

Zone Change Request by Walt Ramey
for property between Price Pike and
I-75, in Florence.

This is a zoning map amendment request by Walt Ramey, Agent for Mabel Carpenter, Owner for a 48.67 acre tract located off of Price Pike and being between Price Pike and I-71, 75. This request is to change the current zoning of Urban Residential Two, UR-2 to Commercial Two, C-2 and Commercial Services C-3 on this tract.

Adjoining properties across I-75 to the north are currently zoned Office Two, O-2. To the east the adjoining property is currently zoned Commercial Services, C-3 granted on a request by Paul Nagy. To the south is existing zoning of Urban Residential Two, UR-2 and Public Facilities, PF. To the west for the first 150 to 200 feet is zoned Urban Residential Two, UR-2 and beyond that in the Colonial Estates Subdivision is current Residential One Family, R1F Zoning.

Use of adjoining properties to the north is currently undeveloped farmland and some developing office use. To the east is undeveloped. To the south is multi-family residential and Boone County High School. To the west is undeveloped while further west is single family residential.

The Land Use Map of the Boone County Comprehensive Plan show the planned future land use of the tract is High Density and Public/Institutional. The High Density Residential planned area is addressed a number of times in the text of the Plan. The text states, "High Density--More than nine dwelling units per acre are planned in multi-family developments as townhouses, garden apartments, or highrise apartments. New high density residential development is planned in several locations throughout the County where a high level of urban services exist or are planned to serve such development. In the existing Florence urban service area, new high density development could occur east of I-75 north and south of Turfway Road, (page 3.4)... "The planned interchange of I-75 with Turfway Road is not scheduled for highway commercial uses to avoid congestion from such uses and because ample facilities exist at the KY 18 and Donaldson Road interchanges to the north and south!" (page 3.7)... "Within the City, future development is planned to include residential infill of existing residential areas, including high density residential at Turfway and I-75," (page 3.12)... "The majority of new housing construction in Boone County at this time is in low and medium density development. Developers of higher density residential housing in the County will be encouraged through the Comprehensive Plan and ultimate zoning for such uses. High density development on more valuable, or prime, sites in the County will work to hold down the

cost of individual units sold or rented there, These include areas adjacent interstate highways such as I-275 at Ky 237 and I-75 at Turfway Road, US 42, and Ky 14-16 . (page 6.3)" The Public/Institutional category is stated in the text, "Public and institutional uses include all public buildings and facilities, schools, semi-public activities such as churches and hospitals, airport facilities, and public lands acquired for permanent open space. This category does not include recreation lands or lands publicly or privately acquired for environmental conservation purposes. Public and institutional uses are also addressed in the infrastructure and community facilities plan element... "Most public/institutional development in Florence is expected to take place on existing sites. Small church or other community oriented semi-public development may take place in areas where it will be compatible with existing and planned uses." (page 3.8)

The applicant has submitted a Concept Development Plan. This plan shows that the most northeasterly part of the site comprising 13 acres more or less is being proposed for C-3. Within this area five buildings with four uses (a motel, restaurant, and two commercial uses consistent with C-3) are planned. The southerly and southwesterly parts of the tract comprising more or less 24 acres is proposed for C-2. Within this area four buildings with three uses (retail center, retail and office center and two medical office buildings) are planned . Associated with all uses are a general landscaping, vehicular circulation, and parking area. The plan also shows that an area of 150 to 200 feet in depth along the southwest property line near Colonial Estates Subdivision is to remain as UR-2 zoning.

The only access to this site is the frontage of 120 feet this property has along Price Pike. The access will involve a divided roadway servicing this total project.


There is no indication for the provision of public utilities to this project. But being within the City of Florence water and sanitary sewage disposal could be made available subject to review and acceptance by the local agency.

The Planning Commission and its Committee, in consideration of this request, may want to consider the existing useages and current development in the area and what if any effects this development may have on these nearby uses.

Should this Planning Commission recommend approval of and/or the legislative body approves this Zoning Map Amendment it will require a change in the text and map of the Comprehensive Plan

because of the lack of conformity with the Plan. The following changes or consideration may be made:

1. Change the Land Use Map from High Density Residential to Commercial.
2. Consider a review of the Comprehensive Plan text involving this area as generally outlined as the planned intersection of Turfway and I-75 and the Plan's statements for planned High Density Residential.


Alvin "Chip" Block
Zoning Enforcement Officer

ACB/syb

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

March 23, 1983

8:00 P.M.

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

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

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

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

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

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

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

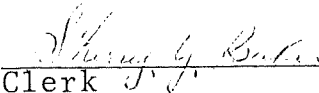
Chairman Kroger proceeded to the Public Hearing on the request submitted by City of Walton, Agent for John Kirby for a zone change from Suburban Residential One (SR-1) to Suburban Residential Two (SR-2) on property located on Beaver Road, Boone County, Kentucky containing 5.29 acres. Mr. Block identified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

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

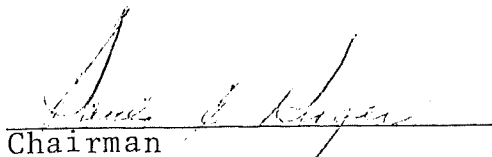
behalf to see how many people would consent to the restriction to single family units in the area. Mayor Ryan stated that he felt the area in question should be zoned to permit small lots, and that if the zone change is not approved, the area will eventually become a multi-family section. Mr. Rouse asked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

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

Respectfully submitted:


Clerk

Approved: 11-6-83


Chairman

BOONE COUNTY PLANNING COMMISSION

MINUTES

APRIL 20, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:05 P.M.. Fourteen (14) members were present; Mr. Godsey was absent. Staff members present were Ms. Sullivan, Mr. Block, Mr. Jenkins, Ms. Baker and Mr. Wilson. Mr. McMillian moved to approve the minutes of April 6, 1983, Mrs. Smith seconded. The vote carried unanimously.

BILLS:

Mrs. Baker presented the following bills: \$141.38, reimbursement for office equipment and \$1,410.08 for staff salaries. Mr. Jones moved to pay the bills, Mr. McMillian seconded; the vote carried unanimously.

COMMUNICATION:

Mrs. Baker presented a letter from Judge Executive Terry Roberts noting the appointment of David Walton as the Fiscal Court's liason to the Planning Commission.

REPORTS:

The Commission reviewed the Enforcement Officer's Report. Mr. Hasselbring inquired as to the status of the sign at Warehouse building materials. Mr. Block stated that he would notify the owners by telephone to remove the sign before the weekend. He said that if the signs were not removed, that he would press charges. In response to Mr. Neltner's question, Ms. Sullivan stated that the Commission's recommendation had been forwarded, regarding Knights Inn, to Florence City Council and that council had referred it to Public Works for review at their meeting the first Tuesday in May. Mr. Wilson stated that Council was aware that the sign was in violation.

Chairman Kroger proceeded to the request of Walt Ramey, Agent for Mabel Carpenter, for a zone change from Urban Residential Tow to Commercial Tow and Commercial Three, located approximately 1150 feet from Turfway Road and Price Pike intersection, Florence, Kentucky on a parcel containing 48.67 acres. Mr. Block located the property on the map. Chairman Kroger read the Committee report

recommending denial and asked for comments. Mr. Nick Benson, Attorney for applicant stepped forward and stated that the applicant had done everything asked of them to resolve problems regarding the project. He noted that he felt the provision for the greenbelt was more than generous and noted that the applicant had agreed to put in 50 additional evergreens. Mr. Benson pointed out the only logical alternative to the proposal is the construction of 800 apartment units providing for no greenbelt. Mr. Benson stated his opinion that the report erred concerning the retention basin, since it was his understanding that a retention basin had been provided. Mr. Benson pointed out that the applicant had already made certain commitments to the residents and the City of Florence concerning water retention and drainage problems. Mr. Benson noted in reference to Mr. Blocks report that the zone that is mostly around the property or "eats into" the property is C-3, the result of a recent change from UR-2. Mr. Benson referring to the Comprehensive Plan and the law, and the terms of the Committee Report, said that matters have been worked out by the applicant except for the technicality of the zone change. Mr. Benson stated that his clients had thought there would be no significant problem with a zone change since Section 311 of the Ordinance stated that a major change (social or economic) justifies such a change. Mr. Benson pointed out that the commission had just last fall voted unanimously to approve a zone change from UR-2 to C-3 for property that is literally a chunk out of this property. Mr. Benson then quoted the Committee report prepared in conjunction with the request. Mr. Benson stated at the meeting at which action was taken on the Nagy request, Mr. Kroger, Chairman, had commented that the Comprehensive Plan had been adopted during a time of economic inflations, a factor that might have influenced the planning of future land uses in the area. Mr. Benson stated that in 1979 when the Comprehensive Plan was adopted inflation was a problem, but today in 1983, development is needed to get people jobs and off of employment. Mr. Benson proceeded to respond to the reports' statement that the land was suitable for High Density Residential. Mr. Benson stated that Mr. Nagy had had the same information regarding the ramp that applicant has. Mr. Benson stated that his request was a better planned application than Nagy's had been, that it is logical and fair to grant the request since the Nagy property is literally a "chunk out" of the applicants property. Mr. Benson stated that the Committee report had emphasized that Nagy had direct access to Turfway. Mr. Benson noted that not only is Ky 18 the widest road in the County but that the applicant had agreed to comply with any requirements for traffic safety: ie. signs, right turn lanes. He pointed out that construction of 900 apartment units would use Jo Ann Drive and Wallace Avenue for access to Ky. 18. He stated that the proposed project would be less of a traffic inconvenience to area residents., noting that a decrease in overall traffic flow could be expected as a result of the new interchange, even the proposed development. Mr. Benson stated that the people working at the site development would arrive around 7:30 AM. to 8:00 AM and leaving as late as 9:30 PM; user traffic would come and go at various hours. Further, apartments would produce more

kids in the school system with less tax dollars. Mr. Benson emphasized that the proposed greenbelt of 5½ acres is more than sufficient when compared to the 30 foot setback from the adjoining residents if apartments were built. Mr. Benson stated his opinion that the County would not suffer if there were not more apartment units. Mr. Benson stated the Commission could vote to approve the request under Section 311, on the basis that: (1) the Nagy parcel has already been zoned C-3; (2) Section 1 of 311, simply an error was made to begin with and it seems to be consistent with all other interchanges which are commercial and (3) that a change in the economic nature of the County has occurred. The County had been in an era of inflation, with buildings everywhere and growth faster than was perhaps needed; now a situation existed in which the applicant would like to provide jobs and generate tax dollars. Chairman Kroger asked if anyone else wished to speak in behalf of the request. Mr. Russell Egbert, 218 Claxon Drive, submitted a petition supporting approval of the request if water retention problems were resolved. Mr. Egbert stated that personally, he was in favor of the request. Ms. Marlene Brown, 107 Jo Ann Drive, stated her approval of the proposed and that the buffer would be some protection to abutting owners, but only if not used for anything else. Mr. Wilkerson, 222 Claxon Drive, stated his support of the commercial development on the condition that the developer will take care of the water retention problem and put this assurance in writing. Ms. Jan Ramey stated her approval noting her opinion that apartments would lower the value of nearby homes more than would a commercial use and further, residential use would cause extra traffic through the subdivision. Chairman Kroger asked if anyone was present in opposition to the request. Mr. Ed. Shafer, Wallace Avenue, stepped forward and stated that as a resident of Florence, he was in complete agreement with the Committee report. He noted that he had served on the Commission during consideration of the Nagy request, and that the primary issue there was that the Nagy property, consisting of 13 acres fronted on and had direct access to Turfway Road. He continued that a 48 acre shopping complex is regional in nature and that the 1600 plus parking spaces on the lot would generate a large amount of traffic in and out of the facility. He stated that the intersection or the new I-75 ramp is not designed to handle commercial traffic volume. Mr. Shafer felt that the property should be developed commercial use, but for local community shopping, not a regional use drawing people from the entire tri-state area. Mr. Shafer stated in his opinion that the City would not want to maintain the buffer area. Mr. Shafer continued that if apartments were built, he felt that the City would not permit traffic through the adjoining subdivision since traffic congestion and fire protection problems could arise. Mr. Shafer noted that this project would take away approximately 11.4% of the area planned for high density residential development in the County, and would increase area reserved for commercial use by approximately 9.6%. He noted that this constituted a tremendous impact on Commercial Development in the City. Mr. Tom Turner, 204 Claxon stated that he had submitted a petition in opposition signed by property owners of Claxon Drive. Chairman Kroger asked

for further comments. Mr. Benson emphasized that the applicant would do whatever necessary to preserve the buffer acreage, either maintain it, or place it in trust, and would sign a contract to that effect. Mr. Benson noted regarding the petition Mr. Turner submitted, that the applicant also had submitted a petition with approximately 40 signatures in favor of the project. He said that some of the people who had signed Mr. Turner's petition in opposition, subsequently signed the petition in support. Chairman Kroger accepted the petition for the record. Mr. Benson noted that an apartment complex would require more parking spaces than those necessary for the proposed commercial project. Chairman Kroger asked Mr. Turner, designated spokesman for the residents of Claxon Dr. if he had any further questions. Mr. Turner responded that he did not. Mr. Edward Shafer expressed his concern that the abutting R1F zone be protected with a larger buffer zone than 150 to 200 feet; and continued that he did not think the Commission would permit an apartment complex within 30 feet of an R1F zone. Mr. Shafer stated that some residential uses must be protected, and that commercial uses should not be permitted uncontrolled throughout the entire city. Mr. Benson stated that he could not conceive of commercial development all over the city, and pointed out that this property is proposed at an interstate ramp. Mr. C.R. Norman, 210 Claxon Dr., stated that he was in opposition of the commercial development as presented, but that if the commercial building was reoriented so it backed on the interstate he would support the project. He pointed out that he had signed the Egbert petition in favor of the zone change, but Mr. Norman said that Mr. Egbert told him that the petition would not be submitted unless it appeared that the zone change would be approved. Mr. Norman stated his opposition to the request. Mr. Egbert pointed out that the petition did not directly state approval of the project, but indicated approval only if certain conditions were met by the applicant. Mr. Egbert stated that some type of use on the land was inevitable and that he would prefer commercial development to apartment buildings. Chairman Kroger asked for comments from the commission. Mr. Hasselbring pointed out that four alternatives for the property were available: (1) the existing UR-2 Use; (2) the applicant's proposal, (3) revisions to the proposal and (4) future alternative requests. He stated that the Comprehensive Plan would allow a number of alternatives and that the Comprehensive Plan itself has never limited the amount of proposed alternatives. Mr. Hasselbring also pointed out that, as a member of the Committee he had never heard of or seen any actual plans for a water retention basin in conjunction with the project. Mr. Jim Jenkins stated that he had not been contacted by the applicant's engineer with plans for a retention basin. Mr. Viox expressed his concern regarding traffic flow in the area and asked staff if any research had been done in that area. In response, Ms. Sullivan stated that application of National Highway Institute commercial use multipliers to the applicant's plan produced a total of 23,000 in and out trips during a 24 hour peak day period. By comparison, development of using a standard of

of 6.7 trips per day, would generate 6000 in and outs per peak 24 hour day. Mr. Viox noted that 17,000 more in and outs were produced than residential development would produce in the vicinity of a school. Residential flow would be generated primarily between 6 A.M. and 8 A.M. and 5:30 P.M. and 7:00 P.M. as compared to consistent traffic throughout the day generated as a result of commercial development. Mr. Viox said that traffic impact should be carefully considered by the Commission. Rev. Hodges, stated his opposition to Commercial use and asked what other uses were currently permitted. Chairman Kroger stated that a number of residential uses were permitted. Mr. Buse stated that any development would effect the community, but that a commercial use of this size would create a major impact, that could be detrimental. Mr. Buse continued that if the three other corners as well as this parcel were rezoned there would be approximately 250 acres of commercial use at the interchange--a major impact on the community. Mr. Buse stated that in his opinion the request was too large to support from a practical standpoint and traffic standpoint. Mr. Buse suggested that the project might be developed in two phases, part commercial and part another use with a lesser impact on the community. Mr. Neltner stated that reference had been made to a two-story building during a Committee meeting, but the final plan submitted was for a three story building. Mr. Shafer quoted the zoning order's provisions for the protection of property. Mr. Benson noted that using Mr. Buse's logic, the entire County could be zoned commercial; Mr. Benson stated the issues who applies first, and how much the county can handle, and what the County needs. He continued that the interchange is suited for a reasonable amount of commercial zoning. Mr. Benson stated again that if the request were approved, the applicant would comply with anything Mr. Jenkins or the board requested concerning water retention on the site, or any other type of water problem. He pointed out that a financial feasibility study indicated that the highest and best use for the property was commercial development; the next step down would be apartment uses. Mr. Benson stated that the estimated traffic counts have no meaning, since a number cannot be translated into any kind of traffic flow pattern. Mr. Baron Clift owner of property on the other side of the expressway stated that he had been approached concerning this development and had turned it down. Mr. Ray Merkle stated that the Mall and area businesses now generate 20,000 cars; he did not feel that a project of 1/5 the size of Mall Road would generate more traffic than that, and he expressed doubt as to the validity of the traffic statistics mentioned earlier. Mr. Egbert stated that if an apartment building were built people could see into his home, and that he personally would rather see a commercial building with 175 foot buffer rather than an apartment with a 30 foot distance setback off his property. Chairman Kroger asked for further comments from Mr. Benson then from Mr. Turner. No one responded. Mr. Viox moved by resolution to the City of Florence to deny the request, based on the Committee Report. Mr. Greene

seconded. Mr. Wilson asked if the motion incorporated as its finding the entire committee report. Mr. Viox replied affirmatively. The motion carried 10 yes; Mr. Barnett, Mr. Davis and Felty voted no. Chairman Kroger noted that the City of Florence would be notified of the recommendation of denial. Chairman Kroger thanked the applicant and residents for the professional manner in which the presentation had been handled. Chairman Kroger then called for a 5 minute recess.

Chairman Kroger resumed the meeting at 10:05 P.M.. Chairman Kroger proceeded with the first request of new business, being the request of William Booth Memorial Hospital, for Site Plan Review for expansion of ambulatory care, dining and parking maintenance building addition, zoned Public Facility (PF), for property located in Florence, Kentucky containing 1.8 acres. Mr. Nelson Craig, Architect, requested an adjustment of agenda in order that the hospital could move the emergency and psychiatric services at a non peak time. Mr. Craig stated that the current addition was for approximately 150 fet square, although other future expansion, including a loop to the present driveway to permit a second access to the hospital were anticipated. Future expansion of the dining room and a maintenance storage shed were also addressed to the plan before the planning commission. The architect noted that more parking spaces would be required to accommodate staff for the new ambulatory unit. In response to Chairman Kroger's question of fee, Mr. Craig indicated he was aware of the fee for agenda adjustment; he requested a waiver on the basis that the hospital is a non profit organization which serves Boone County residents. In response to Mr. Buse's question, Mr. Kroger stated that in anticipation of the request, he had asked Mr. Jones and other members of the Committee to review the request with Staff prior to the meeting. Mr. Buse moved to grant the adjustment of agenda and to waive the fee; Mr. Jones seconded. Mr. McMillian asked if the additions had been anticipated by the hospitals master plan. Mr. Craig stated that the existing structure was all that was indicated on the plan. In response to Mr. Barnett, Mr. Craig stated that the applicant would pay any tangible costs incurred by the Commission. Mr. Jones withdrew his second to the motion. Mr. Buse re-stated his motion to grant adjustment of agenda and waiver of all fees except for incurred costs. Mr. Jones seconded; the voted carried unanimously.

Chairman Kroger then proceeded with the review of the request. Mr. Block presented the Enforcement Officer's Report. Mr. Jim Jenkins stated his only concern was that the access road appeared to cross a depressed area which would create a dam of natural drainage in the area. Mr. Craig stated that the design of any culverts or engineering structures needed will be provided at the time the improvement was made. Mr. Jones recommended approval based upon committee review and the staff report. Mr. Kroger expressed concern as to the size of the addition and asked Mr. Craig to address the current need of the hospital. Mr. Craig stated that the pressing need was the ambulatory Care building an the access road. In response to Mr. Buse's question, Mr. Craig stated that the access road would be full depth asphalt. Mr. Craig agreed to Mr. Buse's request that final plans be submitted to the Planning Commission to be sure all zoning requirements are met.

Chairman Kroger asked for further comments. Mr. Jones moved that the request as pertained to the Ambulatory Care Section and the access road be approved, on the condition that the road be hard surfaced. He further moved that the applicant submit completed plans to the planning commission for review, and bring plans for anticipated construction before the commission in a timely fashion. Mr. McMillian seconded; the vote carried unanimously.

Mr. Bill Kathman stepped forward to file an application for site plan review, for property located at 226 Main Street and 230 Main Street in Florence. He stated that he would be filing an application with the Florence Board of Adjustment for a variance in the setback requirements. Mr. Kathman stated that he did not have an Engineers drawing of the Site Plan, but that the plan would be submitted within two days. Mr. Kroger stated the application could be accepted but the application would have to be completed in order for the staff to have sufficient time to review to plan before the next meeting. Mr. Kathman then submitted his application and fee.

Chairman Kroger proceeded to the request of Keeney Realty and Development Co., for Site Plan Review for security storage and commercial development in a Commercial Three (C-3) zoning district, the property is located at the end of Steilen Drive, Florence, Kentucky containing 4.50 acres. Chairman Kroger referred the request to Committee and stated action would be taken on May 4, 1983.

Chairman Kroger proceeded to the request of Corporex Companies, for Site Plan Review, for approval of construction of Warehouse Distribution Center in an Industrial Two (I-2) Zoning District located at Empire Drive, Florence, Kentucky, containing 12.621. Chairman Kroger referred the request to Committee and stated action would be taken on May 4, 1983.

Chairman Kroger proceeded to the request of Drees Company for an Improvement Plan Approval for the Glens of Oakbrook, Phase F, Part 1, 21 + acres, zoned SR/PD; nearest intersecting road, Oakbrook Rd. and Promotory, Boone County, Kentucky. Chairman Kroger stated the request will be assigned to Committee, and heard on May 4, 1983.

Chairman Kroger proceeded to the revision of Buckingham Woods which was referred to Staff for review and disposition, which involved closing a road.

Chairman Kroger proceeded to the request of C.N.W. Corporation for a Zoning Map Amendment from its present zone of Commercial Three (c-3) to Industrial One (I-1) on property located at 7472 Industrial Road, Florence, Boone County, Kentucky containing 2.8635 acres. Chairman Kroger referred the request to Committee. Mr. Buse moved that the request be set for Public Hearing, May 25, 1983 at 8:00 P.M.; Mr. McMillian seconded, the vote carried unanimously

Chairman Kroger stated that he had appeared before Fiscal Court with a Preliminary Budget prepared by the Executive Committee requesting \$95,000.00, for the upcoming year which included a \$4800.00 allocation from Fiscal Court for implementing of the House Numbering System. Mr. Kroger stated that Mr. Godsey treasurer would present the budget to the Commission as a whole in the near future. The \$4800.00 was necessary to hire another staff member to assist with implementation of the House Numbering System. Mr. Greene inquired as to the possibility of the Commissioners being reimbursed for their expenses. Mr. Kroger replied that it would be difficult to handle expense vouchers which would have to be submitted to reimburse individual expenses. Chairman Kroger welcomed Mr. Walton as liaison for Fiscal Court and suggested that Mr. Walton might possibly bring the question of compensation to the Courts attention.

Chairman Kroger asked for further business. Mr. Davis expressed concern regarding zoning violations in the County. At Mr. Kroger's request, Mr. Wilson outlined the procedures for handling. Mr. Block stated that he would notify the violator that if the sign was not removed, the matter would be turned over to the County Attorney. General discussion followed concerning violations.

Mrs. Smith entered a motion recommending the Commission go to closed session; Mr. Viox seconded. The vote carried unanimously. The Commission began closed session at 10:45 and ajourned closed session at 11:00 P.M.. Mr. Viox moved to adjourn the meeting; Mr. Davis seconded. The meeting adjourned at 11:05 P.M.

Respectfully Submitted:

CLERK

APPROVED: _____

CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 97 — 50 E. WASHINGTON SQUARE

BURLINGTON, KENTUCKY 41005

334-2196

MR. P. E. KROGER
CHAIRMAN
MR. W. R. VIOX
VICE CHAIRMAN
MR. R. O. GODSEY
SECRETARY-TREASURER
MS. SHARON A. SULLIVAN
DIRECTOR
MR. D. T. WILSON
ATTORNEY
MR. J. C. JENKINS
ENGINEER
MR. A. H. BLOCK, III
ENFORCEMENT OFFICER
MRS. SHERRY Y. BAKER
CLERK

May 5, 1983

The Honorable Roger Rolfes
City of Florence
Florence City Building
Florence, Ky. 41042

Dear Mayor Rolfes:

MEMBERS—

MR. L. BARNETT
MR. R. L. BUSE, JR.
MR. L. COLLINS
MR. D. FELTY
MR. D. A. DAVIS
MR. R. N. GREENE
MAYOR S. HASSELBRING
MR. J. INGRAM
MR. R. JONES
MR. D. McMILLIAN
MR. B. NELTNER
MRS. C. SMITH

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of Walt Ramey, Agent for Mabel Carpenter, for a Zoning Map Amendment.

At their meeting of April 20, 1983 the Commission voted 10 yes; Mr. Barnett, Mr. Davis and Mr. Felty voted no to recommend denial by Resolution R-9-83, of this zone change from Urban Residential Two to Commercial Two and Commercial Three. These official minutes are attached.

This action was taken upon hearing the recommendations of the Committee, in which the attached Committee Report was incorporated as findings of fact.

The approved minutes of the March 23, 1983 Public Hearing, along with pertinent information regarding this request

If you desire further copies of this information or have any questions concerning this action, please do not hesitate to contact our office.

With kindest regards,

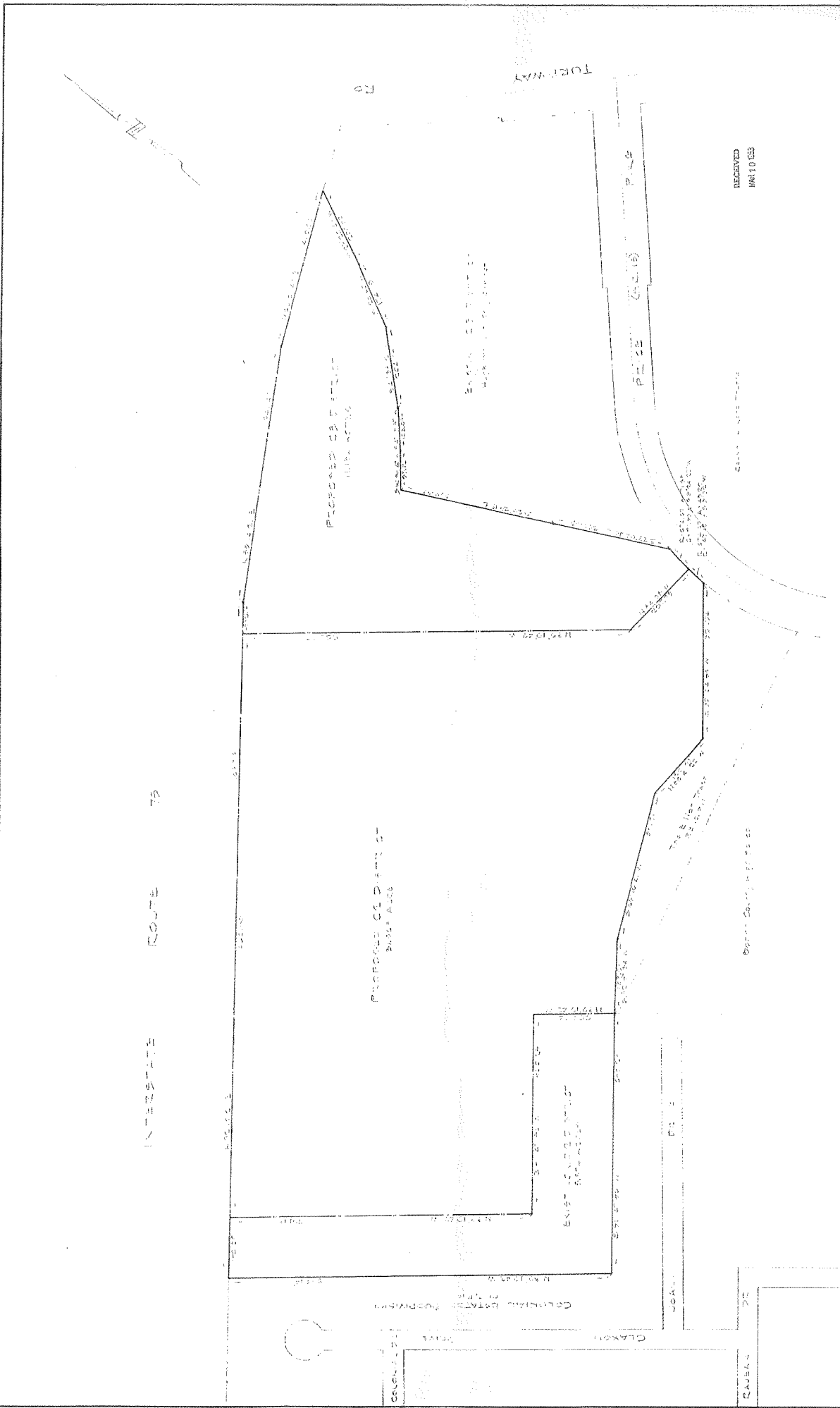
Sincerely,

Paul Kroger
Paul Kroger
Chairman

PK/syb

Enclosure

cc: Bruce Jankin
Betsy Conrad



RECEIVED
MAY 10 1953

JOHN J. DUFFY & ASSOCIATES
Engineers - Surveyors
2000 W. WASHINGTON ST.
CINCINNATI, OHIO 45202

PROJECT NO. 100-100-100
DATE 10-1-52

SCALE 1" = 100'

BY JOHN J. DUFFY

CHECKED BY

DATE

PROJECT NO.

DATE

SCALE

BY

CHECKED BY

DATE

PROJECT NO.

DATE

SCALE

BY

