

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 United Dairy Farmers Convenience Store
2. Location of Project NE Corner Mt. Zion Rd./U.S. 25
3. Total Acreage of Site 1.7755 Acres
4. Current Zoning of Site I-1
5. Proposed Zoning (Classification being requested)  
C-1 with Conditional Use to dispense self service fuels
6. Proposed Uses (please specify each use)  
Convenience Store with ice cream parlor and self service gas facilities on approximately 60% of site. Balance of site to be  
a. - Sold to separate user.  
b. - Developed by UDF with retail expansion to store structure.
7. Names of Applicant(s) United Dairy Farmers  
Phone Number 396-8700 Fax No. 396-5114
8. Address of Applicant(s) 3955 Montgomery Road  
Cincinnati, Ohio 45212  
City State Zip
9. Name of Property Owner(s) Beata C. Moloney  
Phone Number 371-5880 Fax No. ----
10. Address of Property Owner(s) 8755 Dixie Highway  
Florence, Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify)  
Single storied masonry block building with approx. 3200 GSF of interior area. If balance of property is developed by UDF it will be with similar structure adding approx. 7000 GSF to store.
12. Are there any existing buildings on the site? yes  
How many? residence plus some misc. structures/sheds.
13. Deed Book 1-2 Page No. 9-47 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:  
X 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 United Dairy Farmers (applicant) for Beata C. Moloney (owner) for a Zoning Map Amendment on a 1.76 acre tract located at the northeast corner of Mt. Zion Road and US.25, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Commercial One (C-1) and for a Conditional Use Permit to construct a convenience store with self service gas facilities and future retail development.

January 26, 1994

This request would enable the development of a 3200 square feet convenience store with self service gasoline facilities. In addition, a 7000 square feet possible retail expansion is indicated on the 1.76 acre site. The Boone County Zoning Regulations require a Conditional Use Permit (CUP) for the sale of gasoline within a Commercial One (C-1) zone which is why this application is also requesting a CUP. This site which currently contains a single family residence is zoned Industrial One (I-1). The site is located at the northeast corner of Dixie Highway and Mt. Zion Road (see sheet #1).

## Surrounding Zoning and Land Uses (See Sheet #2)

North:	Welding Alloys USA zoned Industrial One (I-1)
South:	Flower store zoned Commercial Three (C-3)
East:	Single Family Residences zoned Industrial One (I-1)
West:	One four unit apartment building and single family residence zoned Industrial Two (I-2)

## Site Characteristics

The site is locate at the northeast corner of US. 25 and Mt. Zion Road. There is an existing residence located on the site which has its access from Mt. Zion Road. The topography of the site is generally flat but slopes down towards Mt. Zion Road. There are mature trees located around the house and in the middle of the site with the remainder of the site being grass.

The site currently has water and gas available for use on the site. However, there is no sanitary sewer located on the site. The applicant has indicated that they will extend an 8 inch sanitary sewer line 600 feet from Aristocrat Drive to their the proposed convenience store. United Dairy Farmers has indicated that they would extend this sanitary sewer line at their expense.

The prominent land uses near the applicants site are mobile home parks and single family residences. The majority of the industrial land that surrounds the site to the east is vacant.

### Relationship to the Comprehensive Plan

The Future Land Use Map of the Boone County Comprehensive Plan, indicates that the area around the intersection of Mt. Zion Road and US 25 should develop as commercial (see sheet #3). The area to the north and east has a future land use classification of Industrial. The Comprehensive Plan text does not specifically mention the applicants site. However, it does indicate that industrial uses should expand southward to Mt. Zion Road, between I-75 and U.S. 25. To the east of U.S. 25 only light manufacturing and distribution uses should occur.

The Business Activities Element of the Comprehensive Plan indicates that the proposed Mt. Zion interchange should have any commercial activity concentrated to east of I-75 and along Highway 25. Any commercial activity southwest of the interchange should be neighborhood oriented.

### Concept Development Plan

The applicant has indicated that there are two scenarios to the development of the site. The first scenario involves United Dairy Farmers developing lot #1 and selling lot #2 to another party who would develop a separate business on that lot. If this were to happen United Dairy Farmers would develop a 3200 square foot convenience store with six gasoline pumps on lot #1. This store would have a future expansion potential of 2000 square feet (see sheet #4). The second scenario would have United Dairy Farmers developing the entire site which would include the convenience store plus a possible 7000 square foot retail addition which would contain neighborhood commercial uses (see sheet #4).

The Concept Plan indicates there will be three curb cuts made to access the site. One access will be located on Mt. Zion Road which is approximate 265 feet from the intersection with U.S. 25. The other two access points will be located on U.S. 25, of which one access point will be for right-in only. The two way entrance would be located 255 feet from the intersection of U.S. 25 and Mt. Zion Road. Article 32, of the Boone County Zoning Regulations, entitled Transportation Management Regulations, requires that driveways located on an arterial roadway be located a minimum of 275 feet apart. The proposed driveways located on U.S. 25 as indicated on the conceptual plan are only approximately 100 feet apart.

A fifteen (15) feet landscaping buffer is indicated along Mt. Zion Road and U.S. 25. However, the conceptual plan does not describe the type or quantity of landscaping that is planned. The concept plan indicates one identification sign for United Dairy Farmers and a separate identification sign for the future retail expansion. Article 34, of the Boone County Zoning Regulations, entitled Signs, permits only one on premise free-standing sign for shopping centers, mixed use commercial and planned development for the purpose of identifying the name of the development, its major tenants, and major access points. No free-standing sign may be permitted for individual establishments or buildings located within, or accessible from the entrance of a shopping center or mixed use development when such building or establishment, or the lot upon which such establishment is located is planned, designed, or marketed as a part of such development.

If the entire site is developed as indicated on the conceptual plan only one free-standing sign twenty (20) feet in height and maximum 150 square feet in size would be permitted for the site according to Article 34. If lot #2 is developed separately it would need to be determined if this business would be entitled a free-standing sign.

Staff Concerns

1. Because of the existing single family residences to the east staff believes that buffering should be installed to screen the proposed use from the existing residences.
2. The conceptual plan shows a fifteen (15) feet landscaping buffer area located along the perimeter of Mt. Zion Road and U.S. 25. Staff believes, that the landscaping that will be provided within this buffer area should be indicated and defined. This site will have a significant visual impact at the corner of a very heavily travelled intersection and therefore affords the opportunity to create an attractive and aesthetically pleasing northeast corner of the Mt. Zion/Dixie Highway intersection. In addition, landscaping will help soften the appearance of the proposed uses from the existing residences on the west side of Dixie Highway.
3. The conceptual plan does not indicate that there will be any outdoor lighting for this site? Staff is concerned that if there is to be outdoor lighting that it be directed away from any residences and the roadways.
4. Staff believes that the signage for the site should be studied to determine whether two free-standing signs should be permitted if lot #2 is developed separately.
5. The two access points that are to be located on U.S. 25 will need a waiver by the Planning Commission if they are to be permitted as shown on the submitted Concept Plan.

Conclusion

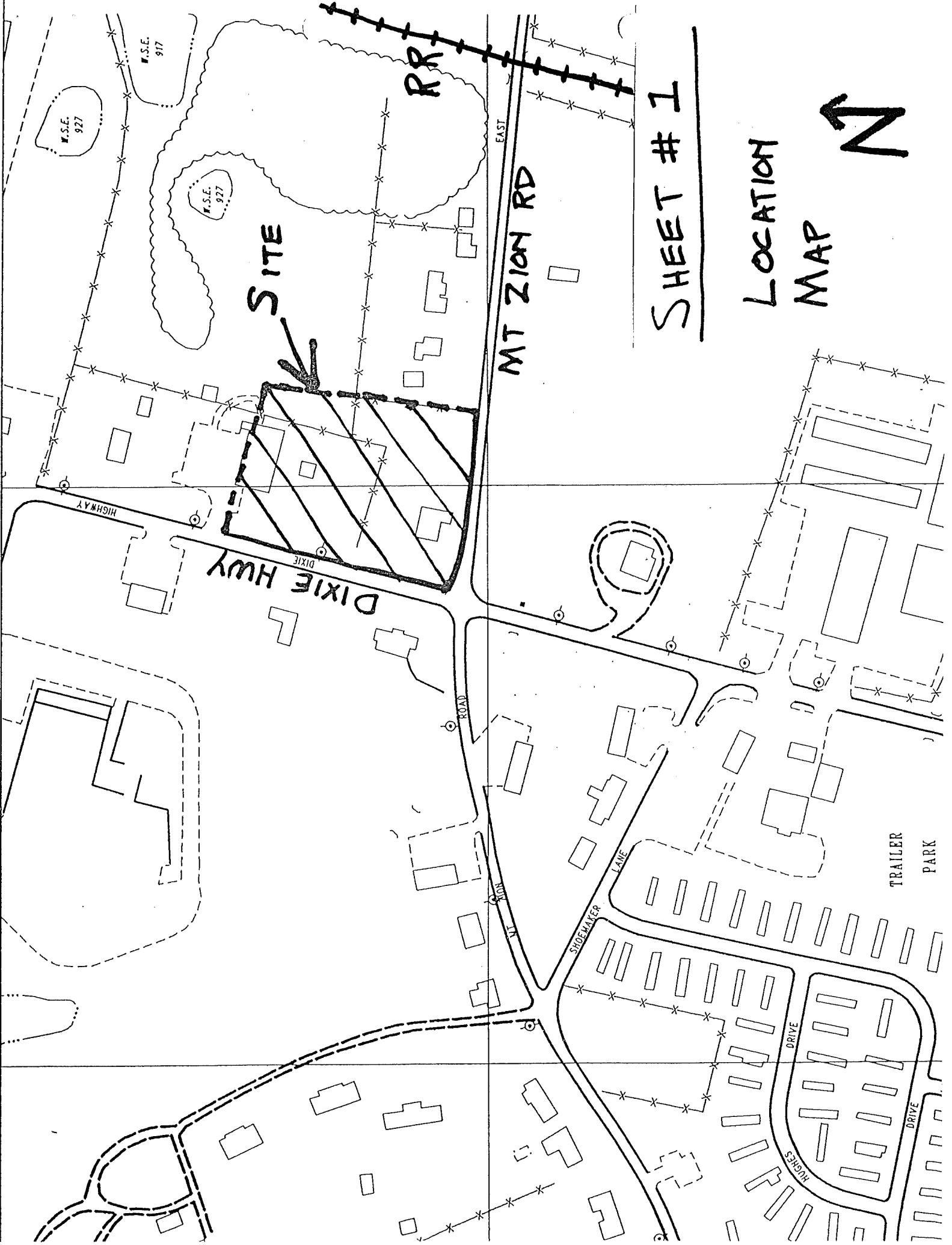
In conclusion, the proposed Zoning Map Amendment request generally is in agreement with the land use text and is indicated as Commercial by the Future Land Use Map of the Boone County Comprehensive Plan. Therefore, should this request be granted by the Boone County Fiscal Court, a change would be required in the Boone County Zoning Map from Industrial One (I-1) to Commercial One (C-1).

Respectfully Submitted,




Jeffrey F. Hayes  
Planner I

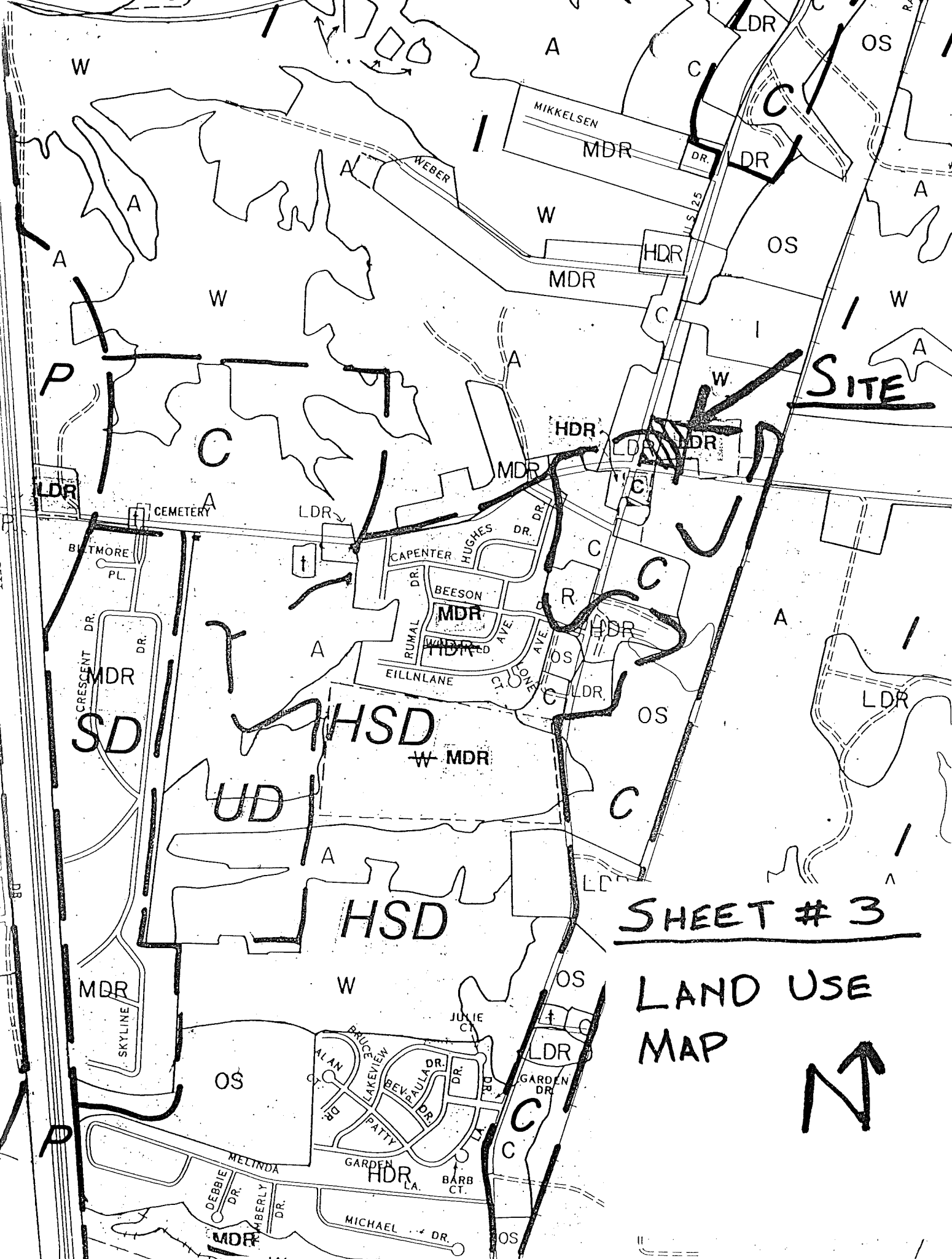
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SHEET # 1

LOCATION  
MAP 





**SITE**

**SHEET # 3**

**LAND USE  
MAP**

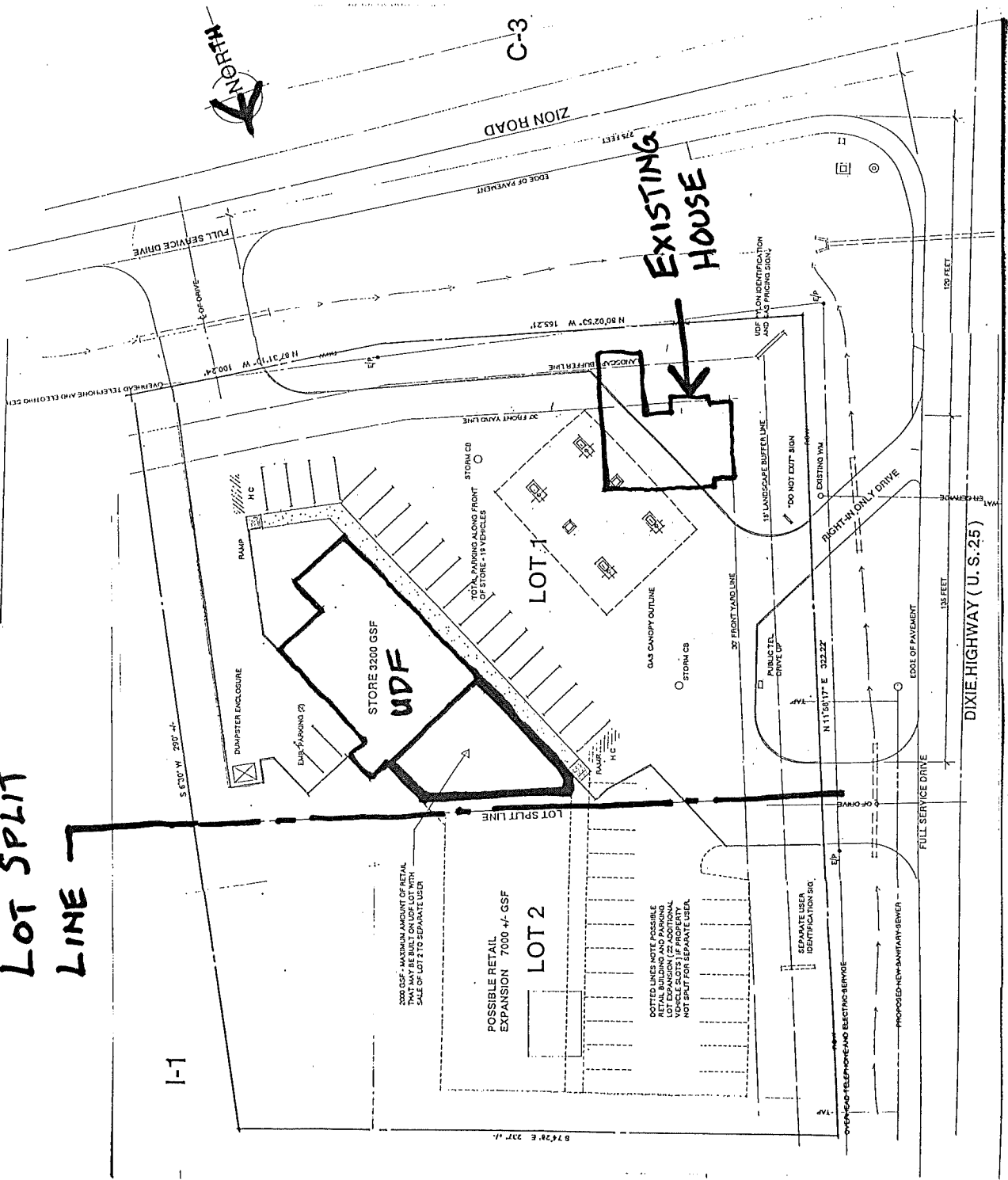


# SHEET # 4

## CONCEPT PLAN

## SCENARIO # 1

LOT SPLIT LINE



C-3

I-1

87°28' E 237' +/-

DIXIE HIGHWAY (U.S. 25)

7000 sq ft  
BUILDING  
ADDITION

1-1

7000 SQ. FT. MAXIMUM AMOUNT OF RETAIL  
THAT MAY BE BUILT ON LOT WITH  
SALE OF LOT 2 TO SEPARATE USER

POSSIBLE RETAIL  
EXPANSION 7000 sq. GSF

LOT 2

DOTTED LINES NOTE POSSIBLE  
RETAIL BUILDING AND PARKING  
EXPANSION. THIS IS SUBJECT TO  
VEHICLE SIZES IF PROPERTY  
NOT SPLIT FOR SEPARATE USER.

STORE 3200 GSF  
UDF

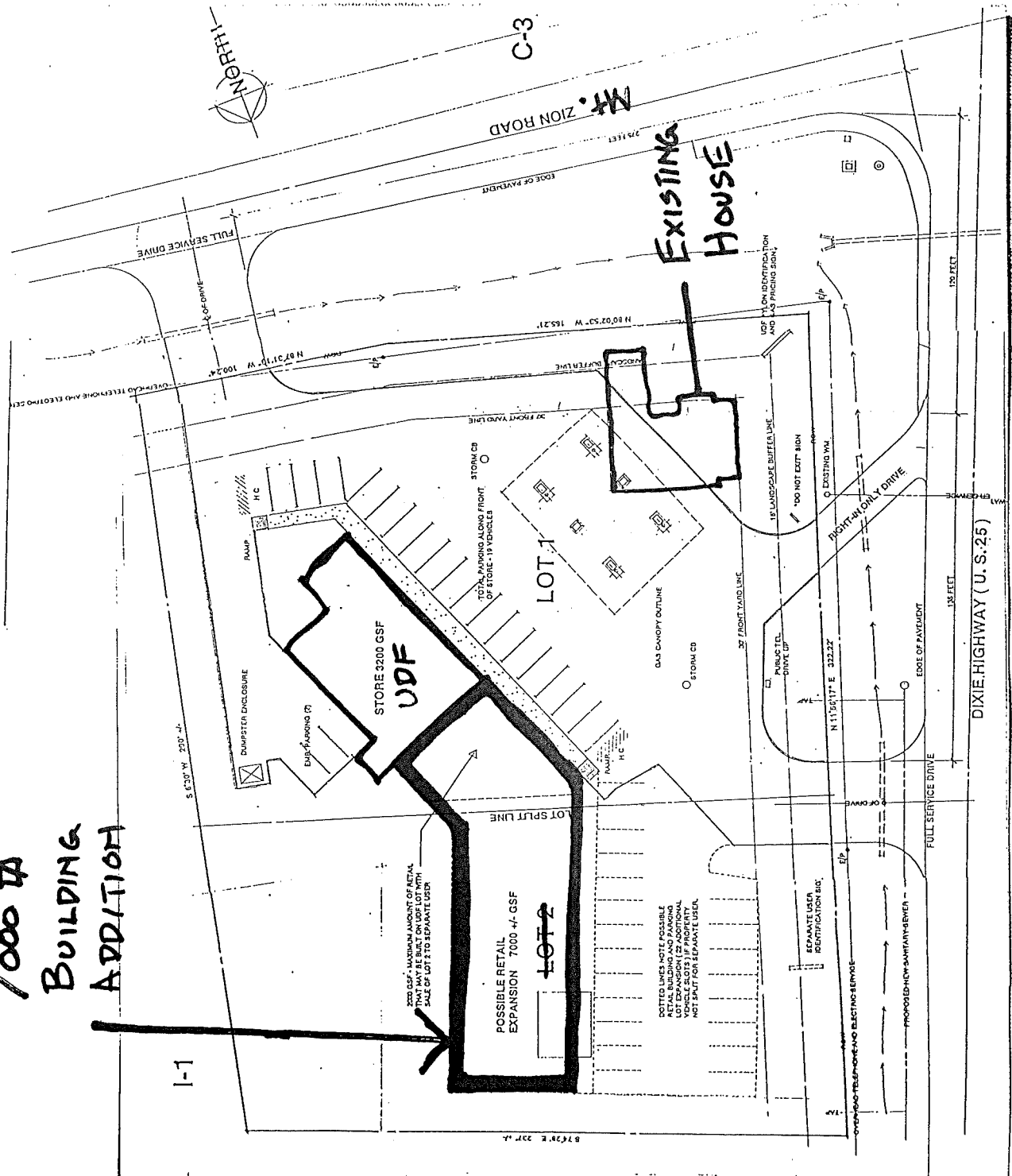
LOT 1

EXISTING  
HOUSE

SHEET # 4

CONCEPT  
PLAN

SCENARIO  
# 2



C-3

DIXIE HIGHWAY (U.S. 25)

BOONE COUNTY PLANNING COMMISSION

January 26, 1994  
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: United Dairy Farmers for  
Beata C. Moloney (owner)

Request: Zoning Map Amendment

The request of United Dairy Farmers (applicant) for Beata C. Moloney (owner) to change the zoning on a 1.76-acre site at the northeast corner of Mt. Zion Road and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Commercial One (C-1) and for a Conditional Use Permit to construct a Convenience Store with self-service gas facilities and future retail development.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation, and reviewed two possible development scenarios using the overhead projector (see Staff Report).

Chairman Viox asked if there was a representative of the applicant present.

Claire Dedricks, Director of Real Estate for United Dairy Farmers, stated that when they submitted their original proposal they had assumed being able to purchase an approximate 5,000 square foot parcel in the northeast corner. They have not been able to reach agreement in regard to that parcel and will provide the Commission with replacement drawings and legal description for a 1.646-acre site. United Dairy Farmers intends to sell Lot #2, but has no contracts at this time. If they cannot sell Lot #2, they may in the future do the retail. The retail does not appear warranted at this time. They have discussed the location with their normal tenants in other locations, but have not been able to develop enough interest to consider it for a large retail facility. At this time, they are asking for C-1 zoning on the entire property. They are looking at the Conditional Use for gasoline. Using a large drawing, Mrs. Dedricks indicated their standard landscaping. She stated that they have not built out to the property line and indicated the 15-foot greenbelt areas between their property and the neighbors. She indicated a driveway on the site and stated that their property line is significantly behind the garage --

not where the driveway is. What is shown in green on the drawing will be green areas. They intend to put in trees that will endure and often use Bradford pear and maple trees. They will define the landscaping plan when they go for a building permit.

Mrs. Dedricks stated that United Dairy Farmers has done a couple of sites in Northern Kentucky. The gasoline requires information (signage) at the street in regard to cost of the product. They use their standard pylon sign as shown on the drawing. Mrs. Dedricks presented an artists rendering of their facility and showed the Commission pictures of some of their stores in Cincinnati. She stated that the pictures are examples of the type of facility they anticipate. They have talked with users, including McDonald's for a smaller building, about the second lot. There is a need for food in the area because of the industrial park behind them. Some of the people they have talked to have indicated interest because of the lack of food in the area and all of those uses would want to have a pylon sign. They feel that a pylon sign is necessary to get a major tenant. They intend to share the curb cut with Lot #2. She has talked with Forrest Rankin at KDOT, but does not have his position at this time. They have a right-turn-in access at a location in Cincinnati that is close to an intersection and it works well. People can go from the intersection right into their site as opposed to making a stop on the roadway, which allows for a continuous movement and would not inhibit U.S. 25. She stated that they have about a 16-foot access and the regulations allow 18 feet. The cut the access down to tightened up the throat and control movement. She stated that Mr. Rankin had no problem with the curb cuts and was going to review their site in Cincinnati that has the right-in access and give them an opinion. They know the concept works well. Mrs. Dedricks indicated on the drawing where the enclosed dumpster will be located. She indicated the location of the ice cream parlor and stated that there will be landscaping there. She stated that they have indicated 44 parking spaces if they would develop the whole site in the future. She stated that they have a few employee parking spaces, which she indicated on the drawing. The illumination of the lot will be down-lighting and will not spill over into the surrounding areas. The width of the full services is 35 feet, which meets the code. They anticipate employing 8 to 15 people, depending on the volume of the store, some being part-time and some being full-time.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There was no response. Chairman Viox then asked if there was anyone present who wished to speak in opposition to the request or to ask questions. There being no response, he asked if there were any comments or questions from the Commission.

Mr. McMillian asked if this would be a 24-hour a day operation. Mrs. Dedricks stated that their intention is to have a 24-hour a day operation, but if they find that they have problems there and the business is not there, they will cut the hours back. Their concept is for 24 hours a day because people are on the road basically 24 hours a day. They made a decision to be available to their customers 24 hours a day and operate all of their stores that way. If they find that there is a reason to cut the hours back, they have been doing that.

Mr. McMillian questioned the landscaping. Mrs. Dedricks stated that they could extend the trees at this time. She stated that there is an industrial building at the back with barrels and sheds and industrial equipment. They have buffer along the property line next to the building and along the residential side.

Mr. McMillian asked if they plan decel lanes on any of the entrances or exits on U.S. 25. Mrs. Dedricks stated that decel lanes are not required with the way U.S. 25 has been restructured and the way they are putting in the access. It is 125 feet from the edge of the pavement back to Mt. Zion Road and she is not sure there would be enough room. Mr. McMillian questioned a decel lane into the full-service access. Mrs. Dedricks stated that they do not intend to do the decel lane there because there is significant cost and it is on a state highway. If the state dictates it, they will look into it. Decel lanes add to the cost of the development. Mr. McMillian stated that if they eliminated the right-turn lane, the cost would be less. If the right-turn only was eliminated, they would really need a decel lane. Mrs. Dedricks stated that they have only one site with a decel lane and many sites without one. Mr. McMillian stated that the Commission is looking for improvements.

Mr. Kirby questioned if the smaller retail building would share a common wall with the 7,000 square foot building to be built by someone else if the site were developed as two lots. He asked if it would look like one continuous building. Mrs. Dedricks stated that the 7,000 square foot retail building would take in the blue area shown on the drawing and the 5,000 square foot building would only be built in the future if they were unable to sell Lot #2 and they had tenants, in which case, they would build it and it would be attached.

Mr. Kirby questioned if the blue area shown on the drawing would go to the property line if they sold Lot #2 and the building would attach to their building, or would there be separate walls. Mrs. Dedricks stated that there would definitely be two separate walls. She stated that their building is probably 5 feet off the property line. They will control the use and positioning of buildings on Lot #2. They will not have a use there that is an interruption to their successful operation.

Mr. Kirby asked if there would be two separate distinct buildings with separate walls if someone else builds on Lot #2. Mr. Dedricks replied "yes".

Mr. Kirby questioned the height of the pylon sign. Mr. Hayes advised that 20 feet is the maximum height in the C-1 Zone. The square footage is based on the amount of road frontage.

Mrs. Schaffer questioned the buffering to the east. Mrs. Dedricks stated that they are putting in trees. Mrs. Schaffer questioned pear and maple trees losing their leaves and suggested evergreen trees for winter coverage. Mrs. Dedricks stated that evergreen trees grow very slowly and they do not feel that they are attractive. Mrs. Schaffer stated that she is concerned about buffering for the residents. Mrs. Dedricks stated that they left 15 feet of their property for green area. Mrs. Schaffer questioned how close the trees would be planted to each other. Mrs.

Dedricks stated that the planting will be done by a professional. The trees have to have room to grow. She stated that the ice cream parlor will have paddle fans and artwork, and the parking lot will not be terribly disruptive on that side of the building.

Mrs. Schaffer questioned ingress/egress if Lot #2 is sold separately. Mrs. Dedricks stated that they will give them cross easements so that someone wanting to go to the expressway could go through the United Dairy Farmers lot. If the site were a McDonald's and people came in to eat and wanted to go back to the north, they would probably use the exit there; but people accustomed to the neighborhood would probably go through the United Dairy Farmers lot and onto Mt. Zion Road.

Mr. Bailey questioned how close the residential house is to the property line. Mrs. Dedricks indicated the house on the drawing (represented by a symbol). The house has a driveway on the west side, so the driveway and garage come first and then the house is on the east. She stated that it is probably at least 100 feet from the side of the house to the side of the United Dairy Farmers building. Mr. Bailey stated that because the house is there, it is important that the trees and shrubs be there, and possibly a fence. Mrs. Dedricks stated that it is possible that the three houses may be converted to I-1 or commercial use in the future. She stated that they have attempted to soften the impact on the residences.

Mr. Bailey stated that the sign shown in the picture appears to be the type of sign that is shared. Mrs. Dedricks stated that they have additional information on the sign, such as ATMs and gasoline. Mr. Bailey questioned if they had considered allowing space for another development on their sign. Mrs. Dedricks stated that they do not do that. They want to emphasize their gasoline and their dairy store. The type of use they hope to have on Lot #2 would probably also want to be identified as their own entity. They feel that United Dairy Farmers is a strong enough draw that if the other businesses get a percentage of their business they will do fine. They have had their company policy for fifty years.

Mrs. Schaffer questioned the size of the sign if they took both frontages into consideration. Mr. Hayes stated that the sign at the corner would be subject to interpretation. He explained that the one frontage would allow a 150 square foot sign and the other frontage would allow a 135 square foot sign. Mrs. Dedricks stated that their sign is generally 140 square feet. Mr. Hayes explained that if they develop as one lot, they are only permitted one free-standing sign. If the retail center was built, it could not have a free-standing sign identifying the businesses in the strip center. If the property were developed as two lots, it is ambiguous as to whether they would be permitted a separate sign for Lot #2. If the sign was permitted, it would be smaller due to the lot width.

Mrs. Dedricks submitted copies of their plans.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on February 7, 1994 at 7 P.M..

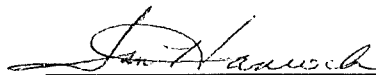
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING

February 16, 1994 - 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett  
Mr. Robert Kirby, Jr.  
Mr. Thurman Owens

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received a copy of the Minutes of the February 2, 1994 Business Meeting. He asked if there were any comments or corrections.

Mrs. Schaffer stated that on Page 5, Item #7, Paragraph 2, line 7, the word "with" should be replaced with "in addition to". Mr. McMillian moved that the Minutes of the February 2, 1994 Business Meeting be approved as amended. Mrs. Smith seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

Chairman Viox stated that the following item is recommended for deferral to the March 2, 1994 Business Meeting:

3. Site Plan Review: The request of Randy Barlow (applicant) for Albert and Linda Barlow (owners) to construct a 5,550 sq. ft. office building. The 1.88-acre site is located at 10092 U.S. 42, Union, Kentucky and is zoned Rural Suburban/Small Community Overlay (RS/SC).

Mr. McMillian moved that Agenda Items No. 3 be deferred to the March 2, 1994 Business Meeting. Mr. Ries seconded the motion and it carried unanimously.

Chairman Viox stated that the following item is recommended for deferral to the March 16, 1994 Business Meeting:

4. Site Plan Review: The request of Don Conrad (applicant and owner) to construct a 3,250 sq. ft. car wash building. The 0.56-acre site is zoned Commercial Two (C-2) and is located at U.S. 42 and Mall Road, Florence, Kentucky.

Mr. Ries moved that Agenda Item No. 4 be deferred to the March 16, 1994 Business Meeting. Mr. McMillian seconded the motion and it carried unanimously.

1. Zoning Map Amendment

The request of United Dairy Farmers (applicant) for Beata C. Moloney (owner) to change the zoning on a 1.646-acre site located at the northeast corner of Mt. Zion Road and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Commercial One (C-1) and for a Conditional Use Permit to construct a convenience store with self-service gas facilities and future retail development.

Staff Member Jeff Hayes read the Committee Report which recommended approval of the request based on the findings of fact, but subject to four conditions (see Committee Report).

Mr. Burch moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Mr. Hayes advised that the applicant has signed the letter agreeing to the conditions.

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

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: February 16, 1994

RE: Request of United Dairy Farmers (applicant) for Beata C. Moloney (owner) for a Zoning Map Amendment on a 1.76 acre tract located at the northeast corner of Mt. Zion Road and US.25, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Commercial One (C-1) and for a Conditional Use Permit to construct a convenience store with self service gas facilities and future retail development.

## REMARKS:

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

### Findings of Fact

1. The request is in conformance with the 1990 Boone County Comprehensive Plan, specifically the Land Use Element and the Future Land Use Map which indicates that the area around the intersection of Mt. Zion Road and U.S. 25 should develop as commercial. In addition, the Land Use Element indicates that industrial uses should expand southward to Mt. Zion Road, between I-75 and U.S. 25. To the east of U.S. 25 only light manufacturing and distribution uses should occur. The Business Activities Element of the Comprehensive Plan indicates that the proposed Mt. Zion interchange should have any commercial activity concentrated to east of I-75 and along Highway 25. Any commercial activity southwest of the interchange should be neighborhood oriented.
2. In the Committee's opinion, the existing Industrial One (I-1) zoning is inappropriate and the proposed Commercial One (C-1) zoning is appropriate because of the need for neighborhood commercial services within a densely populated residential area and an increasing developing employment area.


### Conditions


The applicant is being asked to agree to and include these items as part of the Zoning Map Amendment:

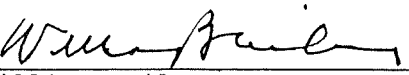
1. The right-in only access on U.S. 25 shall be removed and a deceleration lane shall be installed. This deceleration lane will be subject to the approval of the Kentucky Department of Transportation and shall be built according to their standards.

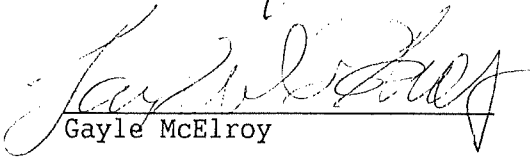
2. If the property develops into two separate lots one monument sign will be permitted for both lots. If monument signs are not selected and the 1.64 acre tract is divided into two separate lots only one lot will be permitted to have a free-standing sign which would have to conform to the sign requirement of the Boone County Zoning Regulations. A monument sign is defined as a low profile sign erected on a masonry wall or similar structure and set in an appropriately landscaped area. The sign cannot exceed eight (8) feet above grade of the street centerline. Monument signs can be constructed in a "V" shape with the area of only one face being considered towards the total square footage.
3. The fifteen (15) feet landscape buffer which was indicated on the submitted Concept Development Plan will be required. The landscaping along the east property line should consist of evergreen and deciduous trees planted to provide year round screening for the adjoining residential properties to the east. All trees planted shall be a minimum of six (6) feet in height. Landscaping shall be installed along the perimeter of the paved area along U.S. 25 and Mt. Zion Road. The intent is to screen the parking and pavement areas from view from the public right of ways. The southwest corner of the site shall be heavily landscaped with low level ornamental landscaping to provide an aesthetically pleasing corner at the Mt. Zion Road/U.S. 25 intersection.
4. If the property to the east redevelops access management will be a concern because of the future volumes of traffic that Mt. Zion Road will need to handle. Therefore, it will be necessary for the applicant to provide a future access easement for the property to the east. This access easement would allow for ingress and egress for the redeveloped property to the east from the applicants proposed curbcut on Mt. Zion Road. This shared access would only be required if the property to the east cannot meet the current or future Access Management requirement of the Boone County Zoning Regulations regarding the minimum distances between driveways on an arterial roadway. In addition, shared access will be required only if the property to the east develops into a commercial or light industrial use that does not have frequent truck traffic. A written agreement should be created between the applicant and the future developer of the property to the east which addresses maintenance, repairs, relocation, replacement and compensation for the easement and any interruption to the applicants business during the construction of this shared access. The expense of connecting to the proposed curb cut on Mt. Zion Road will be the responsibility of the developer of the property to the east. The location of the future access easement shall be indicated during Site Plan Review.

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.

  
\_\_\_\_\_  
Phil Damstrom, Chairman

  
\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
William Bailey

  
\_\_\_\_\_  
Gayle McElroy

  
\_\_\_\_\_  
Barry Neltner

\_\_\_\_\_  
Thurman Owens

Boone County Recorder  
April 13, 1994

**LEGAL SUMMARY  
ORDINANCE NO. 920.269**

The Boone County Fiscal Court at its meeting held Tuesday, April 5, 1994, at 10:00 A.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 UNITED DIARY FARMERS (APPLICANT) FOR BEATA C. MOLONEY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL ONE (C-1) AND A CONDITIONAL USE PERMIT FOR A 1.646 ACRE SITE GENERALLY LOCATED AT MT. ZION ROAD AND U.S. 25, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-001-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**