

STAFF REPORT

#2

ANNEXATION REQUEST BY THE CITY OF FLORENCE FOR A ±2 ACRE SITE COMPRISED OF FOUR LOTS IN ASHCRAFT SUBDIVISION AND REPRESENTED BY F. EDWARD WORLAND, JR.

September 6, 1989

This is an annexation request by the City of Florence for a ±2 acre site containing lots one through four of Ashcraft Subdivision, located at Ashcraft Drive and Hopeful Road, Boone County, Kentucky. The site is currently zoned Suburban Residential One (SR-1). The property owners, Arthur and Elsin Slusher; Frank and Pat Giorigo; Lilbon and Ruby Wiley; and William and Sue Green are requesting the site be annexed into the City of Florence. In accordance with Kentucky law (K.R.S. 81A.420 and K.R.S. 100.209), the City of Florence has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of the annexation, if any, on the current zoning of the properties.

SURROUNDING LAND USES AND ZONING

- North: Lots 5 and 6 of Ashcraft Subdivision are part of the approved Toyota dealership site at Hopeful Road and KY 18. These parcels are zoned Commercial Services (C-3) and have previously been annexed to the City of Florence. Also, to the north of Lot 4 is the approved Hyundai dealership site on KY 18 which is also zoned Commercial Services (C-3). Located between these two car dealership sites is a small residential lot on KY 18 zoned Commercial Two (C-2).
- East: Across Hopeful Road are several residences and small businesses including a barbershop and the All-Rite Cement mixing plant. This area is currently zoned Commercial Services (C-3) and is within the City of Florence.
- South: Several single-family residential uses are zoned Suburban Residential One (SR-1).
- West: A currently undeveloped tract of land is zoned Suburban Residential One (SR-1).

RELATIONSHIP TO THE COMPREHENSIVE PLAN

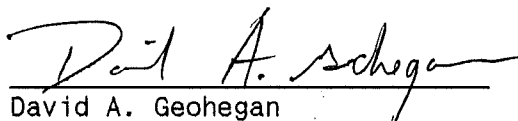
The 1986 Future Land Use Map indicates Medium Density Residential (MDR) for the ±2 acre site.

The Objectives of the Business Activity Element recommend that compact, efficient development patterns be developed for commercial uses while maintaining adequate buffer space between uses. The Business Activity Element notes that there are traffic problems in the KY 18 / Hopeful Road area that can be worsened by adding commercial access. In general, the Business Activity and Land Use Elements caution against extensive commercial development, and the Hopeful Road corridor is generally recommended to continue residential development.

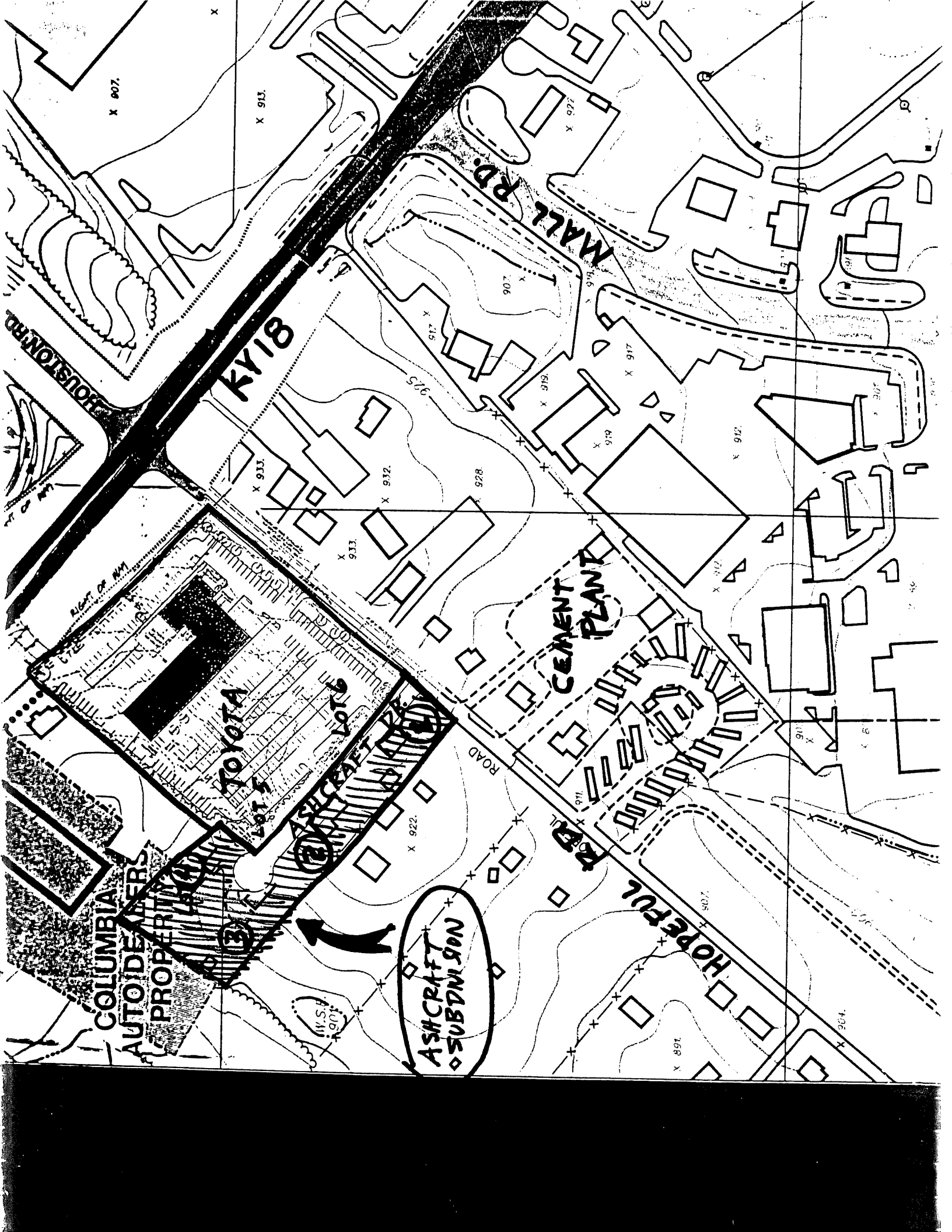
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STAFF REVIEW

The applicant has requested by letter that the current zoning of Suburban Residential One (SR-1) be changed to Commercial Services (C-3) through the annexation request in order to allow a future "automotive service facility and/or showroom." Commercial zoning may be appropriate on the site, however, Staff believes that it should be evaluated through a formal zoning map amendment request whereby all issues including land use transition, adequate buffering, impact on traffic, as well as the overall impact on future Hopeful Road Corridor land use can be examined. In addition, Staff believes that although the previously approved Toyota Concept Development Plan extended commercial uses to Ashcraft Drive, it did include through conditions, a buffer area and a provision that no access occur onto Ashcraft Lane. For these reasons the approved Toyota facility can create an adequate separation of commercial and residential land uses. Staff believes that the annexation request itself should have no effect on the current zoning of Lots 1-4 of Ashcraft Subdivision to be in accordance with the 1986 Boone County Zoning Regulations as they pertain to the City of Florence. In addition, the existing uses conform to the Suburban Residential One (SR-1) zoning classification.


David A. Geohegan
Planner/Plans Examiner

DAG:jdh



X 907.

X 913.

X 927.

KY18

MALL RD.

CEMENT PLANT

TOYOTA

CEMENT PLANT

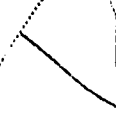
ROAD

HOPEFUL

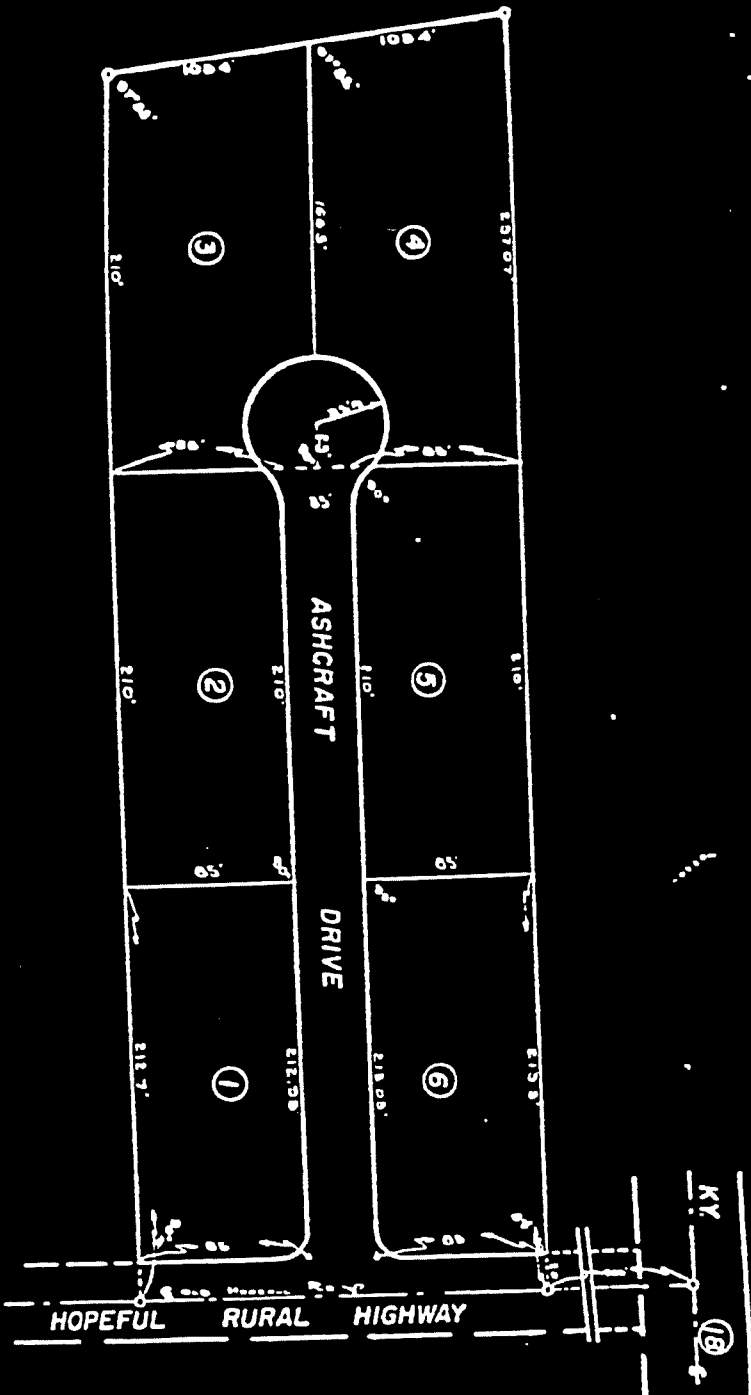
ASHCRAFT
SUBDIVISION

COLUMBIA
AUTO DEALERS
PROPERTY

13

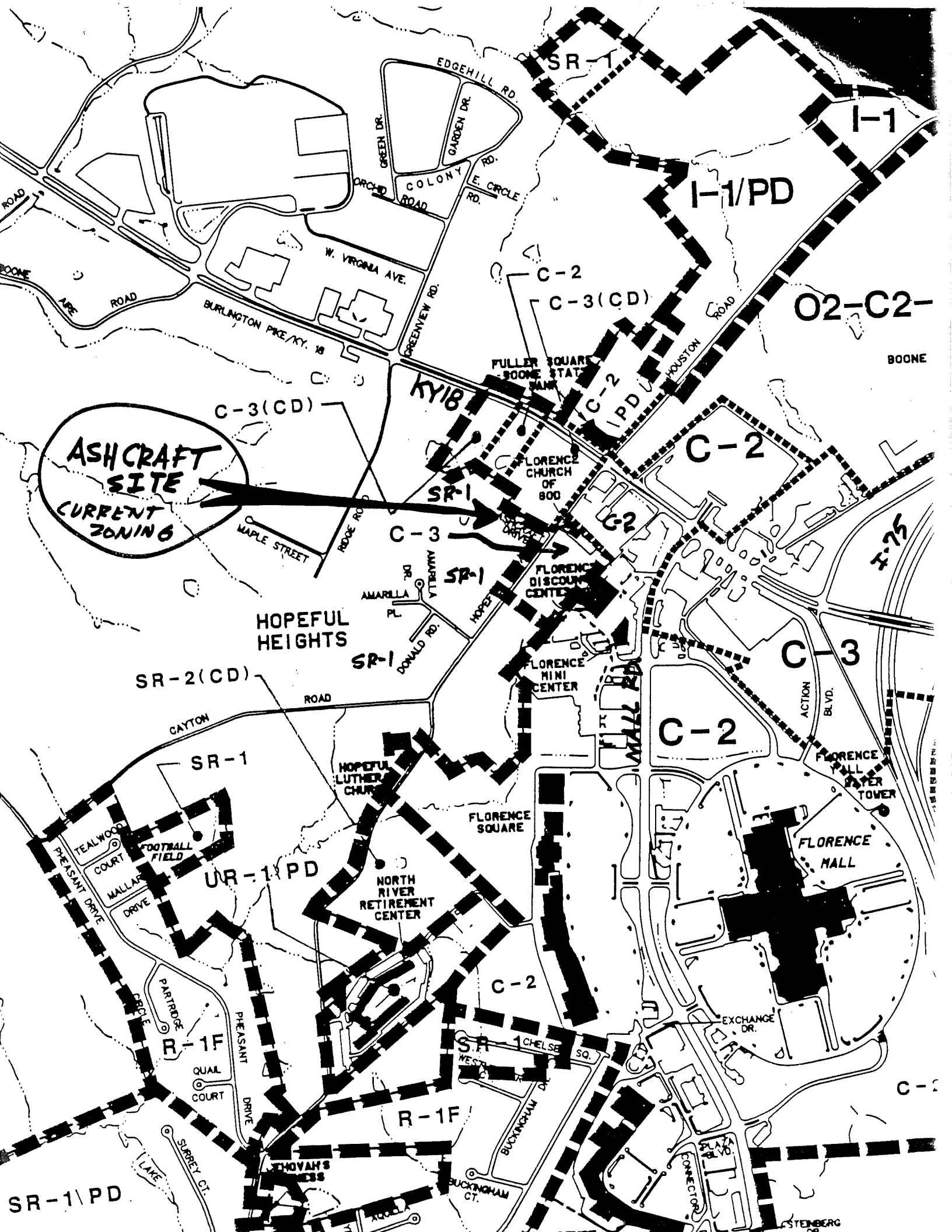


ASHCRAFT of SUBDIVISION
 3 Acre tract of Edrington land



SCALE: 1/2" = 100'

Map prepared by
 Edrington & Sons
 Surveyors
 Edrington, Ky.



ASHCRAFT SITE
CURRENT ZONING

SR-1

I-1

I-1/CD

O2-C2-

BOONE

C-3(CD)

KY18

C-2

C-3(CD)

C-2

ASHCRAFT SITE
CURRENT ZONING

FULLER SQUARE
BOONE STATE PARK

FLORENCE CHURCH OF 800

FLORENCE DISCOUNT CENTER

FLORENCE MINI CENTER

HOPEFUL HEIGHTS

SR-2(CD)

SR-1

C-3

SR-1

HOPEFUL LUTHER CHURCH

FLORENCE SQUARE

C-2

FLORENCE MALL CENTER TOWER

FLORENCE MALL

UR-1/CD

NORTH RIVER RETIREMENT CENTER

C-2

R-1F

R-1F

CHELSEA SQ.

EXCHANGE DR.

SR-1/CD

THOVAN'S BUSINESS

BUCKINGHAM CT.

STENBERG

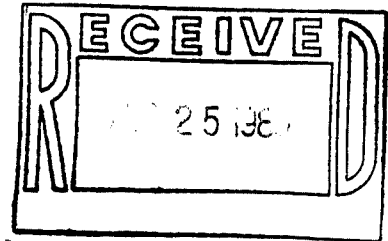
F. EDWARD WORLAND, JR., P.S.C.
ATTORNEY AND COUNSELOR AT LAW
25 EAST FOURTH STREET
P.O. BOX 2420
COVINGTON, KENTUCKY 41012-2420
(606) 581-8787

LICENSED IN BOTH
KENTUCKY AND OHIO

CINCINNATI, OHIO OFFICE:
5150 BIG CHIEF DRIVE
CINCINNATI, OHIO

PLEASE REPLY TO KENTUCKY

August 23, 1989




Mr. David Geohegan
Boone County Planning Commission
Boone County Administration Building
P. O. Box 697
2950 Washington Square
Burlington, Kentucky 41005

Dear Dave:

In response to your questions, according to Ken Harper, one of the realtors involved, the four lots in Ashcraft Subdivision have all utilities except for sewer. I'm told the lots have septic tanks. The land will be used for an automotive service facility and/or showroom.

Very truly yours,


F. Edward Worland, Jr.

FEW/cm

cc: Ken Harper

F. EDWARD WORLAND, JR., P.S.C.

ATTORNEY AND COUNSELOR AT LAW

25 EAST FOURTH STREET

P.O. BOX 2420

COVINGTON, KENTUCKY 41012-2420

(606) 581-8787

CINCINNATI, OHIO OFFICE:

5150 BIG CHIEF DRIVE

CINCINNATI, OHIO

LICENSED IN BOTH
KENTUCKY AND OHIO

August 8, 1989

PLEASE REPLY TO KENTUCKY

Hand Delivered to:

Hugh O. Skees, Esq.
7699 Tanners Lane
Florence, Kentucky 41042

Dear Hugh:

In accordance with the meeting which Jim Woltermann, Jack Gartner and I had with the Florence City Council, enclosed is the Request for Annexation signed by the owners of Lots 1, 2, 3 and 4 of Ashcraft Subdivision, Boone County, Kentucky. We request that the subject lots be annexed into the City of Florence, and that the zoning for this property be designated C-3 to conform with the zoning previously given to the Toyota property adjacent to the above lots. Thank you.

Very truly yours,



F. Edward Worland, Jr.

FEW/cm

Enclosure

cc: William and Sue Green
Arthur and Elsie Slusher
Frank and Pat Giorgio
Lilbon and Ruby Wiley
James G. Woltermann, Esq.

The Chairman introduced the second item on the Agenda:

2. Applicant: The City of Florence
Request: Annexation

The request of the City of Florence to determine the impact of annexation upon the current zoning of Lots #1, #2, #3, and #4 of Ashcraft Subdivision located off Ashcraft Drive and west of Hopeful Road, Boone County, Kentucky. The site is currently zoned Suburban Residential One (SR-1). The request is to hold a Public Hearing to determine the impact of annexation upon the current zoning.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation. He noted that one of the letters submitted by the applicant requests a change to the C-3 Zone for an automotive showroom or service facility.

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

Mr. Ed Worland stated that they have signed purchase contracts for the four lots. The contracts are contingent upon annexation occurring and obtaining C-3 zoning for the property. He stated that the owners are in favor of conveying the property. They do not believe that Mrs. Martin, the property owner to the south, is opposed. They are hoping for a continuation of the zoning granted to Toyota. He added that there is a gravel road, 10' or 11' wide, with a 35-foot right-of-way.

The being no further comments from the public, the Chairman asked if there were any comments from the Commission.

Mr. Jones asked if there would be a zone change in regard to this request.

Counselor Wilson advised that the request to the Commission is to consider the impact annexation could have on the current zoning. The people who petitioned the city for annexation are seeking a zone change to C-3. If the Commission recommends that the current zoning be changed, or that it be changed to C-3, there would have to be findings of fact to support the recommendation.

Mr. Moore stated that he was concerned about considering a zone change without a formal public hearing on that particular issue. He stated that he was not sure the annexation request was so advertised and adjoining property owners given an opportunity to be heard.

Counselor Wilson advised that the matter could be deferred until the advertising has been done. He emphasized that the question in front of the Commission is the impact of annexation.

Mr. Geohegan advised that an annexation request is normally only advertised in the newspaper. However, a sign indicating a possible zone change was placed on the property and letters were sent to the adjacent property owners. The letters do not say anything about the C-3 Zone, but do say that annexation will be considered in its affect on the zoning. The newspaper advertising also did not mention the C-3 Zone.

The Chairman advised Mr. Worland that there may be a problem with the method of advertisement.

Mr. Worland stated that all of the adjacent property owners were notified. The Toyota site right next to them has C-3 zoning. The property owners to the south and to the west are trying to sell their property.

Counselor Wilson suggested that the matter be deferred for readvertisement.

Following discussion of the notification requirements, the Chairman stated that this meeting would be deferred until September 27, 1989, assuming that the Commission takes action to have a meeting on September 27, 1989. This will be discussed at the 8 P.M. meeting this evening.

Mr. Gerald Newton, Director, advised that this is the request of the City of Florence, not Mr. Worland. The request of the city was to look at the affect of annexation upon the current zoning. The zone change request should be from the applicant.

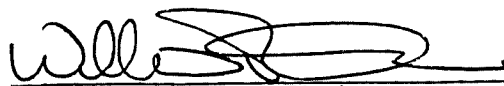
Mr. Worland stated that on July 18, 1989 they met with City Council and expressed what they intend to do. He stated that his letter to Skees incorporated Mr. Janken letter to Mr. Newton.

Mr. Newton stated that it must be determined if the city is making the request for rezoning. If the city is not the applicant, then there should be a separate application.

Chairman Viox advised that Mr. Worland's letter to the city requests one thing and the city's request to the Commission requested something else. The Chairman suggested that Mr. Worland contact Mr. Janken.

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 4, 1989

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett
Mr. Fred Burch, Vice Chairman
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Public Hearing and the Business Meeting of September 20, 1989; and the Public Hearings and Special Business Meeting of September 27, 1989. He asked if there were any comments or corrections.

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

1. Zoning Map Amendment and Annexation Request by the City of Florence

The request of the City of Florence to determine the impact of annexation upon the current zoning of Lots #1, #2, #3, and #4 of Ashcraft Subdivision located off Ashcraft Drive and west of Hopeful Road, Boone County, Kentucky. The site is currently zoned Suburban Residential One (SR-1). The Zoning Map Amendment request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3).

Mr. Gerald Newton, Director, read the Committee Report which recommended that the current zoning not be changed as a result of annexation into the City of Florence based on the findings of fact (see Committee Report).

Mr. Ed Worland stated that he is purchasing the four lots. He stated that some people understood this to be an extension and others did not. It was not a unanimous mind that it was an extension of the project. They are two different people and have never met anybody from Toyota. He stated that he represents Pat DeCastro. He believes this creates a landlocked situation whereby the only way to develop the four lots is to say "may I?" to North America and go across their property. Mr. DeCastro has no agreement with them. They asked the Commission and the City Council for an extension of the C-3 zoning which the Commission had granted to the Toyota property. He asked that the Commission not accept the Committee's recommendation. They have no problem with the buffer or the limitation of automobile showroom. All they want is the use mentioned in their letter, but they have to be able to get onto Hopeful Road.

There being no further comments, Mr. Sharp moved by resolution to the City of Florence that the request be disapproved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

Counselor Wilson advised that the Commission makes a recommendation to the City Council and they will have the final say.

Chairman Viox asked for a vote on the motion made by Mr. Sharp and it carried unanimously.

NEW BUSINESS:

The Chairman assigned the following items to Committee for review:

Agenda Item
No.

15 Site Plan Review
The request of Paul Hemmer Construction Company
(applicant) for Clarion Manufacturing Corporation
of America to expand an existing parking lot located
at 237 Beaver Road, Walton, Kentucky. The 20-acre
site is zoned Industrial One (I-1).

EXHIBIT "A"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Committee Chairman

DATE: October 4, 1989

RE: Request of the City of Florence to determine the impact of annexation upon the current zoning and to make a recommendation on Commercial Services (C-3) zoning for of Lots 1,2,3 and 4 of Ashcraft Subdivision located off Ashcraft Drive and west of Hopeful Road, Boone County, Kentucky. The site is currently zoned Suburban Residential One (SR-1).

REMARKS:

We, the Committee, recommend that the current zoning of Suburban Residential One (SR-1) not be changed on the ±2 acre site as a result of annexation into the City of Florence. This recommendation is based upon the following findings of fact.

FINDINGS OF FACT

1. The existing zoning of Suburban Residential One (SR-1) is consistent with the Boone County Comprehensive Plan Future Land Use Map which recommends Medium Density Residential for the area. The Comprehensive Plan also warns against excessive commercial development in the KY 18 / Hopeful Road area, and neither the applicant nor the property owners have submitted information that indicates that the requested Commercial Services (C-3), as presented at the September 27, 1989 Public Hearing, is in conformance with the Comprehensive Plan. The Committee believes that the mere fact that the site adjoins an approved Commercial Services (C-3) land use does not merit a change in zoning.
2. The Committee believes that the potential impacts of a commercial land use on the ±2 acre site cannot be fully evaluated unless more specific information is provided on a layout of the proposed automotive use, buffering, connections to adjacent land uses, and provisions for sanitary sewerage. The Committee has contacted the Mayor of the City of Florence to determine the exact nature of the discussions held between the property owners and the official applicant, the City of Florence. This contact indicated that the City Council understood the request to be an extension of the approved Toyota dealership Concept Development Plan. With this information in mind, the Committee sent a letter to the property owners' representative containing potential conditions to address the impacts of the requested zoning. The owners' representative has indicated that these


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potential conditions were not agreeable. Therefore, the Committee does not recommend approval of the requested Commercial Services (C-3) zoning without knowing the potential impacts. This site is especially important because of the traffic characteristics of the Hopeful Road area, and the potential impact of further extension of commercial uses on the future land use pattern of the Hopeful Road Corridor.




Barry Nettner, Committee Chairman

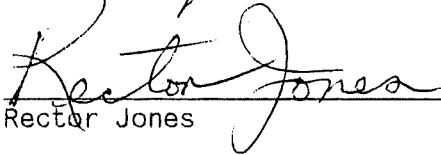
Larry Barnett



Fred Burch



Phil Damstrom



Rector Jones

Carol Smith

BN:jdh