

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Bear Creek Apartments
 2. Location of Development Southwesterly of Connector Drive, Florence
 3. Total Acreage of Site Parcel 2 - 3.124 acres / Parcels 1A & 1B - 14.63 acres
 4. Current Zoning Parcel 2 is C-2 / Parcel 1A & 1B are C-2
 5. Proposed Zoning (classification being requested) Parcel 2 to C-3; Parcels 1A & 1B to UR-1
 6. Proposed Uses (please specify each use) store and lock, mini warehouse in Parcel 2; apartment units in Parcels 1A & 1B
-
7. Name of Applicant(s) R. J. Schlosser, Esq.
Phone Number(s) 655-4200
 8. Address of Applicant(s) Greenebaum Doll & McDonald, P.O. Box 2673, Covington, Kentucky 41012-2173
-
9. Name of Property Owner(s) Chelsea Moore Company - Jerewy Moore
Phone Number(s) 621-1161
 10. Address of Property Owner(s) 20th Floor, Fifth Third Tower Cincinnati Ohio 45202
-
11. Proposed Building Intensities (please specify) Parcels 1A & 1B will not exceed 12 units to acre
-
12. Are there any existing buildings on the site? No
How many? _____
 13. Deed Book 290 Page No. 189 Group No. _____
 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:

- _____ 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: Florence City Manager

EXHIBIT "A"

STAFF REPORT

MARCH 25, 1992

REQUEST OF R.J. SCHLOSSER, ESQ. (applicant) FOR
CHELSEA MOORE CO. (owner) FOR A ZONING MAP AMENDMENT
ON A 20.2 ACRE SITE LOCATED BETWEEN CONNECTOR DRIVE AND
ROSETTA DRIVE, AND LOCATED IN BOTH BOONE COUNTY AND
FLORENCE, KENTUCKY.

This is a request of R.J. Schlosser, Esq. for Chelsea Moore Co. for a zoning map amendment from Commercial Two (C-2) to Urban Residential One (UR-1) and Commercial Services (C-3). The property is located on Connector Drive and on Rosetta Drive, and is mostly within the City of Florence. A small portion of the site near Rosetta Lane (formerly known as Utterback Road) is in the unincorporated Boone County, and is intended by the applicant to be annexed into Florence.

Existing Conditions of the Site

The site currently supports brush and woodland with some mature beech trees toward the western portion behind Florence Plaza. Much of the eastern portion of the site has been covered with fill material some years in the past and contains unique topography and steep slopes. The soils present on the site include Faywood silty clay (FdD3) usually found on 12 to 20 percent slopes, Jessup silty clay loam (JsD3) usually found on 12 to 20 percent slopes, and two types of Rossmoyne silt loam (RsB found on 0 to 6 percent slopes and RsC found on 6 to 12 percent slopes). The Faywood and Jessup soils, located in the western and southern portions of the site present a severe hazard of erosion. Some soils in the eastern portion are very disturbed and represent no particular formation.

The site has frontage on Connector Drive, Rosetta Drive, and Rosetta Lane. The site is approximately 60 feet wide at Connector Drive, but only contains 40 feet of frontage at Rosetta Drive. Rosetta Lane is approximately nine feet wide, and cannot support significant traffic, even though the site has over 140 feet of frontage on this street. A 25 foot wide access easement exists on the northern edge of the site to the approximately eight acre site known as the Dr. Baird property. A high-tension electric transmission line also crosses this corner of the site. An Owen County Rural Electric service line traverses the center of the site, and provides service to existing residences on Rosetta Lane.

Surrounding Land Uses and Zoning

North - Florence Plaza, zoned Commercial Two (C-2).

East - The Y'all Mall, zoned Commercial Two (C-2).

South - The Y'all Mall stormwater detention area, zoned Commercial Two (C-2), the Airview Drive subdivision, zoned Suburban Residential Two (SR-2), and the Ockerman school complex, zoned Public Facilities (PF).

West - The Florence Water and Sewer Commission offices and pump station, zoned Public Facilities (PF), Lincoln Woods Park, zoned Recreation (R), residences on Rosetta Lane, zoned Suburban Residential One (SR-1), and the Dr. Baird property, zoned Commercial Two (C-2).

Comprehensive Plan and Other Studies

The 1990 Future Land Use Map indicates Urban Density Residential for the site, which could allow up to 12 dwelling units per acre. The text of the Land Use Element recommends Urban Density residential uses in this area to provide a transition from the commercial Mall Road district to the residential character of the Hopeful Road corridor. The Housing Element recommends that in general, high density residential uses be located near large commercial areas and near public facilities and recreation uses. The Comprehensive Plan also recommends that urban uses occur in areas that have adequate infrastructure.

During 1987 and 1988, a study was conducted by the Technical Committee of the Planning Commission to examine all the possible locations of road connections between Mall Road and Hopeful Road. This study was done at the request of the Florence City Council. The study's findings pointed out ten potential connections, of which the one shown on the submitted Bear Creek Concept Development Plan was found to be one of the most practical and beneficial. Since this study was conducted in 1988, it has generally been agreed that several connections should occur between Mall Road and Hopeful Road.

Submitted Concept Development Plan

The submitted plan proposes 30,000 square feet of mini-warehouse space and 200 apartment units. The description of the types of units is on the submitted Concept Development Plan. A path system is proposed, as well as a clubhouse, pool, volleyball court, and picnic area. The third phase of the development would include the road connection to Rosetta Drive. The proposed road is to be publicly dedicated. Staff did not ask for a Traffic Impact Analysis because, as seen in the following two paragraphs, development under the current zoning would generate considerably more trips than the request. A more meaningful analysis would be one undertaken by the developer and City of Florence to determine the design and impacts of the proposed road connection.

The 20.2 acre site could realistically support approximately 200,000 square feet of general retail and therefore generate approximately 10,899 trips per weekday and 1,020 trips per weekday P.M. peak hour, according to the 5th edition of the ITE Manual.

For 30,000 square feet of mini-warehouse space, the average weekday trip generation would be 78 trips, and the average P.M. peak hour trip generation would be 8 trips. For 200 apartments, the average weekday trip generation would be 1,294, and P.M. peak hour trip generation would be 78 trips.

Staff Concerns

1. The site provides an important pedestrian and bike path link between the Mall Road area and the Hopeful Road residential area. The design of such potential connections should be discussed at this stage.
2. Likewise, the proposed road design, as well as right-of-way needs near Rosetta Drive should be discussed. Improvements to Rosetta Drive may be necessary. Sight distance should be protected at Connector Drive, stop signs and curves may be needed to keep through traffic slow on the proposed road, and one curb cut each should be considered for the clubhouse and the volleyball area.
3. The plan indicates some future signage that would not be permitted by the Boone County Zoning Regulations.
4. Three level units will be very visible from surrounding areas including Mall Rd. Depending on the design of the buildings, certain clusters of units may need to be shifted to break up the visual impact.
5. The relocation of existing electric lines needs to be addressed.
6. Wherever possible, existing trees should be retained or supplemented as buffering to adjacent parcels or streets.
8. There are existing stormwater runoff problems on Utterback Creek that should be respected when designing detention for the site.
9. Fencing and landscaping around the mini-warehouses should be in keeping with nearby residential areas and the view from the proposed public roadway.

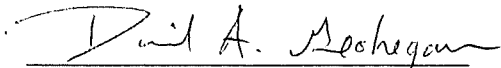
Conclusion

The Boone County Planning Commission and the City of Florence must review this request in light of the three findings necessary for a map amendment in Article Three of the Boone County Zoning

STAFF REPORT - R. J. SCHLOSSER, ESQ.
MARCH 25, 1992

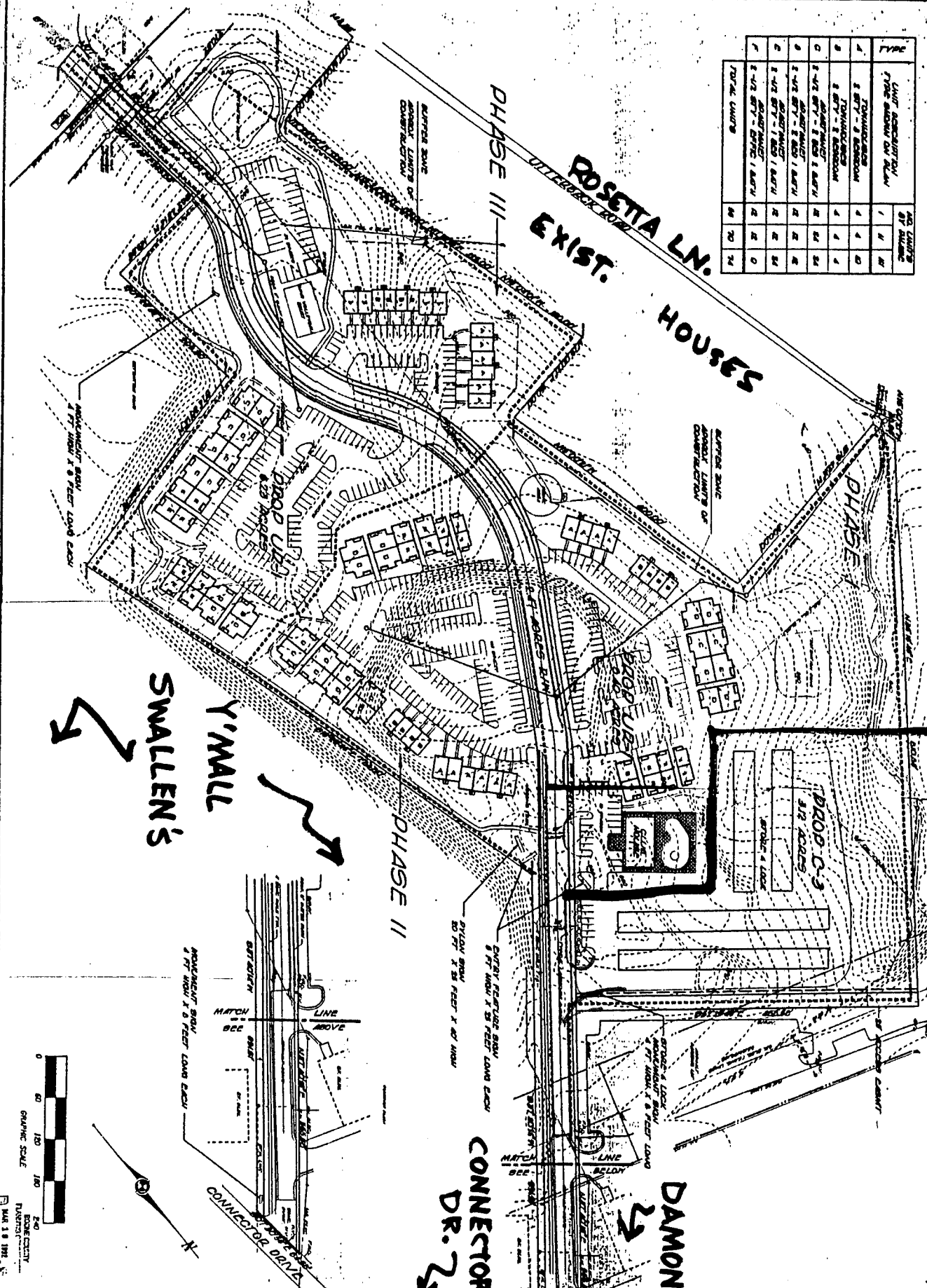
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Regulations and in light of the unique site assets and limitations present. Should the request be approved, no changes to the 1990 Boone County Comprehensive Plan would be necessary.



David A. Geohegan, AICP
Senior Planner

TYPE	NO. UNITS	NO. OF BUILDINGS
1 UNIT APARTMENT TOWN	1	1
2 TOWNHOUSE	4	4
3 TOWNHOUSE	4	4
4 2 BDR - 2 BATH	4	4
5 2 BDR - 2 BATH	4	4
6 2 BDR - 2 BATH	4	4
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SWALLEN'S
Y-MALL

DAMON'S
CONNECTOR
DR.

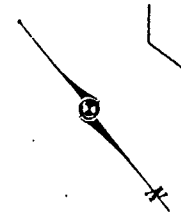
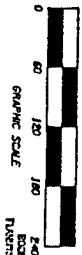
BEAR CREEK APARTMENTS
City of Florence Boone County, Kentucky

Owner: Chelsea Moore Company
Fifth Third Center, Ste. 200
511 Walnut Street
Cincinnati, Ohio 45202
(513) 821-1181

Stanford R. Joseph, AIA
4412 Carver Woods Drive
Cincinnati, Ohio 45242
(513) 984-8000

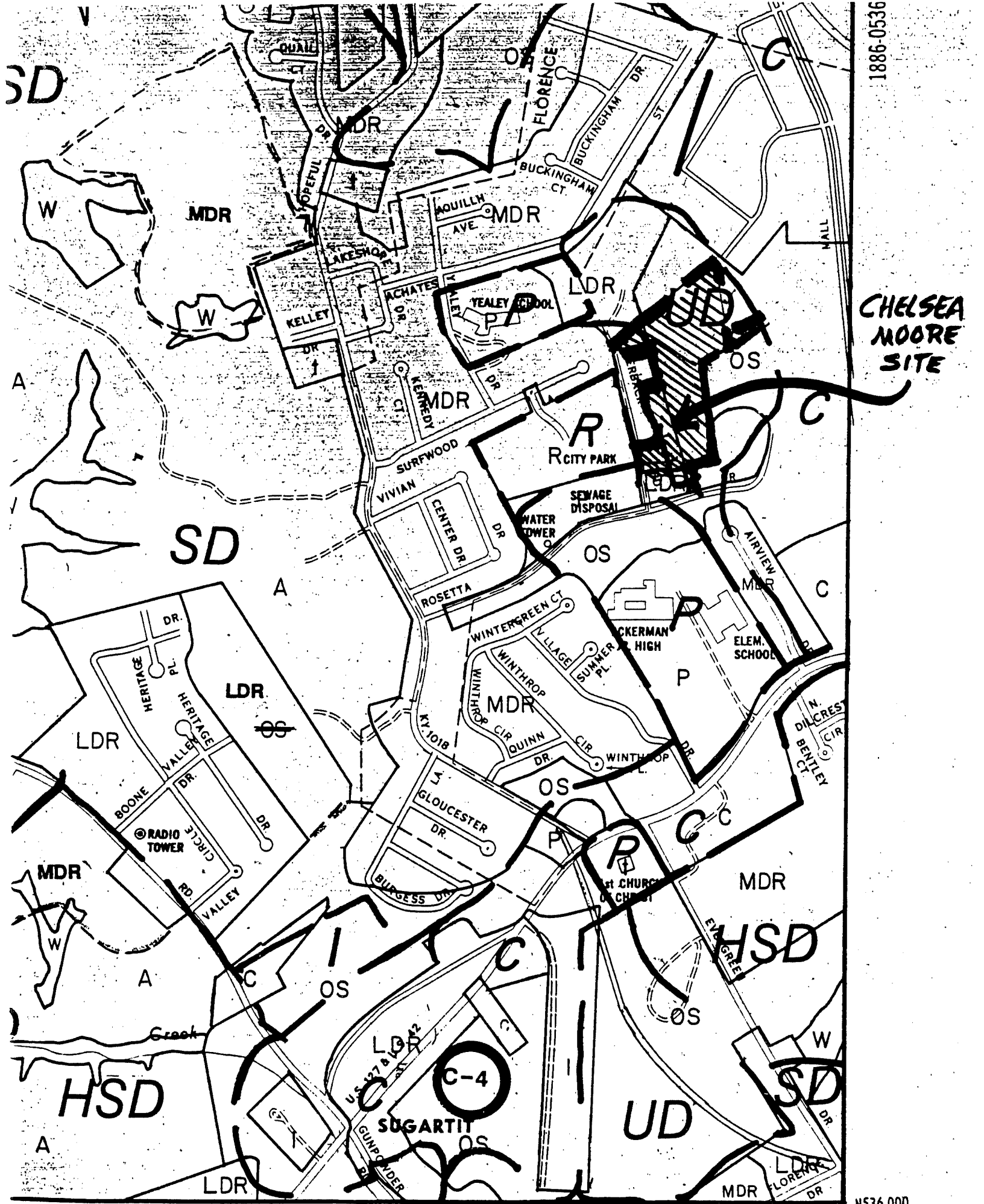
LJB LOCKWOOD, JONES AND BEALS, INC.
CINCINNATI, OHIO

1	2-10-91	PER P&I MEETING
2	3-17-91	GENERAL REVIEWING
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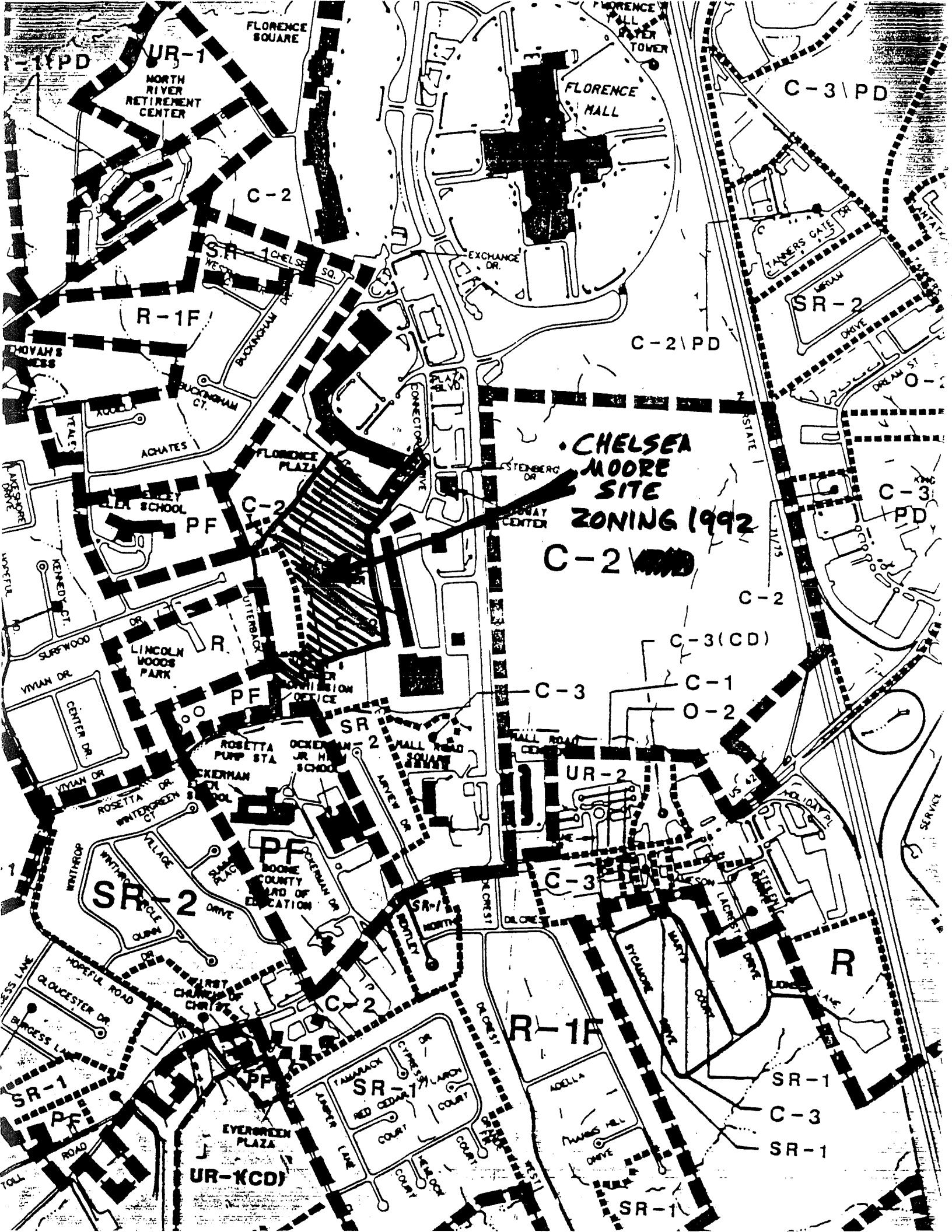
RECEIVED

APR 18 1991
CITY OF FLORENCE



CHELSEA MOORE SITE

1990 FUTURE LAND USE MAP



1-1 PD
UR-1
NORTH RIVER RETIREMENT CENTER

FLORENCE SQUARE

FLORENCE MALL

C-3 | PD

C-2

R-1F

C-2 | PD

SR-2

CHELSEA MOORE SITE ZONING 1992

C-2

C-3 | PD

PF

C-2

C-3(CD)

LINCOLN WOODS PARK

C-3

C-1

O-2

ROSETTA PUMP STA
ROCKEFELLER JR. H. SCHOOL

UR-2

BOONE COUNTY BOARD OF EDUCATION

C-3

R

SR-2

R-1F

SR-1

C-3

SR-1

UR-K(CD)

SR-1

EXHIBIT "B"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: April 15, 1992

RE: Request of R.J. Schlosser, Esq. (applicant) for Chelsea Moore Company (owner) for a Zoning Map Amendment on a 17.7 acre site located off Connector Drive, Florence and in unincorporated Boone County. The request is to rezone the site from Commercial Two (C-2) to Commercial Services (C-3) and Urban Residential One (UR-1) in order to allow mini-warehouses and apartments.

REMARKS:

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

Findings of Fact

1. This request is in conformance with the Comprehensive Plan, which recommends Urban Density residential for the site. In addition, the proposed development includes the Mall Road to Hopeful Road connection that is recommended by the Comprehensive Plan and special studies.
2. The existing zoning of Commercial Two is inappropriate, because of the lack of visibility of the site, and the potential traffic impacts of commercial uses on the site entrances.

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 March 25, 1992 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Any proposed uses, other than the mini-warehouses, on the C-3 portion of the site shall require evaluation through the Approval of a Concept Development Plan process.
2. The portions of the proposed mini-warehouses facing the public street and facing the Florence Medical Arts access easement shall be of brick construction to be consistent with the proposed apartment architecture. In addition, any chainlink fencing around the mini-warehouse site shall contain dark vinyl coating to minimize the visual impact.
3. Buffering shall include a minimum of 30 feet wide on the eastern edge of the site. This buffer area shall contain existing vegetation. If the developer must remove any existing trees within the interior 10 feet of the buffer, they shall be replaced. The disturbed limits shown on the submitted Concept Development Plan shall constitute the minimum adjacent to the Rosetta Lane area. The final buffer in this area will be a minimum of 30 feet, and include replacement vegetation if existing vegetation must be disturbed. Some additional vegetation may be required along the backs of the proposed apartment buildings in Phase I and Phase III if needed to help soften the visual impact of three level buildings on this area. The

proposed graded area between the mini-warehouses and the Florence Medical Arts Property shall be replanted with approximately 15 trees of the minimum size specified in the proposed 1992 Boone County Zoning Regulations. The Committee encourages the developer to attempt to retain some of the existing large trees in this particular area.

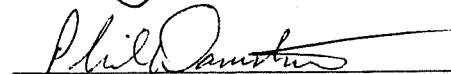
4. The development will provide for a public road connection from Connector Drive to Rosetta Drive. At a minimum, the developer shall reserve the necessary right-of-way for future construction of the road to Rosetta Drive. Should the City of Florence and Planning Commission determine through the zoning map amendment process that the road connection is feasible and should be made, the developer will construct that portion of the road on the site during Phase III, as long as public improvements are made simultaneously to Rosetta Drive in an appropriate time frame.
5. The design of the proposed public road should be such that high speeds are discouraged, and pedestrian safety is maximized. This should include full stop-sign controls on one or more of the interior intersections. All driveways shall be coordinated, and one driveway will be eliminated from each the volleyball area and the clubhouse area on the submitted Concept Development Plan.
6. The developer agrees to work with the City of Florence if intersection improvements are needed at Connector Drive.
7. Site lighting will be the minimum necessary for security purposes.
8. All grading limits will be clearly marked by snow fence or similar, and inspected by Planning Commission staff prior to site work.
9. The proposed mini-warehouses will include a landscape buffer along the public road, and perimeter landscaping consistent with the proposed 1992 Boone County Zoning Regulations between the proposed buildings and the access easement to the Florence Medical Arts property.
10. The proposed entrance to the mini-warehouse section shall be designed to also provide for the entrance to the Florence Medical Arts property access easement, in order to minimize driveway cuts on the public road.
11. Storm water detention shall be provided for in the first phase of construction. The developer agrees to utilize alternate stormwater calculation formulas in place of the Rational Method, and potentially detain more water than required to avoid aggravating existing problems downstream.
12. All utility lines will be underground.

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.

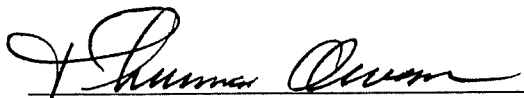


Barry Nettner, Chairman


Fred Burch



Phil Damstrom



Thurman Owens



Floyd Sharp

Carol Smith

BN:kat

Chairman Viox introduced the second item on the Agenda:

2. Applicant: R. J. Schlosser, Esq. for Chelsea Moore Company (owner)
Request: Zoning Map Amendment

The request of R. J. Schlosser, Esq. (applicant) for Chelsea Moore Company (owner) for a Zoning Map Amendment on a 17.7-acre site located off Connector Drive, Florence and unincorporated Boone County, Kentucky. The request is to rezone the site from Commercial Two (C-2) to Commercial Services (C-3) and Urban Residential One (UR-1) in order to allow mini-warehouses and apartments.

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

The Chairman asked if the applicant was present.

Mr. Jeff Schlosser, attorney representing the applicant, introduced Mr. Jeremy Moore, Senior Vice President of Chelsea Moore Company.

Mr. Moore presented the Site Plan and stated that they are proposing 200 apartment units and about 30,000 square feet of mini-warehouses. They will have a clubhouse and a pool. He indicated how the connector drive would be accessed, how it would come around, and tie back into Rosetta Lane. The units will range from efficiencies to three-bedroom townhouses. He indicated the two detention areas on the site. Mr. Moore presented elevations of the proposed buildings. He submitted a rendering of the site to the Commission. They feel that the proposed project is consistent with the Land Use Plan and is in conformance with the urban density designation called for in the Plan. He stated that the Plan calls for a transition area from Mall Road and the single-family residences. They feel that multi-family and Stor-Lock is a good use for the ground. The Plan also calls for a connector and they plan to build a connector drive all the way back to Rosetta. The current zoning of the site is not feasible since being behind other retail uses makes the site undesirable for retail use. The best use of the ground is mini-warehouses due to the topography and physical constraints of the site.

Chairman Viox asked if there was anyone else present in favor of the request.

Mr. Tom Nienaber, attorney representing Florence Medical Arts and Dr. Baird, stated that they own the eight acres to the northwest of the proposed project. They were here in May, 1989 to get a zone change on the portion of their property that he indicated on the drawing. He stated that when they came in to get their entire property zoned C-2 it was requested by the Commission that Utterback Road not be used as a primary means of ingress/egress, to which they agreed. They now have an access easement with Duke, who used to own the property. The Chelsea Moore plan provides for a 25-foot access easement. They would like to increase the access easement to 50 feet to make it more consistent with the public

right-of-ways for the county and the county ordinance and to provide access to the eight acres. They are landlocked without the access easement. Mr. Nienaber stated that he does not think they can use Utterback Road if they upgrade it because it is not wide enough and there is a creek on one side and residences on the other. They want to ensure that there is enough access right-of-way to get back to their property which might be required in the future when they develop their property. He stated that they have no complaints or problems with the proposed project and they are the primary adjoining property owner.

Chairman Viox asked if anyone else wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Thelma Webber, a resident of Rosetta Lane, asked if the detention basins will be large enough to handle the water. She stated that at times the creek now overflows the road.

Mr. Moore introduced Mr. Jim Benedict with LJB Engineering to respond to her question.

Mr. Benedict stated that their plan is to take as much of the water as practical to the south of the project, down through the connector drive, and directly into the creek on Rosetta. They feel that they can divert most of the area south to the drainage creek and limit the water that presently goes down through the ravine. The detention ponds will be designed to accommodate according to the Boone County regulations.

Mrs. Webber stated that even the water in front of the disposal plants gets up under the road at times because the water is so heavy.

Linda Fehr asked if the connector road will come out on Rosetta or Rosetta Lane. She stated that she owns the house on the corner of Rosetta and Rosetta Lane. Her house was shown on the slides and it is very close to the road.

Mr. Moore stated that they do not plan to come out on Rosetta Lane. He indicated on the drawing where the access will be.

Mike Fehr stated that he is also concerned about the water problem. He asked if the road would be widened in front of their house. He stated that if they widen the road by ten feet they will be on his doorstep, and if they widen it 20 feet on the other side they will be in the creek.

Mr. Moore indicated the detention ponds on the side. He stated that there will be a 50-foot right-of-way and a 25-foot pavement width with possibly a T-intersection. This will be worked out with the Staff. They have not worked out the details of how the connection will be made.

Mr. Benedict stated that they are not proposing to widen Rosetta, but will bring their road down to access Rosetta basically in front of the Fehr's house. Any additional right-of-way will come from Swallen's side of the property.

Mrs. Fehr advised that the road in front of their house now is narrow and you cannot pass.

Mr. Dave Wallace, a resident of the first house on Rosetta Lane, stated that the creek goes over the road every so often in front of his property. The bigger creek comes down from Swallen's and every once in a while it floods at the sewer plant at the corner. If they divert the water over towards Swallen's it will come down that creek and if they do it the other way it will go to the other creek. There will be flooding either way. The two creeks come together by the sewer plant and that is where it floods. The water covers the road and almost gets up to the Fehr's house.

Mr. Benedict stated that, according to the Boone County regulations, there is a certain percentage of the water that they are required to detain on site so that the flow leaving the site is not any greater than what is leaving it now. The purpose of the detention ponds is not to increase the runoff. They will take as much of the site as is physically possible to the south to reduce the amount of runoff going down Rosetta Lane and outlet it along Rosetta Drive.

Mr. Darrin Hamm stated that the water covers the bridge on Hopeful Road and the property at the end of Rosetta. A small amount more water would flood it badly.

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

Mr. Sharp asked if the mini-warehouses are for the use of the people in the apartments only. Mr. Moore advised that the renters will be able to use the mini-warehouses, but they would like to be able to make them available to the general public.

Mr. Sharp stated that he is familiar with this area and there is a serious water problem.

Mr. Neltner stated that he was surprised that there were only four families present in opposition to the request and questioned if the adjoining property owners of existing houses were notified. Mr. Geohegan advised that notices were sent out according to the list submitted by the applicant.

Mr. Neltner asked if the applicant would be willing to limit the use to mini-warehouses. Mr. Moore stated that that is their plan and they have no plans for any other use. He stated that Chelsea Moore would commit to this, but he cannot commit for a future property owner of the site if this project does not go through.

Mr. Neltner questioned the round item on the plan and Mr. Moore advised that it is the picnic area.

Mr. Neltner asked if they would try to preserve as many trees as possible around the perimeter of the site or if all the trees would be taken out. Mr. Moore stated that they will save whatever trees they can. He stated that a lot of cut and fill will be done on the site. He cannot say how

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

April 15, 1992 8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Floyd Sharp

COMMISSION MEMBERS NOT PRESENT:

Mr. Rector Jones
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received a copy of the Minutes of the Business Meeting of April 1, 1992 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that the Minutes of the April 1, 1992 Business Meeting be approved as mailed. Mr. Owens seconded the motion and it carried unanimously.

REPORTS: None.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Vertical Systems, Inc. (applicant) for Heritage Church (owner) for a Zoning Map Amendment on a 6.1-acre site located on the north side of Walton-Nicholson Road between Dixie Highway and Kenton County line, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Industrial One (I-1) in order to allow a light manufacturing building.

Staff Member, Dave Geohegan, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). The Minutes of the March 25, 1992 Public Hearing serve as a summary of the evidence and testimony presented in regard to this request.

Mr. Sharp moved by resolution to the Fiscal Court that the request be disapproved based on the Staff and Committee Reports. Mr. Collins seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of R. J. Schlosser, Esq. (applicant) for Chelsea Moore Company (owner) for a Zoning Map Amendment on a 17.7-acre site located off Connector Drive, Florence and in unincorporated Boone County, Kentucky. The request is to rezone the site from Commercial Two (C-2) to Commercial Services (C-3) and Urban Residential One (UR-1) in order to allow mini-warehouses and apartments.

Staff Member, Dave Geohegan, presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). Mr. Geohegan advised that the property owner has signed the letter agreeing to all of the conditions contained in the Committee Report. A copy of the Minutes of the March 25, 1992 Public Hearing is attached to the Committee Report as a summary of the evidence and testimony presented.

Mr. Kirby moved by resolution to the City of Florence and the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Neltner seconded the motion.

Mr. Owens questioned the need to cut down all of the big trees on the north side of the property where the slope is.

Mr. Benedict, the engineer for the project, advised that the hillside drops off and in order to get the pad built for the lock and store and the other area, it will be necessary for them to go into the area where the creek line is and fill in to the creek line. Mr. Jeremy Moore indicated on the drawing how they would put in a pad for the mini-warehouses and backfill toward the creek. The fill would be ten feet up the trunks of the trees and would kill them.

Mr. Owens stated that he and Director Bill Fromm walked the site. He stated that he is reluctant to see all of the trees cut down and asked if they could re-orient the warehouses.

Mr. Benedict stated that they have to build a pad that is fairly level and no matter what way they would re-orient, they have to get the tow out of there. Mr. Moore added that if they shift the warehouses, they would have to move the apartments which would cause them to lose something and the numbers would not work out.

Mr. Ries stated that the people who were present when the application was made were concerned about the creeks being filled with water. He stated that he believes there will be less of a problem with erosion when the site is completed than there will be during construction. There is nothing to stop the water while the construction is going on and it will fill up the creeks.

Mr. Benedict stated that they will have an erosion control plan and try to retain as much of the sedimentation as possible on site. They will build the detention ponds and use them as sedimentation basins as much as possible while the construction is on-going. Mr. Ries stated that he has seen water covering the road. Mr. Benedict stated that if the road is going to overflow, there is nothing that they can do that will stop it as it presently occurs, but they will try to alleviate their impact as much as possible.

Mr. Ries stated that he wants to be sure that there are preventive actions and no flash flooding -- such as using haybales. Mr. Benedict stated that that will be done. Mr. Kirby noted that Condition #8 says that they have to have all of their erosion control in place before they begin any site work. This will provide the protection Mr. Ries is requesting.

There being no further comments, Mr. Burch asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

3. Site Plan Review

The request of Paul Hemmer Construction Company (applicant) for TRP Associates (owner) for Site Plan Review to construct a 149,000 sq. ft. industrial building for Bruening Bearings, Inc. located in Turfway Business Park, Florence, Kentucky. The 13.5-acre site is zoned Industrial One/Planned Development (I-1/PD).

Assistant Director, Kevin Costello, presented the Staff Report (see Staff Report). He advised that the applicant will still need to go through Design Review.

Mr. Costello read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. Ries moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

many trees, if any, they will save -- but they will save the trees to the best of their ability. Mr. Benedict indicated a dotted line that represents the limits of their construction area and stated that it appears that they will be able to save all of the trees outside of those lines. He indicated on the drawing that along the Swallen's edge of the site there will probably be 15 to 30 feet of buffer. He advised that there is a mound of waste material from previous construction projects that they will have to deal with and most of the interior portion of the site will have to be graded.

Mr. Hamm stated that they moved into their house for the privacy and the safety of their children. He asked if a permanent wooden privacy fence could be put up to keep his kids from going over to the construction.

Mr. Moore stated that they will look into this, but it depends on the cost and what it does to the overall project. He stated that he could not commit to the privacy fence at this time.

Chairman Viox asked if there were any further questions.

A lady in the audience asked if the project would be built in phases and, if so, what would happen to the water in Phase One. Mr. Moore stated that whether or not it will be phased depends on the marketing. They would like to be able to build in phases. He indicated on the drawing how far they would like to develop in the first phase. Mr. Benedict advised that the drainage will have to be constructed as a part of the first phase.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 1, 1992 at 8 P.M. and closed this Public Hearing.

APPROVED:

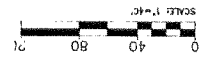

William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

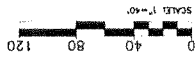
DATE	1-21-73
JOB NO.	
OWNER	
DESIGNER	
CHECKER	
APPROVER	
TITLE	

Alken, Aiken & Sheetz, Architects, Inc.
 404 233 4455
 P.O. Box 82919 • Atlanta, GA 30355 • 2122 Peachtree Rd., N.E. • Atlanta, GA 30305



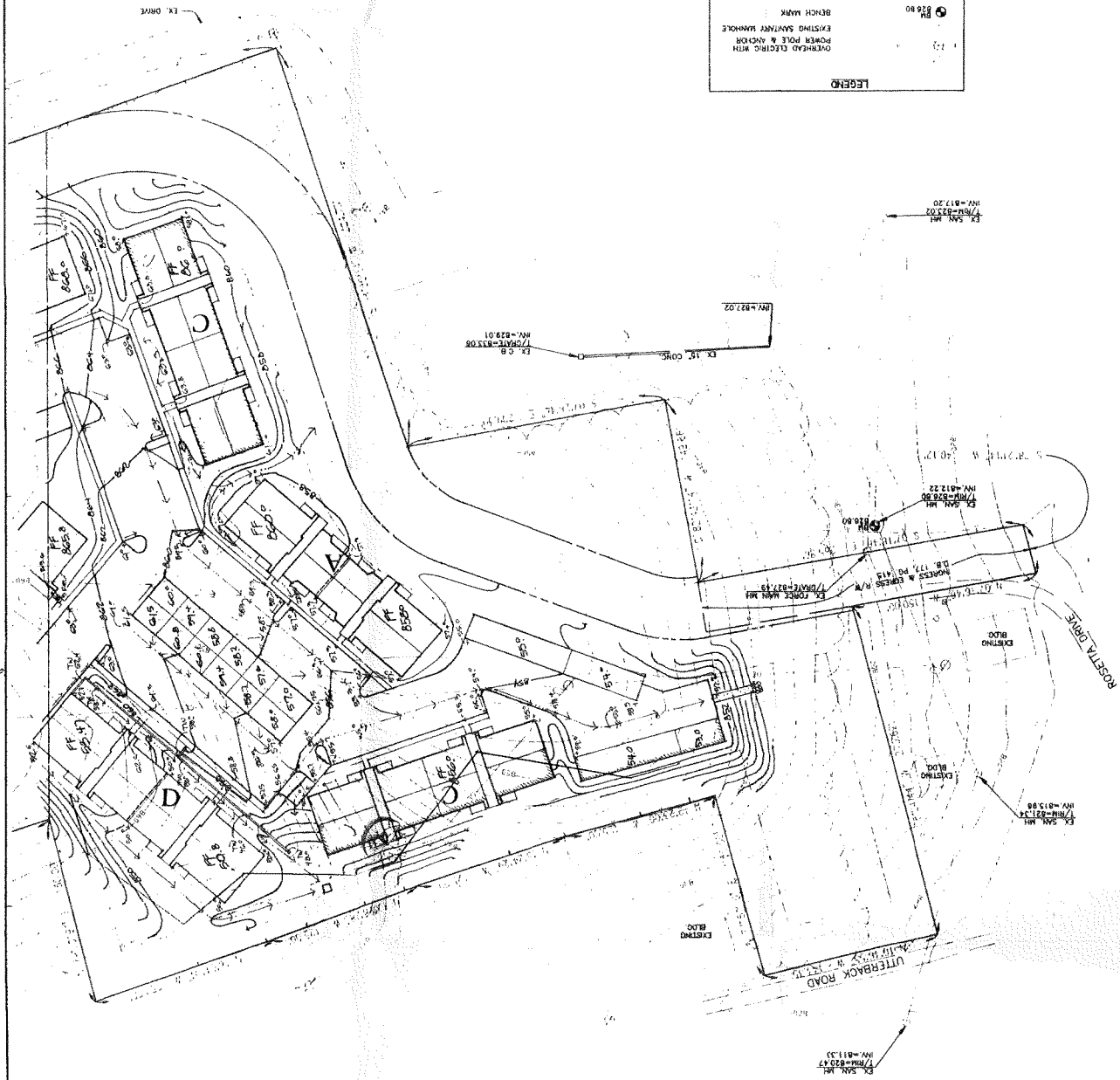
N 15°00' 27" W 38.65'

DATE	REVISIONS
APPROVED	BY
CHECKED	DATE
DRAWN BY	SCALE
NO. 10	1/4" = 1'-0"



LEGEND

EXISTING MATCH BASIN	□
EXISTING TREE LINE	○
EXISTING TREE	●
EXISTING FENCE	—
EXISTING FLOW LINE	—
EXISTING WATER METER	⊗
EXISTING WATER VALVE	⊕
EXISTING FIRE HYDRANT	⊙
BENCH MARK	BM 826.80
OVERHEAD ELECTRIC WITH POWER POLE & WOODEN POST	—



ORDINANCE NO. O-21-92

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 20.2 ACRE SITE FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) TO URBAN RESIDENTIAL ONE (UR-1) AND COMMERCIAL THREE (C-3), SUBJECT TO A CONCEPT DEVELOPMENT PLAN, THIS PROPERTY BEING LOCATED NEAR THE CONNECTOR DRIVE/ROSETTA DRIVE/UTTERBACK ROAD AREA IN THE CITY OF FLORENCE, KENTUCKY. (CHELSEA MOORE COMPANY)

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 requested zone change for an approximate 20.2 acre parcel located near the Connector Drive/Rosetta Drive/Utterback Road area in the City of Florence, Kentucky, be granted, subject to an agreed concept development plan, this zone change being from the current zoning of Commercial Two (C-2) to Urban Residential One (UR-1) and Commercial Three (C-3) zones, and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 20.2 acre parcel to Urban Residential One (UR-1) and Commercial Three (C-3) zoning classifications, subject to an agreed concept development plan. The subject real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of the subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change and its concept development

plan shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including the development plan as presented before the Boone County Planning Commission and agreed to by the applicant/property owner. This zone change is conditioned upon the foregoing as provisions agreed to as part of the development plan.

SECTION V

In the event that this rezoning of this property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect regardless of any invalidity relating to this particular rezoning.

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 23rd DAY OF June, 1992.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 14th DAY OF July, 1992.

APPROVED:

Erlynn Kalb
MAYOR

ATTEST:

Patricia L. Conroy
CITY CLERK

Bill
Kevin

FLORENCE CITY COUNCIL

MINUTES - REGULAR MEETING

JULY 14, 1992

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, July 14, 1992 at 7:30 p.m. in the Florence Municipal Building with Mayor Evelyn Kalb presiding in the Chair.

Mayor Kalb called the meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members registered present: Mel Carroll, James Collins, William Hudson, Dr. Ferd Metzger, and Earl White. Absent was David A. Osborne.

Also present were City Coordinator Roger Rolfes, City Attorney Hugh O. Skees, Assistant Police Chief Thomas Kathman, Public Services Director Gregory Tindle, EMS Director James Butler, Assistant Fire Chief R. G. Bidwell, Assistant Fire Chief Robert E. Skelton, Florence Water & Sewer General Manager Harold Hedges, City Clerk Betsy R. Conrad and Assistant City Clerk Marlene Brown.

Mayor Kalb called for a motion to approve the minutes of the June 23, 1992 Regular Meeting of Council. Councilmember Collins so moved, with second from Councilmember Carroll, and unanimous approval of Council.

Mayor Kalb presented the following Ordinance for second reading:

ORDINANCE NO. 0-21-92: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 20.2 ACRE SITE FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) TO URBAN RESIDENTIAL ONE (UR-1) AND COMMERCIAL THREE (C-3), SUBJECT TO A CONCEPT DEVELOPMENT PLAN, THIS PROPERTY BEING LOCATED NEAR THE CONNECTOR DRIVE/ROSETTA DRIVE/UTTERBACK ROAD AREA IN THE CITY OF FLORENCE, KENTUCKY. (CHELSEA MOORE COMPANY)

Councilmember Hudson moved, with second from Councilmember Metzger, that Ordinance No. 0-21-92 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Kalb presented a consideration of recommendation from the Boone County Planning Commission regarding a request of Wal-mart Stores, Inc. (owner) for a Zoning Map Amendment on approximately a 1.51 acre parcel located on Lot 15 of Turfway Business Park, from Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD). Councilmember Metzger moved, with second from Councilmember Hudson that this request be placed on the Agenda for action. Council approved by unanimous vote.

Mayor Kalb then presented the following Ordinance for first reading:

ORDINANCE NO. 0-22-92: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 1.51 ACRE PARCEL LOCATED ON LOT 15 OF TURFWAY BUSINESS PARK, THIS REZONING BEING FROM ITS PRESENT ZONE OF INDUSTRIAL ONE/PLANNED DEVELOPMENT TO COMMERCIAL TWO/PLANNED DEVELOPMENT, SUBJECT TO A CONCEPT DEVELOPMENT PLAN (WAL-MART STORES, INC. PROPERTY).

Boone County Recorder

7-22-92

CITY OF FLORENCE, KENTUCKY

SUMMARY OF ORDINANCE NO. 0-21-92

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-21-92 on July 14, 1992. The title of this Ordinance is as follows:

ORDINANCE NO. 0-21-92

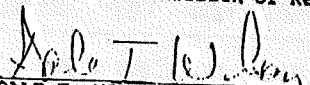
AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 20.2 ACRE SITE FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) TO URBAN RESIDENTIAL ONE (UR-1) AND COMMERCIAL THREE (C-3), SUBJECT TO A CONCEPT DEVELOPMENT PLAN, THIS PROPERTY BEING LOCATED NEAR THE CONNECTOR DRIVE/ROSETTA DRIVE/UTTERBACK ROAD AREA IN THE CITY OF FLORENCE, KENTUCKY. (CHELSEA MOORE COMPANY)

This Ordinance adopts and approves a rezoning of certain real estate, an approximate 20.2 acre site, located near the Connector Drive/Rosetta Drive/Utterback Road area in the City of Florence, Kentucky, from its present zone of Commercial Two (C-2) to Urban Residential One (UR-1) and Commercial Three (C-3). This rezoning is subject to an agreed concept development plan.

The full text of Ordinance No. 0-21-92 is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Municipal Building, 7431 U.S. Highway 42 at Niblack Drive, Florence, Kentucky.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-21-92 and that it has been prepared by me this 14th day of July, 1992, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.


DALE T. WILSON
ROUSE, SKEES, WILSON & DILLON
Attorneys at Law
7699 Tanners Lane, P.O. Box 756
Florence, Kentucky 41042
(606) 371-7407

Councilmember Collins moved, with second from Councilmember Hudson, that Ordinance No. 0-20-92 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Kalb presented a consideration of recommendation from the Boone County Planning Commission regarding a request of R. J. Schlosser, Esq. (applicant) for Chelsea Moore Company (owner) for a Zoning Map Amendment on an approximate 20.2 acre site generally located off Connector Drive, Florence and unincorporated Boone County, Kentucky. The request is to rezone the entire site for Commercial Two (C-2) to Commercial Services (C-3) and Urban Residential One (UR-1) in order to allow mini-warehouses and apartments. Councilmember Metzger moved, with second from Councilmember Hudson that this request be placed on the Agenda for action. Council approved by unanimous vote.

Mayor Kalb then presented the following Ordinance for first reading:

ORDINANCE NO. 0-21-92: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 20.2 ACRE SITE FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) TO URBAN RESIDENTIAL ONE (UR-1) AND COMMERCIAL THREE (C-3), SUBJECT TO A CONCEPT DEVELOPMENT PLAN, THIS PROPERTY BEING LOCATED NEAR THE CONNECTOR DRIVE/ROSETTA DRIVE/UTTERBACK ROAD AREA IN THE CITY OF FLORENCE, KENTUCKY. (CHELSEA MOORE COMPANY)

Councilmember Metzger moved, with second from Councilmember Collins, that Ordinance No. 0-21-92 be approved on first reading and held for second and final reading at next regular meeting of Council. Roll call vote was taken. Voting Yes: Councilmembers Osborne, White, Metzger and Collins. Voting No: Councilmember Hudson as a protest vote against additional apartment complexes in the City of Florence. Motion carried with four (4) Yes votes and one (1) No vote.

Mayor Kalb then presented the following Resolution for consideration:

RESOLUTION NO. R-3-92: A RESOLUTION APPROVING A LEASE WITH THE FIFTH THIRD BANK IN THE PRINCIPAL AMOUNT OF \$429,938 FOR THE FINANCING OF TWO FIRE TRUCKS; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATING TO SUCH LEASE AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH LEASE.

Councilmember Hudson moved, with second from Councilmember Collins, that Resolution No. R-3-92 be approved, Council approved by unanimous vote.

Mayor Kalb recognized Fire Chief Albers, who announced the results of the testing for the two new Assistant Fire Chief positions. Chief Albers praised the candidates who tested, relating that all had excelled. He congratulated Thomas E. Ollier and Robert E. Skelton on their selection. Mayor Kalb presented the new Assistant Fire Chiefs with their badges and added her congratulations. Chief Albers and Assistant Chief Bidwell then concluded the presentation.