

Zone Change Request by Erlanger Lions Club, Inc. for property off of Belair Drive and Highridge Avenue, Florence.

This is a zone change request by Erlanger Lions Club, Inc. for a more or less 26 acre tract located off of Belair Drive and Highridge Avenue in Florence. This request is to change the current Suburban Residential Two, SR-2 zone to Recreation, R Zoning on this tract. In the Current SR-2 zone, a neighborhood community center is a permitted Conditional Use within the zone. Adjoining properties to the south and west are zoned Suburban Residential Two, SR-2 and are currently developed as residential. To the north across I-75 is current zoning of Public Facilities, PF with a current useage of a retreat camp and Seminary. And to the east in Kenton County, Erlanger it is zoned R-2 and R-3 and currently developed as residential.

The Land Use Plan map of the Boone County Comprehensive Plan shown the planning future land use of the subject property as High Density Residential and Environmentally Sensitive. High Density Residential is more than 9 dwelling units per acre planned as townhouses garden apartments or high rise apartments. On page 3.4 of the text of the Plan it is stated, "New high density residential development is planned in several locations throughout the County where a high level of urban services exist or are planned to serve such development. In the existing Florence urban service area, new high density development could occur east of I-75 north and south of Turfway Road;..." "Elsewhere the text on page 3.12 states, "Within the City (Florence), future development is planned to include residential infill of existing residential areas, including highdensity residential at Turfway and I-75,..."

Access to the site is gained by an entrance off of the intersection with Sunset and Belair Drive. This is an existing concrete asphalt surface providing access to the shelter house, clubhouse, and ball fields. This more or less 26 acre tract also has a 50 foot wide frontage off of Highridge Avenue. This currently is surfaced in gravel and gives access only to the undeveloped portion of the Lions Club tract.

The plan submitted with this request shows only the clubhouse and shelter house. There are no other proposals for development of the site as submitted, nor any additions to the existing structures on the property shown.

Should the Planning Commission decide to recommend approval for

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and/or the legislative body decides to approve this request for a zoning map amendment. It will be necessary to make the following changes in the text and Land Use map of the Comprehensive Plan:

1. Change the Land Use map of the Comprehensive Plan from High Density Residential to Recreation for the subject tract.
2. Change Tables 1 and 2 of the text of the Comprehensive Plan to reflect the change from High Density Residential to Recreation.

Alvin "Chip" Block 1-26-83

Alvin "Chip" Block
Zoning Enforcement Officer

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

JANUARY 26, 1983 8:00 P.M.

Chairman Kroger opened the Public Hearing at 8:00 P.M. noting that there were two items on the agenda.

Chairman Kroger proceeded to consider the request of Mr. Donald C. Knapmeyer, agent for Cardinal Industries, DBA Knights Inn, for a proposed text amendment to Article 19, Section 1950 of the Boone County Zoning Regulations. Mr. Knapmeyer stated that his purpose was to amend Section 1950 of the Zoning Regulations of the City of Florence to provide Local Information Signs in Commercial zones. Presently the City of Florence permits such signs only in Industrial One zones, although they are permitted in several other zones in the rest of the County. The purpose of this amendment, Mr. Knapmeyer stated is to allow Florence businesses, under certain circumstances to obtain a Local Information Off Premise Sign to direct tourists and those unfamiliar with the area to a particular business. Mr. Knapmeyer stated that under the proposal, the Florence Board of Adjustments would decide whether or not a sign would be justified on a case by case basis. Mr. Knapmeyer distributed a revised amendment, which established criteria for the erection of signs under the amended section, (See Exhibit A). Mr. Knapmeyer noted that there were several businesses in C-3 zones, located off the main highway and not visible to the public. A local information sign would give directions to such a business. Mr. Knapmeyer cited several such businesses including, Holiday Inn, Budget-tel, World of Golf, Knights Inn and 84 Lumber. Mr. Knapmeyer stated under his proposal the business would have to be located within the City of Florence to obtain a local information sign in C-3 zone. Vice Chairman Viox asked Mr. Knapmeyer how the position of signs would be policed and the number of signs to be permitted on a single premises to prevent an arbitrary situation. Mr. Knapmeyer suggested that the problem could be alleviated by stipulating that the signs could not be within 25 feet of an existing on premises sign, and would have to meet the 15 foot setback requirement. Mr. Knapmeyer noted that the business erecting the sign would have to have permission of the owner

He stated his opinion that owners would not want to detract from the appearance of their property with an over abundance of signs. Mr. Knapmeyer suggested that a spacing requirement might be added. Chairman Kroger noting that approximately twelve (12) restaurants were located on Dream Street, asked if the proposal permitted sign stacking. Mr. Knapmeyer stated again that the determining factor the Board would consider in permitting a sign would be whether or not the business was clearly visible from the arterial road. He said that in his opinion most of the restaurants were clearly visible. Chairman Kroger asked if anything in the proposal prevented sign stacking in areas such as where the Holiday Inn is located. Mr. Knapmeyer stated that other than height requirement there was no such restriction. In reply to Chairman Kroger's request, Mr. Knapmeyer stated he would be willing to work with the Committee in revising the proposal. Further discussion followed. Mr. Wilson pointed out that the Florence Board of Adjustment has granted a variance for a higher sign as well as an additional free standing sign to Knights Inn. Mr. Robbins, Director of Operations of Knights Inn, acknowledged that the variance helped traffic existing from I-75, but it was still confusing as how to reach the motel after existing onto U.S. 42. He noted that the traffic signal at Dream Street had helped somewhat. Mr. Robbins stated that a large percentage of 35,000 people who stayed at the Inn during 1982 indicated that they had had a difficult time finding the motel. Mr. Robbins expressed his opinion that the installation of a Local Information Sign would assist the people in finding accommodations, that the value was not merely that of advertising Knights Inn. The local information sign would simply provide directions to Knights Inn. Mr. Hasselbring asked Mr. Robbins how the company had planned to solve the problem during the initial site selection process. Mr. Robbins responded that the company had applied for a variance to erect a high rise sign, but that the high rise sign had not been as successful as they had hoped it would be. Mr. Knapmeyer asked Mr. Wilson if he anticipated any problem in using the revised proposal as the basis for the Commission's action rather than the original that had been initially submitted. He pointed out that the revised proposal was more restrictive than the original. Mr. Wilson stated his opinion that it would be appropriate for the Commission to act without readvertising. Chairman Kroger asked if anyone was in opposition to the request. No one responded. Mr. Block asked what would prevent any other businesses in Boone County, outside of Florence, from advertising in a C-3 zone within the City. Mr. Knapmeyer referred Mr. Block to Item F in the proposal. Mr.

Block asked what would prevent the businesses along Mall Road, which are not visible from an arterial highway but do abutt Highway 42 and Ky 18 from advertising in a C-3 zone in the City. He pointed out that businesses along Main Street in Florence might also seek such signs. Mr. Knapmeyer acknowledged that a problem could arise, but stated that he didn't think Mall Road merchants would spend money just to advertise their location along arterials. Ms. Sullivan expressed concern that with no spacing requirement, the Board of Adjustments would have little guidance under the ordinance in limiting the number of signs. Mr. Knapmeyer state that he though the business would cooperate in this situation, since the purpose of the sign would be to give directions to business, not primarily to advertise. He thought possibly business might share a sign. Chairman Kroger pointed out that no one was present in opposition to the request and noted the matter was one of vital concern to the Commission. Chairman Kroger asked Mr. Knapmeyer if time were of the essence, and if not, would he be willing to waive action on February 2, 1983 if the Committee needed additional time to study the matter. Mr. Knapmeyer stated he would be willing to waive any and all time constraints on the Commission and would continue to cooperate in any way possible. Hearing no further comments, Chairman Kroger declared the Public Hearing closed.

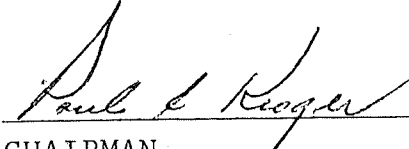
Chairman Kroger proceeded to the request of Erlanger Lions Club, Inc. for a zone change from Suburban Residential Two (SR-2) to Recreation (R) on property located at the intersection of I-75 and the boundary line of Boone and Kenton Counties, on a 26 + acre site. Mr. Block read his Enforcement Officer's report and located the property on the map. Chairman Kroger informed the audience of approximately 65 persons of the procedure the Commission followed in conducting a Public Hearing. Mr. Frank Wichmann, agent and attorney for the Club, distributed a brochure describing the Lions Organization. After a brief synopsis of what he expected to cover with his presentation, Mr. Wichmann proceeded to quote the statute governing the decision of a legislative body in granting zoning map amendments. Mr. Wichmann stated that he felt the original zoning of the property was inappropriate from the beginning, and that a mistake had been made. He noted that the property had been owned by the Erlanger Lions since about 1958, and had been used basically as is since its acquisition. The clubhouse is the most extensively used facility of it kind in the area, especially during the summer months. He pointed out that the City of Erlanger has had problems at Silver Lake Park which do not exist at the Lions Park. Mr. Wichmann pointed out that the property is subject to deed restrictions so that the property may be used soley for recreational use or public services. That deed restriction, combined with the current zoning make the property useless, Mr. Wichmann stated.

He continued that the current zoning prohibits expansion, and that deed restrictions prohibit any other type use. Mr. Wichmann stated the present zoning permits multi-family development, and though the member recognize the value of the property for such development, want to continue with recreational uses. At Chairman Kroger's request, Mr. Wichmann stated that the property had been acquired from Mr. Kuckle in 1958, and that subsequent tract had been acquired from the Department of Highways in 1961, and a smaller tract in 1959. Mr. Penny stepped forward and recounted that the Lions had given a portion of their property to Triple E Swim Club, then shortly afterwards acquired 22 acres from Mr. Kuckle. They hoped to develop a Community Center. Mr. Penny said that the remaining portion of the property adjacent to Triple E Was given to the City of Erlanger in 1961. The Kuckle property, then a forest, was cleared by the members; the first Carnival was held there in 1962. The club negotiated with the state to acquire five (5) acres between the present property and Highridge Avenue and received the land subject to the deed restrictions which required public and recreational use of the property. Chairman Kroger asked if the first parcel of 22 acres had been affected by deed restrictions. Mr. Wichmann stated none were actually on the deed, but that the members had been of a different impression. Mr. Wichmann noted that he had not performed a title search. Chairman Kroger, to clarify the matter established that although it is not certain where or not deed restrictions affect the 22 acres, 5 acres are restricted. Mr. Penny pointed out that since the existing building was too small to accommodate the activities of the Club, and they had decided to expand. Plans had been drawn and bids accepted; it was only when they were unable to obtain a building permit that the club discovered the zoning problem. Mr. Penny said the purpose of the new building was for public meetings and other public functions. Mr. Granville Cary, architect, and member of the Erlanger Lions, presented a Site Plan showing the existing structures as well as the proposed addition. Mr. Carey state that the addition would accommodate approximately 200 to 300 people and could be used for many functions by the people of the Community. Mr. Carey said that he had gone to Frankfort and received approval of the Department of Building and Housing construction prior to completing working drawings. Chairman Kroger informed the audience that the Site Plan was available for inspection. Mr. Carey requested that one copy be kept as part of the record of the meeting. Mr. Wichmann presented a letter from KZF to the Chairman, and asked that it be made part of the record. (See attached letter). At Mr. Wichmann's request, Chairman Kroger asked the members of the Lions Club in the audience to stand. Mr. Wichmann stated that approximately 50 members were present. Chairman Kroger asked if anyone wished to speak in opposition to the request. Mrs. Ottino stated that

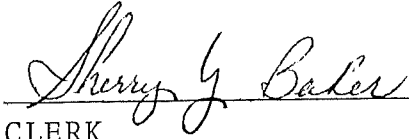
she was an adjoining property owner and although she was not in opposition, wished to express her concern regarding the traffic problem that presently exists. She said she felt that an addition which would accommodate a large number of people would only increase the traffic problem. Mr. Wichmann said that the Carnival had created problems in the past and that the members hoped to better control these problem in the future. Mrs. Ottina asked whether or not the park would have to be fenced. Mr. Block stated it would not. Mr. Penny stated that he realized that the Carnival caused traffic problem to nearby residents, and that in the future there would be better policing. Last year, he noted, traffic was routed through the far end of the property alleviating some of the flow on Belair. Mr. Penny stated that members would be willing to meet with the neighbors to discuss any problems. Mr. Colston stepped forward and stated that Erlanger Lions had made promises to the residents before and never kept them. Mr. Colston asked if access other than Sunset or Belair could be used. Mr. Penny stated the only other access to the property was the 50 ft. lot next to Highridge. Mr. Gardner, stepped forward, and stated that he was the property owner abutting the gravel access onto Highridge. He said that the road is only 7 feet from his fence line, and that dust and people attempting to climb the hill as they leave the park are problems. He would like to see the road moved back to its previous location. Mrs. Louis cited a two (2) hour wait to get to her home as a result of the Carnival. Chairman Kroger noted that the traffic problems seemed to occur only during the Carnival. Chairman Kroger asked Mr. Penny if the addition would exasperate the problem. Mr. Penny stated that if the new addition generated revenue for the Club, then possibly the Carnival could be eliminated. Chairman Kroger asked Mr. Penny if the Carnival was coordinated with Kenton, Boone and Florence Polic. Mr. Penny replied yes, but not with Kenton County Police. Chairman Kroger asked Mr. Wichmann if the zone change from SR-2 to Recreation would increase the traffic flow. Mr. Wichmann said it would not result in an increase because the traffic problem occurs only during the Carnival and the Carnival would continue even if the zone change was denied. Mrs. Mitchell asked how late the new Club house would be open. Mr. Wichmann stated that a limitation would be made on the hours since it would be open to the public. Chairman Kroger asked Mr. Wichmann if he had met with Mr. Hasselbring. Mr. Wichmann replied no. Ms. Sullivan noted that under the SR-2 zoning there are provisions as a conditional use for recreational facility and club house use. Mr. Wichman stated however, that such use was limited. Chairman Kroger inquired if development of the 22 acre site with 200 dwelling units and approximately housing 600 people, with no other access, would greatly increase the traffic situation. Chairman Kroger noted the majority of the members were from Kenton County. At Chairman Kroger's request, Ms. Baker read a letter from Michael Hagedorn,

opposing the zone request, which was made part of the record. Mr. Wichman asked Chairman Kroger if he felt there was no one present in opposition, other than the letter from Mr. Hagedorn, although some persons did have questions as to the manner in which the park would be used. Chairman Kroger stated that was the opinion of the Chair. Chairman Kroger asked if there was any opposition. No one spoke. Mr. Mitchell inquired if Erlanger Lions pay taxes on this property. Mr. Carey stated they pay taxes through Boone County. Mr. Shine, President of the Lions Club stated that taxes were paid to Boone County and to the City of Florence. Mr. Wichmann noted that one lot was located within the City of Florence and stipulated that it be deleted from the zone change request. Mr. Shine stated that the weekend closing time for the facility has been unofficially recommended to be 11:30 P.M.. A vote will be taken on the matter in approximately 30 days. Mr. Shine stated that he recognized the need to form a Committee to address the problems presented by the neighbors. He also stated there were two board meetings a month and if the people of the neighborhood have any complaints they were welcome to attend the meetings. Mr. Colston pointed out that he felt the Erlanger Lions did an excellent job with the Knothole Club and Pee Wee Football Team. Chairman Kroger agreed, and declared the Public Hearing closed at 10:00 P.M..

APPROVED: 2-2-83


CHAIRMAN

RESPECTFULLY SUBMITTED:


CLERK

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

FEBRUARY 2, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:00 P.M.. Eleven (11) members were present. Messrs. Buse, Godsey, Felty and Mrs. Smith were absent. Staff members present were Mr. Block, Mr. Wilson, Mr. Jenkins, Ms. Sullivan and Mrs. Baker.

Chairman Kroger acknowledged that former Vice Chairman Edward Shafer was in the audience and asked him to step forward. Chairman Kroger, presented Mr. Shafer with a plaque. The Commission then passed a resolution in appreciation of Mr. Shafers' twelve years of service to the citizens of Boone County. Mr. Shafer stated his 12 years of service had been very enjoyable and that through his membership on the Commission had had fine friends and associates. Mr. Shafer wished the Commission luck in their future endeavors and thanked them for their recognition of his retirement.

Chairman Kroger proceeded with the approval of the minutes of January 19, 1983. Mr. McMillian moved to approve the minutes. Mr. Jones seconded, the vote carried unanimously. Mr. Viox moved to approve Public Hearing minutes of January 26, 1983 with correction of a minor error as noted by Mr. Neltner. Mr. McMillian seconded, the vote carried unanimously.

BILLS:

Staff salaries and benefits, \$4,070.89; Ms. Catherine Monk, \$87.69; Mrs. Betsy Conrad, \$207.00; Boone Finance Department \$63.72; Madison Office Supplies, \$64.73; Sharon Sullivan, \$23.73; Petty Cash, \$50.00. Chairman Kroger asked for comments on the bills to be paid. Mr. Barnett felt the Xerox copy bill was too high, noting that the Commission could rent its own copier. Vice Chairman Viox moved to pay the bills, Mr. McMillian seconded. The vote carried unanimously.

REPORTS:

Ms. Baker presented the Treasurer's Report. Balance on hand February 2, 1983, \$19,374.96 in checking account; in certificates of deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector, issued 13 permits during January for a total of \$222,831.00 estimated construction costs. Boone County Building Inspector Conrad Tobergte issued 26 permits for a total construction costs of \$830,739.00. Mr. Tobergte issued zoning and

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sign permits in the county totalling \$555.00 for the month of January, 1983. Chairman Kroger asked for, but received no comments on the Enforcement Officer Report.

Chairman Kroger proceeded to the request of Winslow and Barry Baker, for a zone change from Commercial Services Three (C-3) to Commercial Two (C-2) for property located at 8076 and 8074 U.S. 42, Boone County, Florence, Kentucky on a 3.022 acre site, in order to change the use of the building from a restaurant to a liquor store. Mr. Block stated that the Enforcement Officer Report had been presented at the Public Hearing. Chairman Kroger instructed that the report be made part of the record. Ms. Baker then read the Committee Report which recommended approval. Chairman Kroger asked if anyone was present representing Mr. Baker. Mr. Steve Huddleston, Attorney for Mr. Baker, stepped forward. He pointed out that there had been no objection to the request at the Public Hearing, and that the request conforms with the Comprehensive Plan. Mr. Huddleston stated that, as a result of these factors and in consideration of the minimal change in usage of the property, as well as the minimum impact on adjoining uses and the fact that the project be more aesthetically pleasing than the existing truck stop, he hoped for a favorable decision from the Planning Commission. Chairman Kroger asked if the drawing submitted in conjunction with the application was to be considered as Mr. Baker's concept development plan for the property. Mr. Baker indicated that it was, and agreed to add a formal acknowledgement of the fact to the drawing submitted. Mr. Baker asked that the plan be made part of the record; he stated again that the plan is submitted would serve as his concept development plan, and acknowledged that he was aware that the conformance to the plan would be a condition of the zone change request. Mr. Wilson informed Mr. Baker that the Concept Development Plan would be filed at the County Clerk's office with the deed and would serve as a restriction on the deed. Mr. Baker indicated his knowledge and approval. Vice Chairman Viox moved by Resolution R-1-83 the request be granted based on Staff and Committee Report and that the City of Florence be notified of the Commission's action. Mr. Jones seconded, the vote carried unanimously. Mr. Duane Vincent asked if the Resolution would be submitted to the City of Florence before Tuesday. Chairman Kroger stated that the official letter of the Commission would not be sent for about two (2) weeks, but a letter would be sent to the City of Florence as soon as possible informing them of the Commission's action at tonight's meeting.

Chairman Kroger then proceeded to the request of Erlanger Lions Club, Inc. for a zone change from Suburban Residential Two (SR-2) to Recreation (R) on property located at

the intersection of I-75 and the boundary line of Boone and Kenton Counties on a 26 + acre site. Mr. Block noted that the Enforcement Officers Report was the same as had been presented at the Public Hearing. Chairman Kroger instructed that the report be made part of the record. Ms. Baker then read the Committee Report in which the Chairman, Mr. Hasselbring, noted that the Commission might wish to limit recreational use of the property due to its location. Chairman Kroger asked Mr. Wichmann if he had communicated with Mr. Hasselbring concerning his recommendation. Mr. Wichmann stated that he and Mr. Hasselbring had walked the site, and had discussed limitations, but that he had not had a chance to read the report. He expressed concern regarding terminology of some of the suggested limitations. Chairman Kroger asked Mr. Wichmann if he would like a few minutes to review the Report; Mr. Wichmann indicated that he would. Chairman Kroger stated that discussion would be suspended on the request while Mr. Wichmann reviewed the report, and met with the club members present in the audience.

Chairman Kroger proceeded to the request of Donald Knapmeyer for a proposed text amendment to Article 19 Section 1950 of the Boone County Zoning Regulations. Mr. Hasselbring presented an oral Committee report recommending a two week deferral of the request in order that the Committee might further define implications of the proposed amendment. Mr. Knapmeyer had agreed previously to the two week delay and waived time limitations. Mr. McMillian moved that the request be deferred for two weeks, Mr. Jones seconded; the vote carried unanimously.

Chairman Kroger proceeded to the new request of Eagle Mortgage and Investment Company for a zone change from Suburban Residential One (SR-1) to Suburban Residential One/Planned Development Overlay (SR-1/PD) for property located at Hopeful Road, Boone County, Florence, Ky, containing 61.136 acres. Mr. Collins asked for a specific location of the Site. Mr. Block pointed out that the site, formerly Stonegate Meadows, was located at the end of Kelley Drive, off of Hopeful Road. Mr. Jones moved that a Public Hearing be set for February 23, 1983 at 8:00 P.M.; Mr. McMillian seconded. The vote carried unanimously.

Chairman Kroger proceeded to the next new business item: the request of Philip N. Damstrom, agent for Murl Blair for a zone change from Rural Suburban/Small Community to Commercial One/Small Community, located at U.S. 42 and Hathaway Road, Union, Boone County, KY, on a site less than one acre. Chairman Kroger noted that the site was the E-Z Stop across from Union Bank. Mr. Collins moved that a Public Hearing be set for February 23, 1983. Mr. McMillian seconded; the vote carried unanimously.

Chairman Kroger asked for business from the floor.

Mr. Wayne Thomas stepped forward to present a zone change request from Commercial Three to Commercial One for property located at the Corner of Ky 18 and 237, adjacent to Grubbs and Linneman Funeral Home, on a 1.07 acre site. Chairman Kroger asked if application were complete; Mr. Block stated that everything necessary for publication had been submitted and that the applicant had promised to submit a Concept Plan prior to the Public Hearing. Mr. Viox moved that a Public Hearing be scheduled for February 23, 1983. Mr. Jones seconded, the vote carried unanimously.

Chairman Kroger then resumed consideration of the Erlanger Lions request. Mr. Wichmann stated he had reviewed the report and was concerned that the Committee's recommendation if adopted, would prevent the continuation of some activities currently engaged in at the site.

Chairman Kroger suggested the Commission as a whole review the specifications. Discussion followed as to the appropriate uses of the site. Mr. Wichmann requested that the basis for recommendation use as its finding that the original rezoning was inappropriate. Mr. Wilson stated tht what Mr. Wichmann seemed to be asking the Commi-sion was to agree that the current recreational uses of the site were not considered in the original zoning of the property to SR-2. Mr. Hasselbring stated he could not unequivocally say that such was the case; he stated that he would not recommend the request on that basis. Mr. Hasselbring moved to incorporate the word "major" (pertaining to changes) in the Committee Report. Mr. Neltner seconded. Mr. Viox abstained. The vote carried unanimously.

Mr. Wichmann stated the parcel of land owned by the Lions which lies within the City of Florence was intended to be deleted from the request of the zone change; He said that he would provide the Commission with an adjusted legal description of the property to be affected by the change. Mr. Hasselbring moved by Resolution No. R-2-83 to recommend approval of the request based upon the Staff report, and upon the findings of fact contained in the Committee report; Mr. Jones seconded, Mr. Viox abstained. The vote carried unanimously. Mr. Hasselbring moved by Resolution No R-3-83 to change the Comprehensive Plan to reflect the zone change, if such change is approved by the Fiscal Court. Mr. Greene seconded, Mr. Viox abstained. The vote carried unanimously.

At a welcome and predictable cue from retired Vice Chairman Shafer, still seated in the audience, Mr. Viox moved to adjourn and Mr. Jones seconded. The meeting adjourned at 10:00 P.M.

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BUSINESS MEETING MINUTES
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APPROVED: 2-16-83

RESPECTFULLY SUBMITTED,

Paul J. Kroger
CHAIRMAN

Sherry G. Baker
CLERK

COMMITTEE REPORT

TO: BOONE COUNTY PLANNING COMMISSION

FROM: SCOTT HASSELBRING, CHAIRMAN

IN REGARD: Request of Erlanger Lions Club, Inc, for a zone change from Suburban Residential Two (SR-2) to Recreation (R) on property located at the intersection of I-75 and boundary line of Boone and Kenton Counties on a 26 + acre site.


CONCLUSION:


Concerning the request of the Erlanger Lions Club for a zone change from Sr-2 to R on property located at the intersection of I-75 and the boundary lines of Boone and Kenton Counties on a 26 + acre site, the committee hereby recommends approval based on the following findings of fact:


1. There have been ^{made 11-2-83} physical changes within the area involved which were not anticipated in the Comprehensive Plan and have substantially altered the basic character of the area.
2. These changes include the present use of this area as a Recreational facility based on history of similiar use since 1958 and reasonable assumption of continued similiar use based on information gathered thru public hearing and committee research.
3. These changes have necessitated a request be made to conform to current Planning and Zoning regulations for a Recreational Zone and not intended to change the use of the area from either its historical, current, or intended future use.
4. ^{current} The proposed development that necessitated the request is congruant with a Recreational Zone and also congruant with current land use.


The Committee does recommend that, should the request be granted, the Commission consider attaching specific limitations to the Concept Development Plan in regard to recreational uses that have not been indiginous to the use of this area and therefore would not likely be so in the future. Specific examples for consideration include:

- 1, Zoos
- 2, Amphitheaters, motion picture theaters, legitimate theaters, playhouses, ~~and other entertainment assemblies.~~
3. ~~All of item # 5, Auditoriums & exhibition halls.~~
4. ~~All of item # 6, Fairgrounds & amusement parks permitted only,~~
except for annual carnival and accessory amusement activities - Tennis, courts to be permitted
5. All of item # 7 ~~except for sports~~
6. Swimming beaches
7. All of item # 10
8. Camping, *except for primitive camping*
9. All of item # 12
10. Bikeway systems ~~as considered~~ *ie motorized bikes -*


SCOTT HASSELBRING, CHAIRMAN


LAWRENCE COLLINS


J. INGRAM


R. N. GREENE

CAROL SMITH

RECEIVED

Group # 2034

1983 JUN 24 AM 9:25
CONCEPT DEVELOPMENT PLAN ACKNOWLEDGMENT

JERRY W. ROUSE
BOONE COUNTY CLERK

As part of its concept development plan, Erlanger Lions Club, Inc., a Kentucky corporation, through its duly authorized representative, _____

John Shives, President _____, on behalf of the Corporation, acknowledges and agrees that rezoning of its property as more particularly described herein to a Recreational Zone shall be limited and restricted to the following uses:

1. Libraries, museums, art and craft galleries, conservatories and other cultural exhibits.
2. Planetaria, aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibits.
3. Historic sites, structures, monuments and other exhibits available for public viewing.
4. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies.
5. Auditorium exhibition halls and other places of public or general assembly.
6. Fairgrounds and amusement parks permitted for the limited purpose of the carnival and accessory amusement uses traditionally held annually on the site by the Erlanger Lions Club.
7. Sports activities historically sponsored by the Erlanger Lions Club on the property.
8. Play lots or tot lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures.
9. Swimming pools.
10. Picnicing hiking area, trails, primitive camping, and other recreational uses.
11. General liesure, ornamental and other parks, spaces, trails, non motorized bicycling systems and similar uses.

Erlanger Lions Club, Inc. acknowledges that restricting uses on its property as outlined herein as part of its concept development plan to which it has agreed serves as conditions of rezoning its property to a Recreation

Zone, the action of the Boone County Fiscal Court approving such rezoning having occurred on the 8th day of March, 1983. The property which is the subject of the rezoning and this concept development plan acknowledgment is more particularly described in Exhibit "A", which is attached and incorporated herein as if fully set out.

In addition to restricting uses as outlined above, Erlanger Lions Club, Inc. acknowledges and agrees as part of its concept development plan serving as conditions to its zone change that it shall conduct its uses on the property and shall provide those items as follows, as outlined by Boone Fiscal Court.

1. One hundred feet (100') of buffer zone between park and houses on Belair Drive and so marked during carnivals, circus, festivals and other large public events.

2. Direct barriers to prohibit vehicle parking along property located at 5998 Belair Drive, Florence, Kentucky.

3. When leasing Clubhouse, hours of operation are to be no later than 12:00 midnight Sunday through Thursday and 1:00 A.M. on Friday and Saturday nights.

4. Lions Club will supply appropriate fencing supplies to fence the back part of the property at 6002 Belair Drive, Florence.

5. A maze pedestrian walkway entrance is to be placed at the entrance into the park.

Title source for this property is as follows:

Page 430 of Deed Book 149; and page 485 of Deed Book 138.

Erlanger Lions Club, Inc. understands that the rezoning of the subject property will not become effective unless and until the Boone County Fiscal Court acts favorably on the Boone County Planning Commission recommendation concerning the requested zone change. Accordingly, the concept development plan conditions become effective as restrictions on the property only upon approval of the zone change by Boone County Fiscal Court. The concept development plan serving as conditions on the rezoning of the subject property consists not only of this Acknowledgment, but includes drawings and renderings submitted by Erlanger Lions Club, Inc. to the Boone County Planning Commission as part of its application for the zone change. These documents

are on record at the office of the Boone County Planning Commission.

Erlanger Lions Club, Inc. acknowledges and agrees that this instrument is to be recorded in the Boone County Clerk's Office, such recording to give notice of these conditions to the zone change. However, such recording is not to occur until after and unless the Boone County Fiscal Court acts favorably on the zone change request and recommendation of the Boone County Planning Commission.

IN WITNESS WHEREOF, Erlanger Lions Club, Inc., a Kentucky Corporation, by and through its duly authorized representative, John Skives, on behalf of the Corporation does hereby subscribe this instrument this 20th day of April, 1983.

ERLANGER LIONS CLUB, INC.

BY: John Skives, Pres. Erlanger Lions

COMMONWEALTH OF KENTUCKY
COUNTY OF Boone

The foregoing instrument was subscribed, sworn to and acknowledged before me this 20th day of April, 1983, by John Skives, as a duly authorized representative of Erlanger Lions Club, Inc., a Kentucky Corporation, on behalf of the Corporation.

Terril L. Jones
NOTARY PUBLIC, State at Large

My Commission Expires:
April 1, 1984

This instrument was prepared for recording purposes only without verifying accuracy of its contents by:

Dele T. Wilson
FOR: VINCENT, SKEES & WILSON
Attorneys for Boone County
Planning Commission
240 Main Street
Florence, Kentucky 41042
(606) 371-7407
NO TITLE EXAMINATION

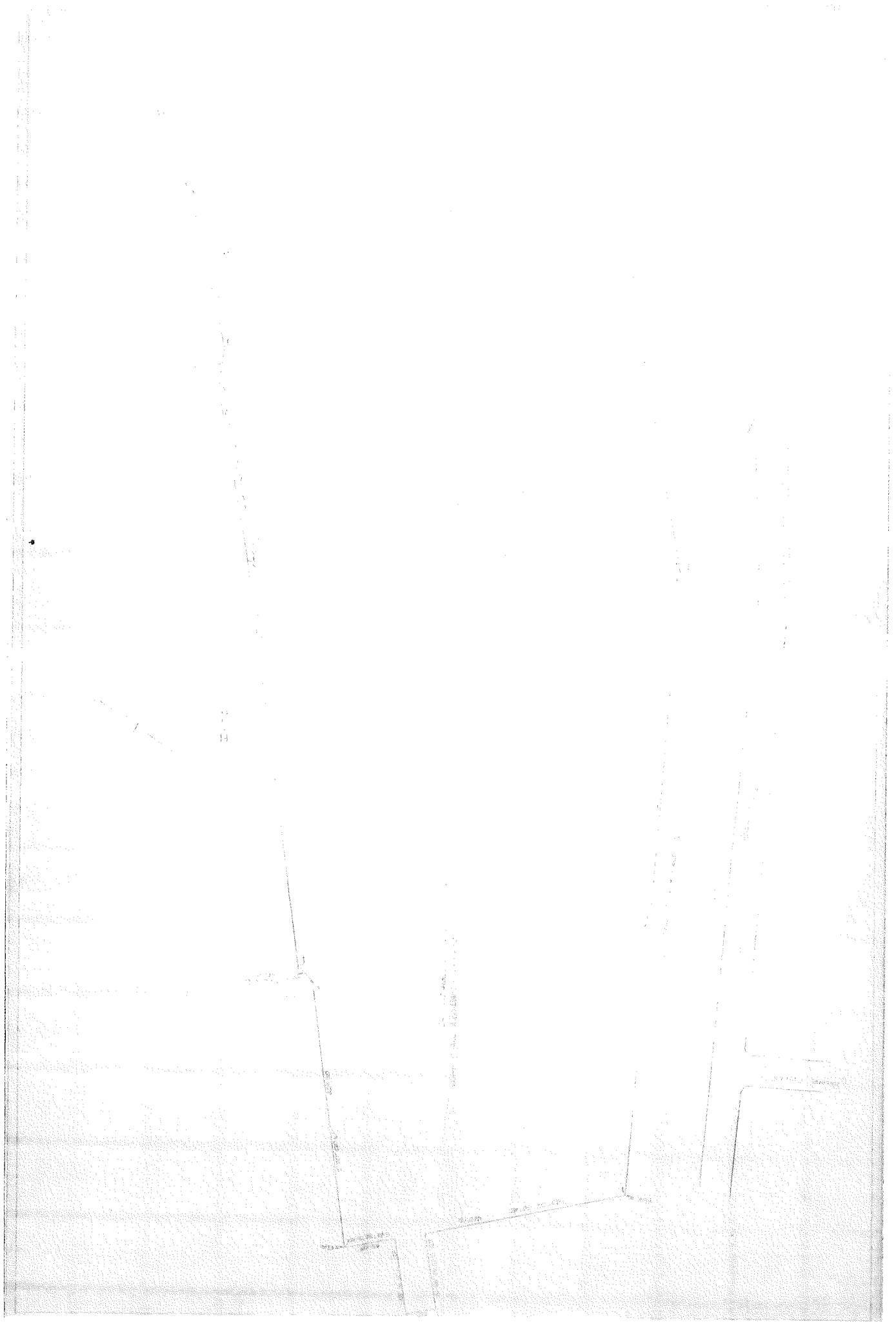
The legal description contained in Exhibit "A" and the title sources referred to herein have been provided by the property owner.

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption, this map amendment being a zone change from Suburban Residential Two zone to Recreation zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

BEGINNING at a point in the dividing line between the Joesph Kuchle property the Kuchle-Scott property, (said dividing line formerly known as the John Graves line) at the point where the southeasterly right-of-way line of the new Expressway intersects same, and running thence:

Southwestwardly and along the southeasterly right-of-way line of the new Expressway a distance of 1580 more or less to a point in the westerly line of the Kuchle-Scott property; the point of beginning for this conveyance; thence, south $32^{\circ} 15'$ east and along the westerly line of the Kuchle-Scott property a distance of 530 ft. more or less to a point; thence, north $60^{\circ} 00'$ east and along the southerly line of the Kuchle-Scott property (said line formerly known as the Barton line), a distance of 709.5 ft. more or less to a point; thence, north $45^{\circ} 15'$ east a distance of 445.5 ft. more or less to a point (described in previous deeds as an elm tree on the east side of Dry Creek); thence, north $9^{\circ} 15'$ west a distance of 1000 ft. more or less to the place of beginning and containing 21.2 acres more or less.

BEGINNING at a point in the southeast right of way line of Interstate Highway 75, said point being 170 feet southeast (right) of and opposite approximate centerline station 864 + 90 and in the line of Ideal Homes Sites Incorporated property, thence in a southeasterly direction with the line of the Ideal Home Sites Incorporated property 540 feet more or less to a point, thence continuing with the line of the Ideal Home Sites Incorporated property, in an easterly direction 280 feet more or less to a point, said point being in a line of the Kuchle property, thence in a northerly direction with the Kuchle line 600 feet more or less to a point in the southeast right of way line of Interstate Highway 75, said point being 170 feet southeast (right) of and opposite approximate centerline station 869 + 25, thence in a southwesterly, direction with the southeast right of way line of Interstate Highway 75, a distance of 35 feet to the point of beginning and containing 4.60 acres, more or less.



AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM Suburban Residential Two to Recreational Two LOCATED on a 26+ acre site at the Intersection of I-75 and the boundary line of Boone and Kenton Counties.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning Commission for a map amendment for a zone change from (SR-2) to (R) for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted public hearing by the Boone County Planning Commission serving as a due process trial-type hearing and its findings recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION 1

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from (SR-2) to (R). The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.
(ATTACHMENT - EXHIBIT #1)

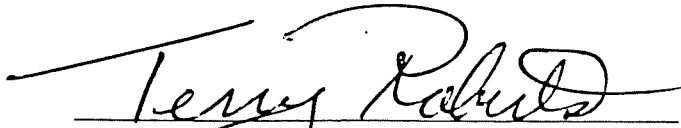
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this zone change request shall be and are hereby incorporated by reference as if fully set out in this Ordinance.
(ATTACHMENT - EXHIBIT #2)

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given first reading on the 22nd day of February, 1983.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 8th day of March, 1983, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

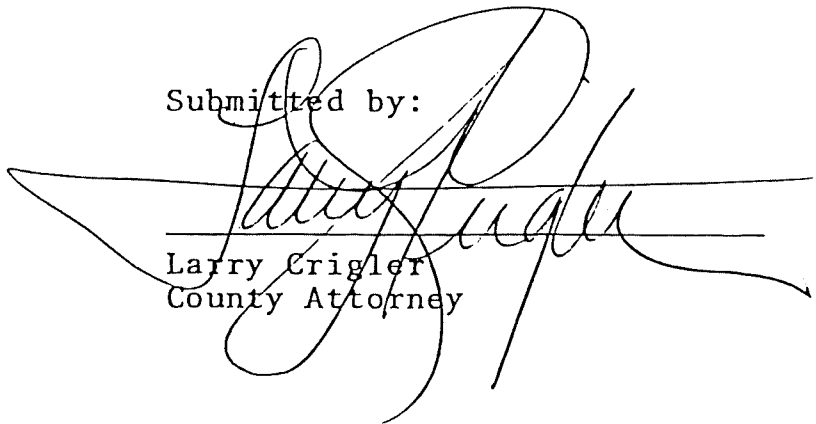


Terry Roberts
Boone County Judge/Executive

ATTEST:

Jerry W. Rouse
Boone County Clerk

Submitted by:



Larry Crigler
County Attorney

March 17, 1983

(DATE PUBLISHED)

EXHIBIT 1
Legal Description

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval and adoption, this map amendment being a zone change from Suburban Residential Two zone to Recreation zone. The real estate which is the subject of this zone change recommendation is more particularly described as follows:

BEGINNING at a point in the dividing line between the Joesph Kuchle property the Kuchle-Scott property, (said dividing line formerly known as the John Graves line) at the point where the southeasterly right-of-way line of the new Expressway intersects same, and running thence:

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EXHIBIT 2

FINDINGS OF FACT
ERLANGER LIONS CLUB, INC.

1. There have been major physical changes within the area involved which were not anticipated in the Comprehensive Plan and have substantially altered the basic character of the area.
2. These changes include the present use of this area as a Recreational facility based on history of similiar use since 1958 and reasonable assumption of continued similiar use based on information gathered thru public hearing and committee research.
3. These changes have necessitated a request be made to conform to current Planning and Zoning regulations for a Recreational Zone and not intended to change the use of the area from either its historical, current, or intended future use.
4. The proposed development that necessitated the request is congruent with a Recreational Zone and also congruent with current land use.

INCORPORATED BY THE BOONE COUNTY FISCAL COURT, the following additions, effective Second Reading, 03/08/83:

5. One hundred feet (100') of buffer zone between park and houses on Belair Drive and so marked during carnivals, circus, festivals and other large public events.
6. Direct barriers to prohibit vehicle parking along property located at 5998 Belair Drive, Florence, Kentucky
7. When leasing Clubhouse, hours of operation are to be no later than 12:00 midnight Sunday through Thursday and 1:00 A.M. Friday and Saturday nights.
8. Lions Club will supply appropriate fencing supplies to fence the back part of the property at 6002 Belair Drive, Florence.
9. A maze pedestrian walkway entrance is to be placed at the entrance into the park.

TR:rm