

REQUEST OF AMERICAN HERITAGE COMPANY, INC. (OWNER) FOR  
UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

This request is to utilize the underlying zone in Planned Development (PD). The current zoning of the property is Commercial Two/Planned Development (C-2/PD) as recommended in the 1986 Boone County Comprehensive Plan. The 1.5 acre site is located north of KY 18 and south of Centennial Circle, Boone County, Kentucky. The site is part of a platted subdivision named Heritage Hill Industrial Center. The Improvement Plan for this subdivision was approved by the Boone County Planning Commission on August 1, 1979. A final plat for this section of the subdivision was recorded on August 26, 1982, in the Boone County Clerk's office. Recently, the Boone County Planning Commission approved a Site Plan to commence grading on Lots 3, 4, and 5, and to install a 30" storm sewer. The 1.5 acre site is part of Lot 1.

SURROUNDING LAND USES AND ZONING

The surrounding land uses near the site consist of vacant non-active farming or undeveloped property. The surrounding zoning is Commercial Two/Planned Development (C-2/PD) to the north, east, and west. Directly south of the site is Suburban Residential One (SR-1) and Commercial Services (C-3). The site has been graded in the past and has no significant vegetation. However, the site is elevated or is approximately 20 feet above the grade of KY 18. Plans are being made to remove some of the fill in order to maximize the visibility from KY 18 to the site.

RELATIONSHIP WITH COMPREHENSIVE PLAN

The request should be examined in relation to the Boone County Comprehensive Plan to determine whether it is consistent with the Plan's objectives and recommendations. The general area is referred to in a number of ways:

1986 Future Land Use Map - Commercial.

Page L-14 refers to land on the north side of KY 18:

"Land on the north side of KY 18 between Zig Zag Road and KY 237 should be commercially developed in clustered fashions with particular concern on the airports noise impacts. More specifically, the land between KY 237 and Limaburg Road should be developed by utilizing the existing frontage road to serve local commercial needs. Land to the east of Limaburg Road should continue to develop in light industrial land uses."

Page B-14 discusses areas of future commercial activity:

"Any commercial developments in these areas should be limited in scale and clustered to serve growing residential

neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence."

In summary, the Boone County Comprehensive Plan recommends commercial uses in the immediate area surrounding the 1.5 acre site. Also, there is a need to provide proper access management controls.

#### AMERICAN HERITAGE COMPANY CONCEPT DEVELOPMENT PLAN


The submitted Concept Development Plan indicates that the proposed use is a 6,000 square foot real estate office building with 31 parking spaces. No water or sanitary sewer service has been developed in the subdivision.

#### STAFF CONCERNS

1. Frontage Road along KY 18 - A provision should be made to allow room for a frontage road along KY 18. This type of road would be consistent with the conditions as outlined in the Wesborne Insurance Agency (Barry Williams Subaru) zone change request. Such a road could connect with commercially zoned property located east and west of the site.
2. Connection with future commercial land uses on Lot 1 - A provision should be made to have an interconnection between the planned commercial uses on Lot 1.
3. Signage Package - Since the entire subdivision is owned by the applicant, signage plans should include one free-standing sign advertising the entire subdivision.
4. Utilities - No utilities exist in the subdivision. A planned utility improvement program could occur with the assistance of adjacent property owners.
5. Landscaping - An appropriate amount and type of landscaping should be included in the development of this site in order to meet the objectives of Planned Development.

#### CONCLUSION

In conclusion, the Planning Commission should evaluate the submitted Concept Development Plan to determine its compatibility with the Comprehensive Plan and the objectives of Planned Development.

  
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Kevin P. Costello,  
Asst. Director/Senior Planner





March 4, 1987

"EXHIBIT A"

LEGAL DESCRIPTION  
CONCEPT DEVELOPMENT PLAN  
AMERICAN HERITAGE REALTY

Being part of lot 1 of the Heritage Hill Industrial Center  
Subdivision Boone County, Kentucky and described as follows:

Beginning at a point on the east right of way line of Ky 18 said  
point being the intersection with the south right of way line of  
Centennial Circle; thence with the said south right of way line of  
Centennial Circle and along the arc of a curve eastwardly 192.34 feet  
(Chord N 55 degrees 45 minutes 11 seconds E, 188.81 feet); thence N 75  
degrees 56 minutes 31 seconds E, 122.29 feet to a point; thence  
leaving said right of way S 14 degrees 03 minutes 29 seconds E, 249.96  
feet to a point on the south line of said lot 1; thence with said  
south line S 52 degrees 45 minutes 00 seconds W, 135.06 feet to a  
point on the said east right of way line of Ky 18; thence with said  
right of way line N 50 degrees 43 minutes 45 seconds W, 420.74 feet to  
the point of beginning.

Mr. Paul Kroger, Chairman, opened the Public Hearing for the fourth item the agenda:

4. Applicant: American Heritage Realty, Inc. (owner).  
Request: Concept Development Plan

This was a Public Hearing on an application submitted by American Heritage Realty, Inc. (owner). It is a request to utilize the underlying zone in Planned Development (PD). The 1.5-acre site is located north of KY 18 and south of Centennial Circle in Boone County, Kentucky, and is part of the Heritage Hill Subdivision.

Staff member, Kevin Costello, summarized the Staff's findings regarding this request. He presented slides indicating the surrounding land uses, which include vacant and undeveloped properties. The applicant intends to construct a 6,000 square foot office building on the site. Mr. Costello noted that the Boone County Comprehensive Plan recommends commercial uses in the immediate area surrounding the site. He added that proper access management controls are needed. He noted concerns relative to a frontage road along KY 18, connection with future commercial land uses on Lot 1, utilities and landscaping. Mr. Costello noted that the entire subdivision is owned by the applicant and, therefore, one freestanding sign advertising the entire subdivision should be used.

At this time, the Chairman asked the applicant for his comments.

Mr. Ray Erpenbeck, representing American Heritage Realty, Inc., stated that the applicant plans to construct a 6,000 square foot building on the site to be the main office of the company. The applicant plans to build an exceptionally nice building, heavily landscaped. He stated that utilities will be addressed in the Overall Development Plan. They will work with the Staff regarding the frontage road.

The Chairman asked if anyone wished to speak in support of the application. There was no audience support expressed.

The Chairman then asked if there was anyone present in opposition to the application, or if there were any questions.

Mr. Dudley Rouse, representing Mr. Clifford Tanner, indicated his concerns regarding a sewage treatment plant on the property.

Mr. Erpenbeck advised him that a sewage treatment plant is being considered, as are other options. The study is not complete at this time. The Chairman noted that consideration has been given to incorporating this area into the Oakbrook Treatment Plant through the use of lift stations.

The Chairman stated that action will be taken on this request at the Boone County Planning Commission meeting on April 1, 1987 at 8 P.M..

There being no further questions or comments, the Chairman closed this Public Hearing.

3. Zoning Map Amendment

A request of Ben Wright and Steve Ireland (owners by option) for a Zoning Map Amendment for a 3.30-acre site located on both sides of Ridge Road and south of KY 18. The two parcels are currently zoned Suburban Residential Two (SR-2) and the request is to rezone both parcels Commercial Services (C-3). The intended uses are a retail garden supply outlet store and a plumbing and heating business.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the April 15, 1987 Business Meeting.

The Chairman asked if there was any discussion regarding the Committee Report. There being none, Mr. McMillian moved that this request be deferred until the April 15, 1987 Business Meeting. Mr. DeLong seconded the motion and it carried unanimously.

4. Zoning Map Amendment

A request of Water Reclamation, Inc. (owner) for a Zoning Map Amendment for a 22.7-acre site located northeast of Frogtown Road and south of Maher Road in Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Industrial Two (I-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request on the basis that the proposed zone (I-2) is generally consistent with the 1986 Boone County Comprehensive Plan. He noted that the zone change would make the present use (storage) a conforming use.

The Chairman asked if there was any discussion concerning this request.

Mr. Ray Erpenbeck, representing the applicant, indicated their agreement with all items contained in the Committee Report.

Mr. McMillian moved that the request be approved as recommended in the Committee Report. Mr. Jones seconded the motion and it carried unanimously.

The Chairman stated that the Fiscal Court will be notified of the Commission's recommendation of approval of this request.

5. Concept Development Plan

A request of American Heritage Realty, Inc. (owner) for the utilization of an underlying zone in Planned Development. The 1.5-acre site is located in the Heritage Hill Subdivision, KY 18 and Centennial Circle, in Boone County, Kentucky; and is zoned Commercial Two/Planned Development (C-3/PD). The intended use is a 6,000 square foot office building.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval, subject to conditions, based on the findings of fact (see Committee Report).

The Chairman asked if the applicant had any comments regarding the Committee Report.

Mr. Ray Erpenbeck, representing the applicant, stated that they are in agreement with the Committee Report, including the conditions.

Mr. Davis moved that the request be approved as recommended in the Committee Report. Mr. DeLong seconded the motion and it carried unanimously.

The Chairman noted that a resolution will be sent to the Fiscal Court indicating the recommendation for approval based on the findings of fact and conditions contained in the Committee Report.

6. Zoning Text Amendment

A request of James Ruh (applicant) for a Zoning Text Amendment to Section 883 of the Boone County Zoning Regulations. The request is to add "mobile home sales" as a Conditional Use in the existing Mobile Home Park (MHP) zoning classification.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the April 15, 1987 Business Meeting.

The Chairman asked if there was any discussion concerning the Committee Report.

There being no discussion, Mr. Barnett moved, seconded by Mr. McMillian, that the request be deferred until the April 15, 1987 Business Meeting. The motion passed unanimously.

7. Zoning Map Amendment

A request of Frank Ensminger (owner) for a Zoning Map Amendment for a 40-acre site located south of Maher Road and east of U.S. 25 in Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Agriculture (A-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request to allow the applicant and the Committee to address concerns raised at the March 25, 1987 Public Hearing.

The Chairman asked if there was any discussion concerning the Committee Report.

There being no discussion, Mr. Barnett moved, seconded by Mr. Jones, that the request be deferred as recommended in the Committee Report. The motion carried unanimously.

"EXHIBIT B"  
COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald Davis, Chairman

DATE: April 1, 1987

RE: Request of American Heritage Realty, Inc. (owner) for the utilization of an underlying zone in Planned Development. The 1.5 acre site is located in the Heritage Hill Subdivision, KY 18 and Centennial Circle, Boone County, Kentucky, and is zoned Commercial Two/Planned Development (C-2/PD). The intended use is a 6,000 square foot office building.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below:


Findings of Fact

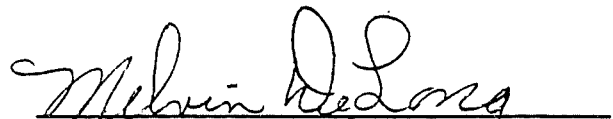
1. The proposed use and submitted Concept Development Plan is consistent or is in agreement with the Boone County Comprehensive Plan, which recommends commercial uses in the area. Other references to the Comprehensive Plan are mentioned in the Staff Report.
2. The proposed use, a 6,000 square foot office building, and site layout as amended with the following conditions are consistent with the objectives of Planned Development.

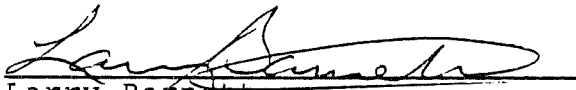
Conditions


1. The applicant shall be required to provide the necessary right-of-way and construct a frontage road along KY 18 to the property located east of the site in order to provide proper access management for future commercial development. A driveway or parking lot connection shall also be made to future development located on Lot #1.
2. The applicant shall be required to plan and construct water and sanitary sewer lines in concert with the future planned industrial and commercial uses in the area. A planned utility improvement program shall occur with the participation of adjacent property owners. Such a system shall be designed for the entire Heritage Hill Industrial Center Subdivision.


3. The applicant shall be limited to have one free-standing sign advertising the entire subdivision and future commercial business. This free-standing sign shall be limited to a maximum height of 35 feet and a total signage area of 200 square feet. This condition is intended to protect the Florence-Burlington Corridor in terms of public visibility. This protection is warranted due to the residential zoning and land use on the south side of KY 18.
  
4. Because the 1.5 acre site is highly visible from KY 18, and due to the lack of existing vegetation, the applicant shall be required to provide an appropriate amount and type of landscaping in order to meet the objectives of Planned Development. This requirement will be reviewed at the Site Plan stage.


  
Donald Davis, Chairman

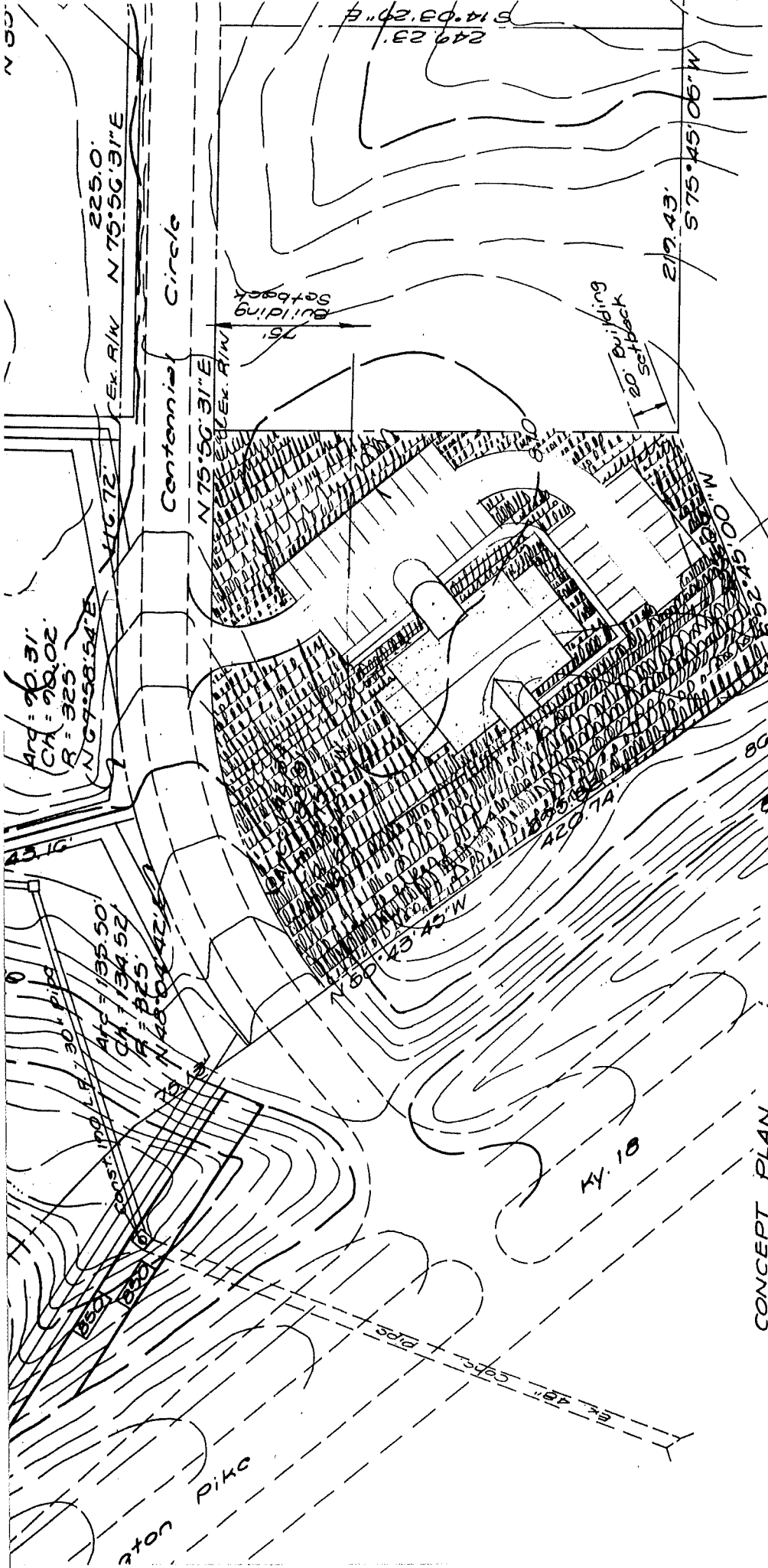
  
Melvin DeLong

  
Larry Barnett

  
Rector Jones

  
Fred Burch

  
William Viox



$ARC = 96.31'$   
 $CH = 98.02'$   
 $R = 325'$   
 $N 67° 58' 54" E$

$ARC = 135.50'$   
 $CH = 134.52'$   
 $R = 325'$   
 $N 68° 04' 02" E$

CONCEPT PLAN

Office	
American Heritage Realty, Inc.	
Scale: 1" = 90'	
March 1987	
American Heritage Realty, Inc.	
4503 Bellevue, Petersburg Rd.	
Petersburg, Ky. 41080	
Raymond Erpenbeck Consulting Engineers	
4205 Dixie Highway	
Elsmore, Ky. 41018	

*Planning & Zoning*

June 19, 1987

Boone County Fiscal Court  
2950 E. Washington Square  
Burlington, Ky. 41005  
ATTN: Ruth

Gentlemen:

This correspondence is to formally request the withdraw of resolution R-17-87 from consideration by the Boone County Fiscal Court.

Sincerely;



Raymond Erpenbeck, P.E.  
Project Engineer  
American Hertigae Realty