

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Expansion of Express Park & Ride
2. Location of Project 527-591 Hunter Road, Hebron, Boone County, KY
3. Total Acreage of Site Existing Site-4.30 Ac. Expansion-5.45 Ac. 2.62 Ac To BE REZONED
4. Current Zoning of Site C-3/CD, C-3, & SR-1
5. Proposed Zoning (Classification being requested) SR-1 Area to C-3
6. Proposed Uses (please specify each use) Airport Extended Parking

- 7. Names of Applicant(s) Viox & Viox, Inc.
Phone No. 859 727-3293 Fax No. E-Mail vkahmann@vioxinc.com
8. Address of Applicant(s) 466 Erlanger Road
Erlanger Kentucky 41018
City State Zip

- 9. Name of Property Owner(s) Akram & Amani Othman
Phone No. Fax No. E-Mail alex.othman1954@gmail.com
10. Address of Property Owner(s) 2306 Kenyon Court
Hebron Kentucky 41048
City State Zip

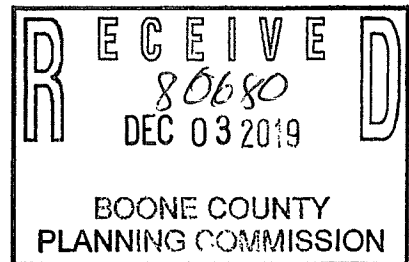
- 11. Proposed Building Intensities (please specify) Parking only, no buildings

- 12. Are there any existing buildings on the site? Yes, All to be demolished.
How many?
13. Deed Book 1129 Page No. 193 Group No. 2009

- 14. Are you also applying for:
Conditional Use Permit
X Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
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:

- No Boone County Water District
N/A Florence Public Services Dept.
No Duke Energy
No Sanitation District #1
No Cincinnati Bell
No Owen Electric Cooperative, Inc.
No Boone County Public Works Department
N/A Kentucky Transportation Cabinet
No Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
N/A Boone County Building Department
N/A Northern Kentucky Health District
No USDA NRCS/Boone County Conservation District
N/A KY Division of Water
N/A Local School District
No Local Fire District
Other:



EXHIBIT

“A”

STAFF REPORT

#1

Request of Viox and Viox, Inc. (applicant) for Akram Othman and Amani Othman (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Three (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

January 8, 2020

REQUEST

- A. The request is for: (1) a Zoning Map Amendment changing the zoning of an approximate 2.62 acre area located along the south side of Hunter Drive, approximately 250 feet west of Hetzel Drive, from Suburban Residential One (SR-1) to Commercial Three (C-3); and (2) a Variance to reduce the required Buffer Yard width, along the east property line, from sixty (60) feet to ten (10) feet. The proposal is to expand the existing commercial parking facility onto the site in question.
- B. The existing Express Park and Ride facility sits on approximately 4.3 acres of land and is currently zoned C-3. There is an additional approximate 2.88 acres of land that is under the same ownership and is currently zoned C-3. The proposed site consists of approximately 2.62 acres of land and is currently zoned SR-1. The entire property under common ownership consists of approximately 9.8 acres of land.

SITE HISTORY

- 1981 –
- 1985 Based on Boone County GIS data, the site was originally developed with a commercial parking facility.
- 1985 –
- 1990 Based on Boone County GIS data, the commercial parking facility was expanded.
- 2014 On January 17, 2014, a Major Site Plan was approved for the construction of a convenient store, restaurant, and gas station.
- 2015 On September 9, 2015, the Boone Board of Adjustment approved a variance for additional signage on three facades of a gasoline canopy for the existing commercial parking facility (BCBOA 15-009).
- 2016 On February 3, 2016, the Boone County Planning Commission recommended approval of a Special Sign District, subject to four conditions, for the existing commercial parking facility (R-16-004-A). On April 5, 2016, the Boone Fiscal Court approved the Special Sign District, subject to eight conditions (Ord. 2016-04).

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 303 of the Boone County Zoning Regulations states that at the time of filing an application for a zoning map amendment, an applicant may also request a dimensional variance for the same development.
- C. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- D. The Planning Commission should evaluate the requested variance as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
1. Findings listed in Section 251:
 - a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- E. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard C, having a minimum width of sixty (60) feet between development within a C-3 Zone and an adjacent SR-1 Zone.
- F. Section 1030 of the Boone County Zoning Regulations states that “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.”

SITE CHARACTERISTICS

- A. The existing commercial parking facility, containing approximately 4.3 acres, is currently developed with a 346 space commercial parking lot, a Shell gas station (with 4 gasoline pumps), a convenience store, and a restaurant. Access is provided via a single curb cut onto Hunter Road.
- B. The proposed expansion area, containing approximately 2.88 acres, is currently occupied by a vacant structure, a paved area, and vacant land.
- C. The site in question, containing approximately 2.62 acres, is currently developed with a single-family residential structure and vacant land.
- D. Topography of the site rises from 874 MSL, along Hunter Road, to 888 MSL at the center of the site and then falls to 880 MSL along I-275.
- E. The site is located within the 60 Day/Night Noise Level of the Greater Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

North: Enterprise Car Rental and EconoPark (C-3)

South: Interstate 275 (A)

East: Vacant land (airport property) (SR-1)

West: KY 212 and I-275 right-of-way (C-3)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial uses. This designation is described as follows:

“Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”

- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Tourist oriented commercial facilities should be encouraged provided that the impacts on other land uses are minimal (Natural and Cultural Resources Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

The changing nature of the Cincinnati/Northern Kentucky International Airport (CVG) shall be recognized in order to address potential impacts and to support aviation growth for passengers and business (Economy Goal A, Objective 6).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

- C. The following are excerpts from Our Boone County – Plan 2040:

1. 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; where appropriate, 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

open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, page 95-96).

2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. 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 soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bio retention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
3. Riverview Estates Subdivision and the residential area on Hunter Drive and Hetzel Drive should eventually redevelop into industrial uses to take advantage of the proximity to the interstate. The existing Bluebird Subdivision should remain residential and not experience piecemeal conversions to business uses. Future business uses may be appropriate if residential to business conversion is proposed on all of the subdivision area. The existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals. Industrial development to the north of KY 20 should not locate on any portion of the Developmentally Sensitive hillsides, and a buffer area for the preservation of those hillsides may be required. Throughout these hillside areas, stands of

existing trees should be retained between individual developments (Land Use, Description and Purpose of Land Use Maps, 8 - Airport, page 113).

STAFF COMMENTS

A. The submitted Concept Development Plan indicates the following:

1. The construction of a commercial parking facility containing 626 parking spaces.
2. Two driveway connections to the existing commercial parking facility.
3. Provision for two stormwater detention facilities.
4. Provision for a gated emergency access point onto Hunter Road.
5. Installation of a four (4) foot high, decorative fence in the front yard.
6. Installation of a six (6) foot high, chain link fence in the side and rear yards.

B. The following table provides a summary of the existing, proposed, and total development of the entire project under review:

		Existing Site	Proposed Expansion Area	Site	Total
Existing	Area	4.30 acres	2.88 acres	2.62 acres	9.80 acres
	Current Uses	Gas station (4 pumps) Convenience store Restaurant 346 parking spaces	Vacant Structure Paved area Vacant land	Single family dwelling Vacant land	346 parking spaces
	Access	1 curb cut onto Hunter Road	2 curb cuts onto Hunter Road	1 curb cut onto Hunter Road	4 curb cuts onto Hunter Road
Proposed		Gas station (4 pumps) Convenience store Restaurant 340 parking spaces 1 curb cut onto Hunter Road	626 parking spaces 2 detention ponds 1 gated emergency access point onto Hunter Road 4 foot high decorative fence in the front yard 6 foot high chain link fence in the side and rear yards		966 parking spaces 1 access point onto Hunter Road 1 gated emergency access point onto Hunter Road

C. Section 3316 of the Boone County Zoning Regulations provide for lighting requirements. The submitted application does not identify lighting on the site in question or the proposed expansion area. The applicant should address the intended lighting plan for the proposed area to be developed.

D. Section 3625 of the Boone County Zoning Regulations requires a minimum of five percent (5%) of any vehicular use area to be landscaped. The applicant has indicated that they will seek a waiver of this requirement at the site plan stage, per Section 3617 of the Boone County Zoning Regulations. The applicant should address, at this time, what other landscaping they intend to provide to compensate for the lack of the required vehicular use area landscaping.

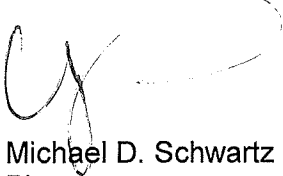
CONCLUSION

A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky

Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

- B. The request for the proposed Variance needs to be evaluated by the Boone County Planning Commission in terms of Kentucky Revised Statute (KRS) 100.243, Article 2 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Planner

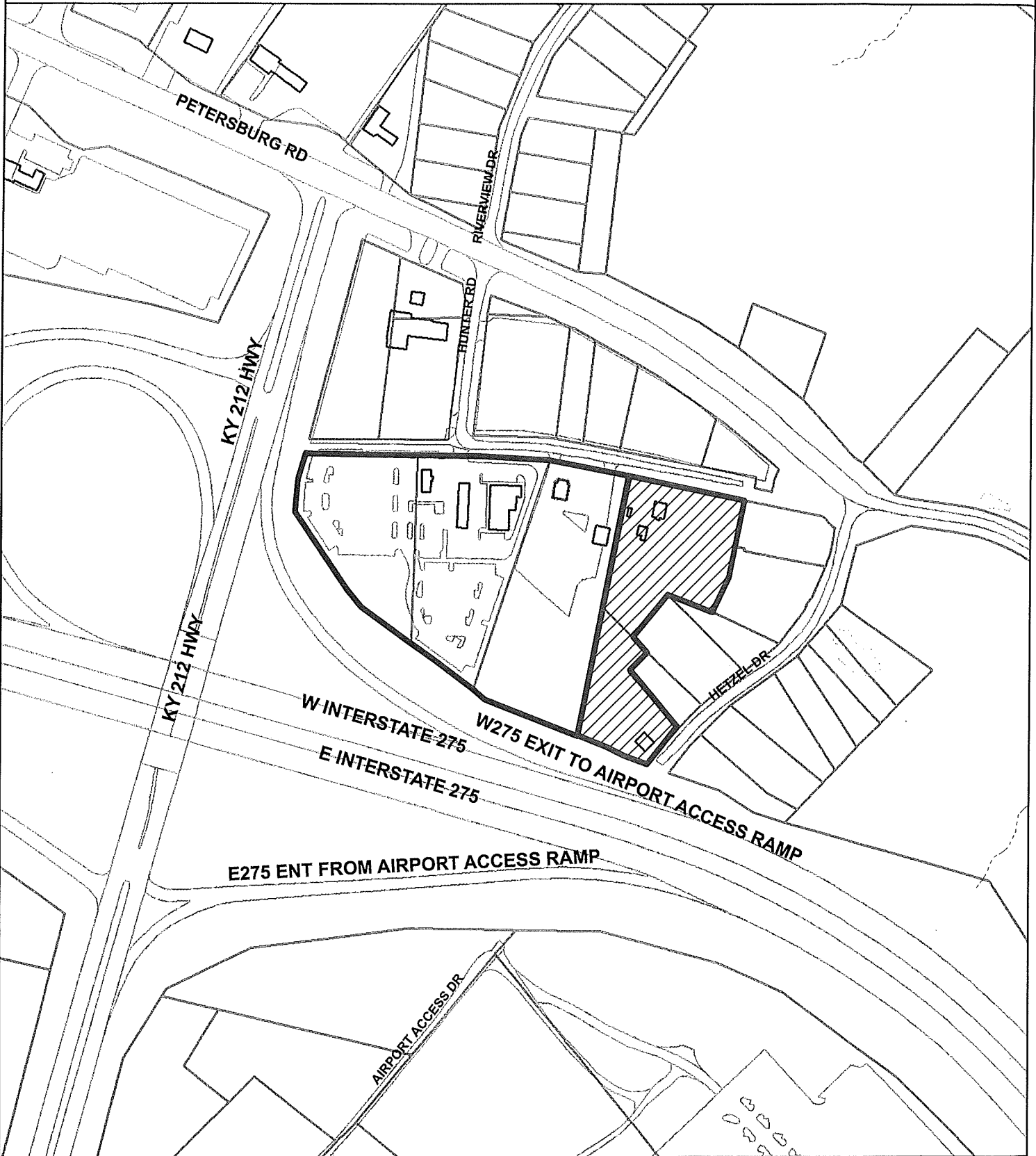
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Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Concept Plan

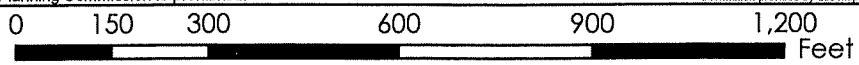
Vicinity Map

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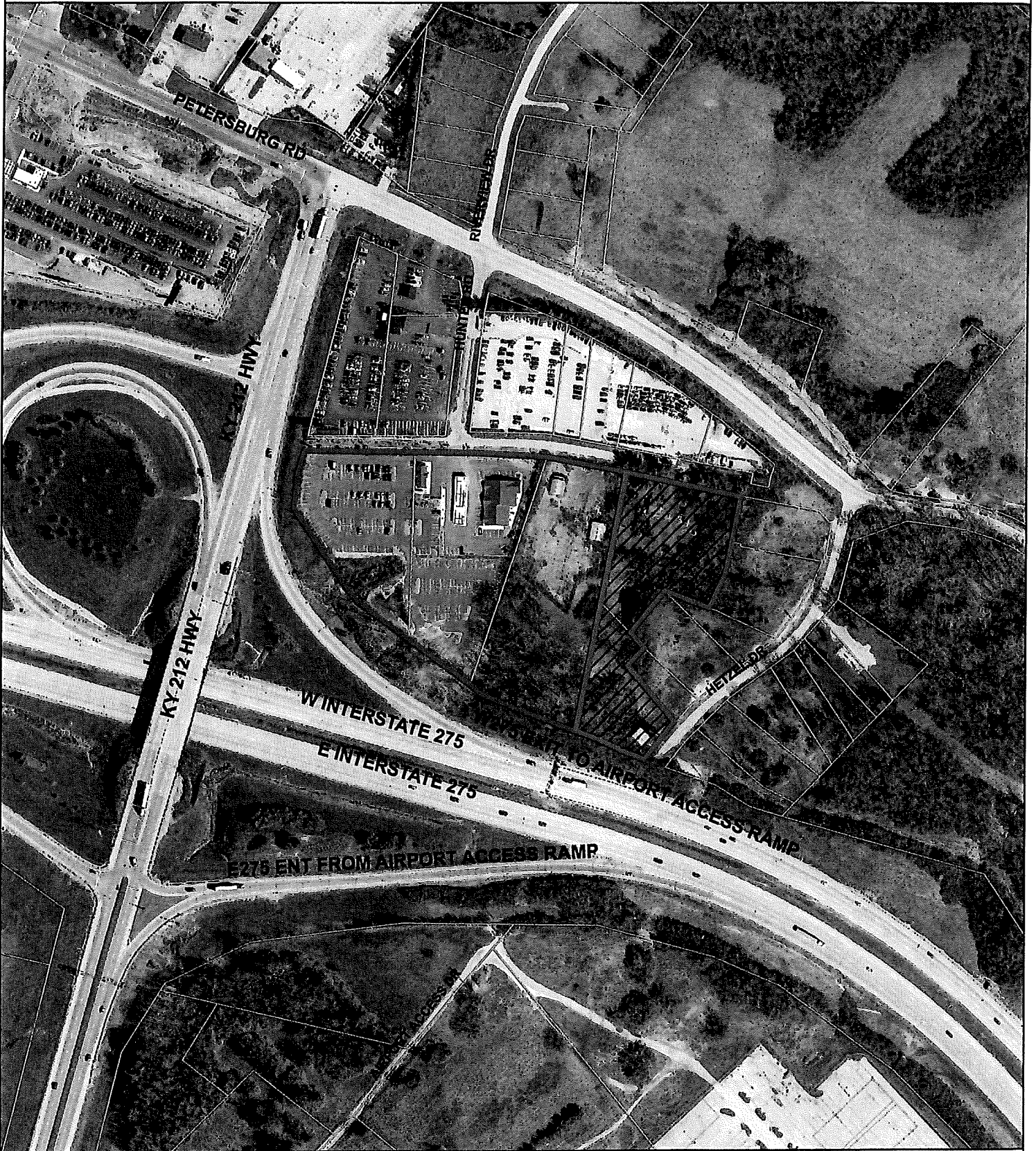
Boone County GIS - Putting Northern Kentucky on the Map

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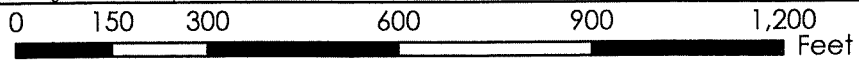
Aerial Map

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1 inch = 300 feet



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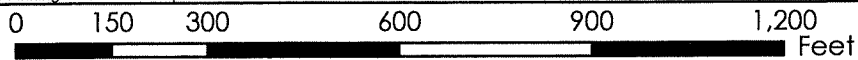
Topographical Map

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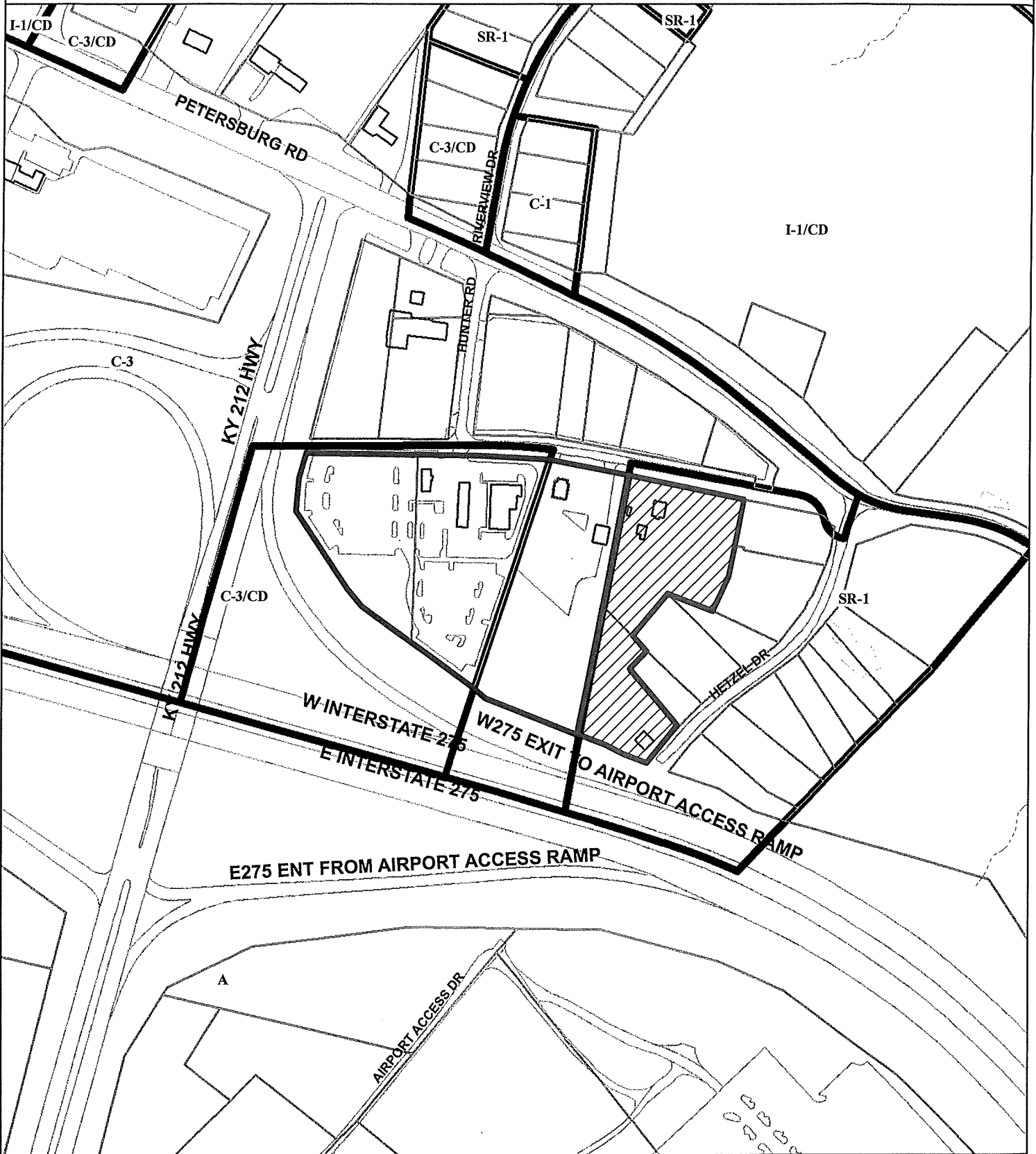


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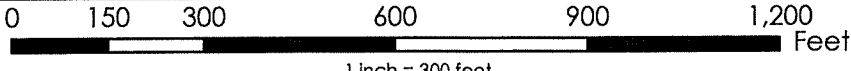
Zoning Map

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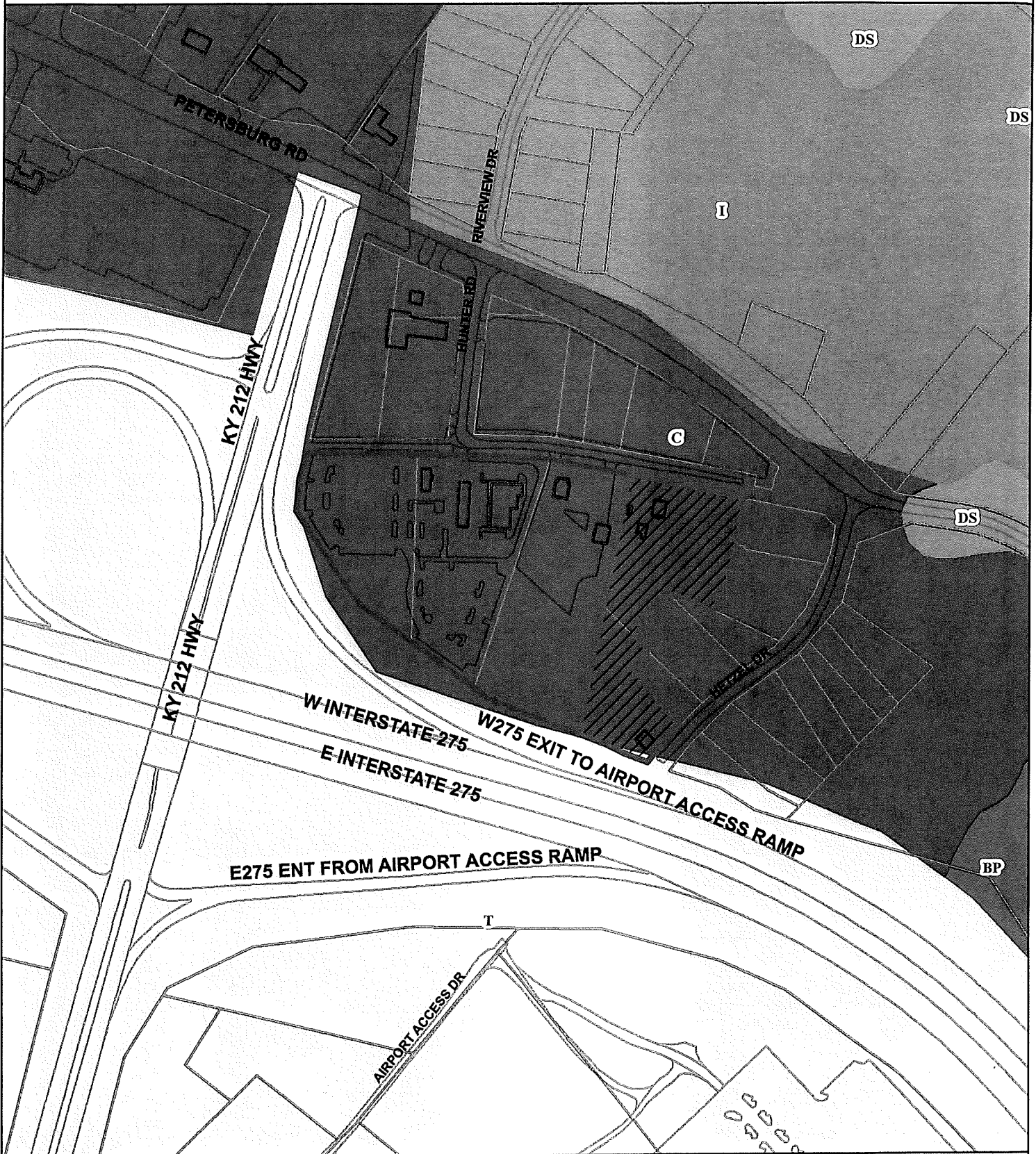
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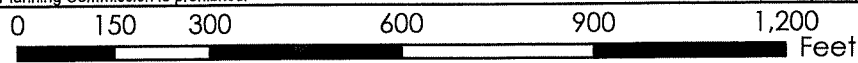
204J Future Land Use Map

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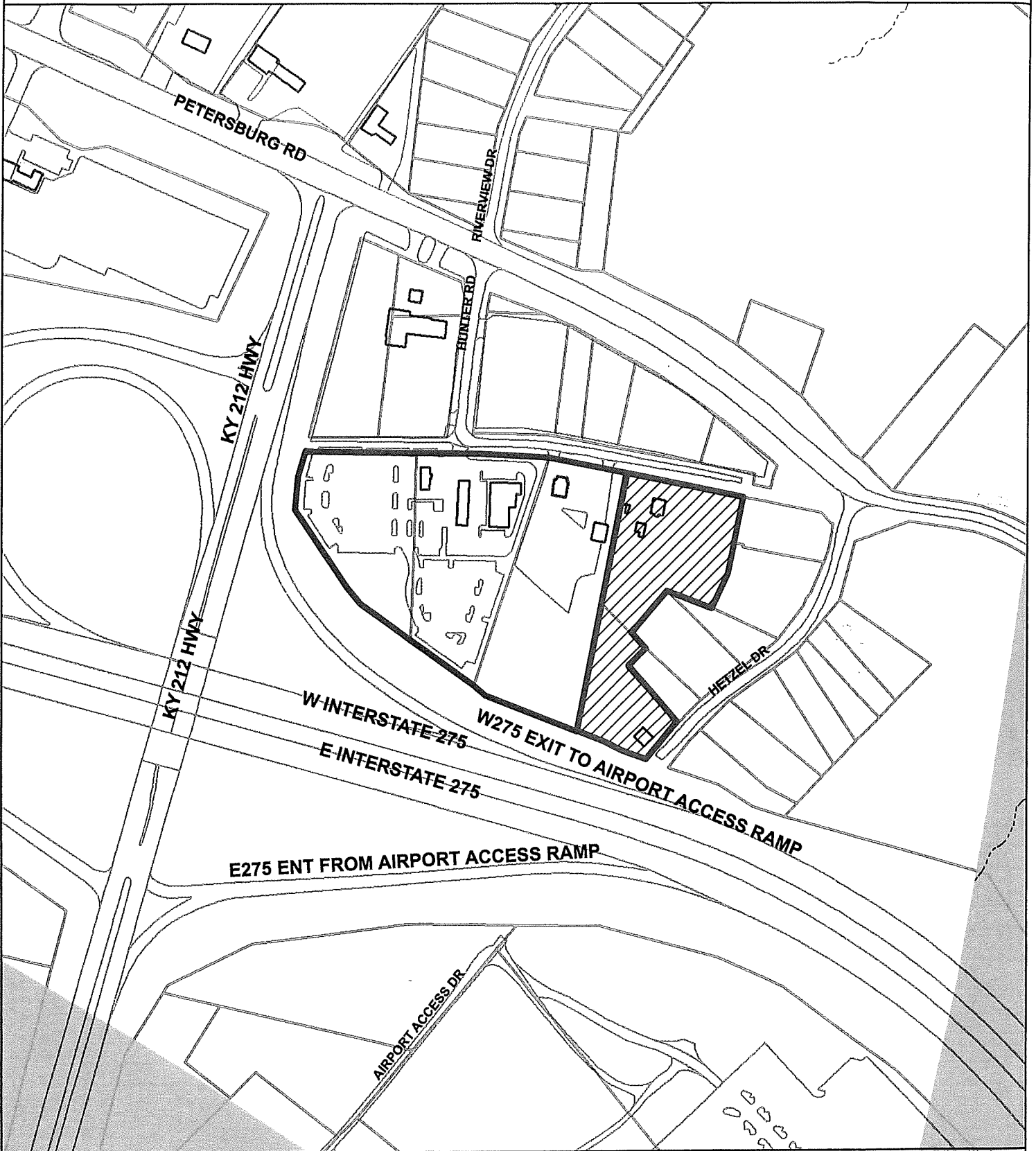


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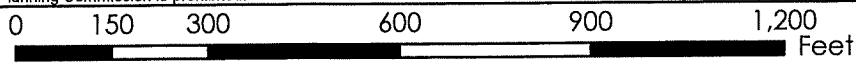
Noise Contour Map

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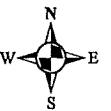
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APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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2. Location of Project 527-591 Hunter Road, Hebron, Boone County, KY
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4. Current Zoning of Site C-3/CD, C-3, & SR-1
5. Proposed Zoning (Classification being requested) SR-1 Area to C-3
6. Proposed Uses (please specify each use) Airport Extended Parking

- 7. Names of Applicant(s) Viox & Viox, Inc.
Phone No. 859 727-3293 Fax No. E-Mail vkahmann@vioxinc.com
8. Address of Applicant(s) 466 Erlanger Road
Erlanger Kentucky 41018
City State Zip

- 9. Name of Property Owner(s) Akram & Amani Othman
Phone No. Fax No. E-Mail alex.othman1954@gmail.com
10. Address of Property Owner(s) 2306 Kenyon Court
Hebron Kentucky 41048
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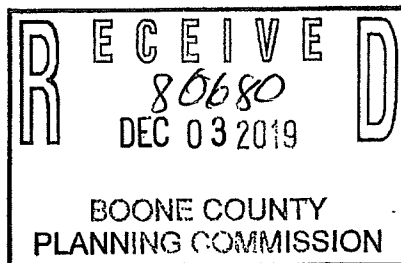
- 14. Are you also applying for:
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- 15. Have you submitted a Concept Development Plan? Yes

- 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:

- No Boone County Water District
N/A Florence Public Services Dept.
No Duke Energy
No Sanitation District #1
No Cincinnati Bell
No Owen Electric Cooperative, Inc.
No Boone County Public Works Department
N/A Kentucky Transportation Cabinet
No Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
N/A Boone County Building Department
N/A Northern Kentucky Health District
No USDA NRCS/Boone County Conservation District
N/A KY Division of Water
N/A Local School District
No Local Fire District
Other:



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: February 5, 2020

RE: Request of Viox and Viox, Inc. (applicant) for Akram Othman and Amani Othman (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Three (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Road, and 3067 Hetzel Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

REMARKS:

1. We, the Committee, recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

- a. The Committee has concluded that the proposed C-3 zone, along with the submitted concept development plan, is consistent with Our Boone County – Plan 2040 “2040 Future Land Use Plan”, which designates the site for Commercial uses. The proposed C-3 zone principally permits a variety of commercial uses, including the proposed expansion of the existing commercial parking facility, which is currently zoned C-3.
- b. The Committee has concluded that the proposed C-3 zone, along with the submitted concept development plan, is consistent with the text of Our Boone County – Plan 2040, which states that “Riverview Estates Subdivision and the residential area on Hunter Drive and Hetzel Drive should eventually redevelop into industrial uses to take advantage of the proximity to the interstate...Future business uses may be appropriate if residential to business conversion is proposed on all of the subdivision area. The existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals. (Land Use, Description and Purpose of Land Use Maps, 8 - Airport, page 113).

When considering that the site is designated for Commercial uses by the Future Land Use Map, and that the 2014 Major Site Plan, 2015 Board of Adjustment, and 2016 Special Sign District approvals already allow and perpetuate the existing commercial parking facility in a different physical layout, it is the Committee’s conclusion that the proposal fulfills the basic intent and direction of this text. Additionally, the applicant also owns the adjacent property to the west of the site and the proposed C-3 zone would be a logical extension of the existing C-3 zone.

- c. The Committee has concluded that the proposed C-3 zone, along with the submitted concept plan, is in agreement with the Our Boone County – Plan 2040 Goals and Objectives, which are outlined in the staff report.
- d. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITIONS:

- 1. Any lighting fixtures shall match the existing fixtures on the current commercial parking facility.
 - 2. The width and surfacing of the proposed emergency gated access onto Hunter Road shall meet the requirements and specifications of the Hebron Fire Protection District.
 - 3. Development of the site shall meet the minimum landscaping requirements of the Boone County Zoning Regulations, except for those items waived pursuant to Section 3617 of the Boone County Zoning Regulations.
2. We, the Committee, recommend that the full planning commission take final action to approve of the above referenced variance request, subject to the condition that the above referenced zoning map amendment is approved by the legislative body, based on the following findings of fact:
- a. The Committee has concluded that the proposed variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Committee notes that the area located to the east of the site, which is currently zoned SR-1, is owned by the Kenton County Airport Board and is within the 60 day/night noise level of the Greater Cincinnati/Northern Kentucky International Airport. Due to these conditions, it is unlikely that this area will be developed with residential uses. Rather, it is more likely that this area will be developed with commercial or industrial uses. Based on the current landscape regulations, when a use is developed in the C-3 zone adjacent to a commercial or employment zone, a ten (10) foot wide buffer yard is required. Therefore, the proposed variance reducing the buffer yard width from sixty (60) feet to ten (10) feet, along the east boundary, is reasonable.
 - b. The proposed variance is being requested as part of a proposed zoning map amendment with the submittal of a proposed Concept Development Plan. Since

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Express Park and Ride/Hunter Road
February 5, 2020
Page 3

the requested variance is part of, and being reviewed in light of, the proposed zoning map amendment and concept development plan, it is the decision of this committee that the proposed variance should only be approved and in effect if the proposed zoning map amendment is approved by the legislative body.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: January 22, 2020

ZONING MAP AMENDMENT AND VARIANCE - Kim Patton, Chairman, Michael Schwartz, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **Akram Othman and Amani Othman (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

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.

Kim Bunger

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Lori Heilman (Alternate)

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Janet Kegley

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Steve Turner (Alternate)

For Project ___ Absent ___
Against Project ___

Rick Lunnemann

Rick Lunnemann

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Randy Bessler (Alternate)

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Patton (Chairman)

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Brad Shipe

Brad Shipe

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

TOTAL: ___ DEFERRED 2 FOR PROJECT 3 ABSENT
___ AGAINST PROJECT ___ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JANUARY 8, 2020
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:46 p.m.

ZONING MAP AMENDMENT AND VARIANCE - Michael Schwartz, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **Akram Othman and Amani Othman (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The parking lot facility was originally developed between 1981-1985. In 2014, a Major Site Plan was approved for the construction of a gas station, convenience store and a restaurant. The existing site is currently zoned Commercial Services (C-3) and comprises 4.3 acres. A portion of the proposed expansion area is also currently zoned Commercial Services (C-3) and comprises 2.88 acres. The site in question is currently zoned Suburban Residential One (SR-1) and is being requested to be rezoned C-3. This parcel is 2.62 acres in size. The total area of development is 9.8 acres.

Mr. Schwartz showed an aerial map of the site. The existing site consists of 346 commercial parking spaces, a gas station, a convenience store and a restaurant. The second site consists of a vacant commercial structure, paved area and vacant land. The third site, subject to the zone change request, consists of vacant land and a single family dwelling unit. He showed a map of surrounding zoning. Topographically, the elevation along Hunter Road is at 847 MSL, 888 MSL at the center of the site and then falls to 880 along I-275. The Future Land Use Map designates the site as Commercial (C). Pages 4-6 of the Staff Report refer to the pertinent sections of the Comprehensive Plan. The site is located within the 60 Day/Night noise decibel level of the Cincinnati/Northern Kentucky International Airport. Mr. Schwartz showed photographs of the site and adjoining properties.

The proposed Concept Development Plan identifies the construction of a commercial parking facility containing a total of 626 parking spaces with 2 driveway connections to the existing parking lot. Two storm water detention facilities are proposed. One will be located along I-275 and the other located along Hunter Road. The applicant has proposed an emergency access gate along Hunter Road. All traffic will come through their existing entrance and exit from the same area. There is a provision for a 4 foot high decorative fence in the front along Hunter Road and a chain link fence in the side and rear yards in order to secure the property. The requested variance is to reduce the required buffer yard width along the east property line from 60 feet to 10 feet. It is important to note that all of the properties next to the proposed 10 foot buffer are owned by the Airport. There are Staff Comments regarding how the site will be illuminated and the need for additional landscaping to make up for the deficiency of the 5% vehicular use area landscaping requirement. Findings will need to be made for a recommendation of the zone change and the Planning Commission will take final action on the variance request.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Marc Gloyeske, Viox & Viox Engineers, stated that the Planning Commission is only reviewing the parcel to the east that is zoned SR-1. Commercial uses are planned for the site according to the Future Land Use Map. He showed a color version of the Concept Development Plan. The variance buffer request from 60 feet to 10 feet sounds like a lot but the affected lots are owned by the Kenton County Airport Board. The lots were bought at the time the Airport was expanding. Future residential development won't occur on these lots. Either the lots will remain vacant or will be developed for commercial or industrial purposes in the future. The 10 foot buffer is sufficient. Mr. Gloyeske stated that he will ask for a waiver of the landscaping requirements at the Site Plan review stage. They would like to eliminate some of the interior landscaping requirements for the parking lot area. As an alternative, he is proposing a double row of evergreens along I-275. In addition, they would like to remove the shrubs requirement on the east side of the site and replace them with trees. All this would replace the interior trees. The lighting will be similar to the lighting on the existing facility. The lighting will meet all the requirements in order to make sure it is a safe place to park all day and night.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Kathleen Matchinga is the owner of Zollars, Inc., Val Air and Economy Park parking lots. She stated that it is a great project since the Airport is growing due to low-cost fares. She is happy to see the proposed detention ponds. There is a problem with the culvert underneath Hunter Road. Part of it is blocked. Also, traffic along Hunter Road has increased and pedestrians cross the street. Enterprise will be moving to the Airport in 2021 but people will still be crossing Hunter Road. It has to be safe. The street has many ruts. Are there any plans to upgrade Hunter Road? The road is deteriorating with car and truck traffic. Could signs and speed bumps be installed to slow people down? Mr. Costello asked if the County submitted a letter about the proposed development? Mr. Schwartz responded no. Chairman Rolfsen reminded everyone that the Planning Commission recommendation will go to the Fiscal Court. They will be aware of the situation. The County will have to evaluate the width, depth of pavement, signage, pedestrian access to Hunter Road. It could include some traffic calming features and lighting.

At this time Chairman Rolfsen asked if any Board members had any questions or comments? Mr. Patton asked if the applicant would consider an exit off Hetzel Drive? Mr. Gloyeske replied that a second exit poses some challenges because both exits would involve paying at the exit. Chairman Rolfsen stated it could be used for emergency access. Mr. Patton stated that next door could allow for more expansion or development. Mr. Gloyeske responded that they would have to evaluate the condition of Hetzel Drive. It is in worse shape than Hunter Road. Part of Hetzel Drive is very steep. No one uses Hetzel Drive now.

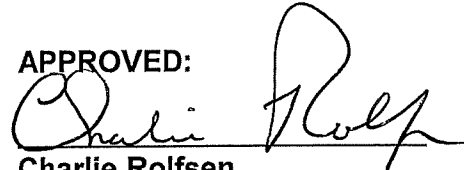
Mrs. Nolan stated that island areas are used for storm water, lighting, landscaping and pedestrian safety. The long rows don't include pedestrian safe zones. Mr. Gloyeske replied that pedestrians aren't walking far since customers are being told where to park and a van is dispatched to pick up the customer at their vehicle location. Shuttles pick up the customers. No one from the proposed development will be crossing Hunter Road. He agreed to examine the possibility of a pedestrian safe zone.

Mr. Bunger asked if the owner has discussed the use or tie in with the adjoining Airport property?

Mr. Gloyeske responded no. Mr. Patton asked the applicant to contact the Airport about the possibility of extended access through their property. Mr. Gloyeske replied that he would but he believed it was abandoned right-of-way.

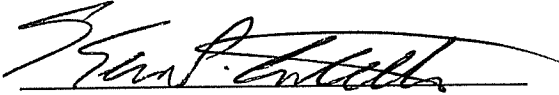
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 22, 2020 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on February 5, 2020 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:10 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Brad Shipe

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:11 p.m.

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

January 23, 2020

Mr. Akram Othman
2306 Kenyon Court
Hebron, Kentucky 41048

RE: Recommended Conditions of Approval for Viox and Viox, Inc. (applicant) for Akram Othman and Amani Othman (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Three (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

Dear Mr. Othman:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their February 22, 2020 meeting. If you, as the property owners 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 Friday, January 31, 2020.

CONDITIONS

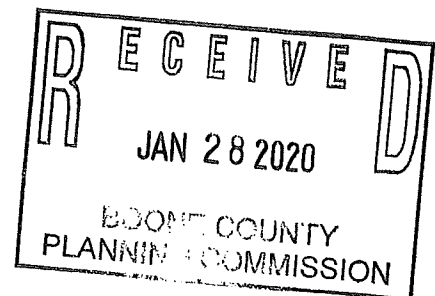
1. Any lighting fixtures shall match the existing fixtures on the current commercial parking facility.
2. The width and surfacing of the proposed emergency gated access onto Hunter Road shall meet the requirements and specifications of the Hebron Fire Protection District.
3. Development of the site shall meet the minimum landscaping requirements of the Boone County Zoning Regulations, except for those items waived pursuant to Section 3617 of the Boone County Zoning Regulations.

Sincerely,

Michael D. Schwartz
Planner

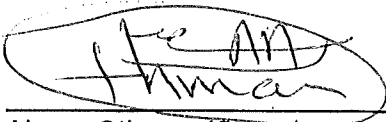
MDS/ss

AGREEMENT



Mr. Akram Othman
January 23, 2020
Page 2

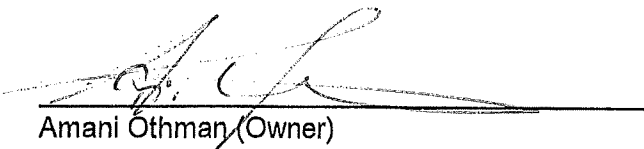
We, the property owners of the approximate 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.



Akram Othman (Owner)

01.23.2020

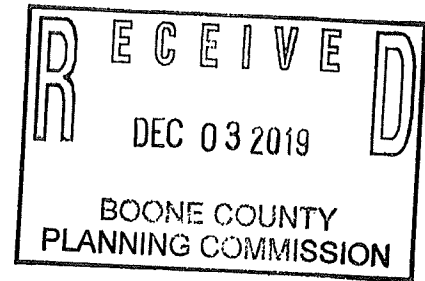
Date



Amani Othman (Owner)

1/23/2020

Date



December 2, 2019

DESCRIPTION
PARCEL FOR A ZONING MAP AMENDMENT

A parcel of land on the south side of Hunter Drive, on the west side of Hetzel Drive and on the north side of I-275 in Boone County, Kentucky and being more particularly described as follows:

Beginning at a point in the southerly right-of-way of Hunter Drive. Said point being the common corner of Akram A. and Amani Othman (Deed Book 1129, Page 193 of the Boone County Clerk's Records in Burlington) and the Kenton County Airport Board (Deed Book 482, Page 250 of the Boone County Clerk's Records in Burlington) and running thence;

N 78°17'51" W, along the southerly right-of-way of Hunter Drive, 265.74' to a point in the current zone line, thence,

S 10°36'51" W, along said zone line thru said Othman, 590.66' to a point in the northerly right-of-way of I-275, thence;

Along the northerly right-of-way of I-275 as follows:

S 55° 58'47"E – 0.48'

S 68° 21'11"E – 65.55'

S 61° 41'58"E – 42.15'

S 71° 33'57"E – 58.68'

To a point in the westerly right-of-way of Hetzel Drive, thence;

N 40° 56'44"E, along said westerly right-of-way, 105.74 to a point in the southerly line of the Kenton County Airport Board (Deed Book 459, Page 17 of the Boone County Clerk's Records in Burlington), thence;

Along the southerly and westerly lines of various parcels of said Kenton County Airport Board as follows:

N 41° 31'46"W – 167.23'

N 43° 53'35"E – 60.00'

N 44° 06'23"W – 48.03'

N 38° 42'42"E – 123.06'

S 68° 56'45"E – 110.34'

N 24° 23'54"E – 83.30'

N 11° 00'40"E – 177.89'

To the place of beginning and containing

2.62 Acres more or less

This description is not based on a field survey, but was taken from Boone County GIS Mapping for the sole intent of describing a parcel for a zoning map amendment.

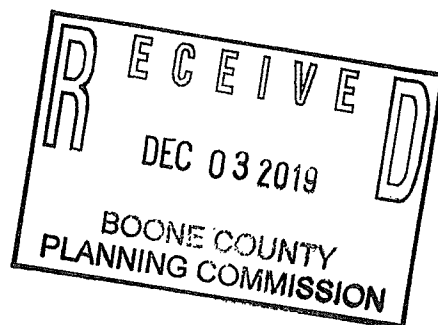
ADJOINING PROPERTY OWNERS LIST

Zollars, Inc.
579 Petersburg Road
Hebron, KY 41048

Kenton County Airport Board
P.O. Box 752000
Cincinnati, OH 45275

Charles & Kathleen Utz, Co-Trustees
5240 Petersburg Road
Petersburg, KY 41080

Akram A. & Amani Othman
2306 Kenyon Ct.
Hebron, KY 41048



ORDINANCE NO. 2020 - 10

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, THE REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR AKRAM OTHMAN AND AMANI OTHMAN (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3), AND A DIMENSIONAL VARIANCE FOR A 2.62 ACRE PORTION OF THE PROPERTIES LOCATED AT 535, 541 AND 547 HUNTER ROAD AND 3067 HETZEL DRIVE, BOONE COUNTY, 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 Suburban Residential One (SR-1) to Commercial Services (C-3), and a dimensional Variance for a 2.62 acre portion of the properties located at 535, 541 and 547 Hunter Road and 3067 Hetzel Drive, 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 and Variance.

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3), and a dimensional Variance for a 2.62 acre portion of the properties located at 535, 541 and 547 Hunter Road and 3067 Hetzel Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK. 1129, PAGE NO. 193 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval of a Zoning Map Amendment request and dimensional Variance 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 and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

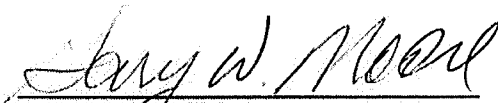
Section Three

This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading - the 10th day of March, 2020.

Second Reading - the 14th day of April, 2020

Adopted this 14th day of April, 2020. Yes 4 No 0



**GARY W. MOORE, Judge-Executive
Boone County Fiscal Court**

ATTEST:



**Sharon Burcham,
Fiscal Court Clerk**

