

EXHIBIT "A"

STAFF REPORT

#1

REQUEST BY GARY REED, MARY REED, AND GENE HANCOCK FOR ABDID SAFI AND
JANICE SAFI FOR A ZONING MAP AMENDMENT ON A 5.31 ACRE SITE
LOCATED AT 6206 AND 6208 HOPEFUL ROAD, BOONE COUNTY, KENTUCKY.

January 24, 1990

The applicant is requesting a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3). A dilapidated house and three outbuildings are currently located on the 5.31 acre site.

SURROUNDING LAND USES AND ZONING

The surrounding zoning for the site includes the following:

- North: A couple of single family residences located along Ashcraft Drive with a wooded fence line separating those residences and the proposed site. This area is currently zoned Suburban Residential One (SR-1).
- East: Across Hopeful Road a day care center, several residences in a mobile home park, and a cemetery are located. This area is currently zoned Commercial Services (C-3). A single family residence is located on the same side of Hopeful Road as the proposed site and is an outparcel. This outparcel is currently zoned Suburban Residential One (SR-1).
- South: Several single family residences located along Hopeful Road, Amarillo Drive, and Amarillo Place with a wooded fence line separating those residences and the proposed site. This area is currently zoned Suburban Residential One (SR-1).
- West: Undeveloped land characterized by short grasses with a wooded fence line separating the undeveloped land and the proposed site. This area is currently zoned Suburban Residential Two (SR-2).

FEATURES OF THE SITE

A dilapidated house and three outbuildings are currently located on the site with access to Hopeful Road via a gravel driveway. The entire site, with the exception of the area around the house, is overgrown with weeds and briars interspersed with groves of mature deciduous and evergreen trees. The heaviest concentration of undergrowth and trees are along the neighboring fence lines. Soils on the site are of the Rossmoyne series with 0 to 6 percent slopes. The 5.31 acre site gently slopes to northwestern end of the property into a drainage swale.

The Future (1994) Baseline Noise Exposure Contours, as derived from the Greater Cincinnati International Airport Noise Compatibility Study, indicates that this site lies immediately outside of the 65 Ldn 1994 noise contour.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 1986 Boone County Comprehensive Plan indicates that this site, and the Hopeful Road corridor, are to develop into a Medium Density Residential (MDR) manner. Additionally, the text of the Plan addresses the site and the type of development along Hopeful Road.

Page L-14 of the Land Use Element addresses development along Hopeful Road:

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

The following Business Activity Objectives of the 1989-1990 Boone County Comprehensive Plan, Goals and Objectives address the location and development of commercial areas in Boone County:

"Commercial uses shall be limited to strategic locations relative to their trade areas with direct access and ample parking space."

"Small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood."

"Highway services shall be limited in location to close proximity to major highway interchanges for maximum convenience and economy to the motoring public while minimizing impact to the community."

In general, the Future Land Use Map, Land Use Element Text, and Business Activity Objectives caution against excessive commercial development and the Hopeful Road corridor is recommended to develop in a residential manner.

PROPOSED USES

The applicant has proposed the construction of a mini-storage warehouse facility. The proposed warehouse facility would consist of eight (8) mini-storage warehouse buildings, an office, and an apartment for a resident manager. The total square footage of the proposed warehouse facility is approximately 70,440. The construction of the proposed warehouse facility would result in the removal of the dilapidated house and outbuildings.

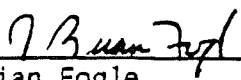
STAFF CONCERNS

1. Impact(s) of the proposed mini-warehouse facility upon residences immediately adjacent to and those within visual sight distances of the site. Potential visual impacts include the scale of the proposed mini-

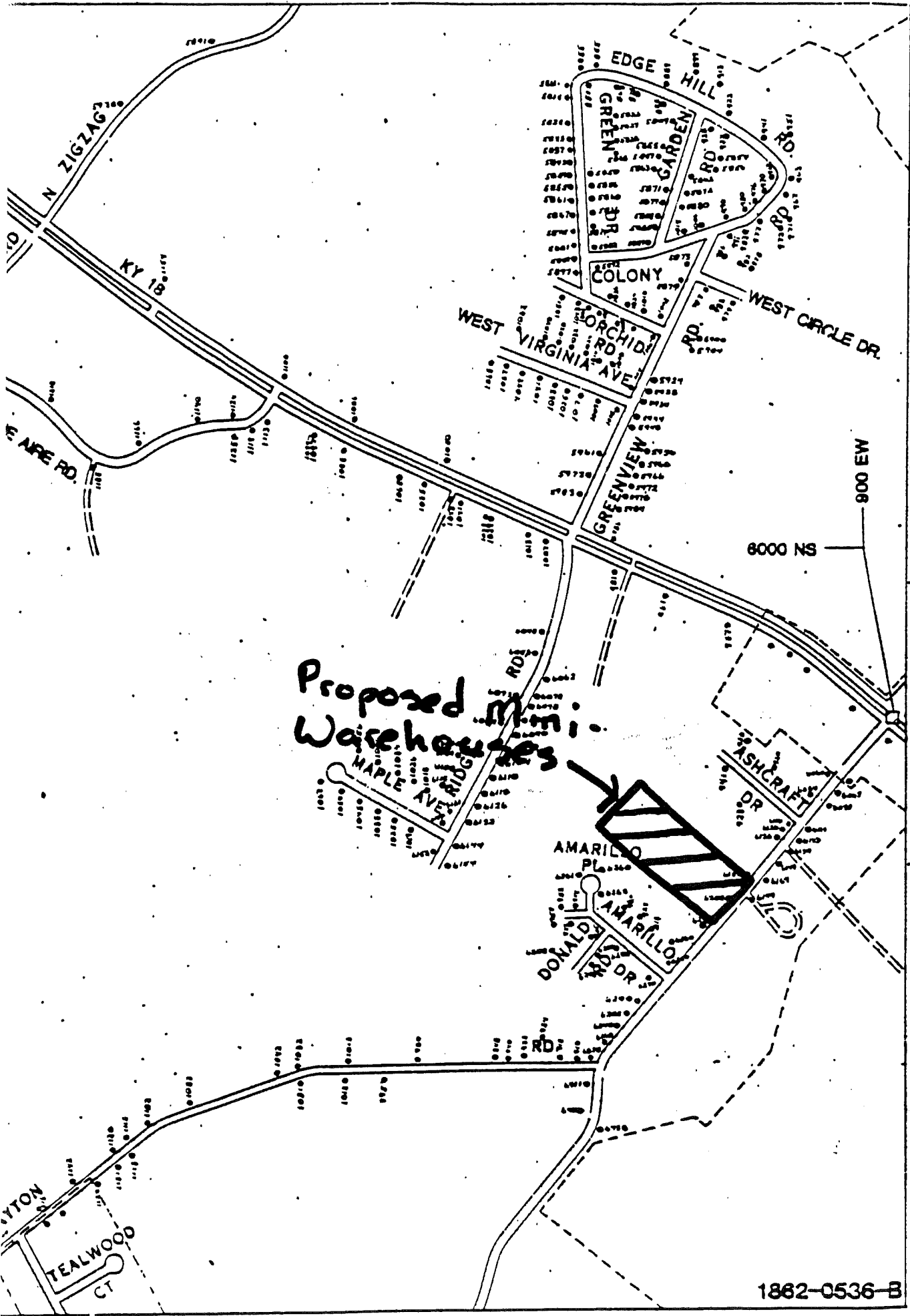
- warehouse facility and any associated security lighting. Potential noise impacts include loading and unloading activities that could occur during nighttime hours. Appropriate buffering measures should be considered to mitigate any negative impacts the proposed mini-warehouse facility could have on neighboring residential areas.
2. The majority of this site is proposed to be developed resulting in an increase in the amount of stormwater runoff due to impervious surfaces. Potential measures to ensure that environmental degradation is minimized, as a result of the increased stormwater, should be adequately addressed. Additionally, the preservation and the utilization as a natural buffer, of mature tree stands should be considered.
 3. The configuration of property ownership for this proposed mini-warehouse storage facility results in an outparcel that currently contains a single family home. Potential development of this outparcel should be considered in order to properly integrate any future development in the area.
 4. The submitted Concept Development Plan indicates the proposed Hopeful Road that has been upgraded from its current condition. Until Hopeful Road is upgraded, the number of potential commercial curb cuts onto Hopeful Road should be addressed to insure traffic flow capacity. Additionally, the proposed location of a sign adjacent to the entrance driveway could impede sight visibility along Hopeful Road.
 5. The submitted Concept Development Plan indicates an existing City of Florence sanitary sewer and an existing Boone County water line that the site could potentially utilize. The possibility of utilizing the Florence sanitary sewer may involve a future annexation request.
 6. The proposed Commercial Services (C-3) zoning designation for this site would represent an encroachment of commercial activity to the western side and further south along Hopeful Road. The transition of land uses, from the Mall Road and KY 18 areas, should be thoroughly examined to determine the impacts of future commercial activity along Hopeful Road.

CONCLUSION

The Zoning Map Amendment request should be reviewed in terms of the three findings of fact contained in Article 3, Section 308 of the 1986 Boone County Zoning Regulations. The Planning Commission must determine if the proposed Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) is appropriate for this site. Should the Planning Commission approve the requested Zoning Map Amendment it would be necessary to change the Future Land Use Map of the 1986 Boone County Comprehensive Plan.



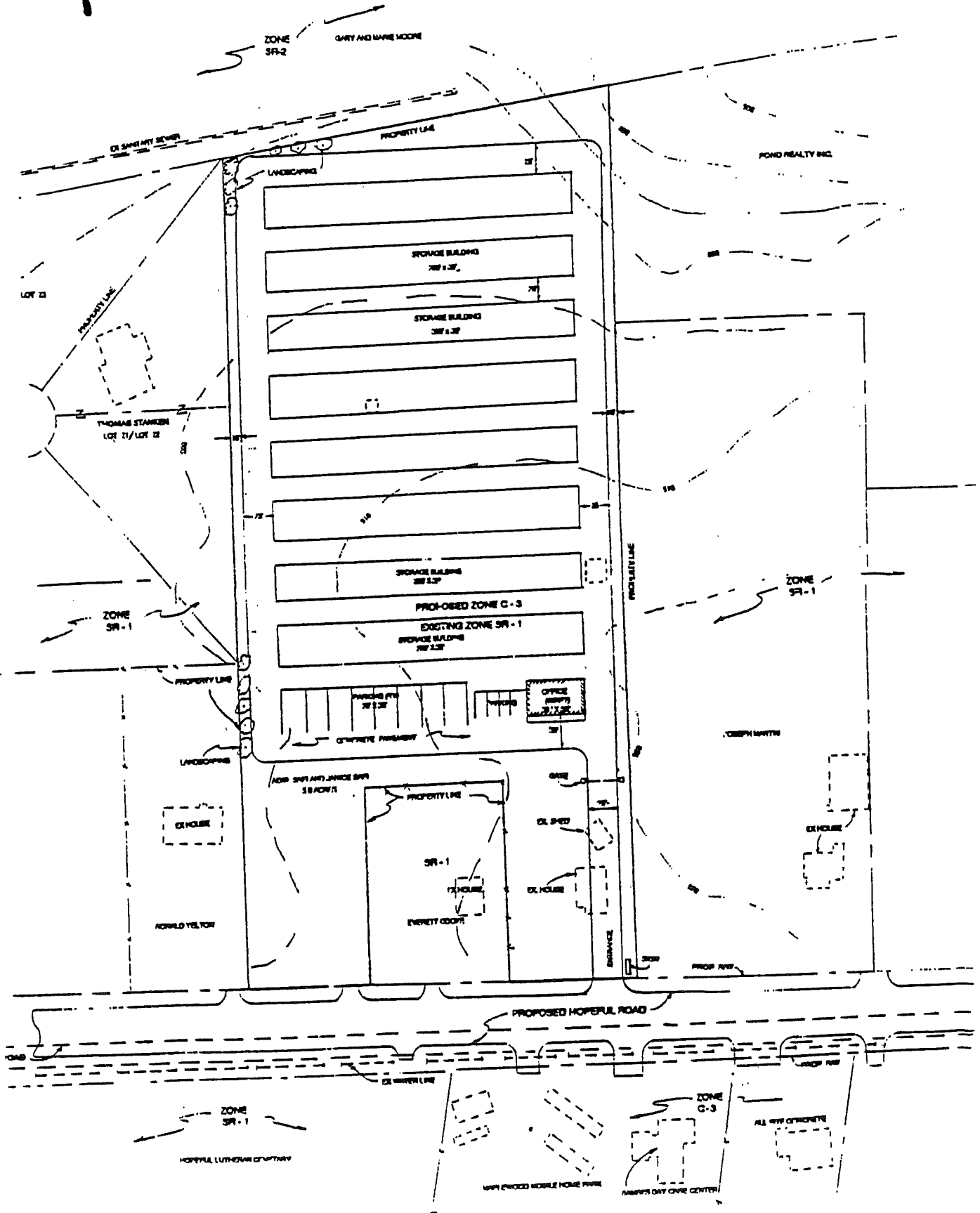
J. Brian Fogle
Planner/Plans Examiner I



Proposed Warehouse

Proposed Mini Warehouses

01-24-90



BOONE COUNTY PLANNING COMMISSION

January 24, 1990
8:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M.. Following an explanation of the Public Hearing process, the Chairman advised that the following item will be on the Agenda for the Business Meeting on February 7, 1990 at 8 P.M.:

1. Applicant: Gary Reed, Mary Reed and Gene Hancock for
Abdib and Janice Safi (owners)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Gary Reed, Mary Reed and Gene Hancock (applicants) for Abdib and Janice Safi (owners) for a Zoning Map Amendment on a 5.31-acre site located at 6206 and 6208 Hopeful Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3).

Staff Member, Brian Fogle, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked who was present in behalf of this application.

Mr. Gene Hancock stated that he and Mr. Gary Reed were present, as was their engineer, Mr. Dennis Huber.

Mr. Hancock began his presentation, which included the use of an enlarged drawing, and indicated that there would be two different types of buildings -- there will be a resident manager's apartment with office and there will be mini-warehouse storage buildings constructed of block and steel and having sloping roofs. The mini-warehouses will be built in four phases beginning at the front of the site and constructing two buildings with parking. There would be two buildings in each of the remaining three phases. There will be blacktop or concrete pavement. There will be earthen embankments along the residential side. The site was formerly a nursery and there are a lot of evergreen trees on the site which will be relocated to the top of the embankment. Each building will be either 7,800 sq. ft. or slightly smaller. There will be two security gates -- one for entrance and one for exit. The entrance road is 25 feet wide. He indicated the proposed location of a pole

sign on the drawing and state that it will be the maximum allowable size of 40 feet. It will be a pole with the sign above and there will be no problems with visibility. He stated that the houses on the property have been condemned and were purchased by Mr. Safi at a Foreclosure Sale. It would be an advantage to the county to have the site improved.

Mr. Hancock referred to the Windridge development along Hopeful Road and stated that it will take some time for the market to absorb those houses and they create a need for mini-storage warehousing. He stated that there is a need for this type of storage in the area because of the mobility of the residents. Eighty percent of the usage of the warehouses is by residential customers. Small distributors also use them. Mr. Hancock stated that this is almost the same situation that exists on Tanners Road where there is a Public Storage Warehouse. Tanners Road is a mixed use area of businesses, houses, and apartments. He stated that this project is a low-traffic generator. Mr. Hancock stated that Mr. Reed, who manages the Public Storage Warehouse on Tanners Road, reported that this past week 17 to 32 people came each day. Mr. Hancock stated that there will be an experienced manager running the project as Mr. Reed has been in the business 3.5 years. Mr. Hancock added that if you divide Florence into quadrants along KY 18 and U.S. 42, there is a mini storage warehouse on Industrial Road, Stellin Drive, and Tanners Road; but in the northwest quadrant where there has been the most residential development, there is no mini-storage warehousing except Liberty Mall which is out further. He stated that the project will be used mostly by people already living in the area and those moving in and out. The project will be nestled behind the houses and other commercial properties on KY 18. He stated that C-3 zoning is all around the site, and added that Toyota is zoned C-2. He added that the 1986 Comprehensive Plan did not see such electric growth of residences in the area. He added that the road has not been widened. In summary, Mr. Hancock stated that the increased mobility of the Boone County residences has necessitated this type of use.

The Chairman asked if there was anyone else present who wished to speak in behalf of this request. There being no response, the Chairman stated that a letter had been received from Chester Wood and Ted R. Richardson, owners of property at 6199 Hopeful Road, indicating that they are opposed to the request as this use is not appropriate on the site. The letter is on file in the Staff Office.

The Chairman asked if there was anyone present who wished to speak in opposition to the request of having questions.

Mr. Mike Lyons stated that he was the attorney for the Yeltons, who live on Hopeful Road next to the development. He stated that the requested zone change contradicts the 1986 Comprehensive Plan. Changes to the Comprehensive Plan should be limited to circumstances where the Comprehensive Plan is inappropriate and the proposed change is appropriate. He stated that the Comprehensive Plan is not inappropriate and is not wrong in this area. The changes to the area were not unanticipated. The Comprehensive Plan was drawn at a time when the county was growing rapidly with commercial development along KY 18. There

were plans to straighten and widen Hopeful Road, and until those improvements are made, the area should remain residential. Another area of concern is that many pieces of ground that have been under-utilized have been bought up by large companies and developed as storage facilities -- when the land becomes more valuable those facilities are removed and the space is further utilized. In a C-3 designation, the potential for uses is almost endless. Permissible uses range from gasoline service stations to lumber yards to the sale of mobile homes. The Yeltons feel that the request should be denied until the road is improved and straightened. If the request is approved, they ask that there be two conditions: 1) That the road be improved as contemplated by the Highway Department, and 2) that the land from KY 18 to Cayton Road all be rezoned to C-3.

Mr. Jim Walsh, 6260 Hopeful Road, stated that the photographs shown in the Staff Report are not representative of the neighborhood surrounding this lot. He stated that the lot was represented as being heavily wood, but there is nothing but scrub trees on the lot. There are only a few evergreens -- not enough to create a screen. He stated that he is amused by the comparison of this location to Tanners Lane as that facility backs up to truck stops and has a car dealership by it. There would be residents immediately adjacent to the lot under discussion. Mr. Walsh added that the applicant did not say anything about the problem of drainage. There are no storm drains in the area to connect the property to and the City of Florence has no plans to build storm drains in the area. He added that unless there is a large holding tank, he does not know what they could do so as not to disturb the residents. The 24-hour lighting is much different than the current nature of the neighborhood. Mr. Walsh stated that he agrees with Mr. Lyons that the current zoning is correct and part of the Commission's overall plan. He stated that the applicants are looking to take advantage of an inexpensive piece of property and asking for an unjustified zone change. Allowing this project in anticipation of the roadway improvements is a mistake. Mr. Walsh stated that making the whole side of Hopeful Road to Cayton Road C-3 at one time is suitable, but piecemealing it is not suitable.

Mr. Tim Quellen stated that he is about 75 feet from the edge of this property. His property is separated from the site by the Yelton's property. His lawn is already being washed away by runoff from this land. If they put cement on the property, it will increase the amount of run-off. He bought his house in a country atmosphere and enjoys the view and quietness of the neighborhood. This development will decrease the value of his property and he is opposed to it.

Mr. Thomas Dankin, 6260 Amarillo, stated that two-thirds of this property abuts his property on the south side. There will be a deterioration of land values. He noted that KY 18 down to Ashcraft Drive has been rezoned commercial and this is the next step. He questioned if the rest of it will also be rezoned. He is concerned about water runoff and pollution. He stated that there are no sewers going up Hopeful Road. He questioned where the sewage from this property would go. He is also concerned about the 24-hour lighting. He questioned how they would go in and out to get to the excess of this property.

Chairman Viox asked if the applicant had an architect's rendering showing the elevations of the buildings.

Mr. Hancock advised that they have one for the apartment, but not for the warehouse buildings.

In response to questions from Mr. Neltner, Mr. Hancock advised that the earthen mounds would be five feet high and would go around all of the residential sides. Mr. Reed added that there are 30+ trees on the property now.

Mr. Neltner questioned the use of the parcel of undeveloped ground in the front to the left of the outparcel.

Mr. Hancock advised that they do not have plans to develop that parcel. The outparcel is part of the application, signed by the property owner, and they have been talking about a possible mail order business which would be a low traffic generator.

Mr. Neltner questioned if the buildings would be visible from Hopeful Road and Mr. Hancock advised that the office would be at the highest elevation. The site is 890 at the back and 920 at the front. They will be low-lying single-story buildings and you probably could only see the front building from Hopeful Road.

Mr. Neltner noted a mini-warehouse facility in Crescent Springs that is painted orange and questioned their plans for colors. Mr. Reed advised that they will use a pastel color.

Mr. Neltner questioned the water retention and Mr. Hancock stated that if there is no provision for drainage, they will provide a pond in the back. Mr. Reed noted the location of an existing small pond.

Mr. Neltner advised that the small pond is not on their property and they could not depend on it for retention.

Mr. DeLong questioned the reason why they feel this zone change is justified.

Mr. Hancock stated that there is a lack of vision when half of the property is zoned Agricultural and used for a nursery and the front is zoned SR-1. He questioned if someone would take up farming in the middle of Florence. He added that there has been a lot of housing development and a lot of change in the area.

Mr. Damstrom questioned the sewage and the location of the lighting.

Mr. Hancock noted the location of an existing sanitary sewer at the back of the property. He stated that the only sewage needed would be for the apartment. There is no plumbing in the warehouse buildings. He added that the lights would be approximately 13 feet high, three lights per building, with 100 watt bulbs. The lights have a shroud around them. Mr. Reed stated that the lights are used to light the driveways.

Mr. McMillian questioned their plans for access management. Chairman Viox asked if they had considered a frontage road.

Mr. Hancock stated that this is residential with a curb cut. They will ask the state for a 25-foot curb cut.

Mr. Sharp questioned how far the back building is from the property line at its closest point. Mr. Hancock advised that it is about 35 feet.

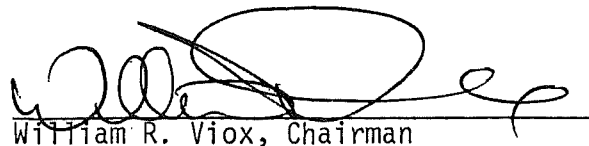
Mr. Kirby noted that there is ten feet between the property line and the pavement in which to construct the berm and noted that the berm could not be very tall within that width. He noted that they may want to consider reducing the 25-foot driveway width and adding it to the ten feet available. Mr. Hancock stated that they could accept this suggestion.

In response to questions from Mr. Neltner, Mr. Reed advised that there would be a seven-foot high fence around the site, probably having barbed wire. The fence will be inside the property line.

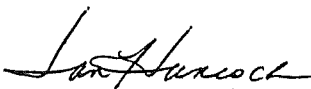
Mr. Lyons reviewed the three criteria for a zone change and stated that the request is not in agreement with the Comprehensive Plan as the Plan says the area should remain residential until the road is extended and straightened. The current zoning is appropriate as residential development has been continuous on Hopeful Road and is likely to continue. He noted that the Plan anticipated the changes to Hopeful Road. The changes that have taken place on KY 18 were also anticipated. He stated that they have not satisfied any of the three criteria.

There being no further discussion, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on February 7, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:


William R. Viox, Chairman

Attest:


Jan Hancock, Recording Clerk

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 7, 1990 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Robert Kirby, Jr.
Mr. Thurman Owens

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of January 17, 1990, the Special Business Meeting of January 24, 1990, and the Public Hearings of January 24, 1990. He asked if there were any comments or corrections.

Mr. Neltner stated that on Page 7, Paragraph 6, of the January 17, 1990 Business Meeting, the Minutes stated that he questioned the possibility of charging the city for the Transportation Planner's time, which is incorrect. He stated that he questioned charging the Florence Mall/North American properties group.

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report and the Report of Zoning Permits had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Preliminary Development Plan Review and Site Plan Review

The request of Hardee's Food Systems, Inc. (applicant) for Arlene A. Jones (owner) for Preliminary Development Plan Review and Site Plan Review to construct a 3,362 sq. ft. Hardee's Restaurant with a drive-thru facility on the south side of KY 18, west of Limaburg Road, across from Oakbrook Marketplace, Boone County, Kentucky. The 1.036-acre site is zoned Commercial Two/Planned Development (C-2/PD).

Assistant Director, Kevin Costello, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

Mr. McMillian moved that the request be approved based on the Staff and Committee Reports. Mr. Rush seconded the motion.

Counselor Wilson stated that it should be clarified that the motion includes both the Preliminary Development Plan and the Site Plan. Mr. McMillian agreed with his comment, as did Mr. Rush.

Chairman Viox asked for a vote on the motion made by Mr. McMillian and it carried unanimously.

2. Zoning Map Amendment

The request of Gary Reed, Mary Reed and Gene Hancock (applicants) for Abdib and Janice Safi (owners) for a Zoning Map Amendment on a 5.31-acre site located at 6206 and 6208 Hopeful Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3).

Mr. Gerald Newton, Director, read the Committee Report which recommended denial of the request based on the statements made and facts gathered at the Public Hearing, and the findings of fact (see Committee Report).

Mr. Burch moved that the request be denied based on the Committee Report. Mr. Jones seconded the motion.

Mr. DeLong stated that he would abstain from voting in regard to this request based on a potential conflict of interest.

Counselor Wilson stated that the action taken by the Commission is a recommendation only. The recommendation will go to the legislative body for their final action.

Chairman Viox asked for a vote on the motion made by Mr. Burch which found all voting members in favor. Mr. DeLong abstained. The motion carried.

3. Zoning Map Amendment

The request of Evelyn Sizemore (owner) for a Zoning Map Amendment on a 0.491-acre parcel located on the east side of U.S. 25, approximately 3 miles north of Walton, and in Unincorporated Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Commercial One (C-1) to allow a sporting goods store.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral of the request until the February 21, 1990 Business Meeting (see Committee Report).

Mr. Jones moved that the request be deferred until the February 21, 1990 Business Meeting based on the Committee Reports. Mr. Burch seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of R. M. Stephenson (owner) for a Zoning Map Amendment on a 4.943-acre parcel located on the south side of KY 1292 (Beaverlick Road), Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Suburban Residential One (SR-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the Zoning Map Amendment (see Committee Report).

Mr. McMillian moved by resolution to the legislative body that the request be approved based on the Committee Report. Mr. Greene seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Rector Jones, Chairperson

DATE: February 7, 1990

RE: Request of Gary Reed, Mary Reed, and Gene Hancock (applicants) for Abdid and Janice Safi (owners) for a Zoning Map Amendment on a 5.31 acre site located at 6206 and 6208 Hopeful Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and the proposed use is a mini-warehouse storage facility.

REMARKS:


We, the Committee, based on the statements made and facts gathered at the January 24, 1990 Public Hearing, recommend denial of this Zoning Map Amendment based on the following findings of fact.

FINDINGS OF FACT


1. The request is not in conformance with the 1986 Boone County Comprehensive Plan. The 1986 Future Land Use Map indicates future Medium Density Residential development for the site and surrounding area. The existing zoning of Suburban Residential One (SR-1) is consistent with the recommended Medium Density Residential designation. The Committee believes that commercial development, such as that proposed, would change the character of the Hopeful Road corridor from residential to commercial, which is not consistent with the Future Land Use Map.
2. The adopted 1990 Goals and Objectives of the Boone County Comprehensive Plan state that the small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood. The subject site is surrounded by residential zoning and residential uses on three sides. The Committee believes that the impacts of the proposed mini-warehouse facility upon residences immediately adjacent to and those within visual sight distances of the site does not enhance the surrounding neighborhood. The Committee believes that the submitted Concept Development Plan does not appropriately address landscaping, buffering, lighting, and stormwater management.

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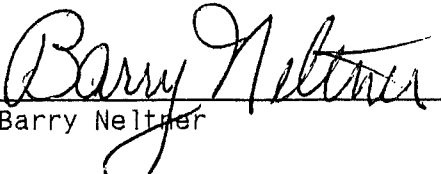
3. The applicant has not demonstrated that a major change of a social, economic, or physical nature has occurred in the area, since the 1986 adoption of the Comprehensive Plan, to warrant a shift in the development pattern from residential to commercial.



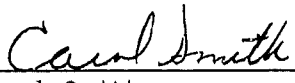
Rector Jones, Chairman



Fred Burch



Barry Neltner



Carol Smith

Larry Barnett

Melvin DeLong

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