

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 All-Out Glass, Inc.
2. Location of Project State Route 14
3. Total Acreage of Site 2.06 Acres
4. Current Zoning of Site R-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) Retail, including small pieces of glass mirrors, plexiglass, auto glass, (90% to retail); outside replacement glass (5%) and new construction, remodeling windows and frames in new/remodeled buildings (5%).
7. Names of Applicant(s) John S. Pittman, President
Phone Number 485-4527 Fax No. 485-6118
8. Address of Applicant(s) 14876 Brown Road, Verona, KY 41092
Verona KY 41092
City State Zip
9. Name of Property Owner(s) All-Out Glass, John Pittman
Phone Number 485-4527 Fax No. 485-6118
10. Address of Property Owner(s) 14876 Brown Road
Verona, KY 41092
City State Zip
11. Proposed Building Intensities (please specify) Approx. 880 square feet
12. Are there any existing buildings on the site? No
How many? -0-
13. Deed Book 217 Page No. 647 Group No. _____
14. Are you also applying for:
N/A Conditional Use Permit
N/A 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:
No Boone County Water and Sewer District
N Florence Water and Sewer Commission
N Union Light Heat and Power
N Cincinnati Bell
N Owen County Rural Electric
N Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of John S. Pittman (applicant) for All Out Glass, Inc. (owner) to change the zone on a 2.06 acre site located on the southwest quadrant of the I-71 Verona interchange, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) to allow a retail glass shop with some glass replacement services.

March 30, 1994

The request for the Commercial Services (C-3) district would enable the development of a glass retail business. The business would consist of the sale of glass mirrors, plexiglass, auto glass, as well as some outside replacement glass. The site is zoned Rural Suburban (RS) and is located on KY 14 between I-71 and Brown Road (see sheet #1).

Surrounding Zoning and Land Uses (see sheet #2)

North:	Single Family Residence zoned Commercial Services (C-3)
South:	Undeveloped land zoned Rural Suburban (RS)
East:	Agricultural land zoned Rural Suburban (RS) and Commercial Services (C-3)
West:	Undeveloped land zoned Rural Suburban (RS)

Site Characteristics

The undeveloped 2.06 acre lot is located on the south side of KY 14 (Walton Verona Road) just west of the interchange with I-71 and approximately 250 feet east of the intersection of KY 14 and Brown Road. The site has 400 feet of road frontage on KY 14 and from 218 to 234 feet in depth. The land is mostly a grass field with a treeline along the KY 14 frontage.

The prominent land uses near the site are agricultural to the north; undeveloped land to the south; agricultural and I-71 to the east; and low density residential to the west.

Relationship to the Comprehensive Plan (see sheet #3)

The Future Land Use Map of the Boone County Comprehensive Plan indicates that the area should develop as Rural Density (RD). The map shows Commercial activity is desired to occur around the I-71 interchange to the east of the proposed zoning map amendment area.

The Goals and Objectives call for commercial uses to "be limited to strategic locations relative to their trade areas with direct access and ample parking space."

The Future Land Use text calls for the KY 14/I-71 interchange area to develop with interstate-related commercial activity.

Concept Development Plan (see sheets #4 and #5)

The conceptual plan submitted by the applicant shows a building in the rear of the 2 acre parcel. The building was estimated to be 880 square feet in size on the submitted application for the Zoning Map Amendment. However, the floor plan on sheet #5 shows the building to be about 8,500 square feet in size.

Staff Concerns

1. Staff is concerned that the proposed Zoning Map Amendment is not located within the area designated for commercial development on the Future Land Use Map of the 1990 Boone County Comprehensive Plan. However, on the north side of KY 14, the Commercial Services zone extends beyond the recommended Future Land Use commercial activity boundary. The Commission needs look at what constitutes the "interchange area" and whether or not this proposed Zoning Map Amendment is in such an area.
2. Staff feels that the existing tree line along KY 14 should be preserved in order to retain the mature growth screening currently provided to traffic from the west heading toward the interstate.

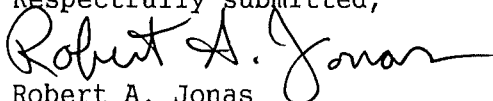
Conclusion

In conclusion, the proposed Zoning Map Amendment request is not in agreement with the Future Land Use Map of the 1990 Boone County Comprehensive Plan which indicates the area to develop as Rural Density (RD). The Planning Commission must consider the three criteria necessary for a Zoning Map Amendment:

1. The request is in agreement with the Boone County Comprehensive Plan; or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or
3. Changes of economic, physical, or social nature not anticipated in the 1990 Boone County Comprehensive Plan that alter the area's character.

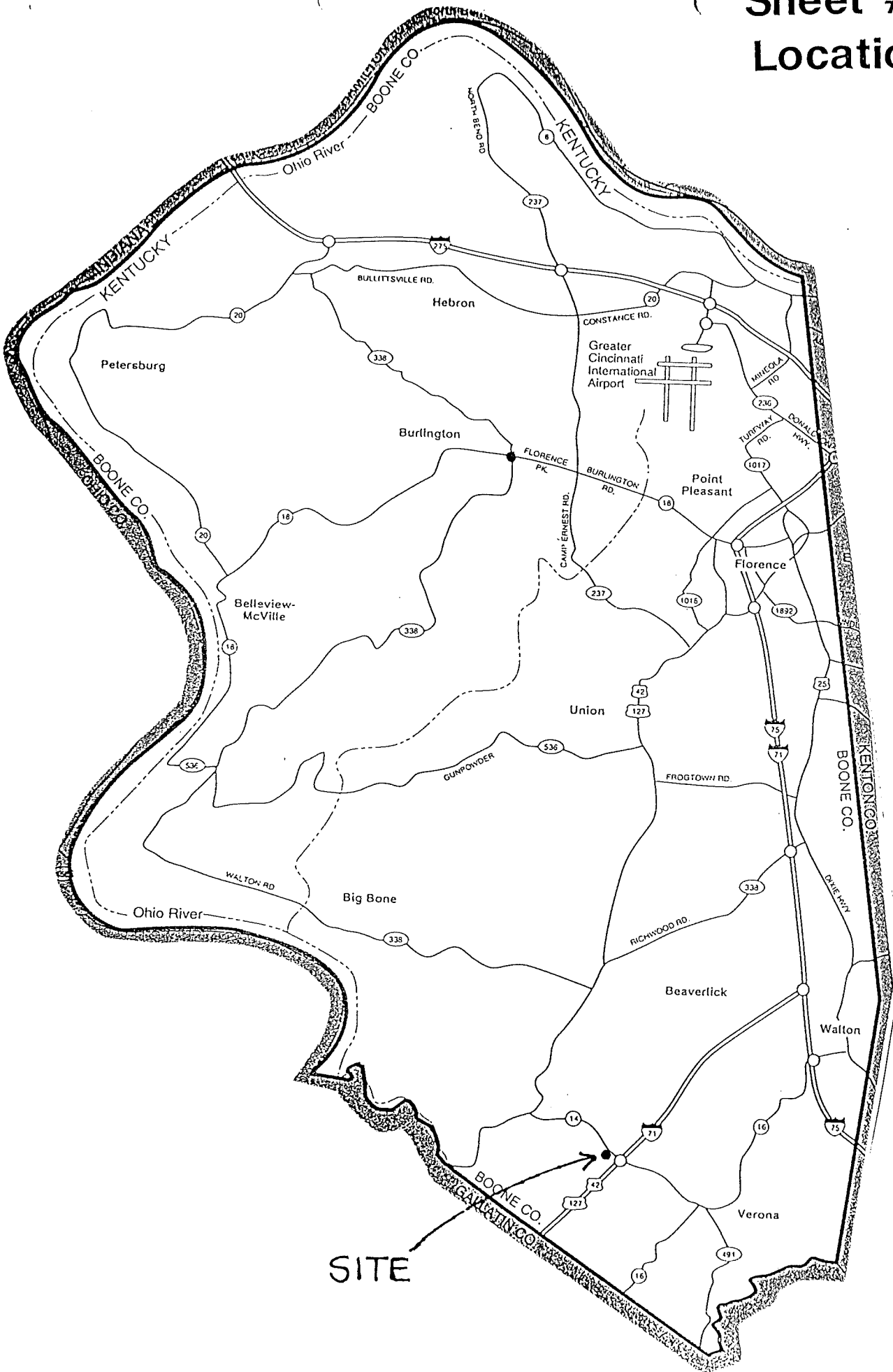
Should this request be granted by the Boone County Fiscal Court, the Boone County Future Land Use Map would need to be adjusted.

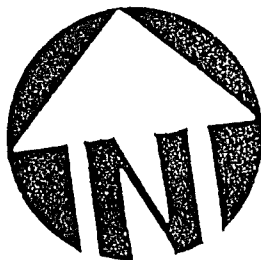
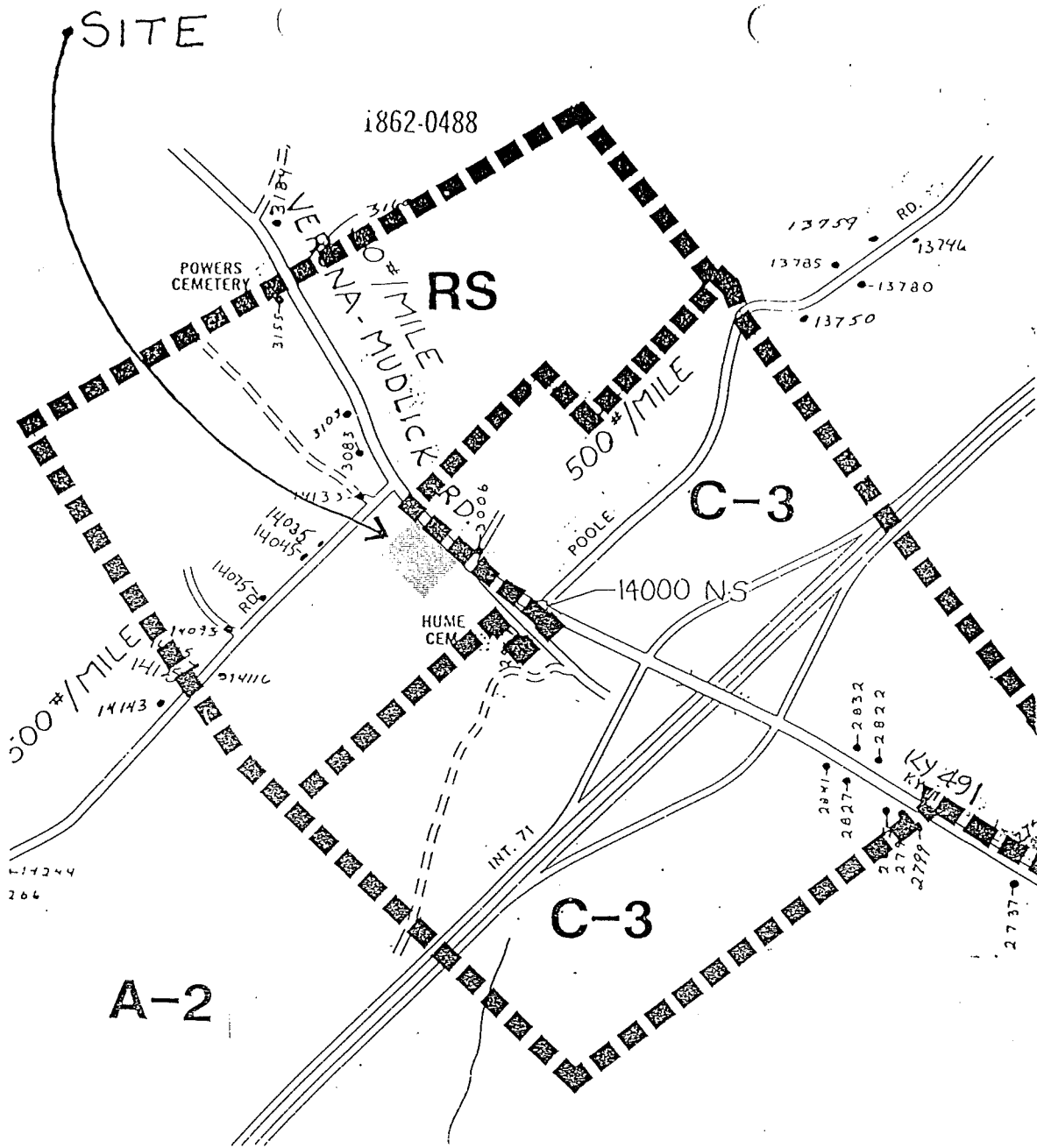
Respectfully submitted,



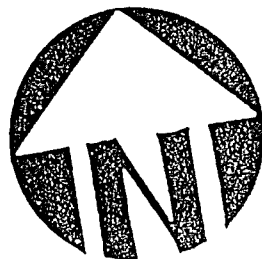
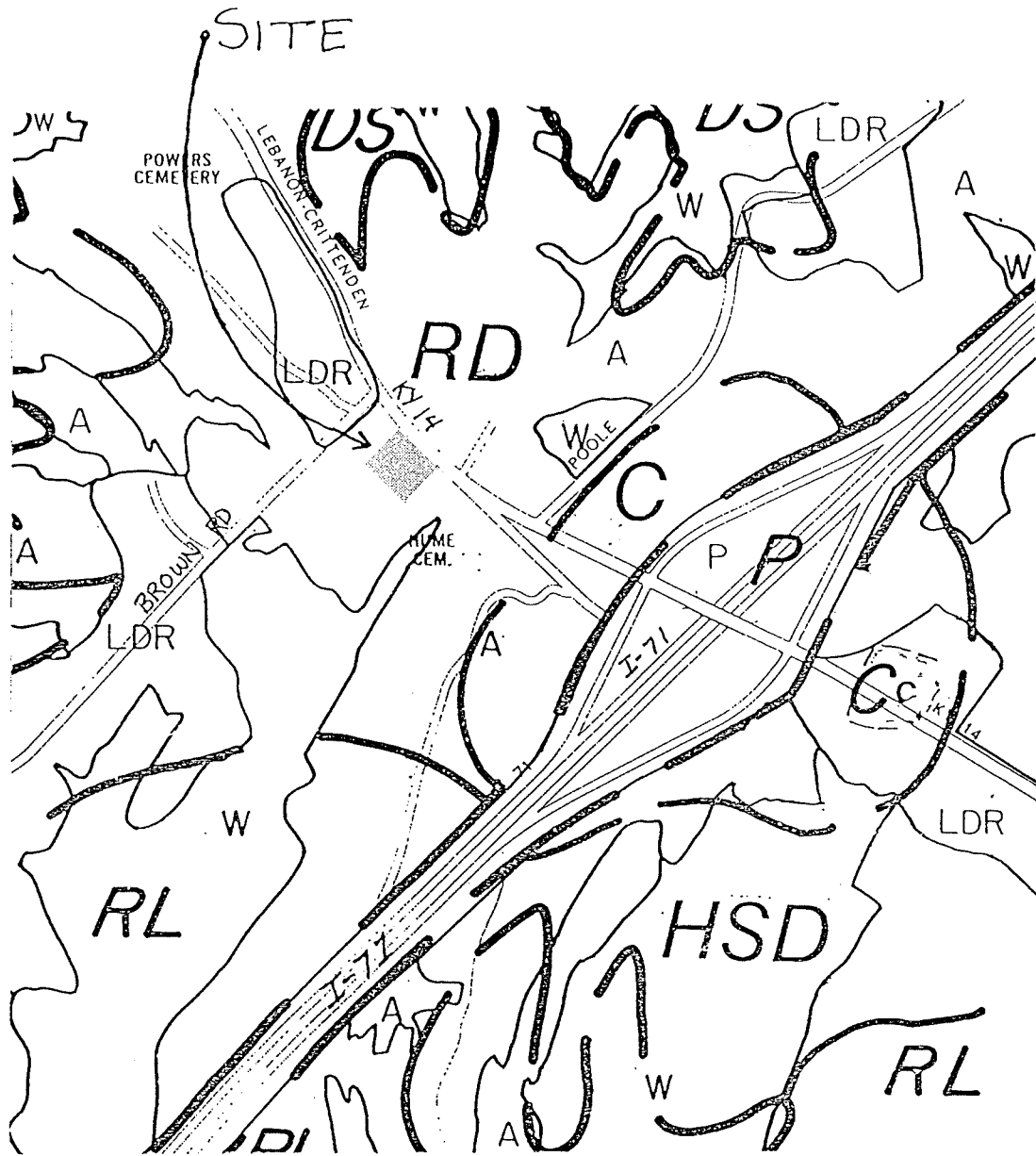
Robert A. Jonas
Planner I

RAJ\par





Sheet #2
Zoning

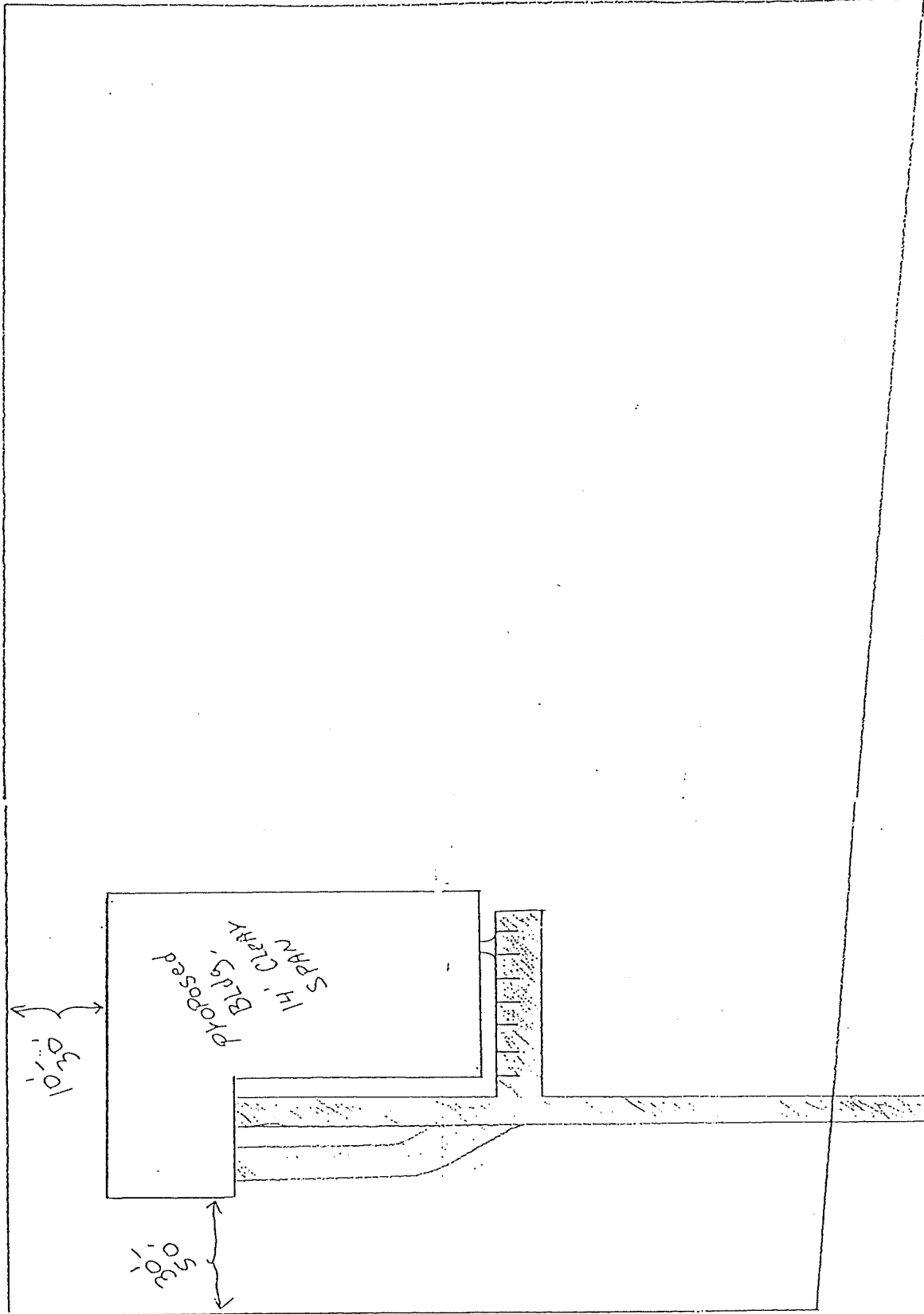


Sheet #3
 Future Land Use

400'

234

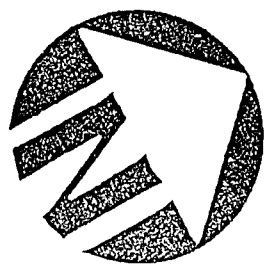
Sheet #4 Concept Plan



10'-30"

5'-00"

Proposed
14' Clear
Span
Bldg.



018'

ST. RT 14

BOONE COUNTY PLANNING COMMISSION
March 30, 1994

7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7 P.M. and explained the Public Hearing process.

Public Hearing Item #1:

Commission members present: Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Chairman Viox introduced the first item on the Agenda:

1. Applicant: John S. Pittman for
All Out Glass, Inc. (owner)
Request: Zoning Map Amendment

The request of John S. Pittman (applicant) for All Out Glass, Inc. (owner) to change the zone on a 2.06-acre site located on the southwest quadrant of the I-71/Verona interchange, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) to allow a retail glass shop with some glass replacement services.

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. John Pittman stated that the land next to the site is zoned C-3 and part of the land he purchased is zoned C-3. The property is right off the interchange and it is a matter of time until commercial uses go into the area. There is commercial property on the other side of the interstate extending further than his property. He has no problem with leaving the trees, but feels that new trees of better quality would look better. In regard to excavating, he stated that he does not plan to change the land dramatically at all.

Chairman Viox asked if anyone else wished to speak in favor of the request.

Mr. Tom Aseeri, 14138 U.S. 42, stated that he is a resident and land owner across the street. He would like to see this area develop into something

like the proposed use. He would like to see a grocery store, barber shop, or insurance office go there. He looks for the trees to be gone someday because of the commercial area that should be put in there to serve the surrounding people.

Mr. Pittman stated that the trees are locust trees and not attractive. The maple trees across the street look very nice and that is what he intends to do. He would at least recommend that the locust trees be thinned out.

Vivian Peace questioned what this zoning would do to properties on Brown Road. She stated that Mr. Pittman lives on Brown Road now and runs his business from that property. Chairman Viox advised that the only zone change application before the Commission at this time is for this 2.06-acres.

Mrs. Peace asked if the zone change affects anyone else's buildings or taxes. Counselor Wilson explained that the Commission has no control over the tax rates. This application will not change anyone else's zoning if it is granted.

Mrs. Peace asked if Mr. Pittman is going to move his business from Brown Road up to this site. Mr. Pittman stated that if the plan is approved and they move to this site, it will be their only location.

There being no further comments in favor of the request, Chairman Viox asked if there were any comments in opposition or any questions.

Mrs. Peace stated that she is opposed to the request because it will make a lot of difference in the community. She will have to pass it everyday when she goes to work and does not want to see it.

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

Mrs. Smith asked if the house directly across the street is zoned Commercial. Mr. Jonas advised that it is zoned C-3. Mrs. Smith asked how many acres are there. Mr. Costello stated that this information will be provided at the Committee Meeting. Mr. Aseeri commented that it is about 20 acres.

Mr. Ries questioned the delivery trucks that would come to the site and if there is enough room for them to turn around. Mr. Pittman stated that the largest delivery truck would be a 16 or 18-foot box truck and there is provision in the drawings for it to turn around. The truck is not much bigger than a large car. He added that most of the glass is on his own truck, which is a pickup truck.

Mr. Ries asked if there will be any trucks outside or any outside storage. Mr. Pittman stated that there is a large overhead door so that the truck can be kept inside. There will be some cars parked outside during the day.

Mr. Bailey stated that there is a residential property across the street in a commercial zone and asked, other than that residence, how close this property will be to other homes. Mr. Jonas advised that the intersection of Brown Road and KY 14 is approximately 250 feet to the west and there is residential development there. Mr. Bailey stated that the property does not go all the way to Brown Road. Mr. Jonas advised that the property line of the proposed amendment would be 250 feet away from the Brown Road residences and there is no residential property in between.

Mr. Kirby arrived at this time.

Chairman Viox asked if there were any further comments from the applicant.

Mr. Pittman stated that the property across the street is zoned C-3. He has spoken with the owner, Mr. Tackett. The people living there rent from Mr. Tackett and he intends to develop the land one day. The land is for sale. The land next to it is zoned C-3 and owned by Mrs. Dunn and her nephew told him that the land will eventually be sold and developed. She has offers on her land.

Debbie Phlan, Operations Manager for All Out Glass, Inc., stated that the building will be appealing and will not be gaudy. They are trying to pull colors and material together for a more natural setting instead of destroying any environment around it.

Mrs. Peace asked if Mr. Pittman will move his location from Brown Road and demolish that building if this is approved. Mr. Pittman replied "yes" and stated that he would not have anything on Brown Road. He added that this request would not affect Brown Road in any way.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on April 11, 1994 at 7 P.M. in the offices across the street. This item will be on the Agenda for the Business Meeting on April 20, 1994 at 8 P.M..


The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

April 20, 1994
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. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
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:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Bob Jonas
Mr. Dean Niemeyer
Mr. Mitch Light

2. Zoning Map Amendment

The request of Jon S. Pittman (applicant) for All Out Glass, Inc. (owner) to change the zone on a 2.06-acre site located on the southwest quadrant of the I-71/Verona Interchange, Boone county, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) to allow a retail glass shop with some glass replacement services.

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

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

4. Zoning Map Amendment

The request of James W. Berling (applicant) for Bessler, Klench, et al (owners) for a Zoning Map Amendment on a 7.87-acre site located on the southeast quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

Staff Member Dave Geohegan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that there is a letter on file signed by the applicant and owner agreeing to the conditions.

Mr. Kirby moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Burch seconded the motion.

Mr. Bailey, Committee Chairman, stated that he did not sign the Committee Report due to the access to the development being so close to the exit ramp and the problem with Dream Street. He stated that there would be unsafe traffic congestion there if this is allowed.

Mr. White stated that if they were to use the road beside Thornton's off Industrial Road, this would be a viable project. He does not agree with the proposed access, which is 20 feet or less from the exit ramp.

Mrs. Schaffer asked if the total property abuts Safeway Drive.

Mr. Jim Berling stated that the owner of this development abuts the owner of Safeway Drive. This owner has no right to Safeway Drive. This property owner owns beyond the end of Safeway Drive. He stated that they are actively pursuing another entrance.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: April 20, 1994

RE: Request of John S. Pittman (applicant) for All Out Glass, Inc. (owner) to change the zone on a 2.06 acre site located on the southwest quadrant of the I-71 Verona interchange, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) to allow a retail glass shop with some glass replacement services.

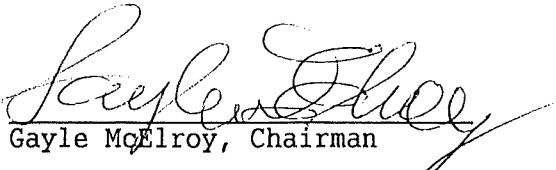
REMARKS:

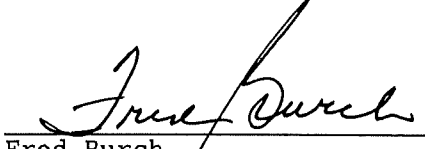
We, the Committee, recommend approval based upon the following findings of fact:

Findings of Fact

1. The Future Land Use text of the 1990 Boone County Comprehensive Plan calls for interstate-related commercial activity to occur around the KY 14/I-71 interchange area.
2. In the Committee's opinion, Commercial Services (C-3) zoning is appropriate for the site since it would be in conformity with the 1990 Comprehensive Plan Future Land Use Text and that it will be expanding on an existing C-3 district.
3. The Committee believes that the scale of the proposed use will have little impact on the residential uses west of the site.


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.


 Gayle McElroy, Chairman


 Fred Burch


 Phil Damstrom


 Barry Neltner


 William Bailey


 Thurman Owens

Boone County Recorder

June 29, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.276**

The Boone County Fiscal Court at its meeting held Tuesday, June 21, 1994, at 5:30 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 JOHN S. PITTMAN (APPLICANT) FOR ALL OUT GLASS, INC. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) TO COMMERCIAL SERVICES (C-3) FOR A 2.06 ACRE SITE GENERALLY LOCATED ON THE SOUTHWEST QUADRANT OF THE I-71 VERONA INTERCHANGE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-010-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 Fiscal Court Clerk 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**