

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 Temple
2. Location of Project 1898 Florence Pike Burlington, KY. 41005
3. Total Acreage of Site 7.6
4. Current Zoning of Site C-2 + R
5. Proposed Zoning (Classification being requested) UR-2
6. Proposed Uses (please specify each use)

7. Names of Applicant(s) Florence Baptist Temple and Paul Genever
Phone Number 586-6090 (Paul: 586-6759) Fax No. 586-5691

8. Address of Applicant(s) FBT (Same As Above) Paul Genever: 1856 Florence Pike
Burlington KY. 41005

9. Name of Property Owner(s) Florence Baptist Temple Paul Genever
Phone Number 586-6090 and 586-6759 Fax No. FBT: 586-5691

* 10. Address of Property Owner(s) FBT (same as above) Paul Genever (Same as above)
Burlington KY 41005

11. Proposed Building Intensities (please specify)

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

13. Deed Book FBT: 207 Paul: 190 Page No. FBT: 335 Paul: 446 Group No. 2025

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

15. Have you submitted a Concept Development Plan? NO

16. Have you had a pre-application meeting with BCPC Staff? NO

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

- * 10. Continued...
*10. Hayfield Apts. 525-0515
c/o Cardinal Industries, Inc.
PO Box 4002
Columbus, Ohio 43068-4002
*10. Sky Harbor Apts.
212 East 3rd St. Suite #300.
Cincinnati, O. 45202
*10. Burns & Associates
(Burlington Oaks Apts.)
3341 Post Rd.
Lexington, KY. 40503

* 10. Tom Runion (Meadowood Golf Club) 586-0422
1911 Golf Club Rd.
Burlington, KY. 41005

EXHIBIT
“A”

STAFF REPORT

Request of Florence Baptist Temple and Paul Genever (owners) to consider a Zoning Map Amendment from Commercial Two (C-2) and Recreation (R) to Urban Residential Two (UR-2) for an approximate 7.6 acre tract located at 1898 Florence Pike, Boone County, Kentucky. The request is for a zone change to allow apartment buildings.

July 7, 1999

REQUEST

The following is a request for a zone change from Commercial Two (C-2) and Recreation (R) to Urban Residential Two (UR-2) for a 7.6 acre tract located on the North side of Florence Pike, adjacent to Burlington Pike. The subject site is immediately to the east of Florence Baptist Temple.

The proposal involves four (4) apartment buildings, each with two (2) stories, with four (4) detached garages. The enclosed Concept Development Plan proposes two (2)-2 bedroom units, with twelve (12) units on each floor (24 units), one (1)-1 bedroom unit, with twelve (12) units on each floor (24 units), and one (1)-3 bedroom unit, with twelve (12) units on each floor, for a total of 96 units. The Urban Residential Two (UR-2) zoning district allows a maximum intensity of 20 d.u. per acre, and does not have any minimum acreage or size of district requirements. The 7.6 acre area would have a maximum allowable density of 152 units. The apartment structures are proposed along the NW portion of the property (adjacent to the Meadowood Golf Club), and the SE portion of the property (adjacent to the Burlington Oaks Apartment complex), and is to interconnect with the Burlington Oaks Development, which is located off of Taylor Drive (See Concept Development Plan).

SITE CHARACTERISTICS

The subject property is relatively flat, and has a great amount of open space. Vegetation currently exists along the right, left, and rear portions of the property, and consists mainly of deciduous hardwood trees. The topography and elevation remains relatively consistent, and slopes slightly upward towards the rear. The existing structures on the property consist of the Church Building, a Multi-Purpose building that is currently under construction, an Office Building for administrative personnel, two (2) storage buildings, and a picnic shelter with accessory recreational uses. The area is also served by Public Water and Public Sanitary Sewer.

ADJOINING ZONING AND LAND USES

The existing land uses and zoning that adjoin the subject site include the following:

- North: Meadowood Golf Club, zoned Recreation District (R)
- South: Vacant land, zoned Commercial One (C-1)
- East: Val Court Drive, Hayfield Drive, and Tanglewood Court,
zoned Urban Residential One (UR-1)
- West: Meadowood Golf Club, zoned Recreation District (R)

RELATIONSHIP TO THE BOONE COUNTY COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Urban Density Residential (UD), as well as the adjacent properties to the east, and the surrounding uses as Recreation (R), and Commercial (C), which are defined in the adopted Comprehensive Plan as:

- Urban Density Residential: "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."
- Recreation: "Public and commercial outdoor recreation including golf courses, parks, race tracks, etc".
- Commercial: "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, in part:

C-3: Burlington - KY 18 area

The area bound by KY 18 to the south, KY 237 to the west, Limaburg Road to the east and Conrad Lane to the north currently contains a variety of uses. This area should continue to develop in a residential fashion, providing low to high density housing opportunities. The intersection of KY 18 and KY 237 should develop as low traffic-generating office uses. Any access from Camp Ernst Road to these office developments must be accompanied by road improvements. Public Facilities uses should continue to develop at the southeast corner of the intersection. Public Facilities development east of the Boone County Extension Building should retain the existing mature woodlands as a transition into the planned High

Suburban Density Residential uses and to retain this prominent visual characteristic of this portion of the KY 18 corridor. This site would be an appropriate location for an alternative education program site or passive recreation uses. In the event of any office or commercial development on the site, the development design must be unique in order to incorporate existing woodland.

The Housing Element provides the following comments that relate to the proposal:

The remainder of the Housing Element is devoted to examining ways the county can meet housing needs. The goals and objectives of this plan advocate a planned effort to meet the broad range of housing needs and desires of the present and future populations. The Housing Element is coordinated with the Plan's other elements in order to provide a framework for the Future Land Use Plan (pg. 101).

The need and demand for housing in Boone County will be met through maintenance of the existing supply of housing and the construction of new housing. Location, type, and density of new housing is addressed in this section (pg 101).

The Housing Element Goals and Objectives also include the following:

Florence-Burlington Area:

Development along KY 18 will continue but primarily as commercial and office uses. Considering the airport noise impact, any future residential development should occur west of Limaburg Road which is outside of any noise contours. The undeveloped land on the south side of KY 18 between the Extension Center and Oakbrook Center and the Oakbrook apartments would be another excellent site for a small transit-oriented, mixed-use planned development. Commercial uses and high-density residential units should be integrated along KY 18 and then normal lot size, single-family houses connected to streets in the Willowbend Subdivision (pg 108).

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriate planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principals shall be applied in development ("Overall," Objective 3).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall", Objective 6).

- D. The needs of Boone County's population base are accommodated through the provisions of orderly growth ("Population," Goal).
- E. 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).
- F. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible ("Environment," Physical Objective 2).
- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4)
- H. A broad range of housing opportunities shall be provided which meets the needs and desires for all household types ("Housing", Objective 1).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the progression of densities, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing", Objective 5).

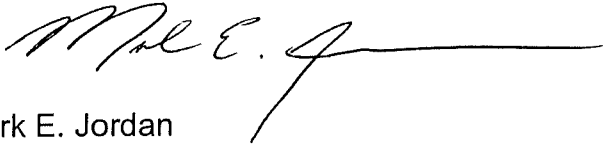
STAFF COMMENTS/CONCERNS

- 1. Staff's primary concern with this proposal is the provision of sufficient buffering for the proposed buildings adjacent to the Meadowood Golf Club. Staff recommends the preservation of the existing buffer, possibly coupled with a fence or wall that is located on the interior side of the existing trees.
- 2. Staff is concerned with the close proximity of the proposed buildings to the Golf Course, and lack of setback specifications on the proposed Concept Development Plan. Section 3161 of the Boone County Zoning Regulations, Design Standards by Zone District, requires a 20 foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved in the UR-2 district.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of it's relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

Respectfully Submitted,

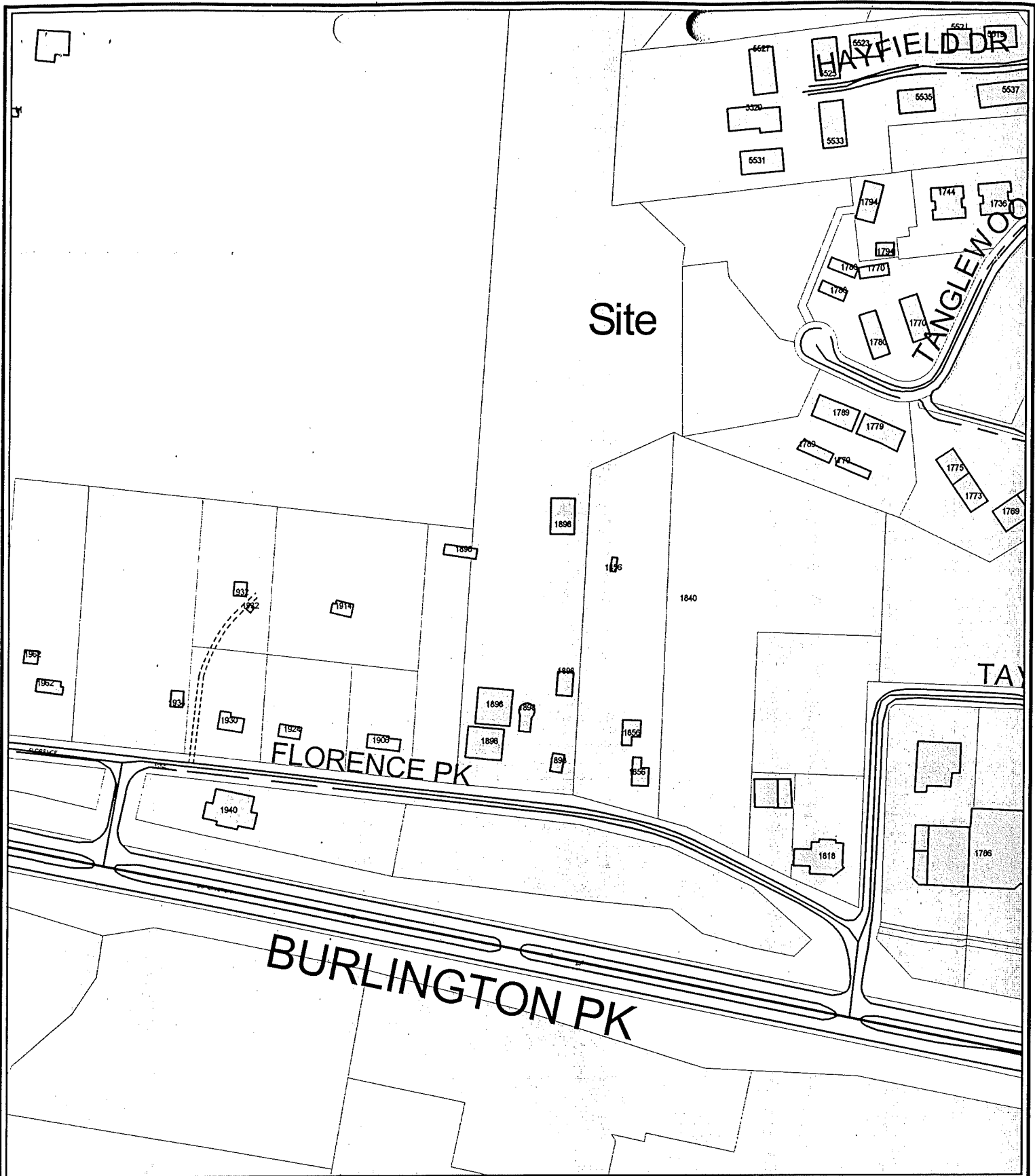


Mark E. Jordan
Planner

MEJ/pr

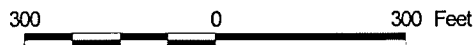
Attachments

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



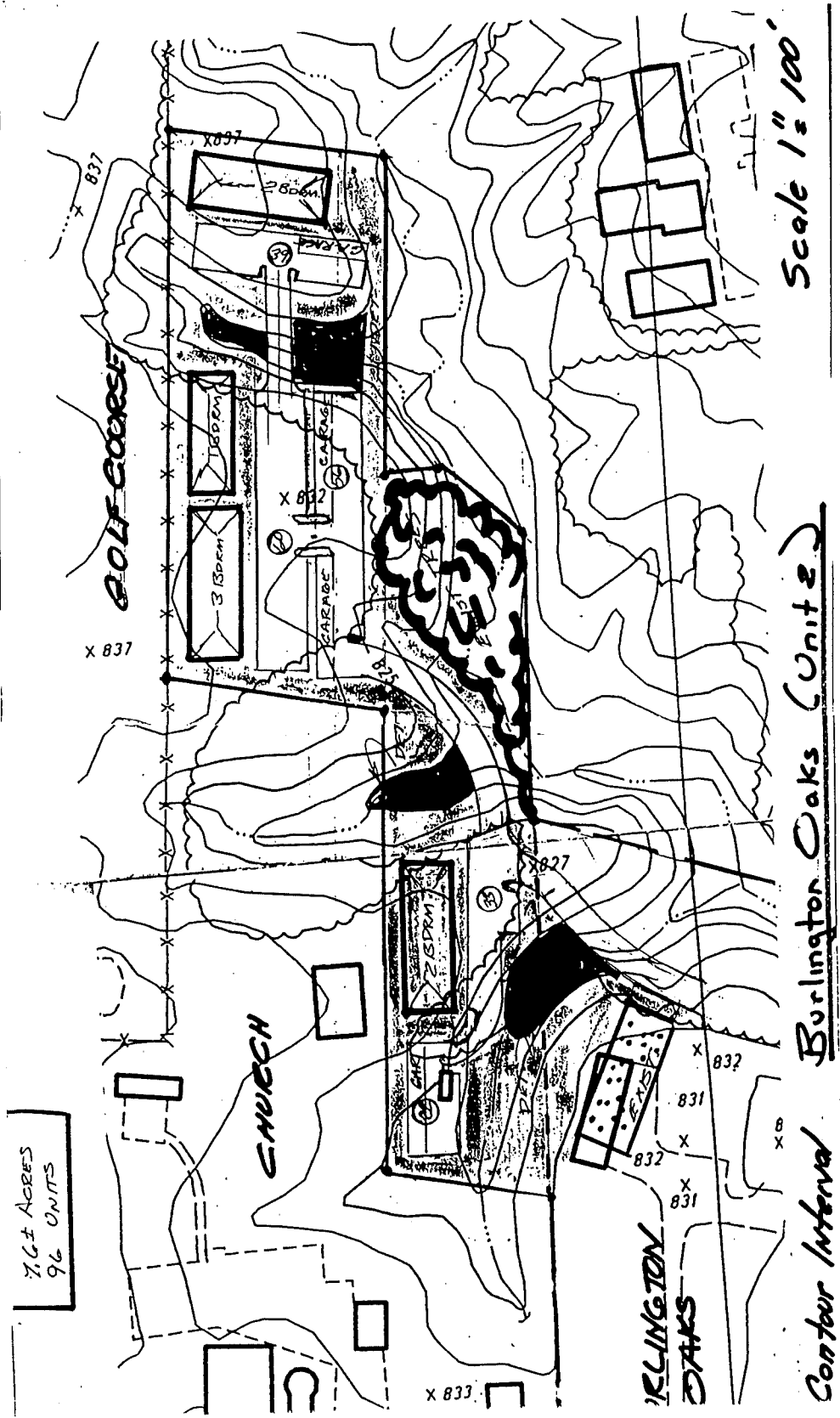
Site Vicinity Map

1898 Florence Pike



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 7, 1999

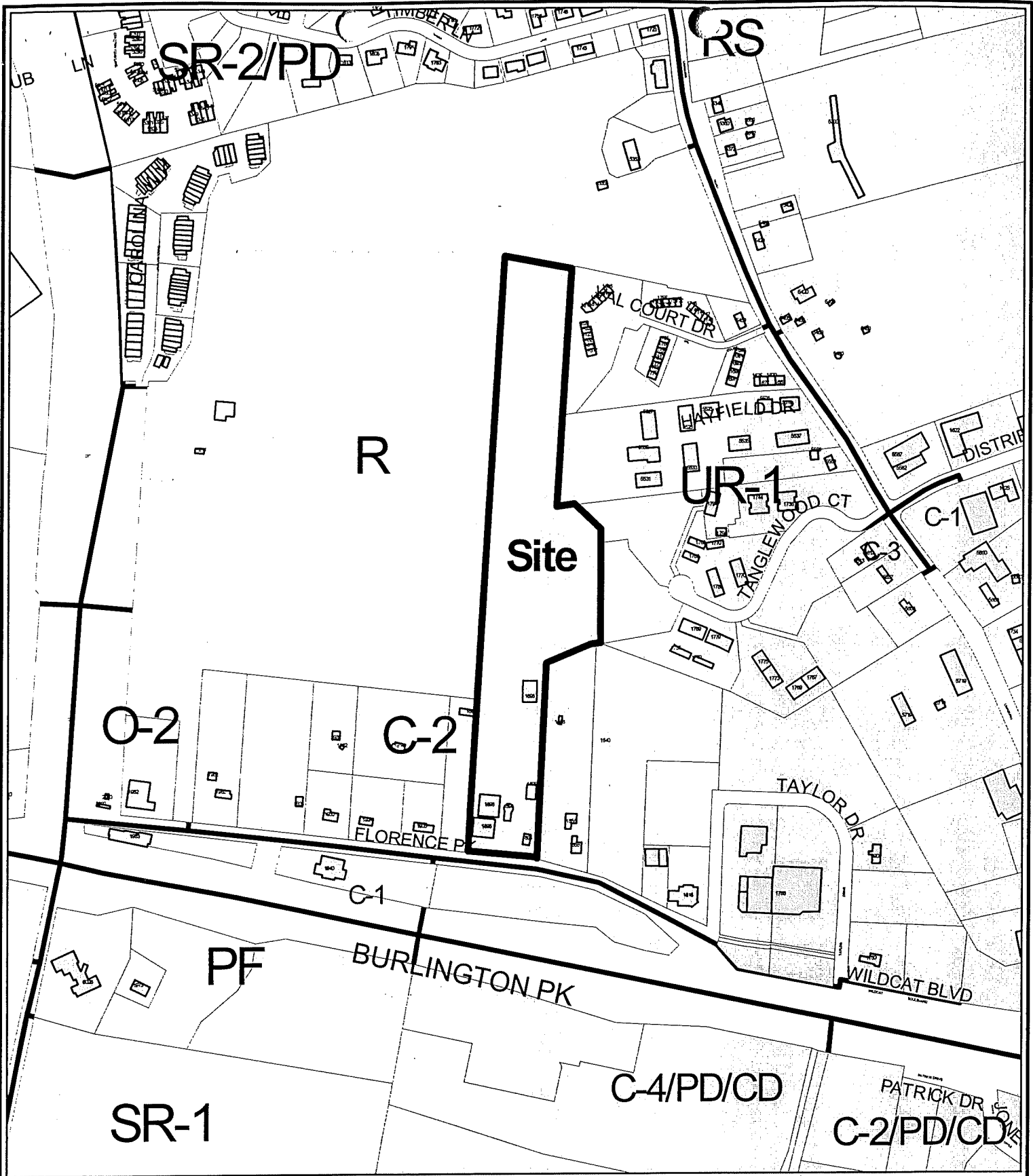




Scale 1" = 100'

Burlington Oaks (Units 2)
 Contour Interval

7.6 ± ACRES
 96 UNITS



Zoning Map

1898 Florence Pike

500 0 500 Feet

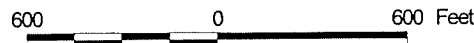
1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 6, 1999





Future Land Use Map

1898 Florence Pike



1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 6, 1999



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

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Brown, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mark Jordan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Phil Damstrom, Vice Chairman, called the meeting to order at 8:02 P.M.. Following an explanation of the Public Hearing process, Mr. Damstrom introduced the item on the agenda:

1. Applicant: Florence Baptist Temple and Paul Genever (owners)

Request: Zoning Map Amendment

The request of Florence Baptist Temple and Paul Genever (owners) to consider a Zoning Map Amendment from Commercial Two (C-2) and Recreation District (R) to Urban Residential Two (UR-2) for an approximate 7.6 acre tract at 1898 Florence Pike, Boone County, Kentucky. The request is for a zone change to allow apartment buildings.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation.

Mr. Damstrom noted that some of the slides showed disturbed ground and asked the applicant to comment in this regard. Wayne Cox, Pastor of Florence Baptist Temple, explained that they are taking some of the fill from the construction site and putting it on the back temporarily.

Mr. Jordan completed the presentation of the Staff Report (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Pastor Wayne Cox, 10222 Hempstead Drive, Union, stated that he has been Pastor of the church for the 26 years it has been in existence. He stated that they are under construction now with a new multi-purpose building on their property. They just purchased approximately 5.6 acres to the east and want to keep the front two acres of their property zoned C-2. They want to sell the back 3.6 acres and the other four acres on the back of their property. They sold the four acres furthest to the north to Mr. Runion in June, 1998 and Mr. Runion has stated that he has no objection to the proposed development. He offered to answer any questions.

Counselor Wilson asked if there was anyone present in the audience who wished to speak in regard to this request.

Mr. Tony Hobson with North American Properties, which owns and operates the Sky Harbor Apartments adjacent to the property being rezoned, commented that they are only trying to rezone the area of the Development Plan and not their entire property.

Pastor Cox agreed and stated that the first slide shown accurately showed the area to be rezoned. Mr. Jordan presented the slide for clarification.

Mr. Hobson stated that when they bought Sky Harbor Apartments the adjacent Residential zoning was an attractive feature in their decision to purchase their property. He does not think the Development Plan as shown would cause a problem. He is concerned about the existing tree area and the creek bed adjacent to the Hayfield property and their property. He asked if the Concept Development Plan is a condition and part of the rezoning. Mr. Costello responded "that is correct".

Mr. Hobson suggested that the wooded creek area be part of the Development Plan and maintained as shown. He questioned why the UR-2 Zone was selected since it provides a much higher density than required by the Development Plan, even though it does not matter what zone it is if the Development Plan defines the density. He stated that it is 96 units and UR-1 would seem to be appropriate. He stated that if the Development Plan is the maximum density permitted, that would fine.

Pastor Cox stated that he has spoken with the proposed buyer and he assured him that they are going to keep the wooded area the way it is. The proposed buyer also assured him that 96 units would be the maximum.

There being no further comments from the audience, Mr. Damstrom asked if there were any comments or questions from the Commissioners.

Mrs. Smith commented that the whole site is not being changed from C-2 and R to UR-2. Mr. Jordan agreed and stated that it is just 7.6 acres of the site. There is a total of 9.6 acres, but the request is only for 7.6 acres.

Mrs. Smith asked if there is an entrance to the site from Florence Pike where the church is. Mr. Jordan responded "no" and explained that the entrance is through Burlington Oaks Development which is accessed off Taylor Drive. Mrs. Smith questioned the ownership of the road going into the apartments. Mr. Jordan responded that it is a private street owned by Burns and Associates, the developer of Burlington Oaks. Mrs. Smith asked if they have agreed to the entrance into this property through their site. Mr. Costello asked the applicant if they have a contract or option that specifies this plan. Pastor Cox responded "yes". Mrs. Smith asked if Burlington Oaks Apartments is owned by the people who are buying this property from the church. Mr. Jordan responded "yes".

Mr. Costello explained that there were pre-application meetings with the applicant and there was concern about one-way-in and one-way-out and whether there would be some provision through the church property or golf course property for additional access. He noted that Mr. Runion may want to develop his property residentially in the future. He stated that we are looking at options for a secondary access to be provided in the event of an emergency.

Mrs. Wilson commented that the property that is the subject of the zone change is part of the larger area designated on the map. Mr. Jordan submitted a plat for the record showing only the area requested to be rezoned.

Mrs. Smith stated that there is no entrance into the property from Florence Pike. Mr. Jordan agreed.

Mr. Ries stated that it appears that the buildings are too close to the property lines. He questioned the buffering and parking. He stated that it would be a tight fit and the rendering does not show anything. He asked Staff to elaborate on Staff Concern #2.

Mr. Jordan stated that there is a preliminary and proposed Development Plan. He stated that Staff's main objective would be for the applicant to incorporate the existing tree line around the perimeter of the property and possibly designate it as a tree-save area during Site Plan Review. He stated that the Concept Development Plan does not indicate any of the necessary setbacks.

Mr. Ries stated that there is no buffering for the one-bedroom and three-bedroom units. He questioned parking behind the buildings and if there is adequate space for the cars. Mr. Jordan indicated on the slide where he assumes the parking will be -- his understanding is that the parking will be in front of the proposed buildings. Mr.

Ries stated that he would like to see a more detailed plan showing the buffering, the space between the buildings, and if there will be trees, a berm, or fencing, before he approves this request. Mr. Jordan stated that the property is in close proximity to the golf course and the setbacks are not indicated on the Concept Development Plan. With golf balls flying from the direction of the golf course, he is concerned about the proximity of the buildings to the golf course. Mr. Ries stated that there is not ten feet from the building to the property line. Mr. Costello stated that the setback in UR-2 is twenty feet and in UR-3 it is fifteen feet.

Mr. Steve Noll, a member of the church who is acting as the construction manager for the project, showed a colored drawing that is to scale (1" = 100'). He stated that the area shown in green is proposed to be left as green space. He stated that there is over twenty-five feet to the property line. The gray shaded areas and lighter blue areas are parking and the number of spaces in each area is shown.

Mr. Ries asked the applicant to bring the drawing to the Committee Meeting.

Mrs. Wilson questioned emergency vehicles being able to turn around if there are garages there or if there is space between the garage and the building for them to go through. Mr. Noll stated that there is 25 feet there and an emergency vehicle would fit easily. Mrs. Wilson stated that she would like to see no entrance through the church parking lot. Mr. Noll responded that this property does not connect in any way with the road into the church property.

In response to a question from Mrs. Arnett, Mr. Noll indicated the storm water detention areas. Mr. Costello stated that there is no retention -- it is detention -- and will be dry most of the time. Mr. Noll agreed.

Mr. McMillian questioned whose property the tree line is on. Mr. Noll responded that there is an old farmer's fence there and the trees have grown up on both sides. The fence line is right on the property line. Mr. McMillian commented that the tree line the applicant is talking about is not necessarily on their property.

Mrs. Arnett asked if there are any amenities planned for the apartment complex, such as a pool and clubhouse. Mr. Noll responded that there will not be any on this property. Mr. Costello stated that he believes there is pool and community center and will verify this information. Mrs. Arnett commented that this is an extension of Mr. Burns' current development. Mr. Noll agreed.

Mr. Damstrom agreed that the site is tight. He stated that there will have to be dumpsters and screening for the dumpsters, but it is difficult to determine where they might be.

Mr. Noll responded that Mr. Burns may service these buildings with the same dumpsters that serve the other site.

Mr. Newman questioned why Mr. Burns is not present. Mr. Noll responded that Mr. Burns does not own the property. Mr. Newman asked if Mr. Burns is tied to the Concept Development Plan once he owns the property. Counselor Wilson explained that anyone buying the property would be subject to the Development Plan and the conditions agreed to by the owner. If a subsequent owner wants to change the Development Plan in a significant way, he would have to come back through this process. A buyer would take the property subject to the conditions of the agreed Development Plan.

Mr. Zimmer asked, if the plan is approved, would the Planning Commission be in a position to say how many dumpsters and where they will be, and those kinds of details. Counselor Wilson responded that if the owner cannot tell the Planning Commission where the dumpsters will be, the Committee will say where they will be and the applicant can agree or disagree. Mr. Zimmer suggested that they provide more detail at the Committee Meeting.

Mr. Zimmer questioned the proposed density being 12 units per acre. Mr. Jordan responded that it is 20 units per acre. Mr. Costello stated that there was a pre-application meeting and there was discussion of concerns regarding the Urban Residential Two classification because it goes up to 20 units per acre. At 96 units, they are above 12 units per acre and would have to apply for UR-2. If the Planning Commission approves the request, they would be restricted to 96 units versus twenty units per acre. Mr. Zimmer stated that the Planning Commission is approving twelve or so units per acre, not twenty units per acre. Mr. Costello agreed.

Mr. Zimmer referred to Page 2 of the Staff Report under Relationship to the Boone County Comprehensive Plan and quoted for Urban Density Residential "Attached housing, generally condominiums or apartments, of over 8 dwellings units per acre.". He questioned how many over 8. Counselor Wilson explained that it is any number over 8 that the Planning Commission determines to be appropriate as applied to a given site.

Mr. Zimmer asked if the site outside of the area shown is wooded. Mr. Jordan responded that it is relatively flat with a lot of open space. Mr. Costello stated that an aerial photograph will be available for the Committee Meeting.

Mr. Zimmer asked if any of the land being requested for rezoning will be used for parking for other facilities. Mr. Noll responded "no".

Mr. Zimmer stated that there is no apparent recreational opportunities for the occupants of the 96 units and the Comprehensive Plan states that the development should have adequate recreational opportunities. He questioned the density of Burlington Oaks. Mr. Jordan responded that it is zoned C-2 and he will find out the overall acreage and number of units.

Mr. Zimmer asked if the private road is county maintained. Mr. Jordan responded "no". Mr. Zimmer asked if there is curb and gutter. Mr. Jordan responded that it is under construction and he will find out if there will be curb and gutter.

Mr. Zimmer stated that he does not recall seeing sidewalks. He is concerned about putting in this number of units and making the people walk in the roadways. He questioned the work currently being done and stated that there is no silt protection. He would like enforcement to look into this. He is also concerned that there is only one-way-in and one-way-out. He asked if the applicant has approached the owners of adjacent Tanglewood Court or Hayfield Court to connect. He asked if they have done a site inventory of the features on the site that might be incorporated into the development.

Mr. Jordan stated that at his site visit he inventoried the existing tree line around the perimeter of the property. He stated that the multi-purpose building is under construction and there is open space behind it. There is volleyball and basketball.

Mr. Zimmer asked if the multi-purpose building is part of the church or the apartment complex. Pastor Cox responded that it is part of the church.

Mr. Zimmer asked if traffic counts have been done. Mr. Jordan responded "no".

Mr. Damstrom questioned the architecture -- will the buildings be all brick or brick and vinyl? Mr. Noll responded that if Mr. Burns purchases the property, it will be incorporated into the design he has now. Mr. Damstrom asked that the information be provided to the Committee.

Mr. Damstrom questioned the rent structure. Mr. Noll stated that he will have to get this information.

Mrs. Wilson commented that amenities like a pool and clubhouse will bring the rents up -- and without them it will be more affordable housing for some people.

Mr. Newman asked, assuming that Mr. Burns buys the property, if this will be all one community or two separate communities. If it is one community, will the existing community center be used by the new section?

Mr. Costello stated that a lot of questions are related to the operation of the adjacent property. He stated that Mr. Burns will have to come to the Committee Meeting, or the applicant will have to get a lot more detailed answers. He noted that it would be difficult for the church to sell this property to someone else with the only point of entry through the Burns' property.

Mr. Ries stated that there are a lot of unanswered questions and if enough of the information comes back at the Committee level, it will be new information that the public will not hear. Counselor Wilson advised that information provided to the Committee in response to the questions asked at the Public Hearing is not new information and does not require another Public Hearing. Mr. Zimmer stated that the answers may generate additional questions that the rest of the Commissioners will not have the opportunity to ask as they will not be part of the Zone Change Committee review. Counselor Wilson responded that the full Commission will have the Committee Report. Mr. Costello added that anyone can attend the Committee meeting.

Mr. Damstrom asked if it would be possible for Mr. Burns to attend the Committee meeting. Mr. Noll responded that they will ask him to attend.

Mr. McMillian questioned the excavation currently being done. Mr. Noll responded that they have a building permit for a family life center on their property. It is connected to the north end of their existing building and the dirt from the excavation is redistributed on their property.

Mr. Hicks asked if the Committee can get a copy of the colored plan shown by the applicant and a copy of the Design Review or Site Plan for Burlington Oaks. Mr. Noll responded "yes". Mr. Costello responded "We will provide that". Counselor Wilson stated that we have those public records and since Burlington Oaks has been presented as being connected to the development, Mr. Hicks' request is appropriate. Mr. Brown commented that Mr. Burns (Burlington Oaks) is not the owner. Counselor Wilson responded that his property will be the conduit for access and we legally have the right to look at that property.


Mr. Jordan stated in regard to the density of the C-2 Zone that it is eight acres and the density for all structures amounts to 24,870 square feet per acre. The overall density requirement in C-2 is 15,000 square feet.

Mr. Brown asked if it would be appropriate to approve this zone change with access through someone else's property. Counselor Wilson responded that it is not a problem if it is properly addressed in the Development Plan and there is a signed document giving the owner the right to use someone else's property.

There being no further comments, Mr. Damstrom stated that the Committee Meeting for this item will be at 5 P.M. on July 22, 1999 in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 4, 1999 at 7:30 P.M..

Mr. Damstrom closed this Public Hearing.

APPROVED:


for Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 4, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Don McMillian
Mr. Bob Schwenke
Mr. Robert Newman
Mr. Robert Ries
Mrs. Carol Smith
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBER NOT PRESENT:

Mr. Richard Knock

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson
Mr. Timothy Butler (for Item #4)

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mark Jordan, Planner
Mr. Kevin Wall, AICP, CDT - Director, Zoning Services

Chairman Caddell left the room at this time. Mr. Damstrom chaired the meeting and introduced the next item on the Agenda:

5. Zoning Map Amendment

The request of Florence Baptist Temple and Paul Genever (owners) to consider a Zoning Map Amendment from Commercial Two (C-2) and Recreation District (R) to Urban Residential Two (UR-2) for an approximate 7.6 acre tract at 1898 Florence Pike, Boone County, Kentucky. The request is for a zone change to allow apartment buildings.

Staff Member Mark Jordan 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. Chaney moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Hicks seconded the motion.

Mr. Ries stated that there was a lot of vagueness to the presentation at the Public Hearing. The pictures showed the buildings to be very close to the back property line. He asked if there is enough buffering and space at the rear property line. Mr. Chaney responded that he was also concerned about that issue. He stated that the Committee asked the applicant for additional clarification to see how the site relates to existing buildings and streets. He stated that the applicant is here and the exhibits are available if the Commissioners want to see them. Mr. Ries stated that he is also concerned about the parking. The applicant did not know how many parking spaces there would be or where they would be. He asked if the request meets the requirements.

Mr. Tim Flynn, Fred Burns & Associates, presented the Site Plan. He stated that the colorized area is Phase II. He noted the curb and gutter and the trash compactor. He stated that the development is 95% brick. The Commissioners reviewed the exhibits and the Site Plan individually with Mr. Flynn.

Mr. Ries asked if there is enough buffer to protect the units nearest the golf course. Mr. Flynn responded that there is a 25-foot buffer and most of the trees are on their property.

Mr. McMillian questioned access management. Mr. Flynn responded that there is one way in. Mr. McMillian questioned an emergency exit. Mr. Flynn responded that they do not have emergency access. He stated that they have another large complex with over 400 units that has no emergency access. They feel the point of access is adequate for fire truck service.

Mr. Ries stated that the Commissioners saw pictures showing "this would be here and that would be there", but it is not on a Site Plan. He asked if the Committee feels comfortable and it is in their minutes/notes that the applicant will come through with all of the things he says will be there that are not on the Plan.

Mrs. Smith stated that she is also concerned about the one entrance. She asked if the Fire Department will see the Plan. Mr. Newman stated that there will be Site Plan Review.

Mr. Flynn stated that there will be a meeting with Public Works, the Fire Department, and the Planning Commission and they will discuss the radius, how wide the roads are, etc.. He stated that they have to adhere to the requirements.

Mrs. Smith asked "What if the Fire Department wants another entrance?". Mr. Flynn responded that if the Planning Commission approves this and Site Plan Review requires an additional entrance, then they will have an additional entryway. He stated that the Planning Commission is approving a concept.

Mr. White stated that the Planning Commission is just approving a zone change for a 7.6 acre tract and not anything else. Mr. Damstrom agreed.

Mr. Zimmer referred to Condition #1 and questioned why it does not say "25 feet" since the applicant is willing to save 25 feet. Mr. Jordan responded that Type A Buffer Yard has a 10-foot minimum width.

There being no further comments, Mr. Damstrom asked for a vote on the motion made by Mr. Chaney which found Mrs. Arnett, Mr. Chaney, Mr. Damstrom, Mr. Hicks, Mr. Newman, Mr. Schwenke, Mrs. Smith, Mr. White, Mrs. Wilson, and Mr. Zimmer in favor. Mr. McMillian and Mr. Ries were opposed. Chairman Caddell was not present. The motion carried by a vote of 10 to 2.

Chairman Caddell returned at this time and chaired the meeting.

6. 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.

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: August 4, 1999

RE: Request of **Florence Baptist Temple (owner)** to consider a Zoning Map Amendment from Commercial Two (C-2) and Recreation District (R) to Urban Residential Two (UR-2) for an approximate 7.6 acre tract located at 1898 Florence Pike, Boone County, Kentucky. The request is for a zone change to allow apartment buildings.

REMARKS:

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

1. The Committee has concluded that the applicant has adequately demonstrated that the request for a zone change to allow apartment dwelling units is an appropriate use for the 7.6 acre site.
2. The applicant has shown that the request is consistent with several recommendations of the 1995 Boone County Comprehensive Plan, specifically, the reference in the Land Use Element which states, in part;

C-3: Burlington - KY 18, area

"The area bound by KY 18 to the south, KY 237 to the west, Limaburg Road to the east and Conrad Lane to the north currently contains a variety of uses. This area should continue to develop in a residential fashion, providing low to high density housing opportunities".

3. The Committee has concluded that the attached conditions are necessary to mitigate any impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The applicant has agreed to designate a 10' wide tree save area along the north and west portion of the property, including the existing tree save area at the north east portion of the property, as indicated on the Concept Development Plan. The tree save areas are to be shown on the Site Plan, and reviewed by staff upon submittal.

2. The applicant has agreed to provide additional perimeter landscaping, as per Article 37 of the Boone County Zoning Regulations. Specifically, a Type "A" Buffer Yard will be required, which is to include building landscaping and landscaping of Vehicular Use Areas.
3. The applicant has agreed to provide recreational amenities to include a sand volley ball court area and a basketball court area that will be equally shared with the residents of the adjoining Burlington Oaks Apartment community, no later than 90 days before build-out.
4. The applicant has agreed that the architectural features such as the style of all proposed buildings, and the type of building materials utilized in construction, will be compatible with the existing buildings within the Burlington Oaks Apartment community.
5. The applicant has agreed that these conditions will be legally binding upon any and all future property owners, should the 7.6 acre tract be sold.

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

[Signature]

Bob Newman, Chairman

For Against _____
 Abstain _____ Absent _____

Resigned 8-3-99

Larry Brown

For _____ Against _____
 Abstain _____ Absent _____

[Signature]

W. Thomas Chaney

For Against _____
 Abstain _____ Absent _____

[Signature]

Phil Damstrom

For Against _____
 Abstain _____ Absent _____

[Signature]

Mark Hicks

For Against _____
 Abstain _____ Absent _____

TOTAL: 4 FOR — AGAINST — ABSTAIN — ABSENT

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

PUBLIC HEARING

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Brown, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mrs. Smith, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mark Jordan, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Phil Damstrom, Vice Chairman, called the meeting to order at 8:02 P.M.. Following an explanation of the Public Hearing process, Mr. Damstrom introduced the item on the Agenda:

1. Applicant: Florence Baptist Temple and Paul Genever (owners)

Request: Zoning Map Amendment

The request of Florence Baptist Temple and Paul Genever (owners) to consider a Zoning Map Amendment from Commercial Two (C-2) and Recreation District (R) to Urban Residential Two (UR-2) for an approximate 7.6 acre tract at 1898 Florence Pike, Boone County, Kentucky. The request is for a zone change to allow apartment buildings.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation.

Mr. Damstrom noted that some of the slides showed disturbed ground and asked the applicant to comment in this regard. Wayne Cox, Pastor of Florence Baptist Temple, explained that they are taking some of the fill from the construction site and putting it on the back temporarily.

Mr. Jordan completed the presentation of the Staff Report (see Staff Report).

Mr. Damstrom asked for the applicant's presentation.

Pastor Wayne Cox, 10222 Hempstead Drive, Union, stated that he has been Pastor of the church for the 26 years it has been in existence. He stated that they are under construction now with a new multi-purpose building on their property. They just purchased approximately 5.6 acres to the east and want to keep the front two acres of their property zoned C-2. They want to sell the back 3.6 acres and the other four acres on the back of their property. They sold the four acres furthest to the north to Mr. Runion in June, 1998 and Mr. Runion has stated that he has no objection to the proposed development. He offered to answer any questions.

Counselor Wilson asked if there was anyone present in the audience who wished to speak in regard to this request.

Mr. Tony Hobson with North American Properties, which owns and operates the Sky Harbor Apartments adjacent to the property being rezoned, commented that they are only trying to rezone the area of the Development Plan and not their entire property.

Pastor Cox agreed and stated that the first slide shown accurately showed the area to be rezoned. Mr. Jordan presented the slide for clarification.

Mr. Hobson stated that when they bought Sky Harbor Apartments the adjacent Residential zoning was an attractive feature in their decision to purchase their property. He does not think the Development Plan as shown would cause a problem. He is concerned about the existing tree area and the creek bed adjacent to the Hayfield property and their property. He asked if the Concept Development Plan is a condition and part of the rezoning. Mr. Costello responded "that is correct".

Mr. Hobson suggested that the wooded creek area be part of the Development Plan and maintained as shown. He questioned why the UR-2 Zone was selected since it provides a much higher density than required by the Development Plan, even though it does not matter what zone it is if the Development Plan defines the density. He stated that it is 96 units and UR-1 would seem to be appropriate. He stated that if the Development Plan is the maximum density permitted, that would fine.

Pastor Cox stated that he has spoken with the proposed buyer and he assured him that they are going to keep the wooded area the way it is. The proposed buyer also assured him that 96 units would be the maximum.

There being no further comments from the audience, Mr. Damstrom asked if there were any comments or questions from the Commissioners.

Mrs. Smith commented that the whole site is not being changed from C-2 and R to UR-2. Mr. Jordan agreed and stated that it is just 7.6 acres of the site. There is a total of 9.6 acres, but the request is only for 7.6 acres.

Mrs. Smith asked if there is an entrance to the site from Florence Pike where the church is. Mr. Jordan responded "no" and explained that the entrance is through Burlington Oaks Development which is accessed off Taylor Drive. Mrs. Smith questioned the ownership of the road going into the apartments. Mr. Jordan responded that it is a private street owned by Burns and Associates, the developer of Burlington Oaks. Mrs. Smith asked if they have agreed to the entrance into this property through their site. Mr. Costello asked the applicant if they have a contract or option that specifies this plan. Pastor Cox responded "yes". Mrs. Smith asked if Burlington Oaks Apartments is owned by the people who are buying this property from the church. Mr. Jordan responded "yes".

Mr. Costello explained that there were pre-application meetings with the applicant and there was concern about one-way-in and one-way-out and whether there would be some provision through the church property or golf course property for additional access. He noted that Mr. Runion may want to develop his property residentially in the future. He stated that we are looking at options for a secondary access to be provided in the event of an emergency.

Mrs. Wilson commented that the property that is the subject of the zone change is part of the larger area designated on the map. Mr. Jordan submitted a plat for the record showing only the area requested to be rezoned.

Mrs. Smith stated that there is no entrance into the property from Florence Pike. Mr. Jordan agreed.

Mr. Ries stated that it appears that the buildings are too close to the property lines. He questioned the buffering and parking. He stated that it would be a tight fit and the rendering does not show anything. He asked Staff to elaborate on Staff Concern #2.

Mr. Jordan stated that there is a preliminary and proposed Development Plan. He stated that Staff's main objective would be for the applicant to incorporate the existing tree line around the perimeter of the property and possibly designate it as a tree-save area during Site Plan Review. He stated that the Concept Development Plan does not indicate any of the necessary setbacks.

Mr. Ries stated that there is no buffering for the one-bedroom and three-bedroom units. He questioned parking behind the buildings and if there is adequate space for the cars. Mr. Jordan indicated on the slide where he assumes the parking will be -- his understanding is that the parking will be in front of the proposed buildings. Mr.

Ries stated that he would like to see a more detailed plan showing the buffering, the space between the buildings, and if there will be trees, a berm, or fencing, before he approves this request. Mr. Jordan stated that the property is in close proximity to the golf course and the setbacks are not indicated on the Concept Development Plan. With golf balls flying from the direction of the golf course, he is concerned about the proximity of the buildings to the golf course. Mr. Ries stated that there is not ten feet from the building to the property line. Mr. Costello stated that the setback in UR-2 is twenty feet and in UR-3 it is fifteen feet.

Mr. Steve Noll, a member of the church who is acting as the construction manager for the project, showed a colored drawing that is to scale (1" = 100'). He stated that the area shown in green is proposed to be left as green space. He stated that there is over twenty-five feet to the property line. The gray shaded areas and lighter blue areas are parking and the number of spaces in each area is shown.

Mr. Ries asked the applicant to bring the drawing to the Committee Meeting.

Mrs. Wilson questioned emergency vehicles being able to turn around if there are garages there or if there is space between the garage and the building for them to go through. Mr. Noll stated that there is 25 feet there and an emergency vehicle would fit easily. Mrs. Wilson stated that she would like to see no entrance through the church parking lot. Mr. Noll responded that this property does not connect in any way with the road into the church property.

In response to a question from Mrs. Arnett, Mr. Noll indicated the storm water detention areas. Mr. Costello stated that there is no retention -- it is detention -- and will be dry most of the time. Mr. Noll agreed.

Mr. McMillian questioned whose property the tree line is on. Mr. Noll responded that there is an old farmer's fence there and the trees have grown up on both sides. The fence line is right on the property line. Mr. McMillian commented that the tree line the applicant is talking about is not necessarily on their property.

Mrs. Arnett asked if there are any amenities planned for the apartment complex, such as a pool and clubhouse. Mr. Noll responded that there will not be any on this property. Mr. Costello stated that he believes there is pool and community center and will verify this information. Mrs. Arnett commented that this is an extension of Mr. Burns' current development. Mr. Noll agreed.

Mr. Damstrom agreed that the site is tight. He stated that there will have to be dumpsters and screening for the dumpsters, but it is difficult to determine where they might be.

Mr. Noll responded that Mr. Burns may service these buildings with the same dumpsters that serve the other site.

Mr. Newman questioned why Mr. Burns is not present. Mr. Noll responded that Mr. Burns does not own the property. Mr. Newman asked if Mr. Burns is tied to the Concept Development Plan once he owns the property. Counselor Wilson explained that anyone buying the property would be subject to the Development Plan and the conditions agreed to by the owner. If a subsequent owner wants to change the Development Plan in a significant way, he would have to come back through this process. A buyer would take the property subject to the conditions of the agreed Development Plan.

Mr. Zimmer asked, if the plan is approved, would the Planning Commission be in a position to say how many dumpsters and where they will be, and those kinds of details. Counselor Wilson responded that if the owner cannot tell the Planning Commission where the dumpsters will be, the Committee will say where they will be and the applicant can agree or disagree. Mr. Zimmer suggested that they provide more detail at the Committee Meeting.

Mr. Zimmer questioned the proposed density being 12 units per acre. Mr. Jordan responded that it is 20 units per acre. Mr. Costello stated that there was a pre-application meeting and there was discussion of concerns regarding the Urban Residential Two classification because it goes up to 20 units per acre. At 96 units, they are above 12 units per acre and would have to apply for UR-2. If the Planning Commission approves the request, they would be restricted to 96 units versus twenty units per acre. Mr. Zimmer stated that the Planning Commission is approving twelve or so units per acre, not twenty units per acre. Mr. Costello agreed.

Mr. Zimmer referred to Page 2 of the Staff Report under Relationship to the Boone County Comprehensive Plan and quoted for Urban Density Residential "Attached housing, generally condominiums or apartments, of over 8 dwellings units per acre.". He questioned how many over 8. Counselor Wilson explained that it is any number over 8 that the Planning Commission determines to be appropriate as applied to a given site.

Mr. Zimmer asked if the site outside of the area shown is wooded. Mr. Jordan responded that it is relatively flat with a lot of open space. Mr. Costello stated that an aerial photograph will be available for the Committee Meeting.

Mr. Zimmer asked if any of the land being requested for rezoning will be used for parking for other facilities. Mr. Noll responded "no".

Mr. Zimmer stated that there is no apparent recreational opportunities for the occupants of the 96 units and the Comprehensive Plan states that the development should have adequate recreational opportunities. He questioned the density of Burlington Oaks. Mr. Jordan responded that it is zoned C-2 and he will find out the overall acreage and number of units.

Mr. Zimmer asked if the private road is county maintained. Mr. Jordan responded "no". Mr. Zimmer asked if there is curb and gutter. Mr. Jordan responded that it is under construction and he will find out if there will be curb and gutter.

Mr. Zimmer stated that he does not recall seeing sidewalks. He is concerned about putting in this number of units and making the people walk in the roadways. He questioned the work currently being done and stated that there is no silt protection. He would like enforcement to look into this. He is also concerned that there is only one-way-in and one-way-out. He asked if the applicant has approached the owners of adjacent Tanglewood Court or Hayfield Court to connect. He asked if they have done a site inventory of the features on the site that might be incorporated into the development.

Mr. Jordan stated that at his site visit he inventoried the existing tree line around the perimeter of the property. He stated that the multi-purpose building is under construction and there is open space behind it. There is volley ball and basketball.

Mr. Zimmer asked if the multi-purpose building is part of the church or the apartment complex. Pastor Cox responded that it is part of the church.

Mr. Zimmer asked if traffic counts have been done. Mr. Jordan responded "no".

Mr. Damstrom questioned the architecture -- will the buildings be all brick or brick and vinyl? Mr. Noll responded that if Mr. Burns purchases the property, it will be incorporated into the design he has now. Mr. Damstrom asked that the information be provided to the Committee.

Mr. Damstrom questioned the rent structure. Mr. Noll stated that he will have to get this information.

Mrs. Wilson commented that amenities like a pool and clubhouse will bring the rents up -- and without them it will be more affordable housing for some people.

Mr. Newman asked, assuming that Mr. Burns buys the property, if this will be all one community or two separate communities. If it is one community, will the existing community center be used by the new section?

Mr. Costello stated that a lot of questions are related to the operation of the adjacent property. He stated that Mr. Burns will have to come to the Committee Meeting, or the applicant will have to get a lot more detailed answers. He noted that it would be difficult for the church to sell this property to someone else with the only point of entry through the Burns' property.

Mr. Ries stated that there are a lot of unanswered questions and if enough of the information comes back at the Committee level, it will be new information that the public will not hear. Counselor Wilson advised that information provided to the Committee in response to the questions asked at the Public Hearing is not new information and does not require another Public Hearing. Mr. Zimmer stated that the answers may generate additional questions that the rest of the Commissioners will not have the opportunity to ask as they will not be part of the Zone Change Committee review. Counselor Wilson responded that the full Commission will have the Committee Report. Mr. Costello added that anyone can attend the Committee meeting.

Mr. Damstrom asked if it would be possible for Mr. Burns to attend the Committee meeting. Mr. Noll responded that they will ask him to attend.

Mr. McMillian questioned the excavation currently being done. Mr. Noll responded that they have a building permit for a family life center on their property. It is connected to the north end of their existing building and the dirt from the excavation is redistributed on their property.

Mr. Hicks asked if the Committee can get a copy of the colored plan shown by the applicant and a copy of the Design Review or Site Plan for Burlington Oaks. Mr. Noll responded "yes". Mr. Costello responded "We will provide that". Counselor Wilson stated that we have those public records and since Burlington Oaks has been presented as being connected to the development, Mr. Hicks' request is appropriate. Mr. Brown commented that Mr. Burns (Burlington Oaks) is not the owner. Counselor Wilson responded that his property will be the conduit for access and we legally have the right to look at that property.

Mr. Jordan stated in regard to the density of the C-2 Zone that it is eight acres and the density for all structures amounts to 24,870 square feet per acre. The overall density requirement in C-2 is 15,000 square feet.

Mr. Brown asked if it would be appropriate to approve this zone change with access through someone else's property. Counselor Wilson responded that it is not a problem if it is properly addressed in the Development Plan and there is a signed document giving the owner the right to use someone else's property.

There being no further comments, Mr. Damstrom stated that the Committee Meeting for this item will be at 5 P.M. on July 22, 1999 in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 4, 1999 at 7:30 P.M..

Mr. Damstrom closed this Public Hearing.

APPROVED:

Phil Damstrom
for Phil Damstrom, Vice Chairman

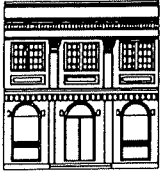
Attest:

Jan Hancock
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

July 28, 1999

Mr. Wayne Cox, Pastor
Florence Baptist Temple
1898 Florence Pike
Burlington, Kentucky 41005

RE: Conditions of Approval for the Zoning Map Amendment for the 7.6 acre tract located at 1898 Florence Pike, Boone County, Kentucky

Dear Mr. Cox:

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/applicant, agree to these conditions, please indicate so by providing your signature on the agreement stated at the end of this letter, and return to this office no later than Monday, August 2, 1999.

Conditions

1. The applicant agrees to designate a 10' wide tree save area along the north and west portion of the property, including the existing tree area at the north east portion of the property, as indicated on the Concept Development Plan. The tree save areas are to be shown on the Site Plan, and reviewed by Staff upon submittal.
2. The applicant agrees to provide additional perimeter landscaping, as per Article 37 of the Boone County Zoning Regulations. Specifically, a Type "A" Buffer yard will be required, which is to include building landscaping and landscaping of Vehicular Use Areas.
3. The applicant agrees to provide recreational amenities to include a sand volley ball court area and a basketball court area that will be equally shared with the residents of the adjoining Burlington Oaks Apartment community, no later than 90 days before build-out.
4. The applicant agrees that the architectural features such as the style of all proposed buildings, and the type of building materials utilized in construction, will be compatible with the existing buildings within the Burlington Oaks Apartment community.

Mr. Wayne Cox
Florence Baptist Temple
July 28, 1999
Page 2

5. The applicant agrees that these conditions will be legally binding upon any and all future property owners, should the 7.6 acre tract be sold.

Sincerely,

Mark E. Jordan
Planner

MEJ\pr

I, the owner/applicant agree to the above listed conditions for approval of the request for Florence Baptist Temple for the Zoning Map Amendment on the 7.6 acre site located at 1898 Florence Pike, Boone County, Kentucky

Wayne Cox
Wayne Cox, Owner/Applicant

7-29-99
Date

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 99-17

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING THE REQUEST OF FLORENCE BAPTIST TEMPLE AND PAUL GENEVER (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL TWO (C-2) AND RECREATION (R) TO URBAN RESIDENTIAL TWO (UR-2) ON AN APPROXIMATE 7.6 ACRE SITE LOCATED AT 1898 FLORENCE PIKE, BOONE COUNTY, KENTUCKY, RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (10-2) VIA RESOLUTION NO. R-99-024-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial Two (C-2) and Recreation (R) to Urban Residential Two (UR-2) on an approximate 7.6 acre site located at 1898 Florence Pike, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning map Amendment being a zone change from Commercial Two (C-2) and Recreation (R) to Urban Residential Two (UR-2) on an approximate 7.6 acre site located at 1898 Florence Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Two (C-2) and Recreation (R) zone is more particularly described in DEED BOOK 190 and 207, PAGE NOS. 444 and 335, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for the Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 99-17

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission minutes and marked as "Exhibit B".

SECTION III

That the following condition be a part of this ordinance:

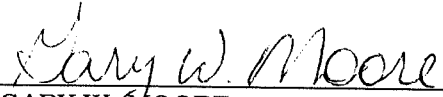
1) That once the area (referred to as the shaded area attached hereto as "Exhibit C") is developed for parking, Florence Baptist Temple agrees to allow a secondary access to Burlington Oaks.

SECTION IV

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 24 day of August, 1999.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 28th day of September, 1999, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

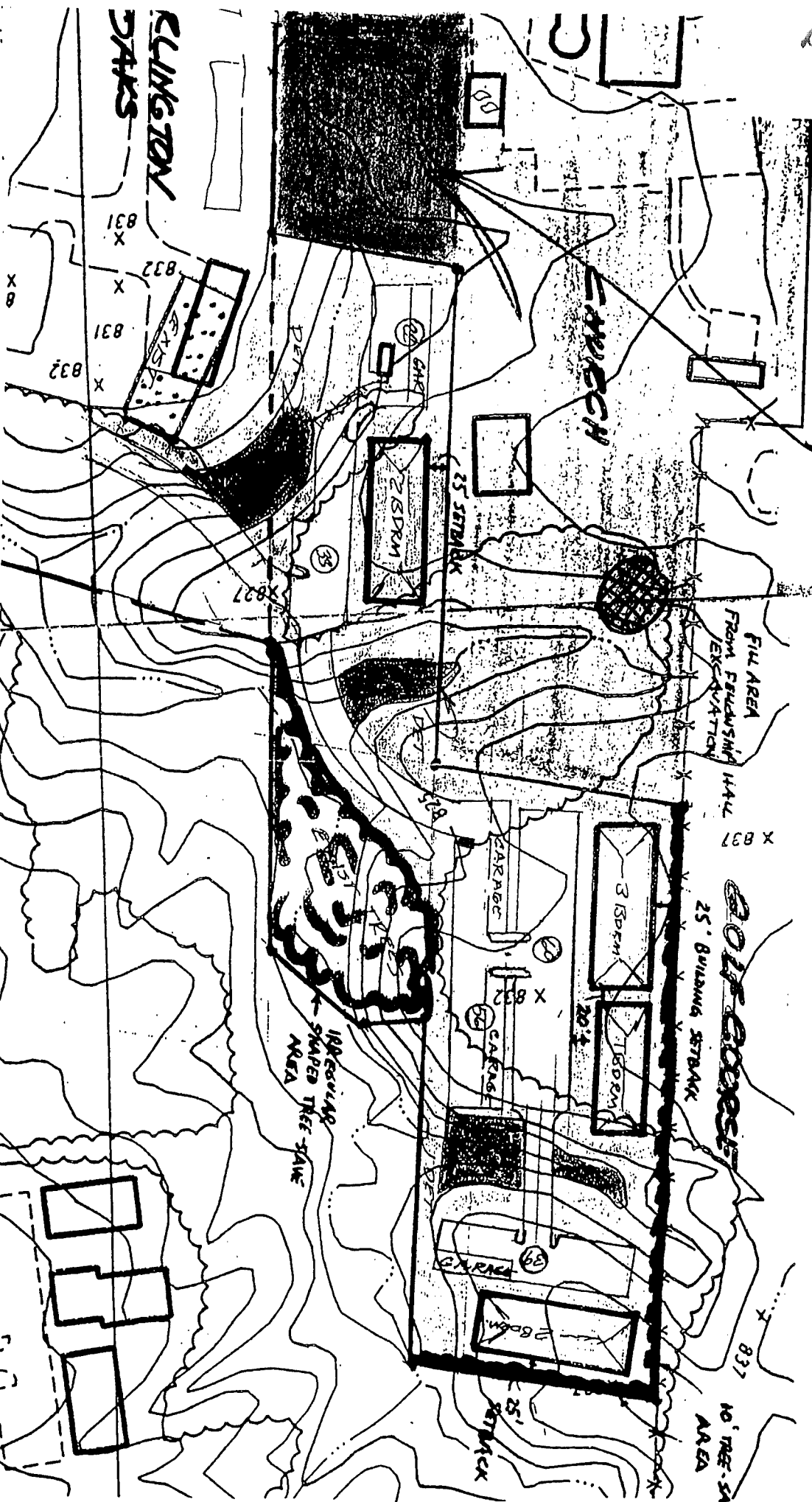

CAROLYN A. RUDICILL
FISCAL COURT CLERK


LARRY CRIGLER
BOONE COUNTY ATTORNEY

10-7-99
DATE PUBLISHED

7.1 Acres
96 UNITS

SHEDS



Burlington Oaks (Cont 2)

NOT TO SCALE