

REQUEST OF BOONE COUNTY PUBLIC LIBRARY DISTRICT  
FOR A ZONING MAP AMENDMENT FOR PROPERTY OWNED BY  
JOHN AND JO ESTELLE CRIGLER

April 6, 1988

This is a request of the Boone County Public Library District for a Zoning Map Amendment on a 3.9 acre parcel located at the southeast corner of New KY 237 and Cougar Path Road, Boone County, Kentucky. The request is to rezone the parcel from Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF) to allow the construction of a branch library.

Surrounding Land Uses and Zoning

The site is surrounded by pasture land and vacant property. All surrounding zoning is Commercial Two / Planned Development (C-2/PD). The Conner Public School complex is located approximately 400 feet to the east across Limaburg Road, and is zoned Public Facilities (PF). Limaburg Road contains several residential uses in the vicinity.

Relationship to Comprehensive Plan

The 1986 Future Land Use Map depicts the site as commercial, borderline to Public Facilities. The Land Use Element, on page L-12 discusses future growth patterns in the Hebron area.

"Much of this area will experience rapid growth in commercial, residential, and industrial land uses. Many keys of growth are located within this area. These include the airport interchange, a new post office, a school complex, I-275 and KY 237 interchange, and the intersection of KY 20 with KY 237."

"The intersection area of KY 20 and KY 237 should remain largely open for residential growth with some commercial development. The land area between old and new KY 237 should become commercially developed while also providing a location for a new fire station and other community services."

Several objectives of the Public Facilities and Services Element apply to the location of similar facilities.

- "5. Public facilities and services shall be in locations that are accessible to all.
7. Library sites within or near business or shopping centers which are well located with regard to the surrounding residential areas are desirable.
8. The library should be accessible by means of public and private transportation."

Characteristics of the Site

The 3.4 acre site consists of open field and slopes gradually to the corner of Cougar Path and new KY 237. Soils present on the site include two types of Rossmoyne Silt Loam (RsB and RsC) usually found on slopes of 0-12 percent. These soils present limited risk of erosion.

Concept Development Plan

The submitted Concept Development Plan indicates a single building facing the corner of Cougar Path and KY 237. The library would be accessed by one drive off Cougar Path. The access is through an easement on adjacent, undeveloped property.

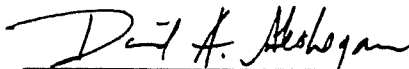
Water service can be obtained for the site, however, there is presently no sewer service for the area. The applicant has indicated that a holding tank will be used until sanitary sewer service is available in the area.

Staff Concerns

1. Staff is not sure of the level of interaction anticipated between the Conner School complex and the branch library. A walkway should be considered to separate vehicular and pedestrian traffic along the proposed driveway.
2. Clarification should be provided as to any anticipated future uses of the eastern half of the site. The alignment of the access driveway would impact future usage of that area.

Conclusion

The request needs to be reviewed in terms of the Boone County Comprehensive Plan and the three criteria necessary for a zoning map amendment. Approval of this request by the Planning Commission and Boone County Fiscal Court would require adjustment of the Future Land Use Map.



David A. Geohegan  
Planner/Plans Examiner

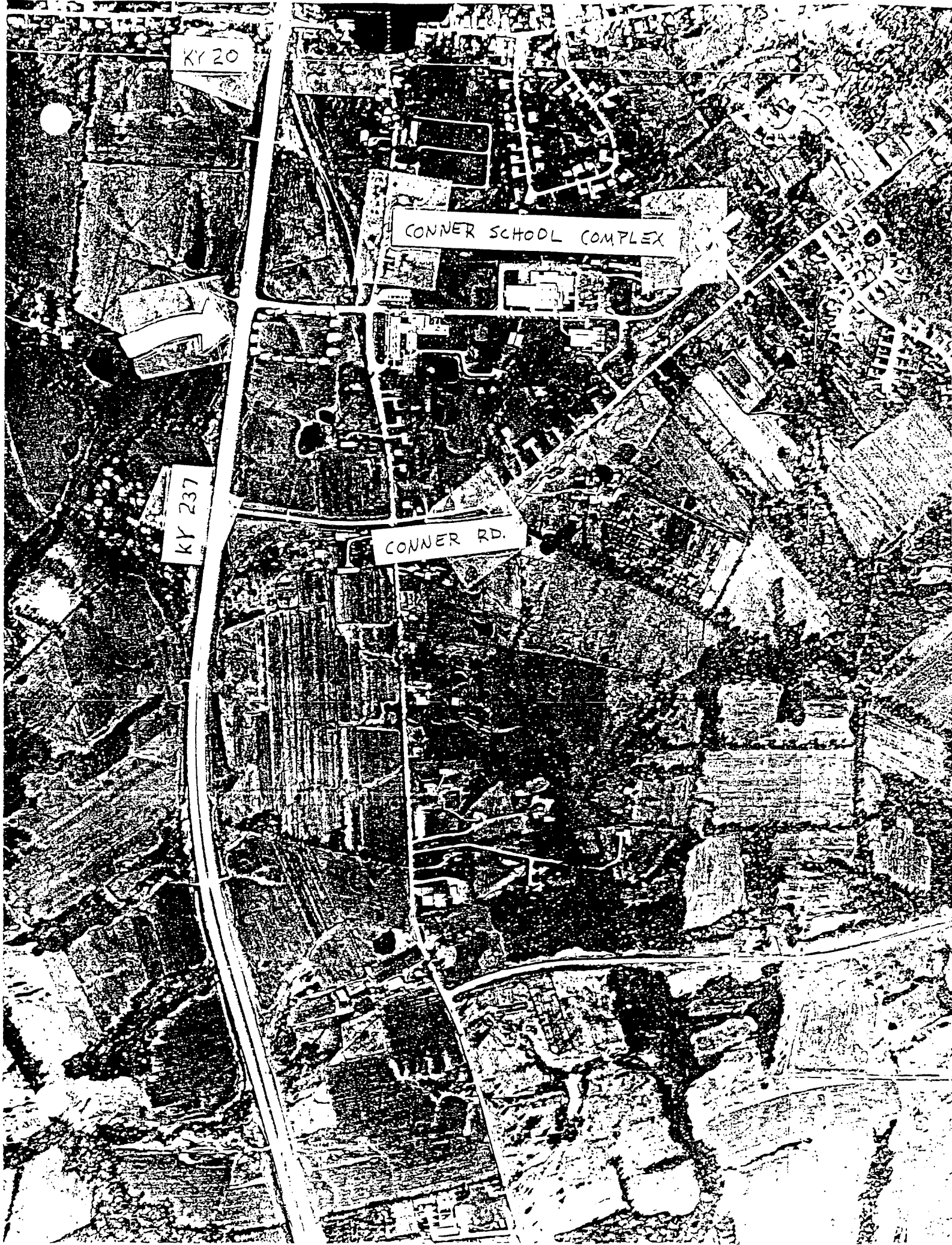
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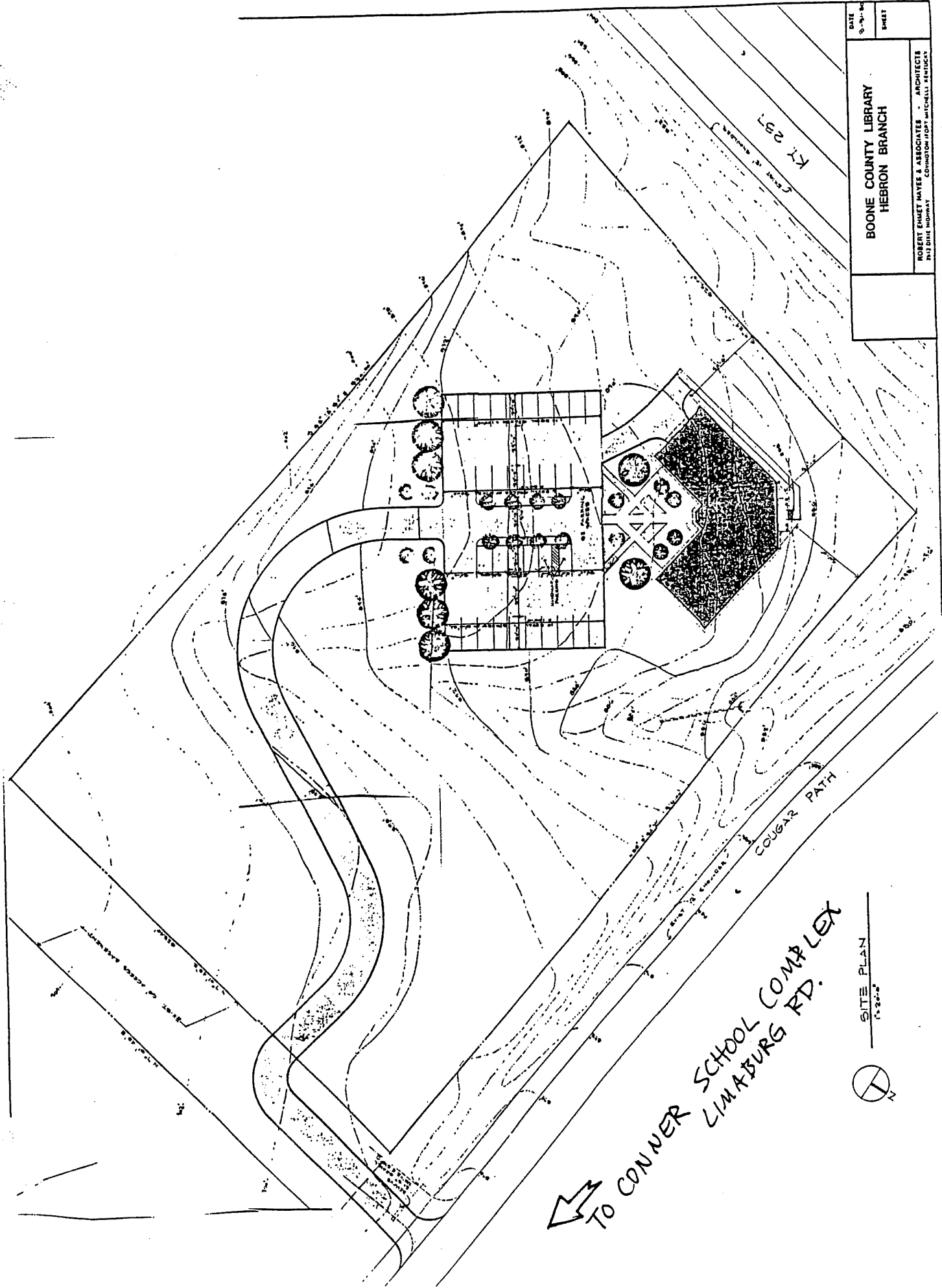
KY 20

CONNER SCHOOL COMPLEX


KY 237

CONNER RD.

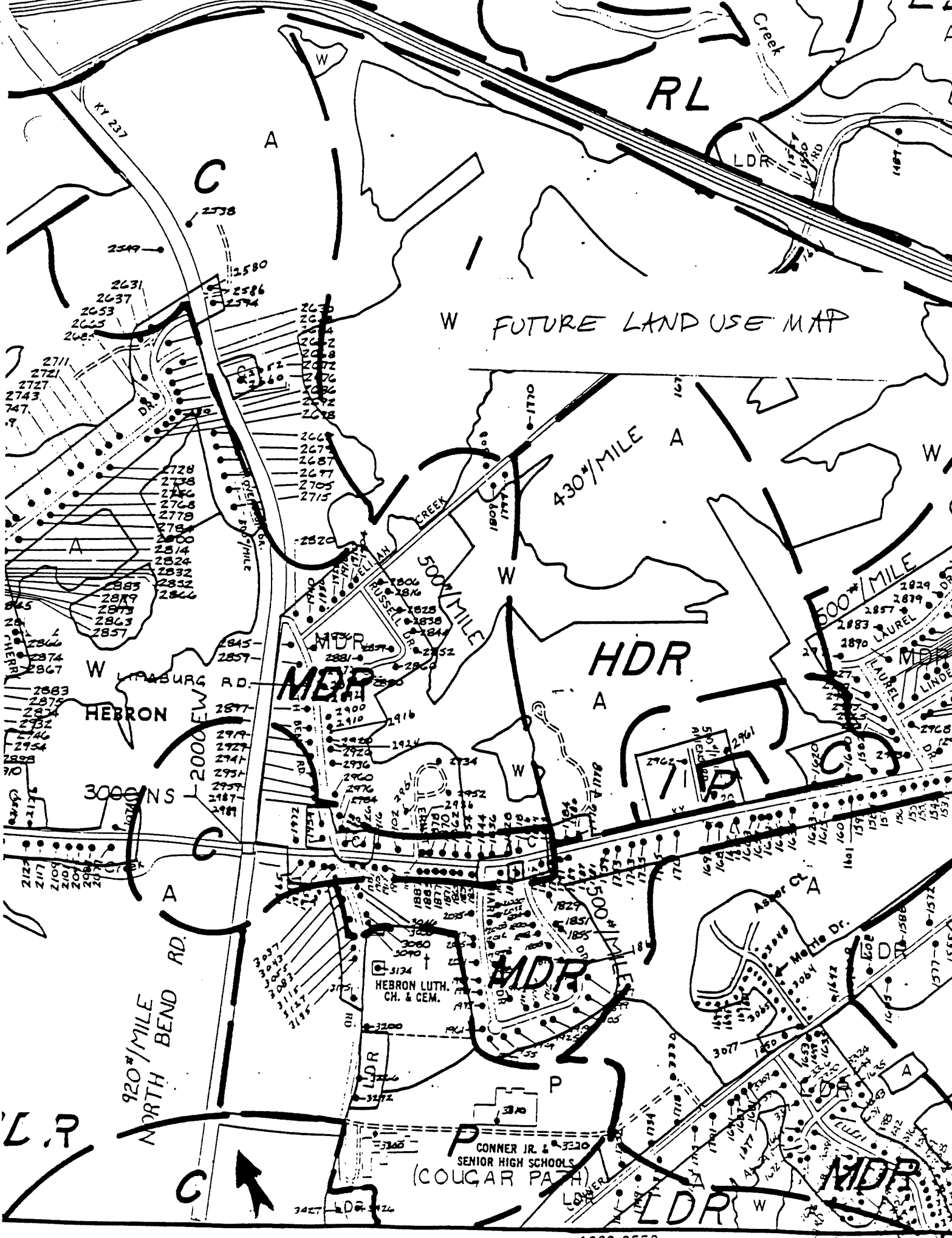




DATE	9-21-84
SHEET	1
BOONE COUNTY LIBRARY HEBRON BRANCH	
ROBERT EMMET HAYES & ASSOCIATES ARCHITECTS 2111 STATE HIGHWAY 100, COLUMBIANA, MISSISSIPPI	

 TO CONNER SCHOOL COMPLEX  
 LIMABURG RD.

SITE PLAN  
 1" = 20'



APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Boone County Public Library District  Owner  
 Agent  
 Address: 7425 U. S. Highway 42, Florence, Kentucky 41042  
 Telephone: 371-6222

Location: New Ky. 237 & Cougar Path, Hebron, Kentucky

Name of Property Owner: John Crigler and Jo Estelle Crigler, his wife

Address of Property Owner: 3427 Limaburg Road, Boone County, Kentucky

Zoning District: C2/1PD Area in Acres: 3.87 Ac.

Deed Book: 81 Page Number: 617 Group Number: \_\_\_\_\_

Description of Request: The Library Board has received a State grant for the construction of a branch library. An approximately 4-acre corner parcel is being purchased from a larger tract of the Sellers. The rezoning sought is to PF for the operation of a branch library.

Applicant's Signature: Paula A. Brown Director

Property Owner's Signature: \_\_\_\_\_

FOR PLANNING COMMISSION USE ONLY  
 Application Fee:  $\frac{65}{12} \cdot \frac{300}{15} = 392$  Date Received: 3-16-88 By: JS/mo

Referred To: Doc G. Meeting Date: PH # 4/6/88

Action Taken: Approved Date of Action: 4/20/88

EXHIBIT "A"

DESCRIPTION

Parcel to be Rezoned  
From C-2/PD to PF

A parcel of land lying on the southerly side of Cougar Path and the easterly side of Ky. 237 in Hebron, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southerly right-of-way line of Cougar Path at its intersection with the easterly right-of-way line of Ky. 237 and running thence:

S 9-29-17 W, along the easterly right-of-way line of Ky. 237, a distance of 325 feet, to a point, thence  
S 88-18-34 E, a distance of 530 feet, to a point, thence  
N 7-01-48 E, a distance of 323.4 feet, to a point, thence  
N 88-18-34 W, along the southerly right-of-way line of Cougar Path, a distance of 516 feet, to the place of beginning, and containing 3.87 acres more or less.

3/15/88

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

April 6, 1988

PUBLIC HEARING

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 7:30 P.M.. Following an explanation of the Public Hearing process, Mr. Barnett introduced the item on the agenda:

Applicant: Boone County Public Library District  
Request: Zoning Map Amendment

This was a Public Hearing on the request of the Boone County Public Library District for a Zoning Map Amendment from the present zoning of Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF). The 3.87-acre site is located at the southeast corner of KY 237 and Cougar Path Road, Hebron, Boone County, Kentucky. A waiver of all fees, except hard costs, is being requested.

Mr. Barnett asked for comments from a representative of the applicant.

Mr. Bob Hayes, architect for the project, stated that also present in behalf of this request were Cindy Brown, Director of Library Services, and Mike Duncan, attorney. Mr. Hayes stated that the plan is for a 6,000 sq. ft. branch of the library. The entrance will be at the back. There will be parking to the rear and the lot will be landscaped. The building is designed to expand up to a size of 8,000 sq. ft. in the future. The building will be of brick veneer and the architecture compatible with the neighborhood. He noted the location of the proposed branch in relation to the Conner School Complex. He added that the building will be under construction before June 30, 1988 as the State grant requires that the building be under construction before the end of the year, or the funds revert back to the General Fund.

Cindy Brown, Director of Library Services, stated that the draft of a plan for library service for Boone County based on the Comprehensive Plan calls for three branch libraries in addition to the central facility. She noted that this would be the first of the three branches and noted the northern communities that would be served by it. She stated that this end of the county is indicated in the Comprehensive Plan as an area of rapid growth and they want a branch on KY 237 as it will be the access route to the entire area, while also serving Burlington and Hebron. She added that close to a school would be a logical place for a library.

Mr. Mike Duncan, attorney, stated that this request is consistent with the Boone County Comprehensive Plan. He noted that his comments are included in the Staff Report. He stated that the Future Land Use Map designations are not intended to be rigid. He noted that the site across the street is recommended for Public Facilities and that site could include this property with a slight adjustment. Mr. Duncan stated that there is a need for a branch library in the area.

There being no further comments from representatives of the applicant, Mr. Barnett asked for the Staff Report.

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

Mr. Barnett asked if there was anyone else present who wished to speak or if there were any comments or questions. There being no response, he asked if there were any questions from the Commission.

Mr. Jones asked if there were any plans for the remainder of the site.

Mr. Hayes stated that they have not been given any directives regarding the balance of the site. He commented on the design of the building noting the turns in the roadway which allow you to see the building and then see it again from a different perspective. He stated that the gradework is better with the double turn, which also slows down the traffic.

Mr. McMillian asked if the library was being put in the location due to the school.

Cindy Brown stated that the library is for the community, but the school enhances the location. She stated that the branch is not primarily for the school's use, but would attempt to complement the school library.

Mr. McMillian asked if they would be opposed to a walkway between the school and the library.

Ms. Brown and Mr. Hayes stated that they would not be opposed to the walkway.

Mr. Collins noted that the Library Board does not own all the property up to Old Limaburg Road, and asked if there would be a common access off Cougar Path.

Mr. Duncan stated that Mr. Collins was correct. Mr. Hayes added that it is an east-west easement from Cougar Path as that is the curb cut designated by the Department of Highways.

In response to additional questions from Mr. Collins, Mr. Hayes stated that the access will belong to the Kreigler's. The Library Board has agreed to extend the road, which will become a right-of-way. The Library would have an easement.

In response to a question from Mr. DeLong, Mr. Hayes noted that the access is included in the purchase price.

Mr. Duncan noted that the primary portion of the funding for the project comes from the grant and, if it is not used, it will go to someone else. Mr. Hayes noted that this grant was the same grant as the Improvement Grant in Florence, but it has been transferred.


Ms. Brown noted that based on bids for the Florence expansion, they had determined that it was not cost effective.

Mr. Jim Viox, engineer for the project, stated that the Department of Transportation has limited the number of curb cuts on KY 237 and on Cougar Path. The Kreigler's, who own the property being conveyed to the library and also property to the rear of the site, want to retain the curb cut for access to their property. He stated that the common entrance is part of the Purchase Agreement.

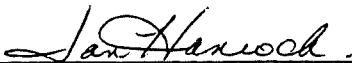
Mr. Barnett asked if there were any further comments or questions.

There being no further discussion, Mr. Barnett stated that this item will be on the Agenda for the Business Meeting on April 20, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Larry Barnett, Vice Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 20, 1988

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of April 6, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Moore moved that they be approved. Mrs. Smith seconded the motion and it carried unanimously.

Chairman Viox asked if there was anyone present from the adjoining neighborhood who would like to summarize their position. There was no one present.

Mr. McMillian moved that the request be denied based on the Findings of Fact contained in the Committee Report. Mrs. Smith seconded the motion.

Chairman Viox asked if there was any further discussion.

Mr. Neltner noted the discussion at the Public Hearing regarding noise levels and Mr. Duncan's statement regarding the need for increased insulation. He stated that his understanding was the the developer did not intend to increase insulation.

Mr. Dusing stated that Mr. Neltner's comment was not correct. He stated that the developer agrees to comply with any FAA Guidelines for construction in regard to noise abatement.

There being no further discussion, Chairman Viox asked for a roll call vote on the motion made by Mr. McMillian which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. Greene, Mr. Neltner, and Mr. Rush were opposed. The motion carried.

4. Zoning Map Amendment

A request of Boone County Public Library District for a Zoning Map Amendment from the present zoning of Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF). The 3.87-acre site is located at the southeast corner of KY 237 and Cougar Path Road, Hebron, Boone County. A waiver of all fees, except hard costs, is being requested.

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Chairman Viox asked if there was a representative of the applicant present.

Mr. Mike Duncan, attorney, stated that they are in complete agreement with the Committee Report.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request. There was no one.

There being no further discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the waiver of all fees except the hard costs. Mr. Jones seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Committee Chairman

DATE: April 20, 1988

RE: Request of Boone County Public Library District for a Zoning Map Amendment from the present zoning of Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF). The 3.87 acre site is located at the southeast corner of KY 237 and Cougar Path Road, Hebron, Boone County. A waiver of all fees except hard costs is being requested.

## REMARKS:

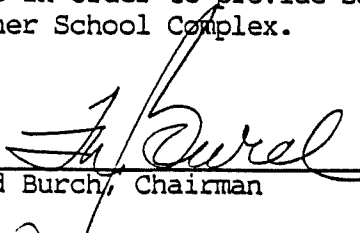
We, the Committee, recommend approval based upon the following findings of fact.

Findings of Fact

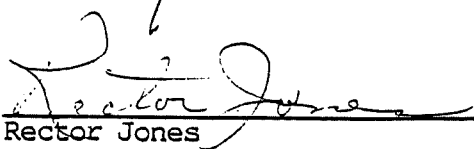
The requested Zoning Map Amendment is in conformance with the Boone County Comprehensive Plan. Although the Future Land Use Map depicts the site as future commercial uses, the site is borderline to large areas of forecasted Public Facilities uses, and the text of the Land Use Element recognizes the area between new and old KY 237 as suitable for community services along with the future commercial development. As called for in the Public Facilities and Services Element, the site is easily accessible to its service area and will be located near the future commercial and residential development of the Hebron area. Specific references to the Comprehensive Plan are made in the Staff Report.

Conclusion


The Committee is recommending approval of this request while acknowledging that the Library District does plan to implement a pedestrian pathway on the site in order to provide safe access between the branch library and the nearby Conner School Complex.

  
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 Fred Burch, Chairman

  
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 Larry Barnett

  
 \_\_\_\_\_  
 Rector Jones

  
 \_\_\_\_\_  
 Don McMillian

  
 \_\_\_\_\_  
 Carol Smith

/kam

R-23-88

ORDINANCE 920.150

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO PUBLIC FACILITIES (PF) FOR A 3.87 ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF KY 237 AND COUGAR PATH ROAD, HEBRON, BOONE COUNTY, KENTUCKY AS REQUESTED BY THE BOONE COUNTY PUBLIC LIBRARY DISTRICT AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-23-88.

WHEREAS, the Boone County Fiscal Court received a request for approval for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF) for a 3.87 acre site generally located at the southeast corner of KY 237 and Cougar Path Road, Hebron, 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 for the zoning map amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF) for a 3.87 acre site generally located at the southeast corner of KY 237 and Cougar Path Road, Hebron, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

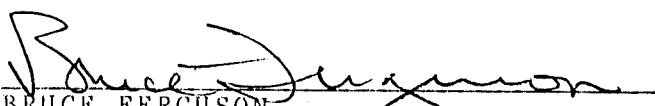
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C".)

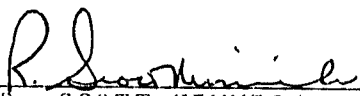
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 17<sup>th</sup> day of May, 19    .

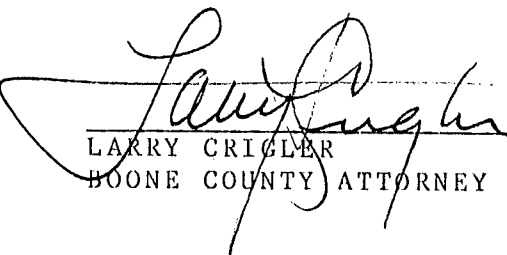
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 7<sup>th</sup> day of June, 19    , and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

6/29/88  
DATE PUBLISHED