

REQUEST OF ANDY'S GLASS (APPLICANT) FOR JERRY F. DIERS (OWNER)
FOR
A CHANGE IN A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN

The applicant, Andy's Glass, is requesting a change in a previously approved Concept Development Plan for a 0.55 acre site located at 1041 Burlington Pike, Boone County, Kentucky. The site is zoned Commercial One (C-1).

The requested change in the previously approved Concept Development Plan involves removing Condition Five of the previous zone change approval. Condition Five limits the site to one building-mounted sign. The removal of the Condition Five would allow the site one free-standing sign.

Surrounding Land Uses and Zoning

The current use of the site is an automobile glass repair business, Andy's Glass. Immediately east of the site is Lipp's Pool Shop and the area immediately south of the site is undeveloped. Both the area to the east and south are zoned Commercial One (C-1). The area immediately west of the site contains a single family residence and is zoned Suburban Residential Two (SR-2). The area north of the site, and across Burlington Pike, contains Simon and Fischer Honda and the Greenview Baptist Church, both of which are zoned Commercial Services (C-3).

Site Features

The 0.55 acre site currently contains a one story interconnected office and garage facility, 2,186 square feet, with two service bays. The site is accessed by its own curb cut onto Burlington Pike. The site is situated five (5) to ten (10) feet lower than KY 18 and slopes gradually to the southwest. There are several substantial Maple trees, evergreens and ornamental shrubberies on the site. Soils on the site include two types of Rossmoyne Silt Loam (RsB and RsC) which normally exist on zero (0) to twelve (12) percent slopes.

Relationship to Comprehensive Plan

The 1986 Boone County Comprehensive Plan's Land Use Map indicates the site as a future commercial land use. In addition, the text of the Plan addresses the site and the future location of commercial uses in Boone County.

Page L-15 of the Land Use Element addresses development along KY 18:

"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.

Previously Approved Concept Development Plan

The Boone County Planning Commission approved, with conditions, a Zoning Map Amendment request from Suburban Residential Two (SR-2) to Commercial One (C-1) on February 3, 1988. The approved Concept Development Plan is attached to this Staff Report. The conditions of the approved Zoning Map Amendment are listed below:

- 1.) The proposed driveway for the site will have to be a minimum of twenty (20) feet from the west property line.
- 2.) The proposed access drive to the site shall be designated a Temporary Access Point under Section 1758A of the Boone County Access Management Regulations. At such time as the site is provided an alternative means of access, the proposed curb cut can be required to be closed by the Planning Commission.
- 3.) The applicant or owner/developer shall be required to construct, as part of the site development, a driveway or frontage road connection to property to the east on KY 18. Details are to be finalized at subsequent review stages. The owner of this site shall also participate in future access to property to the west as such time as that property undergoes a change in use. If a driveway connection or frontage road connection becomes desirable at that time, the owner of this site will be required to construct the connection to the west property line.
- 4.) No paging system or loud speakers shall be utilized on the site. Also, during subsequent review stages, detailed lighting plans shall be required that eliminate lighting overflow onto adjacent property or onto the KY 18 right of way.
- 5.) The site shall be limited to one building mounted sign.
- 6.) A detailed landscaping plan shall be supplied at site plan review that contains the following:
 - a) The eighteen (18) inch Spruce tree shall be retained along with as many possible of the other existing trees through site design.
 - b) A substantial mixture of both evergreen and ornamental trees and shrubs shall be planted around the proposed building, the parking area, and along the KY 18 right of way. Such trees shall be at least two (2) inches in caliper, and the shrubs shall be at least three (3) feet in height, except where driver visibility is restricted.
 - c) The twenty (20) foot buffer area required along the west edge of the site shall be planted with two staggered rows of eight (8) foot evergreen trees spaced 15 feet on center.

- 7.) The development shall be required to connect to a public sanitary sewer system at such time as such a system becomes available to the site. All other interim forms of sewage treatment will need to conform to the requirements of the respective Health Department.

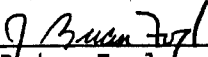
The Boone County Planning Commission approved the Site Plan for this site on May 18, 1988. The approved Site Plan reflected the conditions placed on the site. The approved Site Plan is attached to this Staff Report.

Staff Concerns

1. The future construction of frontage roads and/or driveway connections along KY 18 are of utmost importance. A condition of the previous Zoning Map Amendment is a provision that allocates an adequate area for the future construction of a frontage road. Any placement of a free standing sign should be located where it will not be a barrier to the construction of a future frontage road.

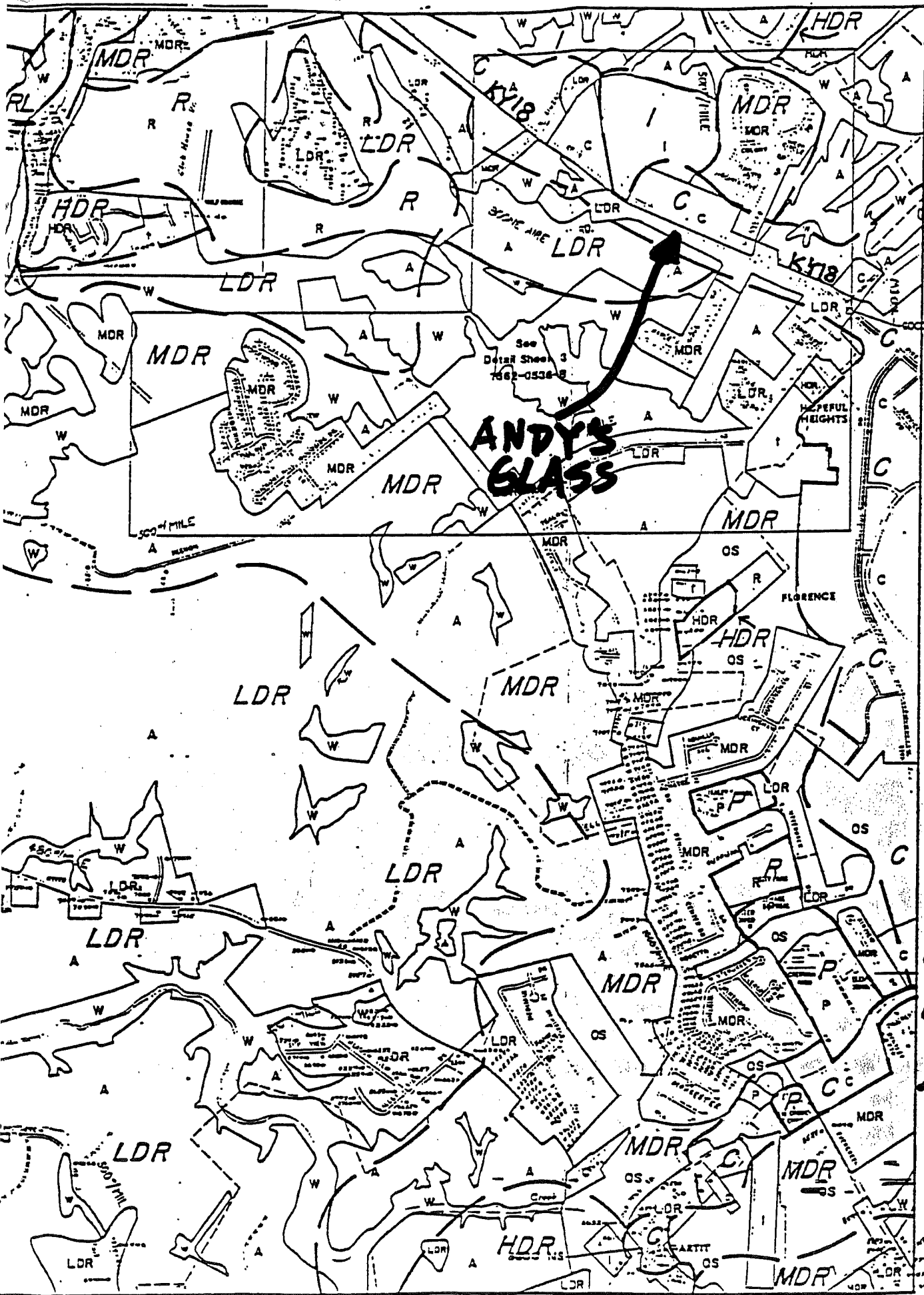
Conclusion

The Change in Concept Development Plan request needs to be reviewed in terms of the three findings of fact contained in Article 3 of the 1986 Boone County Zoning Regulations. The Planning Commission must determine if the proposed deletion of a condition prohibiting a free standing sign is appropriate for this site. A copy of the proposed free standing sign to be used at the site is attached to this Staff Report.



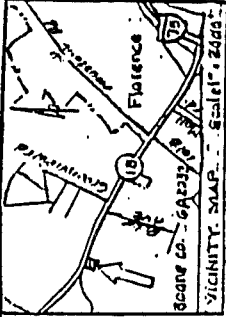
J. Brian Fogle,
Planner/Plans Examiner I

JBF:kat



**ANDY'S
GLASS**

**1986
FUTURE
LAND
USE
MAP.**



ANDY'S GLASS SHOP -WALT RAMEY CONCEPT PLAN

NOTES

- Area of bldg access & parking space for age of this work.
- Design of parking area is 300' x 150' x 150' x 150'.
- Water from parking area to be collected in a 150' x 150' x 150' tank.
- Curbs provided on S. edge of parking lot to contain storm flow.
- Storm flow to be bleed off at a controlled rate by providing curb notches @ 15'.
- All bare earth slopes to be seeded or covered with straw, mulch and mulched.
- Entrance to highway under jurisdiction of Ky Dept of Highways.
- Appropriate space to highway to be provided for light clearance.
- Parking lot paving to be 2.0" x 6" conc. on compacted 6" base of D.O.A. Alternatives to this 4" x 1500' x 1500' mesh rebar.
- Finish grades all slopes max 4:5 to 1.



SITE DEVELOPMENT PLAN - LOT SOUTH SIDE KY HWY 18 WEST OF MAPLE AVE. MADE FOR ANDY'S GLASS SHOP

SCALE: 1" = 40'

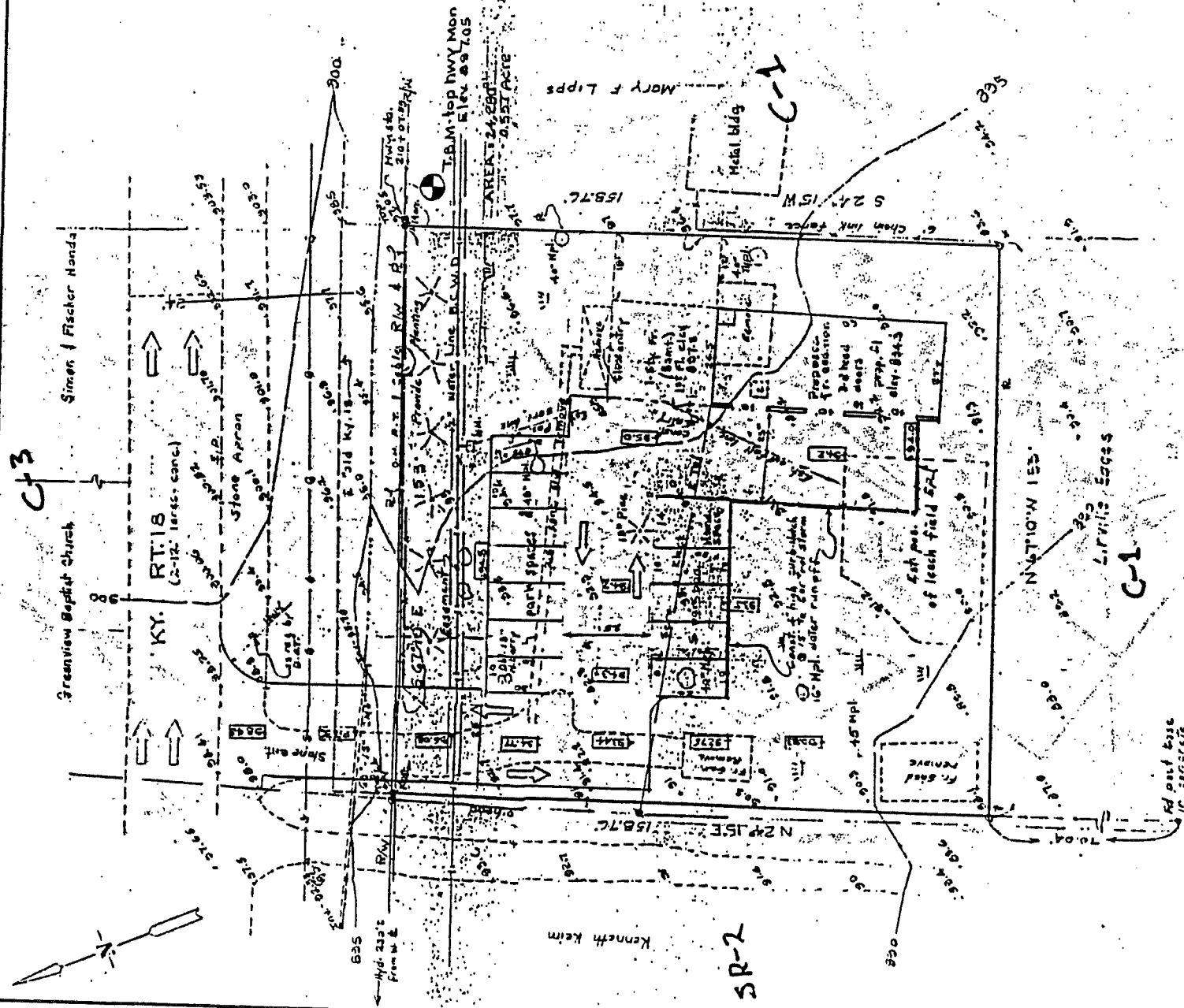
DATE: 12-28-87

DESIGNED BY: [Signature]

PREPARED BY: [Signature]

ADD 800 TO ALL 5-DIGIT ELEVATIONS FOR U.S.S. DATUM.

Desc. of parcel in D.B. 158 p. 231, 612, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.



C-3

SR-2

C-1

Ad part base in 158.000

andy's GLASS

3"
COPY

1 1/4"
COPY

Background - FLUORESCENT
ON RED BKGD. LEXAN FACES
COPY - WHITE

10'0"


6" pipe

FOUNDATION: 7' deep x 1 1/2' dia.

IER SIGN CO.

SCALE: $\frac{3}{4} = 1'0"$ NO.: 162612-A

NOTES: D/F PAN FACE AMERICAN CAN
FLUORESCENT ILLUMINATION; WHITE
ON RED BKGD. LEXAN FACES,
extruded aluminum angle iron

25 OCT. 88 BY: EROWN  APPROVED:

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
November 29, 1989 - 8:00 P.M.

Page 1

Mr. William Viox, Chairman, introduced the last item on the 8 P.M. Agenda:

3. Applicant: Andy's Glass for
Jerry F. Diers (owner)
Request: Change in Concept Development Plan

This was a Public Hearing on the request of Andy's Glass (applicant) for Jerry F. Diers (owner) for a change in a previously approved Concept Development Plan for a 0.55-acre site located at 1041 Burlington Pike, Boone County, Kentucky. The site is zoned Commercial One (C-1) and the request involves removing a condition of the previous zone change application.

Staff Member, Brian Fogle, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Mike Duncan, attorney representing Andy's Glass, stated that Mr. Jerry Diers of Andy's Glass and Mr. Tom Wood of Lackner Sign Company were also present.

Mr. Duncan stated that they are asking for a small pole sign of 32 sq. ft.. The top of the sign would be 14 feet above ground level and the current sign ordinance allows a sign 30 feet high of 230 sq. ft.. The pole sign is needed so that people traveling down KY 18 can see the site ahead of time.

Mr. Tom Wood stated that they had felt that the wall sign would be proper identification. He noted that a service road was to be put in, but this has not occurred. He stated that Andy's Glass is experiencing a hardship as people have a tendency to go by and then stop. There have nearly been some accidents. He noted that the sign can be relocated anywhere in the frontage area to be out of the way and comply with the service road. He stated that the sign is simple and provided a sketch. The logo is 13" high, which is visible at approximately 600 feet and gives time for identification. They anticipate "in" and "out" directionals to identify the driveway as it is down a slight grade and people may miss it. He stated that they originally felt that the business would be done mostly by service trucks, but people want to come there for small pieces of glass and to have their car worked on.

There being no one else present in behalf of the request, the Chairman asked if there was anyone present in opposition or having questions.

Mr. Kirby, a property owner to the west, questioned where the sign would be located in relation to the driveway.

Mr. Wood advised that it will be in front of the building and reviewed their drawing with Mr. Kirby.

Chairman Viox asked that he show the drawing to the Commission. Mr. Wood reviewed the drawing with the Commission and submitted it for the record.

In response to additional questions, Mr. Wood stated that they want to leave the sign on the side of the building as it is an expensive sign, there is no reason to take it down, and it would leave penetrations in the siding.

Mr. McMillian noted that they had indicated there would only be through traffic as all of their business was done by their trucks and only a few parking spaces were needed. He questioned if the parking would be adequate.

Mr. Duncan stated that he reviewed the Minutes of the Public Hearing and Business Meeting and there was representation made that a small percentage would be drive in and out business, but most of it would be truck traffic. He stated that they are not even getting a small percentage, and 10% to 15% was anticipated. He stated that the need for parking will not be increased.

Mr. Damstrom requested additional information in regard to the directional signs.

Mr. Wood stated that they had shown a 12" high sign with Andy's Glass on their application that was denied. They found out that they could not have "Andy's Glass" on a directional sign, but would still like to have "in" and "out". The signs are not illuminated and they would make sure they do not interfere with visibility. He submitted drawings of the signs. He stated that the small copy is to show how to get in after slowing down.

Mr. Sharp asked if the applicant has fulfilled his obligations from the original plan.

Mr. Fogle advised that he has, except that there are some dead trees in the 20-foot buffer area along the west side.

Mr. Diers stated that the nursery will replace the trees in the spring.

In response to questions from Mr. DeLong, Mr. Wood stated that the proposed pole sign would be internally illuminated with red background and white letters. He added that a monument sign would not be feasible due to the topography.

There being no further discussion, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on December 6, 1989 at a time to be announced in the media. The Chairman closed this Public Hearing.

APPROVED:

Attest:


William R. Viox, Chairman

Jan Hancock, Recording Clerk

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 6, 1989 7:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 7:30 P.M. in the auditorium of Boone County High School.

COMMISSION MEMBERS PRESENT

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
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 copies of the Minutes of the Business Meeting of November 15, 1989 and the Public Hearings of November 29, 1987. He asked if there were any comments or corrections.

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

Mr. Barnett moved that the request be approved based on the Committee Report. Mr. Damstrom seconded the motion and it carried unanimously.

3. Change in Concept Development Plan

The request of Jake Sweeney Kentucky Realty (applicant) for Amerex, Inc. (owner) for a change in a previously approved Concept Development Plan for a 5.79-acre site located in Heritage Hill Industrial Center off KY 18, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD) and Commercial Two/Planned Development (C-2/PD).

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the December 20, 1989 Business Meeting (see Committee Report).

Mr. Barnett moved that the request be deferred until the December 20, 1989 Business Meeting based on the Committee Report. Mr. DeLong seconded the motion and it carried unanimously.

4. Change in Concept Development Plan

The request of Andy's Glass (applicant) for Jerry F. Diers (owner) for a change in a previously approved Concept Development Plan for a 0.55-acre site located at 1041 Burlington Pike, Boone County, Kentucky. The site is zoned Commercial One (C-1), and the request involves removing a condition of the previous zone change application.

Mr. Gerald Newton, 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. Newton advised that the applicant has signed the letter agreeing to the conditions.

Mr. Barnett moved by resolution to the Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. DeLong seconded the motion.

In response to a question from Mr. DeLong, Mr. Mike Duncan, attorney, advised that it is their intention that the sign be illuminated from the inside.

The Chairman asked for a roll call vote on the motion made by Mr. Barnett which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Rush, Mrs. Smith, and Chairman Viox in favor. Mrs. Bushelman and Mr. Sharp were opposed. The motion carried.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: December 6, 1989

RE: Request of Andy's Glass (applicant) for Jerry F. Diers (owner) for a change in a previously approved Concept Development Plan for a 0.55 acre site located at 1041 Burlington Pike, Boone County, Kentucky. The site is zoned Commercial One (C-1) and the request involves removing a condition of the previous zone change application.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the November 29, 1989 Public Hearing, recommend approval of the change in a previously approved Concept Development Plan based on the following findings of fact and with the following conditions.

Findings of Fact

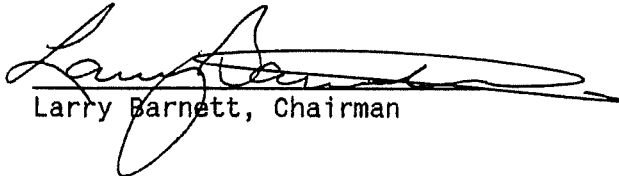
- 1.) The use of this property is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map indicates commercial usage of the site, and the text of the Land Use Element describes the future commercial usage of existing residential areas on KY 18.
- 2.) The applicant has stated that the purpose of the sign is to clearly identify the entrance driveway of Andy's Glass, for customers, in order to improve automobile traffic safety along KY 18. A pole sign would serve more as a means of advertisement and add to visual distraction along KY 18. A monument sign will adequately identify Andy's Glass entrance driveway for customers destined for the site. Additionally, a monument sign fits in with the current land use and zoning on property located west of the site.
- 3.) Condition Number Five, as stated in the previously approved Concept Development Plan, is deleted and shall be replaced with the two conditions stated below.

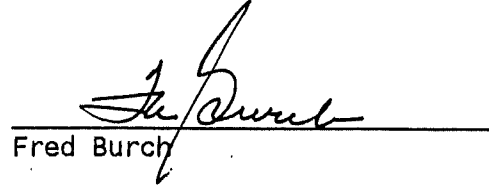
Conditions

- 1.) No sign, or other structure, may be placed in the area designated as future location for frontage road. The area is defined in the approved Site Plan dated May 18, 1988 and is described as a strip of thirty two (32) feet, to allow for future frontage road, in width parallel to and south of the existing twelve (12) inch waterline.
- 2.) A free standing pole sign is not to be permitted. Instead a monument sign placed at a maximum of five (5) feet above the centerline elevation of KY 18 and fifty (50) square feet in area will be permitted. The monument sign is to be located immediately adjacent to the eastern edge of the entrance driveway.

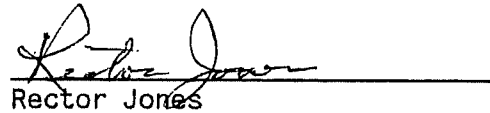
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In addition, to the above findings of fact and conditions, the Zone Change Committee is concerned that the site does not comply with the approved Site Plan of May 18, 1988. The applicant is encouraged to address these improvements in a timely fashion.

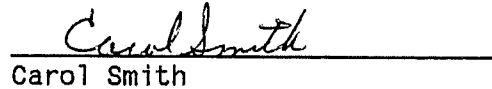

Larry Barnett, Chairman


Fred Burch


Phil Damstrom


Rector Jones


Barry Neftner


Carol Smith

LB:kat

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN

MR. FRED BURCH
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

December 5, 1989

Jerry F. Diers
1422 Walnut Street
Cincinnati, Ohio 45210

RE: Conditions of approval for the Andy's Glass request.

Dear Jerry F. Diers:

The following represents possible conditions being discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate so by signing your name at the end of this form and returning it to our office by 3:00 p.m., Wednesday, December 6, 1989, 1989.

- 1.) No sign, or other structure, may be placed in the area designated as future location for frontage road. The area is defined in the approved Site Plan dated May 18, 1988 and is described as a strip of thirty two (32) feet, to allow for future frontage road, in width parallel to and south of the existing twelve (12) inch waterline.
- 2.) A free standing pole sign is not to be permitted. Instead a monument sign placed at a maximum of five (5) feet above the centerline elevation of KY 18 and fifty (50) square feet in area will be permitted. The monument sign is to be located immediately adjacent to the eastern edge of the entrance driveway.

I, the applicant, agree to the above listed conditions for approval of my request for Andy's Glass (applicant) for Jerry F. Diers (owners) for a change in a previously approved Concept Development Plan for a 0.55 acre site located at 1041 Burlington Pike, Boone County, Kentucky. The site is zoned Commercial One (C-1), and the request involves removing a condition of the previous zone change application..

Michael A. Pearson, attorney on behalf of Jerry F. Diers
Jerry F. Diers

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

Judge Ferguson presented for second reading Ordinance 920.192 and recognized Mr. Michael Duncan, attorney for Andy's Glass. Mr. Duncan requested that the condition of an off building sign be permitted at this located. He said it would enhance the business and would not be contrary to other signs in the area.

Commissioner Meihaus moved, seconded by Commissioner Patrick to approve on second reading (with Mr. Duncan agreeing that the sign would be no higher than five feet above the surface of Kentucky 18) Ordinance 920.192, an ordinance of the Boone County Fiscal Court adopting a revision of a previously approved (Ordinance 920.140) concept development plan in a Commercial One (C-1) zone on a 0.55 acre site known as Andy's Glass located at 1041 Burlington Pike, Boone County, Kentucky as recommended for approval by the Boone County Planning Commission via Resolution R-46-89. (Exhibit "H")

SOLID WASTE ORDINANCE

Commissioner Patrick moved approval for purposes of discussion, seconded by Commissioner Meihaus, of an ordinance pertaining to public health, safety, and welfare; regulating storage, collection, transportation, processing and disposal of solid waste; provided for collection and disposal of solid waste; providing a penalty for violation of the provisions of this ordinance and repealing all ordinances in conflict herewith.

As discussion of the ordinance was presented, Attorney Crigler acknowledged that amendments may be necessary and that he would like to present those amendments at second reading. Mr. Crigler said that the fees called for in this ordinance would be no higher than those approved in the states of Ohio and Indiana.

Commissioner Patrick said there should be provisions which would allow the farmers to continue to bury limbs and so forth on their property.

Judge Ferguson said that the farming practise of burying old tractor tires to fill holes on the farm should not be changed. He said that he feels farmers should be able to continue to engage in this practise and that they should have protection under this ordinance from prosecution.

Mr. Appleby said that it is his understanding that it would soon be unlawful for landfills to take yard scraps, such as limbs, tree branches, grass clippings and things of that nature.

Mr. Crigler said that he and Mr. Appleby will continue to work on this ordinance to fine tune it before second reading.

Commissioner Patrick said that she feels there should be a board of adjustments in place to police this ordinance consisting of individuals from the community who are able to identify with the needs of the people.

Judge Ferguson questioned Mr. Crigler about such a board and it