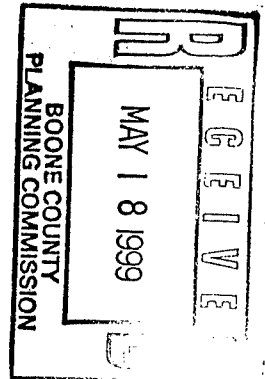


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project Head and Neck Surgery Associates, PSC
2. Location of Project 2 Grand Ave. & 7575 US Highway 42.
3. Total Acreage of Site 71' X 156'
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) O-1
6. Proposed Uses (please specify each use) extend adjacent property of 7575 US 42 to create additional parking spaces for existing business.
7. Names of Applicant(s) Head & Neck Surgery Associates - Karen K. Van Niman
Phone Number 606-572-3030 Fax No. 606-572-3039
8. Address of Applicant(s) 7575 US Highway 42
Florence, Kentucky 41042
City State Zip
9. Name of Property Owner(s) Wanda Fannon
Phone Number 371-8517 Fax No. 572-3039 *
10. Address of Property Owner(s) 2 Grand Avenue
Florence, Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) N/A - PARKING ONLY
12. Are there any existing buildings on the site? YES
How many? one - RESIDENCE
13. Deed Book 180 Page No. 598 Group No. 268
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
Tract C Grandview Hts. Subdivision
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? April 15, 1999 Kevin Wall
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

* Also:
GERALD F. DUSING, attorney
phone 291-7270
fx 291-7902

EXHIBIT
“A”

STAFF REPORT

Request of Head and Neck Surgery Associates, PSC (applicant) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for a .25 acre site located at 2 Grand Avenue Florence, Kentucky. The request is for a zone change to increase the parking area of the Head and Neck Surgery Associates facility located at 7575 US Highway 42 Florence, Kentucky.

June 23, 1999

REQUEST

This request is for a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for a the purpose of increasing the parking area of the Head and Neck Surgery Associates facility. The site is located on the east side of Grand Avenue and is approximately 180 feet south of US 42. The site is immediately adjacent to the Head and Neck Surgery Associates Building, which fronts US 42.

The Concept Development Plan shows that the new parking lot will utilize the same access point as the existing parking lot and that an additional 23 parking stalls will be provided. Parking areas are allowed as accessory uses in the O-1 zoning district.

ADJACENT LAND USES AND ZONING

- North: The Head and Neck Surgery and Associates Building (O-1).
- South: Single-family residential dwellings (SR-1).
- East: Circle Apartments (UR-2).
- West: Single-family residential dwellings (SR-1) and an apartment complex (O-1).

Site Characteristics

The subject site is fairly level and presently contains a single-family residential use and storage shed. All existing structures are to be demolished or removed to accommodate the parking lot.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described as "single family housing of up to four units per acre." Staff would like to note that the adjoining Head and Neck Surgery Associates facility is zoned for Commercial uses under this plan.

The Land Use Element (Area D-4: Florence Area, pp. 226-228) states the following regarding this area:

"Consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads."

The Land Use Element makes the following general statements which relate to this 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. ("Buffering" p. 210).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. ("Landscaping" p. 210).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. ("Access Management" p. 211).

- D. Appropriate pedestrian networks should be incorporated into the design of the developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. ("Transportation and Pedestrian Network" p. 211).

The Business Activity Element makes the following statements that relate to US 42.

- A. Other types of projected commercial activity include the eventual redevelopment of older commercial areas. This includes sites along Dixie Highway, US 42 (in Florence), KY 18 (in Florence) and Dream Street.

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

- A. Proper design principles shall be applied in development ("Overall," Objective 3).

- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).

- C. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).

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

STAFF COMMENTS

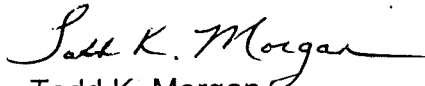
1. A Type "A" buffer yard is required along Grand Avenue. Buffer yard "A" is ten feet wide and consists of 5 small trees, 3 large trees, and 30 shrubs per 100 linear feet of street frontage. A Type "B" buffer yard is required along the property line that is adjacent to the Circle Apartments. Buffer yard "B" is twenty feet wide and consists of 10 small trees, 5 large trees, and 60 shrubs per 100 linear feet of frontage. A Type "C" buffer yard is required along the southmost property line that abuts the Suburban-Residential One zoning district. Buffer yard "C" is thirty feet wide and consists of a decorative fence, 10 evergreen, 5 small trees, 5 large trees, and 90 shrubs per 100 linear feet of frontage. However, the applicant may request a waiver of any requirements of the landscaping regulations due to unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot (71' x 156').
2. The applicant has submitted a Concept Development Plan for the proposed parking lot that includes some landscaping. Staff recommends that the applicant make the parking lot a uniform shape. By reducing two-way driveway width down to 24 feet the applicants could plant more landscaping along the southeast property line. The overall layout of the parking lot will be reviewed at the site plan stage.
3. Although the Future Land Use Map has designated the subject site for suburban residential uses, the adjoining Head and Neck Surgery facility is designated for commercial uses and may not be out of character with the area.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations.

The Future Land Use Map will need to be amended if the Planning Commission and City Council approve the Zoning Map amendment request.

Respectfully submitted,



Todd K. Morgan
Planner

TKM/tlm

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Plan

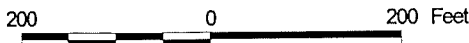
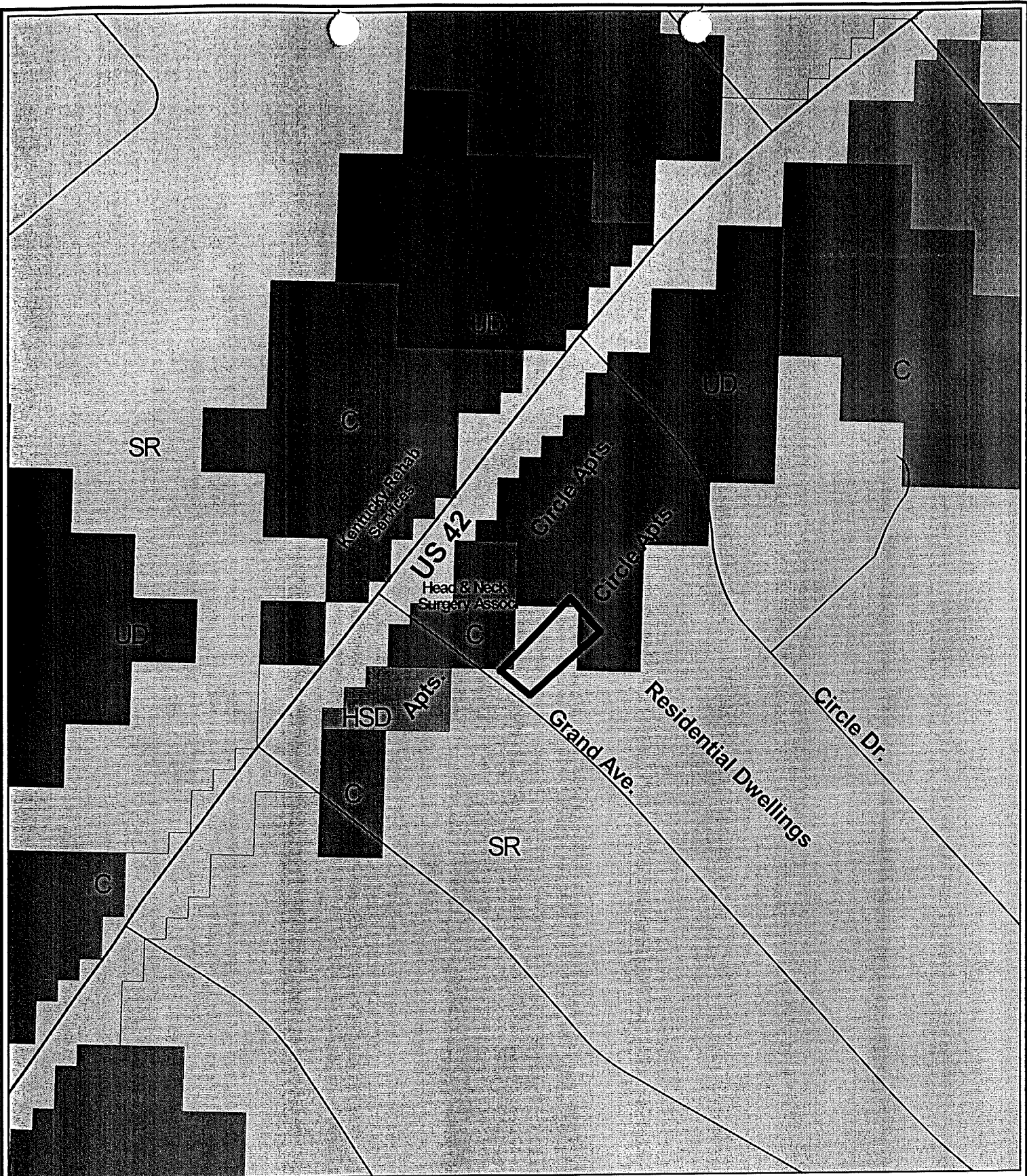


200 0 200 Feet

Head & Neck Surgery Assoc. Vicinity Map

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 26, 1999





**Head & Neck Surgery Assoc.
Future Land Use**

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 26, 1999



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
June 23, 1999
7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:06 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Head and Neck Surgery Associates
c/o Karen K. Van Niman (applicant) for
Wanda Fannon (owner)

Request: Zoning Map Amendment

The request of Head and Neck Surgery Associates c/o Karen K. Van Niman (applicant) for Wanda Fannon (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for an approximate 0.25 acre tract at 2 Grand Avenue and 7575 U.S. 42, Florence, Kentucky. The request is for a zone change to allow a parking lot expansion.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Knock and Mr. Damstrom arrived during the presentation of the Staff Report.

The Chairman asked for the applicant's presentation.

Attorney Jim Woltermann with Adams, Brooking & Stepner, introduced Dr. Thomas Mayer, a Partner in Head and Neck Surgery Associates; Ms. Karen Van Niman, Executive Director of Head and Neck Surgery Associates; and Mr. Brian Schleper with Pilot Construction.

Dr. Mayer stated that Head and Neck Surgery Associates started their practice in Florence approximately twenty years ago. They have been in their present location since 1989. Their building has a clinical (doctors' office) side and an ambulatory surgery-center side. Over the past five or six years, there has been a dramatic increase in their volume of patients due to population growth in Northern Kentucky and Boone County. Their surgery center has had a great increase in patients due to a change in trends in medicine away from in-patient hospital care due to the Managed Care System that dominates health care today. These increases have pushed their parking capacity to its limits. This is also a problem to the community as many of their patients are forced to park on Grand Avenue. Some of their patients are not capable of making this walk. The limited parking also limits their ability to see the number of patients they would like to see and may force patient care to be delayed, or for patients to have to be seen at one of their other offices. He stated that they wish to expand their parking lot into the adjacent property.

Ms. Karen Van Niman stated that they have tried some alternative solutions over the years, such as off-site parking. They have tried purchasing parking spaces at the hotel down the street and having their employees park there and walk -- but it is several blocks away and there are issues in the winter with it being dark and safety concerns for employees approaching their cars. She stated that their current parking lot is approximately thirty spaces and they require fifteen spaces for employees. Their hours are basically Monday through Friday from 7 AM to 7 PM with no weekend or holiday hours, which minimizes the disruption to the neighborhood.

Mr. Brian Schleper, Pilot Construction, 1452 Donaldson Road, Erlanger, reviewed the Development Plan. He indicated the proposed new parking area and the existing residences. He stated that they have combined the access for the new parking lot with the access to the existing parking lot. They are adding 23 new parking spaces. He stated that the actual landscaping is yet to be determined, but noted an island of landscaping in the parking lot. The existing fence next to the adjacent residence will be taken down and a similar fence and large hedge will be there. He stated that the regulations call for a 30-foot buffer, but that would cut the lot in half and they would not be able to get the number of parking spaces they need. They will seek a Variance for the buffer. He stated that the current detention area will be expanded and improved to accommodate the new storm water from this site.

Mr. Woltermann stated that the property owner is present if there are any questions of her. He stated that the next property owner (immediately adjacent to the parking lot when the existing home is removed) is Rockford Lewis and he has written a letter in support of the zone change (see Exhibit 1).

Mr. Woltermann stated that this property fronts on Grand Avenue, but needs to be identified as being connected to U.S. 42, and is intended to be a commercial area. This completed the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned the need for this number of additional parking spaces.

Ms. Van Niman stated that their facility houses an outpatient surgery center which does approximately 1,500 cases a year, as well as a typical doctors' office facility. They also dispense hearing aids and have people coming in for a short visit to get allergy injections. They have fifteen employees and currently have thirty parking spaces, which only allows fifteen patient parking spaces. The doctors may see 80 to 100 patients in four hours in the afternoon, and for surgery cases there can be a couple of cars because family members are there. Children have tonsillectomies and their families are there, and sometimes the recovery time is two hours.

Mr. McMillian questioned how much area they propose in the back for green space since 30 feet would take half the lot.

Mr. Woltermann referred to the Development Plan and stated that it is their plan. He stated that they will move the existing fence down one lot. They want to cut the green space area down to zero in the area where the fence will be. He stated that there would be no sense in buying a parking lot if they have to give up thirty feet for green space. He commented that they may be able to make the green space work somewhere between zero and thirty feet. He stated that landscaping is part of Site Plan Review and they plan to address it in more detail at that time. They are aware that the Concept Plan does not comply with the regulations, but the Zoning Ordinance allows the Zoning Administrator to give them relief based on lot size and other issues involved.

Mr. White questioned the size of the lot. Mr. Woltermann stated that there is 71 feet of frontage. Mr. Morgan stated that the lot is 71' x 156'. Mr. White stated that the fence is now on the boundary line. Mr. Woltermann agreed.

Mr. Knock questioned the size of the parking spaces. Mr. Woltermann responded that the size is controlled by the regulations. Mr. Morgan stated that the requirement is 9' x 18'. He reviewed the Development Plan and stated that they only need 24 feet between the edge of the parking stalls and they have in excess of 30 feet. Staff wants the

parking to be uniform and straight, which would allow more room for landscaping. He stated that Staff intends to review this at Site Plan Review.

Mr. Zimmer questioned who maintains the existing fence. Ms. Van Niman responded that they do. Mr. Zimmer questioned whether the fence is maintained. Ms. Van Niman stated that they have a landscaping service and the fence is maintained.

Mr. Zimmer questioned the lighting.

Mr. Schleper indicated the existing lighting on the building, around the perimeter of the existing parking lot, and where they propose to add lighting. He stated that the lighting is approximately twenty feet high, but could be lowered. They do not want the lighting to encroach on the adjacent property. He added that if they tighten up the parking spaces as suggested by Staff, they could provide a nice landscape buffer of about ten feet.

Mr. Zimmer stated that he appreciates the current property owner being in favor of the project, but the lighting could be an issue to someone else. Mr. Schleper responded that they have put hoods around the lighting to keep it as low as possible.

Mr. Morgan stated that since they are adding more than twelve parking spaces, they will need major Site Plan Review and lighting will be looked at at that time.

Mr. Zimmer stated that he only counts nineteen current parking spaces. Mr. Schleper responded that the Commissioners are only seeing part of the whole site. He indicated the additional parking on the site.

Mr. Zimmer suggested making it an angular parking lot with a one-way circulation pattern exiting into the existing parking lot on the northeast portion, and narrowing the access lanes so that there is 24 feet between the stalls.

Mr. Woltermann responded that their concern is the number of parking spaces and if it can be done in a better fashion than what is shown, they would be happy to do that.

Mr. Morgan stated that this is a Concept Plan and Staff will look at it in more detail at Site Plan Review. Mr. Zimmer stated that by putting it in angularly, they will lose parking spots but will gain space for the buffer.

Mr. Damstrom stated that their hours do not go late into the evening and lighting is not as important as it might be at other commercial sites. He would like to see monument style lighting -- just enough to give light to the parking lot but not enough to be obtrusive to the neighborhood.

Chairman Caddell asked if the existing water detention is above or below ground. Mr. Schleper responded "above". Chairman Caddell asked if it might need to go underground with the increased runoff. Mr. Schleper responded that they will increase the size of the existing pond and change it slightly.

There being no further comments, the Chairman closed this Public Hearing.

The Committee Meeting for this item will be on July 7, 1999 at 6 P.M. in this room. This item will be on the Agenda for the Business Meeting on July 21, 1999 at 7:30 P.M..

APPROVED:

For Philip M. Danston
Arnold Caddell, Chairman

Attest:

Jan Hancock
Jan Hancock, Recording Secretary

Exhibit 1: letter from Rockford Lewis, 6/22/99

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
July 21, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:37 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Brown
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBER NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Phil Damstrom, Vice Chairman
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

2. Zoning Map Amendment

The request of Head and Neck Surgery Associates c/o Karen K. Van Niman (applicant) for Wanda Fannon (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for an approximate 0.25 acre tract at 2 Grand Avenue and 757 U.S. 42, Florence, Kentucky. The request is for a zone change to allow a parking lot expansion.

Staff Member Todd Morgan presented the Committee Report which recommended conditional approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Hicks seconded the motion. A vote on the motion found all voting members in favor. Mr. Chaney was not yet present. The motion carried.

3. Zoning Map Amendment

The request of Mr. and Mrs. Chuck Byrne (owners) to consider a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an approximate 84.5 acre tract on the northwest corner of the intersection of Big Bone Road and Big Bone Church Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

The Chairman stated that there is a request to defer Item #3 to the August 4, 1999 Business Meeting at 7:30 P.M.. The Committee Meeting will be on July 22, 1999 at 5 P.M.. Mr. McMillian so moved. Mr. Ries seconded the motion. A vote on the motion found all voting members in favor. Mr. Chaney was not yet present. The motion carried.

4. Wireless Communications Facility

The request of Sprintcom, Inc. (applicant) to consider an application for a Wireless Communications Facility at 2841 KY 14, Boone County, Kentucky. The request is for the construction of a 250-foot lattice tower.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Chaney arrived at this time.

EXHIBIT

“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Newman, Chairman

DATE: July 21, 1999

RE: Request of Head and Neck Surgery Associates, PSC (applicant) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for a .25 acre site located at 2 Grand Avenue Florence, Kentucky. The request is for a zone change to increase the parking area of the Head and Neck Surgery Associates facility located at 7575 US Highway 42 Florence, Kentucky.

REMARKS:

We, the Committee, recommend conditional approval of the above referenced Zoning Map Amendment application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in agreement with the 1995 Boone County Comprehensive Plan. Although the Future Land Use Map designates the parcel in question for Suburban Residential uses, the site will become part of the Head and Neck Surgery Facility if this proposal is approved. The Future Land Use Map shows that the adjoining Head and Neck Surgery Facility is zoned for Commercial uses.
2. The Land Use Element text (Area D-4: Florence Area, pp. 226-228) states the following regarding this area:

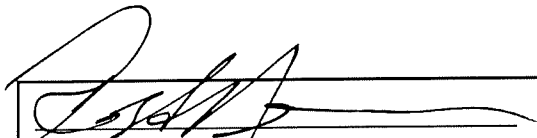
"Consumer service and traffic oriented development must be contained to specific areas adjacent to arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads".
3. It is the Committee's conclusion that the proposed landscaping shown on the Concept Plan is sufficient to buffer the property. The adjoining property owner to south submitted a letter stating that he had no objection to Head and Neck using a wood fence, similar to the one that the applicants are currently using.

4. 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. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

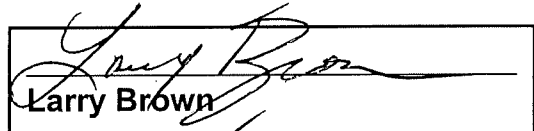
CONDITIONS:

1. Monument style parking lot lights will be used to illuminate the parking area during the evening hours. Staff will review the lighting plan when the applicant submits a Major Site Plan application.

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.



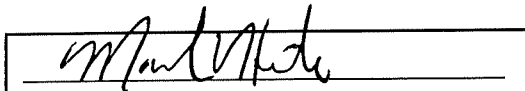
Robert Newman, Chairman
For Against _____
Abstain _____ Absent _____



Larry Brown
For Against _____
Abstain _____ Absent _____

W. Thomas Chaney
For _____ Against _____
Abstain _____ Absent

Phil Damstrom
For _____ Against _____
Abstain _____ Absent



Mark Hicks
For Against _____
Abstain _____ Absent _____

TOTAL: 3 FOR — AGAINST — ABSTAIN 2 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
June 23, 1999
7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:06 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Head and Neck Surgery Associates
c/o Karen K. Van Niman (applicant) for
Wanda Fannon (owner)

Request: Zoning Map Amendment

The request of Head and Neck Surgery Associates c/o Karen K. Van Niman (applicant) for Wanda Fannon (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for an approximate 0.25 acre tract at 2 Grand Avenue and 7575 U.S. 42, Florence, Kentucky. The request is for a zone change to allow a parking lot expansion.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Knock and Mr. Damstrom arrived during the presentation of the Staff Report.

The Chairman asked for the applicant's presentation.

Attorney Jim Woltermann with Adams, Brooking & Stepner, introduced Dr. Thomas Mayer, a Partner in Head and Neck Surgery Associates; Ms. Karen Van Niman, Executive Director of Head and Neck Surgery Associates; and Mr. Brian Schleper with Pilot Construction.

Dr. Mayer stated that Head and Neck Surgery Associates started their practice in Florence approximately twenty years ago. They have been in their present location since 1989. Their building has a clinical (doctors' office) side and an ambulatory surgery center side. Over the past five or six years, there has been a dramatic increase in their volume of patients due to population growth in Northern Kentucky and Boone County. Their surgery center has had a great increase in patients due to a change in trends in medicine away from in-patient hospital care due to the Managed Care System that dominates health care today. These increases have pushed their parking capacity to its limits. This is also a problem to the community as many of their patients are forced to park on Grand Avenue. Some of their patients are not capable of making this walk. The limited parking also limits their ability to see the number of patients they would like to see and may force patient care to be delayed, or for patients to have to be seen at one of their other offices. He stated that they wish to expand their parking lot into the adjacent property.

Ms. Karen Van Niman stated that they have tried some alternative solutions over the years, such as off-site parking. They have tried purchasing parking spaces at the hotel down the street and having their employees park there and walk -- but it is several blocks away and there are issues in the winter with it being dark and safety concerns for employees approaching their cars. She stated that their current parking lot is approximately thirty spaces and they require fifteen spaces for employees. Their hours are basically Monday through Friday from 7 AM to 7 PM with no weekend or holiday hours, which minimizes the disruption to the neighborhood.

Mr. Brian Schleper, Pilot Construction, 1452 Donaldson Road, Erlanger, reviewed the Development Plan. He indicated the proposed new parking area and the existing residences. He stated that they have combined the access for the new parking lot with the access to the existing parking lot. They are adding 23 new parking spaces. He stated that the actual landscaping is yet to be determined, but noted an island of landscaping in the parking lot. The existing fence next to the adjacent residence will be taken down and a similar fence and large hedge will be there. He stated that the regulations call for a 30-foot buffer, but that would cut the lot in half and they would not be able to get the number of parking spaces they need. They will seek a Variance for the buffer. He stated that the current detention area will be expanded and improved to accommodate the new storm water from this site.

Mr. Woltermann stated that the property owner is present if there are any questions of her. He stated that the next property owner (immediately adjacent to the parking lot when the existing home is removed) is Rockford Lewis and he has written a letter in support of the zone change (see Exhibit 1).

Mr. Woltermann stated that this property fronts on Grand Avenue, but needs to be identified as being connected to U.S. 42, and is intended to be a commercial area. This completed the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned the need for this number of additional parking spaces.

Ms. Van Niman stated that their facility houses an outpatient surgery center which does approximately 1,500 cases a year, as well as a typical doctors' office facility. They also dispense hearing aids and have people coming in for a short visit to get allergy injections. They have fifteen employees and currently have thirty parking spaces, which only allows fifteen patient parking spaces. The doctors may see 80 to 100 patients in four hours in the afternoon, and for surgery cases there can be a couple of cars because family members are there. Children have tonsillectomies and their families are there, and sometimes the recovery time is two hours.

Mr. McMillian questioned how much area they propose in the back for green space since 30 feet would take half the lot.

Mr. Woltermann referred to the Development Plan and stated that it is their plan. He stated that they will move the existing fence down one lot. They want to cut the green space area down to zero in the area where the fence will be. He stated that there would be no sense in buying a parking lot if they have to give up thirty feet for green space. He commented that they may be able to make the green space work somewhere between zero and thirty feet. He stated that landscaping is part of Site Plan Review and they plan to address it in more detail at that time. They are aware that the Concept Plan does not comply with the regulations, but the Zoning Ordinance allows the Zoning Administrator to give them relief based on lot size and other issues involved.

Mr. White questioned the size of the lot. Mr. Woltermann stated that there is 71 feet of frontage. Mr. Morgan stated that the lot is 71' x 156'. Mr. White stated that the fence is now on the boundary line. Mr. Woltermann agreed.

Mr. Knock questioned the size of the parking spaces. Mr. Woltermann responded that the size is controlled by the regulations. Mr. Morgan stated that the requirement is 9' x 18'. He reviewed the Development Plan and stated that they only need 24 feet between the edge of the parking stalls and they have in excess of 30 feet. Staff wants the

parking to be uniform and straight, which would allow more room for landscaping. He stated that Staff intends to review this at Site Plan Review.

Mr. Zimmer questioned who maintains the existing fence. Ms. Van Niman responded that they do. Mr. Zimmer questioned whether the fence is maintained. Ms. Van Niman stated that they have a landscaping service and the fence is maintained.

Mr. Zimmer questioned the lighting.

Mr. Schleper indicated the existing lighting on the building, around the perimeter of the existing parking lot, and where they propose to add lighting. He stated that the lighting is approximately twenty feet high, but could be lowered. They do not want the lighting to encroach on the adjacent property. He added that if they tighten up the parking spaces as suggested by Staff, they could provide a nice landscape buffer of about ten feet.

Mr. Zimmer stated that he appreciates the current property owner being in favor of the project, but the lighting could be an issue to someone else. Mr. Schleper responded that they have put hoods around the lighting to keep it as low as possible.

Mr. Morgan stated that since they are adding more than twelve parking spaces, they will need major Site Plan Review and lighting will be looked at at that time.

Mr. Zimmer stated that he only counts nineteen current parking spaces. Mr. Schleper responded that the Commissioners are only seeing part of the whole site. He indicated the additional parking on the site.

Mr. Zimmer suggested making it an angular parking lot with a one-way circulation pattern exiting into the existing parking lot on the northeast portion, and narrowing the access lanes so that there is 24 feet between the stalls.

Mr. Woltermann responded that their concern is the number of parking spaces and if it can be done in a better fashion than what is shown, they would be happy to do that.

Mr. Morgan stated that this is a Concept Plan and Staff will look at it in more detail at Site Plan Review. Mr. Zimmer stated that by putting it in angularly, they will lose parking spots but will gain space for the buffer.

Mr. Damstrom stated that their hours do not go late into the evening and lighting is not as important as it might be at other commercial sites. He would like to see monument style lighting -- just enough to give light to the parking lot but not enough to be obtrusive to the neighborhood.

Chairman Caddell asked if the existing water detention is above or below ground. Mr. Schleper responded "above". Chairman Caddell asked if it might need to go underground with the increased runoff. Mr. Schleper responded that they will increase the size of the existing pond and change it slightly.

There being no further comments, the Chairman closed this Public Hearing.

The Committee Meeting for this item will be on July 7, 1999 at 6 P.M. in this room. This item will be on the Agenda for the Business Meeting on July 21, 1999 at 7:30 P.M..

APPROVED:

For Philip N. Danston
Arnold Caddell, Chairman

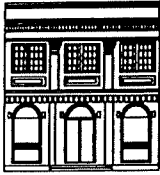
Attest:

Jan Hancock
Jan Hancock, Recording Secretary

Exhibit 1: letter from Rockford Lewis, 6/22/99

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

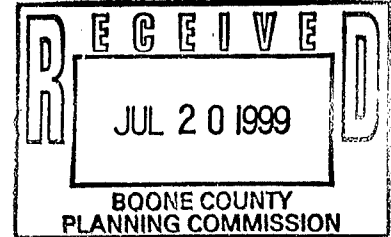
606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

July 13, 1999

Ms. Karen Van Nimon
Head and Neck Surgery Associates
7575 US Highway 42
Florence, Kentucky 41042



RE: Request of Head and Neck Surgery Associates, PSC (applicant) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Office One (O-1) for a .25 acre site located at 2 Grand Avenue Florence, Kentucky. The request is for a zone change to increase the parking area of the Head and Neck Surgery Associates facility located at 7575 US Highway 42 Florence, Kentucky.

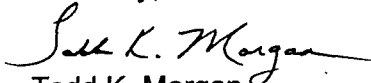
Dear Ms. Van Nimon:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the Executive Director for Head and Neck Surgery Associates, agree to the following condition, please indicate so by signing at the space provided below. Please return the signed letter to our office by 5:00 P.M., July 20, 1999.

Condition

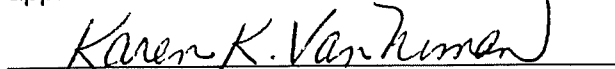
1. Monument style parking lot lights will be used to illuminate the parking area during the evening hours. Staff will review the lighting plan when the applicant submits a Major Site Plan application.

Sincerely,


Todd K. Morgan
Planner

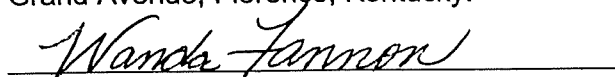
TKM\pr

I, Karen Van Nimon, Executive Director of Head and Neck Surgery Associates, hereby agree to the above listed condition of approval for the zone change request from SR-1 to O-1, for the approximate 0.25 acre tract located at 2 Grand Avenue, Florence, Kentucky.


Ms. Karen Van Nimon

7-20-99
Date

I, Wanda Fannon, current property owner, hereby agree to the above listed condition of approval for the zone change request from SR-1 to O-1, for the approximate 0.25 acre tract located at 2 Grand Avenue, Florence, Kentucky.


Ms. Wanda Fannon

07/20/99
Date

DEED

Know All Men By These Presents:

CLERK'S OFFICE

SHORT FORM

DEED

Property Transfer Tax Paid \$29.00
JERRY W. ROUSB, Clerk PAAD. Co.

That RICHARD T. THEKEN AND CAROL A. THEKEN, his wife

for and in consideration of Twenty-nine thousand and 00/100----- to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

ROY F. WIDENER AND WANDA WIDENER, his wife, for their joint lives, with the remainder to the survivor of them, in fee, his or her

heirs and assigns forever, the following described Real Estate, in the City of FLORENCE;

County of ~~Kenton~~ ^{Boone} and Commonwealth of Kentucky, to-wit: Group No. 268.

Present Street Address 2 Grand Avenue, Florence, Ky. Plat No.

Mailing Address Same

Being Tract "C" of the Grandview Heights Subdivision as shown on Plat recorded in Plat Book 2, page 20 of the Boone County Clerk's records at Burlington, Kentucky, and more

COPY

particularly described as follows:

Beginning at a stake in the right of way of Grand Avenue, said point being 130 feet northwest of Lot No. 1, Grandview Heights Subdivision as measured along the right of way; thence with said right of way North 52°10' West 60.0 feet to a stake; thence North 41°03' East 70.11 feet to a stake; thence north 43°41' East 86.47 feet to a stake; thence South 42°35' East 71.0 feet to a stake; thence South 46°48' West 146.0 feet to the beginning.

There is excepted from the above described parcel a 4.0 foot sanitary sewer easement, the center line of which is described thus: Beginning at a point in the west line of the lot, said point being South 51°10' West 70.0 feet from the northwest corner; thence North 85°21' East 90.0 feet to a point in the rear lot line.

Being the same property conveyed to the Grantors herein by deed from James R. Chapman and Edith Chapman, his wife, dated May 27, 1968 and recorded in Deed Book 180, page 598 of the Boone County Cler's records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

Roy F. Widener and Wanda Widener, his wife, for their joint lives, with the remainder to the survivor of them, in fee, his or her

heirs and assigns, forever, the Grantor their heirs, executors and administrators, HEREBY COVENANTING with the grantee their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

MORTGAGE CERTIFICATE

Buyer: Widener
 Street Address: 2 Grand
 City or Village: Florence
 Township:
 County: Boone State: Ky
 Subdivision: Grandview Heights
 Plat Bk. 2 Pg. 20 Lot No.
 Aud Bk. Pg. Parcel
 Tract C

This survey is made for and at the instance of: First Federal Savings

I hereby certify that this mortgage certificate shows the improvement or improvements as located on the premises described, that the improvement or improvements are entirely within lot lines, and that there are no encroachments upon the premises described by the improvement or improvements of any adjoining premises, except as noted.

NOTE: This mortgage certificate was prepared for identification purposes for the mortgagee in connection with a new mortgage and is not intended or represented to be a land or property line survey. No property corners were set. Any dimensions shown to lot lines are provided solely to the lending institution to determine if potential set back line violations exist. Exact determination requires stake survey. Do not use for establishing fence lines or building lines. No responsibility is extended herein to the land owner or occupant.

Robert E. Koopman Date: 12-1-89

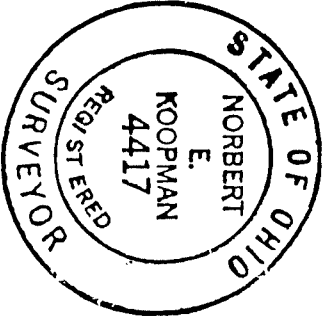
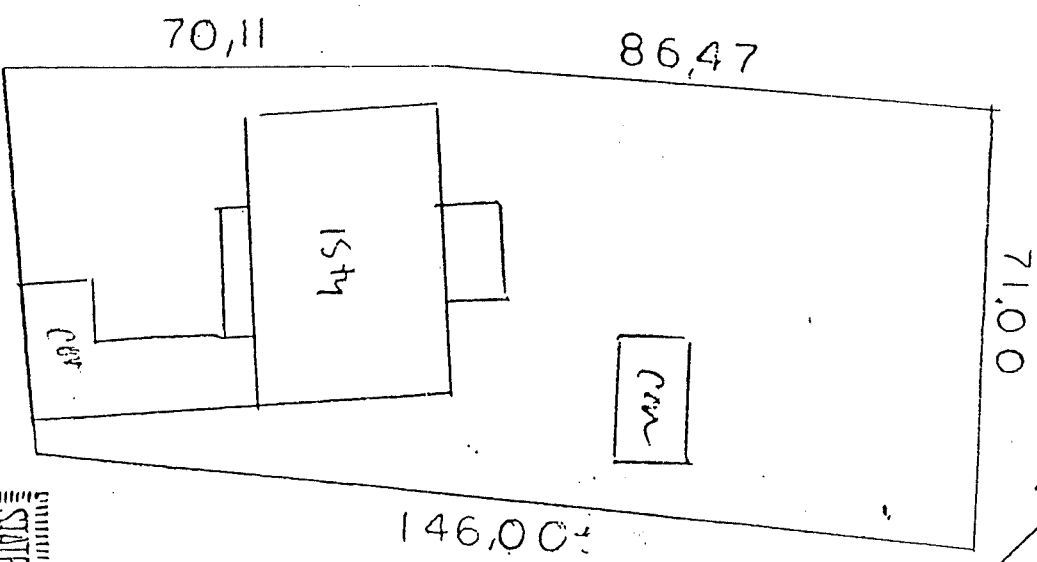
KOOPMAN - SHECKELS & ASSOCIATES INC.
 6894 Old Chapel
 Cincinnati, Ohio 45244
 (513)231-2618

scale 1/2" = 4' drawn 6 checked A
 date Job No. 9-10-115

Understand that this mortgage certificate is not a stake survey, that it does not meet the minimum requirements of the Kentucky State Board of Registration for Professional Engineers and Land Surveyors under 201 KAR 18:150 and that it is not a recordable document.

date

EXISTING HEAD & NECK ASSE



COPY

Keep
[scribble]

BOOK 599 PAGE 171
CERTIFICATE OF SATISFACTION

Gr. 268

"C"

Handwritten

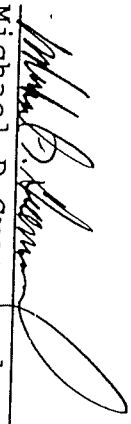
Stought
Subd.

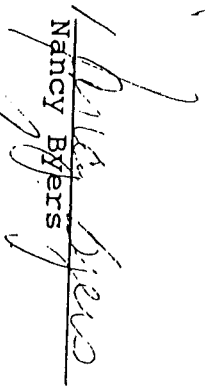
This instrument certifies that a certain mortgage recorded in mortgage Book 593 Page 168 of the BOONE County Clerk's office, executed by ROY F WIDERNER & WANDA WIDENER, and held of record by the undersigned has been fully satisfied, and the BOONE County Clerk is hereby authorized to discharge the same of record.

IN WITNESS WHEREOF, The Huntington Mortgage Company, by resolution, has authorized this release to be signed on its behalf by its officer this March 24, 1997.

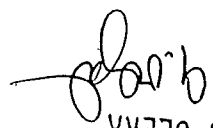
Signed and acknowledged
in the presents of:

THE HUNTINGTON NATIONAL
BANK FKA FIRST FEDERAL
BANK FOR SAVINGS OF
NORTHER KENTUCKY


Michael D Greenwood,
Vice President


Nancy Byers


Misti Alspach

RECEIVED
1997 APR - 3 P 1:02
JERRY W. ROUSE
BOONE COUNTY CLERK


Jannon
and Ave.
8042-24014 by [scribble]

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-22-99: AN ORDINANCE ADOPTING AND APPROVING A REZONING FOR AN APPROXIMATE 0.25 ACRE SITE LOCATED AT 2 GRAND AVENUE AND 7575 U. S. HIGHWAY 42 IN THE CITY OF FLORENCE KENTUCKY, THIS REZONING BEING FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO OFFICE ONE (O-1) TO ALLOW A PARKING LOT EXPANSION SUBJECT TO A CONCEPT DEVELOPMENT PLAN AND CONDITIONS AGREED TO BY THE PROPERTY OWNER. (HEAD AND NECK SURGERY ASSOCIATES - WANDA FANNON PROPERTY)

Mayor Whalen then read the following summary of the Ordinance: The effect of this Ordinance is to change the zoning classification for the approximate 0.25 acre site as described in the Ordinance. This rezoning allows the parking lot expansion as set forth in the application and development plan submitted for this rezoning.

The full text of Ordinance No. O-22-99, including its Exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

Councilmember Brown moved, seconded by Councilmember Metzger, that Ordinance No. O-22-99 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

NOTE: Councilmembers Schaffer and Brown left the room during the presentation and vote on second reading of Ordinance No. O-23-99 and first reading of Ordinance No. O-24-99, due to possible conflict of interest.

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-23-99: AN ORDINANCE ADOPTING AND APPROVING REZONING FOR APPROXIMATELY 367 ACRES GENERALLY LOCATED ON THE NORTHSIDE OF LONGBRANCH ROAD APPROXIMATELY 1,900 FEET WEST OF THE LONGBRANCH ROAD/FOWLER CREEK ROAD INTERSECTION AND ALSO PROPERTY LOCATED ON THE WEST AND SOUTH SIDES OF LONGBRANCH ROAD AT 2087 LONGBRANCH ROAD AND APPROXIMATELY 1,100 FEET WEST OF THE LONGBRANCH ROAD/FOWLER CREEK ROAD INTERSECTION, ALL OF THIS PROPERTY BEING THE SUBJECT OF ANNEXATION INTO THE CITY OF FLORENCE, KENTUCKY, THIS REZONING BEING FROM RURAL SUBURBAN ESTATES (RSE) TO RURAL SUBURBAN/PLANNED DEVELOPMENT (RS/PD), SUBURBAN RESIDENTIAL ONE (SR-1), SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) AND PUBLIC FACILITIES (PF) TO ALLOW RESIDENTIAL DEVELOPMENT SUBJECT TO A CONCEPT DEVELOPMENT PLAN THAT INCLUDES CONDITIONS AGREED TO BY THE PROPERTY OWNERS. (CITY OF FLORENCE REZONING APPLICATION IN CONNECTION WITH ANNEXATION)

Mayor Whalen then read the following summary of the Ordinance: This Ordinance rezones portions of an approximately 367 acre tract on Longbranch Road to the zoning classifications described in the Ordinance title. Under the provisions of K.R.S. 100.209(1), following the enactment of this Ordinance, the City will proceed to enact a separate Ordinance annexing the rezoned territory. Upon such annexation the rezoning will become effective.

This Ordinance incorporates the findings of the Boone County Planning Commission to the effect that this rezoning is in agreement with the Boone County Comprehensive Plan. The Ordinance further makes the property subject to the development plan for Longbranch Park which was submitted to and approved and recommended by the Boone County Planning Commission.

The concept plan provides for 954 single family dwelling units varying in size from 80' minimum lot frontage to 50' minimum lot frontage. The plan further provides for recreation/open space area and the construction of necessary infrastructure including streets, utilities, and storm water facilities.