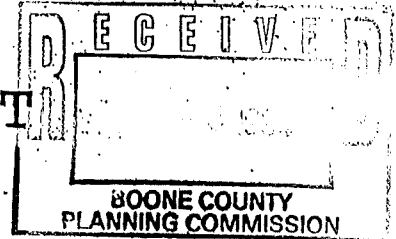


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project VILLAGE PARKE
2. Location of Project FLORENCE DRIVE-IN SITE, DIXIE HY, FLORENCE
3. Total Acreage of Site +/- 21 ACRES
4. Current Zoning of Site "R" - RECREATION
5. Proposed Zoning (Classification being requested) UR-1 and C-2
6. Proposed Uses (please specify each use).
UR-1: RESIDENTIAL CONDOMINIUMS AND ACCESSORY RECREATION & OPEN SPACE FACILITIES
C-2: COMMERCIAL USES AS ALLOWED BY C-2 ZONE
7. Names of Applicant(s) THE DREES COMPANY
Phone Number 578-4200 Fax No. 341-5854
8. Address of Applicant(s) 211 GRANDVIEW DR.
FT MITCHELL KY 41017
City State Zip
9. Name of Property Owner(s) NATIONAL AMUSEMENTS INC.
Phone Number 617-461-1600 Fax No. 617-461-1412
10. Address of Property Owner(s) 200 ELM STREET
DEDHAM MARYLAND 02026
City State Zip
11. Proposed Building Intensities (please specify)
UR-1: 190 UNITS ON 19.67 ACRES 9.7 UNITS/AC.
C-2: NOT TO EXCEED 12,000 SF OF GROSS FLOOR AREA/ACRE
12. Are there any existing buildings on the site? NONE
How many?
13. Deed Book 182 Page No. 683 Group No. 204-A
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:
X Boone County Water and Sewer District
 Florence Water and Sewer Commission (ENGINEER)
 Union Light Heat and Power
 Cincinnati Bell
 Owen County Rural Electric
 Boone County Public Works Department
(over)

EXHIBIT "A"

STAFF REPORT

Request of The Drees Company (applicant) for National Amusements, Inc. (owner) to change the zone on an approximate 21-acre site located on the Florence Drive-In site, Dixie Highway, Florence, Kentucky. The request is to rezone the site from Recreation (R) and Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) to develop Village Parke, a residential condominium and commercial development.

May 25, 1994

This is a request for a Zoning Map Amendment for 21 acres of land located on Dixie Highway-US 25 at the Florence Drive-In site. The request is to rezone a portion of the site (approximately 1.43 acres) that fronts on US 25 from Recreation (R) to Commercial Two (C-2). The remaining portion (approximately 19.674 acres) of the Drive-In property, that includes a lot on Rose Avenue zoned Suburban Residential Two (SR-2), will be zoned Urban Residential One (UR-1). The applicant has submitted a concept plan showing 15 buildings with 190 condominium units total (see Map #3 - Concept Plan).

Surrounding Zoning and Land Uses (See Map #1 - Zoning Map)

- North: A large Commercial Two (C-2) district that includes the Main Street area; a small Suburban Residential Two (SR-2) district for Rose Avenue; a Commercial Three (C-3) district on US 25 that includes the Suburban Chevrolet automobile dealership.
- South: A large Suburban Residential Two (SR-2) district that includes Walnut Creek subdivision; an Urban Residential Two (UR-2) that includes the Walnut Creek apartments.
- East: A Suburban Residential Two (SR-2) district that includes Goodridge and Sanders Drives and some undeveloped land.
- West: The large Commercial Two (C-2) district that includes Main Street; a large Suburban Residential Two (SR-2) zone that includes Shenandoah Drive and Honeysuckle Drive and Terrace.

Site Characteristics

The site is located approximately 200 feet south of the Dixie Highway/US 25 and Turfway Road intersection on US 25. The site is located on the south side of US 25. There is a 300 foot frontage on US 25 which goes back approximately 600 feet before it opens up to a large land area where the former drive-in theater was located.

There are no existing buildings on the site. There remains only the paved isles from the former theater in the typical fan shape. The western and southern sections of the site are wooded with a creek running along the western border of the site. The applicant's concept plan shows the proposed detention pond for the development in this area. The topography of the land is flat except for the wooded areas with steeper slopes near the creek.

The eastern section of the site includes 210 feet of frontage on the west side of Rose Avenue this is the portion zoned Suburban Residential Two (SR-2). The southern section of the site is an 845 foot border to the Florence Nature Park that is undeveloped woodland.

Relationship to the Comprehensive Plan

The 1990 Future Land Use Map (See Map #2 - Land Use Map) indicates future Urban Density Residential (UD) and Commercial (C) uses for the request site. The Urban Density Residential (UD) classification is defined in the 1990 Boone County Comprehensive Plan as follows:

Residential uses that do not exceed twelve dwelling units per acre, unless that development is a Residential Planned Development. or part of an Employment Planned Development.

The surrounding future land use include Commercial (C) to the north and west along US 25 and the Main Street and Turfway Road areas. To the east, south and west of the site the future land use is High Suburban Density (HSD) with residential uses that do not exceed six dwelling units per acre. Also to the south of the site is a Recreation (R) district for the Florence Nature Park.

Section D-4 Florence Area of the Land Use element of the 1990 Boone County Comprehensive Plan states the following about the Florence Drive-In site:

Higher density residential development should only occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it is easily accessible. Examples of the former include development along Industrial Road and west to the interstate, and near the Turfway Interchange. Examples of the latter include the **Florence Drive-In site** and certain sites along U.S. 25. The Florence Drive-In site would be an appropriate location for active recreation facilities adjacent to the Florence Nature Park. Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development in the city.

The Housing Element of the 1990 Boone County Goals and Objectives advances the following about high density residential development:

7. Residential development shall insure the continuity of the interior street system with the system already built or planned in the neighboring areas, as well as provide for the coordination of this local system with the major transportation network.

9. High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities.
10. Progression of intensities shall be encouraged. Where traditional progressions of high net density to low net density development cannot be followed, attention to visual impact and adequate buffering must accompany high net density usage.
12. Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access.

Section D-4: Florence Area in the Land Use Element of the 1990 Boone County Comprehensive Plan states the following about commercial development in Florence. See future land use on Map #2:

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. 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. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence.

The Business Activity Element of the 1990 Boone County Comprehensive Plan states this about future commercial activity in the Florence area.

Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Many problems with the location and arrangement of commercial enterprises have emerged, especially along KY 18 and US 42.

The PEDESTRIAN/BIKE PATH PLAN City of Florence and Boone County, Kentucky, officially adopted by the City of Florence, also addresses the area of the proposed zone change. For the Main St./Central Florence area it proposes the following (See Map #4 - Ped./Bike Map):

9. MAIN ST./CENTRAL FLORENCE PEDESTRIAN NETWORK IMPROVEMENTS

The following improvements seek to "fill in the gaps" of the existing pedestrian network of central Florence. Links are made to the high concentration of pedestrian attractors in this area (ie. churches,

schools, and the Florence Nature Park). These improvements should contribute to making central Florence and "Urban Village" with a walkable, friendly environment and many amenities to offer its residents.

Sidewalks are proposed along the north side of Banklick Street between Dixie Highway and Walnut Creek Drive.

A sidewalk is proposed from the entrance to the Florence Nature Park on Banklick into the Park....

Justification:

These sidewalk improvements will enable safe and convenient pedestrian travel to the Florence Nature Park. These sidewalk improvements will enable safer pedestrian travel especially for children to the many pedestrian attractors in this area such as the Florence Elementary School, the churches and the public library.

The Drive-In Property also is contiguous to the proposed Main Street Zoning District and can properly be viewed as an extension of this area. The text of the proposed Main Street Zoning District states the following:

Main Street is decidedly different from the rest of the City of Florence because of the built environment. The buildings are located close to the street and residential and commercial uses are intermixed. This area once created an identity and center for Florence, however, this uniqueness and identity is not reflected in the zoning. Main Street is lumped together with typical suburban strip center commercial development which is predominately automobile oriented. Strip center developments do not promote a community identity nor do they promote pedestrian friendly environments. The Florence Main Street does afford the opportunity to create a strong community identity and pedestrian environment, therefore, the zoning should encourage and promote this type of development.

Staff Concerns

1. Staff has concerns with access to the site. The concept plan shows the use of the existing Drive-In entrance road on Dixie Highway US 25 as the primary ingress and egress for the development. There is a secondary access that connects to the entrance drive for the Florence Nature Park and then to Banklick Street. The primary access on Dixie Highway-US 25 would, in actuality, be a new access since the Drive-In has not been in business for years and was only used then during the evening hours. The traffic generated by this new access would unfavorably impact US 25 specifically at the Turfway Road, Main Street, and Dixie Highway intersection. This is probably one of the most problematic intersections in all Northern Kentucky being an intersection of five roadways with each having their own separate green movement light.

There will likely be problems of traffic stacking for left-turns from US 25 into the development. This could back up traffic to the Turfway Road, Main Street and Dixie Highway intersection. There will also be problems of left turns out of the development on to Dixie Highway considering poor site distance looking north toward the intersection.

The Institute of Transportation Engineers Trip Generation Manual 5th Edition provides traffic volume levels for varying land uses. The manual indicates that the number of trips generated by the proposed Condominium use based on the number of dwelling units would be as presented below:

Weekday Trips

Average # of trips 1,113/day @ 50% entering, 50% exiting

Average # of AM trips 84/hour @ 17% entering, 83% exiting
Peak Hour between 7-9 a.m.

Average # of PM trips 104.5/hour @ 66% entering, 34% exiting
Peak Hour between 4-6 p.m.

Staff recommends that the existing Drive-In road be used only as a right in, right out access. The second access to the Florence Nature Park Drive should be maintained. There should be an access from the development to Rose Avenue and the developer should also design a possible future access to Goodridge Drive (through City owned property). This would enable the traffic from the development to be distributed via four accesses.

2. Staff also has concerns with the physical design of the Concept Plan. This plan is predominately oriented to the automobile. Just consider the amount of pavement for driveways and parking. The only sidewalks shown on the Concept Plan are from the entrance of the condominiums to the multiple, parallel driveways. Presumably that's as far as the residents will walk. The curvilinear street design is the norm for suburban single-family subdivisions, but this is an urban infill site that should, more appropriately, extend the traditional grid pattern of the Main Street area.

This site would offer an excellent opportunity to implement a neo-traditional design for the development. Such a design would, indeed, incorporate a grid pattern for the streets that would connect with the four accesses I proposed above. It would also have sidewalks on each side of its tree-lined streets. To minimize the extreme amounts of pavement for parking and driveways, as shown on the present Concept Plan, the plan would utilize alleys and the garages would be accessed directly from these alleys. All other parking would occur on the streets.

A neo-traditional design for this site would offer the best type of physical plan to help promote a strong community identity and pedestrian friendly environment for the City of Florence. Its transition between residential and commercial uses would be fitting and attractive, unlike the non-existent transition shown on the applicant's Concept Plan.

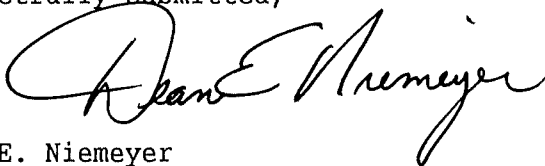
Conclusion

Clearly the 1990 Boone County Comprehensive Plan shows that the future use for the Drive-In site should be Commercial (C) and Urban Density Residential (UD). This is what the applicant proposes with his Concept Plan. However, this Concept Plan does not meet the Housing Element goal of insuring continuity of the interior street system in this case the grid pattern. The Plan is oriented to the supposed ease of movement and storage of automobiles to the detriment of the pedestrian.

The PEDESTRIAN/BIKE PATH PLAN City of Florence and Boone County, Kentucky and the proposed Main Street Zoning District positively recognize that this central area of Florence should be a pedestrian friendly environment with multiple amenities including schools, parks, churches, and commercial uses. To this end the City has applied and received a grant from the Federal Highway Department and the Kentucky Transportation for Intermodal Surface Transportation Efficiency Act (ISTEA) Transportation Enhancement funds to build new sidewalks on Dixie Highway from the county border to US 42.

The applicant's Concept Plan does not allow the connections, whether pedestrian or street, that could be obtained with a neo-traditional grid style plan. An appropriate neo-traditional plan for this site would offer a highly needed housing type; help the City's goals for developing a positive community identity for "Old Florence" and help reconnect the rest of the community to this area with sensible pedestrian and road facilities.

Respectfully submitted,



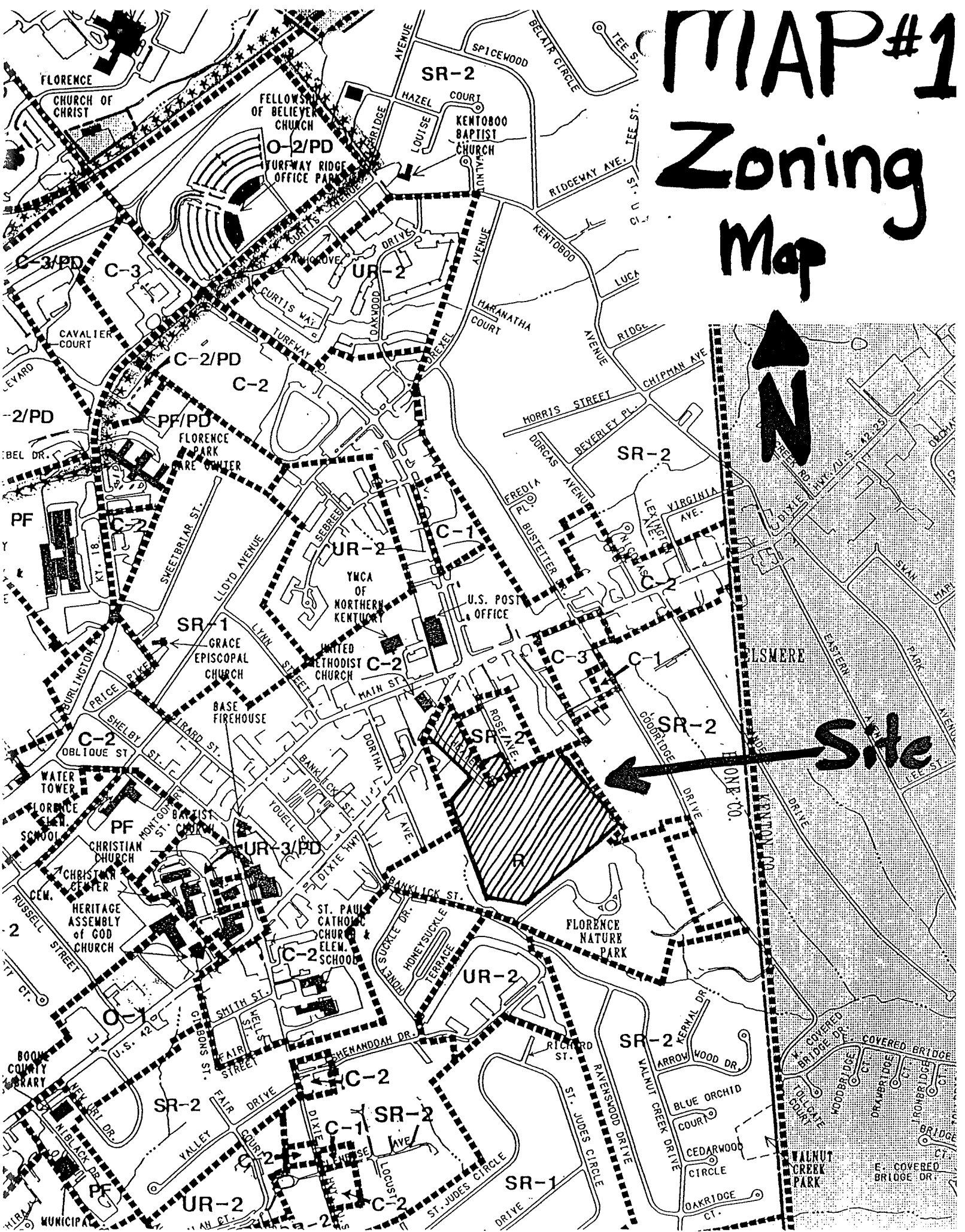
Dean E. Niemeyer
Planner I

DEN\par

MAP #1

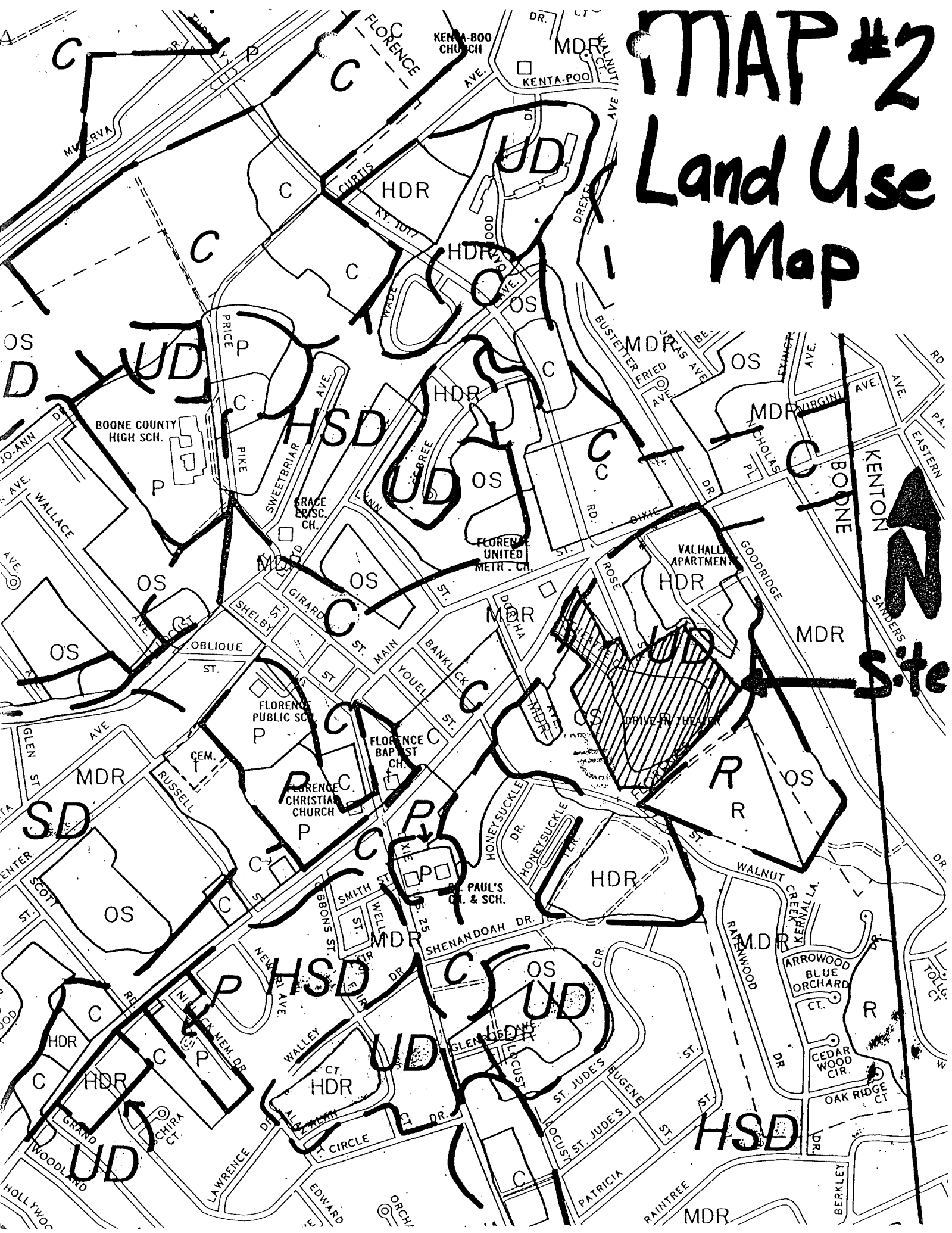
Zoning

Map



MAP #2

Land Use Map



MAP #3 Concept Plan

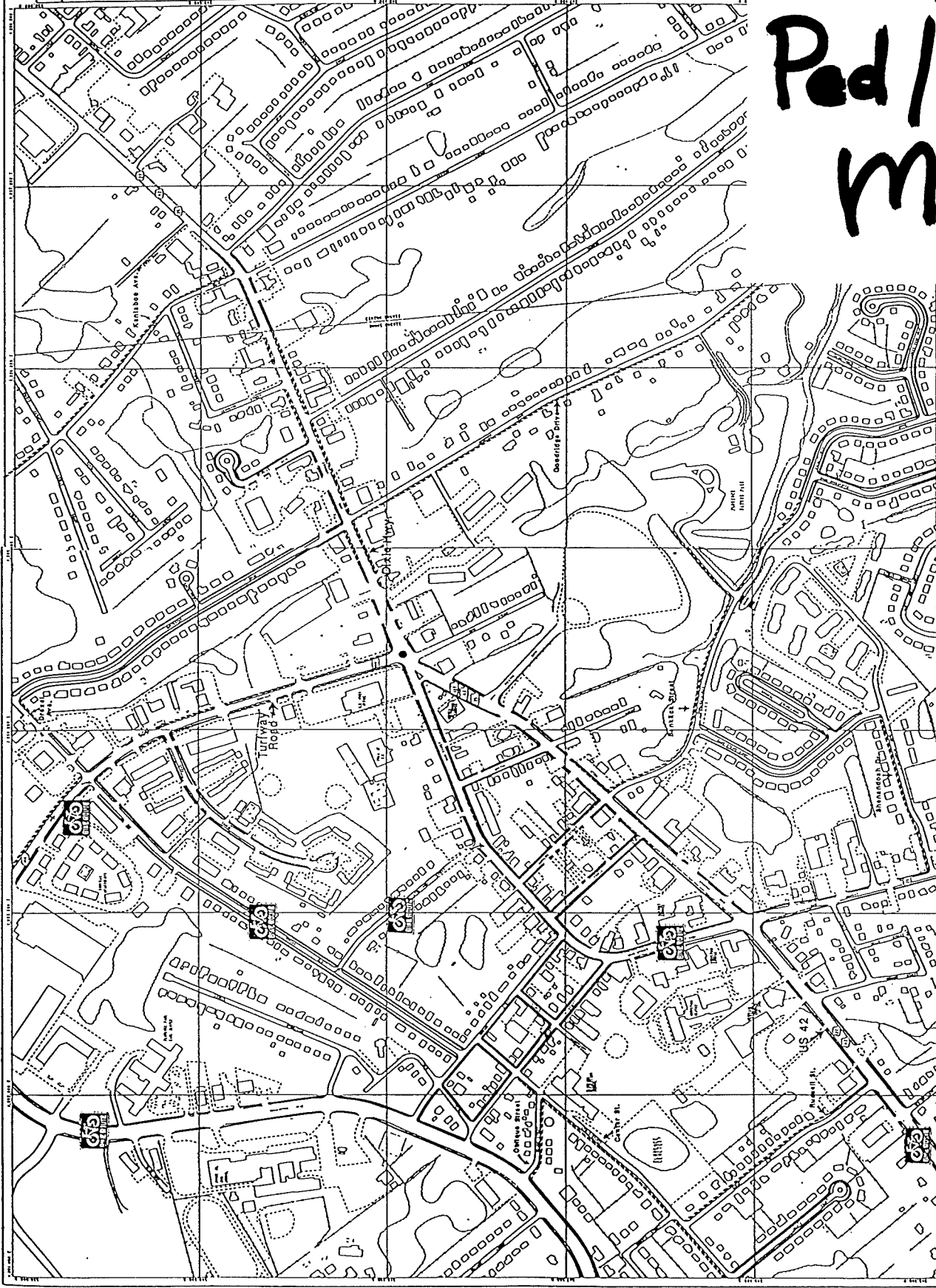


as Per Unit
 ched Garages
 to City Park
 (inter)
 (Recreation)
 -1
 PLAN
 PARKE
 TRACT
 NE CO., KY.
 1994
 SCALE 1" = 100'
 VTOX P.S.C.

TIAP #4 Ped/Bike Map

LEGEND

- Existing Sidewalks
- Proposed Sidewalks
- Proposed Bikelanes
- Proposed Pedestrian/Bike Pathway
- Proposed Crosswalk Signals



LEGEND

- Existing Sidewalks
- Proposed Sidewalks
- Proposed Bikelanes
- Proposed Pedestrian/Bike Pathway
- Proposed Crosswalk Signals

PEDESTRIAN/BIKE PATH PLAN
City of Florence and Boone County, Kentucky

Boone County Planning Commission
August 1992

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White.

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

4. Applicant: The Drees Company for
National Amusements, Inc. (owner)
Request: Zoning Map Amendment

The request of The Drees Company (applicant) for National Amusements, Inc. (owner) to change the zone on an approximate 21-acre site located on the Florence Drive-In site, Dixie Highway, Florence, Kentucky. The request is to rezone the site from Recreation (R) to Urban Residential (UR-1) and Commercial Two (C-2) to develop Village Parke, a residential condominium and commercial development.

Staff Member Dean Niemeyer presented the Staff Report which included a review of the aerial photograph and the attachments to the Staff Report, and a slide presentation (see Staff Report). He advised that the applicant will present a Revised Site Plan.

Mr. Mike Schoettelkotte, Land Development Department, The Drees Company, and Mr. Brian Huehls, Vice President of Architecture for The Drees Company, were present. Mr. Schoettelkotte stated that the area to be zoned UR-1 is shown on the Comprehensive Plan for urban density residential up to 12 units per acre and their density is 9.7 units per acre, which is in compliance with the Comprehensive Plan and the UR-1 zoning. The 1.3 acre site proposed to be zoned C-2 is also in conformance with the Comprehensive Plan, which shows the area along the frontage as commercial. The properties on either side, across the street, and up and down Dixie Highway are zoned C-2 and are currently being used for such uses. The Recreational Zone is a holdover from the drive-in use of the site. The C-2 Zone would be more in conformance with the Comprehensive Plan. He stated that the basis for the zone change is that the proposal is in conformance with the Comprehensive Plan.

Mr. Schoettelkotte stated that a number of the items mentioned by Staff relative to pedestrian access are things that they recognized as they got into the plan. They have worked with the City of Florence and the revised plan takes those issues into account. They recognized the importance of the Florence Nature Center and will try to enhance it and provide the necessary tie ins to give the neighbors access to the nature center. Mr. Schoettelkotte reviewed the Revised Concept Plan. He indicated the proposed entrance to the development and the boundaries of the property. He distributed information to the Commission in regard to the proposed product and price range.

Mr. Huehls reviewed the traffic circulation and building locations on the site. He reviewed the Landscaping Plan and noted the street tree program.

Mr. Huehls stated that they have picked up the path system for the nature center and added path systems, which are extended through the site. They are committing to the city to extend the nature park by ownership or perpetual easement. They are committing the perimeter of their site to the nature park and it will be public. He stated that the city was concerned about extending their vehicular link and they have agreed to help the city pave links shown by a broken yellow line for pedestrian links. He stated that the development is Village Parke. They are concerned with vehicles and pedestrians and separating them. They intend to build 190 homes there, which is less than the 234 homes the zoning would permit. They reduced the number of buildings in order to get more nature park and to work with the city for a passive use. They have created a pedestrian system coming out of the homes into the park. He stated that the parking requirements generated the paving. The use of garages speaks to the type of buyer they have who is interested in security. There are 152 garages. There are 8 interior garages in each building and there are auxiliary garages. The units are one floor living, which typically sells to older buyers. Over 60% of their buyers are single and under 30 or over 50. The buildings and garages have secured entries. The scale to the street is residential. Over the garages is their Carriage Home unit. He noted the connection at the back to the park. He indicated the access which is "out only". The commercial uses are off the interior drive. He stated that they have tried to work with the city and tie in with the village concept. The buildings are two stories and some are two stories with three levels of living at the back, which allows them to save more trees. The street trees program gives a boulevard effect. The price ranges are \$71,000 to \$105,000. He stated that they have had a lot of success in selling to local residents.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There was no response. Mr. Burch then asked if there was anyone present who wished to speak in opposition to the request or ask questions.

Mr. Tom Schmidt, 11 Rose Street, stated that he is not against the project. He stated that they were considering Rose Street as a possible entranceway or exit on the previous Site Plan. He asked, if the five-way stop is one of the most problematic intersections in Northern Kentucky, why they would they suggest pouring more traffic into it. He stated that when Hugh's Oyster House is emptying out, it takes three times to get off his street because of the congestion. He questioned what 190 units would do to the traffic situation. He asked if a lot on Rose Street changes when the zoning goes through, could they put a condominium on that lot even though the Site Plan does not show a condominium there.

Mr. Paul Simpson indicated his home. He commented on the traffic and stated that most of the time they have to turn right to get out on Dixie Highway. The traffic was backed up this evening. He stated that this is about the busiest corner in Florence. He asked if there would be a traffic signal.

Mr. Raymond Teagarden, 37 Goodridge Drive, stated that his property runs back to the drive-in. He had problems with dirt from the drive-in. He asked if a fence could be put up to keep people off his property. People

from the park come into his yard. He would like a fence put up to stop the garbage from coming onto his property. He asked if there would be a street through Goodridge Drive to the park. Mr. Burch advised that that was not part of this request.

Mr. Tim Walsarin stated that 21 Rose Street is an apartment building he owns but does not live in. He is concerned about roads being opened up and stated that there would be safety issues with the children on the street with increased traffic. He questioned the buffer from the buildings to his property.

Mr. Costello advised that residential to residential requires a 20-foot buffer.

Mr. Walsarin stated that he would be against anything but walking traffic back there to the park.

Mr. Schoettelkotte stated that it would not be proper to bring the traffic out Rose Street. He stated that there could be a pedestrian access or a vehicular access to the park or a combination of both and a small park area. He stated that they are showing a broken yellow line on the plan as a willingness to work with the city. They do not propose any development on the property they own that is adjacent to Rose Street. They plan to construct a screening berm to provide separation and screening for the rears of their residential units along the rear of the Rose Street properties.

Mr. Burch questioned the distance between the end of Rose Street and the first building. Mr. Huehls stated that it is 40 feet to the inside corner, and they would probably average 60 feet or 100 feet away.

Mr. Schoettelkotte stated that they do not propose to do any fencing. He stated that once the residents are established, they are not going to be putting up with people cutting through unless it is to the nature center. He stated that there is no intent to put up a fence in that area, which is actually down over a hill and in a drainage area. He indicated the detention area. He stated that detailed engineering will be done as the next step.

In response to a question from Mr. Teagarden, Mr. Huehls explained that if they do not sell the land to the city, the connection will not go through. The city is saying that they would like the connection in the next 100 years.

Mr. Walsarin questioned the fencing that is there. Mr. Schoettelkotte stated that there would be no reason to remove the fence.

Ms. Susan Cabot, Historic Preservation Planner, stated that what is done today affects Boone County tomorrow. She stated that the applicant has tried to make this more of a village setting. She stated that The Drees Company has the means to set a good example for other developers throughout the county. She noted that they were willing to go back and design a major project to fit into the concept. She applauds the applicant for being willing to look at changes to the development.

Ruth Seibel, 31 Goodridge Drive, stated that they had trouble with the Val Halla apartments until the sewerage was put through and hopes the sewage from this development will not have to cross the creek.

Mr. Huehls advised that the sewage goes to Banklick Creek.

Mr. Burch asked if there were any comments from the Commission.

Mr. Ries stated that he would prefer SR-1 versus apartment complexes. Mr. Huehls advised that these are for sale units. Mr. Ries stated that this would be a great executive residential area. He asked that they keep the green space. He stated that it is a beautiful setting. He is concerned about traffic into the park area and would prefer the traffic go out more toward Dixie Highway and that direction instead of crowding and congesting the alternative streets.

Mr. Huehls advised that they had a road coming out of Banklick and there is a grade break there and a power line, so they are making a subtle entrance there. He stated that if it is busy, people will go out that way and take the Banklick light by the shopping center. He stated that they have increased the green space by making that connection.

Mrs. Arnett asked what they have planned for the C-2 zone. Mr. Huehls stated that they are showing a bank. He stated that there would be strict architectural controls because the image has to correspond with the images of their community building and the homes.

Mrs. Arnett stated that the traffic flow levels did not include anything for the commercial area.

Mr. Bailey asked if they would maintain the park. Mr. Schoettelkotte stated that the common area would be maintained by the HOA. For the area they propose as an extension of the park around the edge of the property the discussion has been that there would be a permanent easement in favor of the city giving them the right to maintain and use the open space, or it could be done in fee simple. They anticipate a contractual arrangement with the city to share in the maintenance of a portion of the drive.

Mrs. Schaffer questioned how this development compares to the development on Buttermilk Pike. Mr. Schoettelkotte advised that that development was 5 acres. Mrs. Schaffer stated that the Buttermilk Pike development is crowded and there is not enough landscaping. Mr. Huehls stated that they had no open space to work with there, but on this site there is open space around the community facility, where there is a pool and tennis court. This site will feel much more open. Mr. Schoettelkotte stated that the building configuration on this site is different. He stated that there were less units in the buildings on the Buttermilk site. They were slab buildings and these buildings have lower levels. He stated that there are sidewalks in Lakeside Park in the Fountain Place development. He stated that this development will be more comparable to Maple Leaf with the surrounding buffer and the amount of trees.

Mrs. Schaffer stated that she is concerned about the traffic the development will generate and that the commercial area might generate too much traffic. She suggested a nicer entrance coming in that would have more appeal than a commercial parcel.

Mr. Schoettelkotte stated that they are improving the entrance there with stacking and turning lanes. The roadway would be improved coming into the site.

Mrs. Schaffer asked if they committed to right-in/right-out. Mr. Schoettelkotte stated that they did not agree with Staff in regard to the one-way entrance and feel that it is unreasonable.

Mrs. Schaffer asked if they would turn the maintenance responsibility for the fence over to the HOA and if the roads would be privately maintained. Mr. Schoettelkotte replied "yes".

Mrs. Schaffer asked if they would commit, and then commit in writing, to the number of dwelling units as they could have 12 units per acre instead of the 9.7 units. Mr. Schoettelkotte stated that the purpose of the Development Plan is to establish what will be on the site and a change would have to come back through for review and approval.

Mrs. Schaffer stated that she wants it established as to the density. She stated that if the roads are not constructed in accord with the standards, then the homeowners end up paying for them, for the landscaping, the buffering, etc..

Councilman Metzger, a property owner at Dortha and Dixie Highway, asked if there is adjoining property that could be developed to have a drive thru to Dortha. Mr. Schoettelkotte stated that there is no property involved with this development that would connect to Dortha. Councilman Metzger asked if there are any entrance connections available from Dortha onto the property. Mr. Schoettelkotte replied "no".

Mr. McMillian asked why there are more 3-bedroom units than 1-bedroom units if the development is oriented towards older people. Mr. Huehls stated that the dominant unit type is 2 bedrooms. He commented that Mr. McMillian is looking at the unit list, which does not show how the units are combined in the buildings. He stated that people are moving out of larger homes to buy the units. He stated that there is usually a den and two bedrooms. The most popular unit is two master suites.

Mr. Neltner asked how many square feet of commercial they propose to develop. Mr. Schoettelkotte stated that they do not have an end user for the development. What is shown on the Development Plan is what they would consider the ideal client. They will be looking for something compatible with the neighborhood. When they can submit a final development plan, it will be resubmitted.

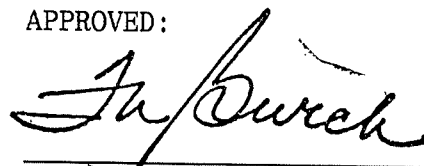
Mr. Neltner stated that they are asking for the maximum allowable commercial square footage. Mr. Schoettelkotte stated that they are asking for the allowance of the C-2 Zone. Mr. Neltner stated that they would be talking about 20,000 square feet of commercial there. Mr. Huehls stated

that they want a residential scale, one-story type use and a bank fits that. It will not be a two-story building or a doctors' building.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on June 6, 1994 at 1 P.M. in the office across the street. This item will be on the Agenda for the Business Meeting on June 15, 1994 at 8 P.M..

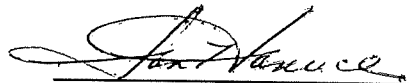
Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 15, 1994
8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Burch introduced the next item on the Agenda. Chairman Viox was not present at this time.

6. Zoning Map Amendment

The request of The Drees Company (applicant) for National Amusements, Inc. (owner) to change the zone on an approximate 21-acre site located on the Florence Drive-In site, Dixie Highway, Florence, Kentucky. The request is to rezone the site from Recreation (R) and Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) to develop Village Parke, a residential condominium and commercial development.

Staff Member Dean Niemeyer presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He stated that Mr. Mike Schoettelkotte, representing The Drees Company, has signed the letter agreeing to the conditions.

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

Mr. McMillian asked if the walkway goes through to the nature park. Mr. Niemeyer stated that it does. He indicated portions of the site that will become part of the nature park and stated that there will be connections to it.

Mrs. Schaffer stated that she is concerned about the condominiums becoming rental units. She stated that UR-1 is multi-family zoning. She questioned their commitment to condominiums and recording the Master Deed. Mr. Niemeyer noted that the Concept Plan stated that there will be condominiums, which is also stated on the application for the zone change.

Counselor Wilson asked if the applicant concurs that the project and any approval is for condominiums which are for sale units. Mr. Schoettelkotte replied "yes".

Mrs. Schaffer asked if the Concept Development Plan includes the density of 9.7 units per acre. Mr. Schoettelkotte replied "yes".

Mr. Ries questioned if the developer could forbid someone from buying a piece of property back there and renting it. Mr. Schoettelkotte replied "no". Mr. Ries stated that there are deed restrictions in some communities that do not allow rental property. Mr. Schoettelkotte stated that they have typically not done that with condominiums. He stated that from time to time some condominiums are rented, but the majority are owner occupied.

Mr. Burch asked for a vote on the motion made by Mr. Neltner which found all voting members in favor. Chairman Viox was not present at this time. The motion carried.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: June 15, 1994

RE: Request of The Drees Company (applicant) for National Amusements, Inc. (owner) to change the zone on an approximate 21-acre site located on the Florence Drive-In site, Dixie Highway, Florence, Kentucky, The request is to rezone the site from Recreation (R) and Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) to develop Village Parke, a residential condominium and commercial development.

REMARKS:

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

Findings of Fact

1. The 1990 Boone County Comprehensive Plan shows that the future use for the Drive-In site should be Commercial (C) and Urban Density Residential (UD). This is what the applicant proposes with his Concept Plan.
2. The PEDESTRIAN/BIKE PATH PLAN City of Florence and Boone County, Kentucky and the proposed Main Street Zoning District positively recognize that this central area of Florence should be a pedestrian friendly environment with multiple amenities including schools, parks, churches, and commercial uses.
3. Section D-4 Florence Area of the Land Use element of the 1990 Boone County Comprehensive Plan states the following about the Florence Drive-In site:

Higher density residential development should only occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it is easily accessible. Examples of the former include development along Industrial Road and west to the interstate, and near the Turfway Interchange. Examples of the latter include the

Florence Drive-In site and certain sites along U.S. 25. The Florence Drive-In site would be an appropriate location for active recreation facilities adjacent to the Florence Nature Park. Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development in the city.

4. The Housing Element of the 1990 Boone County Goals and Objectives states the following about high density residential development:

High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities.

Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access.

Conditions

1. The concept plan for the Drive-In site will be the one presented at the Zone Change Committee Meeting on June 6, 1994 by Brian Huehls. This plan is identified as Village Parke: Revision #2 Concept Plan; Study #2 (see attached reduction). This plan shows an expanded, internal pedestrian walkway system; revised parking thus allowing increased landscaping in front of some buildings; and a small park between the commercial and residential sites that includes the trash compactor for the development. The applicant will attempt to maintain all the existing buffer of trees that surround the site.

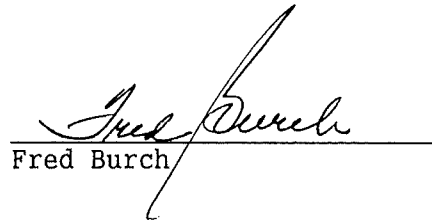
We understand the architect is looking at further revisions that would move some garages from the front of some buildings to the side, again enabling increased landscaping and he will also increase the size of the island near the entrance from U.S. 42, since this seems a very "tight" area with parking, garages and the pedestrian walkway. We are in agreement with these proposed envisions.

2. Since the internal roadway system for the residential development will be private and to assure for safety and viability, these streets will be built to the material requirements for public (City and County) specifications for local streets. The turning radii of the streets will be large enough to allow the safe movement of fire trucks.

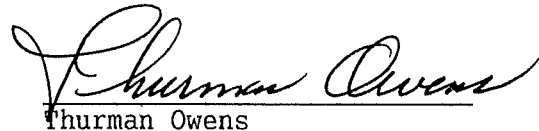
3. Either through permanent usage easement or as a gift to the City of Florence, the wooded areas around the site (parallel to Dortha and Banklick and Goodridge Drive) will become extensions of the Florence Nature Park. The Concept plans shows walking paths through these wooded areas.
4. The applicant has agreed to finance improvements for the park road to meet local street specifications (ie. widen, curb and gutter, thicken) from where the development's road ties in to the park road to the intersection of Banklick.
5. The applicant will extend Rose Avenue approximately 200 feet, as shown on the Concept Plan, and will work with the City of Florence to complete this roadway connection to the parking lot of the Florence Nature Park.


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.

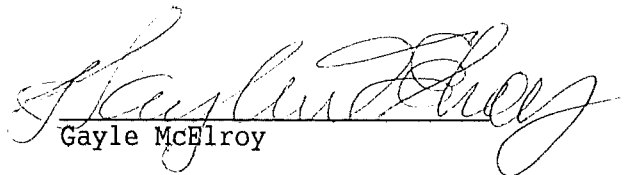

Barry Neltner, Chairman


Fred Burch

Phil Damstrom


Thurman Owens


William Bailey


Gayle McElroy

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



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

June 15, 1994

The Drees Company
c/o Mr. Michael Schoettelkotte
211 Grandview Drive
Ft. Mitchell, KY 41017

Post-It [®] Fax Note	7671	Date	6-17-94	# of pages	2
To	DEAN NIEMEYER	From	MIKE SCHOETTELKOTTE		
Co./Dept.	BCPC	Co.	DREES		
Phone #		Phone #			
Fax #	334-2264	Fax #	334-2264		

RE: Request of The Drees Company (applicant) for National Amusements, Inc. (owner) to change the zone on an approximate 21-acre site located on the Florence Drive-In site, Dixie Highway, Florence, Kentucky. The request is to rezone the site from Recreation (R) and Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) to develop Village Parke, a residential condominium and commercial development.

Dear Mr. Schoettelkotte:

The following represents the conditions that were discussed by the Zone Change Committee. If you, as the applicant, will agree to these conditions, please indicate by signing your name at the end of this letter and returning to our office by 1:00 p.m. June 15, 1994.

Conditions

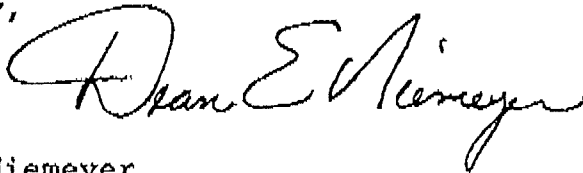
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The Drees Company
June 15, 1994
Page 2

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5. The applicant will extend Rose Avenue approximately 200 feet, as shown on the Concept Plan, and will work with the City of Florence to complete this roadway connection to the parking lot of the Florence Nature Park.

Sincerely,



Dean E. Niemeyer
Planner I

DEN\par

Enclosure

I, the applicant, agree to the above listed conditions for approval of my request for the Zoning Map Amendment for the Florence Drive-In Site, Florence, Kentucky.



Mr. Michael Schoettelkotte
Applicant



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

488 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 787-3883

JAMES H. VIOX, III, P.E.
KY. REG. NO. 8880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Parcels to be Rezoned
Dixie Highway, Florence, Ky.

Parcel A - From R to C-2

A parcel of land lying on the southeasterly side of Dixie Highway (U.S. 25 and 42) between Hughes Oyster House and Southern Trails in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southeasterly right-of-way line of Dixie Highway, said point also being the most southwesterly corner of Hughes Oyster House property, and running thence:

S 35-17-53 E, along the southwesterly side of Hughes Oyster House property, a distance of 201.00 feet, to a point, thence S 28-00-15 E, a distance of 127.58 feet, to a point, thence S 42-41 W, a distance of 178.77 feet, to a point, thence N 47-19-00 W, along the northeasterly side of the Southern Trails property, a distance of 185 feet, to a point, thence N 75-40-23 W, a distance of 50.38 feet, to a point, thence N 26-07-53 E, along the southeasterly right-of-way line of Dixie Highway, a distance of 302.98 feet, to the place of beginning, and containing 1.43 acres more or less.

Being part of the property recorded in D.B. 182, pg. 683, Boone County Clerk's Records, Burlington.

Parcel B - From R to UR-1

A parcel of land lying near the southeasterly side of Dixie Highway (U.S. 25 and 42) and on the southwesterly side of Rose Avenue in Florence, Boone County, Kentucky and being more particularly described as follows:

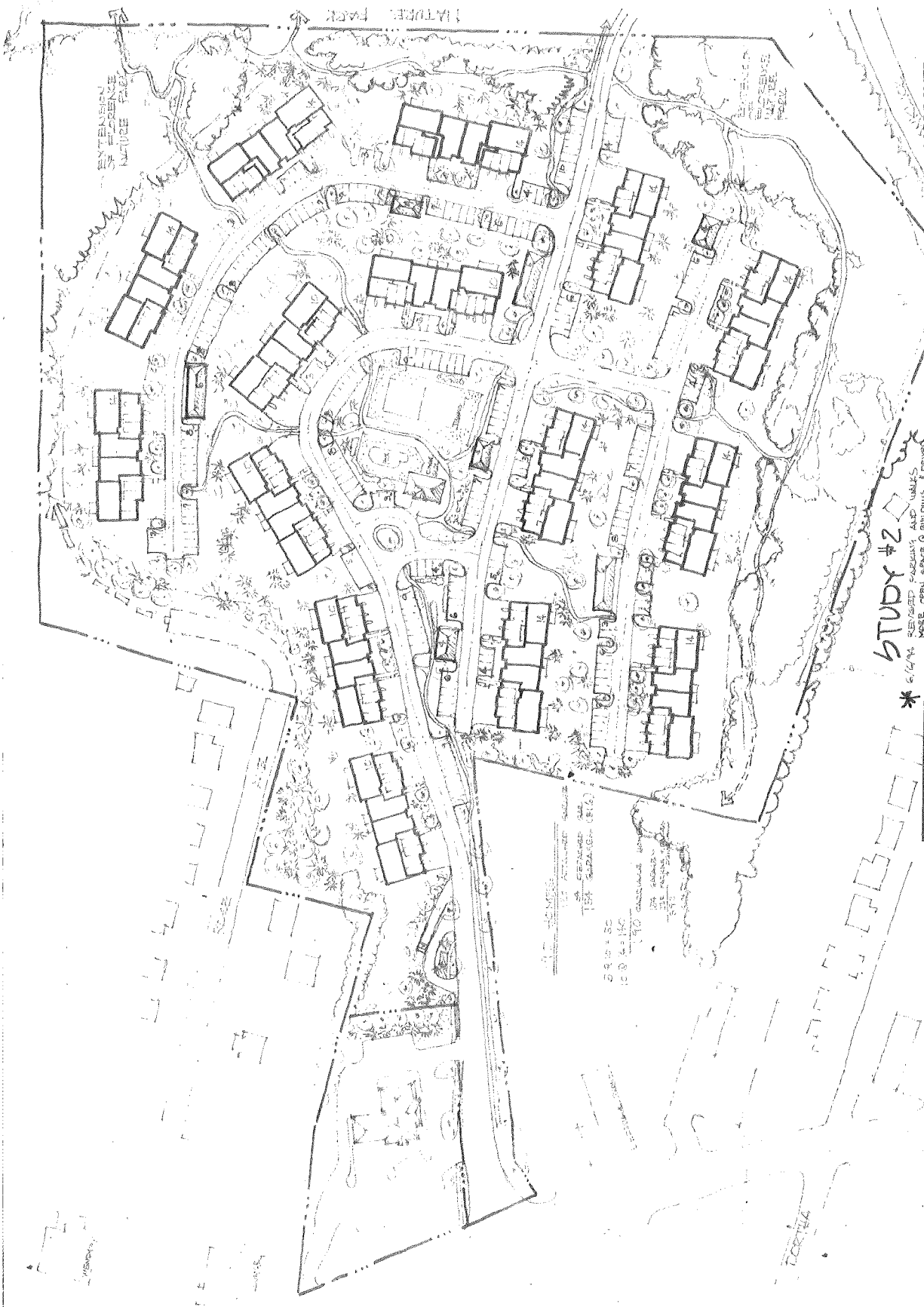
BEGINNING at a point in the southwesterly right-of-way line of Rose Avenue at its present southernmost end and running thence:

N 65-09-57 E, crossing the present southernmost end of Rose Avenue, a distance of 311.53 feet, to a point, thence

S 40-51-03 E, a distance of 700.70 feet, to a point, thence
S 50-04-08 W, a distance of 848.40 feet, to a point, thence
N 79-41-00 W, a distance of 340.00 feet, to a point, thence
N 22-13-00 W, a distance of 684.80 feet, to a point, thence
N 61-11-00 E, a distance of 341.80 feet, to a point, thence
N 47-19-00 W, a distance of 266.00 feet, to a point, thence
N 42-41 E, a distance of 178.77 feet, to a point, thence
S 26-00-15 E, a distance of 128.11 feet, to a point, thence
N 61-11-00 E, a distance of 151.35 feet, to a point, thence
S 27-00-18 E, along the southwesterly right-of-way line of
Rose Avenue, a distance of 224.43 feet, to the place of
beginning, and containing 19.674 acres more or less.

Being part of the property recorded in D.B. 182, pg. 663,
Boone County Clerk's Records, Burlington.

5/3/84



APPROVED
 Date 6-25-14
 Boone County
 Planning Commission



STUDY #2
 * 6/24/14 REVISIONS PARALLEL AND UNITS
 MORE OPEN SPACE & BULKHEADS & DRIVE

The Drees Company
 VILLAGE AT PARK : REVISION #2 CONCEPT PLAN
 201 Commerce Drive, Liberty, Missouri 64068

5500+50
 1500+100
 1000+150
 500+200

ORDINANCE NO. 0-17-94

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 21 ACRE SITE LOCATED ON THE FLORENCE DRIVE-IN SITE, DIXIE HIGHWAY, THIS REZONING BEING FROM ITS PRESENT ZONING OF RECREATION (R) AND SUBURBAN RESIDENTIAL TWO (SR-2) TO URBAN RESIDENTIAL (UR-1) AND COMMERCIAL TWO (C-2). (THE DREES CO. - NATIONAL AMUSEMENTS, INC. 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 21 acre parcel located on the Florence Drive-In site on Dixie Highway in Florence, Kentucky, from the current zoning of Recreation and Suburban Residential Two to Urban Residential and Commercial Two, and

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

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

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 21 acre parcel from Recreation (R) and Suburban Residential Two (SR-2) to Urban Residential (UR-1) and Commercial Two (C-2), 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.

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 26th DAY OF July, 1994.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9th DAY OF August, 1994.

APPROVED:

Erlynn M. Kelt
MAYOR

ATTEST:

Patricia Courad
CITY CLERK



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

488 ERLANGER ROAD

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