

APPLICATION FORM

CHANGE IN CONCEPT DEVELOPMENT PLAN
OR

THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check one:
 Change in Concept Dev. Plan
 Utilization of an Underlying Zone in Planned Development
2. Name of Development MONOHAN SUBDIVISION
3. Location of Development Florence, KY 41042
4. Total Acreage of Site 4.9
5. Current Zoning 0-2/P.D.
6. Date of Zone Change or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Parkway Corridor Study February 86
8. Proposed Uses (please specify each use) _____
All use per 0-2/PD Zone

9. Name of Applicant(s) Erpenbeck Engineers
Phone Number(s) 727-4200
10. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
11. Name of Property Owner(s) Monohan Development Company, Inc.
Phone Number(s) 283-1140
12. Address of Property Owner(s) P.O. Box 157
Florence KY 41042
City State Zip
13. Proposed Building Intensities (please specify) _____
Future uses unknown - 30,000 S.F. Gross floor area per acre max.

14. Are there any existing buildings on the site? _____
How many? _____
15. Deed Book 197 Page No. 631 Group No. 2041
16. Have you had a pre-application meeting with BCPC staff? Yes

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

#2

Request of Erpenbeck Engineers for Monohan Development Co., Inc. (owner)
for Utilization of an Underlying Zone in Planned Development
on a 4.9 acre site located on Tanners Lane
and Dream Street, Florence, Kentucky.

September 26, 1990

This is a request of Erpenbeck Engineers for Monohan Development Co., Inc. to develop a professional office subdivision under the existing zoning of Office Two/Planned Development (O-2/PD). The 4.9 acre site is part of the overall Monohan Subdivision which contains a total of 10.96 acres. The balance of the total subdivision is zoned Office Two (O-2). The applicant has also applied for Preliminary Plat and Preliminary Development Plan Review for the respective portions of the 10.96 acre subdivision. The Planning Commission gave Preliminary Plat approval lots 1 through 4 at the 9/19/90 Business Meeting. In addition, the Commission's Engineer has approved a Grading Plan for the 10.96 acre site. The submitted Concept Development Plan proposes a public street, Contract Court, as a means of accessing the center of the site.

Surrounding Land Uses and Zoning

To the north, along and across Dream Street, are several existing office uses, including attorney, medical, real estate establishments. This area constitutes earlier sections of the Monohan Land Division, and is zoned Office Two (O-2).

To the east, across Tanners Lane, are the Tanners Lane Apartments, zoned Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD). These apartments were constructed in 1987 and 1988.

To the south, along Tanners Lane, is an existing Business College within an earlier section of the Monohan Land Division. This site is zoned Office Two/Planned Development (O-2/PD). Vacant property also exists between the 10.96 acre site and the U.S. 42 commercial area. This area is zoned Commercial Services/Planned Development (C-3/PD).

To the west, along Dream Street, are assorted commercial uses including motels and a car wash. This area is zoned Office Two (O-2).

Relationship to the Parkway Corridor Study and Boone County Comprehensive Plan

The Parkway Corridor Study was based on the proposed construction of a new roadway connecting U.S. 42 to KY 18. Although the exact alignment of this proposed road was not known, the Study recommended land uses and zoning that would reflect a central focus area of Florence development - "the City Center Concept". The Study indicates that development of this site should be required to conform to access management guidelines and regulations. In general, the Study recommends that office uses be located in the area, and that the road configuration be carefully designed. Because of the PM peak hour traffic to be generated by these office uses, the office development should be located along or near major roadways to get people in and out the area with a minimum of

intersection movements and conflict with commercial traffic on Dream Street. Other general recommendations of the Study include attractive ground level conditions, pedestrian accommodations, landscaping, and safety.

The 1990 Boone County Comprehensive Plan states that the area between U.S.42 and KY 18 shall develop in a cohesive manner to form a City Center for Florence with a mixture of office, commercial, recreation, and residential uses. The Plan recognizes that major improvements to Tanners Lane will be required if the proposed Parkway is not constructed in its entirety. The 1990 Future Land Use Map indicates Commercial for the entire area which includes office uses in the land use designation.

Article 15 Planned Development of the Zoning Regulations requires that developments in a Planned Development Overlay Zone exhibit innovative design and creative mixture of uses, while respecting the natural features of the site and the adjoining land uses.

CHARACTERISTICS OF THE SITE

The 4.9 acre site under review is part of the overall 10.96 acre subdivision site. The 4.9 acre site includes the frontage on Tanners Lane and Dream Street, a significant swale. The elevation of Tanners Lane is approximately 876 feet above sea level while the lowest portion of the site within the swale is approximately at elevation 858. Dream Street, near Lot 5, is approximately 20 feet higher in elevation than Tanners Lane at proposed Contract Court, so that the total difference in elevation is approximately 36 feet. Drainage from the Tanners Lane Apartments and surrounding residential areas currently runs under Tanners Lane and through the site on its way to the U.S. 42 Interchange area. A 90 inch storm sewer exists at this location. The site is overgrown with weeds and scrub woodland.

STAFF CONCERNS

- 1) The location of the proposed intersection of Contract Court with Tanners Lane is not appropriate. Staff strongly recommends that the proposed street be located adjacent to the existing Business School on Tanners Lane. Access to that school site should then occur off of Contract Court in order to minimize access points on Tanners Lane. Tanners Lane is planned by the City of Florence to be widened and upgraded in appearance as part of the overall Tanners Lane Corridor redevelopment in conjunction with the planned Municipal Complex. Through contact with the applicant, an alternative location across from the Tanners Lane Apartments has been discussed. This location achieves coordination of driveways and streets, but is only 170 feet from the Dream Street intersection, and may not coordinate well with the approximately 60 foot wide apartment entrance. Tanners Lane is classified as Class II collector road, and therefore, the Access Management Regulations require a minimum spacing of 185 feet of adjacent driveways and require that block length in this situation be a minimum of 240 feet.
- 2) Adjacent property owners with frontage on King Drive at U.S. 42 has expressed the potential benefits of a street connection to this site.

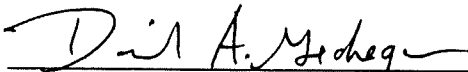
Staff is concerned, however, that this connection could worsen traffic congestion at King Drive and U.S. 42 and provide the incentive for Monohan Subdivision to include more commercial uses in the future instead of a distinct office development. All lots should front on Contract Court and not have access to Tanners Lane.

- 3) Staff is concerned that the underlying Office Two Zone allows restaurants. The applicant has indicated his intentions of developing small office uses, but would be capable of developing several restaurant uses and result in an extension of the Dream Street commercial area. The applicant is asking for approval of all Office Two zoning district uses on the site.
- 4) Lots 5 and 6 should be controlled in terms of location of access to Dream Street because of the existing curve and poor sight distance.

CONCLUSION

The Planning Commission and City of Florence need to evaluate this request in terms of the Parkway Corridor Study, and Article 15 Planned Development of the Zoning Regulations. The request needs to be evaluated in relation to the studies now being conducted for the design of the Tanners Lane corridor. Should this request be approved, no adjustments would be necessary to the Parkway Study or Comprehensive Plan in terms of land uses.

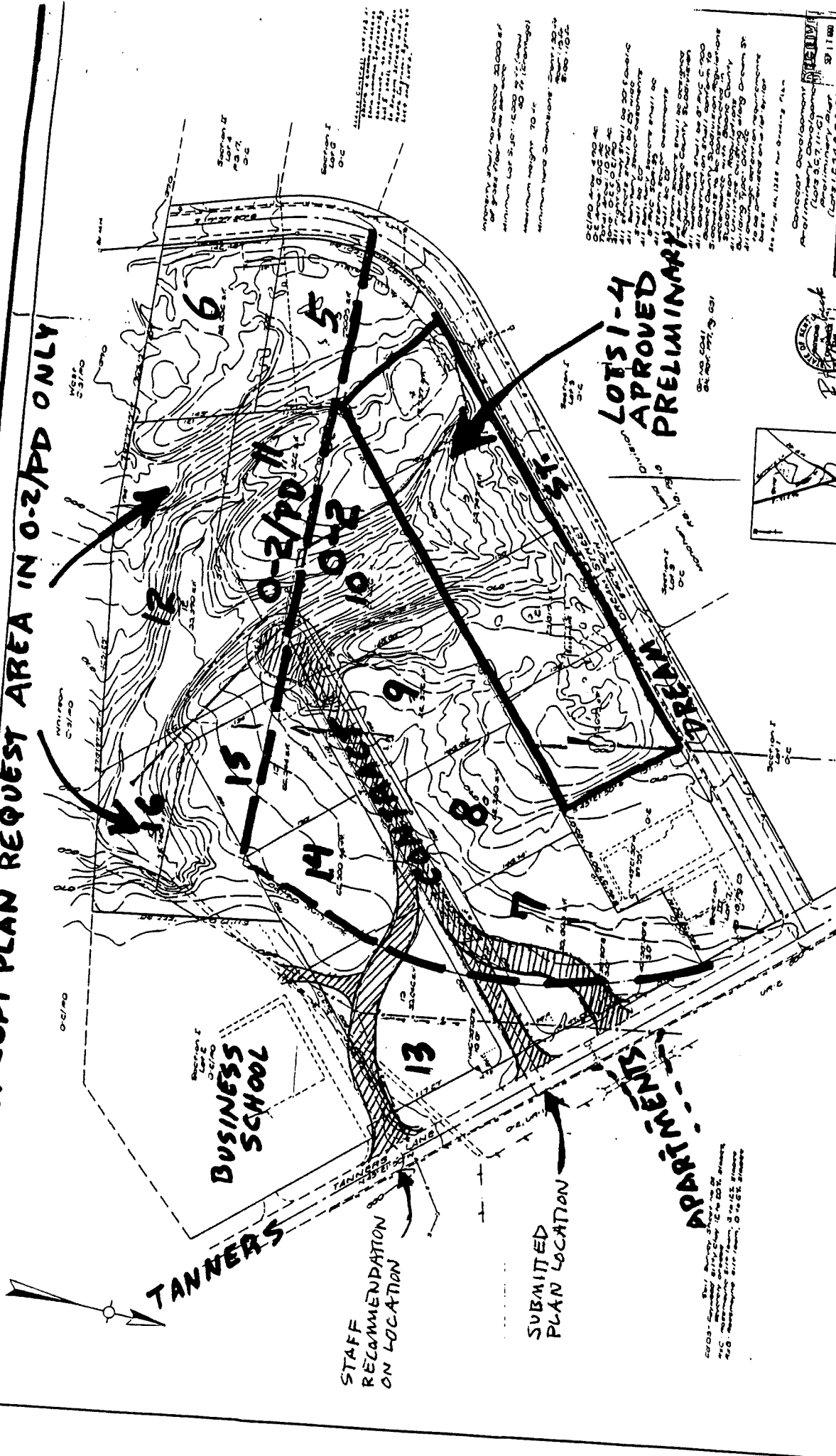
Respectfully submitted,



David A. Gehegan, AICP
Planner III / Plans Examiner

DAG:kat

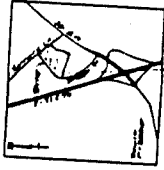
CONCEPT PLAN REQUEST AREA IN O-2/PD ONLY



LOTS 1-4 APPROVED PRELIMINARY



LIMITED SEP 11 1990



Scale: 1" = 40'
Date: 5/28/88
Drawn by: [Name]
Checked by: [Name]
Project: [Name]
Sheet: [Number]

CONCEPT DEVELOPMENT PLAN
 APPROVED FOR THE CITY OF MONROVIA
 (Lots 1-4) PRELIMINARY PLAN
 (Lots 1-4) 2-1-80

MONROVIA'S SUBDIVISION
 Ordinance 11111
 Ordinance 11111
 Ordinance 11111

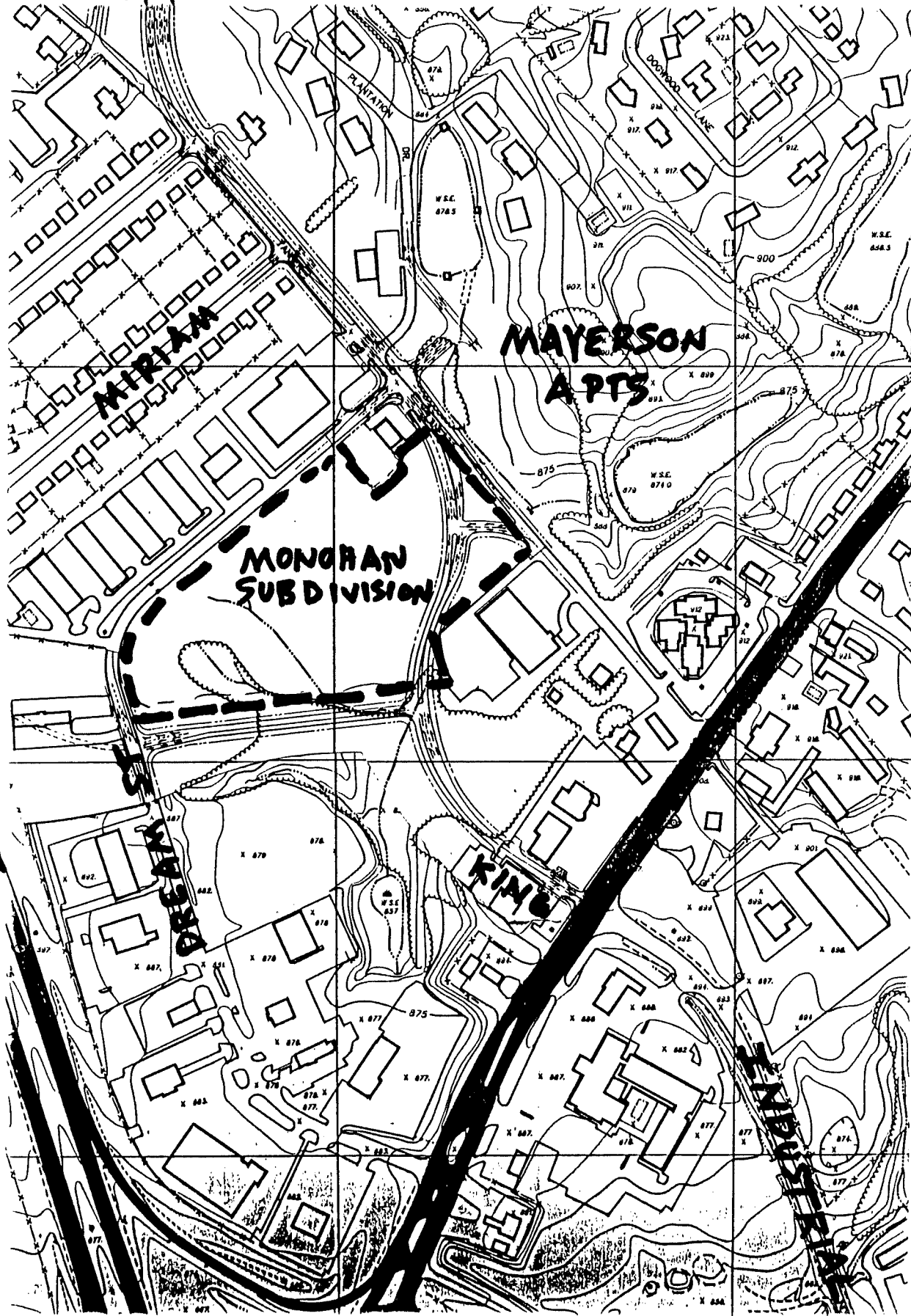
CONCEPT DEVELOPMENT PLAN
 APPROVED FOR THE CITY OF MONROVIA
 (Lots 1-4) PRELIMINARY PLAN
 (Lots 1-4) 2-1-80

MONOHAN

DREAM ST. AREA

PREVIOUS TANNERS PARKWAY PROPOSAL

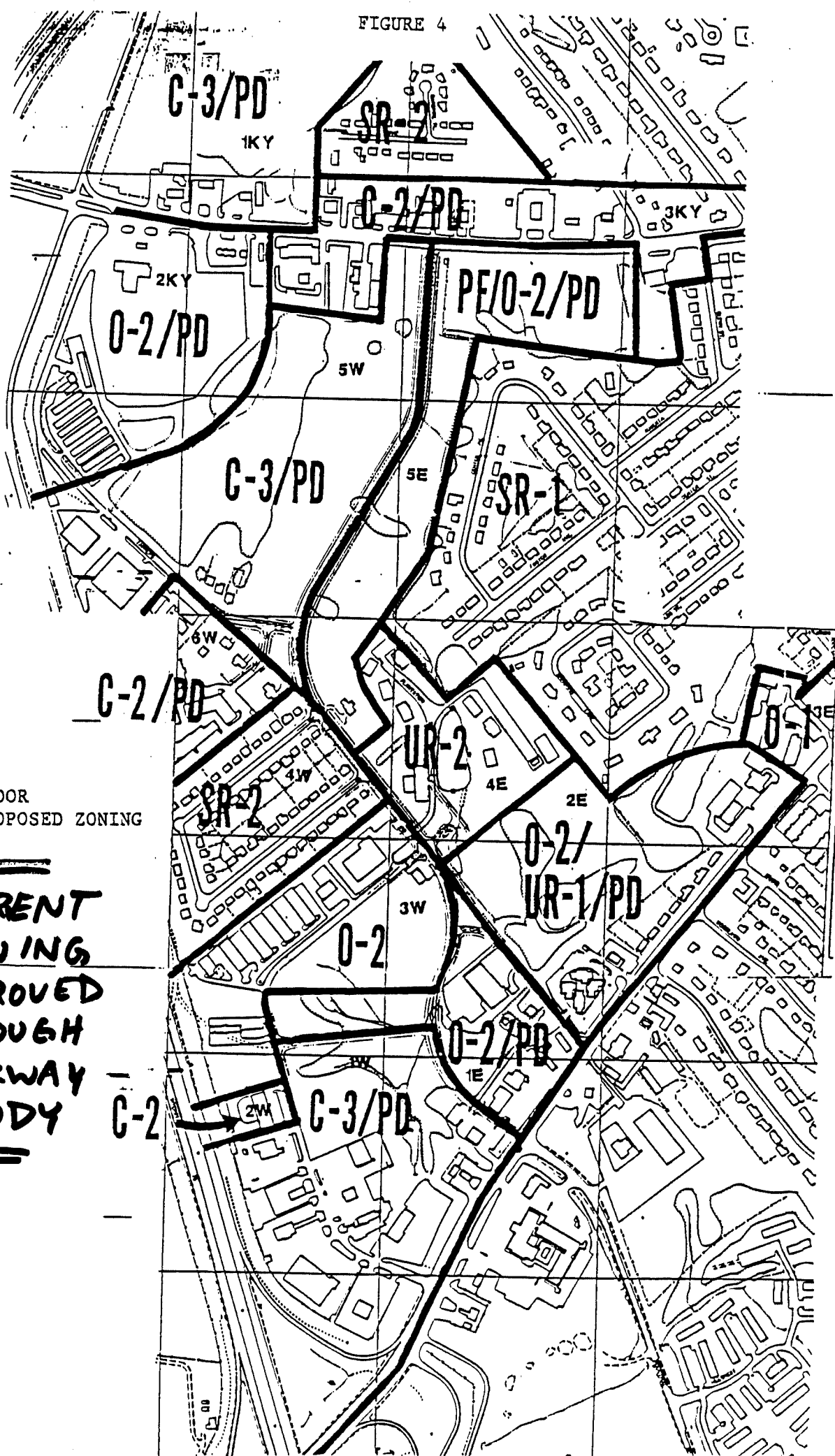
To Ky 18



I-75

US 42

FIGURE 4



PROPOSED CORRIDOR
 STUDY AREA: PROPOSED ZONING

==
 CURRENT
 ZONING
 APPROVED
 THROUGH
 PARKWAY
 STUDY
 ==

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2
September 26, 1990

Page 1

Following a short recess, the Chairman introduced the second item on the Agenda:

2. Applicant: Erpenbeck Engineers for
Monohan Development Company, Inc. (owner)
Request: Utilization of an Underlying Zone in Planned Development

The request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9-acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicants for their comments.

Mr. Ron Erpenbeck, an architect with Erpenbeck Engineers, stated that Ray Erpenbeck and Ed Monohan were also present. Mr. Ron Erpenbeck stated that Mr. Monohan has been meeting with the City of Florence for the last six months in regard to the Corridor Study and the new road, and he wants to proceed with his plans. Using a drawing, Ron Erpenbeck indicated the location of the O-2 Zoning, as well as Tanners Lane and Dream Street. The proposed Contract Court was shown in yellow, and was drawn as they believe the City of Florence wants it. Their original proposal was to have Contract Court go straight. He stated that they met all of the Planning and Zoning dimensions for streets and access to driveways. It is only part of the cul-de-sac and the first part of the entrance that goes through the PD Zone. He stated that Preliminary Plat approval is being held up on some of the lots until this process is completed.

Mr. Ron Erpenbeck advised that Mr. Monohan intends to put in an independent office district on Contract Court and to sell/develop individual lots as the need arises. There are no particular plans in mind at this time. All of the utilities are there and they can comply with the Subdivision Regulations. They have designed for 16 lots and ask that minimum lot sizes be permitted. They have tentatively agreed to limit access to Lot #5 through Lot #4 and #6, based on their approved Grading Plan. In regard to the proposed access along the school, Mr. Ron Erpenbeck advised that Mr. Monohan could lose several lots and may be required to provide extra driveways on Tanners Lane. If Contract Court is built as shown on the drawing, they will not need additional cuts on Tanners Lane.

Mr. Monohan stated that he had no comments.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request.

Mr. George Whitson stated that he owns the property on the south side which fronts on U.S. 42. He stated that there should be a coordinated development plan to assure the development of the property he owns. He does not want a series of cul-de-sacs to serve the interest of individual properties and would like a coordinated development of the roadway system. He is in favor of the development.

Chairman Viox asked if there were any comments from the Commission.

Mr. DeLong commented that if the Staff wants to moved the access next to the college, there could be an "L" shaped street to get further away from Dream Street.

Mr. Ron Erpenbeck advised that the Vineyards access point is a driveway, not a dedicated street, and basically complies with the opposite entrance requirement of access management. They prefer street access from Tanners Lane without the "S" in the proposed street shown on the drawing.

Mr. DeLong asked if they would lose lots by having the street the way the Staff wants it.

Mr. Ray Erpenbeck indicated on the drawing a lot that would be damaged. He stated that there would be two lots only having access off Tanners Lane and there would have to be driveway access to Tanners Lane.

Mr. DeLong stated that this area is for creative use in the Parkway Corridor Study. He asked if they could have general parking for several offices.

Mr. Ray Erpenbeck stated that they will sit down with the Staff and the Committee and work with the issue of the street.

In response to a question from Mr. Kirby, Mr. Monohan stated that he thinks the city has all but abandoned the idea of running the parkway through his property. The studying is continuing, but they have been told repeatedly that there is no realistic possibility of the road going through this property.

Chairman Viox asked if the Staff had been in contact with the Planning Committee of the Council. Mr. Geohegan stated that he has talked with them and what he has been told is consistent with what Mr. Monohan has stated. They do not see the benefit in completing the connection and the State Highway Department feels that it would be damaging. There is also consideration that if the Monohan property is connected to Kings Drive, that situation may get worse.

Mr. Neltner stated that the smaller the lots, the more flexibility there is when the buyer comes along; but the lots seem too small. He questioned if some of the lots could be eliminated to accommodate the roadway as indicated by the Staff. He asked if they had considered combining Lots #7 and #8.

Mr. Ron Erpenbeck stated that the minimum lot size is 16,000 sq. ft. and they are over that. They want the lots to be saleable to private persons wanting to build their own office building. They are trying to develop lots in a

manner to meet the market. He noted that someone could buy two or more lots, but making the lots that big is against the concept of a small office park. They want to face everything on Contract Court. They are addressing companies of four or five people.

Mr. McMillian stated that he thought the City of Florence had made provision for access to Mr. Whitson's property. Mr. McMillian questioned if Lots #5 and #6 could be flag lots rather than having curb cuts on Dream Street. He noted that curb cuts in that curve are not desirable.

Mr. Ron Erpenbeck stated that entrances to Lots #4, #5, and #6 will be fifty feet down hill of the beginning of the curve and there will be no more cuts until fifty feet beyond the uphill curve. If they want to change this, they will come back. They have agreed to restrict access to Lot #5 through Lots #4 and #6, or some other way. He stated that the Grading Plan has been approved and there is a 10-foot grade change. They cannot get up there to serve the lots easily. It would be desirable for their only access to be internal.

Mr. Whitson noted that the Staff indicated that there would not be much of a traffic impact onto King Drive for traffic coming from the industrial area as most of it would go left to I-75 and I-71.

Mr. Geohegan advised that this was the observation of the Highway Department and Staff is in agreement. The Highway Department feels that there will be more traffic accessing U.S. 42 from this area, which affects their ability to accommodate the left turns out of Industrial Road onto U.S. 42. There wouldn't be traffic coming across the street, but there would be conflicting traffic movements.


Mr. Whitson suggested that Contract Court go further with the idea that the roadway would come down and meet it in the future.

Mr. Neltner questioned the approximate distance from Kings Drive to the property line. Mr. Geohegan will provide this information to the Committee.

There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on October 3, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:



William R. Viox, Chairman



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

November 7, 1990

8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Rector Jones
Mr. Melvin DeLong

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received a copy of the Minutes of the Business Meeting of October 17, 1990 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

Following discussion of the Reports, Mr. Burch proceeded to the items on the Agenda:

UNFINISHED BUSINESS:

1. Utilization of an Underlying Zone in Planned Development

The request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9-acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

Staff Member, Dave Geohegan, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). He noted the attachments which included possible conditions, which were sent to the applicant and not signed, and the Minutes of the Public Hearing. He noted that the applicant was most concerned with Condition #3.

Mr. Kirby questioned the conditions and Mr. Burch asked that they be read. Mr. Geohegan read the five conditions.

Mr. Neltner moved by resolution that the request be denied based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Counselor Wilson stated that the recommendation will be forwarded to the City of Florence. It is a motion for denial based on the reasons given in the Staff and Committee Reports.

Mr. Kirby noted that the conflict is in regard to Condition #3 and asked for clarification. Mr. Neltner and Mr. Geohegan discussed the condition with him. Mr. Ray Erpenbeck joined them to discuss the plan.

Following examination of the plan, Mr. Burch asked for a vote on the motion made by Mr. Neltner to deny the request and it carried unanimously.

2. Site Plan Review

The request of Raymond Merkel (applicant) for Corporex Parks of Kentucky, Inc. (owner) for Site Plan Review to expand an existing parking lot for Applebee's Restaurant at 7383 Turfway Road, Florence, Kentucky. The 0.298-acre site is zoned Office Two/Planned Development (O-2/PD).

Staff Member, Amy Moore, presented the Staff Report (see Staff Report).

Mrs. Moore read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: November 7, 1990

RE: Request of Erpenbeck Engineers (applicant) for Monohan Development Company, Inc. (owner) for the Utilization of the Underlying Zone in Planned Development for a 4.9 acre site located off Tanners Lane and Dream Street, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) as recommended in the Parkway Corridor Study.

REMARKS:

We, the Committee, recommend denial of this request based on the following findings of fact. While the Committee believes that the uses proposed are generally suitable for the site, the submitted Concept Development Plan is not. The Committee has proposed reasonable conditions that would modify the Concept Development Plan to make it suitable for the site, however, the applicant has declined to agree to these conditions.

FINDINGS OF FACT

- 1) The requested office subdivision, without the potential conditions discussed by the Committee and the applicant, is not consistent with the recommendations of the Parkway Corridor Study. The Study recommends that the area develop a concentration of office and urban residential uses that identify the Tanners Lane area as an important focal point, and that achieve safe vehicular and pedestrian movement along the Tanners Lane corridor. The Committee recognizes that the previously proposed alignment of the Tanners Parkway between Dream Street and King Drive at U.S. 42 is no longer being pursued. As a result of the northern half remaining a four - lane boulevard, and the southern half now being envisioned as a three - lane cross section with a center turn lane, the Committee believes that the number and location of access points along the southern half of Tanners Lane is extremely important. Several of the conditions that have been proposed by the Committee would alleviate or minimize future congestion and potential traffic safety hazards along Tanners Lane in the vicinity of Dream Street and The Tanners Lane Apartments. It is the Committee's opinion that to allow a public street or more than one land use to access Tanners Lane at the location shown on the original Concept Development Plan or across from the Tanners Lane Apartments would not be consistent with the Parkway Corridor Study and would not maintain safe operation along Tanners Lane in light of the future importance of this roadway.

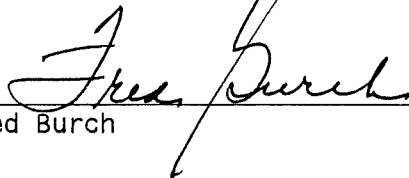
- 2) Without the conditions proposed by the Committee, the request does not present a creative or innovative development design that respects adjoining land uses and function of infrastructure, as called for in Article 15, Planned Development of the Boone County Zoning Regulations.

NOTE

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this requests.




Barry Nettner, Chairman



Fred Burch

Rector Jones



Carol Smith

Larry Barnett



Lawrence Collins

BN:kat

AN ORDINANCE OVERRIDING A RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION, THIS ORDINANCE BEING TO ADOPT AND APPROVE THE UTILIZATION OF THE UNDERLYING ZONE IN A PLANNED DEVELOPMENT ZONING DISTRICT FOR A 4.9 ACRE SITE LOCATED OFF OF TANNERS LANE AND DREAM STREET IN THE CITY OF FLORENCE, KENTUCKY, THIS SITE BEING ZONED OFFICE TWO/PLANNED DEVELOPMENT (0-2/PD). (MONOHAN DEVELOPMENT COMPANY, INC.)

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 a request of Monohan Development Company, Inc., for utilizing the underlying zoning of a Planned Development zoning district be denied, and

WHEREAS, the City of Florence, Kentucky, has conducted its own public hearing and reviewed the record of the Boone County Planning Commission and has determined that the request of Monohan Development Company, Inc., to utilize the underlying zone of a Planned Development zoning district for a 4.9 acre site located off of Tanners Lane and Dream Street in Florence, Kentucky, should be granted, subject to certain conditions agreed to by the property owner and made a part of its development plan.

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

SECTION I

That the request for the real estate which is more particularly described on Exhibit "A" shall be and is hereby approved for the utilization of its underlying zone in a Planned Development zoning district, the zoning classification being Office Two/Planned Development (0-2/PD) on the approximate 4.9 acre site.

SECTION II

That this approval is granted subject to the conditions, terms and provisions set forth in Exhibit "B" as applied to the development plan presented to the City Council of Florence, Kentucky, at its hearing held on January 3, 1991. These conditions have been accepted and agreed to by the property

owner as shown in the written confirmation from the owner, a copy of which is attached and marked as Exhibit "C".

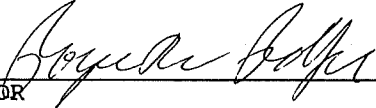
SECTION III

Publication of this ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

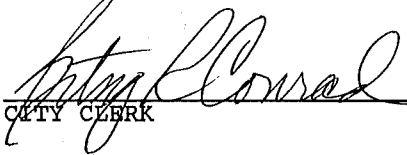
PASSED AND APPROVED ON FIRST READING THIS 22nd DAY OF January, 1991.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 12 DAY OF February, 1991.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

**CONDITIONS OF APPROVAL FOR THE MONOHAN CONCEPT
DEVELOPMENT PLAN REQUEST**

Findings of fact based on Planning Commission Record and City of Florence Hearing held on January 3, 1991.

Conditions

1. In keeping with the Parkway Corridor Study's recommendations for coordinated and well-planned access along the Tanners Lane Corridor, the proposed Contract Court street access shall be located on, or immediately adjacent to, the southern border of the site with the existing Business School. The proposed street shall provide for a new access drive to the rear parking lot of the Business School property, which is under control of the same property owner as this 4.9 acre site. The applicant has indicated that the existing rear parking lot access for the Business School site would be removed.
2. Lot 5 shall be reviewed for access to Dream Street during the site plan review process.
3. Only one curb cut, in addition to the proposed street, shall be permitted onto Tanners Lane. This curb cut shall be located across from the Tanners Lane Apartments.
4. The property accessed by the curb cut in condition (3) shall not have restaurant use.
5. Since the request is partially within a Planned Development Overlay Zone, and the proposed street will serve only about 6 acres of office uses, the developer shall be permitted to use local street horizontal curves, but shall provide a minimum tangent of 50 feet between horizontal curves to provide a safe street design. The developer agrees to consider pedestrian walkway connections between lots at the end of proposed Contract Court and lots 5 and 6 at Site Plan Review in order to connect local office uses with nearby restaurants.