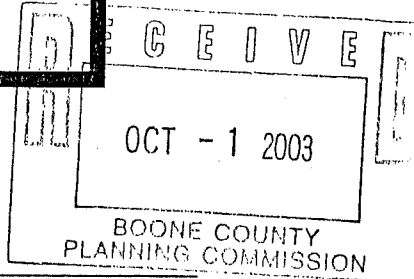


## APPLICATION FORM

**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**



(See Boone County  
Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project Siekman Property
2. Location of Project North/East corner of 237 & Tanner, Hebron
3. Total Acreage of Site 20.7 Acres
4. Current Zoning of Site RSE & A-2
5. Proposed Zoning (Classification being requested) SR3, C-2
6. Proposed Uses (please specify each use) TownHome/Condomenium Development  
Retail Center
7. Names of Applicant(s) Toebben Limited  
Phone Number 859-331-1560 Fax No. 859-331-9702
8. Address of Applicant(s) 541 Buttermilk Pike, Suite 104  
Crescent Springs KY 41017  
City State Zip
9. Name of Property Owner(s) John & Selma Siekman  
Phone Number 859-689-7612 Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 1917 Tanner Road  
Hebron KY 41048  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? Yes  
How many? 2 Houses
13. Deed Book 367, 583, 673 Page No. 96, 176, 62 Group No. 2002
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? \_\_\_\_\_
16. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:  
\_\_\_\_\_ Boone County Water District  
\_\_\_\_\_ Florence Water and Sewer Dept.  
\_\_\_\_\_ Cinergy/U.L.H.&P. Co.  
 Sanitation District #1  
\_\_\_\_\_ 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 **Toebben Limited (applicant)** for **John Siekman and Selma Siekman (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road, and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination town home, condominium, and patio home development.

October 22, 2003

### REQUEST

This application is for a Zoning Map Amendment for a total of 20.7 acres to be rezoned from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Commercial Two (C-2) and Suburban Residential Three (SR-3). Specifically, the 8.1 acres fronting North Bend Road is requested to be changed from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Commercial Two (C-2), and the 12.5 acres which contain the only two dwelling units on the property, 1891 Tanner Road, and 1937 Tanner Road, is requested to be changed from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3).

The applicant is proposing to develop the Commercial Two (C-2) area to consist of two separate retail buildings of 45,000 square feet and 21,600 square feet and an outlot of 5,000 square feet for a total of 71,600 square feet on the 8.1 acres with a maximum intensity of 8,840 square feet per acre. The maximum intensity permitted within the Commercial Two (C-2) zone is 12,000 square feet per acre. The required parking is based on use, meaning that a restaurant is required to provide 1 parking space per 2 seats and retail is required to provide 1 parking space per 250 square feet of gross floor area (gfa). The applicant is proposing 316 parking spaces which is 4.4 parking spaces per 1,000 square feet.

The center would be permitted a monument style sign a maximum of 30 feet high and 200 square feet. The proposed outlot would be permitted a monument style sign a maximum of 10 feet high and 100 square feet.

The applicant is proposing to develop the Suburban Residential Three (SR-3) area to consist of 23 Townhomes, 56 Carriage Homes, and 9 Patio Homes for a total of 88 dwelling units on the 12.5 acres with a maximum intensity of 7.04 dwelling units per acre. The maximum intensity permitted within the Suburban Residential Three (SR-3) zone is eight (8) dwelling units per acre. The applicant is proposing to develop the streets to the public standards and turn them over to Boone County for maintenance. The Proposed Retention Lake would be privately maintained as the County will only maintain detention ponds.

A 50' Buffer Yard is shown along the north and east with a landscape berm between the proposed residential and commercial development. A 25' rear yard setback is shown between the proposed Patio Homes and the Heuser property. The applicant is proposing to retain the existing vegetation located along the north adjacent to Reeves, Stallings (Cardinal Cove addition), and Cardinal Cove Homeowners Association (open space). Section 3161 of the *Boone County Zoning Regulations* (Design Standards by Zone District) has been attached to this Staff Report for your review.

The proposed Concept Development Plan shows two (2) full access points along North Bend Road for the commercial area and along Tanner Road one access point for the commercial area and one into the proposed residential development.

#### ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- North: The Cardinal Cove Subdivision zoned Suburban Residential One with an approved Concept Development Plan (SR-1/CD) and properties owned by the Reeves' zoned Rural Suburban Estate (RSE).
- East: Existing single-family detached homes along Tanner Road zoned Rural Suburban Estate (RSE).
- West: Park West Industrial Subdivision zoned Industrial One with an approved Concept Development Plan (I-1/CD).
- South: The Flick property zoned Commercial Two with an approved Concept Development Plan (C-2/CD), the Sanctuary Place Apartments located off Southpark Drive zoned Urban Residential One with an approved Concept Development Plan (UR-1/CD) and the Southpark Industrial Park zoned Industrial One with an approved Concept Development Plan (I-1/CD).

### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property within High Suburban Density (HSD), Suburban Residential (SR), Rural Lands (RL) and Developmentally Sensitive (DS) areas. These classifications are defined in the adopted Comprehensive Plan as:

- HSD: "Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero professional office, zero-lot line development, and also pertains to existing mobile home parks."
- SR: "Single family housing of up to 4 units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."
- RL: "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."
- DS: "Areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project."

The Land Use Element within the 2000 Boone County Comprehensive Plan (page 174 and page 175 North Hebron Area) refers to this general area by stating:

"With planned public sanitary sewer improvements in the Sand Run and Elijah Creek watersheds, including sewer lift stations, there will be considerable growth pressures. Development should be clustered on the top of ridge top areas because of the limited capacity of the existing roadway network and planned improvements, the Developmentally Sensitive areas, and the importance of stream valleys as greenbelts."

"However, as described in the Transportation Element, the reconstruction of North Bend Road is now a priority project. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road."

The Business Activity Element (page 72) refers to this area by stating:

"With the amount of residential construction expected in the North River Area, larger scale commercial developments, such as drug stores and grocery stores will be needed. Commercial developments in this area should be designed to serve the northern part of Boone County. This commercial growth should coordinate with the existing and proposed industrial and residential developments, especially in terms of access."

The Land Use Element provides the following Future Land Use Development Guidelines 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. 158).
- 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. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- 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 roadway. 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," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site ("Storm Water Management and Erosion Control," pg. 159).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic 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," pg. 159).
- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
- G. 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 Housing Element provides the following comments that relate to the proposal.

- A. Development in established areas takes advantage of existing services and minimizes strain on the transportation network ("Residential Areas," pg. 87).

The adopted 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. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. 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).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- F. ***A public process of visioning, which shall include the selection of specific areas of Boone County, shall be pursued as a means of recommending a theme or character for future land use planning and development design ("Overall," Objective 5).***
- G. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- H. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens ("Economy," Goal).
- I. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. 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," Objective).

STAFF COMMENTS

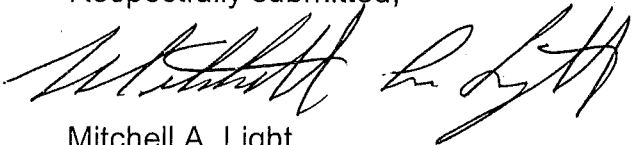
1. Staff is concerned about the proposed access points on North Bend Road. The current proposal from the Kentucky Transportation Cabinet (KTC) for North Bend Road shows a grass median separating the northbound and southbound lanes from Tanner Road to the proposed roundabout at Cardinal Cove. If both access points were to be approved, there would be little to no grass median remaining once the turning lanes are installed. An encroachment permit must be obtained from the KTC for each of the two (2) proposed full access points off North Bend Road.
2. The applicant has submitted a traffic impact study (attached) and the following items are of concern:
  - a. Certain assumptions were made in the traffic impact study. The applicant was not aware of the proposed grass median on North Bend Road. If the two (2) proposed full access points off North Bend Road are approved, the grass median would essentially disappear. The attached memo from Greg Sketch, Planning Commission Engineer, which makes reference to the number of proposed access points into the commercial and their proximity to the intersection.
  - b. A traffic signal is needed at North Bend Road and Tanner Road if they are creating a level of service "F" based on their calculations (page 4 of 6).
3. Front elevations of the proposed Townhomes and Carriage Homes were submitted and have been included as part of this staff report. Staff is also interested in the side and rear elevations of the Townhomes and Carriage Homes based on their proposed placement along Tanner Road. Staff was not presented with any proposed elevations for the Patio Homes. Staff suggests that this be presented at the Committee Meeting.
4. The applicant is showing the minimum required setback of 50 feet between the Commercial Two (C-2) and Suburban Residential Three (SR-3) zones. The applicant is showing a 25 foot rear setback along the Heuser property while only a 20 foot setback is required between the proposed Patio Homes and the remaining Rural Suburban Estate (RSE) zoning district as outlined in Section 3161 (attached).
5. The Future Land Use Map will need to be amended if this Zoning Map Amendment request is approved.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully submitted,



Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

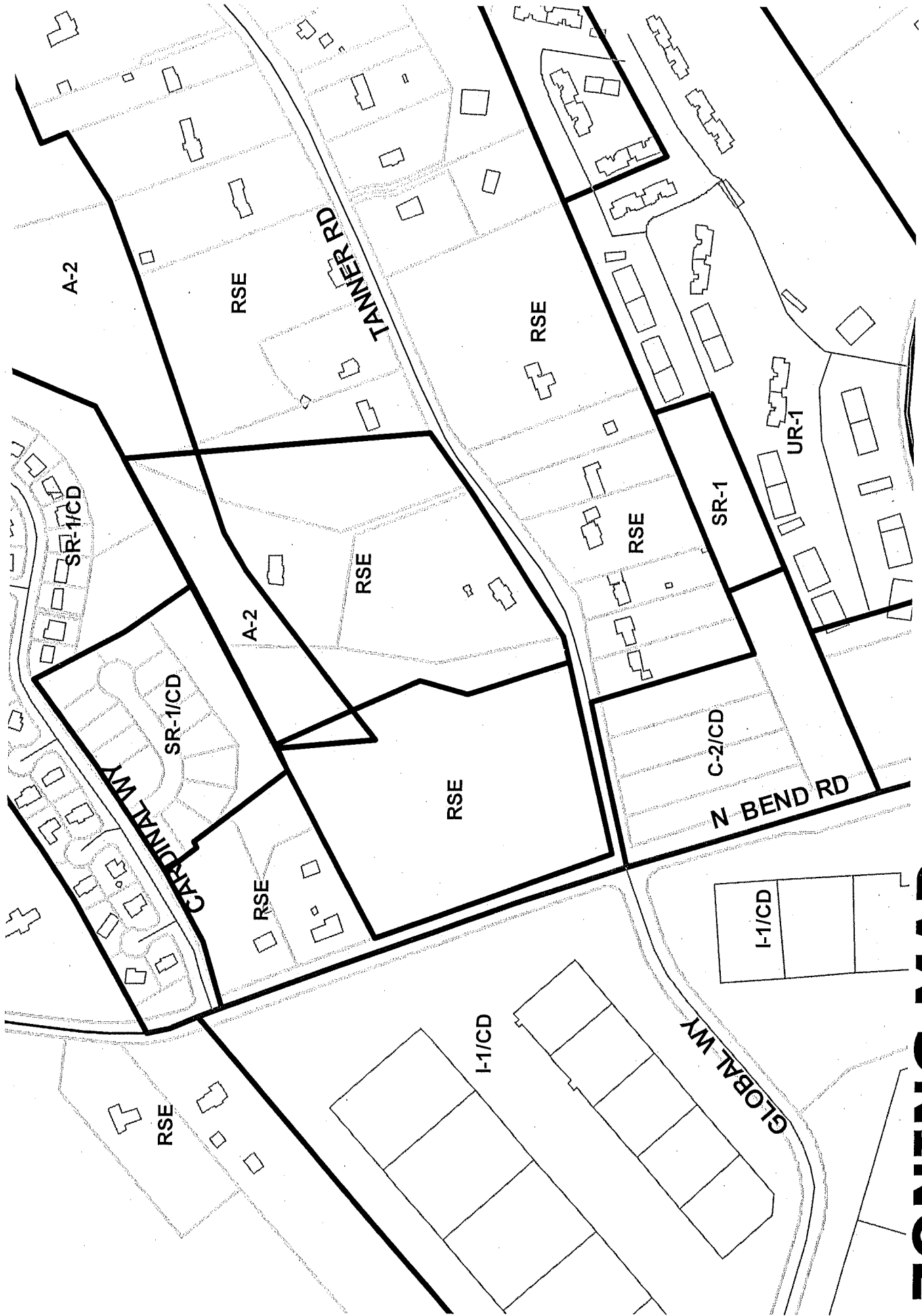
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Attachments:

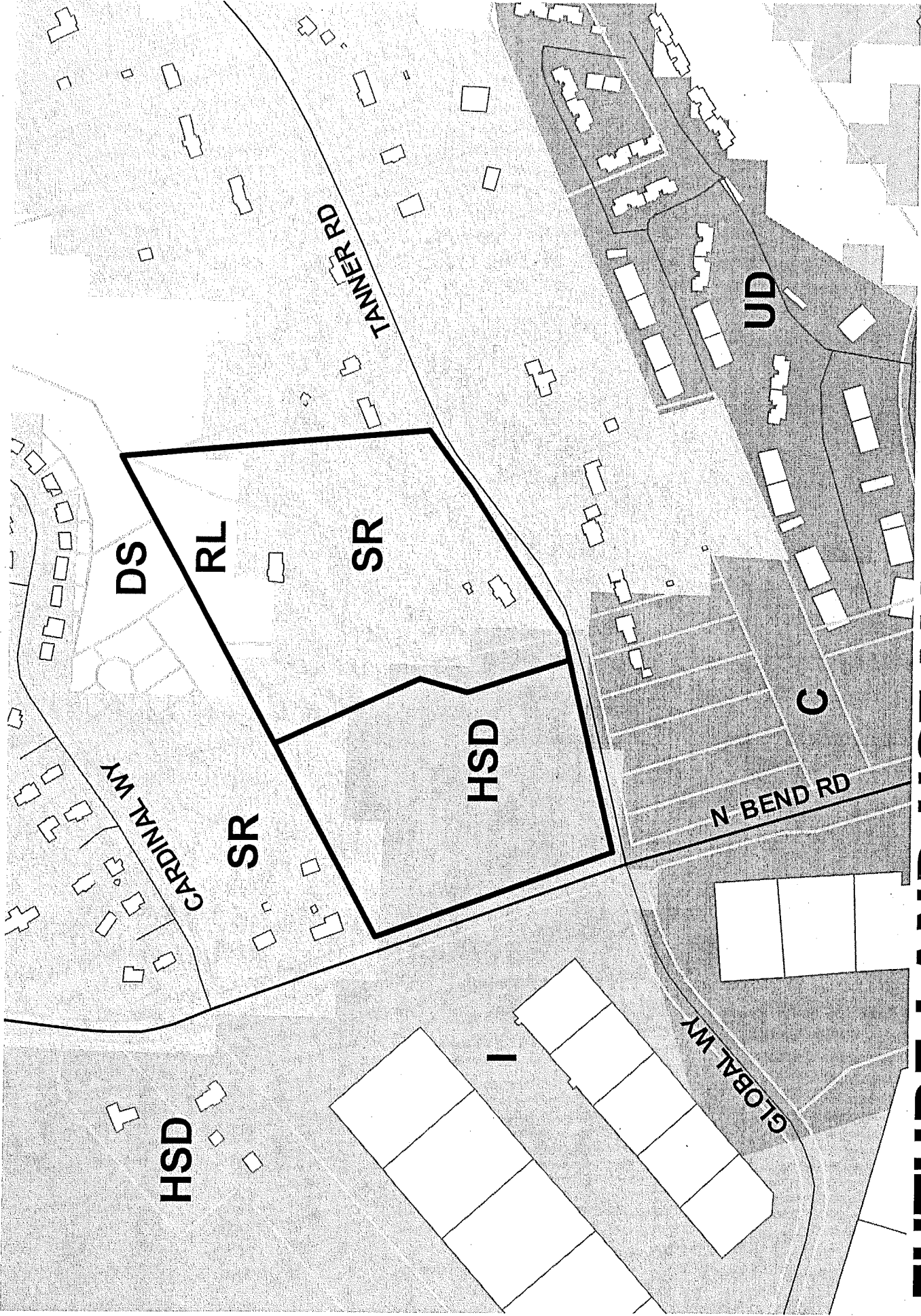
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Topography & Drainage
- 2002 Aerial Photography
- Concept Development Plan
- Proposed Building Elevations
- KTC Proposed North Bend Road Plans
- Suburban Residential Three (SR-3) Text
- Commercial Two (C-2) Text
- Section 3161 - Design Standards by Zone District
- Request
- Traffic Impact Study
- Memorandum from Greg Sketch, Boone County Engineer
- Application



# VICINITY MAP



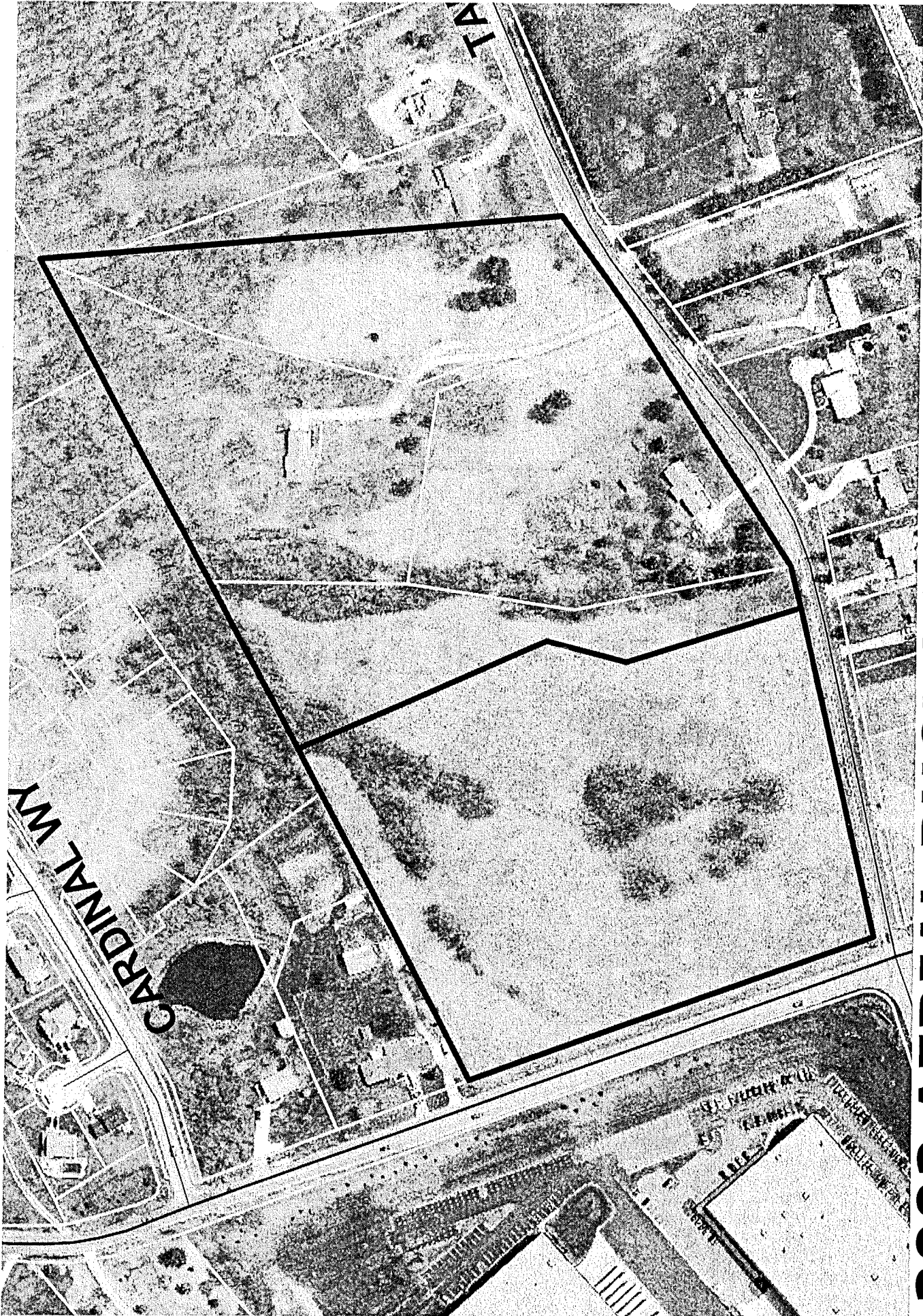
# ZONING MAP



# FUTURE LAND USE MAP



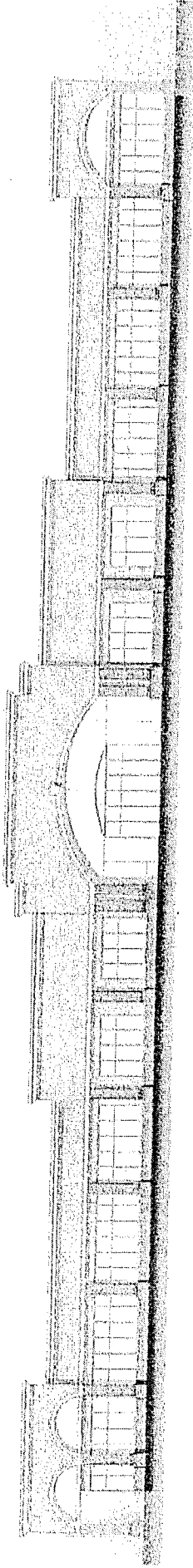
# EXISTING TOPOGRAPHY & DRAINAGE



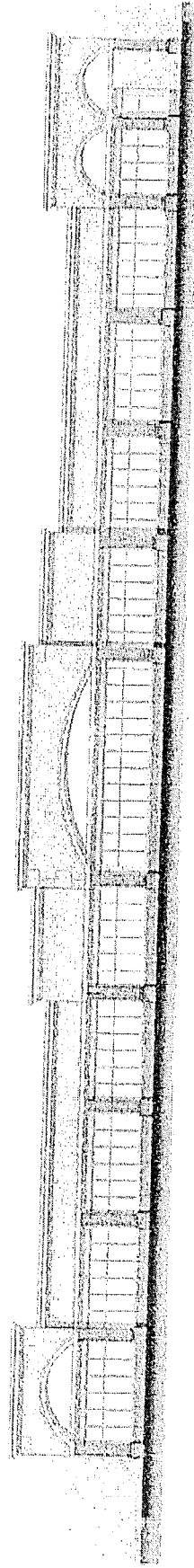
**2002 AERIAL PHOTOGRAPHY**







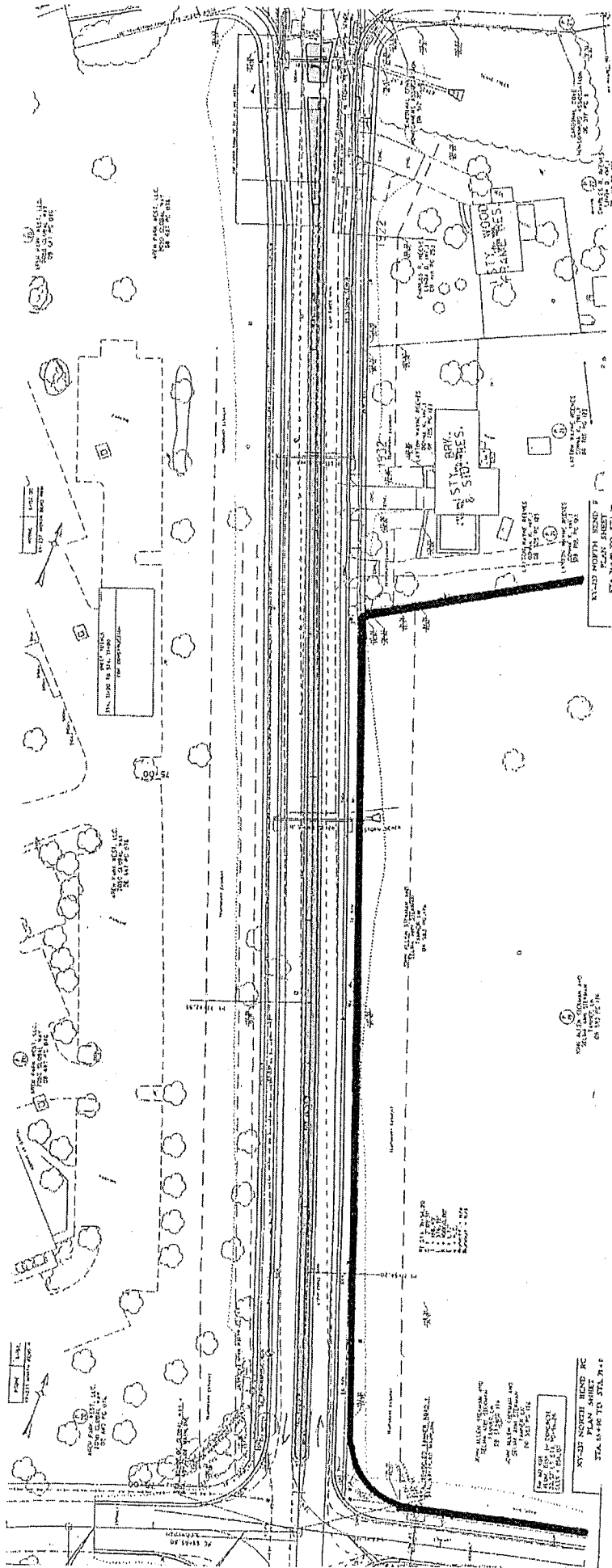
FRONT ELEVATION



TOEBBEN CONSTRUCTION  
541 BUTTERMILK PIKE, SUITE 104  
CRESCENT SPRINGS, KY 41017

KY SR 237 PROPOSED  
RETAIL CENTER

# PROPOSED RETAIL ELEVATIONS



# KTC PROPOSED KY 237 PLANS

## **SECTION 950**

### **SUBURBAN RESIDENTIAL THREE (SR-3)**

The purpose of the Suburban Residential Three district is to provide a compact, high suburban density neighborhood environment which permits an intermixed variety of dwelling types. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed, and where the SR-3 zone may act as an appropriate transition between other districts.

## **SECTION 951**

### **Principally Permitted Uses**

The following uses are permitted:

1. Detached single-family dwelling units;
2. Patio homes;
3. Duplex dwelling units;
4. Townhouse dwelling units (Site plan review required) (See Article 30);
5. Apartment dwelling units (Site plan review required) (See Article 30);
6. Condominium and landominium dwelling units (Site Plan Review required);
7. Recreation, defined in this district to be:
  - a. Historic sites, structures, monuments and other exhibits available for public viewing;
  - b. Tennis courts;
  - c. Play lots or tot lots, playgrounds, play fields or athletic fields;
  - d. Swimming beaches and swimming pools;
  - e. Picnicking, hiking or walking areas and trails;
  - f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.
8. Garden plots and similar forms of communal or organizational farming practices;

## **SECTION 952**

### **Accessory Uses**

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

1. Accessory uses for a dwelling unit:

- a. garages and parking;
  - b. structures such as fences and walls;
  - c. buildings such as storage sheds, private greenhouses and gazebos;
  - d. storage of a recreational vehicle or unit (according to Article 31)
  - e. private swimming pool, sauna, bathhouse and similar accessories;
  - f. the keeping and use of pets;
2. Signage (according to Article 34);
  3. Parking (according to Article 33);
  4. Temporary buildings incidental to construction.
  5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);
  6. Accessory dwelling unit.
  7. Family day care.

### **SECTION 953**

#### **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 use; or b) the activity will not contradict the compact and intermixed residential character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Nursery and child care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required);
4. Unlighted athletic fields.

### **SECTION 954**

#### **Intensity**

The intensity of use in a Suburban Residential Three district shall not exceed eight (8) dwelling units per acre.

**SECTION 955**

**Minimum Size**

The minimum size and extent of a Suburban Residential Three district, including all the contiguous private property so designated, shall not be less than five (5) acres.

**SECTION 956**

**Minimum Standards**

See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

**SECTION 957**

**Concept Development Plan Required**

A Concept Development Plan, per the requirements of Article 3 "Amendment," shall be submitted with all Zoning Map Amendment applications that request the Suburban Residential Three district.

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## ARTICLE

10

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### COMMERCIAL DISTRICTS

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#### 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;
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, savings and loan associations, credit unions and other credit services;  
**(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
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. 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. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;

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);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

#### **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;

#### **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;
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. 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 **(Not Applicable within the City of Florence)**;
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. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
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);
12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

## **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. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;

3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);
4. Sale of satellite dishes;
5. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);
6. Mini-warehouses or storage facilities (Does not apply in the City of Florence);

#### **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. All principally permitted uses of a Commercial One (C-1) district;

## **SECTION 3161**

### **Design Standards by Zone District**

1. SR-2/SR-3: Townhouses (and multi-family structures in the SR-3 zone) may be developed at a density not to exceed eight (8) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31.1. All townhouse structures (and multi-family structures in the SR-3 zone) shall maintain a thirty (30) foot front yard setback, thirty (30) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouse (and multi-family structures in the SR-3 zone) and accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse development (or multi-family development in the SR-3 zone) as approved.



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September 30, 2003

Mr. Kevin Wall, AICP, CDT  
Director of Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

**RE: Siekman Property – Zoning Map  
Amendment  
SR 237 and Tanners Lane  
Boone County, KY**

Dear Kevin,

Enclosed please find the following information for the above-mentioned Zoning Map Amendment Request:

1. Application for Zone Map Amendment
2. Review Fee for \$1488.20
3. Seven Copies of the Concept Development Plan
4. One reduced copy of the Concept Development Plan
5. One Copy of a Traffic Report for the development
6. Copies of the elevations for the proposed Commercial and Residential buildings
7. Legal Descriptions of the areas to be amended
8. List of adjoining property owners

As we discussed with you during a pre-application meeting, the 20-acre parcel located at the northeast corner of Tanners Lane and SR 237 is currently zoned A-2 and RSE. The Future Land Use Map from the Comprehensive Plan identifies the area for High Suburban Density Residential along SR 237 and Suburban Density Residential at the rear of the property. Although this site is not specifically discussed in the Land Use Text of the Comprehensive Plan, it was felt that this site is a transitional area between the current commercially zoned property directly across the street at the south east corner of Tanners Lane and SR 237 and the current Industrial uses directly across the street from the site on the west side of SR 237. As you are also aware, there is a significant number of existing and planned residential uses located to the north of the site whose principal access to the Interstate 275 will be along SR 237. In a preliminary meeting with KDOT it was learned that this section of SR 237 is currently being considered for widening, however, it is our understanding that a specific timetable for these improvements does not yet exist.

It is the Applicant's opinion that the current Land Use designation High Density Residential is inappropriate and that the Land Uses as proposed on the Concept Development Plan area appropriate for the following reasons:

- A residential proposal immediately adjacent to SR 237 directly across the street from industrial and commercial uses would not be a desirable or marketable proposal.
- By providing neighborhood commercial uses at this location, trips currently made by general population north of the site to elsewhere in the county would be reduced.

- The plan allows for a cohesive and controlled transition between commercial uses along SR 237 to a medium density mix of dwellings to single-family homes proposed along the east portion of the property.

Please consider the submitted information and place the request on the agenda for the Planning Commission to consider at the next available meeting.

Please call if you have any questions or need any additional information.

Sincerely,



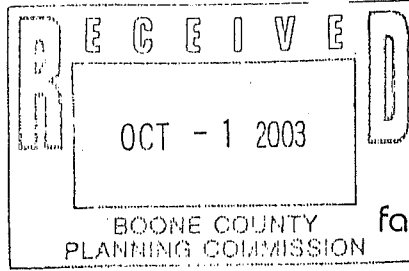
Gil W. Whitacre, EIT,LS

Cc: Mr. Bill Toebben, Toebben, Ltd.



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F. 513.829.2457

fairfield@bayerbecker.com

September 30, 2003

Mr. Bill Toebben  
Toebben, Ltd.  
2536 Hazelwood Dr.  
Crescent Springs, KY 41017

Re: Siekman Property  
Traffic Impact Study

Dear Bill,

Bayer Becker has completed the following traffic impact study for the proposed mixed-use development on the Siekman Property, located on the northeast quadrant of the intersection of North Bend Road (KY 237) and Tanners Road (KY 2846)/Global Way in Boone County, Kentucky. This study has been completed at the request of the Boone County Planning Commission staff for the purpose of determining the impact of the proposed development on the adjacent roadways and recommending mitigations for those impacts, as necessary and appropriate.

**Proposed Development**

The development will consist of both residential and retail land uses, with approximately 9 single family lots and 79 residential condominiums/townhouses proposed with SR-3 zoning on 13± acres; and a 21,600± square-foot shopping center, a 5,000± square-foot high-turnover (sit-down) restaurant and a 45,000± square-foot supermarket proposed with C-2 zoning on 8± acres. Build-out of the retail land uses is expected in 2005, with full build-out of site expected in 2007.

Access to the site is proposed at four locations. The residential land uses will be served by one access point on Tanners Road at approximately 1130 feet from KY 237 (Drive D). The retail land uses will be served by three access points: one on Tanners Road at approximately 265 feet from KY 237 (Drive C), and two on KY 237 at approximately 243 feet and 575 feet from Tanners Road (Drives B and A, respectively).

**Area Conditions**

A site visit was conducted on September 23, 2003 to identify existing conditions. Adjacent to the site, Tanners Road (KY 2846) is a two-lane collector with a posted speed limit of 45 MPH and intermittent 35 MPH advisory speed signs. North Bend Road (KY 237) is a two-lane arterial with a posted speed limit of 45 MPH. Functional roadway classifications were obtained from the 2001-02 Boone County Zoning Regulations.

The intersection of North Bend Road (KY 237) and Tanners Road (KY 2846)/Global Way is a 4-leg intersection, with Global Way approaching from the west. The northbound and southbound North Bend Road (KY 237) approaches consist of a left-turn lane and a combination through/right-turn lane. The eastbound Global Way approach consists of a combination left-turn/through lane and a right-turn lane.

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
Mason, OH. 45040

777 Eads Pkwy, Suite C  
Lawrenceburg, IN 47025

The westbound Tanners Road approach is one lane. The intersection is located less than one mile north of the I-275 interchange.

The Kentucky Transportation Cabinet (KYTC) currently has plans to upgrade North Bend Road (KY 237) adjacent to the Siekman Property site to a three-lane facility with bike lanes. At the time that such improvements are made, KYTC has agreed to evaluate and add turn lanes, as needed, on Tanners Road adjacent to the project site.

The project site is currently vacant, except for two existing houses. Surrounding land uses include residential to the north and east, and industrial/commercial to the south and west.

**Projected Traffic**

**Site Traffic**

Trip generation for the proposed Siekman Property development was estimated using the data and methodology presented in the Institute of Transportation Engineer's (ITE) *Trip Generation, 6<sup>th</sup> Edition* and *Trip Generation Handbook* (March 2001), respectively. Average rates were assumed for all but the shaded volumes, which were calculated using fitted curve equations.

**Table 1  
 Residential Trip Generation**

Land Use	ITE Code	Size	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing	210	9 DU	2	5	6	3
Residential Condominium/Townhouse	230	79 DU	6	29	29	14
<b>Total Trips</b>			8	34	35	17

**Table 2  
 Retail Trip Generation**

Land Use	ITE Code	Size	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Shopping Center	820	21,600 SF	39	25	109	119
		<i>61% Pass-By</i>			66	73
High-Turnover (Sit Down) Restaurant	832	5,000 SF	24	22	33	22
		<i>43% Pass-By</i>			14	9
Supermarket	850	45,000 SF	89	57	255	254
		<i>36% Pass-By</i>			92	91
<b>Total Trips</b>			152	104	397	395
<i>Pass-By Trips</i>					172	173

Based upon the distribution of Design Hour traffic and knowledge of the area, the following distributions were assumed for the Siekman Property site trips:

- Residential distribution – 20% to and from the east, 80% to and from the south
- Retail distribution – 80% from the north, 10% from the east, 5% from the south and 5% from the west.

Additionally, adjustments to account for "shortened" trips were estimated. Because residents living north and east of the site currently make southbound trips on KY 237 to travel to similar retail sites, approximately 15 minutes longer than trips to the proposed development, it was assumed that approximately 30% of these trips will now be destined for the closer development. Therefore, the affected background traffic volumes were reduced by this amount to reflect these "shortened" trips.

Estimated site traffic volumes for the AM and PM peak hours are presented in Figures 1A and 1B, respectively.

#### ***Background Traffic***

2000 and 2020 ADT and Design Hour traffic volumes for the intersection of North Bend Road (KY 237) and Tanners Road (KY 2846)/Global Way were obtained from KYTC. The KYTC volumes are provided by attachment.

Based upon the KYTC 2000 and 2020 AM and PM Design Hour traffic volumes, a growth rate of 2.5% compounded annually was assumed to project 2000 volumes to full build-out year 2007 background traffic volumes. Estimated background traffic volumes for 2007 full build-out are provided in Figure 2A. Background traffic volumes for the 2020 horizon year (KYTC 2020 AM and PM Design Hour volumes) are provided in Figure 2B.

#### ***Total Traffic***

Total traffic volumes were obtained for 2007 full build-out conditions by combining the site volumes from Figures 1A and 1B with background traffic volumes from Figure 2A. 2007 AM and PM peak hour volumes are presented in Figure 3A.

Total traffic volumes were obtained for 2020 horizon year conditions by combining the site volumes from Figures 1A and 1B with background traffic volumes from Figure 2B. 2020 AM and PM peak hour volumes are presented in Figure 3B.

#### **Traffic and Improvement Analysis**

Minimum driveway spacing and corner clearances from intersecting streets were checked against Sections 3215 and 3216 of the 2001-02 Boone County Zoning Regulations. The minimum requirements are met, including corner clearance requirements for a signalized intersection, should KY 237 and Tanners Road (KY 2846)/Global Way be signalized in the future.

Based on a cursory field review, conducted during our September 23 site visit, sight distance at the site access points should and will be evaluated during the project design phase.

Capacity analysis for 2007 and 2020 background and total traffic conditions was performed for the intersection of KY 237 and Tanners Road (KY 2846)/Global Way and the site access points using

Highway Capacity Software. Levels of service calculated for the existing roadway and proposed driveway geometry are summarized in Table 3.

**Table 3**  
**Intersection Level of Service**

Intersection	Year 2007 Background		Year 2007 Full Build-Out		Year 2020 Background		Year 2020 Full Build-Out	
	AM	PM	AM	PM	AM	PM	AM	PM
<b>KY 237 &amp; Tanners Rd // Global Way</b>								
NB L	A	A	A	A	A	B	A	A
SB L	A	A	A	A	A	A	A	A
WBLTR	C	F	C	F	F	F	F	F
Approach	C	F	C	F	F	F	F	F
EB LT	D	E	D	E	F	F	F	F
R	B	B	B	B	B	C	B	C
Approach	D	C	D	C	F	F	F	F
<b>KY 237 &amp; Drive A</b>								
SB LT	-	-	A	A	-	-	A	B
WBLR	-	-	B	F	-	-	C	F
Approach	-	-	B	F	-	-	C	F
<b>KY 237 &amp; Drive B</b>								
SB LT	-	-	A	A	-	-	A	A
WBLR	-	-	B	C	-	-	C	D
Approach	-	-	B	C	-	-	C	D
<b>Tanners Rd &amp; Drive C</b>								
EB LT	-	-	A	A	-	-	A	A
SB L	-	-	A	A	-	-	B	B
R	-	-	A	A	-	-	A	A
Approach	-	-	A	A	-	-	B	B
<b>Tanners Rd &amp; Drive D</b>								
EB LT	-	-	A	A	-	-	A	A
SB L	-	-	A	A	-	-	B	B
R	-	-	A	A	-	-	A	A
Approach	-	-	A	A	-	-	B	A

**Legend**

NB = Northbound  
 SB = Southbound  
 EB = Eastbound  
 WB = Westbound

LT = Combination Left-turn/Through Movement  
 L = Left-turn Movement  
 LTR = Combination Left-turn/Through/Right-turn Movement  
 LR = Combination Left-turn/Right-turn Movement  
 R = Right-turn Movement

The proposed Siekman Property development has little impact on the intersection of KY 237 and Tanners Road (KY 2846)/Global Way. Because levels of service during both PM peak hour background and build-out conditions are poor at the intersection of KY 237 and Tanners Road (KY 2846)/Global Way, the volumes were checked to determine whether a traffic signal is warranted at this intersection. The Peak Hour Volume Warrant (Warrant 3) of the *Manual on Uniform Traffic Control Devices*, Millennium Edition (MUTCD) is met for projected 2007 background traffic volumes.

Signalization of KY 237 and Tanners Road (KY 2846)/Global Way would improve levels of service to "D" or above for the existing geometry and projected volumes, with left-turn phasing added to accommodate 2020 PM peak hour conditions.

In order to reduce delay and queue length on the westbound approach of Drive A at KY 237, the intersection was evaluated with two outbound lanes on Drive A. Adding a separate left turn lane on Drive A reduces the westbound delay and queue length substantially. The distribution assumed for site traffic results in a large outbound left-turn volume at Drive A, however, site traffic is expected to use the "path of least resistance," with southbound traffic exiting at Drive B when Drive A has a queue, or exiting at Drive C once KY 237 and Tanners Road (KY 2846)/Global Way is signalized. Also, signalization of KY 237 and Tanners Road (KY 2846)/Global Way will provide needed gaps for driveway traffic on KY 237.

#### **Findings and Recommendations**

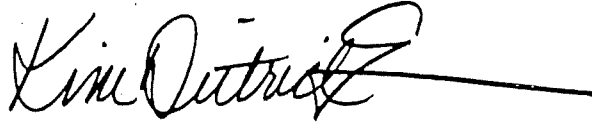
Based on the analyses herein, we make following conclusions and recommendations:

- Minimum driveway spacing and corner clearances from intersecting streets comply with Sections 3215 and 3216 of the *2001-02 Boone County Zoning Regulations*.
- Sight distance at the site access points should and will be evaluated during the project design phase.
- The proposed Siekman Property development will have little impact on the intersection of KY 237 and Tanners Road (KY 2846)/Global Way.
- The projected 2007 background traffic volumes at the intersection of KY 237 and Tanners Road (KY 2846)/Global Way meet the Peak Hour Volume Warrant for signalization, and signalization would improve intersection levels of service.
- KYTC and Boone County should monitor traffic volumes and install a traffic signal at this location when warranted by actual conditions. At such time that a traffic signal is warranted, left-turn lane and phasing needs should be evaluated. The signal and all related traffic control devices and markings should be installed according to the standards set forth in the MUTCD, as well as those of Kentucky Transportation Cabinet and Boone County, as applicable.
- In order to reduce delay and queue length on the westbound approach of Drive A at KY 237, the intersection was evaluated with two outbound lanes on Drive A. Adding a separate left turn lane on Drive A reduces the westbound delay and queue length substantially. The distribution assumed for site traffic results in a large outbound left-turn volume at Drive A, however, site traffic is expected to use the "path of least resistance," with southbound traffic exiting at Drive B when Drive A has a queue, or exiting at Drive C once KY 237 and Tanners Road (KY 2846)/Global Way is signalized. Also, signalization of KY 237 and Tanners Road (KY 2846)/Global Way will provide needed gaps for driveway traffic on KY 237.
- A separate left-turn lane should be added to the westbound approach of the proposed Drive A.

September 30, 2003  
Mr. Bill Toebben  
Siekman Property  
Traffic Impact Study  
Page 6 of 6

Copies of the capacity and signal warrant analyses are available upon request. If you have any questions, please don't hesitate to call me at (513) 829-2149.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Dietrich Elam", with a long horizontal line extending to the right.

Kim Dietrich Elam, P.E.

Attachments

Figure 1A

AM Peak Hour  
Site Traffic Volumes

xx - Site Traffic  
-xx - Shortened Trips

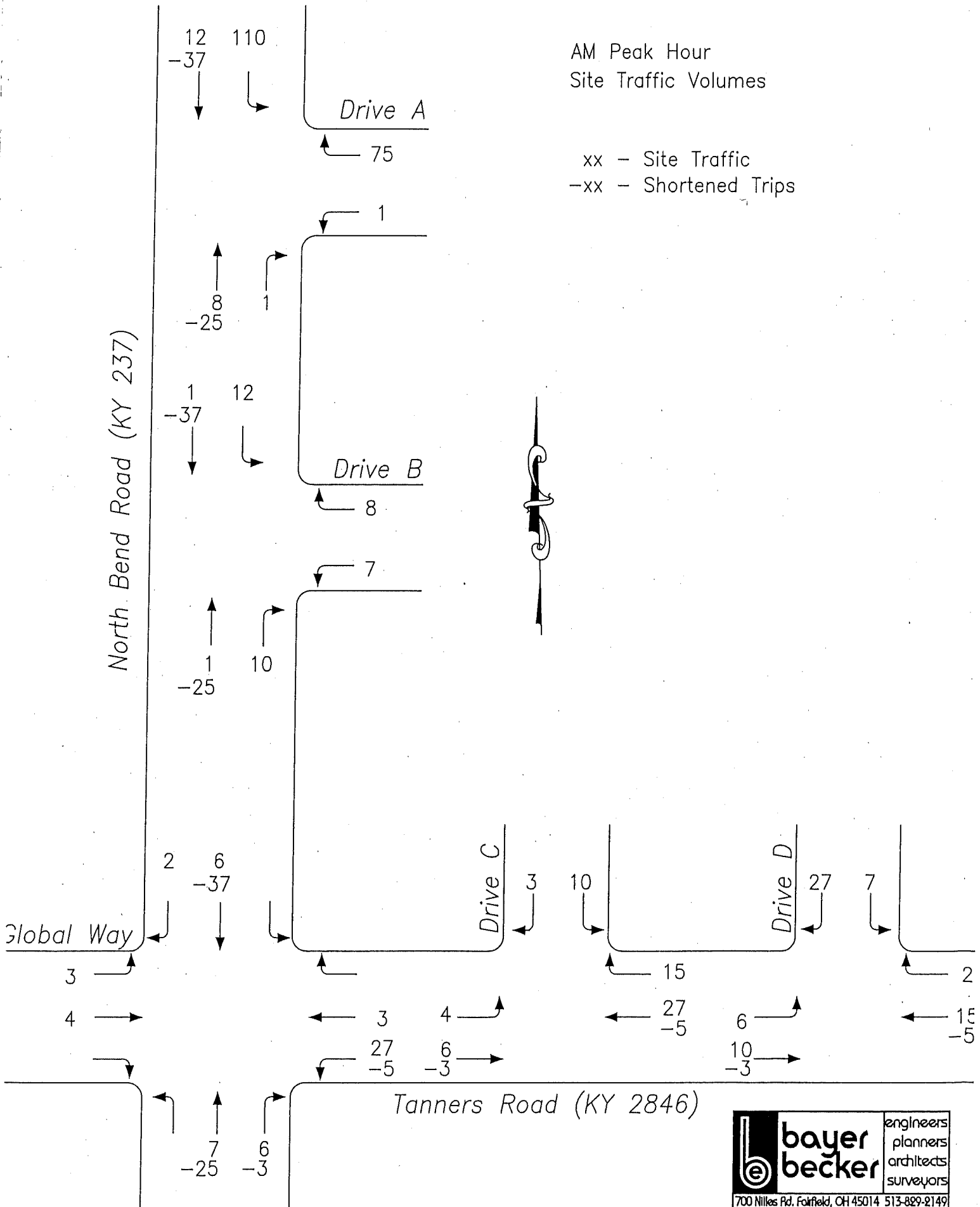


Figure 1B

PM Peak Hour  
Site Traffic Volumes

- xx - Site Traffic
- xx - Shortened Trips
- (xx) - Passby Trips

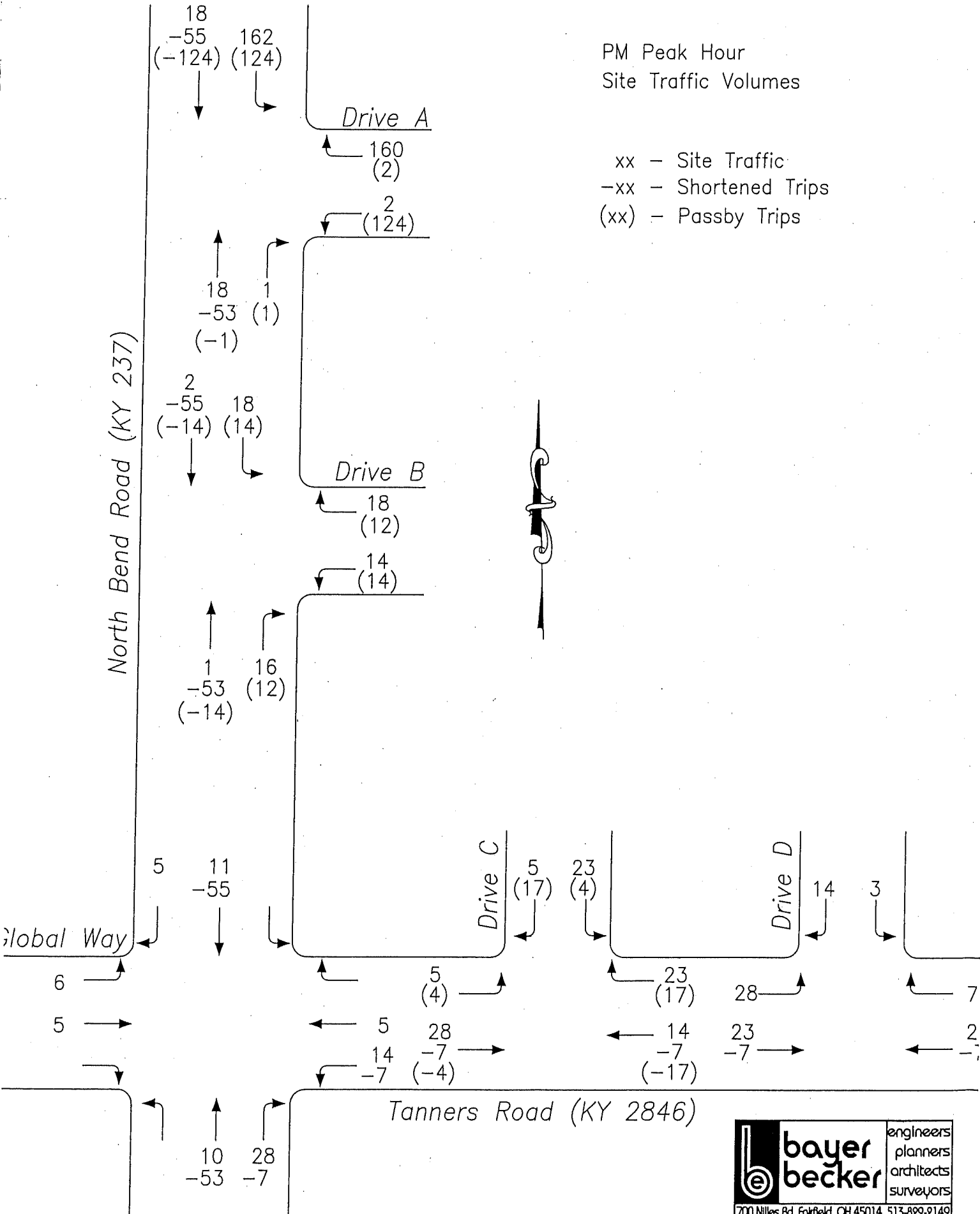
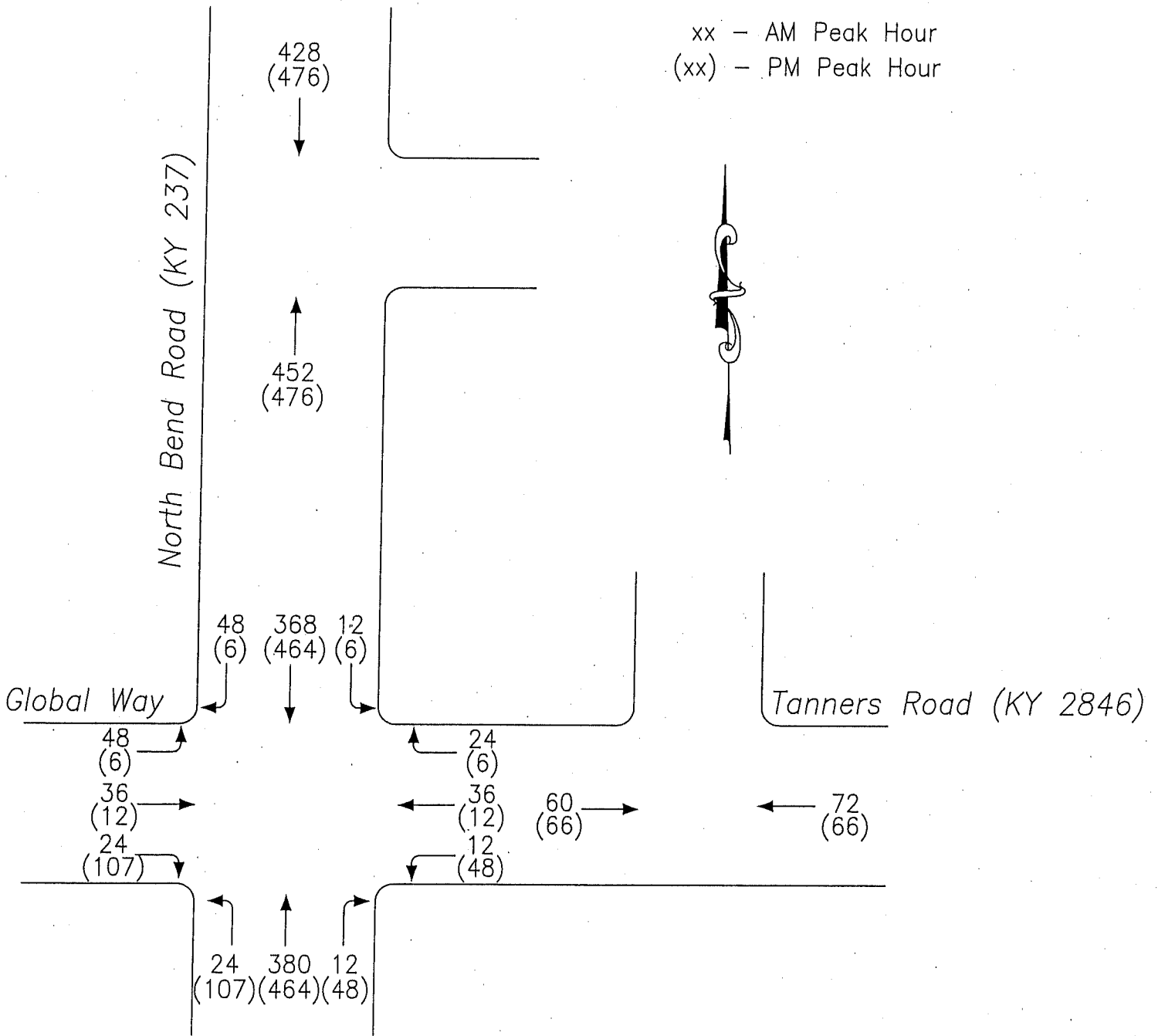


Figure 2A

Background Traffic Volumes  
Year 2007

xx - AM Peak Hour  
(xx) - PM Peak Hour



# Figure 2B

Background Traffic Volumes  
Year 2020

xx - AM Peak Hour  
(xx) - PM Peak Hour

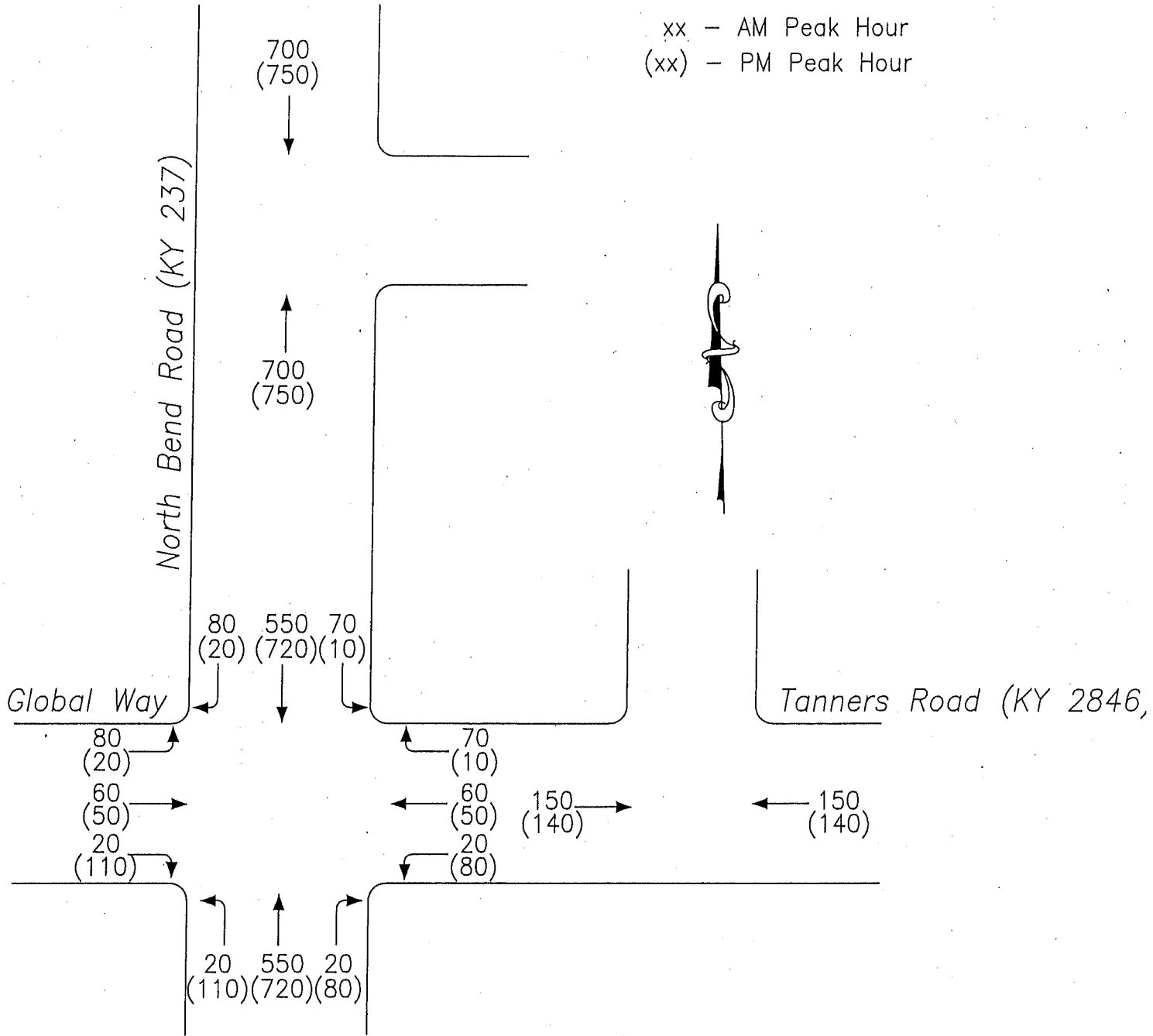


Figure 3A

Total Traffic Volumes  
Year 2007

xx - AM Peak Hour  
(xx) - PM Peak Hour

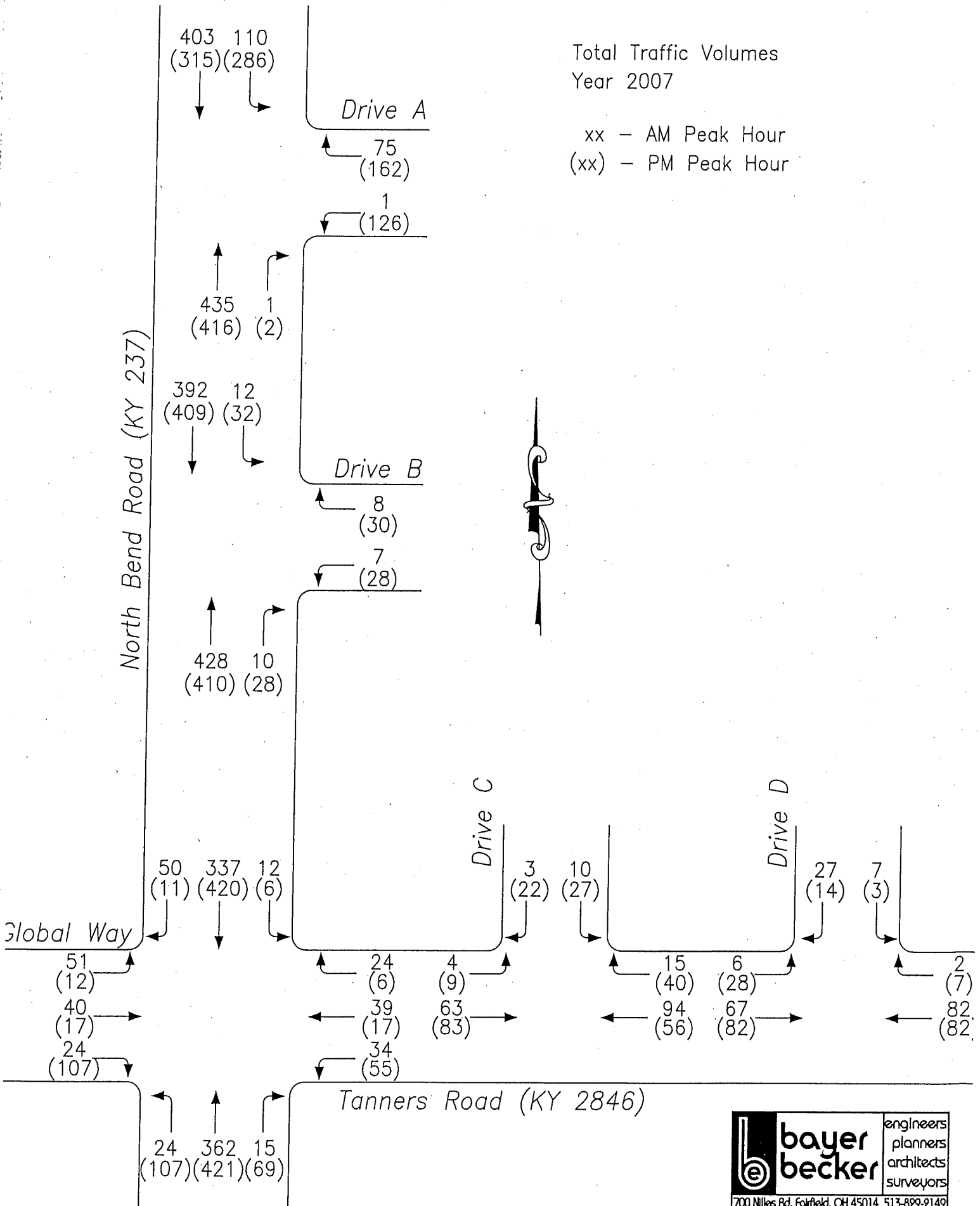
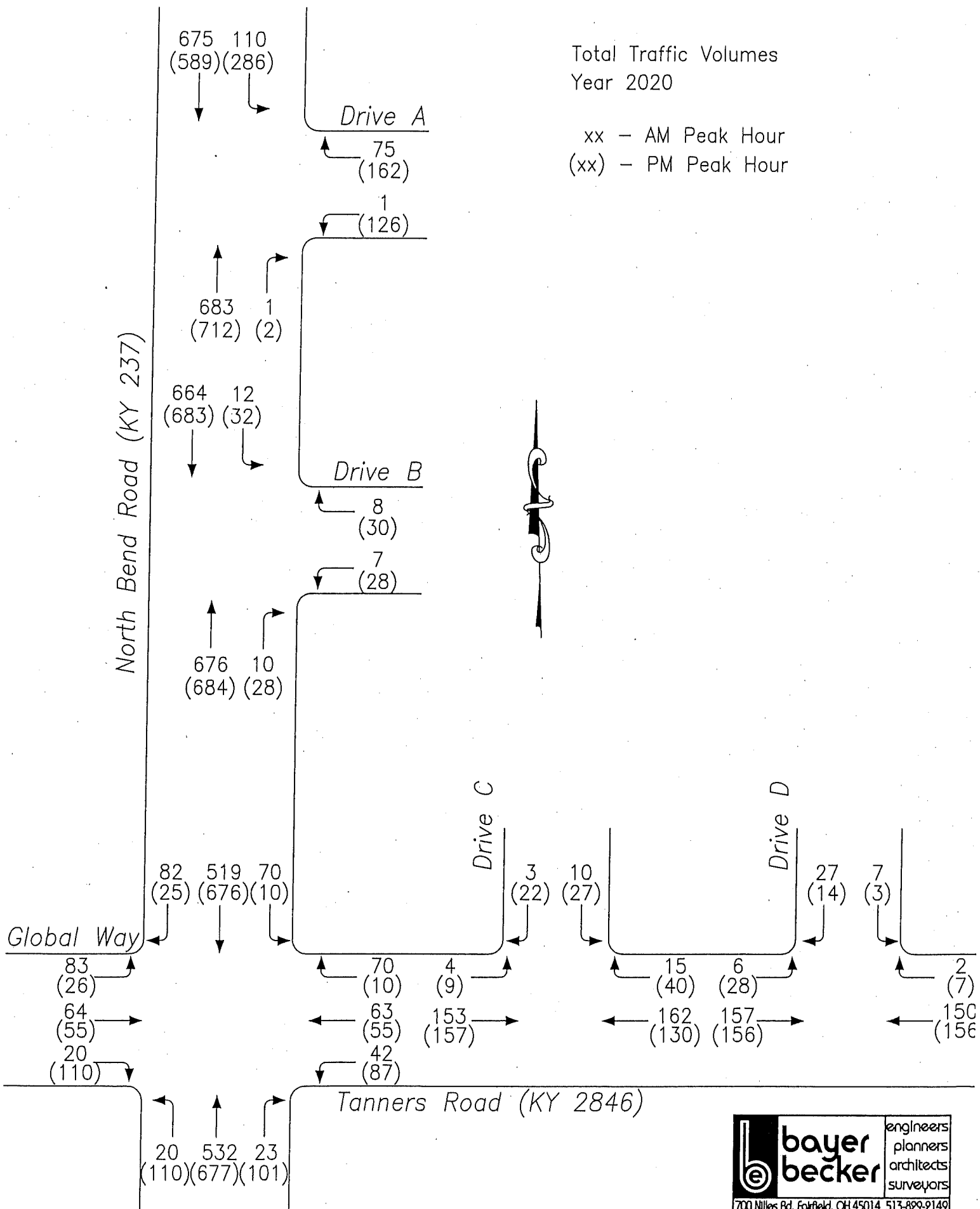


Figure 3B

Total Traffic Volumes  
Year 2020

xx - AM Peak Hour  
(xx) - PM Peak Hour





# FAX TRANSMITTAL COVER SHEET

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DISTRICT SIX - DISTRICT OFFICE  
421 BUTTERMILK PIKE - P. O. BOX 17130  
COVINGTON, KY 41017

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DATE: 9-23-03  
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FAX: (513) 829-2457 FAX: \_\_\_\_\_  
PHONE: \_\_\_\_\_ (ext) \_\_\_\_\_ PHONE: 341-2707 (ext) 259

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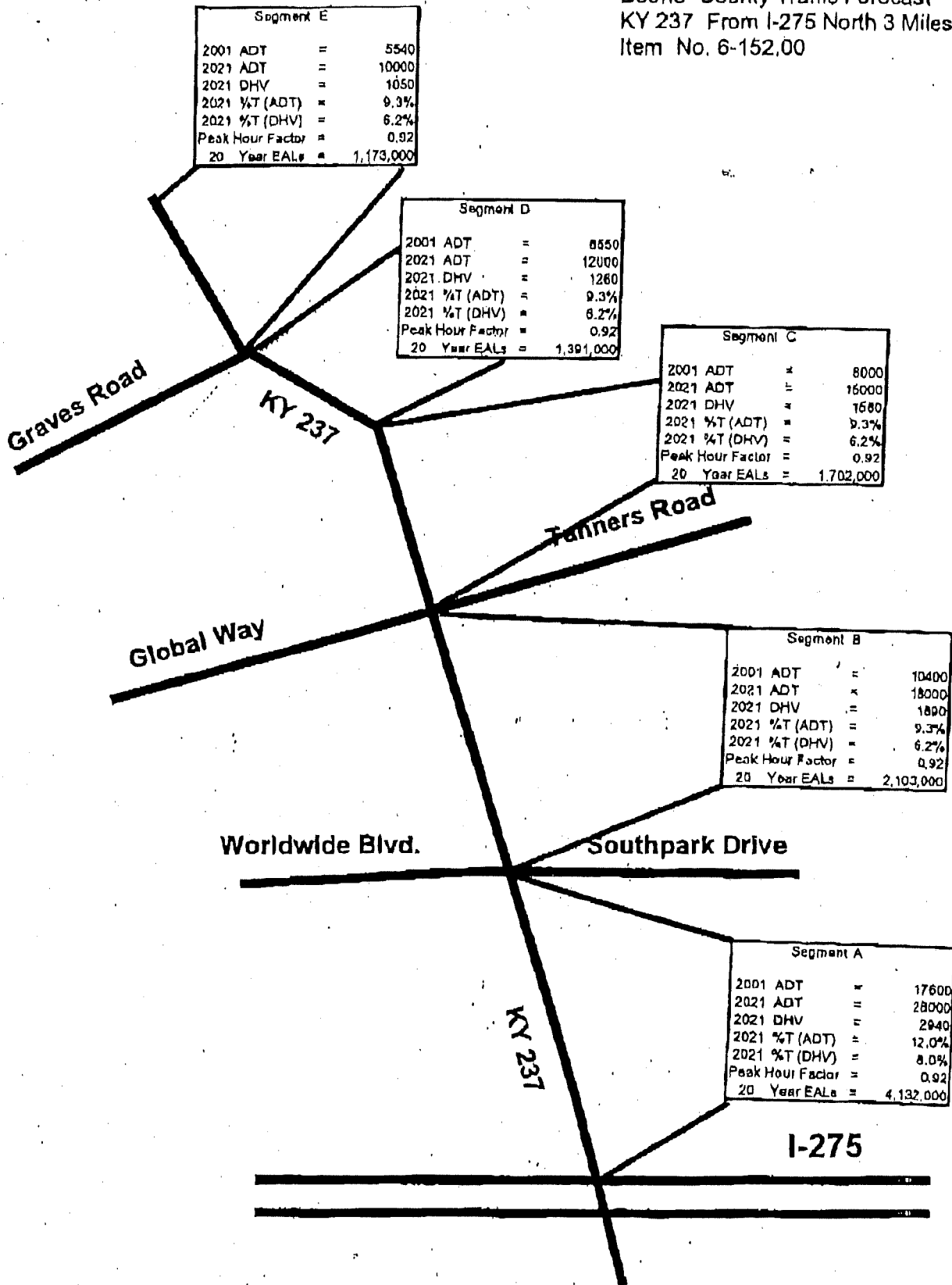
REGARDING: KY 237 TRAFFIC COUNTS

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(Fax Operator)

\_\_\_\_\_ (Telephone Number)

**Boone County Traffic Forecast  
 KY 237 From I-275 North 3 Miles  
 Item No. 6-152.00**



Segment E		
2001 ADT	=	5540
2021 ADT	=	10000
2021 DHV	=	1050
2021 %T (ADT)	=	9.3%
2021 %T (DHV)	=	6.2%
Peak Hour Factor	=	0.92
20 Year EALs	=	1,173,000

Segment D		
2001 ADT	=	8550
2021 ADT	=	12000
2021 DHV	=	1260
2021 %T (ADT)	=	9.3%
2021 %T (DHV)	=	6.2%
Peak Hour Factor	=	0.92
20 Year EALs	=	1,391,000

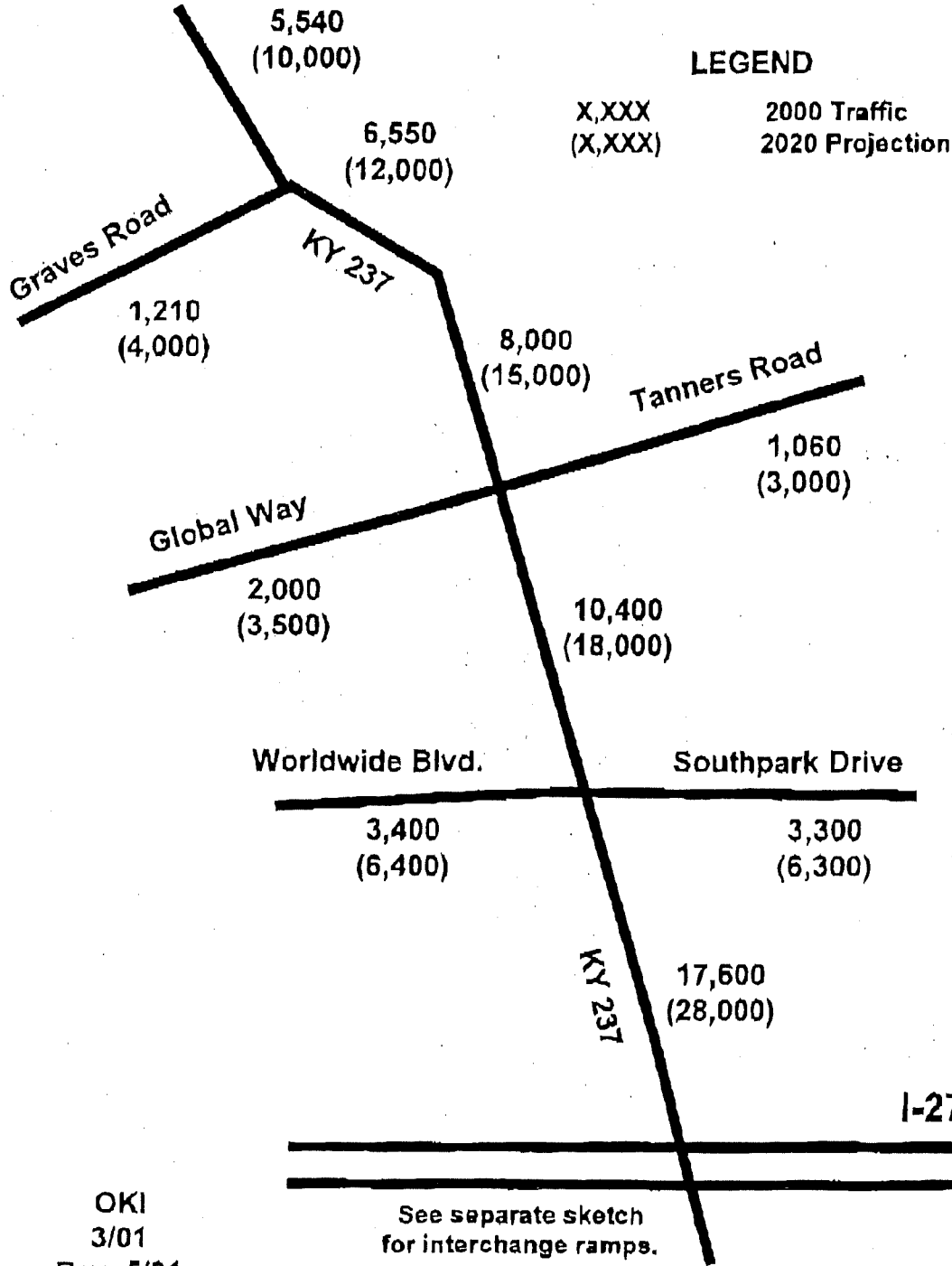
Segment C		
2001 ADT	=	8000
2021 ADT	=	16000
2021 DHV	=	1680
2021 %T (ADT)	=	9.3%
2021 %T (DHV)	=	6.2%
Peak Hour Factor	=	0.92
20 Year EALs	=	1,702,000

Segment B		
2001 ADT	=	10400
2021 ADT	=	18000
2021 DHV	=	1890
2021 %T (ADT)	=	9.3%
2021 %T (DHV)	=	6.2%
Peak Hour Factor	=	0.92
20 Year EALs	=	2,103,000

Segment A		
2001 ADT	=	17600
2021 ADT	=	28000
2021 DHV	=	2940
2021 %T (ADT)	=	12.0%
2021 %T (DHV)	=	8.0%
Peak Hour Factor	=	0.92
20 Year EALs	=	4,132,000

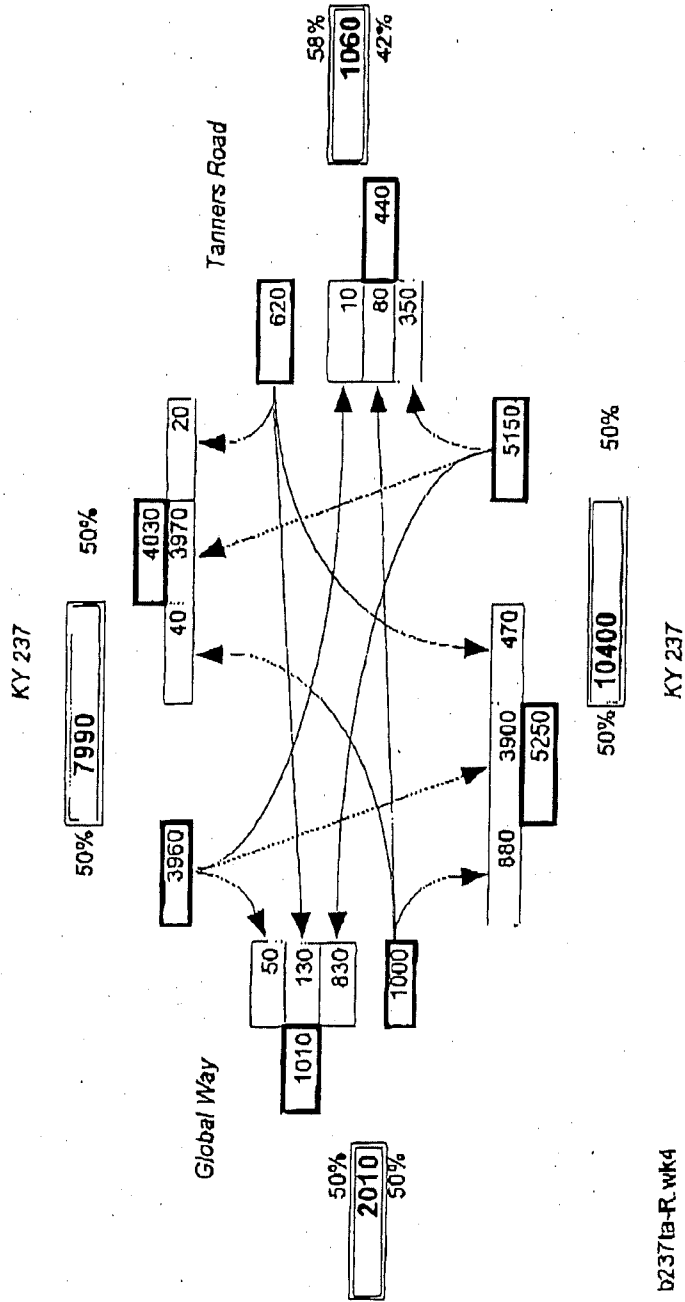
# 2020 Traffic Projections

## KY 237 (North Bend Road)



OKI  
3/01  
Rev. 5/01

2000 ADT (Rev. 5-4-01)  
KY 237 & Tanners Road/Global Way

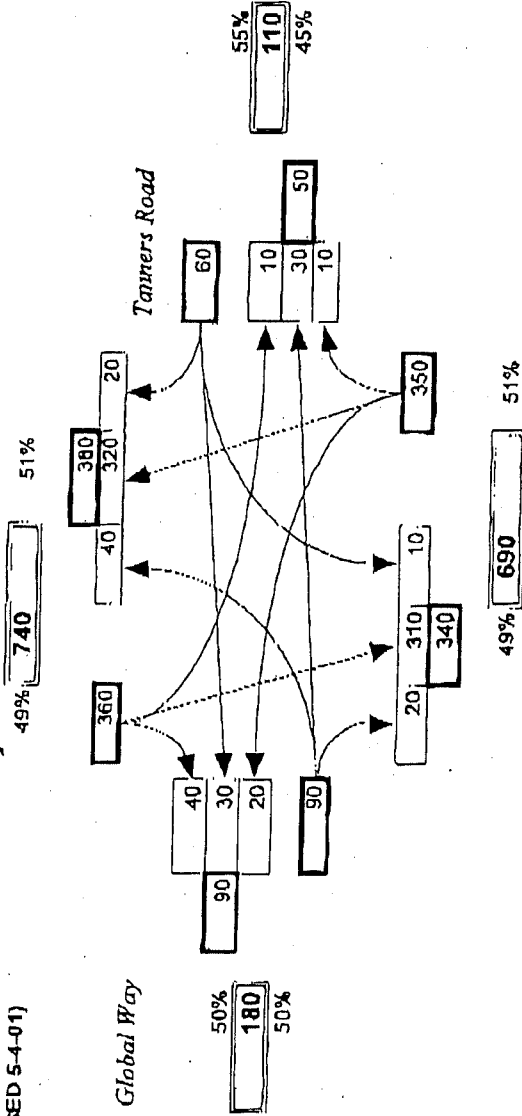


b237(a-R).wk4

09/23/2003 TUE 09:23 FAX

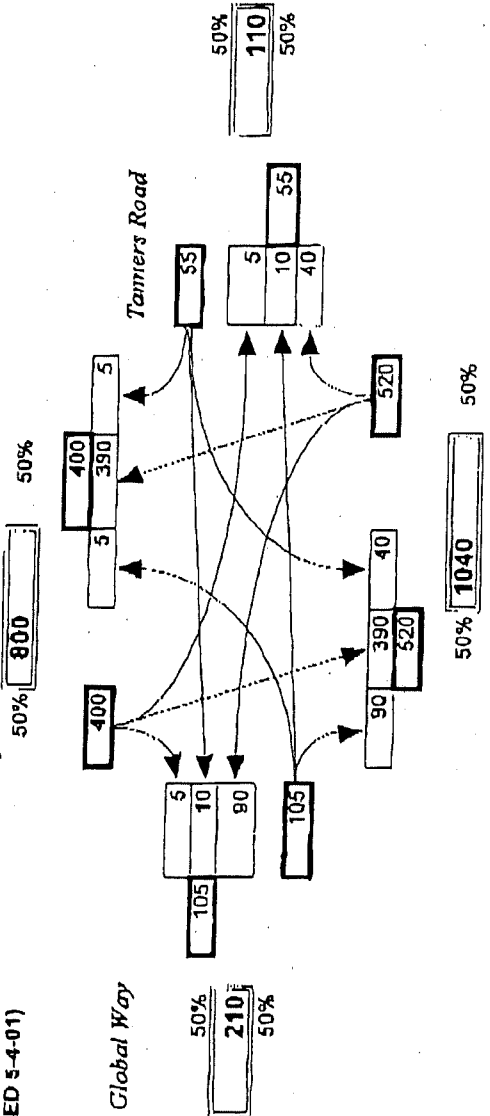
2000 AM Design Hour  
KY 237 & Tanners Road/Global Way  
(REVISED 5-4-01)

KY 237



2000 PM Design Hour  
KY 237 & Tanners Road/Global Way  
(REVISED 5-4-01)

KY 237

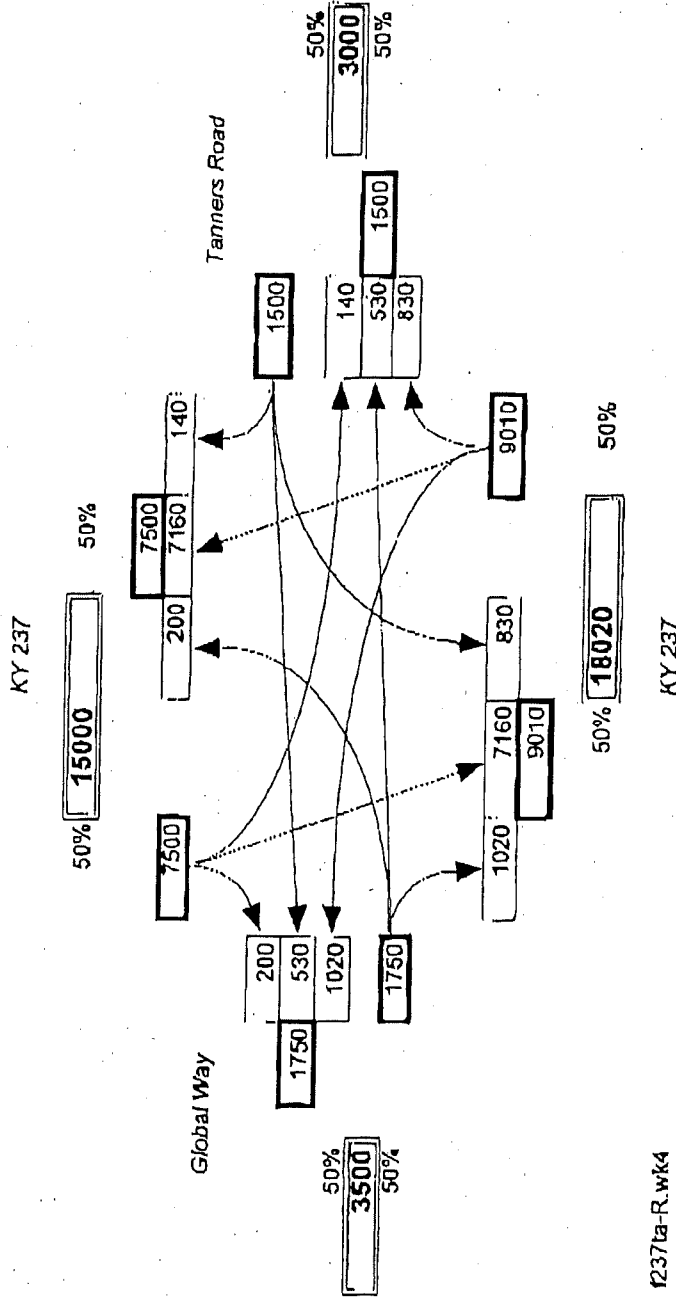


KY 237

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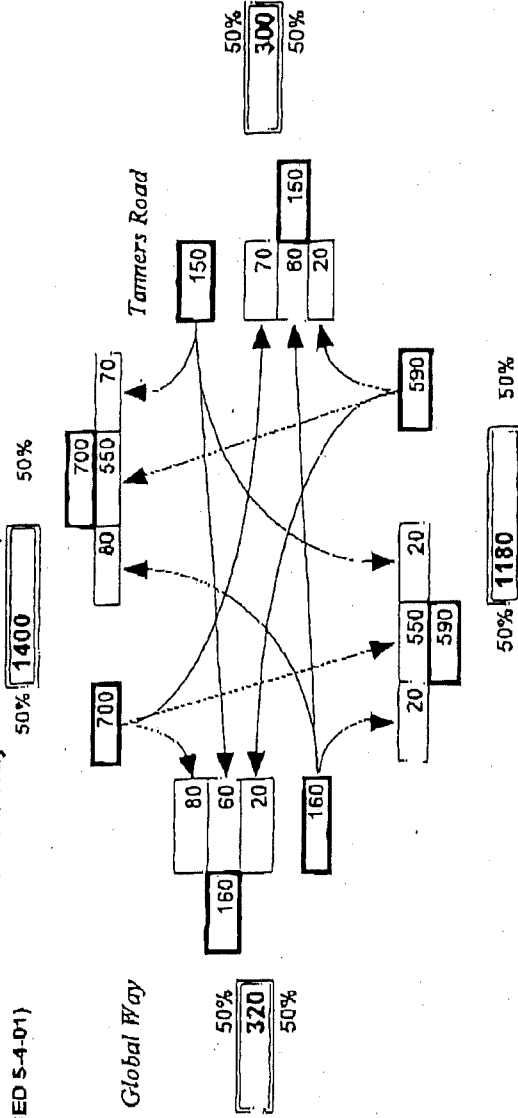
2020 ADT (Rev. 5-4-01)  
KY 237 & Tanners Road/Global Way



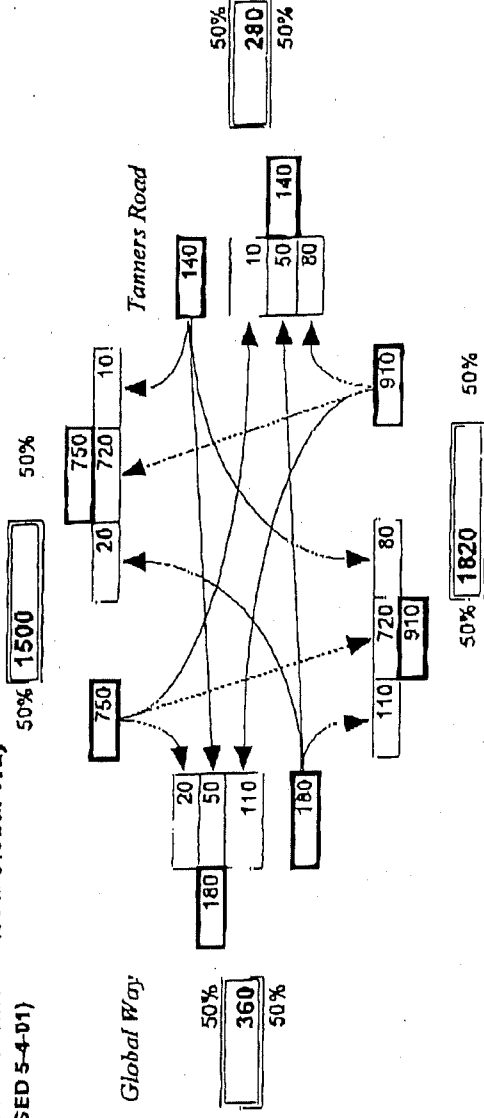
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**2020 AM Design Hour**  
**KY 237**  
**KY 237 & Tanners Road/Global Way**  
**(REVISED 5-4-01)**



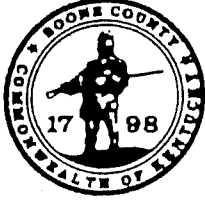
**2020 PM Design Hour**  
**KY 237**  
**KY 237 & Tanners Road/Global Way**  
**(REVISED 5-4-01)**



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KY 237





# Boone County Public Works Department

5645 Idlewild Rd.  
Burlington, KY 41005

Gary W. Moore  
County Judge-Executive

Gregory V. Sketch, PE, PLS  
County Engineer

Phone: (859) 334-3600  
Fax: (859) 334-3598  
[www.boonecountyky.org](http://www.boonecountyky.org)

James E. Parsons  
County Administrator

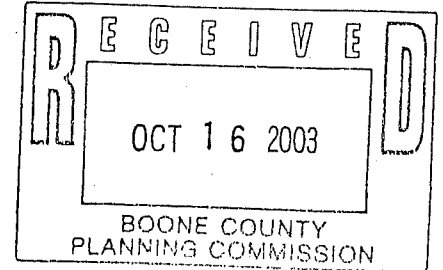
## MEMORANDUM

**TO:** Mitchell Light, Assistant Zoning Administrator  
Boone County Planning Commission

**FROM:** Greg Sketch, PE, PLS  
Boone County Engineer

**RE:** **Proposed Zone Change  
For Siekman Property**

**DATE:** October 15, 2003



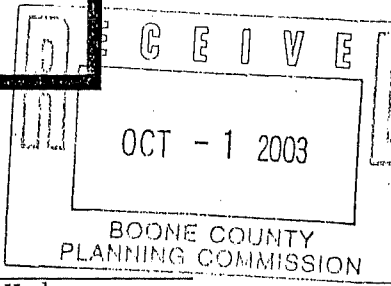
This is in response to your request for input concerning the request for the approval of a concept development plan with a zoning map amendment for the Siekman property located east of North Bend Road (KY 237) and north of Tanner Road (KY 2846). With all access points encroaching Kentucky Transportation Cabinet maintained roads; Boone County Public Works would generally have no concerns with this aspect. However, a general concern is having three access points to the commercial area in the vicinity of the intersection of two state routes. Consideration should be given to eliminating one, or making one right in/right out only.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project Siekman Property
2. Location of Project North/East corner of 237 & Tanner, Hebron
3. Total Acreage of Site 20.7 Acres
4. Current Zoning of Site RSE & A-2
5. Proposed Zoning (Classification being requested) SR3, C-2
6. Proposed Uses (please specify each use) TownHome/Condomenium Development  
Retail Center
7. Names of Applicant(s) Toebben Limited  
Phone Number 859-331-1560 Fax No. 859-331-9702
8. Address of Applicant(s) 541 Buttermilk Pike, Suite 104  
Crescent Springs KY 41017  
City State Zip
9. Name of Property Owner(s) John & Selma Siekman  
Phone Number 859-689-7612 Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 1917 Tanner Road  
Hebron KY 41048  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? Yes  
How many? 2 Houses
13. Deed Book 367, 583, 673 Page No. 96, 176, 62 Group No. 2002
14. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
15. Have you submitted a Concept Development Plan? \_\_\_\_\_
16. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:  
 Boone County Water District  
 Florence Water and Sewer Dept.  
 Cinergy/U.L.H.&P. Co.  
 Sanitation District #1  
 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)

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ USDA NRCS/Boone County Conservation District
- \_\_\_\_\_ KY Division of Water
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

18. Project Jurisdiction/Location  
 Unincorporated Boone County                      \_\_\_\_\_ Walton  
\_\_\_\_\_ Florence    \_\_\_\_\_ Union

19. Applicant's Signature \_\_\_\_\_ *[Signature]*

\* Property Owner's Signature \_\_\_\_\_ *Selma A. Sickman*

**SECTION B** (To be completed by BCPC Staff)

- (9-30-03)
1. Date Received 10-1-03
  2. Review Fee 1488.20 RF 36761
  3. Check what has been submitted:
    - Application
    - Fee
    - Legal Description
    - Concept Development Plan
    - Address of Adjoining Property Owners
    - 7 Number of copies of plan received\*\*
  4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
  5. Staff Reviewer MICHAEL
  6. Committee Chairman \_\_\_\_\_
  7. Scheduled Public Hearing Date \_\_\_\_\_
  8. Boone County Planning Commission Action:
    - \_\_\_\_\_ Approval
    - \_\_\_\_\_ Approval with Conditions
    - \_\_\_\_\_ Denial
  9. Other: \_\_\_\_\_

\*\* Five (5) Copies Are Required

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
www.boonecountyky.org - Web Page

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
October 22, 2003  
7 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:05 PM and introduced the first item on the Agenda:

**Applicant:** Toeppen Limited for  
John Siekman and Selma Siekman (owners)

**Request:** Zoning Map Amendment

The request of Toeppen Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres; a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres; a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres; and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres; all for an approximate 20.7 acre total area on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination townhome, condominium, and patio home development.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mr. Light stated that the property is owned by John Siekman and Selma Siekman, who are brother and sister, but the

application was signed only Selma Siekman, who has Power of Attorney for her brother John Siekman.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Gil Whitacre with Bayer-Becker Engineers, 14 East 8<sup>th</sup> Street, Covington, stated that Mr. Bill Toeppen, developer for the project, was also present. Referring to exhibits displayed on the easel, Mr. Whitacre stated that the site is 20.6 acres. The western half is about eight acres, and they are asking for C-2 zoning in that area. He reviewed an exhibit showing the proposed buildings. He noted the locations of the proposed access points to the commercial and residential areas. The commercial buildings are separated in the middle with open space between them, which breaks up the front façade. He stated that the rendering of the proposed commercial buildings shows that the separation and the columns make them visually appealing. He indicated on an exhibit how the trucks will come into the site, go to the loading area, and then go around the rear of the retail center. They propose a 50-foot buffer yard area extending along the north edge of the property with extensive mounding and landscaping. He stated that this is the first SR-3 zone proposed and the three different types of units will offer a variety of housing types. At the eastern edge (orange colored buildings) are single-family detached patio homes. Toward the middle of the site (pink colored buildings) are two- and three-unit detached townhomes. The footprints for the patio homes and the townhomes are about 2,000 square feet. The remaining residential buildings are 1,200 to 1,400 square foot, two-story condominiums and townhomes with attached garages. This type of unit is not currently available in the area. There are single-family large lot subdivisions to the north and towards the highway there are apartments. They feel that there is a need for this type of housing in the area. The Land Use Map shows the area as medium density residential use. He stated that the Land Use Map is just one element of the Comprehensive Plan. This area is not specifically talked about in the text of the Land Use Plan. After meeting with Staff, the consensus was that this is a transition area from the commercial/industrial uses to the south and west to the residential land to the north and east. He reviewed an exhibit of the Current Land Uses and stated that the areas shown in a salmon color are commercial (existing or proposed). Industrial is shown in blue. He noted the residential area surrounding the site (shown in beige). Mr. Whitacre presented an exhibit of the Proposed Land Use which shows the Concept Development Plan in relation to the surrounding land uses. The single-family detached homes will take advantage of some of the natural buffers and boundaries. He stated that to the north is Blue Heron Point development and Cardinal Cove. The HOA area is wooded hillside with a natural stream. On this site there is a natural wooded area and a natural transition from high-density residential to single-family residential. He stated that North Bend Road and Tanner Road are not desirable locations for medium-density residential development as called for on the Land Use Map and there would be high-density multi-family development located in that vicinity. He stated that the proposed project goes from the commercial areas to the residential areas. One of the

Objectives under the Business Activity Element of the Comprehensive Plan is that commercial uses are limited to strategic locations serving neighborhood needs with safe and effective access and ample parking. He stated that considering the proposed population north of the development off KY 237, they are providing a convenient commercial services area for that population, which will cut down on the number of trips the residents would make to locations elsewhere in the county. He stated that in the Housing Element of the Comprehensive Plan is the need for a broad range of housing opportunities. This plan offers a variety of housing types not available in the area now. He stated that the Transportation Element says that fuel consumption shall be minimized -- and the commercial services area will cut down on trips elsewhere in the county. Mr. Whitacre responded to the Staff Concerns: Staff Concern #1 – He stated that the biggest concern is the access points off North Bend Road. At the time the Traffic Study was submitted and the plan was drawn, they were not aware of the median. They met with KDOT before submitting the plan and at that time, there was no median. He stated that there is no funding or schedule for the improvements to North Bend Road. KDOT looked at the access as a permitted access on the current configuration and indicated that as long as they met the spacing and sight distance requirements, it should be permitted. Before the Committee Meeting, they need to discuss the median with KDOT and get some answers. Staff Concern #2 – The Level of Service F moves were at approaches from Global Way and Tanner Road, and service along the major arterial was still Level of Service A. The Traffic Report recommended that the signal be installed when it is appropriate. Staff Concern #3 – They will provide the additional elevations at the Committee Meeting. Mr. Whitacre offered to answer any questions.

Mr. Bill Toebben, President of Toebben Companies, 1302 North Bend Road, stated that he lives approximately one and a half miles from the site. There is a lack of shopping there, with limited services offered at the KY 20 intersection, and people are forced to drive to KY 18 for a drugstore, movie rental, and other shopping, which creates more traffic. The intersection of KY 237/KY 18 is already a major backup. He stated that they are residential and commercial builders and this site gives them an opportunity to do both. They are proposing the retail on the front of the site similar to a development they recently completed in Warren County, Ohio. The townhomes are similar to Country Squire Estates in Villa Hills. He stated that there is a great demand in the area for this type of housing and it will be an extremely nice development. They are for-sale units. The shopping center elevation at the highest point is about 28 feet. They intentionally did not connect the commercial buildings and there is a lot of grass in the front. There are continuous sidewalks. The layout allows delivery vehicles to move about the site without putting in two curb cuts on Tanner Road. Delivery vehicles can go down the center and get off the site without requiring more curb cuts. Mr. Toebben offered to answer any questions. This completed the applicant's presentation.

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

Mr. Tony Rider, 1956 Tanner Road, stated that he is not opposed to the development, but has some concerns. He was here recently in regard to the Flick's development and is concerned that he will have the Flick's development to his left and then the backs of the townhomes. He is concerned that Tanner Road and North Bend Road are two-lane roads and there will be truck traffic from the Flick's development from 6 AM to 10 PM and the traffic from this development will funnel onto Tanner Road. There is a ballpark over the hill on KY 8 and when they change between the leagues, the back up is 500 – 600 feet. He stated that something needs to be done to accommodate the traffic. There are three lanes coming out of the residential onto a two-lane road. He would like Tanner Road to be improved to accommodate this development. He is concerned about his property value. He stated that Toebben is a topnotch developer, but he is concerned about the road and the intersection being able to handle the traffic.

Mr. Wayne Reeves, 1932 North Bend Road, stated that he and his brother live at the corner of Cardinal Cove. He does not like cleaning up from commercial property and is concerned about the things he has to pick up out of his yard. He does not want commercial uses there for that reason. He bought the land five years ago from his mother and thought he was not going to have anything around him, which he does not like.

Ms. Colleen Burger, 1836 Tanner Road, Hebron, stated that she feels better after seeing the proposal and is pleased there will not be rental units. She noted the 50-foot buffer and mounding on the north and east sides of the C-2 areas and stated that flat buffers may as well not be there because they pick up trash. She asked that the Committee make sure the mounding is sufficient. She questioned the types of establishments in the proposed commercial buildings. She hopes there will not be another gas station. She feels that the 30-foot high sign in the C-2 area is too tall. She is concerned that the signs might be too large. She wants the feel of entering a "community" as opposed to a mini-Mall Road. She is concerned in regard to the SR-3 with the view of the rears of the carriage homes from Tanner Road. She feels that the development is premature considering that there is one lane north and south on North Bend Road and one lane east and west on Tanner Road. She stated that there is no way to put in eighty-eight additional residential units and 71,000 square feet of C-2 space and have safety. She questioned who will pay for the traffic light. She stated that a turn lane is needed on North Bend Road and on Tanner Road. She lives down Tanner Road just east of the SR-3 development and knows that there will be accidents.

Mr. Bob Merkel, 1944 Tanner Road, stated that in 1988 or 1998 the Planning Commission said that there would be no more commercial on Tanner Road. He questioned where the line is going to be drawn now. Will there be commercial down by the school? He stated that the Planning Commission agreed not to let

commercial go beyond Tanner Road, but is letting Flick's in. He is a new resident there. He questioned where the commercial development will stop. He stated that the proposed development is too big and there is no way that the roads can handle the traffic.

Mr. Costello responded that no decision has been made and the Planning Commission is hearing the request. The applicant has the right to submit an application and present arguments on whether the zone change should be permitted. The Planning Commission's decision will be a recommendation to Fiscal Court. He explained that the Flick's request was in conformance with the Comprehensive Plan. Counselor Wilson advised that every five years the Planning Commission is required by law to review the county-wide Comprehensive Plan and any decisions made five or ten years ago have to be revisited to determine if they should be modified. He advised that the public is welcome to attend the Comprehensive Plan review. Chairman Caddell stated that all of the comments are being recorded and when the request goes to Committee, they will review all of the issues with the applicant.

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.

Mr. McMillian asked (1) if the applicant would participate in the installation of a traffic light at the intersection; (2) how trucks will get to the back of the commercial buildings to load and unload; and (3) if there will only be one curb cut into the housing development. Mr. Toebben responded that (1) they are willing to work with KDOT in regard to the traffic signal; (2) the commercial buildings are separated with a drive between them for access to the loading/unloading area on the south end of the larger building; and (3) the one access into the housing area was intentional – there will be eighty-eight units and one entrance is sufficient. There will be one lane in and two lanes out. There is a good line of sight for people to get in and out of the proposed access. Mr. McMillian questioned how the people will get out if something happens that blocks the access point. How would the fire department get to the back of the development if the access is blocked? He stated that they need another access point. Mr. Toebben responded that they would be glad to look at that.

Chairman Caddell stated that it appears that a decel lane would be appropriate on North Bend Road at the proposed commercial frontage. Mr. Toebben responded that they would be happy to visit that suggestion. Chairman Caddell asked that the Committee also look at it.

Mrs. Poston questioned how the curb cut on Tanner Road would line up with the access proposed by Flick's. Mr. Light responded that he has been in contact with Kim Patton of GBBN and with Gil Whitacre and he can bring a drawing to the Committee meeting showing where the access should be based on the conditions of approval. He stated that the applicant wants the access points to line up, but did

not know where the Flick's access point was proposed to be based on the final conditions. The curb cuts currently do not line up. Mr. Whitacre agreed to provide the information to Committee.


Mr. Breetz questioned the fill contour lines. He is concerned that there will be a considerable amount of earth moving to level the site and that all of the natural buffer will be removed. Mr. Whitacre indicated the fill areas on the exhibit noting that the lake on the ridge will be partially in the fill area and partially excavated. He stated that there will be an average amount of earthwork and most of the existing vegetation is along the property line. There are some stands of trees in the swale. He stated that they will try to save as much vegetation along the property line as they can. The property line is wooded on their site and across the property line. He indicated the HOA area for Cardinal Cove.

In response to a question from Mrs. Kegley, Mr. Light stated that the Design Standards and Table 31.1 of the Zoning Regulations only require a 20-foot rear yard setback for the patio homes, but the applicant has agreed to a 25-foot buffer. If this development did not have the patio homes, the carriage homes and townhomes in this development would have to be encased in a 30-foot buffer. Mrs. Kegley stated that there are no trees in that area and asked that the buffer be discussed at the Committee meeting.

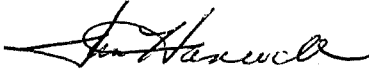
Mrs. Kegley questioned the setback along Tanner Road. Mr. Light responded that Tanner Rod is a collector road and the buildings will be setback 50 feet off the right-of-way. Mrs. Kegley questioned the elevations and only being able to see the second stories of the buildings. Mr. Light responded that they can get into the elevations at the Committee meeting and possibly review a cross-section so that they can tell if people will be able to see both stories from Tanner Road. Mrs. Kegley questioned landscaping along Tanner Road. Mr. Light responded that they are not showing any landscaping there.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 5, 2003 at 5 PM in this room. This item will be on the Agenda for the Business Meeting on November 19, 2003 at 6:30 PM. The public is welcome to attend the Committee Meeting, but no additional testimony will be taken at that time. 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  
November 19, 2003  
6:30 P.M.**

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Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 6:38 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bungler  
Mrs. Janet Kegley  
Mr. Robert Newman  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Bob Schwenke  
Mr. Earl White

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell, Chairman  
Mr. Mark Hicks  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Randy Poe  
Mr. Charlie Reynolds  
Mrs. Lisa Wilson, Secretary/Treasurer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Toebben Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres; a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres; a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres; and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres; all for an approximate 20.7 acre total area on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination townhome, condominium, and patio home development.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed the letter agreeing to the conditions.

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

Mrs. Kegley stated that the Committee reviewed the plan and discussed the lighting. The Committee discussed a second access to Tanner Road for emergency vehicles, but it was not easy to do with the elevation differences and did not seem reasonable for only eighty-eight residential units.

There being no further comments, Mrs. Poston asked for a vote on the motion made by Mr. Barlow and **it carried unanimously.**

2. Change in Concept Development Plan

The request of Joseph G. Kramer, Cardinal Engineering (applicant) for Natorp Garden Stores, Inc. (owner) for a Change in an Approved Concept Development Plan for an approximate 0.5 acre site at 8727 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a bank in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). Mrs. Poston stated that she did not vote on the Committee Report as she was absent from the Committee Meeting.

EXHIBIT  
"B"

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Janet Kegley, Chairwoman

**DATE:** November 19, 2003

**RE:** Request of Toebben Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road, and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination town home, condominium, and patio home development.

**REMARKS:**

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

Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classifications of Rural Suburban Estates (RSE) and Agricultural Estate (A-2) are inappropriate and that the proposed zoning classifications of Commercial Two (C-2) and Suburban Residential Three (SR-3) are appropriate due to the pending road improvements, the volume of traffic at the intersection, the industrial park across North Bend Road (KY 237), the proposed commercial development across Tanner Road and that this request serves as a transitional development.
2. The Committee has also concluded that the map amendment request is in agreement with the text of the adopted Comprehensive Plan. Specific references to the Comprehensive Plan are provided in the Staff Report for this request.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

Further, the Committee recommends the Kentucky Transportation Cabinet evaluate the need for a traffic signal at the Tanner Road/North Bend Road (KY 237) intersection. Tanner Road is classified as a collector and North Bend Road (KY 237) is classified as an arterial, and given this proposed development, the Flick project, as well as the existing commercial and industrial traffic, a signal may now be warranted, prior to completion of the anticipated North Bend Road (KY 237) improvements. For this reason, the Committee recommends that the Boone County Fiscal Court request such a review by the Kentucky Transportation Cabinet.

### CONDITIONS

1. The property owner agrees that the architectural theme of the residential units and commercial buildings will conform to the conceptual elevations submitted and presented at the October 22, 2003 Public Hearing and the November 5, 2003 Zone Change Committee meeting. Signage shall also conform to this architectural theme. The architectural design will be reviewed as part of the Major Site Plan review process conducted by the Planning Commission staff. The architectural design of the signage will be reviewed as part of the sign permit review process conducted by the Planning Commission staff.
2. The property owner agrees to submit as part of its encroachment permit application to the Kentucky Transportation Cabinet acceleration/deceleration lanes and/or a center turn lane, and install them as approved by the Cabinet prior to this development.
3. The property owner agrees to construct sidewalks adjoining this project along North Bend Road (KY 237) and Tanner Road that are not constructed by the Kentucky Transportation Cabinet as part of the planned North Bend Road (KY 237) improvements.
4. The property owner agrees to use lighting fixtures that will be shielded so as to prevent light spilling onto the neighboring residential properties and measurable light shall be less than 1 foot candle at all property lines. The property owner understands that a photometric plan is required to be submitted with the Major Site Plan review application in order to show compliance with this condition.
5. The property owner agrees to coordinate their commercial access points at Tanner Road with the owner/developer of the Flick property to provide for proper alignment.
6. The property owner agrees to provide the plants required in a Buffer Yard "B" within the proposed 15' landscape easement to the east. The residential development along Tanner Road will provide seven (7) trees per 100 linear feet within the required Buffer Yard "A". A hedgerow will be installed between the front of the northernmost commercial building to North Bend Road (KY 237) in addition to the required Buffer Yard "C" between the commercial parking lot and the adjacent residential property to the north. A detailed landscape plan is required to be submitted with the Major Site Plan review application in order to show compliance with this condition.

7. The property owner agrees to remove the following Principally Permitted Uses from the Commercial One (C-1) zone:

33. Funeral homes and crematoriums excluding cemeteries or mausoleums;

The property owner agrees to remove the following Principally Permitted Uses from the Commercial Two (C-2) zone:

33. Hotels and motels including convention facilities;

34. Pawn shops;

36. Gasoline filling station;

The property owner agrees to remove the following Conditional Uses from the Commercial Two (C-2) zone:

2. Automotive repair facility and wash services for vehicles;

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

6. Mini-warehouses or storage facilities;

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  
October 22, 2003  
7 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:05 PM and introduced the first item on the Agenda:

Applicant: Toebben Limited for  
John Siekman and Selma Siekman (owners)

Request: Zoning Map Amendment

The request of Toebben Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres; a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres; a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres; and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres; all for an approximate 20.7 acre total area on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination townhome, condominium, and patio home development.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mr. Light stated that the property is owned by John Siekman and Selma Siekman, who are brother and sister, but the

application was signed only Selma Siekman, who has Power of Attorney for her brother John Siekman.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Gil Whitacre with Bayer-Becker Engineers, 14 East 8<sup>th</sup> Street, Covington, stated that Mr. Bill Toeppen, developer for the project, was also present. Referring to exhibits displayed on the easel, Mr. Whitacre stated that the site is 20.6 acres. The western half is about eight acres, and they are asking for C-2 zoning in that area. He reviewed an exhibit showing the proposed buildings. He noted the locations of the proposed access points to the commercial and residential areas. The commercial buildings are separated in the middle with open space between them, which breaks up the front façade. He stated that the rendering of the proposed commercial buildings shows that the separation and the columns make them visually appealing. He indicated on an exhibit how the trucks will come into the site, go to the loading area, and then go around the rear of the retail center. They propose a 50-foot buffer yard area extending along the north edge of the property with extensive mounding and landscaping. He stated that this is the first SR-3 zone proposed and the three different types of units will offer a variety of housing types. At the eastern edge (orange colored buildings) are single-family detached patio homes. Toward the middle of the site (pink colored buildings) are two- and three-unit detached townhomes. The footprints for the patio homes and the townhomes are about 2,000 square feet. The remaining residential buildings are 1,200 to 1,400 square foot, two-story condominiums and townhomes with attached garages. This type of unit is not currently available in the area. There are single-family large lot subdivisions to the north and towards the highway there are apartments. They feel that there is a need for this type of housing in the area. The Land Use Map shows the area as medium density residential use. He stated that the Land Use Map is just one element of the Comprehensive Plan. This area is not specifically talked about in the text of the Land Use Plan. After meeting with Staff, the consensus was that this is a transition area from the commercial/industrial uses to the south and west to the residential land to the north and east. He reviewed an exhibit of the Current Land Uses and stated that the areas shown in a salmon color are commercial (existing or proposed). Industrial is shown in blue. He noted the residential area surrounding the site (shown in beige). Mr. Whitacre presented an exhibit of the Proposed Land Use which shows the Concept Development Plan in relation to the surrounding land uses. The single-family detached homes will take advantage of some of the natural buffers and boundaries. He stated that to the north is Blue Heron Point development and Cardinal Cove. The HOA area is wooded hillside with a natural stream. On this site there is a natural wooded area and a natural transition from high-density residential to single-family residential. He stated that North Bend Road and Tanner Road are not desirable locations for medium-density residential development as called for on the Land Use Map and there would be high-density multi-family development located in that vicinity. He stated that the proposed project goes from the commercial areas to the residential areas. One of the

Objectives under the Business Activity Element of the Comprehensive Plan is that commercial uses are limited to strategic locations serving neighborhood needs with safe and effective access and ample parking. He stated that considering the proposed population north of the development off KY 237, they are providing a convenient commercial services area for that population, which will cut down on the number of trips the residents would make to locations elsewhere in the county. He stated that in the Housing Element of the Comprehensive Plan is the need for a broad range of housing opportunities. This plan offers a variety of housing types not available in the area now. He stated that the Transportation Element says that fuel consumption shall be minimized -- and the commercial services area will cut down on trips elsewhere in the county. Mr. Whitacre responded to the Staff Concerns: Staff Concern #1 -- He stated that the biggest concern is the access points off North Bend Road. At the time the Traffic Study was submitted and the plan was drawn, they were not aware of the median. They met with KDOT before submitting the plan and at that time, there was no median. He stated that there is no funding or schedule for the improvements to North Bend Road. KDOT looked at the access as a permitted access on the current configuration and indicated that as long as they met the spacing and sight distance requirements, it should be permitted. Before the Committee Meeting, they need to discuss the median with KDOT and get some answers. Staff Concern #2 -- The Level of Service F moves were at approaches from Global Way and Tanner Road, and service along the major arterial was still Level of Service A. The Traffic Report recommended that the signal be installed when it is appropriate. Staff Concern #3 -- They will provide the additional elevations at the Committee Meeting. Mr. Whitacre offered to answer any questions.

Mr. Bill Toebben, President of Toebben Companies, 1302 North Bend Road, stated that he lives approximately one and a half miles from the site. There is a lack of shopping there, with limited services offered at the KY 20 intersection, and people are forced to drive to KY 18 for a drugstore, movie rental, and other shopping, which creates more traffic. The intersection of KY 237/KY 18 is already a major backup. He stated that they are residential and commercial builders and this site gives them an opportunity to do both. They are proposing the retail on the front of the site similar to a development they recently completed in Warren County, Ohio. The townhomes are similar to Country Squire Estates in Villa Hills. He stated that there is a great demand in the area for this type of housing and it will be an extremely nice development. They are for-sale units. The shopping center elevation at the highest point is about 28 feet. They intentionally did not connect the commercial buildings and there is a lot of grass in the front. There are continuous sidewalks. The layout allows delivery vehicles to move about the site without putting in two curb cuts on Tanner Road. Delivery vehicles can go down the center and get off the site without requiring more curb cuts. Mr. Toebben offered to answer any questions. This completed the applicant's presentation.

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

Mr. Tony Rider, 1956 Tanner Road, stated that he is not opposed to the development, but has some concerns. He was here recently in regard to the Flick's development and is concerned that he will have the Flick's development to his left and then the backs of the townhomes. He is concerned that Tanner Road and North Bend Road are two-lane roads and there will be truck traffic from the Flick's development from 6 AM to 10 PM and the traffic from this development will funnel onto Tanner Road. There is a ballpark over the hill on KY 8 and when they change between the leagues, the back up is 500 – 600 feet. He stated that something needs to be done to accommodate the traffic. There are three lanes coming out of the residential onto a two-lane road. He would like Tanner Road to be improved to accommodate this development. He is concerned about his property value. He stated that Toebben is a topnotch developer, but he is concerned about the road and the intersection being able to handle the traffic.

Mr. Wayne Reeves, 1932 North Bend Road, stated that he and his brother live at the corner of Cardinal Cove. He does not like cleaning up from commercial property and is concerned about the things he has to pick up out of his yard. He does not want commercial uses there for that reason. He bought the land five years ago from his mother and thought he was not going to have anything around him, which he does not like.

Ms. Colleen Burger, 1836 Tanner Road, Hebron, stated that she feels better after seeing the proposal and is pleased there will not be rental units. She noted the 50-foot buffer and mounding on the north and east sides of the C-2 areas and stated that flat buffers may as well not be there because they pick up trash. She asked that the Committee make sure the mounding is sufficient. She questioned the types of establishments in the proposed commercial buildings. She hopes there will not be another gas station. She feels that the 30-foot high sign in the C-2 area is too tall. She is concerned that the signs might be too large. She wants the feel of entering a "community" as opposed to a mini-Mall Road. She is concerned in regard to the SR-3 with the view of the rears of the carriage homes from Tanner Road. She feels that the development is premature considering that there is one lane north and south on North Bend Road and one lane east and west on Tanner Road. She stated that there is no way to put in eighty-eight additional residential units and 71,000 square feet of C-2 space and have safety. She questioned who will pay for the traffic light. She stated that a turn lane is needed on North Bend Road and on Tanner Road. She lives down Tanner Road just east of the SR-3 development and knows that there will be accidents.

Mr. Bob Merkel, 1944 Tanner Road, stated that in 1988 or 1998 the Planning Commission said that there would be no more commercial on Tanner Road. He questioned where the line is going to be drawn now. Will there be commercial down by the school? He stated that the Planning Commission agreed not to let

commercial go beyond Tanner Road, but is letting Flick's in. He is a new resident there. He questioned where the commercial development will stop. He stated that the proposed development is too big and there is no way that the roads can handle the traffic.

Mr. Costello responded that no decision has been made and the Planning Commission is hearing the request. The applicant has the right to submit an application and present arguments on whether the zone change should be permitted. The Planning Commission's decision will be a recommendation to Fiscal Court. He explained that the Flick's request was in conformance with the Comprehensive Plan. Counselor Wilson advised that every five years the Planning Commission is required by law to review the county-wide Comprehensive Plan and any decisions made five or ten years ago have to be revisited to determine if they should be modified. He advised that the public is welcome to attend the Comprehensive Plan review. Chairman Caddell stated that all of the comments are being recorded and when the request goes to Committee, they will review all of the issues with the applicant.

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.

Mr. McMillian asked (1) if the applicant would participate in the installation of a traffic light at the intersection; (2) how trucks will get to the back of the commercial buildings to load and unload; and (3) if there will only be one curb cut into the housing development. Mr. Toebben responded that (1) they are willing to work with KDOT in regard to the traffic signal; (2) the commercial buildings are separated with a drive between them for access to the loading/unloading area on the south end of the larger building; and (3) the one access into the housing area was intentional - there will be eighty-eight units and one entrance is sufficient. There will be one lane in and two lanes out. There is a good line of sight for people to get in and out of the proposed access. Mr. McMillian questioned how the people will get out if something happens that blocks the access point. How would the fire department get to the back of the development if the access is blocked? He stated that they need another access point. Mr. Toebben responded that they would be glad to look at that.

Chairman Caddell stated that it appears that a decel lane would be appropriate on North Bend Road at the proposed commercial frontage. Mr. Toebben responded that they would be happy to visit that suggestion. Chairman Caddell asked that the Committee also look at it.

Mrs. Poston questioned how the curb cut on Tanner Road would line up with the access proposed by Flick's. Mr. Light responded that he has been in contact with Kim Patton of GBBN and with Gil Whitacre and he can bring a drawing to the Committee meeting showing where the access should be based on the conditions of approval. He stated that the applicant wants the access points to line up, but did

not know where the Flick's access point was proposed to be based on the final conditions. The curb cuts currently do not line up. Mr. Whitacre agreed to provide the information to Committee.


Mr. Breetz questioned the fill contour lines. He is concerned that there will be a considerable amount of earth moving to level the site and that all of the natural buffer will be removed. Mr. Whitacre indicated the fill areas on the exhibit noting that the lake on the ridge will be partially in the fill area and partially excavated. He stated that there will be an average amount of earthwork and most of the existing vegetation is along the property line. There are some stands of trees in the swale. He stated that they will try to save as much vegetation along the property line as they can. The property line is wooded on their site and across the property line. He indicated the HOA area for Cardinal Cove.

In response to a question from Mrs. Kegley, Mr. Light stated that the Design Standards and Table 31.1 of the Zoning Regulations only require a 20-foot rear yard setback for the patio homes, but the applicant has agreed to a 25-foot buffer. If this development did not have the patio homes, the carriage homes and townhomes in this development would have to be encased in a 30-foot buffer. Mrs. Kegley stated that there are no trees in that area and asked that the buffer be discussed at the Committee meeting.

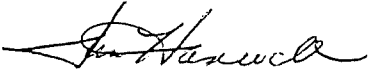
Mrs. Kegley questioned the setback along Tanner Road. Mr. Light responded that Tanner Rod is a collector road and the buildings will be setback 50 feet off the right-of-way. Mrs. Kegley questioned the elevations and only being able to see the second stories of the buildings. Mr. Light responded that they can get into the elevations at the Committee meeting and possibly review a cross-section so that they can tell if people will be able to see both stories from Tanner Road. Mrs. Kegley questioned landscaping along Tanner Road. Mr. Light responded that they are not showing any landscaping there.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 5, 2003 at 5 PM in this room. This item will be on the Agenda for the Business Meeting on November 19, 2003 at 6:30 PM. The public is welcome to attend the Committee Meeting, but no additional testimony will be taken at that time. 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: Susan Poston, Chairwoman

DATE: November 5, 2003

RE: Request of Toebben Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road, and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination town home, condominium, and patio home development.

### 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.

**Susan Poston, Chairwoman**

For Project  Absent

Against Project

Abstain  Deferred

**Randy Barlow**

For Project  Absent

Against Project

Abstain  Deferred

**Greg Breetz**

For Project  Absent

Against Project

Abstain  Deferred

**Kim Bunger**

For Project  Absent

Against Project

Abstain  Deferred

**Janet Kegley**

For Project  Absent

Against Project

Abstain  Deferred

**Charlie Reynolds(Alternate)\***

For Project  Absent

Against Project

Abstain  Deferred

**Mark Hicks (Alternate)\***

For Project  Absent

Against Project

Abstain  Deferred

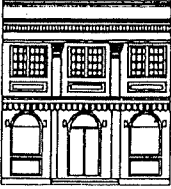
TOTAL:  DEFERRED 3 FOR PROJECT 2 ABSENT

AGAINST PROJECT  ABSTAIN

)

# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

November 14, 2003

Mr. William Toebben  
541 Buttermilk Pike  
Suite 104  
Crescent Springs, KY 41017

RE: Request of Toebben Limited (applicant) for John Siekman and Selma Siekman (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road, and 1937 Tanner Road, Boone County, Kentucky. The request is for four zone changes to allow a commercial development and a combination town home, condominium, and patio home development.

Dear Mr. Toebben:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their November 5, 2003 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Monday, November 17, 2003.

## CONDITIONS

1. The property owner agrees that the architectural theme of the residential units and commercial buildings will conform to the conceptual elevations submitted and presented at the October 22, 2003 Public Hearing and the November 5, 2003 Zone Change Committee meeting. Signage shall also conform to this architectural theme. The architectural design will be reviewed as part of the Major Site Plan review process conducted by the Planning Commission staff. The architectural design of the signage will be reviewed as part of the sign permit review process conducted by the Planning Commission staff.
2. The property owner agrees to submit as part of its encroachment permit application to the Kentucky Transportation Cabinet acceleration/deceleration lanes and/or a center turn lane, and install them as approved by the Cabinet prior to this development.
3. The property owner agrees to construct sidewalks adjoining this project along North Bend Road (KY 237) and Tanner Road that are not constructed by the Kentucky Transportation Cabinet as part of the planned North Bend Road (KY 237) improvements.

4. The property owner agrees to use lighting fixtures that will be shielded so as to prevent light spilling onto the neighboring residential properties and measurable light shall be less than 1 foot candle at all property lines. The property owner understands that a photometric plan is required to be submitted with the Major Site Plan review application in order to show compliance with this condition.
5. The property owner agrees to coordinate their commercial access points at Tanner Road with the owner/developer of the Flick property to provide for proper alignment.
6. The property owner agrees to provide the plants required in a Buffer Yard "B" within the proposed 15' landscape easement to the east. The residential development along Tanner Road will provide seven (7) trees per 100 linear feet within the required Buffer Yard "A". A hedgerow will be installed between the front of the northernmost commercial building to North Bend Road (KY 237) in addition to the required Buffer Yard "C" between the commercial parking lot and the adjacent residential property to the north. A detailed landscape plan is required to be submitted with the Major Site Plan review application in order to show compliance with this condition.
7. The property owner agrees to remove the following Principally Permitted Uses from the Commercial One (C-1) zone:

33. Funeral homes and crematoriums excluding cemeteries or mausoleums;

The property owner agrees to remove the following Principally Permitted Uses from the Commercial Two (C-2) zone:

33. Hotels and motels including convention facilities;

34. Pawn shops;

36. Gasoline filling station;

The property owner agrees to remove the following Conditional Uses from the Commercial Two (C-2) zone:

2. Automotive repair facility and wash services for vehicles;

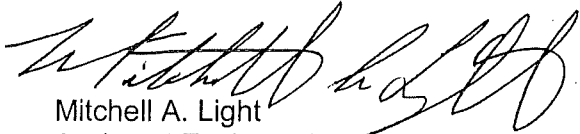
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;

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

Mr. William Toebben  
November 14, 2003  
Page 3

6. Mini-warehouses or storage facilities;

Sincerely,

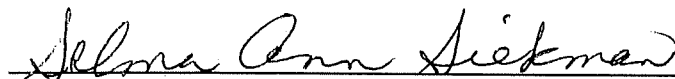


Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/pr

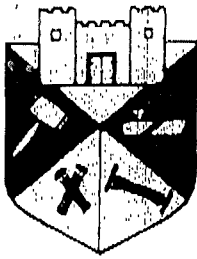
AGREEMENT

I, Selma Ann Siekman, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agricultural Estate (A-2) to Commercial Two (C-2) and Suburban Residential Three (SR-3) for an approximate 20.7 acre total area located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road, and 1937 Tanner Road, Boone County, Kentucky. To allow a commercial development and a combination town home, condominium, and patio home development.



Selma Ann Siekman  
Owner

11/17/03  
Date



# TOEBBEN COMPANIES

541 Buttermilk Pike, Suite 104 • Crescent Springs, Kentucky 41017  
Phone: (859) 331-1560 • Fax (859) 331-9702  
E-mail: toebben@toebben.com • Web Site: www.toebben.com

**Industrial Park**  
Enterprise V, Boone County, Ky

10-06-03

**Commercial/Industrial Construction**  
Bill Toebben, President  
Design/Build  
General Contracting  
Construction Management

Mr. Mitch Light  
Boone County Planning Commission  
Via Fax: 334-2264  
4 Pages

**Residential Construction**  
John Toebben, President  
Country Squire Estates  
Luxury Homes  
Squire Valley Landminiums,  
Villa Hills, Ky

Re: Power of attorney

Mitch

**COMMERCIAL PROPERTIES**

**Kentucky Properties**  
High Street Center, Crescent Springs  
Mall Road Center, Florence  
Toebben Exac. Center, Crescent Springs  
Mt. Zion Center, Boone County  
Summit Medical Building, Crittenden  
Crestville Center, Crescent Springs  
Fifth Street Center, Covington

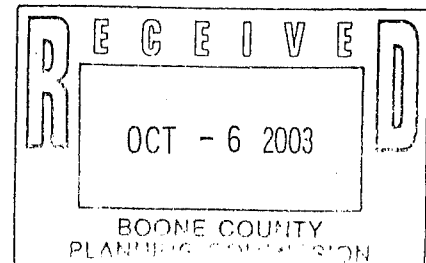
Attached is a copy of the Special Power of Attorney for the Siekman Property. I am sorry that I forgot to attach this to the application. If you need anything else please let me know.

**Ohio Properties**  
Keystone Plaza, Blue Ash  
Milford Shopping Center, Milford  
Houston Park Center, Colerain Township  
Western Row Center, Deerfield Twp.  
Wilmington Comm. Park, Wilmington

**Agricultural Properties**  
Toebben TTT Angus Farm, Union Ky  
Internet Site: www.toebbenangus.com  
Toebben TTT Tree Farm, Carrollton, Ky

Thanks

  
Bill Toebben



## SPECIAL POWER OF ATTORNEY

We, **John Allen Siekman and Linda Lee Siekman**, husband and wife, having ownership interests in certain real property, consisting of approximately 20.7 acres at the northeast corner of Highway 237 and Tanner Road, Hebron, Boone County, Kentucky, do hereby appoint **Selma Ann Siekman**, of 1917 Tanner Road, Hebron, Kentucky 41048, to be our true and lawful attorney-in-fact, for us and in our name, place, and stead, and for our use and benefit, to do and perform all and every act and thing whatsoever requisite, necessary and proper to be done to complete the sale of the above referenced parcel of real property to the **Toebben Companies** or its assigns, pursuant to a Contract To Purchase dated April 7, 2003, including but not limited to executing, on our behalf, deeds, easements, settlement statements, tax pro-rations, zone change applications, documents relative to obtaining vehicular access ways to and from KY 237 and Tanner Road, and/or documents relative to obtaining the approval of Sanitation District No. 1 for a sanitary sewer line through property adjoining the above described property.

We further give and grant unto our said attorney-in-fact full power and authority to do and perform every act necessary and proper to be done in the exercise of any of the foregoing powers as fully as we might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that our said attorney shall lawfully do or cause to be done by virtue hereof.

And we hereby declare that any act or thing lawfully done hereunder by our said attorney shall be binding on each of us, and our heirs, legal and personal representatives and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands this 23 day of

May, 2003.

John Allen Siekman  
JOHN ALLEN SIEKMAN

Linda Lee Siekman  
LINDA LEE SIEKMAN

STATE OF Ohio :  
COUNTY OF Greene : ss.

I, Tammy L. Blair, a Notary Public in and for said County and State do certify that the foregoing Special Power of Attorney from **JOHN ALLEN SIEKMAN** and **LINDA LEE SIEKMAN**, husband and wife, to **SELMA ANN SIEKMAN** was this day produced to me by the parties in said County and State and then and there acknowledged by the **JOHN ALLEN SIEKMAN** and **LINDA LEE SIEKMAN**, to be their free act and deed.

GIVEN UNDER my hand and seal of office this 23 day of May, 2003.

Tammy L. Blair  
NOTARY PUBLIC  
State at Large



Tammy L. Blair, Notary Public  
In and For the State of Ohio  
My Commission Expires Dec. 2, 2004

My Commission Expires:  
Dec 2, 2004

This Instrument Prepared By:

Robert J. Calvert

Attorney at Law  
541 Buttermilk Pike, Suite 104  
Crescent Springs, KY 41017



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14 East Eighth Street  
Covington, KY 41011  
p.859.261.1113  
f.859.261.1710

DESCRIPTION: Siekman Property Zoning Map Amendment  
(9.5 Ac. RSE to SR-3)

LOCATION: Mt. Zion Road

DATE: September 29, 2003

Situated in the City of Hebron, County of Boone, Commonwealth of Kentucky and being part of the 10.851 acre tract and all of the 3.614 acre tract conveyed in D.B. 583, Page 176 and a part of the 3.511 acre tract conveyed in D.B. 367 Pg. 96 and a part of the 2.739 acre tract conveyed in D.B. 673 Pg. 62 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Beginning at the intersection of the existing east right-of-way line of North Bend Road (KY SR 237) with the existing north right-of-way line of Tanners Road (KY SR 2846); thence along the said existing north right-of-way line of Tanners Road North 76° 58' 16" East, 472.72 feet to the TRUE POINT OF BEGINNING;

thence North 19°35'45" West, a distance of 243.76 feet;

thence North 13°17'07" East, a distance of 120.34 feet;

thence North 19°35'45" West, a distance of 192.89 feet;

thence North 51°41'47" East, a distance of 463.17 feet;

thence North 60°23'15" East, a distance of 107.26 feet;

thence North 70°34'37" East, a distance of 215.91 feet to a point in the line of Ben W. and Laverne Heuser;

thence with the line of Heuser South 05°10'44" East, a distance of 372.26 feet;

thence continuing with the line of Heuser South 04°19'44" East, a distance of 213.22 feet to a point in the existing north right-of-way line of Tanners Road;

thence along the existing north right-of-way line of Tanners Road South 54°39'16" West, a distance of 178.38 feet;

thence continuing along the existing north right-of-way line of Tanners Road South 57°08'45" West, a distance of 432.83 feet;

thence continuing along the existing north right-of-way line of Tanners Road South 76°58'16" West, a distance of 84.32 feet to the TRUE POINT OF BEGINNING.

03k24/1137

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
Mason, OH 45040

777 Eads Pkwy., Suite C  
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f.859.261.1710

Containing 9.5 acres and subject to all easements and rights-of-way of record. The reference meridian is based on GIS data obtained from the Boone County Planning Commission.

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.

03k24/1137

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
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DESCRIPTION: Siekman Property Zoning Map Amendment  
(7.9 Ac. RSE to C-2)

LOCATION: Mt. Zion Road

DATE: September 29, 2003

Situated in the City of Hebron, County of Boone, Commonwealth of Kentucky and being part of the 10.851 acre tract conveyed in D.B. 583, Page 176 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

BEGINNING at the intersection of the existing east right-of-way line of North Bend Road (KY SR 237) with the existing north right-of-way line of Tanners Road (KY SR 2846);

thence along the said existing east right-of-way line of North Bend Road North 19° 39' 44" West, 623.63 feet to a point in the line of Layton W. and Donna K. Reeves;

thence with the line of Reeves and Charles R. and Linda D. Reeves and Mark Stallings Builder North 61°50'53" East, a distance of 532.09 feet;

thence South 05°54'29" East, a distance of 249.44 feet;

thence North 51°41'47" East, a distance of 72.36 feet;

thence South 19°35'45" East, a distance of 192.89 feet;

thence South 13°17'07" West, a distance of 120.34 feet;

thence South 19°35'45" East, a distance of 243.76 feet to a point in said existing north right-of-way line of Tanners Road;

thence along said existing north right-of-way line of Tanners Road South 76°58'16" West, a distance of 472.73 feet to the POINT OF BEGINNING.

Containing 7.9 acres and subject to all easements and rights-of-way of record. The reference meridian is based on GIS data obtained from the Boone County Planning Commission.

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.

03k24/1133

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
Mason, OH 45040

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14 East Eighth Street  
Covington, KY 41011  
p.859.261.1113  
f.859.261.1710

DESCRIPTION: Siekman Property Zoning Map Amendment  
(3.0 Ac. A-2 to SR-3)

LOCATION: Mt. Zion Road

DATE: September 29, 2003

Situated in the City of Hebron, County of Boone, Commonwealth of Kentucky and being part of the 10.851 acre tract conveyed in D.B. 583, Page 176 and a part of the 3.511 acre tract conveyed in D.B. 367 Pg. 96 and a part of the 2.739 acre tract conveyed in D.B. 673 Pg. 62 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Beginning at the intersection of the existing east right-of-way line of North Bend Road (KY SR 237) with the existing north right-of-way line of Tanners Road (KY SR 2846); thence along the said existing east right-of-way line of North Bend Road North  $19^{\circ} 39' 44''$  West, 623.63 feet to a point in the line of Layton W. and Donna K. Reeves; thence with the line of Reeves and Charles R. and Linda D. Reeves and Mark Stallings Builder North  $61^{\circ} 50' 53''$  East, a distance of 541.71 feet to the TRUE POINT OF BEGINNING;

thence continuing with the line of Mark Stallings Builders and the line of Cardinal Cove Homeowners Association North  $61^{\circ} 50' 53''$  East, a distance of 814.33 feet to a point, corner to Ben W. and Laverne Heuser;

thence with the line of Heuser South  $05^{\circ} 10' 44''$  East, a distance of 180.86 feet;

thence South  $70^{\circ} 34' 37''$  West, a distance of 215.91 feet;

thence South  $60^{\circ} 23' 15''$  West, a distance of 107.26 feet;

thence South  $51^{\circ} 41' 47''$  West, a distance of 463.17 feet;

thence North  $19^{\circ} 35' 45''$  West, a distance of 220.58 feet to the TRUE POINT OF BEGINNING.

Containing 3.0 acres and subject to all easements and rights-of-way of record. The reference meridian is based on GIS data obtained from the Boone County Planning Commission.

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.

03k24/1136

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road  
Mason, OH 45040

777 Eads Pkwy., Suite C  
Lawrenceburg, IN 47025



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14 East Eighth Street  
Covington, KY 41011  
p.859.261.1113  
f.859.261.1710

DESCRIPTION: Siekman Property Zoning Map Amendment  
(0.2 Ac. A-2 to C-2)

LOCATION: Mt. Zion Road

DATE: September 29, 2003

Situated in the City of Hebron, County of Boone, Commonwealth of Kentucky and being part of the 10.851 acre tract conveyed in D.B. 583, Page 176 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Beginning at the intersection of the existing east right-of-way line of North Bend Road (KY SR 237) with the existing north right-of-way line of Tanners Road (KY SR 2846); thence along the said existing east right-of-way line of North Bend Road North  $19^{\circ} 39' 44''$  West, 623.63 feet to a point in the line of Layton W. and Donna K. Reeves; thence with the line of Reeves and Charles R. and Linda D. Reeves and Mark Stallings Builder North  $61^{\circ} 50' 53''$  East, a distance of 532.09 feet to the TRUE POINT OF BEGINNING;

thence continuing with the line of Mark Stallings Builders North  $61^{\circ} 50' 53''$  East, a distance of 9.62 feet;

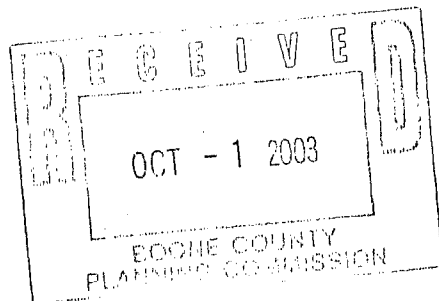
thence South  $19^{\circ} 35' 45''$  East, a distance of 220.58 feet;

thence South  $51^{\circ} 41' 47''$  West, a distance of 72.36 feet;

thence North  $05^{\circ} 54' 29''$  West, a distance of 249.44 feet to the TRUE POINT OF BEGINNING.

Containing 0.2 acre and subject to all easements and rights-of-way of record. The reference meridian is based on GIS data obtained from the Boone County Planning Commission.

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky. Monuments will not be set.



03k24/1135

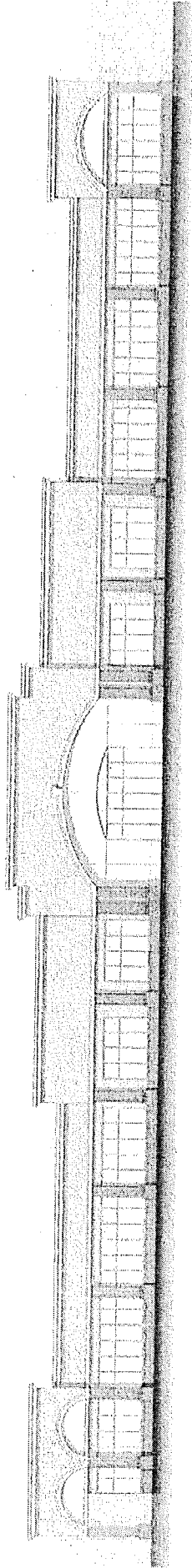
700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

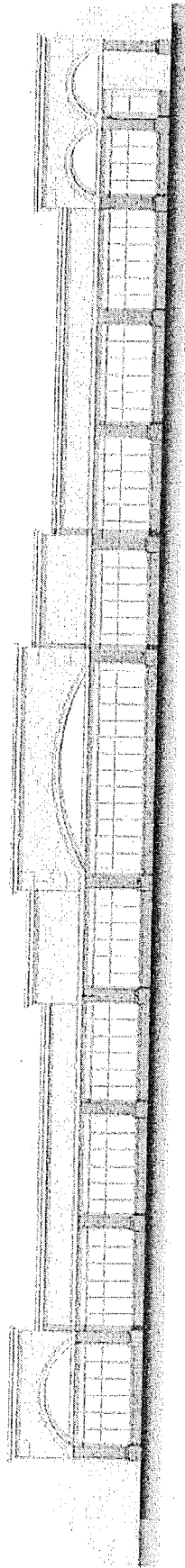
6900 Tylersville Road  
Mason, OH 45040

777 Eads Pkwy., Suite C  
Lawrenceburg, IN 47025





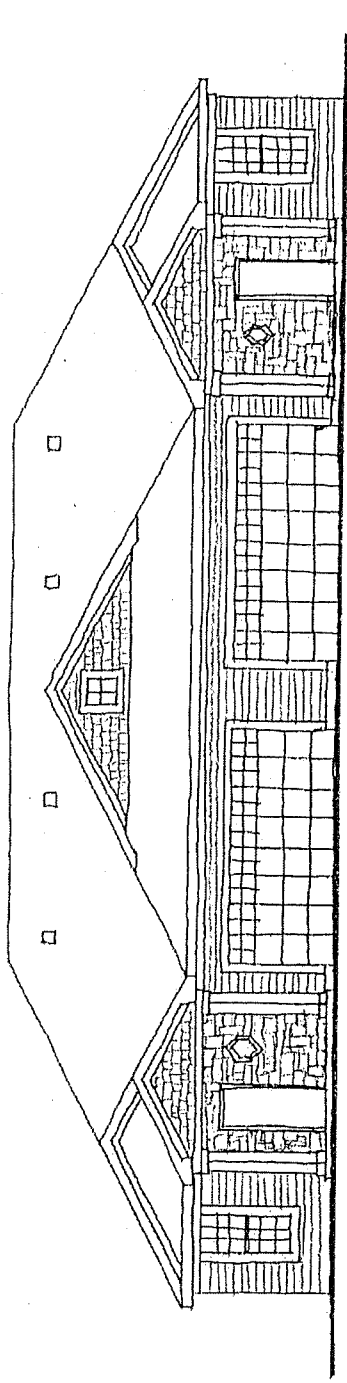
FRONT ELEVATION



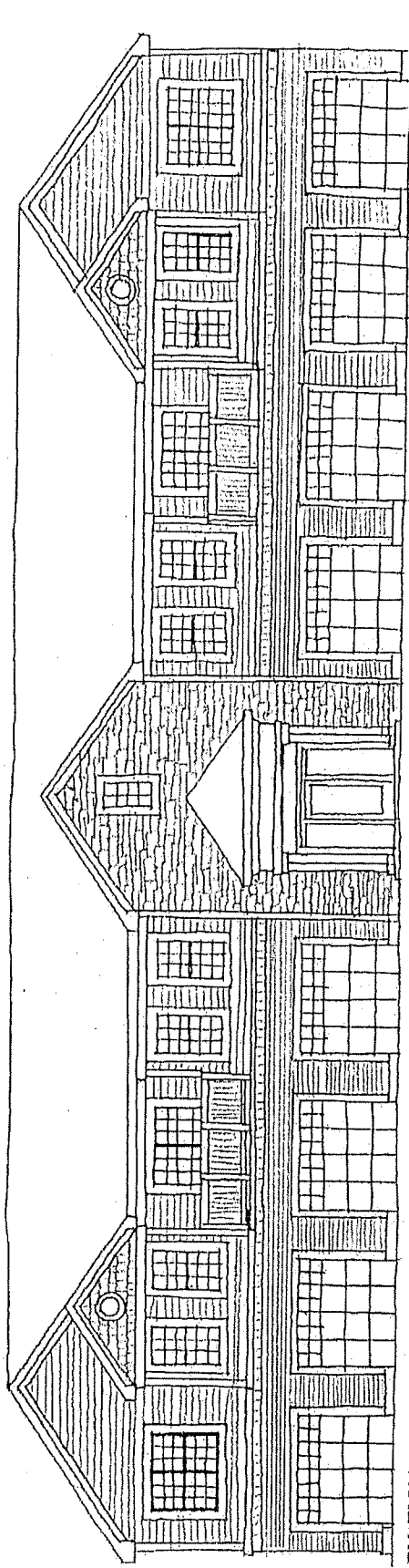
TOEBBEN CONSTRUCTION  
541 BUTTERMILK PIKE, SUITE 104  
CRESCENT SPRINGS, KY 41017

KY SR 237 PROPOSED  
RETAIL CENTER

# PROPOSED RETAIL ELEVATIONS



FRONT ELEVATION -  
2 UNIT TOWNHOUSE  
SCALE: 1/8" = 1'-0"



FRONT ELEVATION -  
8 UNIT CARRIAGE HOUSE  
SCALE: 1/8" = 1'-0"

TOEBBEN CONSTRUCTION  
541 BUTTERMILK PIKE, SUITE 104  
CRESCENT SPRINGS, KY 41017

KY SR 237 PROPOSED  
RESIDENTIAL UNITS

1	DATE	10/1/04
2	DESCRIPTION	PROPOSED RESIDENTIAL UNITS
3	BY	BOB BECKER
4	CHECKED	BOB BECKER
5	DATE	10/1/04
6	BY	BOB BECKER
7	CHECKED	BOB BECKER
8	DATE	10/1/04

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# PROPOSED RESIDENTIAL ELEVATIONS

**Ordinance  
Of  
The Boone County Fiscal Court**

**Ordinance No. 04-01**

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF TOEBBEN LIMITED (APPLICANT) FOR JOHN AND SELMA SIEKMAN (OWNERS) FOR FOUR ZONING MAP AMENDMENTS, SUCH ZONING MAP AMENDMENTS BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO COMMERCIAL TWO (C-2) FOR APPROXIMATELY 0.2 ACRES, A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO COMMERCIAL TWO (C-2) FOR APPROXIMATELY 7.9 ACRES, A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL THREE (SR-3) FOR APPROXIMATELY 3.0 ACRES, AND A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE (SR-3) FOR APPROXIMATELY 9.5 ACRES, ALL FOR AN APPROXIMATE 20.7 ACRE TOTAL AREA GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE NORTH BEND ROAD/TANNER ROAD INTERSECTION, AT 1891 TANNER ROAD, AND AT 1937 TANNER ROAD, BOONE COUNTY, KENTUCKY.

**WHEREAS**, the Boone County Planning Commission received a request for four Zoning Map Amendments to the Boone County Zoning Map and such Zoning Map Amendments being a zone change from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area generally located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road and at 1937 Tanner Road, 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 four Zoning Map Amendments.

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

**SECTION I**

That the request for four Zoning Map Amendments for the real estate which is more particularly described below shall be and is hereby approved, with conditions, these Zoning Map Amendments being a zone change from Agricultural Estate (A-2) to Commercial Two (C-2) for approximately 0.2 acres, a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two (C-2) for approximately 7.9 acres, a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential Three (SR-3) for approximately 3.0 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three (SR-3) for approximately 9.5 acres, all for an approximate 20.7 acre total area generally located on the northeast corner of the North Bend Road/Tanner Road intersection, at 1891 Tanner Road and at 1937 Tanner Road, Boone County, Kentucky. The real estate which is the subject of this request for four Zoning Map Amendments in both an Agricultural Estate (A-2) and Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOKS 367, 583 & 673, PAGE NO. 96, 176 & 62, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Ordinance  
Of  
The Boone County Fiscal Court**

**Ordinance No. 04-01**

**SECTION II**

That as a basis for this approval for four Zoning Map Amendment requests 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 which shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

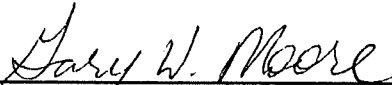
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**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 19<sup>th</sup> day of December, 2003.

Adopted by the Boone County Fiscal Court after Second Reading at a regular meeting on the 27<sup>th</sup> day of January, 2004, 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:

  
\_\_\_\_\_  
CHRISTINA M. WANNER  
FISCAL COURT CLERK

  
\_\_\_\_\_  
JAMES R. SCHRAND II  
BOONE COUNTY ATTORNEY

1-29-04  
\_\_\_\_\_  
DATE PUBLISHED

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**SIEKMAN PROPERTY**  
FOR  
**CONCEPT DEVELOPMENT PLAN**

BOONE COUNTY  
HEBRON KENTUCKY

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**1 of 1**

