

ORDINANCE NO. 2021 - 40

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 3.87 ACRE SITE LOCATED AT 3215 COUGAR PATH, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87-acre parcel located 3215 Cougar Path, Boone County, Kentucky; 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 forwarded the above referenced application to the legislative body, containing the information and evidence presented at the hearing, constituting the official record, but without a recommendation of approval or disapproval for the application and without any findings of fact.

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

Section One

That the request for the Change in Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, for an approximate 3.87-acre tract located on the south side of Cougar Path, approximately 270 feet east of the North Bend Road/Cougar Path intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK. 1139, PAGE NO. 953 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval of a Change in Approved Concept Development Plan request, are the findings of fact, and conditions, of the Boone County Fiscal Court based upon the documents, information, and official record as submitted by the Boone County Planning Commission

The Fiscal Court hereby states the following findings:

The Fiscal Court has concluded that the proposed project, encompassing a mixed-use development, along with the revised concept development plan, is generally consistent with the following Goals and Objectives of the "Our Boone County – Plan 2040":

1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

3. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses (Demographics Goal B, Objective 6).

4. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 6).

5. Development of mixed-use design to lessen vehicle travel shall be encouraged (Transportation Goal A, Objective 8).

While the Land Use Plan Element of the comprehensive plan states that the former Lents Branch Library site should develop with commercial, office, or retail uses and have its access off Cougar Path (Land Use, Description and Purpose of Land Use Maps, 7 Hebron, page 111), the Demographics Plan Element states the following:

6. Appropriate housing must be provided for the growing elderly population near transit, commercial areas, and public facilities (Demographics, Conclusions and Recommendations, Identify the Needs of the Population, page 19). The site in question is adjacent to North bend Road, a major north/south arterial highway, is in close proximity to a TANK bus route, and is within walking distance of Conner Middle and High Schools.

7. A variety of multi-family housing options should include apartments, townhouses, patio homes, condominiums, nursing homes and retirement housing. These types of units are increasing in demand and should be encouraged to occur in the unincorporated portions of the county (Demographics, Conclusions and Recommendations, Housing Types and Locations, Page 19). There are no multi-family or attached single-family dwelling units within a half (1/2) mile of the site.

8. The Fiscal Court has concluded that the totality of text references within the comprehensive plan, and policies that they advocate, carries equal or greater weight than the single narrative statement that is specific to the site in question.

The Fiscal Court has concluded that the proposed Change in Approved Concept Development Plan fulfills the applicable requirements of Article 15 "Planned Development District" of the zoning regulations.

The Fiscal Court has concluded that the attached conditions, noted below, are necessary to achieve consistency with specific goals, objectives, and policies of "Our Boone County – Plan 2040", to mitigate potential adverse community impacts, and to pursue the proper integration of development more generally within the context of the surrounding land uses. The specific Conditions of Approval are as follows:

1. The official approved concept development plan of record shall be as identified as Exhibit "A" which is attached to and made a part of this ordinance by reference.
2. The approved concept development plan shall comply with all applicable zoning regulations and requirements, including but not limited to; screening and buffer yard areas, parking requirements, lighting, and related design standards.

3. There shall be no direct access via an improved vehicular or pedestrian way connecting the project to the existing shared access drive located along the eastern property line and owned by the Hebron Baptist Church.
4. To ensure compliance with the applicable criteria found in Section 1514 of the zoning regulations, all new building construction shall be submitted to the Planning Commission's Technical/Design review Committee for their review and approval, prior to or simultaneous with the initial site plan application.


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 7th day of December, 2021.

Second Reading - the 21st day of December, 2021.

Adopted this 21st day of December, 2021. Yes No


**GARY W. MOORE, Judge/Executive
Boone County Fiscal Court**

Attest:


**Shona Schulkers,
Fiscal Court Clerk**