

STAFF REPORT

REQUEST OF CHARLES H. DETERS (OWNER) FOR A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR A SITE WHICH IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD)

SEPTEMBER 28, 1988

This request is for a revision of a previously approved Concept Development Plan for a 1.7 acre site located at the northeast quadrant of Hopeful Road and U.S. 42, Florence, Kentucky. The proposed use is a convenience store as a principally permitted use with gasoline sales and a car wash as conditional uses. The site is currently vacant.

On March 6, 1985, the Boone County Planning Commission approved a Zoning Map Amendment and a Concept Development Plan for a 5.4 acre site, of which this current request is a part. The approved Concept Development Plan showed an office retail complex consisting of three buildings. The small building was intended to be a marine sales and services store (e.g. Kelly Marine). The remaining two story structures were to be used for retail and office space. The total area for the three buildings is approximately 50,000 square feet. Access to the site included one driveway onto U.S. 42, and one onto Hopeful Road.

SURROUNDING LAND USES AND ZONING

North -	additional vacant land, SR-2 subdivision
South -	First Church of Christ, C-2 strip retail
East -	Kelly Marine, C-2 strip retail
West -	Stop-n-Go, C-2/PD strip retail

EXISTING FEATURES OF THE SITE

The site is currently vacant; the vegetation consists of grass and weeds, with a couple of scrub trees located at the front of the property. The ground slopes towards the rear of the property (north). Utilities for the site will be provided by the City of Florence.

The improvement to U.S. 42 that is taking place, has impacted the site in several ways. Hopeful Road has been relocated to the west; the abandoned right-of-way becoming part of the site now under consideration. Also, the front of the site is being used as an access road for property on the north side of U.S. 42, while construction is underway.

=====

RELATIONSHIP TO COMPREHENSIVE PLAN

This Change in Concept Development Plan must be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1986 Future Land Use Map

Commercial

1986 Business Activity Goals and Objectives (page G-3)

Goal:

To provide appropriate locations for industries or businesses compatible with others located in the county.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial:

1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged, whenever practicable, to occur in the form of shopping centers or other compact aggregations having an integrated design.

1986 Transportation Goals and Objectives (page G-5)

Goal:

To ensure that adequate pedestrian and vehicle corridors are prohibited for all county residents.

Objectives:

3. Forms of access management shall be used to reduce vehicular traffic congestion wherever possible.
4. Provisions should be made for safe movement in the most expeditious manner of people and goods from place to place in the county.

=====

Business Activity Element (page B-14)

"Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and U.S. 42."

Land Use Element (page L-15)

"The Mall Road area will continue to grow as a regional shopping area and its spill over onto U.S. 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled. The existing residential areas on U.S. 42 should remain protected from the development."

In summary, the 1986 Boone County Comprehensive Plan identifies this site as being suitable for commercial development. However, it stresses the importance for such sites to be properly designed so as not to have a negative impact upon the community.

CONCEPT DEVELOPMENT PLAN

The major difference between the submitted Concept Development Plan and the original plan is the land use. The original design and intent was to have an integrated development on the entire 5.4 acre site, mixing commercial and office uses. The request before you for 1.7 acres is to be developed as a 3,000 square foot convenience store, and a 6,000 square foot commercial space. The convenience store is proposed to have gasoline sales and 4 car wash bays in the back of the building.

The original development was zoned Planned Development (PD) reflecting a mixture of uses within the integrated design. The proposed use of this site does not have a mixture of uses, rather, it would be strictly commercial. The intensity of the site compares favorably with the original Concept Development Plan, being approximately 5,300 square feet per acre.

Access points are the second major change presented in this application. The original plan had two access points; one on U.S. 42 and one on Hopeful Road, for the entire 5.4 acre site. The current Concept Development Plan shows two driveways onto Hopeful Road and one onto U.S. 42. Of the two driveways on Hopeful Road, the one to the north is approximately where the original driveway was to have been. The southern driveway, approximately 85 feet from the intersection with U.S. 42, is to be designed as right-turn-in, right-turn-out only. The applicant has made an agreement with Kelly Marine to combine driveways, resulting in no additional driveways onto U.S. 42.

=====

Other items indicated on the Concept Development Plan include landscaping, parking layout and one free-standing sign located on the southern property line. The plan does make provision for access to the adjacent property to the north, in addition to the access to Kelly Marine. Also, a detention pond is to be placed on the east property line.

STAFF CONCERNS

The land use as compared to the original plan is of some concern. The original design did not include a convenience store, gas pumps, or car wash bays. These proposed uses are more intense uses of the site, and will generate more traffic. A mixed-use development as proposed originally, with offices and retail uses, would produce fewer trips per day than the proposed convenience / strip center.

The estimated traffic generated based on the ITE Trip Generation Manual for the proposed uses will be:

	GSF	24 hr ADT	AM Peak	PM Peak
Convenience Market	3,000	2,661	202	214
Retail Sales	6,000	244	33	180
Total	9,000	2,905	235	394

These volumes do not consider that there will be gas sales or a car wash at the site. Although it is assumed that little new traffic will be generated, the estimated volume entering and exiting is sufficient to make safe access to the site a concern.

Access is also a concern due to the location and the proposed use of the site. Convenience stores are high traffic generators, and the site is located at an important intersection of U.S. 42 and Hopeful Road. Hopeful Road and U.S. 42 are subject to Access Management Regulations as the roadways are classified as Access Class I, collector and arterial, respectively.

The proposed design of the site meets the requirements, with the exception of the southern driveway on Hopeful Road. The applicant has addressed two concerns relating to Access Management; providing access to adjacent property to the north and sharing a driveway with Kelly Marine. A short deceleration lane may be appropriate for this driveway.

=====

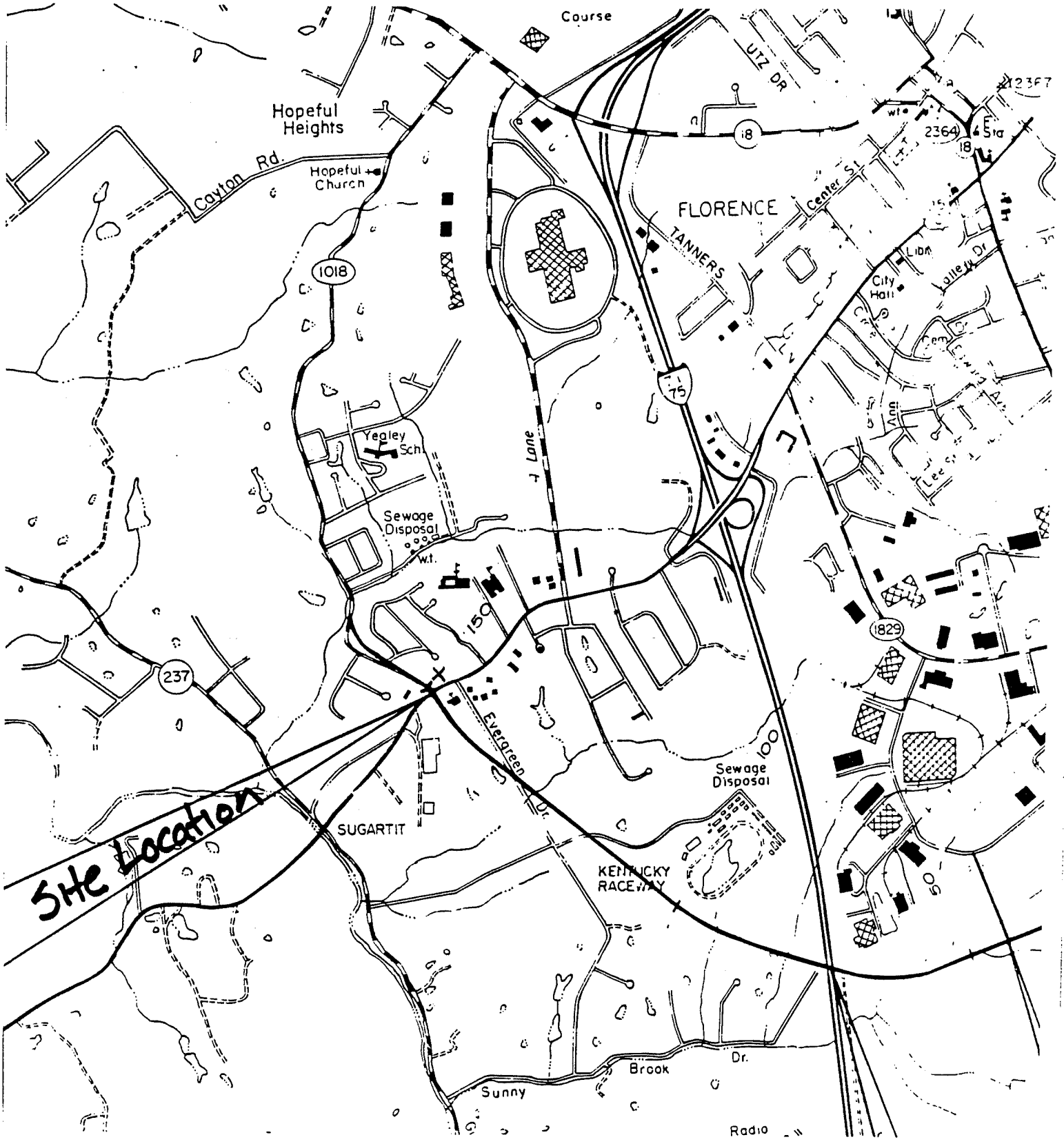
The staff's concern with the drive on Hopeful Road is that it is located too close to the intersection. The distance is only approximately 85 feet from U.S. 42. The driveway would align with the driveway for the Stop-n-Go center. This existing driveway is dangerous, and will become more so when Hopeful Road is improved. Finally, the two driveways onto Hopeful Road do not meet the minimum 230 feet spacing requirement of the Access Management Regulations.

CONCLUSION

This request represents a major change in the Concept Development Plan approved in 1985. The Boone County Planning Commission and Boone County Fiscal Court need to view the proposal in terms of the changes proposed versus the original Concept Development Plan in relation to Article 3 of the Boone County Zoning Regulations and the objectives of Planned Development (Article 15).

Should the request be approved, the Boone County Comprehensive Plan would not need to be amended.

Douglas S. Powell
Douglas S. Powell
Transportation Planner



Hopeful Heights

Coyton Rd.

1018

Yegley Sch.

Sewage Disposal

237

SUGARTIT

Site Location

Course

UTZ DR

18

FLORENCE

175

Lane

150

Evergreen Dr.

Sewage Disposal

KENTUCKY RACEWAY

1829

150

Sunny Brook Dr.

Radio

2364

237

City Hall

Libr

Alleway Dr.

Ann

Center St

Center St

Center St

Center St

Center St

Center St

Center St

Center St

Center St

Center St

Center St

Center St

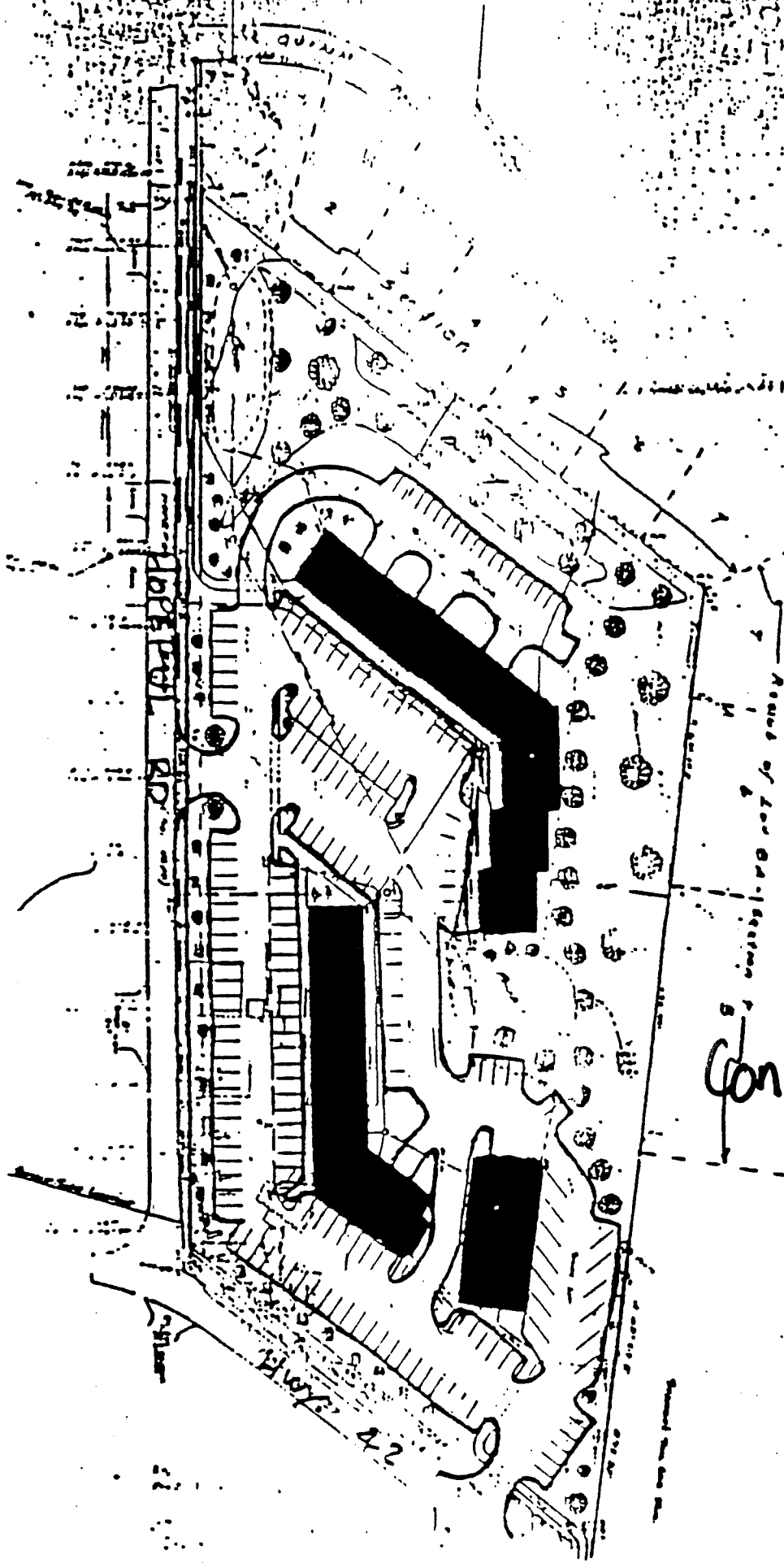
Center St

Center St

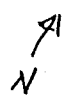
Center St

Center St

Center St



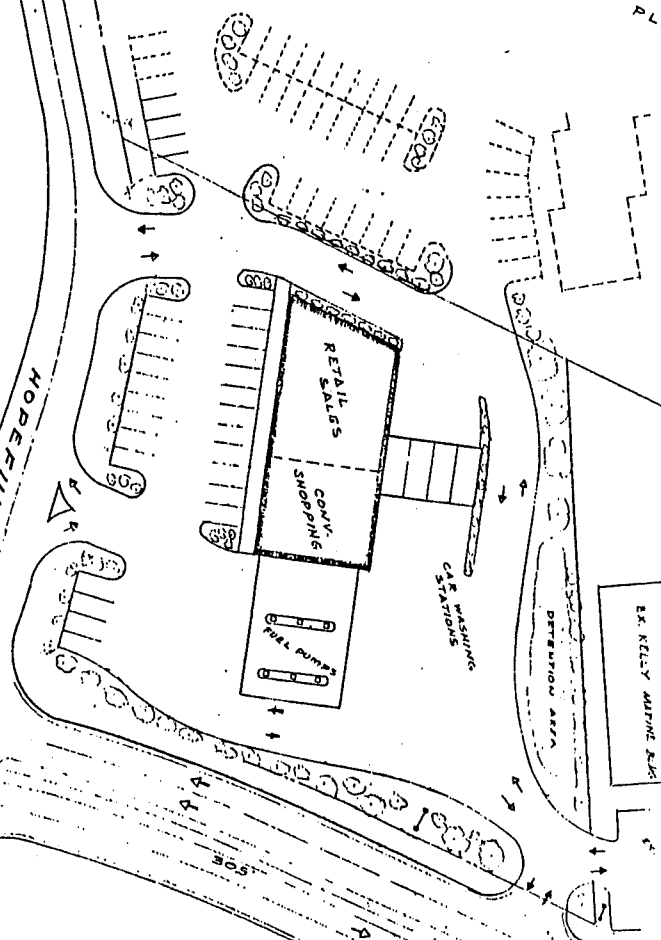
Original
Concept Development
Plan



ORIGINAL CONCEPT DEVELOPMENT PLAN

Stop-n-Go

HOPEFUL ROAD



Kelly Marne

U.S. HWY. 42

New
Concept Development
Plan

- 64. Sewer Main
- 65. PTP #B03962RN
- 66. Water Meter
- 67. " " "
- 68. " " "
- 69. P.T.P. #B013963RN
- 70. Gas Valve
- 71. " " "

Const
ESM.T.

STA. 149+3533 HOPEFUL RD.
STA. 473+51.23 U.S. 42

STOP & GO
MARKING
1 S Brck 56 M. &

P 49

P 50
P 35

US 42

C-301.23'
D-848.51'
S45°32'04"E
299.65'

ARC 31.96
RAC 25.00
CH-N0°15'18"W
29.83'

ARC-117.50
RAD-737.94
CH-N40°10'40"W
117.38'

HOPEFUL RD.

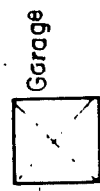
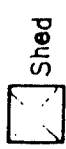
Approx. Prop. Line

ARC-303.05
RAD-795.94
CH-N49°58'26"W
301.22'

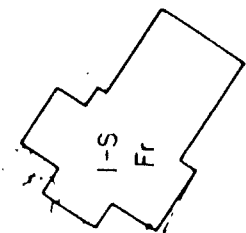
P 51

P 51

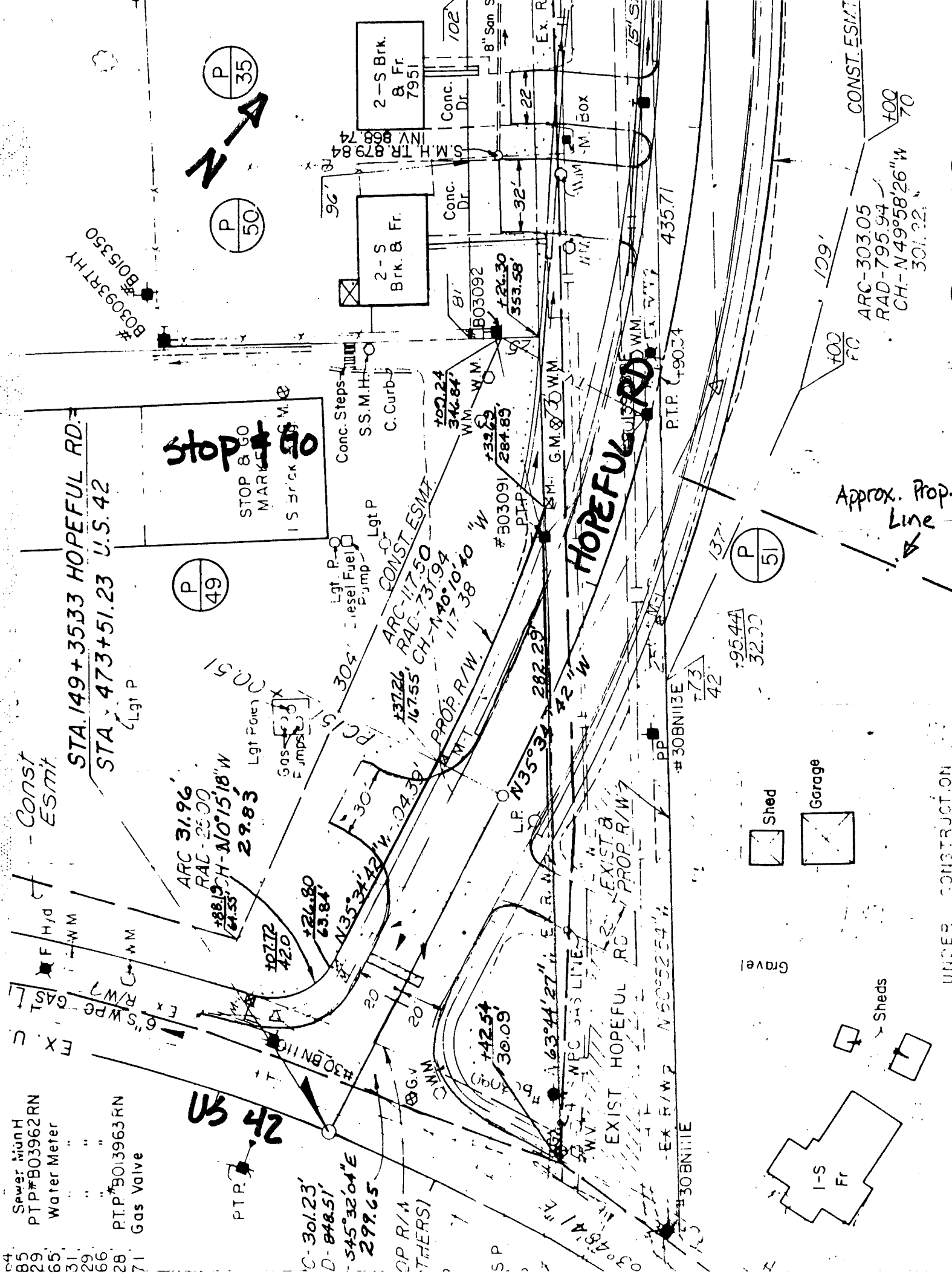
Gravel



Sheds



UNDER CONSTRUCTION



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 Charles H. Deters Retail Development
3. Location of Development Hopeful Road and U.S. 42
4. Total Acreage of Site 1.7 acre site
5. Current Zoning C-2 1 PD
6. Date of Zone Change or Approved Concept Development Plan (if applicable) Zone change - March 6, 1985
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) Comprehensive Plan, Boone County
8. Proposed Uses (please specify each use) _____
convenient store
fuel pumps
self car wash
retail office building
9. Name of Applicant(s) Charles H. Deters
 Phone Number(s) (606) 341-1881
10. Address of Applicant(s) 2701 Turkeyfoot Road
Crestview Hills, KY 41017
 City State Zip
11. Name of Property Owner(s) Charles H. Deters
 Phone Number(s) (606) 341-1881
 (same as above)
12. Address of Property Owner(s) (same as above)
 City State Zip
13. Proposed Building Intensities (please specify) _____
125' x 60'
14. Are there any existing buildings on the site? No
 How many? _____
15. Deed Book 369 Page No. 171 Group No. 2040 A
16. Have you had a pre-application meeting with BCPC staff? Yes.

(COMPLETE OTHER SIDE OF APPLICATION)

APPLICATION FORM
CHANGE IN CONCEPT DEVELOPMENT PLAN
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: BCPC Technical Committee

18. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

19. Applicant's Signature(s): Charles H. D. [Signature]

20. Property Owner's Signature(s): Charles H. [Signature]

21. Have you submitted a Concept Development Plan? Yes

SECTION B (To be completed by BCPC Staff)

- 1. Date Received 8/3/88
- 2. Fee Received \$ 392.00
- 3. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
- 4 No. of copies of plan received**
- 4. Is application complete? Yes No
- 5. Staff Reviewer _____
- 6. Committee Chairman _____
- 7. Scheduled Public Hearing Date _____
- 8. Boone County Planning Commission Action:
 - Approval
 - Approval With Conditions
 - Disapproval
- 9. Other: _____

** FIVE (5) COPIES REQUIRED
BCPC:7/11/88

EXHIBIT "A"

HAND WIFE
JULY
In the year 19 87.

William D. Centers
D. Centers

John A. Centers
John A. Centers

this 24th _____ day of July

and wife _____

Arvid Jacobs
Arvid L. Jacobs
Notary Public.

county, do hereby certify that this instrument of

y left for record at 9:00 A M.
uplicate were duly recorded in my office.

_____ in the year 19 87

TERESA BENSON, Clerk
Teresa Benson
D. C.

Page 169
Instrument
S.C.
075

KNOW ALL MEN BY THESE PRESENTS:

That

Jackson Florist, Inc., a Kentucky corporation
for and in consideration of Two Hundred Fifty Thousand and 00/100 (\$250,000.00)

the receipt whereof is hereby acknowledged, do _____ es hereby bargain, sell and convey to the said

Charles H. Deters, his

helps and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantor Mailing Address 2701 Turkeyfoot Road, Covington, KY 41017 Group No. 2040A

Present Street Address N.E. corner of U.S. 42 & Hopeful Road, Florence, Kentucky 41042 Plat No. _____

Situated in Boone County and lying on the Northside U.S. #42 and on the Eastside of Hopeful Road and is described as follows:

Beginning at point in the existing 25' right of way of Hopeful Road and in the 44' right of way of the new proposed U.S. #42, left of station 474+90.53, thence along the existing right of way of Hopeful Road, N. 61° 17' W. 300.0' to point in said right of way, thence N. 60° 02' 44" E. 245.64' to a point, thence S. 53° 07' E. 300.0' to the proposed 44' right of way of U.S. #42 and a corner with Kelley Marine Inc., thence along said right of way S. 66° 04' W. 97.27' and S. 64° 52' W. 111.32 to the point of beginning containing 1.3417 acres.

There has been excepted out of this tract 0.0092 acres which was conveyed to the Ky. Dept. of Highways as a parcel of right of way on the proposed Hopeful project by deed recorded in Deed Book 14, page 298 of the Boone County Clerk's records.

Description prepared by A.J. Williamson R.L.S. No. 1008.

Being the same property conveyed to the Grantor herein by deed dated June 28, 1985 and recorded in Deed Book 332, page 62 of the Boone County Clerk's records at Burlington, Kentucky.

Being _____ the same property conveyed to the Grantor by _____ by deed dated 28th day of June, 1985 and recorded in deed book 332 page 62. In the office of the Clerk of the Boone County Court, Burlington, Kentucky.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

September 28, 1988
7:00 P.M.

PUBLIC HEARINGS

Mr. Fred Burch called the meeting to order at 7:10 P.M.. Following an explanation of the Public Hearing process by Counselor Wilson, Mr. Burch introduced the first item on the Agenda:

1. Applicant: Charles H. Deters
Request: Revision of a Previously Approved Concept Development Plan

This was a Public Hearing on the request of Charles H. Deters (owner) for a revision of a previously approved Concept Development Plan for a 1.7-acre site located at the northeast quadrant of Hopeful Road and U.S. 42, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and the proposed uses include a convenient store, fuel pumps, a self-service car wash and a retail/office building.

Staff Member, Doug Powell, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Charles Deters stated that he had purchased the lot and thought he understood the zoning. He only purchased a part of the site and questioned whether he could build a part of the development without acquiring the entire site. Staff indicated to him that he could do this. He wants to build a convenient-type store with gas pumps. He did not understand that the plan was being altered to such a degree as to require a public hearing and reapproval. He also did not understand the concerns in regard to the access. He negotiated with the Highway Department for access to the property. Except for the first access point, the accesses are under contract to be built. In addition to the convenient-type store and gas pumps, there will be a freestanding self-operating car wash in the rear. The lot is large enough to have additional space for retail or office space. In redoing the plan, Mr. Berling tried to meet the original thoughts of having this work as one site, even though there are now two owners. The rear portion of the property will have access from U.S. 42 through the site. The plan picks up the existing plan at the property line. The second driveway from Hopeful Road is shown on the original plan as an access for the tract to the rear. Mr. Deters is agreeable to this access being

closed and moved. The people at Kelly Marine are willing to eliminate their access and share access with this development. The access is 305 feet from the centerline of the intersection and U.S. 42 and there is a continuous stacking or turning lane which should eliminate parking problems on the U.S. 42 side. Not being able to enter the property from the Hopeful Road side would be a problem, but the access will be right-turn-in and right-turn-out only. They are willing to put in an island to enforce the right-turn only requirement. The site lends itself to the use he proposes. The property is 300 feet deep and with the acquisition from the Highway Department it is about 300 feet on U.S. 42 also. He does not think there will be a feeling of congestion and wants to build something nice on the site. Mr. Deters noted that Steve Berling was present to respond to any technical questions.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There being no one, he asked if there was anyone present in opposition or having questions.

Mr. Tim Barnes, a resident of Quinn Drive, stated that there is a tremendous drainage problem with this site. The houses are lower than this property and it drains towards them. The water also runs off the site into the street and it times it is one to two feet deep. He is concerned about the problem increasing with the additional paving.

Mr. Berling advised that there is a drainage area to the Kelly Marine side and the water will flow into that area and be released more slowly.

Mr. Deters stated that the runoff goes to a ditch along Hopeful Road and not to the residential properties. There are two other storage areas that can use the Hopeful Road ditch.

Mr. Barnes stated that the residents were assured that they would not have a problem when Kelly Marine was developed, but they built up the site and made the problem worse. The water cascades off of this lot.

Mr. Steve Berling advised that since that time, Willard Rusk has come into office and he is concerned with runoff problems and water detention.

Mr. Deters stated that Kelly Marine was to have a water detention area. He is willing for them to join with him and solve the problems of both sites. He does not want to do anything to disturb the neighbors.

Mr. Gerald Newton, Director, explained the Site Plan Review process noting that this site would not only be reviewed by the Staff, but also by Mr. Rusk, who is Public Services Director for the City of Florence. He noted that when Kelly Marine was developed the same storm water management systems were not in place.

Mr. McMillian noted that the carwash is at the rear of the site and questioned where the site fronts.

Mr. Deters advised that it fronts on both sides because it is a corner lot. The convenient store will front on U.S. 42 and the rear building will face Hopeful Road. The site will be dressed all the way around as it will be seen all the way around.

Mr. Neltner asked if Kelly Marine could provide a letter indicating their willingness to close their access point.

Mr. Deters stated that he had expected the people from Kelly Marine to attend this meeting. He stated that they are agreeable and he will have to get their agreement in writing.

Mr. Neltner questioned the access point to Stop-N-Go. Mr. Deters advised that it is directly across and determined their access.

In response to additional questions from Mr. Neltner regarding access, Mr. Powell referred to Staff's Concerns and noted that the first driveway is only about 85 feet from the intersection.

Mr. Sharp asked if the Stop-N-Go curb cut could be moved further north. Mr. Powell advised that this is a possibility when Hopeful Road is upgraded; however, that project has been delayed.

Mr. Deters stated that the improvement of Hopeful Road will go past both entrances. It is in the contract that they will do about 150 feet of Hopeful Road. He noted that the grade of the Stop-N-Go entrance requires that it be up that far.

Mr. Sharp stated that the southernmost curb cut is dangerous and 85 feet is not good access management.

Mr. Damstrom questioned how many pumps there would be. Mr. Deters stated that there will be a total of six pumps. Mr. Damstrom noted that this would be 36 hoses. Mr. Berling stated that it would be 12 or 15 hoses.

Mr. Moore questioned why the Department of Transportation left the curb cut. Mr. Powell advised that it was pre-existing and the Highway Department does not have access management regulations.

Mr. Moore questioned the problems involved with making a left hand turn from the access on U.S. 42. Following discussion of the potential problems, Mr. Moore stated that an objective determination could be made as to whether a lefthand turn would be a problem. Mr. Rush noted that left hand turns are permitted out of the Kelly Marine site.

Mr. Deters noted that since Hopeful Road will be moved, the new driveway is further from the intersection than the present driveway.


In response to a question from Mr. DeLong, Mr. Deters advised that the vacuum pumps for the car wash will be to the rear after you drive through.

Mr. DeLong noted his concerns about water dripping from the cars and freezing during the winter. Mr. Deters advised that there is a trap and the floor is heated to prevent freezing.

At this time, Mr. Powell completed the Staff Report.

There being no further comments, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on October 5, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:


Fred Burch

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

October 19, 1988 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
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
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of October 5, 1988 and the Public Hearing of October 19, 1988 held prior to this meeting.

Mr. Neltner noted that the Minutes of the Public Hearing should be amended in Paragraph 3, the last line, the word "and" should be "an". Mrs. Bushelman noted a correction to the Minutes of the Business Meeting in that Item #5 was recommended for deferral, not approval as written.

Mr. Barnett moved that the Minutes of the Business Meeting of October 5, 1988 and the Public Hearing of October 19, 1988 be approved as amended. Mr. Jones seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Bills to Be Paid as of October 5, 1988, had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Concept Development Plan

The request of Charles H. Deters (owner) for a revision of a previously approved Concept Development Plan for a 1.7-acre site located at the northeast quadrant of Hopeful Road and U.S. 42, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and the proposed uses include a convenient store, fuel pumps, a self-service car wash and a retail office building.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Eric Deters, present in behalf of his father, stated that they are in agreement with the conditions.

There being no discussion, Mr. Barnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Jones seconded the motion and it carried unanimously.

2. Site Plan Review

The request of J. A. Doepker Associates, Inc. (applicant) for Vagedes Industries (owner) for Site Plan Review to construct a 10,250 sq. ft. industrial building on Shoreland Drive in Richwood Industrial Park, Boone County, Kentucky. The 5-acre site is zoned Industrial One (I-1).

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

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: October 19, 1988

RE: Request of Charles H. Deters (owner) for a revision of a previously approved Concept Development Plan. The 1.7 acre site is located at the northeast quadrant of Hopeful Road and U.S. 42, Florence, Kentucky. The site is currently zoned Commercial Two / Planned Development (C-2/PD) and the proposed uses include a convenient store, fuel pumps, a self-service car wash and a retail/office building.

REMARKS:

We the Committee, based upon the statements made and facts gathered at the September 28, 1988 Public Hearing, recommend approval of this revision to a Concept Development Plan. The application as presented is recommended for approval due to the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The proposal of a commercial development at this location, is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map calling for medium density commercial developments in this area. Additional references to the Comprehensive Plan are made in the Staff Report.
2. The Committee has also determined that this proposal is in agreement with the original Concept Development Plan. The building location and access to adjacent property as indicated on the plan, reflect the design of the original Concept Development Plan. The proposed development would not have a detrimental effect on the surrounding area if the following conditions and revisions occur.

CONDITIONS

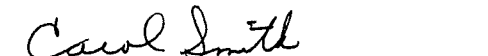
The applicant is being asked to agree to include these items as part of the Concept Development Plan presented to the Committee on October 3, 1988 in order to clarify the plan presented at the September 28, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

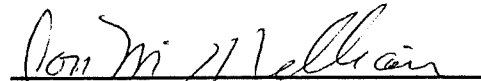
1. The development be limited to one access point on Hopeful Road, located along the north property line.


- =====
2. Access to be provided to the adjoining property to the north at such time it is developed, as indicated on the Concept Development Plan.
 3. The building be constructed using the same materials and in the same architectural style for all four sides.



Larry Barnett, Chairman


Fred Burch


Carol Smith


Donald McMillian


Rector Jones


Barry Neltner

LB:jdh

MEMO

R-53-88

Date: January 9, 1989
To: Joy -- Boone Co. Planning Commission
From: Betsy

Here is a copy of Florence ordinance No. O-36-88, relating to the Deter's request.

PLEASE NOTE COUNCIL DID NOT TAKE ACTION ON THIS ORDINANCE, BUT AT THEIR DECEMBER 20 MEETING DECIDED TO LET IT BECOME EFFECTIVE WITHOUT ACTION.

Mr. Skees, our attorney, has advised me this does not have to be published.



bre

ORDINANCE NO.

is a reference only
0 36 88
R-53-88

AN ORDINANCE APPROVING AND ADOPTING A REVISION TO A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN FOR USE OF AN UNDERLYING ZONE WHICH IS COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), FOR A 1.7 ACRE PARCEL LOCATED GENERALLY AT THE NORTHEAST QUADRANT OF HOPEFUL ROAD AND U.S. 42 IN THE CITY OF FLORENCE, KENTUCKY. (CHARLES H. DETER'S PROPERTY)

became law by default - no action from Council

WHEREAS, Charles H. Deters has sought a revision of a previously approved Concept Development Plan for a 1.7 acre parcel located at the northeast quadrant of Hopeful Road and U.S. 42 in Florence, Kentucky, having a zoning classification of Commercial Two/Planned Development (C-2/PD), and

WHEREAS, the Boone County Planning Commission has reviewed the submitted revision to the previously approved Development Plan for the property more particularly described in Exhibit "A" and recommended approval, based on certain findings of fact and conditions agreed to and accepted by the owner and applicant to utilize the underlying zone in the planned development overlay, 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 the revision of the previously approved Concept Development Plan for utilization of the underlying zone for a 1.7 acre parcel located at the northeast quadrant of Hopeful Road and U.S. 42 in Florence, Kentucky, as proposed by the owner, Charles H. Deters, the subject real estate being more particularly described in Exhibit "A" and located in a Commercial Two/Planned Development (C-2/PD) zoning district, shall be and the same is hereby granted, subject to the conditions, terms and provision 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,

this recommendation being in the form of Resolution No. R-53-88 and the Committee Report being dated October 19, 1988.

SECTION II

That the owner and applicant of the subject property has agreed to these conditions, terms and provision of Exhibit "B" and made them part of their Concept Development Plan to utilize the underlying zone for the subject property and this approval of the revised Concept Development Plan is subject to that agreement by the owner/applicant.

SECTION III

That the findings of fact and conditions of the Boone County Planning Commission shall be and are hereby adopted and approved as part of this approval of the revised Concept Development Plan utilizing the underlying zone for the subject property.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF _____, 198__.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS _____ DAY OF _____, 198__.

APPROVED:

NOTE: Florence City Council chose not to act on this ordinance at their December 20, 1988 meeting, however, they understand that this ordinance will be deemed effective without their action. MAYOR

ATTEST:


CITY CLERK