

EXHIBIT "A"

STAFF REPORT

Request of Edna Mae Geers (owner) for a Zoning Map Amendment for an approximate 12 acre site located at 10309 Dixie Highway, Boone County, Kentucky. The request is for a zone change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

January 24, 1996

REQUEST

This request is for a Zoning Map Amendment to change the zoning for the above referenced tract from Suburban Residential Two (SR-2) to Commercial One (C-1). The application states that the proposed uses include a "neighborhood shopping center, retail shopping space," and an "office center."

The Concept Development Plan that was submitted with this request illustrates four one acre lots along U.S. 25 that are proposed for general C-1 uses, and a 7.88 acre "neighborhood shopping center" lot toward the interior of the tract. The plan illustrates a approximately 70,000 square foot strip style center on the 7.88 acre tract that also includes landscape screening along the western boundary, a patio dining area, a fountain and landscaped area, and an "optional" community park/play area (conceivably, the play area would accommodate a day care should one locate in the retail center). No structures are illustrated on the four one acre lots that are proposed along U.S. 25. The proposal would necessitate the removal of the existing residence and outbuildings on the lot.

The proposed commercial area is organized around three proposed streets. The first is a east/west running street that has a "T" intersection with U.S. 25 and that runs into the rear portion of the tract (proposed to remain SR-2, a conceptual lot layout for the remaining 30.68 acres of the property is shown on the Concept Development Plan). The second street runs north/south and would act as a frontage road to U.S. 25; this road is proposed to connect to the property to the north, but not the property to the south. The third street is a short east/west street (the length of the street is the depth of the one acre frontage lots) that connects U.S. 25 and the proposed frontage street mentioned above.

SITE HISTORY

The current SR-2 zoning for the property was adopted in 1980 through the adoption of the Comprehensive Zoning Update.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- A. The 30.68 acre remainder of the subject site to the west that is largely a wooded area (SR-2). A large vacant area (UR-1, the "Horowitz/Kathman property" - zone change approved in 1988) and Highland Acres Subdivision (SR-1) are located further to the west between the remainder and I-75.
- B. Mosby's Point Mobile Home Park is located to the south (MHP). The portion of the mobile home park that is immediately adjacent to the proposed zone change area is currently undeveloped.
- C. A church (I-2) and two single family residences (I-1, one behind the other) are located to the east between U.S. 25 and a rail line. A truck depot and a multi-tenant commercial structure are located to the southeast on the east side of U.S. 25 (both I-1), and a large vacant area is located to the northeast on the east side of U.S. 25 (I-1). Several single family residences are located to the north of this large vacant area (I-2).
- D. A vacant area that contains a small abandoned structure is located to the north along U.S. 25 (C-1). A vacant area is located to the northwest, to the west (behind) the area zoned C-1 (SR-2).

SITE CHARACTERISTICS

As stated previously, the site in question is an approximately 12 acre part of a larger parcel (42.56 total acres). The site encompasses the entire U.S. 25 street frontage for the parcel in question for a total of approximately 936 feet of road frontage. Several structures exist on the site including a single family residence, a garage, and two wood sheds. The topography of the site is gently rolling, with the "high" portion of the site being along U.S. 25. According to the applicant's estimate, the site in question is approximately 20 percent wooded, although the remainder of the tract (the part not subject to the zone change request) is virtually completely wooded. A 16 inch water main runs along Dixie Highway at the front of the site. Sanitation District #1 of Campbell and Kenton Counties has reported that there is adequate capacity in the existing system adjacent to the property (refer to attached letter). The soil type present on the site is the Rossmoyne silt loam (RsB and RsC).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question as "Urban Density Residential." The Comprehensive Plan describes this designation as "attached housing, generally condominiums or apartments, of over eight dwelling units per acre." Although the text of the Land Use Element does not discuss the site specifically, it states the following regarding the general area that corresponds to the Urban Density Residential land use designation shown on the map (Area D-5, page 229):

South of the (Mt. Zion) interchange, between the interstate and U.S. 25, should develop in a variety of residential uses. The undeveloped land south of Mt. Zion Road is land appropriate for Urban Density residential development or attached affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area, and which create negative visual impacts on the U.S. 25 corridor. Permanent attached housing is also preferable to mobile home park development, because less site preparation is necessary and more open space is retained.

The Business Activity Element states the following regarding commercial development in the general vicinity.

- A. The I-75/Mt. Zion Road Interchange should have commercial activity to the east of I-75 and along U.S. 25. The type of commercial activity *northeast* (emphasis added) of the interchange should serve the growing residential areas on Mt. Zion and along Dixie Highway and the Northern Kentucky Industrial Park (Areas of Future Commercial Activity, page 82).

The Housing Element provides the following direction regarding residential development in the area.

- A. South of Mt. Zion Road, the expansion of existing and the building of new mobile home parks have constituted most of the housing units in this area. A 576 unit apartment complex (the "Horowitz/Kathman" property) to be built off Mt. Zion Road has been approved but not yet built. However, a recent request for apartments on the northwest quadrant of the Mt. Zion interchange was approved showing that residential development momentum is greater west of I-75. Further multi-family housing development may be suitable between I-75 and U.S. 25 (Florence-Richwood Area, page 109).

The Land Use Element makes the following statements that relate to the physical development of the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the county as a whole, rather than leveling an entire site to meet a pre-conceived project design (Utilization of Existing Vegetation and Topography, page 210).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pg. 210).
- D. Development in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curbcuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 211).
- E. Development along existing arterials or collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. The networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate.

Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, page 211).

- F. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor.

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County (Design, Signs, and Historic Preservation, page 211).

The 1995 Boone County Comprehensive Plan's "Goals and Objectives" provides the following statements that are pertinent to the proposal.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments (Overall, Objective 2, page 4).
- B. Proper design principles shall be applied in development (Overall, Objective 3, page 4).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective 4, page 4).
- D. Boone County shall strive to achieve a diversity and balance in competing land uses (Overall, Objective 6, page 4).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible (Environment, Physical Objective 2, page 5).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective 4, page 6).

- G. Appropriate locations for businesses compatible with the surrounding area are provided in Boone County (Business Activity, Goal, page 7).
- H. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, General Objective, page 7).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe access and ample parking space (Business Activity, Commercial Objective 1, page 7).
- J. . . . Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood (Business Activity, Commercial Objective 2, page 7).
- K. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated (Housing, Objective 9, page 9).
- L. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial streets. Existing connector streets shall be improved where needed (Transportation, Objective 2, page 14).
- M. Planned, mixed-use neighborhoods that contain residential, retail, office, compatible light-industrial, transit stations or stops, pedestrian and bicycle facilities, open space and public uses shall be encouraged. This would enable residents to travel by transit, bicycle, foot or car. It would also open up employment opportunities where they live (Transportation, Objective 1, page 15).
- N. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts (Transportation, Objective 3, page 15).

STAFF CONCERNS

1. As stated previously, the 2020 Land Use Plan designates the future land use of the site as Urban Density Residential. However, when considering the overall location of the site, its' proximity on U.S. 25 (a transit line), the various land uses adjoining the site, Staff contends that the proposal could fulfill the general direction of the Comprehensive Plan if several modifications were made to the overall design of the project. These include the following:

- A. As noted above, the Comprehensive Plan encourages the use of Neo-Traditional and Transit Oriented Development schemes. As such, the proposal could be modified to a more compact, village-type scheme that provided interconnection with the adjoining uses rather than a smaller version of the highway-oriented commercial development common along Mall Road and other locations in the county. Such a scheme would not necessarily exclude outlot development, but it would avoid the strip style center proposed and seek to provide a number of smaller structures that are located closer to the street, provide smaller parking areas that are located in the side and to the rear of structures and not just in front of them. Such a scheme would also provide a pedestrian orientation and provide tangible pedestrian connections from the adjoining developments (including the remainder tract).

- B. Also eluded to in the Comprehensive Plan, the development would focus on multi-modal transportation facilities, particularly when considering the existing and potential residential adjacencies and when considering that the site is located on the bus line (refer to attached memo from TANK). Thus, consideration should be given to the provision of pedestrian connections as mentioned above, bicycle racks, and the provision of a defined bus stop that is located outside of the moving lane of U.S. 25 (similar to those on Dixie Highway in the Florence area) including pedestrian access to the stop from within the development. These elements are particularly important when considering that: the site is adjacent to a mobile home park; according to the applicant's representative the remaining portion of the tract in question is intended to be developed with affordable housing in the form of single family residences and duplexes (generally lower instances of auto ownership); and, due to the commonly held premise that general retail jobs such as those proposed are within a wage scale where public transportation would be advantageous for employees because such employees do not always own automobiles.

- C. When considering the development concepts discussed above, character defining features are of critical importance. Such character defining features that should be considered relative to this request include:
 - I. A consistent architectural theme that emphasizes human scale. In addition, when considering that the structures will be visible from all sides, a consistent treatment on all facades should be provided to avoid the creation of "back" or "utility" sides of the structures. When considering the diverse character of the area, a number of different architectural themes could be appropriate.

- ii. The provision of regularly spaced street trees along the street frontages within the development. This would help create a reduced, tangible scale of the streetscape and would help portray a "neighborhood" appearance.
 - iii. Consideration should be given to limiting freestanding signage to monument style signs that are of a limited size and height, such as 8 feet in height and 60 square feet in area (standard used in the Houston-Donaldson Study).
2. Staff is concerned with several issues pertaining to access both from U.S. 25 and to adjoining properties. These are as follows:

A. First, consideration should be given to replacing the two proposed streets that intersect with U.S. 25 to one access street (this conclusion is reinforced by the Kentucky Department of Highways - refer to attached letter). This single access street could be located in the approximate center of the site with two frontage lots on each side of it. Limiting access is particularly important when considering that U.S. 25 is currently a two lane road that experiences 12,900 vehicular trips per day (actual 1992 count, 1995 estimate was 14,800) and that the proposed development of the tract would theoretically create an additional 6,736 trips per day assuming it were completely retail (4,946.9 trips for lot "E" - $70.67 \text{ trips}/1,000 \text{ sf}$ for a "shopping center" [70,000 sf total proposed] for $70.67 \times 70 = 4,946.9$; PLUS, 1,789.48 trips for the four outlots combined assuming they are developed at a maximum intensity of 11,000 sf/acre as permitted in the C-1 zone [44,000 sf total] - $40.67 \text{ trips}/1,000 \text{ sf}$ for "specialty retail" is $40.67 \times 44 = 1,789.48$; $4,946.9 + 1,789.48 = 6,736.38$ total ADT. The Commission needs to keep in mind that these figures are estimates. Office uses, which are possible under this proposal, tend to generate notably fewer trips. However, fast food and video stores, which are also possible under this proposal, would generate notably more trips.).

Also when considering the notable traffic generation that is possible under the proposal and that U.S. 25 is currently a two lane road, Staff suggests that a right turn/deceleration lane into the development for the south bound lane of U.S. 25 be provided, and that a left turn/deceleration lane for the north bound lane be provided.

B. When keeping the Comprehensive Plan's direction regarding street connections to adjoining properties in mind, a connection to the adjoining undeveloped portion of Mosby's Point to the south, which could later be connected within the mobile home park as either a street or a private drive, should be examined (would entail extending the frontage road southward along the southern-most frontage lot and possibly curving the road slightly

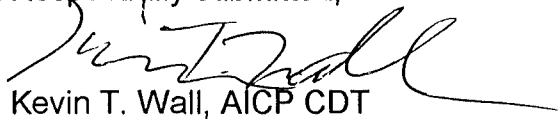
eastward). Under this scenario, a true frontage road would be started and access for the frontage lots could be taken from it (i.e., prohibit direct access from U.S. 25). In addition, two east/west running streets could be provided westward into the development from the frontage road to reinforce the pedestrian oriented/interconnecting/Neo-Traditional style development scheme encouraged by the Comprehensive Plan.

3. Due to the existing tree cover on the site and the direction given by the Comprehensive Plan regarding the retention of existing tree cover, every effort should be made to incorporate the existing tree cover into the required buffer areas, parking lots, and other landscaped areas. As an informational note, not all buffer yards required by Article 31 of the Zoning Regulations have been shown on the Concept Development Plan.
4. The location of the proposed "optional community park/play area" is less than ideal. In order to truly serve a potential day care and/or future residents in the remaining portion of the tract, the area should be relocated from an intersection that would be at the core of the commercial area to an area that is either within, or adjacent to, the residential area. The area at the southwest corner of the proposed C-1 zone, adjacent to where the main road into the future residential area tapers down, is a suggestion.
5. As an informational note, the required right-of-way width has not been met in the proposed residential portion of the development (this area is not a part of the application currently under consideration). Thus, when considering the seemingly "tight" layout, the plan of the residential portion of the subdivision may need to be changed substantially in order to meet this requirement.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. In addition, the Commission should review Article 10 (C-1 District text including the applicable intent statement) of the Zoning Regulations prior to making a decision. The Future Land Use Map would need to be amended to reflect commercial uses if the Planning Commission and the Fiscal Court approve this request.

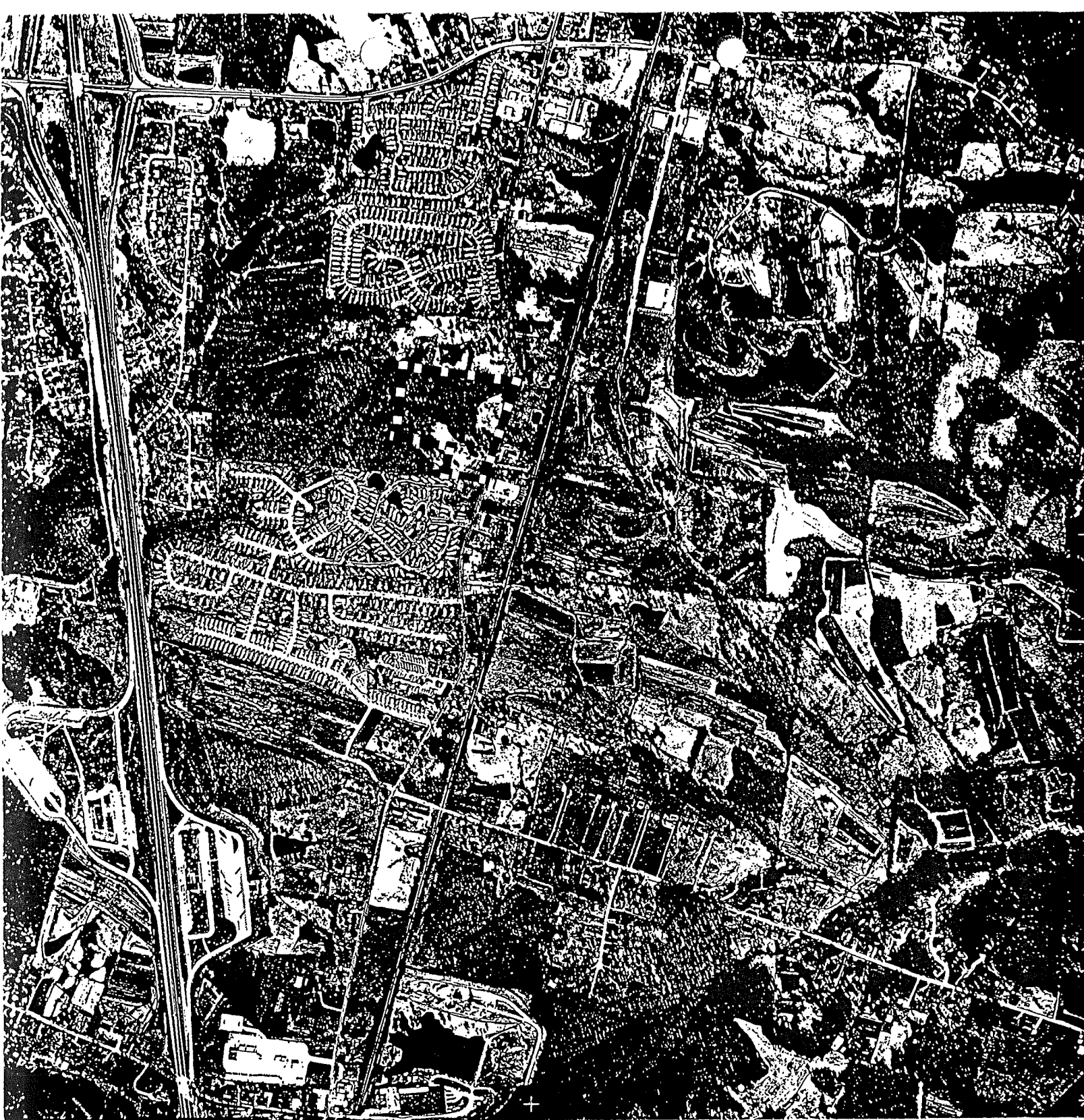
Respectfully submitted,


Kevin T. Wall, AICP CDT
Director, Zoning Services

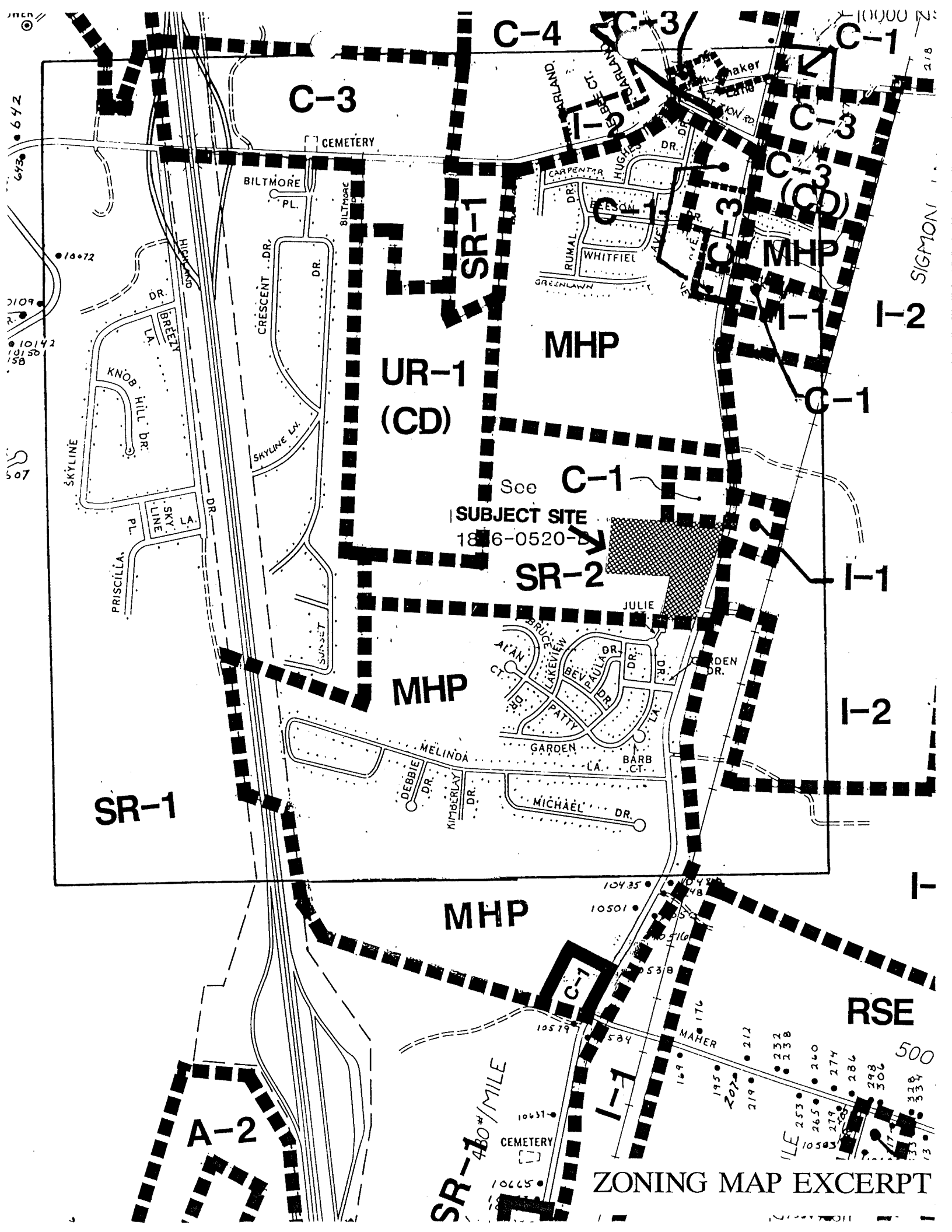
KTW/par

attachments:

- air photo of area
- Zoning Map excerpt
- letter from Gary Aman, Sanitation District #1 of Campbell & Kenton Counties
- memo from Mark Donoghy, Transit Authority of Northern Kentucky
- letter from Michael Schneider, Kentucky Department of Highways
- application materials



AIR PHOTO



C-3

C-4

C-3

C-1

CEMETERY

BILTMORE PL.

BILTMORE DR.

CRESCENT DR.

DR.

SKYLINE LN.

KNOB HILL DR.

BREETY LA.

SKYLINE LA.

PRISCILLA DR.

SR-1

CARPENTER DR.

HUGHER DR.

RUMAL DR.

WHITFIELD DR.

GREENLAWN DR.

MHP

UR-1 (CD)

C-1

See SUBJECT SITE 1816-0520-D

SR-2

JULIE DR.

MHP

BRUCE DR.

AVAN CT.

LAKEVIEW DR.

BEV MULLA DR.

PATTY DR.

GARDEN LA.

BARB CT.

MELINDA DR.

DEBBIE DR.

KIMBERLY DR.

MICHAEL DR.

SR-1

MHP

10435

10501

10516

10538

10751

10637

10665

CEMETERY

RSE

MAHER

176

195

207

219

232

238

240

274

286

253

265

279

288

298

306

317

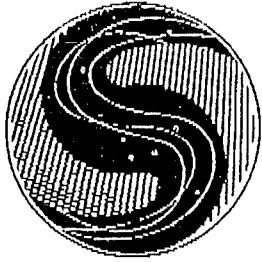
327

334

500

SR-1 480' / MILE

ZONING MAP EXCERPT



SANITATION DISTRICT NO. 1

of Campbell and Kenton Counties

1045 Eaton Drive

Ft. Wright, Kentucky 41017

Ph. (606) 578-7450
Fax: (606) 331-2436

January 22, 1996

Mr. Kevin Wall
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Re: Geers Property - Zone Change Request

Dear Mr. Wall:

A review of this project shows that there is adequate sewer capacity in the existing sewer system adjacent to the property. It would be the developer's responsibility to arrange access to the existing sewer.

It is assumed the new project will have no pump stations.

Sincerely,

Gary Aman
Assistant Chief Staff Engineer

GA/kj

FAX CORRESPONDENCE

TANK

TRANSIT AUTHORITY OF NORTHERN KENTUCKY
3375 MADISON PIKE, FT. WRIGHT, KY 41017

The following contains 1 pages, including this cover sheet.

Date: 1-17-96 Time: _____

To: KEVIN WALL
BOONE CITY PLANNING

Fax Number: 334-2264

From: Mark Donaghy, General Manager
Transit Authority of Northern Kentucky

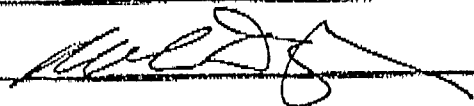
Phone: (606) 341-8265 Extension 20 Fax: (606) 331-1526

REMARKS:

BUS STOP AT 10309 US 25
IS OK WITH US.

SORRY THE RESPONSE TOOK SO

LONG!





FRED N. MUDGE
SECRETARY OF TRANSPORTATION

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS, DISTRICT SIX
P. O. BOX 17130
COVINGTON, KY 41017
606-341-2700
JOE KEARNES
CHIEF DISTRICT ENGINEER

PAUL E. PATTON
GOVERNOR

January 18, 1996

Mr. Kevin T. Wall, AICP CDT
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Geers Property
10309 Dixie Highway
US 25, Boone County

Dear Mr. Wall;

Please be advised that this office has reviewed the subject site development plan. It is the opinion of this office that one of the entrances should not be constructed. One entrance along with the proposed connector drive would serve the needs of the development and additional access points to the connector drive at this location would defeat the purpose of the connector drive. We would need more information as to the additional development adjacent and behind the shopping center area to determine the need for any turning/deceleration lanes.

If further information is needed in regards to this matter, please advise this office.

Very truly yours,
J. E. Kearnes, P.E.
Chief District Engineer

Michael H. Schneider
Assistant District Permit Supervisor

MHS/

APPLICATION
PAGE 2

- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County _____ Walton
 Florence _____ Union

19. Applicant's Signature Edna Mae Jones
 Property Owner's Signature Edna Mae Jones

SECTION B (To be completed by BCPC Staff)

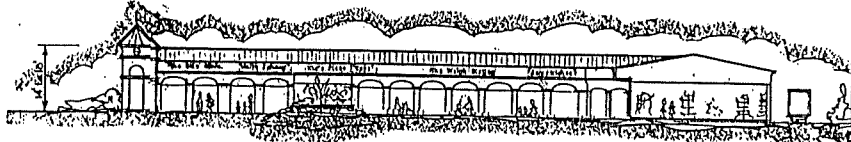
1. Date Received _____
2. Fee Received _____
3. Check what has been submitted:
 - _____ Application _____ Fee
 - _____ Legal Discription
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.
 An application consists of all fees paid in full, submitted drawings and a completed application form.

E. Map 23
Wm. Geers
D.B. 82
PG. 147
389.4'



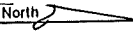
Typical
Partial Front Elevation

Hickory
Hills Ltd.
D.B. 564
PG. 157

Mt. Zion
Development Co.
D.B. 387
PG. 83

Existing
Sanitary
Sewer

R.O.C.
Communities,
Inc.
D.B. 519
PG. 187



Thomas &
Jennette
McClorey
D.B. 471
PG. 215

Proposed
Road

Joyce Robinson,
Foundations, Inc.
D.B. 385
PG. 48

Harold & Albert
Baumgartner
D.B. 72
PG. 834

Faye & Bill
Sheehan
D.B. 308
PG. 215

Proposed Development Plan
&
Rezoning Request
for the
FRANK DOMASCHKO ESTATE
U.S. 25
Boone County, Kentucky
D.B. 82
PG. 147

Change from SR-2 to C-1

Total Area to be Rezoned (to C-1) = 11.88 Ac.
Total Area to Remain (SR-2) = 30.68 Ac.

total development = 42.56 Ac.



ULH&P ■ The Energy Service Company

The Union Light, Heat and Power Company
7200 Industrial Road • Florence, Kentucky 41042-2910

October 5, 1994

Mr. Dave Gribben
Concepts Realtors
P. O. Box 269
Union, KY 41091

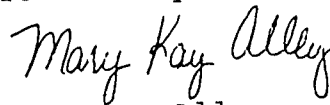
RE: DIXIE HIGHWAY S/O MT ZION ROAD AND
N/O OF FROGTOWN ROAD IN RICHWOOD, KY

Dear Mr. Gribben:

We have investigated the availability of providing gas to the above subject project. Gas is available on Dixie Highway south of Mt. Zion Road and north of Frogtown Road in Boone County, Kentucky.

Please be advised that The Union Light, Heat and Power Company now serves this area and that gas service would be provided in accordance with The Union Light, Heat and Power Company's existent rules and regulations.

Yours very truly,



Mary Kay Alley
Representative
Energy Marketing Department

MKA/nc

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. Viox - Chairman.

Following Public Hearing Item #1, Chairman Viox introduced Public Hearing Item #3:

3. Applicant: Edna Mae Geers (owner)
Request: Zoning Map Amendment

The request of Edna Mae Geers (owner) for a Zoning Map Amendment on an approximate 12-acre site located at 10309 Dixie Highway, Boone County, Kentucky. The request is for a zone change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Dennis Helmer advised that Mr. and Mrs. Geers were not able to attend the Public Hearing this evening and he was present in their behalf. His associate, Neil Blunt, distributed a handout to the Commissioners -- see "F. Domaschko Estate (Geers), Zoning Map Amendment - U.S. 25. Mr. Helmer displayed an exhibit board.

Mr. Helmer referred to the display board and stated that the purpose of the request is to rezone the front portion to C-1. Behind that area, they intend to have single-family and duplex residential development. He reviewed the handout and stated that the front portion is intended for a combination of local commercial uses which will be a transition from the industrial uses across the street. He indicated that the Geers live behind the single-family/duplex area. The Geers are looking for a quality development and do not want all-night businesses or a food store. They are looking for 8 A.M. to 8 P.M. business that will be closed at night and will preserve the neighborhood character of the property. Continuing with the review of the handout (Page 4), he stated that the proposed amendment is in agreement with the general objectives of the Comprehensive Plan -- it is appropriate to have the light commercial up to the road to act as a transition between the industrial uses across the street and the residential uses. He referred to Page 5 of the handout and stated that they hope to have day care centers, elder care, banking, and restaurants on the site. They do not intend to have fast food. They project residences in the \$78,000 to \$98,000 range, which are in high demand. He stated that the mortgage payments would be similar to rent -- about \$500 a month at 7%. He stated that there is a continuing shortage of low income housing in the county. There are a lot of new businesses in the county and growth at the airport, but not everyone is highly paid. Their plan is responsive to the economic needs of the area and the county. The plan is

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Mr. Damstrom asked how they plan to access the parcels that front on U.S. 25 if one of the connections is going to be taken away by the state. Will they use the internal road to access those four parcels?

Mr. Helmer stated that the internal road will access all of the parcels. They have not been faced with the decision of having only one access and they were looking at two accesses. The internal road is intended to create a free flow of traffic among all of the components in the area.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on February 12, 1996 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on February 21, 1996 at 8 P.M..

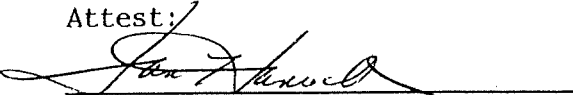
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The Chairman closed this Public Hearing.

APPROVED:


William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 6, 1996
8 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. William Bailey
Mr. Fred Burch
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mike McKinney, Vice Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

Chairman Viox asked if there were any comments. There was no response. Chairman Viox stated that he was not at the public meeting referred to by Mr. Burch. Chairman Viox stated that he has been on the Planning Commission since 1980. He recalled several lawsuits -- when the Planning Commission and each individual member were sued -- and, at that time, there was no insurance. In another lawsuit he was deposed for 5 hours and the Director was deposed for 25 hours -- and the Planning Commission was sued for \$10 million. He stated that Counselor Wilson did a good job of defending the Planning Commission and the members.

Mrs. Schaffer stated that this item is not on the Agenda and questioned why it was being brought up. She stated that the proper way to handle this would be to address the matter with Mr. McKinney personally rather than in public. If someone felt that she was wrong in her opinion, she would appreciate being told personally first.

Mr. Damstrom stated that he was Chairman of the Committee and was taken aback at the last meeting by the comments made by Mr. McKinney, which were offensive. He stated that Mr. McKinney did give the Committee legal advice and there was a room full of people. It was a meeting open to the public and Counselor Wilson was not there to defend himself. He does not feel at liberty to take legal advice from Mr. McKinney. He stated that there were comments made which should not have been made.

Counselor Wilson returned to the meeting at this time.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Duke Realty Limited Partnership (applicant) for Roma Jean Barth (owner) for a Zoning Map Amendment on an approximate 31-acre site located at the intersection of KY 20 and Barth Road, Boone County, Kentucky. The request is for a zone change from Commercial Services (C-3) to Industrial One (I-1) and for a Conditional Use Permit to allow hotel and restaurant uses.

Chairman Viox recommended that the request be deferred to the March 20, 1996 Business Meeting at 8 P.M.. Mrs. Smith so moved. Mr. Damstrom seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of Edna Mae Geers (owner) for a Zoning Map Amendment on an approximate 12-acre site located at 10309 Dixie Highway, Boone County, Kentucky. The request is for a zone change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

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

Mr. Damstrom stated that he would abstain in regard to this request as he has an affiliation with one of the companies dealing with the applicant.

Mrs. Schaffer stated that there is a limit of one sign for the frontage lot and questioned the signage for the 7.88 acres. Mr. Wall advised that it is a larger lot further back off the road and the Committee did not see the need to limit the signage for that lot beyond what the Code permits -- 20 feet in height and 150 square feet in area.

Mrs. Schaffer asked if they will have a pole sign with all of the individual lots on it. Mr. Wall stated that he believes that is their plan.

Mr. Neil Blunt stated that the sign will be 20 feet in height or less.

Mrs. Schaffer stated that one of the Staff Concerns was the location of the community play area and asked if this had been addressed. Mr. Wall replied "no" and stated that they have made a commitment to look at it. The Committee did not see it as being an issue. He stated that they are looking at having adult or child care within the strip center, which would be an amenity to be worked out when the facility is further along.

Mrs. Schaffer asked if the Concept Development Plan is being approved. She noted that not all of the required buffered areas have been shown. Mr. Wall advised that this is addressed by Condition #5. He noted that the Code requirement is 20 feet and they have committed to an additional five feet.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Ries and it carried unanimously.

3. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 62-acre tract located on the north side of Stephenson Mill Road near John Webster Lane, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Agricultural Estate (A-2) and Industrial One (I-1) and is owned by Walter Hayes.

Staff Member Mitch Light presented the Committee Report which recommended, based on the findings of fact, that the current zoning not be changed as a result of the annexation of the property into the City of Walton (see Committee Report).

Mr. Burch moved to approve the request based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: March 6, 1996

RE: Request of Edna Mae Geers (owner) for a Zoning Map Amendment for an approximate 12 acre site located at 10309 Dixie Highway, Boone County, Kentucky. The request is for a zone change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee concludes that although this proposal involves neighborhood commercial uses and the 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site for Urban Density Residential uses, the proposal fulfills the overall intent and direction of the Comprehensive Plan as a whole due to the following reasons:
 - A. The proposal will create transitional land uses, as sought by the Land Use Element, between existing and planned residential and industrial uses.
 - B. The proposal will provide a frontage road along U.S. 25, in accordance with the Concept Development Plan and recommended condition #9A below, in order to protect the capacity of the existing roadway system and to facilitate optimum access management in the area, as sought by the Transportation and Land Use Elements. Further, in accordance with recommended condition #9B below, no direct access will be permitted from U.S. 25, also as sought by the Land Use Element.

- C. Based on the varying land uses adjacent to the site, the submitted Concept Development Plan, and the recommended conditions of approval, the Committee concludes that the following objectives stated in the Comprehensive Plan that relate to land use have been fulfilled.
- I. "Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designated neighborhood developments."
 - ii. "Boone County shall strive to achieve a diversity and balance in competing land uses."
 - iii. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe access and ample parking space."
 - iv. "Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly places so as to enhance the neighborhood."
2. Based on the conclusions stated above, the fact that the general area has a growing residential population in need of neighborhood oriented commercial uses, and due to the fact that the site immediately to the north along U.S. 25 is already zoned C-1, the Committee concludes that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the goals, objectives and policies of the 1995 Boone County Comprehensive Plan and to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The future development of the site shall be subject to the submitted Concept Development Plan and the other conditions listed below herein.

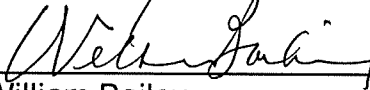
2. The architectural design of the structures shall be subject to design review by the Planning Commission's Staff through the Site Plan procedure to assure compatibility, continuity within the zone change area, and appropriateness with the adjoining areas. The structures within the zone change area shall use similar architectural elements and forms, emphasize pedestrian scale, use consistent building materials and a unified color scheme, and screen any roof mounted mechanical equipment.
3. Bicycle racks shall be provided on each individual lot. Bicycle racks shall be provided outside of vehicular parking areas but near main entrances to buildings. Bicycle parking spaces shall be provided at the ratio of at least two bicycle parking spaces for every twenty five required automobile parking spaces.
4. A defined bus stop that is located outside of the moving lane on U.S. 25 shall be provided and constructed with the subdivision improvements.
5. Regularly spaced street trees shall be provided along the street frontages at a minimum ratio of at least one tree per 40 linear feet of street frontage. In addition, a minimum 25 foot wide buffer yard, with appropriate plantings and screening, shall be maintained between the proposed commercial uses and the adjoining residential areas.
6. The one acre frontage lots shall be limited to one business establishment per lot.
7. Convenience stores, freestanding package liquor stores, gas stations and automotive repair uses shall not be permitted in the zone change area.
8. Freestanding signage for the one acre frontage lots shall be limited to monument style signs that do not exceed 6 feet in height or 50 square feet in area.
9. The following shall be accomplished relative to access management:
 - A. The proposed frontage road shall be extended southward and shall connect to the undeveloped portion of the Mosby's Point site to the south.
 - B. No lot shall have direct vehicular access from U.S. 25.

- C. The applicant will provide, at their expense, deceleration lanes on U.S. 25 by the time the zone change area is 50% developed (based on building square footage permitted under the Concept Development Plan), if such lanes have not already been provided or if U.S. 25 has not been widened by the Kentucky Transportation Cabinet.

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

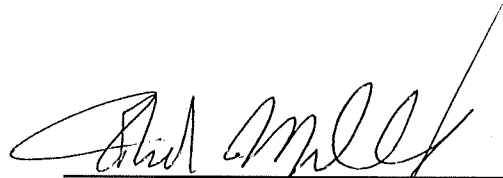


Fred Burch, Chairman



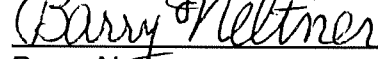
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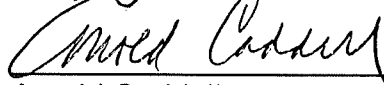


Phil Damstrom

Bob Miller



Barry Neltner



Arnold Caddell

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. Viox - Chairman.

Following Public Hearing Item #1, Chairman Viox introduced Public Hearing Item #3:

3. Applicant: Edna Mae Geers (owner)
Request: Zoning Map Amendment

The request of Edna Mae Geers (owner) for a Zoning Map Amendment on an approximate 12-acre site located at 10309 Dixie Highway, Boone County, Kentucky. The request is for a zone change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Dennis Helmer advised that Mr. and Mrs. Geers were not able to attend the Public Hearing this evening and he was present in their behalf. His associate, Neil Blunt, distributed a handout to the Commissioners -- see "F. Domaschko Estate (Geers), Zoning Map Amendment - U.S. 25. Mr. Helmer displayed an exhibit board.

Mr. Helmer referred to the display board and stated that the purpose of the request is to rezone the front portion to C-1. Behind that area, they intend to have single-family and duplex residential development. He reviewed the handout and stated that the front portion is intended for a combination of local commercial uses which will be a transition from the industrial uses across the street. He indicated that the Geers live behind the single-family/duplex area. The Geers are looking for a quality development and do not want all-night businesses or a food store. They are looking for 8 A.M. to 8 P.M. business that will be closed at night and will preserve the neighborhood character of the property. Continuing with the review of the handout (Page 4), he stated that the proposed amendment is in agreement with the general objectives of the Comprehensive Plan -- it is appropriate to have the light commercial up to the road to act as a transition between the industrial uses across the street and the residential uses. He referred to Page 5 of the handout and stated that they hope to have day care centers, elder care, banking, and restaurants on the site. They do not intend to have fast food. They project residences in the \$78,000 to \$98,000 range, which are in high demand. He stated that the mortgage payments would be similar to rent -- about \$500 a month at 7%. He stated that there is a continuing shortage of low income housing in the county. There are a lot of new businesses in the county and growth at the airport, but not everyone is highly paid. Their plan is responsive to the economic needs of the area and the county. The plan is

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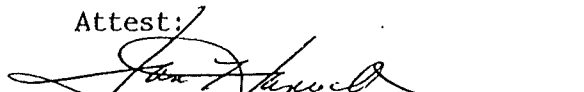
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APPROVED:

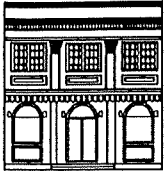

William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

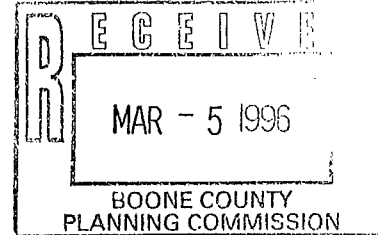
BOONE COUNTY PLANNING COMMISSION



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

February 28, 1996

Mrs. Edna Mae Geers
c/o David Hils
Concepts Real Estate
7415 Burlington Pike
Florence, KY 41042



FAX: 282-7202

RE: Recommended Conditions of Approval - Geers Zone Change from SR-2 to C-1;
10309 U.S. 25, Boone County, Kentucky

Dear Mrs. Geers:

The following represents the conditions of approval for the above referenced zone change request as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the owner, agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 5:00 p.m., Tuesday, March 5, 1996.

1. The future development of the site shall be subject to the submitted Concept Development Plan and the other conditions listed below herein.
2. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan procedure to assure compatibility, continuity within the zone change area, and appropriateness with the adjoining areas. The structures within the zone change area shall use similar architectural elements and forms, emphasize pedestrian scale, use consistent building materials and a unified color scheme, and screen any roof mounted mechanical equipment.
3. Bicycle racks shall be provided on each individual lot. Bicycle racks shall be provided outside of vehicular parking areas but near main entrances to buildings. Bicycle parking spaces shall be provided at the ratio of at least two bicycle parking spaces for every twenty five required automobile parking spaces.
4. A defined bus stop that is located outside of the moving lane on U.S. 25 shall be provided and constructed with the subdivision improvements.

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mrs. Edna Mae Geers
February 28, 1996
Page 2

5. Regularly spaced street trees shall be provided along the street frontages at a minimum ratio of at least one tree per 40 linear feet of street frontage. In addition, a minimum 25 foot wide buffer yard, with appropriate plantings and screening, shall be maintained between the proposed commercial uses and the adjoining residential areas.
6. The one acre frontage lots shall be limited to one business establishment per lot.
7. Convenience stores, freestanding package liquor stores, gas stations and automotive repair uses shall not be permitted in the zone change area.
8. Freestanding signage for the one acre frontage lots shall be limited to monument style signs that do not exceed 6 feet in height or 50 square feet in area.
9. The following shall be accomplished relative to access management:
 - A. The proposed frontage road shall be extended southward and shall connect to the undeveloped portion of the Mosby's Point site to the south.
 - B. No lot shall have direct vehicular access from U.S. 25.
 - C. The applicant will provide, at their expense, deceleration lanes on U.S. 25 by the time the zone change area is 50% developed (based on building square footage permitted under the Concept Development Plan), if such lanes have not already been provided or if U.S. 25 has not been widened by the Kentucky Transportation Cabinet.

Sincerely,


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the owner, agree to the above listed conditions of approval for the requested Zoning Map Amendment from SR-2 to C-1 for the approximately 12 acre site located at 10309 U.S. 25, Boone County, Kentucky.


Edna Mae Geers, Owner

3-2-96
Date

