

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: SALLEE OFFICE Building
2. Location of Project: 7368 BURLINGTON PIKE
3. Total Acreage of Site: .6106 ACRE +/-
4. Current Zoning of Site: R1F
5. Proposed Zoning (Classification being requested): O1A
6. Proposed Uses (please specify each use): PROFESSIONAL, OFFICE, MEDICAL

- 7. Names of Applicant(s): CHARLES & LINDA SALLEE 3RD
Phone Number: 471-8888 Fax No. (513) 471-1258
8. Address of Applicant(s): 1010 Woodrow St.
City: Olathe State: OH Zip: 45204

- 9. Name of Property Owner(s): CHARLES & LINDA SALLEE 3RD
Phone Number: 282-6308 Fax No.
10. Address of Property Owner(s): 221 Buckingham Dr.
City: Florence State: KY Zip: 41042

11. Proposed Building Intensities (please specify)

12. Are there any existing buildings on the site? YES
How many? TWO

13. Deed Book ONE Page No. 128 Group No. 2034A

- 14. Are you also applying for:
Conditional Use Permit
Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff?
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

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

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

19. Applicant's Signature _____
- Property Owner's Signature _____

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-25-99
2. Review Fee \$1,154.00 R# 21698
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer TODD MORGAN
6. Committee Chairman BOB NEWMAN
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

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

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

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

EXHIBIT

“A”

STAFF REPORT

Request of **Charles Sallee and Linda Sallee (owners)** to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

September 29, 1999

REQUEST

This request is for a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) to allow professional, office, and medical uses. The site is located on the northeast corner of Kathryn Avenue and Burlington Pike.

The applicant's submitted Concept Development Plan shows a two story brick office building which is 6,000 square feet (2 x 40' x 75') in size and 24 parking stalls. The applicant has also shown thirty foot wide, Type "C", buffer yards against the residential property lines to the north and east, and ten foot wide, Type "A", buffer yards along the Kathryn Avenue and Burlington Pike street frontages. The existing curb cut on Kathryn Avenue will be the point of ingress and egress. The curb cut on KY 18 is proposed to be eliminated.

SITE CHARACTERISTICS

The subject site is level and presently contains an abandoned single-family residential dwelling and a garage. The site also contains several mature deciduous and evergreen trees to the rear and eastern side of the parcel. All the structures and trees are proposed to be demolished to accommodate the office building.

ADJACENT LAND USES AND ZONING

North: Several single-family residential dwellings are located on Kathryn Avenue. These homes are zoned Residential One Family (R1F).

- South: An apartment building and several small businesses, including a sporting goods store, a blinds store, and a chiropractic office are located across Burlington Pike. All of these uses are zoned Commercial Two (C-2).
- East: The Tanner House, which is zoned R1F, is located to the east of the subject parcel.
- West: A chiropractor's office, which is zoned Professional Office One (O-1A) is located on the other side of Kathryn Avenue.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question for "Suburban Residential" and "High Suburban Residential" uses. The "Suburban Residential" designation is described as "single family housing of up to four units per acre." The "High Suburban Residential" designation is described as "single-family and or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero lot line development, and also pertains to mobile home parks".

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

"Commercial development in this section should remain near the arterial roads or close to the interstate. 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."

"Higher density residential development should occur where it can serve as a buffer between industrial or commercial intrusion on single-family residential areas or where it can be easily accessible".

The "Future Land Use Development Guidelines" found in the Land Use Element make the following 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. "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 "Areas of Future Commercial Activity" found in the Business Activity Element makes the following statement that relates to this project:

- A. "The mix of commercial, office and residential uses, along with limited access, should be encouraged along KY 18".

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)
- 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

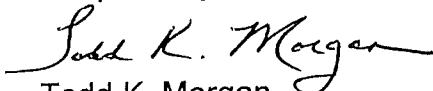
- 1. Staff contacted the Florence Water and Sewer Commission to see if they had any concerns about storm water from the development. Staff was informed that proposed development would not have a negative impact on the surrounding neighborhood.
- 2. Staff received a letter from Gary Bentle. Mr. Bentle's mother-in-law owns the single-family dwelling that is closest to the proposed development. Mr. Bentle's letter is attached to the back of the staff report.

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

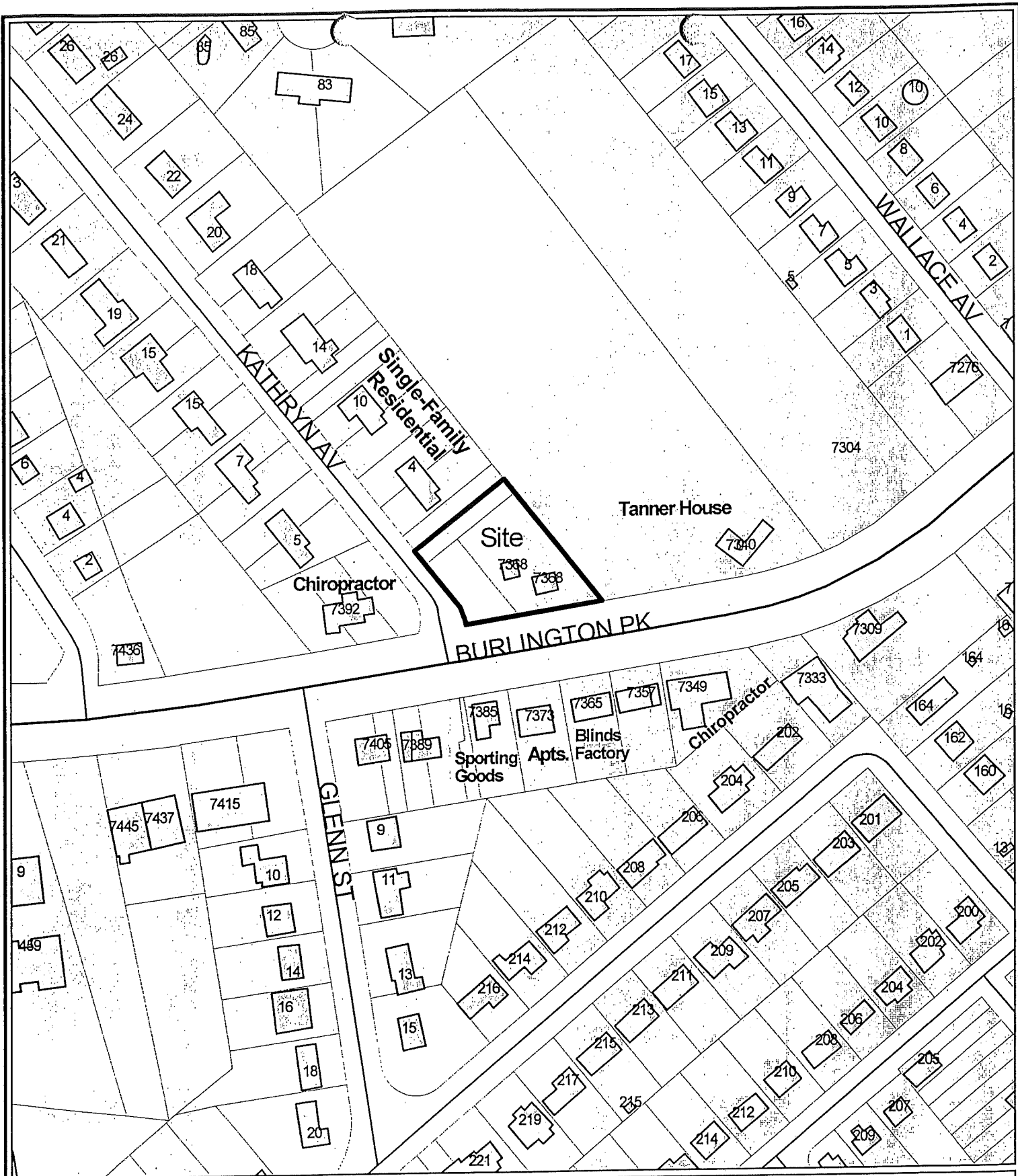
TKM/PR

STAFF REPORT - Sallee
September 29, 1999

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Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Plans
- Letter from Gary Bentle

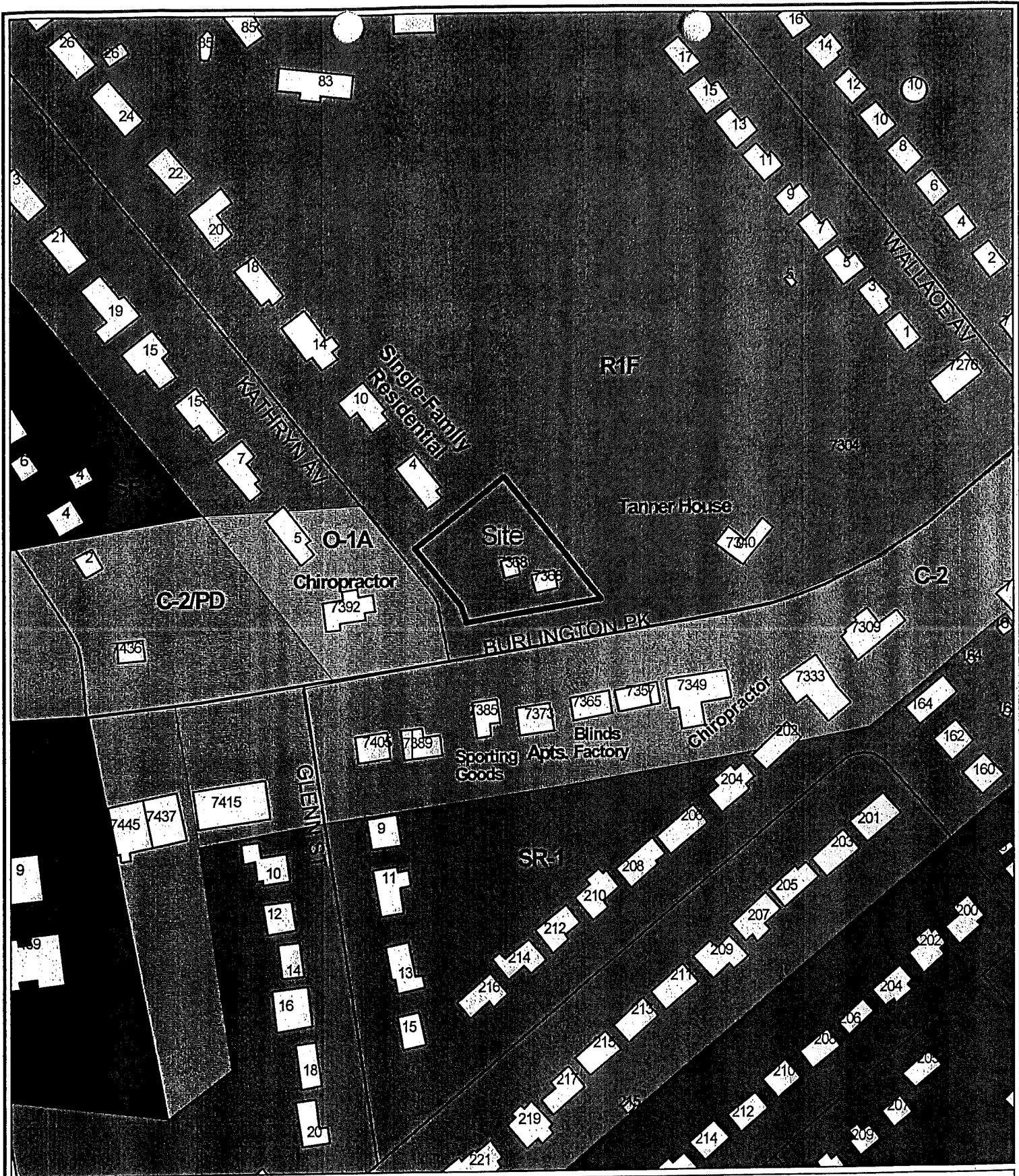


Kathryn Ave. & KY 18 Site Vicinity Map

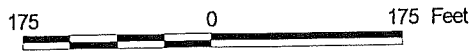
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1 inch equals 175 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 15, 1999





Kathryn Ave. & KY 18 Zoning Map



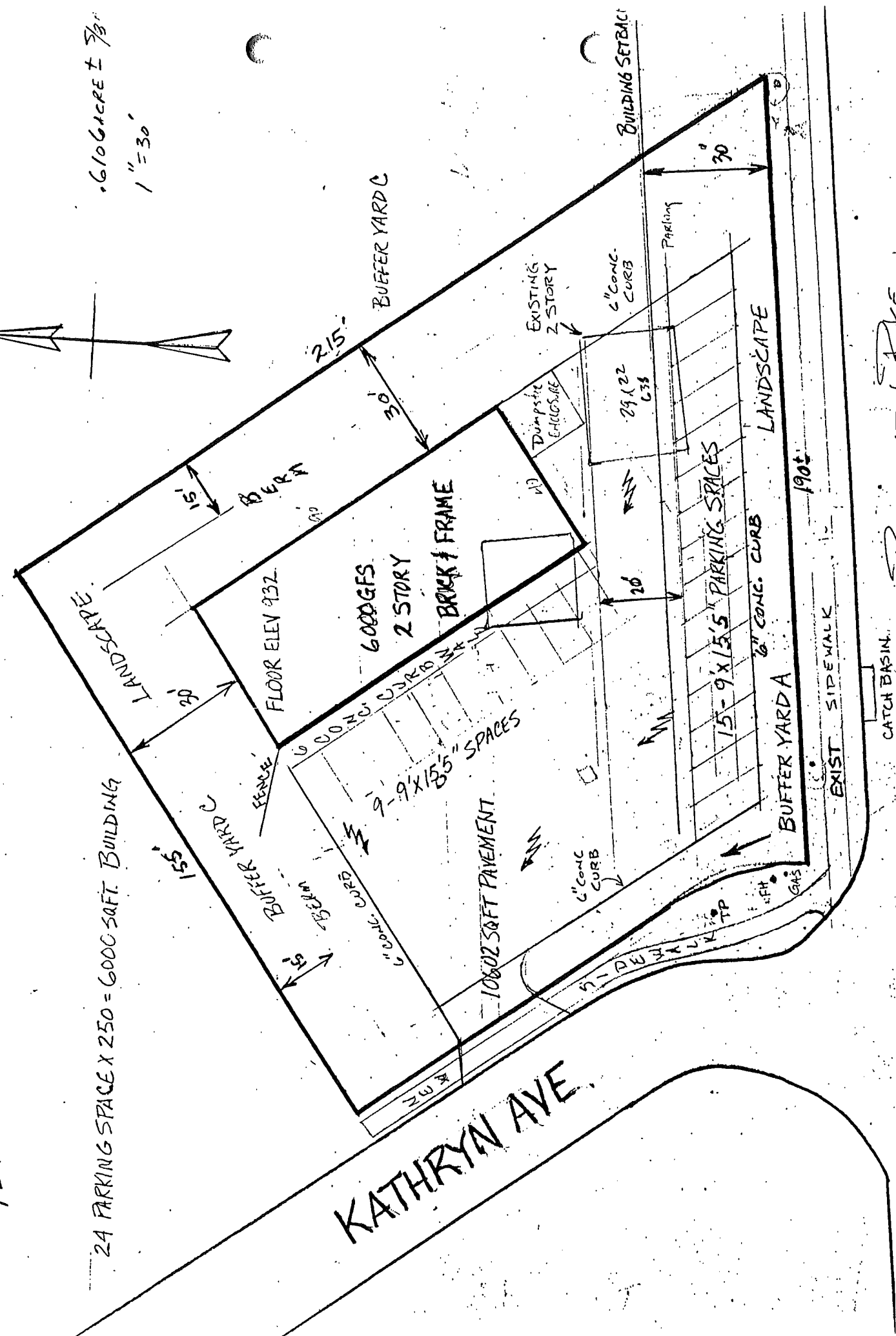
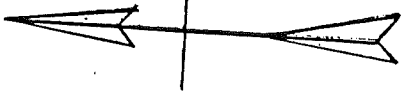
1 inch equals 175 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 15, 1999



CHARLES & LINDA SALLEE
7368 BURLINGTON PIKE

24 PARKING SPACE X 250 = 6000 SQFT. BUILDING

6106 ACRES ± 7/8"
1" = 30'



BURLINGTON PIKE

KATHRYN AVE.

CATCH BASIN

EXIST SIDEWALK

6\"/>

15-9x15.5 PARKING SPACES

EXISTING 2 STORY

DUMPSTER ENCLOSURE

BRICK FRAME

6000 SQFT

FLOOR ELEV 932

6000

6000

LANDSCAPE

LANDSCAPE

CATCH BASIN

EXIST SIDEWALK

6\"/>

15-9x15.5 PARKING SPACES

EXISTING 2 STORY

DUMPSTER ENCLOSURE

BRICK FRAME

6000 SQFT

FLOOR ELEV 932

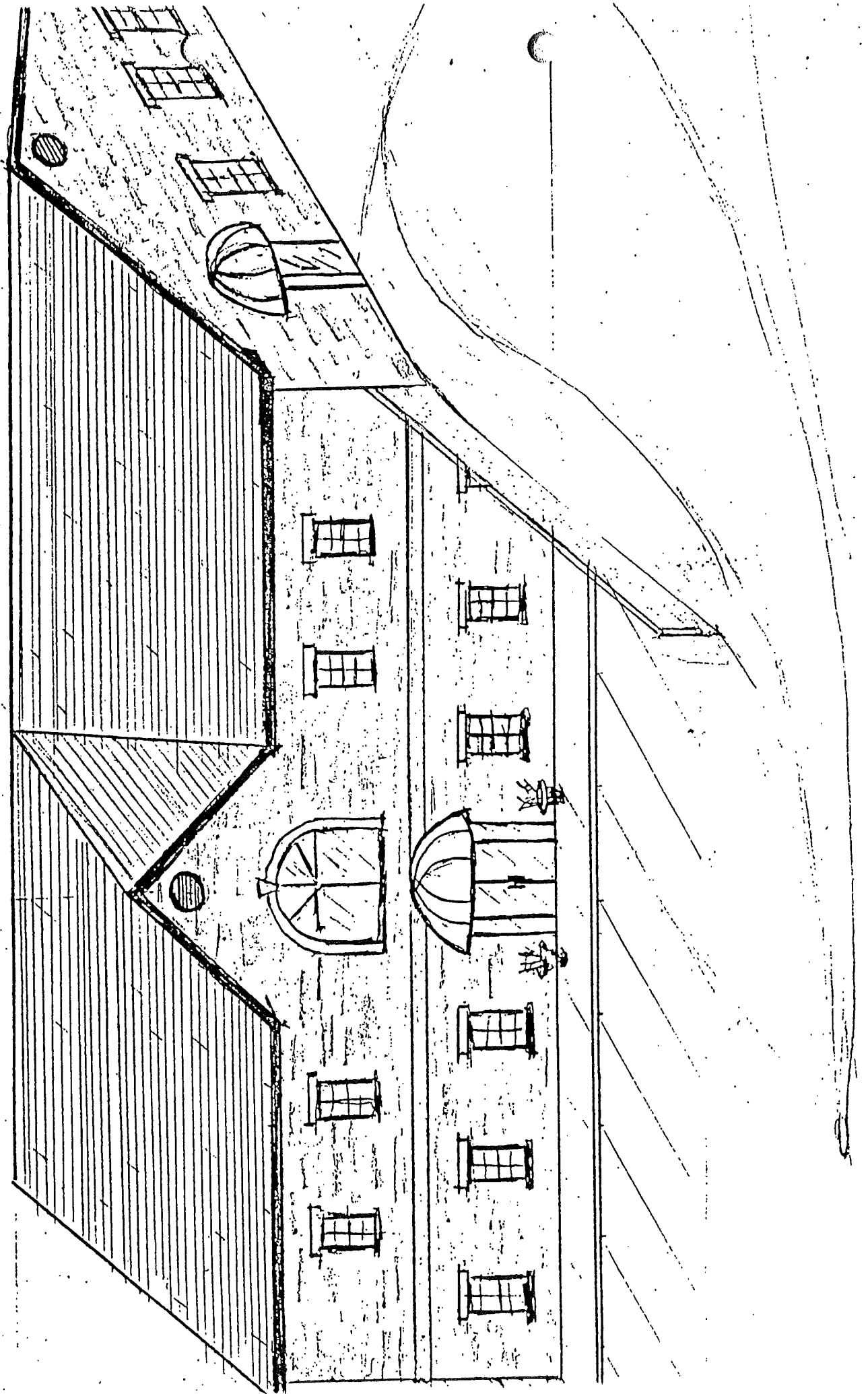
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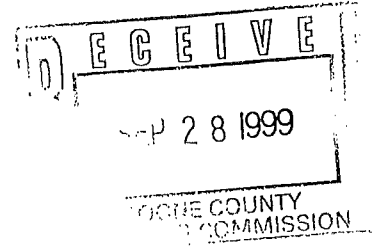
LANDSCAPE

LANDSCAPE

Concept 7368 Burlington F. Ke.



Gary Bentle
706 Brittany Trail
Florence, KY 41042



September 28, 1999

Todd Morgan
Boone County Planning Commission

Dear Todd:

Ref: Charles & Linda Sallee Request for Professional Office zoning on Kathryn Ave Property

The following comments are to be entered into the record at the public hearing:

The project is within the overall scope of the KY-18 corridor and I support the development subject to the following concerns:

1. Since it borders a residential area, additional grading and landscaping will be necessary to screen the business activity from negatively impacting the quality of life of the nearby residents. The zoning should include appropriate requirements for visual barriers etc.
2. Storm water controls need to be required so that surface water from the new development does not drain on adjacent properties. The plan should require specific finish grade elevations that would direct surface water to storm drains and away from the residential lots.
3. If a "holding pond" is used to accumulate parking lot runoff, it should be constructed in a manner so that holding pond overflow would be directed away from the residential property.
4. During construction, appropriate measures should be required to eliminate the risk of mud slides, contamination of plants and other vegetation of adjacent home owners.

Sincerely yours,

Gary Bentle

A handwritten signature in cursive script that reads "Gary Bentle".

647-5974
Please call!!!

Handwritten initials "JB" in a stylized cursive font.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 29, 1999
7:00 P.M.

PUBLIC HEARINGS

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

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Larry Dillon

Mr. Arnold Caddell, Chairman, called the meeting to order at 7 P.M. and introduced the first item on the Agenda:

1. Applicant: Charles E. Massey and Charles Edward Massey for Charles Edward Massey (owner)

Request: Zoning Map Amendment

The request of Charles E. Massey and Charles Edward Massey (applicants) for Charles Edward Massey (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Office One (O-1) for a 1.39 acre tract on the northeast corner of the North Bend Road/Stahl Road intersection, Boone County, Kentucky. The request is for a zone change to allow an office building.

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

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, with offices in Florence and Covington, stated that he was representing the applicants, Charles and Edward Massey. He introduced Mr. Charles Massey, who was for many years the principal of Goodrich Elementary and a property owner in the area. His son, Edward Massey, is an attorney and a resident of Stahl Road

and would have his professional law office at the site with some complimentary professional uses in the building, such as an insurance agency.

Mr. Charles Massey, 503 Edgar Court, Erlanger, stated that he purchased this land from a good friend who is deceased. He wants to do something special with the property and wants his son to have his law office close to home. He requested approval of the application.

Mr. Edward Massey, 1789 Stahl Road, Hebron, stated that he has been here before as a member of the Boone County School Board. He and his father are very close and want to do this together. He has been practicing law since 1993 in Boone County and wants to live and work in the community. He presented an exhibit showing the outline of the property with the parking areas shown in gray and the proposed building shown in brown. The light green represents the green space and the dark green area represents the buffer to the adjacent Parker property. It will be a small office environment of his professional practice and probably a real estate office or insurance agency. He presented an exhibit of the proposed building elevations. The building is of a residential appearance and the builder is Tom Spille, who also built Mr. Massey's home on Stahl Road.

Mr. Edward Massey stated that he has spoken individually with the adjacent property owners, and some of their concerns were the same concerns as those in the Staff Report. He submitted a handout (see Exhibit 1) containing signed statements from three of the five adjacent property owners who do not object to the proposal. The other two property owners did not have the opportunity to sign the statements. Mr. and Mrs. Parker, who are immediately adjacent to the buffer area, are present; and Mary and Sandy Davis, who have property in the area across from Stahl Road, and are not present due to illness. Mr. Fred Hoffman has signed the statement. Next to Mr. Hoffman are two parcels owned by Harvey Pelley who was present. He stated that Mr. Pelley raised concerns regarding the lighting and he does not want the dumpsters removed at 3 A.M.. The owner of the property below the panhandle of the lot is Mr. Fred Irvine. Edward Massey stated that he grew up in this neighborhood and knows the neighbors. One of the concerns was the development of KY 237. He knows from his involvement with the School Board that ground breaking for the north point school is set for October 14 and he has seen a lot of communications regarding KY 237. He was told by the Department of Transportation yesterday that the report is not yet assembled but, based on the approval of the north point site and the development of the north point school, it will be moved up to the Six Year Plan and will become a matter of priority. He stated that he allowed significant space between the parking area and North Bend Road for the expansion of the road should it occur.

Mr. Dusing stated that when Edward Massey came to him over a year ago in regard to this project, he told him that the Comprehensive Plan

does not anticipate this -- the text and map are for residential from the Industrial Park to the Ohio River, except for the Thornwilde convenience/commercial uses of a Neighborhood Commercial nature. He told Edward Massey that the Planning Commission will be concerned about a proliferation of uses on KY 237 that are not single-family residential and will need assurance that because Mr. Massey gets this use someone would not be entitled to a gas station next door.

Mr. Dusing addressed the Staff Comments:

Staff Comment 1.A. - The property is designated for Suburban Residential use on the Future Land Use Map and he has just commented in that regard. He presented the exhibit of the elevations of the proposed office building and stated that there has been a special effort in design, at greater expense, to have the building look like a residence. It is a two-story building 36' x 50' with brick and shutters in a Federal style.

Staff Comment 1.B. - It is the applicant's intention to serve the growing number of residential subdivisions along North Bend Road.

Staff Comment 1.C. - "The Housing Element characterizes the North River Area as one that will experience a great expansion in residential development." - and that it is more reason why this use is appropriate there.

Staff Comment 1.D. - There is a designation for commercial use down the street and Sand Run Church is on the other side of the street.

Staff Comment 2. A. - They will agree as a condition to limit the site to professional use only. If the site would expand in the future with a separate use in the back, that would require another Public Hearing.

Staff Comment 2.B. - They agree to the building-mounted wall packs and bollard style freestanding fixtures. Mr. Wall explained that "bollard style" refers to approximate waist high lighting. Mr. Dusing stated that there is no intended overhead lighting. The lighting would be for security reasons after hours.

Staff Comment 2.C. - The ten-foot buffer is their mistake and will be corrected to twenty-five feet. He noted that the darker green on the Site Plan represents a stand of mature hardwood trees that is a good screen. They would need all 25 feet not to disturb them. They do not intend to disturb the stand of trees on the northeast side of the property when they do the parking lot or the building to assure a buffer to the Stahl Road residents. They do not have a problem with substantial landscaping and Buffer Yard A per the requirements. They do not have an exact drawing they would prove justification of the idea of sinking the parking areas below the average finished grades. Mr. Dusing showed on the exhibit how the land slopes from the

panhandle diagonally toward Stahl Road. The corner of Stahl Road and KY 237 is the low spot. There will be some elevation modification to fill in the gully and pipe through there. The parking lots are on both sides of the building and tucked up to the building to allow substantial green space on the perimeter. If the Planning Commission wants more green space on KY 237, they can push the parking lots back. He stated that they need to be ADA compliant and need handicapped access on grade from the parking lot.

Staff Comment 3 - Their best information is that KY 237 will happen sooner or later, but they do not know when.

Staff Comment 4 - Overall traffic generation is minimal. Edward Massey added that he normally has one or two appointments a day, and some days he has none. There may be an exceptional day when he has four or five appointments.

Staff Comment 5 - Mr. Dusing offered to submit a document dated June 8, 1992 from Sanitation District #1 stating that Mr. Massey was asked to grant a sewer trunk line across the corner of his property and could have a free tap in to develop his property. Sanitary sewer is available to the site. Mr. Wall stated that Staff has this document on file.

Staff Comment 6 - It is not a problem to correct the width of the driveway. The access to the site is a cut on Stahl Road and not on KY 237.

Mr. Dusing stated, in regard to compatibility with the Comprehensive Plan and the surrounding residential neighborhood, that they have done everything they can to cause the building to look like a residence and it will not generate more traffic than a residence. He stated that the present zoning can be found to be inappropriate and the requested zoning to be appropriate. KY 237 is not a country lane any more and is a major arterial highway. It is not realistic to expect single-family development to infill on a three- to five-lane arterial highway. He stated that if they were a subdivision requesting neighborhood commercial uses in front, the Planning Commission would be in agreement -- but they have an infill lot surrounded by residences that they need to be compatible with and to which they have services to offer so that the residents do not have to go to Burlington or Florence. Pre-paid legal services is in downtown Hebron but only has part-time hours. There is a significant demand for legal services in the area. The present zoning is inappropriate and the proposed zoning is more appropriate because, even though this site is not specifically referenced in the Comprehensive Plan, the text talks about the need for small scale businesses for the rapidly growing residential area. Mr. Dusing submitted copies of Page 11-1 of the Boone County Zoning Ordinance (see Exhibit 2). He read the paragraph from Article 11, Employment Districts, Section 1110, Office One (O-1) and stated "this is what we

are" -- low scale professional services which do not need or desire to be located in a commercial district. He stated that the proposed use is called for verbatim as the purpose of the O-1 Zone. He stated that the Zoning Ordinance anticipates this kind of infill development because the minimum size for an O-1 Zone is one acre, and they meet that criteria.

This completed the applicant's presentation. Mr. Dusing offered to answer any questions.

The Chairman asked if there was anyone else present who wished to speak in favor of the proposal.

Mr. Fred Irvine, 1358 North Bend Road, stated that he has no objection to the proposal and asked that it be approved.

There being no one else present in favor of the request, the Chairman asked if there was anyone present in opposition to the request or having questions.

Mr. Jack Gartner, 1302 North Bend Road, Francisville, stated that the Planning Commission spent many hours creating the Comprehensive Plan to establish land uses so that people know what is going to happen in the community. The proposal is a classic example of spot zoning, which is a real danger to society. He does not believe that this is an appropriate site for office use. The applicant has suggested that he has a limited law practice with one or two appointments a day, but a real estate office and an insurance office are beehives of activity. Mr. Gartner stated that he owns property up the street -- so why doesn't he ask for spot zoning for a gas station on the corner? Mr. Gartner stated that the parking is unfortunately located on the site and does not enhance the quality of the building. The front elevation of the building seems to be out of the ground by eight feet, which is the height of the foundation, and the back seems to be in the ground. He noted the topography of the site and stated that the building seems to be backwards. He questioned why this building would not be located in an office area? It is because the Masseys do not own property in an office area -- but they should buy property there. This is a classic example of spot zoning and if it is allowed here, then every piece of property of 1 or 1.5 acres is subject to the same kind of appeal all over the county.

Mrs. Shirley Millar, 669 North Bend Road, speaking personally and for her father of 1303 North Bend Road, and her sister of Stahl Road whose property is at a fifteen degree angle from the subject property, stated that she is friends with the Masseys and has known them for many years. Everything she has looked at -- whether it is the Housing Element or the Land Use Plan -- calls for residential. There is some commercial zoning with Thornwilde, but that was done for an extremely large development. She is not sure why the applicant is saying residential zoning is not appropriate other than

major changes to the community -- but the only major changes are because of residential developments approved by the Planning Commission. The Planning Commission has not approved an office zone. If this request is approved, then the Future Land Use Map will have to be changed, which will allow more office and spot zoning to be approved. People are not supposed to be able to say "you approved this for O-1 so I should be able to have it too" -- but it happens. She urged the Planning Commission to follow the Comprehensive Plan and not spot zone this property.

Mr. Dallas Robertson, 1298 North Bend Road, stated that he owns property on Stahl Road and on North Bend Road. He agreed that spot zoning is a problem. He stated that the area is very residential and he wants it to stay that way.

The Chairman asked if there was anyone else present who wished to speak in opposition. There being no response, he asked Mr. Dusing if he had any closing remarks.

Mr. Dusing stated that this is not spot zoning. Section 1115 says that the minimum size or extension required for O-1 is one acre and that does not mean it has to be attached to any other commercial or office area. It is public policy that a freestanding office zone of one acre or more is appropriate.

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

Mrs. Smith asked if the front of the building will face Stahl Road or North Bend Road.

Mr. Dusing responded that Mr. Gartner was correct and that the footprint of the building is backwards. Edward Massey stated that the front of the building faces North Bend Road and it will have a two-story look. The rear of the building faces the Parker property and has a one-story look. Mrs. Smith asked "If you turn off Stahl Road into the property, would you be facing the front of the building?". Edward Massey responded that if you drive into the curb cut, you would be facing the side of the building. If you walked from North Bend Road, you would be at the front door.

Mr. Ries stated that the parking appears to be out of proportion with the building. There are about twenty four spaces and the parking area seems to be about twice the size of the building.

Edward Massey stated that the drawing is out of scale. Mr. Spille only builds 35 or 40 homes a year and hand draws. He stated that he will follow Staff's recommendation and submit a to-scale copy.

Mr. Ries stated that it looks like spot zoning to him and he believes this use should be in an O-1 area. He stated that he is concerned

about setting a precedent. He questioned what would prevent someone else from coming in and asking for the same thing. He is not convinced that the criteria for a zone change has been addressed. He asked the applicant to specifically state at the Committee meeting how the request meets the criteria for a zone change.

Mr. Wall explained that "spot zoning" is a legal concept used by the courts and is outside of the Zoning Code. He stated that Counselor Wilson or Counselor Dillon could be asked to provide definitions of what the courts use for "spot zoning" if it would be beneficial to the Committee. Mr. Ries responded that there are certain zones for certain businesses and if you take one office and put it in the middle of the residential zone, that is spot zoning. Mr. Wall asked that Counselor Wilson or Counselor Dillon provide definitions and examples to the Committee.

Mr. Damstrom asked how many office spaces will be available in the building and questioned what size they would be. He commented that often the use that goes in a building is based on the size office available.

Edward Massey responded that his office will be one half of one of the floors. If someone wants the entire upper or lower level, they will try to accommodate that. They anticipate there being a common hallway on each floor and two large office sections, or four sections on each level, or any combination thereof. They have not decided this yet.

Mr. Damstrom questioned the maximum number of other uses. Would six be the maximum? Mr. Edward Massey responded that six is foreseeable, but he envisions four uses.

Mr. Damstrom stated that he has listened to the applicants presentation and the reasons for the appropriateness of this particular request, but he is having a difficult time understanding why this zoning is more appropriate. He is more comfortable with the residential zoning and it has not been proven to him why it should be changed.

Mrs. Wilson asked for clarification of the layout of the land. Edward Massey responded by indicating the high elevation and the lower elevation and how the property slopes down. He explained that if the building faces North Bend Road, you would be able to access the lower level from a parking area and access the upper level from the other parking area so that someone in a wheelchair could access anywhere in the building. They do not anticipate having an elevator in the building.

Mrs. Wilson asked if there would still be enough area for the detention pond if KY 237 were to expand and the state wanted more of this property. Edward Massey responded that there is already a

culvert under North Bend Road for the natural drainage of the land. They do not anticipate any taking of their property to interfere with the retention system.

Mr. McMillian commented that the applicant said it was a residential type setting, but there is a big parking lot in the front.

Mr. Dusing responded that the drawing is not to scale and the parking lot is not that big. They do not want to build any more parking spaces than the code requires. They have to have some parking on that side of the building for handicapped access at grade level. They have to have a couple of handicapped spots up against the building. They will be happy to talk with the Committee about reducing the parking.

Mr. Damstrom asked if there is room for another office building towards the back of the site. Mr. Wall responded that he does not think they would be able to meet the setbacks and there is a drainage swale through there that collects water from other sites. They would need Buffer Yard C, which would be 25 feet on each side for an active use. He does not think another use would fit on the site. Mr. Damstrom asked if the applicant will agree to that area being permanent green space. Mr. Dusing responded that they do not want a restrictive covenant because no one knows what will happen fifty years from now, but they would agree that they would not be able to build another building on the site as a matter of right and could not do anything without another Public Hearing.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M. in Courtroom 3A. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M..


The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

PUBLIC HEARING ITEM NO. 2:

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

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

Legal Counsel Present: Mr. Larry Dillon.

Following a five-minute recess, the Chairman introduced the last item on the Agenda:

2. Applicant: Charles Sallee and Linda Sallee (owners)

Request: Zoning Map Amendment

The request of Charles Sallee and Linda Sallee (owners) to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

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

The Chairman asked for the applicant's presentation.

Mr. Charles Sallee, 221 Buckingham Drive, Florence, presented a model of the site and indicated the water drainage pattern. They have the number of required parking spaces. He stated that the building is shown in relation to Mrs. Turner's house, which is the house on which this development would have the greatest impact. He took the model to Mrs. Turner and her son-in-law has addressed some concerns in his letter which is attached to the Staff Report. Mr. Sallee believes that they have addressed those issues. He believes that the zone change would be consistent with the surrounding property and would not affect the Turner property. He met with some of the other residents at a City Council meeting and there was no opposition to his plans. He believes those residents would be present if they were opposed. The building and lot are of residential design to fit within the architectural design of the Clutterbuck subdivision. The thirty-foot berms are for water retention and safety from cars going over them, and to protect the Turner residence from headlights. He stated that a Baptist Church has just acquired property behind this site and received approval to proceed with their plans.

Mr. Costello stated that the Victory Baptist Church received a Conditional Use Permit from the Florence Board of Adjustment. They have an option on the property but may not have closed yet as the sale is contingent on the sale of their current property.

There being no one else present in favor of the request, the Chairman asked if there was anyone present in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Damstrom stated that the project has a lot of merit. He questioned the height of the berm where it fronts on KY 18. Mr. Sallee responded that it is 4.5 feet high. Mr. Damstrom asked if it will shield headlights from the cars facing onto Burlington Pike. Mr. Sallee responded "no - they would shine above it".

Mr. Damstrom questioned the proposed construction material. Mr. Sallee responded that it would be masonry.

Mr. Damstrom commented that the Subdivision Regulations say that water will be retained on site and they will have to manage the water on site.

Mr. Ries questioned the lighting. Mr. Sallee responded that they have not addressed that issue. They will probably have lighting off the building shining away from the Turners. They do not expect a lot of lighting. Mr. Ries asked that they consider the residents and have the lighting shine down. He asked that the lights not stay on all night and turn off at the appropriate time. Mr. Sallee responded "certainly".

Mr. Damstrom stated that he is concerned about the parking spaces and believes there needs to be some type of bushes to protect the headlights from shining on KY 18 and distracting those motorists. He asked that the Committee address this issue.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 in Courtroom 3A. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:35 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**ATTENDANCE SHEET
BOONE COUNTY PLANNING COMMISSION
PUBLIC HEARINGS
SEPTEMBER 29, 1999
7:00 P.M.**

1. Request of **Charles E. Massey and Charles Edward Massey (applicants)** for **Charles Edward Massey (owner)** to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Office One (O-1) for a 1.39 acre tract located on the northeast corner of the North Bend Road/Stahl Road intersection, Boone County, Kentucky. The request is for a zone change to allow an office building.
2. Request of **Charles Sallee and Linda Sallee (owners)** to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

| Name/Organization (Please Print) | Mailing Address | Indicate Item 1 or 2 |
|-------------------------------------|---|----------------------|
| HARVEY PELLEY | 1383 NORTH BEND HEBRON, KY 41028 | # 1 |
| Mona PARKER | 1958 Stahl Rd | |
| JOE PARKER | " | |
| Shirley Miller | 669 N. Bend | # 1 |
| Norma Perkins | 1943 Stahl RD | # 1 |
| Linda Sallee | 221 Bucknigham Dr. Florence, Ky ⁴¹⁰⁴ | |
| Janita Robertson | 1298 North Bend | # 1 |
| Marlene Franklin | 1528 North Bend | # 1 |
| Dallas Robertson | 1298 North Bend | # 1 |
| Steve Franklin | 1528 North Bend | # 1 |
| JACK GARTNER | 1302 " " | # 1 |
| ROSALIE GARTNER | 1302 " " | # 1 |
| Tom Spille | 13951 US 42 VERONA Ky 41092 | # 1 |

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 20, 1999
7:30 P.M.

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Richard Knock
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mark Jordan, Planner
Mr. Todd Morgan, Planner
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

3. Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

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).

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. McMillian seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Charles E. Massey and Charles Edward Massey (applicants) for Charles Edward Massey (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Office One (O-1) for a 1.39 acre tract on the northeast corner of the North Bend Road/Stahl Road intersection, Boone County, Kentucky. The request is for a zone change to allow an office building.

The Chairman stated that there is a request to defer Agenda Item #4 to the November 17, 1999 Business Meeting. The Committee Meeting will be on November 4, 1999 at 5 P.M. in the second floor conference room. Mr. White so moved. Mr. Chaney seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Charles Sallee and Linda Sallee (owners) to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

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.

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. Chaney seconded the motion and it carried unanimously.

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Newman, Chairman

DATE: October 20, 1999

RE: Request of **Charles Sallee and Linda Sallee (owners)** to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

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 general agreement with the 1995 Boone County Comprehensive Plan. Although the Future Land Use Map designates the parcel in question for "Suburban Residential" and "High Suburban Residential" uses, it should be noted that lot fronts Burlington Pike and is adjacent to a lot that is zoned Professional Office One (O-1A).
2. The Land Use Element text (Area D-4: Florence Area, pp. 226-228) makes the following statement regarding this area:

"Commercial development in this section should remain near the arterial roads or close to the interstate. 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."
3. The Business Activity text (p. 82) makes the following statement regarding this area:

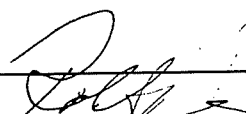
"The mix of commercial, office and residential use, along with limited access should be encouraged along KY 18."

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 applicants have signed a letter demonstrating agreement with these conditions.

Conditions:

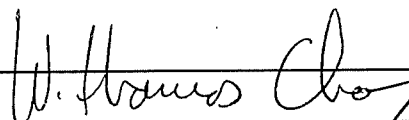
1. The development will only be allowed one monument style sign for all the tenants in the building.
2. The development will only be allowed to use low-level, monument style security lighting. No lighting should be directed toward the residential neighborhood on Kathryn Avenue.

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.



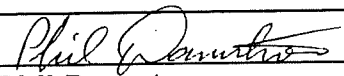
Robert Newman, Chairman

For Against _____
Abstain _____ Absent _____



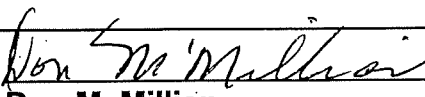
W. Thomas Chaney

For Against _____
Abstain _____ Absent _____



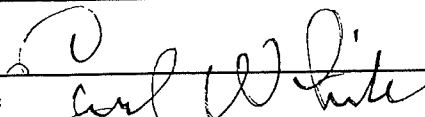
Phil Damstrom

For Against _____
Abstain _____ Absent _____



Don McMillian

For Against _____
Abstain _____ Absent _____



Earl White

For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

PUBLIC HEARING ITEM NO. 2:

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

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

Legal Counsel Present: Mr. Larry Dillon.

Following a five-minute recess, the Chairman introduced the last item on the Agenda:

2. Applicant: Charles Sallee and Linda Sallee (owners)

Request: Zoning Map Amendment

The request of Charles Sallee and Linda Sallee (owners) to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

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

The Chairman asked for the applicant's presentation.

Mr. Charles Sallee, 221 Buckingham Drive, Florence, presented a model of the site and indicated the water drainage pattern. They have the number of required parking spaces. He stated that the building is shown in relation to Mrs. Turner's house, which is the house on which this development would have the greatest impact. He took the model to Mrs. Turner and her son-in-law has addressed some concerns in his letter which is attached to the Staff Report. Mr. Sallee believes that they have addressed those issues. He believes that the zone change would be consistent with the surrounding property and would not affect the Turner property. He met with some of the other residents at a City Council meeting and there was no opposition to his plans. He believes those residents would be present if they were opposed. The building and lot are of residential design to fit within the architectural design of the Clutterbuck subdivision. The thirty-foot berms are for water retention and safety from cars going over them, and to protect the Turner residence from headlights. He stated that a Baptist Church has just acquired property behind this site and received approval to proceed with their plans.

Mr. Costello stated that the Victory Baptist Church received a Conditional Use Permit from the Florence Board of Adjustment. They have an option on the property but may not have closed yet as the sale is contingent on the sale of their current property.

There being no one else present in favor of the request, the Chairman asked if there was anyone present in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Damstrom stated that the project has a lot of merit. He questioned the height of the berm where it fronts on KY 18. Mr. Sallee responded that it is 4.5 feet high. Mr. Damstrom asked if it will shield headlights from the cars facing onto Burlington Pike. Mr. Sallee responded "no - they would shine above it".

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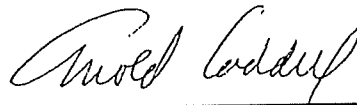
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Mr. Damstrom stated that he is concerned about the parking spaces and believes there needs to be some type of bushes to protect the headlights from shining on KY 18 and distracting those motorists. He asked that the Committee address this issue.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 in Courtroom 3A. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:35 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

October 12, 1999

Mr. Charles Sallee
Ms. Linda Sallee
1018 Woodrow Street
Cincinnati, OH 45204

RE: Request of **Charles Sallee and Linda Sallee (owners)** to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

Dear Mr. & Ms. Sallee:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owners, agree to the following conditions, please indicate so by signing at the spaces provided below. Please return the signed letter to our office by 5:00 P.M., October 19, 1999.

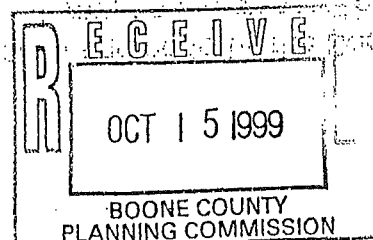
Conditions:

1. The development will only be allowed one monument style sign for all the tenants in the building.
2. The development will only be allowed to use low-level, monument style security lighting. No lighting should be directed toward the residential neighborhood on Kathryn Avenue.

Sincerely,

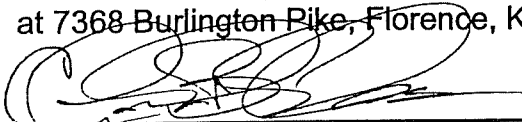
Todd K. Morgan
Planner

TKM\pr



Mr. Charles Sallee
Ms. Linda Sallee
October 12, 1999
Page 2

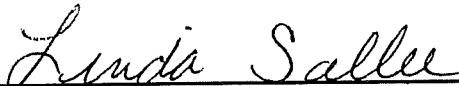
I, Charles Sallee, property owner, hereby agree to the above listed conditions of approval for the zone change request from R1F to O-1A, for the approximate 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky.



Mr. Charles Sallee

10/13/99
Date

I, Linda Sallee, property owner, hereby agree to the above listed conditions of approval for the zone change request from R1F to O-1A, for the approximate 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky.



Ms. Linda Sallee

10-13-99
Date

7368 Burlington Pk

A said tract of land lying and being in the city of Florence, Boone County, Kentucky and being located on the north side of existing KY 18 and on the east side of and adjacent to Kathryn Avenue and being more particularly described as follows:

Lots Numbered One (1), Two (2), and the adjoining one-half or twenty-five (25) feet of Lot Number Three (3), of the Clutterbuck Subdivision as shown on Plat Book 1, page 128 of the Boone County Clerk's records at Burlington, Kentucky.

Excepting from the above tract of land is the following parcels of land heretofore conveyed to the Commonwealth of Kentucky on May 22, 1979, the following described parcels:

(A)

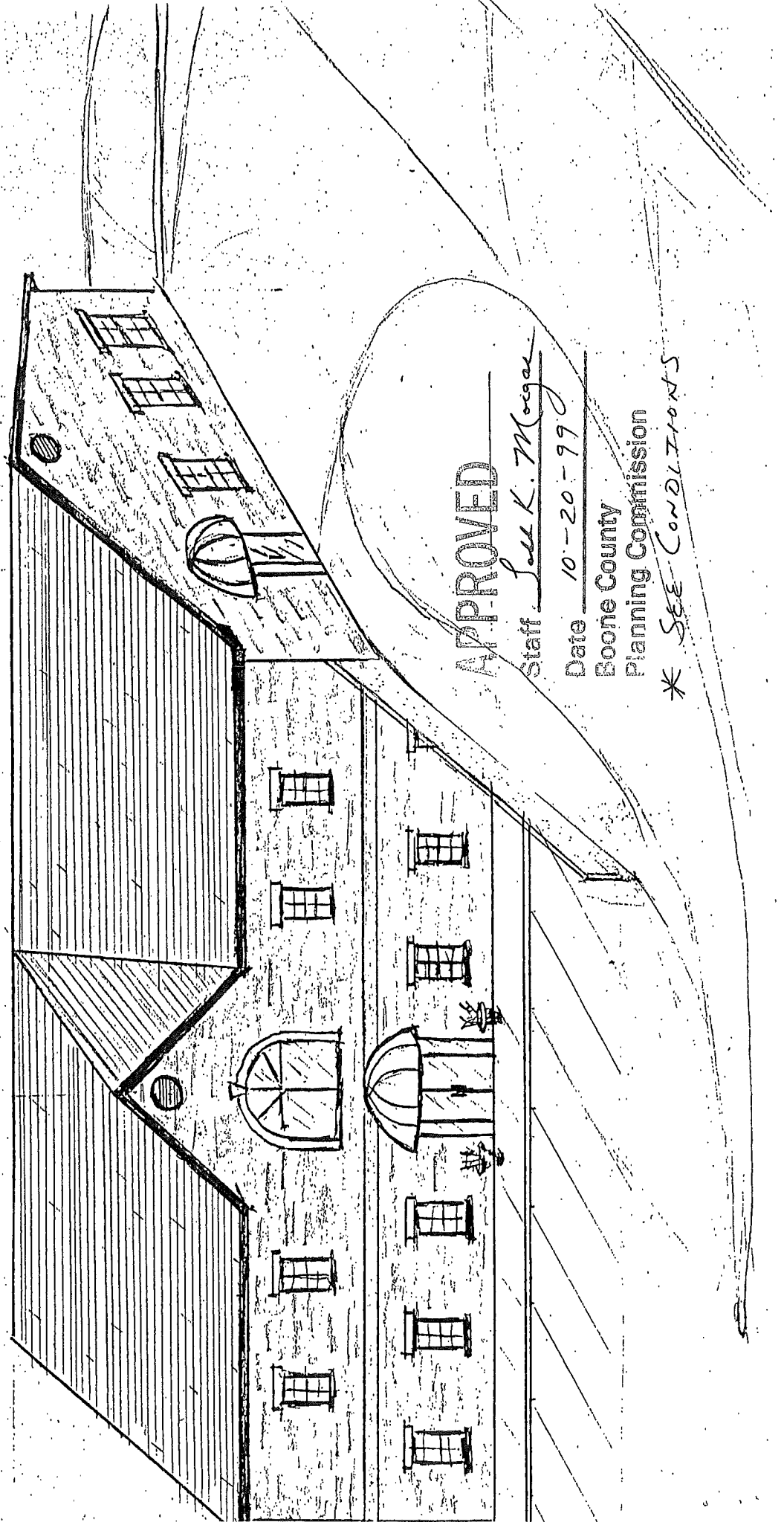
Beginning at a point in the center of existing KY 18, also being a point in the center of existing and proposed Kathryn Avenue, said point being 18.8 feet right of proposed Ky 18 centerline Station 33+28.7; thence along Kathryn Avenue centerline N 38° 43' 55" W, 113.70 feet to a point 80.0 feet left of proposed KY 18 centerline Station 32+72.4; crossing said proposed centerline at Station 33+18.0; thence N 80° 57' 14" E, 23.02 feet to a point in the existing right of way line, said point being 80.0 feet left of Station 32+95.6; thence along said existing right-of-way line S 38° 43' 55" E 34.53 feet to a point in the proposed right of way line, said point being located 50.0 feet left of proposed centerline Station 33+12.6; thence along proposed right of way line N 80° 57' 15" E 175.94 feet to a point in the easterly property line, said point being 50.0 feet left of Station 34+88.5; thence along said property line S 36° 55' 10" E, 77.33 feet to a point in the center of existing KY 18, crossing proposed KY 18 centerline at Station 35+14.9, said point being 18.4 feet right of proposed centerline Station 35+24.6; thence along said existing KY 18 centerline S 80° 49' 53" W 195.91 feet to the point of beginning.

(B)

Also a parcel of land lying on the north side of and adjacent to Parcel No. 28 and more particularly described as follows:

Beginning at a point in the existing right-of-way line, also being a point in the proposed right of way line, said point being 50 feet left of proposed centerline Station 33+12.6; thence along existing right of way line to a point 20 feet left of existing Kathryn Avenue centerline Station 8+30; thence in the northeasterly direction to a point 30 feet left of Kathryn Avenue centerline Station 8+30; thence in the southeasterly direction to a point 62 feet left of proposed KY 18 centerline Station 33+22; thence in the easterly direction to a point in the easterly property line, said point being 62 feet left of proposed centerline Station 34+82; thence along said property line to a point in the proposed right of way line, said point being 50 feet left of proposed centerline Station 34+88.5; thence along said proposed right of way line to the point of beginning.

Concept 7368 Burlington F.kz



APPROVED

Staff Lee K. Morgan

Date 10-20-99

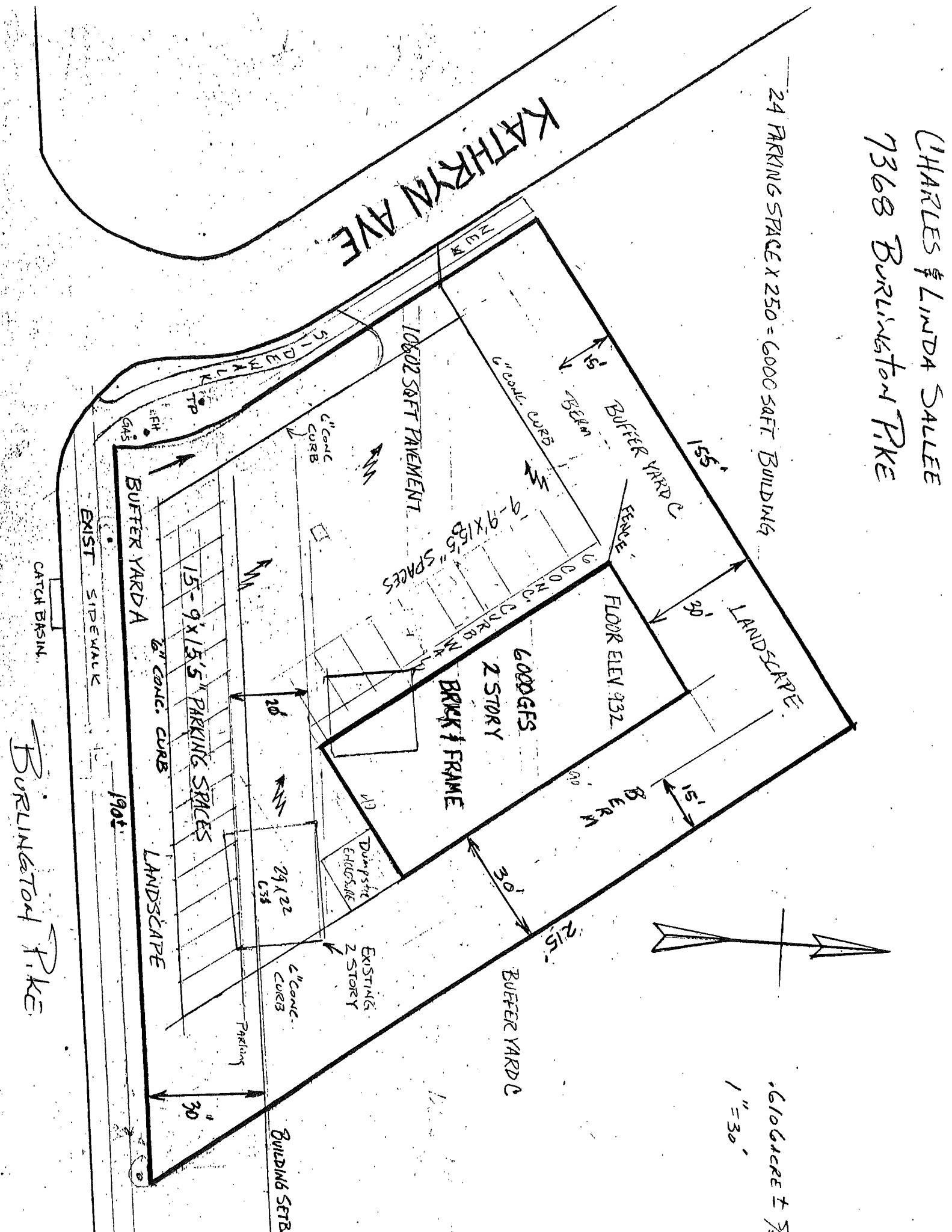
Boone County
Planning Commission

* SEE CONDITIONS

CHARLES & LINDA SALLEE
7368 BURLINGTON PIKE

24 PARKING SPACE X 250 = 6000 SAFT BUILDING

KATHRYN AVE



6106 GFS ± 5/8"
1" = 30'

BURLINGTON PIKE

EXIST SIDEWALK

BUFFER YARD A

15-9' X 15.5' PARKING SPACES

24' CONC. CURB

LANDSCAPE

190'

BUILDING SETBACK

6" CONC CURB

10602 SOFT PAVEMENT

9-9' X 15.5' SPACES

BRICK FRAME

2 STORY

BUFFER YARD C

FLOOR ELEV. 932

6" CONC CURB

6" CONC CURB



155'

30'

15'

5'

3' BEAM

30'

215'

TP

EH GAS

AM

AM

ND

DUMPSTIC ENCLOSURE

EXISTING 2 STORY

6" CONC CURB

Parking

30'

CATCH BASIN

ORDINANCE NO. 0-31-99

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 0.61 ACRE SITE LOCATED AT 7368 BURLINGTON PIKE, IN THE CITY OF FLORENCE, KENTUCKY, TO REZONE THE SUBJECT PROPERTY FROM RESIDENTIAL ONE FAMILY (R1F) TO PROFESSIONAL OFFICE ONE (O-1A), TO ALLOW AN OFFICE BUILDING, SUBJECT TO AGREED CONDITIONS AND A DEVELOPMENT PLAN. (CHARLES AND LINDA SALLEE PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to agreed conditions and a development plan, of a zoning map amendment to change the zoning for an approximate 0.61 acre site located at 7368 Burlington Pike, in the City of Florence, Kentucky, from its current zoning of Residential One Family (R1F) to Professional Office One (O-1A), to allow an office building, and

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

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

SECTION I

That the requested zoning map amendment to change the current zoning for an approximate 0.61 acre site located at 7368 Burlington Pike, in the City of Florence, Kentucky, shall be and is hereby approved to change the current zoning from Residential One Family (R1F) to Professional Office One (O-1A), to allow an office building, subject to agreed conditions and a concept development plan. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be changed to reflect the approval of this zoning map amendment.

SECTION II

The approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the concept development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-99-031-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to those additional conditions which have been agreed to in writing by the property owners/applicants as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and made a part of the Commission's Resolution No. R-99-031-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION V

If this approval of this zoning map amendment shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 21st DAY OF December, 1999.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
11th DAY OF January, 2000.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Antony Conrad
CITY CLERK

7368 Burlington PK

A said tract of land lying and being in the city of Florence, Boone County, Kentucky and being located on the north side of existing KY 18 and on the east side of and adjacent to Kathryn Avenue and being more particularly described as follows:

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Excepting from the above tract of land is the following parcels of land heretofore conveyed to the Commonwealth of Kentucky on May 22, 1979, the following described parcels:

(A)

Beginning at a point in the center of existing KY 18, also being a point in the center of existing and proposed Kathryn Avenue, said point being 18.8 feet right of proposed Ky 18 centerline Station 33+28.7; thence along Kathryn Avenue centerline N 38° 43' 55" W, 113.70 feet to a point 80.0 feet left of proposed KY 18 centerline Station 32+72.4; crossing said proposed centerline at Station 33+18.0; thence N 80° 57' 14" E, 23.02 feet to a point in the existing right of way line, said point being 80.0 feet left of Station 32+95.6; thence along said existing right-of-way line S 38° 43' 55" E 34.53 feet to a point in the proposed right of way line, said point being located 50.0 feet left of proposed centerline Station 33+12.6; thence along proposed right of way line N 80° 57' 15" E 175.94 feet to a point in the easterly property line, said point being 50.0 feet left of Station 34+88.5; thence along said property line S 36° 55' 10" E, 77.33 feet to a point in the center of existing KY 18, crossing proposed KY 18 centerline at Station 35+14.9, said point being 18.4 feet right of proposed centerline Station 35+24.6; thence along said existing KY 18 centerline S 80° 49' 53" W 195.91 feet to the point of beginning.

(B)

Also a parcel of land lying on the north side of and adjacent to Parcel No. 28 and more particularly described as follows:

Beginning at a point in the existing right-of-way line, also being a point in the proposed right of way line, said point being 50 feet left of proposed centerline Station 33+12.6; thence along existing right of way line to a point 20 feet left of existing Kathryn Avenue centerline Station 8+30; thence in the northeasterly direction to a point 30 feet left of Kathryn Avenue centerline Station 8+30; thence in the southeasterly direction to a point 62 feet left of proposed KY 18 centerline Station 33+22; thence in the easterly direction to a point in the easterly property line, said point being 62 feet left of proposed centerline Station 34+82; thence along said property line to a point in the proposed right of way line, said point being 50 feet left of proposed centerline Station 34+88.5; thence along said proposed right of way line to the point of beginning.

Exhibit "A"

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

November 3, 1999

The Honorable Diane Whalen
Mayor, City of Florence
8100 Ewing Boulevard
Florence, KY 41042-7588

Dear Mayor Whalen:


This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **Charles and Linda Sallee (owners)** for a Zoning Map Amendment on a 0.61 acre site located at 7368 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1F) to Professional Office One (O-1A) in order to allow an office building.

At their meeting of October 20, 1999, the Boone County Planning Commission voted unanimously to recommend approval by **Resolution R-99-031-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Florence is **Tuesday, January 18, 2000**.

The approved minutes of the September 29, 1999 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,



Arnold Caddell
Chairman

AC/vlm

Enclosures

Exhibit "B"

RESOLUTION R-99-031-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF CHARLES AND LINDA SALLEE (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RESIDENTIAL ONE FAMILY (R1F) TO PROFESSIONAL OFFICE ONE (O-1A) ON A 0.61 ACRE TRACT LOCATED AT 7368 BURLINGTON PIKE, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Residential One Family (R1F) to Professional Office One (O-1A) on a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, 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 RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION 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 Residential One Family (R1F) to Professional Office One (O-1A) on a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Residential One Family (R1F) zone is more particularly described in DEED BOOK 1, PAGE NO. 128 (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 a 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 Resolution and marked as "Exhibit A."

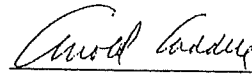
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval for a Zoning Map Amendment for a zone change from Residential One Family (R1F) to Professional Office One (O-1A) on a 0.61 acre tract located at 7368 Burlington Pike, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 3RD DAY OF NOVEMBER, 1999.

APPROVED:



ARNOLD CADDELL
CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

AC:vlm

December 17, 1999

Mr. and Mrs. Charles Sallee
221 Buckingham Drive
Florence, Kentucky 41042

RE: Zone Change at corner of Ky. 18
and Kathryn Ave., Florence, Ky.

Dear Mr. and Mrs. Sallee:

After review of the record of the Planning Commission, it is will be recommended to the council that the request be approved based on the record with the following conditions:

1. Site intensity/density shall be no greater than 4500 square feet and as shown on amended plan.
2. Building shall be residential in design (similar to the building located at 7033 Burlington Pike) and shall be predominately brick and masonry (not cinder block). As shown on your amended plan, the building will front on Ky. 18 and will be situated closer to Ky. 18.
3. There shall be a berm along the property line adjacent to the adjoining Kathryn Avenue property and all buffering and landscaping shall be in conformance with the applicable Boone County regulations.
4. The following uses are prohibited: drive-thru facilities and eating and drinking establishments.
5. External lighting shall be low-level monument style lighting. Lighting shall be directed away from the residential neighborhood on Kathryn Avenue.
6. Only one sign, monument style, shall be allowed for the site.
7. Access shall be on Ky. 18 only.
8. The project shall comply with all other regulations of the Boone County Planning Commission and other applicable governmental entities.

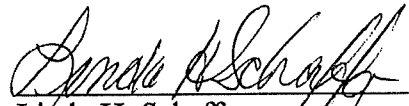
Exhibit "c"

Mr. & Mrs. Charles Sallee
December 17, 1999
Page Two (2)

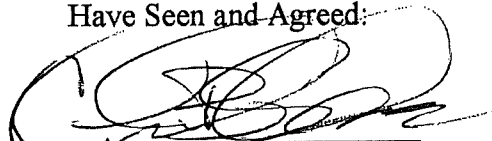
If you agree with the above conditions, please sign as indicated on the bottom of this letter and return to me or you may bring this to the meeting Tuesday, December 21, 1999. It is my understanding that this will be discussed at that meeting.

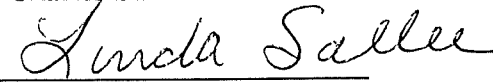
Thanking you in advance for your cooperation in this matter, I remain

Very truly yours,


Linda H. Schaffer
Florence City Council

Have Seen and Agreed:

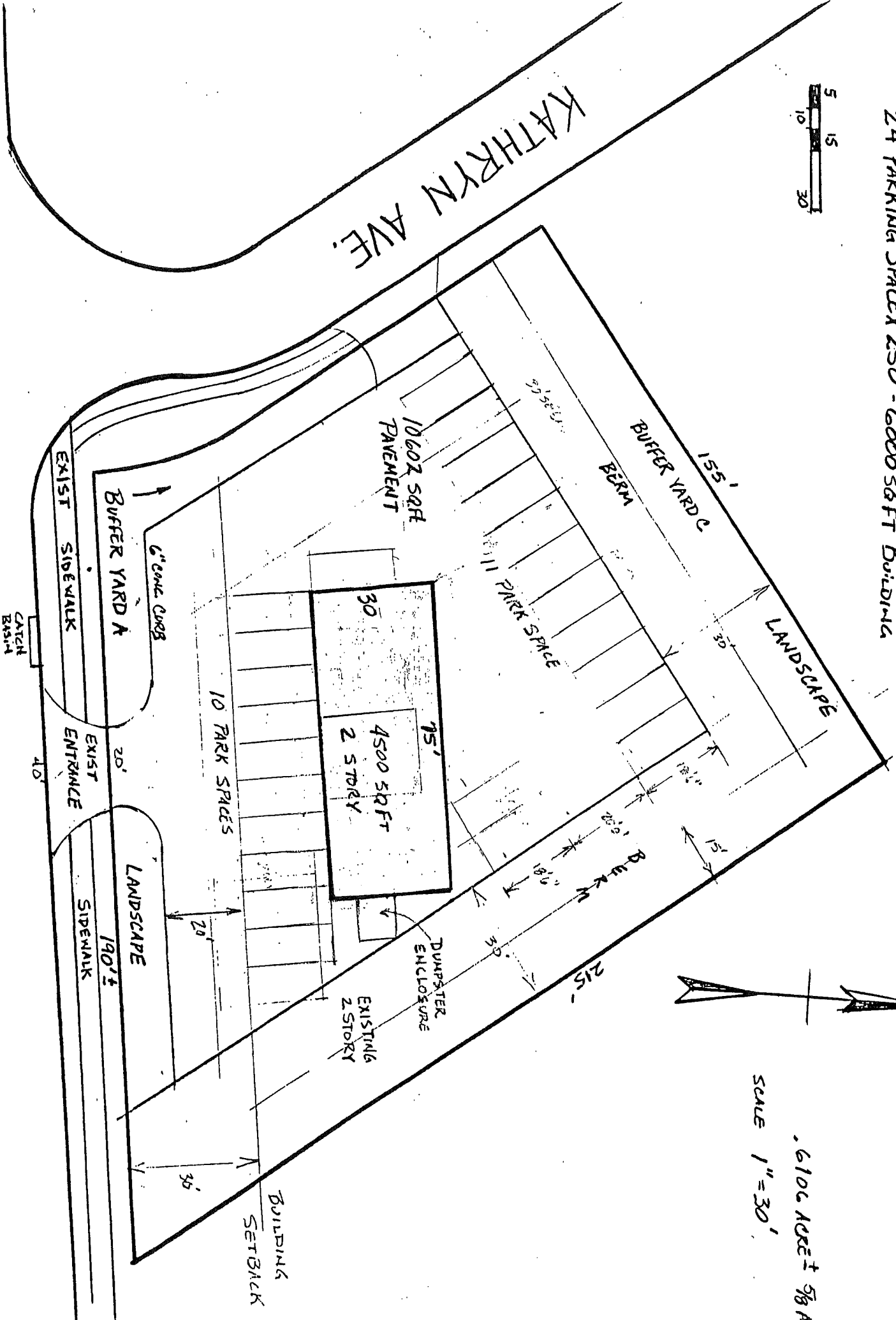

Charles Sallee


Linda Sallee

24 PARKING SPACES X 250 = 6000 SQFT BUILDING



KATHRYN AVE.



6106 ACRES ± 5/8 A
SCALE 1" = 30'

10602 SQFT
PAVEMENT

155'
BUFFER YARD C
BERM

LANDSCAPE

11 PARK SPACE

30

75'
4500 SQFT
2 STORY

10 PARK SPACES

6" CONC CURB
BUFFER YARD A

EXIST SIDEWALK

CATCH
BASIN

EXIST
ENTRANCE

LANDSCAPE

190'±
SIDEWALK

DUMPSTER
ENCLOSURE

EXISTING
2 STORY

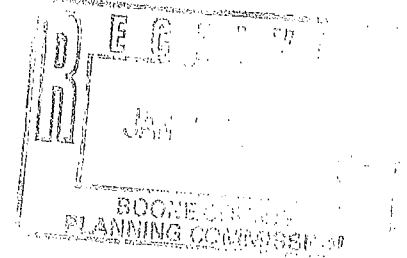
BUILDING
SETBACK

City of Florence



CITY CLERK/
HUMAN RESOURCES DIRECTOR
Betsy Conrad

January 13, 2000



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

Re: Request of **Charles and Linda Sallee (owners)** for a Zoning Map Amendment on a 0.61 acre site located at 7368 Burlington Pike, Florence, KY. The request is to rezone the site from Residential One Family (R1F) to Professional Office One (O-1A) in order to allow an office building.

Dear Mr. Costello:

At the January 11, 2000 meeting of Florence City Council, the above referenced recommendation from the Boone County Planning Commission was approved with the second reading of Ordinance No. O-31-99.

The recommendation received by this legislative body from the Boone County Planning Commission included certain conditions which were incorporated into City Council's Ordinance of approval. Florence City Council also imposed **certain additional conditions** agreed to by the applicant. These additional conditions are set out in Ordinance No. O-31-99, Exhibit C (copies of the ordinance and the minutes are attached).

Please contact me if you have any further questions regarding this Ordinance.

Sincerely,

Betsy R. Conrad

Copies: Charles & Linda Sallee, 221 Buckingham Drive, Florence, KY 41042
Hugh O. Skees, Esq.
William Viox, City Engineer
Public Services Director