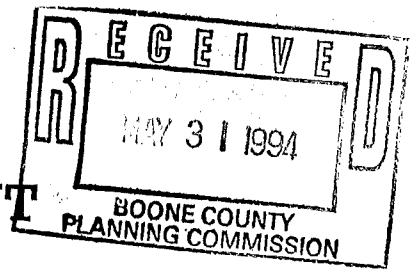


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project HEBRON COMMERCIAL PARK
2. Location of Project Hebron Park & Barbara Drive
3. Total Acreage of Site 1.80 Ac
4. Current Zoning of Site UR-1/PD & C-2
5. Proposed Zoning (Classification being requested) C-2/
6. Proposed Uses (please specify each use)
 - Tire Store
 - Automobile repair & maintenance
 - Car Wash
 - Used car sales - maximum 50 vehicles
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) Burlington Realty and Development
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) 5991 Carlton Drive
Burlington KY 41005
City State Zip
11. Proposed Building Intensities (please specify)
 - Tire Store 3500SF, Automobile Repair & Maintenance 3500SF
 - Car Wash 2500SF
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 199 Page No. 620 Group No. 2006
14. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
 - No Boone County Water and Sewer District
 - NA Florence Water and Sewer Commission
 - No Union Light Heat and Power
 - No Cincinnati Bell
 - NA Owen County Rural Electric
 - No Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicants) for Burlington Realty & Development (owner) for a Zoning Map Amendment, Conditional Use Permit, and Variance on a 1.8 acre site located at Hebron Park and Barbara Drive, Boone County, Kentucky. The request is to change the zone from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2) and for a Conditional Use Permit to construct an automobile repair shop, tire store, car wash and used car sales. The applicant is also requesting a dimensional variance in the required buffer yard adjoining a residential zone.

June 29, 1994

This is a request for a Zoning Map Amendment for a 1.8 acre site at the end of the Barbara Drive cul-de-sac to Hebron Park Drive. The section of the site that borders Hebron Drive is already zoned Commercial Two (C-2). The applicant is requesting that the portion of the site that borders Country Place Townhomes and surrounds the Barbara Drive cul-de-sac have a zone change from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2). The applicant has submitted a concept plan showing a Car Wash, a Tire Store/Auto Repair & Maintenance, and Used Car lot (50 vehicles) (see Map# 3). To allow for these uses the applicant must request a Conditional Use be granted by the Boone County Planning Commission. Also, the applicant is requesting a variance from the mandatory 25 foot buffer between these uses to a proposed 10 foot buffer with a 6 foot privacy fence.

Surrounding Zoning and Land Uses (See Map #1 - Zoning Map)

- North: To the north of the site is a Suburban Residential Two (SR-2) district that includes the Horizon West and Ridgeview subdivisions and large area of undeveloped land.
- South: To the south of the site is a Commercial Two district that runs both sides of KY 237 to Petersburg Road and along the north side of Petersburg Road. This district basically wraps around the Urban Residential One/Planned Development district (UR-1/PD) where Country Place Townhouses and part of the site are located.
- East: To the east of the site is the same Commercial Two (C-2) district on both sides of KY 237. To the east of that district is a Suburban Residential One district that includes Russell Street and the northern most part of Limaburg Road.
- West: To the west of the site is the same Suburban Residential Two district described for north of the site (see above).

Site Characteristics

The site has been previously graded and is therefore flat land except for a couple of mounds of dirt that has been stockpiled. The site is bordered on the east by Hebron Park Drive and includes a very large cul-de-sac (63 foot radius) at the end of Barbara Drive. The Future Land Use map (see Map #2) for this area shows that shows Urban Density Residential (UD) as the proposed land use.

Relationship to the Comprehensive Plan

The C-2: Hebron Area of the Land Use section of the 1990 Boone County Comprehensive Plan states the following about the area the site is located:

The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development.

Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that incorporates existing vegetation and clusters buildings to enable an adequate visual transition into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection.

The Business Activity section of the 1990 Boone County Comprehensive Plan states the following about the area the site is located:

The town of Hebron will experience additional commercial development along KY 20 as the area increases in population. The existing commercial center will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience commercial uses north of I-275 interchange to serve the SouthPark Industrial Park, the Heimann Property, and the growing number of residents.

Staff Concerns

1. Staff recognizes that the commercial uses in the area of the site have been proposed in the 1990 Boone County Comprehensive Plan.

2. Staff has concerns with the request for a variance on the 25 foot buffer between UR-1 and C-2 uses. The Comprehensive Plan emphasizes the use of open space and landscaping as an "integral part of development design at this important Boone County intersection to give the appearance of coordinated development". The use of a six foot fence around approximately a third of the perimeter of the site and the minuscule amount of landscaping shown on the concept plan will run counter to the above recommended development design for this area. Also, the concept plan does not allow for adequate buffering for the townhomes whose back yards border on Barbara Drive. Since the townhomes sit at a much lower level than the proposed site, staff would suggest much more extensive landscaping plan for the cul-de-sac area.
3. Since the concept plan shows that most of the site will be paved or consists of buildings and considering that one proposed use is a car wash, staff wonders how the applicant will detain storm water on the site.
4. A condition agreed upon by the same applicant and owner for the Utilization of an Underlying Zone in a Planned Development for the Country Place Townhome Development was for sidewalk along Barbara Drive. Staff suggests that the applicant and owner extend the sidewalk around the Barbara Drive cul-de-sac and along the western side of Hebron Park Drive.
5. Staff has concerns about the appropriateness of the proposed uses for the site considering they are so near a residential development. Staff questions whether the uses might be detrimental to the residential development because of noise, fumes, or odors.

Conclusion

The Boone County Planning Commission should evaluate this request for a Zoning Map Amendment on the criteria presented in Section 308, Article #3-Amendment of the Boone County Zoning Regulations.


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 that 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 that substantially alter the area's character.

The Boone County Planning Commission should evaluate the Conditional Use Request based on the standards set in Section 262, Article #2-Administration of the Boone County Zoning Regulations.

The Commission may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Respectfully submitted,

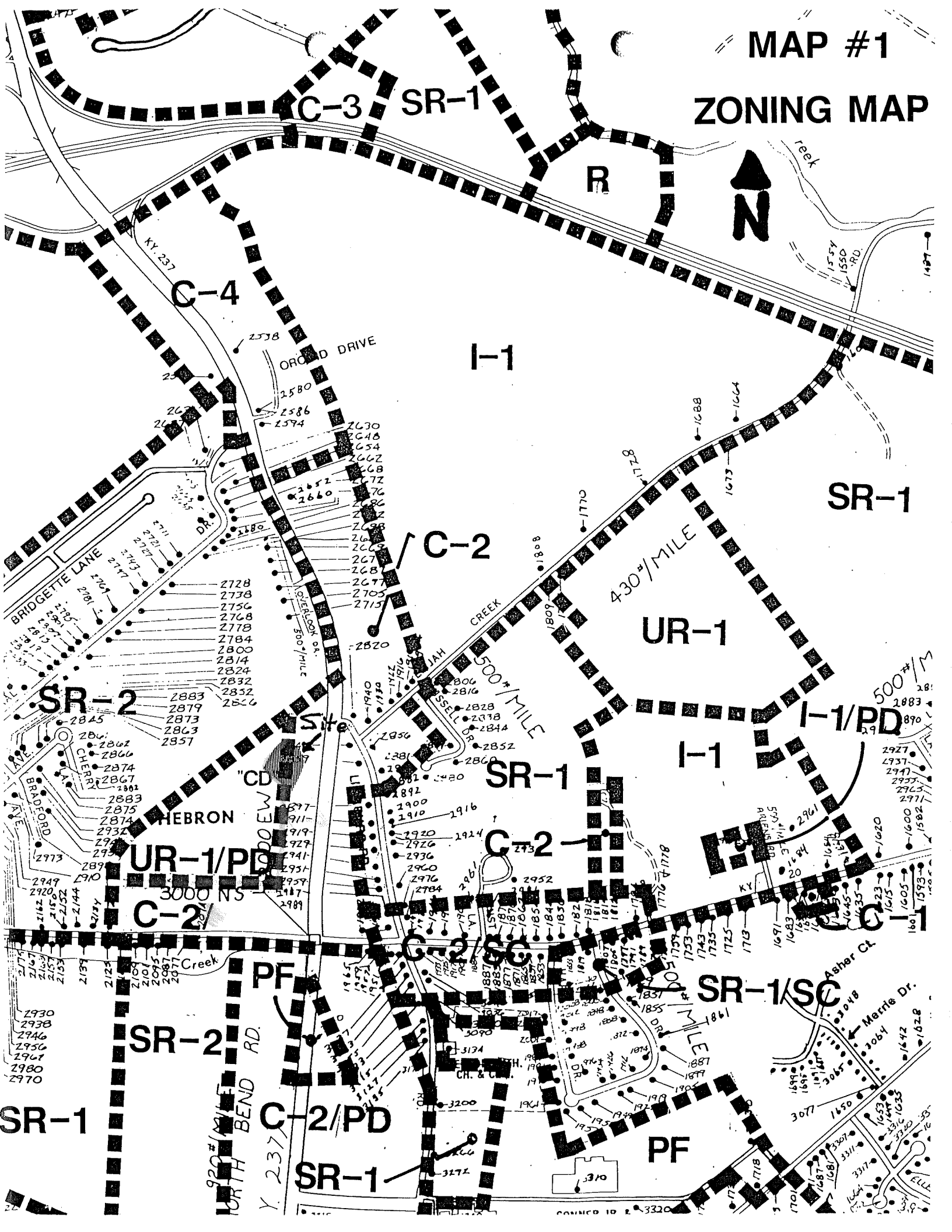


Dean E. Niemeyer
Planner I

DEN\par

MAP #1

ZONING MAP



C-3 SR-1

C-4

I-1

SR-1

C-2

UR-1

SR-2

I-1/PD

SR-1

I-1

UR-1/PD

C-2

C-1

SR-2

SR-1/SC

SR-1

C-2/PD

SR-1

PF

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Ashar Ct.

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920 #/MILE
NORTH BEND RD.

Y. 237

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SR-1

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Metrie Dr.

Ashar Ct.

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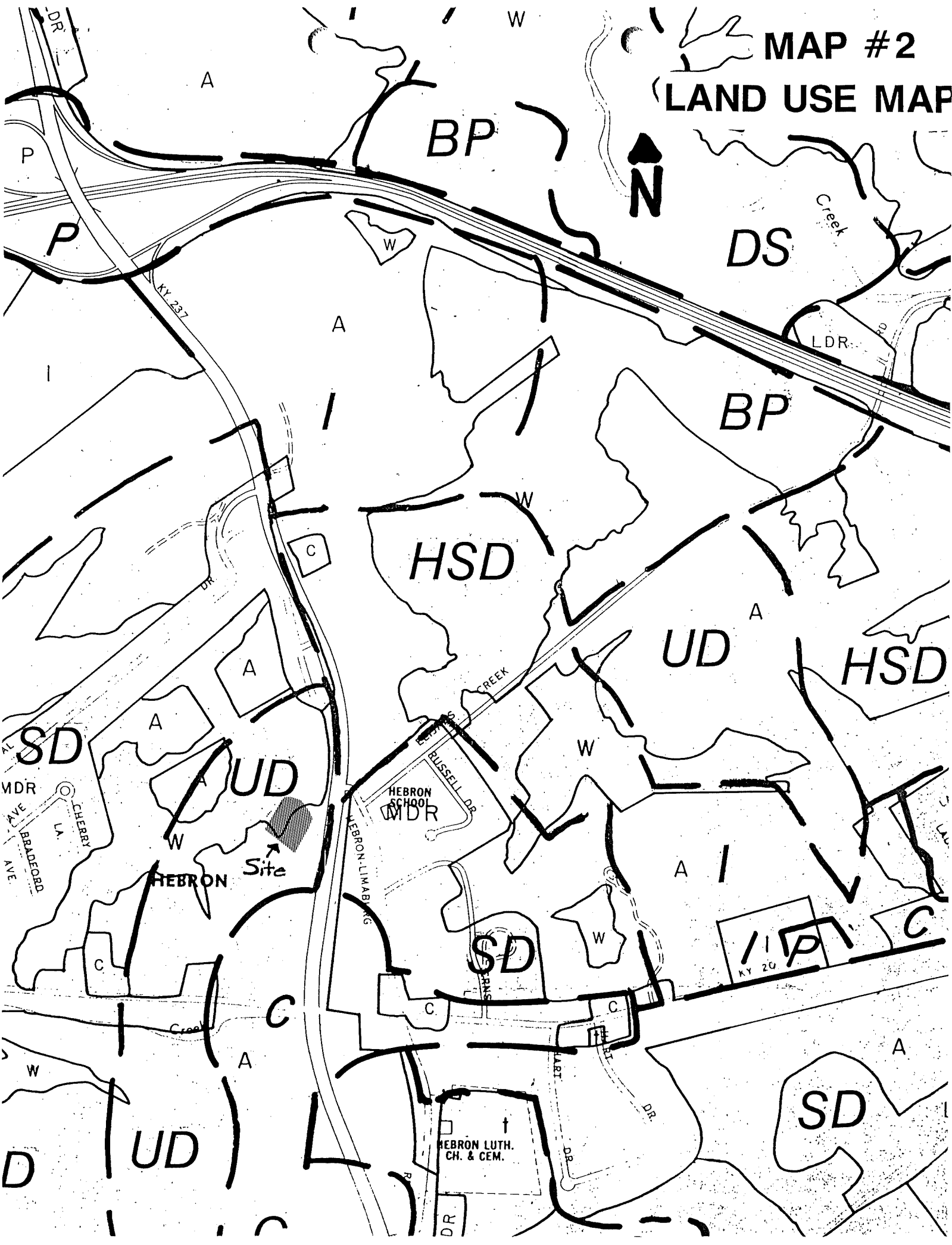
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MAP #2 LAND USE MAP



MAP #3

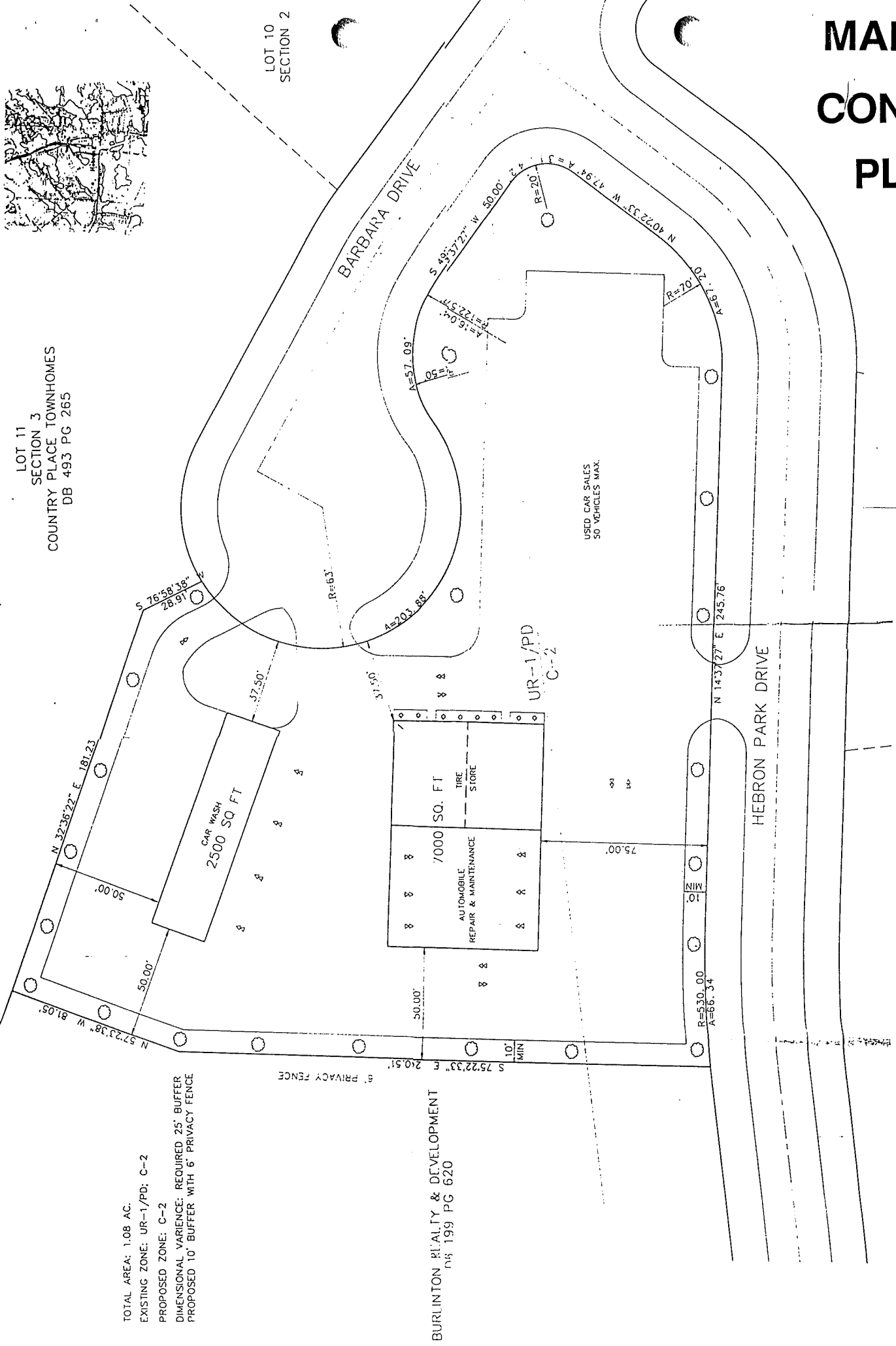
CONCEPT

PLAN



LOT 11
SECTION 3
COUNTRY PLACE TOWNHOMES
DB 493 PG 265

LOT 10
SECTION 2



USED CAR SALES
50 VEHICLES MAX.

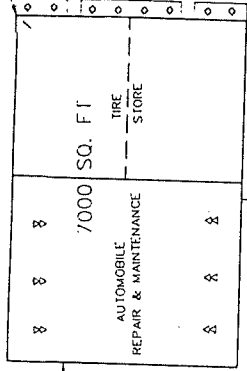
UR-1/PD
C-2

TOTAL AREA: 1.08 AC.
EXISTING ZONE: UR-1/PD; C-2
PROPOSED ZONE: C-2
DIMENSIONAL VARIANCE: REQUIRED 25' BUFFER
PROPOSED 10' BUFFER WITH 6' PRIVACY FENCE

BURLINGTON REALTY & DEVELOPMENT
11/15/19 PG 620

6' PRIVACY FENCE

HEBRON PARK DRIVE



BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

June 29, 1994

PUBLIC HEARINGS

Commission members present: Judy Arnett, William Bailey, Phil Damstrom, Don McMillian, Barry Neltner, Linda Schaffer, Chairman William Viox, and Earl White. Also present: Director Kevin P. Costello, Planner Dean E. Niemeyer, and Attorney Dale T. Wilson.

Chairman Viox introduced the third item on the Agenda, the time being 10:06 p.m.:

3. **Applicant:** Raymond Erpenbeck Consulting Engineers for Burlington Realty & Development (owner)
Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Burlington Realty & Development (owner) for a Zoning Map Amendment, Conditional Use Permit, and Variance on a 1.8 acre site located at Hebron Park and Barbara Drive, Boone County, Kentucky. The request is to change the zone from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2) and for a Conditional Use Permit to construct an automobile repair shop, tire store, car wash and used car sales. The applicant is also requesting a dimensional variance in the required buffer yard adjoining a residential zone.

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

Chairman Viox asked for the applicant's comments.

Mr. Raymond Erpenbeck, engineer, explained that the Country Place Townhouses sit 10 to 12 feet lower than the subject property, and that is one of the reasons they are asking for the variance for the buffering zone. He stated that the top of the 6 foot fence would be above the gutterline of the houses, and that any of the buffering done over and above that would not really be beneficial to the townhouses. He stated that he thought the fence would provide a better buffer than the additional 15 feet of landscaping. Mr. Erpenbeck stated that the adjacent property to the south is owned by the applicant, will probably develop with a commercial use, and buffering would not be required at that point.

With regard to the Staff's concerns, Mr. Erpenbeck noted the requested zone is in compliance with the Comprehensive Plan; Item #2 concerns the buffering, and he stated that while the townhouses do sit lower, he also thought that the automobile repair

services at the front of the site would be the use that would have the most noise, and they have the car wash between that building and the residential property which would serve as an additional buffer from the automobile repair service.

Regarding Item #3, Mr. Erpenbeck stated they currently have an underground retention tank into which the storm sewer is connected, that as part of the Site Plan Review, he would have to verify to Staff that that tank has capacity to retain the appropriate amount of water and if not, it would have to be enlarged or an additional tank added, so the retention will be provided. He added that he thought they have enough capacity in the existing tank to take that.

Regarding Item #4, Mr. Erpenbeck stated they intend to put the sidewalks in; Item #5 of the Staff report indicates that area in the Comprehensive Plan is designated to be a commercial and high density residential use, therefore they feel the proposal is in conformance with the Comprehensive Plan. Mr. Erpenbeck stated that they thought that this should be approved based upon its compliance with the Comprehensive Plan.

Mr. Erpenbeck stated they also require the Conditional Use Permit for these uses, and that these have all been applied for as part of this hearing. He referenced Page 4 of the Staff Report listing seven items concerning the Conditional Use Permit, and added that he thought that the proposed uses are in harmony with the area. He noted that directly across the street from the subject property is the Shell Station and convenience store; on the other end of Hebron Drive is the strip center and a convenience store with gas pumps, so this area is developing commercially.

Mr. Erpenbeck stated that nothing they are proposing would be hazardous to the neighboring uses inasmuch as they are all in the same category, that they have access to all the public highways with 237 being a four lane highway, also KY 20, and the fact that they are about a mile off I-275. Mr. Erpenbeck noted that all the utilities are existing, such as sewer and water, that they do not perceive of anything happening that would be detrimental to the safety of the people in the area and the vehicle approaches to the area, that they have good intersections and traffic control in that area. He concluded that they thought they can comply with all the items listed on page 4.

Chairman Viox called for comments from Commission, and recognized Commissioner Damstrom who asked if the carwash would use recycled water; Mr. Erpenbeck responded negatively. His client, Mr. Robert Kirby, Jr., indicated that they had not planned for recycled water, but that if it is economically feasible and warranted, they would surely do that.

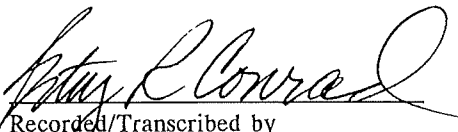
Commissioner Schaffer asked regarding the placement of the automobile repair building on the plan; Mr. Erpenbeck responded that the applicant owns adjacent property as well, and they anticipate the whole area will ultimately develop commercially, and if it were

a commercial zone today, it would not require any buffering whatsoever. Commissioner Schaffer asked if the property is currently zoned UR-1; Mr. Erpenbeck responded affirmatively.


Commissioner Schaffer noted that the variance was a request for the privacy fence, and asked if the applicant still planned to put in bushes; Mr. Erpenbeck responded affirmatively, adding that there is a 10 foot landscaping strip, that at the Site Plan stage they will submit a detailed landscaping plan with a 6 foot privacy fence to add to the buffering. Mr. Erpenbeck continued, stating that the front portion of this property is already zoned C-2, so it ranges from probably 50 or 75 feet to 100 foot in depth, is currently C-2, and so it is split. Commissioner Schaffer asked if this was behind the Shell Station; Mr. Erpenbeck responded affirmatively.

Commissioner Damstrom asked if the request for reduction in buffering is made so that the building will fit the site; Mr. Erpenbeck responded affirmatively, adding that it helps get the buildings on the site, particularly at the rear, that if they increase the buffering, they will have to move the buildings closer together.

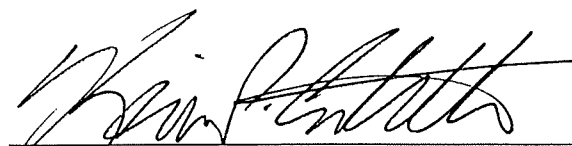
There being no further comments, Chairman Viox advised the Committee meeting for this application will be July 11 at 1 p.m. in the Extension Office at the corner of Camp Ernst Road and KY 18; then back on Planning Commission agenda July 20 at 8:00 p.m. in the County Administration Building. Chairman Viox then declared this public hearing closed, the time being 10:25 p.m.


Recorded/Transcribed by
Betsy R. Conrad, Recording Secretary

APPROVED:


William R. Viox, Chairman

ATTEST:


Kevin P. Costello, Director

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
July 20, 1994
8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.
Mrs. Carol Smith, Secretary/Treasurer
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

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

Staff Member Bob Jonas 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. Burch moved by resolution to the City of Florence that request be approved. Mr. Neltner seconded the motion.

Mr. Ries referred to Condition #1 and noted that the rear portion of the lot would remain undeveloped. He asked if that portion of the lot would still be part of the change to C-1 zoning. Mr. Jonas advised that it is still part of the zone change, but any activity proposed for the rear portion of the site would have to go through the Public Hearing process for a change in Concept Development Plan.

Mrs. Schaffer stated that she would abstain from voting in regard to this request as she does work for Columbia.

Chairman Viox asked for a roll call vote on the motion made by Mr. Burch which found Mr. Burch, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Rush, and Chairman Viox in favor. Mrs. Arnett, Mr. Bailey, and Mr. Ries were opposed. The motion carried by a vote of 8 to 3.

3. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Burlington Realty & Development (owner) for a Zoning Map Amendment, Conditional Use Permit, and Variance on a 1.8-acre site at Hebron Park and Barbara Drive, Boone County, Kentucky. The request is to change the zone from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2) and for a Conditional Use Permit to construct an automobile repair shop, tire store, car wash and used car sales. The applicant is also requesting a dimensional variance in the required buffer yard adjoining a residential zone.

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 and owner have signed the condition letter.

Mr. Ries moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Bailey seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 20, 1994

RE: Request of Raymond Erpenbeck Consulting Engineers (applicants) for Burlington Realty & Development (owner) for a Zoning Map Amendment, Conditional Use Permit, and Variance on a 1.8 acre site located at Hebron Park and Barbara Drive, Boone County, Kentucky. The request is to change the zone from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two (C-2) and for a Conditional Use Permit to construct an automobile repair shop, tire store, car wash and used car sales. The applicant is also requesting a dimensional variance in the required buffer yard adjoining a residential zone.

REMARKS:

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

Findings of Fact

1. Staff recognizes that the commercial uses in the area of the site have been proposed in the 1990 Boone County Comprehensive Plan.
2. The C-2: Hebron Area of the Land Use section of the 1990 Boone County Comprehensive Plan states the following about the area where the site is located:

The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development.

Conditions

1. The 6 foot privacy fence that will be placed on the site border would be of the type that uses staggered vertical planks. The appearance of this type of fence suggests there is no definite front or back. To soften the effect of the fence, it should be moved in from the property line approximately five feet to allow intensive landscaping to also be placed along the side facing the back of Country Place Townhomes. The amount of landscaping material shown along the fence line facing into the site on the concept plan should be greatly increased.
2. The unpaved area of the site along the cul-de-sac of Barbara Drive and at the corner of Barbara Drive and Hebron Park Drive should have an intensive landscaping plan to allow an aesthetically pleasing buffer between the commercial and residential uses.

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.



Fred Burch, Chairman

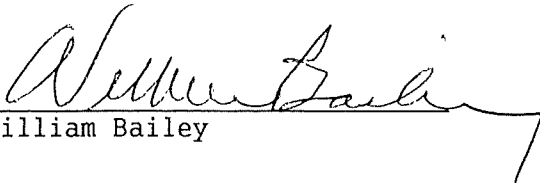
Barry Neltner



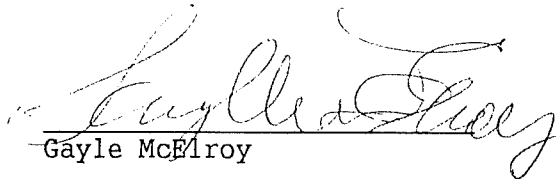
Phil Damstrom



Thurman Owens

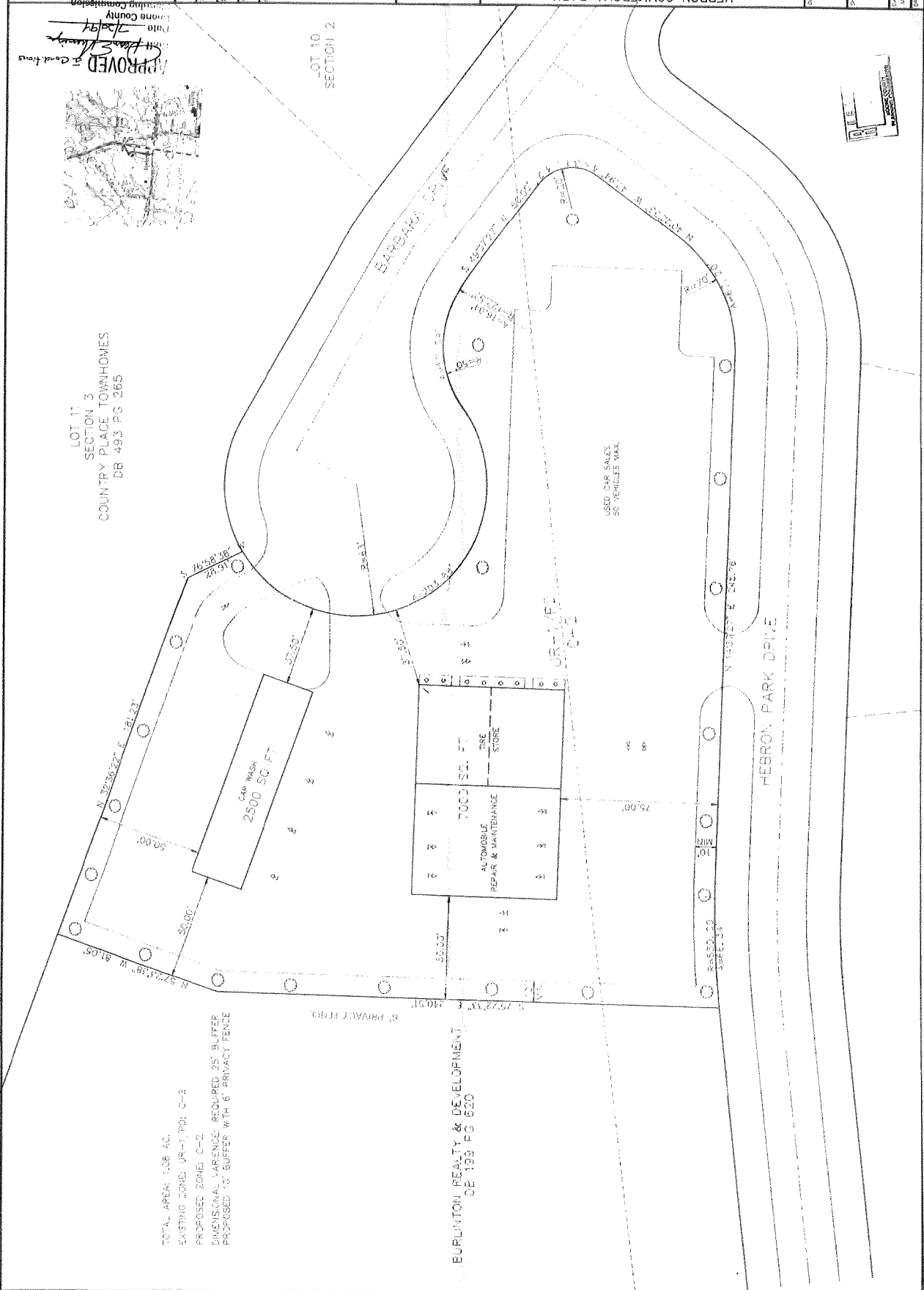


William Bailey



Gayle McElroy

DEVELOPER: BURLINGTON REALTY & DEVELOPMENT CO. 5991 CARLTON DRIVE BURLINGTON, KENTUCKY		CONSULTANT: CONCEPT PLAN SHEET NUMBER: 20	
DESIGNER: HEBRON COMMERCIAL PARK			



TOTAL AREA: 1.06 AC.
 EXISTING ZONE: UR-1, PD, C-2
 PROPOSED ZONE: C-2
 DIMENSIONAL VARIANCE: REQUIRED 35' BUFFER
 PROPOSED 10' BUFFER WITH 6" PRIVACY FENCE

Boone County Recorder

October 5, 1994

LEGAL SUMMARY ORDINANCE NO. 920.288

The Boone County Fiscal Court at its meeting held Tuesday, September 27, 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 RAYMOND ERPENBECK CONSULTING ENGINEERS (APPLICANTS) FOR BURLINGTON REALTY & DEVELOPMENT (OWNER) FOR A ZONING MAP AMENDMENT, CONDITIONAL USE PERMIT AND VARIANCE, AND SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD) TO COMMERCIAL TWO (C-2) FOR A 1.8 ACRE SITE GENERALLY LOCATED AT HEBRON PARK AND BARBARA DRIVE, BOONE COUNTY, KENTUCKY, AND AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION. *R-94-030-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.

CAROLYN A. RUDICILL
FISCAL COURT CLERK
#P9602762