

REQUEST OF JOHN B. GARTNER (GBBN)
FOR A ZONING MAP AMENDMENT FROM
SUBURBAN RESIDENTIAL ONE (SR-1) TO
COMMERCIAL TWO (C-2)

This is a Zoning Map Amendment request by John B. Gartner (applicant) for Hopeful Lutheran Church (present owner) and B & J Development Company (proposed owner) to change the existing zoning of a 1.02 acre parcel from Suburban Residential One, SR-1 to Commercial Two, C-2. The site is located on the west side of Mall Road and between Central Hardware and Children's Palace. The 1 acre site is also located directly east of the Church's cemetery and is in Boone County, Kentucky. However, the other portion of the site not requiring a zone change but shown on the Concept Development Plan (approximately 5 acres) is located in Florence, Kentucky.

SURROUNDING LAND USES AND ZONING

The surrounding land uses in the area consist of commercial to the north (Central Hardware), south (Children's Palace and Florence Square retail center) and east (Chuck E. Cheese restaurant and the closed G.D. Ritzey's restaurant) and a public/institutional use to the west (cemetery). The existing zoning near the site is Commercial Two, C-2 to the north, south and east and Suburban Residential One, SR-1 to the west.

NATURAL FEATURES OF THE SITE

Almost the entire 1 acre site is wooded and slopes gently towards the southwest. A small drainage area exists on the western lot line. Because the site is part of an overall plan to construct a retail building on a much larger parcel, it should be stated that a large detention pond, exists on the south side of the site. The existing detention pond is planned to be filled and a new storm sewer line will be constructed, which will lead to a new detention pond located behind Children's Palace. Soil types of the site include Jessup Silty Clay Loam (JsD3) and Rossmoyne Silt Loam (RsB).

RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed zone change request is related to both the 1980 Comprehensive Plan and the 1986 Comprehensive Plan. The general area is referred to in a number of ways.

1980 Future Land Use Map
-Commercial
-Environmentally Sensitive

1986 Future Land Use Map
-Medium Density Residential
(The 1 acre site is part of
the Church's surplus

property)

1980 Boone County Comprehensive Plan

Page 3.4 discusses new medium density housing in the area.

"Medium density residential development could include the expansion of existing developments in the Florence and Walton service areas. As the Florence service area is expanded, new medium density development is encouraged adjacent to subdivisions existing and committed south of KY 18 and west of Hopeful Road."

Page 3.7 mentions commercial uses in the Mall Road area.

"The Florence Mall area is planned as the only regional commercial district as part of the Comprehensive Plan. Encompassing development on both sides of Mall Road, this center is adequate to meet market demand well into the future."

1986 Comprehensive Plan

Page G-3 describes an objective of the Business Activity element.

"Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design."

Page B-14 discusses areas of future commercial activity in Boone County.

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures."

Page L-14 highlights the Hopeful Road area in terms of future residential development and improvements to the road itself.

"Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principle road for development. This is especially important for development along Hopeful Road as its functional service will be changing to more thoroughfare patterns as it becomes straightened and is extended across I-75 to alleviate industrial traffic. Restrictions on truck traffic should be imposed on this road to shelter the residential neighborhoods."

Page 1-15 refers to the Mall Road area and future expansion. "The Mall Road area will continue to grow as a regional shopping area and its spill over onto U.S. 42, KY. 18 and Houston road will be evident, thus needs to be substantially controlled."

In summary, both the 1980 and 1986 Comprehensive Plan suggest that the general area be developed as a mixture of medium density residential and commercial.

CONCEPT DEVELOPMENT PLAN

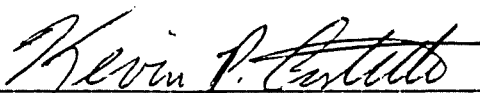
The proposed use on the 1 acre site and on the entire ± 6 acre site is an 80,000 square foot retail building. Approximately 320 parking spaces will be provided in front of the building. Two existing sanitary sewer lines are located on the 6 acre site, of which one will be relocated at a later date. The Concept Development Plan also shows parking in the existing detention pond.

SPECIAL CONCERNS

1. The plans relating to stormwater runoff and sanitary sewer for the 6 acre site should be in conformance with the City of Florence requirements.
2. Signage for the building should conform to the Mall Road Sign District regulations.

CONCLUSION

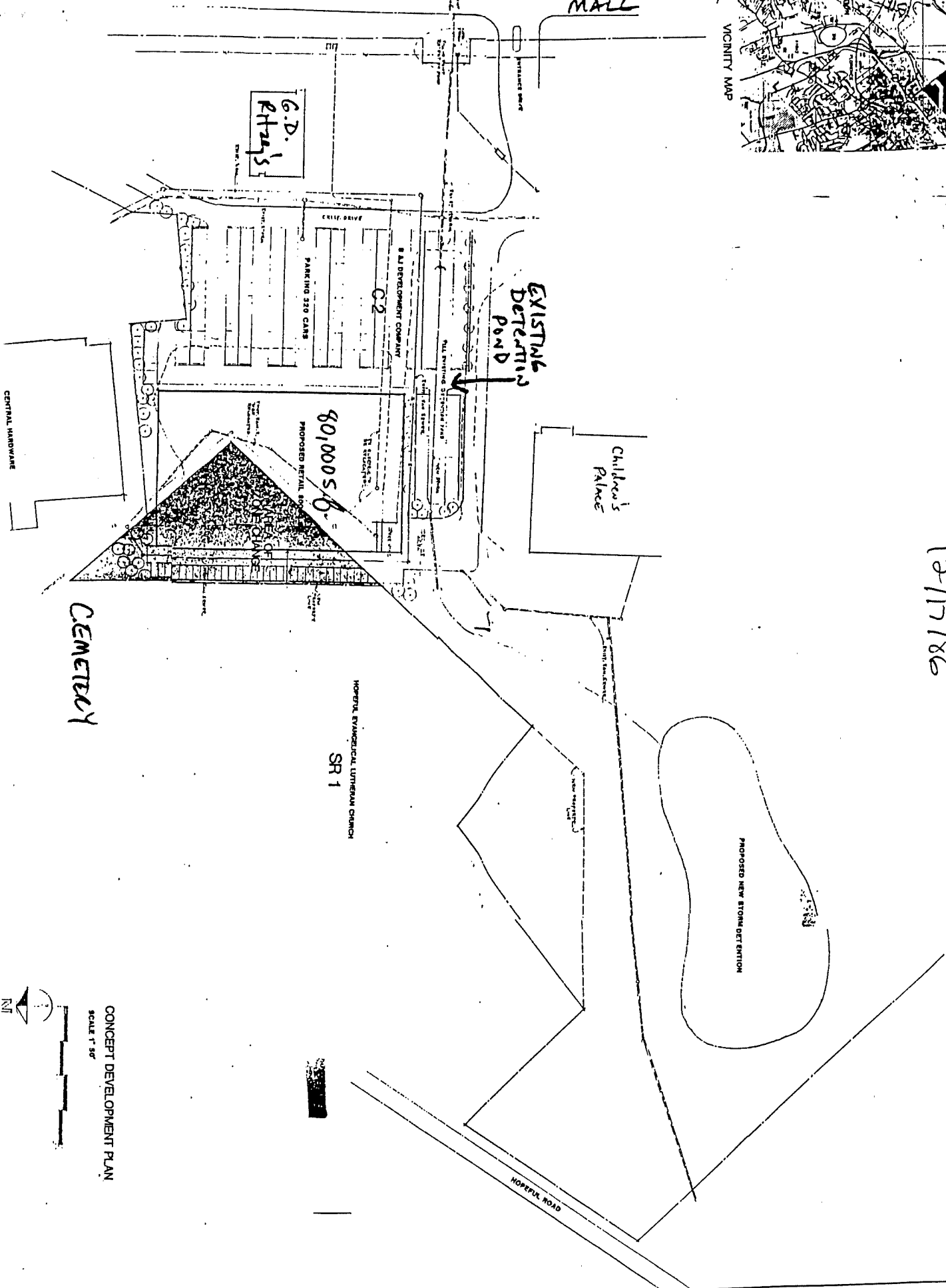
In conclusion, the above request and Concept Development Plan should be evaluated on the basis of whether it conforms with the Boone County Comprehensive Plan. If the Planning Commission and the Boone County Fiscal Court approves this request, the 1986 Future Land Use Map will need to be adjusted.


Kevin P. Costello
Asst. Director/Sr. Planner



FLORENCE MALL

VICINITY MAP

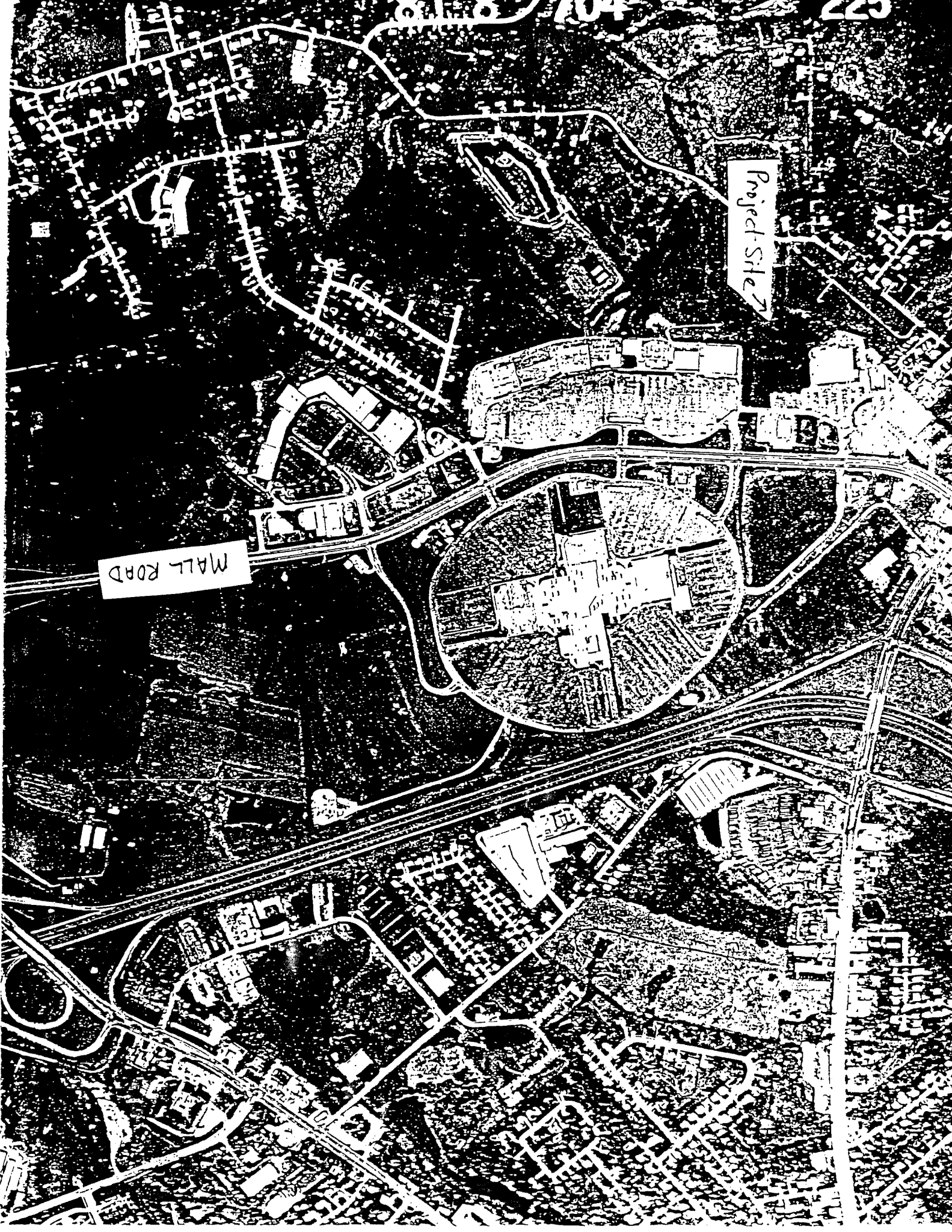


Florence Square Concept Plan
12/17/86

CEMETERY

CONCEPT DEVELOPMENT PLAN
SCALE 1" = 50'





Project Site

MALL ROAD

N O T I C E
P U B L I C H E A R I N G

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by John B. Gartner (GBBN) & B&J Dev. Co. for certain real estate owned by Hopeful Lutheran Church.

The map amendment request is for a change from the present zoning district of Suburban Residential One (SR-1) to Commercial Two (C-2).

The Public Hearing is to be held the 17th day of December 1986, at 7:00 p.m., prevailing time, in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is more particularly described as follows:

Being a parcel of land, generally located between Mall Road and Hopeful Road, South of Ky. 18, Westerly of the existing Corporation line of the City of Florence, County of Boone, Commonwealth of Kentucky, and being a portion of the Easterly corner of Parcel No. 7 of the property conveyed to the Hopeful Evangelical Lutheran Church by deed as recorded in Deed Boon 211, Page 195, of the records of the Boone County Clerk at Burlington, Kentucky, and being more particularly described as follows:

BEGINNING at the Easterlymost corner of Parcel No. 7 as described above, said point being located in the Corporation line of the City of Florence;

THENCE along said Corporation line North 42° 52' 16" West, a distance of 300.00 feet to a point;

THENCE leaving said Corporation line South 0° 44' 16" East, a distance of 444.95 feet to a point again located in the said Corporation line;

THENCE along said Corporation line North 41° 23' 44" East, a distance of 300.00 feet to the POINT OF BEGINNING.

Said parcel CONTAINING 1.0279 acres.

agenda for the Business Meeting of January 7, 1987 at 8:00 P.M. Hearing no further questions or comments, Chairman Kroger closed the Public Hearing.

PUBLIC HEARING #3

Chairman Kroger opened the Public Hearing on the request of John B. Gartner (applicant) for Hopeful Lutheran Church (owner) for a Zoning Map Amendment on a 1.02 acre parcel located directly behind Central Hardware, Florence, Boone County, Kentucky. The site is currently zoned Suburban Residential One, SR-1 and is being proposed to be Commercial Two, C-2.

Staff member Kevin Costello presented the Staff Report. (See Staff Report)

Mr. Jack Gartner, applicant described the location of the proposed site and the surrounding area. Mr. Gartner described the storm water provisions. Mr. Gartner stated it was his intention to reconstruct the area to extend the storm water sewer that was presently there, to rearrange the other amenities, to relieve the danger and hazards by raising the grade. Mr. Gartner described the utility provisions and he noted the parking requirements were in conformance with the zoning regulations.

Chairman Kroger inquired of the audience's support, opposition, or comments on the proposed request. Hearing none, Chairman Kroger referred to the Commission for discussion.

Mr. Delong referred to the 80,000 square foot retail building and inquired if it had been determined what would be in the building. Mr. Gartner stated no.

Chairman Kroger inquired if the application indicated that Mr. Gartner was authorized to speak in behalf of the Hopeful Lutheran Church. Mr. Costello stated Reverend John Pollock had signed the application.

Chairman Kroger stated action on the proposed request would be on the Business Meeting of January 7, 1987 at 8:00 P.M. Hearing no further questions or comments, Chairman Kroger closed the Public Hearing.

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COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: January 7, 1987

RE: Request of John B. Gartner (applicant) for Hopeful Lutheran Church (owner) for a Zoning Map Amendment on a 1.02 acre parcel located directly behind Central Hardware, Boone County, Kentucky. The site is currently zoned Suburban Residential One, SR-1 and is being proposed to be Commercial Two, C-2.

REMARKS:

We the Committee recommend approval based upon the following findings of fact and subject to the conditions below.

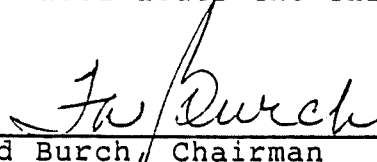
Findings of Fact

1. The 1980 Comprehensive Plan recommends that the area be commercial. The proposed zoning classification is consistent with the 1980 Comprehensive Plan. The 1986 Comprehensive Plan suggests that the future land use be medium density residential. The main reason for this change is the fact that the future land use for the 1 acre site represents a small portion of the land currently owned by Hopeful Lutheran Church. The medium density residential classification is reflected in the current property lines of Hopeful Lutheran Church. The existing church, cemetery and surrounding houses are reasons for the designation of medium density residential.
2. The proposed zoning classification is appropriate because it is consistent with the abutting commercial land uses and zoning. Approximately three-fourths of the proposed project is currently located in the Commercial Two, C-2 zoning district. In addition, the type of development being proposed is similar in nature with the existing commercial/retail establishments on the west side of Mall Road.


Conditions

1. The plans relating to stormwater runoff and sanitary sewer for the 6 acre site shall be in conformance with the City of Florence requirements when the property is annexed.

2. Signage for the building shall conform to the Mall Road Sign District regulations.
3. Normally, a minimum landscaping area of 25 feet would be required towards the rear (western) lot line. The Committee would recommend that the minimum landscaping area be reduced to 5 feet where the portion of the proposed building and parking area abuts the existing cemetery.

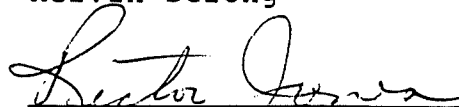


Fred Burch, Chairman

Larry Barnett


Donald Davis

Melvin DeLong



Rector Jones



William Viox

ORDINANCE NO. 920.106

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, FOR A 1.02 ACRE SITE SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL TWO (C-2) LOCATED DIRECTLY BEHIND CENTRAL HARDWARE IN FLORENCE SQUARE AND EAST OF HOPEFUL ROAD AS REQUESTED BY JOHN B. GARTNER (APPLICANT) FOR HOPEFUL LUTHERN CHURCH (OWNER) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-01-07).

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a Map Amendment for a zone change from SR-1 to C-2 for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

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

SECTION I

That the zone change for real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from SR-1 to C-2. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT "A")

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be are hereby incorporated by reference as if fully set out in this Ordinance.
(ATTACHMENT - EXHIBIT "B")

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

Introduced, seconded and given First Reading on the 3rd day of Feb., 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd day of Feb., 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

Bruce Ferguson
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

SUBMITTED BY:

Larry Crigler
County Attorney

March 11, 1987
DATE PUBLISHED