

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 10679 Dixie Hwy, Walton, Ky 41094
2. Location of Project 10679 Dixie Hwy, Walton, Ky 41094
3. Total Acreage of Site 1.1 acres
4. Current Zoning of Site residential SR
5. Proposed Zoning (Classification being requested) C-1

6. Proposed Uses (please specify each use) All C-1 uses

7. Names of Applicant(s) Floyd & Brenda Brown
Phone Number 606-371-4166 Fax No. _____
8. Address of Applicant(s) 10679 Dixie Hwy
Walton, Ky 41094
City State Zip
9. Name of Property Owner(s) Floyd & Brenda Brown
Phone Number 371-4166 Fax No. _____
10. Address of Property Owner(s) 10679 Dixie Hwy
Walton, Ky 41094
City State Zip
11. Proposed Building Intensities (please specify) unknown

12. Are there any existing buildings on the site? yes
How many? 2
13. Deed Book 327 p 975 Page No. 424 p 230 Sup No. _____
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
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 Floyd and Brenda Brown (applicants and owners) for a Zoning Map Amendment on a 1.1 acre site located at 10679 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial One (C-1) to allow all C-1 uses.

August 24, 1994

The applicant is requesting to rezone a 1.1 acre tract of land located off of Dixie Highway which is currently zone Suburban Residential One (SR-1) (See Sheet #1). The applicant has no Concept Development Plan and does not have a particular use in mind for the site other than uses permitted within a Commercial One (C-1) zone (See Exhibit A).

Surrounding Zoning and Land Uses (See Sheet #2)

North: Single family residence zoned Suburban Residential One (SR-1).
South: Single family residence used for a daycare and camper top sales zoned Suburban Residential One (SR-1).
East: Reading Rock zoned Industrial One (I-1).
West: Vacant agricultural property and rest stop zoned Suburban Residential One (SR-1).

Site Characteristics

The site is located in the center of a large Suburban Residential One zone which comprises the only remaining SR-1 zone between the interstate and the west side of US. 25 from Weaver Road to Walton. The applicant's site has a single-family residence located on the property and a vacant lot to the south. The site slopes away from US. 25 and has several large mature trees. Currently, the site does not have access to sanitary sewer, but does have access to an 8 inch water line which runs along US. 25.

Relationship to the Comprehensive Plan

The applicant's site is not in agreement with the adopted 1990 Boone County Comprehensive Plan Future Land Use Map which indicates the applicant's site as Industrial (See Sheet #3). The text indicates that Industrial development can occur around the expanded I-75 rest stop and that the US. 25 and Frogtown Road intersections should support locally-oriented commercial uses.

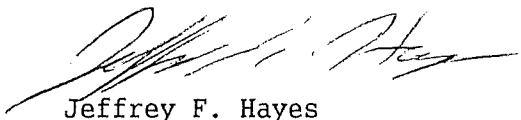
Staff Concerns

1. The principally permitted uses should be reviewed to determine whether all uses permitted would be appropriate for this site if the zone was changed.
2. Any commercial development will have an impact on the existing residential uses. Therefore, the impacts should be considered and ways of mitigating any impacts should be explored.
3. The applicants site could be divided into two separate lots which could allow for separate access points. Therefore, staff would recommend that only one access point be permitted for the site and that connections be permitted to the north and south if these property were to be rezoned.
4. Staff would recommend that any use which has parking located along US. 25 should provide a minimum of eight (8) feet between the parking area and the right-of-way to allow landscaping to be planted. This landscaping would screen the view of the parking and pavement area from the public right-of-way.

Conclusion

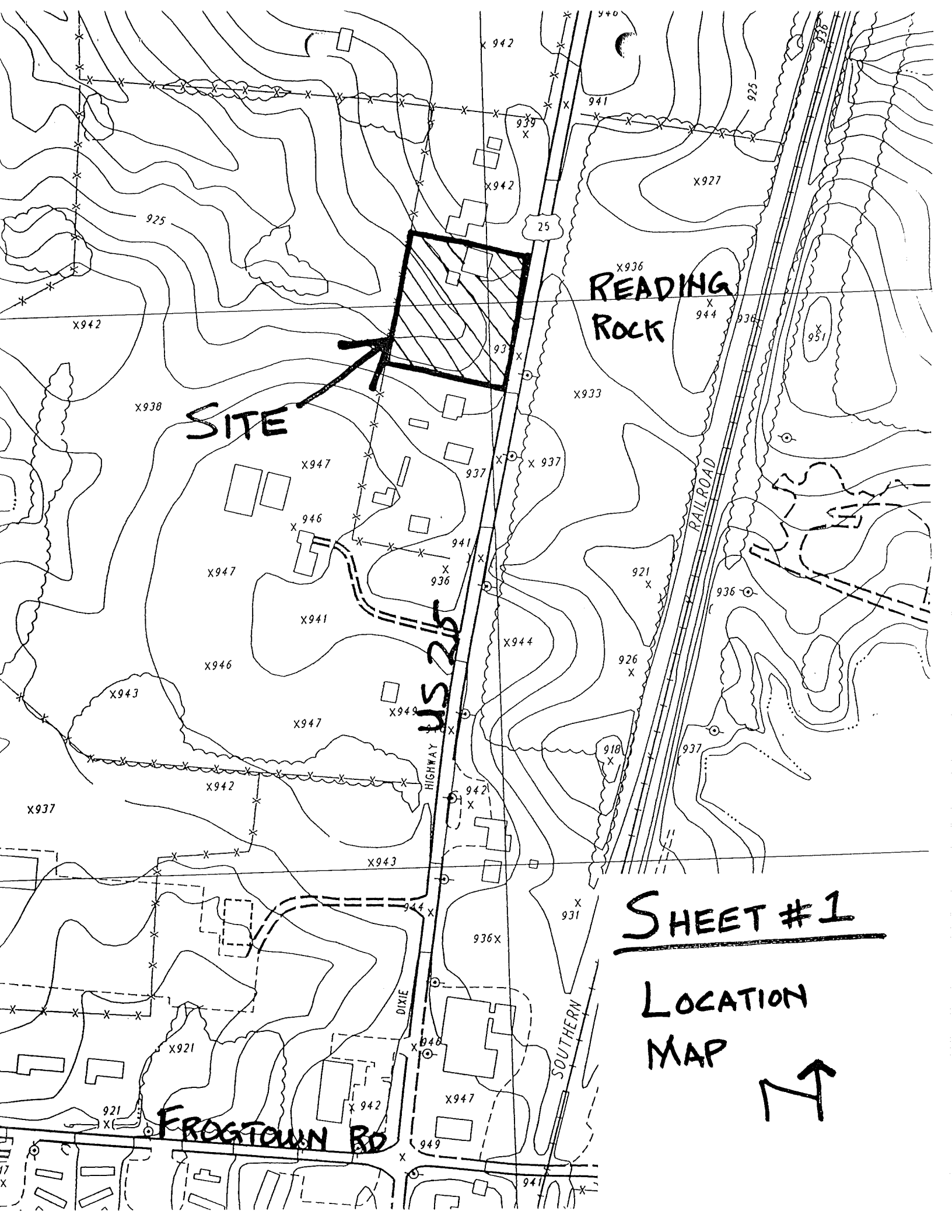
In conclusion, the proposed Zoning Map Amendment request is not in agreement with the Future Land Use Map which indicates the area as Industrial. If this request should be granted by the Boone County Fiscal Court, a change would not be needed in the Boone County Comprehensive Plan Future Land Use Map.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH\par



SITE

**READING
ROCK**

US 25

HIGHWAY

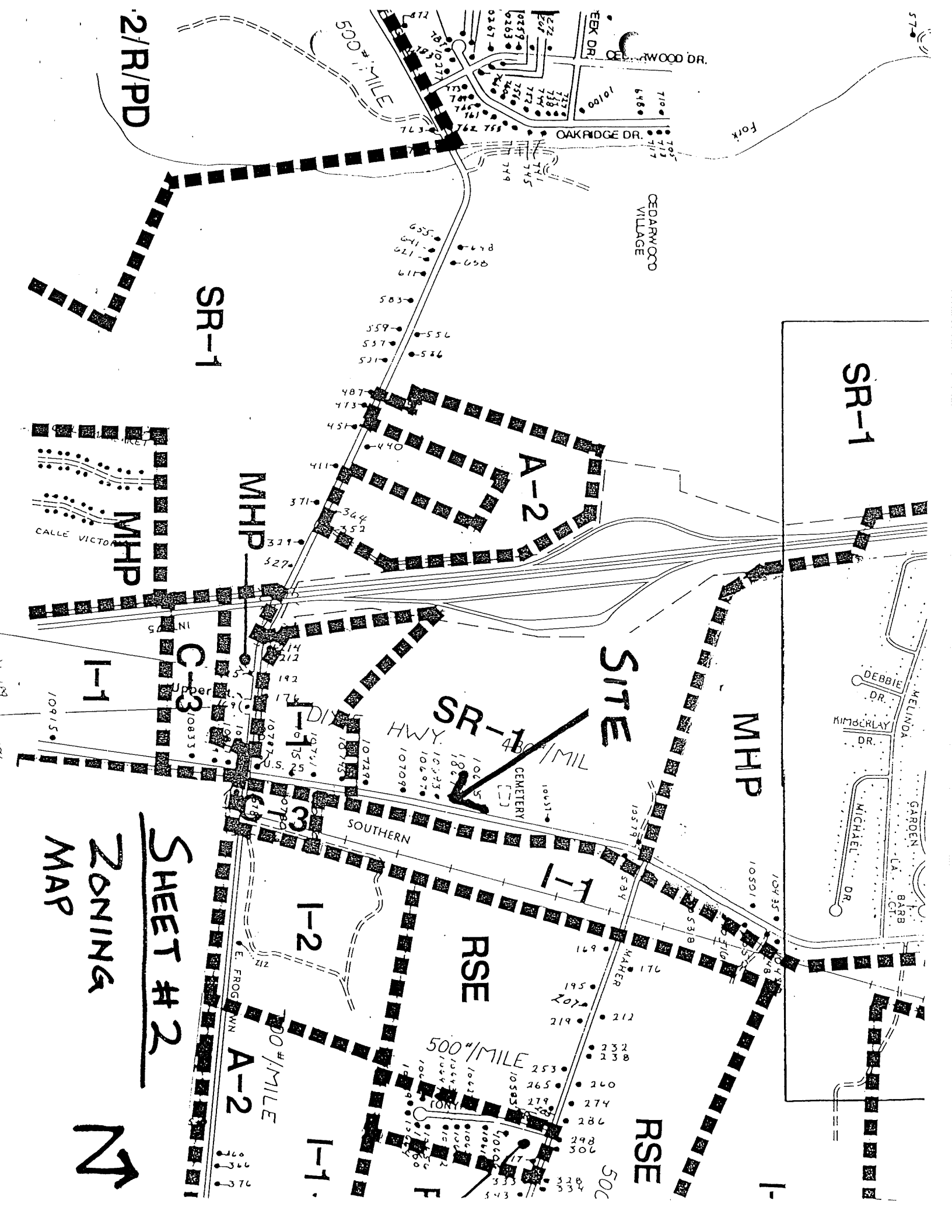
RAILROAD

FROGTOWN RD

SHEET #1

**LOCATION
MAP**





2/R/PD

SR-1

SR-1

MHP

MHP

A-2

MHP

SITE

SR-1

C-3

I-1

SR-1 HWY. 460' MILE

SOUTHERN

RSE

RSE

SHEET # 2

ZONING MAP



I-2

A-2

I-1

500' MILE

500' MILE

500'

57

CEARWOOD DR.

OAKRIDGE DR.

CEARWOOD VILLAGE

500' MILE

DEBBIE DR.
KIMBERLAY DR.

MELINDA DR.
GARDEN LA. BARB CT.
MICHAEL DR.

CEMETERY

TONY

MAHER

F

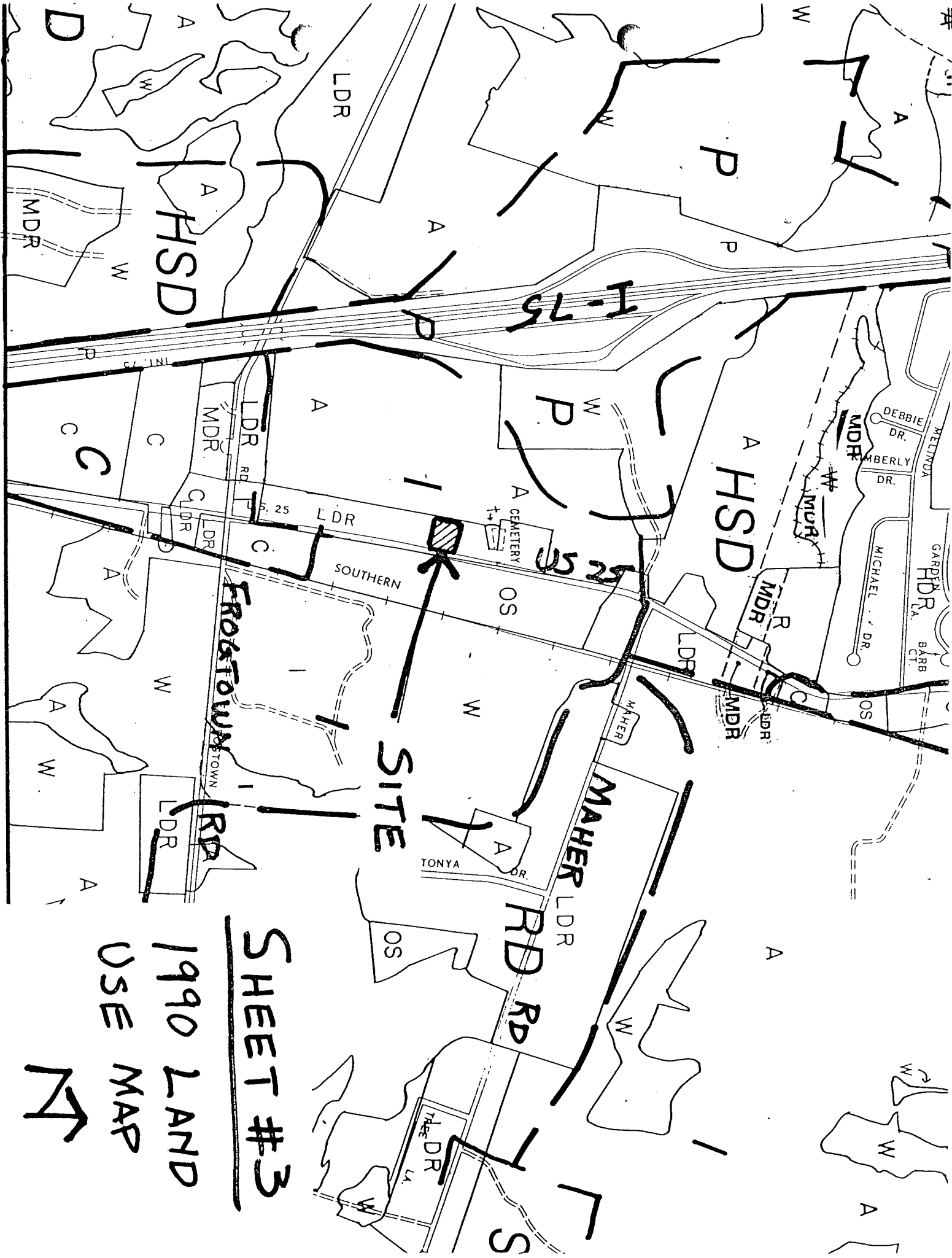
CALLE VICTOR

Upper

E. FROG WYN

DIXIE

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SHEET #3

1990 LAND

USE MAP



BOONE COUNTY PLANNING COMMISSION

August 24, 1994
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. Chairman Viox explained the Public Hearing process and advised that the Committee meetings for these items will be on August 29, 1994 at 4 P.M. in the second floor conference room of this building. The public is permitted to attend, but it is not another Public Hearing. These items will be on the Agenda for the Business Meeting on September 7, 1994 at 8 P.M.. Chairman Viox introduced the first item on the Agenda:

1. Applicant: Floyd and Brenda Brown (applicants/owners)
Request: Zoning Map Amendment

The request of Floyd and Brenda Brown (applicants/owners) for a Zoning Map Amendment on a 1.1-acre site at 10679 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial One (C-1) to allow all C-1 uses.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes advised that Exhibit A is in Article 10, Section 1000, not Section 1016. He stated that there are 31 Permitted Uses in the C-1 Zone.

The Chairman asked for the applicant's comments.

Ruth Thomas, a realtor with Remax, distributed brochures to the Commission. She stated that she has the property for sale and the Browns are requesting a zone change at this time. They have lived there for ten years. The property encompasses five lots, which extend back 200 feet each. The site is 1.478 acres. They have been marketing the home as a residence for three years. She stated that Exhibit A in the packet shows that the property is surrounded by I-75, a mobile home park, and light industrial uses, which have created economic obsolescence for the property. She referred to the packet and Page 223 and stated that the Land Use criteria states that the frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activities. She quoted that "the U.S. 25/Frogstown Road intersection should support locally oriented commercial use". She stated that with 250 feet of frontage, access

management should not be a problem. Referring to the packet, she stated that the second quotation should support their contention that the area is no longer suitable for residential use. The area has undergone extreme change in the last ten years and is much less desirable for residential use. The Browns now have an urgent need to sell their property in order to move closer to elderly parents.

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

Mr. Ries asked if there was a zone change when Reading Rock went in there. Mr. Hayes explained that the property was zoned I-1 at that time and the use was principally permitted.

Counselor Wilson explained that this Public Hearing is a fact finding process and no decision will be made this evening. The request will be referred to a Committee and the Committee will make a recommendation to the Commission for approval or denial and what conditions, if any, should be imposed. The Commission's recommendation will then go to the legislative body, which in this case is the Fiscal Court. The Fiscal Court may chose to have its own public hearing or to rely on the Commission's record.

Chairman Viox asked if the applicant had considered an industrial use for the property since the Future Land Use Plan is for Industrial. Ms. Thomas stated that since they are the only applicant, the size of the property would not be in accord with the I-1 Zone. Mr. Hayes advised that he met with the applicant. The size of the property is 1.1 acres, and when the setbacks are factored in, there would be a very small buildable area in which to construct a building for industrial use.

Mrs. Schaffer questioned the acreage of the entire site. Mr. Hayes will provide this information to the Committee. In response to further questions from Mrs. Schaffer, Mr. Hayes advised that there were four different property owners and the back portion behind the residences is a large farm area. Mrs. Schaffer stated that the whole area in the future is to be zoned industrial and questioned if there would be a different kind of impact by commercial vs. industrial. Mr. Hayes stated that commercial would probably be less of an impact than industrial, and it is for the Committee to determine what the impact would be. The uses permitted in the C-1 Zone are neighborhood type commercial, which are less offensive uses than those permitted in an industrial zone.

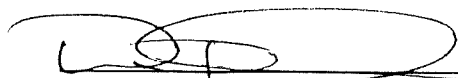
Mr. Bailey asked if there is development where it is zoned industrial. Mr. Hayes advised that it is just an open field.

Mr. Damstrom asked if they have a buyer for the property based on the change to C-1, or if they are looking to get the change and then pursue a buyer. Ms. Thomas advised that they do not have a buyer for a particular use.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on August 29, 1994 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on September 7, 1994 at 8 P.M..

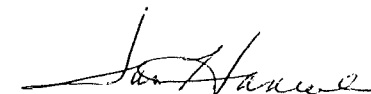
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
September 7, 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

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Greg Sketch, Engineer

Chairman Viox introduced the second item on the Agenda:

2. Zoning Map Amendment

The request of Floyd and Brenda Brown (applicants and owners) for a Zoning Map Amendment on a 1.1-acre site at 10679 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial One (C-1) to allow all C-1 uses.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Kirby 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. McMillian stated the conditions include "that any connection made to the applicant's property shall be the expense of the person requesting the connection". He asked if the applicant is agreeable to a connection.

Mr. Hayes stated that if the property to the north or south redevelops, they can connect so that they may not have to have an additional curb cut onto Dixie Highway. They could connect if they are compatible and will not restrict the development of the applicant's property. It is a narrow site and, not knowing exactly what the applicant is going to do, it may not be possible to have a connection to the north and south properties.

Mr. McMillian questioned who would pay for a connection. Mr. Hayes advised that the properties to the north or south would have to pay to connect to this property and to the applicant's parking lot. Mr. McMillian asked if they would pay the property owner. Mr. Hayes advised that they would.

Mr. McMillian asked at who's discretion a connection would be made. Mr. Hayes advised that the matter would be reviewed during Site Plan Review to determine whether it would be possible to connect. The properties to the north and south are currently zoned Residential and would have to come before the Commission for a change in zoning, and it is possible that the same condition could be imposed on those properties at that time.

Mr. McMillian stated that the business that went in first did not provide access and cannot be made to provide access because they are already there.

Mr. Damstrom stated that the Committee discussed this issue. Connection is going to be at the discretion of the Planning Commission because both the north and south properties have to go through a Zone Change to develop compatible with the subject property. At that time the Commission would use the Access Management Regulations and make connection possible.

Mrs. Schaffer stated that the conditions include "to screen the view of the parking lot and automobiles" and asked if that would be from the adjacent properties or U.S. 25. Mr. Hayes advised that it is from Dixie Highway. The use will have to meet the Zoning Regulations which require a buffer of 20 feet. The buffer will be reviewed during Site Plan Review. Any parking located in front of a building would require additional landscaping areas.

Mrs. Schaffer asked if the front would face U.S. 25. Mr. Hayes advised that it would. He noted that the property is on an arterial roadway and they would likely locate the building facing the arterial roadway.

Mrs. Schaffer asked if the total acreage on the industrial site had been determined. Mr. Hayes offered to determine this and provide the information to her.

Mrs. Schaffer stated that this property is being made Commercial and is in the middle of a Suburban Residential area. She has concerns about what will go on the site. She noted that Chairman Viox had said previously that industrial sites are good for the county and she does not want to see that taken away.

There being no further comments, Chairman Viox asked for a roll call vote on the motion made by Mr. Kirby which found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, and Mrs. Smith in favor. Mrs. Schaffer, Mr. White, and Chairman Viox were opposed. The motion carried by a vote of 12 to 3.

Counselor Wilson advised that the Commission's recommendation will go to the Fiscal Court for their final decision. The Fiscal Court may hold its own Public Hearing, may go along with the recommendation, or may override the recommendation.

4. Site Plan Review

The request of Eric Zoph (applicant) for Thornton Oil Company (owner) to reconstruct the Thornton Oil Gas Station to include a McDonald's drive-thru restaurant, a larger canopy, and other site improvements. The 1.77-acre site is zoned Commercial Services (C-3) and is located at 7601 Industrial Road, Florence, Kentucky.

Staff Member Bob Jonas advised that the Staff Recommendation is to deny the request. The item was entered into business on May 3, 1994. On May 6, 1994, he sent a deficiency letter to the applicant. He received no response to the letter, and a second letter was sent out, but there was no response to that letter either. He called the applicant in June in regard to the deficiencies. On June 15, he received a FAX stating that Thornton Oil wanted to be removed from that month's agenda to allow more time to address the deficiencies. There was no further communication from the applicant, so he called them twice. Three weeks ago, he met with Mr. Zoph and at that time Mr. Zoph was considering withdrawing the request. He advised Mr. Zoph that he needed to make that submission in writing. Mr.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: September 6, 1994

RE: Request of Floyd and Brenda Brown (applicants and owners) for a Zoning Map Amendment on a 1.1 acre site located at 10679 Dixie Highway, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial One (C-1) to allow all C-1 uses.

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 Committee believes that the future land use designation of Industrial is appropriate for the area, but feels that the applicant's site is too small to support an Industrial use. In addition, the Committee believes that the applicant's site can provide necessary commercial services for the developing Industrial uses within the area.
2. The Committee believes that the current zoning for the applicants property is inappropriate and the proposed zoning is appropriate.
3. The Committee believes that the development of the industrial use directly across from the applicant's property constitutes a major physical change to the area.

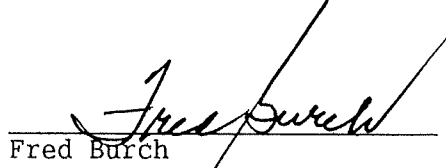
Conditions

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

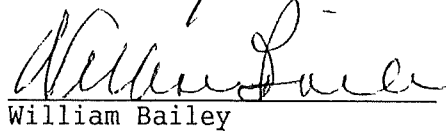
1. Only one access point will be permitted for the applicant's property even if the property is divided and sold as separate tracts of land.
2. A minimum of eight (8) feet shall be provided between the property line and edge of pavement for any parking area which is located in the front of any building. This landscape area shall be planted with a solid hedge to be maintained at a height of three feet so as to screen the view of the parking lot and automobiles.
3. The property to the north and the south of the applicant's may be redeveloped in a similar type fashion in the future. Therefore, connections shall be permitted to adjoining properties if the uses are similar and compatible and the connections will not cause an unreasonable loss of property to the applicant. Any connection made to the applicant's property shall be the expense of the person requesting the connection. The intent of the connections is to lessen the number of access points along Dixie Highway.

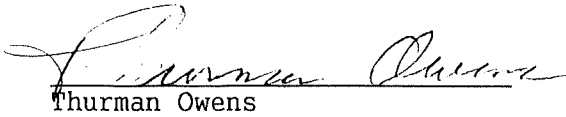
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

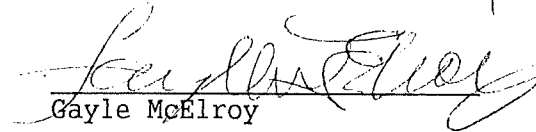

Barry Neitner, Chairman


Fred Burch


Phil Damstrom


William Bailey


Thurman Owens


Gayle McElroy

Boone County Recorder

November 2, 1994

LEGAL SUMMARY ORDINANCE NO. 200.203

The Boone County Fiscal Court at its meeting held Tuesday, ~~September 27,~~ ^{Oct 25} 1994, at 6:30 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 FLOYD AND BRENDA BROWN (APPLICANTS AND OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL ONE (C-1) FOR A 1.1 ACRE SITE LOCATED AT 10679 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON A VOTE OF 12-3 BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-038-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.

CAROLYN A. RUDICILL
FISCAL COURT CLERK
#P0503486