

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Gold Star Chili, Inc.
2. Location of Development Ky 18 in Burlington, KY
3. Total Acreage of Site 6.64 +/- acres
4. Current Zoning SR-2 and R
5. Proposed Zoning (classification being requested) _____
Front 2.37 acres C-2 Rear 4.27 acres O-2
6. Proposed Uses (please specify each use) _____
Bank, Restaurant, Offices, Day Care Center
7. Name of Applicant(s) David E. Estes Engineering Corporation
Phone Number(s) (606) 344-0700
8. Address of Applicant(s) 576 Centre View Blvd.
Crestview Hills, KY 41017
City State Zip
9. Name of Property Owner(s) John B. David & Teresa B. David
Phone Number(s) (606) 341-5759
10. Address of Property Owner(s) 2279 Burlington Pk.
Burlington, KY 41005
City State Zip
11. Proposed Building Intensities (please specify) _____
C-2 = 5,420 sq. ft. GFA / 2.37 acres = 2,290 sq. ft. GFA/acre
O-2 = 31,550 sq. ft. GFA / 4.27 acres = 7,390 sq. ft. GFA/acre
NOTE: does not count Barnes tract (separate application)
12. Are there any existing buildings on the site? yes
How many? 2 (1 residence and 1 restaurant)
13. Deed Book see below Page No. _____ Group No. _____
14. Have you had a pre-application meeting with BCPC staff? yes 5-21-90
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

13. Deed Book 194, page 141 Deed Book 350, page 303
Deed Book 349, page 178

EXHIBIT "A"

REQUEST OF **DAVID E. ESTES ENGINEERING CORPORATION (APPLICANT)**
FOR **JOHN B. AND TERESA B. DAVID, AND LUCILLE BARNES (OWNERS)**

#3

FOR A ZONING MAP AMENDMENT
ON A 7.6 ACRE SITE LOCATED AT THE GOLD STAR CHILI ON
KY 18, BURLINGTON, KENTUCKY

July 25, 1990

This is a request of David E. Estes Engineering (Applicant) for a zoning map amendment to allow a mixed office and commercial development on property adjacent to and including the Gold Star Chili establishment. The request is to rezone the site from Recreation (R) and Suburban Residential Two (SR-2) to Commercial Two (C-2) and Office Two (O-2) to allow a mixed office and commercial development around the existing Gold Star Chili Restaurant.

SURROUNDING LAND USE AND ZONING

Currently, KY 18 supports mostly single-family residential uses. This includes areas to the east and south of the 7.6 acre site. Kingsgate Crossing Subdivision is under construction to the south of the site. The rear of several lots in that subdivision immediately adjoin this site. To the west is another portion of Kingsgate Crossing, currently undeveloped. These adjacent residential areas are zoned Suburban Residential Two (SR-2). Across KY 18, to the north, single-family residences exist adjacent to the Boone Woods County Park. These areas are zoned Suburban Residential Two (SR-2) and Recreation (R). The recreation zoning includes a residential use across from the Gold Star Restaurant.

FEATURES OF THE SITE

The 7.6 acre site is comprised of three properties. Two of these support single-family residential uses while the largest parcel, approximately 5.6 acres, contains the Gold Star Chili, batting cage facility, and vacant property. The overall site slopes gradually toward the rear. Total difference in elevation is approximately twenty feet. Except for plantings around the existing restaurant and several mature trees around the existing residences, the site is devoid of significant vegetation.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Future Land Use Map indicates future Commercial uses along the south side of KY 18, including most of the frontage of the 7.6 acre site and adjacent properties to the west. The future commercial designation progresses approximately to the depth of the existing restaurant facility. The rear of the site and of adjacent properties is shown as future High Suburban Density residential (HSD), which indicates potential development up to six units per acre. The 1990 Land Use Element is now the official document which must be considered in reviewing zone change requests, since, the Planning Commission has adopted the 1990 update of the Boone County Comprehensive Plan and its Land Use Element on 6/20/90. The residential land use classifications, as well as the overall Future Land Use Map and text are among the most notable revisions that have been made from the 1986 Comprehensive Plan. As a general note, the KY 18 corridor has been revised to limit the strip development of future commercial uses, and to provide an appropriate transition of land uses into the existing and planned residential uses off of KY 18.

The Land Use Text, on pages 212 and 214 recommends that the south side of KY 18, between Camp Ernst Road and Burlington, should develop as an innovative mixture of local commercial, office, and High Suburban Density residential uses to provide a transition into existing lower density residential development, and to avoid a strip commercial appearance to the corridor. The Plan recognizes that KY 18 should primarily move traffic through the area and secondarily serve adjoining land. To accomplish this, Access Management is essential, including parallel roads, shared curb cuts, turning lanes, and a minimum spacing of approximately 600 feet for major access points along KY 18.

The approved 1990 Goals and Objectives for the Business Activity Element recommend compact, efficient development patterns with adequate and maintained buffer spaces between business and other land uses. The objective, also recommends that commercial development occur in the form of shopping centers of other compact aggregations with integrated designs. They also state that commercial uses in residential areas shall be assessed and located so as to enhance the neighborhood. Overall, the Plan recommends that the least offensive business uses occur next to existing or planned residential uses to minimize potential negative impacts.

GOLD STAR CONCEPT DEVELOPMENT PLAN

The submitted Concept Development Plan for the 7.6 acre site includes the following uses which generate the following traffic counts. These trip counts were generated by staff. A full traffic study was not required of the applicant because the proposed uses will not bring appreciable new traffic into this portion of KY 18 corridor, but will create many new driveway movements along KY 18.

WEEKDAY

LAND USE	ADT 24 HOUR	AM PEAK IN	AM PEAK OUT	PM PEAK IN	PM PEAK OUT
(565) DAY CARE CENTER 5,000 GSF	335	30	27	30	32
(710) OFFICE 26,550 GSF	507	56	8	10	55
(833) FAST FOOD RESTAURANT (without drive-thru) 1,950 GSF	1,516	2	2	4	4
(834) FAST FOOD RESTAURANT (with drive-thru) 6,000 GSF	2,625	155	155	100	96
(912) DRIVE-IN BANK 3,500 GSF	955	13	10	67	70
TOTAL	5,937	256	202	211	257
0.25% DECREASE	(1,484)	(64)	(50)	(53)	(64)
	4,453	192	151	159	193

STAFF CONCERNS

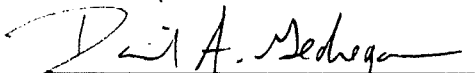
1. The 1990 Future Land Use Map does not indicate commercial uses for the entire site, therefore, the Commission must consider if the request achieves an adequate transition of land uses into existing residential.
2. The site drains to the southwest corner, and therefore into the developing Kingsgate Crossing Subdivision. Stormwater detention will need to be carefully designed to avoid overloading any pipes or inlets downstream.
3. Should the Developer consider future subdivision of the tract, the main connector drive and access drive should be constructed to County specifications for a public street. In any event, parking stalls should not be placed on either of these drives in order to avoid dangerous conflicts. The construction of private drives would mean that individual parcels could not be subdivided in the office portion of the development.
4. The submitted plan indicates a pick-up window on the restaurant. Should the developer desire a fast food restaurant, a Conditional Use Permit will be required from the Board of Adjustments. In addition, the proposed Day Care Center would need a Conditional Use Permit in the Office Two (O-2) zone under the current zoning regulations. These regulations are being updated for 1990, and day care centers may be considered for principally permitted status in the O-2 zone through this update.
5. The proposed development would subtract ± 5.6 acres of Recreation zoned land from Boone County, as well as a private recreational use. There are roughly 1,900 acres of land zoned Recreation currently in Boone County. Much of this land is comprised of several large parcels, such as boy scout camps, YMCA property, and creek access areas on Gunpowder Creek.
6. Regardless of the phasing of the development, the existing Gold Star curb cut should serve no additional uses before it is removed, because of the awkward parking lot arrangement at that location. Three median cuts on KY 18 should be removed as a result of this development.
7. As noted earlier in the report, several large trees exist on the site. These trees are highly visible in the KY 18 corridor, and can represent an effective means of minimizing the commercial appearance of the corridor, as recommended in the 1990 Comprehensive Plan.
8. The submitted Concept Development Plan includes several non-conforming buffer yard setbacks. The most critical location is the eastern access drive where a 25 foot buffer area is required adjacent to a residential zone and a 10 area is shown on the submitted plan. The applicant realizes that either subsequent reviews will have to show required buffer areas, or variances would need to be obtained from the Board of Adjustments. Staff recommends that the final alignment of this eastern access straddle the east edge of the site and adjacent property to serve both sites. A median cut does exist in KY 18 east of this 7.64 acre site. This cut should ultimately be removed, but is not under control of this site. The layout of the restaurant, bank, and Day Care Center access should be examined in

more detail at Site Plan Review to ensure orderly vehicle movement and retention of existing trees.


9. As in past zone change reviews in the KY 18 corridor, the capacity of the Oakbrook Sanitary Treatment Plant is a concern.

CONCLUSION

This request represents a cornerstone in the future of the KY 18 corridor. Its commercial and office land use impacts on adjacent properties and the roadway must be considered, as well as the development's appearance from KY 18. The Planning Commission and Fiscal Court must consider the three criteria necessary for a zoning map amendment contained in the Boone County Zoning Regulations. Should this request be approved, the 1990 Future Land Use Map would need to be adjusted.

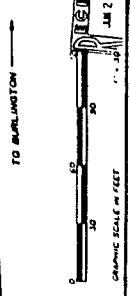
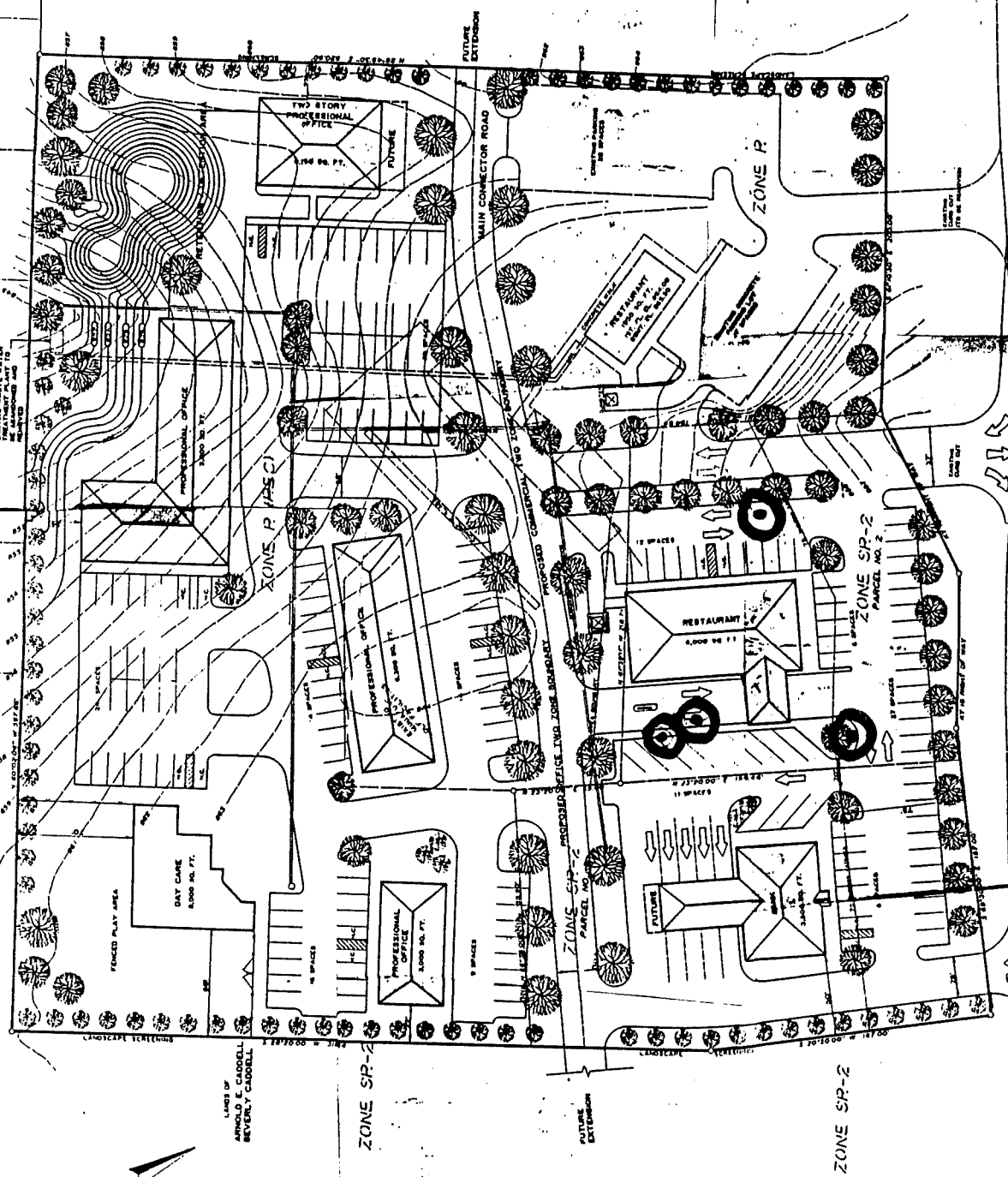


David A. Geohegan, AICP
Planner/Plans Examiner III



Douglas S. Powell,
Transportation Planner

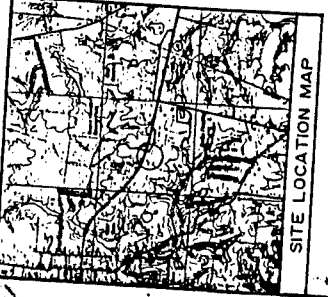
DAG/DSP:mcb



KENTUCKY 18

TO ALBUQUERQUE

⊙ = Exist. mature trees



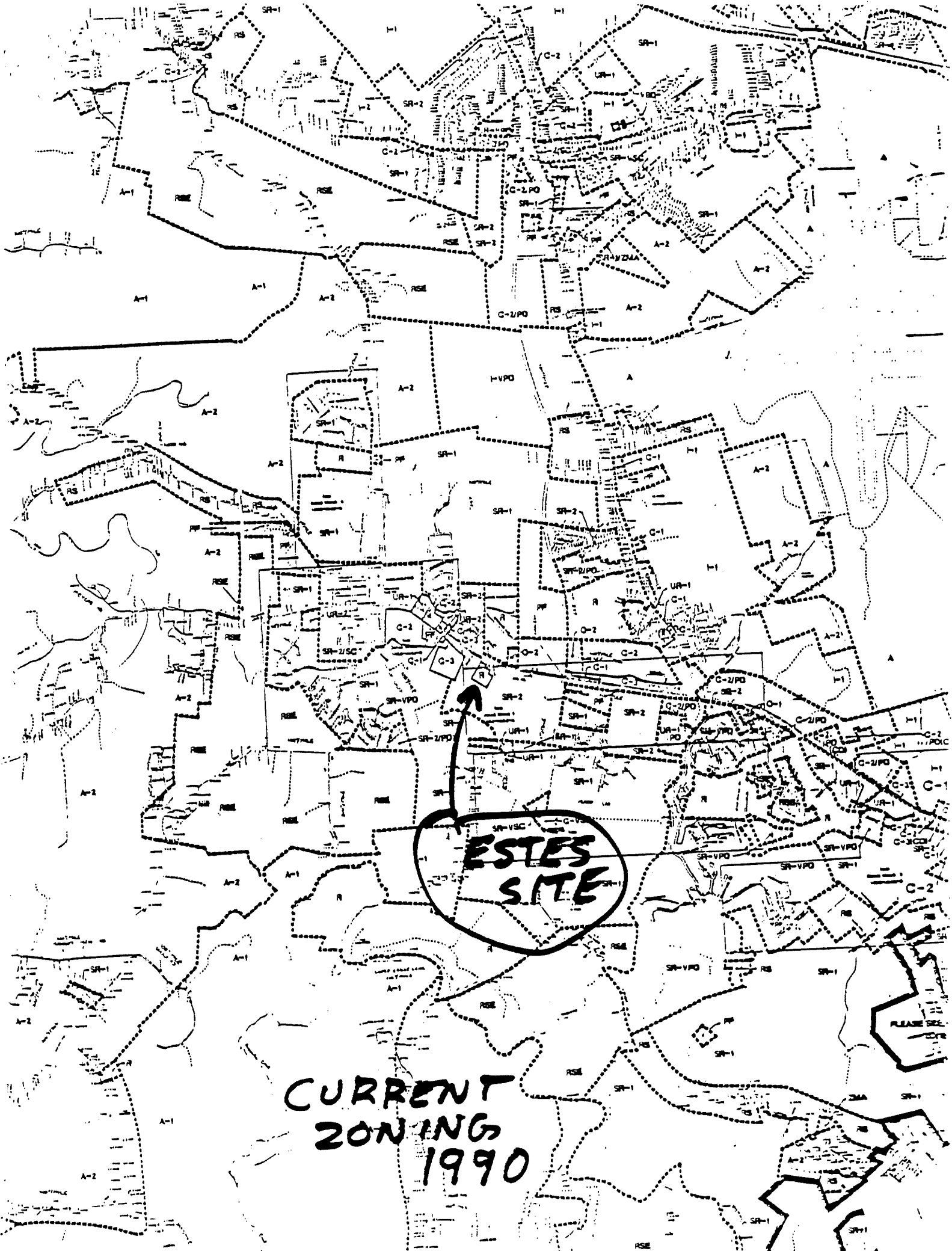
SCHEDULE OF STATISTICS

NO.	DESCRIPTION	AMOUNT
1	Professional Fee	10,000.00
2	Site Preparation	5,000.00
3	Landscaping	15,000.00
4	Utility Relocation	20,000.00
5	Construction	100,000.00
6	Permitting	5,000.00
7	Other	10,000.00
TOTAL		165,000.00

NOTE: THE INFORMATION SHOWN HEREON IS BASED UPON EXISTING DEEDS OF RECORD IN BOONE COUNTY CLERK'S OFFICE IN BURLINGTON, BOONE COUNTY, KENTUCKY AND INFORMATION PROVIDED BY THE OWNER. THIS DOES NOT REPRESENT AN ACTUAL FIELD CADASTRAL OR TOPOGRAPHIC SURVEY PERFORMED BY DAVID E. ESTES ENGINEERING CORPORATION.

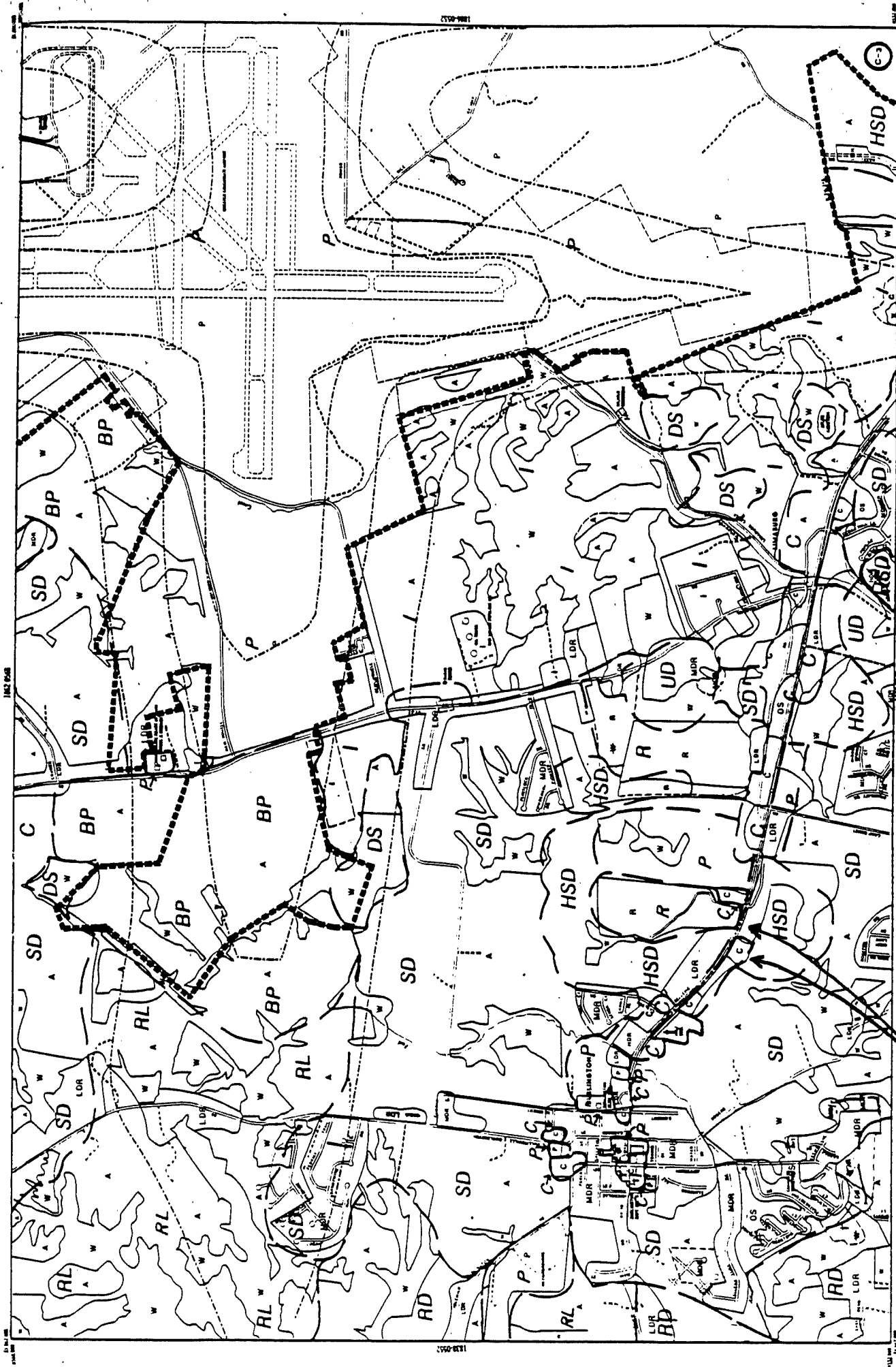
EXISTING UTILITY OWNERS:

- COMMUNITY BELL TELEPHONE
- TELEPHONE
- UNION LIGHT, HEAT, AND POWER
- TELEPHONE 1-800-331-4100
- BOONE COUNTY WATER & SEWER COMMISSION
- TELEPHONE 1-606-338-4100
- WATER, SEWER



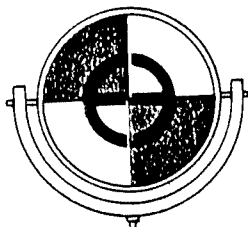
**ESTES
SITE**

**CURRENT
ZONING
1990**



1990 FUTURE LAND USE MAP

ESTES
SITE



David E. Estes
Engineering, Inc.
CIVIL ENGINEERING - LAND SURVEYING

576 CENTRE VIEW BOULEVARD, CRESTVIEW HILLS, KENTUCKY 41017

Telephone: (606)-344-0700

20 June 1990

Boone County Planning Commission
Post Office Box 697
2950 Washington Square
Burlington, Kentucky 41005

Attn.: Mr. Kevin Costello, Interim Director

Subject: Gold Star Chili, Inc.
Burlington Pike (KY 18)
Burlington, Kentucky
Zoning Map Amendments

Dear Mr. Costello:

Transmitted herewith are completed applications for Zoning Map Amendments for the above subject project. Also included is a check for the amount of \$691.00 for review fees. We have included five sets of drawings showing the Concept Development Plan.

It is our clients' request to have the existing zoning changed from Recreational (R) and Suburban Residential Two (SR-2) to Commercial Two (C-2) and Office Two (O-2). This request affects the same properties as submitted on 07 March 1990. As you are aware, the previous application was withdrawn to allow us more time to address the Staff's and Committee's concerns. We have met with the staff and discussed the issues, and we believe that our new submittal represents a substantial improvement.

The site is about 7.64 acres in area. It is requested that the front 3.37 acres be re-zoned to Commercial Two (C-2). This is consistent with the Boone County Comprehensive Plan adopted by the Boone County Planning Commission on 17 September 1986. It is requested that the rear 4.27 acres be re-zoned to Office Two (O-2). This use would be a transition from commercial to residential.

As mentioned above, the 1986 Future Land Use Map shows the front portion of the property as commercial. Our proposal shows a bank and an additional restaurant. The development is not a strip type center. It is a functional commercial plan which is not nearly as intense as the Boone County Zoning Ordinance would allow for the zone requested. The density of the commercial development is very light. We are proposing only 11,420 square feet of gross floor area for the entire 3.37 acres. This includes the existing Gold Star Chili, Inc. restaurant. The density proposed is only 3,390 square feet of gross floor area per acre. The Ordinance allows 15,000 square feet of gross floor area per acre.

We believe that the proposed Office Two (O-2) zone is a logical transition from commercial to residential. Therefore we request that the rear 4.27 acres be zoned as Office Two (O-2). For the rear portion, we propose only 31,550 square feet of gross floor area. The density proposed is therefore only 7,390 square feet of gross floor area per acre. The Ordinance allows 30,000 square feet of gross floor area per acre.

Separating the proposed zones, we have designed an access road which shall extend to the adjacent properties on each side. The road can be extended at any time in the future should the adjacent properties develop. We provide one major intersection with Burlington Pike (KY 18) and one smaller one. The existing access way into the Gold Star site shall be eliminated as soon as the two proposed commercial business are constructed. We will then be left with the main entrance in the approximate center of the property and the small entrance towards the Easterly most property lines. The main entrance is proposed to be multi-directional. Traffic can enter and exit the site at this point from all directions. However, the smaller entrance shall only be a right turn in and a right turn out configuration. The main entrance will be constructed with a turn lane in the median of Burlington Pike and a crossover to accommodate those vehicles wanting to enter the site when traveling toward Burlington. A deceleration lane will be constructed going the other way for vehicles wanting to enter the site while travelling toward Florence. The entrance will be constructed such that vehicles wanting to exit the site can turn right or left. The smaller access road will only accommodate those vehicles travelling toward Florence. However, a deceleration lane will be constructed for these vehicles. Vehicles exiting the site from this point will only be allowed to turn right. In other words, the small access point will not have a median cross-over in Burlington Pike. The existing cross-over, which presently serves the existing residence, will be removed.

As the previous Staff Report points out, the site drains to the Southwesterly most corner. The developers of the Kingsgate Crossing Subdivision have provided a drainage pipe in that vicinity which ties into their system. The pipe's purpose is to collect the water emanating on our site. Our design provides for on site detention of the storm water generated by our development. The hydraulic calculations require approximately 28,548 cubic feet of detention and we believe that with proper design, we can provide adequate detention. Most of the water will be detained in the parking areas, but we are proposing a basin just upstream from the adjacent property. We can create a development which will not have a tremendously adverse affect on the downstream properties.

All of the uses proposed for the entire site are not of the types which require substantial signage. Obviously, the restaurants will require signage, however, the individual site plans must be submitted at the time of the proposed development. At that time, the signage plan will be reviewed. The bank will not require large signs and the offices will not have any signs which are visible from Burlington Pike. However, it is possible that a free standing entrance sign may be requested for the purpose of identifying the development and shall be in conformance with Article 19 of the Boone County Zoning Ordinances. In any event, the site can be constructed to have little negative affect on the Burlington Pike corridor.

The building setback distances are drawn to meet the requirements of the requested zones. Therefore, we require no dimensional variances. However, we request that with this application, conditional use permits be issued for the proposed day care center and the drive through restaurant. Once again, the individual site plans will come under your review at the time of development.

As with any new development, phasing of the construction at the Concept Development Plan Stage may be subject to change. However, it is most likely that the access roads will be constructed to serve the surrounding buildings as they are developed. As mentioned above, the existing entrance to the Gold Star Chili will remain until the new commercial sites are developed. At that time, the existing entrance will be abandoned.

It the developer's intention to provide adequate screening throughout the entire development. These areas are indicated on the plan.

As the Staff Report pointed out, this proposed development represents a cornerstone in the future development trends of the Burlington Pike corridor. This Concept Development Plan adequately meets the three criteria necessary for the zoning map amendment and represents a positive addition to Boone County.

Should you have any questions or comments, please do not hesitate to contact this office.

Respectfully,



David E. Estes, P.E., L.S.
President

cc: Mr. Ralph Dusing, Beckman Construction
Mr. John David, Owner

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
July 25, 1990

Page 1

Chairman Viox introduced the third item on the Agenda:

3. Applicant: David E. Estes Engineering for
Lucille Barnes, John David, and Teresa David (owners)
Request: Zoning Map Amendment

The request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6-acre site located south of KY 18, adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

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

Mr. David Estes introduced Mr. John David, the property owner; Mr. Don Nattmeyer, legal counsel; and Mr. Ralph Dusing of Beckman Construction Company.

Mr. Estes stated that a similar application was withdrawn in an effort to make modifications to the plan that they feel will benefit the development and the county, and be consistent with the Staff recommendations. They have tried to buffer the commercial area in the front of the property and isolate it from the residential uses to the rear. They now want the rear 4 acres of the 7.6-acre tract to be zoned O-2. They have removed the service station from the Site Plan. They have addressed the drainage. Mr. Estes noted the location of a low spot on the site. He stated that the Arlinghaus Subdivision had stubbed a 24" pipe to catch the water from their site. They intend to collect the water and slowly release it with a detention pond. They are required to detain the water for 30 minutes, but will probably retain it for a much longer period so as not to overload the system.

Mr. Estes stated that they propose to close the existing entrance to the Gold Star Chili and indicated on the drawing how access would be provided. They have eliminated all parking stalls in the street. Everyone must enter a designated lot to park. They propose constructing deceleration lanes in the median and the right turn in off KY 18. They have added access points to adjacent properties and redesigned the through street to be more aesthetic. The access road will provide internal transportation for their site until the other properties develop. They would like to move the western access over and put it on the property line if it can be worked out with the adjacent property owner. They have provided landscaping on the site and have tried to buffer the office building uses from the single-family residential uses and to build the commercial use with adequate screening and landscaping. In regard to the Variance for the day care center, they anticipate that the zone they are seeking will eventually have daycare as a Permitted Use. If that does not occur, they will apply for a Conditional Use Permit when they develop the corner into a day care center.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this application.

Marilyn Beale, owner of the property next to the subject site, stated that KY 18 is a busy street and this will add more traffic. She questioned why they need two restaurants next to each other. She stated that this is a lot of business on less than eight acres.

Mr. Estes indicated the location of Mrs. Beale's property to the west of the site.

There being no further comments from the audience, Chairman Viox asked if there were any comments or questions from the Commission.

Mr. McMillian questioned why they did not put a roadway to Kingsgate Crossing if this development is to serve them. He noted that the traffic must come in and out off KY 18.

Mr. Estes stated that they are not specifically designing the site to entirely serve Kingsgate Crossing Subdivision, but they envision a lot of business from them. They have provided a means of connecting their site to that development. Their service road is anticipated to connect in the future with a network that goes through to the subdivision. They cannot make a connection to the rear due to other properties.

Mr. DeLong noted that there is the possibility of eating places including alcoholic beverages and entertainment. He asked if these could be deleted so that there would not be eating places in the O-2 Zone.

Mr. Estes stated that they anticipate no restaurants or beverages in the back part of the development and intend for it to be Professional Office.

Mr. Burch questioned what types of buildings the offices might be.

Mr. Estes stated that they show one of the buildings as one-story and approximately 3,000 square feet, a one-story building of approximately 6,300 square feet, and an L-shaped building that is one story and about 9,000 square feet; as well as a two-story building. The day care will most likely be one story. He had no idea of the building materials at this time.

Mr. Ralph Dusing stated that they envision brick buildings. They do day care centers with treated lumber decks, siding, and brick combination. He does not envision metal siding. He stated that they will be attractive, single-story office structures. Mr. Nattmeyer added that what John David puts up is nice and his developments are aesthetically pleasing.

Mr. Collins questioned how far the one-story office building was from the lot line and Mr. Estes advised that it is 22 feet from the property line. He added that it could be moved over about 20 feet.

Mr. Geohegan noted that a 15' buffer is required, as well as a 20' building setback.

In response to questions from Mr. Kirby, Mr. Estes stated that they will construct the physical street to county specs. They anticipate the development staying one piece of property. They have not treated the street as a public right-of-way and have not met the frontage requirements. It is their intention to keep it as a private internal street.

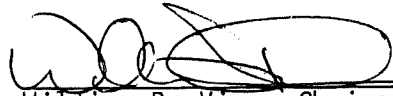
Mr. Collins questioned what would happen if they sold the property. Mr. Estes stated that the new owner could submit a Development Plan which could be reviewed at that time. He stated that they do not anticipate selling, but that could change.

Mr. David stated that he has no intentions of selling the parcel.

Mr. McMillian questioned if the outparcel of the single-family residence is included in this application. Mr. Estes advised that the owner of this parcel filled out a separate application for the property and it is included in the request.

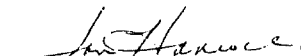
There being no further comments, Chairman Viox stated that this item will be on the agenda for the Public Hearing on August 1, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 5, 1990 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of August 15, 1990 and the Public Hearings of August 22, 1990. He asked if there were any comments or corrections.

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

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report, the Report of Zoning Permits, the Report of Building Permits and Conveyance Plats had been distributed for the Commission members to review.

Mr. Sharp questioned the Bangerter Criminal Complaint and Mr. Tulley advised that a Revised Site Plan had been submitted to the Staff late this afternoon in regard to this item.

Following discussion of the reports, the Chairman proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

Chairman Viox advised that the Committee Report was not yet complete for Agenda Item #1 and this item would be presented later in the meeting.

2. Zoning Map Amendment

The request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6-acre site located south of KY 18, adjacent to the existing Gold Star Chili Restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

Mr. William Fromm, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Sharp stated that the conditions indicate that the restaurant will not be fast food, but a sit-down restaurant could have a pick-up window if approved by the Board of Adjustment. If a restaurant has a pick-up window, it could be considered fast food.

Mr. David Estes stated that they are not proposing a fast-food restaurant like McDonald's or Burger King, but one more like a Frisch's or Jerry's where people are seated. The Frisch's in Fort Wright has a drive-thru window and orders are called in and picked up. They do not anticipate a quick-in quick-out type of restaurant.

There being no further discussion, Mr. Collins moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom

DATE: September 5, 1990

RE: Request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6 acre site located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 25, 1990, Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following conditions:

Findings of Fact

1. Although the 1990 Boone County Future Land Use Map indicates High Suburban Density residential for most of the site, the Committee believes that the proposed development accomplishes the overall intent of the Comprehensive Plan for the area along Ky 18. The request is consistent with the Land Use Element text that recommends against strip commercial development along Ky 18, and recommends a transition from commercial uses into existing and planned residential uses. In the Committee's opinion, the proposed office development, as modified by the attached conditions, constitutes the low impact type of land uses called for in the Comprehensive Plan. The Land Use Element recommends an innovative mixture of local commercial, office and High Suburban Density residential uses to provide a transition into lower density residential. This project provides some of this mixture of uses, and its design allows adjacent properties to do the same. The project, as modified by the attached conditions, minimizes the potential negative impacts of business uses being located next to residential uses. The request is also consistent with the 1990 Comprehensive Plan's recommended access spacing along Ky 18.
2. The Committee believes that the requested zoning of Office Two (O-2) is appropriate for the rear half of the development because it would buffer the restaurant uses from the residential uses. The existing zoning of Recreation (R) is inappropriate because of the noise and light impacts on adjacent properties that are developing as residential. The requested Commercial Two (C-2) zoning along Ky 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east, and is consistent with a similar establishment across Ky 18. The Committee also believes that the current single-family residences on the site are not appropriate along Ky 18 and that, therefore the current zoning of Suburban Residential Two (SR-2) is not appropriate as reflected by the current uses.

Conditions


The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 7/25/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Because the site immediately adjoins established single-family residential areas, the Committee believes that increased buffering is necessary. A six-foot high wooden fence shall be included with the required 15 foot landscaped buffer area along the east, south, and west edges of the site, south of the proposed connector drive. The fence and buffer area shall be installed at the beginning of construction of the office and potential day care development. Detailed landscaping plans for the buffer area shall be submitted at Site Plan Review. The proposed professional office buildings shall contain a minimum setback of 30 feet on the east, south, and west property lines to soften the visual impact of the rear of the proposed buildings. The landscaped strip between the KY 18 right-of-way and parking areas shall be consistent in width and scale of plantings with that shown on the submitted Concept Plan.
2. All buildings on the perimeter of the requested Office Two zone shall be no higher than one story. Any two-story buildings shall be located near the center of the site only.
3. The required 15 foot buffer area around the proposed day care facility is in addition to the proposed play area and shall not be a part of the play area. The proposed day care is a conditional use in the Office Two Zone and is subject to review by the Boone County Board of Adjustments.
4. As presented by the applicant at the 7/25/90 Public Hearing, the architecture of the proposed office buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping.
5. Every effort shall be made to retain four mature trees existing on the Barnes tract in order to soften the commercial appearance along KY 18.
6. The proposed restaurant shall not be fast-food in nature, but a sit-down restaurant could potentially have a pick-up window if approved by the Board of Adjustments.
7. As shown on the submitted plan, no parking stalls shall be located on the major interior drives. The realignment of interior drives, and redesign of the proposed restaurant and bank sites may be required at Site Plan Review.
8. The existing Gold Star curb cut and median cut shall be removed at such time as the main site access drive is constructed.
9. The area along the east property line between KY 18 and the proposed main connector drive shall meet the minimum buffer yard requirements of the

Boone County Zoning Regulations, unless a Variance is granted by the Board of Adjustments. Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway.

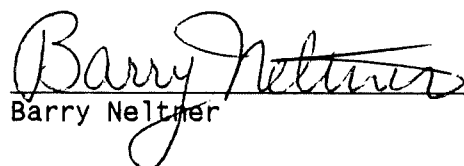
10. The two KY 18 median cuts that currently serve the existing residences shall be removed with the construction of the proposed right-in, right-out access drive. A west bound left-turn lane on KY 18 shall be constructed at the main entrance drive when that drive is constructed.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

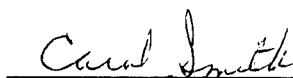


Phil Damstrom, Chairman

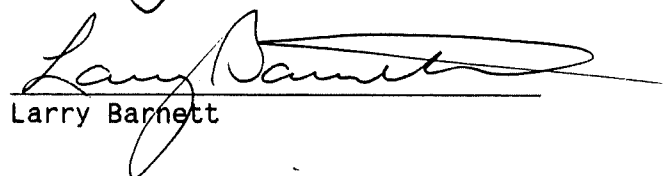
Rector Jones



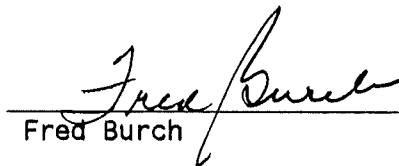
Barry Neltner



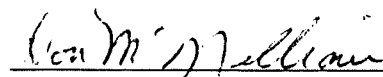
Carol Smith



Larry Barnett



Fred Burch



Donald McMillian

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
July 25, 1990

Page 1

Chairman Viox introduced the third item on the Agenda:

3. Applicant: David E. Estes Engineering for
Lucille Barnes, John David, and Teresa David (owners)
Request: Zoning Map Amendment

The request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6-acre site located south of KY 18, adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

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

Mr. David Estes introduced Mr. John David, the property owner; Mr. Don Nattmeyer, legal counsel; and Mr. Ralph Dusing of Beckman Construction Company.

Mr. Estes stated that a similar application was withdrawn in an effort to make modifications to the plan that they feel will benefit the development and the county, and be consistent with the Staff recommendations. They have tried to buffer the commercial area in the front of the property and isolate it from the residential uses to the rear. They now want the rear 4 acres of the 7.6-acre tract to be zoned O-2. They have removed the service station from the Site Plan. They have addressed the drainage. Mr. Estes noted the location of a low spot on the site. He stated that the Arlinghaus Subdivision had stubbed a 24" pipe to catch the water from their site. They intend to collect the water and slowly release it with a detention pond. They are required to detain the water for 30 minutes, but will probably retain it for a much longer period so as not to overload the system.

Mr. Estes stated that they propose to close the existing entrance to the Gold Star Chili and indicated on the drawing how access would be provided. They have eliminated all parking stalls in the street. Everyone must enter a designated lot to park. They propose constructing deceleration lanes in the median and the right turn in off KY 18. They have added access points to adjacent properties and redesigned the through street to be more aesthetic. The access road will provide internal transportation for their site until the other properties develop. They would like to move the western access over and put it on the property line if it can be worked out with the adjacent property owner. They have provided landscaping on the site and have tried to buffer the office building uses from the single-family residential uses and to build the commercial use with adequate screening and landscaping. In regard to the Variance for the day care center, they anticipate that the zone they are seeking will eventually have daycare as a Permitted Use. If that does not occur, they will apply for a Conditional Use Permit when they develop the corner into a day care center.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this application.

Marilyn Beale, owner of the property next to the subject site, stated that KY 18 is a busy street and this will add more traffic. She questioned why they need two restaurants next to each other. She stated that this is a lot of business on less than eight acres.

Mr. Estes indicated the location of Mrs. Beale's property to the west of the site.

There being no further comments from the audience, Chairman Viox asked if there were any comments or questions from the Commission.

Mr. McMillian questioned why they did not put a roadway to Kingsgate Crossing if this development is to serve them. He noted that the traffic must come in and out off KY 18.

Mr. Estes stated that they are not specifically designing the site to entirely serve Kingsgate Crossing Subdivision, but they envision a lot of business from them. They have provided a means of connecting their site to that development. Their service road is anticipated to connect in the future with a network that goes through to the subdivision. They cannot make a connection to the rear due to other properties.

Mr. DeLong noted that there is the possibility of eating places including alcoholic beverages and entertainment. He asked if these could be deleted so that there would not be eating places in the O-2 Zone.

Mr. Estes stated that they anticipate no restaurants or beverages in the back part of the development and intend for it to be Professional Office.

Mr. Burch questioned what types of buildings the offices might be.

Mr. Estes stated that they show one of the buildings as one-story and approximately 3,000 square feet, a one-story building of approximately 6,300 square feet, and an L-shaped building that is one story and about 9,000 square feet; as well as a two-story building. The day care will most likely be one story. He had no idea of the building materials at this time.

Mr. Ralph Dusing stated that they envision brick buildings. They do day care centers with treated lumber decks, siding, and brick combination. He does not envision metal siding. He stated that they will be attractive, single-story office structures. Mr. Nattmeyer added that what John David puts up is nice and his developments are aesthetically pleasing.

Mr. Collins questioned how far the one-story office building was from the lot line and Mr. Estes advised that it is 22 feet from the property line. He added that it could be moved over about 20 feet.

Mr. Geohegan noted that a 15' buffer is required, as well as a 20' building setback.

In response to questions from Mr. Kirby, Mr. Estes stated that they will construct the physical street to county specs. They anticipate the development staying one piece of property. They have not treated the street as a public right-of-way and have not met the frontage requirements. It is their intention to keep it as a private internal street.

Mr. Collins questioned what would happen if they sold the property. Mr. Estes stated that the new owner could submit a Development Plan which could be reviewed at that time. He stated that they do not anticipate selling, but that could change.

Mr. David stated that he has no intentions of selling the parcel.

Mr. McMillian questioned if the outparcel of the single-family residence is included in this application. Mr. Estes advised that the owner of this parcel filled out a separate application for the property and it is included in the request.

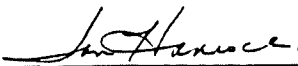
There being no further comments, Chairman Viox stated that this item will be on the agenda for the Public Hearing on August 1, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

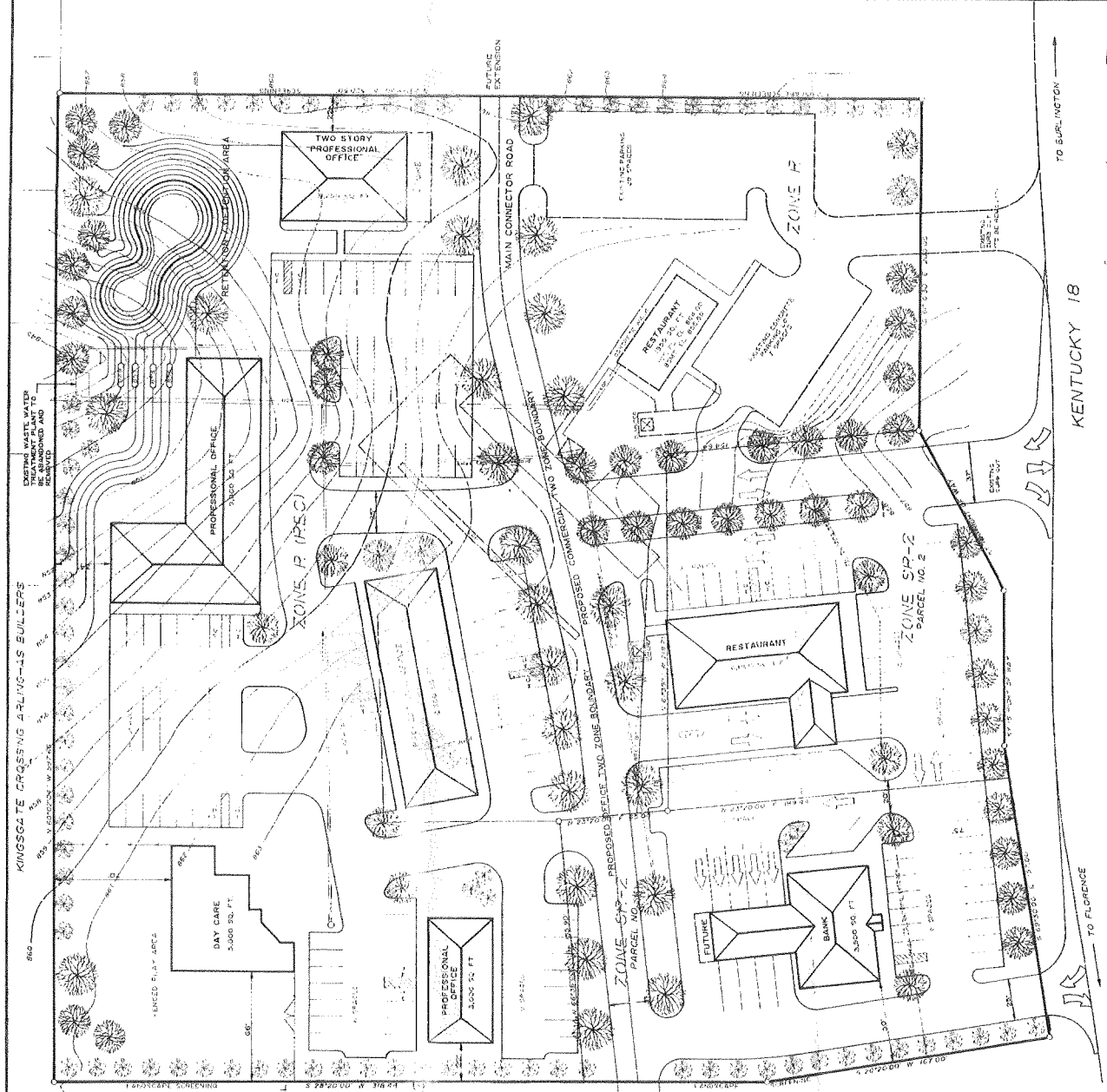


William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary



*** SCHEDULE OF STATISTICS ***

TOTAL AREA OF TRACT: 100.00 ACRES
 CLIENT NAME: GOLD STAR CHILI INC.
 DATE: 10/15/88

LANDSCAPING: 100.00 ACRES
 TOTAL AREA OF TRACT: 100.00 ACRES
 TOTAL AREA OF BUILDINGS: 100.00 ACRES
 TOTAL AREA OF PARKING: 100.00 ACRES
 TOTAL AREA OF ROADS: 100.00 ACRES
 TOTAL AREA OF UTILITIES: 100.00 ACRES
 TOTAL AREA OF OTHER: 100.00 ACRES

NOTE: THE INFORMATION SHOWN HEREON IS BASED UPON EXISTING DEEDS OF RECORD AT THE BOONE COUNTY COURT CLERK'S OFFICE IN BURLINGTON, BOONE COUNTY, KENTUCKY AND INFORMATION PROVIDED BY THE OWNER.

THIS DOES NOT REPRESENT AN ACTUAL FIELD CADASTRAL SURVEY AND SHOULD NOT BE USED FOR ANY PURPOSES OTHER THAN ENGINEERING CORPORATION.

EXISTING UTILITY OWNERS:

CINCINNATI BELL TELEPHONE TELEPHONE
 UNION LIGHT, HEAT, AND POWER, GAS, ELECTRIC
 BOONE COUNTY WATER & SEWER COMMISSION WATER, SEWER

TO BURLINGTON
 TO FLORENCE

KENTUCKY 18

RECEIVED
 JAN 19 1989

MINUTES
BOONE COUNTY FISCAL COURT
OCTOBER 16, 1990
5:30 P.M.

Commissioner Patrick moved, seconded by Commissioner, to authorize preparation of the specifications for the conversion of the current porch into a pro shop. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve the general design of the proposed addition to the club house as presented at the caucus meeting. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM IV. RETURN TO ORDINANCES & RESOLUTIONS

ORDINANCE 920.214 - ESTES/BARNES/DAVID

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on second reading Ordinance 920.214, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by David E. Estes Engineering (Applicant) for Lucille Barnes, John David, and Teresa David (Owners) and such map amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili Restaurant, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-34-90. Commissioner Davis called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

ITEM V. PERSONNEL MATTERS

Commissioner Davis advised there were no personnel matters to come before the court at this time.

ITEM VI. JUDGE'S REPORT

PROCLAMATION - HIGHER EDUCATION WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve a proclamation declaring the week of October 14-20, 1990 as "Higher Education Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

PROCLAMATION - SCHOOL LUNCH WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve a proclamation declaring the week of October 15-19, 1990 as "School Lunch Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM VII. OLD BUSINESS

PROPOSED ANIMAL SHELTER POLICY

Mr. Crigler presented court members with a revised copy of the Animal Shelter Policy and noted the two changes involved the exclusion of the mandatory spay & neuter program and the adoption fees and asked that this item be placed on the agenda for the next regular court meeting.

FLORENCE PARK CARE

Mr. Crigler also advised the court that a ruling had been received from Judge Sam Neace grant judgement in favor of Boone County ordering Florence Park Care to fully comply with the terms