

REQUEST OF AMERICAN HERITAGE REALTY, INC.  
FOR A ZONING MAP AMENDMENT AND  
UTILIZATION OF AN UNDERLYING ZONE  
IN PLANNED DEVELOPMENT

The Zoning Map Amendment request is to change the zoning and approve a Concept Development Plan on 12.59 acres from Commercial Two/Planned Development Overlay (C-2/PD) to Commercial Services/Planned Development Overlay (C-3/PD). The Utilization of an Underlying Zone request is to review a Concept Development Plan for 2.79 acres that is presently zoned C-2/PD. The subject 15.38 acre parcel is located on the north side of KY Hwy. 18 and west of Zig Zag Road, Boone County, Kentucky.

The 15 acre site is lots 1-6 of the Heritage Hill Industrial Center Subdivision. The Preliminary Plat for this subdivision of 19 lots on 48.6 acres was approved in December of 1978. An Improvement Plan was approved August 1, 1979. After construction of a portion of Centennial Circle Drive, a final plat was recorded for lots 1-5 on August 26, 1982. On September 27, 1983, a final plat was recorded for lot number 6, and a bond was posted for additional street construction. The remaining 31.367 acres of the subdivision is now the Barry Williams tract, which is subject to a zone change and Concept Development Plan (C-2/PD and C-3/PD) approved March 18, 1986 by the Fiscal Court. (See Attached Plans)

Recently, the Planning Commission approved a Site Plan for grading on lots 3, 4, and 5, and approved a Concept Development Plan for an office building in a C-2/PD zone on the south portion of lot 1. The applicant has requested the Fiscal Court defer action on the previous Concept Plan pending the outcome of the current application.

SURROUNDING LAND USES AND ZONING

East of the subject site is vacant farmland in the C-2/PD and Industrial One (I-1) zones. Zig Zag Road is located approximately 1,200 feet to the east. South of the site, across KY Hwy. 18 in the Suburban Residential One (SR-1) zone, is the future Christ United Methodist Church site and several single-family residences in the Boone Aire Country Club Estates subdivision.

North and west of the subject site is the Barry Williams property, which is zoned C-2/PD and C-3/PD. The Concept Development Plan for the Barry Williams site (31 acres) indicates that this presently vacant tract will be developed with a mix of commercial uses, including an automobile dealership, office space, and general retail space.

In addition, the subject 15 acre site is located approximately 6,500 feet south of the existing north-south runway at the Greater Cincinnati International Airport. Since the land is on a runway approach, it is also subject to applicable regulation by the Kentucky Airport Zoning Commission. The site also lies between the existing 65LDN and 70LDN noise contours for the airport.

#### RELATIONSHIP WITH COMPREHENSIVE PLAN

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

#### 1986 Future Land Use Map - Borderline Commercial and Industrial

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

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

Page B-14 discusses areas of future commercial activity:

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

In summary, the Boone County Comprehensive Plan recommends commercial uses in the general area surrounding the 15 acre site.

Also, there is a need to provide proper access management controls.

#### PROPOSED CONCEPT DEVELOPMENT PLAN

The proposed Concept Development Plan indicates a total of 170,200 square feet of building area for the 15 acre site. No water or sanitary sewer service has been constructed on the site, but the applicant is proposing to install them.

PROPOSED LAND USES

C-3/PD	USES	SQUARE FOOTAGE
LOT NO. 1	RESTAURANT WITH DRIVE THRU	6,000
	OFFICE BUILDING	6,000
LOT NO. 3	AUTO SALES (New or Used)	5,000
LOT NO. 4	AUTO SALES	8,000
LOT NO. 5	C-3 BUSINESS	16,000
LOT NO. 6	MINI WAREHOUSE (Self-Storage)	86,000

C-2/PD

LOT NO. 2	OFFICE AND SHOPS	43,200
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TOTAL LAND 15.38 ACRES                      TOTAL SQ. FOOTAGES                      170,200

INTENSITY 11,066 SQ. FT. PER ACRE

INFRASTRUCTURE NOTES:

WATER	BOONE COUNTY WATER DISTRICT
SEWERS	BOONE COUNTY WATER AND SEWER SYSTEM
ELECTRIC	UNION LIGHT HEAT AND POWER COMPANY
TELEPHONE	CINCINNATI BELL

SPECIAL CONSIDERATIONS

1. Access Management

A provision should be made to allow for transportation connections to adjoining properties to the east and west. Staff recommends that a street connection be provided to the Williams' site which is consistent with the previously approved plans for the Heritage Hill Industrial Center Subdivision. Also, a connection should be made to the property to the east for an eventual vehicle circulation parallel to KY Hwy. 18 that may incorporate Zig Zag Road, Centennial Circle, and the driveway proposed opposite Boone Aire Road. Staff also recommends provisions be made for left and right turn lanes at the Centennial Circle-KY Hwy. 18 intersection.

2. This site is located in an area of high visibility along a major thoroughfare which links the county's largest city with the county seat. This site, and the surrounding Florence-Burlington Corridor, is a sensitive area in terms of what its visual impact implies about Boone County and the City of Florence. Staff believes that factors which create a site's visual effect, such as landscaping, lighting, signage, as well as the type of development, are important concerns regarding the impact of the proposed development on the overall character of the corridor, and upon the existing residential neighborhood located on the south side of KY Hwy. 18.

Also, the proposed restaurant on lot 1 is shown on the Concept Plan with a large parking area located between the building and KY 18. Staff suggests that the building is located closer to KY Hwy. 18 and that the parking be located behind the restaurant building. This would help reduce the visual impact of commercial development along KY 18, and also give the restaurant greater visibility.

3. Signage Package

Since the entire subdivision is owned by the applicant, signage plans should include one free-standing sign advertising the entire subdivision as outlined in Section 1920 of the Zoning Regulations.

4. Utilities


No utilities exist in the subdivision. A planned utility improvement program could occur with the assistance of adjacent property owners. Staff believes that coordination of all infrastructure between the adjacent site to the north and the subject site is very important, as both developments, if and when completed, will constitute a major development.

5. Landscaping

An appropriate amount and type of landscaping should be included in the development of this site in order to meet the objectives of Planned Development.

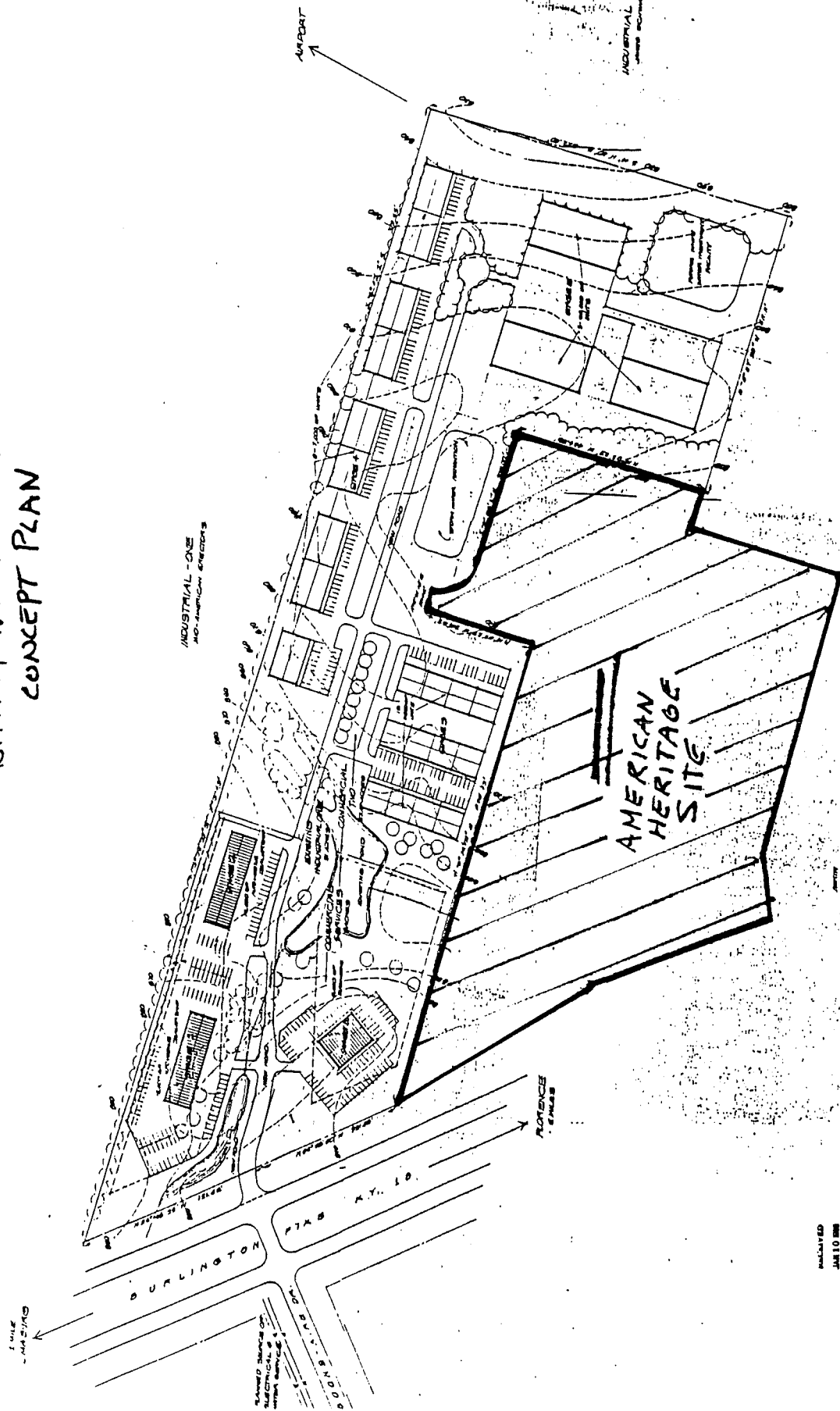
CONCLUSION


The major issues concerning this request revolve around the appearance of this prominent location on KY Hwy. 18 and the proper management of additional commercial traffic. The proposal should also be evaluated relative to its compatibility with the Comprehensive Plan and the Objectives of Planned Development.

  
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Jim Sturdevant,  
Plans Examiner/Planner

JS:mcb

BARRY WILLIAMS SITE  
CONCEPT PLAN



**SITE PLAN**  **INDUSTRIAL**  
 PREPARED BY: MR. GARY WILLIAMS  
 PROJECT: COMMERCIAL SERVICES DEVELOPMENT  
 DATE: JAN 10 08



"EXHIBIT A"  
*Raymond Erpenbeck Consulting Engineers*

ENGINEERS • SURVEYORS • PLANNERS

ATTACHMENT

4205 DIXIE HIGHWAY • ELSMERE, KENTUCKY 41018 • (606) 727-4200

*PARCEL 1*  
PROPOSED ZONE CHANGE TO C-3/PD  
*American Heritage Realty.*

Being a parcel of land located on the east side of Ky 18 (Burlington Pike) in Boone County, Kentucky being more particularly described as follows. —

Beginning at a point on the east side of Ky 18 and the northwest corner of lot 1 of the Hertiage Hill Industrial Center PB 18, Pg 33; thence with the right of way Ky 18 S 50° 43' 45" E, 295.52 feet to a point; thence N 52° 45' E, 135.06 feet; thence with the common line with Tanner N 75° 45' 05" E, 50feet to a point; thence with a new dividing line N 14° 03' 29" W, 249.79 feet to a point on the south right of way line of Centennial Circle; thence with said right of way N 75° 56' 31" E 169.43 feet to a PC of a curve; thence with a curve to the left 190.45 feet ( $\Delta=87^{\circ} 17' 20''$  R=125.00 feet) to a point, said point being the common corner of lots 2 and 6 of the Hertiage Hill Industrial Center; thence with their common line N 78° 39' 11" E 275.45 feet to a point; thence N 75° 57' 30" E, 100.00 feet to a point; thence N 14° 03' 29" W, 409.58 feet to a point, said point being in the center of Constitution Drive; thence with said center line S 75° 56' 31" W 400.00 feet to a point to the center of Centennial Circle, thence with the centerline of Centennial Circle S 14° 03' 29" E 148.10 feet to a point; thence with the rear of lots 3,4, & 5 of the Hertiage Hill Industrial Center S 75 ° 56' 31" W, 1052.96 feet to a point in the east right of way of Ky 18; thence with said east right of way S 54° 08' 00" E, 6.16 feet to a point; thence S 61° 16' 28" E, 482.74 feet to a point; thence S 50° 43' 45" E, 125.22 feet to the point of beginning.

Containing 12.59 Acres.

PARCEL 2

Being part of lot 1 and all of lot 2  
of the Heritage Hill Industrial Subdivision  
Plat Book 18 Page 33 and being more particularly  
described as follows:

Beginning at a point on the east Right of way  
of Centennial Circle and the common  
corner between lot 2 & 6 of the Heritage Hill  
Industrial Subdivision; thence with <sup>their common line</sup> N 78° 39' 11" E  
275.45' feet to a point; thence S 13° 40' 05" E  
353.35' feet to a point; thence S 75° 45' 05" W  
566.86' feet to a point; thence with a new division  
line N 14° 03' 29" W 249.79' feet to a point  
on the right-of-way of Centennial Circle;  
thence with said right-of-way N 75° 56' 31" E  
169.43' feet to a P.C. of a curve; thence with  
a curve to the left 190.45' feet (R=125.00, D=  
87° 17' 20" ) to the point of beginning

Containing 4.025 Acres

Wayne ERPENBECK

RAYMOND ERPENBECK Consulting Engineers

MAY 11, 1987

R. Wayne Erpenbeck

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #7  
May 27, 1987

Page One

Mr. David Martin, Vice Chairman, opened the Public Hearing for the seventh item on the agenda:

7. Applicant: American Heritage Realty  
Request: Concept Development Plan and Zoning Map Amendment

This was a Public Hearing on a request of American Heritage Realty for Concept Development Plan approval for a Zoning Map Amendment and Utilization of an Underlying Zone in Planned Development. The 15.38-acre site, located north of KY 18 at Centennial Circle, is presently zoned Commercial Two/Planned Development Overlay (C-2/PD) and is being requested to be zoned Commercial Services/Planned Development (C-3/PD) and C-2/PD.

Staff Member, Jim Sturdevant, stated that the applicant wished to make a presentation.

Mr. Ronald Erpenbeck, architect, presented the Concept Development Plan and indicated that a restaurant is proposed as an anchor business. He noted the location of proposed self-service storage units on the site. Mr. Erpenbeck stated that used and/or new car dealerships are proposed for Lots #3 and #4. He indicated that a connector roadway is proposed to the Tanner Property, and added that they have tried to keep curb cuts to a minimum.

Vice Chairman Martin asked if there were any comments or questions regarding this request.

Mr. McMillian commented on the location of the access road and stated that it should run parallel to the main road.

Mr. Ronald Erpenbeck distributed copies of the Concept Development Plan to the Commission and stated that he believed Mr. McMillian was referring to a frontage road as opposed to an access road. He added that they are currently working on getting the utilities brought to the site.

Staff Member, Jim Sturdevant, presented the Staff Report. He stated that the access connections and roadway should be consistent with the previously platted subdivision. He noted the Comprehensive Plan recommendations for the area and indicated Staff's concerns (see Staff Report).

Vice Chairman Martin stated that this request will be on the agenda for the Business Meeting on June 3, 1987 at 8 P.M.. Interested parties should keep in contact with the Staff.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

"EXHIBIT C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: June 3, 1987

RE: Request of American Heritage Realty for Concept Development Plan approval for a Zoning Map Amendment and Utilization of an Underlying Zone in Planned Development. The 15.38 acre site, located north of KY 18 at Centennial Circle, is presently zoned Commercial Two/Planned Development Overlay (C-2/PD) and is being requested to be zoned Commercial Services/Planned Development (C-3/PD) and C-2/PD.

REMARKS:

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

Findings of Fact

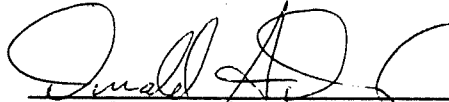
1. The proposed uses and submitted Concept Development Plan are consistent with the Boone County Comprehensive Plan, which recommends commercial uses in the area. Other refernces to the Comprehensive Plan are mentioned in the Staff Report.
2. The proposed Concept Development Plan, as amended with the following conditions, is consistent with the objectives of Planned Development.

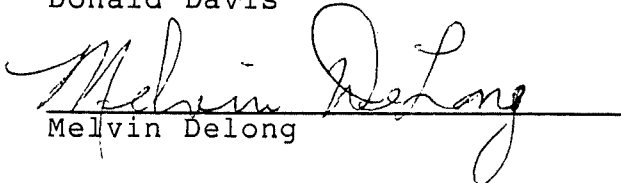
Condition


1. The applicant shall be required to provide the necessary right-of-way and construct a frontage road along KY Hwy. 18 to the property located east of the site in order to provide proper access management for future commercial development. In addition, traffic circulation to the adjoining property to the north and west shall be provided and shall be consistent with the approved preliminary plans for the Heritage Hill Industrial Center Subdivision.
2. The applicant shall be required to plan and construct water and sanitary sewer lines in concert with the future planned industrial and commercial uses in the area. A planned utility improvement program shall occur with the participation of adjacent property owners. Such a system shall be designed for the entire Heritage Hill Industrial Center Subdivision.


3. The applicant shall be limited to have one free-standing sign advertising the entire subdivision and future commercial business. This free-standing sign shall be limited to a maximum height of 35 feet and a total signage area of ~~200~~<sup>250</sup> square feet. This condition is intended to protect the Florence-Burlington Corridor in terms of public visibility. This protection is warranted due to the residential zoning and land use on the south side of KY 18.
4. Because the 1.5 acre site is highly visible from KY 18, and due to the lack of existing vegetation, the applicant shall be required to provide an appropriate amount and type of landscaping in order to meet the objectives of Planned Development. This requirement will be reviewed at the Site Plan stage.
5. The applicant shall be required to provide proper turning lanes on KY 18 and Centennial Circle for traffic entering and exiting the site.

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William Viox, Chairman

  
\_\_\_\_\_  
Donald Davis

  
\_\_\_\_\_  
Melvin Delong

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

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

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Larry Barnett

*Note: Amended and Clarified  
See Minutes of 6.3.57*

ORDINANCE 920.124

AN ORDINANCE OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF A REQUEST FROM AMERICAN HERITAGE REALTY FOR A ZONING MAP AMENDMENT FOR A 12.38 ACRE SITE (BEING A PORTION OF A 15.38 ACRE TRACT) WHICH IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND IS RECOMMENDED TO BE ZONED COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) AND ALSO RECOMMENDING APPROVAL OF A CONCEPT DEVELOPMENT PLAN FOR THE ENTIRE 15.38 ACRE TRACT FOR THE USE OF THE UNDERLYING ZONES OF COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) LOCATED ON THE NORTH SIDE OF KY 18 AND WEST OF ZIG ZAG ROAD, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATIONS BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission 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 Commercial Services/Planned Development (C-3/PD) for a 12.59 acre site being a portion of a 15.38 acre tract located on the north side of KY 18 and west of Zig Zag Road, Boone County, Kentucky which is more particularly described below, and

WHEREAS, the Boone County Planning Commission concurrently received a request for approval for a Concept Development Plan for the utilization of underlying zones, those zones being Commercial Two/Planned Development (C-2/PD) and Commercial Three/Planned Development (C-3/PD), for the above mentioned 15.38 acre tract, and

WHEREAS, the Boone County Planning Commission has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for both the Zoning Map Amendment and a Concept Development Plan for the utilization of underlying zones, these zones being Commercial Two/Planned Development (C-2/PD) and Commercial Services/Planned Development (C-3/PD), on a 15.38 acre tract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be is hereby recommended for approval this Zoning Map Amendment being a zone change from Commercial Two/Planned Development (C-2/PD) to Commercial Services/Planned Development (C-3/PD) for a 12.59 acre site being a portion of a 15.38 acre tract located on the north side of KY

18 and west of Zig Zag Road, Boone County, Kentucky; and

That the Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval for the utilization of underlying zones, these zones being Commercial Two/Planned Development (C-2/and Commercial Services/Planned Development (C-3/PD), on a 15.38 acre tract.

The real estate which is the subject of <sup>70-28-87</sup> these requests for approval of a Zoning Map Amendment for a 12.59 acre site being a portion of a 15.38 acre tract and a Concept Development Plan for the utilization of underlying zones, these zones being Commercial Two/Planned Development (C-2/PD) and Commercial Services/Planned Development (C-3/PD), 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 this Ordinance. (ATTACHED - EXHIBITS "B" and "C")


#### SECTION III

That a copy of this Ordinance recommending approval of a Zoning Map Amendment for a 12.59 acre site being a portion of a 15.38 acre tract and the Concept Development Plan for the utilization of underlying zones, these zones being Commercial Two/Planned Development (C-2/PD), and Commercial Services/Planned Development (C-3/PD), on a 15.38 acre tract for the subject real estate shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

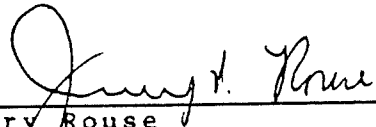
THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

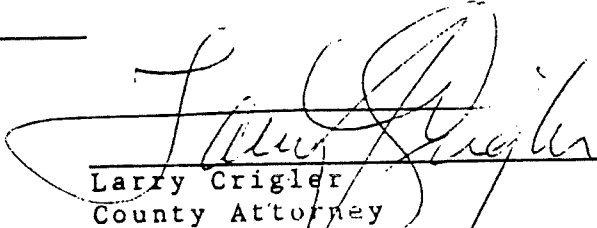
Introduced, seconded and given First Reading on the 7<sup>th</sup> day of July, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21<sup>st</sup> day of July, 1987, 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 S. Ferguson  
County Judge/Executive

ATTEST:

  
\_\_\_\_\_  
Jerry Rouse  
County Clerk

  
\_\_\_\_\_  
Larry Crigler  
County Attorney

7/28/87  
\_\_\_\_\_  
Date