

JUL 6 1993

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 Chambers & Grubbs Funeral Home
- 2. Location of Project 8461 Dixie Highway, Florence, Ky. 41042
- 3. Total Acreage of Site 2.64 acres
- 4. Current Zoning of Site C-3
- 5. Proposed Zoning (Classification being requested) C-2 Conditional Use
- 6. Proposed Uses (please specify each use) Funeral Home

- 7. Names of Applicant(s) James D. and Janice O. Grubbs
Phone Number 606/485-4352 Fax No. 606/356-7395
- 8. Address of Applicant(s) 45 N. Main St., P.O. Box 55,
Walton, Kentucky 41094
City State Zip

- 9. Name of Property Owner(s) Ryan Lawn, Garden & Tractor Sales, Inc.
Phone Number 606/485-4261 Fax No. _____
- 10. Address of Property Owner(s) 17 Old Beaver Road
Walton, Kentucky 41094
City State Zip

- 11. Proposed Building Intensities (please specify) _____
6000 sq. ft. x 2.64 acres = 2273 sq. ft.

- 12. Are there any existing buildings on the site? yes
How many? 3

- 13. Deed Book 391 Page No. 26 & 27 Group No. _____

- 14. Are you also applying for:
yes Conditional Use Permit
no 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)

EXHIBIT "A"

STAFF REPORT

Request of James D. Grubbs and Janice O. Grubbs
(applicants) for Ryan Lawn, Garden and Tractor Sales
(owner) for a Zoning Map Amendment to change the zoning
from Commercial Services (C-3) to Commercial Two (C-2)
on a 2.64 acre site at 8461 Dixie Highway, Boone County,
Kentucky and to request a Conditional Use Permit on the
same site to allow a funeral home.

July 28, 1993

This is a request for both a Zoning Map Amendment and Conditional Use Permit. The Planning Commission can review Condition Use Permit applications when part of a Zoning Map Amendment. The current C-3 zoning district does not permit the proposed funeral home use.

The submitted Concept Development Plan indicates that the existing steel building would remain. The applicant has indicated that the existing house would remain on the site. Both buildings are proposed to be remodeled.

Surrounding Land Uses and Zoning

- North - single family, zoned C-3.
- East - undeveloped land zoned C-3, and railroad tracks.
- South - single family residential and motel/apartment use, zoned C-3.
- West - across Dixie Highway is undeveloped property, zoned I-2, and single family residential along Mikkelsen Drive, zoned SR-1.

Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan indicates the site as borderline industrial and commercial on the Future Land Use Map. The text of the Land Use Element recognizes the importance of U.S. 25 as a transportation corridor parallel to I-75, and recommends that industrial development extend south from the Northern Kentucky Industrial Park. The Land Use text also contains Future Land Use Development Guidelines that address utilization of existing vegetation, stormwater management, and access management. The Goals and Objectives for the Business Activity Element recommend that businesses be located at strategic places relative to their trade areas with appropriate access and parking provisions.

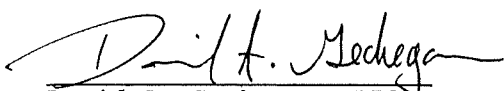
Staff Concerns

1. Neighboring property owners have expressed concerns over sanitary sewerage for the funeral home use. An existing septic/leach field system is shown on the site. The applicant should address how all wastes will be disposed of.
2. The southernmost gravel access drive has not been approved by the Planning Commission. Zoning inspectors have been attempting to get the property owner to remove it and cover the area in grass.
3. The minimum front yard setback will increase from 50 feet in the C-3 zone to 75 feet in the C-2 zone. The current building appears to be 75 feet from U.S. 25, meaning that any canopy additions to the front of the building would require a variance request.
4. If approved, the use should undergo Site Plan Review to address parking, circulation, and landscaping.
5. Access to future development on adjoining properties should be considered.

Conclusion

The Planning Commission and Fiscal Court need to consider the three criteria necessary for a Zoning Map Amendment. Should the request be approved, the Comprehensive Plan does not need to be changed.

Respectfully submitted,



David A. Geohegan, AICP
Senior Planner

DAG\par

Chambers & Grubbs

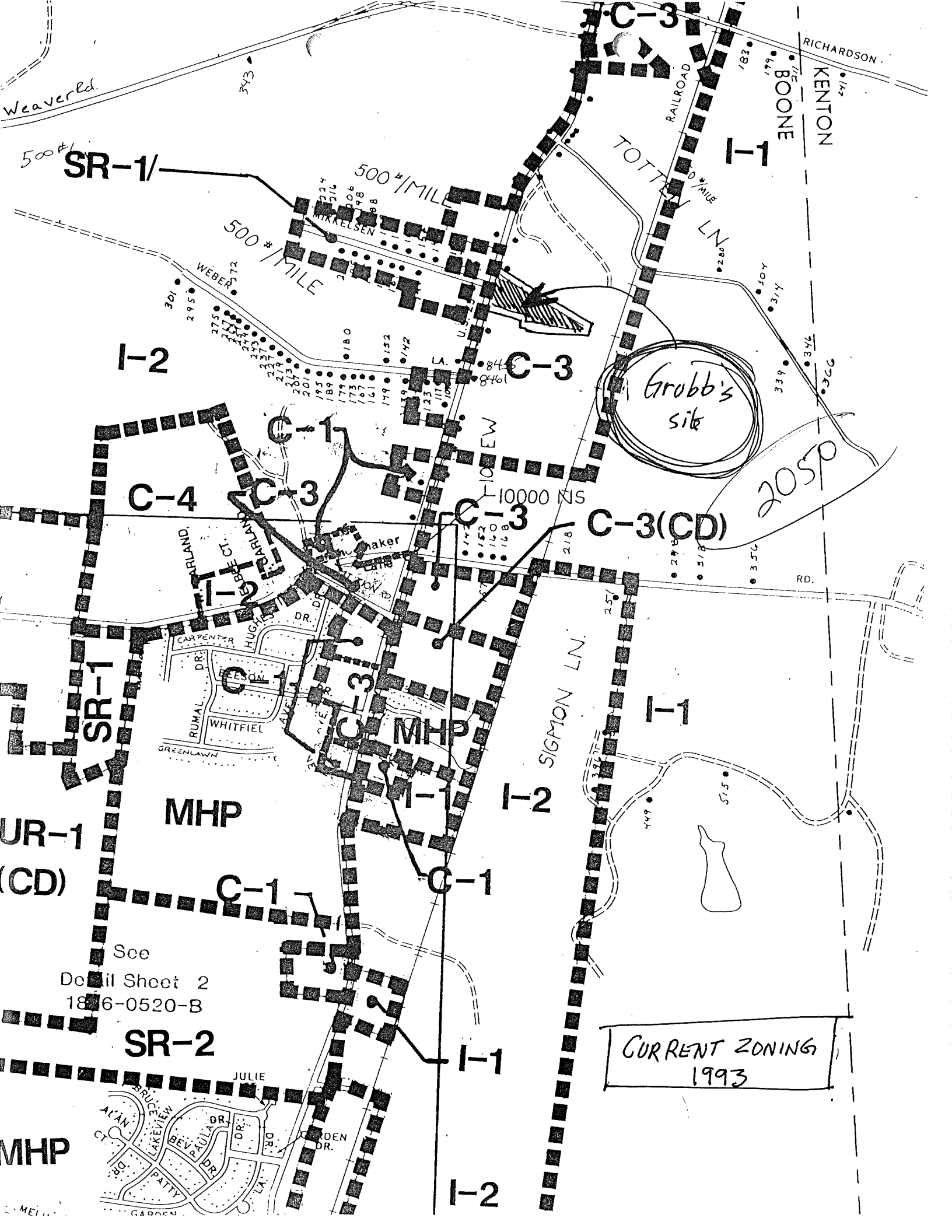
FUNERAL HOMES, INC.

JAMES, D. GRUBBS, PRESIDENT

5629 MADISON PIKE
INDEPENDENCE, KY. 41051
(606) 356-2673

45 NORTH MAIN
WALTON, KENTUCKY 41094
(606) 485-4352

We feel the proposed zone change for Chambers & Grubbs Funeral Home at 8461 Dixie Highway, Florence, Ky., would not conflict in anyway with the Comprehensive Plan. Due to the clean, well groomed appearance, landscaping and overall well kept business decorated, and designed in good taste, the area would be complimented, and greatly enhanced, and the value of adjoining properties would be upgraded. It would definitely be a business the community would be proud to have in their neighborhood.



Grubb's site

20570

CURRENT ZONING
1993

See
Detail Sheet 2
18-6-0520-B

SR-2

MHP

C-4

SR-1

C-3(CD)

I-1

I-2

C-1

I-1

I-2

C-3

C-3

I-2

C-1

MHP

C-3

C-1

500 #/MILE

500 #/MILE

RAILROAD

TOTTEN LN

SIGMON LN

RICHARDSON

BOONE

KENTON

Weaver Rd

500 #/MILE

WEBER

WIRKELSEN

TARRANT

CARPENTER

HUGHES

RUMAL

WHITFIELD

GREENLAWN

JULIE

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Mr. Burch introduced the third item on the Agenda:

3. Applicant: James D. Grubbs and Janice O. Grubbs for
Ryan Lawn, Garden and Tractor Sales (owner)
Request: Zoning Map Amendment and Conditional Use Permit

The request of James D. Grubbs and Janice O. Grubbs (applicants) for Ryan Lawn, Garden and Tractor Sales (owner) for a Zoning Map Amendment to change the zoning from Commercial Services (C-3) to Commercial Two (C-2) on a 2.64-acre site at 8461 Dixie Highway, Boone County, Kentucky to request a Conditional Use Permit on the same site to allow a funeral home.

Staff Member Dave Geohegan presented the Staff Report which included a slide presentation (see Staff Report). He referred to a copy of the zoning map attached to the Staff Report to locate the property. Mr. Geohegan advised that a letter had been received from Mr. and Mrs. Finley Fogg who live in the area and were unable to attend this Public Hearing. Mr. and Mrs. Fogg are concerned about the traffic and whether or not a funeral home is a reasonable use in a residential area. Their main concern is in regard to the sewage. They indicate that the site is served by septic tank and leach lines and they are concerned about what will go into the system. Mr. Geohegan stated that the applicant will address these concerns. Mr. Geohegan advised that a letter was also received from Thelma Castellini, who was also unable to attend this Public Hearing. Mrs. Castellini is in support of the project as it will improve the general condition of the area and the aesthetics of the site.

Mr. Burch asked if the applicant was present.

Mr. Jim Grubbs advised that he, his wife Janice, and their son Steve were present. Mr. Grubbs stated that he is a third generation funeral director. He has a funeral home in Walton and in Independence. Mr. Grubbs displayed a rendering of what they intend to do with the facility. He stated that there will be Roman-type poles in the front. He stated that the building site is ideal. They have 2.64 acres to remodel and update. The land is not in excellent shape now, but he anticipates a facility that would be adequate for the community. It is a class design and will be a step up for the neighborhood. It is a metal building, but it will not look like a metal building. They have excellent landscaping at their other properties. They decorate and keep their places up. Mr. Grubbs stated that there are traffic problems all over Florence and the county and he does not think traffic is a big issue. There is a gravel drive on the south side, which would be nice for them to have, but they do not have to have it. They like to have the entrance coming in and circling around the building, but it is not a big issue. They would like to bring the front out where people could drive through to let people out at the front door. He stated that they are 75 feet from the street. There is a 7.5 foot overhand on the building now. He believes the project would be an upgrade for the community.

Mr. Burch asked if there was anyone else present who wished to speak.

Martha Anderson, a resident of Kenton County who owns property on U.S. 25 across from this site, questioned if the gravel road in the front would be paved. Mr. Grubbs replied "I hope to". She questioned the proposed changes to the building. Mr. Grubbs advised that the front porch would be added on. There would be no addition to the size of the building itself. The building will be brick in the front and for about 25 to 30 feet on each side. There will be Colonial columns in the front. The building will look entirely different from what is there now.

Mr. Barry Anderson questioned if the house that is currently rented there would continue to be sublet residentially. Mr. Grubbs stated that he has not made a decision on this.

Mr. Anderson questioned the plans for sewers for the area and the plans for the highway. Mr. Geohegan advised that there are no plans at this time to bring the sewer down U.S. 25, but it is some time in the future. He stated that the sewer is probably within a half mile of the site.

Mr. Anderson asked if they would have a holding tank and pump out the sewage. Mr. Grubbs replied "yes". Mr. Anderson added "there would not be leach lines". Mr. Grubbs replied "that is what we are anticipating".

Mr. Jack Ellie stated that his sister, Julie Deatherage, was also present and they own the property to the south in trust with their mother and sister. His sister is a nurse and he is concerned about the sanitary sewage system. He asked for further clarification. He stated that it is more like a mile to the sewer line. His mother's property is lower on both sides and the drainage water goes onto her property. They would not object to a holding tank as long as there are no leach lines. He questioned what would go into the sewer. He is concerned about disease with blood and embalming fluids going into the sanitary sewer.

Mr. Grubbs stated that he does not see any problem with the holding tank. They do not have a septic tank. The holding tank is pumped out and goes to a landfill. Mr. Ellie questioned if everything, including toilets, would go into the holding tank. Mr. Grubbs replied "absolutely". Mr. Burch stated that he is sure the Health Department has codes regarding the holding tank.

Mr. Ellie questioned if the state regulates this business. Mr. Grubbs replied "no". He stated that the state treats it like any other facility. Mr. Ellie asked if there are any additional regulations for a funeral home over and above other businesses or homes in regard to the collection of sewage. Mr. Geohegan stated that he will research this and provide the information to the Committee. Mr. Grubbs stated that he could provide the answer. He stated "there are none, there is no code on that".

Mr. Anderson questioned the gravel driveway. Mr. Geohegan advised that for a commercial use any driveways or circulation areas must be paved. The issue with this driveway is that it was proposed to be removed and sodded over on a previous plan.

Mrs. Deatherage asked if there were any regulations that would require periodic inspections of the holding tank to make sure that there is no leakage. She stated that she is concerned about contamination.

Mr. Costello advised that they have to have a permit for the tank, probably from the Northern Kentucky Health District. He is not sure about their procedures and inspections, or if there is any monitoring. He advised that if there is a complaint, they will look at it. He offered to try to find the answers to these questions.

Mrs. Deatherage asked if the present tank would be inspected before it is used. Mr. Costello stated that he did not know, but would try to find out.

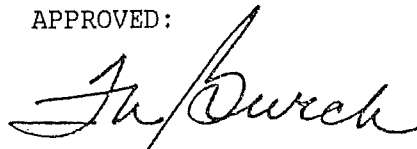
Mrs. Anderson stated that she does not think the funeral home will be a problem in regard to traffic. She is in favor of it, if it is as shown in the picture. Mr. Anderson agreed.

Mr. George Ryan stated that he thinks the funeral home would be a great improvement to the area. He stated that when they bought it, it was a run down six-room motel. He stated that the tank is definitely a Health Department approved system. It has a gauge to indicate when it is nearly full and it is hauled away by people in that business. He does not know of a safer way to handle waste other than a sewer system.

There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission. There being none, he stated that this item will be on the Agenda for the Business Meeting on August 4, 1993 at 8 P.M..

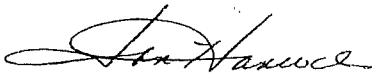
Mr. Burch closed this Public Hearing.

APPROVED:



Fred R. Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

August 4, 1993 - 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman

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 Business Meeting of July 21, 1993 and the Public Hearings of July 21, 1993 and July 28, 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. Mrs. Smith seconded the motion and it carried unanimously.

1. Zoning Map Amendment

The request of Michael Thompson, D. C. (applicant) for Nora Dempsey (owner) for a Zoning Map Amendment on an approximate one-acre site at 7392 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1-F) to Professional Office One (O-1A) in order to use the existing structure as a physician's office.

Staff Member Amy Moore read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Ries moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment and Conditional Use Permit

The request of James D. Grubbs and Janice O. Grubbs (applicants) for Ryan Lawn, Garden and Tractor Sales (owner) for a Zoning Map Amendment to change the zoning from Commercial Services (C-3) to Commercial Two (C-2) on a 2.64-acre site at 8461 Dixie Highway, Boone County, Kentucky; and a Conditional Use Permit on the same site to allow a funeral home.

Staff Member Dave Geohegan read the Committee Report which recommended approval of the Zoning Map Amendment and the Conditional Use Permit based on the findings of fact, but subject to conditions (see Committee Report). Mr. Geohegan advised that the owner/applicant has signed the letter agreeing to the conditions.

Mr. Geohegan stated that after the applicant signed the letter agreeing to the conditions, the Staff received a call from a Committee member about a utility pole near the access point. Mr. Neltner, Chairman of the Committee, stated that he was not aware of the pole until this evening. Mr. Geohegan advised that he did not look at the site after receiving the call.

Mr. Damstrom stated that the pole is on the property and takes the electric from the street to the building. It is immediately adjacent to the building. He questioned if the pole would be a problem in relation to the turnaround traffic in the gravel driveway. It is the pole with the transformer on it.

Mr. Grubbs stated that the pole is on the side of the building and there would not be any turnaround there. The pole is not on the gravel drive.

Mr. Geohegan provided a copy of the plan to Mr. Damstrom to locate the pole.

Mr. Grubbs stated that the pole is on the side of the building, probably 30 feet behind the building. There is no interference with the traffic and it will not create any problem. The pole is in the green area between the drive and the building.

Mr. Damstrom stated that his concerns were satisfied.

Mr. Rush moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Greene seconded the motion and it carried unanimously.

4. Site Plan Review

The request of James W. Berling (applicant) for Paul Krone Trustee (owner) for Site Plan Review to construct an auto dealership building on a 0.8912-acre site at Houston Road and KY 18, Florence, Kentucky. The site is zoned Commercial Services (C-3).

Staff Member Dean Niemeyer presented the Site Plan Review using the overhead projector. A zone change was approved for the site in January, with one of the conditions being that there be adequate (25-foot) buffer between the site and the residential properties in the rear. The existing vegetation was to be left, but it has been removed. They will now put in 20 pine trees which Staff finds acceptable as the site has already been graded. An initial problem with the drainage has been corrected. The water is being detained on-site. The sewer line is being connected with the Toyota line. Staff suggested as a condition of approval that an easement be granted on the Toyota site for a sewer line connection as the DeCastro dealership may be sold in the future. Staff recommends approval of the Site Plan with one condition. (See Staff Report).

Mr. Bailey stated that the Committee recommends approval. (See Committee Report).

Mr. Bailey moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion.

Mr. Owens stated that there were complaints from the residents about lighting there. Mr. Niemeyer advised that this was brought up in the Committee meeting. He did not know if anything had been one about the lighting on the Toyota site, but there is a Lighting Plan for this site. Mr. McMillian advised that the lighting on this site will be turned toward the building. Mr. Greene stated that he believes something was done about the lighting on the Toyota site.

Mr. DeLong asked if the Committee had a signed agreement in regard to the sewer easement. Mr. Niemeyer replied "no" and added that he talked with Tony Berling who said that there would be no problem. They understand the condition and find it acceptable. Chairman Viox stated that he believes the City of Florence will require the easement.

Chairman Viox asked for a vote on the motion made by Mr. Bailey and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: August 4, 1993

RE: Request of James D. Grubbs and Janice O. Grubbs (applicants) for Ryan Lawn, Garden and Tractor Sales (owner) for a Zoning Map Amendment to change the zoning from Commercial Services (C-3) to Commercial Two (C-2) on a 2.64 acre site at 8461 Dixie Highway, Boone County, Kentucky and to request a Conditional Use Permit on the same site to allow a funeral home.

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment and Conditional Use Permit requests based upon the following Findings of Fact and with the following Conditions:

Findings of Fact

1. The Zoning Map Amendment request and Conditional Use Permit are both in conformance with the 1991 Boone County Comprehensive Plan. The Plan calls for commercial uses in this area, and recommends development that achieves access management and sensitivity to residential development. Specific references to the Comprehensive Plan are made in the Staff Report.
2. The Committee believes that the proposed funeral home use is harmonious with the surrounding land uses with the provision that the use must conform to Health Department and EPA requirements regarding sanitary sewerage to the site. The Committee believes that the request also meets the other criteria in section 262 of the Boone County Zoning Regulations.

Conditions


1. The southernmost existing gravel driveway may remain only as a pull-through loop drive for hearse access to the front of the building. It will not be designed for visitor circulation. If used in this manner, the drive shall meet the Zoning Requirements for a commercial drive. If not used in this manner, the gravel drive shall be removed and landscaped.

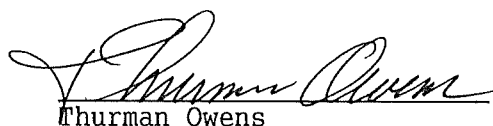
2. Since embalming fluids and related wastes associated with a funeral home business are considered a hazardous waste by the EPA, the development shall meet all requirements of the Natural Resources and Environmental Protection Cabinet and the Northern Kentucky Health Department.
3. The development shall undergo Site Plan Review to evaluate parking and landscaping.

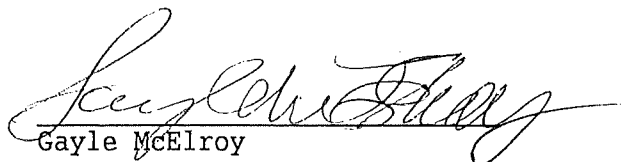
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.


Barry Neitner, Chairman

Fred Burch


Phil Damstrom


Thurman Owens


Gayle McElroy


Ralph Rush

Carol Smith

DAG\par

Mr. Burch introduced the third item on the Agenda:

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Request: Zoning Map Amendment and Conditional Use Permit

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There being no further comments from the audience, Mr. Burch asked if there were any comments or questions from the Commission. There being none, he stated that this item will be on the Agenda for the Business Meeting on August 4, 1993 at 8 P.M..

Mr. Burch closed this Public Hearing.

APPROVED:

Fred R. Burch, Vice Chairman

Attest:

Jan Hancock, Recording Secretary

Boone County Recorder

OCTOBER 6, 1993

**LEGAL SUMMARY
ORDINANCE NO. 920.263**

The Boone County Fiscal Court at its meeting held Tuesday, September 28, 1993, at 5:00 P.M., Second 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 REQUEST OF JAMES D. GRUBBS & JANICE O. GRUBBS (APPLICANTS) FOR RYAN LAWN, GARDEN AND TRACTOR SALES (OWNER) FOR A ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO COMMERCIAL TWO (C-2) FOR A 2.64 ACRE SITE LOCATED AT 8461 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-93-034-A.

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 69621

KENNETH R. LUCAS
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY
