

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project FLORENCE BAPTIST CHURCH
2. Location of Project 7009 DIXIE HIGHWAY FLORENCE Ky 41042
3. Total Acreage of Site 5.986 AC
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) C-2 PD
6. Proposed Uses (please specify each use) C-2 USES PLUS SALES OF HEATING AND A/C PARTS - SEE LETTER ATTACHED - THIS IS A C-3 PERMITTED USE #2
7. Names of Applicant(s) FLORENCE BAPTIST CHURCH 90 DANNY COLLINS
8. Address of Applicant(s) 283 MAIN ST FLORENCE Ky 41042
9. Name of Property Owner(s) SAME
10. Address of Property Owner(s)
11. Proposed Building Intensities (please specify) AS EXISTS
12. Are there any existing buildings on the site? YES
13. Deed Book 578 Page No. 267 Group No. 2043A
14. Are you also applying for: and DEED BK 132 P 28
15. Have you submitted a Concept Development Plan? NO - EXISTING STOREFRONT
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 within 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
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

* and
GERALD F. DUSING
40 W. PIKE ST
COWINGTON Ky 41011
P 291.7270
F 291.7902

EXHIBIT "A"

STAFF REPORT

Request of Florence Baptist Church (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate 6 acre tract located at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building.

January 27, 1999

Request

The applicant is requesting this Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building. No additional buildings have been proposed with this application.

Surrounding Zoning and Land Uses (see sheet #2)

- North: Retail establishments ranging from lighting sales to hardware zoned Commercial Two (C-2). Youell Street terminates at Dixie across from this sites access.
- East: Professional offices on Banklick Street zoned Commercial Two (C-2).
- South: Shenandoah Valley Subdivision zoned Suburban Residential Two (SR-2).
- West: Medical Laboratory Services and the Florence Baptist Church new Christian Life Center zoned Commercial Two (C-2).

Relationship with the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Commercial (C) which is defined in the adopted Comprehensive Plan as:

"Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element within the 1995 Boone County Comprehensive Plan refers to this area generally by stating:

"A mixture of office, retail, commercial, recreational, and residential development is the goal."

Figure 5.3 (page 87) "Future Industrial and Commercial Development" designates this area to remain commercial.

The Business Activity Goal of the Business Activity Goals and Objectives section, on page 7, of the 1995 Boone County Comprehensive Plan states:

"Appropriate locations for business compatible with the surrounding area are provided in Boone County."

Objective #1 of the Business Activity Goals and Objectives Section, on page 7, of the 1995 Boone County Comprehensive Plan state the following:

1. 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.

Staff Comment

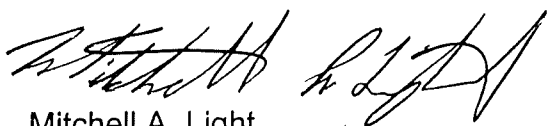
If approved, the Future Land Use would not need to be changed.

Conclusion

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan, the provisions of Article 15, "Planned Development District", of the Boone County Zoning Regulations, and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

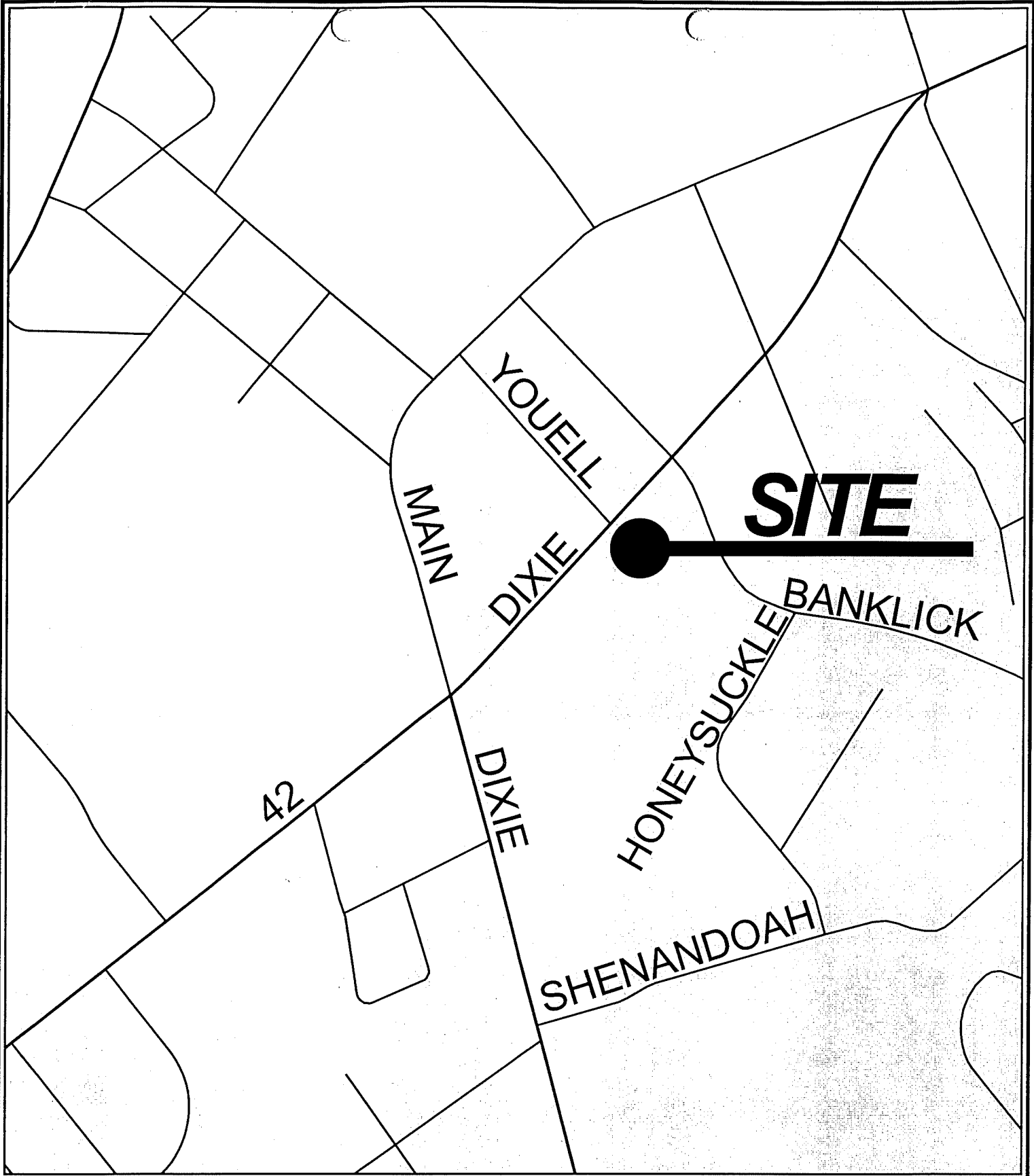
1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,

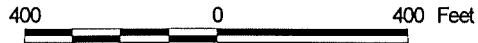


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

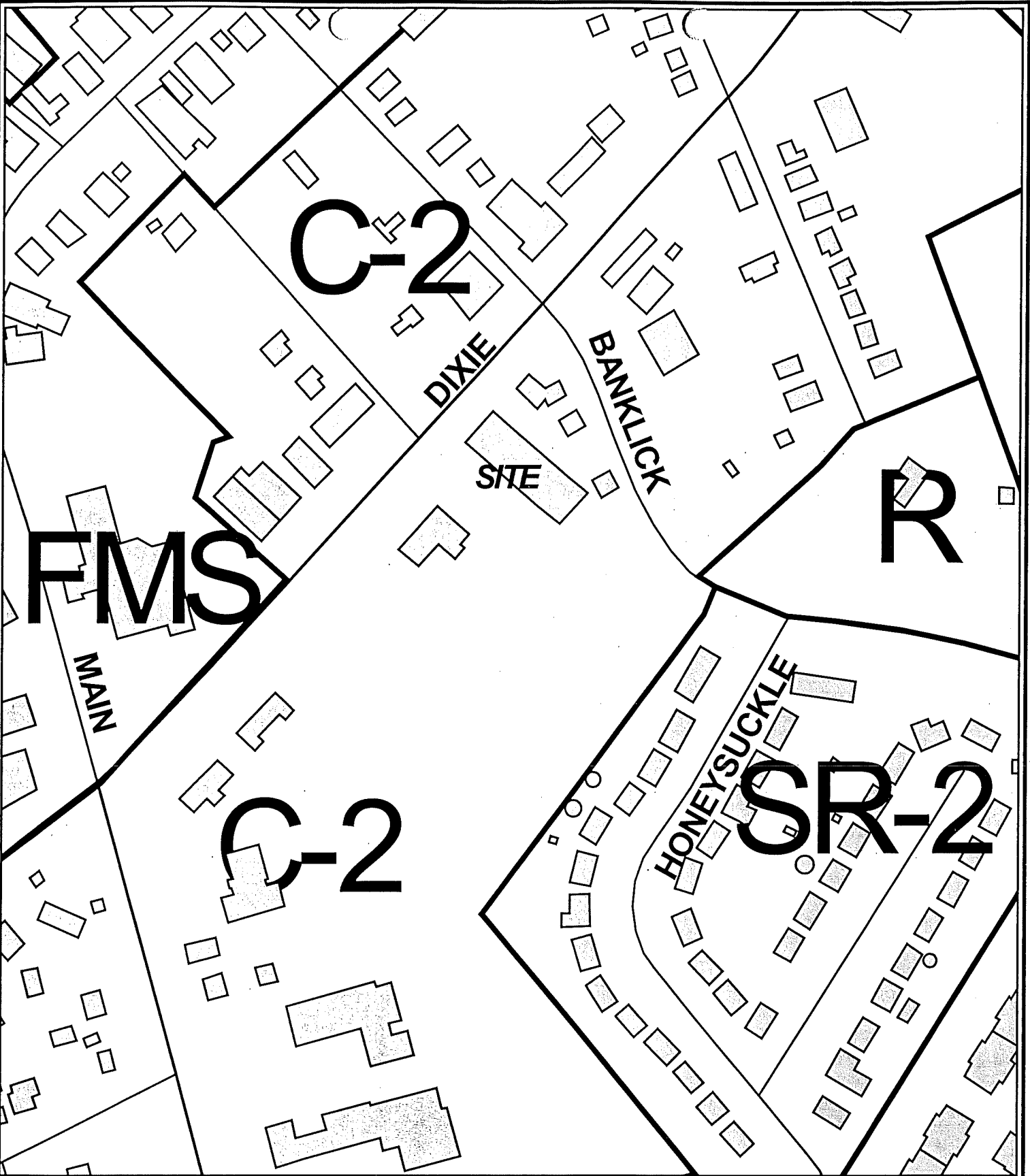


Vicinity Map



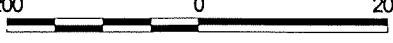
1 inch equals 400 feet
Produced by the
Booné County Planning Commission
GIS Services Division
January 25, 1999





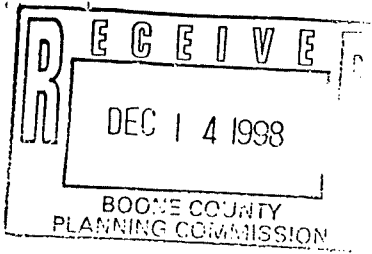
Zoning

200 0 200 Feet



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 25, 1999





APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project FLORENCE BAPTIST CHURCH
2. Location of Project 7009 DIXIE HIGHWAY FLORENCE KY 41042
3. Total Acreage of Site 5.986 AC
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) C-2 PD
6. Proposed Uses (please specify each use) C-2 USES PLUS SALES OF HEATING AND A/C PARTS - SEE LETTER ATTACHED - THIS IS A C-3 PERMITTED USE #2
7. Names of Applicant(s) FLORENCE BAPTIST CHURCH /o DANNY COLLINS
8. Address of Applicant(s) 283 MAIN ST FLORENCE KY 41042
9. Name of Property Owner(s) SAME
10. Address of Property Owner(s)
11. Proposed Building Intensities (please specify) AS EXISTS
12. Are there any existing buildings on the site? YES
13. Deed Book 578 Page No. 267 Group No. 2043A
14. Are you also applying for: and DEED BK 132 P 28
15. Have you submitted a Concept Development Plan? NO - EXISTING STOREFRONT
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 within 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
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

* and
GERALD F. DUSING
40 W. PIKE ST
COVINGTON KY 41011
P 291.7270
F 291.7902

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

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

19. Applicant's Signature Danny C. Collins
- Property Owners Signature Danny C. Collins

SECTION B (To be completed by BCPC Staff)

1. Date Received 12-14-98 12-28-98
2. Review Fee \$1234.00 R# 18989 \$66.00 R# 19077
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Discription
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer MITCH LUKITT
6. Committee Chairman EARL WHITE
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval wth Conditions
 - Denial
9. Other: _____

**** Five (5) Copies Are Required**

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

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

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McKinney, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White, and Mrs. Wilson.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Mr. Damstrom introduced the second item on the Agenda:

2. Applicant: Florence Baptist Church (owner)
Request: Concept Development Plan

The request of Florence Baptist Church (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate six acre tract at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Attorney Gerald Dusing, Florence, Kentucky, representing Florence Baptist Church, stated that he represented the church when they built the adjacent family life center. He stated that the subject site was Schwartz Drug Store in Florence. The church bought the old Florence Motel, and other substandard places along Dixie Highway at great expense. They bought the adjacent strip center to protect their investment and for future use. They are not changing anything -- they need a zone change because the property is zoned C-2. They made the argument to the Zoning Administrator that they are permitted under C-2, but they are listed in C-3 -- even though it is a close call. He stated that the church wants to rent to this tenant. He introduced Mr. Danny Collins, Administrator for Florence Baptist Church, Attorney Don Ruberg representing Corken Steel, Mr. Jeff Corken, and Mr. Dick Unger.

Mr. Danny Collins stated that they have a history in the Florence area from 1853. They have made an investment and a ministry outreach in the Florence Family Life Center. They do not know what their ministry will require in the future and there was an opportunity to acquire the adjacent Schwartz Drug plaza property. They want to protect the investment of approximately \$2 million in their property. All of the units were rented and, if a vacancy occurs, they try to find tenants

that are compatible and provide rental income. When the pharmacy use left, they sought to get a tenant that would be good for the community and not increase traffic. This use would decrease the traffic from the seven-day-a-week drug store. He stated that they have made significant improvements over the last six months and will make additional cosmetic changes.

Attorney Don Ruberg with O'Hara, Ruberg and Taylor, representing Corken Steel, stated that representatives of Corken Steel were present. He stated that Corken Steel is a small family-owned business with its primary location in Covington. At this location, they will establish a satellite store to make it more convenient for customers to pick up supplies. They will sell parts, tools, and small supplies. The operation will be similar to a hardware store, only more specialized. They will not have electric items or ceiling tiles -- it will be primarily heating and plumbing supplies. It will be a retail store to serve the Florence/Boone County area. They do not anticipate evening or weekend hours, and expect about 30 - 40 customers a day. Customers will be small businessmen or private individuals. There will be no tractor trailers. There will be motor vehicles and pick-up trucks. They want to fit into the neighborhood. They are consistent with what was in the shopping center and with the surrounding area. He stated that it is not a large business -- it is a specialty hardware store.

Mr. Dusing stated that the request is in compliance with the Comprehensive Plan. He stated that inventory delivery will be from the main store in Covington by a van type of truck.

This concluded the applicant's presentation.

Damstrom asked if there was anyone present who wished to speak in favor of this request. There being no response, he asked if there was anyone else present who wished to speak against the request or ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McKinney asking if having the store as presented requires a zone change for the entire six-acre tract. Mr. Light stated that they cannot ask for C-3 zoning without minimum acreage because it would be spot zoning. He stated that the PD will allow the flexibility for the one use from C-3, as well as the other C-2 uses.

Mr. McKinney stated that he thought Corken Steel was a wholesaler of plumbing and heating units. He asked if that is mainly the customer base for this site. Mr. Dusing stated that they submitted a letter which is in the Staff file as to what Corken Steel does. He stated that they will sell to individuals and to people who repair furnaces and other items.

Mr. Brown asked if there will be outside storage of materials. Mr. Dusing responded "no".

Mr. Brown questioned how the material is normally delivered to the store. Mr. Jeff Corken stated that it is delivered by van or truck, similar to a Ford Econovan.

Mr. Brown questioned why the request is in compliance with the Comprehensive Plan. Mr. Dusing stated that the Comprehensive Plan shows "Commercial" for this whole strip and that is what they are requesting. Mr. Brown asked if there is a Concept Plan. Mr. Dusing stated that the Concept Plan is what exists now -- they are not making any physical improvements. It is a new tenant inside an existing building.

Mr. Brown asked if there are slides of the property looking back towards Honeysuckle Subdivision. Mr. Light responded that he has those pictures, but he did not show them. Mr. Brown stated that he has had complaints regarding the buffering that was promised in the original zone change. Mr. Light stated that he will research this issue.

Mr. Brown stated that the community center is part of the six acres. He asked if the entire area will be brought up to the landscaping requirements. He stated that if they are going to get a zone change, they will need to buffer the whole site.

Mr. Dusing stated that they are not building anything. He stated that the church needs to do what they promised to do as a condition of approval for the Christian Center. Mr. Brown stated that they are bringing this for a zone change and there needs to be proper buffering according to Florence regulations.

There being no further comments, Mr. Damstrom stated that the Committee Meeting for this item will be on February 4, 1999 at 5 PM in Courtroom 3B. This item will be on the Agenda for the Business Meeting on February 17, 1999 at 7:30 PM.

Mr. Damstrom closed this Public Hearing.

APPROVED:


Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 17, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Larry Brown
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Mike McKinney
Mr. Don McMillian
Mr. Robert Newman
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom, Vice Chairman
Mr. Robert Ries
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Caddell stated that each Commission member had received a copy of the Minutes of the February 3, 1999 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. White seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

Mr. Viox stated that he has a conflict in regard to Agenda Items #1 and #2 as he has provided engineering services. Mr. Viox left the room at this time.

1. Zoning Map Amendment

The request of Robert C. Rhein Interests, Inc. (applicant) for Richard K. Fedders (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 87-acre tract on the west side of Pleasant Valley Road across from Oakbrook Road, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

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

There being no discussion, Mr. Newman moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Hicks seconded the motion. A vote on the motion found all voting members in favor. Mr. Viox was not present. The motion carried.

2. Concept Development Plan

The request of Florence Baptist Church (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate six-acre tract at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. Mr. Light stated that Mr. Brown voted against the Committee Report.

Mr. Hicks moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mrs. Smith seconded the motion.

Mr. Brown stated that he voted against the Committee Report for several reasons. He stated that the request is only for C-3 use in part of the building. Mr. Light stated that the request is for the one C-3 use and the remaining C-2 uses. Mr. Brown questioned expansion of the C-3 use in the PD, since it is not covered in the conditions. Mr. Light stated that it was part of the request. Mr. Brown stated that C-2 is to provide goods and professional services on a convenience basis for the local community, as opposed to C-3 uses, which in this case is a distributor of heating and air-conditioning. He stated that the back 60 feet of the property is adjacent to a residential area, which would currently require a C buffer - - which is sixty feet of buffering with ten evergreens, five small trees, five large or medium trees, and ninety shrubs -- but none of that will be put in there. He has talked with the Urban Forestry Council and they probably will not be interested in doing anything in terms of a private piece of property. He stated part of the compromise the Committee was trying to work out was, because of the slope of the land on Honeysuckle, to eliminate the 90 required shrubs and the five small trees and have ten evergreens and five large or medium trees. The five large or medium trees could be counted in the trees currently existing on the property. That compromise was not brought out of the Committee.

Mr. Hicks stated that the Committee voted in favor of the request because they felt that the building is already there, so Site Plan Review is not needed. The Landscaping requirements are imposed at the time of Site Plan Review. He stated that even if Site Plan Review were required, the existing building would not have to meet those landscaping requirements.

There being no further comments, the Chairman asked for a vote on the motion which found Chairman Caddell, Mr. Hicks, Mr. Knock, Mr. Newman, Mrs. Smith, Mr. White, and Mrs. Wilson in favor. Mr. Brown, Mr. McMillian, and Mr. McKinney were opposed. Mrs. Arnett abstained as she is a member of the church. Mr. Viox abstained for the reason stated previously. The motion carried with 7 votes in favor, 3 opposed, and 2 abstentions.

Mr. Viox returned to the meeting at this time.

3. Concept Development Plan

The request of Eugene R. Weber (applicant) for Bob Sumerel Tire Company, Inc. (owner) to consider a Concept Development Plan application for an approximate 2.8 acre lot on the north side of Donaldson Highway, approximately 250 feet west of Turfway Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow an approximate 10,000 square foot truck tire storage and truck tire installation facility in an Industrial One/Planned Development (I-1/PD) Zone.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: February 17, 1999

RE: Request of **Florence Baptist Church (owner)** to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate 6 acre tract located at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building.

REMARKS:

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

Findings of Fact

1. The adopted 1995 Boone County Comprehensive Plan and Future Land Use Map indicate that this site is to remain Commercial (C).
2. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The applicant agrees to re-define the Dixie Highway access, angle the parking stalls to encourage the use of the rear exit onto Banklick Street and provide ornamental landscaping along the side of the building that faces Dixie Highway.
2. The applicant has agreed to provide the Urban Forestry Council with an easement along the rear property line that abuts the Shenandoah Valley subdivision for the supplemental planting of a tree buffer.

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

Larry Brown

Larry Brown, Chairman

For _____ Against
Abstain _____ Absent _____

Phil Damstrom

For _____ Against
Abstain _____ Absent

Mark Hicks

Mark Hicks

For Against _____
Abstain _____ Absent _____

Bob Newman

Bob Newman

For Against _____
Abstain _____ Absent _____

Bill Viox

For Against _____
Abstain _____ Absent _____

TOTAL: 2 FOR 1 AGAINST 1 ABSTAIN 1 ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McKinney, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White, and Mrs. Wilson.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Mr. Damstrom introduced the second item on the Agenda:

2. Applicant: Florence Baptist Church (owner)
Request: Concept Development Plan

The request of Florence Baptist Church (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate six acre tract at 7009 Dixie Highway, Florence, Kentucky. The request is for a zone change to permit the sale of heating and plumbing equipment and electrical supplies, in addition to the normally permitted C-2 uses, in an existing retail building

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Attorney Gerald Dusing, Florence, Kentucky, representing Florence Baptist Church, stated that he represented the church when they built the adjacent family life center. He stated that the subject site was Schwartz Drug Store in Florence. The church bought the old Florence Motel, and other substandard places along Dixie Highway at great expense. They bought the adjacent strip center to protect their investment and for future use. They are not changing anything -- they need a zone change because the property is zoned C-2. They made the argument to the Zoning Administrator that they are permitted under C-2, but they are listed in C-3 -- even though it is a close call. He stated that the church wants to rent to this tenant. He introduced Mr. Danny Collins, Administrator for Florence Baptist Church, Attorney Don Ruberg representing Corken Steel, Mr. Jeff Corken, and Mr. Dick Unger.

Mr. Danny Collins stated that they have a history in the Florence area from 1853. They have made an investment and a ministry outreach in the Florence Family Life Center. They do not know what their ministry will require in the future and there was an opportunity to acquire the adjacent Schwartz Drug plaza property. They want to protect the investment of approximately \$2 million in their property. All of the units were rented and, if a vacancy occurs, they try to find tenants

that are compatible and provide rental income. When the pharmacy use left, they sought to get a tenant that would be good for the community and not increase traffic. This use would decrease the traffic from the seven-day-a-week drug store. He stated that they have made significant improvements over the last six months and will make additional cosmetic changes.

Attorney Don Ruberg with O'Hara, Ruberg and Taylor, representing Corken Steel, stated that representatives of Corken Steel were present. He stated that Corken Steel is a small family-owned business with its primary location in Covington. At this location, they will establish a satellite store to make it more convenient for customers to pick up supplies. They will sell parts, tools, and small supplies. The operation will be similar to a hardware store, only more specialized. They will not have electric items or ceiling tiles -- it will be primarily heating and plumbing supplies. It will be a retail store to serve the Florence/Boone County area. They do not anticipate evening or weekend hours, and expect about 30 - 40 customers a day. Customers will be small businessmen or private individuals. There will be no tractor trailers. There will be motor vehicles and pick-up trucks. They want to fit into the neighborhood. They are consistent with what was in the shopping center and with the surrounding area. He stated that it is not a large business -- it is a specialty hardware store.

Mr. Dusing stated that the request is in compliance with the Comprehensive Plan. He stated that inventory delivery will be from the main store in Covington by a van type of truck.

This concluded the applicant's presentation.

Damstrom asked if there was anyone present who wished to speak in favor of this request. There being no response, he asked if there was anyone else present who wished to speak against the request or ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McKinney asking if having the store as presented requires a zone change for the entire six-acre tract. Mr. Light stated that they cannot ask for C-3 zoning without minimum acreage because it would be spot zoning. He stated that the PD will allow the flexibility for the one use from C-3, as well as the other C-2 uses.

Mr. McKinney stated that he thought Corken Steel was a wholesaler of plumbing and heating units. He asked if that is mainly the customer base for this site. Mr. Dusing stated that they submitted a letter which is in the Staff file as to what Corken Steel does. He stated that they will sell to individuals and to people who repair furnaces and other items.

Mr. Brown asked if there will be outside storage of materials. Mr. Dusing responded "no".

Mr. Brown questioned how the material is normally delivered to the store. Mr. Jeff Corken stated that it is delivered by van or truck, similar to a Ford Econovan.

Mr. Brown questioned why the request is in compliance with the Comprehensive Plan. Mr. Dusing stated that the Comprehensive Plan shows "Commercial" for this whole strip and that is what they are requesting. Mr. Brown asked if there is a Concept Plan. Mr. Dusing stated that the Concept Plan is what exists now -- they are not making any physical improvements. It is a new tenant inside an existing building.

Mr. Brown asked if there are slides of the property looking back towards Honeysuckle Subdivision. Mr. Light responded that he has those pictures, but he did not show them. Mr. Brown stated that he has had complaints regarding the buffering that was promised in the original zone change. Mr. Light stated that he will research this issue.

Mr. Brown stated that the community center is part of the six acres. He asked if the entire area will be brought up to the landscaping requirements. He stated that if they are going to get a zone change, they will need to buffer the whole site.

Mr. Dusing stated that they are not building anything. He stated that the church needs to do what they promised to do as a condition of approval for the Christian Center. Mr. Brown stated that they are bringing this for a zone change and there needs to be proper buffering according to Florence regulations.

There being no further comments, Mr. Damstrom stated that the Committee Meeting for this item will be on February 4, 1999 at 5 PM in Courtroom 3B. This item will be on the Agenda for the Business Meeting on February 17, 1999 at 7:30 PM.

Mr. Damstrom closed this Public Hearing.

APPROVED:

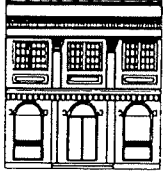

Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

February 10, 1999

Mr. Danny Collins
Florence Baptist Church
283 Main Street
Florence, KY 41042

RE: Conditions of Approval for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an Approximate 6 Acre Site Located at 7009 Dixie Highway, Florence, Kentucky

Dear Mr. Collins:

The following represents the conditions of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change Committee. If you as the owner agree to these conditions please indicate so by providing your signature on the agreement stated at the end of this letter.

Conditions

1. The applicant agrees to re-define the Dixie Highway access, angle the parking stalls to encourage the use of the rear exit onto Banklick Street and provide ornamental landscaping along the side of the building that faces Dixie Highway.
2. The applicant has agreed to provide the Urban Forestry Council with an easement along the rear property line that abuts the Shenandoah Valley subdivision for the supplemental planting of a tree buffer.

Sincerely,

Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL/pr

Handwritten initials and date: MAL/pr 2/12/99

Mr. Danny Collins
February 10, 1999
Page 2

Agreement

I, Danny Collins, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for the Florence Baptist Church for an approximate 6 acre tract located at 7009 Dixie Highway, Florence, Kentucky.

Danny Collins, Administrator
Danny Collins (owner) (date) 2/12/99
Administrator

DC
2/12/99

ORDINANCE NO. O-6-99

AN ORDINANCE ADOPTING AND APPROVING A REZONING FOR AN APPROXIMATE 6 ACRE TRACT LOCATED AT 7009 DIXIE HIGHWAY IN THE CITY OF FLORENCE, KENTUCKY, THIS REZONING BEING FROM COMMERCIAL TWO (C-2) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), SUBJECT TO A CONCEPT DEVELOPMENT PLAN AND AGREED CONDITIONS BY THE PROPERTY OWNER. (FLORENCE BAPTIST CHURCH PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval, with agreed conditions, of a zone change request for an approximate 6 acre tract from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) at 7009 Dixie Highway, in the City of Florence, Kentucky, and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings attached to its Resolution of recommendation, all of which have been reviewed by the City Council of Florence, Kentucky.

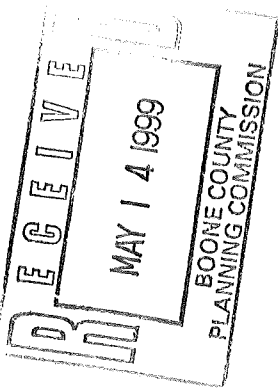
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the requested zone change for the approximate 6 acre tract located at 7009 Dixie Highway in Florence, Kentucky, shall be and is hereby approved to rezone this property from its current zoning of Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD), subject to agreed conditions set forth in Section II. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of this 6 acre tract.

SECTION II

The Applicant has agreed that the following conditions shall be a part of this zoning map amendment approval:



1. Condition No. 1 of the Committee Report shall be amended to read as follows:

The Applicant agrees to redefine the Dixie Highway access, angle the parking stalls and paint arrows on the pavement to encourage the use of the rear exit onto Banklick Street, and provide ornamental landscaping along the side of the building that faces Dixie Highway.

2. Condition No. 2 of the Committee Report is deleted and in lieu thereof the Applicant agrees to install, maintain and replace if necessary in the future the trees shown on the drawing attached hereto as Exhibit "B".

3. Applicant shall replace dead pine trees in the existing buffer adjacent to the Christian Life Center.

4. There shall be no manufacturing operations conducted on the site and no outside storage shall be allowed.

5. No eighteen-wheel tractor-trailer trucks shall be permitted to be parked on any of the premises by the Applicant.

6. The uses approved herein shall occur entirely within buildings existing on the site.

SECTION III

This approval is granted based upon the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-99-003-A, marked Exhibit "C", and incorporated herein as if fully set out.

SECTION IV

If this approval for this zone change should be held invalid, in whole or in part, 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 Ordinance and they are intended to continue to have effect regardless of any invalidity relating to this particular zone change approval.

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 27th DAY OF April, 1999.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
11th DAY OF May, 1999.

APPROVED:

Diann E. Whalen
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK

TRANSFER TAX PAID \$ 150.00
REC. HOUSE CLERK

BOOK 578 PAGE 267

11.00

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Grantor: SCHWARTZ & SCHWARTZ ENTERPRISES, INC., A KENTUCKY CORPORATION, by and through Ralph J. Schwartz, President, pursuant to duly authorized and adopted resolution of its Board of Directors whose mailing address is: 2009 Dixie Highway, Florence, KY 41042

And including a charitable gift of \$150,000.00
for and in consideration of Six Hundred Ninety Five Thousand (\$695,000.00) Dollars, to it paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell and convey to:

Grantee: FLORENCE BAPTIST CHURCH, INC., a Kentucky Non-Profit Corporation, in fee simple

its successors and assigns forever, the following described real estate in the City of Florence, County of Boone and Commonwealth of Kentucky, to wit:

Grantee mailing address: 283 Main Street, Florence, KY 41042

Present street address: 2009 Dixie Highway, Florence, KY 41042

Group No. 2043A

Consisting of a 2.44 acre tract of real estate, more or less and being more particularly described in the attached Survey Description and Plat.

Subject to all easements, restrictions, covenants and other matters of record.

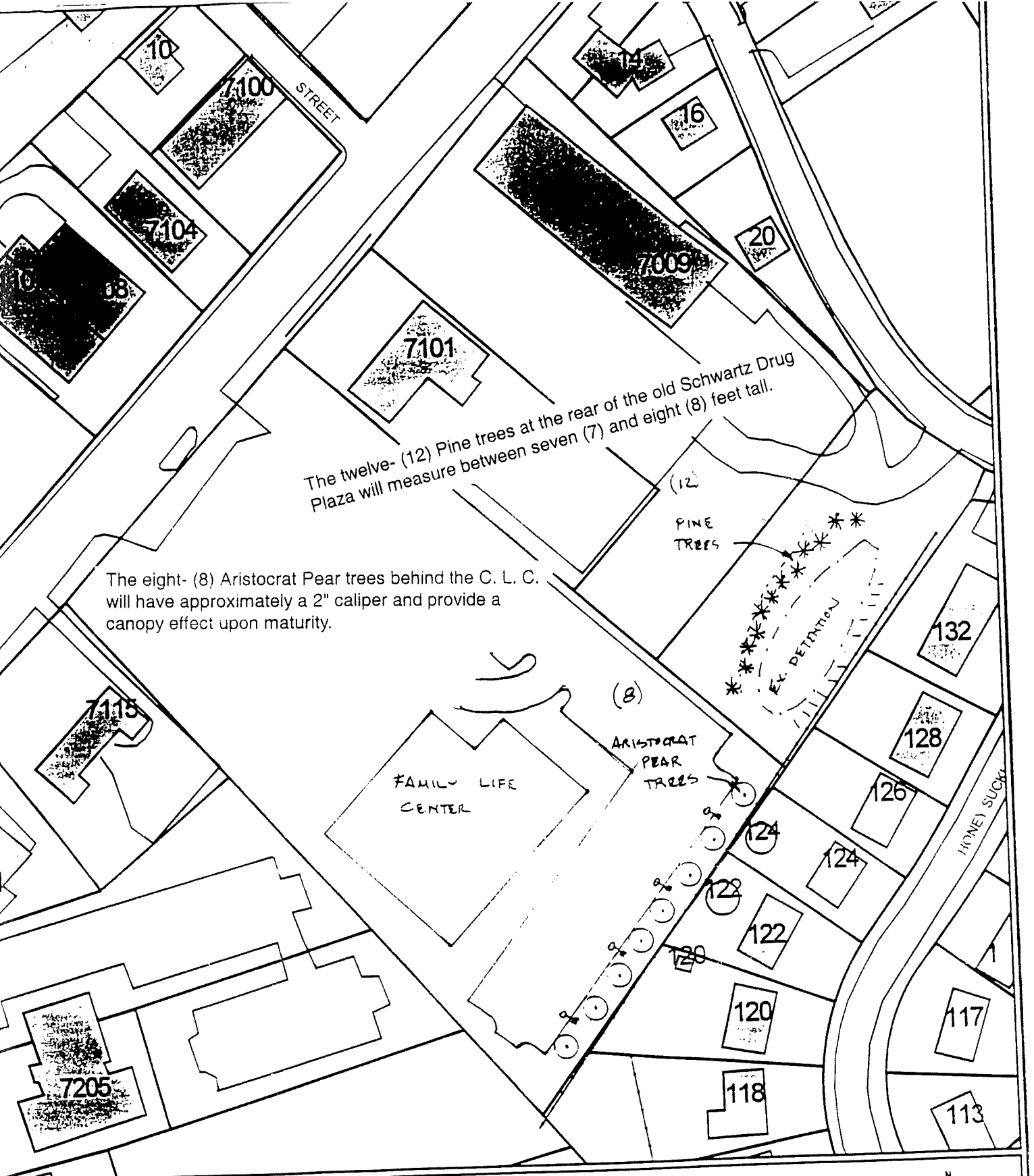
Being the same property conveyed to SCHWARTZ & SCHWARTZ ENTERPRISES, INC., a Kentucky Corporation, by Deeds of conveyance recorded in Deed Book 190, page 241; Deed Book 190, page 239; Deed Book 362, page 93; and Deed Book 190, page 235 all of said references being to the Boone County Clerk's records at Burlington, Kentucky. The above described Property Description represents a new survey of the total tract of real estate owned by the Grantor herein by new property description prepared by Viox & Viox, P.S.C. dated June 1, 1995 as per the attached.

See also Deed of Correction from Boone Post No. 4, Incorporated, The American Legion, Department of Kentucky, a Kentucky Corporation, as recorded in Deed Book 578, page 263 of the Boone County Clerk's records at Burlington, Kentucky.

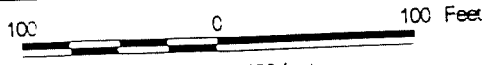
*Buyer's O. Sklar
7244 Spring Blvd
Florence, KY 41042*

(5)

Exhibit "A"



Florence Baptist Church Property



1 inch equals 100 feet
 Produced by the
 City of Florence
 Public Services Division
 April 21, 1999



LANDSCAPE PLAN

EXHIBIT "B"