

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project CK Ash Insurance
2. Location of Project 7815 Olive Hwy Florence
3. Total Acreage of Site .5 acres + or -
4. Current Zoning of Site SR-2
5. Proposed Zoning (Classification being requested) C-2
6. Proposed ~~Uses~~ or uses only (please specify each use)
Insurance Agency office
7. Names of Applicant(s) Charles Ash
8. Phone Number 371-4500 Fax No. 371-5069
9. Address of Applicant(s) 8199 Dream St. Po Box 6085
Florence Ky 41042
City State Zip
10. Name of Property Owner(s) Chas Ash - By Option
11. Phone Number 371-4500 Fax No. 371-5069
12. Address of Property Owner(s) Same @ appli.
City State Zip
11. Proposed Building Intensities (please specify)
Approx. 2000 Sq. Ft. on .5 acre.
12. Are there any existing buildings on the site? yes
How many? 1
13. Deed Book 361 Page No. 66 Group No. _____
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. 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 Public Works Department
(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton Union
 Florence

19. Applicant's Signature Charles K Ah
 Property Owner's Signature Charles K Ah 5 option

SECTION B (To be completed by BCPC Staff)

1. Date Received 3-2-93
2. Fee Received 926.00 R# 8651
3. Check what has been submitted:
 - Application Fee
 - Legal Discription
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

**** Five (5) Copies Are Required**

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.
 An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT "A"

STAFF REPORT

Request of Charles Ash (applicant) for James and Barbara Baker (owners) for a Zoning Map Amendment on a ±0.5 acre site located at 7815 Dixie Highway, Florence, Kentucky.

The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) in order to convert an existing residence into an insurance office.

April 7, 1993

This is a request of Charles Ash to permit a insurance agency office within an existing single-family residence. The 2000 square foot residence is located at 7815 Dixie Highway, Florence, KY on and approximately .5 acre tract (see sheet 1).

Surrounding Zoning and Land Uses (see sheet 2)

North: Speedway Gas Station - C-2
South: Residence - SR-2
East: Residences - SR-2
West: Vacant - C-2

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Map indicates the future land use for this site Medium Density Residential. However, the text of the Comprehensive Plan indicates that Commercial development should be near the arterial roads or close to the interstate. The Goals and Objectives section of the Comprehensive Plan indicates that small scale commercial and office uses in residential areas should be carefully assessed and located so as to enhance the neighborhood.

The applicant has indicated that they will need about 20 parking spaces because he has 10 employee's and has submitted a sketch of how the site maybe developed (see sheet # 3). This amount of parking will require the removal of all of the mature trees on the site accept for the trees along Spruce Drive.

Site Characteristics

The site is located approximately 70 feet off of Dixie Highway at the northeast corner of Spruce Drive and Dixie Highway. Access to the site is from Spruce Drive via an existing driveway. The existing residences fronts Dixie Highway and is surrounded by mature trees which provide a buffer between the residences to the east and Dixie Highway to the west. The site is served by Florence water and sewer and would not require any additional services.

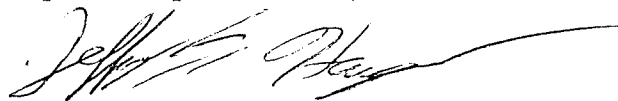
Staff Concerns

1. That as many of the mature trees as possible should be retained.
2. A buffer should be established to screen the proposed use and the existing houses to the east to minimize any potential conflict between uses.
3. Confine the use of the site to office or low turn over uses and avoid uses such as gas stations or convenience stores.
4. A Commercial Two zone permits one square foot of sign area per one lineal foot of road frontage along where the sign is to be located. The road frontage for this site is approximately 150 feet along Dixie Highway which would permit a sign of 150 square feet. This size sign staff believes would not be compatible with a residential area and would recommend a restriction on the maximum size of any free-standing sign.
5. Staff is concerned about the appearance that the parking will have to the residences to the east and would recommend that heavy landscaping be established in the southeast corner of the site to screen and buffer the residences from the parking.

Conclusion

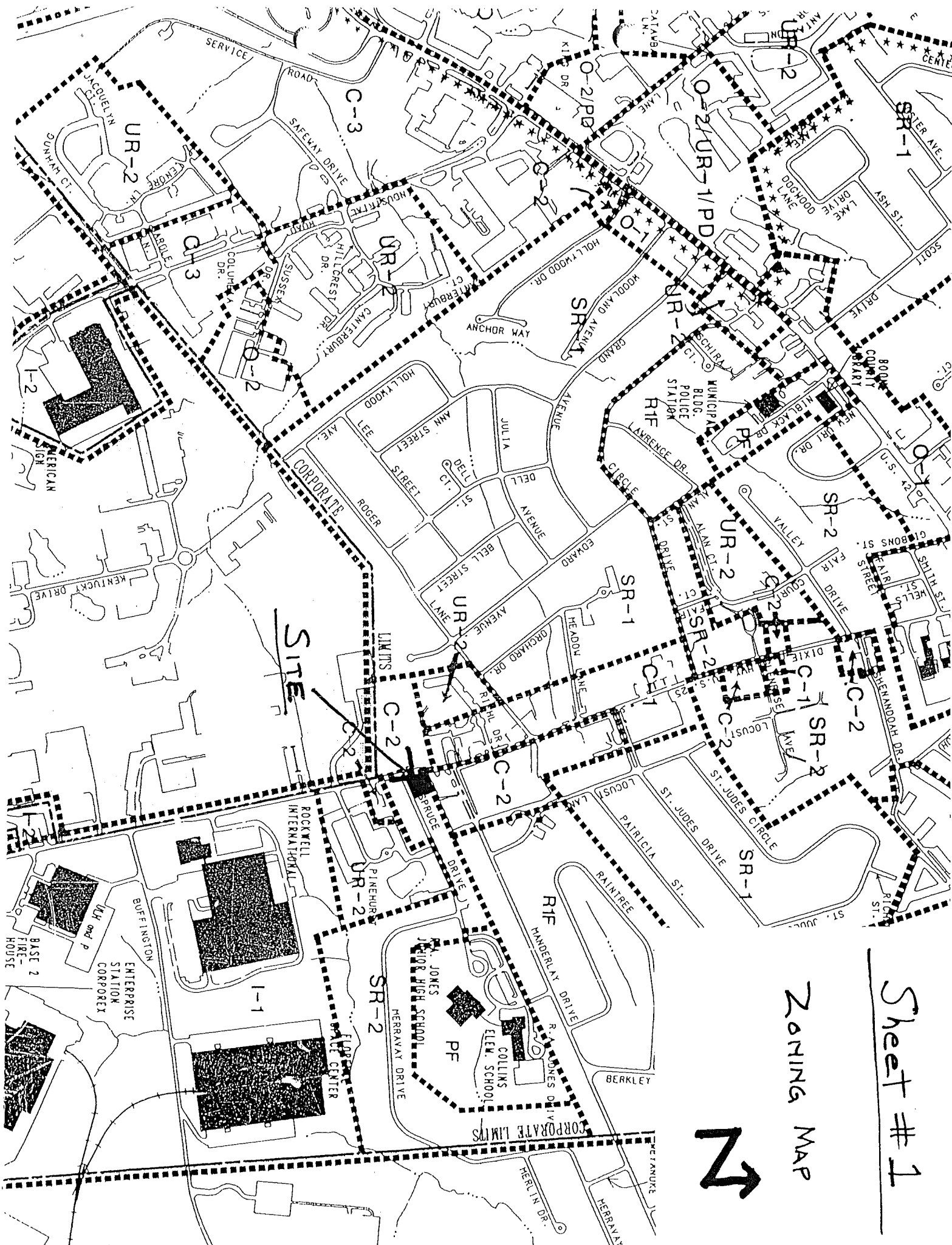
In conclusion, the proposed Zoning Map Amendment request would require a change in the land use map of the Boone County Comprehensive Plan and in the Boone County Zoning Map from Suburban Residential Two (SR -2) to Commercial Two (C-2) should the request be granted by the Boone County Fiscal Court.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH/par



Sheet # 1
ZONING MAP



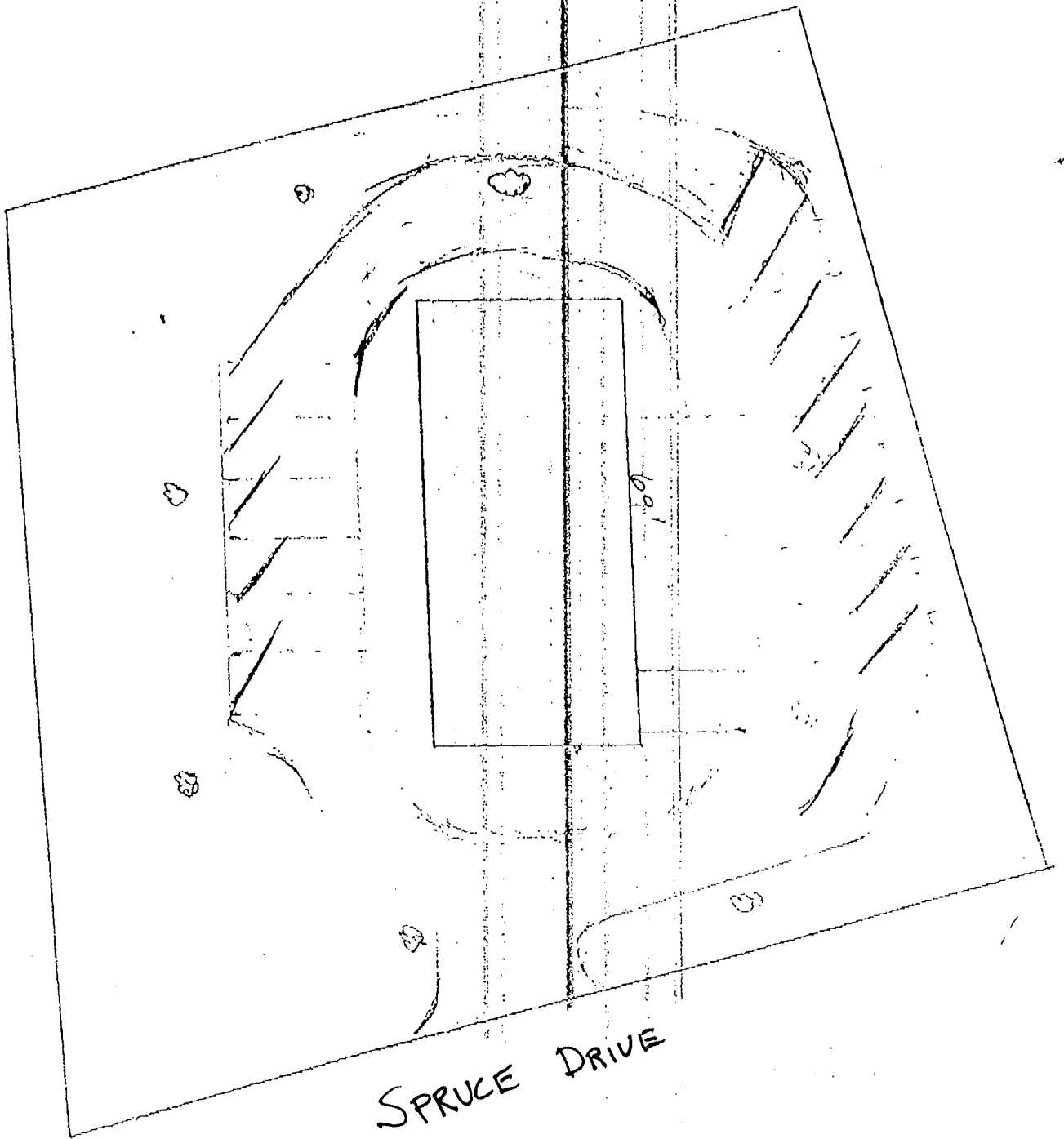


Sheet # 2

LOCATION MAP



U.S. 25



SPRUCE DRIVE

Sheet # 3

CONCEPTUAL
SKETCH



Mr. Phil Damstrom chaired the meeting and introduced the second item on the Agenda:

2. Applicant: Charles Ash for
James and Barbara Baker (owners)
Request: Zoning Map Amendment

The request of Charles Ash (applicant) for James and Barbara Baker (owners) for a Zoning Map Amendment on a .5-acre (approx.) site at 7815 Dixie Highway, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) in order to convert an existing residence into an insurance office.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes added a restriction on the height of any signs permitted per Staff Concern #4.

Mr. Damstrom asked for comments from the applicant.

Mr. Charlie Ash stated that he conceptually drew the lot and the parking area. They want to save as many trees as possible to add to the appearance of the site. If they do the parking as it is drawn, they will comply with whatever makes good sense in regard to the buffering between Dixie Highway and the neighbor to the east. He has talked to Hal Hedges in the City of Florence about the water. He stated that it looks like most of the parking will be to the north of the building between the front of the building and the highway, so that they can drain the water to a stormwater storage tank in front of the building. They may not have too much parking in the back. He would like "heavy landscaping" defined in regard to buffering the neighbors on Spruce Drive.

Mr. Damstrom asked if there was anyone present who wished to speak in opposition to the request.

Cora Bishop, 6 Spruce Drive, stated that she is new to the community. She stated that there are buildings for lease and buildings for sale that an insurance company would fit into. She questioned rezoning residential to business. She stated that there are apartments behind them, the school is at the end of the street, there is a Speedway, and there is a shopping center with partial vacancy. They are not in need of buildings for business because there are buildings that are not filled. They would be hemmed in by this use. She can get from her driveway to the subject driveway in twenty seconds and there will be twenty cars there. The traffic is heavy at 4:30 P.M.. Mrs. Bishop stated that she thought notices were sent out in the mail, and noted that everyone turning in Spruce Drive could not see the sign. They did not receive a notice in the mail. She stated that there are a lot of older people on Spruce Drive who do not know what is going on. People cannot read the sign because of the traffic. The fence between the Speedway and some of the other uses has never been maintained. Mrs. Bishop stated that she asked about building a two-family in the residential zoning on a big lot and was told "no", but this will put business zoning in front of her. This change will be detrimental to the properties that are there. She questioned why someone buys property expecting to get the zone changed.

Counselor Wilson advised that this request did not originate from the Planning Commission or the City of Florence -- it is an application for a zone change and a property owner has the right to seek a zone change. The Commission is gathering facts and will make a recommendation to the City of Florence for their final decision. In regard to legal notice, the applicant gives the names and addresses of the adjoining property owners to the Staff and the mail notice is sent out based on that list.

Mr. Bishop stated that they live across the street.

Debbie Woodruff, 4 Spruce Drive, stated that this rezoning will depreciate the value of the other homes. There are children walking and going to school there.

Charles Dole, who has lived directly opposite the subject property since 1957, stated that there have been changes over the years -- beginning with the industrial park which is directly opposite their property. When he moved there, Spruce Drive was a dead-end street. When the apartments were built, most of the residents asked that it remain a dead-end street and that the apartments have direct access on Dixie Highway. The nursery property has been developed. Spruce Drive is now a thru street and has lost its character as a single-family residential neighborhood. He believes all of the property owners on Spruce Drive would profit eventually if the entire neighborhood is zoned commercial.

Mrs. Woodruff stated that commercial properties in the residential areas depreciate the value of the existing homes. The traffic volumes will be increased from the school and there are additional commercial issues coming into Spruce Drive. She is opposed to the request.

Mrs. Bishop stated that many times when offices are closed teenagers park in the lots and use abusive language. She is concerned about cars being parked there at night. She believes that the area is overdone. There is no way that the rest of the people will get the commercial zone since it only goes along Dixie Highway and their properties will be depreciated.

Mrs. Smith questioned the denial of the two-family house Mrs. Bishop wanted to build. Mrs. Bishop advised that a Century 21 agent talked to someone and was told that they could not do it. Mrs. Smith commented that they were going by what the real estate agent told them. Mrs. Bishop agreed.

Mrs. Woodruff stated that the parking is going to be on the driveway side and it will be a congested corner.

Mr. McMillian questioned the reason for the C-2 Zone as opposed to Office zoning. Mr. Hayes advised that there is existing commercial there and they did not have the amount of land (three acres) required for an O-2. Zone. There is no minimum for the O-1 Zone. They are requesting C-2 to conform with the existing zoning that is there.

Mr. McMillian stated that he is concerned about the uses that can go into a C-2 Zone in the residential area. Mr. Costello stated that O-1 is spot zoning. This would be an add-on to the existing C-2 zoning district there. He stated that the approval can be limited to this use or a range of uses.

Mr. Bailey questioned why they are not requesting C-1 zoning. Mr. Costello advised that this site adjoins a larger C-2 zoning district and all the uses along Dixie Highway are C-2 uses.

Mr. Ash stated that the C-2 Zone is a broader zone and would allow a lot of different occupancies. The O-1 Zone limits the occupancy to office use. He stated that the C-2 Zone limited to O-1 uses would be fine with them.

Mr. Bailey stated that the house immediately behind the parking lot looks very close. He asked that the Committee give special consideration to this. There may be parking spaces against the property line and that may be the bedroom area of the house. He suggested that the adjacent property owner get as much privacy as possible. Mr. Hayes stated that there is a 5-foot sideyard setback for the house to the east, but the house has its garage closest to the property line -- which would give an additional 15 to 20 feet of buffer for the residence.

Mr. Greene noted that the applicant indicated that he is only interested in a small office. He questioned how much parking is needed.

Mr. Ash stated that they have ten employees now, which may grow to 15 employees while he occupies the premises. They need employee parking and parking for customers. They need up to twenty spaces. It may be that they can only get 17 or 18 parking spaces, which would be acceptable to them.

Mr. McMillian questioned the buffer between the two zones. Mr. Costello stated that if the property is rezoned C-2, the minimum buffer area between the commercial and the residential properties would be 25 feet. No parking can exist in the 25-foot area. There can be a berm or fence or trees, or a combination, but parking and driveway aisles cannot encroach into the 25-foot buffer area.

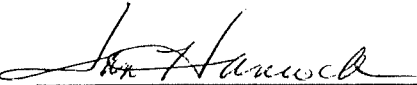
Mr. Damstrom asked if there were any further comments. There being none, Mr. Damstrom stated that the Committee will meet in regard to this application at 7 P.M. on April 12, 1993. This item will be on the Agenda for the Business Meeting on April 21, 1993 at 8 P.M.. Mr. Damstrom closed this Public Hearing.

APPROVED:



Phil Damstrom

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

April 21, 1993 - 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. R. N. Greene
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the Public Hearings and the Business Meeting of April 7, 1993. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Rush seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Akin & Miller Land Developers (owner) for a Zoning Map Amendment on a 6.04-acre site at the intersection of Brandon Drive and Hawes Drive, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS). The site is part of Parlor Grove Estates Subdivision.

Staff Member Dave Geohegan read the Committee Report (see Committee Report). Mr. Geohegan advised that the Condition Letter has been signed by Mr. J. J. Miller as the applicant and owner.

There being no discussion, Mr. Rush moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Mechlin-Berling Partnership (owner) for a Zoning Map Amendment on a 2.28-acre site located off Beemon Lane, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Suburban Residential One (SR-1) in order to allow six single-family lots.

Staff Member Amy Moore read the Committee Report (see Committee Report).

There being no discussion, Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

6. Zoning Map Amendment

The request of Charles Ash (applicant) for James and Barbara Baker (owners) for a Zoning Map Amendment on an 0.5-acre (approx.) site at 7815 Dixie Highway, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) in order to convert an existing residence into an insurance office.

Mr. Kevin Costello, Assistant Director, presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Ries moved that the request be denied based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: April 21, 1993

RE: Request of Charles Ash (applicant) for James and Barbara Baker (owners) for a Zoning Map Amendment on a ±0.5 acre site located at 7815 Dixie Highway, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) in order to convert an existing residence into an insurance office.

REMARKS:

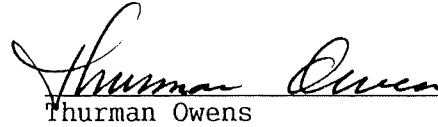
We, the Committee, recommend denial based upon the following findings of fact.

Findings of Fact

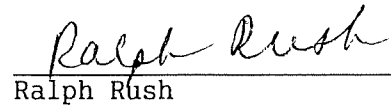
1. The applicant cannot meet the minimum design requirements related to landscaped buffer, parking, access and stormwater as indicated on the submitted Concept Development Plan. Consequently, the proposed use as shown on the submitted Concept Development Plan is not in agreement with the 1990 Boone County Comprehensive Plan. The Comprehensive Plan stresses that small scale commercial and office uses in residential areas should be carefully assessed and located so as to enhance the neighborhood. The submitted Concept Development Plan doesn't take this into consideration as the proposed parking and circulation areas would result in eliminating trees needed to screen the propose use from the adjacent residential uses and zoning district.
2. The applicant has not sufficiently demonstrated that the current zoning classification is inappropriate and the proposed extension of the C-2 zoning district is more appropriate.
3. There have not been major changes of an economic, physical or social in nature, which were not anticipated in the 1990 Boone County Comprehensive Plan and that substantially alter the area's character.

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.


Barry Neltner, Chairman

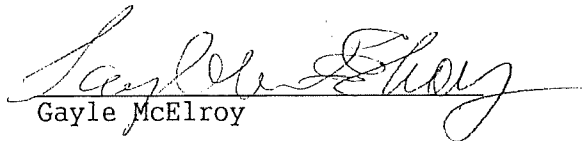

Thurman Owens

Fred Burch


Ralph Rush


Phil Damstrom

Carol Smith


Gayle McElroy

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Mr. Damstrom asked if there were any further comments. There being none, Mr. Damstrom stated that the Committee will meet in regard to this application at 7 P.M. on April 12, 1993. This item will be on the Agenda for the Business Meeting on April 21, 1993 at 8 P.M.. Mr. Damstrom closed this Public Hearing.

APPROVED:

Phil Damstrom

Attest:

Jan Hancock, Recording Secretary

OTHER SUPPORTING INFORMATION

DEED

BOOK 361 PAGE 66

Know All Men By These Presents:

CLERK'S OFFICE
SHORT  FORM
DEED

(This deed is exempt from transfer tax under K.R.S. 142.050 because it is a deed between husband and wife for the purpose of granting a right of survivorship.)

JERRY W. ROUSE, CLERK

PROPERTY TRANSFER TAX PAID \$ Exempt
142.050

That James William Baker and Barbara D. Baker, his wife

for and in consideration of \$1.00 and other valuable considerations to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to: James William Baker and Barbara D. Baker, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Florence :

BOONE


County of ~~Boone~~ and Commonwealth of Kentucky, to-wit:

Group No. 576

Present Street Address 7815 Dixie Highway, Florence, KY 41042

Plat No. 4/5

Mailing Address 6910 Seagrape Terrace, Miami Lakes, Florida 33014

Ret 

Situate in the City of Florence, Boone County, Kentucky and being Lots 1 and 2 of Sprucedale Subdivision as shown on plat recorded in Plat Book 4 Page 5 of the Boone County records at Burlington, Kentucky.

Subject to conditions and restrictions contained in Deed Book 133 Pages 65-66 of said Burlington records.

Being the same property conveyed to Dorothy Edwards and Terrence R. Edwards with right of survivorship, by Eldon Ashcraft and Loretta Ashcraft by deed dated July 6th, 1973, and recorded in Deed Book 204 Page 557 of the Boone County Court Clerk's records at Burlington, Kentucky.

The said Terrence R. Edwards died on July 22, 1984, and by virtue of the survivorship clause in the above mentioned deed the fee simple title vested in Dorothy Edwards, the present decedent.

The said Dorothy Edwards (a.k.a. Dorothy P. Edwards), died testate on January 17, 1986, and under the terms of her Will which was probated on January 28, 1986, and recorded in Will Book 38 Page 173 of the Boone County Court Clerk's records, she devised the residue of her estate to her son, James William Baker.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

James William Baker and Barbara D. Baker, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantors, their COVENANTING with the grantees, their CLEAR, FREE AND UNINCUMBERED, and that they same against all legal claims whatsoever.

heirs, executors and administrators, HEREBY heirs and assigns, that the TITLE so conveyed is will WARRANT AND DEFEND the

IN WITNESS WHEREOF, The said Grantor, CHARLENE ANN CAHILL, single, formerly known as Charlene Ann Hellmann, hereunto set her hand, this 5th day of February in the year 19 87.

STAMPS

KRS 142.050
Tax Exempt

Charlene Ann Cahill
CHARLENE ANN CAHILL

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged before me this 5th day of February, 19 87, by Charlene Ann Cahill

Paul H. Rouse
Notary Public
My Commission Expires: (Title) *March 6, 1988*

COMMONWEALTH OF KENTUCKY, SCT.
KENTON COUNTY OF BOONE
JERRY W. ROUSE
Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from Charlene Ann Cahill, single, to Paul E. Hellmann, single,

was this day presented to me in my office, certified as above, and this day left for record at 11:34 A M. Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office. Given under my hand this 13 day of FEB in the year 1987

JERRY W. ROUSE
By *Jerry W. Rouse*, Clerk
D. C.

WARRANTY DEED

From Charlene Ann Cahill, single,

TO Paul E. Hellmann, single,

Acknowledged
RECEIVED
FEB 13 11 11:34
Clerk
JERRY W. ROUSE
BOONE COUNTY CLERK
D. C.
Left for Record

Recorded in Deed Book No. 361 Page 64

GENERAL INDEX
GROUP 898
Index Clerk

This Deed Prepared By
Paul H. Rouse
NOTITLE EXAMINATION
LAW OFFICES OF
HOFFMAN, HOFFMAN & PARSONS
98 Garvey Ave.
Elsmere, KY 41018

10 50 pd.