

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 AIRPARK WEST
- 2. Location of Project SR. 237 & WRIGHT BLVD.
- 3. Total Acreage of Site 7.979 A
- 4. Current Zoning of Site I-1
- 5. Proposed Zoning (Classification being requested) C-2
- 6. Proposed Uses (please specify each use) ALL C-2 USES

- 7. Names of Applicant(s) PAUL HEINER DEV III / MIKE HARRIS
- Phone Number 859-341-8300 #1806 Fax No. 859-341-6817
- 8. Address of Applicant(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41011
City State Zip

- 9. Name of Property Owner(s) PAUL HEINER DEV III
- Phone Number 859-341-8300 Fax No. 859-341-6817
- 10. Address of Property Owner(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41011
City State Zip

- 11. Proposed Building Intensities (please specify) SEE SITE DEVELOPMENT PLAN

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

- 13. Deed Book 772 Page No. 668 Group No. 2007

- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES (INCLUDED HEREWITH)

- 16. Have you had a pre-application meeting with BCPC Staff? YES

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N Boone County Water District
- N Florence Public Services Dept.
- N Duke Energy
- N Sanitation District #1
- N Cincinnati Bell
- N Owen Electric Cooperative, Inc.
- N Boone County Public Works Department
- N Kentucky Transportation Cabinet
- N Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

April 16, 2008

REQUEST

This request is for a zone change from I-1 to C-2 for a 7.979 acre site located between KY 237 and Hargrave Drive in Airpark West Subdivision. The site is to the south of the Hebron Animal Hospital and wraps around the Marathon/Speedway gas station/convenience store that is under construction on the northwest corner of the KY 237/Wright Boulevard intersection. The application form states that the proposal is for "all C-2 uses."

A Concept Development Plan was included with the application. This plan shows three buildings and lots on the overall site. The northern-most site has an approximate 8,500 square foot, two story building, plus an 8,000 square foot expansion area, and a parking area along the front part of the lot adjoining KY 237. The building is labeled "Women's Crisis Building." This lot is proposed to share the existing driveway from Hargrave Drive with the Hebron Animal Hospital. Existing water courses and vegetation are proposed to be retained in the west part of the lot and along the south boundary. The proposed lot has approximately 4.35 acres.

The middle lot has a 15,000 square foot building in the approximate center and an enclosure for outside sales along the south side of the building. Per the applicant's statements, this building is for a retail hardware store. Parking areas are shown at both the front and rear of the building, with the larger parking area placed at the front along the KY 237 frontage. A detention area is shown along the rear of this lot by Hargrave Drive. Access to this site is proposed via two shared driveways - one from Wright Boulevard and the other from Hargrave Drive. The proposed lot is noted as 2.05 acres.

The southern-most lot is located on the northeast corner of the Wright Boulevard/Hargrave Drive intersection and to the west of the Speedway/Marathon that is under construction. This lot is proposed for an approximate 9,900 square foot building placed in the approximate center, with rows of parking spaces provided along the east, west, and south boundaries of the site. No specific use is noted on the plan for this building. Access to this site is proposed to be provided by the two shared access drives mentioned above for the hardware store, which run along the southern-most lot's east and north property lines. The proposed lot is noted as 1.57 acres.

Landscape perimeters are shown around the boundary of each building site, and landscape islands are conceptually shown in the parking areas for the Women's Crisis Building and the hardware store. Front and side architectural elevations were provided for the hardware store. The front elevation has a combination of brick and dryvit with a standing seam metal mansard. It also includes a gabled entry feature with a cupola, brick columns, and dryvit sign band. The side elevation shows an 8 foot high brick walled enclosure for the outside sales area. The other two elevations were not provided for the hardware store, and no elevations were provided for the other two buildings.

SITE CHARACTERISTICS

The site contains 7.979 acres and has approximately 670 feet of frontage along KY 237, approximately 215 feet of frontage along Wright Boulevard, and approximately 1,050 feet of frontage along Hargrave Drive. There are no structures on the site. A driveway shared with the Hebron Animal Hospital runs along the north property line. There is an intermittent blue line stream that runs across the northwest part of the site, and another water course that runs across the approximate center of the site in an east-west manner. Tree cover exists along the intermittent blue line stream. The topography of the site slopes generally from east to west, and specifically toward the two stream corridors with the high point being in the southeast corner at approximately el 884 and low point being where the intermittent blue line stream leaves the property along the west boundary at approximately el 842. Soil types on the site include Jessup silt loam (JeD) and Rossmoyne silt loam (RsB, RsC). Public water and sanitary sewer are available to the site.

ADJACENT LAND USES

The land uses and zoning in the immediate site include:

- A. The developing Airpark West industrial park is located to the north, south, and west (I-1). A veterinary office is located immediately to the north, a gas station/convenience store that is under construction is on the northwest corner of the KY 237/Wright Boulevard intersection, and light industrial uses are in the remainder of the park.
- B. A branch public library (PF), a church, two medical offices, and two office/warehouse/flex buildings (C-2/PD) are located to the east between KY 237 and Limaburg Road, and Cougar Path and Conner Road. A vacant tract is located to the northeast on the northeast corner of the KY 237/Cougar Path intersection (C-2/PD), and a large distribution facility (Levi Strauss) is located to the southeast on the southeast corner of the KY 237/Conner Road intersection (C-2/PD and I-1).

SITE HISTORY

The site is part of the original zone change area for Airpark West Subdivision from RSE, SR-1, SR-2, C-2/PD, and I-1/PD to I-1 for a 210 acre total area that was conditionally approved in 1998 (8/19/98 Committee Report and 9/29/98 Boone County Fiscal Court minutes are attached). Zone changes for additions to the western part of the subdivision were approved later in 1998 and in 2001.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Business Park" (BP) uses. This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The Land Use Element text makes the following statements that relate to the overall area.

- A. Due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road. A substantial land area is located in the east-west flight path, extending west of KY 237 to Bullittsville Road, and is suitable for Business Park development. No industrial access should occur to Bullittsville Road ("Airport Area," pg. 153)
- B. High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237. These uses must have adequate water and sanitary sewer service and should be accompanied by increased school capacity. These developments should utilize existing woodland as a buffer to the Suburban Density Residential uses . . .

The property adjacent to the Public Library, on the north side of Cougar Path, should develop as various, clustered public facilities, and/or compatible commercial and office uses, to make use of the easy access to Hebron-Burlington- North Bend Road service areas. With the planning of a major library branch on KY 18, and the purchase of additional land along North Bend Road, the future of the Lents Branch library is uncertain. The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important

Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual transition from KY 20 and into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection.

The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses. The planned Urban Residential uses should not develop until adequate elementary school space is available. Small roads in the area, such as Bullock Lane, are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such developments ("Hebron Area," pp. 154 and 155).

The Land Use Element provides the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived 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. 140).
- 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. 141).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle

circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping 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. 141).

- D. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff ("Stormwater Management and Erosion Control," pg. 141).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pp. 141 and 142).
- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications 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. The traditional grid system can provide an alternative to typical suburban design. 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 provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).

- G. Developments in Boone County should give consideration to the overall design of the area. 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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor . . . ("Design, Signs, and Historic Preservation," pg. 142).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (824) is expected to increase from 4,116 in the year 2000, to 5,789 in 2010, and to 7,000 in 2020 (pp. 24 and 25).

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

- A. The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road. 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 development 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 ("Recommended Areas of Commercial Activity," pg.64).
- B. A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2030, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas. In general, areas planned for nonextractive industrial uses should not be changed to allow other land uses to develop. The Tri-County Economic Development

Corporation has identified a need for industrial building sites that have the necessary infrastructure and zoning and are ready to develop ("Recommended Area of Industrial and Office Activity," pg. 65).

The site is not discussed in the Housing Element's "Geographic Housing Issues" section (pp. 78-80).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element lists improvements described as "reconstruction and widening of KY 237 (North Bend Rd) from I-275 to just south of KY 8 (River Rd) - construction 2008, 2009, 2010" (pg. 129). The "Summary of the 2005 Boone County Transportation Plan Recommendations" section (pp. 129 and 130) lists "operational improvements" described as "KY 18 & KY 237 intersection lane improvements," "KY 237 and Gateway Blvd. signal study," and "KY 237 and Conrad Ln lane improvements." This same section lists a "recommended capacity project" described as "KY 20 improvements west of Hebron." Figure 11.4 (pg. 131) illustrates a proposed trail alignment along the section of KY 237 which adjoins the subject site.

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued and supported through incentives ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).

- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Development design shall consider natural or ecological systems, such as wildlife habitats, air, and water ("Environment," Physical Objective 4).
- J. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- K. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- L. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- M. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial Objective 1).
- N. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- O. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).

- P. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).
- Q. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 5-2 (pg. 5-4) identifies the following "operational improvements that are in the general area.

Map ID 13 - KY 237 North Bend Road at KY 18 Burlington Pike: Increase intersection capacity by adding various lanes (project text on pg. 5-5). This is listed as a high priority project (0-3 years) in Exhibit 5-4 "Prioritization of Operational Improvement Plan Project (pg. 5-17).

Map ID 28 - KY 237 North Bend Road at Gateway Boulevard: Perform study to develop optimized signal timing plans that minimize delay (project text on pg. 5-11). This is listed as a low priority project (7-10 years) in Exhibit 5-4 "Prioritization of Operational Improvement Plan Project (pg. 5-17).

Map ID 29 - KY 237 North Bend Road at Conrad Lane: Install full right turn lanes on northbound and southbound approaches (project text on pg. 5-12). This is listed as a high priority project (0-3 years) in Exhibit 5-4 "Prioritization of Operational Improvement Plan Project (pg. 5-17).

Map ID 44 - New Road (Gateway Business Park): New connector road across from Gateway Business Park between KY 237 North Bend Road and KY 3168 Limaburg Road (project text on pg. 5-16). This is listed as a high priority project (0-3 years) in Exhibit 5-4 "Prioritization of Operational Improvement Plan Project (pg. 5-17).

Exhibit 6-1 (pg. 6-2) lists the following "Recommended Projects" that are in the general area.

Map ID 18 - KY 20 Petersburg Road - West: Widen/improve from KY 8 Idlewild Bypass to KY 237 (project text on pg. 6-7). This is listed as a medium priority project (11-20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization (pg. 6-20).

Map ID 22 - KY 20 Petersburg Road - East: Widen/improve from KY 237 to KY 212 (project text on pg. 6-8). This is listed as a medium priority project (11-20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization (pg. 6-20).

Exhibit 6-7 "2030 Projected Level of Service" (pg. 6-10) illustrates the part of KY 237 that adjoins the subject site as LOS E (related text is outlined in Exhibit 6-9).

Exhibit 6-14 "Connector Streets and Roads (pg. 6-22) illustrates Wright Boulevard as connecting to and beyond Bullittsville Road to the west.

Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a proposed multi-use trail alignment along the part of KY 237 that adjoins the subject site.

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates the site for "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." In contrast to most of the other designations used by the Comprehensive Plan, the Business Park description focuses on how development should occur versus just providing core use direction by emphasizing quality and amenities (conditions in the 8/19/98 Committee Report for the original zone change approval address some of these issues). Several of the items mentioned also overlap with the Future Land Use Development Guidelines that are outlined in the Land Use Element and quoted above.

To illustrate this point, zone change proposals that are requesting the I-1 or I-2 zones and that are within a Business Park area are also subject to the qualitative standards that are borrowed from the Employment Planned Development/Residential Planned Development (EPD/RPD) zones in Section 1609 (referenced in sections 1140 and 1147). The zoning regulations do not require C-2 zone change requests to follow these standards, as such proposals within Business Park areas are not typical.

The Business Park description includes office uses, but does not include retail type uses. The current application is for all C-2 uses. For comparative purposes, a convenience store with gas sales is under construction on the adjoining site at the northwest corner of Wright Boulevard and KY 237 (was approved through a Conditional Use Permit) and a veterinary office is located on the site to the immediate north - both of these sites are with the overall Business Park area. "Softer" uses directly across KY 237 from the subject site include two medical office buildings and a church (all of which are zoned C-2/PD and designated as Industrial on the Future Land Use Map), and a branch library (zoned PF and designated as Public/Institutional on the Future Land Use Map). There are no "high retail" uses of any scale directly adjoining the site, but a commercial subdivision is under construction further to the north at the KY 220/KY 237 intersection. Due to all of these facts, Staff recommends that the Zone Change Committee review the C-2 zone permitted uses in detail for possible exclusions should the application be recommended for approval (such as drive-through restaurants, garden/landscape sales, car sales, etc.). This is especially important for the proposed building at the Wright Boulevard/Hargrave Drive intersection, where no anticipated use(s) has been stated. The only outside storage shown is for the hardware store and within the required enclosure structure - outside storage as a whole should be considered in this discussion.

The text of the Comprehensive Plan does not discuss this specific site or the Airpark West Subdivision, but provides detailed commentary for nearby sites and the area at large, especially around the KY 20/KY 237 intersection. The Land Use Element states the following in this regard:

- A. Due to the impacts of noise, industrial uses are recommended on the east side of Limaburg Road. A substantial land area is located in the east-west flight path, extending west of KY 237 to Bullittsville Road, and is suitable for Business Park development. No industrial access should occur to Bullittsville Road ("Airport Area," pg. 153).
- B. High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237 . . .

The property adjacent to the Public Library, on the north side of Cougar Path, should develop as various, clustered public facilities, and/or compatible commercial and office uses, to make use of the easy access to Hebron-Burlington-North Bend Road service areas. With the planning of a major library branch on KY 18, and the purchase of additional land along North Bend Road, the future of the Lents Branch library is uncertain. The KY 20 and KY 237 intersection area should contain a variety of commercial and

higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual transition from KY 20 and into older single-family areas to the north . . .

The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses. The planned Urban Residential uses should not develop until adequate elementary school space is available. Small roads in the area, such as Bullock Lane, are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such developments ("Hebron Area," pp. 154 and 155).

The Business Activity Element makes similar statements by noting "the Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road" ("Recommended Areas of Commercial Activity," pg.64). Relative to industrial development, such as that which could potentially be eliminated by the proposed zone change, the Business Activity Element states "a critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2030, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas" ("Recommended Area of Industrial and Office Activity," pg. 65).

The governing bodies will also need to determine whether the proposal fulfills either of the alternate statutory findings. If applicable, the applicant should explain the appropriateness and inappropriateness of the existing and proposed zones and/or any major changes of an economic, physical, or social nature not anticipated by the Comprehensive Plan that substantially alter the area's character.

2. Staff has the following comments on design related issues.
 - A. The Concept Development Plan shows the tree covered, intermittent blue line stream and a secondary stream/drainage course as being retained along the south and west boundaries of the Women's Crisis lot. To avoid another crossing, this lot will share the existing access drive with the adjoining veterinary office. This approach retains existing vegetation, protects the water course, and contributes to the low floor area ratio and large building setbacks sought by the Business Park designation and relates to the Future Land Use Development Guidelines. Healthy, mature vegetation that is retained can be credited toward required landscaping.
 - B. The Future Land Use Development Guidelines advocate the use of coordinated access points and frontage roads instead of main thoroughfares. All of the access points shown on the Concept Development Plan are on either Wright Boulevard or Hargrave Drive, and are shared between multiple lots.
 - C. Condition #7 in the 8/19/98 Committee Report requires a landscaping master plan with "extensive landscaping and earth berms" along KY 237. For the developed properties in the subdivision to date, this has included a series of berms with evergreen trees or the "woodscaping" approach which generally uses groups of tree whips to create "naturalistic" clusters of hardwood trees. The Concept Development Plan shows trees in an illustrative manner versus a formal plan. In order to fulfill the original condition and to visually relate the KY 237 frontage developments together, Staff recommends that a comparable street frontage landscaping scheme be provided here as well.
 - D. Condition #8 in the 8/19/98 Committee Report requires all buildings to be subject to design review. This condition states that "buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights-of-way, particularly toward KY 237 and the entrance road." Concept architectural elevations were provided for the front and one side elevation of the proposed hardware store, but not for the other buildings. The applicant's stated intent was to create a common theme for all buildings in this phase by correlating them to the adjoining veterinary office.

Staff agrees with this basic approach, and would add that characteristics from the branch library, church, and medical office buildings across KY 237 can also be borrowed to help create a "constant architectural theme" as sought by the Business Park designation. To these ends, Staff has the following comments on architectural design.

- I. The proposed hardware store has a green standing seam metal mansard across the front of the building (flat roof structure), along with a gabled entry, whereas the adjoining veterinary office uses a green standing seam metal hipped roof across the entire structure. Several of the buildings across KY 237 also use pitched standing seam metal roofs across the whole structure. Instead of a mansard, Staff recommends that the buildings use either pitched standing seam roof forms across the entire structure, or true parapet designs with pitched standing seam roof forms over secondary elements, such as gabled entryways or arcades. For the hardware store specifically, the use of an arcade/covered walkway across the front of the building with a parapet design would accomplish much the same purpose as the current proposal without the "applied" quality of a mansard which is not inherent in the neighboring structures.
 - ii. The neighboring veterinary office and several of the structures across KY 237 are either completely brick or largely brick with complementary materials. The proposed hardware store uses mostly brick on the front facade with some EIFS, brick for the outside display enclosure (requirements in Section 3154 apply), and "painted scored block" for one side elevation, and presumably for the other side and rear. Staff recommends that consistent with the neighboring office/commercial type structures, brick be used as the primary material (not necessarily the exclusive material), that any block material be architectural grade with an integral color versus painted, and that at least two exterior wall materials be used on each individual facade so that every side of each building has a finished appearance (Staff has not identified painted block on any of the nearby buildings). This would also involve adding architectural detailing on each facade, even if it were limited to how varying types of masonry were arranged.
- E. The Business Park designation states an expectation of a "constant signage theme." Signage requirements between the current I-1 zone and proposed C-2 zone are essentially same (same amount of building mounted signage and a maximum 10' high, 100 sf monument sign are permitted). Staff's largest concern with signage based on the proposed zone change is to avoid electronically changeable copy, which is permitted as a Conditional Use in the requested C-2 zone. Otherwise, Staff recommends that an overall signage scheme be devised for the Zone Change Committee to review, such as specifying materials for building mounted signage (such as individually mounted letters of specified types) and that the design of any monument signs will use materials and design details which coordinate with the buildings they serve.

3. The Boone County Engineer, Boone County Water District, Hebron Fire Department, Kentucky Division of Water, and Sanitation District #1 were requested to comment on the proposal relative to their policies and/or service abilities. No written comments have been received to date. Any comments received will be forwarded to the Zone Change Committee.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

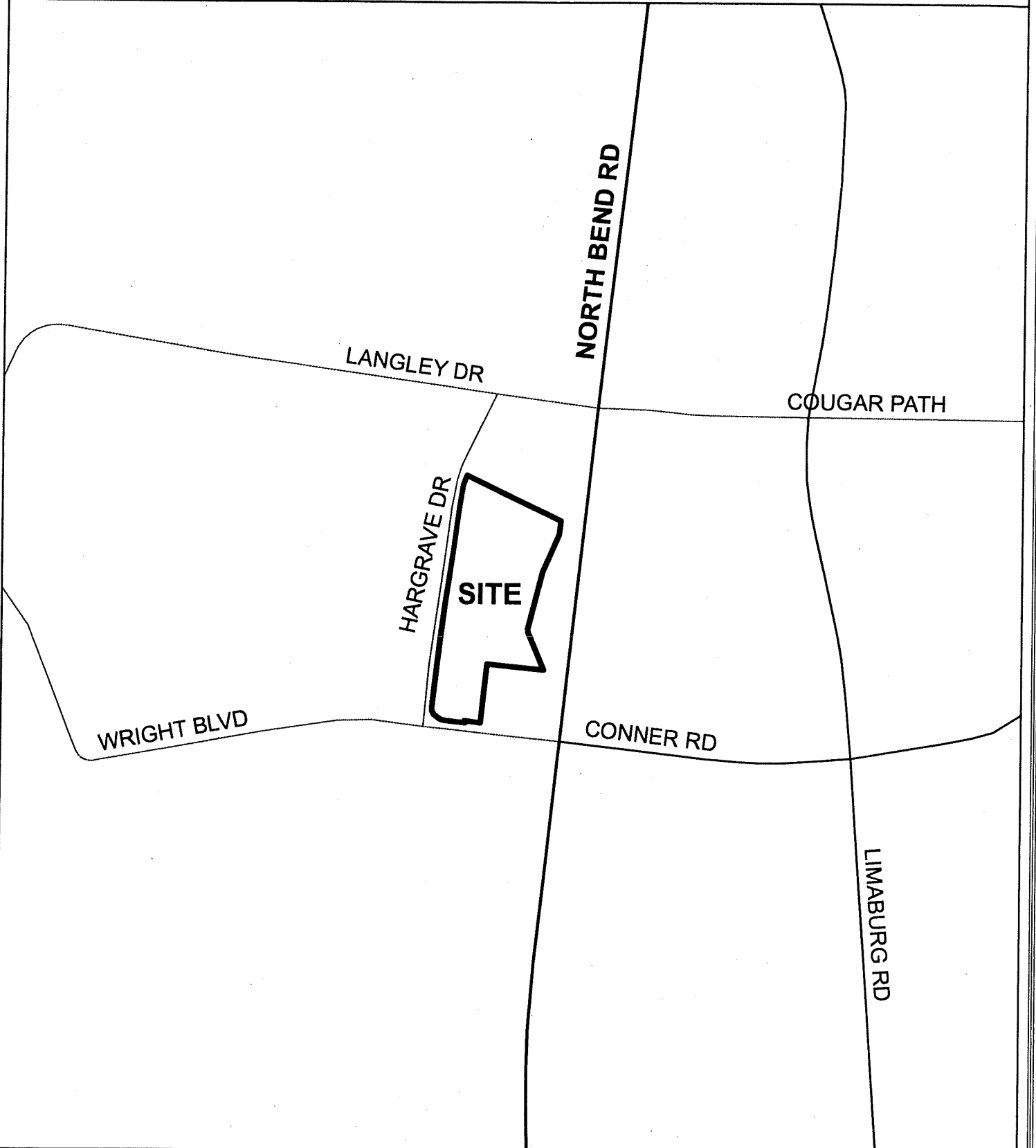
KTW/pr

attachments:

- location map
- aerial photo w/zoning
- topographic map
- 8/19/08 Committee Report for original Wm. M. Hargis/Paul Hemmer Development Co. III zone change approval
- C-2 zone permitted uses
- application materials including Concept Development Plan

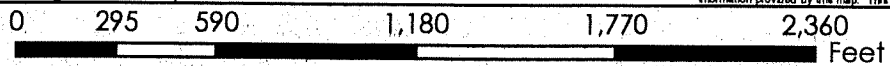
Location

www.boonecountygis.com

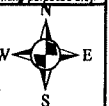


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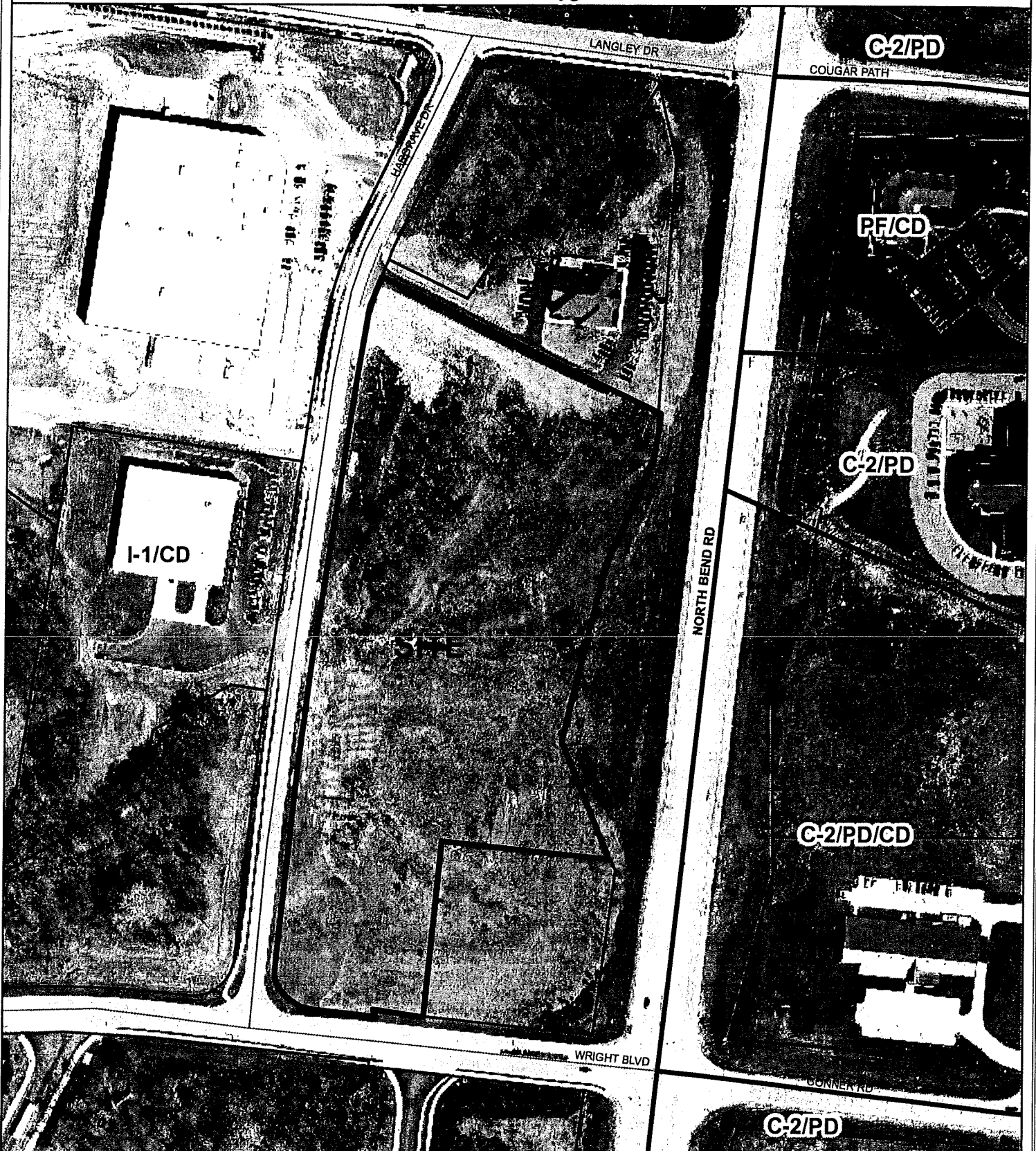
1 inch equals 566 feet



Boone County GIS - Putting Northern Kentucky on the Map

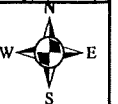
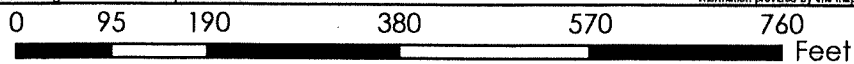
Zoning

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Boone County GIS - Putting Northern Kentucky on the Map

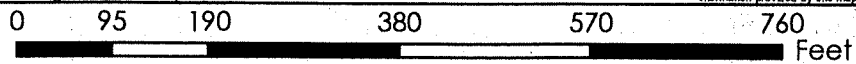
Topography

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 19, 1998

RE: Request of Wm. M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

Remarks:

We, the Committee, recommend that the request of Mike Hargis on behalf of Paul Hemmer Development Company for a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) be approved by the Boone County Planning Commission. The Committee's recommendation to approve this request is based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) zoning classification is the most appropriate zoning classification for the 210 acre site. The applicant has also demonstrated that the proposed use of the property for industrial development is the most appropriate use of the site. The applicant has demonstrated that the proposed uses within the Industrial One (I-1) zoning classification, along with a concept development plan, produce a cohesive and coordinated development of several separately owned properties, which would otherwise be difficult to develop individually.

The Committee's decision is also based on the 1995 Boone County Comprehensive Plan, the Comprehensive Plan's Future Land Use Map, the existing site conditions, the site's proximity with KY 20 and KY 237, and the site's proximity with the Greater Cincinnati International Airport, in particular, with that of the east/west runway.

The Committee has concluded that the following conditions shall apply in order to ensure that the applicant's request satisfies the goals, objectives, and the intent of the Boone County Comprehensive Plan.

The applicant has signed a letter of agreement with these conditions and understands that the revised concept development plan, submitted to the Committee along with these conditions, serves as the basis for this recommendation.

Conditions

1. The site's main entrance will be located at the KY 237-Conner Road intersection as indicated on the revised concept development plan. This entrance shall contain a main roadway through the development that will eventually connect with the adjoining property to the west. This will ensure that the property west of the proposed development has access to KY 237 and not onto KY 20 as is specified within the Boone County Comprehensive Plan.
2. The southernmost proposed entrance along KY 237 will be eliminated.
3. The entrance located across KY 237 from the Levi Strauss building will remain. This entrance shall contain a road connection with the main entrance road.
4. The entrance located across KY 237 from Cougar Path will remain and shall also connect with the main entrance road. This connection will occur during the initial phase of construction of either the Jacobs property or the Escue property, whichever develops first. This connection will complete an internal roadway system for the entire development.
5. Access will be provided between the site and the property at the southwest corner of KY 20 and KY 237. This connection will occur during the initial phase of construction of either of the two sites that are adjacent with the access road.
6. The northernmost access along KY 237 shall provide an access easement for the adjacent property at the southwest corner of KY 20 and KY 237. This access will eliminate the need for any additional curb cuts onto KY 237, when the corner lot develops.
7. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review.

8. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights of way, particularly toward KY 237 and the entrance road.

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.

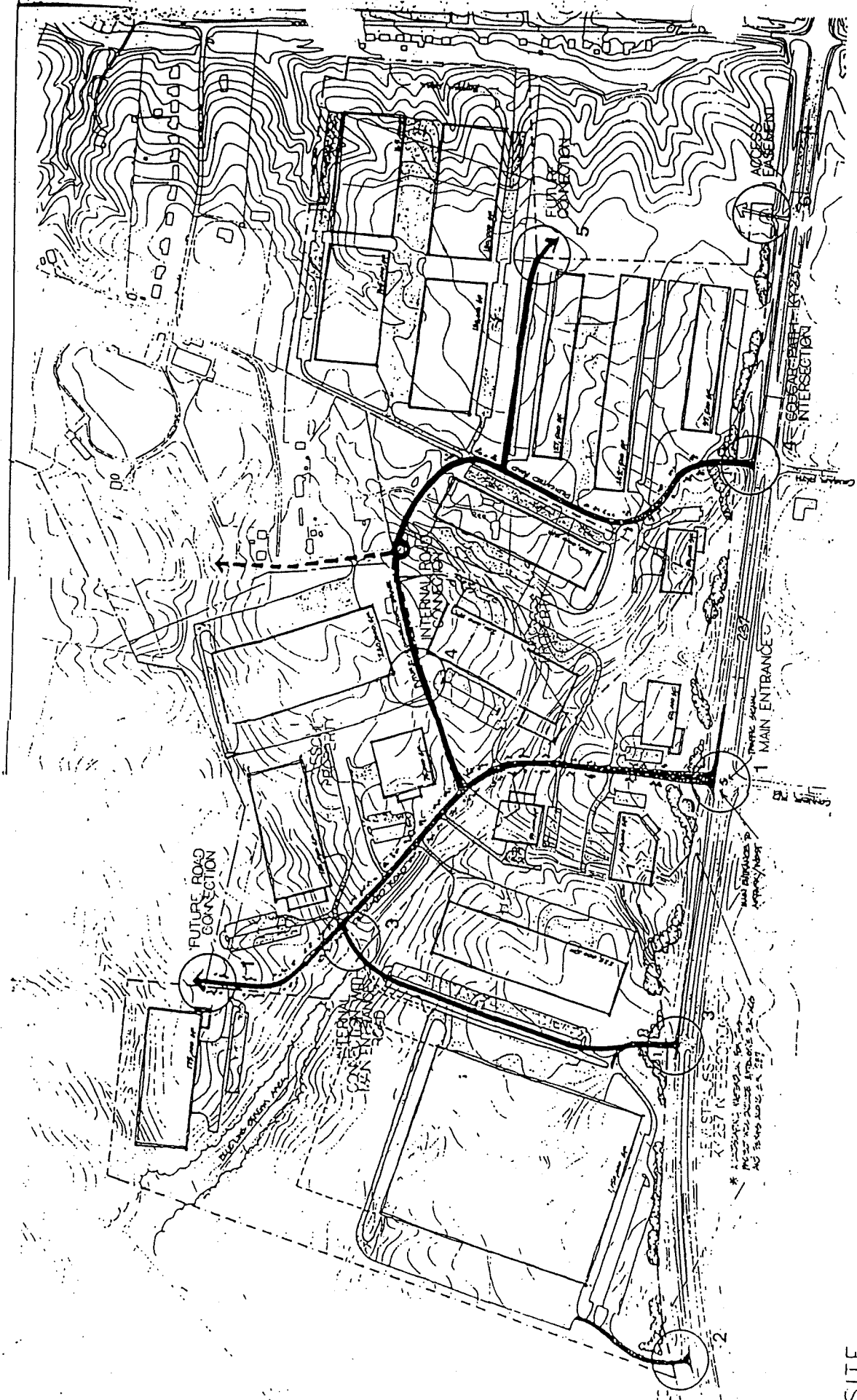
<i>Phil Damstrom</i>			
Phil Damstrom, Chairman			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Arnold Caddell</i>			
Arnold Caddell			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Barry Neltner</i>			
Barry Neltner			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Earl R. White</i>			
Earl White			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL:	<u>4</u>	FOR	<u>—</u>	AGAINST	<u>—</u>	ABSTAIN	<u>—</u>	ABSENT
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237 SITE

BOONE COUNTY, KENTUCKY

AIRPARK WEST

HEMMER

Paul Hemmer Construction Company

1000 W. MAIN ST. SUITE 1000, COVINGTON, KY 40303

MINUTES
BOONE COUNTY FISCAL COURT
September 29, 1998
5:30 P.M.

ORDINANCE NO. 09-98-02 - BOONE COUNTY DEPUTY SHERIFF MERIT BOARD

Judge Burcham read a summary of Ordinance No. 09-98-02 and declared a Public Hearing open at 5:52 p.m. Hearing no objection, Judge Burcham closed the Public Hearing at 5:53 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 09-98-02, an ordinance of the Boone County Fiscal Court relating to the establishment of the Boone County Deputy Sheriff Merit Board. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

ORDINANCE NO. 920.362 - PBS&J/DANIELS INVESTMENTS

Judge Burcham read a summary of Ordinance No. 920.362 and declared a Public Hearing open at 5:54 p.m. Hearing no objection, Judge Burcham closed the Public Hearing at 5:55 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.362, an ordinance of the Boone County Fiscal Court to consider the request of PBS&J (Applicant) for Daniels Investments (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Commercial Four (C-4) on a 1.94 acre site located at 377 Mt. Zion Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-98-017-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

**ORDINANCE NO. 920.363 - HARGIS/HEMMER/JACOBS/CRIGLER/DOLWICK/KENTON COUNTY
AIRPORT BOARD/BULLOCK/BAKER**

Judge Burcham read a summary of Ordinance No. 920.363 and declared a Public Hearing open at 5:57 p.m. Mr. Mike Hargis, applicant, presented an overview of the proposed project. Discussion ensued relative to the amount of green space, access road and buffering. Having had the concerns addressed and hearing no further discussion, Judge Burcham declared the Public Hearing closed at 6:20 p.m.

Commissioner Patrick then moved, seconded by Commissioner Meihaus, to approve (with an additional condition placed by the Fiscal Court that the Jacobs property be granted access through this development to KY 237) on Second Reading Ordinance No. 920.363, an ordinance of the Boone County Fiscal Court approving the request of William M. Hargis/Paul Hemmer Development Co. III (Applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen Jacobs, Mary L. Crigler, Et Al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker And Hazel Baker (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) on an approximate 210 acre site generally located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution R-98-018-A. Judge Burcham called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

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 principally permitted uses in an Office One (O-1) district with the exception of principally permitted use #27 in Section 1111.
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;

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

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

SECTION 1010

COMMERCIAL ONE (C-1)

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

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
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;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;

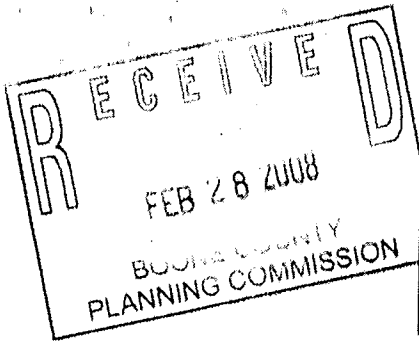
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

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;



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 AIRPORT WEST
2. Location of Project SB. 237 E WRIGHT BLVD.
3. Total Acreage of Site 7.070 A
4. Current Zoning of Site I-1
5. Proposed Zoning (Classification being requested) C-2
6. Proposed Uses (please specify each use) ALL C-2 USES

- 7. Names of Applicant(s) PHIL HENNER DEV III / MIKE HARKES
Phone Number 859-341-8300 F. 806 Fax No. 859-341-6817
8. Address of Applicant(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41011
City State Zip

- 9. Name of Property Owner(s) PHIL HENNER DEV III
Phone Number 859-341-8300 Fax No. 859-341-6817
10. Address of Property Owner(s) 250 GRANDVIEW DR.
FT. MITCHELL KY 41011
City State Zip

- 11. Proposed Building Intensities (please specify) SEE SITE DEVELOPMENT PLAN

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

- 13. Deed Book 772 Page No. 668 Group No. _____

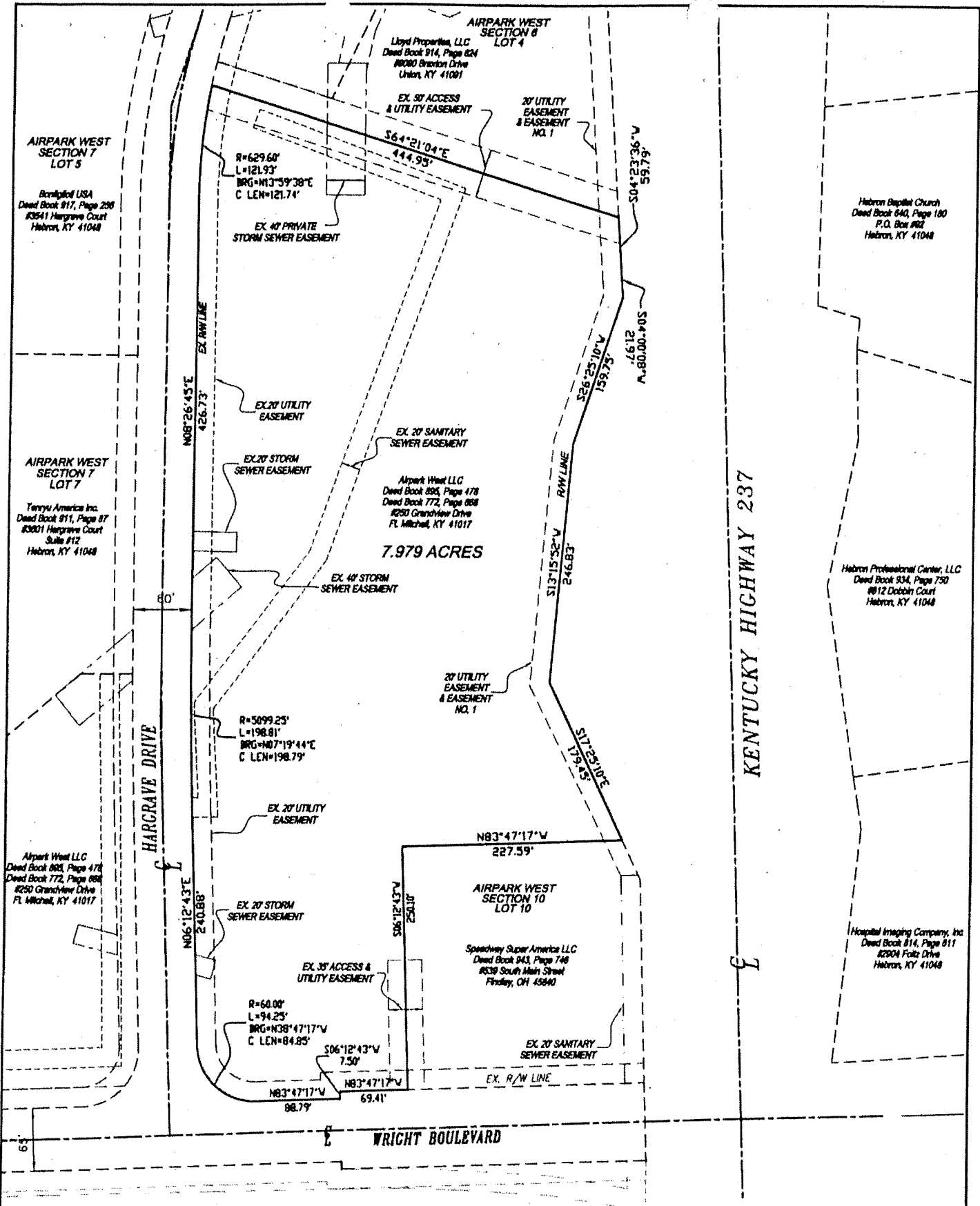
- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES (INCLUDED HEREWITH)

- 16. Have you had a pre-application meeting with BCPC Staff? YES

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N Boone County Water District
N Florence Public Services Dept.
N Duke Energy
N Sanitation District #1
N Cincinnati Bell
N Owen Electric Cooperative, Inc.
N Boone County Public Works Department
N Kentucky Transportation Cabinet
N Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



AIRPARK WEST SECTION 7 LOT 5
 Bontipoff USA
 Deed Book 917, Page 298
 #3541 Hargrave Court
 Hebron, KY 41048

AIRPARK WEST SECTION 7 LOT 7
 Yensys America Inc.
 Deed Book 911, Page 87
 #3801 Hargrave Court
 Suite #12
 Hebron, KY 41048

Airpark West LLC
 Deed Book 803, Page 478
 Deed Book 772, Page 688
 #250 Grandview Drive
 Ft. Mitchell, KY 41017

AIRPARK WEST SECTION 6 LOT 4
 Lloyd Properties, LLC
 Deed Book 914, Page 624
 #6080 Brenton Drive
 Union, KY 41081

Hebron Baptist Church
 Deed Book 640, Page 180
 P.O. Box #82
 Hebron, KY 41048

Hebron Professional Center, LLC
 Deed Book 934, Page 750
 #812 Dobbin Court
 Hebron, KY 41048

Hospital Imaging Company, Inc.
 Deed Book 814, Page 811
 #2904 Foltz Drive
 Hebron, KY 41048

Airpark West LLC
 Deed Book 805, Page 478
 Deed Book 772, Page 688
 #250 Grandview Drive
 Ft. Mitchell, KY 41017

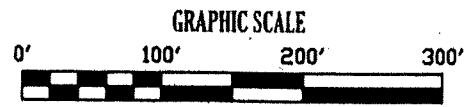
7.979 ACRES

AIRPARK WEST SECTION 10 LOT 10

Speedway Super America LLC
 Deed Book 943, Page 748
 #539 South Main Street
 Findlay, OH 45840

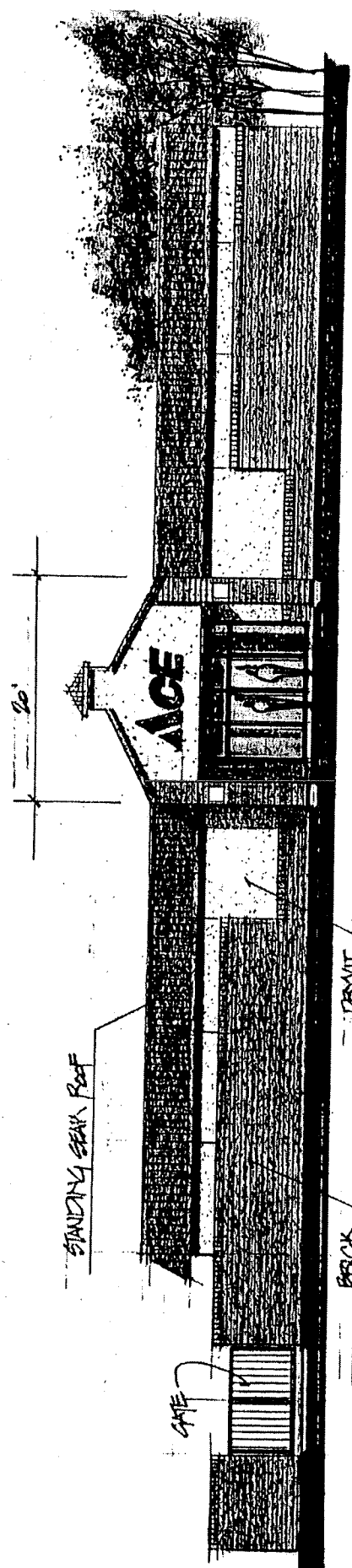
Boone County, Kentucky
 Deed Book 794, Page 448
 P.O. Box 900
 Burlington, KY 41005

PLAT OF 7.979 ACRES
 TO BE RE-ZONED
 FROM I-1 TO C-2

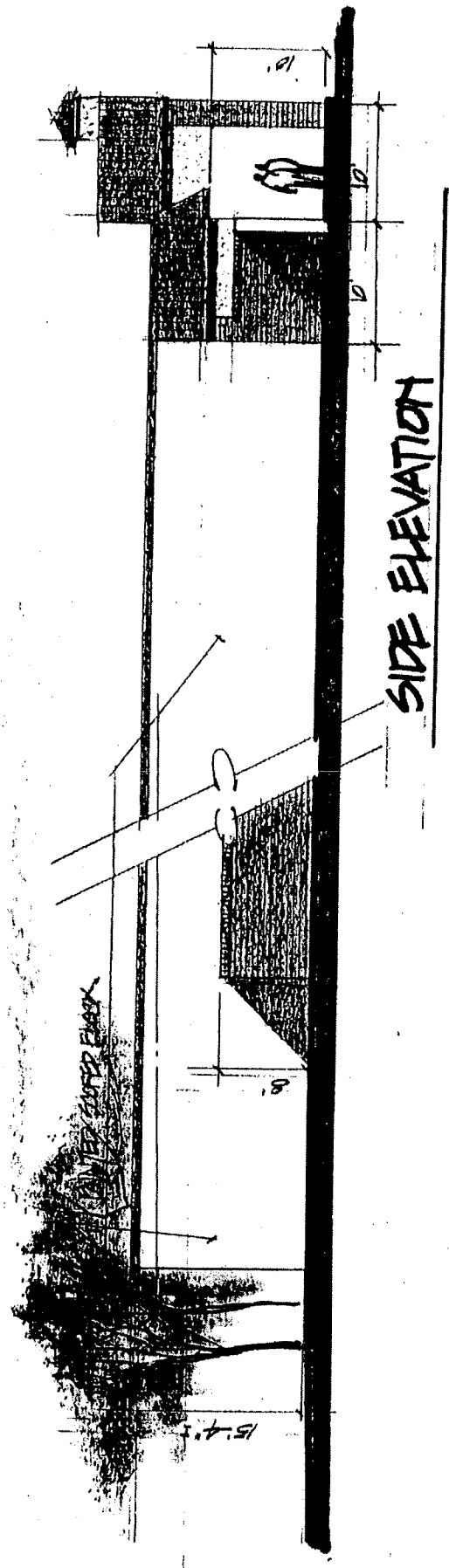


BOONE COUNTY KENTUCKY

WEST SIDE OF KENTUCKY HIGHWAY 237
 NORTH SIDE OF WRIGHT BOULEVARD
 EAST SIDE OF HARGRAVE DRIVE



FRONT ELEVATION



SIDE ELEVATION

Public Hearing Item No. 2:

Commission Members Present: Mrs. Herald, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner)**

Request: **Zoning Map Amendment**

The request of Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Mike Hargis with Paul Hemmer Companies, owner of Airpark West. They will also be the owner of the proposed development. Mr. Hargis stated that they will continue the architectural style that was established with the animal hospital. The Women's Wellness building is currently in the fundraising stage, but there is a contract for the property and preliminary design has been done. The building will be masonry with a standing seam metal roof similar to the animal hospital. The Marathon station building is also masonry with a standing seam metal roof. The Ace Hardware building (the building under discussion) is 15,000 square feet in size with a 12-foot clear height inside. A sloped roof is not appropriate on a building of that proportion and it has a mansard roof to reduce the height along the front and be architecturally consistent. They will preserve the natural buffer along the north side of Ace Hardware between the building and the Women's Wellness Center. There will be trees on both sides of the intermittent stream that goes to a blue line stream. There will not be any visibility on that side. On the west side of Hargrave Drive are industrial buildings with painted masonry or

painted tilt-up concrete on the front. The three sites share a curb cut along Wright Boulevard and they share a driveway onto Hargrave Drive, which is in compliance with the Business Park requirements. The buildings will be 200 – 250 feet from the paved area of KY 237. The setback in front of the Ace Hardware building would be 90' – 100'. He stated that there is only one site left in the front of Airpark West. They own the property across the street (Kentucky Diagnostics). They sold the adjoining property (location of the new medical office building) and they own the office warehouse buildings on that site. They own the property where Ace Hardware will go, as well as the unidentified building for which they do not have any users -- but they have had interest from a florist, a dry cleaner, and a beauty parlor. He stated that it is more appropriate to develop the L-shaped property to the scale and the uses of the C-2 zone rather than to put a small industrial building on it with truck docks fronting on KY 237. They have a signed agreement with Ace Hardware contingent on the zone change. He stated that along the front would be a continuation of the smaller scale buildings with brick and standing seam metal roofs located on the west and east sides of KY 237. He stated that commercial will be developing in the future on Mr. Flick's 17 acres, there is the library and the church, and the doctor plans to build one or two more medical buildings, which would complete the office buildings and retail down to Conner Road. Right across from there is Wright Boulevard and then there are the larger industrial buildings (Levi's and Toyota). This concluded the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. McMillian, Mr. Hargis stated that all of the buildings face KY 237. He stated that Hargrave Drive was supposed to be a private drive, but over the years it became more advantageous to make it a public road. He submitted a map of the area (see Exhibit 1) showing the uses and zoning along KY 237. He stated that the L-shaped site is about three acres, but the zoning ordinance requires a minimum of five acres for the zone. Women's Wellness is an administrative office and counseling center, which complies with the C-2 zone, and Staff recommended they include that property to meet the five-acre minimum requirement. The submitted request is for approximately eight acres.

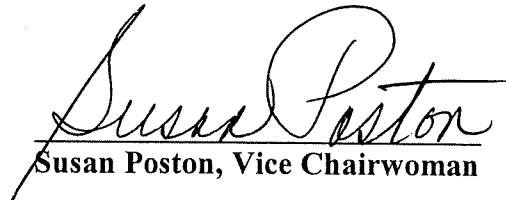
Mrs. Poston asked if the decel lanes on KY 237 are adequate on both sides of the road. She stated that there are a lot of tractor-trailers that go through there and questioned if the decel lanes are longer than the length of a tractor-trailer. Mr. Hargis responded that the only issue they have had with the tractor-trailers was stacking in the morning going into the Levi's facility and they shortened the

dividing center berm at Wright Boulevard. He has not heard of any problems with their decel lanes. Mrs. Poston asked Staff to provide the dimensions of the decel lanes to the Committee. She stated that the decel lanes need to be adequate for the commercial uses.

Mr. Schwenke stated that it is quite a distance from KY 237 to the proposed Ace Hardware building and the elevation drops down. Mr. Hargis responded that the elevation of KY 237 is approximately 8' – 10' higher than the floor level of the Ace Hardware building. The roof level will be 15 feet and the top of the roof would be at eye level. They will put landscape berms around the parking lots rather than up on the highway so that the building can be seen. They will also continue the tree line planted by Mr. Hemmer some years ago.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on April 30, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 7, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:

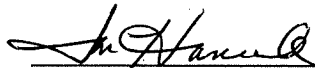

Jan Hancock, Recording Secretary

Exhibit 1 – Map of uses and zoning along KY 237, submitted by Mr. Hargis



**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
May 7, 2008
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:03 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bunger
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Patrick Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Vivian Llambi
Mr. Randy Poe
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP – Director, Planning Services
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Poston in favor. Mr. Bunger, Mr. Patrick Reynolds and Mr. Rolfsen were opposed. The motion carried with six votes in favor and three opposed.

Mrs. Kegley returned to the meeting at this time.

2. Zoning Map Amendment and Conditional Use Permit

The request of DCMC Properties LLC (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1), and a Conditional Use Permit, for a 17.424 acre site located at 10579 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone and for a Conditional Use Permit to allow a paintball course and related functions.

Mrs. Poston stated that Agenda Item #2 is recommended for deferral to the June 4, 2008 Business Meeting at 7:00 PM. The Committee Meeting will be held on May 21, 2008 at 5:00 PM. Mr. Rolfsen so moved. Mr. McMillian seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Mike Hargis with Paul Hemmer Companies agreed with the Committee Report and all of the conditions. He offered to answer any questions.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

There being no discussion, Mr. Rolfsen moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report

with the conditions. Mr. Breetz seconded the motion and it carried unanimously.

4. Zoning Map Amendment for Special Sign District

The request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

Staff Member Mitch Light presented the Committee Report which recommended that the request be denied based on the Findings of Fact (see Committee Report).

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Marshall Slagle, representing the applicant, Ted Richardson, stated that they now change the sign on the 6' x 9' area by hand, but they want to change it at a remote location. There will only be one merchant identified on the sign for three to five minutes. They are not asking to advertise or sell a product like they do at Walgreen's. There will be less sign clutter than there is now. The sign will not blink or cause distraction to motorists. They believe the request meets the criteria of the Zoning Ordinance. The sign will be only 25% of the sign area and up to 50% is allowed. He stated that they will seek approval from the Highway Department. He stated that the sign will not be like the changeable copy sign at Walgreen's which changes every three to five seconds. There will not be any moving objects on the sign. He stated that it did not come out in Committee that the existing sign exceeds the regulations and it was not in the Staff Report. He stated that they are not adding to the sign, they are making a better readable sign with less clutter, which is consistent with the Comprehensive Plan. They are not enlarging the sign. They are making better use of the sign area.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

There being no discussion, **Mr. Rolfsen moved that the request be denied based on the Findings of Fact in the Committee Report. Mr. Breetz seconded the motion and it carried unanimously.**

NEW BUSINESS: None

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charles Rolfsen, Chairman

DATE: May 7, 2008

RE: Request of **Paul Hemmer Dev. III, Mike Hargis (applicant)** for **Paul Hemmer Dev. III (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the Comprehensive Plan due to the following reasons.
 - A. The Future Land Use Map designates this site for "Business Park" uses. This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." Although this designation does not outline retail uses, the proposal with the agreed conditions does include office uses and the type of qualitative features it describes. These include substantial landscape areas, retention of the tree covered creek valley, large building setbacks from KY 237, a constant architectural theme, and a continuation of the established landscape theme across the KY 237 frontage.

Additionally, the proposed uses, in combination with the adjoining veterinary office and convenience store with gas sales that is under construction, will serve as a transition between KY 237 and the industrial uses to the west. These aspects of the development also agree with the Future Land Use

Hemmer
May 7, 2008

Development Guidelines outlined in the Land Use Element as discussed in the Staff Report for this request.

- B. The text of the Comprehensive Plan does not discuss this specific site, but the Land Use Element ("Hebron Area," pp. 154 and 155) does discuss commercial uses for "property adjacent to the Public Library, on the north side of Cougar Path" and at the "KY 20 and KY 237 intersection area" which are in the vicinity. The Committee has concluded that the proposal is compatible with these planned uses and agrees with the intent of this text.

Additionally, the Business Activity Element ("Recommended Area of Industrial and Office Activity," pg. 65) states "the Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population" regarding the general area. The site is along KY 237 directly across the street from a C-2/PD zoned area.

2. The Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate. The site is bound by KY 237, Hargrave Drive, and Wright Boulevard, thereby limiting the size and depth of the site for industrial uses, such as those which have developed in Airpark West to date. Additionally, the existing creek valley, which is proposed to be retained in accordance with the Comprehensive Plan's direction, further limits the site for those purposes. The Committee has also concluded that the proposed uses, which are limited through the agreed conditions, are comparable to, and compatible with the adjoining veterinary office, convenience store with gas sales, and the uses across KY 237 between Cougar Path and Conner Road.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The proposed development shall follow the submitted Concept Development Plan.
2. Uses on the site shall be limited to those which are principally permitted in the C-2 zone. No conditional uses shall be permitted except that the "automotive repair facility" component of conditional use #2 may be requested through the normal Conditional Use Permit procedures. All activities shall be conducted as indicated on the Concept Development Plan and indoors except for the outside storage area shown for the hardware store.

3. No signs with electronically changeable copy shall be permitted.
4. Dumpster enclosures shall be placed at the rear of the buildings and away from the KY 237 frontage.
5. The adjoining veterinary clinic building shall be used as a prototype for building materials (predominately brick with green standing seam metal for pitched roofs), colors, and general design characteristics. Flat roofed buildings shall use a parapet design (no mansards), although secondary building massings or forms, such as main entry points and covered walkways, may use defined pitched roof forms which relate to the veterinary clinic building.
6. Consistent with the other developments in the subdivision, street frontage landscaping along the site's KY 237 frontage shall use either a series of low berms with evergreen trees, the "woodscaping" approach with "naturalistic" clusters of hardwood trees, or a combination of both.

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 Committee Vote.

Public Hearing Item No. 2:

Commission Members Present: Mrs. Herald, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner)**

Request: **Zoning Map Amendment**

The request of **Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

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Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. McMillian, Mr. Hargis stated that all of the buildings face KY 237. He stated that Hargrave Drive was supposed to be a private drive, but over the years it became more advantageous to make it a public road. He submitted a map of the area (see Exhibit 1) showing the uses and zoning along KY 237. He stated that the L-shaped site is about three acres, but the zoning ordinance requires a minimum of five acres for the zone. Women's Wellness is an administrative office and counseling center, which complies with the C-2 zone, and Staff recommended they include that property to meet the five-acre minimum requirement. The submitted request is for approximately eight acres.

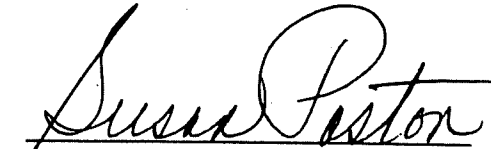
Mrs. Poston asked if the decel lanes on KY 237 are adequate on both sides of the road. She stated that there are a lot of tractor-trailers that go through there and questioned if the decel lanes are longer than the length of a tractor-trailer. Mr. Hargis responded that the only issue they have had with the tractor-trailers was stacking in the morning going into the Levi's facility and they shortened the

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There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on April 30, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 7, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibit 1 – Map of uses and zoning along KY 237, submitted by Mr. Hargis

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

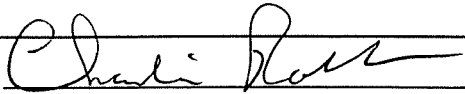
DATE: April 30, 2008

RE: Request of Paul Hemmer Dev. III, Mike Hargis (applicant) for Paul Hemmer Dev. III (owner) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the C-2 zone.

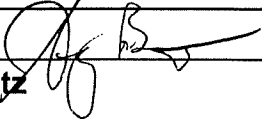
REMARKS:

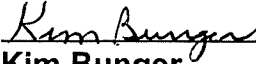
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Hemmer
April 30, 2008


Charlie Rolfsen, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 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

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Patrick Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 3 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 2, 2008

Mr. Mike Hargis
Paul Hemmer Dev. III
250 Grandview Drive
Ft. Mitchell, KY 41011

FAX: 341-8817

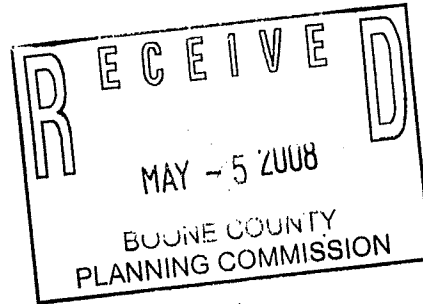
RE: Recommended Conditions of Approval for Paul Hemmer Dev. III Zone Change from I-1 to C-2 for 7.979 Acre Tract on KY 237, Airpark West Subdivision, Boone County, Kentucky.

Dear Mr. Hargis:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 4/30/08 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Tuesday, May 6, 2008.

CONDITIONS

1. The proposed development shall follow the submitted Concept Development Plan.
2. Uses on the site shall be limited to those which are principally permitted in the C-2 zone. No conditional uses shall be permitted except that the "automotive repair facility" component of Conditional Use #2 may be requested through the normal Conditional Use Permit procedures. All activities shall be conducted as indicated on the Concept Development Plan and indoors except for the outside storage area shown for the hardware store.
3. No signs with electronically changeable copy shall be permitted.
4. Dumpster enclosures shall be placed at the rear of the buildings and away from the KY 237 frontage.



Mr. Mike Hargis
May 2, 2008
Page 2

- 5. The adjoining veterinary clinic building shall be used as a prototype for building materials (predominately brick with green standing seam metal for pitched roofs), colors, and general design characteristics. Flat roofed buildings shall use a parapet design (no mansards), although secondary building massings or forms, such as main entry points and covered walkways, may use defined pitched roof forms which relate to the veterinary clinic building.
- 6. Consistent with the other developments in the subdivision, street frontage landscaping along the site's KY 237 frontage shall use either a series of low berms with evergreen trees, the "woodscaping" approach with "naturalistic" clusters of hardwood trees, or a combination of both.

Sincerely,

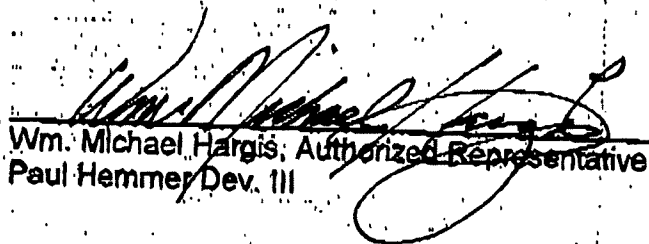


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the property owner's authorized representative for the 7.979 Acre tract on KY 237, Airpark West Subdivision Boone County, Kentucky, agree to the conditions listed herein for the above referenced zoning map amendment application.


Wm. Michael Hargis, Authorized Representative
Paul Hemmer Dev. III

5/5/08
Date



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293

Fax: 859.727.8452

www.vioxinc.com

February 22, 2008

AIRPARK WEST, LLC
RESIDUE PARCEL TO BE RE-ZONED
FROM I-1 TO C-2

DESCRIPTION OF 7.979 ACRES

Located in Boone County, Kentucky, lying on the east side of Hargrave Drive and being part of Deed Book 772, page 668, of the Boone County Clerk's Office at Burlington, Kentucky, and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon KYSPCS-North Zone-NAD83 (1993).

Beginning at a point in the easterly right-of-way line of Hargrave Drive, 30.00 feet as measured perpendicular to centerline, at the common corner with Airpark West, LLC (Deed Book 772, page 668 and Lot 4, Section 6, of Airpark West Subdivision; thence with a common line with Airpark West, LLC and Lot 4 S64°21'04"E 444.95 feet to a point in the right-of-way line of Kentucky Highway 237; thence with said right-of-way S04°23'36"W 59.79 feet to a point; thence S04°00'08"W 21.97 feet to a point; thence S26°25'10"W 159.75 feet to a point; thence S13°15'52"W 246.83 feet to a point; thence S17°25'10"E 179.45 feet to a point at the common corner with Airpark West, LLC and Lot 10, Section 10 of Airpark West Subdivision; thence with a common line with Airpark West, LLC and Lot 10 N83°47'17"W 227.59 feet to a point; thence S06°12'43"W 250.10 feet to a point in the right-of-way line of Wright Boulevard, 40.00 as measured perpendicular to centerline; thence with the right-of-way line of Wright Boulevard N83°47'17"W 69.41 feet to a point; thence S06°12'43"W 7.50 feet to a point, 32.50 feet as measured perpendicular to the centerline; thence N83°47'17"W 88.79 feet to a point; thence with a curve to the right having a radius of 60.00 feet, an arc length of 94.25 feet, and a chord bearing and distance of N38°47'17"W 84.85 feet to a point in the east right-of-way line of Hargrave Drive; thence with said right-of-way line N06°12'43"E 240.88 feet to a point; thence with a curve to the right having a radius of 5099.25 feet, an arc length of 198.81 feet, and a chord bearing and distance of N07°19'44"E 198.79 feet to a point; thence N08°26'45"E 426.73 feet to a point; thence with a curve to the right having a radius of 629.60 feet, an arc length of 121.93 feet, and a chord bearing and distance of N13°59'38"E 121.74 feet to the point of beginning containing 7.979 acres and being subject to all rights-of-way and easements of record.

ORDINANCE NO. 08-13

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF PAUL HEMMER DEV. III, MIKE HARGIS (APPLICANT) FOR PAUL HEMMER DEV. III (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL TWO (C-2) FOR A 7.979 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF KY 237 (NORTH BEND ROAD), THE EAST SIDE OF HARGRAVE DRIVE AND ON THE NORTHEAST CORNER OF THE WRIGHT BOULEVARD/HARGRAVE DRIVE INTERSECTION, AND TO THE SOUTH OF 3505 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site generally located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend 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 Zoning Map Amendment.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Two (C-2) for a 7.979 acre site generally located on the west side of KY 237 (North Bend Road), the east side of Hargrave Drive and on the northeast corner of the Wright Boulevard/Hargrave Drive intersection, and to the south of 3505 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One (I-1) zone is more particularly described in DEED BOOK 772, PAGE NO. 668 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

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

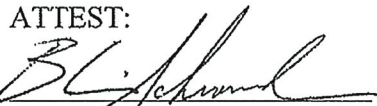
SECTION III

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

Introduced and given First Reading on the 24th day of June, 2008.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 22nd day of July, 2008 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

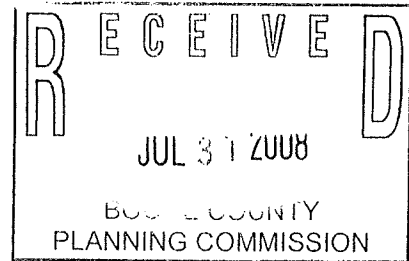
ATTEST:

BLAIR SCHROEDER
FISCAL COURT CLERK


ROBERT NEACE
COUNTY ATTORNEY

8-7-08
DATE PUBLISHED

Memo

To: Kevin Costello, Planning Commission
From: Jeffrey Earlywine, County Administrator
CC: Tim Williams, Assistant County Administrator
Date: 7/31/2008
Re: Zoning Map Amendment – Resolution R-08-009-A



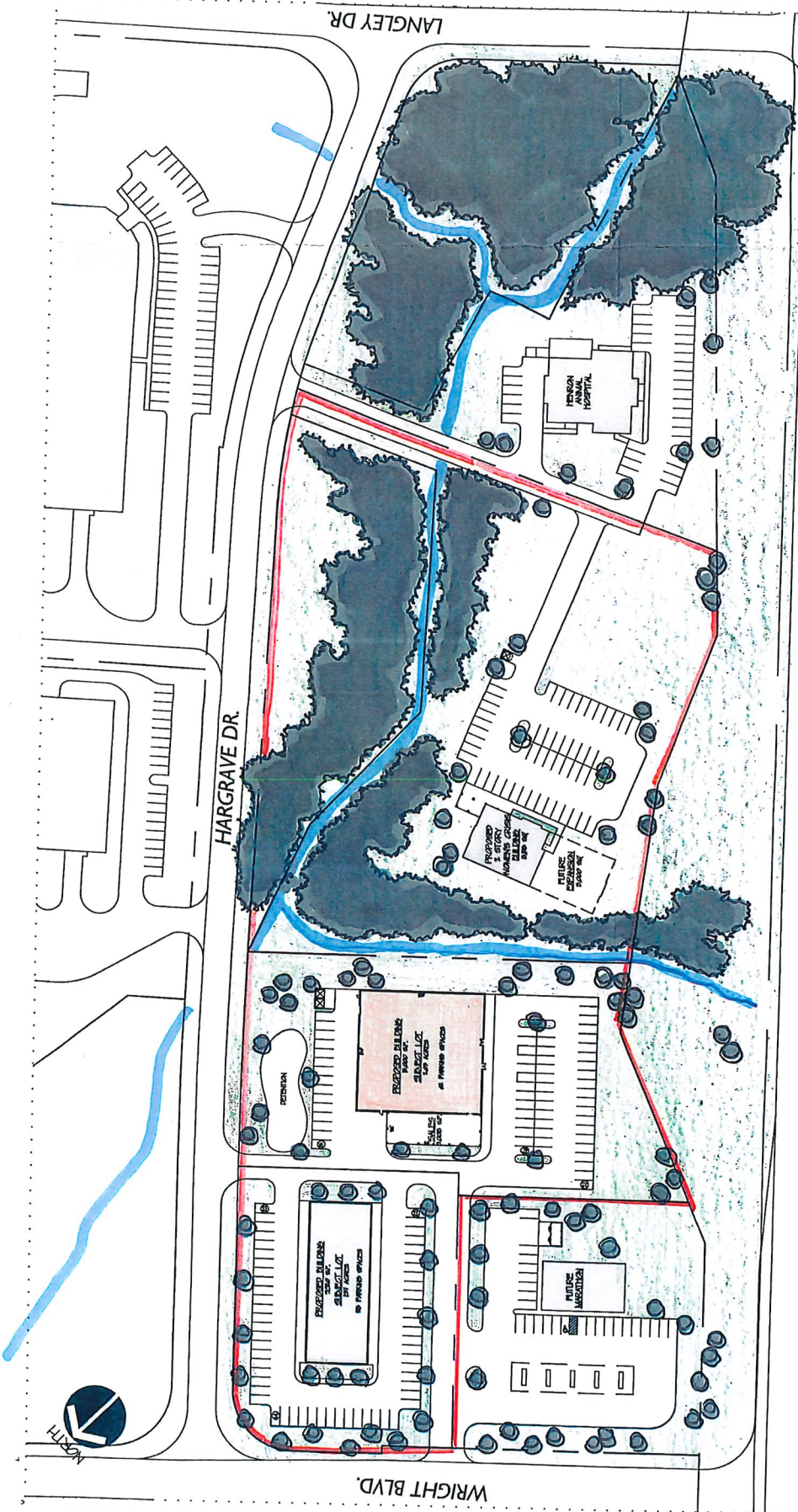
Please be advised that the Fiscal Court, at its July 22, 2008 meeting, concurred with the recommendation of the Planning Commission approving the above referenced zoning map amendment located along Ky. 237 at Hargrave Drive. The Fiscal Court did add one conditional approval and modify one other as it relates to the approval process. I have attached a copy of the amended conditions of approval for your file. Any additional questions, and future comment of final development plan approval, should be coordinated with Tim Williams, Assistant County Administrator. Thank you.

Zoning Map Amendment – Industrial One (I-1) to Commercial Two (C-2)

Applicant – Paul Hemmer Development III

Conditions of Approval

1. The proposed development shall follow the submitted Concept Development Plan.
2. Uses on the site shall be limited to those which are principally permitted in the C-2 zone. No conditional uses shall be permitted except that the “automotive repair facility” component of conditional use #2 may be requested through the normal Conditional Use Permit procedures. All activities shall be conducted as indicated on the Concept Development Plan and indoors except for the storage area shown for the hardware store.
3. No signs with electronically changeable copy shall be permitted.
4. Dumpster enclosures shall be placed at the rear of the buildings and away from the KY 237 frontage.
5. The adjoining veterinary clinic building shall be used as a prototype for the building materials (predominately brick with green standing seem metal for pitched roofs), colors, and general design characteristics. ~~Flat-roofed buildings shall use a parapet design (no mansards), although~~ The proposed hardware building shall include a mansard-type sloped roof of sufficient height to soften the appearance of the flat roof and restrict sight lines to roof-mounted HVAC equipment. The retail building at the corner of Wright Boulevard and Hargrave Drive shall include a pitched roof (i.e. gable or hip roof) in lieu of the proposed flat roof. In addition, secondary building massings or forms, such as main entry points and covered walkways, may use defined pitched roof forms which relate to the veterinary clinic building.
6. Consistent with other developments in the subdivision, street frontage landscaping along the site’s KY 237 frontage shall use either a series of low berms with evergreen trees, the “woodscraping” approach with “naturalist” clusters of hardwood trees, or a combination of both.
7. The proposed site plan shall be amended to enhance pedestrian connectivity between buildings and adjacent public roadways, using hard surface walkways and/or pathways that are separate from internal access roads and drive aisles.



APPROVED

Staff: *[Signature]*
 Date: 5/7/08

Boone County
 Planning Commission
 *WITH COMMENTS



AIRPARK WEST

SCALE: 1"=100' 0 100 200 400 800

KY 237

