

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

BOONE COUNTY
PLANNING COMMISSION

MAR - 5 1996

SECTION A (To be completed by applicant)

1. Name of Project TOYOTA TOWNE PARKING LOT EXPANSION
2. Location of Project Hopeful Road & Ashcraft Drive, Florence, KY
3. Total Acreage of Site Lots 1, 2 & 3 Ashcraft Subdivision (approx. 1.5 acres)
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) Lots 1, 2 & 3 of Ashcraft Subdivision are adjacent to Toyota Towne. The houses will be removed and the parking lot will be expanded to accommodate business growth of automotive business -- also request screening requirements on Lot 4 be delayed & moved to west edge of Lot
7. Names of Applicant(s) The Patrick Decastro Trust
Phone Number 525-7797 Fax No. 525-7244
8. Address of Applicant(s) c/o 508 Atlas Bank Building
524 Walnut Street, Cincinnati, Ohio 45202
City Cincinnati State Ohio Zip 45202
9. Name of Property Owner(s) The Patrick Decastro Trust
Phone Number 525-7797 Fax No. 525-7244
10. Address of Property Owner(s) Same as Above

11. Proposed Building Intensities (please specify) No Buildings Proposed

12. Are there any existing buildings on the site? Yes
How many? three Houses to be Demolished
13. Deed Book 601 Page No. 34-42 Group No. 345
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 The Patrick DeCastro Trust (owner) for a Zoning Map Amendment on an approximate 1.5 acre site located on Ashcraft Drive, Boone County, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow the expansion of an adjoining auto dealership.

March 27, 1996

Location

The 1.5 acre site, located on Ashcraft Drive, off Hopeful Road, is adjacent to and immediately south of Toyota Towne. (See Sheet 1-Location Map)

Request

(See Sheet 2-Subdivision plat)

The applicant has not submitted a Concept Development Plan.

The applicant is requesting a change in the current zoning from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow for the expansion of parking spaces for the adjacent Toyota Towne car dealership. The Zone Change applies to Lots 1, 2, and 3 along Ashcraft Drive. The Kentucky Department of Highways will maintain the Right of Way along Ashcraft Drive for approximately 30 feet. The remainder of the Right of Way along Ashcraft Drive, which is currently maintained by the county, is to be vacated.

Surrounding Land Uses and Zoning

(See Sheet 3-Zoning Map)

- A. North of the site is Toyota Towne and Mazda, both owned by the applicant. This property is zoned Commercial Services (C-3).
- B. East of the site is Hopeful Road and the future site for Nissan Towne, which is owned by the applicant. This property is zoned Commercial Services (C-3).
- C. South of the site is the Martin property, containing a residence and zoned Suburban Residential One (SR-1).
- D. West of the site is property owned by the Pond Realty Co., Inc. The property is zoned Suburban Residential Two (SR-2).

Site History and Characteristics

Jan. 1987 **Zoning Map Amendment** to Commercial Services (C-3) granted to Toyota Motor Distributors, Inc., for a Four acre car dealership at the corner of KY 18 and Hopeful Road.

- June 1987 **Zoning Map Amendment** granted to Toyota Motor Distributors, Inc., for a 0.75 acre tract behind the existing Commercial Services (C-3) zone for addition to future car dealership. The property consists of the first two lots (5 and 6) on the north side of Ashcraft Drive.
- Aug. 1990 **Site Plan Review** for Toyota Towne Florence car dealership.
- June 1991 **Site Plan Review** revision for change of Toyota Towne building location.
- Jan. 1993 **Zoning Map Amendment** granted from Commercial Two (C-2) to Commercial Services (C-3) for DeCastro Mazda dealership adjacent to the existing Toyota Towne.
- Aug. 1993 **Site Plan Review** for DeCastro Mazda dealership.
- July 1994 **Zoning Map Amendment** granted for a .5 acre tract of land (Lot 4) from Suburban Residential One (SR-1) to Commercial Services (C-3) for the expansion of an existing car sales lot. (Lot 4 along Ashcraft Drive)

Each one of the three lots (1,2,& 3) contains a single family residence. A minimal amount of landscaping exists between Ashcraft Drive and the existing parking lot behind the dealership building. The topography of the site is somewhat level with the highest elevation on Lot 1 sloping to the lowest elevation on Lot 3.

Relationship To The Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Density Residential" uses.

The goal for the Business Activity element of the Comprehensive Plan states:

"Appropriate locations for businesses compatible with the surrounding area are to be provided."

The objectives of the Business Activity element states:

"Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage." and that

"The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses."

Staff Concerns

1. The parking lot expansion, if approved, would need to be properly screened from any adjacent existing or future residences, specifically to the south and west sides of the site. The 1995 Zoning Regulations for landscaping requires that a minimum 25 foot buffer be provided. Staff recommends that a berm or fence be used in conjunction with trees and shrubs of both evergreen and deciduous varieties.
2. Lighting of this parking lot area should be directed inward so as to avoid creating glare on any surrounding existing or future residences.

Conclusion

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Fiscal Court, the Future Land Use Map would need to be amended.

Respectfully submitted,



Edward Coleman
Planner

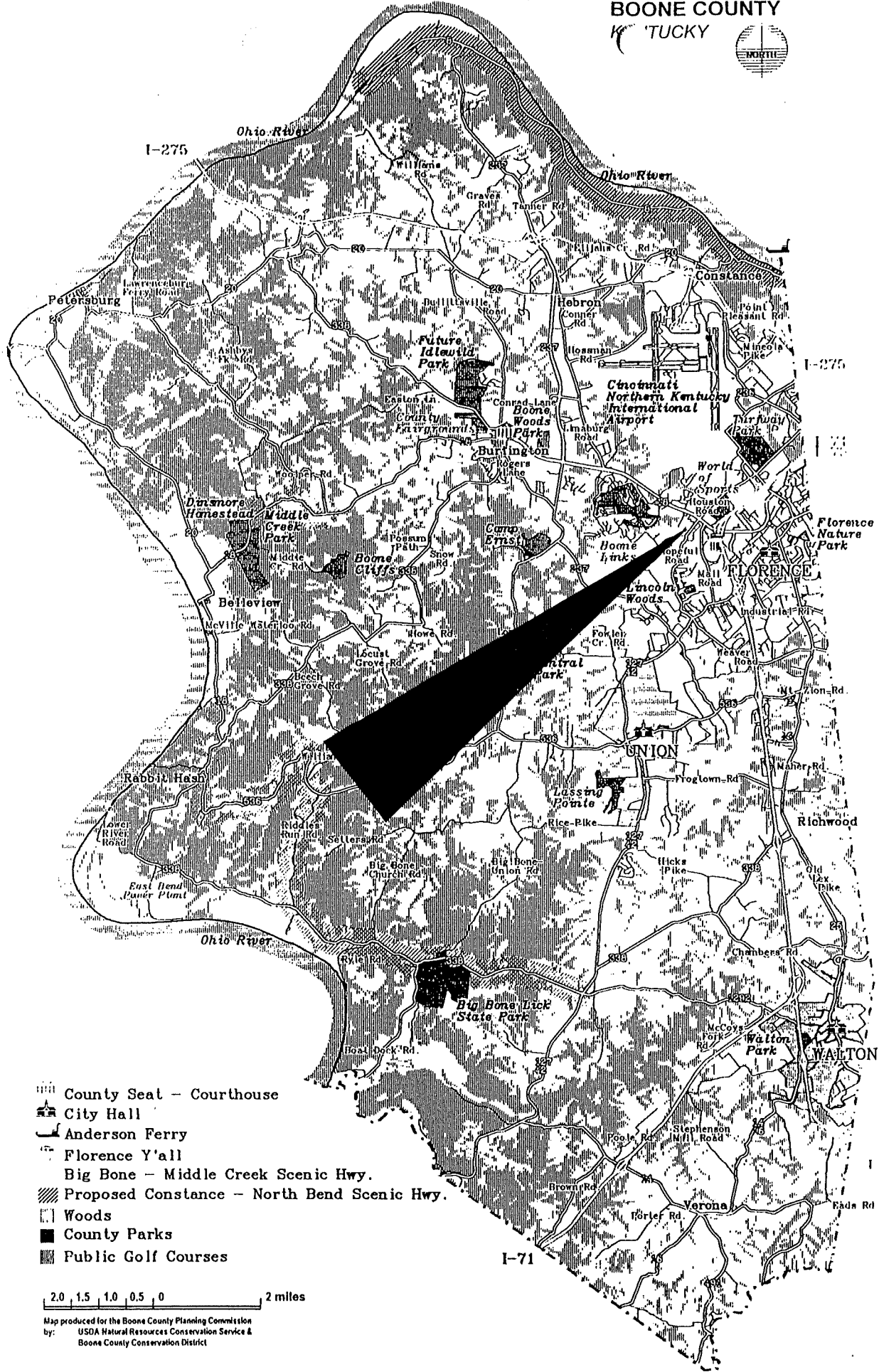
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Attachments

- Location Map
- Subdivision plat
- Current Zoning Map



LOCATION MAP-SHEET 1



- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses

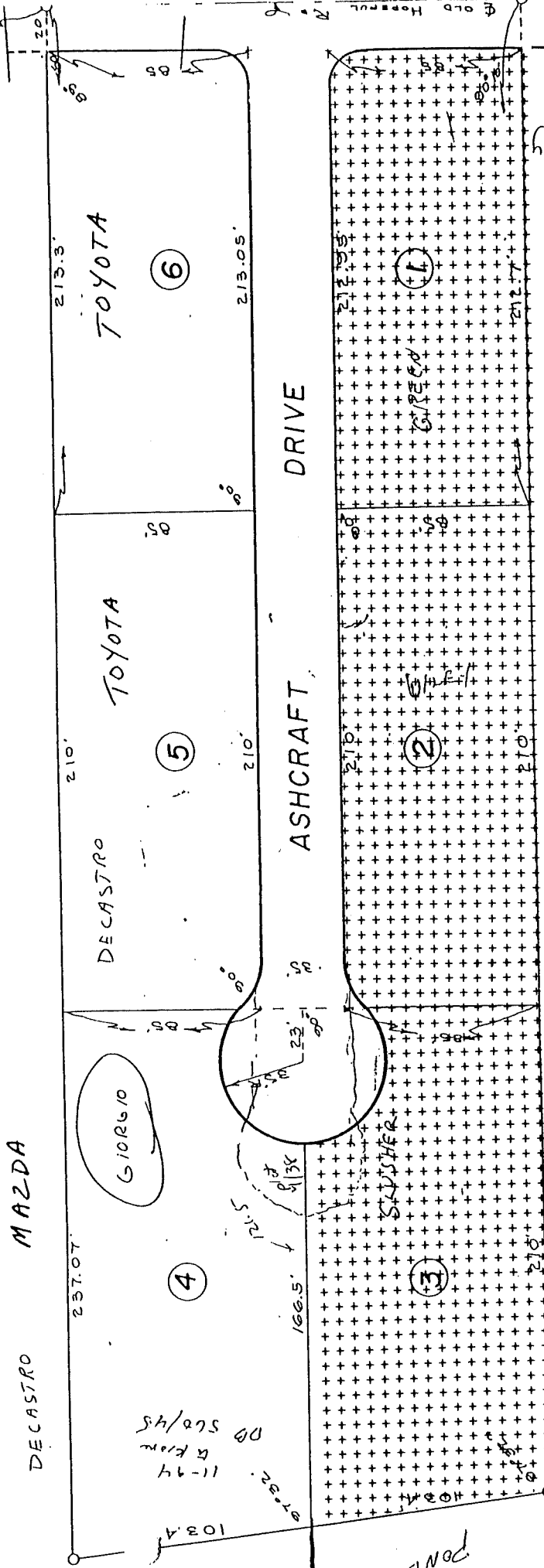
2.0 1.5 1.0 0.5 0 2 miles

Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District

SUBDIVISION PLAT-SHEET 2

Plot 2/52

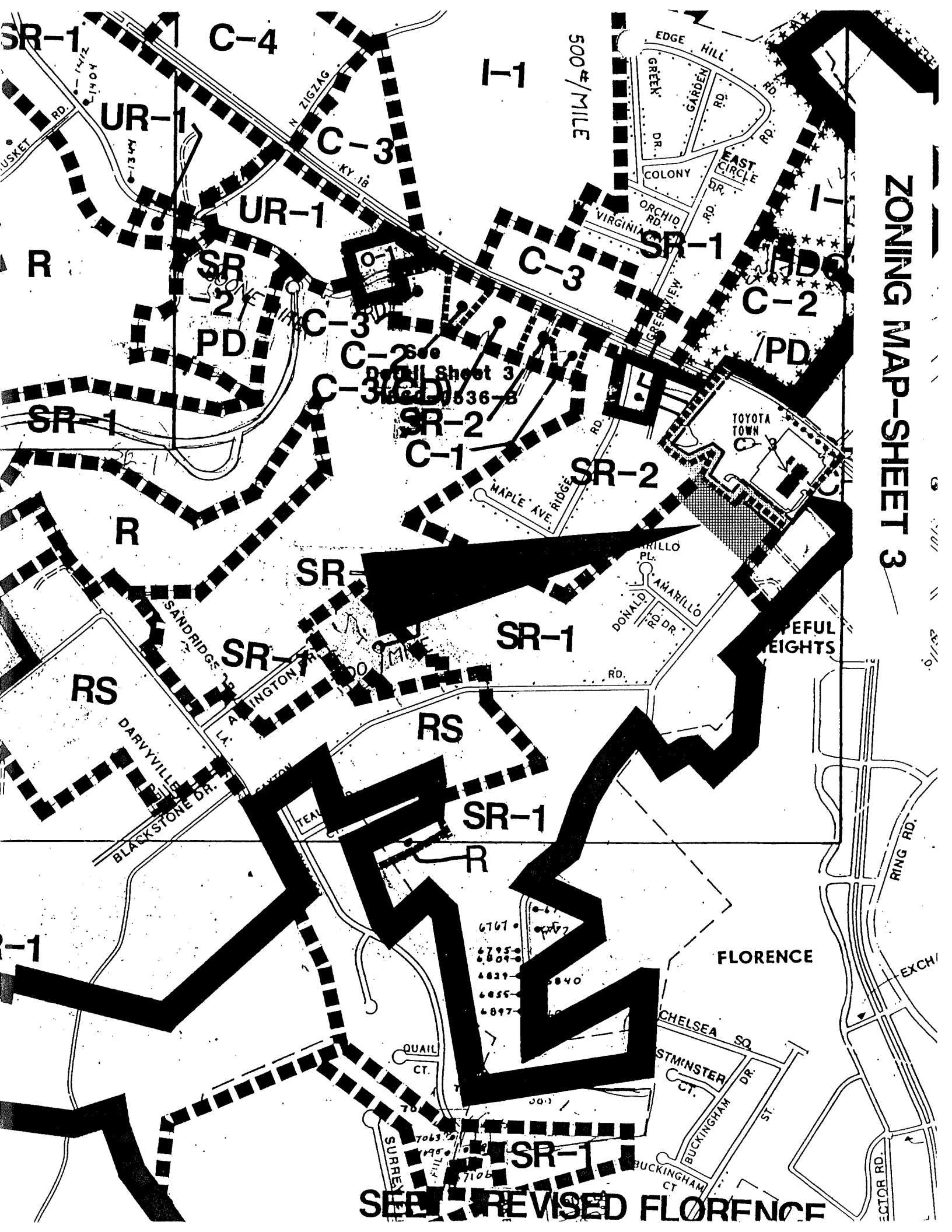
KY.



MARTIN
601/34 38 601/41 38
ASHCRAFT SUBDIVISION
of
3 Acre tract of Edrington land

2-10
2-21

ZONING MAP-SHEET 3



Detail Sheet 3
Sheet 30536-B

6761
6795
6809
6829
6855
6897

SEE REVISED FLORENCE

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the last item on the Agenda:

4. Applicant: The Patrick DeCastro Trust (owner)

Request: Zoning Map Amendment

The request of The Patrick DeCastro Trust (owner) for a Zoning Map Amendment on an approximate 1.5-acre site located on Ashcraft Drive, Boone County, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow the expansion of an adjoining auto dealership.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's presentation.

Mr. Dave Schneider, attorney with Ziegler & Schneider, was present in behalf of the property owner, the Patrick DeCastro Trust. Also present was the trustee, attorney Bruce Krone.

Mr. Schneider stated that the application involves a new and used car dealership and an expansion of the parking. He stated that there is a considerable amount of construction on Hopeful Road and it is going to five lanes. The Highway Department will shut down the Hopeful Road entrance to Toyota Towne, which is their main entrance, for four or five months. The Highway Department has made arrangements for their access to be on Ashcraft Drive during the road construction. Mr. Schneider referred to the diagram (Sheet #2) and stated that Ashcraft Subdivision is shown as it was originally platted. He noted the lots owned by the Patrick DeCastro Trust which were granted zone changes to C-3. He stated that the dividing line between the city and the county goes up Ashcraft Drive and prior to this time all of the zone changes were granted by the City of Florence. The current lot is in the county. The also own the Nissan dealership and a number of other properties. The Nissan dealership will be going up as soon as the weather breaks and there is a break in what is going on on the street. Mr. Schneider stated that they have been before the Planning Commission a number of times on the zone changes and the residents of lots 1, 2, and 3 basically testified that their property was not fit for residential because of the adjacent situation. He stated that the residential zoning is inappropriate as it exists. All three of the houses will be torn down as quickly as possible -- the deals have been closed and the deeds conveyed, but they have right of occupancy until May and June. The houses will be leveled and the properties used for expansion of the parking, which will be an amendment to the Development Plan. He stated that the Comprehensive Plan speaks to commercial along

the frontage properties of KY 18 and they will operate as frontage properties as they are all under one ownership. After all of the highway construction is done, they would like to vacate a portion of the Ashcraft Drive property. The circle area shown on the diagram (Sheet #2) was never built and will be vacated. He stated that the Highway Department is rebuilding the front portion up to state standards for the entrance to the property.

Mr. Schneider stated that the request is in agreement with the Comprehensive Plan and, if not, the existing residential zoning is inappropriate and the proposed zoning is more appropriate.

Mr. Krone stated that one of the reasons that there is not a detailed plan is that it has been cold and people have the right of occupancy. He stated that it is early in the season. He stated that they expect to extend the parking back for new and used cars as they are delivered. They will take cars from these lots and sell them in front of the Toyota building. They do not expect sales to take place on this portion of the property. He stated that it would be similar to the Mazda lot -- they would hold the cars prior to sale.

Chairman Viox asked if anyone else present wished to speak.

Mr. Paul Darpel, attorney with Adams, Brooking, and Stepler, was present in behalf of Pond Realty. Mr. Darpel stated that the whole plan started back in August of 1993 and 1994 in relation to the Mazda property. There were conditions on the Mazda plan. There was a condition that there be a water retention system and a throttle gate, but no action was taken on the condition. Architects had to be brought in at his client's expense. The planning engineer's time was taken up with phone calls, letters, visiting the site, and writing to the applicants to say "this needs to be done" -- but nothing happened. On February 1, there was a letter requesting that they comply with what needed to be done. A curb system needed to be put in to retain the water so that it would not run off on his client's property. He stated that they would like to see the run off problem that may be created by this request addressed. They want to put the Planning Commission and the applicant on notice that inaction is not acceptable. He stated that the paving was done, but the curb was not put in. They would like for there to be a time element. His client should not have had to incur the expenses they have had.

There being no further comments from the audience, the Chairman asked if there were any comments or questions from the Planning Commission.

Mr. Ries stated that during the Comprehensive Plan Update there was concern about KY 18 turning into a car dealership area. He feels that the Planning Commission would be going against the desires of the people at the Public Hearings with the expansion of another dealership. From Hopeful Road down to Boone Aire it is getting to be nothing but dealerships and expansions of dealerships. The Planning Commission should listen to the feelings expressed at the Public Hearings in regard to turning KY 18 into car dealerships.

Mr. Damstrom asked if the whole parcel being considered for change is in the county. Mr. Coleman advised that it is.

Mr. McMillian asked if any of the trees on the parcel will remain. Mr. Krone stated that the trees on the north side of Ashcraft Drive are silver maples, but they are not in the best of health and he has not inventoried them. The trees on the south side will probably be in the berm area. Their goal will be to leave there whatever is in the berm area. He stated that some of the better trees have already been knocked down by the Highway Department for the widening and wire work in the area. They will try to accommodate into the plan the trees in the back that are of redeeming value and healthy.

Mr. Neltner stated that from KY 18 there is a certain distance back that has been proposed for the zoning. He questioned that distance. Mr. Coleman noted the shaded area and the property they are requesting the zone change for. He indicated the portion of Ashcraft south that would be suburban density residential. He stated that the Future Land Use Map designates it up to four units per acre. Mr. Costello noted that north of Ashcraft is Commercial. Mr. Neltner asked if it is the same for the undeveloped property next to the Mazda site. Mr. Coleman advised that it is zoned SR-2. Mr. Coleman reviewed the map with Mr. Neltner in response to his questions.

Mr. Damstrom stated that this site has had problems in the past with adjacent property owners complaining at previous Public Hearings. He hopes the applicant will exercise a greater degree of cooperation in regard to the conditions. He stated that there are some people who are adjacent to this site who are concerned. He sympathizes with the person who has had problems with water from this site.

Mr. White asked Mr. Schneider to address the problem with the curbing not being done when the parking lot was put in. He noted that the curbing was a condition.

Mr. Schneider stated that the curb was put in and the parking lot was used as a retaining basin. The throttle gate was the problem and it was on order -- but it was not received in time for the December 31 deadline. He stated that they have been in compliance for two or three months. The other problems were in relation to the timing of planting. When they bought the Ishmail property and the Giorgio properties they were granted a delay to put in the planting because it made no sense to buffer commercial from commercial. Because of the unique situation of the county and city line, the majority of the property is abutted by C-3. All the way down to the cemetery on the opposite side of the street is all C-3. He stated that the Comprehensive Plan recognized that the people were there, but those people came to the Decastro people and said "will you buy our property?". They paid them a premium for the property because it was recognized that it should not be residential.

Mr. Caddell stated that the Planning Commission does not have the benefit of a Concept Development Plan at this time. He questioned the intention of Ashcraft Drive in the future. He understands that during the construction work, their Hopeful Road entrance will be shut down and they

will probably use Ashcraft Drive. Mr. Schneider stated that the intention is to vacate that portion of Ashcraft Drive that is not owned by the state. The state will put in their entranceway. They will vacate from where the state right-of-way ends by going to the Fiscal Court. Mr. Krone stated that the state will rebuild Ashcraft Drive. Mr. Caddell stated that they intend to utilize both entrances on Hopeful Road. Mr. Schneider agreed.

Mr. Krone stated that on the east side from the concrete plant to the barber shop there are seven curb cuts onto Hopeful Road. In their drawings, the state is currently scheduled to put all seven back. He stated that when they get to the point where they come back for building approval, they will consolidate and wipe out two or three curb cuts on Hopeful Road from the concrete plant to the barber shop. They will eliminate 4, and possibly 5, of those curb cuts.

Mr. Caddell stated that he is by there every day and it is a high traffic area. He is concerned about all those entrances on Hopeful Road and the traffic pattern. Mr. Krone stated that they are also concerned. He stated that Hopeful Road becomes six lanes at KY 18 and drops down about five feet. They have to study how the traffic pattern will work with the widening of the road. He can see the primary entrance to Toyota being lower to use Ashcraft rather than being higher. They may bring that primary entrance back away from the corner where the turn across three or four lanes could lead to more congestion.

Mr. Schneider stated that the expansion of the existing business will reduce the traffic from what would be allowed without a zone change.

Chairman Viox stated that the last time when they were here in regard to the property on the east side, there was discussion about the curb cut on KY 18 and the right-in/right-out mechanism. It was said that there was a curb cut there, but there would not be left hand turns going in because they would not go over the curb -- but they still turn left from KY 18 into this facility, which makes the traffic a nightmare back to Mall Road. They are not car dealer trucks, and they go right over the curb and turn left. Mr. Krone stated that he was not aware of this. Chairman Viox suggested a sign saying "DO NOT TURN HERE".

Mr. Krone stated that they are going to add another lane on both sides of KY 18 back past Mazda.

Mr. Schneider stated that they will work with the Planning Commission on signage.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on April 8, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on April 17, 1996 at 8 P.M. .

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 15, 1996

Mr. William Viox, Chairman, called the meeting to order at 8:07 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. William Bailey
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mike McKinney, Vice Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Ed Coleman
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the May 1, 1996 Public Hearing and the May 1, 1996 Business Meeting. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Bailey seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of The Patrick DeCastro Trust (owner) for a Zoning Map Amendment on an approximate 1.5 acre site located on Ashcraft Drive, Boone County, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) to allow the expansion of an adjoining auto dealership.

Staff Member Ed Coleman presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Neltner moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Millay seconded the motion and it carried unanimously.

Counselor Wilson advised that the Commission's action is a recommendation to the Fiscal Court. The Fiscal Court may go along with the recommendation or override it, and the Fiscal Court may have another Public Hearing. Counselor Wilson recommended that interested parties follow up with the Fiscal Court.

2. Zoning Map Amendment and Utilization of an Underlying Zone in a Planned Development

The request of David E. Estes Engineering, Inc. (applicant) for Mary Ann Boh (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Industrial One/Planned Development (I-1/PD) for 56.4 acres of the site and the Utilization of an Underlying Zone in an Industrial One/Planned Development (I-1/PD) Zone for approximately 71.6 acres of the site, to allow a light industrial park on an approximate 128-acre site located along KY 237 and Conrad Lane, Boone County, Kentucky.

Chairman Viox stated that Agenda Item #2 is recommended for deferral to the May 15, 1996 Business Meeting at 8 P.M.. Mrs. Schaffer so moved. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: May 15, 1996

RE: Request of The Patrick DeCastro Trust (owner) for a Zoning Map Amendment on an approximate 1.5 acre site located on Ashcraft Drive, Boone County. The request is for a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3), to allow the expansion of an adjoining auto dealership.

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

The Committee has determined that the proposed expansion of the existing parking lot is a land use, more appropriate for this location, than the existing single family housing. Therefore, the existing zoning classification is inappropriate and the proposed zoning classification is appropriate and subject to the following conditions.

CONDITIONS

1. The applicant agrees to provide a 25 foot buffer along the southern property line of Lots 1, 2, and 3. This buffer will be maintained as green space and will include, but not be limited to the following:

A continuous row of evergreen trees planted 10 feet on center. Pinus strobus - Eastern White Pine is not an acceptable species. The minimum height after planting shall be 6 feet. The minimum total of evergreen trees planted shall be no less than 60.

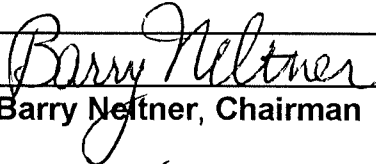
5 small trees (ornamental tree with mature growth of 25 feet) per 100 linear feet. The minimum caliper size during installation shall be 1.5 inches. The minimum total of small trees planted shall be no less than 30.

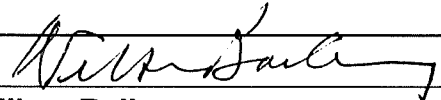
5 large trees (mature growth over 50 feet) per 100 linear feet. The minimum caliper size during installation shall be 1.5 inches. The minimum total of large trees planted shall be no less than 30.

- The applicant agrees to seek voluntary annexation from the City of Florence, and agrees to request the City to vacate that portion of Ashcraft Drive beyond the State right-of-way on Hopeful Road. The curb cut and apron, as reconstructed by the State, will not be affected. If the City does not annex the three lots, then the Applicant will request the County to vacate the portion of Ashcraft Drive.

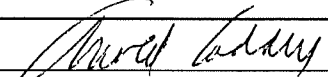
The applicant has signed a letter of agreement with the above conditions.


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

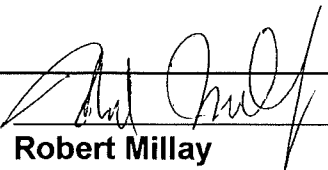
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| Barry Neftner, Chairman | |
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| William Bailey | |
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|---------------|--------------|--------------------|--------------------|-----------------|

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the last item on the Agenda:

4. Applicant: The Patrick DeCastro Trust (owner)

Request: Zoning Map Amendment

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Mr. Krone stated that one of the reasons that there is not a detailed plan is that it has been cold and people have the right of occupancy. He stated that it is early in the season. He stated that they expect to extend the parking back for new and used cars as they are delivered. They will take cars from these lots and sell them in front of the Toyota building. They do not expect sales to take place on this portion of the property. He stated that it would be similar to the Mazda lot -- they would hold the cars prior to sale.

Chairman Viox asked if anyone else present wished to speak.

Mr. Paul Darpel, attorney with Adams, Brooking, and Stepner, was present in behalf of Pond Realty. Mr. Darpel stated that the whole plan started back in August of 1993 and 1994 in relation to the Mazda property. There were conditions on the Mazda plan. There was a condition that there be a water retention system and a throttle gate, but no action was taken on the condition. Architects had to be brought in at his client's expense. The planning engineer's time was taken up with phone calls, letters, visiting the site, and writing to the applicants to say "this needs to be done" -- but nothing happened. On February 1, there was a letter requesting that they comply with what needed to be done. A curb system needed to be put in to retain the water so that it would not run off on his client's property. He stated that they would like to see the run off problem that may be created by this request addressed. They want to put the Planning Commission and the applicant on notice that inaction is not acceptable. He stated that the paving was done, but the curb was not put in. They would like for there to be a time element. His client should not have had to incur the expenses they have had.

There being no further comments from the audience, the Chairman asked if there were any comments or questions from the Planning Commission.

Mr. Ries stated that during the Comprehensive Plan Update there was concern about KY 18 turning into a car dealership area. He feels that the Planning Commission would be going against the desires of the people at the Public Hearings with the expansion of another dealership. From Hopeful Road down to Boone Aire it is getting to be nothing but dealerships and expansions of dealerships. The Planning Commission should listen to the feelings expressed at the Public Hearings in regard to turning KY 18 into car dealerships.

Mr. Damstrom asked if the whole parcel being considered for change is in the county. Mr. Coleman advised that it is.

Mr. McMillian asked if any of the trees on the parcel will remain. Mr. Krone stated that the trees on the north side of Ashcraft Drive are silver maples, but they are not in the best of health and he has not inventoried them. The trees on the south side will probably be in the berm area. Their goal will be to leave there whatever is in the berm area. He stated that some of the better trees have already been knocked down by the Highway Department for the widening and wire work in the area. They will try to accommodate into the plan the trees in the back that are of redeeming value and healthy.

Mr. Neltner stated that from KY 18 there is a certain distance back that has been proposed for the zoning. He questioned that distance. Mr. Coleman noted the shaded area and the property they are requesting the zone change for. He indicated the portion of Ashcraft south that would be suburban density residential. He stated that the Future Land Use Map designates it up to four units per acre. Mr. Costello noted that north of Ashcraft is Commercial. Mr. Neltner asked if it is the same for the undeveloped property next to the Mazda site. Mr. Coleman advised that it is zoned SR-2. Mr. Coleman reviewed the map with Mr. Neltner in response to his questions.

Mr. Damstrom stated that this site has had problems in the past with adjacent property owners complaining at previous Public Hearings. He hopes the applicant will exercise a greater degree of cooperation in regard to the conditions. He stated that there are some people who are adjacent to this site who are concerned. He sympathizes with the person who has had problems with water from this site.

Mr. White asked Mr. Schneider to address the problem with the curbing not being done when the parking lot was put in. He noted that the curbing was a condition.

Mr. Schneider stated that the curb was put in and the parking lot was used as a retaining basin. The throttle gate was the problem and it was on order -- but it was not received in time for the December 31 deadline. He stated that they have been in compliance for two or three months. The other problems were in relation to the timing of planting. When they bought the Ishmail property and the Giorgio properties they were granted a delay to put in the planting because it made no sense to buffer commercial from commercial. Because of the unique situation of the county and city line, the majority of the property is abutted by C-3. All the way down to the cemetery on the opposite side of the street is all C-3. He stated that the Comprehensive Plan recognized that the people were there, but those people came to the Decastro people and said "will you buy our property?". They paid them a premium for the property because it was recognized that it should not be residential.

Mr. Caddell stated that the Planning Commission does not have the benefit of a Concept Development Plan at this time. He questioned the intention of Ashcraft Drive in the future. He understands that during the construction work, their Hopeful Road entrance will be shut down and they

will probably use Ashcraft Drive. Mr. Schneider stated that the intention is to vacate that portion of Ashcraft Drive that is not owned by the state. The state will put in their entranceway. They will vacate from where the state right-of-way ends by going to the Fiscal Court. Mr. Krone stated that the state will rebuild Ashcraft Drive. Mr. Caddell stated that they intend to utilize both entrances on Hopeful Road. Mr. Schneider agreed.

Mr. Krone stated that on the east side from the concrete plant to the barber shop there are seven curb cuts onto Hopeful Road. In their drawings, the state is currently scheduled to put all seven back. He stated that when they get to the point where they come back for building approval, they will consolidate and wipe out two or three curb cuts on Hopeful Road from the concrete plant to the barber shop. They will eliminate 4, and possibly 5, of those curb cuts.

Mr. Caddell stated that he is by there every day and it is a high traffic area. He is concerned about all those entrances on Hopeful Road and the traffic pattern. Mr. Krone stated that they are also concerned. He stated that Hopeful Road becomes six lanes at KY 18 and drops down about five feet. They have to study how the traffic pattern will work with the widening of the road. He can see the primary entrance to Toyota being lower to use Ashcraft rather than being higher. They may bring that primary entrance back away from the corner where the turn across three or four lanes could lead to more congestion.

Mr. Schneider stated that the expansion of the existing business will reduce the traffic from what would be allowed without a zone change.

Chairman Viox stated that the last time when they were here in regard to the property on the east side, there was discussion about the curb cut on KY 18 and the right-in/right-out mechanism. It was said that there was a curb cut there, but there would not be left hand turns going in because they would not go over the curb -- but they still turn left from KY 18 into this facility, which makes the traffic a nightmare back to Mall Road. They are not car dealer trucks, and they go right over the curb and turn left. Mr. Krone stated that he was not aware of this. Chairman Viox suggested a sign saying "DO NOT TURN HERE".

Mr. Krone stated that they are going to add another lane on both sides of KY 18 back past Mazda.

Mr. Schneider stated that they will work with the Planning Commission on signage.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on April 8, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on April 17, 1996 at 8 P.M. .

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

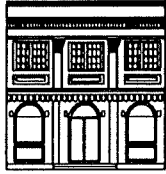
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



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

May 15, 1996

Mr. David Schneider
Ziegler & Schneider, P.S.C.
505 Turfway Ridge Office Park
7300 Turfway Road
Florence, KY 41042

RE: Recommended Conditions of Approval for a Zoning Map Amendment from SR-1 to C-3, on an approximate 1.5 acre site, located at Ashcraft Drive

Dear Mr. Schneider:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M. Wednesday, May 15, 1996.

Conditions of Approval

1. The applicant agrees to provide a 25 foot buffer along the southern property line of Lots 1, 2, and 3. This buffer will be maintained as green space and will include, but not be limited to the following:

A continuous row of evergreen trees planted 10 feet on center. Pinus strobus - Eastern White Pine is not an acceptable species. The minimum height after planting shall be 6 feet. The minimum total of evergreen trees planted shall be no less than 60.

5 small trees (ornamental tree with mature growth of 25 feet) per 100 linear feet. The minimum caliper size during installation shall be 1.5 inches. The minimum total of small trees planted shall be no less than 30.

5 large trees (mature growth over 50 feet) per 100 linear feet. The minimum caliper size during installation shall be 1.5 inches. The minimum total of large trees planted shall be no less than 30.

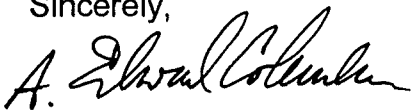
1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mr. David Schneider
May 13, 1996
Page 2

2. The applicant agrees to seek voluntary annexation from the City of Florence, and agrees to request the City to vacate that portion of Ashcraft Drive beyond the State right-of-way on Hopeful Road. The curb cut and apron, as reconstructed by the State, will not be affected. If the City does not annex the three lots, then the Applicant will request the County to vacate the portion of Ashcraft Drive.

Sincerely,



A. Edward Coleman
Planner

AEC\par

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from SR-1 to C-3, for 1.5 acres located on Ashcraft Drive.


David Schneider, Applicant

MINUTES
BOONE COUNTY FISCAL COURT
JUNE 25, 1996
5:30 P.M.

Judge Lucas declared the Public Hearing closed at 5:52 p.m. 

Commissioner Patrick moved, seconded by Commissioner Meihaus to approve Second Reading of Ordinance No. 920.332, an ordinance of The Boone County Fiscal Court to consider the request of KEMM/CRIST Development Company, LLC (Applicant) for Daniel Berger, Susan Berger and the estate of Katherine Maddux (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 54 acre site located at 3472 Ky. 18, Boone County, Kentucky recommended (7-3) by the Boone County Planning Commission via Resolution R-96-012-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

ORDINANCE NO. 920.333 - DECASTRO

Judge Lucas read a summary of Ordinance No. 920.333, and declared a Public Hearing open 6:03 p.m.

Mr. Dave Schneider, Attorney for the applicant Decastro Trust, presented a copy of the parcels already purchased and stated homes will be taken down shortly. He requested the remaining parcels be zoned C-3 and to add lots 1, 2, and 3 as expansion to the existing Toyota parking. Mr. Schnieder also requested the vacating and closing Ashcraft Drive.

Commissioner Meihaus stated the requirements made by Planning & Zoning for buffering between residential and commercial are very important.

Commissioner Patrick also added concern for appropriate lighting. Mr. Schneider mentioned that one of the conditions by the Planning & Zoning Commission states that the required lighting be focused on the lot itself and not adjoining properties.

Judge Lucas declared the Public Hearing closed at 6:07 p.m. 

Commissioner Campbell moved, seconded by Commissioner Meihaus to approve Second Reading Ordinance No. 920.333, an Ordinance of The Boone County Fiscal Court to consider the request of the Patrick Decastro Trust (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) on an approximate 1.5 acre site generally located on Ashcraft Drive, Boone County, Kentucky recommended unanimously by the Boone County Planning Commission via Resolution R-96-010-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ITEM X

PERSONNEL MATTERS

Commissioner Meihaus moved, seconded by Commissioner Patrick to approve the Golf Course Seasonal upgrades for Robert Ahlfeld, Andy Dusing, Teejay Evans, Jeremy Hurm