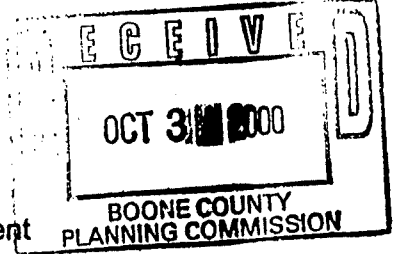


**CHANGE IN CONCEPT DEVELOPMENT PLAN
OR
UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT
(CONCEPT DEVELOPMENT PLAN)
BOONE COUNTY PLANNING COMMISSION**



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

1. Check One:

- Change in Concept Development Plan
 - Utilization of An Underlying Zone in Planned Development
 - a) Public Hearing Submittal (Concept Dev. Plan) _____
 - b) Long Range Planning Committee Review _____
- (As stated in the Houston-Donaldson Study)

- 2. Name of Project Hometown Pizza
- 3. Location of Project Centennial Plaza
- 4. Total Acreage of Site 1.00 Acre
- 5. Current Zoning C-3/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
- 8. Proposed Uses (please specify each use) Pizza parlor
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
 Phone Number 331-9191 Fax No. 344-7422
- 13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
 City State Zip
- 14. Name of Property Owner(s) Mr. Ed Peter - Hometown Pizza
 Phone Number (859) 278-9311 Fax No. (859) 277-3956
- 15. Address of Property Owner(s) 704 Spring Meadow Drive
Lexington, Kentucky 40504
 City State Zip
- 16. Are there any existing buildings on the site? No
 How many? _____
- 17. Deed Book 501 Page No. 265 Group No. 2026
- 18. Have you had a pre-application meeting with BCPC Staff? No

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **Ed Peter (owner)** to consider a Change in an approved Concept Development Plan for a one acre area located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.

December 6, 2000

REQUEST

The request is for a Change in Concept Development Plan for a one acre area within Heritage Hill Subdivision. The submitted Concept Development Plan shows a 2,764 square foot pizza restaurant (Hometown Pizza), 65 parking stalls, and two proposed curb cuts onto Centennial Circle.

SITE CHARACTERISTICS

The subject site is located immediately behind the McDonald's parcel, on Centennial Circle. The site is level, except for a small portion of the rear yard. Water and sanitary sewer lines are already existing within the subdivision.

SITE HISTORY

In 1986, the subject one acre site was involved in a Zoning Map Amendment request. The request was to change the zoning classification of 31.367 acres of land from Industrial One (I-1) to Commercial Two/Planned Development (C-2/PD) and Commercial Services/Planned Development (C-3/PD). The submitted Concept Plan showed 198,200 square feet of auto dealerships, automotive related shops, professional office, and specialty shops. The subject one acre site was originally intended to be part of the automotive dealerships (see attached Concept Plan).

The February 5, 1986 Committee Report contains two Conditions of Approval which relate to the current proposal. These conditions state the applicant should preserve the special environment features (pond, vegetation) of the site and that a connector road needs to be built, either in the front or middle portion of the site, to serve the adjacent properties to the east and west (see attachments).

In 1994, A Change in Concept Development Plan was approved for two adjacent sites. The plan showed a 3,000 square foot drive-thru restaurant on a 1.18 acre tract (McDonald's) and a 4,000 square food gas station, food mart, and car wash on a 3.3 acre tract (Shell Station). The April 20, 1994 Committee Report contains a condition of approval which relates to the current proposal. This condition states that two monument signs and a 44' tall, 250 square foot identification sign are permitted on these two parcels. As a result of this project identification sign, new businesses in the back half of the development will not be allowed to place free-standing signs on their parcels.

ADJACENT LAND USES AND ZONING

North: Agricultural Fields (C-4 & I-1)
South: Centennial Circle & Shell Station (C-3/PD)
East: Vacant Land within Heritage Hill Subdivision (C-3/PD)
West: McDonald's (C-3/PD) & KY 18

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

"Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip. Existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 as indicated by the Future Land Use Map.

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 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).

- B. "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).
- C. "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).
- D. 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).

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. 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. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system (Transportation, Objective 11).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding locations (Business Activity, Goal).

- F. 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, Objective).
- G. 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, Retail and Office Objective 1).

STAFF COMMENTS

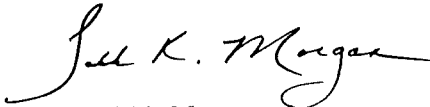
1. The property owner, adjoining property owners, Staff, and the Zone Change Committee need to discuss the location for the connector road that is to run to property to the west. The February 5, 1986 Committee Report was not specific in laying out a definitive location for this street. The agreed upon location of this connector road will determine if the street needs to be shown on this plan or a future Change in Concept Development Plan.
2. Staff received a letter from Paul J. Vesper regarding the history of the site and the necessity for the Planning Commission to select a location for the connector road. Mr. Vesper's letter is attached to the Staff Report.
3. The applicant's submitted Concept Development Plan is showing two proposed curb cuts onto Centennial Circle. Two curb cuts can be requested because of the Planned Development (PD) overlay. However, Section 3221 of the Boone County Zoning Regulations states that "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with the applicable sections of these regulations." The 1 acre lot only has 207' feet of frontage along Centennial Circle.
4. Staff recommends that the proposed Hometown curb cut should be aligned with Shell's curb cut.
5. Staff would like the applicant to bring some pictures or drawings to the Committee Meeting which reflect what type of materials are being used in the building facades.

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 Concept Development Plan as stated in Article 3, "Amendment" of the Boone County Zoning Regulations.

The Future Land Use Map will not need to be amended if the Planning Commission and Boone County Fiscal Court approve the Change in Concept Development Plan request.

Respectfully submitted,



Todd K. Morgan
Planner

TKM/pr

Attachments:

- Site Vicinity Map
- Concept Plan
- Zoning Map
- Topographical Map
- Future Land Use Map
- 1986 Concept Development Plan & Committee Report
- 1994 Committee Report
- Section 3221 of the Boone County Zoning Regulations
- Letter from Paul J. Vesper

Vacant

Vacant

McDonald's

Proposed
Hometown
Pizza

CENTENNIAL CIR

Tractor Supply

Shell Station

Saturn

Pontiac

BURLINGTON PK

BOONE AIR FLD

Best
Self Storage

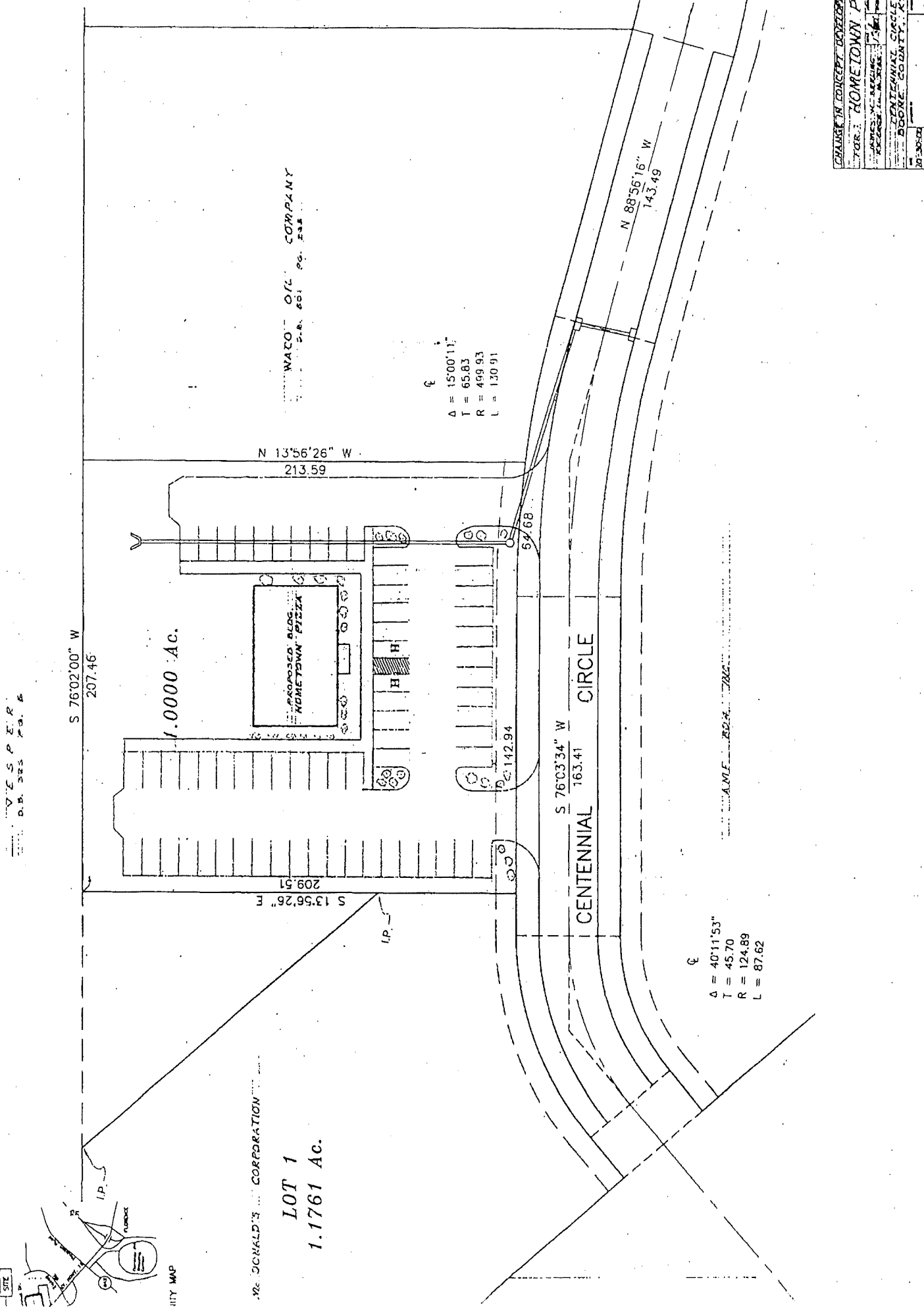
Christ United
Methodist

275 0 275 Feet

1 inch equals 275 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 13, 2000



Hometown Pizza Site Vicinity Map



VESPER
D.B. 325 P. 5

S 76°02'00" W
207.46

1.0000 AC.

N 13°56'26" W
213.59

WACO OIL COMPANY
S.B. 601 P. 238

☺
Δ = 15°00'11"
T = 65.83
R = 499.93
L = 130.91

54.68

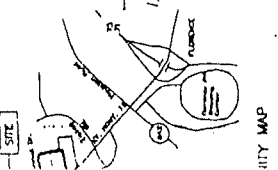
S 76°03'34" W
163.41

CENTENNIAL CIRCLE

N 88°56'16" W
143.49

☺
Δ = 40°11'53"
T = 45.70
R = 124.89
L = 87.62

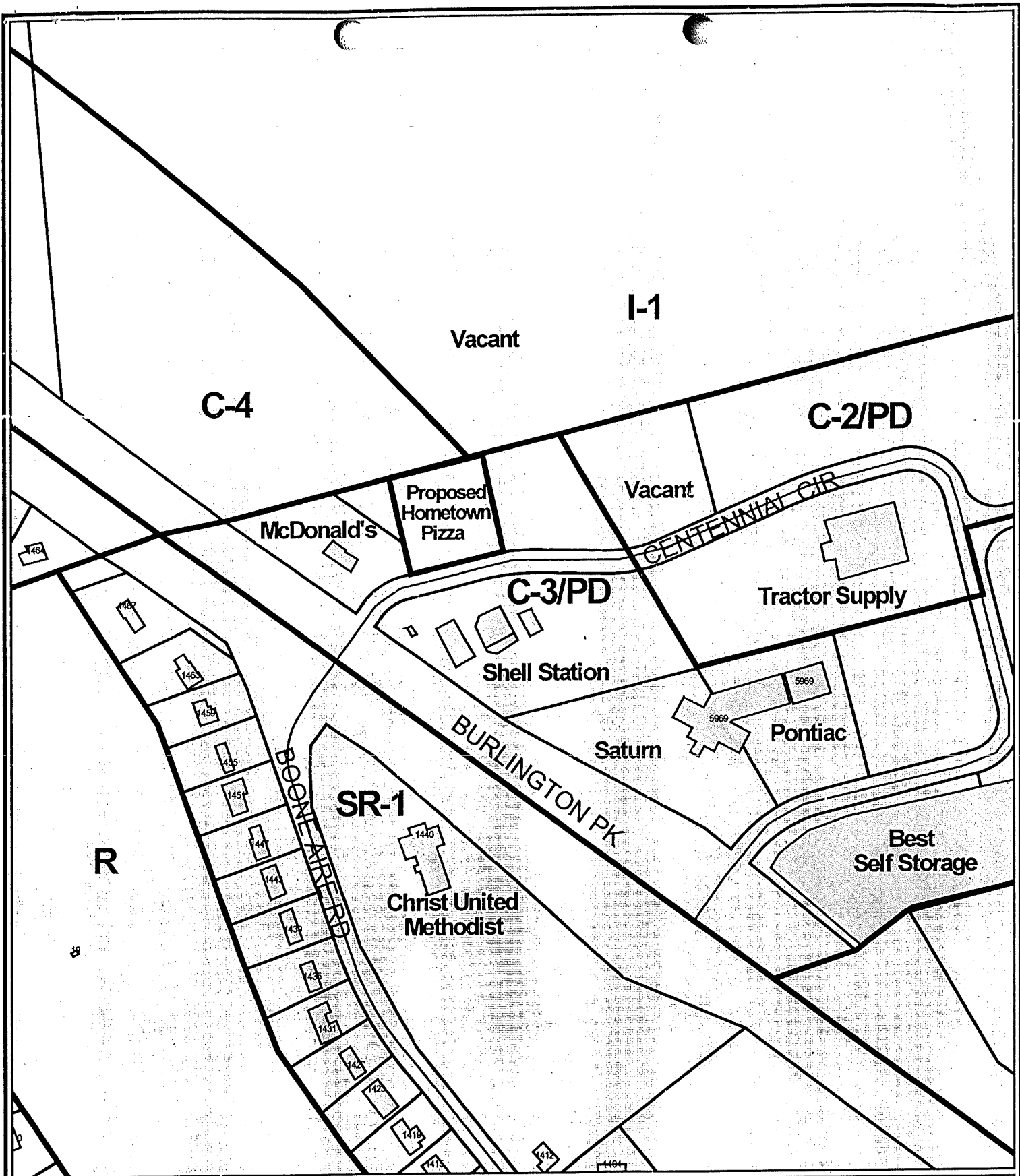
A.M.F. P. 224. 702



MR. DONALD'S CORPORATION

LOT 1
1.1761 AC.

CHANGE IN CONCEPT DEVELOPMENT
TITLE: HOMETOWN PIZZA
DATE: 11/14/00
PROJECT: HOMETOWN PIZZA
LOCATION: CENTENNIAL CIRCLE, BOONE COUNTY, KY.
NO. 00002

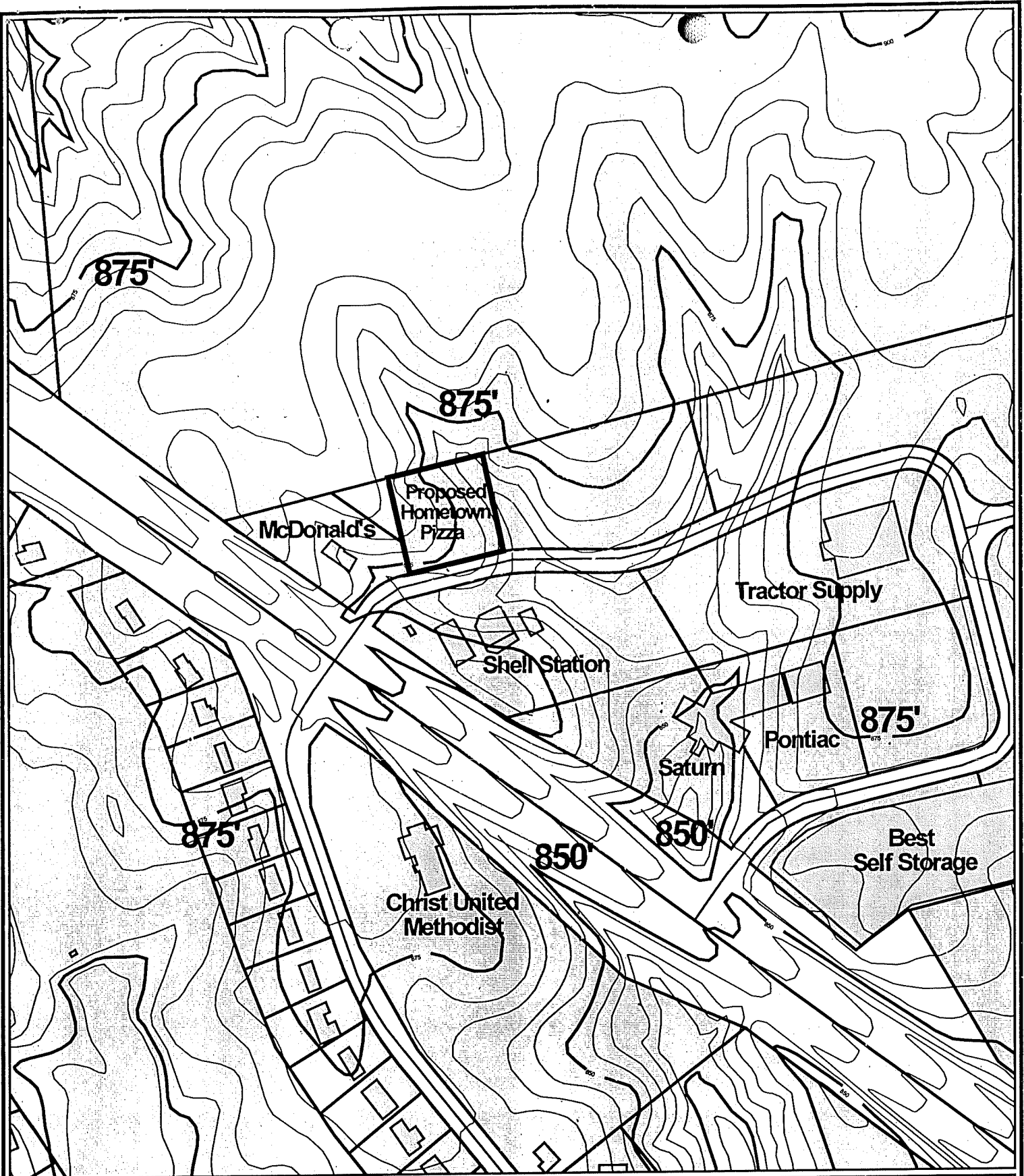


Hometown Pizza Zoning Map



1 inch equals 275 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 13, 2000



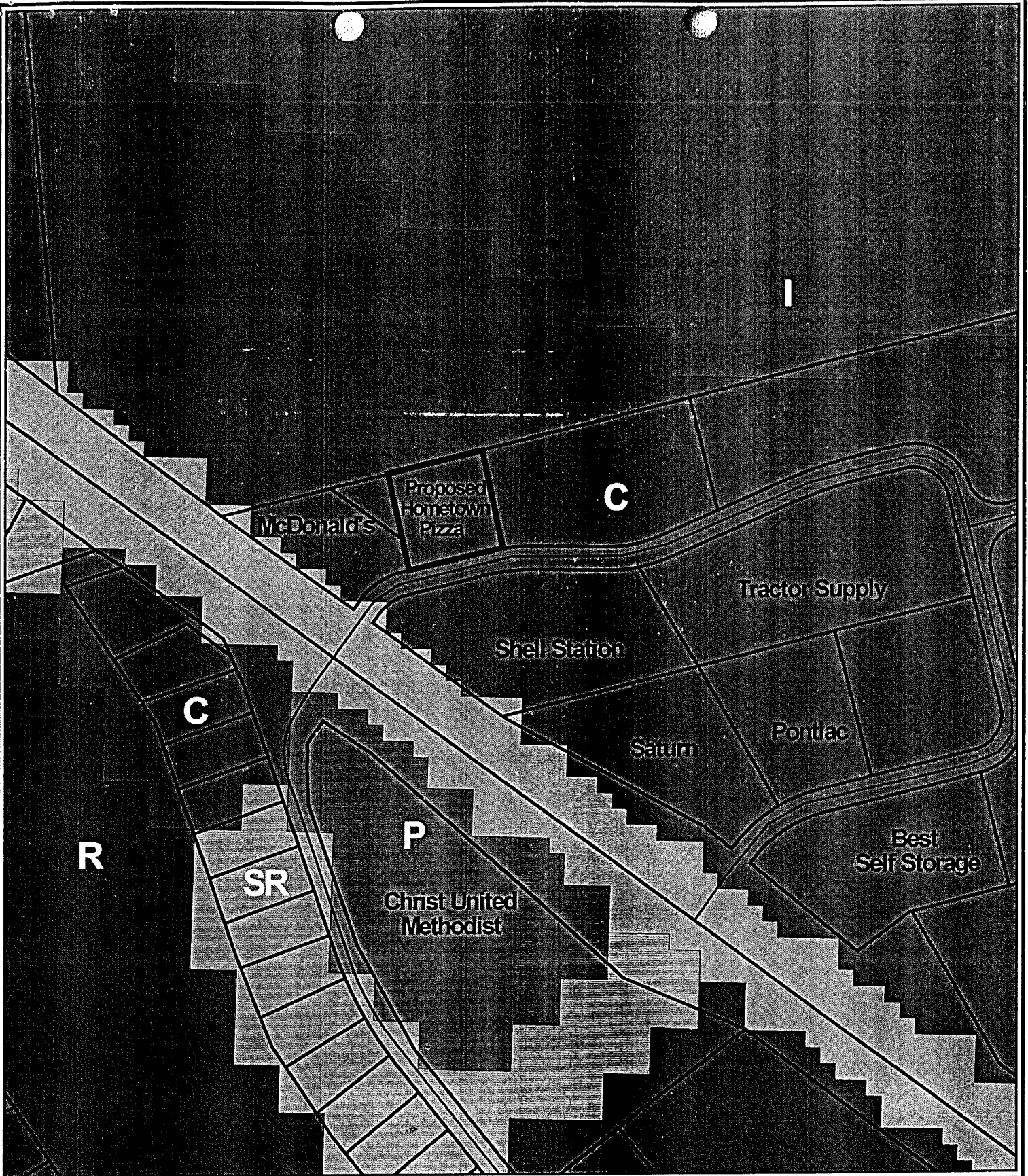


Hometown Pizza Topographical Map

275 0 275 Feet

1 inch equals 275 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 13, 2000



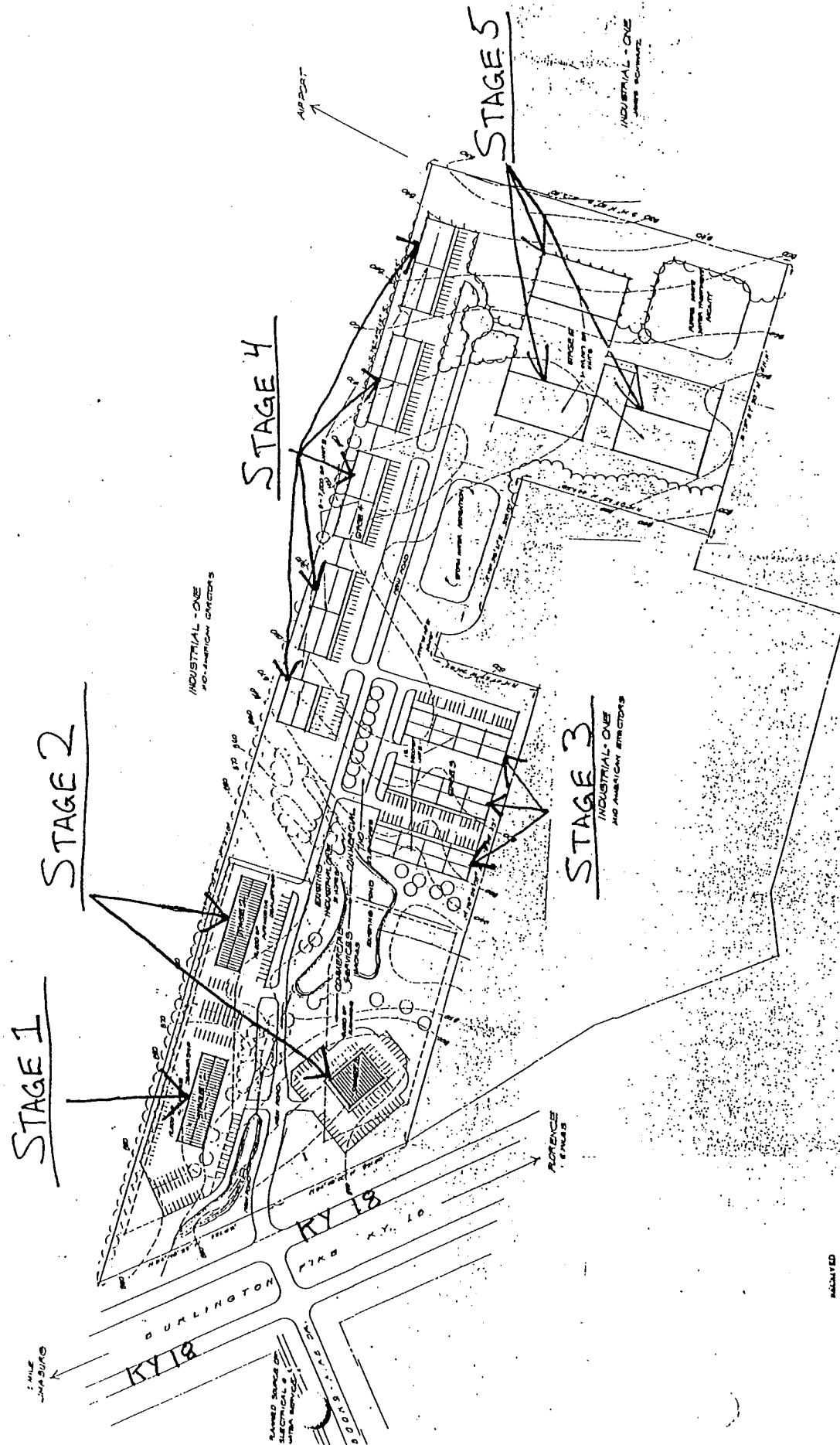


Hometown Pizza Future Land Use Map

275 0 275 Feet

1 inch equals 275 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 13, 2000





SHEET # 3
 1986 CONCEPT
 PLAN

SITE PLAN
 1" = 100'-0"
 PREPARED BY
 MR. BARRY WILLIAMS

REVISED
 JAN 10 1986

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman
Zone Change Request Committee

DATE: February 5, 1986

RE: Request of Westbourne Insurance Agency, Inc. (applicant) to rezone 31.367 acres of the James Schwarz et al property located on KY 18, Boone County, Kentucky. The property is currently zoned Industrial One, I-1 and is requested to be rezoned to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay.

REMARKS:

We, the Committee, recommend approval of the zone change request from Industrial One, I-1 to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay for the 31.367 acre site. The Committee also recommends approval in principle of the Concept Development Plan as amended as discussed below. Approval is based on the following findings of fact and subject to the following reservations and conditions:

1) The Committee recognizes that the Florence-Burlington corridor is conducive for commercial development based upon accessibility and topography. The Committee believes that large-scaled industrial development is not the best use for the site because of the unique environmental features (e.g. terrain, existing vegetation and ponds) and the narrow width of the 31.367 acre site. Also, the Committee feels that a continued trend of large-scaled industrial development will result in a mixture of truck and automobile traffic and may pose problems between planned residential and commercial uses in the Florence-Burlington corridor.

As addressed in the staff report, this particular site has three land uses discussed in the Comprehensive Plan Land Use map and text. While the Comprehensive Plan states that industrial uses along the north side of KY 18 are compatible with the airport properties (pg. 3.15), the Committee believes that it failed to evaluate industrial traffic (specifically, the mixture of truck and car traffic) as it would impact future and existing residential development in the area. On page 3.16 commercial uses, including highway commercial uses, are stated as being planned in the Florence-Burlington corridor.

In addition, the proposed project is located on the north side of KY 18 with the south side of KY 18 containing an 8.50 acre Commercial Services, C-3 zoning district and a Suburban Residential One, SR-1 zoning district. The character of the Florence-Burlington corridor is changing. The area

is also becoming residential along KY 18 or specifically the area directly across from the proposed project. The map and text of the Comprehensive Plan's Land Use element also discuss the environmentally sensitive aspect of the property. Therefore, the Committee believes that the original zoning was not as appropriate as a commercial district development under planned development guidelines for this site.

2) The applicant's Concept Development Plan does meet the objectives of Planned Development (PD) zone by encouraging a maximum choice of living environments (e.g. building setbacks from KY 18), a more useful pattern of open space (e.g. the site shows unique landscape pattern and location of buildings), and it preserves and utilizes the existing topography and geological features (e.g. ponds, trees, views, and natural drainage) for buffering and building purposes. The proposed C-3/PD Overlay and C-2/PD Overlay zones are appropriate for the site because all commercial activities are centralized and are served by one road running the entire length of the site. The proposed project also utilizes one access point off KY 18 and clusters compatible land uses.

3) The Committee agrees in principle with the following land uses:

<u>Proposed C-3/PD Overlay Zone</u>	<u>Use</u>	<u>Square Footage</u>
Stage 1 (within 2 years)	auto dealership	12,000
Stage 2 (within 5 years)	auto dealership	12,000
	auto dealership	8,000
		<u>32,000</u> sq. ft.
Stage 3 (within 10 years)	4 (3,600 sq. ft. units) automotive repair shops	14,400 sq. ft.
		<u>46,400</u> sq. ft.
<u>Proposed C-2/PD Overlay Zone</u>		
Stage 3 (within 10 years)	8 (3,600 sq. ft. units) professional offices and shops	28,800 sq. ft.
Stage 4 (within 10 years)	9 (7,000 sq. ft. units) professional offices and shops-- real estate, office rental space, specialty shops	63,000
Stage 5 (within 10 years)	3 (20,000 sq. ft. units -- specialty shops, furniture sale, home service type operations	60,000
		<u>151,800</u> sq. ft.

A Concept Development Plan will be submitted to reflect the above land uses, zoning district boundaries, acreage, and square footage.

4) The Committee acknowledges the presence of special environmental features of the site. The Committee recommends that the applicant preserve these features (e.g. existing pond and vegetation) in the overall design of the site and in the Preliminary Development Plan.

5) As the site and adjacent properties become developed, the Committee recommends that a connector road be built either in the front or middle portions of the site to serve the three properties and to permit traffic to travel through each development without entering and exiting first from KY 18.

6) The Committee wishes to state that any change in the Concept Development Plan will need to be brought before the Technical Committee to determine whether it is a minor or major change in the plan. Any alteration deemed to be a major change will require a new application and public hearing.

Fred Burch, Chairman

Melvin DeLong

Larry Barnett

Rector Jones
Rector Jones

Don Davis

William Viox
William Viox

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: April 20, 1994

RE: Request of James W. Berling (applicant) for Waco Oil Company (owner) for a Change in Concept Development Plan on a 4.48 acre site located in Centennial Plaza, on KY 18, Boone County, Kentucky. The request is to allow a fast food restaurant and self service gas station under the zoning of Commercial Two/Planned Development (C-2/PD) and Commercial Services/Planned Development (C-3/PD).

REMARKS:

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

Findings of Fact

1. The Future Land Use Map and Text of the adopted 1990 Boone County Comprehensive Plan indicates the site as a commercial use which should serve local residential needs. The Committee believes that the proposed uses will provide needed services for local residences and businesses while avoiding the appearance of a continuous commercial strip on KY 18.
2. The planned development does not hinder nor deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan.

Conditions

The applicant is being asked to agree to and include these items as part of the Concept Development Plan and to address questions and comments at the Public Hearing:

1. A maximum of three (3) free-standing signs will be permitted. The two monument signs will be permitted as presented at the Committee meeting. The project identification sign shall be permitted to be a maximum of 250 square feet in size and 44 feet in height.

The McDonalds "M" shall be located below the Centennial Plaza on the project identification sign. The "M" shall be located between the support columns and can be no wider than the seven (7) feet tenant panels. McDonalds will not be permitted to use any of the tenant cabinets nor will it be permitted to have any changeable copy signs on the project identification sign. The stone base for this sign shall be reduced to a maximum of four (4) feet in height.

7.9"
JFH

All signs shall be constructed and designed as presented at the Committee Meeting with consistent materials and colors.

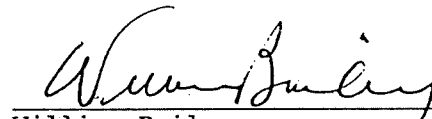
2. All lighting shall be directed away from KY 18 and the residential property to the south.
3. A minimum of an eight (8) feet wide landscaping strip shall be provided between the paved area and the property line which fronts along KY 18 and shall be planted to reduce the view of the pavement for both the restaurant and gas station uses.

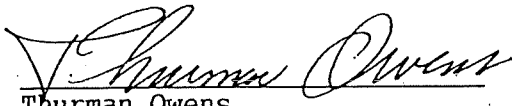
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.


Barry Neltner, Chairman

Fred Burch


Phil Damstrom


William Bailey


Thurman Owens

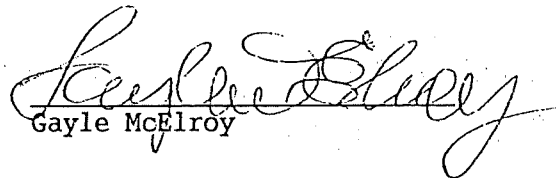
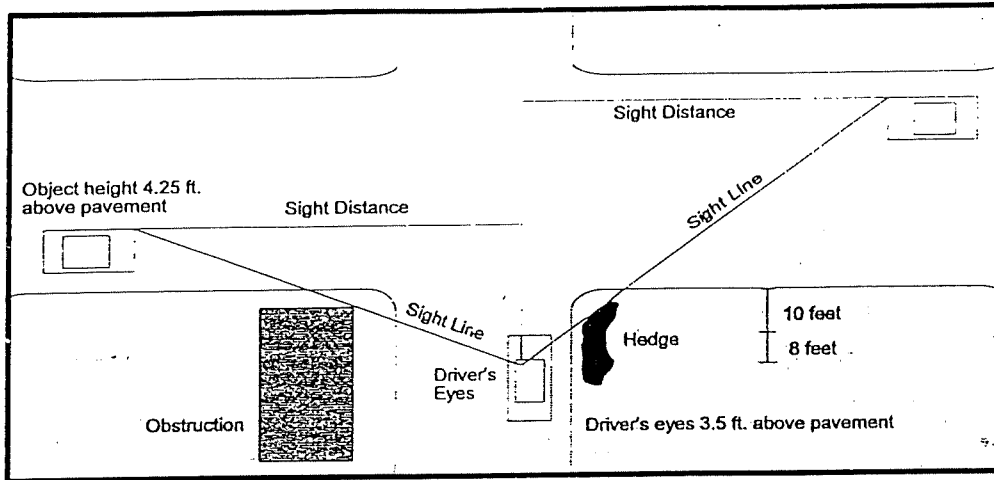

Gayle McElroy

FIGURE 32.1
Sight Triangle



SECTION 3220

Provisions for Maintaining the Level of Service of the Roadway

The Planning Commission may require that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

SECTION 3221

Number and Location of Access Points

An encroachment permit shall be obtained from the State or County for whichever road is to be accessed. Each existing tract of land is entitled to one access point provided that its location and design fulfill, as a minimum, the requirements of these regulations including the following:

1. Where an undeveloped parcel adjoins another undeveloped parcel on collector or arterial roadways, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided. In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, and shall also provide for dedication of right-of-way if the access should ever be developed into a public street.
2. Where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations.

3. If a property has frontage on more than one street, access will be permitted only on those street frontages where standards contained in this ordinance and all other regulations can be met.
4. If a property cannot be served by any access point meeting these standards, the Planning Commission will designate one or more access point(s) based on traffic safety, operational needs and conformance to as much of the requirements of these regulations as possible.

SECTION 3222

Coordination of Access Points

Access points on opposite sides of the arterial and collector roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Planning Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Planning Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.

SECTION 3223

Change in Property Use

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 3240 of this order.

SECTION 3224

Existing Access

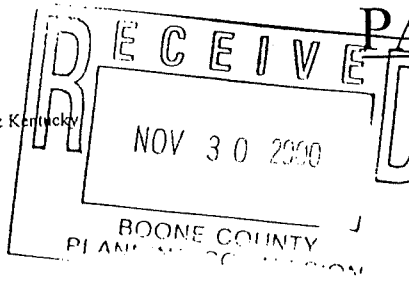
Existing access points, even if not in use, may not be relocated, altered, or developed without approval of the Planning Commission.

SECTION 3225

Temporary Access Points

Any access point that does not comply with one or more sections of this regulation may be designated as "Temporary" upon approval by the Planning Commission. Any access point so designated may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Planning Commission at such time as the particular use served by an access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting street, or a shared common driveway. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plan submitted for approval and also recorded as a Certificate of Land Use Restriction at the Boone County Clerk's office with the expiration date noted. An encroachment permit shall be obtained from the State or County for whichever road is to be accessed.

Admitted in Ohio & Kentucky



PAUL J. VESPER

ATTORNEY AT LAW

28 WEST 5TH STREET
COVINGTON, KY 41011
PHONE (859) 491-4222
FAX (859) 491-9674

November 28, 2000

Mr. David Zimmer
Committee Chair
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Mr. Todd K. Morgan
Planner
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Request of James H. Berling for Change in Approved Concept Development Plan

Dear Mr. Zimmer and Mr. Morgan:

I have received notice dated November 20, 2000 of an effort to obtain a "Change in an Approved Concept Development Plan" for a one acre parcel located on the west side of Centennial Circle. I know this matter is set for hearing December 6 at 7:30 p.m. and wanted to record concerns and observations with respect to this parcel so they can be part of the record and taken under consideration.

November 27, I met with Todd Morgan and explained to him that the parcel which is under consideration is part of a larger parcel which had had a concept development plan approved in 1986. Since that approval, these matters have been before the Commission at least on two separate other occasions that affect the western boundary line of the Centennial Plaza parcel with the property owned by my clients, Enterprise VI.

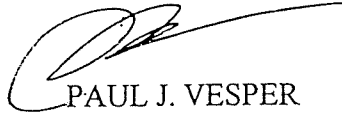
1. 1986 Concept Development Plan: Enclosed please find the minutes of the Boone Fiscal Court from March 18, 1986 which reflected the second reading of Ordinance 920.83 and the stipulations requiring frontage road to serve as a connector road relative to the two parcels under consideration. That Ordinance is attached along with the Committee's stipulation at paragraph number 5. David Geohagen's notes from that 1986 Committee meeting (in February of 1986) also are attached to show his understanding of the stipulations.
2. 1989 Jake Sweeney Plan: In 1989 Jake Sweeney Realty also made a proposal for changes of the site plan; which was drawn up showing the connector road at various locations. This plan was not approved.
3. 1994 Site Plan for McDonald's: Also find enclosed the minutes of the Boone County Fiscal Court meeting of June 7, 1994 which addressed the location of the McDonald's at the property in question. You will also find enclosed the staff report with particular comments relative to the traffic in and out of the site and adjacent property (see paragraph number 5). The transcript of the Planning Commission hearing of March 23, 1994 is also attached with my comments at that time to the Committee's attention reflected on page 3 and 4.

4. Current Proposed Development: As I look at the Hometown Pizza zoning map prepared as an exhibit dated November 13, 2000, attached, you will see that the placement of a McDonald's and the placement of the proposed Hometown Pizza now rules out access between the adjacent properties at commercial uses and would seem to indicate that a frontage road will not be provided for the current plans. We would support the conditions of the original Concept Development Plan are now being violated unless the Commission established the location of this frontage road.

We are prepared to discuss this matter and wanted to bring the history of this to your attention.

If a meeting is necessary with the proposed property owner, please let me know.

Sincerely,



PAUL J. VESPER

PJV:sle

Enc.

c: WACO Oil Co.
Edward H. Peter, Jr.
Enterprise VI

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
December 6, 2000
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 P.M and introduced the first item on the Agenda:

1. **Applicant:** James W. Berling for Ed Peter (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for Ed Peter (owner) to consider a Change in an Approved Concept Development Plan for a one-acre area on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.

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. Ed Peter, 3649 Park Pointe, Lexington, Kentucky, stated that the proposal is for a Hometown Pizza Parlor. It is a family type pizza parlor and not fast food.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Greg Shrand, a resident of Union, Kentucky, representing the property owner, Waco Oil, was present and in favor of the request. Mr. Shrand made no additional comments.

The Chairman asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Mr. Paul Vesper, attorney with offices in Covington, Kentucky, stated that he sent a letter to Staff and the Committee Chair (see letter from Paul J. Vesper to Mr. David Zimmer and Mr. Todd K. Morgan, dated November 28, 2000, attached to the Staff Report). Mr. Vesper stated that he is not necessarily in opposition to the request. He stated that when the property was originally set out, it provided for a frontage road and at that time Planning & Zoning and Fiscal Court had specific goals in mind. When McDonald's came to the location, he raised the issue that if the frontage road is not located, it will get to the point that there will be no room for it. He stated that Waco wants the frontage road 1,500 feet down the drive – and the Planning Commission will have to make a determination as to whether that would constitute a frontage road. He stated that if the property owner (before this transaction takes place) does not designate the location and size of the frontage road, it will not happen. The frontage road has to be placed now.

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

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Chairman Caddell asked if Staff was prepared to make recommendations regarding the possibility of a service road to the adjoining property. Mr. Morgan responded that he has discussed this issue with Dave Geohegan. He stated that the service road could be closer to the Hometown Pizza site and linked over to the C-4 area which will involve commercial uses and tractor trailer traffic. He indicated the location of the detention pond. He questioned putting the service road further back and removing it from the curb cuts and congested area to allow more room for stacking. He stated that the frontage road needs to be discussed by Waco, McDonald's, the Planning Commission, and Mr. Vesper.

Chairman Caddell stated that generally a service road along a route such as KY 18 serving property such as the Vesper property which may end up with individual commercial lots, follows right behind the commercial lots to allow for

service road flow -- such as what occurs at Kroger's across the street or at the Kroger's in Union and the Erpenbeck property. He questioned the validity of moving a service road too far back. He noted that there is C-4 zoning on the other frontage property. He stated that we need to ascertain where the service road is going now. He questioned on what side of the current proposal the service road would go, which would affect the adjoining property owner. Mr. Morgan responded that Staff's original concept was that it should not be any further back than the detention basin. He stated that this can be discussed at the Committee meeting. Chairman Caddell asked for input from the Commissioners to assist the Committee. He stated that the service road is a critical part of the current consideration.

Mr. McMillian stated that the back of the property is industrial and there will be tractor trailers going in the road and back to the access road, so it will have to be a decent size road. He does not know that the road should go into C-4 with I-4 in the back. He agreed with Mr. Vesper that the road is desperately needed. He does not feel that it would hurt for the road to be back a little further since it will be full of tractor trailers.

Chairman Caddell asked if there is anything in the history of the site that speaks to possibly more than one connector road. Mr. Morgan responded that there was discussion of that issue for another Change of Concept Development Plan application, but that request was withdrawn. He will review the file and bring any available information to the Committee meeting.

Mr. Schwenke stated that there is C-4 in the front and I-4 in the back, and the connector road is needed in the front for the C-4. He stated that it looks like two roads are needed.

Mr. Barlow stated that the comment was made that the stacking on KY 18 would be a problem if the road is moved up to the front -- but that is a problem now with traffic going in and out of the site. If the service road is moved closer to the front it will impact the intersection from KY 18 back to the connector road and back to whatever is behind it, particularly with the truck traffic trying to get back out to KY 18.

Mr. Newman asked if the service road is to access the I-1 area or the C-4 area. Mr. Morgan responded that the 1986 information says "connect the properties to the east and west", but does not give a definitive location as to whether it was to the I-1 or the C-4 area. Mr. Zimmer reviewed the 1986 condition regarding the service road and quoted "the Committee recommends that a connector road be built either in the front or middle portions of the site to serve the three properties". He questioned if those three properties are the I-1, C-4, and this parcel. Mr. Morgan responded "no" and explained that Heritage Hill subdivision was done in two halves. He indicated the three parcels that were the subject of the 1986 condition.

Mr. Zimmer stated that the 1986 Committee Report acknowledges special site and environmental features and questioned if those considerations apply to this parcel. Mr. Morgan responded that he believes the trees at the back are on another site. If the trees are on this parcel, they should be preserved.

Mr. Zimmer asked if the I-1 on the northwest is contiguous with the Business Park on Limaburg Road. Mr. Costello responded "no" and explained that it is separated by Limaburg Creek Road and there is a grade change there. Mr. Zimmer asked if both sections of Limaburg Creek are I-1. Mr. Costello responded "no".

Mr. Zimmer asked that the Future Land Use Map be brought to the Committee Meeting. He stated that it may be that appropriate access is not through this area and maybe it should be off Limaburg Road. Mr. Wall commented that there is a big valley there. Mr. Zimmer commented the grade change may be able to be addressed.

Mr. Zimmer noted Staff's comment that the two entrance drives into this site do not meet the standards because they are too close together. Mr. Morgan stated that there needs to be 500 feet of frontage for two curb cuts. McDonald's has two and the Shell station has two, which is part of the problem.

Mr. Zimmer asked who is committed to providing the frontage road. Mr. Costello explained that it would be the owner of the remainder land (the seller of this parcel) and the road could occur on this site, next to it, or adjacent to it. Mr. Berling did not address the issue in the plan and has not indicated where else it could logically occur.

Mr. Zimmer asked if the criteria for this request is the same as for a zone change. Mr. Wall responded "no" and stated that the criteria for this request is in Article 15, primarily under Section 15.14 (Planned Development Criteria) because this is a PD.

Mrs. Wilson asked if the Hometown Pizza in Oakbrook will be closed. Mr. Peter responded "yes".

The Chairman noted Mr. Barlow's comments regarding the intersection. He stated that the intersection is dangerous and there are a lot of accidents there. He suggested discussion between the applicant, Waco Oil, the owner, and the engineer involved and the Committee to establish the frontage road to the right side of the lot and require the applicant to turn their driveways onto the new frontage road – not onto KY 18 since there are already four access points there. Mr. Hicks agreed. He stated that the applicant is asking for a Pizza parlor and the frontage road deals with the development. Can we ask the applicant for

something that is not actually on this lot? Counselor Wilson responded that it is a legitimate issue because of the Committee Report and the approval in 1986.

Mr. McMillian noted that the applicant said this was not fast food. He questioned the need for two curb cuts. Mr. Peter responded that they always ask for the best they can get and they have always had two curb cuts on lots over 190 feet. It is a natural request so that traffic can flow in and out of the property. He stated that there is no drive-thru window, but they do a lot of carry-out business. He stated that he has been in the land development business since 1957.

The Chairman asked if there were any further comments or questions.

Mr. Newman stated that since there will be a lot of trucks, an entrance closer to the north at the mini storage and going straight in would be easier than coming in by McDonald's and stacking.

There being no further comments, the Chairman determined that the first available time convenient to all parties involved for the Committee Meeting was January 17, 2001. The Chairman scheduled the Committee Meeting at 4 P.M. on January 17, 2001 in the Fiscal Courtroom on the second floor of the Administration Building. This item will be on the Agenda for the Business Meeting on February 7, 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
February 21, 2001
7:30 P.M.**

Mr. Mark Hicks, Temporary Presiding Officer, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Robert Jonas, AICP, GIS Specialist
Mr. Todd Morgan, Planner

2. Change in Concept Development Plan

The request of **James W. Berling (applicant)** for **Ed Peter (owner)** to consider a **Change in an approved Concept Development Plan for a one acre area on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.**

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). He stated that the property owners from Hometown Pizza and from Waco Oil have signed the letter agreeing to the conditions. Staff passed around copies of the latest Concept Plan.

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

Mr. McMillian questioned the ownership of the adjacent property. Mr. Greg Schrand, President of Waco Oil, stated that originally McDonald's wanted to buy one acre, but the piece of property Mr. McMillian is questioning was then useless so he sold it to McDonald's at a later date. That parcel has a separate deed, but it is owned by McDonald's.

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

NEW BUSINESS:

Agenda Item
No.

- 3 **Zoning Map Amendment**
The request of Center Line Development LLC (applicant) for Jay Schell (owner) to consider a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One/Planned Development (SR-1/PD) to Suburban Residential One (SR-1) for a 9.2 acre site at 1386 Beemon Lane and at the eastern terminus of Woodside Drive, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Mr. Ries moved to schedule a Public Hearing for the above item on March 28, 2001 at 7:00 P.M.. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Zimmer, Chairman

DATE: February 21, 2001

RE: Request of **James W. Berling (applicant)** for **Ed Peter (owner)** to consider a Change in an approved Concept Development Plan for a one acre area located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced Concept Development Plan application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in general agreement with the 1995 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element (Area C-3: Burlington - KY 18 Area, p. 220) states that "Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip."
 - B. The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
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 owners from Hometown Pizza and Waco Oil Company have signed letters demonstrating agreement with these conditions.

CONDITIONS:

1. The Connector Road that is shown on the Concept Development Plan must be publically dedicated and be built to County specifications.
2. The curb cut that is shown on the Connector Road must be within 85' feet of the rear property line.
3. The building will be designed so that the loading and receiving area is on the eastern elevation.
4. The business will be permitted to have its own monument sign. The sign will be permitted to be 8 feet tall and 70 square feet in size. The base and supports will be required to match the building.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
December 6, 2000
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

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The Chairman asked if there was anyone else present who wished to speak in favor of the request.

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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: David Zimmer, Committee Chairman

DATE: February 7, 2001

RE: Request of **James W. Berling (applicant)** for **Ed Peter (owner)** to consider a Change in an Approved Concept Development Plan for a one acre area located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.

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

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: January 17, 2001

RE: Request of James W. Berling (applicant) for Ed Peter (owner) to consider a Change in an Approved Concept Development Plan for a one acre area located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.


REMARKS:

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ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

James W. Berling/Ed Peter

January 17, 2001

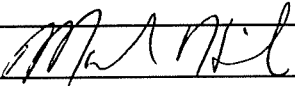


David Zimmer, Chairman

For _____ Against _____
Abstain _____ Absent _____
Deferred

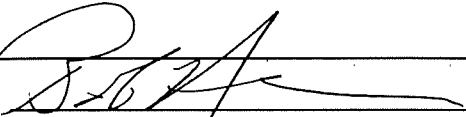
W. Thomas Chaney

For _____ Against _____
Abstain _____ Absent
Deferred _____



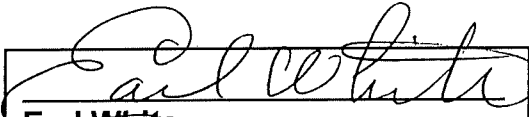
Mark Hicks

For _____ Against _____
Abstain _____ Absent _____
Deferred



Bob Newman

For _____ Against _____
Abstain _____ Absent _____
Deferred

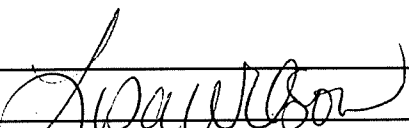


Earl White

For _____ Against _____
Abstain _____ Absent _____
Deferred

Bob Schwenke (Alternate)*

For _____ Against _____
Abstain _____ Absent _____
Deferred _____



Lisa Wilson (Alternate)*

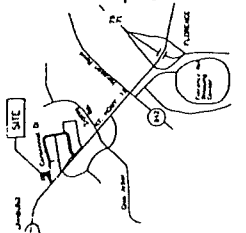
For _____ Against _____
Abstain _____ Absent _____
Deferred

Don McMillian (Alternate)*

For _____ Against _____
Abstain _____ Absent _____
Deferred _____

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

SUPPORTING INFORMATION

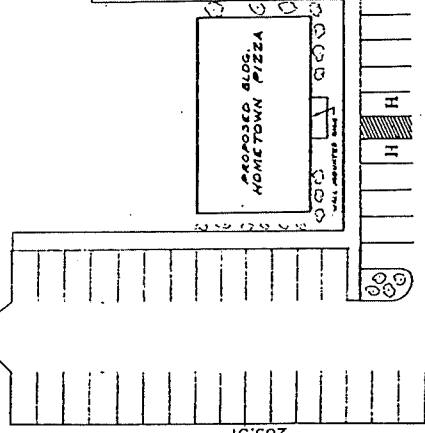


VICINITY MAP

Mc DONALD'S CORPORATION
 LOT 1
 1.1761 AC.

V E S P E R
 P. O. BOX 384
 P. O. BOX 5

S 76°02'00" W
 207.46



S 13°56'26" E
 209.51

I.P.

S 76°03'34" W
 163.41

CENTENNIAL CIRCLE

N 88°56'16" W
 143.49

Δ = 40°11'53"
 T = 45.70
 R = 124.89
 L = 87.62

AMF 604, INC.

64.68

Concept Plan

APPROVED

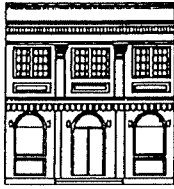
Staff Lee K. Morgan

Date 2-21-01

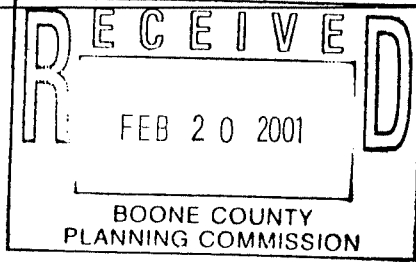
Boone County
 Planning Commission

CHANGE IN CONCEPT DEVELOPMENT PLAN	
FOR: HOMETOWN PIZZA	
PREPARED BY: JAMES W. BEEHNS	DATE: 2-16-01
CENTENNIAL CIRCLE	
BOONE COUNTY, KY	
NO. 10-30-00	

BOONE COUNTY PLANNING COMMISSION



February 12, 2001



2995 Washington Street • Burlington, KY 41005

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Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

Mr. Greg ~~Shrand~~ *Schrand*
219 Garrard Street
Covington, KY 41011

RE: Request of **James W. Berling (applicant)** for **Ed Peter (owner)** to consider a Change in an approved Concept Development Plan for a one acre area located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a pizza restaurant in a Commercial Services/Planned Development (C-3/PD) zone.

Dear Mr. ~~Shrand~~: *Schrand*

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as a representative of Waco Oil Company, agree to the following conditions, please indicate so by signing the space provided below. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on February 20, 2001.

Conditions

1. The Connector Road that is shown on the Concept Development Plan must be publically dedicated and be built to County specifications.
2. The curb cut that is shown on the Connector Road must be within 85' feet of the rear property line.
3. The building will be designed so that the loading and receiving area is on the eastern elevation.
4. The business will be permitted to have its own monument sign. The sign will be permitted to be 8 feet tall and 70 square feet in size. The base and supports will be required to match the building.

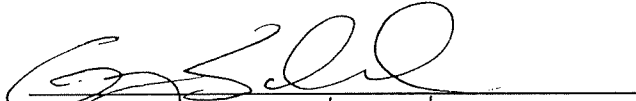
Sincerely,

Todd K. Morgan
Planner

TKM\pr

Mr. Greg ~~Shrand~~ Schrand
February 12, 2001
Page 2

Schrand
I, Greg ~~Shrand~~, hereby agree to the listed conditions of approval for a Change in Concept Development Plan for a 1 acre site located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky.


Mr. Greg ~~Shrand~~ Schrand

2-13-01
Date



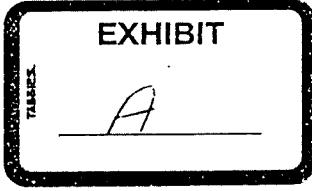
August 15, 2000

LEGAL DESCRIPTION

Situated in the County of Boone, Commonwealth of Kentucky, and being part of a 5.50 acre tract conveyed in Deed Book 501 at Page 265 of the Boone County Clerk's records at Burlington, Kentucky, and more particularly described as follows:

Beginning at a set iron pin at the southeast corner of Lot No. 1, Centennial Plaza, Section No. 1, as shown on Plat Slide 275B of the Boone County Clerk's records, said iron pin also being in the north right of way line of Centennial Circle (50 R/W); thence with the east line of said Lot No. 1, N-13°-56'-26"-W 67.28 feet to an iron pin, said point being the south corner of the 0.0208 acres conveyed to McDonald's; thence N-13°-56'-26"-W continuing along the east line of McDonald's a distance of 142.23 feet to an iron pin, said point being the northeast corner of McDonald's and the northwest corner of the grantor; thence N-76°-02'-00"-E along the north line of the grantor 207.46 feet to a point; thence through the lands of the grantor S-13°-56'-26"-E 213.59 feet to a point in the north right of way of Centennial Circle; thence in a westerly direction along the north right of way line of Centennial Circle as it curves to the left with a radius of 474.93 feet, an arc distance of 64.68 feet to a point; thence continuing along said north right of way line of Centennial Circle S-76°-03'-34"-W 142.94 feet to the place of beginning.

Containing 1.000 Acres



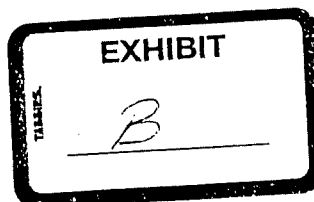


October 3, 2000

LEGAL DESCRIPTION

Beginning at a point in the southwest corner of Lot No. 6, Centennial Plaza, Section No. 5, as shown on Plat Slide S93A of the Boone County Clerk's records, said point also being in the north right of way line of Constitution Drive (50' R/W); thence in a southwesterly direction along the north right of way line of Constitution Drive as it curves to the left with a radius of 65.00 feet, an arc distance of 49.41 feet to a point; thence continuing along the north line of Constitution Drive as it curves to the right with a radius of 50.00 feet, an arc distance of 43.02 feet to a point; thence S-75°-56'-31"-W along the north line of Constitution Drive a distance of 567.82 feet to a point; thence in a northwesterly direction along said right of way of Constitution Drive as it curves to the right with a radius of 20.00 feet, an arc distance of 31.42 feet to a point in the east right of way line of Centennial Circle; thence continuing along the east line of Centennial Circle N-14°-03'-29"-W 29.73 feet to a point; thence in a northwesterly direction along the northeast right of way line of Centennial Circle as it curves to the left with a radius of 125.24 feet, an arc distance of 196.46 feet to a point; thence S-76°-03'-34"-W along the north right of way line of Centennial Circle 92.84 feet to a point; thence continuing along the north line of Centennial Circle as it curves to the left with a radius of 1,024.78 feet, an arc distance of 173.16 feet; thence S-66°-22'-40"-W 272.93 feet to a point; thence in a northwesterly direction along the north right of way line of Centennial Circle as it curves to the right with a radius of 274.94 feet, an arc distance of 118.45 feet to a point; thence N-85°-56'-16"-W continuing along the north line of Centennial Circle 143.49 feet to a point; thence in a westerly direction along the north line of Centennial Circle as it curves to the left with a radius of 524.93 feet, an arc distance of 72.31 feet to a point; thence through the lands of the grantor N-13°-56'-26"-W 213.59 feet to a point in the north line of the grantor; thence along the north line of the grantor N-76°-02'-00"-E 1,266.72 feet and N-75°-42'-12"-E a distance of 387.93 feet to a point, said point being the northwest corner of Lot No. 6, Section No. 5, Centennial Plaza; thence S-14°-03'-29"-E along the west line of said Lot No. 6 346.26 feet to the place of beginning.

Containing 11.2476 Acres



RECEIVED
APR 26 2001
BOONE COUNTY
PLANNING COMMISSION

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-07

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR ED PETER (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN ON AN APPROXIMATE ONE ACRE AREA GENERALLY LOCATED ON THE WEST SIDE OF CENTENNIAL CIRCLE IMMEDIATELY NORTH OF 5985 CENTENNIAL CIRCLE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION, VIA RESOLUTION NO. R-01-008-A.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for an approximate one acre area generally located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, 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 for a change in an approved Concept Development Plan, with conditions, in a Commercial Services/Planned Development (C-3/PD) zone for an approximate one acre area generally located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a change in an approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Services/Planned Development (C-3/PD) zone for an approximate one acre area generally located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky. The real estate which is the subject of this request for a change in an approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone is more particularly described in DEED BOOK 265, PAGE NO. 265 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-07

SECTION II

That as a basis for the recommendation of approval for a change in an approved Concept Development Plan, with conditions, in a Commercial Services/Planned Development (C-3/PD) zone for an approximate one acre area generally located on the west side of Centennial Circle immediately north of 5985 Centennial Circle, Boone County, Kentucky, findings of fact 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 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 3rd day of April, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 17th day of April, 2001, 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

4-26-01

DATE PUBLISHED