

ZONING MAP AMENDMENT REQUEST BY  
GARTNER, BURDICK, BAUER-NILSEN, INC., (APPLICANT) FOR JERRY FELDMAN,  
FLORENCE PARK DEVELOPERS (OWNER) FOR PROPERTY LOCATED  
IN FLORENCE, KENTUCKY

This is a Zoning Map Amendment by GBBN (applicant) for Jerry Feldman, Florence Park Developers (owner). The 14.20 acre tract is located east of KY 18 (formerly Price Pike) and south of Turfway Road adjacent to the Florence Park Care Center. The site is currently zoned Public Facilities (PF) and Commercial Two, (C-2). A request is being made to rezone the above site Public Facilities/Planned Development Overlay (PF/PD Overlay) and Commercial Two/Planned Development Overlay (C-2/PD Overlay). The project is also referred to as the Florence Care Center in this staff report.

Surrounding Land Uses and Zoning

The existing zoning near the site consists of the following: Commercial Two, (C-2) and Suburban Residential One, (SR-1) south of the site and east of KY. 18; Urban Residential Two, (UR-2) north and east of the site; Office Two/Planned Development Overlay, (O-2/PD Overlay) and Commercial services, (C-3) directly across KY. 18; and finally, Public facilities (PF) west of the site and across KY. 18. The existing land uses are commercial (Famous Recipe Fried Chicken, Pic Pac Supermarket, Frisch's Restaurant), residential (single-family housing on Sweetbriar Avenue, Turfway Apartments, Countryside Estates) and public facilities (Boone County High School and the Florence Park Care Center).

Relationship to Comprehensive Plan

The Boone County Comprehensive Plan Land Use map indicates a future land use for this site as commercial and environmentally sensitive. This particular tract of land and the general area are referred to in the current comprehensive plan text in a number of ways.

1. Page 3.4 suggests that "some of the high density development in Florence should be designed and planned for the elderly population."
2. Page 3.10 refers to environmentally sensitive areas. "The conservation of environmentally sensitive areas can serve a valuable purpose in the buffering of adjacent land uses and in the provision of visual amenities enhancing the value of a development as well as protecting the environment and the development itself from environmental damage."
3. Page 3.12 discusses the need for elderly housing in Florence. "Re-development of the central area should include high density housing for the elderly."

In summary, the Boone County Comprehensive Land Use Map recommends commercial and environmentally sensitive future land uses for the 14.20 acre tract. The Comprehensive Plan's text emphasizes the need to create additional housing opportunities for the elderly population in the Florence area and the conservation of environmentally sensitive areas.

Florence Care Center Concept Development Plan

The applicant would like to rezone the 14.20 acre tract in order to provide

Additional types of elderly housing and commercial support services existing health skilled care facility. Development plans would consist of a 25,000 square foot commercial/restaurant center, a 25,000 square foot medical office building and 200 residential units. The 200 residential units would include 150 "independent living" units (60 two-bedroom and 40 one-bedroom) and 50 "assisted living" units (10 two-bedroom and 40 one-bedroom). The applicant has divided the development into four parcels. The existing skilled care facility is located on a 3.50 acre parcel and the remaining 10.7 acres will involve the construction of the medical office building (1.3 acres), commercial center (2.0 acres), and residential units (7.4 acres).

The request for a zone change was previously mentioned in the beginning of this report. The applicant's request to rezone the 14.20 site Public Facilities, Planned Development Overlay (PF/PD Overlay) and Commercial Two, Planned Development Overlay (C-2/PD Overlay) was based upon the following reasons. It was generally thought that the proposed 200 residential units were similar in nature to the existing skilled care facility. Also, the proposed residential units were to be located within the existing Public Facilities (PF) zoning district. Finally, the Commercial Two (C-2) zone would remain in place in the front portion of the site to accommodate the medical office building and commercial center. Later, the staff requested that the applicant define what is meant by "independent" and "assisted" living to determine if the Public Facilities, Planned Development Overlay, (PF/PD Overlay) zoning was appropriate. In response to this request, the applicant has submitted a letter explaining his definition of "independent" and "assisted" living (see attached letter).

The staff has a concern whether the PF/PD Overlay zone is the appropriate zoning classification for the 150 "independent" living units and 50 "assisted" living units. Section 1101 of the Boone County Zoning Regulations allows--as a principally permitted use--hospitals, sanitariums, convalescent and rest homes, and related health care facilities. The key question is whether the 150 "independent" living units by its definition is health related. The Boone County Planning Commission will have to determine whether the description given by the applicant is appropriate to permit a PF/PD Overlay zoning classification. The staff feels that the entire 14.20 acre tract can be divided into three zoning districts: Public Facilities, Planned Development Overlay (PF/PD Overlay) where the existing skilled care facility is located; Urban Residential Two, Planned Development Overlay, (UR-2/PD Overlay), where the 200 units will be placed; and Commercial Two, Planned Development Overlay, (C-2/PD Overlay), where the proposed medical office building and commercial center will be located. The UR-2/PD Overlay zoning district would be appropriate because 150 of the 200 dwelling units are "independent" living units. This type of zoning and description of land use is similar to the Florence Christian Services, Inc. project where there are 215 "independent" living units and development also offers a variety of other support services such as food and dining, a grocery store, beauty parlor, and transportation.

The applicant is proposing to have three curb cuts off KY 18 to serve the site. Two curb cuts already exist, namely a service drive for the existing skilled care facility and one undeveloped within 100 feet of the service drive. The undeveloped curb cut is to be relocated to serve the commercial center. A new curb cut is planned in the middle of the site to act as the main entrance to the project. This curb cut will align itself with the proposed curb cut across KY 18 for the Turfway Commercial Center. A traffic signal is planned for the main entrance. The staff feels that the proposed layout of curb cuts is not consistent with the Access Management Provisions of Section 1723 of the Boone County Zoning Regulations. These provisions recommend the development of frontage roads,

coordination of curb cuts, and curb cut connections accessible to adjoining property owners. The staff would recommend that the existing entrance or service drive off KY 18 only allow right-hand turns to and from the proposed medical office building. Also, the curb cut serving the proposed commercial center should not be allowed. A frontage road is highly recommended along KY 18 from the proposed medical office building to the former Rink's parking lot. Access would be provided from the adjacent property owner. The coordination of curb cuts is critical to insure traffic safety along KY 18 as the area becomes more developed.

The construction of the 200 residential units will be completed in two phases. The applicant has indicated that phase one of the residential development will be placed where an existing retention pond is located. A new retention pond is being planned at the rear portion of the site. The rear portion of the site is environmentally sensitive primarily because it serves as a natural drainage area and has sloping conditions. Because of the sensitivity of the site, the construction of the second phase may be limited to be in line with the former Rink's building. The existing vegetation provides a good, natural buffer between the residences on Sweetbriar Avenue and the proposed new development. Additional landscaping may be required after construction to maintain or enhance the buffer line.

The single-family residential community on Sweetbriar Avenue has some concerns relating to the proposed site. Enclosed are copies of these concerns. The applicant has noted that there will be no access from the proposed development through Sweetbriar Avenue. Also, there was a concern about the historical and archeological significance of the property. The staff has contacted the Kentucky Heritage Council. According to Charles Hawkins Smith, there is no record pertaining to the historical or archeological significance of the site. A letter stating this finding is being sent to the Boone County Planning Commission to be included in this report.

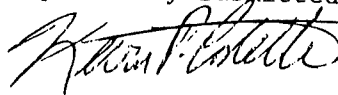
Utilities to the project will include a sanitary sewer line extending service from an existing eight inch line on the site. The issue of capacity will have to be addressed by the applicant. Water service will be supplied from an existing 12 inch line on KY 18. Electricity and telephone will be provided by extending existing service. There is a 30 inch storm sewer line along KY 18. Storm water drainage will be important to the site because of the natural topography of the property. Finally, the applicant will have to meet the parking requirements of the existing skilled care facility because the proposed residential development will be located where the service drive parking is located.

### Conclusion

In conclusion, the Florence Care Center Concept Development Plan indicates a mixed-use development pattern on a 14.20 acre tract. The appropriate zoning classification, coordination of curb cuts, and the preservation of the existing vegetation for natural buffering and locating the residential units are key issues concerning this Concept Development Plan. This Plan should be examined by the Planning Commission in terms of meeting the objectives of the Planned Development District. The proposed zone change request would require a change in the Boone County Comprehensive Plan Land Use Map from Public Facilities, (PF), and Commercial Two, (C-2), to Public Facilities, Planned Development Overlay,

(PF/PD Overlay), and Commercial Two, Planned Development Overlay, (C-2/PD Overlay), should the request be eventually granted by the City of Florence. The Comprehensive Plan text would also need to be adjusted on pages 3.4, 3.10, and 3.12.

Respectfully submitted,



Kevin P. Costello  
Senior Planner

KPC:jdh

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARING

DECEMBER 18, 1985 7:00 P.M.

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Chairman Kroger opened the Public Hearing on the request of Gartner, Burdick, Bauer-Nilsen (applicant) for Jerry Feldman (owner) for a Zoning Map Amendment from its current zoning of Public Facilities, PF and Commercial Two, C-2 to Public Facilities/Planned Development Overlay, PF/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay. The 14.2 acre tract is located in Florence, Kentucky.

Staff member Kevin Costello presented the slide presentation of the subject and surrounding areas.

Chairman Kroger inquired who would be making the presentation for the applicant.

Mr. Jack Gartner of Gartner, Burdick, Bauer-Nilsen, Inc., (GBBN) stated he would make the presentation. Mr. Gartner described the location of the request and the surrounding areas. Mr. Gartner stated the site is currently zoned Commercial Two, C-2 and the C-2 zone would permit a variety of commercial activities and and if the site would be permitted to be developed to its ultimate density it would permit 171,000 square feet of retail development in the present zone. Mr. Gartner suggested the site be developed into a mixed-use type zone which would cause housing in terms of senior citizen, congregate-type living, a medical building, and a retail space. Mr. Gartner described the existing sites as followed: Site #1 - an existing skill care facility which had a present use of 3½ acres, 150 beds and a parking requirement of 75 cars currently on the site. Site #2 - is a medical office building of 1.3 acres, 2,500 square feet and a parking requirement of 100 cars; Site #3 - would be commercial with restaurant capacity of 20,000 square feet, two acres and parking requirement of 100 cars. Mr. Gartner described the principle access point to the site and the existing curb cuts; Site #4 - would be described as an independent living facility and within the facility 200 units including 50 assistant living units. Mr. Gartner noted the idea would be to provide a total health care facility that would provide service to the community at large. Mr. Gartner explained the skill level being proposed would place very few services and demands upon the community and was an adult area. Mr. Gartner stated the units could be described as small living units approximately 650 square feet for the one bedroom units and the larger units around 850 to 900 square feet and was being proposed as a five story building. Mr. Gartner noted the assistant living facility would be part of the building being proposed. Mr. Gartner defined the difference between skill care living, independent

living and assistant living. Mr. Gartner elaborated on the parking ratio for the facility. Mr. Gartner noted the proposed concept was not new to the area and stated there was a necessity for the proposed type of facility. Mr. Gartner stated the site is relatively flat with an existing tree stand which would be maintained and supported and they intend to buffer the area adjacent to the existing shopping district to the north. Mr. Gartner stated the office building would be a two-story building and the commercial building would be a one-story building but added both buildings would have a low profile from the street. Mr. Gartner stated the site had a unique quality because the site would be primarily a residential site. Mr. Gartner noted the traffic impact would be minimal and no attempt would be made to tie in Sweetbriar Lane nor would an attempt be made to create a circulation pattern. Mr. Gartner stated the staging of the residential development had not been determined at the present time but noted the medical building would be an on-going development and the retail space would be constructed as one of the earlier phases of the project. Mr. Gartner explained how the proposal would meet the policies and objectives of the Comprehensive Plan in such the proposal would minimize any uses in traffic that Turfway would take into Price Pike. Mr. Gartner closed by stating a Planned Development Overlay was an appropriate request and a compatible land use request for the site.

Chairman Kroger called for audience participation in support, opposition or for information on the proposed development.

Mr. Jerry Goins, 38 Sweetbriar Avenue, expressed concern of the closeness of his property line to the existing building. Mr. Goins noted there was approximately 50 feet from his property line to the existing building with only shrubs as a buffer. Mr. Goins elaborated on some of the difficulties with the elderly from the facility and requested no more elderly be added to the facility.

Mr. Gartner stated from Mr. Goin's property line to the edge of the existing building was approximately 65-70 feet.

Mr. Goins stated he wanted more privacy between his home and the existing building.

Further discussion followed on landscaping between Mr. Goin's property and the existing building.

Mr. Goins expressed concern of water run-off coming down on his property.

Mr. Goins inquired the possibility of Sweetbriar being opened to make it an entrance to any building later on in the development.

Mr. Gartner stated no Sweetbriar would never be opened as a street.

Atty. Andre' Busald, representing the request, stated Mr.

Jerry Feldman, owner, would like to address the vegetation screening.

Chairman Kroger noted the Chair would return for Mr. Feldman's comments later in the meeting.

Mr. Robert Bowman, 33 Sweetbriar Avenue, inquired if the one sewage system going on Sweetbriar would be able to handle the 200 living units plus the present sewage.

Mr. Steve Field, 37 Sweetbriar Avenue, inquired the definition of a dry retention pond. Mr. Field expressed concern of the safety factor of the children crossing the cross walks to and from the school.

Mr. Field noted that with the 200 living units there would be a lot of waste and so forth and requested consideration be given to the possibility of rodents. Mr. Field inquired if the green belt would be taken care of to provide the residents more privacy. Mr. Field noted his main concern was the retention pond. Mr. Field noted Mr. Gartner had stated there would be no need to open Sweetbriar and requested Mr. Gartner's statement be made part of the record.

Mr. Gartner explained a dry retention pond was a pond that would not retain water like a lake but would during extreme heavy periods of rainfall would gather water and allow it to discharge slowly into the storm system so as not to overload the system which would cause the other systems to overload which it would serve.

Mr. Field inquired if the pond would ever hold any water.

Mr. Gartner responded only during extremely heavy rainfall.

Mr. Field inquired when the overload would drain into the storm sewer at the end of Sweetbriar would any of the overload go across his property.

Mr. Gartner stated if water does not cross his property now then it would not cross his property later.

Mr. Gartner explained a facility such as the one being proposed could not exist without maintaining sanitation.

Further discussion followed on traffic increase due to the development and concerns were expressed for safety factors regarding the school's cross walks.

Mr. Roy Sparks, 30 Sweetbriar Avenue, stated he was not pleased with the fact that when he walked out his back door all he would be seeing was buildings, no skyline.

Mr. McMillian inquired what chance there would be for a connector road being opened from the end of the existing building.

Mr. Gartner explained there was no particular desire to connect an office and retail with a residential section and noted the

development does not want to generate traffic.

Mr. McMillian explained his questions stating he felt more traffic would be generated on KY 18 due to the development so that with a connector road the traffic would have a chance to go out at the traffic light.

Mr. Gartner explained persons living at the skill care facility do not drive but would only have visitors and noted there had never been a problem of visitors getting in or out of the parking lot onto KY. 18. Mr. Gartner also noted the only way Sweetbriar could be extended was if a request was made and the Planning Commission approved the request. Mr. Gartner commented on Mr. Spark's concern of no skyline stating the applicant would attempt to site the proposed building in relation to topography as best as could be.

Mr. Viox inquired what Mr. Gartner visualized the uses to be in Site #3.

Mr. Gartner responded the building would be 20,000 square feet and suggested the uses to be a sit-down restaurant.

Mr. Viox explained by looking at the proposed plan it seemed Site #3 had been isolated and appeared not to have been meant to interact with the rest of the community. Mr. Viox expressed concern on the number of curb cuts at the proximity of Boone County High School creating a potential safety problem in that motorist may not adequately pick up on children crossing Price Pike to and from school.

Chairman Kroger requested staff report be presented.

Staff member Kevin Costello presented staff report which stated the relationship of the proposed project to the Comprehensive Plan was (1) the need or demand for federal housing in the Florence area and (2) awareness of the environmentally sensitive areas, specifically the site in question. Mr. Costello stated staff had concerns in regard to interpretation whether PF/PD zone would be appropriate for independent and assistant living concept. Mr. Costello stated the staff requested the applicant define what was meant by "independent" and "assistant" living. Mr. Costello noted the applicant had responded with a letter now before each Commission member. Mr. Costello stated staff felt the proposed project was very similar to the Florence Christian Services, Inc., project which called for independent living units as well as providing a variety of other supported services such as food and dining, a grocery store, beauty parlor and transportation. Mr. Costello explained if based on the similar project, the proposed project, because it would involve 150 units of independent living, of the total 200 units, the staff felt the mere definition of the word "independent" and what was described by the applicant would not be health related and the principle use would be independent living. Mr. Costello stated staff felt a more appropriate zone for the proposed type of activity and land use would be Urban

Residential Two/Planned Development Overlay, UR-2/PD Overlay. Mr. Costello stated staff felt the proposed layout of curb cuts was not consistent with the access management provisions of Section 1723 of the Boone County Zoning Regulations. Mr. Costello noted the provisions recommended the development of frontage roads, coordination of curb cuts, and curb cut connections accessible to adjoining property owners. Mr. Costello stated sanitary sewer capacity should be required. Mr. Costello concluded by stating the Florence Care Center's concept development plan indicated a mixed-use development pattern on a 14.20 acre tract. Mr. Costello noted the appropriate zoning classification, coordination of curb cuts, and the preservation of the existing vegetation for natural buffering and locating the residents are key issues concerning the Concept Development Plan. Mr. Costello stated the plan should be examined by the Planning Commission in terms of meeting the objectives of the Planned Development district. Mr. Costello noted the proposed Comprehensive Plan Land Use map from Public Facilities, PF and Commercial Two, C-2 to Public Facilities/Planned Development Overlay, PF/PD Overlay, and Commercial Two/Planned Development Overlay, C-2/PD Overlay should the request be eventually granted by the City of Florence. Mr. Costello closed by stating the Comprehensive Plan text would also need to be adjusted on pages 3.4, 3.10 and 3.12.

Mr. Delong inquired if the Commission determined that the zone was inappropriate for the request what was the legal status of the request.

Counselor Wilson stated assuming it would be determined by the Commission the use was not allowed in the area by virtue of a lack of a relationship to a health care facility, the applicant would be required if they wanted to seek the use for the particular different zone to make a new application and readvertise.

Mr. Delong expressed concern on the number of curb cuts being proposed on the plan especially the one furthest north.

Further discussion followed on the traffic which would be generated by the proposed site.

Chairman Kroger noted a letter from Mr. Jerry Feldman to Kevin Costello to be made part of the record; a letter from Ms. Carol Grieves, 28 Sweetbriar; and a letter to the Boone County Planning Commission from the residents of Sweetbriar and included in the letter a petition from the residents of Sweetbriar. Chairman Kroger noted all of the abovemention correspondence would be made a part of the record.

Mr. Neltner requested to hear Mr. Jerry Feldman's comments regarding the landscaping.

Mr. Jerry Feldman, owner of the proposed development stated when the care facility had originally been constructed it was agreed by him to put in an evergreen belt across the back property but noted it

had been brought to his attention at a previous meeting that some of the trees had not been planted due to problems with the previous landscaper. Mr. Feldman stated he had now hired a local landscaper and additional evergreens would be planted on the back property in the next few days.

Mr. Barnett stated since there would only be 40 or 50 beds for care in the facility then it would seem to become a residential community with the only difference being the age of the residents. Mr. Barnett indicated it would seem to be a housing project or an apartment building type zone which would be more appropriate in a residential type zone.

Mr. Feldman stated the concept of the independent versus the assistant living was a term that referred to the degree and intensity of services and assistance the residents needed. Mr. Feldman explained a facility would be set up for persons that required less care would be in one section of the project which would be termed as "independent" and the persons that required more care would be in the assistant section. Mr. Feldman noted the difference between the proposed project, the Florence Christian Services, Inc., was Florence Christian Services, Inc., was truly an independent apartment project, which provided no services such as housekeeping and food. Mr. Feldman stated the State of Kentucky approved the proposed facility as a licensed Home Health Agency. Mr. Feldman stated the project was considered health care related.

Mr. McMillian inquired what assurance the Commission had the green belt would be completed this time.

Mr. Feldman stated the project would be completed this time.

Mr. Delong requested staff look into what was "independent" and how it would fit into the Boone County zoning so the Commission would know if the zone would be appropriate for independent living.

Chairman Kroger noted Mr. Delong's request and directed the request to staff.

Mrs. Smith inquired if Phase One of the development was complete or would additions be added on.

Mr. Gartner stated Phase One was complete.

Mrs. Smith inquired if any additions would be added to Florence Park Care.

Mr. Gartner stated no.

Mr. Neltner inquired if the trees located on the green belt would remain where they were located after grading started.

Mr. Gartner responded no changes to the trees was anticipated.

Mr. Gartner stated the trees located on the green belt would remain so.

Mr. Feldman noted the back area of the property would be cleaned up and paths put in the wooded area with hopes the tenants would use the wooded area.

Mr. Feldman stated the #4 building would be built down in the hollow and noted the #4 building's floor level would be around 910.

Chairman Kroger inquired if the #4 building would be a five-story building.

Mr. Feldman stated yes.

Chairman Kroger inquired what height the building would be from the floor level of the other building which was 920.

Mr. Gartner stated under 50 feet.

Chairman Kroger noted there would be a 30 foot difference from the back yard of the houses to the top of #4 building so the level would be increased again.

Mr. Gartner agreed.

Chairman Kroger inquired if on-site dirt would be needed to bring the building to floor level.

Mr. Gartner state no but dirt would be taken off the property line next to the old Rink's site.

Chairman Kroger inquired if building #4 be required to be licensed by the State.

Mr. Feldman stated no.

Mr. Kroger inquired if a license from the State of Kentucky would not be needed.

Mr. Feldman stated he already had a license.

Chairman Kroger stated Mr. Feldman had a license for building #1.

Mr. Feldman stated he had a license for a Home Health Agency which allowed him to provide services.

Chairman Kroger stated when expanding, an additional license would have to be obtained. Chairman Kroger inquired if Mr. Feldman's license was for a number of units.

Mr. Feldman stated no, the Home Health Agency covered a six

county area in Northern Kentucky.

Chairman Kroger inquired if as many units as wanted could be put in building #1. Chairman Kroger inquired if 1,000 or 2,000 beds could be put in building #1 as it existed presently.

Mr. Feldman stated building #1 was a skilled care facility permitted only 150 beds.

Chairman Kroger inquired that Mr. Feldman could not expand building #1 without a license.

Mr. Feldman stated that was correct.

Chairman Kroger inquired in order to expand building #1 Mr. Feldman would have to go to Frankfort and obtain a license.

Mr. Feldman stated yes.

Chairman Kroger inquired Mr. Feldman would not have to go to Frankfort to obtain a license to expand building #4.

Mr. Feldman stated no he would not have to go to Frankfort to obtain a license to expand building #4.

Chairman Kroger inquired that when Mr. Feldman stated he was going to Frankfort for a Health Care license the statement really didn't mean a whole lot but just meant that Frankfort seemed to know what Mr. Feldman was doing in building #1 and Mr. Feldman would be allowed to expand along building #1 so long as he does not get into any of the semi-skill care areas.

Mr. Feldman stated that was correct.

Mr. Feldman stated in order to provide a Health Care service in a building, the building would have to be licensed as a Health Care facility.

Chairman Kroger responded right, but noted building #4 really did not have any bearing on licensing.

Mr. Feldman stated in order for him to provide Home Health services in building #4 he would have to be licensed as a Home Health Agency.

Chairman Kroger inquired if licensed as a Home Health Agency would mean Mr. Feldman could go outside the area to someone's home and provide services to them.

Mr. Feldman stated that was correct.

Chairman Kroger inquired Mr. Feldman could go to Florence, Walton, Union, etc., and provide Home Health services.

Mr. Feldman stated that was correct.

Chairman Kroger inquired it did not have anything particular to do with building #4.

Mr. Feldman stated when he went to Frankfort he told them he had two primary purposes.

Chairman Kroger stated that was alright but stated the thing he did not want to do was to confuse the issue. Chairman Kroger stated when Mr. Feldman made his comment about going to Frankfort and obtaining licenses Mr. Feldman had a tendency to bring building #4 into the comment as saying "it was a part of the licensing process". Chairman Kroger stated it was not a part of the licensing process.

Chairman Kroger informed the public the Commission would try to make a determination at the January 15, 1986 meeting but noted due to the holidays, etc., it may not be heard until February 5, 1986. Chairman inquired of Messrs. Feldman, Busald and Gartner if need be would February 5, 1986 be in agreement with them.

Messrs. Busald and Gartner stated they had no objection to February 5, 1986.

Mr. Feldman explained the project was on somewhat of a tight schedule and requested if at all possible to be placed on the January 15, 1986 agenda.

Chairman Kroger responded there was certainly a possibility of the request being placed on the January 15, 1986 agenda but stated he felt it may not be to the best interest of Mr. Feldman, the community or the Commission to be heard on January 15, 1986.

Chairman Kroger hearing no further questions or comments, closed the Public Hearing.

Zoning Map Amendment

A request of Gartner, Burdick, Bauer-Nilsen (GBBN) for Jerry Feldman (owner) for a Zoning Map Amendment from its current zoning of Public Facilities, PF and Commercial Two, C-2 to Public Facilities/Planned Development Overlay, PF/PD Overlay and Commercial Two/Planned Development Overlay, C-2/PD Overlay. This 14.2 acre tract is located in Florence, Kentucky.

Asst. Director Costello briefly described the location of the proposed site. Mr. Costello stated the proposal called for 25,000 square feet of medical office building which was Parcel #2. Mr. Costello also stated Parcel #3 would be 20,000 of commercial restaurant building and Parcel #4 would be 200 independent assistant living units/residential units. Mr. Costello noted concerns voiced at the Public Hearing was whether the zone change request was appropriate, whether Public Facilities/Planned Development Overlay

made part of any action that would be taken by the Planning Commission and if adopted by the City of Florence the Committee Report would be made part of their approval and in turn would create a situation for the Building Inspector and the Inspector's within the City of Florence who are responsible for overseeing the construction. Chairman Kroger stated that should the City of Florence grant approval of the request their enforcement people would take every precaution to see the Committee Report as part of the approval would be met.

Mr. Jerry Feldman, owner stated for the record that trees were planted on the green belt and Mr. Don Maddox, landscaper could verify that for anyone. Mr. Feldman noted he did intend to maintain the wooded area and explained realistically some of the tree would have to come out. Mr. Feldman also noted walkways would be placed within the wooded area.

The motion was seconded by Mr. Collins.

After further discussion, the motion carried unanimously.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin Delong, Chairman

DATE: February 5, 1986

RE: Request of GBBN (applicant) for Jerry Feldman, Florence Park Developers (owner) for a Zoning Map Amendment. The 14.20 acre tract is located east of KY 18 and south of Turfway Road adjacent to the Florence Park Care Center. The site is currently zoned Public Facilities (PF) and Commercial Two (C-2). A request is being made to rezone the above site to Public Facilities/Planned Development Overlay (PF/PD Overlay) and Commercial Two/Planned Development Overlay (C-2/PD Overlay).

## REMARKS:

We, the Committee, recommend approval of the zone change request from Public Facilities (PF) and Commercial Two (C-2) to Public Facilities/Planned Development Overlay (PF/PD Overlay) and Commercial Two/Planned Development Overlay (C-2/PD Overlay) for the 14.20 acre site. The Committee also recommends approval in principle of the Concept Development Plan as amended as discussed below. Approval is based on the following findings of fact and subject to the following reservations and conditions:

1. The Boone County Comprehensive Plan Land Use map indicates a future land use for this site as commercial and environmentally sensitive. The Plan's text on Page 3.4 suggests that "some of the high density development in Florence should be designed and planned for the elderly population." Also, the text suggests that "environmentally sensitive areas can serve a valuable purpose in buffering of adjacent land uses and in the provision of visual amenities enhancing the value of a development as well as protecting the environment." The Committee believes that the proposed planned development is in agreement with the Comprehensive Plan Land Use map and text.

The Committee recognizes the need to broaden housing opportunities for the elderly in the Florence area. It also understands the applicant's desire to provide a multi-faceted (e.g. skilled care facility, independent living and assisted living arrangements) housing arrangement and health care services on-site, while at the same time proposing to construct a medical office building and commercial/restaurant center.

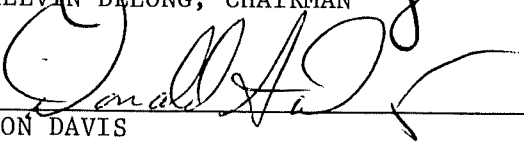
2. The Committee understands that the area surrounding the existing skilled care facility on Parcel #1 (3.50 acres) and the area surrounding the proposed independent living and assisted living complex on Parcel #4 (7.40 acres) will be zoned Public Facilities/Planned Development Overlay because of the attached Technical Committee report. A small portion of the proposed medical office building will be located in the PF/PD Over-

lay zone simply because the submitted Concept Development Plan indicates that the small portion will be attached to the existing skilled care facility. The remaining acreage or 3.30 acres will consist of a medical office building (1.3 acres) and a commercial/restaurant (2.0 acres) and will be located in the C-2/PD Overlay zone.

3. Parcel #1 in the Concept Development Plan already exists. The Committee agrees with the Parcel #2, which allows for a 1.3 acre, 25,000 square foot, 100 car parking, medical office building. This proposed building will be attached to the existing skilled care facility.
4. The Committee agrees in principle with Parcel #3 which allows for one L-shape commercial/restaurant building on a 2.0 acre lot. The Committee approves of the idea of a sit-down type restaurant to be located in a 20,000 square foot commercial building. The Committee recommends that no drive-thru restaurant be permitted on Parcel #3. Parking will accomodate 100 cars.
5. The Committee agrees in principle with Parcel #4, which allows for 150 independent living units (60 two bedroom, 90 one bedroom) and 50 assisted living units (10 two bedroom, 40 one bedroom) on a 7.40 acre tract. This proposed facility will be attached to the existing skilled care facility.
6. The Committee feels that the proposed layout of curb cuts is not consistent with the Access Management Provisions of Section 1723 of the Boone County Zoning Regulations. The Committee recommends that two curb cuts off KY 18 be permitted to serve the entire 14.20 acre tract. These curb cuts include the existing curb cut on the primary entrance serving the skilled care facility (Parcel #1), and one that is located in the center of the project, which would be in direct line with any proposal on the 54 acre tract across KY 18. This alignment will be beneficial to both projects in terms of traffic safety and will be adequate to serve the residents in the independent/assisted living units, the medical office building and the commercial/restaurant center. The Committee also recommends that the applicant "tie in" with the adjacent property owner to the northeast to permit traffic to travel through both developments without entering and exiting first.
7. The Committee advises that the applicant will be required to meet the City of Florence Storm Water Detention Regulations.
8. The Committee recommends that no transportation connection be permitted from the proposed development to Sweetbriar Avenue.
9. The Committee recommends that the existing vegetation or the densely wooded portion of the site remain in its natural state to serve as a buffer between the single-family residences along Sweetbriar Avenue and the proposed multi-level residential complex. The Committee would like to emphasize the need to preserve this natural buffer and will require that this buffer stay in place during the formulation of the preliminary development plan and during construction.

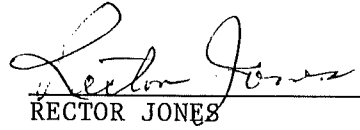
10. Finally, the Committee suggests that any change in the concept development plan will need to be brought before the Technical Committee to determine whether it is a minor or major change to the plan. Any alteration deemed to be a major change will require a new application and public hearing.

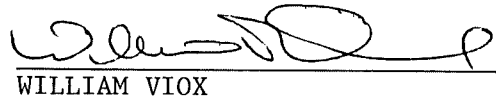
  
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MELVIN DELONG, CHAIRMAN

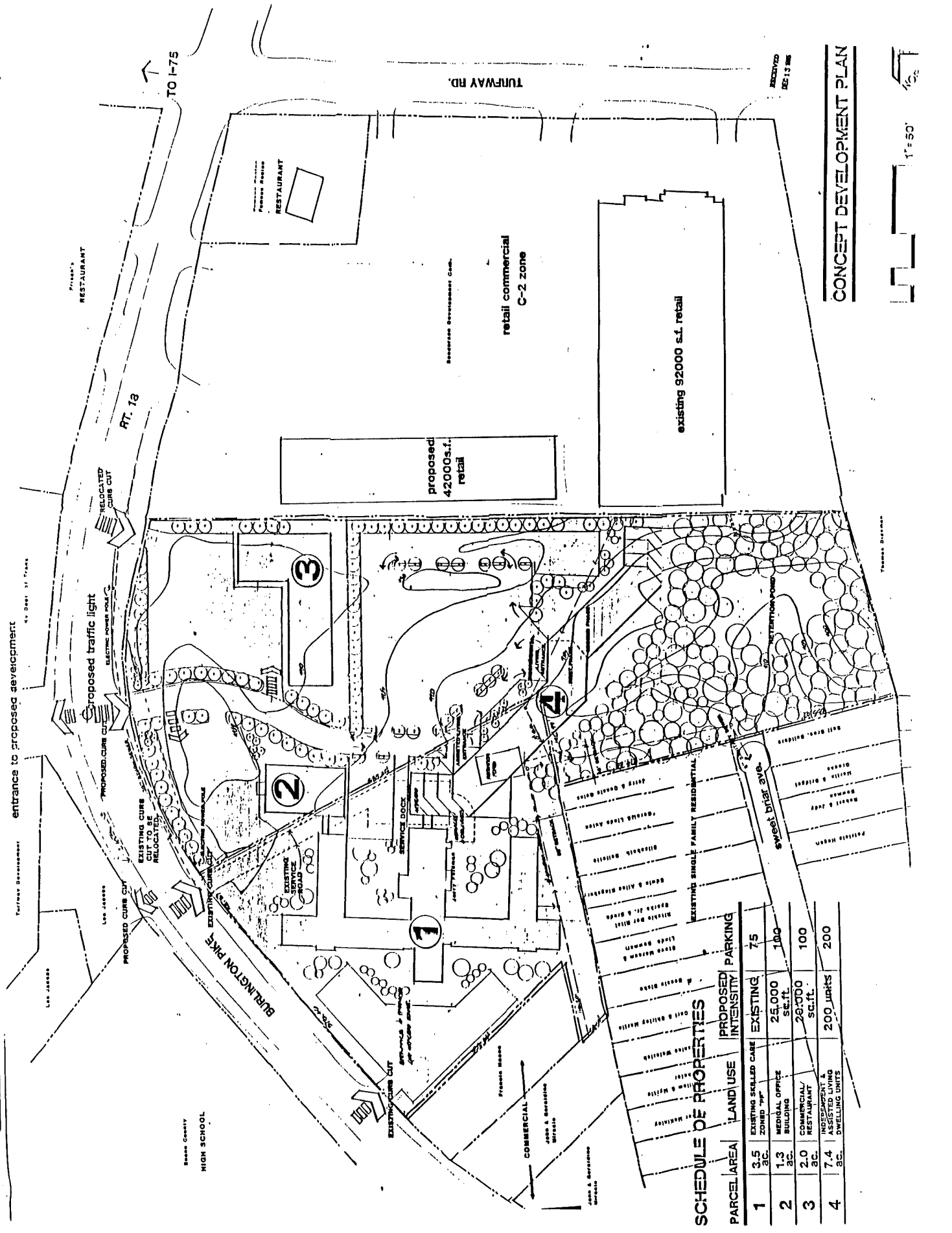
  
\_\_\_\_\_  
DON DAVIS

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LARRY BARNETT

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FRED BURCH

  
\_\_\_\_\_  
RECTOR JONES

  
\_\_\_\_\_  
WILLIAM VIOX



CONCEPT DEVELOPMENT PLAN



SCHEDULE OF PROPERTIES

PARCEL AREA	LAND USE	EXISTING CARE	PROPOSED INTENSITY	PARKING
1	3.5 ZONED "P" B.C.	EXISTING	25,000 sq.ft.	75
2	1.3 MEDICAL OFFICE B.C.	EXISTING	25,000 sq.ft.	100
3	2.0 COMMERCIAL RESTAURANT B.C.	EXISTING	25,000 sq.ft.	100
4	7.4 INDEPENDENT & ASSESSED B.C.	EXISTING	200 UNITS	200

R-7-86  
R-8-86

ORDINANCE NO. 0-9-86

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE COMPRISING 14.2 ACRES LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ON THE EAST SIDE OF RELOCATED KENTUCKY HIGHWAY 18 NEAR TURFWAY ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONES OF PUBLIC FACILITIES (PF) AND COMMERCIAL TWO (C-2) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), SUBJECT TO AND CONDITIONED UPON A CONCEPT DEVELOPMENT PLAN. (FELDMAN-GBBN PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that certain real estate located, generally, on the east side of relocated Kentucky Highway 18 near Trufway Road, such property being in Florence, Kentucky should be rezoned from its present Public Facilities and Commercial Two Zones to a Public Facilities/Planned Development and Commercial Two/Planned Development Zones, and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky and is subject to and conditioned upon a concept development plan.

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

#### SECTION I

That certain real estate comprising 14.2 acres located on the east side of Kentucky Highway 18 near Turfway Road, being in Florence, Kentucky shall be and the same is hereby rezoned from its present Public Facilities (PF) Zone and Commercial Two (C-2) Zone to a Public Facilities/Planned Development Zone and a Commercial Two/Planned Development Zone, such real estate being more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

#### SECTION II

That the zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of the real estate set forth in Section I of this Ordinance.

#### SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by

the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including its development plan, which are agreed to by applicant/property owner. That all other provisions and sections of Article 15 of the Boone County Zoning Regulations applicable to Planned Development Zoning districts must be met and complied with as this rezoning is subject to all other requirements of Article 15.

SECTION V

This rezoning is subject to and conditioned upon the Committee Reports of the Boone County Planning Commission which were accepted by the applicant/owner for the rezoning request and became part of the development plan for this rezoning. Copies of these Committee reports are attached, marked Exhibits "B" and "C" and incorporated by reference herein as if fully set out.

SECTION VI

That in the event the rezoning of this proeprty would be held invalid by any court of property jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect irregardless of any invalidity to this particular rezoning.

PASSED AND APPROVED ON FIRST READING THIS 8<sup>th</sup> DAY OF April, 1986.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 30<sup>th</sup> DAY OF June, 1987.

APPROVED:

Boyer A. Wolfe  
MAYOR

ATTEST:

Boyer A. Wolfe  
CITY CLERK

## DESCRIPTION OF 4.69 ACRES

Located in the state of Kentucky, county of Boone, city of Florence, group no. 2034, lying on the east side of relocated Kentucky Highway No. 18 (formerly Price Pike) approximately 25/100 mile south of Turfway Road and is more particularly described as follows;

Beginning at a P.K. nail in the east right-of-way line of Relocated Kentucky Highway No. 18, 50 feet at right angles to its centerline, at the northwest corner of the Florence Lodge Lot (Deed Book 166, page 479); thence with said right-of-way line N 8° 14' W 373.46 Feet to a concrete right-of-way marker; thence N 3° 45' 13" W 101.87 Feet to an iron pin; thence along a new division of Reuven J. Katz's property S 82° 45' 13" E 589.45 Feet to an iron pin; thence with said new division line and the west line of Daughtery and Taylor subdivision S 22° 10' W 481.78 Feet to an iron pin at the northeast corner of the Monarch Auto Supply Lot (Deed Book 231, page 113), thence with the north line of said lot S 81° 25' W 58.18 Feet to an iron pin corner of the Florence Lodge Lot; thence with the lines of the Florence Lodge Lot N 22° 10' E 116.20 Feet to an iron pin; thence S 81° 25' W 332.84 Feet to the point of beginning containing 4.69 acres, subject to a sanitary sewer easement along the Daughtery-Taylor Subdivision.

Being part of Tract No. 1 conveyed to Reuven J. Katz, Trustee, by deed recorded in Deed Book 173, page 429 in the Boone County Clerk's Office at Burlington, Kentucky.

This description was prepared from a new survey by Tim R. McNeely, L.S. No. 2030, May 10, 1982.

Located in Boone County, Florence, Kentucky, lying on the southeasterly side of Kentucky Highway No. 18 and is more particularly described as follows:

Beginning at an iron pin in the southeasterly right-of-way line of Kentucky Highway No. 18, said point being 79.94 Feet right of centerline station 74+28.66 (Kentucky 18), said point also being the common front corner of Benderson Development Company (Deed Book 161, page 149) and the remaining property of Reuven J. Katz, Trustee (Deed Book 173, page 429) thence S. 36° 20' 57" E, along the dividing line between Reuven J. Katz and Benderson Development Company, a distance of 371.66 Feet to a point the TRUE POINT OF BEGINNING, thence S. 36° 20' 57" E, continuing along the dividing line between Reuven J. Katz, and Benderson Development Company, a distance of 685.94 Feet to an iron pin, thence S 18° 50' 01" W 283.49 Feet to an iron pin, thence N 70° 32' 01" W 255.07 Feet to an iron pin at the northwest corner of Sweet Brair Avenue, thence N 69° 34' 52" W 274.80 Feet to an iron pin corner of Jerry Feldman (Deed Book 305, page 134), thence along the dividing line between Reuven J. Katz and Jerry Feldman N 22° 10' 00" E 142.99 Feet to an iron pin, thence N 82° 43' 13" W 257.50 Feet to a point, thence N 36° 01' 17" E 374.17 Feet to the point of beginning containing 5.5907 acres.

Subject to any and all easements, zoning, reservations, limitations and restrictions of record and to all right-of-ways and legal highways.

This description was prepared from a new survey by Timothy R. McNeely, R.L.S. No. 2030, March, 1985.

Located in Boone County, Florence, Kentucky, lying on the southeasterly side of Kentucky Highway No. 18, and is more particularly described as follows:

Beginning at an iron pin in the southeasterly right-of-way line of Kentucky Highway No. 18, said point being 79.94 Feet right of centerline station 74+28.66 (Kentucky 18), said point also being the common front corner of Benderson Development Company (Deed Book 161, page 149) and the remaining property of Reuven J. Katz, Trustee (Deed Book 173, page 429); thence S 36° 20' 57" E, along the dividing line between Reuven J. Katz, Trustee and Benderson Development Company, a distance of 371.66 Feet to a point; thence S. 36° 01' 17" W 374.17 Feet to a point in the north line of Jerry Feldman (Deed Book 305, page 134), thence N 82° 43' 13" W, along the dividing line between Reuven J. Katz and Jerry Feldman, a distance of 331.95 Feet to a point in the southeasterly right-of-way line of Kentucky 18, thence northeastwardly along said right-of-way line of Kentucky 18, a chord bearing and distance of N 13° 03' 17" E 290.24 Feet, an arc distance of 292.59 Feet, to a point, said point being 50 Feet right of centerline station 71+50 (Kentucky 18), thence N 37° 15' 57" E 92.21 Feet to a point, said point being 62.27 Feet right of centerline station 72+49.25 (Kentucky 18), thence N 46° 59' 34" E 162.13 Feet to the place of beginning containing 4.0016 acres.

Subject to any and all easements, zoning, reservations, limitations and restrictions of record and to all right-of-ways and legal highways.

This description was prepared from a new survey by Timothy R. McNeely, R.L.S. No. 2030, March, 1985.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman  
Technical Committee

DATE: February 5, 1986

RE: Request of GBBN (applicant) for Jerry Feldman (owner) for a Zoning Map Amendment from its current zoning of Public Facilities (PF) and Commercial Two, (C-2) to Public Facilities/Planned Development Overlay, (PF/PD Overlay) and Commercial Two/Planned Development Overlay, (C-2/PD Overlay). This 14.2 acre tract is located east of KY 18 and south of Turfway Road, Florence, Kentucky.

REMARKS:

At the December 18, 1985 Public Hearing for the applicant's request, a staff concern was presented whether the proposed use of independent and assisted living was permitted in the applicant's request for a Public Facilities/Planned Development Overlay, (PF/PD Overlay) zone. Consequently, the Planning Commission's Technical Committee met with Mr. Jerry Feldman and his legal counsel on January 22, 1986 to determine whether Mr. Feldman's proposed residential project was consistent in the Public Facilities, (PF) underlying zone.

Findings:

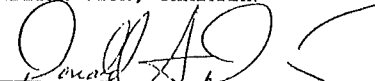
The Committee found that the construction of independent living and assisted living units was permitted in the proposed PF/PD Overlay zone. The basis for this finding consists of the following:

- (a) The mere location of the independent and assisted living units next to an existing skilled health care facility. The proposed project will be physically attached to the existing facility.
- (b) The applicant's desire to provide health care services from the existing skilled care facility and the medical office building to the independent and assisted living units.
- (c) The proposal shows that the applicant will eventually provide a complete package of housing opportunities and health services to the elderly.

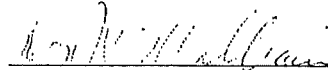
Based upon these above findings, the proposed PF/PD Overlay zone is appropriate as a principally permitted use under the category of "hospitals, sanitariums, convalescent and rest homes and related health facilities." In addition, the Committee defined the PF/PD Overlay zone to include the area surrounding the existing skilled care facility (Parcel #1) or 3.50 acres and the area surrounding the proposed independent and assistant living dwelling units (Parcel #4) or 7.40 acres. The PF/PD Overlay zone would include parking for both buildings. The proposed C-2/PD Overlay

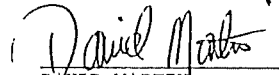
zone will include Parcel #2 or 1.30 acres and Parcel #3 or 2.0 acres. The small overlap of the medical office building in both zones will be permitted because of the flexibility in the PD zone.

  
WILLIAM VIOX, CHAIRMAN

  
DON DAVIS

  
MICHAEL HEMMER

  
DON MCMILLIAN

  
DAVID MARTIN

  
BARRY W. NELTNER

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman

DATE: February 5, 1986

RE: Request of GBBN (applicant) for Jerry Feldman, Florence Park Developers (owner) for a Zoning Map Amendment. The 14.20 acre tract is located east of KY 18 and south of Turfway Road adjacent to the Florence Park Care Center. The site is currently zoned Public Facilities (PF) and Commercial Two (C-2). A request is being made to rezone the above site to Public Facilities/Planned Development Overlay (PF/PD Overlay) and Commercial Two/Planned Development Overlay (C-2/PD Overlay).

REMARKS:

We, the Committee, recommend approval of the zone change request from Public Facilities (PF) and Commercial Two (C-2) to Public Facilities/Planned Development Overlay (PF/PD Overlay) and Commercial Two/Planned Development Overlay (C-2/PD Overlay) for the 14.20 acre site. The Committee also recommends approval in principle of the Concept Development Plan as amended as discussed below. Approval is based on the following findings of fact and subject to the following reservations and conditions:

1. The Boone County Comprehensive Plan Land Use map indicates a future land use for this site as commercial and environmentally sensitive. The Plan's text on Page 3.4 suggests that "some of the high density development in Florence should be designed and planned for the elderly population." Also, the text suggests that "environmentally sensitive areas can serve a valuable purpose in buffering of adjacent land uses and in the provision of visual amenities enhancing the value of a development as well as protecting the environment." The Committee believes that the proposed planned development is in agreement with the Comprehensive Plan Land Use map and text.

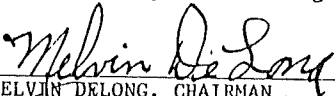
The Committee recognizes the need to broaden housing opportunities for the elderly in the Florence area. It also understands the applicant's desire to provide a multi-faceted (e.g. skilled care facility, independent living and assisted living arrangements) housing arrangement and health care services on-site, while at the same time proposing to construct a medical office building and commercial/restaurant center.

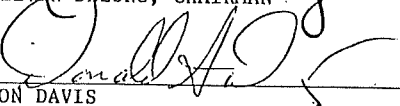
2. The Committee understands that the area surrounding the existing skilled care facility on Parcel #1 (3.50 acres) and the area surrounding the proposed independent living and assisted living complex on Parcel #4 (7.40 acres) will be zoned Public Facilities/Planned Development Overlay because of the attached Technical Committee report. A small portion of the proposed medical office building will be located in the PF/PD Over-

lay zone simply because the submitted Concept Development Plan indicates that the small portion will be attached to the existing skilled care facility. The remaining acreage or 3.30 acres will consist of a medical office building (1.3 acres) and a commercial/restaurant (2.0 acres) and will be located in the C-2/PD Overlay zone.

3. Parcel #1 in the Concept Development Plan already exists. The Committee agrees with the Parcel #2, which allows for a 1.3 acre, 25,000 square foot, 100 car parking, medical office building. This proposed building will be attached to the existing skilled care facility.
4. The Committee agrees in principle with Parcel #3 which allows for one L-shape commercial/restaurant building on a 2.0 acre lot. The Committee approves of the idea of a sit-down type restaurant to be located in a 20,000 square foot commercial building. The Committee recommends that no drive-thru restaurant be permitted on Parcel #3. Parking will accommodate 100 cars.
5. The Committee agrees in principle with Parcel #4, which allows for 150 independent living units (60 two bedroom, 90 one bedroom) and 50 assisted living units (10 two bedroom, 40 one bedroom) on a 7.40 acre tract. This proposed facility will be attached to the existing skilled care facility.
6. The Committee feels that the proposed layout of curb cuts is not consistent with the Access Management Provisions of Section 1723 of the Boone County Zoning Regulations. The Committee recommends that two curb cuts off KY 18 be permitted to serve the entire 14.20 acre tract. These curb cuts include the existing curb cut on the primary entrance serving the skilled care facility (Parcel #1), and one that is located in the center of the project, which would be in direct line with any proposal on the 54 acre tract across KY 18. This alignment will be beneficial to both projects in terms of traffic safety and will be adequate to serve the residents in the independent/assisted living units, the medical office building and the commercial/restaurant center. The Committee also recommends that the applicant "tie in" with the adjacent property owner to the northeast to permit traffic to travel through both developments without entering and exiting first.
7. The Committee advises that the applicant will be required to meet the City of Florence Storm Water Detention Regulations.
8. The Committee recommends that no transportation connection be permitted from the proposed development to Sweetbriar Avenue.
9. The Committee recommends that the existing vegetation or the densely wooded portion of the site remain in its natural state to serve as a buffer between the single-family residences along Sweetbriar Avenue and the proposed multi-level residential complex. The Committee would like to emphasize the need to preserve this natural buffer and will require that this buffer stay in place during the formulation of the preliminary development plan and during construction.


10. Finally, the Committee suggests that any change in the concept development plan will need to be brought before the Technical Committee to determine whether it is a minor or major change to the plan. Any alteration deemed to be a major change will require a new application and public hearing.

  
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MELVIN DELONG, CHAIRMAN

  
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DON DAVIS

\_\_\_\_\_  
LARRY BARNETT

\_\_\_\_\_  
FRED BURCH

  
\_\_\_\_\_  
RECTOR JONES

  
\_\_\_\_\_  
WILLIAM VIOX

June 29, 1987

Mr. Gilby Greene  
19 Lloyd Avenue  
Florence, Kentucky 41042

Mr. James Collins  
305 St. Jude Circle  
Florence, Kentucky 41042

Mr. William Bailey  
13 Lakeshore Drive  
Florence, Kentucky 41042

Ms. Gayla Osborne  
8395 Juniper Lane  
Florence, Kentucky 41042

Mr. David Osborne  
39 Miriam Drive  
Florence, Kentucky 41042

Mr. Ralph Sutter  
20 Sanders Drive  
Florence, Kentucky 41042

Dr. Ferd Metzger  
40 Kathryn  
Florence, Kentucky 41042

Ms. Evelyn Kalb  
7745 Hollywood  
Florence, Kentucky 41042

Mr. William Hudson  
37 Drexell  
Florence, Kentucky 41042

Mr. James Ewing  
7518 US 42, Apt. 3  
Florence, Kentucky 41042

Mr. Donald Mager  
19 Lake Drive  
Florence, Kentucky 41042

Mr. John Woods  
52 Burke Avenue  
Florence, Kentucky 41042

Re: Ordinance No. 0-9-86

Dear Madams and Sirs:

At the conclusion of the hearing on Thursday, June 25, 1987, you requested us to explain and confirm, in writing, our plans relative to the development of the subject property.

This letter shall serve as our representation to you that the following will be performed in a workmanlike manner using the highest standard of care:

1. Retention Pond.

We agree to secure the services of a professional engineer to properly design a retention pond to adequately meet the needs of the project. At a minimum, we agree to meet or exceed every

P.O. Box 17310  
226 Grandview Drive  
Fort Mitchell, Kentucky 41017  
(606) 341-8300

June 29, 1987  
Page 2

standard, ordinance and code required by the City of Florence, County of Boone and State of Kentucky together with any other relevant rules, practices and ordinances.

2. Sanitary Sewer.

All sewage shall be brought to the front of the property to the new sanitary sewer line generally located on Kentucky 18 and described as point A on the attached drawing. At our expense, we have agreed to install a lift station in the assisted care living residence.

3. Connector Road to Thriftway Property.

We agree to use our best efforts to construct a connector road to permit a flow of traffic between the Thriftway project and the subject property. Our plans, as currently designed, anticipate and provide for this connection which shall be approximately located at point B on the attached diagram.

4. Curb Cuts.

We have agreed to abandon and vacate curb cuts marked at points C and D on the attached diagram. The new project will be serviced with the curb cut marked point E. It is our understanding that there has been an informal agreement pertaining to the construction and maintenance of a traffic light at this point E.

5. Green Belt.

We have agreed to preserve the existing vegetation and to take every precaution to insure that the green space to the rear of the property will not be substantially disturbed. During construction, the designee of the City of Florence together with Paul Hemmer Development Company shall tag those trees which the City desires to preserve. The sum of \$10,000.00 in cash or bond shall be placed in an account to guarantee the proper prosecution of this agreement. This agreement is more specifically explained in a proposal dated April 8, 1986 between Florence City Council and Mr. Jerry Feldman which Paul Hemmer Development Company hereby adopts and agrees to perform.

We sincerely hope we have removed any doubt and concern which you may have regarding this development. We understand that the sanitary sewer and retention pond issues are matters of great concern to you and to us. We ask you to trust us in properly completing the project in a manner most satisfactory to your wishes.

June 29, 1987

Page 3

We have attempted to be as straight forward and honest as possible. For this reason, we feel compelled to condition these representations on the following:

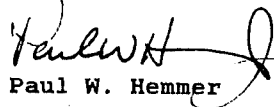
1. We cannot be held responsible or -accountable if conditions beyond our control prevent our performance. For example, we cannot be held responsible if the new Thriftway facility has been constructed in such a fashion that it prevents the construction of a connector road.

2. If your agents and servants request us to alter our plans, then we would hope that you will not hold us accountable for changes your agents and servants request. For example, if Florence Water and Sewer should request us to traffic the sewage in a pattern different than that described, we would hope that the City of Florence council and Florence Water and Sewer could agree on a common solution. We would not want to be placed in a position where we are given antagonistic directives.

In summary, we feel that we have addressed every issue and problem you have brought to our attention. We have agreed to assume additional expense to accomodate your wishes. The suggestions and comments of your trained staff and public servants have been followed in each instance.

If we may answer any further questions, we will be in attendance at your meeting on Tuesday, June 30th.

Sincerely,



Paul W. Hemmer

entrance to proposed development

Turfway Development  
Ky Dept. of Trans.

Turfway Development

Les Jacobs

Les Jacobs

Proposed traffic light

RELOCATED CURB CUT

PROPOSED CURB CUT

PROPOSED CURB CUT

EXISTING CURB CUT TO BE RELOCATED

BURLINGTON PIKE

EXISTING CURB CUT

ELECTRIC POWER POLE

ELECTRIC POWER POLE

EXISTING SERVICE ROAD

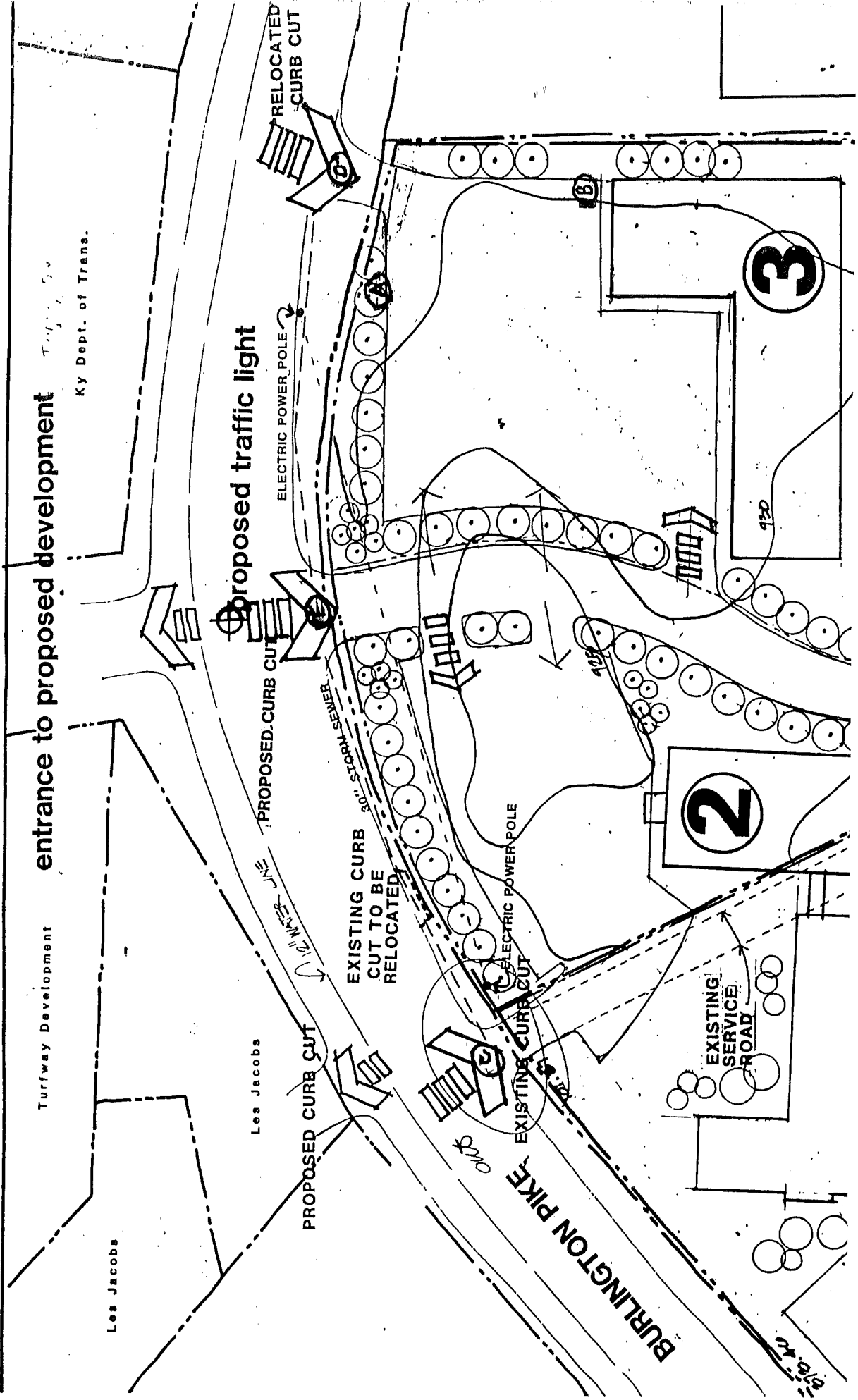
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920

PROPOSED 30" STORM SEWER

12' WALKWAY



FLORENCE CITY COUNCIL

MINUTES - SPECIAL MEETING

JUNE 30, 1987

The City Council of the City of Florence, Kentucky met in Special Session on Tuesday, June 30, 1987 at 8:15 p.m. in the Florence Municipal Building with Mayor Roger Rolfes presiding in the Chair.

Mayor Rolfes called the meeting to order and following the invocation given by Councilman Greene, declared the Special Session to be open for the purpose of considering and taking action, if desired, on the question of the 1987-88 Fiscal Year Budget of the City and to consider and take action, if desired, on any and all other business which may come before the Council.

The roll was called and the following members registered present: Gilby Greene, William Bailey, Gayla Osborne, Donald Mager, Ralph Sutter, David Osborne, James Collins, Dr. Ferd Metzger, John Woods, James Ewing, William Hudson, and Evelyn Kalb. None were absent.

Also present were City Coordinator Bruce Janken, City Attorney Hugh Skees, Police Chief Charles Callen, Public Services Director Willard Rusk, Fire Chief Donald Roberts, Florence Water & Sewer General Manager Harold Hedges, and City Clerk Betsy Conrad.

Mayor Rolfes presented the following Ordinance for second reading:

ORDINANCE NO. 0-9-86: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE COMPRISING 14.2 ACRES LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ON THE EAST SIDE OF RELOCATED KENTUCKY HIGHWAY 18 NEAR TURFWAY ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONES OF PUBLIC FACILITIES (PF) AND COMMERCIAL TWO (C-2) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), SUBJECT TO AND CONDITIONED UPON A CONCEPT DEVELOPMENT PLAN. (FELDMAN-GBBN PROPERTY.)

Councilmember Gayla Osborne moved, with second from Councilmember Sutter, that Ordinance No. 0-9-86 be approved on second and final reading and be published in accordance with the law. Mayor Rolfes recognized Mr. Don Hemmer who stated that a copy of a letter from him had been delivered to each Councilmember confirming the plans to which he would commit regarding concerns expressed by Council previously.

At question from Councilmember Woods, Mr. Hemmer reiterated that he had been given to understand the approved plan for the Benderson property had included the required connection between the two developments. Mr. Rusk indicated that a driveway exists in that area presently, and that sufficient room is available to meet this requirement.

At question from Councilmember Kalb regarding the sewage, Mr. Hedges advised that he had discussed the situation with Mr. Viox as well as representatives of Hemmer and Benderson, and that the sanitary sewage could be directed to the front of the development, across Kentucky 18 and across the expressway, inasmuch as they did not want more flowing into the Sweetbriar area to compound the existing problem there. He continued that Hemmer had agreed to direct the sewage for the entire development to the front using a pump station. Mr. Hedges continued that the previous stoppage had occurred due to vandalism, in that someone had put a broomstick in the manhole causing a backup, but that this was on the regular maintenance schedule for his crew.

With regard to the storm water runoff, Mr. Rusk stated that he would review the design of the detention pond plans to make sure that it would adequately address the potential problem.

Councilmember Mager expressed concern over the fact that some fifteen months had passed since this item had received first reading, and he suggested Council consider setting a limit on the length of time which could transpire between first and second readings of ordinances.

Councilmember Metzger expressed concern with regard to the retention pond's effect on nearby residences, and adding that the City is in the process of conducting a study on storm drainage problems. He asked the developer if he would be willing to rebuild the retention pond in the future if that became necessary, and he referenced a current problem on the Henne Development site. Mayor Rolfes reported that he had received correspondence from Mr. Henne and that the situation on that site would be corrected. Mr. Hemmer stated that the project would not be built overnight, and that as each part of the project is submitted for approval, it will be required to incorporate the standards set forth by the study. Mr. Rusk advised that the length of the study should be about ten months.

At question from Councilmember Kalb, Mr. Hemmer stated that he has no ownership in the already developed site belonging to Mr. Feldman, so he could not trespass to correct an existing problem on that site. Mr. Rusk asked the time schedule for starting on this project; Mr. Hemmer indicated they intended to start in about three months on building #3. Mr. Rusk asked Mr. Hemmer if he would be willing to build a preliminary retention pond before excavating in order to avoid the problems experienced elsewhere, adding that early seeding would aid in preventing washes. Mr. Hemmer advised that he would have to consider this matter further. Considerable discussion followed.

Mayor Rolfes recognized one of the residents who stated that the area at the end of Sweetbriar was a historical spot and contained natural springs, and she continued that the neighbors had cooperated in their efforts to dig drainage areas through the yards to accommodate the flow. Mayor Rolfes requested Mr. Rusk to look at that situation.

Roll call vote was taken on the motion to approve Ordinance No. 0-9-86 on second reading. Voting Yes: Councilmembers Greene, Gayla Osborne, Sutter, Collins, Metzger, Woods, Ewing, Hudson and Kalb. Voting No: Councilmembers Bailey, Mager and David Osborne. Motion carried by vote of nine (9) to three (3).

Councilmember Mager moved that the City Attorney be directed to draft an ordinance requiring a second reading to take place within ninety days after the first reading of an ordinance. Discussion followed. Councilmember Mager moved that the matter be studied, Mr. Skees recommended the Administrative Committee study the matter. Councilmember Hudson seconded the motion, and Council approved by unanimous vote.

Mayor Rolfes presented the following Ordinance for second reading:

ORDINANCE NO. 0-19-87: AN ORDINANCE ADOPTING AND APPROVING A SUPPLEMENTAL AGREEMENT TO THE AGREEMENT ESTABLISHING THE BOONE COUNTY PLANNING COMMISSION TO ALLOW COMPENSATION FOR CITIZEN MEMBERS OF THE BOONE COUNTY PLANNING COMMISSION AND BOARDS OF ADJUSTMENT PURSUANT TO CHAPTER 100 OF THE KENTUCKY REVISED STATUTES.

Councilmember Gayla Osborne moved, with second from Councilmember Ewing, that Ordinance No. 0-19-87 be approved on second and final reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Rolfes presented the following Ordinance for second reading:

ORDINANCE NO. 0-20-87: AN ORDINANCE RELATING TO THE ADDITION OF A TEXT AMENDMENT TO THE BOONE COUNTY ZONING REGULATIONS BY AMENDING ARTICLE 17, AND ENACTING, AS PART OF THAT ARTICLE, SECTION 1782; AND AMENDING ARTICLE 20, AND ENACTING, AS PART OF THAT ARTICLE, PAGES 20-2 AND 20-6, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION AS NEW ZONING REGULATIONS APPLICABLE TO THE CITY OF FLORENCE, KENTUCKY. (Relating to Buffer Areas.)