

City of Florence



EVELYN KALB
Mayor

OFFICE OF THE MAYOR

July 1, 1992

Mr. William D. Fromm, Director
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

JUL 2 1992
RECEIVED

Dear Mr. Fromm:

On May 11, 1992 I wrote you requesting rezoning of certain property off Sycamore Drive near U.S. 42. Enclosed with that letter, was a description of the property as well as a list of abutting property owners.

It is my understanding that a public hearing on the rezoning is scheduled for July 1, 1992.

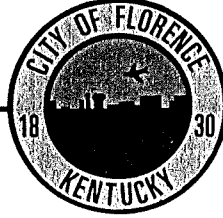
This letter is to reiterate the City's position that the zoning on this property should be changed to a single family residential zone compatible with other zoning in the same subdivision.

Sincerely yours,


Evelyn M. Kalb
Mayor
CITY OF FLORENCE

EMK/keh

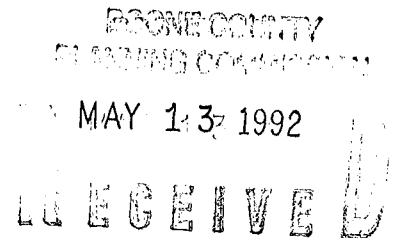
City of Florence



EVELYN KALB
Mayor

OFFICE OF THE MAYOR

May 11, 1992



Mr. William D. Fromm, Director
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

Dear Mr. Fromm:

As part of the county wide zoning update, the City became aware of certain property off of Sycamore Drive near U.S. Highway 42 having been previously rezoned to commercial three. This rezoning, we understand, may have occurred as far back as 1980. The property involved, the City believes, should be evaluated for possible rezoning to a single family residential zone compatible with other lots in that same subdivision. Material more particularly describing or locating the property is attached.

Accordingly, this letter is a request from the City for the Commission to conduct a review process for considering rezoning of the property to a residential zoning classification compatible with the lots in the same subdivision. Also enclosed with the material describing the property is a list of abutting property owners. On review, if you or any member of your staff have any questions, please have them contact either my office or Roger Rolfes, City Coordinator.

Sincerely yours,

Evelyn M. Kalb
Mayor
CITY OF FLORENCE

EMK/keh
Enclosure

EXHIBIT "A"

STAFF REPORT

#1

REQUEST OF THE CITY OF FLORENCE FOR A ZONING MAP AMENDMENT FROM COMMERCIAL SERVICES (C-3) TO SUBURBAN RESIDENTIAL ONE (SR-1)

July 1, 1992

This is the request of the City of Florence for a Zoning Map Amendment to change the current zoning designation of Commercial Services (C-3) to Suburban Residential One (SR-1). Lots 47 and 48 of the Shamrock Hills Subdivision (approximately 16,800 square feet) are located on the west side of Sycamore Drive, Florence, Kentucky. The property is currently owned by Dave and Sandra Helmer.

SURROUNDING LAND USES AND ZONING

The properties immediately to the north and west are currently zoned C-3. Directly to the east and south, the properties are zoned SR-1. Land uses of adjacent properties include:

- North: Commercial (Shamrock Square Shopping Center).
- South: Low Density Residential (Shamrock Hill Subdivision).
- East: Low Density Residential (Shamrock Hill Subdivision).
- West: Commercial (proposed Car X Muffler Shop and remainder of undeveloped site).

SITE FEATURES

One single-family dwelling unit currently exists on the fairly level site. The Soil Survey of Boone, Campbell, and Kenton Counties, Kentucky indicates that the site is composed of Rossmoyne silt loam with 0 to 6 percent slopes (RsB).

The 1964 zoning map indicates that this site, lot 47A and the 1.8554 acre site immediately to the west were zoned Residence R-2. In the early 1970s, the three parcels were annexed by the City of Florence. The early 1970 zoning maps indicate that this site was zoned Low Density Interchange Business District (B-6). Zoning maps since that time indicate the parcel to be Commercial Services (C-3).

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates that future use of the property to be Commercial (C) (p. 198).

The text of the Comprehensive Plan describes the City of Florence in further detail:

"Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate." (p. 220)

"Development along U.S. 42 from Mall Road to the Tanners Lane area should continue to be a mixture of professional and local, traffic-oriented commercial activity." (p. 221)

The Overall Objective of the Comprehensive Plan, in part, reads:

"There is nothing inherently incompatible between the various board 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..." (p. 1)

Several specific Objectives of the Business Activity Element of the Plan further explain commercial development:

1. "Compact, efficient development patterns shall be encouraged for commercial and industrial development with adequate and maintained buffer spaces established between the business use and other land usage." (p. 5)
2. "Commercial uses shall be limited to strategic locations relative to their trade areas with direct access and ample parking." (p. 5)
3. "Future commercial development shall be encouraged, whenever practical, to occur in the form of shopping centers or other compact aggregations having an integrated design." (p. 5)
4. "Small scale mixing of commercial and office uses in residential areas shall be carefully assessed and located so as to enhance the neighborhood." (p. 5)

CONCLUSION

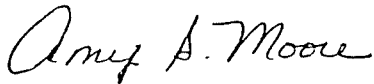
The Boone County Planning Commission must evaluate this and all Zoning Map Amendments in terms of the three findings of fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

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

2. The existing zoning classification is inadequate 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.

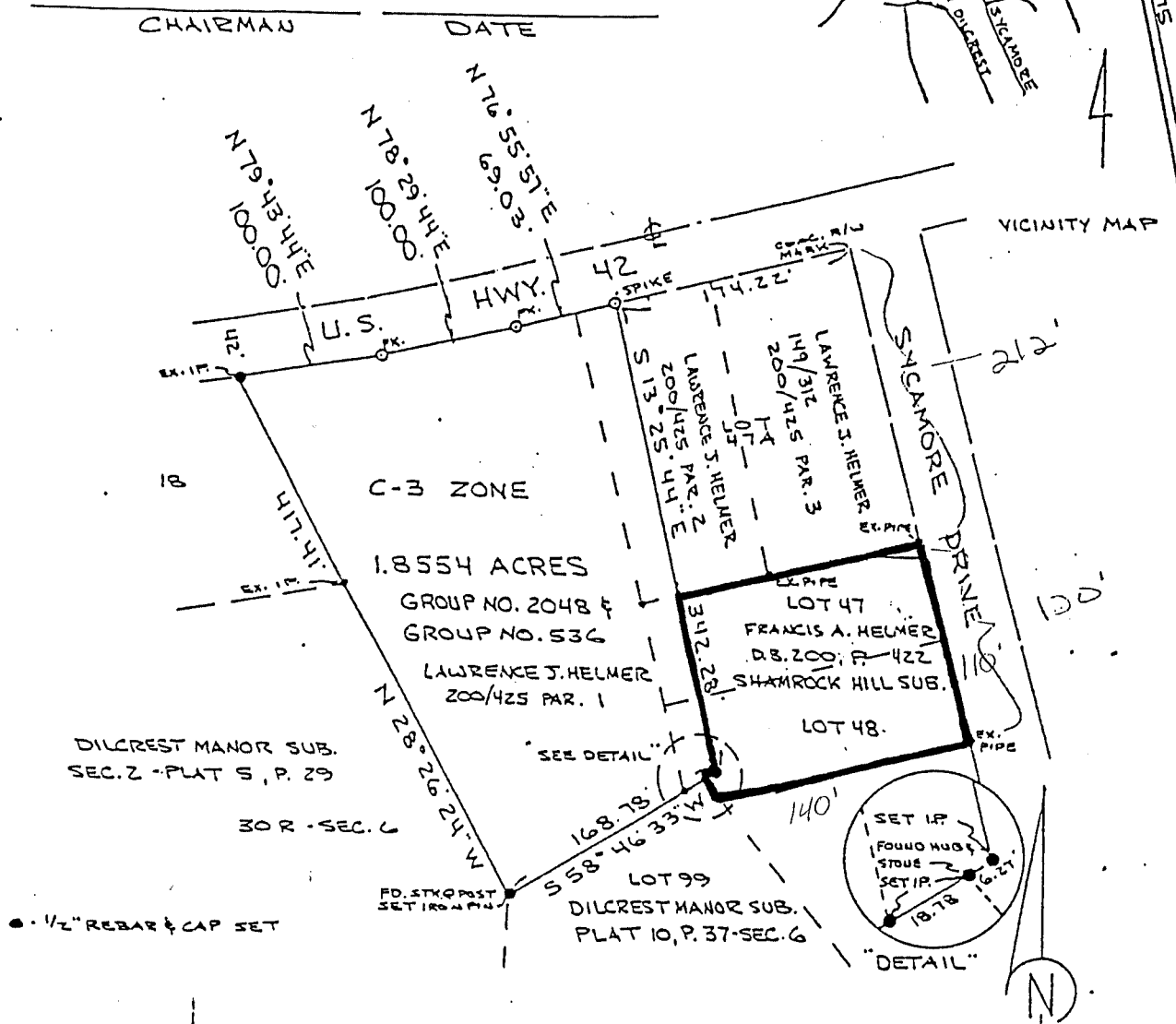
Respectfully submitted,



Amy S. Moore
Planner I

ASM:kat

PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION.



I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY, MADE BY ME, BY THE METHOD OF RANDOM TRAVERSE. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE. THIS SURVEY AND PLAT MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES. THE BASIS OF THE BEARINGS WAS THE DEED OF RECORD. THE PARCEL SHOWN HEREON REPRESENTS THE FIRST SUBDIVISION OF THE ORIGINAL PROPERTY UNDER PRESENT OWNERSHIP.

Timothy R. McNeely 3-5-86
 R.L.S. NO. 2039 DATE

PLAT OF 1.8554 ACRES TO BE CONVEYED BY
 LAWRENCE J. HELMER
 BOONE COUNTY - FLORENCE - KENTUCKY
 SOUTH SIDE U.S. HWY. 42
 174.22 FT. WEST SYCAMORE DRIVE

MARCH 5, 1986 1" = 100'
 REF. FB. 10-15

TIMOTHY R. McNEELY, REG. LAND SURVEYOR
 1108 McVILLE RD., BURLINGTON, KY. 41005





V. Parr Subdivision
Pt. Bk. 2 P. 26

0.5 MI. TO FU

LACRESTA ROAD

MARY'S COURT

CHERRY AVE

SYCAMORE DRIVE

U S

SHAMROCK HILL

SUBDIVISION

U S HW 2 5 M SW OF FLORENCE BOONE CO KY

R. P. Coleman

APPROVED FOR RECORDING
BOONE CO KY

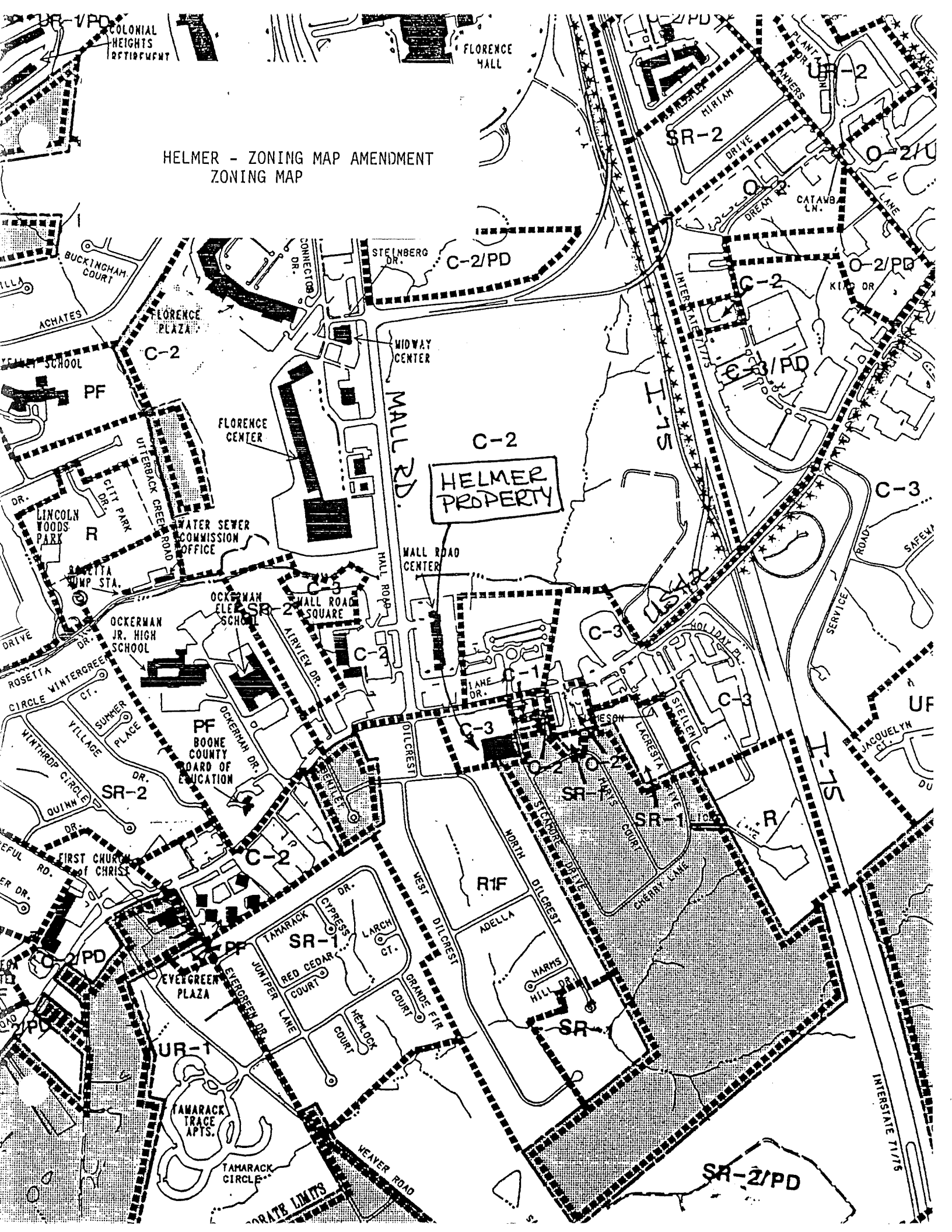
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HELMER - ZONING MAP AMENDMENT
ZONING MAP



BOONE COUNTY PLANNING COMMISSION

July 1, 1992

7:00 P.M.

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M..

Following an explanation of the Public Hearing process, Chairman Viox introduced the item on the Agenda:

1. Applicant: The City of Florence
Request: Zoning Map Amendment

The request of the City of Florence for the Boone County Planning Commission to consider a Zoning Map Amendment for Lots #47 and #48 of Shamrock Hill Subdivision, Florence, Kentucky. The request is to consider rezoning both lots from Commercial Services (C-3) to Suburban Residential One (SR-1).

Staff Member, Amy Moore, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if a representative of the City was present. There being no response, Mrs. Moore advised that a letter was received from the City with the application (see EXHIBIT A) and a second letter was sent by FAX today (see EXHIBIT B). She spoke with the Mayor's office and they expected Roger Rolfes to be present this evening.

Chairman Viox read the letter received from the City today which was addressed to Mr. Fromm. The letter was signed by the Mayor of Florence and indicated that the City's position is that the zoning should be changed to SR-1 compatible with the zoning in the subdivision.

Chairman Viox asked if the property owner was present. Attorney Mike Duncan asked to speak after those in favor of the request have spoken.

Chairman Viox asked if there was anyone present who wished to speak in favor of the request.

Mr. David Beasley stated that he is a next door neighbor to the subject property. He lives on Sycamore Drive on Lot #49. Mr. Beasley distributed to the Commissioners copies of a letter he had written in regard to this application (see EXHIBIT C). Mr. Beasley's letter indicates that he believes the property is zoned residential, not business, and the idea that it is zoned business is based on an error that has carried forward; there are single-family residences across from the property, to the south and to the southwest of the property; the property has been used as a

family residence at least since 1963 and the City could find no record of an occupational license issued for the property; the Shamrock Hill plat restriction limits the subdivision to single-family residences; and the Commission should zone the property Suburban Residential One to clear up any uncertainty. He stated that neither the Staff nor the City of Florence could find any evidence specifically indicating that the land is commercial. He believes that the original City of Florence zoning of Residential One would be the prevailing ordinance because there have been no changes since then. The commercial strip from Lacresta on down is only one lot deep off U.S. 42 except for this property. The commercial zoning off U.S. 42 should be only one lot deep and Lots #47 and #48 should be residential in character with the neighborhood.

Betsy Roove Conrad, a resident of Mary's Court, displayed a map showing the subject property and the single-family residences directly across the street (owners named Chase and Hanks). She submitted a letter to the Commission which she had written, along with her husband, as representatives of the Shamrock Homeowners Group (see EXHIBIT D). She stated that the property has been used as a residence and there has been no sign of it being used as commercial. The structure was constructed as a residence, not a business. She repeated Mr. Beasley's comments regarding the lack of an occupational permit. She stated that the Florence City records indicate in Ordinance #0-21073 that the Minutes say "zoning the front area of U.S. 42 to Business-Six Zone and the two lots in the rear to the Residential One zone". She stated that there appears to have been an error when the maps were drawn. She stated that this matter did not come to light until the recent death of Mr. Helmer and his heirs offered it as commercial property. The matter was brought before Florence City Council and they were not aware that the property was zoned C-3 and agreed that the zoning was inappropriate and requested this meeting. She stated that the commercial zoning jeopardizes the integrity of the subdivision and adversely impacts their property values. She asked that the Commission recommend rezoning the property to Residential One in accord with the original intent of the Florence City Council in 1973 and the position of the current City Council.

Mike Duncan, attorney representing Larry and Sandy Helmer, stated that they are not in favor of this rezoning. It is not a rezoning instituted by the property owner. Mr. Duncan stated that this property has been owned by the Helmer family and various parcels were put together over the years. Prior to the recent deaths of Mr. and Mrs. Helmer, the family began to assemble various properties and make agreements among themselves as to who gets which properties. The subject property is a portion of the property that David Helmer was to receive. Mr. Duncan stated that he does not think all of the documents have been finalized to completely divest the estate. When they made the agreements among themselves, it was understood that this was commercial property and part of a larger commercial tract. Their plans had always been to develop the property commercially. Mr. David Helmer took this property from the estate as a commercial piece of property with that value.

Using large drawings, Mr. Duncan indicated the overall land holdings of Larry Helmer, some of which were owned with his sons. He indicated the front lot on which a shopping center was built (Lot 47A of the

subdivision) and the subject two lots which were outlined in pink. He indicated property acquired separately that was never part of the subdivision. Mr. Duncan stated that the first step in the Helmer's planned commercial development was the strip center. In 1985 and 1986 when they began thinking about dividing up the properties, there was some replatting. In 1986 a Subdivision Plat was approved by the Commission to take off a piece of Lots #47 and #48 and a piece of #47A that was not needed for the strip center and was appended onto the adjacent property in the control of Larry and Dennis Helmer. Using a map that David Helmer had obtained from Staff Member Amy Moore, he indicated that there is a large square piece of property that has always been treated as one piece of property. He reviewed a map from October, 1969 with revisions in 1971 and 1973 that shows the overall property to be zoned B-6. He stated that he was not aware of the Annexation Ordinance referred to by Mr. Beasley.

Mr. Duncan stated that in 1984, 1986, and 1991 the property remained B-6 after Comprehensive Plan Updates and review of the zoning maps. In 1986 after the Update of the Comprehensive Plan the property was C-3. He stated that the property is not in the middle of residential zoning, but it is in the middle of commercial zoning and has been since the early 1970's. He stated that in order to rezone a property, one of the elements would have to be that it is in conformance with the Comprehensive Plan -- which is not the case. Or, the current zoning must be inappropriate and the proposed zoning appropriate and there has been no evidence of that. He stated that each time this was reviewed, the Commission said that the appropriate land use was commercial and the appropriate zoning Commercial Three. The final element that must be met is that there have been major changes of an economic or social nature since the adoption of the Comprehensive Plan that were not anticipated and that is not applicable here. The Comprehensive Plan was completed at the end of 1991 and the implementation of the zoning map by the City of Florence was just done last month after their letter was sent asking the Commission to consider rezoning this property.

Mr. Duncan stated that it is his understanding that it was presented to the Florence City Council that there may have been a mistake here. He noted that the letter read this evening from the Mayor was stronger and said that this property should be rezoned. He feels that it would be inappropriate for the Florence City Council to make up its mind before the Commission does its review and the first letter more accurately depicts what the Florence City Council asked the Commission to do. He believes that it would set a dangerous precedent to allow a zone change against a property owner's will when the Comprehensive Plan is very clear. They want the zoning left Commercial.

Mr. Helmer stated that they always figured on the property being commercial and it was zoned that way. The property intertwines with the adjoining properties and could be used as a parking lot or some other low key situation. He is not coming to the Commission with a commercial plan at this time, but they do not intend for there to be a McDonald's type use. There may be an office situation on the property.

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

Mr. Collins stated that there is only one property in the subdivision that is in the City of Florence and questioned why the City of Florence made this request.

Mrs. Conrad stated that there are other properties within the subdivision that are in the City of Florence. She reviewed the Florence City limits and stated that the City Council realizes that the majority of the properties are in unincorporated Boone County, but there is a high probability of annexation and they want to look out for these property owners. She noted that Fred Metzger in his letter of February 17, 1992 to Mr. Fromm (see EXHIBIT E) in regard to the proposed Zoning Regulations brought up this point that "in addition to the Article changes and notification, we also wish to ask for reconsideration of zoning changes on U.S. 42 and Sycamore Drive (the Helmer property) which appears to be spot zoning of a single-family residence for Commercial Three".

Mr. DeLong noted that Mr. Helmer heard verbally about his zoning being considered for change. Mrs. Moore advised that applicants are required to give the names and addresses of the adjoining property owners or the property owners. Dennis Helmer was not listed as a property owner and was not notified by mail. The city notified the Staff that Dave and Sandra Helmer were the property owners.

Chairman Viox inquired as to who owns the property. Mr. Duncan advised that the property owners are David Helmer, Sandra Helmer Claust, and Dennis Helmer. The deed is being circulated to divide up the properties, but it has not yet been recorded. Counselor Wilson advised that the PVA records are used and the applicant has to give the names of adjoining property owners and property owners. In quoted from KRS 100 that "PVA records may be relied upon to determine the owner". He stated that, in this instance, Dennis Helmer got notice because he sent a letter. If a person is listed in the PVA records and is not notified, there is a Chapter in KRS 100 in regard to a procedural defect and there is no problem with the process unless the person who did not get notice is prejudiced by it. If someone does not get the mailed notice, but is notified otherwise, then he got notification. If that person does not know about the hearing until after it occurs and says he was entitled to notice, it is possible that the Public Hearing process would have to be repeated.

Mr. Greene stated that the property is zoned Commercial Three and has commercial zoning on two sides of it. If the property is returned to residential zoning, it would be an awkward corner with commercial zoning on two sides of it. Mr. Duncan indicated the property on the drawing. Mr. Kirby stated that two sides of the property are zoned commercial and, according to the Land Use Plan, a third side is planned to be commercial. He noted that the houses on the left side as you go in Sycamore Drive are shown to someday be commercial on the Future Land Use Map. Mr. Duncan indicated these houses on the map.

Mr. Ries stated that he was not clear as to when the confusion occurred in regard to the zoning. Mrs. Moore stated that the earliest map she could find (dated October, 1964 with a revision in 1976) shows the property,

which was in the county at that time, to be part of the subdivision. The property was zoned R-2 at that time like the remainder of the subdivision. The next map she found, where the parcel was annexed into the City of Florence (1967 with revisions dated 1971 and 1973), shows the property to be zoned B-6. The Minutes found at the City of Florence were dated 1973 and say that "the front part should be zoned B-6 and two small lots in the rear should stay residential". All of the subsequent zoning maps she was able to find show the property as being zoned B-6 or C-3. Mr. Ries asked Mrs. Moore how she believed the zoning slipped from one zone to the other. Mrs. Moore stated that she did not know.

Counselor Wilson stated that there was a Planning Commission in 1973 and it was a county-wide planning unit. This property was outside the city limits at that time. Mr. Ries stated that sometime between 1973 and 1976 this mysterious change occurred. Mrs. Moore stated that the City Council Minutes in 1973 say that the front portion was zoned B-6 and the rear was Residential.

Mr. Ries asked Mr. Beasley if he checked on the zoning when he moved in in 1963. Mr. Beasley stated that he did not; but when he moved in, the shopping center had not been built. There was a gas station there. He assumes that the B-6 zoning was an error because the last revision made in 1973 showed B-6 instead of R-1 zoning, but he could not find any subsequent Ordinance rezoning the parcel to Business. He believes an error occurred and was perpetuated.

Mr. Kirby questioned which would take precedence -- something in the Minutes or the map? There was no follow through to see that the map was changed based on the Minutes. Mr. Sharp stated that the City of Florence annexed the property in 1973 and it was their understanding that at that time the front portion was C-3 and the two lots in the rear were single-family residential. That is the way the property was annexed.

Ruth Chase, owner of the property in front of the Helmer's property, questioned where the entrance to the new business will be. Counselor Wilson advised her that, at this point, they have not proposed a commercial use for the property.

Bernice Pennington, 7 Sycamore Drive, questioned if the city can change the zoning of a house without telling the people in the subdivision that they have suddenly made a residence a business. Counselor Wilson advised that when the City or the Fiscal Court does a zoning map of a large area, not an individual rezoning, public notice is given -- but not to each individual property. Notice is given of a city-wide map update.

Mrs. Conrad stated that the verbiage from the City Council was not only in the Minutes, but in Ordinance #021-73. In response to Mr. Kirby's earlier question, Mr. Beasley stated that the Ordinance would prevail. The Ordinance is the law.

Counselor Wilson stated that every time there was a city-wide map update in subsequent years, the city-wide zoning map would have been adopted by an Ordinance also. It appears that in 1973 the two lots were indicated to

stay Residential, but subsequent Ordinances that show the property as something other than Residential were also adopted.

Mr. Beasley stated that Mrs. Chase and the Hanes family live across the road and were not notified. They are abutting property owners to the centerline of the road and should have been notified. Counselor Wilson noted that they are present and so they have notice. There was no prejudicial effect.

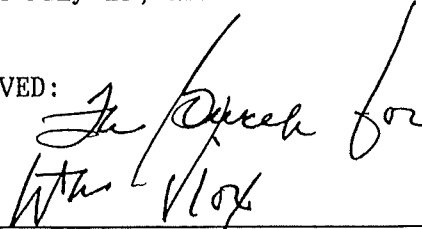
Mr. Duncan stated that since 1973 there have been updates of the Comprehensive Plan, meeting after meeting, and public notice after public notice in the mid 1970's and the 1980's. Each time that was done, this property was put on the map as Commercial. This is not the proliferation of an error as it was looked at specifically each time. The City of Florence adopted an Ordinance adopting the map with this property as C-3. He stated that it makes sense to keep the lines the way they have been for twenty years and it would be unfair to change those lines. He added that they do not know where an entrance to the property would be and they do not have a Development Plan.

Mrs. Conrad stated that, realizing that the parcel is all one entity as Mr. Duncan said, what would be the problem in zoning it Office or C-1? She questioned if it could be a step down into the residential area rather than it being able to be used as a used car lot or any other Principally Permitted Use in the C-3 Zone. There could be a graduation of uses that would be more compatible than C-3 Zoning up against Residential. Counselor Wilson advised that the Committee can consider Mrs. Conrad's comments if it feels the C-3 Zoning is too harsh. The question at this time is C-3 or SR-1. The Committee could come back with a recommendation that there be some other zone, but there would then have to be a public hearing process in that regard.

Mr. Beasley stated that C-3 Zoning includes food processing and preparation. He questioned if there could be slaughterhouse on the property. Mrs. Moore read the list of C-3 uses, which did not include food processing as a Permitted Use.

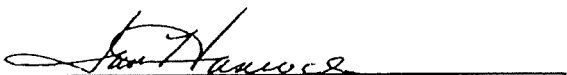
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on July 15, 1992 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 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. R. N. Greene
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Floyd Sharp

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong
Mr. Rector Jones
Mr. Robert Kirby, Jr.
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 copies of the Minutes of the Public Hearing and the Business Meeting of July 1, 1992. He asked if there were any comments or corrections.

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

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of the City of Florence for the Boone County Planning Commission to consider a Zoning Map Amendment for Lots #47 and #48 of Shamrock Hill Subdivision, Florence, Kentucky. The request is to consider rezoning both lots from Commercial Services (C-3) to Suburban Residential One (SR-1).

Mr. Neltner read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. Collins moved by resolution to the City of Florence that the request be denied based on the Staff and Committee Reports. Mr. Owens seconded the motion.

Mr. Burch asked if there was a representative from the City of Florence present. There was no response. Mr. Burch asked for a vote on the motion by Mr. Collins to deny the request and it carried unanimously.

Attorney Mike Duncan, speaking in behalf of the property owners, stated that they appreciated the Commission's recommendation for denial of the request.

2. Concept Development Plan

The request of Don Conrad/Waco Oil Co. (applicants) for Mt. Zion Development (owner) for a change in a previously approved Concept Development Plan for an approximate 1.1-acre site on the south side of Mt. Zion Road and adjacent to relocated Biltmore Boulevard, Boone County, Kentucky. The 1.1-acre parcel is part of a larger 10.03-acre tract and is currently zoned Commercial Services (C-3).

Mr. Burch stated that the applicant wished to make a request to the Commission prior to the Committee Report being read.

Attorney Mike Duncan, speaking in behalf of the property owner and the applicant, stated that they would appreciate the opportunity to meet with the Committee. They did not have the opportunity to attend when the Committee met. He asked that the request be deferred until the August 5, 1992 Business Meeting and stated that they would waive any time limitations.

Mr. Sharp stated that he was in agreement with a deferral of the request and moved that the request be deferred until the August 5, 1992 Business Meeting. Mr. Greene seconded the motion.

Mr. Burch asked for a roll call vote on the motion to defer the request until the August 5, 1992 Business Meeting which found Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, and Mr. Sharp in favor. Mr. Collins was opposed. The motion carried by a vote of 8 to 1.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: July 15, 1992

RE: Request of the City of Florence for the Boone County Planning Commission to consider a Zoning Map Amendment for Lots 47 and 48 of Shamrock Hill Subdivision, Florence, Kentucky. The request is to consider rezoning both lots from Commercial Services (C-3) to Suburban Residential One (SR-1).

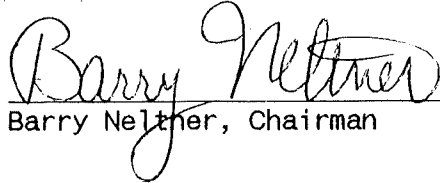
REMARKS:

We, the Committee, based on the statements made and facts gathered at the June 22, 1992 Public Hearing, recommend denial of this request based on the following Findings of Facts:

Findings of Facts

1. The proposed Zoning Map Amendment is not consistent with the 1990 Boone County Comprehensive Plan Future Land Use Map. The Future Land Use Map indicates the site to be Commercial (C).
2. It has not been proven that there have been any major changes of an economic, physical, or social nature not anticipated in the Comprehensive Plan that have substantially altered the area's character.
3. Since 1980, the site has been zoned C-3. The continuance of this zoning designation has been approved by both the Boone County Planning Commission and the City of Florence as a part of three county-wide zoning updates.
4. The 1992 Boone County Zoning Regulations state that the minimum side or rear yard setback for a proposed building in a Commercial Services (C-3) zoning district when it adjoins an Suburban Residential One (SR-1) zoning district is 50 feet. Section 3165 of the Zoning Regulations also indicate that a 25 foot wide landscaped buffer is required between C-3 and SR-1 zoning districts. The Committee believes that these regulations will adequately buffer the adjoining residential properties from any future commercial use of the site.

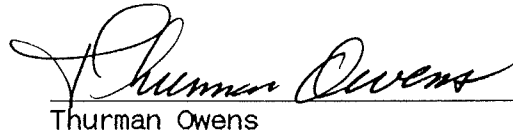
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



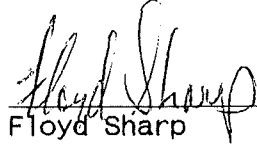
Barry Neltner, Chairman

Fred Burch

Phil Damstrom



Thurman Owens



Floyd Sharp

Carol Smith

BN:kat