

Zone Change Request by Matth. Toebben
for property at the southwest corner of
I-75 and Kentucky 18, Florence

This is a zone change request by Matth. Toebben (owner by contract) for a 6.90 acre tract located generally at the southwest corner of I-75 and Kentucky 18, Florence. The purpose of this request is to have one zoning district on the total tract of approximately 7.5 to 8 acres. Currently about 1.8 acres, of the total acreage is zoned Commercial Services, (C-3).

This request is to change the current zoning of Commercial Two, (C-2), for the 6.9 acre tract, to Commercial Services, (C-3). Adjoining to the north and east is current zoning of Commercial Services, (C-3). To the north is current use of an auto sales and service facility and to the east across I-75 is an Auto/Truck Stop with a restaurant and Truck repair facility. Adjoining to the west and south is current zoning of Commercial Two, (C-2). To the west property is undeveloped. While to the south is a retail commercial center (Florence Mall) along with a water storage tower. The subject property and all adjoining tracts also lie in the Airport Environs Overlay, AEO Zone of the City of Florence.

The Land Use Plan map of the Boone County Comprehensive Plan indicates the planned future land use of the site is Commercial. The text of the Plan states on page 3.7,

"Highway commercial development is anticipated at most interstate interchanges in Boone County. These include I-75 interchanges at KY 18, U.S. 42, KY 338/U.S. 25, and KY 14-16. "And since this request does adjoin Florence Mall the text states on page 3.7, "The Florence Mall area is planned as the only regional commercial district as part of the Comprehensive Plan. Encompassing development on both sides of Mall Road, this center is adequate to meet market demand well into the future... Additional office development is planned adjacent to Florence Mall and at the intersection of Houston and Turfway Roads."

The applicant has submitted a Concept Development Plan in relationship to this zone change. The Plan shows a division of

the total parcel into two equal 3.8 acre tracts. No buildings or uses have been indicated for either of these two tracts. The property will gain access by a 25 foot wide access road following the current access off of Kentucky 18 in front of Airport Ford and continuing on around and connecting to the Florence Mall parking lot.

Water is planned to be provided through an existing water main along Service Road 9. Plans for this should be presented to the Florence Water and Sewer Department for their review and comments along with the plans for sanitary sewage disposal. These plans call for a sanitary sewer line to be running from a manhole in front of Airport Ford to the subject site and serviced with a pump station to the manhole.

I would like to remind the Commission that the Concept Development plan does not contain any specific uses. If this change is eventually approved this way, any use of the C-3 zone would be permissible on this tract.

Should the Commission find that this request does involve land within that area planned for highway Commercial use, then it would conform to the Plan, then the Commission could recommend and/or the legislative body could approve this request. Additional findings of fact would be necessary should this Commission find that this site is not within that area planned for highway Commercial use under the Comprehensive Plan.

I would like to add that a dimensionless building has been depicted on the plans submitted as a Concept Development Plan.

Alvin "Chip" Block 2-23-83

Alvin "Chip" Block
Zoning Enforcement Officer

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

March 16, 1983

8:00 P.M.

Vice Chairman Viox called the meeting to order at 8:10 P.M. Eleven members were present. Messrs. Kroger, Felty and Mitchell and Collins were absent. Staff members present were Mr. Wilson, Mr. Jenkins, Mr. Block, Ms. Sullivan and Mrs. Baker. Mr. Godsey moved that the minutes revised to indicate that "documents" rather than the budget would be reviewed by the Technical Committee, of March 2, 1983 be approved. Mr. McMillian seconded, the vote carried unanimously.

COMMUNICATION:

Letter from City of Walton stating the resignation of Mr. James Ingram from the Commission and the appointment of Mr. Charles Mitchel; NKADD A-95 review for Greater Cincinnati Airport ramp construction.

STAFF SALARIES AND BENEFITS; Mr. Jones moved to pay staff salaries, and benefits, Mr. Buse seconded; the vote carried unanimously.

REPORTS: The Commission reviewed and discussed the Enforcement Officer's Report.

Vice Chairman Viox proceeded to the agenda and for the request of Matth. Toebben for a zone change from Commercial Two (C-2) to Commercial Three (C-3) for property located at Ky. 18 and I-75 Florence, Boone County, Kentucky on a 6.80 acre tract. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report which recommended denial. Vice Chairman Viox asked if anyone was present to represent the applicant. No one responded. Vice Chairman Viox noting that no one was present to represent the applicant asked for comments from the Commission. Mr. Wilson noted that the legislative body involved ie. the City of Florence, could hold a separate due process hearing if more information was needed before the City could act on the request. In response to Vice Chairman Viox's question, Ms. Sullivan noted that the Commission had to act on the request at this meeting, and indicated that she had spoken with Jim Berling, project engineer, earlier in the

week regarding the matter. She stated that Mr. Berling had informed her that Mr. Toebben wished the application to be presented as originally submitted. At Mr. Viox's request Mr. Block read items 3, 5, and 6 of the requirements for Concept Development Plans. Mr. Greene asked Mr. Block to indicate the area of the property presently zoned C-3. Mr. Block noted that the North East corner, approximately 10 percent of the property, was so zoned. Mr. McMillian moved by R-8-83 that the request be denied based on the finding of facts set forth in the Committee Report. Mr. Don Davis seconded. Vice Chairman Viox asked for further comments. Mr. Wilson noted that since neither the applicant nor a representative was present, the Commission could not ask for a waiver of the 60 day limitation, in order that the Commission might derive more specific findings, either for or against the request. Vice Chairman Viox stated that since 10 to 15 percent of the site was C-3, and since he could see little difference between C-2 and C-3 he would like to hear specific objections to granting the request. He asked if there were certain uses permitted in the C-3 zone that the Commission would not want at the interchange. Mr. Hasselbring stated that in his opinion as Chairman of the Committee, the application had not gotten to the point of objection or approval. He noted that nothing on the Concept Plan indicated any uses appropriate or inappropriate for the now undeveloped property. Mr. Hasselbring stated that in reality no Concept Plan for the property had been submitted, and the Concept Plan supplies the facts on which the Committee's decision is made. He stated that facts are severely lacking in this instance. Mr. Hasselbring stated that he had no objection to any particular C-3 or C-2 use on the site nor, he continued, did the report reflect such objection. He said rather, that the report reflected that the Concept Development Plan submitted did not provide sufficient information upon which to base valid findings of fact. Mr. Hasselbring stated that he could not say what changes have taken place on an undeveloped piece of property when no changes have been proposed for the piece of property that the Comprehensive Plan didn't take into account. Vice Chairman Viox stated that he felt that the application requested "lateral" change in zoning. Mr. Buse stated that the issue was not so much moving from or to a particular zone but, rather, the refusal of applicant to abide by the Commission's regulation that require the applicant to submit certain information in conjunction with a zone change request. The applicant in this case, Mr. Buse said apparently did not want to supply said information. Ms. Sullivan noted that the applicant had not necessarily refused information out of belligerence, since the applicant is trying to market the property now, he could not in good faith state exactly what would in the future be developed on the property. Mr. Buse stated that in his opinion the time to apply for the zone change is when the applicant knows what uses will be developed on the property. Ms. Sullivan stated that the

applicant had communciated his feeling that it would be best to rexone the entire tract now, rather than to have the zone changed in increments. Mr. Buse stated that he felt the applicant was not entitled to the zone change until he adhered to the regulations. Mr. Wilson pointed out that the inability to specify a use at the time of a zone change request doe not mean failure to comply to what is required, since what is being said is that the uses that would be put on the property are permitted in a C-3 zone. Mr. Buse stated that one purpose of adopting the new regulations was to ensure compatible land uses. At the request of the Chair, Mr. Block read Resolution R-1-80 which revised Section 303 of the zoning ordinance stating the applicant must provide a concept development plan unless otherwise indicated by the Commission. Mr. Hasselbring stated that the agent for the applicant had communicated to him that the applicant felt any C-3 use would be appropriate in the zone without a Concept Development Plan. Mr. Hasselbring stated his personal objection to involmment with arbitrary zoning. Mr. Jones aske if the question regarding access onto the Mall ring road had been clarified. Ms. Sullivan stated that the applicant had offered to submit documents stating the right of acces, but nothing had been yet received by staff. Ms. Sullivan noted that the document was not necessary to complete the application for the zone change request. Vice Chairman Viox stated the applicants Concept Development Plan was basically all the uses in a C-3 zone. At Vice Chairman Viox's request, Mrs. Baker reread the motion entered by Mr. McMillian and seconded by Mr. Davis recommending denial. The vote on the motion carried unanimously. Mr. McMillian moved to send a letter to Mr. Toebben informing him that more specific information would be needed if applicant wished to take the matter before Florence City Council. Mr. Godsey seconded. Mr. Buse stated that the applicant was well aware of the procedures and stated his objection ot the preparation of a special letter. Mr. Hasselbring stated he had been in contact several times with the applicant's agent and further, that a two week deferral had been granted in order to give the applicant time to submit the supplementary information. Vote on the motion failed: 2 yeses, with Messrs Barnett, Buse, Davis, Greene, Hasselbring, Jones, Neltner, Godsey and Mrs. Smith voting no.

Vice Chairman Viox proceeded to new business on the agenda, the request of C.L. McBride Co., Inc., Agent for Chevron USA Inc. for Site Plan Review for adding a Kiosk building for self service attendant on property located at U.S. Highway 42 and LaCresta Dr., Florence, Ky. zoned Commercial Three (C-3) on a one acre tract. Vice Chairman referred the request to Committee.

Vice Chairman Viox proceeded to the request of William R. Viox, Engineer for the Drees Company for the Meadows of Oakbrook, Part 2, 18 acres, zoned SR/PD; nearst intersecting road, Promotary Dr. & Hillock, Boone County, Kentucky. Vice Chairman referred the request to Committee.

Vice Chairman Viox asked for further business. Mr. David Dries, representative of Chevron Oil stepped forward to request an agenda adjustment to hear the request that evening for Site Plan Review on the Chevron project. Mr. Dries stated that the applicant C. L. McBride, through advertisement had not secured a building permit prior to construction. A hole had been dug and was disrupting business at the station. In response to Mr. McMillians question, Mr. Dries stated that the construction was for a Kiosk for the self serve gas attendant, the first this company had built in this area. As a result, the company was unaware of the permits necessary prior to construction. Mr. Greene said he felt there would be no problem in reviewing the request that night. Mr. Buse noted that a decision by the Commission tonight might not speed up progress if a building permit could not be obtained right away. Still, Mr. Dries agreed to pay the fee if the adjustment was granted. Vice Chairman Viox asked if the plans had been received by Staff and if Mr. Block could review the plans tonight and give an oral report. Mr. Block stated that he had already reviewed the plan and was prepared to give a report. Mr. Davis moved to grant an adjustment of agenda for consideration of the request; Mr. Neltner seconded, the vote carried unanimously. Vice Chairman Viox called a recess at 9:00 P.M. in order for the Commission to review the application.

Vice Chairman Viox reconvened the meeting to order at 9:15 P.M. Vice Chairman Viox stated that the request was for C.L. McBride Co., Inc. Agent for Chevron USA Inc. for Site Plan Review for adding a Kiosk building for self service attendant on property located at U.S. Highway 42 and LaCresta Dr., Florence, Kentucky, zoned Commercial Three (C-3) on a one acre tract. Mr. Block presented the Enforcement Officer's Report noting that the request was for a 6 X 12 foot Kiosk building with front yard setback of 17 feet and side yard setback of 31 feet. Water and sewer service and electric conduit service was supplied to the site. Mr. Block noted that the request met requirements 940 through 946 of the zoning regulations and he recommended approval of the site plan. Vice Chairman Viox asked Mr. Godsey, Chairman of the Committee for a report. Mr. Godsey stated he would turn the decision over to the Commission as a whole. Mr. Barnett moved to approve the request based on review by the Commission and the staff report. Mr. Davis seconded, the vote carried unanimously.

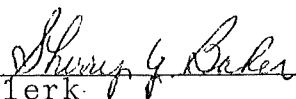
Vice Chairman Viox asked if there was any further business. Mr. David Gribben stepped forward to present a zone change request for Union Station Apartments from a present zone of Rural Suburban to Urban Residential One and Commercial One. Mr. Buse moved to set public hearing for April 27, 1983. Mr. Hasselbring seconded, the vote carried unanimously.

After asking for further business, and hearing no response,

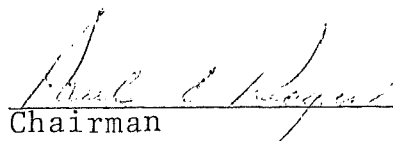
Vice Chairman Viox noted at a recent Technical Committee meeting a number of zone change which had been granted but on which no development action had been taken were discussed. Mr. Viox read a list of zone changes so identified. Mr. Buse noted that the regulations provide that if activity has not begun within two (2) years after the change, the Commission has the right to review the change and determine if the change is still appropriate with respect to surrounding properties. Mr. Buse asked that Staff and the Technical Committee review these changes involved, and report their findings to the Commission.

Vice Chairman Viox reviewed the Clearinghouse report from NDADD. Mr. Buse moved for adjournment, Mr. Jones seconded. The meeting adjourned at 9:30 P.M.

Respectfully submitted:


Clerk

Approved: 4-6-83


Chairman

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

March 23, 1983

8:00 P.M.

Chairman Kroger opened the Public Hearing at 8:02 P.M..

Chairman Kroger called the Public hearing to order to consider the request of Walt Ramey, Agent for Mabel Carpenter for a zone change from Urban Residential Two (UR-2) to Commercial Two (C-2) and Commercial Three (C-3) located approximately 1150 feet from Turfway Road and Price Pike intersection, Florence, Kentucky. on a 48.67 acre site. Mr. Block identified location of the property and presented the Enforcement Officer's Report. Chairman Kroger asked if anyone was present to represent the applicant. Mr. Walt Ramey, Agent for Mrs. Carpenter introduced Mr. Ed Brose, President of B Y Development Corporation and Mr. Nick Benson, Attorney for Mrs. Carpenter. Mr. Ramey presented the Commission and the audience with documents, and stated that the basis for the zone change request was found in Section 311 Paragraph 2 of the Zoning Regulations. Mr. Ramey stated that major changes not anticipated in the Comprehensive Plan had occurred to the characteristics of the 48.674 acre tract. Mr. Ramey stated that the 11.134 acres with taper along the new I-75 interstate exist ramp would be zoned Commercial Three (C-3). He noted that the C-2 zoning proposed for the remaining 31.963 acres permits a building with only a 50 feet setback from residential property. He stated that it is proposed to leaving 5.74 acres as a buffer between the development and the abutting subdivision, which would not be disturbed, but be used only for drainage. He continued that the developer is not asking for access thru residences. Mr. Ramey identified on a vicinity map the proposed Florence Factory Outlet Mall, and the location of the proposed interchange ramp on an aerial map. Mr. Ramey stated that building No. 1 would contain 120,000 square feet of retail and office space with 430 parking spaces located near the green belt which would be left as is or landscaped. The second building identified as Florence Outlet Discount Mall would contain 180,000 sq. ft. and provide 620 parking space. The next two buildings were described as a three story Medical Arts Building each containing 45,000 sq. ft. (15,000 square feet per floor). Mr. Ramey stated that specific uses had not been yet determine for the fourth and fifth buildings, but noted that building number four would contain 4000 sq. ft. of permitted Commercial Use and provide 27 parking spaces; building five would provide 5000 sq. ft of Commercial use with 30 parking spaces. He pointed out that building no. six would be a sit down family style restaurant (8500 sq. ft.) and that building No. 7 is proposed as a 120 unit

motel. Mr. Brose stepped forward and stated that the five (5) acres which is illustrated on the plan as a green belt will remain in its natural state; the only infringement would be for storm drainage and connecting sanitary sewage from Jo Ann Drive. The system would be a gravity flow system; no lift station or treatment facility would be constructed on site. Mr. Brose indicated the natural run off area, noting that 36 in storm drain would carry water from the site. Mr. Brose stated that the design of the water line would create a loop, and thus increase water pressure for adjoining subdivision as well as eliminating a dead end water line. Mr. Brose reiterated that the only improvement along the green belt would be a storm water system, a water main, and gravity flow sanitary sewer system with no lift station needed. Mr. Nick Benson, Attorney for Mrs. Carpenter stepped forward and stated that to his knowledge all adjacent property to an interchange is zoned Commercial. He also stated that the present zoning of the property is UR-2, Urban Residential Two, and if the applicant's zone change request were denied, the applicant could build apartment buildings with 20 units per acre, a 30 foot setback from adjoining residential use, with no green belt required as a buffer between the apartments and surrounding residences. Mr. Benson stated that he felt the proposed project would be beneficial for the county, since it would bring in revenue and jobs, and that the green belt will stay as is. He stated that if a tree were damaged, it would be replaced with another tree. He said that these terms could be stated by the Commission as a condition of the zone change so the applicant would have to abide by those conditions. Mr. Ramey stated that the cost of the project is projected to be approximately \$24 million dollars. Chairman Kroger asked if anyone wished to speak in opposition. Mr. Russell Egbert, 218 Claxon Dr. stated that a ditch, approximately two feet deep and two to three feet wide that presently runs to capacity during a normal rain, now provides for drainage. He continued that the only thing preventing overflow is the trees that slow down the flow of water. He asked how the developer intended to prevent run off from the parking lot of the project from flooding their yards. Mr. Ramey stated that the applicant would enlarge the drainage ditch, tile it or extend it if necessary. He noted that changes in the elevation of the project would also alleviate potential flooding problems. He said that 3/4 of the run off is from the High School parking lot. He mentioned that the only drainage the subdivision would get from the project would be from part of the parking lot of building # 1 and from an area in front of the building. Mr. Ramey stated that the Engineers working on the project would take any necessary steps to correct any problems forseen. Mr. Egbert asked if the enlargement of the ditch would be done before or after the problem actually occurs. Mr. Ramey noted that drainage is properly taken into consideration during the planning stage. Mr. Brose stated that his plans had been submitted to the Planning Commission and their Engineers for review

to determine the adequate pipe size for run off, as well as to pick up blacktop area of the High School and building # 1. Mr. Brose stated that the project would direct portions of the run off to the north end of the site and that very little increase in actual run off would result. He said consideration of these problems is taken in the design of the storm sewer. Mr. Brose stated that the discharge pipe is on the applicant's property and will not discharge at the back doors of the residences in the subdivision. Mr. Johnstone, Boone County School Superintendent, stated his concern for the safety of students walking to and from school, particularly with an increase of approximately 1000 cars going to and from the project continuously. He also noted that the project would attract students as a place to hang out, possibly causing trouble for people at the project. Mr. Johnstone stated that the Boone County Board of Education has proposed a 2 1/2 million dollar addition to the school which would extend into the parking lot, making the school even closer to the project. Mr. Michael Baker expressed concern as to the type of business's that would occupy the project. His concern was that some might cause a hazard to the people of the community. He asked what other type of use would be put in place of this project in a C-2 zone should this project fail. At Chairman Kroger's request Mr. Wilson explained the Concept Development Plan provisions of the zoning ordinance. Chairman Kroger stressed the fact that if this project failed no other project could be put in its place without first coming before the Planning Commission for review. Mr. Brose stated that the project would not cause any more of a traffic hazard than would apartment buildings now permitted in this zone, which could generate over 1000 cars. Mr. Baker stated that great consideration should be given to the buffer zone to see that it is not disturbed. He continued that he felt that the original zoning (UR-2) is the best use for the property. He said that he was confident that great thought and consideration had been put into zoning the property in the first place, and that all factors should be seriously considered before changing the zone. Mr. Brose stated that if the residents were concerned about the green belt, he would agree to deed the property over to the City of Florence as a permanent green belt or bird sanctuary. Mr. Ed Shafer recognized by the Chair as it's past Vice Chairman, stated that he would like to see the green belt rezoned to recreation to ensure the fact that it would not be developed for Commercial purposes. Mr. Shafer also stated that the traffic problem at the corner would be tremendous if the proposed project is built, noting that a senior citizens home was proposed across the street, and other property on the corner was approved for development. Mr. Shafer stated that cars from apartment buildings would not create the traffic problem that the proposed project would. Mr. Shafer stated that with all the other projects proposed for the corner of Turfway and Ky. 18, this project might be too large, and would

generate a tremendous traffic problem at an inadequate intersection. Mr. Ramey countered that as compared to other intersection widths in Florence, the one at Turfway has the maximum width of any of them. He continue that 80 percent of the traffic would be going away from Boone County High School to the new interchange ramp. He pointed out that the area had been developed and engineered for growth. Judge Sam Neace, 206 Claxon, expressed his concern that property values would be destroyed in the neighboring subdivision. He stated his opposition to the project. Mr. Ramey stated that the project would route no cars through Claxon or Jo Ann Drive. Mr. Ramey stated that if high density low income housing for which the property is presently zoned, were developed, residents might then have some concern as to property values. Mr. Bill Hodge asked what type of security fence would be installed in the green belt area to protect the residences from intruders. Mr. Ramey stated that no fence had been proposed, but one would be provided if needed. Mr. Melvin Wilkinson stated that the 60 inch drainage pipe gets 80 to 90 percent full now during rains; if any additional water were to be added, then very serious problem would result. He pointed out that a vacant lot next door is gradually eroding. Mr. Brose stated he could not understand where the water could be coming from to fill a 60 inch culvert. Mr. Egbert said that the City of Florence inspects the area everytime it rains to ensure proper water flow. Vice Chairman Viox stated that with 60 to 70 percent of the acreage in blacktop or rooftop, a run off problem would affect someone toward or away from Claxon. Mr. Viox continued that in his opinion the run off should be retained on the site. He expressed his concern of the property being left UR-2. He pointed out that the first building would be built on a ravine would in effect eliminate the green belt. Mr. Brose acknowledged that some of the trees would be eliminated in the construction, but offered to replace them with ornamental or conifers which would provide a green barrier year round. Vice Chairman Viox asked if any retention was planned on site. Mr. Brose stated that no plans had been made for retention on site. Mr. Viox asked if the building level would be at 915 feet. Mr. Brose said the blacktop level would be 915 feet but the building level would be approximately one foot above that level. Mr. Brose noted that the maximum height of the combination retail/office building would be 32 feet. Mr. Viox asked if windows were planned in the rear of the building. Mr. Brose state that none were planned and said that three front entrances would provide primary ingress. Mr. Egbert asked if the area behind the building would be accessible to delivery trucks. Mr. Brose stated that enclosed service entrances and dumpsters would be provided at the rear of the building, only two service areas are presently anticipated. Mr. Buse stated that if the change were granted that a document should be prepared to preserve the green belt. Ms. Sullivan noted a concern regarding the potential negative impact of the project

on air quality was appropriate as a result of the proximity of the High School and the proposed Senior Citizens project. Mr. Ramey stated that the affect on the air quality would be the same with this project as with 920 apartment units. Mr. Ramey pointed out that this project would be approximately 1/6 the size of the Florence Mall, which has only two accesses. The proposed project has access from a single arterial road. Mr. Ramey stated that business hours would be approximately 10:00 A.M. to approximately 8:30 to 9:00 P.M., thus missing early morning traffic at the school. Mr. Brose stated that they were required to provide 1700 parking spaces; that there would not necessarily be 1700 cars in the lot at one time. He continued that if 970 units of housing were constructed, on the other hand, there would be 970 cars on the site. Mr. Broase noted that 25 feet of the property would be used for a service road to the back of the building. In response to Chairman Kroger's question, Mr. Brose stated that the elevation of I-75 was at 920 feet at the culdesac of Claxon Drive; the project would be level with the expressway at that point. Mr. Edward Shafer commented that he could not see any changes that had not been taken into consideration in preparing the Comprehensive Plan. He recalled that the Commission had considered the location of the ramp, the hospital, church as well as Houston Road in its decision to keep the Florence side of I-75 residential. Mr. Ralph Orchelle expressed his concern regarding traffic from Latonia Race Tract and the high school basketball games. Mr. Ramey stated his opinion that the new ramp would alleviate that problem. Mr. C.R. Norman asked if the Commission could assure the residents that the green belt would not be disturbed. Mr. Wilson stated that if agreed to as conditions to the zone change, the applicant would have to come back before the Commission before changing anything. Mr. Brose restated that he would deed the property over to the City of Florence. Mr. Ramey stated that the applicant would do whatever the Commission requested to preserve the five acres. Chairman Kroger noting that the Public Hearing wa a legal proceeding, pointed out that the Commission might request an application for a zone change for this particular parcel of land to ensure its future status as a green belt. Mr. McMillian expressed concern over a single entrance to accommodate traffic. Mr. Shafer expressed concern that development of the Nagy property in conjunction with this project could cause tremendous traffic congestion. Mr. Ramey stated that the applicants have no tie to the Nagy project. Chairman Kroger noted that the Committee assigned to this request would meet prior to the April 6th meeting, and invited interested parties to contact Mrs. Carol Smith through the Commission if they had questions. Mr. Neltner asked Mr. Ramey if a stop light would be installed at the entrance. Mr. Ramey stated that the question was premature since traffic density at the site was unknown. In response to Mrs. Smith question, Mr. Ramey stated that the applicant was willing to dedicate the street. Mrs Diballa said that the culvert

empties near her basement door and that she was very concerned about additional run off from the project. Mr. Brose noted that the project would generate not one-tenth of the sanitary sewage as would be generated if an apartment complex were built. Chairman Kroger hearing no further comments closed the Public Hearing at 10:00 P.M..

Chairman Kroger proceeded to the Public Hearing on the request submitted by City of Walton, Agent for John Kirby for a zone change from Suburban Residential One (SR-1) to Suburban Residential Two (SR-2) on property located on Beaver Road, Boone County, Kentucky containing 5.29 acres. Mr. Block identified the property and read the Enforcement Officer's report. Chairman Kroger asked if a representative was present for the City of Walton. Mayor Ryan stepped forward and stated that Mr. Kirby had approached the City asking that Walton request the change in order to make development of the area. Mr. Ryan also stated that it had been agreed that the area would be limited to single family dwelling throughuse of a concept development plan. The City had asked for the change because Mr. Kirby did not own all the lots involved. Mayor Ryan stated that the City needed additional utility users and that the current market was for smaller, affordable homes. Mr. Kirby stepped forward and stated that a paper street in the area was closed and redesigned to provide a straighter line to Catalina Drive. Mr. Kirby stated that the present zoning caused loss of two or three lots. Mr. Kirby stated the price of the home he planned to develop would be approximately 37 to 42 thousand dollars. In response to Chairman Kroger's question, Mr. Kirby stated that a street was planned through the property. He said that he had prepared a concept plan, but had not submitted it to the Planning Commission. Mr. Ryan stated that the Boone County Recorder had recently misreported that the City chose not to request the change. The City council had infact indicated that it was in support of the density requested, but not in support of multi family dwellings. The City intended to request a concept development plan from Mr. Kirby, and also would see to it that Mr. Kirby complete the street, water main and the service line lateral for sewers. He noted that the lift station at Catalina Dr. was adequate for the project. Chairman Kroger asked Mr. Kirby if what the Mayor had stated was Mr. Kirby's understanding of the City's position. Mr. Kirby indicated that it was. Chairman Kroger asked if anyone else was present in favor of the request. No one responded. Chairman Kroger asked if anyone was in opposition. Mr. Asa Rouse asked if there had been a physical change in the area which would justify a zone change. Mr. Kirby stated that the property had originally been zoned so as to permit 58 apartment units. Mr. Rouse asked Mr. Kirby if the zone change would make development financially feasible to him personally. Mr. Kirby responded; yes but feasible for other property owners who also have lots too small to build on under the current zoning.

Mr. Rouse asked Mr. Kirby if he felt if there had been any economic or social changes in the area. Mr. Kirby stated his opinion that the City would benefit from more people living in the City and using the utilities. Mr. Rouse then asked Mr. Kirby details of his construction of a duplex at a nearby site. Mr. Rouse said that the City of Walton had sent letters to property owners which had been signed without a real understanding of what was being requested. Mr. Rouse then described a petition which had been circulated, indicating the desire of the signatures to maintain a minimum lot size of 8000 sq. ft and restrict development to only single family dwellings. Mr. Rouse stated his understanding that even if the new zone permits duplexes the Planning Commission might impose restrictions which would prohibit duplex development. Mr. Rouse stated that he and the people he represented, noted by the Chair as a majority of those present, wanted this property zoned to provide for the development of single family dwellings on 8000 sq. ft. lots. Mr. Kirby stated that the extra cost for a home owner for the larger lot would be between 2 and 3 thousand dollars, an economic hardship for many persons trying to buy a home. Responding to Mr. Turbo, a resident of the area, Mr. Kroger stated that the Commission would take the petition and letters into consideration and that if restrictions were established as conditions to the zone change another public hearing would be necessary to have those restrictions removed or changed. Letters and petitions were then presented to and reviewed by the Commission. Mr. Johnson stated that he had signed the letter from the City, but had not really understood what was involved. He would agree to no more than single family units. Mr. Asa Rouse stated that he himself had also signed the letter, based upon information reported in the article printed in the Boone County Recorder. He stated that he had connected the new story with the letter, as many of the people who had signed the letter had apparently done. After further research he and the other residents felt that signing the letter had been a mistake. It was then that they decided to circulate the petition. The Commission had general discussion to determine who owned which lots in the area in question. Mr. Kirby stated he had 22 lots, and the road could be built as platted since it is a deeded right of way; he continued that people who have recorded lots less than 8000 sq. feet really have nothing since it was his opinion that the lots could not be used for anything in the SR- 1 zone. Mr. Rouse read a letter from a Mr. Hudson stating his opposition to the zone change. Commissioner Buse stated it was his understanding that all the people in the area must agree or action could not be taken; and continued that he thought a list should be prepared of the people who agreed and disagreed with the change before final action is taken. Mayor Ryan stated that the letter had been sent by the City Clerk on Mr. Kirby's

behalf to see how many people would consent to the restriction to single family units in the area. Mayor Ryan stated that he felt the area in question should be zoned to permit small lots, and that if the zone change is not approved, the area will eventually become a multi-family section. Mr. Rouse asked if a zone change had to be based on changed conditions; Mr. Wilson reviewed the criteria for benefit of the audience. Mayor Hasselbring asked why so many people had been involved in a change which they apparently did not want. Mr. Kirby indicated that he had been looking out for the development potential of other lots in the area. Mayor Hasselbring asked why Mr. Kirby had not just request the zone change for his own parcel. Mr. Kirby indicated that in fact he now wished he had done just that, rather than trying to do a favor for his neighbors. A property owner expressed his discontent at being included in Mr. Kirby's request. Mr. McMillian noted that the area had changed because of the residents preference for housing type and thus a change was justified. Mr. Kroger explained that the rationale for the City's request for the zone change was to enable the whole area to be handled as a unit. In response to Mr. Kroger's question, Mayor Ryan indicated that Mr. Kirby had agreed to put in a road, and had submitted a plan for the development to the City Council of Walton. Mr. Kroger said that if the zone change was approved, further plan for subdivision development would have to be submitted. At the request of a property owner, Mr. Viox identified the area of the project which lay within Fairview Subdivision, and confirmed the acreage to be approximately 7 acres, noting that some property affected by an easement was considered to be part of Mr. Kirby's parcel.

Hearing no further comments. Chairman Kroger adjourned the Public Hearing at 11:40 P.M..

Respectfully submitted:

Sherry G. Baker
Clerk

Approved: 11-6-83

Charles J. Kroger
Chairman

COMMITTEE REPORT

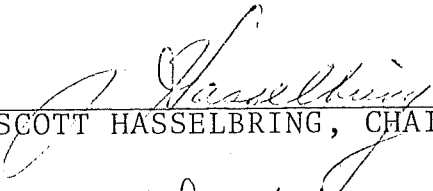
TO: BOONE COUNTY PLANNING COMMISSION

FROM: MR. SCOTT HASSELBRING, CHAIRMAN

REGARDING: The request of Matth. Toebben for a zone change from Commercial Two (C-2) to Commercial Three (C-3) for property located at Ky 18 and I-75 Florence, Boone County, Kentucky on a 6.80 acre tract.

CONCLUSION: The Committee recommends denial based on the following findings of fact:


1. The proposed request lacks items 3, 5, & 6 of the requirements of a concept development plan.
2. Without these items supplied, the Committee does not have sufficient information on which to make a determination that the existing uses on this property are inappropriate or improper or any major changes have occurred that were not anticipated in the Comprehensive Plan.



SCOTT HASSELBRING, CHAIRMAN



MRS. CAROL SMITH

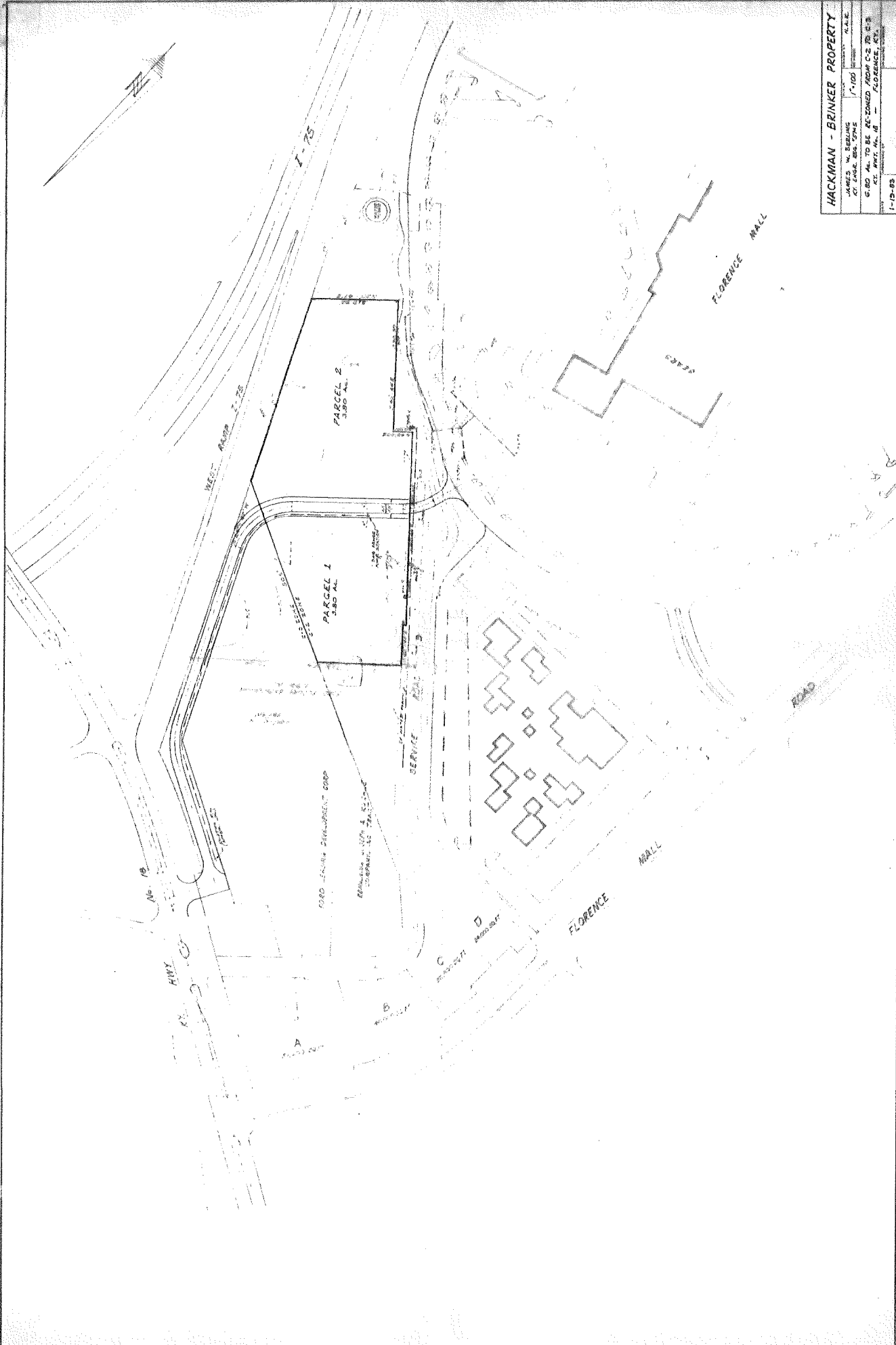


MR. BARRY NELTNER

MR. JAMES INGRAM

MR. R. N. GREENE

MR. LAWRENCE COLLINS



HACKMAN - BEINKER PROPERTY			
JAMES W. BEINKER	OWNER	PROJECT	PLAN
CT ENCL. RES. OFFS.		1-100	
6.00 AC. TO BE RE-ZONED FROM C2 B3 C3			
DATE: 1-19-83			