

REQUEST OF GEORGE D. WHITTON (APPLICANT) FOR
CONRAD F. TOBERGTE ET AL (OWNER) FOR A ZONING MAP AMENDMENT
FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2)

This request is a Zoning Map Amendment on a +0.54 acre site located directly behind Honda of Florence and east of Sanders Drive, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2). A single-family residence is presently located on the site which consists of Lots 184 and 185 of Nonpariel Park Subdivision.

SURROUNDING LAND USES AND ZONING

The surrounding land uses near the +0.54 acre site consist of commercial to the north (Honda of Florence facility and Turfside Motel), single-family residential to the south, single-family residential to the west and open space (creek) and single-family residential to the east. In addition, the surrounding zoning includes Commercial Two (C-2) to the north and Suburban Residential Two (SR-2) to the east, west, and south.

HISTORY AND NATURAL FEATURES OF THE SITE

The Honda of Florence facility located directly south of the +0.54 acre parcel is presently used for the sale, service, and display of motorcycles, off-road vehicles, and lawn equipment. On September 3, 1986, the Boone County Planning Commission approved a Site Plan for a 1,660 square foot addition to the present facility. The +0.54 acre site slopes from west to east, where a creek is located on the east property line.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Zoning Map Amendment request is being examined in relation to the Boone County Comprehensive Plan to determine whether it is consistent with the Plan's objectives and recommendations. The general area is referred to in a number of ways.

The 1986 Future Land Use Maps shows the ultimate development of this and all adjoining lands as Medium Density Residential, which is a general classification for residential developments ranging from three to eight units per acre.

In addition, the text describes the following in reference to the area surrounding the site.

Page L-19 refers to the need to protect existing residential communities from inappropriate infilling and keeping commercial land uses near arterial roads.

"Overall, the existing residential communities must be

"Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city.

Commercial development in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. The coordination of curb cuts and parking lot tie ins in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads."

Page B-14 discusses the dominance of commercial land uses in Florence in relations to the entire county.

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures."

Page G-3 states the objectives of the "Business Activity" section of the Comprehensive Plan.

Objectives:

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

Commercial

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

In summary, the Boone County Comprehensive Plan recommends Medium Density Residential and Commercial land uses by reference to the text of the document for the area near U.S. 25.

HONDA OF FLORENCE CONCEPT DEVELOPMENT PLAN

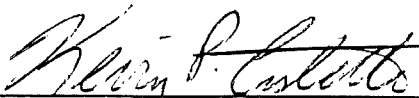
The applicant has submitted a Concept Development Plan, which shows a 1,500 square foot storage building, 19 parking spaces and the relocation of an alley. The applicant is attempting to provide additional employee and customer overflow parking for the entire Honda of Florence site. By providing loading areas on the +0.54 acre site, it will terminate this practice from occurring on Sanders Drive. Also, the relocation of a portion of the alley will allow the applicant to test drive vehicles in this area rather than on Sanders Drive. The existing single-family residence will remain as a buffer between the residential and commercial land uses. The Plan does not indicate an outside storage or display area.

STAFF CONCERNS

1. Abandonment or Relocation of Alley - The applicant must follow the proper procedures to petition the City of Florence to relocate the alley.
2. Screening of Site and Building - Because of the surrounding residential uses, every attempt should be made to sufficiently screen the parking areas and the proposed storage building. It may also be a good idea to design the storage building in a way that it would resemble a residential garage.
3. Parking Area closest to Sanders Drive - The two parking spaces closest to Sanders Drive may have to be eliminated because of turning movements and potential safety problems.
4. Lighting - Because of the residential character of the neighborhood, lighting of the site should be minimal.

CONCLUSION

In conclusion, the Planning Commission should evaluate this request based upon the Comprehensive Plan, existing land uses and the criteria for granting a zone change. If the Planning Commission and the ~~Boone County~~ ^{City of Florence} Fiscal Court approve this request, the Zoning Map, and the Land Use Map would need to be changed.



Kevin P. Costello
Asst. Director/Sr. Planner

KPC/jdh

BOONE COUNTY PLANNING COMMISSION

May 27, 1987

PUBLIC HEARINGS

Mr. David Martin, Vice Chairman, called the meeting to order at 7 P.M..
Mr. Martin welcomed Mr. Floyd Sharp as a new member of the Planning Commission.

AGENDA ITEMS:

1. Applicant: Mr. George Whitton (owner by contract)
Request: Zoning Map Amendment

This was a Public Hearing on an application submitted by Mr. George Whitton (owner by contract) for a Zoning Map Amendment on a 0.54-acre tract located directly south of Honda of Florence (U.S. 25) and east of Sanders Drive in Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2). The intended use is a parking lot.

Staff Member, Kevin Costello, presented slides of the site and stated that the applicant wished to make a presentation.

Mr. Jim Woltermann, speaking in behalf of the applicant, indicated the location of the site on a drawing and noted the adjacent land uses. He stated that the applicant wants to acquire the property to add to the existing Honda of Florence facility. The additional property will provide 17 additional parking spaces and a storage facility. He stated that an existing 10-foot wide alley will be relocated and improved. He noted the proposed screening indicated on the Development Plan. Mr. Woltermann indicated that the additional parking lot will improve the traffic flow in the area. He stated that people are now testing motorcycles on Sanders Drive and they will be able to do that testing on the additional lot. He noted the location of an existing residence on Sanders Drive which will be retained and rented as a residence. Mr. Woltermann commented that Honda of Florence has been in its present location since 1965. He added that the Comprehensive Plan provides for insufficient land to be used for commercial purposes on Dixie Highway in the area.

Staff Member, Kevin Costello, presented the Staff report. He noted the Comprehensive Plan recommendations for the area and reviewed the Staff's concerns (see Staff Report). Mr. Costello noted a letter received from Mary Laverne Judge in opposition to the request. A copy of her letter is attached to the Staff report.

At this time, Mr. Martin opened the discussion to the floor. He asked if there was anyone present who wished to speak regarding this application.

Sandra Tattershall, 6421 Dixie Highway, stated that she is the director of a language learning center located north of the site. She serves people with language learning disabilities and is concerned about the noise level. Mrs. Tattershall is concerned about the testing of motorcycles behind her property and the effect it may have on her clients, particularly the children. She noted her concerns also regarding traffic congestion and sewage.

Mr. Meyer, 6423 Dixie Highway, stated that he lives near the site and the lot next to him is being used by people on motorcycles, as is the alley. He noted his concerns for the safety of the children in the area. Mr. Meyer stated that he has lived on his property since 1942 and wants the area to be residential.

Becky Percifel, a resident of Sanders Drive, noted her concerns regarding the landscaping. She would like the storage buildings to have a residential appearance. She noted her concerns about lights disturbing her and also about the testing of the motorcycles.

Mr. William Ferris, 6425 Dixie Highway, stated that Mr. Whitton (the applicant) is a business associate of his. He noted that he opened up the alley in the area. Mr. Ferris stated that he has no objections to the application.

Mr. Meyer commented that the alley has been a nuisance to him and other residents in the area.

Joy Simms, who resides with her father directly across from the Honda of Florence property, stated that she has problems with the noise level. She works at night and is unable to sleep during the day due to the noise. Ms. Simms stated that customers of Honda of Florence park on her property and also that trucks have been going on her property. She noted her concerns for the safety of children in the area, particularly her son. She asked if there would be an entrance to the additional lot off of Sanders Drive.

Mr. Simms, also a resident of 92 Sanders Drive, directly across from the Honda of Florence property, noted his concerns for the safety of children in the area.

Mr. Martin asked Mr. Woltermann if he could address the comments and questions that had been raised.

Mr. Woltermann stated that this request for the additional lot would solve the problem of motorcycles on Sanders Drive. In response to Ms. Simms' question, he said that if the alley were closed, then they could limit the access at times. He added that they have no control over the alley. He indicated that if they do not have the additional lot they are requesting, then motorcycles will continue to use Sanders Drive for testing. He added

that there will be no outside storage of motorcycles on the lot. He stated that the proposed landscaping will provide a good buffer between the residential neighborhood and the parking area. He stated that the storage building will look like a residence.

Sandra Tattershall asked what the noise limitations are in the area. She stated that the proposed use is a parking lot, but the major use will be the testing of motorcycles -- which will be like having a racetrack there. She noted that they already have the noise of Dixie Highway.

Connie Tobergte, 4 Sanders Drive, stated that the proposed zone change is reasonable. She stated that the lot in question is pie-shaped. They will only be using 8 feet at the rear, and 50 feet across the front. The request will alleviate problems in the area. She noted that the City of Florence is in favor of the request.

Mr. Woltermann added that the only people who will be testing motorcycles are employees of Honda of Florence. He noted that any dangerous conduct would be a concern of the owner.

There being no further comments from the floor, Mr. Martin asked the Commission members if they had any questions or comments.

Mr. McMillian asked for clarification regarding the relocation of the alley.

Mr. Wolterman indicated the existing location of the alley and stated that they only change would be that it will be slightly curved at the end.

Mr. DeLong asked if the only zoning classification appropriate for the parking lot would be C-2.

Staff replied that since the lot will serve a retail establishment, and will also contain a storage building, the appropriate zoning would be C-2.

In response to a question from Mr. Davis, Mr. Woltermann stated that the parking has been inadequate for a number of years. Staff Member, Kevin Costello, added that the parking requirements of the Site Plan were met. He also stated that there are some existing non-conforming parking spaces located in the right-of-way.

Vice Chairman Martin stated that this request will be on the agenda for action at the June 3, 1987 meeting of the Boone County Planning Commission at 8 P.M.. He suggested that interested parties plan to attend, and to keep in contact with the Staff Office regarding this matter.

Ms. Simms added that she is not opposed to the zone change if it will alleviate the traffic problem. She requested that the Staff investigate further to determine if it will increase or reduce the traffic on Sanders Drive.

Mr. George Whitton, the applicant, stated that motorcycles are primarily tested by the employees. A new rider may want to test on the lot, an experienced rider would test on the highway.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

Vice Chairman Martin asked if there were any comments or questions regarding this request. There was no discussion.

Mr. DeLong moved that this request be deferred until July 1, 1987 for compliance or appropriate legal action should be taken. Mr. Davis seconded the motion.

Vice Chairman Martin stated that the Committee Report should be amended striking the words "indefinite deferral" and that deferral until July 1, 1987 be indicated. Mr. DeLong and Mr. Davis noted their agreement.

Commission members indicated their unanimous approval of the motion.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

A request of George Whitton (owner by contract) for a Zoning Map Amendment on a 0.54-acre tract located directly south of Honda of Florence (U.S. 25) and east of Sanders Drive in Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2). The intended use is a parking lot and storage facility.

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

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

Mr. Jim Woltermann, speaking in behalf of the applicant, stated that they are in agreement with the conditions indicated in the Committee Report.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission.

Mr. Neltner asked if the storage building proposed for the site would be used for display purposes, to which Mr. Woltermann replied that it would be used for storage only.

There being no further discussion, Mr. Jones moved, seconded by Mr. DeLong, that the request be approved subject to the conditions indicated in the Committee Report and that a recommendation be sent to the City of Florence. The motion carried unanimously.

2. Zoning Map Amendment

A request of Toyota Motor Distributors, Inc. (applicant) for William and Sue Green & Ronnie and Anna Troxell (owners) for a Zoning Map Amendment on two parcels of land located north of Ashcraft Lane and west of Hopeful Road in Boone County, Kentucky. The 0.75-acre (approx.) site is zoned Suburban Residential Two (SR-2) and is being proposed to be Commercial Services (C-3). The intended use is to provide additional storage capacity for a future automobile dealership.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Melvin DeLong, Chairman

DATE: June 3, 1987

RE: Request of George Whitton (owner by contract) for a Zoning Map Amendment on a 0.54 acre tract located directly south of HONda of Florence (U.S. 25) and east of Sanders Drive, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2). The intended use is a parking lot and storage facility.

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 and zone change request is consistent or in agreement with the text of the 1986 Boone County Comprehensive Plan.

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures."

Also, the Comprehensive Plan suggests that compact, efficient development patterns with appropriate buffer space between uses shall be encouraged. The Comprehensive Plan mentions that commercial uses shall be located at strategic locations or next to trade areas or parking areas. The mixing of commercial and non-commercial uses shall occur in replanned older areas. References to the Comprehensive Plan are made in the Staff Report.

2. The proposed zoning classification (C-2) is appropriate because of its close proximity to Dixie Highway and to existing commercial land uses and the nearby C-2 zoning district.

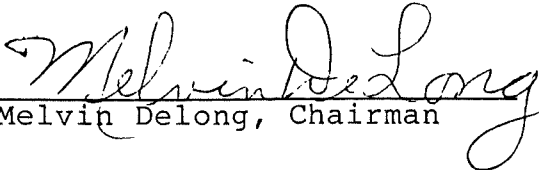
CONDITIONS

1. The proposed building shall be a maximum of 1,500 square feet (excluding the basement) and shall only be used for storage purposes.
2. The applicant shall be required to petition the appropriate legislative body to abandon or relocate the existing alley.
3. The applicant shall be required to brick the proposed storage facility in order to have a residential appearance.
4. The existing residence shall not be removed and be limited to residential use only.
5. Outside storage of motorcycle vehicles shall be confined to the proposed concrete pad and only be allowed during normal business hours.
6. The two proposed parking spaces located closest to Sanders Drive shall be eliminated for safety reasons. The area shall be landscaped with trees and may include a driveway connection to the proposed parking lot.
7. The applicant shall be limited to testing repaired motorcycle vehicles in the alley and not on Sanders Drive during normal business hours.
8. Landscaping features at a minimum will include 4-6 foot White Pine trees and the existing Holly trees. Additional landscaping features may be required at Site Plan Review stage in order to protect the neighboring residential land uses.
9. Lighting on the 0.54 acre site will be limited to building mounted on the storage facility.

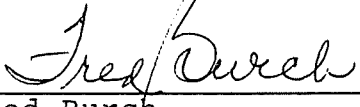
CONCLUSION

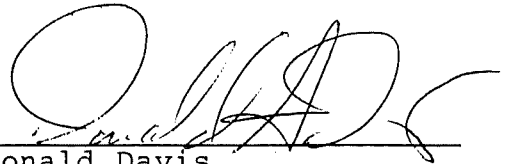
The Committee wishes to emphasize the need to properly screen this development and protect the neighboring residential uses. The Committee appreciates the applicant's desire to expand its present business and to improve circulations both within the development and on Sanders Drive. The Committee would like the applicant to work with the staff and the City of Florence in finalizing plans to improve the site and continue making the general area suitable for residential living.

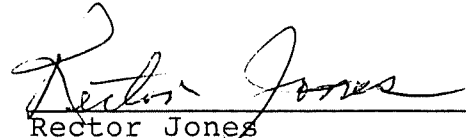
(Signatures follow on page 3.)


Melvin DeLong, Chairman

Larry Barnett

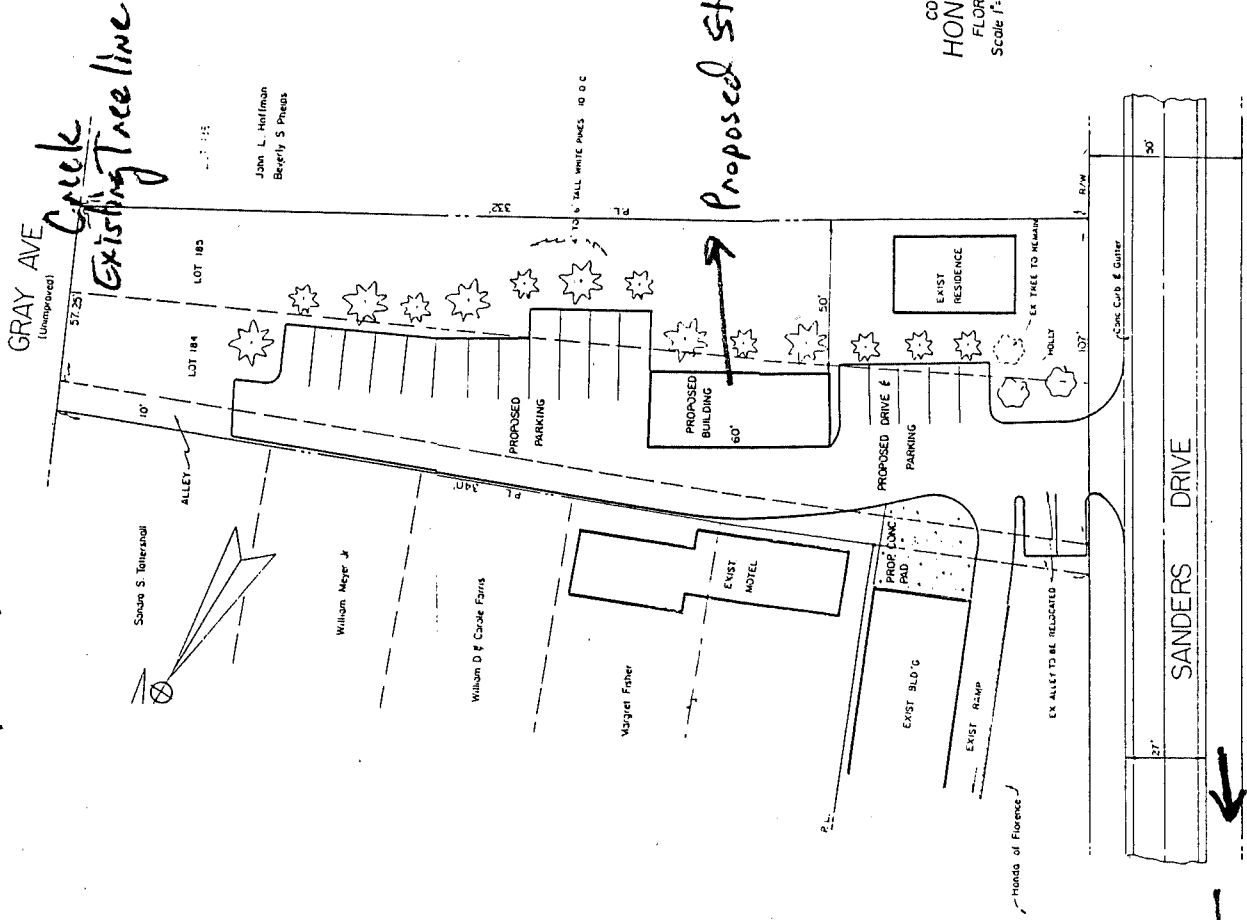

Fred Burch


Donald Davis


Rector Jones

William Viox

HONDA OF FLORENCE
 (George Whitton)
 5/27/87



Proposed Storage Bldg.

CONCEPT DEVELOPMENT PLAN
 HONDA OF FLORENCE
 FLORENCE, BOONE CO, KENTUCKY
 Scale 1" = 20' April 23, 1987

VIDIX & VIDIX P.S.C.
 CIVIL ENGINEERS & LAND SURVEYORS
 ENLARGER, KENTUCKY

U.S. 25 ←

R-29-87

ORDINANCE NO. 0-32-87

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ON SANDERS DRIVE AT OR NEAR ITS INTERSECTION WITH DIXIE HIGHWAY, THIS ZONING CHANGE BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO, SR-2, TO A COMMERCIAL TWO, C-2, ZONE, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (HONDA - G. WHITTON PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that certain real estate located, generally, on Sanders Drive at or near its intersection with Dixie Highway in Florence, Kentucky, should be rezoned from its present Suburban Residential Two, SR-2, Zone to a Commercial Two, C-2, Zone, subject to an agreed Concept Development Plan, and

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

WHEREAS, City Council of Florence, Kentucky, has reviewed the recommendation for the rezoning request and the property owner/applicant has agreed to reduce the amount of property to be rezoned as an agreed condition and as part of the development plan for the rezoning.

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

SECTION I

That certain real estate located on Sanders Drive near its intersection with Dixie Highway in Florence, Kentucky, shall be and the same is hereby rezoned from its present Suburban Residential Two, SR-2, Zone, to a Commercial Two, C-2, Zone, subject to an agreed Concept Development Plan, such real estate being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or

changed to reflect the rezoning of the real estate set forth in Section I and Exhibit "A" of this Ordinance, and as shown on a plat of the property hereby rezoned, this plat being attached, marked Exhibit "B" and incorporated herein by reference as if fully set out.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change as they apply to the property described in Exhibits "A" and "B".

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including its development plan, the Boone County Planning Commission recommendation, and the reduction of the property being rezoned herein, which are agreed to by applicant/property owner.

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 28th DAY OF July, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 4th DAY OF August, 1987.

APPROVED:


MAYOR

ATTEST:

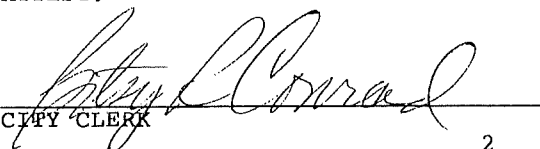

CITY CLERK

EXHIBIT "A"

DESCRIPTION OF PROPERTY REZONED FOR GEORGE WHITTON - HONDA
ZONING MAP AMENDMENT

Being Lots 184 and 185 of Nonpariel Park Subdivision in the City of Florence, Kentucky.

THERE IS EXCEPTED from the foregoing description a portion of Lot 185 of Nonpariel Park Subdivision, this exception being that portion representing a reduction of the property being rezoned as agreed to by the property owner/applicant as an additional condition of the rezoning request and as part of the development plan for the rezoning, this exception being more particularly described as follows:

A parcel of land lying on the northeasterly side of Sanders Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the northeasterly right-of-way line of Sanders Drive, said point being a common corner between lots 184 and 185 of Nonpariel Park Subdivision and running thence:

S 32-00 E, along the northeasterly right-of-way line of Sanders Drive, a distance of 53.5 feet, to a point thence

N 58-00 E, along the dividing line between lots 185 and 186 of said subdivision, a distance of 332.00 feet, to a point, thence

N 28-30 W, a distance of 28.75 feet, to a point, thence

S 62-15 W, along the dividing line between lots 184 and 185 of said subdivision, a distance of 146.11 feet, to a point, thence

S 32-00 E, a distance of 11.73 feet, to a point, thence

S 58-00 W, a distance of 44.00 feet, to a point, thence

N 32-00 W, a distance of 15.00 feet, to a point, thence

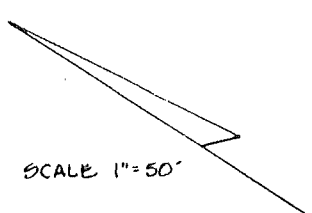
S 62-15 W, along the dividing line between said lots 184 and 185, a distance of 20.00 feet, to a point, thence

S 58-00 W, a distance of 94.18 feet, to a point, thence

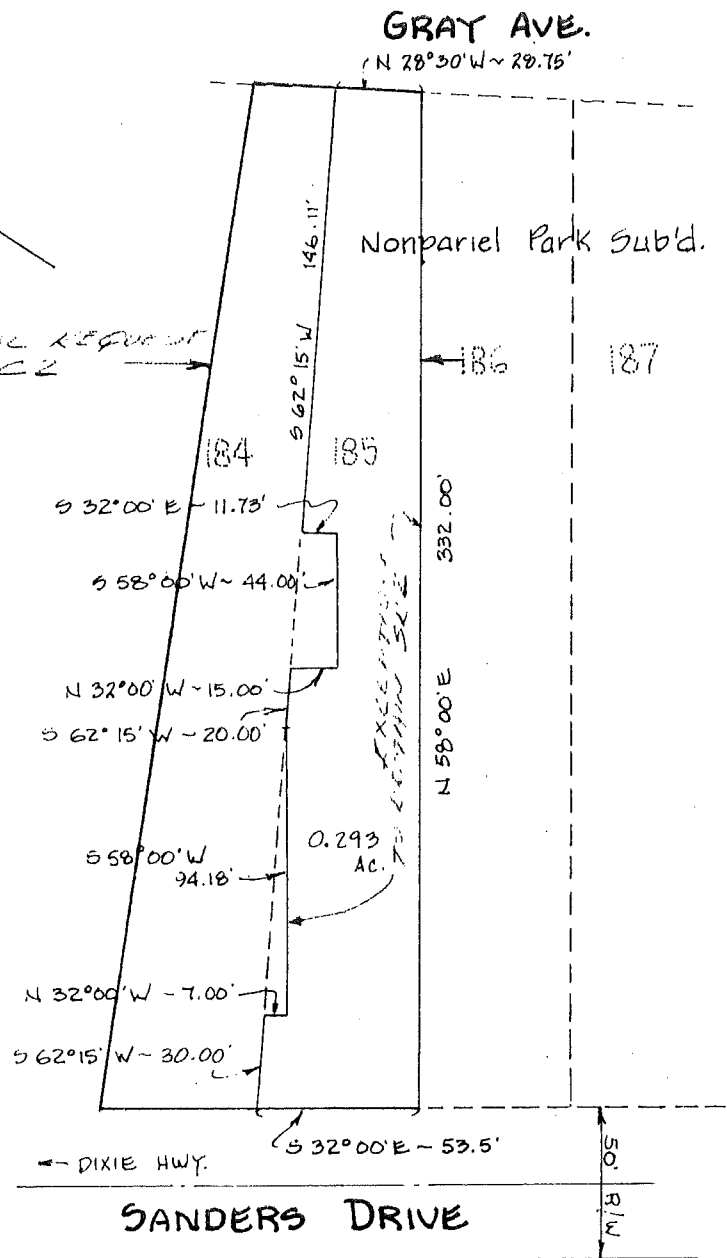
N 32-00 W, a distance of 7.00 feet, to a point, thence

S 62-15 W, along the dividing line between said lots 184 and 185, a distance of 30.00 feet, to the place of beginning and being 0.293 acres more or less.

The above described parcel is part of lot 185 of Nonpariel Park Subdivision.



SCALE 1"=50'



PORTION OF WHITTON ZONING
REQUEST TO BE EXERCISED
PART OF LOT 185
NONPARIEL PARK SUBD.
FLORENCE, BOONE CO., KY.

Exhibit "B"