

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

JANUARY 2, 1985

8:00 P.M.

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Chairman Kroger called the meeting to order. Chairman Kroger explained the procedural format on zone change requests.

Roll call was taken by staff member Dee Ann Manley. 14 members present. All staff members present. Atty. Dale Wilson was also present.

Chairman Kroger on behalf of the Commission welcomed Commission Member Godsey back from his absence.

The Minutes of the Business Meeting of December 19, 1984 and the Minutes of the Public Hearings of December 19, 1984 were presented for consideration. Chairman Kroger noted on page 3 last paragraph of the Business Meeting Minutes of December 19, 1984 read "There was an applicant representation present" but should read "There was no applicant representation present.

Mr. McMillian moved that the Commission approve the Minutes of the Business Meeting and Public Hearings of December 19, 1984 as reviewed and with the noted correction. The motion was seconded by Mr. Godsey. After discussion, the motion carried unanimously.

Administration

Staff member Dee Ann Manley read the following bills to be paid: Staff salaries and benefits, \$3,194.62; Mileage, \$173.14; Kentucky State Treasurer, \$588.03; Vincent, Skees & Wilson, \$916.66; Scot Business Machines, \$360.00; Reading Rock, \$5.20; Fred Felix Co., \$137.69; Kelly Services, \$365.13; Lanlor Office Products, \$132.00; Hellman Lumber Company, \$18.95; Robert G. McGraw & Company, \$1,399.17; Archives Word Processing, \$340.00; totalling - \$7,630.59.

Mr. McMillian inquired of the purchase from Reading Rock. Staff member Dee Ann Manley explained the staff purchased concrete blocks for the making of bookshelves.

Mr. Jones moved that the Commisison pay the bills as presented. The motion was seconded by Mr. McMillian. After discussion, the motion carried unanimously.

Reports

Chairman Kroger noted the Building Inspector's, Convenience Plats and Enforcement Officer's Report were distributed to Commission members for their review. There was no discussion or comment on the distributed reports.

UNFINISHED BUSINESS:Site Plan Review

A request of Tony Garcia (agent) for the property owner Wendy's International, Inc., for Site Plan Review for a 10 foot by 30 foot addition onto their existing building at 7910 Dream Street, Florence in a Commercial Services, C-3 zoning district.

Staff member Clay Shepherd related the background of the information that on November 7, 1984 Planning Commission meeting a staff report was presented which recommended deferral of action on the site plan until the Florence Board of Adjustment's review of the variance request on the proposed addition, and that the Florence Board had subsequently denied the variance, then reconsidered the variance and approved the variance on December 12, 1984. Mr. Shepherd noted that the staff would recommend approval of the site plan as it does conform to the minimum site plan requirements contained in the zoning regulations.

Staff Engineer Jim Jenkins stated his concurrence with the recommendation of the staff and based on the Florence Board of Adjustment's approval of the setback variance.

Director Lynn stated the Committee Report recommended approval based upon the Florence Board of Adjustment's action on the setback variance and also based upon the staff and engineer's reports.

Mr. Viox moved that the Commission approve the site plan for property located at 7910 Dream Street, Florence, Kentucky based upon Committee, Engineer and staff reports. The motion was seconded by Mr. Barnett. After discussion, the motion carried unanimously.

Site Plan Review

A request of Architectural Concepts, Inc. (agents) for property owner A. Meyers Davis, for Site Plan Review for townhouses on property located on U. S. Highway 25, Walton, Kentucky.

Staff member Clay Shepherd presented the staff report which described the applicant is requesting site plan review for the construction of 30 townhouse units on a 2.42 acre tract. Mr.

Shepherd stated the site plan shows the location of the buildings and parking areas with access to the development off of U.S. Highway 25. Mr. Shepherd related soil erosion control measures and connection and extensions to existing utilities in coordination with the City of Walton. Mr. Shepherd stated that water will be supplied by mains located on Dixie Highway and sanitary sewage lines connecting with existing lines off of Brookwood Drive. Mr. Shepherd closed by stated the request, in his opinion, does conform to the minimum standard of the Boone County Zoning Regulations found in Article 14, Site Plan Review, and Sections 850-856, and recommended approval provided the engineer finds the plan in conformance.

Director Lynn stated the Committee Report recommended approval of the site plan based upon the staff and engineer's reports.

Staff Engineer Jim Jenkins stated the subject site plan was the best and most thorough site plan submitted and stated his concurrence with the recommendation of staff.

Mr. Barnett moved that the Commission approve the site plan as reviewed for the construction of townhouses on property located on U.S. Highway 25 in Walton, Kentucky. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

#### Preliminary and Improvement Plat

A request of R. C. Durr (property owner) by James Berling (agent) for Preliminary and Improvement Plat approval for seven lots on 12.18 acres of land on the west side of Industrial Road, Florence in a Commercial Services, C-3 zone.

Staff member Chip Block presented the staff report which stated the lots will be served by one road 25 feet wide, except lot number 4 which will be served by the Kentucky Department of Transportation Road. Mr. Block related a letter from the applicant assures that the lot will be permitted access to the road and the new road is intended to be deadend into the adjoining property to the west (shown to be the Bessler and Klensch property). Mr. Block stated water is planned by tapping into the City of Florence 12" water main on the east side of Industrial Road and sanitary sewage disposal is planned by connection to an existing 12" sewer main that crosses the property with both water and sewer extensions required to be submitted to the Florence Water and Sewer Commission for review and approvals. Mr. Block noted the applicant is aware that lot 2 has only a 25 foot, in depth, area where a building could be built based upon the required yard setbacks imposed in the C-3 zoning district. Mr. Block stated sidewalks are planned to be provided in accordance with the City of Florence requirements for subdivisions. Mr. Block closed by stating that, in his opinion, the request does conform to the required by the City of Florence Subdivision and Zoning Regulations, and recommended approval provided the engineer finds the site plan in conformance.

Staff Engineer Jenkins stated the plat had been reviewed by him and the concern of access had been addressed by the applicant.

Director Lynn stated the Committee Report recommended approval of the Preliminary and Improvement Plat based upon the staff and engineer's reports.

Mr. Viox moved that the Commission based upon the Committee and staff reports. The motion was seconded by Mr. McMillian. After discussion, the motion carried unanimously.

Zoning Map Amendment & Utilization of the Underlying Zone

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, (O-2/PD) for the entire tract; and utilization of the underlying Office Two zone in a Planned Development Overlay.

Staff Member Gerry Newton described the subject area for the proposed development. Mr. Newton presented a summary of previously presented staff reports on the subject property and incorporated by reference.

Director Lynn stated the Committee Report recommended approval of both 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 recommended approval in principle of the Concept Development Plan based on the following findings:

- "1. While the request does involve a zone change in the recently reviewed Turway interchange area, this modification to the Planned Development of the area has resulted from circumstances unforeseen at the time of the Turfway Study 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 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 of the 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.
- 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 and 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.

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\* (\* as referenced in the Turfway Study) which are intended for development as restaurants, offices, motels, and 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.

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.

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."

Mr. Hodge, representing Carroll Properties, stated he had no problems with the Committee's recommendation of the relocation of building #4, and the applicant would comply with the Committee's recommendation.

Chairman Kroger noted that the report stated the Frisch's Property to the "east"? Mr. Lynn stated the direction should have been the "south".

There was no audience support, opposition or questions expressed on the agenda item.

Mr. McMillian moved that the Commission recommend to the Florence City Council that the zone change be granted from SR-2 and 0-2/PD to 0-2/PD for the entire tract based on the findings of fact of the Committee Report and as further indicated by the agreement of the applicant as to the relocation of Building #4 of the proposed development. The motion was seconded by Mr. Greene.

Mr. Viox stated he would abstain on the matter for reasons of business affiliations. Mr. Martin stated he would abstain for the reason of potential conflict of interest.

Mr. Greene noted that the GBBN Study laid the foundation for the Commission to adequately review and plan for the subject and surrounding areas, and that the Study had been used "wisely" by the Commission.

After discussion, the motion was passed.

Ayes: Messrs. Barnett, Collins, Davis, DeLong, Godsey, Greene, Jones, McMillian, Slusher, Neltner, Chairman Kroger, and Mrs. Smith.

Abstain: Messrs. Viox and Martin.

Mr. Greene moved that the Commission based on the Committee Report (findings of fact) and staff reports recommend to the Florence City Council that the underlying use of 0-2/PD be utilized for the subject property as proposed by Carroll Properties. The motion was seconded by Mr. Collins.

Messrs. Viox and Martin continued abstaining for reasons previously noted.

After discussion, the motion was passed.

Ayes: Messrs. Barnett, Collins, Davis, DeLong, Godsey, Greene, Jones, McMillian, Slusher, Neltner, Chairman Kroger, and Mrs. Smith.

Abstain: Messrs. Viox and Martin.

Mr. James Viox, Viox & Viox Engineers, complemented the staff on their extensive work on the review of the proposed development. Mr. Hodge also thanked the Commission and staff for their cooperation.

#### Zoning Map Amendment

A request of E. Andre' Busald and Charles T. Moore (agents) for Progressive Investment Corporation for a Zoning Map Amendment from Suburban Residential One, SR-1 to Recreation, for a 17.59 acre tract owned by Dr. Gary Shearer, located generally on the southwest side of Old Ky. 18, Boone Aire Road, Boone County.

Staff Member Chip Block described the location of the subject property, and noted the existing structures on the 17.59 acre tract. Mr. Block described the current zoning of adjoining properties to the subject area, and incorporated the staff report by reference which described that the Boone County Comprehensive Plan Land Use Map indicates the subject property as planned for Recreation and Environmentally Sensitive. In Mr. Block's report, he referred to the written text of the Boone County Comprehensive Plan which addresses the planned land use patterns for the area.

Director Lynn stated the Committee Report recommend approval of the zone change to the Boone County Fiscal Court by Resolution based on the following findings of fact:

- "1. That the request conforms to the Boone County Comprehensive Plan which indicates a planned future land use of Recreation;
2. that the original zoning of Suburban Residential One, SR-1 for this land was inappropriate because this property directly adjoins another recreation zone and use and in the past has been directly associated with the adjoining recreational use."

Mr. Lynn stated the Committee Report was also including the submitted Concept Development Plans as part of the recommendation and that any changes to the submitted plans will required resubmission to the Commission for determination of minor or major changes and that major changes would require a new public hearing.

Atty. E. Andre' Busald representing the property owners stated the applicants would comply with the resubmission of any changes to the Commission.

There was no audience support or opposition expressed.

Commission Member Collins inquired if the applicant was aware that the plans must be submitted to the State Fire Marshall for approval. Atty. Busald responded yes. Mr. Busald noted that discussion at the public hearing indicated the water main was 2" and the local fire department came out to the property and determined there was actually a 6" water main on the property and approved the water pressure from the site. Mr. Busald also stated the Fire Department was on the site that very day and were able to move around the site.

Mr. Collins noted that a fire truck is approximately 8 1/3 feet wide and the existing drive is only 16 feet. Mr. Collins expressed concern of the site being a potential fire hazard.

Discussion followed of water pressure readings from the proposed site, and water hydrants and meters on the site.

Mr. Viox moved that the Commission by Resolution approve the zoning map amendment from Suburban Residential One, SR-1 to Recreation, for a 17.59 acre tract owned by Dr. Gary Shearer, located generally on the southwest side of Old Ky. 18, Boone Aire Road, Boone County, and that a letter be sent to the Boone County Fiscal Court advising of the recommendation of the Commission. The motion was seconded by Mr. Barnett.

After discussion, the motion was passed.

Ayes: Messrs. Barnett, Davis, Godsey, Greene, Jones, McMillian, Slusher, Neltner, Viox, Martin, Chairman Kroger and Mrs. Smith.

Nays: Messrs. Collins and DeLong.

#### NEW BUSINESS

##### Zoning Map Amendments

Request of Norbert R. Rawe (agent) for property owned by Bankers Financial Corporation for a Zoning Map Amendment from Commercial One, C-1 to Office Two, O-2 for a tract of land located at 8121 U.S. Highway 42, Florence.

Request of Motel 6, Inc., (agent) for property owned by Covington Paper and Woodenware, Co., Inc. for a Zoning Map Amendment from Commercial Two, C-2 to Office Two, O-2 for a 1.57 acre tract located on Dream Street, Florence.

Mr. Davis moved that the Commission set the date of January 23, 1985 for public hearing on the zoning map amendment requests. The motion was seconded by Mr. Greene. After discussion, the motion carried unanimously.

Counselor Wilson commented that the Committee on the proposed Carroll Properties zoning map amendment and underlying zone utilization worked over the Christmas holidays to prepare for the Commission review of the subject area and commended the thorough job of the Committee.

#### Administration

Chairman Kroger noted that correspondence had been received from the Boone County Planning Commission accountants stating that FICA taxes will be going up. Chairman Kroger also noted that a copy of correspondence sent to Tom Hill of the Boone County Planning Commission's insurance carrier was available for Commission members' review.

Chairman Kroger inquired of Commission members who would like to serve on the Nominating Committee for the Commission. The Chairman stated the Commission's need to establish a nominating committee to elect three (3) officers to serve for the year of 1985. Chairman Kroger suggested those interested contact the staff office.

Chairman Kroger also noted that the term of Commission Member Buse had expired. Mr. Greene suggested the Commission recognize the tenure of the service of Mr. Buse as a Commission member.

Mr. Greene moved that the Commission recognize Mr. Buse in normal good fashion of appreciation. The motion was seconded by Mr. Martin. After discussion, the motion carried unanimously.

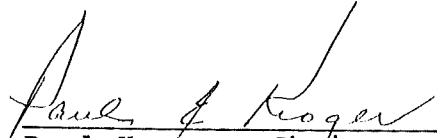
Mr. Barnett moved that the Commission go into Executive Session to discuss pending litigation. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

----- The Commission went into Executive Session.-----

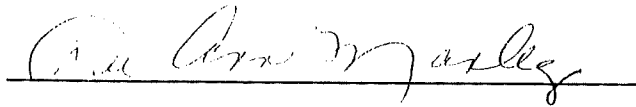
Mr. Neltner moved that the Commission adjourn. The

January 2, 1985  
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motion was seconded by Mr. Barnett. After discussion, the motion carried unanimously.

  
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Paul Kroger, Chairman

Attest:

  
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COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman

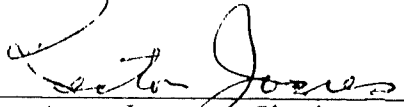
DATE: January 2, 1985

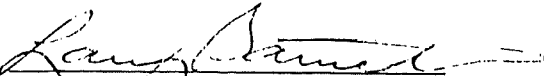
RE: Request of E. Andre' Busald and Charles T. Moore (agents) for Progressive Investment Corporation for a Zoning Map Amendment from Suburban Residential One, SR-1 to Recreation, R for a 17.59 acre tract owned by Dr. Gary Shearer, located generally on the southwest side of Old KY. 18, Boone Aire Road, Boone County, Kentucky.

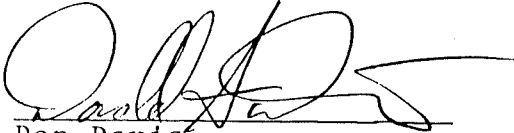
REMARKS: We the Committee, recommend to the Commission that by Resolution, approval of this request be forwarded to the Boone County Fiscal Court based upon the following findings of fact:

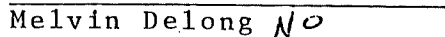
1. That this request conforms to the Boone County Comprehensive Plan, which indicates a planned future land use of Recreation.
2. That the original zoning of Suburban Residential One, SR-1 for this land was inappropriate because this property directly adjoins another Recreation zone and use and in the past has been directly associated with the adjoining recreation use.

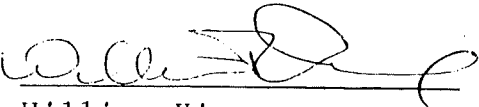
We are also including the submitted Concept Development Plan as part of the recommendation. Any change or addition to the Concept Plan will be required to be submitted to the Commission for determining whether it is a major or a minor change. Any major change will require a new Public Hearing.

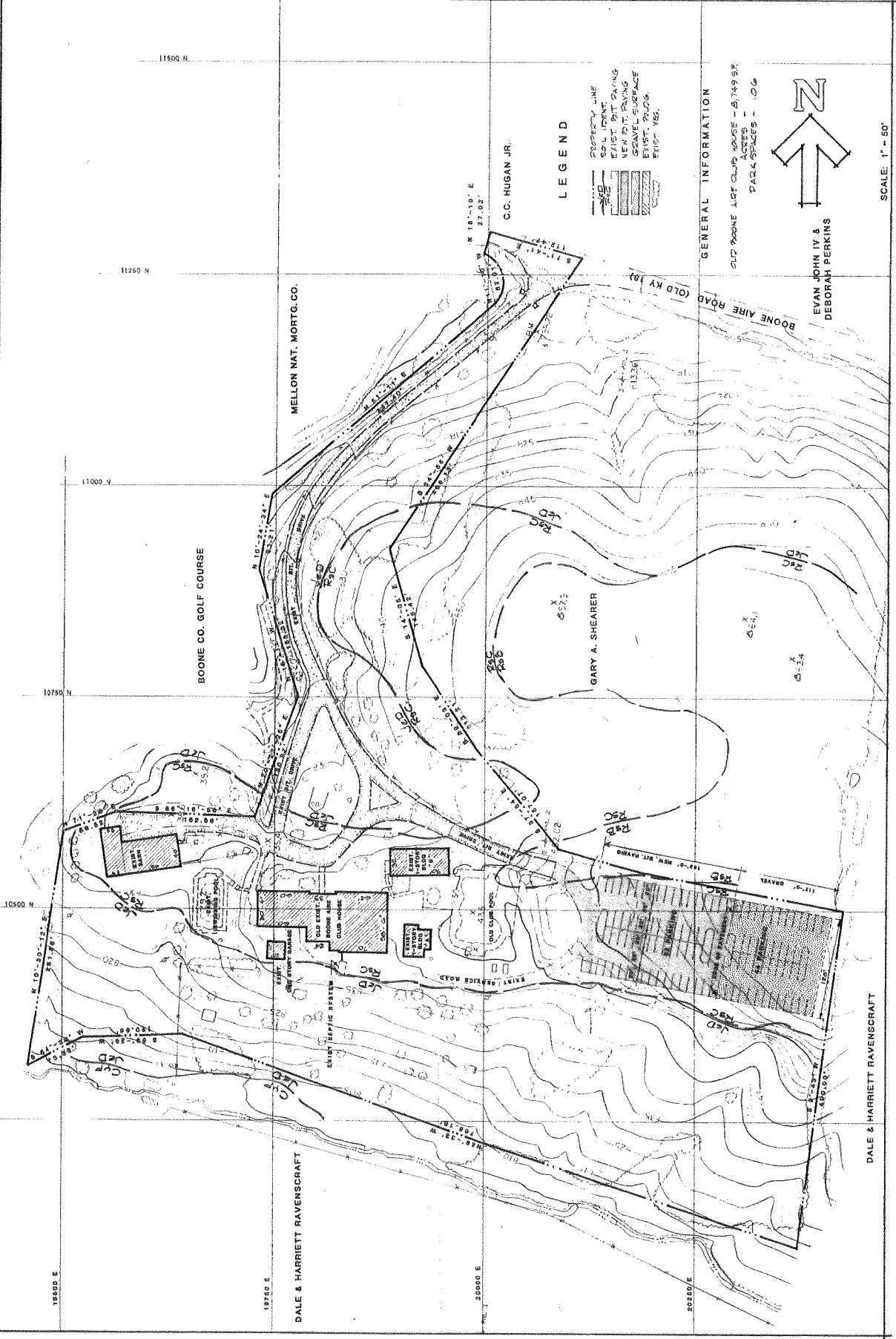
  
Rector Jones, Chairman

  
Larry Barnett

  
Don Davis

  
Melvin Delong NO

  
William Viox



ORDINANCE NO. 920.65

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM Suburban Residential One TO Recreation FOR PROPERTY LOCATED generally on the southern side of Rd. 11, Boone Ave. Rd. AS REQUESTED BY E. Andre' Bilsall & Chad. T. Moore (Agents for Progressive Investment) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. (R-5-85).

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a Map Amendment for a zone change from Suburban Residential One to Recreation for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from Suburban Residential One to Recreation. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.  
(ATTACHMENT - EXHIBIT "A")

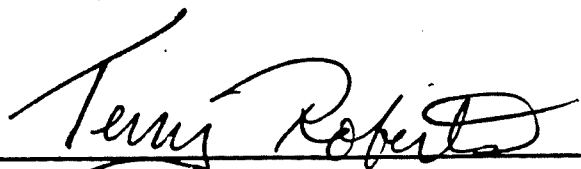
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in this Ordinance.  
(ATTACHMENT - EXHIBIT "B")

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

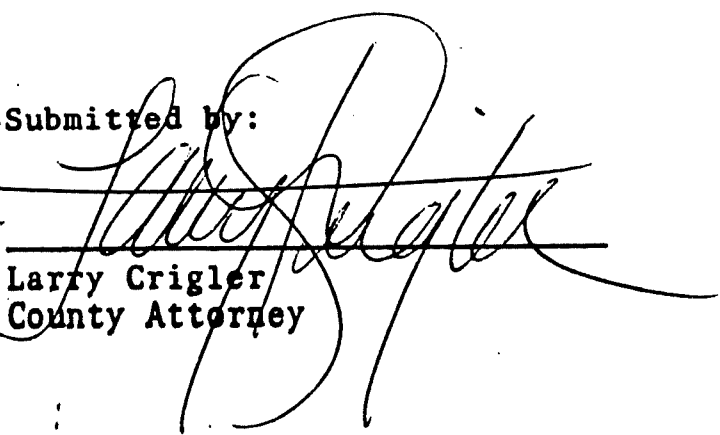
Introduced, seconded and given first reading on the 5th day of February 1985.

Adopted by the Fiscal Court of Boone County after second reading at a regular meeting on the 19th day of February, 1985, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

  
Terry Roberts  
Boone County Judge/Executive

ATTEST:

\_\_\_\_\_  
Jerry W. Rouse  
Boone County Clerk

Submitted by:  
  
Larry Crigler  
County Attorney

\_\_\_\_\_  
02/28/85  
(DATE PUBLISHED)