

APPLICATION FORM ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project UTZ PROFESSIONAL BLD.
- 2. Location of Project CORNER OF RT 18 + BOONEAIRE RD
- 3. Total Acreage of Site 1.6 AC
- 4. Current Zoning of Site UR-1 / SR-1
- 5. Proposed Zoning (Classification being requested) O-1

6. Proposed Uses (please specify each use) PROF. OFFICES

7. Names of Applicant(s) GLENN Co UTZ
 Phone Number (606) 311-6699 Fax No. _____

8. Address of Applicant(s) 6068 LIMBURG RD
BURLINGTON KY 41005
 City State Zip

9. Name of Property Owner(s) Arlene A. Jones & Estate of Rayman Beeman
 Phone Number 586-5550 Fax No. 586-0966

10. Address of Property Owner(s) 1140 BOONEAIRE RD
4311 Idkewild Rd. Florence KY 41042
Burlington, Ky. 41005 City State Zip

11. Proposed Building Intensities (please specify) 6,000 - 8000 SQ FT OFFICE (NEW)

12. Are there any existing buildings on the site? Yes
 How many? 2

13. Deed Book 164 Page No. 140 Group No. _____

14. Are you also applying for: 1185 Deed Book 371 page 19
Boone-Aire Group # 2032
 _____ Conditional Use Permit
 _____ Dimensional Variance

15. Have you submitted a Concept Development Plan? PRELIM.

16. Have you had a pre-application meeting with BCPC Staff? Yes

17. 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 Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Glenn C. Utz (applicant) for Arlene A. Jones and the Estate of Raymond Beemon (owners) for a Zoning Map Amendment on 1.6 acres of land on Boone Aire Road just south of KY 18. in unincorporated Boone County, Kentucky. The request is to change the zoning from Urban Residential One (UR-1) and Suburban Residential One (SR-1) to Office One (O-1).

May 18, 1994

This is a request for a Zoning Map Amendment for 1.6 acres of land on Boone Aire Road just south of KY 18. The request is to change two parcels: one on the north side of Boone Aire, bordered by KY 18 and zoned Urban Residential One (UR-1) and one directly across Boone Aire Drive zoned SR-1. The applicant has submitted a concept plan (see Map #1).

Surrounding Zoning and Land Uses (See Map #2 - Zoning Map)

- North: Commercial Three district (C-3) that includes the Buick automobile dealership; an Industrial One district (I-1) for the Square One facility; and another Commercial Three (C-3) that includes the Mall Chrysler automobile dealership.
- South: Suburban Residential One (SR-1) district that is presently undeveloped land. There is also a Recreation (R) district for the Boone County Golf Course.
- East: Commercial Three (C-3) district with a automobile repair shop. There is also a Commercial Two just to the east of the repair shop with an insurance office and camera shop. Across KY 18 is a Commercial Three (C-3) district with the Simon-Fischer Honda dealership.
- West: Urban Residential One (UR-1) district that is presently undeveloped land. Also a Suburban Residential/Planned Development (SR-2/PD) district that is also undeveloped land.

Site Characteristics

Boone Aire Drive has two access points on the south side of KY 18-Burlington Pike. The proposed site is located on the northwest corner of KY 18 and the easternmost Boone Aire access and is zoned Urban Residential One (UR-1). The site is actually two pieces of property. The second piece of property is located south of the corner property across Boone Aire Drive and is zoned Suburban

Residential One (SR-1). The corner property on Boone Aire and KY 18 presently has two single family houses located on it and the second property across the street has one single family house located on it. Both properties are basically on a ridge with flat areas near the roadway and sloping areas behind the structures.

Relationship to the Comprehensive Plan

The 1990 Future Land Use Map (See Map #3-Land Use Map) indicates future land use for the corner site as Urban Density Residential (UR) and for the single lot across the street Suburban Density Residential (SD). The Urban Density Residential (UR) classification is defined in the 1990 Boone County Comprehensive Plan as follows:

Residential uses that do not exceed twelve dwelling units per acre, unless that development is a Residential Planned Development, or part of an Employment Planned Development

The Suburban Density Residential (SD) classification is defined in the 1990 Boone County Comprehensive Plan as follows:

Residential uses that do not exceed four dwelling units per acre

The future land use for nearby property on KY 18 shows Commercial (C) east of the site on both sides of the roadway. North of the site shows Industrial (I). West of the site again along KY 18 shows Commercial (C) and existing residential as Rural Density Residential (RD).

The C-4 Camp Ernst Area land use section of the 1990 Boone County Comprehensive Plan states the following about the area where the requested site is located:

The proposed commercial land uses on KY 18 should be planned with adequate Access Management, including continuous parallel roadways, and development should create commercial clusters rather than strip centers which parallel KY 18. These commercial uses must also be designed to be compatible with existing and proposed residential developments along KY 18.

The Business Activity Element of the 1990 Boone County Comprehensive Plan state the following about future commercial activity.

Many problems with the location and arrangement of commercial enterprises have emerged, especially along KY 18 and US 42. Commercial developments along KY 18 and US 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic. Along KY 18 in the I-75-Mall Road-Houston Road area, there are many traffic problems that can be worsened by adding commercial access points.

In general, large residential developments may need to provide for neighborhood-scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, **professional offices** or small retail operations of general merchandise. These neighborhood commercial activities should be scaled to serve only their surrounding residential subdivisions.

Staff Concerns

1. The applicant states he intends to use the existing house that is on the south side of Boone Aire Drive as his professional office, while the proposed two story building is built on the north side, corner lot. Staff recommends that the applicant attempt to maintain the two mature trees in the front yard of the south lot. Staff also recommends that the proposed curb cuts on the concept plan are the most appropriate when site distances are considered.
2. Staff has concerns about the accesses to the site. Though prospective patients from subdivisions to the south can access the proposed office traveling east on Boone Aire Drive, the primary access to the office will be from KY 18. Traveling west on KY 18 and turning left on to Boone Aire Drive is the most difficult and precarious route to the proposed site. However, there is a turning lane there and it is presently used by many residents who live south of Boone Aire. The applicant has stated that the proposed offices will house four offices with probably 12 employees overall. The Institute of Transportation Engineers Trip Generation Manual 5th Edition provides traffic volume levels for varying land uses. The manual indicates that the number of trips generated by the proposed Medical-Dental Office based on the number of employees would be as presented below:

Weekday Trips

Average # of trips 106.8 @ 50% entering, 50% exiting

Average # of AM trips 6.5 @ 77% entering, 23% exiting

Average # of PM trips 13.7 @ 35% entering, 65% exiting

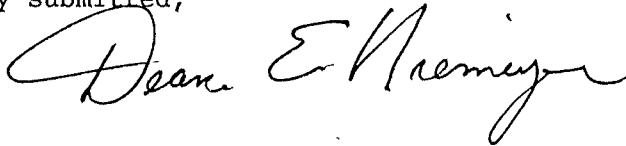
3. The proposed professional building would meet the Comprehensive Plan's recommendation that development be compatible with and scaled to serve surrounding residential subdivisions.

Conclusion

The Boone County Planning Commission and Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan the substantially alter the area's character.

Respectfully submitted,



Dean E. Niemeyer
Planner I

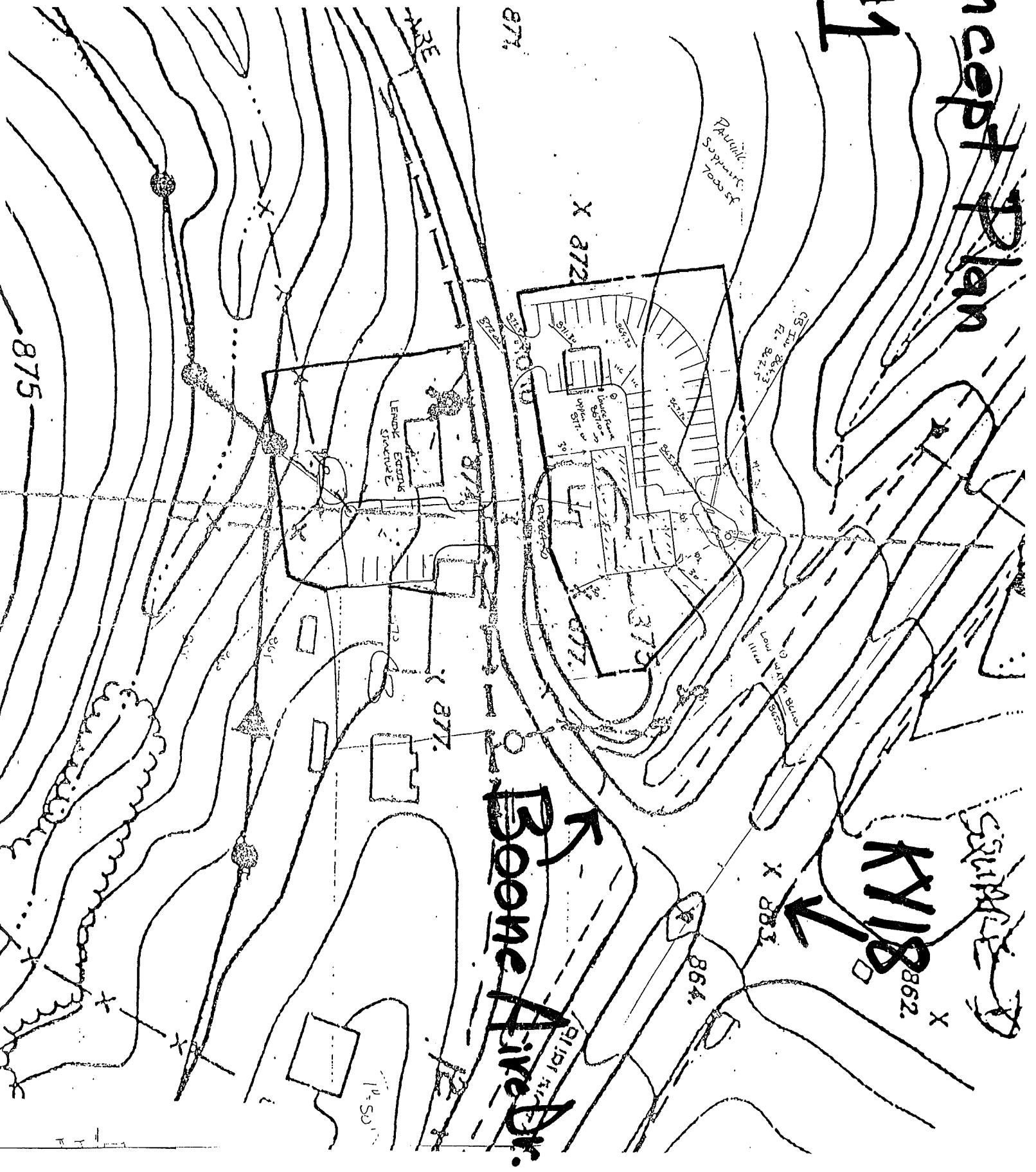
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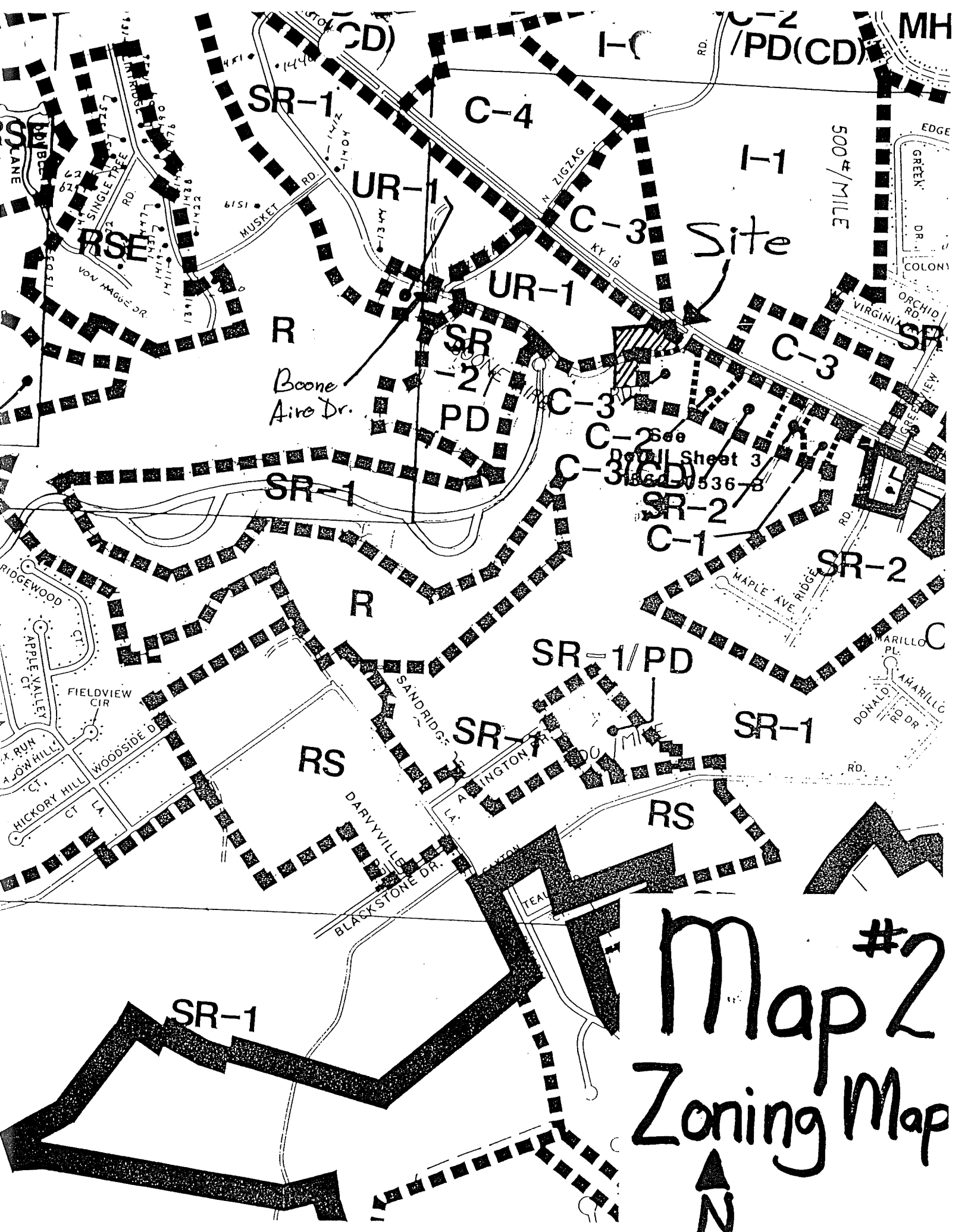
Concept Plan

Map #1

The Site

Map #1





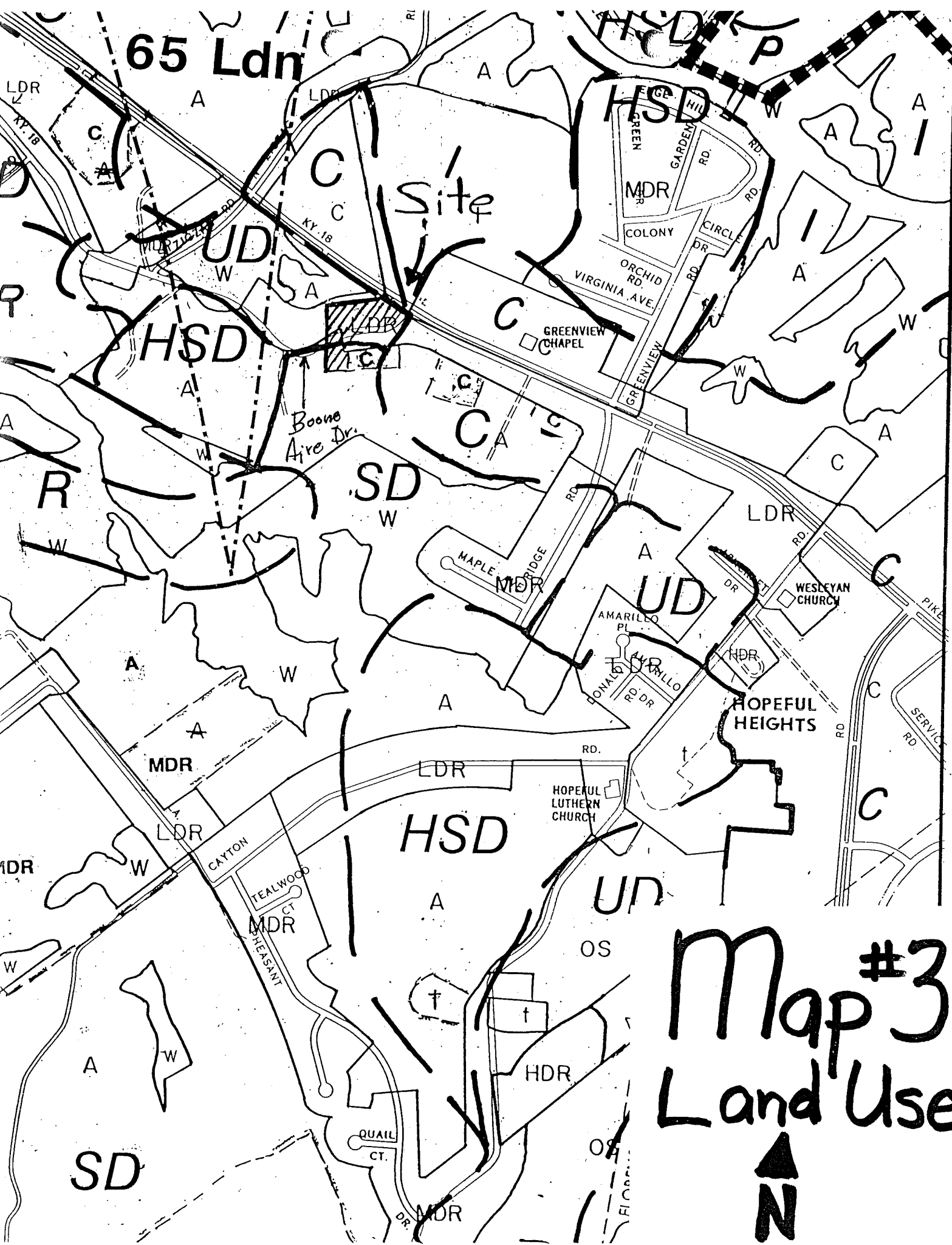
#2
Map 2
Zoning Map
N

Boone
Aire Dr.

See
Detail Sheet 3
3158-0536-8

Site

500 FT/MILE



M #3
Land Use
▲
N

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White.

Mr. Burch introduced the second item on the Agenda, which was heard last.

2. Applicant: Glenn C. Utz for
Arlene A. Jones and the Estate of Raymond Beemon (owners)

Request: Zoning Map Amendment

The request of Glenn C. Utz (applicant) for Arlene A. Jones and the Estate of Raymond Beemon (owners) to change the zone from Urban Residential One (UR-1) and Suburban Residential One (SR-1) to Office One (O-1) on a 1.6-acre site located on the south side of Boone Aire Road, just south of KY 18. The request is to allow a professional office building.

Staff Member Dean Niemeyer presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked for the applicant's comments.

Mr. Glenn Utz stated that he is looking at the site for a professional building. He is hoping to have a professional complex on the corner that would not have a high volume of traffic and would add to the aesthetics. He stated that the rush hour traffic would be rather light. He stated that there are two accessways on Boone Aire Road to KY 18. The airport noise makes the site undesirable for residential use and it is too busy a corner for a fast food restaurant -- which leaves an office location as being a primary use for the site.

Mr. Burch asked if anyone else wished to speak in favor of the request, in opposition to the request, or to ask questions. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Ries agreed that the airplane noise is bad in that area. He stated that Old Boone Aire Road into the church and back into Boone Aire Estates is predominantly residential. He stated that if other uses start getting in there, it could jeopardize the residential areas and open it up to businesses uses being mixed into the residential areas.

Mr. Neltner questioned what type of building is being proposed, and noted that he understands it will be a two-story. Mr. Utz stated that it will be a brick building with a seamless tin roof, similar to the Bank of Boone County.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on May 23, 1994 at 1 P.M. in the Second Floor Conference Room of the Administrative Building. This item will be on the Agenda for the Business Meeting on June 1, 1994 at 8 P.M..


Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 1, 1994
8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Costello advised that the Committee Meeting, which is an open meeting, will be next Monday, June 6, 1994, at 1 P.M. in the Ellis Extension Office in the Claxton Room.

Mr. McMillian moved that the request be deferred to the June 15, 1994 Business Meeting. Mr. Owens seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Glenn C. Utz (applicant) for Arlene A. Jones and the Estate of Raymond Beemon (owners) to change the zone from Urban Residential One (UR-1) and Suburban Residential One (SR-1) to Office One (O-1) on a 1.6-acre site located on the south side of Boone Aire Road, just south of KY 18. The request is to allow a professional office building.

Staff Member Dean Niemeyer presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Owens moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. Neltner asked for a roll call vote on the motion which found Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White in favor. Mr. Ries was opposed. Chairman Viox was not yet present. The motion carried by a vote of 12 to 1.

3. Annexation by the City of Walton

The request by the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of a 2.011-acre site located south of Walton-Nicholson Road and east of the Southern Railroad line, Boone County, Kentucky. The request involves scheduling a Public Hearing to recommend a zoning classification for the site based upon annexation into the City of Walton. The current zoning of the property is Industrial One (I-1).

Chairman Viox arrived at this time.

Staff Member Dave Geohegan presented the Committee Report which recommended that the current zoning not be changed as a result of annexation. The Committee finds no impact on the current zoning as a result of the annexation. (See Committee Report).

Mr. Kirby moved by resolution to the City of Walton that the Committee Report be adopted. Mr. Ries seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: June 1, 1994

RE: Request of Glenn C. Utz (applicant) for Arlene A. Jones and the Estate of Raymond Beemon (owners) for a Zoning Map Amendment on 1.6 acres of land on Boone Aire Road just south of KY 18. in unincorporated Boone County, Kentucky. The request is to change the zoning from Urban Residential One (UR-1) and Suburban Residential One (SR-1) to Office One (O-1).

REMARKS:

We, the Committee, recommend approval based on following findings of fact and with the following conditions:

Findings of Fact

1. The proposed professional building would meet the Comprehensive Plan's recommendation that development be compatible with and scaled to serve surrounding residential subdivisions.
2. The new use of a professional building would not necessitate a new curb cut on KY 18-Burlington Pike.
3. The applicant states he intends to use the existing house that is on the south side of Boone Aire Drive as his professional office, while the proposed two story building is built on the north side, corner lot.

Conditions

1. The applicant will attempt to maintain the two mature trees in the front yard of the south lot.
2. The proposed curb cuts on the concept plan are the most appropriate and will be used on the Site Plan for the office buildings.
3. The proposed new building will undergo the Design Review process.

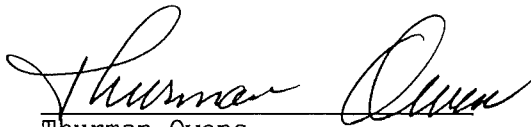
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



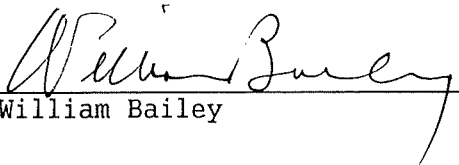
Phil Damstrom, Chairman

Fred Burch

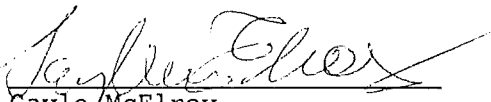
Barry Neltner



Thurman Owens

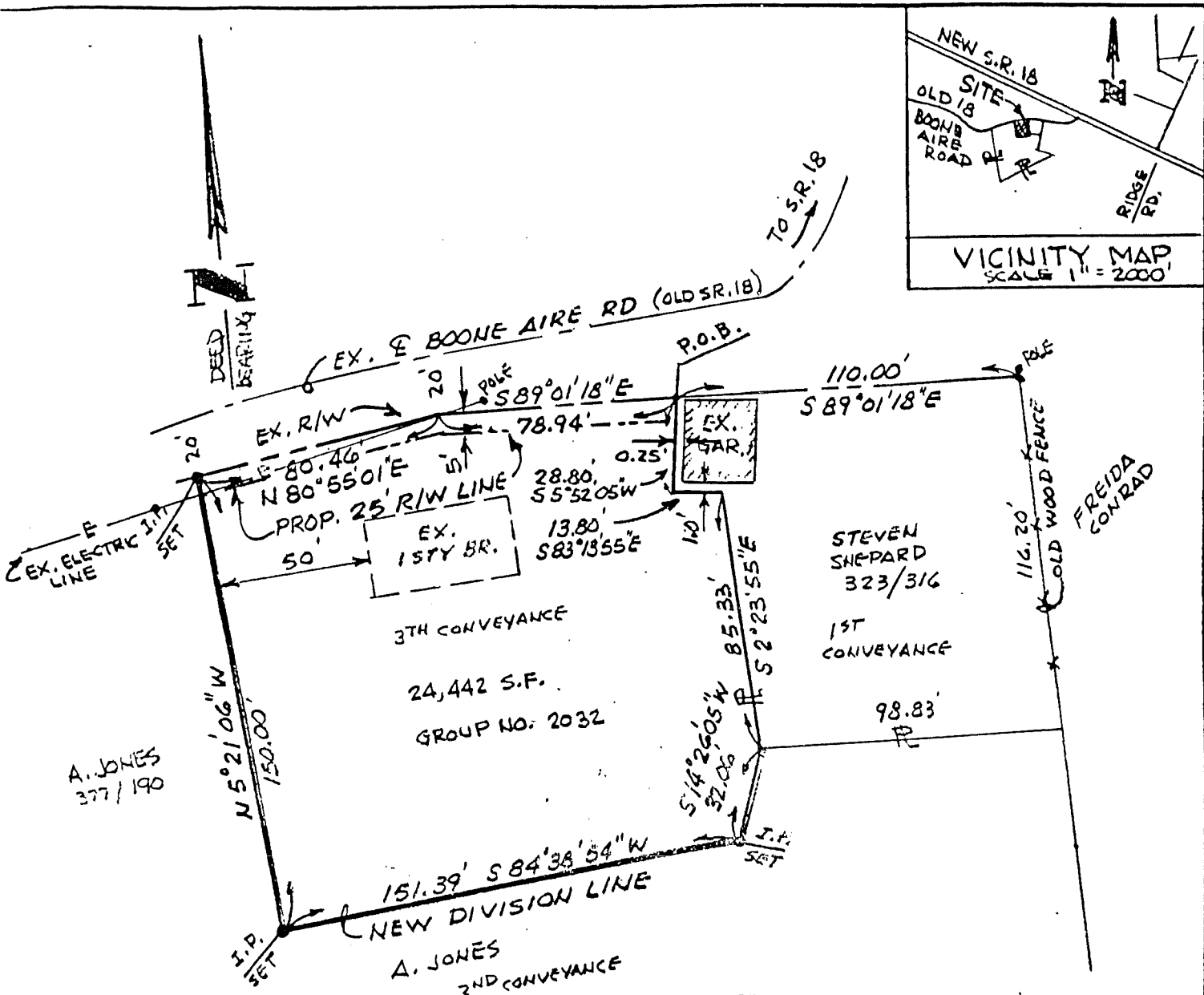


William Bailey



Gayle McElroy

SUPPORTING INFORMATION



DEDICATION CERTIFICATE

I HEREBY CERTIFY THAT THE PROPOSED STREET RIGHT-OF-WAY WILL BE OFFERED TO THE BOONE COUNTY FISCAL COURTS FOR PUBLIC DEDICATION

12-10-88 *John W. Hawes*
DATE GRANTOR

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY COURT CLERK AND FIND THAT THIS IS THE THIRD CONVEYANCE MADE UNDER THE PRESENT OWNERSHIP AND THE PARENT TRACT SINCE 1966 OR FROM THE ADOPTION OF KRS 100.

John W. Hawes 11/14/88
JOHN W. HAWES LS. 1799 DATE

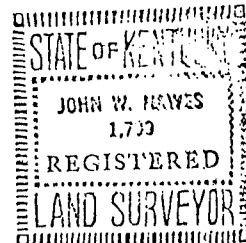
Zoned SR-1
From 12-21-88

P & Z Code No. 1191

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS 21 DAY OF December 1988.

Carol Smith, Dist. Comm.
CHAIRMAN



I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER

DEED DESCRIPTION

ARLENE A. JONES, A SINGLE PERSON
CONVEYANCE OF 24,442 SQ.FT.
BOONE AIRE DRIVE (OLD STATE ROUTE 18)
FLORENCE, KENTUCKY
GROUP NO. 2032

LOCATED ON THE SOUTH SIDE OF OLD STATE ROUTE 18, (BOONE AIRE DRIVE),
SOUTHWEST OF RELOCATED STATE ROUTE 18, AND BEING A PORTION OF ARLENE
JONES TRACT OF 8.95 ACRES, AS DESCRIBED IN DEED BOOK 377 PAGE 190 OF THE
BOONE COUNTY RECORDS AT BURLINGTON, KENTUCKY, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE COMMON PROPERTY LINE BETWEEN STEVEN
SHEPARD AND FREIDA CONRAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF BOONE
AIRE DRIVE (OLD STATE ROUTE 18), AND BEING THE ORIGINAL NORTHEAST CORNER OF
ARLENE JONES TRACT OF 8.95 ACRES; THENCE N 89° 01' 18" W ALONG THE SOUTHERLY
RIGHT-OF-WAY LINE OF BOONE AIRE DRIVE, 110.00 FEET TO THE REAL POINT OF
BEGINNING FOR THE LANDS HEREIN DESCRIBED; THENCE S 5° 52' 05" W ALONG THE
COMMON PROPERTY LINE BETWEEN STEVEN SHEPARD AND ARLENE JONES, AND PARALLEL
TO AND 0.25 FEET WEST OF AN EXISTING GARAGE, 28.80 FEET TO A POINT; THENCE
S 83° 13' 55" E CONTINUING ALONG SAID PROPERTY LINE, 13.80 FEET TO A POINT
1.00 FEET SOUTH OF SAID EXISTING GARAGE; THENCE S 2° 23' 55" E CONTINUING
ALONG SAID PROPERTY LINE, 85.33 FEET TO A POINT IN STEVEN SHEPARD SOUTHWEST
PROPERTY CORNER; THENCE S 14° 26' 05" W ALONG A NEW DIVISION LINE, 32.06 FEET
TO AN IRON PIN; THENCE S 84° 38' 54" W CONTINUING ALONG A NEW DIVISION LINE,
151.39 FEET TO AN IRON PIN; THENCE N 5° 21' 06" W CONTINUING ALONG A NEW
DIVISION LINE, 150.00 FEET TO AN IRON PIN SET IN THE SOUTHERLY RIGHT-OF-WAY
LINE OF BOONE AIRE DRIVE; THENCE N 80° 55' 01" E ALONG THE EXISTING SOUTHERLY
RIGHT-OF-WAY LINE OF BOONE AIRE DRIVE, 80.46 FEET TO AN ANGLE POINT IN SAID
RIGHT-OF-WAY LINE; THENCE S 89° 01' 18" E CONTINUING ALONG THE SOUTHERLY
RIGHT-OF-WAY LINE OF BOONE AIRE DRIVE, 78.94 FEET TO THE POINT OF
BEGINNING; CONTAINING 24,442 SQUARE FEET

BEING SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS OF RECORDS.

THIS DESCRIPTION WAS PREPARED BY JOHN W. HAWES LS.1799 DEC. 5, 1988

Boone County Recorder
Aug 3, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.281**

The Boone County Fiscal Court at its meeting held Tuesday, July 26, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF GLENN C. UTZ (APPLICANT) FOR ARLENE A. JONES AND THE ESTATE OF RAYMOND BEEMON (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE (UR-1) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO OFFICE ONE (O-1) FOR A 1.6 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF BOONE AIRE ROAD, JUST SOUTH OF KY 18, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON A VOTE OF 12-1 BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-017-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the Fiscal Court Clerk and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

**CAROLYN A. RUDICILL
FISCAL COURT CLERK**