

REQUEST OF IMANTS RUTENS (APPLICANT)  
FOR  
J. ROBERT AND JOANNA WEST (OWNERS)  
FOR THE UTILIZATION OF AN UNDERLYING ZONE  
IN PLANNED DEVELOPMENT

This request is to utilize the underlying zone in Planned Development (PD). The current zoning of the property is Commercial Services/Planned Development (C-3/PD) as recommended in the Parkway Corridor Study. The application was submitted on February 4, 1987. Since then, the City of Florence has approved and adopted the Parkway Corridor Study (second reading was held February 10, 1987). The 0.45 acre site is located on the east side of Dream Street and north of U.S. 42, Florence, Kentucky. The planned use is for a 4,800 square foot mercantile building, which will include a furniture store and possibly other C-3 uses.

The 0.45 acre site was part of a larger tract owned by the Wests. In May, 1985, the Florence Board of Adjustment granted a conditional use permit to construct a 95 unit Super 8 Motel on the entire 2.81 acre site. Previously, the property was zoned Office Two (O-2). The intent was to construct a hotel and a Waffle House restaurant on the entire site. On June 5, 1985, the Boone County Planning Commission approved a Site Plan to construct a 1,950 square foot Waffle House restaurant. As part of the approved Site Plan, one 45 foot wide curb-cut was planned to serve both the restaurant and hotel and a 24 foot shared access to Duff's Famous Smorgasbord restaurant to the south and the vacant property to the north.

SURROUNDING LAND USES

The surrounding land uses near the site consist of commercial on all sides of the property. Immediately to the north and east is Super 8 Motel. Duff's Famous Smorgasbord restaurant is located to the south while Red Lobster restaurant is directly west of the site. The existing zoning includes Commercial Services/Planned Development (C-3/PD) on all sides of the proposed site.

NATURAL FEATURES OF THE SITE

The 0.45 acre site is flat and exposed. Soil types include Rossmoyne silt loam (RSC), usually found on 6 - 12 percent slopes, and Faywood Silty Clay (FdD3), which are usually located on 12 - 20 percent slopes. Both soil types have some erosion capability. The applicant's Engineer has indicated that the detention pond located behind Super 8 Motel was designed to

accommodate storm water runoff from the 0.45 acre outparcel.

RELATIONSHIP TO THE PARKWAY CORRIDOR STUDY

The request is being examined in relation to the Parkway Corridor Study to determine whether it is consistent with the Study's objectives and recommendations. The general area is referred to in a number of ways.

Specific Constituent Elements (from the Parkway Corridor Study)

The plan concept for the study area is composed of the following constituent elements:

- a) to develop the study area according to a coherent general plan which includes:
  - i. a mix of uses consistent with city center development
  - ii. a unified design of buildings, open spaces (including parks and plazas), and walkways arranged in relation to each other and as part of an integrated plan which promotes a safe, convenient, and attractive pedestrian environment
  - iii. attractive ground level conditions and land uses conducive to the establishment of a people oriented and pedestrian environment and to the realization of items (i) and (ii) above; for example, such ground level conditions and land uses may include retail stores, restaurants, specialty food and other shops, craft shops, professional and business services, government services, and similar people oriented activities and land uses
- d) to help facilitate travel between the development area and other development centers in/near the city via the proposed Parkway
- e) to place the districts of development in the study area under the planned development overlay (PD Overlay) zoning regulation
- f) to make all study area development subject to vehicle and pedestrian access management guidelines as well as urban design and landscape review criteria/regulations under the PD Overlay procedure listed above and other appropriate zoning regulations, for example, sign district regulations

## Section 5. Recommended Land Use and Zoning Plan

The land use and zoning plans were developed within the following context and according to the following criteria:

- consistency with the principles and policy objectives of the comprehensive plan
- effective accommodation of the physical characteristics and framework of the study area defined by the Parkway Corridor alignment
- the provision of a wide range of urban functions and land uses appropriate to a city center location, including attractive ground level conditions conducive to a pedestrian environment, for example, shopping, eating and drinking, service and cultural establishments; parks and plazas; and other similar people oriented activities and land uses
- the safe accommodation of auto traffic, public transit, and pedestrian movement on sufficient public rights-of-way
- the inclusion of a network of walkways and public open spaces for pedestrian use.

### WEST PARCELS

LW: C3/PD

The Parkway west parcels begin with the Dream Street area. Most of Dream Street is already developed. Still, some relatively large parcels remain undeveloped. In addition, the Parkway connector to Dream Street will allow for development on new parcels of land nearby which are zoned consistent with the existing character of the area and also provide for better access to and from the business establishments and many restaurants in the area. Nonetheless, traffic flow problems are likely to remain given the particular characteristics of the land use pattern along the street beyond its "loop".

Since the Boone County Planning Commission staff review of traffic patterns on Dream Street determined that much of the traffic congestion and interrupted traffic flows there are more "mid-block" rather than intersection problems, the traffic improvements suggested for Dream Street have been made in light of this analysis and evaluation. The recommendation to improve traffic flow along Dream Street include the following:

- to construct a connector road between the proposed

Parkway and the Dream Street "loop"

- to provide for and to improve significantly pedestrian access to, from, and throughout the Dream Street area
- to make appropriate traffic signal adjustments at the intersection of Dream Street/US 42 if necessary
- to apply improved access controls along Dream Street (a) by reducing the number of curb cuts and (b) by interconnecting parking lots, where appropriate, to make effective use of new access points and to improve the interior pattern of traffic both in the parking lots and on Dream Street
- to widen Dream Street to include a middle left turn lane as far along the street as necessary
- to install better signage to improve the information flow to motorists and pedestrians and, hence, to increase the probability of a safer and smoother traffic flow, to establish a more attractive commercial setting, and to maintain and enhance the physical appearance of the area.

In summary, the Parkway Corridor Study recommends that the area be developed for commercial purposes. The Study stresses the need to establish better traffic movement in the area and to allow for safe pedestrian access.

#### CONCEPT DEVELOPMENT PLAN

The applicant has submitted a Concept Development Plan, which shows a 4,800 square foot building, 21 parking spaces and 1 curb cut. Sanitary sewer and water service will be provided by connecting into existing lines on Dream Street. Storm water runoff will be directed towards the existing detention pond located directly behind Super 8 Motel.

#### STAFF CONCERNS


1. Shared Access - The applicant is proposing a separate curb cut for the 0.45 acre site. The proposed curb cut differs from the intent of the Parkway Corridor Study to limit access on Dream Street. The property owner originally had planned for shared access on the 0.45 acre site when the Conditional Use Permit was granted and the Site Plan for the Waffle House restaurant was approved. Since then, the property owner sold the 2.36 acre parcel to Mac Development without an easement. Also, the new property owner has erected a 75 foot high freeway sign near the only entrance to Super 8 Motel. If a separate curb cut for the applicant is approved by the Boone County Planning Commission, there will be six curb cuts located within approximately 370 feet of road frontage (2 for Red Lobster, 1 for Pizza Hut, 1 for Super 8 Motel, - and 1 for Duff's Smorgasbord). Another possibility may be for the applicant to negotiate with the

owner of Duff's Famous Smorgasbord restaurant or with Super 8 Motel.

2. Pedestrian Access - The Parkway Corridor Study stresses the need to provide safe pedestrian access in the Dream Street area. The Dream Street area should have sidewalks. The Planning Commission may require that the applicant provide sidewalks or allow the City of Florence to initiate a comprehensive sidewalk system and a street widening program on Dream Street.
3. Landscaping - Since the site has been placed in Planned Development, there should be a reasonable amount of landscaping features. A reduction in the number and size of parking spaces could be made to be allowed in order to increase the amount of landscaping.
4. C-3 uses - The Planning Commission should limit the type of other C-3 uses, which could adversely impact the site currently in Planned Development.

#### CONCLUSION

The submitted Concept Development Plan should be evaluated in relation to the Parkway Corridor Study to determine its compatibility and whether it is in conformance with the objectives of Planned Development.

  
Kevin P. Costello  
Asst. Director/Sr. Planner

KPC/jdh





EXHIBIT "A"

LEGAL DESCRIPTION

Being a parcel of land in the City of Florence, Boone County, Kentucky and more particularly described as follows:

Being at a point on the east right-of-way line of Dream Street and the Northwest corner of lot 5 of the west commercial subdivision thence along said right of way line N 18 degrees 30 minutes 15 seconds W 105.91 to a point; thence leaving said right of line N 63 degrees 58 minutes E 181.00 feet to a point; thence S 26 degrees 02 minutes E 105.00 feet to point on the north line of lot 5 west's commercial subdivision; thence with said line S 63 degrees 58 minutes W 194.88 feet to a point of beginning; containing 0.45 acres.

Being the same property conveyed to the Grantor by W.K.R.D. Inc in deed book 240 page 119.

Atty. Wilson stated there would need to be a Public Hearing to address modification of that Concept Development Plan. Mr. Wilson clarified that the Concept Development Plan was an agreed set of conditions to this C-3 zoning that was previously granted. If there are any major changes in those conditions, the applicant would have to go back through the Public Hearing process. Basically, another Public Hearing to address the modification to that prior Concept Development Plan would be needed with proper notice. As of right now, there has not been a notice to the public that this is a modification of that prior C-3. It has been advertised as a zone change.

Chairman Kroger asked Rev. Pitman if he was aware of the Staff Report for this meeting, and had he read it? Rev. Pitman stated he had. He stated he had no problems with it.

Chairman Kroger asked if there was anyone else wishing to speak.

Mr. Don Davis asked if the applicant had any plans in the future as far as selling off any part of the land. Rev. Pitman stated he intended to keep all of the eight (8) acres because he will be looking into the future for needs the church might have.

Chairman Kroger asked for any further discussion. There being none, he closed the Public Hearing and stated action would be scheduled for the March 4, 1987, Business Meeting.

#### PUBLIC HEARING

#3 CONCEPT DEVELOPMENT PLAN - Rector Jones, Chairman; Kevin Costello, Staff

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A request of Imants Rutens (applicant) for Robert and Joanna West (owners) for the utilization of an underlying zone in Planned Development. The 0.45 acre site is currently zoned Commercial Services/Planned Development (C-3/PD) as recommended in the Parkway Corridor Study.

Staff member Kevin Costello stated this was the first project in the Parkway Corridor Study area under review. Mr. Costello read the Staff Report (see Staff Report) and gave a brief slide presentation.

Chairman Kroger asked if the applicant was here. Mr. Ron Erpenbeck, architect, stated he was retained by Mr. Rutens to provide some professional services. He stated his first task was to get the zone change which was accomplished two weeks ago in the City of Florence, and the second request was to do a Site Plan. The applicant's intended use is for furniture sales and bedroom sets. Mr. Erpenbeck stated he had worked on some

graphics and wanted to pass them out to show the curb cuts on Dream Street that exist. He stated their problem was waiting until the City of Florence adopted their Parkway Corridor Study. He stated that the yellow area on the graphic is Dream Street taken from an aerial photograph by the Department of Highways. The curb cut problem originated when the owner of the property and Mack Development Company received a conditional use permit in an O-2 zone. They had a working arrangement at the time with the Waffle House Restaurant to have a shared access. The sale of the waffle House restaurant fell through. Therefore, the transfer of the land never did occur and resulted in an out parcel. The out parcel has a new zoning classification and is considered to be a lot of record. It doesn't meet the minimum square footage for a lot in a C-3 zone (19,600 square feet). Mr. Erpenbeck thought that planned development would allow the 19,600 square foot lot.

Mr. Erpenbeck stated in the application for the zone change, he could also apply for site plan review because of the option that the applicant has on the property. He stated that the applicant had contacted Super 8 Motel regarding the curb cut and did not reach any agreement. Mr. Erpenbeck stated he would address landscaping and parking concerns. He stated his primary use for this application was for a furniture store and household appliances.

Chairman Kroger asked if there was anyone else in the audience who would like to speak to these issues.

Atty. Maureen Moore stated Mr. Rutens had contacted her firm about a week and a half or two weeks ago after he had discovered from Mr. Costello and Mr. Sturdevant that there might be a problem with granting a curb cut. Basically, she inquired if there was any way the commission could force the adjoining property owners to give her client the easement so that he could use their curb cut instead of having his own curb cut. Ms. Moore emphasized that her client has no legal right to force them to provide us an easement at this time. Ms. Moore stated that her client is in the process of purchasing the land from a common buyer. The easement was not reserved, and therefore, the adjacent property owners have no duty and the applicant cannot force them to give Mr. Rutens an easement.

Chairman Kroger asked Atty. Moore if she is representing the applicant. She stated only in a legal capacity regarding any easements.

Mr. Costello stated that the Parkway Study contained a lot of information regarding proper access management controls. Two items involved reducing the number of curb cuts and having pedestrian access. There was also the possibility of widening Dream Street to three lanes. The Staff Report reflects the recommendations in the Study. The major staff concern goes back to when the Conditional Use Permit was granted. There was one property owner who was going to sell two tracts of land in May of

1985. In that plan, the idea was to have shared access. The Florence Board of Adjustments took action and approved the conditional use permit in May of 1985. The Commission took action and approved a Site Plan for the Waffle House in June 1985, which had shared access to the property and also had one curb cut that serve both those uses. Also on the Site Plan, an ingress and egress easement was shown and was approved by the Planning Commission. Unfortunately, the applicant did not follow through with the easement because the Waffle House backed out. The Planning Commission has a situation where the Corridor Study informs us that we should make every effort to reduce the number of curb cuts and provide proper access management controls. At one point in time, this was a good idea for this particular piece of property; however, the easement was never recorded. The property owner is still Dr. West, who sold the property to Super 8 Motel. Also, the location sign of the 75 foot highway sign is near the Super 8 Motel curb cut. It may be possible that if some sort of agreement could be worked out where the building could be pushed back and still meet the setback requirement and have shared access with a route through the Super 8 Motel site. The other concerns are pedestrian access and landscaping. If one walks down Dream Street right now there are hotels, restaurants, shops. People are walking in the street. At some point in time the City of Florence will have to address this concern. Somehow, as these projects are received sidewalks will have to be put in or be addressed when Dream Street is widened. The Plan shows very little landscaping, which does not agree with the objectives of Planned Development. Mr. Costello stated that he has informed the applicant several times of the Concept Development Plan procedure and the recommendation from the Planning Commission.

Chairman Kroger asked if there was anyone else from the audience to speak or members of the Commission.

Mr. Imants Rutens stated that he was the owner of Better Bedding in Florence and is a local resident. He stated that he did not fully understand the approval process and that is why he hired Mr. Erpenbeck and Ms. Moore. He stated he wanted the Commission's help and felt he wanted to see a nice building on this site.

Chairman Kroger asked the Commission for comments. Chairman Kroger asked Mr. Newton if he would like to address Mr. Erpenbeck's opening remarks. Mr. Newton stated that Mr. Costello had properly addressed Mr. Erpenbeck's question. Chairman Kroger stated for all of those in the room interested, this is a Public Hearing. The Commission will take no action on anything before it this evening. It is the Commission's way of hearing the pros and cons of the community relative to the wishes of the applicant. Action will be taken based on the presentations made here this evening, and upon the Committee's Reports.

Chairman Kroger asked if there were any questions pertaining

to the request, with the curb cut as the major issue.

Mr. Hemmer asked why this has to go through a Public Hearing rather than a Business Meeting and the Site Plan.

Mr. Newton stated that when the City of Florence adopted the Parkway Corridor Study, certain parcels within that study area need to come through for utilization of the underlying zone. This is one of those sites.

Chairman Kroger asked if there was anyone else wishing to speak.

Chairman Kroger stated that action would be taken on the March 4, 1987 meeting. That meeting begins at 8:00 P.M. Hearing no further questions, Chairman Kroger declared the Public Hearing closed.

#### PUBLIC HEARING

#4 ZONING MAP AMENDMENT - Rector Jones, Chairman; Jim Sturdevant, Staff

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A request of Camder, Inc. (applicant) for H.R. Booth and Thomas B. King (owners) for a Zoning Map Amendment on a 68+ acre parcel located southeast of the intersection of Old Hicks Pike and U.S. 42, Boone County, Kentucky. The request is to rezone the property from Agricultural Estate (A-2) to Rural Suburban Estates.

Staff member Jim Sturdevant read the Staff Report. (See Staff Report). Mr. Sturdevant also gave a brief history of the site and a slide presentation.

Chairman Kroger asked Mr. Jim Viox, engineer for Camder, Inc., if he was going to speak for Camder. He stated yes and that he wanted to point out that this particular zone change application does not require a Concept Development Plan. However, in light of the concerns expressed by some of the Commission and the fact that the property owner is Dr. Booth who used to be related to this Commission decided to present a Concept Plan. Mr. Viox stated that this was a plan presented through Camder, Inc. Mr. Viox pointed on the sketch that the area in green is the property that the zone change request is being made. The blue areas represent lakes that exist on the farm. The white stretch represents the streets and driveways and the brown represents the proposed buildings projected for site. He pointed to the top of the sketch to explain that the area was

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 15, 1987

8:00 P.M.

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Mr. Paul Kroger, Chairman, called the meeting to order.

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
Mr. Fred Burch  
Mr. Lawrence Collins  
Mr. Donald Davis  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Paul Kroger, Chairman  
Mr. Don McMillian  
Mr. Barry Neltner  
Mrs. Carol Smith  
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Michael Hemmer  
Mr. David Martin, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

The Chairman noted that each member had received a copy of the Minutes of the Meeting of April 1, 1987 and asked if there were any comments or corrections. There were three corrections to Page 12 - i.e., Paragraph 1, Line 1 - delete "Mr. Davis" and insert "Mr. Neltner"; Paragraph 2, Line 1 - delete "Mr. Neltner" and insert "Mr. Davis"; Paragraph 10, Line 3 - delete "Mr. Martin" and insert "Mr. McMillian".

Mr. McMillian moved, seconded by Mr. Davis, that the Minutes be approved as corrected. The motion carried unanimously.

CORRESPONDENCE:

The Chairman noted receipt of correspondence from The Northern Kentucky Area Development District, which will be on file at the Staff Office.

The Chairman stated that correspondence received relative to items on the agenda would be presented accordingly.

At the close of the meeting, the Chairman reminded the Commission members of an invitation received previously from The Greater Cincinnati Airport Board regarding a meeting to be held on May 13, 1987 at 5:30 P.M. in the Navigation Room. The topic of discussion will be the Environmental Impact Plan of the North/South Runway.

#### REPORTS:

The Chairman noted that the Zoning Enforcement Officer's Report and the Building Inspector's Report had been distributed for the Commission members to review. There being no comments or questions regarding the reports, the Chairman proceeded to the items on the agenda:

### BUSINESS MEETING AGENDA

#### UNFINISHED BUSINESS:

##### 1. Concept Development Plan

A request of Imants Rutens (applicant) for Robert and Joanna West (owners) for the utilization of an underlying zone in Planned Development. The 0.45 acre site is currently zoned Commercial Services/Planned Development (C-3/PD), as recommended in the Parkway Corridor Study.

Gerald Newton, Director, read the Committee Report which recommended approval, subject to conditions, based on the findings of facts. (See Committee Report)

The Chairman asked if the applicant wished to comment on the findings or the conditions.

Mr. Jim Poston, an attorney with Holbrook & Poston, spoke in behalf of the applicant and advised the Commission that he had been in communication with Mr. Michael Dolan, President, Motels of America, as discussed at the last meeting. He stated that the engineers had today identified a problem with the entrance, which would not accommodate semis (tractor trailers). Mr. Poston stated that Motels of America does not want the semis crossing their property, and that Duff's has said no to a shared access. He indicated that the only alternative left to them was the curb cut. Mr. Poston stated that neither the Staff nor the Committee was advised of this new development regarding the access prior to this meeting.

Staff member, Kevin Costello, agreed that the Staff had not been advised of this new development. He indicated that Mr. Poston did not attend the Committee Meeting on Monday afternoon, but had advised the Staff that there were no problems. Mr. Costello noted that he had telephoned Mr. Poston and his call had not been returned.

Mr. Jones stated that the Committee had not been aware of this development and asked if the application could be deferred for two weeks.

In response to questions from the Chairman, both Mr. Poston and Mr. Newton indicated that action should be taken this evening.

Mr. William Viox moved, seconded by Mr. DeLong, that the application be approved (joint access through Motels of America) as recommended by the Committee.

The Chairman asked Mr. Poston if he was agreeable to the conditions contained in the Committee Report.

Mr. Poston stated that he was not in agreement with Condition #1 which denied a separate curb cut.

Counselor Wilson discussed the legal considerations involved when the applicant is not agreeable to the conditions imposed. Based on his comments, Mr. Viox withdrew his motion; Mr. DeLong withdrew the second to the motion.

Mr. William Viox moved that the application be denied on the basis that the applicant does not agree with the Committee Report and, therefore, does not agree with the Parkway Corridor Study or the previously approved Site Plan. He indicated that the City Council of Florence should be notified by resolution. Mrs. Smith seconded the motion and it carried unanimously.

## 2. Zoning Map Amendment

A request of William D. Hillman/Garret P. Brodhead (applicants) for Banklick Corporation (owner) for a Zoning Map Amendment for a 132-acre site (currently the Kentucky Raceway property) located west of I-75 and east of Evergreen Drive in Boone County, Kentucky. The request is to rezone the site from Recreational (R) and Suburban Residential One (SR-1) to Industrial One (I-1) and Suburban Residential Two (SR-2).

Mr. Gerald Newton, Director, read the Committee Report which recommended denial based on the findings of fact (see Committee Report).

The Chairman asked the applicant if he wished to comment on the Committee Report.

Mr. Garret Brodhead indicated his disagreement with the Committee Report. He noted how the area had grown over the past thirty years and that property values had not decreased. Mr. Brodhead stated that they had learned since the last Public Hearing that should this application be approved, the site will be annexed to the City of Florence. He indicated that there is nothing in the Comprehensive Plan against Commercial, Industrial and Residential land uses being together as long as proper design principles are applied. Mr.

COMMITTEE REPORT

*read at 4/15/87  
Business mtg.  
(withdrawn by Bull  
Planning Commission)  
Request Denied  
K.P.C.*

TO: Boone County Planning Commission  
FROM: Rector Jones, Chairman  
DATE: April 15, 1987  
RE: Request of Imants Rutens (applicant) for J. Robert and JoAnna West (owners) for the utilization of an underlying zone in Planned Development. The 0.45 acre site is currently zoned Commercial Services/Planned Development (C-3/PD) as recommended in the Parkway Corridor Study.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below:

Findings of Fact

1. The submitted Concept Development Plan as amended with the conditions below and the proposed uses are generally in agreement with the Commercial Services/Planned Development (C-3/PD) zoning classification as recommended in the Parkway Corridor Study. Also, the proposed uses are consistent with the specific constituent elements and recommended land uses and zoning plan of the Parkway Corridor Study.

Conditions

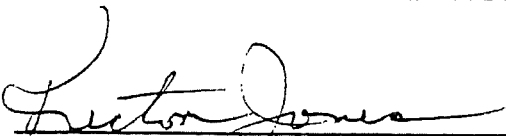
1. The applicant shall not be permitted a separate curb cut as Dream Street for the 0.45 acre parcel. The reasons for this condition are as follows:
  - a) A separate curb cut for the 0.45 acre site is inconsistent with the recommendations of the Parkway Corridor Study as cited in the staff report.
  - b) One curb cut serving both the Super 8 Motel and the undeveloped 0.45 acre tract is consistent with the approved Conditional Use Permit and Site Plan in 1985. Shared access through the Super 8 Motel property is a possibility because Mack Development was involved when a Conditional Use Permit was granted for the motel in May, 1985, and a site plan for a restaurant was approved in June, 1985, showing an ingress and egress easement for both the planned motel and restaurant. The existing curb cut was intended to serve both uses and parcels of land. Also, Motels of America (aka Super 8 Motel) has


pledged to participate in shared access with the applicant (see attached letter). The applicant has received a positive verbal response from Motels of America for shared access. The existing curb cut was intended to serve both uses and parcels of land.

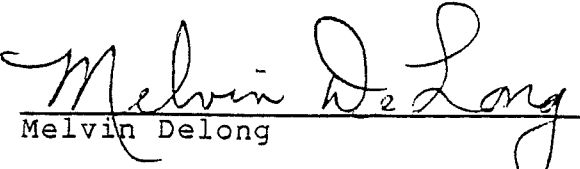
- c) Because the applicant has indicated that the proposed 4,800 square foot building will eventually contain three separate commercial uses with different traffic patterns and trip generation, a separate curb cut for the 0.45 acre parcel may result in additional traffic congestion on Dream Street because of the existing five curb cuts located near the site. One large curb cut serving both parcels and proper internal circulation movement will avoid any traffic congestion problems.

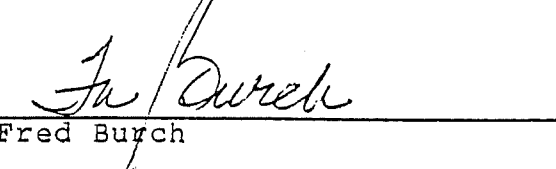
The applicant shall negotiate with the owners of Super 8 Motel and/or Duff's Smorgasbord restaurant in order to have shared access to and from the site. A driveway connection to Duff's restaurant may be possible in the future if the site is redeveloped at a later date.

2. The proposed use, a furniture store, shall be the principal use for the proposed 4,800 square foot building. Other C-3 uses may be permitted as indicted in Section 940, Boone County Zoning Regulations.
3. The applicant shall work with the Boone County Planning Commission and the City of Florence to provide safe pedestrian access (e.g., sidewalks) to the site on the east side of Dream Street either at the Site Plan Review stage or when Dream Street is widened at a later date.
4. The applicant shall provide additional landscaping features on the site or near the proposed building in order to meet the objectives of Planned Development.
5. The applicant shall be allowed to reduce the size and number of parking spaces in order to provide proper access for a driveway connection to adjacent properties.

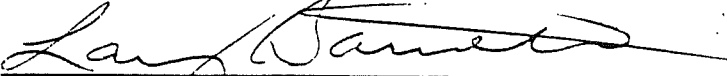
  
Rector Jones Chairman

  
Donald Davis

  
Melvin DeLong

  
Fred Burch

  
William Viox

  
Larry Barnett

ORDINANCE NO. 01387

AN ORDINANCE OVERRIDING THE RECOMMENDATION FROM THE BOONE COUNTY PLANNING COMMISSION AND APPROVING IN PRINCIPLE AND WITH CONDITIONS THE DEVELOPMENT PLAN FOR USE OF AN UNDERLYING ZONE FOR A 0.45 ACRE PARCEL HAVING A PLANNED DEVELOPMENT OVERLAY, SUCH PARCEL HAVING A ZONING CLASSIFICATION OF C-3/PD, SUCH PARCEL BEING LOCATED ON THE EAST SIDE OF DREAM STREET IN THE CITY OF FLORENCE, KENTUCKY. (IMANT RUTENS PROPERTY)

WHEREAS, certain property consisting of 0.45 acres more particularly described in Exhibit "A" has a zoning classification of C-3/PD, and

WHEREAS, the planned development overlay of this zoning classification requires submittal of a development plan for review and approval in principle as to utilization of the underlying zone pursuant to applicable provisions of the zoning regulations, and

WHEREAS, the Boone County Planning Commission has reviewed the submitted concept development plan for the property described in Exhibit "A" and recommended denial because at that time a shared access with adjacent property was not agreeable to the applicant, and

WHEREAS, the City Council of Florence, Kentucky has conducted its own due process hearing and has reviewed the recommendation from the Boone County Planning Commission as well as the presentation of the applicant, and

WHEREAS, the applicant has now agreed to all conditions of the Boone County Planning Commission, including agreement to shared access.

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

SECTION I

That approval in principle of the development plan of Imant Rutens for property more particularly described in Exhibit "A" shall be and the same is hereby granted, subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report that is a part of that recommendation, a copy of that recommendation and Committee Report listing these conditions being attached, marked

Exhibit "B" and incorporated herein as if fully set out, such recommendation being in the form of Resolution No. B-18-87, and the Committee Report, both of which are dated \_\_\_\_\_

SECTION II

That the owners and applicant of the subject property have agreed to all of those conditions, terms and provisions of Exhibit "B", including the requirement of having shared access with adjacent property, and made them a part of their development plan, as they are essential to addressing concerns of the U. S. Highway 42 and Kentucky 18 Corridor Land Use Study.

SECTION III

That while this Ordinance on its face appears to be overriding the recommendation of the Boone County Planning Commission, it is in fact consistent with that recommendation as the applicant has now agreed to all of the conditions of the Commission and its Committee Report.

SECTION IV

That this approval of this development plan is subject to the development and the applicant meeting and satisfying all other applicable requirements of the zoning regulations that may be required, including site plan review.

SECTION V

This approval is subject to and conditioned upon the applicant satisfying and agreeing to all of the conditions as set forth in Exhibit "B" as set forth in the Committee Report of the Boone County Planning Commission.

PASSED AND APPROVED ON FIRST READING THIS 14<sup>th</sup> DAY OF May, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19<sup>th</sup> DAY OF May, 1987.

APPROVED:

Raymond B. Baker  
MAYOR

ATTEST:

Patricia L. Conrad  
CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION

Being a parcel of land in the City of Florence, Boone County, Kentucky and more particularly described as follows:

Being at a point on the east right-of-way line of Dream Street and the Northwest corner of lot 5 of the west commercial subdivision thence along said right of way line N 18 degrees 30 minutes 15 seconds W 105.91 to a point; thence leaving said right of line N 63 degrees 58 minutes E 181.00 feet to a point; thence S 26 degrees 02 minutes E 105.00 feet to point on the north line of lot 5 west's commercial subdivision; thence with said line S 63 degrees 58 minutes W 194.88 feet to a point of beginning; containing 0.45 acres.

Being the same property conveyed to the Grantor by W.K.R.D. Inc in deed book 240 page 119.