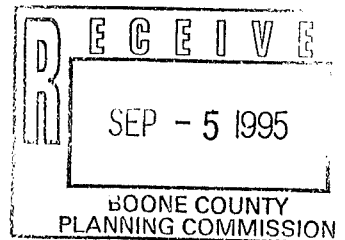


PV

# 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 FLICK'S FOODS
2. Location of Project U.S. 237 & TANNERS ROAD (HEBRON)
3. Total Acreage of Site 7.467
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) C-2
6. Proposed Uses (please specify each use) GROCERY STORE AND OTHER SMALL RETAIL
7. Names of Applicant(s) KIMBERLY D. PATTON
8. Phone Number 525-9700 Fax No. 525-0190
9. Address of Applicant(s) 6948 OAKWOOD FLORENCE KY 41042  
City State Zip
10. Name of Property Owner(s) ROBERT FLICK - PRESIDENT
11. Phone Number 586-7055 Fax No. \_\_\_\_\_
12. Address of Property Owner(s) 1766 BURLINGTON PIKE BURLINGTON KY 41005  
City State Zip
13. Proposed Building Intensities (please specify) (SEE PLAN) 57,960 SQ FT
14. Are there any existing buildings on the site? NO  
How many? -
15. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_
16. Are you also applying for:  
 ~~Conditional Use Permit~~ ZONE CHANGE  
 Dimensional Variance
17. Have you submitted a Concept Development Plan?
18. Have you had a pre-application meeting with BCPC Staff?
19. 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 Kimberly D. Patton (applicant) for Robert Flick (owner) for a Zoning Map Amendment for an approximate 7.5 acre site located at the intersection of KY 237 and Tanner Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to Commercial Two (C-2) to allow a grocery store and other retail.

SEPTEMBER 27, 1995

The request by the applicant is for a zone change that would allow the development of a grocery store along with small scale retail shops. The site in question is a 7.5 acre tract located at the southeast corner of KY 237 (North Bend Road) and Tanner Road. (see sheet #1).

Surrounding Land Uses and Zoning (see sheet #2).

- North: Undeveloped land zoned Rural Suburban Estates (RSE).
- South: South Park Industrial entrance zoned Commercial Two (C-2) along KY237, and Urban Residential One (UR-1).
- East: Single Family Residence zoned Rural Suburban Estates (RSE).
- West: Undeveloped land zoned Commercial Two (C-2).

### Site Characteristics

The site is located at the southeast corner of Tanner Road and KY 237 approximately 1/2 mile north of Interstate 275. The site is currently undeveloped and relatively flat with an elevational range of 20 feet. Grass is the predominant vegetation on the site.

A 16" water line runs the length of the property on the opposite side of KY 237. Utility lines run overhead along the west and north sides of the property. A 15" sanitary sewer line is located on Tanner Road opposite the site to the north.

Relationship to the 1995 Boone County Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates this site as well as property located to the south and west to be developed as Commercial uses (see sheet #3).

Page 219, paragraph 2 of the 1995 Comprehensive Plan as it relates this use to the county states:

"The existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development.

Page 7 of the Comprehensive Plan as it relates this use with the surrounding area states:

"The location of commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses"...and that..."Mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood".

Page 5 of the Comprehensive Plan concerning the Environment as it relates this use to the site states:

"New development or redevelopment within Boone County is to be designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced".

Concept Development Plan

The applicant has proposed the development of a grocery store, located on the northeast section of the site along with smaller scale retail shops extending southward that may be constructed at a later date (see sheet #4). The applicant has indicated that eventually the smaller retail shops could be eliminated in lieu of a drug store that would share the floor area with the grocery store. The proposed gross floor area for the building is between 54,000 and 58,000 s.f. The plan

indicates that deliveries and services would take place to the rear of the building (east), which faces the existing residential housing. Parking is proposed mainly between the building and KY 237. The building is set back 50' off the property line and contains A 25' landscaping buffer that is shown between the existing RSE zone and the property.

Two curb cuts are shown along Tanner Road. The main entrance driveway is located along KY237. The main driveway has one deceleration lane for entering the site when traveling north and two lanes, one right, one left when exiting the site. Two adjoining accesses are also shown on the south side of the site that would allow connections to future development with the South Park property.

A brief detail of landscaping is shown on the plan. Type and size has not been provided.

The location of a free standing sign is shown at the southwestern edge of the site. Type and size has not been provided.

#### STAFF CONCERNS

1. The site is located in a transitional area between the interstate- Southpark area and rural single family housing. Due to the location and rural physical features of the surrounding area and the physical impacts this type of development normally has, staff suggests that there be a design review process for all proposed architecture. Considerations should be made on the physical appearance of the building including style, color scheme, texture, profile, consistency on all facades, and scale. Staff suggests multiple smaller scale buildings as opposed to a larger monolithic structure. The final design of the structure or structures should be subject to review and approval by the Planning Commission.
2. Staff is concerned about the location of the building and how it will be serviced in relation to the adjacent property. The future land use for the property located east of the site is to remain as single family residential. It would be more appropriate to orient the building and its service area away from the land that is to remain single family and towards that of the same or higher intensity use such as south of the site.

3. Staff is also concerned with the noise and appearance associated with grocery store delivery areas as it relates to the adjoining houses. A 25' buffer would not sufficiently reduce noise and will not be visually effective as a screen for several years until the landscaping material matures.
4. Staff is concerned about the lack of a left turn lane on Hwy 237 for traffic making a left turn into the site when traveling southward.
5. The parking that is required and proposed for the site exceeds 250 spaces. Article 31, Section 3170 of the Boone County Zoning Regulations requires that parking lots exceeding 99 spaces shall have interior landscaping.
6. Staff suggests the free standing sign be that of a monument style and consistent in style and material as the building or buildings.
7. The applicant needs to provide documentation from the Department of Transportation permitting the number and location of curb cuts shown on the Concept Plan.
8. Lighting for the parking area should design so that light pollution is not created. Staff suggests fixtures to be shielded and have a maximum height of 12 feet. All lighting should be subject to review and approval by the Planning Commission.

#### Conclusion

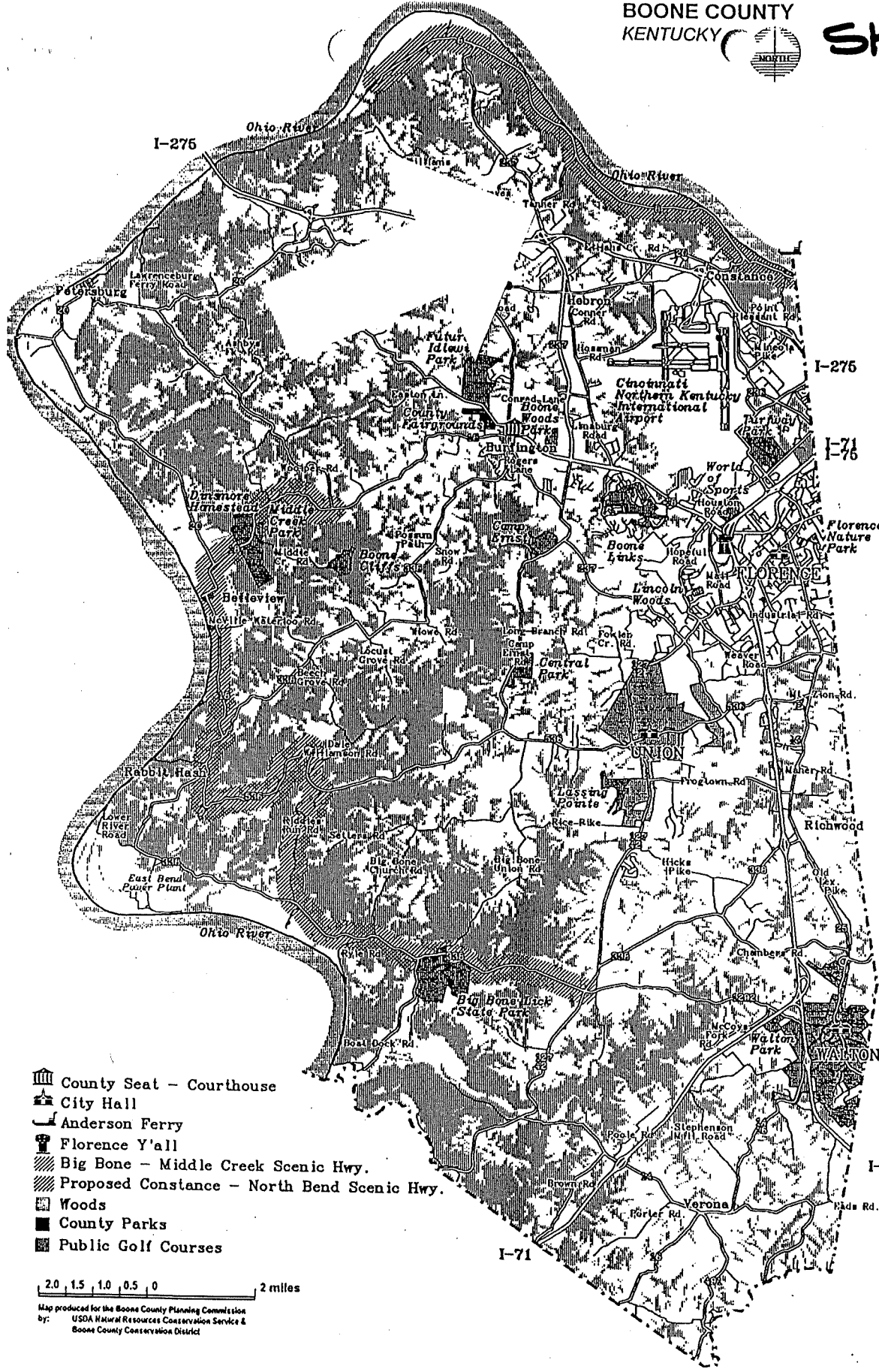
This request for a Zoning Map Amendment is in agreement with the future land use map of the 1995 Boone County Comprehensive Plan. The Boone County Planning Commission needs to evaluate the request based on the criteria outlined in Article 3, Section 308 of the Boone County Zoning Regulations. If the Planning Commission recommends and the Boone County Fiscal Court approves this request for a zone change, the Future Land Use Map will not need to be amended.










Respectfully submitted,

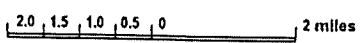


Ed Coleman  
Planner

EC\par



-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



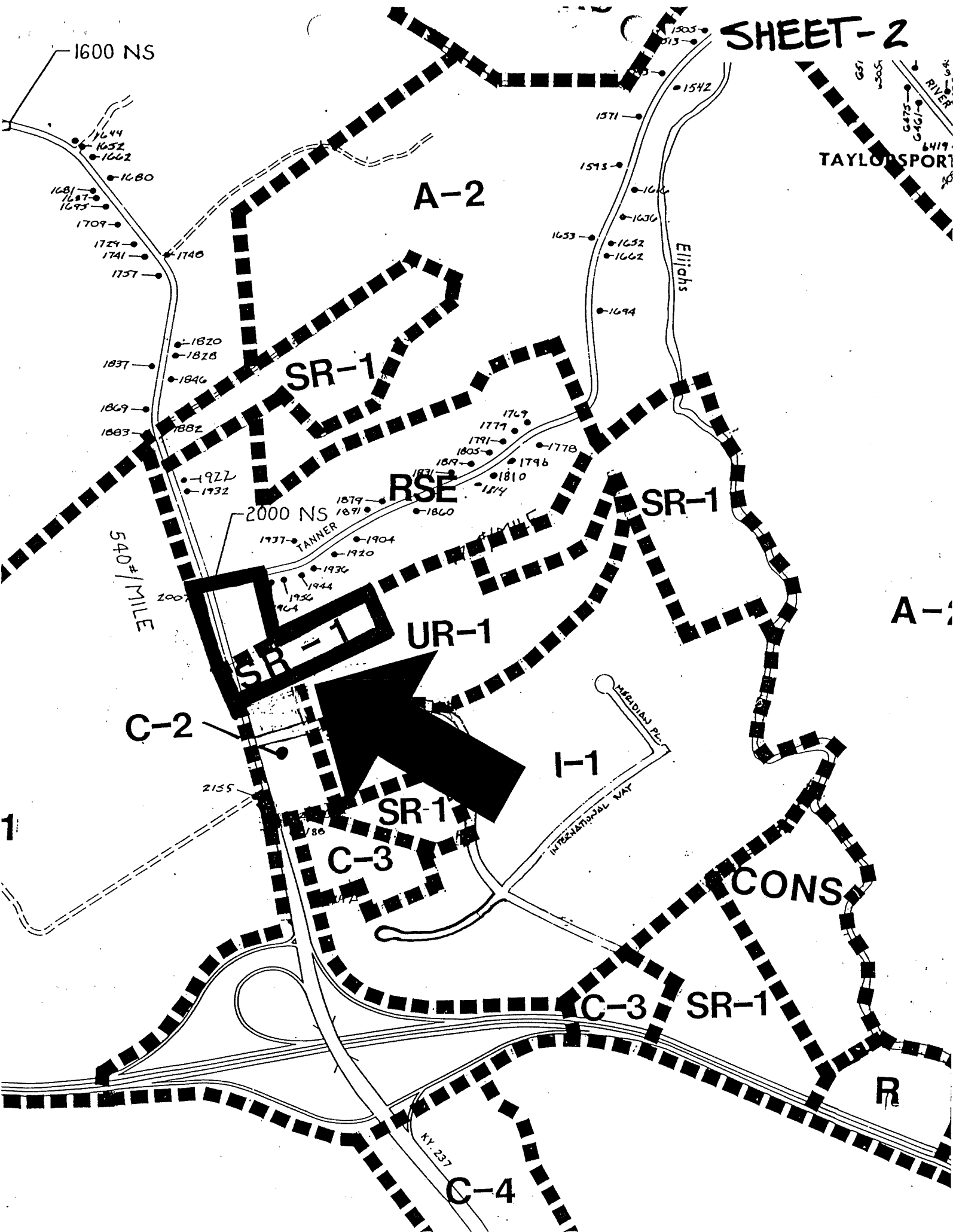
Map produced for the Boone County Planning Commission  
by: USDA Natural Resources Conservation Service &  
Boone County Conservation District














TAYLORSPORT

A-1

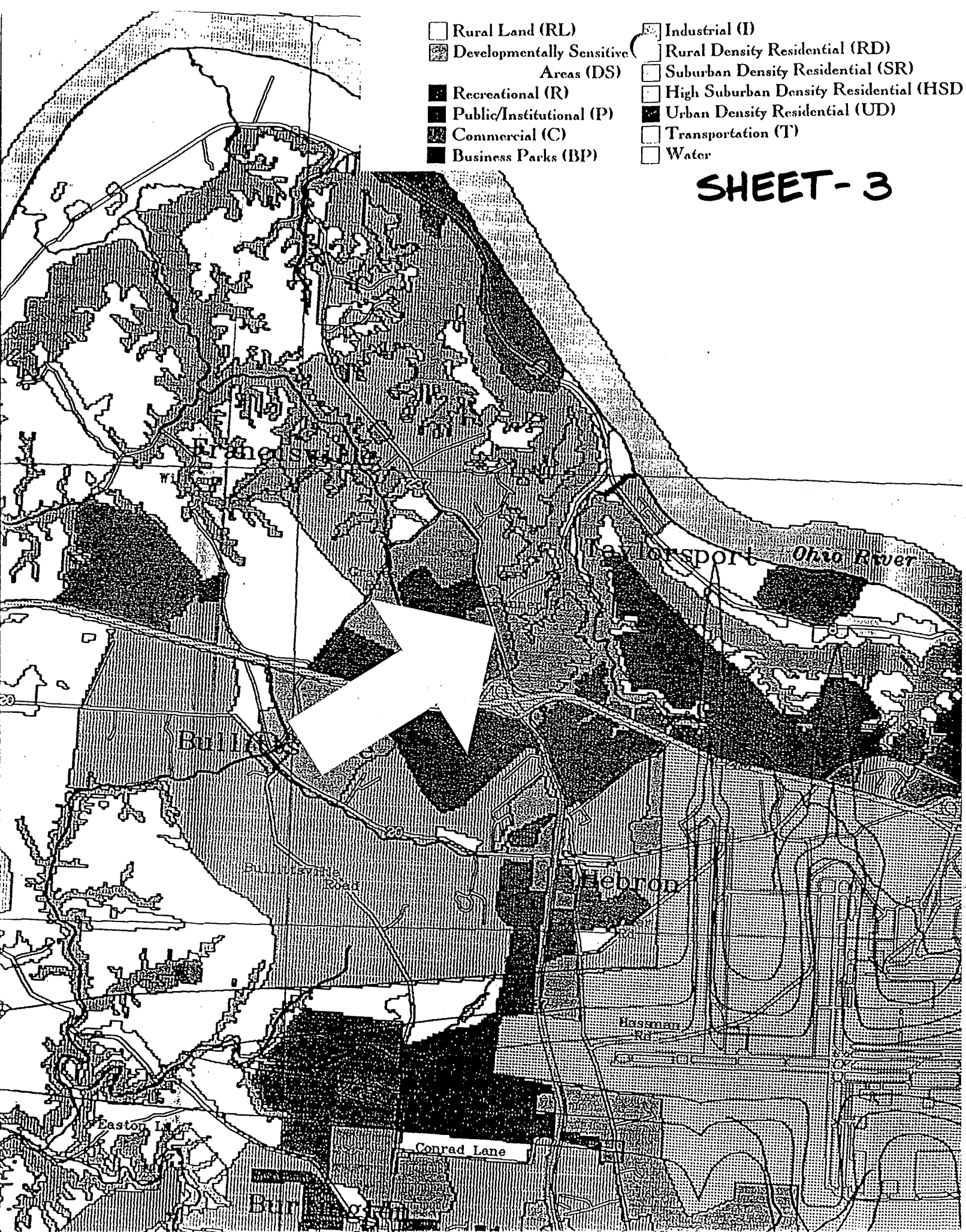
CONS

R



-  Rural Land (RL)
-  Developmentally Sensitive Areas (DS)
-  Recreational (R)
-  Public/Institutional (P)
-  Commercial (C)
-  Business Parks (BP)
-  Industrial (I)
-  Rural Density Residential (RD)
-  Suburban Density Residential (SR)
-  High Suburban Density Residential (HSD)
-  Urban Density Residential (UD)
-  Transportation (T)
-  Water

# SHEET-3



TANNER'S ROAD

ST. SHARON, S.C. 29168

EXISTING RSE

FUTURE SIDEWALK

EXISTING PSE

PROPOSED C-2

SCHEME A

EXISTING RSE

SCHEME B

PROPOSED C-2

EXISTING C-2

EXISTING L-1

ALTERNATE ADJACENT ACCESS

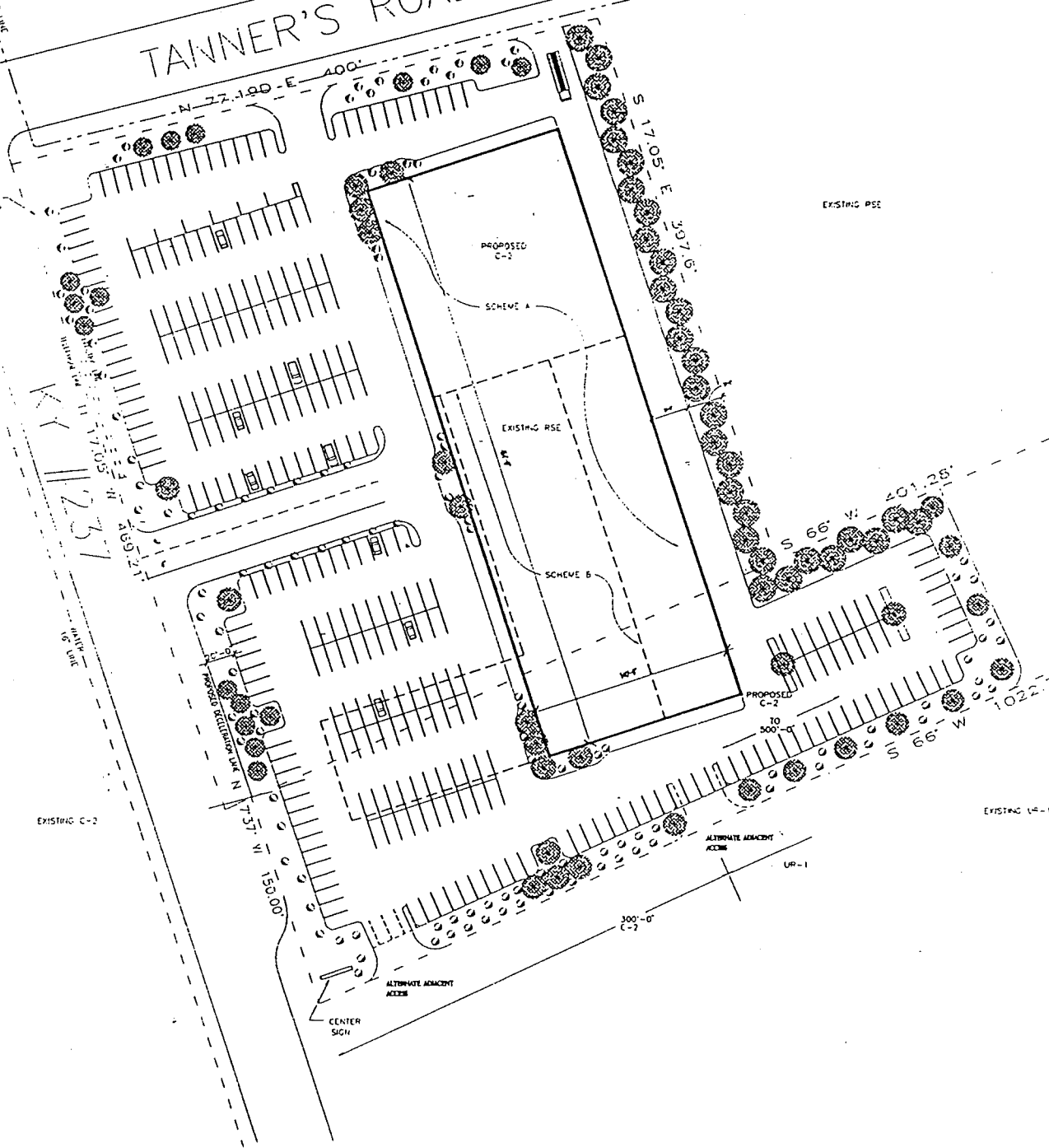
CENTER SIGN

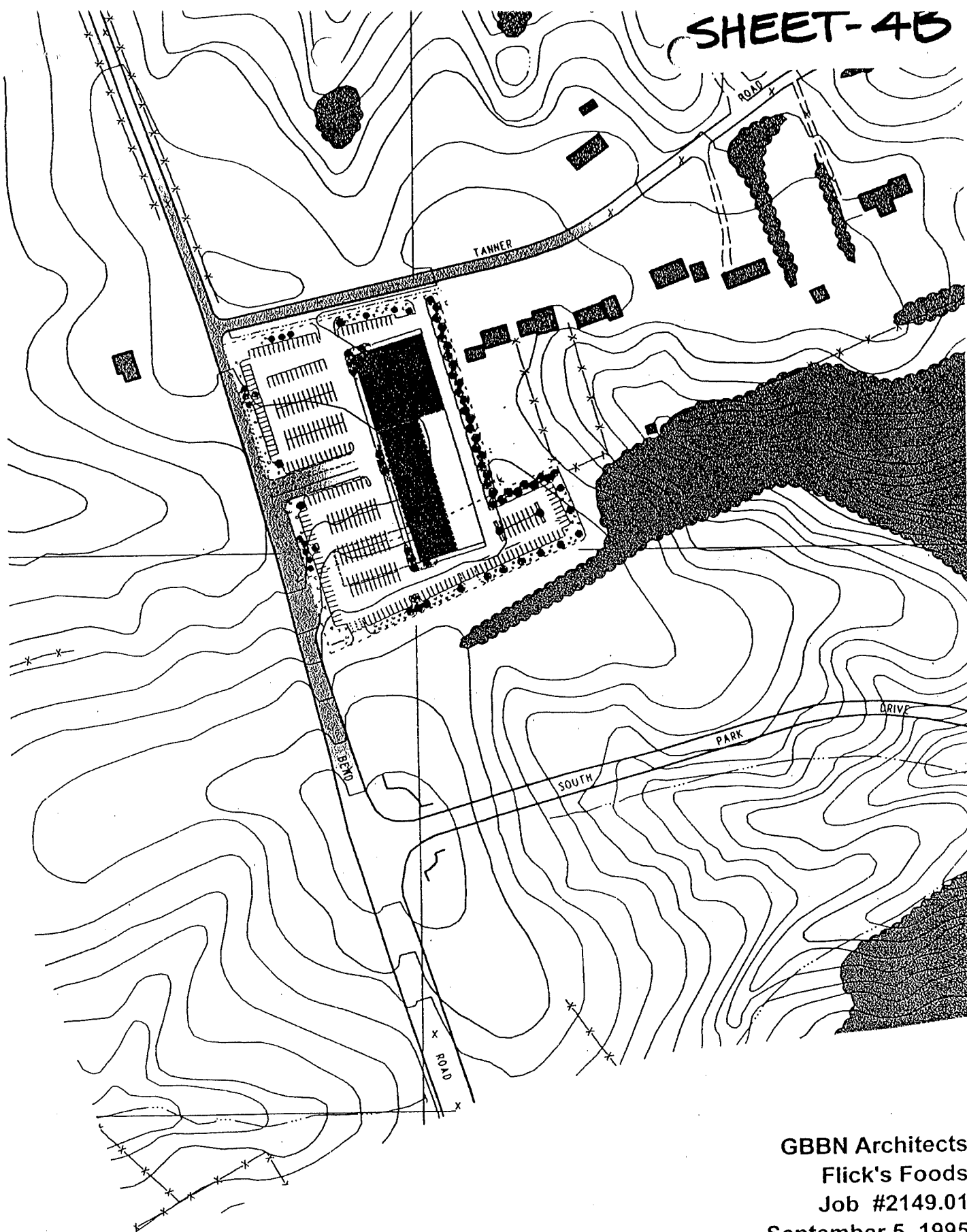
ALTERNATE ADJACENT ACCESS

UP-1

300'-0"

C-2





GBBN Architects  
Flick's Foods  
Job #2149.01  
September 5, 1995

ORDINANCE 920.164

EXHIBIT 1  
9/27/95  
ITEM #3

SUBMITTED BY TOM NICHOICE

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE (I-1), COMMERCIAL TWO (C-2), AND URBAN RESIDENTIAL ONE (UR-1) FOR A 201.57 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD AND NORTH OF I-275, BOONE COUNTY, KENTUCKY, AS REQUESTED BY GBBN ARCHITECTS (APPLICANT) FOR H. GORDON MARTIN AND H.A.D. ENTERPRISES (OWNERS) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING AND ZONING COMMISSION VIA RESOLUTION R-45-88.

WHEREAS, the Boone County Fiscal Court received a request for approval for a zoning map amendment to the Boone County zoning map and such zoning map amendment being a zone change from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1) for a 201.57 acre site generally located on the east side of North Bend Road and north of I-275, Boone County Kentucky, which is more particularly described below and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the zoning map amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION 1

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this zoning map amendment being a zone change from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) for a 201.57 acre site generally located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

\_\_\_\_\_  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

\_\_\_\_\_  
R. SCOTT KIMMICH  
FISCAL COURT CLERK

SUBMITTED BY:

\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

\_\_\_\_\_  
DATE PUBLISHED

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. LARRY BARNETT  
VICE CHAIRMAN

MRS. CAROL SMITH  
SECRETARY-TREASURER

MR. GERALD A. NEWTON  
DIRECTOR

MR. D. T. WILSON  
ATTORNEY

September 21, 1988

Honorable Bruce Ferguson  
Boone County Judge/Executive  
P.O. Box 900  
Burlington, Kentucky 41005

Dear Judge Ferguson:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57 acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

At their meeting of September 7, 1988, the Boone County Planning Commission voted 11 to 3 (1 abstention) to recommend approval by Resolution R-45-88. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution.

The approved minutes of the August 3, 1988, Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,



William R. Viox  
Chairman

WRV:jdh

Enclosures

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4  
August 24, 1988

Page 1

Following a ten-minute recess, Mr. Barnett introduced the fourth item on the Agenda:

4. Applicant: Timothy McNeely for Lawrence Howe (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Timothy McNeely (applicant) for Lawrence Howe (owner) for a Zoning Map Amendemnt for a 47.53-acre site located on the north side of Maher Road and one mile east of U.S. 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS).

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation.

Mr. Tim McNeely stated that they are requesting the zone change to Rural Suburban for two dwelling units per acre. He stated that there had been two lots of a previous subdivision and four lots of Stacy Acres Subdivision had been platted with street access. The two access points are approximately 950 feet apart. The proposed lots will front on the proposed street, eliminating 3 driveway access points. Maher Road is a county road with a speed limit of 35 MPH. They meet the minimum site distance requirements. They will be able to tap into a 15" sewer main running across the property. There will be individual septic tanks. He stated that the proposed amendment is in compliance with the Comprehensive Plan.

At this time, Mr. Miller completed the Staff Report.

Mr. Barnett asked if there were any comments or questions.

Mr. Dan Smith stated that he is opposed to the request. He stated that Maher Road is 2.5 miles long with one mile in Boone County and .9 of a mile is zoned for one house per acre. He wants the neighborhood to stay the way it is. He stated that he lives on Maher Road and that there have been major accidents in front of his house. He noted his concerns in regard to the roadway.

Mr. Tom Meyer stated that he lives at the top of the hill on Maher Road. One of the proposed access points would be right across from his driveway, which is at the top of a 65 degree hill. He noted his concerns for safety. He stated that every house on Maher Road has at least one acre.

Mr. John Arnett, representing Jean Short of 448 Maher Road, stated that Mrs. Short is concerned that the developer will develop 94 houses on the property. There is a tremendous traffic problem at the east end of Maher Road and at the other end there is a railroad track with a flashing light. Mrs. Short is concerned about the additional fire and police protection needed as this site is not in the City of Florence. She is also concerned about the water and sewer. Her son was not permitted to build on his property without Mrs. Short conveying part of her property to create a one-acre lot. She is also concerned about the impact on the school system. Mrs. Short is opposed to the request.

Mr. McNeely stated that there would be individual cisterns. The first phase of the development would be in two parts, there would be seventeen lots in the first phase for a five-year development.

Kathleen Pogue Cook, a resident of Maher Road, agreed with the comments made. She questioned the damming of the creek which is affecting her property. She stated that Mr. Sturgill had been present but had not been able to stay. He was told that he had to build a larger and more expensive house to be in keeping with the neighborhood. He was also told that this development would only be four lots with road frontage. The proposed roads are under the crest of the hill and are dangerous.

Mr. McNeely advised that there is an existing tract of 73 acres. The 46 acres is the front portion towards Maher Road. The owner still owns the industrial acreage to the rear. He stated that he does not know anything about the damming of the creek.

Mrs. Cook asked if a petition signed by the residents would be helpful in opposing this request.

Counselor Wilson advised her that the Commission cannot guide her in presenting her case.

In response to questions from Mr. Meyer, Mr. McNeely advised that Stacey Acres is a small subdivision with six one-acre lots, two of which have been sold. There are four lots in the center and the access point remaining, which are a part of this request. Part of the reason for the requested zone change is the new sewer line which would be adequate for this development.

Mr. Sharp questioned what has changed in the area that would justify this zone change.

Mr. McNeely stated that in consideration of the lay of the land and the topography, it would be almost impossible to turn the lots around due to the transmission line going through the lots.

Mr. Barnett repeated Mr. Sharp's question asking what has changed.

Mr. McNeely replied that the sewer line has been constructed.

Mr. Damstrom asked if the transmission line easement created a problem in developing Lots #13, #14, and #16.

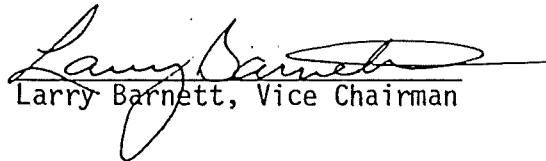
Staff Member, Paul Miller, advised that construction cannot occur in the 100-foot easement right-of-way. It is possible that Lot #15 may not be a buildable lot.

Counselor Wilson advised that such an easement generally allows for driveways or concrete paving over the easement.

Mrs. Brenda Morgan noted her concerns for an increase in the school population and the traffic. She stated that there are many large trucks on the road.

There being no further comments or questions, Mr. Barnett advised that this item will be on the Agenda for the Business Meeting on September 7, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Larry Barnett, Vice Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: August 17, 1988

RE: Request of GBBN Architects (applicant) for H. Gordon Martin and H.A.D. Enterprises (owner) for a Zoning Map Amendment for a 201.57 acre site located on the east side of North Bend Road and north of I-275, Boone County, Kentucky. The request is to rezone the site from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1).

REMARKS:

We, the Committee, recommend approval of the zoning map amendment request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. Although the Boone County Comprehensive Plan's Future Land Use Map depicts the site as future commercial, medium density residential, rural lands, and developmentally sensitive, the applicant has sufficiently shown that the request is consistent with several recommendations of the Plan. Specifically, the Business Activity Element recommends that high-tech industry and airport related services be encouraged at I-275 interchanges and the Land Use Element recommends that light industrial or highway commercial occur only within a few hundred feet north of I-275. The Committee believes that the submitted Concept Development Plan, as further clarified by conditions in this report, does respect the overall residential character with some commercial activity recommended by the Land Use Element for the area north of the I-275 and KY 237 interchange by locating industrial uses near the interstate and utilizing natural topography to provide a transition into existing and proposed residential uses.
2. The applicant has sufficiently demonstrated that the existing zoning classifications of Commercial Services (C-3) and Suburban Residential One (SR-1) are inappropriate to enable coordinated development of the two land parcels that comprise the site, because of road access and zoning boundary configurations. The applicant has shown that the proposed zoning classifications of Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) are appropriate through the submitted Concept Development Plan because they

allow uses that have been arranged to accommodate the natural features and access considerations of the 201.57 acre site. The Committee believes that the request, as represented on the submitted Concept Development Plan, provides a framework for future coordinated development of the overall I-275 and KY 237 interchange area, and provides an industrial park location near the airport that respects the residential growth of northern Boone County by its topographical isolation and layout.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the August 3, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. A 60 foot right-of-way shall be dedicated to Boone County at Lot R, Final Plat review for the future road extension shown at the end of SouthPark Drive. The developer shall grade the future roadway and drainage features at Improvement Plan stage when SouthPark Drive and the cross street are constructed. The right-of-way shall be sufficiently seeded and turned over to the Boone County Road Department for maintenance. ] OK
2. The re-alignment of SouthPark Drive through the Poston property in the future shall in itself constitute a minor change to the approved Concept Development Plan. Should this occur, however, the number of driveways directly entering SouthPark Drive from this 201.57 acre site shall not be increased.
3. The location of SouthPark Drive at KY 237 shall be approximately 30 feet north of the existing residential driveway and shall be designed at Improvement Plan stage to maximize sight distance. Full left-turn lanes and a northbound deceleration lane will be provided on KY 237 for the entrance, as well as a 60 foot turning radius entering the development from this lane. ~~At such time as 30 percent of the industrial lots or 30 percent of the total industrial building square footage is constructed, whichever comes first,~~ The developer shall construct an additional travel lane on KY 237 from the end of the divided roadway at I-275 northward to SouthPark Drive. All truck traffic shall be directed by signage to exit the development, toward I-275. No

- =====
4. Access to the northern commercial area and the apartment development shall include a left-turn lane on SouthPark Drive. Access to the apartment development and Lot A shall coordinate with each other.
  5. The proposed apartment development shall include a 6 foot landscaped berm within the required 15 foot buffer area to the north. Landscaped berms shall be provided along SouthPark Drive whenever industrial buildings or the apartment development adjoin SouthPark Drive for approximately the same length of the buildings. These berms shall be in addition to landscaping or existing vegetation along the entire length of SouthPark Drive. Screening for Lots E, L, N, and Q along I-275 shall include landscaped berms, and shall have all utility equipment placed on the ground or screened from public view by roof parapets. The overall development shall preserve wherever possible natural features and vegetation of the site. At Improvement Plan and Site Plan stages, detailed existing and proposed topography is known, additional extent of the undisturbed developmentally sensitive area on Lots D and T may be required. This may include not only areas over 20 percent slope, but areas of significant vegetation or drainage features. Should any of these areas be disputed, the developers may request that a recognized local, geotechnical engineering firm perform a study. The findings of such a study shall determine whether the proposed development on these areas is appropriate, and subsequently whether the areas will be developed. The Planning Commission shall have the opportunity to designate the geotechnical engineering firm and to allocate the costs in an appropriate manner to ensure a fair and impartial report. The location of the proposed sanitary treatment plant shall be carefully reviewed when specific plans are submitted. Detailed erosion control shall be included with all plan submittals for the 201.57 acre site. OK
  6. The developer shall coordinate in the future with the Boone County Sanitary Sewer Master Plan now being prepared. The developer shall also work with the Hebron Fire District to ensure adequate fire protection.
  7. No pole-mounted signage shall be included within the development.
  8. Setbacks between all proposed apartment buildings and the north property lines of the 201 acre site shall be a minimum of 50 feet. OK

Carol Smith  
Carol Smith, Chairwoman

Larry Barnett  
Larry Barnett

Fred Burch  
Fred Burch

Rector Jones  
Rector Jones

Donald McMillian  
Donald McMillian

Barry Neltner  
Barry Neltner

CS:jdh

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 7, 1988 8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
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 a copy of the Minutes of the Business Meeting of August 17, 1988 and the Public Hearings of August 24, 1988 and asked if there were any comments or corrections.

Mrs. Bushelman noted a correction to Public Hearing Item #2, the request of Raymond Erpenbeck for DBS Corporation and KSK Enterprises. The developer is "Mr. Schreiber", not Mr. Schroeder.

There being no further corrections, Mr. McMillian moved that the Minutes of the Public Hearings be approved as amended and that the Minutes of the Business Meeting be approved. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the September 21, 1988 Business Meeting (see Committee Report).

There being no discussion, Mr. Burch moved that the request be deferred until the September 21, 1988 Business Meeting. Mr. Neitner seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Timothy McNeely (applicant) for Lawrence Howe (owner) for a Zoning Map Amendment for a 47.53-acre site located on the north side of Maher Road and one mile east of US 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban Estates (RSE) to Rural Suburban (RS).

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).

Chairman Viox asked if the applicant was present.

Mr. Tim McNeely stated that he is in agreement with the conditions.

The Chairman asked if a representative of the community would like to summarize their position.

Mr. Tom Meyer, 587 Maher Road, stated that they want the development to conform with the neighborhood by being one-acre or larger lots. He noted that the proposed entrance is at a 70-degree hill and there are always accidents there. Maher Road is a two-lane road.

There being no further comments, Mr. Moore moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mrs. Smith seconded the motion.

Mr. Collins noted that there is sewer in the area but no public water. He questioned if they would be permitted to tap into the sewer since there is no metering. Mr. McNeely stated that they have not resolved this problem.

Mr. Lawrence Howe stated that Mr. Paul Kroger had indicated that they would try to get water out to them within a year. There has been a tap made into the sewer line by one house.

Mr. Dale Schmidt, a resident of Maher Road, stated that there is no water on Maher Road. They have cisterns. Not many water trucks operate in the area.

In response to questions from the Chairman, Mr. Newton advised that utilities are addressed at the Preliminary Plat stage. Water and sewer must be provided to the lots before development is approved. Permits will not be issued without the utilities.

Mr. Damstrom noted his concerns for fire protection at the higher density if there is no city water.

Mr. Schmidt stated that he was on the Fire Department for 18 years. The area is in a Zone 10 with higher insurance rates. He noted that there is no water and Walton is 7 miles away. Florence is 4 miles.

Ms. Cathleen Cook stated that it has not been established who authorized the sewer line to be built. She stated that it is convenient that the line is there and now the applicant wants rezoning.

Mr. Newton advised that it is a Kenton County line built in response to the need to serve the industrial development in the Richwood area. The Commission did not authorize the line.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Moore which found Mr. Barnett, Mr. Burch, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mrs. Smith, and Chairman Viox in favor. Mrs. Bushelman, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Rush, and Mr. Sharp were opposed. The motion carried by a vote of 9 to 6.

6. Annexation Request by the City of Florence

The request of the City of Florence to annex a 7.07-acre site owned by Dr. Glenn F. Baird and located on the north side of old US 42 and west of Pleasant Valley Road, Boone County, Kentucky. The site is zoned Rural Suburban (RS). A Public Hearing has been held to determine the impact of annexation upon the current zoning.

Mr. Gerald Newton, Director, read the Committee Report which indicated there would be no effect upon the current zoning based on the findings of fact (see Committee Report).

The Chairman asked if there was anyone present from the City of Florence who wished to speak. There being no one, Mr. Collins moved that the request be approved based on the Committee Report. Mr. Burch seconded the motion and it carried unanimously.

## STAFF REPORT

### REQUEST OF GBBN ARCHITECTS FOR SCHLEPER INDUSTRIES, LTD. AND H.A.D. ENTERPRISES FOR A ZONING MAP AMENDMENT FOR PROPERTY OWNED BY H. GORDON MARTIN, JIM HUFF, MARK ARNZEN, AND RALPH DREES

August 3, 1988

This is a request of GBBN Architects for a Zoning Map Amendment on a 201.57 acre parcel located at the northeast quadrant of I-275 and KY 237. The request is to rezone the property from Commercial Services (C-3) and Suburban Residential One (SR-1) to Industrial One (I-1), Commercial Two (C-2), and Urban Residential One (UR-1) in order to develop Southpark, a combination industrial, commercial, and apartment development.

#### CHARACTERISTICS OF THE SITE

The 201.57 acre site is composed of two properties and contains a large, fairly level area used for agricultural purposes. The rear portion of the site, however, slopes steeply to Elijah's Creek to the east and the H.A.D. Enterprises property contains a pronounced stream valley. There are several smaller tributary valleys on that portion of the site. Two ponds exist on the site and an overhead electric transmission line forms the current boundary of the C-3 and SR-1 zones. There is an existing, abandoned farm house and pole barn on the H.A.D. Enterprises property.

Current access to the site is by Kilgore Place, a former State Highway service road which has recently been turned over to county maintenance. Kilgore Place is a tar and chip road with a gravel cover and intersects KY 237 approximately 800 feet north of the I-275 westbound exit ramp.

Soils present include Cynthiana flaggy silty clay loam (CyF) usually found on 20 to 50 percent slopes, Jessup Silt Loam (JeD) usually found on 12 to 20 percent slopes, and two types of Rossmoyne Silt Loam (RsB and RsC) usually found on 0 to 12 percent slopes. The CyF soils present a severe hazard of erosion, and the JeD soils present some hazard of erosion. The Kope bedrock formation does occur immediately along Elijah's Creek.

#### SURROUNDING LAND USES AND ZONING

I-275 and its Hebron interchange form much of the southern and western boundaries of the site. Also to the southeast is the land locked Carder-Dolwick Preserve owned by The Hillside Trust. This 37 acre site contains very steep, wooded slopes and is zoned Recreation (R). Between this property and I-275 are several other land locked properties that contain wooded slopes and are zoned Commercial Services (C-3) and Suburban Residential One (SR-1).

To the west, across KY 237 is a large agricultural area zoned Commercial Interchange (C-4) and Suburban Residential One (SR-1). Surrounded on three sides by the site on Kilgore Place are two residential properties zoned Commercial Services (C-3) and Suburban Residential One (SR-1). Across Elijah's Creek to the east are the steep, wooded slopes of the creek valley, which are zoned Agricultural Estate (A-2).

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan depicts the site as future Commercial uses near the interchange and some Medium Density Residential along KY 237 with most of the site being Rural Lands (RL), and the rear portion as Developmentally Sensitive (DS).

Pages B-14, B-15, and B-16 of the Business Activity Element discuss future economic development in the area.

"Commercial development in Hebron will center around new KY 237."

#### "Areas of Future Industrial Activity"

The I-275 and KY 237 interchange will experience limited industrial growth to its south although the area north of the interchange should retain its residential character with some commercial activity. Besides offering locational advantages of the two highways, this area is only minutes from the airport. As the northern part of the county experiences manufacturing growth along I-275, the income levels of the work force should rise. This will accompany a continuing decrease in agricultural activity and an increase in nearby residential land use.

To the east of the airport, the Mineola-Circleport-KY 236 area will be an area of great industrial growth in the county. High-tech industry and airport related services should be encouraged at the I-275 interchanges and in the runway clear zones east and north of the airport."

Pages L-12 and L-13 of the Land Use Element address overall development of the area.

"North of I-275 along KY 237, light industrial or highway commercial development should occur only within a few hundred feet of the interstate.

The balance of this area should become a residential area. Both Graves Road and KY 237 will experience medium density residential growth in the form of small scale subdivisions. The western portion of Tanners Road will remain in a medium density residential character."

The Goals and Objectives of the Land Use Element are relevant because of this request's potential impact on the growth patterns of the surrounding area.

"Goal:

To ensure quality development of the county's residential, commercial, industrial, recreational, and agricultural interests that (1) are adequately supported by required public facilities and services, (2) are located and designed according to acceptable standards, and (3) meet the current and future needs of county residents.

Objectives:

1. Future land use shall occur in environmentally suitable areas, or where measures have been taken to eliminate environmental problems.
2. Land use shall occur first where infrastructure systems exist which are suited to accommodate such use would be logically extended or are provided as part of the development.
3. Land use growth shall occur both adjacent to existing centers of development and in the creation of new communities.
4. There shall be a hierarchy of land uses, specialized to create centers of intense use, with less intense use occurring outward from those centers."

Several objectives of the Business Activity Element pertain to this request.

"Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

4. Highway services shall be located in close proximity to major highway interchanges for maximum convenience and economy to the motoring public. (However, they should not be located so close to interchanges that they congest the traffic movements at these points of access).

Industrial

1. Industries shall be organized in clusters or similarly grouped to permit benefits of agglomeration and reduce traffic congestion in other areas.
2. Industrial development shall be encouraged to locate near railroads, highways, airports and or the Ohio River. New industrial park sites shall be located primarily near limited access highways throughout the community for convenience, advertising, and economic advantages."

Several objectives of the Public Facilities and Services Element are important to the Hebron-Francisville area.

- "2. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban forms. Such systems shall not be so oversized or otherwise over-built that they may commit an area, consciously or unconsciously, to a development pattern which is not desired or selected.
3. Priorities for growth within any individual infrastructure system shall be as the opportunity allows for funding or construction, provided no one system over-builds or commits excessive urban growth.
4. Individual sewer, water, school, and fire jurisdictions shall be integrated and coordinated on the basis of county-wide cohesive service areas and networks."

The Recreation Goals and Objectives pertain mostly to the eastern one-half of the site.

"Goal:

To ensure that adequate recreation facilities and programs are provided; preserve significant natural features and historic sites; and provide open space for public use.

Objectives:

1. Land acquisition for parks and open space creation shall be used to (1) preserve scenic and natural areas of significant and unique qualities; (2) provide activity centers close to established and developing residential areas."

SOUTHPARK CONCEPT DEVELOPMENT PLAN

The submitted plan indicates 20 industrial lots accessed by SouthPark Drive and three cul-de-sacs off that drive. SouthPark Drive would intersect KY 237 at approximately the location of the existing farmhouse and curve to the east of the Poston property onto the Martin property. A future right-of-way or connection is shown along the power transmission lines to the landlocked properties to the southeast along I-275. Kilgore Place is not to be used for access to this development.

The plan indicates 8 acres of commercial uses at the entrance point on KY 237. A 26 acre area along the north edge of the site is shown as future apartment development. The traffic impact study conducted by Pflum, Klausmeier, & Gehrum Consultants, and submitted by the applicant indicates a total of 44,500 gross square feet of commercial space and a total of 200 apartment units for a maximum density of 8 dwelling units per acre. Approximately 15 acres of industrial lots 'T' and 'S' and part of the requested 26 acre UR-1 zone area are designated as Developmentally Sensitive. The traffic impact study also indicates a buildout period of five to eight years for the entire project.

The applicant has submitted a descriptive letter that is attached to this report, and a set of Protective Covenants which include discussion of design aspects and further definition of proposed land uses for the industrial portion of the development. Also included is written information on Litton Industries and other industrial growth in Northern Kentucky and airport growth. Preliminary geotechnical information as well as written contact with the Hillside Trust has been submitted.

PUBLIC FACILITIES

The Boone County Water District is currently constructing a 12 inch water line to serve residential growth along North Bend Road (KY 237). The site is within the Hebron Fire District. The submitted plan indicates the placement of a sanitary treatment plant on the Developmentally Sensitive portion of Lot 'T'.

STAFF CONCERNS

1. Much of the eastern half of the 201.57 acre site contains a wide variety of vegetation, wildlife, and steep slopes. Industrial lots 'D', 'T', and 'S' need to be reviewed in terms of their suitability for industrial uses, and the impact of their development on adjacent natural areas including The Hillside Trust property. The soils present on this portion of the site also present hazard of erosion upon development. The preliminary geotechnical information supplied by the applicant indicates that the hillsides need to be respected for slope stability reasons.
2. Access by way of public right-of-way should be reviewed for The Hillside Trust property, any areas proposed to be donated to the county by the applicant, and other land-locked parcels along I-275.
3. ACCESS

The staff would like to commend the property owners for working together to combine their access onto KY 237. Should this development be approved, SouthPark Drive would serve both property owners as well as future development in the area. In order to achieve maximum sight distance, the intersection of SouthPark Drive and KY 237 has been determined to be best situated at a point approximately 30 feet north of the existing residential driveway cut (at the top of the rise). Staff has met with Jack Gehrum of Pflum, Klausmeier, & Gehrum and Forrest Rankin of KDOT, to insure that the access point is at the safest location. The site check revealed that the road bank to the north would need to be cut back and cleared to also help provide better site distance.

The applicant has provided a diagram of the proposed intersection, showing the proposed configuration. The illustration shows a short left turning lane for south bound cars on KY 237, and a deceleration lane for vehicles turning right into the development. Staff feels that the storage lane for right turns onto Southpark Drive should be lengthened to 100', with a 100' taper. The applicant has agreed to work with KDOT to provide adequate sinage and striping of the intersection.

INTERNAL CIRCULATION

The staff has a few minor concerns regarding the internal circulation of the development. Again, the developer should be commended on the layout of the development, in that only three industrial lots have direct access onto Southpark Drive. However, the driveway on lot A should be aligned with the drive for the planned residential development.

In addition, the commercial development driveways should intersect SouthPark Drive further from KY 237 to allow adequate stacking distance where trucks are present. Staff suggests that 300 feet be considered in place of the 200 feet shown on the submitted plan. A left turn lane should be provided on SouthPark Drive for east bound traffic and at the proposed residential drive. The developer should be encouraged to design a boulevard road from KY 237 and the entrance to the proposed residential development. In addition to providing a landscaping amenity to the development, it would serve to delineate the turning lanes on this section to SouthPark Drive, and help convey the image of a mixed-use development.

Staff has a concern with the extension of SouthPark Drive to the south. Although the Concept Development Plan shows a future roadway alignment, the applicant has not indicated if the right-of-way is to be dedicated or when the road is to be built.

The applicant should be encouraged to continue pursuing the Poston property into the overall plan in order to enable a SouthPark Drive alignment that has less impact on the land. Otherwise the provision of access to the Poston property from SouthPark Drive needs to be considered.


4. The submitted information contains no specific description of the planned commercial uses other than the requested Commercial Two (C-2) zoning district. Staff is assuming that the 44,500 square foot total listed in the traffic impact study is the correct figure for building coverage on the 8 acre requested C-2 zone. The applicant should identify if gasoline sales are planned.

5. The applicant has indicated a total buildout of five to eight years. More specific phasing of the project should be described.
6. Because of the size of the development and the potential number of employees, a pathway system should be considered throughout the development which could substitute in part for sidewalk requirements.
7. The location of the sanitary sewer plant is of concern because of its proposed location on the steep slopes of the Elijah Creek valley. Also, because of the topography, it is questionable whether the apartment development could be served by the proposed plant. The Boone County Water and Sewer Commission is currently having consultants prepare a county-wide sanitary sewerage plan that may impact this area.

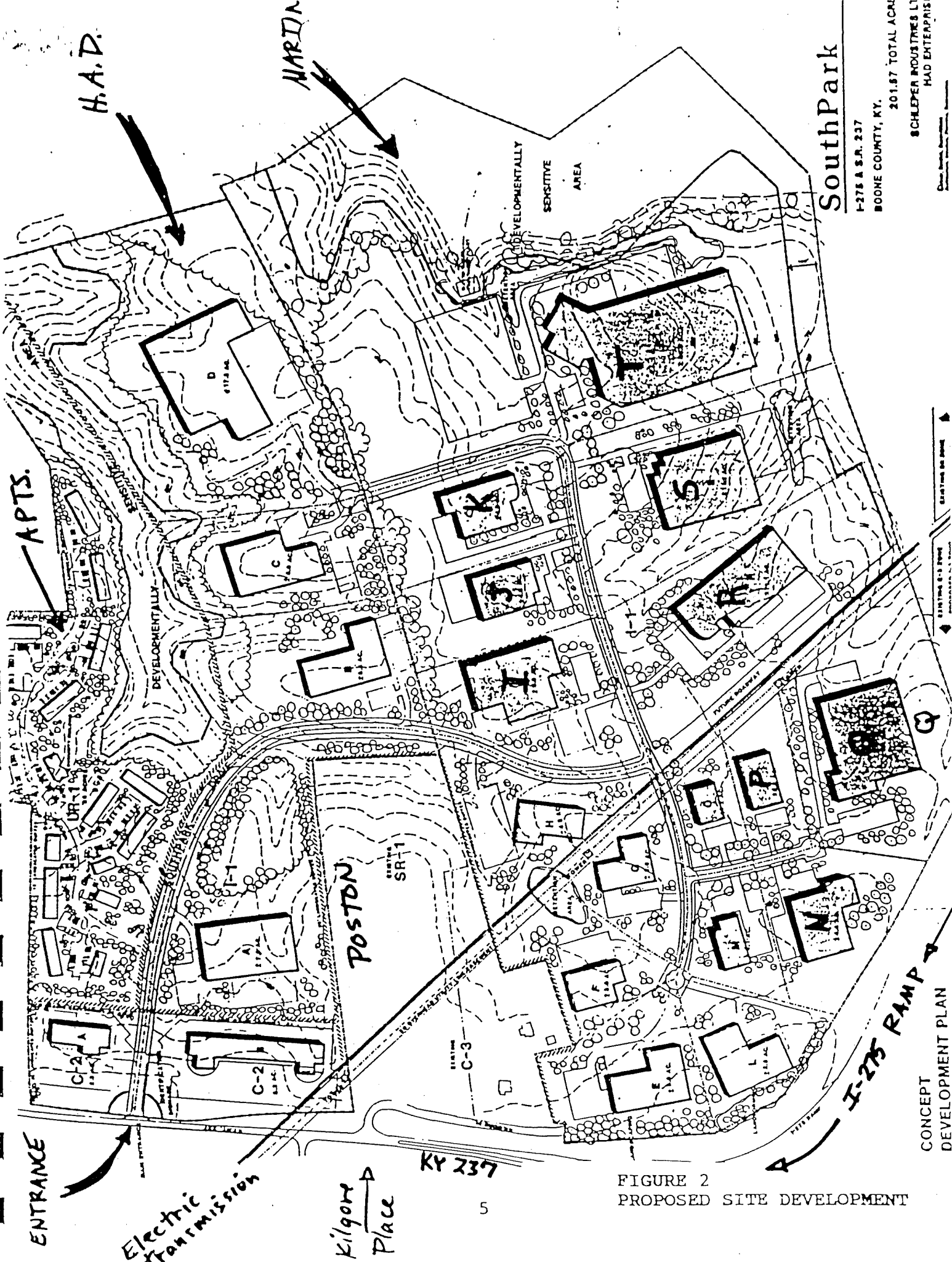
8. Staff suggests that the existing pond on the Martin property be retained to not only provide stormwater retention but potentially for recreation or aesthetic purposes.
9. The rear of industrial lots 'E', 'L', 'N', and 'Q' will be visible from KY 237 and the I-275 westbound exit ramp. In addition to careful landscaping and landforming, increased rear yard setbacks should be considered. The applicant should also specify a design for the commercial area as well as a description of signage plans.
10. Emergency access connections with gates should be considered to lot 'Q' and between lots 'B' & 'C' in order to provide alternate paths to cul-de-sac areas. The applicant needs to specifically describe fire protection needs and whether this can be provided by the Hebron Fire District. The 12 inch water line under construction along KY 237 is in response to residential growth north along KY 237 and was intended primarily to serve that growth. Some industrial uses can potentially use great amounts of water and could impact growth patterns of the area north of I-275, especially with industrial fire flow needs.

#### CONCLUSION

This Zoning Map Amendment request has a potentially great impact on the Hebron-Francisville area because of future growth characteristics, developmentally sensitive areas, the transportation system, and public facilities for the area. The Boone County Planning Commission and Boone County Fiscal Court need to review this request in terms of the three criteria necessary for a Zoning Map Amendment and the impact of such a development on the future growth of the KY 237 corridor. Should the request be approved, the Future Land Use Map and the text of the Business Activity Element would need to be adjusted.

  
\_\_\_\_\_  
David A. Geohegan  
Planner/Plans Examiner

DAG:jdh

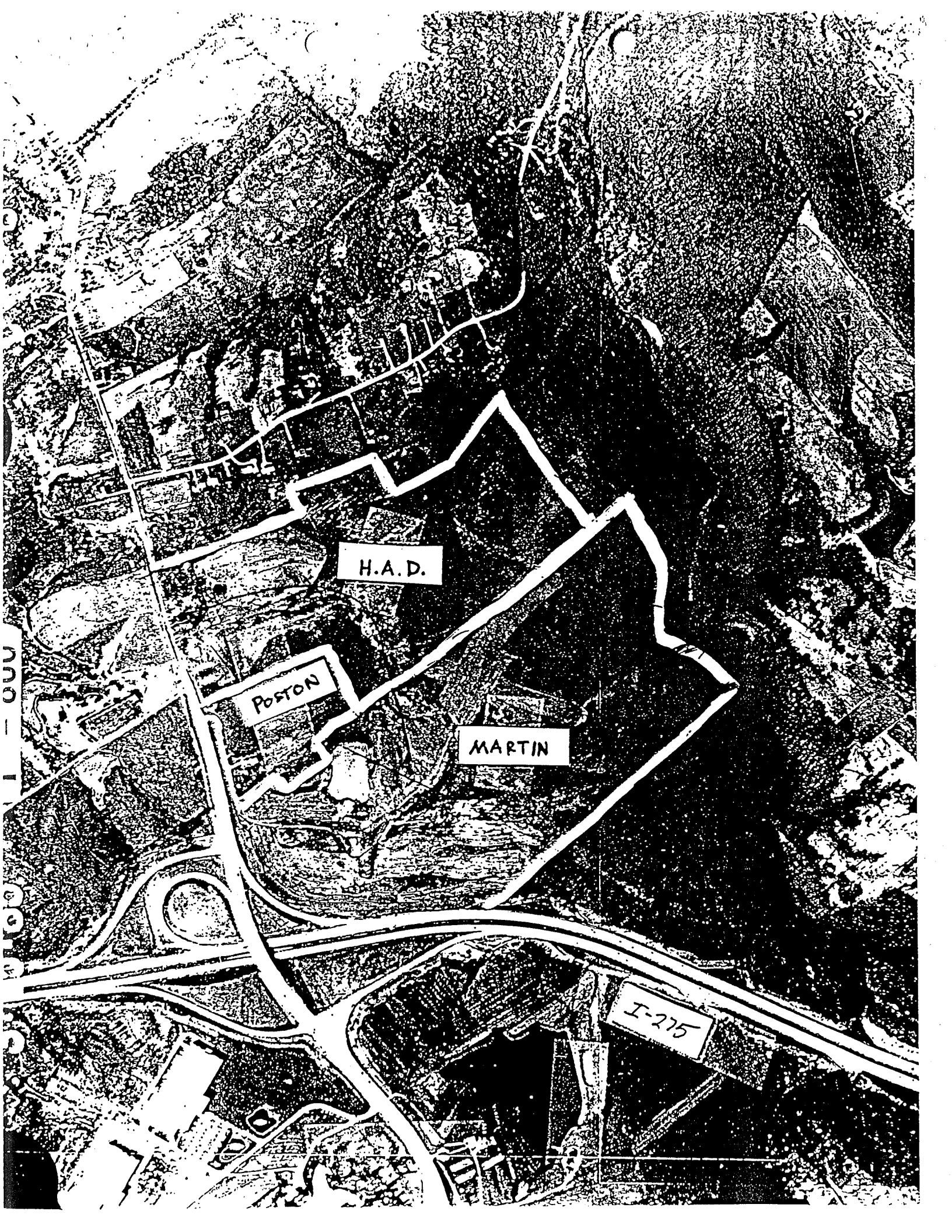


**SouthPark**

P-278 & S.R. 237  
 BOONE COUNTY, KY.  
 201.87 TOTAL ACRES  
 SCHLEPER INDUSTRIES, L1  
 HAD ENTERPRISES

FIGURE 2  
 PROPOSED SITE DEVELOPMENT

CONCEPT  
 DEVELOPMENT PLAN

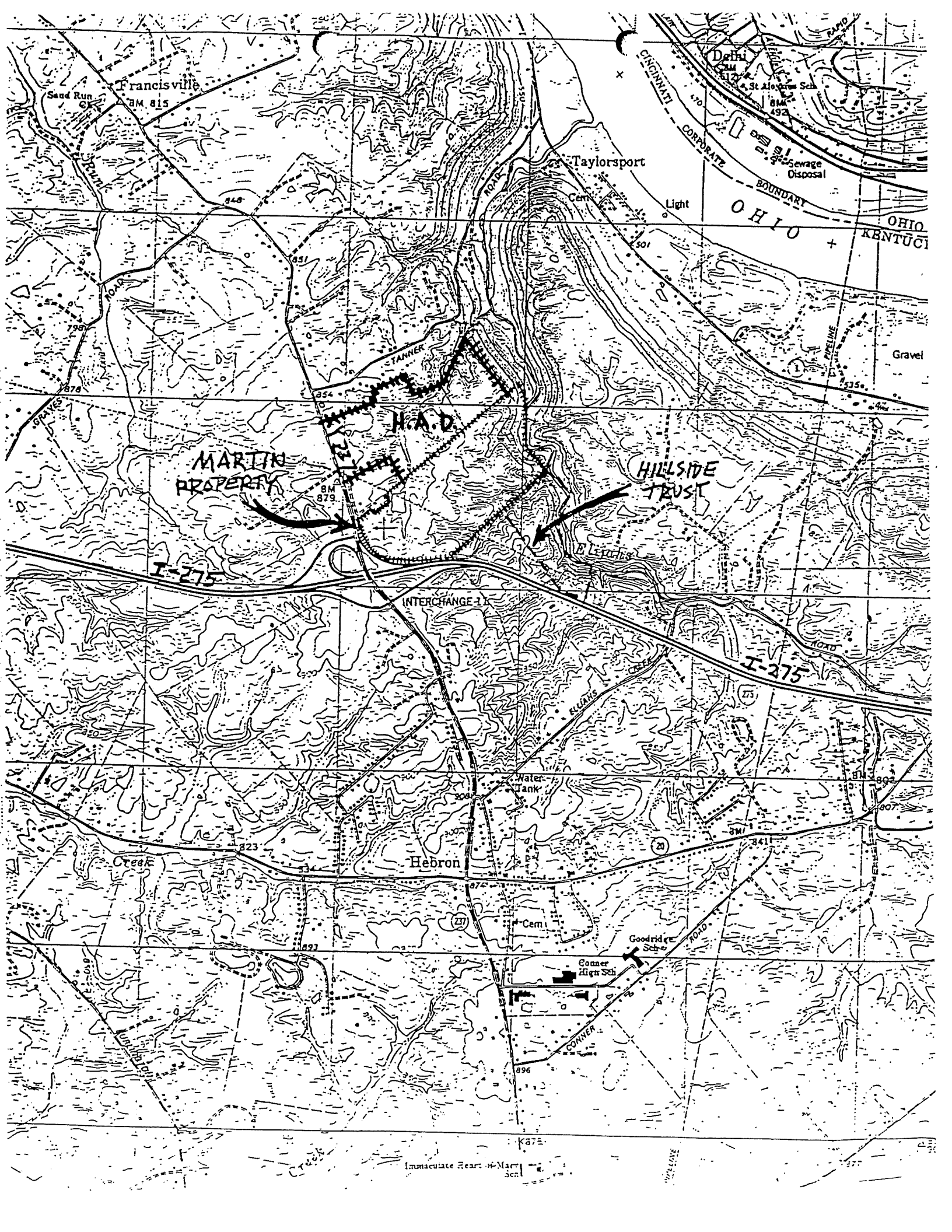


H.A.D.

POSTON

MARTIN

I-275



Francisville  
BM 815

Taylor'sport

OHIO  
KENTUCKY

MARTIN  
PROPERTY

H.A.D.

HILLSIDE  
TRUST

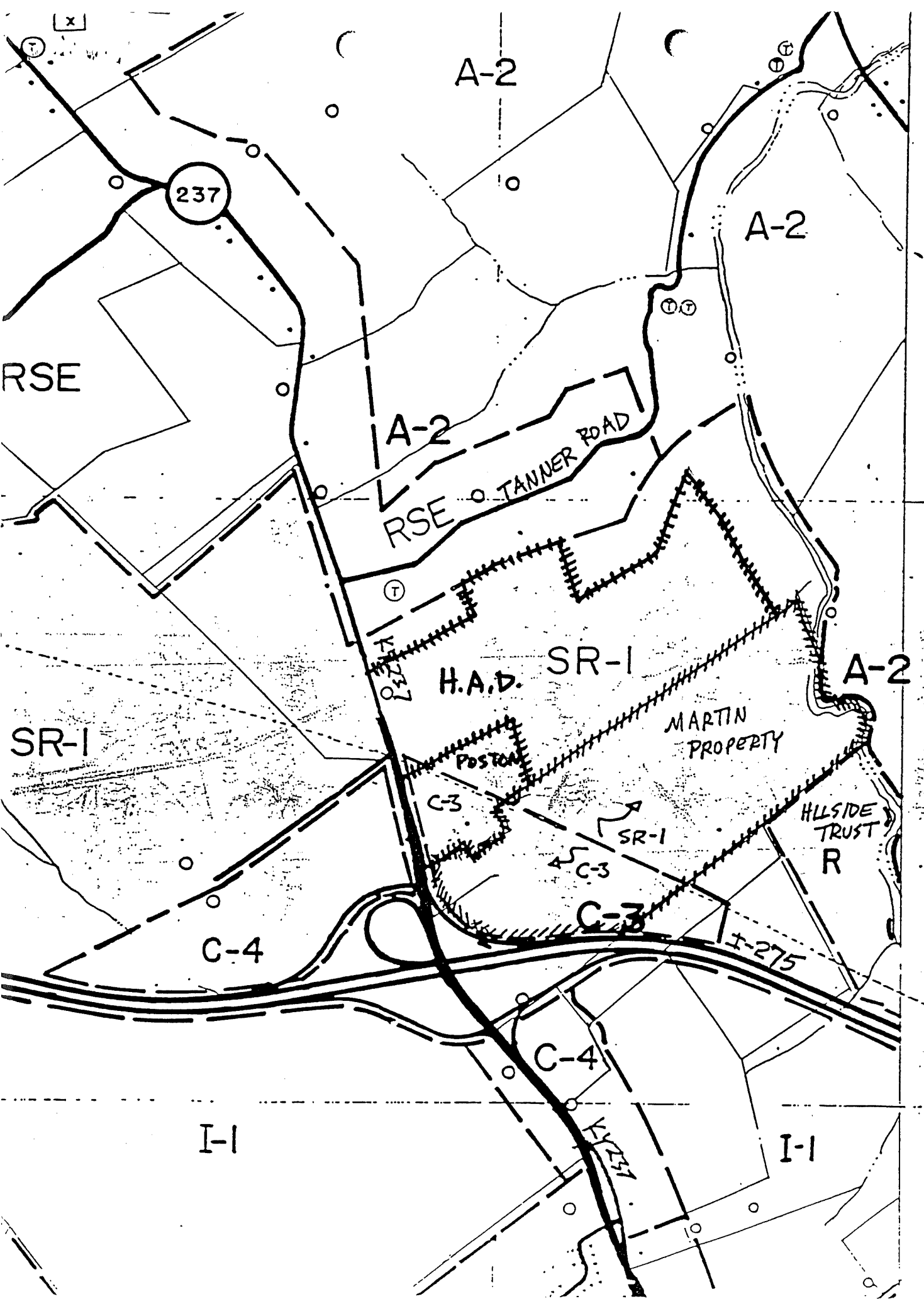
INTERCHANGE 21

Hebron

Conner  
High Sch

Innocent Heart of Mary  
Sch





July 29, 1988

Mr. William Viox  
Chairman  
Boone County Planning Commission  
P.O. Box 697  
Burlington, KY 41005

Re: SouthPark

Dear Chairman Viox,

We are placing a revised plan for SouthPark before the Boone County Planning Commission (Exhibit 1). SouthPark is the new name selected to replace Southbelt Business Park now that the development has been modified to include the Huff-Arnzen-Drees property located immediately to the north. This plan reflects close cooperation of the Boone County Planning Commission staff, Schleper Industries, Ltd. which represents 125.17 acres and HAD Enterprises representing 76.39 acres of the total 201.56 acre park. The plan proposes a planned mixed use development which includes Industrial I-1, Commercial C-2, and Residential UR-1.

During meetings with the Boone County Planning Commission, the Boone County Planning Commission staff, and adjacent land owners, key issues were identified. Schleper Industries and HAD Enterprises recognizes the importance of these concerns and have authored a plan which addresses the short and long range goals of the community which include:

- Sensitivity to the developable and undevelopable land at the north-east quadrant of KY 237 and I-275. The plan recognizes the limitations of the requested zoning, the developmentally sensitive land, existing properties on Kilgore Place, Tanners Lane and essentially master plans the entire quadrant.

- The proposed entrance to SouthPark is located at the crest of the hill on KY 237 as recommended by the Kentucky Department of Transportation and the Boone County Planning Commission staff. The main access road through the park is located to allow for its future extension to serve potentially developable land to the east. Access and special buffering is also provided to property owned by the Hillside Trust as they requested.

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the last item on the Agenda:

3. Applicant: Kimberly D. Patton for Robert Flick (owner)  
Request: Zoning Map Amendment

The request of Kimberly D. Patton (applicant) for Robert Flick (owner) for a Zoning Map Amendment for an approximate 7.5 acre site at the intersection of KY 237 and Tanner Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to Commercial Two (C-2) to allow a grocery store and other retail.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). Mr. Coleman presented a slide of the Concept Development Plan provided by the applicant.

Mr. Kimberly Patton with GBBN stated that Attorney Jim Woltermann and Bob Flick, President of Flick's Foods, were also present.

Mr. Patton presented and reviewed exhibits. He stated that the property is two parcels, one on the corner of Tanner Road and KY 237, and the other facing KY 237 adjacent to SouthPark. The owner is considering two scenarios: A 5-year plan and a 10-year plan. The owner's family has operated a store in Hebron since 1956. The first scheme would place a store about as large as the Flick's in Hebron, which he indicated on an exhibit, and then there would be adjacent B shops (dry cleaners and other stores), which is Scheme B on the application. The long-term build-out would be a large plan with a grocery store the size of the Burlington Flick's and a drugstore next to it.

Mr. Patton stated that the projection for the land north of I-275 is to put more homes in the Hebron area. As of December, 1994, there are over 1000 homes in the area and there are 2000 homes that have been approved by Planning & Zoning -- which would greatly increase the need for a grocery store on that side of KY 237.

Mr. Patton stated that they have met with the Highway Department and are proposing a decel lane going north on KY 237. They project that most of their traffic would be on the way home and there would be a right-turn-in/right-turn-out. If they did the smaller store, there is a place in the back where there would be loading and dumpsters. For the future store, the loading and dumpsters would be in the back at the end of the property away from the existing residences. They propose access all the way around the building for fire and vehicular traffic. He stated that they met with the Staff in a pre-application review and because of the difficulty with

the parking lot, rather than doing a lot of islands they would do what Meijer's did on Houston Road and have larger plantings with a heavier concentration. He indicated on the display where the vistas and access would be. He stated that there would be more mass to the plantings. He stated that the highest impact on the neighborhood is at the back and they propose a 50-foot setback for commercial against residential, per the regulations, and there would be a 25-foot buffer with a combination of mound and evergreen plantings. They have not gone to the level of developing architectural plans and materials.

At Chairman Viox' request, Mr. Patton reviewed the display board facing the audience and made his presentation to them. He stated that they have met with some of the residents and the Staff and have listened to some of their concerns.

Chairman Viox asked if there was anyone else present who wished to speak.

Attorney Tom Nienaber was present in behalf of Mr. Tony Rider, a resident of Tanners Lane in the second house from the loading dock area at the back of the building. Mr. Nienaber stated that he and Mr. Rider met with Mr. Woltermann this evening.

Mr. Nienaber stated that they realize that the Comprehensive Plan in part says that a piece of this real estate should be commercial -- but you have to look at the entire Comprehensive Plan and what they want to do here. He stated that the application says 7.5 acres, but they are putting 58,000 square feet on less than 6 acres -- which is almost 10,000 square feet per acre. He stated that the line on the side goes back 500 feet and the other one is 450 feet.

Mr. Nienaber submitted Boone County Fiscal Court Ordinance 920.164 with numerous attachments (see Exhibit 1). He stated that next door in 1988 there was a major plan before the Planning Commission for SouthPark Industrial development. When they developed SouthPark, they recognized this as a transitional zone and the record is full of reference to this (see Exhibit 1). He stated that it was a transitional zone to the extent that they allowed 8 acres of the commercial next to this site for 44,000 square feet. Reviewing the record, he stated that it should not be heavy, intense commercial development and there should be no gas stations or service stations in this area because of the traffic. He stated that Mr. Rider participated in the process in 1988 and at that time, except for the 150-foot wide slice of property, it was all UR-1 (apartments). The record has many references that the area is a buffer to the residences that have been there since the 1960's and 70's.

Mr. Nienaber stated that they want to put in 58,000 square feet. The store currently on KY 18 is 46,000 square feet -- and this would be another 25%. The Kroger store is about 80,000 square feet -- and this would be 25% smaller than a Kroger superstore. He referred to the Business Activity section on Page 7 and quoted that "Commercial development in business districts shall be appropriately sized and keep well-maintained buffer spaces between the businesses and other adjoining land uses" -- but they do not see any of that here. He stated that it is not a 50-foot buffer. There is a 25-foot buffer and the Zoning Ordinance

requires 50 feet. He stated that the map says 50 feet from the property line to the back of the building, but the most intense and noisiest use of the property is not at the meat counter or the produce section -- it is outside at the loading dock. He stopped by the store on KY 18 at 7:45 A.M. and there were bread trucks, cake trucks, and refer (refrigeration) trucks there and it was hectic. He stated that a store this large will have a lot of these trucks from morning to night. He stated that it is 25 feet from the edge of the loading dock area to Gordon Beale's bedroom window. He stated that they recognize that there will be some commercial in this area, but there has to be a constant zoning line of 300 feet like it is next door. He stated that when the property next door was rezoned in 1988 there was a concern and that is why they said 300 feet and that is why the Ordinance that passed that allows the industrial development says you can go back 300 feet and no more.

Mr. Nienaber stated that the Comprehensive Plan says we have to assure compatibility with surrounding land uses -- but there is no compatibility here. Mr. Beale's house is almost surrounded by commercial. He stated that the map does not show that the water detention and retention is going to be off-site below the parking area. Mr. Patton agreed.

Mr. Nienaber referred to Page 83 of the Comprehensive Plan and noted that "Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood development to north of the I-275 interchange to serve the SouthPark Industrial Park, the Heimann property, and the number of residential subdivisions along North Bend Road". He stated that the Comprehensive Plan says we need stores like this in the Hebron area and they do not dispute that -- but the Comprehensive Plan says it has to be at KY 237 and KY 20. He stated that they agree to commercial along here up to 300 feet. He stated that the development has to be compatible with the adjoining property and it has to be done so that there is not intense, heavy duty commercial.

Mr. Nienaber stated that the Comprehensive Plan says commercial growth should coordinate with existing industrial and residential developments. On Page 84, the Plan says "The existing and future residential uses must be adequately buffered from the new development in this interchange area". He stated that there is no buffering there and noted 25 feet from the loading dock to Mr. Beale's residence. He stated that with the noise these things generate, there is not enough buffering. There has to be buffering from light, sound, noise, odors, etc. and the dumpsters will be in the back. They have tried to work with Mr. Flick for arrangements where the use could be moved up and scaled down.

Mr. Nienaber stated that commercial on a piece of this 7.5 acres is appropriate and consistent with the Comprehensive Plan. Commercial on the entire 7.5 acres is not consistent with the Comprehensive Plan, particularly in light of the fact that it is such a heavy duty/intense use on this piece of property. There is no way the Comprehensive Plan contemplated 10,000 square feet an acre on this site. He stated that Kilgore Place has 10 acres of commercial available and that is where this use should go. It is two-tenths of a mile away and an ideal location for this development. Small scale retail, office, and a UDF for the residents

would be great here, but this is not the appropriate site for this development. Mr. Nienaber emphasized that he is only representing Mr. Tony Rider and not the other residents.

Chairman Viox asked if there was anyone else present who wished to speak.

Karen Muggeridge, a resident of Parlor Grove, stated that she is concerned about the size of the facility. She stated that they moved here two years ago. She stated that this is an opportunity to set a precedent for what will follow. With this development it will be very easy for the whole strip along KY 237 to turn into a Dixie Highway, which is something the residents would not like to see. She questioned if design review will be recommended or mandated and asked if it would be possible to have a resident of Hebron involved. She stated that it was said that the traffic would be northbound and questioned someone using the facility who would be coming from the other direction. She referred to Staff Concern #4 and stated that not having a left turn lane when you are going south is a concern for safety. She stated that there is a lot of proposed residential construction going on and an enormous amount of construction traffic. People going southbound and turning into this facility could cause a problem. Just beyond this area is a curve with obstructed view and she has witnessed two accidents there. She questioned addressing the infrastructure before something of this magnitude goes in. She stated that SouthPark is set back way off the road and does not really have an impact on the area. The people in the industrial park will not do their grocery shopping and it is the residents. She does not think the proposed development is in keeping with the area. She would like to see a community representative involved and design review mandated.

Ms. Susan Cabot, Historic Preservation Planner, stated that the area is primarily residential. She does not want to see it turn into what is on Dixie Highway. She agreed with Mr. Nienaber that commercial can be here and possibly needs to be here -- but the commercial needs to encourage creative design and not be a rubber stamp design of what has been done before. There are ways to design that are not as intrusive as the design presented or the parking presented.

Mr. Beale stated that his house is the first one and he will be impacted the hardest. He is concerned about the trucks running around the back. The cuts out on Tanner Road put the trucks right on him. It is not too much of a distance from where the barrier berm would be to his garage. He stated that instead of being on top of the ridge on the flat spot, he will be surrounded by a 6-foot wall of dirt and bushes on two sides -- which will not enhance the environment in his house and, if this goes in as it is planned, he would have to seriously think about moving from where he has lived for almost 19 years.

Laverne Heuser, a resident of Tanner Road, stated that they have lived there for 18 years and thought it was heaven. It is a beautiful place. She stated that Mr. Flick is a fine man, but having commercial where people live is a little much. They love it the way it is -- it is quiet and peaceful and away from the hectic things. They love the way they live and want it to stay that way.

Selma Siekman, 1916 Tanner Road, is concerned about the traffic coming in off Tanner Road and KY 237. The volume of traffic on KY 237 has increased tremendously in the last two years. She can see the need for a light there if this development goes in because a lot of traffic will be generated.

Chairman Viox asked Mr. Hayes to explain how design review works. Mr. Hayes explained that it could be the Design Review Committee established for the Houston-Donaldson Study or the Zone Change Committee that would review the design. The applicant would prepare drawings and bring in all the details the Committee feels are necessary to show how the building would look -- how it would be designed, the materials, landscaping, lights, etc.. There would likely be changes by the Design Review Committee. Changes would be made until there was a design acceptable to both parties. Chairman Viox advised that often an outside architect is used as a consultant to the Design Review team.

Counselor Wilson explained that it would have to be an agreed condition to be enforced. The Planning Commission does not have the power to unilaterally impose a condition like that on a zone change. If they do not agree to such a condition and the Planning Commission feels that without it the project is unsuitable for a zone change, that may be the basis for recommending something other than approval.

Ms. Muggeridge stated that if this is a hearing to change the zoning and they are before the point where they have actual plans for the building, they would not be at that point before the zone change goes through. Counselor Wilson advised that if it is approved as a condition of the zone change, they would come back at a later date for design review. Ms. Muggeridge asked if this is the time to proposed that it be included as a condition. Counselor Wilson explained that it has been said and after the Public Hearing the request will go to a Committee. The Committee meeting is an open meeting, but not another Public Hearing. The Committee will discuss what conditions to recommend. Their report to the Planning Commission will indicate what conditions they have discussed with the applicant and what conditions the applicant has agreed to.

Chairman Viox asked if the applicant wished to address the questions raised concerning noise, traffic, intensity, etc..

Mr. Woltermann stated that there will be commercial at this location. The Comprehensive Plan indicates that commercial is going to be here. The issue is whether this development or this site is exactly what they want. He stated that they are dealing with a proven quantity -- Bob Flick, who lives in the area and has a history in the area -- which is a known quantity rather than someone who may be an absentee landlord and will not care for the property like Mr. Flick will. The other stores are an asset to the community.

Mr. Woltermann stated that Mr. Nienaber would like to locate the commercial at 300 feet, but the Comprehensive Plan does not deal in that precise a measurement. This property goes back 400 feet and is owned by one owner. The property needs to be developed as one unit for the entire 400 feet. There is no way this development could be located on a piece of

property that is only up to 300 feet. He stated that the Staff has indicated that they may like the building rotated so that the rear would face towards SouthPark -- but that is a problem of visibility. They do not want people to drive past before they know where it is. They like the view on KY 237 so that people know where it is. He stated that they need a certain depth in a grocery store and it is 140 feet -- which is not nearly as deep as the Burlington Flick's store. He stated that there have been a lot of issues with respect to the buffer and part of that is the misconception of how modern grocery stores work. The idea of open dumpsters leaking all over the ground does not exist any more. The dumpsters are self-contained units that do not allow spillage. The way products are brought into grocery stores has changed. It is not a Coca Cola truck coming in and slamming down case after case. Products are brought in on pallets and moved entirely differently than they were years ago. They would like to work with the neighbors and show them how this would work at the rear of the store. The problem does not exist and the buffering is sufficient.

Mr. Patton stated that they are looking at concentrating most of the development on the front 5.4 acres, which is a density of 7,800 square feet and not 10,000 square feet. By bringing it up front, there would be less impact on the houses. The side yard setback is required to be 50 feet with a 25-foot landscape buffer. At its full build-out, this store would be larger than the current Burlington store. When it is built-out, it will be much larger than what they are proposing at this point.

Mr. Kirby questioned if the property across the road is Industrial or C-2. Mr. Heimann stated that his family owns the property across the street. The SouthPark entrance would be the entrance to the industrial side on the other side and from there south to the expressway is the commercial side. At SouthPark on their side going north is industrial. Mr. Kirby stated that straight ahead on Tanner Road is Industrial. Mr. Heimann stated that they had plans to widen the road down to Tanner, but one of the property owners on that side objected. They are still anxious to do it because anyone coming south on KY 237 turning into Tanner Road or going into the grocery store would have a problem. They will work with Mr. Flick in this regard. He stated that with all the new development, it would be a shame not to have some kind of bypass there.

Mr. Kirby stated that everyone that travels KY 18 passes the store there both ways. They need to get groceries on the way home, but many people come out to the grocery after work. He stated that if this store goes in and is successful, there will be enough southbound traffic that a turn lane would be needed. He encouraged the Committee to consider a turn lane now.

Mr. Ries referred to the drawing and questioned a dogleg in the green area going almost behind the last house. Mr. Patton stated that it is a second lot and they can stop the rezoning before the dogleg. He indicated the area that they do not want to put the development on and to use as a buffer. He stated that the C-2 zoning goes to 500 feet. He indicated the area that will remain SR-1.

Mr. Ries stated that he is sympathetic to the residents in the rear and hopes the Committee can look at the way the building sets to give them some relief. He believes that Mr. Beale is going to hear pallets and motors. He is concerned about the close proximity to the residences.

Mrs. Schaffer stated that the application says 7.5 acres, but someone alluded to 5.5 acres. She questioned the 7.5 acres and the retention area.

Mr. Patton asked if they need the zone change for the retention area. Mr. Hayes replied "no". Mr. Patton stated that the land under consideration is 7.4+ acres. The two lots together are a total of 7.4 acres. Mrs. Schaffer stated that the rear is not part of the 7.4 acres and they are not asking for it to be changed. Mr. Patton stated that the property has to be surveyed and is approximately 5.4 acres. The rear land is land locked and they need it for detention, but it will not be an active commercial strip -- it will be a buffer area. Mrs. Schaffer questioned how this fits in with the intensity. Mr. Patton stated that it meets the C-2 requirement. In response to a question from Mr. Ries, Mr. Coleman advised that the back portion is SR-1 and is not a part of the zone change.

Mr. Neltner stated that they are going to start with the grocery store and if the need develops and they want to sell off commercial sites, they would develop the other section. Mr. Patton stated that if they build it as a grocery store now and B shops, depending on demand, they can begin to operate and can build a larger store while it remains in operation. They can then move into the new store and remodel the original store for a drugstore. He stated that Scheme A is the larger footprint.

Mr. Neltner stated that if they started off with the grocery store down at the other end, they could have their loading docks and trucks and most of their deliveries a couple of hundred feet away. The B shops would not be as deep and would add distance for the residents. Mr. Patton stated that in the long term scenario, the trucks would be at the back of the lot. He stated that it is a question of short term vs. long term. Mr. Neltner questioned if when they start to build the B shops they could take some of the additional building and add it to the grocery store. Mr. Patton stated that the problem is trying to get as much depth as possible for the grocery store. If it becomes a drug store, it will not have the large trucks and will have less impact. Mr. Neltner stated that he sees his comments as a way of making the project more acceptable to the neighborhood.

Mr. Millay questioned the size of the site they are asking to be rezoned. Mr. Patton stated that it is 5.5 acres. Mrs. Schaffer noted that the application says 7.5 acres and that was her previous question. She stated that it has to be determined exactly what is being rezoned.

Mr. Nienaber stated that the application says 7.497 acres and they are going back almost 1100 feet from the road for the zone change. Mr. Patton stated that he believes there is a mistake in the application.

Counselor Wilson stated that with the site being 5.4 acres and 58,000 square feet, that makes it 10,000 square feet per acre -- which is what Mr. Nienaber said previously.

Mr. Patton stated that if they do not need the buffer in the zone, they can go to the 5.5 acres. It would be 10,000 square feet per acre if they revise their application.

Mrs. Schaffer stated that the acreage has to be clarified.

Mr. Nienaber stated that they filed an application for 7.5 acres for 58,000 square feet. If it goes down to 5.4 acres, it is over 10,000 square feet per acre.

Mrs. Muggerridge asked if it is possible to deny this application and have the property stay Suburban Residential until some of the infrastructure is there, or permanently. She questioned the future plans for the area.

Counselor Wilson explained that the county has a Future Land Use Plan called a "Comprehensive Plan", which is updated every five years, and calls for this area to be commercial. That does not mandate automatically changing the current zoning to what is in the Plan. It is a 25-year planning document. Because the property is shown commercial in the Plan does not entitle the owner to a zone change -- it may be too intense or premature.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 9, 1995 at 4 P.M..

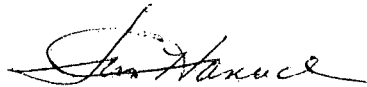
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

**EXHIBIT "B"**

## COMMITTEE REPORT

Request of Kimberly D. Patton (applicant) for Robert Flick (owner) for a Zoning Map Amendment for an approximate 7.5-acre site located at the intersection of KY 237 and Tanner Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to Commercial Two (C-2) to allow a grocery store and other retail.

October 18, 1995

### Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

The request for a zone change is in agreement with the 1995 Comprehensive Plan's Future Land Use Plan, which designates this area to develop commercially.

The request is more specifically in agreement with the Business Activities Element of the 1995 Boone County Comprehensive Plan on page 83 which states:

"With the amount of residential construction expected in the North River Area (North of I-275), large scale commercial development, such as drug stores and grocery stores will be needed. This commercial growth should coordinate with the existing and proposed industrial and residential developments, especially in terms of access."

The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals and Objectives stated in the 1995 Comprehensive Plan:

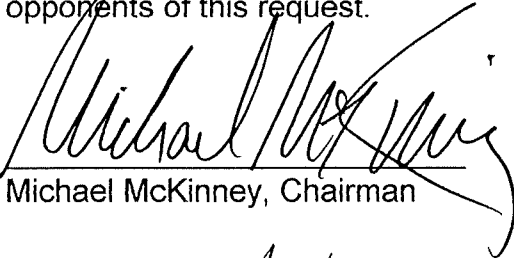
### CONDITIONS

1. The applicant has agreed to an architectural design review evaluation as part of the site plan review process that will be conducted by the staff with final approval from the Planning Commission's Plan Review Committee. The design review will be based on the following criteria:

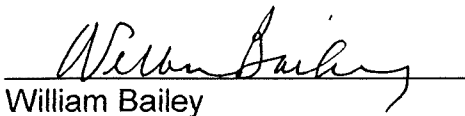
- A. The design of the building will be of residential character, including but not limited to height, scale, masonry or masonry-like facade materials, varying or pitched roof lines, multiple buildings or jogged facades, earth tone color schemes, screening etc.
  - B. The rear building elevation shall have a maximum height of 20 feet from finish grade to the top roof line. The front and side elevations shall have a maximum height of 22 feet from finish grade to the bottom of the roof line with an overall height of no more than ~~30~~<sup>28</sup> feet.  
*AEC*
  - C. The front and sides of the building must use the same materials, styles, and color in the design. The rear side of the building shall incorporate the same or like materials, and colors consistent with the front and sides of the building. Examples of materials that should be used are brick, patterned masonry block, stucco and glass. Colors should be of Earth tones such as warm greys, reds, and browns.
  - D. Roof lines and building walls should be broken into layers using different colors, textures, and horizontal jogs in the building footprint in order to create a multiple building appearance that is more consistent with residential scale. Landscaping material is also to be incorporated along the immediate exterior of the building as shown on the concept plan to help create this effect.
  - E. All roofing equipment including heating and cooling systems shall be completely screened and or located so as not to be a visual part of any roof line when viewed from below.
2. The applicant has agreed to move the grocery store building area to the southern portion of the site, farthest away from the adjoining residence. The other portion of the building will be set back a minimum 75 feet off the property line. Within the 75 foot setback area, the landscaping buffer will be a minimum of 50 feet. Included in this buffer area will be an 8 foot high earth berm with an 8 foot high solid fence, and a solid row of landscaping installed at a minimum height of 8 feet. The fence and landscaping will be installed along the entire length of the two adjoining properties (see revised concept plan dated 10/9/95).
  3. The applicant agrees to provide a detailed landscaping plan and detail of the fence.
  4. The total proposed floor area shall not exceed 48,175 square feet.


5. The applicant will provide a right turn deceleration lane along Hwy 237 onto the site as shown on the concept plan.
6. The applicant will provide a turn lane on Hwy 237 for traffic turning left into the site at the main entrance. The applicant will work with the State and the Heimann Property in order to accommodate the turn lane.
7. The applicant agrees <sup>to construct a monument style low profile sign that AEC</sup> ~~that any construction of a free standing sign on the site~~ will be consistent in style, material, and color with that of the building.
8. The applicant will use lighting fixtures that will be shielded and at a height of at least one (1) foot less than the shortest building roof height.
9. The applicant will make any necessary improvements to the portion of Tanner's Road that adjoins the property.
10. <sup>THE APPLICANT HAS AGREED TO HAVE NO DELIVERIES MADE BETWEEN THE HOURS OF 10 PM + 6 AM — AEC</sup> The applicant has signed a letter of agreement with the above conditions.

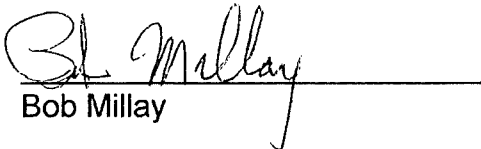
A copy of the Public Hearing minutes accompanies the findings and recommendations serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

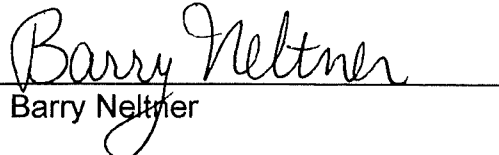
  
Michael McKinney, Chairman

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

  
William Bailey

  
Phil Damstrom

  
Bob Millay

  
Barry Neltner

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the last item on the Agenda:

3. Applicant: Kimberly D. Patton for Robert Flick (owner)  
Request: Zoning Map Amendment

The request of Kimberly D. Patton (applicant) for Robert Flick (owner) for a Zoning Map Amendment for an approximate 7.5 acre site at the intersection of KY 237 and Tanner Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to Commercial Two (C-2) to allow a grocery store and other retail.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). Mr. Coleman presented a slide of the Concept Development Plan provided by the applicant.

Mr. Kimberly Patton with GBBN stated that Attorney Jim Woltermann and Bob Flick, President of Flick's Foods, were also present.

Mr. Patton presented and reviewed exhibits. He stated that the property is two parcels, one on the corner of Tanner Road and KY 237, and the other facing KY 237 adjacent to SouthPark. The owner is considering two scenarios: A 5-year plan and a 10-year plan. The owner's family has operated a store in Hebron since 1956. The first scheme would place a store about as large as the Flick's in Hebron, which he indicated on an exhibit, and then there would be adjacent B shops (dry cleaners and other stores), which is Scheme B on the application. The long-term build-out would be a large plan with a grocery store the size of the Burlington Flick's and a drugstore next to it.

Mr. Patton stated that the projection for the land north of I-275 is to put more homes in the Hebron area. As of December, 1994, there are over 1000 homes in the area and there are 2000 homes that have been approved by Planning & Zoning -- which would greatly increase the need for a grocery store on that side of KY 237.

Mr. Patton stated that they have met with the Highway Department and are proposing a decel lane going north on KY 237. They project that most of their traffic would be on the way home and there would be a right-turn-in/right-turn-out. If they did the smaller store, there is a place in the back where there would be loading and dumpsters. For the future store, the loading and dumpsters would be in the back at the end of the property away from the existing residences. They propose access all the way around the building for fire and vehicular traffic. He stated that they met with the Staff in a pre-application review and because of the difficulty with

the parking lot, rather than doing a lot of islands they would do what Meijer's did on Houston Road and have larger plantings with a heavier concentration. He indicated on the display where the vistas and access would be. He stated that there would be more mass to the plantings. He stated that the highest impact on the neighborhood is at the back and they propose a 50-foot setback for commercial against residential, per the regulations, and there would be a 25-foot buffer with a combination of mound and evergreen plantings. They have not gone to the level of developing architectural plans and materials.

At Chairman Viox' request, Mr. Patton reviewed the display board facing the audience and made his presentation to them. He stated that they have met with some of the residents and the Staff and have listened to some of their concerns.

Chairman Viox asked if there was anyone else present who wished to speak.

Attorney Tom Nienaber was present in behalf of Mr. Tony Rider, a resident of Tanners Lane in the second house from the loading dock area at the back of the building. Mr. Nienaber stated that he and Mr. Rider met with Mr. Woltermann this evening.

Mr. Nienaber stated that they realize that the Comprehensive Plan in part says that a piece of this real estate should be commercial -- but you have to look at the entire Comprehensive Plan and what they want to do here. He stated that the application says 7.5 acres, but they are putting 58,000 square feet on less than 6 acres -- which is almost 10,000 square feet per acre. He stated that the line on the side goes back 500 feet and the other one is 450 feet.

Mr. Nienaber submitted Boone County Fiscal Court Ordinance 920.164 with numerous attachments (see Exhibit 1). He stated that next door in 1988 there was a major plan before the Planning Commission for SouthPark Industrial development. When they developed SouthPark, they recognized this as a transitional zone and the record is full of reference to this (see Exhibit 1). He stated that it was a transitional zone to the extent that they allowed 8 acres of the commercial next to this site for 44,000 square feet. Reviewing the record, he stated that it should not be heavy, intense commercial development and there should be no gas stations or service stations in this area because of the traffic. He stated that Mr. Rider participated in the process in 1988 and at that time, except for the 150-foot wide slice of property, it was all UR-1 (apartments). The record has many references that the area is a buffer to the residences that have been there since the 1960's and 70's.

Mr. Nienaber stated that they want to put in 58,000 square feet. The store currently on KY 18 is 46,000 square feet -- and this would be another 25%. The Kroger store is about 80,000 square feet -- and this would be 25% smaller than a Kroger superstore. He referred to the Business Activity section on Page 7 and quoted that "Commercial development in business districts shall be appropriately sized and keep well-maintained buffer spaces between the businesses and other adjoining land uses" -- but they do not see any of that here. He stated that it is not a 50-foot buffer. There is a 25-foot buffer and the Zoning Ordinance

requires 50 feet. He stated that the map says 50 feet from the property line to the back of the building, but the most intense and noisiest use of the property is not at the meat counter or the produce section -- it is outside at the loading dock. He stopped by the store on KY 18 at 7:45 A.M. and there were bread trucks, cake trucks, and refer (refrigeration) trucks there and it was hectic. He stated that a store this large will have a lot of these trucks from morning to night. He stated that it is 25 feet from the edge of the loading dock area to Gordon Beale's bedroom window. He stated that they recognize that there will be some commercial in this area, but there has to be a constant zoning line of 300 feet like it is next door. He stated that when the property next door was rezoned in 1988 there was a concern and that is why they said 300 feet and that is why the Ordinance that passed that allows the industrial development says you can go back 300 feet and no more.

Mr. Nienaber stated that the Comprehensive Plan says we have to assure compatibility with surrounding land uses -- but there is no compatibility here. Mr. Beale's house is almost surrounded by commercial. He stated that the map does not show that the water detention and retention is going to be off-site below the parking area. Mr. Patton agreed.

Mr. Nienaber referred to Page 83 of the Comprehensive Plan and noted that "Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood development to north of the I-275 interchange to serve the SouthPark Industrial Park, the Heimann property, and the number of residential subdivisions along North Bend Road". He stated that the Comprehensive Plan says we need stores like this in the Hebron area and they do not dispute that -- but the Comprehensive Plan says it has to be at KY 237 and KY 20. He stated that they agree to commercial along here up to 300 feet. He stated that the development has to be compatible with the adjoining property and it has to be done so that there is not intense, heavy duty commercial.

Mr. Nienaber stated that the Comprehensive Plan says commercial growth should coordinate with existing industrial and residential developments. On Page 84, the Plan says "The existing and future residential uses must be adequately buffered from the new development in this interchange area". He stated that there is no buffering there and noted 25 feet from the loading dock to Mr. Beale's residence. He stated that with the noise these things generate, there is not enough buffering. There has to be buffering from light, sound, noise, odors, etc. and the dumpsters will be in the back. They have tried to work with Mr. Flick for arrangements where the use could be moved up and scaled down.

Mr. Nienaber stated that commercial on a piece of this 7.5 acres is appropriate and consistent with the Comprehensive Plan. Commercial on the entire 7.5 acres is not consistent with the Comprehensive Plan, particularly in light of the fact that it is such a heavy duty/intense use on this piece of property. There is no way the Comprehensive Plan contemplated 10,000 square feet an acre on this site. He stated that Kilgore Place has 10 acres of commercial available and that is where this use should go. It is two-tenths of a mile away and an ideal location for this development. Small scale retail, office, and a UDF for the residents

would be great here, but this is not the appropriate site for this development. Mr. Nienaber emphasized that he is only representing Mr. Tony Rider and not the other residents.

Chairman Viox asked if there was anyone else present who wished to speak.

Karen Muggeridge, a resident of Parlor Grove, stated that she is concerned about the size of the facility. She stated that they moved here two years ago. She stated that this is an opportunity to set a precedent for what will follow. With this development it will be very easy for the whole strip along KY 237 to turn into a Dixie Highway, which is something the residents would not like to see. She questioned if design review will be recommended or mandated and asked if it would be possible to have a resident of Hebron involved. She stated that it was said that the traffic would be northbound and questioned someone using the facility who would be coming from the other direction. She referred to Staff Concern #4 and stated that not having a left turn lane when you are going south is a concern for safety. She stated that there is a lot of proposed residential construction going on and an enormous amount of construction traffic. People going southbound and turning into this facility could cause a problem. Just beyond this area is a curve with obstructed view and she has witnessed two accidents there. She questioned addressing the infrastructure before something of this magnitude goes in. She stated that SouthPark is set back way off the road and does not really have an impact on the area. The people in the industrial park will not do their grocery shopping and it is the residents. She does not think the proposed development is in keeping with the area. She would like to see a community representative involved and design review mandated.

Ms. Susan Cabot, Historic Preservation Planner, stated that the area is primarily residential. She does not want to see it turn into what is on Dixie Highway. She agreed with Mr. Nienaber that commercial can be here and possibly needs to be here -- but the commercial needs to encourage creative design and not be a rubber stamp design of what has been done before. There are ways to design that are not as intrusive as the design presented or the parking presented.

Mr. Beale stated that his house is the first one and he will be impacted the hardest. He is concerned about the trucks running around the back. The cuts out on Tanner Road put the trucks right on him. It is not too much of a distance from where the barrier berm would be to his garage. He stated that instead of being on top of the ridge on the flat spot, he will be surrounded by a 6-foot wall of dirt and bushes on two sides -- which will not enhance the environment in his house and, if this goes in as it is planned, he would have to seriously think about moving from where he has lived for almost 19 years.

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Mr. Woltermann stated that Mr. Nienaber would like to locate the commercial at 300 feet, but the Comprehensive Plan does not deal in that precise a measurement. This property goes back 400 feet and is owned by one owner. The property needs to be developed as one unit for the entire 400 feet. There is no way this development could be located on a piece of

property that is only up to 300 feet. He stated that the Staff has indicated that they may like the building rotated so that the rear would face towards SouthPark -- but that is a problem of visibility. They do not want people to drive past before they know where it is. They like the view on KY 237 so that people know where it is. He stated that they need a certain depth in a grocery store and it is 140 feet -- which is not nearly as deep as the Burlington Flick's store. He stated that there have been a lot of issues with respect to the buffer and part of that is the misconception of how modern grocery stores work. The idea of open dumpsters leaking all over the ground does not exist any more. The dumpsters are self-contained units that do not allow spillage. The way products are brought into grocery stores has changed. It is not a Coca Cola truck coming in and slamming down case after case. Products are brought in on pallets and moved entirely differently than they were years ago. They would like to work with the neighbors and show them how this would work at the rear of the store. The problem does not exist and the buffering is sufficient.

Mr. Patton stated that they are looking at concentrating most of the development on the front 5.4 acres, which is a density of 7,800 square feet and not 10,000 square feet. By bringing it up front, there would be less impact on the houses. The side yard setback is required to be 50 feet with a 25-foot landscape buffer. At its full build-out, this store would be larger than the current Burlington store. When it is built-out, it will be much larger than what they are proposing at this point.

Mr. Kirby questioned if the property across the road is Industrial or C-2. Mr. Heimann stated that his family owns the property across the street. The SouthPark entrance would be the entrance to the industrial side on the other side and from there south to the expressway is the commercial side. At SouthPark on their side going north is industrial. Mr. Kirby stated that straight ahead on Tanner Road is Industrial. Mr. Heimann stated that they had plans to widen the road down to Tanner, but one of the property owners on that side objected. They are still anxious to do it because anyone coming south on KY 237 turning into Tanner Road or going into the grocery store would have a problem. They will work with Mr. Flick in this regard. He stated that with all the new development, it would be a shame not to have some kind of bypass there.

Mr. Kirby stated that everyone that travels KY 18 passes the store there both ways. They need to get groceries on the way home, but many people come out to the grocery after work. He stated that if this store goes in and is successful, there will be enough southbound traffic that a turn lane would be needed. He encouraged the Committee to consider a turn lane now.

Mr. Ries referred to the drawing and questioned a dogleg in the green area going almost behind the last house. Mr. Patton stated that it is a second lot and they can stop the rezoning before the dogleg. He indicated the area that they do not want to put the development on and to use as a buffer. He stated that the C-2 zoning goes to 500 feet. He indicated the area that will remain SR-1.

Mr. Ries stated that he is sympathetic to the residents in the rear and hopes the Committee can look at the way the building sets to give them some relief. He believes that Mr. Beale is going to hear pallets and motors. He is concerned about the close proximity to the residences.

Mrs. Schaffer stated that the application says 7.5 acres, but someone alluded to 5.5 acres. She questioned the 7.5 acres and the retention area.

Mr. Patton asked if they need the zone change for the retention area. Mr. Hayes replied "no". Mr. Patton stated that the land under consideration is 7.4+ acres. The two lots together are a total of 7.4 acres. Mrs. Schaffer stated that the rear is not part of the 7.4 acres and they are not asking for it to be changed. Mr. Patton stated that the property has to be surveyed and is approximately 5.4 acres. The rear land is land locked and they need it for detention, but it will not be an active commercial strip -- it will be a buffer area. Mrs. Schaffer questioned how this fits in with the intensity. Mr. Patton stated that it meets the C-2 requirement. In response to a question from Mr. Ries, Mr. Coleman advised that the back portion is SR-1 and is not a part of the zone change.

Mr. Neltner stated that they are going to start with the grocery store and if the need develops and they want to sell of commercial sites, they would develop the other section. Mr. Patton stated that if they build it as a grocery store now and B shops, depending on demand, they can begin to operate and can build a larger store while it remains in operation. They can then move into the new store and remodel the original store for a drugstore. He stated that Scheme A is the larger footprint.

Mr. Neltner stated that if they started off with the grocery store down at the other end, they could have their loading docks and trucks and most of their deliveries a couple of hundred feet away. The B shops would not be as deep and would add distance for the residents. Mr. Patton stated that in the long term scenario, the trucks would be at the back of the lot. He stated that it is a question of short term vs. long term. Mr. Neltner questioned if when they start to build the B shops they could take some of the additional building and add it to the grocery store. Mr. Patton stated that the problem is trying to get as much depth as possible for the grocery store. If it becomes a drug store, it will not have the large trucks and will have less impact. Mr. Neltner stated that he sees his comments as a way of making the project more acceptable to the neighborhood.

Mr. Millay questioned the size of the site they are asking to be rezoned. Mr. Patton stated that it is 5.5 acres. Mrs. Schaffer noted that the application says 7.5 acres and that was her previous question. She stated that it has to be determined exactly what is being rezoned.

Mr. Nienaber stated that the application says 7.497 acres and they are going back almost 1100 feet from the road for the zone change. Mr. Patton stated that he believes there is a mistake in the application.

Counselor Wilson stated that with the site being 5.4 acres and 58,000 square feet, that makes it 10,000 square feet per acre -- which is what Mr. Nienaber said previously.

Mr. Patton stated that if they do not need the buffer in the zone, they can go to the 5.5 acres. It would be 10,000 square feet per acre if they revise their application.

Mrs. Schaffer stated that the acreage has to be clarified.

Mr. Nienaber stated that they filed an application for 7.5 acres for 58,000 square feet. If it goes down to 5.4 acres, it is over 10,000 square feet per acre.

Mrs. Mugeridge asked if it is possible to deny this application and have the property stay Suburban Residential until some of the infrastructure is there, or permanently. She questioned the future plans for the area.

Counselor Wilson explained that the county has a Future Land Use Plan called a "Comprehensive Plan", which is updated every five years, and calls for this area to be commercial. That does not mandate automatically changing the current zoning to what is in the Plan. It is a 25-year planning document. Because the property is shown commercial in the Plan does not entitle the owner to a zone change -- it may be too intense or premature.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 9, 1995 at 4 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:

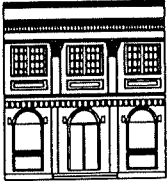


Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION

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

October 18, 1995

Mr. Kimberly Patton  
GBBN Architects  
6948 Oakwood  
Florence, KY 41042

RE: Recommended Conditions of Approval for a Zone Change from RSE and SR-1 to C-2 for the 5.6 acre site located on Hwy 237 and Tanners Road

Dear Mr. Patton:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M. Wednesday, October 18, 1995.

## Conditions of Approval

1. The applicant agrees to an architectural design review evaluation as part of the site plan review process that will be conducted by the staff with final approval from the Planning Commission's Plan Review Committee. The design review will be based on the following criteria:
  - A. The design of the building will be of residential character, including but not limited to height, scale, masonry or masonry-like facade materials, varying or pitched roof lines, multiple buildings or jogged facades, earth tone color schemes, screening, etc.
  - B. The rear building elevation shall have a maximum height of 20 feet from finish grade to the top roof line. The front and side elevations shall have a maximum height of 22 feet from finish grade to the bottom of the roof line with an overall height of no more that 28 feet.

- C. The front and sides of the building must use the same materials, styles, and color in the design. The rear side of the building shall incorporate the same or like materials, and colors consistent with the front and sides of the building. Examples of materials that should be used are brick, patterned masonry block, stucco and glass. Colors should be of earth tones such as warm greys, reds, and browns.
  - D. Roof lines and building walls should be broken into layers using different colors, textures, and horizontal jogs in the building footprint in order to create a multiple building appearance that is more consistent with residential scale. Landscaping material is also to be incorporated along the immediate exterior of the building as shown on the concept plan to help create this effect.
  - E. All roofing equipment including heating and cooling systems shall be completely screened and located so as not to be a visual part of any roof line when viewed from below.
2. The applicant agrees to move the grocery store building area to the southern portion of the site, farthest away from the adjoining residence. The other portion of the building will be set back a minimum 75 feet off the property line. Within the 75 foot setback area, the landscaping buffer will be a minimum of 50 feet. Included in this buffer area will be an 8 foot high earth berm with an 8 foot high solid fence. A solid row of landscaping will also be installed at a minimum height of 8 feet. The fence and landscaping will be installed along the entire length of the two adjoining properties (see revised concept plan dated 10/9/95).
  3. The applicant agrees to provide a detailed landscaping plan and detail of the fence.
  4. The total proposed floor area shall not exceed 48,175 square feet.
  5. The applicant will provide a right turn deceleration lane along Hwy 237 onto the site as shown on the concept plan.
  6. The applicant will provide a turn lane on Hwy 237 for traffic turning left into the site at the main entrance. The applicant will work with the State and the owner of the Heimann Property in order to accommodate the turn lane.
  7. The applicant agrees to construct a monument style low profile sign on the site that will be consistent in style, material, and color with that of the building.

Mr. Kimberly Patton  
October 18, 1995  
Page 3

8. The applicant will use lighting fixtures that will be shielded and at a height of at least one (1) foot less than the shortest building roof height.
9. The applicant will make any necessary improvements to the portion of Tanner's Road that adjoins the property.
10. The applicant agrees to having no deliveries between the hours of 10 P.M. and 6 A. M.

Sincerely,



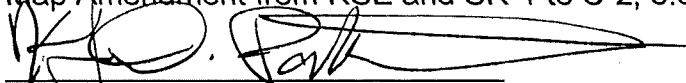
A. Edward Coleman  
Planner

AEC\par

cc: Robert Flick, owner  
Jim Walterman, attorney

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from RSE and SR-1 to C-2, 5.6 acres at Hwy 237 and Tanners Road.



Kimberly Patton, Applicant  
GBBN Architects

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**November 28, 1995**  
**5:30 P.M.**

**ORDINANCE NO. 920.323 - HIGDON/ SIMS**

Judge Lucas read a summary of Ordinance No. 920.323, and declared a Public Hearing open at 6:10 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:11 p.m.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.323, an ordinance of the Boone County Fiscal Court to consider the request of George F. Higdon (Applicant) for George F. Higdon and Jack Sims (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Mobile Home Park to Commercial One (C-1) for an approximate 1.6 acre site located at 10485 Dixie Highway, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution R-95-037-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

**ORDINANCE NO. 920.324 - PATTON/FLICK**

Judge Lucas read a summary of Ordinance No. 920.324, and declared a Public Hearing open at 6:12 p.m.

Mr. Jim Wolterman, attorney representing Bob Flick, advised his client has made a great deal of concessions, and, consequently, the Boone County Planning Commission unanimously approve the zone change request. He urged the Fiscal Court to approve the request.

Mr. Tony Rider, resident of Tanner Road, expressed concerns about a buffer zone, truck traffic, the size of the building, and the drain retention pond for the parking lot.

Mr. Wolterman said his client has an additional parcel of land in back of the proposed building, which is currently zoned RSE and will remain zoned RSE, and that tract will be used for the retention pond. Mr. Flick advised the retention will be dry retention and not visible to any of the residents.

Mr. Janelli and Mr. Steiner, residents of Cardinal Cove, also expressed concerns about the additional traffic and interruption in a very peaceful area. Mr. Janelli emphasized that if the zone change required all of the conditions mentioned, that it shouldn't be allowed at the location in question.

Mr. Hap Walton, resident of Tanner Road, said he had been in touch with the State Highway Department, and they do not have any plans to upgrade Tanner Road in their Six Year Plan. He also questioned which store will be built first, the one in Hebron near the Lentz Library, or the one near Tanner Road and KY 237. Mr. Flick advised the store near Lentz Library will be built first, and it will probably be closer to five years before the one at Tanner Road and KY 237 is constructed.

Other residents also expressed concerns about the lack of a transitional buffer zone and additional traffic, and urged the Court to keep the commercial zone south of I-275.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**November 28, 1995**  
**5:30 P.M.**

Mr. Flick advised that KY 237 near Tanner Road will be made a three lane highway to accommodate the through traffic.

Judge Lucas declared the Public Hearing closed at 6:47 p.m.

Commissioner Meihaus stated she is comfortable with the conditions and restrictions placed by the Boone County Planning Commission. She further stated the owner is well respected and lives in the area, and then moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.324, an ordinance of the Boone County Fiscal Court to consider the request of Kimberly D. Patton (Applicant) for Robert Flick (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) and Suburban Residential One (SR-1) to Commercial Two (C-2) for an approximate 5.6 acre site generally located at the intersection of KY 237 and Tanner Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution R-95-038-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**RESOLUTION NO. R-11-28-95-01 - QUITCLAIM DEED/FORDER**

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve Resolution No. R-11-28-95-01, a resolution authorizing the Boone County Judge/Executive, Kenneth R. Lucas, to execute a Quitclaim Deed to Charles A. Forder and Mary E. Forder on behalf of the Boone County Fiscal Court and rescinding Resolution No. R-10-03-95-03. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**RESOLUTION NO. R-11-28-95-02 - STREETS/COUNTY MAINTENANCE SYSTEM**

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve Resolution No. R-11-28-95-02, a resolution accepting streets into the County Maintenance System. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"

**RESOLUTION NO. R-11-28-95-01-BR - THE HENNEGAN COMPANY**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Resolution No. R-11-28-95-01-BR, a resolution authorizing the issuance of not to exceed \$1,950,000 Adjustable Rate Demand Industrial Building Revenue Refunding Bonds, Series 1995 (The Hennegan Company Project) and \$12,050,000 taxable Adjustable Rate Demand Industrial Building Revenue Bonds, Series 1995 (The Hennegan Company Project) of the County Of Boone, Kentucky, the proceeds of which shall be loaned to The Hennegan Company to finance the refunding and retiring of the County's outstanding Industrial Building Revenue Bonds, Series 1985 (The Hennegan Company Project) and the acquisition, construction and installation of a printing facility, providing for the pledge of revenues for the payment of such Bonds; Authorizing a Loan Agreement and Trust Indenture appropriate for the protection and disposition of such revenues and to further secure such Bonds; authorizing a Bond Purchase Agreement, Tax Regulatory Agreement and Offering Circular and authorizing other actions in connection with the