

EXHIBIT "A"

STAFF REPORT

REQUEST OF ARNOLD CADDELL (APPLICANT) FOR DR. JOHN MIRACLE (OWNER) FOR THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT ON AN APPROXIMATELY .5 ACRE SITE LOCATED AT 7484 BURLINGTON PIKE, FLORENCE, KENTUCKY. THE SITE IS ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). THE APPLICANT IS PURPOSING TO DEVELOP AN AUTO SALES LOT.

This property is located off of Burlington Pike near Utz Drive across from the Boone County Board of Health. The applicant is requesting to use an existing residence for their office and connect the proposed parking lot with their existing car lot to the east. (See Sheet 1 and 2).

Surrounding Zoning and Land Uses (See Sheet 3)

North:	Residences zoned SR-2
South:	Boone County Board of Health and JE Willett Treatment Center zoned PF
East:	A&C Auto Sales zoned C-2/PD
West:	Fillmore Dairy Bar zoned C-2/PD

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Text indicates that commercial development 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. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads.

The Goals and Objectives section of the Comprehensive Plan indicate that highway services shall be limited in location to close proximity to major highway interchanges for maximum convenience and economy to the motoring public while minimizing impact to the community.

Site Characteristics

There is an existing 1500 square foot residence that will be converted into an office/showroom on the approximately .5 acre lot. Access to this site is from an existing curb cut along Burlington Pike. The rear of the site is heavily wooded with a good number of mature trees existing as a natural buffer between the residences to the north and the proposed used car lot. The topography of this site is very level and drains to the rear of the property behind the residences along Utz Drive.

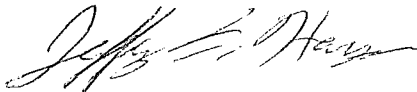
Staff Concerns

1. That as much of the natural mature vegetation to the rear of the site be retained as possible.
2. Staff is concerned with the appearance along Burlington Pike that a approximately 300 foot row of cars would present without landscaping to soften this appearance.
3. Staff believes that the existing shrubs along the west property line should remain to offer a separation between the Fillmore Dairy.
4. The Boone County Zoning Regulations indicate that parking isle widths should be 24 feet however, the applicant's concept plan indicates an 18 foot isle width between the building and the parking to the east.

Conclusion

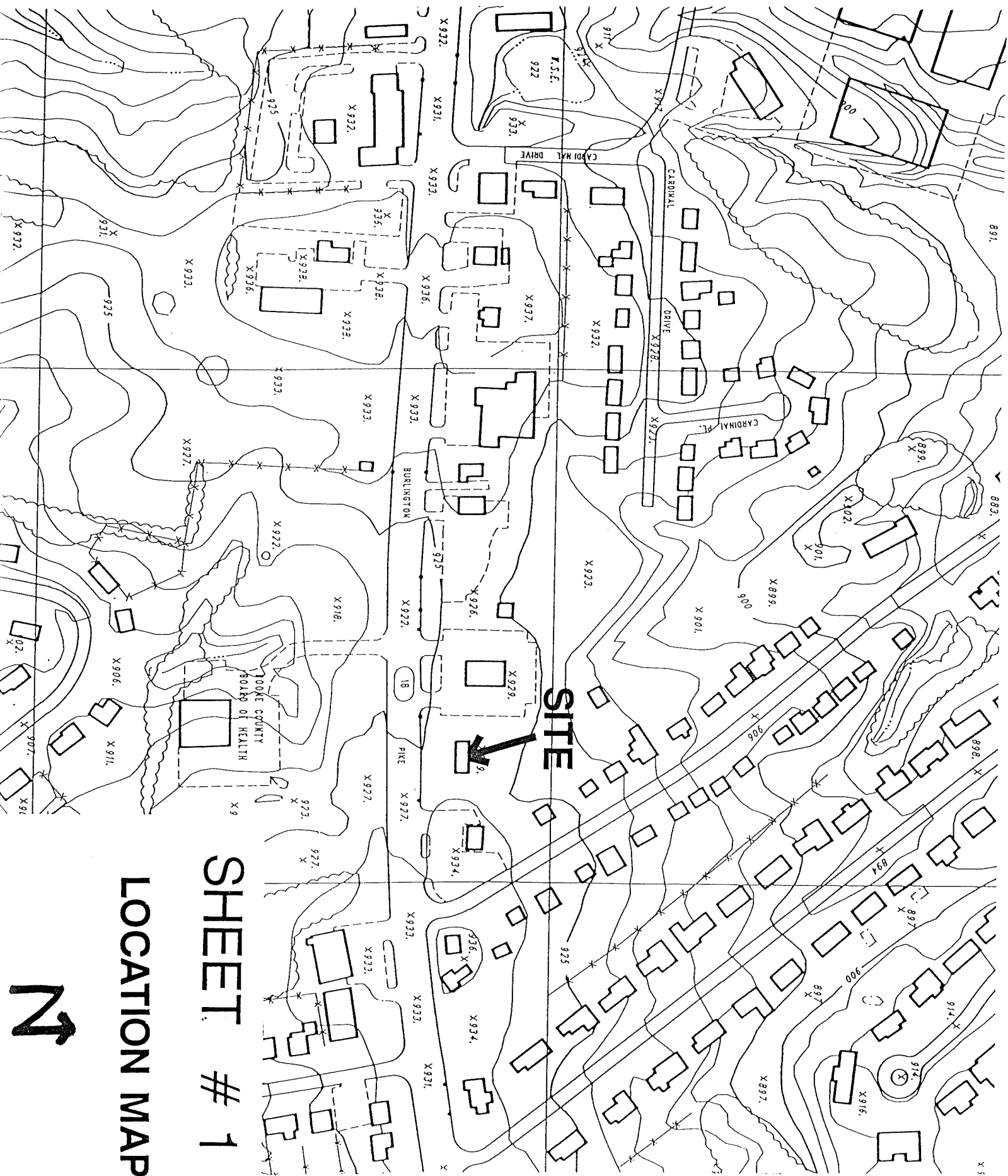
In conclusion, the proposed Concept Development Plan request is in agreement with the future land use map and text of the Boone County Comprehensive Plan.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH:par



SHEET # 1
LOCATION MAP



PROPOSED SPACES UPON
 ACRES TO BE LEASED
 Acreage of relation
 Owners: John Hirtz
 Florence, I
 Dead Book 335, page
 Group No. 2034

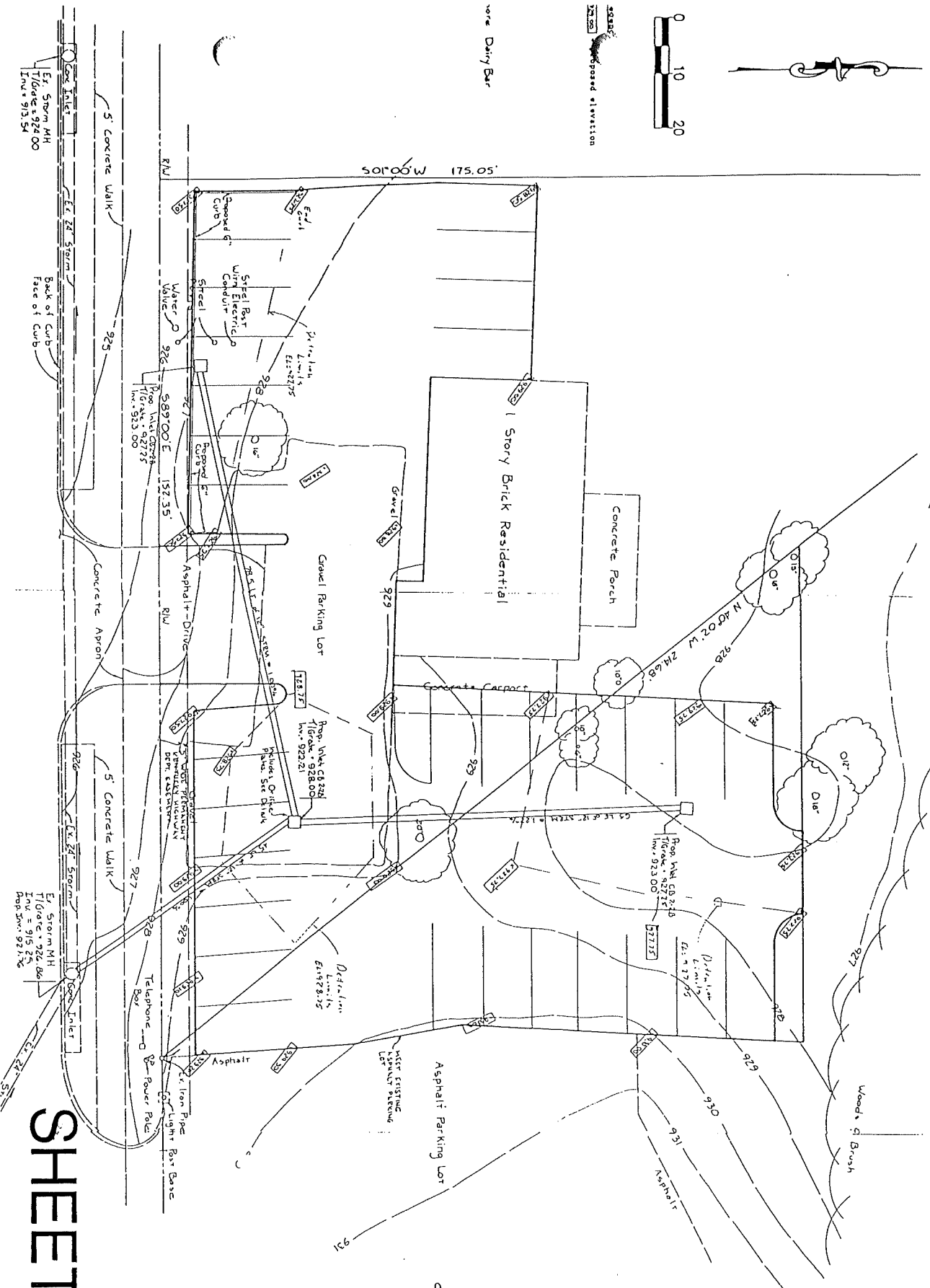
1 Story Brick
 Commercial I

Cunningham Auto Sales



SEAL
 Proposed elevation

new Dairy Bar



SHEET # 2

CONCEPT PLAN

BOONE COUNTY PLANNING COMMISSION

March 3, 1993
7:00 P.M.

PUBLIC HEARING

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

1. Applicant: A & C Auto Sales - Arnold Caddell (applicant)
for Dr. John Miracle (owner)
Request: Utilization of an Underlying Zone in Planned Development

The request of A & C Auto Sales - Arnold Caddell (applicant) for Dr. John Miracle (owner) for the Utilization of an Underlying Zone in Planned Development on an approx. 5-acre site at 7484 Burlington Pike, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and an auto sales business is proposed.

Staff Member Jeff Hayes presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report).

The Chairman asked for the applicant's comments.

Mr. Arnold Caddell stated that the house has been used for business at least the last two times that it has been occupied. It is their intention that the house be used for office space for the auto sales lot. There would not be any changes to the interior or the exterior of the building, and there will be no additions to the building. There would not be any type of repair work done there. There will be nothing whatsoever done there other than retail sales. He stated that they have no problem with the suggestion that the heavily wooded area to the rear remain the same and they have no intention of disturbing it. They have no problem retaining the dense shrubbery between this site and Filmore Dairy Bar.

Mr. Caddell stated that they will pave across the front in an "L" shape between the existing house and the car lot to the east. He stated that Becker Engineers has taken surface water into consideration. They have agreed in their submitted plan to install catch basins and underground piping to take all of the surface water to the storm sewer. Their engineer has sized the underground piping in the parking lot to serve as a detention basin and installed a valve to release the drainage so that it would not occur all at one time. He stated that probably 60% of the lot drains toward the residence in the back and by paving the lot they will be able to alleviate about 50% of the surface water currently going to the back as it will now be piped to the storm sewer.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Harry Deerwater, 3 Utz Drive, stated that he lives to the rear of the old Avis parking lot. His main concern is the runoff onto his property. His house is about five feet lower than the existing level of the ground where the proposed lot will be and the natural drainage flows behind his house and gets into his basement. If he can be assured that the water is not going to come onto his property, then he has no objections. The water situation on his property is getting worse and he requested that the Commission put firm restrictions on the lot.

Mr. Caddell stated that the only dirt they will be moving will be 8" or 10" of topsoil to do the paving. He could use the topsoil to possibly take some water away that might be going the direction of Mr. Deerwater's house, or to pull the water back onto the paved portion. He explained that while they are moving the dirt they could make a small berm of a foot or so to help pull the water back to the paved surface so that it would go out to the stormwater area. He stated that their parking lot will certainly improve the surface water situation there.

Mr. Bailey questioned if this business is part of the business next door. Mr. Caddell replied "no" and advised that the business next door is Cunningham Auto Sales. Mr. Bailey questioned if there is a connecting drive. Mr. Caddell advised that there is not.

Mr. Bailey questioned the number of parking spaces. Mr. Caddell stated that it is 31 or 32.

Mr. Bailey advised that this property was part of the Tanner's Lane Corridor Study Area and questioned if any regulations from that study should be taken into consideration. Mr. Hayes stated that he did not know if the site was part of the study area, but he would investigate this. Counselor Wilson stated that if this site is in the study area, the Committee and Staff will have to review it in light of the study and make sure that the applicant is aware of it. Mr. Hayes reviewed the map and stated that the site is in the study area.

Chairman Viox asked that the Staff review and determine if additional items are required in consideration of the study.

Mr. Owens questioned the potential impact of lighting on the residences to the rear. Mr. Hayes stated that the applicant has not indicated any lights on the Concept Plan.


Mr. Caddell stated that they probably intend to have some lighting only on the KY 18 side. They are willing to stipulate a type of fixture that meets the concerns of the city or the residents, such as a down lighting that would not be offensive to anyone.

Mrs. Arnett noted that the Staff Report indicates the two businesses are being connected. Mr. Hayes stated that he was under the impression that they were going to share access. Mr. Caddell stated that Dr. Miracle owns both pieces of property, but they will be totally independent of each other.

Mr. Neltner asked if the applicant would be agreeable to putting landscaping in the five-foot area between the walk and the parking spaces. Mr. Caddell stated that the automobile business is a visibility thing and there is no shrubbery or landscaping at either of the dealers to the east and west of this location. He would be agreeable to some type of greenery, but he does not want to get away from the idea of the C-2 zone where people can see what they are selling as they drive by.


There being no further comments or questions, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on 17, 1993 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

March 17, 1993 - 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the Public Hearings of March 3, 1993 and March 10, 1993 and the Business Meeting of March 3, 1993. He asked if there were any comments or corrections.

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

1. Change in Concept Development Plan

The request of CEI Engineering Associates, Inc. (applicant) for Tineb Associates and TRP Associates (owners) for a Change in a previously approved Concept Development Plan for a 14.85-acre area at Thoroughbred Boulevard and Houston Road, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD). The request is to increase the square footage of the Sam's Wholesale Warehouse Club building.

Staff Member Dave Geohegan presented the Committee Report using the overhead slide projector. He advised that the applicant has signed the letter agreeing to the conditions. Mr. Ralph Rush, Committee Chairman, stated that the Committee recommends approval of the request based on the findings of fact, subject to two conditions (see Committee Report).

Mr. Rush moved that the request be approved based on the Committee Report, including the conditions. Mr. Kirby seconded the motion. A roll call vote on the motion found Mr. Burch, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. McElroy, Mr. Neltner, Mr. Owens, Mr. Rush, and Chairman Viox in favor. Mrs. Arnett, Mr. Bailey, Mr. McMillian, and Mr. Ries were opposed. The motion carried by a vote of 10 to 4.

2. Concept Development Plan

The request of A & C Auto Sales - Arnold Caddell (applicant) for Dr. John Miracle (owner) for the Utilization of an Underlying Zone in Planned Development on a 0.5-acre (approx.) site at 7484 Burlington Pike, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and an auto sales business is proposed on the subject property.

Staff Member Jeff Hayes presented the Committee Report using the overhead slide projector. Mr. Hayes stated that the applicant has signed the letter agreeing to the conditions. Mr. Neltner, Committee Chairman, stated that the Committee recommends approval of the request based on the findings of fact, but subject to three conditions (see Committee Report).

Mr. Burch moved that the request be approved based on the Committee Report, including the conditions. Mr. Greene seconded the motion.

Mr. DeLong questioned access management in regard to a connection to the adjoining property. Mr. Hayes advised that the pavements of the two properties meet and adjoining access is a matter of moving the cars in order to drive between the two properties. Mr. Neltner stated that it is a small site and requiring the applicant to open a lane to the adjoining property could force him to take out some of the trees that he has agreed to leave for the benefit of the neighborhood.

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

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: March 17, 1993

REMARKS: Request of Arnold Caddell (applicant) for Dr. John Miracle (owner) for the Utilization of an Underlying Zone in Planned Development on an 0.5 acre tract located at 7484 Burlington Pike, Florence, Kentucky. The site is zoned Commercial Two Planned Development C-2/PD). The applicant is purposing to develop an auto sales lot.

REMARKS:

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

Findings of Fact

1. The Boone County Comprehensive Plan Land Use Text indicates that commercial development should remain near the arterial roads or close to the interstate.
2. The Goals and Objectives section of the Comprehensive Plan indicate that highway services shall be limited in location to close proximity to major highway interchanges for maximum convenience and economy to the motoring public while minimizing impact to the community.

Conditions

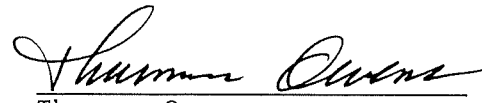
1. That the natural mature vegetation in the rear of the site will be retained.
2. The existing shrubs to the west property line shall remain to provide a buffering between uses.
3. Landscaping shall be planted along the front of the site. This landscaping shall consist of low shrubs and annuals.

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

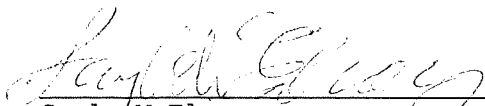

Fred Burch


Phil Damstrom


Thurman Owens

Carol Smith


Ralph Rush


Gayle McElroy

BOONE COUNTY PLANNING COMMISSION

March 3, 1993
7:00 P.M.

PUBLIC HEARING

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

1. Applicant: A & C Auto Sales - Arnold Caddell (applicant)
for Dr. John Miracle (owner)
Request: Utilization of an Underlying Zone in Planned Development

The request of A & C Auto Sales - Arnold Caddell (applicant) for Dr. John Miracle (owner) for the Utilization of an Underlying Zone in Planned Development on an approx. 5-acre site at 7484 Burlington Pike, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and an auto sales business is proposed.

Staff Member Jeff Hayes presented the Staff Report which included a review of the attachments and a slide presentation (see Staff Report).

The Chairman asked for the applicant's comments.

Mr. Arnold Caddell stated that the house has been used for business at least the last two times that it has been occupied. It is their intention that the house be used for office space for the auto sales lot. There would not be any changes to the interior or the exterior of the building, and there will be no additions to the building. There would not be any type of repair work done there. There will be nothing whatsoever done there other than retail sales. He stated that they have no problem with the suggestion that the heavily wooded area to the rear remain the same and they have no intention of disturbing it. They have no problem retaining the dense shrubbery between this site and Filmore Dairy Bar.

Mr. Caddell stated that they will pave across the front in an "L" shape between the existing house and the car lot to the east. He stated that Becker Engineers has taken surface water into consideration. They have agreed in their submitted plan to install catch basins and underground piping to take all of the surface water to the storm sewer. Their engineer has sized the underground piping in the parking lot to serve as a detention basin and installed a valve to release the drainage so that it would not occur all at one time. He stated that probably 60% of the lot drains toward the residence in the back and by paving the lot they will be able to alleviate about 50% of the surface water currently going to the back as it will now be piped to the storm sewer.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Harry Deerwater, 3 Utz Drive, stated that he lives to the rear of the old Avis parking lot. His main concern is the runoff onto his property. His house is about five feet lower than the existing level of the ground where the proposed lot will be and the natural drainage flows behind his house and gets into his basement. If he can be assured that the water is not going to come onto his property, then he has no objections. The water situation on his property is getting worse and he requested that the Commission put firm restrictions on the lot.

Mr. Caddell stated that the only dirt they will be moving will be 8" or 10" of topsoil to do the paving. He could use the topsoil to possibly take some water away that might be going the direction of Mr. Deerwater's house, or to pull the water back onto the paved portion. He explained that while they are moving the dirt they could make a small berm of a foot or so to help pull the water back to the paved surface so that it would go out to the stormwater area. He stated that their parking lot will certainly improve the surface water situation there.

Mr. Bailey questioned if this business is part of the business next door. Mr. Caddell replied "no" and advised that the business next door is Cunningham Auto Sales. Mr. Bailey questioned if there is a connecting drive. Mr. Caddell advised that there is not.

Mr. Bailey questioned the number of parking spaces. Mr. Caddell stated that it is 31 or 32.

Mr. Bailey advised that this property was part of the Tanner's Lane Corridor Study Area and questioned if any regulations from that study should be taken into consideration. Mr. Hayes stated that he did not know if the site was part of the study area, but he would investigate this. Counselor Wilson stated that if this site is in the study area, the Committee and Staff will have to review it in light of the study and make sure that the applicant is aware of it. Mr. Hayes reviewed the map and stated that the site is in the study area.

Chairman Viox asked that the Staff review and determine if additional items are required in consideration of the study.

Mr. Owens questioned the potential impact of lighting on the residences to the rear. Mr. Hayes stated that the applicant has not indicated any lights on the Concept Plan.

Mr. Caddell stated that they probably intend to have some lighting only on the KY 18 side. They are willing to stipulate a type of fixture that meets the concerns of the city or the residents, such as a down lighting that would not be offensive to anyone.

Mrs. Arnett noted that the Staff Report indicates the two businesses are being connected. Mr. Hayes stated that he was under the impression that they were going to share access. Mr. Caddell stated that Dr. Miracle owns both pieces of property, but they will be totally independent of each other.

Mr. Neltner asked if the applicant would be agreeable to putting landscaping in the five-foot area between the walk and the parking spaces. Mr. Caddell stated that the automobile business is a visibility thing and there is no shrubbery or landscaping at either of the dealers to the east and west of this location. He would be agreeable to some type of greenery, but he does not want to get away from the idea of the C-2 zone where people can see what they are selling as they drive by.

There being no further comments or questions, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on 17, 1993 at 8 P.M. and closed this Public Hearing.

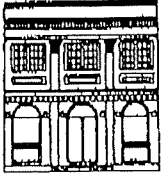
APPROVED:

William R. Viox, Chairman

Attest:

Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

Post-It™ brand fax transmittal memo 7671		# of pages +	
To	Arnold Caddell	From	Jeff Hayes
Co.		Co.	BCPC
Dept.		Phone #	334-2196
Fax #	586-9240	Fax #	334-2264

March 15, 1993

Dr. John Miracle
7033 Burlington Pike
Florence, Kentucky 41042

RE: Conditions of Approval for the A & C Auto Sales Request

Dear Dr. Miracle:

The following represents the conditions being discussed by the Zone Change Committee. If you, as the owner and the applicant will agree to these conditions, please indicate so by signing your name at the space indicated at the end of this letter and returning it to our office by 12:00 p.m., Wednesday, March 17, 1993.

1. That the natural mature vegetation in the rear of the site will be retained.
2. The existing shrubs to the west property line shall remain to provide a buffering between uses.
3. Landscaping shall be planted along the front of the site. This landscaping shall consist of low shrubs and annuals.

Sincerely,

Jeffrey F. Hayes
Planner I

JFH:par

I, the applicant, agree to the above listed conditions for approval of my request for the A & C Auto Sales.

Arnold Caddell
Applicant

I, the owner, agree to the above listed conditions for approval of the request for the A & C Auto Sales.

Dr. John Miracle

ORDINANCE NO. 0-7-93: AN ORDINANCE APPROVING AN AMENDMENT TO THE RULES AND REGULATIONS OF THE FLORENCE WATER AND SEWER COMMISSION TO INCREASE THE FEE OR CHARGE ON RETURNED CHECKS AND, ALSO, INCREASING THE FEE OR CHARGE ON RETURNED CHECK TO THE CITY OF FLORENCE, KENTUCKY.

Councilmember Collins moved, with second from Councilmember Hudson, that Ordinance No. 0-7-93 be approved on first reading and held for second and final reading at next meeting of Council. Council approved by unanimous vote.

Mayor Kalb presented the following Ordinance for first reading:

ORDINANCE NO. 0-8-93: AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY, TO ANNEX CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 1.2579 ACRES LOCATED AT MT. ZION ROAD AND NEW BILTMORE BOULEVARD, ADJACENT TO THE CITY LIMITS. (WACO OIL COMPANY, INC., PROPERTY)

Councilmember White moved, with second from Councilmember Hudson, that Ordinance No. 0-8-93 be approved on first reading and held for second and final reading at next meeting of Council. Council approved by unanimous vote.

Mayor Kalb presented a consideration of recommendation from Boone County Planning Commission regarding request of A & C. Auto Sales - Arnold Caddell (applicant) for Dr. John Miracle (owner) for the Utilization of an Underlying Zone in Planned Development for a ±0.5 acre tract located at 7484 Burlington Pike, Florence, Kentucky. The property is currently zoned Commercial Two/Planned Development (C-2/PD), and an auto sales business is proposed on the subject property. 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 presented the following Ordinance for first reading:

ORDINANCE NO. 0-9-93: AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT FOR A 0.5 ACRE SITE GENERALLY LOCATED ON BURLINGTON PIKE IN FLORENCE, KENTUCKY, THIS PROPERTY BEING ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). (A & C AUTO SALES)

Councilmember Collins moved, with second from Councilmember White, that Ordinance No. 0-9-93 be approved on first reading and held for second and final reading at next meeting of Council. Councilmember Metzger noted that in addition to conditions imposed by the County Planning Commission that the developer agreed at the Planning Caucus to conditions in regard to exterior lighting and a paging system so as to not be an annoyance to adjacent property owners. Council approved by unanimous vote.

Mayor Kalb presented a consideration of recommendation from Boone County Planning Commission regarding request of CEI Engineering Associates, Inc. (applicant) for Tineb Associates and TRP Associates (owners) for a change in a previously approved Concept Development Plan for Sam's Wholesale Warehouse Club for a 14.85 acre tract generally located at Thoroughbred Boulevard and Houston Road, Florence, Kentucky. The property is currently zoned 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.