

APPLICATION FORM

CHANGE IN CONCEPT DEVELOPMENT PLAN  
OR  
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check one:  
 Change in Concept Dev. Plan  
 Utilization of an Underlying Zone in Planned Development
2. Name of Development First Ammdment to Concept Development Plan
3. Location of Development Burlington Pike - KY 18
4. Total Acreage of Site 15 Acres
5. Current Zoning C3-PD
6. Date of Zone Change or Approved Concept Development Plan (if applicable) \_\_\_\_\_
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) \_\_\_\_\_
8. Proposed Uses (please specify each use) \_\_\_\_\_  
Fast Food & Service Station  
Storage Areas  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. Name of Applicant(s) James W. Berling P.E.  
 Phone Number(s) 331-9191
10. Address of Applicant(s) 1671 Park Road Suite No. One  
Fort Wright KY 41011  
 City State Zip
11. Name of Property Owner(s) Waco Oil Company  
 Phone Number(s) 581-9226
12. Address of Property Owner(s) 219 Garrad Street  
Covington KY 41011  
 City State Zip
13. Proposed Building Intensities (please specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
14. Are there any existing buildings on the site? No  
 How many? \_\_\_\_\_
15. Deed Book 430 Page No. 273 Group No. \_\_\_\_\_
16. Have you had a pre-application meeting with BCPC staff? Yes

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

## STAFF REPORT

#1

### REQUEST OF JAMES W. BERLING FOR A CHANGE IN CONCEPT DEVELOPMENT PLAN

OCTOBER 30, 1991

This is the request of James W. Berling for a Change in an approved Concept Development Plan to allow a mixed use commercial development including mini storage warehouses, fast food restaurants, and gasoline services stations. The 15 acre tract is located west of Centennial Drive and north of KY 18, Boone County, Kentucky. The property is currently zoned Commercial Services/Planned Development (C-3/PD) and Commercial Two/Planned Development (C-2/PD) and is owned by Waco Oil Company.

The submitted Concept Development Plan indicates that access to this site will be via a 30 foot wide private driveway located across from the west end of Boone Aire Road. (See attachment #1) Four (4) lots for would be located near KY 18 and the mini warehouses would be located directly to the north of the four (4) lots at the end of the proposed 550 foot private drive. At this time, no access is illustrated between the proposed development to the adjacent properties. The existing stormwater retention pond located on the east side of the site is to remain.

#### SITE HISTORY

On January 3, 1979, the Boone County Planning Commission approved a Preliminary Plan for a 49 acre site that includes this 15 acre tract. This Preliminary Development Plan illustrated 20 industrial lots on the entire tract.

On February 5, 1986, a Zoning Map Amendment was approved for a 31.367 acre parcel which also included this 15 acre tract. The entire tract was rezoned from Industrial One (I-1) to Commercial Services/Planned Development (C-3/PD) and Commercial Two/Planned Development (C-2/PD). The Concept Development Plan approved at that time indicated that 198,200 square feet of commercial building space would be constructed on the site and include three (3) automobile dealerships, professional offices, specialty shops, a natural stormwater drainage pond, and a future wastewater treatment facility. As part of this approval, the Planning Commission placed several conditions of development on the site, including the condition that a connector road be built to permit traffic circulation to adjacent properties. (See attachment #3)

Preliminary Development Plans and Site Plans were approved for lots one (1) and six (6) in 1987 and for lot two (2) in 1988. On July 29, 1988, an Improvement Plan and Grading Plan were also approved for this specific portion of the Heritage Hills Subdivision.

On May 4, 1988, a Preliminary Development Plan was approved by the Planning Commission for eight (8) lots on a 31.37 acre site which includes the tract currently under review and approximately 15 acres immediately to the north. (See attachment #4) This plan illustrated the extension of Centennial Circle from its

existing location in the adjacent development to align with the west end of Boone Aire Road at KY 18. Constitution Drive was shown to also extend approximately 350 feet north and end in a cul-de-sac. This street configuration was similar to the approved 1979 Preliminary Development Plan and satisfied the 1986 Zoning Map Amendment conditions. These conditions include provision of access connections to adjacent properties; preservation of some of the site's natural features (i.e., the existing pond and trees); and limitations on outdoor lighting and signage.

#### SURROUNDING LAND USES AND ZONING

To the east, along KY 18, is the Heritage Hill Industrial Center and the existing Jake Sweeney Saturn automobile dealership. This property is zoned Commercial Services/Planned Development (C-3/PD).

To the south, across KY 18, is the Christ United Methodist Church, zoned Suburban Residential One (SR-1). Adjacent to the church, along Boone Aire Road, are single-family residences also zoned SR-1.

Immediately to the west of this site is undeveloped property. It is currently zoned C-2/PD and I-1.

Directly to the north of this 15 acre site is approximately 15 additional acres of presently vacant land that was also a part of the approved 1988 Preliminary Development Plan. This is also zoned C-2/PD. To the north of this is property zoned Industrial One (I-1) and airport property.

#### SITE FEATURES

Approximately 4 years ago this site was graded in preparation for development. Most of the existing vegetation was stripped and soil erosion has occurred. A strip of trees still remain along the western property line.

The soil types originally present on the site include Jessup Silt Loam and two types of Rossmoyne Silt Loam. As can be readily seen of the site, these soil types present a hazard of erosion. The site drains under KY 18 to a branch of the Gunpowder Creek.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial (C).

The Comprehensive Plan discusses traffic along KY 18:

"A parallel roadway network should be developed to provide access to properties fronting on the roadway." (p. 212)

"Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip

Several transportation issues that affect Boone County and this portion of the county in particular are also discussed in the Comprehensive Plan. The Transportation Goal is stated as:

"The level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified inefficiencies, and promoting and responding to regional growth." (p. 3)

Several Transportation Objectives are identified below:

1. "New roadways shall be developed where needed and feasible."
2. "Proper access to adjoining property should be provided and/or retained when a property develops or redevelops."
4. Roadway capacity shall be preserved by enforcement of the access management policies and guidelines." (p. 3)

The importance of providing access to adjoining properties is again stated in the Transportation Element as:

"There are several problems that arise from poor subdivision design. The most familiar problems arise from not providing proper access to adjacent property and the improper alignment of roadways to other developments. Another design problem is the improper alignment and classification of streets that will extend through the development. Connecting streets need to have the capacity to serve any future through traffic resulting from the development of adjacent property."  
(p. 72-73)

An example of this is described as follows:

"Southpark Drive is another example of a subdivision street that was properly designed. This roadway provides the major access point for adjoining property and was planned to handle future traffic as it is extended." (p. 73)

"New roads in Boone County should be designed to reflect the successes of Oakbrook Road and Southpark Drive. The existing roadway system needs to be rationally expanded to serve the growing needs of Boone County." (p. 73)

Access from the property to the north of this site to KY 18 is also discussed in the Comprehensive Plan:

" Industrial development should be served by a new road system that intersects Ky 18 near the crest of the hill or aligning with Boone Aire Road and connecting to the Mineola Pike area through the airport property. Limaburg Creek Road is inadequate to carry industrial traffic and intersects Ky 18 at a dangerous location" (p. 213)

"A new road is proposed across the airport property, from Donaldson Highway to Ky 18. The location and function of this road is very important. The location of the terminus of this airport road will greatly impact the current and future traffic patterns on KY 18, and thus must be given careful consideration." (p. 214)

#### STAFF CONCERNS

1. The visual impact of the 15 acre tract will be of a more commercial nature than what was approved as part of the Zoning Map Amendment due to the proposed restaurant, gasoline service station, and mini-warehouse uses. The site will be readily visible from KY 18 and the existing residences located on the south side of KY 18. Section 940, Commercial Services, of the Zoning Regulations states that "Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses." (p. 9-7) In addition, no landscaping information has been submitted by the applicant.
2. The applicant has not indicated any signage as part of the proposed Concept Development Plan. The current Boone County Zoning Regulations only allows one freestanding sign at the major entrance to the Heritage Hill Industrial Center for the purpose of identifying the overall development.
3. The Planning Commission shall evaluate the submitted request to determine whether it is consistent with the intent of the Planned Development (PD) zoning district. The intent of Article 15, Planned Development, is to "provide a permissive and alternative zoning procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial value to the community over the conventional districting and other regulations prescribed as normal course in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows some variety among land uses and densities in return for imaginative designs." (p. 15-1)

4. At this time, the proposed Concept Plan does not include access to adjacent properties as stated in condition #5 of the approved 1986 Zoning Map Amendment.

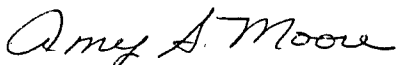
"As the site and adjacent properties become developed, the Committee recommends that a connector road be built wither in the front or middle portions of the site to serve the three properties and to permit traffic to travel through each development without entering and exiting first from KY 18."

5. The proposed Concept Development Plan also does not provide access from KY 18 to the Industrial One (I-1) zoned properties adjacent to the airport property. The importance of this access is recommended in the Boone County Comprehensive Plan and discussed earlier in the Staff Report.
6. Staff believes that access to lots 1 and 4 should be from the proposed private driveway only. The intersection of Boone Aire Road and KY 18 is a major intersection and additional curb cuts in this vicinity should not be permitted.
7. Staff is concerned that the proposed access to the site is currently labeled "private driveway." Due to the anticipated traffic volume and connection to public streets, Staff believes that it should be considered for public maintenance.

#### CONCLUSION

The Planning Commission and the Boone County Fiscal Court need to consider this request in terms of the findings necessary for approval of a Concept Development Plan. Should the request be approved, the Future Land Use Map need not be adjusted.

Respectfully submitted,

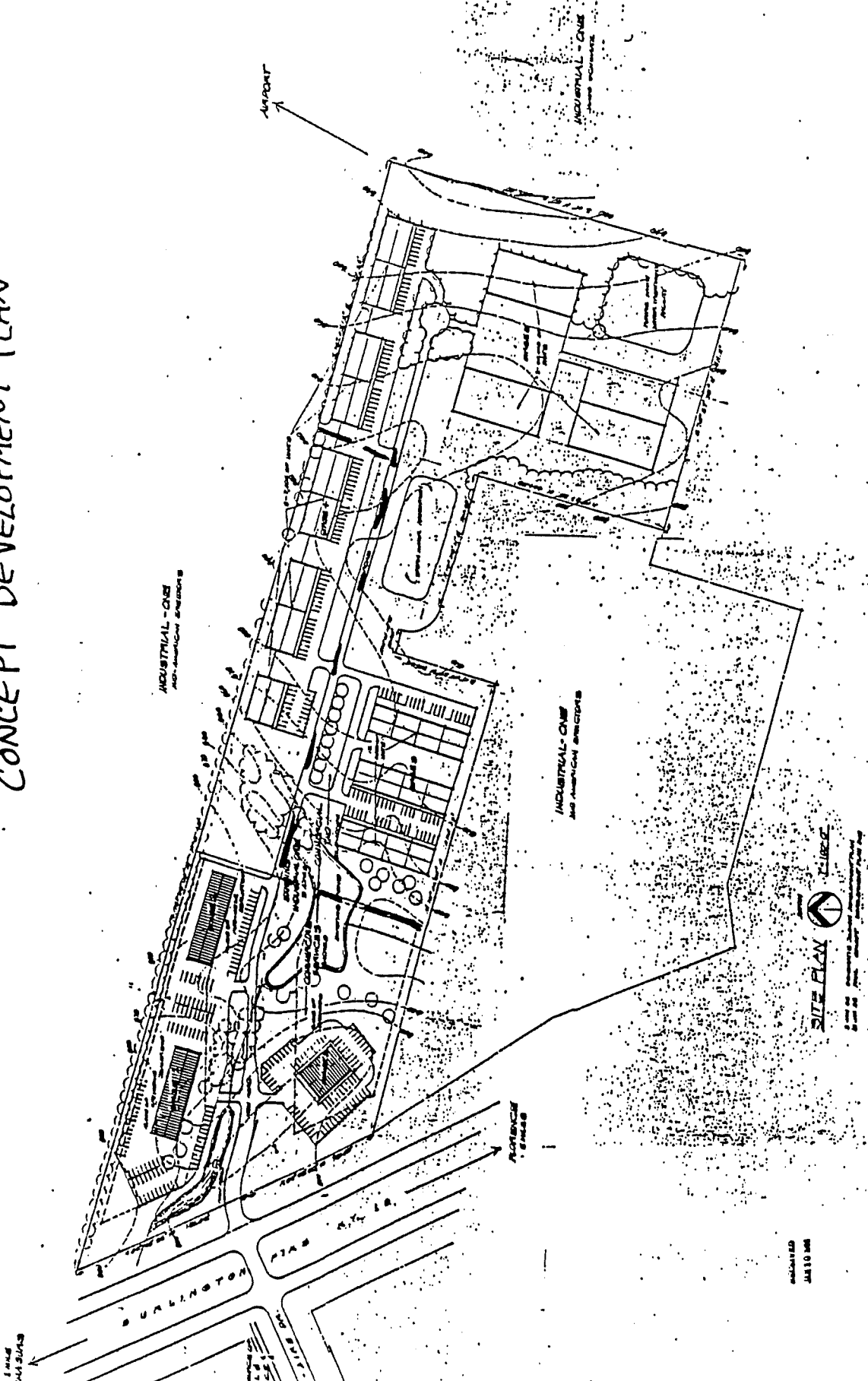


Amy S. Moore  
Planner I

ASM:kat



# CONCEPT DEVELOPMENT PLAN



**SITE PLAN** 

DESIGNED BY  
 MR. BARRY WILLIAMS

DATE  
 JUN 10 1968

ADDRESS 280 E. SHARON RD., CINCINNATI, OH. 45246 771-3123 <b>ACA</b>	ARCHITECTS ADDISON CLIPSON ASSOCIATED INCORPORATED	PROJECT NO. 1	SHEET NO. 1	DATE JUN 10 1968
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COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman  
Zone Change Request Committee

DATE: February 5, 1986

RE: Request of Westbourne Insurance Agency, Inc. (applicant) to rezone 31.367 acres of the James Schwarz et al property located on KY 18, Boone County, Kentucky. The property is currently zoned Industrial One, I-1 and is requested to be rezoned to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay.

## REMARKS:

We, the Committee, recommend approval of the zone change request from Industrial One, I-1 to Commercial Services/Planned Development Overlay, C-3/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay for the 31.367 acre site. The Committee also recommends approval in principle of the Concept Development Plan as amended as discussed below. Approval is based on the following findings of fact and subject to the following reservations and conditions:

1) The Committee recognizes that the Florence-Burlington corridor is conducive for commercial development based upon accessibility and topography. The Committee believes that large-scaled industrial development is not the best use for the site because of the unique environmental features (e.g. terrain, existing vegetation and ponds) and the narrow width of the 31.367 acre site. Also, the Committee feels that a continued trend of large-scaled industrial development will result in a mixture of truck and automobile traffic and may pose problems between planned residential and commercial uses in the Florence-Burlington corridor.

As addressed in the staff report, this particular site has three land uses discussed in the Comprehensive Plan Land Use map and text. While the Comprehensive Plan states that industrial uses along the north side of KY 18 are compatible with the airport properties (pg. 3.15), the Committee believes that it failed to evaluate industrial traffic (specifically, the mixture of truck and car traffic) as it would impact future and existing residential development in the area. On page 3.16 commercial uses, including highway commercial uses, are stated as being planned in the Florence-Burlington corridor.

In addition, the proposed project is located on the north side of KY 18 with the south side of KY 18 containing an 8.50 acre Commercial Services, C-3 zoning district and a Suburban Residential One, SR-1 zoning district. The character of the Florence-Burlington corridor is changing. The area

is also becoming residential along KY 18 or specifically the area directly across from the proposed project. The map and text of the Comprehensive Plan's Land Use element also discuss the environmentally sensitive aspect of the property. Therefore, the Committee believes that the original zoning was not as appropriate as a commercial district development under planned development guidelines for this site.

2) The applicant's Concept Development Plan does meet the objectives of Planned Development (PD) zone by encouraging a maximum choice of living environments (e.g. building setbacks from KY 18), a more useful pattern of open space (e.g. the site shows unique landscape pattern and location of buildings), and it preserves and utilizes the existing topography and geological features (e.g. ponds, trees, views, and natural drainage) for buffering and building purposes. The proposed C-3/PD Overlay and C-2/PD Overlay zones are appropriate for the site because all commercial activities are centralized and are served by one road running the entire length of the site. The proposed project also utilizes one access point off KY 18 and clusters compatible land uses.

3) The Committee agrees in principle with the following land uses:

<u>Proposed C-3/PD Overlay Zone</u>	<u>Use</u>	<u>Square Footage</u>
Stage 1 (within 2 years)	auto dealership	12,000
Stage 2 (within 5 years)	auto dealership	12,000
	auto dealership	8,000
		<u>32,000</u> sq. ft.
Stage 3 (within 10 years)	4 (3,600 sq. ft. units) automotive repair shops	14,400 sq. ft.
		<u>46,400</u> sq. ft.
<u>Proposed C-2/PD Overlay Zone</u>		
Stage 3 (within 10 years)	8 (3,600 sq. ft. units) professional offices and shops	28,800 sq. ft.
Stage 4 (within 10 years)	9 (7,000 sq. ft. units) professional offices and shops—real estate, office rental space, specialty shops	63,000
Stage 5 (within 10 years)	3 (20,000 sq. ft. units — specialty shops, furniture sale, home service type operations	60,000
		<u>151,800</u> sq. ft.

A Concept Development Plan will be submitted to reflect the above land uses, zoning district boundaries, acreage, and square footage.

4) The Committee acknowledges the presence of special environmental features of the site. The Committee recommends that the applicant preserve these features (e.g. existing pond and vegetation) in the overall design of the site and in the Preliminary Development Plan.

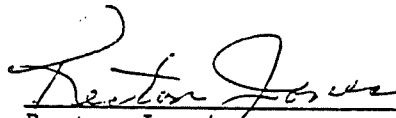
5) As the site and adjacent properties become developed, the Committee recommends that a connector road be built either in the front or middle portions of the site to serve the three properties and to permit traffic to travel through each development without entering and exiting first from KY 18.

6) The Committee wishes to state that any change in the Concept Development Plan will need to be brought before the Technical Committee to determine whether it is a minor or major change in the plan. Any alteration deemed to be a major change will require a new application and public hearing.


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Fred Burch, Chairman

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Melvin Delong

\_\_\_\_\_  
Larry Barnett

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

  
\_\_\_\_\_  
Don Davis

  
\_\_\_\_\_  
William Viox







2. Applicant: James W. Berling for Waco Oil Company (option for Erpenbeck Commercial Enterprise, Inc. and Trans Ohio Savings Bank - Owners)  
Request: Zoning Map Amendment

The request of James W. Berling for Waco Oil Company (option holder for Erpenbeck Commercial Enterprises, Inc. and Trans Ohio Savings Bank - owners) for a change in a previously approved Concept Development Plan for a 15 acre site zoned Commercial Services/Planned Development (C-3/PD). The site is located west of Centennial Circle and north of KY 18, Boone County, Kentucky.

Staff member, Amy Moore, presented the Staff Report which included the presentation of slides and the Staff Report. Mr. Viox then asked if the Applicant was present.

Tom Nienabor stated that there was need for additional mini warehouses in this area. He stated that the original plan included 198,000 sq. ft. of office space. Mr. Conrad intends to include 114,000 sq. ft. of mini warehouses. He suggested that they are within the guidelines of the Planning and Zoning Commission. Mr. Conrad also wants to put the mini warehouses in the back part of the property.

Mr. Viox asked if there was anyone else present who wished to speak on behalf of the Applicant. There being no response, he asked if there was anyone present in opposition to the request or having any questions.

Don Salyers proposed in this item that he does not want the original plan to change. He commented that this area will become a first class development in time. He also adds that he has mini warehouses and had to go through hearing facilities to use the mini warehouses on this development. He built them in an L-shape.

Jake Sweeney, Jr., President of Jake Sweeney Automotive, owns property adjacent to the piece of property involved. He stated that Centennial Circle was essential in his decision to build off of Highway 18, and he is concerned with them detracting from what's already on the property.

Mr. Viox advised Mr. Nienabor to meet with the staff prior to the next Committee Meeting on November 12. There being no further comments, Mr. Viox stated that this item will appear on the agenda for November 20 and closed this Public Hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 18, 1991 8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 9:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian, Secretary/Treasurer  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong  
Mrs. Carol Smith  
Mr. Barry Neltner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the December 4, 1991 Business Meeting and asked if there were any comments or corrections.

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

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report had been distributed for the Commission members to review. There being no discussion of the report, the Chairman proceeded to the items on the Agenda.

UNFINISHED BUSINESS:

1. Change in Concept Development Plan

The request of James W. Berling (applicant) for Waco Oil Company (option holder for Erpenbeck Commercial Enterprise, Inc. and Trans Ohio Savings Bank, owners) for a change in a previously approved Concept Development Plan for a 15-acre site zoned Commercial Services/Planned Development (C-3/PD). The site is located west of Centennial Circle and north of KY 18, Boone County, Kentucky.

Staff Member, Amy Moore, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report which was signed by four of the seven Committee members).

There being no discussion, Mr. Kirby moved by resolution to the Fiscal Court that the request be denied based on the Staff and Committee Reports. Mr. Sharp seconded the motion and it carried unanimously.

2. Site Plan Review

The request of Art's Rental Equipment (applicant) for Arthur Arlinghaus (owner) for Site Plan Review to construct a 7,500 sq. ft. building on Lot #3 in the U.S. 25 Industrial Park Subdivision, Boone County, Kentucky. The 3.07-acre site is zoned Industrial Two (I-2).

Mr. William Fromm, Director, presented the Staff Report (see Staff Report).

Mr. Fromm read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. Ries moved that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

3. Site Plan Review

The request of James W. Berling (applicant) for Mills Fence Company (owner) for Site Plan Review to construct a 12,600 sq. ft. building at 13200 Walton-Verona Road, Walton, Kentucky. The 5-acre site is zoned Commercial Services (C-3).

Assistant Director, Kevin Costello, presented the Staff Report (see Staff Report).

EXHIBIT "B"

## COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: December 18, 1991

RE: Request of James W. Berling (applicant) for Waco Oil Company (option holder for Erpenbeck Commercial Enterprise, Inc. and Trans Ohio Savings Bank-owners) for a change in a previously approved Concept Development Plan for a 15 acre site zoned Commercial Services/Planned Development (C-3/PD). The site is located west of Centennial Circle and north of KY 18, Boone County, Kentucky.

### REMARKS:

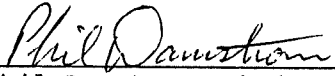
We, the Committee, based on the statements made and facts gathered at the October 30, 1991 Public Hearing recommend denial of this request based on the following Findings of Fact:

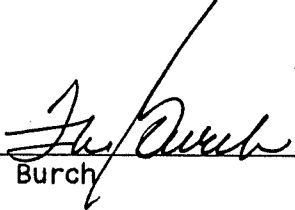
### Findings of Fact

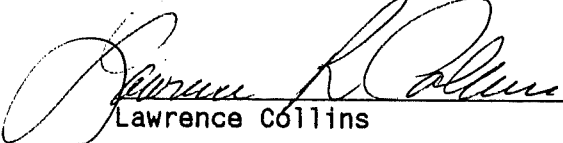
1. The land uses proposed by the submitted Concept Development Plan, are not objectionable however the placement of the uses within the site are not innovative in design as prescribed within the Planned Development section as outlined in the Boone County Zoning Regulations. The applicant did not indicate the uniqueness of the development during the Public Hearing.
2. The applicant has not agreed to conditions proposed by the Committee to insure that the development of the site would not negatively affect the existing land uses in the surrounding area or adversely alter traffic movement along KY 18, within this site or within the former Heritage Hills Industrial Center Park.
3. Since the visual impact of the 15 acre tract will be of a more commercial nature that what was approved as part of the 1986 Zoning Map Amendment, the uses should be adequately buffered from the adjoining properties. The proposed uses currently being proposed include restaurants, a gasoline service station and mini-warehouses. The previously approved uses include offices and automobile dealerships. The site is readily visible from KY 18 and the existing residences located on the south side of KY 18. The applicant failed to illustrate more than a minimal amount of landscaping to buffer the proposed uses from the adjoining properties. The applicant has also failed to agree to a proposed condition stating that a landscaped buffer would be provided along the eastern, western and northern property lines.

4. It is important for this site to be connected to adjacent properties as discussed in the 1990 Boone County Comprehensive Plan. Several examples of the importance of this issue were previously stated in the Staff Report. The submitted Concept Development Plan does not include access to the Industrial One (I-1) zoned properties adjacent to the airport property, the airport property and the C-2/PD property to the west. The importance of this access is recommended in the Boone County Comprehensive Plan and discussed in the Staff Report.
5. Due to the large number of people anticipated to visit the proposed development and neighboring developments, an access road through the site should be constructed similar to the U-shaped road network illustrated in the previously approved Concept Development Plan. The applicant would not agree to constructing this road network.

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.

  
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Phil Damstrom, Chairman

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

  
\_\_\_\_\_  
Lawrence Collins

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Rector Jones

\_\_\_\_\_  
Barry Neltner

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

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

PD:kat

