

OTHER SUPPORTING INFORMATION

REQUEST OF ADVENTURE GOLF (APPLICANT) FOR  
GEORGE WHITTON (OWNER) FOR A ZONING MAP AMENDMENT  
FOR A 5.57 ACRE SITE LOCATED ON THE  
WEST SIDE OF MALL ROAD, FLORENCE, KENTUCKY.

DECEMBER 16, 1987

This request is to rezone a 5.57 acre site, located west of Mall Road, north of Mall Road Square shopping center and east of the Fairview Subdivision, from the present zoning of Commercial Services (C-3) to Recreational (R). The use proposed is a miniature golf course.

Surrounding Land Use and Zoning

Directly north of the subject site is the Y'all Mall-Swallens shopping center. East of the subject site, between the site and Mall Road, is Bob Sumerel Tire, an automotive service and repair establishment. South of the subject site is the Mall Road Square shopping center. Each of these adjacent uses is in the Commercial Two (C-2) zone.

West of the subject site are several single-family and two duplex residences along the east side of Airview Drive. This neighborhood is known as the Fairview Subdivision, which is zoned Suburban Residential Two (SR-2).

Existing Features of the Site

Soils on the site are originally of the Linside, Cynthiana, Eden, and Rossmoyne series common to Boone County. However, it is possible that a considerable amount of fill and grading on the site has occurred in the past.

Utterback Creek, which flows from east to west, is located along the north property line of the site. The south side of the site is adjacent to and nearly level with the Mall Road Square parking lot. The site begins to slope gradually from the south to the north, with the degree of slope increasing approximately 150 feet from Utterback Creek. The southwest corner of the site slopes upward toward the adjacent residential subdivision, while the northwest corner of the site is at about the same elevation as the adjacent residential area. Drainage of the site is to Utterback Creek.

History of the Site

With the adoption of the 1980 Comprehensive Plan and Zoning Regulations, the subject site was zoned C-2, as was adjacent land to the north, east, and south. On April 1, 1981, the Planning Commission recommended denial of a request to rezone the subject site from C-2 to C-3. The 1981 zone change request was for the purpose of building a warehouse facility on the site. At the

time the request was denied by the Commission, the applicant withdrew the application; consequently, a resolution with the Commission's recommendation was not sent to the Florence City Council.

With the adoption of the 1986 Comprehensive Plan and Zoning Regulations, at the property owner's request, the subject site was placed into the current C-3 zone.

#### Relationship to Comprehensive Plan

This request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan.

#### 1986 Future Land Use Map:

Borderline Medium Density Residential and Commercial.

#### Goals and Objectives:

##### Goal

To ensure that adequate recreation facilities and programs are provided; preserve significant natural features and historic sites; and provide open space for public use.

##### Objectives

Recreation areas should be centrally located in their service areas and easily and safely accessible to the age groups they are designed to serve.

#### Land Use Element:

The Mall Road area will continue to grow as a regional shopping area and its spillover on to U.S. 42, KY 18 and Houston Road will be evident...(p. L-15).

In conclusion, the Comprehensive Plan generally assumes that the Mall Road area will support regional commercial establishments. The Comprehensive Plan does not specifically address appropriate locations for commercially oriented recreation facilities.

#### Proposed Concept Development Plan


The Concept Development Plan submitted by the applicant indicates a "foot print" for two 18-hole miniature golf courses. A "clubhouse" is also identified on the plan. Access to the site will be from the present entrance to the Mall Road Square shopping center. A portion of the existing access drive is already on the subject site. Parking may be provided adjacent to a portion of the parking lot of the shopping center.

Staff Concerns

1. Buffer Screening: Careful attention needs to be given to screening and buffering of the proposed use from the adjacent residential zone. Staff's major concern is design of the outdoor lighting system and the potential spillover of light into the adjacent residential neighborhood.
2. Pedestrian Access: While the site provides good vehicular access, the opportunity for safe pedestrian access to the site is limited. The proposed activity may tend to attract youthful patrons, many of which may attempt to reach the site via foot or bicycle. Mall Road, KY 18, and U.S. 42 do not provide good pedestrian access. In addition, pedestrians may attempt to reach the site through the adjacent residential neighborhood.
3. Parking: The proposed use needs to provide adequate parking on the site. The applicant should supply information regarding expected parking demand.
4. Topography and Drainage: The proposed concept plan indicates the facility will encroach onto Utterback Creek to the north. Any work in this area needs to be carefully engineered for stability and so as not to have an adverse impact on the flow of Utterback Creek.
5. Clubhouse Use: The applicant should clearly identify any proposed uses, either principal or accessory, for the clubhouse building.

Conclusion

This request must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. In addition, the major concerns regarding this request are screening and buffering, pedestrian access, parking, topography and drainage, and use of the clubhouse facility. If the Planning Commission and Florence City Council should approve this request, the 1986 Boone County Comprehensive Plan, Future Land Use Map and text may need to be amended.

  
\_\_\_\_\_  
Jim Sturdevant,  
Plans Examiner/Planner

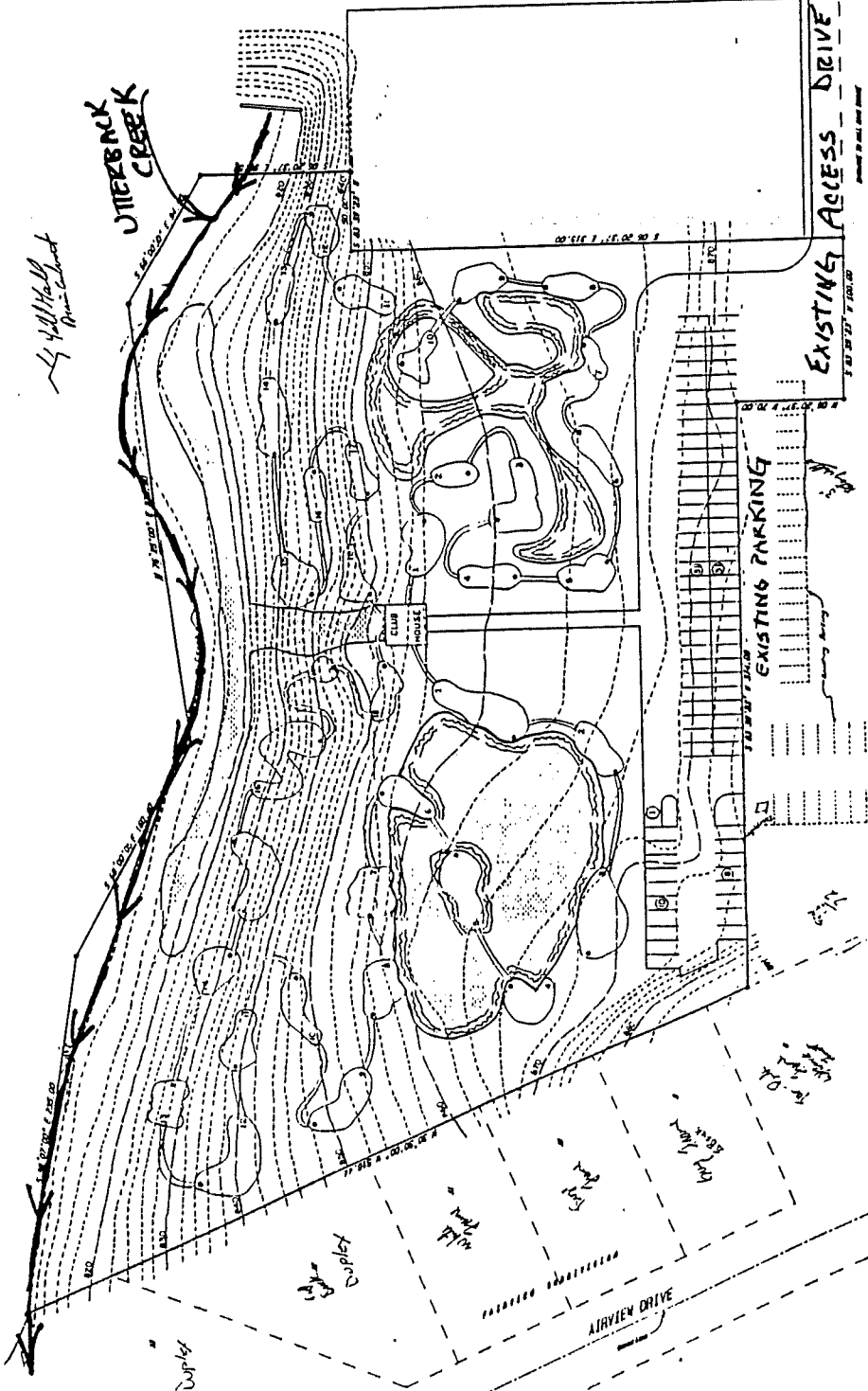
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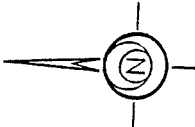
12/16/87 PUBLIC HEARING

# ADVENTURE GOLF MALL ROAD FLORENCE, KENTUCKY

SWALENS



*By W. H. Hally  
Professional Engineer*



U.S. 42 to 1-70  
VICINITY MAP  
NO. SC01

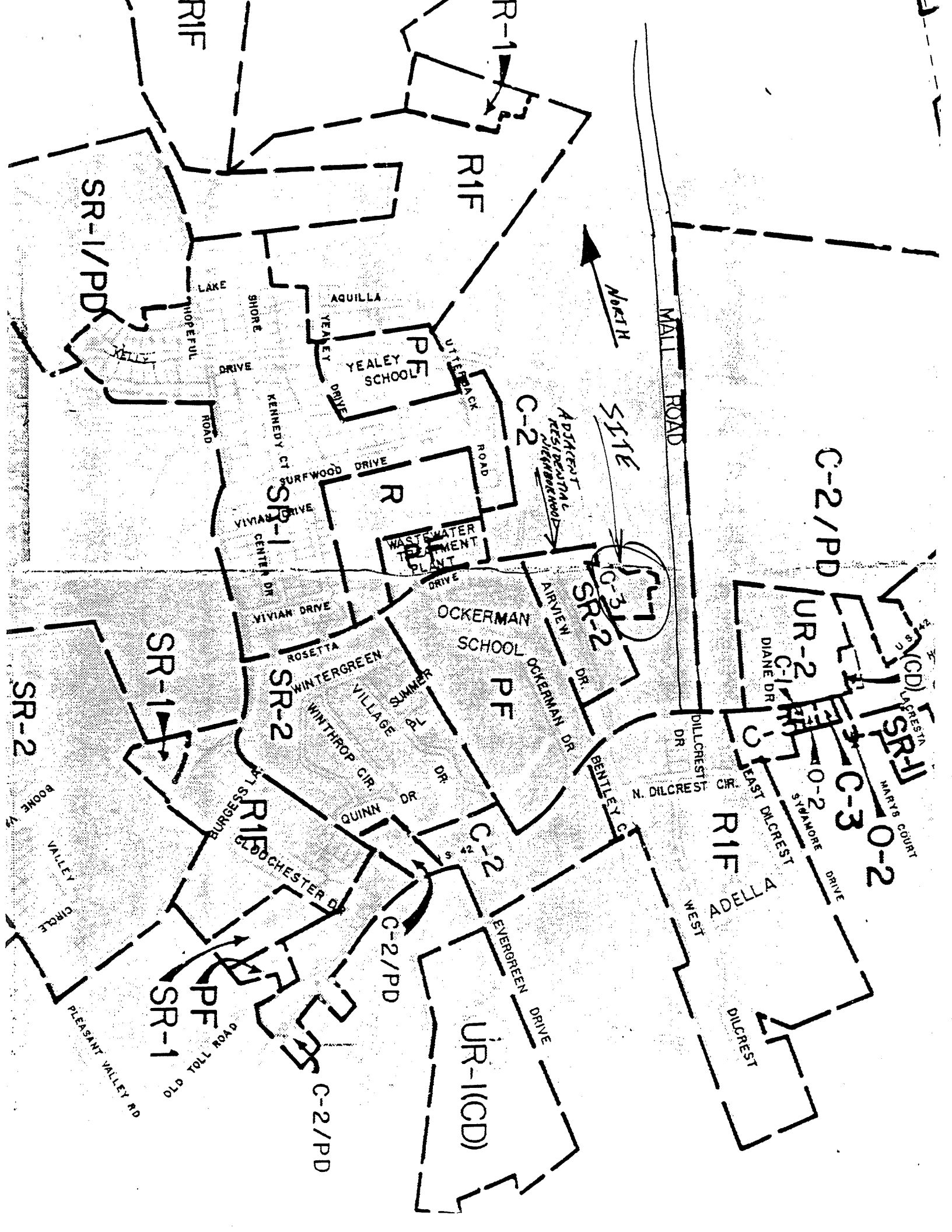


NOTE: Boundary and Topography submitted by client.  
Prepared by  
**MORDELL BROWN & PEKINICZ**  
CIVIL ENGINEERS & SURVEYORS

SCALE 1" = 40' (SEE PLAN SHEET 1)  
DATE: NOVEMBER, 1987

MALL ROAD SQUARE  
STOPPING CENTER





North

MAIL ROAD

SITE

ADJACENT RESIDENTIAL NEIGHBORHOOD

C-3-1

SR-2

C-2/PD

UR-2

C-3

O-2

SR-1

MARYS COURT

RIF

ADELLA

DILCREST

RIF

YEALEY SCHOOL

OCKERMAN SCHOOL

PF

C-2

UR-1(CD)

SR-1/PD

SR-1

SR-1

SR-2

SR-2

SR-1

SR-1

SR-1

LAKE SHORE DRIVE

YEALEY DRIVE

ROCK ROAD

KENNEDY CT

VIVIAN DRIVE

VIVIAN DRIVE

ROSETTA

WINTERGREEN VILLAGE

WINTHROP CIR

QUINN DR

BURGESS LK

GLoucester Dr

PLEASANT VALLEY RD

OLD TOLL ROAD

EVERGREEN DRIVE

WEST

DILCREST

EAST DILCREST

SWANMORE DRIVE

MARYS COURT

DIANE DR

OCKERMAN DR

BENTLEY C

N. DILCREST DR

DILCREST DR

UR-2

C-2/PD

C-3

O-2

SR-1

SR-1

SR-1

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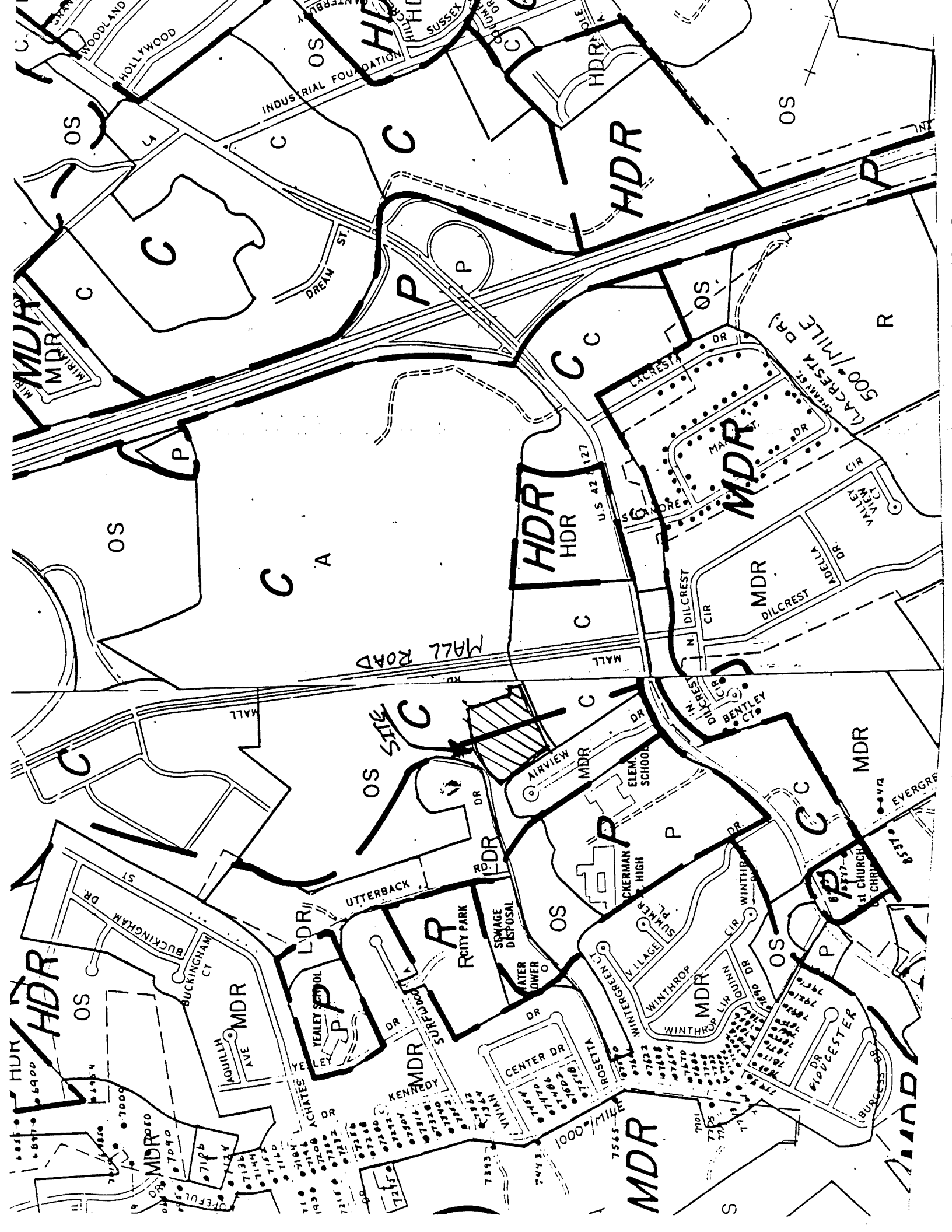
SR-1

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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: ADVENTURE GOLF  Owner by option  
 Agent  
 Address: 615 CENTERVILLE - MIAMISBURG RD.  
DAYTON OHIO 45459 Telephone: (513) 435-0069

Location: \_\_\_\_\_

Name of Property Owner: George Whifton

Address of Property Owner: 5707 Dixie Hwy Florence Ky 41042

Zoning District: C-3 Area in Acres: 4 acres

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

Description of Request: Change Zone from C-3 (Com) to R (Rec.) to permit construction of "Adventure Golf" a miniature golf course along the west side of Mall Road, south of the Swalks's Building

Applicant's Signature: James & William Bypus

Property Owner's Signature: George Whifton

Application Fee: \$417 FOR PLANNING COMMISSION USE ONLY Date Received: 11/5/87 By: MB

Referred To: JIM Meeting Date: 12/16/87 PUBLIC HEARING

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

EXHIBIT "A"



# VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

466 ERLANGER ROAD  
ERLANGER, KENTUCKY 41018  
PHONE: (606) 727 - 3293

JAMES H. VIOX, III, P.E.  
KY. REG. NO. 6880  
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.  
KY. REG. NO. 9209  
KY. LAND SURVEYOR NO. 1781

## DESCRIPTION

### Parcel to be Rezoned

A parcel of land lying on the southwesterly side of Mall Road in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point near the southwesterly side of Mall Road, said point also being N 6°20'37"W - 650 feet and S 83°39'23"W - 225 feet from the intersection of Mall Road and U.S. 42, said place of beginning also being a corner to Mall Road Square Association, and running thence:

S 83°39'23"W, along the dividing line between Whitton and Mall Road Square Association, a distance of 100 feet, to a point, thence

N 6°20'37"W, a distance of 70 feet, to a point, thence

S 83°39'23"W, a distance of 374.09 feet, to a point, thence

N 30°30'W, a distance of 510.44 feet, to a point, thence

N 88°07'E, a distance of 235 feet, to a point, thence

S 63°04'32"E, a distance of 166.80 feet, to a point, thence

N 76°25'E, a distance of 279.9 feet, to a point, thence

S 66°00'E, a distance of 94.5 feet, to a point in the southwesterly right-of-way line of Mall Road, thence

S 6°20'37"E, a distance of 98.5 feet, to a point in the north line of Chelsea Moore Development Corporation property, thence

S 83°39'23"W, a distance of 50 feet, to a point, thence

S 6°20'37"E, a distance of 315 feet, to the place of beginning, and containing 5.57 acres more or less, and being all of the property described in D.B. 220, pg. 95 of the Boone County Clerk's Records at Burlington, Kentucky.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
December 16, 1987

Page 1

Mr. William Viox opened the Public Hearing for the second item on the agenda:

2. Applicant: Adventure Golf for George Whitton (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of Adventure Golf (applicant) for a Zoning Map Amendment on a 5.57-acre site located on the west side of Mall Road, behind Bob Summerall Tire, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Recreation (R). The intended use is a 36-hole miniature golf course.

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

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

Mr. Jim Berling advised that a slide presentation would be given by Mr. Dennis Strong, President of Adventure Golf. He stated that the buffering and lighting could be handled in order not to be a nuisance to the neighbors. He stated that this use would be a well-located commercial use in consideration of the activity on Mall Road.

Mr. Strong advised that he has acted as a consultant and assisted in the building of golf courses in Florida, Michigan, and Ohio. He stated that this was an adult-oriented miniature golf course with less than 8% of their players being under 16 years old. They are, therefore, of driving age. He stated that they need approximately 74 parking spaces as approximately 3.2 people arrive in each car. Mr. Strong presented slides of other golf courses indicating that they are representative of what would be built on this site.

Mr. Berling stated that the site is on a slope and this use would allow total development of the site. He added that soil tests have been done and the bearing capacity is questionable. Test results have not yet been received. He stated that this use conforms to the Goals and Objectives of the Comprehensive Plan in relation to the need for recreational areas.

Mr. Strong stated that there has been a social change in the area due to the increased number of people moving into the area. He added that letters should be received by the Commission from other counties praising their developments. He noted that their courses are used also for fund raising for the communities.

Mr. Viox asked if there was anyone present who wished to speak in favor of this request. There being no response, he asked if there was anyone present in opposition to the request.

Mrs. Pauline Wolfe, a resident of Airview Drive, questioned the hours of operation of the facility.

Mr. Strong advised that the hours are basically from noon to 11 P.M. or midnight, but they vary. He added that they are family oriented and do not create noise. He stated that there will not be a problem with lighting or traffic.

Mrs. Wolfe noted other nearby locations where miniature golf is available. She stated that such facilities draw teenagers and then there are security problems. He stated that Florence currently has a problem with teenagers. Mrs. Wolfe added that the 60' high mountain proposed for the golf course would look into her home. She stated that property owners on Airview Drive are concerned about people walking through their yards.

Mr. Dick Kammer, 9 Airview Drive, stated that the lighting of a 60' high structure would be above his house. He is concerned for the safety of his children with mountains and hills and water in his back yard. He suggested that the miniature golf course be located in areas of the county that are zoned for recreational use. He noted that this change would be a spot zone and that the site should remain commercial. He noted his concerns regarding noise from the development.

Mrs. Mary Goff, who lives on the opposite side of Airview Drive, stated that this type of activity is seasonal. She wanted to be assured that there would be no game room type activities in the clubhouse in the off-season.

Mrs. Pam Kammer, 9 Airview Drive, asked if the development would serve alcohol.

Mr. Ron Buckley, a resident of Airview Drive, noted a sudden drop-off on the site and asked how close the golf course would be to this drop-off. He noted problems in the area caused by Maximillian's. He stated that teenagers would cut through yards to get to this facility and will mill around the area when they don't have any money. He stated that there will be noise pollution.

Mr. Kammer added that property values will be affected by the development.

Mr. Strong stated that there could be an undesirable commercial use on this site. He noted their experiences in other locations when residential uses abutted their facilities and indicated that there had not been problems. He stated that the entire course will be fenced with black vinyl fencing. They are closed about three months of the year and do not serve alcohol. He stated that earth, grass, trees, and water absorb sound and this development will act as a buffer from the noise of other commercial properties in the area.

Mr. Strong added that the hills are about 20 to 25 feet high and the waterfall is about 60 feet wide. He stated that 72% of their customers are between 18 and 49 years old. He noted that 90% of the holes are in view of the clubhouse and they continually have rangers on the course. He added that they would not be building near the slope next to the Kammer's property.

Ms. Mary Ann Schulmeier asked what would be near the back yards. Mr. Strong replied that there would be grass and trees, with the trees being 4' to 10' high. He stated that their facility would be beautiful and regularly maintained.

Mr. Viox asked if there were any comments or questions from the Commission.

Mr. Sharp questioned the power of the lights on the poles shown in the slide presentation.

Mr. Strong stated that they are 1,000 watt metal halo lights with special reflectors. They will be on 30' high poles facing downward. He added that there are no holes within 100' of the residents' backyards.

Mr. Sharp commented that Hole #12 appeared to be within 20 feet of the property line. After closer review, Mr. Strong agreed and stated that it could be moved.

Mr. Neltner questioned the height of the fence and the parking.

Mr. Strong stated that they will probably purchase the property behind the strip center for an additional 19 parking spaces to handle their overflow. The lot will not be fenced.

Mr. Moore asked for comments regarding the public address system.

Mr. Strong advised that they have a public address system but do not play music, announce prizes, or give out "hole-in-one" information. They use the system to call people to the telephone in case of emergency.

Mr. Moore asked if it would be possible to calculate the amount of spillover lighting into the residential area.

Mr. Strong stated that the engineers could make this calculation and that he was agreeable to providing it. He suggested that the Commission members visit their other facilities, possibly the one in South Dayton, Ohio, and gave directions to the facility.

Ms. Sharon Paden, a resident of Airview Drive, stated that there are problems in relation to a nearby cinema with loitering and drinking and trash being thrown in the yards.


Mr. Mike Wolfe, 10 Airview Drive, presented to the Commission photographs of the properties adjacent to the site under discussion. He noted his concern regarding the placement of the holes on the course and the noise. He stated that his back porch is only 45 feet from the property line.

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

Mrs. Wolfe advised that the City of Florence does not have a noise ordinance.

There being no further comments or questions, Mr. Viox stated that this request will be on the agenda for the January 6, 1988 Business Meeting at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William Viox

ATTEST:

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

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 6, 1988                      8:00 P.M.

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Mrs. Carol Smith, Secretary-Treasurer, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. R. N. Greene  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong  
Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

This being the meeting designated for the election of officers, Mrs. Smith asked Mr. McMillian, Chairman of the Nominating Committee, for the Committee's report.

Mr. McMillian stated that members of the Nominating Committee were Mr. Neltner, Mr. Burch, Mr. Jones, Mrs. Smith and himself. Mr. McMillian advised that nominations would be accepted from the floor and reported that the following slate of officers had been selected by the Nominating Committee:

Mr. Moore moved that the reports be adopted. Mr. McMillian seconded the motion and it carried unanimously.

There being no discussion of the reports, Chairman Viox proceeded to the items on the agenda.

### BUSINESS MEETING AGENDA

#### UNFINISHED BUSINESS:

##### 1. Zoning Map Amendment

A request of William D. Hillman/Garret P. Brodhead (applicants) for Banklick Corporation (owner) for a Zoning Map Amendment on a 132-acre site located east of the U.S. 42/25 Connector and west of I-75 or, more specifically, the Kentucky Raceway site. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Rural Suburban (RS), Commercial Two/Planned Development (C-2/PD), Urban Residential One/Planned Development (UR-1/PD), Office Two/Planned Development (O-2/PD) and Industrial One/Planned Development (I-1/PD).

Mr. Gerald Newton, Director, read the Committee Report which recommended a two-week deferral of the request in order to allow for proper review (see Committee Report).

There being no discussion, Mr. McMillian moved that the request be deferred until the January 20, 1988 Business Meeting as recommended by the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

##### 2. Zoning Map Amendment

A request of Adventure Golf (applicant) for George Whitton (owner) for a Zoning Map Amendment on a 5.57-acre site located on the west side of Mall Road, behind Bob Summeral Tire, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Recreation (R). The intended use is a 36-hole miniature golf course.

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

Chairman Viox asked if the applicant was present. Mr. Dennis Strong, President of Adventure Golf, was present.

Mr. Viox then asked if there was a representative of the neighborhood present.

Mr. Dick Kammer stated that they disagree with the Committee Report. He stated that this use is not appropriate next to a residential area. He added that this application was made when other courses were closed and could not be viewed by the Commission and that the Commission is, therefore, making a decision without full knowledge of the facts.

Mr. Sharp stated that he also did not feel that this use was appropriate adjacent to a residential area and that he was opposed to the request.

Mr. Moore referred to the discussion at the Public Hearing of a hole that was within 25 feet of the property line. He asked how far from the property line that hole would now be placed.

Mr. Strong stated that there will be a 25-foot buffer zone and the hole will be on the other side of the buffer zone.

Mr. Moore stated that on that basis, the hole could be 25 feet from the property line. He stated that a distance of 25 feet from the property line would place the hole too close to the adjacent residences.

Mr. Neltner asked if the 8' high fence would surround the site or would be only at the rear property line. Mr. Neltner also noted the condition in the Committee Report which stated that there would be no spillover of sound into the adjacent residential area. He asked for clarification of this condition.

Mr. Burch, Chairman of the Committee, stated that the fence would be to the rear of the site. He stated that it would not be possible to completely stop sound from spilling over, but that the intention was that loud speakers and other noise be kept to a minimum.

Mr. Newton advised that the fence would go around the entire site. Mr. Burch agreed with this correction to his statement.

Mr. Moore moved that a fifth condition be added to the Committee Report that there be no hole on the course placed within 100 feet of the residential property line. Mrs. Smith seconded the motion.

Chairman Viox asked the applicant if he was in agreement with this condition.

Mr. Strong stated that they would be willing to move the hole and add additional buffer, but that 100 feet was too much. Mr. Strong did not agree to the condition.

Chairman Viox asked for a five-minute recess to allow for review of the Site Plan.

Following the recess, Mr. Moore withdrew his previous motion and moved that a fifth condition be added to the Committee Report that there be no hole on the course placed any closer than 50 feet of the residential property line. Mrs. Smith agreed and seconded the motion.

Chairman Viox asked the applicant if he would agree to the new motion made by Mr. Moore.

Mr. Strong stated that he was in agreement.

There being no further discussion, Mr. Viox asked for a vote on the motion to add the fifth condition to the Committee Report and it carried unanimously.

Mr. Burch moved by resolution to the City of Florence that the request be approved as recommended by the Committee Report, subject to the five conditions of the Amended Committee Report. Mr. Collins seconded the motion.

Mr. Ron Buckley stated that it had been indicated that there were no complaints from residents in regard to other golf courses. He stated that there were no residents near those courses. He stated that the buffer would not stop the noise or the lights from going into the residential area. He added that he believes the residents will move away from Airview Drive. He suggested that the site be used as a playground for children.

There being no further discussion, Mr. Viox asked for a roll call vote on the motion made by Mr. Burch which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Greene, Mr. McMillian, Mr. Moore, Mr. Neltner, Mrs. Smith, Mr. Viox, and Mrs. Bushelman in favor. Mr. Sharp was opposed. Mr. Rush abstained. The motion carried.

### 3. Site Plan Review

A request of T.N.T. Construction (applicant) for William R. McCarty (owner) for Site Plan Review to construct a storage building behind the existing Tri-City Insurance business. The 0.25-acre (approx.) site is located at 234 Main Street in Florence, Kentucky and is zoned Commercial Two (C-2).

Staff Member, Dave Geohegan, presented the Staff Report which indicated that this Site Plan meets the minimum requirements of the Boone County Zoning Regulations. Staff recommended approval (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the Staff Report (see Committee Report).

There being no discussion, Mr. Barnett moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "C"

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: January 6, 1988

RE: Request of Adventure Golf (applicant) for George Whitton (owner) for a Zoning Map Amendment on a 5.57 acre site located on the west side of Mall Road, behind Bob Summeral Tire, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Recreation (R). The intended use is a 36 hole miniature golf course.

REMARKS:

We, the Committee, recommend approval of the above Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. Under the 1986 Boone County Comprehensive Plan, the need for recreation areas is discussed in the Recreation Element and general areas are discussed. The Land Use Map does not specify future recreation sites; however, throughout the Plan the need to meet a variety of recreational demands is examined. Under the current Zoning Regulations, only land in Boone County which is presently used recreationally is zoned recreational. The applicant's engineer has stated at the Public Hearing that the requested zone change is in agreement with the 1986 Boone County Comprehensive Plan in that it will provide another recreational area which city and county residents can utilize. The Committee agrees and provides the following findings of fact:
  - a. The Committee recognizes that while miniature golf is principally permitted only in the Recreational zoning district, this specific use as presented at the 12/16/87 Public Hearing is essentially a commercial business which will draw from a local and regional market. The Land Use Element and Future Land Use Map of the Comprehensive Plan call for future use of the subject site to serve regional commercial uses. Further, the Land Use Map, as well as the Zoning Map, only reflect existing recreational facilities as previously stated. Therefore, the request is in agreement with the current Comprehensive Plan.
  - b. The Committee believes that the uniqueness of this specific recreation facility will cause it to draw from a local and regional market of primarily driving age patrons. The site is centrally located and readily accessible by automobile to constituents in the Florence area. The Comprehensive Plan states that the Mall Road area will continue to attract regional businesses and that recreation areas should be centrally located in their service areas and safely accessible to the age groups they are designed to serve.

2. Because of the unique topography and steep slope of the site, the Committee believes that the proposed Concept Development Plan will permit an appropriate use of the subject site. Due to the steep slope of the site, the present zoning is inappropriate for a wide variety of the commercial uses which are permitted in the C-3 zone.

#### 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 12/16/87 Public Hearing. These conditions are intended to clarify suitable uses and development for the presented plan. Further, the following conditions are intended to assure that the proposed use is constructed and maintained in a manner compatible with surrounding land uses.

1. Screening and Buffering: The Committee recommends that the applicant provide and maintain a minimum of 25 foot wide landscaped buffer zone adjacent to the residential property. This zone shall include a landscaped berm where possible due to topography of the site. The amount and type of landscaping vegetation shall be sufficient in height and density to effectively screen the site from the adjacent residential area. This buffer zone should be planned to integrate with the design of the development, but should exclude any physical features of the course such as lighting, sidewalks, and fairways. In addition, the fence proposed by the applicant shall be a minimum of eight feet in height. The subject property shall be designed, to the maximum extent possible, to discourage any access to the site from other than the main driveway from Mall Road. This may include fencing of the parking area.
2. The applicant, as part of the Site Plan Review, shall submit detailed engineering studies of the outdoor lighting and sound systems to ensure that no spillover of light or sound into the adjacent residential area occurs.
3. The applicant, as part of the Site Plan Review, shall submit necessary engineering reports and plans regarding the stability and bearing capacity of the soil, the drainage of the site, and, if necessary, the flow of Utterback Creek. These documents shall be required if determined necessary to assure appropriate development of the site.
4. Any proposed changes in the use of the clubhouse facility or the remainder of the site, as presented at the Public Hearing or in the Concept Development Plan, must be reviewed by the Technical Committee of the Boone County Planning Commission to determine whether it constitutes a major or minor change in the approved plan. If the Committee determines any proposed changes to be major, a new Public Hearing for revision of the Concept Development Plan will be required.

5<sup>th</sup> Condition ---- See 1.6.88 minutes

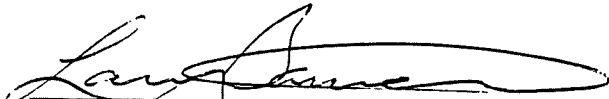
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Fred Burch, Chairman

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Rector Jones

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Melvin Delong

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William Viox

  
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Larry Barnett

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