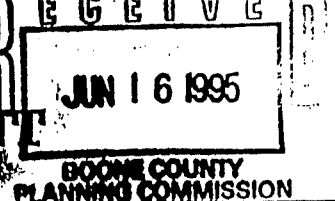


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

- 1. Name of Project U.S. GOVERNMENT POSTAL SERVICES
- 2. Location of Project 1664 FROGTOWN RD, UNION KY
- 3. Total Acreage of Site 4.004 AC.
- 4. Current Zoning of Site R.S.E.
- 5. Proposed Zoning (Classification being requested) Public Facilities P.F.
- 6. Proposed Uses (please specify each use)
NEW POSTAL SERVICE FACILITY

- 7. Names of Applicant(s) COVERPTD REAL ESTATE, OF N. KY, INC.
Phone Number 282-8000 Fax No. 282-7202
- 8. Address of Applicant(s) 7415 DORLINGTON PK.
FLORENCE KY 41041
City State Zip

- 9. Name of Property Owner(s) CHARLES R & CAROL FOLTZ.
Phone Number 384-4174 Fax No. NONE
- 10. Address of Property Owner(s) 1664 FROGTOWN RD.
UNION KY 41091
City State Zip

- 11. Proposed Building Intensities (please specify) 11,200 Sq.
FOOT POST OFFICE

- 12. Are there any existing buildings on the site? YES
How many? 2
- 13. Deed Book 417 Page No. 311 Group No. 2056

- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES
- 16. Have you had a pre-application meeting with BCPC Staff? YES
- 17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Concepts Real Estate of Northern Kentucky, Inc. (applicant) for Charles and Carol Foltz (owners) for a Zoning Map Amendment for an approximately four acre tract located at 1664 Frogtown Road, Boone County, Kentucky. The request is for change from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow a post office facility.

July 19, 1995

REQUEST

The following is a request for a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) for a site located at 1664 Frogtown Road, Boone County, Kentucky. The site is located on the north side of Frogtown Road near Killarney Drive. The request is to allow an approximately 11,200 square foot United States Post Office facility on the approximately four acre site.

A Concept Development Plan has been submitted with this request. The plan shows the building located in the approximate center of the site. The height of the building is proposed to be in the "twenty-something" foot range. A driveway is proposed for each end of the site along Frogtown Road. Wide landscaped front and rear yards are proposed (approximately 140' and 115' respectively) and the existing tree lines along the sides of the lot are proposed to remain. Additional white pines are proposed to supplement the existing trees along the east property line. A large detention basin is proposed along the intended tree line that is adjacent to the east property line.

A customer parking area is proposed along the west side of the building. Employee parking, truck parking, and loading docks and a truck circulation area are proposed at the rear of the building. A spur lane for depositing materials into drop boxes is located at the front of the building. Two freestanding signs are proposed for the Frogtown Road frontage. A fence (presumably a chain link security fence) is proposed to wrap around the paved area at the rear of the site and the detention basin located along the east property line.

ADJACENT LAND USES AND ZONING

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

- A. An open space area to the north and west (RSE); the majority of this area is the "Resurrection Cemetery."
- B. A single family residence on an estate sized lot immediately to the east along the north side of Frogtown Road (RS). A residential subdivision consisting of larger suburban sized lots is located further to the east along Dublin Drive (RS).

- C. A residential subdivision consisting of larger suburban sized lots is located immediately to the south along Killarney Drive ("Spacious Acres," RSE). Residences on estate sized lots are located to both the southeast and southwest along the south side of Frogtown Road (SR-1 and RSE).

SITE CHARACTERISTICS

The lot in question contains approximately four acres and is rectangular in shape. The lot has 350 feet of frontage along Frogtown Road and is 500 feet deep. The front portion of the site has rolling topography that drains toward the road (the rear portion of the site levels off). The front and side portions of the site are largely wooded. A single family residence and a barn are located on the site, each with its own graveled driveway (a portion of the driveway for the barn is apparently located on the adjoining lot to the west).

Public water is available to the site. Public sanitary sewer will be located approximately 1,600 feet from the site to the west along Frogtown Road if the pending "Stablesire Subdivision" is developed. Otherwise, the sanitary sewer is over 3,000 feet from the site on U.S. 42, north of the Frogtown Road intersection. Soil types on the site include the Jessup Silt Loam (JeD) and Rossmoyne Silt Loam (RsB and RsC); these soils have some limitations relative to erosion potential.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site in question as "Suburban Density Residential." The document describes this designation as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Further, the text of the Land Use Element (Area C-5, pp. 223 and 224) states "this section of Boone County should develop as a major population area, and sites for recreation and other public facilities should be planned and obtained before prime sites are no longer available or become too costly." This section of the Land Use Element also states "additional public service facilities, such as a new Union post office, branch library, and elementary school at the Ryle High School site, will be necessary." Other than mentioning that road connections should be provided between Mt. Zion Road and Frogtown Roads, the Frogtown Road area is not specifically mentioned in the Land Use Element. The Public Facilities Element does not specifically address post offices or postal delivery.

The Land Use Element provides the following statements that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than levelling and entire site to meet a pre-conceived project design ("Utilization of Existing Vegetation and Topography," pg. 210).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pg. 210).
- D. Development in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curbcuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 211).
- E. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following statements that relate to the proposal.

- A. Proper design principles shall be applied in development ("Overall," Objective #3).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure shall be maintained or improved as needed ("Overall," Objective #4).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective #6).
- D. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).

- E. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation or the existing character of land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible ("Environment," Physical Objective #2).
- F. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective #9).
- G. Public facilities and services shall be in locations that are accessible to the population being served ("Public Services and Facilities," Objective #5).
- H. The incremental effects of developments on the public facilities and services shall be evaluated and provided for ("Public Services and Facilities," Objective #19).

STAFF CONCERNS

1. Staff's primary concern with the proposal is the location in question. The adjacent area is currently developing exclusively in the form of single family residences and the Comprehensive Plan reinforces that direction. Although the area immediately to the north and west is designated by the Comprehensive Plan as "Public/Institutional," this designation is due to the fact that the area is planned for a cemetery (i.e., "Resurrection Cemetery"), a use which obviously has very different impacts from a post office (the post office use can be aptly described as a cross between a public agency office, a distribution center, and a high turnover retail establishment).

In addition, although the post office use has hours in which it is "open" or "closed" to the public, these facilities do in fact operate during hours that could be described as "down time" for the adjoining residential uses, such as the early morning and weekends. Therefore, the Commission will need to consider the basic issue of compatibility between the proposed use and the adjoining uses beyond the physical elements (landscape buffering, architectural design, etc.) that can be adjusted to help achieve some degree of compatibility and integration.

Even when considering the rather immediate need for a new post office in the area, Staff questions why the final decision for a location is not put on "hold" until after the alignment of U.S. 42 has been decided so that potentially the best access and service can be provided to the affected customers in an area that has been already been contemplated for higher turnover uses.

2. Staff is concerned with the traffic that the facility would generate and its relationship to Frogtown Road (i.e., a two lane road with no shoulders), particularly when considering that the facility would generate customers from the entire area (in addition to U.S. 42, customers will likely be drawn from the U.S. 25 area as well). According to the ITE Trip Generation Manual, 5th edition, the facility would generate approximately 958 vehicular trips per weekday (11,000 sf building that generates 87.12 trips per 1,000 sf [11×87.12] = 958.32). This amount would be added to the 2,130 trips that the road already experiences (according to a 1990 count by the Kentucky Transportation Cabinet - the 2,130 figure is low when considering the notable development in the vicinity in the last five years). Further, the nature of the traffic that the facility would generate would be substantively different due to the use of tractor-trailers and various types of local delivery vehicles.

In addition to the amount of traffic, Staff is concerned with the proposed access management strategies and mitigation methods. First, in addition to the deceleration lane proposed for west bound traffic, a left hand turn lane should be considered for the east bound lane so that east bound traffic is not "bottle-necked" when on-coming traffic prevents an expedient turning movement. Second, it is preferable to provide one curbcut that has both right and left turn egress lanes when considering that the western curbcut can not be aligned with the Killarney Drive due to an error on the site plan; the west property line of the site in question is actually located slightly to the east of Killarney Drive. Thus, the western curbcut should be eliminated or moved a sufficient distance from the Killarney intersection. If this arrangement were required, the "spur lane" arrangement shown on the Concept Development Plan would need to be reconfigured.

Also, the Commission should contemplate the provision of a sidewalk between the building and Frogtown Road when considering the intended life span of such a facility (usually a number of decades) and due to the possibility of a future road upgrade that could include sidewalks, particularly when considering the current and anticipated residential growth in the area.

3. Due to the nature of the request, every attempt to make the facility physically compatible with the adjoining area should be undertaken. As such, Staff recommends that the following issues be addressed in any approval of this application.
 - A. The appearance of the structure has not been described in the application. Due to the lower density residential/rural character of the area, the building should incorporate features indicative of residential design including:
 - i. Smaller-scaled building materials that are reflective of residential structures (i.e., comprised of smaller-scaled unites), such as brick or lap siding and not materials such as precast concrete, stucco/Dryvit, or concrete masonry units. Roofing materials should likewise be indicative of a residential area. All materials should use subdued colors.

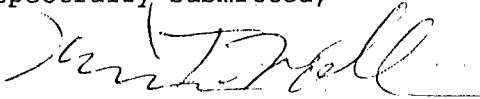
- ii. The building should be broken into two or more massings as to reduce its apparent size (one 140' by 80', 11,200 square foot massing is currently proposed). When considering that the building is setback approximately 180 feet from the road, these massings should be distinguished by horizontal jogs in the facades that are at least five feet wide.
 - iii. The roof of the structure should also be reflective of the lower density residential/rural character through the provision of a pitched roof design (if the building is not broken into several massings as suggested above, a pitched roof design would likely result in a fairly dominating structure). Among other possibilities, a gabled, hipped, or gabled/hipped combination design would be appropriate for the given location.
- B. As directed by the Comprehensive Plan, existing topography and vegetation should be incorporated into new developments. When considering the proposed site layout, both the existing vegetation and topography on the front part of the site could largely be retained (although minor "thinning" of this existing vegetation is reasonable). This would help to buffer the facility from the road and help it to visually relate to the adjoining sites as there is a substantial amount of existing vegetation along this portion of Frogtown Road. Further, when considering the nature of the proposed use and the adjacent uses, the side and rear yard areas should all be heavily landscaped so that the circulation activities conducted on the site (both auto and truck) will not be visible from these adjoining area. As a whole, the landscape material palette should be diversified both in type and species so that plant survivability is insured.
- C. Any freestanding signs should be extremely limited, both in size and height. As such, Staff recommends that any freestanding sign (excluding directional signs) should not exceed 8 feet in height or 60 square feet in area, and should be externally illuminated, unless only the sign copy itself is illuminated. Although two freestanding signs are illustrated on the Concept Development Plan, Article 34 "Signs" of the Zoning Regulations allows only one freestanding sign to be erected.
- D. Any site lighting should be extremely limited. In order to achieve this goal, Staff suggests that freestanding site light fixtures should not exceed 24 feet in height and should use "cut-off" shields.
4. Due to the direction of the Comprehensive Plan and the implied commitment to connect to both public water and sanitary sewer as demonstrated by the letters that were included in the application materials, any approval of this request should be contingent upon the facility using both public water and sanitary sewer.

5. The Historic Preservation Review Board is concerned with the potential treatment of an unmarked cemetery that is located at least partially on the site in question. A memorandum from Susan Cabot, Historic Preservation Planner, is attached.
6. Due to the wide range of uses permitted in the PF zone, the Commission should consider whether or not a portion of the uses typically permitted, as either Principally Permitted or Conditional Uses, should be prohibited altogether on the site in question when considering that the area as a whole is intended for single family residential uses.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court 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 and the potential impacts on the existing and planned uses in the area. In addition, the Commission should review Article 12 "Public Facilities District" of the Zoning Regulations prior to making a decision. The Future Land Use Map would need to be amended to reflect a public/institutional use if the Planning Commission and the Fiscal Court approve this request.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW\par

attachments:

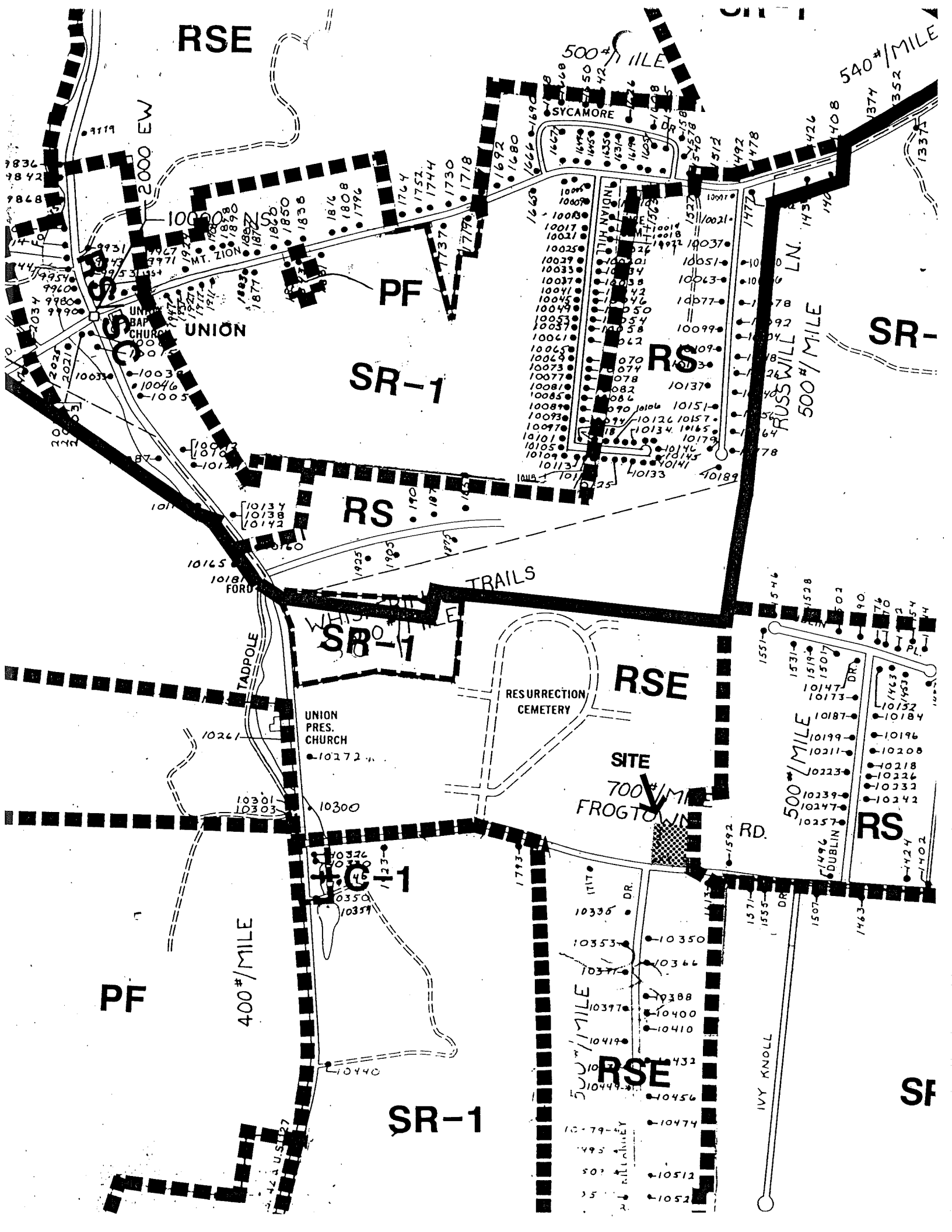
- air photo of area
- Zoning Map excerpt
- memo from Susan Cabot, Historic Preservation Planner
- application materials
- letters from area residents



U.S. 42

Killarney

Frogtown



RSE

500' MILE

540' MILE

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UNION BAPTIST CHURCH

PF

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SR-

RS

TADPOLE TRAILS

SR-1

RSE

UNION PRES. CHURCH

RESURRECTION CEMETERY

SITE 700' MILE FROGTOWN

500' MILE

RS

PF

400' MILE

SR-1

RSE

SR-1

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IVY KNOLL DR.

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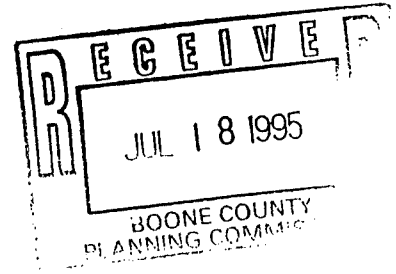
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MEMORANDUM



To: Kevin T. Wall
Director, Zoning Services

From: Susan M. Cabot *Susan M. Cabot*
Historic Preservation Planner

Date: July 18, 1995

Re: Proposed Zone Change for 1664 Frogtown Road

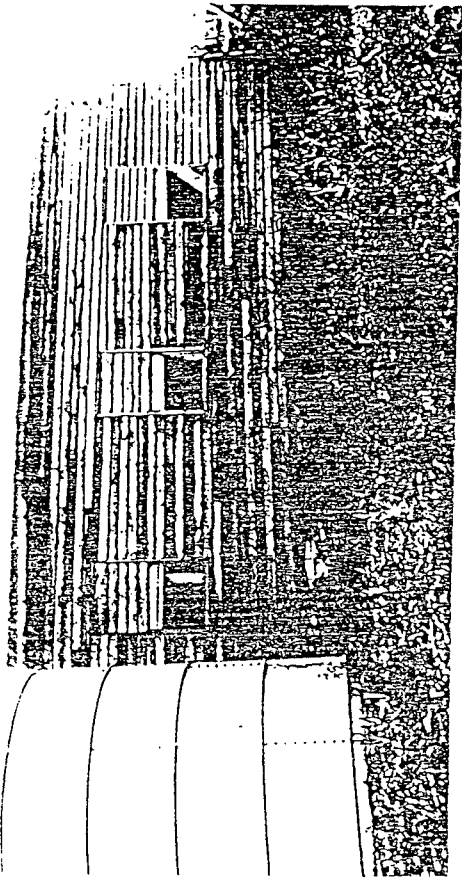
On behalf of the Historic Preservation Review Board, I am writing in regard to the proposed zone change, from Rural Suburban Estates to Public Facilities, for 1664 Frogtown Road.

A portion of the property in question was the former site of the Bethel Baptist Church, and is the site of the cemetery that was part of the church property. Attached please find a copy of the Union Precinct Map from the 1883 Atlas of Boone, Kenton, and Campbell Counties. The Bethel Baptist Church and Cemetery are clearly indicated.

Research indicates that this church was formed in c. 1812. In 1818, Trustees of the Church bought one acre of land, that included the Meeting House and graveyard, from John Fowler (Deed Book D - Page 170). It appears that this Bethel Baptist Church was abandoned sometime between c. 1860 and c. 1864. However, the building and cemetery remained in place. This property was used for agricultural purposes, apparently primarily by tenant farmers. The old church building was used as a barn until its collapse in c. 1990. Attached please find a copy of a picture of the building taken in 1955 by William Fitzgerald.

Local history indicated that the cemetery was along side a walkway that extended to the rear of the church building (see attached an exert from William Conrad's book "Yesterday's"). The tombstones apparently disappeared in the early twentieth century; many believe they went into the stone foundations of surrounding buildings. In 1955 local historians Anne and William Fitzgerald, well known for their documentation of Boone County cemeteries, visited the site with the late Kitty Tanner, who was approximately age 65-70 in 1955. Mrs. Tanner remembered visiting the church, and seeing the cemetery, with tombstones intact. She pointed out its location to Mr. and Mrs. Fitzgerald but, by 1955, no tombstones remained at the site.

In accordance with Boone County regulations, the Historic Preservation Review Board requests that an archaeological survey be completed on this property in order to obtain information about the number of burials within the cemetery, and to determine the boundaries of the Old Bethel Baptist Cemetery. Once that work is completed and approved, a decision will need to be made about whether to move the cemetery, or reconfigure the proposed plans to preserve the cemetery site.



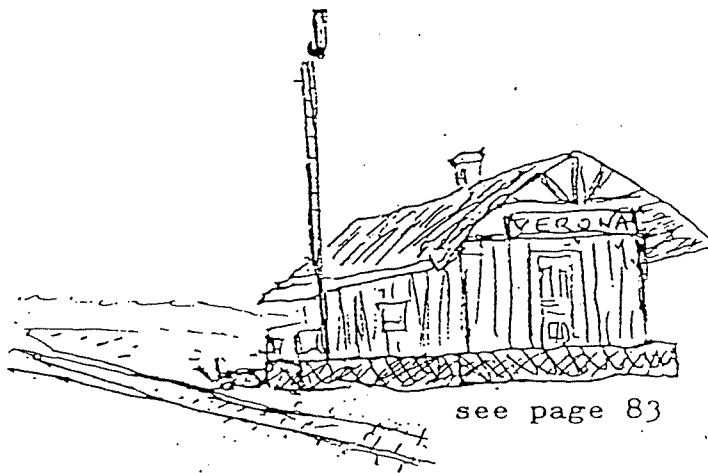
Bethel Baptist Church - 1957 Frogtown Road

Yesterdays

An enriching adventure in
Boone County's past.

By

William Conrad



William Conrad

Florence, KY

41042

the game so plentiful in the hills. 8

"Another man wrote that it later became one of the most celebrated health and watering places in this part of the Ohio Valley. Its historic background of salt making, the mild medicinal properties of the sulphur-saline spring water, and the continual finding of prehistoric bones of the mammoth, served to attract the choice families of the Bluegrass. The Todds, Crittendens, Clays, and many more came in their carriages.

"The vehicles, carrying all the charm and chivalry of their day, would be piled high with luggage, and driven by the traditional coachman in linen or livery as they rolled along the ridge road, which we know as the Dixie Highway or US-25 today. Between the villages of Walton and Florence, these vacation-bound parties would bear to the west, and would soon be making their way along the narrow streets of the quaint old town of Union. 9

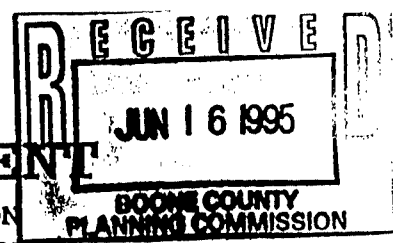
"The hotel at Big Bone Lick was named for Henry Clay, and it was a political rendezvous where well-known politicians met. Many of them passed through Union on their way to, or from, meetings and burgoos.

* "Collins' History of 1847 describes Union as having one store, two churches, one doctor, and fifty inhabitants. He does not mention the post office. Research indicates the churches were of the Old School Baptist denomination. Bethel Baptist Church was on Union-Frogtown Road, and the trustees, one of whom was the Revolutionary War veteran Hugh Steers, purchased one acre of ground for the church in 1818. The building was described as having the two traditional doors in front with a third door in the rear opening to a rock walk. Along each side of the walk was a row of inscribed tombstones. A part of the building remains as the side of an old barn, but there is no trace of the tombstones.

"The other church was called Old Sardis, and it was on the outskirts of the village on the road to Florence. The meeting-house was reached by crossing the creek. Morris Lassing, a postmaster in Union during the 1830's, was ordained as an Old School Baptist preacher at Old Sardis in April of 1854; he assumed charge

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 U.S. GOVERNMENT POSTAL SERVICES
- 2. Location of Project 1664. FROGTOWN RD, UNION KY
- 3. Total Acreage of Site 4.004 AC.
- 4. Current Zoning of Site R.S.E.
- 5. Proposed Zoning (Classification being requested) Public Facilities P.F.
- 6. Proposed Uses (please specify each use)
NEW POSTAL SERVICE FACILITY

- 7. Names of Applicant(s) COVERED REAL ESTATE, OF N. KY. TAX.
- Phone Number 282-8000 Fax No. 282-7202
- 8. Address of Applicant(s) 7415. DURLIGHT PK.

FLORENCE KY 41042
City State Zip

- 9. Name of Property Owner(s) CHARLES R & CAROL FOLTZ.
- Phone Number 384-4174. Fax No. NONE

- 10. Address of Property Owner(s) 1664. FROGTOWN RD.
- UNION KY 41091
City State Zip

- 11. Proposed Building Intensities (please specify) 11,200 Sq.
FOOT POST OFFICE

- 12. Are there any existing buildings on the site? YES
How many? 2

- 13. Deed Book 417 Page No. 311 Group No. 2056

- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

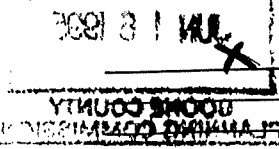
- 15. Have you submitted a Concept Development Plan? YES

- 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
- X Florence Water and Sewer Commission
- X Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department

(over)



Kentucky Transportation Cabinet
 City of Florence Public Services Department
 Boone County Building Department
 Northern Kentucky Health District
 U.S. Soil Conservation Service
 Local School District
 Local Fire District
 Other: CITY OF UNION

18. Project Jurisdiction/Location
 Unincorporated Boone County
 Florence
 Walton Union

19. Applicant's Signature David S. Hill Concepts Real Estate
 Property Owner's Signature Carolyn J. Hill

SECTION B (To be completed by BCPC Staff)

1. Date Received June 16, 1995
2. Fee Received 851.04 R#7033
3. Check what has been submitted:

<input checked="" type="checkbox"/>	Application	<input checked="" type="checkbox"/>	Fee
<input checked="" type="checkbox"/>	Legal Description		
<input type="checkbox"/>	Concept Development Plan		
<input type="checkbox"/>	Address of Adjoining Property Owners		
<input type="checkbox"/>	Number of copies of plan received**		
4. Is application complete? Yes No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:

<input type="checkbox"/>	Approval
<input type="checkbox"/>	Approval with Conditions
<input type="checkbox"/>	Denial
9. Other: _____

** Five (5) Copies Are Required

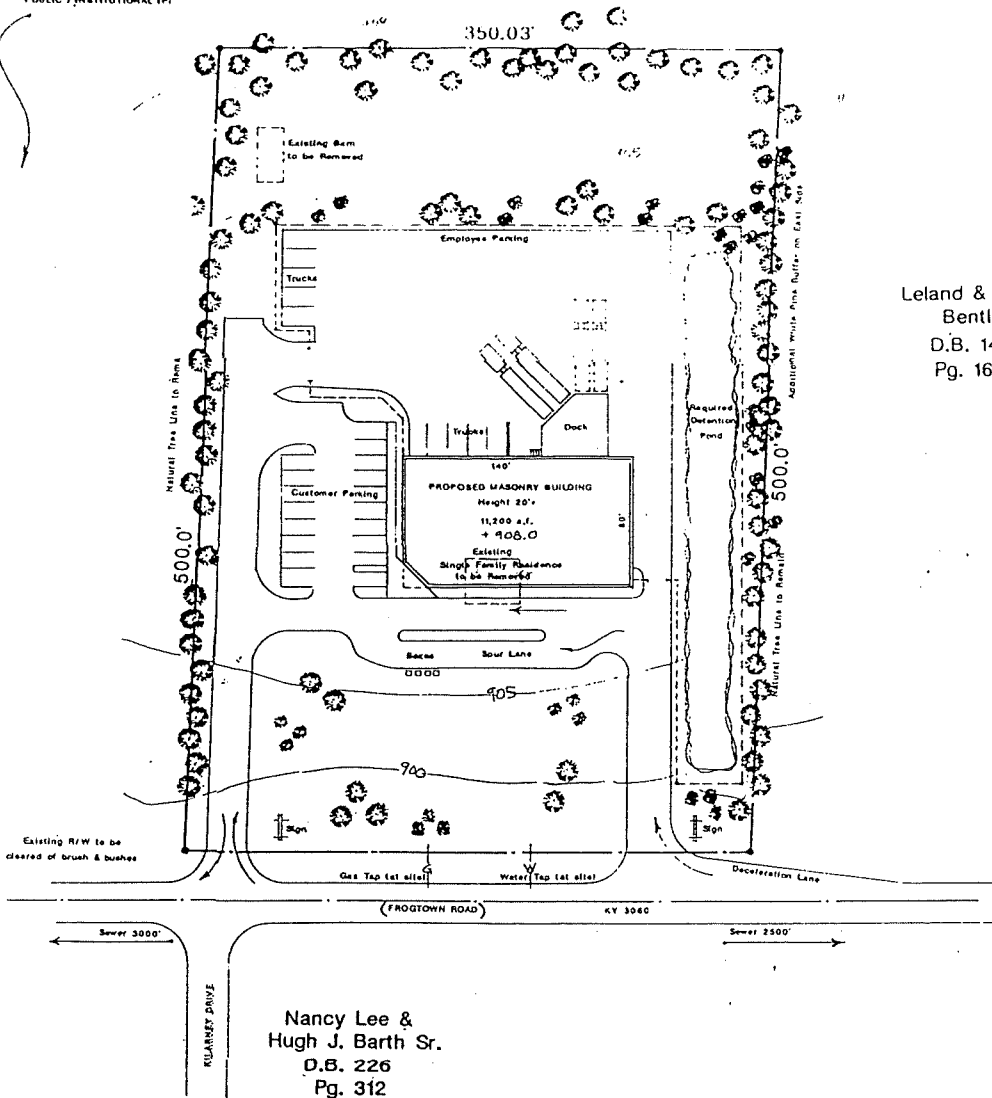
Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.

An application consists of all fees paid in full, submitted drawings and a completed application form.

Resurrection Cemetery
 Diocese of Covington
 D.B. 152
 Pg. 294

1888 Boone County
 Comprehensive Plan Designation:
 PUBLIC / INSTITUTIONAL (PI)



Leland & Betty
 Bente
 D.B. 149
 Pg. 163

CONCEPT DEVELOPMENT PLAN

Scale 1" = 50'

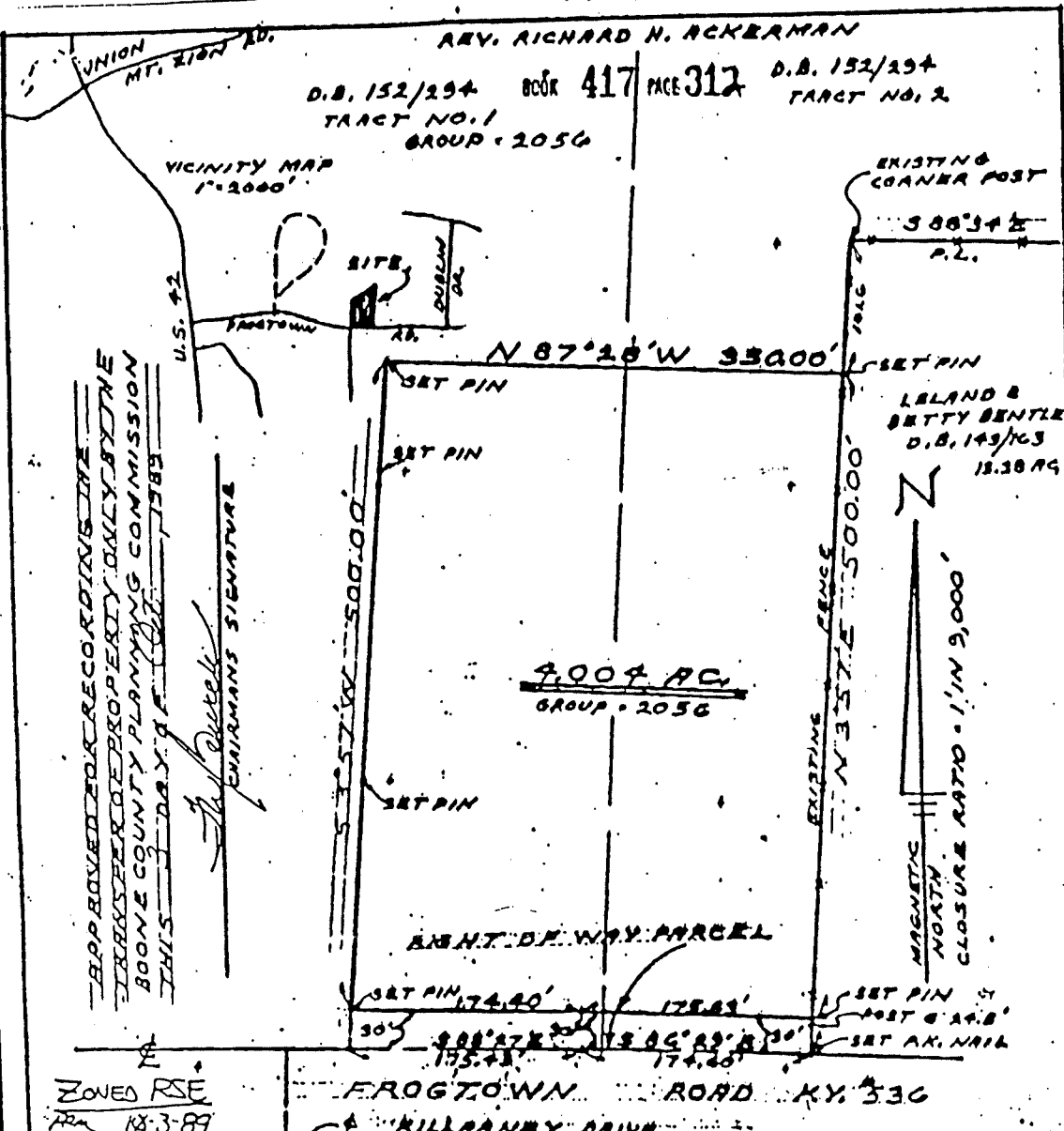
Subject Site : OWNER: Charles R. & Carol Foltz

Size: 4.004 Acres 350.03' x 500.0'

REV. RICHARD H. ACKERMAN

D.B. 152/294 BOOK 417 PAGE 312 D.B. 152/294 TRACT NO. 1 TACT NO. 2 GROUP - 2056

VICINITY MAP 1"=2000'



APPROVED TO RECORDING THE
 DEEDS OF THE PROPERTY ONLY BY THE
 BOONE COUNTY PLANNING COMMISSION
 THIS DAY OF OCTOBER 1989

CHAIRMAN'S SIGNATURE
[Signature]

ZONED RFE
 18-3-89

FROGTOWN ROAD KY 336
 KILLARNEY DRIVE

(I) (WE) HEREBY CERTIFY THAT THE PROPOSED STREET RIGHT-OF-WAY WILL BE OFFERED TO THE COUNTY OF BOONE FOR PUBLIC DEDICATION

DATE _____ SIGNATURE OF GRANTOR _____

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY COURT CLERK AND FIND THIS TO BE THE FIRST CONVEYANCE UNDER THE PRESENT OWNERSHIP AND THE PARENT TRACT SINCE 1966 OR FROM THE ADOPTION OF KRS 100.

LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM STANDARDS AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE GUARANTY OWNED BY THE PROPERTY OWNER.

STATE OF KENTUCKY
 JAMES W. BERLING
 206
 REGISTERED
 LAND SURVEYOR

P & Z Code No. 1379

PLAT OF SURVEY FOR
 SAINT TIMOTHY'S CHURCH
 FROGTOWN ROAD
 BOONE COUNTY, KENTUCKY
 JAMES W. BERLING R.L.S. NO. 206
 3/27/89 SCALE 1"=100'

ADDITIONAL CORRESPONDENCE

1. U.S. Postal Service Letter - General Information Letter
2. Kentucky Department of Transportation - Approval Letter
3. Boone County Water and Sewer District Capacity - Water and Sanitary Letter



DON C. KELLY, P.E.
SECRETARY OF TRANSPORTATION

JERRY D. ANGLIN
DEPUTY SECRETARY
AND
COMMISSIONER OF HIGHWAYS

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS, DISTRICT SIX
421-423 BUTTERMILK PIKE & I-75
COVINGTON, KY 41017
606-341-2700
JOE KEARNES
CHIEF DISTRICT ENGINEER

BRERETON C. JONES
GOVERNOR

June 12, 1995

Concepts Real Estate
7415 Burlington Pike
Florence, Kentucky 41042

ATTENTION: Mr. David S. Hils

RE: Preliminary Access Review
Post Office Site
KY 3060 (Frogtown Road)
BOONE COUNTY

The preliminary site review of the above mentioned Post Office site opposite Killarney Drive was made on June 9, 1995.

The traffic scheme showing two access points with a deceleration lane, located at the East property line, is approved. It will be necessary, and a requirement, that tree and vegetation removal on the existing right of way of KY 3060 be accomplished. This will provide for adequate sight distance for access drive on the West property line.

This approval is preliminary and is based upon the available plan on this date. The permit may be issued upon the review of final plans and compliance with the above requirements.

If you have any questions, or we can be of further service, please do not hesitate to contact this office.

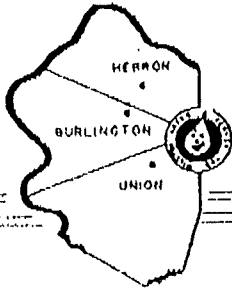
Sincerely yours,

J. E. Kearnes

Forrest M. Rankin
District Permits Supervisor

FMR/dlt

cc: J. E. Kearnes
D. J. Shea



BOONE COUNTY WATER AND SEWER DISTRICT

2475 BURLINGTON PIKE
BURLINGTON, KY 41005
606 / 588-6155
FAX: 588-5016

COMMISSIONERS

DWIGHT C. BRAY
RICHARD CRIST
RONALD G. CRUME, D.D.S.
R.C. DURR
BILL C. SHEHAN, SR.

June 12, 1995

Mr. David Hils
Concept Realty
Union, Kentucky 41091

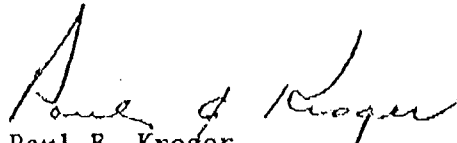
Dear Mr. Hils:

re: Post Office Site
Progtown Road
Union, Kentucky

The Boone County Water and Sewer District owns and operates the water and sanitary sewer system which serves the above mentioned site, and has capacity to provide service for both water and sanitary sewer.

Prior to any commitments, however, the District would require drawings from a registered engineer indicating the proposed uses of the site and how connections to the District system would be made.

Sincerely,


Paul E. Kroger
District Manager

cc: BCWD Commission
file:hils\union



COLUMBIA FACILITIES SERVICE OFFICE
UNITED STATES
POSTAL SERVICE
PO Box 701
COLUMBIA MD 21045-0701
(410) 997-6232 or Fax: (301) 596-4163

June 13, 1995

Mr. Kevin P. Costello
A.I.C.P. Director
Boone County Planning Commission
2995 Washington St.
Burlington, KY 41005

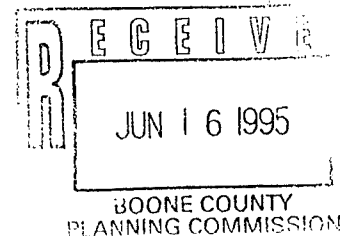
Dear Mr. Costello:

This letter is being written to request your assistance in obtaining rezoning for a site located on the north side of Frogtown Road in Union, KY. The Postal Service has selected this site as the most suitable location for the construction of a new Main Post Office. As the site is currently zoned residential, it will be necessary for the offeror to have the site rezoned to accept a Post Office.

The Postal Service currently occupies approximately 1,200 square feet in a free standing building located on the north side of Hwy 42. This facility was constructed and occupied in 1970 and was considered adequate to service the community at that time. However, over the years many things have changed including the population of Union. Latest reports indicate a population increase in Boone County to be as high as 17%. Due to the rapid growth, the current facility has become grossly inadequate in size and is in dire need of replacement to provide adequate service to the community. The new replacement facility will contain approximately 11,000 square feet, which will relieve the problems faced by the employees and patrons of Union.

The site located on Frogtown Road contains approximately four acres and is considered adequate in size and configuration to provide the needed operational utility. The size and configuration of the site would also lend itself to any projected expansion needs for the future. The proposed 11,000 square feet facility is based on project growth over the next twenty years, however, an expansion could be required if population trends exceed projections.

The City of Union has advised the Postal Service of a planned highway improvement project for Hwy 42. The City also provided a detail of the locations for a number of alternatives being considered by the State Highway Dept. The Frogtown Road site does not appear to be impacted by these alternatives.



The Postal Service has been advised of the current location of the sanitary sewer and it would be the desire of the Postal Service to extend the sewer line to the site. This would be accomplished by making the extension inclusive of the construction project.

Frogtown Road is a typical county road without improved shoulders. Due to the current road conditions the Postal Service would install accelerate/decelerate lanes to provide safe ingress and egress to the site as required. In addition we would consider providing a left turn lane if required.

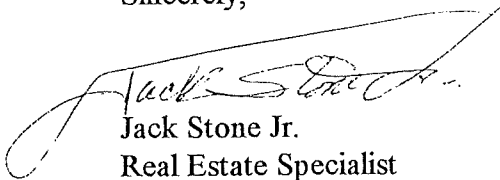
As stated earlier, the Frogtown Road site is currently zoned residential and is joined by residential properties to the east. In an effort to minimize any interruption of the quiet enjoyment of these properties, the Postal Service would install a green buffer along the eastern line of the site.

The Postal Service has made a long and exhaustive effort to locate an adequate site in Union for the proposed project. Finding a site has been difficult due to the limited locations providing adequate operational utility. The Postal Service has exhausted every lead from the Postal employees as well as those provided by the citizens of Union. After giving careful consideration to all alternatives available, it was the decision of the Postal Service to select the Frogtown Road site.

Any assistance you could provide the offeror of the Frogtown Road site in obtaining the necessary rezoning for the new Main Post Office project would be most appreciated. We look forward to working closely with all concerned to bring this long overdue project to a completion. If I can be of further assistance, please contact me at (410) 997-6232 or the address noted above.

Thank you for your cooperation and assistance in this matter.

Sincerely,



Jack Stone Jr.
Real Estate Specialist

cc: Mr. David Martin Esq.
Ware, Bryson, West & Kumar
P.O. Box 17718
Edgewood, KY 41017

To whom it may concern:

We oppose the rezoning of a 4 acre tract of land on Frogtown RD from R.S.E. to P.F.

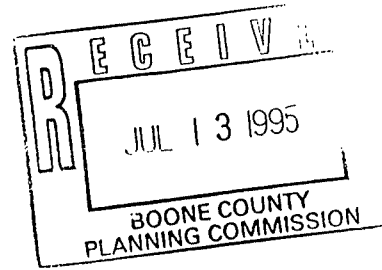
We feel that the proposed Postal Facility would now be located in a mostly residential area and would cause an increase of heavy traffic on Frogtown RD. As you know Frogtown RD. is narrow and winding and has a lot of children walking to/from Ryle High School on its shoulders. The increase in Postal traffic would ~~cause~~ pose a danger to local traffic.

We understand the need for a new Postal Facility, but feel that it would better serve the community in a more centralized location like the new business area created by the relocation of US 42.

Respectfully
David Makowski
Michele Makowski

10854 Sedco Dr
Union Ky 41091
(384-4738)

July 12, 1995



Boone County Planning Commission
Attention: Mr. Kevin Wall
2995 Washington
Burlington, Kentucky 41005

This letter is to inform the Planning Commission that we are opposed to the request for a Zone Change for four acres on Frogtown Road for the Union Post Office.

We are opposed for the following reasons:

The Union Post Office creates heavy traffic day and night because of the many box holders. We request that a study be conducted of the weekly traffic of the current location and the anticipated growth of the post office.

Frogtown Road is not suitable for commercial development and there are no plans to make it suitable for commercial development. Frogtown road is narrow with poor visibility because of curves and bluffs. Current residential development has increased traffic, so currently the road is hazardous. This new mix of traffic and road conditions would present a serious safety hazard that could result in injury and death.

Secondly, the four acres is presently zoned for suburban residential and to change just four acres, would ignore Comprehensive Planning that we hear so much about from our elected officials. Leaving the present zoning intact, would keep with the nature of the surrounding area.

Thirdly, there is current commercial development along US 42 that would be better suited to handle the heavy traffic that the Post Office generates. We request the Planning Board expand development along US 42 before expanding to residential neighborhoods.

Sincerely,

Sylvia L. Burke

Thomas J. Burke

Brennan C. Burke

Bryan T. Burke

Kevin:

As I mentioned this morning, I may not make the hearing this evening due to a prior commitment. Should I not be there, I would appreciate your reading the statement below into the official proceedings of the hearing.

Thanks,

Warren S. Moore
Mayor, City of Union, KY

There can be absolutely no rational argument made against the Union postal district's needing a new facility. That is a moot point. Anyone who has visited the existing post office on U.S. 42 in Union is aware of the almost primitive conditions under which the postal staff work. The fact that the majority of mail passing through that facility is delivered at all is virtually a miracle, due entirely to the diligence of the staff, as their accommodations are laughable at best. Additionally, there is an absolute lack of customer convenience at the current site. Parking is inadequate--almost negligible, and the entrance and exit to U.S 42 is dangerous to a fairly high degree. Since this is a leased site, on a small parcel of land, there is no room for expansion.

The City of Union has been aware for several years of this need. We have been involved in relatively informal discussions with the Post Office, at both the local and national levels, for roughly two years. During that time, the Post Office has indicated quite strongly the following desires:

1. A desire to stay within the corporate limits of the City of Union, preferably on the southern side, as that is the obvious direction of future growth.
2. A desire to acquire a tract of real property of at least two acres, on which a facility can be built (not leased) to accommodate projected future growth in both the Union area and further south into unincorporated Boone County.
3. A desire to build a facility that meets not only the physical requirements of the service, but also the aesthetic desires of the community...i.e., a "good looking" physical plant. Based on what we have been told by the Postal Service personnel involved in this project, they will take pains to supply planting buffers, earthen berms, landscaping, etc. as needed to ensure that any perceived offensive impact on the community is minimized.

After almost two years of exhaustively searching for property in the immediate vicinity that meets the needs and requirements of the Postal Service, the four acre tract on Frogtown Road has proven to be the best if not only possible choice. The current owners of the property have requested its annexation into the City of Union, which process is currently underway.

The City of Union fully supports the efforts of the Postal Service to build this new facility, in the location they have chosen. There is already commercial activity along Frogtown Road in the immediate vicinity, of a somewhat less than physically attractive nature, in the form of an automotive junkyard. The proposed Post Office is a quite "soft" use. There is also little likelihood of the properties on either immediate side of the site being used for extensive future development, as on one side it is already residential, and on the other side is a platted cemetery owned by the Catholic Diocese, backing up to the Catholic Church at the intersection of Frogtown Road and U.S. 42.

It is the opinion of the City of Union that the U.S. Postal Service is doing their absolute best to be a "Good Neighbor" to the overall community. Therefore, it is earnestly requested by the City of Union that the Boone County Planning and Zoning Commission approve the request of the Postal Service, that the zoning of the tract be changed to Public Facility, and that the construction of the new Union Post Office at that location be permitted.

Sincerely,

Warren S. Moore
Mayor, City of Union, KY

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
July 19, 1995
7:30 P.M.

PUBLIC HEARING

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

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:35 P.M.. Following an explanation of the Public Hearing process, Mr. Burch introduced the item on the Agenda:

1. Applicant: Concepts Real Estate of Northern Kentucky, Inc. for Charles and Carol Foltz (owners)

Request: Zoning Map Amendment

The request of Concepts Real Estate of Northern Kentucky, Inc. (applicant) for Charles and Carol Foltz (owners) for a Zoning Map Amendment for an approximate 4-acre tract at 1664 Frogtown Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow a post office facility.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). He advised that Condition #5 is no longer applicable as it has been determined that the unmarked cemetery is on the adjacent parcel and not on this parcel.

Mr. Burch asked for the applicant's presentation.

Mr. David Hils with Concepts Real Estate stated that Mayor Warren S. Moore was present and would read a letter in regard to the request and Mr. Jack Stone, Jr. with the U.S. Postal Service was present to answer any questions. Mr. Hils stated that the Site Plan speaks for itself.

Mr. Warren S. Moore, Mayor of the City of Union, read a letter he had written in regard to this issue (see Exhibit 1).

Mr. Jack S. Stone, a real estate specialist with the U.S. Postal Service, offered to answer any questions. He showed a rendering of what the facility will likely look like when constructed.

Mr. Burch asked if this completed the applicant's presentation. Mr. Hil stated that it did.

Mr. Burch 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 who wished to speak in opposition to the request or to ask questions.

Mr. Leland Bentle, who owns the property next door to the site, stated that he does not have any objection to the Post Office being there, but he wants to know about the lighting, how far the facility will set back from the road, how far the building will be from his property, and that type of information.

Mr. Mark Pillis stated that he used to work for the postal service and understands their business. He stated that this business will not have a selected customer base -- it is not a barber shop or a tanning salon that only a select group will go -- and everyone in the area will be using it. He stated that the Post Office has to get the mail from somewhere and it comes in by tractor trailer trucks. He questioned why a site would be selected that has no access to an interstate. A tractor trailer will have to come up U.S. 42 and thru the City of Florence or via the Richwood exit and Frogtown Road. Frogtown Road was not built for tractor trailers and there are no plans to improve it. He stated that he has reviewed the Comprehensive Plan and there is a statement in the Comprehensive Plan that "all commercial buildings and public facilities should be located in Union proper" -- but the Mayor says "we are making Union proper bigger and annexing the land into the city".

Mr. Pillis stated that the route of U.S. 42 has not been decided upon. He questioned why a major facility like this would be built without knowing where the road will go. He questioned the impact of this Post Office on the direction U.S. 42 will go. He stated that he lives in Union and there are two properties on U.S. 42 in Union proper that are for sale -- both have large acreage and one is zoned for business. He questioned why that site would not be appropriate since it is in the city and most Post Offices are in the city or in a central hub of use. He stated that the Staff Report says that the subject property is zoned Rural Suburban Estates at four units per acre, but he checked with the office across the street (the Staff office) and was told the property is zoned Rural Suburban Estates at one house per acre. He stated that this is a residential area and should remain that way. He is opposed to the request.

Mr. Otis Meadors stated that he lives on the cul-de-sac because it is a quality neighborhood. He stated that they need a Post Office, but the question is where to put it. He agreed with Mr. Pillis' comments. He stated that Frogtown Road is not set up to accommodate the traffic the Post Office would generate. The businesses on Frogtown Road were there when the area was a cornfield and they cannot be used as justification to put the Post Office in. There is a major school on U.S. 42 at Frogtown Road that generates a tremendous amount of traffic and now tractor trailers will be added to the traffic. Mingling school buses and semis is not a good idea. He stated that the Post Office is an industrial business type of facility that the public visits. A lot of what will occur there is shifting and handling of mail and there are many places around Boone County where it could be built and be accessible to the expressway. He

suggested putting the Post Office into the area that needs development near U.S. 25 that is accessible to the expressway -- and keeping the lights, noise, traffic, and people flow out of the residential area.

Mr. T. A. Smith, 1047 Killarney Drive, which is 8 houses up from Frogtown Road, questioned how far from Frogtown Road the road will be that would go into the Post Office, and how far it will be from Killarney Drive. He believes that there are 200 families that come down Killarney Drive from several different roads and there would be that traffic at the bottom. He has lived from coast to coast and he retired 15 years ago. He purposely bought his home on Killarney Drive and he did not buy it to go into traffic. Putting the Post Office here will crumble a lot of lives, young and old, as they start to go out on U.S. 42.

Mr. Barry Schuster, who lives in the residential neighborhood off Killarney Drive, stated that a new Post Office is needed. One of the big problems with the existing Post Office is accessibility and it only has one drive in and one drive out. He questioned the need to go from a 1,500 square foot facility to an 11,000 square foot facility. He stated that the Post Office is a public facility used by everyone in Union and it should be centrally located. Accessibility should be a main factor. With talk about U.S. 42 going from two lanes to four lanes in the future, it does not make sense to not put it there -- rather than on a residential street that would have to be upgraded to at least three lanes for accessibility. He stated that there is property available in and around U.S. 42 in Union, including property adjacent to the Union IGA. There is a 2.8 acre tract of land available. He stated that with all the improvements that would have to be made, it seems that the money that will be spent could be a lot less if they looked at other property. He stated that this project should be on hold until the new highway is finalized and it is known where the highway is going and what land may be made available for this use. It is premature to do anything at this time. The people have put up with the Post Office situation for sometime and would not mind waiting a little longer until the road and its impact are finalized.

There being no further comments, Mr. Burch asked Mr. Wall to respond to the questions raised.

Mr. Wall stated that two access drives into the Post Office are proposed. The westernmost access drive would not line up with Killarney Drive -- it appears that way, but that is an error and the west property lines does not extend over that far. The westernmost access drive would be very close to Killarney Drive. The easternmost access drive would be about 300 feet from Killarney Drive. He stated that the lighting has not been specified in the application. The building would be about 180 feet from the right-of-way line.

Mr. Stone advised that there will be some security lighting on the site, but it will be kept to a minimum. They will do everything they can to minimize any adverse impact of any kind.

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

Mrs. Arnett stated that the alignment of U.S. 42 will be decided in the Fall and questioned why this request cannot be put on hold until that decision is made and the impacts are seen.

Mr. Stone stated that a minor delay of a month or two would not be a problem, but exceeding that amount of time would have an adverse impact on their operation. He stated that the existing facility is so inadequate that if they cannot do something in the near future, they will have to consider other alternatives -- such as there being no facility and the services going somewhere else.

Mr. Rush stated that there is no information available saying that Frogtown Road will be improved. He asked if the Post Office is aware of any indication that there will be a change in that road. Mr. Stone replied "no" and stated that they are willing to work with the Highway Department to provide safe ingress/egress to the site and to consider installing decel/crossover lanes if it is physically possible and economically feasible. Mr. Rush asked if they can get tractor trailers in and out of the site considering the width of the road, even with a large egress. Mr. Stone stated that, in his opinion, they can.

Mr. T. A. Smith questioned why they have not looked at the other properties that have been suggested. Mr. Stone advised that they have looked at those properties and others and there are a number of reasons why those properties were not selected. He stated that the property on U.S. 42 was not selected due to the size and configuration. He stated that with the size of the facility they will put up and the required parking and maneuvering, it would be impossible to get the facility on that site and still provide water retention because of the topography.

Mr. Schuster questioned the 2.8-acre site. Mr. Stone stated that the subject site is 4.004 acres.

Mr. Schuster questioned the square footage of the existing Union Post Office. Mr. Stone advised that it is 1,200 square feet. Mr. Schuster questioned the need for 11,000 square feet now. Mr. Stone advised that the calculations were made and it was determined that this size would be required to provide adequate service to the community for a period of time based on projected growth.

Mr. T. A. Smith stated that he would be willing for the Post Office to move to some other place rather than being stopped from driving down Killarney Drive -- even if it means he only gets mail two or three times a week.

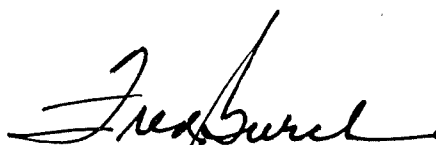
Mr. Pillis stated that he knows about the 2.8-acre site. He stated that there is a site next to the VFW, which he referred to as the iron works place. He stated that they could build curb lanes to come into the Post Office and tractor trailers could get in -- but what about the rest of Frogtown Road? He stated that there are school buses there and kids and questioned how they will get the tractor trailers down there. He stated that the trailers take mail from the airport. Mr. Stone stated that these questions are of an operational nature and he could not answer them at this time.

Mayor Moore advised that there are at least six alternative routes for U.S. 42 and they all end at Frogtown Road. All the alternatives go back to the existing U.S. 42 and the road will probably go back to two lanes somewhere in front of Ryle High School on the Frogtown Road side. It will all end at that point. The traffic is picking up on Frogtown Road and at some time something will have to be done about it. The fact that it will move further down the road will make access to this site a little easier. He stated that the Post Office is willing to work with access lanes and widening that section. In regard to putting off the Post Office until the location of U.S. 42 is determined, he stated that it looks like the earliest construction will take place on the road is the year 2000. He stated that no one knows for sure where U.S. 42 will run, but it will end at that intersection.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on August 7, 1995 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 16, 1995 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
BOONE COUNTY ADMINISTRATION BUILDING
BUSINESS MEETING
September 6, 1995
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:04 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Dave Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP

2. Zoning Map Amendment

The request of Concepts Real Estate of Northern Kentucky, Inc. (applicant) for Charles and Carol Foltz (owners) for a Zoning Map Amendment on an approximate four-acre tract at 1664 Frogtown Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow a post office facility.

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

Counselor Wilson advised that the Planning Commission's action is a recommendation. Final action is taken by the governmental entity where the land is located. The legislative body can chose to have its own Public Hearing. The legislative body can review the Planning Commission's record and can override the Planning Commission's decision if they can make different findings.

Mrs. Smith questioned if the land is in the City of Union or in Boone County. Mr. Wall advised that it is in Boone County, but annexation is pending.

Mr. Ries moved that the request be denied based on the Committee Report. Mr. Millay seconded the motion.

Mr. Damstrom stated that the location involved in this particular application is not the best -- but the city has decided to cooperate with the Post Office because of the dire need for a Post Office in Union and, therefore, he will vote against the Committee Report.

Counselor Wilson advised that there was discussion at the last meeting as to whether the application had been withdrawn, but the Planning Commission only received notice for deferral. Mr. Wall advised that three weeks ago he talked with the applicant. The applicant FAXed over his request and there was discussion that there may be need for another public hearing. Since that time, he has called Mr. Hils several times -- about weekly -- and gotten the answering machine every time, but he has not heard back from Mr. Hils. Counselor Wilson stated that since the application was not withdrawn, the Planning Commission should act on it.

Chairman Viox asked if there was a representative of the applicant present. There was no response.

Mr. McKinney stated that the record should reflect that communications have been initiated with no response and the latest information the Planning Commission has is that the project was not withdrawn and only deferred until this evening.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Ries to deny the request. The vote found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs Schaffer, Mrs. Smith, Mr. White, and

Chairman Viox in favor. Mr. Damstrom was opposed. The motion carried by a vote of 13 to 1.

Mr. Marc Pillis stated the annexation meeting is on September 11. He questioned if the request would go to the City Council if the property is annexed after this meeting, but before it goes to the Fiscal Court. He asked if there would be another Public Hearing if it goes to the City Council because it has been annexed. He stated that they know what the City Council's feelings are.

Counselor Wilson stated that when the Minutes are approved at the next meeting, the recommendation will go to the legislative body where the land is located. He is assuming that the annexation will not be completed by that time. Mr. Costello advised that the resolution would be sent over on September 21 or 22 and, if the land is in the county, the resolution will be sent to the Fiscal Court. It would be up to the Fiscal Court to determine what they want to do with the recommendation. Counselor Wilson suggested that the people follow up with the Judge/Executive's office, which is located in the Administration Building. Mr. Costello suggested that they contact the City of Union and the Fiscal Court.

Mr. McKinney stated that Mr. Pillis is trying to find out what to do. He stated that action initiated while the land was unincorporated and it would stay in that tract. He stated that if the Planning Commission does not now have a policy in this regard, one should be developed immediately. Chairman Viox advised that the Planning Commission's policy in the past has been that when the Minutes are approved, that is the official record. Counselor Wilson stated that the official record on this proceeding cannot occur until the Minutes are reviewed and approved. The Minutes cannot be sent out ahead of time as unofficial Minutes. He stated that wherever the property is located when the record is adopted as the official record is the location that will get the resolution.

Chairman Viox questioned the status of the annexation. Mr. Damstrom advised that the City of Union took an Intent to Annex motion at the last City Council meeting. The city will meet next Monday evening for the first reading of the annexation. The second reading will be at the meeting in October. The city is looking at the annexation to be final the second Monday in October.

Chairman Viox stated that the resolution will go to the Fiscal Court.

Mr. Damstrom advised that the Post Office has the power of eminent domain.

Mr. Costello recommended that the people contact the County Administrator, Jim Collins, for the dates of when it will come up if it is transferred to the City of Union.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Millay, Chairman

DATE: September 6, 1995

RE: Request of Concepts Real Estate of Northern Kentucky, Inc. (applicant) for Charles and Carol Foltz (owners) for a Zoning Map Amendment for an approximately four acre tract located at 1664 Frogtown Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow a post office facility.

REMARKS:

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

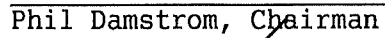
FINDINGS OF FACT


1. The proposed zone change and post office use is not in agreement with the Boone County Comprehensive Plan. In particular, the 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site for Suburban Density Residential uses, which are described as "single family housing up to four units per acre." Due to the high turnover nature of the proposed post office use, and its large size relative to the adjoining residences, the post office use and public facility uses as a whole are not compatible with the Suburban Density Residential and Rural Density Residential uses planned for the vicinity. Although a site to the west and north is planned for Public/Institutional uses, the site in question has been assigned this designation because it is planned for a cemetery, which has significantly less impacts relative to overall traffic generation, types of traffic that would be generated, noise, lighting, glare, level of activity at various hours of day and night, and visual presence, than a post office and most other public facility uses.

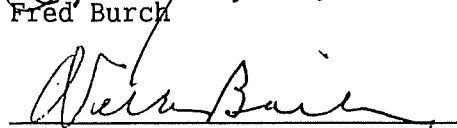
Further, the Comprehensive Plan states that "public facilities and services shall be in locations that are accessible to the population being served." As such, the Committee has concluded that the proposed site is not in keeping with this objective because it is located on a narrow two lane road that has no shoulders in an area that is currently developed with low density and moderately low density single family residences.

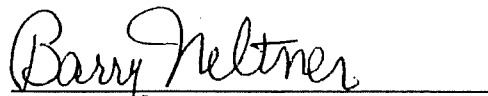
2. The Committee has not found that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, or that there have been major changes of an economic, physical, or social nature not anticipated in the 1995 Boone County Comprehensive Plan that substantially alter the area's character, and the applicant has offered no facts to support either of these alternative findings.

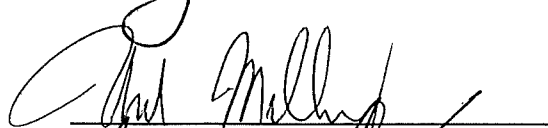
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

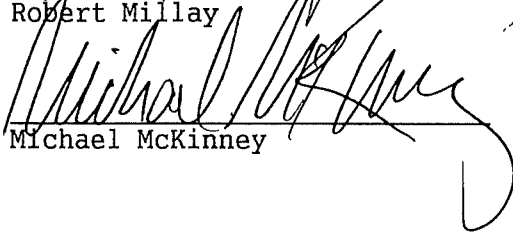

Phil Damstrom, Chairman


Fred Burch


William Bailey


Barry Neltner


Robert Millay


Michael McKinney

KTW\par

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING

July 19, 1995

7:30 P.M.

PUBLIC HEARING

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

Mr. Fred Burch, Vice Chairman, called the meeting to order at 7:35 P.M.. Following an explanation of the Public Hearing process, Mr. Burch introduced the item on the Agenda:

1. Applicant: Concepts Real Estate of Northern Kentucky, Inc. for Charles and Carol Foltz (owners)

Request: Zoning Map Amendment

The request of Concepts Real Estate of Northern Kentucky, Inc. (applicant) for Charles and Carol Foltz (owners) for a Zoning Map Amendment for an approximate 4-acre tract at 1664 Frogtown Road, Boone County, Kentucky. The request is for a change from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow a post office facility.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). He advised that Condition #5 is no longer applicable as it has been determined that the unmarked cemetery is on the adjacent parcel and not on this parcel.

Mr. Burch asked for the applicant's presentation.

Mr. David Hils with Concepts Real Estate stated that Mayor Warren S. Moore was present and would read a letter in regard to the request and Mr. Jack Stone, Jr. with the U.S. Postal Service was present to answer any questions. Mr. Hils stated that the Site Plan speaks for itself.

Mr. Warren S. Moore, Mayor of the City of Union, read a letter he had written in regard to this issue (see Exhibit 1).

Mr. Jack S. Stone, a real estate specialist with the U.S. Postal Service, offered to answer any questions. He showed a rendering of what the facility will likely look like when constructed.

Mr. Burch asked if this completed the applicant's presentation. Mr. Hil stated that it did.

Mr. Burch 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 who wished to speak in opposition to the request or to ask questions.

Mr. Leland Bentle, who owns the property next door to the site, stated that he does not have any objection to the Post Office being there, but he wants to know about the lighting, how far the facility will set back from the road, how far the building will be from his property, and that type of information.

Mr. Mark Pillis stated that he used to work for the postal service and understands their business. He stated that this business will not have a selected customer base -- it is not a barber shop or a tanning salon that only a select group will go -- and everyone in the area will be using it. He stated that the Post Office has to get the mail from somewhere and it comes in by tractor trailer trucks. He questioned why a site would be selected that has no access to an interstate. A tractor trailer will have to come up U.S. 42 and thru the City of Florence or via the Richwood exit and Frogtown Road. Frogtown Road was not built for tractor trailers and there are no plans to improve it. He stated that he has reviewed the Comprehensive Plan and there is a statement in the Comprehensive Plan that "all commercial buildings and public facilities should be located in Union proper" -- but the Mayor says "we are making Union proper bigger and annexing the land into the city".

Mr. Pillis stated that the route of U.S. 42 has not been decided upon. He questioned why a major facility like this would be built without knowing where the road will go. He questioned the impact of this Post Office on the direction U.S. 42 will go. He stated that he lives in Union and there are two properties on U.S. 42 in Union proper that are for sale -- both have large acreage and one is zoned for business. He questioned why that site would not be appropriate since it is in the city and most Post Offices are in the city or in a central hub of use. He stated that the Staff Report says that the subject property is zoned Rural Suburban Estates at four units per acre, but he checked with the office across the street (the Staff office) and was told the property is zoned Rural Suburban Estates at one house per acre. He stated that this is a residential area and should remain that way. He is opposed to the request.

Mr. Otis Meadors stated that he lives on the cul-de-sac because it is a quality neighborhood. He stated that they need a Post Office, but the question is where to put it. He agreed with Mr. Pillis' comments. He stated that Frogtown Road is not set up to accommodate the traffic the Post Office would generate. The businesses on Frogtown Road were there when the area was a cornfield and they cannot be used as justification to put the Post Office in. There is a major school on U.S. 42 at Frogtown Road that generates a tremendous amount of traffic and now tractor trailers will be added to the traffic. Mingling school buses and semis is not a good idea. He stated that the Post Office is an industrial business type of facility that the public visits. A lot of what will occur there is shifting and handling of mail and there are many places around Boone County where it could be built and be accessible to the expressway. He

suggested putting the Post Office into the area that needs development near U.S. 25 that is accessible to the expressway -- and keeping the lights, noise, traffic, and people flow out of the residential area.

Mr. T. A. Smith, 1047 Killarney Drive, which is 8 houses up from Frogtown Road, questioned how far from Frogtown Road the road will be that would go into the Post Office, and how far it will be from Killarney Drive. He believes that there are 200 families that come down Killarney Drive from several different roads and there would be that traffic at the bottom. He has lived from coast to coast and he retired 15 years ago. He purposely bought his home on Killarney Drive and he did not buy it to go into traffic. Putting the Post Office here will crumble a lot of lives, young and old, as they start to go out on U.S. 42.

Mr. Barry Schuster, who lives in the residential neighborhood off Killarney Drive, stated that a new Post Office is needed. One of the big problems with the existing Post Office is accessibility and it only has one drive in and one drive out. He questioned the need to go from a 1,500 square foot facility to an 11,000 square foot facility. He stated that the Post Office is a public facility used by everyone in Union and it should be centrally located. Accessibility should be a main factor. With talk about U.S. 42 going from two lanes to four lanes in the future, it does not make sense to not put it there -- rather than on a residential street that would have to be upgraded to at least three lanes for accessibility. He stated that there is property available in and around U.S. 42 in Union, including property adjacent to the Union IGA. There is a 2.8 acre tract of land available. He stated that with all the improvements that would have to be made, it seems that the money that will be spent could be a lot less if they looked at other property. He stated that this project should be on hold until the new highway is finalized and it is known where the highway is going and what land may be made available for this use. It is premature to do anything at this time. The people have put up with the Post Office situation for sometime and would not mind waiting a little longer until the road and its impact are finalized.

There being no further comments, Mr. Burch asked Mr. Wall to respond to the questions raised.

Mr. Wall stated that two access drives into the Post Office are proposed. The westernmost access drive would not line up with Killarney Drive -- it appears that way, but that is an error and the west property lines does not extend over that far. The westernmost access drive would be very close to Killarney Drive. The easternmost access drive would be about 300 feet from Killarney Drive. He stated that the lighting has not been specified in the application. The building would be about 180 feet from the right-of-way line.

Mr. Stone advised that there will be some security lighting on the site, but it will be kept to a minimum. They will do everything they can to minimize any adverse impact of any kind.

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

Mrs. Arnett stated that the alignment of U.S. 42 will be decided in the Fall and questioned why this request cannot be put on hold until that decision is made and the impacts are seen.

Mr. Stone stated that a minor delay of a month or two would not be a problem, but exceeding that amount of time would have an adverse impact on their operation. He stated that the existing facility is so inadequate that if they cannot do something in the near future, they will have to consider other alternatives -- such as there being no facility and the services going somewhere else.

Mr. Rush stated that there is no information available saying that Frogtown Road will be improved. He asked if the Post Office is aware of any indication that there will be a change in that road. Mr. Stone replied "no" and stated that they are willing to work with the Highway Department to provide safe ingress/egress to the site and to consider installing decel/crossover lanes if it is physically possible and economically feasible. Mr. Rush asked if they can get tractor trailers in and out of the site considering the width of the road, even with a large egress. Mr. Stone stated that, in his opinion, they can.

Mr. T. A. Smith questioned why they have not looked at the other properties that have been suggested. Mr. Stone advised that they have looked at those properties and others and there are a number of reasons why those properties were not selected. He stated that the property on U.S. 42 was not selected due to the size and configuration. He stated that with the size of the facility they will put up and the required parking and maneuvering, it would be impossible to get the facility on that site and still provide water retention because of the topography.

Mr. Schuster questioned the 2.8-acre site. Mr. Stone stated that the subject site is 4.004 acres.

Mr. Schuster questioned the square footage of the existing Union Post Office. Mr. Stone advised that it is 1,200 square feet. Mr. Schuster questioned the need for 11,000 square feet now. Mr. Stone advised that the calculations were made and it was determined that this size would be required to provide adequate service to the community for a period of time based on projected growth.

Mr. T. A. Smith stated that he would be willing for the Post Office to move to some other place rather than being stopped from driving down Killarney Drive -- even if it means he only gets mail two or three times a week.

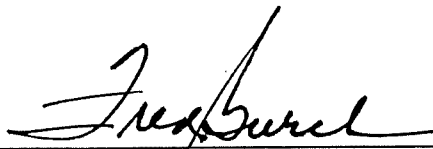
Mr. Pillis stated that he knows about the 2.8-acre site. He stated that there is a site next to the VFW, which he referred to as the iron works place. He stated that they could build curb lanes to come into the Post Office and tractor trailers could get in -- but what about the rest of Frogtown Road? He stated that there are school buses there and kids and questioned how they will get the tractor trailers down there. He stated that the trailers take mail from the airport. Mr. Stone stated that these questions are of an operational nature and he could not answer them at this time.

Mayor Moore advised that there are at least six alternative routes for U.S. 42 and they all end at Frogtown Road. All the alternatives go back to the existing U.S. 42 and the road will probably go back to two lanes somewhere in front of Ryle High School on the Frogtown Road side. It will all end at that point. The traffic is picking up on Frogtown Road and at some time something will have to be done about it. The fact that it will move further down the road will make access to this site a little easier. He stated that the Post Office is willing to work with access lanes and widening that section. In regard to putting off the Post Office until the location of U.S. 42 is determined, he stated that it looks like the earliest construction will take place on the road is the year 2000. He stated that no one knows for sure where U.S. 42 will run, but it will end at that intersection.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on August 7, 1995 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 16, 1995 at 8 P.M..

Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:



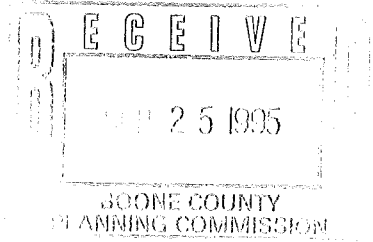
Jan Hancock, Recording Secretary

Concepts

Realtors of Northern Kentucky, Inc.

September 20, 1995

Boone County Planning Commission
Mr. Kevin Wall
2995 Washington St.
Burlington KY 41005



Dear Mr. Wall

Please withdraw my application for a zone change for the Post Office site located at 1664 Frogtown Rd. Boone County KY.

I wish no further review or consideration be given to this from either the Planning Commission or Boone County Fiscal Court.

Thank You,

A handwritten signature in cursive that reads "D. S. Hils".

David S. Hils

DSH/jmj

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