

REVIEW NO. _____

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

P.H.
~~6/26/91~~
6/26/91

SECTION A (To be completed by applicant)

1. Name of Development Florence United Methodist Church
2. Location of Development Old Toll Road & Pleasant Valley
3. Total Acreage of Site 15.326 ACRES
4. Current Zoning I-1
5. Proposed Zoning (classification being requested) UR-1-PD
6. Proposed Uses (please specify each use) Church Facilities with Day Care Use; SENIOR Citizen Housing
7. Name of Applicant(s) Rev. Owen Dolin for Florence United Methodist
Phone Number(s) 371-7961
8. Address of Applicant(s) 213 Main St.
Florence Ky 41042
City State Zip
9. Name of Property Owner(s) Mr. R. C. Durr
Phone Number(s) 371-0700
10. Address of Property Owner(s) 8100 BURLINGTON PIKE
FLORENCE - Ky 41042
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? None
How many? _____
13. Deed Book 210 Page No. 145 Group No. 2038-2039
14. Have you had a pre-application meeting with BCPC staff? yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- | | |
|------------|---|
| <u>yes</u> | Boone County Water and Sewer District |
| <u>yes</u> | Florence Water and Sewer Commission |
| <u>yes</u> | Union Light Heat and Power |
| <u>yes</u> | Cincinnati Bell |
| <u>yes</u> | Owen County Rural Electric |
| <u>yes</u> | Boone County Road Department - See Attached Minutes from Fiscal Court Meeting |
| <u>yes</u> | Kentucky Transportation Cabinet |
| <u>yes</u> | City of Florence Public Works Department |
| <u>yes</u> | City of Walton Public Works Department |
| <u>yes</u> | Northern Kentucky Health District |
| <u>yes</u> | U.S. Soil Conservation Service |
| <u>yes</u> | Local School District |
| <u>yes</u> | Local Fire District |
| <u>yes</u> | Other: _____ |

EXHIBIT "A"

STAFF REPORT

#1

REQUEST OF THE FLORENCE UNITED METHODIST CHURCH FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL ONE (I-1) TO URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD)

June 26, 1991

This is the request of the Florence United Methodist Church for a Zoning Map Amendment to change the current zoning designation of Industrial One (I-1) to Urban Residential One/Planned Development (U-1/PD) to allow the construction of a building complex that will contain church facilities, day care services, and senior citizen housing. The 15.326 acre site is located at the northeast corner of the intersection of Pleasant Valley Road and Old Toll Road, Boone County, Kentucky. The property is currently owned by Mr. R.C. Durr.

Surrounding Land Uses and Zoning

The tracts immediately to the west and north of this site are also zoned Industrial One (I-1). The properties directly to the east are zoned Suburban Residential One (SR-1), Public Facilities (PF), and Industrial One (I-1). South of this site, the property is zoned Commercial Two/Planned Development (C-2/PD). Land uses of the adjacent properties are:

- North: Lendale Drive and Pleasant Valley Industrial Park
- South: Old Toll Road, low density residential (several single-family dwelling units), a small asphalt company, and woodlands
- East: Low-density residential (Williamsburg West Subdivision and another single-family dwelling unit) and Storer Cable Company
- West: Pleasant Valley Road and Michels Paving Company, Inc.

Site Features

In its present state, the vacant 15.326 acre site is composed of grass, weeds, and several mature trees around the perimeter of the site. It is located on a hill above the surrounding properties.

Soils on the property include Rossmoyne silt loam, 0 to 6% slopes (RsB), Jessup silt loam, 6 to 12% slopes (JeC), and Cynthiana flaggy silty clay loam, 20 to 25% slopes (CyF). The Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky lists the hazards of erosion for these soils as moderate to severe.

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates that future use of this site to be Commercial (C). The text further explains that:

"The uninterrupted commercial development of U.S. 42 should extend no further south than the intersection with Pleasant Valley and Gunpowder Roads. This commercial development should be local, rather than regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road." (p.216)

The Overall Objective of the Comprehensive Plan is:

"There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial, and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity. The application of proper design principles among land uses will maximize the long term quality of life of Boone County residents." (p. 1)

The text of the Housing Element reads:

"Large, left-over parcels in urban service areas are well suited for planned residential development, that includes high density residential areas. Housing for elderly population or handicapped needs to be located near public transit, commercial areas, and public facilities." (p. 113)

Three objectives of the this Element are:

1. "A broad range of housing opportunities shall be provided at locations which meet the needs and desires of all household types." (p. 5)
2. "High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities." (p. 6)
3. "Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access." (p. 6)

Staff Concerns

1. Staff is concerned that the proposed building for the independent living complex may be constructed to a height that is plainly visible to the residents of the Williamsburg West Subdivision. If this Zoning Map Amendment was to change that zoning to a straight UR-1 district instead of having a PD overlay zone, the applicant would be required to maintain or plant a 15 foot wide landscaped buffer between this use and Williamsburg West.
2. Staff is also concerned that the proposed uses will not be adequately buffered from the industrial park to the north and from Pleasant Valley Road and the paving company to the west.
3. In its present state, Staff feels that Old Toll Road could not adequately handle the traffic that will be generated by these proposed uses. On, April 2, 1991, Boone County Fiscal Court agreed to upgrade Old Toll Road over the next two years. After preliminary discussions, these improvements should include:
 - a. Upgrading Old Toll Road from approximately 12 feet wide to at least 18 feet wide or as much as 20 feet wide along a portion of the road.
 - b. Gravel shoulders may also be constructed on each side of the road.
 - c. The road will be blacktopped.
 - d. There has been limited discussion concerning the relocation of the Pleasant Valley Road/Old Toll Road intersection from in front of the house that is presently located at that corner to behind it.

Conclusion

The Boone County Planning Commission must evaluate this and all Zoning Map Amendment requests in terms of the three Findings of Fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or

2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

It must also meet the Intent of the Planned Development overlay zoning district, Section 1500 of the Boone County Comprehensive Plan, which reads:

"The intent of this article is to provide a permissive and alternative zoning procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of providing substantial value to the community over the conventional districting and other regulations prescribed as normal course in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows some variety among land uses and densities in return for imaginative designs." (p. 15-1)

Should the Planning Commission recommend, and Fiscal Court ultimately approve, this Zoning Map Amendment request, the 1990 Boone County Comprehensive Plan will need to be altered.

Respectfully submitted,

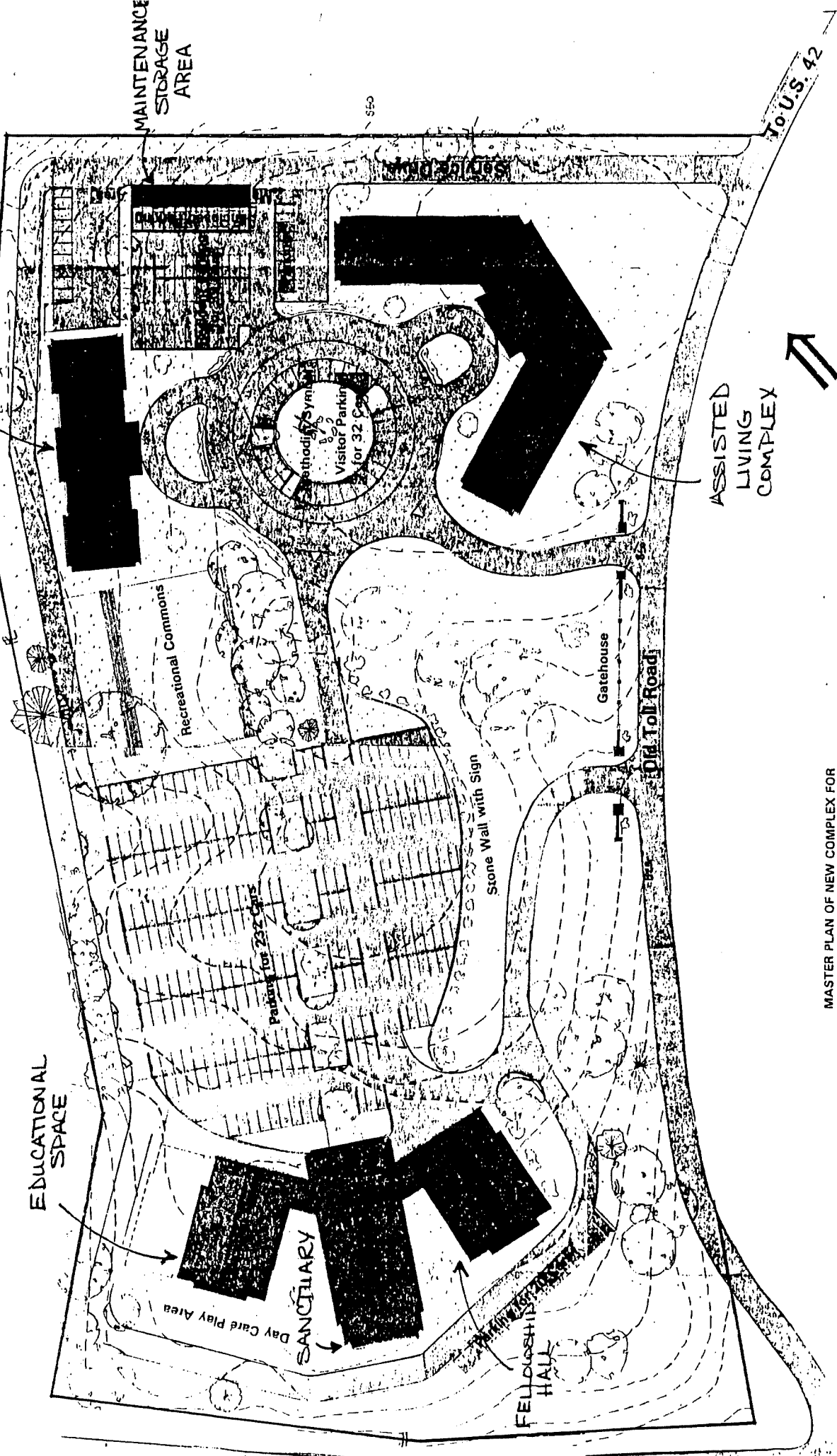


Amy S. Moore
Planner I

ASM:kat

FLORENCE UNITED METHODIST CHURCH

ZONING MAP AMENDMENT



MASTER PLAN OF NEW COMPLEX FOR

Florence First United Methodist Church

Florence, Kentucky

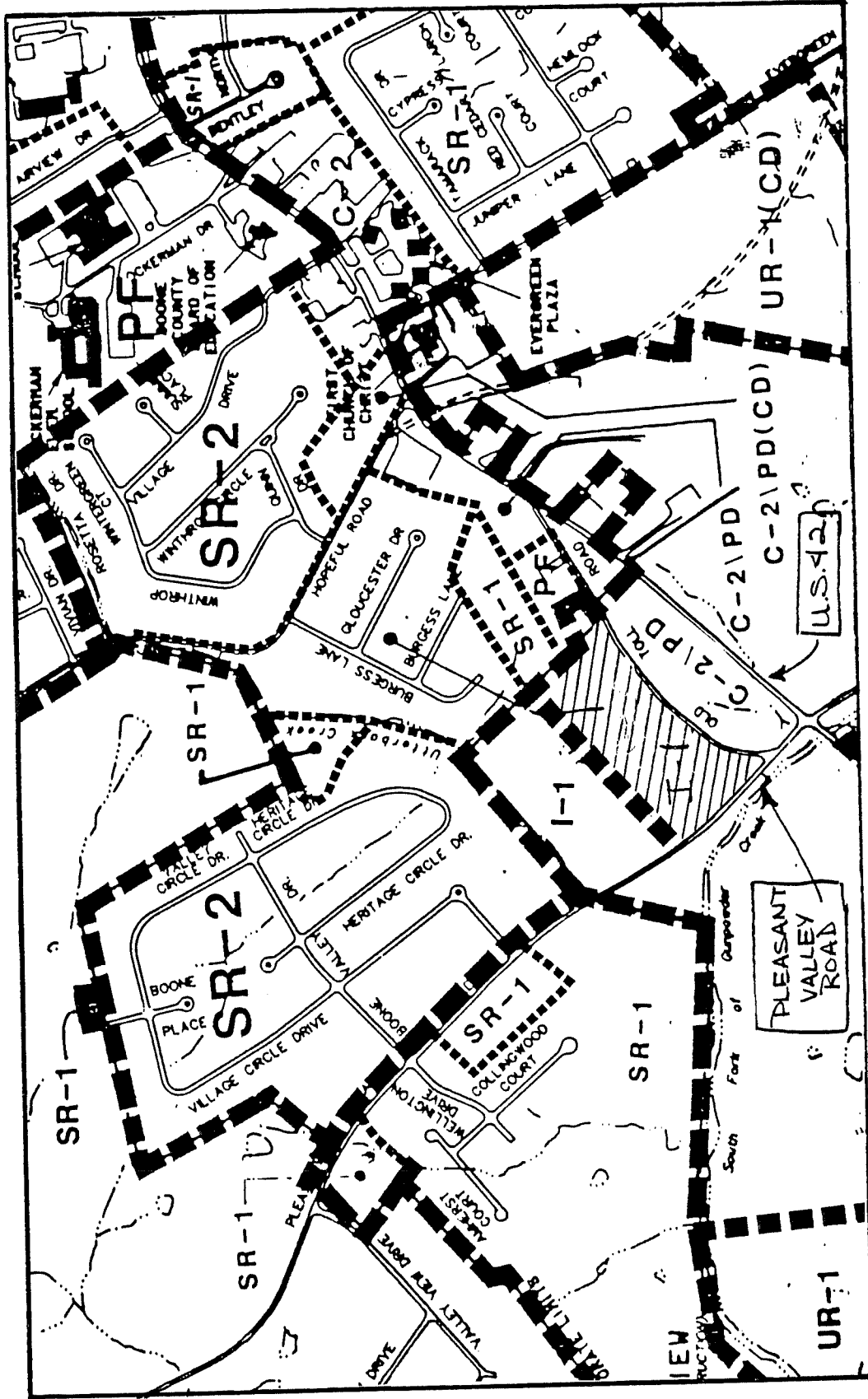
2/22/91

Scale 1" = 50'

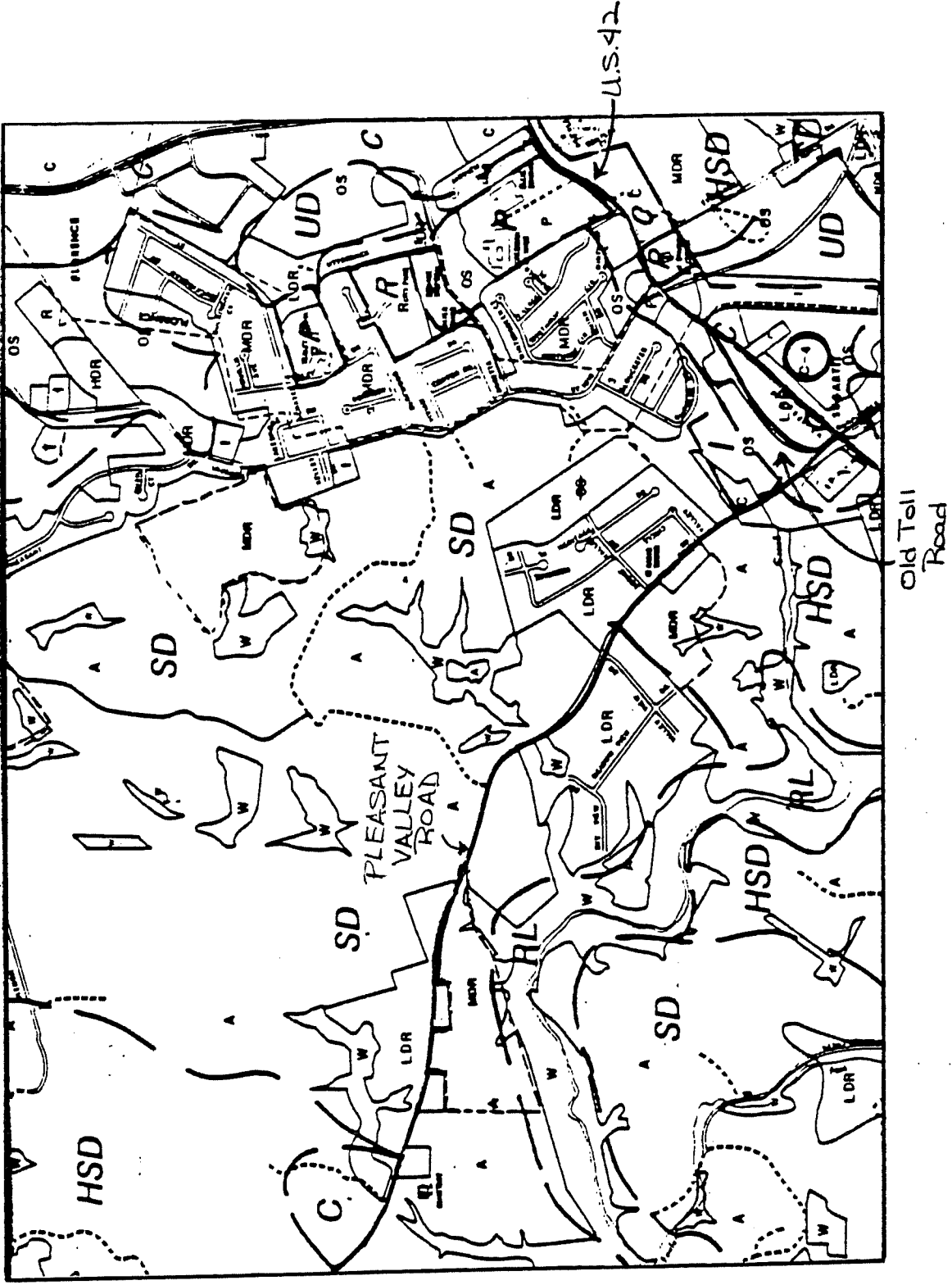


N

FLORENCE UNITED METHODIST CHURCH
ZONING MAP



FLORENCE UNITED METHODIST CHURCH
FUTURE LAND USE MAP



HARVEY F. PELLEY
Director/Road Supervisor

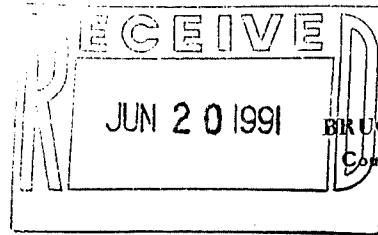
HAROLD L. CONGLETON
Road Foreman

DARYL E. DAVIS
Chief Road Inspector

CYNDI S. PLANT
Office Clerk

BRENDA J. BRADFORD
Secretary

ALBERT RIDNER
Codes Enforcement Officer



BRUCE FERGUSON
County Judge - Executive

COMMISSIONERS:

IRENE PATRICK
District 1

SHIRLEY MEIHAUS
District 2

DONALD A. DAVIS
District 3

DEPARTMENT OF PUBLIC WORKS

5645 IDLEWILD ROAD
BURLINGTON, KY 41005

Phone: 606 586-5445
Fax: 606 586-5487

MEMORANDUM

DATE: JUNE 17, 1991

TO: AMY MOORE
PLANNING AND ZONING

FROM: HARVEY F. PELLEY
DIRECTOR/ROAD SUPERVISOR

A handwritten signature in cursive script, appearing to read "H. Pelley".

RE: OLD TOLL ROAD

As part of the commitment to the Florence United Methodist Church, the Boone County Fiscal Court has instructed me to widen and reconstruct Old Toll Road, between U.S. 42 and Ky. 237.

At this time, we will be clearing the North side of the Right-of-Way (R.C. Durr property) and reconstructing the road to a minimum width of 22 feet. The church has offered sufficient Right-of-Way to allow the construction of a new intersection on Ky. 237. This will be North of the small, grey 2 story cottage that is at the North Side of the existing intersection.

No definite time table has been set for this work as everything depends upon the churches needs and plans.

Please advise if you need additional information.

HFP:bjb

BOONE COUNTY PLANNING COMMISSION

June 26, 1991
7:00 P.M.

PUBLIC HEARINGS

Mr. Barry Neltner called the meeting to order at 7:05 P.M.. Following an explanation of the Public Hearing process, Mr. Neltner introduced the first item on the Agenda:

- I. Applicant: Rev. Owen Dolin for R. C. Durr (owner)
Request: Zoning Map Amendment

The request of Rev. Owen Dolin (applicant) for R. C. Durr (owner) for a Zoning Map Amendment on a 15.3-acre site located off Old Toll Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Urban Residential One/Planned Development (UR-1/PD) in order to allow senior citizen housing and a church with day care facilities.

Staff Member, Amy Moore, presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report). She noted that the applicant had provided a model of the proposed development.

Rev. Dolin stated that their Chairman, Mr. Doug Vickers; their Vice Chairman, Mr. Larry Glass; and their architect, Mr. Mike Bishop, were also present. Rev. Dolin stated that they propose to apply to the federal government for 40 independent living units under Section 202 of the Federal Grant Program, instead of 60 units. The model indicates a four-story building and it will now be three stories.

Mr. Vickers reviewed the model. He stated that they tried to keep the two main residential buildings towards the neighboring residential area. They have created a community complex with berms. He indicated the fellowship and educational halls. They want to be able to see the main church from U.S. 42. Their use is very compatible with the surrounding uses.

Mr. Neltner asked if there was anyone else present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or having questions.

Mr. John Gamm, a resident of Williamsburg West, stated that they welcome the church. He questioned the landscape buffer. Mrs. Moore advised that because they are requesting the Planned Development Overlay Zone, the Planning Commission can require whatever type of buffer they feel is appropriate.

Mr. Richard Coring stated that he was not opposed to the request and questioned the size of the area. Mr. Neltner advised that it is 15.3 acres.

There being no further comments from the audience, Mr. Neltner asked if there were any questions or comments from the Commission.

Mr. Greene questioned the distance from the edge of the subject property to the Williamsburg West property.

Mr. Tony King stated that his house is built approximately 30 feet from the property line. Mr. Vickers stated that the service drive is approximately 15 feet from the property line. Mr. King stated that he is in favor of the church, but asked if there could be more than 15 feet.

Mr. Vickers stated that there needs to be a reasonable distance from the property line. They cannot maintain the pastoral effect that has been there. He stated that possibly the buffer should have dense evergreens.

Mr. King questioned the trees that are there now and Mr. Vickers advised that some of the trees will have to be pruned, depending on the grades. Mr. King stated that there is a bad drainage problem to Utterback Creek.

Mr. Greene questioned how far it is from the property line of Williamsburg West to the first structure on the proposed development. Mr. Bishop stated that it is about 35 to 40 feet to the maintenance building and it would be about 60 feet to the front edge of the assisted living building.

Mr. Greene asked if there are a lot of trees along the property line now. Rev. Dolin advised that there are not a lot of trees there now. Rev. Dolin added that they are trying to present a campus effect for the whole development and do not think there will be a problem with the trees. They are very much concerned about trees and green space and the site has been designed with them in mind.

Mr. Sharp asked how many people they expect to care for in the assisted living project. Rev. Dolin advised that development will not happen for several years. It is difficult to get the financing. The building may end up being another independent living building. They want that end of the project to be residential in some manner. He stated that it is a two-story building and he cannot remember the number of proposed units.

Mr. Sharp asked if this would be a phased project. Rev. Dolin advised that it would be. They are applying to the federal government for the independent living building. They cannot say that they will get the approval this year.

Mr. Sharp agreed with the Staff Report that Old Toll Road is very narrow. He questioned why they did not open the project up on Pleasant Valley Road. Mr. Vickers stated that it is due to the grade. It is very steep to Pleasant Valley Road and not appropriate for everyday traffic going to the church. Mr. Sharp commented that there is a good slope to Old Toll Road.

Rev. Dolin stated that they talked to the planners and hired an architect to see what might be possible on the site. The planners were concerned about an access on Pleasant Valley Road as it would not be very far from where Old Toll Road has an exit. They went to the Fiscal Court to see if they would agree to upgrade Old Toll Road. The Fiscal Court said that this would happen within 2 to 3 years. They would like to see the construction start on the project first. They would widen the road the second year and possibly blacktop the whole road the third year.

Mr. Neltner asked if the church would be built immediately or phased in and Rev. Dolin stated that it will be 2 or 3 years before they start building. It is a matter of fund raising and selling their current property. Their goal would be to start within 3 or 4 years. The church will be built in phases -- each wing will be built as it is needed. They hope to build the main sanctuary first. If everything goes the way they want, they would hope to begin within 2 or 3 years.

Mr. Neltner referred to the letter from Mr. Pelley which is attached to the Staff Report. He noted that it is indefinite in regard to the timing. He stated that the church cannot develop the site with the road the way it is. He questioned if there is assurance that the road will be at least widened when the building is constructed.

Mrs. Moore advised that Mr. Pelley indicated to her that they would be widening the road within the next 2 or 3 years. If they knew that a building was going up, they might go ahead and do the widening. She stated that she cannot speak for Mr. Pelley. Mr. Rush noted that the letter indicates that everything depends on the church's needs and plans. Mr. Neltner stated that he would not want the church to build and then the county, due to funding or something, not to go ahead with the road improvements.

Mr. Neltner asked if anyone else wished to speak. There being no response, he stated that this item will be on the Agenda for the Business Meeting on July 17, 1991 at 8 P.M.. Mrs. Moore advised that the Zone Change Committee will not meet until July 8, 1991 due to the holiday. Mr. Neltner closed this Public Hearing.

APPROVED:



Barry Neltner

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 17, 1991 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian, Secretary/Treasurer
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Barry Neltner
Mr. Thurman Owens

LEGAL COUNSEL PRESENT:

Mr. Dillon

Chairman Viox stated that each member had received a copy of the Minutes of the Business Meeting of July 3, 1991 and asked if there were any comments or corrections.

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

REPORTS:

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

Mr. DeLong questioned the Waterloo Holiness Church violation in regard to a mobile home.

Mr. Breidenstein advised that the mobile home is being used for a Sunday school. They are exploring the possibility of moving the mobile home to adjacent property zoned A-1. He has extended the deadline to August 14, 1991 in order to allow them time to attempt to sell the mobile home and recoup some of their losses.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Rev. Owen Dolin (applicant) for R. C. Durr (owner) for a Zoning Map Amendment on a 15.3-acre site located off Old Toll Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Urban Residential One/Planned Development (UR-1/PD) in order to allow senior citizen housing and a church with day care facilities.

Staff Member, Amy Moore, presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report).

Chairman Viox advised that the applicant has signed the letter agreeing to the conditions.

There being no discussion of the Committee Report, Mr. Greene moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Jones seconded the motion and it carried unanimously.

2. Utilization of an Underlying Zone in Planned Development

The request of W.M.C. Corporation (applicant) for Corporex Parks of Kentucky (owners) for the Utilization of an Underlying Zone in Planned Development on a 2.47-acre site located in Commonwealth Park, Turfway Road, Florence, Kentucky. The site is zoned Office Two/Planned Development (O-2/PD) and a 99-room Microtel is planned for the site.

Staff Member, Dave Geohegan, advised that the Committee Report had been amended slightly from the one sent out in the packets. The only change being that the last two sentences had been deleted from Condition #5. The applicant and the property owner have agreed to the conditions in the amended Committee Report. Mr. Geohegan read the amended Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: July 17, 1991

RE: Request of Rev. Owen Dolin (applicant) for R.C. Durr (owner) for a Zoning Map Amendment on a 15.3 acre site located off Old Toll Road, Boone County, Kentucky. The request is to rezone the site from Industrial One (I-1) to Urban Residential One / Planned Development (UR-1/PD) in order to allow senior citizen housing and a church with day care facilities.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the June 26, 1991 Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following Condition:

Findings of Fact


1. The Committee believes that the proposed zoning and use is more appropriate than the existing zoning of Industrial One (I-1) given the residential expansion in the area. The Committee also believes that the proposed development will further several goals and objectives stated in the 1990 Boone County Comprehensive Plan.
2. The Committee believes that the proposed mixture of uses on the site is appropriate and meets the requirements of Article 15, Planned Development, of the Boone County Zoning Regulations. These regulations and subsequent reviews, in addition to the following Condition, will insure that this development will not have a negative impact on the surrounding community.


The applicant is being asked to include the following condition as part of the Concept Development Plan (presented to the Planning Commission at the Public Hearing) in order to address concerns and clarify questions raised at the June 26, 1991 Public Hearing.

Condition

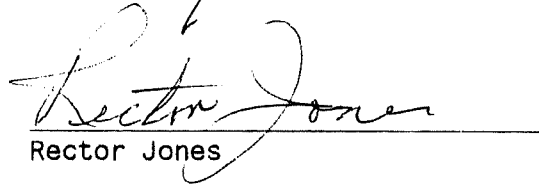
1. A 20 foot wide landscaped area will be planted along a portion of the eastern property line to buffer the proposed development from the adjacent residential subdivision. The landscape buffer will extend from the northeastern corner of the property approximately 280 feet to the south.

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.

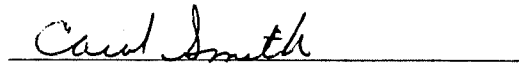

Barry Neltner, Chairman



Fred Burch


Larry Collins


Rector Jones


Phil Damstrom


Carol Smith


Floyd Sharp

BN:kat

Boone County Recorder

10-2-91

LEGAL NOTICE
ORDINANCE NO. 920.228

The Boone County Fiscal Court at its meeting held Tuesday, September 24, 1991, at 4:00 P.M., third floor courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY REV. OWEN DOLIN (APPLICANT) FOR R.C. DURR (OWNER) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD) FOR A 15.3 ACRE SITE GENERALLY LOCATED OFF OLD TOLL ROAD, BOONE COUNTY, KENTUCKY AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-91-016-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #PC 54049

BRUCE FERGUSON
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY