

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 First Financial Plaza
2. Location of Project KY 18 at Beil Road, Burlington, Kentucky
3. Total Acreage of Site 5.62
4. Current Zoning of Site SR-2
5. Proposed Zoning (Classification being requested) C-2
6. Proposed Uses (please specify each use) Bank, Professional Office, Restaurant, Day Care Center, other C-2 uses
7. Names of Applicant(s) Timothy B. Theissen, Agent
8. Address of Applicant(s) 50 E. RiverCenter Boulevard, Suite 1400 Covington Kentucky 41011
9. Name of Property Owner(s) Marilyn C. Beil and Betty J. Beil
10. Address of Property Owner(s) 2243 and 2257 Beil Road Burlington Kentucky 41005
11. Proposed Building Intensities (please specify) See Concept Plan: C-2 over 4 acres allows 15,000 square feet/acre, or 84,300 for this 5.62 acre site.
12. Are there any existing buildings on the site? Yes
13. Deed Book 310/336, 311/11, Page No. 157/185, 157/98 Group No. 2030
14. Are you also applying for: & 191/365 & 293/194
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within 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
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

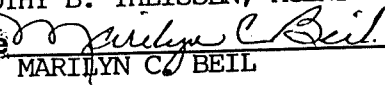
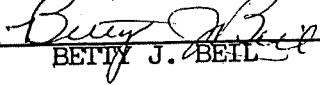
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- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

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

19. Applicant's Signature 
TIMOTHY B. THEISSEN, AGENT

Property Owners Signature  
MARILYN C. BELL BETTY J. BELL

SECTION B (To be completed by BCPC Staff)

1. Date Received 1-4-00
2. Review Fee \$1168.00 RH 22847
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 TODD MORGAN
6. Committee Chairman TOM CHANEY
7. Scheduled Public Hearing Date 2/23/2000
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial SEE COMMITTEE REPORT
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: An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“A”

STAFF REPORT

Request of Timothy B. Theissen (applicant) for Marilyn C. Beil and Betty J. Beil (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 5.62 acre tract located on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The request is for a zone change to allow a mixed use commercial development.

February 23, 2000

REQUEST

This request is for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow a mixed use commercial development. The site is located on the south side of KY 18, at the KY 18/Beil Road/Veterans Way intersection.

The applicant's submitted Concept Development Plan shows five different buildings that are labeled "A" through "E." Building "A" is a 2-story, 11,000 square foot \pm bank, buildings "B", "C", and "D" are each 2-stories tall and are 10,000 square feet in size, building "E" is a single story and is 4,200 square feet in size. The uses allowed in buildings "B" through "E" would be those that are principally permitted in the C-2 zoning district (see attachments).

The Concept Development Plan shows the creation of a street with a 60 foot wide right-of-way, with 36 feet of pavement, at the existing signalized intersection of Beil Road and KY 18. The width of this right-of-way would allow three traffic lanes to be constructed. The right-of-way tapers down to 50 feet in width, with 25 feet of pavement, as it gets further away from the signalized intersection. In order to ease some traffic stacking problems the applicant has shown the westernmost portion of Beil Road to be shifted to the south. The portion of Beil Road that is being replaced is shown to be 25' in width. The applicant has also shown two future 50' right-of ways on the western and southern property lines to allow future street connections.

The plan also shows a bank teller, an accessory bank teller, 190 parking stalls, a fifteen foot wide street frontage buffer, 25' wide buffers along the eastern and southern property lines, and a 10' wide buffer along the western property line. One access point has been proposed along the portion of Beil Road that has been relocated and four access points are shown along the newly proposed right-of-way. A storm water detention basin is also shown along the southwestern property lines.

SITE CHARACTERISTICS

The subject site is level and contains two single family dwellings and a small number of mature deciduous trees. The houses and trees will have to be removed to accommodate the proposed development. The subject parcels have approximately 365 feet of road frontage along KY 18 and 264 feet of road frontage along Beil Road.

SITE HISTORY

The subject parcels have been zoned Suburban Residential Two (SR-2) since 1980. However, the parcels to the west were rezoned from Recreation (R) and Suburban Residential Two (SR-2) to Commercial Two (C-2) and Office Two (O-2), in 1990, to allow a mixed office and commercial development around the existing Gold Star Chili Restaurant. The uses shown on the approved Concept Development Plan were a 5,000 square foot day care center, four office buildings, which total 26,550 square feet of space, a 3,500 square foot bank, the 1,950 square foot Gold Star Chili Restaurant, and an additional 6,000 square foot restaurant. A Copy of the September 5, 1990 Committee Report is attached to the Staff Report.

ADJACENT LAND USES AND ZONING

- North: Huntington Bank (O-2), Immaculate Heart of Mary Church (PF), single-family residential dwellings and Boone Woods Park (R).
- South: A single-family residential dwelling and tree farm (SR-2).
- East: Single-family residential Dwellings, which front Beil Road (SR-2).
- West: Gold Star Restaurant (C-2), two single-family residential dwellings (C-2), and vacant land (O-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question for "High Suburban Density Residential" uses. This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to mobile home parks."

The Land Use Element (Area C-3: Burlington - KY 18 Area, pp. 220-222) states the following regarding this area:

"The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the continuing residential development occurring off of the KY 18 corridor. All development along the south side of KY 18 toward Burlington must use access management, including parallel roads, shared curb cuts, and adequate turning lane provisions in order to maintain safety on this high volume route. This area provides another opportunity for a Transit Oriented Development (TOD) featuring high density residential and employment opportunity due to the intersection becoming a major crossroads in the county.

The Land Use Element also notes concern over the long term consequences that new Commercial development, located between Burlington and KY 237, could have on the remaining downtown Burlington businesses.

The "Future Land Use Development Guidelines" found in the Land Use Element make the following statements which relate to this proposal:

- A. "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." ("Buffering" p. 210).
- B. "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" p. 210).

- C. "Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with development must be provided." ("Stormwater Management and Erosion Control" p. 211).
- D. Developments 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 curb cuts, 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. ("Access Management" p. 211).
- E. Development along existing arterials and 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 specific 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 the developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. ("Transportation and Pedestrian Network" p. 211).

The "Areas of Future Commercial Activity" found in the Business Activity Element makes the following statement that relates to this project:

- A. "The mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18."

The Transportation Element (pp. 175-206) defines a Transit Oriented Development (TOD) as:

"a mixed-use community within an average 2,000 feet walking distance of a transit stop and core commercial area. TODs mix residential, retail, office, open space, and public uses in a walkable environment, making it convenient for residents and employees to travel by transit, bicycle, foot, or car."

"Ideally, these Transit-Oriented developments should be located at least a mile from one another to assure an adequate market area for the commercial uses. These developments would also serve the existing and future single-family residential areas with new opportunities for nearby neighborhood shopping and with transit ridership, by park and ride lots."

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- 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).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- 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).
- D. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal)
- E. New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment," Goal)
- F. Appropriate locations for businesses compatible with the surrounding area are provided in Boone County ("Business Activity," Goal).
- G. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objectives).
- H. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial Objective 1).
- I. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. 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).

STAFF COMMENTS

1. The two "future" right-way-areas that are shown on the Concept Plan need to be improved. The "future" right-of-way shown on the western property line needs to align with the right-of-way that is shown on the Gold Star Chili Concept Plan. The "future" right-of-way that is shown along the southern property line needs to be realigned so that the overall layout is shaped like a "T". The "T" shape would increase motorist's visibility and eliminate dangerous turning movements.
2. The new right-of-way and portion of Beil Road that is being relocated need to meet the sub-collector street standards. The pavement width needs to be a minimum of 28 feet in width.
3. Staff is concerned about the number of curb cuts that are proposed along the new right-of-way. The plan could be modified to have the buildings share access points.
4. Staff asked Greg Sketch, the County Engineer, to review the proposed relocation of Beil Road. His comments are attached to the Staff Report.
5. Staff questions whether two bank tellers are necessary. The accessory teller seems to restrict interior traffic movements in the bank parking lot.
6. Staff's interpretation of the plan is that no fast food style restaurants are being proposed due to the fact that no drive-thru windows are shown on buildings B, C, D, and E. The applicant should clarify whether any drive-thrus, other than the bank's, are being proposed.
7. Free-standing signage for the proposed development needs to be addressed. The Boone County Zoning Regulations would allow the applicant to erect one 30 foot tall, 200 square foot pole sign for the entire development, if the Zoning Map Amendment was approved. Staff would recommend that any proposed free-standing signage be monument in style.
8. Staff recommends that the proposed development, if approved, should contain a condition to prohibit parking in-between KY 18 and the proposed buildings. Such a condition would improve the aesthetic appearance from KY 18. A similar condition can be found in the Southeast Development Corporation application for the Kroger Shopping Center Outlots on KY 18.
9. The Boone County Zoning Regulations require sidewalks along the KY 18 frontage.

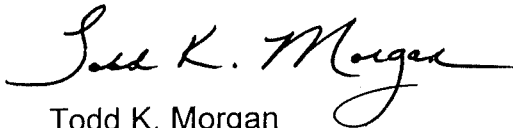
10. Staff questions whether the proposed development is in conformance with the 1995 Comprehensive Plan because the Future Land Use map classifies the parcels in question for High Suburban Density uses. However, the Comprehensive Plan also states that a mixture of commercial, office, and high suburban residential uses should develop along the south side of KY 18, between KY 237 and Burlington, to serve as a transition for the residential developments further off KY 18. Staff's major concern is that none of the developments that have been approved or proposed along the south side of this corridor have ever contained a residential element.

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.

The Future Land Use Map will need to be amended if the Planning Commission and Boone County Fiscal Court approve the Zoning Map Amendment request.

Respectfully submitted,

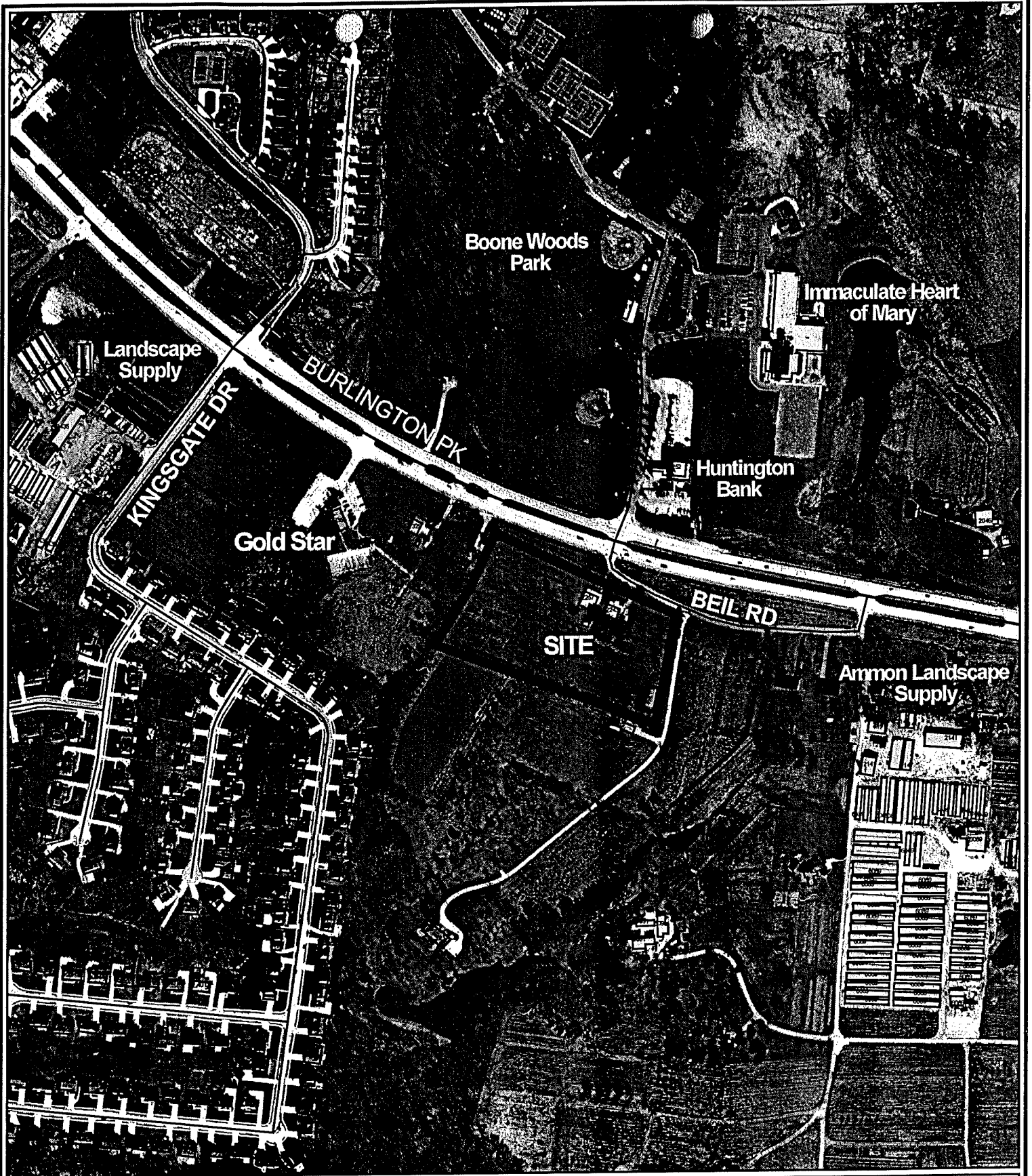


Todd K. Morgan
Planner

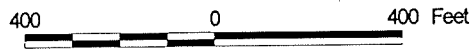
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Attachments:

- Site Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Plan
- Elevation of Proposed Bank
- Letter From Greg Sketch
- Gold Star Chili Concept Plan
- September 5, 1990 Committee Report for Gold Star Chili ZMA
- Commercial Two (C-2) Permitted Uses



Beil Properties Vicinity Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 7, 2000





Beil Properties Zoning Map

450 0 450 Feet

1 inch equals 450 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 8, 2000

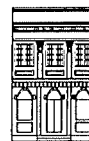




Beil Properties Future Land Use Map

450 0 450 Feet

1 inch equals 450 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 8, 2000





GREGORY V. SKETCH, P.E., L.S.
County Engineer

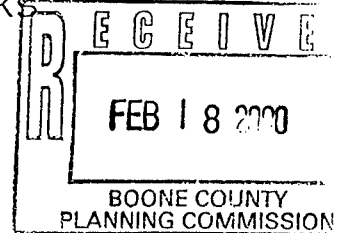


HARVEY F. PELLEY, L.S.
Director of Public Services

DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD
BURLINGTON, KY 41005

Phone: 606 586 5445
Fax: 606 586-5487



MEMORANDUM

TO: Todd Morgan, Planner
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Proposed Zone Change – First Financial Plaza

DATE: February 18, 2000

This is in response to your request for input concerning the request for a zone change for the First Financial Plaza, on the south side of Burlington Pike (K.S.R. 18) at the westerly intersection of Beil Road, a County maintained road. The proposed development plan shows the intersection of Beil Road being moved south to intersect a proposed street through the development. This street intersects Burlington Pike across from Veterans Way. My concern in this zone change request as with others involving County maintained roads is the adequacy of the road, both geometrically and structurally.

After reviewing the submitted plan, I have only the following comment. The alignment of the relocated Beil Road must meet the current Boone County Subdivision Regulations, including minimum horizontal curve radii and tangent lengths between curves, and minimum pavement depths and widths. If approved, I ask that the Zone Change Committee consider requiring a condition to ensure Beil Road is designed to this standard and approved by the County Engineer.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 23, 2000
7 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Hicks, Mr. Newman, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation Planner; Ms. Jan Hancock, Secretary; Mr. Mike Homer, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Ries, Temporary Presiding Officer, called the meeting to order at 7:08 P.M. and introduced the first item on the Agenda:

1. **Applicant:** Timothy B. Theissen for Marilyn C. Beil and Betty J. Beil (owners)

Request: Zoning Map Amendment

The request of Timothy B. Theissen (applicant) for Marilyn C. Beil and Betty J. Beil (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 5.62 acre tract on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The request is for a zone change to allow a mixed use commercial development.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Mr. Ries asked for the applicant's presentation.

Attorney Tim Theissen, representing, Mr. Terry Forcht, the purchaser of the property, stated that the sellers of the property are Betty and Marilyn Beil. The property is 5.62 acres immediately adjacent to Gold Star Chili, which is part of a planned development. Mr. Terry Forcht and Mr. Dorsey Hall will be in charge of the development on the subject site. Mr. Forcht and Mr. Hall are present and available to answer any questions. Mr. Theissen submitted a handout (see Exhibit 1). Mr. Theissen introduced Mr. Jay Bayer with Bayer & Becker Engineers to discuss the Concept Development Plan.

Mr. Bayer reviewed an exhibit of the Concept Development Plan and explained the plan to realign Beil Road. The proposed road through this development would meet up with the development to the west. He showed how the intersection at KY 18 and Beil Road will be brought out further to allow for stacking. He indicated the road Staff recommends to be a collector road, which they envision as a local road so that people will come out at the light and only the local traffic will come out on Beil Road. He stated that sanitary sewer and water are available along the frontage on KY 18. They are proposing that all their traffic come out at the light. They propose a connection to the west so that the commercial development there would have access to the light. They show a street stub to the south, which they do not propose to build at this time in order to allow for more buffer. They can build it now if the Planning Commissions wants them to, but they prefer leaving it as buffer. The road can be connected when the multi-family is developed at the rear and the need for buffer no longer exists. He indicated the area on the site where they propose a storm water detention basin.

Mr. Theissen reviewed the submitted handout (Exhibit 1). He referred to the marked text on Page 4 (Page 221 of the Comprehensive Plan) regarding the south side of KY 18 between Camp Ernst Road and Burlington and commented that this site is about in the middle of that area. He stated that the Comprehensive Plan talks about developing the area in a mixed commercial/residential fashion. Their proposed development does not include residential, but they only have the first several hundred feet of land from KY 18 and it is not best to put residential uses on KY 18. Part of the reason the Beil sisters are selling the property is that it is not the best place to live. He stated that the best way to handle a mixture of commercial and residential is to have the commercial by the road and the residential available for later development behind this tract. There is significant undeveloped property to the rear of this parcel available for development. He noted that there is a subdivision behind the Gold Star Chili site. He stated that the subject at this time is the five acres in the front, which is all the property the Beil sisters own.

Mr. Theissen stated that the proposed development is for a bank and offices. They have a proposed tenant for the bank building and for one of the office buildings. He indicated the location of the proposed bank building and stated that the development would proceed promptly. The remaining office buildings would

develop in later phases of the project. He stated that the picture shown by Staff of the proposed bank is close to what they intend to build, if not exact. The developer has built other bank buildings and this prototype has worked well. They do not have tenants for the remaining three buildings. The buildings immediately abutting the future residential will be one-story office buildings. The buildings on KY 18 will be available for other commercial uses. He stated that they are requesting C-2 because it is adjacent to the site and they are bringing it to the east. The adjacent Gold Star Chili development is next to them and is zoned C-2 in the front and O-2 in the back. He stated that C-2 zoning in Boone County includes Office as a Permitted Use. All of the O-1 uses are incorporated in C-2 and these uses are permitted. They will agree to restrictions to ensure that these will be office buildings in the future. Continuing to refer to Page 221 of the Comprehensive Plan (Pg. 4 of the handout), Mr. Theissen stated that the marked text talks about commercial uses being of a local service variety – which is what they intend to do. He stated that a branch bank serves the community and the office uses are more of a local variety and deal with people in the immediate vicinity. Restaurant uses, if there were any, day care centers, or other commercial uses would be permitted in the front buildings and would serve local residents or people who are in the immediate vicinity. He stated that the Comprehensive Plan talks about visual impact and the developer will agree to a condition similar to the one on the Gold Star Chili site that the architecture of the buildings would be residential on all sides, brick, and have substantial landscaping. They have significant buffering planned on the south and east sides, which may abut residential in the future, and there is existing significant tree line on the north side of the property to the south. He stated that the Comprehensive Plan prohibits commercial strip type development and this is not that type of development. The Comprehensive Plan talks about parallel roads, shared curb cuts, and adequate turning lane provisions, which are all included in their plan. The intensity of the square footage of the site is about half what is allowed by the Zoning Code. The parallel road will work with the Gold Star chili development if it goes forward. They have spoken with the owner of the property to the rear and he intends to stay there forever so they are showing that connection as not actually being constructed. If there were a 30-foot or 50-foot pavement there, they could not plant trees. If the property to the rear ever develops, the dedication will be there. They do not expect the property owner to the rear to buy fifty feet from them. They will dedicate the street connection and have the buffer in place. Referring to the last part of the marked paragraph on Page 221 of the Comprehensive Plan (Pg. 4 of the handout), Mr. Theissen stated that the Plan talks about TOD (Transit Oriented Development). He stated that pedestrian traffic will be encouraged. As residential use occurs to the rear, those people will be able to walk to the bank or walk to pick up children at the day care center or go to the restaurant. He stated that it is in compliance with the overall intent and goal of the Comprehensive Plan to keep people in the vicinity and have stores, offices, banks, and day care centers that they can walk to or have a short drive to once they get home. He stated that the proposed access drive and the curb cut to the rear property is the beginning of

something envisioned in the Comprehensive Plan and is ultimately a connection to Camp Ernst Road. Mr. Theissen stated that the handout includes documentation from a 1990 zone change application by John David, owner of the Gold Star Chili property. That property is very similar in regard to access and uses and in compliance with the Comprehensive Plan. A bank is planned at the Gold Star Chili development, as well as office buildings, day care, and restaurant uses that have not been built. In 1990, the Gold Star Chili property was identified in the Comprehensive Plan for high density residential and it was changed to commercial. He stated that Staff, the Planning Commission, and Fiscal Court recognized the appropriateness of allowing commercial development in the front and residential to the rear. The Concept Plan for the Gold Star Chili site is also included in the handout. He reviewed the Gold Star plan, noting the relation of the subject site to that site. He stated that their proposal calls for the elimination of the curb cut into the Gold Star Chili site. He stated that they can realign their buildings and streets to have the roads make a "T" as recommended by Staff. The roads in the Gold Star site make a "T". The Gold Star Chili site has access to the rear property and office buildings to the rear of the site. The "T" intersection from the Gold Star Chili site will attach to their property. Their property has a light at the intersection, which the Gold Star Chili site does not have. The Gold Star Chili site has a right-in/right-out access because there is no break in the median on KY 18. With the approval of this development, the right-in/right-out access on the Gold Star Chili site may be able to be eliminated. He stated that the Gold Star Chili development was conditioned on the developer of this property agreeing to work out a common access point at the property line - which they are prepared to do. Mr. Theissen stated that throughout the 1990 zone change application, there were recommendations on the possible future development of the subject tract. He referred to Item B in the handout (letter from Dave Estes) and stated that on Page 2 of Mr. Estes letter (see marked text) he recognizes the possible development of commercial property next door. Continuing to review the handout, he stated that the Committee Report (Item E, dated September 5, 1990) under Condition #9 in part reads "Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway". He stated that this is the kind of thing they are proposing and was envisioned in 1990. He stated that Findings of Fact #1 and #2 in the Committee Report are applicable to the approval of this site. Mr. Theissen stated that the 1990 application for the Gold Star Chili site was approved unanimously by the Zone Change Committee, the Planning Commission, and Fiscal Court. He stated that the house on the rear property is approximately 700 feet back from the rear property line of this site and there is significant buffering. In regard to a restaurant use, he stated that they do not have any ideas about fast food or drive-thru. They do not have a proposed restaurant tenant.

Mr. Theissen asked Marilyn Beil and Betty Beil if they wished to speak. They had no comments at this time.

This concluded the applicant's presentation.

Mr. Ries asked if there was anyone present who wished to speak in favor of this request. There being no response, he asked if there was anyone present in opposition to the request.

Attorney Jay Fossett, with Coors & Bassett, representing Arnold and Beverly Caddell, submitted a handout (see Exhibit 2). He presented an exhibit of the existing zoning in Boone County (reduced copy included in the handout). He introduced Mr. David Wallace from his office and Jonathan Wocher with McBride Dale Clarion. Mr. Fossett stated that Arnold Caddell is the Chairman of the Boone County Planning Commission and a citizen of Boone County. Mr. Caddell has made every effort not to be involved in this process, he has avoided any communication regarding this matter, and is voluntarily absent this evening. As a citizen, Mr. Caddell has a right to voice his opposition to any matters which may affect his property. He stated that even though the Commissioners know Mr. Caddell, they must vote solely on the evidence presented. He believes the evidence supports their position that the application should be denied.

Mr. Fossett reviewed an exhibit of KRS 100.213 and the three ways to approve a zone change (see Exhibit 2). In regard to #1, he stated that the proposed map amendment is not in agreement with the Comprehensive Plan. In regard to #1a he stated that the existing zoning classification is appropriate. In regard to #1b he stated that there has been no evidence presented to show that there have been major changes of an economic, physical or social nature not anticipated in the adopted Comprehensive Plan which have substantially altered the basic character of the area. He stated that the Comprehensive Plan was updated in 1995. The Gold Star Chili development was approved in 1990 and was considered when the Comprehensive Plan was updated. The Comprehensive Plan says that there needs to be a mixed use of commercial, residential, and office here. He referred to the Future Land Use Map in regard to the commercial land uses designations in the area. He stated that the idea of the Comprehensive Plan is to avoid commercial strip development which occurs further up on KY 18. The plan does not want to create a commercial strip all the way to Burlington.

Mr. Fossett submitted background information on Jonathan Wocher, a certified land planner (see Exhibit 3). He asked Mr. Wocher to address the question of whether this zoning change is appropriate for this site based on his education, training, and review of the 1995 Comprehensive Plan and the Zoning Regulations.

Mr. Wocher stated that the proposed zone change is not consistent with the Comprehensive Plan and not appropriate. He has worked on several Comprehensive Plans and worked with developers. He is familiar with land planning principles. He reviewed an exhibit of the Zoning Map and noted the

location of the subject site which is designated SR-2. He stated that the zoning in the area reflects the recommendation of the Land Use Plan. The subject site is designated for high suburban residential on the Land Use Plan and that is what it is currently zoned. He referred to the Comprehensive Plan (Page 1 of the handout) and stated that the first few paragraphs contain general goals including proper growth management in the Overall – Goals and Objectives. He stated that the proposal is inconsistent with this property and detracts from the diversity and balance recommended by the Comprehensive Plan. He stated that Item #2 under Business Activity – Goals and Objectives talks about the small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed. Taking that Goal into consideration, the Comprehensive Plan recommends locations where commercial uses are appropriate and where residential uses are appropriate. The Comprehensive Plan shows residential use for this area. He stated that if the proposed zone change is approved, it would allow a commercial strip – which is contrary to the Comprehensive Plan. The Housing Element speaks specifically to high density housing on the KY 18 corridor – and that is what this property is zoned for. He stated that the Land Use Plan talks about C-3, which is part of the Land Use Plan grid for this area, and that KY 18 between Camp Ernst Road and Burlington should be developed with mixed residential/commercial. If this application is approved, the residential mix is removed and the commercial strip is developed – which is discouraged by the Comprehensive Plan. The Comprehensive Plan says that strip development shall not occur. He stated that this property should remain residential to maintain the mix.

Mr. Wocher presented an Exhibit of General Planning Observations (also in the handout). He stated that commercial development is specifically talked about along KY 18 between KY 237 and Burlington and it is discouraged. The proposed zone change would contribute to the predominance of commercial uses along the corridor and would be contrary to the Comprehensive Plan. The proposed zone change would encourage increased traffic on Beil Road. There is a traffic signal at the west end of Beil Road, but not at the east end and it is residential in character. There would be a significant increase in the traffic at the east end of Beil Road and KY 18, and the road was not designed for that traffic. The development would have a significant impact on Beil Road and the overall function of KY 18. He stated that the existing single-family homes in the area should be considered. Mr. Wocher noted that the applicant commented in regard to the 1990 zone change on the Gold Star Chili parcel. He stated that there is land adjacent to the proposed map amendment that is designated for the proposed uses. KRS 100 talks about economic and social changes and there have not been any changes since the Comprehensive Plan was updated and no change is indicated based on the lack of development of the Gold Star Chili parcel. We do not need more C-2 zoning in the area. The lack of development of the Gold Star Chili parcel indicates the lack of a change of circumstances in the area. The Planning Commission knew of that change when the Comprehensive Plan was updated in

1995. He believes there was a conscious decision to leave this property as high suburban density residential. There was every opportunity in the 1995 Update to take the proposed zone change into account. Mr. Woche presented an exhibit of KRS 100.213 (included in the packet) and the three tests for a zone change. He stated that the proposed zone change does not meet any of the three tests.

Mr. Fossett stated that Beil Road is only about twenty feet wide. When stacking occurs, traffic will go along Beil Road and there is no light there. A potential traffic problem with Beil Road will be created. He referred to the Staff Report and Staff Comment #2 (Page 6) and stated that a sub-collector street requires a width of 28 feet and Beil Road is about 20 feet wide. The road is not appropriate for sub-collector status as proposed. He stated that the Gold Star Chili development was approved in 1990 and indicated the location of the proposed bank. He stated that the bank being proposed tonight is right next to that bank. The Comprehensive Plan calls for mixed uses and this is an identical use, which defeats the argument that the proposed development fits the Comprehensive Plan. He referred to the 1990 Committee Report which states (Finding of Fact #2, Page 1) that **The requested Commercial Two (C-2) zoning along KY 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east (which is the subject property) and is consistent with a similar establishment across KY 18.** He stated that the transition will go away if this site is developed for commercial and office type uses. He noted that Mr. Theissen stated that the house is approximately 700 feet from the proposed development and questioned the impact. Mr. Fossett stated that Mr. and Mrs. Caddell feel that the development will have a strong and adverse impact on them and they oppose the zone change. Mr. Caddell plans to continue to live there and not develop the property for the rest of his life. Mr. Fossett referred to KRS 100.213 and stated that the request is not consistent or in agreement with the Comprehensive Plan. He referred to the Land Use Element and quoted from the Comprehensive Plan, Page 221, that "A comprehensive Burlington Plan should be finalized and, until then, **commercial development along KY 18 between Burlington and the KY 237 intersection should be discouraged in order to protect the remaining downtown Burlington business.** He stated that if this parcel is changed to commercial and office, there will be a strip of commercial that will run all the way to Burlington because it is only a matter of time until it continues. It defies the planning recommendation for mixed uses along that corridor.

Mr. Fossett stated that they have proven that the request does not satisfy the Comprehensive Plan. The existing zoning classification is appropriate and the Future Land Use designation of high suburban density residential is an appropriate future use. The commercial and office uses are inappropriate. In 1995, the Comprehensive Plan was updated and looked at what happened next door at the Gold Star Chili site and what happened down the road. There are no changes of an economic, social, or physical nature which demonstrate that this

zone change should occur. He stated that a decision must be based on the criteria and the evidence presented. The applicant has not met the burden of proving that the zone change is appropriate. The request should be denied.

Mr. Ries asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Zimmer asked if the text at the bottom of Page 1 of Exhibit 2 was from the text of the 1995 Comprehensive Plan: **A comprehensive Burlington Plan should be finalized Until then, commercial development along KY 18 between Burlington and the KY 237 intersection should be discouraged in order to protect the remaining downtown Burlington business.** Mr. Morgan responded that this text was in the 1995 Comprehensive Plan. Mr. Zimmer questioned if it was also in the 1990 Comprehensive Plan. Mr. Wall will provide an answer to this question to the Committee.

Mr. Zimmer asked if there are two entrances to Beil Road on KY 18. Mr. Morgan responded "yes". Mr. Zimmer asked if it is the proposed interior roadway system of the development that Staff is classifying as a sub-collector. Mr. Morgan responded that Staff classified it as a sub-collector because the Caddell property is vacant and what will happen there in the future is unknown. He stated that this development would put more traffic on Beil Road. Mr. Costello stated that it is classified as a sub-collector because it is a commercial subdivision. Mr. Zimmer stated that the road would be 28 feet wide with sidewalks on each side. He asked if there will be bike paths. Mr. Wall responded that bike paths are not required. Mr. Zimmer asked if the Concept Development Plan showed sidewalks on the interior roads. Mr. Morgan responded "no" and Mr. Costello stated that sidewalks would be a requirement. Mr. Morgan commented that sidewalks would be reviewed at the Site Plan stage. Mr. Zimmer stated that one-story buildings were required as part of the approval of the Gold Star Chili site to mitigate the impact of the commercial look, but he only saw one one-story building in this proposal. Mr. Theissen responded that his understanding of that condition was that the buildings immediately adjacent to the residential area were to be one-story, which is what they are proposing for their one building that would be adjacent to the residential to the rear. The buildings along KY 18 and in the center of the site could be two-story buildings. Mr. Zimmer asked if any traffic generation studies have been done. Mr. Theissen responded "no".

Mr. Reynolds questioned what currently exists on the Gold Star Chili site. Mr. Morgan responded that only the Gold Star Chili operation is there, along with two residential structures that have not been demolished.

Mr. Newman questioned "continuous strip commercial center". Does that mean store after store, or a strip from one point to five miles down. Mr. Morgan

responded that it could be either. Mr. Wall explained that the interpretation of the Comprehensive Plan when evaluating a zone change is in the Commissioners' votes. The Commissioners need to read through the Plan and decide for themselves what is the correct interpretation.

Mr. Newman asked if the Plan says strip commercial centers or center. Mr. Morgan responded that at one point the Comprehensive Plan says "strip centers (plural) should be discouraged". Mr. Newman stated that centers (plural) makes him think of a development like Oakbrook where there are places on top of each other. Mr. Morgan responded that that kind of use is completely discouraged. Mr. Newman asked if the Plan says continuous strip centers or continuous commercial centers. Mr. Morgan responded that an interpretation has to be made. He stated that the uses on this property are supposed to be mixed uses with a residential element – that is what the Comprehensive Plan talks about between KY 237 and Burlington.

Mrs. Poston asked if one of the entrances to Beil Road could be closed. Mr. Morgan responded that that would be up to discussion with Public Works. The residents may object to that proposal. Mr. Costello stated that the Planning Commission could not permit the commercial development to have access to Beil Road. The road could be realigned to come out at the light, but the commercial and residential traffic could be separated. This will be looked at by the Committee.

Mr. Hicks questioned what criteria the applicant meets to get the zone change. Mr. Theissen responded that he relies on what the Planning Commission did in 1990 when approving the Gold Star Chili site. The Committee Report is included in his handout and the Committee found that the request was generally consistent with the Comprehensive Plan and that the current single-family residences on the site are not appropriate on KY 18. He stated that these are "or" criteria and they do not have to meet all three. He stated that the property allows for a mix of residential and commercial uses. Putting the residential on a four or five lane highway is not an appropriate way to mix commercial and residential. He questioned the number of single-family homes currently on KY 18. He stated that KY 18 used to be a two-lane road with a lot more single-family homes and a lot less traffic. It is now a four-lane highway. The residential should be behind the commercial. The residents can stop at the bank or restaurant on their way home and then continue on to their homes.

Mr. Hicks stated that there is O-2 between the Gold Star Chili site and the residential. He questioned why the applicant did not apply for O-2. Mr. Theissen responded that it was not practical in terms of the number of acres for them to divide this site. The Gold Star Chili site is a bigger site. They are saying that the buildings will become offices and that will be part of the Certificate of Land Use restriction – which gives the same end result as a zoning line with C-2 in the front

and O-2 in the back. Mr. Hicks asked if the buildings are eligible for O-1 or O-2. Mr. Theissen responded that he assumes the bank and offices are, but does not know about the restaurant and day care.

Mr. Zimmer noted that the Land Use Element states that this area is to provide another opportunity for a TOD development, and he would like Staff to bring an example of a TOD to the Committee Meeting. Mr. Costello responded that he will bring the author of the Comprehensive Plan and the person responsible for the interpretation. Mr. Zimmer stated that mixing of uses may or may not be possible on five acres. He would like to see examples of a TOD.

Mr. Costello asked the applicant to provide to Staff examples of projects the developer has been involved in (pictures and locations). Mr. Theissen responded that Mr. Forcht has done five developments in Northern Kentucky, all of which have included a bank as their primary use. Mr. Costello requested the locations and if there is one similar to the proposal, he would like to look at it.

Mr. Newman reviewed the map with the applicant and commented that it appears that everything is commercial except for one site, and that is not correct. Mr. Costello commented that that site is an office use owned by the Extension Office. He added that to the west of the Gold Star Chili site, the Planning Commission approved an elderly housing project a few years ago. The property was originally zoned C-2 and is indicated on the zoning map as PF. There will be elderly housing in front of Kingsgate Crossing where the soccer fields are now.

Mr. Ries asked for closing comments from the applicant.

Mr. Theissen stated that they are relying on the same findings the Committee had for the Gold Star Chili property as their basis for the zone change. He stated that there was discussion of mixing commercial and residential uses, but when you drive down most busy streets, there are not many people who want to own a house there – so the residential ends up behind the commercial. Most of the residences on Dixie Highway are older buildings – not newer ones since the traffic has increased. For the last twenty years, it has been the residences behind the commercial. He indicated existing Beil Road on the exhibit. Beil Road now serves the Beil sisters, the Caddell driveway, and another two or three homes. They are the only people who use Beil Road. He stated that there is a break in the median so you can turn left on KY 18 from Beil Road – but you would have to do that in the middle of the night when there is no traffic. Coming out of the development and heading towards Florence, someone might consider using Beil Road, but there is an out at the light and a turn lane so he cannot image someone using Beil Road. He stated that they do not need Beil Road. It is proposed to be realigned to create a stacking distance for the light, which is good planning. Beil Road is not going to serve this development and he does not envision it as a sub-collector street. Even after this development goes it, it will only serve the few

residents left. He stated that the Kroger development that is going in now down KY 18 calls for a mix of residential and commercial. It is a huge supermarket with outlots in the front and residential behind it – which is the same thing being done here. In regard to the comment made about having two banks next to each other, he indicated their bank building and stated that the other proposed bank building will be a building away. He stated that the Gold Star Chili site did not develop because they did not have a light out onto KY 18. Customers who had to turn left would have a problem getting across KY 18. He stated that there is an obvious reason why that property has not developed. The synergy with that site makes this property easier to develop because of the access. It makes more sense to rezone this property O-2 and C-2 than it did for that property. Even if there were two banks there, that is also the case in other locations. At Sixth and Madison in Covington there are four banks. It is also true with restaurants – if one is very busy, then others will come. He stated that banks open and close at reasonable hours and are not loud. A bank is a great use for residential behind it. Banks have no outside storage. He stated that they show sidewalks on the interior of the development and they intend to comply with all the Subdivision Regulations. They will include sidewalks for the future extension if they are required. He stated that the Comprehensive Plan says “strip commercial development is discouraged”. He stated that this is not strip commercial development. Strip development is not as effective and not as good looking. He stated that it makes sense to have development along the main part of the road and that happens all over the country.

Mr. Ries asked for closing remarks from the opposition.


Mr. Fossett referred to the Commissioner’s comment about a traffic analysis. He stated that they did a quick analysis (see Exhibit 4) of the uses and saw that the development would generate approximately 5,900 daily total trips. He stated that these figures are consistent with the Gold Star Chili site and show trip generation for a similar project next door. He noted that Mr. Theissen said that residential development is not appropriate here, but there is a lot of residential development along KY 18. A sub-collector street will promote residential development. Single- and multi-family housing is all along KY 18 and it is appropriate for residential zoning. The land can serve residential uses as equally as office or commercial uses. Residential zoning is what the Comprehensive Plan calls for and what is dictated for this property. The elderly housing is a prime example of mixed uses – it is commercial, elderly housing, and SR-2. He stated that the Comprehensive Plan says “The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion” and “Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided”. It also says that “A comprehensive Burlington Plan should be finalized Until then, commercial development along KY 18 between Burlington and the KY 237 intersection should be

discouraged in order to protect the remaining downtown Burlington business". He stated that under Kentucky law there needs to be a compelling reason for rezoning and that has not been shown. He asked that the application be denied.

There being no further comments, the Mr. Ries stated that the Committee Meeting for this item will be on March 2, 2000 at 5 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 2000 at 7:30 P.M..

The Mr. Ries closed this Public Hearing at 8:40 P.M. and called for short recess.

APPROVED:



Robert Ries
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

- Exhibit 1 Handout submitted by Attorney Timothy B. Theissen (39 pages, Sections A through I).
- Exhibit 2 Handout submitted by Attorney Jay Fossett (3 pages, 2 exhibits).
- Exhibit 3 Background information re: Jonathan Woche, AICP, with McBride Dale Clarion.
- Exhibit 4 Traffic Analysis

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom

DATE: September 5, 1990

RE: Request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6 acre site located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 25, 1990, Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following conditions:

Findings of Fact

1. Although the 1990 Boone County Future Land Use Map indicates High Suburban Density residential for most of the site, the Committee believes that the proposed development accomplishes the overall intent of the Comprehensive Plan for the area along Ky 18. The request is consistent with the Land Use Element text that recommends against strip commercial development along Ky 18, and recommends a transition from commercial uses into existing and planned residential uses. In the Committee's opinion, the proposed office development, as modified by the attached conditions, constitutes the low impact type of land uses called for in the Comprehensive Plan. The Land Use Element recommends an innovative mixture of local commercial, office and High Suburban Density residential uses to provide a transition into lower density residential. This project provides some of this mixture of uses, and its design allows adjacent properties to do the same. The project, as modified by the attached conditions, minimizes the potential negative impacts of business uses being located next to residential uses. The request is also consistent with the 1990 Comprehensive Plan's recommended access spacing along Ky 18.
2. The Committee believes that the requested zoning of Office Two (O-2) is appropriate for the rear half of the development because it would buffer the restaurant uses from the residential uses. The existing zoning of Recreation (R) is inappropriate because of the noise and light impacts on adjacent properties that are developing as residential. The requested Commercial Two (C-2) zoning along Ky 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east, and is consistent with a similar establishment across Ky 18. The Committee also believes that the current single-family residences on the site are not appropriate along Ky 18 and that, therefore the current zoning of Suburban Residential Two (SR-2) is not appropriate as reflected by the current uses.

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 7/25/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Because the site immediately adjoins established single-family residential areas, the Committee believes that increased buffering is necessary. A six-foot high wooden fence shall be included with the required 15 foot landscaped buffer area along the east, south, and west edges of the site, south of the proposed connector drive. The fence and buffer area shall be installed at the beginning of construction of the office and potential day care development. Detailed landscaping plans for the buffer area shall be submitted at Site Plan Review. The proposed professional office buildings shall contain a minimum setback of 30 feet on the east, south, and west property lines to soften the visual impact of the rear of the proposed buildings. The landscaped strip between the KY 18 right-of-way and parking areas shall be consistent in width and scale of plantings with that shown on the submitted Concept Plan.
2. All buildings on the perimeter of the requested Office Two zone shall be no higher than one story. Any two-story buildings shall be located near the center of the site only.
3. The required 15 foot buffer area around the proposed day care facility is in addition to the proposed play area and shall not be a part of the play area. The proposed day care is a conditional use in the Office Two Zone and is subject to review by the Boone County Board of Adjustments.
4. As presented by the applicant at the 7/25/90 Public Hearing, the architecture of the proposed office buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping.
5. Every effort shall be made to retain four mature trees existing on the Barnes tract in order to soften the commercial appearance along KY 18.
6. The proposed restaurant shall not be fast-food in nature, but a sit-down restaurant could potentially have a pick-up window if approved by the Board of Adjustments.
7. As shown on the submitted plan, no parking stalls shall be located on the major interior drives. The realignment of interior drives, and redesign of the proposed restaurant and bank sites may be required at Site Plan Review.
8. The existing Gold Star curb cut and median cut shall be removed at such time as the main site access drive is constructed.
9. The area along the east property line between KY 18 and the proposed main connector drive shall meet the minimum buffer yard requirements of the

Boone County Zoning Regulations, unless a Variance is granted by the Board of Adjustments. Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway.

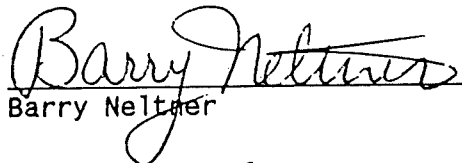
10. The two KY 18 median cuts that currently serve the existing residences shall be removed with the construction of the proposed right-in, right-out access drive. A west bound left-turn lane on KY 18 shall be constructed at the main entrance drive when that drive is constructed.

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.



Phil Damstrom, Chairman

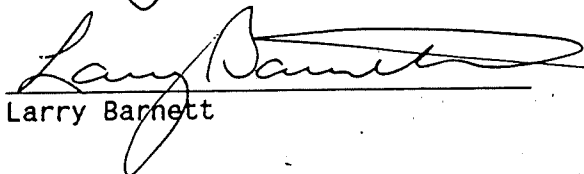
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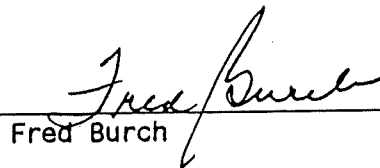
Barry Neltner



Carol Smith



Larry Barnett



Fred Burch



Donald McMillian

PD:mcb

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchise style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;

25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).
2. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
3. Automotive repair facility and wash services for vehicles;
4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
5. Sale of satellite dishes;

6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
7. Mini-warehouses or storage facilities;

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
3. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; (Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112
Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

SECTION 1113
Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

SECTION 1114
Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115
Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Eating and drinking places including alcoholic beverages and with drive-thru facilities; Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in or franchise style fast food establishments. **(CITY OF FLORENCE ONLY);**
3. Retail sales of newspapers and magazines, drugs, and proprietary goods;
4. Banking and credit union services, including drive-thru teller services.

SECTION 1122

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 15, 2000
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mike Homer, Planner
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received a copy of the Minutes of the February 23, 2000 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Wilson seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received a copy of the Minutes of the March 1, 2000 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Barlow seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

Chairman Caddell left the meeting at this time due to a conflict of interest in regard to Agenda Item #1. He is an adjoining property owner to the site in question.

Mr. Chaney chaired the meeting at this time and introduced the first item on the Agenda:

1. Zoning Map Amendment

The request of Timothy B. Theissen (applicant) for Marilyn C. Beil and Betty J. Beil (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 5.62 acre tract on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The request is for a zone change to allow a mixed use commercial development.

Counselor Wilson advised that the Committee unanimously determined that they were ready to go forward without any further input from the applicant. After the Committee meeting, a letter was received from Mr. Tim Theissen, attorney for the applicant. The letter was received after the Public Hearing and after the Committee Meeting and is not part of the record of this application. The Commissioners have not seen this correspondence based on his advice to Mr. Costello.

Staff Member Todd Morgan presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Hicks moved by resolution to Boone County Fiscal Court that the Committee Report be adopted and the request denied. Mr. White seconded the motion.

Mr. Chaney asked if there were any comments or discussion from the Commissioners.

Mrs. Poston referred to the Committee Report, Page 3, Item 3, which says that the Committee found that there have been no major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan. She asked if the Committee considered the coming changes with the new courthouse in Burlington. With the businesses being displaced by that new building, she can see a need for more Commercial space. There are not many places left to do business in downtown Burlington.

Mr. Hicks responded that the Committee is in favor of the Comprehensive Plan. The Comprehensive Plan warns about extending the commercial, which could ruin downtown Burlington. He stated that there are quite a few places left to do business in downtown Burlington. He stated that there is no mix in the request and there is reason to believe it will hurt downtown Burlington by continuing the commercial strip down through this area. He feels that the Residential zoning is correct. Mr. Zimmer agreed. He stated that the Committee felt that allowing this zone change in that location would have a negative impact on the commercial aspects of Burlington. The Committee felt that the business core of Burlington would be disrupted by allowing strip development to continue north of Burlington.

Mrs. Poston stated that these are separate buildings and questioned if it is considered a "strip" because there is a series of commercial acreage. Mr. Zimmer responded that the Committee determined that definition could be applied.

Mr. Newman stated that the request is for a bank and other commercial buildings. He referred to the Committee Report, Page 1, Item 1.B., which says that the area "should develop in a mixed residential and commercial fashion". He asked if the only difference between the existing zoning classification and the proposed zoning classification is that there is no residential in it. Mr. Hicks responded that the Comprehensive Plan calls for a mixed development, and there is no residential in the proposal. The request is for commercial for the entire site. Mr. Newman questioned how often you see residential right on the road if you go along KY 18 or any major road like it. Mr. Hicks stated that there is residential zoning behind the site and it is not desirable to drive through commercial to get to residential. Mr. Newman stated that there is a lot of buffering provided. He asked if there is residential to the side of the site. Mr. Hicks responded that there is a small section of residential, but the area is commercial from Ammon's. Mr. White agreed and stated that there is residential all the way down to Gold Star Chili. He stated that the applicant wants to take about one hundred feet of Beil Road for the development, and it does not fit here.

Mr. Zimmer referred to Page 3 of the February 23, 2000 Staff Report and reviewed the quotes from the Comprehensive Plan which speak specifically of

this area. He commented that this text was not in the 1990 Comprehensive Plan and it was added in 1995 to specifically target this parcel and parcels along KY 18 so that a TOD type of development could have the opportunity to occur. The Staff Report talks about the commercial development remaining in downtown Burlington.

Mr. Barlow stated that the separate buildings make this development different from a "strip center". There is a service road for the commercial buildings that comes out on the main road at a stoplight. He agreed with Mrs. Poston that the commercial aspects of Burlington have to go some place and stated that this would seem like a desirable location. He stated that any property that comes up for sale in Burlington is being purchased by the county and the commercial is not going in the core of Burlington.

Mr. Zimmer stated that the Committee's position is that the Comprehensive Plan says "strip commercial development should not occur and there should be innovative mixing of office, suburban residential and urban density residential, and some local commercial". He explained that this property is contiguous to the Gold Star commercial property, so there would be a strip of commercial development from Ammon's down to and including the Gold Star parcel. This would be a strip of commercial property further away from Burlington and not in conjunction with the Comprehensive Plan. It does not meet the Land Use Elements in regard to residential and the TOD mix.

Mr. Barlow stated that the mix would be expected of the whole area. There is 300 or 400 acres zoned High Density Residential. He asked Mr. Zimmer if there were a larger property there and it was a percentage of commercial within a larger piece of property, would that change the Committee's consideration of a smaller piece of commercial in the area? Mr. Zimmer responded "yes" because that is a TOD – it is a place where people live and work. It would be a blend of what the Comprehensive Plan calls for. Mr. Barlow questioned the blend being within each piece of property – would there have to be a blend within five acres? He asked if the issue is that this individual piece of property does not have a mix.

Mr. Morgan explained that the Comprehensive Plan talks about the corridor between Camp Ernst Road and Burlington and calls for a mix of Residential, Commercial, and Office. The Committee is saying that the Gold Star development is all Commercial and the proposed development is all Commercial, and Ammon's is Commercial, which is not the mix or TOD.

Mr. Newman asked how you mix Commercial, High Density and Urban Residential, and Office on 5.62 acres. Counselor Wilson explained that the Committee is saying to look at the whole corridor, not just the five acres. Mr. Morgan agreed and noted that that is how it is stated in the Comprehensive Plan.

There being no further discussion, Mr. Chaney asked for a vote on the motion made by Mr. Hicks to deny the request which found Mrs. Arnett, Mr. Chaney, Mr. Hicks, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer in favor. Mr. Barlow and Mrs. Poston were opposed. The motion carried by a vote of 11 to 2 with 1 abstention. Mr. Costello stated that the Planning Commission's action is a recommendation to Fiscal Court for their final action.

Chairman Caddell returned to the meeting room at this time and chaired the rest of the meeting:

2. **Zoning Map Amendment**

The request of George Cosmah (applicant) for J. Curtis Bevins (owner) to consider a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2), and a Conditional Use Permit, for an approximate 0.95 acre tract at 1007 Burlington Pike, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow sales or leasing of motor vehicles.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, Mr. Ries moved by resolution to Boone County Fiscal Court to approve the request based on the Committee Report. Mr. White seconded the motion and it carried unanimously.

3. **Change in Concept Development Plan**

The request of Carlson Consulting Engineers (applicant) for Benenson Capitol Company (owner) to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 14.65 acre lot at 4949 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development plan to allow an expansion of the existing Sam's Club store.

Staff Member Mike Homer presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. White moved by resolution to the City of Florence to approve the request based on the Committee Report. Mr. Zimmer seconded the motion.

EXHIBIT
"B"

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 23, 2000
7 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Hicks, Mr. Newman, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation Planner; Ms. Jan Hancock, Secretary; Mr. Mike Homer, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Ries, Temporary Presiding Officer, called the meeting to order at 7:08 P.M. and introduced the first item on the Agenda:

1. **Applicant:** Timothy B. Theissen for Marilyn C. Beil and Betty J. Beil (owners)

Request: Zoning Map Amendment

The request of Timothy B. Theissen (applicant) for Marilyn C. Beil and Betty J. Beil (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 5.62 acre tract on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The request is for a zone change to allow a mixed use commercial development.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Mr. Ries asked for the applicant's presentation.

Attorney Tim Theissen, representing, Mr. Terry Forcht, the purchaser of the property, stated that the sellers of the property are Betty and Marilyn Beil. The property is 5.62 acres immediately adjacent to Gold Star Chili, which is part of a planned development. Mr. Terry Forcht and Mr. Dorsey Hall will be in charge of the development on the subject site. Mr. Forcht and Mr. Hall are present and available to answer any questions. Mr. Theissen submitted a handout (see Exhibit 1). Mr. Theissen introduced Mr. Jay Bayer with Bayer & Becker Engineers to discuss the Concept Development Plan.

Mr. Bayer reviewed an exhibit of the Concept Development Plan and explained the plan to realign Beil Road. The proposed road through this development would meet up with the development to the west. He showed how the intersection at KY 18 and Beil Road will be brought out further to allow for stacking. He indicated the road Staff recommends to be a collector road, which they envision as a local road so that people will come out at the light and only the local traffic will come out on Beil Road. He stated that sanitary sewer and water are available along the frontage on KY 18. They are proposing that all their traffic come out at the light. They propose a connection to the west so that the commercial development there would have access to the light. They show a street stub to the south, which they do not propose to build at this time in order to allow for more buffer. They can build it now if the Planning Commissions wants them to, but they prefer leaving it as buffer. The road can be connected when the multi-family is developed at the rear and the need for buffer no longer exists. He indicated the area on the site where they propose a storm water detention basin.

Mr. Theissen reviewed the submitted handout (Exhibit 1). He referred to the marked text on Page 4 (Page 221 of the Comprehensive Plan) regarding the south side of KY 18 between Camp Ernst Road and Burlington and commented that this site is about in the middle of that area. He stated that the Comprehensive Plan talks about developing the area in a mixed commercial/residential fashion. Their proposed development does not include residential, but they only have the first several hundred feet of land from KY 18 and it is not best to put residential uses on KY 18. Part of the reason the Beil sisters are selling the property is that it is not the best place to live. He stated that the best way to handle a mixture of commercial and residential is to have the commercial by the road and the residential available for later development behind this tract. There is significant undeveloped property to the rear of this parcel available for development. He noted that there is a subdivision behind the Gold Star Chili site. He stated that the subject at this time is the five acres in the front, which is all the property the Beil sisters own.

Mr. Theissen stated that the proposed development is for a bank and offices. They have a proposed tenant for the bank building and for one of the office buildings. He indicated the location of the proposed bank building and stated that the development would proceed promptly. The remaining office buildings would

develop in later phases of the project. He stated that the picture shown by Staff of the proposed bank is close to what they intend to build, if not exact. The developer has built other bank buildings and this prototype has worked well. They do not have tenants for the remaining three buildings. The buildings immediately abutting the future residential will be one-story office buildings. The buildings on KY 18 will be available for other commercial uses. He stated that they are requesting C-2 because it is adjacent to the site and they are bringing it to the east. The adjacent Gold Star Chili development is next to them and is zoned C-2 in the front and O-2 in the back. He stated that C-2 zoning in Boone County includes Office as a Permitted Use. All of the O-1 uses are incorporated in C-2 and these uses are permitted. They will agree to restrictions to ensure that these will be office buildings in the future. Continuing to refer to Page 221 of the Comprehensive Plan (Pg. 4 of the handout), Mr. Theissen stated that the marked text talks about commercial uses being of a local service variety – which is what they intend to do. He stated that a branch bank serves the community and the office uses are more of a local variety and deal with people in the immediate vicinity. Restaurant uses, if there were any, day care centers, or other commercial uses would be permitted in the front buildings and would serve local residents or people who are in the immediate vicinity. He stated that the Comprehensive Plan talks about visual impact and the developer will agree to a condition similar to the one on the Gold Star Chili site that the architecture of the buildings would be residential on all sides, brick, and have substantial landscaping. They have significant buffering planned on the south and east sides, which may abut residential in the future, and there is existing significant tree line on the north side of the property to the south. He stated that the Comprehensive Plan prohibits commercial strip type development and this is not that type of development. The Comprehensive Plan talks about parallel roads, shared curb cuts, and adequate turning lane provisions, which are all included in their plan. The intensity of the square footage of the site is about half what is allowed by the Zoning Code. The parallel road will work with the Gold Star chili development if it goes forward. They have spoken with the owner of the property to the rear and he intends to stay there forever so they are showing that connection as not actually being constructed. If there were a 30-foot or 50-foot pavement there, they could not plant trees. If the property to the rear ever develops, the dedication will be there. They do not expect the property owner to the rear to buy fifty feet from them. They will dedicate the street connection and have the buffer in place. Referring to the last part of the marked paragraph on Page 221 of the Comprehensive Plan (Pg. 4 of the handout), Mr. Theissen stated that the Plan talks about TOD (Transit Oriented Development). He stated that pedestrian traffic will be encouraged. As residential use occurs to the rear, those people will be able to walk to the bank or walk to pick up children at the day care center or go to the restaurant. He stated that it is in compliance with the overall intent and goal of the Comprehensive Plan to keep people in the vicinity and have stores, offices, banks, and day care centers that they can walk to or have a short drive to once they get home. He stated that the proposed access drive and the curb cut to the rear property is the beginning of

something envisioned in the Comprehensive Plan and is ultimately a connection to Camp Ernst Road. Mr. Theissen stated that the handout includes documentation from a 1990 zone change application by John David, owner of the Gold Star Chili property. That property is very similar in regard to access and uses and in compliance with the Comprehensive Plan. A bank is planned at the Gold Star Chili development, as well as office buildings, day care, and restaurant uses that have not been built. In 1990, the Gold Star Chili property was identified in the Comprehensive Plan for high density residential and it was changed to commercial. He stated that Staff, the Planning Commission, and Fiscal Court recognized the appropriateness of allowing commercial development in the front and residential to the rear. The Concept Plan for the Gold Star Chili site is also included in the handout. He reviewed the Gold Star plan, noting the relation of the subject site to that site. He stated that their proposal calls for the elimination of the curb cut into the Gold Star Chili site. He stated that they can realign their buildings and streets to have the roads make a "T" as recommended by Staff. The roads in the Gold Star site make a "T". The Gold Star Chili site has access to the rear property and office buildings to the rear of the site. The "T" intersection from the Gold Star Chili site will attach to their property. Their property has a light at the intersection, which the Gold Star Chili site does not have. The Gold Star Chili site has a right-in/right-out access because there is no break in the median on KY 18. With the approval of this development, the right-in/right-out access on the Gold Star Chili site may be able to be eliminated. He stated that the Gold Star Chili development was conditioned on the developer of this property agreeing to work out a common access point at the property line – which they are prepared to do. Mr. Theissen stated that throughout the 1990 zone change application, there were recommendations on the possible future development of the subject tract. He referred to Item B in the handout (letter from Dave Estes) and stated that on Page 2 of Mr. Estes letter (see marked text) he recognizes the possible development of commercial property next door. Continuing to review the handout, he stated that the Committee Report (Item E, dated September 5, 1990) under Condition #9 in part reads "Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway". He stated that this is the kind of thing they are proposing and was envisioned in 1990. He stated that Findings of Fact #1 and #2 in the Committee Report are applicable to the approval of this site. Mr. Theissen stated that the 1990 application for the Gold Star Chili site was approved unanimously by the Zone Change Committee, the Planning Commission, and Fiscal Court. He stated that the house on the rear property is approximately 700 feet back from the rear property line of this site and there is significant buffering. In regard to a restaurant use, he stated that they do not have any ideas about fast food or drive-thru. They do not have a proposed restaurant tenant.

Mr. Theissen asked Marilyn Beil and Betty Beil if they wished to speak. They had no comments at this time.

This concluded the applicant's presentation.

Mr. Ries asked if there was anyone present who wished to speak in favor of this request. There being no response, he asked if there was anyone present in opposition to the request.

Attorney Jay Fossett, with Coors & Bassett, representing Arnold and Beverly Caddell, submitted a handout (see Exhibit 2). He presented an exhibit of the existing zoning in Boone County (reduced copy included in the handout). He introduced Mr. David Wallace from his office and Jonathan Wocher with McBride Dale Clarion. Mr. Fossett stated that Arnold Caddell is the Chairman of the Boone County Planning Commission and a citizen of Boone County. Mr. Caddell has made every effort not to be involved in this process, he has avoided any communication regarding this matter, and is voluntarily absent this evening. As a citizen, Mr. Caddell has a right to voice his opposition to any matters which may affect his property. He stated that even though the Commissioners know Mr. Caddell, they must vote solely on the evidence presented. He believes the evidence supports their position that the application should be denied.

Mr. Fossett reviewed an exhibit of KRS 100.213 and the three ways to approve a zone change (see Exhibit 2). In regard to #1, he stated that the proposed map amendment is not in agreement with the Comprehensive Plan. In regard to #1a he stated that the existing zoning classification is appropriate. In regard to #1b he stated that there has been no evidence presented to show that there have been major changes of an economic, physical or social nature not anticipated in the adopted Comprehensive Plan which have substantially altered the basic character of the area. He stated that the Comprehensive Plan was updated in 1995. The Gold Star Chili development was approved in 1990 and was considered when the Comprehensive Plan was updated. The Comprehensive Plan says that there needs to be a mixed use of commercial, residential, and office here. He referred to the Future Land Use Map in regard to the commercial land uses designations in the area. He stated that the idea of the Comprehensive Plan is to avoid commercial strip development which occurs further up on KY 18. The plan does not want to create a commercial strip all the way to Burlington.

Mr. Fossett submitted background information on Jonathan Wocher, a certified land planner (see Exhibit 3). He asked Mr. Wocher to address the question of whether this zoning change is appropriate for this site based on his education, training, and review of the 1995 Comprehensive Plan and the Zoning Regulations.

Mr. Wocher stated that the proposed zone change is not consistent with the Comprehensive Plan and not appropriate. He has worked on several Comprehensive Plans and worked with developers. He is familiar with land planning principles. He reviewed an exhibit of the Zoning Map and noted the

location of the subject site which is designated SR-2. He stated that the zoning in the area reflects the recommendation of the Land Use Plan. The subject site is designated for high suburban residential on the Land Use Plan and that is what it is currently zoned. He referred to the Comprehensive Plan (Page 1 of the handout) and stated that the first few paragraphs contain general goals including proper growth management in the Overall – Goals and Objectives. He stated that the proposal is inconsistent with this property and detracts from the diversity and balance recommended by the Comprehensive Plan. He stated that Item #2 under Business Activity – Goals and Objectives talks about the small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed. Taking that Goal into consideration, the Comprehensive Plan recommends locations where commercial uses are appropriate and where residential uses are appropriate. The Comprehensive Plan shows residential use for this area. He stated that if the proposed zone change is approved, it would allow a commercial strip – which is contrary to the Comprehensive Plan. The Housing Element speaks specifically to high density housing on the KY 18 corridor – and that is what this property is zoned for. He stated that the Land Use Plan talks about C-3, which is part of the Land Use Plan grid for this area, and that KY 18 between Camp Ernst Road and Burlington should be developed with mixed residential/commercial. If this application is approved, the residential mix is removed and the commercial strip is developed – which is discouraged by the Comprehensive Plan. The Comprehensive Plan says that strip development shall not occur. He stated that this property should remain residential to maintain the mix.

Mr. Wocher presented an Exhibit of General Planning Observations (also in the handout). He stated that commercial development is specifically talked about along KY 18 between KY 237 and Burlington and it is discouraged. The proposed zone change would contribute to the predominance of commercial uses along the corridor and would be contrary to the Comprehensive Plan. The proposed zone change would encourage increased traffic on Beil Road. There is a traffic signal at the west end of Beil Road, but not at the east end and it is residential in character. There would be a significant increase in the traffic at the east end of Beil Road and KY 18, and the road was not designed for that traffic. The development would have a significant impact on Beil Road and the overall function of KY 18. He stated that the existing single-family homes in the area should be considered. Mr. Wocher noted that the applicant commented in regard to the 1990 zone change on the Gold Star Chili parcel. He stated that there is land adjacent to the proposed map amendment that is designated for the proposed uses. KRS 100 talks about economic and social changes and there have not been any changes since the Comprehensive Plan was updated and no change is indicated based on the lack of development of the Gold Star Chili parcel. We do not need more C-2 zoning in the area. The lack of development of the Gold Star Chili parcel indicates the lack of a change of circumstances in the area. The Planning Commission knew of that change when the Comprehensive Plan was updated in

1995. He believes there was a conscious decision to leave this property as high suburban density residential. There was every opportunity in the 1995 Update to take the proposed zone change into account. Mr. Wocher presented an exhibit of KRS 100.213 (included in the packet) and the three tests for a zone change. He stated that the proposed zone change does not meet any of the three tests.

Mr. Fossett stated that Beil Road is only about twenty feet wide. When stacking occurs, traffic will go along Beil Road and there is no light there. A potential traffic problem with Beil Road will be created. He referred to the Staff Report and Staff Comment #2 (Page 6) and stated that a sub-collector street requires a width of 28 feet and Beil Road is about 20 feet wide. The road is not appropriate for sub-collector status as proposed. He stated that the Gold Star Chili development was approved in 1990 and indicated the location of the proposed bank. He stated that the bank being proposed tonight is right next to that bank. The Comprehensive Plan calls for mixed uses and this is an identical use, which defeats the argument that the proposed development fits the Comprehensive Plan. He referred to the 1990 Committee Report which states (Finding of Fact #2, Page 1) that **The requested Commercial Two (C-2) zoning along KY 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east (which is the subject property) and is consistent with a similar establishment across KY 18.** He stated that the transition will go away if this site is developed for commercial and office type uses. He noted that Mr. Theissen stated that the house is approximately 700 feet from the proposed development and questioned the impact. Mr. Fossett stated that Mr. and Mrs. Caddell feel that the development will have a strong and adverse impact on them and they oppose the zone change. Mr. Caddell plans to continue to live there and not develop the property for the rest of his life. Mr. Fossett referred to KRS 100.213 and stated that the request is not consistent or in agreement with the Comprehensive Plan. He referred to the Land Use Element and quoted from the Comprehensive Plan, Page 221, that "A comprehensive Burlington Plan should be finalized and, until then, **commercial development along KY 18 between Burlington and the KY 237 intersection should be discouraged in order to protect the remaining downtown Burlington business.** He stated that if this parcel is changed to commercial and office, there will be a strip of commercial that will run all the way to Burlington because it is only a matter of time until it continues. It defies the planning recommendation for mixed uses along that corridor.

Mr. Fossett stated that they have proven that the request does not satisfy the Comprehensive Plan. The existing zoning classification is appropriate and the Future Land Use designation of high suburban density residential is an appropriate future use. The commercial and office uses are inappropriate. In 1995, the Comprehensive Plan was updated and looked at what happened next door at the Gold Star Chili site and what happened down the road. There are no changes of an economic, social, or physical nature which demonstrate that this

zone change should occur. He stated that a decision must be based on the criteria and the evidence presented. The applicant has not met the burden of proving that the zone change is appropriate. The request should be denied.

Mr. Ries asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Zimmer asked if the text at the bottom of Page 1 of Exhibit 2 was from the text of the 1995 Comprehensive Plan: **A comprehensive Burlington Plan should be finalized Until then, commercial development along KY 18 between Burlington and the KY 237 intersection should be discouraged in order to protect the remaining downtown Burlington business.** Mr. Morgan responded that this text was in the 1995 Comprehensive Plan. Mr. Zimmer questioned if it was also in the 1990 Comprehensive Plan. Mr. Wall will provide an answer to this question to the Committee.

Mr. Zimmer asked if there are two entrances to Beil Road on KY 18. Mr. Morgan responded "yes". Mr. Zimmer asked if it is the proposed interior roadway system of the development that Staff is classifying as a sub-collector. Mr. Morgan responded that Staff classified it as a sub-collector because the Caddell property is vacant and what will happen there in the future is unknown. He stated that this development would put more traffic on Beil Road. Mr. Costello stated that it is classified as a sub-collector because it is a commercial subdivision. Mr. Zimmer stated that the road would be 28 feet wide with sidewalks on each side. He asked if there will be bike paths. Mr. Wall responded that bike paths are not required. Mr. Zimmer asked if the Concept Development Plan showed sidewalks on the interior roads. Mr. Morgan responded "no" and Mr. Costello stated that sidewalks would be a requirement. Mr. Morgan commented that sidewalks would be reviewed at the Site Plan stage. Mr. Zimmer stated that one-story buildings were required as part of the approval of the Gold Star Chili site to mitigate the impact of the commercial look, but he only saw one one-story building in this proposal. Mr. Theissen responded that his understanding of that condition was that the buildings immediately adjacent to the residential area were to be one-story, which is what they are proposing for their one building that would be adjacent to the residential to the rear. The buildings along KY 18 and in the center of the site could be two-story buildings. Mr. Zimmer asked if any traffic generation studies have been done. Mr. Theissen responded "no".

Mr. Reynolds questioned what currently exists on the Gold Star Chili site. Mr. Morgan responded that only the Gold Star Chili operation is there, along with two residential structures that have not been demolished.

Mr. Newman questioned "continuous strip commercial center". Does that mean store after store, or a strip from one point to five miles down. Mr. Morgan

responded that it could be either. Mr. Wall explained that the interpretation of the Comprehensive Plan when evaluating a zone change is in the Commissioners' votes. The Commissioners need to read through the Plan and decide for themselves what is the correct interpretation.

Mr. Newman asked if the Plan says strip commercial centers or center. Mr. Morgan responded that at one point the Comprehensive Plan says "strip centers (plural) should be discouraged". Mr. Newman stated that centers (plural) makes him think of a development like Oakbrook where there are places on top of each other. Mr. Morgan responded that that kind of use is completely discouraged. Mr. Newman asked if the Plan says continuous strip centers or continuous commercial centers. Mr. Morgan responded that an interpretation has to be made. He stated that the uses on this property are supposed to be mixed uses with a residential element – that is what the Comprehensive Plan talks about between KY 237 and Burlington.

Mrs. Poston asked if one of the entrances to Beil Road could be closed. Mr. Morgan responded that that would be up to discussion with Public Works. The residents may object to that proposal. Mr. Costello stated that the Planning Commission could not permit the commercial development to have access to Beil Road. The road could be realigned to come out at the light, but the commercial and residential traffic could be separated. This will be looked at by the Committee.

Mr. Hicks questioned what criteria the applicant meets to get the zone change. Mr. Theissen responded that he relies on what the Planning Commission did in 1990 when approving the Gold Star Chili site. The Committee Report is included in his handout and the Committee found that the request was generally consistent with the Comprehensive Plan and that the current single-family residences on the site are not appropriate on KY 18. He stated that these are "or" criteria and they do not have to meet all three. He stated that the property allows for a mix of residential and commercial uses. Putting the residential on a four or five lane highway is not an appropriate way to mix commercial and residential. He questioned the number of single-family homes currently on KY 18. He stated that KY 18 used to be a two-lane road with a lot more single-family homes and a lot less traffic. It is now a four-lane highway. The residential should be behind the commercial. The residents can stop at the bank or restaurant on their way home and then continue on to their homes.

Mr. Hicks stated that there is O-2 between the Gold Star Chili site and the residential. He questioned why the applicant did not apply for O-2. Mr. Theissen responded that it was not practical in terms of the number of acres for them to divide this site. The Gold Star Chili site is a bigger site. They are saying that the buildings will become offices and that will be part of the Certificate of Land Use restriction – which gives the same end result as a zoning line with C-2 in the front

and O-2 in the back. Mr. Hicks asked if the buildings are eligible for O-1 or O-2. Mr. Theissen responded that he assumes the bank and offices are, but does not know about the restaurant and day care.

Mr. Zimmer noted that the Land Use Element states that this area is to provide another opportunity for a TOD development, and he would like Staff to bring an example of a TOD to the Committee Meeting. Mr. Costello responded that he will bring the author of the Comprehensive Plan and the person responsible for the interpretation. Mr. Zimmer stated that mixing of uses may or may not be possible on five acres. He would like to see examples of a TOD.

Mr. Costello asked the applicant to provide to Staff examples of projects the developer has been involved in (pictures and locations). Mr. Theissen responded that Mr. Forcht has done five developments in Northern Kentucky, all of which have included a bank as their primary use. Mr. Costello requested the locations and if there is one similar to the proposal, he would like to look at it.

Mr. Newman reviewed the map with the applicant and commented that it appears that everything is commercial except for one site, and that is not correct. Mr. Costello commented that that site is an office use owned by the Extension Office. He added that to the west of the Gold Star Chili site, the Planning Commission approved an elderly housing project a few years ago. The property was originally zoned C-2 and is indicated on the zoning map as PF. There will be elderly housing in front of Kingsgate Crossing where the soccer fields are now.

Mr. Ries asked for closing comments from the applicant.

Mr. Theissen stated that they are relying on the same findings the Committee had for the Gold Star Chili property as their basis for the zone change. He stated that there was discussion of mixing commercial and residential uses, but when you drive down most busy streets, there are not many people who want to own a house there – so the residential ends up behind the commercial. Most of the residences on Dixie Highway are older buildings – not newer ones since the traffic has increased. For the last twenty years, it has been the residences behind the commercial. He indicated existing Beil Road on the exhibit. Beil Road now serves the Beil sisters, the Caddell driveway, and another two or three homes. They are the only people who use Beil Road. He stated that there is a break in the median so you can turn left on KY 18 from Beil Road – but you would have to do that in the middle of the night when there is no traffic. Coming out of the development and heading towards Florence, someone might consider using Beil Road, but there is an out at the light and a turn lane so he cannot image someone using Beil Road. He stated that they do not need Beil Road. It is proposed to be realigned to create a stacking distance for the light, which is good planning. Beil Road is not going to serve this development and he does not envision it as a sub-collector street. Even after this development goes it, it will only serve the few

residents left. He stated that the Kroger development that is going in now down KY 18 calls for a mix of residential and commercial. It is a huge supermarket with outlots in the front and residential behind it – which is the same thing being done here. In regard to the comment made about having two banks next to each other, he indicated their bank building and stated that the other proposed bank building will be a building away. He stated that the Gold Star Chili site did not develop because they did not have a light out onto KY 18. Customers who had to turn left would have a problem getting across KY 18. He stated that there is an obvious reason why that property has not developed. The synergy with that site makes this property easier to develop because of the access. It makes more sense to rezone this property O-2 and C-2 than it did for that property. Even if there were two banks there, that is also the case in other locations. At Sixth and Madison in Covington there are four banks. It is also true with restaurants – if one is very busy, then others will come. He stated that banks open and close at reasonable hours and are not loud. A bank is a great use for residential behind it. Banks have no outside storage. He stated that they show sidewalks on the interior of the development and they intend to comply with all the Subdivision Regulations. They will include sidewalks for the future extension if they are required. He stated that the Comprehensive Plan says “strip commercial development is discouraged”. He stated that this is not strip commercial development. Strip development is not as effective and not as good looking. He stated that it makes sense to have development along the main part of the road and that happens all over the country.

Mr. Ries asked for closing remarks from the opposition.

Mr. Fossett referred to the Commissioner’s comment about a traffic analysis. He stated that they did a quick analysis (see Exhibit 4) of the uses and saw that the development would generate approximately 5,900 daily total trips. He stated that these figures are consistent with the Gold Star Chili site and show trip generation for a similar project next door. He noted that Mr. Theissen said that residential development is not appropriate here, but there is a lot of residential development along KY 18. A sub-collector street will promote residential development. Single- and multi-family housing is all along KY 18 and it is appropriate for residential zoning. The land can serve residential uses as equally as office or commercial uses. Residential zoning is what the Comprehensive Plan calls for and what is dictated for this property. The elderly housing is a prime example of mixed uses – it is commercial, elderly housing, and SR-2. He stated that the Comprehensive Plan says “The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion” and “Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided”. It also says that “A comprehensive Burlington Plan should be finalized Until then, commercial development along KY 18 between Burlington and the KY 237 intersection should be

discouraged in order to protect the remaining downtown Burlington business". He stated that under Kentucky law there needs to be a compelling reason for rezoning and that has not been shown. He asked that the application be denied.

There being no further comments, the Mr. Ries stated that the Committee Meeting for this item will be on March 2, 2000 at 5 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 2000 at 7:30 P.M..

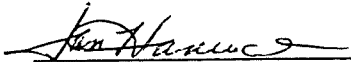
The Mr. Ries closed this Public Hearing at 8:40 P.M. and called for short recess.

APPROVED:



Robert Ries
Temporary Presiding Officer

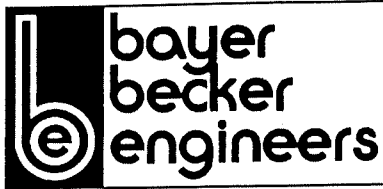
Attest:



Jan Hancock, Recording Secretary

- Exhibit 1 Handout submitted by Attorney Timothy B. Theissen (39 pages, Sections A through I).
- Exhibit 2 Handout submitted by Attorney Jay Fossett (3 pages, 2 exhibits).
- Exhibit 3 Background information re: Jonathan Woche, AICP, with McBride Dale Clarion.
- Exhibit 4 Traffic Analysis

SUPPORTING INFORMATION



engineers
planners
architects
surveyors

14 East Eighth Street
Covington, Kentucky 41011
p.606.261.1113
f.606.261.1710
covington@bayerbecker.com

DESCRIPTION: Beil Property
LOCATION: Burlington Pike
DATE: January 4, 2000

Situated in the County of Boone, Commonwealth of Kentucky and being all of the property conveyed in D.B. 293, Pg. 194; D.B. 157, Pg. 98; D.B. 157, Pg. 185; D.B. 191, Pg. 365; D.B. 310, Pg. 336 and D.B. 311, Pg. 11, all of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the Northwest corner of a 1.078 acre tract conveyed in D.B. 293, Pg. 194, said corner being approximately 350 feet West of the intersection of Burlington Pike and Beil Road (West) and being 100 feet right of Burlington Pike centerline Station 60 + 70 and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING and with the South right-of-way of Burlington Pike (access controlled) South 66°09'00" East, 528.00 feet;

thence South 66°43'00" East, 101.16 feet to the Northeast corner of a 0.3885 acre tract conveyed in D.B. 191, Pg. 365;

thence leaving said right-of-way and with the East line of said 0.3885 acre tract South 11°47'00" West, passing the Southeast corner of the 0.3885 acre tract at 150.40 feet, a total distance of 355.53 feet to the Southeast corner of a 1.295 acre tract conveyed D.B. 311, Pg. 11;

thence with the South line of the 1.295 acre tract North 68°33'00" West, passing the Southwest corner of the 1.295 acre tract at 295.50 feet, a total distance of 732.48 feet to the Southwest corner of a 1.939 acre tract conveyed in D.B. 310, Pg. 336;

thence with the West line of the 1.939 acre tract North 31°38'30" East, 205.45 feet to the Northwest corner of the 1.939 acre tract;

thence with the West line of the above mentioned 1.078 acre tract North 23°58'00" East, 173.85 feet to the TRUE POINT OF BEGINNING.

Containing 5.6 acres of land and subject to all easements and rights-of-way of record. The reference meridian of record is D.B. 293, Pg. 194.

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Surveyor #3292 in the Commonwealth of Kentucky, January, 2000. Monuments will not be set.

Prior Instrument Reference:	Deed Book 293, Page 194	Deed Book 157, Page 98
	Deed Book 157, Page 185	Deed Book 191, Page 365
	Deed Book 311, Page 11	Deed Book 310, Page 336

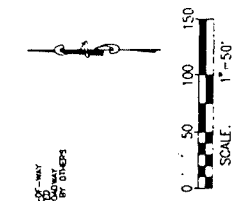
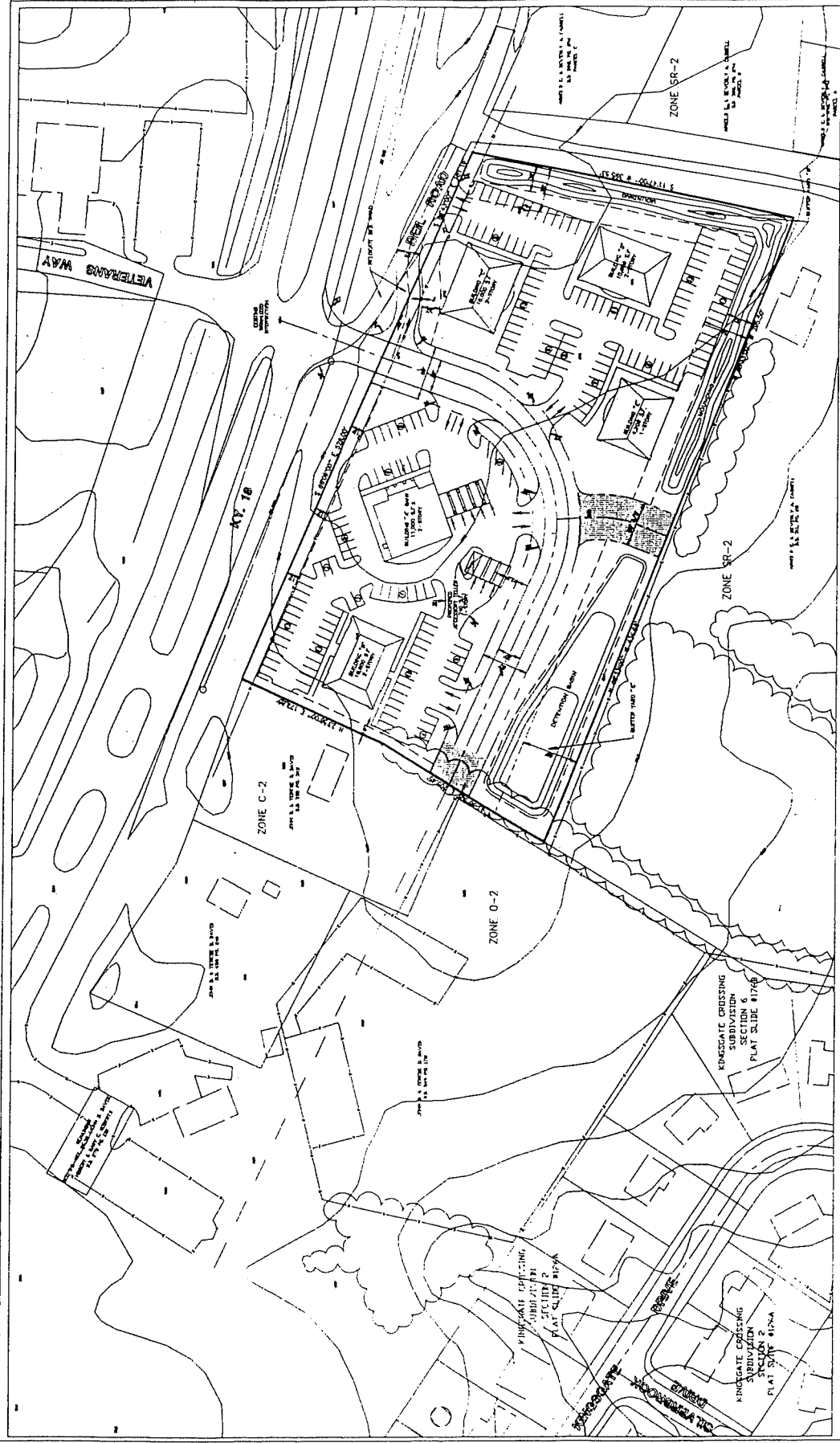
99k85/662



CONCEPT DEVELOPMENT PLAN
FOR
FIRST FINANCIAL PLAZA
KY ROUTE 18
BOONE COUNTY
KENTUCKY

DATE	12/20/94
DESIGNED BY	BAE
CHECKED BY	BAE
PROJECT NO.	C99K85
DRAWING NO.	1-1-C-03

1 of 1



- NOTES**
- 1) CURRENT PROPERTY OWNERS:
 MELVIN C. & MARILYN C. NEIL
 D.B. 157, PG. 18
 D.B. 157, PG. 30
 D.B. 157, PG. 30
 D.B. 310, PG. 114
 D.B. 310, PG. 114
 - 2) TOPOGRAPHIC & BOUNDARY LINES SHOWN ARE APPROXIMATE AND NOT THE RESULT OF A FIELD BOUNDARY SURVEY.
 - 3) LANDSLIPPING PER BOONE COUNTY ZONING REGULATIONS NUMBER YARD 'C'.

PARKING DATA
 REQUIRED PARKING 1 per 250 SF = 81 SPACES
 PROVIDED PARKING 100 SPACES

BUILDING	PROPOSED USES	APPROXIMATE SQUARE FOOTAGE	BUILDING TYPE
A	BANK	11,000	2 STORY
B	C-2 USE	10,000	2 STORY
C	C-2 USE	10,000	2 STORY
D	OFFICE	10,000	2 STORY
E	OFFICE	4,200	1 STORY
TOTAL		45,200	

LEGEND

- EXISTING CONTOUR
- EXISTING METERS
- RIGHT-OF-WAY
- PROPERTY LINE
- ZONING LINE
- UTILITY MAINLINE
- UTILITY BRANCHLINE
- WATERLINE
- NUMBER OF PARKING SPACES

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-13

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT GRANTING THE REQUEST OF TIMOTHY B. THEISSEN (APPLICANT) FOR MARILYN C. AND BETTY J. BEIL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) ON A 5.62 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF KY 18 AT THE KY 18/BEIL ROAD/VETERANS WAY INTERSECTION, BOONE COUNTY KENTUCKY.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, 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 denial for the Zoning Map Amendment.

WHEREAS, the Boone County Fiscal Court, having reviewed the record established by the Planning Commission, grants the request for this Zoning Map Amendment, subject to certain conditions.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located along on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOKS 293, 157, 191, 310, and 311, PAGE NOS. 194, 98 185, 365, 336, and 11, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Except to the extent modified by Exhibit A, this approval is conditioned upon complying with the terms of the Concept Development Plan, as prepared by Bayer-Becker Engineers, dated January 04, 2000 and as presented to the Boone County Planning Commission, which is incorporated herein and the additional conditions which are attached hereto

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-13

and incorporated herein as Exhibit A. In addition, traffic from the site shall be directed the use the intersection of Bell and KY 18 at Veterans Way.

SECTION II

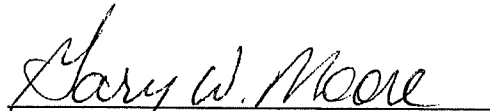
That as a basis for the granting approval of this Zoning Map Amendment the Boone County Fiscal Court finds from the record of the Boone County Planning Commission, that the request is consistent with the duly adopted Comprehensive Plan for the County of Boone, Kentucky. This development will fit in with mixed commercial and residential development planned for this area. Further, the development is compatible with the existing residential development in the area. The development also utilizes the "Access Management" techniques suggested in the Comprehensive Plan.

SECTION III

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


Introduced and given First Reading on the 11th day of May, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 10th day of June, 2000, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

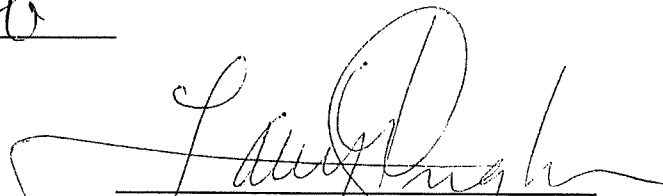


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

6-15-2000

DATE PUBLISHED

CONDITIONS

1. This site must provide buffering as required by applicable regulations.
2. Building E at the southeast corner of the property shall be no higher than one story.
3. As presented by the Applicant at the February 23, 2000 public hearing, the architecture of the proposed buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping and shall be subject to architectural design review by Planning Commission.
4. No parking stall shall be located on major interior drives. The realignment of interior drives, and redesign of certain sites may be required at Site Plan Review.
5. The use of Building C may be any C-2 use except the following:
 - C-2 principally permitted uses: 3, 27, 29, 31, 33, 34 and 36;
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 2, 3, 6, 7 and 17
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1, 3 and 13
6. The use of Building B may be any C-2 use except the following:
 - C-2 principally permitted uses: 36: In addition, eating establishments without the sale of alcoholic or drive-thrus will be permitted.
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 6 and 7
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1
7. The use of Buildings A, D and E shall only include those uses as specified in O-1, specifically excluding principally permitted O-1 uses numbers, 1, 3 and 13.
8. The access street to the Caddell property as shown on the applicant's concept development plan shall be constructed by the applicant at such time as the main access street to the development is constructed to the point of intersection with the access street to the Caddell property.
9. Any future text amendments to C-2, C-1 or O-1 shall not apply to the proposed development.
10. A westbound left turn lane on KY 18 and an eastbound deceleration lane on KY 18 shall be constructed.
11. The access road onto Beil Road, east of the main entrance to the development shall be eliminated.
12. That the development shall be permitted signage consistent with C-2 zoning, except that any pole or monument sign shall be no higher than twenty (20) feet.

NOTE: All references to buildings, the proposed development and/or streets are as shown on the applicant's Concept Development Plan for First Financial Plaza prepared by Bayer Becker Engineers dated January 4, 2000.

**SECTION 1020
COMMERCIAL TWO (C-2)
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The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchise style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;

- 30. Recreation centers, gymnasiums, clubs and similar athletic uses;
- 31. Motorcycle sales or bike shops excluding outside storage;
- 32. Churches, synagogues, temples and other places of religious assembly for worship;
- 33. Hotels and motels including convention facilities;
- 34. Pawn shops;
- 35. Auto parts and accessories stores;
- 36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
- 2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- 6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
- 7. Drive-up photo finishing services and automatic teller services;
- 8. Indoor target ranges and similar athletic uses;
- 9. Recycling collection points (See Article 31);
- 10. Garment and Furniture centers (See Article 31);
- 11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).
- 2. Garden and landscape sales including floral greenhouses, lawn furniture and the like;
- 3. Automotive repair facility and wash services for vehicles;

- 4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
- 5. Sale of satellite dishes;
- 6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
- 7. Mini-warehouses or storage facilities;

SECTION 1024 Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025 Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026 Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

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**ARTICLE
10
COMMERCIAL DISTRICTS
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SECTION 1000 Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

**SECTION 1010
COMMERCIAL ONE (C-1)**

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011 Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, T.V., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;

24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014 Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acre of land.

SECTION 1015 Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016 Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

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**SECTION 1110
OFFICE ONE (0-1)
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The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111 Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;
11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; (Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;

- 29. Recreation centers, gymnasiums and other related recreational facilities;
- 30. The retail sale of office supplies and equipment;
- 31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112 Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Automatic teller machines;
- 6. Single-family dwelling unit.

SECTION 1113 Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Child and adult care centers.

SECTION 1114 Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115 Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116 Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

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