

OCT 26 1990

REVIEW NO. _____

APPLICATION FORM
CHANGE IN CONCEPT DEVELOPMENT PLAN
OR

THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check one:
 Change in Concept Dev. Plan
 Utilization of an Underlying Zone in Planned Development
2. Name of Development Turfway Commercial Park
3. Location of Development Florence, Ky., Rt. 180 Cavalier Blvd.
4. Total Acreage of Site 5.00
5. Current Zoning C-3/PD
6. Date of Zone Change or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) I-75 Turfway Road Interchange
8. Proposed Uses (please specify each use)
 1) 15,000 sf. of retail (66 parking spaces) on 1.75 acres.
 2) 36 hole putting course with 79 parking spaces on 3.25 acres.
9. Name of Applicant(s) Gartner, Burdick, Bauer-Nilsen
 Phone Number(s) 606/525-8700
10. Address of Applicant(s) 6948 Oakwood Drive
Florence, Kentucky, 41042

City	State	zip
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11. Name of Property Owner(s) Mr. Curtis Smith
 Phone Number(s) 606-331-3900
12. Address of Property Owner(s) 207 Grandview Drive, Suite 125
Ft. Mitchell, Ky. 41017

City	State	zip
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13. Proposed Building Intensities (please specify)
15,000 sf. per 1.75 acres (retail)
1200 sf. per 3.25 acres (putting course/club house)
14. Are there any existing buildings on the site? No
 How many? -
15. Deed Book 336 Page No. 8,11,20,24 Group No. _____ Deed Search Req'd.
16. Have you had a pre-application meeting with BCPC staff? yes

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

#2

Request of GBBN for Curtis Smith (owner), for a Change in Concept Development Plan on lot #10, Turfway Commercial Park, Florence, Kentucky

December 19, 1990

This is a request of GBBN (applicant) for a Change in Concept Development Plan on the 5 acre site referred to as Lot # 10 of Turfway Commercial Park, Florence, Kentucky. The request is to allow 15,000 square feet of retail uses, a 36 hole miniature golf course, and a batting cage where 55,000 square feet of retail had been previously approved. The request does not involve the remainder of the 54.9 acre Commercial Park. The 5 acre site is currently zoned Commercial Services/Planned Development (C-3/PD).

History of Site

The 54.9 acre Turfway Commercial Park site has been subject to several Concept Development Plan and Zoning Map Amendment approvals, and is subject to the Turfway Interchange Land Use Impact Study, approved in 1985. The latest Concept Development Plan approval for the entire 54.9 acre site was granted by the Planning Commission on March 5, 1986, and by the City of Florence on July 8, 1986 (copy attached). A Change in Concept Development Plan was granted for neighboring Lot # 9 to allow an Office Flex development. This request was approved by the Planning Commission 5/16/90 and by the City of Florence 7/24/90. The Signature Inn, Ryans Steak House, and the Fairfield Inn have been constructed on lots within Turfway Commercial Park. The 5 acre site under review has been graded and supplied with water and sewer service, however, no site plan approvals have been requested.

Surrounding Zoning and Land Uses

The overall Turfway Commercial Park is zoned Commercial Services/Planned Development (C-3/PD), Office Two/Planned Development (O-2/PD), and Suburban Residential Two/Planned Development (SR-2/PD). In addition to the Fairfield Inn, adjacent planned uses include short-term residential on Lot # 8, and motels, banks, restaurants, and retail uses on the remaining lots. These uses are as approved on the 1986 Concept Development Plan, except for Lot # 9 which was approved for a Change in Concept Development Plan in 1990 for the Office Flex development.

Immediately to the south, is a portion of the Brynnwood Apartments and Boone County High School property. The school property is zoned Public Facilities (PF), and the apartment property is zoned Urban Residential Two/Office Two/Planned Development (UR-2/O-2/PD) per the Turfway Interchange Study.

Relationship to Turfway Study and Comprehensive Plan

The Land Use Study, I-75/Turfway Road Interchange, is the appropriate guide for development on the ±54.8 acre Turfway Commercial Park site. The purpose of the Study was to analyze a specific area surrounding the Turfway Interchange and recommend land uses. In essence, this Study became the Comprehensive Plan (including land uses and zoning) for the Turfway Road Interchange. The site and general area are referred to in the Turfway Study text in a number of ways.

1. Page 2.1 states that "the development of the Study Area will greatly affect existing and future traffic patterns resulting from the construction of the new interchange. Movement of people in and out of the Study Area is also closely related to other adjacent interchanges on I-75 at Donaldson Road, Burlington Pike (KY 18), and U.S. 42." In other words, the new Turfway Road Interchange will also serve to ease traffic problems at other interchanges.
2. Page 3.9 and 3.10 discuss traffic constraints. The three-lane width of Turfway Road is a serious constraint which would affect development in the Study Area. "The new interchange could accommodate very little new development east of the interstate but could serve significant additional development west of the interstate."
3. Page 4.1 and 4.2 identifies the principle objectives of future land use planning in the Study Area, "to protect the interchange and to minimize the potential for serious traffic congestion in the area." "Since the preponderance of the traffic was coming from the north, it follows that commercial land use, being the major traffic generator, be located as close as possible to the southbound exit ramp."
4. Page 4.2 refers to a general recommendation that all applications for development in the Study Area be required to follow a planned development (PD) approach. "This will assure the community that proposed developments address the specific needs of the parcel and its neighbors."
5. Page 4.4 discusses Parcels 4, 5, 6, 10, a portion of 7, and a portion of 9, in the recently submitted Concept Development Plan. The key issues with regard to these parcels are grading and drainage.
6. Page 4.4 states that Parcel 2E, which includes Lot # 10 should provide a buffer or transition between the planned SR-2 uses and the planned C-3 uses, and should provide a predictable and acceptable traffic rate. In summary, the Turfway Study focused upon potential traffic and environmental problems in the Study Area resulting from future development proposals. Special attention should be given the existing topography and intensity of development. The recommended zoning of Suburban Residential Two/Planned Development (SR-2/PD), Office Two/Planned Development (O-2/PD), Commercial Services/Planned Development (C-3/PD), and Commercial Services (C-3) indicates a planned and mixed land use. The Study further suggested that future development in the Turfway/I-75 area follow a Planned Development (PD) classification.

Comparison with Approved Concept Development Plan

The approved 1986 Concept Development Plan for Lot # 10 of Turfway Commercial Park included 55,000 square feet of retail space in one building on the 5 acre site. The submitted Concept Development Plan indicates a 36 hole miniature golf course along Cavalier Boulevard, a batting and, a 15,000 square foot retail center adjacent to KY 18. Approximately 1.75 acres is devoted to the retail use. The proposed golf course would include a clubhouse type building, as well as elaborate putting greens, water features, bridges, tunnels, and extensive landscaping. Photographs of a similar facility have been submitted. The submitted parking information indicates a sufficient number of spaces per the zoning code for the retail use, and provides roughly two spaces for each putting green on the golf course.

Staff Comments and Concerns

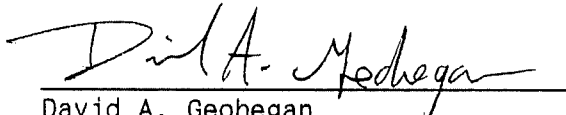
1. During the review of the Change in Concept Development Plan neighboring Lot # 9, the applicant, C.W. Henne Development, indicated that they would work with the Planning Commission staff to plan the required emergency drive from KY 18. The submitted plan indicates a conflict between this drive and the proposed parking area. A buffer area will also be required at this general location.
2. A driveway connection from Lot # 9 was required with the review of that lot.
3. Sidewalk connections and berm plantings need to be installed along Cavalier Boulevard.
4. As required through previous approvals, a traffic signal will be required at Cavalier Boulevard and KY 18. The Planning Commission should continue to monitor the need for a signal upon each development request in Turfway Commercial Park.
5. The proposed parking area for the golf course is immediately adjacent to the rear of the proposed retail center. How will loading areas and dumpsters for the retail center be accommodated without creating a negative visual impact on the recreation use?
6. The 1986 Concept Development Plan indicated that access to Lot # 10 would occur across from Cavalier Court. The submitted plan for this request indicates the access for both the golf course and retail uses to be approximately 200 feet from KY 18 and only 105 feet from the landscaped traffic island at Cavalier Court and KY 18. Staff recommends that some lane striping be designed at Site Plan Review, if this request is approved.
7. The Commission needs to evaluate whether the proposed batting cage is appropriate for an area that was intended to have an employment character. In addition, the visual impact of the batting cage may affect the feasibility of the office-flex development approved on Lot # 9.

-
8. There is no data available in the ITE Traffic Generation Manual for the proposed putting course or batting cage. In terms of the retail section, however, a significant reduction of trips from the approved plan would be realized. The average daily trips would drop from 5,038 to 2,165, and the PM peak hour trips would drop from 461 to 265. Staff notes that the traffic patterns for the proposed recreation uses will likely be seasonal.

Conclusion

In evaluating this request, the Planning Commission must consider the development trends of the Turfway Interchange Area and the potential impacts of the requested change on the future uses within Turfway Commercial Park,. The requested use may change the character of the overall development. The Planning Commission and Florence City Council must consider the Turfway Study and the development standards contained in Article 15, Planned Development,m in the Boone County Zoning Regulations. Should the request be approved, no changes to the Comprehensive Plan or Turfway Study would be necessary.

Respectfully submitted,



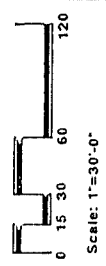
David A. Geohegan
Planner/Plans Examiner III

DAG:kat

SMITH-BURLINGTON
CONCEPT DEVELOPMENT PLAN
BOONE COUNTY, KENTUCKY

DATE: 10/20/93

Job Name: Smith-Burlington
No. No.: 2281.00
Drawn By:
Checked By:
Date: DECEMBER 1993
Revision:
Architect: Interior, Planning, Engineering
6878 Oakwood Drive, Florence, Kentucky 41042
GBBN



TO TURFWAY

Price Pike (KY 18)

Emergency Vehicle Egress

Parking For 73 Cars

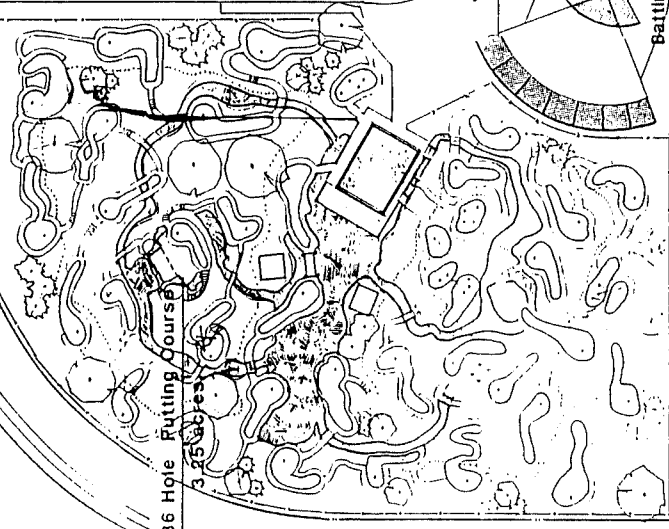
15,000 SF Retail
1.75 acres

LOT 10

Parking For 92 Cars

Baiting Cages

Cavalier Boulevard



36 Hole Putting Course
3.25 acres

Security Fence

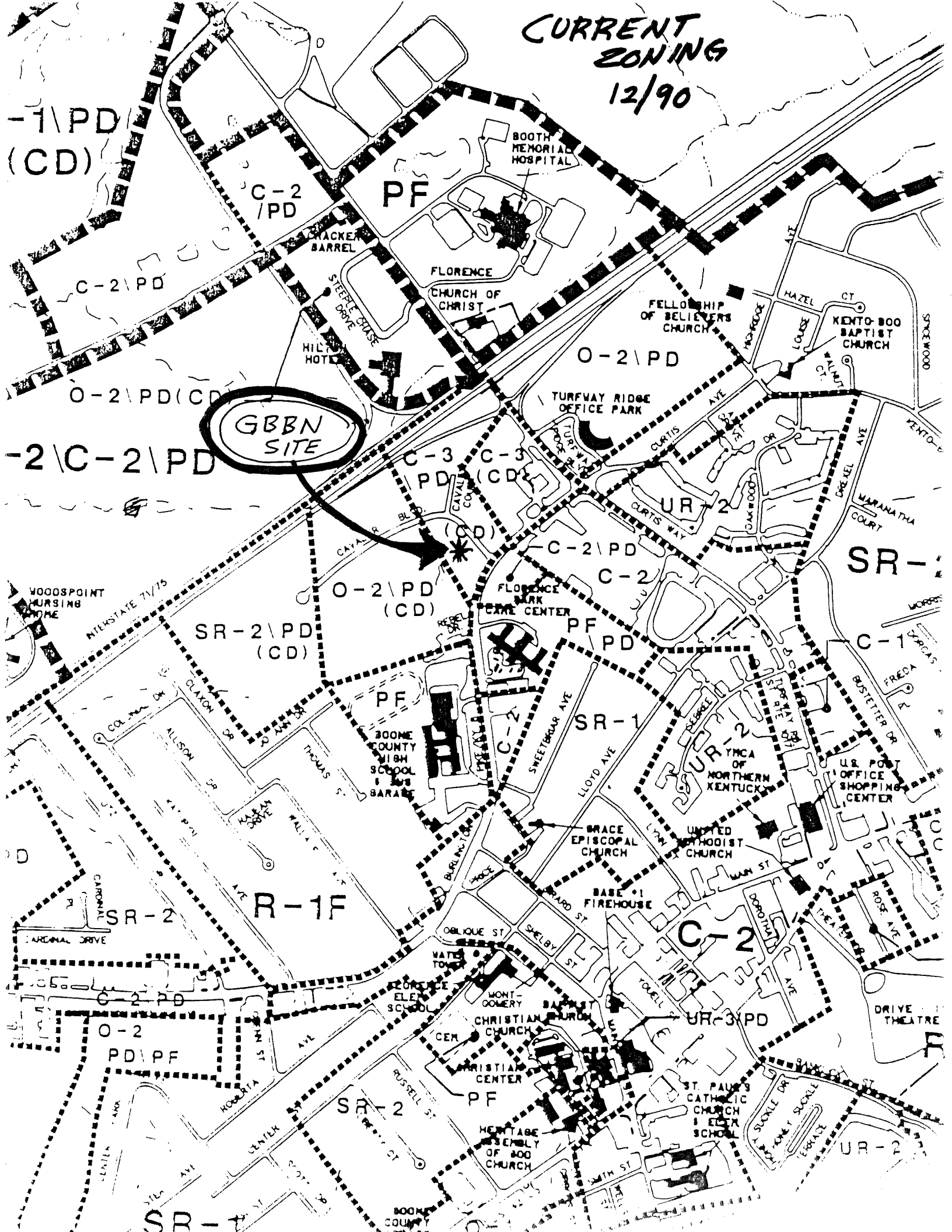
Cavalier Court

Cavalier Boulevard

RYANS

LOT 9
APPROVED OFFICE-FLEX

CURRENT ZONING 12/90



C-1/PD (CD)

C-2/PD

PF

BOOTH MEMORIAL HOSPITAL

C-2/PD

CRACKER BARREL

FLORENCE CHURCH OF CHRIST

FELLOWSHIP OF BELIEVERS CHURCH

KENTON BAPTIST CHURCH

O-2/PD (CD)

GBBN SITE

O-2/PD

TURFWAY RIDGE OFFICE PARK

C-2/C-2/PD

C-3 PD (CD)

HAZEL CT

LAUREL AVE

O-2/PD (CD)

FLORENCE MARK CENTER

C-2/PD

SR-1

SR-2/PD (CD)

PF

SR-1

WOODSPOINT NURSING HOME

INTERSTATE 75/75

BOONE COUNTY HIGH SCHOOL

PF PD

C-2

C-1

SR-2

R-1F

BASE #1 FIREHOUSE

C-2

CARDINAL DRIVE

OBLOQUE ST

SHELBY ST

UR-3/PD

C-2/PD

FORNICE ELEM SCHOOL

CHRISTIAN CHURCH

UR-3/PD

O-2 PD/PF

WATER TOWER

CHRISTIAN CENTER

ST. PAUL'S CATHOLIC CHURCH

SR-1

SR-2

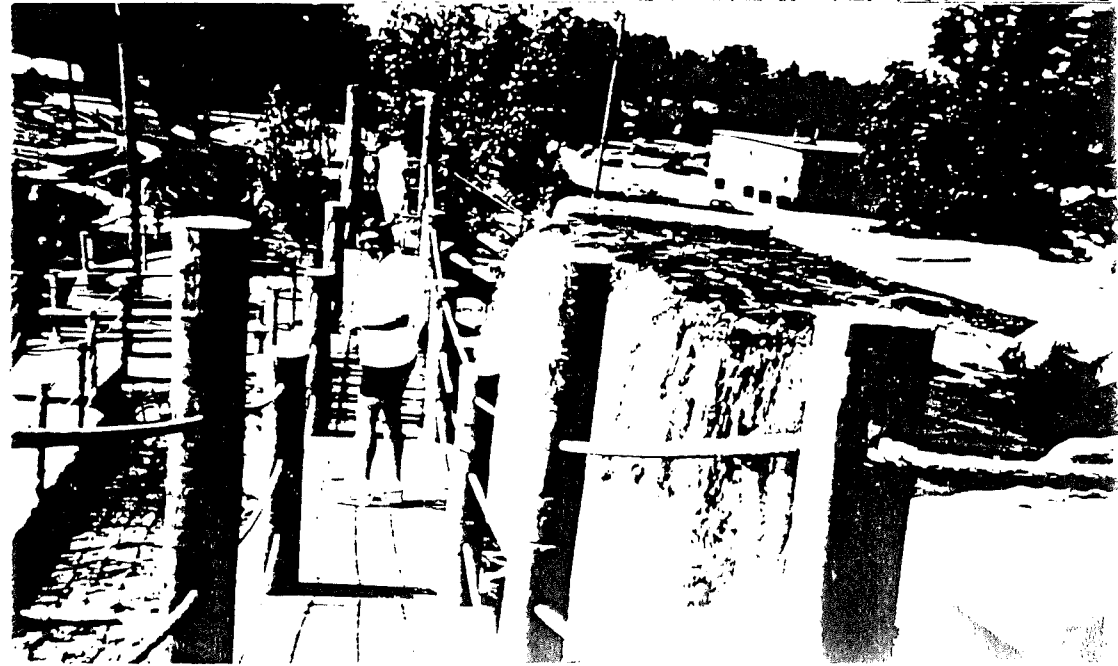
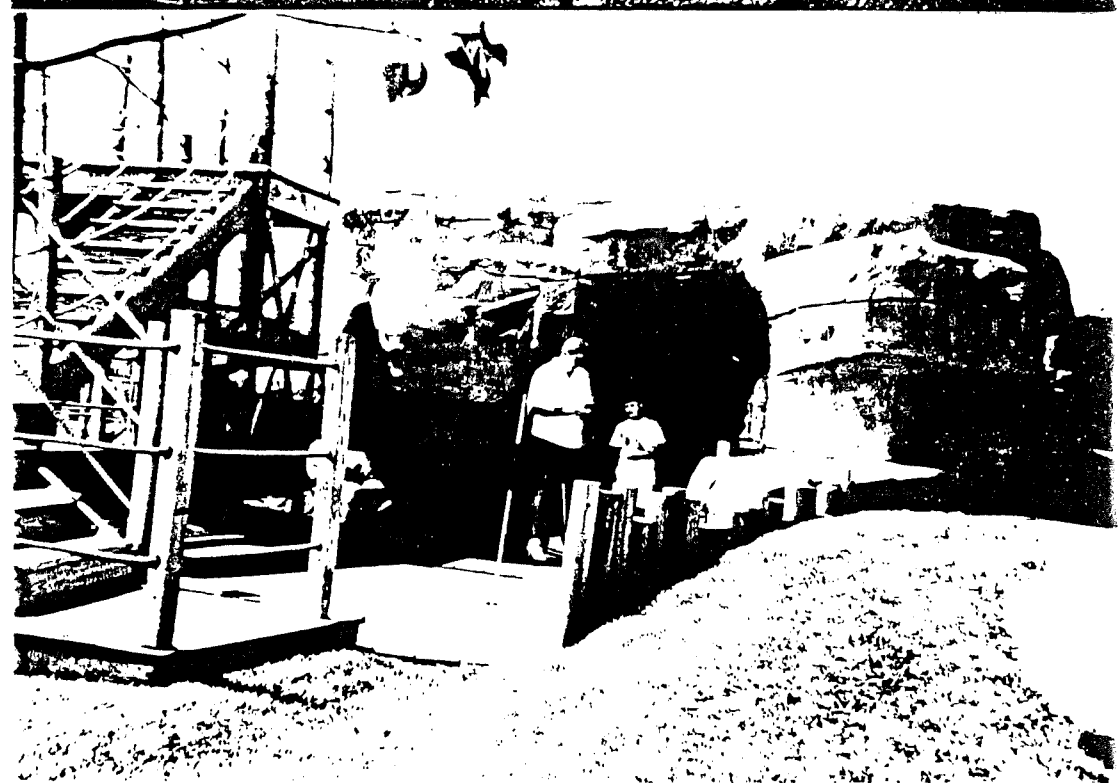
HERITAGE ASSEMBLY OF GOD CHURCH

ST. PAUL'S CATHOLIC CHURCH

UR-1

12/19/90

SAMPLE OF
SUBMITTED
SNAPSHOTS OF
SIMILAR GOLF
FACILITY



BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2

December 19, 1990
Page 2

The Chairman introduced the second item on the Agenda:

2. Applicant: Gartner, Burdick, Bauer-Nilsen for
Curtis Smith (owner)
Request: Change in Concept Development Plan

The request of Gartner, Burdick, Bauer-Nilsen (applicant) for Curtis Smith (owner) for a Change in an Approved Concept Development Plan on Lot #10 in Turfway Commercial Park located off Cavalier Boulevard, Florence, Kentucky. The 5-acre site is zoned Commercial Services/Planned Development (C-3/PD). The proposed uses are a retail center, a batting cage, and a miniature golf course.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for comments from the applicant.

Mr. Jack Gartner stated that he was with GBBN (Gartner, Burdick, Bauer-Nilson) and was representing the owner, Mr. Curtis Smith, who was also present.

Using a large copy of the Concept Development Plan, Mr. Gartner stated that the office-flex building is more directly affected by this request. He indicated the locations of the buildings colored in blue and indicated the parking spaces. He indicated the access for emergency vehicles which was shown in orange. He stated that the curb cut is presently there and the apron runs into the site. He stated that they have no problem in making the connection, which he indicated on the Plan. He stated that Florence is concerned about the access in regard to the office-flex development. He stated that the traffic is reduced substantially by the proposed facility as it is an evening-type operation and it is seasonal. He stated that they are suggesting a 36-hole golf course.

Mr. Gartner showed slides of other golf courses, noting changes in elevation, and stated that there would be a small building that would be a concession and a retail side. The batting cage is a typical batting cage with a chainlink fence.

Mr. Gartner stated that he showed the plan to Jerry Feldman and he said he had no problems with the project.

Mr. Gartner indicated the location of the access and where a traffic signal will go. He indicated the access for emergency vehicles. He stated that the use has a retail quality and is attractive. He indicated the parking. He stated that the use is recreational and seasonal-oriented. It would probably take place in the evening after 8:30 P.M. and would close on the weekends between 11:30 P.M. and midnight, and probably earlier during the week.

He stated that there are 36 holes on the golf course and indicated the locations of waterfalls. The water is treated and has a blue coloring to prevent algae. The course is lit on poles -- there are usually about 8 or 10 of them. The lighting is directed to stay on the site. There is a security fence as they do not want someone bringing their own putter and ball to play on the course, and to address the concern about vandalism. He indicated the location of an existing security fence where the apartments are. He stated that there would be a transitional area between the two uses.

Mr. Gartner stated that the batting cage is a mesh screen on a pole. He displayed photographs and stated that it is a single structure with seven stations, each having a pitching machine. These activities will take place in the off hours and probably not at the same time that the putting course is being used. They believe it has an appropriate nature for the community and would provide needed recreation. It is attractive. It is their intention to develop the golf course in the same manner as shown on the slides without the palm trees. He stated that there is a small building below ground level where the balls roll in for the batting cage.

Mr. Gartner stated that the use is appropriate in the sense that it is a hospitality area and there are people coming through the area visiting and staying.

Mr. Gartner stated that in doing the market research it was found that the majority of the traffic generated is local traffic rather than transient people. He stated that the Staff questioned striping and planting and they have no problem with that. The parking is within the ratios in the regulations. They have provided parking beyond the normal for the golf course and the overflow can be handled by the area in the front and the retail space.

Chairman Viox asked if anyone else wished to address the Commission. There being no response, he asked if there were any questions from the Commission.

Mr. DeLong questioned the sidewalks and Mr. Gartner stated that they were shown on the plan.

Mr. DeLong questioned the batting cage shown in the picture provided by Mr. Gartner and Mr. Gartner advised that the pitching devices are stored underground for protection from the weather. They are below the batting area by about three feet.

Mr. Collins noted that a sports complex had been proposed for Lot #7 and Mr. Costello advised that that plan is no longer valid.

Mr. DeLong questioned why the facility could not be back further to save the front for the business section. Mr. Gartner advised that the exposure is important. Mr. DeLong added that he is concerned about the lighting and the residents of the apartment complex. Mr. Gartner indicated on the drawing that the apartments are blocked visually by the retail space that is there. He added that there will be normal lighting for the retail per the regulations. He stated that the lighting from the recreational space does not affect the apartments.

Mr. Collins questioned if Ryan's Steak House has objected to the blocking of their exposure due to the 30-foot high hills on the golf course.

Mr. Gartner stated that the hills will not be that high. He stated that Ryan's Steak House was notified, but he did not have personal contact with them. He stated that they would not be blocking their view from the interstate.

Mr. Sharp asked that the Staff and the Committee look at the lighting during Site Plan Review as there are major changes in the elevations and the pictures show high-rise lighting. He noted that they are unreasonably close to I-75 and the apartments.

Mr. Damstrom questioned the maximum height of the elevations on the golf course and Mr. Curtis Smith stated that it would be around 25 feet.

Mr. Damstrom questioned the height of the proposed light poles. Mr. Smith stated that there would not be any light poles on the top of the 25-foot area. The courses are designed so that the lights stay on the course. It does not have to be used-car type lighting. He stated that part of the ambience of the facility is lighting overshadowing each other on the course. He does not believe the lights will be higher than 25 feet, but he has not seen the final Site Plan.

Mr. Gartner stated that it is a graduated vertical pole and as you come up the hill, the height of the poles goes down so that you do not have the same height pole at the top as you do at the bottom. Mr. Smith noted that there is lighting in addition to the pole lights. There is lighting for the waterfalls and ground level lighting.

Mr. Damstrom questioned if the lighting for the hole on the upper portion of the elevation would be on the ground. Mr. Smith stated that it would be lit more from the waterfall lights and the low landscaping lights than from the pole lights.

Mr. Damstrom questioned if the retail center would be one user for the entire retail space. Mr. Gartner advised that they will look at multiple users.

Mr. Gartner referred to Staff's concern about the appearance of the rear of the site and the location of the dumpster. He indicated the location of a parking lot against this development and a truck loading area between the buildings and stated that the relationship of the functions is not that difficult and they can do some screening in the area. He stated that a strip center generally serves itself from the front of the store, not from the rear. He added that the people with an investment in the putting course do not want the retail to look tacky either.

Mr. Damstrom stated that batting cages similar in construction have been seen, but the aesthetics were different. He questioned if there would be 35-foot high telephone poles. Mr. Gartner stated that they are light poles and they are not planning on lighting in that manner.

Mr. Neltner commented that the picture of the batting cage did not show an attractive design. He questioned if anything else might be available for the batting cage that might be more appropriate with the golf course.

Mr. Gartner showed a different picture of a batting cage and stated that they are attractive and have an open like quality. Mr. Neltner commented that the two pictures were different.

Mr. Smith stated that they are concerned about the aesthetics of the entire area and do not want anything like the first picture that was passed around. Their intention would be more towards what was shown in the second picture. They would landscape around it and make it part of the entire project. It will be as aesthetically appealing as possible.

Mr. Damstrom questioned the height of the batting cage net and Mr. Gartner advised that it is about 26 feet.

Mr. McMillian questioned if the back of the retail would look like the front. Mr. Gartner stated that the back will not have glass. He stated that they anticipate neighborhood type uses like dry cleaners.

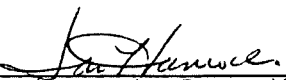
Mr. DeLong questioned the effect of the development on the long-range plan for business uses. Mr. Geohegan stated that when the original development came in, the impression given to the Commission about what the development would be like was office buildings, and recently an office-flex was approved. He questioned if the recreational use was in keeping with that and Mr. DeLong stated that this is something the Committee needs to look into.

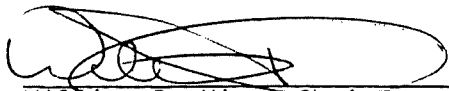
Mr. Kirby stated that a batting cage next to Mr. Carroll's big office building would be more of a concern, but this is not all office -- it is office and warehousing. He noted that the Commission bought the story that there was no office market in the area when the Bigg's project came in. He stated that he is reluctant to put so much emphasis on the neighborhood. He stated that doing this would hamper the chance of getting office uses in the office-flex and we just bought the story that there was no office market. He added that the golf course idea sounds attractive.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on January 2, 1991 at 8 P.M. and closed this Public Hearing.

APPROVED:

Attest:


Jan Hancock, Recording Secretary


William R. Viox, Chairman

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 16, 1991 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:25 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Thurman Owens
Mr. Robert Reis
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Barry Neltner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the Business Meeting of January 2, 1991 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as mailed. Mr. Sharp seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report and the Report of Zoning Permits had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the Unfinished Business Items.

UNFINISHED BUSINESS:

1. Change in Concept Development Plan

The request of Gartner, Burdick, Bauer-Nilsen (applicant) for Curtis Smith (owner) for a Change in an Approved Concept Development Plan on Lot #10 in Turfway Commercial Park located off Cavalier Boulevard, Florence, Kentucky. The 5-acre site is zoned Commercial Services/Planned Development (C-3/PD). The proposed uses are a retail center, a batting cage and a miniature golf course.

Staff Member, Dave Geohegan, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Collins moved by resolution to the City of Florence that the request be approved based on the Committee Report, including the conditions. Mr. Kirby seconded the motion and it carried unanimously.

At this time, the Chairman changed the order of the Agenda.

3. Design Review

The request of Frank Messer & Sons Construction Company (applicant) for St. Luke Hospital, Inc. for Design Review on a 32,300 sq. ft. building addition. The 0.37-acre site is located at 7380 Turfway Road, Florence, Kentucky and is zoned Public Facilities/Planned Development (PF/PD).

Staff Member, Greg Tulley, presented the Staff Report (see Staff Report). Mr. Tulley showed the Commission elevations prepared by the applicant.

Mr. Tulley read the Committee Report which recommended approval of the proposed design (see Committee Report).

There being no discussion, Mr. Greene moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports.

Counselor Wilson advised that the request meets the Houston-Donaldson Study and is not required to go to the city. The action taken by the Commission would be the final action. Mr. Greene so amended his motion. Mr. Burch seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission.

FROM: Phil Damstrom, Chairman

DATE: January 16, 1991

RE: Request of Gartner, Burdick, Bauer-Nilsen (applicants) for Curtis Smith (owner) for a Change in an Approved Concept Development Plan on Lot 10 in Turfway Commercial Park located off Cavalier Boulevard, Florence, Kentucky. The 5 acre site is zoned Commercial Services/Planned Development (C-3/PD). The proposed uses are a retail center, a batting cage and a miniature golf course.

REMARKS:

We, the Committee, recommend approval based on the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The request is consistent with The Turfway Study; it contains uses that should generate less traffic than the previously approved 55,000 square feet of retail space on the site. The Turfway Study recommends that the principle objective of land use plans in the interchange area should be to protect the interchange and to minimize potential for traffic congestion in the area. In addition, the proposed recreation uses will have a seasonal traffic pattern where the 15,000 square foot retail center will be the only traffic generator on the site for approximately five months of the year. Specific references to the Turfway Study are made in the 12/19/90 Staff Report.
2. The applicant has shown that the proposed recreation uses will compliment the restaurant and hotel uses in the Turfway Commercial Park and help lend the park an active and festive character. The result should be that some patrons will make multi-purpose trips to the area.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 12/19/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The proposed batting cage must receive design approval from the Zone Change Committee upon submittal for Site Plan Review. All chain link fence surrounding the recreation uses and comprising the support structure of the batting cage shall be coated with black plastic as indicated in submitted photographs. The batting cage use shall include a dark-colored net, green-painted or turf-covered floor, and additional landscaping


around the cage for screening purposes and to provide a focal point of the site entryway.

2. The developer shall provide needed lane markings on Cavalier Boulevard to allow for orderly turning movements into and out of the site.
3. The development shall contain emergency access to KY 18 as required by the City of Florence, as well as to lot #9. In addition, a pedestrian access shall be constructed to lot # 9.
4. As indicated by the applicant, site lighting will be directed downward and not produce glare on adjacent roadways or on the adjacent apartments.
5. Dumpster screening shall include both an enclosure and shrubs. The rear of the proposed retail building shall of similar materials as the building front. Trees and shrubs shall be used to screen utilities structures and to provide a visual break in the expanse of the rear wall.
6. The developer shall complete the sidewalk along Cavalier Boulevard for the frontage of this site.
7. The height of the site lighting and the batting cage structure shall be generally consistent with comments at the 12/19/90 Public Hearing. Signage shall be consistent with the Turfway Commercial Park Special Sign District.


A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



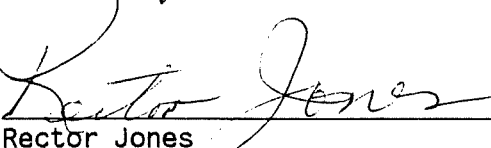
Phil Damstrom, Chairman



Fred Burch



Larry Collins

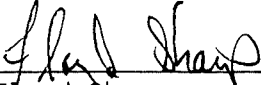


Rector Jones

Barry Neltner



Carol Smith



Floyd Sharp

PD:kat

WCT

ORDINANCE NO. 9/8/91

AN ORDINANCE ACCEPTING A RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION, THIS ORDINANCE BEING TO ADOPT AND APPROVE THE UTILIZATION OF THE UNDERLYING ZONE IN A PLANNED DEVELOPMENT ZONING DISTRICT FOR LOT 10 OF TURFWAY COMMERCIAL PARK LOCATED OFF OF CAVALIER BOULEVARD IN THE CITY OF FLORENCE, KENTUCKY, THIS SITE BEING ZONED COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD). (GBBN - CURTIS SMITH)

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 a request of Gartner, Burdick, Baner-Nilsen for Curtis Smith, for utilizing the underlying zoning of a Planned Development zoning district be approved, and

WHEREAS, the City of Florence, Kentucky, has reviewed the record of the Boone County Planning Commission and has determined that the request of GBBN for Curtis Smith to utilize the underlying zone of a Planned Development zoning district for a 5.0 acre site located off of Cavalier Boulevard in Florence, Kentucky, should be granted, subject to certain conditions agreed to by the property owner and made a part of its development plan.

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

SECTION I

That the request for the real estate which is more particularly described on Exhibit "A" shall be and is hereby approved for the utilization of its underlying zone in a Planned Development zoning district, the zoning classification being Commercial Services/Planned Development (C-3/PD) on the approximate 5.0 acre site.

SECTION II

That this approval is granted subject to the conditions, terms and provisions set forth in Exhibit "B" as applied to the development plan presented to the City Council of Florence, Kentucky, and the Boone County Planning Commission. These conditions have been accepted and agreed

to by the property owner as shown in the written confirmation from the owner, a copy of which is attached and marked as Exhibit "C".

SECTION III

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

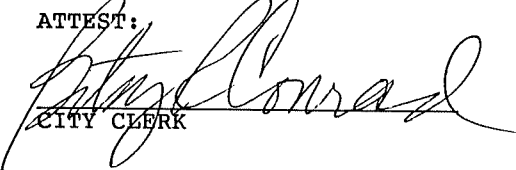
PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF February, 1991.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19th DAY OF February, 1991.

APPROVED:


MAYOR

ATTEST:


CITY CLERK