

## ORDINANCE NO. 2021 - 33

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF STEVE BERLING (APPLICANT) FOR ERIC DETERS AND MARY DETERS (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN (RS) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 37 ACRE (REVISED TO APPROXIMATELY 13.25 ACRES) TRACT LOCATED ON THE SOUTH SIDE OF WALTON-NICHOLSON ROAD, APPROXIMATELY 150 FEET EAST OF THE WALTON-NICHOLSON ROAD/MULLEN DRIVE INTERSECTION, TO THE IMMEDIATE SOUTH AND WEST OF THE PROPERTY AT 217 WALTON-NICHOLSON ROAD AND AT THE WESTERN TERMINUS OF MALBEC LANE, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) for an approximate 37 acre (revised to approximately 13.25 acres) tract located on the south side of Walton-Nicholson road, approximately 150 feet east of the Walton-Nicholson road/Mullen Drive intersection, to the immediate south and west of the property at 217 Walton-Nicholson road and at the western terminus of Malbec Lane, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

**NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) for an approximate 37 acre (revised to approximately 13.25 acres) tract located on the south side of Walton-Nicholson road, approximately 150 feet east of the Walton-Nicholson road/Mullen Drive intersection, to the immediate south and west of the property at 217 Walton-Nicholson road and at the western terminus of Malbec Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone and Rural Suburban (RS) zone is more particularly described in DEED BOOK. 1158, PAGE NO. 641 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

### Section Two

That as a basis for this approval of a Zoning Map Amendment request are the findings of fact, and conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."


**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

**First Reading - the 26th day of August 2021**

**Second Reading - the 28th day of September, 2021**

**Adopted this 28th day of September, 2021.      Yes 4 No 0**

  
**GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court**

**Attest:**

  
**Shona Schulkers,  
Fiscal Court Clerk**