

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARINGS

JANUARY 23, 1985

8:00 P.M.

Chairman Kroger opened the Public Hearing on a request of Norbert A. 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.

Staff Member Clay Shepherd presented a slide presentation on the subject and surrounding areas. Mr. Shepherd related the current zoning of adjoining properties to the north across Ky. 42 as Urban Residential Two, UR-2, to the east as Commercial Service, C-3, to the south as Suburban Residential One, SR-1 and Commercial Once, C-1 to the west. Mr. Shepherd noted the Boone County Comprehensive Plan Land Use map indicates a planned future land use of Commercial and Office for the subject area. Mr. Shepherd stated the submitted Concept Plan shows that the parcel has one existing access point off of Hwy. 42 which is a drive that leads to the rear parking area where adequate parking spaces are available. Mr. Shepherd pointed out that in the rear of the property is an existing 4' high fence which provides a screen between the parking and the adjoining residential areas. Mr. Shepherd also noted that the project does not require any expansion of urban services and is expected to provide stability to the neighborhood. Mr. Shepherd closed by stating that should the Commission recommend approval of the zoning map amendment no changes would be necessary to the Boone County Comprehensive Plan Land Use map.

Atty. Clyde Middleton, representing Scott Medical Laboratories, stated that the laboratory provides services to an over 50% senior citizen clientele and that the subject property allows easy access by public or automobile transportation. Mr Middleton said his client does feel the proposed use would be compatible with the ultimate planned land use for the area.

Mr. Norbert Rawe, owner of Scott Medical Laboratories, stated his laboratories have been in business for approximately 15 years and provide full laboratory services for the elderly including Medicare recipient patients. Mr. Rawe stated the existing building is perfect for the laboratory needs including handicap access. Mr. Rawe noted the proximity of the subject area to Mall Road area physicians, dentists, chiropractors, etc. and urged that the professional need for such laboratory services well supports the proposed zone change.

Public Hearing #1

January 23, 1985

Chairman Kroger inquired of audience support or opposition. There was no audience support or opposition expressed.

Mr. Neltner inquired of what use the medical laboratory was considered in the 0-2 zone. Director Lynn responded in the 0-2 zone under physician services. Mr. Shepherd referred Commission members to the Zoning Regulations, page 10-2, subsection 21 which stated physician and dental services which includes medical and dental laboratories. Chairman Kroger added that the 0-2 zone by definition contains all of the 0-1 zone uses. Mr. Neltner noted that in the C-1 zone district Item 16 covers physician and dental services.

Chairman Kroger inquired if the applicant was aware that the subject property was recently changed by zone change to the C-1 zoning. The applicant stated he was aware of the recent zone change. Chairman Kroger inquired of the previous zoning prior to the C-1 zone designation, and noted the intensity of use has been brought from a highly developable commercial use to a lesser commercial use and with the proposed zone change the subject property would be going to an even lesser intensive use with the proposed 0-2 zone.

Mr. Neltner inquired if the applicant had done studies to explore the need for such a facility in the Florence area, and related the existence of a prior facility. Mr. Rawe stated the area has changed in the past 4 years since the existence of the prior laboratory and noted that the previous laboratory facility was not licensed to provide Medicare reimbursed patients with needed services whereas his facility is licensed to be reimbursed by the government for Medicare recipient services.

Mr. Davis inquired what the anticipated traffic to the proposed laboratory would be. Mr. Rawe responded they anticipate 20 to 25 cars per day at the most with most traffic being between the hours of 10:00 a.m. and 1:00 p.m.

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

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

FEBRUARY 6, 1985

8:00 P.M.

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. 12 members present. Absent: Mr. Godsey and Mrs. Smith. All staff members present. Atty. Dale Wilson was also present.

Chairman Kroger declared as the first order of business the welcoming and acknowledgement of former Commission Member Raymond L. (Pat) Buse. Chairman Kroger stated that fellow Commission members had directed a Proclamation and plaque be prepared for Mr. Buse in recognition of Mr. Buse's eight years of service to the Commission as a token of appreciation.

Chairman Kroger read the Proclamation as follows:

"WHEREAS, R. L. Buse, Jr. has served well this community as a member of the Boone County Planning Commission; and, WHEREAS, his service on the Boone County Planning Commission has reflected that high level of dedication owed to the public; and

WHEREAS, R. L. Buse, Jr. has been a strong advocate and a significant contributor to just and lively debate on numerous Boone County Planning Commission issues affecting this community; thereby promoting the governmental process of the Commission, and has unselfishly exercised those responsibilities under the public trust benefitting the community.

NOW, THEREFORE, BE IT PROCLAIMED by the Boone County Planning Commission, as follows:

THAT the efforts of R. L. Buse, Jr., as a member of the Boone County Planning Commission, being worthy of recognition, the Boone County Planning Commission shall and does hereby publicly express its appreciation to R. L. Buse, Jr. for his service to this community; and

FURTHER, that this Proclamation honoring R. L. Buse shall become a part of the official records of the Boone County Planning Commission and so shall remain for all time.

DATED this 6th day of February, 1985."

Mr. Buse accepted the Proclamation and plaque. Mr. Buse thanked fellow Commission members for the honor of having served among them and commended the Commission for their continued service and dedication to the fast-growing Boone County.

The Minutes of the Business Meeting of January 16, 1985 and the Minutes of the Public Hearings of January 23, 1985 were considered. Mr. Davis moved that the Commission approve the Minutes as reviewed. The motion was seconded by Mr. Collins. After discussion, the motion carried unanimously.

Administration

Staff member Dee Ann Manley read the following bills to be paid: Staff salaries and benefits, \$3,070.98; Ky. State Treasurer, \$605.20; State Office for Social Security (int. chrg.), \$5.46; Vincent, Skees & Wilson, \$916.66; James C. Jenkins, \$1,242.50; James C. Jenkins, \$1,033.76; Mileage for 1/85 (staff), \$184.13; K & R. Photographics (lamps), \$38.00; Things Remembered (plaque), \$64.65; The Picture Place, \$35.44; Madison Photo Works, \$4.25; Central Hardware (file cabinets), \$125.97; Lanlor Office Products, \$17.68; The Seybold Company, \$101.35; Budget Print Center, \$40.00; Boone County Fiscal Court (airphone system), \$642.77; Boone County Fiscal Court (office equipment), \$850.00; Archives Word Processing, \$652.00; totalling - \$9,630.80.

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

Chairman Kroger noted communications received would be discussed later in the meeting.

Reports

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

UNFINISHED BUSINESS:

Zoning Map Amendment

A request of Boone County Public Library District Board of Trustees for a Zoning Map Amendment from the current zoning of Office One, O-1 and Suburan Residential Two, SR-2 to Public Facilities, PF, located at 7425 U.S. Highway 42, Florence, Kentucky.

Staff Member Clay Shepherd presented a brief summary of the staff report presented in toto at the public hearing of January 23, 1985 and incorporated by reference. Mr. Shepherd described the current zoning of the subject and adjoining areas. Mr. Shepherd noted the proposed zoning map amendment is in con-

formance with the planned future land use for the subject property. Mr. Shepherd related that at the present time there is an application for a request for a variance concerning the rear setback of the subject property.

Director Lynn stated the Committee recommended approval based on the findings of fact that the request is in conformance with the Boone County Comprehensive Plan and that no changes would be necessary to the text or land use map.

Mr. Donald Schneider, representing the Library Board, commented the Board is anticipating and preparing themselves for the possible receipt of an upcoming grant. Mr. Schneider related that discussions with the surrounding neighbors and the Library Board has prompted the Library Board to agree to allow the architect to meet with the neighbors to specifically address neighbors' concerns prior to construction.

Mr. Barnett moved that the Commission by Resolution recommend approval to the City of Florence of the zoning map amendment from the current zoning of Office One, O-1 and Suburban Residential Two, SR-2 to Public Facilities, PF, for property located at 7425 U.S. Highway 42, Florence, Kentucky. The motion was seconded by Mr. McMillian.

Mr. Viox stated that he would abstain on the issue as he was recently hired to do engineering work on the site.

After discussion, the motion carried.

Ayes: Messrs. Barnett, Collins, Davis, DeLong, Greene, Jones, Martin, McMillian, Slusher, Neltner, and Chairman Kroger.
Abstain: Mr. Viox.

Zoning Map Amendment

A request of Motel 6 (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, Kentucky.

Staff Member Chip Block presented a brief summary of the staff report presented in toto at the public hearing of January 23, 1985 and incorporated by reference. Mr. Block described the current zoning of the subject and adjoining areas. Mr. Block noted no changes would be necessary to the Boone County Comprehensive Plan Land Use Map but change should be made to the text to insure the continued conformity to the Boone County Comprehensive Plan.

Director Lynn stated the Committee report recommended a two-week deferral of action (to February 20, 1985) on the request of Motel 6 to permit further study of the application.

Mr. Jim Wolterman, representing Motel 6, inquired of the need for deferral. Chairman Kroger clarified the additional time was to allow further study of the application. Mr. Jones, on behalf of the Committee, noted the main area of concern for further study was the issue of curbcuts. Mr. Wolterman stated there was no problem with coordinating access with the adjacent Tim Hogan Carpet entrance/exit as Tim Hogan Carpet obtained their recent zone change on the assurance of providing a joint access way. Discussion followed of other area curbcuts. Mr. Viox inquired if Mr. Woltermann could obtain the assurance in writing of the joint access agreement. Mr. Wolterman responded he would obtain the requested assurance in writing.

Mr. McMillain moved that the Commission defer action on the request of Motel 6 for two weeks (February 20, 1985) to allow additional study and review. The motion was seconded by Mr. Davis. After discussion, the motion carried unanimously.

Zoning Map Amendment

A 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 a 8121 U. S. Highway 42, Florence, Kentucky.

Staff member Clay Shepherd presented a brief summary of the staff report presented in toto at the public hearing of January 23, 1985 and incorporated by reference. Mr. Shepherd described the current zoning of the subject and adjoining areas. Mr. Shepherd noted that the proposed zoning map amendment is being requested to allow Scott Medical Labs to locate at the subject site.

Director Lynn stated the Committee recommended approval based on the findings of fact that the request is in conformance with the Boone County Comprehensive Plan and that no changes would be necessary to the text or land use map. Mr. Lynn stated the Committee report recommends the inclusion of the Concept Development Plan as a condition.

Mr. Rawe, owner of Scott Medical Labs, stated the proposed location is perfect for the needs of the Scott Medical Labs.

There was no audience support or opposition expressed.

Mr. Viox moved that the Commission by Resolution recommend approval to the City of Florence of the zoning map amendment from the current zoning of Commercial One, C-1 to Office Two, O-2, for property located at 8121 U.S. Highway 42, Florence, Kentucky, based on the committee and staff reports and the condition of the inclusion of the Concept Development Plan. The motion was seconded by Mr. Greene. After discussion, the motion carried unanimously.

Site Plan Review

A request of Dr. Robert Foote (owner) for Site Plan Review for an office addition to an existing building at the corner of Banklick Street and U.S. 42 in Florence, Kentucky.

Staff member Clay Shepherd stated that the staff had not had adequate time to review the site plan as the plan with changes had only been recently submitted and that the applicant had been advised that the staff was going to recommend deferral of action on the site plan until the next business meeting of the Commission.

Mr. Jones moved that the Commission defer action for two weeks on the Site Plan Review of an office addition to an existing building at the corner of Banklick Street and U.S. 42 in Florence. The motion was seconded by Mr. McMillian. After discussion, the motion carried unanimously.

Site Plan Review

A request of Airport Industry Associates for Site Plan Review for the construction of a warehouse located at the southeast side of O'Hara Road, Boone County, Kentucky.

Staff member Clay Shepherd presented a staff report which stated the applicant is requesting Site Plan Reveiw for the construction of an air freight warehouse with 12,000 sq. ft. of floor area on a 1.8 acre tract. Mr. Shepherd stated a submitted site plan shows the location of the building with adequate parking spaces for the proposed use, and with a 95' front yard setback (50' required amount). Mr. Shepherd stated that since the submission of the site plan the applicant has requested movement of the location of the building up to 80' front yard setback to allow for future expansion to the rear of the property. Mr. Shepherd also noted that connection to existing water main shall be coordinated with Boone County Water Commission. Mr. Shepherd closed by stating the plan does conform to the minimum standards of the Boone County Zoning Regulation found in Article 14, Site Plan Review.

Staff Engineer Jim Jenkins stated his concurrence with the presentation of staff member Clay Shepherd and noted the sewage treatment plant is an existing facility and inquired if the plant is part of the plan. Mr. Viox stated he is the engineer of record and responded the sewage plant information was submitted for informational purposes.

Director Lynn stated the Committee Report recommended approval based on the Engineer's and staff reports.

Mr. DeLong inquired of what assurance the Commission has that the applicant will give the 15' for expansion to the rear of the property. Mr. Dave Roberts, applicant, clarified that the required front setback requirement is 50' and that the applicant had requested movement of the location to 80' which would still be in conformance with the required front yard setback, and also allow for future expansion to the rear of the building location.

Mr. Barnett moved that the Commission approve the site plan as reviewed based on the Committee and staff reports.

Mr. Viox stated he would abstain on the issue of the site plan review for Airport Industry Associates.

After discussion, the motion carried.

Ayes: Messrs. Barnett, Collins, Davis, DeLong, Greene, Jones, Martin, McMillian, Slusher, Neltner, and Chairman Kroger.
Abstain: Mr. Viox.

NEW BUSINESS:

Zoning Map Amendments

A request of Albert Moffett (agent), Walton Commons, Ltd., for a Zoning Map Amendment from Commercial Services, C-3 and Suburban Residential One, SR-1 to Urban Residential One, UR-1 for a more or less than three (3) acre tract owned by Kuckle Brinker, Inc., located on Kuckle Drive, off of School Road, Walton, Kentucky.

A request of DLW & Associates, (owner) for a Zoning Map Amendment from Commercial Two, C-2 and Suburban Residential Two, SR-2 to Commercial Two/Planned Development Overlay, C-2/PD for the entire tract, and utilization of the underlying Commercial Two zone in a Planned Development Overlay.

A request of Richard and Karen Lawrence (property owners) for a Zoning Map Amendment from Commercial One, C-1 to Suburban Residential One, SR-1 for a 0.6825 acre tract located at 191B U.S. Highway 25, Walton, Kentucky.

Discussion followed of upcoming Commission calendar items.

Mr. Barnett moved that the Commission set the date of the foregoing zoning map amendment requests for February 27, 1985. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

Site Plan Review

A request of Valley Orchards Farm (owner) for Site Plan Review for the construction of an addition on property located on Ky. 18 in Florence, Kentucky.

Chairman Kroger referred the site plan review to Committee for additional study and review.

Administration

Director Lynn advised the staff has exchanged office locations with the Community Development/Assisted Housing.

Director Lynn stated that the staff has had some office furniture on loan from Community Development and having used the loaned furniture for the past year, Community Development had now formally requested adjustment or purchase of the loaned furniture. Mr. Lynn explained the suggested amount was for \$850.00; \$400.00 for 2 IBM Selectric typewriters, 2 desks at \$20.00, and chairs at \$5.00 a piece, etc.

Director Lynn also noted the drafting table used by the Commission staff had been graciously loaned to the staff by a Commission member and that recently he had been informed that the table might need to be returned to the Commission member in the not too distant future. Mr. Lynn then requested authorization to purchase a replacement drafting table which would cost approximately \$1,000.00.

Chairman Kroger suggested the Director find what he needs to purchase and make the request for the specific amount at the next meeting.

Mr. Barnett moved that the Commission authorize the purchase of the equipment from Community Development in the amount of \$850.00. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

Director Lynn also advised that with the relocation the Planning Commission staff was required to purchase a replacement intercomm system for Community Development which cost \$642.77. Mr. Viox moved that the Commission approve the purchase of the replacement intercomm system. The motion was seconded by Mr. Jones. After discussion, the motion carried unanimously.

Director Lynn also stated the staff is continuing the study of the fee schedule.

Mr. Viox stated the Technical Committee had suggested the staff study the fee schedule and stated the Technical Committee had suggested a change of philosophy toward fees with regard to a time-allotment or hourly rate fee schedule plus a flat fee. Mr. Viox suggested the staff make a study of a few past applications that they now to be time-consuming and report back to the Commission as to the number of man hours spent on a particular application versus the fee obtained by the Commission for same.

Director Lynn stated the Boone County Planning Commission staff had a request to waive the sign permit fees for relocation of signs with the expansion of U.S. 25.

Chairman Kroger stated that in the permitting procedure there has, in the past, always been a statement to the effect that the owner would pay the fee for sign relocation.

Mr. Collins inquired if the owners are not reimbursed by the state for that. Chairman Kroger responded no not if it is on the state right-of-way. Discussion followed of previous waiving of fees.

Staff Member Ralph Hopper explained that he had told the Clark Oil Company in their request for the waiving of sign fee that the sign as it had previously been exhibited would have to remain the same with the exception of relocation but that any revision would require payment of fees.

Chairman Kroger inquired if any members had any objection to the explanation Mr. Hopper had given the Clark Oil applicant. Chairman Kroger suggested that, in the absence of comment to the contrary from the Commission, Mr. Hopper continue with the same procedure.

Correspondence

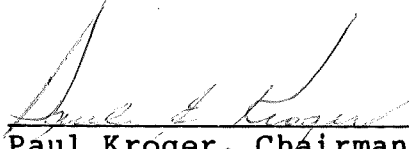
Chairman Kroger stated that correspondence had been received from Lanny Holbrook and Associates on behalf of Tim Timberman & Associates requesting to be reschedule for the March 1985 public hearing date.

Mr. Lynn stated no costs had yet been incurred in publication for the February public hearing request.

Mr. Viox moved that the Commission set the public hearing for the Tim Timberman & Associates for March 17, 1985. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Mr. Neltner moved that the Commission adjourn. The motion was seconded by Mr. Viox. After discussion, the motion carried unanimously.

There being no further order of business, the meeting adjourned.



Paul Kroger, Chairman

Attest:

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman

DATE: February 6, 1985

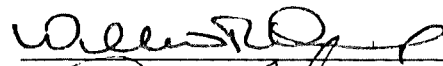
RE: Request of Norbert R. Rawe (agent) for property owned by Bankers Financial Corporation for a Zoning Map Amendment from Commercial One, C-1 to Office Two, O-2 for a tract of land located at 8121, U.S. Highway 42, Florence.

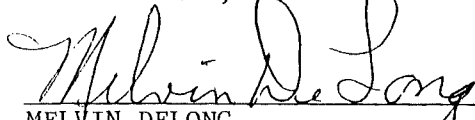
REMARKS: We the Committee recommend approval for the zone change from Commercial One, C-1 to Office Two, O-2 based upon the following findings of fact:

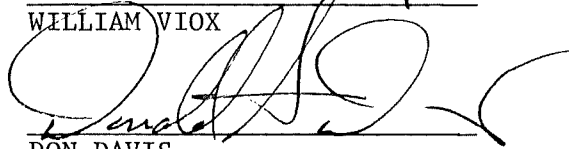
The request is in conformance with the comprehensive plan and no change in the plan will be necessary.


The committee in recommending approval for this request is including the concept development plan.


RECTOR JONES, CHAIRMAN


WILLIAM VIOX


MELVIN DELONG


DON DAVIS


LARRY BARNETT

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 8121 U. S. HIGHWAY 42, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF COMMERCIAL ONE, C-1, ZONE TO AN OFFICE TWO, O-2, ZONE. (NORBERT ROWE PROPERTY)

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 8121 U. S. Highway 42, such property being in Florence, Kentucky, should be rezoned from its present Commercial One, C-1, Zone to an Office Two, O-2, Zone, 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 8121 U. S. Highway 42, such property being in Florence, Kentucky, shall be and the same is hereby rezoned from its present Commercial One, C-1, Zone to an Office Two, O-2, Zone, such real estate being more particularly described in Exhibit "A" which is 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 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, which are agreed to by applicant/property owner.

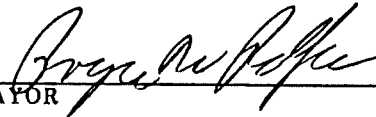
SECTION V

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 26th DAY OF February, 1985.

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

APPROVED:


MAYOR

ATTEST:


CITY CLERK