

ZONE CHANGE REQUEST BY DLW & ASSOCIATES FOR PROPERTY LOCATED AT THE CORNER OF KY. 42 AND HOPEFUL ROAD, BOONE COUNTY.

DLW and Associates, owner, is requesting a review of their Concept Development Plan for 5.4 acres zoned Commercial Two, C-2 and Suburban Residential Two, SR-2. This request is to change the current zoning to Commercial Two/Planned Development Overlay, C-2/PD and utilization of the underlying Commercial Two zone in a Planned Development Overlay.

Adjoining properties to the north are zoned Suburban Residential Two, SR-2. To the east and south is zoned Commercial Two, C-2. To the west, along Hopeful Road, is currently Residential One Family, RIF and Commercial Two, C-2.

Current land use of adjoining property to the north and west is Residential. To the east and west is Commercial use. To the south, across Highway 42, is a church.

The Boone County Comprehensive Plan Land Use map indicates Commercial as the planned future use of the subject property. The text of the Comprehensive Plan states generally for Commercial use:

Neighborhood or convenience oriented commercial districts should be located closer to their consumer population and developed as "planned" districts to avoid "strip" development. Many convenience commercial districts can be integrated into planned residential developments, and should be encouraged in the areas designed for such development in the plan. The other central business areas of several communities will be maintained and expanded as neighborhood or convenience districts, including those in Florence...

Boone County has a special opportunity resulting from the combination of high growth potentials and low levels of development in many areas where this growth is planned to occur. The special opportunity is to encourage coordinated "Planned Developments" of undeveloped tracts of land. This will have the result of encouraging creative, functional developments suited to individual sites and appropriate for the needs of the future population of development areas. Several sites are identified as potential "Planned Development" areas on the land use plan maps, while many others may be created in the future.

The Planned Development concept is intended to replace existing Planned Development, PD zoning in the county. The use of the concept would not be restricted to those areas designed on the plan. Planned Development should be encouraged for all large scale developments in order to promote good site design.

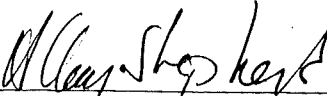
The submitted plan shows the tract being developed into an office retail complex consisting of three buildings. The smaller of the three will be used for the sales and service of new and used marine craft. The remaining structures both "L" shaped will be used for retail and office space. The total area for the buildings is around 50,000 square feet.

The site will contain open space between the residential development. This area will be bermed and planted so to form a screen between the development and the adjoining property owners.

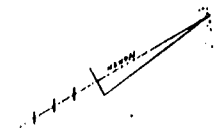
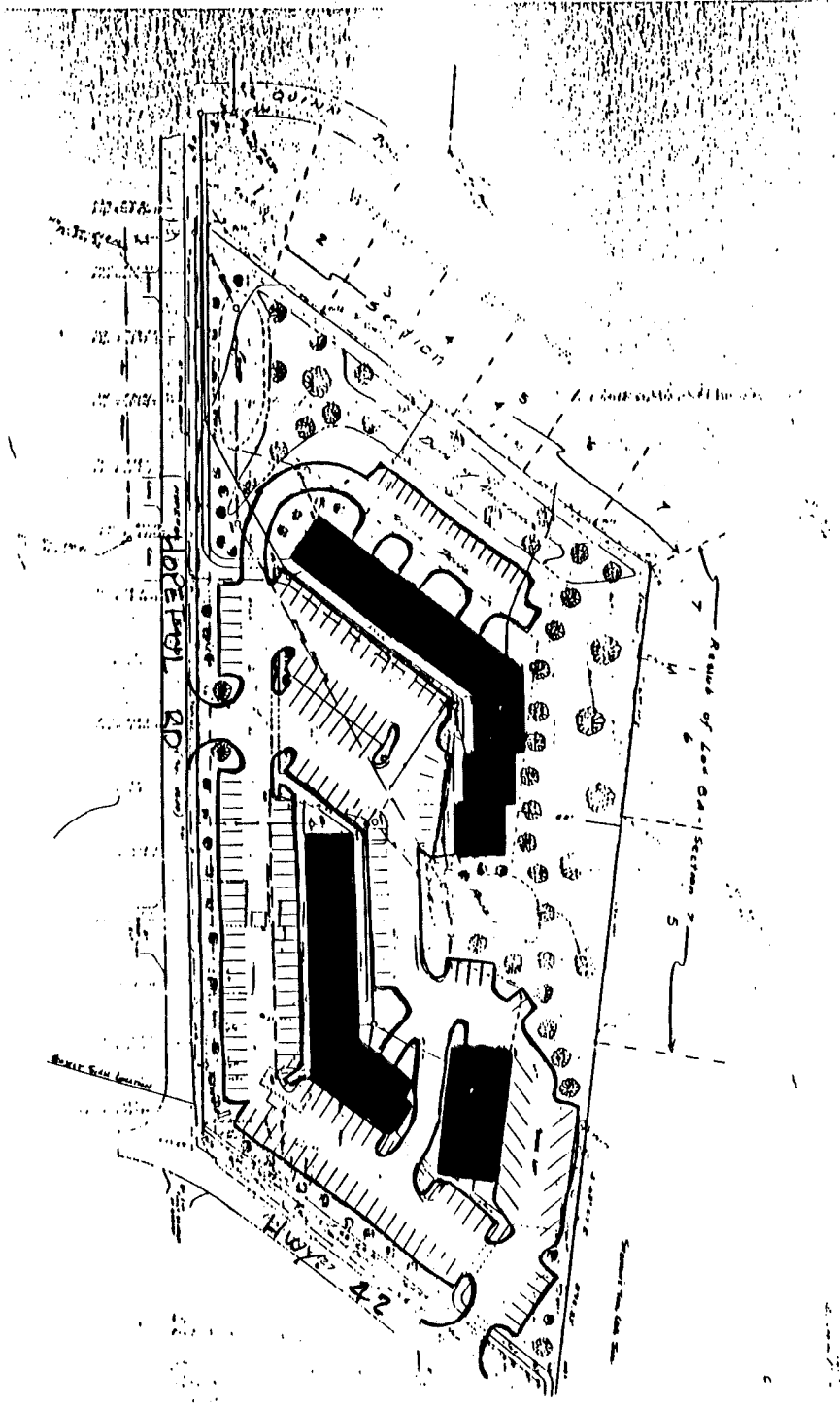
Access to the site will be from two roads. One will be off Hwy. 42 and the other will be off Hopeful road. Approximately 196 parking spaces are positioned between the two (2) "L" shaped buildings and along Hopeful Road and Hwy. 42, which exceeds the minimum number of spaces required as found in Section 1830 of the Boone County Zoning Regulation. Also, a pedestrian walk system extends from the neighboring residential development and runs through the development and onto Hwy. 42.

The project's water supply and sewage disposal will be provided by the City of Florence.

Therefore, should the Planning Commission recommend approval or the City of Florence approve the request for rezoning, the Comprehensive Plan Land Use Map would not have to be changed, since the C-2/PD zone would be in conformance with the plan.



H. Clay Shepherd
Planner/Plans Examiner



BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

MARCH 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. All staff members present. Atty. Dale Wilson was also present.

The Minutes of the Business Meeting of February 20, 1985 and the Minutes of the Public Hearings of February 27, 1985 were considered.

Mr. McMillian moved that the Commission approve the Minutes of the Business Meeting of February 20, 1985 and the Minutes of the Public Hearings of February 27, 1985.

Mrs. Smith stated there was a correction that needed to be made to the Minutes of the Business Meeting of February 20, 1985 in that she was noted as being absent and, in fact, was present at the Business Meeting of February 20, 1985.

Mr. McMillian moved that the Commission approve the Minutes of the Business Meeting of February 20, 1985 with the correction as noted by Mrs. Smith and the Minutes of the Public Hearings of February 27, 1985 as reviewed. The motion was seconded by Mr. Barnett. After discussion, the motion carried unanimously.

Administration

Staff member Dee Ann Manley read the following bills to be paid: Staff salaries and benefits, \$4,702.94; Fred Felix Company, \$8.25; U.C. Bookstore, \$45.25; Liquidator Sales Company, \$119.90; The Picture Place, \$2.75; Waldenbooks, \$27.80; Central Hardware, \$4.17; Ferd Wagner Company, \$283.05; Kelly Services Inc., \$41.09; Boone County Finance Dept., \$166.75; Boone County Recorder, \$911.04; Assisted Housing Dept., \$15.00; Archives Word Processing, \$527.00; totalling - \$6,854.99.

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

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

Mr. Viox explained the Committee looked at the application from I-1 to I-2 and after the concessions made by the applicant had recommended approval of the zoning map amendment.

Mr. DeLong requested he be informed of the concessions of the applicant. Chairman Kroger inquired if Mr. DeLong was on the Committee. Mr. DeLong stated that although he is on the Committee he did not sign the Committee Report as he was did not feel he had enough information. Chairman Kroger suggested Mr. Block inform Mr. DeLong of the concessions as agreed to by the applicant. Mr. Block read aloud the document which stated: "Voluntary Acceptance of Conditions, Empire Road Properties, Cleveland, Ohio, hereby voluntarily agrees to accept as a condition to the I-2 zoning the prohibition of the following otherwise permitted uses of Sect. 10-41, numbered sections 4, 5, 10, 21 and 22." Mr. Block explained the document went on to state that the applicant specifically excludes the aforementioned subsections.

Mr. DeLong requested a few moments to study the concessions.

Mr. McMillian noted that some discussion at the public hearing had occurred wherein the possibility of the zoning being on a somewhat "temporary" basis and reverting back to I-1 after Duro no longer needed to use the subject property. Chairman Kroger explained the Commission does not have temporary zone changes. Chairman Kroger noted the I-2 zone is compatible with the adjacent Northern Kentucky Industrial Park wherein all those properties are zoned I-2 with the exception of the subject tract. Chairman Kroger stated the subject tract is in the Northern Kentucky Industrial Park. Mr. Busald affirmed the subject property is in the Northern Kentucky Industrial Park Foundation. Chairman Kroger noted the Industrial Park Foundation does have a planning body which also reviews the subject tract.

Mr. McMillian expressed continuing concern of allowing a zone change based on the presentation and request of the applicant and for no other reason than to make the area compatible to the surrounding I-2 zone which is not accomplished because of the proposed restrictions or exclusions.

After discussion, a roll call vote taken.

Ayes: Messrs. Barnett, Collins, Davis, Greene, Jones, Martin, Mrs. Smith, Mr. Viox and Chairman Kroger.

Nays: Messrs. DeLong, McMillian, Slusher, and Neltner.

The motion passed by a 9 to 4 vote.

Zoning Map Amendment and Utilization of the Underlying Zone

A request on 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, for property at the corner of U.S Highway 42 and Hopeful Road, Florence, Kentucky.

Staff member Clay Shepherd presented a summary of the staff report. Mr. Shepherd related the current zoning of adjoining properties to the north as Suburban Residential Two (SR-2), to the east and south as zoned Commercial Two (C-2), while to the west along Hopeful Road as currently zoned Residential One Family (RIF) and Commercial Two (C-2). Mr. Shepherd also noted that the Boone County Comprehensive Plan Land Use map indicates Commercial as the planned future land use for the subject property. Mr. Shepherd stated a letter had been received by the staff as an amendment to the application which addresses the uses of the rear building. Mr. Shepherd read from the letter and stated the applicant wished to make the letter a part of the application and by way of the letter was voluntarily prohibiting the following uses: "No all-night convenience-type stores, no liquor stores, no all-night laundry, no franchise fast-food service, no nightclubs, bars, or service stations, no arcades and no skating rinks."

Director Lynn stated the Committee Report recommended the request be recommended for approval by resolution to the City of Florence based upon the findings of fact that: the request is in conformance with the Boone County Comprehensive Plan and Land Use Map and no changes to the Plan would be necessary; and, a Concept Development Plan has been submitted and included are use restrictions for the rear building as noted above; and a 6-ft. high berm will be built to the north and northwest portion of the property and additional screening. Mr. Lynn stated that in recommending approval for the request is including the submitted Concept Development Plan.

Mr. James Wolterman, representing DLW & Associates, stated concurrence with the recommendations of the Committee and confirmed acceptance of the matters addressed by the Committee with respect to the uses, the berm and the additional screening. Mr. Wolterman urged the Commission to approve the zoning map amendment.

There was no other audience support or opposition expressed.

Mr. Barnett moved by Resolution that the request be recommended for approval 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 based upon the Committee and staff reports and a letter be sent to the City of Florence. The motion was seconded by Mr. Jones.

Chairman Kroger noted the proposed request involves two appropriate motions.

Mr. Viox stated he would abstain on the subject request due to engineering affiliations with the proposed development.

After discussion, the motion was passed.

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

Abstain: Mr. Viox.

Mr. Barnett moved that the Commission by Resolution recommend to the Council of the City of Florence the utilization of the underlying uses of the Commercial Two (C-2) zone in a Planned Development Overlay for property at the corner of U.S. 42 and Hopeful Road, Florence, Kentucky. The motion was seconded by Mr. DeLong.

Mr. Viox stated he would abstain on the subject request due to engineering affiliations with the proposed development.

After discussion, the motion was passed.

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

Abstain: Mr. Viox.

Zoning Map Amendment

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 Kuchle Brinker, Inc. located on Kuchle Drive off of School Road, Walton, Kentucky.

Staff member Chip Block presented a summary of the staff report. Mr. Block related the current zoning of adjoining properties to the north and east as currently being Suburban Residential One (SR-1), to the south as Suburban Residential One (SR-1) and Commercial Services (C-3) while to the west the land is currently zoned Urban Residential One (UR-1). Mr. Block noted the proposed use is in conformance with the planned future land use of the Boone County Comprehensive Plan for the area.

Director Lynn stated the Committee Report recommended approval by Resolution to the City of Walton based that the request with a maximum of 8 dwelling units conforms to the planned future use of Medium Density Residential for the area, and that the proposed use directly abuts a similar use and would be in keeping with the character of the recent development of the area. Mr. Lynn noted that included in the recommendation is the submitted Concept Development Plan and the agreements made by the applicant made at the Public Hearing.

There was no audience support or opposition expressed.

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

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MR. JERRY NEWTON
PLANNER/PLANS EXAMINER

MS. DEE ANN MANLEY
ADMINISTRATIVE SECRETARY

March 21, 1985

Hon. Roger Rolfes
Florence City Building
P. O. Box 457
Florence, KY. 41042

Dear Mayor Rolfes:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the 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 for property at the corner of U.S. Highway 42 and Hopeful Road, Florence, KY.


At their meeting of March 6, 1985, the Commission voted 12 ayes and 1 abstaining vote to recommend approval by Resolution R-11-85 of the zone change from C-2 and SR-2 to C-2/PD.

This action was taken upon hearing the recommendations of the Committee and based on the findings of fact attached to the enclosed Resolution.

The approved minutes of February 27, 1985 Public Hearing, along with the pertinent information regarding this request is also enclosed.

If you need any further information, please do not hesitate to call the Planning Commission's office.

With Kindest Regards,


Paul E. Kroger
Chairman

PEK/dm

enclosures

FINDINGS OF FACT

The request is in conformance with the Comprehensive Plan and no change in the Plan will be necessary.

A Concept Development Plan has been submitted and included are use restrictions for the rear building nearest the residential development on Quinn Drive. This list includes:

- No all night convenience type stores
- No liquor store
- No all night laundry
- No Franchise fast food service
- No night clubs or bars
- No service stations
- No Arcades
- No skating rinks

R-11-85

ORDINANCE NO. O-12-85

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 CORNER OF U.S. HIGHWAY 42 AND HOPEFUL ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONES OF COMMERCIAL TWO, C-2, AND SUBURBAN RESIDENTIAL TWO, SR-2, TO A COMMERCIAL TWO/PLAN DEVELOPMENT (C-2/PD) ZONE, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (DLW & ASSOCIATES)

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, which does not permit certain uses as part of this map amendment, 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.

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 corner of U.S. Highway 42 and Hopeful Road such property being in Florence, Kentucky should be rezoned from its present Commercial Two and Suburban Residential Two Zones to a Commercial Two/Plan Development Zone (C-2/PD), with a concept development plan, 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 corner of U.S. Highway 42 and Hopeful Road, known as the DLW & Associates land, in Florence, Kentucky, shall be and the same is hereby rezoned from its present Commercial Two and Suburban Residential Zones (C-2 and SR-2) to a Commercial Two/Plan Development Zone (C-2/PD), subject to a concept development plan, such real estate being more particularly described in Exhibit "A", attached hereto and

PASSED AND APPROVED ON FIRST READING THIS 9TH DAY OF APRIL, 1985.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 23RD DAY OF APRIL, 1985.

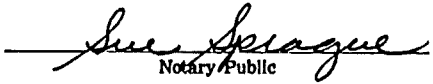
APPROVED:
/s/ ROGER W. ROLFES
MAYOR

ATTEST:
/s/ BETSY R. CONRAD
CITY CLERK

BCR-11*

Subscribed and sworn to before me this _____ day of _____ 19__

Bushelman, this 9 day of May 1985
at Burlington, Boone County, Kentucky.


Notary Public

My commission expires 1-7-89