

ZONING MAP AMENDMENT REQUEST BY JOHN ROBERTSON (OWNER)
FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF
LIMABURG ROAD AND DISTRIBUTION DRIVE,
HEBRON, BOONE COUNTY, KENTUCKY

This request is for a Zoning Map Amendment for a 0.92 acre parcel, presently zoned Industrial One (I-1) and requested to be rezoned to Commercial One (C-1). The subject site is approximately the western one-third of lot 17, Commerce Park West Industrial Subdivision. The present use of the 0.92 acre parcel is outside storage associated with the warehouse/distribution use of the industrial development located on the eastern portion of lot 17. The Commission recently approved a Site Plan for construction of an additional warehouse building on this eastern two-thirds of the parcel.

SURROUNDING LAND USES AND ZONING

Directly east of the subject 0.92 acre parcel is the remainder of lot 17, Commerce Park West, in the I-1 zone. This lot contains a multi-use building which houses a trucking company, a van conversion company, a sign company, and the applicant's own plumbing supply business.

South of the subject site, in the I-1 zone, is a concrete products manufacturer.

West of the site, across Limaburg Road, are three single family residences in a Commercial Services (C-3) zone. Directly north of this C-3 zone is a Urban Residential One (UR-1) zone which has been, or is currently planned to be, developed for over 300 multi-family housing units.

North of the site, across Distribution Drive, is another industrial use in the I-1 zone.

SOILS, TOPOGRAPHY AND VEGETATION

Soils on the site are Rossmoyne and Jessup silt loam. Vegetation on the site is grass, except for a small landscaped area located partially within the public right-of-way at the corner of Limaburg Road and Distribution Drive.

PUBLIC FACILITIES

Water, sanitary sewer, storm sewer, electric and telephone service are all located on the site. A six inch water main is located on the south side of Distribution Drive. A sanitary sewer line located along the south lot line of the site feeds into the treatment system that serves the industrial park.

Distribution Drive has a pavement width of 25 feet and a 50 foot right-of-way. Limaburg Road has a pavement width of approximately 20 feet and right-of-way of approximately 50 feet.

PROPOSED CONCEPT DEVELOPMENT PLAN

The Concept Development Plan for the proposed zone change indicates a building with approximate dimensions of 165 x 50 feet (8,250 square feet), placed parallel to Limaburg Road. The plan indicates two access points to the site: one from Distribution Drive, approximately 130 feet east of Limaburg Road; and a second access point, located on Limaburg Road, approximately 200 feet south of Distribution Drive. This second access point would be almost directly adjacent to the access point for the concrete business located on the adjoining parcel to the south. Staff estimates that this proposed building size leaves sufficient room for approximately 36 parking spaces on the site, provided minimal landscaping is required.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Zone Change Request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1986 Future Land Use Map - Industrial

1986 Land Use Element - The airport growth as an international center will continue to cause this area to develop while at the same time containing residential development to specific areas. Limaburg Road will continue its transformation into a small scale manufacturing area (p. L-13).

Land on the north side of KY 18 between Zig Zag Road and KY 237 should be commercially developed in clustered fashions...Land to the east of Limaburg Road should continue to develop in light industrial land uses. Industrial development should move from KY 18 towards Conner Road on Limaburg Road. All land south of the airport's clear zone and between Limaburg Road and KY 237 should be developed in a medium density residential character, this includes the private golf course. Land directly under the clear zone should develop in light industries while land to the north becomes commercial (p. L-14).

1986 Goals and Objectives

BUSINESS ACTIVITY

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by

maintaining buffer space between uses.

Commercial

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.

2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.

3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences (p. G-3).

Business Activities Element - In general, large residential developments may need to be provide for neighborhood - scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, professional offices (doctor, dentists, attorneys), or small retail operations of general merchandise (p. B-15).

SPECIAL CONSIDERATIONS

In general, neighborhood scale commercial activities may be appropriate near centers of residential or industrial activity. The potential impact of the neighborhood scale commercial activities should be assessed in terms of compatibility with adjoining land uses, the impact on public facilities (such as roads), and the land use pattern generally planned for the vicinity.

Generally, the proposed development is not incompatible with the surrounding land uses, and would be similar to possible uses which may develop in the C-3 zone on the west side of Limaburg Road. Traffic impact of the development would be minimal when compared to that potentially generated by other developments in the vicinity. Also, the corner lot location provides an alternative means of ingress and egress to the site other than directly from Limaburg Road. Article 17a (Access Management Regulations) classifies Limaburg Road as an arterial street in Access Class II. This classification sets a minimum spacing interval of 230 feet for new access points to Limaburg Road. This would necessitate the only access to the site be off of Distribution Drive.

On the positive side, the proposed neighborhood commercial activity may help reduce the number of vehicle trips from the vicinity to Community Commercial Centers planned for the KY 18/Limaburg Road intersection and the Hebron area.

CONCLUSIONS

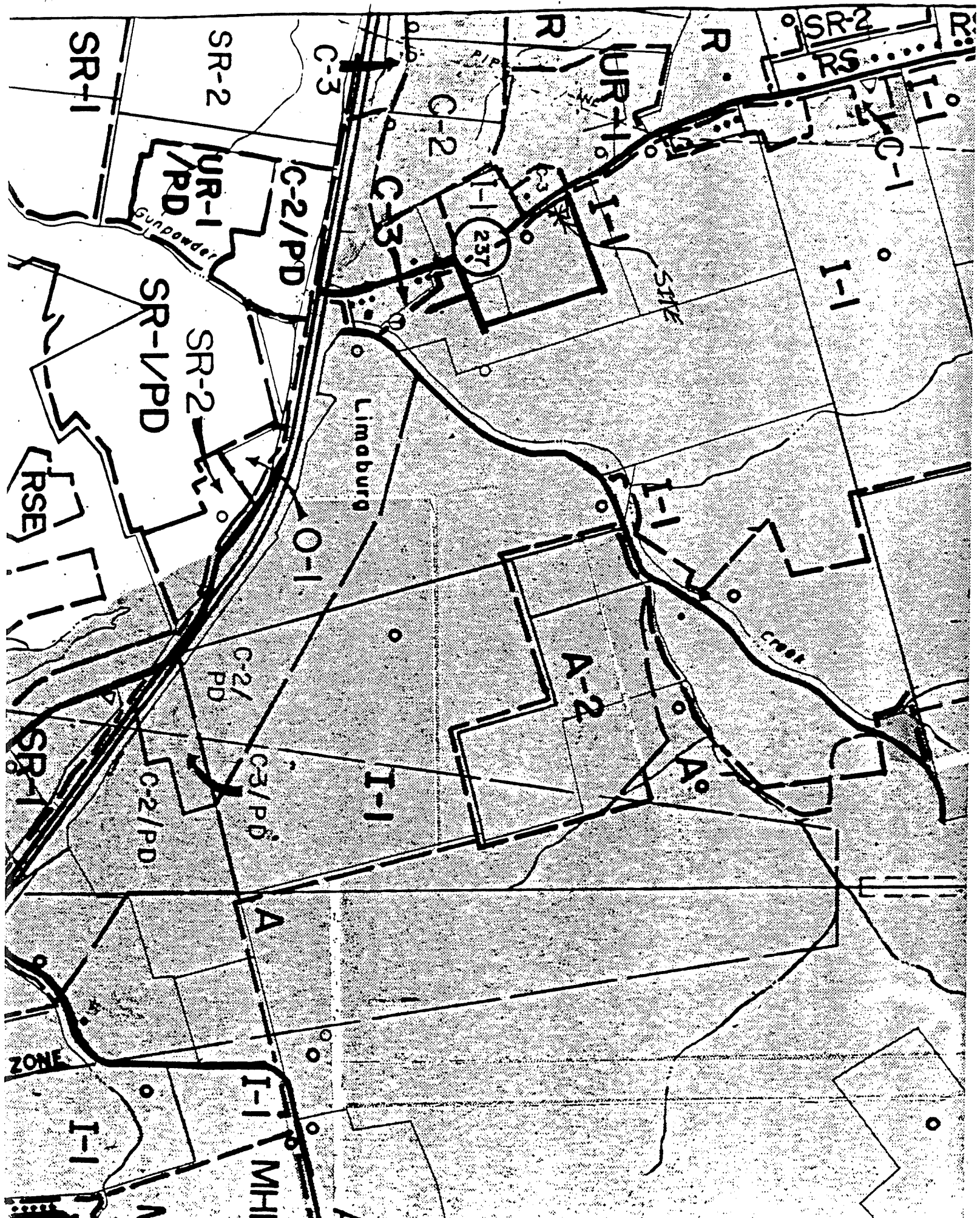
This Zoning Map Amendment Request must be assessed in regard

to its relationship to the Boone County Comprehensive Plan and how it fits with the concept of neighborhood commercial activities. If the Planning Commission and Boone County Fiscal Court should approve this request, the 1986 Future Land Use Map would need to be amended to reflect commercial land use for the site.



Jim Sturdevant
Plans Examiner/Planner

JS:mcb



PUBLIC HEARING

#5 ZONING MAP AMENDMENT - Rector Jones, Chairman: Jim Sturdevant,
Staff

A request of John Robertson (owner) for a Zoning Map Amendment on a 0.92 acre parcel located southeast of the intersection of Limaburg Road and Distribution Drive, Boone County, Kentucky. The request is to rezone the property from Industrial One (I-1) to Commercial One (C-1). The intended use is a convenience store.

Staff member Jim Sturdevant read the Staff Report and stated attached to this is a copy of the proposed Concept Development Plan for the site and on the back side of this is a section of the Boone County Zoning Map identifying the location of the site. Mr. Sturdevant gave a brief history of the site and a slide presentation (See Staff Report).

Chairman Kroger asked if there was anyone to speak regarding this request.

Mr. Jim Viox, speaking for Mr. Robertson, stated the application was for a zone change from I-1 to C-1 on Limaburg Road. As Mr. Sturdevant showed on the slides, directly across the street, there was an entrance to a 190 unit apartment complex.

After further discussion, Chairman Kroger asked if there was anyone else.

Mr. Sanders stated he lives across the road and is concerned about what type of use this might be and what would the hours be? He stated that within a half mile radius was Flick's IGA, and would people really use this store that often? He stated that trafficwise there will be a big cut off of Limaburg Road. He stated he was opposed to this, thinking the place would stay open too late and there would be a lot of noise late at night.

Chairman Kroger stated Mr. Sanders' questions were what uses are you going to have, and how late are you going to operate? Chairman Kroger asked Mr. Viox if he would like to address this.

Mr. Viox stated that C-1 zoning was a lot more restrictive than C-2 or C-3. There are grocery stores included and are allowed in it. There are bakeries and fruit stands. Mr. Viox

stated there a lot of other uses, and quoted some from the Zoning Regulations.

Chairman Kroger asked Mr. Sanders if he would like to address any of these comments. Mr. Sanders stated hopefully he will not have to hear the noise.

Chairman Kroger asked if there was any further questions or comments.

Mr. Barnett wanted to know what is on the site or is it vacant? Mr. Viox stated the parking lot was on the side of the site and it is not too close to Mr. Sanders.

Chairman Kroger referred to Mr. Viox in regard to sidewalks. Mr. Viox stated at the present time there were no sidewalks available. He did feel that Mr. Robertson would provide a sidewalk along Distribution Drive.

Chairman Kroger asked if there was any further discussion. There being none, Chairman Kroger closed the Public Hearing and stated that this item would be heard on March 4, 1987. Meeting adjourned.

improvements for this portion of Hicks Pike.

Chairman Kroger recognized Mr. Jim Viox in the audience to speak in behalf of this request. Mr. Viox stated that they would go along with the Committee's findings of fact and with the conditions hereinto described.

Mr. Rector Jones made a motion that the Zoning Map Amendment be approved as read. Ms. Smith seconded the motion. All agreed. Motion carried.

ZONING MAP AMENDMENT

A request of John Robertson (owner) for a Zoning Map Amendment on a 0.92 acre parcel located southeast of the intersection of Limaburg Road and Distribution Drive, Boone County, Kentucky. The request is to rezone the property from Industrial One (I-1) to Commercial One (C-1). The intended use is a convenience store.

Mr. Gerald Newton read the Committee Report which recommended approval of the Zoning Map Amendment based upon the following findings of facts and with the following conditions:

FINDINGS OF FACT

1. The requested Zoning Map Amendment is in conformance with the Goals and Objectives and Business Activity Element of the 1986 Boone County Comprehensive Plan, pages G-3 and B-15, as outlined in the Staff Report.

2. The proposed development would not be incompatible with surrounding land uses. Furthermore, it would serve to provide convenience goods and services to residential and industrial activities in the vicinity of the site.

CONDITIONS

That any access points to the property from a public street meet the minimum requirements of Article 17A, Access Management, of the 1986 Boone County Zoning Regulations, which would allow additional control over access and turning movements at these points.

Mr. Don Davis made a motion that the Zoning Map Amendment be approved. Motion was seconded by Mr. R. Jones. All agreed. Motion carried.

SITE PLAN REVIEW

A request of James Viox (applicant) for William C. Anderson

Tool & Die Company (Owner) for Site Plan Review to construct a 9,900 square foot office/industrial building located off Anderson Boulevard, Boone County, Kentucky. The 2 acre site is zoned Industrial One (I-1).

Mr. Tom Breidenstein presented the Staff and Engineer's Report which recommended approval of the Site Plan Review. Said report reads as follows:

"The applicant is requesting Site Plan Review for the construction of a 9,900 square foot tool and die facility. The 2.0 acre tract, located on the southerly side of Anderson Blvd. about 300 feet from Limaburg Rd., is currently owned by the William C. Anderson Tool & Die Company, Inc.

On January 14, 1987, the Boone County Board of Adjustments granted the owner of this property a rear yard variance from 50 feet (which is required when an industrial zone abuts a residential zone) to 30 feet. Within this 30 feet rear yard, the applicant has proposed a single row of 4 foot high evergreens planted 10 feet on center to screen the industrial use from the neighboring single family residence.

Twelve parking spaces (including one handicapped space) have been provided for this development when only four would be required. Also, nine additional parking spaces have been indicated for a possible future building addition of 6,825 square feet.

The small amount of storm water runoff generated from the parking areas will flow onto Anderson Blvd. Storm water from the building area and from the paved loading area will be directed to a detention pond developed during the construction of Ellison Surface Technology, which was approved by the Planning Commission in July, 1986. Sanitary sewer and water lines will extend from existing lines along Anderson Blvd.

This site plan meets the minimum requirements of Article 14 of the Boone County Zoning Regulations. Staff recommends approval."

Mr. McMillian made a motion that the Site Plan Review be approved. Motion was seconded by Mr. Davis. All agreed. Motion carried.

SITE PLAN REVIEW

~~A request of Bagshaw Enterprises, Inc. (applicant) for Site Plan Review to remodel the former Crossroads Restaurant located at U.S. 42 and Steilen Drive, Florence, Kentucky. The 0.7 acre site is zoned Commercial Services (C-3) and a Kentucky Fried Chicken Restaurant is being planned for the site.~~

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman

DATE: March 4, 1987

RE: Request of John Robertson (owner) for a Zoning Map Amendment on a 0.92 acre parcel located southeast of the intersection of Limaburg Road and Distribution Drive, Boone County, Kentucky. The request is to rezone the property from Industrial One (I-1) to Commercial One (C-1). The intended use is a convenience store.

REMARKS:

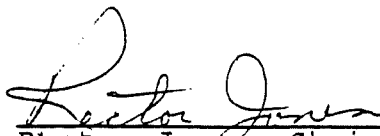
We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following condition:

Finding of Fact

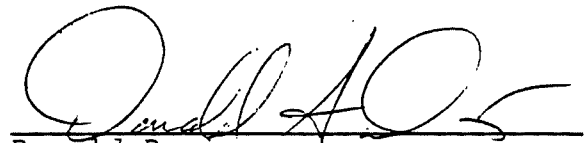
1. The requested Zoning Map Amendment is in conformance with the Goals and Objectives and Business Activity Element of the 1986 Boone County Comprehensive Plan, pages G-3 and B-15, as outlined in the Staff Report.
2. The proposed development would not be incompatible with surrounding land uses. Furthermore, it would serve to provide convenience goods and services to residential and industrial activities in the vicinity of the site.

Condition


That any access points to the property from a public street meet the minimum requirements of Article 17a, Access Management, of the 1986 Boone County Zoning Regulations, which would allow additional control over access and turning movements at these points.



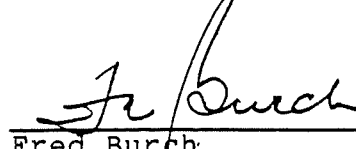
 Rector Jones, Chairman



 Donald Davis



 Melvin Delong



 Fred Burch

 William Viox

 Larry Barnett

ORDINANCE 920.113

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL ONE (C-1) LOCATED SOUTHEAST OF THE INTERSECTION OF LIMABURG ROAD AND DISTRIBUTION DRIVE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION NO. (R-14-87).

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning commission for a map amendment for a zone change from SR-1 and C-2 to C-3 for certain real estate which is more particularly described below, and ;

WHEREAS, the Boone County Fiscal Court has recognized the Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

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

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption this map amendment being a zone change from Industrial One (I-1) to Commercial One (C-1) for property located southeast of the intersection of Limaburg Road and Distribution Drive, Boone County, Kentucky. The real estate which is the subject of this zone change recommendation is more particularly discribed as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.

(ATTACHMENT - EXHIBIT "A")

SECTION II


That as a basis for the recommendation of approval of the zone change request is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.

(ATTACHMENT - EXHIBIT "B")

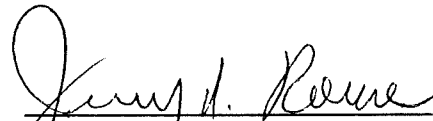
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 7th day of April, 1987.

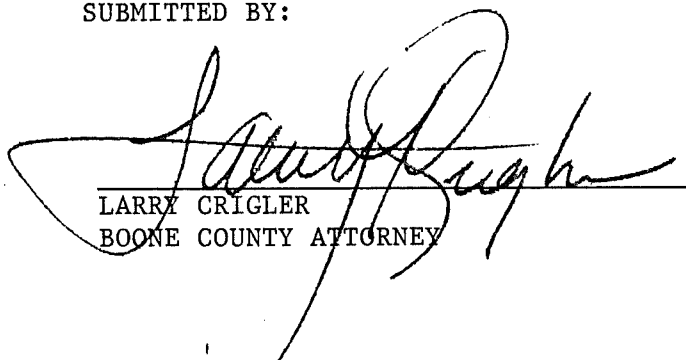
Adopted by the Fiscal court of Boone County after Second Reading at a regular meeting on the 5th day of May, 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


JERRY ROUSE
BOONE COUNTY CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

DATE PUBLISHED