

APPLICATION FOR ZONING ACTION

TO: Boone County Planning Commission City of Union Board of Adjustment
 City of Florence Board of Adjustment City of Walton Board of Adjustment
 Boone County Board of Adjustment Zoning Enforcement Officer

FOR: Zoning Text Amendment Zoning Map Amendment
 Comprehensive Plan Change Preliminary Plat Approval
 Improvement Plat Approval Final Plat Approval
 Conditional Use Permit Site Plan Review
 Concept Development Plan Historic District Overlay
 Preliminary Development Plan Sign Permit
 Change of Non-Conforming Use Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: Charles Berling Owner Agent

Address: 199 Fortside Drive
Ft. Mitchell, Ky. 41011 Telephone: 331-3011

Location: Evergreen Drive near U.S. No. 42, Florence, Kentucky

Name of Owner: Charles Berling

Address of Owner: 199 Fortside Drive, Ft. Mitchell, Kentucky 41011

Zone: R Area in Acres: 18.6

Description of Request: Request Rezoning of 18.6 acres from R to SR-1

Owner's Signature: Charles Berling

Applicant's Signature: Charles Berling

FOR PLANNING COMMISSION USE:

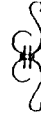
Date application and fee of \$ 378.40 Received: March 17, 1982

Referred to: Boone Co. Planning Comm. For Meeting Date: March 17, 1982

Action: _____ Date: _____

P.H. - 4/28/82

J. W. BERLING ENGINEERING COMPANY



Land Surveying, Site Development, Civil Engineering Services
Ky. Registration No. 5745 • Land Surveyor Registration Ky. 206

606/291-2680
1132 MAIN STREET
COVINGTON, KY 41011

March 16, 1982

LEGAL DESCRIPTION
PROPOSED ZONE CHANGE
FOR CHARLES BERLING
ON EVERGREEN DRIVE
FLORENCE, KENTUCKY

Beginning at a point in the center line of Evergreen Drive, said point being approximately 480 feet south of the center line of U.S. Highway No. 42; thence in a easterly direction along Charles Berling's north property line 545 feet to a point; thence through Charles Berling's Property in a southerly direction and along the present R/SR-1 Zone division line 1,475 feet to a point in Berling's south property line; thence along Berling's south line in a westerly direction 450 feet to the southeast corner of James Ahlfeld; thence in a northerly direction along James Ahlfeld's Property 195 feet to Ahlfeld's northeast corner; thence in a westerly direction along Ahlfeld's north line to the center of Evergreen Drive; thence in a northerly direction along the center line of Evergreen Drive 1,365 feet to the place of beginning.

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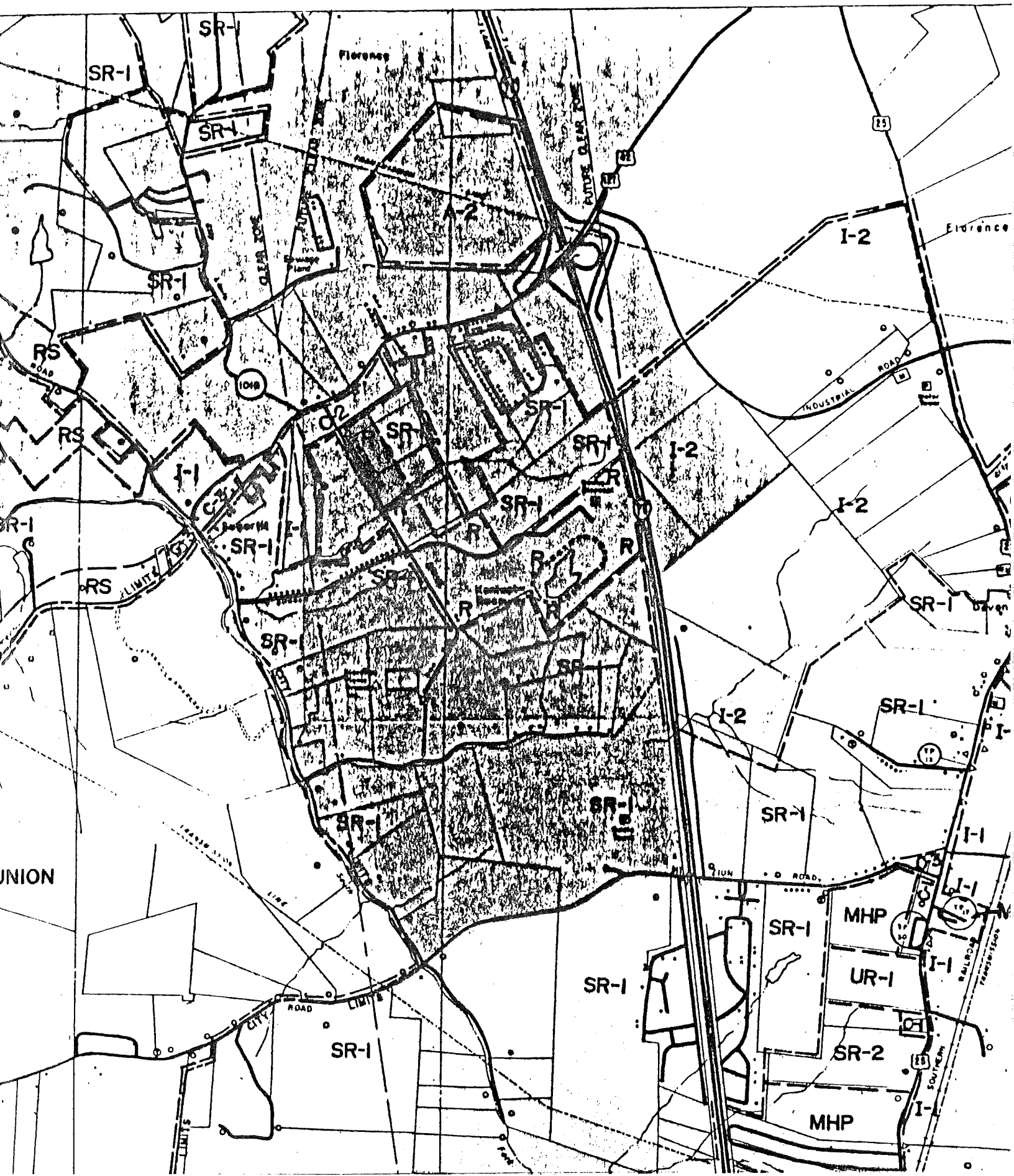
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P.H. - 4/28/82



April 28, 1982

ZONE CHANGE REQUEST BY CHARLES BERLING
FOR PROPERTY LOCATED ON EVERGREEN DRIVE,
FLORENCE, BOONE COUNTY, KENTUCKY

This zone change request is by Charles Berling for an 18.6 acre tract located along the east side of Evergreen Drive and beginning about 480 feet south of its intersection with U. S. Highway 42. This 18.6 acre tract is part of a larger tract that has recently been annexed into the City of Florence.

The applicant is requesting a change from the current zoning of Recreation (R) to Suburban Residential One (SR-1) for this site. The current zoning of adjoining property to the east is Suburban Residential One (SR-1). To the south is Recreation (R) zoning of Boone County. To the west, across Evergreen Drive, is Urban Residential One (UR-1) zoning with an approved Concept Development Plan for the tract. And to the north is current zoning of Commercial Two (C-2).

The current land use of the subject property is undeveloped farmland. To the east is current single family residential land use. To the south is current land use of single-family residential and undeveloped. And to the north is current Commercial land use.

The planned future land use as indicated on the Boone County Comprehensive Plan Land Use Map is Commercial and Environmentally Sensitive. The text of the Plan states, "Neighborhood or convenience oriented commercial districts are much more broadly dispersed throughout the County... Many convenience commercial districts can be integrated into planned residential developments, and should be encouraged in the areas designated for such development in the Plan."

Water supply is currently available to the site. Since the site does lie within the City of Florence, water might be available from the City. However, the County does have a 12 inch water main running along the west side of Evergreen Drive that might be able to supply water to the site. The developer should contact both the City of Florence Water Department and the Boone County Water and Sewer District regarding the provision of water to the site.

CHARLES BERLING ZONE CHANGE REQUEST

April 28, 1982

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Sanitary sewage disposal will be available to the site by the City of Florence. The developer should contact the City of Florence Water and Sewer Department regarding the provision of sanitary sewage disposal to the site.

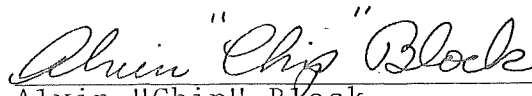
The applicant has submitted a pre-preliminary plan for the development of the site. This plan shows a total of 156 lots are planned on this site.

This subdivision plan shows two roads intersecting with Evergreen Drive. Currently Evergreen Drive is an asphalt surfaced road having a surface width of 18 or 19 feet and maintained in good to fair condition. The plans also show a maximum of 16 lots that will have frontage on Evergreen Drive. I would like to advise the Commission that based upon the plans for this development, along with those of the Claxon property across Evergreen Drive and the number of existing residences being served by Evergreen Drive, the classification of Evergreen Drive would change. The road classification would change to a collector road and it would have to be upgraded to this classification in accordance with the Boone County Subdivision Regulations.

Other existing utilities and services include fire protection from the City of Florence, and electric and a 4 inch natural gas main along Evergreen Drive from Union Light, Heat and Power Company.

Should this Commission recommend approval of this request and/or the City of Florence approves this request for rezoning, the following changes would be necessary in the Boone County Comprehensive Plan because of the request's non-agreement with the Plan:

1. The Land Use Map be changed from the current planned use of Commercial to Medium Density Residential and;
2. That Tables 1, 2, and 4 be adjusted in the planned number of acres involved from the current planned Commercial to Residential.


Alvin "Chip" Block
Zoning Enforcement Officer

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING MINUTES

APRIL 28, 1982 8:00 P.M.

BOONE COUNTY ADMINISTRATION AUDITORIUM

Chairman Kroger called the Public Hearing to order at 8:05 P.M. Seven members of the Commission were present, the eight absent were Messrs. Conkle, Godsey, Greene, Hodge, Ingram, Jones, Shafer, and Viox. Staff members present were Ms. Sullivan, Mr. Wilson and Mr. Block.

The request of Charles Berling for a Zoning Map Amendment for an 18.6 acre tract located on the east side of Evergreen Drive approximately 500 feet south of U.S. 42, Florence, from Recreation (R) zone to Suburban Residential One (SR-1), was the single item on the agenda.

Mr. Block's Enforcement Officer's report was read and made part of the minutes.

Mr. Charles Berling stated that he purchased the ground, and had asked the City of Florence for annexation in order to provide sewage service.

Mr. Block noted that the total acreage is 45 acres to be divided into 156 lots, but that the zone change request is for the 18.6 acres comprising the frontage of the property. This front portion was originally zoned Recreation due to its proximity to the old Kentucky Raceway; frontage properties on Evergreen Drive were zoned to provide supporting recreational activities.

Mr. Barnett questioned the effect on nearby land designated "Environmentally Sensitive." Mr. Block explained that probably over 50% of Boone County was so designated as a result of soil characteristics, depth to water, depth to rock, steepness of slope, or other factors the developer would have to answer during site plan review process. Such problems at the site in question would be appropriately addressed during review of subdivision plans.

Mr. Buse asked whose responsibility it would be to upgrade Evergreen Drive to collector road status, and whether or not building permits would be issued prior to the road upgrade. Mr. Block responded that Mr. Bill Clark, Engineer, agreed with him that a 30 foot road with a 60 foot right-of-way would have to be provided. Chairman Kroger

B.C.P.C.
PUBLIC HEARING MINUTES
APRIL 28, 1982
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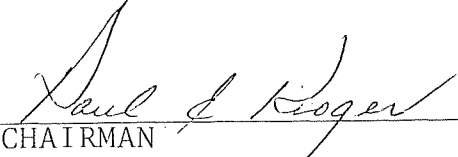
commented that although road improvements are not the responsibility of the Planning Commission, such matters are noted in order to further bring them to the attention of the appropriate legislative body.


Mr. McMillian expressed concern over the apparent depletion in land zoned Recreational since such land use was of such benefit to the community.

Chairman Kroger asked for comments from the audience and members of the Commission, then hearing none, declared the public hearing closed at 8:30 p.m.

APPROVED 5-5-82

Respectfully submitted,


CHAIRMAN


CLERK

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY PLANNING COMMISSION
MINUTES - MAY 5, 1982
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Bobby Harlow	Conv. Plat	\$ 50.00
Paul R. Criswell	Zone Change Rqst.	378.80
" " "	Publication Dpst.	35.00
Daniel W. Augur	B. C. B.of A.	100.00
" " "	Publication Dep.	35.00
" " "	Site Plan Review	205.05
Rick Stamper	Zoning Permit	15.00
James Robertson	Zoning Permit	15.00
Michael Kessans	Zoning Permit	15.00
David Lamb	Zoning Permits	30.00
James E. Moss	Zoning Permit	15.00
Clifford Rouse	Zoning Permit	15.00
Tony Browne	Zoning Permit	15.00
Drees Company	Bal. on zoning prt.	5.00
Drees Company	Zoning Permit	15.00
United Signs	Sign Permit	60.00
James Gould	Zoning Permit	15.00
Tim Roberts	Zoning Permit	15.00
Cash	Copies	17.25
	TOTAL	<u>\$1,949.10</u>

REPORTS OF OFFICERS:

The Treasurer's Report showed a current balance of \$26,391.57 in the checking account, \$499.38 in the savings account. The report was accepted and made a part of the minutes.

The Building Inspector Reports were read and made part of the minutes: Florence permits 3424 through 3447, total construction costs \$289,910.00; Boone County: 24 building permits, total estimated construction cost - \$845,800.00.

The Enforcement Officer's Report was read, accepted, and made part of the minutes.

Mr. Clark informed the Commission he has reviewed and approved for signature six convenience plats. Copies of the Engineer's Report were distributed to the members. The report was accepted and made part of the minutes.

UNFINISHED BUSINESS:

The first item on the agenda was the request of Charles Berling for a Zoning Map Amendment for an 18.6 acre tract located on the east side of Evergreen Drive approximately 500 feet south of U.S. 42, Florence, from Recreation (R) Zone to Suburban Residential One (SR-1).

Mr. Block presented the Enforcement Officer's Report. Mr. Jim Berling, engineer for the project, mentioned that a total of 45 acres had been purchased, and that this 18.6 acre tract had been zoned differently than the balance of the

land. The plan is for single family residential construction.

Chairman Kroger asked if there was anyone in opposition to this zone change in the audience; no one responded. The Committee report from Chairman Buse was read and made part of the record.

Mr. Greene moved that the request for a zone change be granted by Resolution R-5-82, stating his basis as the Findings of Fact as outlined in the Committee Report, and in the Staff Report. He also included in his motion that the recommendation be forwarded to the City of Florence for their action. Mr. Godsey seconded the motion which carried unanimously.

Mr. Viox moved that upon approval by the City of Florence of the recommendation in Resolution R-5-82, the necessary changes in the Comprehensive Plan be made based on the same findings of fact, this being Resolution R-6-82. Mr. Godsey seconded, the motion carried unanimously.

The next item on the agenda was the request of William L. Clark, P.E., for Site Plan Approval for a family restaurant to be located on the northeast corner of Dream Street and U.S. Highway 42, Florence, involving a 1.7168 acre tract in a Commercial Three (C-3) Zone. The report from Committee Chairman Ingram, read and made part of the record, recommended deferral of this item inasmuch as the matter requires a Variance from the Florence Board of Adjustment, which is scheduled to hear this request May 12, 1982. Mr. Buse moved the matter be deferred until May 19, 1982 meeting. Mr. Shafer seconded, the motion carried unanimously.

The third item on the agenda was the request of N.L. Sandy Leach, Kentucky Motors, for site plan approval for an addition to an existing building located at 24 Locust Street, Florence, a .9 acre tract in a Commercial Two (C-2) Zone.

The report from Committee Chairman Ingram was read and made part of the minutes. Mr. Block read the Enforcement Officer's report which was made part of the record. Mr. Block indicated that the addition would be placed on the left side of the existing building, close to the adjacent residence. Mr. Shafer asked if Kentucky Motors was in compliance with the permit previously issued to them, specifically questioning the evergreen screening requirements. Mr. Block responded that there are about twenty evergreen

M E M O R A N D U M

May 5, 1982

TO: BOONE COUNTY PLANNING COMMISSION

FROM: ZONE CHANGE REQUEST COMMITTEE,
Mr. R. L. Buse, Jr., Chairman


SUBJECT: Charles Berling Request

We recommend to the Boone County Planning Commission that the request of Charles Berling for a Zoning Map Amendment for an 18.6 acre tract located on the East side of Evergreen Drive approximately 500 feet South of U.S. 42, Florence, from Recreation (R) Zone to Suburban Residential One (SR-1), be recommended for approval to Florence City Council based on the following findings of fact:

1. The adjacent property is presently Suburban Residential One (SR-1) to the East and Urban Residential One (UR-1) to the West. It is also bounded by Commercial Two (C-2) to the North and Recreation (R) to the South.
2. When this tract was originally zoned Recreation, the property to the South had been and was zoned to be a Recreational area, however, during the last five year period of time, no activity has taken place of a recreational nature on the property to the South.
3. It appears to us that the property was improperly zoned Recreational since the recreational activity to the South has been abandoned.
4. We recommend that, in view of the fact that the land area is currently shown to be "Environmentally Sensitive" on the Comprehensive Plan, careful consideration be made during project implementation so as to reduce or eliminate negative impact on adjacent properties.

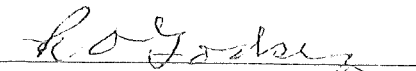
MEMO TO B.C.P.C.
FROM ZONE CHANGE COMMITTEE
May 5, 1982
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5. We recommend further that the area as shown on the Comprehensive Plan reflect the change from Commercial to Medium Density Residential land use, and that Tables 1, 2 and 3 reflect appropriate changes in total acreage.



R. L. Buse, Jr., Chairman

Larry Barnett



Raymond O. Godsey

RLB:brc

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 -- 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

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MR. E. R. SHAFER
VICE CHAIRMAN
MR. R. O. GODSEY
SECRETARY-TREASURER
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DIRECTOR
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ATTORNEY
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ENGINEER
MR. A. H. BLOCK, III
ENFORCEMENT OFFICER
MS. BETSY R. CONRAD
CLERK

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MR. R. N. GREENE
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MR. J. INGRAM
MR. R. JONES
MR. D. McMILLIAN
MS. C. SMITH
MR. W. R. VIOX
MR. T. HODGE

May 28, 1982

The Honorable Roger Rolfes
Mayor of Florence
Florence City Building
P. O. Box 457
Florence, KY 41042

Dear Mayor Rolfes:

This letter is written to advise you of the action of the Boone County Planning Commission in regards to the request of Charles Berling for a zone change.

At their meeting of May 5, 1982, the Commission voted unanimously to recommend approval by Resolution R-5-82 of a zone change from Recreation (R) to Suburban Residential One (SR-1) for an 18.6 acre tract located on the east side of Evergreen Drive approximately 500 feet south of U.S. 42, Florence, Kentucky.

This action was taken upon hearing the recommendation of the Committee which included the following findings of fact:

1. The adjacent property is presently Suburban Residential One (SR-1) to the east and Urban Residential One (UR-1) to the west. It is also bounded by Commercial Two (C-2) to the north and Recreation (R) to the south.
2. When this tract was originally zoned Recreation, the property to the south had been and was zoned to be a recreational area, however, during the last five year period of time, no activity has taken place of a recreational nature on the property to the south.
3. It appears that the property was improperly zoned Recreation (R) since the recreational activity to the south has been abandoned.


4. Inasmuch as the land area is currently shown to be "Environmentally Sensitive" on the Comprehensive Plan, careful consideration is to be made during project implementation so as to reduce or eliminate negative impact on adjacent properties.

Also taken into consideration was the report of the Enforcement Officer. A copy of this report, along with a copy of the minutes of the public hearing which was held on April 28, 1982, are enclosed.

The Commission also voted by Resolution No. R-6-82 that upon final approval of this zone change by the City Council, if given, the necessary changes are to be made to the Comprehensive Plan text and Land Use Map and should be so authorized by Council. Enclosed are copies of the above mentioned resolutions.

If you desire any further information or have any questions concerning this action, please contact us.

Sincerely,



Paul E. Kroger
Chairman

brc

Enc.

Copy: Mr. Charles Berling



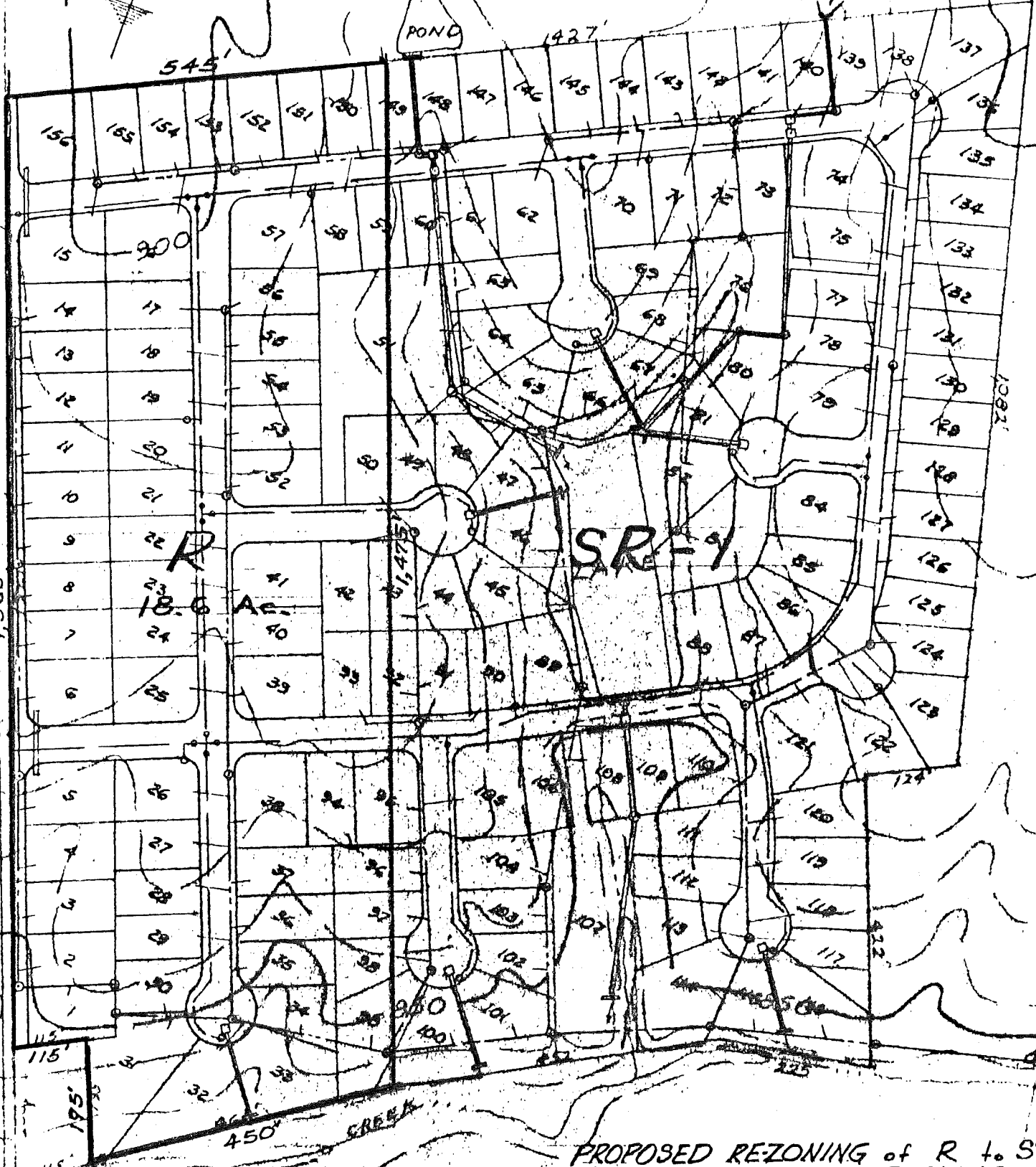
DRIVE

EVERGREEN

POND

SR-1

EXISTING SUBDIVISION



PROPOSED REZONING of R to SR-1
 FOR: CHARLES BERLING
 EVERGREEN DR. - FLORENCE KY.
 SCALE: 1" = 200'
 MARCH 16, 1981
 JAMES W. BERLING, KY. L.S. #206