

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

JUN - 5 2000

BOONE COUNTY
PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project Proposed office development for Sugarcamp Properties
- 2. Location of Project Hwy 237 North of Rightway Nursery, Boone County
- 3. Total Acreage of Site 2.2 acres
- 4. Current Zoning of Site SR-2
- 5. Proposed Zoning (Classification being requested) C-2
- 6. Proposed Uses (please specify each use) Office

- 7. Names of Applicant(s) Hub & Weber, P.S.C.
- Phone Number 491-3844 Fax No. 655-3243
- 8. Address of Applicant(s) 542 Greenup St.
- Covington KY 41011
- City State Zip

- 9. Name of Property Owner(s) Ted Richardson
- Phone Number 341-9989 Fax No. 341-5081
- 10. Address of Property Owner(s) 622 Buttermilk Pike
- Crescent Springs KY 41017
- City State Zip

- 11. Proposed Building Intensities (please specify) Two Story Building
- 13,175 s.f./floor

- 12. Are there any existing buildings on the site? No
- How many? _____

- 13. Deed Book 205 Page No. 700 Group No. 2025

- 14. Are you also applying for: 259 310
- _____ Conditional Use Permit
- _____ 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 within 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
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

Request of Hub & Weber, P.S.C. for certain real estate owned by Ted Richardson. The request is for a change from the present zoning of Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow office uses.

June 28, 2000

REQUEST

This request is for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow an office building. The 2.2 acre parcel is located on the west side of KY 237, north of Right Way Nursery and south of Deerfield Subdivision.

The applicant's submitted Concept Development Plan shows that the proposed building is two stories tall and 26,350 square feet in size. The plan also shows 112 parking stalls and ten foot wide landscape buffers along the north, east, and west property lines. Access to the site is provided along the northern property line, which adjoins the KY 237 right-of-way.

SITE CHARACTERISTICS

The subject site is currently an overgrown field. The property rolls slightly and there is a large quantity of deciduous trees along the western property line. Access exists to the site by way of a dirt and gravel path off of KY 237.

ADJACENT LAND USES AND ZONING

- North: KY 237 Right-Of-Way & Vacant School Board Property (PF)
- South: Right Way Nursery (C-2).
- East: KY 237 Right-Of-Way & Boone Creeke Subdivision (SR-2)
- West: Vacant School Board Property (PF) & Derby Farms Subdivision (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question as "High Suburban Density Residential". The designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to mobile home parks."

The Land Use Element (Area C-3: Burlington - KY 18 Area, pp. 220-222) states the following regarding this area:

- A. "The area bound by KY 18 to the south, KY 237 to the west, Limaburg Road to the east and Conrad Lane to the north currently contains a variety of uses. This area should continue to develop in a residential fashion, providing low to high density housing opportunities."
- B. "The northwest quadrant of the intersection of KY 18 and KY 237 is planned for Office and High Suburban Density uses to provide a suitable transition between Stephens Elementary and KY 18, and would help establish the public facilities and office orientation of the entire intersection area."

The "Future Land Use Development Guidelines" found in the Land Use Element make the following statements which relate to this proposal:

- A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet pre-conceived project design. Development plans should identify such areas, any delineate disturb limits to protect those areas that have been defined." ("Utilization of Existing Vegetation and Topography" p. 210).
- B. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact." ("Buffering" p. 210).

- C. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways." ("Landscaping" p. 210).
- D. "Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with development must be provided." ("Stormwater Management and Erosion Control" p. 211).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. ("Access Management" p. 211).
- F. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of specific streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of the developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. ("Transportation and Pedestrian Network" p. 211).

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper future growth management for Boone County is implemented ("Overall", Goal).
- B. New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment", Goal).

- C. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used ("Physical Environment", Objective 2).
- D. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity", Goal).
- E. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity", Objectives).
- F. Commercial uses (retail and office) shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity", Objectives).

STAFF COMMENTS

1. Free-standing signage for the proposed development needs to be addressed. The Boone County Zoning Regulations would allow the applicant to erect one 30 foot tall, 200 square foot pole sign for the entire development, if the Zoning Map Amendment is approved. Staff would recommend that any proposed free-standing signage be monument in style.
2. Staff recommends that 3' tall berms be required within the street frontage buffer yards, (northern and eastern property lines) if the Zoning Map Amendment is approved. These berms would screen the view of the proposed parking area from KY 237.
3. Staff is concerned about the proposed access point being expanded because there is no deceleration lane or left hand turn lane in place. A deceleration lane would be very difficult to construct because of the drop in grade and guardrail that are located to the north of the access point. Forrest Rankin, with the Kentucky Transportation Cabinet informed Staff that a deceleration lane and left hand turn lane would be required to obtain an encroachment permit because the proposed use is commercial.
4. Staff is also concerned that proposed driveway location could cause car stacking problems on KY 237. This possibility exists because it is unknown how the vacant portion of the School Board property will develop in the future.

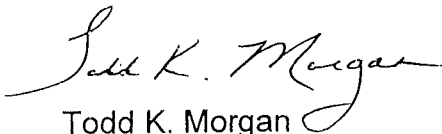
5. Staff questions whether the proposed development is in conformance with the 1995 Comprehensive Plan because the Future Land Use map classifies the parcels in question for High Suburban Density uses. However, Staff also recognizes that the site's overall size (2.2 acres), proximity to KY 237, and the existence of an adjoining commercial use make it uncertain whether any developer would choose to build high suburban density uses in this location.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations.

The Future Land Use Map will need to be amended if the Planning Commission and Boone County Fiscal Court approve the Zoning Map amendment request.

Respectfully submitted,

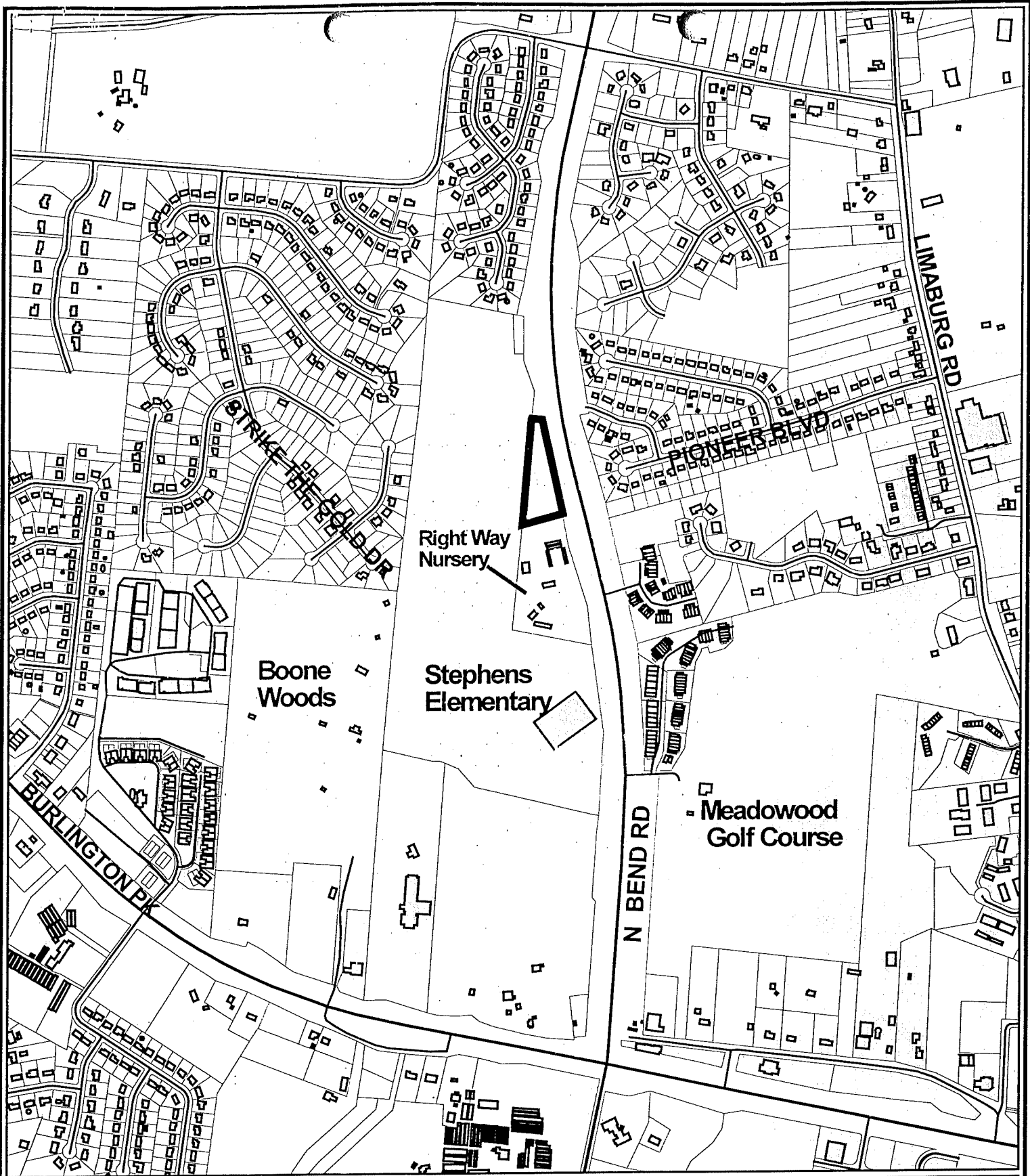


Todd K. Morgan
Planner

TKM/pr

Attachments:

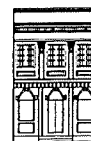
- *Site Vicinity Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Concept Plan



SUGARCAMP PROPERTIES
VICINITY MAP

825 0 825 Feet

1 inch equals 825 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 13, 2000



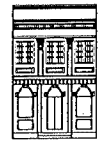


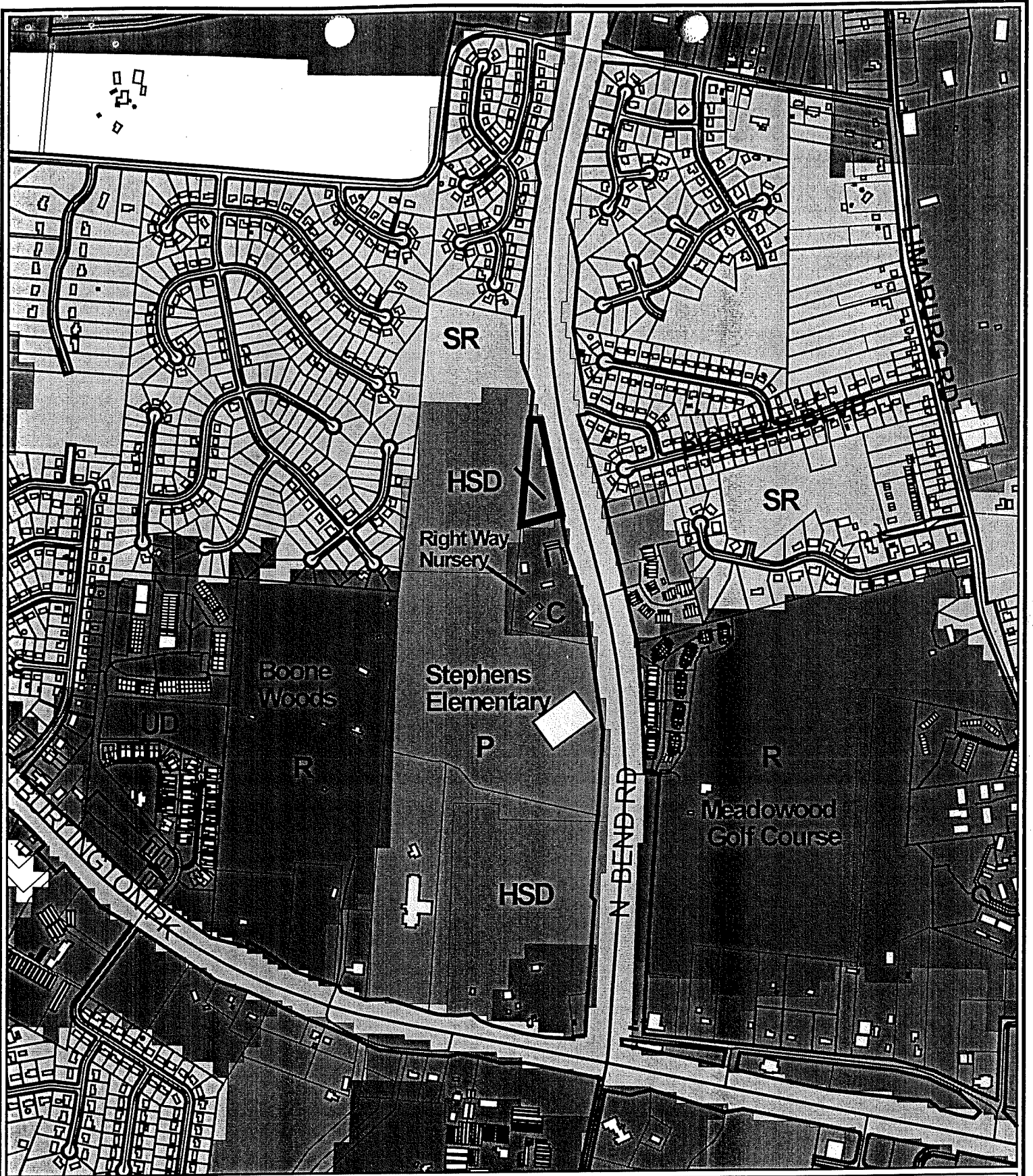
SUGARCAMP PROPERTIES

ZONING MAP

825 0 825 Feet

1 inch equals 825 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 June 13, 2000



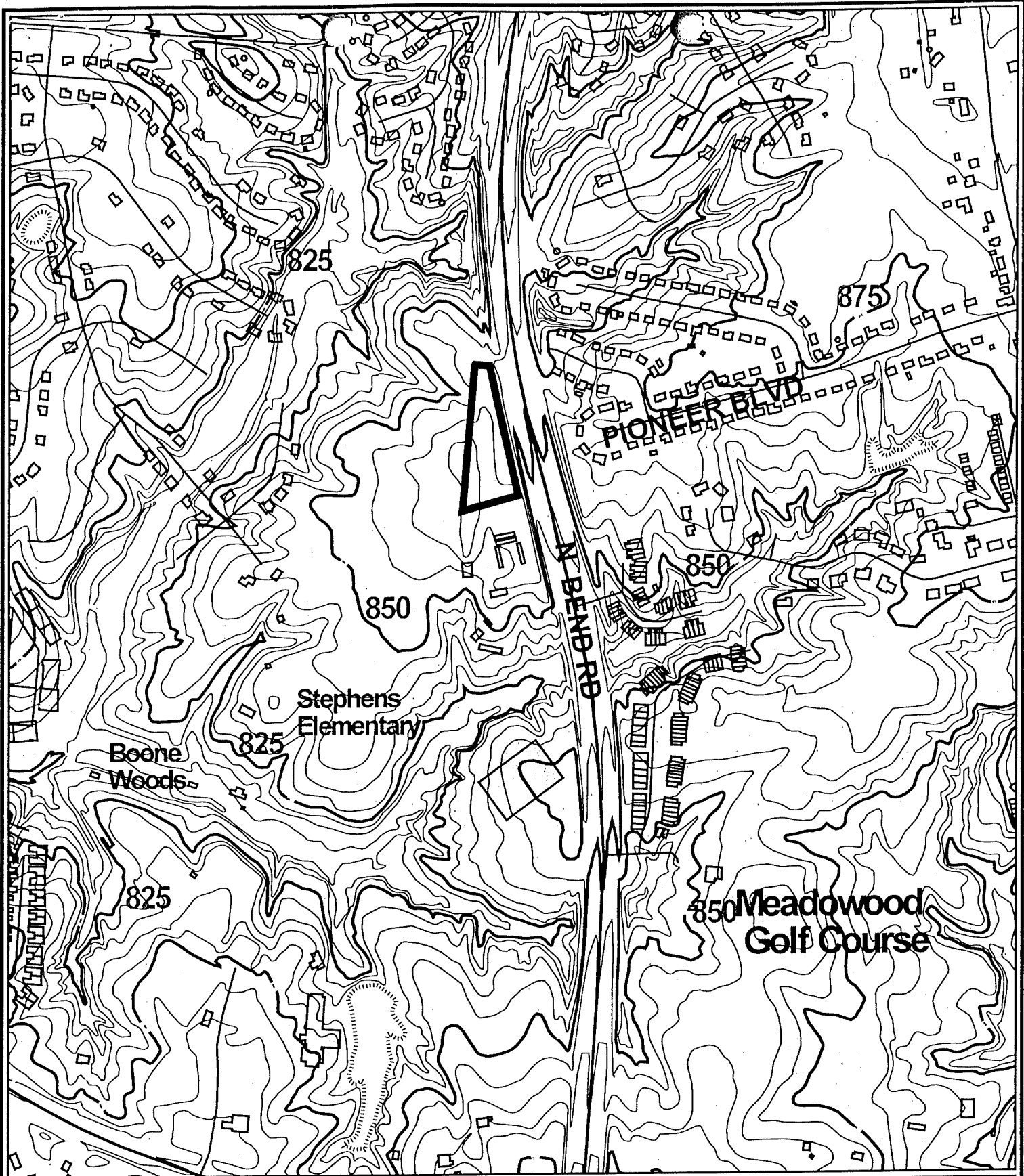


**SUGARCAMP PROPERTIES
FUTURE LAND USE MAP**

825 0 825 Feet

1 inch equals 825 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 13, 2000

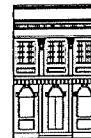


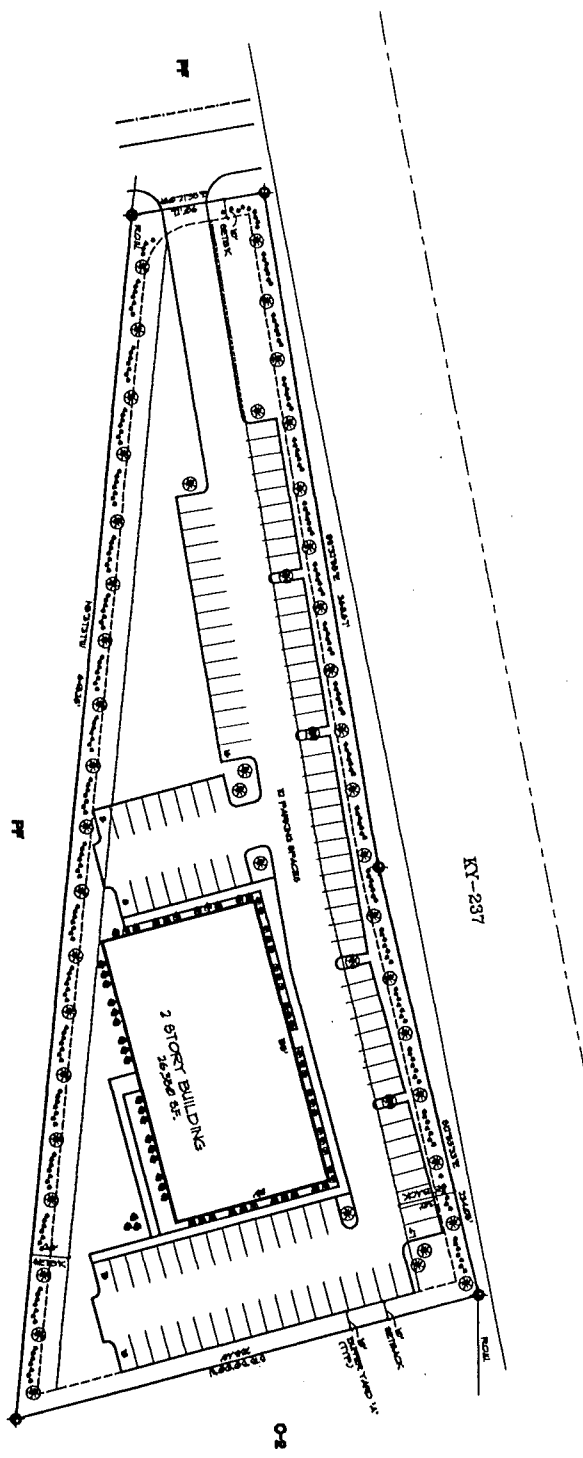


SUGARCAMP PROPERTIES TOPOGRAPHICAL MAP

600 0 600 Feet

1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 13, 2000





C101

HUB & WEBER, P.S.C.
Architects - Interior Design
 645 South State Street, Suite 1101, Louisville, KY 40202

**PROPOSED OFFICE DEVELOPMENT
 FOR
 SUGARCAMP PROPERTIES**

KY. 227

BOONE CO., KY.

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Public Hearing Item No. 4:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

4. Applicant: Hub & Weber, P.S.C. for Ted Richardson (owner)

Request: Zoning Map Amendment

The request of Hub & Weber, P.S.C. (applicant) for Ted Richardson (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.2 acre tract located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, Boone County, Kentucky. The request is for a zone change to allow an office building.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Barry Coates with Hub & Weber Architects introduced Mr. Ted Richardson and Mr. Mike Mangeot with Sugarcamp Properties. Mr. Coates stated that KY 237 separated this parcel from the larger parcel. The property to the south is C-2 and to the north and west it is Public Facilities. He stated that C-2 zoning is appropriate because the nature of the area has changed. They propose an office building for the site with 112 parking spaces, setbacks and screening, including a three-foot berm on the highway side. They will leave as many large deciduous trees as possible along the west property line. He requested approval.

The Chairman 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 in opposition to the request or having questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

The Chairman questioned the minimum size for an office zone for a parcel of land being rezoned. Mr. Wall responded that for O-1 it would be one acre.

The Chairman questioned the C-2 request for an office parcel. Mr. Mangeot responded that the property is contiguous with C-2. They felt that C-2 was an appropriate zoning classification next to Rightway, which is zoned C-2.

Mr. McMillian noted the trees shown on the slide and questioned whose property they are on. Mr. Morgan responded that a lot of them are on the subject property and some are on the school property. He stated that there are trees along KY 237 that would have to be removed to accommodate this development. Mr. McMillian questioned using them as a buffer. Mr. Morgan stated that he would like to preserve as many as possible, but will have to review the Site Plan.

Mr. McMillian questioned access management out of the site. Mr. Morgan stated that he is concerned about the proximity of the driveway with the KY 237 right-of-way. He has talked with Forrest Rankin who stated that decel and left turn lanes would be required for an encroachment permit. Mr. McMillian again questioned access management and asked if there is a road out the back. Mr. Wall asked if Mr. McMillian is questioning a connection to Rightway if it would redevelop. Mr. McMillian asked that the Committee address access management.

Mrs. Wilson questioned if there is a way going northbound on KY 237 to turn left into the site. Mr. Morgan responded that there is a way to turn left directly into the parcel now. He reviewed the slide and pointed out the entrance. Mrs. Wilson commented that there is a huge back up there every evening. Mr. Morgan responded that that is why the Kentucky Transportation Cabinet is saying that the left turn lane needs to be expanded and there needs to be a decel lane.

The Chairman asked if the Commercial zoning was in place before the 1995 Comprehensive Plan. Mr. Wall responded "yes" and stated that it was in place in 1990-91. The Chairman stated that the Comprehensive Plan is clear on the designation of that corridor. He asked the applicant to discuss what has changed in the corridor to warrant this change.

Ted Richardson, owner and one of the developers, stated that across KY 237 is Boone Creek Subdivision, which he developed in the late 1970's. In about 1980, KY 237 came through. This small SR-2 parcel was part of Boone Creek Subdivision but was cut off by the road – which made it unsuitable for residential development. It is a small parcel that lends itself to commercial development. Chairman Caddell stated that that is not a change since the 1995 Comprehensive Plan that left this property with its current designation. Mr. Richardson responded that he believes this small parcel was overlooked.

Mr. Zimmer stated that he sees a potential nightmare here. He asked if the applicant is aware of Forrest Rankin's comments about the left turn lane and the decel lane. Mr. Richardson responded "yes". Mr. Zimmer asked if the State or the applicant will do that work. Mr. Richardson explained that when they apply for the Encroachment Permit, they will be told what they have to do and they will comply with that.

Mr. Zimmer stated that the parcel to the west is owned by the Boone County Board of Education. He asked if the applicant knows of any future plans for that parcel. Mr. Richardson responded "I do not".

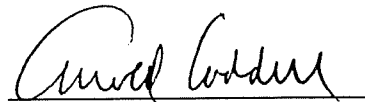
Mr. Schwenke questioned, in regard to getting in and out on KY 237, if the proposed building will be just for one company with everyone getting off at the same time, or will it be different offices with people coming and going at staggered times. Mr. Richardson responded that it will be multiple tenants. They currently have a group of doctors for a tenant.

Mr. Zimmer asked if any architectural schemes are available. Mr. Richardson responded that they just have the size of the building and the parking – just what is shown.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M..

The Chairman closed this Public Hearing at 8:35 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
July 19, 2000
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the July 5, 2000 Business Meeting. He asked if there were any comments or corrections. Mr. Costello stated that **Randall Arndt** is misspelled on Pages 6 and 7 and should be **Randall Arendt**. Mr. White moved to approve the Minutes as corrected. Mrs. Wilson seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Mavericks, Inc. (applicant) for James Houston and Phyllis Houston (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 130 acre tract on the west side of Dixie Highway, north of Sunset Ridge Subdivision, unincorporated Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Chairman Caddell stated that Agenda Item #1 is recommended for deferral to the August 2, 2000 Business Meeting. Mr. Chaney so moved. Mr. Reynolds seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Jim Thomas of the W. L. Harper Company (applicant) for Shayeson-Huff Properties, LLC (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 4.1 acre tract at 1620 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow storage.

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

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

3. Zoning Map Amendment

The request of Hub & Weber, P.S.C. (applicant) for Ted Richardson (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.2 acre tract located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, Boone County, Kentucky. The request is for a zone change to allow an office building.

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

Mr. Hicks moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Barlow seconded the motion.

Chairman Caddell stated that the original Staff Report indicated that this area should continue to develop in a residential fashion providing low and high density housing opportunities based on the Land Use Element. He asked Staff to comment regarding the Committee's recommendation.

Mr. Chaney explained that this parcel was inappropriately zoned and left by itself after KY 237 was built, and it makes sense for this to be an office development. He stated that some of the concerns were about access to KY 237. The concerns have been addressed in the conditions. Mr. White agreed.

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

4. Wireless Telecommunications Facility
The request of SprintCom, Inc. (applicant) for Hoquet/Meisel, LLC (owner)
to consider an application for a wireless telecommunications facility at 7567
Mall Road, Florence, Kentucky.

Staff Member Todd Morgan noted separate handouts from the City of Florence regarding the request and from our consultant (James Wagner) verifying the elevations of the Slammer's site and the church site. The church site is 43.86 feet lower than the Slammer's site and, therefore, it will not work as well. Mr. Morgan presented the Committee Report which recommended approval of the request with conditions (see Committee Report). He submitted an exhibit showing what the proposed flagpole style tower would look like if approved by the City of Florence.

Mr. Costello questioned a condition regarding co-location. Mr. Morgan responded that they will have to provide for at least two other carriers to go on the tower. The antennas would be disguised inside the tower structure. SprintCom has said that the pole could accommodate the two additional carriers.

In response to a question from the Chairman, Mr. Morgan explained that the church was opposed to the Slammer's site because the tower would be visible from the cemetery. The church wanted the tower moved to the other side of their property and back in the woods, but it has been determined that that site is 43 feet lower than the Slammer's site. The topographical map shows the church site to be 20 - 25 feet lower than the Slammer's site, so there is a discrepancy. One of the conditions is that the City of Florence engineer verify the elevation at the proposed

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: July 19, 2000

RE: Request of Hub & Weber, P.S.C. for certain real estate owned by Ted Richardson. The request is for a change from the present zoning of Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow office uses.

REMARKS:

We, the Committee, recommend conditional approval of the above referenced Zoning Map Amendment application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate. This conclusion is based on the site's proximity to KY 237, the existence of an adjoining commercial use, and the fact that the subject parcel was separated from Boone Creeke Subdivision when KY 237 was improved.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. The property owner agrees to limit the principally permitted uses in the Commercial Two (C-2) zone to office uses only.
2. The property owner will be agreeable to relocating his driveway when the adjacent property to the west develops. A new shared driveway will be created further away from the Kentucky 237 right-of-way. The Planning Commission understands that the adjacent property owner will have to agree to this condition.
3. The parking area shall be illuminated by monument-style parking lot lights.

4. The existing trees along the western property line must be preserved.
5. Three foot tall berms will be required within the street frontage (KY 237) buffer yard.
6. Free-standing signage will be limited to the Office One (O-1) requirements (10' tall, 150 square feet, monument style).
7. Technical Design Review will be required for the exterior building elevations and all proposed signage.

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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: July 5, 2000

RE: Request of **Hub & Weber, P.S.C. (applicant)** for **Ted Richardson (owners)** to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 2.2 acre tract located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, Boone County, Kentucky. The request is for a zone change to allow an office building.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
July 5, 2000

Richardson/KY 237

David Zimmer, Chairman

For	___	Against	___
Abstain	___	Absent	X
Deferred	___		

W. Thomas Chaney

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Mark Hicks

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Bob Newman

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Earl White

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Bob Schwenke (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

Lisa Wilson (Alternate)*

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Don McMillian (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: ___ DEFERRED 5 FOR ___ AGAINST ___ ABSTAIN
1 ABSENT

Public Hearing Item No. 4:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney – Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

4. **Applicant:** Hub & Weber, P.S.C. for Ted Richardson (owner)

Request: Zoning Map Amendment

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Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Barry Coates with Hub & Weber Architects introduced Mr. Ted Richardson and Mr. Mike Mangeot with Sugarcamp Properties. Mr. Coates stated that KY 237 separated this parcel from the larger parcel. The property to the south is C-2 and to the north and west it is Public Facilities. He stated that C-2 zoning is appropriate because the nature of the area has changed. They propose an office building for the site with 112 parking spaces, setbacks and screening, including a three-foot berm on the highway side. They will leave as many large deciduous trees as possible along the west property line. He requested approval.

The Chairman 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 in opposition to the request or having questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

The Chairman questioned the minimum size for an office zone for a parcel of land being rezoned. Mr. Wall responded that for O-1 it would be one acre.

The Chairman questioned the C-2 request for an office parcel. Mr. Mangeot responded that the property is contiguous with C-2. They felt that C-2 was an appropriate zoning classification next to Rightway, which is zoned C-2.

Mr. McMillian noted the trees shown on the slide and questioned whose property they are on. Mr. Morgan responded that a lot of them are on the subject property and some are on the school property. He stated that there are trees along KY 237 that would have to be removed to accommodate this development. Mr. McMillian questioned using them as a buffer. Mr. Morgan stated that he would like to preserve as many as possible, but will have to review the Site Plan.

Mr. McMillian questioned access management out of the site. Mr. Morgan stated that he is concerned about the proximity of the driveway with the KY 237 right-of-way. He has talked with Forrest Rankin who stated that decel and left turn lanes would be required for an encroachment permit. Mr. McMillian again questioned access management and asked if there is a road out the back. Mr. Wall asked if Mr. McMillian is questioning a connection to Rightway if it would redevelop. Mr. McMillian asked that the Committee address access management.

Mrs. Wilson questioned if there is a way going northbound on KY 237 to turn left into the site. Mr. Morgan responded that there is a way to turn left directly into the parcel now. He reviewed the slide and pointed out the entrance. Mrs. Wilson commented that there is a huge back up there every evening. Mr. Morgan responded that that is why the Kentucky Transportation Cabinet is saying that the left turn lane needs to be expanded and there needs to be a decel lane.

The Chairman asked if the Commercial zoning was in place before the 1995 Comprehensive Plan. Mr. Wall responded "yes" and stated that it was in place in 1990-91. The Chairman stated that the Comprehensive Plan is clear on the designation of that corridor. He asked the applicant to discuss what has changed in the corridor to warrant this change.

Ted Richardson, owner and one of the developers, stated that across KY 237 is Boone Creek Subdivision, which he developed in the late 1970's. In about 1980, KY 237 came through. This small SR-2 parcel was part of Boone Creek Subdivision but was cut off by the road – which made it unsuitable for residential development. It is a small parcel that lends itself to commercial development. Chairman Caddell stated that that is not a change since the 1995 Comprehensive Plan that left this property with its current designation. Mr. Richardson responded that he believes this small parcel was overlooked.

Mr. Zimmer stated that he sees a potential nightmare here. He asked if the applicant is aware of Forrest Rankin's comments about the left turn lane and the decel lane. Mr. Richardson responded "yes". Mr. Zimmer asked if the State or the applicant will do that work. Mr. Richardson explained that when they apply for the Encroachment Permit, they will be told what they have to do and they will comply with that.

Mr. Zimmer stated that the parcel to the west is owned by the Boone County Board of Education. He asked if the applicant knows of any future plans for that parcel. Mr. Richardson responded "I do not".

Mr. Schwenke questioned, in regard to getting in and out on KY 237, if the proposed building will be just for one company with everyone getting off at the same time, or will it be different offices with people coming and going at staggered times. Mr. Richardson responded that it will be multiple tenants. They currently have a group of doctors for a tenant.

Mr. Zimmer asked if any architectural schemes are available. Mr. Richardson responded that they just have the size of the building and the parking – just what is shown.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 5, 2000 at 4 P.M. in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on July 19, 2000 at 7:30 P.M..

The Chairman closed this Public Hearing at 8:35 P.M..

APPROVED:

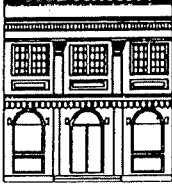

Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



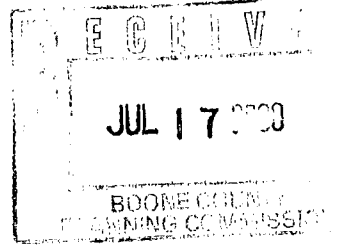
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



July 10, 2000

Mr. Ted Richardson
622 Buttermilk Pike
Crescent Springs, KY 41017

RE: Request of **Hub & Weber, P.S.C.** for certain real estate owned by **Ted Richardson**. The request is for a change from the present zoning of Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow office uses.

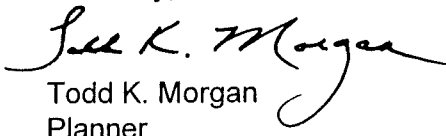
Dear Mr. Richardson:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owner, agree to the following conditions, please indicate so by signing the space provided below. Please return the signed letter to our office by 5:00 P.M., July 17, 2000.

Conditions

1. The property owner agrees to limit the principally permitted uses in the Commercial Two (C-2) zone to office uses only.
2. The property owner will be agreeable to relocating his driveway when the adjacent property to the west develops. A new shared driveway will be created further away from the Kentucky 237 right-of-way. The Planning Commission understands that the adjacent property owner will have to agree to this condition.
3. The parking area shall be illuminated by monument-style parking lot lights.
4. The existing trees along the western property line must be preserved.
5. Three foot tall berms will be required within the street frontage (KY 237) buffer yard.
6. Free-standing signage will be limited to the Office One (O-1) requirements (10' tall, 150 square feet, monument style).
7. Technical Design Review will be required for the exterior building elevations and all proposed signage.

Sincerely,


Todd K. Morgan
Planner

TKM\pr

Mr. Ted Richardson
July 10, 2000
Page 2

I, Ted Richardson, property owner, hereby agree to the listed conditions of approval for the zone change request from SR-2 to C-2, for the approximate 2.2 acre tract located on KY 237, Boone County, Kentucky.


Mr. Ted Richardson

7-15-00
Date

Comms

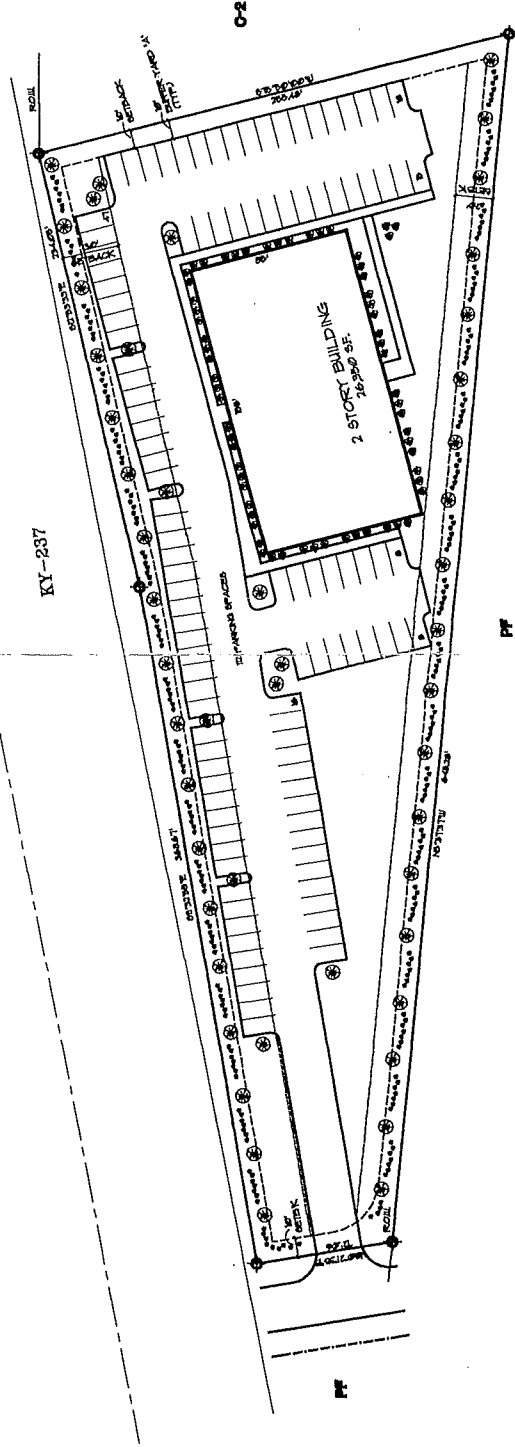
DEED DESCRIPTION
2.220 Acre Tract
BOONE COUNTY, KENTUCKY

Being a tract of land lying in the southwest corner of Richardson original tract of 38.3 acres, as described in Deed Book 205, page 700 of the Boone County Records at Burlington, Kentucky; being located between the west side of proposed relocated Ky. 237, and the Grantor's westerly property line and being more particularly described as follows:

Beginning at a point in the Grantor's southwest property corner; thence N $5^{\circ}-37'-37''$ E along the Grantor's westerly property line, 645.28 feet to a point in the westerly right-of-way line of said proposed relocated (Ky.237) said point being located 197.06 feet left of highway station 141+60; thence, N $80^{\circ}-21'-35''$ E along said westerly right-of-way line, 72.06 feet to an angle point in said line, said point being located 125.00 feet left of highway station 141+60; thence S $9^{\circ}-32'-55''$ E along the westerly right-of-way line, 368.67 feet to a point in said line, said point being located 140.00 feet left of highway station 138+01.89 ; thence S $12^{\circ}-53'-33''$ E continuing along said right-of-way line, 234.05 feet to a point in the Grantor's southerly property line, said point being located 145.00 feet left of highway station 135+67.89; thence S $75^{\circ}-50'$ W along the Grantor's southerly property line, 255.46 feet to the point of beginning CONTAINING 2.220 acres.

JUN 13 1991

Concept Plan
APPROVED with CONDITIONS
Staff Jill K. Morgan
Date 7-19-00
Boone County
Planning Commission



PROPOSED OFFICE DEVELOPMENT
FOR
SUGARCAMP PROPERTIES
BOONE CO., KY. KY. 287

HOBBS & WEBER, P.A.C.
Professional Engineers - Landscape Design
154 Chester Street, Chester, Tennessee 37111 606/411-9611

PLAN NO. C101

RECEIVED
OCT - 2 2000
BOONE COUNTY
PLANNING COMMISSION

**Ordinance
Of
The Boone County Fiscal Court**

Ordinance No. 2000-25

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF HUB & WEBER, P.S.C. (APPLICANT) FOR TED RICHARDSON (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) ON A 2.2 ACRE SITE GENERALLY LOCATED ALONG THE WEST SIDE OF KY 237 IMMEDIATELY NORTH OF RIGHTWAY NURSERY AND SOUTH OF DEERFIELD SUBDIVISION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-00-017-A.

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 Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 2.2 acre site generally located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, 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 RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 2.2 acre site generally located along the west side of KY 237 immediately north of Rightway Nursery and south of Deerfield Subdivision, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOK 205; PAGE NO. 700 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-25

SECTION II

That as a basis for the recommendation of approval for 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 shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

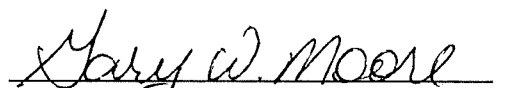
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

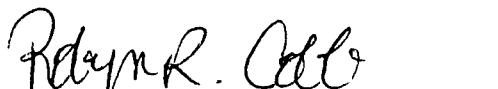
Introduced and given First Reading on the 15th day of August, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 19th day of Spt., 2000, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

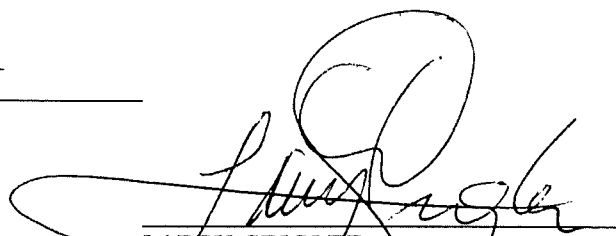


GARY W. MOORE
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

9-28-00

DATE PUBLISHED