



**EXHIBIT "A"**

## STAFF REPORT

Request of the **City of Florence** for a Zoning Text Amendment to allow funeral homes as a Principally Permitted Use in the Office One (O-1) zone, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for **Stith Funeral Home Inc. (owner)** to allow a parking lot at 5 Scott Street, Florence, Kentucky.

September 25, 1996

### REQUEST

The following is a two part request. The first part is a request to amend the text of the Boone County Zoning Regulations by adding "funeral homes" to the list of Principally Permitted Uses in Section 1111 of the Office One (O-1) zone. The Boone County Planning Commission recently recommended through the 1996 Zoning Update to amend this section of the zoning regulations to permit "funeral homes and crematoriums excluding cemeteries and mausoleums." Based on the current regulations, the Stith Funeral Home located at 7500 US 42, Florence, is a nonconforming use and can not be expanded. Due to the nature of the text amendment request, this specific amendment would apply only to the City of Florence unless adopted by the other legislative bodies either as a result of this proposal or through the 1996 Zoning Update.

The second part of the request is for a Zoning Map Amendment for an approximately 0.31 acre tract located at 5 Scott Street, Florence, Kentucky from Suburban Residential One (SR-1) to Office One (O-1) to allow an expansion of the adjoining Stith Funeral Home parking lot. The tract did contain a single family residence which was recently demolished. No Concept Development Plan has been submitted with the request.

The text amendment is necessary along with the zone change because the changes to the text proposed through the 1996 Zoning Update have not yet been adopted by the Florence City Council. Therefore, because funeral homes are currently not permitted in the O-1 zone and the Stith operation has nonconforming status, the parking lot could not be expanded even if the tract at 5 Scott Street was within the O-1 zone.

### ADJACENT LAND USES

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

- A. Detached, single family residences are located to the north and northwest along both sides of Scott Street, including a detached, single family residence that is directly across the street (SR-1).

- B. A funeral home (Stith property) is located immediately to the south/southeast on the northwest corner of the US 42/Scott Street intersection, a bank is located to the east on the northeast corner of the US 42/Scott Street intersection, and a plant nursery operation is located further to the south along the south side of US 42 (O-1).
- C. The existing Stith parking lot is located immediately to the west and a medical office building and an apartment complex are located further to the west (O-1, all of these uses front on US 42).

### SITE CHARACTERISTICS

The site for the proposed zone change contains approximately 0.31 acres and has 100 feet of frontage on Scott Street. The topography of the site slopes down Scott Street away from US 42. There are currently no improvements or vegetation on the site, although the grade is currently disturbed due to the demolition of the house that was formerly on the lot. The site is bound on the south and west sides by the existing parking lot on the Stith tract, and a small portion of this existing parking lot overlaps onto the southwest portion of the subject site (i.e., a small part of the existing parking lot is currently in the SR-1 zone).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The site in question is designated on the 1995 Boone County Comprehensive Plan's 2020 Land Use Plan as "Commercial." This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The text of the Land Use Element (Area D-4: Florence Area) states the following regarding the general area:

Development along US 42 from Mall Road to the Ewing Boulevard area should continue to be a mixture of professional and local, traffic-oriented commercial activity. The area east of I-75, north of US 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. This area which contains a large tract of undeveloped land, is accessed by the newly constructed Ewing Boulevard, and will be the future location of the new Florence City Building. The Parkway Corridor Study, which was developed for this area, should be updated and a more definitive direction should be developed for this area. A mixture of office, retail, commercial, recreation, and residential development is the goal.

The Land Use Element also provides the following general statements that apply to the proposal.

- A. 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).
- B. Development 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," pp. 210 and 211).
- C. 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 ("Design, Signs, and Historic Preservation," pg. 211).

The Business Activity Element states that "many problems with the location and arrangement of commercial uses have emerged, especially along KY 18 and US 42 corridors" ("Areas of Future Commercial Activity," pg. 82). In addition, relative to the existing SR-1 zone and the adjoining residential neighborhood, the Housing Element states "Florence itself will continue to experience infill housing, both single-family and multi-family," and "there will likely be a major transition in ownership patterns for the subdivisions of houses built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners" ("Florence-Richwood Area," pg. 109).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective 6).
- D. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment," Goal).
- E. Appropriate locations for businesses compatible with the surrounding area are provided in Boone County ("Business Activity," Goal).
- F. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial Objective 1).
- G. 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).

#### RELATIONSHIP TO PARKWAY CORRIDOR STUDY

The site in question is the last site on Scott Street from US 42 that was within the area evaluated in the Parkway Corridor Study. However, neither this site nor the Scott Street/US 42 intersection area in general are within the Parkway Corridor Study Overlay District (PO) that was adopted and applied to the official zoning map. The following statement from the Study regarding development potential in the study area as a whole is provided for informational purposes:

The 1980 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate

engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure can allow for development as well.

The site is located within area "3E" on the study land use map. The text of the study provides the following statements regarding land use issues in this area:

This zone is already developed, mostly with low density office uses and professional buildings and a few single family dwellings. Its location along US 42 makes for easy accessibility and an attractive site for office use. The ponds and trees behind the professional buildings provide the site with attractive environmental features as well as a buffer between office uses and residential areas and should be preserved where possible or an equivalent alternative provided in their place.

### STAFF CONCERNS

1. Staff is not concerned with the proposed text amendment as the Planning Commission, through their action on the 1996 Zoning Update, has already concluded that such an addition to the text of the O-1 zone furthers the purposes of the 1995 Boone County Comprehensive Plan. However, Staff recommends that the phrase "funeral homes and crematoriums excluding cemeteries and mausoleums" be used as this is the use description stated in the Zoning Update. In addition, this use category should be added as Principally Permitted Use #26 in Section 1111 of the current Boone County Zoning Regulations (1991 as amended).
2. Due to the Commercial designation given to the tract by the Comprehensive Plan's Future Land Use Map, Staff is not opposed to the proposed zone change for a relatively minor expansion of an adjoining parking lot, although, the Commission should be assured that the tract will only be used for parking.
3. Based on the issues stated in the Comprehensive Plan that are identified above in this report, Staff is concerned with the following design related issues that pertain to the requested zone change. These concerns acknowledge the fact that any tangible impacts from the proposed zone change will be limited to the properties in the immediate area.
  - A. The lighting for the parking lot expansion should be examined. It appears that the existing light poles in the Stith lot would provide adequate lighting for the new parking area with either little or no modification to the existing fixtures.

- B. Buffering between the proposed parking area and the adjoining residence, as well as along the street frontage, should be evaluated to protect the residential integrity of the area. In particular, hedging composed of large, dense shrubs that is similar to that existing along the west property line of the Stith lot (between Stith and the driveway to Levin Eye Institute, perpendicular to US 42) and that existing along the rear lot line of the nearby Heritage Bank (between the bank and adjoining residence along Scott Street) should be considered for the buffer area between the adjacent residence as well as the Scott Street frontage. Due to the smaller scale of the lots and structures involved, Staff is concerned that screening composed of larger plant materials, such as evergreen trees, would be too big relative to the surrounding environment. As an informational note, the current Zoning Regulations require a minimum 15 foot wide buffer between the SR-1 and O-1 zones.

Also relative to the street frontage, Staff recommends that a few ornamental and/or large canopy trees be considered for this area of the site between any buffer treatment and the street to help relate this site to the residential properties in the area.

- C. Due to the size of the existing Stith parking lot, Staff is concerned with the substantial expanse of continuous asphalt paving that would be further enlarged with the proposed parking lot expansion. Thus, Staff recommends that interior parking lot landscaping composed of two or three large canopy trees within a landscape island(s) be considered for the areas where the existing Stith parking lot adjoins the subject site.
- D. Due to the residential adjacencies along Scott Street, Staff is concerned with potential access to the site. This concern is not based largely on potential traffic generation, but rather on trying to keep curbcut related impacts (glare from headlights, vehicular turning movements, etc.) as far away from the adjoining residences as possible. Thus, Staff recommends that the existing curbcut to the Stith property on Scott Street be used for access to the parking lot expansion and that any additional curbcuts be avoided if possible. Further, the driveway apron that is remaining from the demolished residence should be removed.

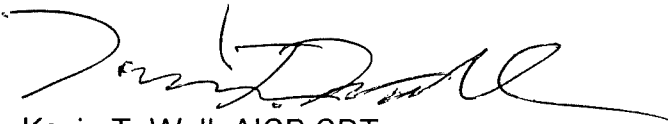
### CONCLUSION

The requested Zoning Text Amendment should be evaluated against the goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. The requested Zoning Map

Amendment needs to be evaluated 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.

The Future Land Use Map will not need to be amended if the Planning Commission and City Council approve the Zoning Map Amendment request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin T. Wall", written in a cursive style.

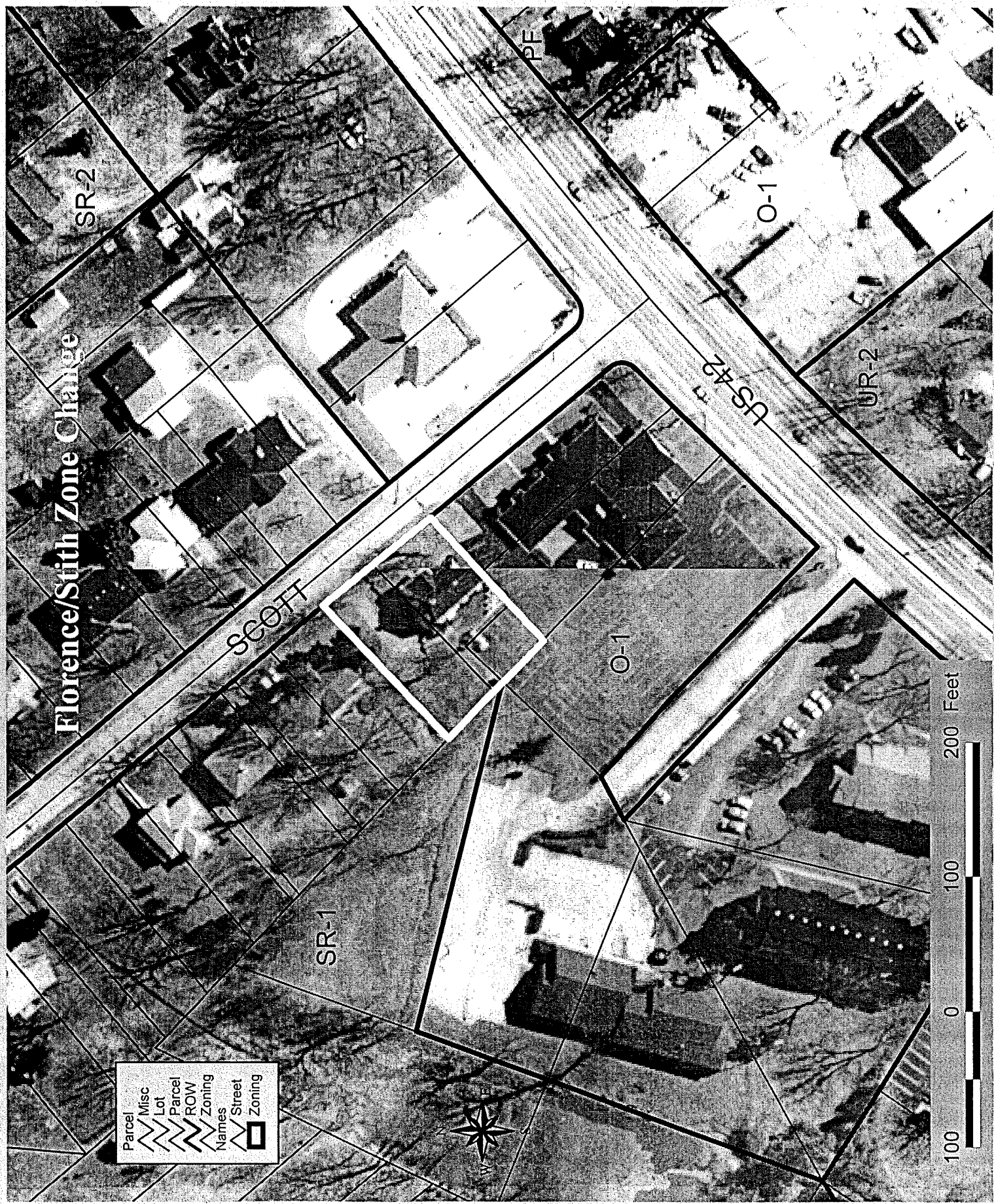
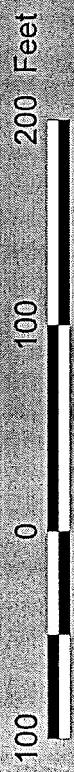
Kevin T. Wall, AICP CDT  
Director, Zoning Services

attachments:

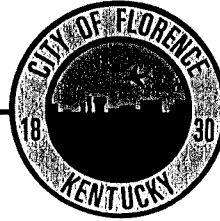
- air photo w/ lot lines and zoning boundaries
- application letter

# Florence/Stith Zone Change

Parcel	Misc
Lot	Parcel
ROW	Zoning
Names	Street
Zoning	Zoning



# City of Florence

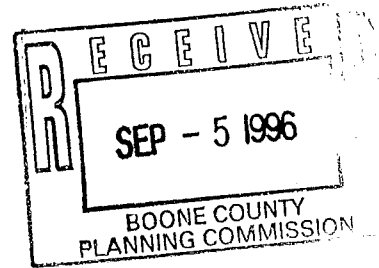


EVELYN KALB  
Mayor

OFFICE OF THE MAYOR

August 13, 1996

Mr. Kevin Costello  
Executive Director  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005



In re: Stith Funeral Home  
7500 U.S. 42  
Florence, Kentucky

Dear Kevin:

The City of Florence is apprised of Stith Funeral Home Inc.'s circumstances. The funeral home is zoned O-1. "Funeral Home" is not a permitted use in an O-1 zone. The City is also aware of the plan to expand off street parking to the rear of the funeral home (5 Scott Street, Lots 39 & 40, Bluegrass Subdivision, Plat Book 2, Page 22).

This is a request by the City of Florence that the Boone County Zoning Regulations be amended as follows:


Text:

1. "Funeral Home" be added as a permitted use in the O-1 zone. This is in conformity with the current recommendation of the 1995 Comprehensive Plan land use update.

2. Map: Lots 39 & 40, Bluegrass Subdivision (5 Scott Street) be zoned O-1 to accommodate additional off street parking for the funeral home.

Sincerely,

CITY OF FLORENCE

BY:   
EVELYN M. KALB, MAYOR

*Project  
File*

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith and Mr. White.

Mr. Mike McKinney, Vice Chairman, introduced the last item on the Agenda:

2. Applicant: City of Florence

Request: Text Amendment

The request of the City of Florence for a Zoning Text Amendment to allow funeral homes as a Principally Permitted Use in the Office One (O-1) Zone, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for Stith Funeral Home, Inc. (owner) to allow a parking lot at 5 Scott Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. McKinney asked for the applicant's presentation.

Attorney Gerry Dusing introduced Jim Viox and the owner of the property, Mr. Don Stith. Mr. Dusing stated that this is an application by the City of Florence, not by Stith Funeral Home. He stated that the funeral home has been there since 1963. In 1962, Mr. Stith's father went around the neighborhood and got a release of the restrictions on the lot from the property owners in the subdivision. There was a zoning procedure in 1963 and the property was zoned for the funeral home. When the plan to expand the parking lot came into focus two years ago, Mr. Stith was surprised to learn that a mistake had been made between 1963 and 1996 -- the property had become unzoned and was a non-conforming use. Funeral homes are not a Permitted Use in the zoning code, except in Public Facilities. He stated that a house was demolished for the parking lot expansion, and Mr. Stith learned that it was zoned single-family residential. Mr. Stith then went around the neighborhood and got all of the residents to sign a release of the restrictive covenants for the purpose of the expansion as a part of the funeral home.

Mr. Dusing stated that in 1995 the funeral home asked to be part of the Comprehensive Plan Land Use Map Update so that they would not have to go through the time and expense of a zone change -- but that requested was turned down. They then went to the City of Florence and the city was happy to help. The City of Florence is the sponsor of the text amendment to fix the mistake and they are the sponsor of the map amendment.

Mr. Dusing stated that those who have visited the Stith Funeral Home know there is a significant parking problem and there is overflow parking on Scott Street. There is also overflow onto the adjoining businesses, who have been kind enough to accommodate them for grieving families. Mr. Dusing referred to the aerial photograph attached to the Staff Report and

noted the brick house that is the only residence adjoining the property. He read and submitted a letter from the owners/residents of that house (7 Scott Street), Patricia and James Schwor. The letter indicated that they approve of the lot being used for parking and have no objection to the Site Plan.

Mr. Dusing presented the Site Plan and stated that with the City being the sponsor, they do not need to get Variances for the setbacks.

Mr. Jim Viox, referring to the Site Plan, stated that the area where the parking is shown is where the house was taken down. He indicated the location of the curb cut referred to in the Staff Report. He indicated the area of the parking lot that exists in the O-1 Zone and the area being requested to be in the O-1 Zone. He stated that one of the conditions of the property, if the expansion of the parking lot occurred, was in regard to stormwater management. He stated that the runoff goes in several directions and Florence now has a stormwater management requirement. He stated that they will intercept some of the water on the existing and proposed parking lots and take it into the existing sewer on Scott Street. There will be a retaining wall built along the property line and out toward the front, and there will be fill to bring the new parking lot up to the level of the current parking lot. There will be screening above the wall. He indicated where the landscaping islands will be, in conformance with the Staff Recommendation, as well as trees of significant size and a hedge or dense low-lying shrubbery.

Jim Viox stated that there are two issues in the Staff Report they cannot conform to -- they need the curb cut that the Staff does not think they should have. He indicated the processional curb cut, and stated that the front curb cut is exclusively for that purpose. The processions come around the canopy and they need the other curb cut to service the lower parking lot. This plan was presented to the City of Florence. He stated that they do not have a problem with the lighting recommendation or the landscaping along Scott Street or the property line -- but the suggestion of putting 2 or 3 trees in the center of the parking lot is a problem. Putting islands in will eliminate a number of existing parking spaces -- and this whole process is to create parking, which is currently deficient. The only islands are along the fringe and along Scott Street -- and they agree to landscape them. He stated that they are satisfying the drainage issues, the screening along Scott Street and along the abutting property. He stated that the property line will be higher than the abutting property due to the construction of the wall. He stated that the Site Plan was not submitted with the application.

Mr. McKinney asked if there was anyone else who wished to speak in behalf of the request.

Mr. Rick Soper, 310 Roberta Avenue, Florence (which is at the back of the subdivision) stated that this property is an entranceway into the subdivision where he and several of his neighbors live. The property is a nice entrance to the area and he is not present to complain about the expansion. He stated that the neighbors had questions about the buffer, but they have been adequately addressed. One of their main concerns is that if the zoning is changed to an office use, would that allow another

type of non-residential building to be constructed coming down the street. He stated that there is also a question as to whether the character of the parking lot would blend with the subdivision.

Mr. Wall stated that the Planning Commission has been asked to look at a blanket change to the O-1 Zone. The Planning Commission could limit the use of the property with a conditional approval allowing only a parking lot to serve this use, or it could be limited to other uses. If the Planning Commission felt that general professional offices would be acceptable at this location, there could be a condition to address that. The Planning Commission could consider and recommend that it be restricted to a parking lot, either in part or totally.

Mr. McKinney asked if anyone else wished to speak in behalf of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

Mr. McKinney asked if there were any comments or questions from the Commissioners.

Mrs. Smith asked if the curb cut that Jim Viox indicated they would like to keep is the driveway to the house that was demolished.

Mr. Wall advised that he evaluated the request without a plan and, from what he could tell, it appears to be in approximately the same location.

Mr. Costello asked that the Site Plan be passed around to the Commissioners.

Mrs. Smith questioned the parking requirements for the funeral home, noting that for other uses so many spaces are required according to the building size.

Mr. Wall advised that there are parking requirements for a funeral home, but this use is existing non-conforming, and they are seeking additional parking because what they have is not meeting their needs. Mr. Costello advised that the requirement is 1 space per 100 square feet of gross floor area or parlor space of service rooms.

Mr. Damstrom asked if "entrance" and "exit" signs will be used for the new entrance on Scott Street. Mr. Dusing advised that they were not planning to do this, but they can do it. It is not on the plan at this time.

Mr. McMillian questioned how they exit the site with a body.

Mr. Stith explained that they use the front entrance toward U.S. 42, unless they are going to a local cemetery, like Florence, in which case they use the rear exit. Mr. McMillian asked if they have police protection for this. Mr. Stith stated that they have a motorcycle escort service if they are going towards town, and if they are going out in the county it is generally the county police escorting them -- but not always. He stated that the family has to pay for the escort service and if they do not wish to pay, then one is not called. They call the local police and, if they are not busy, they come. He stated that a new law was passed July

1 that the lead vehicle has to have a caution light on it and the vehicles have to be identified with headlights. He stated that they also use flags for a procession. He stated that they have the right-of-way to proceed through traffic lights with identification.

Mr. McMillian stated that if they exit to U.S. 42, the extra curb cut would not be all that necessary because people who are not going with the procession could go out the back exit, and those going in the procession would exit out the front. He stated that the other curb cut could be a parking space instead of an extra curb cut.

Jim Viox explained that the configuration is that the side canopy projects in front of the exit onto U.S. 42 so that when the processional and the family limousine line up, the rear entrance is blocked and the people who are leaving the funeral home have no exit to get out, which is why they are putting the additional exit in the rear lot -- it is for people to leave who are not going with the procession. Mr. McMillian stated that they could wait, and not having the exit would save two or three parking spaces.

Mr. Neltner questioned the retaining wall -- how high it will be and whether the adjoining property owners were informed about it? Jim Viox advised that Mr. Stith met with the property owner and advised him of the wall. At the Scott Street end, the wall has no height and at the rear corner of the property it is about four feet tall. There is green space between the edge of the pavement and the top of the wall and they can put plantings above the wall so that the headlights of the cars do not intrude on the adjoining property.

Mr. Neltner stated that the area is starting to look like a mass of blacktop and a couple of trees in there would be nice. He stated that there is only 20 or 30 feet separating the Levin Eye Institute parking lot from this parking lot, and that is a day time business and the funeral home is an evening business. He questioned if they have approached the Levin Eye Institute in regard to additional (shared) parking. Mr. Stith responded "yes". He stated that he even tried to buy some of the Levin Eye Institute property to connect the parking lots, but they do not want to sell it. Levin Eye Institute has told him that people are welcome to park on their lot, but he does not have anything in writing. Mr. Neltner stated that sharing the parking would be a possibility to alleviate part of the problem.

Mr. Stith stated that Heritage Bank has also allowed people to park on their lot. He stated that they are trying to expand the funeral home parking lot to keep people off the street. In regard to the wall, he stated that the neighbor is in construction and well aware of the wall, and he has been shown the plans.

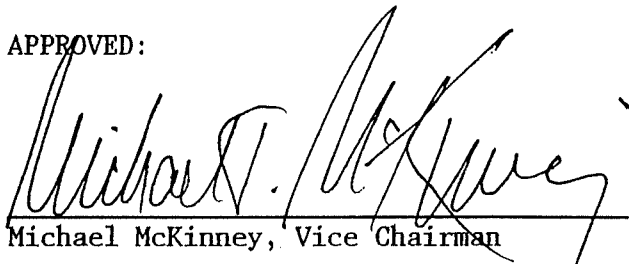
Mr. Ries stated that he is concerned about water retention. He stated that Florence is concerned about all the water there has been. He questioned the small retention area at the end of the parking lot. Jim Viox stated that it is a depressed area -- it is like a large bird bath. The water will flow into that area in a heavy rain with some of the water accumulating in there and then there is a small pipe to allow the water to

go slowly into a storm sewer. The drainage calculations indicate that with the detaining of the water there will be less water getting immediately to the storm sewer than existed when they started this project.

Mr. McKinney asked if there were any further questions, there being none, he stated that the Committee Meeting for this item will be on October 7, 1996 at 4 P.M. in the second floor conference room of the Administrative Building. This item will be on the Agenda for the Business Meeting on October 16, 1996 at 8 P.M..

Mr. McKinney closed this Public Hearing.

APPROVED:

  
Michael McKinney, Vice Chairman

Attest:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
October 16, 1996  
8 P.M.

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike McKinney, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Ed Coleman  
Mr. Dave Geohegan, AICP  
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 October 2, 1996 Business Meeting. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Rush moved that they be approved as mailed. Mr. Damstrom seconded the motion. A vote on the motion found Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, Mr. White, and Chairman Viox in favor. Mrs. Arnett and Mr. McMillian were not yet present. The motion carried.

UNFINISHED BUSINESS:

Chairman Viox stated that Agenda Item #2 would be heard first. He asked Mr. Neltner to chair the meeting for this item. Chairman Viox and Mrs. Schaffer left the meeting at this time.

Mr. Neltner introduced Agenda Item #2:

2. Zoning Map and Text Amendment

The request of the City of Florence for a Zoning Text Amendment to allow funeral homes as a Principally Permitted Use in the Office One (O-1) Zone and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for Stith Funeral Home Inc. (owner) to allow a parking lot at 5 Scott Street, Florence, Kentucky.

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

There being no discussion, Mr. Bailey moved by resolution to the City of Florence that the request be approved based on the Committee Report, including the conditions. Mr. Rush seconded the motion. A vote on the motion found Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith, and Mr. White. Mrs. Arnett, Mr. McMillian, Mrs. Schaffer, and Chairman Viox were not present at this time. The motion carried.

Chairman Viox and Mrs. Schaffer returned to the meeting at this time.

Chairman Viox introduced Agenda Item #1:

1. Zoning Map Amendment

The request of Tom Rehtiene (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Commercial One (C-1) and a Conditional Use Permit for an approximate 1.6-acre site at 12293 U.S. 25, Boone County, Kentucky. The request is for a Zoning Map Amendment and a Conditional Use Permit to allow golf cart and small engine repair and related hardware sales.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: October 16, 1996

RE: Request of the **City of Florence** for a Zoning Text Amendment to allow funeral homes as a Principally Permitted Use in the Office One (O-1) zone, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for **Stith Funeral Home Inc. (owner)** to allow a parking lot at 5 Scott Street, Florence, Kentucky.

### REMARKS:

We, the Committee, recommend approval of these requests based upon the following findings of fact and with the following text modifications and zone change conditions:

#### **Funeral Home Text Amendment to O-1 Zone**

##### Finding of Fact

1. The Committee has concluded that the proposed text amendment furthers the goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. In order to assure consistency with the Planning Commission's recommendation for the 1996 Zoning Update regarding this matter, and to assure compatibility with the permitted uses in the O-1 zone, the Committee recommends that the following terminology be added to the text of the Boone County Zoning Regulations in lieu of the term "funeral homes."

##### Modification to Zoning Text

1. The phrase "funeral homes and crematoriums excluding cemeteries and mausoleums" shall be added as Principally Permitted Use #26 in Section 1111 (O-1 zone) of the current Boone County Zoning Regulations (1991 as amended).

### **Stith Property Zoning Map Amendment**

#### **Findings of Fact**

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 1995 Boone County Comprehensive Plan's Future Land Use Map which designates the site as "Commercial." In consideration of the range of uses which may potentially be permitted by the Commercial designation, the Committee has concluded that the impacts associated with the proposed parking lot are relatively minor.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

#### **Conditions**

1. Continuous vegetative buffering shall be provided along the common boundary with the adjoining residential use to the north and along the Scott Street frontage in the landscape areas shown on the Concept Development Plan. The vegetative buffering shall consist of hedging composed of dense shrubs, similar to that existing along the west property line of the Stith Funeral Home property at 7500 US 42. In addition, three ornamental and/or large deciduous trees shall be provided in the landscape areas shown on the Concept Development Plan along Scott Street.
2. No new light poles shall be installed for lighting the proposed parking lot. Any modification to the fixtures on the existing light poles shall consist only of fixtures which are shielded and downlit, and which do not allow light to spill onto the adjoining properties.
3. Parking shall be the only use permitted for the site. Any other use must be reviewed and approved by the Planning Commission and Florence City Council through a public hearing procedure.

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith and Mr. White.

Mr. Mike McKinney, Vice Chairman, introduced the last item on the Agenda:

2. Applicant: City of Florence

Request: Text Amendment

The request of the City of Florence for a Zoning Text Amendment to allow funeral homes as a Principally Permitted Use in the Office One (O-1) Zone, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for Stith Funeral Home, Inc. (owner) to allow a parking lot at 5 Scott Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. McKinney asked for the applicant's presentation.

Attorney Gerry Dusing introduced Jim Viox and the owner of the property, Mr. Don Stith. Mr. Dusing stated that this is an application by the City of Florence, not by Stith Funeral Home. He stated that the funeral home has been there since 1963. In 1962, Mr. Stith's father went around the neighborhood and got a release of the restrictions on the lot from the property owners in the subdivision. There was a zoning procedure in 1963 and the property was zoned for the funeral home. When the plan to expand the parking lot came into focus two years ago, Mr. Stith was surprised to learn that a mistake had been made between 1963 and 1996 -- the property had become unzoned and was a non-conforming use. Funeral homes are not a Permitted Use in the zoning code, except in Public Facilities. He stated that a house was demolished for the parking lot expansion, and Mr. Stith learned that it was zoned single-family residential. Mr. Stith then went around the neighborhood and got all of the residents to sign a release of the restrictive covenants for the purpose of the expansion as a part of the funeral home.

Mr. Dusing stated that in 1995 the funeral home asked to be part of the Comprehensive Plan Land Use Map Update so that they would not have to go through the time and expense of a zone change -- but that requested was turned down. They then went to the City of Florence and the city was happy to help. The City of Florence is the sponsor of the text amendment to fix the mistake and they are the sponsor of the map amendment.

Mr. Dusing stated that those who have visited the Stith Funeral Home know there is a significant parking problem and there is overflow parking on Scott Street. There is also overflow onto the adjoining businesses, who have been kind enough to accommodate them for grieving families. Mr. Dusing referred to the aerial photograph attached to the Staff Report and

noted the brick house that is the only residence adjoining the property. He read and submitted a letter from the owners/residents of that house (7 Scott Street), Patricia and James Schwor. The letter indicated that they approve of the lot being used for parking and have no objection to the Site Plan.

Mr. Dusing presented the Site Plan and stated that with the City being the sponsor, they do not need to get Variances for the setbacks.

Mr. Jim Viox, referring to the Site Plan, stated that the area where the parking is shown is where the house was taken down. He indicated the location of the curb cut referred to in the Staff Report. He indicated the area of the parking lot that exists in the O-1 Zone and the area being requested to be in the O-1 Zone. He stated that one of the conditions of the property, if the expansion of the parking lot occurred, was in regard to stormwater management. He stated that the runoff goes in several directions and Florence now has a stormwater management requirement. He stated that they will intercept some of the water on the existing and proposed parking lots and take it into the existing sewer on Scott Street. There will be a retaining wall built along the property line and out toward the front, and there will be fill to bring the new parking lot up to the level of the current parking lot. There will be screening above the wall. He indicated where the landscaping islands will be, in conformance with the Staff Recommendation, as well as trees of significant size and a hedge or dense low-lying shrubbery.

Jim Viox stated that there are two issues in the Staff Report they cannot conform to -- they need the curb cut that the Staff does not think they should have. He indicated the processional curb cut, and stated that the front curb cut is exclusively for that purpose. The processions come around the canopy and they need the other curb cut to service the lower parking lot. This plan was presented to the City of Florence. He stated that they do not have a problem with the lighting recommendation or the landscaping along Scott Street or the property line -- but the suggestion of putting 2 or 3 trees in the center of the parking lot is a problem. Putting islands in will eliminate a number of existing parking spaces -- and this whole process is to create parking, which is currently deficient. The only islands are along the fringe and along Scott Street -- and they agree to landscape them. He stated that they are satisfying the drainage issues, the screening along Scott Street and along the abutting property. He stated that the property line will be higher than the abutting property due to the construction of the wall. He stated that the Site Plan was not submitted with the application.

Mr. McKinney asked if there was anyone else who wished to speak in behalf of the request.

Mr. Rick Soper, 310 Roberta Avenue, Florence (which is at the back of the subdivision) stated that this property is an entranceway into the subdivision where he and several of his neighbors live. The property is a nice entrance to the area and he is not present to complain about the expansion. He stated that the neighbors had questions about the buffer, but they have been adequately addressed. One of their main concerns is that if the zoning is changed to an office use, would that allow another

type of non-residential building to be constructed coming down the street. He stated that there is also a question as to whether the character of the parking lot would blend with the subdivision.

Mr. Wall stated that the Planning Commission has been asked to look at a blanket change to the O-1 Zone. The Planning Commission could limit the use of the property with a conditional approval allowing only a parking lot to serve this use, or it could be limited to other uses. If the Planning Commission felt that general professional offices would be acceptable at this location, there could be a condition to address that. The Planning Commission could consider and recommend that it be restricted to a parking lot, either in part or totally.

Mr. McKinney asked if anyone else wished to speak in behalf of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

Mr. McKinney asked if there were any comments or questions from the Commissioners.

Mrs. Smith asked if the curb cut that Jim Viox indicated they would like to keep is the driveway to the house that was demolished.

Mr. Wall advised that he evaluated the request without a plan and, from what he could tell, it appears to be in approximately the same location.

Mr. Costello asked that the Site Plan be passed around to the Commissioners.

Mrs. Smith questioned the parking requirements for the funeral home, noting that for other uses so many spaces are required according to the building size.

Mr. Wall advised that there are parking requirements for a funeral home, but this use is existing non-conforming, and they are seeking additional parking because what they have is not meeting their needs. Mr. Costello advised that the requirement is 1 space per 100 square feet of gross floor area or parlor space of service rooms.

Mr. Damstrom asked if "entrance" and "exit" signs will be used for the new entrance on Scott Street. Mr. Dusing advised that they were not planning to do this, but they can do it. It is not on the plan at this time.

Mr. McMillian questioned how they exit the site with a body.

Mr. Stith explained that they use the front entrance toward U.S. 42, unless they are going to a local cemetery, like Florence, in which case they use the rear exit. Mr. McMillian asked if they have police protection for this. Mr. Stith stated that they have a motorcycle escort service if they are going towards town, and if they are going out in the county it is generally the county police escorting them -- but not always. He stated that the family has to pay for the escort service and if they do not wish to pay, then one is not called. They call the local police and, if they are not busy, they come. He stated that a new law was passed July

1 that the lead vehicle has to have a caution light on it and the vehicles have to be identified with headlights. He stated that they also use flags for a procession. He stated that they have the right-of-way to proceed through traffic lights with identification.

Mr. McMillian stated that if they exit to U.S. 42, the extra curb cut would not be all that necessary because people who are not going with the procession could go out the back exit, and those going in the procession would exit out the front. He stated that the other curb cut could be a parking space instead of an extra curb cut.

Jim Viox explained that the configuration is that the side canopy projects in front of the exit onto U.S. 42 so that when the processional and the family limousine line up, the rear entrance is blocked and the people who are leaving the funeral home have no exit to get out, which is why they are putting the additional exit in the rear lot -- it is for people to leave who are not going with the procession. Mr. McMillian stated that they could wait, and not having the exit would save two or three parking spaces.

Mr. Neltner questioned the retaining wall -- how high it will be and whether the adjoining property owners were informed about it? Jim Viox advised that Mr. Stith met with the property owner and advised him of the wall. At the Scott Street end, the wall has no height and at the rear corner of the property it is about four feet tall. There is green space between the edge of the pavement and the top of the wall and they can put plantings above the wall so that the headlights of the cars do not intrude on the adjoining property.

Mr. Neltner stated that the area is starting to look like a mass of blacktop and a couple of trees in there would be nice. He stated that there is only 20 or 30 feet separating the Levin Eye Institute parking lot from this parking lot, and that is a day time business and the funeral home is an evening business. He questioned if they have approached the Levin Eye Institute in regard to additional (shared) parking. Mr. Stith responded "yes". He stated that he even tried to buy some of the Levin Eye Institute property to connect the parking lots, but they do not want to sell it. Levin Eye Institute has told him that people are welcome to park on their lot, but he does not have anything in writing. Mr. Neltner stated that sharing the parking would be a possibility to alleviate part of the problem.

Mr. Stith stated that Heritage Bank has also allowed people to park on their lot. He stated that they are trying to expand the funeral home parking lot to keep people off the street. In regard to the wall, he stated that the neighbor is in construction and well aware of the wall, and he has been shown the plans.


Mr. Ries stated that he is concerned about water retention. He stated that Florence is concerned about all the water there has been. He questioned the small retention area at the end of the parking lot. Jim Viox stated that it is a depressed area -- it is like a large bird bath. The water will flow into that area in a heavy rain with some of the water accumulating in there and then there is a small pipe to allow the water to

go slowly into a storm sewer. The drainage calculations indicate that with the detaining of the water there will be less water getting immediately to the storm sewer than existed when they started this project.

Mr. McKinney asked if there were any further questions, there being none, he stated that the Committee Meeting for this item will be on October 7, 1996 at 4 P.M. in the second floor conference room of the Administrative Building. This item will be on the Agenda for the Business Meeting on October 16, 1996 at 8 P.M..

Mr. McKinney closed this Public Hearing.

APPROVED:

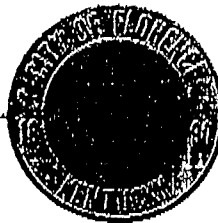
  
Michael McKinney, Vice Chairman

Attest:

  
Jan Hancock, Recording Secretary

**SUPPORTING  
INFORMATION**

# City of Florence



EVELYN KALB  
Mayor

OFFICE OF THE MAYOR

August 13, 1996

Mr. Kevin Costello  
Executive Director  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

In re: Stith Funeral Home  
7500 U.S. 42  
Florence, Kentucky

Dear Kevin:

The City of Florence is apprised of Stith Funeral Home Inc.'s circumstances. The funeral home is zoned O-1. "Funeral Home" is not a permitted use in an O-1 zone. The City is also aware of the plan to expand off street parking to the rear of the funeral home (5 Scott Street, Lots 39 & 40, Bluegrass Subdivision, Plat Book 2, Page 22).

This is a request by the City of Florence that the Boone County Zoning Regulations be amended as follows:

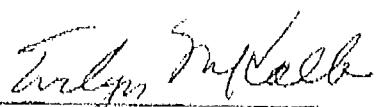
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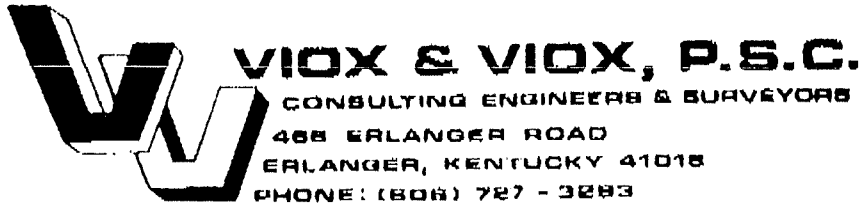
1. "Funeral Home" be added as a permitted use in the O-1 zone. This is in conformity with the current recommendation of the 1995 Comprehensive Plan land use update.

2. Map: Lots 39 & 40, Bluegrass Subdivision (5 Scott Street) be zoned O-1 to accommodate additional off street parking for the funeral home.

Sincerely,

CITY OF FLORENCE

BY:   
EVELYN M. KALB, MAYOR



JAMES H. VIOX, III, P.E.  
KY. REG. NO. 6880  
KY. LAND SURVEYOR NO 797

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

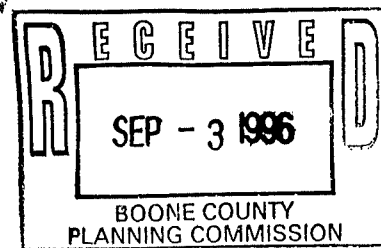
STITH FUNERAL HOME ZONING

Adjoining Owners

1. James A. and Patricia C. Schrorer  
7 Scott Drive  
Florence, KY 41042
2. R & J Investments  
119 W. Kemper  
Cincinnati, OH 45246
3. Heritage Bank, Inc.  
1818 Florence Pike  
Burlington, KY 41005
4. Robert & Myrtle Jones  
8 Scott Drive  
Florence, KY 41042

LEGAL DESCRIPTION

Being all of Lots 39 and 40 of Bluegrass Subdivision Recorded on plat book 2, page 22, Boone County Clerks records, Burlington.



ORDINANCE NO. O-26-96

AN ORDINANCE ADOPTING AND APPROVING A TEXT AMENDMENT TO SECTION 1111 OF THE OFFICE ONE (O-1) ZONING DISTRICT OF THE BOONE COUNTY ZONING REGULATIONS AS APPLICABLE TO THE CITY OF FLORENCE, KENTUCKY; AND ADOPTING AND APPROVING A REZONING OF LOTS 39 AND 40 OF BLUEGRASS SUBDIVISION IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS CURRENT ZONING OF SUBURBAN RESIDENTIAL ONE (SR-1) TO OFFICE ONE (O-1) TO ALLOW THE EXPANSION OF OFF-STREET PARKING FOR AN EXISTING FUNERAL HOME IN THE CITY OF FLORENCE, KENTUCKY. (STITH FUNERAL HOME PROPERTY).

WHEREAS, the City of Florence, Kentucky, is a member of a county-wide planning unit known as the Boone County Planning Commission, and

WHEREAS, the City of Florence has requested a review and recommendation by the Boone County Planning Commission for a text amendment to Section 1111 of the Boone County Zoning Regulations as applicable to the City of Florence, Kentucky, to allow as a principally permitted use funeral homes and crematoriums, excluding cemeteries or mausoleums in the Office One (O-1) zoning district, and

WHEREAS, the City of Florence has also requested the Boone County Planning Commission to review and make a recommendation regarding a rezoning of Lots 39 and 40 of Bluegrass Subdivision from Suburban Residential One (SR-1) to Office One (O-1) zoning to allow an expansion of off-street parking adjacent to and to serve Stith Funeral Home, and

WHEREAS, the Boone County Planning Commission has recommended approval of the proposed text amendment and zoning map amendment and the City of Florence, Kentucky, has reviewed this recommendation.

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

**SECTION I**

That a text amendment to Section 1111 to allow as a principally permitted use funeral homes and crematoriums, excluding cemeteries or mausoleums, in the Office One (O-1) zoning districts in the City of Florence, Kentucky, shall be and the same is hereby adopted and approved.

**SECTION II**

That a zoning map amendment for Lots 39 and 40 of Bluegrass Subdivision as shown on Plat Book 2, Page 22, of the Boone County Clerk's records shall be and are

hereby rezoned from Suburban Residential One (SR-1) to Office One (O-1) to allow an expansion of off-street parking to serve and become part of the operation of Stith Funeral Home which immediately adjoins these lots.

**SECTION III**

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended to reflect the rezoning of the subject property.

**SECTION IV**

In the event the rezoning of this property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning and are intended to continue to have effect regardless of any invalidity regarding this particular rezoning.

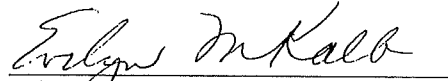
**SECTION V**

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 12<sup>th</sup> DAY OF November, 1996.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19<sup>th</sup> DAY OF November, 1996.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK