

Amended 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 Collett's
2. Location of Project U.S. 42 & Ewing Boulevard, Florence, KY
3. Total Acreage of Site 1.357 acres(I)
4. Current Zoning of Site 0-2 P.D.
5. Proposed Zoning (Classification being requested) 0-2/C-1 P.D.
6. Proposed Uses (please specify each use) retail (C-1) uses and retail liquor sales; assorted beverages; food items; party supplies and related retail food/grocery items. Some local oriented 0-2 principally permitted. Office uses may also be incorporated in this project.
7. Names of Applicant(s) Collett Partnership
8. Address of Applicant(s) 7816 U.S. Highway 42 Florence KY 41042
9. Name of Property Owner(s) Estate of Russell Tanner and*
10. Address of Property Owner(s) 7635 Tanners Lane Florence KY 41042
11. Proposed Building Intensities (please specify) 6,000 - 9,000 square feet of retail/office space
12. Are there any existing buildings on the site? Yes How many? 3
13. Deed Book Page No. Group No.
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: No Boone County Water and Sewer District No Florence Water and Sewer Commission No Union Light Heat and Power No Cincinnati Bell No Owen County Rural Electric No Boone County Public Works Department (over)

*Charles Collett and Robert W. Collett - Deed Book 131, Page 169

EXHIBIT "A"

STAFF REPORT

Request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36 acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen and general retail and office uses.

February 22, 1995

REQUEST

This request is for a Zoning Map Amendment to change the zoning for the above referenced tract from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen and general retail and office uses.

The Concept Development Plan that was submitted with the application states that the existing 2,000 square foot Collett's retail building would be used for leased offices. In addition, a new 7,200 square foot structure would be constructed at the rear of the site; 3,600 square feet of this building would be used for the Collett's operation and the other 3,600 square feet would be divided into two lease spaces for retail and/or office purposes. The construction of the new building would require the demolition of the existing stone house at the rear of the site. Although 9,200 square feet of floor area is shown on the plan, the application states that the proposed building intensity will range from 6,000 to 9,000 square feet, approximately.

The Concept Development Plan also illustrates three access points: a "one-way in" curbcut along U.S. 42, a curbcut along Ewing Boulevard in the approximate center of the site that is aligned with an existing curbcut to the commercial center to the east, and a curbcut along Ewing Boulevard at the northeast corner of the site. A driveway connection is proposed to the adjacent Frisch's site. Forty nine parking spaces that are scattered around the two buildings, and a loading dock at the north side of the new building, are proposed for the development. A total of four freestanding signs, including the existing "Collett's" sign along U.S. 42, are proposed in addition to a "historic marker." Landscaped areas are proposed along the two street frontages.

SITE HISTORY

1986 The Parkway Corridor Study, that includes the subject site, was adopted. The adoption of the Planned Development Overlay zone for the area resulted from the study.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- A. A mixed-use commercial center to the east across Ewing Boulevard (O-2/UR-1/PD).
- B. A hotel complex and a small office building to the south/southeast across U.S. 42, and a convenience store with gas sales and a drive-through restaurant to the south/southwest (C-3).
- C. Two high turnover restaurants to the west and a small retail strip center further to the west along U.S. 42 (O-2/PD). A wooded area is located to the west of the rear portion of the subject site, behind the two restaurants and the strip center mentioned immediately above (O-2/PD).
- D. A large multi-purpose building (currently houses Kentucky Business College and a ministry office) is located to the north along Ewing Boulevard (O-2/PD).

SITE CHARACTERISTICS

The front portion of the site is currently developed with the existing 2,000 square foot Collett's building. The remainder of the site is largely paved.

The rear portion of the site is currently developed with a single family residence. This portion of the site has a relatively large grassed yard around the residence that includes several mature trees. The topography of the site generally runs in a south to north manner towards the adjacent business college complex. The site has approximately 90 feet of frontage along U.S. 42 and approximately 365 feet of frontage along Ewing Boulevard.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Future Land Use Map designates the site in question as "Commercial." The plan describes this designation as "non-base land uses such as retail, wholesale, services, finance, insurance, and real estate, along with all other office uses." The text of the Land Use Element (Area D-4) states "development along U.S. 42 from Mall Road to the Tanners Lane area should continue to be a mixture of professional and local, traffic-oriented commercial activity. The area east of I-75, north of US 42 and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. A mixture of office, retail, commercial, recreation, and residential development is the goal."

The Business Activity objectives provided in the 1995 Boone County Comprehensive Plan Goals and Objectives include the following:

- * Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage.

- * Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space.

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

As stated above, the site is within the Parkway Corridor Study area. The Study states the following regarding development potential in the study area as a whole:

The 1980 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure or its logical extension can allow for development as well.

The site is located within area "1E" on the study land use map. The text of the study provides the following statements regarding land use issues in this area:

The boundaries of this site are U.S. 42 to the south, Tanners Lane to the east, and the curve of the Parkway to the west and north. The parcel is directly accessible from Tanners Lane and by way of the Parkway access point with Tanners Lane. It has easy access to U.S. 42 via Tanners Lane and then also to I-75 via U.S. 42. Large portions of the parcel are already developed. Further development in this parcel requires that careful attention be paid to access management guidelines and regulations.

The study recommended O-2/PD zoning for the area.

STAFF CONCERNS

1. Staff's primary concern with this proposal is the expanded curbcut with the parking area that requires vehicles to back into Ewing Boulevard, particularly in light of Section 3222 "Change in Property Use" of the Boone County Zoning Regulations. This section states:

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable section of this regulation, and may require the submission of a traffic study.

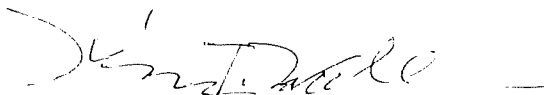
In addition, the two curbcuts along Ewing Boulevard do not meet the spacing between access points and the distance from the intersection requirements. Because these two access points are logical in relation to the proposed site plan and one of these accesses is aligned with the curbcut for the commercial center across Ewing Boulevard, this concern is not as critical as the elimination of the parking area that requires vehicles to back into the street. The five parking spaces affected are not needed to meet the minimum parking requirement.

2. A total of four freestanding signs, and a historical marker, have been proposed for the site and the Zoning Regulations allow only one freestanding sign for the entire site. Staff suggests that the number of freestanding signs on the site be reduced so that the appearance of the "forest" of freestanding signs in the area is not worsened. In order to encourage the preservation of the existing, characteristic "Collett's" freestanding sign, Staff suggests that the Commission consider allowing one additional freestanding monument style sign along the Ewing Boulevard frontage, with reasonable size and height limitations, and the historical marker. Directional signage that meets the requirements of Article 34 "Signs" of the Zoning Regulations should suffice for the other two signs illustrated on the plan.
3. The architectural treatment of the proposed building should relate to the structures immediately adjoining it in terms of scale, materials, architectural forms, and detailing. The consistent use of materials and architectural detailing should occur on all sides of the structure when considering that it does not have a "back side" due to the proposed site plan configuration and the orientation of the building to the adjoining properties.
4. The following should be considered relative to landscaping and site amenities:
 - A. The provision of continuous landscape screening (combination of berming, flowering shrubs, etc.) for the parking areas from the adjoining street frontages, particularly Ewing Boulevard.
 - B. The provision of screening, preferably a continuous hedge and/or a wall that is architecturally compatible with the building, to screen the loading dock from the property to the north and from Ewing Boulevard.
 - C. Interior parking lot landscaping, particularly along the existing guardrail so that its appearance is minimized. Any landscaping within or immediately abutting the parking field should include large canopy trees.
 - D. To help accomplish the Parkway Corridor Study's objective of enhancing the pedestrian environment, several large trees should be provided in the street frontage landscape areas and a pedestrian walkway should be provided between Ewing Boulevard and both buildings.
5. As an informational note, several parking stalls do not meet the dimensional requirements set forth in the Zoning Regulations.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations, the applicable provisions of Article 15, "Planned Development" of the Boone County Zoning Regulations, the Parkway Corridor Study, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map would not need to be amended if the request is approved.

Respectfully submitted,



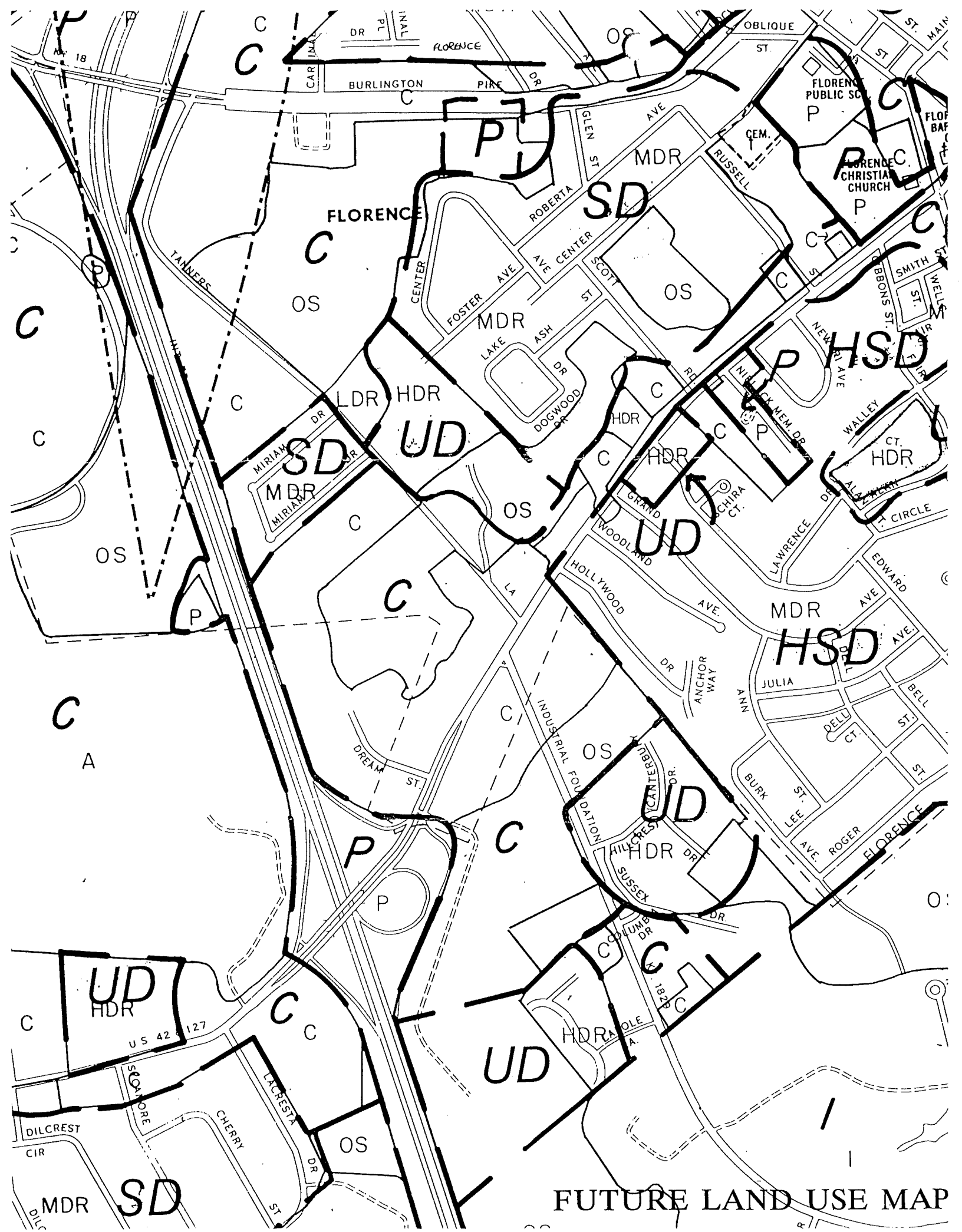
Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW\par

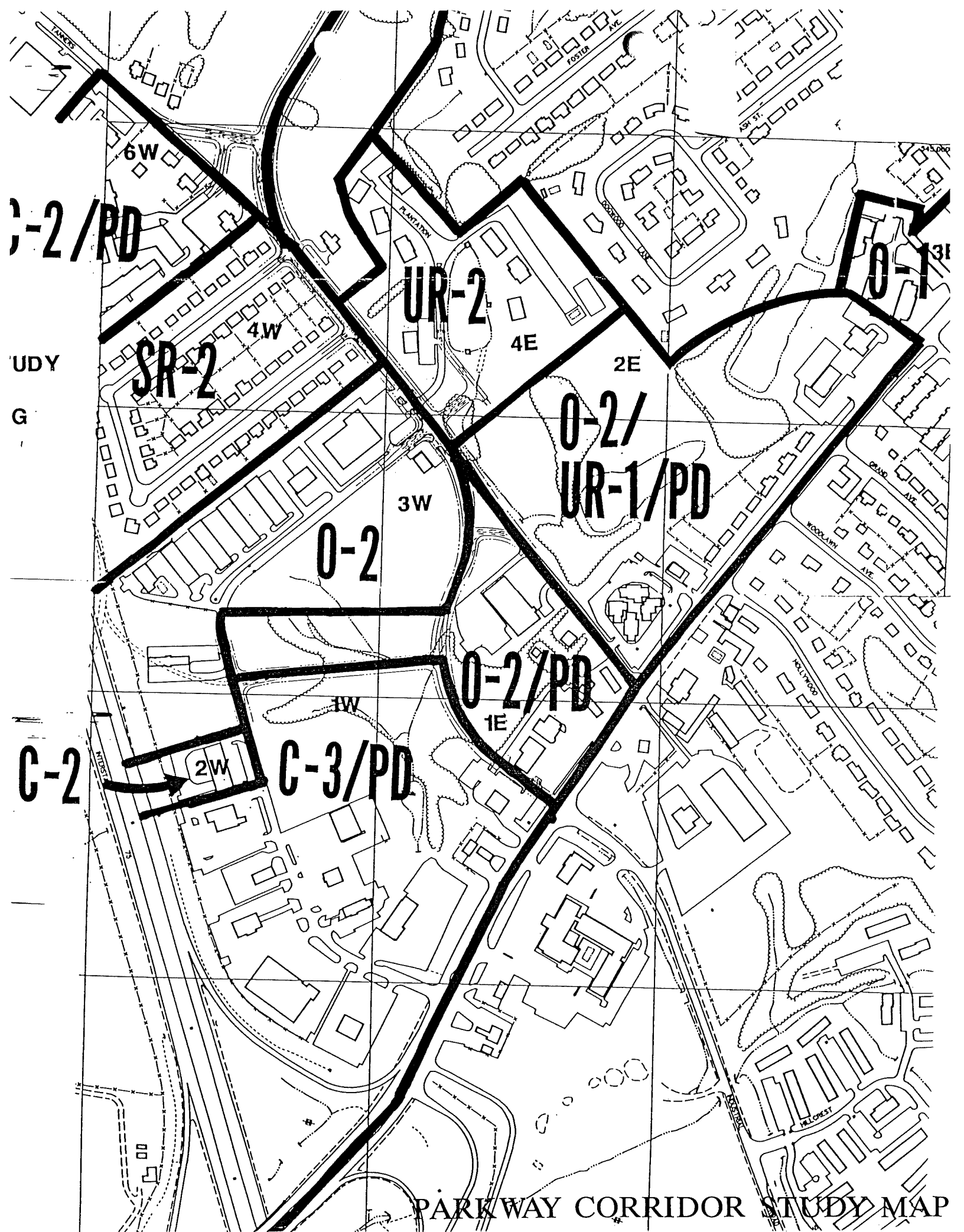
attachments:

- air photo of area
- Comprehensive Plan Future Land Use Map excerpt
- Parkway Corridor Study Land Use Map excerpt
- Zoning Map excerpt
- application materials

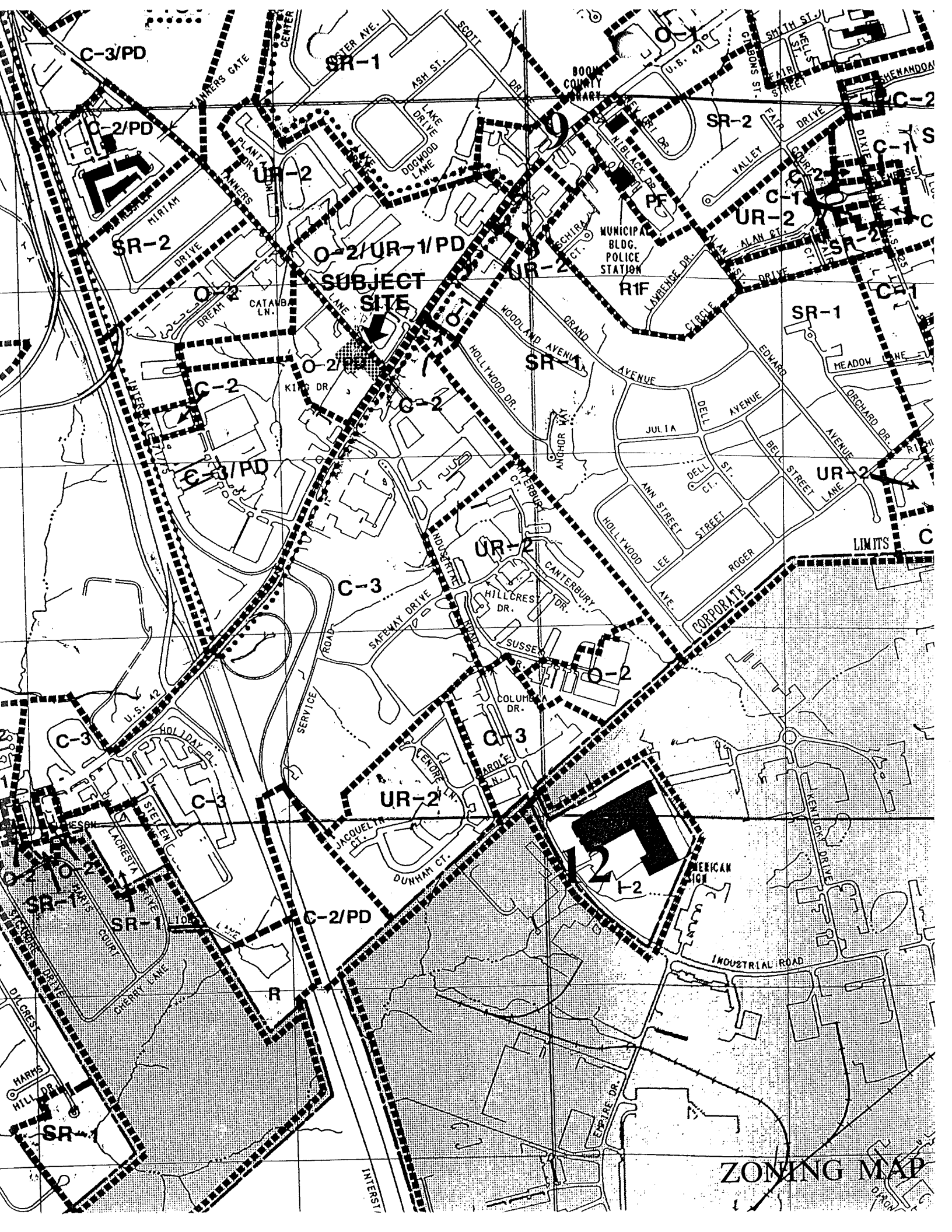




FUTURE LAND USE MAP

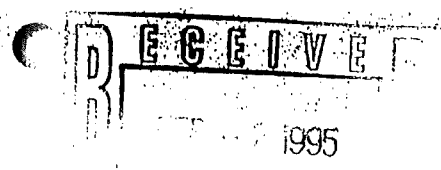


PARKWAY CORRIDOR STUDY MAP



SUBJECT SITE

ZONING MAP



Amended APPLICATION FORM

ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION (See Boone County Zoning Regulations)

BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

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2. Location of Project U.S. 42 & Ewing Boulevard, Florence, KY
3. Total Acreage of Site 1.357 acres (I)
4. Current Zoning of Site 0-2 P.D.
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8. Address of Applicant(s) 7816 U.S. Highway 42
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12. Are there any existing buildings on the site? Yes
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14. Are you also applying for:
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:

*Charles Collett and Robert W. Collett - Deed Book 131, Page 169

KENTUCKY BUSINESS COLLEGE

RECEIVED
FEB - 2 1998
KENTUCKY COUNTY
PLANNING & ZONING COMMISSION

WHITSON

26
27
28
29
30
31
32
33
34

Retention Area

O.C.R.B.
3028

4902

SERVICE Deck

+902

LEASE SPACE
1800 sq ft
FIN. ELEV. 905

COLLETT'S INC
3600 sq ft

SICU

1980

Historic Marker

WYMANNE HEIRS

+905

WHITSON (FRISCH)
RESTAURANT

LINK ROBISON

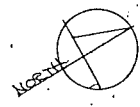
Existing board rail

CHARLES & ROBERT COLLETT

LANDSCAPED PLAZA

LEASED OFFICE
2000 sq ft
EXISTING

EWING BOULVARD



COLLETT'S
CORNER SQUARE
DEVELOPMENT

COLLETT'S CARRY-OUT FOOD

Developers
7410 U.S. HIGHWAY 42

Master Planner: EMB & A
Architect

Scale: 1" = 20'-0" Date: Feb 1998

+912

+935

U.S. HIGHWAY 42 / S.C. 7

BOONE COUNTY PLANNING COMMISSION
ELLIS COOPERATIVE EXTENSION CENTER
February 22, 1995
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman stated that the Committee Meetings for the items to be heard this evening will be held on March 6, 1995 in the second floor conference room of the Administration Building. These items will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. at the Administration Building, third floor. The items on the Agenda this evening will be heard in the following order: Item 1, Item 2, Item 4, and Item 3. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Collett Partnership for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners)

Request: Zoning Map Amendment

The request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36-acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen, general retail, and general office uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Since the Staff Report was prepared, Mr. Wall has been advised by the Public Service Department that a sidewalk is not proposed in the area of Ewing Boulevard. He stated that a sidewalk in that area could be considered as part of the zone change request. Mr. Wall amended Staff Concern 4. D. in regard to this information.

Chairman Viox asked for the applicant's presentation.

Mr. Tom Nienaber, attorney, representing the Collett Partnership, presented an exhibit of the plan. He stated that the submitted application is consistent with the Comprehensive Plan. In regard to the Staff Concerns, he stated that the applicant would be more than willing to work with the Commission in regard to the parking spaces, which he does

not believe are needed for the rest of the project. In regard to ingress/egress, he stated that they can align the entrance with the shopping center across the street. He indicated the locations of the signs on the exhibit and stated that they were intended to be directional signs. He stated that they would be happy to agree to the historic sign in the area he indicated. He stated that Staff Concern #3 is no problem. He indicated a landscaping area on the exhibit and stated that there are no problems with the landscaping in that area. He stated that the plan is a concept and possibly some of the parking spaces do not meet the requirements of the Zoning Ordinance. He stated that Collett's started in the 1960's and they have outgrown their facilities. The only way they can expand is to go into the property at the back, which is for sale. They want to move their building back and increase it to about 3,600 square feet and convert the existing space to light office use. There would be additional retail space in the back. Collett's is a pre-existing, non-conforming use and needs the zone change to accomplish their plan. He stated that they have no problem with the architectural, landscaping, access, and other items.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or wishing to make comments.

Miss Susan Cabot, County Historic Preservation Planner, speaking in behalf of the Historic Preservation Review Board, was neither for nor against the request. She reiterated the Staff Concern in regard to preservation of the existing Collett sign. She stated that the business started in 1960 and the sign is attractive and a good example of that period. They would like the sign preserved. She asked the applicants to consider salvaging any reusable architectural details, including interior details, from the existing residence for possible reuse in another structure.

Mr. Nienaber stated that, if there is anything worth saving, they have no problem with Miss Cabot's request.

Chairman Viox asked if anyone else wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Neltner questioned the historic marker in front of the proposed Collett building. Mr. Nienaber advised that it is an historic marker for the Tanner property.

Mr. Kirby arrived at this time.

Mr. Bailey asked if there is access through this development to Frisch's. Mr. Wall advised that there is a driveway proposed in the southwest corner of the Tanner lot to the Frisch's lot. Mr. Bailey asked if the restaurant next door would also be served. Mr. Wall advised that it would not.

Mr. Bailey stated that there will be widening of Ewing Boulevard. He asked if there is a new sidewalk in the plan for that widening and questioned how it would tie in with this development.

Mr. Nienaber stated that they met with the city engineer and Roger Rolfes to discuss the widening project. It is requested that they give an easement to the city for the corner of the property, which they have no problem with, and there has to be a relocation of some of the easements -- water, sewer, catch basin easements, etc. -- and they also have no problem with that. He stated that no more of the property will be taken because the right-of-way goes up to the edge of the lot on one side and all of their development is on the other side. They have worked out an arrangement with the city to give them the property they need.

Mr. Wall stated that he discussed the widening of the road with Jeff Koenig at the City of Florence and it is not necessary to take additional right-of-way from the west side of Ewing Boulevard. The new roadway would encompass the existing right-of-way, but temporary construction easements would be necessary. He stated that Mr. Koenig was in favor of the Commission considering provision of the sidewalk through this proposal, possibly to be located within a sidewalk easement rather than the right-of-way. Mr. Nienaber stated that sidewalks were not mentioned when they met with Mr. Koenig.

Mr. Bailey stated that pedestrian traffic is a major consideration as this is the other entrance into the parkway area. He stated that Florence is in the process of developing that area and this is the access back to that area. Mr. Nienaber stated that if the city would want to put sidewalks through as part of their overall development of the Tanner Lane area, they can work out something with the city. It would not have a major impact on the development.

Mr. Neltner stated that there are two unspecified businesses in the new building. He noted that the service dock looks large enough for four large trucks and questioned what type of businesses they anticipate for that much dock space.

Mr. Nienaber stated that they do not need that much dock space and emphasized that the plan is a concept. They do not know that they will need any dock space. He stated that the largest truck serving Collett's now is a beer truck or Pepsi truck and they do not need service dock space. He stated that "dock space" is a wider garage entry and there will not be a traditional loading dock. The use will be C-1 retail and the zoning does not permit any heavy uses -- there will not be a gas station or any use that has a lot of traffic. They would like a real estate agency, but they do not know the use at this time.

Mr. Neltner stated that in the Staff Report the building intensity range was 6,000 to 9,000 feet, but they are asking for up to 9,000 feet. Mr. Nienaber stated that 7,500 feet is probably more than enough.

Mrs. Schaffer asked if the cross-hatching in regard to Ewing Boulevard, Phase I, has any significance. Chairman Viox advised that it is temporary reconstruction.

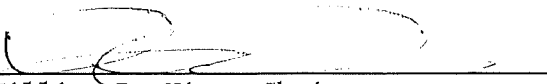
Mr. Nienaber noted that the Staff Report says the existing Collett's is 2,000 square feet. He stated that 2,500 square feet would be more correct.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1995 in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. on the third floor of the Administration Building.

Counselor Wilson advised that the Public Hearing is a gathering of facts and the Committee will review the record. The Committee Meeting is a public meeting, but not a Public Hearing. The public can attend but does not necessarily have the right to speak. The Committee will make a report to the full Commission and the Commission may or may not go along with the report. The Commission's recommendation will go to the City of Florence for their final action.

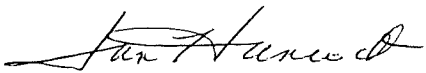
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
RYLE HIGH SCHOOL AUDITORIUM
April 5, 1995
7:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey
Mrs. Linda Schaffer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Mitch Light
Mr. Greg Sketch, Engineer
Mr. Kevin Wall

EXPENSES, continued . . .

Legal Ads	628.15
Miscellaneous Expenses	665.21
Office Equip/Depreciation	8.18
Office Repairs & Maintenance	1,950.24
Office Supplies	472.05
Postage Expenses	842.48
Printing, PubDuesSubscrip	2,055.01
Prof. Develop/Board & Staff	777.73
Refunds	309.00

TOTAL: \$ 44,133.51

GRAND TOTAL: \$ 85,848.92

Mr. Rush moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. McMillian seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36-acre site located at the northwest corner of the intersection of U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen and general retail and general office uses.

Staff Member Kevin Wall presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Millay moved to deny the request based on the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

2. Subdivision Regulations Text Amendments

The request of the Boone County Planning Commission Technical/Design Review Committee to consider text amendments to the Boone County Subdivision Regulations and the Boone County Street, Storm and Sidewalk Specifications involving requirements for fire hydrants.

Staff Member Greg Sketch presented the Committee Report which recommended approval of the request (see Committee Report).

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: April 5, 1995

RE: Request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett, Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36 acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen and general retail and general office uses.

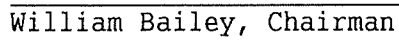
REMARKS:

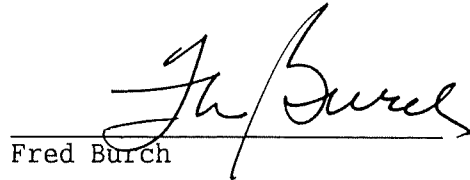
We, the Committee, recommend denial of the above referenced request based upon the following findings of fact:


FINDINGS OF FACT

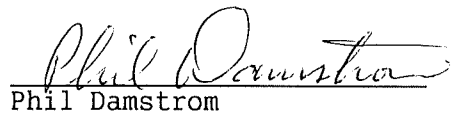
1. The Committee has concluded that although the proposed land uses are in conformance with the 1990 Boone County Comprehensive Plan's Future Land Use Map, conditions that relate to appropriate screening, landscaping, vehicular and pedestrian access, parking, signage, and architectural design are necessary for the proposed Concept Development Plan to achieve consistency with the text of the Comprehensive Plan, the Parkway Corridor Study, and Article 15 "Planned Development District" of the Boone County Zoning Regulations.
2. Because the applicant has not agreed to the conditions recommended by the Committee that address the land use issues listed in #1 above, the Committee has concluded that the proposal has not achieved consistency with the Comprehensive Plan, Parkway Corridor Study, or Article 15 of the Zoning Regulations. The Committee has not found that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, or that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.


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.

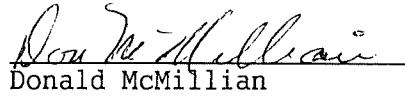

William Bailey, Chairman


Fred Burch


Robert Millay


Phil Damstrom


Barry Neltner


Donald McMillian

BOONE COUNTY PLANNING COMMISSION
ELLIS COOPERATIVE EXTENSION CENTER
February 22, 1995
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman stated that the Committee Meetings for the items to be heard this evening will be held on March 6, 1995 in the second floor conference room of the Administration Building. These items will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. at the Administration Building, third floor. The items on the Agenda this evening will be heard in the following order: Item 1, Item 2, Item 4, and Item 3. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Collett Partnership for
Estate of Russell Tanner, Charles Collett and
Robert W. Collett (owners)

Request: Zoning Map Amendment

The request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36-acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen, general retail, and general office uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Since the Staff Report was prepared, Mr. Wall has been advised by the Public Service Department that a sidewalk is not proposed in the area of Ewing Boulevard. He stated that a sidewalk in that area could be considered as part of the zone change request. Mr. Wall amended Staff Concern 4. D. in regard to this information.

Chairman Viox asked for the applicant's presentation.

Mr. Tom Nienaber, attorney, representing the Collett Partnership, presented an exhibit of the plan. He stated that the submitted application is consistent with the Comprehensive Plan. In regard to the Staff Concerns, he stated that the applicant would be more than willing to work with the Commission in regard to the parking spaces, which he does

not believe are needed for the rest of the project. In regard to ingress/egress, he stated that they can align the entrance with the shopping center across the street. He indicated the locations of the signs on the exhibit and stated that they were intended to be directional signs. He stated that they would be happy to agree to the historic sign in the area he indicated. He stated that Staff Concern #3 is no problem. He indicated a landscaping area on the exhibit and stated that there are no problems with the landscaping in that area. He stated that the plan is a concept and possibly some of the parking spaces do not meet the requirements of the Zoning Ordinance. He stated that Collett's started in the 1960's and they have outgrown their facilities. The only way they can expand is to go into the property at the back, which is for sale. They want to move their building back and increase it to about 3,600 square feet and convert the existing space to light office use. There would be additional retail space in the back. Collett's is a pre-existing, non-conforming use and needs the zone change to accomplish their plan. He stated that they have no problem with the architectural, landscaping, access, and other items.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or wishing to make comments.

Miss Susan Cabot, County Historic Preservation Planner, speaking in behalf of the Historic Preservation Review Board, was neither for nor against the request. She reiterated the Staff Concern in regard to preservation of the existing Collett sign. She stated that the business started in 1960 and the sign is attractive and a good example of that period. They would like the sign preserved. She asked the applicants to consider salvaging any reusable architectural details, including interior details, from the existing residence for possible reuse in another structure.

Mr. Nienaber stated that, if there is anything worth saving, they have no problem with Miss Cabot's request.

Chairman Viox asked if anyone else wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Neltner questioned the historic marker in front of the proposed Collett building. Mr. Nienaber advised that it is an historic marker for the Tanner property.

Mr. Kirby arrived at this time.

Mr. Bailey asked if there is access through this development to Frisch's. Mr. Wall advised that there is a driveway proposed in the southwest corner of the Tanner lot to the Frisch's lot. Mr. Bailey asked if the restaurant next door would also be served. Mr. Wall advised that it would not.

Mr. Bailey stated that there will be widening of Ewing Boulevard. He asked if there is a new sidewalk in the plan for that widening and questioned how it would tie in with this development.

Mr. Nienaber stated that they met with the city engineer and Roger Rolfes to discuss the widening project. It is requested that they give an easement to the city for the corner of the property, which they have no problem with, and there has to be a relocation of some of the easements -- water, sewer, catch basin easements, etc. -- and they also have no problem with that. He stated that no more of the property will be taken because the right-of-way goes up to the edge of the lot on one side and all of their development is on the other side. They have worked out an arrangement with the city to give them the property they need.

Mr. Wall stated that he discussed the widening of the road with Jeff Koenig at the City of Florence and it is not necessary to take additional right-of-way from the west side of Ewing Boulevard. The new roadway would encompass the existing right-of-way, but temporary construction easements would be necessary. He stated that Mr. Koenig was in favor of the Commission considering provision of the sidewalk through this proposal, possibly to be located within a sidewalk easement rather than the right-of-way. Mr. Nienaber stated that sidewalks were not mentioned when they met with Mr. Koenig.

Mr. Bailey stated that pedestrian traffic is a major consideration as this is the other entrance into the parkway area. He stated that Florence is in the process of developing that area and this is the access back to that area. Mr. Nienaber stated that if the city would want to put sidewalks through as part of their overall development of the Tanner Lane area, they can work out something with the city. It would not have a major impact on the development.

Mr. Neltner stated that there are two unspecified businesses in the new building. He noted that the service dock looks large enough for four large trucks and questioned what type of businesses they anticipate for that much dock space.

Mr. Nienaber stated that they do not need that much dock space and emphasized that the plan is a concept. They do not know that they will need any dock space. He stated that the largest truck serving Collett's now is a beer truck or Pepsi truck and they do not need service dock space. He stated that "dock space" is a wider garage entry and there will not be a traditional loading dock. The use will be C-1 retail and the zoning does not permit any heavy uses -- there will not be a gas station or any use that has a lot of traffic. They would like a real estate agency, but they do not know the use at this time.

Mr. Neltner stated that in the Staff Report the building intensity range was 6,000 to 9,000 feet, but they are asking for up to 9,000 feet. Mr. Nienaber stated that 7,500 feet is probably more than enough.

Mrs. Schaffer asked if the cross-hatching in regard to Ewing Boulevard, Phase I, has any significance. Chairman Viox advised that it is temporary reconstruction.


Mr. Nienaber noted that the Staff Report says the existing Collett's is 2,000 square feet. He stated that 2,500 square feet would be more correct.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1995 in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. on the third floor of the Administration Building.

Counselor Wilson advised that the Public Hearing is a gathering of facts and the Committee will review the record. The Committee Meeting is a public meeting, but not a Public Hearing. The public can attend but does not necessarily have the right to speak. The Committee will make a report to the full Commission and the Commission may or may not go along with the report. The Commission's recommendation will go to the City of Florence for their final action.

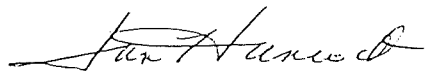
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BUSALD FUNK ZEVELY, P.S.C.

ATTORNEYS AND COUNSELORS AT LAW

226 MAIN STREET

P.O. BOX 6910

FLORENCE, KENTUCKY 41022-6910

606/371-3600 • 606/371-2300

TELECOPIER 606/525-1040

C. WILLIAM FUNK
1928-1989

*ADMITTED IN OHIO AND KENTUCKY
**LL.M. TAXATION: ADMITTED IN OHIO

SUITE 1140
36 EAST FOURTH STREET
CINCINNATI, OHIO 45202-4080
513/241-3600

PLEASE REPLY TO FLORENCE

E. ANDRÉ BUSALD*
WILBUR M. ZEVELY*
JOHN A. BERGER
WILLIAM J. KATHMAN, JR.*
THOMAS R. NIENABER
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MARTIN J. HORWITZ**
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MICHAEL J. McMAIN*

JOSEPH A. McGEE*
KEITH A. McMAIN
JEFFREY R. AYLOR
D. KEITH JOHNSON
JENNIFER WRIGHT-HATFIELD

March 15, 1995

Boone County Planning Commission
Attn: Mr. Kevin Wall, AICP CDT
2995 Washington Street
Burlington, Kentucky 41005

(Sent by facsimile 334-2264
and U. S. Mail)

In re: Collett Zoning Map Amendment Application
U. S. 42 and Ewing Boulevard
Florence, Kentucky

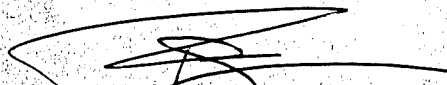
Dear Mr. Wall:

Per our conversation of March 15, 1995, this is to confirm that my client and Applicant in the subject zoning map amendment proceeding hereby requests that the final action and vote on this matter currently scheduled for Wednesday, March 15, 1995, be deferred until April 5, 1995 at 8:00 p.m. As I understand, there may be a time limitation problem with respect to this request. Accordingly, the Applicant in the subject proceeding hereby waives any time requirements which would necessitate final action to be taken prior to the requested extension date of April 5, 1995. Based upon the foregoing, it is my understanding from our discussion that my attendance at the meeting this evening is not required.

Should you have any questions, please do not hesitate to call.

Very truly yours,

BUSALD FUNK ZEVELY, P.S.C.


Thomas R. Nienaber

TRN/tlj

[BUZ]

