

APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

AUG 14 2006

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

1. Name of Project HEBRON COMMERCIAL PARK
2. Location of Project HEBRON PARK DRIVE
3. Total Acreage of Site 3.05
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) EQUIPMENT RENTAL STORE AND EXISTING TIRE STORE WITH USED CAR LOT AND CAR WASH
7. Names of Applicant(s) BURLINGTON REALTY AND DEVELOPMENT COMPANY
Phone Number 586-7734 Fax No. _____
8. Address of Applicant(s) 5991 CARLTON DRIVE
BURLINGTON KENTUCKY 41005
City State Zip
9. Name of Property Owner(s) BURLINGTON REALTY AND DEVELOPMENT COMPANY
Phone Number 586-7734 Fax No. _____
10. Address of Property Owner(s) 5991 CARLTON DRIVE
BURLINGTON KENTUCKY 41005
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? YES
How many? 2
13. Deed Book 199 Page No. 620 Group No. 2006
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? NO
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

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Burlington Realty and Development Company (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 3 acre tract located near the southeast corner of the Hebron Park Drive/Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The request is for a zone change to allow an equipment rental store and an existing tire store with an auto sales lot and car wash.

September 27, 2000

REQUEST

This request is for a zone change from Commercial Two (C-2) to Commercial Services (C-3) for the 1.71 acre lot at 2919 Hebron Park Drive which contains an existing car dealer, tire shop/auto repair establishment, and car wash, and the 1.34 vacant area immediately to the south along Hebron Park Drive. The purpose of the zone change is to allow an equipment/tool rental business on the southern 1.34 acre vacant area, however, the C-3 zone requires a minimum 3 acre district size. Thus, the existing car dealer/auto repair/tire shop/car wash business was included in the application to make up this minimum district size. The existing uses on the 1.71 acre lot are all Principally Permitted in the C-3 zone. No uses other than the equipment/tool rental facility and the car dealer/auto repair/tire shop/car wash are proposed.

A Concept Development Plan was included with this request. In addition to the existing development, this plan indicates a 10,850 square foot building (70 by 155 feet). A parking area is located between the building and the street, and the development is accessed by a single curb cut on Hebron Park Drive. A driveway loops around the building, presumably with a loading area at the rear of the building. A fence is shown on the plan enclosing the side and rear yard areas. Landscaped areas are shown around the perimeter of the lot.

SITE HISTORY

A zone change from UR-1/PD to C-2, and a Conditional Use Permit, to allow car sales, auto repair shop/tire shop, and a car wash on the 1.71 acre lot was recommended for conditional approval by the Planning Commission on July 20, 1994 (refer to attached Committee Report). This application was approved by the Fiscal Court on September 27, 2000. A dimensional variance to reduce the rear yard buffer area between the proposed development and the adjoining apartment complex was also approved with this application.

ADJOINING USES AND ZONING

- A. An apartment complex (Country Place Apartments) is located to the north/northwest across Barbara Drive, and to the west and southwest (UR-1PD).
- B. A day care center is located to the north/northeast along the north side of Barbara Drive (C-2). A wooded area is located further to the north (SR-2).
- C. A convenience store with gas sales is located to the east/northeast on the southeast corner of the Barbara Drive/Hebron Park Drive intersection, and along the west side of KY 237 (C-2). The area to the east and southeast between Hebron Park Drive and KY 237, and the area to the south along the west side of Hebron Park Drive, are vacant with the exception of two multi tenant commercial buildings located on the northwest corner of the KY 20/KY 237 intersection (C-2).

SITE CHARACTERISTICS

The 1.71 acre lot which contains the existing automobile related uses is fully developed as indicated on the Concept Development Plan. The southern 1.34 acre portion of the site has approximately 117 feet of frontage along Hebron Park Drive. The center portion of the site is relatively flat, and downward slopes are present at the front and rear of the lot. The remaining portion of a topsoil stockpile is also located at the rear of the lot. Public water and sanitary sewer are available to this site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's Future Land Use Map designates the site in question as "Commercial." This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Land Use Element makes the following statements that relate to the area in question (C-2: Hebron Area, pg. 219).

- A. The existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development.
- B. High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237.

- C. The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual transition from KY 20 and into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection.

The Land Use Element provides the following general comments that relate to the 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 a preconceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 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," pg. 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.
- D. Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- E. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The Business Activity Element provides the following comments that relate to the general area in question.

- A. The Hebron area will experience additional commercial development along KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the South Park Industrial Park, the Heimann Property (Park West), and the growing number of residential subdivisions along North Bend Road ("Areas of Future Commercial Activity," pp. 82 and 83).

The site in question is indicated for commercial development on the Future Industrial and Commercial map (Figure 5.3) on page 87 of the Business Activity Element.

The site is within the "Hebron-Idlewild Area" section discussed on pages 106 and 108 of the Housing Element, however, this section does not discuss the specific area in question.

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).

- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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).
- G. 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. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well-maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- J. Commercial uses 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," Commercial [Retail and Office], Objective 1).
- K. The large scale mixing of commercial and noncommercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly place so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office], Objective 2).

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the request is in agreement with the Comprehensive Plan. Highlights of the Comprehensive Plan as it relates to this request include:
 - A. The Land Use Element states "the existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development" and "High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237." The Land Use Element continues by stating that the KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses, and that certain design issues are important for this area in order to enable an adequate visual transition from KY 20 and into older single family residential areas to the north.
 - B. The Business Activity Element notes that "commercial development in Hebron will center around the intersection of new KY 237 and KY 20" and also indicates the site for commercial development on the Future Industrial and Commercial map.

The Planning Commission and Fiscal Court will also need to consider whether the request fulfills either of the alternate findings for the granting of zone changes.

2. The governing bodies should also consider the intent and effect of both the C-2 and C-3 zones as they relate to the Comprehensive Plan (Sections 1020 and 1030 of the Zoning Regulations - the entire text of both zones is attached). The C-3 zone is generally intended to serve larger, regional markets in large-scale facilities whereas the C-2 zone is intended more for routine commercial needs. As is evidenced by the Zoning Map, the entire adjoining commercial area is zoned C-2. Although the basic intents of these two zones are somewhat different, several of the permitted uses overlap between them (such as the auto related uses for the larger tract that is part of this request), and the proposed equipment/tool rental establishment is of a more modest scale which is commonly seen in the C-2 zone (i.e., 10,850 square foot building on a 1.34 acre lot).
3. Due to the close proximity of the site to a relatively dense residential area and its location on a secondary street, Staff has the following design related concerns for the equipment/tool rental facility.
 - A. The design of the building has not been discussed in the application. In order to facilitate the transition and coordinated development sought by the

Comprehensive Plan for the general area, Staff suggests that brick (and/or other architectural masonry) be used as the primary building material, as was used for the existing auto center site and was used partially for the adjoining apartment buildings. The building should also include consistent materials, colors, and detailing on all facades to avoid the appearance of creating a "back side" of the building.

- B. The Concept Development Plan indicates a fence around the rear and side yards. In order to minimize adverse visual effects of the fence, Staff suggests that the fence be placed along the inside portion of the required buffer yards, with planting materials between the fence and the adjoining properties. In addition, a decorative type fence is preferred, with the portion adjoining the apartments being solid (6' to 8' in height).
- C. Based on the size of the lot, Buffer Yard A is minimally required for all yard areas, including the rear adjoining the apartment complex (when a developing C-3 lot that is less than 3 acres adjoins a UR-1 lot, the normally required Buffer Yard B may be reduced to Buffer Yard A). The buffer yards may be shared along the side property lines. When considering the grade difference between this lot and the apartments which helps create a partial visual break between the two sites, Staff is not opposed to the use of the Buffer Yard A plantings versus the Buffer Yard B plantings, provided that the solid fence mentioned above is provided at the rear of the lot. A similar fence was provided along the rear of the auto center lot pursuant to condition #1 of the original zone change approval (refer to attached Committee Report).
- D. Site lighting has not been outlined. In order to avoid light pollution onto the adjoining residential area, Staff suggests that all exterior fixtures that are located behind the front building line be directed downward and be limited to wall packs or low freestanding fixtures (such as 8' maximum height).
- E. Staff is concerned with the possibility of rental equipment and tools being stored or displayed outdoors. Equipment rental businesses often have an unkept and disorganized appearance due to merchandise being haphazardly stored on the lot. Staff suggests that the Planning Commission consider a condition which would require all rental merchandise which is stored outdoors to be kept within the fenced area at the sides and rear of the lot, and that all appendages (such as buckets) be kept in a retracted position.
- F. Article 34 of the Zoning Regulations allows a 117 square foot, 25 foot high pylon style freestanding sign for the vacant lot in question (regardless of whether it is zoned C-2 or C-3). When considering the distance of this site

from KY 237 and the fact that the lot's frontage is on a secondary street, a smaller-scaled sign which correlates to the design of the building is more appropriate (such as a sign with a brick structure that is more in the range of 10 feet high and 60 square feet). The existing freestanding sign on the auto center lot emphasizes this point in the respect that it is over scaled for the immediate environment, does not correlate to the design of the buildings, and despite its size and height, is not readily recognizable from KY 237 due to the distance involved.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the 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 and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if the Planning Commission and Fiscal Court approve this request.

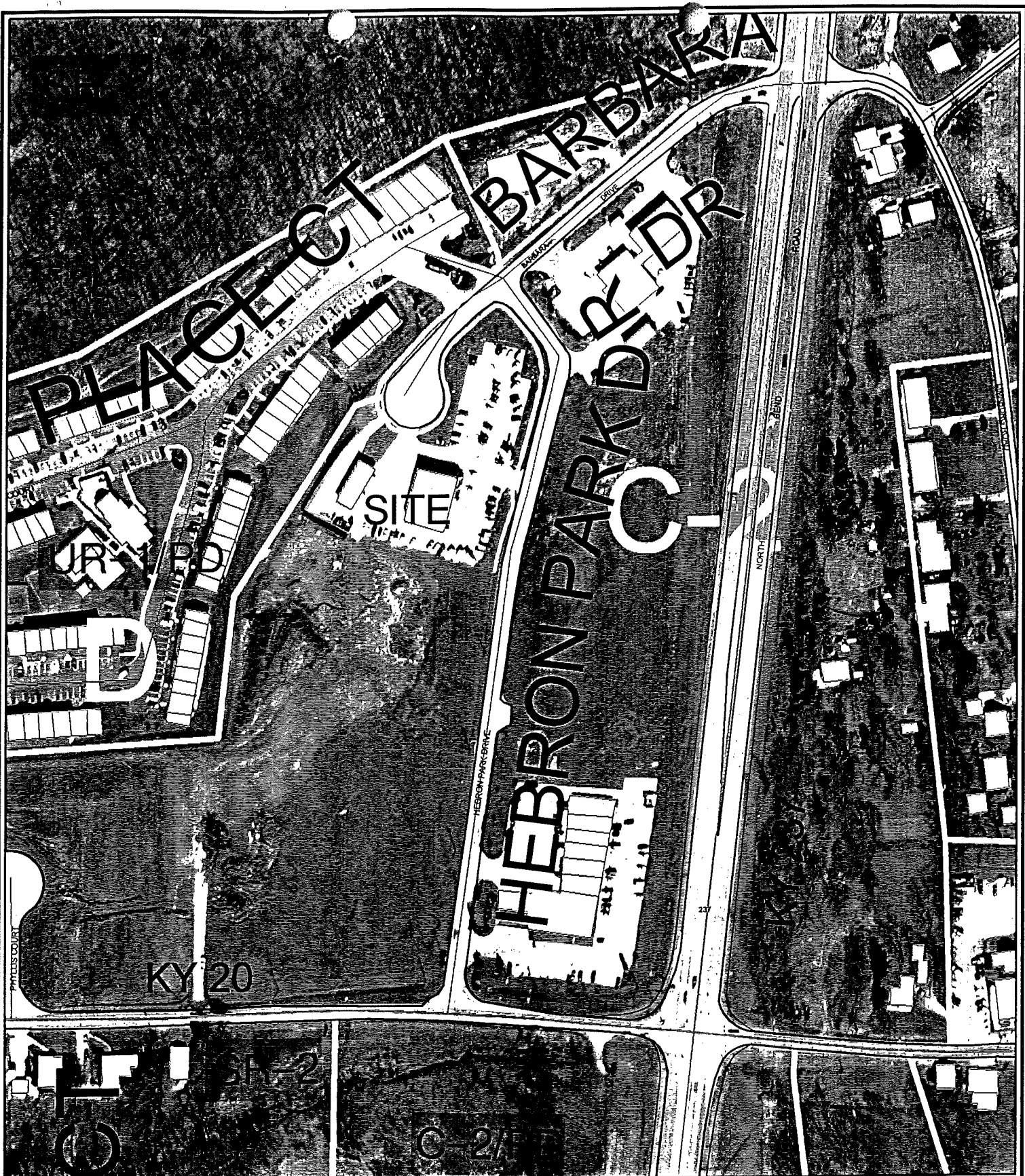
Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

Attachments:

- Air photo w/ zoning information
- Future land use map
- Site topography
- 7/20/94 Committee Report for original zone change/CUP/variance application
- C-2 and C-3 zone text
- Application and Concept Development Plan materials

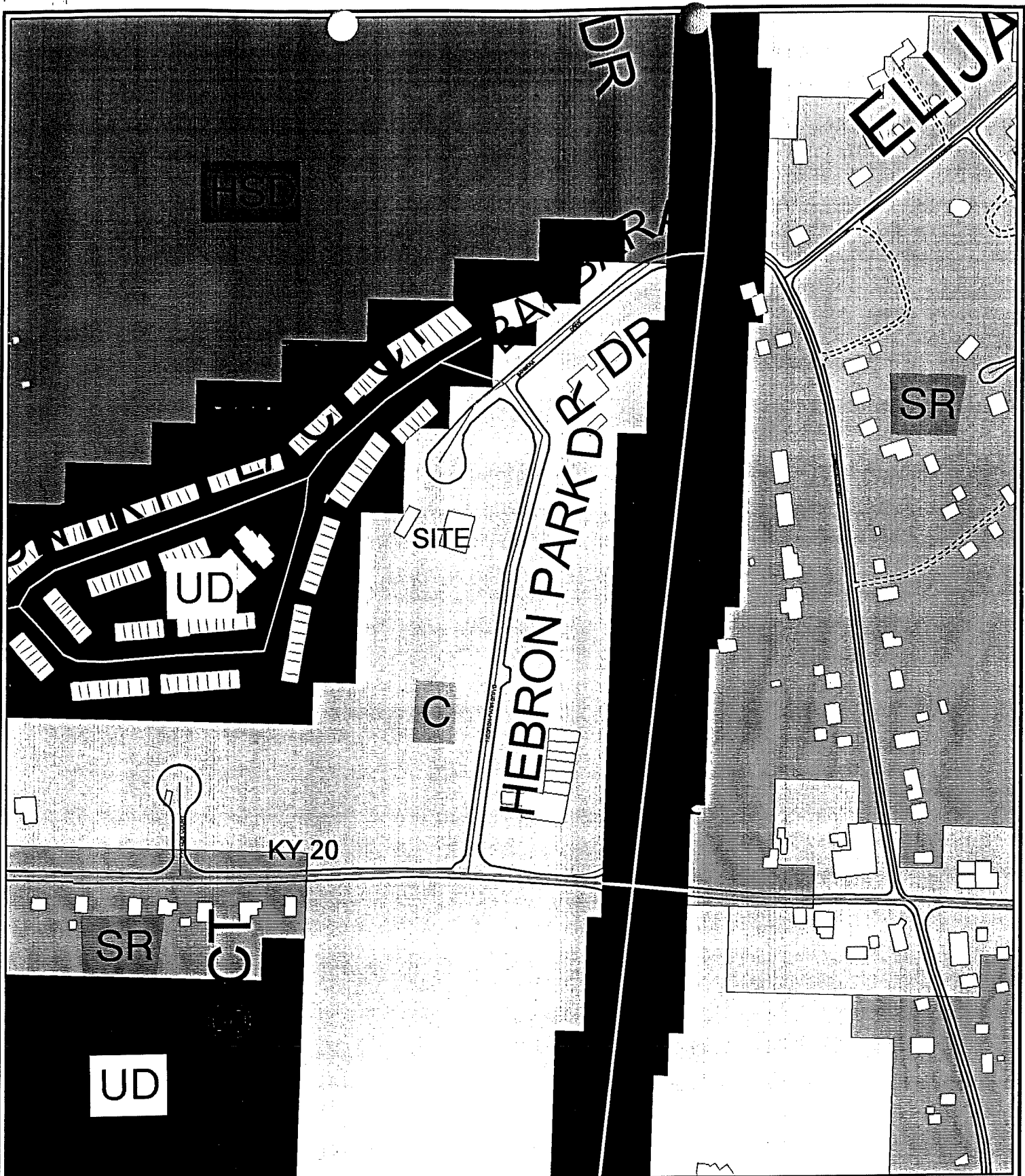


Burlington Realty

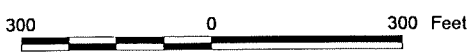
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1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 24, 2000

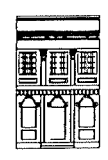


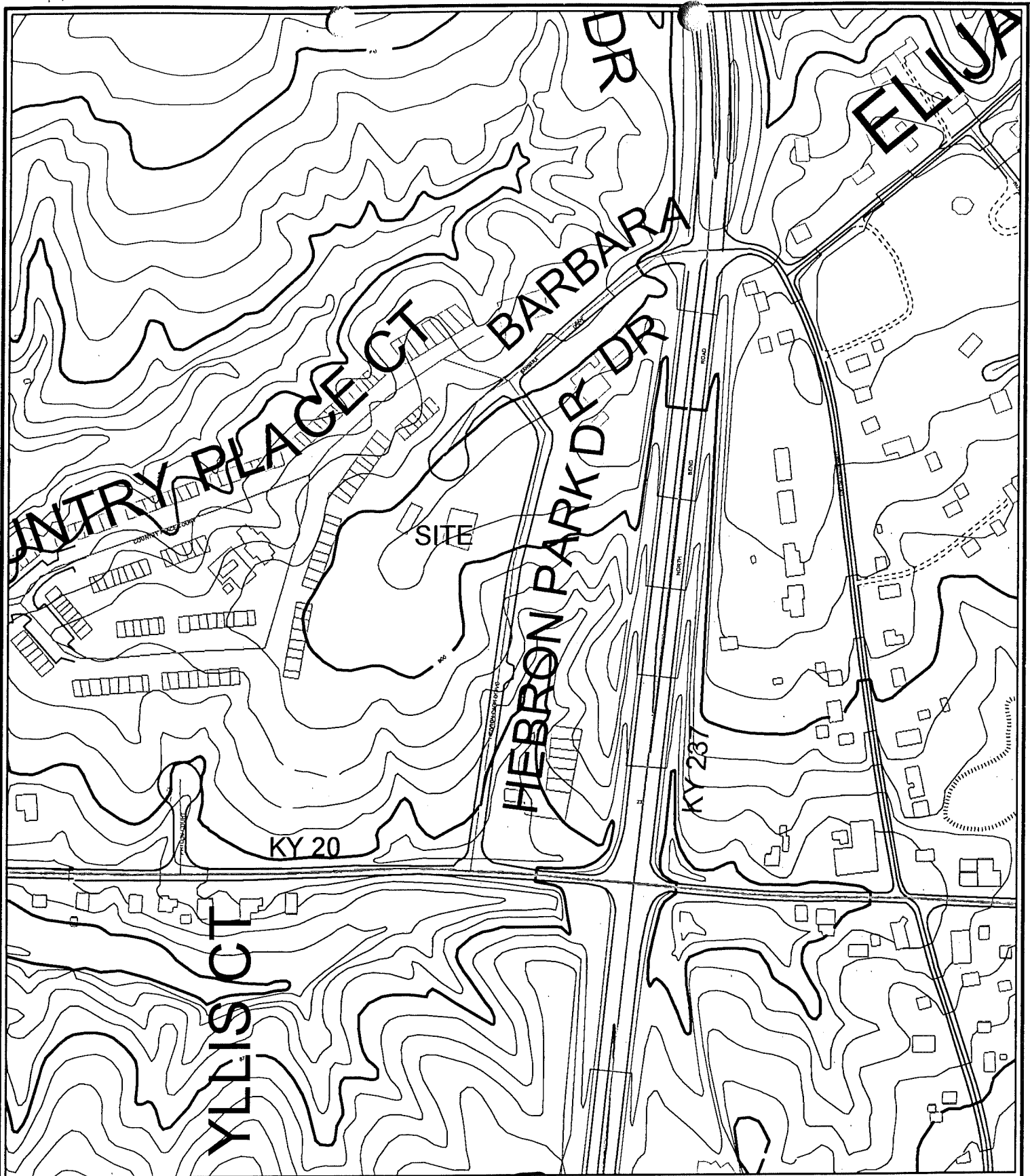


Future Land Use



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 24, 2000





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1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 24, 2000



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 20, 1994

RE: Request of Raymond Erpenbeck Consulting Engineers (applicants) for Burlington Realty & Development (owner) for a Zoning Map Amendment, Conditional Use Permit, and Variance on a 1.8 acre site located at Hebron Park and Barbara Drive, Boone County, Kentucky. The request is to change the zone from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2) and for a Conditional Use Permit to construct an automobile repair shop, tire store, car wash and used car sales. The applicant is also requesting a dimensional variance in the required buffer yard adjoining a residential zone.

REMARKS:

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

Findings of Fact

1. Staff recognizes that the commercial uses in the area of the site have been proposed in the 1990 Boone County Comprehensive Plan.
2. The C-2: Hebron Area of the Land Use section of the 1990 Boone County Comprehensive Plan states the following about the area where the site is located:

The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development.

Conditions

1. The 6 foot privacy fence that will be placed on the site border would be of the type that uses staggered vertical planks. The appearance of this type of fence suggests there is no definite front or back. To soften the effect of the fence, it should be moved in from the property line approximately five feet to allow intensive landscaping to also be placed along the side facing the back of Country Place Townhomes. The amount of landscaping material shown along the fence line facing into the site on the concept plan should be greatly increased.
2. The unpaved area of the site along the cul-de-sac of Barbara Drive and at the corner of Barbara Drive and Hebron Park Drive should have an intensive landscaping plan to allow an aesthetically pleasing buffer between the commercial and residential uses.

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.

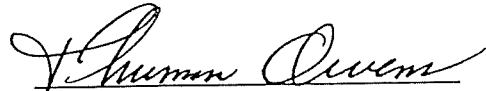
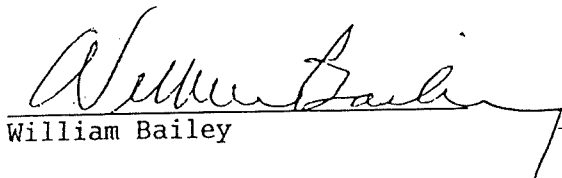
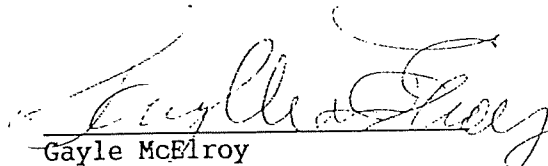


Fred Burch, Chairman

Barry Neltner



Phil Damstrom


Thurman Owens
William Bailey
Gayle McElroy

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses


Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 
1. Gasoline filling stations and automotive repair facilities;
 2. Churches, synagogues, temples and other places of religious assembly for worship;
 3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchise style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;

25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).
2. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
3. Automotive repair facility and wash services for vehicles;
4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
5. Sale of satellite dishes;

6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;

7. Mini-warehouses or storage facilities;

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
3. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

4. Major furniture, floor coverings, household appliances and home furnishing outlets;
5. Eating and drinking establishments including alcoholic beverages and with drive-thru franchise style fast food facilities;
6. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers and motorcycles and other sporting equipment and sales;
7. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
8. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
9. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
10. Equipment, automobile, truck rental and leasing services;
11. Gasoline filling stations, automobile repair facilities but excluding junk yards, wrecking or other storage;
12. Liquor and beverage sales;
13. Sale of satellite dishes;
14. Grocery stores and supermarkets;
15. Convenience stores;
16. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services;
17. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
18. Florists including greenhouses;
19. General dry goods and merchandise stores;
20. Department stores, mail order houses, direct retail selling organizations of general merchandise;
21. Recreation centers, gymnasiums, clubs and similar athletic uses;
22. Nursery and day care centers;
23. Household appliances, china, glassware and metal ware;
24. Medical and dental laboratory services;
25. Travel arranging, transportation ticket and public event or promotional booking agencies;
26. Hotels and motels including convention facilities;

27. Auto parts and accessories stores;
28. Flea markets;
29. Churches, synagogues, temples and other places or religious assembly for worship;
30. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Amusement centers;
 - d. Tennis courts and billiards;
 - e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. Swimming beaches and swimming pools;
 - g. General, leisure, ornamental and other park spaces;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of the permitted use;
7. The rental of trucks and trailers.

SECTION 1033

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;
2. Truck stops.

SECTION 1034

Intensity

The intensity of use in a Commercial Services (C-3) district shall not exceed 18,000 square feet of gross floor area per acre of land.

SECTION 1035

Minimum Size

The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

SECTION 1036

Minimum Standards

See Article 31 for dimensional standards. (Site plan review required for all permitted uses, See Article 30)

SECTION 1040

COMMERCIAL FOUR (C-4)

The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population.

SECTION 1041

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;

APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

AUG 14 2000

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

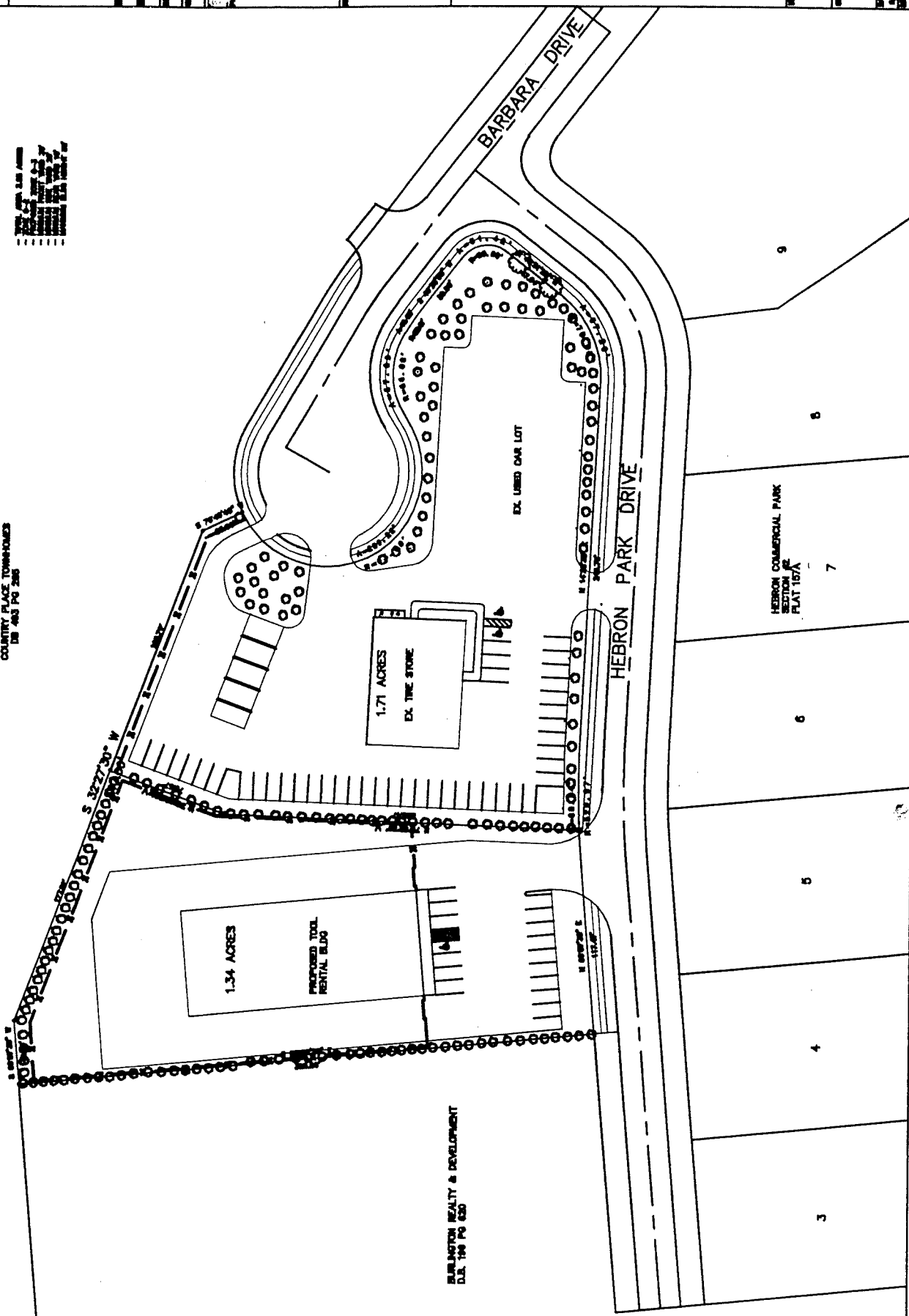
1. Name of Project HEBRON COMMERCIAL PARK
2. Location of Project HEBRON PARK DRIVE
3. Total Acreage of Site 3.05
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) EQUIPMENT RENTAL STORE AND EXISTING TIRE STORE WITH USED CAR LOT AND CAR WASH
7. Names of Applicant(s) BURLINGTON REALTY AND DEVELOPMENT COMPANY
Phone Number 586-7734 Fax No. _____
8. Address of Applicant(s) 5991 CARLTON DRIVE
BURLINGTON KENTUCKY 41005
City State Zip
9. Name of Property Owner(s) BURLINGTON REALTY AND DEVELOPMENT COMPANY
Phone Number 586-7734 Fax No. _____
10. Address of Property Owner(s) 5991 CARLTON DRIVE
BURLINGTON KENTUCKY 41005
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? YES
How many? 2
13. Deed Book 199 Page No. 620 Group No. 2006
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? NO
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

(over)

3

LOT 11
SECTION 3
COUNTRY PLACE TOWNHOUSES
DB 443 PG 285



BURLINGTON REALTY & DEVELOPMENT
D.L.R. 146 PG 620

HEBRON COMMERCIAL PARK
HEBRON, BOONE COUNTY, KENTUCKY
DEVELOPER: BURLINGTON REALTY & DEVELOPMENT
5991 CARLTON DRIVE
ENGINEER: RAYMOND ERPENBECK CONSULTING ENGINEERS
4206 DODGE HIGHWAY
ELSMIRE, KENTUCKY

CONCEPT PLAN

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. McMillian, Mrs. Poston, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; 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 second item on the Agenda:

1. **Applicant:** **Burlington Realty and Development Company (owner)**

Request: **Zoning Map Amendment**

The request of Burlington Realty and Development Company (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate three acre tract near the southeast corner of the Hebron Park Drive/Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The request is for a zone change to allow an equipment rental store and an existing tire store with an auto sales lot and car wash.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). He noted two corrections to the Staff Report – in the last paragraph on Page 1, the date September 27, 2000 should be **September 27, 1994**; and on the Page 8, the last sentence should read **The Future Land Use Map will not need to be amended if the Planning Commission and Fiscal Court approve this request.**

The Chairman asked for the applicant's presentation.

Mr. Ray Erpenbeck introduced Mr. Bob Kirby, Jr. with Burlington Realty and Development. Mr. Erpenbeck indicated the tire store and the used car lot and stated that they are Conditional Uses at this time, but will become Permitted Uses in the C-3 zone if the zone change is granted. He stated that they requested the zone change in order to build a tool rental facility. The closest tool rental facility is in Florence. He stated that the use is small in concept and fits well with the sizes of the other commercial developments in the area. He noted the apartments to the rear of the site and stated that they are showing fencing on the Concept Plan as a buffer between the apartment complex and this development. They are agreeable to placing the fencing on the inside of the buffer area and the

landscaping on the outside between the fence and the apartments. He displayed an architectural rendering of the building which will have a brick face and architectural masonry. He stated that the parking is in the front and tool storage will be behind the building in a fenced area. They have no problem with a condition that all the equipment be in a low position and not extending up in the air.


The Chairman asked if there was anyone else present who wished to speak in favor of the request. There was no response.

The Chairman asked if there was anyone present who wished to speak in opposition or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

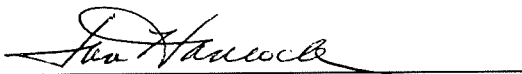
The Chairman asked Mr. Kirby if he would be willing to limit the uses to the four uses stated in the application if the zone change is granted. Mr. Kirby responded that he would be willing to limit some of the uses, but is not willing to say that the four proposed uses would be the only uses. The Chairman asked Mr. Chaney, Chairman of the Committee, to look at the C-3 uses in Committee to see if agreement can be reached with the applicant. Mr. Kirby agreed to work with the Committee in this regard.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 4, 2000 at 4:30 P.M. in the Fiscal Courtroom in the Administration Building. This item will be on the Agenda for the Business Meeting on October 18, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 18, 2000
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock
Mr. Bob Schwenke
Mrs. Judy Arnett, Secretary/Treasurer

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
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

motion. A vote on the motion made by Mr. Zimmer found Mr. Barlow, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries, Mr. White, Mr. Zimmer, and Mr. Chaney in favor. Mrs. Wilson and Mr. Hicks were opposed. The motion carried by a vote of 8 to 2.

Mr. Chaney stated that the Planning Commission's action is a recommendation to Fiscal Court and interested parties should follow up with Fiscal Court.

Mr. Newman and Chairman Caddell returned to the meeting at this time. Chairman Caddell chaired the meeting and introduced the next item on the Agenda:

2. Zoning Map Amendment

The request of Afton Development (applicant) for Eddie L. Tanner, Ronald E. Garnett, Howard L. Ravenscraft, and Joyce Ann Ravenscraft (owners) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) and Industrial One (O-1) to Suburban Residential Two (SR-2) for an approximate 33 acre tract located to the south of Ridgefield Subdivision at the terminus of Donjoy Drive and Whitney Lane, and north of KY 20 near the terminus of Ariens Drive, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Ries moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report. Mr. White seconded the motion.

Mr. Zimmer stated that he was the Committee Chairman but was not able to attend the Committee Meeting. He stated that at the Public Hearing the question was raised as to whether this property is outside of the noise contours for the new runway. Mr. Costello advised that it is outside the noise contours.

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

3. Zoning Map Amendment

The request of Burlington Realty and Development Company (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate three acre tract near the southeast corner of the Hebron Park Drive/Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The request is for a zone change to allow an equipment rental store and an existing tire store with an auto sales lot and car wash.

Staff Member Kevin Wall 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. Zimmer moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report. Mr. White seconded the motion.

Mr. Zimmer stated that he did not attend the Committee Meeting. In regard to the previous zone change (the parcel that is now the tire store), he is concerned about promises made and promises kept. The privacy fence is up, but he did not see the landscaping as conditioned. Mr. Wall explained that there is landscaping along the Hebron Park frontage. He stated that the issue may be that there were very different landscaping regulations in 1993-94 when this was done and what was considered “substantial” then would probably not be considered substantial now.

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

4. Zoning Map Amendment

The request of Timothy B. Theissen, Strauss & Troy (applicant) for Future Properties, LLC (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 12 acre tract at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine craft and related accessories and sporting equipment, in addition to existing antique mall and cabinet shop.

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. White moved by resolution to the City of Florence to grant the Zoning Map Amendment request based on the Committee Report. Mrs. Wilson seconded the motion.

Mr. Ries referred to Condition #2 regarding the display of boats in the front parking lot. He questioned the size of the boats and how close they would be to Mall Road. Mr. Morgan reviewed the information in the Staff Report with Mr. Ries. Mr. Costello asked for clarification of “permanent display”.

Attorney Tim Theissen stated that the boats are 16 feet to 27 feet – they do not sell houseboats. They intend to park four boats out in this display area. He stated that the Committee preferred that the boats not be on trailers and they will build a structure to put them on. Mr. Ries asked “how high will that be?”. He also asked for more definitive information about the size of the boats. Mr.

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Chairman

DATE: October 18, 2000

RE: Request of **Burlington Realty and Development Company (owner)** to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 3 acre tract located near the southeast corner of the Hebron Park Drive/Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The request is for a zone change to allow an equipment rental store and an existing tire store with an auto sales lot and car wash.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the Zoning Map Amendment request is in agreement with the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives due to the following reasons:
 - A. The Future Land Use Map designates the site in question as "Commercial." This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Land Use Element (C-2: Hebron Area, pg. 219) states "the existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development." The Land Use Element also states "the KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron." The site in question is within this planned business district located at the KY 237/KY 20 intersection.

- B. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
 - C. The site in question is indicated for commercial development on the Future Industrial and Commercial map (Figure 5.3) on page 87 of the Business Activity Element. The Business Activity Element also notes that "commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange . . ." Again, the site in question is within this planned business district located at the KY 237/KY 20 intersection.
2. Due to the small scale and limited uses involved with this request, the Committee has concluded that the proposed C-3 zone is as compatible with the existing and planned uses in the area as the existing C-2 zone.
 3. 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 and 2000 Boone County Comprehensive Plan Goals and Objectives. 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 applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The proposed building shall be constructed of brick and/or other architectural masonry, and use consistent colors, materials, and design detailing on all facades of the structure. Architectural elevations shall be submitted with the site plan application for this development to insure compliance with this condition.
2. The fence shown enclosing the side and rear yards on the Concept Development Plan for the proposed building shall be a decorative style fence which is located along the inside portion of the required buffer yards so that the required landscape areas and plantings will immediately adjoin the neighboring properties, versus the proposed fence. A solid screening type fence shall be located along the rear of the lot that adjoins the apartment development; this screening fence may use the same or similar design and materials as the screen fence used for the existing tire store/car wash/auto sales facility.

3. All exterior light fixtures that are located behind the front building line shall be either building mounted wall packs or low freestanding fixtures which have a maximum height of 8 feet.
4. All rental merchandise which is stored outdoors shall be kept within the fenced area at the side and rear of the lot, and any appendages on the equipment (such as buckets) shall be kept in a low or retracted position.
5. The permitted freestanding sign shall be a monument style sign constructed predominately of masonry materials which correlate to the building. This sign shall be limited to 10 feet in height and 60 square feet in size.
6. The following uses which are normally permitted in the C-3 zone shall be prohibited.

Principally Permitted Uses:

2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
6. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers and motorcycles and other sporting equipment and sales;
7. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
9. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
26. Hotels and motels including convention facilities;
28. Flea markets;
30. Funeral homes and crematoriums excluding cemeteries or mausoleums.

Conditional Uses:

2. Truck stops.

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.

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. McMillian, Mrs. Poston, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; 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 second item on the Agenda:

1. **Applicant:** Burlington Realty and Development Company (owner)

Request: Zoning Map Amendment

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The Chairman asked for the applicant's presentation.

Mr. Ray Erpenbeck introduced Mr. Bob Kirby, Jr. with Burlington Realty and Development. Mr. Erpenbeck indicated the tire store and the used car lot and stated that they are Conditional Uses at this time, but will become Permitted Uses in the C-3 zone if the zone change is granted. He stated that they requested the zone change in order to build a tool rental facility. The closest tool rental facility is in Florence. He stated that the use is small in concept and fits well with the sizes of the other commercial developments in the area. He noted the apartments to the rear of the site and stated that they are showing fencing on the Concept Plan as a buffer between the apartment complex and this development. They are agreeable to placing the fencing on the inside of the buffer area and the

landscaping on the outside between the fence and the apartments. He displayed an architectural rendering of the building which will have a brick face and architectural masonry. He stated that the parking is in the front and tool storage will be behind the building in a fenced area. They have no problem with a condition that all the equipment be in a low position and not extending up in the air.


The Chairman asked if there was anyone else present who wished to speak in favor of the request. There was no response.

The Chairman asked if there was anyone present who wished to speak in opposition or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

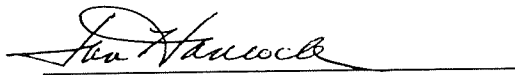
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There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 4, 2000 at 4:30 P.M. in the Fiscal Courtroom in the Administration Building.. This item will be on the Agenda for the Business Meeting on October 18, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: W. Thomas Chaney, Committee Chairman

DATE: October 4, 2000

RE: Request of Burlington Realty and Development Company (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 3 acre tract located near the southeast corner of the Hebron Park Drive/Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The request is for a zone change to allow an equipment rental store and an existing tire store with an auto sales lot and car wash.

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.

October 4, 2000

Burlington Realty & Development Company/Hebron Park Drive

W. Thomas Chaney

W. Thomas Chaney, Chairman

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Mark Hicks

Mark Hicks

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Bob Newman

Bob Newman

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Earl White

Earl White

For Against _____
 Abstain _____ Absent _____
 Deferred _____

David Zimmer

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Bob Schwenke (Alternate)*

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Lisa Wilson

Lisa Wilson (Alternate)*

For Against _____
 Abstain _____ Absent _____
 Deferred _____

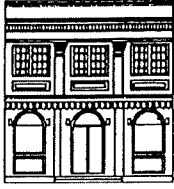
Don McMillian (Alternate)*

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

TOTAL: _____ DEFERRED 4 FOR _____ AGAINST _____ ABSTAIN
4 ABSENT

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

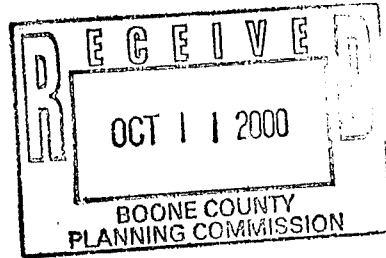
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 5, 2000



Mr. Robert Kirby, Jr.
Burlington Realty and Development Co.
5991 Carlton Drive
Burlington, KY 41005

RE: Recommended Conditions of Approval for Zone Change from C-2 to C-3 for 3 Acre Area on Hebron Park Drive, Boone County, Kentucky

Dear Mr. Kirby:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their October 4, 2000 meeting. If you, as the property owner, agree to these conditions, please so indicate by signing in the space provided at the end of this letter. Please return the original, signed condition letter to the Planning Commission's office by 5:00 p.m., Friday, October 13, 2000.

CONDITIONS

1. The proposed building shall be constructed of brick and/or other architectural masonry, and use consistent colors, materials, and design detailing on all facades of the structure. Architectural elevations shall be submitted with the site plan application for this development to insure compliance with this condition.
2. The fence shown enclosing the side and rear yards on the Concept Development Plan for the proposed building shall be a decorative style fence which is located along the inside portion of the required buffer yards so that the required landscape areas and plantings will immediately adjoin the neighboring properties, versus the proposed fence. A solid screening type fence shall be located along the rear of the lot that adjoins the apartment development; this screening fence may use the same or similar design and materials as the screen fence used for the existing tire store/car wash/auto sales facility.
3. All exterior light fixtures that are located behind the front building line shall be either building mounted wall packs or low freestanding fixtures which have a maximum height of 8 feet.

Mr. Robert Kirby, Jr.
October 5, 2000
Page 2

4. All rental merchandise which is stored outdoors shall be kept within the fenced area at the side and rear of the lot, and any appendages on the equipment (such as buckets) shall be kept in a low or retracted position.
5. The permitted freestanding sign shall be a monument style sign constructed predominately of masonry materials which correlate to the building. This sign shall be limited to 10 feet in height and 60 square feet in size.
6. The following uses which are normally permitted in the C-3 zone shall be prohibited.

Principally Permitted Uses:

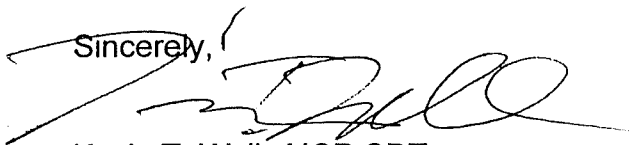
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
6. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers and motorcycles and other sporting equipment and sales;
7. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;
9. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
26. Hotels and motels including convention facilities;
28. Flea markets;
30. Funeral homes and crematoriums excluding cemeteries or mausoleums.

Conditional Uses:

2. Truck stops.

Please call me if you have any questions or need any clarifications.

Sincerely,

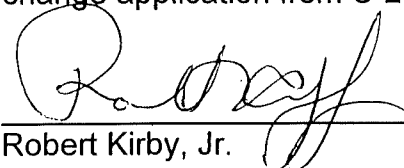


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

AGREEMENT

I, Robert Kirby, Jr., on behalf of Burlington Realty and Development Company, the owner of the three acre tract noted above, agree to the conditions listed herein for the zone change application from C-2 to C-3.



Robert Kirby, Jr.

10 Oct 2000

Date

Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

4205 DIXIE HWY • ELSMERE, KY 41018 • (606) 727-4200 FAX (606) 342-5852

August 10, 2000

LEGAL DESCRIPTION BURLINGTON REALTY & DEVELOPMENT COMPANY

Starting at the intersection of Barbara Drive and Hebron Park Drive;
thence 50.00' S 40° 31' 25" E
thence 30.00' S 49° 29' 32" W to the Point of Beginning
thence 47.94' S 40° 31' 25" E to a point of curvature of Radius 70' along said arc 67.20'
(chord of said arc bears 64.65' S 13° 01' 19" E)
thence 245.76' S 14° 28' 35" W to a point of curvature having a Radius of 530' along
said arc 69.54' (chord of said arc bears S 10° 43' 02" W)
thence 117.47' S 06° 57' 30" W
thence 385.00' N 83° 02' 30" W
thence 42.33' N 06° 57' 30" E
thence 347.00' N 32° 27' 30" E
thence 28.91' N 76° 49' 48" E to a point of curvature having a Radius of 63' along said
arc 209.22' (chord of said arc bears N 71° 41' 29" E)
to a point of curvature having a Radius of 50'
along said arc 57.09' (chord of said arc bears N 09° 15' 47" E)
to a point of curvature having a Radius of 122.61' along said arc 16.05' (chord of said arc
bears N 45° 43' 35" E)
thence 50' N 49° 28' 32" E to a point of curvature having a Radius of 20.00' along said
arc 31.42' (chord of said arc bears S 85° 31' 25" E) to the Point of Beginning.

Said tract containing 3.05 acres of land.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-33

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF BURLINGTON REALTY AND DEVELOPMENT COMPANY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3) ON AN APPROXIMATE 3 ACRE SITE GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE HEBRON PARK DRIVE / BARBARA DRIVE INTERSECTION, AND AT 2919 HEBRON PARK DRIVE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-00-025-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial Two (C-2) to Commercial Services (C-3) on an approximate 3 acre site generally located near the southeast corner of the Hebron Park Drive / Barbara Drive intersection, and at 2919 Hebron Park Drive, 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 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 Commercial Two (C-2) to Commercial Services (C-3) on an approximate 3 acre site generally located near the southeast corner of the Hebron Park Drive / Barbara Drive intersection, and at 2919 Hebron Park Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Two (C-2) zone is more particularly described in DEED BOOK 199; PAGE NO. 620 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-33

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 Ordinance 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.

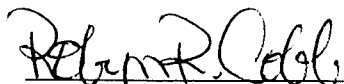
Introduced and given First Reading on the 21st day of November, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 19th day of December, 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

12-28-2000

DATE PUBLISHED