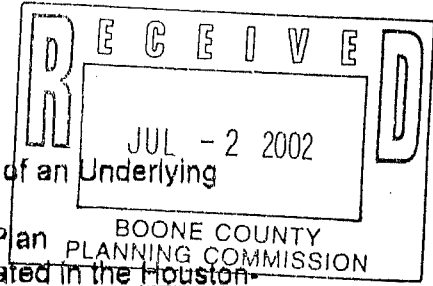


02-ESP-000-A

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)



1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Southern Insurance Agency
- 3. Location of Project 7700 U.S. 42
- 4. Total Acreage of Site 1/2 ACRE
- 5. Current Zoning O-2 / UR-1 / PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Parkway Corridor
- 8. Proposed Uses (please specify each use) office only
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Ralph & Chaffin
- Phone Number 859-525-4006 Fax No. 859-525-1548
- 13. Address of Applicant(s) 573 Bristow Road
Independence Ky 41051
City State Zip
- 14. Name of Property Owner(s) Clyde Jacob
- Phone Number 859-321-8019 Fax No. _____
- 15. Address of Property Owner(s) 27 Rose Terrace
Crestview Hills KY 41017
City State Zip
- 16. Are there any existing buildings on the site? yes
How many? 1
- 17. Deed Book 733 Page No. 200 Group No. 2041 B
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Ralph E. Chaffin (applicant)** for **Clyde Jacob (owner)** for a Concept Development Plan for an approximate ½ acre tract located at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

July 24, 2002

REQUEST

This application is for a Concept Development Plan to allow an insurance office to be located within an existing single family residential structure, at 7700 US 42, Florence, Kentucky. The business has already opened in this location and was previously located at 7703 US 42, across the street at the corner of Woodland Avenue and US 42.

The site consists of 0.39 acres with approximately 75 feet of frontage on US 42. There are two (2) existing access points on the property, one of which has obviously been constructed recently. The concept plan shows four (4) parking spaces, of which only two (2) could be used for customer parking since spaces 1 & 2 will consistently be blocked. The first floor of the existing structure will consist of the office area to be utilized by the insurance agency and contains approximately 1,056 square feet.

SITE HISTORY

The Parkway Corridor Study, which includes the subject site, was adopted in 1986. The adoption of the Planned Development overlay zone for the area resulted from the Study.

ADJACENT LAND USES AND ZONING

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

- North: Existing apartment complex located off Ewing Boulevard within the Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.
- East: Residence and business of Jack Grigson (7606 US 42) within the O-2/UR-1/PD zone.
- West: Single family residences within the O-2/UR-1/PD zone.
- South: Existing businesses within an Office One (O-1) zone.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" uses. This designation is described by the Comprehensive Plan as "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("Florence Central" area, pg. 162).

- A. The City of Florence developed from an aggregate of residential subdivisions, and is the population center of Boone County. The city is experiencing considerable residential growth due primarily to annexation. Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city. This is evidenced by continuing annexation of developable property.
- B. Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor(s?) of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed.
- C. Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property.
- D. In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two.

The Land Use Element provides the following general statements which relate to the 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. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 159).
- 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 . . .

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- C. 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. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Designs, Signs, and Historic Preservation," pg. 160).

The site is within the "Florence, US 25 Corridor" area described in the Geographic Housing Issues section of the Housing Element (pg. 88). This section states "there will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners."

The 2000 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, within 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. Boone County shall strive to achieve both a diversity and balance in land use. ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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 ("Environment," Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- H. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- I. 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 [Retail and Office] Objective 1).

- J. 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 scale 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 within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood . . . ("Business Activity," Commercial [Retail and Office] Objective 2).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

As stated above, the site is within the Parkway Corridor Study area. The Study states the following regarding development in the study area as a whole:

The 1980 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure or its logical extensions can allow for development as well ("Development Potential").

The site is located within area "2E:O2/UR-1/PD" on the study land use map. The following excerpt describes the area in question.

This parcel is bounded by US 42 to the south, Tanners Lane (now Ewing Blvd.) To the west, residential areas to the north/northeast and a combination of open spaces to the northeast and low density office uses to the south/southwest. Its location along US 42 and Tanners Lane gives it high accessibility and visibility. It is generally well situated for high density office and residential type uses. At the same time, its development needs to be carefully designed to ensure appropriate buffer areas between nearby residential areas and high density development in the site and also to take into consideration attractive environmental features of the site, such as ponds and tree clusters.

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts.

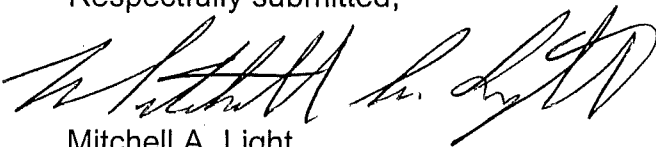
This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments." The Future Land Use Map designates the site as "Suburban Residential."

2. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. Staff is concerned with 1.) the parking layout as shown on the concept plan, and 2.) based on the lot width and distance from the house/office to US 42, the required amount of landscaping could not be met. Along the front and side property lines the type "A" Buffer is required which consists of eight (8) trees and thirty (30) shrubs per one hundred (100) linear feet at ten (10) feet wide.
3. Due to the conceptual nature of the plan, an exhaustive "site plan" type review was not conducted. However, Staff has identified some aspects of the Concept Development Plan that do not meet the normal site plan requirements (such as landscaping, buffering and parking space layout). Thus, the applicant will need to consider that all normal site plan requirements will need to be met unless an exception is specifically granted by the governing bodies through this process.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

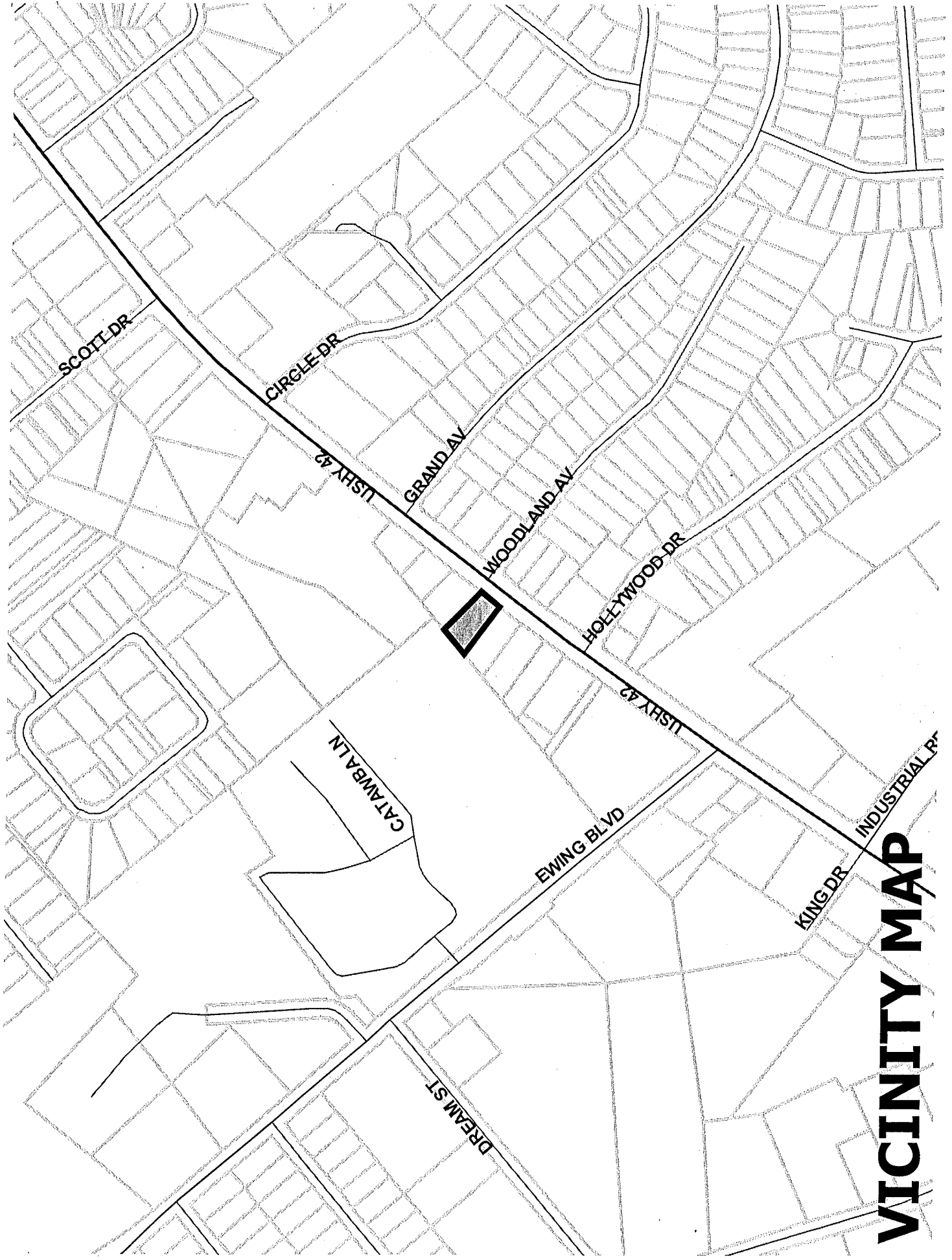


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

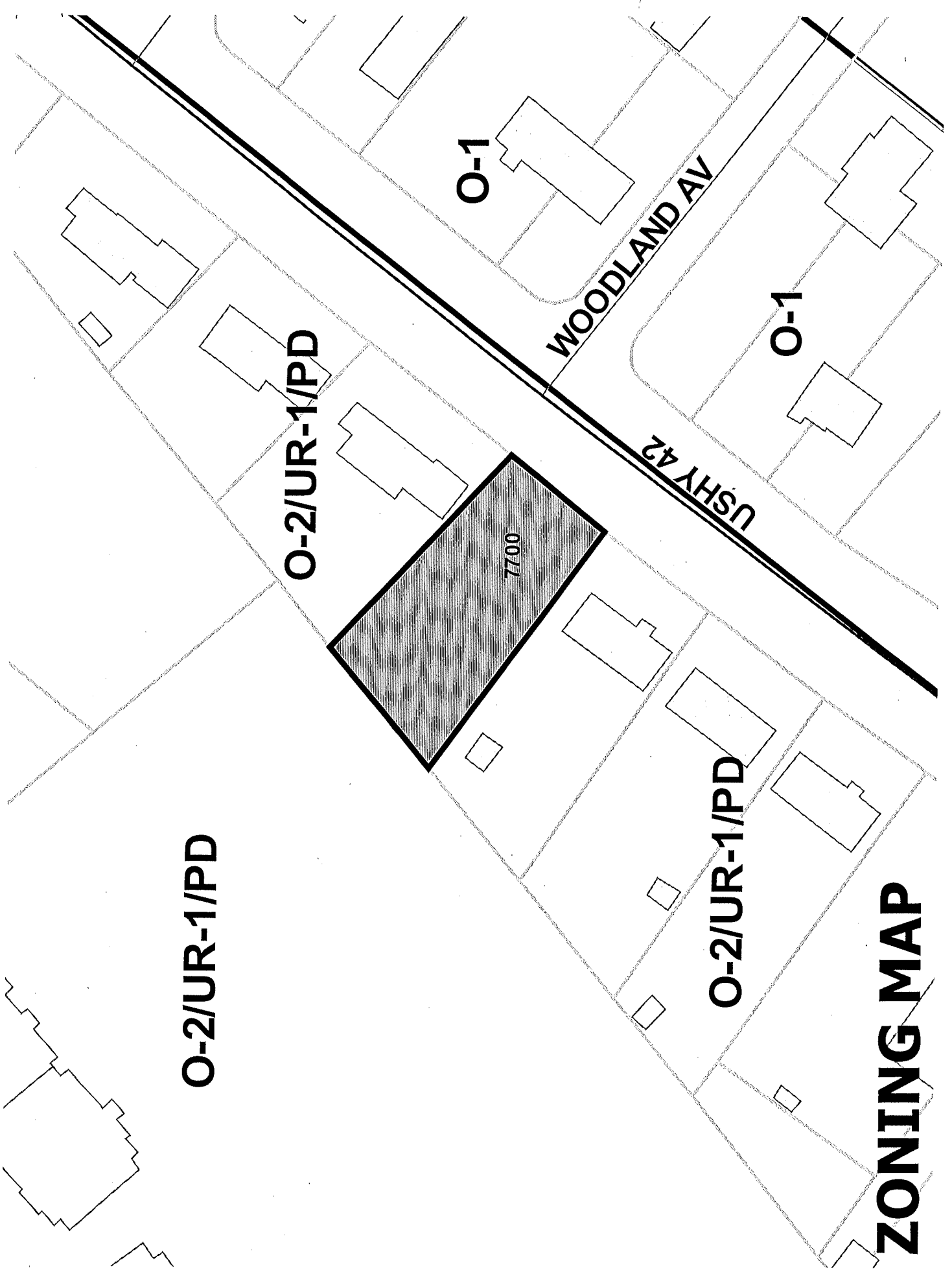
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Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography & Drainage
- Concept Development Plan
- Planned Development Standards
- Application



VICINITY MAP



O-2/UR-1/PPD

O-2/UR-1/PD

O-1

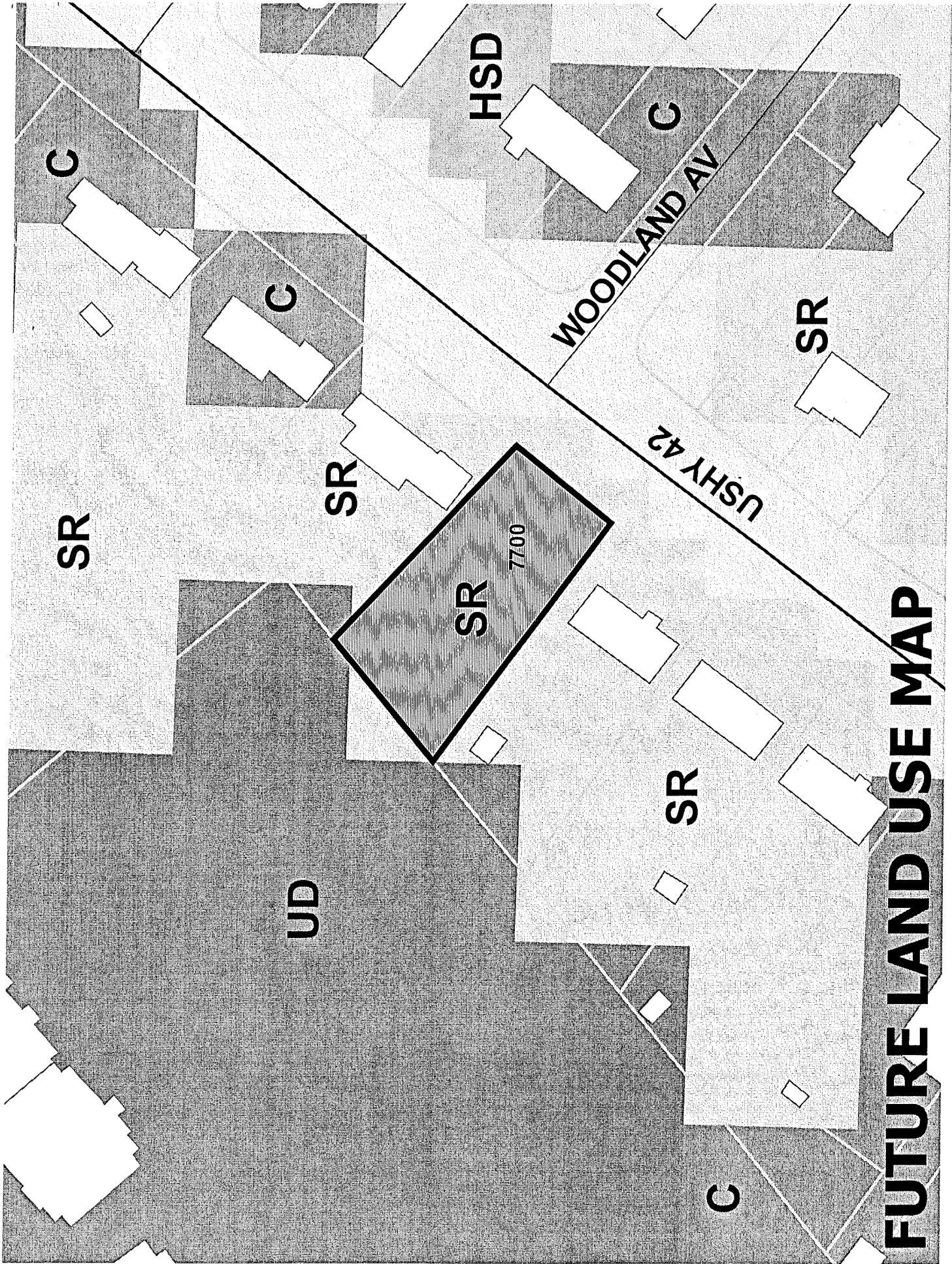
WOODLAND AV

USHY 42

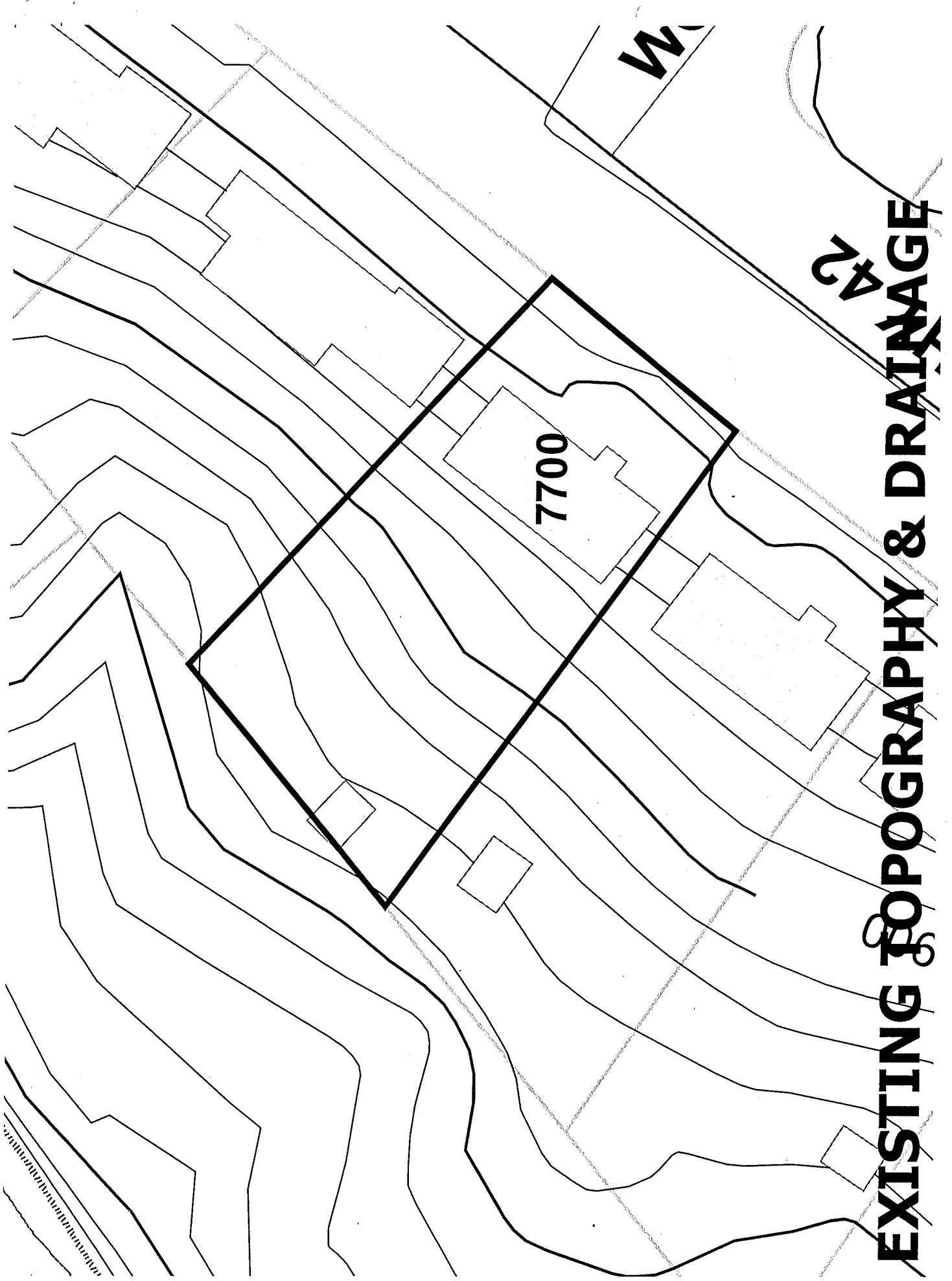
O-1

O-2/UR-1/PD

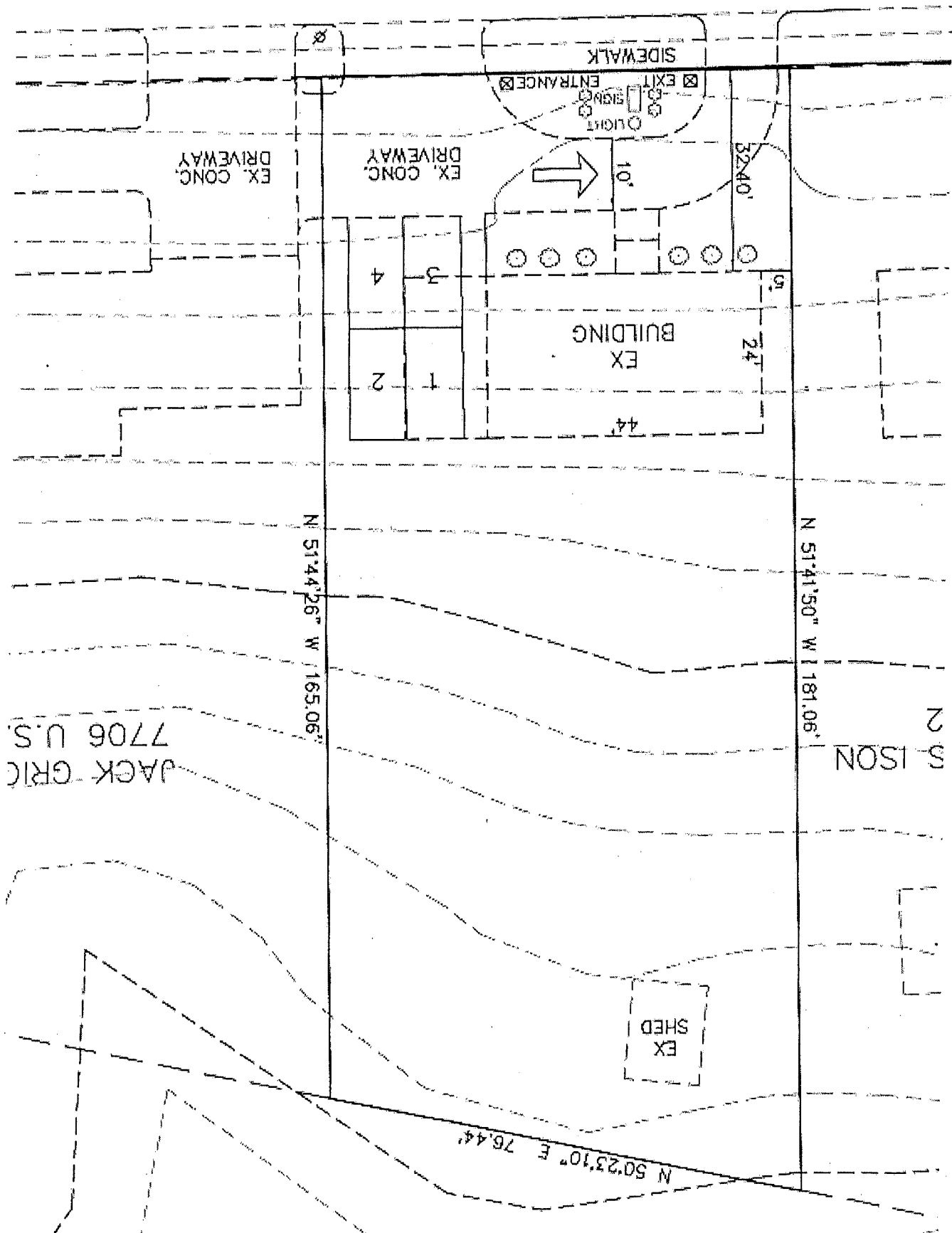
ZONING MAP



FUTURE LAND USE MAP



EXISTING TOPOGRAPHY & DRAINAGE



JACK GRIC
7706 U.S.

CONCEPT DEVELOPMENT PLAN

SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Mixed Use Development and Pedestrian Orientation:** Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. **Architecture:** A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

APPLICATION FORM

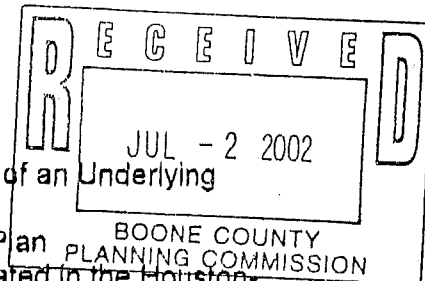
CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)



- 2. Name of Project Southern Insurance Agency
- 3. Location of Project 7700 U.S. 42
- 4. Total Acreage of Site 1/2 ACRE
- 5. Current Zoning O-2 / UR-1 / PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Parkway Corridor
- 8. Proposed Uses (please specify each use) office only
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Ralph & Chaffin
- Phone Number 859-525-4004 Fax No. 859-525-1548
- 13. Address of Applicant(s) 573 Bristow Road
- Independence Ky 41051
- City State Zip
- 14. Name of Property Owner(s) Clyde Jacob
- Phone Number 859-321-8019 Fax No. _____
- 15. Address of Property Owner(s) 27 Rose Terrace
- Crestview Hills Ky 41017
- City State Zip
- 16. Are there any existing buildings on the site? yes
- How many? 1
- 17. Deed Book _____ Page No. _____ Group No. _____
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

Concept Development Plan

Page 2

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- No Boone County Water and Sewer District
- No Florence Water and Sewer Commission
- Yes Union Light Heat and Power
- Yes Cincinnati Bell
- No Owen County Rural Electric
- No Boone County Public Works Department
- Yes Kentucky Transportation Cabinet
- Yes City of Florence Public Services Department
- Yes Boone County Building Department
- No Northern Kentucky Health District
- No U.S. Soil Conservation Service
- No Local School District
- Yes Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s)

Ralph E. Chaffin

22. Property Owner's Signature(s)

[Signature]

SECTION B (To be completed by BCPC Staff)

1. Date Received 7-2-02 Fee Received \$1,125.00 LT# 31922

2. Check what has been submitted:

- Application Fee Legal Description
- Concept Development Plan Addresses of Adjoining Property Owners
- No. of copies of plan received **

3. Is application complete? YES NO

4. Staff Reviewer ~~XXXXXXXXXX~~ FITZPATRICK

5. Committee Chairperson BOB NEWMAN

6. Scheduled Public Hearing Date _____

7. Boone County Planning Commission Action:

- Approved
- Approved With Conditions
- Denied

8. Other: _____

** Five (5) Copies Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
 www.boonecountyky.org

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.
 BCPC:11/2000

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**July 24, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Larry Dillon

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM and introduced the first item on the Agenda:

1. **Applicant:** Ralph E. Chaffin for
Clyde Jacob (owner)

Request: Concept Development Plan

The request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate one-half acre tract at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

 Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He noted a correction to Page 6 of the Staff Report under Staff Comment #2, the third sentence should read: 'Staff is concerned with 1) the parking layout as shown on the concept plan, and 2) based on the lot width and distance from the house/office to US 42, the required amount of landscaping *may not be able to be met*'.

 The Chairman asked for the applicant's presentation.

 Attorney Tom Breidenstein, who is currently with the law firm of Coors & Bassett, stated that by the time action is taken on this application, he will be with

the law firm of Barrett & Weber. He submitted a handout "Southern Insurance – Ralph Chaffin" (see Exhibit 1). Mr. Breidenstein introduced Mr. Ralph Chaffin, President of Southern Insurance and owner by contract of the subject property; Mr. Wayne Erpenbeck of Erpenbeck Consulting Engineers who will address the technical aspects and limitations of the site; Ms. Wendy Moeller, AICP, a Certified Planner with McBride, Dale, Clarion; and Mr. Clyde Jacobs the current owner of the property.

Mr. Ralph Chaffin, a resident of Independence, stated that Southern Insurance is strictly property and casualty insurance and they have been in business in Florence for almost eighteen years. They moved across the street from their previous location as the owner was going to tear the building down. He stated that they normally talk to people on the telephone and may have one or two cars per hour come to the location on a busy day. A lot of the traffic is new clients and occasionally people drop off payments. They have four employees, all of whom are family members. He stated that their sign was shown on the slides and will be a 3' x 4' monument sign. Their advertising is done in the telephone book and the sign is only to identify the location. They will also put up *in* and *out* signs to clarify the traffic flow on the driveway. They do not plan any exterior changes other than the sign. He stated that US 42 is designed for commercial uses rather than residential because of the traffic and noise. They hope this use will improve their property value and the values of the properties around them. The use will have much of an impact and it will be an asset to the city of Florence.

Mr. Wayne Erpenbeck, Erpenbeck Consulting Engineers, 4205 Dixie Highway, stated that there is not a lot of room on the site to meet the standard parking requirements. He stated that someone coming to the site might only be there for five minutes to pay a bill. There is a carport area where the employees park. He stated that it is only about 25 feet from the porch to the right-of-way and there is room for a one-way driveway. He stated that with the secondary exit, people will not have to back out onto Dixie Highway. He stated that there is room between the building and the existing driveway for some landscaping and also in the grassy island in the front, but they cannot meet the standard Buffer Yard A requirements – which can be addressed at Site Plan Review through a Waiver process.

Ms. Wendy Moeller, AICP, a professional planner with McBride, Dale, Clarion, stated that she writes Comprehensive Plans and zoning codes and has a lot of experience. The exhibit submitted by Mr. Breidenstein reflects her evaluation of the Staff Report and the development. She stated that this area is in Florence Central, but nowhere in the Florence Central area is the Parkway Corridor Study discussed – it is discussed in the Florence commercial area. Referring to the slide presentation and the Land Use Map for the area, she stated that there are five single-family homes within the Parkway Corridor Study area bounded on each side by commercial and apartment buildings behind – which creates an island of single-family homes that are not part of a larger cohesive development. She

stated that the Parkway Corridor Study establishes itself as the Comprehensive Plan for the area and noted that the “plan concept for development of the study area recommends that the centrally located study area be developed as a business, cultural, and civic center”. She stated that the previous zoning was O-1, which is across the street – but following adoption of the Parkway Corridor Study, it is O-2/UR-1/PD, which is a more intense zoning district and illustrates that the area was intended for higher intensity use. She stated that office use is appropriate and the conversion of the house to an insurance agency is permitted under O-2 zoning. The dual access driveway allows people to get in and out going forward onto US 42. She stated that the Planned Development standards call for as much landscaping as possible, but do not give specifics. Section 3605 of Article 36 talks about specific landscaping and Buffer Yard A. She questioned whether any new landscaping is required as Article 36 states that for existing developed sites only new areas such as building additions and vehicular use area expansions are required to be brought into compliance. She stated that the applicant is willing to work with the Planning Commission to put in as much landscaping as he can. She stated that 4.24 parking spaces would be required (which rounds up to five spaces), one of which must be a handicapped space and it is on the driveway. She stated that there is room for six cars on the site, with two being on the driveway. She stated that the applicant has had conversations with the adjacent property owners and can get access to additional off-site parking spaces if necessary. Ms. Moeller stated that attached to the handout is the Institute of Transportation Engineers trip generations for single tenant office buildings and shows that about twelve trips per day will be generated. About ten trips per day would be generated by a single-family dwelling unit. She stated that medical office uses would generate about three times the amount of traffic and this use is more compatible with the adjoining residential uses. The proposal is compatible with the Comprehensive Plan, the Parkway Corridor Study, and the zoning regulations.

Mr. Breidenstein stated that the speakers are available to answer any questions.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Clyde Jacob, 27 Rose Terrace, Crestview Hills, stated that the second curb cut will save lives as getting out onto US 42 is a deathtrap. He stated that the site is better looking now than before and the house still looks like a residence. The change in use does not alter the appearance of the neighborhood. He asked that the request be approved.

Mr. Jack Grigson, 7606 US 42, stated that he sold this home to Mr. Chaffin. He stated that Mr. Chaffin then called the city of Florence about getting his Occupational License and they said it was fine and to call Planning & Zoning. He stated that Mr. Chaffin then put up some *in* and *out* signs and had to take them down – which is a safety issue. He stated that the situation has changed in the area and he has seen five people killed there. He stated that there are five

residences there and they should be made to have circular driveways – or they should be taken by eminent domain. He has backed out onto US 42 and almost hit people jogging and walking. He stated that with the new baseball stadium going in and the waterpark, there will be a major bottleneck. He has waited five minutes to get out. He stated that times have changed and Florence is a busy city, not a residential town. He stated that people cannot back out onto US 42 any longer and the Planning Commission should look into this. He believes that more people will be killed by people backing out onto US 42.

Mr. Kevin Costello, AICP, Executive Director, stated that the Planning Commission did not sign off on this use and only found out about it when Mr. Chaffin transferred the license from one location to another. The Planning Commission has not approved this use at this location.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Luther and Gladys Ison, 7702 US 42, who live next door to the subject site, stated that people who park on the circular driveway have oil dripping out of their cars and have tried to turn around in their driveway. Mr. and Mrs. Ison do not have any trouble backing out on US 42 to the center lane. Mr. Ison stated that near the end of the month and at the first of the month, people block the circular driveway and when that driveway is blocked they try to park in his driveway which he prevents by parking at the top of his driveway close to the street (as shown in the Staff Power Point presentation). He stated that some people park across the street and run over to this site because they cannot park there. They asked him to give them an easement to put a driveway between his house and the insurance company, but he refused. He does not want people with oil dripping out of their vehicles to go on his driveway. He does not know of anyone who has had an accident there backing out onto US 42. Mrs. Ison agreed.

Mr. Truitt Bealy, 7704 US 42, which is two doors west of the subject property, stated that he leaves in the morning and comes back in the afternoon, but he has been told by the neighbors that the traffic in and out of this site is heavy, that there is danger of an accident there, and that the customers park in the neighbor's driveway. He stated that if all of the residences are changed to businesses operated out of a residence, the traffic will be worse there and that would be an additional hazard.

The Chairman asked if there was anyone else present who wished to speak regarding this application. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries questioned how the second curb cut got there without approval. Mr. Light responded that his understanding is that it was applied for over a year ago

when it was a residence and since it was US 42, the state gave them a permit. The driveway was put in this spring before the property was sold. Mr. Ries stated that the insurance business is operating in this location now. Mr. Light agreed but noted that the sign is still across the street and they would like to move it over to this location. He stated that they may even be parking at the previous location and walking across the street. He stated that if the request is approved, Staff will sign off on their Occupational License. Mr. Costello stated that a Temporary Occupational License has been issued.

Mr. Breidenstein stated that they are here in an attempt to rectify what has been characterized as a violation of the Zoning Regulations and Mr. Chaffin has applied for a Home Occupation License through the Planning Commission and the city of Florence. It is their understanding that if this request is approved, the problem will go away – and if it is denied, they will move the business elsewhere.

Mr. McMillian questioned if landscaping between the houses would be required. Mr. Light responded that at Site Plan Review they would need to show landscaping along both side property lines. Buffer Yard A would be required as the house next door is in the same zone. He stated that the rear would not be touched. The property drops off over twenty feet from US 42 and they do not propose to do anything in the rear – if they did, buffering would be required. Mr. Light explained that they can share Buffer Yard A with the adjoining use when it develops since the residence next door is in the same zone. He stated that Staff would like the ten feet of buffer on this property, but the building is already there. He stated that five feet would be half of Buffer Yard A and they can get the rest of the plantings somewhere else on the site.

Mrs. Kegley asked if the four employees are there at the same time and questioned how many parking spaces they use. Mr. Chaffin responded that his daughter and her husband ride together, his niece parks on the site, and he parks off-site -- so they use two parking spaces. He stated that they do not want clients to use the carport because there is a lip there and they may damage their cars. He stated that there is room for clients to pull in the driveway when people are parked there. A lot of clients park across the street at their old office and walk over and they have been told that they can use those parking spots for as long as they want.

Mr. Knock asked if the similar businesses to the east and west got there through a Concept Development Plan. Mr. Light responded that he believes most of them on this side of the road were there prior to the Parkway Corridor Study. In response to a question from Mr. Knock, Mr. Light explained that Home Occupational Licenses are granted to allow people to conduct business from their home – as long as they do not generate traffic. There is no sign with a Home Occupation. Mr. Knock asked if any of the other businesses there have Home Occupational Licenses. Mr. Light responded “no”. Mr. Grigson stated that he bought his property in 1986 and he has a Home Occupational License.

Mr. Caddell stated that if this request is approved, it will stand approved for whoever might come in in the future. The Commissioners need to keep in mind what might be a future use of the property.

In response to questions from Mr. Newman, Mr. Light stated that the property at the rear goes into a lake behind the apartment complex. It is 15 – 20 feet from the back of the building to the off-site lake. Mr. Newman questioned a parking lot back there. Mr. Light explained that it could be done with engineering and construction work. He does not know if it would have to be leveled out, but they would have to tear out the carport and keep the handicapped space in the front.

Mrs. Poston questioned the proposed sign. Mr. Light responded that it is a 3' x 4' sign that is currently under the tree across the street. Mrs. Poston stated that she is concerned about the neighbor's view being obstructed by the sign when pulling out onto US 42. Mr. Light stated that the sign has to be out of the right-of-way, which means it has to be behind the sidewalk. Mrs. Poston stated that the sign and the landscaping need to be considered in regard to obstructing the view. Mr. Light agreed with her concerns.

Mr. McMillian questioned the ADA parking area. Mr. Breidenstein responded that the handicapped parking space would be on the driveway (where the arrow is on the Concept Development Plan), or it could be in front of parking spaces 3 and 4. He noted that the traffic is quick in and out to pick up a policy or make a payment. Mr. Chaffin stated that they currently have two handicapped clients and they park in front and blow their horn and one of the office staff goes out to their car and collects their payment so that they do not have to get out of the car. Mr. McMillian stated that the law is that they have to have the handicapped parking available. He stated that with the handicapped parking in the middle of the driveway, no one else will be able to get in and out. Mr. Chaffin disagreed and stated that there are two more parking spaces there and people can pull in the driveway.

Mr. Ries stated that it would resolve the problem if parking spaces 1 and 3 were handicapped parking spaces, and spaces 2 and 4 were used to get around to the back of the building and the parking was back there. Mr. Chaffin stated that the issue would be engineering and money. Mr. Wayne Erpenbeck stated that there is an eight-foot retaining wall out back and an 8 – 9 foot vertical drop and it would be very expensive to put parking back there. They would have to take out the carport and build another retaining wall. He stated that the retaining wall wraps around spaces 3 and 4.

Mr. Breidenstein stated that Mr. and Mrs. Ison are concerned about oil getting on their driveway and that could be addressed by a minimal amount of curbing. People using their driveway can be eliminated by the addition of the sign and some small directional signs. People will be less confused once the signs are there. He stated that they have no control over people turning around in the Ison's

driveway since some of them are just people who need to turn around somewhere and are not necessarily their customers. He stated that this property was zoned O-1 and O-1 zoning in Florence prohibits conversion of a house to an office. The city of Florence made a decision to change the zoning to O-2/PD when they adopted the Parkway Corridor Study, which eliminated that restriction. He stated that by and large the other properties are protected by that restriction in the O-1 zone. He stated that Section 35.02 of the Zoning Regulations states that buffer yards are only required when there is additional new development, parking, or paving -- which is why they did not submit a Landscaping Plan. He stated that they will commit to installing landscaping to the front and sides of the building and will work with Staff and the Committee in regard to what is appropriate. They are willing to install a privacy fence to screen the Isons from this change of use. He stated that the chiropractor's office on KY 18 and the rent-a-car on KY 18 at Utz Drive were houses converted to businesses and are much more intensive uses. A precedent has been set in the Parkway Corridor Study area that allows the conversion of homes to office type uses. In response to Mr. Caddell's comment regarding future users of the property, he stated that in the PD area when there is a change of use, it has to come before the Planning Commission for review. He stated that their application was specific and asked for an insurance agent's office. They are willing to discuss reasonable restrictions in that regard. He stated that there are restrictions as part of the process and he believes the level of protection Mr. Caddell want is there. He stated that the sign will be the sign that was shown in the Power Point presentation. It will be a low-rise monument sign with landscaping and appropriate lighting. Its exact height and location will be determined at Site Plan Review. They do not intend to block anyone's visibility and will take a close look at that with Staff at Site Plan Review. They will work with the Committee and Staff in regard to the concerns. Mr. Breidenstein submitted information regarding the Encroachment Permit (see Exhibits 2 - 6).

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 7, 2002 at 4:00 PM in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on August 21, 2002 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibits submitted by Attorney Tom Breidenstein:

- 1. Southern Insurance, Ralph Chaffin - July 24, 2002 Public Hearing**
- 2. Letter from the Transportation Cabinet, dated September 4, 2001 to Clyde Jacob stating that his application for an Encroachment Permit was approved**
- 3. Letter from the Transportation Cabinet, dated March 15, 2002 to Clyde Jacob, re: Bond Cancellation**
- 4. Kentucky Department of Transportation Cabinet Encroachment Inspection Status Report dated March 15, 2002**
- 5. Survey for Curb Cut Permit for Clyde Jacob Property dated August 4, 1999**
- 6. State Farm Insurance Power of Attorney dated April 11, 1997**

SOUTHERN INSURANCE – RALPH CHAFFIN

BOONE COUNTY PLANNING COMMISSION

July 24, 2002 – Public Hearing

Proposed Use: Single-tenant, insurance office

Building Square Footage: 1,061 gross square feet

Proposed Improvements: New signage and landscaping. There will be no expansion of the building or parking area.

1. Compliance with the 2000 Boone County Comprehensive Plan

- The Future Land Use Map designates the general area of this site on the border of a Commercial and Suburban Density Residential designation. The text of the plan does allow that the boundaries of the land use designations are general in nature and are not intended to be site specific.
- The site is located on U.S. 42, a major arterial road that has developed as a largely commercial and office corridor with only a few homes situated so as to front on U.S. 42.
- The proposed use of the site would conform with the Plan's goals of:

"Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate." (Florence Commercial Area, pg. 163); and

"The Parkway Corridor Study, which was developed for this area, should be updated and a more definitive direction should be developed for this area. A mixture of office, retail, commercial, recreation, and residential development is the goal." (Florence Commercial Area, pg. 163)

2. Compliance with the 1986 Parkway Corridor Study

- This study establishes itself as the comprehensive plan for the study area.
- The study repeatedly states that the *"plan concept for development of the study area recommends that the centrally located study area be developed as a business, cultural, and civic center."*

- The previous zoning of the site was O-1 (Office One). Following the adoption of the Parkway Corridor Study, the zoning was changed to O-2/UR-1/PD. This clearly illustrates that the intended use of the subject site and surrounding uses was for a far more intensive use than single family, suburban density housing. However, the proposed use, while office, will be very low density with minimal impacts on the existing single-family homes directly adjacent to the site.

3. Development Impacts/Zoning Compliance

- The proposed conversion of a single-family home into an office is a permitted use under the standard O-2 (Office Two) zoning district.

a. Access

There is a dual access driveway that allows for easy ingress and egress from the site without having to back out onto U.S. 42.

b. Landscaping

- The applicant proposes to landscape the front portion of the lot surrounding the proposed signage. The landscaping will be low-lying ground cover to protect visibility.
- Section 3605 (2) of the Boone County Zoning Regulations exempts buildings from the landscaping requirements established in Article 36:

"Existing Site Currently Developed – Improvements to an existing site that including building additions, vehicular use area expansions or load/unloading area expansion shall be required to bring only the new improvements into compliance with this Article." (Boone County Zoning Regulations, pg. 36.2)

c. Parking/Traffic

- Under the Boone County Zoning Regulations, the proposed use is required to have 4.24 parking spaces. Because of the zoning requirements with regards to fractional numbers, the total number of parking spaces required is 5 spaces. One of these spaces must be accessible for the disabled.
- Under the current parking area configuration, there is room for a total of six cars on the lot. A total of four spaces can be provided on a paved area located adjacent to the driveway. There is an additional room for two cars on the driveway without encroaching on the right-of-way.

- In addition to the parking spaces provided on the lot, the applicant has had numerous offers to utilize nearby off-site parking.
- The six on-site parking spaces should be more than adequate for the intended use of the property. According to the 6th Edition Trip Generation book by the Institute of Transportation Engineers (ITE), a single-tenant office with approximately 1,000 square feet of office space will generate an average of 12 cars per weekday (all day) and just under 2 trips during peak AM and PM hours. This is compared to an average 10 trips generated daily by one single-family dwelling unit (see attached). The 12 daily trips are typical of insurance offices that do much of their work by phone, mail, and fax.

4. General Findings

- a. The proposed use of the site as a small-scale office use is consistent with the goals, objectives, and land use planning elements of both the 2000 Boone County Comprehensive Plan and the 1986 Parkway Corridor Study.
- b. The propose use is of an intensity to be compatible with surrounding residential uses while achieving the goals established in both the 2000 Boone County Comprehensive Plan and the 1986 Parkway Corridor Study.
- c. There is adequate access to and from the site that will allow employees and clients to exit the site, onto U.S. 42 in a forward facing manner.
- d. While no landscaping is required, the applicant will be providing some landscaping between the driveway and U.S. 42 and preserving the mature vegetation found in the rear of the site.
- e. There is a sufficient number of on-site, off-street parking to accommodate even the busiest peak hours of the business.

Single Tenant Office Building (715)

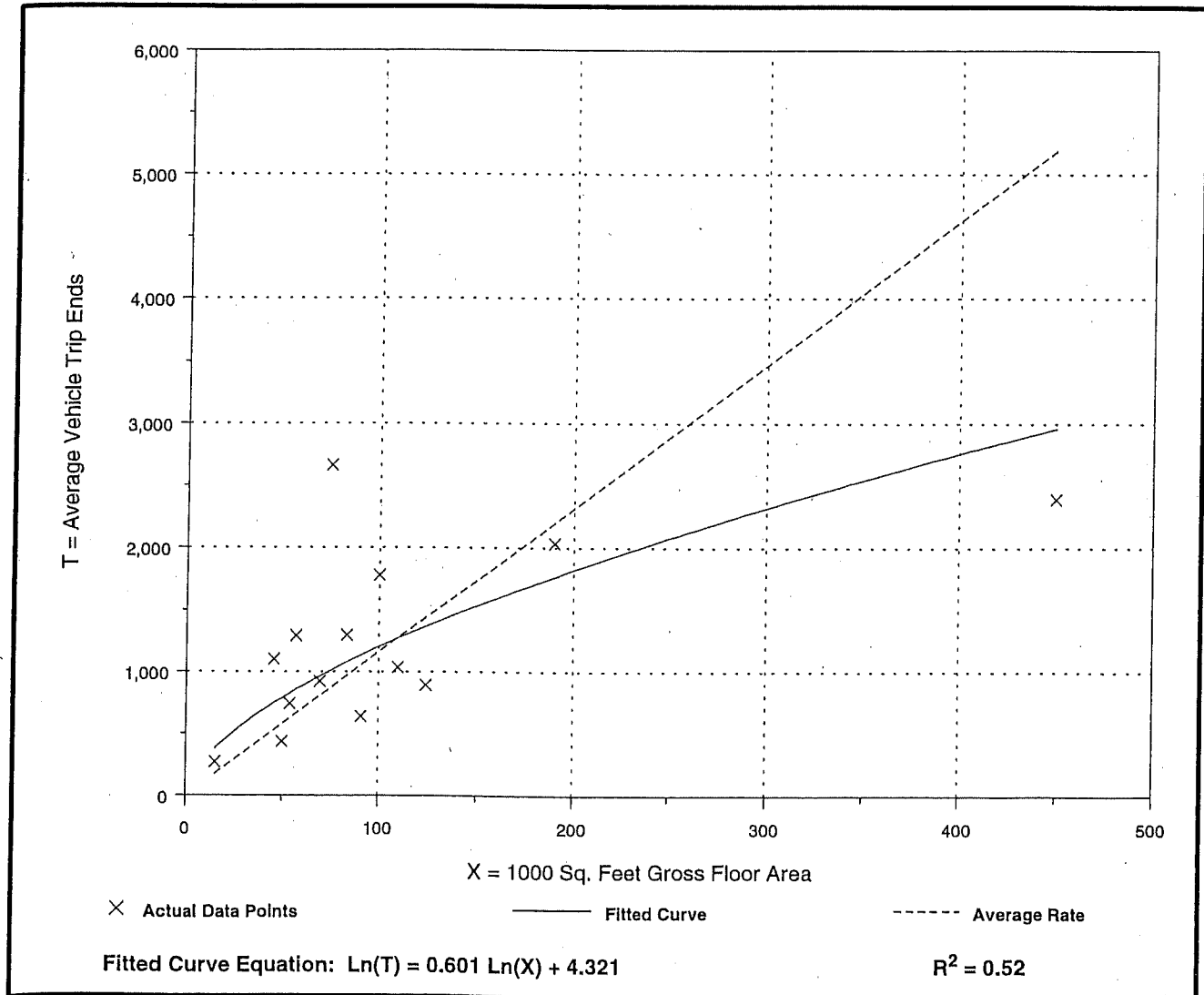
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 14
Average 1000 Sq. Feet GFA: 108
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
11.57	5.33 - 35.68	8.30

Data Plot and Equation



Single-Family Detached Housing (210)

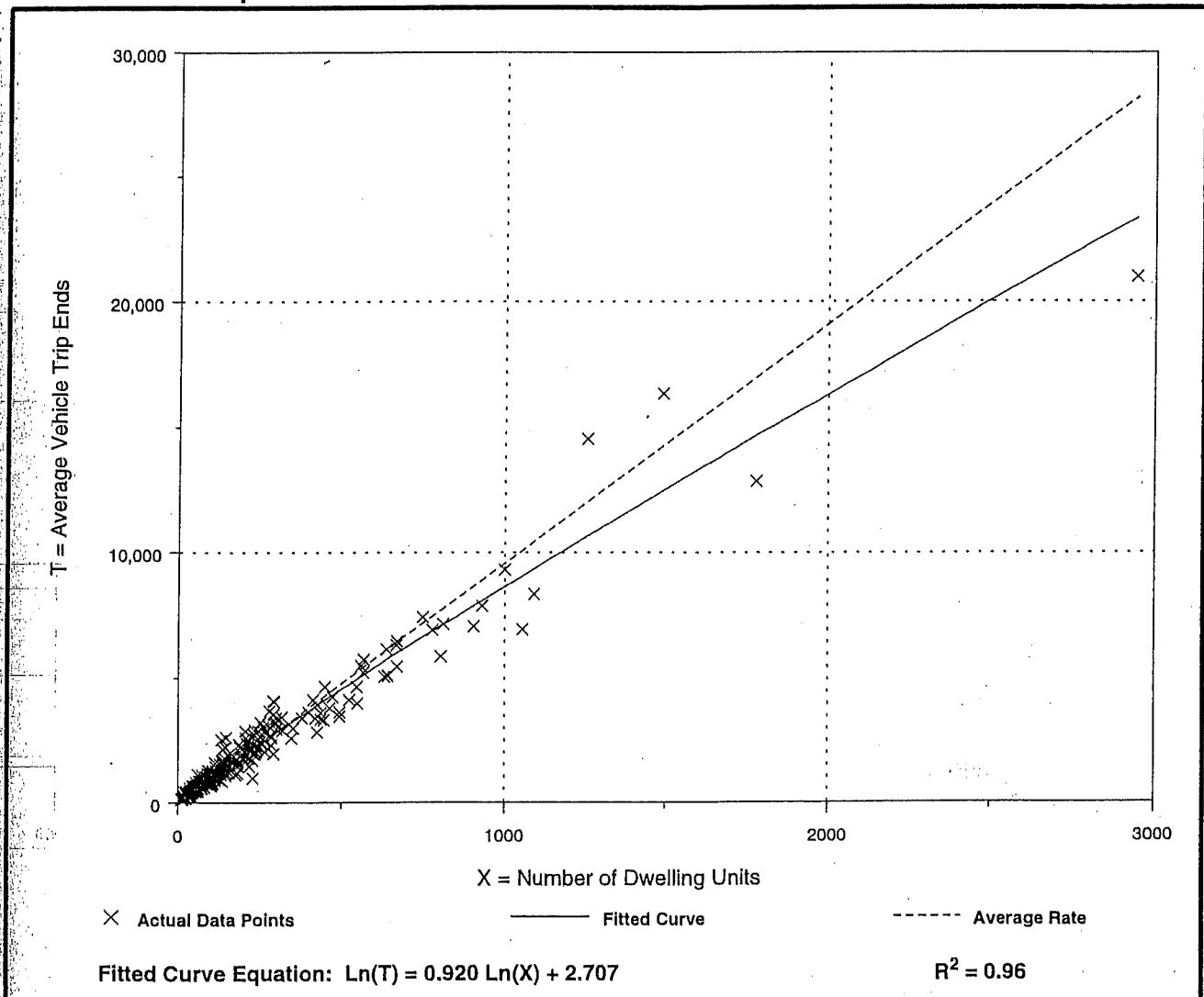
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 348
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

Data Plot and Equation





Commonwealth of Kentucky
Transportation Cabinet

Department of Highways, District Six
421-423 Buttermilk Pike & I-75, P. O. Box 17130
Covington, Kentucky 41017
859/341-2700, (Fax) 859/341-3661
Charles L. Meyers
Chief District Engineer

James C. Codell, III
Secretary of Transportation

Clifford C. Linkes, P.E.
Deputy Secretary

Paul E. Patton
Governor

September 4, 2001

CLYDE A. JACOB
27 ROSE TERRACE
CRESTVIEW HILLS, KY 41017

SUBJECT: Boone County, MP-8-42-14.77
US 42 (FLORENCE WARSAW)
Permit Number 06-0500-99

Dear CLYDE A. JACOB:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your record files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than July 1, 2002. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as notification for final inspection.

If there are any questions regarding this permit, please do not hesitate to contact Edmond C. Thompson at 859-341-2700 or fax number 606-341-3661.

Sincerely,

C. L. Meyers, P.E.
Chief District Engineer
Department of Highways
District 6 - Covington
P.O. Box 17130
Covington, KY 41017





Commonwealth of Kentucky
Transportation Cabinet

Department of Highways, District Six
421-423 Buttermilk Pike & I-75, P. O. Box 17130
Covington, Kentucky 41017
859/341-2700, (Fax) 859/341-3661
Samuel H. Beverage
Chief District Engineer

Paul E. Patton
Governor

James C. Codell, III
Secretary of Transportation

Clifford C. Linkes, P.E.
Deputy Secretary

March 15, 2002

Clyde A. Jacob
27 Rose Terrace
Crestview Hills, KY 41017

Dear Mr. Jacob,

RE: BOND CANCELLATION
Permits:06-0500-99
US 42, Milepoint 14.77
BOONE COUNTY

Enclosed, please find your Bond Number 66 77 311 in the amount of \$5,000.00 for cancellation of the above subject permit, per your request. You are responsible to notify your insurance agency to be legally released from your bond by said agency.

Thank you for your cooperation and concern in complying with the encroachment regulations of the Kentucky Transportation Cabinet.

Very truly yours,

Samuel H. Beverage, P. E.
CHIEF DISTRICT ENGINEER

Edmond C. Thompson
DISTRICT PERMITS SUPERVISOR

ECT/dlt
Enc.
Cc: Tri-City Ins.



TMS
15-MAR-02

Kentucky Transportati
Encroachment Inspection Status Report

Permit: 06-0500-99
Applicant: CLYDE A. JACOB
Project: US-8-42-14.77 Boone

Bond No.: 66 77 311

THE SUBJECT ENCROACHMENT HAS BEEN INSPECTED AND THE FOLLOWING DETERMINATION MADE:

1. The encroachment has been completed as permitted and the encumbrance is hereby released.
2. The encumbrance cannot be released at this time since the encroachment is not in conformance with permit requirements. The items to be corrected or completed are as follows:

Inspection
Date

Comments

Joe Mark Brannon
Signature

3/15/02
Date

IMPORTANT (Please read)

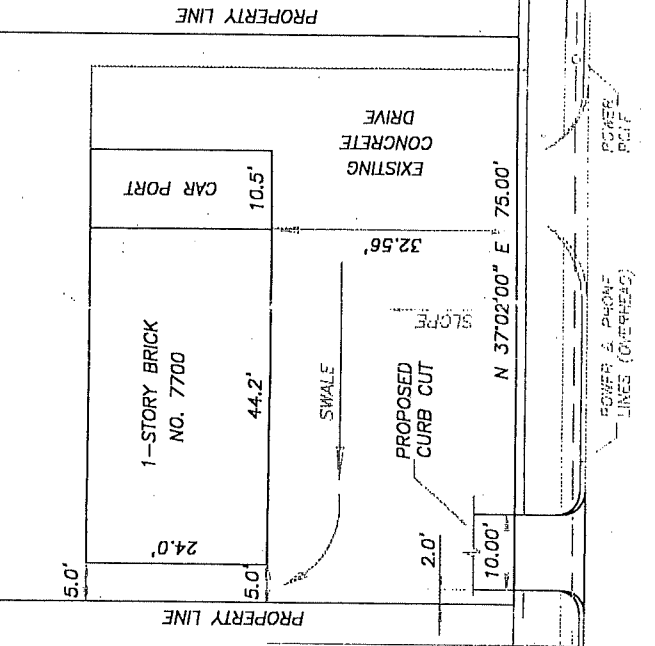
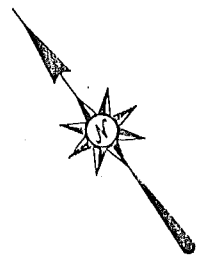
Failure to complete the permitted facility by the assigned completion date can result in forfeiture of the indemnity(i.e. bond or check) if so determined by the Chief District Engineer.

When the permitted facility has been completed and accepted by the TRANSPORTATION CABINET, your indemnity will be released but the permit and all related documents remain in effect as long as the encroachment exists or until revoked by the TRANSPORTATION CABINET.

FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITTEE

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS AND COMPANIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

JERRY L. CANNON, REG. NO. 2936
 8-4-99
 DATE



SITE 06-0500-99

VICINITY MAP

CONCRETE R.C.W. MONUMENTS

U.S. HIGHWAY NO. 42

57.40'

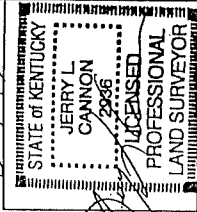
SURVEY FOR CURB CUT PERMIT

CLYDE JACOE PROPERTY

LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY NO. 42 AND 0.2 MILES EAST OF INTERSTATE ROUTE 75 BOONE COUNTY, KENTUCKY

SCALE: 1" = 20'
 DATE: 8-04-99
 DWN BY: J.L.C.
 JOB NO.: 897BJACOB

ANDREW R. ALBERT & JERRY L. CANNON
 LAND SURVEYORS
 655 FAR OAKS LANE, EDGEWOOD, KENTUCKY 41017
 606-341-7878



STATE AUTOMOBILE MUTUAL INSURANCE COMPANY

CERTIFIED COPY

THIS DOCUMENT MAY NOT BE REPRODUCED ORIGINAL PRINTED ON YELLOW PATTERN PAPER

COLUMBUS, OHIO

POWER OF ATTORNEY

Know All Men By These Presents, That STATE AUTOMOBILE MUTUAL INSURANCE COMPANY, a corporation, duly organized and existing under the laws of the State of Ohio, and having its principal offices in the City of Columbus, Ohio, does hereby by these presents make, constitute and appoint William R. McCarty, Mark R. Hollowell, John C. Daugherty

of Florence and State of Kentucky EACH

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds or undertakings described below, to wit: any and all bonds, undertakings, or other written obligations in the nature thereof, subject to the limitation that the penalty of any one bond shall not exceed One Million Dollars (\$1,000,000.00) in amount and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the duly authorized officers of the Company, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. This Power of Attorney is made and executed pursuant to and by authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 8th day of May 1970:

BE IT RESOLVED, by the Board of Directors of State Automobile Mutual Insurance Company, that any two (2) of the following officers of the Company, viz: the President, any Vice President, any Assistant Vice President, Secretary, any Assistant Secretary, Treasurer, and any Assistant Treasurer, shall have the power and authority to appoint agents and attorneys-in-fact and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof; and any such bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when duly executed and sealed, if a seal is required, by such attorney-in-fact or agent pursuant to and within the limits of the authority granted by his power of attorney.

BE IT FURTHER RESOLVED, that any two (2) said officers may remove any such Attorney-in-Fact or Agent and revoke the power and authority given to him.

BE IT FURTHER RESOLVED, that any two (2) of the following officers of the Company, viz: the President, any Vice President, any Assistant Vice President, Secretary, any Assistant Secretary, Treasurer and any Assistant Treasurer, shall have power and authority to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof, which the business of the Company may require; and any such bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when duly executed and sealed, if a seal is required.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of State Automobile Mutual Insurance Company at a meeting called and held on the 8th day of May, 1970:

BE IT RESOLVED, that the signature of the President, any Vice President, any Assistant Vice President, Secretary, any Assistant Secretary, Treasurer, and any Assistant Treasurer and the Company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance, consent of surety or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

In Witness Whereof, the Company has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed this 11th day of April, 1997

STATE AUTOMOBILE MUTUAL INSURANCE COMPANY.

By Donald F. Moshgat, Vice President

William D. Hansen, Ass't. Vice President



There is possible future expansion of the parking lot if they get busier. He stated that the parking lot could be moved over.

Mr. McMillian asked if the application should go to the Board of Adjustment before coming to the Planning Commission. Counselor Wilson advised that it is in a PD Overlay and applicants can seek relief from the setback requirements from the Planning Commission through the PD Overlay and the Development Plan. Mr. White questioned putting a driveway right on the boundary line. Chairman Hicks stated that this may be setting a precedent. He stated that there is a business to one side and two or three houses on the other side – are we going to have four or five accesses in a dangerous area? If people buy houses and switch to a business, this might be setting people up for danger getting in and out on U.S. 42. Mr. White stated that even though they are residences, they are zoned for business uses. Chairman Hicks responded that people could buy more houses and put a business in that fits correctly instead. He is concerned about business clients being in a dangerous situation there.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. White which found Mr. Barlow, Mrs. Kegley, Mr. Newman, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mrs. Poston in favor. Mr. Caddell, Mr. McMillian, Mr. Ries, and Chairman Hicks were opposed. The motion carried by a vote of 9 to 4.

3. **Zoning Map Amendment with Conditional Use Permit and Variance**

The request of Hans Philippo for Tulip, LLC (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Two (C-2), and a Conditional Use Permit and Variance for an approximate 1.2 acre tract at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change and Conditional Use Permit to allow a car wash, and a Variance to reduce the width of a required buffer yard.

The Chairman stated that Agenda Item #3 has been withdrawn by the applicant.

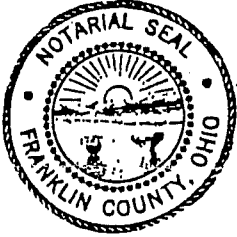
4. **Technical Design Review - NKY Office Furniture
55 Spiral Drive**

Staff Member Patty Bachman presented the Design Review request for NKY Office Furniture. The request is for signage. The Houston-Donaldson Study allows up to 100 square feet of signage per lease space in a retail center based on a 2:1 ratio – the width of the lease space times two up to 100 square feet. She stated that the Commissioners received packets of information that contain the minutes from an Action on Plan Review from the October 4 Business Meeting for this location. The approval stated that The Castle would remove all the existing signage and put up 76.74 square feet of building-mounted signage and future tenants would be allowed to put up signage on Houston Road. The future signage was to be channel letters. Sign drawings from that meeting are also in the packets. She stated that the round sign was to be removed, but the applicant is proposing to reuse the round sign

STATE OF OHIO }
COUNTY OF FRANKLIN, } ss:

On this 11th day of April, A.D., 1997, before me personally came
Donald F. Moshgat and William D. Hansen, to me known, who being

duly sworn, did depose and say that they are ~~the~~ Vice President and Assistant Vice President
respectively of STATE AUTOMOBILE MUTUAL INSURANCE COMPANY, the Company
described in and which executed the above instrument; that they know the seal of said Company; that the seal affixed to the
said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company and that
they signed their names, respectively, by like order.



John B. Melvin
Notary Public
John B. Melvin, Attorney-at-law
Notary Public-State of Ohio
My Commission Has No Expiration Date
Section 147.03

CERTIFICATE

I, the undersigned, Assistant Secretary of State Automobile Mutual Insurance Company, an Ohio Corporation, do hereby
certify that the foregoing power of attorney is in full force and has not been revoked; and furthermore, that The Resolutions of
the Board of Directors set forth in the power of attorney are now in force.

Signed and sealed at Columbus, Ohio, this _____ day of _____, 19____.

Robert F. Bunsey
Assistant Secretary
Robert F. Bunsey,



**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 4, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

was that if the application were to be approved, they would be appropriate conditions. She stated that this is a totally different application from the Meijer's site. It is not a Highway Commercial use and she does not think there will be the highway visibility. This is a different facility and there would be less traffic than could be created there. She stated that the applicant was agreeable to putting in a new traffic signal when it is warranted. She stated that the Comprehensive Plan does not say to have a fueling station there, and it does not say that there would not be a fueling station there.

Mrs. Poston stated that the Committee did not look at this as having Meijer's in the picture and a few times it was said "Meijer's has no bearing on this". She stated that the Houston-Donaldson Study makes requirements for fueling stations and there are some specific areas. She stated that because the Houston-Donaldson Study stated that there were other places for fueling stations, the intent was that there would not be any in this corridor.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Ries which found Mr. Barlow, Mr. Caddell, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Poston, and Chairman Hicks in favor. Mrs. Wilson was opposed. The motion carried by a vote of 12 to 1.

2. Change in Concept Development Plan

The request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate one-half acre tract at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

Staff Member Mitch Light passed around copies of the Revised Landscaping Plan. He 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.

Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Wilson seconded the motion.

Mr. Ries stated that there will be four parking spaces in the back, a handicapped parking space in the front with room to get past, and there will not be cars stacking in the front causing people to have to back out. Mr. Light stated that the carport will still be there and they can use it for their own vehicles. Mr. Ries stated that he has seen cars stacking out front and asked if there is anything that can be done to enforce the driveway in front not being blocked. Mr. Light responded that this parking lot has not been created yet and will give those vehicles somewhere to go.

Mr. McMillian questioned preventing people from turning around in the neighbor's driveway. Mr. Light responded that the curb cut is being taken off and they would

have to drive through the landscaping. Mr. McMillian asked if there is a condition. Mr. Light responded "no". Mr. Newman stated that the Committee tried to eliminate any feasible way for them to see the driveway to the west. He stated that they eliminated the curb cut and there is enough landscaping that people will not think it is the same property.

Mr. Reynolds questioned the comments at the Public Hearing regarding the parking lot in the back being expensive and there being a steep drop. Mr. Light responded that it was costly, but not as costly as taking out the carport. There is a cistern under the carport and this plan is the cheaper way. Mr. Reynolds questioned the timeframe.

Mr. Ralph Chaffin responded that it will depend on how long it takes the City of Florence to approve it. They will then have to go through Site Plan Review, and do the engineering. They are thinking it will be December 1 before they can think about construction and then they will have to deal with the weather. If necessary, they will come back and asked for an extension. He has four contractors already looking at the work. He stated that they are allowed six months after Site Plan approval.

Mr. Reynolds asked if any provision has been made to prevent people from turning around in the neighbor's driveway to the west. Mr. Chaffin responded that they have instructed their clients not to use that driveway. He stated that they will ask for an entrance sign, which he believes will eliminate the neighbors' concerns.

Mr. Light reviewed the Landscaping Plan with the Commissioners. He explained that even if they break ground in mid-December, the plants will not go in until spring. He stated that the City of Florence has ninety days to act on the request after they get it. Mr. McMillian questioned people parking in the back and then having to walk around to the front. Mr. Light stated that there are stairs on the deck to get to the back door. Mr. Ries stated that it looks like the driveway goes right to the property line with no buffering for the neighbors next door. Mr. Light responded that it is within a foot and they will get whatever landscaping they can in there. Mr. Ries questioned there not being a minimum of five feet of buffer between the properties. Mr. Light responded that in order to get the parking around the back so as not to have stacked parking in the front, they had to do it this way. He stated that Mr. Grigson was in favor of it. Mr. Costello stated that it is in PD, but the property drops down, so he is not sure what type of buffering they could put in there. The houses set up on U.S. 42 and the parking lot sets below the houses. It would be possible to put a fence there, but the parking lot can be seen looking out of the back of the Grigson house because it sets down below the houses. Mr. Light stated that at least five feet of buffer is required, but that would stop them from getting around to the back of the house without tearing off the carport, dealing with the cistern, and tearing off the roof. He stated that this was discussed. Mr. Costello questioned moving the driveway over four feet. Mr. Light responded that there is only thirteen feet there and people may walk up the sides. He stated that they had six parking spaces shown on the last Concept Plan and reduced it to four spaces.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: September 4, 2002

RE: Request of **Ralph E. Chaffin (applicant)** for **Clyde Jacob (owner)** for a Concept Development Plan for an approximate ½ acre tract located at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element of the 2000 Boone County Comprehensive Plan states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Florence Central" area, pg. 162) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
2. The Committee has concluded that the request reasonably agrees with the Parkway Corridor Study as it relates to this request. Specific references to the Study are outlined in the Staff Report for this request.

3. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The applicant shall eliminate the new (west) access point onto US 42 per the revised landscape plan presented to the Zone Change Committee on August 21, 2002.
2. The applicant must provide a van accessible handicapped parking space per the Americans with Disabilities Act. This parking space is to be located on the remaining portion of the existing driveway in front of the building with enough pavement added to meet the ADA's requirements and still provide landscaping in front of the window on the east side of the front of the building as was discussed at the Zone Change Committee on August 21, 2002.
3. A parking lot consisting of a minimum of 4 parking spaces will be located behind the building as per the revised concept plan discussed at the Zone Change Committee on August 21, 2002.
4. Any change in the proposed use (insurance office) will come back through the Public Hearing process.
5. The area in front of the building, east of the existing driveway will be paved up to the common property line with Grigson as was discussed at the Zone Change Committee on August 21, 2002.
6. Landscaping between the front of the building and US 42, along the west side of the building and screening of the parking lot will be reviewed as a detailed landscaping plan will be provided prepared in accordance with Article 36 of the Boone County Zoning Regulations at the Major Site Plan Review stage.

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. Attached is the signature page for the Zone Change Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**July 24, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Larry Dillon

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM and introduced the first item on the Agenda:

1. **Applicant:** Ralph E. Chaffin for
Clyde Jacob (owner)

Request: Concept Development Plan

The request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate one-half acre tract at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He noted a correction to Page 6 of the Staff Report under Staff Comment #2, the third sentence should read: 'Staff is concerned with 1) the parking layout as shown on the concept plan, and 2) based on the lot width and distance from the house/office to US 42, the required amount of landscaping *may not be able to be met*'.

The Chairman asked for the applicant's presentation.

Attorney Tom Breidenstein, who is currently with the law firm of Coors & Bassett, stated that by the time action is taken on this application, he will be with

the law firm of Barrett & Weber. He submitted a handout "Southern Insurance – Ralph Chaffin" (see Exhibit 1). Mr. Breidenstein introduced Mr. Ralph Chaffin, President of Southern Insurance and owner by contract of the subject property; Mr. Wayne Erpenbeck of Erpenbeck Consulting Engineers who will address the technical aspects and limitations of the site; Ms. Wendy Moeller, AICP, a Certified Planner with McBride, Dale, Clarion; and Mr. Clyde Jacobs the current owner of the property.

Mr. Ralph Chaffin, a resident of Independence, stated that Southern Insurance is strictly property and casualty insurance and they have been in business in Florence for almost eighteen years. They moved across the street from their previous location as the owner was going to tear the building down. He stated that they normally talk to people on the telephone and may have one or two cars per hour come to the location on a busy day. A lot of the traffic is new clients and occasionally people drop off payments. They have four employees, all of whom are family members. He stated that their sign was shown on the slides and will be a 3' x 4' monument sign. Their advertising is done in the telephone book and the sign is only to identify the location. They will also put up *in* and *out* signs to clarify the traffic flow on the driveway. They do not plan any exterior changes other than the sign. He stated that US 42 is designed for commercial uses rather than residential because of the traffic and noise. They hope this use will improve their property value and the values of the properties around them. The use will have much of an impact and it will be an asset to the city of Florence.

Mr. Wayne Erpenbeck, Erpenbeck Consulting Engineers, 4205 Dixie Highway, stated that there is not a lot of room on the site to meet the standard parking requirements. He stated that someone coming to the site might only be there for five minutes to pay a bill. There is a carport area where the employees park. He stated that it is only about 25 feet from the porch to the right-of-way and there is room for a one-way driveway. He stated that with the secondary exit, people will not have to back out onto Dixie Highway. He stated that there is room between the building and the existing driveway for some landscaping and also in the grassy island in the front, but they cannot meet the standard Buffer Yard A requirements – which can be addressed at Site Plan Review through a Waiver process.

Ms. Wendy Moeller, AICP, a professional planner with McBride, Dale, Clarion, stated that she writes Comprehensive Plans and zoning codes and has a lot of experience. The exhibit submitted by Mr. Breidenstein reflects her evaluation of the Staff Report and the development. She stated that this area is in Florence Central, but nowhere in the Florence Central area is the Parkway Corridor Study discussed – it is discussed in the Florence commercial area. Referring to the slide presentation and the Land Use Map for the area, she stated that there are five single-family homes within the Parkway Corridor Study area bounded on each side by commercial and apartment buildings behind – which creates an island of single-family homes that are not part of a larger cohesive development. She

stated that the Parkway Corridor Study establishes itself as the Comprehensive Plan for the area and noted that the “plan concept for development of the study area recommends that the centrally located study area be developed as a business, cultural, and civic center”. She stated that the previous zoning was O-1, which is across the street – but following adoption of the Parkway Corridor Study, it is O-2/UR-1/PD, which is a more intense zoning district and illustrates that the area was intended for higher intensity use. She stated that office use is appropriate and the conversion of the house to an insurance agency is permitted under O-2 zoning. The dual access driveway allows people to get in and out going forward onto US 42. She stated that the Planned Development standards call for as much landscaping as possible, but do not give specifics. Section 3605 of Article 36 talks about specific landscaping and Buffer Yard A. She questioned whether any new landscaping is required as Article 36 states that for existing developed sites only new areas such as building additions and vehicular use area expansions are required to be brought into compliance. She stated that the applicant is willing to work with the Planning Commission to put in as much landscaping as he can. She stated that 4.24 parking spaces would be required (which rounds up to five spaces), one of which must be a handicapped space and it is on the driveway. She stated that there is room for six cars on the site, with two being on the driveway. She stated that the applicant has had conversations with the adjacent property owners and can get access to additional off-site parking spaces if necessary. Ms. Moeller stated that attached to the handout is the Institute of Transportation Engineers trip generations for single tenant office buildings and shows that about twelve trips per day will be generated. About ten trips per day would be generated by a single-family dwelling unit. She stated that medical office uses would generate about three times the amount of traffic and this use is more compatible with the adjoining residential uses. The proposal is compatible with the Comprehensive Plan, the Parkway Corridor Study, and the zoning regulations.

Mr. Breidenstein stated that the speakers are available to answer any questions.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Clyde Jacob, 27 Rose Terrace, Crestview Hills, stated that the second curb cut will save lives as getting out onto US 42 is a deathtrap. He stated that the site is better looking now than before and the house still looks like a residence. The change in use does not alter the appearance of the neighborhood. He asked that the request be approved.

Mr. Jack Grigson, 7606 US 42, stated that he sold this home to Mr. Chaffin. He stated that Mr. Chaffin then called the city of Florence about getting his Occupational License and they said it was fine and to call Planning & Zoning. He stated that Mr. Chaffin then put up some *in* and *out* signs and had to take them down – which is a safety issue. He stated that the situation has changed in the area and he has seen five people killed there. He stated that there are five

residences there and they should be made to have circular driveways – or they should be taken by eminent domain. He has backed out onto US 42 and almost hit people jogging and walking. He stated that with the new baseball stadium going in and the waterpark, there will be a major bottleneck. He has waited five minutes to get out. He stated that times have changed and Florence is a busy city, not a residential town. He stated that people cannot back out onto US 42 any longer and the Planning Commission should look into this. He believes that more people will be killed by people backing out onto US 42.

Mr. Kevin Costello, AICP, Executive Director, stated that the Planning Commission did not sign off on this use and only found out about it when Mr. Chaffin transferred the license from one location to another. The Planning Commission has not approved this use at this location.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Luther and Gladys Ison, 7702 US 42, who live next door to the subject site, stated that people who park on the circular driveway have oil dripping out of their cars and have tried to turn around in their driveway. Mr. and Mrs. Ison do not have any trouble backing out on US 42 to the center lane. Mr. Ison stated that near the end of the month and at the first of the month, people block the circular driveway and when that driveway is blocked they try to park in his driveway which he prevents by parking at the top of his driveway close to the street (as shown in the Staff Power Point presentation). He stated that some people park across the street and run over to this site because they cannot park there. They asked him to give them an easement to put a driveway between his house and the insurance company, but he refused. He does not want people with oil dripping out of their vehicles to go on his driveway. He does not know of anyone who has had an accident there backing out onto US 42. Mrs. Ison agreed.

Mr. Truitt Bealy, 7704 US 42, which is two doors west of the subject property, stated that he leaves in the morning and comes back in the afternoon, but he has been told by the neighbors that the traffic in and out of this site is heavy, that there is danger of an accident there, and that the customers park in the neighbor's driveway. He stated that if all of the residences are changed to businesses operated out of a residence, the traffic will be worse there and that would be an additional hazard.

The Chairman asked if there was anyone else present who wished to speak regarding this application. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries questioned how the second curb cut got there without approval. Mr. Light responded that his understanding is that it was applied for over a year ago

when it was a residence and since it was US 42, the state gave them a permit. The driveway was put in this spring before the property was sold. Mr. Ries stated that the insurance business is operating in this location now. Mr. Light agreed but noted that the sign is still across the street and they would like to move it over to this location. He stated that they may even be parking at the previous location and walking across the street. He stated that if the request is approved, Staff will sign off on their Occupational License. Mr. Costello stated that a Temporary Occupational License has been issued.

Mr. Breidenstein stated that they are here in an attempt to rectify what has been characterized as a violation of the Zoning Regulations and Mr. Chaffin has applied for a Home Occupation License through the Planning Commission and the city of Florence. It is their understanding that if this request is approved, the problem will go away – and if it is denied, they will move the business elsewhere.

Mr. McMillian questioned if landscaping between the houses would be required. Mr. Light responded that at Site Plan Review they would need to show landscaping along both side property lines. Buffer Yard A would be required as the house next door is in the same zone. He stated that the rear would not be touched. The property drops off over twenty feet from US 42 and they do not propose to do anything in the rear – if they did, buffering would be required. Mr. Light explained that they can share Buffer Yard A with the adjoining use when it develops since the residence next door is in the same zone. He stated that Staff would like the ten feet of buffer on this property, but the building is already there. He stated that five feet would be half of Buffer Yard A and they can get the rest of the plantings somewhere else on the site.

Mrs. Kegley asked if the four employees are there at the same time and questioned how many parking spaces they use. Mr. Chaffin responded that his daughter and her husband ride together, his niece parks on the site, and he parks off-site -- so they use two parking spaces. He stated that they do not want clients to use the carport because there is a lip there and they may damage their cars. He stated that there is room for clients to pull in the driveway when people are parked there. A lot of clients park across the street at their old office and walk over and they have been told that they can use those parking spots for as long as they want.

Mr. Knock asked if the similar businesses to the east and west got there through a Concept Development Plan. Mr. Light responded that he believes most of them on this side of the road were there prior to the Parkway Corridor Study. In response to a question from Mr. Knock, Mr. Light explained that Home Occupational Licenses are granted to allow people to conduct business from their home – as long as they do not generate traffic. There is no sign with a Home Occupation. Mr. Knock asked if any of the other businesses there have Home Occupational Licenses. Mr. Light responded “no”. Mr. Grigson stated that he bought his property in 1986 and he has a Home Occupational License.

Mr. Caddell stated that if this request is approved, it will stand approved for whoever might come in in the future. The Commissioners need to keep in mind what might be a future use of the property.

In response to questions from Mr. Newman, Mr. Light stated that the property at the rear goes into a lake behind the apartment complex. It is 15 – 20 feet from the back of the building to the off-site lake. Mr. Newman questioned a parking lot back there. Mr. Light explained that it could be done with engineering and construction work. He does not know if it would have to be leveled out, but they would have to tear out the carport and keep the handicapped space in the front.

Mrs. Poston questioned the proposed sign. Mr. Light responded that it is a 3' x 4' sign that is currently under the tree across the street. Mrs. Poston stated that she is concerned about the neighbor's view being obstructed by the sign when pulling out onto US 42. Mr. Light stated that the sign has to be out of the right-of-way, which means it has to be behind the sidewalk. Mrs. Poston stated that the sign and the landscaping need to be considered in regard to obstructing the view. Mr. Light agreed with her concerns.

Mr. McMillian questioned the ADA parking area. Mr. Breidenstein responded that the handicapped parking space would be on the driveway (where the arrow is on the Concept Development Plan), or it could be in front of parking spaces 3 and 4. He noted that the traffic is quick in and out to pick up a policy or make a payment. Mr. Chaffin stated that they currently have two handicapped clients and they park in front and blow their horn and one of the office staff goes out to their car and collects their payment so that they do not have to get out of the car. Mr. McMillian stated that the law is that they have to have the handicapped parking available. He stated that with the handicapped parking in the middle of the driveway, no one else will be able to get in and out. Mr. Chaffin disagreed and stated that there are two more parking spaces there and people can pull in the driveway.

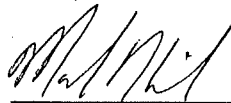
Mr. Ries stated that it would resolve the problem if parking spaces 1 and 3 were handicapped parking spaces, and spaces 2 and 4 were used to get around to the back of the building and the parking was back there. Mr. Chaffin stated that the issue would be engineering and money. Mr. Wayne Erpenbeck stated that there is an eight-foot retaining wall out back and an 8 – 9 foot vertical drop and it would be very expensive to put parking back there. They would have to take out the carport and build another retaining wall. He stated that the retaining wall wraps around spaces 3 and 4.

Mr. Breidenstein stated that Mr. and Mrs. Ison are concerned about oil getting on their driveway and that could be addressed by a minimal amount of curbing. People using their driveway can be eliminated by the addition of the sign and some small directional signs. People will be less confused once the signs are there. He stated that they have no control over people turning around in the Ison's

driveway since some of them are just people who need to turn around somewhere and are not necessarily their customers. He stated that this property was zoned O-1 and O-1 zoning in Florence prohibits conversion of a house to an office. The city of Florence made a decision to change the zoning to O-2/PD when they adopted the Parkway Corridor Study, which eliminated that restriction. He stated that by and large the other properties are protected by that restriction in the O-1 zone. He stated that Section 35.02 of the Zoning Regulations states that buffer yards are only required when there is additional new development, parking, or paving -- which is why they did not submit a Landscaping Plan. He stated that they will commit to installing landscaping to the front and sides of the building and will work with Staff and the Committee in regard to what is appropriate. They are willing to install a privacy fence to screen the Isons from this change of use. He stated that the chiropractor's office on KY 18 and the rent-a-car on KY 18 at Utz Drive were houses converted to businesses and are much more intensive uses. A precedent has been set in the Parkway Corridor Study area that allows the conversion of homes to office type uses. In response to Mr. Caddell's comment regarding future users of the property, he stated that in the PD area when there is a change of use, it has to come before the Planning Commission for review. He stated that their application was specific and asked for an insurance agent's office. They are willing to discuss reasonable restrictions in that regard. He stated that there are restrictions as part of the process and he believes the level of protection Mr. Caddell want is there. He stated that the sign will be the sign that was shown in the Power Point presentation. It will be a low-rise monument sign with landscaping and appropriate lighting. Its exact height and location will be determined at Site Plan Review. They do not intend to block anyone's visibility and will take a close look at that with Staff at Site Plan Review. They will work with the Committee and Staff in regard to the concerns. Mr. Breidenstein submitted information regarding the Encroachment Permit (see Exhibits 2 - 6).

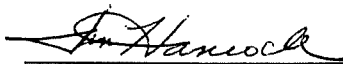
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 7, 2002 at 4:00 PM in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on August 21, 2002 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibits submitted by Attorney Tom Breidenstein:

- 1. Southern Insurance, Ralph Chaffin - July 24, 2002 Public Hearing**
- 2. Letter from the Transportation Cabinet, dated September 4, 2001 to Clyde Jacob stating that his application for an Encroachment Permit was approved**
- 3. Letter from the Transportation Cabinet, dated March 15, 2002 to Clyde Jacob, re: Bond Cancellation**
- 4. Kentucky Department of Transportation Cabinet Encroachment Inspection Status Report dated March 15, 2002**
- 5. Survey for Curb Cut Permit for Clyde Jacob Property dated August 4, 1999**
- 6. State Farm Insurance Power of Attorney dated April 11, 1997**

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

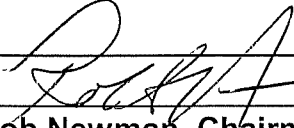
FROM: Bob Newman, Chairman

DATE: August 7, 2002

RE Request of **Ralph E. Chaffin (applicant)** for **Clyde Jacob (owner)** for a Concept Development Plan for an approximate 1/2 acre tract located at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in a Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

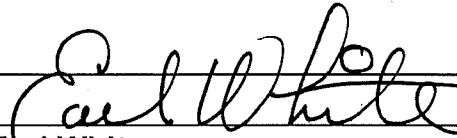


Bob Newman, Chairman

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

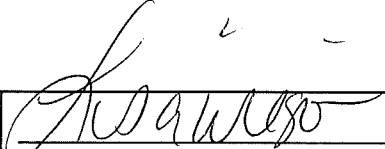
Susan Poston

For	___	Against	___
Abstain	___	Absent	<input checked="" type="checkbox"/>
Deferred	___		



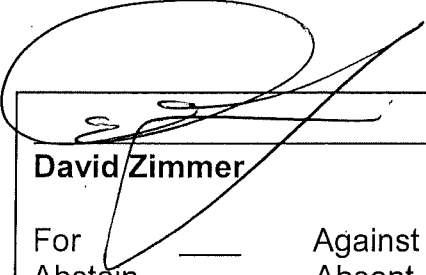
Earl White

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		



Lisa Wilson

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		



David Zimmer

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Randy Barlow (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

Janet Kegley (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: 4 DEFERRED ___ FOR ___ AGAINST ___ ABSTAIN
1 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: August 21, 2002

RE Request of **Ralph E. Chaffin (applicant)** for **Clyde Jacob (owner)** for a Concept Development Plan for an approximate 1/2 acre tract located at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in a Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

[Signature]

Bob Newman, Chairman
For Against _____
Abstain _____ Absent _____
Deferred _____

Susan Poston
For _____ Against _____
Abstain _____ Absent
Deferred _____

[Signature]

Earl White
For Against _____
Abstain _____ Absent _____
Deferred _____

[Signature]

Lisa Wilson
For Against _____
Abstain _____ Absent _____
Deferred _____

[Signature]

David Zimmer
For Against _____
Abstain _____ Absent _____
Deferred _____

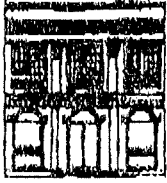
Randy Barlow (Alternate)*
For _____ Against _____
Abstain _____ Absent _____
Deferred _____

Janet Kegley (Alternate)*
For _____ Against _____
Abstain _____ Absent _____
Deferred _____

TOTAL: _____ DEFERRED 4 FOR _____ AGAINST _____ ABSTAIN
_____ ABSENT 1

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

August 28, 2002

Mr. Thomas W. Brøldenstern
Attorney-At-Law
Barrett & Weber
500 Fourth & Walnut Center
105 East Fourth Street
Cincinnati, OH 45202-4015

RE: Recommended Conditions of Approval for the request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate ½ acre tract located at 7700 US 42, Florence, Kentucky. The request is for a Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone.

Dear Mr. Brøldenstern:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 21, 2002 meeting. If you and the applicant, Mr. Chaffin, are in agreement with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, August 30, 2002.

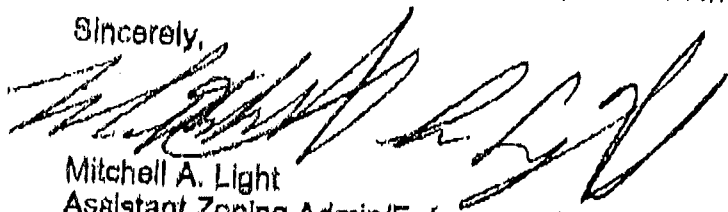
CONDITIONS

1. The applicant shall eliminate the new (west) access point onto US 42 per the revised landscape plan presented to the Zone Change Committee on August 21, 2002.
2. The applicant must provide a van accessible handicapped parking space per the Americans with Disabilities Act. This parking space is to be located on the remaining portion of the existing driveway in front of the building with enough pavement added to meet the ADA's requirements and still provide landscaping in front of the window on the east side of the front of the building as was discussed at the Zone Change Committee on August 21, 2002.

Mr. Thomas W. Breidenstein
Attorney-At-Law
Barrett & Weber
August 28, 2002
Page 2

- 3. A parking lot consisting of a minimum of 4 parking spaces will be located behind the building as per the revised concept plan discussed at the Zone Change Committee on August 21, 2002.
- 4. Any change in the proposed use (insurance office) will come back through the Public Hearing process.
- 5. The area in front of the building, east of the existing driveway will be paved up to the common property line with Grigson as was discussed at the Zone Change Committee on August 21, 2002.
- 6. Landscaping between the front of the building and US 42, along the west side of the building and screening of the parking lot will be reviewed as a detailed landscaping plan will be provided prepared in accordance with Article 36 of the Boone County Zoning Regulations at the Major Site Plan Review stage.

Sincerely,

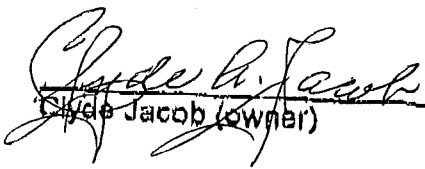


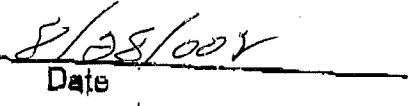
Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, Clyde Jacob (owner), do hereby agree to the recommended conditions of approval stated above for the Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone located at 7700 US 42, Florence, Kentucky.

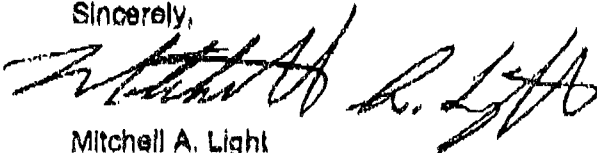

Clyde Jacob (owner)


Date

Mr. Thomas W. Breidenstein
Attorney-At-Law
Barrett & Weber
August 28, 2002
Page 2

- 4. Any change in the proposed use (insurance office) will come back through the Public Hearing process.
- 5. The area in front of the building, east of the existing driveway will be paved up to the common property line with Grigson as was discussed at the Zone Change Committee on August 21, 2002.
- 6. Landscaping between the front of the building and US 42, along the west side of the building and screening of the parking lot will be reviewed as a detailed landscaping plan will be provided prepared in accordance with Article 36 of the Boone County Zoning Regulations at the Major Site Plan Review stage.

Sincerely,



Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, Clyde Jacob (owner), do hereby agree to the recommended conditions of approval stated above for the Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone located at 7700 US 42, Florence, Kentucky.

Clyde Jacob (owner)

Date

I, Ralph E. Chaffin (applicant), do hereby agree to the recommended conditions of approval stated above for the Concept Development Plan to allow an office use in an Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD) Zone located at 7700 US 42, Florence, Kentucky.



Ralph E. Chaffin (applicant)

8-28-02

Date

RECEIVED

Whereas, The Boone Circuit Court on January 26, 1999 rendered a Judgment in the Action of

1999 MAR 24 A 10:09
HOUSE
CLERK
H. Rouse

BENEFICIAL KENTUCKY, INC. Plaintiff

vs { Case No. 98-CI-00875

DENNIS MCNAY, ET AL Defendant

PROPERTY TRANSFER TAX PAID Exempt
MARILYN K. ROUSE, CLERK msr

RETURN TO

directing the sale of the property hereby conveyed, which sale was accordingly made to CLYDE A. JACOB and LORAIN JACOB, his wife for \$78,000.00 on the 4th day of March, 1999, and was reported March 4, 1999, by the Commissioner of this Court, and the Court on March 23, 1999, confirmed that report, and directed the undersigned to convey to the Grantee herein named, the property hereinafter described.

Now, therefore, in consideration of these premises, Anthony W. Frohlich, Master Commissioner of the Boone Circuit Court, hereby Aliens and Conveys unto: CLYDE A. JACOB and LORAIN JACOB, his wife, for and during their joint and natural lives, with the remainder in fee simple to the survivor or them, his or her heirs and assigns forever

All the right, title and interest of all of the parties to the lawsuit involved herein who are before the Court including, but not limited to: Dennis McNay; Kimberlee S. King; Commonwealth of Kentucky, Revenue Cabinet; County of Boone; Beneficial Kentucky, Inc., d/b/a Beneficial Mortgage Company of Kentucky

In and to the following described Real Estate, in the City of Florence, County of Boone and more particularly described as follows;

GROUP NUMBER 2041-B

A parcel of land referred to as Lot No. Four (4), Kosmos, an unrecorded Subdivision and described as follows: Beginning at a point in the west line of U.S. Highway No. 42, 700 feet south of the northeast corner of property acquired by Kosmos Portland Cement Company, by deed dated November 5, 1942, and recorded in Deed Book 80, page 16 of the Boone County Clerk's records at Burlington, Kentucky; thence with the west right of way line of U.S. Highway No. 42, South 37° 02' West, 75 feet to a point; thence North 52° 58' West 181.08 feet to a point in the west line of said property of Kosmos Portland Cement Company; thence with said west line North 49° 07' East 76.69 feet to a point; thence South 52° 58' East 159.67 feet to the point of beginning, containing about 0.391 acres. There is Excepted from the above conveyance so much of the above as set out in Highway Deed Book 5, page 305 conveyed to the Kentucky Highway Department. Subject to an easement in favor of the Union Light, Heat and Power Company as set out in Miscellaneous Book 29, page 347 of the Boone County Clerk's records at Burlington, Kentucky. Being the same property conveyed by deed recorded in Deed Book 580, page 262, of the records of the Boone County Clerk at Burlington, Kentucky.

10

TO HAVE AND TO HOLD SAID PROPERTY WITH APPURTENANCES unto the said CLYDE A. JACOB and LORAIN JACOB, his wife, for and during their joint and natural lives, with the remainder in fee simple to the survivor or them, his or her heirs and assigns forever.

THE SAID COMMISSIONER conveys all of the right, title and interest of the parties aforesaid in and to said property and warrants the title thereto so far as he is authorized by the judgment, orders and proceedings in said cause, and no further; but he does not bind himself personally by anything contained herein, in any event whatsoever.

Witness, the hand of the said Master Commissioner, this 27th day of MARCH, 1999.

Anthony W. Frohlich Master Commissioner
By: _____ Deputy M.C.

Acknowledged, examined and approved in Open Court

J. J. Danberger
Judge

COMMONWEALTH OF KENTUCKY, BOONE CIRCUIT COURT MARCH 27th, 1999
BENEFICIAL KENTUCKY, INC. Plaintiff
No. 98-CI-00875 VERSUS
DENNIS MCNAY, ET AL Defendant

The Master Commissioner, Anthony W. Frohlich, acknowledges a deed to CLYDE A. JACOB and LORAIN JACOB, his wife, which deed being examined is approved.

ATTEST: Pat Curbert
Clerk of Boone Circuit Court
Debbie Purcell, Deputy Clerk

~~COMMONWEALTH OF KENTUCKY, BOONE COUNTY: Set.~~

~~I, MARILYN K. ROUSE, Clerk of the County Court of the County aforesaid, do certify that this deed from Anthony W. Frohlich, Master Commissioner of the Boone Circuit Court, to CLYDE A. JACOB and LORAIN JACOB, his wife, was this day produced in my office, certified as above, for Record. Whereupon the same and the foregoing and this certificate have been duly recorded in my office.~~

~~WITNESS my hand this _____ day of _____, 199__~~

~~_____ Clerk
By: _____ Deputy Clerk~~

KENTUCKY CERTIFICATE/AFFIDAVIT

PROPERTY ADDRESS: 7700 U.S. 42, Florence, Ky. 41042

GRANTEE (PURCHASER) Clyde A Jacob & Lorraine Jacob

RETURN TO:

GRANTEE MAILING ADDRESS: 27 Rose Terrace, Crossview Hills, Ky. 41017

GRANTOR (SELLER) MASTER COMMISSIONER BOONE CIRCUIT COURT

GRANTOR MAILING ADDRESS: POST OFFICE BOX 396 FLORENCE, KENTUCKY 41042

COMES NOW THE ABOVE-NAMED GRANTEE(S) AND GRANTOR(S) AND, AFTER BEING DULY CAUTIONED AND SWORN, STATE AS FOLLOWS:

- 1. THAT THE MAILING ADDRESSES FOR THE GRANTEE AND GRANTOR SET FORTH ABOVE ARE TRUE AND CORRECT.
- 2. THAT THE CONSIDERATION SET FORTH ABOVE IS THE FULL CONSIDERATION PAID FOR THE PROPERTY DESCRIBED ABOVE.

Clyde A. Jacob
GRANTEE (PURCHASER)

Anthony W. Froilich
GRANTOR (SELLER)
ANTHONY W. FROILICH MASTER COMMISSIONER

Lorraine Jacob
GRANTEE (PURCHASER)

STATE OF KENTUCKY, COUNTY OF BOONE: SCT.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 23RD DAY OF MARCH, 1999 BY THE ABOVE NAMED GRANTOR, MASTER COMMISSIONER, BOONE CIRCUIT COURT.

MY COMMISSION EXPIRES:
2-17-2003

Charles P. Fisher
NOTARY PUBLIC

STATE OF Kentucky, COUNTY OF Boone, SCT.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 23rd DAY OF March, 1999, BY THE ABOVE GRANTEE(S).

MY COMMISSION EXPIRES:
2-17-2002

Charles P. Fisher
NOTARY PUBLIC

This Instrument Prepared By:

Anthony W. Frohlich
ANTHONY W. FROHLICH
Master Commissioner
PO Box 396
Florence, Kentucky 41022-0396

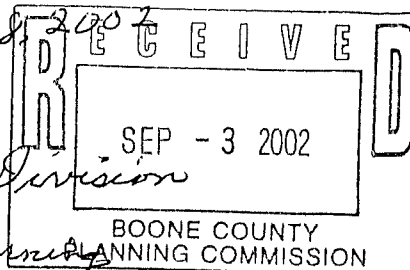
State of Kentucky, County of Boone
MARILYN K. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Dud was, on the *24* day of *March*
99, at *10:09 A* M, lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.
Given under my hand this *24* day of *Mar*.

99
MARILYN K. ROUSE
Marilyn K. Rouse D.C.

48284

1 of 2

August 28, 2002



To the City of Florence: Zoning Division

We are writing this letter concerning the property next door at 7700. Our understanding is he has no occupational license, plus no parking room for customers. Many whom has used our driveway for parking, blocking us from getting out and in.

We have had our property since 1956 and never had no problems. We live at 7702 and 7704 has had a few in their driveway also. But we had the blint of his customers.

How would you feel if your home driveway was being used by complete strangers and blocking you in and out of your driveway.

It is our understanding he has to do some landscaping, unfortunately our problem will only get worse, as I've been told by Nick Light he cannot do this till

next spring. So I believe something should be done regarding our problem before winter sets in on us.

They wanted us to give them lee-way between our driveway and their house, we refused.

We would appreciate anything you could do to get rid of this problem.

Thank you very much for your time.

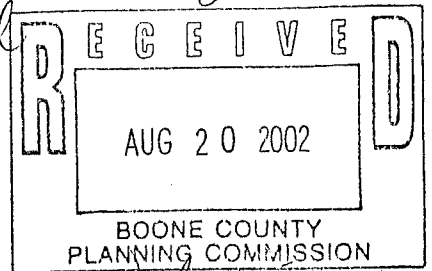
Mr. and Mrs. Litter Esso

7702 US 42

Florence, Ky. 41042-1912

7704 U.S. 42
Florence, Ky.
Aug. 17, 2002

Florence City Council
Florence, Ky.



Dear Members;

Regarding the insurance business at 7700 U.S. 42, already in operation, & waiting for your approval to continue, I implore you to consider the traffic hazards it's creating. Already a minor accident has occurred & major ones are just waiting to happen! Their circular drive is being used to come ⁱⁿ from either direction, people are backing out into the highway & traffic is having to slow & stop for their exits and entrances. It often looks like a used car lot with its yard full of vehicles! It is unsightly, but most of all it's dangerous! U.S. 42 is heavily traveled & this proposed business site only makes a bad situation

(2)

worse for everyone, including pedestrians
(Only one neighbor is a proponent of this
site remaining a business.)

Thank you for this opportunity to present
my views.

Sincerely,
Martha & Truett Beight

P.S. - Just this week a customer was parked
in our drive for 20-25 minutes as they trans-
acted their business. Needless to say, the
neighbor at 7702 has had numerous
people attempting to park in their drive;
it's a real nuisance for them.

Mr. and Mrs. Luther Isom
7702 US 42

Lovins, Ky. 41042-1412

I think we have made a good point
and to why this business should not
open, & mean remain at this location.

Mrs. Isom
Mr. Isom

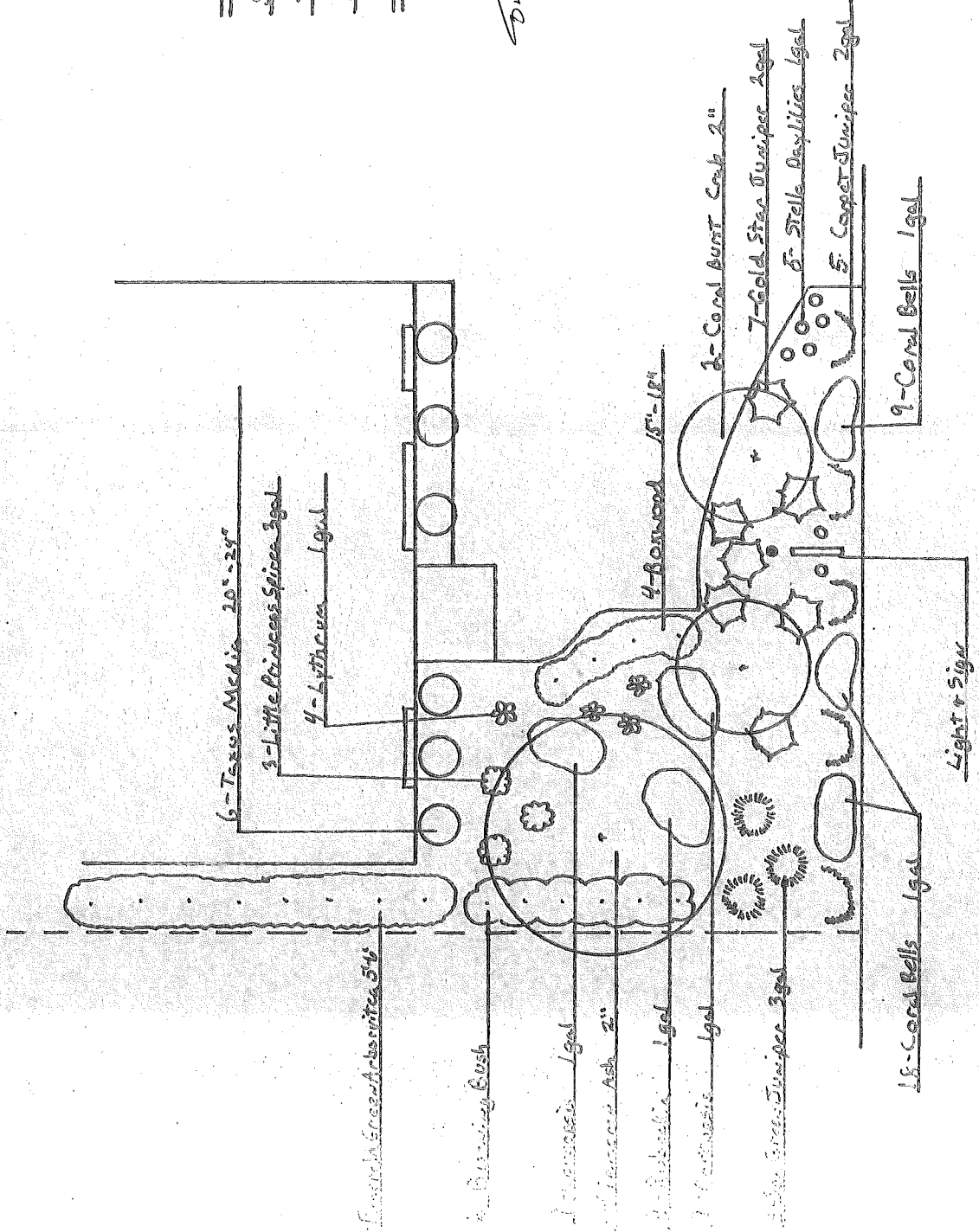
Southern Insurance
7700 U.S. 42
Florence, KY 41042
Proposal "B"

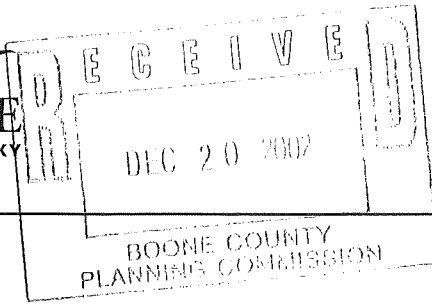
Snuggly Development Plan

APPROVED

Staff: *[Signature]* R. L. G. H.

Date 9/4/02
 Boone County
 Planning Commission





December 10, 2002

Kevin Costello, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Vicki Myers, Mgr. Of Adm. Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Mr. Ralph E. Chaffin
573 Bristow Road
Independence, KY 41051

Mr. Clyde Jacob
27 Rose Terrace
Crestview Hills, KY 41017

Dear Sirs and/or Madams:

Please be advised that **Boone County Planning Commission's Resolution R-02-020-A**, relative to the request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate ½ acre tract located at 7700 U.S. 42, Florence, Kentucky, [said property being currently zoned Office Two/Urban Residential One/Planned Development (O-2/UR-2/PD), to allow an office use,] **has been denied** by Florence City Council at their Special Meeting on November 19, 2002.

The Florence City Council meeting minutes for November 19, 2002 are available at the Florence City Clerk's office, or online at www.cityofflorenceky.com, and a hard copy of those minutes are being forwarded herewith to Ms. Vicki Myers at the Boone County Planning Commission.

If you require additional information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Betsy R. Conrad".

Betsy R. Conrad, City Clerk

FLORENCE CITY COUNCIL

MINUTES – SPECIAL MEETING

November 19, 2002

The City Council of the City of Florence, Kentucky met in Special Session on Tuesday, November 19, 2002 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair. Mayor Whalen called the meeting to order and declared the Special Session to be open for the presentation of all City business on the Special Meeting Agenda.

The roll was called and the following members registered present: Mel Carroll, Melodee Merrell, David A. Osborne, Dr. Julie Metzger, Dale Stephens and Ted J. Bushelman. Also present were Mayor Diane Whalen, City Attorney Hugh O. Skees, City Coordinator Jeffrey Koenig, Assistant Police Chief Tom Szurlinski, Finance Director Ronald Epling, Tom Breidenstein, Ralph Chaffin, Butch Carr, Mike Redman, Gary Enzweiler, Bob Klensch, Jeff Hollis, H.B. Deatherage, Administrative Assistant Donna Smith, Administrative Clerk Joe Christofield, and City Clerk Betsy R. Conrad.

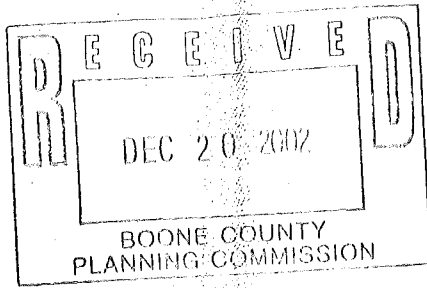
Consideration of Recommendation from the Boone County Planning Commission regarding the request of Ralph E. Chaffin (applicant) for Clyde Jacob (owner) for a Concept Development Plan for an approximate ½ acre tract located at 7700 U.S. 42, Florence, Kentucky. The property is currently zoned Office Two/Urban Residential One/Planned Development (O-2/UR-2/PD), and the request would allow an office use.

Mayor Whalen recognized Councilmember Metzger who advised that the City's Planning & Zoning Committee had met regarding the application. She stated that the insurance business is already operating in their current location and that by passing the zoning in the consideration would allow the business to continue to operate in the building. She added that there was some confusion over getting the permit in advance and that the process was taking place at the present moment. She stated that the Committee had attached some conditions to the request: (1) The free-standing sign on the property shall not exceed 6 feet; (2) The parking spaces would be revised in the rear yard to allow landscaping and screening; and (3) The appropriate and adequate landscaping along both side property lot lines would be installed. She stated that there was some concern from the Committee regarding the location and intended use of the property. She added that the Committee did request that one of the driveways be eliminated. She stated that the Committee was recommending approval from Council.

Councilmember Carroll stated that this had been a difficult decision to make for several reasons including the property's location, size, parking, berm, buffer, etc. Councilmember Osborne asked whether the conditions that were just read by Councilmember Metzger were in addition to the conditions that Planning & Zoning had attached to their attachments; Councilmember Metzger advised they were. Councilmember Osborne asked whether the employer, Southern Insurance, had been occupying the building for some time; Councilmember Metzger advised that they were located across the street and that there was some confusion when they applied for their license with the Boone County Planning Commission and that they were only operating on a temporary license at this point. City Coordinator Jeff Koenig added that they are operating off of a temporary home occupational license. Councilmember Osborne asked whether or not they were going to have a parking lot located on the back of the property; Mayor Whalen recognized Tom Breidenstein, attorney for Ralph Chaffin (applicant) and Clyde Jacob, owner of Southern Insurance, who stated that one of the conditions agreed upon from the Planning Commission was to close the second driveway and install a parking lot on the back of the property, which would allow adequate space for buffering on both sides of the parking lot in the back.

Councilmember Metzger advised that when Council votes on the consideration the Mayor cannot break a tie and that if there is a tie only the conditions by the Boone County Planning Commission would be required to be met by the applicant. She added that there would have to be at least four votes for or against the consideration in order to pass or deny it.

Councilmember Metzger said that the Planning Commission attached a condition stating that the building could only be used for an insurance office and that the consideration would have to go back through a public hearing if they came back asking for some other use for that building. Mr. Breidenstein stated they agreed to the condition that any change in the building itself or in the use of the building would have to come back to the Planning Commission and Council. Councilmember Osborne noted that Council had attempted to retain a residential setting on U.S. 42 under the PD



**FLORENCE CITY COUNCIL
MINUTES – November 19, 2002
PAGE 2**

Overlay years ago and that he believed that if something is changed, the City Council is reversing that decision. Councilmember Bushelman asked whether there was a residence on either side of the building; Mr. Breidenstein indicated there was. Councilmember Stephens stated that he had hoped that the business would continue to be mindful of its neighbors regarding the driveways, etc. Mr. Breidenstein said that a lot of the concerns from the neighbors stems from the current U-shaped driveway and that a new portion of the driveway had been poured in order to create the "U," however the driveway would be removed (a condition of the Planning Commission's and Planning & Zoning Committee's approval) and planted with landscaping.

Mayor Whalen then presented the following Ordinance for first reading:

ORDINANCE NO. O-28-02: AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR THE TRACT LOCATED AT 7700 U.S. 42 IN THE CITY OF FLORENCE, KENTUCKY, THIS PROPERTY BEING CURRENTLY ZONED OFFICE TWO/URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (O2-/UR-2/PD), TO ALLOW AN OFFICE USE. (CLYDE JACOB PROPERTY).

Mayor Whalen read the following summary of the Ordinance: *The effect of this Ordinance is to allow as part of the existing zoning classification (O2-/UR-2/PD) an office use subject to a concept development plan and agreed conditions. In addition to those conditions agreed to at the Boone County Planning Commission, other conditions were agreed to by the applicant/owner in writing with the City Council of Florence, Kentucky. This Ordinance does not change the zoning of the site, but approves a concept development plan to utilize this site based on current zoning.*

Councilmember Metzger moved, with second from Councilmember Stephens, that Ordinance No. O-28-02 be approved on first reading and be held for second and final reading at the next meeting of Council. Mayor Whalen asked for a roll call vote: Councilmembers Carroll, Merrell, Osborne, and Bushelman voted no; Councilmembers Metzger and Stephens voted yes. The motion was denied 4-2.

Mayor Whalen asked City Attorney Hugh Skees if Council needed to do anything else pertaining to the concept development plan. Mr. Skees advised that if Council acts not to approve without an affirmative act to disapprove, then after 90 days from the recommendation the approval from the Planning Commission without the additional conditions would be approved. He added that if the intent of the Council was not to approve then the intent is to disapprove and that there would have to be a motion to disapprove along with the reasons stating why.

Councilmember Carroll made a motion to disapprove the concept development plan request. He said the findings for denial were the following: The Boone County Planning Commission by Resolution R-02-020 A recommended approval of the above referenced concept development plan that Council had just discussed. This resolution, together with the record of proceedings before the Commission, was transmitted to the City of Florence. The Florence City Council has reviewed the record made before the Commission and on the basis of that record it's determined that the application should be denied. In support of such denial the City Council finds as follows: (1) The application does not conform to the Boone County Comprehensive Plan and that the future land-use map designates the site for suburban residential uses. This designation as described is single-family housing of up to four units per acre; (2) The land-use element of the comprehensive plan under landscaping on page 159 requires that developments along major roadways must include landscaping and/or use of burms between the development and the right-of-way in order to promote the aesthetic appearance of the roads and to facilitate the capability of different uses. The landscaping proposed in the application is totally inadequate; (3) The comprehensive plan goals and objectives under business activity, commercial, retail and office objective, objective 1 states that such development shall have safe and effective access and ample parking space. The parking proposed in the application falls far short of the barest minimum needed and access to U.S. Highway 42 is inadequate for any purpose other than very limited traffic from the residential use; (4) The parkway corridor study as it relates to this site cautions that development needs to be carefully designed to ensure appropriate buffer areas between nearby residential areas. The application does not provide for adequate buffering for adjoining residences; and (5) There were legitimate concerns and legitimate complaints expressed by neighboring property owners at the public hearing before the Commission concerning parking and access to the site. Those concerns have been left totally unresolved by the application. The conclusion of this is that the applicant has

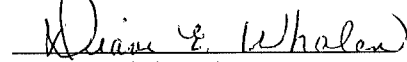
**FLORENCE CITY COUNCIL
MINUTES – November 19, 2002
PAGE 3**

not met even to the most minimum standards of the requirements of the Boone County Planning & Zoning regulations relating to landscaping, buffering, parking space layout, and access.

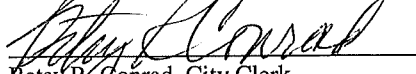
Councilmember Carroll moved, with a second from Councilmember Osborne, that Ordinance No. O-28-02 be denied. Mayor Whalen asked for a roll call vote: Councilmembers Carroll, Merrell, Osborne, and Bushelman voted yes; Councilmembers Metzger and Stephens voted no. The motion to disapprove passed 4-2.

Mayor Whalen called for a motion to adjourn the Special Meeting. Councilmember Merrell so moved, with second from Councilmember Osborne, and unanimous approval of Council, the time being 7: 22p.m.

APPROVED:


Diane E. Whalen, Mayor

ATTEST:


Betsy R. Conrad, City Clerk

