

APPLICATION FOR ZONING ACTION

Boone County Planning Commission  City of Union Board of Adjustment  
/ City of Florence Board of Adjustment  City of Walton Board of Adjustment  
 Boone County Board of Adjustment  Zoning Enforcement Officer

- R:  Zoning Text Amendment  Zoning Map Amendment
- Comprehensive Plan Change  Preliminary Plat Approval
- Improvement Plat Approval  Final Plat or Deed Plat
- Conditional Use Permit  Site Plan Review
- Concept Development Plan  Historic District Overlay
- Preliminary Development Plan  Sign Permit or Zoning Permit
- Change of Non-Conforming Use  Appeal or Variance
- Design Review Board Hearing and Certificate of Appropriateness

Applicant: MARSHALL H. THOMAS  Owner  Agent  
Address: 1621 KENSINGTON WAY  
LE KINGTON, KY 40513

Telephone: (606) 254-0703

Location: 15 Walnut St (Lot 5) OF THE Hollis Subd. OF JAS. P. TANNER TRACT

Name of Owner: MARSHALL H. THOMAS

Address of Owner: 1621 Kensington Way  
Le Kington, Ky 40513

Zone: SR-2 Area in Acres: 4466 Sq. Ft.

Deed Book: ~~200~~ 138 Page No.: ~~46~~ 56 Group No: 230 330

Description of Request: PLAT ~~BOOK~~ 138  
1248 230  
ZONE CHANGE TO COMMERCIAL TWO,

C-2 PER ATTACHED LETTER

Owner's Signature: Bernard E. Spinkman  
Marshall H. Thomas

Date: \_\_\_\_\_ Applicant's Signature: Bernard E. Spinkman  
Marshall H. Thomas

FOR PLANNING COMMISSION USE:

Application date and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_  
Referred to: \_\_\_\_\_ For Meeting Date: \_\_\_\_\_  
Action: \_\_\_\_\_ Date: \_\_\_\_\_

ZONE CHANGE REQUEST BY MARSHALL H. THOMAS  
FOR PROPERTY FRONTING KY. 18, FLORENCE

This is a zone change request for property located at 15 Locust Street, Florence being lot 5 of the Hollis Subdivision of the Jas. P. Tanner tract by the current property owner Mr. Marshall H. Thomas. This request is to change the current zoning of Suburban Residential Two, SR-2, to Commercial Two, C-2. It should be noted that Mr. Thomas currently owns the adjoining lot 4 of the subdivision, currently zoned Commercial Two, C-2.

As was noted above the adjoining property to the west along with to the south and to the north, across Ky. 18, is currently zoned Commercial Two, C-2. To the east, fronting Oblique Street, is current zoning of Suburban Residential Two, SR-2. Existing adjoining land uses to the north, west, and east is single family residential. To the south is residential and one parcel used as a Day Care Center. The subject parcel is currently undeveloped.

The Land Use Plan map of the Boone County Comprehensive Plan shows a planned future land use of Medium Density Residential. Also, all adjoining properties are planned as Medium Density Residential. The text of the Comprehensive Plan makes the following statements:

- . Medium density residential development could include the expansion of existing developments in the Florence and Walton service areas. As the Florence service area is expanded, new medium density development is encouraged adjacent to subdivisions existing and committed south of KY 18 and west of Hopeful Road; in the vicinity of Pleasant Valley Road; south of U.S. 42, west of I-75; south of Union along KY 536, and near the Richwood interchange with I-75. (Page 3.4)
- . Within the City, future development is planned to include residential infill of existing residential areas, including high density residential at Turfway and I-75, at the site of the Florence Drive-In Theatre, and on Tanner's Lane. Redevelopment of the central area should include high density housing for the elderly. (Page 3.12)

Regarding any Commercial land use the text makes the following statements:

- . Neighborhood or convenience oriented commercial districts are much more broadly dispersed throughout the County. These districts should be located close to their consumer population and developed as "planned" districts to avoid "strip" development. The older central business areas of several communities will be maintained and expanded

. as neighborhood or convenience districts, including those in Florence.....

This request does not include a Concept Development Plan, even though it is for a Commercial land use zoning district.

Public water and sanitary sewage utilities could be made available, provided the necessary approvals are obtained, from the utilities provided by the City of Florence.

This property fronts and obtains access to Ky. 18, a state maintained road, with concrete surfacing and four traffic lanes with a center left turn lane.

Should the Commission decide to recommend approval for this request it will be necessary to change the Land Use Map to Commercial and adjust the associated categories in Tables 1, 2, and 4.

Alvin "Chip" Block

Alvin "Chip" Block  
Zoning Enforcement Officer  
February 22, 1984

ACB/sr

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

FEBRUARY 22, 1984

8:00 P.M.

Vice Chairman Neltner opened the Public Hearing at 8:00 P.M. to hear the request of Marshall H. Thomas for a zoning map amendment for property located at 15 Locust St., Florence, Ky. from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 4466 sq. ft. site.

Mr. Block gave his Enforcement Officer's report and a slide presentation.

Vice Chairman Neltner asked if there was anyone present in behalf of the request. Mr. Marshall Thomas stepped forward and stated that in 1977 lots 4 and 5 were zoned Commercial and while he was living in Memphis lot 5 was changed to residential. He stated he didn't know the lots zoning had been changed until someone wanted to buy the property. He continued that since Ky. 18 has been constructed both lots now front on Ky. 18 and he pointed out he could not sell the lots unless both were zoned commercial. He stated that he wants the property rezoned back to commercial which was the zoning prior to the County's rezoning.

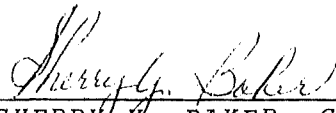
Vice Chairman Neltner asked if there was anyone else in behalf of the request. No one responded. Vice Chairman Neltner asked if there was anyone in opposition.

Mr. Ed Shafer, 1 Wallace Ave., Florence, stated that he was not really in opposition but questioned how long the sign notification was suppose to be on the property. Mr. Wilson stated 14 days prior to the Public Hearing. Mr. Shafer stated he had been looking for the sign since he saw the notification in the paper but had not seen it until today. Mr. Block stated that the sign has been maintained on the property on two different locations. He continued that he could not drive the stakes in the frozen ground so he put it on a tree. He stated he then got permission to put it on the real estate sign. Mr. Shafer stated he did not see the sign on the tree, but saw it for the first time today on the real estate sign, and he pointed out that he passes the location every day.


Vice Chairman Neltner asked if there were any further comments. In response to Mr. Viox, Mr. Block stated that no concept development plan had been submitted. In response to Mr. Viox, Mr. Block stated that the left hand side of Oblique Street is zone C-2. Mr. Viox

asked if there was adequate infrastructure on the site. Mr. Block stated he had not checked with Public Works whether or not there is immediate storm sewer, but that the site could be drained toward Ky. 18 storm sewer or they could provide something else on the site. Mr. Viox expressed concern of no Concept Plan being submitted. He stated Commercial zoning asks for a Concept Development Plan and if Commercial is accepted with just a sketch of the property and no concept development of buildings or parking arrangements we are basically up for a site plan allowing any commercial two use. Mr. Barnett stated that approximately one-tenth of an acre would limit any commercial development, there's not too many commercial two uses that could develop on a lot that size. Mr. Viox stated that Mr. Barnett was correct and that it becomes an issue of how much the applicant owns at the particular location and that we will want to see a concept plan for the whole thing. Mr. Wilson stated that you cannot require a concept plan for what is already owned, but that maybe the applicant would work with the committee by letting them know what's going to be on the site. Mr. Block stated that both lots combined containing approximately one half acre, which allows 9000 sq. ft building area on the site. Mr. Thomas stated he had a doctor that wanted to purchase the property and he thought it was still zoned business but found out it had changed back, then he could not sell the property. Mr. David Hills, stated that he owns property on Oblique Street and is in favor of the request. Mr. Wilson pointed out that action was previously taken in 1977 and that the Commission might want to have any records relating back to when it was zoned for business at that time. Mr. Block stated it was recommend for rezoning March 2, 1977. Mr. Wilson asked that those records be made available to the Committee. Mr. Neltner asked for further comments. No one responded. Vice Chairman Neltner informed the applicant that action would be taken on March 7, 1984, at 8:00 P.M. Vice Chairman Neltner closed the Public Hearing at 8:30 P.M.

RESPECTFULLY SUBMITTED:

  
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SHERRY G. BAKER, CLERK

APPROVED: 3-7-84

  
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PAUL E. KROGER, CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

MARCH 7, 1984

8:00 P.M.

Chairman Kroger called the meeting to order at 8:25 P.M.. Fourteen (14) members were present; Mr. Godsey was absent. Staff members present were Mr. Lynn, Mr. Block, Mr. Jenkins, Mr. Wilson, Mrs. Ryan and Mrs. Baker.

Chairman Kroger stated he would change the order of the Agenda and addressed the item pertaining to the Turfway Interchange. Mr. Barnett moved to defer action on the Turfway Interchange Study until March 21, 1984. Mr. Buse seconded. The vote carried unanimously. In response to Mr. Eisenman, Chairman Kroger stated if he needed more information that he be in contact with GBBN concerning the traffic study.

Chairman Kroger asked if there were any questions pertaining to the minutes of February 15, 1984 and February 22, 1984. Mr. Viox moved to approve the minutes of February 15, 1984 and February 22, 1984 as reviewed. Mr. Buse seconded. The motion carried unanimously.

BILLS:

Mrs. Baker presented the following bills: John R. Greene, 3rd quarter supplies, 244.63; GBBN, Interchange Study, 2,000.00; Morris & Bressler, accounting services, 310.00; Lanlor Office Supplies, 3rd quarter supplies; 97.72; B.C. Printing, envelopes, 48.60; Madison Office supplies, supplies, 67.20, Lanlor Office Supplies, 3rd quarter supplies, 76.29; Boone County Recorder, publication fees, 441.43; Boone County Finance, hospitalization, 695.02; Boone County Finance, postage, 454.20; picture place, film & developing, 18.87; Burlington Post Office, box rental, 7.00; Boone County Finance, xerox, 363.72; Staff salaries and benefits. Mrs. Smith moved that the bills be paid; Mr. Buse seconded. The vote carried unanimously.

COMMUNICATIONS:

Chairman Kroger stated there were two communications received which pertains to items of new business and will be addressed at that time.

REPORTS:

Mr. Barnett presented the Treasurer's Report stating the

balance on hand as of February 29, 1984 in all accounts of \$45,808.09. The income for the month of February was \$5,773.00 and disbursements were \$16,759.21. Mr. Barnett stated the disbursements included the payment to GBBN for the Turfway Study in the amount of \$6,500.00. Mr. Lynn stated this was a partial payment, the total contract is for \$10,000.00.

The Commission reviewed the Enforcement Officer's Report and the Convenience Plat Report. Chairman Kroger asked if there were any comments. No one responded.

Mrs. Baker read the Building Inspector's Report stating that for the City of Florence, William Rieger, Building Inspector issued permits 3920 thru 3931 during February for a total of \$128,768.00 estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 17 permits for total construction costs of \$589,672.00. Mr. Tobergte issued zoning and sign permits in the county totalling \$225.00 for the month of February.

Chairman Kroger proceeded to the items on the Agenda. Chairman Kroger recognized Mr. Deters. Mr. Deters stated his concern of a comment made during the Public Hearing for the Turfway Interchange of any further meeting with developers. Chairman Kroger assured Mr. Deters that he did not agree to any further meetings with any developers. Mr. Wilson pointed out that Mr. Eisenman did want to meet with the gentleman that did the traffic study in order to determine how they arrived at their calculations.

Chairman Kroger proceeded to the first item of the Agenda, the request of Lumex, Inc. d/b/a Chi-Chi's Mexican Restaurants, for Site Plan Review on property located at Florence Plaza, Mall Road/Plaza Blvd., Florence zoned Commercial Two (C-2) on a 2.334 acre site.

Mr. Block presented the Site Plan Review Report. Mr. Block pointed out that revised plans were received from Chi-Chi's showing the relocation of the driveway and also the catch basin on the site. Mr. Jenkins stated that the storm water drainage is adequate for the site. Mr. John Wally, representing Chi-Chi's stated they relocated the basin according to recommendations and the drainage plan should be complete. Mr. Jenkins stated he was satisfied. Mr. Lynn read the Committee Report which recommended approval. Chairman Kroger asked for further comments. No one responded. Mr. Viox moved that the request be granted based on Staff's and Committee's reports. Mr. Greene seconded. The motion carried unanimously.

Chairman Kroger moved to a New Business item, the request of E. Andre' Busald, Agent for George Rehkamp for a zoning map amendment for property located generally along the east side of Pleasant Valley Road, from Suburban Residential One (SR-1) to Public Facility (PF) zone on a 6.108 acre site for the purpose of the Florence Broadcasting Incorporated Radio Tower.

Mr. E. Andre' Busald stepped forward and stated he was representing Mr. John Pierce. He continued that in dealing with the FAA and FCC there are specific deadlines that must be met and requested a special meeting for March 22, 1984 for both a Public Hearing and a Business Meeting in which action could also be taken the same night. Discussion followed pertaining to legal notifications, and the possibility of taking action on the same night of the Public Hearing. Mr. Buse moved to schedule a special Public Hearing and Special Meeting for March 22, 1984 at 8:00 P.M. Mr. Viox seconded. The vote carried unanimously.

Chairman Kroger proceeded to the Old Business, the request of Arnold Caddell, for Site Plan Review on property located on Mall Road, Florence, zoned Commercial Two (C-2) on a 1.28 acre site, for the purpose of an addition onto Bonanza Steakhouse.

Mr. Block presented the Enforcement Officer's Report. Mr. Jenkins stated there was no problem, it was a room addition. Mr. Lynn read the committee report which recommended approval. Chairman Kroger asked for comments. No one responded. Mr. Jones moved that the request be granted based on Staff and Committee reports. Mr. McMillian seconded. Mr. Viox abstained due to Engineering involvement. The vote carried unanimously.

Chairman Kroger proceeded to the request of Beckman-Broering Inc., for Site Plan Review on property located on the north side of Ky, 18, approximately 200 feet West of Greenview Road, Boone County, zoned Commercial Services (C-3) on a 3.17 acre site, for the purpose of a new automobile dealership.

Mr. Block presented his Site Plan Review Report, and added that all parking and driveway locations are to be asphalt or concrete. Mr. Lynn read the Committee Report. Chairman Kroger asked if there was anyone to represent the applicant. Mr. Bob Beckman stepped forward and stated there would be no problem to increase the grade pitch to drain the water back to the holding pond. Mr. Jenkins stated he talked with Mr. Berling and he stated that there would be no problem to change the type of berm to direct the flow back to the retention pond. Mr. Jenkins stated that he was just concerned before of the water runoff during a heavy rain. Mr. Buse expressed concern of inadequate screening for the residential area. Discussion followed pertaining to landscaping alternatives. Mr. Beckman agreed to increase the berm height to 4 feet and the landscaping height to 2 feet, for a total height of 6 feet. Mr. Viox moved that the request be granted based on the Staff and Committee Report with the revision stated by the applicant which gives a total height for screening of 6 feet. Mr. Greene seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of Pilot Contracting for Site Plan Review on property located at the corner of U.S. Highway 25 and Manderlay Dr., Florence, zoned Commercial Two (C-2) on a 5 acre site.

Mr. Block presented his Site Plan Review Report. Mr. Lynn read the Committee Report which unless the storm water drainage is addressed on the site, they recommend denial. Chairman Kroger asked if there was a representative of Pilot Contracting present. No one responded. In response to Chairman Kroger, Mr. Jenkins stated his report also expresses concern of the storm water run-off, and that the problem should be addressed. In response to Chairman Kroger, Mr. Lynn stated that the applicant through the City of Florence has been contacted pertaining to the storm water run-off problem.

Mr. Collins pointed out that the residential area to the rear is Residential One Family (R1F) zone not Suburban Residential One (SR-1).

Chairman Kroger asked for further comments. Mr. DeLong moved that the request be denied based on Staff and Committee Report. Mrs. Smith seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of Dallas and Judith Sandlin for a zoning map amendment from Commercial Three (C-3) to Office Two (O-2) zone for property located at 8111 U.S. 42, Florence, Ky. on a .33 + acre site.

Mr. Block presented his Enforcement Officer's Report. Mr. Lynn read the Committee Report which recommended approval. Chairman Kroger asked Mr. Knapmeyer if he had any comments. Mr. Knapmeyer stated that he agreed with the Committee Report. Mr. Davis expressed concern of the driveway easement and the possibility of it being used by a future commercial development. Mr. McMillian expressed concern of the building being a possible fire hazard. Mr. Barnett expressed concern of the Commission committing itself to zoning the property between this request and White Castle to an Office Use, and felt it should be addressed by the Committee Report. Mr. Viox pointed out that his business is in a remodeled house and that professionals that remodel a home become an asset to the community and can fit into a residential or commercial community. He stated he was in favor of the request. Mr. Greene agreed with Mr. Viox and added that the Office Two zoning is better for the area in question, he felt a commercial three business would further complicate the traffic situation. Chairman Kroger stated that the area should be reviewed in the light of the changes that have occurred in the block and felt that the best zone for the area is to enter into the office zone.

Mr. Davis stated that he agreed with Chairman Kroger and Mr. Viox of the use of the building, but was still concerned of the easement on the adjoining property and if a restaurant were to be constructed on the adjoining property it could lead to a real problem. In response to Chairman Kroger, Mr. Knapmeyer stated the easement was owned by the adjoining property. Mr. Barnett stated a solution would be to change the entire stretch to office zoning. Chairman Kroger stated that it could be possible but it would have to be a separate hearing. In response to Mr. Buse, Mr. Knapmeyer stated he has an option on the easement if the zoning is approved. In response to Mr. Buse, Mr. Block stated if the adjoining property submits a site plan the easement could be utilized by both properties without violation to the zoning regulations. Chairman Kroger asked for further comments. No one responded. Mr. Buse moved by Resolution that the request be recommended for approval based on the findings of fact contained in the Committee Report with the added finding of fact that the complexion of the area has changed from primarily commercial to a mix of commercial and office. This land use pattern is both reasonable and desirable. Mr. Buse stated that the recommendation be forwarded to the Common Council of the City of Florence. Mr. Collins seconded. Chairman Kroger asked if there was further discussion. Mr. Barnett stated that during the changes of the other properties in the area, the vote to change those properties was not precedence to change any contiguous property. Mr. Neltner stated that he felt some provision should be made to change the surrounding properties and if there is not, then he felt it inappropriate to rezone the .3 acre site to office two. Mr. Davis pointed out that the other two properties rezoned were the only two with 100 foot lots, which was part of the reasoning of the rezoning. Mr. Viox stated that Section 1771 of the zoning regulations permits home occupations, and basically someone could have an office in their home, he continued that he had no problem with zoning small strips to office use. Chairman Kroger called for further comments. No one responded. The motion carried 9 yes; 4 no, 1 abstained. Messrs. Davis, Jones, McMillian and Neltner voted "no". Mr. Martin abstained due to not being familiar with the request and a new member of the Planning Commission. Mr. Viox moved by Resolution that the Land Use Map be changed from Commercial Services (C-3) to Office Two (O-2) if the recommendation of approval is adopted by the Common Council of Florence. Mrs. Smith seconded. The vote carried unanimously.

Chairman Kroger proceeded to the request of Raymond and Kathleen Carrara for a zoning map amendment from its present zone of Agriculture One (A-1) to Rural Suburban Estates (RSE) for property located at 3289 Peel Road, Burlington, Kentucky on a 6.6 acre site.

Mr. Block presented his Enforcement Officer's Report,

Mr. Lynn read the Committee Report which recommended approval. Chairman Kroger asked if Mr. Carrara had any comments. Mr. Carrara stated he was in agreement with the Committee Report. Chairman Kroger asked if the Commission members had any comments. No one responded. Chairman Kroger asked if there was anyone in opposition to the request. No one responded. Mr. McMillian moved by Resolution that the request be recommended for approval based on the findings and facts and conditions contained in the Committee Report and forwarded to the Boone Fiscal Court. Mr. Jones seconded. Mr. Buse questioned the wording in the committee report pertaining to the division of the land. Chairman Kroger stated to Mr. Carrara that the condition states that the land can be divided once and only once, meaning only into two (2) tracts. Mr. Carrara stated that he understood and agreed to the condition. Mr. Carrara stated the existing tract is 6.6 acres and will be broken into approximately a 3.6 acre and 3. acre tracts. He stated that he had no intention of changing the general scheme of the area, only to build an additional home. Mr. Carrara illustrated the existing structures and future structures on the site by a sketch prepared by Mr. Carrara.

Chairman Kroger stated there was a motion and second on the floor and called for further discussion. No one responded. The motion carried unanimously.

Chairman Kroger proceeded to the request of Marshall H. Thomas for a zoning map amendment for property located at 15 Locust St., Florence, Ky. from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 4466 sq. ft. site.

Mr. Block presented his Enforcement Officers Report. Mr. Lynn read the Committee Report which recommended approval. Chairman Kroger asked if Mr. Thomas or a representative was present. No one responded. Chairman Kroger asked if there was anyone in opposition. No one responded. Chairman Kroger asked if any of the members of the Commission had any comments. Mr. Barnett questioned the lack of a Concept Development Plan. In response to Chairman Kroger, Mr. Block stated Mr. Thomas has not requested a waiver of Concept Development Plan, but a waiver of the fee, and there is nothing in the minutes of the Public Hearing waiving the Concept Development. In response to Mr. Barnett, Mr. Wilson stated that the Commission has the right to request or waive a concept development plan. Mr. Barnett stated that the purpose of the concept development plan was a controlling factor to the public for obtaining information what type of use would be in a particular zone. He continued in this particular case is also is a controlling factor that would effect that property on the corner and that a concept development plan should be required. Mr. Buse stated that he agreed with Mr. Barnett, he continued when the concept development plan was adopted it was in order to be able to make sure that the development in that zone was appropriate in that area. He stated that this is an area that there is some concern of the type of development. He stated that he felt the concept development should not be waived in this request. Mr. Jones pointed out that the property was previously zoned business and due to Mr. Thomas being out of town had no idea the zoning had been changed. Mr. Block read

a letter from Mr. Thomas in which he stated he was absent at the time of the rezoning.

Mr. Viox pointed out that at the Public Hearing it was stated that you could not ask for a concept development plan on property than is already zoned and at the time he felt it would not help to ask for only half of a concept development plan. Mr. Buse expressed his concern of waiving the concept development with the legislation before the general assembly to eliminate the concept development plan. He stated that he felt it was bad timing. Mr. Lynn stated that the bill has been tabled and he felt the next concern will be that there was some discussion of defining the concept development plan. Discussion followed. Mr. Barnett moved that the request be deferred until March 21, 1984 and that the applicant be contacted, and that he should submit a concept development plan before the March 21, 1984 meeting. Mr. Buse seconded. Mr. McMillian expressed concern that the application was accepted by Staff without a concept development plan. Chairman Kroger stated that possibly the applicant felt a concept plan was not necessary. He stated that he was questioned by members of the Fiscal Court of waiving a concept development plan and Chairman Kroger stated he did not know of the Commission ever waiving a concept development plan. Discussion followed. Mr. Wilson stated that it was up to the Committee assigned to the request, to determine after the Public Hearing, what information would be needed to make a recommendation to the Commission. Chairman Kroger stated there is a motion and second on the floor. The motion carried unanimously.

Chairman Kroger proceeded to the items of New Business, stating that the following items were referred to Committee:

The request of James N. Gray Construction Co., Inc., Agent for Litton Unit Handling Systems, for Site Plan Review for property located at Litton Lane, Hebron on a 20 acre site, zoned Industrial One (I-1).

The request of Gulf Oil Refining and Market Co. Inc., owners, for Site Plan Review for property located at I-75 and U.S. 42, Florence, Kentucky on a 1 + acre site, zoned Commercial Three (C-3).

The request of Hamill & McKinney, Architects, Agents for White Castle Systems Inc., for site plan review for property located at the SW corner of U.S. 42 and LaCresta Dr., Florence on a 1 acre site, zoned Commercial Three (C-3).

Chairman Kroger stated that a Public Hearing date must be set for the following items:

The request of Bob Hasekoester, Owner, for a zoning map amendment for property located at 7400 Dixie Highway, Florence, Kentucky from Residential to Commercial on a tract under 7,000 sq. ft. Applicant has request a waiver in concept development plan.

The request of Tim Timberman or Lanny R. Holbrook's Associates, Agents for S.A.K.Inc. and Myron Johnson and Charlotte Johnson, for a zoning map amendment from Commercial Two (C-2) to Commercial Services (C-3) on two lots located at 7855 Tanners Lane, and the adjacent lot, for the purpose of an extension of the development of Timberman Mazda Car Dealership onto the adjacent lot. (The applicant has requested a waiver of the Concept Development Plan).

The Request of James A. Gallenstein, for a zoning map amendment on property located at 7449 Burlington Pike, Florence, from its present zone of Suburban Residential One and Commercial Two to Commercial Two on a 2.2718 acre site.

Chairman Kroger read a letter pertaining to Ray Merkle request in which the owners of the property appointed Mr. Merkle as Agent for the Zoning Map Amendment.

Mr. Viox moved that a Public Hearing date be set for March 28, 1984 at 7:30 P.M.. Mrs. Smith seconded. Mr. DeLong asked that the Chairman of the Administrative Committee review the waiving of concept development plans. Discussion followed pertaining to waiving of concept development plans. The motion carried unanimously.

Mr. McMillian questioned an item on the Zoning Enforcement Officer's Report, concerning property owned by Mr. Combs in the City of Walton and asked which weekends Mr. Block inspected the property. Mr. Block stated he inspected the site the last two preceding weekends and observed no indication of a violation. Mr. Block stated he observed two (2) cabs, which are under the two (2) ton limitation, but no trailers. Mr. McMillian stated that he has observed the trailers on the site. In response to Mr. McMillian, Mr. Block stated the cabs are not in violation provided they are being used as personal transportation to and from work and that he could find no information negative or positive to that effect. Mr. McMillian strongly disagreed with Mr. Block and stated that he lives near the site and has observed the tractor trailer which at times blocks the street and are worked on at the site. He stated that the City of Walton is greatly concerned over the situation and that possibly Mr. Block should attend the Walton City Council meeting and explain his interpretation of the regulation.

Mr. Buse expressed concern of plans being submitted to the Commission at the last minute not allowing the Committee enough time to make a proper recommendation. He stated it was unfair to the Commission and staff and that it was his understanding it was a policy that all information must be submitted by Friday noon before the meeting. Mr. Buse stated if Staff can not adhere to the policy, perhaps it should be made a regulation.

Mr. Lynn addressed the Chairman, stating that he has some comments on some of the things he had heard from the Commission tonight. He stated some of the efforts of the Zoning Enforcement Officer were criticized, there's been some comments directed about the completion of the application for Mr. Thomas and Mr. Lynn pointed out to the Commission that the Staff is literally drowning in paperwork and until the legislative unit and this Commission make the commitment to fully fund and put in a full time staff the Commission will continue to have these problems. Mr. Lynn stated that was all he had to say at this point.

Mr. Buse stated if a deadline was established, Staff would be in a better position to handle day to day activities.

Chairman Kroger stated the he felt the Staff did an admirable job in responding to the Community making the requests. He continued that enforcement is lacking, but that Mr. Block does 2½ times more than is expected simply in reviewing Site Plans. Chairman Kroger stated there are difficulties in the office in confines of space, limitations and money. He stated there are legislative bodies that demand and receive on those demands. He stated Mr. Buse's comments are well taken and he as Chairman shares the responsibility and that he can recognize Staff's particular problems. Chairman Kroger stated that enforcement is lacking and the Commission can either hire additional enforcement or go out of the enforcement entirely. Chairman Kroger stated that staff has maintained a position of accommodating the business community and expediting applications. He stated it must be realized the community is expanding and growing and the Commission is going to have to support every effort to provide the necessary staff to grow with it.

Mr. Viox stated that the reason some of the revisions were held up is that this is the first month the Staff has worked along with the Public Works of the City of Florence. He stated that some of the comments from the City will be at the last minute due to procedures followed. Mr. Viox stated there will have to be revisions to expedite the procedure. He stated the City of Florence's position is they would like for the Commission to have up-to-date site plans leave the Commission office in their completed form.

Chairman Kroger stated that the Commission tries to be as expeditious as possible in having a two week turn around on application for site plans. Chairman Kroger stated that the problems in the community are going to be growing pains, the kinds of problems you want to have and Staff must be supported 100%. Chairman Kroger stated he could appreciate Mr. McMillian's problems in Walton and that he instructed Mr. Lynn to check into the situation.

Mr. McMillian stated the situation in Walton has been an on going problem and it was his understanding that the problem was passed onto the Courts, but found out later it had not. Mr. McMillian stated he would like the situation cleared up as soon as possible.

Chairman Kroger stated there was another item of new business, the request of Wajih Safi for site plan review on property located at U.S. 42 and Village Drive zoned Commercial Two (C-2) on a 33988.75 square foot site for the purpose of constructing a two story building.

Mr. Block stated Mr. Safi has submitted the required number of plans. Mr. Viox stated the City of Florence has negotiated with the applicant up until yesterday morning and the applicant now complies with the City of Florence's requirements.

In response to Chairman Kroger, Mr. Lynn stated at the last meeting the Commission voted to waive the fee on Mr. Safi's site plan review.

Chairman Kroger stated that Mr. Neltner is Chairman of the Committee for the Turfway Study and that there would be a Committee meeting called during the next two weeks.

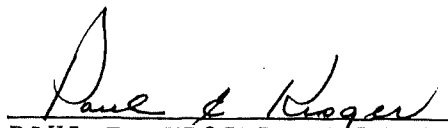
Chairman Kroger asked if there was any further business. No one responded.

Mr. Neltner moved for adjournment; Mr. Viox seconded. The meeting adjourned at 10:45 P.M.

RESPECTFULLY SUBMITTED:

  
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SHERRY G. BAKER, CLERK

APPROVED: March 21, 1984

  
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PAUL E. KROGER, CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

MARCH 21, 1984

8:00 P.M.

Chairman Kroger called the meeting to order at 8:08 P.M.. Thirteen (13) members were present. Mr. Godsey and Mrs. Smith were absent. Staff members present were Mr. Lynn, Mr. Block, Mr. Wilson, Mrs. Baker, and Mrs. Ryan.

Chairman Kroger asked if there were any questions pertaining to the minutes of the previous meetings. Mr. McMillian moved the minutes of March 2, 1984 and March 7, 1984 be approved as reviewed. Mr. DeLong seconded. The motion carried unanimously.

BILLS:

Mr. Buse moved Staff salaries and benefits be paid; Mr. Jones seconded. Chairman Kroger called for any discussion. The motion carried unanimously.

COMMUNICATIONS:

Chairman Kroger stated a letter was received from D. Brigham Roberts regarding Spring Meadows. Chairman Kroger stated the following items of correspondence were received pertaining to items on the Agenda: Ray Merkel of First Commercial Realty, Hamill & McKinney, Agents for White Castle Systems, Inc., Mathis, Dallas & Frohlich, and Ronald L. Morris.

REPORTS:

The Commission reviewed the Enforcement Officer's Report. Chairman Kroger asked if there were any comments. No one responded.

Chairman Kroger proceeded to the request of Marshall H. Thomas for a zoning map amendment for property located at 15 Locust Street, Florence, Kentucky from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 4466 square foot site.

Mr. Block located the property on the map and gave a brief summary of the Enforcement Officer's Report. Chairman Kroger asked if anyone were present representing Mr. Thomas. No one responded. Mr. Lynn read the Committee Report requesting the cooperation of the Commission in making a recommendation on the request. In response to Chairman Kroger, Mr. Greene stated he felt as this was a small parcel adjoining the parcel Mr. Thomas has currently zoned Commercial Two (C-2), he could see no reason why this small piece of ground could not be zoned likewise. Mr. Greene stated at this point in time he felt there was no reason for a concept development plan.

Mr. Greene continued as the property would probably be sold sometime, it seemed reasonable to him that it should be zoned the same. Mr. Greene stated he realized that it does present the option that at some future time something could be requested to be put there that would be a detriment to the area, but he felt that to be the lesser of the two evils. Mr. Greene stated in his opinion the request should be granted. In response to Chairman Kroger, Mr. Lynn stated he had conversation with both the applicant and Mr. Walton. He continued they had submitted a concept development plan which is in the file. Mr. Lynn stated the concept development plan does not designate specific use, but does show all of the other elements. Mr. Lynn stated Mr. Thomas indicated this afternoon that he would be willing to accept any conditions that the Commission wished to impose. Mr. Buse stated his concern as to whether all of the members of the Committee had seen the concept development plan. In response to Mr. Buse, Mr. Lynn stated the concept development plan was received the latter part of last week. Chairman Kroger stated this issue was discussed at the meeting of March 7, 1984 and postponed until such time as a concept development plan would be submitted. Chairman Kroger stated the concept development plan has been received. Mr. Barnett stated his concern in voting on a request which the Committee could not decide to recommend or not to recommend. Mr. Jones questioned if Mr. Thomas could use the part already zoned Commercial Two (C-2) without a concept development plan. Chairman Kroger stated that would simply require Site Plan Review. Mr. Collins moved the request be tabled to be heard as the last item on the Agenda in order for the concept development plan to be reviewed. Mr. Buse seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of James N. Gray Construction Co., Inc., Agent for Litton Unit Handling Systems, for Site Plan Review for property located at Litton Lane, Hebron on a 20 acre site, zoned Industrial One (I-1).

Mr. Block presented the Site Plan Review Report. Mr. Lynn read the Committee Report recommending approval. In response to Chairman Kroger, Mr. Block stated Mr. Jenkins had not been available to sign the report. Mr. Block stated he had conversation with Mr. Jenkins Monday regarding all of the site plans being reviewed and that Mr. Jenkins' reports were incorporated in the site plan reports. Mr. Block further stated Mr. Jenkins has reviewed and given his approval to this site plan from the engineering standpoint. Mr. Viox moved the request be granted based on the Staff and Committee Reports; Mr. Greene seconded. Chairman Kroger called for any further discussion. No one responded. The motion carried unanimously.

Chairman Kroger proceeded to GBBN's Study of the Turfway/I-75 Interchange. Chairman Kroger stated the Commission would take action on the request based on the presentations made and resulting from the study. Chairman Kroger called for any comments from Mr. Robert Gramann. Mr. Gramann stated he had no comments. Mr. Lynn read the Committee Report. Chairman Kroger informed the audience of the procedures followed during a business meeting.

Chairman Kroger recognized Mr. Brose. Mr. Brose requested that part

2E of the Committee Report dealing with his present request before the committee be re-read. Mr. Lynn read the portion of the Committee Report concerning Parcel 2E. In response to a request from Mr. Brose, Mr. Lynn read Items 2 & 3 as listed under Clarification of the Committee Report. Mr. Brose questioned if those statements in the Committee Report meant the Office Two (O-2) zoning for Parcel 2E allows for those items of construction that they had indicated on their 14½ acre zoning request. Mr. Lynn stated the Committee Report states it "could allow" the uses. Mr. Brose questioned if the restaurants, banks, etc. could be placed in the Office Two (O-2) zone. Mr. Lynn stated within certain constraints they could be allowed under the planned development overlay process. Mr. Brose questioned how that varied from what they had already done in showing what they intended to do. He continued any planned development overlay that is being talked about would be nothing more than a tracing of what they already had before the Commission. Mr. Lynn stated he felt the planned development overlay process allows a variation of permitted uses under Section 15. Mr. Kroger pointed out to Mr. Brose that planned development overlay is designed to allow more useage in terms of intensity in a zone than the zone will allow. Mr. Brose stated he understood. He continued he was not looking at overlay as being specifically a trace. He stated if they had not come before this Board with a specific plan for developing the 14½ acres, he could see where submitting an overlay showing their intended use for the ground would be a new thing before the Commission. Mr. Brose added they were already at that point and had been at that point for the last six months. He continued the drawing that the Commission currently has is their proposed use of the land, whether it is Commercial Two (C-2) or as is said it can be done Office Two (O-2) under certain guidelines. Mr. Brose stated he did not know what further plan they could submit even if it is Office Two that would further clarify or change the useage. He stated if they did not have the plan in, he could see a planned development overlay.

Chairman Kroger called for further comments.

Mr. Busald handed out to Commission members a traffic study analysis that they had done based on information provided them by OKI. Mr. Busald stated he was present representing the Gieske/Durr interest as well as the Sutherland project. Mr. Busald added they had attended a number of meetings regarding the study. Mr. Busald stated the terms were used at the public hearing that Turfway Road would not accommodate more than three lanes of traffic. He continued he was interested to hear in the Committee Report that the term was not used "cannot accommodate" but the term was used the highway department does not have plans to widen Turfway Road more than three lanes. He added at the hearings on March 2, 1984 and March 7, 1984, Mr. Gramann stated in support of the plan that one of the most important features in determining the zoning was traffic analysis and traffic useage. He continued at that time he believed Mr. Vogt and Mr. Gramann indicated that Turfway Road could not accommodate more than three lanes. Mr. Busald referred to Mr. Joe Feiertag's article from the Boone County Recorder which indicated that Engineer Robert Vogt stated he contacted the State Highway Design Engineer, George Hoffman, and he stated the pier space would only allow three lanes. Mr. Busald stated he thought everyone was aware of the recent opinion by the highway department that Turfway Road could accommodate four lanes. Mr. Busald stated this was important because his understanding of Mr. Gramann's position was

that his decisions with respect to the Gieske/Durr property were based on the assumption that Turfway Road could only accommodate three lanes of traffic. He continued in reviewing the land use study report he noted that on Pages 3.9 and 4.2 traffic is mentioned. Mr. Busald stated the following two things needed to be reassessed tonight: 1) Whether the Sutherland Home Improvement Center would be a major traffic generator, and 2) Whether Turfway Road, especially under the interstate piers, could accommodate more than three lanes of traffic. Mr. Busald stated he thought everyone was in general agreement that Turfway Road under the piers could accommodate more than three lanes of traffic. He added it could accommodate four lanes of traffic and if absolutely necessary there could also be an emergency ambulance lane placed on the other side of the pier. Mr. Busald noted it was not designed for that but was designed with the idea for future expansion in mind. Mr. Busald stated he did not think we are constrained with three lanes on Turfway Road. He continued using the figures provided to them by OKI and based on the assumption that any building would be approximately two stories using the three to one ratio which evidently is accepted in the industry, and that there is approximately nine acres on the Gieske/Durr tract (three acres would be used for the building, six acres for parking, etc.) if they develop a doctors plaza there and concede to the wishes of Booth Hospital, approximately 20,250 cars would be generated per day. If an office project is developed on the property, 3,156 cars would be generated per day. Mr. Busald continued if the area is developed as one-half doctor plaza and one-half general office complex, 11,703 cars would be generated per day. Mr. Busald stated if the Sutherland Home Improvement concept is allowed 2,485 cars would be generated per day. Mr. Busald stated that if bottleneck is the concern, the worse thing would be to put a medical complex development in that area. He continued that generates more people than the Sutherland project or an office project would generate. He stated his main concern is that this entire GBBN report leads to the conclusion that the reason the Gieske/Durr property was treated the way it was was twofold. Mr. Busald stated first of all the Gieske/Durr project was considered to be a major generator of traffic which he did not believe to be the case; and secondly that the Sutherland project would create a bottleneck in an area that could only accommodate three lanes of traffic which is not the case. Mr. Busald stated if the Sutherland project is not liked and a doctors plaza is desired because of Booth Hospital let it be stated instead of stating this cannot accommodate Commercial Two (C-2) as it will create more traffic than something else or that the Sutherland project is going to create a bottleneck. Chairman Kroger called for further comments.

Mr. Deters stepped forward stating he did not detect any changes to Parcel 1E, the Clift property, in the report. In response to Mr. Deters, Chairman Kroger stated Mr. Lynn indicated it incorporates the Clift property by reference as it was presented by GBBN. He continued there is no change in the recommendation.

Mr. John Eisenmann, traffic engineer representing the Carpenter property, thanked Mr. Gramann for making available to them some revised traffic data as they requested. Mr. Eisenmann stated they received that information early last week and were able to do some other things with it. Mr. Eisenmann stated that they had taken the information with which Mr. Vogt put together his traffic data. He added they have accepted the assumptions that Mr. Vogt made and basically used his data to the best of their ability to try to recreate

basically what he had done in the traffic studies that he had presented. Mr. Eisenmann stated no mention was made tonight in the report that was given that there were some modifications in the traffic data that were given to us based on some additional information that was not available to Mr. Vogt when the original report was printed. He added that information was forwarded to Mr. Gramann approximately March 9, 1984, which is since the past meeting and since the report was submitted. Mr. Eisenmann stated those revisions were taken and included in the data that he would present this evening. Mr. Eisenmann stated he tried in a graphical format to give a little different presentation to the traffic data as presented by Mr. Gramann and Mr. Vogt in the report. Mr. Eisenmann gave a graphic representation of some of the roadways in the Turfway Interchange area using the same scale as GBBN along with the updated information. Mr. Eisenmann stated this was their projection based on their interpretation of Mr. Vogt's numbers of the opening day traffic on the existing roadway patterns when that Interchange opens which had not been previously presented but felt by them to be important. Mr. Eisenmann stated his purpose was not to tear apart the traffic figures that were presented as he was in basic agreement with them, but continued he wanted to point out the fact that there are other areas of concern other than the bridge. He added when 95 acres of commercial is put in this area of the study, there is a significant impact on the existing interchange where there is already a problem.

Chairman Kroger asked Mr. Eisenmann if he were the only spokesperson for Mrs. Carpenter. Mr. Eisenmann stated he was not. Chairman Kroger recognized Mr. Calico, Attorney representing Mrs. Mabel Carpenter. Mr. Calico stated as most people who own property in the vicinity of I-75, Mrs. Carpenter believes that when the interstate came through her property value would be increased. He continued as most other people felt, she wished an interchange had been nearby as that would provide greater access to the property resulting in an increase of the property value. Mr. Calico stated now that an interchange is being put in, the recommendation is to down-zone the property. Mr. Calico noted that GBBN admits that the original zoning of UR-2 was proper. Mr. Calico questioned whether down-zoning is lawful under Kentucky law. He stated Mrs. Carpenter is 84 years old and cannot simply be content to wait until another developer comes along. Mr. Calico stated it was his understanding from informal conversation that there may be some animosity between this Board and the proposed developer of that property. He pointed out while at times there are personality conflicts and strings, he did not think that Mrs. Carpenter should be financially penalized simply because the members of the Board's, or whoever's fault it is, dislike for the plan, not because of the merits of it, but because of the personalities involved. Mr. Calico continued if the down-zoning did go in, he was sure that the developers would move on their way and find someplace else to develop, but Mrs. Carpenter would then be left with a piece of property that has been down-zoned and cannot be developed by anyone. Mr. Calico stated the plan by GBBN calls for SR-2 on the parcel 1E tract and Mr. Paul Doll of West Shell told him that the option value of that property would not be economically feasible to develop as SR-2. Mr. Calico stated the land would either lay vacant or be sold at a far reduced value. Mr. Calico pointed out the area is changing and change almost always means growth. He continued this land is simply too valuable to be allowed

to lay vacant. The plan calls for residential development and that is not economically feasible. Mr. Calico stated the land would lay vacant until a developer with an acceptable plan came along. Mr. Calico pointed out the community tax base would be lower and that perhaps someday someone may come along and pay top dollar for that property but Mrs. Carpenter may not be there to share it. Mr. Calico stated at the very least they would ask to keep the existing zone with an open mind toward considering a reduced commercial plan or something else that would be satisfactory from a planning standpoint along with addressing the concerns of the neighborhood people.

Chairman Kroger called for any further comments. Mr. Busald asked Mr. Eisenmann if he had understood him to state that the area under the I-75 bridge where Turfway Road currently is could accommodate four lanes of traffic. Mr. Eisenmann stated he did not know that he had made that statement, but stated it could handle four lanes. Mr. Barnett asked Mr. Eisenmann if he were familiar with the OKI report submitted by Mr. Busald. Mr. Eisenmann stated he had not seen the report. Mr. Barnett stated his concern regarding the different figures between the commercial and office zoning as he felt there seemed to be conflict between the two opinions.

Mr. Brose requested to point out some of the figures he had noticed on Mr. Eisenmann's charts as they relate to the Carpenter tract. Mr. Brose stated he wanted to go on record stating he thought the property to the west side of the expressway, which is only the Houston Road side of the property, is properly zoned according to GBBN's recommendation. Mr. Brose stated he thought the heavy office over there would never have a market as there is no market for office in this area. He continued he believed the attorney present for Sutherland Lumber mentioned this two weeks ago. He stated he was in full accord with the zoning for the industrial and commercial in lieu of all of the office zoning. In response to Chairman Kroger, Mr. Eisenmann stated he was in agreement to Mr. Brose's request pertaining to the useage of his charts.

Mr. DeLong asked Mr. Busald if the OKI report were the Sutherland Lumber's numbers or if they were his. Mr. Busald stated OKI did not supply the figures. He continued they were provided at the first part of the Sutherland public hearing by Mr. Sutherland. Mr. Busald stated his research and development people indicated to them that is the amount they would hope to generate every day in order to be profitable.

In response to Mr. Collins, Mr. Busald stated the vehicular trips per square feet of building were provided by OKI.

In response to Mr. Buse, Chairman Kroger stated for a point of clarification he felt the study being done by OKI could be placed anywhere, not just for this specific location, using the square footage for the medical plaza. In response to Mr. Buse, Mr. Busald stated OKI did not do the study at his request.

Mr. Brose made the following comments while referring to the charts presented by Mr. John Eisenmann. Mr. Brose stated there is little or no value in the office zoning so it has been loaded up and placed on the Carpenter tract making that primarily all office. Mr. Brose stated the heavy

concentration of development occurring on Mall Road was not reflected in any of Mr. Vogt's figures. He added there was impute to possible development of that area but that was a guess and it was not loaded up to specific uses such as is being done when talking about the commercial on his property and the traffic it would generate. He stated they had in their total concept 50 acres and approximately 45 of it would be developed. He pointed out the proposed 95 acres of commercial and stated it would produce twice as much traffic. He continued whatever the traffic count is for his commercial would be of the same density there. He added the 175 acres of industrial showed a very low traffic figure which would be fine if it were primarily warehousing, but if it went into a lot of industrial manufacturing that number could increase. Mr. Brose pointed out all of the figures, whether presented by Mr. Eisenmann or Mr. Vogt, were to the best guess work on their behalf based on their background, experience and traffic counts taken along with the traffic engineer's manuals. Mr. Brose stated the traffic engineer manuals indicate that the counts are based on studies made at specific sites but the individual sites, individual locations, and so forth could vary greatly from these so called studies. Mr. Brose stated it was interesting to him that the Sutherland tract was the only one to request a formal zone change on that side of the interstate. Mr. Brose stated he had been trying for 15 months to get a zone change, yet the property is down-graded and up-graded in another area to balance out the zoning and traffic counts. Mr. Brose stated by developing both sides commercial, only 1,000 cars would be added to the congestion going into the congested area. Mr. Brose further stated Turfway Road could be four lanes. He added he had measured it and had gone to traffic engineers who tell him that it is feasible to put the fourth lane under that. Mr. Brose pointed out the report heard tonight stated even though it is feasible, it is not in the immediate plans. Mr. Brose stated he did not see where their development, adding the commercial, added all that much to the traffic jam-ups. He stated it would add approximately 900 cars under the bridge if commercial and 1,000 cars going down a five lane road which is Kentucky 18, the bulk of which will probably go north or head for the south ramps. Mr. Brose stated they presented no problem from their side. Mr. Brose further stated he was for the development of commercial and felt that is a proper development. He continued there is no market for office, but why put all of office on the Carpenter tract. Mr. Brose stated to him that was unfair and taking the back 15 acres of the property zoning it Suburban Residential Two (SR-2) renders it absolutely useless, and to go further saying five acres of that 15 acres should not even be developed, that it should be left in the natural state, is in his opinion the confiscation of land without compensation.

Chairman Kroger recognized Mr. Jerry Foltz. Mr. Foltz stated he was present on behalf of his sister Mary Ellen Foltz. Mr. Foltz stated his concern pertaining to the traffic coming from the north. Mr. Foltz stated using those facts and figures displayed on Mr. Eisenmann's exhibits pertaining to the northwest corner, specifically the seven acres belonging to Mary Ellen Foltz, should in his opinion be commercial property. Mr. Foltz stated they had no problem turning in or out of the property. Mr. Foltz further stated he could not believe the recommendation to be Office Two (O-2) unless it is

being done to accommodate Booth Hospital. Mr. Foltz stated the logic of zoning the property Office Two escaped him.

Mr. Gieske stated it is kind of strange that the longer a property owner is in an area the less they have to do with the property they own. He continued it seemed to him that most property owners in that area have had the property for forty years and others have owned it for five/six years and seem to have a dominating factor on the area. He added he thought that the GBBN organization made personal contacts with the property owners in that area. Mr. Gieske stated his father, Henry Gieske, indicated to him that he had never been contacted by GBBN regarding his property. Mr. Gieske questioned if there was a reason he was not contacted. Mr. Gramann asked Mr. Gieske if there was a proposed development plan for the property. Mr. Gieske stated there was. Mr. Gramann asked if the individual involved in that plan were present. Mr. Gieske stated he believed he is representing Sutherland Lumber Company, which is the proposal for the property; but he is not the property owner. Mr. Gieske stated he understood GBBN saw property personally. Mr. Gramann stated they held discussion with the developers of the property regarding the proposed zoning for these parcels with existing proposals. Mr. Gramann pointed out they had not met with Mrs. Carpenter. Mr. Gieske stated he understood.

Chairman Kroger called for further comments. Mr. Paul Doll, real estate agent for Mrs. Carpenter, stated he would like to emphasize the stance Mrs. Carpenter is taking and point out that she is 84 years old. Mr. Doll stated she fully understands what is going on with the plan and what it would do to her property in terms of marketability; it would make her property worthless. He continued she is presently under contract with B/Y Development and as her attorney pointed out, she wants to be able to have the benefit of that sale of her property so she can enjoy the money. Mr. Doll added Mrs. Carpenter's belief is that her property should at least stay at its present zoning which two or three years ago the comprehensive plan determined that would be the best use of the property. Mr. Doll pointed out Mr. Gramann also admitted that was the best use of the property some weeks ago. Mr. Doll stated Mrs. Carpenter sees no reason why her property should be reduced or restricted in the way the plan has suggested. He continued because of the restrictions and the proposal which would make her property worthless in terms of marketability he felt it is only fair to note that she has made a determination, she does not want to do this, but she would take the necessary actions to retain her present value on the property at its present form of zoning. Chairman Kroger asked Mr. Doll to explain his statement. Mr. Doll stated he was saying Mrs. Carpenter would appreciate it if her property would be left at its presently zoned UR-2. Chairman Kroger asked Mr. Doll if there was any further comment. Mr. Doll stated if this Board feels that Mr. Brose's commercial proposal could be justified and that the Commission could work it out with Mr. Brose so that he could settle up with Mrs. Carpenter that would please her also. Mr. Doll added she does not want any restrictions or reductions placed on her property that would in turn reduce the price that she is now under contract for.

Chairman Kroger called for further comments. No one responded. Chairman Kroger called for comments from members of the Commission. Mr. DeLong asked Mr. Wilson if it were illegal to lower the value of a piece of property. Mr. Wilson stated he did not believe anyone is entitled to that zone that would give them the most money for their land. Mr. Wilson continued if the Commission were going to make zoning decisions based on that, there would be no need to be here. Mr. Wilson stated a property cannot be zoned in such a way that people cannot use it for anything; and there, it is worthless. Mr. Wilson pointed out he would suggest that the people read the regulations regarding a planned development overlay to see what that does to the underlying zone. Mr. Wilson stated he was not a real estate agent, but did not think a piece of property zoned SR-2 with a planned development overlay would make it worthless.

Vice Chairman Neltner stated that Mr. Eisenmann had made reference to changes to the traffic numbers that were included in the study supplied by Mr. Vogt. Mr. Neltner asked Mr. Eisenmann if he were saying that the numbers that were published in the report have been modified. Mr. Eisenmann stated his understanding according to the copy of the letter he had received from Mr. Vogt and Mr. Gramann was that the numbers had been revised.

Mr. Buse stated the issues that seem to have been raised are primarily 1) That O-2 zoning is a valueless zone. Mr. Buse stated as Mr. Wilson pointed out he did not think people have read what is permitted in an O-2 zone and would suggest before they make those comments they take a look at what is permitted, and 2) The traffic study and the fact that four lanes may be able to be put underneath the bridge on Turfway Road. Mr. Buse stated he did not know whether four lanes may or may not come through. He added it has to be considered as it currently exists. Mr. Buse continued he did not know of any initiative by any agency to place four lanes under Turfway Road. Mr. Buse further stated in having studied this for a considerable matter of time he would move by resolution that based on the findings of fact in the entire Committee Report that the Boone County Planning Commission recommend to the Common Council of the City of Florence that the zone changes as proposed in the studies by GBBN be adopted and that the land use plan be so amended. Chairman Kroger called for any further comments from members of the Commission. Mr. McMillian stated he would second that motion on the same comment that Mr. Buse had made that there has been a considerable amount of consideration given to this study and that this recommendation is very well acceptable. Mr. Buse stated that if at some future date there is a change, four lanes built under that bridge, it is appropriate for the effected land owner to ask for a reconsideration; but the Commission had to deal with what is presently existing and to the best of the Commission's knowledge will continue to do so.

Mr. Viox stated he would like to have clarification of the motion. Mr. Viox asked if the motion included the planned development overlay for all of the zones as described in the Committee Report. Mr. Buse stated the motion includes the entire Committee Report.

Chairman Kroger called for further discussion. No one responded. The motion carried unanimously.

Mr. Buse moved by resolution based on the findings of fact contained in the Committee Report that those areas of Boone County so affected by the GBBN Report be adopted as planned and the recommendation be forwarded to Boone Fiscal Court. Mr. Neltner seconded. The motion carried unanimously.

Mr. Buse moved by resolution that the land use plan and text be changed to reflect those changes if so adopted by the Common Council of the City of Florence. Mr. Collins seconded. The motion carried unanimously.

Mr. Buse moved by resolution that the land use plan and text be changed to reflect those changes if so adopted by the Boone County Fiscal Court. Mr. Collins seconded. The motion carried unanimously.

Chairman Kroger thanked the members of the Commission firstly for their patience in developing this. Chairman Kroger thanked GBBN for their assistance and a job well done. Chairman Kroger stated his appreciation to the members of the interested community for their understanding, cooperation in the presentation, and the timely and orderly manner in which they were presented.

Chairman Kroger proceeded to the request of Burlington Realty Development Company, Inc. for Site Plan Review on property located on the Northeasterly side of Ky. 18 in Burlington zoned Commercial Two (C-2) on a .6603 acre site for the approval of an addition to the current shopping center to house a United States Post Office.

Mr. Block presented the Site Plan Report. Mr. Lynn read the Committee Report recommending approval. Discussion was held pertaining to the possible removal of the sign in front of Gambles Hardware Store. Mr. Jones moved the request be granted based on the Staff and Committee Reports; Mr. McMillian seconded. The motion carried unanimously.

Discussion was held pertaining to the Special Meeting of March 22, 1984.

Chairman Kroger proceeded with the request of Gulf Oil Refining and Market Co., Inc., owners, for Site Plan Review for property located at I-75 and U.S. 42, Florence, Kentucky on a 1 + acre site, zoned Commercial Three (C-3).

Mr. Block presented the Site Plan Review Report. Mr. Lynn read the Committee Report recommending approval. Mr. Gene Thomas was present on behalf of the request. Chairman Kroger called for any comments. Mr. Jones moved the request be granted based on the Staff and Committee Reports; Mr. Greene seconded. The motion for approval carried unanimously.

Chairman Kroger proceeded to the request of Hamill and McKinney, Architects, Agents for White Castle Systems, Inc., for site plan review for property located at the SW corner of U.S. 42 and LaCresta Drive, Florence on

a 1 acre site, zoned Commercial Three (C-3), and the request of Ray Merkel, First Commercial Realty, Agent for Ottis Hollon, John Young and Ottis King for site plan review in a Commercial Three (C-3) zone on one acre site. The properties are located at 8115, 8117 and 8119 U.S. 42, Florence, Kentucky.

Mr. Block presented the Staff Reports recommending deferral until such time as the Florence Board of Adjustment has reviewed the requests for dimensional variance requests. Chairman Kroger called for any discussion. Mr. Barnett moved the requests be deferred; Mr. Jones seconded. The motion for deferral carried unanimously.

Chairman Kroger proceeded with the request of Wajih Safi for Site Plan Review on property located at U.S. 42 and Village Drive zoned Commercial Two (C-2) on a 33988.75 square foot site for the purpose of constructing a two story building.

Mr. Block presented the Site Plan Review Report. Mr. Lynn read the Committee Report recommending approval. Mr. Viox moved the request be granted based on Staff and Committee Reports; Mr. Collins seconded. Chairman Kroger called for any further discussion. Vice Chairman Neltner asked Mr. Block if he indicated in the Site Plan Report there would be two means of access off of Village Drive. Mr. Block stated yes. Mr. Block outlined the entrance and existing accesses of the property. Chairman Kroger called for any further comments or discussion. No one responded. The motion carried unanimously.

Mr. Buse commented regarding White Castle that he had asked Mr. Block to review the plans at the time White Castle was initially built. Mr. Buse state he had heard comments that there were requirements for screening which are no longer in existence, trees, etc. Mr. Buse pointed out many people in that area have complained about this and stated he thought it would be appropriate for the Commission to address the issue at the time of Site Plan Review.

Chairman Kroger proceeded to the items of New Business. Chairman Kroger stated a public hearing date must be set for the following item:

The request of Laura F. Tesseneer, agent for Minnie Beil, owner, for a zoning map amendment from its present zoning district of Suburban Residential Two (SR-2) to Commercial One (C-1). The property is located at 557 Florence Pike, Burlington, containing 1 acre. The purpose of the request is for a cottage-style small business to sell Ky. handcrafts, some antique reproductions, and gifts.

Mr. Viox moved a public hearing date be set for April 25, 1984 at 8:00 p.m. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger stated the following items of New Business were referred to Committee:

The request of K & H Development Co., option holder for preliminary plat approval for property located at Southerly end of Tiburon, containing 112.26 acres in a Suburban Residential One (SR-1) zone. Owner of the property is the Triangle Development Co.

The request of Davis Investment Group, Agent for John C. Caldwell, owner, for a Preliminary Development Plan for property located at Burlington Terrace, East Bend Road, Burlington zoned Suburban Residential Two (SR-2) Planned Development (PD) on a 1.6 acre site.

Mr. Collins moved the request of Marshall H. Thomas be brought back onto the floor; Mr. Mitchell seconded. The motion carried unanimously. Mr. Collins stated the Committee Report that was submitted does not make a specific recommendation regarding the request. Mr. Collins stated the concept development plan has been submitted. Mr. Collins moved the Committee Report be amended to recommend approval. He stated the Committee Report would then be signed by Messrs. Mitchell, Collins, Viox. In response to Chairman Kroger Mr. Greene stated he would sign the Committee for approval. Mr. Greene seconded the motion. Chairman Kroger called for any further discussion. The motion carried unanimously.

Mr. Collins moved by resolution the request be recommended for approval based on the findings of fact provided in the Committee Report and forwarded to the City Council of Florence. Mr. Greene seconded. The motion carried unanimously.

Mr. Collins moved by resolution the land use map and text be changed to reflect the changes recommended by the Boone County Planning Commission if adopted and forwarded to the City Council of Florence. Mr. Greene seconded. The motion carried unanimously.

Chairman Kroger brought to the floor an administrative matter regarding the signing of checks. Discussion followed.

Mr. Barnett moved Section 3 of the Planning Commission By-Laws be amended to allow the Planning Director position to sign as one of the signatories on the checks and that the Planning Director be bonded. Mr. Viox seconded. Chairman Kroger called for further discussion. The motion carried unanimously.

Chairman Kroger read correspondence received from Ronald L. Morris on behalf of the Walton Volunteer Fire Department requesting a waiver of the \$50.00 fee for the review of the convenience plat.

Mr. Viox asked if the Commission was under contract with the engineer to pay a certain portion of the convenience plat review. Chairman Kroger stated yes. Mr. Viox moved to waive the fees over and above the hard cost; Mr. Jones seconded. Chairman Kroger called for further discussion. Mr. Don Davis stated he would abstain from voting. The motion carried unanimously.

Chairman Kroger called for any further discussion.

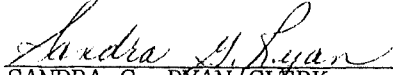
Mr. McMillian stated he had a report a house trailer on Youell and Limaburg Road was set up recently with the septic system running into a lake behind. In response Mr. Block stated he had received a call regarding the corner lot from an adjoining property owner concerning a possible trailer. Mr. Block indicated he talked with the Building Inspector, Conrad Tobergte. Mr. Block stated Mr. Tobergte indicated it was a modular home and that they had received the appropriate approvals for the sanitary sewage. Mr. Block stated he would review the situation and report back to the Commission at the next meeting.

Vice Chairman Neltner moved for adjournment; Mr. Barnett seconded. The meeting adjourned at 10:15 p.m..

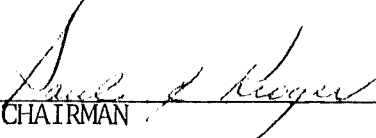
RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
SHERRY Y. BAKER/CLERK

RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
SANDRA G. RYAN/CLERK

APPROVED: April 4, 1984

  
\_\_\_\_\_  
CHAIRMAN

CONCEPT DEVELOPMENT PLAN FOR  
MARSHALL THOMAS PROPERTY AT  
15 LOCUST ST, FLORENCE

Pursuant to section 303 of the Boone County Zoning Regulations I hereby submit a Concept Development Plan for the above mentioned property. There are two lots involved, #4 & #5 of the Hollis Subdivision. Both lots were zoned business unanimously by the Planning Commission and the Florence City Council in 1977. Later in 1980 for some inexplicable reason lot #5, the smaller of the two was changed back to SR-2 without my knowledge since I moved away from Boone County in 1975.

Elements:

1. topographical map- enclosed
2. Curb Cut see map
3. I ask for a waiver of element #3 since there are no structures or buildings on the property.
4. Utility line provisions- see map
5. I ask for a waiver on #5- there are no visual designs
6. Refer to the committee report:

I request that the land known as lot #5 be changed back to its former zoning of C-2 where it was in 1977 as established by the Planning Commission (see Boone County Recorder clippings attached). This will rectify an apparent error by the consultant who recommended the change in 1980 possibly thinking that lot #5 did not front on Highway 18, which it did after the highway was widened- or possibly thinking #4 and #5 were separate properties.

*Marshall H Thomas*  
Marshall H Thomas  
1621 Kensington Way  
Lexington, Ky. 40513  
Tel (606) 252 8120

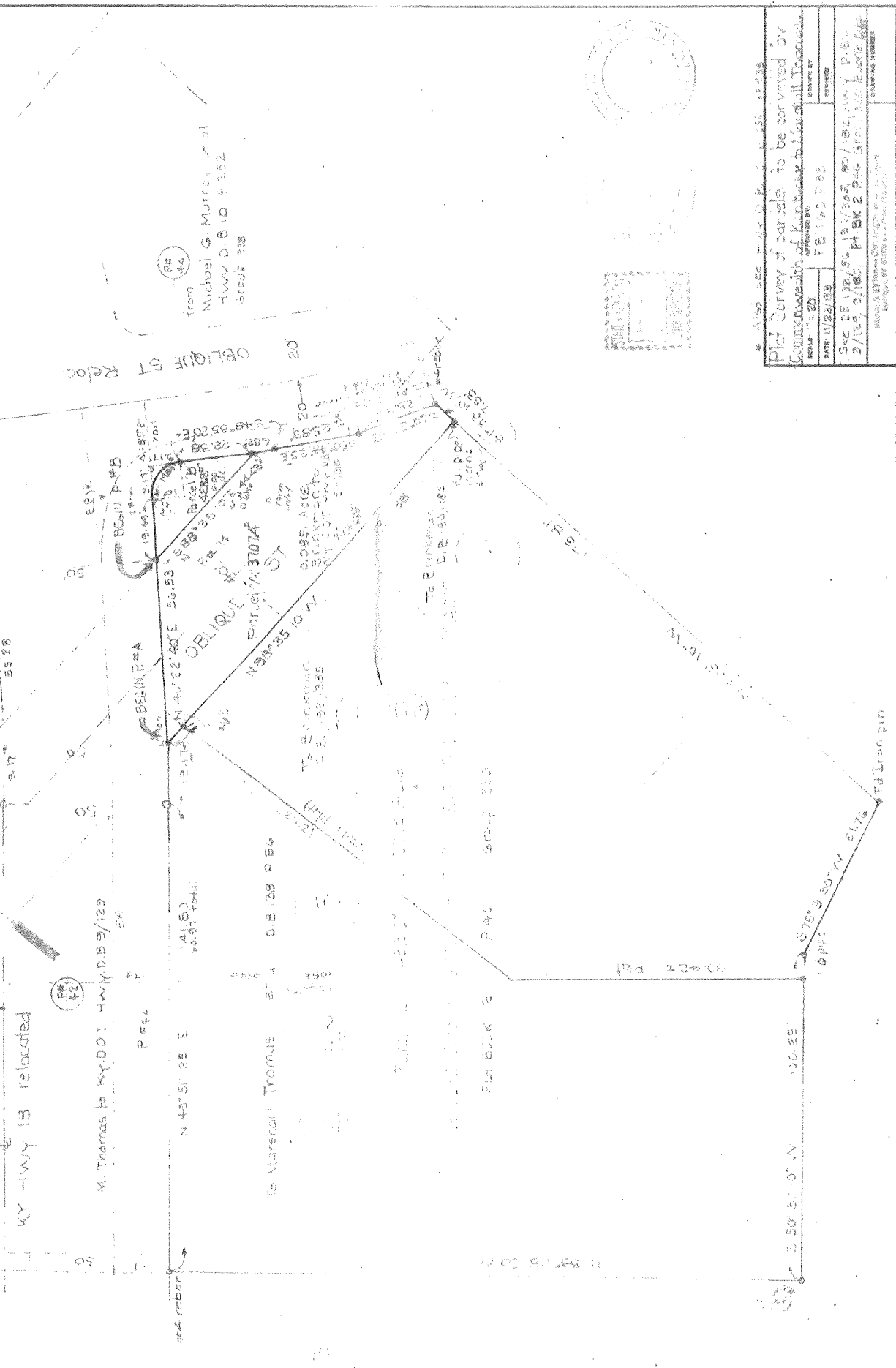
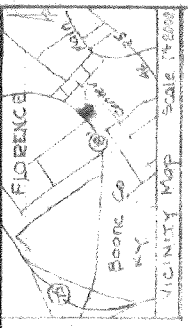
SR 2 - to C 2  
V

DESCRIPTION OF REMAINING PORTION OF LOT # 5 FOR MARSHALL THOMAS

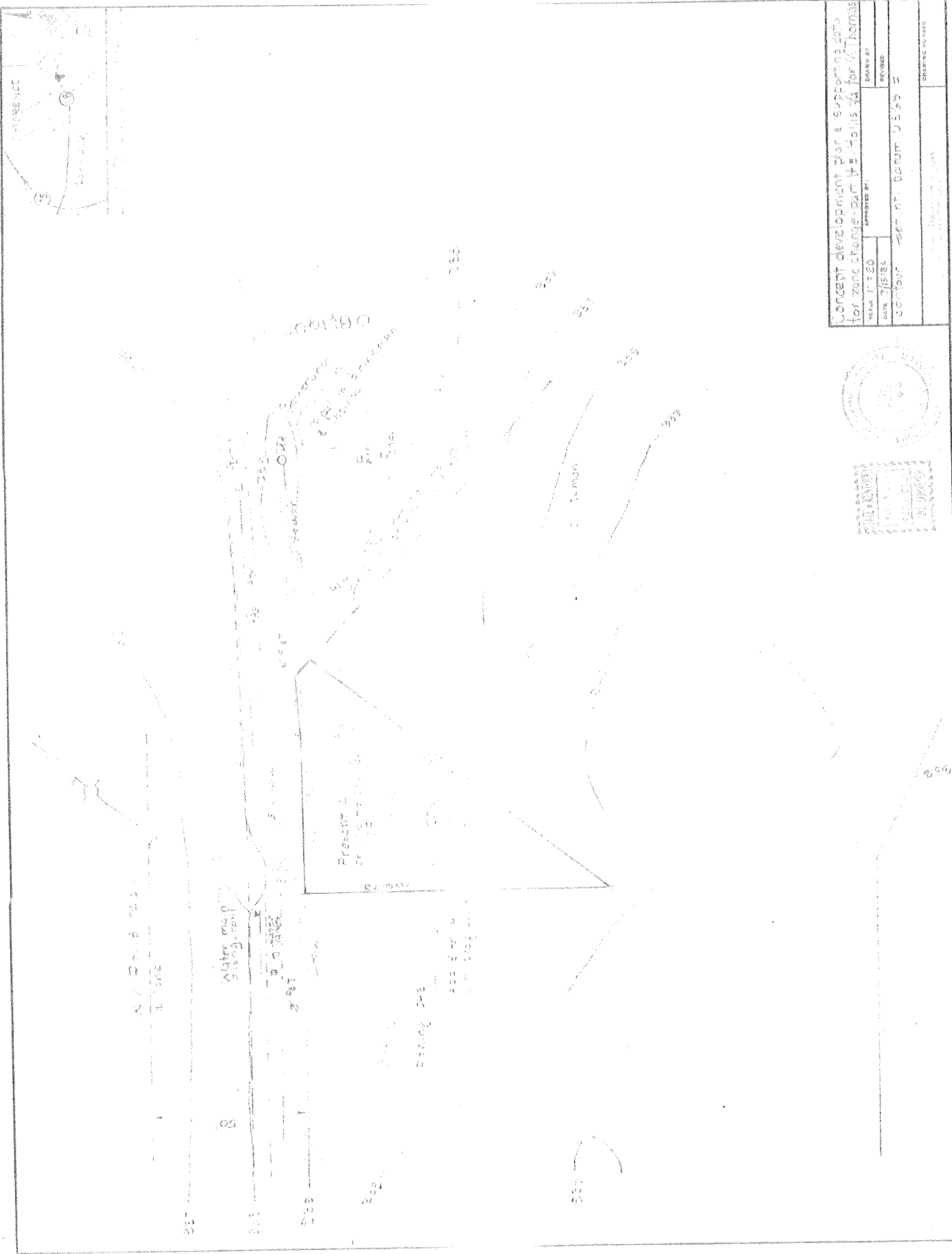
Located generally in Boone County Group # 330, on the South corner of Oblique Street and Kentucky Highway # 18 in the City of Florence and described thus; BEGINNING at the common corner of lots numbers 5 and 6 of the Hollis Subdivision in the South line of Oblique Street; thence therewith, N 88-35-10 W 9.63 feet to a right-of-way monument in the Southeast line of Kentucky Highway # 18; thence with said right-of-way line, S 49-13-50 W 19.17 feet, S 49-51-25 W 53.16 feet to the common corner of lots numbers 4 and 5 of said Hollis Subdivision; thence therewith, S 40-51-50 E 106.73 feet to a corner thereof; thence with the East line of said lot 5, N 2-16-10 W 127.37 feet to the place of beginning containing 4466 square feet and subject to legal easements of record and in existence.

The above described parcel comprises part of lot # 5 which was conveyed to Marshall Thomas et al by a deed recorded in D.B. 138 at page 56, Group # 330 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., January 23, 1984.

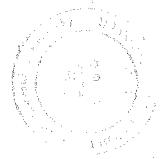


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Concept development plan & supporting data  
for zone change, part of 15.160113, for 17.110103

SCALE: 1" = 20'  
DATE: 3/15/84  
COMPUTED BY: [Name]  
DRAWING NUMBER: [Number]



DATE: 3/15/84  
SCALE: 1" = 20'