

DEC 13 1991
R E C E I V E

D ZONING MAP AMENDMENTS

APPLICATION FORM

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development _____
2. Location of Development S.E. cor. Turfway Rd. & Curtis Ave.
3. Total Acreage of Site 0.498 acre
4. Current Zoning R-2
5. Proposed Zoning (classification being requested) C-2
6. Proposed Uses (please specify each use) Drive-through restaurant
7. Name of Applicant(s) Claude Robinson
Phone Number(s) 371-9856
8. Address of Applicant(s) 959 Edgehill Drive
Florence, Kentucky 41042
City State Zip
9. Name of Property Owner(s) Claude Robinson
Phone Number(s) 371-9856
10. Address of Property Owner(s) 959 Edgehill Drive
Burlington, Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) _____
800 sq. ft. building per 21,700 sq. ft. site. (Max. per-
mitted intensity in C-2 is 7470 sq. ft. bldg.
12. Are there any existing buildings on the site? No
How many? none
13. Deed Book 448/217 and Hwy. D.B. 4/517 Group No. 121
14. Have you had a pre-application meeting with BCPC staff? _____
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

EXHIBIT "A"

STAFF REPORT

#1

REQUEST OF CLAUDE ROBINSON (OWNER) FOR A
ZONING MAP AMENDMENT ON A 0.498 ACRE SITE
LOCATED AT THE INTERSECTION OF CURTIS AVENUE
AND TURFWAY ROAD, FLORENCE, KENTUCKY.

JANUARY 22, 1992

This is a request to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2) to allow a drive-thru restaurant. The applicant has submitted a descriptive plat of the property; however, he has not submitted a Concept Development Plan for the site.

Existing Conditions

The site is currently vacant and shows evidence of recent regrading.

Soils present on the site are of the Rossmoyne-Jessup association. They are generally known for a loamy to clayey soil. However, the roughly one half acre site is the only undeveloped site within a large area and soil types, therefore, are not as meaningful.

Surrounding Land Uses and Zoning

- North - Condominiums/apartments and single family homes along Curtis Avenue, zoned UR-2, O-2/PD.
- South - shopping center, banking facility, restaurant and other light commercial facilities, zoned C-2.
- East - condominiums/apartments immediately adjacent along Turfway Road, zoned UR-2, C-2.
- West - across Curtis Avenue is an office park (Turfway Ridge); across I-75 is the St. Luke's Hospital complex and the Hilton Hotel, zoned C-3 (CD).

Relationship to Boone County Comprehensive Plan

The 1990 Future Land Use Map, which is a twenty-five year projection, indicates Urban Density Residential (UD) for the site which generally limits residential usage to 12 units per acre. The Comprehensive Plan designates Commercial on the south side of KY 1017. The text of the Land Use Element encourages high density residential near the Turfway interchange where it is easily accessible.

Infrastructure

Public water and sewer are available to the site through the Florence Water and Sewer Commission.

Staff Concerns

1. No Concept Development Plan was submitted and so the land use characteristics of the proposed use cannot be pre-determined. No general description of the size, area, height and location of buildings was submitted.
2. There is no description of how the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area.
3. Only a descriptive plat was submitted as part of the application. The proposed location of curb cuts is not indicated.
4. The Turfway Interchange area traffic problems affect Donaldson Road (KY 236) KY 18, Houston Road (KY 1018) and Turfway (KY 1017). Several other sites are also affected by these problems at the interchange. These include the Airport, St. Luke West Hospital, Turfway Racetrack and The City of Erlanger. Yet, no traffic studies were submitted to show how a drive-thru restaurant would affect traffic conditions on Turfway Road and Curtis Avenue and what mitigation measures are suggested. The Houston-Donaldson Study identified the Turfway Interchange area as an area in need of significant roadway improvements.

The Turfway Task Force is now studying these problems and it has recommended to the Kentucky Transportation Cabinet that an engineering study be initiated to identify potential alternatives to alleviate traffic problems due to the projected increase.

5. The plat submitted does not indicate how the multiple family and single family units in the area would be buffered and how any necessary lighting would be engineered so as not to detract from the living conditions of these residents.
6. Minimum sized lot in a C-2 zone is 5000 square feet. This site is almost 20,000 square feet; however, required setback is 75 feet with a 50 foot rear yard assuming that access will be from Curtis Avenue. Since staff was not furnished a Concept Development Plan, it is undetermined whether the development can be accommodated on the site.

Conclusion

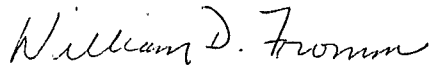
The Boone County Planning Commission must evaluate this and all zone map amendment requests in terms of the three findings of fact prescribed in Article 3 of the Boone County Zoning Regulations:

1. The map amendment is in agreement with the adopted Comprehensive Plan.

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.

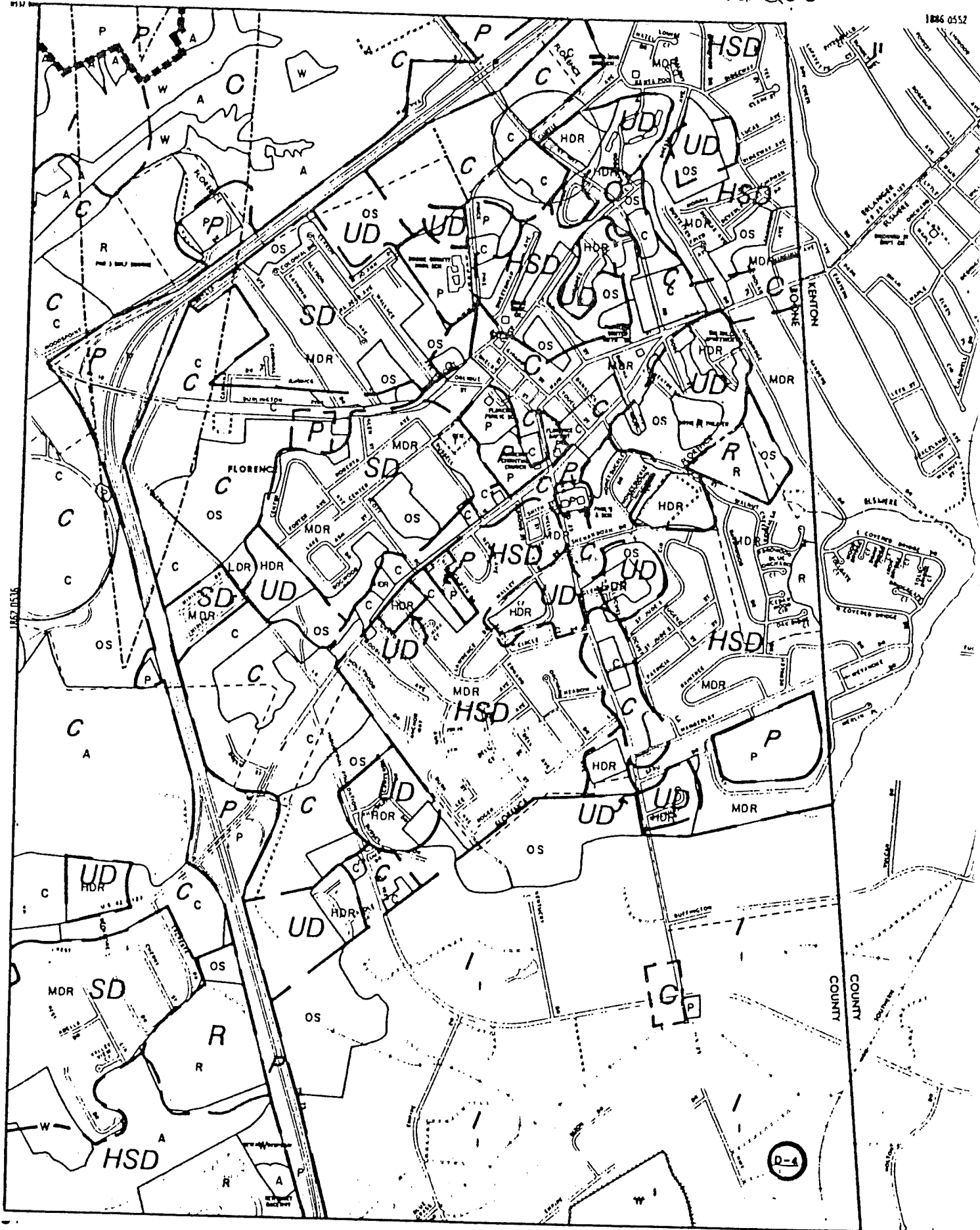
Should the Planning Commission recommend, and the City of Florence ultimately approve this request for a Zoning Map Amendment, the Boone County Comprehensive Plan will need to be altered.

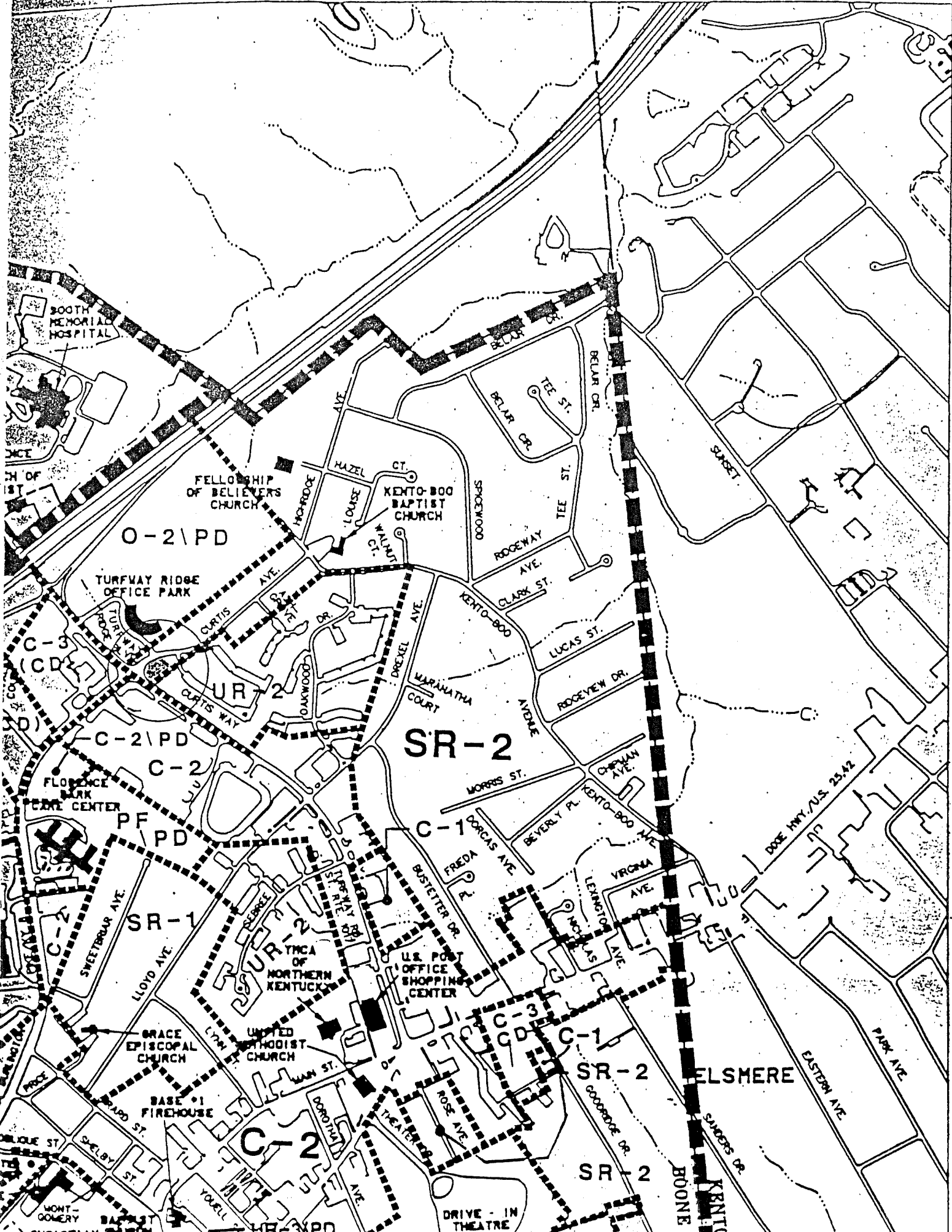
Respectfully submitted,



William D. Fromm, AICP
Director

WDF:kat





BOONE COUNTY PLANNING COMMISSION

January 22, 1992
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Claude Robinson (owner)
Request: Zoning Map Amendment

The request of Claude Robinson (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.498-acre site at the intersection of Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2).

Mr. William Fromm, Director, presented the Staff Report which included a slide presentation (see Staff Report). He noted in regard to Staff Concerns #4 that this site is not in the area identified as the Turfway Interchange area in the Houston-Donaldson Study, but is on the edge of that area.

Chairman Viox asked if the applicant was present.

Mr. Dennis Schneider, representing Rally's Inc., was present. He gave the Commission a Site Plan to address some of the Staff's concerns in regard to the use of the site, the layout, curb cuts, etc.. He stated that there have been discussions regarding a solid wood fence on the south side of the lot toward the condominium project. The lighting will be positioned to throw all of the light on the site and not on the condominiums. He noted that the direction of the lighting is indicated on the Site Plan by arrows.

Mr. Schneider stated that Rally's is a double drive-thru, drive-in chain founded in Louisville, Kentucky and it is growing rapidly. He displayed a drawing of a prototype Rally's building, and noted that it is not the same as the Rally's in Cincinnati. They feel that the prototype is a nicer looking building and the building on this site will be the first one of this type in the country. He submitted a drawing of the standard sign used by Rally's. It is a rotating sign. Where the sign would be located is shown in the Concept Development Plan. He showed the Commission photographs of existing Rally's to indicate the landscaping. He stated that they take pride in their landscaping and won an award in Middletown as the best commercially landscaped property.

Mr. Schneider referred to Staff's concerns and stated that the Concept Development Plan will show what they intend to do, and will also show the curb cuts. They plan to develop the prototype building on the site. Their preliminary discussions involved the solid wood fence and the directional lighting. He stated that they typically employ about 75 people at a Rally's, with 15 to 18 people on a shift, with the majority being part-time, school-age people.

Counselor Wilson stated that the Staff has not had an opportunity to review the plans presented by Mr. Schneider as they were not submitted with the application. He asked if the applicant was willing to allow the Staff time to review the plans and submit a report, which would be a part of the record of this Public Hearing. Mr. Schneider stated that they want to do anything they can to help the situation and to give enough time for the Commission to make an informed opinion.

Counselor Wilson stated that he understands Mr. Schneider's reply to be that they are allowing the Staff time to review the documents and submit a report which will be a part of the record of this Public Hearing. Mr. Schneider replied, "That is correct."

Chairman Viox asked if there was anyone else present who wished to speak in behalf of this request. There being no response, he asked if anyone wished to speak in opposition or ask questions.

Mr. James O'Brien, 6971 Curtis Way, stated that they live at the corner of two major arteries -- Turfway and Burlington Pike. The traffic is dense enough in the area. The traffic from this development will cause more problems, particular if there is an entrance or exit on Curtis Way. He is also concerned about the negative effect on their property values. He asked that the rights of the citizens of the county be considered.

Mary Kay Robinson, 6710 Curtis Way, stated that they do not need any more hamburger places -- there is going to be a Wendy's and O'Charley's, and there is a Big Boy across the street. She is concerned about the safety of the children. She is concerned about their property values being reduced.

Mr. Ken Holiday, 6706 Curtis Way, agreed with the others about the traffic. He stated that no matter where the entrances and exits are, they will be very close to an existing stop light. The intersection is very busy now, particularly around lunch time and rush hour, which will be the busiest times for the drive-thru restaurant and it will be hazardous. He is concerned about getting appreciation in their property values. He believes the Rally's will cause a nuisance.

Marcy Taylor, Countryside Condominiums, agreed with what the others said. She stated that the design plans are not compatible with the design of the condominiums. There will be a negative effect on the property values and the community.

Carla Forster, a resident of the condominiums, stated that they would have to build a driveway that would duplicate the existing driveway into the condominiums, or come out directly at the intersection, and this will be a safety factor. She agreed with the comments about the effect on the property values.

Kathy Davis, a resident of the condominiums, stated that there is a high school right up the street and there are high school children walking across the intersection. This would be dangerous as the crosswalk is on the other side from where they are putting the building. There are a lot of accidents there now since it is such a busy intersection.

Mr. Randy Houseman, a resident of the condominiums, questioned the hours of operation.

Mr. Schneider stated that typically the hours are 11 AM to 11 PM weekdays. If it is warranted, they stay open on weekends until 12 midnight.

Mr. Houseman stated that the site is small and he disagrees that the lighting will not affect the residents. He questioned where the 15 employees are going to park. He added that he can see the employees parking at the condominiums. The restaurant will be detrimental to the area.

Ms. Pat Brockman stated that there are already stop signs and traffic lights at the intersection because the traffic is so bad. She is concerned about the lights, the noise, and the traffic. She questioned where the trash bins will be, where the employees will park, and the noise at night. She stated that there are a lot of children on Curtis who walk to school. It takes three lights now to get through the turn. She questioned how people will get out of the restaurant at rush hour, which is their peak time.

Janet Pearson, a member of the Board at Countryside, stated that the Board is concerned about the project and particularly the traffic. She stated that entering and departing on Curtis is unthinkable since there are 100 families going into the condominiums and leaving from there. The children cross the street and a child was struck crossing Turfway about a year ago. The restaurant would add to the problem. She stated that these are her concerns and the Board's.

Felix Holiday, 6817 Curtis, stated that Curtis Way is only 30 or 40 yards from Turfway. He shook his head at the idea of putting an entrance or exit for a drive-thru restaurant in the space. He stated that a gas station was put on Turfway just up from them and the lights shine in their upstairs bedroom. He does not see how Rally's will keep the lights from shining on them. He stated that a lot of people go to bed before 11 PM. If the restaurant closes at 11 PM, they will not be out of there until midnight during the week. He stated that there are several hundred tax payers living in the area and he hopes the Commission will consider their position.

Chris Hudah, 6801 Curtis Way, stated that there are many ambulances that use the intersection to get to the hospital. The race track, which causes a lot of traffic on Turfway, lets out near the time of the closing of the restaurant. He stated that this development would add more congestion to an already very congested intersection.

Karen Judd, a resident of Countryside, stated that she called the Florence Police Department. There have been 16 accidents at the intersection in less than 1.5 years. There have been 140 to 150 accidents on Turfway just on the one stretch. She stated that there was a hill before they graded the lot and you could not see to get out of there. She does not see how they can have two rows of traffic trying to get out. She asked that the Commission consider the safety issues. She stated that for the people on the end of the building, Rally's will be their neighbor.

Jennifer Grubenhoss, 6863 Curtis, stated that children wait to catch the bus in the morning and get off there in the afternoon. The litter is a consideration. She questioned if someone from Rally's would clean up their lot after bags and drinks are thrown on it. She is concerned about the high school kids congregating there in the warm weather and driving through their lot. She stated that there are plenty of other places for Rally's to go in Florence. RAX on U.S. 42 is for sale and it is an existing building with entrances and exits. She stated that they used to live on Dream Street and she knows what the traffic is like. They should have some say so about what happens in their community.

Donna Doctor, a resident of Countryside, questioned where the employees would park.

Vel Cox, a resident of the condominiums, stated that they do not need more people here. The lot is too small for any commercial business. The slides were out of perspective and there is not nearly the lay of the land shown in the slides. The traffic is terrible and they do not need a hamburger place there.

Mr. Schneider stated that they have no indoor seating. It is a drive-thru/carry-out business. It is an impulse driven business. They locate in areas that have traffic and get their business from the people and cars that are already in the area. They do not bring a lot of people into the area. They do not feel that they are going to add any traffic or people to the area. In regard to the employees parking, he stated that 50% of the people they employ take public transportation to work and some will car pool. Every store is different. They will not let all of their parking spaces go to the employees. They will not allow them to park at the condominiums and will tow them away. They car pool people in when they have to. In regard to the trash, he stated that they have hourly pick ups of the lot. They send an employee out every hour to pick up trash, if there is any. They go onto other peoples' properties to clean up Rally's bags if they are there. They do not see a lot of congregation at their restaurants like there might be at McDonald's. He stated that they have an entry planned on Curtis. He stated that it is 250 feet from the property line on Turfway to the back of the property. There is a right-turn-in/right-turn-out on Turfway to the south side of the property to get it as far away from the traffic light as

possible. They elected to have it right-turn-in/right-turn-out as they do not want people to cross three lanes of traffic to make a lefthand turn. Anyone who wants to go south on Turfway will go on Curtis and up. They will do whatever is necessary in regard to the light issue. They have to have some lighting on the lot and will try to direct it away. There are no light stands on the property line to keep the lighting away from the condominiums.

Chairman Viox read three communications received in regard to this request, which are on file in the Staff Office:

1. From The Carroll Company, owners of Turfway Ridge Office Park, which is adjacent to the site. They are opposed to the rezoning. The letter is signed by Mark Simendinger, President.
2. From Countryside Condominiums Council of Co-Owners indicating that they did not receive notice of the zoning hearing and requesting that it be postponed to allow for notification of the co-owners. The letter is signed by Sherry Meek, Community Administrator.

Counselor Wilson stated that Mr. Fromm spoke with representatives of Countryside and a lot of them are present. He stated that there is no legal requirement to postpone the public hearing. The letter was dated January 6, 1992 and this is January 22, 1992. With the number of people present, it is obvious that they got notice.

3. From Joe Cockrell, a resident of 6764 Curtis Way, stating that there are 106 property owners that were not notified and the notice to Sherry Meek is not acceptable. They were led to believe that this lot would not have a use because of the access. This is the only residential corner left at the intersection and the residential owners want it that way. Any business on the lot will affect their privacy. Trash will be blown onto their property. He is a Board member of the Countryside Condominiums Homeowners Association.

Counselor Wilson explained the notification process noting that the statute says that each individual property owner does not have to get notice for it to be legal notice. The notice goes to the homeowners association or the condominium board and that serves as notice to the homeowners.

In response to a question from Mr. Sharp, Mr. Terry Neiheisel of Rally's stated that the lights will be fully adjustable. They are adjusted at night and adjusted with the light meter. They will have 2 to 3 candlepower on the perimeter and probably 6 to 8 candlepower closest to the building. There are 20-foot high poles.

Mr. Sharp questioned the distance from the curb cut on Turfway to the corner of Curtis. Mr. Schneider stated that it is 70 feet. Mr. Sharp questioned if they would police the kids congregating and pulling into the parking places to eat the hamburgers. Mr. Schneider stated that they would. If there is a problem, security will be put on the lot. He stated that 50% of their locations have security on the lot at night by paid, private-duty guards. He stated that anything over 20 minutes per customer on the lot is not acceptable.

Mr. Sharp noted that they have 18 parking spaces and 15 employees.

Mr. Damstrom questioned the distance from the road going to the condominiums and the curb cut. Mr. Schneider stated that it is 10 to 15 feet. Mr. Damstrom questioned if the curb cut on Turfway is designated by KDOT. He asked that the Staff look at the access in terms of distance. He suggested that they check the regulations before pursuing the pole signs. He questioned the "relocation of Curtis".

Mr. Schneider stated that Curtis was relocated several years ago. The existing road is the relocation.

Mr. Damstrom questioned if they would have outside tables. Mr. Neiheisel stated that six outside tables is their normal number. Mr. Damstrom stated that they are going to have sitdown trade, and people picking up food and pulling into a parking space to eat it.

Mr. Neltner noted that the strip of 12 parking spaces was not entirely on their property and questioned if they have an arrangement with another site. Mr. Schneider stated that old Curtis Road was closed and 15 feet of it went to Mr. Robinson and 15 feet went to the other property owner. Mr. Robinson stated that they have applied for the 15 feet.

Counselor Wilson stated that it sounds as if the street is in the process of being closed. Mr. Robinson stated that they are working on it now. The street has not been officially completely closed.

Chairman Viox questioned if there was anything that would prevent the street from being closed. Counselor Wilson advised that the city can choose to close it or not to close it, but typically do when adjoining property owners have requested that it be closed.

Mr. DeLong questioned the legal basis for the change -- such as a social or economic change in the area and the property is not valid for residential use and is valid for commercial use, did the planners make a mistake and draw the line wrong, etc.. Mr. Schneider stated that the highest and best use of the property is a commercial use. He added that they are one of the few commercial users that can fit on the property. He stated that it is not big enough to put a residential development on. He thinks the area has changed.

Mr. DeLong noted the audience comments about property values and advised that the Commission cannot use property values as a criteria to make the zone change. He stated that this use is intense for this corner.

Mr. Schneider stated that they will sit down with the community. They did not show the buffer because they did not know what the Commission wanted. He noted that different Commissions have different ideas. They will do what is required. The curb cuts were down with right-turn-in/right-turn-out on Turfway and positioned as far back to the property line as they could. Mr. DeLong advised that there are materials in the Staff office that give examples of what the county expects as minimum buffering.

Mr. Collins questioned if they had gotten approval of the entranceway on Turfway from the State Highway Department. Mr. Robinson advised that they have an application in and there will be a \$5,000 bond for the curb cut.

They may have to change the entrance and exits. Mr. Collins questioned approval from the City of Florence. Mr. Schneider advised that the City of Florence looked at the building plans and had no problems, but they are waiting on the Commission in regard to the Site Plan.

Mr. Kirby stated that they cannot take the parking all the way to the property line. Staff Member, Dave Geohegan, advised that this was correct. Counselor Wilson noted that they would have to seek a Variance to have parking up to the property line.

Mr. Tim McCartle stated that when you come off Curtis Avenue to go into Curtis Way and someone is coming out, you have to stop quickly. A exit from a fast food place on Curtis will cause problems. The entrance into Curtis Way is tricky.

Mr. Claude Robinson questioned what the residents want him to do with his property. Several residents replied "a park" and Mr. Robinson stated that if they pay him what he has in the lot, he will give it to them for a park. He stated that the lot is too small to put an apartment building on it.

Mrs. Pearson stated that they have heard a lot of figures about how far the entrance will be from the corner, which is of prime importance. She stated that it is very close.

A lady from the audience questioned if Rally's had looked at any other locations in Florence and Mr. Schneider advised that they have spent hours, days, and weeks looking at sites. They do not have an alternate site on Turfway.

Mr. Robinson stated that he took the hill out so that people would not be killed getting out of there. He has tried to do right. The lot is vacant and he has been mowing it and maintaining it for 4 or 5 years and that costs money. He has talked to someone who is supposed to be in charge of the condominiums and told him that if they want to buy it, he will be glad to sell it.

A gentlemen in the audience stated that the Rally's will pull people in from the Turfway shopping center and the office complex. This will bring them down Curtis Avenue, which 95% of them do not do now. He emphasized that the access points are too close to the intersection. The Rally's will be a nuisance. Property values will be affected.

Counselor Wilson stated that the record has been made and the Staff will supplement the record with a review of the plan. The Commission will review the request, the record, and the Staff Report. The Commission will make findings as to whether the zone change should be granted or denied and will make a recommendation to the City of Florence, and they can accept or deny the recommendation.

Mr. McMillian stated that he believes most of the residents were against the Turfway Ridge Office Park when it went in. A lady in the audience stated that there is a difference when people come to employment at 8 A.M. and stay all day until 5 o'clock than when there is a continuous circle for a fast food restaurant.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on February 5, 1992 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

February 5, 1992 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
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Floyd Sharp

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of January 15, 1992 and the Public Hearings of January 22, 1992. He asked if there were any comments or corrections.

Mr. Neltner advised that he chaired the second public hearing item, and the Minutes indicate that Public Hearing Item #2 was chaired by Chairman Viox. Mr. Kirby moved that the Minutes be approved as corrected by Mr. Neltner. Mrs. Smith seconded the motion and it carried unanimously.

Mr. Kirby moved that Agenda Items #3, #6, and #9 be deferred until the next Business Meeting on February 19, 1992. Mr. Neltner seconded the motion and it carried unanimously.

1. Zoning Map Amendment

The request of Claude Robinson (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.498-acre site at the intersection of Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2).

Mr. William Fromm, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Burch moved by resolution to the City of Florence that the request be denied based on the Staff and Committee Reports. Mr. Jones seconded the motion and it carried unanimously.

At this time, Chairman Viox stated that he had a conflict in regard to Agenda Items #2 and #5 and asked that Mr. Burch chair the meeting in regard to these items.

Mr. Burch chaired the meeting and introduced the next item on the Agenda:

2. Zoning Map Amendment

The request of TRP Associates (owner) for a Zoning Map Amendment on a 12-acre site in Turfway Business Park, Florence, Kentucky. The request is to rezone the site from Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) in order to allow the retail sale of home furnishings and landscaping material & garden equipment.

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 there was a letter attached to the Committee Report in regard to the conditions and it had been signed by the applicant.

Mr. Kirby moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, with the conditions. Mr. Collins seconded the motion.

Mr. DeLong stated that he disagrees with the philosophy of changing the Houston-Donaldson Study. He does not believe that the applicant has made a finding showing that there is a significant need for a change to C-2/PD versus the I-1/PD zoning and this change may damage the integrity of the entire Houston-Donaldson Study. He stated that he will vote "no".

Chairman Viox stated that he would abstain from voting in regard to this request as he has provided engineering services for the applicant.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Lawrence Collins, Chairman

DATE: February 5, 1992

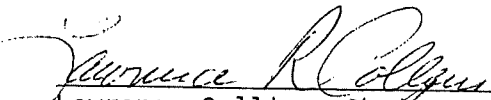
RE: Request of Claude Robinson (owner) for a Zoning Map Amendment on a 0.498 acre site located at the intersection of Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial Two (C-2).


REMARKS:

We, the Committee, recommend denial based on the following findings of fact:

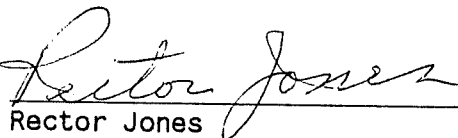
1. The map amendment request is not in agreement with the adopted Comprehensive Plan which encourages high density residential for the area.
2. The applicant has not proven that there have been major changes of an economic, physical or social nature that were not anticipated in the adopted Comprehensive Plan that substantially alter the area's character and therefore warrant the requested zone change.
3. Curb cuts, as proposed by the applicant along Turfway Road, have not been approved by the Kentucky Highway Department.
4. No engineering studies have been conducted to show how the additional traffic created by the restaurant would affect conditions in the Turfway Interchange area and what mitigation measures would be proposed.

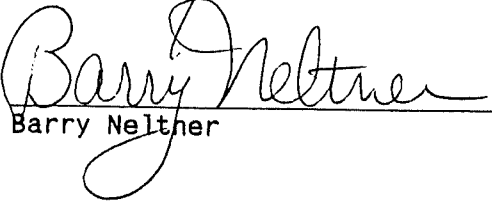
A copy of the Public Hearing Minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Lawrence Collins, Chairman



Phil Damstrom


Fred Burch

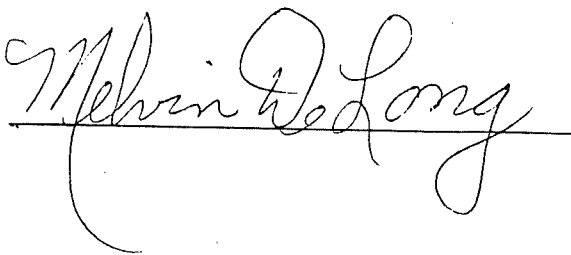

Rector Jones


Barry Neltner


Carol Smith


Floyd Sharp

LC:kat


Melvin DeLong