

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

- OR:
- 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: JAMES A. GALLENSTEIN Owner
 Agent

Address: 7449 BURLINGTON PIKE
FLORENCE KY 41042 Telephone: 431-8116

Location: SAME AS ABOVE

Name of Owner: JAMES A. GALLENSTEIN

Address of Owner: 433 JOHNSON ST. COVINGTON KY 41011

Zone: SR-1 & C-2 Area in Acres: 2.2718

Description of Request: TO REZONE THE REAR PORTION OF THE
PROPERTY (CURRENTLY SR-1) TO COMMERCIAL TWO, C-2

Owner's Signature: James A. Gallenstein

Date: _____ Applicant's Signature: James A. Gallenstein

FOR PLANNING COMMISSION USE:

Application date and fee of \$ _____ Received: 3/6/84

Referred to: _____ For Meeting Date: _____

Action: _____ Date: _____

61.63'

NEW KY 18 CENTERLINE

77.46'

S 89 03' 55" W

S 88 02' 32" W

R/W

61.06'

CHORD

104.10'

S 5 42' 37" E 449.77'

2.2718
ACRES

N 16 48' 35" W 503.90'

S 83 29' 38" E 267.81'

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

MARCH 28, 1984

7:30 P.M.

Vice Chairman Neltner opened the Public Hearing at 9:06 P.M. to hear 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 (SR-1) and Commercial Two (C-2) to Commercial Two (C-2) on a 2.2718 acre site.

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

Vice Chairman Neltner asked if there was anyone in behalf of the request. Mr. Lynn Rowekamp, Attorney representing Mr. Gallenstein. Mr. Rowekamp noted that the architect for the project, Mr. Gottfried was present. Mr. Rowekamp stated the property is presently zoned C-2 and for the majority of building No. 1 and approximately $\frac{1}{4}$ to $\frac{2}{3}$ of building no. 2. He continued that what they are proposing is that the rear portion be a zone change from SR-1 to C-2 to allow development as it is presented. He continued they also propose plantings with a concrete curb to act as buffering for any traffic, erosion and significant amount of planting's to act as a buffer from the residential area. Mr. Rowekamp stated they had an artists rendering as to the type of building to be constructed on the property and a concept of what is proposed. He continued that it would be multi-commercial use of mostly small commercial stores with the concept to have a lounge in the northerly part of building no. 2.

Mr. Gottfried, Architect, stepped forward and stated they didn't propose to radically alter the natural drainage patterns that were originally there. He continued that most of the surface run off is headed west with a portion running south. He continued that they propose access from the existing one located to the west at the North end of the site, hopefully they wanted to acquire a second curb cut. Mr. Gottfried stated the building does basically not have a back, which would collect no trash, but fronts all the way around. He continued that building "B" would have a couple of the units serviced from the west side, but the building is basically conceived as fronts all the way around.

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

Mr. Ed Drennon stepped forward stated he represents Mr. and Mrs. Terry Godsey, the most adjacent property owners and their property can be seen from the back of the property in question. Mr. Drennon pointed out that the property in question was leveled out and the topsoil was taken out before the Commission was ever approached for a zone change request. Mr. Drennon continued

that the Comprehensive Plan sets out development on Ky. 18 as Commercial property. Mr. Drennon stated that depending on the width of this proposed plan it could be turned sideways and face all along Ky. 18. Mr. Drennon stated that the development they propose is exactly like what you see on Dream Street and will come right up to the existing land of Mr. Godsey and the subdivision. Mr. Drennon submitted photos which illustrated where the property abutts Mr. Godsey's land and pointed out that it comes right up to his driveway, which in the particular case is his front yard. Mr. Drennon stated that obviously when the Comprehensive Plan was developed it was to develop Ky. 18. He continued that 1/3 was left as a buffer to offset the noise factor, etc. of living close to commercial property. Mr. Drennon submitted photographs taken since the recent rain and stated the lay of the land is not towards Ky 18, but into the subdivision which creates a run off problem. He continued the photographs illustrate the surface water running and because the land leading into the subdivision is an incline, results in flooding of the neighborhood. He stated that during a rain, some of the homes have a moat effect. Mr. Drennon pointed out the problem will get worse when blacktopped, because if the decline the water will go toward the residents backyards and destroy the entire subdivision. Mr. Drennon stated a four (4) foot high berm isn't going to do anything, because one already exists and as illustrated in the pictures, isn't doing anything now. He stated the water difficulties that the residents currently face did not exist until the grading and all the overburden was removed before the Commission was approached with a zone change request. Mr. Drennon stated the difficulty is that it will take a while to grow back and if the Commission approved the zone change it's going to take more than a four (4) foot high berm with some blue spruce to stop the drainage problem. He stated that a few blue spruce will not absorb all the water from the asphalt that runs into the subdivision. Mr. Drennon stated another problem with the proposed zone change is that they are planning to put a night club, similar to the one on Dream Street, which will operate until two in the morning. He continued it is going to be roughly 50 feet from Mr. Godsey's house and maybe 200 feet from the rest of the subdivision. Mr. Drennon stated the nightclub is planned for the back of the project along with a restaurant that will operate until eleven. Mr. Drennon pointed out there will be added traffic which will cause a necessity for a great deal of lighting, not just along Ky 18 but within 50 feet of Mr. Godsey's home. He continued that with parking spaces that are provided they must anticipate quite a bit of traffic and if the plan is successful as Dream Street there will be quite a large volume of traffic to the nightclub and other businesses. Mr. Drennon stated he didn't think the people of the subdivision would be concerned if the proposal was turned sideways and fronted on Ky. 18 and the people could drive around on the existing commercial area. He continued that what bothers them is giving the applicant the additional 1/3 buffer zone the residents have between them and the Commercial development, to prevent the lighting, noise and the two o'clock in the morning disagreements within 50 feet or so of their front door. Mr. Drennon pointed out the difference in Dream Street and this development is that Dream Street is surrounded by Commercial and the interstate, not residential area. Mr. Drennon stated the development would fit on the present commercial property and felt there was no need to rezone the remaining one-third. He continued the residents felt it necessary that they have some type of buffer. He continued the residents have to live there and with a buffer zone as it exists, the patrons are going to have to walk a couple of hundred feet to reach the residential area. He stated it's not much, but it's something to help them. Mr. Drennon stated the drainage problem of a blacktopped surface is going to be a nightmare for the subdivision. Mr. Drennon stated that after a rain Mr. Godsey can not mow his lawn until two or three days because of the drainage problem. Mr. Drennon stated this is all

after the property was torn up, they didn't have this great of difficulty prior to the way it's now listed. He pointed out that is just flat land graded down to the subdivision, after blacktopped it will get that much worse. Mr. Drennon stated that all my client are asking is that you disallow the additional one third to be zoned Commercial so this type of complex can not be put in that close to their property. He continued if it is feasible to turn the building sideways so the entire building can be place on the land, then the developer should be allowed to do what ever they want, because it's already zoned Commercial. But when they plan to extend back to such a close proximity to the existing residential which was there before the Comprehensive Plan was ever developed and the people knew that Ky. 18 would be developed, the insite was to try and buffer it. Mr. Drennon asked that the Commission deny the request as it is, so that the residents can be protected as he felt the Comprehensive Plan was developed to try and do.

Vice Chairman Neltner asked if there were any further comments. .

Julie Whistle, 316 Center Park Drive stated that she agreed entirely with Mr. Drennon and expressed concern that the more commercial that is allowed, the closer it will come to their homes. She pointed out there was a lot of undeveloped land nearby and if developed will be in their backyards.

Mary Powell, 304 Center Park Drive, stated her house has a moat, and she cannot walk outside her backdoor as a result of the grading. She stated she was opposed and wished that they would at least give them some buffer area.

Mr. Rowekamp responded to comments made by Mr. Drennon. Mr. Rowekamp stated that Mr. Drennon would like the Commission believe geometrically this building could be turned around to fit on the site, but it is physically impossible. He continued that the majority of this project was already zoned C-2 so all the talk of crime and light, bar and liquor are evils of that area thar are already committed or tolerated under the present zoning. He stated the diminsions are 70 feet from the property line to where the building ends at this point, so it is not really in someone's back yard. He stated they would cooperate with the residents in putting as much of the plantings, buffer, fence or wall, in order to shield the residents from as much of the noise as possible. Mr. Rowekamp pointed out that this a commercial site on Ky 18 which the Comprehensive Plan says is one of the major commercial zones. This property is going to be zoned commercial and it's going to be developed in a commercial fashion. He continued as far as the drainage problem, the architect has proposed a way of draining the property once it is completed and plantings can be made to control some of the water situation. He stated they didn't want flooding in anyone's backyard.

Mr. McMillian asked if it was true that the property was landscaped where the water now runs into the adjoining properties. Mr. Rowkamp stated he understood there has been no landscaping at the present time. There was some site clearing in the front part which occurred and that apparently is what generated the problem. In response to Mr. McMillian, Mr. Rowkamp, stated that they can see there is a problem at that point from the water. Mr. Gallenstein stated he was proposing to build a mound about five (5) feet tall in the back and put up either a rod iron fence or wooden fence. He continued by building this mound it will force the water back onto his lot like it should, draining to the west to the commercial property and putting in storm sewers will also take care of this

problem. Mr. McMillian stated that is what's proposed but asked was the ground smoothed off in anyway to cause the water to run on their property. Mr. Gallenstein stated he cleared the property off so it could be surveyed, but didn't haul any dirt, or not one ounce of topsoil off the property. He stated there is trash piled up right now and as soon as he gets a permit, he would like to clean it up and sow grass seed. He continued by putting about a 5 or 6 foot mound in the back part of the property it should push the water back and addition of storm sewers would cure it. He stated the he has noticed over the years this has really been a drainage problem, and stated he would also put a fence or anything that is desire to keep the kinds from cutting through the property.

In response to Mr. Viox, Mr. Gallenstein stated he didn't clear the entire parcel, but cleaned out some of the rubbish to survey it about 14 to 15 months ago. You couldn't even get in there to survey. In response to Mr. Viox, Mr. Gallenstein stated he did make an application before and the plan submitted are the same as last time after Mr. Gottfried made some changes at the suggestions of Mr. Block. Mr. Viox expressed concern of the water runoff increasing on a hard surface. Mr. Gallenstein stated the height of the mound would be 5 or 6 feet and on top of that Blue Spruce and fence with landscaping to create a natural vegetation. Mr. Viox stated it looked on the plans that the rear parking lots is 90 degree parking, particularly at night, the second building is going to be late hours and there would be light on the adjacent property. Mr. Viox expressed concern of the project generating more noise. Mr. Gallenstein stated he proposed putting in something similar to Barley Cornes, and that there would be no live music at all. He continued that the combination lounge and restaurant is in the middle of the building, and to the rear of the building is a shoe store and dress shop. Mr. Drennon pointed out there is an existing 4 to 5 foot berm which abutts Mr. Godsey's property. He continued that once the water comes off this particular area of ground it then declines with a grade to come very sharp into the subdivision. Mr. Drennon showed pictures on a rainy day of the water actually running. He continued they could argue all night whether or not someone has cleared the land, but having lived in Florence himself, there were a lot of trees of which are not longer there. The Commission reviewed the pictures submitted by Mr. Drennon and the Concept Development Plan. Mr. Martin questioned if it were possible to move the lounge to the front of the building instead of the back near the residential area, possibly flip flop the uses. Mr. Gallenstein stated it might be possible. Discussion followed pertaining to property lines.

Vice Chairman Neltner asked if there were any further comments. No one responded. Vice Chairman Neltner informed the audience that this request would be on the Agenda for action, April 4, 1984, at 8:00 P.M..

Hearing no further comments, Vice Chairman Neltner closed the Public Hearing at 9:50 P.M..

RESPECTFULLY SUBMITTED:

APPROVED: [Signature]

[Signature]
CHAIRMAN

[Signature]
SHERRY BAKER, CLERK

[Signature]
SANDRA G. RYAN, CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

APRIL 4, 1984

8:00 P.M.

Chairman Kroger called the meeting to order at 8:11 P.M.. Thirteen members were present. Mr. DeLong and Mr. Godsey were absent. Staff members present were Messers, Lynn, Block, Wilson, Jenkins, Mrs. Baker and Mrs. Ryan.

Mr. McMillian moved to approve the minutes of March 28, 1984 and March 21, 1984. Mr. Collins seconded; the motion carried unanimously. Mr. Collins moved to approve the minutes of March 22, 1984 Special Public Hearing and Special Business Meeting. Mrs. Smith seconded; the motion carried unanimously.

BILLS:

Mrs. Baker presented the following bills; Staff benefits and expenses, \$4,917.92; Boone County Recorder, publication fees, \$335.35; Vincent & Skees, legal fees for Boone Board, \$357.50; Picture Place, film & developing, \$22.12; John R. Greene, xerox paper, \$59.80; Budget Print Center, maps, \$20.00; Hardin County Planning Commission, copy of regulations; \$16.50; Lanlor Office Products, Inc., supplies, \$2.00; Budget Print Center, Comprehensive Plan Reprints, \$98.30; Jerry Rouse, filing fees, \$7.50. Mr. Jones moved to pay the bills. Mr. McMillian seconded; the motion carried unanimously.

COMMUNICATIONS:

Chairman Kroger stated communications were received from the NKADD consisting of A-95 reviews of projects proposed in Boone County by the Highway Department for road repairs. Chairman Kroger stated the reviews would be returned with favorable review.

REPORTS:

Mr. Barnett presented the Treasurer's Report stating that the balance on hand as of March 31, 1984 is \$45,808.09.

Mrs. Baker presented the Building Inspector's Reports stating that for the City of Florence, William Rieger, Building Inspector, issued permits 3932 thru 3949 during March for a total of \$1,174,597.00 estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 27 permits for total construction costs of \$1,151,290.00. Mr. Tobergte issued zoning and sign permits in the county totalling \$315.00 for the month of March, 1984.

The Commission reviewed the convenience plat report and the zoning enforcement officer's report. Mr. Block commented that there was an addition to the report of a violation concerning storage of junk vehicles north of Richwood Road along U.S. 25. He further stated that the violation pertaining to the sign at the Smith Service Center is now in compliance with the zoning regulations. Mrs. Carol Smith inquired as to the flea market operating in an Industrial One zone and whether it would be allowed to continue although in violation. Mr. Block stated that the appropriate steps are being taken to handle the situation. Mr. Barnett expressed concern of the flea market operating as a summer business and no longer needing compliance in the winter months, then reopening again in the summer. He felt the situation should be handled as soon as possible.

Chairman Kroger asked if there was any further discussion; no one responded.

Chairman Kroger proceeded to the first item on the agenda; the request of Davis Investment Group, Agent for Arnold Caddell, for a zoning map amendment for property located at the Chris-Chad Subdivision from its present zone Commercial Two (C-2) to Urban Residential One (UR-1) zone, on a 2.5 acre site.

Mr. Block identified the area in question. Mr. Lynn read the committee report which recommended approval. Chairman Kroger asked Mr. Davis if he had any comments. Mr. Davis stated he had no comments but would be willing to answer any questions. Chairman Kroger asked if there was anyone in opposition, no one responded. Mr. McMillian questioned if there would be any residential building on the area being requested for a zone change. Mr. Davis stated the buildings will be located on the 2.5 acres requested for a zone change. He stated all the rezoning will be going from Commercial to UR-1. In response to Mr. Jones, Mr. Block stated that directly behind the property in question is currently Suburban Residential One zone; North is Rural Suburban; Northwest is Agriculture Two, South is Commercial Two zone and all other area is Suburban Residential One.

Chairman Kroger asked if there were any further questions. No one responded. Mr. McMillian moved by Resolution that the request be granted based on the findings of fact that there has been a sufficient economic change in the area to warrant the change and that the commercial zone would no longer be the appropriate zone for the area and that Urban Residential One would be more appropriate, and that the recommendation be forwarded to the City of Walton. Mr. Viox seconded; the motion carried unanimously.

Mr. McMillian moved by resolution that if the City of Walton Common Council adopts the recommendation, that they also change the Land Use Plan accordingly. Mr. Viox seconded; the motion carried unanimously.

Chairman Kroger proceeded to the request of Tim Timberman or Lanny R. Holbrook's & Associates, Agents for S.A.K. Inc. and Myron Winston Johnson and Charlotte Johnson, for a zoning map amendment from Commercial Two (C-2) to Commercial Services (C-3) on 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.

Mr. Block identified the property in question. Mr. Lynn read the Committee report which recommended approval.

Chairman Kroger asked if there was anyone present to represent the applicant. Ms. Maureen Moore stepped forward stating that she was with Lanny Holbrook and Associates representing Mr. Tim Timberman, and that she was substituting for Mr. Chip Colston. Ms. Moore also introduced Mrs. Sue Travis. Ms. Moore stated she would be happy to answer any questions. In response to Mr. Buse, Mr. Lynn stated a concept development had been submitted at the Public Hearing. Chairman Kroger asked if there was anyone in opposition to the request. Mr. Mark Duprez stated he represented Queen City Self Storage on Tanners Lane and that they were totally opposed to the zone change. He stated there opposition was due to the fact that there is a possibility of a domino affect up and down Tanners Lane which could allow businesses such as gas stations, garages, etc. . He stated if the zone change is allowed there would be no reason why someone else maybe across from Tim Timberman's should be denies a change to Commercial Services (C-3) which is now Commercial Two (C-2) zone. Mr. Duprez stated the owners of Queen City Self Storage have spent in excess of 1½ million dollars locating where they are, which is in a Commercial Three (C-3) area that did not require a zone change. He stated that was one of the reasons why the location was chosen by the owners. He stated they did not need the change and they assume that the other area was classified Commercial Two (C-2) for a reason, and that is why they are very worried that businesses could move in if this continued to go on down Tanners Lane. He stated that was their objection. Chairman Kroger asked if there way any further comments. Mr. Block pointed out that across from the current Mazda dealership and the requested site is existing Commercial Services (C-3) zone not Commercial Two (C-2). Chairman Kroger asked if there was anyone else, no one responded.

Mr. Viox moved by Resolution that the request be granted based on the finding of fact that it does conform to the Comprehensive Plan and includes a concept plan, and that it be based on staff and committee report and forwarded to the Common Council of the City of Florence. Mr. Greene seconded. Mr. Buse abstained due to the bank of which he is director holds the mortgage on the property. The motion carried unanimously.

Chairman Kroger proceeded to 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.

Mr. Block identified the property in question. Mr. Lynn read the committee report which recommended denial. Chairman Kroger asked if there was anyone present to represent the applicant. Mr. Rowekamp representing Mr. Gallenstein stepped forward and asked the members of the Commission to take into consideration that the majority of the property is presently zoned Commercial Two (C-2). He continued that Mr. Gallenstein had indicated at the Public Hearing he is willing to cooperate in any manner possible to buffer and screen his property from the property to the rear. Mr. Rowekamp pointed out that in November of

1983 the matter was before this same commission and it was indicated that with the addition of two conditions, one of which he understood was a retaining wall between the property and the residences, the Commission would have recommended approval of the zone change at that time, had Mr. Gallenstein or a representative been present at that time. He stated that the question of screening is an issue that they would be willing to consider as a condition to recommendation of approval. The addition of a wall, the amount of plantings that would be required and also be willing as discussed at the Public Hearing to position the buildings in the various commercial locations in a manner which would be least offensive to the residents. He continued that in addition to that, the problem of drainage arose at the Public Hearing and they would also comply in that matter. He stated they have already discussed with an engineer the placement of catch basins on their portion of the property to prevent any excess drainage onto the residents property. He pointed out that the property is already going to be developed from a commercial standpoint, and the issue that should be before the Commission is what adverse affect, if any, is going to result from that additional portion of the property and what can be done to prevent and minimize by properly screening, of which his client is more than willing to cooperate and comply with.

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

Mr. Ed Drennon stepped forward representing Mr. Terry Godsey and stated that he is the most adjacent property owner to this requested zone change. Mr. Drennon stated it is important to note to a certain extent what Mr. Rowekamp says is correct. He continued that the problem is what effect will this have on the subdivision if in fact the zone change is approved. He stated as demonstrated at the public hearing by photographs, the initial clearing which was done without anyone asking for a zone change, basically tore off all the coverage, trees, vegetation and top soil which caused a drainage problem not only for Mr. Godsey, but for the people in the surrounding area. He continued that the photographs illustrated homes which are now as a result of the clearing and the topography of the land surrounded by pools of water. He stated that their site plan was reviewed in which it demonstrated the flow of the water which they have already proposed would have created a further injury, not only to Mr. Godsey, but the entire subdivision. Mr. Drennon stated the reason that the buffer zone was placed there to start with was to protect the citizens. Mr. Drennon stated his clients have no objection to Mr. Gallenstein placing his business in the already existing commercial zone and using it as he see fit, but to the residents in the SR-1 zone that sits behind this proposed project it is a needed buffer. He stated a four foot mound of dirt which is there now and adding some blue spruce for screening isn't sufficient, as has been demonstrated in the public hearing. He continued that he was sure that it was demonstrated at the Public Hearing that it is far more than just a screening problem which would be created by the proposed change and that the adverse affect of such a change would far outweigh the beneficial assets that this particular change would grant to the community. Mr. Drennon stated

the layout of the property, the ideas of placing a restaurant/lounge, which Mr. Gallenstein referred to would be similar to a bar/leaves would be placed 120 feet from this business to Mr. Godsey's front door. Mr. Drennon stated that he felt the existing commercial zone is more than sufficient for Mr. Gallenstein to make any change he so desires. He continued that Mr. Gallenstein can adjust his structure to fit in that area and is more than free to do so because he doesn't need to request a zone change. Mr. Drennon stated he felt the committee had taken a great deal of time in reviewing the documents that were submitted at the Public Hearing and asked that the Commission follow the Committees recommendation of denial.

Chairman Kroger asked if there was anyone else in opposition. No one responded. Mr. Buse stated that he disagreed with Mr. Drennon's statement that the property which is before the Commission for a zone change request is really a buffer zone. Mr. Buse stated what happened is when Ky 18 was widened this piece of property became two zones which is not something the Commission wished to do, it was other actions that created the situation as they now exist. He continued that on the other hand, he did not believe Mr. Gallenstein or his representatives have correctly addressed the question of water run-off and a way of maintaining screening between the existing residential area and this piece of property. He stated personally if they were to address it properly he would be in favor of the request, but that the reason he is opposed is he felt it was not properly addressed. Mr. Buse stated he didn't think it's up to the Committee to determine exactly what should be done, but it is the applicant's duty to bring in something that will meet the concerns. He stated that at the Public Hearing the matter was addressed and comments made that the applicant will do what is needed, but that is not what is before the Commission now. Mr. Buse stated until there is something before the Commission that will provide both the control of water run-off and a buffer zone, he would vote no, even though he is concerned that the property as it exists now was not the intention of the Commission at the time of the widening of Ky. 18.

Mr. Greene questioned how far it is how far it is from the C-2 zone to the busdivision. Mr. Block stated that a rough estimate would be approximately 100 to 130 feet of the rear part of the property is zoned SR-1. Chairman Kroger asked if there were any further comments. No one responded.

Mr. Barnett moved by Resolution to deny the request based on the findings of facts contained in the Committee report and that the recommendation be forwarded to the City of Florence. Mr. Davis seconded. Chairman Kroger asked if there was any discussion. Mr. Neltner questioned whether conditions could be established to satisfy the concerns of the Commission and the adjoining property owners. Chairman Kroger asked if there was further discussion, no one responded. The motion carried 8 yes, 5 no. Mr. Collins, Mr. Greene, Mr. Mitchell, Mr. Neltner and Mrs. Smith voted no.

Mr. Rowekamp asked Chairman Kroger is he could have findings as to whether there has been a change in the Commission's recommendation from it's November findings to those at the present time. Chairman Kroger stated those documents are of Public record and they can be

made available for Mr. Rowekamps review. Mr. Rowekamp questioned if the Commission could give him the reasons the recommendation has changed from November to the present. Chairman Kroger stated they are two separate issues and they are made of public record and each issue will stand on its own. Mr. Neltner, commented that the Committee that reviewed the last application has been changed slightly from the present Committee and different groups have different opinions. Chairman Kroger stated that the Committee assignments changed at the beginning of the new year. Chairman Kroger asked if there was further discussion; no one responded.

Chairman Kroger proceeded to 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 square feet.

Mr. Block identified the property in question. Mr. Lynn, read the committee report which recommended denial.

Chairman Kroger asked if there was anyone present representing Mr. Hasekoester. Mr. E. Andre' Busald stepped forward and stated that the tract was approximately 7200 square feet. He continued the property is currently zoned residential and as pointed out at the Public Hearing the Highway Department now has plans to widen U.S. 25 from approximately the corner of U.S. 42 and 25 and perhaps all the way down to Industrial Road. He pointed out that the west side of U.S. 25 would be widened, which is the side of Mr. Hasekoester's property. Mr. Busald stated that it should be noted, directly across the street is Commercial all the way to St. Paul's Church and with the exception of a small sanctuary of residences on that side it again becomes commercial starting near the Florence Medical Arts Center. He stated that he believed it took you all the way down to the Pine Lake Apartments. Mr. Busald stated that some concern was expressed at the Public Hearing why application was made for C-2 as opposed to Office. He stated that initially that decision was made based on some technical reasons. It was their understanding the parcel of property was probably too small to make the request for an office zoning, however, office zoning would be permissible overlay in the C-2 zone. Mr. Busald stated that Mr. Hasekoester expressed at the Public Hearing that he would be more than happy to make office use a condition of the rezoning. Mr. Busald stated he understood the concerns of the possible uses in C-2, but Mr. Hasekoester wants only an office building. Mr. Busald stated that if the decision of this Commission is that C-2 with an office overlay is improper, he hoped the Commission would give him some direction on which way to go when he reapplied, which he intends to do. He continued that Mr. Hasekoester is not striving for C-2 zoning just for a quick flip of the hand, but wants to utilize it as an office use. Mr. Busald stated the master plan was conceived in 1979 and since that time a tremendous amount of growth and development has occurred in the City and County. He stated it was his understanding that in 1984, five years from the anniversary of the master plan, it would be re-evaluated. Mr. Busald felt that the commissioners and planners, in looking down the road, are going to conclude that the area should be zoned C-1, C-2 or some form of business. Mr. Busald concluded by stating the applicant would be satisfied with some type of office

zoning.

Chairman Kroger asked if there was anyone else in behalf or in opposition of the request. Mr. Jerry Dames stepped forward and stated he was an adjoining property owner at the rear of the property in question on Valley Drive. Mr. Dames stated he didn't want any more commercial on this side of the highway. He stated if the request is approved their parking lot is going to be right in his bedroom. Mr. Dames stated he was at the Public Hearing and expressed his opposition to the request.

Chairman Kroger asked if there was anyone else in opposition; no one responded.

In response to Mr. Greene, Mr. Busald stated the building exists on the lot now in which Mr. Hasekoester lives. Mr. Viox stated it's his opinion that the Valley Drive, U.S. 25 area, still at this point is residential in nature. Mr. Viox stated eventhough there is commercial across U.S. 25 it is a natural division and the land along the Highway down Valley Drive is still residential at this point. Mr. Viox stated the change in the highway hasn't yet occurred and at that time the situation may have to be addressed. Mr. Viox stated at this point he would have to be against the request because he felt it is still a residential neighborhood. Chairman Kroger asked if there were any further comments; no one responded. Mr. Viox moved by resolution that the request be denied based on the findings of fact in the staff and committee report and that the recommendation be forwarded to the City of Florence. Mr. McMillian seconded. Mr. Martin stated that Mr. Hasekoester's predicament is that he is faced with living in a house that later with the widening of the road and commercial moving that way, he felt would certainly in the future become commercial. Mr. Martin questioned whether the situation should be addressed now in a piece meal fashion or pushed off until next year when it can be done in a comprehensive way. Mr. Martin stated the area is not residential in nature, totally, all the way down the highway on both sides there is a mix and intermingling of both commercial and residential. Mr. Martin stated that he felt the applicant would be willing to make certain concessions or certain changes. He continued he was not totally in favor of the request, but felt there are certain uses in office zoning that right now would be appropriate and certain C-2 uses which would be inappropriate at this time. Mr. Martin questioned if there there is something that could be done, where the applicant could come back to the Commission, or there there could be specific or limited number of uses that would be compatible with the adjacent landowners. He continued he has seen it happen to other people who are neight fish nor faowl. He is really neither a residence now or neither really commercial. Mr. Martin stated in his mind that is the predicament the applicant is in. Mr. Martin questioned whether the issue could be addressed tonight or passed on to address at another subsequent time. Chairman Kroger stated the committee has looked at the request with a concept development plan and they have indicated that this is going to be an office building and the committee made a report. He stated

he was not saying that Mr. Martin's comments were not well taken, but by the committee report they are saying at this point and time they are recommending denial based on all the information they had at hand. Mr. Martin stated the Commission does not issue written opinions but certainly need to give some direction to the people of what the Commission thinks and wants so they can follow the guidelines and not have to continually come back. Chairman Kroger stated that is what the comprehensive plan says, that's the Commission's written opinion of the next five (5) to ten (10) years and we're willing to review it. Chairman Kroger asked for further discussion; no one responded. Chairman Kroger restated the motion. The motion carried unanimously.

Chairman Kroger proceeded to the request of Davis Investment Group, Agent for John C. Cladwell, owner, for a Preliminary Development Plan for property located at Burlington Terrace, East Bend Rd., Burlington zoned Suburban Residential Two (SR-2) Planned Development (PD) on a 1.6 acre site. Mr. Jenkins stated there is a problem relative to the parking lot, the stall sizes, and configuration. He stated a deferral for two weeks is needed to revamp the parking lot size, etc. Mr. Lynn read the committee report recommending a two week deferral, based on the engineers report. In response to Chairman Kroger, Mr. Block stated that Mr. Davis was aware of the two week deferral and that their architect will be coming to the office to review what the deficiencies are and in what manner the problem can be corrected. Mr. Buse moved for a two week deferral. Mr. Davis seconded. The motion carried unanimously.

Chairman Kroger proceeded to the request of K & H Development Co., option holder for a 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. Mr. Jenkins stated that the request is an extension of the remainder of the development, approximately 68 lots in SR-1 zone. He stated the request complies with the Commission's requirements. Mr. Lynn read the committee report which recommends approval based on engineers report. Mr. Buse moved that the request be granted. Mr. McMillian seconded. Mr. Viox abstained due to being the engineer of record. The motion carried unanimously.

Chairman Kroger proceeded to the first item of new business, the request of Charles Berling, Agent, for Evergreen Farm Subdivision, for an Improvement Plan Approval Evergreen Drive, Florence in a Suburban Residential One (SR-1) zone for approval of Phase 3 of the subdivision. Chairman Kroger referred the request to Committee.

The next items of business was the request of James Horn, owner by contract, for a zoning map amendment for property located at 8519 U.S. 42, Florence, Kentucky, from Suburban Residential One (SR-1) zone to Commercial Three (C-3) zone on a 3 + acre site, for the purpose of a boat sales and service.

Mr. Viox moved that a Public Hearing date be set for April 25, at 8:00 P.M.. Mr. McMillian seconded. The motion carried unanimously.

Chairman Kroger asked if there was any further business for the Commission; no one responded.

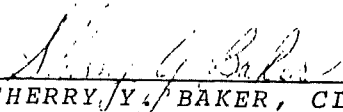
Mr. Collins questioned Ma Bentley's parking and felt they have doubled up on parking. He felt the whole complex parking was inadequate. Discussion followed. Mr. Block stated what was shown on the plans was adequate to meet the parking standards of the zoning regulations, but that he would check the site and report back to the next meeting. Chairman Kroger stated they are probably in compliance, but the demand is too heavy and maybe the regulations should be reconsidered. Mr. Collins stated when he was there, there wasn't must of a crowd in any of the buildings, but no parking was available.

Chairman Kroger asked if there were any further comments. No one responded.

Mr. Neltner moved for adjournment. Mr. Viox seconded.

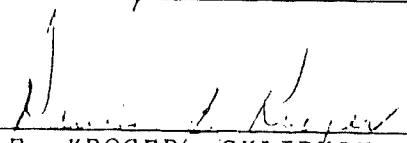
The meeting adjourned at 9:25 P.M.

RESPECTFULLY SUBMITTED:


SHERRY Y. BAKER, CLERK


SANDRA G. RYAN, CLERK

APPROVED: 4-18-84


PAUL E. KROGER, CHAIRMAN

C O M M I T T E E R E P O R T

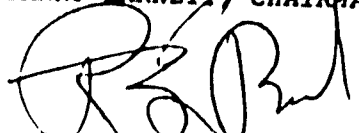
TO: BOONE COUNTY PLANNING COMMISSION
FROM: LARRY BARNETT, CHAIRMAN
DATE: APRIL 4, 1984
SUBJECT: Request of James A. Gallenstein, for a zoning map amendment on property located at 7449 Burlington Pike, Florence, from its present zone of Suburban Residential One and Commercial Two to Commercial Two on a 2.2718 acre site.


CONCLUSION:

We the Committee recommend denial based on the following findings of fact:

- (1). There has been no physical, social or economic change to warrant the request.
- (2). The Suburban Residential One (SR-1) area provides a buffer to the existing residential area.


LARRY BARNETT, CHAIRMAN


R.L. BUSE, JR.


WILLIAM VIOX


DON DAVIS

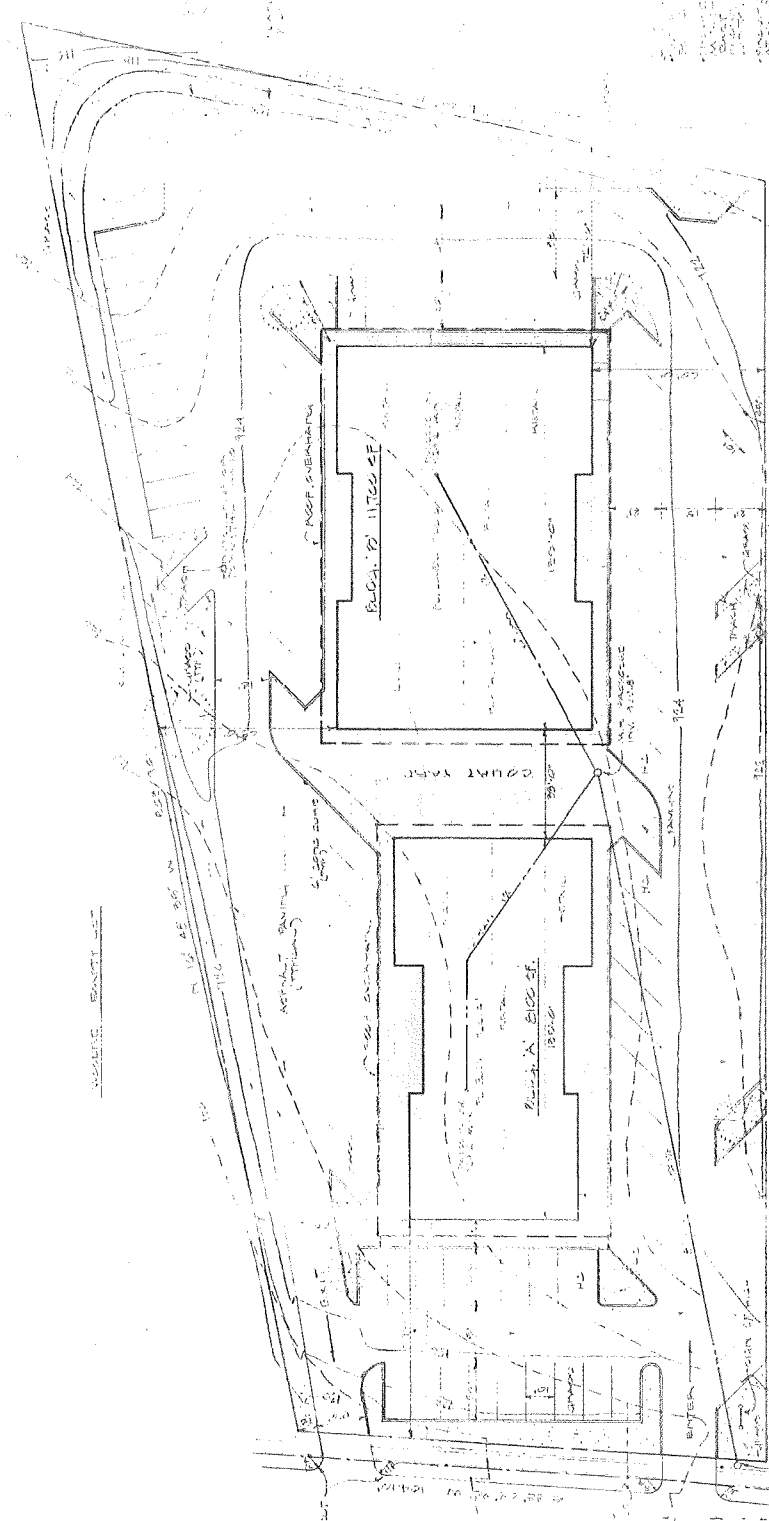
MELVIN DELONG

SITE PLAN
 DATE 1-11-50
 DRAWN BY JEFFREY
 ARCHITECT 44 WYOMING

PLANTING MATERIAL
 7441 BURLEIGH BLVD
 5217 WYOMING, WYOMING

* ZONING DISTRICT
 PLANNING AREA 2, 4TH DISTRICT
 BLOCK AREA 19, 2500 S.F.
 PARCELS 114

* NOTE: IN ADDITION TO
 THE ZONING DISTRICT
 AND BLOCK AREA
 OF THE PROPERTY, APPLICATION
 TO BE FILED BY 1-11-50.



7441 BURLEIGH BLVD
 FLORENCE, WY
 1-11-50

BURLINGTON PIKE
