

REQUEST OF AMERICAN TECTONICS FOR A  
ZONING MAP AMENDMENT FOR PROPERTY LOCATED ON  
KY 18 BETWEEN HOUSTON ROAD AND GREENVIEW SUBDIVISION

MARCH 30, 1988

This request is by American Tectonics for a Zoning Map Amendment for property owned by Marie, Gary R., and Nancy J. Moore. The 42.3 acre site is located on KY 18 between Fuller Square and Greenview Subdivision in Boone County. The request is to rezone the site from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (UR-1/PD) to allow commercial and apartment uses.

SURROUNDING LAND USES AND ZONING

Immediately to the east of the site along KY 18 is the Fuller Square office building and stormwater detention area which is zoned Commercial Two (C-2). To the south, across KY 18, are four existing residences. Two of these comprise the site of the Hyundai dealership Zoning Amendment Request to Commercial Services (C-3). The portion of that site in the City of Florence is currently zoned Commercial Two (C-2), and the portion in unincorporated Boone County is currently zoned Suburban Residential Two (SR-2). West of the site, along KY 18 is a Convenient Mart zoned Commercial One (C-1), and Greenview Subdivision zoned Suburban Residential One (SR-1), which border the site for the entire western edge. To the north is currently undeveloped property zoned Office Two/Planned Development (O-2/PD).

EXISTING FEATURES OF THE SITE

The 42.3 acre site is currently used as pasture land for cattle grazing. A barn and shed exist near KY 18, and there are clusters of mature trees throughout the site. The site contains several major drainage swales which chain to the north. The largest of these forms the western edge of the site adjacent to Greenview Subdivision. There are two small ponds within this swale. Although the site has approximately 1,020 feet of frontage on KY 18, visibility of the site is restricted because KY 18 slopes toward the south and the site itself slopes away from KY 18. Some fill would be required to develop commercial uses on the site.

PUBLIC FACILITIES

Water service is available along KY 18 and consists of a 12 inch Boone County Water and Sewer District line. In addition, the Water District is planning improvements along Houston Road that would greatly improve water pressure at this location.

Sanitary sewer service can be obtained at the rear of the site. Florence Sewer District has 10 inch and 8 inch lines approximately 100 feet to the north of the site. An easement would need to be obtained through that adjacent property. The Sewer District has indicated that adequate treatment capacity is available for the proposed development.

There is an existing gas line with a 30 foot easement that traverses the site in the proposed apartment area. This easement may affect the location of buildings and streets.

RELATIONSHIP TO COMPREHENSIVE PLAN  
AND HOUSTON-DONALDSON STUDY

The 1986 Boone County Comprehensive Plan Future Land Use Map depicts the portion of the site near KY 18 as Commercial and the balance of the site as Industrial. Page L-15 of the Land Use Element discusses commercial development in the KY 18, Houston Road and Mall Road area.

"The Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. Commercial growth on KY 18 will be primarily interchange related. Houston Road lies very close to the future runway so it must be carefully developed in a light commercial, light industrial manner. The existing residential homes fronting on KY 18 will become small commercial areas. The use of interconnecting parking lots or frontage roads on this section of KY 18 is critically important to the success of any development and trafficability on this portion of KY 18. The residential developments on the north side of KY 18 will remain but will not be able to enlarge...With an Interstate connection to Mall Road, it becomes ever increasingly important to limit the large scale retail development to Mall Road. In addition to centralizing this regional activity the future airport runway's clear zone lies directly above this area."

Page B-14 and B-15 of the Business Activity Element generally discuss future commercial development.

"Areas of Future Commercial Activity

Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and Route 42. Along KY 18 in the I-75-Mall Rd.-Houston Rd. area, there are many traffic problems that can be worsened by adding commercial access points. The land surrounding the US 42 area, south of Florence, will experience additional growth towards the City of Union. Any commercial developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area. This should apply to the Limaburg area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence."

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

Page H-20 of the Housing Element addresses residential development in the Florence-Burlington Area.

"This area will develop very rapidly around new KY 18. Medium density will be the predominant residential development in the corridor. This development should not occur directly on KY 18, but with easy access to it. Some high density residential development should also occur off of KY 18, although not abutting the airport area. Additionally, long cul-de-sacs should be discouraged unless proper access management is utilized to lessen impact on roadway traffic and sizable developments should be permitted when adequate emergency access can be arranged to all portions of development."

Page H-17 and H-18 of the Housing Element describes future multi-family housing.

"Multi-family construction will take place increasingly in the Florence-Burlington-Hebron area because of easy access (KY 18, KY 237, and I-275) and the spread of urbanization. High density developments should be close to the thoroughfares to achieve a gradation of densities outlined in the land use plan...Multi-family housing should have convenient access to commercial districts. The developments should be designed to offer the shortest trips to the most people."

Page H-18 and H-19 of the Housing Element discuss residential density.

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, as noted in the environment element while also buffering differing land uses.

The densities should vary within the established developed areas which is in agreement with the objective of land use selection based on housing densities rather than housing types."

The Houston-Donaldson Study makes several references to the future uses of the site and proposes a connector road between KY 18 and Houston Road. This Study was conducted in order to further refine the Boone County Comprehensive Plan for a particularly important area of the county. This Study was approved by the Boone County Planning Commission but has yet to be adopted by Florence City Council and the Boone County Fiscal Court.

Pages 26 and 27 recommend urban residential uses near KY 18 and light industrial/office uses over to Houston Road through adjacent property.

"The UR-1 zoning west of Houston Road on KY 18, referred to later as Zone 20, is a suitable location for multi-family development for several reasons. Under the Housing Element Goals and Objectives of the Comprehensive Plan, the need for high density development to "occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities." Besides creating a logical progression of land uses from Houston Road to the Greenview Subdivision, this represents the only site in the Houston Road area that is outside the 65 LDN noise contours for the proposed airport north-south runway. It also represents a very sensitive location in terms of traffic and access onto KY 18. Multi-family development could occur here in conjunction with a connector road between Houston Road and KY 18 without extending commercial development westward along KY 18. The Comprehensive Plan notes that residential development plans shall provide for the coordination of their interior street systems with the major transportation network. This would help avoid a commercial strip leading out of Florence, and help minimize the strain on existing and potential intersections in the area - especially the Houston Road and KY 18 intersection. Upon substantial development of the Study Area, however, some neighborhood-scale commercial development may be appropriate to compliment the urban residential on this site.

North of the UR-1 zoning district and west of Houston Road is a large area, currently zoned O-2/PD, that borders airport property and extends north along Houston Road to the vicinity of the Turfway interchange. This area is referred to in the SPECIFIC DEVELOPMENT GUIDELINES as Zone 10. The topography of this site varies with extensive natural vegetation. This site is important to storm sewerage of the Study Area because it contains the creek valley that most of the Houston/Turfway Region drains into. This also means that the site is important for gravity sanitary sewerage of the region."

"The adjacent airport property also means that the area has limited directions of access. The area is recommended for a mix of approximately eighty percent industrial and twenty percent office development with an underlying zone of I-1.

Concerns for development include the fact that this area is close to the very sensitive KY 18/Houston intersection. The development that occurs here must not generate much truck traffic in order to avoid delays at this already congested intersection. Industrial uses that occur here should be small-scale distribution and assembly activities with an office/warehouse orientation and a high-tech nature."

The Specific Development Guidelines section of the Study calls for apartment or townhouse units on the front half of the site to provide housing for nearby employment districts, and that development of the site should contain its portion of the Houston Road-KY18 Connector Road. This should be the only

access along the site's frontage on KY 18. The northern one-half of the site is recommended for a light industrial and office mixture with its portion of the proposed Houston Road-KY 18 Connector Road. Development should retain existing drainage features and vegetation wherever possible.

AMERICAN TECTONICS CONCEPT DEVELOPMENT PLAN

The submitted Concept Development Plan proposes 8.7 acres of commercial uses, in the Commercial Services (C-3) zone along KY 18. The Plan shows two buildings totalling 62,000 square feet of retail uses for an average intensity of 7,126 square feet per acre. A letter submitted by the applicant indicates several C-3 uses not envisioned for the site. Anticipated signage plans have also been submitted.

The remaining 33.6 acres are proposed for 400 rental apartments in the requested UR-1/PD zone. Twenty-two buildings are proposed of two or three stories for an overall intensity of 11.9 units per acre.

The submitted plan proposes a future 80 foot right-of-way to be dedicated. The development would include a boulevard entrance from KY 18 for about 730 feet, however, the remainder of the future connector road recommended by the Houston-Donaldson Study, approximately 1,320 feet, would not be constructed as part of the development.

The applicant has submitted additional written information further detailing the Concept Development Plan and addressing the impact of the proposed airport north-south runway. These letters are attached to this report.

In addition, a traffic study has been conducted by Pflum Klausmeier and Gehrum Consultants. The study includes the following trip generation data for the request:

ESTIMATED AVERAGE WEEKDAY TRIP GENERATION  
 PROPOSED SITE DEVELOPMENT

ITE CODE	LAND USE	DAILY TRIPS 24-HOUR	AM		PM	
			PEAK HOUR IN	PEAK HOUR OUT	PEAK HOUR IN	PEAK HOUR OUT
[820]	RETAIL SHOPPING 62,000 GSF	5,446	92	39	237	247
[220]	APARTMENTS 400 UNITS	2,234	35	160	167	79
TOTAL DEVELOPED		7,680	127	199	404	326

The Study indicates that the proposed retail uses would capture existing traffic on KY 18 at the rate of 43.7 percent while the apartment generated trips would be all destination trips, and therefore added trips to the overall road network. PM Peak Hour turning movements were also forecasted that indicate right-in and right-out as being the predominate movements. The Study concludes that: (1) the access could be moved to the east; (2) a minimum 100 foot left turn storage lane be provided for eastbound KY 18; and (3) a three-phase signal be installed at the site entrance on KY 18.

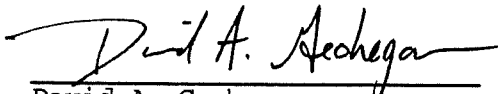
#### STAFF CONCERNS

- (1) The Boone County Comprehensive Plan and the Houston-Donaldson Study both contain passages that recommend against extending the Mall Road area commercial development west along KY 18 in strip fashion. The applicant has voluntarily restricted the permitted C-3 uses, however, the Planning Commission needs to evaluate whether the zoning district represents a logical transition from the adjacent large office use. Further definition of the proposed uses has not been supplied by the applicant.
- (2) The proposed access, as shown on the submitted plan, occurs approximately at the mid-point of the site's frontage, just west of the subject site of the Hyundai Zoning Map Request across KY 18. As discussed at the March 23, 1988 Public Hearing for the Hyundai request, both access points would have to be adjusted in order to coordinate effectively across KY 18. Station 223+00 on KY 18 was found by staff to be the most workable location for the Hyundai project which is approximately 100 feet to the east of the proposed American Tectonics access.
- (3) The Fuller Square development contains two potential access points to the Moore property as a result of a 1984 Zoning Map Amendment. One of these is approximately 100 feet from KY 18, and the other is at the rear of the existing main parking lot. These potential access points need to be considered for the American Tectonics project. In addition, driveway access to the Convenient Mart property or future redevelopment of that portion of Greenview Subdivision needs to be considered.
- (4) The Houston-Donaldson Study recommends a two lane connector road between Houston Road and KY 18 as a means of providing future forecasted volumes of traffic with alternate routes. The submitted Concept Development Plan includes a portion of the road, and indicates a dedicated 80 foot right-of-way along the western edge of the site, in some cases actually falling on adjacent property. During staff review of the request, and the site's relation to the Hyundai request, a more desirable corridor may be to maintain an access point across from Hyundai, and route the roadway to the eastern edge of the site.
- (5) In addition to a left-turn storage lane, the site, if developed, may need to have a speed study conducted on westbound KY 18 to determine a potential need for a right-turn deceleration lane.

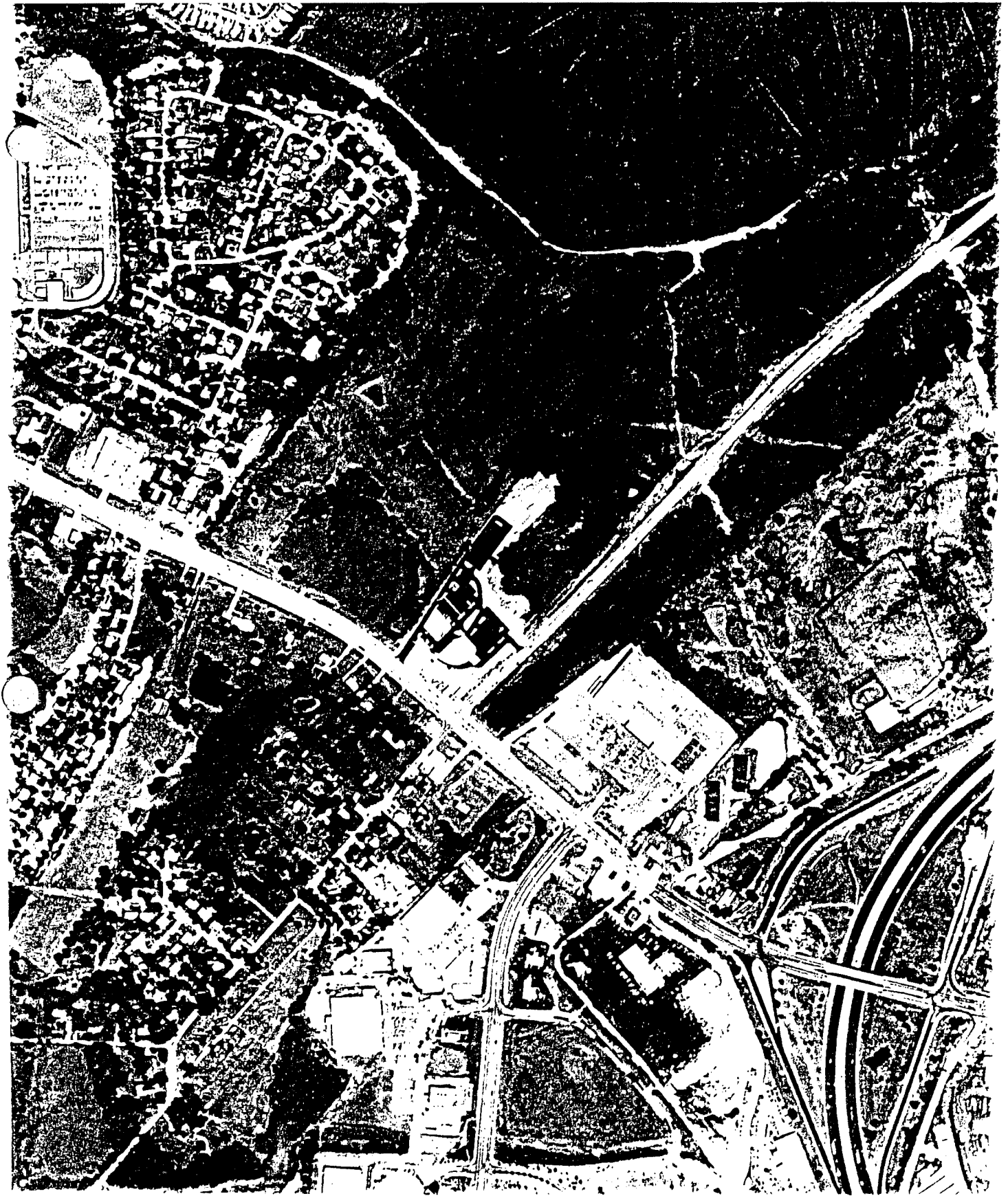
- (6) Although the applicant has submitted information regarding the anticipated impact of the new north-south airport runway on the site, the airport representatives are not completely unconcerned, and some construction measures may be needed to minimize impacts.
- (7) Because of the site topography, proposed clustering of buildings, and the future connector road, opportunities may be present for a jogging/bike path or other public recreational facility.
- (8) Phasing of the project could affect available water pressures depending upon the schedule of improvements by the Boone County Water and Sewer District.

#### CONCLUSION

The Boone County Planning Commission and Boone County Fiscal Court need to evaluate this request on its relationship to the Boone County Comprehensive Plan and the three criteria necessary for a Zoning Map Amendment. In addition, the Houston-Donaldson Study, approved by the Planning Commission July 1, 1987, contains detailed study and recommendations on this area. This valuable information can also be used to assist the review of this request. Should the request be approved, the 1986 Future Lane Use Map and the Houston-Donaldson Study would need to be adjusted.

  
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David A. Geohegan  
Planner/Plans Examiner

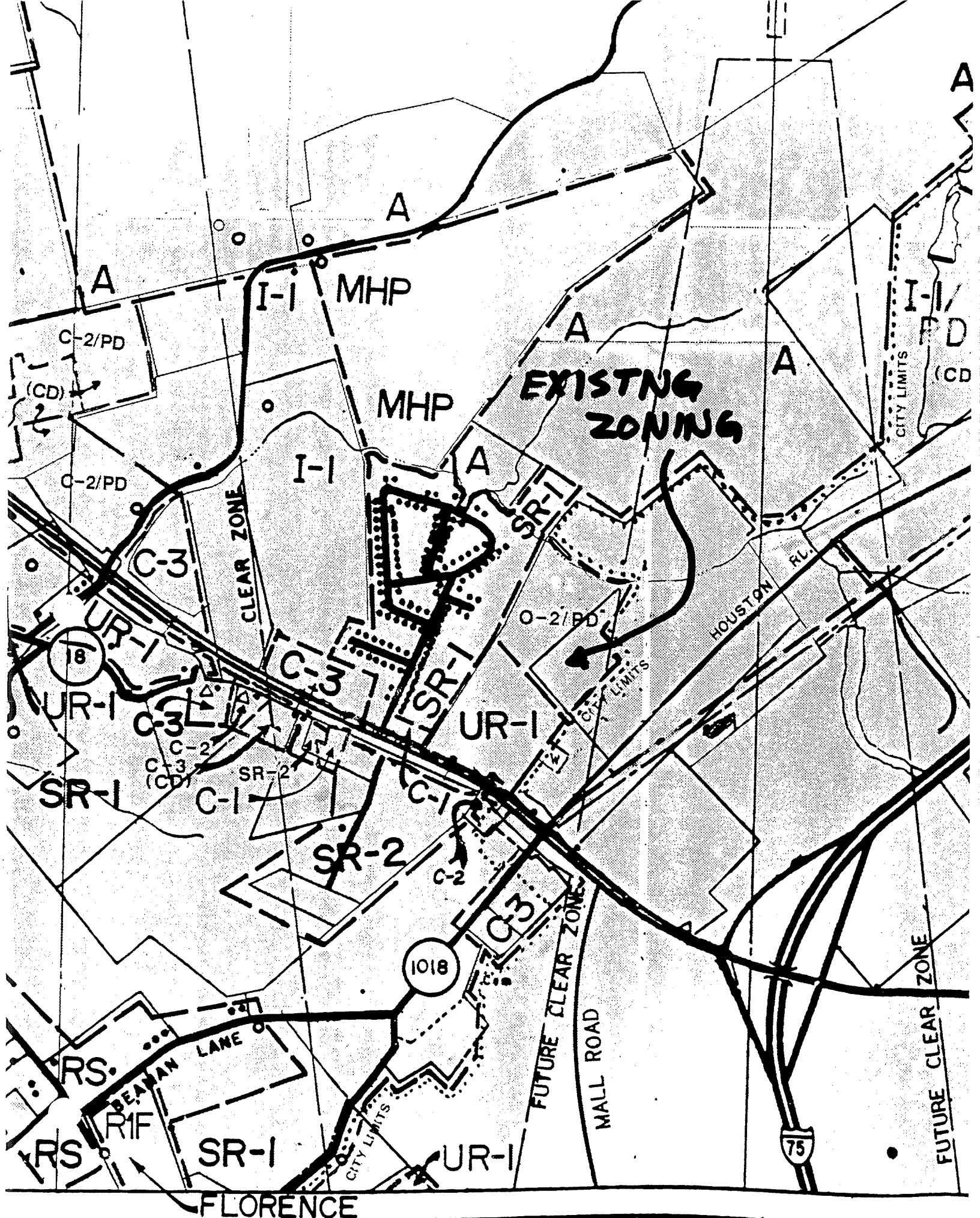
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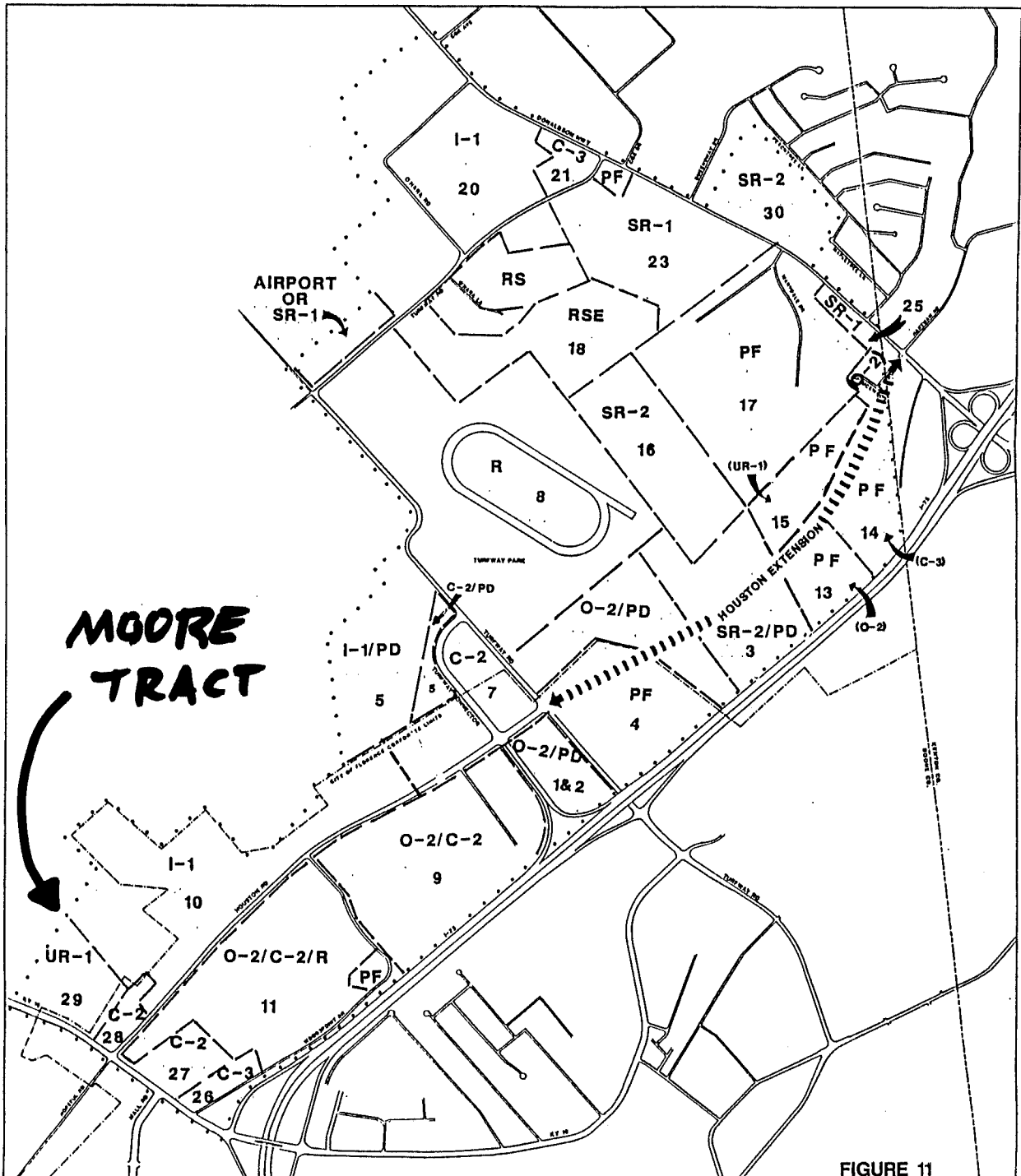
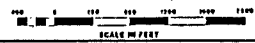


FIGURE 11

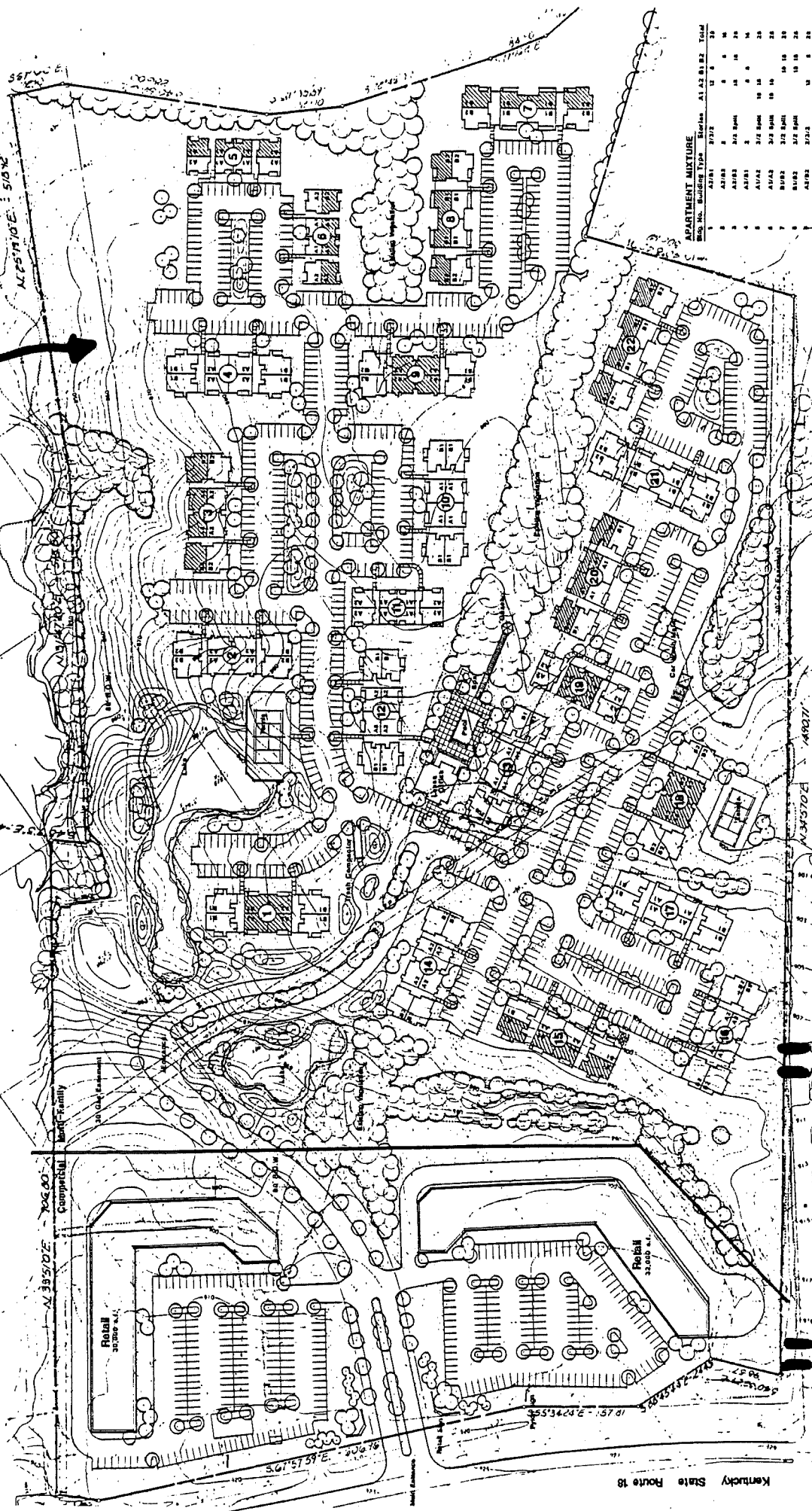
**PHASE THREE RECOMMENDED ZONING**  
 HOUSTON - DONALDSON STUDY  
 ZONE 11 UNDER CURRENT USE  
 BOONE COUNTY PLANNING COMMISSION  
 BOONE COUNTY, KENTUCKY  
 1987

NOTE: ALL ZONING TO  
 CONTAIN PLANNED  
 DEVELOPMENT OVERLAY

**LEGEND**  
 OO Traffic Analysis Zones  
 - - - - Proposed Roadways  
 % Development Intensities  
 100 RS, RSE, UR-1  
 60 SR-1, SR-2  
 40 O-2, C-2, C-3, I-1



**PROPOSED R.O.W.**



APARTMENT MIXTURE		A1	A2	B1	B2	TOTAL
Building No.	Building Type	Stories				
A101	2 1/2 Bpm	2	12	0	0	12
A102	2 1/2 Bpm	2	12	0	0	12
A103	2 1/2 Bpm	2	12	0	0	12
A104	2 1/2 Bpm	2	12	0	0	12
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**AMERICAN TECTONICS**

**FULLER SQUARE**

Developer: American Tectonics - Cincinnati, Ohio  
 Land Planners: Niles Bolton Landscape Group - Atlanta, Georgia  
 Architects: Niles Bolton Associates - Atlanta, Georgia  
 Engineers: Woodport Consultants - Cincinnati, Ohio

Conceptual Site Plan for  
**Florence Apartment Site**  
 Boone County, Kentucky  
 March 22, 1988

Scale: 1"=50'-0"  
 North

74 123 064 84 - 404 0416



**PROPOSED ROAD**

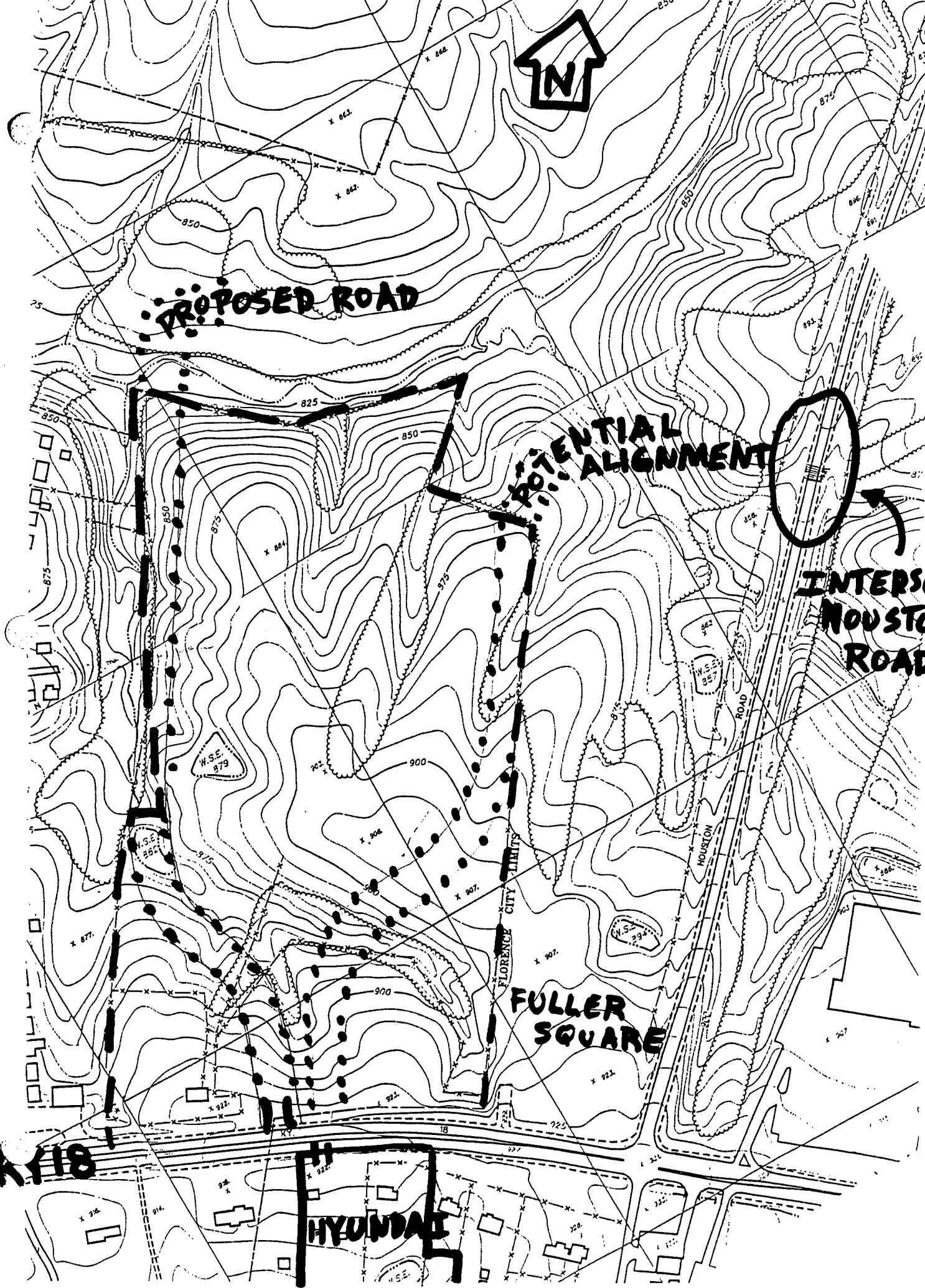
**POTENTIAL ALIGNMENT**

**INTERSEC HOUSTON ROAD**

**FULLER SQUARE**

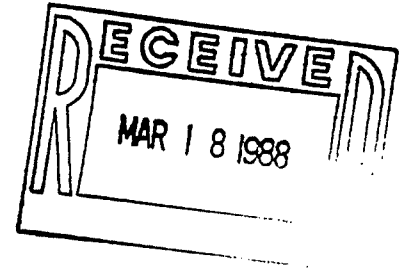
**HYUNDAI**

**KY 18**





**AMERICAN TECTONICS**  
By definition and experience



March 16, 1988

Mr. David A. Geohegan  
Planner/Plans Examiner  
BOONE COUNTY PLANNING COMMISSION  
P.O. Box 697  
Burlington, Kentucky 41005

**RE: Proposed Apartment Development; Route 18  
Zoning Classification C-3**

Dear Mr. Geohegan:

Our application for C-3 commercial services zoning on the front portion of our development appears appropriate because of the character of Route 18 and the services that will be needed by the passing 30,000 daily vehicles.

A number of the permitted uses under C-3 have no interest and will not be used in our development. I would like to list these for you and to assure you that we will not be developing the retail portion with any of the following:

1. Commercial Parking Facilities
2. Sale of Mobile Homes
3. Farm and Garden Supply Outlets - including Equipment and Vehicles
4. Food Lockers - including Preparation Facilities and Individualized Household Goods Storage Lockers (Mini-Warehouses)
5. Sale of Satellite Dishes
6. Greenhouses

I hope this information will assist you in your analysis of our request for Commercial Zoning. In all probability we will not be catering to a large square foot user, such as a retailer with a 40,000 square feet to 60,000 square feet building. Our site is just not conducive to constructing one large building, and there-

Mr. David A. Geohegan  
March 16, 1988  
Page 2

fore, our retail development will be comprised of smaller tenants and more convenience shopping for the traffic that is already traveling along Route 18.

If you have any questions regarding this information, please contact me.

Sincerely,

AMERICAN TECTONICS



Alan H. Griffith  
Managing General Partner

AHG:dh

7. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises.
8. Sale of satellite dishes.

#### Section 924

##### Intensity

The intensity of use in a commercial two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 15,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 18,000 square feet of gross floor area per acre of land.

#### Section 925

##### Minimum Size

The minimum size and extent of a commercial two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

#### Section 926

##### Minimum Standards

See Table 1 for dimensional standards. (Site plan review required for all permitted uses. See Article 14.)

#### Section 940

##### COMMERCIAL SERVICES (C-3)

The purpose of the commercial services district is to provide, control and centralize those types of commercial activities which: a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 10. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials, District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

#### Section 941

##### Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

3. Sales and service of new and used motor vehicles including tires, batteries and accessories;
4. Major furniture, floor coverings, household appliances and home furnishing outlets;
5. Eating and drinking establishments including alcoholic beverages, entertainment, drive-in and fast food franchises;
6. Specialized sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers and motorcycles;
7. Sale of mobile homes;
8. Farm and garden supply outlets including equipment and vehicles;
9. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
10. Equipment, automobile, truck rental and leasing services;
11. Gasoline service stations, ~~truck---steps~~ (\*See Status of Amendments), automobile repair, maintenance and wash services including auto body work, but excluding junk yards, wrecking or other storage;
12. Liquor and beverage sales.
13. Sale of satellite dishes;
14. Grocery stores and supermarkets;
15. Convenience stores;
16. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services;
17. Postal services;
18. Florists including greenhouses;
19. General dry goods and merchandise stores;
20. Department stores, mail order houses, direct retail selling organizations of general merchandise;
21. Household appliances, china, glassware and metal ware;
22. Medical and dental laboratory services.

Section 942

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
  - a. Stages and similar assembly areas;
  - b. Auditoriums, exhibition halls and other public assembly spaces;
  - c. Amusement centers;
  - d. Tennis courts and billiards;
  - e. Play lots, tot lots, recreation centers and similar athletic uses;
  - f. Swimming beaches and swimming pools;
  - g. General, leisure, ornamental and other park spaces;
2. Dwelling unit of the family of the owner-operator or resident manager including:
  - a. Private garage and parking;
  - b. Structures such as fences and walls;
  - c. Buildings such as storage sheds;
  - d. Appropriate storage of a recreation vehicle or unit;
  - e. The keeping and use of appropriate household pets;
3. Directional and incidental signage (See Article 19);
4. Parking (See Article 18);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of the permitted use.

Section 943

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Small scale leasing of new and used automobiles including but not limited to the storage of no more than 50 vehicles.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district.

3. Churches, synagogues, temples and other places of religious assembly for worship only where the membership area is of magnitude requiring regional visibility and accessibility.
4. Hotels and motels including convention facilities;
5. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district.
6. Truck stops (\*See Status of Amendments).

Section 945

Intensity

The intensity of use in a Commercial Services (C-3) district is 18,000 - 20,000 square feet of gross floor area per 1 acre.

Section 946

Minimum Size

The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

Section 947

Minimum Standards

See Table 1 for dimensional standards. (Site plan review required for all permitted uses. See Article 14.)

Section 950

COMMERCIAL INTERCHANGE (C-4)

The purpose of the commercial interchange district is to provide distinct highway interchange commercial services in order to serve the regional and transient populations. Such districts shall be located near highway interchanges where access and visibility are a primary concern. These districts shall be limited in size in order to provide maximum egress and ingress for interstate travelers and the local population.

Section 951

Principally permitted Uses

The following uses are permitted:

1. Gasoline services stations (See Article 20);
2. Hotel and motels including convention facilities;
3. Eating and drinking establishments including alcoholic beverages; but excluding fast food, drive-thru restaurants.
4. All the principally permitted uses in an Office Two (O-2) district.

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: American Tectonics  Owner

Address: 8160 Corporate Park Drive, Suite 300  Agent

Cincinnati, Ohio 45242 Telephone: (513) 489-4100

Location: North side of KY State Route 18

Name of Property Owner: Marie Moore and Gary R. Moore and Nancy J. Moore

Address of Property Owner: c/o Eddie W. Brown, 9 Girard St., Florence, KY 41042

Zoning District: Boone County Area in Acres: 33.6168

Deed Book: 343 Page Number: 243/4 Group Number: \_\_\_\_\_

Description of Request: A zone change from O-2PD to UR-1/PD.

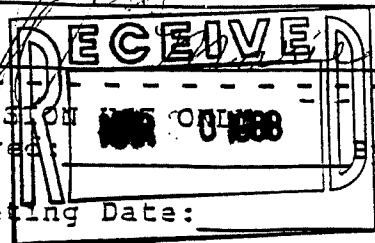
Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

Application Fee: \_\_\_\_\_ Date Received: APR 20 1988 By: \_\_\_\_\_

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

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



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
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FOR:

- Zoning Text Amendment
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- Zoning Map Amendment
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- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: American Tectonics  Owner

Address: 8160 Corporate Park Drive, Suite 300  Agent

Cincinnati, Ohio 45242 Telephone: (513) 489-4100

Location: North side of KY State Route 18

Name of Property Owner: Marie Moore and Gary R. Moore and Nancy J. Moore

Address of Property Owner: c/o Eddie W. Brown, 9 Girard St., Florence, KY 41042

Zoning District: Boone County Area in Acres: 8.7066

Deed Book: 343 Page Number: 243/4 Group Number: \_\_\_\_\_

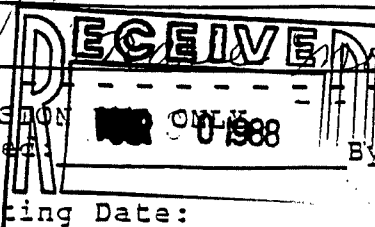
Description of Request: A zone change from UR-1 to C-3.

Applicant's Signature: \_\_\_\_\_

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

Application Fee: \_\_\_\_\_

FOR PLANNING COMMISSION  
Date Received: \_\_\_\_\_



Referred To: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Action Taken: Denied

Date of Action: 4/26/88

EXHIBIT "A"



WOOLPERT

Residential Property  
Kentucky S.R. 18  
March 3, 1988

Situated in Boone County, Kentucky, described as follows:

Commencing at the intersection of the northerly right of way line of Kentucky State Route 18 with the easterly line of Greenview Subdivision, Second Addition, as recorded in Plat Book 4, Page 25 of the Boone County, Kentucky Recorders Office, thence North 33°51' East, along the easterly line of said Greenview Subdivision, a distance of 475.00 feet to the place of beginning;

thence along the easterly line of said Greenview Subdivision, North 33°51' East, a distance of 431.80 feet, South 48°09' East, a distance of 47.06 feet; North 31°47'20" East, a distance of 518.50 feet and North 25°19'10" East, a distance of 518.92 feet;

thence South 69°16' East a distance of 72.10 feet;

thence South 46°56' East a distance of 286.00 feet;

thence South 61°56' East a distance of 102.00 feet;

thence South 72°46' East a distance of 221.00 feet;

thence South 77°16' East a distance of 84.50 feet;

thence North 84°19' East a distance of 96.00 feet;

thence South 76°11' East a distance of 103.30 feet;

thence South 51°21'20" West a distance of 392.52 feet;

thence South 40°08'40" East a distance of 302.14 feet;

thence South 34°57' West a distance of 1380.71 feet;

thence North 9°01'58" West a distance of 287.94 feet;

thence North 56°10'51" West a distance of 816.58 feet to the place of beginning.

Containing 33.6168 acres.

WLE/sw

#15714-01

WOOLPERT

Commercial Property  
Kentucky S.R. 18  
March 2, 1988

Situated in Boone County, Kentucky, described as follows:

Beginning in the northerly right of way line of Kentucky State Route 18, at its intersection with the easterly line of Greenview Subdivisions, Second Addition, as recorded in Plat book 4, Page 25 of the Boone County, Kentucky Recorders Office;

- thence North 33°51' East, along the easterly line of said Greenview Subdivision, a distance of 475.00 feet;
- thence South 56°10'51" East, a distance of 816.58 feet;
- thence South 9°01'58" East, a distance of 287.94 feet;
- thence South 34°57' West, a distance of 110.00 feet to the northerly right of way line of Kentucky State Route 18;
- thence along the northerly right of way line of Kentucky State Route 18,
  - North 40°36'29" West, a distance of 98.57 feet;
  - North 88°45'44" West, a distance of 124.43 feet;
  - North 55°34'24" West, a distance of 157.81 feet;
  - North 67°57'59" West, a distance of 606.96 feet and
  - North 47°33'18" West, a distance of 59.40 feet to the place of beginning.

Containing 8.7066 acres.

WLE/sw

#15714-01

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
March 30, 1988

Page 1

Chairman Viox opened the Public Hearing for the second item on the Agenda:

2. Applicant: American Tectonics for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of American Tectonics (applicant) for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners) for a Zoning Map Amendment from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (UR-1/PD). The 42.3-acre parcel is located north of KY 18 and west of Houston Road, Boone County, Kentucky.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for comments from a representative of the applicant at this time.

Mr. Glen Jeffers of American Tectonics stated that Mr. Alan Griffith of American Tectonics; Mr. Greg Fusaro of Coldwell Banker; Mr. Jerry Dusing, attorney; and Mr. Jack Gehrum, the traffic engineer were also present in regard to this request. Mr. Jeffers presented slides regarding American Tectonics and some of their previous developments.

Mr. Jerry Dusing stated that he is pleased to be associated with American Tectonics. He presented a topographic map indicating how the site currently exists. He noted the locations of KY 18 and Houston Road in relation to the site. He indicated the existing vegetation on the site and the location of a swale where the main sewer line was constructed about a year ago. He indicated the high and low points of the site and indicated the natural drainage flow. He presented a drawing entitled, "Development Opportunities and Physical Restraints" which was keyed to the topography of the site. He stated that buffer will be provided. He stated that the SWA Group of California is the land planning group for American Tectonics. He indicated the location of a 30' gas line easement. He stated that the Houston Donaldson Study indicates a connector road and noted its possible location on the site to connect with Houston Road. He presented the Site Plan, noting that a reduced copy is attached to the Staff Report. He stated that the entrance to the site should line up with the Hyundai entrance and meetings are scheduled in this regard. He stated that the intersection will be discussed by Jack Gehrum. Mr. Dusing noted the location of a natural swale and vegetation, which will be disturbed as

little as possible, and used in conjunction with a lake they will create to act as a natural barrier between the commercial development in the front and the residential development to the rear. He noted that the Comprehensive Plan indicates commercial development for the area as a balance to the residential development. They feel that the project is consistent with the Comprehensive Plan. He stated that the Comprehensive Plan calls for commercial development along the front of the site and industrial development for the rear, while the Houston Donaldson Study indicates that the site should be Urban Residential. He noted the proposed location for the portion of the road which would be publicly dedicated and line up with the proposed future corridor to Houston Road. They have indicated an 80-foot right-of-way for the road so that it will not take away any of their improvements in the future. The developer was advised by Staff last week that the road may go another way as indicated by the attachment to the Staff Report. He stated that this proposal would greatly impact the project and may make it difficult for the project to proceed. He added that it would not provide the best traffic route due to the elongated "S" curve, and would create an island between two connector roads. He stated that there are 400 units indicated on the Site Plan, which complies with the density requirements of the Comprehensive Plan and the UR-1 Zone. The apartment buildings are designed by an award-winning group from Atlanta. The buildings will be two and three stories within the same unit. In consideration of the topography, the two-story portion would be on the low side. There will be an approximate equal number of one and two bedroom apartments. There will be many amenities, including a pool, clubhouse, and a lot of green space both along the perimeter and throughout the project. There will also be tennis courts and lakes. The one bedroom apartments will rent between \$470 and \$525 per month and the two bedroom apartments will rent between \$575 and \$625 a month. There will be no government subsidized housing. The target group of residents will be the 25 to 45 age group, both married and single professionals. Mr. Dusing has talked with Mr. Bill Jones of the Boone County Board of Education and he does not expect more than a few children in the project due to the rents.

Mr. Dusing stated that Mr. Jack Gehrum of Pflum, Klausmeyer and Gehrum, was retained to do the Houston Donaldson Study and other major projects. He asked Mr. Gehrum for his comments at this time.

Mr. Gehrum stated that his review was based on 400 apartment units and 30,000 sq. ft. to 32,000 sq. ft. of retail. He stated that the entrance driveway is well designed and will function for the development and the future use as a major roadway providing adequate storage. He stated that moving the entrance about 100 feet closer to the intersection of KY 18 to accommodate the Hyundai development would be within an adequate spacing requirement. He stated that a left turn would be difficult to make at peak hours and would produce long delays. He suggested that a traffic signal be considered. Mr. Gehrum stated that the traffic counts

for the peak hours meet the peak hour traffic figures as defined in the Kentucky manual. He stated that in addition to the traffic signal, another necessary improvement would be a left turn lane on KY 18 with proper taper. He stated that the plan does well in providing for the future impact of the development.

Mr. Dusing stated that the density of the project is less than what is permitted. The approximate area under roof for the commercial area would be 16% and on the 33 acres indicated for residential, about 12% would be under roof. The parking for the apartments would be 1½ spaces for a one bedroom unit and two spaces for a two bedroom unit, which is above the requirements. He stated that the development is compatible with the Comprehensive Plan. He noted that the current zoning is UR-1 in the front and O-2 in the rear and stated that no one would develop offices to the rear with no visibility from the front. He referred to the Staff Report and noted that it says the 80' right-of-way will be dedicated. He stated that it would not be dedicated, but would be reserved. He stated that this is a \$21 million project and the ratio of tax revenues to services demanded is greatly in favor of the county. He stated that the phasing is 2½ to 3 years. He noted a Staff Concern in regard to what uses would be restricted since they are requesting C-3 zoning. He stated that the developer has written a letter in this regard that indicates that he is not interested in fast food, satellite dishes, and services of this type. The developer will discuss the types of uses he proposes with the Committee. The developer met with the airport and based on the information they provided, a letter was drafted to the Staff. He noted that this letter was not included with the Staff Report. He noted the proposed location of the north/south runway and referred to the Environmental Impact Studies in regard to the noise. The airport also provided them with a map indicating the noise zones, which he provided for the file. He stated that the back edge of the site is in the 65 LDN zone and the remainder of the site is outside the noise zone. He stated that the front portion of the site is classified as "A" and the rear portion is classified "B". He noted that the chart indicates "B" to be moderate and stated that he will provide a copy of the chart to the Staff.

Chairman Viox corrected Mr. Dusing's earlier statement that Mr. Gehrum had done the Houston Donaldson Study. He stated that the Boone County Planning Commission was the author of the Study and Mr. Gehrum was a part of the traffic portion of the Study.

Mr. Jeffers stated that he had no further comments.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of this request. There being no one, he asked if there was anyone present in opposition to the request or if there were any questions.

Mr. Ray Bolling, 5944 Greenview Road, Florence, stated that airplanes fly close to his house and there is noise and vibrations. He added that KY 18 is a mess.

Mr. Bill Knox stated that there are a lot of accidents in front of the subdivision. He has been to the State and Mr. Kerns to get a traffic light and has not been able to do so. He asked what the traffic flow would be in front of the subdivision.

Mr. Gehrum stated that there would be about 100 more vehicles per day as a lot of the traffic will already be on the road and will get off to make a purchase.

Chairman Viox stated that Mr. Knox is interested in the impact on Greenview Subdivision, going west on Burlington Pike.

Mr. Gehrum stated that he had not looked at that area in particular but would be willing to do so.

Mr. Mike Duncan, an attorney with Ziegler & Schneider, representing the Greater Cincinnati International Airport, stated that if specific comments are needed regarding LDN's; Mr. Koon, a professional engineer employed by the airport, is present. He stated that, in general, the higher the LDN's, the higher the noise level. These figures are calculated on a yearly basis at night and are an average. He stated that in regard to this project, we are concerned with the 65 to 70 LDN line. He noted where this line runs across the project, approximately between the three apartment buildings to the south, to the corner of Houston Road and KY 18. He stated that approximately one-half of the development will be between the 65 and 70 LDN lines and would not be acceptable for residential development with normal construction techniques. Construction techniques can reduce the sound for the interior of the building, but are not effective outside the buildings. The airport has no concerns about the commercial part of the development, but is concerned about the residential development. He stated that when a site is in an unacceptable area due to sound, there is a list of land uses and what can be done available.

Mr. Gary Bolling stated that he lives in the subdivision about ten houses from Simon & Fischer and there is a problem with the lighting. He questioned the effect of the lighting of this development.

Mr. Jeffers stated that it will be strictly residential lighting and there will be no lighting on the parking lots.

Mr. Floyd Baker, 977 Pinely Road, stated that he pays Kenton and Boone Counties for sewerage and they cannot handle the sewerage they have. He questioned how the development would be sewerred.

Mr. Dusing indicated the location of a 20' sewer line in the creek bed to the rear of the development in response to Mr. Baker's comments.

Mr. James Lofton, Greenview Drive, noted the 80' right-of-way reserved for future development of the road, which he stated will be in their back yard. He asked that it be eliminated or a fence constructed. He also questioned the location of the commercial area in relation to the property line.

Mr. Dusing stated that the commercial area is about 450 feet from the property line. He noted the proposed location of the roadway and indicated that this is not their proposal, but a plan for the future done by professional planners. He noted that this is a concept plan and a future plan would be submitted indicating landscaping and buffering.

Mr. McMillian asked if there was any consideration given to a road to keep people from going out on KY 18 and back again, such as in going to the bank.

Mr. Dusing stated that considering the proposed new corridor road, they did not feel that there were any access road possibilities. He noted that they do not know the exact location of the new road and there may be an intersection within 50 feet.

Mr. Griffith stated that they would be glad to consider Mr. McMillian's suggestion if the Commission felt it was a significant issue.

Mr. Dusing noted that this proposal had not been previously suggested and they will discuss it with the Staff.

Mr. McMillian asked that they consider this alternative for both sides of the project. He noted that people need to get to the commercial areas and KY 18 is congested as people have to get out onto the roadway and right back off again.

Chairman Viox asked if there were any further comments or questions.

Chairman Viox noted that Woolper Consultants is a member of the applicant's group and had been hired by the City of Florence to study the traffic in the area. Chairman Viox raised questions regarding the traffic impact in the area. Mr. Griffith advised that Woolper Consultants is their civil engineer and a representative was not present.

Mr. Dusing stated that the Houston Donaldson Study refers to the road concept on Page 43. He noted that this site is Parcel 29 for reference.

At this time, Mr. Geohegan completed the Staff Report noting Staff's Concerns (see Staff Report), and clarified several items discussed by the applicants in their presentation.

Mr. Geohegan indicated that in addition to the anticipated impact of the future north-south runway, the Comprehensive Plan viewed the rear of the site as office development because of the awkwardly-shaped land parcels, topography, and logical development with other properties along Houston Road.

Mr. Geohegan also responded to the applicants statements on the issue of the proposed two-lane connector road between KY 18 and Houston Road. He stated that the Houston-Donaldson Study had put forth a challenge to the developer of this site to integrate the proposed road into the development, and not to merely push the road to the edge of the site. He added that he had walked the site with a representative of the Boone County Road Department and discovered that the best alignments from a construction perspective were either through the middle of the site or along the eastern edge.

Mr. Barnett asked if a sample of the proposed architecture was available. Mr. Jeffers stated that they did not have a sample available and that it would be premature at this time.

Mr. Barnett asked the applicants to comment regarding the Staff's Concerns.

Mr. Dusing referred to the Staff's Concerns Nos. 2, 3, and 4 and stated that they will be resolved when the access management comes into play. He stated that a part of the 1984 Fuller Square zone change request was that they would tie into the access management. He referred to Staff Concern No. 1 and stated that the Comprehensive Plan and the Houston Donaldson Study recommend against extending the Mall Road area and in another section they contradict that recommendation. He added that the Houston Donaldson Study indicates that UR-1 is the appropriate use of the site. He added that Staff had indicated that they felt the back portion of the site was zoned Office due to the 65 LDN, as indicated in the Airport's Impact Study. He stated that Section IV 4 2 - 10, which contains Land Use Guidance Charts provided by the FAA, states that a "B" section (55 to 65 LDN) can be used for apartments - walk up.

Mr. DeLong noted that the airport had indicated that such development would require soundproofing. He added that soundproofing would raise the cost of the development. Mr. DeLong stated that he is concerned about the density of the project and the amount of retail space in the front.

Mr. Neltner noted that special building procedures are required in the 65 LDN area and asked for further clarification.

Mr. Duncan stated that there is a line going through the property with 65 LDN marked on it. Outside the property, about 1,300 feet away, is another line marked 70 LDN. The property between those two lines is a transitional area from 65 LDN to 70 LDN. Areas under 65 LDN need no special considerations. He added that the area between the lines marked 65 LDN and 70 LDN involves about half the area for residential development and the developer should comply with the recommendations.

Counselor Wilson asked if Mr. Duncan was saying that one-half the project is between 65 LDN and 70 LDN.

Mr. Duncan stated that one-half the residential portion is between 65 LDN and 70 LDN, none of it being 70 LDN.

Mr. Collins questioned how the noise zones could be determined since changes will be made due to the objections of the people in Delhi.

Mr. Fusaro stated that the studies done by the airport are worse case studies projected until 1990, when noise levels will decrease based on new engines for the airplanes. He stated that the lines are based on the best information they have, but do not consider the topography or the ground cover.

Mr. Collins stated that the federal government may have to come in and buy the buildings after they are constructed if they do not meet the specifications.


Mr. Fusaro stated that he could not respond to Mr. Collins' comment.

Chairman Viox asked if there were any further comments or questions.

Mr. James Lofton stated that traffic currently backs up at Greenview Subdivision at prime times. He added that the planes are loud and they cannot hear their televisions or hear on the telephone. He added that the proposed runway will be a dual runway with two planes taking off at the same time.

There being no further discussion, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 6, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, 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.

Mrs. Bushelman questioned how many access points there would be onto KY 20.

Mr. Costello advised that the proposal is for one public street, the exact location of which is to be determined later. He stated that the plan shows a location for the street, but it is subject to future planning. He noted that the lot lines have not yet been drawn, but there is a provision that two lots next to each other will share an access. He stated that there will probably be two access points if there are four lots.

Mr. DeLong stated that he would be more agreeable to one access point for the entire development in consideration of the roadway. He added that the number of lots is not reasonable in consideration of the topography.

There being no further discussion, the Chairman asked for a roll call vote on the motion made by Mr. Burch which found Mr. Barnett, Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mrs. Smith, and Chairman Viox in favor. Mrs. Bushelman, Mr. Collins, Mr. DeLong and Mr. Sharp were opposed. The motion carried by a vote of 11 to 4.

### 3. Zoning Map Amendment

A request of American Tectonics (applicant) for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners) for a Zoning Map Amendment from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (UR-1/PD). The 42.3-acre parcel is located north of KY 18 and west of Houston Road, Boone County, Kentucky.

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

Chairman Viox asked the applicant for his comments.

Mr. Jerry Dusing, attorney, stated that the applicant disagrees with the Committee Report; specifically, that the Findings of Fact are facts and based on the evidence presented at the Public Hearing. He stated that the first Finding of Fact indicates that the request does not conform to the Comprehensive Plan or the Houston Donaldson Study. Mr. Dusing stated that this is not true and that the Comprehensive Plan depicts a 25-year projection and the Land Use Map shows commercial uses along KY 18. He stated that the site is bordered on the east by C-2 zoning, on the side of it is a Convenient Store which is a C-2 or C-3 use, and the Commission just approved C-3 zoning across the street for an automobile dealership. He stated that their request is in conformity with the Land Use projection. He noted that the Committee indicates that this is not the right type of commercial use for the site as called for in the Comprehensive Plan, which is like calling a shovel a pick. He stated that an application for C-3 was

submitted, followed up with a C-2, and advertised for C-3. He stated that two separate letters were signed and are in the Staff file limiting the use. Their intention is that this would be a Neighborhood Commercial C-2 type of use in the front, which is compatible with the Comprehensive Plan. He disagreed that their plan does not conform to the Houston-Donaldson Study. He referred to Page 43 of the Study and indicated on an exhibit the location of the proposed roadway and the portion which would be dedicated to public use and the portion of right-of-way which would be reserved. He stated that they made it clear at the Public Hearing that the developers would be willing to dedicate the land. He noted that if the developers did not build the road, then it would have to be continued and paid for -- which is not mentioned in the Committee Report. He referred to Page 3 of the Houston-Donaldson Study which indicates the road going along the west edge of the property, which is where they put it. Mr. Dusing indicated this location on an exhibit. He stated that the Committee Report alludes to the proposed change to have the roadway come through the middle of the site. He added that they advised the Commission at the Public Hearing that this would be detrimental to the project, but the Commission's concern is how it affects the public. He stated that in that consideration, it does not matter which way the road goes only the terminus points on Houston Road and KY 18 matter. He added that they had stated that they would leave the terminus on KY 18 wherever the Commission wanted it. Mr. Dusing stated that they were asked to do traffic studies as late as last week and there is nothing in the Committee Report about traffic studies. He noted the studies they did regarding placement of the traffic lanes and access, which is not in the Committee Report. He added that this project accommodates the access road in a way that accomplishes the goal in the Houston-Donaldson Study in that it facilitates traffic on KY 18 and improves the entire intersection of KY 18 and Houston Road. He noted that the traffic information was presented at length at the Public Hearing by Mr. Gehrum. He stated that there has been no evidence of an adverse impact on Grandview Drive. He added that they had indicated at the Public Hearing that changing the location of the road would cost 20% in units and make the project economically unfeasible. He placed an overlay of the roads over the exhibit and stated that the newly suggested route creates an island of land between public thoroughfares, which takes 20% of their units and accomplishes nothing. He added that the statement that the layout does not provide for adequate emergency access is not true and was never discussed. He reviewed the plan and stated that emergency vehicles could reach the units. Mr. Dusing stated that there is an attempt to say they do not comply with the Houston-Donaldson Study, when they do comply. He stated that the Committee Report should be disregarded. He noted that the legal criteria for a zone change is whether they comply with the Comprehensive Plan. He stated that they believe they comply and have told the Commission why. He asked that the Commission vote for approval of the request for the county and the community. He stated that this is a \$20 million development that meets the Comprehensive Plan and accommodates the road from Houston Road to KY 18. He stated that the land for the road will not have to be paid for, even though the developers have to pay for it. He stated that the road is important to the county

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

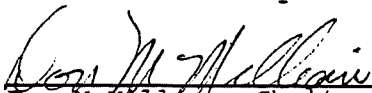
FROM: Dan McMillian

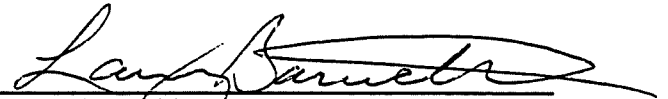
DATE: April 6, 1988

RE: Request of American Tectonics (applicant) for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners) for a Zoning Map Amendment from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (Ur-1/PD). The 42.3 acre parcel is located north of KY 18 and west of Houston Road, Boone County, Kentucky.

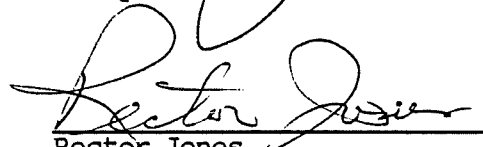
## REMARKS:


This request represents a development of regional importance at a very important location in Boone County. Because of the many land use and infrastructure issues at this location, the Committee believes that additional time is necessary to evaluate the request. The Committee recommends deferral until the April 20, 1988 Business Meeting.

  
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 Don McMillian, Chairman

  
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 Larry Barnett

  
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 Fred Burch

  
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 Rector Jones

  
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 Carol Smith

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COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Committee Chairman

DATE: April 20, 1988

RE: Request of American Tectonics (applicant) for Marie Moore, Gary R. Moore, and Nancy J. Moore (owners) for a Zoning Map Amendment from Urban Residential One (UR-1) and Office Two/Planned Development (O-2/PD) to Commercial Services (C-3) and Urban Residential One/Planned Development (UR-1/PD). The 42.3 acre parcel is located north of KY 18 and west of Houston Road, Boone County, Kentucky.

## REMARKS:

We, the Committee, recommend denial of the request based upon the following findings of fact. Although the Committee realizes that urban residential and commercial land uses can be suitable for the site if properly developed, it is the Committee's recommendation that the request be denied for the following reasons.

Findings of Fact

1. In the Committee's opinion, the requested Zoning Map Amendment and submitted Concept Development Plan are not in conformance with the Boone County Comprehensive Plan or the Houston-Donaldson Study, which represents an official document of the Boone County Planning Commission. The Comprehensive Plan recommends against extending Mall Road area commercial development west along KY 18 in strip development fashion. Although the Future Land Use Map depicts a 25 year projection of commercial uses on the site, the Committee believes that the proposed type of commercial development in this request does not represent the appropriate form of development for the site. In the Committee's opinion, the applicant's indication of the commercial layout and types of uses anticipated for the site do not represent the neighborhood-scale commercial activities recommended by the Comprehensive Plan to accompany large residential developments. Further, the Commercial classification of the 1986 Boone County Comprehensive Land Use Map includes "nonbase land uses such as Retail, Wholesale, Services, Finance, Insurance, and Real Estate and other office uses." The Committee does not agree with the applicant's contention that 62,000 square feet of retail development represents land development consistent with the Comprehensive Plan. The Land Use Element recommends that large scale retail development be contained to Mall Road.

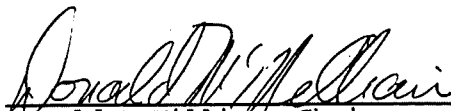
The Committee believes that the submitted Concept Development Plan does not adequately address several important concerns discussed in the Comprehensive Plan and the Planning Commission's Houston-Donaldson Study.

In the Committee's opinion, the submitted Concept Development Plan attempts to provide for future public roadway connection between KY 18 and Houston Road, as called for in the Houston-Donaldson Study; however, the proposed function and location are inappropriate. The proposed alignment immediately adjoins an existing single-family subdivision. Because of the site's unique topography and vegetation, it is entirely feasible to incorporate a public roadway into development of the site in a location that would have less impact on not only the existing single-family residential uses, but on the proposed apartment uses as well.

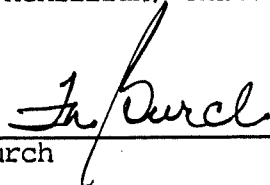
In addition, the layout of the submitted Concept Development Plan does not provide for adequate emergency access to large portions of the development. This could be remedied by constructing a public street to both serve the development and provide a future access to Houston Road, as opposed to dismissing the roadway's right-of-way to a developmentally undesirable edge of the site.

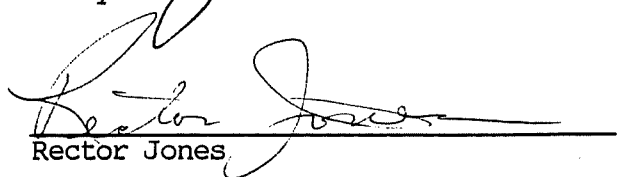
2. The applicant has not sufficiently shown that the existing Office Two/Planned Development zoning district is inappropriate and that the proposed Urban Residential One/Planned Development (UR-1/PD) zone is appropriate for the rear portion of the site. The existing office zoning was placed upon that part of the site during the 1986 update of the Boone County Comprehensive Plan and Zoning Regulations in response to (1) the topography which divides it from the existing Urban Residential zoning along KY 18, (2) anticipation of its development in conjunction with Houston Road parcels, (3) the otherwise awkward shapes of the Seligmann and Moore properties for development purposes under different zones, and (4) potential impact of the proposed north-south airport runway.


In addition, the applicant has not shown how the proposed Urban Residential One/Planned Development (UR-1/PD) zone would interact with development of the Seligmann property to the north in terms of compatibility of uses, topography, and access.

  
\_\_\_\_\_  
Donald McMillian, Chairman

  
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Larry Barnett

  
\_\_\_\_\_  
Fred Burch

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

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



**FLORENCE APARTMENTS**  
BOONE COUNTY, KENTUCKY

Date: 12-17-85  
Scale: 1/4" = 1'-0"  
Drawn by: J. R. G.  
Reviewed by: R. A. G.  
Directed by:

