

ORDINANCE 2023-07

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS, OF AKRAM OTHMAN (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN FROM SUBURBAN RESIDENTIAL TWO (SR-2) DISTRICT, OFFICE ONE (O-1) DISTRICT AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT TO COMMERCIAL ONE (C-1) DISTRICT FOR AN APPROXIMATE 4.8 ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF OAKBROOK ROAD WITH BURLINGTON PIKE AND INCLUDES THE PROPERTY AT 1655 BURLINGTON PIKE AND THE PROPERTIES WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS (PIDN'S): 049.00-044.00, 049.00-044.01 AND 049.00-00-041.02, BOONE COUNTY, KENTUCKY (AREA 3).

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-044.00, 049.00-00-044.01 and 049.00-00-041.02, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for unincorporated Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, for the Zoning Map Amendment/Change in Concept Development Plan and Concept Development Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That the request for Zoning Map Amendment/Change in Concept Development Plan and Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district, Boone County, Kentucky. The real estate which is subject to all requests are described in DEED BOOKS/PAGE NOS: 1362/57, 1113/140, 1112/266 and 1020/848 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval, with Conditions, for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-044.00, 049.00-00-044.01 and 049.00-00-041.02, Boone County, Kentucky, are the

Findings of Fact, and Conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Boone County Planning Commission recommended approval for the requests based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

Section Three


This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 21st day of March 2023

Second Reading the 4th day of April 2023 – tabled

Second Reading the 23rd day of May 2023

Adopted this 23rd day of May, 2023 Yes 4 No 0



Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

ZONE CHANGE/CONCEPT PLAN
Akram Othman (applicant/owner)

CONDITIONS OF APPROVAL:

1. Development shall be consistent with the revised Concept Development Plan that was dated February 8, 2023, except as modified by these conditions or with minor revisions as approved by the Zoning Administrator.
2. The following C-1 uses shall not be permitted:
 - a. Funeral homes and crematoriums excluding cemeteries or mausoleums.
 - b. Day care centers.
3. Drive-Thru facilities shall be prohibited.
4. The building material(s) and color(s) as well as the retaining wall design shall be reviewed and approved through the Planning Commission's Technical/Design Review Committee process and shall be of the same or better general quality as depicted in the Concept Development Plan that was dated February 8, 2023.
5. The perimeter landscape buffers shall meet minimum requirements of the Zoning Regulations unless a variance(s) is granted by the Boone County Board of Adjustment. In addition, landscaping along the south right-of-way line along S.R. 18, within the limits of the development, shall be similar to the landscaping existing to the east of the site in front of the public utility facilities.
6. Pedestrian crossing(s) will need to be addressed with a Traffic Impact Study.
7. Prior to the approval of the first Major Site plan, the Traffic Impact Study must be approved by the Planning Commission and the County Engineer. It is understood by all parties that a direct access on to Oakbrook Dr. will only be permitted if required by the traffic study and approved by the county engineer.

I hereby agree to the amended conditions of approval as noted above.

Akram Othman
Applicant/Owner

Date

Boone County Fiscal Court

Date