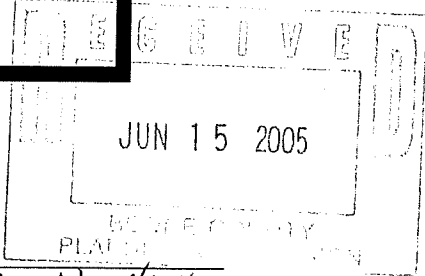


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project TURNING LEAF
- 2. Location of Project 31 DORTHA AVENUE, FLORENCE, KY 41042
- 3. Total Acreage of Site 3.12 ACRES
- 4. Current Zoning of Site R - RECREATION
- 5. Proposed Zoning (Classification being requested) UR-1 - URBAN RESIDENTIAL ONE
- 6. Proposed Uses (please specify each use) 3 12-UNIT BUILDINGS AND 30 GARAGES.
- 7. Names of Applicant(s) T. W. JONES
- 8. Phone Number 859 630 2562 Fax No. 859 384 3325
- 9. Address of Applicant(s) P.O. Box 162
Union, KY 41091
City State Zip
- 10. Name of Property Owner(s) ANNA W. FITZGERALD
- 11. Phone Number _____ Fax No. _____
- 12. Address of Property Owner(s) 31 DORTHA AVE
FLORENCE KY 41042
City State Zip
- 13. Proposed Building Intensities (please specify) 11.5 DU/AC
- 14. Are there any existing buildings on the site? YES - EXISTING HOUSE TO BE REMOVED
How many? ONE
- 15. Deed Book 78 Page No. 170 Group No. 2043A
- 16. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
- 17. Have you submitted a Concept Development Plan? YES.
- 18. Have you had a pre-application meeting with BCPC Staff? YES
- 19. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Water and Sewer Dept.
- _____ Cinergy/U.L.H.&P. Co.
- _____ Sanitation District #1
- _____ Cincinnati Bell
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ADDITIONAL CONTACT INFORMATION:
JAMES E. WALKER
600 NORTH 9th AVE
OPELIKA, ALA - POA OF RECORD OWNER

LOGAN MURPHY - P.E. FOR APPLICANT
P. 859. 824. 5231
F. 824. 9881

GERALD F. DUSING - ATTORNEY FOR APP.
P. 394 6200
F. 392 7206

(over)

Tom Jones
Cell 859 630-2562

EXHIBIT

“A”

STAFF REPORT

Request of **T.W. Jones (applicant)** for **Anna W. Fitzgerald (owner)** for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

August 17, 2005

REQUEST

The applicant has requested a zone change from Recreation (R) to Urban Residential One (UR-1) to allow the construction of 36 multi-family units in three total buildings. The buildings are three-story buildings with four units per floor. Twelve units are in each building. The site in question is 3.12 acres, located at the end of Dortha Avenue. Access to the site is proposed from Banklick Street. The overall density of the project would amount to 11.54 dwelling units per acre. The proposed buildings would be constructed of brick and vinyl siding with stone trim at the foundation of the structure. Balconies are shown on the front and rear elevations. These buildings would be 37 feet, 8 inches in overall height. A thirty-unit parking garage is shown on the plan, as well as parking spaces for 43 vehicles.

A dry detention basin is shown in the southern half of the subject site, near the proposed access.

SITE HISTORY

- June, 1994:** The Boone County Planning Commission approved a Concept Development Plan and Zoning Map Amendment for a 21-acre site adjoining the subject property to the east and the northeast. The Plan called for the re-zoning of 19.674 acres from Recreation (R) to Urban Residential One (UR-1), to allow the construction of 19 residential condominium buildings, with a total of 190 units. The remaining 1.43 acres fronting US 25 were zoned Commercial Two (C-2) through the Plan. The City of Florence approved the request in July of 1994.
- June, 1995:** A Preliminary Plat for Village Parke subdivision, which was created through the above-mentioned zone change, was approved in June of 1995, and an Improvement Plan for the subdivision was approved in August of 1996.

January, 2005: A Concept Development Plan and proposed Zoning Map Amendment, from Recreation (R) to Urban Residential One (UR-1) was submitted for the site. The Concept Development Plan called for the construction of 8 duplex housing units, each constructed on its own lot. Access to the site was to be provided from Dortha Avenue. The request was withdrawn in March, 2005.

SITE CHARACTERISTICS

The site's topography slopes downward from Dortha Avenue to Banklick Street. Elevations range from 862 feet above sea level to 896 feet above sea level. Slopes range from 6 percent, at the northern end of the site, to 25 percent near the south central portion of the site, closest to the creek bed. A storm sewer line is located at the north of the property, near the frontage on Dortha Avenue. There is an 8-inch water line serving the site, found along the frontage on Banklick Street. Sanitary sewer lines adjoin the eastern property boundary, as well as portions of the northern and southern property boundaries. The site has 91 feet of road frontage on Dortha Avenue and approximately 600 feet of frontage on Banklick Street. Several mature trees are located on the site.

ADJACENT LAND USES

- **North:** a detached, single-family residence at 27 Dortha Avenue, part of Ridgeview Subdivision, zoned Commercial Two (C-2);
- **Northeast, East:** Village Parke - subdivision of attached single-family residences, and commercial property, 23.83 total acres, zoned Urban Residential One /Concept Development (UR-1/CD) and Commercial Two/Concept Development (C-2/CD);
- **South:** multi-family residences at 132 and 135 Honeysuckle Drive, part of Shenandoah Valley Subdivision, zoned Suburban Residential Two (SR-2);

detached single-family residences at 317 and 320 Honeysuckle Terrace, part of Shenandoah Valley Subdivision, zoned Suburban Residential Two (SR-2);
- **Southeast:** a vacant parcel owned by the City of Florence, 0.36 acres, zoned Suburban Residential Two (SR-2);
- **Southwest:** a 0.74 acre parcel, providing access parking in the rear of Schwartz Plaza, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD);

- **West:** a detached, single-family residence at 34 Dortha Avenue, 1.18 acres on 2 total lots, not part of Ridgeview Subdivision, zoned Commercial Two (C-2);

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 2000 Boone County Comprehensive Plan designates the property as Urban Density Residential, which is defined as follows:

“Attached housing, generally condominiums or apartments of over 8 dwelling units per acre (p. 158, ‘2000 Existing and Future Land Use Classifications’).”

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

- A. “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 “(p. 162, ‘Florence Central’).”
- B. “Higher-density residential development should occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it is easily accessible. Examples of the former include development along Industrial Road and west to the interstate and near the Turfway interchange. Examples of the latter include the Village Parke Condominiums on the old Florence Drive-In site. Overall, a mixing of uses can be accommodated within the City of Florence, and the existing residential communities can be protected if proper buffers and design are incorporated into the developments (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 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')."

- B. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. 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 (pg. 159, 'Landscaping')."
- C. "Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided. At a minimum developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective (p. 159, 'Stormwater Management and Erosion Control')."
- D. "Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify specific development, but should not be used as a means to compete for motorist attention (pg. 160, 'Design, Signs, and Historic Preservation')."

The Housing Element provides the following remarks relating to the general area:

- A. "The demand for more affordable single-family and multi-family residences, generated by the commercial and industrial employment growth centers, has helped generate the development of many new subdivisions and apartment developments. However, the overall demand for new affordable housing has not been completely met by the housing market. New subdivision and apartment design has been uniform in suburban areas and offers little variation or innovation from one development to another. Mixed-use, planned developments that provide a mix of housing options, commercial, office, and public uses with multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand

(See Housing Densities in this Element and the Land Use/Transportation Connection section in the Transportation Element) (p. 75, 'Migration')."

- B. "As a result of the County's expected population growth, a significant increase in the supply of housing will be necessary. The increase in married couple families will require an increase in the supply of single family housing. In addition the increase in the rate of growth of single-parent families will require a comparable increase in construction of multi-family dwelling units and for more affordable priced housing of all varieties (p. 76 'Marital Status')."
- C. "Demand for multi-family housing has historically been in or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population, combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family options will continue in the future for Boone County (p. 76 'Economic Factors')."
- D. "Multi-family housing developments should have convenient access to commercial districts or should provide their own commercial uses. The developments should be designed to offer the shortest trips to the most people. High-density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit and lower land development costs and building costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. This provides a supply of affordable housing for county residents (p. 82 'Housing Types')."
- E. "High-density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single-family) shall be encouraged. Where traditional progressions of high to low-density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing densities should vary within established developed areas, which is in agreement with the objective of land use selection based on housing densities rather than housing types (p. 84 'Housing Densities')."

- F. "There will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners. A plan should be conducted by the Planning Commission and 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, 'Florence, U.S. 25 Corridor')."

The 2005 Boone County Comprehensive Plan Adopted Goals and Objectives include the following pertinent statements:

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments (Overall' Objective 2)."
- B. "Proper design principles shall be applied in development ('Overall' Objective 3).
- C. "Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ('Overall' Objective 4)."
- D. "Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ('Overall' Objective 6)."
- E. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal)."
- F. "New development or redevelopment 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. Residential development design in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting the development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Physical Environment' Objective 2)."

- G. "Existing vegetation shall be considered as both an important site characteristic and a community resource ('Social Environment' Objective 4)."
- H. "A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ('Housing' Objective 1)."
- I. "Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education bases. Primary and secondary education capacity shall be a component of housing development review ('Housing' Objective 4)."
- J. "In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on impact on infrastructure and development design with only secondary consideration given to the type of dwelling unit ('Housing' Objective 5)."
- K. "New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ('Housing' Objective 9)."
- L. "Mixed-use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways ('Housing' Objective 10)."
- M. "Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access and significant site features ('Housing' Objective 13)."
- N. "Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways, and roadway lanes ('Transportation' Objective 10)."

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 designates the property as "Urban Density Residential," allowing a density of more than 8 dwelling units per acre. The development's density would amount to 11.54 dwelling units per acre. The Land Use Element's general recommendations for the Central Florence region state that higher-density residential uses should buffer lower-density residential uses from industrial uses. Additionally, high-density uses should be located in easily-accessible areas. The Village Parke condominiums, which adjoin the subject site, are included as an example of the latter. The proposal amounts to a continuation of the existing multi-family residential district that is in the immediate vicinity. The "Designs, Signs, and Historic Preservation" Land Use Development Guideline notes that attention should be given to the compatibility of a site's proposed design with the overall area. The proposed buildings are similar in design to those in Village Parke. The Concept Development Plan indicates that berms and the required 20-foot buffer yard will be installed at the perimeter of the site.

- B. The Housing Element discusses the need for additional multi-family housing, due to the migration of young professionals to the area and the growth of single-parent households and "empty-nester" households. The decreased cost of developing multi-family housing as compared to single-family housing is discussed. The clustering of units allows the cost of developing land to be limited. The Element notes that affordable multi-family housing is not currently widely available in the area and that the design of multi-family housing has not been innovative in recent history. Most multi-family developments offer similar products to their competitors. With regard to land use planning, the Element recommends that higher density residential be located in proximity to commercial land uses, as is the case with the proposal. Housing densities should be graduated to allow a transition of land uses. The Element states that existing vegetation should be used, when possible, as a buffer around high-density residential uses. The Element also states that infill housing needs to be complementary to the character of existing housing in the neighborhood.

- C. "Physical" Environment Objective #2 highlights the importance of preserving existing topography and vegetation in the development of a site, rather than leveling the site to fit a preconceived design. "Social" Environment Objective #4 also discusses the importance of vegetation on a site, stating that existing vegetation should be considered as a resource for both the site and the community at large. As mentioned above, the existing vegetation at the southern portion of the property would be preserved, and landscaping buffer yards would be installed at the site perimeter.

2. The Florence Fire Department received a copy of the proposed Concept Development Plan. Comments from Robert Krebs of the Fire Department are attached. He has expressed concern that the turning radius for emergency equipment to access the two units on the right side from Banklick will not be possible. Staff also suggests that placement of a secondary access point for emergency equipment only be examined at the Zone Change Committee level. Mr. Krebs also noted that a dumpster was not shown on the plan and indicated that its location could impact equipment access and could be a risk for fire incidents.
3. A copy of the plan was sent to City of Florence Public Services and the City of Florence Engineer. Their comments are as follows:
 - A. Similar comments as those of Robert Krebs of Florence Fire Department with regard to turn radius for emergency equipment.
 - B. The proposed detention basin is shown in a blue-line stream. This issue can be examined in greater detail during the Site Plan Review. The comment is issued as a "heads-up" to the developer so that he may apply for the appropriate permits from the Kentucky Environmental Protection Agency's Division of Water and from the Army Corps of Engineers.
4. A copy of the plan was sent to Boone County Public Schools. Any forthcoming comments from this agency will be forwarded to the Zone Change Committee. A copy of a letter from Superintendent Bryan Blavatt, dated January 2003, is attached.
5. If the proposal is approved, an existing house on the site would need to be demolished. The house was the residence of the late William and Anne Fitzgerald, who were instrumental in chronicling the history of Boone County. The Boone County Historic Preservation Review Board requests the opportunity to photograph the house and to draw floor plans of the structure prior to its demolition.
6. The proposal indicates that a 20-foot wide buffer yard would be installed at the perimeter of the site. However, the plan does not indicate the specific buffer yard to be planted. Section 3645 of the Boone County Zoning Regulations is attached. Table 1 of this section indicates that Buffer Yard "B" is required when a developing Urban Residential One (UR-1) adjoins properties with Commercial Two (C-2) zoning, as is the case with the adjoining residential property on Dortha Avenue. Table 2 of the same Section indicates the quantities of plant materials required for each buffer yard. If the proposal is approved, the Planning Commission may wish to impose a condition requiring additional plant materials above those required for Buffer Yard "B" or requiring that the large trees needed for Buffer Yard "B" be comprised of evergreens in order to provide a transition from the lower-density single family residences that adjoin the site to the proposed development. Any trees that are retained will be credited to the buffer yard requirements, unless the agreed-upon conditions stipulate otherwise.

7. Staff requests that a sidewalk connection is made to Dortha Avenue from the site. This connection does not need to be a direct path but rather can be designed to meander to protect the view shed.
8. The applicants should address provisions that would be made to accommodate screening the proposed buildings from the adjoining single-family residences, given the difference in height between these structures.
9. No amenities have been indicated on the Concept Development Plan.
10. Staff will provide copies of the minutes from the Public Hearing of the previous Zoning Map Amendment request to the Zone Change Committee if these are desired.

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. The Future Land Use map will not need to be updated if the request is approved.

Respectfully submitted,

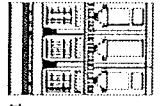
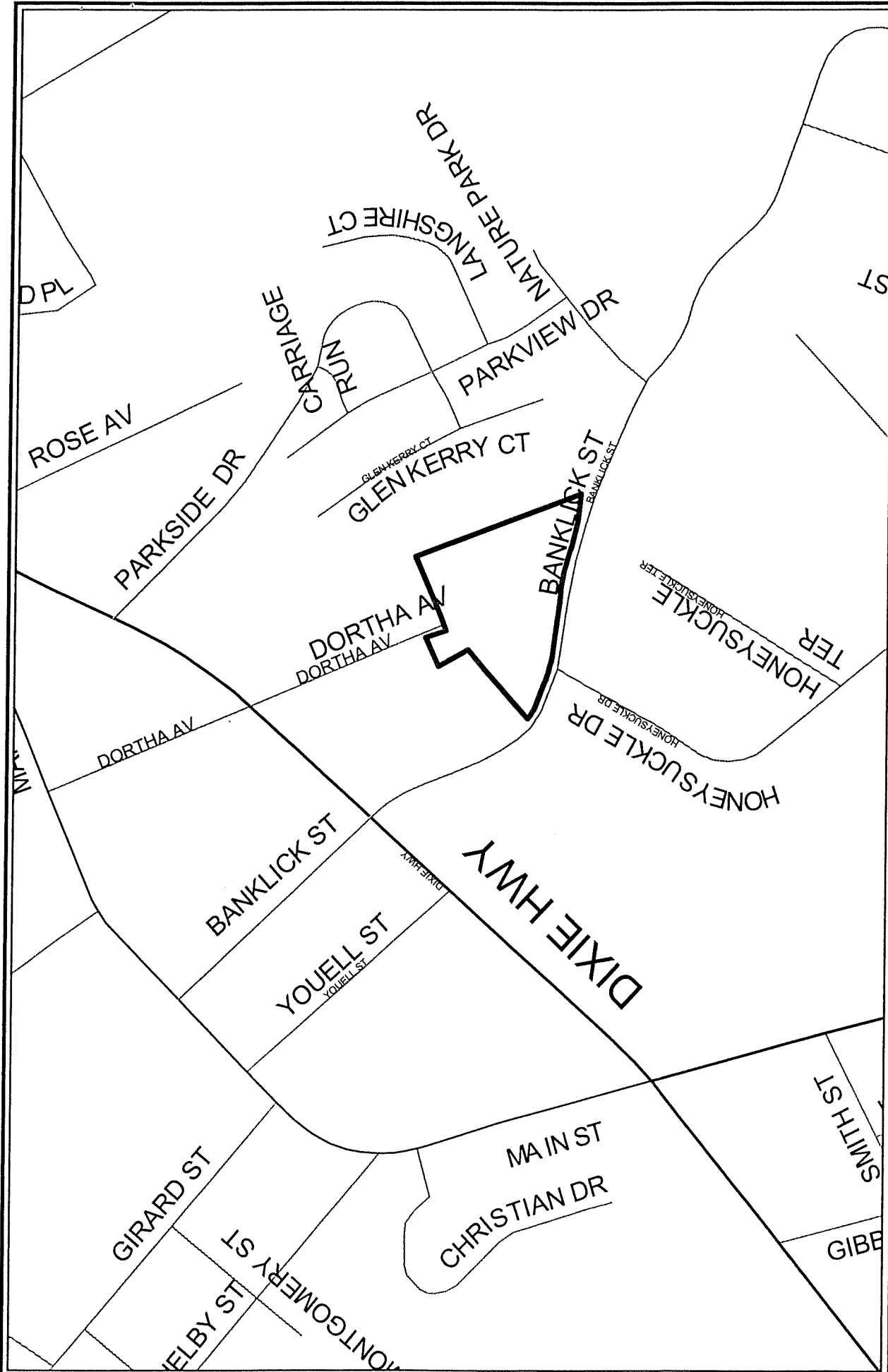


Patty Bachman
Planner

PB/pr

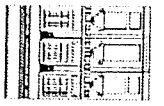
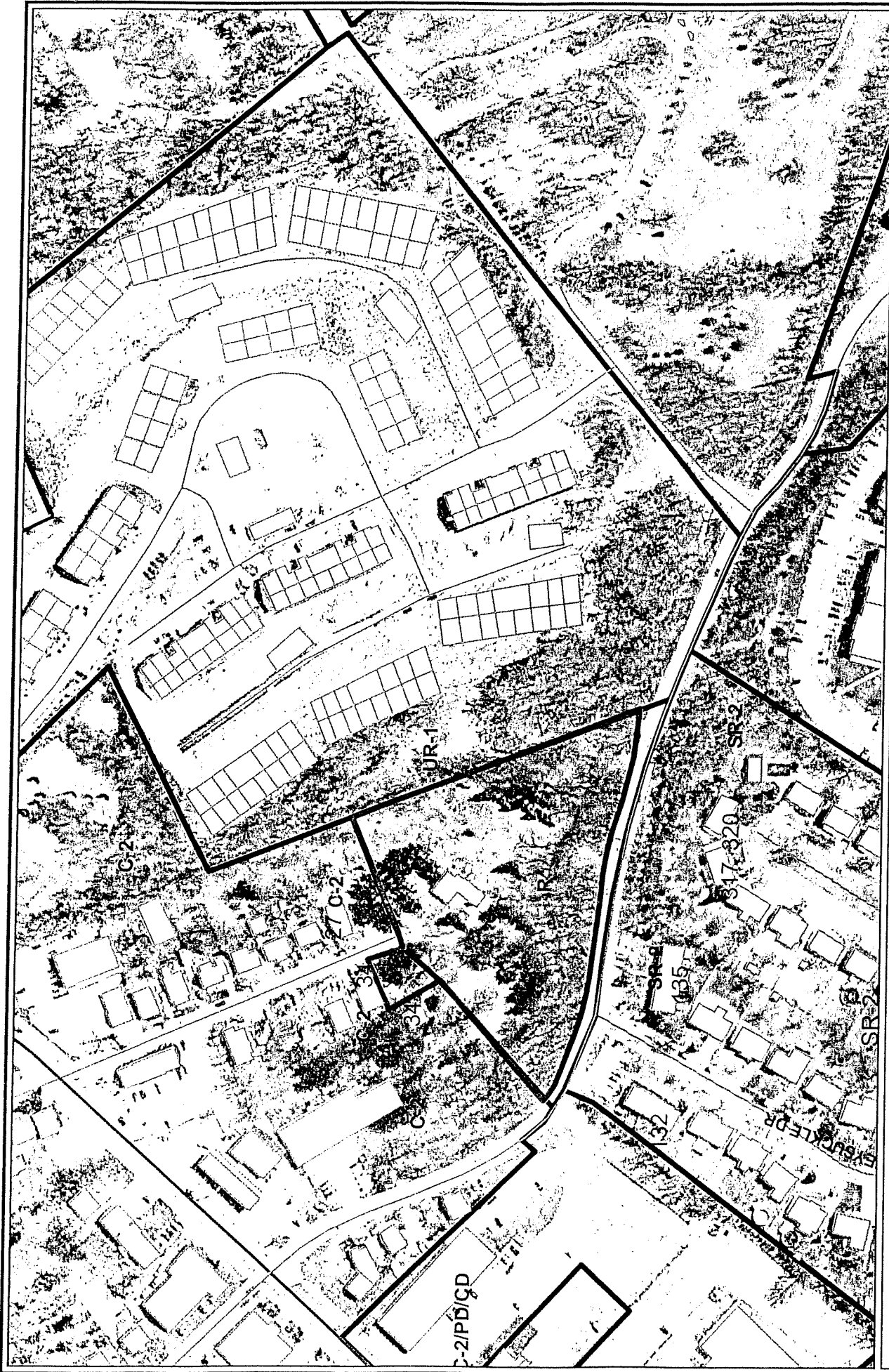
Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including Concept Development Plan
- building elevations
- Concept Development Plan from January 2005 Zoning Map Amendment request for property.
- e-mailed comments from Robert Krebs of the Florence Fire Department
- letter dated January 2003 from Bryan Blavatt, Superintendent of Boone County Schools
- e-mail from Gene and Joanne Armstrong dated August 10, 2005
- Section 3645 of the Boone County Zoning Regulations



1 inch equals 350 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 15, 2005

Turning Leaf-Vicinity

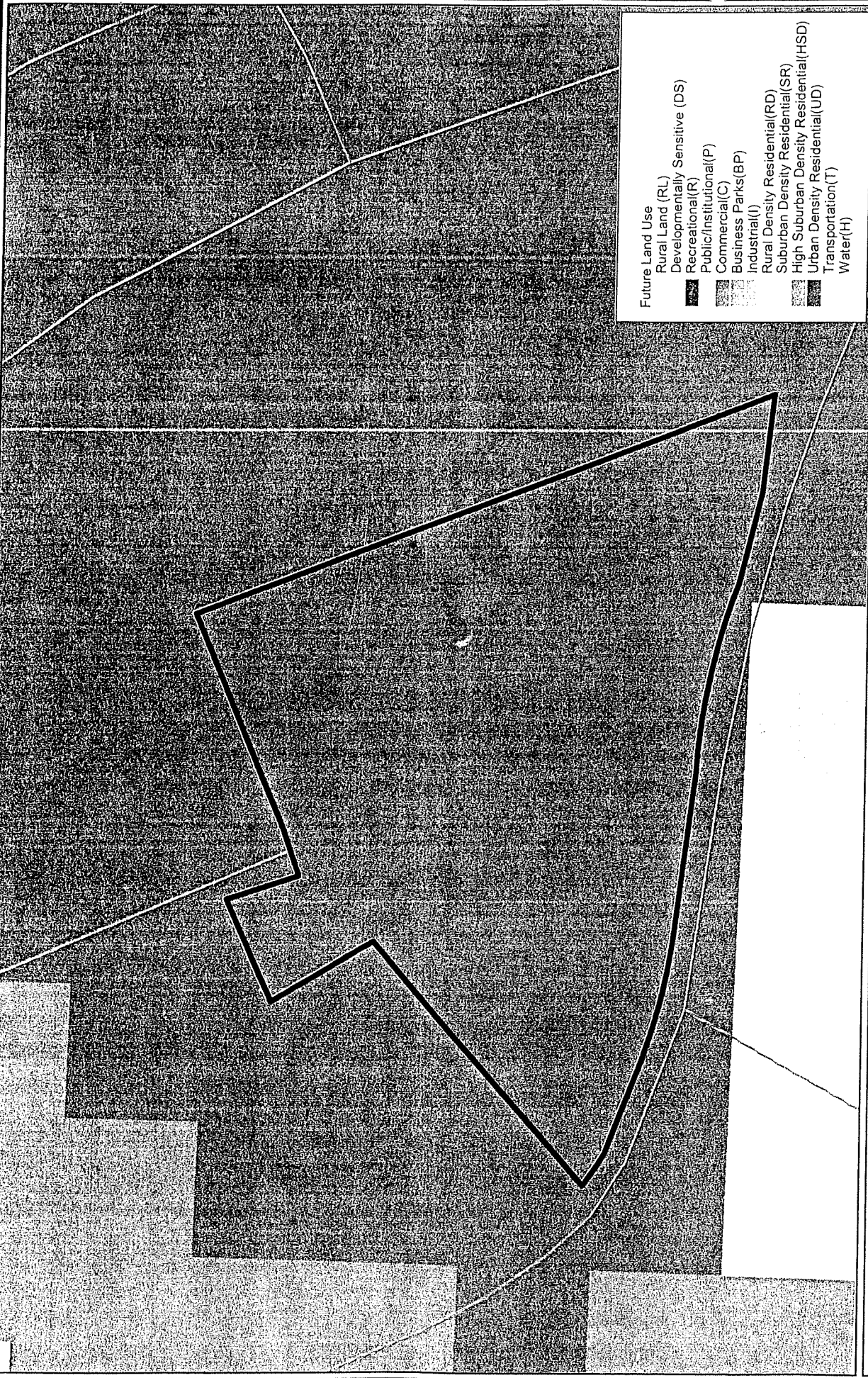


200 Feet

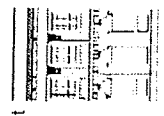
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Boone County Planning Commission
GIS Services Division
August 15, 2005

Turning Leaf Zoning

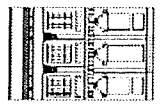
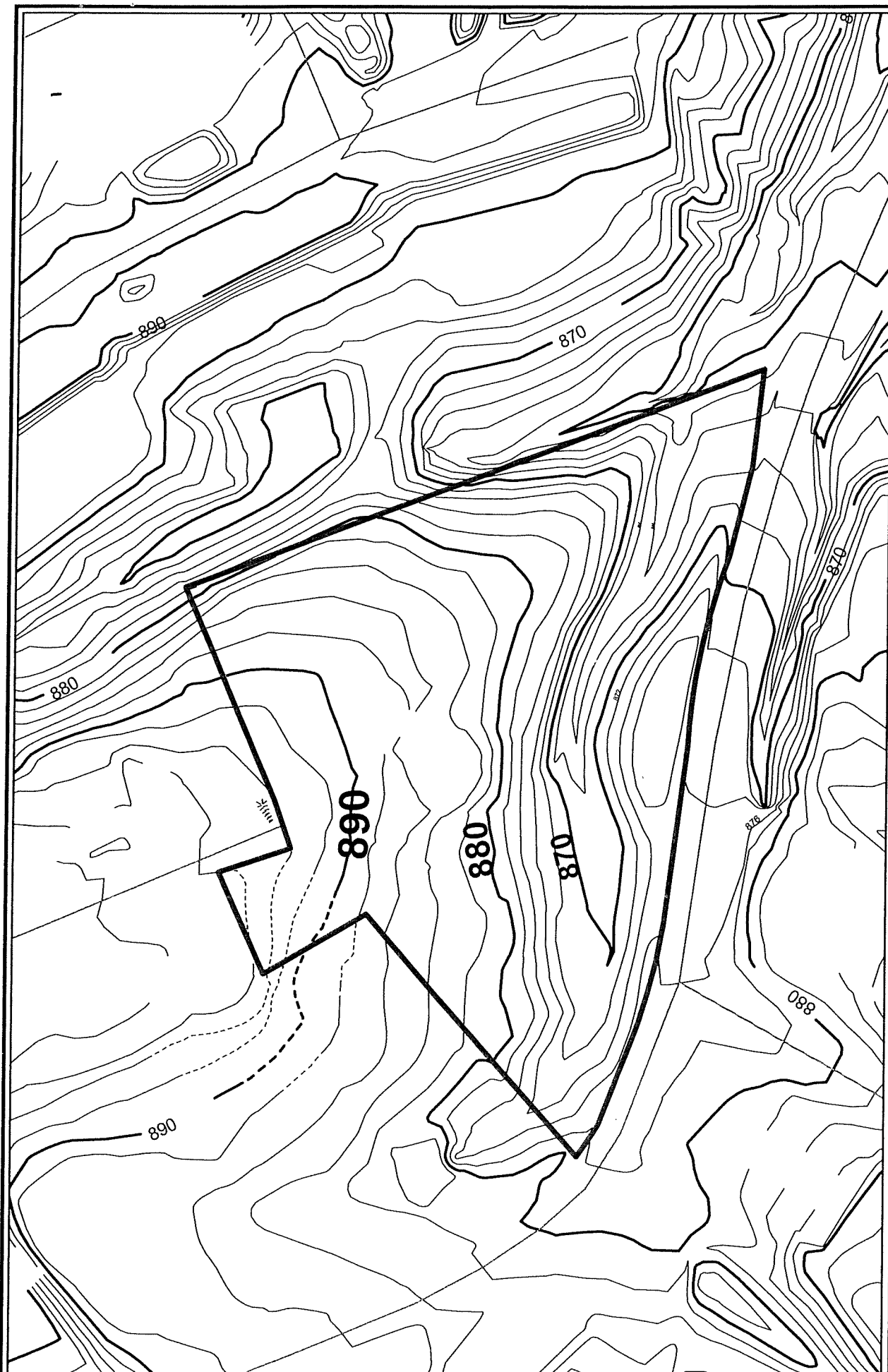


- Future Land Use**
- Rural Land (RL)
 - Developmentally Sensitive (DS)
 - Recreational (R)
 - Public/Institutional (P)
 - Commercial (C)
 - Business Parks (BP)
 - Industrial (I)
 - Rural Density Residential (RD)
 - Suburban Density Residential (SR)
 - High Suburban Density Residential (HSD)
 - Urban Density Residential (UD)
 - Transportation (T)
 - Water (H)



1 inch equals 100 feet
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Turning Leaf-Future Land Use

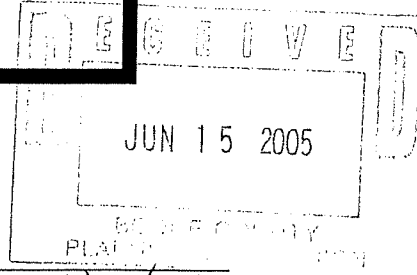


1 inch equals 100 feet
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Turning Leaf-Site Topography

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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2. Location of Project 31 DORTHA AVENUE, FLORENCE, KY 41042
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ADDITIONAL CONTACT INFORMATION:
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600 NORTH 9th AVE
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LOGAN MURPHY - P.E. FOR APPLICANT
P. 859. 824. 5231
F. 824. 9881
GERALD F. DUSING - ATTORNEY FOR APP.
P. 394 6200
F. 392 7206

Tom Jones
Cell 859 630-2562

(over)

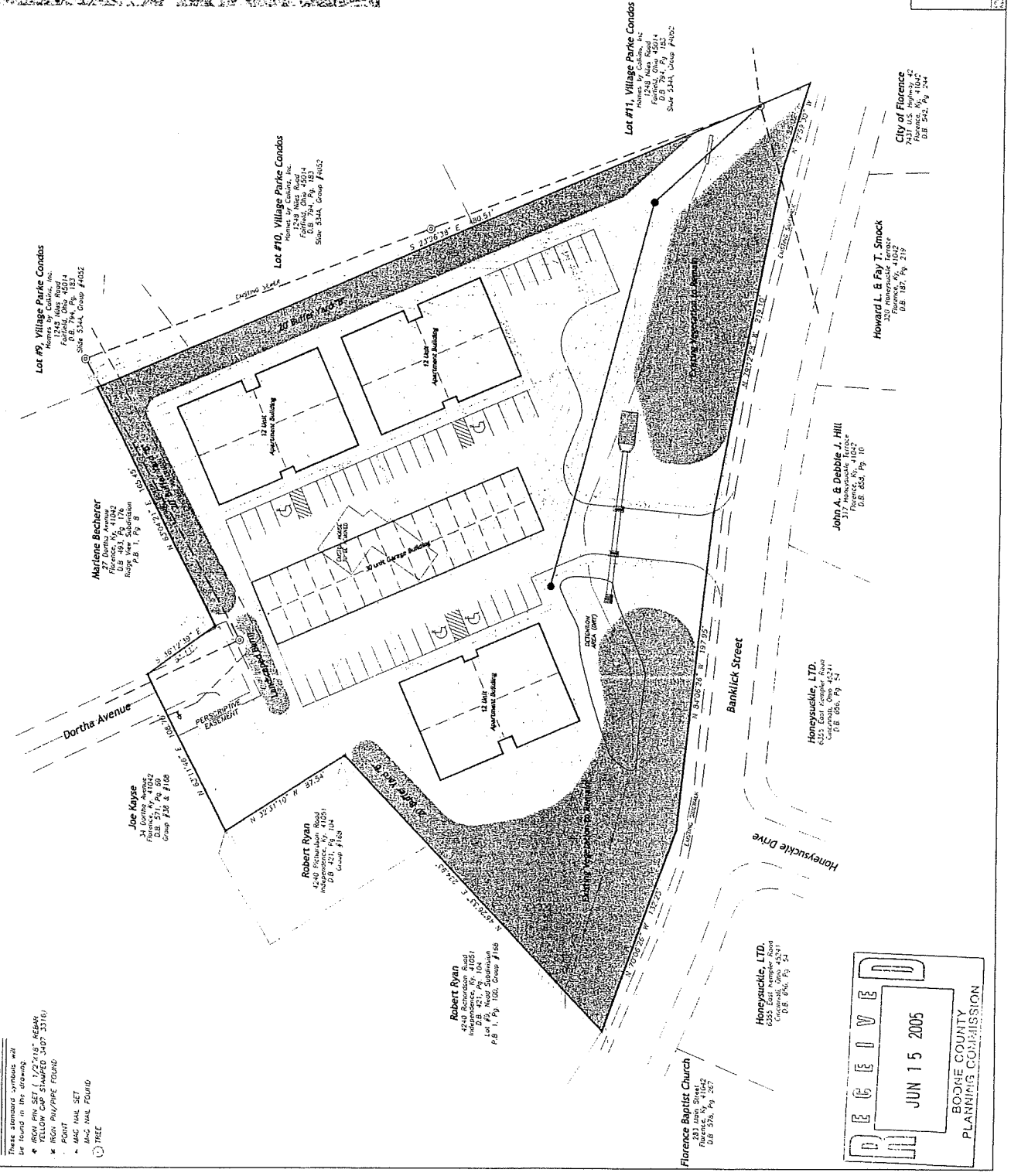


- COLLECT NOTES:**
1. TOTAL PROJECT AREA: 12.5 AC.
 2. TOTAL PROJECT AREA: 12.5 AC.
 3. TOTAL PROJECT AREA: 12.5 AC.
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 9. TOTAL PROJECT AREA: 12.5 AC.
 10. TOTAL PROJECT AREA: 12.5 AC.

T. W. Jones Homes, Inc.
Proposed Multi-Family Project
Conceptual Development Plan
Dorthe Avenue, Florence, Kentucky

DATE: 06/15/05
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1
 PROJECT NO. [Number]

HICKS & MANN, INC.
 Consulting Engineers
 Land Surveyors
 1015 Main St.
 Florence, KY 41042
 Phone: (502) 557-5311
 Fax: (502) 557-5311

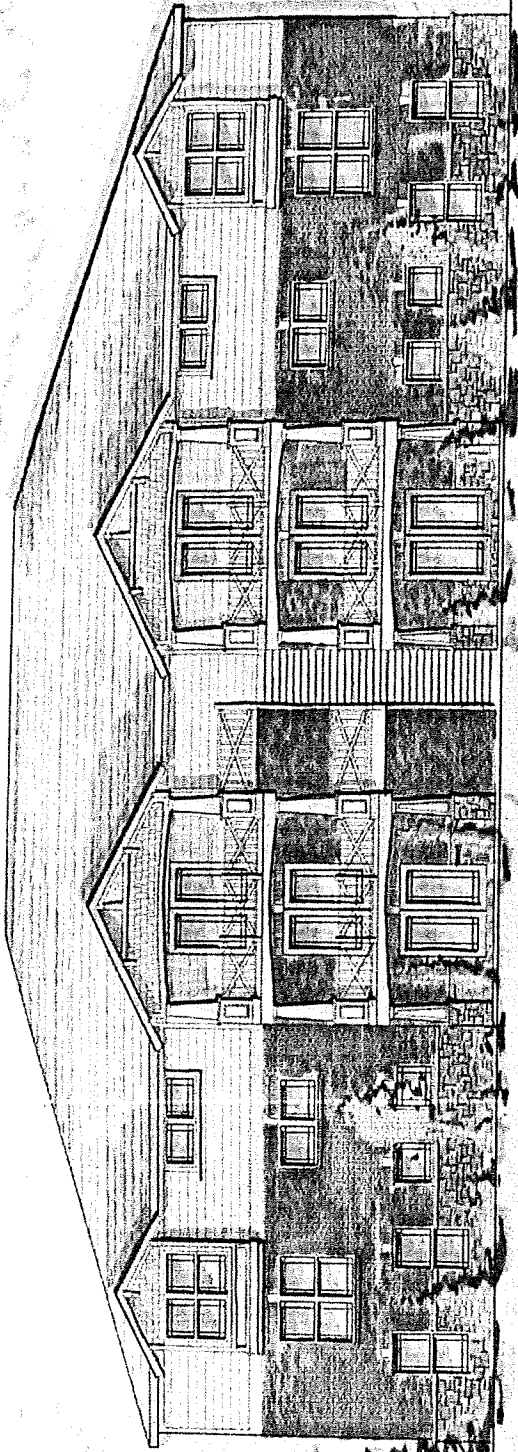


- LEGEND**
- These standard symbols will be found in the drawing:
- IRON PIPE SET (1/2" x 1/8" REBAR)
 - IRON PIPE/PIPE FLOOR
 - POINT
 - MAG NAIL SET
 - MAG NAIL FOUND
 - TREE

RECEIVED

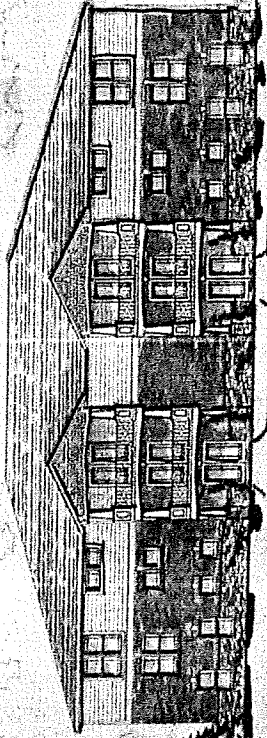
JUN 15 2005

BODDIE COUNTY PLANNING COMMISSION



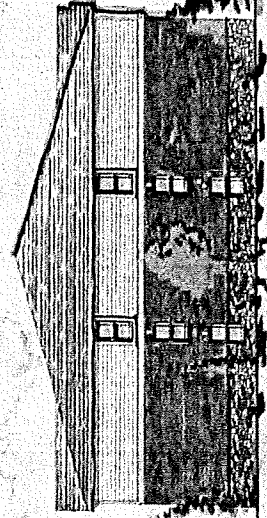
FRONT ELEVATION

Scale: 1/4" = 1'-0"



REAR ELEVATION

Scale: 1/8" = 1'-0"



SIDE ELEVATION

Scale: 1/8" = 1'-0"

Lot #9, Village Parke Condos
 Homes by Colkins, Inc.
 1248 Niles Road
 Fairfield, Ohio 45014
 D.B. 5344, Pg. 183
 Slide 5344, Group #4052

Lot #10, Village Parke Condos
 Homes by Colkins, Inc.
 1248 Niles Road
 Fairfield, Ohio 45014
 D.B. 5344, Pg. 183
 Slide 5344, Group #4052

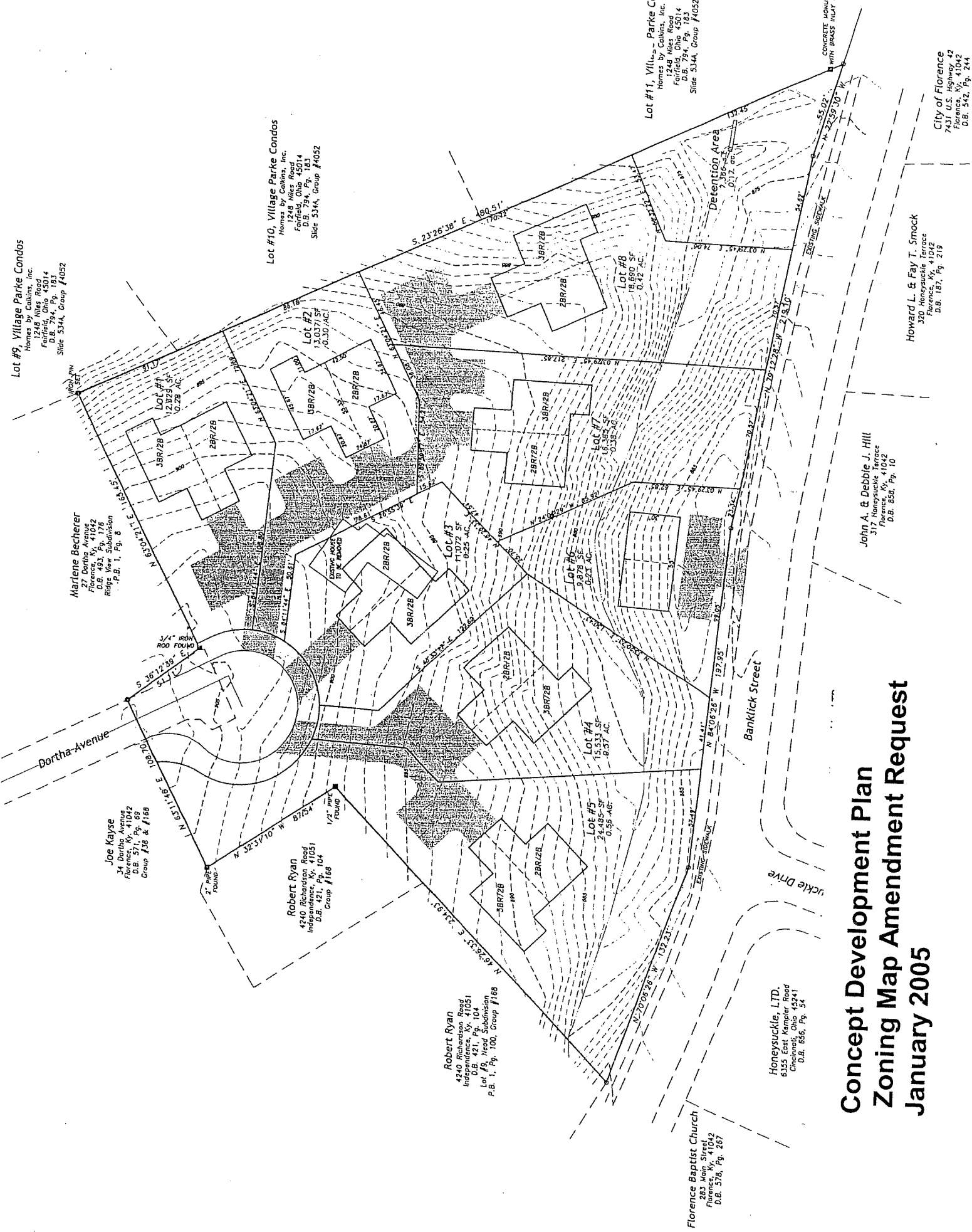
Lot #11, Village Parke C
 Homes by Colkins, Inc.
 1248 Niles Road
 Fairfield, Ohio 45014
 D.B. 5344, Pg. 183
 Slide 5344, Group #4052

City of Florence
 7311 U.S. Highway 42
 Florence, Ky, 41042
 D.B. 542, Pg. 214

Howard L. & Fay T. Smock
 320 Honeysuckle Terrace
 Florence, Ky, 41042
 D.B. 187, Pg. 219

John A. & Debbie J. Hill
 317 Honeysuckle Terrace
 Florence, Ky, 41042
 D.B. 858, Pg. 10

Concept Development Plan Zoning Map Amendment Request January 2005



Joe Kayse
 34 Dortha Avenue
 Florence, Ky, 41042
 D.B. 571, Pg. 89
 Group #18 & #168

Robert Ryan
 4240 Richardson Road
 Independence, Ky, 41051
 D.B. 421, Pg. 104
 Group #168

Robert Ryan
 4240 Richardson Road
 Independence, Ky, 41051
 D.B. 421, Pg. 104
 Lot #3, West Subdivision
 P.B. 1, Pg. 100, Group #168

Florence Baptist Church
 283 Main Street
 Florence, Ky, 41042
 D.B. 578, Pg. 267

Honeysuckle, LTD.
 6355 East Kempler Road
 Cincinnati, Ohio 45241
 D.B. 858, Pg. 54

Patty Bachman

From: Robert Krebs [rkrebs@cityofflorenceky.com]
Sent: Wednesday, August 10, 2005 1:26 PM
To: Patty Bachman
Subject: FW: 31 Dortha Ave

-----Original Message-----

From: Robert Krebs
Sent: Monday, August 08, 2005 11:24 AM
To: Patty Bachman (E-mail)
Subject: 31 Dortha Ave

Comments on the Concept Development Plan

The turning radius to access the two units on the right side from Banklick is difficult if not impossible for our aerial.

No Dumpster location noted on plan, location could affect equipment access and has a risk for fire incidents

Hydrant required for this site, will need to review for location in later planning.

Buildings will be required to be sprinkled.

If you have any further questions or need additional information please don't hesitate to contact me.

Robert Krebs
Fire Marshal
City of Florence Fire/EMS
1152 Weaver Rd
Florence, KY 41042

Phone: (859) 647-5660
Fax: (859) 647-5661
Cell: (859) 991-0776

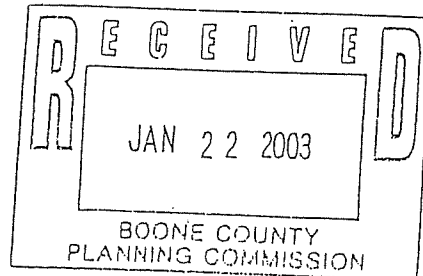
BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

January 16, 2003

Mr. Kevin Costello
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Kevin,

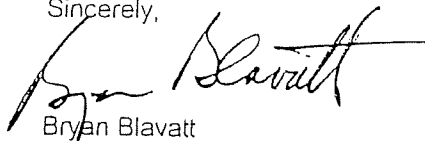
At the outset, I would like to personally thank you and the Planning Commission for all the assistance you have provided to Boone County Schools in the past. We look forward to the continuation of the high level of collaboration between the Planning Commission and Boone County Schools that has taken place over the last several years. While I do not believe the school district needs to communicate with the Commission on every housing plan that is proposed, there are a few concerns related to the development of large housing projects that obviate comment and could be addressed in the Comprehensive Plan.

As you know, the school district recognizes and is supportive of continued growth within Boone County. However, the future development of large subdivisions will place an increased strain on the infrastructure of the school district. We believe that the Planning Commission needs to work with developers to move towards slow 'build out' plans, rather than massive immediate development. This would allow the district to phase in the increased costs of dealing with these large developments and provide a more natural growth pattern. Moreover, we suggest that the Planning Commission make it part of the conditions relative to zone change that the developer provide land for possible use by the school district. This would provide for the necessary future infrastructure to handle the student growth related to the development and offer a true selling point for the development.

Another point of concern is related to approval of individual developments that start as of small tracts of land and are later aggregated into a larger development. It is problematic that developers will propose a small subdivision grows into a large development, however, many times contiguous tracts are purchased in quick succession. This leaves the school district uninformed and ill prepared to take the necessary steps. Please encourage the Commission to review these multi-tracts. If at all possible, we would recommend applying the same criteria for these plans as you would a large development.

As always, thank you for your consideration. With your help, new large and multi-tract zone changes will be structured so that the School System can respond proactively. If you have further questions, please feel free to call me.

Sincerely,


Bryan Blavatt
Superintendent of Schools

Patty Bachman

From: Pat Russ
Sent: Wednesday, August 10, 2005 2:40 PM
To: Patty Bachman
Subject: FW: Ban klick Street

-----Original Message-----

From: Gene & Joanne Armstrong [mailto:jarmstrong58@insightbb.com]
Sent: Wednesday, August 10, 2005 2:09 PM
To: Planning Commission General Account
Subject: Ban klick Street

Please do not allow any apartments to be constructed on Banklick St., just off of Dixie Highway. This is a beautiful and pristine area of grass and trees. Look across Banklick street and you can see what apartment buildings do for the area.

Mr. & Mrs. A. E. Armstrong
172 Langshire Ct.
Florence, Ky. 41042

required buffer yard can be used to adequately reduce the view of the facade from the public right-of-way no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Boone County Planning Commission Staff.

2. Facades that abut VUAs shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.
3. The landscaping materials that are selected shall be able to tolerate their specific planting environment and be easily maintained. Also, all landscaping should permit access for repairs, renovations or needed maintenance to the building. Landscaping should not be installed in an area that is intended for future expansion and shall not be installed in an area that is used for an emergency exit from the building.

SECTION 3635

Loading/Unloading Areas, Storage Areas, Utility and Mechanical Equipment and Trash Collection Areas

The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection areas shall be screened from any public street right-of-way or if visible to an adjoining property. This screening shall be accomplished by continuous solid closed fence, wall, earthen berm, hedging, evergreen plant materials or combination thereof which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principle building.

SECTION 3640

Sign Landscaping

Landscaping shall be located around the base of free-standing signs. This landscaping should be ornamental in nature with small trees from Plant List C and shrubs from Plant List E, (See Table #2) flowers and other ornamental plant materials. Landscaping for free-standing signs shall be required only when Site Plan Review is required and shall be reviewed as part of this procedure. This landscaping is not required to be installed for existing free-standing signs. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least 50 percent of the required landscaping area shall be planted with trees and/or shrubs.



SECTION 3645

Buffer yards

Table #1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table #2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard.

A buffer yard is defined as a planted area that is used to separate uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall

or fence or any combination of these. Buffer yards shall be required in addition to any other landscaping requirement listed in this Article except Section 3620.

1. The buffer yard shall extend along the entire property line which abuts another or an incompatible land use.
2. A proposed use may reduce the required buffer yard width by one-half if the developing use adjoins an existing use which has an established mature buffer which meets or exceeds the buffer yard required for the adjoining developing use. However, the same quantity of plant material shall still be required within the buffer yard if a healthy planting environment can be provided.
3. The elimination or reduction of buffer yard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation which exists on the site. However, the maximum reduction which can be made in the buffer yard width is 50 percent. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed buffer yard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening if required within that buffer yard. The determination regarding whether a buffer yard is not required or regarding the amount of reduction which can be permitted shall be made during the Site Plan Review process.
4. Buffer yards can be located within building setbacks, and in some circumstances can be located within utility easements or rights of ways. However, this will require approval by the Planning Commission Staff and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these areas shall require a written agreement from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No activity can be conducted within the buffer yard except for ingress and egress to the site (including driveway connections between adjoining sites), sidewalk and bicycle trail connections between adjoining sites, and passive recreation uses. In addition, detention and retention system can also be located within the required buffer yards, however, the visual screening requirements shall not be altered or diminished. Activities not permitted within buffer yards shall include parking, loading, storage, paving except for that mentioned above or accessory structures.
5. The design and exact placement of the buffer yard shall be the decision of the designer or developer, but shall be reviewed during Site Plan Review procedure to ensure compliance with this article. However, trees and shrubs should be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property.
6. When a proposed use adjoins an undeveloped parcel of property the required buffer yard shall be determined by the adjoining property's zoning designation and shall be installed in the time period required by this Article as if the adjoining property were developed.

7. Buffer yards can be shared between uses in commercial or employment zones if an easement is provided and recorded which indicates how maintenance and replacement of unhealthy plants will be accomplished. Buffer yards shall not be shared between residential and non-residential zones. The more restrictive buffer yard width and plant material shall be provided between the two properties in this instance if different requirements would normally apply.

**Table #1
BUFFER YARDS**

<u>ADJOINING ZONES</u>	<u>DEVELOPING USE ZONE</u>	<u>BUFFER YARD REQUIRED</u>
I-1, I-2, I-3	I-1, I-2, I-3	A
O-1, O-2, C-1 thru C-4, PF, R, FMS	I-1, I-2, I-3	B
UR-1 thru UR-3, MHP	I-1, I-1, I-3	C
All other residential & agricultural	I-1, I-2, I-3	D
I-1 thru I-3	O-1, O-2	B
O-1, O-2	O-1, O-2	A
C-1 thru C-4, PF, R, FMS	O-1, O-2	A
UR-1 thru UR-3, MHP	O-1, O-2	B
All other residential & agricultural	O-1, O-2	C
All other residential & agricultural	O-1, O-2 (if larger than 50,000 square feet)	D
I-1 thru I-3	C-1 - C-4, PF R, FMS	B
O-1, O-2	C-1 - C-4, PF, R, FMS	A
C-1, C-2, C-3, C-4, PF, R, FMS	C-1 - C-4, PF, R, FMS	A
UR-1, UR-2, UR-3, MHP	C-1 - C-4, PF, R	B
All other residential & agricultural	C-1 - C-4, PF, R	C
All other residential & agricultural	C-1 - C-4, PF, R (if larger than 50,000 square feet)	D
I-1 thru I-3	UR-1 - UR-3, MHP	C
O-1, O-2	UR-1 - UR-3, MHP	B
C-1, C-2, C-3, C-4, PF, R, FMS	UR-1 - UR-3, MHP	B
If over 50,000 sf.	UR-1 - UR-3, MHP	C
UR-1, UR-2, UR-3, MHP	UR-1 - UR-3, MHP, FMS	A
All other residential & agricultural	UR-1 - UR-3, MHP, FMS	B
All other residential & agricultural	UR-1 - UR-3, MHP (if more than 80 apartment units or 25 mobile home lots)	C

No buffer yard is required for single-family residential homes.

O-1A for the purpose of this table shall be the same as O-1.

I-1A for the purpose of this table shall be the same as I-1.

TABLE # 2 BUFFER YARD TYPES

The numbers shown are the minimum quantities required for each plant type. Smaller trees may be replaced with larger varieties. Buffer yards are established in 100 feet increments with the number of plants specified. The number of plants required for a given buffer yard shall be determined by dividing the actual length of the buffer yard by 100 and multiply that number by the number of plants from each plant list required and rounding to the next whole number. A minimum of two genera (a group of species possessing fundamental traits in common, but differing in other lesser characteristics) shall be used from each plant list required at an even ratio per 100 linear feet of buffer yard required. Fences or walls which are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

BUFFER YARD A - 10 FOOT WIDTH

Landscaping required per 100 linear feet at 10 feet wide.

- 5 Small Trees - Plant List C
- 3 Large Trees / 3 Medium Trees / or 3 Evergreen or any combination of 3 - Plant List A, B, or D
- 30 Shrubs - Plant List E
- Ground Cover (Required in all areas not covered with grass)
- Mulch (Temporary)

BUFFER YARD B - 20 FOOT WIDTH

Landscaping required per 100 linear feet at 20 feet wide.

- 10 Small Trees - Plant List C
- 5 Large Trees / 5 Medium Trees / or 5 Evergreens or any combination of 5 - Plant List A, B, or D
- 60 Shrubs - Plant List E or 20 shrubs - Plant List E and 15 shrubs - Plant List C
- Mulch (Temporary)
- Ground Cover (Required)

BUFFER YARD C - 60 FOOT WIDTH

Landscaping required per 100 linear feet at 30 and 60 feet wide.

- 10 Evergreen - Plant List D
- 5 Small Trees - Plant List C
- 5 Large or Medium Trees - Plant List A or B
- 90 Shrubs - Plant List E or 40 shrubs - Plant List E and 20 shrubs - Plant List C

30 FOOT WIDTH

The same number of trees, are required as for the 60 feet width buffer yard, but the width may be reduced to 30 feet if a 6 foot high berm, fence, or masonry wall is used and the number of shrubs may be reduced to 30 from Plant List E or 10 from Plant List C. The maximum slope for the berm is 2.5 to 1.

BUFFER YARD D - 80 FOOT WIDTH

Landscaping required per 100 linear feet at 80 and 40 feet wide.

20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration.

10 Small Trees - Plant List C

5 Large Trees - Plant List A

90 Shrubs - Plant List E or 40 shrubs - Plant List E and 20 shrubs - Plant List C

40 FOOT WIDTH

The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 30 from Plant List E or 10 from Plant List C. The maximum slope for the berm is 2.5 to 1.

SECTION 3655

Fences

1. All fences shall have the finished side facing out. No structural supports shall be visible from adjoining properties or right-of-way unless fence is designed so that such supports are visible from both sides.
2. Fences shall be permitted within all districts. The maximum height for fences within residential zones is six (6) feet and fences shall be required to be located within the side or rear yards. Fences within commercial and office zones shall be permitted at a maximum height of eight (8) feet while fences within industrial zones shall be permitted a maximum height of 12 feet.
3. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times.
4. Fences shall be permitted within the front yard and corner side yard (except within the City of Florence) according to the following standards:
 - a. No fence can be taller than four (4) feet;
 - b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.
 - c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.
5. Fences for Agricultural purposes are exempt from the requirements of this section.

SECTION 3660

Plant Lists

The following list includes the Scientific Name and Common Name of plants arranged by size with a list of characteristics for each plant and places where to use and not use the particular plant. The following Plant Lists are copied from the Lexington-Fayette Urban County Kentucky Zoning Regulations December 15, 1983, Amended June 3, 1993. Plant Lists A thru E found within this Article are defined as follows:

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

August 17, 2005

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:52 PM and introduced the first item on the Agenda:

Applicant: T. W. Jones for
Anna W. Fitzgerald (owner)

Request: Zoning Map Amendment

The request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

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

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, representing the applicant, stated that Mr. Jones will tell the Planning Commission about his company and why the site will be developed this way. He stated that the Design Engineer, Logan Murphy, was the Design

Engineer for the previous project and is familiar with the site. Mr. Dusing submitted a handout "Turning Leaf, 31 Dortha Lane, Florence, KY" (see Exhibit 1).

Mr. Tom Jones stated that he has been in business since 1983 and has built in Parlor Grove, Farmview, Lassing Green, Triple Crown, and other subdivisions. He stated that they have been looking for an infill opportunity. He stated that this site is within walking distance of a nature park, churches, libraries, doctors, and the new community center in Florence. The site has privacy with the trees there and with the trees they will be able to save. The people who want to live there will be young professionals saving for a home and a mature group who may have a condominium down south and want to have another residence near their children – they will build to that type of quality. He reviewed an exhibit of the exterior of the development and stated that they will break up the massing with stone and brick and they will use a lot of low-maintenance concrete board instead of vinyl siding. He noted oversized garages in the middle of the site. He stated that the architectural details are consistent with the apartments. The units will be 1,350 square feet and have two bedrooms and two bathrooms. They will have a good size storage area so that people do not store things on their balconies. He stated that a lot of the units are accessible from two sides so that people can get out of their cars and have sight distance to their door to be secure.

Mr. Logan Murphy with Hicks & Mann reviewed the Site Plan on Page 5 of the handout. He stated that the Fire Department was concerned about the turning radius to the building on the right. They have increased the pavement width between the parking garage and the sidewalk to 36 feet to alleviate the Fire Department's concerns. He stated that the site is 3.12 acres. Reviewing the handout, he stated that the dark green areas are existing vegetation that will remain on the site. He reviewed the photographs at the back of the handout. On the last page of the handout, the photographs were taken at the entrance facing north and south and all of that vegetation, except the vegetation at the entrance, will be left and it is a good buffer by itself. He noted mature trees along the west property boundary where they are showing Buffer Yard B. They will need to add evergreens to meet the Buffer Yard B requirements. He stated that one acre of the site is existing woods that will be left undisturbed (36% of the site). The grass areas around the buildings and the parking lot are eight-tenths of an acre and 58% of the site will be green with either woods or landscaping areas. There is sewer and water on the site. He indicated the blue line stream on the exhibit. He does not think it is a jurisdictional stream but, if it is, they will get the necessary permits. He stated that there is sufficient sight distance both ways on Banklick Street.

Mr. Dusing addressed the requirements for a zone change. He stated that the plan meets the Future Land Use Map and quoted from the Staff Report on Page 3 – Relationship to the Comprehensive Plan. He reviewed the Land Use Element quotes applicable to this site A and B (Page 3) and stated that they meet them. He

reviewed the Future Land Use Development Guidelines and in response to Item A he stated that providing 58% green space all around the perimeter is extraordinary. He stated that the gorgeous mature trees along Banklick Street where there are single-family residences and also up against Dortha Avenue will be kept. He reviewed Item C on Page 5 of the Staff Report which documents that there is demand for multi-family housing in and around Florence. He reviewed Item D on Page 5 of the Staff Report which documents that multi-family housing developments should have convenient access to commercial districts or should provide their own commercial uses, which is another ideal aspect of this site as indicated by Mr. Jones. He stated that the nature park is at the southern tip of the site and it is a short walk up Dortha Avenue to all of the amenities in the City of Florence including churches, library, doctors' offices, etc. Mr. Dusing addressed Staff Concern #7. He referred to the Site Plan in the handout and stated that there is a significant landscape berm located on the property at the end of the pavement of Dortha Avenue and the sidewalk is continued from the edge of Dortha Avenue back to the complex. The T-turnaround at end of Dortha Avenue is not public right-of-way, it is owned by this site and there is no easement. The proposal is to grant an easement to the City of Florence so that it would function as it functions today, but it would be separated at the end with a landscape berm. In response to Staff Comment #9 he stated that there are no amenities on the Concept Development Plan because there is a gorgeous passive nature park and walking trails right down the street. He stated that the site is too small for amenities and the market is empty nesters and "DINKS" (double-income, no kids) families that are starting out and saving for a new home. He offered to answer any questions. This completed the applicant's presentation.

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

Mr. David Spille, 32 Dortha Avenue, stated that his home is one house up from the site. He stated that the site is wooded around the perimeter, but some of the buildings will take out 100-year old pine trees. He stated that the Fire Department wants access off Dortha Avenue, but with access from Dortha Avenue to these apartments there will be increased traffic on Dortha Avenue. He stated that the development is not homes, it is apartments. He is concerned about the privacy of the existing residents. He stated that there are signs up and down Dixie Highway for two-bedroom apartments and they cannot fill them – but now we are adding more apartments. He feels that condominiums would be better taken care of because in an apartment complex people move in and out and they do not care. He is against the request.

Ms. Margaret McDaniel, Plantation Drive in Florence, stated that the site is beautiful, but the house is in disrepair. She feels that someone should be given the opportunity to repair the house so that it could be on the National Register.

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

Mr. Knock stated that there are 50+ parking spaces and 30 of them are enclosed -- with 36 units and 30 garages, there will not be an assigned garage for each unit. He is concerned that the apartment residents will need storage room and will fill the garages up with storage instead of using them for parking. Mr. Murphy responded that a storage space is provided for each apartment. He stated that the garages will be enclosed parking spaces and it will be up to Mr. Jones, who will be managing the development, to make sure the garages are not used for storage. He stated that the Revised Plan shows 74 parking spaces and only 72 are required. Mr. Carmichael stated that there are 54 parking pads and 30 garages. In response to a question from Mr. Knock, Ms. Bachman stated that they meet the parking requirements. Under Section 3325 of the Zoning Regulations they are required to have two parking spaces per unit. They would be required to have 72 parking spaces for the 36 units and they have 74 parking spaces. Mr. Knock stated that he is concerned about the garages being used for storage and there not being sufficient parking.

Mr. Breetz noted that they are retaining trees and asked if they plan to have any new vegetation. Mr. Murphy responded that the 20-foot Buffer Yard B goes along the north side of the property and they will need to add to the vegetation to meet the Buffer Yard B requirements. Mr. Breetz asked if they plan to landscape around the buildings. Mr. Jones responded "yes". Mr. Murphy stated that there is green space in front of the buildings and foundation landscaping. Mr. Breetz stated that half of the detention pond near Banklick Street appears to be within the vegetation area. Mr. Murphy responded that it will be a dry detention pond and it is permissible to put it in the vegetation area. Mr. Breetz asked if it will be in the blue line stream. Mr. Murphy responded that the blue line stream starts to the south of the property. Mr. Breetz asked if they would be required to get an Army Corps of Engineers Permit. Mr. Murphy responded that they should not be required to get a permit, but it does not hurt to ask the Army Corps of Engineers.

Mrs. Kegley questioned the dimensions of the oversized garages. Mr. Jones responded that they are 12' x 21" but they back up to each other for a total of 42'.

Mr. Costello questioned why the applicant does not donate the Dortha Avenue turnaround property to the City of Florence if the concept is that the city will maintain it. Mr. Dusing responded that if they give the city an easement, they will still pay taxes on it and the city will get full use of it. Mr. Costello stated that normally the right-of-way for public roads is donated. Mr. Dusing stated that they will do whatever the City of Florence wants them to do. Mr. Costello asked if the turnaround is there now. Mr. Dusing responded that there is a T-turnaround and they do not intend to improve it.



Mr. Poe stated that there is no circular traffic flow. He noted the location of the garages and the comments from the Fire Department. He stated that the Committee needs to explore that issue. He stated that there is no way for a fire truck to go around the garages to get out of that area. Mr. Murphy responded that if required, they will take out two of the enclosed parking units and have them as outside spaces. Mr. Dusing stated that the fire trucks could go down either side of the garages. Mr. Poe questioned how they would get back out – they would have to back up because there is no circular flow. Chairman Caddell stated that the Committee will discuss this issue. Mr. Carmichael questioned an emergency access to Dortha Avenue for safety vehicles. Chairman Caddell asked if the applicant has seen the letter from the Fire Department. Mr. Murphy responded “yes”, but stated that they did not address it with the Revised Concept Plan because they wanted to keep the traffic off Dortha Avenue based on their experience at the last zone change request. Mr. Carmichael stated that he is talking about a gated access for the fire department. Mr. Murphy responded that they will discuss it at the Committee Meeting. Chairman Caddell reviewed the letter from the Fire Department and stated that the letter does not address an emergency connection from Dortha Avenue.

Mr. White questioned the average rent for an apartment with a garage. Mr. Jones responded that it would be from \$750 - \$850 per month.

Mr. Carmichael stated that there will be children in the development and the school bus will not go into the development. He asked if there will be a bus shelter in the front. Mr. Jones responded that they had not planned on it at this point. Mr. Carmichael asked that it be discussed in Committee.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 21, 2005 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman 

Attest:



Jan Hancock, Recording Secretary
Exhibit –

1. **Turning Leaf, 31 Dortha Lane, Florence, KY by T. W. Jones Homes submitted by Mr. Dusing**

Turning Leaf

31 Dortha Lane
Florence, KY

By



Turning Leaf

***31 Dortha Lane
Florence, Kentucky***

Developer

T.W. Jones Homes, Inc.

***Post Office Box 182
Union, Kentucky 41091***

Attorney

Gerald F. Dusing

Adams, Stepner, Woltermann, & Dusing

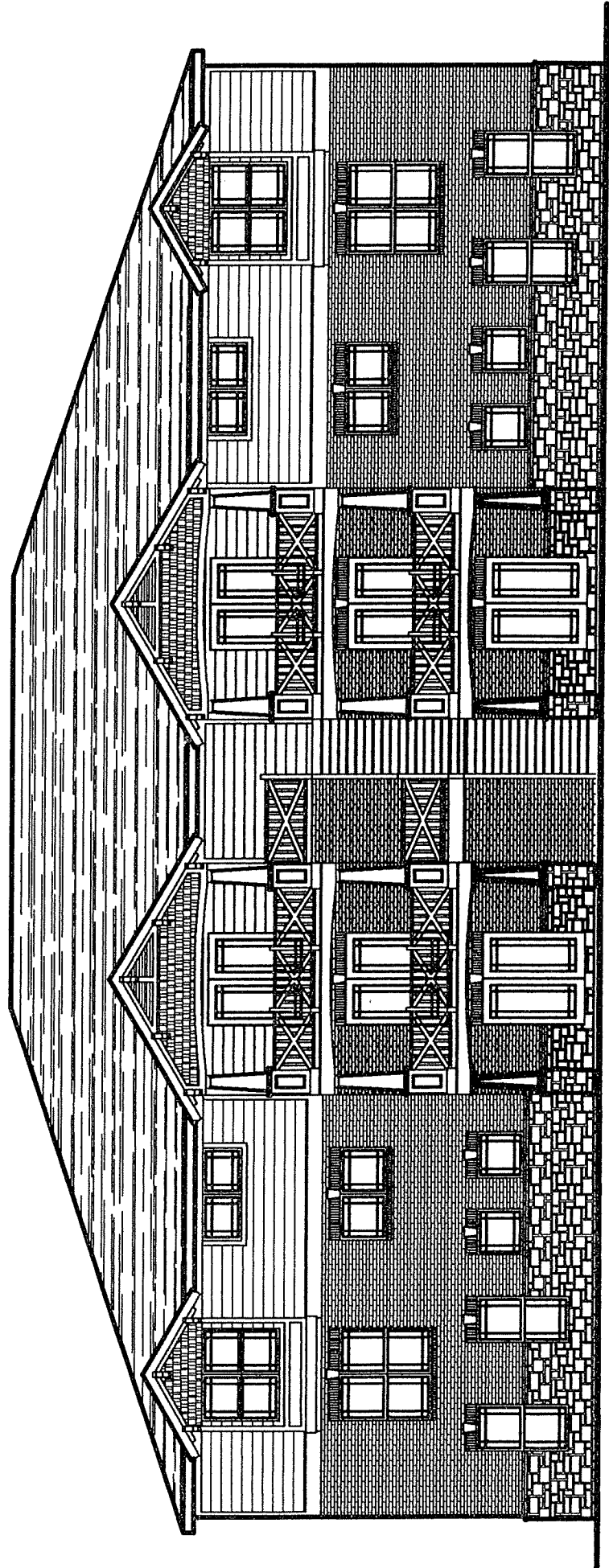
***Post Office Box 861
40 West Pike Street
Covington, Kentucky 41012***

Engineer

Logan D. Murphy, P.E.

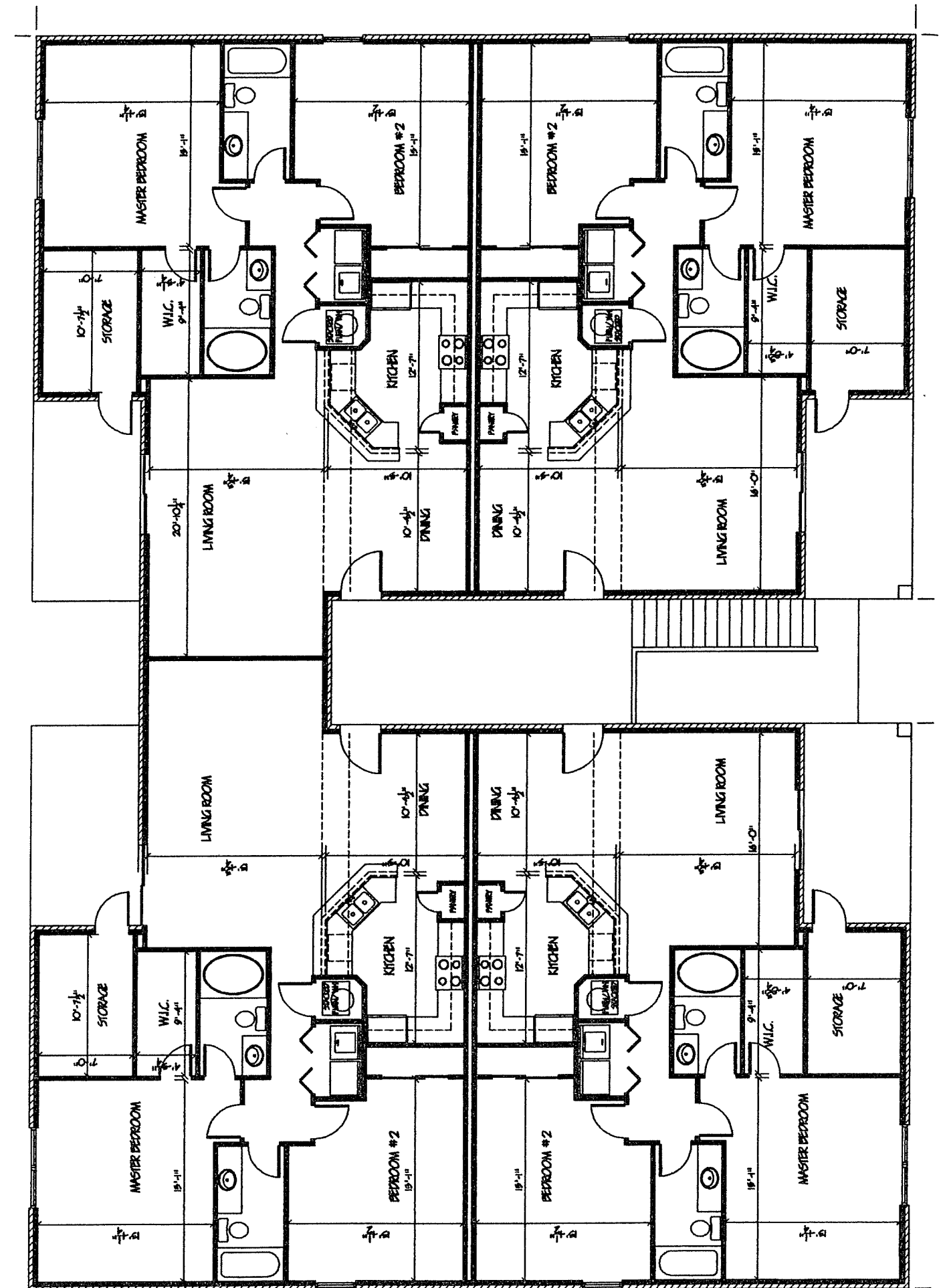
Hicks & Mann, Inc.

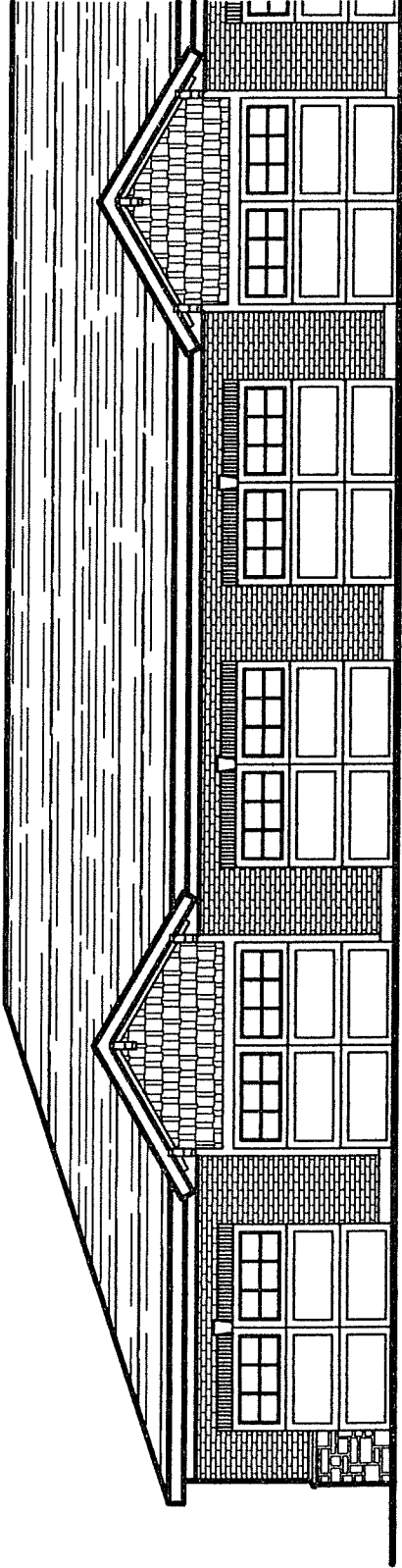
***Post Office Box 9
116 Humes Ridge Road
Williamstown, Kentucky 41097***



FRONT ELEVATION

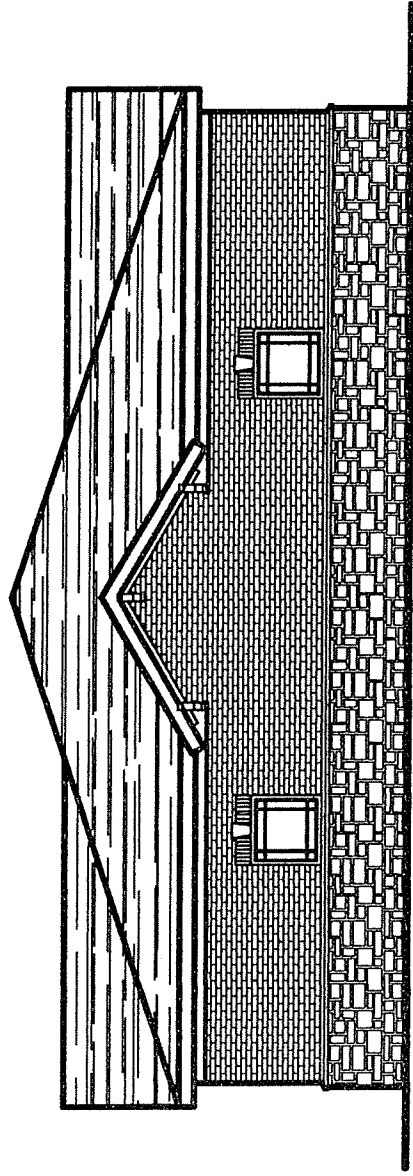
Scale: 1/4" = 1'-0"





GARAGE FRONT

Scale: 1/4" = 1'-0"



GARAGE SIDE

Scale: 1/4" = 1'-0"

LEGEND

These standard symbols will be found in the drawing.

- IRON PIN SET (1/2" X 18" REBAR
- YELLOW CAP STAMPED 3407 3316)
- IRON PIN/PIPE FOUND
- POINT
- ▲ MAG NAIL SET
- △ MAG NAIL FOUND
- TREE

PROJECT NOTES:

1. PROJECT DATA:
TOTAL PROJECT AREA: 3.17 AC.
PROPOSED ZONING: URBAN RESIDENTIAL ONE (UR-1)
SOURCE OF TITLE: DEED BOOK 78, PAGE 175
2. PROJECT LAND USE:
EXISTING LAND USE: VACANT
EXISTING LANDSCAPE: PULL-UP
PROPOSED LAND USE: APARTMENTS
PROPOSED DENSITY: 11.5 UNITS/AC.
3. URBAN RESIDENTIAL ONE (UR-1) ZONING REGULATIONS (P.S.) FROM STREET FRONT SETBACK: 15' TOTAL (5' MIN. FROM SIDEWALK)
REAR SETBACK: 15' TOTAL (5' MIN. FROM SIDEWALK)
4. PROPERTY OWNER: ANNA W. FITZGERALD
31 DORTHA AVENUE
FLORENCE, KENTUCKY
5. PROPERTY DEVELOPER: P.A. OWEN & SONS, INC.
1228 N. MAIN STREET
WINN, KENTUCKY 41081
(606) 381-3255
6. THE APPLICANT IS SUBJECT TO ADJUSTMENT DURING THE DESIGN AND CONSTRUCTION PHASES TO SHOW THE BASIC CONCEPT FOR THE PROJECT.
7. PARKING REQUIREMENTS: 2 SPACES PER UNIT
REQUIRED PARKING SPACES (28 UNITS): 56
PARKING SPACES PROVIDED: 52

UNDISTURBED NATURAL VEGETATION (1.0 AC./28%)

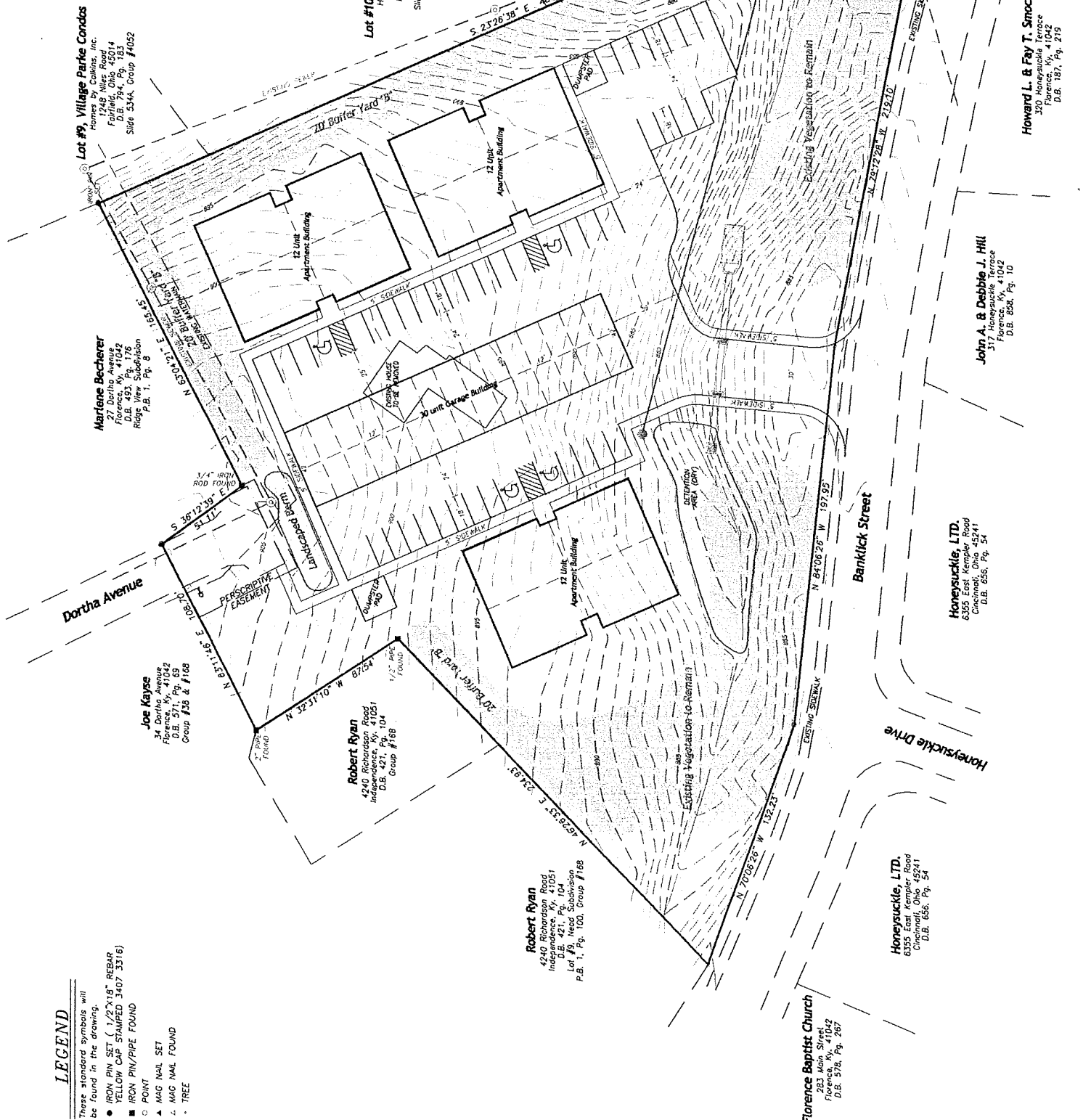
LAWN OR LANDSCAPED AREAS (0.8 AC./26%)

Lot #10, Village Park Condominiums

Homes By Collins, Inc.
1248 Niles Road
Fairfield, Ohio 45014
D.B. 794, Pg. 183
Side 334A, Group #4052

Lot #11, Village Park Condominiums

Homes By Collins, Inc.
1248 Niles Road
Fairfield, Ohio 45014
D.B. 794, Pg. 183
Side 334A, Group #4052



City of Florence
7431 U.S. Highway 42
Florence, Ky. 41042
D.B. 542, Pg. 244

Howard L. & Fay T. Smock
320 Honeysuckle Terrace
Florence, Ky. 41042
D.B. 187, Pg. 215

John A. & Debbie J. Hill
317 Honeysuckle Terrace
Florence, Ky. 41042
D.B. 888, Pg. 70

Honeysuckle, LTD.
635 East Kempler Road
Cincinnati, Oh. 541
D.B. 656, Pg. 54

Honeysuckle, LTD.
635 East Kempler Road
Cincinnati, Oh. 541
D.B. 656, Pg. 54

Florence Baptist Church
283 Main Street
Florence, Ky. 41042
D.B. 578, Pg. 267

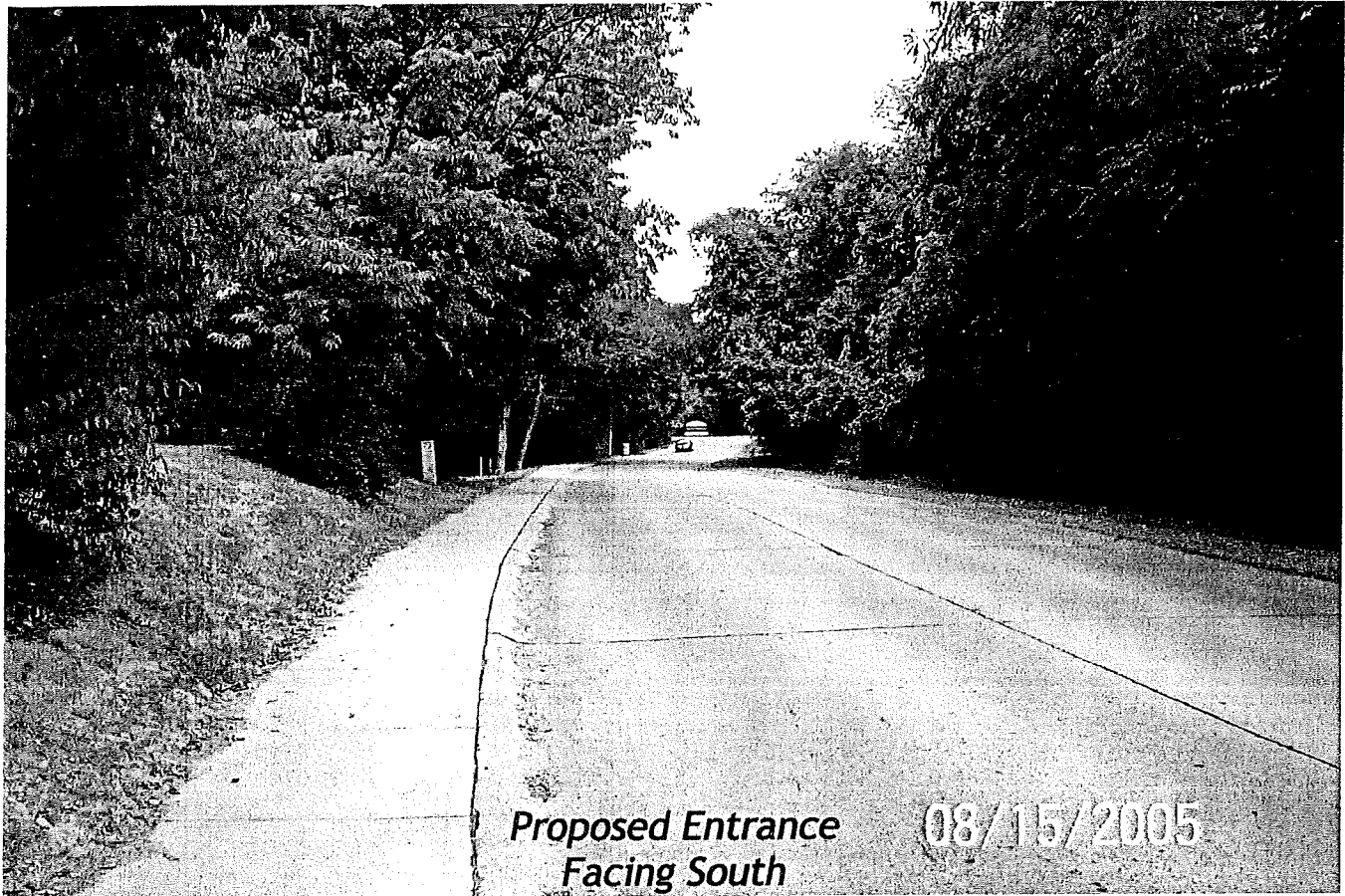
Joe Kayse
34 Dortha Avenue
Florence, Ky. 41042
D.B. 571, Pg. 89
Group #38 & #168

Robert Ryan
4240 Richardson Road
Independence, Ky. 41051
D.B. 421, Pg. 104
Lot #9, Heed Subdivision
P.B. 1, Pg. 104, Group #188

Robert Ryan
4240 Richardson Road
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D.B. 421, Pg. 104
Lot #9, Heed Subdivision
P.B. 1, Pg. 104, Group #188

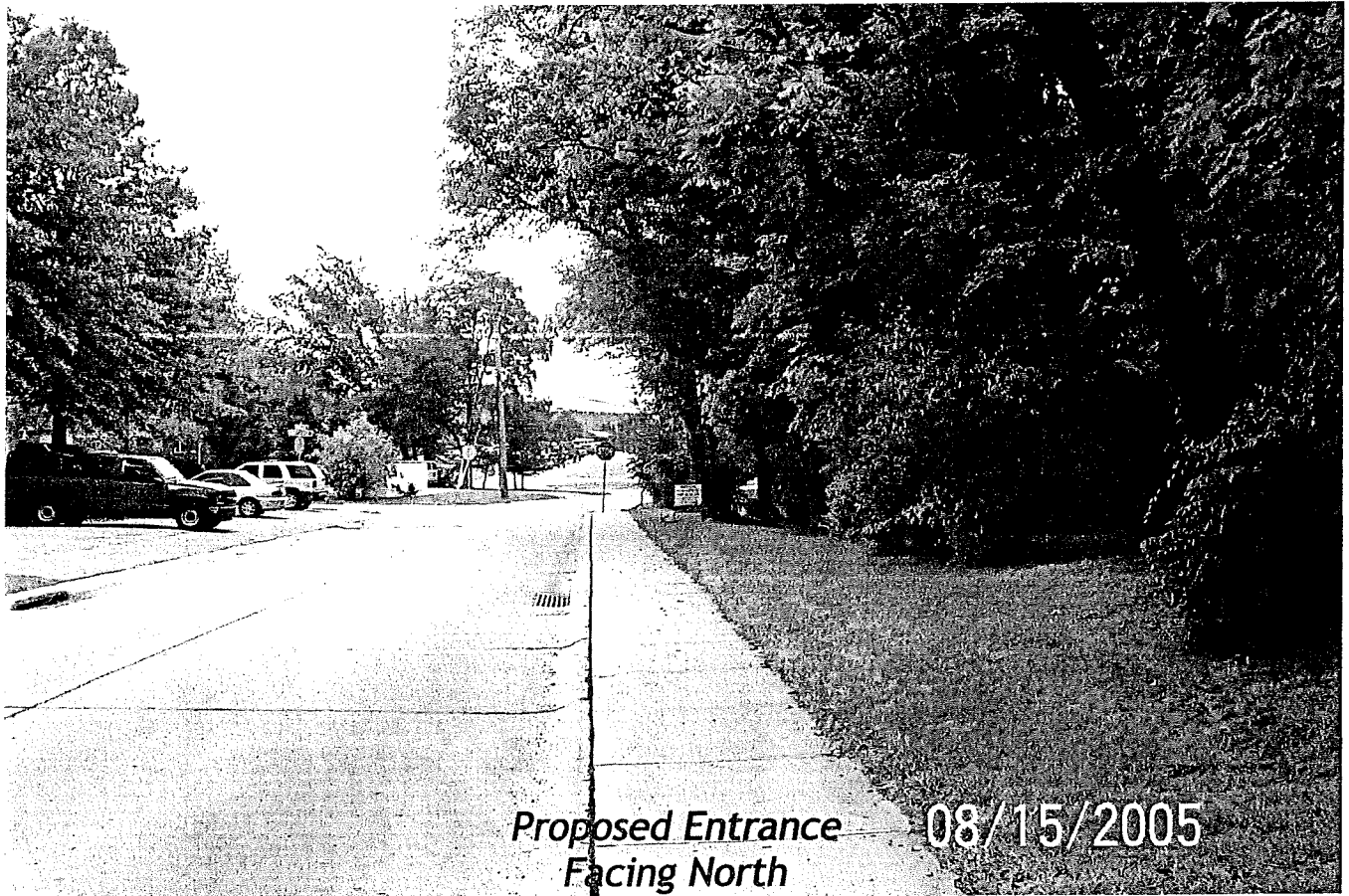
Marlene Becherer
27 Dortha Avenue
Florence, Ky. 41042
D.B. 794, Pg. 183
Ridge View Subdivision
P.B. 1, Pg. 8

Lot #9, Village Park Condominiums
Homes By Collins, Inc.
1248 Niles Road
Fairfield, Ohio 45014
D.B. 794, Pg. 183
Side 334A, Group #4052



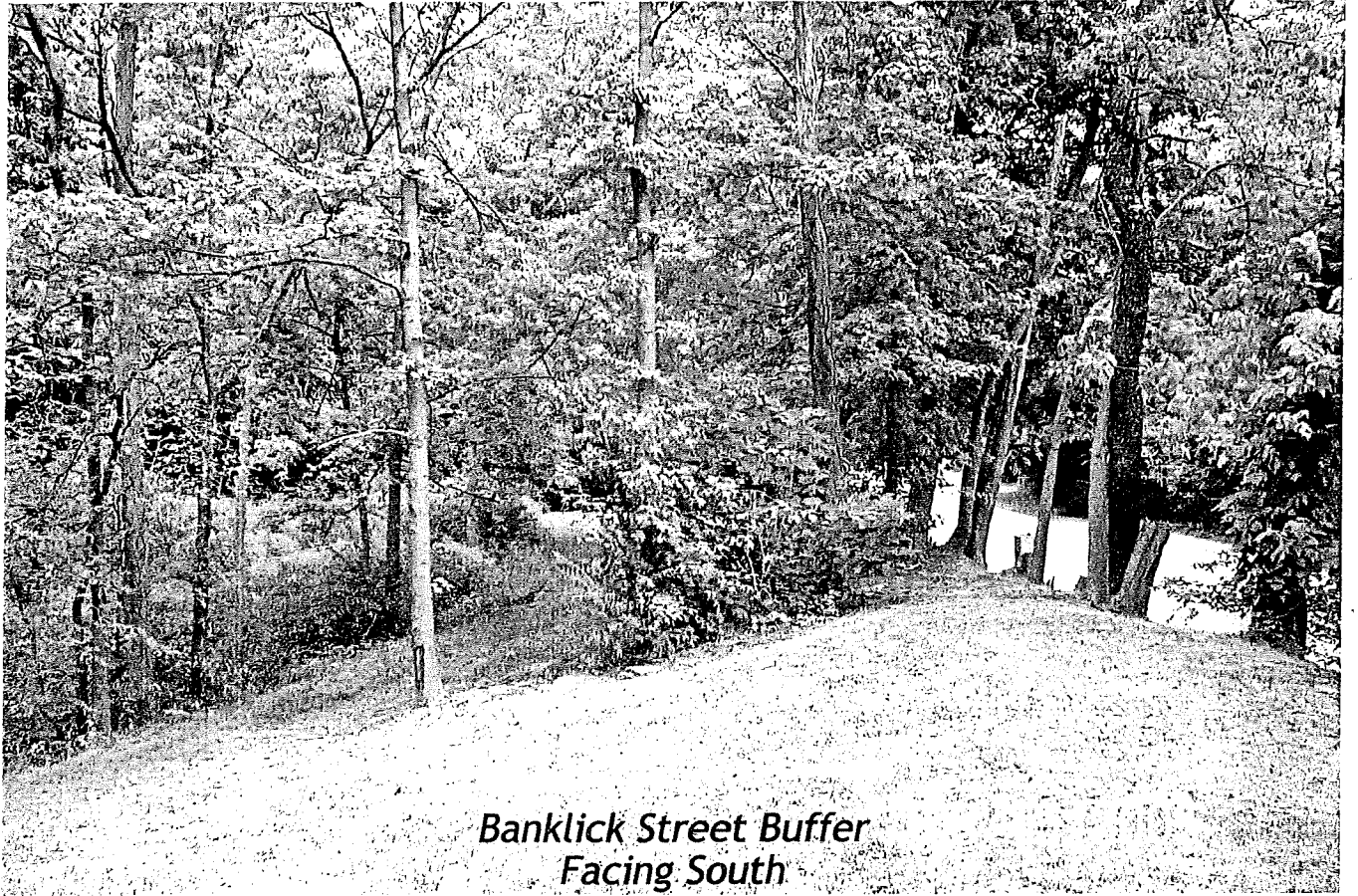
*Proposed Entrance
Facing South*

08/15/2005

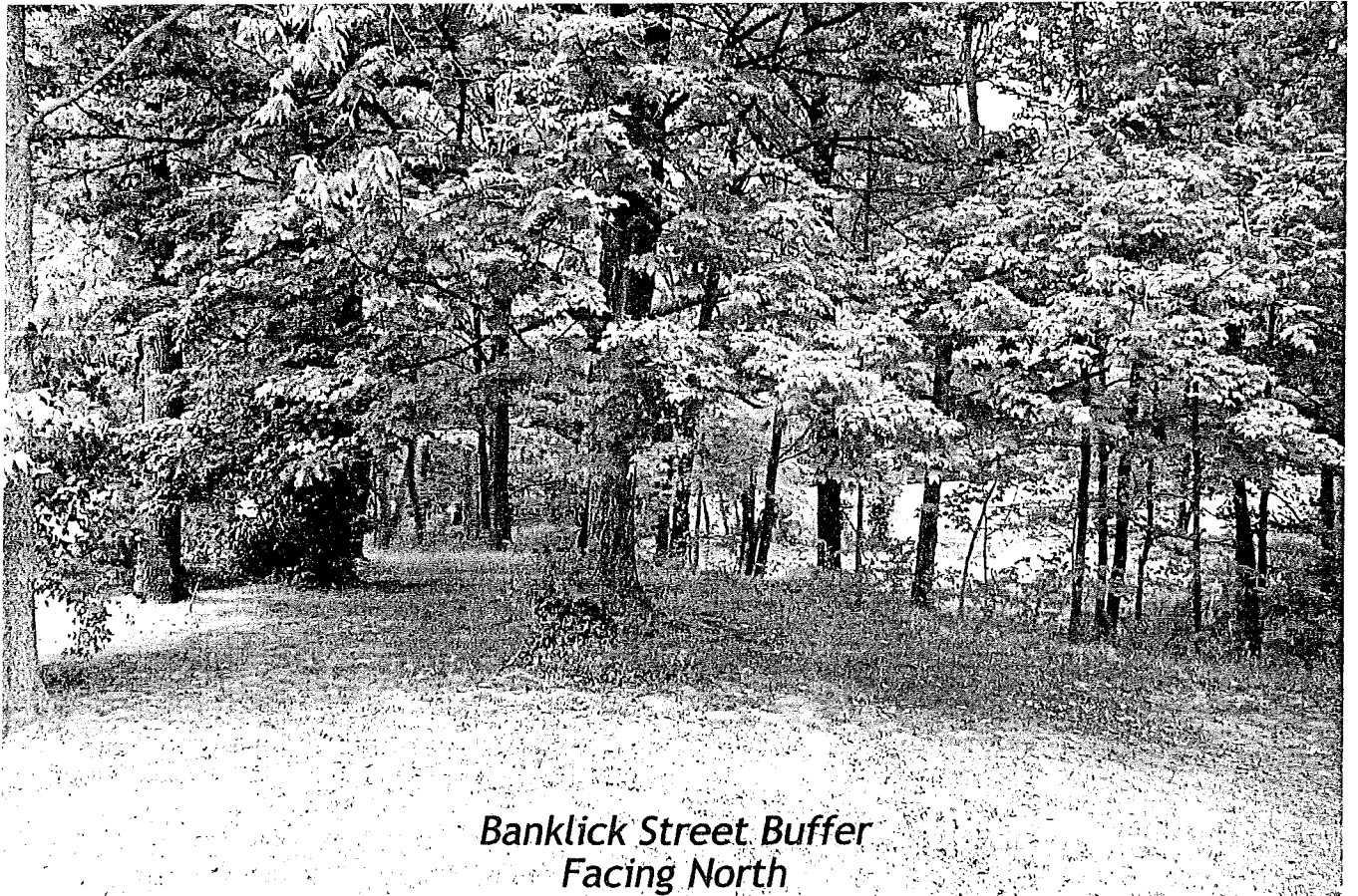


*Proposed Entrance
Facing North*

08/15/2005



*Banklick Street Buffer
Facing South*



*Banklick Street Buffer
Facing North*

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 21, 2005
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Newman
Mr. Randy Poe

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

Presentation of a Proclamation by Judge Executive Gary Moore to Kevin Costello:

Chairman Caddell welcomed Judge-Executive Gary Moore who was present this evening. Judge Moore thanked the Commissioners and the Staff for the work that they do to serve the residents of Boone County. He especially thanked Kevin Costello for his leadership. Judge Moore proclaimed September 21 as "Kevin P. Costello Day" and read the proclamation aloud. Mr. Costello received a round of applause from the Commissioners, Staff, and the public. Mr. Costello accepted the Proclamation and stated that it has been a great experience working twenty years for the Boone County Planning Commission. He expressed his appreciation to the Staff and to the Commissioners. He thanked Judge Moore for the Proclamation and for his kind words.

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 31, 2005 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the September 7, 2005 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the September 7, 2005 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. Schwenke seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Mr. Breetz arrived at this time.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a **Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.**

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).

In accordance with the Planning Commission's new procedure, Chairman Caddell allowed the applicant up to five minutes to summarize their position.

Attorney Gerry Dusing stated that they agree with the conditions and have submitted a signed agreement to that effect. He stated that this development is in agreement with the Comprehensive Plan. They received constructive suggestions from the Committee and will continue to have this development isolated and not accessible from Dortha, except for emergency vehicles. They will add more pavement on the Dortha end of the parking lot so that people will not have to back out. They have addressed the issues brought up at the Public Hearing.

Chairman Caddell asked if there was a spokesperson for the opposition who wished to summarize their position at this time. There was no response.

There being no discussion, **Mr. Bunger moved by Resolution to the City of Florence that the request be approved with the conditions. Mrs. Wilson seconded the motion and it carried unanimously.**

2. Change in Approved Concept Development Plan

The request of Terrace Development Company, LLC (owner) for a Change in an Approved Concept Development Plan for an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence Kentucky (Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in a Union Commercial/Planned Development (UC/PD) zone to allow a second drive-through facility on the site which is located between two buildings.

Chairman Caddell stated that Agenda Item #2 is recommended for deferral to the October 5, 2005 Business Meeting at 7:00 PM. Mr. Barlow so moved. Mrs. Wilson seconded the motion and it carried unanimously.

3. 2005 Boone County Comprehensive Plan

The request of the Boone County Planning Commission Long Range Planning/Comp Plan Committee to hear the 2005 Update of the Boone County Comprehensive Plan. The Goals and Objectives of the Comprehensive Plan were adopted in 2004 and formed a basis for the update of the remaining elements of the 2005 Boone County Comprehensive Plan. The Comprehensive Plan includes the following elements: Population, Environment, Economy,

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 21, 2005

Request of **T.W. Jones (applicant)** for **Anna W. Fitzgerald (owner)** for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

REMARKS

We, the Committee, recommend approval of the proposed Concept Development Plan, 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 Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan, due to the following reasons:
 - A. The Future Land Use Map designates the property as Urban Density Residential, which allows over eight dwelling units per acre. The proposal would be developed at a density of 11.54 dwelling units per acre. The Land Use Element speaks of the importance of the redevelopment of sites along major transportation corridors to balance the growth in the City of Florence that is occurring through annexation. It also notes that high-density residential development should occur where such development can be easily accessed or where it can serve to buffer existing residential uses from commercial or industrial development. The site is in proximity to the Dixie Highway/U.S. 42 corridor and to the Florence Main Street business district. The Future Land Use Development Guidelines highlight the importance of maintaining existing vegetation on site and of designing developments that are complementary to the adjacent property. The proposed buildings are similar in design to those in the adjoining Village Parke Condominium development.
 - B. The Housing Element notes that infill housing should be similar in character to that of adjoining property. The proposed apartments adjoin not only the Village Parke condominiums but also two multi-family housing developments to the south. As such the proposal amounts to a continuation of an existing multi-family housing district. The Element recommends that high-density development be located near commercial districts and be located near

arterial roadways and public facilities. As was discussed previously, the proposed development is near commercial centers and major roads. Vegetation should be used to create a visual transition between high-density uses and lower density uses when there is not an apparent gradation in land uses. The proposal abuts single-family detached residential property. Evergreen trees will be planted and berming will be installed to create a buffer between those properties and the subject site. Housing Objective #1 indicates that a broad variety of housing should be offered to the residents of Boone County. Housing Objective # 10 recommends that high-density development be located near major roadways. This issue was discussed above. Housing Objective #9 states infill housing developments should be designed to protect and enhance the existing housing units in the area. Housing Objective #13 notes that the proposed development should be scrutinized to determine that it is compatible not only with the character of the adjoining property but also that the existing site conditions are best served and that access is appropriate. Much of the existing tree cover on the site would be preserved. Access to the site would be through a new curb cut on Banklick Street with a gated emergency-only access on Dortha Avenue.

C. The "Physical" Objective #2 of the Environment Element discusses the importance of retaining existing topography and vegetation in site design. Grading and clearing should be kept at a minimum. The "Social" Objective #4 of the Environment Element notes that "existing vegetation shall be considered as both an important site characteristic and a community resource."

2. 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 impacts that the proposal may create.

CONDITIONS:

1. The Boone County Historic Preservation Review Board will have the opportunity to photograph and draw floor plans of the existing Fitzgerald house on the subject site prior to its demolition.
2. The dumpster locations will be revised during the Site Plan review process for the project to better facilitate vehicular turning movements.
3. The property owner and the developer will make the turnaround currently located on the site's Dortha Avenue street frontage accessible to the City of Florence, either through the provision of an easement onto the turnaround or through the dedication of the turnaround as City right-of-way, per the City's preference.

T.W. Jones/Fitzgerald

September 21, 2005

4. Turf pavers will be installed to provide emergency equipment a one lane gated emergency access to the site from Dortha Avenue.
5. Evergreen trees from Plant List "D" as defined in Section 3660 of the Boone County Zoning Regulations ("Plant Lists") will be installed in place of the shrubs that are required for Buffer Yard "B" in the buffer yards at the perimeter of the site. Staff will determine the rate at which evergreen trees will be substituted for shrubs during the Site Plan Review process for the project.
6. Adequate turnarounds shall be provided at each drive terminus at the north end of the property.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 17, 2005
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:52 PM and introduced the first item on the Agenda:

Applicant: T. W. Jones for
Anna W. Fitzgerald (owner)

Request: Zoning Map Amendment

The request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

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

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, representing the applicant, stated that Mr. Jones will tell the Planning Commission about his company and why the site will be developed this way. He stated that the Design Engineer, Logan Murphy, was the Design

Engineer for the previous project and is familiar with the site. Mr. Dusing submitted a handout "Turning Leaf, 31 Dortha Lane, Florence, KY" (see Exhibit 1).

Mr. Tom Jones stated that he has been in business since 1983 and has built in Parlor Grove, Farmview, Lassing Green, Triple Crown, and other subdivisions. He stated that they have been looking for an infill opportunity. He stated that this site is within walking distance of a nature park, churches, libraries, doctors, and the new community center in Florence. The site has privacy with the trees there and with the trees they will be able to save. The people who want to live there will be young professionals saving for a home and a mature group who may have a condominium down south and want to have another residence near their children – they will build to that type of quality. He reviewed an exhibit of the exterior of the development and stated that they will break up the massing with stone and brick and they will use a lot of low-maintenance concrete board instead of vinyl siding. He noted oversized garages in the middle of the site. He stated that the architectural details are consistent with the apartments. The units will be 1,350 square feet and have two bedrooms and two bathrooms. They will have a good size storage area so that people do not store things on their balconies. He stated that a lot of the units are accessible from two sides so that people can get out of their cars and have sight distance to their door to be secure.

Mr. Logan Murphy with Hicks & Mann reviewed the Site Plan on Page 5 of the handout. He stated that the Fire Department was concerned about the turning radius to the building on the right. They have increased the pavement width between the parking garage and the sidewalk to 36 feet to alleviate the Fire Department's concerns. He stated that the site is 3.12 acres. Reviewing the handout, he stated that the dark green areas are existing vegetation that will remain on the site. He reviewed the photographs at the back of the handout. On the last page of the handout, the photographs were taken at the entrance facing north and south and all of that vegetation, except the vegetation at the entrance, will be left and it is a good buffer by itself. He noted mature trees along the west property boundary where they are showing Buffer Yard B. They will need to add evergreens to meet the Buffer Yard B requirements. He stated that one acre of the site is existing woods that will be left undisturbed (36% of the site). The grass areas around the buildings and the parking lot are eight-tenths of an acre and 58% of the site will be green with either woods or landscaping areas. There is sewer and water on the site. He indicated the blue line stream on the exhibit. He does not think it is a jurisdictional stream but, if it is, they will get the necessary permits. He stated that there is sufficient sight distance both ways on Banklick Street.

Mr. Dusing addressed the requirements for a zone change. He stated that the plan meets the Future Land Use Map and quoted from the Staff Report on Page 3 – Relationship to the Comprehensive Plan. He reviewed the Land Use Element quotes applicable to this site A and B (Page 3) and stated that they meet them. He

reviewed the Future Land Use Development Guidelines and in response to Item A he stated that providing 58% green space all around the perimeter is extraordinary. He stated that the gorgeous mature trees along Banklick Street where there are single-family residences and also up against Dortha Avenue will be kept. He reviewed Item C on Page 5 of the Staff Report which documents that there is demand for multi-family housing in and around Florence. He reviewed Item D on Page 5 of the Staff Report which documents that multi-family housing developments should have convenient access to commercial districts or should provide their own commercial uses, which is another ideal aspect of this site as indicated by Mr. Jones. He stated that the nature park is at the southern tip of the site and it is a short walk up Dortha Avenue to all of the amenities in the City of Florence including churches, library, doctors' offices, etc. Mr. Dusing addressed Staff Concern #7. He referred to the Site Plan in the handout and stated that there is a significant landscape berm located on the property at the end of the pavement of Dortha Avenue and the sidewalk is continued from the edge of Dortha Avenue back to the complex. The T-turnaround at end of Dortha Avenue is not public right-of-way, it is owned by this site and there is no easement. The proposal is to grant an easement to the City of Florence so that it would function as it functions today, but it would be separated at the end with a landscape berm. In response to Staff Comment #9 he stated that there are no amenities on the Concept Development Plan because there is a gorgeous passive nature park and walking trails right down the street. He stated that the site is too small for amenities and the market is empty nesters and "DINKS" (double-income, no kids) families that are starting out and saving for a new home. He offered to answer any questions. This completed the applicant's presentation.

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

Mr. David Spille, 32 Dortha Avenue, stated that his home is one house up from the site. He stated that the site is wooded around the perimeter, but some of the buildings will take out 100-year old pine trees. He stated that the Fire Department wants access off Dortha Avenue, but with access from Dortha Avenue to these apartments there will be increased traffic on Dortha Avenue. He stated that the development is not homes, it is apartments. He is concerned about the privacy of the existing residents. He stated that there are signs up and down Dixie Highway for two-bedroom apartments and they cannot fill them – but now we are adding more apartments. He feels that condominiums would be better taken care of because in an apartment complex people move in and out and they do not care. He is against the request.

Ms. Margaret McDaniel, Plantation Drive in Florence, stated that the site is beautiful, but the house is in disrepair. She feels that someone should be given the opportunity to repair the house so that it could be on the National Register.

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

Mr. Knock stated that there are 50+ parking spaces and 30 of them are enclosed -- with 36 units and 30 garages, there will not be an assigned garage for each unit. He is concerned that the apartment residents will need storage room and will fill the garages up with storage instead of using them for parking. Mr. Murphy responded that a storage space is provided for each apartment. He stated that the garages will be enclosed parking spaces and it will be up to Mr. Jones, who will be managing the development, to make sure the garages are not used for storage. He stated that the Revised Plan shows 74 parking spaces and only 72 are required. Mr. Carmichael stated that there are 54 parking pads and 30 garages. In response to a question from Mr. Knock, Ms. Bachman stated that they meet the parking requirements. Under Section 3325 of the Zoning Regulations they are required to have two parking spaces per unit. They would be required to have 72 parking spaces for the 36 units and they have 74 parking spaces. Mr. Knock stated that he is concerned about the garages being used for storage and there not being sufficient parking.

Mr. Breetz noted that they are retaining trees and asked if they plan to have any new vegetation. Mr. Murphy responded that the 20-foot Buffer Yard B goes along the north side of the property and they will need to add to the vegetation to meet the Buffer Yard B requirements. Mr. Breetz asked if they plan to landscape around the buildings. Mr. Jones responded "yes". Mr. Murphy stated that there is green space in front of the buildings and foundation landscaping. Mr. Breetz stated that half of the detention pond near Banklick Street appears to be within the vegetation area. Mr. Murphy responded that it will be a dry detention pond and it is permissible to put it in the vegetation area. Mr. Breetz asked if it will be in the blue line stream. Mr. Murphy responded that the blue line stream starts to the south of the property. Mr. Breetz asked if they would be required to get an Army Corps of Engineers Permit. Mr. Murphy responded that they should not be required to get a permit, but it does not hurt to ask the Army Corps of Engineers.

Mrs. Kegley questioned the dimensions of the oversized garages. Mr. Jones responded that they are 12' x 21" but they back up to each other for a total of 42'.

Mr. Costello questioned why the applicant does not donate the Dortha Avenue turnaround property to the City of Florence if the concept is that the city will maintain it. Mr. Dusing responded that if they give the city an easement, they will still pay taxes on it and the city will get full use of it. Mr. Costello stated that normally the right-of-way for public roads is donated. Mr. Dusing stated that they will do whatever the City of Florence wants them to do. Mr. Costello asked if the turnaround is there now. Mr. Dusing responded that there is a T-turnaround and they do not intend to improve it.

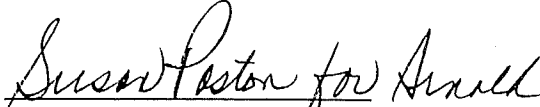

Mr. Poe stated that there is no circular traffic flow. He noted the location of the garages and the comments from the Fire Department. He stated that the Committee needs to explore that issue. He stated that there is no way for a fire truck to go around the garages to get out of that area. Mr. Murphy responded that if required, they will take out two of the enclosed parking units and have them as outside spaces. Mr. Dusing stated that the fire trucks could go down either side of the garages. Mr. Poe questioned how they would get back out – they would have to back up because there is no circular flow. Chairman Caddell stated that the Committee will discuss this issue. Mr. Carmichael questioned an emergency access to Dortha Avenue for safety vehicles. Chairman Caddell asked if the applicant has seen the letter from the Fire Department. Mr. Murphy responded “yes”, but stated that they did not address it with the Revised Concept Plan because they wanted to keep the traffic off Dortha Avenue based on their experience at the last zone change request. Mr. Carmichael stated that he is talking about a gated access for the fire department. Mr. Murphy responded that they will discuss it at the Committee Meeting. Chairman Caddell reviewed the letter from the Fire Department and stated that the letter does not address an emergency connection from Dortha Avenue.

Mr. White questioned the average rent for an apartment with a garage. Mr. Jones responded that it would be from \$750 - \$850 per month.

Mr. Carmichael stated that there will be children in the development and the school bus will not go into the development. He asked if there will be a bus shelter in the front. Mr. Jones responded that they had not planned on it at this point. Mr. Carmichael asked that it be discussed in Committee.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 21, 2005 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman 

Attest:


Jan Hancock, Recording Secretary

Exhibit –

1. Turning Leaf, 31 Dortha Lane, Florence, KY by T. W. Jones Homes submitted by Mr. Dusing

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 7, 2005

RE: Request of T.W. Jones (applicant) for Anna W. Fitzgerald (owner) for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

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.

T.W. Jones/Fitzgerald

September 7, 2005

Kim Bunger
Kim Bunger, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Randy Barlow
Randy Barlow
 For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz
 For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Earl White (Alternate)
Earl White (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Lisa Wilson (Alternate)
Lisa Wilson (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 2 FOR PROJECT 3 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

FROM : SEP -16 05 (FRI) 16:08

FAX NO. :

Sep. 19 2005 09:03AM P2

BOONE COUNTY PLANNING COMM

TEL: 859 334 2264

P. 003

BOONE COUNTY PLANNING COMMISSION



2999 Washington Street • Burlington, KY 41003

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

September 16, 2005

Mr. T.W. Jones
P.O. Box 182
Union, KY 41091

RE: Proposed Zoning Map Amendment and Concept Development Plan, 31 Dortha Avenue, Florence, KY

Dear Mr. Jones:

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, agree to the following conditions, please indicate so by obtaining the signature of the agent for the property owner at the space provided below, and return this letter to the Planning Commission Office by 12 P.M. Wednesday, September 21, 2005.

1. The Boone County Historic Preservation Review Board will have the opportunity to photograph and draw floor plans of the existing Fitzgerald house on the subject site prior to its demolition.
2. The dumpster locations will be revised during the Site Plan review process for the project to better facilitate vehicular turning movements.
3. The property owner and the developer will make the turnaround currently located on the site's Dortha Avenue street frontage accessible to the City of Florence, either through the provision of an easement onto the turnaround or through the dedication of the turnaround as City right-of-way, per the City's preference.
4. Turf pavers will be installed to provide emergency equipment a one lane gated emergency access to the site from Dortha Avenue. This emergency access shall be secured from casual pedestrian and vehicular access in a manner which is acceptable to the Florence Fire Department.
5. Evergreen trees from Plant List "D" as defined in Section 3660 of the Boone County Zoning Regulations ("Plant Lists") will be installed in place of the shrubs that are required for Buffer Yard "B" in the buffer yards at the perimeter of the site. Staff will determine the rate at which evergreen trees will be substituted for shrubs during the Site Plan Review process for the project.
6. Adequate turnarounds shall be provided at each drive terminus at the north end of the property.

Sincerely,

Patty Bachman
Planner

MPB/pr

FROM : JWI, 9/16/05 (FRI) 16:08

FAX NO. :

Sep. 19 2005 09:03AM P3

BOONE COUNTY PLANNING COMM

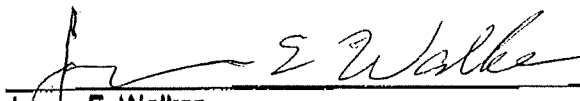
TEL: 859 334 2264

P. 002

Mr. T.W. Jones
September 16, 2005
Page 2

Agreement

I, the agent for the property owner, agree to the above-listed conditions of approval for the requested Zoning Map Amendment and Concept Development Plan for property located at 31 Dortha Avenue in Florence Kentucky.



James E. Walker,
Power of Attorney for Property Owner

9/20/05

(Date)

Mailed to
Monmouth St. Fed.
Savings & Loan
Assoc., Newport,
Ky-5-10-41

KNOW ALL MEN BY THESE PRESENTS: That Harold C. Hendrickson and Luella Hendrickson, husband and wife, for and in consideration of One (\$1.00) Dollar and other valuable considerations, to them paid by William A. Fitzgerald and Anna W. Fitzgerald, husband and wife, the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said William A. Fitzgerald and Anna W. Fitzgerald, husband and wife, their heirs and assigns forever, with the right of survivorship, the following described Real Estate, to-wit:

Lying and being in the Town of Florence, Boone County, Kentucky and described as follows: Lying and being in Ridge View Subdivision, and more particularly described as a certain parcel of ground in subdivision at the extreme south eastwardly end of Dortha Avenue, consisting of 2.34 acres as shown on said subdivision and recorded in Plat Book 1, page 8, in the Boone County records at Burlington, Kentucky, and more particularly described as follows:

Beginning at a stake in the southwest corner of Lot #22, Ridge View Subdivision; thence with the south line of lot #22, N. 64° 30' E. 78 feet to the westerly side of Dortha Avenue; thence with the westerly side of Dortha Avenue, S. 25° 30' E. 50 feet; thence N. 64° 30' E. passing the southwest corner of Lot #21 at 30 feet in all 203.2 feet to a fence post, the southeast corner of said Lot #21; thence S. 21° E. 475 feet to a fence post at the north line of Banklick Street; thence with the North line of Banklick Street, N. 76° W. 273.6 feet to a fence post; thence leaving the north line of said street, N. 24° W. 352.5 feet to the southwest corner of Lot No. 22 to the beginning, and containing 2.32 acres, as shown on plat of said subdivision, and recorded in Plat Book 1, page 8, in the Boone County records at Burlington, Kentucky.

Being the same property conveyed to the grantors herein by deed from Clifford J. Schied and Lula Scheid, of date, February 28, 1939, and recorded in Deed Book 76, at page 217, of the Boone County records at Burlington, Kentucky.

Together with all the Privileges and Appurtenances to the same belonging:

TO HAVE AND TO HOLD the same to the said William A. Fitzgerald and Anna W. Fitzgerald, husband and wife, their heirs and assigns forever, with the right of survivorship, THE GRANTORS, for themselves, their Heirs, Executors, and Administrators Hereby Covenanteeing with the Grantees, their Heirs and Assigns, that the title so conveyed is Clear, Free, and Unincumbered, and that they will Warrant and Defend the same against all legal claims whatsoever, excepting all taxes becoming due and payable from and after May 1, 1941.

IN WITNESS WHEREOF, The Said Grantors, Harold C. Hendrickson and Luella Hendrickson, hereunto set their hands, this 6th day of May in the year A.D. 1941.

Stamps \$7.15

/s/ Harold C. Hendrickson

/s/ Luella Hendrickson

COMMONWEALTH OF KENTUCKY }
CAMPBELL COUNTY } SCT.

I, FRED B. BASSMANI, a Notary Public in and for said County and State, do certify that the foregoing instrument of writing from Harold C. Hendrickson and Luella Hendrickson to William A. Fitzgerald and Anna W. Fitzgerald was this day

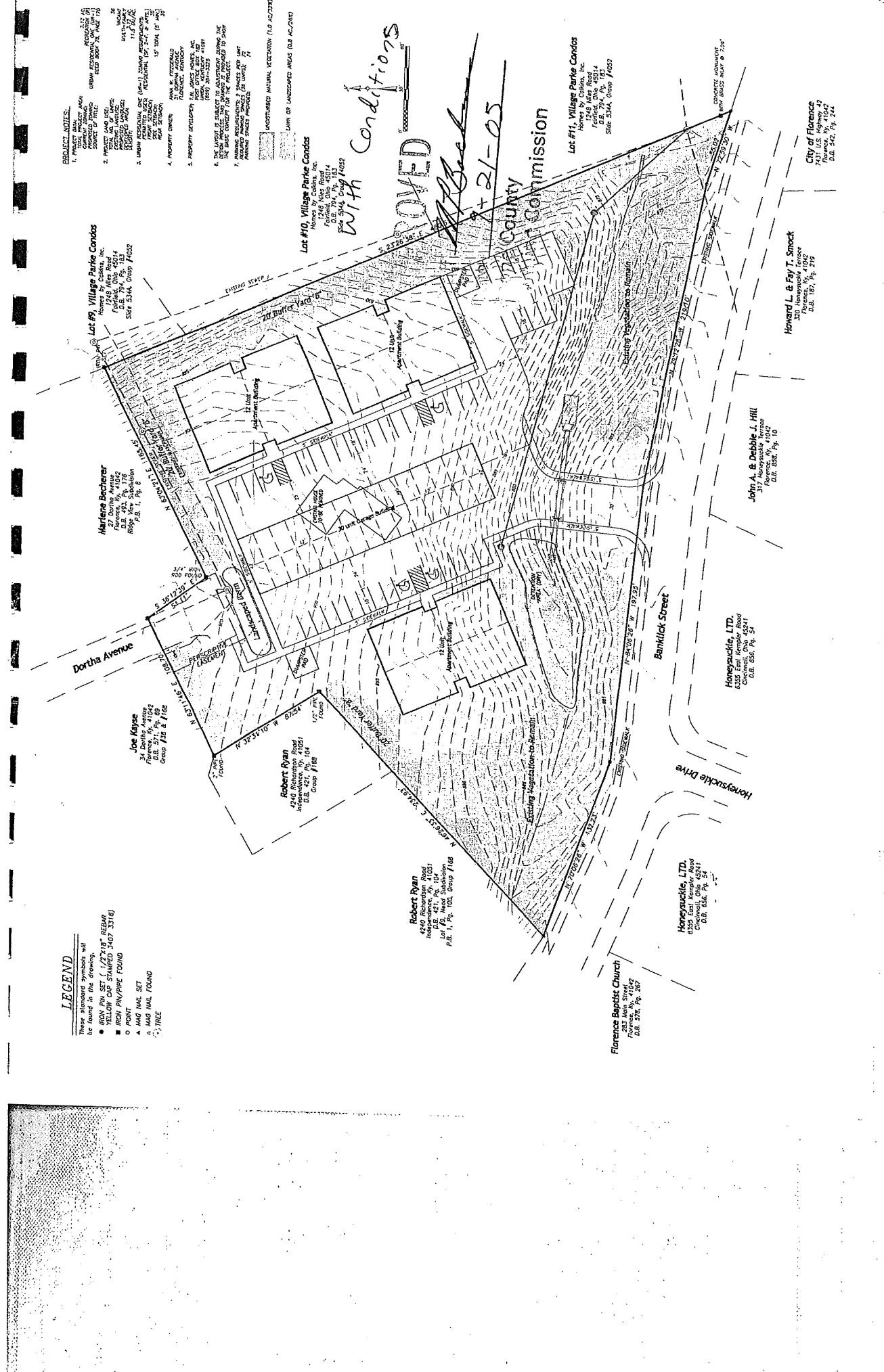
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LEGEND

- These standard symbols will be found in the drawing.
- IRON PIN SET (1/2"X18" BEAR)
- IRON PIN/PIPE FOUND
- POINT
- MANHOLE SET
- MANHOLE
- TREE

PROJECT NOTES:

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APPROVED
 With Conditions
 [Signature]
 7-21-05
 County Planning Commission

Lot #9, Village Park Condos
 Homes by Collins, Inc.
 1748 West Road
 Fairport, Ohio 43114
 D.B. 42, Pgs. 174, 181
 P.B. 1, Pgs. 6, 7
 Side 314A, Group #1027

Marlene Becherer
 27 Dorthea Avenue
 Florence, Ohio 43822
 D.B. 42, Pgs. 176, 181
 P.B. 1, Pgs. 6, 7
 Ridge New Subdivision

Joe Kayse
 34 Dorthea Avenue
 Florence, Ohio 43822
 D.B. 42, Pgs. 176, 181
 P.B. 1, Pgs. 6, 7
 Green #12 & #18

Robert Ryan
 4240 Richmond Road
 Florence, Ohio 43822
 D.B. 42, Pgs. 104, 105
 P.B. 1, Pgs. 100, Subgroup #108

Robert Ryan
 4240 Richmond Road
 Florence, Ohio 43822
 D.B. 42, Pgs. 104, 105
 P.B. 1, Pgs. 100, Subgroup #108

Florence Baptist Church
 233 Main Street
 Florence, Ohio 43822
 D.B. 318, Pgs. 267

Honeyuckle, LTD.
 655 East Kemper Road
 Cincinnati, Ohio 45241
 D.B. 658, Pgs. 54

Lot #10, Village Park Condos
 Homes by Collins, Inc.
 1748 West Road
 Fairport, Ohio 43114
 D.B. 42, Pgs. 174, 181
 P.B. 1, Pgs. 6, 7
 Side 314A, Group #1027

Lot #11, Village Park Condos
 Homes by Collins, Inc.
 1748 West Road
 Fairport, Ohio 43114
 D.B. 42, Pgs. 174, 181
 P.B. 1, Pgs. 6, 7
 Side 314A, Group #1027

John A. & Debbie J. Hill
 317 Honeyuckle Terrace
 Florence, Ohio 43822
 D.B. 658, Pgs. 10

Howard L. & Fay T. Snock
 233 Main Street
 Florence, Ohio 43822
 D.B. 187, Pgs. 219

City of Florence
 233 Main Street
 Florence, Ohio 43822
 D.B. 342, Pgs. 244

Honeyuckle, LTD.
 655 East Kemper Road
 Cincinnati, Ohio 45241
 D.B. 658, Pgs. 54

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Honeyuckle, LTD.
 655 East Kemper Road
 Cincinnati, Ohio 45241
 D.B. 658, Pgs. 54

ORDINANCE NO. 0-28-05

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM RECREATION (R) TO URBAN RESIDENTIAL ONE (UR-1), FOR AN APPROXIMATE 3.12 ACRE SITE LOCATED AT 31 DORTHA AVENUE AND ALONG THE NORTH SIDE OF BANKLICK STREET ACROSS FROM THE BANKLICK STREET/HONEYSUCKLE DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW APARTMENT DWELLING UNITS. (JONES/FITZGERALD PROPERTY).

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-05-020-A recommended approval of the rezoning described above, and

WHEREAS, the recommendation for approval of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, 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 request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a zoning map amendment for an approximate 3.12 acre site located at 31 Dortha Avenue and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive Intersection, Florence, Kentucky, this zoning map amendment being to rezone this site from Recreation (R) to Urban Residential One (UR-1), to allow apartment dwelling units, subject to agreed conditions. 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 amended and designated to reflect the approval of this zoning map amendment for this 3.12 acres.

SECTION II

Approval of this zoning map amendment is granted subject to the conditions, terms and provisions 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-05-020-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to additional conditions that have been agreed to by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

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-05-020-A, marked Exhibit "B" hereto.

SECTION V

If this approval for the 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 VI

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

PASSED AND APPROVED ON FIRST READING THIS 22nd DAY OF November, 2005.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 13th DAY OF December, 2005.

APPROVED:

Deane E. White
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-28-05

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-28-05 on 12/13, 2005. The title of this Ordinance is as follows:

ORDINANCE NO. 0-28-05

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM RECREATION (R) TO URBAN RESIDENTIAL ONE (UR-1), FOR AN APPROXIMATE 3.12 ACRE SITE LOCATED AT 31 DORTHA AND ALONG THE NORTH SIDE OF BANKLICK STREET ACROSS FROM THE BANKLICK STREET/HONEYSUCKLE DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW APARTMENT DWELLING UNITS. (JONES/FITZGERALD PROPERTY).

This Ordinance rezones the approximate 3.12 acre site that is described in the Ordinance from Recreation (R) to Urban Residential One (UR-1), to allow apartment dwelling units.

The full text of Ordinance No. 0-28-05, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-28-05 and that it has been prepared by me on the 15th day of November, 2005, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
(859) 371-7407

EXHIBIT
“A”

EXHIBIT
“B”

RESOLUTION R-05-020-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF T.W. JONES (APPLICANT) FOR ANNA W. FITZGERALD (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RECREATION (R) TO URBAN RESIDENTIAL ONE (UR-1) FOR A 3.12 ACRE SITE LOCATED AT 31 DORTHA AND ALONG THE NORTH SIDE OF BANKLICK STREET ACROSS FROM THE BANKLICK STREET/HONEYSUCKLE DRIVE INTERSECTION, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF 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 Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, 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 Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Recreation (R) zone is more particularly described in DEED BOOK 78, PAGE NO. 170 (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."

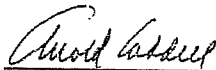
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment for a zone change from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, 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.

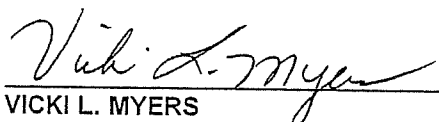
PASSED AND APPROVED ON THIS 5TH DAY OF OCTOBER, 2005.

APPROVED:



ARNOLD CADDELL
CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

AC:vlm

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 17, 2005
7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:52 PM and introduced the first item on the Agenda:

Applicant: T. W. Jones for
Anna W. Fitzgerald (owner)

Request: Zoning Map Amendment

The request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

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

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, representing the applicant, stated that Mr. Jones will tell the Planning Commission about his company and why the site will be developed this way. He stated that the Design Engineer, Logan Murphy, was the Design

Engineer for the previous project and is familiar with the site. Mr. Dusing submitted a handout "Turning Leaf, 31 Dortha Lane, Florence, KY" (see Exhibit 1).

Mr. Tom Jones stated that he has been in business since 1983 and has built in Parlor Grove, Farmview, Lassing Green, Triple Crown, and other subdivisions. He stated that they have been looking for an infill opportunity. He stated that this site is within walking distance of a nature park, churches, libraries, doctors, and the new community center in Florence. The site has privacy with the trees there and with the trees they will be able to save. The people who want to live there will be young professionals saving for a home and a mature group who may have a condominium down south and want to have another residence near their children - they will build to that type of quality. He reviewed an exhibit of the exterior of the development and stated that they will break up the massing with stone and brick and they will use a lot of low-maintenance concrete board instead of vinyl siding. He noted oversized garages in the middle of the site. He stated that the architectural details are consistent with the apartments. The units will be 1,350 square feet and have two bedrooms and two bathrooms. They will have a good size storage area so that people do not store things on their balconies. He stated that a lot of the units are accessible from two sides so that people can get out of their cars and have sight distance to their door to be secure.

Mr. Logan Murphy with Hicks & Mann reviewed the Site Plan on Page 5 of the handout. He stated that the Fire Department was concerned about the turning radius to the building on the right. They have increased the pavement width between the parking garage and the sidewalk to 36 feet to alleviate the Fire Department's concerns. He stated that the site is 3.12 acres. Reviewing the handout, he stated that the dark green areas are existing vegetation that will remain on the site. He reviewed the photographs at the back of the handout. On the last page of the handout, the photographs were taken at the entrance facing north and south and all of that vegetation, except the vegetation at the entrance, will be left and it is a good buffer by itself. He noted mature trees along the west property boundary where they are showing Buffer Yard B. They will need to add evergreens to meet the Buffer Yard B requirements. He stated that one acre of the site is existing woods that will be left undisturbed (36% of the site). The grass areas around the buildings and the parking lot are eight-tenths of an acre and 58% of the site will be green with either woods or landscaping areas. There is sewer and water on the site. He indicated the blue line stream on the exhibit. He does not think it is a jurisdictional stream but, if it is, they will get the necessary permits. He stated that there is sufficient sight distance both ways on Banklick Street.

Mr. Dusing addressed the requirements for a zone change. He stated that the plan meets the Future Land Use Map and quoted from the Staff Report on Page 3 - Relationship to the Comprehensive Plan. He reviewed the Land Use Element quotes applicable to this site A and B (Page 3) and stated that they meet them. He

reviewed the Future Land Use Development Guidelines and in response to Item A he stated that providing 58% green space all around the perimeter is extraordinary. He stated that the gorgeous mature trees along Banklick Street where there are single-family residences and also up against Dortha Avenue will be kept. He reviewed Item C on Page 5 of the Staff Report which documents that there is demand for multi-family housing in and around Florence. He reviewed Item D on Page 5 of the Staff Report which documents that multi-family housing developments should have convenient access to commercial districts or should provide their own commercial uses, which is another ideal aspect of this site as indicated by Mr. Jones. He stated that the nature park is at the southern tip of the site and it is a short walk up Dortha Avenue to all of the amenities in the City of Florence including churches, library, doctors' offices, etc. Mr. Dusing addressed Staff Concern #7. He referred to the Site Plan in the handout and stated that there is a significant landscape berm located on the property at the end of the pavement of Dortha Avenue and the sidewalk is continued from the edge of Dortha Avenue back to the complex. The T-turnaround at end of Dortha Avenue is not public right-of-way, it is owned by this site and there is no easement. The proposal is to grant an easement to the City of Florence so that it would function as it functions today, but it would be separated at the end with a landscape berm. In response to Staff Comment #9 he stated that there are no amenities on the Concept Development Plan because there is a gorgeous passive nature park and walking trails right down the street. He stated that the site is too small for amenities and the market is empty nesters and "DINKS" (double-income, no kids) families that are starting out and saving for a new home. He offered to answer any questions. This completed the applicant's presentation.

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

Mr. David Spille, 32 Dortha Avenue, stated that his home is one house up from the site. He stated that the site is wooded around the perimeter, but some of the buildings will take out 100-year old pine trees. He stated that the Fire Department wants access off Dortha Avenue, but with access from Dortha Avenue to these apartments there will be increased traffic on Dortha Avenue. He stated that the development is not homes, it is apartments. He is concerned about the privacy of the existing residents. He stated that there are signs up and down Dixie Highway for two-bedroom apartments and they cannot fill them – but now we are adding more apartments. He feels that condominiums would be better taken care of because in an apartment complex people move in and out and they do not care. He is against the request.

Ms. Margaret McDaniel, Plantation Drive in Florence, stated that the site is beautiful, but the house is in disrepair. She feels that someone should be given the opportunity to repair the house so that it could be on the National Register.

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

Mr. Knock stated that there are 50+ parking spaces and 30 of them are enclosed -- with 36 units and 30 garages, there will not be an assigned garage for each unit. He is concerned that the apartment residents will need storage room and will fill the garages up with storage instead of using them for parking. Mr. Murphy responded that a storage space is provided for each apartment. He stated that the garages will be enclosed parking spaces and it will be up to Mr. Jones, who will be managing the development, to make sure the garages are not used for storage. He stated that the Revised Plan shows 74 parking spaces and only 72 are required. Mr. Carmichael stated that there are 54 parking pads and 30 garages. In response to a question from Mr. Knock, Ms. Bachman stated that they meet the parking requirements. Under Section 3325 of the Zoning Regulations they are required to have two parking spaces per unit. They would be required to have 72 parking spaces for the 36 units and they have 74 parking spaces. Mr. Knock stated that he is concerned about the garages being used for storage and there not being sufficient parking.

Mr. Breetz noted that they are retaining trees and asked if they plan to have any new vegetation. Mr. Murphy responded that the 20-foot Buffer Yard B goes along the north side of the property and they will need to add to the vegetation to meet the Buffer Yard B requirements. Mr. Breetz asked if they plan to landscape around the buildings. Mr. Jones responded "yes". Mr. Murphy stated that there is green space in front of the buildings and foundation landscaping. Mr. Breetz stated that half of the detention pond near Banklick Street appears to be within the vegetation area. Mr. Murphy responded that it will be a dry detention pond and it is permissible to put it in the vegetation area. Mr. Breetz asked if it will be in the blue line stream. Mr. Murphy responded that the blue line stream starts to the south of the property. Mr. Breetz asked if they would be required to get an Army Corps of Engineers Permit. Mr. Murphy responded that they should not be required to get a permit, but it does not hurt to ask the Army Corps of Engineers.

Mrs. Kegley questioned the dimensions of the oversized garages. Mr. Jones responded that they are 12' x 21" but they back up to each other for a total of 42'.

Mr. Costello questioned why the applicant does not donate the Dortha Avenue turnaround property to the City of Florence if the concept is that the city will maintain it. Mr. Dusing responded that if they give the city an easement, they will still pay taxes on it and the city will get full use of it. Mr. Costello stated that normally the right-of-way for public roads is donated. Mr. Dusing stated that they will do whatever the City of Florence wants them to do. Mr. Costello asked if the turnaround is there now. Mr. Dusing responded that there is a T-turnaround and they do not intend to improve it.

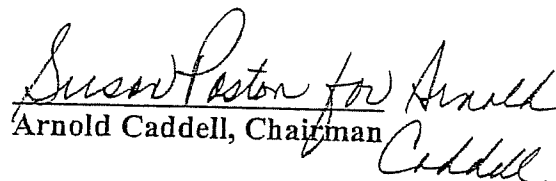
Mr. Poe stated that there is no circular traffic flow. He noted the location of the garages and the comments from the Fire Department. He stated that the Committee needs to explore that issue. He stated that there is no way for a fire truck to go around the garages to get out of that area. Mr. Murphy responded that if required, they will take out two of the enclosed parking units and have them as outside spaces. Mr. Dusing stated that the fire trucks could go down either side of the garages. Mr. Poe questioned how they would get back out – they would have to back up because there is no circular flow. Chairman Caddell stated that the Committee will discuss this issue. Mr. Carmichael questioned an emergency access to Dortha Avenue for safety vehicles. Chairman Caddell asked if the applicant has seen the letter from the Fire Department. Mr. Murphy responded “yes”, but stated that they did not address it with the Revised Concept Plan because they wanted to keep the traffic off Dortha Avenue based on their experience at the last zone change request. Mr. Carmichael stated that he is talking about a gated access for the fire department. Mr. Murphy responded that they will discuss it at the Committee Meeting. Chairman Caddell reviewed the letter from the Fire Department and stated that the letter does not address an emergency connection from Dortha Avenue.

Mr. White questioned the average rent for an apartment with a garage. Mr. Jones responded that it would be from \$750 - \$850 per month.

Mr. Carmichael stated that there will be children in the development and the school bus will not go into the development. He asked if there will be a bus shelter in the front. Mr. Jones responded that they had not planned on it at this point. Mr. Carmichael asked that it be discussed in Committee.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 21, 2005 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:

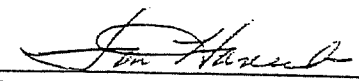

Jan Hancock, Recording Secretary

Exhibit –

1. Turning Leaf, 31 Dortha Lane, Florence, KY by T. W. Jones Homes submitted by Mr. Dusing

Presentation of a Proclamation by Judge Executive Gary Moore to Kevin Costello:

Chairman Caddell welcomed Judge-Executive Gary Moore who was present this evening. Judge Moore thanked the Commissioners and the Staff for the work that they do to serve the residents of Boone County. He especially thanked Kevin Costello for his leadership. Judge Moore proclaimed September 21 as "Kevin P. Costello Day" and read the proclamation aloud. Mr. Costello received a round of applause from the Commissioners, Staff, and the public. Mr. Costello accepted the Proclamation and stated that it has been a great experience working twenty years for the Boone County Planning Commission. He expressed his appreciation to the Staff and to the Commissioners. He thanked Judge Moore for the Proclamation and for his kind words.

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 31, 2005 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the September 7, 2005 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the September 7, 2005 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. Schwenke seconded the motion. A vote on the motion found all voting members in favor. Mr. Breetz was not yet present. The motion carried.

Mr. Breetz arrived at this time.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of T. W. Jones (applicant) for Anna W. Fitzgerald (owner) for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

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).

In accordance with the Planning Commission's new procedure, Chairman Caddell allowed the applicant up to five minutes to summarize their position.

Attorney Gerry Dusing stated that they agree with the conditions and have submitted a signed agreement to that effect. He stated that this development is in agreement with the Comprehensive Plan. They received constructive suggestions from the Committee and will continue to have this development isolated and not accessible from Dortha, except for emergency vehicles. They will add more pavement on the Dortha end of the parking lot so that people will not have to back out. They have addressed the issues brought up at the Public Hearing.

Chairman Caddell asked if there was a spokesperson for the opposition who wished to summarize their position at this time. There was no response.

There being no discussion, **Mr. Bunger moved by Resolution to the City of Florence that the request be approved with the conditions. Mrs. Wilson seconded the motion and it carried unanimously.**

2. Change in Approved Concept Development Plan

The request of Terrace Development Company, LLC (owner) for a Change in an Approved Concept Development Plan for an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence Kentucky (Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in a Union Commercial/Planned Development (UC/PD) zone to allow a second drive-through facility on the site which is located between two buildings.

Chairman Caddell stated that Agenda Item #2 is recommended for deferral to the October 5, 2005 Business Meeting at 7:00 PM. Mr. Barlow so moved. Mrs. Wilson seconded the motion and it carried unanimously.

3. 2005 Boone County Comprehensive Plan

The request of the Boone County Planning Commission Long Range Planning/Comp Plan Committee to hear the 2005 Update of the Boone County Comprehensive Plan. The Goals and Objectives of the Comprehensive Plan were adopted in 2004 and formed a basis for the update of the remaining elements of the 2005 Boone County Comprehensive Plan. The Comprehensive Plan includes the following elements: Population, Environment, Economy,

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 21, 2005

Request of **T.W. Jones (applicant)** for **Anna W. Fitzgerald (owner)** for a Zoning Map Amendment from Recreation (R) to Urban Residential One (UR-1) for a 3.12 acre site located at 31 Dortha and along the north side of Banklick Street across from the Banklick Street/Honeysuckle Drive intersection, Florence, Kentucky. The request is for a zone change to allow apartment dwelling units.

REMARKS

We, the Committee, recommend approval of the proposed Concept Development Plan, 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 Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan, due to the following reasons:
 - A. The Future Land Use Map designates the property as Urban Density Residential, which allows over eight dwelling units per acre. The proposal would be developed at a density of 11.54 dwelling units per acre. The Land Use Element speaks of the importance of the redevelopment of sites along major transportation corridors to balance the growth in the City of Florence that is occurring through annexation. It also notes that high-density residential development should occur where such development can be easily accessed or where it can serve to buffer existing residential uses from commercial or industrial development. The site is in proximity to the Dixie Highway/U.S. 42 corridor and to the Florence Main Street business district. The Future Land Use Development Guidelines highlight the importance of maintaining existing vegetation on site and of designing developments that are complementary to the adjacent property. The proposed buildings are similar in design to those in the adjoining Village Parke Condominium development.
 - B. The Housing Element notes that infill housing should be similar in character to that of adjoining property. The proposed apartments adjoin not only the Village Parke condominiums but also two multi-family housing developments to the south. As such the proposal amounts to a continuation of an existing multi-family housing district. The Element recommends that high-density development be located near commercial districts and be located near

arterial roadways and public facilities. As was discussed previously, the proposed development is near commercial centers and major roads. Vegetation should be used to create a visual transition between high-density uses and lower density uses when there is not an apparent gradation in land uses. The proposal abuts single-family detached residential property. Evergreen trees will be planted and berming will be installed to create a buffer between those properties and the subject site. Housing Objective #1 indicates that a broad variety of housing should be offered to the residents of Boone County. Housing Objective # 10 recommends that high-density development be located near major roadways. This issue was discussed above. Housing Objective #9 states infill housing developments should be designed to protect and enhance the existing housing units in the area. Housing Objective #13 notes that the proposed development should be scrutinized to determine that it is compatible not only with the character of the adjoining property but also that the existing site conditions are best served and that access is appropriate. Much of the existing tree cover on the site would be preserved. Access to the site would be through a new curb cut on Banklick Street with a gated emergency-only access on Dortha Avenue.

- C. The "Physical" Objective #2 of the Environment Element discusses the importance of retaining existing topography and vegetation in site design. Grading and clearing should be kept at a minimum. The "Social" Objective #4 of the Environment Element notes that "existing vegetation shall be considered as both an important site characteristic and a community resource."
2. 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 impacts that the proposal may create.

CONDITIONS:

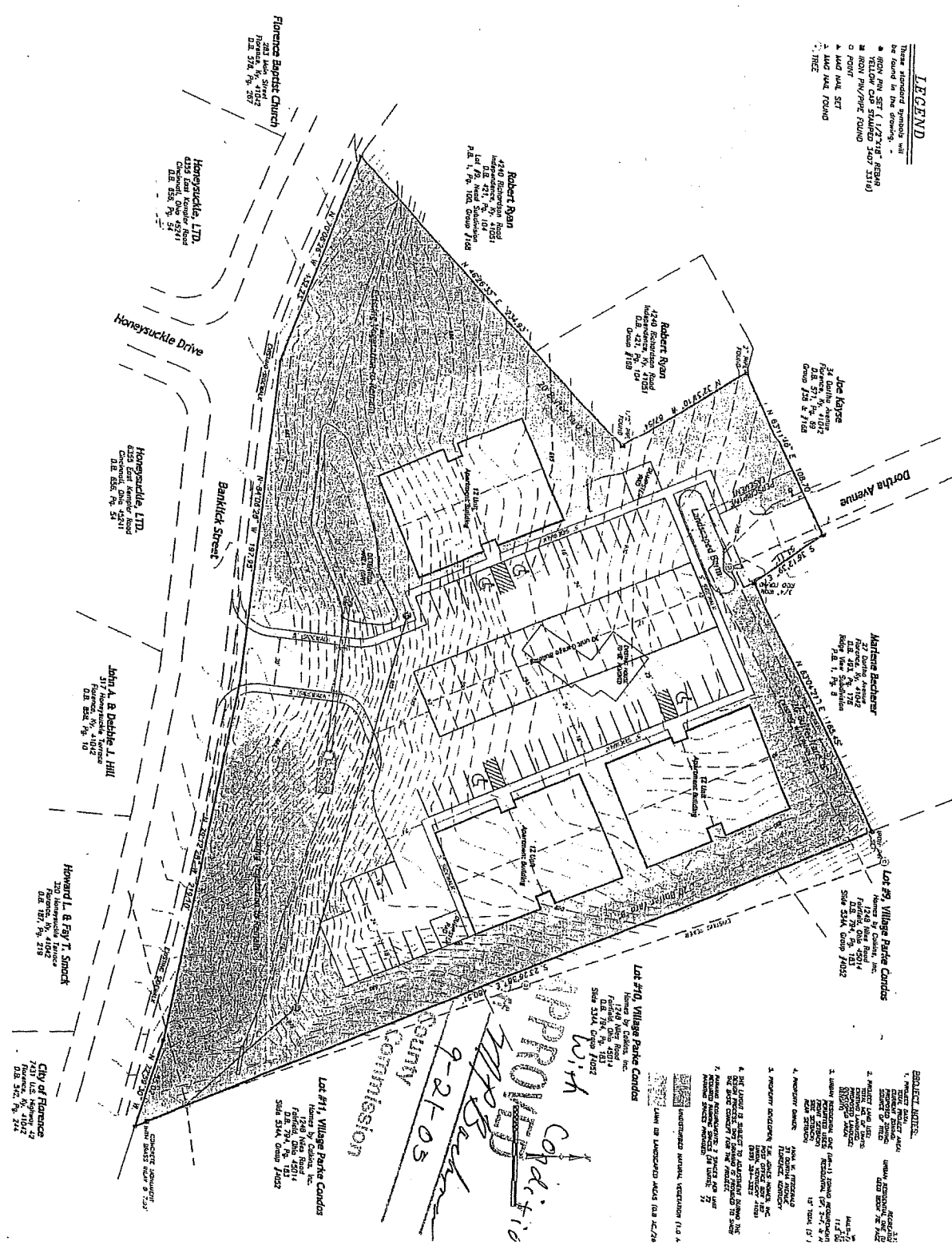
1. The Boone County Historic Preservation Review Board will have the opportunity to photograph and draw floor plans of the existing Fitzgerald house on the subject site prior to its demolition.
2. The dumpster locations will be revised during the Site Plan review process for the project to better facilitate vehicular turning movements.
3. The property owner and the developer will make the turnaround currently located on the site's Dortha Avenue street frontage accessible to the City of Florence, either through the provision of an easement onto the turnaround or through the dedication of the turnaround as City right-of-way, per the City's preference.

4. Turf pavers will be installed to provide emergency equipment a one lane gated emergency access to the site from Dortha Avenue.
5. Evergreen trees from Plant List "D" as defined in Section 3660 of the Boone County Zoning Regulations ("Plant Lists") will be installed in place of the shrubs that are required for Buffer Yard "B" in the buffer yards at the perimeter of the site. Staff will determine the rate at which evergreen trees will be substituted for shrubs during the Site Plan Review process for the project.
6. Adequate turnarounds shall be provided at each drive terminus at the north end of the property.

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.

LEGEND

- These standard symbols will be found in the drawings:
- NON PAV SET (1/2"x1/4" GRAB)
 - ▲ YELLOW CAP STAIRED (4x7" 316)
 - NON PAV/PAVE ROUND
 - PAV
 - PAV SET
 - ▲ MANHOLE SET
 - MANHOLE



John Ayres
 34 South Avenue
 Florence, W. Va. 25322
 D.E. 528, Pgs. 118B
 D.E. 528, Pgs. 118B

Robert Ryan
 424 Robinson Road
 Florence, W. Va. 25321
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Robert Ryan
 424 Robinson Road
 Florence, W. Va. 25321
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Florence Baptist Church
 203 South
 Florence, W. Va. 25322
 D.E. 528, Pgs. 187

Honeyuckle, LTD.
 424 Robinson Road
 Florence, W. Va. 25321
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Honeyuckle, LTD.
 6224 East Kessler Road
 Florence, W. Va. 25321
 D.E. 528, Pgs. 51

John A. & Debbie J. Hill
 317 Honeyuckle Terrace
 Florence, W. Va. 25322
 D.E. 528, Pgs. 10

Howard L. & Fay T. Snook
 102 Honeyuckle Terrace
 Florence, W. Va. 25322
 D.E. 528, Pgs. 219

City of Florence
 Florence, W. Va. 25322
 D.E. 528, Pgs. 244

American Beckner
 1244 South
 Florence, W. Va. 25322
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Lot #9, Village Parks Condos
 1244 South
 Florence, W. Va. 25322
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Lot #10, Village Parks Condos
 1244 South
 Florence, W. Va. 25322
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

Lot #11, Village Parks Condos
 1244 South
 Florence, W. Va. 25322
 D.E. 421, Pgs. 107
 D.E. 421, Pgs. 107

APPROVED
 With Conditions
 9-21-05
 County Commission

PROJECT NOTES:

1. PROJECT DATA
2. PROJECT LOCATION
3. PROJECT DESCRIPTION
4. PROJECT SCOPE
5. PROJECT SCHEDULE
6. PROJECT BUDGET
7. PROJECT RISK
8. PROJECT COMMUNICATIONS
9. PROJECT CLOSURE

EXHIBIT
“C”

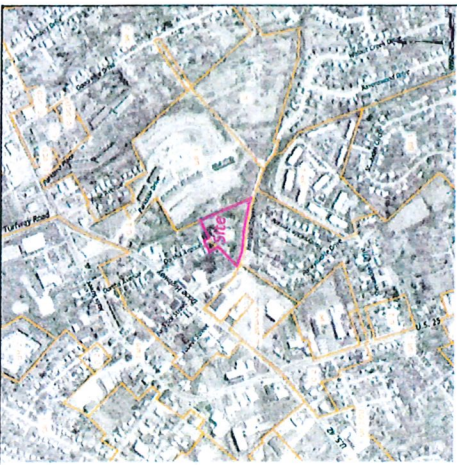
**City of Florence Special Conditions of Approval
For
A Zone Change Approval
At 31 Dortha Avenue**

The undersigned, on behalf of Anna Fitzgerald (owner) hereby agrees to the following special conditions of approval for the Zone Change request from Recreation (R) to Urban Residential One (UR-1). The property to which these special conditions of approval apply is located on 3.12 acres at 31 Dortha Avenue, Florence, Kentucky.

1. The property owner and developer will make the turnaround currently located on the site's Dortha Avenue street frontage accessible to the City of Florence through the provision of the dedication of the turnaround as City right-of-way. This condition of approval serves to clarify Boone County Planning Commission Condition of Approval # 3 for this project.
2. The emergency access gate off the end of Dortha Avenue as provided by Boone County Planning Commission Condition of Approval # 4 shall be constructed of a decorative design consistent with the design of the patio railing on the proposed apartment buildings. Landscaping/evergreen trees consistent with the landscaping/trees in the adjacent buffer yard shall be installed at the end of Dortha Avenue east of the emergency gate.
3. The existing concrete driveway apron and two bollards located behind the Banklick Street sidewalk near the southeast property line shall be removed by the developer during construction of this project.

11/11/05
Date

Ed Walker PA
Anna W. Fitzgerald
For Anna Fitzgerald.



- 1. PROJECT LOCATION: ...
- 2. PROJECT DESCRIPTION: ...
- 3. PROJECT AREA: ...
- 4. PROJECT OWNER: ...
- 5. PROJECT ARCHITECT: ...
- 6. PROJECT ENGINEER: ...
- 7. PROJECT SURVEYOR: ...
- 8. PROJECT DATE: ...
- 9. PROJECT SCALE: ...
- 10. PROJECT SHEET NO.: ...



T. W. Jones Homes, Inc.	
Conceptual Development Plan Dortha Avenue, Florence, Kentucky	
DATE: 07-21-05	BY: [Signature]
SCALE: AS SHOWN	PROJECT NO.: [Number]



With Conditions
APPROVED
7-21-05

LEGEND
 - PROPERTY BOUNDARIES
 - EXISTING VEGETATION TO REMAIN
 - EXISTING VEGETATION TO BE REMOVED
 - EXISTING UTILITY LINES
 - EXISTING DRIVEWAYS
 - EXISTING SIDEWALKS
 - EXISTING CURBS
 - EXISTING DRIVEWAYS
 - EXISTING SIDEWALKS
 - EXISTING CURBS

City of Florence
 Planning Department
 117 N. Main Street
 Florence, KY 40302

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