

REQUEST OF FLORENCE MALL AUTO SALES, INC. (OWNER)
BY GERALD F. DUSING (APPLICANT) FOR
UTILIZATION OF AN UNDERLYING ZONE AND
CONCEPT DEVELOPMENT PLAN APPROVAL

JULY 22, 1987

This request is for approval of a Concept Development Plan for a 0.38 acre site, zoned Commercial Two/Planned Development Overlay (C-2/PD). The site is located east of and adjacent to 7544 Burlington Pike, Florence, Kentucky, between the existing sites of Florence Mall Auto Sales and Reeves Drive-Inn. The immediate vicinity of this site is identified as part of Parcel 3KY by the Parkway Corridor Study.

Surrounding Land Use and Zoning

Directly north of the subject site is a vacant parcel located in the C-2/PD zone. Property directly north is zoned Suburban Residential Two (SR-2) (see attached plat). East of the subject site is a small vacant parcel, the Reeves Drive-Inn restaurant, the Angel/Rusk real estate and tax service office, the Avis used car sales lot, and Utz Drive. These properties are in the C-2/PD zone. Located one lot east of Utz Drive is the Safi-Eggers site, for which the Commission recently recommended denial of a Concept Development Plan for a used automobile sales facility.

Directly west of the subject parcel are several commercial establishments (Bond Signs, Produce Patch Market, etc.) in the C-2/PD zone.

Northwest of the subject parcel are several single-family homes which front on Cardinal Drive. Northeast of the site are several homes which front on Utz Drive. All of these homes are in the SR-2 zone.

Directly south of the subject parcel, across Burlington Pike, is presently undeveloped property. (Identified as parcels 5E and 5W by the Parkway Corridor Study.) The proposed Florence Parkway (connecting KY 18 and U.S. 42) for which the engineering plans have not yet been finalized, may intersect with Burlington Pike in the immediate vicinity. The Parkway Corridor Study indicates that the property directly east of the proposed roadway (parcel 5E) will be zoned Public Facilities/Office Two/Planned Development (PF/O-2/PD), while the property located immediately west of the proposed roadway (parcel 5W) will be zoned Commercial Services/Planned Development (C-3/PD).

Relationship to the Comprehensive Plan

The Parkway Corridor Study, which further details and expands the 1986 Boone County Comprehensive Plan for this area, is the official land use document by which to assess this

request. The Future Land Use Map of the Comprehensive Plan, as well as the Land Use and Zoning Map of the Study, indicates the area of the subject site as being utilized for commercial land uses.

The Goals and Objectives of the Comprehensive Plan and its Business Activity Element stress buffering between differing uses, and that commercial development be compact and integrated within itself and adjacent development. The Parkway Corridor Study more specifically addresses land use goals for the Study area:

Section 3. Recommended Plan Concept for the Development of the Study Area

The plan concept for development of the study area recommends that the centrally located study area be developed as a business, cultural, and civic center.

General Context and Guidelines

The guidelines and basic building blocks of the plan concept include:

- 1) organization of a mix of land uses consistent with the development of a city center
- 2) establishment of ground level and other similar conditions and land uses favorable to the development of a people oriented and pedestrian environment

Specific Consituent Elements

The specific consituent elements of the plan concept are:

- a) to develop the study area according to a coherent general plan which includes:
 - i. a mix of uses consistent with city center development
 - ii. a suitable arrangement or unified design of buildings, open spaces (including parks and plazas), and walkways related harmoniously to each other as part of an integrated plan which promotes a safe, convenient, and attractive pedestrian environment
 - iii. attractive ground level conditions and land uses conducive to the establishment of a people oriented and pedestrian environment and to the

realization of items (i) and (ii) above; for example, such ground level conditions and land uses may include retail stores, restaurants, specialty food, eating and drinking, and other similar establishments; personal, professional, business, and government services; and similar people oriented activities and land uses.

Section 5. Recommended Land use and Zoning Plan

Area 3KY: C-2/PD

In this district, parcels along both sides of KY 18 are designated C-2/PD. The accessibility of these sites is well served by KY 18, Turfway Road, and the Parkway. Development of these sites needs to take into consideration the specific local conditions of nearby residential areas and streets. In addition, development in this zone should also enhance pedestrian use of the area and contribute to the pedestrian network of walkways located throughout the study area. Like the other office and commercial districts in the study area, this zone offers the potential to establish attractive ground level conditions for retail, restaurant, and other consumer and pedestrian oriented services uses.

In addition to the above, the Study envisions a mixture of public facility, office, and commercial uses for properties located on the south side of KY 18 in the vicinity of the subject parcel. The Plan states that development of these areas should be designed to provide ground level conditions and a network of pedestrian walkways with connections to the other portions of the Study area.

In addition to considering the requested use on the basis of its relationship to the Parkway Corridor Study, the "small scale sales or leasing of new or used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises" is listed as a conditional use in the C-2 zone (Section 923(7), Boone County Zoning Regulations). The Conditional Use Permit for the existing portion of the Florence Mall Auto Sales facility was issued February, 1985, by the Florence Board of Adjustment and Zoning Appeals. In considering the original Conditional Use Permit request, the Board was allowed to consider seven general criteria (Section 263, Boone County Zoning Regulations) which include the relationship of the use to the Comprehensive Plan, in effect at that time, the design and appearance of the use, potential hazards to neighboring uses, and the impact of the use on public infrastructure.

Proposed Concept Development Plan

The proposed Concept Development Plan and a survey plat submitted by the applicant indicates a 2.526 acre lot, roughly

rectangular in shape, with 230 feet of frontage on KY 18 and a depth of approximately 627 feet. The existing automobile sales facility is located at the southwest corner of this lot and has 120 feet of road frontage and a depth of 150 feet. The proposed expansion of the facility occupies the remaining 110 feet of road frontage to the east and matches the existing facility in depth from the roadway.

The Concept Plan indicates additional paving of a 90 x 50 foot area directly east of the existing paved sales and display area. The Plan indicates an existing concrete curb, located on the extreme east edge of the existing paved lot, will be retained. The Plan does not indicate any proposed means for transportation of vehicles between the existing and proposed sales lots.

The applicant has submitted a letter (see attached) which explains a number of items not explicitly indicated on the submitted Concept Development Plan, which include:


- an existing access driveway to the existing facility will remain, but does not give any indication if an existing curb cut to the proposed facility will be utilized;
- utilization of existing vegetation and open space to serve as screening;
- the proposed management of additional storm water runoff;

Staff Concerns

1. The submitted Concept Development Plan does not accurately indicate existing conditions on the subject site. There presently exists a gravel driveway which extends from an existing gravel parking lot at the rear of the existing facility to the existing curb cut to the subject 0.38 acre site. Staff recommends that if this request is approved, the plan accurately indicate this feature along with the necessary paving to bring it to code.
2. Other design aspects of the proposed use, such as landscape screening and buffer areas, should be carefully assessed if this use should be approved.
3. The proposed use should be carefully answered in terms of its relationship to the Goals and Specific Constituent Elements of the Parkway Corridor Study.

In summary, the Parkway Corridor Study calls for a mix of land uses which will promote the City Center Concept by providing attractive ground level conditions for pedestrian and vehicular circulation throughout the area surrounding the subject parcel.

The future location of the proposed Florence Parkway-Burlington Pike intersection, near the subject parcel, provides an appropriate opportunity for pedestrian access across Burlington Pike to the planned commercial uses along the north side of the highway. In addition to providing pedestrian opportunity and services, the planned commercial land use for the subject parcel must be developed in a manner sensitive to the existing residential uses in the vicinity, and to provide vehicular approaches which will not create an interference with traffic on the surrounding public thoroughfares.



Jim Sturdevant,
Plans Examiner/Planner

JS:mcb

APPROXIMATE
EX. BARRD
ADDED BY
STAFF

APPROXIMATE
EXISTING GRAVEL
AREA
ADDED BY
STAFF

APPROXIMATE
EX. EDGES
OF
PARKING
LOADED BY
ADDED STAFF

APPROXIMATE
EXISTING CURB CUT
ADDED BY
STAFF

SR-2 ZONE
ADDED BY
STAFF

SR-2 ZONE

PROPOSED AUTO SALES
LOT EXPANSION

PROPOSED
ADDITION TO
SALES LOT

EXISTING AUTO SALES LOT

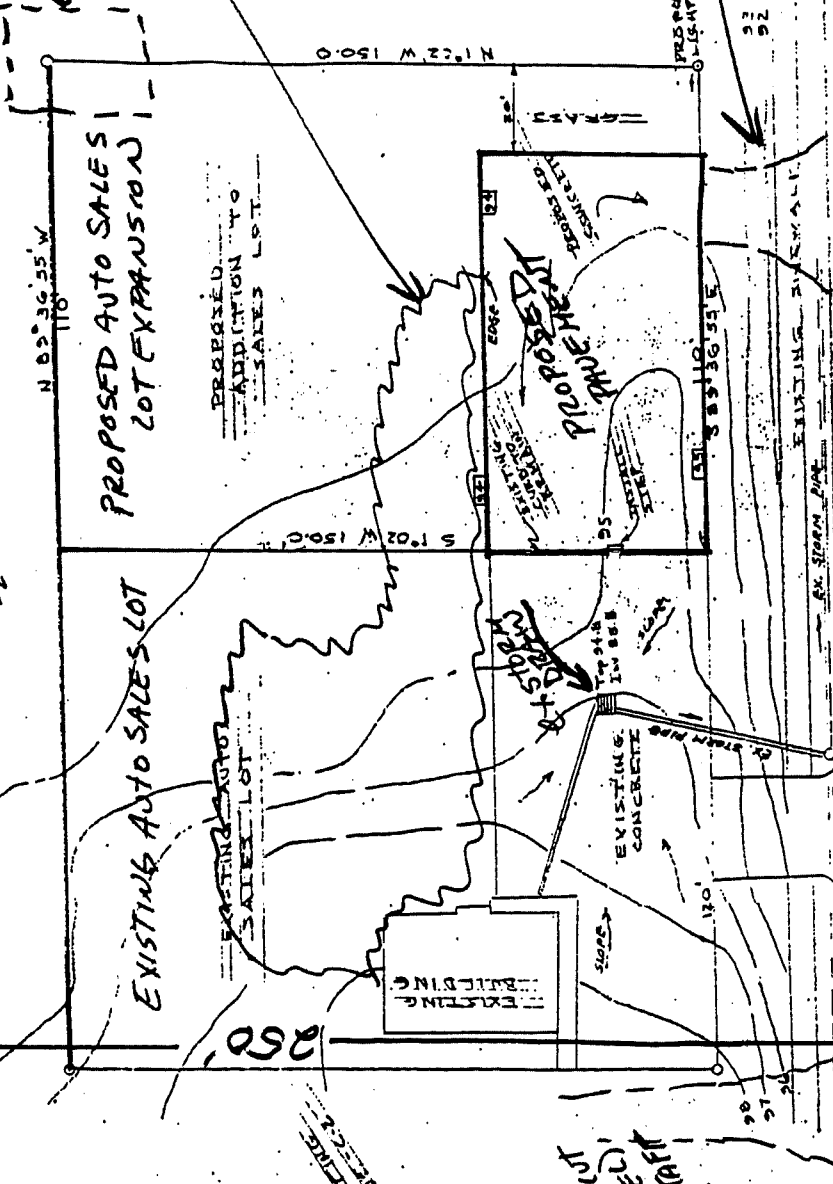
EXISTING BUILDING

EXISTING CONCRETE

EXISTING SAND

APPROXIMATE
EXISTING CURB CUT
ADDED BY STAFF

TOTAL AREA 0.38 AC.
EXISTING ZONE C-2
SR-2 ZONE



DM-TERRACE BUILT ON MOUNTAIN
S-SIDE OF KY 181 ELEVATION

KY-18

KENTUCKY #18

TRUCKEE KUBEN P.E.

REVISIONS		DATE		BY	
1	ADDITION TO SALE				
2	REVISIONS				
3	75% DURING				
4					
5					
6					
7					

July 20, 1987

To whom it may concern:

As an adjoining property owner to Florence Mall Auto Sales, I recently ask the owners their plans of expansion after seeing the meeting notice posted on their lot. The plans they have for their lot seem quite reasonable and I have no objections to them. The fact that they wish to expand their display area seems to be a good business decision and I hope they are successful.

Sincerely,

Robert Reeves G.P.

Robert Reeves, General Partner
Reeves Drive In

1987
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July 18, 1987

Dear Committee:

My husband and I have been neighbors to Florence Mall Auto Sales since they have opened. They have made us aware of the improvements they wish to make and we have no objections. We also have been in business for many years and understand the need for improvements and we wish them much success in their business.

Thank you,

Mrs Henry Bond

Mrs Henry Bond

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EXHIBIT "A"

The real estate for which the Concept Development Plan Approval is requested more particularly described as follows:

Beginning at a point in the north right-of-way line of Kentucky #18 a corner to the remaining Reeves Drive-In property, thence with the line of Reeves N 1 degree 02' W, 150.0 feet; thence N 89 degrees 36' 55" W, 110.0 fet; thence S 1 degree 02' W, 150.0' to the north right-of-way line of Kentucky #18; thence with said right-of-way S 89 degrees 36' 55" E 110.0 feet to the point of beginning, containing 0.38 acres.

This legal description given above has been supplied by the applicant for this application and represents a part of or the complete tract as recorded in DEED BOOKS 190 and 251 PAGES 5 and 81 of the Boone County Clerk's Office.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING ITEM #5
July 22, 1987

Page 1

Mr. David Martin, Vice Chairman, opened the Public Hearing for the last item on the agenda:

5. Applicant: Florence Mall Auto Sales, Inc. (owner)
Request: Concept Development Plan

This was a Public Hearing on a request of Florence Mall Auto Sales, Inc. (owner) for the Utilization of an Underlying Zone in Planned Development. The 0.38-acre site is located east or adjacent to the existing used car sales facility at 7544 Burlington Pike in Florence, Kentucky. The parcel is currently zoned Commercial Two/Planned Development (C-2/PD) as recommended by the Parkway Corridor Study and approved by the City of Florence.

Staff Member, Jim Sturdevant, presented the Staff Report (see Staff Report).

Mr. Gerald Dusing, an attorney practicing in Florence, Kentucky, stated that the principals of Florence Mall Auto Sales are Mark Deatherage and Ivan Lantry. They sell approximately twenty cars per month and need space for additional inventory. He reviewed the Concept Development Plan and stated that the applicant owns approximately 2.6 acres at the site with 230 feet of road frontage. He added that only part of the site is paved, that portion being approximately 50' by 90', and used for the car inventory and sales office. He stated that due to the Parkway Corridor Study, the applicant must come before the Planning Commission rather than the Board of Adjustment. He noted the Staff's concerns and stated that the new section will be approximately two feet below the current section and will be accessed by steps, there will be no driveway. They will use the existing curb cut. He stated that they will address the Staff's concerns and act in such a way as to be in compliance with the Staff's requirements. Mr. Dusing submitted letters from the adjoining property owners on both sides of the site indicating that they have seen the Concept Development Plan and are in support of it. These letters are available in the Staff file.

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

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P

Mr. Davis asked if the gravel on the site would remain.

Mr. Dusing stated that they can either keep the gravel or pave the area. He noted that the gravel curb cut was pre-existing. He added that a barn on the site would not be torn down.

Mr. Collins stated that it should be spelled out whether or not the gravel will remain or if the site will be paved.


Vice Chairman Martin noted that the gravel driveway is pre-existing, non-conforming.

Vice Chairman Martin asked if there were any additional comments or questions regarding this request. There being no further discussion, he stated that this item will be on the agenda for the Business Meeting on August 5, 1987 at 8 P.M. and advised interested parties to attend.

Hearing no further comments, Vice Chairman Martin closed this Public Hearing.

There being no further requests to come before the Commission, the meeting was adjourned by unanimous consent at 11:55 P.M..

APPROVED:



David Martin, Vice Chairman

ATTEST:



Jan Hancock, Recording Secretary

5. Concept Development Plan

A request of Florence Mall Auto Sales, Inc. (owner) for the Utilization of an Underlying Zone in Planned Development. The 0.38-acre site is located east of, and adjacent to, the existing used car sales facility at 7544 Burlington Pike, Florence, Kentucky. The parcel is currently zoned Commercial Two/Planned Development (C-2/PD) as recommended by the Parkway Corridor Study and approved by the City of Florence.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request, subject to conditions, based on the findings of fact (see Committee Report). He noted that Mr. DeLong had elected not to sign the Report.

Chairman Kroger asked the applicant for his comments at this time.

Mr. Jerry Dusing, attorney, speaking in behalf of the applicant, stated that they agree to the conditions contained in the Committee Report.

The Chairman asked if there were any comments or questions concerning this request.

There being no discussion, Mr. Viox moved that the request be granted based on the Staff and Committee Report. Mr. McMillian seconded the motion and it carried unanimously.

6. Site Plan Review

A request of John F. Elberg (applicant) for B. P. Oil (owner) for Site Plan Review to make site improvements and building additions to a 1.76-acre site located at the southeast corner of Mall Road and KY 18, Florence, Kentucky. The Boron Oil site is zoned Commercial Services (C-3).

Staff Member, Jim Sturdevant, presented the Staff Report which recommended deferral of the request until the August 19, 1987 Business Meeting to allow the applicant additional time to address the Staff's concerns about the proposed development. Mr. Sturdevant stated that the applicant has submitted a letter requesting this action.

Mr. Gerald Newton, Director, read the Committee Report which recommended deferral until the August 19, 1987 Business Meeting based on the Staff Report.

The Chairman asked if there were any comments or questions concerning this request.

There being no discussion, Mr. Greene moved, seconded by Mr. Jones, that the request be deferred until the August 19, 1987 Business Meeting as recommended in the Staff and Committee Reports. The motion carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: August 5, 1987

RE: Request of Florence Mall Auto Sales, Inc. (owner) for the Utilization of an Underlying Zone in Planned Development. The 0.38 acre site is located east or adjacent to the existing used car sales facility at 7544 Burlington Pike, Florence, Kentucky. The parcel is currently zoned Commercial Two/Planned Development (C-2/PD) as recommended by the Parkway Corridor Study and approved by the City of Florence.

REMARKS:

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

Findings of Fact

1. The Committee believes that the proposed use, because it is an addition to a legally existing and adjacent use, may appropriately serve as a transitional use of the 0.38 acre parcel, and is not inherently incompatible with the General Context and Guidelines of the Parkway Corridor Study or the existing land uses in the immediate vicinity.
2. Even though the proposed use is not directly oriented to the pedestrian consumer, the site does provide for pedestrian access by virtue of the existing sidewalks located in the right-of-way of KY 18 (Burlington Pike).

Conditions

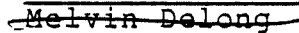
The applicant is being asked to agree to these items as part of the Concept Development Plan presented at the July 23, 1987, Public Hearing in order to clarify the plan and the suitable uses for development of the site:

1. The proposed use of the subject site be considered an extension of the existing use (small scale sales or leasing of new or used motor vehicles requiring the storage of no more than 50 vehicles on the premises) for which a Conditional Use Permit was issued by the Florence Board of Adjustment and Appeals, February, 1985. Because the subject parcel has been represented by the applicant to be an extension of the existing business establishment, both parcels shall be considered a single establishment whose use shall be maintained within the scope permitted by Section 923(7), 1986 Boone County Zoning Regulations.

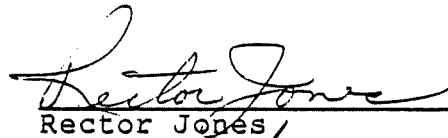
2. When the required Site Plan for the subject parcel is filed for review by the Planning Commission, the plan shall incorporate both the existing facility and proposed extension so that the entire establishment may be brought to code under one unified plan.
3. Any further changes in the Concept Development Plan or related information as presented at the 7/23/87 Public Hearing, must be reviewed by the Commission's Technical Committee to determine if any proposed changes constitute a major or minor change from the plan, if approved.



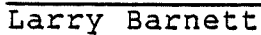
William Viox, Chairman



Donald Davis



Rector Jones



1987

ORDINANCE NO. 0-1-88

AN ORDINANCE ADOPTING AND APPROVING THE USE OF AN UNDERLYING ZONE WHICH IS COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) BY THE PARKWAY CORRIDOR STUDY, AND IS LOCATED ON A 0.38 ACRE TRACT GENERALLY EAST OF AND ADJACENT TO THE EXISTING USED CAR SALES FACILITY AT 7544 BURLINGTON PIKE IN THE CITY OF FLORENCE, KENTUCKY. (FLORENCE MALL AUTO SALES, INC. PROPERTY)

WHEREAS, certain property consisting of approximately 0.38 acres, more particularly described in Exhibit "A", is presently zoned C-2, with a Planned Development Overlay (C-2/PD), and

WHEREAS, the Planned Development Overlay requires submittal of a concept development plan for review and approval in principle as to land use types and intensities under applicable zoning regulations, and

WHEREAS, the Boone County Planning Commission has reviewed the submitted concept development plan for the property described in Exhibit "A" and recommended approval in principle subject to conditions agreed to and accepted by the owner and applicant for the approval in principle to utilize the underlying zone, and

WHEREAS, the City Council of Florence, Kentucky has reviewed the Commission recommendation and presentation of the owner and applicant.

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

SECTION I

That approval in principle of the concept development plan of Florence Mall Auto Sales, Inc., property more particularly described in Exhibit "A" to utilize the underlying zone shall be and the same is hereby granted, subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report made a part of that recommendation, a copy of that recommendation and committee report being attached, marked Exhibit "B" and incorporated herein as if fully set out, such recommendation being in the form of Resolution No. R-46-87, and the committee report, both of which are dated August 5th 1987.

SECTION II

That the owner and applicant of the subject property has agreed to those conditions, terms and provisions of Exhibit "B" and made them a part of their concept development plan, as they are essential to addressing concerns of the Parkway Corridor Land Study.

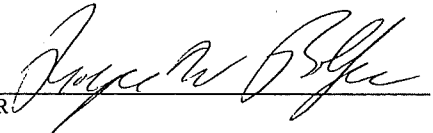
SECTION III

That this approval in principle of the concept development plan is not final approval and owners and applicant must meet and satisfy all requirements in Article 15 relating to preliminary development plan, improvement plans and final plats or site plan review where no subdivision of land is involved.

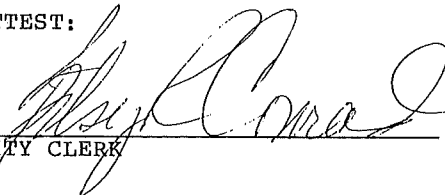
PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF January, 1988.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF January, 1988.

APPROVED:


MAYOR

ATTEST:


CITY CLERK