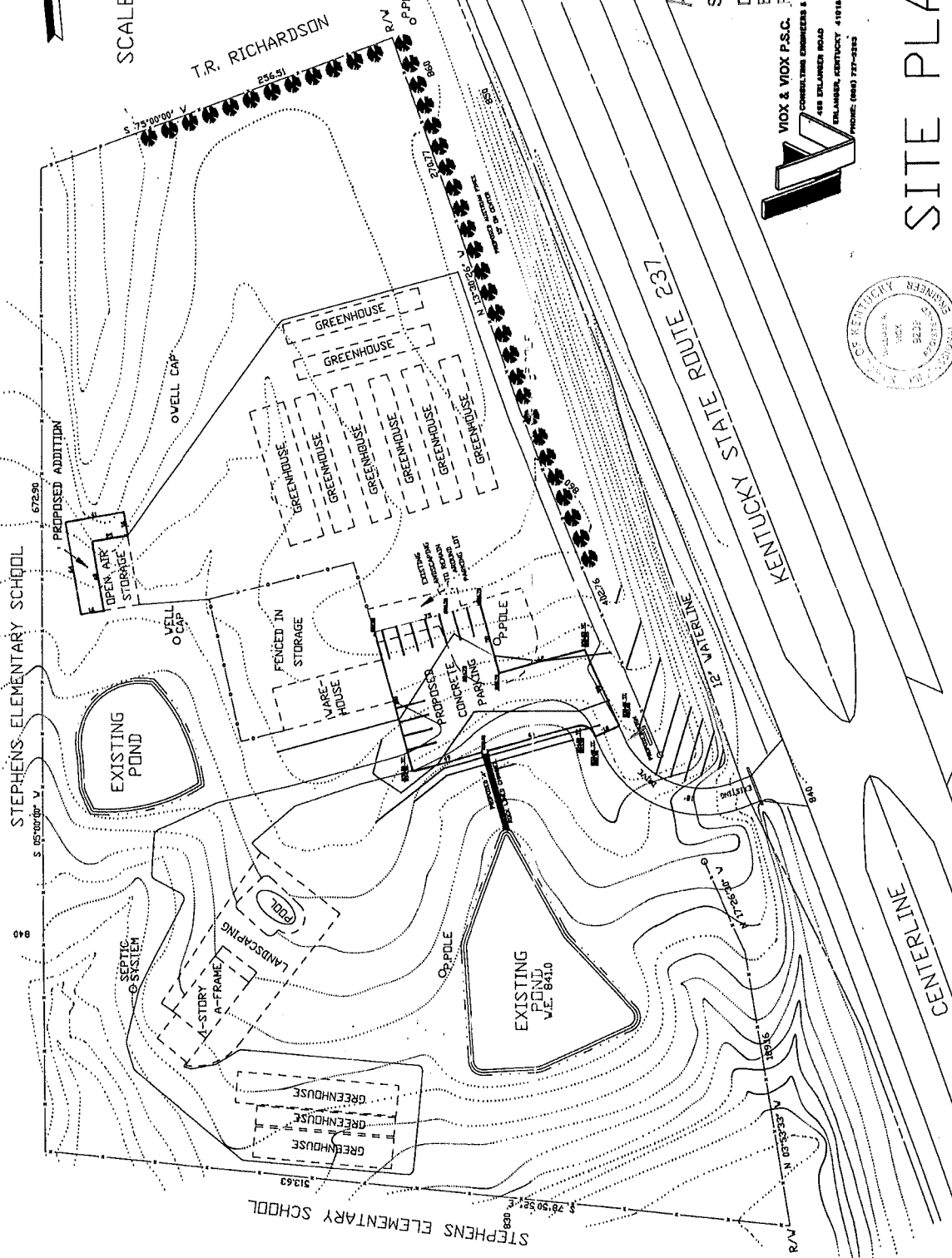
David A. Geohegan AICP
Senior Planner

I, the applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment and a Conditional Use Permit.

Ben Wright



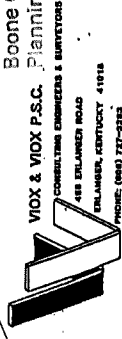
SCALE: 1" = 50'



APPROVED

Staff *William D. Fox*

Date *10/1/10*
Boone County
Planning Commission



SITE PLAN



RIGHTWAY NURSERY
STATE ROUTE 237
BOONE COUNTY, KENTUCKY

BOONE COUNTY
PLANNING COMMISSION
SEP 23 1991
RECEIVED

- NOTES:
- TOTAL AREA - 6.69 ACRES
 - ZONING - C-2
 - EXISTING CROPS AVAILABLE
 - SEWER - 6" DIA. SITE
 - ELECTRIC - 120V/240V OVERHEAD
 - LANDSCAPING - 10' WIDE BUFFER
 - PARKING - 10 SPACES (SEE V.I.E. 8410)
 - EROSION CONTROL - SHALL BE MAINTAINED WITH MAY ALL SLOPES

Boone County Recorder
6-12-91

LEGAL NOTICE
ORDINANCE NO. 920.226

The Boone County Fiscal Court at its meeting to be held Tuesday, June 18, 1991, at 5:30 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, will hold a Public Hearing and give consideration to the Second Reading and adoption of the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY BEN AND SAI WRIGHT (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) AND CONDITIONAL USE PERMIT FOR A 6.69 ACRE SITE LOCATED AT 5529 S. 237, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON AN 8 TO 5 VOTE BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-11-91.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance, all exhibits appendages and fiscal court minutes are on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 54031

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY