

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

We request  
September 7th  
Public Hearing

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

- Name of Project: Burling Brook Shopping Plaza
- Location of Project: 1655 Burlington Pike 049.00-00-041.02 049.00-00-044.00  
049.00-00-044.01
- Total Acreage of Project: 1 & 2 = 3.04 acres 3 & 4 = 1.75 acres
- Current Zoning of Property: C-1 & C-2/PD
- Proposed Zoning of Property (classification being requested): C-1
- Proposed Use(s) (specify each use):  
Retail, service, restaurant
- Proposed Building Intensities (specify for each building):  
Existing office building & 22,465 sq ft. New space
- Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
- Current Owner: Othman Akram  
Address: 2306 Kenyon Ct  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 859 8665394 Fax Number: —  
Email: Alex.Othman1954@gmail.com
- Applicant: Othman Akram  
Address: 2306 Kenyon Ct  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 859 8665394 Fax Number: —  
Email: Alex.Othman1954@gmail.com
- Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: \_\_\_\_\_

MC 1362  
1113  
1112  
1020

57  
140  
266  
848

2032  
2032  
2032  
2032

12. Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff:  Yes  No

14. Have you submitted a Concept Development Plan:  Yes  No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

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

16. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone  Florence  Walton  Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on ~~September 2022~~ October 7, 2020

Nov 2, 2022

ORIGINAL Property Owner's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

# EXHIBIT

“A”

## STAFF REPORT

#3

Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

September 7, 2022

### REQUEST

- A. The request is to rezone an approximate 4.8-acre area located on Burlington Pike from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) to allow a retail/service/restaurant/office development to occupy the property.

### CONCEPT PLAN

- A. Construction of 4 retail/service/restaurant/office buildings.
- a. A one-story, 1,995 square foot building
  - b. A one-story, 3,640 square foot building
  - c. A one-story, 4,350 square foot building
  - d. A two-story building having a 12,480 square foot building footprint.
- B. Provision for 141 parking stalls.
- C. A full-access curb cut onto Oakbrook Road through an existing access easement.
- D. Use of the existing full-access curb cut onto Burlington Pike.

### SITE HISTORY

- A. 2009 – An access easement was recorded providing access from Oakbrook Road to the site.

### 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
  1. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or

2. 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 1050 (Commercial One) of the Boone County Zoning Regulations states that “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.”
  - C. Section 3151 of the Boone County Zoning Regulations states that “All commercial, office, and employment uses that provide trash and/or garbage collection areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Zoning Administrator. Such enclosure structure shall be constructed of brick or masonry walls and/or wooden fences which are a minimum of five (5) feet tall or one foot higher than the trash container to be screened. Chain link fences with slats are not acceptable enclosure materials. The gates or doors of the garbage collection area or dumpster enclosure shall be kept completely closed except at times when the area or dumpster is being serviced.
  - D. Section 3323 of the Boone County Zoning Regulations states that “Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.
  - E. Section 3620 of the Boone County Zoning Regulations addresses when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.”
  - F. Section 3645 of the Boone County Zoning Regulations requires a Buffer Yard A, having a minimum width of 10 feet between development within a C-1 zone and adjacent C-2 or O-1 zone. Section 3645 requires a Buffer Yard D, having a minimum width of 80 feet (there is a 40-foot-wide option), to be provided along the perimeter of the site adjoining a residential district.
  - G. Section 3413 of the Boone County Zoning Regulations permits the site to have one (1) on-premise monument sign with a maximum height of ten (10) feet and a maximum sign area of 100 square feet when a property is zoned Commercial One (C-1).

SITE CHARACTERISTICS

- A. The site contains 4.8 acres and is located along the south side of Burlington Pike, approximately 600 feet east of Limaburg Road and approximately 1,200 feet west of Oakbrook Drive.
- B. A 60' wide overhead utility easement bisects the site in a north/south direction approximately 370 feet west of the existing driveway which intersects Burlington Pike. One is diagonally over Gunpower Creek to where one of the proposed access drives will be.
- C. Burlington Pike is a state-maintained arterial street providing for two-way traffic within four driving lanes, divided by a median. There are no sidewalks along the roadway.  
  
Oakbrook Drive is a county maintained collector street providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.
- D. Access to the site is currently provided from an existing curb cut/driveway onto Burlington Pike.
- E. There is an existing 50' wide ingress/egress easement between Oakbrook Drive and the southern property line of the site.
- F. Gunpowder Creek is located in the western portion of the site and runs in a north/south direction.
- G. The area along Gunpowder Creek is located within the 100-year floodplain,
- H. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

- North: Galaxy Vapors/Josh's Barber Shop/Vacant retail space (C-4)
- South: Vacant Land/Single Family Dwellings (SR-2)
- East: Multi-tenant office (O-1)
- West: Multi-tenant strip center (C-2/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial which is “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:
  - 1. 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).

2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. 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).
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).
5. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
6. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).
7. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

C. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:

1. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that 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. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography p. 95).
2. 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. Buffer areas should use and supplement existing site features where possible (Buffering, p. 95).
3. 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 (Landscaping p. 96).

4. 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 sight distance for access points, adequate spacing 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, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency (Access Management p. 96).

#### STAFF COMMENTS

A. Staff has the following comments and concerns regarding the request:

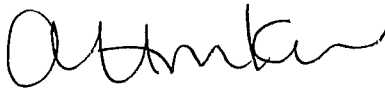
1. Section 3155 provides regulations pertaining to trash enclosure areas. The submitted plan does not indicate any enclosed trash areas.
2. The submitted plan does not indicate any details for detention or stormwater.
3. The submitted plan does not indicate any details for photometrics. The Zoning Regulations require measurable light to be less than one (1) footcandle at all property lines. Staff recommends that the fixtures around the perimeter be shielded and downlit.
4. The applicant has submitted the front building elevations for the proposed two-story building. Additional information should be provided regarding all four building elevations for each of the four proposed buildings.
5. The submitted concept development plan shows several retaining walls. Information relative to their height and building materials needs to be evaluated. Additionally, one of the retaining walls is shown to be located within the 60' wide overhead utility easement. Permission from the easement holder will need to be obtained for this retaining wall.
6. The Zoning Regulations require sidewalks to be a minimum width of 6' when they are located between a building and parking spaces. The submitted plan shows that the sidewalks between the buildings and the parking spaces are 5' in width.
7. The applicant has not identified if any drive-thru facilities will be provided. The drive aisle along the east line of the proposed development is not wide enough to accommodate both a drive-thru lane and a passing aisle.

8. Staff sent out an inter-departmental memo asking for comments and Jerry Noran, Boone County Building Department, replied that there should be handicap accessible parking spaces in front of the entrance of each of the four proposed buildings.
9. The submitted plan needs to show the limits of the 100 year floodplain to ensure protection of Gunpowder Creek and its banks.
10. The Zoning Regulations require a minimum of 5% of the vehicular use area to be landscaped. The submitted plan does not provide for any.

### 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. The 2040 Future Land Use Map would need to be amended if the request is approved.

Respectfully submitted,



Alaina Hagenseker  
Planner

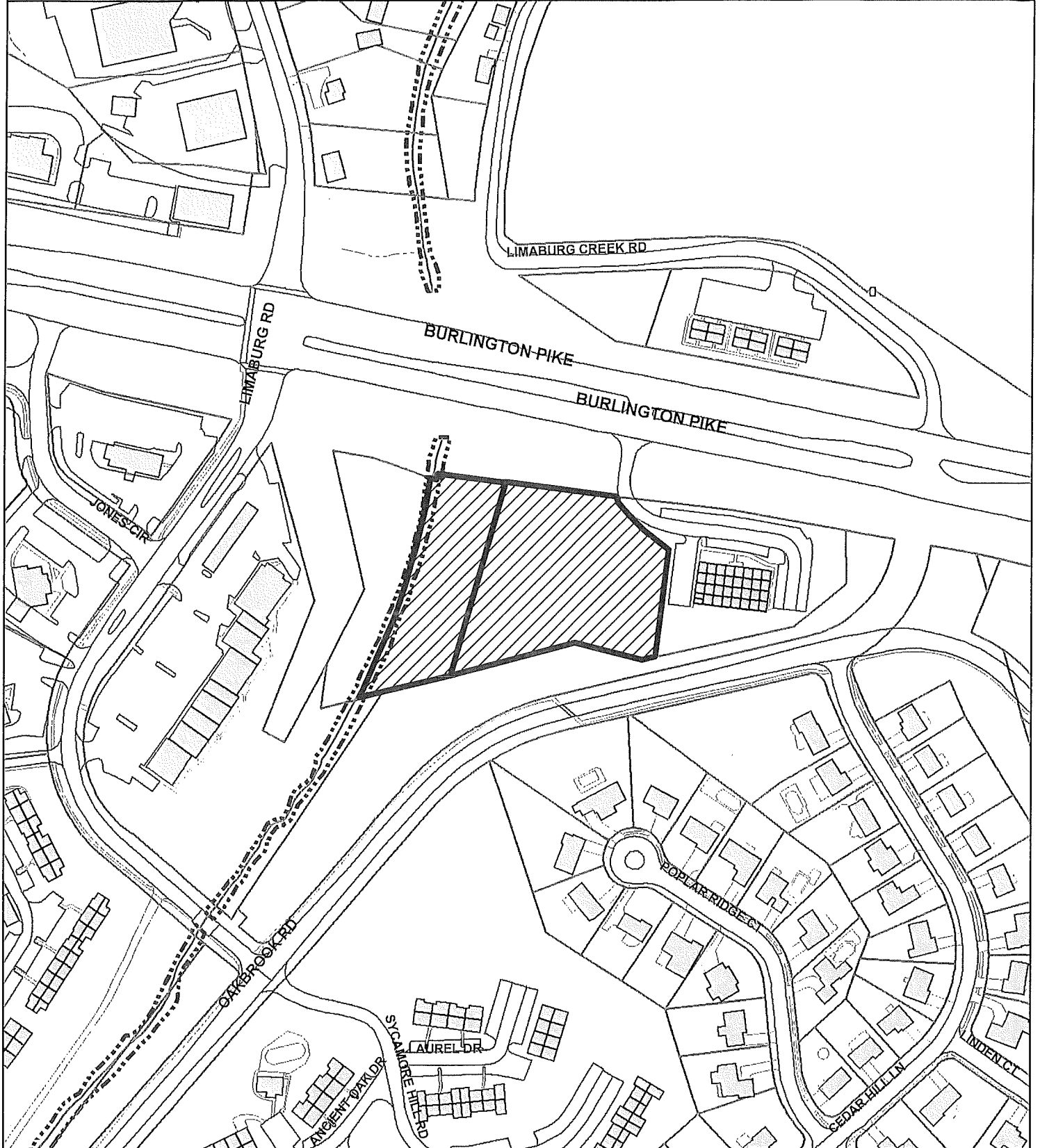
ACH/ss

### Attachments:

- \*Site Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Concept Development Plan
- \*Emails received in opposition to the application (Received 8/30/22)
- \*Application
- \*Easement Agreement

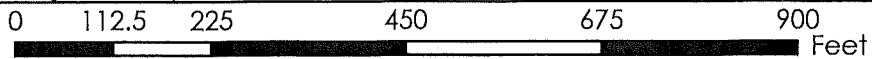
# Site Vicinity Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 221 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2022

ArctMap Document: \*.mxd

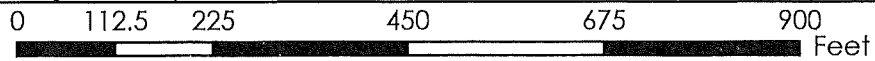
# Aerial Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 221 feet



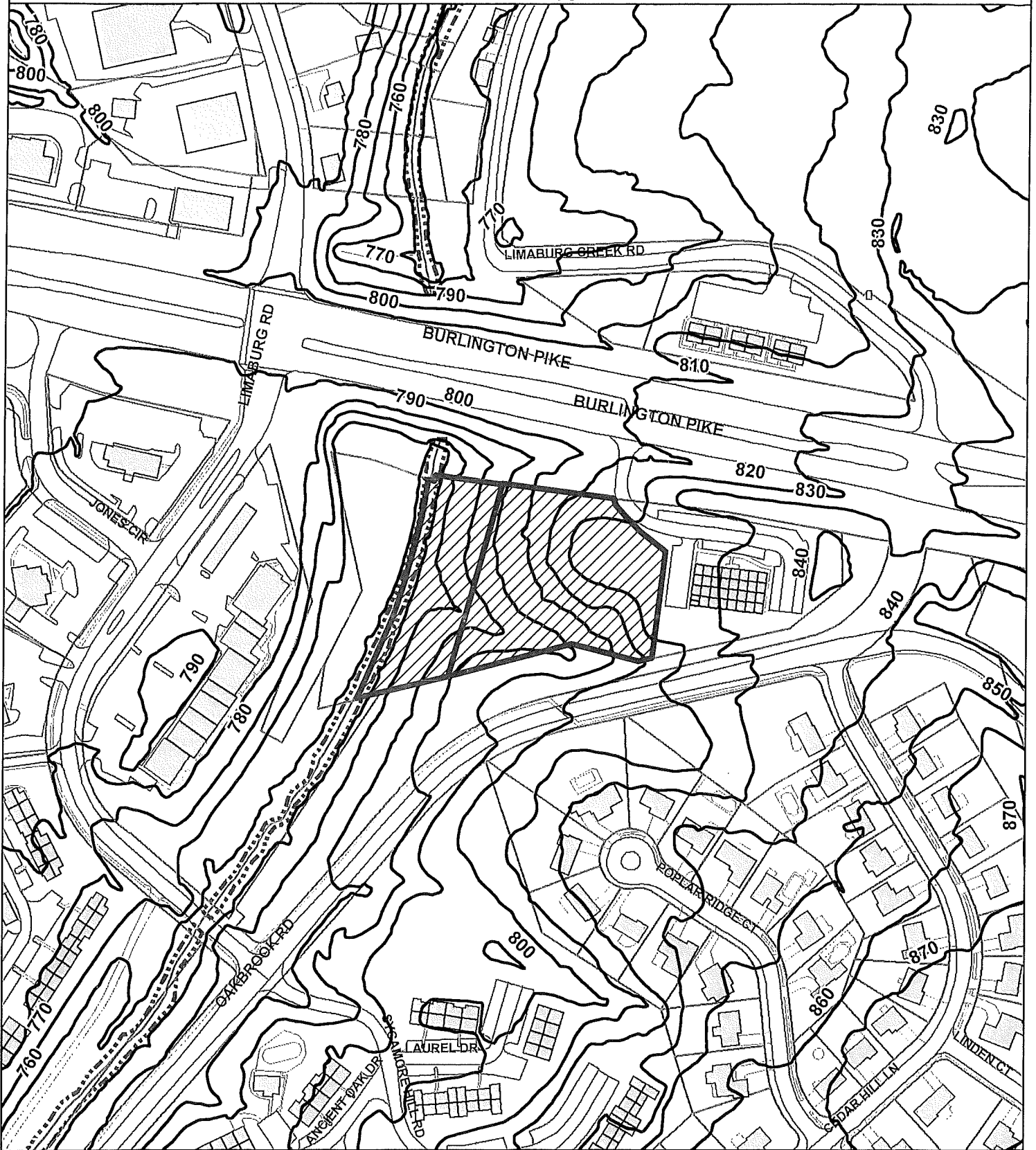
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: x/xx/2022

Boone County GIS  
ArchMap Document (\*.mxd)

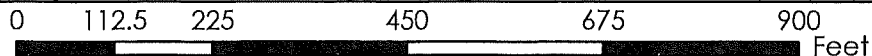
# Topography Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 221 feet

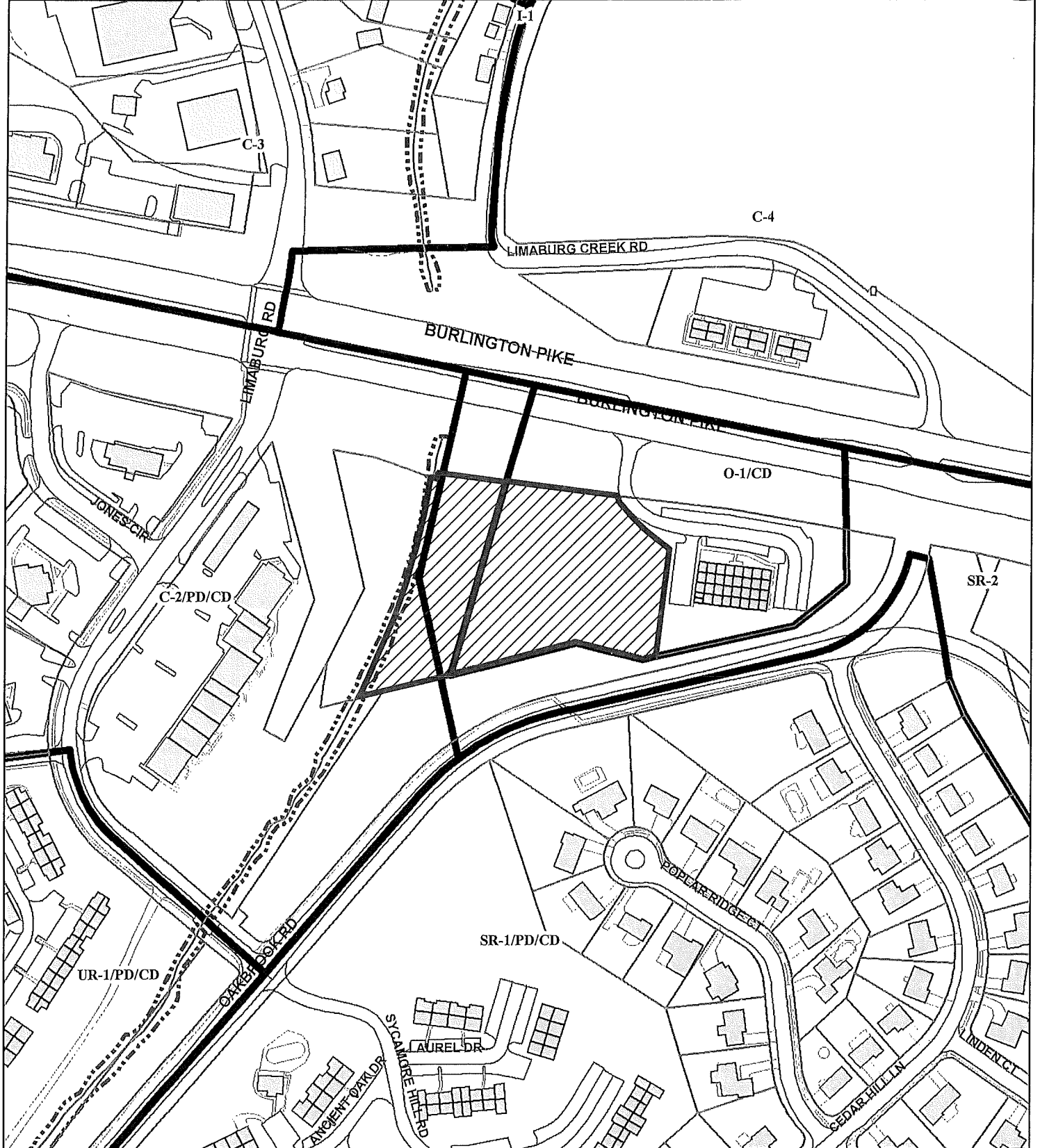


**Boone County GIS**



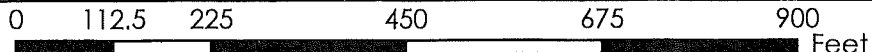
# Zoning Map

www.boonecountygis.com

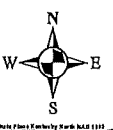


Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 221 feet



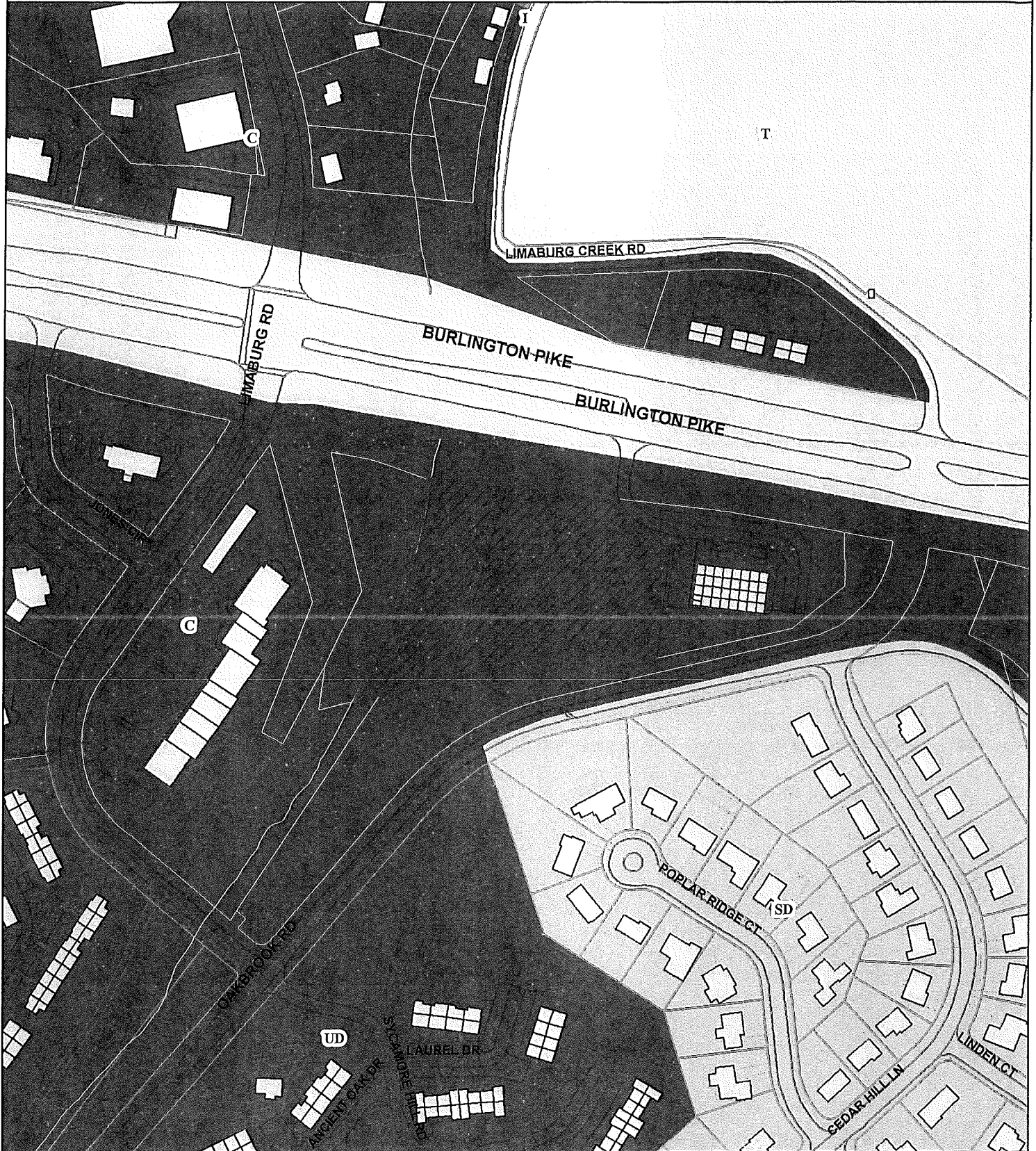
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd

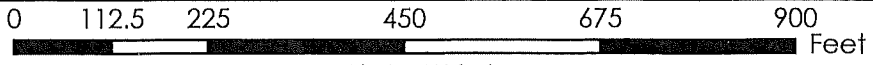
# 2040 Future Land Use Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 Inch = 221 feet



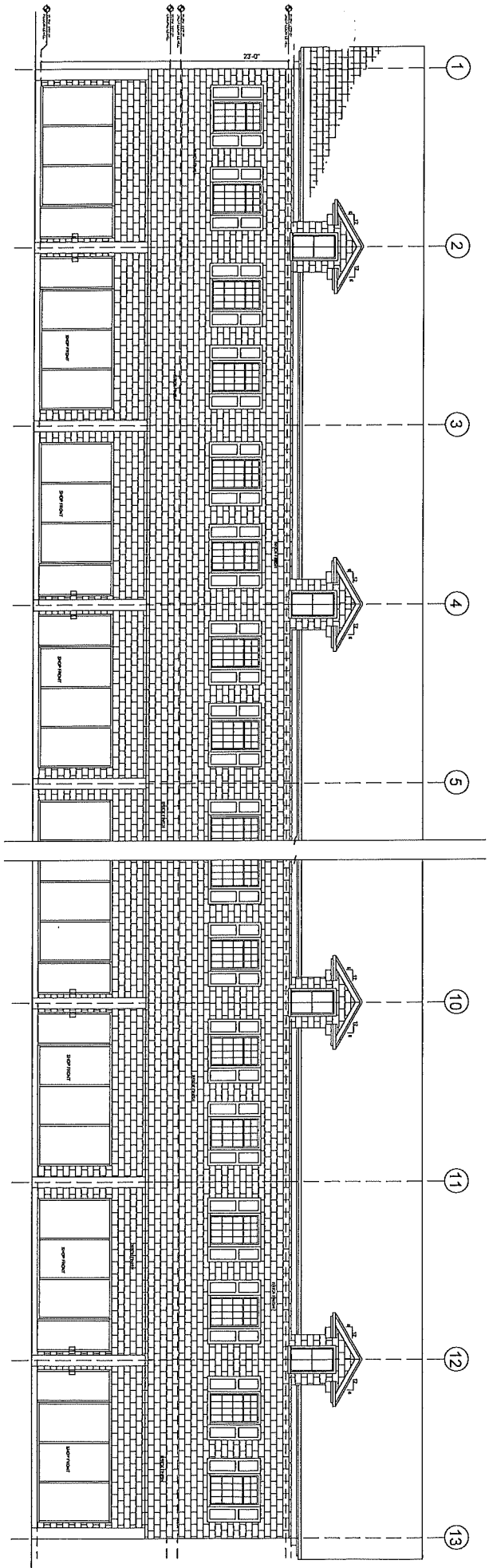
**Boone County GIS - Putting Northern Kentucky on the Map**



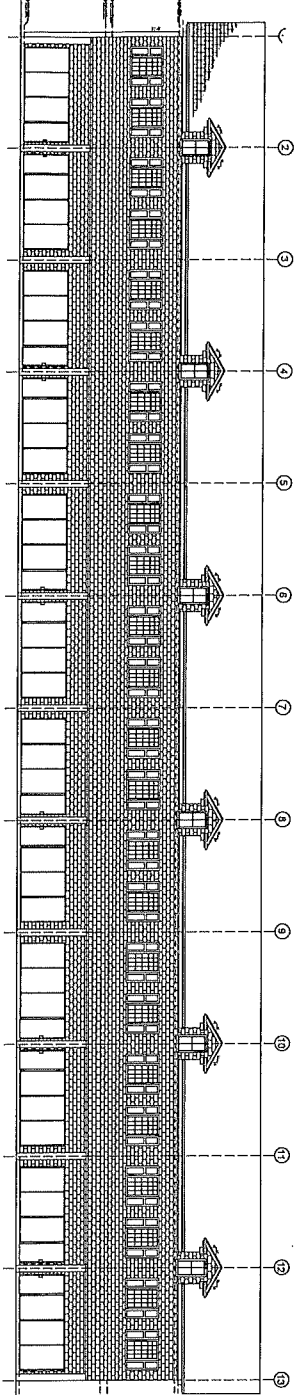
Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd





2 PARTIAL ELEVATION  
1/8" = 1'-0"



1 FRONT ELEVATION  
1/8" = 1'-0"

**Auttec Designs**  
 Design Consulting, Industrial Designers  
 33 East Main Street, New Albany, OH 43104, Phone: (614) 800 8884 Fax: (614) 747 5252  
 PROJECT NO: 1602  
 1699 BURLINGTON PIKE  
 TITLE: Elevations  
 DRAWN BY: UN  
 DATE: 06-29-2022  
 DRAWING # A200

## Alaina Hagenseker

---

**From:** Sara Smith  
**Sent:** Tuesday, August 30, 2022 4:09 PM  
**To:** Alaina Hagenseker  
**Subject:** FW: Resident feedback

---

**From:** John Wolfe <fitzwolfe@outlook.com>  
**Sent:** Tuesday, August 30, 2022 3:32 PM  
**To:** Planning Commission General Account <plancom@boonecountyky.org>  
**Subject:** Resident feedback

### EXTERNAL MESSAGE

I am a resident of Boone County, residing at 1479 Greenery Drive. This new development, being squeezed into an environmentally-sensitive plot (abutting Gun Powder Creek), is totally senseless and unnecessary. The proposed driveway is placed at a curve on Oak Brook Road which, if developed, would pretty much guarantee a doubling of traffic mishaps on that road. It's in the worst possible spot anyone could think of. The proposal says it supplies "needed goods and services" in the area. My goodness, these developers must never have visited the area. True, we do not have a Jeff Ruby restaurant, nor do we have a sleazy massage parlor nearby. But we do absolutely have everything "needed" in-between.

I urge the commission to reject this proposal.

*John Wolfe*  
859-250-8600

Sent from [Mail](#) for Windows

## Alaina Hagenseker

---

**From:** Sara Smith  
**Sent:** Tuesday, September 6, 2022 8:06 AM  
**To:** Alaina Hagenseker  
**Subject:** FW: Oakbrook Rd at Ky 18

---

**From:** c vlahos <vlahos2@hotmail.com>  
**Sent:** Monday, September 05, 2022 7:02 PM  
**To:** Planning Commission General Account <plancom@boonecountyky.org>  
**Subject:** Oakbrook Rd at Ky 18

### EXTERNAL MESSAGE

Please do not put an entrance to the new development off Oakbrook Rd. This is a residential area served by a narrow 2 lane road, and it will not be safe nor feasible to channel that much extra traffic in this location.

Thank you for your consideration.

Catherine Vlahos  
Resident, Oakbrook subdivision

## Alaina Hagenseker

---

**From:** Sara Smith  
**Sent:** Tuesday, September 6, 2022 8:06 AM  
**To:** Alaina Hagenseker  
**Subject:** FW: Zoning change Oakbrook Rd and Burlington Pike

-----Original Message-----

**From:** Judy Forbes <judy.forbes53@gmail.com>  
**Sent:** Sunday, September 04, 2022 4:48 PM  
**To:** Planning Commission General Account <plancom@boonecountyky.org>  
**Subject:** Zoning change Oakbrook Rd and Burlington Pike

EXTERNAL MESSAGE

Hello,  
We are not in favor of the proposed zone change to allow an entrance from Oakbrook Rd to a business development at Oakbrook Rd and Burlington Pike. This property's entrance should be from Burlington Pike and have no access to Oakbrook Road .  
Oakbrook is a residential community and the road cannot accommodate more traffic. This entrance would be on a curve and would not be safe for the number of pedestrians that use the sidewalk.  
There should also be a screen of landscaping to hide the back of these businesses from Oakbrook Rd. There should not be any tall brightly lit signs that overlook Oakbrook Dr.

Thank you for the opportunity to express our concerns.  
Jack and Judy Forbes  
6604 Trapside Pl

Sent from my iPhone

This instrument prepared by:  
ZIEGLER & SCHNEIDER, P.S.C.  
541 Buttermilk Pike, Suite 500  
Covington, KY 41017-5710

By:   
SHARON SCHNEIDER ELLISTON

GROUP: 2032

**EASEMENT AGREEMENT**

For One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, COUNTY OF BOONE, KENTUCKY, the Grantor, hereby grants unto the Grantee, namely THOMAS BUSHELMAN and RITA BUSHELMAN, husband and wife, their, his and her, heirs and assigns forever, a right of way and easement over the real estate described in Exhibit "A" and Plat both attached hereto and incorporated herein by reference .

Grantor and Grantee agree as follows:

1. This easement is perpetual and benefits and runs with the real estate described in Exhibit "A" and Plat attached hereto and incorporated herein by reference.
2. This easement is for ingress and egress of vehicular and pedestrian traffic and other uses incidental thereto.
3. The Grantee is permitted, at their, his and her, expense, to maintain, repair, and or replace any surface within the boundaries of the easement. If, in order to maintain, repair and/or replace any surface, it is necessary or desirable for Grantees or their, his and her, employees, agents, or contractors to go upon other real estate adjoining the easement, they may do so in a reasonable manner, but they must promptly repair any damage caused by their, his or her, act or admission.
4. Grantee shall indemnify and hold grantor harmless from any loss suffered by Grantor as a result of the Grantees or anyone acting with the expressed or implied permission of Grantee's negligent use of the easement.
5. This agreement is binding upon and/or for the benefit of the respective heirs, successors and/or assigns of each party to it.

Dated: May 12, 2009

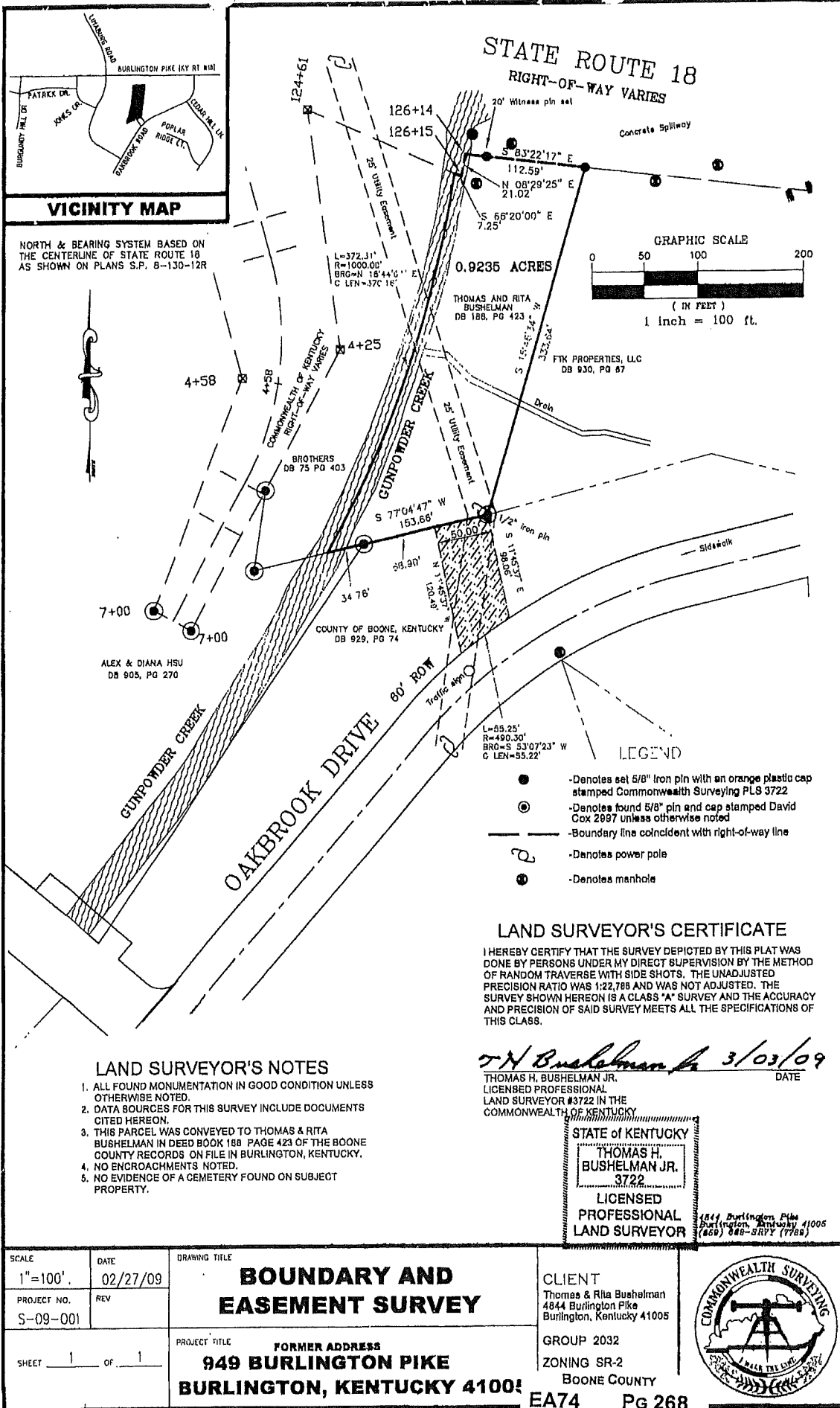
*Thomas Bushelman  
4844 Burlington PK  
Burlington Ky 41005*

**RETURN TO:**

BOONE COUNTY

EA74 PG 266





**BOUNDARY AND EASEMENT SURVEY**

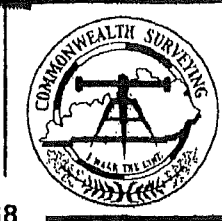
SCALE 1"=100'	DATE 02/27/09	DRAWING TITLE
PROJECT NO. S-09-001	REV	
SHEET 1 OF 1		

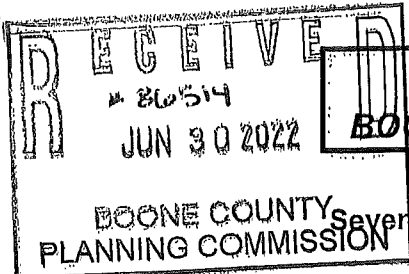
PROJECT TITLE  
**FORMER ADDRESS  
949 BURLINGTON PIKE  
BURLINGTON, KENTUCKY 41001**

CLIENT  
Thomas & Rita Bushelman  
4844 Burlington Pike  
Burlington, Kentucky 41005

GROUP 2032  
ZONING SR-2  
BOONE COUNTY

EA74 Pg 268





ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

We request  
September 7th  
Public Hearing

(7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

- Name of Project: Burling Brook Shopping Plaza
- Location of Project: ① 1655 Burlington Pike ② 049.00-00-041.02 ③ 049.00-00-044.06 ④ 049.00-00-044.01
- Total Acreage of Project: 1 & 2 = 3.04 acres 3 & 4 = 1.75 acres
- Current Zoning of Property: C-1 & C-2/PD
- Proposed Zoning of Property (classification being requested): C-1
- Proposed Use(s) (specify each use):  
Retail, service, restaurant
- Proposed Building Intensities (specify for each building):  
Existing office building & 22,465 sq ft. new space
- Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
- Current Owner: Othman Akram  
Address: 2306 Kenyon Ct  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 859 8665394 Fax Number: —  
Email: Alex.Othman1954@gmail.com
- Applicant: Othman Akram  
Address: 2306 Kenyon Ct  
Hebron Ky 41048  
City State Zip Code  
Phone Number: 859 8665394 Fax Number: —  
Email: Alex.Othman1954@gmail.com
- Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: \_\_\_\_\_



**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**#1**

**TO:** Boone County Planning Commission

**FROM:** Corrin Gulick, Chairwoman

**DATE:** March 1, 2023

**RE:** Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

**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 concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
  - a) 2040 Future Land Use Plan” designates the site for Commercial which is defined as “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
2. The Committee has concluded that the proposed C-1 district, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
  - a) 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).
  - b) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - c) 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).

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Burlingbrook

March 1, 2023

Page 2

- d) Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  - e) Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  - f) Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).
  - g) Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
3. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee 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 the conditions:

### CONDITIONS:

- 1. Development shall be consistent with the revised Concept Development Plan that was dated February 8, 2023, except as modified by these conditions or with minor revisions as approved by the Zoning Administrator.
- 2. The following C-1 uses shall not be permitted:
  - a. Funeral homes and crematoriums excluding cemeteries or mausoleums.
  - b. Day care centers
- 3. Drive-Thru facilities shall be prohibited.
- 4. The building material(s) and color(s) as well as the retaining wall design shall be reviewed and approved through the Planning Commission's Technical/Design Review Committee process and shall be of the same or better general quality as depicted in the Concept Development Plan that was dated February 8, 2023.
- 5. The perimeter landscape buffers shall meet minimum requirements of the Zoning Regulations unless a variance(s) is granted by the Boone County Board of Adjustment.
- 6. Pedestrian crossing(s) will need to be addressed with a Traffic Impact Study.
- 7. Prior to the approval of the first Major Site Plan, the Traffic Impact Study must be approved by the Planning Commission and the County Engineer.

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: Corrin Gulick, Chairwoman

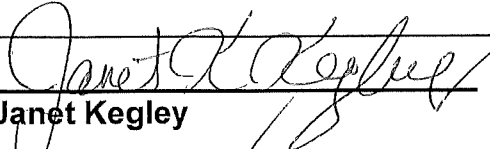
DATE: February 15, 2023

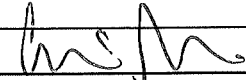
**REMARKS:**

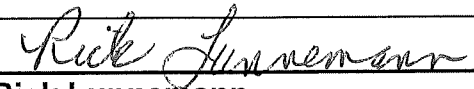
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**

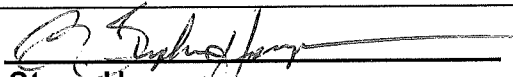
3. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

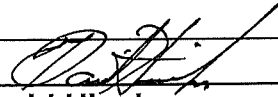
  
\_\_\_\_\_  
**Corrin Gulick (Chairwoman)**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Kathy Clark (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Steve Harper**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**David Hincks**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED \_\_\_\_\_ FOR PROJECT \_\_\_\_\_ ABSENT \_\_\_\_\_  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Jackie Steele

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services  
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:49 p.m.

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND  
CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

3. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 4.8 acres and located at the southwest corner of Oakbrook Road and Burlington Pike. It is surrounded to the north, west and east by commercial properties and residential to the south. Gunpowder Creek is located on the western property line. The site is located on a hill and currently zoned SR-2, C-2/PD and O-1. The request is to rezone the site to Commercial One (C-1). The Comprehensive Plan's Future Land Use Map designates the site for Commercial (C) use. Pages 3-5 of the Staff Report outline references to the Comprehensive Plan. The submitted Concept Development Plan shows the construction of 4 retail/service/restaurant/office buildings. Three one story buildings are proposed (1,995, 3,640 and 4,350 square foot buildings) along with one 2 story building comprising of 12,480 square feet. An elevation of the proposed 2 story building was submitted with the application. One hundred forty-one parking stalls are proposed. A full curb cut via an access easement agreement (see Staff Report) is being proposed off Oakbrook Road. The land where the access easement is located is owned by Boone County. Mrs. Hagenseker showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mrs. Hagenseker stated that the submitted plan does not show any details for any photometrics. The regulations require measurable light to be less than one (1) footcandle to all property lines. Staff recommends that the fixtures around the perimeter be shielded and downlit. Second, additional information should be provided regarding all four building elevations for each of the four proposed buildings. Third, information relative to the height of the proposed retaining walls and building materials need to be evaluated. One of the proposed retaining walls is shown to be located in the 60 foot utility easement. Permission from the easement holder must be granted. Fourth, the applicant has not identified if any drive thru facilities will be provided. The drive aisle along the eastern property line of the proposed development is not wide enough to accommodate both a drive thru lane and a passing aisle. The Boone County Building Department expressed a concern for handicapped parking in front of each building. The submitted plan needs to show the limits of the 100 year flood plan to ensure protection of Gunpowder Creek and its banks. Finally, the zoning regulations require a minimum of 5% of the vehicular use area

to be landscaped. The submitted plan does not provide for this requirement. Mrs. Hagenseker noted that some emails from neighbors were included in the Staff Report and she submitted one from Calum McDonald (Exhibit 1) and Greg and Pamela Simonson (Exhibit 2).

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

Mr. Akram Othman, applicant, stated that he doesn't understand why there is a hearing tonight? It is two parcels of land. He owns the existing building with offices. He wants to develop the site in one piece. The access easement is existing and it is grandfathered. The property is 3.1 or 3.2 acres. It is not 4.8 acres. He has developed shopping centers and office buildings for the past 15 years. He is from the area. The existing office building is not included in the request. Mrs. Hagenseker stated that the 4.8 acres includes the large area on the west side of the site and not the area where the existing office building is located.

Chairman Rolfsen reminded Mr. Othman to review the Staff Comments outlined in the Staff Report and address them at the upcoming Committee Meeting.

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

Mr. Wayne Meyer, 1461 Greenery, stated that he was a former building official and a retired architect. He question the specific uses. The current office building is nearly vacant. The site isn't visible. How successful can it be with more buildings at the same location? The access easement is a detriment to Oakbrook Subdivision. Additional turning lanes on both sides of Oakbrook Road will be needed. What about adding turning lanes on KY 18 with more expected traffic? What kind of goods and services will be at this location? We have a lot in the area already. The site slopes down towards Gunpowder Creek. It will directly impact it.

Mr. Michael Koseruba, 1959 Cliffview Lane, expressed a concern about the proposed access from Oakbrook Road. There is a sharp turn and change in grade. The road has a lot of traffic at peak times and people drive over the 35 mph speed limit. The road is visible for about 4 seconds from the curb cut location. There is also the Cedar Hill Drive intersection. Cars traveling at 35 mph have 5 seconds to stop and 4 seconds at 40 mph. Most drivers best reaction time is slightly less than a second or a distracted driver – 2 seconds. At 35 mph, they are moving 240 feet per second. At 40 mph, it is 300 feet per second. There isn't enough time to make a decision to turn unless there is a stop sign or an addition of a traffic signal. Really, the retail traffic should come off Burlington Pike and not Oakbrook Road. A Traffic Study should be conducted. The area is mostly residential. He is opposed to the curb cut. He doesn't know why the applicant is here tonight.

Mr. Costello asked if the County weighed in on the proposed project in terms of access to Oakbrook Road? It was addressed when the County relocated Oakbrook Road. Mrs. Hagenseker replied no.

Mr. Greg Drance, 6858 Vantage Court, showed the lack of sidewalks in the area. More traffic will create a safety issue for pedestrians or cyclists. The section of Oakbrook Road already has a lot of traffic in the morning and in the afternoon. KY 18 is your answer.

Mr. Pete Linstruth, 1449 Greenery Drive, stated that he likes the improvements to Pleasant Valley Road and Aero Parkway but Oakbrook Road connects the two. He walks the area and notices a lot of traffic in the peak times. He is not opposed to the development but prefers to have the access off KY 18. Turning lanes will have to be added.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

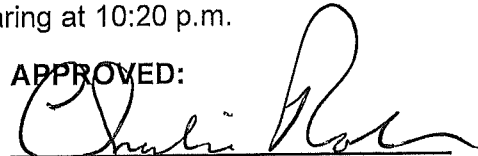
Mr. Patton expressed the need to complete a Traffic Study to look at the movement of traffic in 2 different directions and have another way out in case an entrance is blocked. He also wanted to review the list of permitted uses to determine which ones would be appropriate. Without a traffic signal, there is a concern for high traffic generated uses.

Ms. Gulick asked if the applicant has approached the Kentucky Transportation Cabinet (KTC) because there is a planned road project on KY 18 that may affect this subject property? There should also be a que analysis at the intersection of Aero Parkway and Burlington Pike. The existing curb cut may be limited to right turn in and out only.

Mr. Othman replied that the office building is not vacant. Do we have to consider both vehicle traffic and pedestrian traffic? They are different. A Traffic Study costs \$20,000. Did every project on KY 18 have a Traffic Study? It is an existing easement and he would like an in and out on KY 18.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 5, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:20 p.m.**

APPROVED:



**Charlie Rolfsen**  
**Chairman**

Attest:



**Kevin P. Costello, AICP**  
**Executive Director**

**Exhibit 1 – Email from Calum McDonald**  
**Exhibit 2 – Email from Greg and Pamela Simonson**

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Jackie Steele

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services  
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:49 p.m.

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND  
CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

3. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 4.8 acres and located at the southwest corner of Oakbrook Road and Burlington Pike. It is surrounded to the north, west and east by commercial properties and residential to the south. Gunpowder Creek is located on the western property line. The site is located on a hill and currently zoned SR-2, C-2/PD and O-1. The request is to rezone the site to Commercial One (C-1). The Comprehensive Plan's Future Land Use Map designates the site for Commercial (C) use. Pages 3-5 of the Staff Report outline references to the Comprehensive Plan. The submitted Concept Development Plan shows the construction of 4 retail/service/restaurant/office buildings. Three one story buildings are proposed (1,995, 3,640 and 4,350 square foot buildings) along with one 2 story building comprising of 12,480 square feet. An elevation of the proposed 2 story building was submitted with the application. One hundred forty-one parking stalls are proposed. A full curb cut via an access easement agreement (see Staff Report) is being proposed off Oakbrook Road. The land where the access easement is located is owned by Boone County. Mrs. Hagenseker showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mrs. Hagenseker stated that the submitted plan does not show any details for any photometrics. The regulations require measurable light to be less than one (1) footcandle to all property lines. Staff recommends that the fixtures around the perimeter be shielded and downlit. Second, additional information should be provided regarding all four building elevations for each of the four proposed buildings. Third, information relative to the height of the proposed retaining walls and building materials need to be evaluated. One of the proposed retaining walls is shown to be located in the 60 foot utility easement. Permission from the easement holder must be granted. Fourth, the applicant has not identified if any drive thru facilities will be provided. The drive aisle along the eastern property line of the proposed development is not wide enough to accommodate both a drive thru lane and a passing aisle. The Boone County Building Department expressed a concern for handicapped parking in front of each building. The submitted plan needs to show the limits of the 100 year flood plan to ensure protection of Gunpowder Creek and its banks. Finally, the zoning regulations require a minimum of 5% of the vehicular use area

to be landscaped. The submitted plan does not provide for this requirement. Mrs. Hagenseker noted that some emails from neighbors were included in the Staff Report and she submitted one from Calum McDonald (Exhibit 1) and Greg and Pamela Simonson (Exhibit 2).

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

Mr. Akram Othman, applicant, stated that he doesn't understand why there is a hearing tonight? It is two parcels of land. He owns the existing building with offices. He wants to develop the site in one piece. The access easement is existing and it is grandfathered. The property is 3.1 or 3.2 acres. It is not 4.8 acres. He has developed shopping centers and office buildings for the past 15 years. He is from the area. The existing office building is not included in the request. Mrs. Hagenseker stated that the 4.8 acres includes the large area on the west side of the site and not the area where the existing office building is located.

Chairman Rolfsen reminded Mr. Othman to review the Staff Comments outlined in the Staff Report and address them at the upcoming Committee Meeting.

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

Mr. Wayne Meyer, 1461 Greenery, stated that he was a former building official and a retired architect. He question the specific uses. The current office building is nearly vacant. The site isn't visible. How successful can it be with more buildings at the same location? The access easement is a detriment to Oakbrook Subdivision. Additional turning lanes on both sides of Oakbrook Road will be needed. What about adding turning lanes on KY 18 with more expected traffic? What kind of goods and services will be at this location? We have a lot in the area already. The site slopes down towards Gunpowder Creek. It will directly impact it.

Mr. Michael Koseruba, 1959 Cliffview Lane, expressed a concern about the proposed access from Oakbrook Road. There is a sharp turn and change in grade. The road has a lot of traffic at peak times and people drive over the 35 mph speed limit. The road is visible for about 4 seconds from the curb cut location. There is also the Cedar Hill Drive intersection. Cars traveling at 35 mph have 5 seconds to stop and 4 seconds at 40 mph. Most drivers best reaction time is slightly less than a second or a distracted driver – 2 seconds. At 35 mph, they are moving 240 feet per second. At 40 mph, it is 300 feet per second. There isn't enough time to make a decision to turn unless there is a stop sign or an addition of a traffic signal. Really, the retail traffic should come off Burlington Pike and not Oakbrook Road. A Traffic Study should be conducted. The area is mostly residential. He is opposed to the curb cut. He doesn't know why the applicant is here tonight.

Mr. Costello asked if the County weighed in on the proposed project in terms of access to Oakbrook Road? It was addressed when the County relocated Oakbrook Road. Mrs. Hagenseker replied no.

Mr. Greg Drance, 6858 Vantage Court, showed the lack of sidewalks in the area. More traffic will create a safety issue for pedestrians or cyclists. The section of Oakbrook Road already has a lot of traffic in the morning and in the afternoon. KY 18 is your answer.

Mr. Pete Linstruth, 1449 Greenery Drive, stated that he likes the improvements to Pleasant Valley Road and Aero Parkway but Oakbrook Road connects the two. He walks the area and notices a lot of traffic in the peak times. He is not opposed to the development but prefers to have the access off KY 18. Turning lanes will have to be added.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

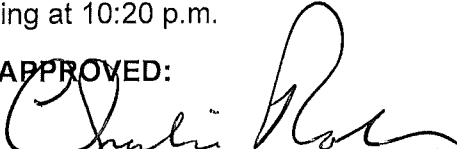
Mr. Patton expressed the need to complete a Traffic Study to look at the movement of traffic in 2 different directions and have another way out in case an entrance is blocked. He also wanted to review the list of permitted uses to determine which ones would be appropriate. Without a traffic signal, there is a concern for high traffic generated uses.

Ms. Gulick asked if the applicant has approached the Kentucky Transportation Cabinet (KTC) because there is a planned road project on KY 18 that may affect this subject property? There should also be a que analysis at the intersection of Aero Parkway and Burlington Pike. The existing curb cut may be limited to right turn in and out only.

Mr. Othman replied that the office building is not vacant. Do we have to consider both vehicle traffic and pedestrian traffic? They are different. A Traffic Study costs \$20,000. Did every project on KY 18 have a Traffic Study? It is an existing easement and he would like an in and out on KY 18.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 21, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 5, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:20 p.m.**

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

Exhibit 1 – Email from Calum McDonald  
Exhibit 2 – Email from Greg and Pamela Simonson

**Alaina Hagenseker**

---

**From:** Sara Smith  
**Sent:** Wednesday, September 7, 2022 1:03 PM  
**To:** Alaina Hagenseker  
**Subject:** FW: New Development Site plan on Oakbrook Dr.  
**Attachments:** New Development Site Plan.pdf

---

**From:** calum macdonald <calummacdonald64@gmail.com>  
**Sent:** Wednesday, September 07, 2022 1:00 PM  
**To:** Planning Commission General Account <plancom@boonecountyky.org>  
**Subject:** New Development Site plan on Oakbrook Dr.

**EXTERNAL MESSAGE**

My name is Calum MacDonald, I reside at 7066 Sweetwater Drive in Oakbrook. I totally disagree with this proposed access off of Oakbrook Dr. This will definitely impact our community in a negative way, traffic, congestion, let alone the safety concerns with children and seniors walking close by. Bad idea, an alternate access should be considered.

Thank you for your time.

Regards,

Calum MacDonald

**Alaina Hagenseker**

---

**From:** Sara Smith  
**Sent:** Tuesday, September 6, 2022 9:01 AM  
**To:** Alaina Hagenseker  
**Subject:** FW: Proposed Entrance to Oakbrook Drive

**From:** pbsimonson <pbsimonson@gmail.com>  
**Sent:** Tuesday, September 06, 2022 8:58 AM  
**To:** Planning Commission General Account <plancom@boonecountyky.org>  
**Subject:** Proposed Entrance to Oakbrook Drive

**EXTERNAL MESSAGE**

To whom it may concern, we are strongly opposing the possibility of another entrance onto Oakbrook Drive. We have resided in Oakbrook for 32 years. We have had many changes to our community, some for the better and most have not been. Our community was one that you could bike, walk, gather with you neighbors and feel safe in. That is no longer the case. Our neighborhood has detorated as a result of massive highways, industrial buildings, airport noise and the unsafe traffic on Burlington 18. To add yet another building and highway is not in the best interest of our neighborhood. Enough is enough! Sincerely Greg and Pamela Simonson 6243 Fair Oaks Dr. Florence, Ky

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
MARCH 1, 2023  
7:00 P.M.**

---

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's March 1, 2023 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mr. David Hincks  
Mr. Bob Schwenke  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael Schwartz, Director, Zoning Services  
Mrs. Alaina Hagenseker, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the February 15, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Costello noted a correction on Page 7 of the February 15, 2023 Public Hearing Minutes, the second complete paragraph. A sentence should be added after the first sentence. It should read, "Mr. Morgan replied that he would follow up with the Airport."

Mrs. Kegley moved to approve the Minutes subject to the change stated by Mr. Costello. Mrs. Goetting seconded the motion and it carried unanimously.

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between February 2, 2023 and March 1, 2023.

**EXPENSES:**

Accounting Fees	\$ 978.40
Attorney Fees	5,400.00
Auto Expense	80.77
Consultant/Professional Svcs Fees	3,131.25
Filing Fees (CLURS)	900.00
Legal Ads/Recruitment	340.44
Miscellaneous Expense	232.54
Office & Board Meeting Supplies	856.80
Office Equipment / Expense	318.78
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	689.00
Professional Development	<u>653.88</u>

**TOTAL: \$ 14,081.86**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 6,337.98
Health/Dental/Life/LTD	12,832.06
Retirement – BCPC Portion	22,514.32
Salaries – Staff Expenses	86,497.38
Salaries – BCPC & BOA	<u>1,615.00</u>

**TOTAL: \$129,796.74**

**GRAND TOTAL: \$143,878.60**

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mrs. Goetting seconded the motion and it carried unanimously.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**

1. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an

approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Jim Bertrum, Engineer, stated that he was available to answer any questions.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT, David Hincks, Chairman, Alaina Hagenseker, Staff**

2. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter.

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

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

**CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

3. Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. There is a signed Committee sheet. The applicant has signed the condition letter.

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

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff**

4. Floor & Décor – Houston Road

Staff Member, Alaina Hagenseker, referred to a PowerPoint presentation. The Committee met prior to the Business Meeting to review the building materials and colors to make sure they comply with the regulations. Staff met with the applicant several times and revised their plans. The Committee recommended approval based on meeting the requirements of the Houston-Donaldson Study. The site is located on Houston Road next to Lowe's. The site was part of an overall plan for Turfway Square.

Mr. Tilton McCoy, Floor & Décor, stated that Phase I of the development will include their store and Phase 2 will include the outlots bordering Houston Road. They hope to start grading the site later this month.

Mr. Costello asked if the proposed project met all the original conditions for the site? Mrs. Hagenseker replied yes. Will they meet the buffer line requirement. The idea was not to be able to see the building from I-75. What about the existing free-standing sign? Will they use it?

Mr. Aaron Douglas, Floor & Décor, responded that the pylon sign on the highway is pretty full but they will look at doing something. It is not critical for them to open and operate their store.

**Mr. Lunnemann moved to approve the request as presented by Mrs. Hagenseker. Mr. Szurlinski seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

5. Bosch – 15 Spiral Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The proposed addition is on the back of the building. It will sit back approximately 520 feet from Aero Parkway. The original building was built in the early 1990s and the materials used then do not meet the current Houston-Donaldson Study requirements. The proposed addition will match the same materials and colors used when the building was first built. The 3,200 square foot addition will be used for additional storage.

**Mr. Lunnemann moved to approve the request as presented by Mr. Schwartz. Mr. Richardson seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**ZONING MAP AMENDMENT, Alaina Hagenseker, Staff**

6. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

7. Request of **Dinsmore Homestead Foundation Inc, per Barbara Bardes (applicant)** for **Dinsmore Homestead Foundation Inc, per Barbara Bardes and County of Boone, per Jeff Earlywine, County Administrator (owners)** for a Zoning Map Amendment from Conservation (CONS) to Conservation/Planned Development (CONS/PD) for an approximate 9.2 acre area located along the northwest side of Burlington Pike, between Middle Creek Road and Belleview Road, approximately 650 feet southwest of Middle Creek Road, and being part of the properties located at 5656 Burlington Pike and 5700 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow the development of a heritage center building and an off-street parking area.

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff**

8. Request of **Black and Veatch, per Breanne Mocaby, on behalf of Electrify America (applicant)** for **Meijer Stores Limited Partnership, per Matt Levit (owner)** for a Change of Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 0.28 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change of Concept Development Plan to allow an electric vehicle charging station.

**Ms. Gulick moved to schedule the Public Hearing for Items #6, #7 and #8 on April 5, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.**

**H. Executive Director's Report:**

Mr. Kevin Costello, AICP, referred to his February 22, 2023 memo regarding the Addendum to the Professional Services Contract with enCode Plus. He explained that Staff is gearing up for the 5 year update of the Comprehensive Plan. The Memo explains the services and products offered by enCode Plus. It is the same firm that the Planning Commission used in 2019 to create new format for the 2020 Zoning Update. That format is also being used for the 2023 update of the Subdivision Regulations. The Addendum covers developing a new format for the preparation

and adoption of the Comprehensive Plan update. It also includes creating a new project website.

**As a result, Mr. Turner moved to authorize the Executive director to sign the Addendum to the original software license agreement with enCode Plus at a total cost of \$16,750. Mr. Richardson seconded the motion and it passed unanimously.**

**I. Committee Reports:**

- Airport (Randy Bessler)  
No Report
- Administrative/Personnel (Tom Szurlinski)  
No Report
- Enforcement (Tom Szurlinski)  
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)  
No Report
- Technical/Design Review (Rick Lunnemann)  
No Report
- Executive  
No Report

**J. Chairman's Report:**

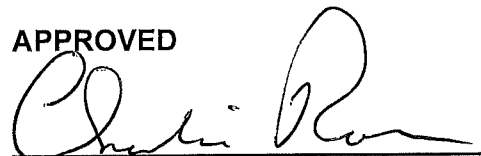
**K. OKI Report: (Randy Bessler)  
No Report**

**L. Other:**

**M. Adjournment:**

There being no further business to come before the Planning Commission, **Ms. Gulick moved to adjourn the meeting. Mrs. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 7:29 P.M.**

**APPROVED**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

# **SUPPORTING INFORMATION**



## **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://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](mailto:plancom@boonecountyky.org)

February 17, 2023

Jim Bertram

RE: Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

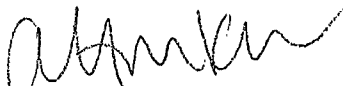
Dear Mr. Bertram:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their February 15<sup>th</sup>, 2023 meeting. If the property owner/developer agrees to the 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 Monday, February 27<sup>th</sup>, 2023.

### **CONDITIONS**

1. Development shall be consistent with the revised Concept Development Plan that was dated on February 8, 2023, except as modified by these conditions or with minor revisions as approved by the Zoning Administrator.
2. The following C-1 uses shall not be permitted:
  - a. Funeral homes and crematoriums excluding cemeteries or mausoleums.
  - b. Day care centers

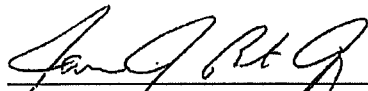
3. Drive-Thru facilities shall be prohibited.
4. The building material(s) and color(s) as well as the retaining wall design shall be reviewed and approved through the Planning Commission's Technical/Design Review Committee process and shall be of the same or better general quality as depicted in the Concept Development Plan that was dated on February 8, 2023.
5. The perimeter landscape buffers shall meet minimum requirements of the Zoning Regulations unless a variance(s) is granted by the Boone County Board of Adjustment.
6. Pedestrian crossing(s) will need to be addressed with a traffic impact study.
7. Prior to the approval of the first Major Site Plan, the Traffic Impact Study must be approved by the Planning Commission and the County Engineer.

  
Alaina Hagenseker  
Planner, Zoning Services

ACH/ss

AGREEMENT

I, Jim Bertram, hereby agree to the conditions listed herein for the above referenced Zoning Map Amendment.

  
\_\_\_\_\_  
Jim Bertram (Surveyor)

2-22-2023  
\_\_\_\_\_  
Date

0  
0

**ORDINANCE 2023-07**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS, OF AKRAM OTHMAN (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN FROM SUBURBAN RESIDENTIAL TWO (SR-2) DISTRICT, OFFICE ONE (O-1) DISTRICT AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT TO COMMERCIAL ONE (C-1) DISTRICT FOR AN APPROXIMATE 4.8 ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF OAKBROOK ROAD WITH BURLINGTON PIKE AND INCLUDES THE PROPERTY AT 1655 BURLINGTON PIKE AND THE PROPERTIES WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS (PIDN'S): 049.00-044.00, 049.00-00-044.01 AND 049.00-00-041.02, BOONE COUNTY, KENTUCKY (AREA 3).**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-044.00, 049.00-00-044.01 and 049.00-00-041.02, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for unincorporated Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, for the Zoning Map Amendment/Change in Concept Development Plan and Concept Development Plan.

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

**Section One**

That the request for Zoning Map Amendment/Change in Concept Development Plan and Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district, Boone County, Kentucky. The real estate which is subject to all requests are described in DEED BOOKS/PAGE NOS: 1362/57, 1113/140, 1112/266 and 1020/848 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for the recommendation of approval, with Conditions, for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-044.00, 049.00-00-044.01 and 049.00-00-041.02, Boone County, Kentucky, 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 Ordinance and marked as "Exhibit A."

The Boone County Planning Commission recommended approval for the requests based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

**Section Three**


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

**First Reading the 21<sup>st</sup> day of March 2023**

**Second Reading the 4<sup>th</sup> day of April 2023 – tabled**

**Second Reading the 23<sup>rd</sup> day of May 2023**

Adopted this 23<sup>rd</sup> day of May, 2023      Yes 4      No 0

  
\_\_\_\_\_  
Gary W. Moore, Judge/Executive  
Boone County Fiscal Court

**ATTEST:**

  
\_\_\_\_\_  
Shona Schulkers,  
Fiscal Court Clerk

ZONE CHANGE/CONCEPT PLAN  
Akram Othman (applicant/owner)

CONDITIONS OF APPROVAL:

1. Development shall be consistent with the revised Concept Development Plan that was dated February 8, 2023, except as modified by these conditions or with minor revisions as approved by the Zoning Administrator.
2. The following C-1 uses shall not be permitted:
  - a. Funeral homes and crematoriums excluding cemeteries or mausoleums.
  - b. Day care centers.
3. Drive-Thru facilities shall be prohibited.
4. The building material(s) and color(s) as well as the retaining wall design shall be reviewed and approved through the Planning Commission's Technical/Design Review Committee process and shall be of the same or better general quality as depicted in the Concept Development Plan that was dated February 8, 2023.
5. The perimeter landscape buffers shall meet minimum requirements of the Zoning Regulations unless a variance(s) is granted by the Boone County Board of Adjustment. In addition, landscaping along the south right-of-way line along S.R. 18, within the limits of the development, shall be similar to the landscaping existing to the east of the site in front of the public utility facilities.
6. Pedestrian crossing(s) will need to be addressed with a Traffic Impact Study.
7. Prior to the approval of the first Major Site plan, the Traffic Impact Study must be approved by the Planning Commission and the County Engineer. It is understood by all parties that a direct access on to Oakbrook Dr. will only be permitted if required by the traffic study and approved by the county engineer.

I hereby agree to the amended conditions of approval as noted above.

\_\_\_\_\_  
Akram Othman  
Applicant/Owner

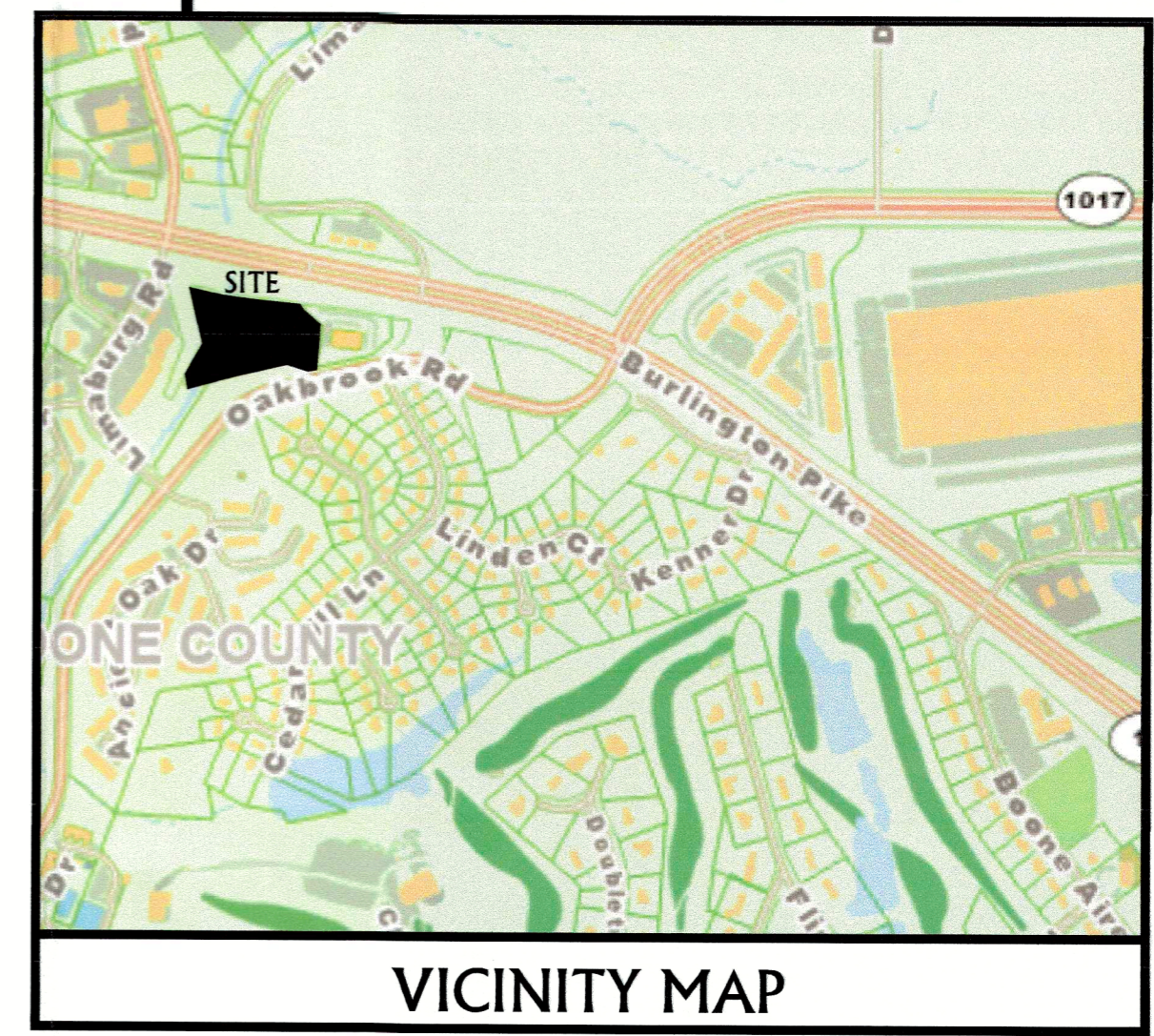
\_\_\_\_\_  
Date

\_\_\_\_\_  
Boone County Fiscal Court

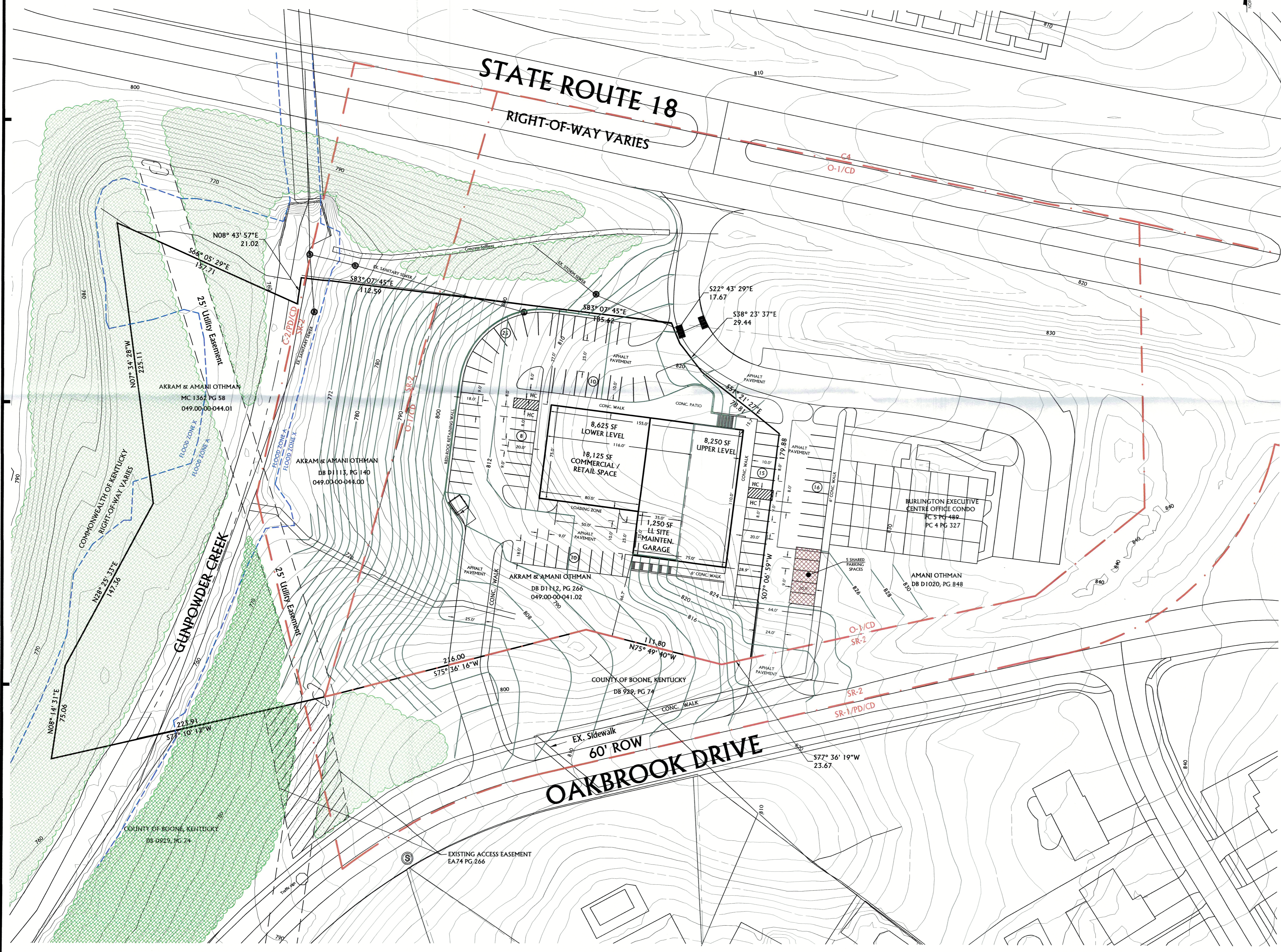
\_\_\_\_\_  
Date

*Zoning Map Amendment  
with Conditions  
APPROVED*  
Staff *Maina Hagensen*  
Date *3-1-23*  
Boone County  
Planning Commission

KENTUCKY STATE PLANE  
COORDINATE SYSTEM, NORTH  
ZONE, SURVEYOR'S FOOT,  
GEOID 18, NA8083



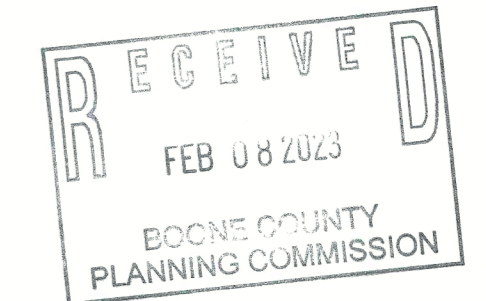
**HE**  
**HREZO**  
Engineering, Inc.  
GREENDALE  
1025 Ridge Avenue  
Greendale, IN 47025  
T 812.537.4700  
Office@HrezoEngineering.com  
MADISON  
444 Meadow Lane  
Madison, IN 47250  
T 812.273.2644  
Contact@HrezoEngineering.com



**GENERAL NOTES**

1. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH. THEREFORE THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHT-OF-WAY, COVENANTS, ETC. AS MAY BE DISCLOSED IN A CURRENT, COMPREHENSIVE TITLE SEARCH.
2. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN BASED ON A RECORDED DOCUMENTS AND BOONE COUNTY GIS INFORMATION.
3. WETLANDS, ENVIRONMENTAL, AND/OR HAZARDOUS MATERIALS LOCATIONS, IF ANY, NOT COVERED UNDER THIS CONTRACT.
4. CURRENT ZONING: SR-2, C-2/PD/CD AND O-1/CD (SEE ZONING ORDINANCE FOR USES AND SETBACKS).
5. PROPOSED ZONING: C-1 COMMERCIAL 1 ZONE.
6. UNDERGROUND PIPES AND CONDUITS ARE PLOTTED FROM UTILITY PLANS AND GIS INFORMATION. LOCATIONS OF THESE WILL NEED TO BE FIELD VERIFIED.
7. THIS DRAWING WAS CREATED FROM EXISTING DRAWINGS AND GIS INFORMATION, AND HAS AN UNVERIFIED ACCURACY. THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY PREPARED BY HREZO ENGINEERING AND MAPPING AND IS NOT INTENDED TO BE USED FOR TRANSFER OF LAND OR SHOULD BE USED FOR ANY OTHER PURPOSE THAN CONCEPTUAL PLANNING.
8. PROPOSED USES: ALL PERMITTED USES IN THE C-1 (COMMERCIAL 1 ZONE) ACCORDING TO ARTICLE 10 SECTION 1001. WITH THE EXCEPTION OF THE FOLLOWING: CREMATORY, FUNERAL HOME, AND DAY CARE CENTER.
9. SOIL TYPES: JED - JESSUP SILT LOAM, 12 TO 20 PERCENT SLOPES  
RSC - ROSSMOYNE SILT LOAM - 6 TO 12 PERCENT SLOPES
10. PARCEL NUMBERS 049.00-00-044.01, 049.00-00-044.00 AND 049.00-00-041.02 WILL BE CONSOLIDATED INTO ONE TRACT DURING THE DEVELOPMENT PROCESS.
11. THE PROPOSED SIGNAGE WILL BE DESIGN ACCORDING TO ARTICLE 34 SIGNS, OF THE BOONE COUNTY ZONING REGULATIONS.
12. PART OF THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE A AND REMAINING PORTION IS IN AN AREA OF MINIMAL FLOOD HAZARD ZONE "X" ACCORDING TO COMMUNITY PANEL NUMBER 21015C0120C. EFFECTIVE DATE: JUNE 4, 2007.
13. EROSION CONTROL, STORM WATER MANAGEMENT AND FACILITIES WILL BE DESIGN IN ACCORDANCE WITH SANITATION DISTRICT NO. 1 STORM WATER REGULATIONS AND POLICIES, AND BOONE COUNTY SPECIFICATIONS.
14. PUBLIC WATER WILL BE PROVIDED TO THE LOT, THE WATER MAINS AND STRUCTURES CURRENTLY EXIST ALONG THE SUBJECT SITE. THIS DESIGN WILL BE ACCORDING TO BOONE COUNTY WATER DEPARTMENT SPECIFICATIONS.
15. SITE WILL BE SERVED BY THE EXISTING SANITARY SEWER LOCATE ON THE SUBJECT SITE. DESIGN FOR THE WASTE WATER WILL BE ACCORDING TO SANITATION DISTRICT NO. 1 RULES AND REGULATIONS.
16. THE SUBJECT SITE IS 4.8 ACRES ACCORDING TO STAFF REPORT DATED 9-7-2022.
17. INTENSITY ALLOWED ACCORDING TO ARTICLE 10 SECTION 1001.3 IS 11,000 SQUARE FEET OF GROSS FLOOR AREA. TOTAL BUILDING SQUARE FOOTAGE IS 18,125 SQUARE FEET ON 4.8 ACRES EQUALS AN INTENSITY OF 3,776 SQUARE FEET OF GROSS FLOOR AREA.
18. ACCORDING TO ARTICLE 33, REQUIRES 4 SPACES PER 1000 GROSS FLOOR AREA. PARKING SPACES REQUIRED IS 73 SPACES, 73 SPACES ARE PROVIDED.  
ACCORDING TO ARTICLE 33, 3 HANDICAP SPACES ARE REQUIRED, 4 ARE PROVIDED.
19. LANDSCAPING WILL BE DESIGNED ACCORDING TO ARTICLE 36 OF THE BOONE COUNTY ZONING REGULATIONS.
20. A TRAFFIC IMPACT STUDY WILL BE REQUIRED FOR FINAL DESIGN APPROVAL. IT IS UNDERSTOOD THAT THE ENTRANCE FROM STATE ROUTE 18, WILL BECOME A RIGHT-IN RIGHT OUT ACCESS POINT UPON COMPLETION OF THE IMPROVEMENTS THAT WILL BE COMPLETED BY KENTUCKY TRANSPORTATION CABINET. ACCORDING TO KYTC, A TRAFFIC IMPACT STUDY WILL BE REQUIRE TO DETERMINE IF A RIGHT TURN LANE IS NEEDED, AND IF AN ACCELERATION LANE WILL BE REQUIRED. IT IS FURTHER UNDERSTOOD THAT A TRAFFIC IMPACT STUDY MAY BE REQUIRED FOR OAKBROOK ROAD, AND THE DESIGN WILL INCLUDE RECOMMENDATIONS FOR FINAL DESIGN.
21. THE DESIGN OF THE BUILDING HAS NOT BEEN COMPLETED, BUT WILL CONFORM TO THE NEIGHBORING COMMERCIAL BUILDINGS. BUILDINGS WILL BE CONSTRUCTED WITH NATURAL COLOR MASONRY, WOOD, CONCRETE AND/OR METAL MATERIALS.
22. ACCESS TO AND FROM OAKBROOK ROAD WILL REQUIRE OBTAINING AN ACCESS AND GRADING EASEMENT FROM BOONE COUNTY.
23. ACCORDING TO THE BOONE COUNTY 2040 FUTURE LAND USE PLAN, THE SUBJECT SITE IS PROPOSED FOR COMMERCIAL USES. THIS PROPOSED DEVELOPMENT WOULD BE IN ACCORDANCE WITH THE FUTURE LAND USE PLAN.
24. SITE LIGHTING WILL BE DESIGN ACCORDING TO ARTICLE 33, SECTION 3316 LIGHTING, OF THE BOONE COUNTY ZONING REGULATIONS. PERIMETER LIGHTING WILL BE DESIGN TO BE DOWN LIGHTING AS RECOMMENDED BY STAFF.
25. PROPOSED RED-ROCK WALL AND OTHER WALLS TALLER THAN 4' IN HEIGHT, WILL BE DESIGNED BY A STRUCTURAL ENGINEER AS PART OF THE FINAL DESIGN. COLOR AND DESIGN PATTERN TO BE CLOSE TO THE DESIGN AND MATERIAL USED ON THE PROPOSED BUILDING.
26. IT IS UNDERSTOOD THAT ANY VARIANCES NEEDED WILL BE SUBMITTED AND APPROVED BY BOONE COUNTY BOARD OF ADJUSTMENTS PRIOR TO FINAL DESIGN APPROVAL.
27. ANY NEW PEDESTRIAN CONCRETE WALKS WILL BE A MINIMUM OF FIVE (5) FEET WIDE EXCEPT WHERE NOTED. REPLACEMENT OF EXISTING WALK WAYS WILL MATCH THE WIDTH AS CONSTRUCTED.
28. IF BOONE COUNTY GRANTS THE ACCESS SHOWN HEREON, ALONG WITH A GRADING EASEMENT, OWNER WILL VACATE THE EXISTING ACCESS EASEMENT AS GRANTED TO THE SITE THAT ENTERS INTO PARCEL NUMBER 049.00-00-044.00 IN EASEMENT BOOK 74 PAGE 266 OF THE BOONE COUNTY RECORDS AND AS SHOWN HEREON.
29. TRASH / DUMPSTER WILL BE ENCLOSED WITH APPROVED FENCING ACCORDING TO SECTION 3155 OF BOONE COUNTY ZONING CODE.

SCALE IN FEET  
GRAPHIC SCALE 1"=30'



CONCEPT PLAN  
BURLINGTON PIKE COMMERCIAL DEVELOPMENT  
SOUTH SIDE OF STATE ROUTE 18  
BOONE COUNTY, KENTUCKY  
OTHMAN ENTERPRISES  
2306 KENYON COURT  
HEBRON, KENTUCKY 41048

DATE: 2-7-2023  
DRAWN BY: JJH  
CHECKED BY: JJH  
APPROVED BY:  
PROJECT #: AOE1020

CONCEPT PLAN