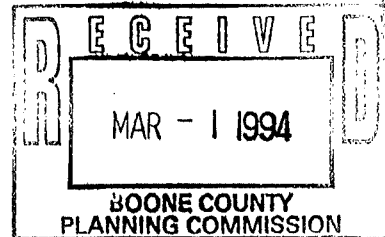


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



**SECTION A** (To be completed by applicant)

1. Name of Project FLORENCE ADVENTURES
2. Location of Project U.S. 42 - Florence, Kentucky
3. Total Acreage of Site 7.87 Acres
4. Current Zoning of Site C-3
5. Proposed Zoning (Classification being requested) C-2/PD
6. Proposed Uses (please specify each use)  
Putt Putt Golf - Go-Cart Track - Batting Cage  
Bumper Boats - Club House and Fitness Center
7. Names of Applicant(s) James W. Berling  
Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road Suite One  
Fort Wright KY 41011  
City State Zip
9. Name of Property Owner(s) Bessler, Klensch, et.al.  
Phone Number 356-0500 Fax No. 356-3562
10. Address of Property Owner(s) 945 Robertson Road  
Taylor Mill, KY 41015  
City State Zip
11. Proposed Building Intensities (please specify)
12. Are there any existing buildings on the site? NO  
How many?
13. Deed Book 496 Page No. 1 Group No. 2042
14. Are you also applying for:  
NO Conditional Use Permit  
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. 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 Public Works Department

(over)

EXHIBIT "A"

## STAFF REPORT

Request of James W. Berling (applicant) for Bessler, Klensch, et al. (owners) for a Zoning Map Amendment on a 7.87 acre site located on the southeast quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

March 23, 1994

### Description of Request

This request is for a Zoning Map Amendment to Commercial Two/Planned Development (C-2/PD) to allow uses that are not permitted under the existing Commercial Services (C-3) zoning district. The applicant has requested a commercial zone instead of the Recreation (R) zone to preserve the possibility of future commercial usage of the site. The submitted Concept Development Plan indicates outdoor recreation uses including a go-kart track, miniature golf, and batting cage as the main features. An indoor, two story club house and fitness center are planned at the center of the site. The main reason that the applicant has requested the PD overlay zone is that the go-kart use track use is not named as a permitted use in any of the commercial zones, but is in the Recreation (R) zone.

The plan indicates a proposed 25 foot wide road to access the site, but indicates no improvements to the Service Road off site. The width of the road varies from approximately 20 feet at U.S. 42 to one lane at the beginning of the site. No buffer areas or landscaping are shown. No signage or lighting plans are indicated.

The applicant has indicated that a traffic impact analysis will be submitted.

### Characteristics of the Site

The 7.87 acre site is heavily wooded with second growth trees of approximately 25 years. It slopes primarily toward I-75. It enjoys excellent visibility from I-75, however, is somewhat removed from the actual U.S. 42 interchange. The parcel can only be accessed from the north.

Surrounding Land Uses and Zoning

- North: Vacant property around the U.S 42 Interchange, zoned Commercial Services (C-3). This area contains a service road that accesses the site, as well as some highway related commercial uses along U.S. 42.
- East: A single family residence and an apartment development off of Carol Lane, zoned Urban Residential Two (UR-2).
- South : Northern Kentucky Industrial Park, zoned Industrial Two (I-2).
- West: Across I-75, the Holiday Inn, zoned Commercial Services (C-3), and the Florence Lions Park and some vacant property, zoned Recreation (R).

Relationship to Comprehensive Plan and Article 15, Planned Development

The 1990 Future Land Use Map of the Boone County Comprehensive Plan indicates Urban Density Residential (UD) for the 25 year projection on the site. This classification would allow apartment uses similar to the adjacent uses of up to 12 units per acre. The text of the Land Use Element for section D-4 speaks to infill commercial and industrial development, and recommends that existing residential communities be protected or buffered. The plan is very strong on recommending that uses of a commercial nature be located close to arterial roads and interchanges, but employ design characteristics such as coordination of curb cuts and other access management provisions, connections to other developed and undeveloped parcels, and frontage roads. This section further states that attention to aesthetic impacts of proposed developments should be a part of all phases of the review process. The Plan states that the U.S. 42 corridor should contain a mixture of office, retail, commercial, recreation, and residential development.

A Recreation Objective states that:

Recreation areas should be centrally located in their service areas and easily and safely accessible to the population groups they are designed to serve.

Another Recreation Objective recommends that recreation facilities be provided through the combined efforts of the public and private sectors.

The Recreation Element discusses mainly public recreation facilities as opposed to commercial recreation, however, page 158 encourages the private sector to satisfy the recreation needs of the population. Although this was written mainly with developer provision of recreation in residential developments in mind, it can apply in a broader sense.

The Business Activity Element describes traffic problems that have arisen as a result of the design and location of access points for commercial uses along U.S. 42. An important reference in the Goals and Objectives for Business Activity is that highway oriented commercial uses should be located close to interchanges, but should not be located so close that they congest traffic movements at these locations.

The Housing Elements and its Goals and Objectives are pertinent because of the future land use designation. High Density housing is recommended in areas similar to this site because of the close proximity to arterial roads such as Industrial Road, commercial areas such as U.S. 42 and Mall Road, mass transportation, employment opportunities such as the Industrial Park. On page 118, the Element recommends further infill of both single family and multifamily residential in appropriate areas in Florence.

Article 15/Planned Development of the 1991 Boone County Zoning Regulations encourages the use of site features such as vegetation and other visual characteristics in achieving a development that is in harmony with surrounding land uses and with infrastructure.

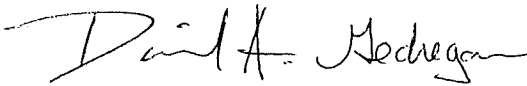
#### Staff Concerns

1. Will the proposed road be publicly dedicated?
2. Are improvements planned to the existing road?
3. Will easements or additional public dedication be needed for the existing road to serve the site?
4. The Service Road entrance is immediately adjacent, 90 feet from the northbound exit ramp of I-75 and only 90 feet from the BP Gas Station driveway on the east. There is also a median cut at this location allowing left turns at U.S. 42. Staff is very concerned over safety problems at this location, particularly at night when visibility is poor. Left turns into the site will be hazardous because of the island configuration, and any turns out of the site will be hazardous because of the wide variety of traffic movements occurring in a small section of U.S. 42. In staff's opinion, the applicant needs to explore Industrial Road/Safeway Drive as access for the site.
5. The go-kart track could have a profound noise impact on the adjoining residential uses, as will the removal of the existing trees on the site the currently buffer the apartments from the noise of I-75.
6. In staff's opinion, the development does not respect the site features and infrastructure impacts that Article 15/Planned Development require be addressed. This is a high visibility site from I-75, and defines an entrance to the City of Florence.
7. Although this development would provide recreation opportunities, they would not serve the entire population nor would they be easily accessible to residential areas. In staffs opinion, the use must be viewed as commercial recreation and not as having the same impacts or benefits as public recreation.

Conclusion

The Planning Commission needs to review the use in terms of the three criteria in Article Three and the standards of Article Fifteen of the Boone County Zoning Regulations. In addition, the location of the site and its impact on the road system should be of primary concern. Should the request be approved, the Boone County Comprehensive Plan would need to be changed.

Respectfully submitted,



David A. Geohegan, AICP  
Senior Planner

DAG\par

# BESSLER ZONE CHANGE

FLORENCE LIONS CLUB

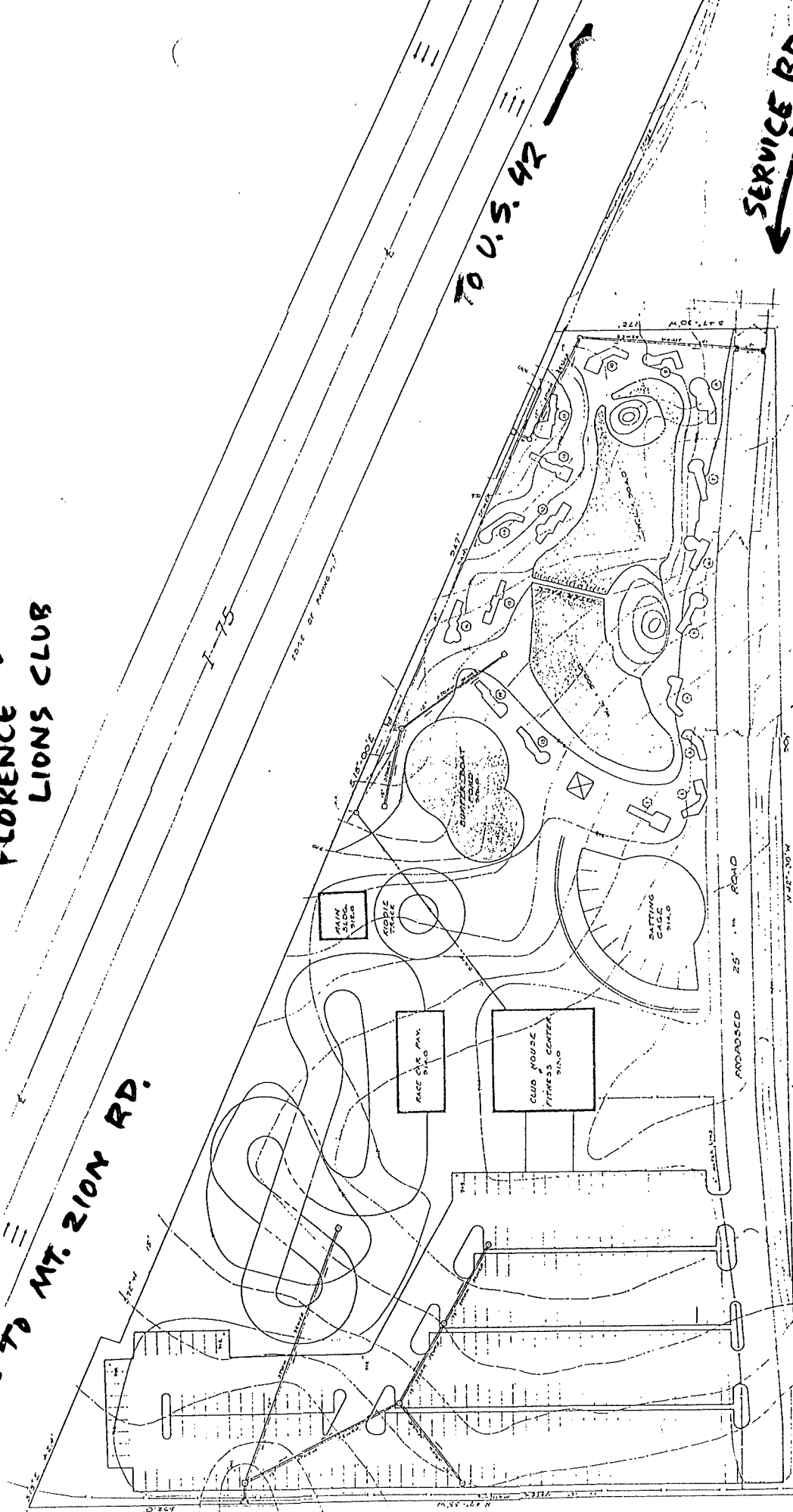
TO MT. ZION RD.

TO U.S. 42

SERVICE RD

EXISTING APARTMENTS

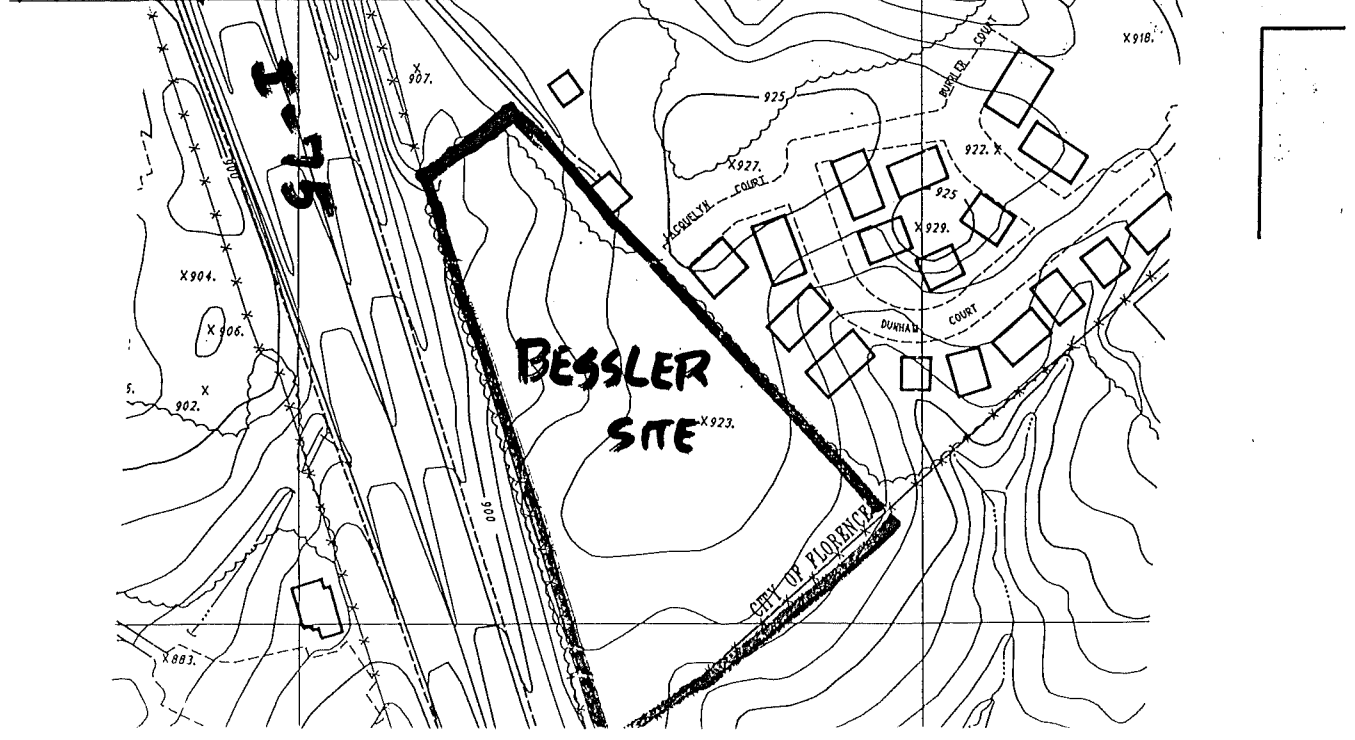
INDUSTRIAL PARK



AREA OF SITE - 7.87 AC.

ZONE CHANGE  
FLORENCE ADVENTURE  
JAMES W. BERLING  
KY. ENGINEER #2345  
1" = 40'  
U.S. 42 - FLORENCE, KY







Commission members present for Public Hearing Item #3: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. Viox - Chairman.

Following a short recess, Chairman Viox introduced the third item on the Agenda:

3. Applicant: James W. Berling for  
Bessler, Klench, et al (owners)  
Request: Zoning Map Amendment

The request of James W. Berling (applicant) for Bessler, Klench, et al (owners) for a Zoning Map Amendment on a 7.87-acre site located on the southeast quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

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

Chairman Viox asked for the applicant's comments.

Mr. Jim Berling, engineer for the development, stated that they have been working at this for two to two and a half years. Bill Bippis is the developer. Ed Bessler and Dick Crist are doing a joint venture on this development. Mr. Berling stated that he contacted the Staff to move forward with a Grading Permit and Site Plan approval and was advised that this is not a Permitted Use in the C-3 Zone. He stated that they consulted with a member of the Staff over two years ago and were assured that it was a Permitted Use -- but that is no longer the interpretation. He stated that they are asking for a C-2 with a PD Overlay for 7.87 acres. The service road was constructed for this property when I-75 was built because their access was cut off. The service road belonged to the state, and they gave it to the City of Florence in order to get rid of some maintenance responsibility. The developer will improve the road to a two-lane road 22 feet wide, resurfaced within the dedicated public right-of-way. Mr. Berling stated that the vegetation shown in the slide may be second growth, about 10 to 15 years, and is mostly small trees. They will expand the landscaping when they finish the development. Mr. Berling distributed information packets to the Commission.

Mr. Bill Bippis stated that he and his son are putting together a partnership. They built one of these facilities in Dayton and one in Eastgate at S.R. 32 and I-275, which opened in 1991. In 1992, they added go carts, a game room, and concession area. He advised that there is a letter in the packet from the Zoning Inspector giving them a recommendation. They plan a bigger facility in Florence, which will have an 18-hole course, a go-cart track, bumper boats, and kiddie go-carts. He stated that they do a lot of fund raising and work with the schools and other organizations. They give free passes for good grades and work through the schools.

In regard to the noise levels of the go-carts, Mr. Bippis stated that this site is on I-75 and he did not think it was necessary to submit their study. The decibels of the Honda engines are not as loud as a regular car driving by. People will hear I-75 before they hear the go-carts. Most of the business is done in the summer months. During the week about 85% of the business is from 7 P.M. on. They stop selling tickets at 11 P.M., and are generally completely shut by 12:30 A.M.. Mr. Bippis gave a slide presentation of their facilities. He stated that they operate with strict controls. They can put the go-carts in idle if the kids are acting up. They have a security man there on the weekends.

Mr. Berling referred to the information packets in regard their peak hour traffic and number of customers. This intersection is busiest the first thing in the morning and there is no one at this facility at that time. The industrial park starts getting out at 3:30 P.M. until about 5 or 6 P.M. and during that time their anticipated traffic is 4, 5, or 6 cars per hour. They do not really start getting customers until after dinner, which is why this is such a good use for the area. Mr. Bippis advised that they open the first part of April and close the first part of November.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked for the Staff's comments.

Mr. Geohegan completed the Staff Report at this time including the Staff Concerns. He advised that the traffic analysis in the information packet submitted by the applicant totals up the number of vehicles experienced on the site in a given hour, but in traffic engineering terms the figure would be multiplied by 2 to determine the number of trips (one trip in/one trip out).

Mr. McMillian questioned the food that would be served. Mr. Bippis advised that it is pizza, hot dogs, nachos, and ice cream. Mr. McMillian asked if a private party would reserve the whole park. Mr. Bippis stated that they do not close the park down. They have rooms for the party and give passes to the rides.

Mr. Bailey stated that he is concerned about the access. He considers the service road to be a road for getting equipment down there to mow and had not considered it as an access for a development. Several years ago the City of Florence called OKI in regard to problems they were having with Dream Street and OKI's comment was that one of the main problems was it being too close to the access ramp going north on I-75. This access would be a lot closer to an access ramp. He questioned the Commission getting its own traffic study in regard to the impact of a development using that access point. Chairman Viox asked if the city studied an entrance for BP at one time.

Mr. Berling stated that the City of Florence had KZF do a study for that whole area and their recommendation was that there be a road into the site adjacent to the BP Station and it has been on the books for a few years. Chairman Viox asked that this study be made available to the Committee. Mr. Bailey stated that he does not think the study was done in relation to this service road. Chairman Viox stated that the study may not answer the

question as to what happens if this use is put on the service road. Mr. Bailey stated that this is a different and worse problem.

Chairman Viox stated that the road would go between the donut shop and the service station and this service road would be gone. Mr. Geohegan stated that he is not sure what the city's position was on the study. The Commission supported it. He does not think there was a commitment from the city. Mr. Geohegan advised that the Planning Commission was forced into taking a position on the BP site as the city did not make a commitment on the recommendations of the study. Chairman Viox stated that they were going to put a car wash on the other side of the station and there is a piece of land between the service road and the service station. Mr. Berling stated that his client owns an adjacent piece of property and was willing to give BP a substantial piece of ground to move over a little bit. They made every effort to come forward at that time and tried to work something out. Chairman Viox advised that that was when the Planning Commission got involved and was supportive of that effort.

Mr. Bailey questioned how close the service road is to the light at Dream Street. Mr. Geohegan advised that it is about 250 feet. Mr. Bailey stated that he does not see what good the study will do in making a decision on the service road, which is right off the ramp coming off I-75.

Chairman Viox asked if Mr. Bailey's proposal is to do a study. Mr. Bailey stated that it would be a study of the impact of an access on a development like this that is that close to the ramp. Chairman Viox questioned what that would achieve. Mr. Bailey stated that he would feel much better with a recommendation from experts saying that it is feasible or not feasible to put the development there with that access.

Chairman Viox stated that the property is zoned C-3 now. There is a list of Permitted Uses in C-3 and if they came in with a Site Plan for a C-3 use, the Commission could not do a study. They have the right to come in with a Site Plan tomorrow and could not be turned down. They are asking to go to recreation -- which is on everybody's wish list -- and because they have to ask permission, we are going to say "where is the study?". He stated that he has a difficult time spending Commission money to do that when they have the right to do a lot of things more wide open than this is. Mr. Geohegan stated that that is partly why he did not ask them to do a traffic analysis. A traffic analysis would determine the capacity of the road and traffic problems -- but the issue here is safety. In the past, it has been found that getting traffic engineers to address safety is nebulous and they end up saying what their client wants them to say. He stated that if a traffic study were to be done, he believes the Commission has the right to require the applicant to do it. Counselor Wilson stated that if the Commission wants it, he believes it is the Commission's cost.

Mr. Bailey stated that if the feeling is that the access would not be adequate for safety reasons and the Staff would feel that the entrance from Industrial Road would make more sense, then would the Commission have to allow development back there with this access? Counselor Wilson stated that the Commission can work with them on making the access safer, but would have a difficult time saying that they have C-3 uses, but are not

allowed access to develop it. Mr. Bailey stated that the access was put there for vehicles to get back there to take care of the drainage and cut the weeds. Counselor Wilson stated that the property is not zoned agriculture, it is zoned C-3.

Chairman Viox stated that the applicant brought up that somehow the Staff's opinion changed. He asked for clarification. Mr. Geohegan stated that a previous Staff member gave an opinion in the summer of 1992 that a miniature golf course -- not the assembly of uses shown this evening -- was allowed in the C-3 Zone; but according to the Zoning Regulations, this use is not allowed. It is a Conditional Use in C-2.

Chairman Viox stated that he is not thrilled with the road, but is happy to see the recreational use. He stated that the property adjoins an apartment complex and questioned discussing a walk-thru with them so that they will not be driving around the block. Mr. Berling stated that they would, at their expense, build a walkway to that development, but they have not discussed it with them. They intend to excavate near the property line and the roadway and the entire development will be depressed about 12' to 15' in relation to the apartment complex so that any sound on the site will be muffled by the hill. They do not anticipate making any sound louder than an automobile. Toward the rear of the development there is a point where it would be level with the adjacent property and a walkway could be built there.

Chairman Viox asked for Mr. Berling's comments about the safety of the road. Mr. Berling stated that they were particular in choosing this use back there. A fitness center was proposed on the second floor. A traffic study was started, but it was not done in time for this submission. They did find out enough to know that the fitness center had the same peak hours as the recreational facilities and are not having the fitness center in an effort to minimize the traffic. It will be a one-story building. They are making every effort to have a use there that is very compatible with the traffic in the area. He does not know what could be done that would have a lesser impact and have its peak hours staggered like this use.

Mr. Ries questioned road improvements such as lines. Mr. Berling stated that they thought their impact was so minimal that they did not address this. Chairman Viox asked if they have talked to KDOT. Mr. Berling replied "no", but they have to have a permit and will have discussions with KDOT at that time.

Mr. Dick Crist, a proposed partner in the project, stated that his office is between this project and Walton and he travels that portion of I-75 and U.S. 42 everyday. He is a highway contractor and a licensed professional engineer. When the project came up a few years ago, he had the Secretary of Transportation there and talked to Florence about continuing the property to make it more accessible. If it needed to be done, it needed to be done then. It is now too late. He does not see a problem there and, if there was, he would not be risking so much money to build such a project.

Mrs. Schaffer questioned the width of the road. Mr. Berling stated that they would improve the access road to 22 feet. They will widen at the intersection. If KDOT thinks they need another lane, they would be willing to do that. An extra lane is to generally facilitate faster movement of the traffic out of an area and he thinks it would be preferable for the cars to come out one by one. Mrs. Schaffer stated that the majority of the traffic will be at 11 P.M. when everyone leaves. Mr. Berling stated that they will put an exclusive right-turn lane in if it is permitted.

Mrs. Schaffer stated that the map attached to the Staff Report shows Safeway Drive connected to the service road. Mr. Berling stated that it has been referred to as a dirt road. It is not a publicly dedicated street past the first 200 feet.

Mrs. Schaffer stated that she is concerned about the noise for the apartment dwellers.

Mr. Neltner stated that there are about 200 to 250 parking spaces. He referred to the weekend customer and vehicle counts and questioned the traffic numbers in relation to the high number of parking spaces. Mr. Bippis stated that the peak hour is 8 P.M. to 10 P.M.. He referred to the information packet and stated that there are a couple of hours where they have over 200 cars come in. Mr. Bailey stated that they cannot have someone come in and not have a place to park. Mr. Bippis stated that on the Fourth of July the lot would be full. Mr. Neltner stated that the highest periods are 7 P.M., 8 P.M., and 9 P.M. and total about 120 cars if everyone stayed. Mr. Bippis reviewed the information with Mr. Neltner. Mr. Berling stated that when they gave him their sketches and preliminary designs, he put an extra 10 or 15 spaces in because it was available. Mr. Bippis stated that they had the second story planned at that time.

Mr. Kirby stated that he has been to the Eastgate facility. Because of the Honda engines, the go-carts are not a noisy type of go-cart. The go-carts were not very noticeable in the parking lot coming up to the facility. He stated that the apartments could probably hear them late at night -- but they also have the highway noise to contend with, and it would be hard to discern the go-cart noise from the highway noise. The Eastgate facility looked like a first class operation.

Chairman Viox asked if it would be possible to get a representative from KDOT to come to the Committee Meeting. He asked if Forrest Rankin would attend. Mr. Geohegan stated that he believes Mr. Rankin would attend. Chairman Viox stated that safety is the issue and he is sure KDOT wants to see a safe intersection. Mr. Bailey stated that he would then feel better about this.

Mr. Ries stated that he thinks this would be a good use for the area. He would like to resolve the traffic issue. Industrial Road would be a viable access.


Mr. Berling asked that this application come up at the next Business Meeting as they have the financing ready to go. Finding out that they

were not a Permitted Use in the zone was a blow to them. Chairman Viox suggested that Mr. Berling keep in contact with the Staff.

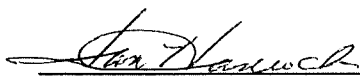
There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 28, 1994 at 7 P.M.. This item will be on the Agenda for the Business Meeting on April 6, 1994 at 8 P.M..

The Chairman Closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING

April 20, 1994  
8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director  
Mr. Dave Geohegan, AICP  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Bob Jonas  
Mr. Dean Niemeyer  
Mr. Mitch Light

2. Zoning Map Amendment

The request of Jon S. Pittman (applicant) for All Out Glass, Inc. (owner) to change the zone on a 2.06-acre site located on the southwest quadrant of the I-71/Verona Interchange, Boone county, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) to allow a retail glass shop with some glass replacement services.

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

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

4. Zoning Map Amendment

The request of James W. Berling (applicant) for Bessler, Klench, et al (owners) for a Zoning Map Amendment on a 7.87-acre site located on the southeast quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

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). He advised that there is a letter on file signed by the applicant and owner agreeing to the conditions.

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

Mr. Bailey, Committee Chairman, stated that he did not sign the Committee Report due to the access to the development being so close to the exit ramp and the problem with Dream Street. He stated that there would be unsafe traffic congestion there if this is allowed.

Mr. White stated that if they were to use the road beside Thornton's off Industrial Road, this would be a viable project. He does not agree with the proposed access, which is 20 feet or less from the exit ramp.

Mrs. Schaffer asked if the total property abuts Safeway Drive.

Mr. Jim Berling stated that the owner of this development abuts the owner of Safeway Drive. This owner has no right to Safeway Drive. This property owner owns beyond the end of Safeway Drive. He stated that they are actively pursuing another entrance.

Mrs. Schaffer questioned Condition 1) A. in regard to the traffic signal. Mr. Berling stated that they have been pursuing a solution to the whole U.S. 42 area out there for years. They recently met with the city and the Mayor and presented their proposal. They met with the Highway Department on at least 3 occasions. He stated that one proposal would be a signal on U.S. 42, which would be beneficial to the existing conditions. He stated that there are new designs on interchanges and they do not do a clover any more. He noted the Kyles Lane ramps, which are signalized. He stated that they showed the Highway Department how the light would work in conjunction with the Dream Street light and provide the opportunities they need to enter and exit the service road. He stated that they have agreed in writing and are actively pursuing all of the alternatives.

Mrs. Schaffer asked if BP has been notified about their curb cut being closed. Mr. Berling advised that they talked to the Highway Department and there is no reason for the curb cut to be there. He stated that BP has the light and does not want anybody to come through the curb cut.

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Kirby which found Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Chairman Viox in favor. Mrs. Arnett, Mr. Bailey, and Mr. White were opposed. The motion carried by a vote of 12 to 3.

Chairman Viox amended the Agenda to hear Item #8 next:

8. Site Plan Review

The request of First Church of Christ for a revised Site Plan to construct a church. The 22-acre site is zoned Suburban Residential One (SR-1) and is located on Camp Ernst Road, Boone County, Kentucky.

Staff Member Dave Geohegan presented the Staff Report which included a review of the revised Site Plan using the overhead projector. The original plan approved in 1990 was different in terms of the building configuration and the access. He indicated the access approved in 1990, which was a somewhat dangerous situation due to the crest of the hill. The access has been moved to the north, which is the best location to serve this development. The state Highway Department will require a decel/right-turn lane into the site due to the grade. The Staff and Engineer recommend approval of the Site Plan with the condition that they continue to work with the Fire Department in locating a fire hydrant or fire connection for the building. (See Staff Report).

Mr. Kirby presented the Committee Report which recommended approval of the request based on the Staff Report.

Mr. Kirby moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: April 20, 1994

RE: Request of James W. Berling (applicant) for Bessler, Klensch, et al. (owners) for a Zoning Map Amendment on a 7.87 acre site located on the southeast quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

## 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 existing zoning classification of Commercial Services (C-3) is inappropriate for the site in that it could potentially allow commercial uses that would create a significant traffic congestion and safety problem at the intersection of the existing public Service Road with U.S. 42. The proposed zoning classification of Commercial Two/Planned Development (C-2/PD) is appropriate for the site in that it presents a development that would have minimal traffic impact on the existing conditions at U.S. 42, and that the applicant and developer have agreed to actively pursue several options for improvement of these conditions. The Committee stresses the importance of continued action on the part of the developer and the City of Florence to pursue the new street proposed opposite Dream Street on U.S. 42, as proposed in the 1990 City of Florence and KZF U.S. 42 Access Study.

### Conditions

These items are being agreed to in order to clarify the Concept Development Plan as presented at the March 23, 1994 Public Hearing and are in response to comment received at that Public Hearing.

1. The developer and owner shall pursue both of the following alternative access improvements for the proposed project:

- A. This option would include the installation of a traffic signal at the I-75 exit ramp and U.S. 42, the closure of the western-most BP Gas Station median cut on U.S. 42, and the modification of the existing grass median in U.S. 42 to provide a westbound left turn lane into the existing Service Road. The applicant agrees to pay for the signal, if needed. All improvements shall be satisfactory to the Kentucky Transportation Cabinet.
  - B. This option is a well-planned and long range solution to the overall problem on this section of U.S. 42, and would include a new roadway to serve the larger future development area south of U.S. 42, as shown in the 1990 City of Florence/KZF U.S. 42 Access Study. This roadway would align with Dream Street, and the existing Service Road entrance would be eliminated. The Committee strongly encourages the applicant and City of Florence to pursue this alternative in a timely fashion to benefit the entire area. This option shall be pursued even in the event that option "A" is not possible.
2. Should neither of the above options be available, the applicant is encouraged to pursue additional access to the site from the Industrial Road area, preferably through the Safeway Drive connection. This access should be designed to not provide a short cut situation for Industrial Road traffic.
  3. As indicated by the applicant at the 3/23/94 Public Hearing, the proposed fitness club will be eliminated from the development.
  4. Site lighting shall not cause a glare on I-75 or toward the adjacent apartment units. The Planning Commission can require that lights be redirected or that shields be placed on any lights that create a problem.
  5. The developer shall create and maintain the required 25 foot wide buffer between this development and the adjacent apartment development.
  6. Any proposed pole-mounted sign on the site shall include enclosure or encasement of the pole(s) with architectural treatment.
  7. Any improvements made to publicly-dedicated portions of the Service Road must be approved by the City of Florence.

A copy of the March 23, 1994 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.

William Bailey, Chairman

Phil Damstrom  
Phil Damstrom

Thurman Owens  
Thurman Owens

Fred Burch  
Fred Burch

Barry Neitner  
Barry Neitner

Gayle McElroy  
Gayle McElroy

DAG\par

## SUPPORTING INFORMATION

**DEED**

KNOW ALL MEN BY THESE PRESENTS That

JENNIE MC EVOY, widow, being an heir at law of the deceased JEANETTE NICKLAS DAUER, see affidavit of descent of JEANETTE NICKLAS DAUER recorded in MISCELLANEOUS-BOOK NO. \_\_\_\_\_, page \_\_\_\_\_, in the office of Boone County Court Clerk, Burlington, Kentucky, for and in consideration of love and affection to her son, DARRELL MC EVOY,

the receipt whereof is hereby acknowledged, do as \_\_\_\_\_ hereby bargain, sell and convey to the said

DARRELL MC EVOY, his

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address: 6601 Dixie Highway, Florence, Kentucky Group No. 2042

Present Street Address: U.S. 42, Florence, Kentucky Plat No. \_\_\_\_\_

ALL OF HER UNDIVIDED ONE-HALF INTEREST in the following described real estate, located generally in Boone County, Kentucky, southwest of the City of Florence and on the East side of the interstate highway and described particularly thus: BEGINNING at the intersection of the north line of Lot No. 36 of 24 acres of the Snow Hill Subdivision (see plat thereof in Plat Book # 1 at page 126, Boone County Clerk's Records) with the East line (165 ft from centerline) of the interstate highway; thence with said line of said highway S. 18-00 E. 947 ft, S. 72-00 W. 15 ft, S. 18-00 E. 42.4 ft to a point in the South line of said Lot # 36; thence with said line and the south line of the A. T. & T. Company easement, N. 47-55 E. 592 ft to the southeast corner thereof; thence with the northeast line of said Lot No. 36, N. 42-30 W. and meeting and running with the southwest line of a service road to Rt. 42, at 785 ft, a total distance of 900 ft to the place of beginning, containing 7.87 acres and subject to the right of way of an easement to the A. T. & T. Company which runs across the south edge of the above described boundary.

# City of Florence



ROGER W. ROLFES  
City Coordinator

March 24, 1994

Mr. Al Klensch  
c/o Robert T. Klensch Incorporated  
5347 Old Taylor Mill Road  
Taylor Mill, Kentucky 41015-0550

Dear Al:

I checked on the process of closing a portion of the old service road which runs to your property. For you to have clear access to any part of the right-of-way, even if it was only a portion of the road, you would have to officially have that portion of the road closed.

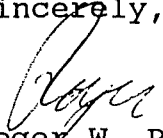
The process for closing a road is as follows:

You would request Council to pass an ordinance officially closing the road. The adjoining property owners, which in this case would be you, would need to file a friendly lawsuit requesting the courts to declare the public right-of-way vacated and the road closed. At that point, the road is officially closed and the property is titled to you. Since this is the process, you may wish to consider how much of this road you would want to close and do it all at one time.

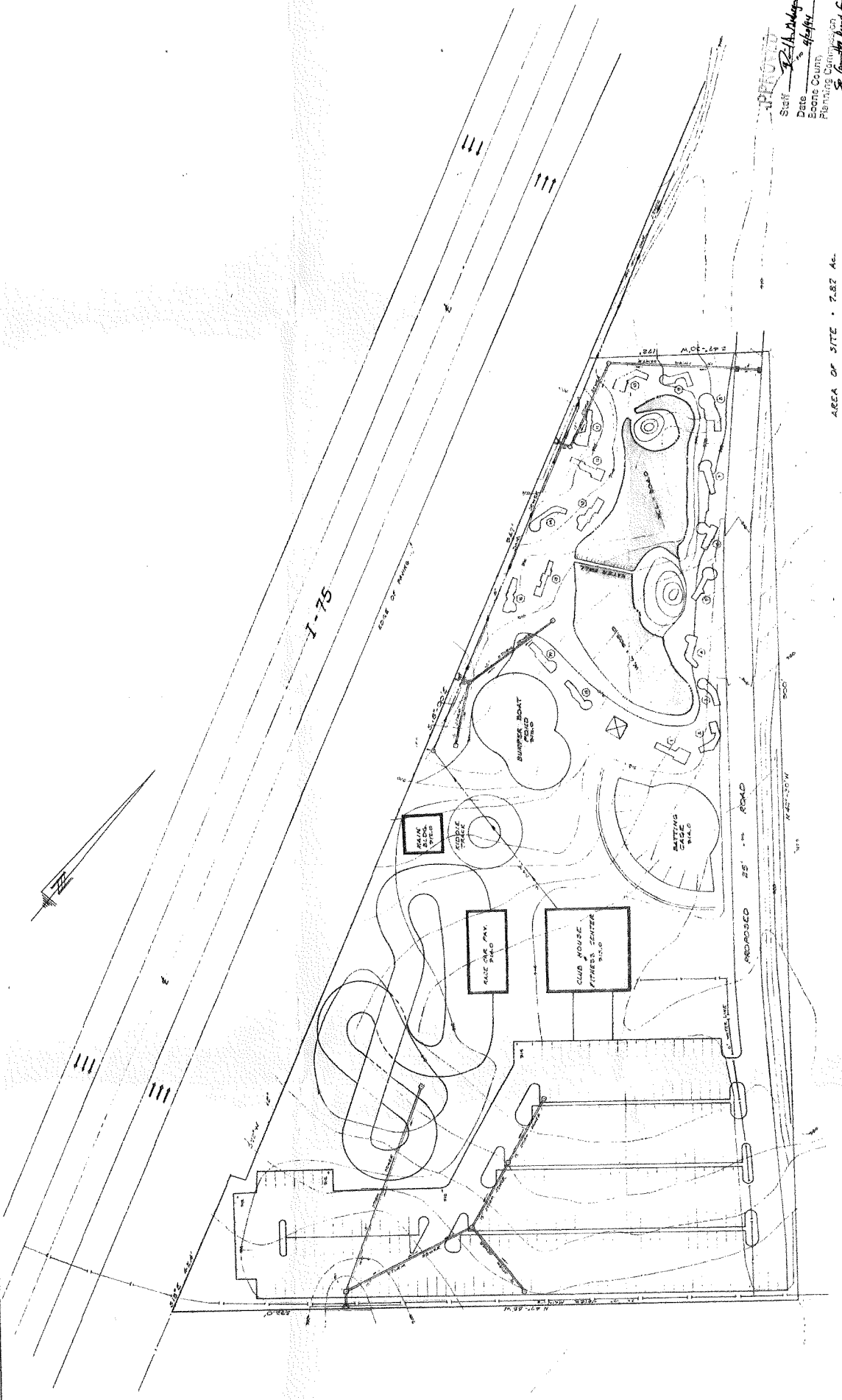
Unfortunately, we can not give you authorization to proceed with grading through the right-of-way without an official closure. According to the City Attorney, if the road is not properly closed and the property is part of land which would secure a mortgage, a lending institution may have a problem.

If you have any questions regarding this matter, please feel free to call me or Hugh Skees the City Attorney at 371-7407.

Sincerely,

  
Roger W. Rolfes  
City Coordinator

RWR/keh



Staff: *R. A. ...*  
 Date: *9/27/94*  
 Score Count:  
 Planning Commission on  
*St. Louis April 6, 1995*

**ZONE CHANGE**

**FLORENCE ADVENTURES**

JAMES W. BEHLING  
 KY. ENGINEER #2486

U.S. 42 - FLORENCE, KY.

3/1/94



AREA OF SITE - 7.82 AC.

ORDINANCE NO. 0-14-94

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 7.87 ACRE SITE LOCATED ON THE SOUTHEAST QUADRANT OF I-75 AND U.S. 42, THIS REZONING BEING FROM ITS PRESENT ZONE OF COMMERCIAL SERVICES (C-3) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). (BESSLER - KLENCH PROPERTY)

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 be approved for an approximate 7.87 acre parcel located on the southeast quadrant of I-75 and U.S. 42 in the City of Florence, Kentucky, from the current zoning of Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD), 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 and variance for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 7.87 acre parcel from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) zoning classification, subject to a development plan and its conditions. 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 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, including those conditions recommended by the Commission and made a part of the development plan.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including all conditions made a part of the applicable development plan. This includes the additional written condition agreed to by owners concerning use of Service Road.

SECTION V

In the event that the 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 12<sup>th</sup> DAY OF July, 1994.

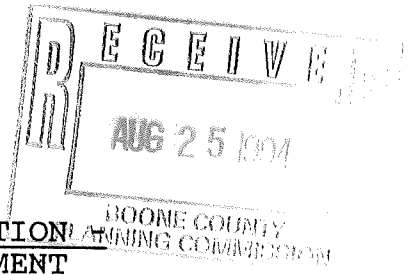
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26<sup>th</sup> DAY OF July, 1994.

APPROVED:

Evelyn McKelb  
MAYOR

ATTEST:

Attyl Conrad  
CITY CLERK



AGREEMENT FOR ADDITIONAL CONDITION  
APPROVAL OF ZONING MAP AMENDMENT

IN RE: Request of James W. Berling ("Applicant") or Bessler, Klensch, et al ("Owners") for a Zoning Map Amendment on a 7.87 acre site located on the southwest quadrant of I-75 and U.S. 42, Florence, Kentucky. The request is to rezone the site from Commercial Services (C-3) to Commercial Two/Planned Development (C-2/PD) to allow a commercial recreation development.

WHEREAS, based upon its Committee Report dated April 20, 1994, (the "Committee Report"), the Boone County Planning Commission recommended approval of the above styled zoning map amendment request subject to the conditions contained in the Committee Report, and

WHEREAS, that recommendation was forwarded to the City of Florence, Kentucky, for action and as part of the proceedings for consideration of that recommendation the Owners of the real estate and the Applicant agreed that the additional condition hereinafter set forth would apply to the zoning map amendment when approved by the City of Florence.

The undersigned being the Owners and the Applicant with respect to the above styled zoning map amendment request hereby agree that the following condition will become a part of said zoning map amendment.

It is agreed that if at the time the commercial recreation development proposed for the site is ready to commence operations the developer and owner have not accomplished the access improvements described in paragraph 1 of the conditions section of the Committee Report or have not obtained access to the site through Safeway Drive as set out in paragraph 2 of the conditions section of the Committee Report or have not obtained alternative

access to the site acceptable to the Florence City Council; then ingress and egress to the site using the service road entrance to U.S. 42 shall be restricted to right turn in and right turn out only, until such time as one of the above described access improvement is accomplished.

The City of Florence will not oppose continued right turn in - right turn out use of the service road access to the site. However, it is acknowledged that the City of Florence does not have the absolute right to control whether the service road will continue to be open.

IN WITNESS WHEREOF, the Owners of the site and Applicant have executed this Agreement this 12<sup>th</sup> day of July, 1994.

Edward Bessler

Albert H. Kleusel

Phil E. Jensen

M. C. Byers, applicant

William Byers, applicant