

REVIEW NO. _____

APPLICATION FORM

ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development None
2. Location of Development 928 Ashcraft Drive, Florence, Kentucky
3. Total Acreage of Site under 0.5 - Lot 4 - approx. 100' x 200'
4. Current Zoning SR-2
5. Proposed Zoning (classification being requested) _____
C-3
6. Proposed Uses (please specify each use) _____
Extra parking area for existing car dealership
7. Name of Applicant(s) The Patrick Decastro Trust by David A. Schneider, Atty
Phone Number(s) 525-7797 525-7244
8. Address of Applicant(s) c/o 508 Atlas Bank Building
524 Walnut St., Cincinnati, OH 45202
City State Zip
9. Name of Property Owner(s) Frank & Patricia Giorgio
Phone Number(s) _____
10. Address of Property Owner(s) 938 Ashcraft Drive
Florence, Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) _____
None
12. Are there any existing buildings on the site? yes
How many? one (residence to be demolished)
13. Deed Book 347 Page No. 45 Group No. 620
14. Have you had a pre-application meeting with BCPC staff? YES
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

Request of The Patrick DeCastro Trust (applicant) for Frank and Patricia Giorgio (owners) for a Zoning Map Amendment on an approximately 0.5 acre site, consisting of Lot #4 of Ashcraft Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow an expansion to an existing car sales lot.

July 27, 1994

The Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) would accommodate the expansion of the Mazda parking area to the rear of the existing dealership fronting on KY 18 (see Sheet #1 and #1a).

Site History

Jan. 1987	Zoning Map Amendment to Commercial Services (C-3) granted to Toyota Motor Distributors, Inc. for a 4 acre car dealership at the corner of KY 18 and Hopeful Road.
June 1987	Zoning Map Amendment granted to Toyota Motor Distributors, Inc. for 0.75 acre tract behind existing Commercial Services (C-3) zone for addition to future car dealership. The property consists of the first two lots on the north side of Ashcraft Drive.
Aug. 1990	Site Plan Review for Toyota Towne Florence car dealership.
June 1991	Site Plan Review revision for reorienting Toyota Towne building.
Jan. 1993	Zoning Map Amendment granted from Commercial Two (C-2) to Commercial Services (C-3) for DeCastro Mazda dealership adjacent to existing Toyota Towne.
Aug. 1993	Site Plan Review for DeCastro Mazda dealership.

Surrounding Zoning and Land Uses (see Sheet #2)

North:	Existing DeCastro Mazda dealership zoned Commercial Services (C-3).
South:	Single family dwelling zoned Suburban Residential One (SR-1).
East:	Parking for Toyota Towne zoned C-3.
West:	Property zoned C-3 and previously approved as a Joseph Chevrolet car dealership.

Site Characteristics

The site is generally flat with an abandoned single family dwelling on it. A strand of trees and bushes on the north edge of the property serve as a visual screen from the dealership. The east property line is also screened from the Toyota parking lot by bushes, a couple of trees, and a fence.

Relationship to the 1990 Comprehensive Plan (see Sheet #3)

The **Future Land Use Map** of the 1990 Comprehensive Plan indicates this site and surrounding sites along KY 18 to develop Commercially (C) while showing Urban Density Residential (UD) to the south.

The **Housing** element of the Comprehensive Plan states that existing residential uses are to be protected from impacts of commercial developments.

Concept Development Plan

No Concept Development Plan has been submitted at the time the time this report was prepared.

Staff Concerns

1. Staff is concerned about the impact of the parking lot expansion on the existing residences on Ashcraft Drive in light of the problems these residences have experienced with the lack of visual screening from the Toyota Towne development. A 25 foot landscaping buffer area is required by the Boone County Zoning Regulations. Landscaping and buffering issues should be examined very closely by the Commission.
2. Lighting of this parking lot area should be directed inward so as to avoid creating glare on the existing Ashcraft Drive residences.
3. Staff feels that the stormwater runoff problems on adjacent properties need to be addressed.
4. Staff also feels that there should be no curb cut on Ashcraft Drive into the proposed parking area.

Conclusion

The Planning Commission must use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the 1990 Comprehensive Plan;
or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or

3. There have been major changes of an economic, physical, or social nature not anticipated in the 1990 Comprehensive Plan that substantially alter the area's character.

Should the Planning Commission recommend, and the Boone County Fiscal Court approve this request for a Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map will not need to be updated.

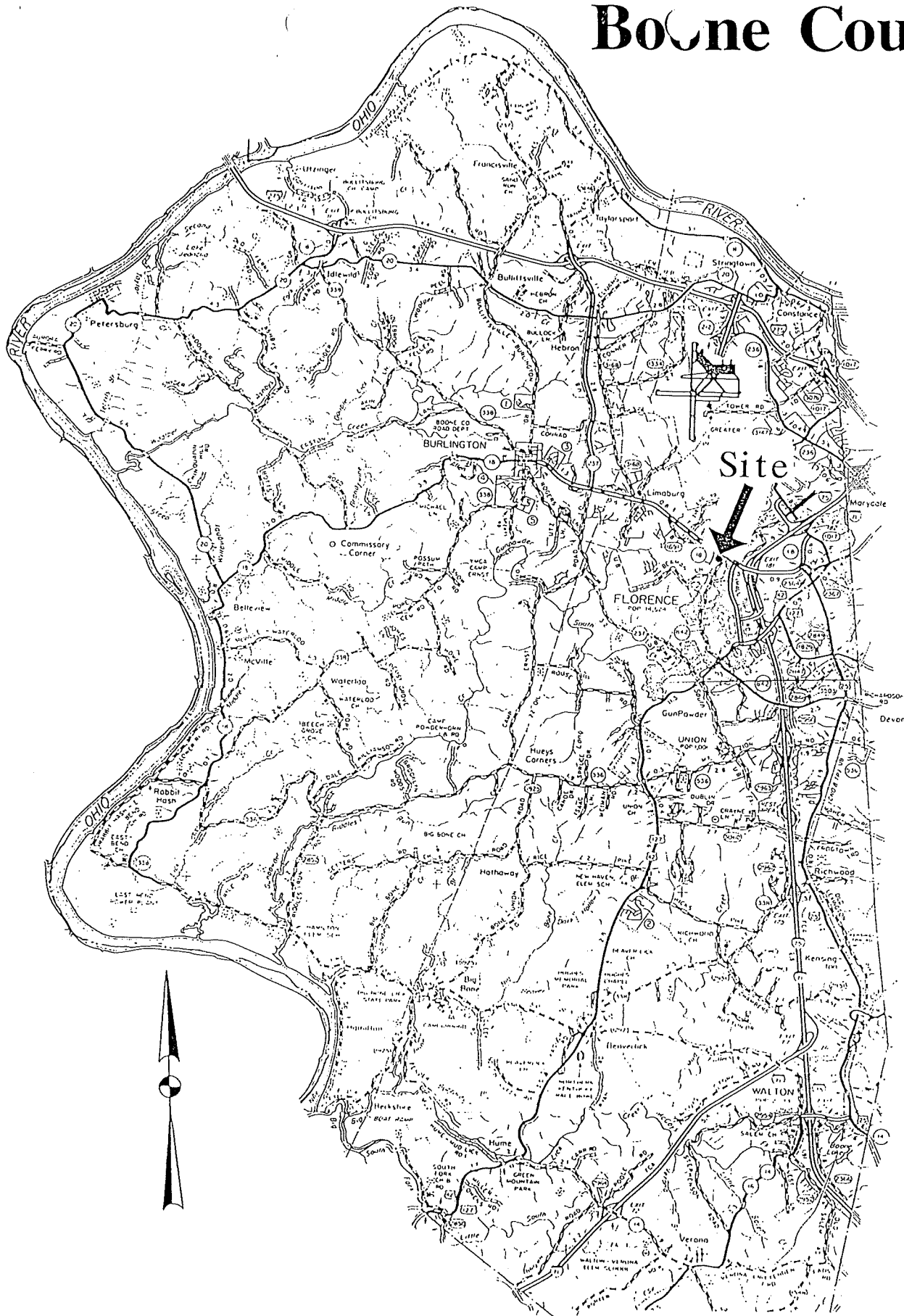
Respectfully submitted,

A handwritten signature in cursive script that reads "Robert A. Jonas". The signature is written in black ink and is positioned above the typed name.

Robert A. Jonas
Planner I

RAJ\par

Boone County



DeCastro/Mazda

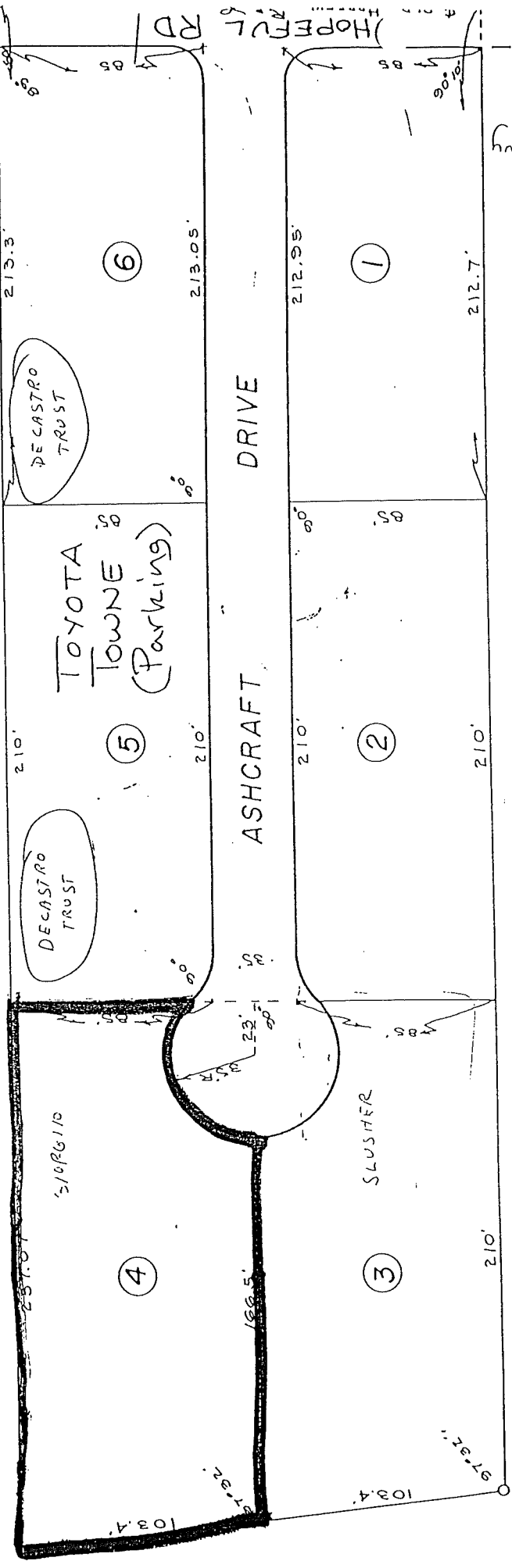
SHEET # 1 - Location Map

KY 18

KY 18

MAZDA

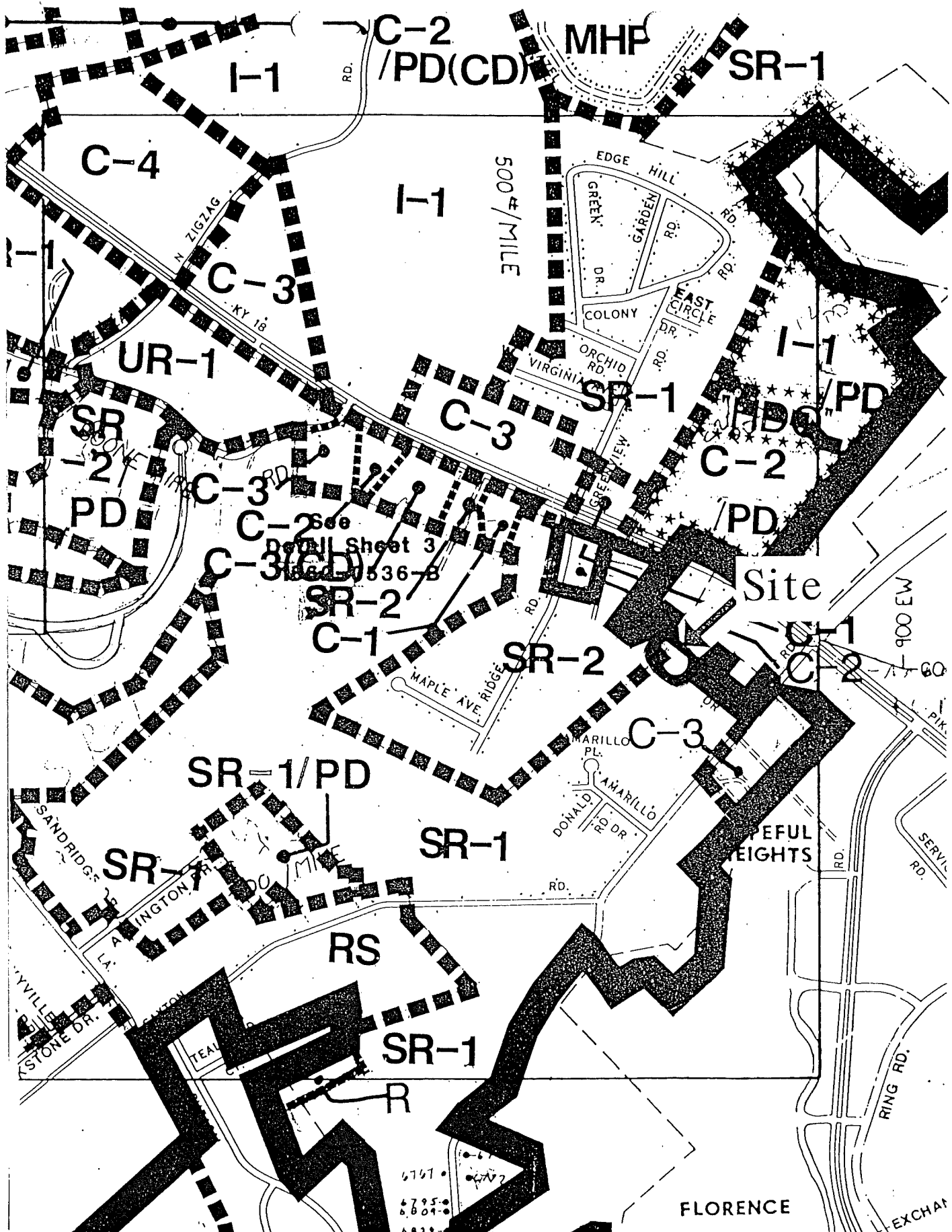
TOYOTA TOWNE



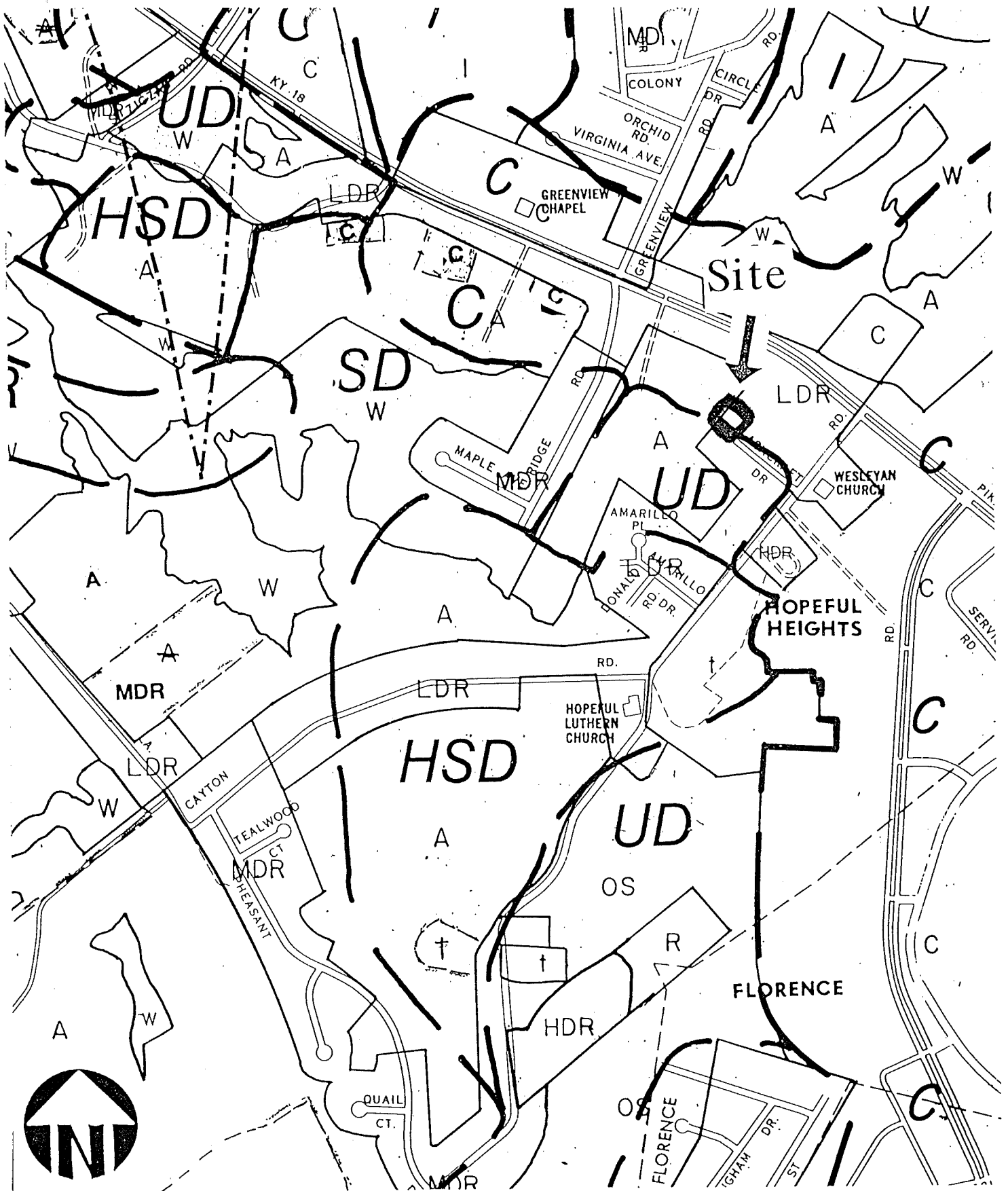
Sheet # 1A

ASHCRAFT SUBDIVISION
of
3 Acre tract of Edrington land





Sheet #2 - Zoning
DeCastro/Mazda



Sheet #3 - Future Land Use
DeCastro/Mazda

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mrs. Schaffer, and Mr. White.

Chairman Viox left the meeting at this time. Mr. Barry Neltner, Temporary Presiding Officer, chaired the meeting and introduced the last item on the Agenda:

3. Applicant: The Patrick DeCastro Trust for Frank and Patricia Giorgio (owners)
Request: Zoning Map Amendment

The request of The Patrick DeCastro Trust (applicant) for Frank and Patricia Giorgio (owners) for a Zoning Map Amendment on an approximate 0.5-acre site consisting of Lot #4 of Ashcraft Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow an expansion to an existing car sales lot.

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report). He advised that there have been calls regarding problems with runoff from the site.

Mr. Neltner asked for the applicant's comments.

Mr. Dave Schneider, attorney speaking in behalf of The DeCastro Trust, stated that they submitted a Concept Plan yesterday. They initially filed a letter seeking a Waiver of a Concept Plan because the request fits all of the requirements of a Waiver. The request is for an expansion of an existing use. There would be no structure on the property. They would be taking down the existing abandoned building. He stated that when they were before the Commission in regard to the Mazda tract the concern was that it was tight. This property became available as the Giorgios live out of town and were interested in selling. Mr. Schneider gave the Commissioners a copy of a portion of the Concept Plan showing Lot #4. He stated that a red line was drawn on the plan to show the end of the existing parking lot. The drawing also shows the ultimate use of the property to show that it could have that much parking. In regard to the Comprehensive Plan, he noted that the Commission's findings relating to the same or immediately adjacent property were that it is in agreement with the Comprehensive Plan for Commercial use. This property is a "notch" and they are trying to straighten out the line. He indicated Ashcraft Drive and stated that Lots #5 and #6 were previously rezoned to C-3, which is Toyota, and this request is for Lot #4. This parcel is not in the City of Florence. Lots #5 and #6 were annexed. The Joseph Chevrolet and the Ishmal property were annexed. Everything around the property is C-3 except on the opposite side of Ashcraft Drive. He stated that they want to expand the existing use and the owners are willing to go along with the same conditions put on Mazda. In regard to water runoff, Mr. Schneider stated that if you stand on this site, the Ishmal property, the Mazda property, and Lot #4 are probably 8 to 10 feet lower than the

other property and sit lower than Ashcraft Drive and they do not anticipate any runoff problems for the residential area.

Mr. Neltner asked if there was anyone else present who wished to speak in regard to this request.

Ruby Wiley, 923 Ashcraft, stated that Mrs. Slusher lives immediately across from the property. She submitted pictures. Mrs. Wiley stated that they do not object to the applicant purchasing the property for the reason they are purchasing it. She stated that Toyota Towne/DeCastro Trust did not hold up their end in regard to the sound system and paging. They can hear the paging system from their residential properties. The lighting system does not go out on KY 18, but goes in their back yards. She can read a newspaper on her porch and in her yard at night. She stated that when the property was purchased a five-foot berm with a lot of trees was discussed, but they dug down from the street level. The dumpster is sitting there and clanks. The dumpster is all she sees. Horns blow. She stated that she called Toyota and asked that they use little pagers, but it has not made a difference.

Mr. Neltner explained that the Commission has to address the submitted request and Mrs. Wiley's concerns are due to the Toyota site, which is not really being discussed this evening.

Mrs. Wiley stated that the same people own the property. Mr. Costello advised that the problems mentioned by Mrs. Wiley can be checked into and Mr. Schneider can communicate her concerns to the property owner. If they are violating the conditions, they have to be put on notice to correct the problem. He agreed that this is a separate issue.

Mr. Neltner asked if the lighting on the Mazda site has been a problem. Mrs. Wiley stated that it has not been a problem to her. She added that she turns on her light to help protect the Toyota Towne property and help ward off people who are trying to steal. She stated that her concern is the lighting at Toyota Towne.

Elisa Slusher stated that they have farmed the property at the end of Ashcraft, Lot #3, for 38 years. Her husband was murdered two years ago. She stated that the dumpster is almost right in front of her door and bangs constantly. She does not know if they work at Mazda all night, but there are motorcycles and loud mufflers. They were promised in the beginning that there would be a five-foot berm and 8 to 10-foot trees up against each other. Her house was valuable but now it is worth nothing. When people come there and see the situation no one wants to buy it. She has no objection to them buying the lot if they will build up the berm and put in the trees so that she can have some peace. People park in the abandoned lot and go over to Toyota and steal and it keeps her up day and night. She has had the police out there. She stated that they could put the garbage dumpster somewhere else so that it is not banging all the time. There is a tremendous amount of stealing and littering. The heavy trucks have destroyed the driveway and they should have to put it back. They will not be able to get out of the driveway in the winter unless it is corrected. She has a lot of medical problems and does not need any more aggravation. She stated that they should have a larger back board

for the lighting. She has put up shades and draperies and can still go through the house with the lights from the parking lots.

Mrs. Slusher stated that if they have to hire an attorney to get these things done, then they want this request postponed. They want them to agree to the berm and trees that were promised, similar to the ones behind Frisch's. She stated that Toyota purchased property across Hopeful Road and was unloading vehicles on KY 18 and crossing KY 18 with them, but they are now unloading them on the First Federal property on KY 18 and bringing them across Hopeful Road which backs up the traffic and keeps them from getting out of their driveways for 20 to 25 minutes. She stated that she has had to be taken to the hospital by the life squad twice this year.

Mr. Neltner advised that her concerns are not necessarily relevant to the subject parcel. He stated that the Commission is aware that the traffic is a problem in this area. Mr. Costello stated that the enforcement officer will investigate the comments made.

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

In response to a question from Mrs. Arnett, Mr. Schneider advised that the Mazda extension has used cars. Mrs. Arnett noted that there is no fence and questioned security. Mr. Schneider stated that there was a proposal early on for a solid fence and it was rejected at that time. During the Ishmal hearing the issue came up and they agreed to have the lights shine inward to the property and agreed to comply with all the regulations. The owner of the property on his own planted additional trees that were not required. He agreed that the enforcement officer should go out and if there is a problem the regulations should be enforced.

Mr. McMillian stated that he thought there was to be a five-foot berm but he does not see it in the pictures. Mr. Schneider stated that the five-foot berm was never on the Development Plan and Toyota was constructed according to the Development Plan. The Zoning Enforcement Officer looked at it and approved it. He stated that there may have been some discussion early on about the berm, but it was never in the Development Plan.

There being no further comments, Mr. Neltner stated that the Committee Meeting for this item will be on August 8, 1994 at 4 P.M. in the Extension Office, Claxton Room. This item will be on the Agenda for the Business Meeting on August 17, 1994 at 8 P.M.. Both meetings are open to the public.


Mrs. Wiley stated that the berm was discussed in the meeting but it was not in the minutes. Her brother was present and opposed the berm at that time. She stated that the berm was definitely discussed and it would go from the road up, but when they got into developing they dug down.

Counselor Wilson explained that for a condition -- such as a berm -- to be enforced it has to be agreed to by the people seeking the zone change. He stated that the Zoning Administrator and the Zoning Enforcement people have looked into this and did not see that they could enforce that condition because it was not on the Development Plan.


Mrs. Wiley's pictures were returned to her and not submitted for the record.

Mr. Neltner closed this Public Hearing.

APPROVED:


Barry Neltner, 8/3/94
Barry Neltner,
Temporary Presiding Officer

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
August 17, 1994
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:20 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. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Schaffer
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

7. Site Plan Review

The request of E. J. Foltz (applicant) for Sugarcamp Properties - Ted Richardson (owner) to construct infill retail shops between Florence Dental Center and Flo's Hot Dogs and also a storm water retention basin. The 3.030-acre site is zoned Commercial Two (C-2) and is located on U.S. 42 across from LaCresta Drive, Florence, Kentucky.

Staff Member Dean Niemeyer advised that the Staff and Committee Reports recommend denial of the request (see Staff and Committee Reports). He stated that the request was originally received in February, 1994 and has gone through three revisions. The Revised Site Plan did not meet the requirements of the Boone County Zoning Regulations and the Staff advised the applicant that there would be a recommendation of denial if a revised Site Plan was not submitted. The applicant advised the Staff that he met with the owner and they could not come to terms in regard to a Revised Site Plan and, therefore, one was not forthcoming.

Mr. Kirby stated that the Committee met earlier and agrees with the Staff's recommendation.

Mr. Kirby moved that the request be denied based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Counselor Wilson asked if there was anyone present in regard to this request. There was no response.

Mr. Costello advised that Mr. Foltz was invited, but elected not to attend the Committee Meeting or this meeting. He stated that Mr. Niemeyer and the Staff Engineer did correspond with Mr. Foltz in regard to the deficiencies.

Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

Chairman Viox asked Mr. Burch to chair the meeting at this time. Chairman Viox stated that he would abstain in regard to Item #5 as he assisted in preparing the Concept Plan.

Mr. Burch introduced Agenda Item No. 5:

5. Zoning Map Amendment

The request of The Patrick DeCastro Trust (applicant) for Frank and Patricia Giorgia (owners) for a Zoning Map Amendment on an approximate 0.5-acre site, consisting of Lot #4 of Ashcraft Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow an expansion to an existing car sales lot.

Staff Member Bob Jonas presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

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

Counselor Wilson advised that the Commission's action is a recommendation of approval and the Fiscal Court can go along with that recommendation or override it. Interested parties should follow up with the Fiscal Court.

Mr. Ries recommended, based on previous problems, that the Zoning Enforcement Officer visit the site after it is completed to ensure that they do what they say they will do.

A vote on the motion made by Mr. Kirby found all voting members in favor. Chairman Viox abstained. The motion carried.

NEW BUSINESS:

Chairman Viox asked that Public Hearings be scheduled for the following items:

Agenda Item
No.

- | | |
|----|---|
| 10 | <u>Zoning Text Amendment</u>
The request of the <u>City of Florence</u> to consider amendments to Article 9, Residential Districts, in the <u>Boone County Zoning Regulations</u> in order to change the requirements for duplex dwelling units. |
| 11 | <u>Zoning Map Amendment</u>
The request of <u>Ken and Trudy Rogers (applicants)</u> for <u>Liberty National Bank of Northern Kentucky (owner)</u> for a Zoning Map Amendment on an approximate .40-acre site at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) in order to allow a retail flower center. |

Mr. Damstrom moved that Items #10 and #11 be scheduled for Public Hearing on September 28, 1994 at 7 P.M.. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: August 17, 1994

RE: Request of The Patrick DeCastro Trust (applicant) for Frank and Patricia Giorgio (owners) for a Zoning Map Amendment on an approximately 0.5 acre site, consisting of Lot #4 of Ashcraft Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow an expansion to an existing car sales lot.

REMARKS:

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

Findings of Fact

1. This request is in conformance with the 1990 Boone County Comprehensive Plan which calls for this area to develop as Commercial (C).
2. The Committee feels that the attached conditions address the Housing element of the Comprehensive Plan which states that existing residential uses are to be protected from the impacts of commercial developments.

Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the July 27, 1994 Public Hearing.

1. When the parcel in question develops, additional landscaping will be required in order to ensure that the Mazda development does not negatively impact existing residential dwellings on Ashcraft Drive. The landscaping may be a combination of a fence, berm, and tree plantings. A detailed landscaping plan will be submitted at the Site Plan Review stage.
2. Lighting of the rear parking lot must be directed internally so as to avoid causing glare on adjoining residential properties.
3. There are to be no curbcuts on Ashcraft Drive accessing the Mazda dealership.

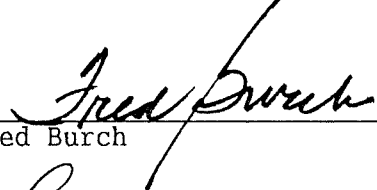
4. The property is to be used for additional parking as shown on the submitted Concept Development Plan.
5. Stormwater detention issues must be addressed at Site Plan Review so as to avoid creating negative impacts on adjoining properties.

The applicant has signed a letter agreeing to the above conditions.

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.



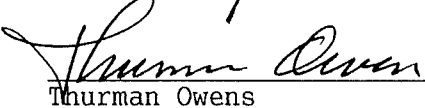
Barry Neltner, Chairman



Fred Burch



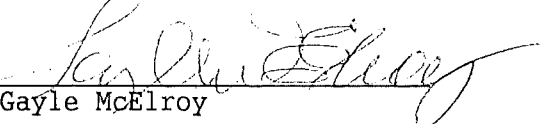
Phil Damstrom



Thurman Owens

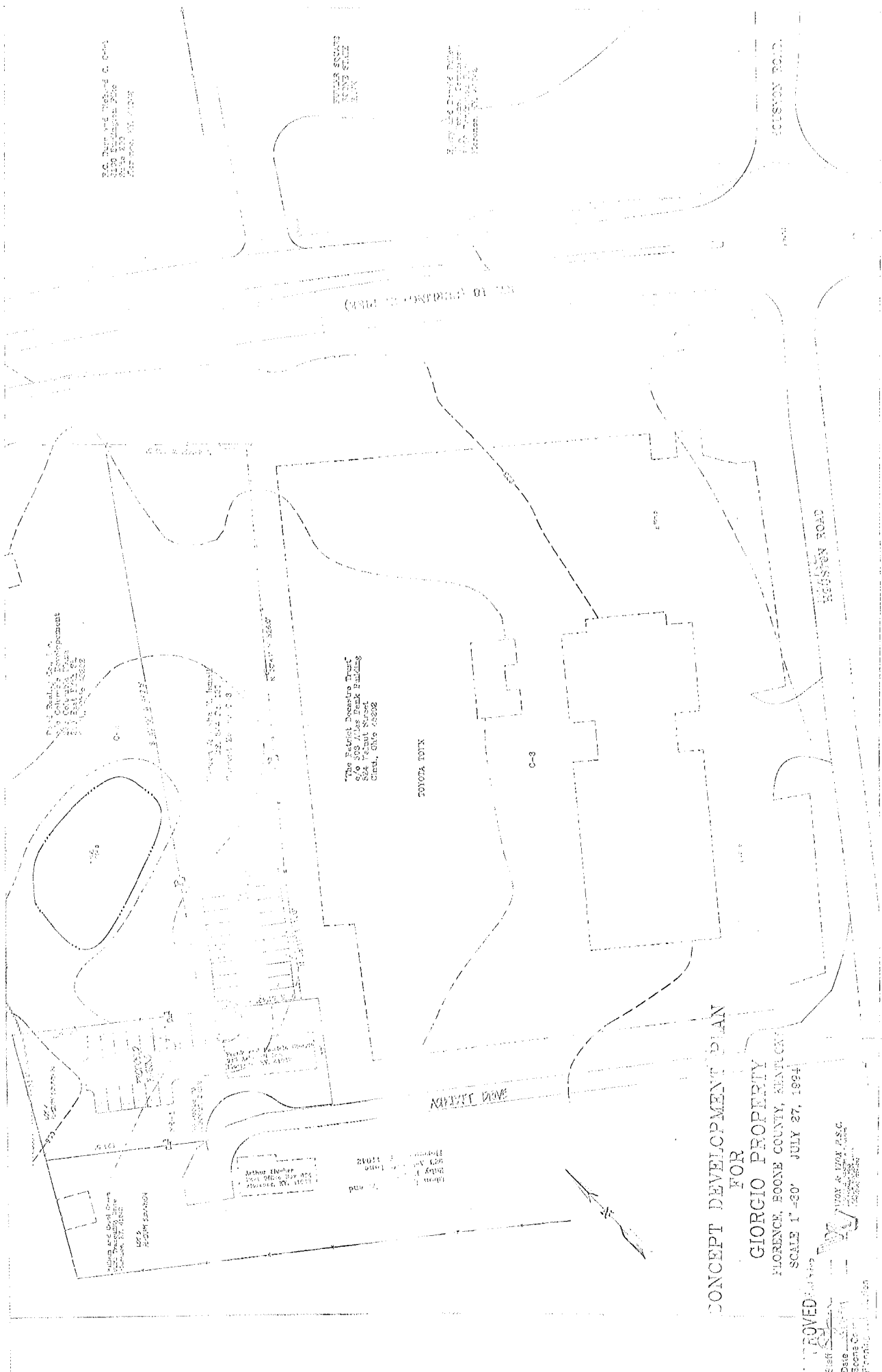


William Bailey



Gayle McElroy

RAJ\par



204. Plan and Method of Cont.
 1100 Eclisyon Road
 Florence, S.C.
 29505-1000

(SCALE 1" = 30') (SEE PLAN)

"The Federal Reserve Bank"
 c/o 503 Atlas Bank Building
 504 Walnut Street
 Cincinnati, Ohio 45202

City of Athens, Georgia
 Planning Department
 100 North Broad Street
 Athens, Georgia 30602

Athens Hooper
 1000 North Broad Street
 Athens, Georgia 30602

1000 North Broad Street
 Athens, Georgia 30602

CONCEPT DEVELOPMENT PLAN

FOR
 GIORGIO PROPERTY

FLORENCE, BOONE COUNTY, GEORGIA

SCALE 1" = 30' JULY 27, 1994

APPROVED

Site: 1100 ECLISION ROAD, P.S.C.
 Date: 7/27/94
 Scale: 1" = 30'

Prepared by: [Signature]

Boone County Recorder
October 5, 1994

LEGAL SUMMARY
ORDINANCE NO. 920.292

The Boone County Fiscal Court at its meeting held Tuesday, September 27, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF THE PATRICK DECASTRO TRUST (APPLICANT) FOR FRANK AND PATRICIA GIORGIO (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR AN APPROXIMATE 0.5 ACRE SITE, CONSISTING OF LOT #4 OF ASHCRAFT SUBDIVISION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-035-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the Fiscal Court Clerk and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

CAROLYN A. RUDICILL
FISCAL COURT CLERK
#P9502762