

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARINGS

OCTOBER 24, 1984

8:05 P.M.

Chairman Kroger opened the Public Hearing on the zoning map amendment request of Fuller Square Corporation for property located at the northwest corner of Ky. 18, Burlington Pike and Houston Road in Boone County, Kentucky.

Staff Member Clay Shepherd presented the staff report. Mr. Shepherd described the curving zoning and described the zoning of the adjoining properties as to the south and east as C-2; to the north as Industrial One/Planned Development Overlay; and to the west as Urban Residential One, UR-1. Mr. Shepherd explained the Boone County Comprehensive Plan Land Use Map indicates Commercial as the planned future land use for the subject and properties to the east, west and south. Mr. Shepherd explained the development corridor, both north and south, of Ky. 18 between Burlington and Florence is a crucial component of the overall land use element. Mr. Shepherd stated there was a Concept Development Plan submitted for the property with the application. Mr. Shepherd explained the Concept Development Plan (a copy was attached to the staff report) calls for a 4-story above grade plus base bank/office building and separate restaurant to be built on a 5.3 acre tract. Mr. Shepherd explained the bank office building will have 40,000 sq. ft. plus base of floor area, and the proposed restaurant would have 4,000 sq. ft. of floor area. Mr. Shepherd explained how the property slopes to the north/northeast direction which will be utilized to direct storm water run-off into a catch basin in the northeast portion of the site. Mr. Shepherd noted a temporary sanitary sewer holdign tank will be located near the Houston Road entrance which will later be abandoned at teh time of connection to sanitary sewer. Mr. Shepherd stated the Concept Development Plan shows a landscape planting area between development and the intersection of Burlington Pike and Houston Road. Mr. Shepherd expressed the opinion that the landscaping area is a very sensitive area as it will be viewed by passers-by. He stated that no provisions for public water supply ahve been shown on the Concept Development Plan for the proposed development. Mr. Shepherd closed by stating should the Planning Commission recommend approval no changes would be necessary to the Boone County Comprehensive Plan as the C-2 zone would be in conformance with the planned future land use for the subject property.

Staff Member Chip Block presented a slide presentation on the subject and surrounding areas.

Atty. Gerald Dusing, representing the applicants introduced Mr. Dennis Richie, principal owner of Florence Square Corp., and Mr. Gardner of Gardner, Burdick, Bauer-Nilsen, Architects. Mr. Dusing pointing out the landmark of the portable cemtn plan to the north of the subject property. Mr. Dusing emphasized the proposed zone change request is for a less intensive use than what is currently permitted under the current zoning (C-3; i.e., fast food, highway commercial types, etc.). Mr. Dusing explained the request is for C-2 zoning and is compatible with existing proposed plans for the area. Mr. Dusing stated the proposed development would be attractive and an asset to the community. Mr. Dusing explained the first 2 floors will be occupied by a bank and the top floors would be office use. Mr. Dusing pointed out the proposed restaurant, and noted that under the requested zoning (C-2) only sit-down type restaurants would be permitted. Mr. Dusing stated a bank would not be permitted in a C-3 zone and that is the reason for the request to C-2 zoning. He stated the change would be better for traffic, etc, in the area. Mr. Dusing introduced Jack Gardner, Architect.

Mr. Gardner presented a mock-up which showed the configuration of the proposed development. Mr. Gardner explained the proposed building to be developed is basically an office structure with the bank as a principal tenant and thus has unique needs with regard to traffic flow on-site with the drive-in facility as well as the ingress/egress. Mr. Gardner noted that banks in such an area have a high-level of drive-in activity and so the developer has provided adequate waiting space for the facilities. Mr. Gardner explaiend the building was put to the front of the site and parking to the rear, and the building is designed for an energy and solor type of structure. Mr. Gardner explained landscape plans for the development.

Mrs. Ida Jack, 8105 Burlington Pike, property owner directly across from the proposed development, inquired if the Fullers' property goest to Houston Road. Mr. Dusing responded in the affirmative but that the front 50 ft. is owned by the Highway Department. Mrs. Jack inquired if the Fullers had recently purchased a right-of-way from Houston Road into the site. Chairman Kroger intervined tha the Planning Commission cannot answer that question per se for Mrs. Jack but that Mr. Dusing was representing that his clients did have a proposal for the area of her inquiry.

Mr. Tom Farley, Burlington Pike, pointed out the noted access onto Ky. 18 going back toward Mall Road would necessitate crossing over a crossable median. Mr. Farley inquired if the Fullers still own the asphalt/concrete plan and expressed hopes of removal of the plant. Anna Farley stated her support of the proposed zone change.

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Commission Member Buse inquired of the covered walkway noted on the Concept Development Plan and the purpose of same. Mr. Gardner responded it was to provide cover in inclement weather for customers coming from the parking area. Mr. Buse inquired if the property as proposed on the site plan was owned by the Fuller Square Corporation. Mr. Dusing responded the Fullers are the fee owners and that Fuller Square Corporation has a ground lease option to purchase. Mr. Buse inquired if the owner in fee agreed to the zone change. Mr. Dusing responded the owners in fee support the zone change request.

Commission Member Viox stated that by showing the future access road to the northwest is a great idea. Mr. Viox expressed he would like to see the applicant attach to the Concept Development Plan some type of an easement or statement of dedication to ensure the future access road. Mr. Viox inquired if the applicant would be willing to make a statement that the road would be available to the adjoining property owner. Mr. Dusing responded that in all fairness to the owners such a commitment would require consultation with the owners. Mr. Viox expressed the need for less future ingress/egress on to Houston Road and urged the connection be a reality and noted on the Concept Development Plan. Discussion followed of the merits of connection or access or service roads and the possible location of such a connection.

Chairman Kroger stated his agreement with Mr. Viox in that the Commission will have to resort such a concept along Ky. 18 from the subject area west.

Mr. Viox expressed concern of the availability of water for the site. Mr. Viox noted the City of Florence does have a main on Houston Road but that Houston Road is not in the City of Florence. Mr. Gardner explained water availability is still under discussion and consideration. Mr. Dusing noted there is the possibility of asking to be annexed by the City of Florence, and there are several considerations in such a decision.

Commission Member Greene expressed the roads as proposed seem adequate for the subject site. Mr. Greene stated to require the developer to furnish access to the adjoining site may be unreasonable. Mr. Greene noted the possibility of movement of the building.

Commission Member DeLong inquired if Houston Road will be 4 lanes in the future. Mr. Gardner stated he has heard this but could not respond with any degree of knowledge. Mr. DeLong wondered if consideration had been given to a holding lane on the future 4-lane Houston Road. Mr. Dusing stated communications with the Highway Department and Federated Dept. Stores (land owner across Houston Road)

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are ongoing for the coordinated curb cuts, etc. Mr. DeLong inquired how the fill brought to the site will be maintained on-site during construction.

Mr. Gardner explained the cut and fill plans for the site. Mr. Block noted that requirement would be addressed under the site plan review phase.

Chairman Kroger noted the County does have water to the site of Chuck's Market on Ky. 18.

There being no further questions or comments, Chairman Kroger closed the public hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

NOVEMBER 7, 1984

8:00 P.M.

Chairman Kroger called the meeting to order. Chairman Kroger explained the procedural format on zone change requests.

Roll call was taken by staff member Dee Ann Manley. 13 members present. Mr. Godsey and Mrs. Smith were absent. All staff members present. Atty. Dale Wilson was also present.

The Minutes of the Business Meeting of October 17, 1984 and the three (3) Public Hearings of October 24, 1984 were presented for consideration.

Chairman Kroger noted the Minutes of the Business Meeting of October 17, 1984 did not reflect that Mr. Slusher had been sworn in properly and requested same be noted.

Commission Member Buse noted that on page 3 of the Business Meeting Minutes of October 17, 1984 the reason for his abstention on the agenda item was incorrect. Mr. Buse stated that statement should state " Mr. Buse abstained for reason of financial affiliations with the applicant on other developments."

Commission Member Greene stated the Minutes of Public Hearing #3 on the zoning map amendment of Fuller Square Corporation, page 3, paragraph 5, misquoted his intended statements and requested the last sentence of page 3, paragraph 5 of the aforementioned public hearing be stricken.

Mr. Collins moved that the Minutes of the Business Meeting of October 17, 1984 and the three (3) Public Hearings of October 24, 1984 be approved as amended, corrected and deleted by Messrs. Kroger, Buse and Greene respectively. The motion was seconded by Mr. Buse. After discussion, the motion was carried unanimously.

ADMINISTRATION

Staff member Dee Ann Manley read the following bills to be paid: Staff salaries and benefits, \$5,416.60; Boone County Recorder, \$326.54; Budget Print Center, \$75.00; Kelly Services, Inc., \$603.75; Finance Dept. \$189.56; Revenue Cabinet, \$871.22; The Picture Place, \$11.38; Lanlor Office Products, \$56.80; Central Hardware, \$176.93; American Planning Association, \$50.00; John R. Green, \$60.31; International City Management Assn., \$64.75; Northern Kentucky Area Development District, \$5.00; B. C. Printing, \$31.40; and Archives Word Processing, \$365.50. Totalling: \$8,307.84.

Mr. Jones moved that the bills as presented be paid. The motion was seconded by Mr. Buse. After discussion, the motion was carried unanimously.

REPORTS:

Chairman Kroger noted the Enforcement Officer's Report was distributed to Commission members for their review.

Chairman Kroger stated that the building inspector for the City of Florence for the month of October indicates that the total of building permits issued were 35 for a total of \$1,911,022.00.

There was no discussion or comment on the distributed reports.

Chairman Kroger suggested that as a matter of courtesy to former Commission Chairman Herbert Booth the Commission change the order of the Agenda and review Mr. Booth's request first.

UNFINISHED BUSINESS:

Zoning Map Amendment

A request of E. Andre Busald (agent) for property owners Booth, Baird, Shearer, Reutman, and Schneider for a zoning map amendment from Suburban Residential Two SR-2 to Commercial One, C-1 for a .6 acre site located at 7607 Dixie Highway, Florence, Kentucky.

Staff member Chip Block summarized the staff report as presented at the public hearing on the proposed zoning map amendment. Mr. Block described the subject and adjoining area. Mr. Block stated that the planned land use for the subject property is commercial and accordingly should approval of the request be granted the Boone County Comprehensive Plan Land Use Map would not have to be changed as the C-1 zone would be in conformance.

Director Lynn stated that the Committee Report recommended approval of the proposed zoning map amendment and the Committee remarked the purpose of the providing a replacement for parking spaces which will be lost due to the widening of U.S. 25. Mr. Lynn noted that it had been brought to the Committee's attention that an indicated alleyway to the rear of the property may be presently occupied by the applicant in a way contrary to the legal dedication which is not addressed by the Committee. The Committee report recommended approval based on: 1) the request is a proper continuation of needed parking spaces to maintain services being performed by the applicant; 2) the services being provided by the applicant (medical, diagnostic, etc.) are a needed and proper service for the residents of Florence; and 3)

the widening of U.S. 25 by the State Highway Dept. has caused a change of a physical nature in the area; 4) the request is in conformance with the Boone County Comprehensive Plan and no change will be necessary; and 5) A Concept Development Plan has been submitted with the application and any substantial change would require another public hearing, approval, etc.

Mr. Barnett moved that the Commission by Resolution approve the zoning map amendment for .6 acre site located at 7607 Dixie Highway, Florence, Kentucky based on the staff and committee reports. The motion was seconded by Mr. Jones.

Mr. Viox stated he would abstain on the proposed zoning map amendment for reasons of business affiliations on the proposed project.

Mr. Neltner inquired what indication for the existing house structure on the property is shown on the Concept Development Plan. Atty. E. Andre' Busald responded the house is to be torn down in the future. Mr. Booth assured that from now until next summer when the parking renovation will occur the caretaker for the Florence Medical Arts Building will continue to reside in the residence until it is torn down.

After discussion, the motion was carried.

Aye: 12 members.

Abstain: Mr. Viox.

Zoning Map Amendment;

A request of E. Andre Busald (agent) for property owner Robert Newman for a zoning map amendment from Rural Suburban, RS to Rural Suburban/Small Community Overlay, RS/SC for a 5.67 acre tract located generally along the east side of U.S. Highway 42 near its intersection of Whispering Trail on the southside of Union, Kentucky.

Staff Member Chip Block described the subject and surrounding area. Mr. Block described the current zoning of adjoining properties to the north, Rural Suburban/Small Community Overlay, RS/SC and Rural Suburban Estate, RSE; to the east, RS zoning; to the south, Rural Suburban, RS zoning; and further south, outside of the City of Union, is Rural Suburban Estate, RSE. Mr. Block stated the Boone County Comprehensive Plan Land Use Map indicates a planned future land use of Low Density Residential and Environmentally Sensitive for the subject site and all adjoining properties to the north are planned for Commercial and Low Density Residential. Mr. Block also noted all other adjoining properties are planned for Low Density Residential. Mr. Block stated a Concept Development Plan was attached to the staff report which proposed that the front 1.57 acres remain the same but be used for Garden and Landscaping sales and the more or less 4.10 acres to the east, and fronting

on Whispering Trail, be used for the cultivation of trees. Mr. Block stated that currently water supply could be made available through the appropriate approvals from an existing Boone County Water District main along U.S. 42 and Whispering Trail and that no future provisions have been made. Mr. Block mentioned that sanitary sewage disposal is currently provided by an on-site septic system for the current residential activity and that no future plans to change the current provision. Mr. Block closed by stating a change to the Boone County Comprehensive Plan Land Use map would be necessary from the current Low Density Residential if the request is approved for Commercial use.

Mr. Lynn stated the Committee Report recommended approval of the proposed zoning map amendment with the expressed reiteration that any change in the Concept Development Plan would require a new public hearing, etc.

Atty. E. Andre Busald, representing Mr. Robert Newman, stated the Concept Development Plan indicates the proposed use of the property as a nursery business. Mr. Busald stated his understanding that any other use other than as indicated on the Concept Development Plan would require a new hearing, approval, etc.

Mayor Jim Dall, City of Union, stated that Commissioners of Union do not care if the operation is wholesale or retail but are concerned of the future use of the property. Mr. Dall stated the hope of the City of Union that any change would come back before the Boone County Planning and Zoning Commission for review.

Chairman Kroger assured Mr. Dall that any change would come back before the Planning Commission for review. Chairman Kroger reaffirmed with Mr. Busald Mr. Busald's understanding and commitment to the zoning map amendment for the use of a nursery only.

Mr. Barnett moved that the Commission by Resolution approve the zoning map amendment and the City of Union be notified for 5.67 acre tract located generally along the east side of U.S. Highway 42 near its intersection of Whispering Trail on the southside of Union, Kentucky. The motion was seconded by Mr. Neltner.

Mr. Jones stated he would be abstaining on the proposed zoning map amendment.

Ayes: 12
Abstain: Mr. Jones.

Mr. Buse moved that the Commission by Resolution in the event the City of Union does pass the necessary change that the Boone County Comprehensive Plan be changed to reflect the zoning map amendment. The motion was seconded by Mr. Davis.

Mr. Jones stated he would be abstaining on the motion for the text change.

Ayes: 12

Abstain: Mr. Jones.

Discussion followed of the deannexation of portions of the City of Union and upcoming Council dates.

Site Plan Review

A request by the property owner Bob Strunk for Site Plan Review for the construction of a building to house a Mr. Transmission Business on a less than one acre tract located on Industrial Road, Florence in a Commercial Services, C-3 zoning district.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting site plan approval for the construction of a building which will house a Mr. Transmission. Mr. Shepherd stated that access to the development will be off Industrial Road with provision for off-street parking available on the site. Mr. Shepherd noted a landscape plan has been provided which will provide a buffer between the parking area and Industrial Road. Mr. Shepherd noted that both water and sanitary sewage utilities are available through current mains adjoining the property. Mr. Shepherd stated that in his opinion the request does conform to the minimum standards of the zoning regulations found in Article 14, Site Plan Review and sections 940-946. Mr. Shepherd also noted that the Planning Commission's Engineer was reviewing the plan to ensure that development conforms to the elements of the zoning regulations.

Director Lynn stated the Committee Report recommended approval of the site plan.

Staff member Jim Jenkins stated that initially there was some expressed concern of storm water drainage on the site and such concerns have been satisfactorily addressed.

Mr. Viox moved that the Commission approve the site plan based on the recommendations of the staff and Committee reports. The motion was seconded by Mr. Buse. After discussion, the motion was passed.

Site Plan Review

A request of Tony Garcia (agent) for the property owner Wendy's International, Inc. for Site Plan Review for a 10'x30' addition onto their existing building at 7910 Dream Street, Florence, Kentucky in a Commercial Services, C-3 zoning district.

Staff member Clay Shepherd presented his staff report which stated the addition has to be reviewed by the Florence Board of Adjustment for front yard variance from 75' to 65'. Accordingly, Mr. Shepherd recommended the Commission defer action on the site plan for 2 weeks.

Mr. Davis moved that the Commission defer action on the site plan review of Wendy's International at 7019 Dream Street for two (2) weeks. The motion was seconded by Mr. Buse. After discussion, the motion carried unanimously.

Improvement Plat Review

A request of George Finke, property owner, for Improvement Plan Approval for 43 lots in the Chris-Chad Subdivision off of Brookwood Drive, Walton in a Suburban Residential One, SR-1 zone which contains 13.58 acres.

Staff member Chip Block presented a staff report which stated that Preliminary Plat approval for the subdivision was granted on May 4, 1977 which contained, at that time, 35 lots. Mr. Block recommended denial of the request based upon the increased density of the request in relationship to the approved Preliminary Plat on the subdivision. Mr. Block also noted that a letter had been sent to Mr. Finke and to date no response from Mr. Finke had been received.

Mr. Lynn stated the Committee report was recommending denial of the Improvement Plan.

Counselor Wilson inquired if the staff was suggesting Mr. Finke go through the preliminary plat review as well. Mr. Block responded the major consideration in the recommended denial of the request was the increased density over what was preliminarily approved.

Mr. Buse moved that the Commission deny the Improvement Plat based on the recommendations of the staff and Committee. The motion was seconded by Mr. McMillian. After discussion, the motion carried unanimously.

Zoning Map Amendment

A request of Fuller Square Corporation (option holder/lessee) for property owned by Harry Fuller II and Donald E. Fuller for a zoning map amendment for property located at the northwest corner of Ky. 18, Burlington Pike and Houston Road in Boone County, from the current zoning of Commercial Services, C-3 to Commercial Two, C-2 for a 5.3 acre tract.

Staff member Chip Block summarized the staff report as presented at the public hearing of October 24, 1984.

Mr. Ken Wolterman, representing the owners of the property, stated that his clients feel they have met all the expressed concerns of the Committee. Mr. Wolterman stated an addendum to the Concept Development Plan has been added and distributed copies of a new Concept Development Plan which shows a new location of an access road off of the property to the north, abutting on Houston Road and a future access on the west side of Ky. 18.

Mr. DeLong suggested staff member Clay Shepherd review the new Concept Development Plan. Mr. DeLong inquired if a decision for the tree types for the proposed development had been made. Mr. Gardner responded that a landscape drawing could be submitted if the Commission so desired.

Counselor Wilson suggested Mr. Viox review the new Concept Development Plan with special note of the proposed road and Mr. Viox's question of dedication, etc.

Mr. Wolterman stated that his clients did not wish to dedicate the street at the present point in time as a developer for the project is yet unnamed. Mr. Wolterman stated his clients are, however, willing to provide access to the adjoining property. Mr. Wolterman stated he did not think that his clients would wish to dedicate the road as then the public could use the road.

Mr. Viox reiterated his concern that joint access points be made readily available to the adjoining property owners.

Discussion followed of the access road location, provision, dedication, easements, etc.

Mr. Wolterman agreed to add the notation and initial same with regard to the provision of access of Houston Road and Ky. 18 by easement to be furnished and to be built at the developer's expense.

Mr. Viox moved that the Commission grant by Resolution the zoning map amendment for property owned by Harry Fuller II and Donald E. Fuller and located at the northwest corner of Ky. 18, Burlington Pike and Houston Road in Boone County, from the current zoning of Commercial Services, C-3 to Commercial Two, C-2 for a 5.3 acre tract, and that a letter be sent to the Fiscal Court advising of the Commission's recommendation. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Mr. DeLong commended the Fuller Square Corporation and the Boone State Bank for their combined cooperation.

NEW BUSINESS:

Planned Development Overlay Change

A request of Carroll Properties for a Planned Development Overlay Change for property owned by Covington Trust & Banking Company and containing more or less than 25 acres. This property is located at the northeast corner of I-75 and Turfway Road, Florence, Kentucky and is currently zoned Suburban Residential Two/Planned Development Overlay, SR-2/PD and Office Two/Planned Development Overlay, O-2/PD.

Mr. Buse requested he be removed from the Committee and a new Chairman for the PD Overlay Change be reassigned. Chairman Kroger so noted and stated there would be a reassignment of Committee personnel. Chairman Kroger referred the item to Committee for study and review.

Zoning Map Amendment

A request of Burlington Realty and Development Company, Inc. for a Zoning Map Amendment from the current zoning of Urban Residential Two, UR-2 to Commercial Two, C-2 for a 0.719 acre tract located on the north side of Ky. 18, Burlington Pike, Boone County.

A request of John and Janice Hensley for a Zoning Map Amendment from the current zoning of Agriculture Estate, A-2 to Agriculture, A-1 zoning for a 23.77 acre tract located on Ky. 18, Burlington Pike (about 4 miles west of Burlington), Boone County, Kentucky.

A request of Tim Timberman, Inc., (option holder) for a Zoning Map Amendment from Suburban Residential One, SR-1 and Commercial Services, C-3 to Commercial Services, C-3 for the entire tract of 45 acres more or less for land located between Ky. 18, Burlington Pike and Tanners Lane, Florence.

A request of John J. Blackburn (agent) for Harold C. and Alice Schneider (property owners) for a Zoning Map Amendment from Suburban Residential One, SR-1 to Commercial Services, C-3 for a more or less 0.62 acre tract located north of and adjacent to the intersection of Relocated Ky. 1334, Youell Road and Ky. 20, Constance Road, Boone County.

Mr. Buse moved that the preceding four zoning map amendment and Planned Development Overlay Change be scheduled for public hearing on November 28, 1984. The motion was seconded by Mr. Barnett. After discussion, the motion carried unanimously.

Site Plan Review

A request of Mineola Industrial Park Co. for Site Plan Review for the construction of a manufacturing building to manufacture conveyor belts on property located on the northeast corner of Cox Avenue and Jamike Avenue, Boone County. (Adjustment of the Agenda fee has been paid).

Commission member Collins requested he be removed as Committee Chairman on the Site Plan Review as he will be out-of-town and will not be available to serve. Chairman Kroger requested Mr. Green replace Mr. Collins on this item.

Chairman Kroger suggested and made various replacements on the various committees.

Mr. Neltner moved that the Commission adjourn. The meeting ended approximately 9:20 p.m.

Paul Kroger, Chairman

Attest:

COMMITTEE REPORT

TO: BOONE COUNTY PLANNING COMMISSION

FROM: MELVIN DELONG, Chairman

DATE: November 7, 1984

RE: Request of Fuller Square Corporation (option holder/lessee) for property owned by Harry Fuller II and Donald E. Fuller for a Zoning Map Amendment for property located at the northwest corner of Kentucky 18 and Houston Road, Boone County, Kentucky from the current zoning of Commercial Services, C-3 to Commercial Two, C-2 for a 5.3 acre tract.

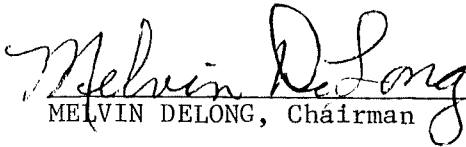
REMARKS:

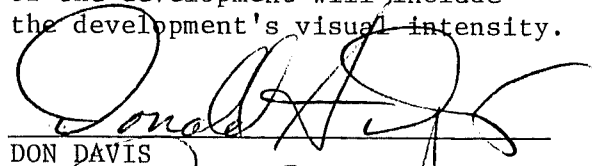
The applicant is requesting a zone change for the purpose of developing a four story above grade plus base bank/office building and separate restaurant to be built on the 5.3 acre tract. After reviewing the application the commission recommends approval based on the following findings of fact:

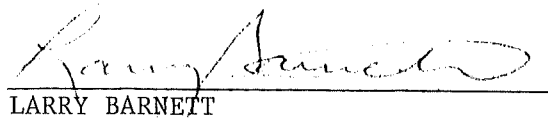
- (1) The request is in conformance with the Comprehensive Plan and no change in the Plan will be necessary.

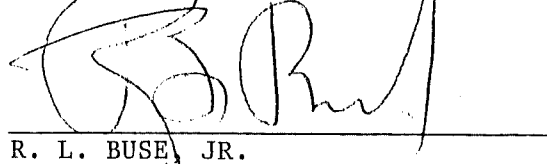
A Concept Development Plan has been submitted for the application and the committee has to advise the applicant that any significant change in the Concept Development Plan may call for a new Public Hearing. Also, access points to adjoining property on Burlington Pike and Houston Road is in conformance with the Department of Transportation plans for access management.


Landscaping in the front of the development will include the use of deciduous trees to scale down the development's visual intensity.


MELVIN DELONG, Chairman


DON DAVIS


LARRY BARNETT


R. L. BUSE, JR.


WILLIAM VIOX

