

APPLICATION FORM

**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**

**RECEIVED**  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

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

1. Name of Project Chiropractic Family Wellness Center  
 2. Location of Project 7276 Burlington Pike  
 3. Total Acreage of Site 0.45 Ac.  
 4. Current Zoning of Site Residential - One F R-1F  
 5. Proposed Zoning (Classification being requested) Commercial - Two C-2  
 6. Proposed Uses (please specify each use)  chiropractic office

7. Names of Applicant(s) Mike Redman  
 Phone Number 282-8086 Fax No. 282-6198  
 8. Address of Applicant(s) 7279 Turfway Road  
Florence KY 41042  
 City State Zip

9. Name of Property Owner(s) Terry Colcord & SHARON COLCORD  
 Phone Number 341-4321 Fax No. —  
 10. Address of Property Owner(s) 7276 Burlington Pike  
Florence KY 41042  
 City State Zip

11. Proposed Building Intensities (please specify) 1620 sq. ft / Acre Zip

12. Are there any existing buildings on the site? Yes  
 How many? One

13. Deed Book 431 Page No. 93 Group No. —

14. Are you also applying for:  
 No Conditional Use Permit  
 No Dimensional Variance

15. Have you submitted a Concept Development Plan? Yes

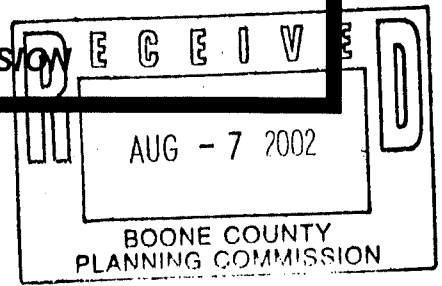
16. Have you had a pre-application meeting with BCPC Staff? Yes

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

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 EWING BLVD PROF. CENTER
- 3. Location of Project 7760 EWING BLVD
- 4. Total Acreage of Site 2.403 TOTAL, 0.1892 AC FOR CDP
- 5. Current Zoning PP/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) \_\_\_\_\_

8. Proposed Uses (please specify each use) OFFICE BUILDING

9. Proposed Building Intensities (please specify) 212,000 sqft/acre

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) Ewing Enterprises, LLC

Phone Number 512-3500 Fax No. 341-5582

13. Address of Applicant(s) 2333 ANDERSON RD  
High Cross Spgs Ky 41017  
City State Zip

14. Name of Property Owner(s) Same

Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_

15. Address of Property Owner(s) \_\_\_\_\_

16. Are there any existing buildings on the site? Single family home to be removed  
How many? \_\_\_\_\_  
City State Zip

17. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_

18. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owner) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

August 28, 2002

### REQUEST

This request is for Zoning Map Amendment, changing the zoning of the subject property from Residential One Family (R-1F) to Commercial Two (C-2). The applicant proposes the conversion of an existing one-story brick ranch house, 1620 square feet in area, into a chiropractor's practice. This use is the sole use proposed for the property. An existing driveway located adjacent to the northwest property line is to be extended and wrapped around the entire house, extending to the front of the house, facing Kentucky 18. There will be fifteen parking spaces added to the lot in this process. Although a landscape plan was not included with the application, the applicant has indicated that a ten-foot wide Buffer Yard is to be placed adjacent to the Kentucky 18 street frontage, as well as along the street frontage adjacent to Wallace Avenue. Two twenty-foot wide buffer yards are shown along the northwest and west property lines.

### SITE CHARACTERISTICS

The site's topography is sloping, ranging from 942 feet above sea level at the property line adjacent to Kentucky 18 to 934 feet above sea level at the northwest property line. A stand of mature trees is located in the yard fronting Kentucky 18 and in the side yard adjacent to the west property line.

### ADJACENT LAND USES

- Northwest: Single-family residence, zoned Residential One Family (R-1F)
- Southeast: The Little Red School House daycare center and C&C Dry Carpet Cleaning and Upholstery, zoned Commercial Two (C-2), located across from the site on KY 18.
- East: Single-family residence, located across Wallace Avenue, zoned Residential One Family (R-1F)
- West: Vacant property, slated to be developed as a city park, zoned Recreation (R).

## RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Suburban Density Residential". This is described in the Comprehensive Plan as follows:

"Single family housing of up to four units per acre. This classification also includes any low-density or estate residential developed as a subdivision (p. 158, '2000 Existing and Future Land Use Classifications')."

The Land Use Element provides the following quotes that are applicable to the site:

- 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 uses; instead the uses were intermixed (p. 162 "Florence Central")
- 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 of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed (p. 162 "Florence Central").
- C. "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 (p.162 "Florence Central").

The Land Use Element's Future Land Use Development Guidelines provide the following general statements that relate to the proposal:

- A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined (p. 158 'Utilization of Existing Vegetation and Topography')."

- B. "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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, 'Buffering')."
- C. "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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts (p. 159, 'Landscaping')"
- D. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. 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 (pg. 159, 'Access Management')."
- E. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths but should provide connections to

adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159 'Transportation and Pedestrian Network')."

- F. "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 specific development, but should not be used as a means to compete for motorist attention (pg. 160, 'Design, Signs, and Historic Preservation')."

The Business Activity Element provides the following remarks relating to the general area:

- A. "Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and US 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. The mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding additional commercial access points (p. 70 'Areas of Future Commercial Activity')."
- B. "Other types of projected commercial activity include the eventual redevelopment of older commercial areas, developments, and corridors. This includes sites along Dixie Highway, US 42 (in Florence), KY 18 (in Florence) and Dream Street. (p. 72, 'Areas of Future Commercial Activity')."

The Housing Element provides the following statements relating to this area:

- A. "Housing stock that has redeeming qualities or that can be rehabilitated without much effort or expense should be retained. Additional residential development should reinforce this existing housing stock. There are concentrations of older housing stock in need of restoration or rehabilitation in many of the established small communities, including areas like Belleview-McVile, Burlington, Constance, Hebron, Petersburg, Stringtown, Taylorsport, Union, Verona, and Walton (p. 82 'Existing Supply')."

- B. "There will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950's and 1960's, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners. A plan should be conducted by the Planning Commission and the City of Florence that inventories and determines methods of keeping good maintenance and vitality in these older single-family subdivisions. This plan should include a detailed survey of housing stock, property, valuation survey, analysis of landlords and property ownership, and the length of residency. Any infill housing that occurs should fit in with the existing character of the area. The plan must contain specific implementation steps to be taken to keep neighborhoods clean, well kept, and safe ( p. 88 'Geographic Housing Issues' [Florence, U.S. 25 Corridor])."

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.
- B. "Proper design principles shall be applied in development ("Overall" Objective 3, p.4)
- C. "Future growth shall be accompanied by adequate infrastructure and services ("Overall" Objective 4, p.4)"
- D. "Boone County shall strive to achieve both a diversity and balance in land use ('Overall' Objective 6, p. 4)."
- E. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal, p. 5)."
- F. "New development or redevelopment within Boone County is designed, constructed, and operated in such as 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, p. 5)."

- G. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Environment' Physical Objective 2, p. 6)."
- H. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ('Business Activity' Goal, p. 8)."
- I. "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, p. 8)."
- J. "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, p. 8)."
- K. "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, p. 8)."
- L. "The maintenance of sound existing housing, as well as the rehabilitation of deteriorating housing, shall be encouraged ('Housing' Objective 3, p. 9)."
- M. "Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ('Transportation' 2<sup>nd</sup> Goal, Objective 3, p. 14)

STAFF COMMENTS / CONCERNS

1. The Planning Commission and Florence City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
  - A. The Future Land Use Map classifies the area in which the site is located as appropriate for Suburban Density Residential development. The Land Use Element notes that the City of Florence as a whole developed not as a traditional city but as a suburban city, which entailed that land uses were not segregated but were mixed.
  - B. The Business Activity Element notes that the entire KY 18 corridor east of Burlington currently experiences traffic management difficulties and that these problems might be worsened by adding additional commercial access points. Furthermore, the Business Activity Element describes the eventuality of the redevelopment of existing commercial sites along KY 18.
  - C. The Housing Element stipulates that existing housing that possesses redeeming value or that can be rehabilitated should be retained.
2. Given that the existing structure is not to be altered, the building could present an appropriate transition between residential property on Wallace Avenue and commercial property on KY 18. The building, as a former residence, could fit appropriately with the residential character of the street. Several steps will need to be taken to ensure this transition. The sign package proposed for the site should be carefully considered, as should any exterior lighting. The chiropractic office represents a 9-5, weekday operation, which will present a greater volume of traffic on Wallace Avenue than would typically be seen at those hours. As such, careful attention should be paid to traffic management. Additionally, the applicant should explain any alterations to the building that will be required to make it an operational chiropractic office.

The Goals and Objectives for the Business Activity Element state that 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. The proposed chiropractic office would likely serve the needs of nearby residential areas, rather than draw patients from a wider region. Additionally, the Goals and Objectives note that the mixing of commercial and non-commercial land uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The chiropractic office would generate only limited traffic and noise, which would present fewer issues of compatibility with

the existing residential neighborhood than would other principally permitted uses under C-2. The applicant has proposed a 20-foot wide buffer yard at the northwest and west property lines, where the property adjoins residential property and a proposed city park. However, Table 1 of Article 36 of the Boone County Zoning Regulations requires that when a developing land use that is zoned C-2 adjoins residential land uses, Buffer Yard "C" is required. This buffer yard is to be 60 feet wide, but it may be reduced to 30 feet in width if a fence, wall, or berm is constructed to screen the adjoining land uses. The applicant has not submitted a landscaping plan at this time. The establishment of a dense buffer may prove to be especially important where the proposed office adjoins the future City park.

### CONCLUSION

The Boone County Planning Commission and the Florence City Council must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. The Future Land Use Map will need to be changed if the request is approved.

Respectfully submitted,

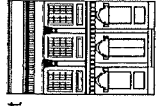
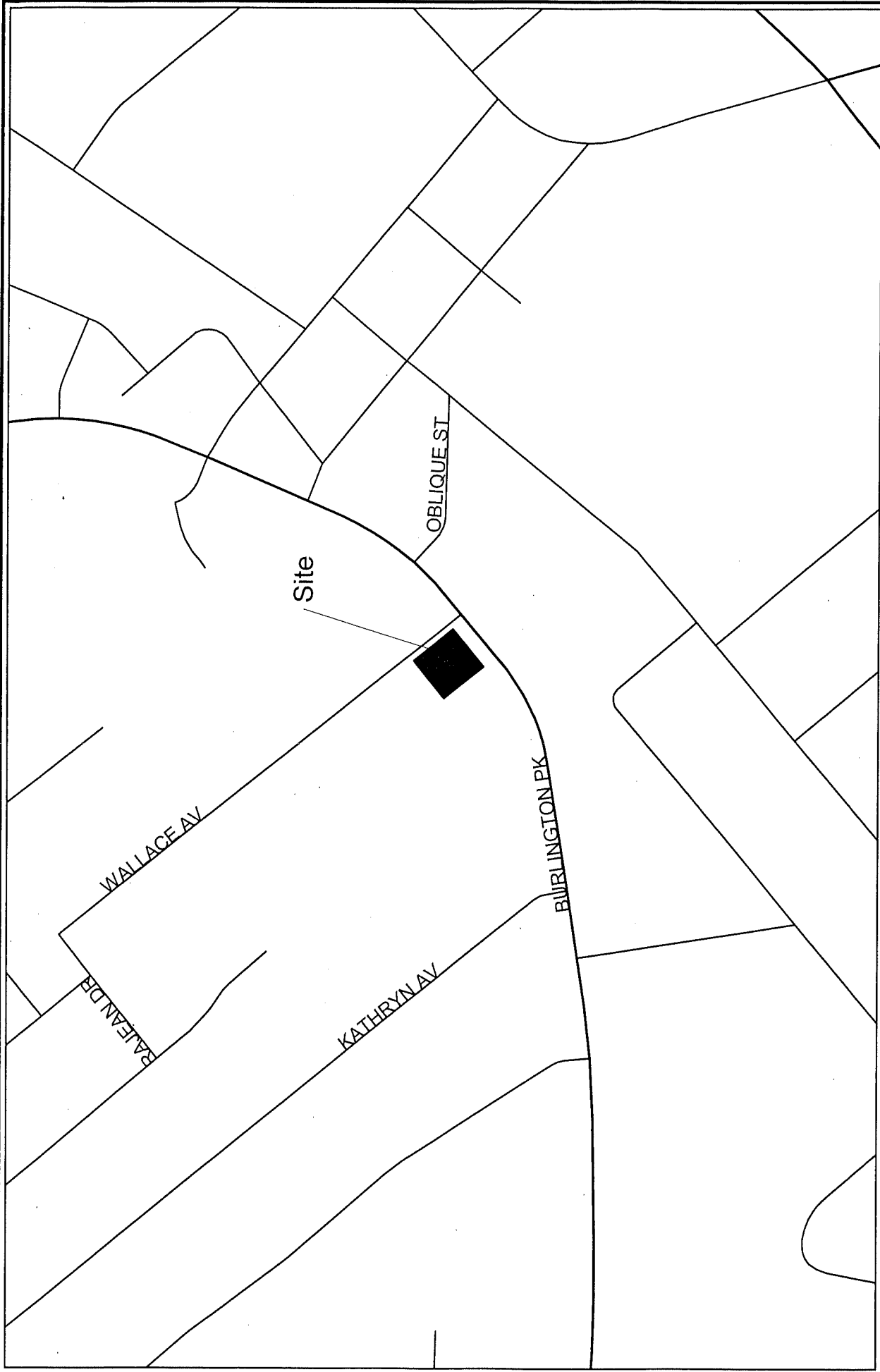


Patty Bachman  
Planner

PB/pr

#### Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including concept development plan

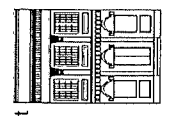
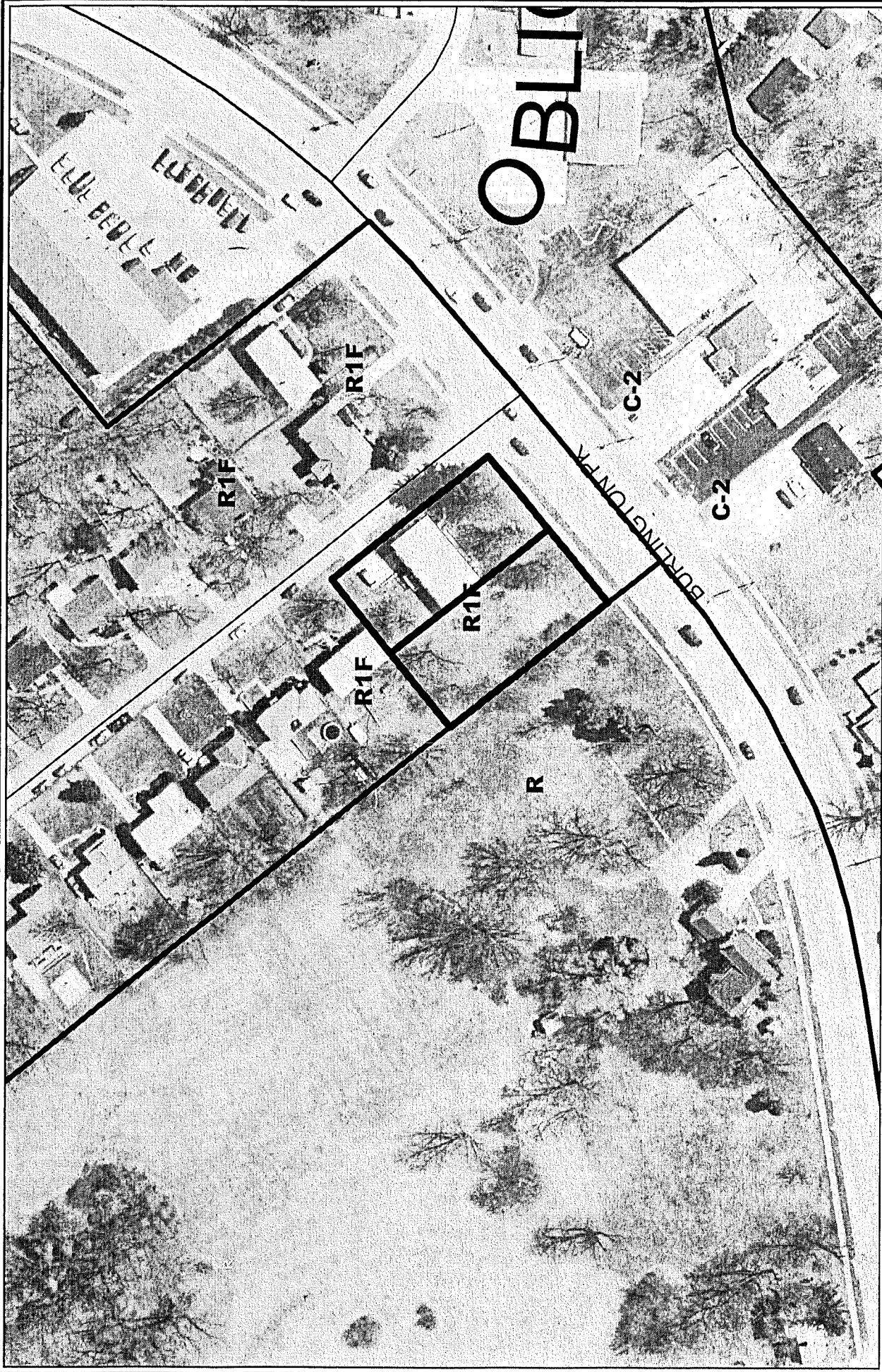


400 Feet



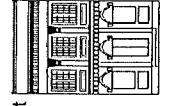
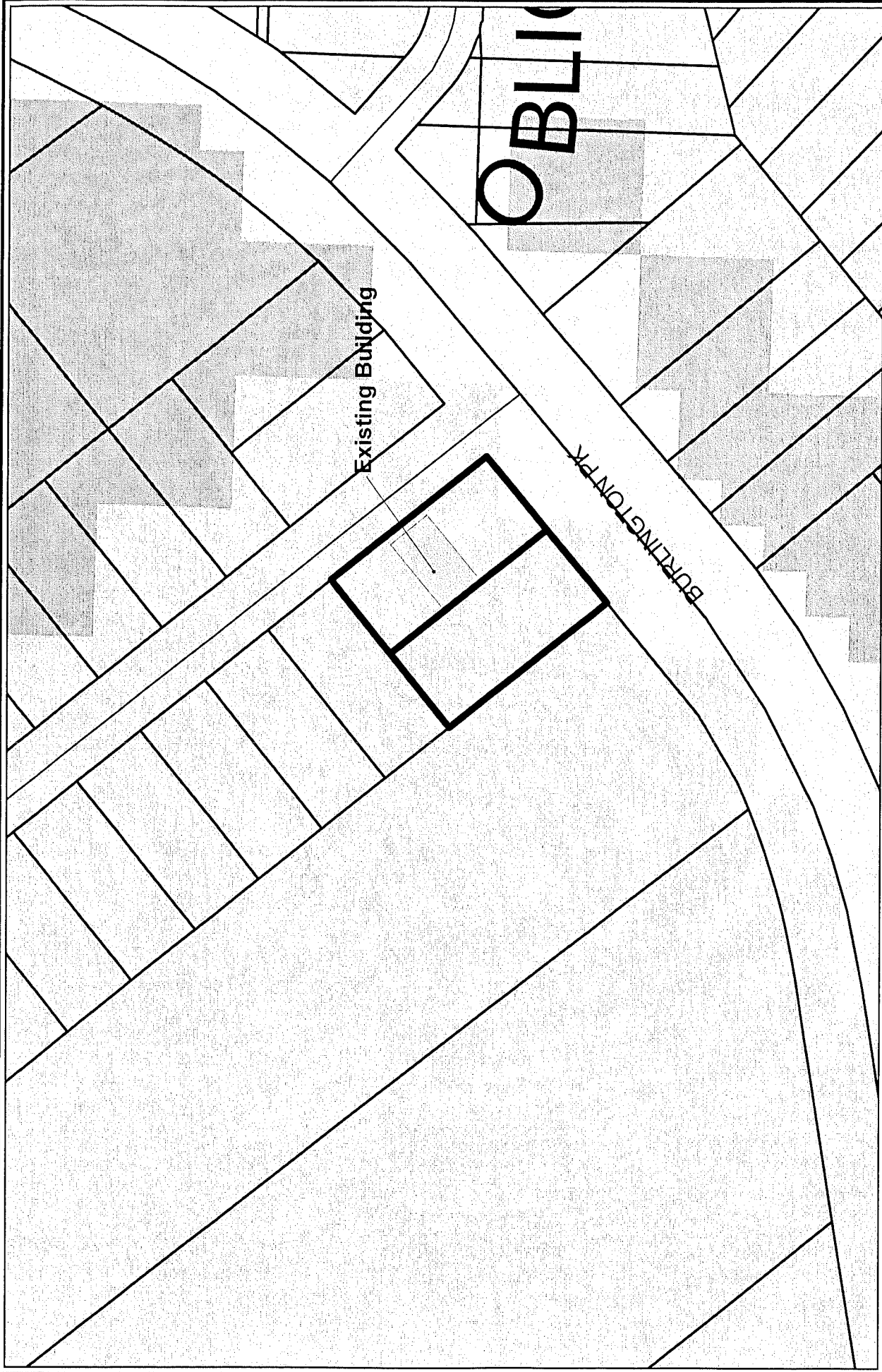
1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Vicinity Map



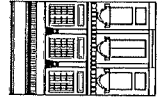
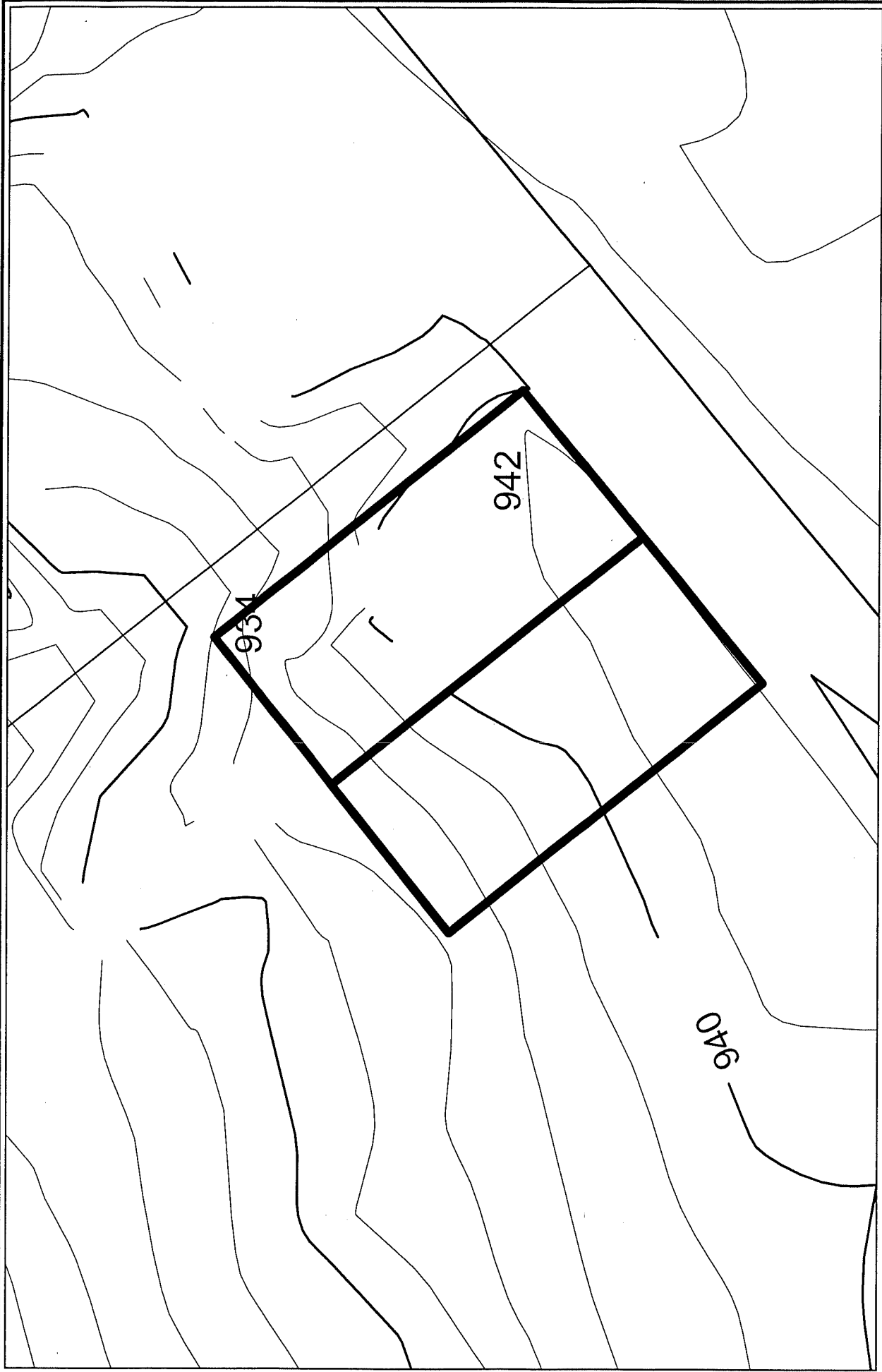
1 inch equals 100 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 August 26, 2002

# Zoning



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Future Land Use



1 inch equals 50 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Site Topography

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(See Boone County Zoning Regulations)  
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 Dimensional Variance

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16. Have you had a pre-application meeting with BCPC Staff? Yes

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- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

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

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

- Walton
- Union

19. Applicant's Signature Sharon Colcord Terry Colcord  
 Property Owner's Signature Sharon Colcord Terry Colcord

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 7-31-02
2. Review Fee \$1148.00 RT# 32227
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 58 Number of copies of plan received\*\*
4. Is application complete?  Yes  No
5. Staff Reviewer PATTY BACHMAN
6. Committee Chairman BOB NEWMAN
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

\*\* Five (5) Copies Are Required

Boone County Planning Commission  
 2005 Washington Street  
 Burlington, Kentucky 41005  
 (858) 334-2188 - Phone  
 (858) 334-2264 - Fax  
 plancom@boonecountky.org - E-mail  
 www.boonecountky.org - Web Page

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

BCPC:4/2001

Wallace Avenue

Kentucky Route #18

Existing Brick Ranch  
to be converted to  
Chiropractic Office  
GROSS FLOOR AREA - 3,600 S.F. APP.  
LOT AREA  
19818.5 SQ. FT.  
0.45 ACRES

Buffer Yard A

10' FRONT BUFFER YARD

Buffer Yard 'A'

Buffer Yard 'B'

20' SIDE BUFFER YARD

PROPOSED 6' SIDEWALK

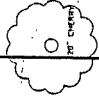
Buffer Yard 'B'

20' SIDE BUFFER YARD

EXISTING DRIVEWAY

EXISTING PORCH

DECK



3,600.00' x 145.00'

24.00'

40' x 110' x 145.00'

10' x 100' x 127.77'

OVERHEAD POWER

**Public Hearing Item No. 4:**

**Commission Members Present:** Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Chairman Hicks returned to the meeting and introduced the last item on the Agenda:

**Applicant:** **Mike Redman for  
Terry Colcord and Sharon Colcord (owners)**

**Request:** **Zoning Map Amendment**

**The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.**

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Craig Moore with Hicks & Mann and the applicant, Mr. Mike Redman of 1820 Merrimack Court in Union, were present. Mr. Moore stated that at the Committee meeting they will have the buffer yard increased, a Landscape Plan, and elevations of the building. He offered to answer any questions.

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.

Ms. Amy Stephens, 1 Wallace Avenue, asked "if the zoning is changed for a chiropractic office and in six months it is not successful, can another business come in and, if so, what type?" Chairman Hicks responded that there are other allowable uses in the C-2 zone, but they can agree to just this use being allowed. That is an option that can be discussed at the Committee level. Ms. Stephens stated that she was told by the previous tenant that the structural walls in the

basement are bowing. She asked that if the applicant decides he cannot use the building, or it has to be altered, will there be restrictions on how large and how tall the building can be? Mr. Costello responded that the applicant has agreed to provide this information at the Committee level and does not have a drawing to show at this time. Ms. Stephens stated that the diagram in the application shows the Buffer Yards as A and B. She questioned Buffer Yard C. Ms. Bachman responded that Buffer Yard C would be required at the rear of the property and next to the Stephens' house. Buffer Yard C is required when commercial uses adjoin residential or recreational uses. Along the street frontage, only Buffer Yard A is required. Mr. Costello stated that there is an error and what is indicated as Buffer Yard B is actually Buffer Yard C. Ms. Bachman stated that Buffer Yard C is sixty feet, but it can be reduced to thirty feet with berming or fencing.

Ms. Stephens stated that her driveway is the second driveway, but she gets the turnaround traffic and is concerned about people coming to this office, missing the turn, and using her driveway. Her view is currently blocked by two beautiful trees and she is concerned about the old trees being removed. She is concerned about traffic on Wallace Avenue. She stated that access to the park will be off KY 18. She stated that there is a bend in the road where KY 18 meets Wallace Avenue and there are trees and shrubbery there and the curve can be dangerous. She stated that there are already two chiropractic offices on KY 18 within walking distance. The request is for C-2 zoning and there are already two properties on Oblique Street that are zoned C-2 that are currently for sale. There are seven other properties in Florence zoned C-2 that are available for sale. If this property is zoned C-2 and the business does not make it, then there will be another property with a for sale sign in front of it. She asked that the residents on Wallace Avenue and the effect on her property be considered.

Ms. Molly Stephens, 1 Wallace Avenue, stated that their kitchen exit in relation to this property was not shown in the Power Point presentation. She stated that the trees are no more than six steps out of their door and the applicant is talking about putting a fence or berm there. Her home will be fenced in and boxed in. She will have a view of a fence. The closeness and the proximity of the trees to their home should have been shown. She agreed with the previous comments regarding other chiropractic offices in the area. She stated that this is a residential area and she believes other neighbors would have been present this evening but school is back in and they have already been to a lot of meetings about the park. She asked that the closeness to their property be considered. They would prefer to have a family next door.

Mr. David Brown, 18 Wallace Avenue, agreed with his neighbors. He stated that this is a 9 AM – 5 PM operation, but most people work during those hours and need chiropractic help at night and on the weekends. He questioned increased traffic and noise. He does not agree with the assumption that this business would serve local people. He stated that he has drawn in Buffer Yard C and it goes halfway across the driveway. He feels that the plan is up in the air and they do

not know what will be done with the property. He questioned what would be there if this use does not work out. He stated that there are car showrooms along KY 18 – and he does not want that. He feels that there is plenty of office space and commercial buildings that were once homes available in Florence. His end of the road already suffers from runoff. The last thing he needs is parking spaces and concrete and water runoff going towards his house.

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

Mr. Ries stated that he is concerned about this request. There have been issues in Florence about residential areas and a business trying to locate at the top of the street. He is familiar with this area and stated that the residents are right about the distance between the houses. He feels that this use would infringe on the residential area that was there first. He stated that there should be a sixty-foot buffer between the houses. He stated that landscaping is a big issue – two bushes and a tree is not adequate. The neighbors should definitely be able to agree as to what could go in there if this business moves out. He stated that there are some important issues with putting a business that close to a residential area.

Mr. Poe asked that additional pictures taken at different angles be brought to the Committee Meeting.

Mrs. Poston questioned where the next C-2 zoning is going west on KY 18. She asked if the residential zoning goes all the way to Kathryn. Mr. Costello stated that there is some commercial west of the park area near Kathryn going towards I-75. Ms. Bachman will research the information in time for the Committee Meeting.

Mrs. Poston asked if there is sixty feet between the back of the houses and the property line. Ms. Bachman responded that if they put in a thirty-foot buffer, the deck will have to be removed and it will encroach on the driveway – which is a concern. Mrs. Poston asked if the trees can be saved. Ms. Bachman does not think so, but it would be up to the architect and engineer to address that.

Mr. Moore stated that they are showing fifty feet from the back of the house to the property line. He stated that they can get by with a thirty-foot buffer yard if they use a wall. He stated that if they do not have access there, then there would be access on KY 18, which would be bad. He stated that there needs to be some adjustments – which will be discussed at the Committee meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM.. Mr. Barlow will be the Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

The Chairman closed this Public Hearing at 10:20 PM.

**APPROVED:**



**Mark Hicks, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
September 18, 2002  
7:30 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Charlie Reynolds  
Mr. Robert Ries  
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. Kevin Wall, AICP, CDT – Director, Zoning Services

3. Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

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

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.

Chairman Hicks returned to the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

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

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT  
“B”

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 18, 2002

RE: Request of **Mike Redman (applicant)** for **Terry Colcord and Sharon Colcord (owner)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

### REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The Business Activity Element stipulates that commercial development along the KY 18 and US 42 corridor should be of a limited scale and should be clustered to serve residential neighborhoods. The Element also notes that commercial land uses should be locally rather than regionally oriented. This proposal represents a land use that would serve adjoining residential districts such as the Florence Manor Subdivision and the residential areas located across Kentucky 18. Furthermore, the Business Activity Goals and Objectives state that the mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses. Given that the Applicant proposes converting an existing ranch house on the site into office space, the building would easily fit in with the residential character of the neighborhood. Building materials currently replicate those found on the surrounding residences. The Development Guidelines of the Land Use Element state that buffering through the form of increased setbacks and landscaping should be provided to mitigate the impact upon adjoining land uses. Additionally, these Guidelines note that landscaping is intended to minimize the visual impacts of the development from adjoining properties. The re-designed site plan features a buffer yard of between fifty-five and sixty feet in width on the northwest property line, with sufficient plants as required for Buffer Yard "C," including 20 evergreens, 13 small trees, and 80 shrubs. Two existing maples and one existing elm, all 20" caliper size, are to remain. The proposed land use would not represent an increase in traffic along Wallace Avenue, as the access point has been moved to Kentucky 18.
2. The Committee has determined that the existing zoning category is inappropriate and that the proposed zoning category is appropriate for the site. The Committee has reviewed a current Zoning Map of parcels fronting Kentucky 18, between I-75

on the west and Rebel Drive on the east. Through this review the Committee learned that only four parcels in this area were zoned Residential. All four of these parcels are located at the intersection of Kentucky 18 and Wallace Avenue. Along Kentucky 18 there are several commercial properties that appear to be former single-family residences. It is evident, given the quantity of commercial land uses and public facilities along Kentucky 18 east of I-75, that the residential environment immediately fronting on Kentucky 18 has greatly diminished.

3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serve as a basis for this recommendation.

#### CONDITIONS

1. Potential land uses for the lot will be limited to a chiropractic or medical office. In the event that, in the future, an applicant wishes to develop another land use that would be principally-permitted under Commercial Two (C-2) zoning, the applicant will need to apply for a Change in Concept Development Plan.
2. The site must be developed according to the revised Concept Development Plan shown in the Zone Change Committee meeting of September 4, 2002.
3. The location of the monument sign to be located on the site will be subject to Staff approval.
4. Only Bollard-style lighting fixtures will be used for the exterior lighting of the lot. No glare will leave the lot.

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.

**Public Hearing Item No. 4:**

**Commission Members Present:** Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Chairman Hicks returned to the meeting and introduced the last item on the Agenda:

**Applicant:** Mike Redman for  
Terry Colcord and Sharon Colcord (owners)

**Request:** Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a **Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.**

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Craig Moore with Hicks & Mann and the applicant, Mr. Mike Redman of 1820 Merrimack Court in Union, were present. Mr. Moore stated that at the Committee meeting they will have the buffer yard increased, a Landscape Plan, and elevations of the building. He offered to answer any questions.

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.

Ms. Amy Stephens, 1 Wallace Avenue, asked "if the zoning is changed for a chiropractic office and in six months it is not successful, can another business come in and, if so, what type"? Chairman Hicks responded that there are other allowable uses in the C-2 zone, but they can agree to just this use being allowed. That is an option that can be discussed at the Committee level. Ms. Stephens stated that she was told by the previous tenant that the structural walls in the

basement are bowing. She asked that if the applicant decides he cannot use the building, or it has to be altered, will there be restrictions on how large and how tall the building can be? Mr. Costello responded that the applicant has agreed to provide this information at the Committee level and does not have a drawing to show at this time. Ms. Stephens stated that the diagram in the application shows the Buffer Yards as A and B. She questioned Buffer Yard C. Ms. Bachman responded that Buffer Yard C would be required at the rear of the property and next to the Stephens' house. Buffer Yard C is required when commercial uses adjoin residential or recreational uses. Along the street frontage, only Buffer Yard A is required. Mr. Costello stated that there is an error and what is indicated as Buffer Yard B is actually Buffer Yard C. Ms. Bachman stated that Buffer Yard C is sixty feet, but it can be reduced to thirty feet with berming or fencing.

Ms. Stephens stated that her driveway is the second driveway, but she gets the turnaround traffic and is concerned about people coming to this office, missing the turn, and using her driveway. Her view is currently blocked by two beautiful trees and she is concerned about the old trees being removed. She is concerned about traffic on Wallace Avenue. She stated that access to the park will be off KY 18. She stated that there is a bend in the road where KY 18 meets Wallace Avenue and there are trees and shrubbery there and the curve can be dangerous. She stated that there are already two chiropractic offices on KY 18 within walking distance. The request is for C-2 zoning and there are already two properties on Oblique Street that are zoned C-2 that are currently for sale. There are seven other properties in Florence zoned C-2 that are available for sale. If this property is zoned C-2 and the business does not make it, then there will be another property with a for sale sign in front of it. She asked that the residents on Wallace Avenue and the effect on her property be considered.

Ms. Molly Stephens, 1 Wallace Avenue, stated that their kitchen exit in relation to this property was not shown in the Power Point presentation. She stated that the trees are no more than six steps out of their door and the applicant is talking about putting a fence or berm there. Her home will be fenced in and boxed in. She will have a view of a fence. The closeness and the proximity of the trees to their home should have been shown. She agreed with the previous comments regarding other chiropractic offices in the area. She stated that this is a residential area and she believes other neighbors would have been present this evening but school is back in and they have already been to a lot of meetings about the park. She asked that the closeness to their property be considered. They would prefer to have a family next door.

Mr. David Brown, 18 Wallace Avenue, agreed with his neighbors. He stated that this is a 9 AM – 5 PM operation, but most people work during those hours and need chiropractic help at night and on the weekends. He questioned increased traffic and noise. He does not agree with the assumption that this business would serve local people. He stated that he has drawn in Buffer Yard C and it goes halfway across the driveway. He feels that the plan is up in the air and they do

not know what will be done with the property. He questioned what would be there if this use does not work out. He stated that there are car showrooms along KY 18 – and he does not want that. He feels that there is plenty of office space and commercial buildings that were once homes available in Florence. His end of the road already suffers from runoff. The last thing he needs is parking spaces and concrete and water runoff going towards his house.

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

Mr. Ries stated that he is concerned about this request. There have been issues in Florence about residential areas and a business trying to locate at the top of the street. He is familiar with this area and stated that the residents are right about the distance between the houses. He feels that this use would infringe on the residential area that was there first. He stated that there should be a sixty-foot buffer between the houses. He stated that landscaping is a big issue – two bushes and a tree is not adequate. The neighbors should definitely be able to agree as to what could go in there if this business moves out. He stated that there are some important issues with putting a business that close to a residential area.

Mr. Poe asked that additional pictures taken at different angles be brought to the Committee Meeting.

Mrs. Poston questioned where the next C-2 zoning is going west on KY 18. She asked if the residential zoning goes all the way to Kathryn. Mr. Costello stated that there is some commercial west of the park area near Kathryn going towards I-75. Ms. Bachman will research the information in time for the Committee Meeting.


Mrs. Poston asked if there is sixty feet between the back of the houses and the property line. Ms. Bachman responded that if they put in a thirty-foot buffer, the deck will have to be removed and it will encroach on the driveway – which is a concern. Mrs. Poston asked if the trees can be saved. Ms. Bachman does not think so, but it would be up to the architect and engineer to address that.

Mr. Moore stated that they are showing fifty feet from the back of the house to the property line. He stated that they can get by with a thirty-foot buffer yard if they use a wall. He stated that if they do not have access there, then there would be access on KY 18, which would be bad. He stated that there needs to be some adjustments – which will be discussed at the Committee meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM.. Mr. Barlow will be the Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

The Chairman closed this Public Hearing at 10:20 PM.

**APPROVED:**



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 4, 2002

RE Request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owner) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

### 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.

September 4, 2002

Redman/Terry & Sharon Colcord

7276 Burlington Pike

*R. Barlow*

---

**Randy Barlow, Chairman**

For  Against   
 Abstain  Absent   
 Deferred

*Bob Newman*

---

**Bob Newman**

For  Against   
 Abstain  Absent   
 Deferred

*Susan Poston*

---

**Susan Poston**

For  Against   
 Abstain  Absent   
 Deferred

---

**Earl White**

For  Against   
 Abstain  Absent   
 Deferred

*Lisa Wilson*

---

**Lisa Wilson**

For  Against   
 Abstain  Absent   
 Deferred

*David Zimmer*

---

**David Zimmer**

For  Against   
 Abstain  Absent   
 Deferred

---

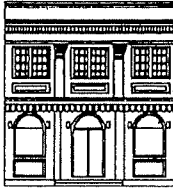
**Janet Kegley (Alternate)\***

For  Against   
 Abstain  Absent   
 Deferred

TOTAL:  DEFERRED 4 FOR 1 AGAINST  ABSTAIN  
 ABSENT

# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

September 5, 2002

Mr. Mike Redman  
7279 Turfway Road  
Florence, KY 41042

RE: Request of **Mike Redman (applicant)** for **Terry Colcord and Sharon Colcord (owner)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Dear Mr. Redman:

The following conditions in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serve as the basis for the Committee's recommendation of approval. If you, as the applicant and the owners, agree to the following conditions, please indicate so by signing at the space provided below, and return this letter to the Planning Commission Office by 5:00 P.M. Monday, September 16, 2002.

1. Potential land uses for the lot will be limited to a chiropractic or medical office. In the event that, in the future, an applicant wishes to develop another land use that would be principally-permitted under Commercial Two (C-2) zoning, the applicant will need to apply for a Change in Concept Development Plan.
2. The site must be developed according to the revised Concept Development Plan shown in the Zone Change Committee meeting of September 4, 2002.
3. The location of the monument sign to be located on the site will be subject to Staff approval.
4. Only Bollard-style lighting fixtures will be used for the exterior lighting of the lot. No glare will leave the lot.

Sincerely,



Patty Bachman  
Planner

MPB/pr

Mr. Mike Redman  
September 5, 2002  
Page 2

Agreement

We, the owners, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

---

Terry Colcord,  
Owner


(Date)

---

Sharon Colcord,  
Owner

(Date)

I, the applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

  
Mike Redman,  
Applicant

(Date) 

Mr. Mike Redman  
September 5, 2002  
Page 2

Agreement

We, the owners, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

Terry Colcord 9-5-02  
Terry Colcord (Date)  
Owner

Sharon Colcord 9-5-02  
Sharon Colcord (Date)  
Owner

I, the applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

\_\_\_\_\_  
Mike Redman, (Date)  
Applicant

# Know All Men By These Presents:

NOTE: This deed is being executed in order to give the grantees a right of survivorship.

PROPERTY TRANSFER TAX PAID \$ *Exempt*  
JERRY W. ROUSE, CLERK *emo*

RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

That Phillip T. Colcord (a.k.a. Terry Colcord) and Sharon Colcord, his wife,

for and in consideration of \$1.00 and other valuable considerations to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Florence;

County of <sup>Boone</sup> ~~Knox~~ and Commonwealth of Kentucky, to-wit: Group No. 543

Present Street Address 7276 Burlington Pike, Florence, KY 41042 Plat No. 3/38

Mailing Address <sup>RETURN TO:</sup> 2705 Pineview, Ft. Mitchell, KY 41017

N.W. Cor. Wallace and Locust Street, Florence, Kentucky. Being Lots Nos. One (1) and Two (2) of the FLORENCE MANOR SUBDIVISION, as shown and designated on the plat of said subdivision, recorded in Plat Book 3 Page 38 of the Boone County Clerk's records, at Burlington, Kentucky.

This property is conveyed subject to all easements and rights-of-way of record and in existence.

This property is conveyed subject to all restrictions and conditions contained in prior deeds or on public record.

Being the same property conveyed to Charles F. Colcord and Mae Colcord, his wife, with right of survivorship, by R. S. Hensley, a widower, by deed dated the 3rd day of December, 1969, and recorded in Deed Book 188 Page 93 of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Charles F. Colcord died in 1970 and by virtue of the survivorship clause in the above mentioned deed the fee simple title vested in his spouse, Mae Colcord.

The said Mae Colcord died testate on December 16, 1989, and under the terms of her will which is recorded in Will Book 46 Page 142 of the Boone County Court Clerk's records at Burlington, Kentucky, she devised all of the rest and residue of her estate to the grantor, Phillip T. Colcord.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor s, their  
COVENANTING with the grantee s, their  
CLEAR, FREE AND UNINCUMBERED, and that they  
same against all legal claims whatsoever.

heirs, executors and administrators, HEREBY  
heirs and assigns, that the TITLE so conveyed is  
will WARRANT AND DEFEND the

**Site Summary**

- PRESENT ZONING OF SUBJECT PROPERTY - RESIDENTIAL
- PROPOSED ZONING OF SUBJECT PROPERTY - C-2
- TOTAL AREA = 0.45 ACRES
- PARKING REQUIREMENTS -- 1.00 SPACE/250 SQ. FT. OF GROSS FLOOR AREA
- PARKING REQUIRED -- 14 SPACES
- PARKING PROPOSED -- 14 SPACES
- MINIMUM REQUIREMENTS OF LOT
- MINIMUM AREA -- 5,000 SQ. FT.
- MINIMUM FRONTAGE -- 50 FT.
- MINIMUM HEIGHT OF BUILDING -- 50 FT.
- MINIMUM SETBACKS
  - FRONT -- 30'
  - REAR -- 50'
  - SIDE -- 10'
- MAXIMUM GROSS FLOOR AREA -- 6,750 S.F.
- BUFFER YARD 'C' REQUIREMENTS
  - A. 10 EVERGREENS PER 100' -- 22 EVERGREENS
  - B. 5 SMALL TREES PER 100' -- 11 SMALL TREES
  - C. 5 LARGE TREES PER 100' -- 11 LARGE TREES
  - D. 30 SHRUBS PER 100' -- 220 SHRUBS
- BUFFER YARD 'A' REQUIREMENTS
  - A. 3 EVERGREENS PER 100' -- 8 EVERGREENS
  - B. 5 SMALL TREES PER 100' -- 13 SMALL TREES
  - C. 30 SHRUBS PER 100' -- 80 SHRUBS

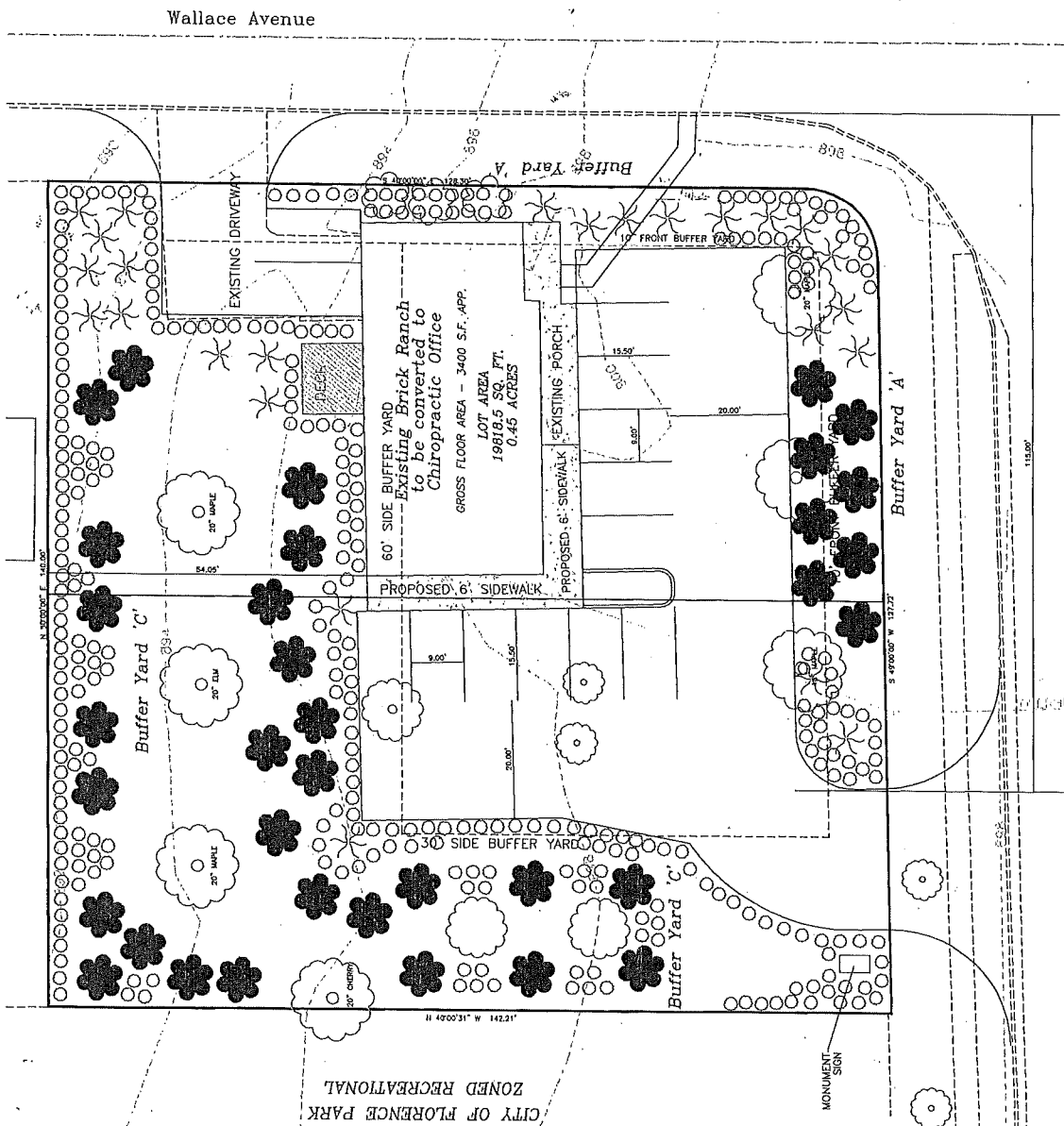
**Legend**

- SMALL TREES
- EVERGREENS
- LARGE TREES
- SHRUBS

**APPROVED**

Staff *MFB*

Date 9-19-02  
 Boone County Planning Commission



NO.	DATE	REVISIONS

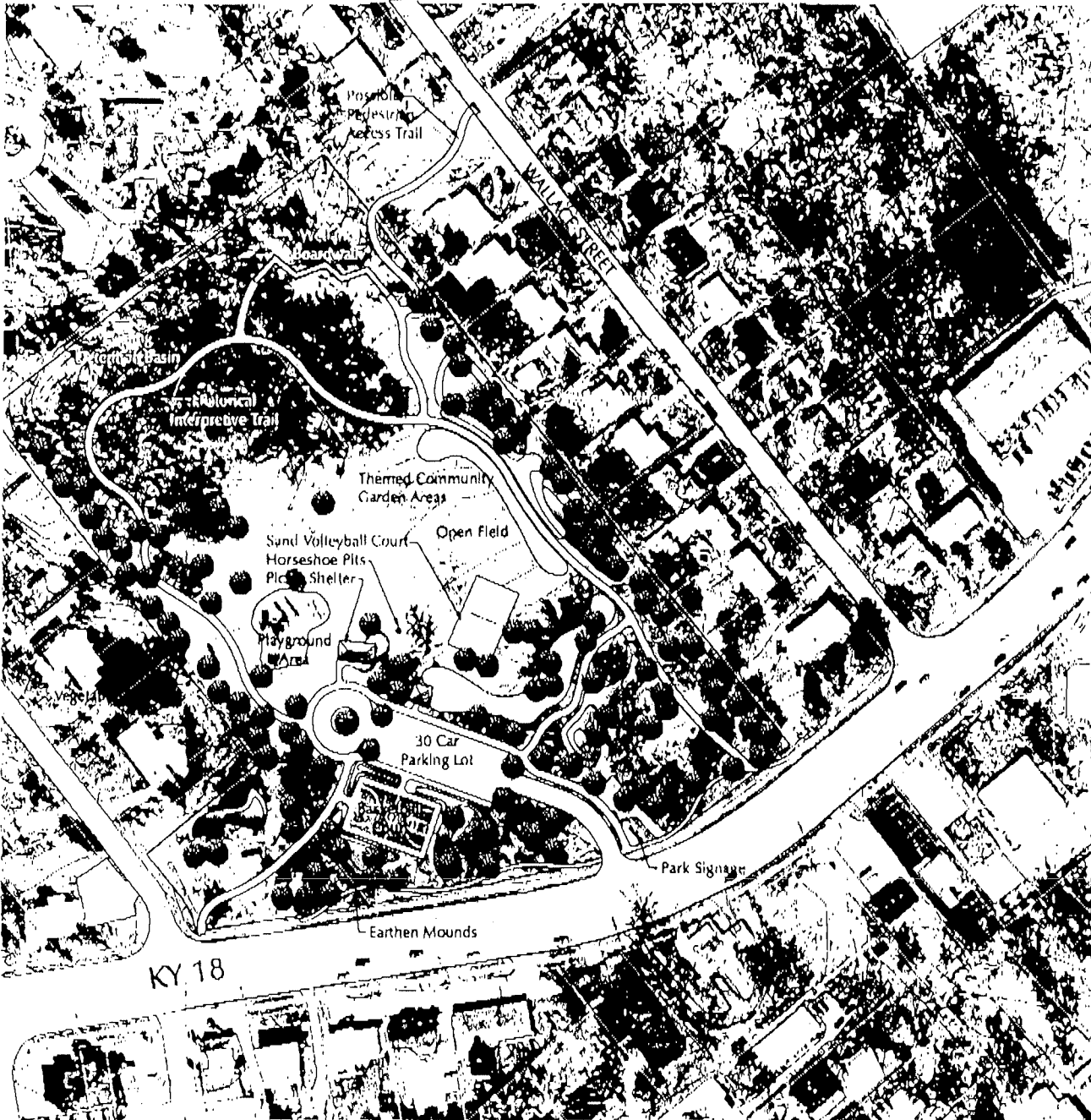
Chiropractic Family Wellness Center

Dr. Michael Redman  
 Conceptual Development Plan  
 Florence, Kentucky

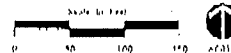
Sheet # 1  
 Date: June 2002  
 Hicks & Mann, Inc.  
 Consulting Engineers  
 1000 W. 1st St.  
 Florence, KY 40304  
 Phone: 502-751-1077  
 Fax: 502-751-1077  
 License: RD-0002

Kentucky Route #18

CITY OF FLORENCE PARK ZONED RECREATIONAL



Inc.  
anners



Concept Plan

KY Route 18 Park  
Florence, Kentucky

Craig 524-5231  
Moore

ORDINANCE NO. 0-29-02

**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 0.45 ACRE SITE LOCATED AT 7276 BURLINGTON PIKE IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS CURRENT ZONING OF RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL TWO (C-2). (COLCORD PROPERTY)**

WHEREAS, the City of Florence, Kentucky is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended approval of a zoning map amendment for an approximate 0.45 acre site located at 7276 Burlington Pike in the City of Florence, Kentucky to rezone this property from its current zoning of Residential One Family (R1F) to Commercial Two (C-2), and

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

**SECTION I**

That the zoning map amendment for the approximate 0.45 acre site located at 7276 Burlington Pike in the City of Florence, Kentucky to rezone the subject property from its current zoning of Residential One Family (R1F) to Commercial Two (C-2) shall be and is hereby approved. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect the approval of the zoning map amendment for this subject property.

**SECTION II**

Approval of this zoning map amendment is granted subject to the conditions, if any, of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-02-022-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

**SECTION III**

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-02-022-A, marked Exhibit "B", and incorporated herein as if fully set out.

**SECTION IV**

If this approval for this zoning map amendment shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of

any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

**SECTION V**

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 26<sup>th</sup> DAY OF November 2002.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 3<sup>rd</sup> DAY OF December, 2002.

APPROVED:

Deane E. Whalen  
MAYOR

ATTEST:

Betsy R. Conrad  
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of 0-29-02 as same appears in the official records of my office.

Dated this 17<sup>th</sup> day of December, 2002.

Betsy R. Conrad  
City Clerk

**AGREED ADDITIONAL CONDITIONS -  
CONCEPT DEVELOPMENT PLAN APPROVAL**

IN RE: REQUEST OF MIKE REDMAN (APPLICANT) FOR TERRY AND SHARON COLCORD (OWNERS) FOR A ZONING MAP AMENDMENT ON A 0.45 ACRE SITE LOCATED AT 7276 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO REZONE THE SITE FROM RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL TOW (C-2) IN ORDER TO ALLOW A CHIROPRACTIC OFFICE.

WHEREAS, Terry Colcord and Sharon Colcord, as Owners of a tract of approximately 0.45 acres located at 7276 Burlington Pike, Florence, Kentucky have, through Mike Redman, Applicant, applied to the Boone County Planning Commission to rezone the site from Residential One Family (R1F) to Commercial Two (C2) in order to allow a chiropractic office, and

WHEREAS, the Commission has recommended approval of the application to the City of Florence and the Planning and Zoning Committee of the City has issued its report in support of such recommendations, subject however, to the additional conditions hereinafter set out, and

WHEREAS, the Owner and Applicant have agreed to said additional conditions.

NOW, THEREFORE, the Owners and Applicant identified above do hereby agree that the following conditions shall be incorporated into approval by the City of Florence, Kentucky, of the recommendation of the Boone County Planning Commission contained in Resolution No. R-02-022-A and that this Agreement shall become part of the Ordinance of approval. It is further agreed that, to the extent that these additional conditions shall be inconsistent with the conditions of approval contained in the record from the Boone County Planning Commission, these additional conditions shall take precedence and apply.

1. That the building on the site shall be reconstructed so that the front shall conform substantially to the drawing attached hereto, identified as "Front Elevation 01".

2. That the existing driveway with the outlet on Wallace Avenue shall be closed and the pavement removed. A sidewalk shall be constructed from the existing deck to Wallace Avenue.

3. The parking lot shall be expanded into the existing buffer between said lot and the adjacent City of Florence park in order to add two additional parallel parking spaces.

4. There shall be a single monument sign not more than 10 feet in height.

5. The quantity of plants in the landscaping shall meet the minimum requirements of the Boone County Planning Commission Regulations.

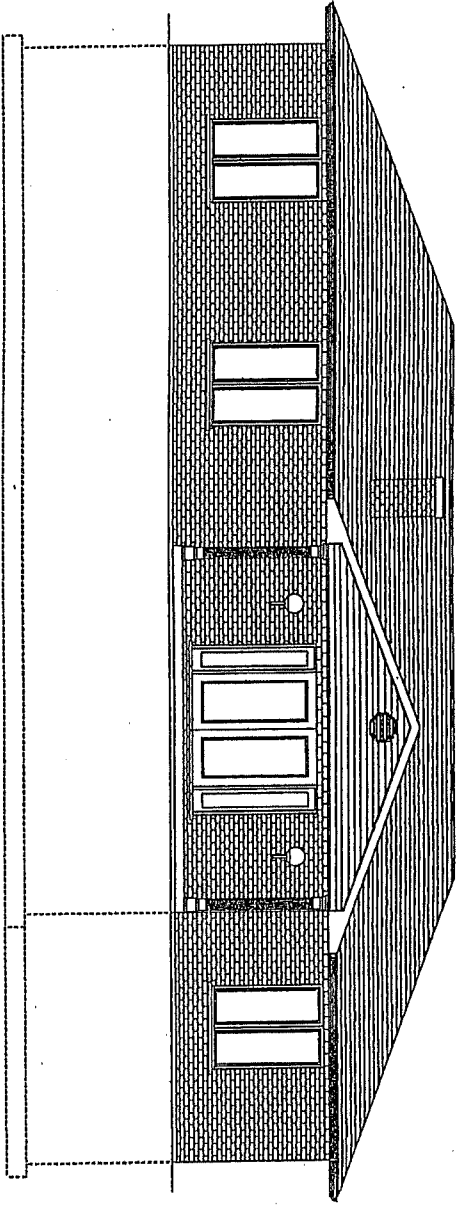
6. All post-development surface water runoff shall be retained and/or disposed of in such a way that no such runoff shall be directed onto the adjacent residential property.

Dated this 25 day of November, 2002.

Terry Colcord  
TERRY COLCORD

Sharon Colcord  
SHARON COLCORD

Michael Redman  
MIKE REDMAN



FRONT ELEVATION 01

0-27-02 EXHIBIT A  
RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

# Know All Men By These Presents:

NOTE: This deed is being executed in order to give the grantees a right of survivorship.

PROPERTY TRANSFER TAX PAID \$ *Exempt*  
JERRY W. ROUSE, CLERK *JWR*

That Phillip T. Colcord (a.k.a. Terry Colcord) and Sharon Colcord, his wife,

for and in consideration of \$1.00 and other valuable considerations to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Florence

Boone County of ~~Kentucky~~ and Commonwealth of Kentucky, to-wit: Group No. 543

Present Street Address 7276 Burlington Pike, Florence, KY 41042 Plat No. 3/38

RETURN TO: Mailing Address 2705 Pineview, Ft. Mitchell, KY 41017

N.W. Cor. Wallace and Locust Street, Florence, Kentucky. Being Lots Nos. One (1) and Two (2) of the FLORENCE MANOR SUBDIVISION, as shown and designated on the plat of said subdivision, recorded in Plat Book 3 Page 38 of the Boone County Clerk's records, at Burlington, Kentucky.

This property is conveyed subject to all easements and rights-of-way of record and in existence.

This property is conveyed subject to all restrictions and conditions contained in prior deeds or on public record.

Being the same property conveyed to Charles F. Colcord and Mae Colcord, his wife, with right of survivorship, by R. S. Hensley, a widower, by deed dated the 3rd day of December, 1969, and recorded in Deed Book 188 Page 93 of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Charles F. Colcord died in 1970 and by virtue of the survivorship clause in the above mentioned deed the fee simple title vested in his spouse, Mae Colcord.

The said Mae Colcord died testate on December 16, 1989, and under the terms of her will which is recorded in Will Book 46 Page 142 of the Boone County Court Clerk's records at Burlington, Kentucky, she devised all of the rest and residue of her estate to the grantor, Phillip T. Colcord.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

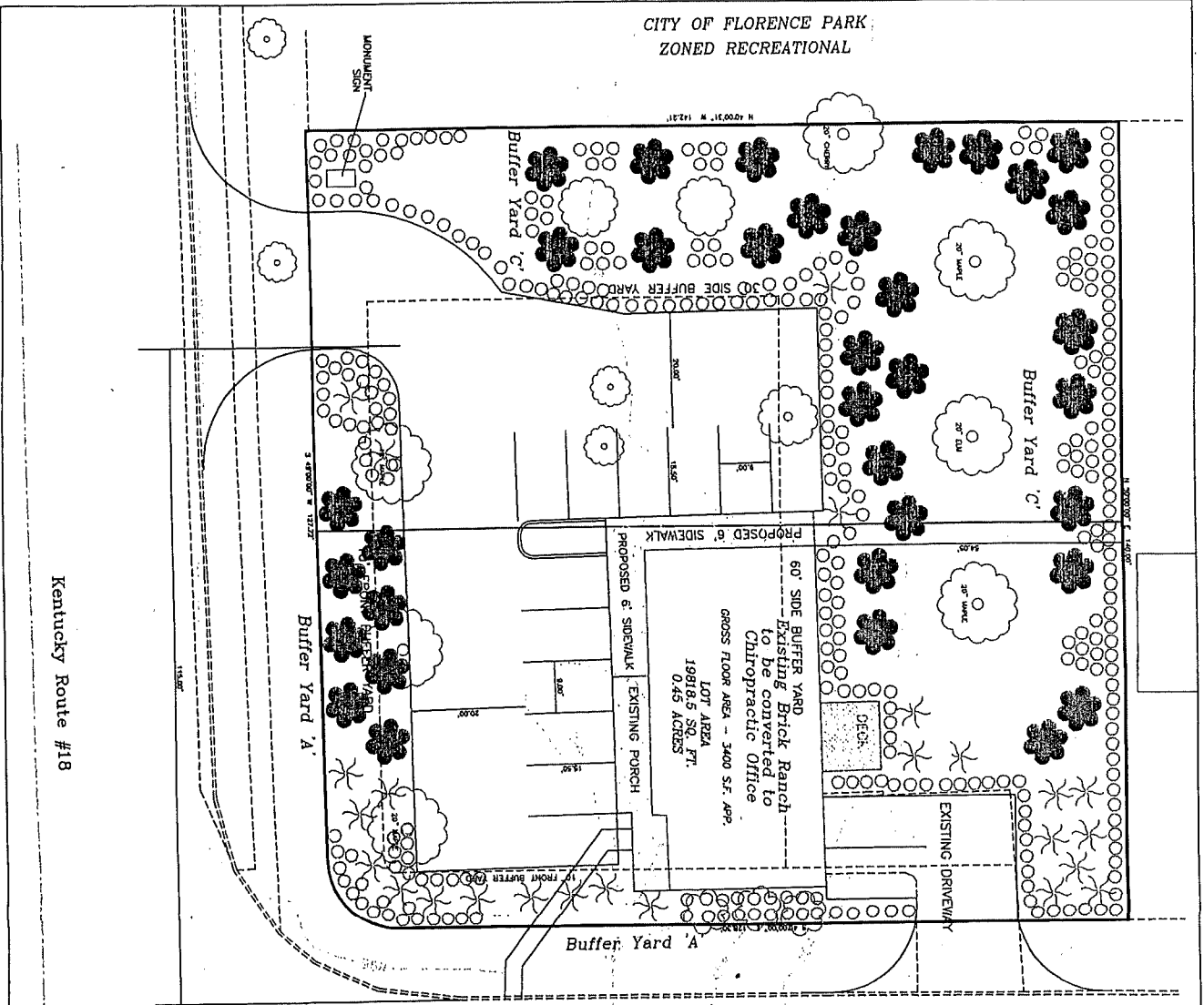
TO HAVE AND TO HOLD the same to the said

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor S, their  
COVENANTING with the grantee S, their  
CLEAR, FREE AND UNINCUMBERED, and that  
same against all legal claims whatsoever.

heirs, executors and administrators, HEREBY  
heirs and assigns, that the TITLE so conveyed is  
they will WARRANT AND DEFEND the

CITY OF FLORENCE PARK  
ZONED RECREATIONAL



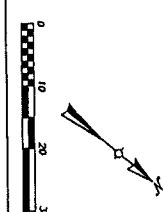
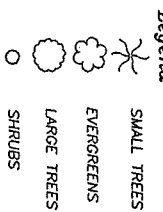
Kentucky Route #18

Wallace Avenue

**APPROVED**  
 9-19-02  
 Florence County  
 Commission

Site Summary

1. PROPOSED ZONING OF SUBJECT PROPERTY - RESIDENTIAL C-2
2. TOTAL AREA = 0.45 ACRES
3. PARKING REQUIREMENTS - 1.00 SPACE/250 SQ. FT. OF GROSS FLOOR AREA
4. PARKING PROPOSED - 14 SPACES
5. MINIMUM REQUIREMENTS OF LOT
  - A. MINIMUM AREA - 5,000 SQ. FT.
  - B. MINIMUM FRONTAGE - 50 FT.
  - C. MAXIMUM HEIGHT OF BUILDING - 50 FT.
  - D. MINIMUM SETBACKS
    - FRONT - 30'
    - REAR - 50'
    - SIDE - 10'
6. MAXIMUM GROSS FLOOR AREA - 6,750 S.F.
7. BUFFER YARD 'C' REQUIREMENTS
  - A. 10 EVERGREENS PER 100' - 22 EVERGREENS
  - B. 5 SMALL TREES PER 100' - 11 SMALL TREES
  - C. 5 LARGE TREES PER 100' - 11 LARGE TREES
  - D. 90 SHRUBS PER 100' - 220 SHRUBS
8. BUFFER YARD 'A' REQUIREMENTS
  - A. 3 EVERGREENS PER 100' - 8 EVERGREENS
  - B. 5 SMALL TREES PER 100' - 13 SMALL TREES
  - C. 30 SHRUBS PER 100' - 80 SHRUBS



NO.	DATE	REVISIONS

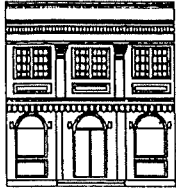
Chiropractic Family Wellness Center

Dr. Michael Redman  
Conceptual Development Plan  
Florence, Kentucky

HICCS & MANN, INC.  
Consulting Engineers  
1000 S. 10th Street  
Florence, KY 40302  
Phone: 606-338-1387  
Fax: 606-338-1387

Scale: 1" = 20'  
 Date: June 2002  
 Job No. 02-012  
 Sheet No. 2 of 2  
 Drawing: 02-012

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

October 2, 2002

The Honorable Diane E. Whalen  
Mayor, City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042-7588

Dear Mayor Whalen:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **Mike Redman (applicant)** for **Terry and Sharon Colcord (owners)** for a Zoning Map Amendment on a 0.45 acre site located at 7276 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1F) to Commercial Two (C-2) in order to allow a chiropractic office.

At their meeting of September 18, 2002, the Boone County Planning Commission voted unanimously to recommend approval by **Resolution R-02-022-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Florence is **Tuesday, December 17, 2002**.

The approved minutes of the August 28, 2002 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,

A handwritten signature in black ink, appearing to read 'Mark Hicks', written in a cursive style.

Mark Hicks  
Chairman

MH/vlm

Enclosures

**RESOLUTION R-02-022-A**

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF MIKE REDMAN (APPLICANT) FOR TERRY AND SHARON COLCORD (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL TWO (C-2) ON A 0.45 ACRE SITE LOCATED AT 7276 BURLINGTON PIKE, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Residential One Family (R1F) to Commercial Two C-2) on a 0.45 acre site located at 7276 Burlington Pike, Florence, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Residential One Family (R1F) to Commercial Two (C-2) on a 0.45 acre site located at 7276 Burlington Pike, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Residential One Family (R1F) zone is more particularly described in DEED BOOK 431, PAGE NO. 93 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**SECTION III**

That a copy of this Resolution recommending approval for a Zoning Map Amendment for a zone change from Residential One Family (R1F) to Commercial Two (C-2) on a 0.45 acre site located at 7276 Burlington Pike, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

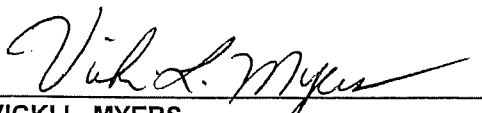
**PASSED AND APPROVED ON THIS 2ND DAY OF OCTOBER, 2002.**

**APPROVED:**



**MARK HICKS  
CHAIRMAN**

**ATTEST:**



**VICKI L. MYERS  
MANAGER, ADMINISTRATIVE SERVICES**

MH:vlm

EXHIBIT

“A”

## STAFF REPORT

Request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owner) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

August 28, 2002

### REQUEST

This request is for Zoning Map Amendment, changing the zoning of the subject property from Residential One Family (R-1F) to Commercial Two (C-2). The applicant proposes the conversion of an existing one-story brick ranch house, 1620 square feet in area, into a chiropractor's practice. This use is the sole use proposed for the property. An existing driveway located adjacent to the northwest property line is to be extended and wrapped around the entire house, extending to the front of the house, facing Kentucky 18. There will be fifteen parking spaces added to the lot in this process. Although a landscape plan was not included with the application, the applicant has indicated that a ten-foot wide Buffer Yard is to be placed adjacent to the Kentucky 18 street frontage, as well as along the street frontage adjacent to Wallace Avenue. Two twenty-foot wide buffer yards are shown along the northwest and west property lines.

### SITE CHARACTERISTICS

The site's topography is sloping, ranging from 942 feet above sea level at the property line adjacent to Kentucky 18 to 934 feet above sea level at the northwest property line. A stand of mature trees is located in the yard fronting Kentucky 18 and in the side yard adjacent to the west property line.

### ADJACENT LAND USES

- Northwest: Single-family residence, zoned Residential One Family (R-1F)
- Southeast: The Little Red School House daycare center and C&C Dry Carpet Cleaning and Upholstery, zoned Commercial Two (C-2), located across from the site on KY 18.
- East: Single-family residence, located across Wallace Avenue, zoned Residential One Family (R-1F)
- West: Vacant property, slated to be developed as a city park, zoned Recreation (R).

## RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Suburban Density Residential". This is described in the Comprehensive Plan as follows:

"Single family housing of up to four units per acre. This classification also includes any low-density or estate residential developed as a subdivision (p. 158, '2000 Existing and Future Land Use Classifications')."

The Land Use Element provides the following quotes that are applicable to the site:

- 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 uses; instead the uses were intermixed (p. 162 "Florence Central")
- 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 of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed (p. 162 "Florence Central").
- C. "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 (p.162 "Florence Central").

The Land Use Element's Future Land Use Development Guidelines provide the following general statements that relate to the proposal:

- A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined (p. 158 'Utilization of Existing Vegetation and Topography')."

- B. "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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, 'Buffering')."
- C. "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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts (p. 159, 'Landscaping')"
- D. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. 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 (pg. 159, 'Access Management')."
- E. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths but should provide connections to

adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159 'Transportation and Pedestrian Network')."

- F. "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 specific development, but should not be used as a means to compete for motorist attention (pg. 160, 'Design, Signs, and Historic Preservation')."

The Business Activity Element provides the following remarks relating to the general area:

- A. "Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and US 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. The mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding additional commercial access points (p. 70 'Areas of Future Commercial Activity')."
- B. "Other types of projected commercial activity include the eventual redevelopment of older commercial areas, developments, and corridors. This includes sites along Dixie Highway, US 42 (in Florence), KY 18 (in Florence) and Dream Street. (p. 72, 'Areas of Future Commercial Activity')."

The Housing Element provides the following statements relating to this area:

- A. "Housing stock that has redeeming qualities or that can be rehabilitated without much effort or expense should be retained. Additional residential development should reinforce this existing housing stock. There are concentrations of older housing stock in need of restoration or rehabilitation in many of the established small communities, including areas like Belleview-McVillie, Burlington, Constance, Hebron, Petersburg, Stringtown, Taylorsport, Union, Verona, and Walton (p. 82 'Existing Supply')."

- B. "There will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950's and 1960's, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners. A plan should be conducted by the Planning Commission and the City of Florence that inventories and determines methods of keeping good maintenance and vitality in these older single-family subdivisions. This plan should include a detailed survey of housing stock, property, valuation survey, analysis of landlords and property ownership, and the length of residency. Any infill housing that occurs should fit in with the existing character of the area. The plan must contain specific implementation steps to be taken to keep neighborhoods clean, well kept, and safe ( p. 88 'Geographic Housing Issues' [Florence, U.S. 25 Corridor])."

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.
- B. "Proper design principles shall be applied in development ("Overall" Objective 3, p.4)
- C. "Future growth shall be accompanied by adequate infrastructure and services ("Overall" Objective 4, p.4)"
- D. "Boone County shall strive to achieve both a diversity and balance in land use ('Overall' Objective 6, p. 4)."
- E. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal, p. 5)."
- F. "New development or redevelopment within Boone County is designed, constructed, and operated in such as 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, p. 5)."

- G. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Environment' Physical Objective 2, p. 6)."
- H. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ('Business Activity' Goal, p. 8)."
- I. "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, p. 8)."
- J. "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, p. 8)."
- K. "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, p. 8)."
- L. "The maintenance of sound existing housing, as well as the rehabilitation of deteriorating housing, shall be encouraged ('Housing' Objective 3, p. 9)."
- M. "Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ('Transportation' 2<sup>nd</sup> Goal, Objective 3, p. 14)

STAFF COMMENTS / CONCERNS

1. The Planning Commission and Florence City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
  - A. The Future Land Use Map classifies the area in which the site is located as appropriate for Suburban Density Residential development. The Land Use Element notes that the City of Florence as a whole developed not as a traditional city but as a suburban city, which entailed that land uses were not segregated but were mixed.
  - B. The Business Activity Element notes that the entire KY 18 corridor east of Burlington currently experiences traffic management difficulties and that these problems might be worsened by adding additional commercial access points. Furthermore, the Business Activity Element describes the eventuality of the redevelopment of existing commercial sites along KY 18.
  - C. The Housing Element stipulates that existing housing that possesses redeeming value or that can be rehabilitated should be retained.
2. Given that the existing structure is not to be altered, the building could present an appropriate transition between residential property on Wallace Avenue and commercial property on KY 18. The building, as a former residence, could fit appropriately with the residential character of the street. Several steps will need to be taken to ensure this transition. The sign package proposed for the site should be carefully considered, as should any exterior lighting. The chiropractic office represents a 9-5, weekday operation, which will present a greater volume of traffic on Wallace Avenue than would typically be seen at those hours. As such, careful attention should be paid to traffic management. Additionally, the applicant should explain any alterations to the building that will be required to make it an operational chiropractic office.

The Goals and Objectives for the Business Activity Element state that 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. The proposed chiropractic office would likely serve the needs of nearby residential areas, rather than draw patients from a wider region. Additionally, the Goals and Objectives note that the mixing of commercial and non-commercial land uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The chiropractic office would generate only limited traffic and noise, which would present fewer issues of compatibility with

the existing residential neighborhood than would other principally permitted uses under C-2. The applicant has proposed a 20-foot wide buffer yard at the northwest and west property lines, where the property adjoins residential property and a proposed city park. However, Table 1 of Article 36 of the Boone County Zoning Regulations requires that when a developing land use that is zoned C-2 adjoins residential land uses, Buffer Yard "C" is required. This buffer yard is to be 60 feet wide, but it may be reduced to 30 feet in width if a fence, wall, or berm is constructed to screen the adjoining land uses. The applicant has not submitted a landscaping plan at this time. The establishment of a dense buffer may prove to be especially important where the proposed office adjoins the future City park.

### CONCLUSION

The Boone County Planning Commission and the Florence City Council must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. The Future Land Use Map will need to be changed if the request is approved.

Respectfully submitted,

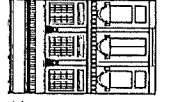
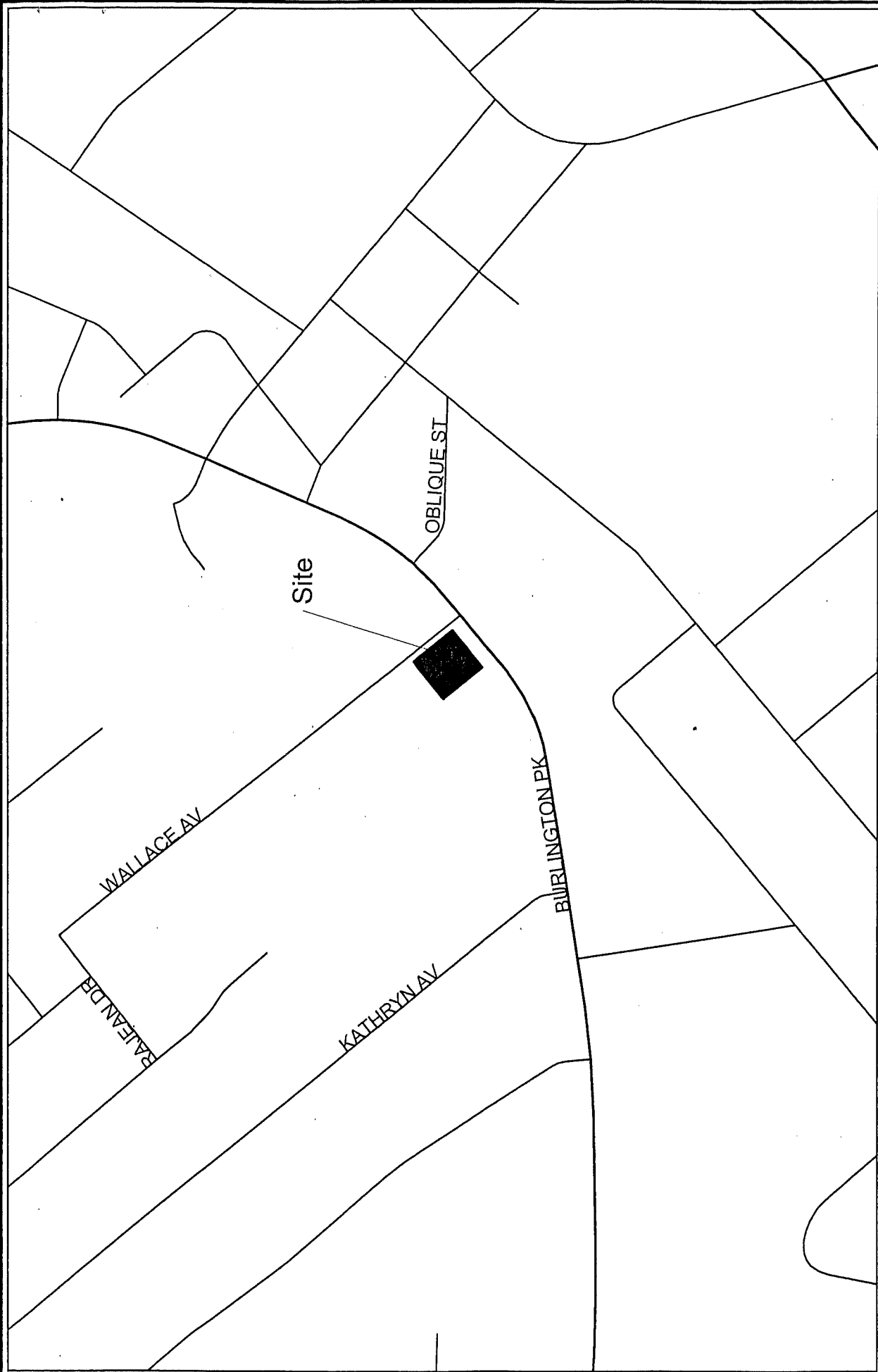


Patty Bachman  
Planner

PB/pr

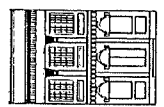
#### Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including concept development plan



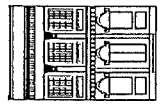
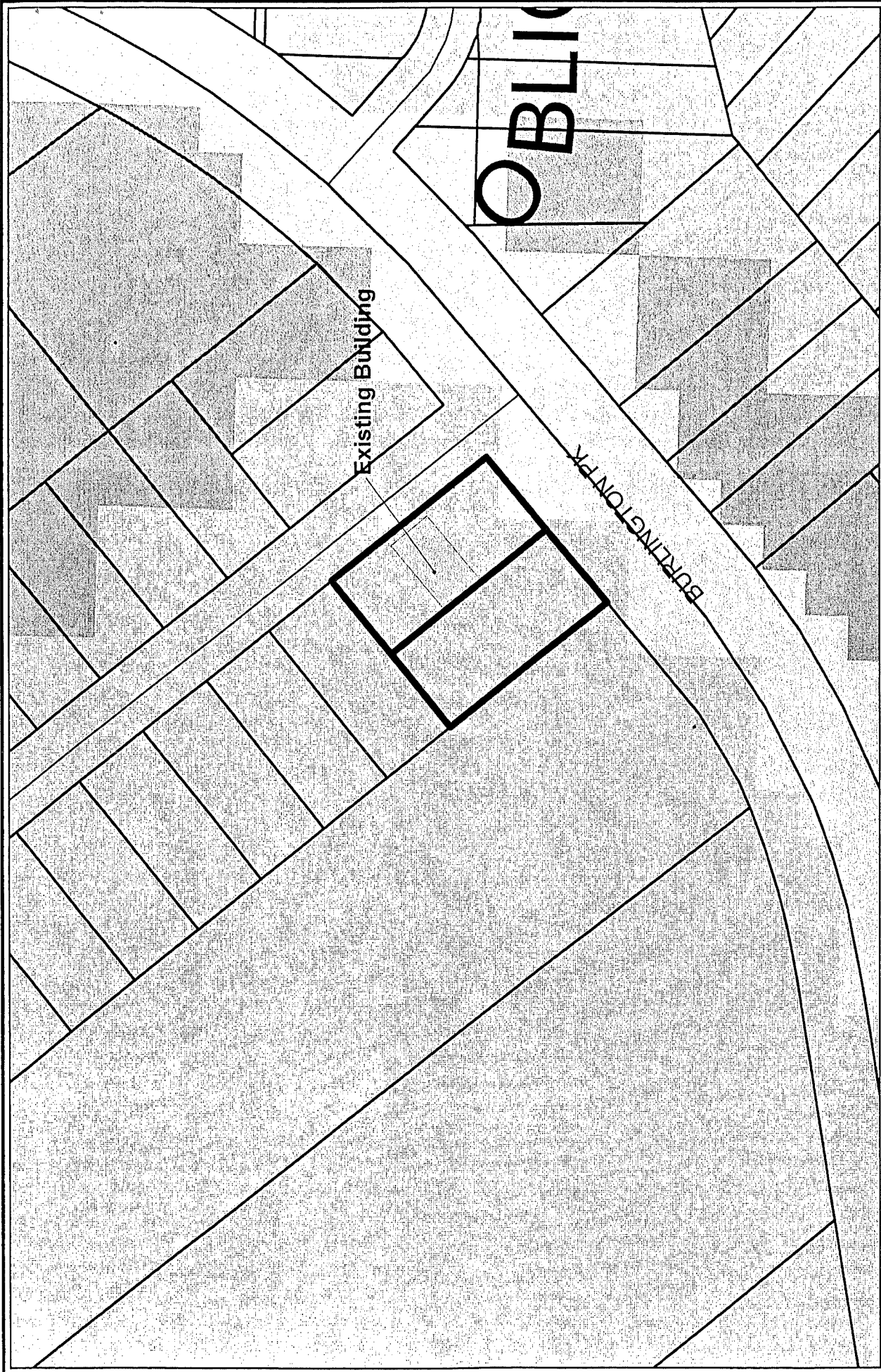
1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Vicinity Map



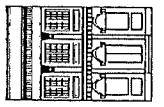
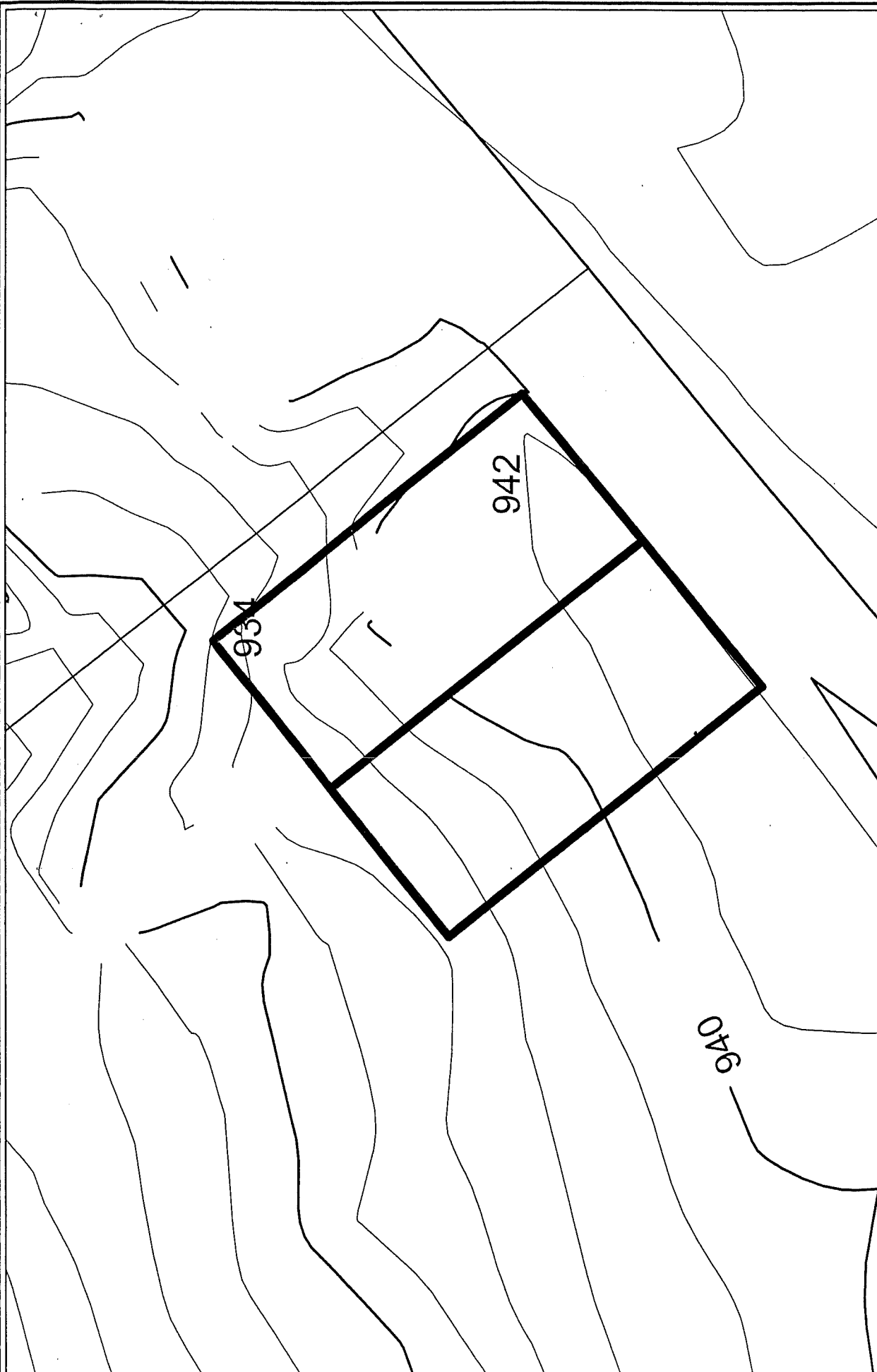
1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Zoning



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Future Land Use



1 inch equals 50 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
August 26, 2002

# Site Topography

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

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

1. Name of Project Chiropractic Family Wellness Center
2. Location of Project 7276 Burlington Pike
3. Total Acreage of Site 0.45 Ac.
4. Current Zoning of Site Residential - One F R-1F
5. Proposed Zoning (Classification being requested) Commercial - Two C-2
6. Proposed Uses (please specify each use)  Chiropractic office
  
7. Names of Applicant(s) Mike Redman
- Phone Number 282-8066 Fax No. 282-6198
8. Address of Applicant(s) 7279 Turfway Road  
Florence KY 41042  
City State Zip
9. Name of Property Owner(s) Terry Colcord & SHARON COLCORD
- Phone Number 341-4321 FAX NO.
10. Address of Property Owner(s) 7276 Burlington Pike  
Florence KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) 1620 sq. ft / Acre
  
12. Are there any existing buildings on the site? Yes  
How many? One
13. Deed Book 431 Page No. 93 Group No.
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

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

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

- Walton
- Union

19. Applicant's Signature Sharon Colcord Terry Colcord
- Property Owner's Signature Sharon Colcord Terry Colcord

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 7-31-02
2. Review Fee \$1,198.00 RT# 32227
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 5 8 Number of copies of plan received\*\*
4. Is application complete? Yes  No
5. Staff Reviewer PATTY BUCHANAN
6. Committee Chairman BOB NEWMAN
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

\*\* Five (5) Copies Are Required

Boone County Planning Commission  
 2908 Washington Street  
 Burlington, Kentucky 41005  
 (859) 334-2198 - Phone  
 (859) 334-2264 - Fax  
 plancom@boonecountky.org - E-mail  
 www.boonecountky.org - Web Page

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

BCPC:4/2001



**Public Hearing Item No. 4:**

**Commission Members Present:** Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Chairman Hicks returned to the meeting and introduced the last item on the Agenda:

**Applicant:** Mike Redman for  
Terry Colcord and Sharon Colcord (owners)

**Request:** Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Craig Moore with Hicks & Mann and the applicant, Mr. Mike Redman of 1820 Merrimack Court in Union, were present. Mr. Moore stated that at the Committee meeting they will have the buffer yard increased, a Landscape Plan, and elevations of the building. He offered to answer any questions.

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.

Ms. Amy Stephens, 1 Wallace Avenue, asked "if the zoning is changed for a chiropractic office and in six months it is not successful, can another business come in and, if so, what type"? Chairman Hicks responded that there are other allowable uses in the C-2 zone, but they can agree to just this use being allowed. That is an option that can be discussed at the Committee level. Ms. Stephens stated that she was told by the previous tenant that the structural walls in the

basement are bowing. She asked that if the applicant decides he cannot use the building, or it has to be altered, will there be restrictions on how large and how tall the building can be? Mr. Costello responded that the applicant has agreed to provide this information at the Committee level and does not have a drawing to show at this time. Ms. Stephens stated that the diagram in the application shows the Buffer Yards as A and B. She questioned Buffer Yard C. Ms. Bachman responded that Buffer Yard C would be required at the rear of the property and next to the Stephens' house. Buffer Yard C is required when commercial uses adjoin residential or recreational uses. Along the street frontage, only Buffer Yard A is required. Mr. Costello stated that there is an error and what is indicated as Buffer Yard B is actually Buffer Yard C. Ms. Bachman stated that Buffer Yard C is sixty feet, but it can be reduced to thirty feet with berming or fencing.

Ms. Stephens stated that her driveway is the second driveway, but she gets the turnaround traffic and is concerned about people coming to this office, missing the turn, and using her driveway. Her view is currently blocked by two beautiful trees and she is concerned about the old trees being removed. She is concerned about traffic on Wallace Avenue. She stated that access to the park will be off KY 18. She stated that there is a bend in the road where KY 18 meets Wallace Avenue and there are trees and shrubbery there and the curve can be dangerous. She stated that there are already two chiropractic offices on KY 18 within walking distance. The request is for C-2 zoning and there are already two properties on Oblique Street that are zoned C-2 that are currently for sale. There are seven other properties in Florence zoned C-2 that are available for sale. If this property is zoned C-2 and the business does not make it, then there will be another property with a for sale sign in front of it. She asked that the residents on Wallace Avenue and the effect on her property be considered.

Ms. Molly Stephens, 1 Wallace Avenue, stated that their kitchen exit in relation to this property was not shown in the Power Point presentation. She stated that the trees are no more than six steps out of their door and the applicant is talking about putting a fence or berm there. Her home will be fenced in and boxed in. She will have a view of a fence. The closeness and the proximity of the trees to their home should have been shown. She agreed with the previous comments regarding other chiropractic offices in the area. She stated that this is a residential area and she believes other neighbors would have been present this evening but school is back in and they have already been to a lot of meetings about the park. She asked that the closeness to their property be considered. They would prefer to have a family next door.

Mr. David Brown, 18 Wallace Avenue, agreed with his neighbors. He stated that this is a 9 AM – 5 PM operation, but most people work during those hours and need chiropractic help at night and on the weekends. He questioned increased traffic and noise. He does not agree with the assumption that this business would serve local people. He stated that he has drawn in Buffer Yard C and it goes halfway across the driveway. He feels that the plan is up in the air and they do

not know what will be done with the property. He questioned what would be there if this use does not work out. He stated that there are car showrooms along KY 18 – and he does not want that. He feels that there is plenty of office space and commercial buildings that were once homes available in Florence. His end of the road already suffers from runoff. The last thing he needs is parking spaces and concrete and water runoff going towards his house.

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

Mr. Ries stated that he is concerned about this request. There have been issues in Florence about residential areas and a business trying to locate at the top of the street. He is familiar with this area and stated that the residents are right about the distance between the houses. He feels that this use would infringe on the residential area that was there first. He stated that there should be a sixty-foot buffer between the houses. He stated that landscaping is a big issue – two bushes and a tree is not adequate. The neighbors should definitely be able to agree as to what could go in there if this business moves out. He stated that there are some important issues with putting a business that close to a residential area.

Mr. Poe asked that additional pictures taken at different angles be brought to the Committee Meeting.

Mrs. Poston questioned where the next C-2 zoning is going west on KY 18. She asked if the residential zoning goes all the way to Kathryn. Mr. Costello stated that there is some commercial west of the park area near Kathryn going towards I-75. Ms. Bachman will research the information in time for the Committee Meeting.

Mrs. Poston asked if there is sixty feet between the back of the houses and the property line. Ms. Bachman responded that if they put in a thirty-foot buffer, the deck will have to be removed and it will encroach on the driveway – which is a concern. Mrs. Poston asked if the trees can be saved. Ms. Bachman does not think so, but it would be up to the architect and engineer to address that.

Mr. Moore stated that they are showing fifty feet from the back of the house to the property line. He stated that they can get by with a thirty-foot buffer yard if they use a wall. He stated that if they do not have access there, then there would be access on KY 18, which would be bad. He stated that there needs to be some adjustments – which will be discussed at the Committee meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM.. Mr. Barlow will be the Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

The Chairman closed this Public Hearing at 10:20 PM.

**APPROVED:**



**Mark Hicks, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
September 18, 2002  
7:30 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Charlie Reynolds  
Mr. Robert Ries  
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. Kevin Wall, AICP, CDT – Director, Zoning Services

3. Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

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

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.

Chairman Hicks returned to the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

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

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT

“B”

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 18, 2002

RE: Request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owner) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

### REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The Business Activity Element stipulates that commercial development along the KY 18 and US 42 corridor should be of a limited scale and should be clustered to serve residential neighborhoods. The Element also notes that commercial land uses should be locally rather than regionally oriented. This proposal represents a land use that would serve adjoining residential districts such as the Florence Manor Subdivision and the residential areas located across Kentucky 18. Furthermore, the Business Activity Goals and Objectives state that the mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses. Given that the Applicant proposes converting an existing ranch house on the site into office space, the building would easily fit in with the residential character of the neighborhood. Building materials currently replicate those found on the surrounding residences. The Development Guidelines of the Land Use Element state that buffering through the form of increased setbacks and landscaping should be provided to mitigate the impact upon adjoining land uses. Additionally, these Guidelines note that landscaping is intended to minimize the visual impacts of the development from adjoining properties. The re-designed site plan features a buffer yard of between fifty-five and sixty feet in width on the northwest property line, with sufficient plants as required for Buffer Yard "C," including 20 evergreens, 13 small trees, and 80 shrubs. Two existing maples and one existing elm, all 20" caliper size, are to remain. The proposed land use would not represent an increase in traffic along Wallace Avenue, as the access point has been moved to Kentucky 18.
2. The Committee has determined that the existing zoning category is inappropriate and that the proposed zoning category is appropriate for the site. The Committee has reviewed a current Zoning Map of parcels fronting Kentucky 18, between I-75

September 18, 2002

Redman/Terry & Sharon Colcord

7276 Burlington Pike

on the west and Rebel Drive on the east. Through this review the Committee learned that only four parcels in this area were zoned Residential. All four of these parcels are located at the intersection of Kentucky 18 and Wallace Avenue. Along Kentucky 18 there are several commercial properties that appear to be former single-family residences. It is evident, given the quantity of commercial land uses and public facilities along Kentucky 18 east of I-75, that the residential environment immediately fronting on Kentucky 18 has greatly diminished.

3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serve as a basis for this recommendation.

#### CONDITIONS

1. Potential land uses for the lot will be limited to a chiropractic or medical office. In the event that, in the future, an applicant wishes to develop another land use that would be principally-permitted under Commercial Two (C-2) zoning, the applicant will need to apply for a Change in Concept Development Plan.
2. The site must be developed according to the revised Concept Development Plan shown in the Zone Change Committee meeting of September 4, 2002.
3. The location of the monument sign to be located on the site will be subject to Staff approval.
4. Only Bollard-style lighting fixtures will be used for the exterior lighting of the lot. No glare will leave the lot.

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.

Public Hearing Item No. 4:

Commission Members Present: Mr. Barlow, Mr. Hicks - Chairman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

Chairman Hicks returned to the meeting and introduced the last item on the Agenda:

**Applicant:** Mike Redman for  
Terry Colcord and Sharon Colcord (owners)

**Request:** Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Craig Moore with Hicks & Mann and the applicant, Mr. Mike Redman of 1820 Merrimack Court in Union, were present. Mr. Moore stated that at the Committee meeting they will have the buffer yard increased, a Landscape Plan, and elevations of the building. He offered to answer any questions.

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.

Ms. Amy Stephens, 1 Wallace Avenue, asked "if the zoning is changed for a chiropractic office and in six months it is not successful, can another business come in and, if so, what type"? Chairman Hicks responded that there are other allowable uses in the C-2 zone, but they can agree to just this use being allowed. That is an option that can be discussed at the Committee level. Ms. Stephens stated that she was told by the previous tenant that the structural walls in the

basement are bowing. She asked that if the applicant decides he cannot use the building, or it has to be altered, will there be restrictions on how large and how tall the building can be? Mr. Costello responded that the applicant has agreed to provide this information at the Committee level and does not have a drawing to show at this time. Ms. Stephens stated that the diagram in the application shows the Buffer Yards as A and B. She questioned Buffer Yard C. Ms. Bachman responded that Buffer Yard C would be required at the rear of the property and next to the Stephens' house. Buffer Yard C is required when commercial uses adjoin residential or recreational uses. Along the street frontage, only Buffer Yard A is required. Mr. Costello stated that there is an error and what is indicated as Buffer Yard B is actually Buffer Yard C. Ms. Bachman stated that Buffer Yard C is sixty feet, but it can be reduced to thirty feet with berming or fencing.

Ms. Stephens stated that her driveway is the second driveway, but she gets the turnaround traffic and is concerned about people coming to this office, missing the turn, and using her driveway. Her view is currently blocked by two beautiful trees and she is concerned about the old trees being removed. She is concerned about traffic on Wallace Avenue. She stated that access to the park will be off KY 18. She stated that there is a bend in the road where KY 18 meets Wallace Avenue and there are trees and shrubbery there and the curve can be dangerous. She stated that there are already two chiropractic offices on KY 18 within walking distance. The request is for C-2 zoning and there are already two properties on Oblique Street that are zoned C-2 that are currently for sale. There are seven other properties in Florence zoned C-2 that are available for sale. If this property is zoned C-2 and the business does not make it, then there will be another property with a for sale sign in front of it. She asked that the residents on Wallace Avenue and the effect on her property be considered.

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Mr. David Brown, 18 Wallace Avenue, agreed with his neighbors. He stated that this is a 9 AM – 5 PM operation, but most people work during those hours and need chiropractic help at night and on the weekends. He questioned increased traffic and noise. He does not agree with the assumption that this business would serve local people. He stated that he has drawn in Buffer Yard C and it goes halfway across the driveway. He feels that the plan is up in the air and they do

not know what will be done with the property. He questioned what would be there if this use does not work out. He stated that there are car showrooms along KY 18 – and he does not want that. He feels that there is plenty of office space and commercial buildings that were once homes available in Florence. His end of the road already suffers from runoff. The last thing he needs is parking spaces and concrete and water runoff going towards his house.

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

Mr. Ries stated that he is concerned about this request. There have been issues in Florence about residential areas and a business trying to locate at the top of the street. He is familiar with this area and stated that the residents are right about the distance between the houses. He feels that this use would infringe on the residential area that was there first. He stated that there should be a sixty-foot buffer between the houses. He stated that landscaping is a big issue – two bushes and a tree is not adequate. The neighbors should definitely be able to agree as to what could go in there if this business moves out. He stated that there are some important issues with putting a business that close to a residential area.

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Mrs. Poston questioned where the next C-2 zoning is going west on KY 18. She asked if the residential zoning goes all the way to Kathryn. Mr. Costello stated that there is some commercial west of the park area near Kathryn going towards I-75. Ms. Bachman will research the information in time for the Committee Meeting.

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There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM.. Mr. Barlow will be the Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM.

The Chairman closed this Public Hearing at 10:20 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 4, 2002

RE Request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owner) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

### 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.

September 4, 2002

Redman/Terry & Sharon Colcord

7276 Burlington Pike

*R. Barlow*

---

**Randy Barlow, Chairman**

For  Against   
 Abstain  Absent   
 Deferred

*Bob Newman*

---

**Bob Newman**

For  Against   
 Abstain  Absent   
 Deferred

*Susan Poston*

---

**Susan Poston**

For  Against   
 Abstain  Absent   
 Deferred

**Earl White**

For  Against   
 Abstain  Absent   
 Deferred

*Lisa Wilson*

---

**Lisa Wilson**

For  Against   
 Abstain  Absent   
 Deferred

*David Zimmer*

---

**David Zimmer**

For  Against   
 Abstain  Absent   
 Deferred

**Janet Kegley (Alternate)\***

For  Against   
 Abstain  Absent   
 Deferred

TOTAL:  DEFERRED 4 FOR 1 AGAINST  ABSTAIN  
 ABSENT

EXHIBIT

“C”

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

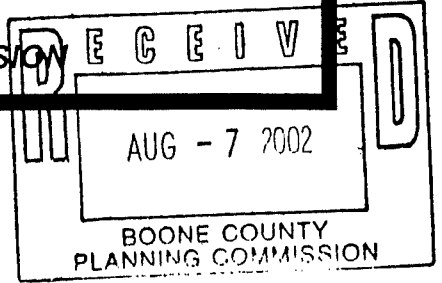
RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

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

1. Name of Project Chiropractic Family Wellness Center
2. Location of Project 7276 Burlington Pike
3. Total Acreage of Site 0.45 Ac.
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5. Proposed Zoning (Classification being requested) Commercial - Two C-2
6. Proposed Uses (please specify each use)  Chiropractic office
  
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8. Address of Applicant(s) 7279 Turfway Road  
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City State Zip
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Florence KY 41042  
City State Zip
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15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:  
 Boone County Water and Sewer District  
 Florence Water and Sewer Commission  
 Union Light Heat and Power  
 Cincinnati Bell  
 Owen County Rural Electric  
 Boone County Public Works Department  
 Kentucky Transportation Cabinet  
 City of Florence Public Services Department  
 Boone County Building Department

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

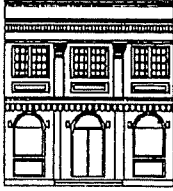
- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project EWING BLVD PROF. CENTER
- 3. Location of Project 7760 EWING BLVD
- 4. Total Acreage of Site 2.403 TOTAL, 0.1892 AC FOR CDP
- 5. Current Zoning PR/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) \_\_\_\_\_
- 8. Proposed Uses (please specify each use) OFFICE BUILDING
- 9. Proposed Building Intensities (please specify) 215,000 sqft/acre
- 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) Ewing Enterprises, LLC  
 Phone Number 512-3500 Fax No. 341-5582
- 13. Address of Applicant(s) 2333 AMBERSON RD  
Mill Creek Sp93 Ky 41017  
City State Zip
- 14. Name of Property Owner(s) Same  
 Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) \_\_\_\_\_  
City State Zip
- 16. Are there any existing buildings on the site? Single family home to be removed  
 How many? \_\_\_\_\_
- 17. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_
- 18. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_

(over)

# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

September 5, 2002

Mr. Mike Redman  
7279 Turfway Road  
Florence, KY 41042

RE: Request of **Mike Redman (applicant)** for **Terry Colcord and Sharon Colcord (owner)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Dear Mr. Redman:

The following conditions in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serve as the basis for the Committee's recommendation of approval. If you, as the applicant and the owners, agree to the following conditions, please indicate so by signing at the space provided below, and return this letter to the Planning Commission Office by 5:00 P.M. Monday, September 16, 2002.

1. Potential land uses for the lot will be limited to a chiropractic or medical office. In the event that, in the future, an applicant wishes to develop another land use that would be principally-permitted under Commercial Two (C-2) zoning, the applicant will need to apply for a Change in Concept Development Plan.
2. The site must be developed according to the revised Concept Development Plan shown in the Zone Change Committee meeting of September 4, 2002.
3. The location of the monument sign to be located on the site will be subject to Staff approval.
4. Only Bollard-style lighting fixtures will be used for the exterior lighting of the lot. No glare will leave the lot.

Sincerely,



Patty Bachman  
Planner

MPB/pr

Mr. Mike Redman  
September 5, 2002  
Page 2

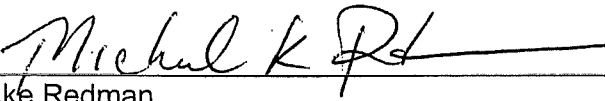
Agreement

We, the owners, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

\_\_\_\_\_  
Terry Colcord, (Date)  
Owner

\_\_\_\_\_  
Sharon Colcord, (Date)  
Owner

I, the applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

  
\_\_\_\_\_  
Mike Redman, (Date)  
Applicant 9/9/02

Mr. Mike Redman  
September 5, 2002  
Page 2

Agreement

We, the owners, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

*Terry Colcord* 9-5-02  
Terry Colcord (Date)  
Owner

*Sharon Colcord* 9-5-02  
Sharon Colcord, (Date)  
Owner

I, the applicant, agree to the above-listed conditions of approval for the requested Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract located at 7276 Burlington Pike, Florence, Kentucky.

\_\_\_\_\_  
Mike Redman, (Date)  
Applicant

# Know All Men By These Presents:

NOTE: This deed is being executed in order to give the grantees a right of survivorship.

PROPERTY TRANSFER TAX PAID \$ Exempt  
JERRY W. ROUSE, CLERK emo

RECEIVED  
JUL 31 2002  
BOONE COUNTY  
PLANNING COMMISSION

That Phillip T. Colcord (a.k.a. Terry Colcord) and Sharon Colcord, his wife,

for and in consideration of \$1.00 and other valuable considerations to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Florence

Boone County of Kentucky and Commonwealth of Kentucky, to-wit: Group No. 543

Present Street Address 7276 Burlington Pike, Florence, KY 41042 Plat No. 3/38

Mailing Address 2705 Pineview, Ft. Mitchell, KY 41017

N.W. Cor. Wallace and Locust Street, Florence, Kentucky. Being Lots Nos. One (1) and Two (2) of the FLORENCE MANOR SUBDIVISION, as shown and designated on the plat of said subdivision, recorded in Plat Book 3 Page 38 of the Boone County Clerk's records, at Burlington, Kentucky.

This property is conveyed subject to all easements and rights-of-way of record and in existence.

This property is conveyed subject to all restrictions and conditions contained in prior deeds or on public record.

Being the same property conveyed to Charles F. Colcord and Mae Colcord, his wife, with right of survivorship, by R. S. Hensley, a widower, by deed dated the 3rd day of December, 1969, and recorded in Deed Book 188 Page 93 of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Charles F. Colcord died in 1970 and by virtue of the survivorship clause in the above mentioned deed the fee simple title vested in his spouse, Mae Colcord.

The said Mae Colcord died testate on December 16, 1989, and under the terms of her will which is recorded in Will Book 46 Page 142 of the Boone County Court Clerk's records at Burlington, Kentucky, she devised all of the rest and residue of her estate to the grantor, Phillip T. Colcord.

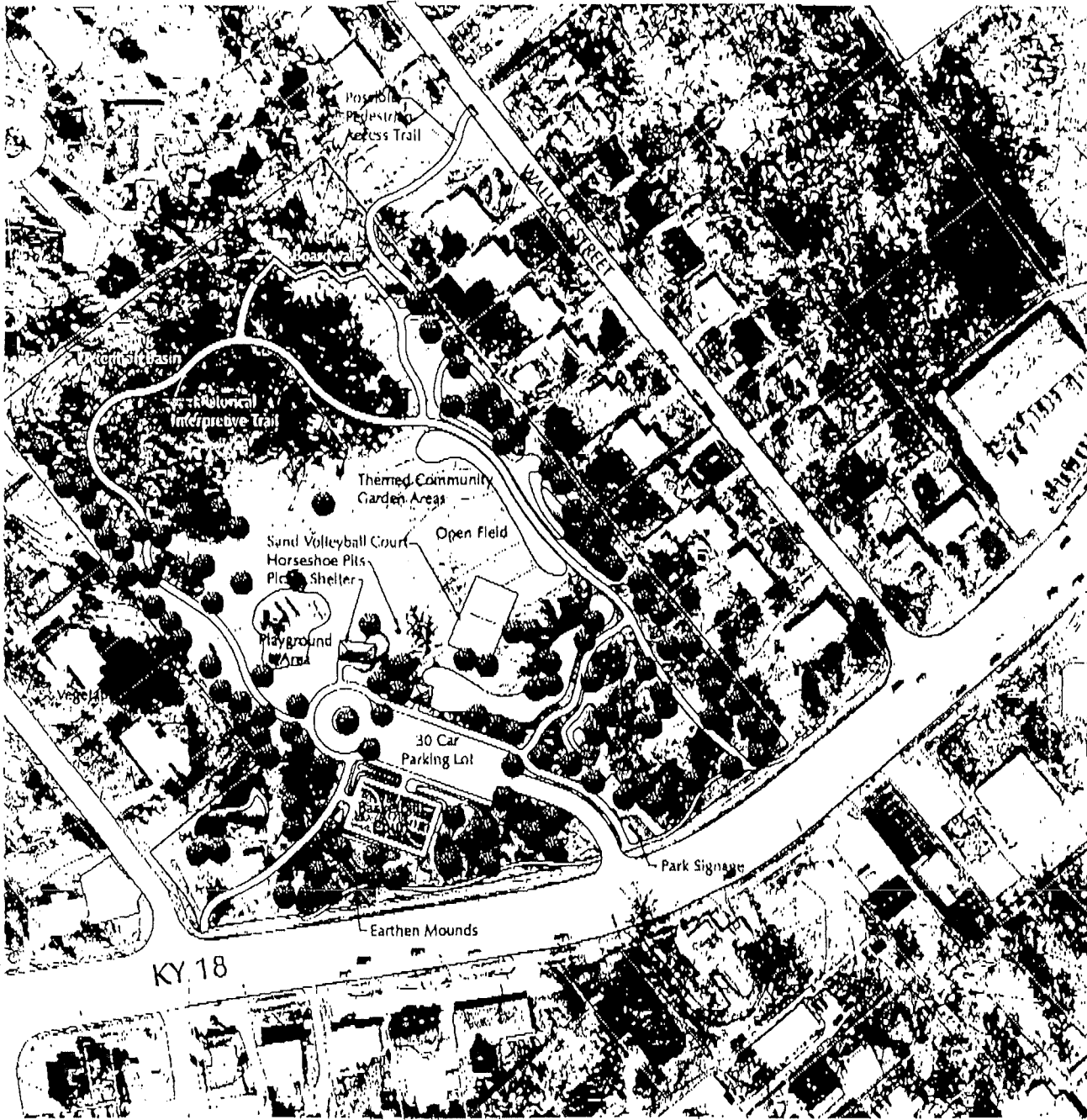
Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

Terry Colcord and Sharon Colcord, his wife, jointly for and during their lives with the remainder in fee simple to the survivor of them, his or her

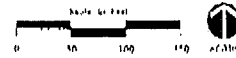
heirs and assigns, forever, the Grantor s, their  
COVENANTING with the grantee s, their  
CLEAR, FREE AND UNINCUMBERED, and that  
same against all legal claims whatsoever. they

heirs, executors and administrators, HEREBY  
heirs and assigns, that the TITLE so conveyed is  
will WARRANT AND DEFEND the



Inc.

anners

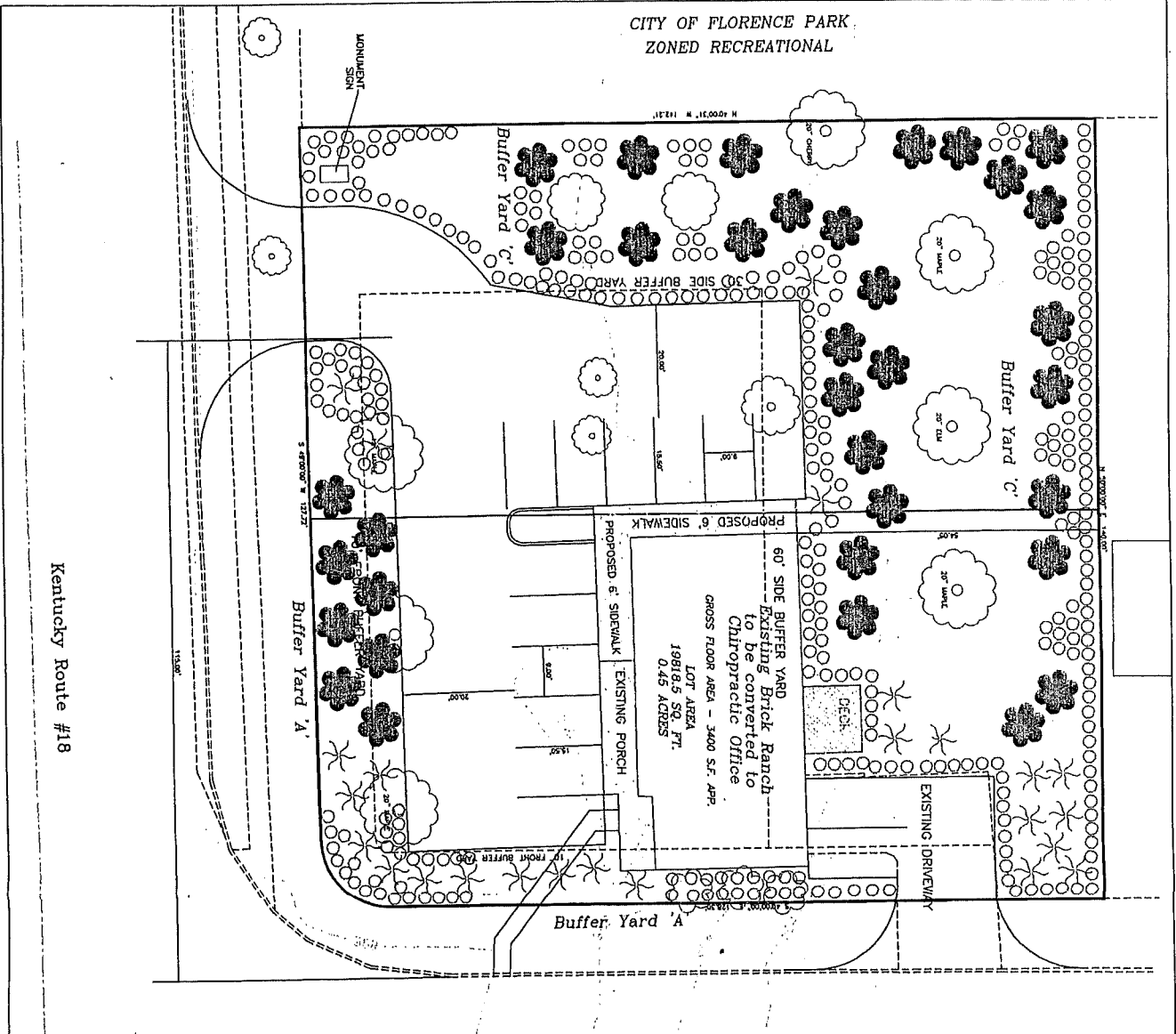


Concept Plan

KY Route 18 Park  
Florence, Kentucky

Craig 824-5231  
Moore

CITY OF FLORENCE PARK  
ZONED RECREATIONAL



Kentucky Route #18

Wallace Avenue

Site Summary

1. PRESENT ZONING OF SUBJECT PROPERTY - RESIDENTIAL
2. PROPOSED ZONING OF SUBJECT PROPERTY - C-2
3. TOTAL AREA = 0.45 ACRES
4. PARKING REQUIREMENTS - 1.00 SPACE/250 SQ. FT.
5. OF GROSS FLOOR AREA - 14 SPACES
6. PARKING PROPOSED - 14 SPACES
7. MINIMUM REQUIREMENTS OF LOT
8. A. MINIMUM AREA - 3,000 SQ. FT.
9. B. MINIMUM FRONTAGE - 50 FT.
10. C. MAXIMUM HEIGHT OF BUILDING - 50 FT.
11. D. MINIMUM SETBACKS
12. FRONT - 30'
13. REAR - 30'
14. SIDE - 10'
15. D. MAXIMUM GROSS FLOOR AREA - 6,750 S.F.
16. BUFFER YARD 'C' REQUIREMENTS
17. A. 10 EVERGREENS PER 100' - 22 EVERGREENS
18. B. 5 SMALL TREES PER 100' - 11 SMALL TREES
19. C. 5 LARGE TREES PER 100' - 11 LARGE TREES
20. D. 90 SHRUBS PER 100' - 220 SHRUBS
21. BUFFER YARD 'A' REQUIREMENTS
22. A. 3 EVERGREENS PER 100' - 8 EVERGREENS
23. B. 5 SMALL TREES PER 100' - 13 SMALL TREES
24. C. 30 SHRUBS PER 100' - 80 SHRUBS

Legend

- SMALL TREES
- EVERGREENS
- LARGE TREES
- SHRUBS

APPROVED

9-19-02  
Florence County  
Planning Commission



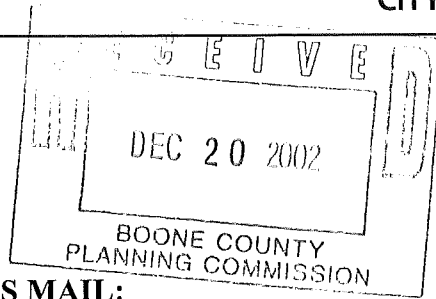
NO.	DATE	REVISIONS

Dr. Michael Redman  
Conceptual Development Plan  
Florence, Kentucky

HICKS & MANN, INC.  
Consulting Engineers  
Planning & Surveying  
1000 N. 10th Street  
Florence, KY 40302  
Phone: 606-772-2222  
Fax: 606-772-2222



CITY CLERK/HUMAN RESOURCES DEPARTMENT



December 17, 2002

**VIA FIRST CLASS MAIL:**

Judge/Executive Gary Moore  
County of Boone  
P.O. Box 900  
Burlington, KY 41005

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

Dan Richards, Director of GIS Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Jim Key, Chief Building Official  
Boone County Building Inspection Office  
5958 Garrard Street  
Burlington, KY 41005

Bill Viox, City Engineer  
Viox & Viox Inc.  
466 Erlanger Road  
Erlanger, KY 41018

Bob Hall, Acting General Manager  
FLORENCE WATER & SEWER COMMISSION  
Florence Government Center  
8100 Ewing Blvd.  
Florence, KY 41042

Dr. Mike Redman  
7279 Turfway Road  
Florence, KY 41042

Terry Colcord and Sharon Colcord  
7276 Burlington Pike  
Florence, KY 410142

Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. O-29-02 adopting and approving a Zoning Map Amendment for an approximate 0.45 acre site located at 7276 Burlington Pike, in the City of Florence, Kentucky, from its current zoning of Residential One Family (R1F) to Commercial Two (C-2) to allow a chiropractic office, as requested by Mike Redman (applicant) for Terry and Sharon Colcord (owners). (Boone County Planning Commission Recommendation, Resolution R-02-022-A)

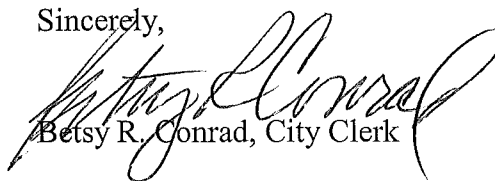
**Additional conditions were agreed to by the applicant, and a copy of the signed agreement to those additional conditions is included herewith.**

First reading of Ordinance No. O-29-02 was held on November 26, 2002. Second reading was held on December 3, 2002, and the Ordinance summary will be published in the *Boone County Recorder* on December 12, 2002, at which time the Ordinance will become statutorily official.

The Florence City Council meeting minutes are available at the Florence City Clerk's office, or online at [www.cityofflorenceky.com](http://www.cityofflorenceky.com), and hard copies of the minutes of November 26 and December 3, 2002 are being forwarded herewith to Ms. Vicki Myers at the Boone County Planning Commission.

If you require additional information, please contact me.

Sincerely,



Betsy R. Conrad, City Clerk

**Site Summary**

1. PRESENT ZONING OF SUBJECT PROPERTY - RESIDENTIAL PROPOSED ZONING OF SUBJECT PROPERTY - C-2
2. TOTAL AREA = 0.45 ACRES
3. PARKING REQUIREMENTS - 1.00 SPACE/250 SQ. FT. OF GROSS FLOOR AREA
4. MINIMUM REQUIREMENTS OF LOT
  - A. MINIMUM AREA - 5,000 SQ. FT.
  - B. MINIMUM FRONTAGE - 50 FT.
  - C. MAXIMUM HEIGHT OF BUILDING - 50 FT.
  - D. MAXIMUM GROSS FLOOR AREA - 3,750 S.F.

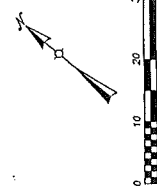
**APPROVED**

Station 9-19-02

5. BUFFER YARD 'C' REQUIREMENTS
  - A. 10 EVERGREENS PER 100' - 11 SMALL TREES
  - B. 5 SMALL TREES PER 100' - 11 SMALL TREES
  - C. 2 LARGE TREES PER 100' - 11 LARGE TREES
  - D. 20 SHRUBS PER 100' - 220 SHRUBS
6. BUFFER YARD 'A' REQUIREMENTS
  - A. 5 EVERGREENS PER 100' - 8 EVERGREENS
  - B. 5 SMALL TREES PER 100' - 13 SMALL TREES
  - C. 30 SHRUBS PER 100' - 80 SHRUBS

**Legend**

- SMALL TREES (represented by a small star symbol)
- EVERGREENS (represented by a cloud-like symbol)
- LARGE TREES (represented by a larger cloud-like symbol)
- SHRUBS (represented by a small circle symbol)



NO.	DATE	REVISIONS
Dr. Michael Redman Conceptual Development Plan Florence, Kentucky		
Chiropractic Family Wellness Center		
HICKS & MANN, INC.		

