

May 25, 1983

ZONE CHANGE REQUEST BY THE CITY OF
FLORENCE FOR THE ERMA DELLE STEPHENS
ON DIXIE HIGHWAY, FLORENCE

This is a zone change request by the City of Florence for a more or less four-tenth of an acre tract (17,500 square feet) located at 7413 Dixie Highway, Florence. This request is to change the current zoning of Suburban Residential Two, SR-2 to Commercial One, C-1 on this property. The adjoining properties to the north, east, and south are currently zoned Suburban Residential Two, SR-2. Adjoining properties to the west, across Dixie Highway, are also zoned Suburban Residential Two, SR-2.

The Boone County Comprehensive Plan Land Use map indicates a planned future land use of Commercial. Adjoining properties to the north, and south are a planned future Land Use of Commercial. While to the east and west is planned future Land Use of Medium Density Residential. The text of the Comprehensive Plan states on page 3.7, "Much local and community office development will take place in neighborhood or community commercial centers, but several areas are planned for predominant office development. These include existing office developments in Florence on U.S. 42 south of U.S. 25, on U.S. 25 south of U.S. 42, on Industrial Road east of U.S. 42, on Tanners Lane west of U.S. 42, and at Mall Road and U.S. 42...."

Water and sanitary sewer utility provisions could be available through the City of Florence, but subject to their review and acceptance.

No concept development plan was required due to the City of Florence making the request for the commercial zoning.

This property is the same property for which rezoning from Residence 3 to Business 3 was recommended for approval by this Commission on September 19, 1979, and officially amended by final action of the City of Florence on October 9, 1979. This original application was made by the property owner Erma Delle Stephens.

Should the Commission decide to recommend approval for this request or the legislative body would eventually approve this request for rezoning, I would recommend the text of Plan be reviewed due to the specific determination of the Plan for office use and the unknown future use should this property be developed.

Alvin "Chip" Block
Alvin "Chip" Block
Zoning Enforcement Officer

ACB/sr

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

MAY 25, 1983

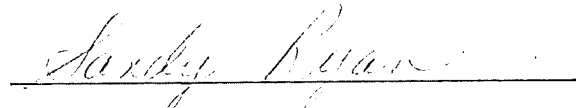
8:00 P.M.

Mr. Viox opened the Public Hearing at 8:00 P.M. to consider the request of the City of Florence agent for Erma Delle Stephens for a zoning map amendment from SR-2 to Commercial One (C-1) zone for property located at 7413 Dixie Highway, Florence, Kentucky, on a .4 (100 foot by 175 foot) acre tract. Mr. Block presented the Enforcement Officer's Report. Mr. Dale Wilson commented that neither Mr. Janken, Florence City Coordinator, nor Mayor Rolfes could be here tonight. They asked that I read the minutes of February 8, 1983 which state as follows: Mr. Janken reported that a matter concerning zoning on property located at U.S. 25 and Glenrose Avenue had been discussed at the Public Works Committee Meeting. A representative of Frank Wichmann, Attorney for the property owner, was present and explained to Council that the Erma Stephens property, located at 7413 Dixie Highway, had been rezoned "B-3" in 1979. However, when the Boone County Planning Commission and the City of Florence approved the KZF recommendations for the establishment of new zoning regulations in 1980, after numerous public hearings throughout the County, the subject property was classified Suburban Residential Two. The Comprehensive Plan calls for the property to be zoned Commercial. Councilman Sutter moved to request the Planning Commission to consider a zoning map amendment to rezone the property to a Commercial designation; with second from Councilman Hudson and unanimous approval of Council. Mr. Wichman, Attorney representing the property owner, stated that the description presented by Mr. Block was accurate. Mr. Wichman stated that the owner inherited the property on which there is a dilapidated structure presenting a problem to the City, and to the owner, and the adjoining property owner. The zoning of this property was brought to my attention upon the receipt of a telephone call from a prospective buyer. Upon checking into the zoning of this property, I found it to be zoned Residential; therefore, discouraging the prospective purchaser. The purpose of this request for a zone change is to enable the owner to have a marketable piece of property and to dispose of the existing problem. Mr. Viox then asked if anyone on the Commission had questions. In response to Mrs. Smith's question, Mr. Wichman identified the location of the property. Mr. Block stated that during the rezoning by KZF, they would have been aware of this particular rezoning. Mr. Viox asked if there was any opposition. Mr. Kehrman stepped forward and stated he was satisfied with the current zoning of the property as Suburban Residential (SR-2), and would be concerned with the type of development which might take place should the zone be changed. Mr. Viox asked Mr. Kehrman if he was in opposition of the zone change. Mr. Kehrman stated he was more interested in the effect


the zone change would have on Mr. Lowry's property. In response to Mr. Viox's question, Ms. Sullivan replied that since the City of Florence was the applicant, there was not a necessity for a Concept Development Plan. Mr. Wichman replied to a question raised by Ms. Sullivan concerning the type of activity the prospective purchaser might have envisioned for the property that the zoning of the property eliminated the interest of the purchaser. In reply to Mr. Viox's question, Mr. Lowry stated there were four residents on Glenrose. In response to Mr. Viox's question, Mr. Block replied there was a possible connection with the nearby streets in the future. Mr. Viox asked if there were any questions from the Commission. Mr. Barnett asked how the request was initiated from the City of Florence. Mr. Wichman replied that after discussing this with the staff here and determining that as there was no prospective purchaser, a concept of what the development would be could not be provided. The City was then approached to initiate a request. Mr. Wilson pointed out from the minutes of the Florence City Council that it had been rezoned B-3 under the old regulations in 1979 within a year before the new regulations became effective. In response to Mr. Viox's question Mr. Block stated during the review KZF was always made aware of zone changes so they could evaluate whether it would fit in with the zoning maps being developed. Mr. Viox asked if there was opposition when asked for a zone change to B-3. Mr. Wichman replied there was no opposition. Ms. Sullivan replied according to the minutes of 1979 the approval passed unanimously. Mr. Viox requested the Committee have a copy of these minutes. Mr. Wichmann commented that the zoning map in some instances seems to be inconsistent with the Comprehensive Plan. Mr. Wilson pointed out that the Comprehensive Plan had been done in 1979 and 1980. He continued that the zoning map indicated the property was currently zoned as Suburban Residential Two (SR-2). Mr. Wichman stated that this in his opinion does not explain the inconsistency. Professional planning organization he continued, does not put one use in a proposed plan and subsequently develop zoning regulation which is inconsistent. Ms. Sullivan noted that the inconsistency could be resolved by looking at the nature and shape of the different plans; the Comprehensive Plan providing a broad approach as to the direction of future development; the Zoning Map providing a more detailed examination. Mr. Wichman stated that Mr. Wilson could bear out that the two plans have to be consistent. Mr. Wilson replied that when the two are inconsistent an explanation should be made. Mr. Barnett asked if the zoning request of the City of Florence would permit uses similar to those permitted in the previously approved zone. Ms. Sullivan stated that when the City made application, C-1 was determined by the staff to be the most appropriate in terms of uses and square footage of the area zoned. Mr. Barnett asked then if it was discussed with the applicant. Mr. Wichman stated the applicant wanted the property zoned as close to B-3 as possible so the property would be marketable.

Vice Chairman Viox asked if there were any questions. Mr. Kohrman went on record stating his objection to the Zone Change Request. In response to Mr. Viox's request, Mrs. Baker stated Mr. Neltner, Chairman; Committee Members; Mr. Collins, Mr. Greene, Mr. Mitchell, Mr. Hasselbring and Mrs. Smith comprised the lay committee. Mr. Viox suggested lay committee visit the site and make a recommendation to the Commission on June 1, 1983 and asked if there were any further comments. Mr. Wichman pointed out that along Dixie Highway there is scattered commercial activity. Mr. Block stated that within 300 feet of the property in question there is scattered commercial zoning. In response to Ms. Sullivan's question, Mr. Kohrman stated he had no plans for commercial development of his property. Mr. Kohrman and Mr. Lowry stated they are content with the way the property is zoned and if rezoned are concerned as to what would be the use of the property. Mr. Viox asked if Mr. Kohrman and Mr. Lowry had any questions of the applicant or if there were any comments. Hearing no comments Mr. Viox declared the meeting closed at 8:30 P.M. to be heard for action on June 1, 1983.

RESPECTFULLY YOURS,



CLERK

APPROVED: 6/1/83


VICE CHAIRMAN


Vice Chairman Viox asked if there were any questions. Mr. Kohrman went on record stating his objection to the Zone Change Request. In response to Mr. Viox's request, Mrs. Baker stated Mr. Neltner, Chairman; Committee Members; Mr. Collins, Mr. Greene, Mr. Mitchell, Mr. Hasselbring, and Mrs. Smith comprised the lay committee. Mr. Viox suggested lay committee visit the site and make a recommendation to the Commission on June 1, 1983 and asked if there were any further comments. Mr. Wichman pointed out that along Dixie Highway there is scattered commercial activity. Mr. Block stated that within 300 feet of the property in question there is scattered commercial zoning. In response to Ms. Sullivan's question, Mr. Kohrman stated he had no plans for commercial development of his property. Mr. Kohrman and Mr. Lowry stated they are content with the way the property is zoned and if rezoned are concerned as to what would be the use of the property. Mr. Viox asked if Mr. Kohrman and Mr. Lowry had any questions of the applicant or if there were any comments. Hearing no comments Mr. Viox declared the meeting closed at 8:30 P.M. to be heard for action on June 1, 1983.

RESPECTFULLY YOURS,



CLERK

APPROVED: 6/1/83



VICE

CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

JUNE 1, 1983

8:00 P.M.

Vice Chairman Viox called the meeting to order at 8:00 P.M.. Twelve (12) members were present. Messrs. Collins, Hasselbring and Kroger were absent. Staff members present were Ms. Sullivan, Mr. Wilson, Mr. Block, Mr. Jenkins, Mrs. Baker and Mrs. Ryan.

Mr. Godsey moved to approve the minutes of May 18, 1983 and May 25, 1983; Mr. Jones seconded. The vote carried unanimously.

COMMUNICATIONS:

NONE

BILLS:

Mrs. Baker presented the following bills: Jerry Rouse, filing fee, \$12.00; Raymond Godsey, reimbursement of Social Security, \$73.68; Jim Jenkins, revisions to zoning maps, \$554.13; Village Supplies, \$68.97; Staff salaries and benefits; \$4,768.66. Mr. Jones moved to pay the bills; Mr. Buse seconded. The vote carried unanimously.

REPORTS;

Mr. Godsey presented the Treasurer's Report. Balance on hand June 1, 1983 \$26,613.87; Certificates of Deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector, issued permits 3690 thru 3707 during May for a total of \$1,274,714.00 estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 32 permits for total construction costs of \$889,846.00. Mr. Tobergte issued zoning and sign permits in the county totaling \$330.00 for the month of May.

The Commissioners reviewed the Enforcement Officer's Report. In response to Mrs. Smith's question, Mr. Block stated that the Temporary Commercial Display's were denied due to being in the wrong zone. In response to Mr. Mitchell's question, Mr. Block stated that concerning the property on U.S. 25 and Richwood Road, a letter is being mailed to the current property owner

advising him the hub cap sales is creating a nuisance in the fact that they have excessive outside storage in violation of zoning regulations, with a copy going to the operator of the facility give them five (5) working days from the receipt of the letter to clean up the storage.

The Commission reviewed the Convenience Plat report.

Vice Chairman Viox proceeded to the Agenda with the request of the City of Florence, Agent for Erma Delle Stephens to recommend a zone change on property located at 7413 Dixie Highway, Florence, Kentucky from its present zone of Suburban Residential Two (SR-2) to Commercial One (C-1). Mr. Block presented the Enforcement Officers Report. Mrs. Baker read the Committee Report recommending approval. Vice Chairman Viox asked Mr. Wichmann if he had any comments. Mr. Wichmann responded no. Vice Chairman Viox asked if there was opposition. No response. Mr. Barnett moved to grant the request based on Staff and Committee Report by Resolution No. R-12-83 and that it be forwarded to the City of Florence. Mr. Greene seconded, the vote carried unanimously.

Vice Chairman Viox proceeded to the request of Pilot Contracting Corp., for Site Plan Review, for property located at the corner of U.S. Highway 25 and Manderlay Dr., Florence, Kentucky in a Commercial Two (C-2) zoning district, containing 5 acres. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee report recommending a two week deferral. Mr. Buse moved to defer the request until June 15, 1983. Mr. McMillian seconded. Vice Chairman Viox asked if there was any comments. No one responded. The vote carried unanimously.

Vice Chairman Viox proceeded to the request of Emerson's Bakery Inc., for Site Plan Review, to allow an addition to their existing building, located at 7606 Dixie Highway, Florence, Kentucky in a Commercial One (C-1) zoning district. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. Greene moved to grant the request; Mr. Jones seconded. The vote carried unanimously.

Vice Chairman Viox proceeded to the request of Akin & Miller, Developers for an Improvement Plan approval on property located at Idlewild Road, Boone county, Kentucky, zoned Rural Suburban Estates (RSE) on a 45 acre tract. Mrs. Baker read the Committee Report. Mr. Jenkins stated that the Committee Report reflected his review of the report. Mr. McMillian moved to approve the request on the conditions outlined in the Committee Report. Mr. Buse seconded. Mr. Jones abstained. The vote carried unanimously.

Vice Chairman Viox abstained on Items two (2) and five (5) due to his involvement in the Engineering. Mr. Viox turned the Chair over to Mr. Godsey.

Chairman Godsey proceeded to the request of Michael R.

Hoppenjans, Agent for Dr. L.B. Payne, for Site Plan Review, to allow an addition to Dr. Payne's Chiropractic Office in a Commercial Two (C-2) zoning district, located at Ky. 18, Florence, Kentucky. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. Buse moved that the Site Plan be approved, Mrs. Smith seconded. The vote carried unanimously.

Chairman Godsey proceeded to the request of Eagle Investment Company for a preliminary plat approval on property located at the intersection of Hopeful Road and Keeley Drive, Boone County, Florence, Kentucky zoned SR-1/PD on a 61.136 acre site. Mr. Jenkins stated on the plan there are 160 and 96 single family attached and detached homes and that the plan meet all the requirements of the preliminary plat approval. Mr. Jenkins commented that he had talked to the Engineer of the request concerning the proposed lake that appears the water level may be to close to the detached home, but it is adjustable due to an outlet structure. Mrs. Baker read the Committee Report recommending approval. Mr. Jones moved that the request be approved, Mr. Buse seconded; the vote carried unanimously.

Mr. Godsey surrendered the Chair to Mr. Viox. Vice Chairman Viox proceeded to new business:

1. Request of William Viox for a Preliminary Plat approval on Hickory Glenn II, located at Conner Lane and Ellen Avenue, Boone County, Kentucky, zoned Suburban Residential One (SR-1) containing 27.55 acres. Vice Chairman Viox referred the request to Committee.

2. Request of Cardinal Engineering Corporation for a Preliminary and Improvement Plat Approval on property located at Mall Road, Florence, Kentucky, zoned Commercial Two (C-2) on a 1.139 acre site. Vice Chairman Viox referred the request to Committee.

3. Request of Cardinal Engineering Corporation for Site Plan Review, for property located at Mall Road, Florence, Kentucky zoned Commercial Two (C-2) on a 1.139 acre site. Vice Chairman Viox referred the request to Committee.

Vice Chairman Viox asked for additional business from the floor. Mr. Wilson noted that Mr. Jenkins would be out of town for two weeks and suggested that Mr. Viox review Convenience Plats, and noted that Mr. Viox would not review his own plans. Mr. Barnett moved that Mr. Viox review all plats normally reviewed by Mr. Jenkins, Mr. Jones seconded. The vote carried unanimously.

Ms. Sullivan stated that a Preliminary Budget would be mailed to the members of the Commission within the next few days.

Mr. Greene moved that the Fiscal Court be approached for reimbursement to the Commissioner's for out of pocket expenses. Mrs. Smith seconded. The vote carried unanimously.

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

Mr. Godsey moved for adjournment. Mr. Davis seconded;
the vote carried unanimously.

The Meeting adjourned at 8:35 P.M.

RESPECTFULLY SUBMITTED:

Sherry G. Baker
CLERK

APPROVED: [Signature]

[Signature]
CHAIRMAN

COMMITTEE REPORT

DATE: June 1, 1983

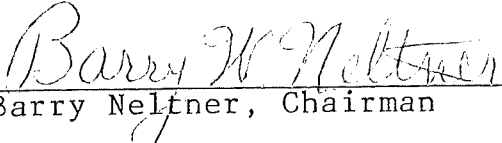
TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

SUBJECT: Request by the City of Florence, agent for Erma Delle Stephens to recommend a zone change on property located at 7413 Dixie Highway, Florence, Kentucky from its present zone of Suburban Residential Two (SR-2) to Commercial One (C-1).

CONCLUSION: We the Committee do hereby recommend approval of this request based on the following findings of fact:

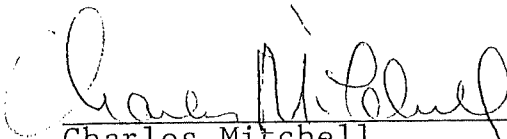
1. That the request is in compliance with the Boone County Comprehensive Plan and 2. That a C-1 zone is the most restrictive commercial zone and would afford the adjoining property owners protection from more intense selected uses allowed in the other commercial zones.



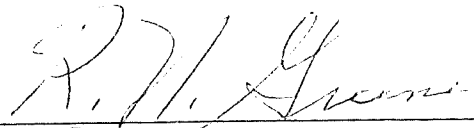
Barry Neltner, Chairman

Lawrence Collins

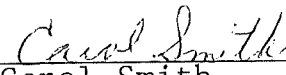
Scott Hasselbring



Charles Mitchell



R. N. Greene



Carol Smith

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 — 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. P. E. KROGER
CHAIRMAN

MR. W. R. VIOX
VICE CHAIRMAN

MR. R. O. GODSEY
SECRETARY-TREASURER

MS. SHARON A. SULLIVAN
DIRECTOR

MR. D. T. WILSON
ATTORNEY

MR. J. C. JENKINS
ENGINEER

MR. A. H. BLOCK, III
ENFORCEMENT OFFICER

MRS. SHERRY Y. BAKER
CLERK

MEMBERS—

MR. L. BARNETT

MR. R. L. BUSE, JR.

MR. L. COLLINS

MR. D. FELTY

MR. D. A. DAVIS

MR. R. N. GREENE

MAYOR S. HASSELBRING

MR. J. INGRAM

MR. R. JONES

MR. D. McMILLIAN

MR. B. NELTNER

MRS. C. SMITH

June 16, 1983

Hon. Roger Rolfes
Florence City Bldg.
P.O. Box 457
Florence, Kentucky 41042

Dear Mayor Rolfes:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of the City of Florence, Agent for Erma Delle Stephens, for a zoning map amendment from Suburban Residential Two (SR-2) to Commercial One (C-1).

At their meeting of June 1, 1983 the Commission voted unanimously to recommend approval by Resolution R-12-83, of the zone change from Suburban Residential Two (SR-2) to Commercial One (C-1). These official minutes are attached.

This action was taken upon hearing the recommendations of the Committee and based on the findings of facts attached to the enclosed Resolution.

The approved minutes of May 25, 1983 Public Hearing, along with pertinent information regarding this request.

If you desire further copies of this information or have any questions concerning this action, please do not hesitate to contact our office.

With kindest regards,

Sincerely,

Chairman

R. O. Godsey Sr.

PK/syb

Enc.

ORDINANCE NO. 0-31-79

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, AS AMENDED, TO REZONE PRESENTLY CITY OF FLORENCE, KENTUCKY RESIDENTIAL R-3 ZONE PROPERTY TO A CITY OF FLORENCE BUSINESS B-3 ZONE DISTRICT, AND AMENDING THE ZONING MAP AS AMENDED TO SHOW SAID CHANGE.

WHEREAS, the Boone County Planning Commission has heretofore recommended that property presently zoned City of Florence, Kentucky Residential R-3 in the City of Florence, Kentucky be changed from a such zone to a City of Florence, Kentucky Business B-3 Zone, and

WHEREAS, this Council deems it desirable and in the best interests of the health, safety and general welfare of the citizens of the City of Florence, Kentucky to make said change.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FLORENCE, KENTUCKY:

SECTION I

That the Zoning Ordinance, as amended, of the City of Florence, Kentucky and the official zoning map of said City, as amended, both be and the same are hereby amended so as to place the hereinafter described property in the City of Florence, Kentucky Business B-3 Zone District rather than the previous Residential R-3 Zone as it was heretofore.

SECTION II

That the property presently zoned City of Florence Residential R-3 will be in the City of Florence, Kentucky Business B-3 Zone after the passage of this Ordinance is bounded and described as follows, to-wit:

Situated in what is known as CARPENTER SUBDIVISION, a subdivision of town lots near the Town of Florence, Kentucky, and known and designated on the map or plat of said subdivision as Lots Numbered THIRTEEN (13) and FOURTEEN (14). See map or plat recorded in Plat Book No. 1, Page 7, County Court Clerk's Office, Burlington, Kentucky.

ALSO: Situated in what is known as CARPENTER SUBDIVISION, a subdivision of town lots in the Town of Florence, Kentucky, and being Lots numbered FIFTEEN (15) and SIXTEEN (16) of said subdivision as recorded in Plat Book No. 1, Page 7, County Court Clerk's Office at Burlington, Kentucky. Said lots front 25 feet each on U.S. Highway 25.

SECTION III

All Ordinances, resolutions or parts thereof, in conflict herewith, are to the extent of such conflicts, hereby repealed.

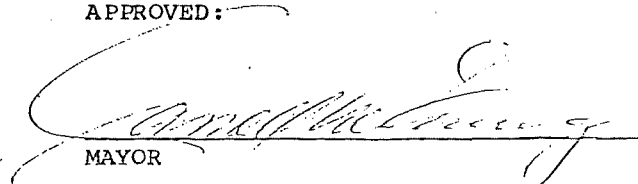
SECTION IV

If any section, paragraph or clause of this Ordinance be held by a proper court to be invalid, such invalidity shall not effect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the remainder of said Ordinance would have been passed despite such invalidity.

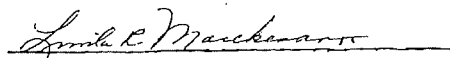
PASSED AND APPROVED FIRST READING THIS 25th DAY OF September, 1979.

PASSED AND APPROVED SECOND READING THIS 9th DAY OF October, 1979.

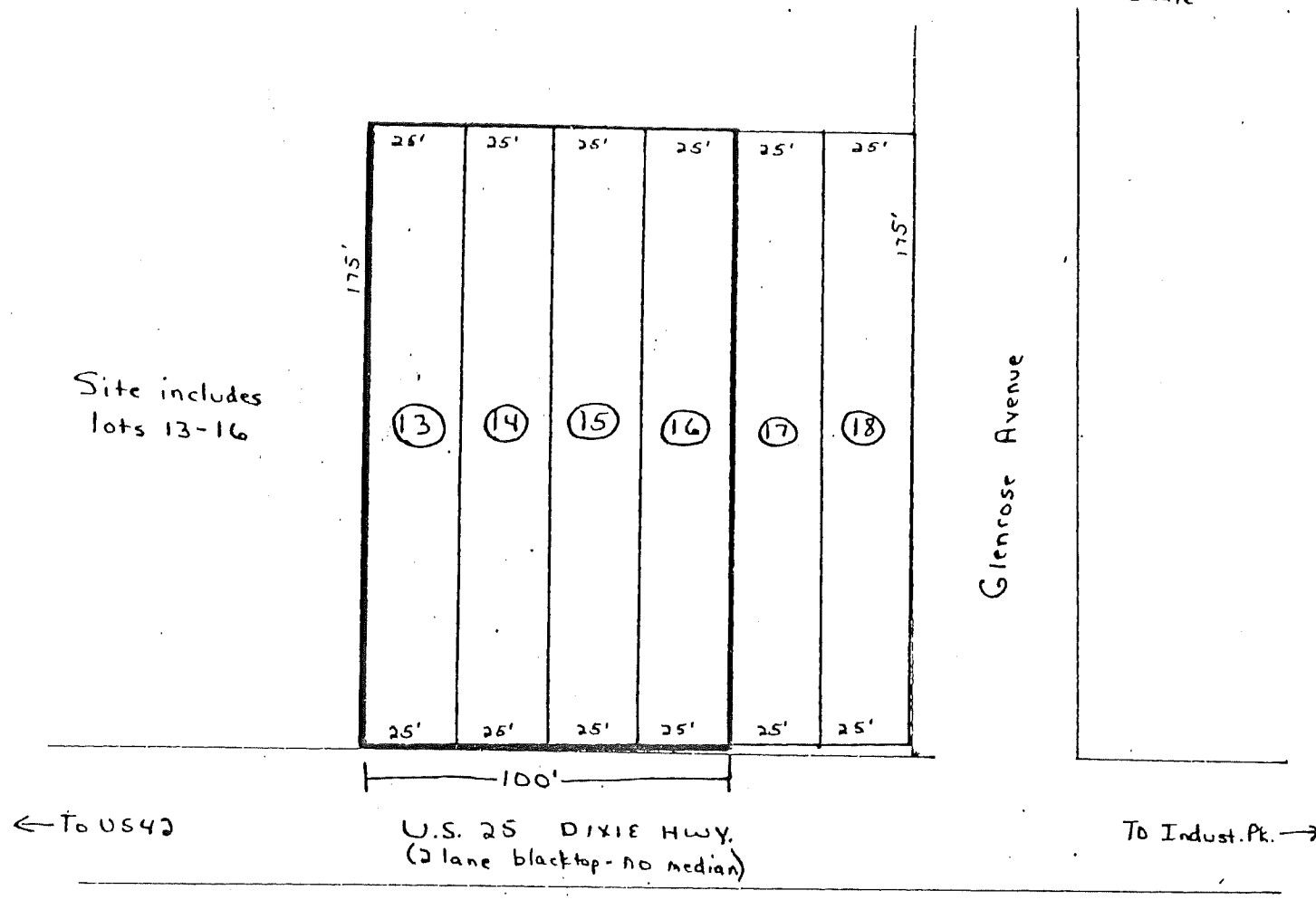
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Display only
Not drawn to
scale



Zoning Restrictions
Front yard set back 75'
Side yards 25' total
with minimum of 10'
on both sides
Parking required = 1 space per
250 sq. ft. of gross
floor area

SR-2