

REQUEST OF JAMES G. WOLTERMAN (AGENT) FOR RONALD G. JOSEPH  
FOR A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT  
8137 BURLINGTON PIKE, FLORENCE, KENTUCKY, AND  
8151 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY

MARCH 23, 1988 .

This request is for a Zoning Map Amendment for two contiguous parcels, totaling 4.621 acres, located on the south side of Burlington Pike (KY 18) and west of Hopeful Road. The eastern most parcel (8137 Burlington Pike) is within the city limits of Florence, Kentucky, and is presently zoned Commercial Two (C-2). The western most parcel (8151 Burlington Pike) is within unincorporated Boone County and is presently zoned Suburban Residential One (SR-1). This request is to rezone both parcels Commercial Services (C-3) for use as an automobile dealership.

History of the Site

On August 26, 1987, the Planning Commission held a Public Hearing regarding a similar request for the subject property. At the September 16, 1987, Business Meeting, the Planning Commission recommended denial of the request to both the Boone County Fiscal Court and the Florence City Council. The Commission recommended denial of the request because the applicant was unwilling to limit access to the site as required by the Access Management Regulations (Article 17A, 1986 Boone County Zoning Regulations). A copy of the August 26, 1987, Staff Report is attached.

Relevant facts about the site, including the surrounding land uses and zoning, public facilities, existing features of the site, and its relationship to the 1986 Boone County Comprehensive Plan, are described in the August 26, 1987, Staff Report.

Proposed Concept Development Plan

The Concept Development Plan submitted with this request (Figure I) is significantly different from the plan previously proposed. The following lists these differences in order of significance:

1. Access - The current plan proposes one access to Burlington Pike located approximately 140 feet from the site's west property line and 400 feet west of the proposed access point to the Toyota property (See Figure II). The previous plan proposed two access points.
2. Buffering - The current plan provides a detail for the 25 foot landscaped buffer yard at the south and southeast property lines adjacent to Ashcraft Subdivision. This detail indicates a 6 foot earth berm and three rows of evergreen trees (See Figure I). The previous plan had been modified to include a 40 foot buffer zone with three rows of evergreen trees.

3. Parking - The current plan proposes a total of 263 outside parking spaces (See Figure I). The previous plan proposed 302 spaces.

### Special Concerns

The current Concept Development Plan, while it proposes only one access point to Burlington Pike, does not completely address all of the special concerns related to access as outlined in the August 26, 1987, Staff Report.

The proposed access point to Burlington Pike meets the minimum spacing requirement of 275 feet from the Toyota site's access. However, the access to the Ronald G. Joseph site should still align with any proposed access to the Moore property north of Burlington Pike, and provide adequate distance for a left turn lane from west bound Burlington Pike. To best meet both of these requirements, staff suggests that the access point to this property and the Moore property be located at approximately Station Number 223+00 (See Figure III).

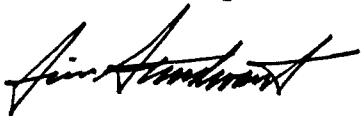
The Commission is scheduled to hold a Public Hearing regarding a request for development of the Moore property on March 30, 1988.

In addition, the Special Concerns listed in the August 26, 1987, Staff Report (buffering, storm water, visual appearance, and type of use) are still relevant to the current request.

### Conclusion

The major issues regarding this request are its relationship to the Comprehensive Plan, the potential impact of the proposed use and the design of the site on traffic flow on Burlington Pike, adequate buffering of adjoining residential uses, storm water runoff, and the potential visual impact of the site. Should the Planning Commission, Boone County Fiscal Court, and the City of Florence approve this request, the Land Use Map and text of the 1986 Boone County Comprehensive Plan need not be amended.

Respectfully submitted,



Jim Sturdevant,  
Plans Examiner/Planner

JS:mcb

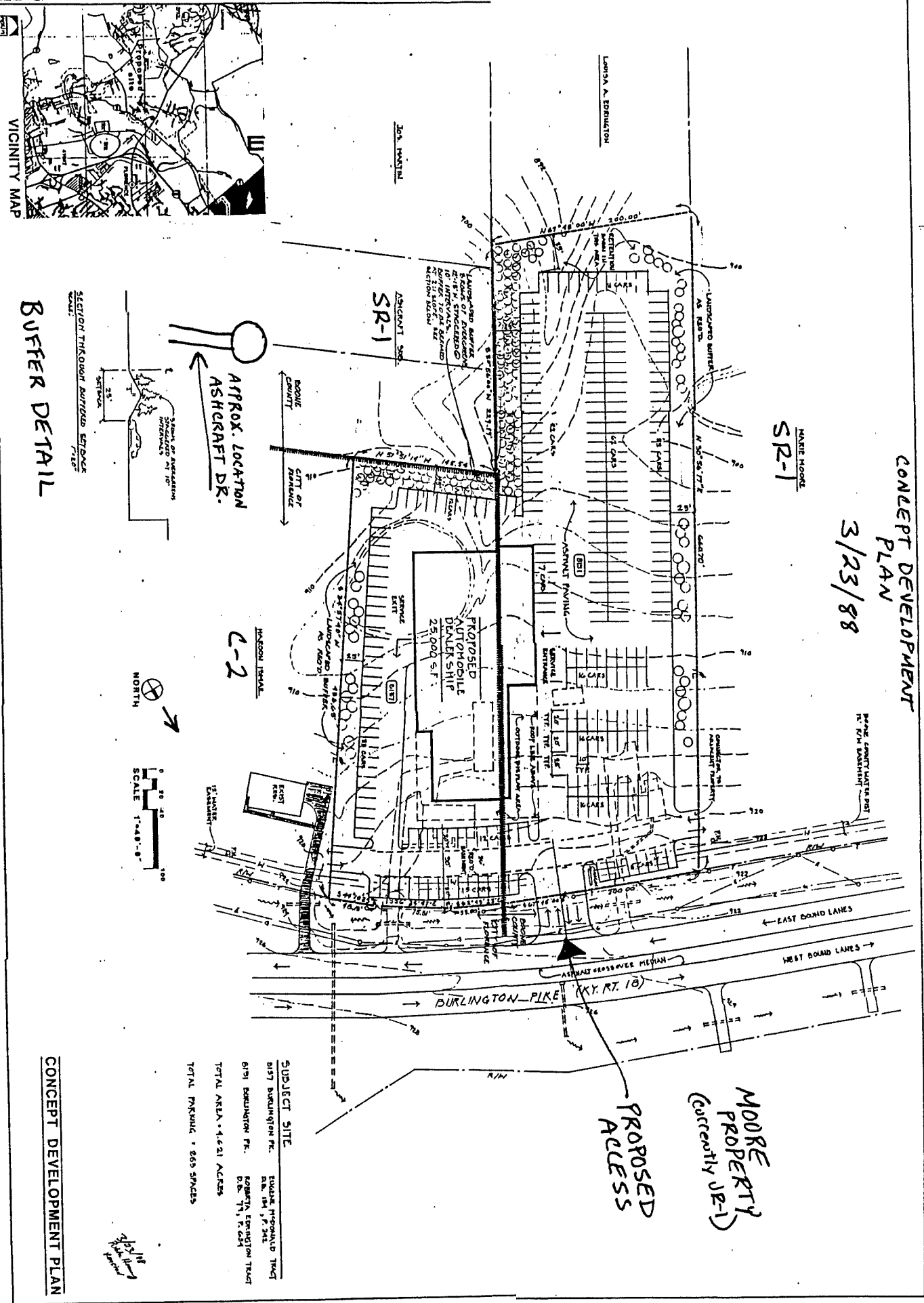
Attachments

PLAQUE L  
 R. G. JOSEPH (HYUNDAI)

CONCEPT DEVELOPMENT  
 PLAN

3/23/88

MAP NO. SR-1



MOORE PROPERTY  
 (Currently JE-1)

PROPOSED  
 ACCESS

SUBJECT SITE  
 0157 BURLINGTON PK. TOWN OF BURLINGTON  
 0151 BURNINGTON PK. BOONE COUNTY, KENTUCKY  
 TOTAL AREA = 4.621 ACRES  
 TOTAL PARKING = 665 SPACES

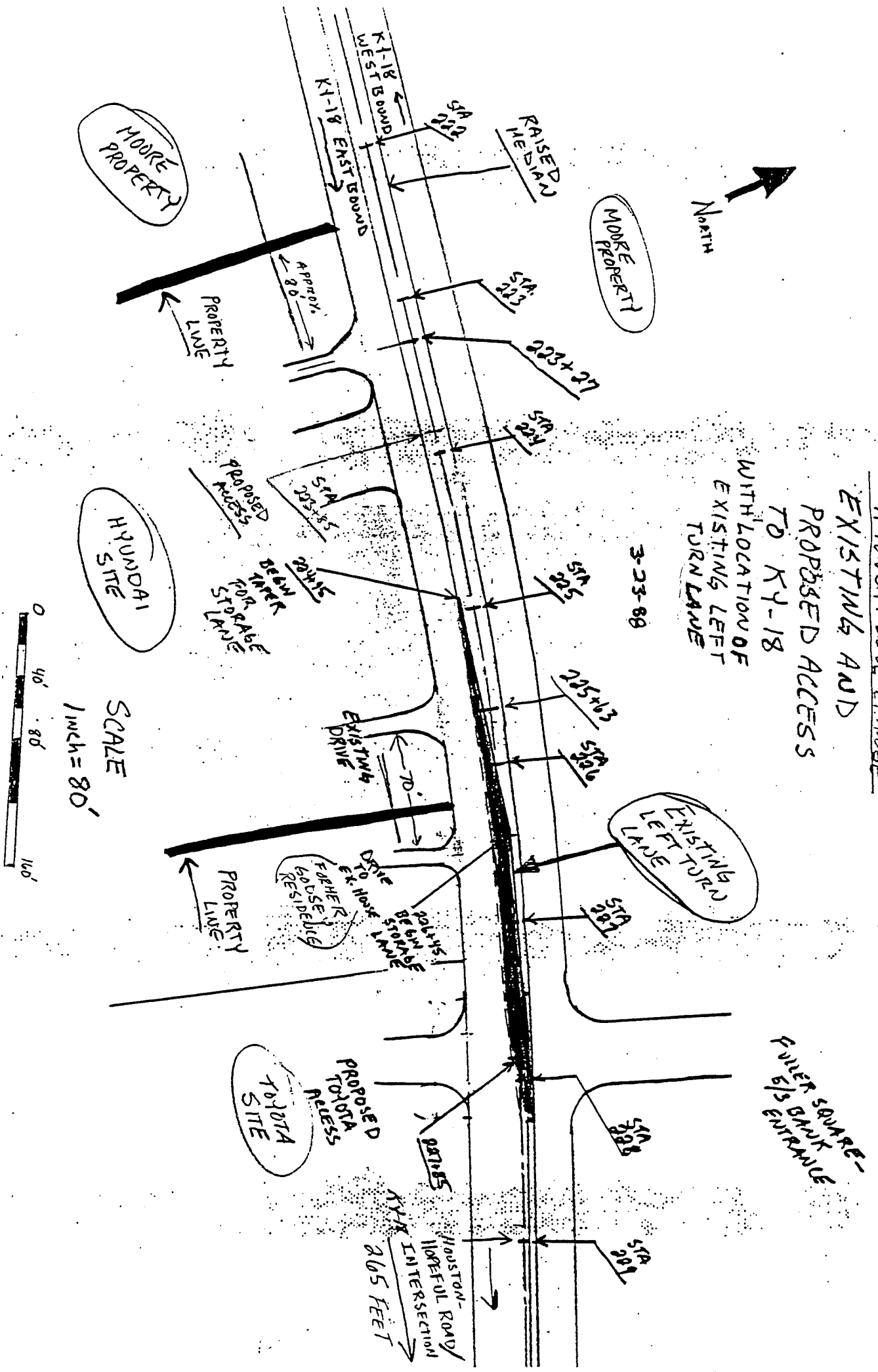
CONCEPT DEVELOPMENT PLAN

Job Name: PROPOSED AUTOMOBILE DEALERSHIP	Client: BOONE COUNTY, KENTUCKY	Scale: 1"=40'-0"	Date: 7/31/87
Job Number: 2006	Checklist: 225	Map: 1	Date: 7/31/87
Drawn By: BP	Date: 7/31/87	Map: 1	Date: 7/31/87

**GBBN**  
 Gardner, Burdick, Egan-Myers, Inc./Architects, Engineers, Planners  
 5118 Oldwood Drive, Florence, Kentucky 41041 502-335-8700

**FIGURE II**  
**HYUNDAI ZONE CHANGE**  
**EXISTING AND**  
**PROPOSED ACCESS**  
**TO KY-18**

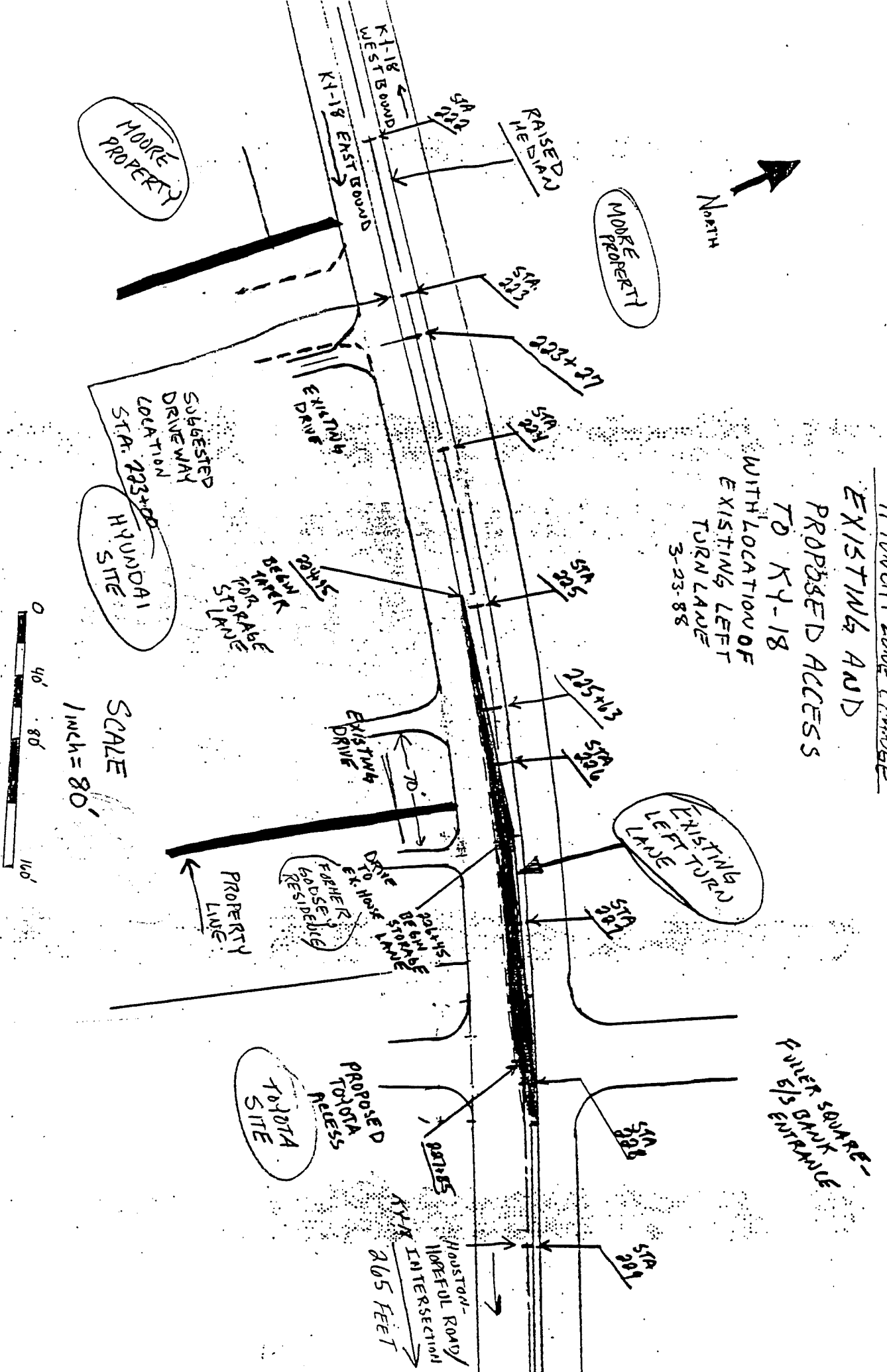
WITH LOCATION OF  
 EXISTING LEFT  
 TURN LANE



**FIGURE III**  
HYUNDAI ZONE CHANGE

**EXISTING AND  
 PROPOSED ACCESS  
 TO KY-18**

WITH LOCATION OF  
 EXISTING LEFT  
 TURN LANE  
 3-23-88



REQUEST OF JAMES G. WOLTERMAN (AGENT) FOR RONALD G. JOSEPH  
FOR A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT  
8137 BURLINGTON PIKE, FLORENCE, KENTUCKY, AND  
8151 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY  
AUGUST 26, 1987

This request is for a Zoning Map Amendment for two contiguous parcels, totaling 4.621 acres, located on the south side of Burlington Pike (KY-18) and west of Hopeful Road. The eastern most parcel (8137 Burlington Pike) is within the city limits of Florence, Kentucky, and is presently zoned Commercial Two (C-2). The western most parcel (8151 Burlington Pike) is within unincorporated Boone County and is presently zoned Suburban Residential One (SR-1). This request is to rezone both parcels Commercial Services (C-3) for use as an automobile dealership.

Surrounding Land Use and Zoning

North of the subject site across Burlington Pike (KY-18) is vacant farmland which is zoned Urban Residential One (UR-1). This farmland is known as the Moore tract, which is bounded on the east by the Fuller Square - Fifth Third Bank development, and on the west by the Greenview Subdivision.

Directly east of the subject site is a single-family residence in the C-2 zone. East of this residence and west of Hopeful Road is the site of a future automobile dealership (Toyota Motor Distributors, Inc. property).

South and east of the site are two single-family homes located in the Ashcraft Subdivision, and a third home located at 6136 Hopeful Road. Directly south of the site is vacant land. These adjoining properties are in the SR-1 zone. Directly west of the site are two single-family homes in the SR-1 zone, a single-family home in a Suburban Residential Two (SR-2) zone, and Ridge Road.

In the general vicinity of the site, from I-75 west, there presently exists five automobile dealerships (Nissan, Ford, Honda, Chrysler, and Buick), and there are four sites for which zoning has recently been approved for additional automobile dealerships (Toyota, VW, and Subaru dealerships are among these possibilities).

Public Facilities

There is a 12 inch water main that cuts across the front of the site along KY 18. Existing fire hydrants are located on the east and west sides of the site. Electric and telephone services are available. The closest sanitary sewer service is a man hole located approximately 600 feet south of the site.

### Existing Features of the Site

Presently on the site are two single-family residences and several accessory buildings (garages and storage sheds). The site generally slopes down and away from Burlington Pike toward the southwest. A small pond located near the southeast corner of the site forms the headwind end of a drainage swale that flows to the southwest.

The southern portion of the site contains mature trees and substantial undergrowth. There are several mature maple trees located near the front of the site close to Burlington Pike.

The site has approximately 375 feet of frontage on Burlington Pike. Two access driveways (one for each residence) presently serve the site. The western most access drive is located only 80 feet from the west property line of the site. The subject site is located only 150 feet west of the access drive proposed for the Toyota site.

The configuration of turning lanes on Burlington Pike adjacent to this site is shown on the attached drawing (See Figure I).

### Relationship to Boone County Comprehensive Plan

This Zoning Map Amendment must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

#### 1986 Future Land Use Map

Borderline Commercial and Medium Density Residential, with the commercial closest to Burlington Pike.

#### BUSINESS ACTIVITY

##### I. Page G-3

##### Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

##### Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.
3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

II. Page B-14

Many problems with the location and arrangement of commercial enterprises have emerged; however, especially along KY 18 and Route 42. Along KY 18 in the I-75/Mall Rd./Houston Rd. area, there are many traffic problems that can be worsened by adding commercial access points. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence. (p. B-14)

III. Page L-15

The Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. Commercial growth on KY 18 will be primarily interchange related.

The existing residential homes fronting on KY 18 will become small commercial areas. The use of interconnecting parking lots or frontage roads on this section of KY 18 is critically important to the success of any development and trafficability on this portion of KY 18.

IV. Page PF-11

The extension of the Florence sewerage system west along Burlington Pike commits the area to intensive development in the very near future.

The 1986 Boone County Future Land Use Map shows the site in question as being in commercial land use.

In summary, the 1986 Boone County Comprehensive Plan emphasizes the need for careful development of property along KY 18, primarily for traffic reasons. This is especially important near major intersections such as Hopeful Road and KY 18 where additional access points and turning movements can complicate existing problems or create new ones if not carefully constructed. The plan also generally calls for compact, efficient, commercial development patterns by providing buffer space between different uses.

#### Proposed Concept Development Plan

The Concept Development Plan submitted to staff (Figure II) indicates a 25,000 square foot building and approximately 300 parking spaces on a 4.621 acre site. Access from Burlington Pike is proposed to be via widening of two existing access driveways which serve the existing residences (See Figure I).

The Concept Plan indicates a 15 foot wide landscaped buffer zone along the east and west property lines of the site. An area has been set aside for storm water detention facilities near the extreme south property line. Access driveway connections to adjacent properties to both the east and west are indicated near the front of the site.

The applicant has not supplied information describing the use of the building. Because of the proposed size of the building, staff assumes the applicant plans to establish service and repair functions in association with the dealership.

#### Special Concerns

##### A) ACCESS

This site has approximately 375 feet of frontage on Burlington Pike. Of the two access points proposed by the applicant, one is only 65 feet from the east property line of the site and the second is only 80 feet from the west property line. This site is approximately 150 feet west of the access point planned for the Toyota site. Article 17A, Access Management, requires a minimum 275 foot spacing of access points for this section of Burlington Pike (KY-18). Staff has determined that access be located as close to the west property line of the site as possible. In addition, the internal site layout of parking and driveway areas needs to be designed to permit safe ingress and egress of large delivery vehicles associated with the proposed use. A deceleration lane for traffic making right turns into the site may also be necessary.

If this proposed plan is approved, staff recommends that the applicant be required to refine the mechanics of traffic circulation to, from, and within the site in accordance with the current zoning and subdivision regulations.

B) BUFFERING

Another important concern is buffering the proposed use of the site from the adjoining residential uses and zones to the south, east, and west. The potential impacts of noise, from service facilities and loud speakers, and of light from the parking lot area, should receive adequate attention. In addition, the proposed Concept Development Plan should be amended to indicate landscaped buffer yards in conformance with the Zoning Regulations.

C) STORM WATER DETENTION

Because of the high percentage of impervious surface the development of this site would require, storm water runoff from the site should be carefully managed so as to avoid effecting neighboring and downstream properties.

D) VISUAL APPEARANCE

This site is located in an area of high visibility along a major thoroughfare which links the county's largest city with the County Seat. This site, and the surrounding Florence-Burlington Corridor, is a sensitive area in terms of what its visual impact implies about Boone County and the City of Florence. Staff believes that factors which create a site's visual effect, such as landscaping, lighting, and signage, are important concerns regarding the impact of this proposed development on the overall character of the corridor.

E) TYPE OF USE

There appears to be a trend of automobile dealerships locating on KY 18. There may be a question whether there is an overabundance of this use along an important corridor in Boone County. There are 11 automobile dealerships either existing or planned along an 8,800 stretch of KY 18. The dealerships are Toyota, Cronin Volkswagen, Simon Fischer Honda, Mall Chrysler Plymouth, Williams Subaru (3), American Heritage Realty, Inc., Airport Ford, Action Nissan, and T.L. Christian Buick.

Conclusion

In conclusion, the major issues concerning this Zoning Map Amendment request are its relationship to the Boone County Comprehensive Plan, the potential impact of the proposed land use on traffic flow on KY 18, adequate buffering of the site from adjoining residential zones, storm water runoff, and the potential visual impact of the site from KY 18.

Should the Planning Commission and Boone County Fiscal Court approve this request, the 1986 Comprehensive Plan Land Use Map and text need not be amended.

Respectfully submitted,

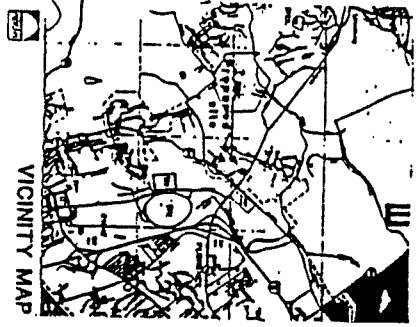
*Jim Sturdevant* (signature)

Jim Sturdevant,  
Plans Examiner/Planner

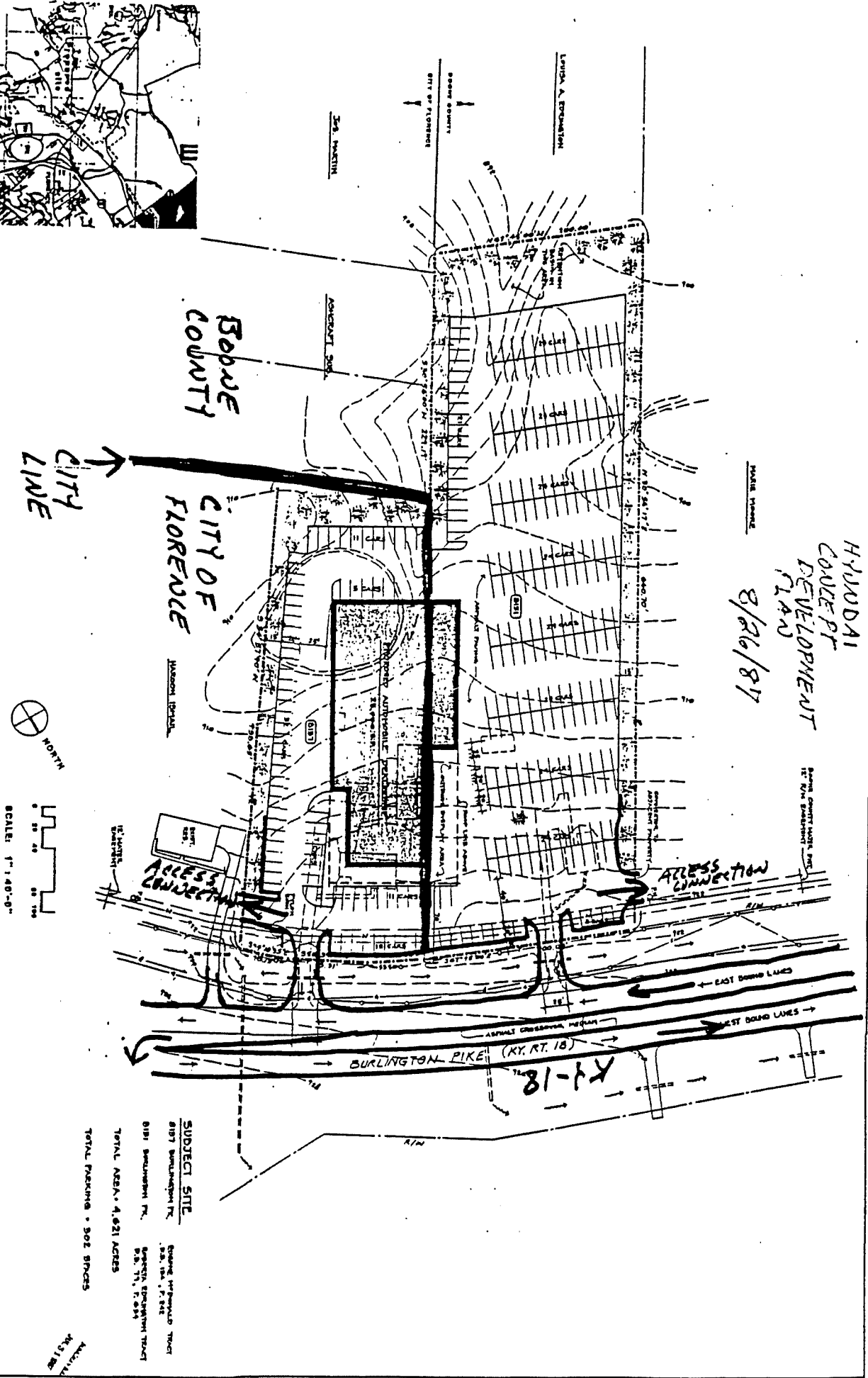
JS:mcb

FIGURE II

H. JUDDAI  
 CONCEPT  
 DEVELOPMENT  
 PLAN  
 8/26/87



VICINITY MAP



CONCEPT DEVELOPMENT PLAN

**SUBJECT SITE**  
 8187 BURLINGTON PK.  
 8191 BURLINGTON PK.  
 TOTAL AREA - 4.821 ACRES  
 TOTAL PARKING - 302 SPACES

PROPOSED AUTOMOBILE DEALERSHIP  
 8187 BURLINGTON PIKE  
 BOBUE COUNTY KENTUCKY

**GBBN**  
 CONSULTANTS  
 1000 FARMERSVILLE PIKE, SUITE 100, FARMERSVILLE, KY 40325  
 PHONE: (502) 338-1111



**APPLICATION FOR ZONING ACTION**

**TO:**

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

**FOR:**

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

**Applicant:** JAMES G. WOLTERMANN, Agent for RONALD G. JOSEPH

- Owner
- Agent

**Address:** 421 Garrard Street, Covington,

Kentucky 41011

**Telephone:** (606) 291-7270

**Location:** SEE EXHIBIT "A" ATTACHED HERETO

**Name of Property Owner:** EUGENE STEPHENSON, et al

**Address of Property Owner:** 8137-8152 Burlington Pike, Florence, Kentucky 41042

**Zoning District:** Florence/Boone **Area in Acres:** See Exhibit "A"

**Deed Book:** \_\_\_\_\_ **Page Number:** \_\_\_\_\_ **Group Number:** \_\_\_\_\_

**Description of Request:** Request zone change to C-3 zone for use as an automobile dealership as shown on Concept Development Plan.

**Applicant's Signature:** \_\_\_\_\_

**Property Owner's Signature:** Purchase Contract attached as Exhibit "B"

**FOR PLANNING COMMISSION USE ONLY**

**Application Fee:** 409.00 **Date Received:** 3-2-88 **By:** M. Newton

**Referred To:** Jim Saunders-T **Meeting Date:** 3/23/88 Public Hearing

**Action Taken:** Recommended Approval **Date of Action:** 4/10/88

EXHIBIT "A"

Ex A.

DESCRIPTION OF 4.621 ACRES

Located in Florence, Boone County, Kentucky, lying on the south side of Kentucky Highway 18 0.1 mile west of Hopeful Road (Ky 1018) and is described as follows;

Beginning at an iron pin in the south right-of-way line of Kentucky Highway 18 at the easterly corner of Marie Moore (Deed Book 343, page 243); thence with the south right-of-way line of Kentucky Highway 18 S 67° 45'00"E 200.00 Feet to an iron pin; thence S 62° 43'52"E 53.50 Feet to a concrete right-of-way marker; thence S 56° 34'47"E 75.31 Feet to a concrete right-of-way marker; thence S 44° 10'35"E 48.13 Feet to an iron pin corner of Haroon Ismail (Deed Book 344, page 155); thence with Ismail S 34° 57'40"W 438.65 Feet to an iron pin at the base of a post in the north line of Lot No. 4 of of Ashcraft Subdivision (Resubdivision of Lots 3 and 4 recorded in Plat Book 4, page 38); thence with Lot 4 N 51° 51'14"W 145.54 Feet to an iron pipe; thence with the west line of said Lots 3 and 4 and Joseph Martin's property S 30° 56'00"W 229.19 Feet to an iron pin; thence with the north line of a small parcel (0.7 acre ±), being all of the remaining part of the original 40 acre tract conveyed to Louisa A. Edrington (Deed Book 78, page 395), N 67° 45'00"W 200.00 Feet to an iron pin in the southeast line of Marie Moore; thence with Moore N 30° 56'17"E 660.70 Feet to the point of beginning containing 4.621 acres and subject to a 12 foot wide right-of-way and easement to the Boone County Water District and recorded in Miscellaneous Book 42, page 177 and Miscellaneous Book , page and subject to the Control of Access recorded in Miscellaneous Book 64, page 632 in the Boone County Clerks Office at Burlington, Kentucky.

Being the same property conveyed to Roberta Edrington by deed recorded in Deed Book 79, page 634 and being the same property conveyed to Eugene McDonald and Mary McDonald, his wife, by deed recorded in Deed Book 134, page 242, in the Boone County Clerks Office at Burlington, Kentucky.

Also being the same property conveyed to Eugene Stephenson and Donald Lewin by deed recorded in Deed Book , page and Deed Book page, in the Boone County Clerks Office at Burlington, Kentucky.

This description was prepared from a new survey by Timothy R. McNeely, L.S. No. 2030, July, 1987.



Timothy R. McNeely

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

March 23, 1988

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the agenda:

1. Applicant: James G. Woltermann (agent for Ronald G. Joseph)  
for Eugene Stephenson et al (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of James G. Woltermann (agent for Ronald G. Joseph) for Eugene Stephenson et al (owners) for a Zoning Map Amendment on a 4.62-acre site located at 8137-8152 Burlington Pike. The site is zoned Commercial Two (C-2) and Suburban Residential One (SR-1) and a portion of the site is located in the City of Florence and in unincorporated Boone County, Kentucky. The request is to change the zone to Commercial Services (C-3) for an automobile dealership.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicant for his comments at this time.

Mr. Jim Woltermann, noting that this request had been previously heard by the Planning Commission, stated that the Committee Report at that time had been favorable to the rezoning if the second access onto KY 18 was deleted. They have now revised their Concept Development Plan to indicate one access as requested by the Committee previously. They have provided an access management road through the site connecting it with adjacent properties. They have provided screening to protect the adjacent residential properties, particularly on Ashcraft. He noted a 25' buffer area on the Concept Development Plan and stated that there would be three rows of evergreens planted at 10' intervals. There will also be a berm within the buffer area. They will work with the Staff in regard to lining up the accesses on KY 18.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of this request. There being no one, he asked if there was anyone present in opposition to the request.

Mr. Frank Giorgio, a resident of Ashcraft Lane, stated that it had been his understanding last August that the buffer area would be 40', not 25' as indicated by Mr. Woltermann.

Mr. Sturdevant stated that the Committee Report at that time had recommended a 40' wide buffer area with three rows of trees 12' to 15' tall.

Mr. Art Fletcher, a resident of Ashcraft Lane, requested that the buffer area be 40' wide.

Mr. Woltermann stated that at the time of the previous request, the buffer area was planned to be flat. He stated that the height of the berm would make this plan equal to the last plan. He added that the Zoning Regulations only require a 25' buffer area. He stated that the property is expensive and 15' represents a substantial investment.

In response to questions from Mr. Barnett, Mr. Jack Gartner of GBBN Architects and Engineers stated that the berm will be about 6 feet high with trees on top. He presented a drawing indicating the proposed screening.

Mr. Barnett asked if it was possible to calculate noise levels of a flat area versus a berm.

Mr. Gartner stated that the sound would be deflected upward over the berm which would add to the noise reduction. He stated that they had used similar berms on properties adjacent to I-75 and found that they provided a better solution.

Mr. Sharp questioned the height of the proposed trees on the berm.

Mr. Woltermann stated that he believed them to be 6' to 8' high and added that this information is in the Committee Report. Mr. Barnett stated that he believed the trees were to be 12' to 15' high.

Mr. Gartner stated that he did not think trees 12' to 15' high could be transplanted and survive. He asked that the required height be reconsidered.

Mr. Neltner noted that the arrows for the entrance/exit to the site appeared to be reversed. Mr. Gartner stated that this was an error.

Mr. Giorgio stated that this development will be less than 120 feet from his back door. He added that he did not think the screening would be adequate. Mr. Giorgio stated that he had checked with a nursery and that trees 15' high can be transplanted.

Mr. Gartner stated that they would be glad to transplant the 15' trees.


Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 6, 1988 at 8P.M. Interested parties should contact the Staff in regard to the Committee Meeting.

At this time, Mr. Sturdevant concluded the Staff Report in regard to the Special Concerns (see Staff Report). Mr. Sturdevant elaborated on the concern about access in the Staff REport. Mr. Sturdevant noted that the location of the proposed access driveway should be located closer to the west property line of the site so that it may possibly align with access to a proposed development on the north side of Burlington Pike. Mr. Sturdevant stated that the Planning Commission would be hearing a request on a proposed development plan for the property north of Burlington Pike at the Commission's March 30, 1988 Public Hearings.

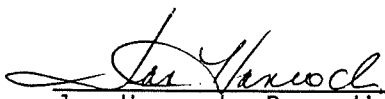
Chairman Viox asked if there were any further comments or questions.

There being no further discussion, Chairman Viox closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 6, 1988

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of March 16, 1988 and the Public Hearings of March 23, 1988 and March 30, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Moore moved that they be approved. Mr. Rush seconded the motion and it carried unanimously.

Mr. Jones moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of the bills which have been paid. Mr. Collins seconded the motion and it carried unanimously.

UNFINISHED BUSINESS, Continued:

1. Zoning Map Amendment

A request of James G. Woltermann (agent for Ronald G. Joseph) for Eugene Stephenson et al (owners) for a Zoning Map Amendment on 4.62-acre site located at 8137 - 8152 Burlington Pike. The site is zoned Commercial Two (C-2) and Suburban Residential One (SR-1) and a portion of the site is located in the City of Florence and in unincorporated Boone County, Kentucky. The request is to change the zone to Commercial Services (C-3) for an automobile dealership.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked the applicant if he was in agreement with the conditions contained in the Committee Report.

Mr. Woltermann stated that they are in agreement with the conditions.

Chairman Viox asked if there was anyone else present who wished to comment in regard to this item.

Mr. Frank Giorgio, a resident of Ashcraft Drive, stated that he was disappointed in the Committee. He stated that the site was previously designed to have a 40-foot buffer area and that the Committee is not looking out for the interests of the residents in permitting a 25-foot buffer.

Ms. Ruby Wiley stated that she lives on Ashcraft Drive and is concerned about the spillover of noise, particularly from the P. A. system.

Mr. Newton advised that the Committee Report indicates that the P. A. system is to be designed to be sensitive to preventing the spillover of noise and lighting into the adjacent streets.

Mr. Art Slusher, a resident of Ashcraft Drive, stated that the legal amount of buffer is not being provided.

There being no further comments, Mr. Barnett moved by resolution to the Boone County Fiscal Court and the City of Florence that the request be approved as recommended by the Committee Report, subject to the conditions indicated. Mrs. Smith seconded the motion.

Mr. Barnett stated that the Committee had been sensitive to the buffer area and believed that the buffer as currently proposed, including the berm and the trees, would afford better protection for the residents of the area than the previously proposed buffer would have provided.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Barnett and it carried unanimously.

3. Revision of Concept Development Plan

A request of Christ United Methodist Church (owner) of Florence, Kentucky for a revision of a previously approved Concept Development Plan located on an 8.51-acre site near KY 18 and Old Boone Aire Road, Boone County, Kentucky. The site is zoned Suburban Residential One (SR-1).

Mr. Gerald Newton, Director, read the Committee Report which recommended elimination of Condition No. 2 of the March 4, 1987 Committee Report (see Committee Report).

Chairman Viox asked if the applicant was in agreement with the Committee Report.

Mr. Ed Drennen, attorney, stated that he understands the Committee Report to indicate that the applicant agrees to give the access, but the construction will be on the adjoining property.

Mr. Newton noted that the Committee Report refers to an easement.

Mr. Drennen stated that he is in agreement with the Committee Report.

Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be approved and that all costs, except the hard costs, be waived. Mr. McMillian seconded the motion.

In response to questions from Mr. Greene, Mr. Drennen advised that the easement which will be granted will be away from the area of the ballfields and the picnic tables. He added that he is not sure that the State will grant the access; but if the neighbors can acquire the access, they will give the easement.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Barnett. Mr. DeLong stated that he would abstain from voting as he is involved with the church. All voting members were in favor and the motion carried.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Carol Smith, Chairwoman

DATE: April 6, 1988

RE: Request of James G. Woltermann (agent for Ronald G. Joseph) for Eugene Stephenson et al (owners) for a Zoning Map Amendment on a 4.62 acre site located at 8137 - 8152 Burlington Pike. The site is zoned Commercial Two (C-2) and Suburban Residential One (SR-1) and a portion of the site is located in the City of Florence and in unincorporated Boone County, Kentucky. The request is to change the zone to Commercial Services (C-3) for an automobile dealership.

## REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and subject to the conditions below.

Findings of Fact


1. The proposed Zoning Map Amendment is in agreement with a portion of the Future Land Use Map and with the text of the 1986 Boone County Comprehensive Plan, which indicate future land use of commercial for the vicinity of the subject area.
2. The proposed Zoning Map Amendment request and the submitted Concept Development Plan when developed in conformance with the below conditions, will be in conformance with the Goals and Objectives of the 1986 Boone County Comprehensive Plan and the Business Activities Element. Further reference to the Comprehensive Plan is in the Staff Report.
3. The Committee believes that the proposed use, an automobile dealership, would generate less traffic activity than many of the specific uses mentioned in the Commercial Two (C-2) and other uses in the Commercial Services (C-3) zone. Also, the Committee felt that the existing Suburban Residential One (SR-1) zone was no longer appropriate due to either existing or planned commercial uses and zoning. Through proper design of the site, the proposed use with conditions can be built, while being sensitive to traffic movement on KY 18 and abutting residential zoning in the immediate area.


Conditions


The Applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the ~~August 26, 1988~~ <sup>March 23, 1988</sup> Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

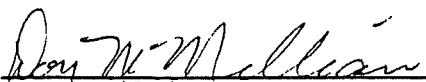
1. The Applicant agrees to cooperate with the Planning Commission and adjoining property owners to provide appropriate access management improvements which shall include a frontage road along KY 18. The frontage road shall be paved and otherwise improved to city and county specifications and shall be placed within a recorded access easement of 26 feet in width, minimum. Access to the site should conform to Article 17a - ACCESS MANAGEMENT which would limit the site to one (1) appropriately located access driveway. At a minimum, this driveway's location should be moved west so as not to conflict with the left turn lane serving the Fuller Square site, should be placed so as to permit safe ingress and egress of large delivery vehicles, and may be required to align with access to the Moore Property on the north side of KY 18.
2. A detailed landscaping and screening plan shall be provided as part of the Site Plan for the development. This plan shall include, but not necessarily be limited to the following:
  - a. Landscaped buffer yards a minimum 25 foot in width adjacent to all abutting residentially zoned property as required by the current Zoning Regulations, and as shown on the proposed Concept Development Plan.
  - b. The Applicant agrees to enlarge the landscaping areas located near the front and sides of the proposed building and provide a low-rise, monument sign as an alternative to a pole or pylon-mounted sign.
  - c. The landscaping plan locate and identify the existing vegetation suitable for retaining for the landscaping and buffer yard areas.
3. The Applicant shall provide appropriate engineering details for stormwater detention with the Site Plan Review.
4. The Applicant shall submit detailed plans for outside lighting and outside paging/sound system for Site Plan Review. These systems shall be designed to be sensitive to preventing spillover of noise and light onto adjacent properties and public streets.
5. No auto body work be conducted on the premises.

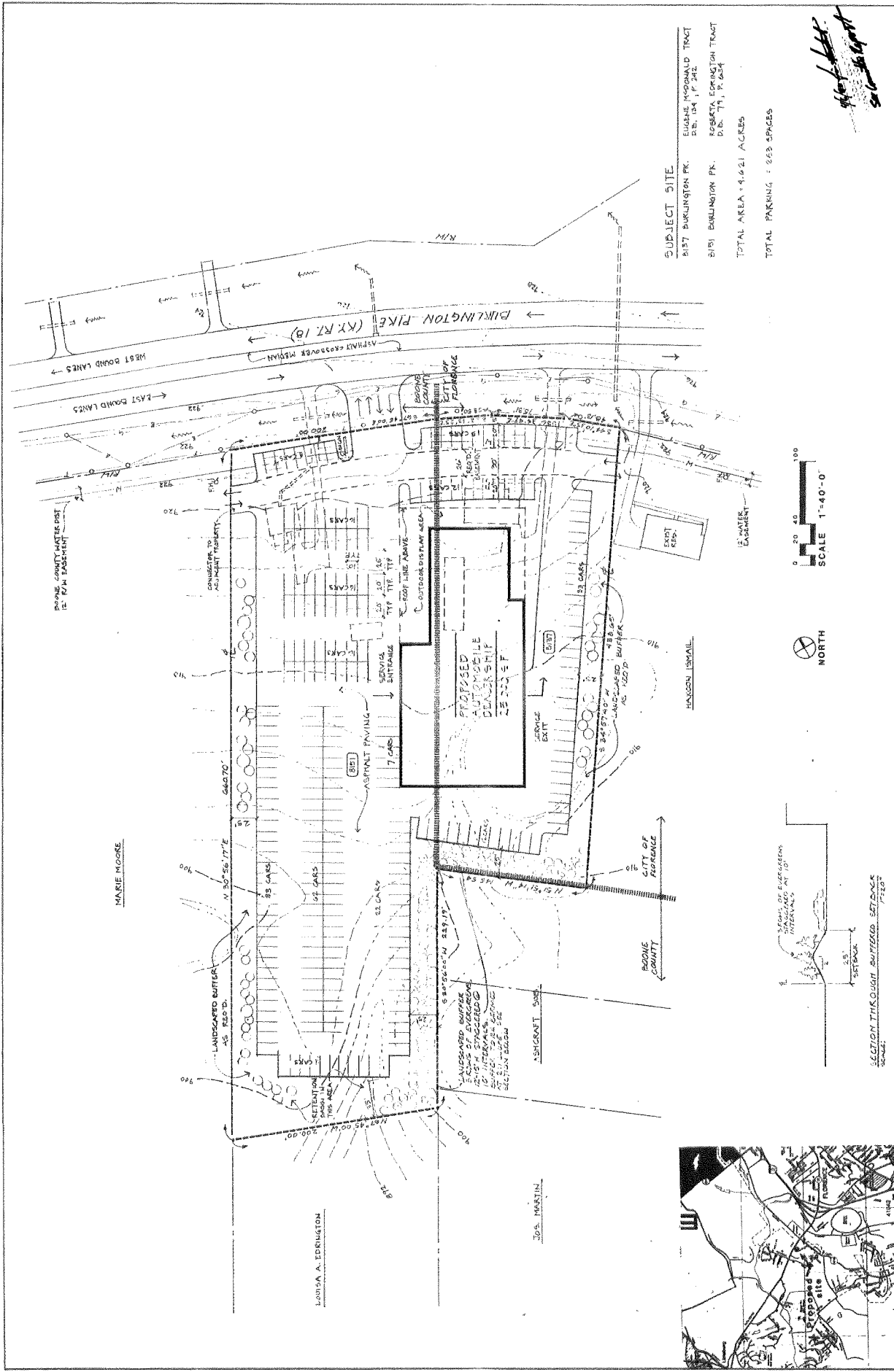
  
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Carol Smith, Chairwoman

  
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Larry Barnett

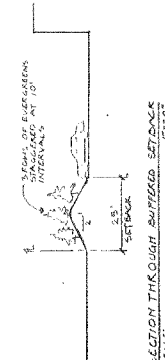
  
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Fred Burch

  
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Rector Jones

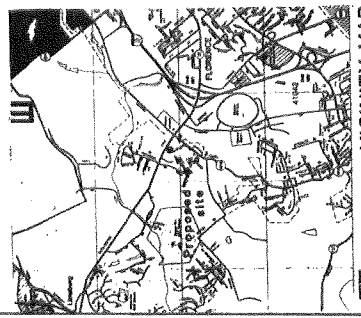
  
\_\_\_\_\_  
Don McMillian



**SUBJECT SITE:**  
 8197 BURLINGTON PIKE. EUGENE McDONALD TRACT  
 DIS. 124, 1 P. 242.  
 8191 BURLINGTON PIKE. ROSAEE EDENHURST TRACT  
 DIS. 74, 1 P. 244  
 TOTAL AREA : 4.621 ACRES  
 TOTAL PARKING : 663 SPACES



**CONCEPT DEVELOPMENT PLAN**



*Handwritten signature and date:*  
 1/21/07  
 2/1/08

ORDINANCE NO. 0-11-88

R-17-88

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR THAT PORTION OF A 4.62 ACRE TRACT LOCATED IN THE CITY LIMITS, GENERALLY, ON THE SOUTH SIDE OF KENTUCKY 18, WEST OF HOPEFUL ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO A COMMERCIAL SERVICES, (C-3), ZONE, FOR A CAR DEALERSHIP, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (HYUNDAI PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change for 4.62 acres, some of which is currently within the city limits of Florence, Kentucky, be granted, subject to an agreed Concept Development Plan, this zone change being from the current zoning of Commercial Two and Suburban Residential One to a Commercial Services, (C-3), zoning classification, and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

#### SECTION I

That portion of the 4.62 acre tract presently located in the City of Florence, Kentucky which is presently zoned Commercial Two and Suburban Residential One, located generally on the south side of Kentucky 18, west of Hopeful Road, shall be and the same is hereby rezoned to a Commercial Services, (C-3), zoning classification, subject to an agreed Concept Development Plan, such real estate being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

#### SECTION II

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

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including the development plan as presented before the Boone County Planning Commission and those conditions agreed to by the applicant/property owner before the Commission as well as this City Council of Florence, Kentucky. This zone change is conditioned upon the foregoing as provisions agreed to as part of the development plan.

SECTION V

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


PASSED AND APPROVED ON FIRST READING THIS 14<sup>th</sup> DAY OF June, 1988.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28<sup>th</sup> DAY OF June, 1988.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK