

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARINGS

NOVEMBER 28, 1984

8:00 P.M.

Chairman Kroger opened the Public Hearing on a request of Carroll Properties for a Planned Development Overlay Change for property owned by Covington Trust & Banking Company and containing more or less than 25 acres. This property is located at the northeast corner of I-75 and Turfway Road, Florence, Kentucky and is currently zoned Suburban Residential Two/Planned Development Overlay, SR-2/PD and Office Two/Planned Development Overlay, O-2/PD.

Staff Member Chip Block presented the slide presentation on the terrain of the subject and surrounding areas.

Staff Member Gerald Newton presented a condensed version of the staff report on the proposed development. Mr. Newton described the current zoning of the subject and surround areas. Mr. Block explained that the submitted plan shows the tract being developed into an office complex consisting of three 5-story buildings connected by covered walkways and positioned in a semicircle with their convexity facing the Interstate. Mr. Newton noted a fourth building is proposed of a 3-story structure. Mr. Newton also noted that each building will have a penthouse and will be 70 feet tall. Mr. Newton described the three phases of development of the site as indicated in the staff report. Mr. Newton explained that 1,601 parking spaces are positioned around the convex side of the three main buildings which exceeds to minimum number of spaces required as found in Sect. 1830 of the Boone County Zoning Regulations. Mr. Newton described landscape plans for the site and stated that access to the site will be from two streets with the main access being off of Turfway Road towards Bldg. 1 and with a secondary entrance/exit off of Curtis Avenue. Mr. Newton stated the project's water supply and sewage disposal will be provided by the City of Florence. Mr. Newton stated the proposed project does not require extensive expansion of urban services and is expected to beautify and stabilize the neighborhood east of I-75. Mr. Newton noted that a review of Boone County Comprehensive Plan and Land Use Map reveals that the subject area is proposed for both commercial and residential development. Mr. Newton described that in the opinion of staff the proposed offices could "spill over" onto the adjoining zone (of different usage but same ownership) as long as the spill over does not adversely affect adjoining property owners. Mr. Newton stated that while a rezoning is not necessary, a rezoning of the SR-2

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district to O-2 and a rewriting of appropriate text and map areas in the Comprehensive Plan would be recommended because physical and social changes within the area have occurred that were neither discussed or anticipated in the Turfway Study.

Developer James Carroll of Carroll Properties of Nashville, Tennessee was accompanied by Jim Hodge (Project Manager), John Aiken (partner in the development), Jim Viox (Engineer) and Mr. Charles Deters (representing the landowner). Mr. Carroll stated that the project as indicated on the plan was designed by Cooper Carey, Architects of Atlanta, Georgia, who design many Carroll properties developments. Mr. Carroll stated work and services from existing community sources would be utilized. Mr. Carroll presented slides of and explained various Carroll developments across the nation. Mr. Carroll emphasized the elaborate landscapes and buffered areas of the developments.

Mr. Jim Viox, Engineer of the proposed development, explained plans to address the concerns of storm water runoff and run-off of the parking areas. Mr. Viox noted that planters or green space on each tier of parking surface will be provided to retard the flow of water and will give the opportunity to retain water in sub-surface detention or planned surface waters. Mr. Viox noted that the subject property has direct discharge into the Dry Creek which flows into the Ohio River. Mr. Viox explained the traffic flow from Turfway into the development and noted the curb cut alignment with the Frisch's curb cut. Mr. Viox explained sewage disposal for the proposed development and future sewer expansion plans along the north side of I-75. Mr. Viox stated the environmentally sensitive area as noted by staff will not be disturbed.

Mr. Baron Clift and Mrs. Lorene Clift, the previous owners of the property, stated they felt the proposed use was of the greatest benefit to the community and the residents of the area.

There was no additional support nor opposition expressed.

Mr. Barnett inquired of the differences of a change in the PD Overlay and a zone change. Mr. Lynn responded the subject request deals with the utilization of an underlying zone in a PD Overlay, and that a zone change would follow and more specifically a change from the SR-2 to O-2 of the underlying SR-2 zone which would be dealt with on December 19th. Mr. Lynn further explained the zone change would have to be granted first before the underlying zone could be utilized. Mr. Wilson concurred with the representations of Mr. Lynn.

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Mr. Barnett commented and expressed concern of the reference by staff that the subject area has had physical and social changes that were not anticipated with the Turfway Study which is only 6 to 8 months old.

Mr. Charles Deters noted that the residential section which lies immediately to the right of where the church has been constructed was initially planned as residential subdivision lots, and that residential section was eliminated with the construction of the new church and thus eliminating any future residential uses of that property.

Mr. Neltner inquired if the access road on Turfway was directly opposite the access road for the property across the street. Mr. Neltner inquired if the fourth proposed building would be of the same design as the other structures. Mr. Carroll stated it would be of the same design only smaller.

Mr. McMillian inquired how old the properties shown in the Carroll slide presentation were. Mr. Carroll responded from 1978 to the present. Mr. McMillian inquired of the age of the trees shown in the developments. Mr. Carroll responded that one of the things that the developer does is the transplanting of large trees for landscaping and buffered areas.

Mr. Kroger inquired if from the application standpoint any deficiencies had been noted. Mr. Newton responded the application is complete.

Mr. Barnett requested staff to explain the changes in the area as seen by staff. Mr. Lynn responded that the public hearing was an introductory public hearing and there will be a separate hearing on December 19th to specifically address the issues of the zone change.

Barring unforeseen problems, Chairman Kroger noted that December 19, 1984 would be the date of the SR-2/0-2 zone change request and the subject request would, in all probability, be before the Commission for action on the first meeting in January of 1985.

There being no further questions or comments, Chairman Kroger closed the public hearing.

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARINGS

DECEMBER 19, 1984

8:00 P.M.

Chairman Kroger declared a change in the order of public hearings.

Chairman Kroger introduced Mr. Warren Moore, Mayor of Union, who was present through the Commission Business Meeting and public hearings.

Chairman Kroger opened the Public Hearing on a request of Carroll Properties for a zone change from Suburban Residential Two/Planned Development Overlay (SR-2/PD) and Office Two/Planned Development Overlay (O-2/PD) to Office Two/Planned Development Overlay for the entire tract; and utilization of the underlying Office Two zone in a Planned Development Overlay.

Staff Member Chip Block presented a slide presentation on the subject and surrounding areas. Mr. Block described the current zoning of adjoining properties to the subject area, and incorporated the staff report by reference in his presentation which described that a submitted site plan shows the 24[±] acre tract of undeveloped property being developed into an office complex consisting of three 5-story buildings connected in a semi-circle with convexity facing the Interstate.

Mr. James Carroll gave a brief background of Carroll Properties project development history of properties sensitive to adjoining neighbors. Mr. Carroll stated Carroll Properties is familiar with zoning techniques and the elements of quality development which the Commission is looking for.

Mr. John Eakin, Partner and construction manager of Carroll Properties, summarized the construction development proposed for the 24[±] acre site. Mr. Eakin stated that in Carroll Properties' development of various office parks they feel outside landscaping and "people" oriented high-quality interiors are of great importance.

Mr. Charles Deters distributed copies of an outline of the application for the zone change and orally presented highlights of the distributed report. Mr. Deters explained that at the time of passage of the present zoning (March 21, 1984) the only undeveloped parcel of property in the quadrant was a triangular parcel of 7 to 8 acres known as the Fischer property which is immediately adjacent to the subtract tract proposed for the Carroll Properties development.

Public Hearing #1

Dec. 19, 1984

Mr. Deters stated the current zoning allowed for a residential buffer and is an extension of the "then" existing SR-2 zoning district on the Fischer property. Mr. Deters described that since the passage of the present zoning on July 26, 1984 the Boone Circuit Court in Civil Action No. 84-CI-442 entered an Order closing all of the dedicated streets in the Fischer tract reverting the parcel to an unsubdivided tract for the purpose of the construction of a church pursuant to a conditional use grant of the City of Florence. Mr. Deters contended the church construction and the closing of the streets precludes the use of the Fischer property for residential purposes and the use is now a semi-public use. Mr. Deters stated the changes on the Fischer property represents a substantial change in the area. Mr. Deters explained the applicants' request for an extension of the O-2 zoning over the entire parcel is a logical extension since the reason for the residential buffer no longer exists with the change of the Fischer property. Mr. Deters stated he wished his submitted summary and the attachments of the Boone Circuit Court Civil Action No. 84-CI-442 Agreed Judgment and Agreement Concerning Access to be a part of the applicants' record.

Mr. James Carroll added that Carroll Properties is very excited about the proposed development and assured that Carroll Properties wants to build the type of project the Commission wishes. Mr. Carroll stated that the presentation at the Public Hearing on November 28, 1984 is incorporated by reference. Mr. Carroll then stated his development team was available to answer questions, take suggestions, etc.

Chairman Kroger noted the Minutes of the Public Hearing would stand on their own for the 11/28/84 date and will be incorporated in tonight's presentation also.

Commission Member Slusher inquired of the amount of funds expended on the Gardner Burdick Bauer-Nilsen Study of the area. Mr. Slusher noted he likes the proposed project for the Clift property but expressed concern of the study expenditure.

Chairman Kroger expressed his sentiment on the study and the essential planning usefulness of the study document.

Commission Member DeLong inquired if the Fire Chief had been contacted with regard to fire, water availability, etc. Mr. Jim Hodge, Carroll Properties Property Manager, responded that he has worked very carefully with engineers on the development in the area of fire safety. Mr. Hodge explained Carroll Properties are very fire resistant structures.

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Staff Member Gerald Newton presented a supplemental report to the staff report presented on November 28, 1984. Mr. Newton described the zoning of the subject and adjoining areas. Mr. Newton indicated the changes in parking and landscaping areas. Mr. Newton read the pertinent sections from the GBBN Study which addressed the subject area and gave dates of approval by appropriate planning bodies. Mr. Newton closed by noting text changes would be necessary should the Commission recommend approval of the zone change.

Commission Member McMillian inquired of the position of the front of the structure. Mr. Hodge indicated the positioning of the buildings. Mr. McMillian inquired of the entrance to the buildings. Mr. Hodge responded the entrance is from the main road (Turfway) from a semi-circle lane with an anticipated overflow of traffic exiting on Curtis Avenue. Mr. Hodge also indicated the installation of a possible fire lane around the buildings.

Mr. Barnett inquired of Staff Member Gerald Newton if the cul-de-sac was closed. Mr. Newton requested Counselor Wilson to clarify. Counselor Wilson noted that among the streets closed as mentioned by Mr. Deters there was a cul-de-sac and there was also a street leading back to the subject area (Clift property) and referred the inquiry to Mr. Deters. Mr. Deters indicated some access to the Clift property off Kentaboo ("an extension of Kentaboo") which will remain. Mr. Deters stated that the GBBN Study stated that access would be provided off of a cul-de-sac which has subsequently been closed. Counselor Wilson also noted that the plat and paper street of Victor Drive was closed by the court action and that the street extending down Kentaboo toward the Clift property is currently maintained under the control of the Clifts. Mr. Deters affirmed and noted the street really becomes a private drive for access to the Clift property, not the Fischer property.

Mr. Barnett inquired if perhaps the writers of the GBBN Study should respond as to whether there was significant change in the area not foreseen at the writing of the underlying zones.

Mr. Carroll assured the Commission of a totally fire-sprinkled structure measuring up to all pertinent Codes. Mr. Carroll commended the GBBN Study and stated the developer had found the study to be a remarkable study.

Chairman Kroger read correspondence received from Major Lyons of The Salvation Army Booth Memorial Hospital which expressed support of the proposed zone change.

There being no further questions or comment, Chairman Kroger closed the public hearing.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: January 2, 1985

RE: Request of Carroll Properties for a zone change from Suburban Residential Two/Planned Development Overlay, (SR-2/PD) and Office Two/Planned Development Overlay, (O-2/PD) to Office Two/Planned Development Overlay, (O-2/PD) for the entire tract; and utilization of the underlying Office Two zone in a Planned Development Overlay.

REMARKS:

We the Committee recommend approval both of the zone change request from Suburban Residential Two/Planned Development Overlay (SR-2/PD) to Office Two/Planned Development Overlay (O-2/PD) and also recommend approval in principle of the Concept Development Plan based on the following findings:

1. While this request does involve a zone change in the recently reviewed Turfway interchange area, this modification to the Planned Development of the area has resulted from circumstances unforeseen at the time the Turfway Study was completed by GBBN and recommended by the Boone County Planning and Zoning Commission, Specifically:

A. The adjacent parcel of SR-2 to the northeast of the subject parcel was developed for a "semi-public" use when a conditional use permit was granted for construction of the Fellowship of Believers Church on the 7+ acre parcel.

B. The subject parcel (of this request) had been zoned SR-2 to serve as a buffer between the recommended office development and the anticipated residential development of the Fischer Tract; with construction of the church, the current SR-2 zone would not serve its intended purpose and is considered inappropriate - now sandwiched between office development and (in effect) a public facility.

C. The newly constructed church in effect, now serves as a buffer between the subject parcel and the residences to the north and east of it.

D. The subject parcel was to have vehicular access from an existing cul-de-sac off Highridge Avenue. Since the time the Turfway Study was recommended, this access road was removed from public use at the request of Todd and Cynthia Fischer.

See part B, E, G. (Following page 3)

Furthermore, the committee recognizes that:

1. The proposed development of this parcel as O-2/PD is compatible with, and supportive of, the planned developments to the East, being specifically the Frisch Restaurant (currently under construction) and parcels 3-E* and 2-E* (the Brose property) which are intended for development as restaurants, offices, motels, and other assorted uses.

2. The main access road to the subject O-2 development is directly across Turfway Road, allowing for a more orderly traffic flow in the area of intersection and thus making a single signalization to service both properties, a possibility (if warranted by traffic flow to and from these sites).

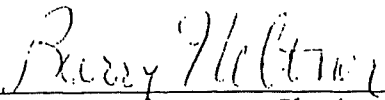
3. The anticipated vehicular traffic for this site is less than (or equal to) the calculated traffic count for the site if developed as O-2/SR-2 as originally recommended by the GBBN study.

Note that while a major portion of the environmentally sensitive area (as indicated in the Turfway study) to the northeast of this site, has been altered with construction of the Church, great care should be taken in the development of this site to protect the environmentally sensitive areas of this site including the tree line which currently exists along the northern and eastern borders of this parcel.

See attachment, page 4.

Finally, the Committee wishes to emphasize our belief that this modification to the land use plan (as proposed through the Turfway study) in no way challenges the integrity of that plan which we hold to be the best and most appropriate use of the subject land.


* as referenced in the Turfway study



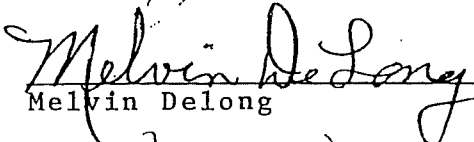
Barry Neltner, Chairman



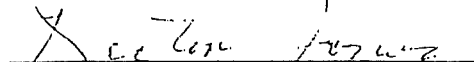
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Larry Barnett



Melvin DeLong



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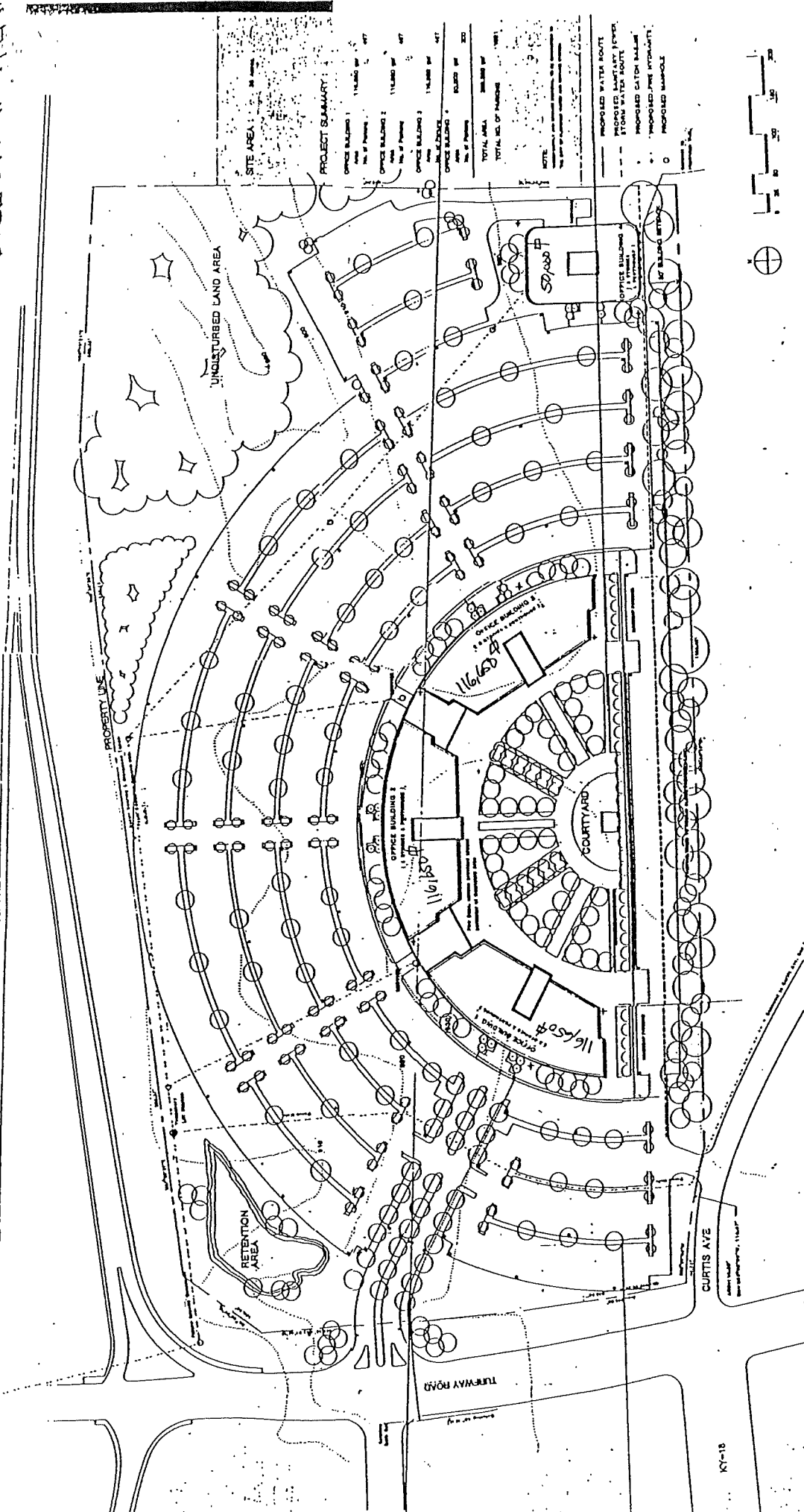
E. This request with its Concept Development Plan conforms to the Turfway Study regarding protection of the environmentally sensitive areas.

F. These circumstances show the present zoning of SR-2 now to be inappropriate. Further, the development of the adjoining 7 acre Fischer tract for a quasi-public use and the closing of public streets are major changes of an economic, physical or social nature not anticipated which substantially alter the vicinity's basic character.

G. Even though the request is a zone change, we find it compatible with the Turfway study and therefore, the comprehensive plan as it takes into account the surfaces of the SR-2 present zoning, overall land use considerations and traffic limitations of the Turfway study for the subject property and its immediate vicinity.

While the committee recommends the zone change be allowed, it further recommends that consideration be given to relocation of building 4. It is our feeling that if the building was located nearer the expressway and farther from the existing residences on Curtis Avenue, impact on the residences would be minimized. Naturally, relocation of the building must take into account the environmentally sensitive areas of the tract and minimize disturbance to these areas.

1985 CONCEPT DEVELOPMENT PLAN



PROJECT SUMMARY:

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Developed by Carroll & Associates, Inc.
Nashville, Tennessee

COLONNADES OFFICE PARK

Lorrens, Kentucky

COOPER CARRY & ASSOCIATES INC. ARCHITECTS ATLANTA, GEORGIA

PLAN

10-18

R-3-85

ORDINANCE NO. 0-1-85

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, AT THE I-75 AND TURFWAY INTERCHANGE, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF OFFICE TWO, O-2, AND SUBURBAN RESIDENTIAL TWO, SR-2, WITH A PLAN DEVELOPMENT OVERLAY TO AN OFFICE TWO/PLAN DEVELOPMENT (O-2/PD) ZONE. (CLIFT - CARROLL PROPERTIES)

WHEREAS, the City of Florence, Kentucky is a member of a county-wide planning unit, known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended that certain real estate located, generally, at the I-75 and Turfway Interchange such property being in Florence, Kentucky, should be rezoned from its present Office Two and Suburban Residential Two with Plan Development overlay Zone (O-2/PD and SR-2/PD) to an Office Two/Plan Development Zone (O-2/PD), and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That certain real estate located at the I-75 and Turfway Interchange, known as the Baron Clift - Carroll Properties land, in Florence, Kentucky, shall be and the same is hereby rezoned from its present Office Two/Plan Development and Suburban Residential Two/Plan Development Zones (O-2/PD and SR-2/PD) to an Office Two/Plan Development Zone (O-2/PD), such real estate being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION II

That the zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of the real estate set forth in Section I and Exhibit "A" of this Ordinance.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted

and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including its development plan and the Boone County Planning Commission recommendations which are agreed to by applicant/property owner.

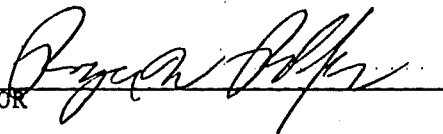
SECTION V

That in the event the rezoning of this property would be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect irregardless of any invalidity relating to this particular rezoning.

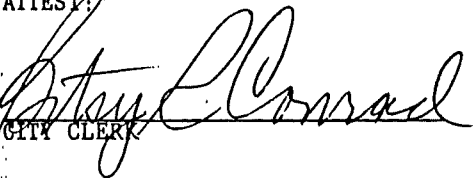
PASSED AND APPROVED ON FIRST READING THIS 22nd DAY OF January, 1985.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 12th DAY OF February, 1985.

APPROVED:


MAYOR

ATTEST:


CITY CLERK