

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)

2. Name of Project NEW RESTAURANT

3. Location of Project DREAM ST. FLORENCE

4. Total Acreage of Site 1.84 ACRES

5. Current Zoning C-3/PP

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____

8. Proposed Uses (please specify each use) RESTAURANT

9. Proposed Building Intensities (please specify) _____

10. Have you submitted a Concept Development Plan? YES

11. Are you also applying for:

NO Conditional Use Permit

NO Dimensional Variance

12. Name of Applicant(s) GREGORY J. STALEY

Phone Number 512-0022 Fax No. _____

13. Address of Applicant(s) 70 GRANT STREET

FORT THOMAS KY 41015-2504

City State Zip

14. Name of Property Owner(s) JIM GALLENSTEIN

Phone Number 311-7776 Fax No. _____

15. Address of Property Owner(s) 1048 O'HARA LANE

ERLANGER KY 41018

City State Zip

16. Are there any existing buildings on the site? NO

How many? _____

17. Deed Book 197 Page No. 631 Group No. 2041A

18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

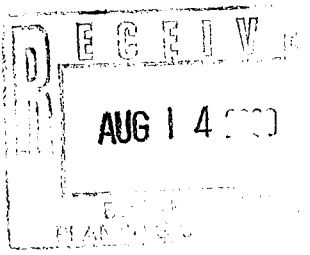


EXHIBIT
“A”

STAFF REPORT

Request of **Gregory J. Staley (applicant)** for **Jim Gallenstein (owner)** to consider a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 1.84 acre lot located on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow a restaurant.

September 27, 2000

REQUEST

This application is for a Concept Development Plan in the Planned Development overlay district to allow a restaurant on a 1.84 acre lot on Dream Street in Florence. The site is located directly north of the Super 8 Motel and across the street from Motel 6.

The Concept Development Plan illustrates a 9,014 square foot structure that is located in the approximate center of the lot (from front to rear and from side to side). Parking lots are shown at the front and rear of the building (145 total parking spaces) with driveways running along the sides of the building connecting the two parking areas. Several islands containing light standards are proposed within the parking area. 10 foot wide landscape areas are shown along the Dream Street right-of-way and along the south property line adjoining the Super 8 Motel. A 5 foot wide landscape area is indicated along the north property line adjoining a vacant area, and a larger landscape area is shown at the rear of the lot. Landscape areas are proposed along the front and sides of the building, and a 6 foot wide curb walk is proposed along the parking spaces that adjoin the rear of the building. Two access points are proposed on Dream Street - one at each end of the site. Landscaping has been conceptually shown on the plan.

The proposed building is a one story structure that has a turn of the century train station motif. The structure has a pitched roof, with dormers and a central clerestory, with the main ridge running parallel to the street and chimneys at each end. Building materials include brick exterior walls, metal roofing, and lap siding within the gables and on the clerestory. Detailing includes corbels/brackets along the eave lines, and stone lintels and window sills. Although a building mounted sign has been conceptually illustrated on the gable that faces the street, no signage details have been provided.

SITE HISTORY

The Parkway Corridor Study, which includes the subject site, was adopted in 1986. The adoption of the Planned Development overlay zone for the area resulted from the Study.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- A. A vacant area immediately to the north and west along the east and south sides of Dream Street (O-2 and O-2/PD). A hotel is located further to the north along the east/west section of Dream Street (O-2).
- B. A hotel is located directly across Dream Street to the west, and a car wash and day care center are located to the northwest along the west side of Dream Street (O-2). A carpet store is located to the southwest across Dream Street (C-2).
- C. A hotel, wallpaper store, and a Mexican grocery store/restaurant are located to the south along the east side of Dream Street (C-3/PD). The land uses further to the south along both sides of Dream Street generally consist of restaurants (C-3/PD).

SITE CHARACTERISTICS

The site is currently vacant and contains 1.84 acres with 290 feet of frontage along Dream Street. The dominant feature on the site is a relatively deep drainage swale, which runs across the center of the site in a east/west manner; this swale contains aquatic vegetation and a 15 inch reinforced concrete pipe. The remainder of the site is an open field which has been graded. Public water and sewer are available to this site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's Future Land Use Map designates the site in question for "Commercial" uses. The Comprehensive Plan describes this designation as "retail, corporate and professional offices, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("D-4: Florence Area," pp. 226 and 227).

- A. . . . the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city.
- B. The City of Florence should evolve from a suburban city to that of a more urban city.
- C. Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor of the City.

- D. Commercial development in this section should remain near the arterial roads or close to the interstate. These 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. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.
- E. The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings.
- F. Development along US 42 from Mall Road to the Ewing Boulevard area should continue to be a mixture of professional and local, traffic-oriented commercial activity. The area east of I-75, north of US 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence.
- G. The Parkway Corridor Study, which was developed for this area, should be updated and a more definitive direction should be developed for the area. A mixture of office, retail, commercial, recreation, and residential development is the goal.

The Land Use Element provides the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).
- B. 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," pg. 210).

- C. 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.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 211).
- E. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The Business Activity Element states "since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity" ("Areas of Future Commercial Activity," pg. 82). In addition, the site is indicated for commercial development on the Future Industrial and Commercial map (Figure 5.3) on page 87 of the Business Activity Element.

The site is within the "Florence-Richwood Area" described in the "Residential Areas" section of the Housing Element (pg. 109). The immediate area in question is not mentioned in this section other than a general quotation which states "this area includes Florence east of I-75 and extends to Richwood. Florence itself will continue to experience infill housing, both single-family and multi-family."

The 2000 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, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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 ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, 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. Residential development design in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- J. 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 [Retail and Office], Objective 1).

- K. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly place so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office], Objective 2).
- L. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office], Objective 3).
- M. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).
- N. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed use districts ("Transportation," 3rd Goal, Objective 3).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

As stated above, the site is within the Parkway Corridor Study area. The Study states the following regarding development in the study area as a whole:

The 1980 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure or its logical extensions can allow for development as well ("Development Potential").

The site is located within area "1W: C3/PD" on the study land use map. The following excerpt describes the area in question. Additional text in the study not quoted below describes other traffic issues.

The Parkway west parcels begin with the Dream Street area. Most of Dream Street is already developed. Still, some relatively large parcels remain undeveloped. In addition, the Parkway connector to Dream Street will allow for development on new parcels of land nearby which are zoned consistent with the existing character of the area and also provide for better access to and from the business establishments

and many restaurants in the area. Nonetheless, traffic flow problems are likely to remain given the particular characteristics of the land use pattern along Dream Street and the likelihood that development will continue along the street beyond its "loop."

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states in general that "the area east of I-75, north of US 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence" - this area includes the site in question. The Land Use Element also stresses the importance of access management and the coordination of curb cuts in the area. The Future Land Map designates the site and area in question as "Commercial." The Future Industrial and Commercial map in the Business Activity Element indicates the area for commercial development.
2. Staff offers the following comments regarding the standards set forth in Section 1514 "Planned Development Standards" of the *Boone County Zoning Regulations*. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
 1. Mixed Use Development and Pedestrian Orientation: Relative to this standard, the proposal involves a single use project on a relatively small lot which is comparable to neighboring developments. Thus, a wide array of large scale multi-modal improvements are not warranted. However, Article 33 of the Zoning Regulations do require a pedestrian link between the building, parking area, and the street/public sidewalk (this could be provided through the disabled parking aisle in the middle tier of parking at the front of the lot and connect to Dream Street), and the Zoning Regulations also require the construction of a sidewalk across the front of the lot within the Dream Street right-of-way. When considering that the City has a consultant who is currently evaluating streetscape improvements for Dream Street, including pedestrian access, the actual design of the required sidewalk should follow the consultant's final recommendation. Also, when considering that the proposed use is a restaurant, the adjoining lot to the south is a hotel, the lot to the north is vacant, and the adjoining area to the east has received approval for an office subdivision, pedestrian connections to these adjoining lots should be considered as well.
 2. Compatibility of Uses: When considering that there are a number of restaurants in the area and the adjoining lots either have or are planned for commercial or office uses of a similar scale, Staff has not identified any extraordinary measures that need to be taken to assure compatibility with the other uses in the area. However, not all landscape requirements have been met on the Concept Development Plan

(particularly "VUA"/interior parking lot landscaping), and the plan proposes to share the required Buffer Yard A along the north property line with the adjoining undeveloped lot - this is permitted for like/similar zones provided that the shared buffer yard has been agreed by all property owners involved. The applicant will need to demonstrate that such an agreement has been made in order to reduce this landscape area. When considering the amount of paved area proposed and the breadth of the building on the lot, the Planning Commission and City Council may wish to require the normal 10 foot wide Buffer Yard A regardless.

3. Open Space: This standard states that "useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided." With the exception of nominal areas around the front of the building and at the rear of the lot, no such additional areas have been provided and the nominal areas can not reasonably be construed as "useable." The opening paragraph of Section 1514 states the criterion shall be fulfilled "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal." As such, the governing bodies will need to determine the applicability of this requirement to the proposal at hand. When considering the lack of open space area, Staff questions how the required storm water detention will be accommodated.

4. Multi-Modal Transportation System: Pedestrian issues have been outlined under #1 above. Additionally, Article 33 of the Zoning Regulations requires a bike rack to be provided.

5. Preservation of Existing Site Features: With the exception of the ravine/swale on the lot, the site is a vacant field. Although not directly related to this standard per se, the Florence Water and Sewer Commission has stated that although there is no easement, this swale acts as a storm water facility and contains a storm pipe. The Commission has noted that the proposed building can not be located on this pipe.

6. Landscaping: Conceptual landscaping has been shown on the Concept Development Plan, although as discussed above, not all landscaping requirements have been met. Should this application be approved, all applicable requirements of Article 36 "Landscaping" of the Zoning Regulations must be met through the site plan process.

7. Architecture: When considering that the proposed building uses reasonable quality materials and design, Staff is not opposed to the "theme restaurant" approach as was used for several other businesses in the area, provided consistent materials and design detailing are used on all sides of the building to prevent the appearance of a "back" or "utility" side(s) of the building. Additionally, the dumpster enclosure, signage, and site furniture (such as the benches and light standards) should architecturally correlate to the building.

8. Historic and Prehistoric Features: Staff is not aware of any historic or prehistoric features either on or near the subject property.

9. Signage: Other than a conceptual building mounted sign illustrated over the main entry on the building elevation, no signage details have been provided. This standard states that signage should be predominately building mounted and that freestanding signs shall be monument style and of a limited size and height. It is Staff view that the one building mounted sign conceptually shown to date is well integrated with the design of the building. When considering this standard and the comments made under #7 above, the freestanding sign should be monument style and relate to the design of the building via materials and design detailing. As signage recommendations are also being formulated by the City's consultant as part of the Dream Street evaluation, the on-site signage for this project should follow the consultant's final recommendations.

10. Transportation Connections and Entry Points: Pedestrian connections have been discussed several times above. In order to facilitate proper access management as discussed in the Comprehensive Plan and through several evaluations of Dream Street, driveway connections between the subject site and the adjoining hotel to the south and the vacant lot to the north should be provided. Such drive connections would allow direct routes for trips between the adjoining lots and remove unnecessary turning movements from Dream Street itself. Also related to access management, although not necessarily to this standard, it is preferable for the lot to have one curb cut onto Dream Street, versus the two shown on the Concept Development Plan. If this one curb cut were placed on or near the common property line with the vacant property to the north, it could be used as a shared access - this would also partly remedy the drive connection issue. All of these suggestions are in keeping with the initial access management evaluation and recommendations formulated by the City's Dream Street consultant.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

CONCLUSION

This application needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in

Article 15 of the Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended in this request is approved.

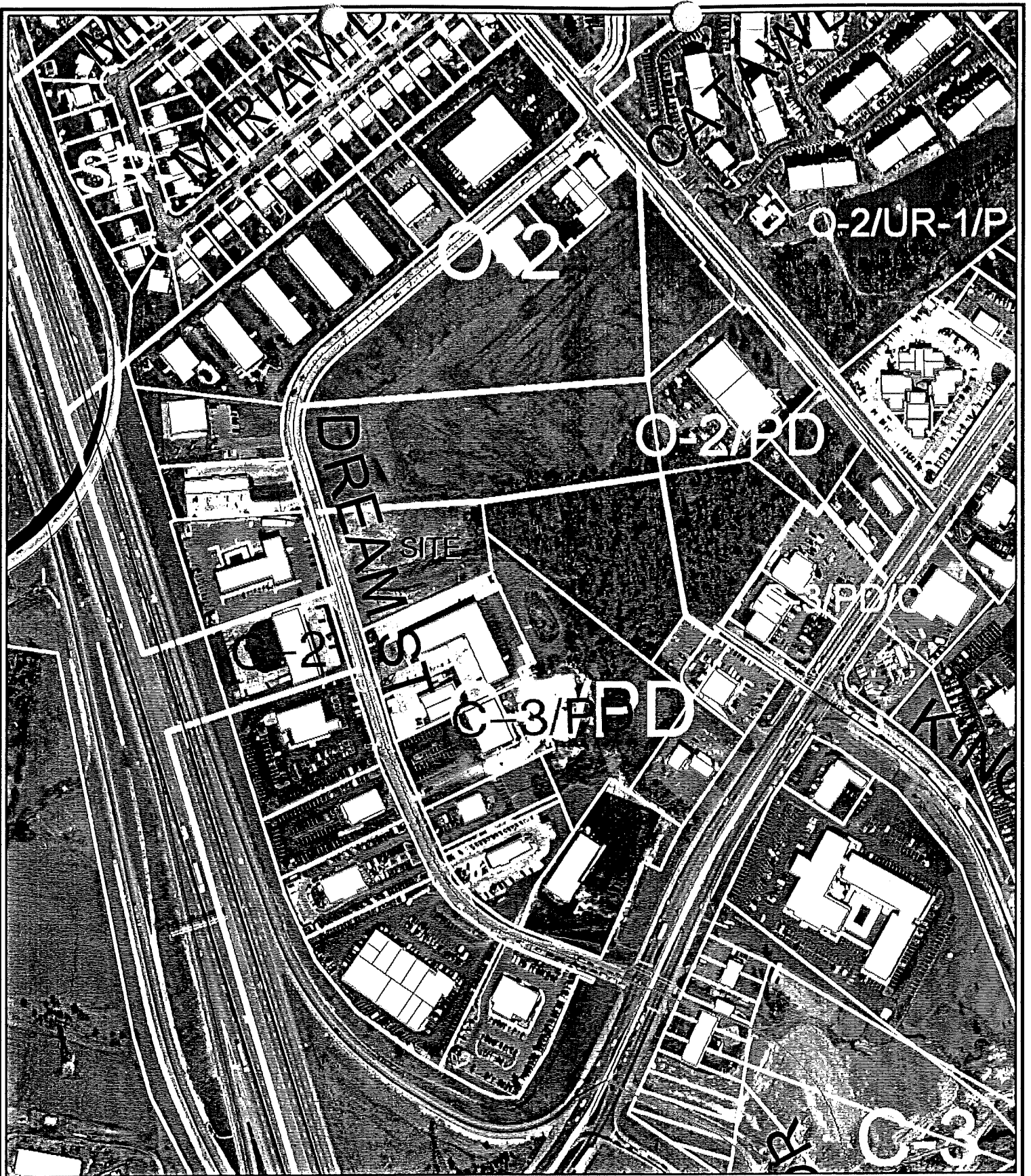
Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

Attachments:

- Aerial photo with zoning information
- Future Land Use map excerpt
- Area topography
- Application and Concept Development Plan materials

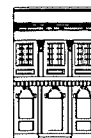


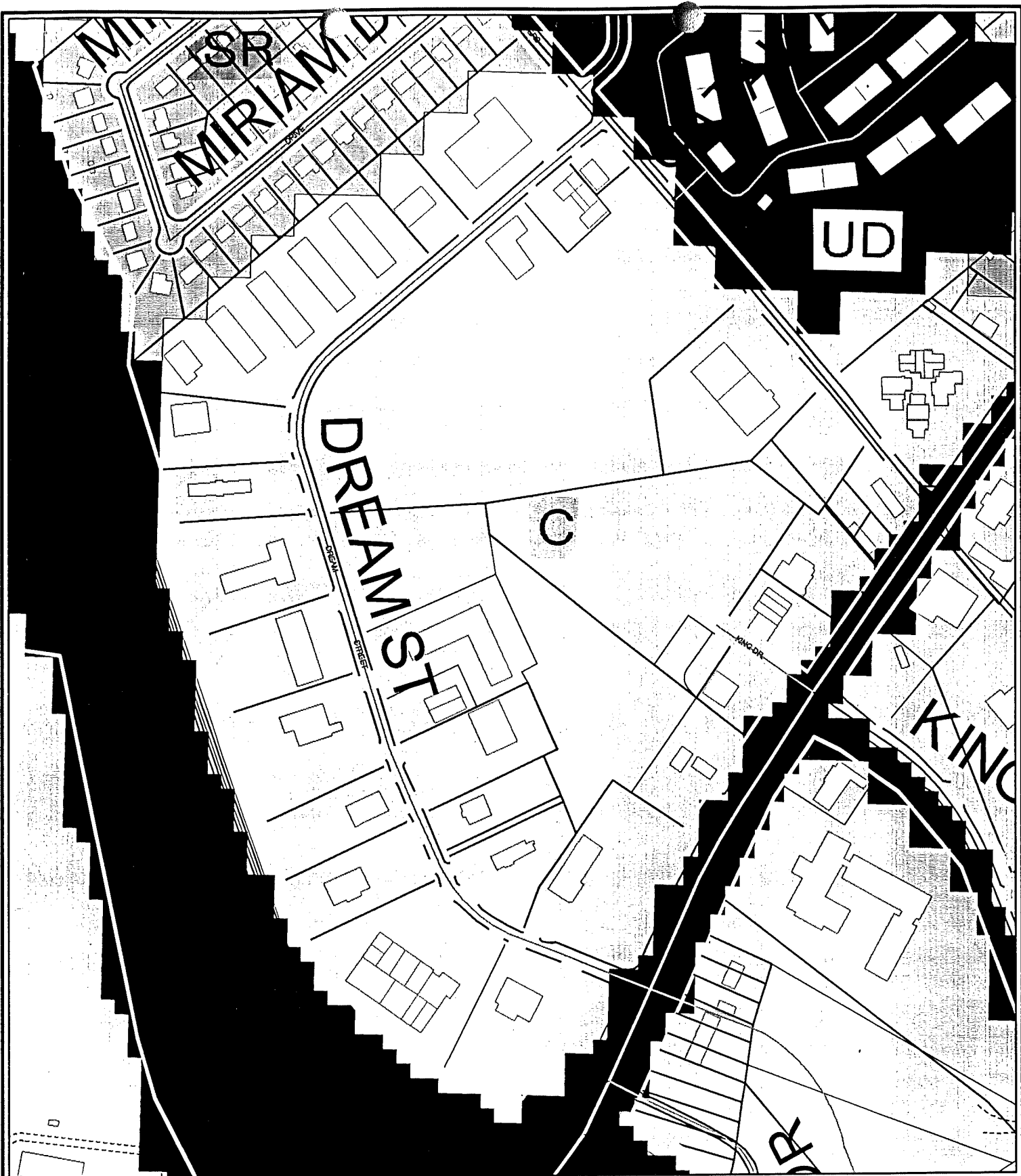
Staley

300 0 300 Feet



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 5, 2000



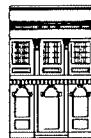


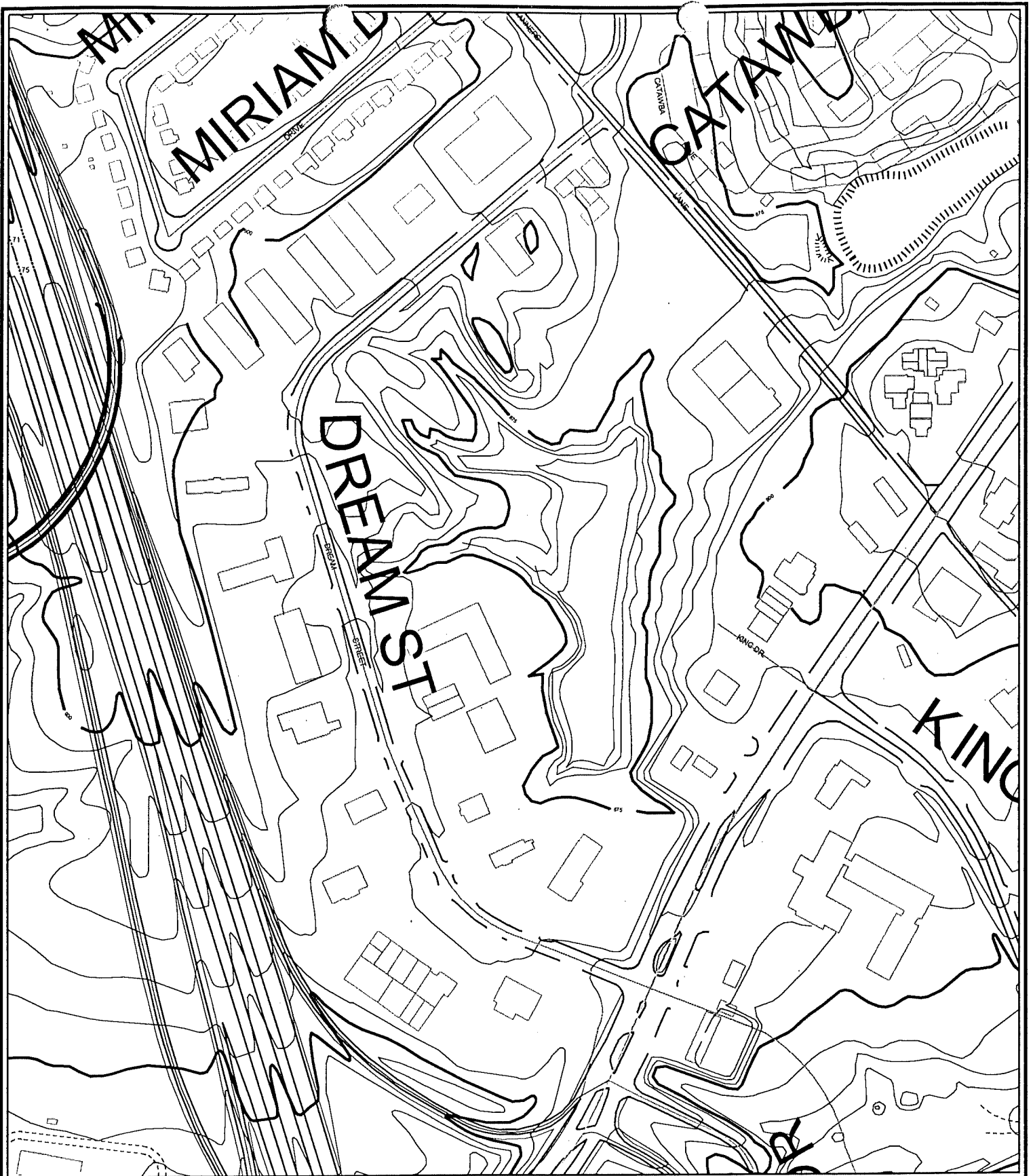
Future Land Use

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1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 5, 2000





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1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 5, 2000



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APPLICATION FORM

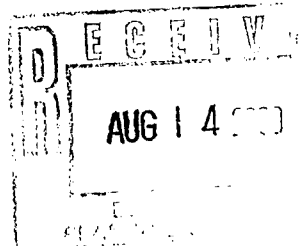
CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:
 Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
 Change in an Approved Concept Development Plan
 Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
2. Name of Project NEW RESTAURANT
3. Location of Project DREAM ST. FLORENCE
4. Total Acreage of Site 1.84 ACRES
5. Current Zoning C-3/PP
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
8. Proposed Uses (please specify each use) RESTAURANT
9. Proposed Building Intensities (please specify) _____
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
12. Name of Applicant(s) GREGORY J. STALEY
- Phone Number 572-0022 Fax No. _____
13. Address of Applicant(s) 70 GRANT STREET
FORT THOMAS KY 41015-2504
City State Zip
14. Name of Property Owner(s) JIM GALLENSTEIN
- Phone Number 371-7776 Fax No. _____
15. Address of Property Owner(s) 1048 O'HARA LANE
ERLANGER KY 41018
City State Zip
16. Are there any existing buildings on the site? NO
How many? _____
17. Deed Book 197 Page No. 631 Group No. _____
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)



19. Please check the following organizations/agencies which you have discussed the proposed development with in 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
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union

21. Applicant's Signature(s) Quay Staley

22. Property Owner's Signature(s) James a Gallentine

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-14-00 Fee Received \$1152.00 R# 4510

2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received **

3. Is application complete? YES NO

4. Staff Reviewer KEVIN WAZL

5. Committee Chairperson BOB NEWMAN

6. Scheduled Public Hearing Date _____

7. Boone County Planning Commission Action:

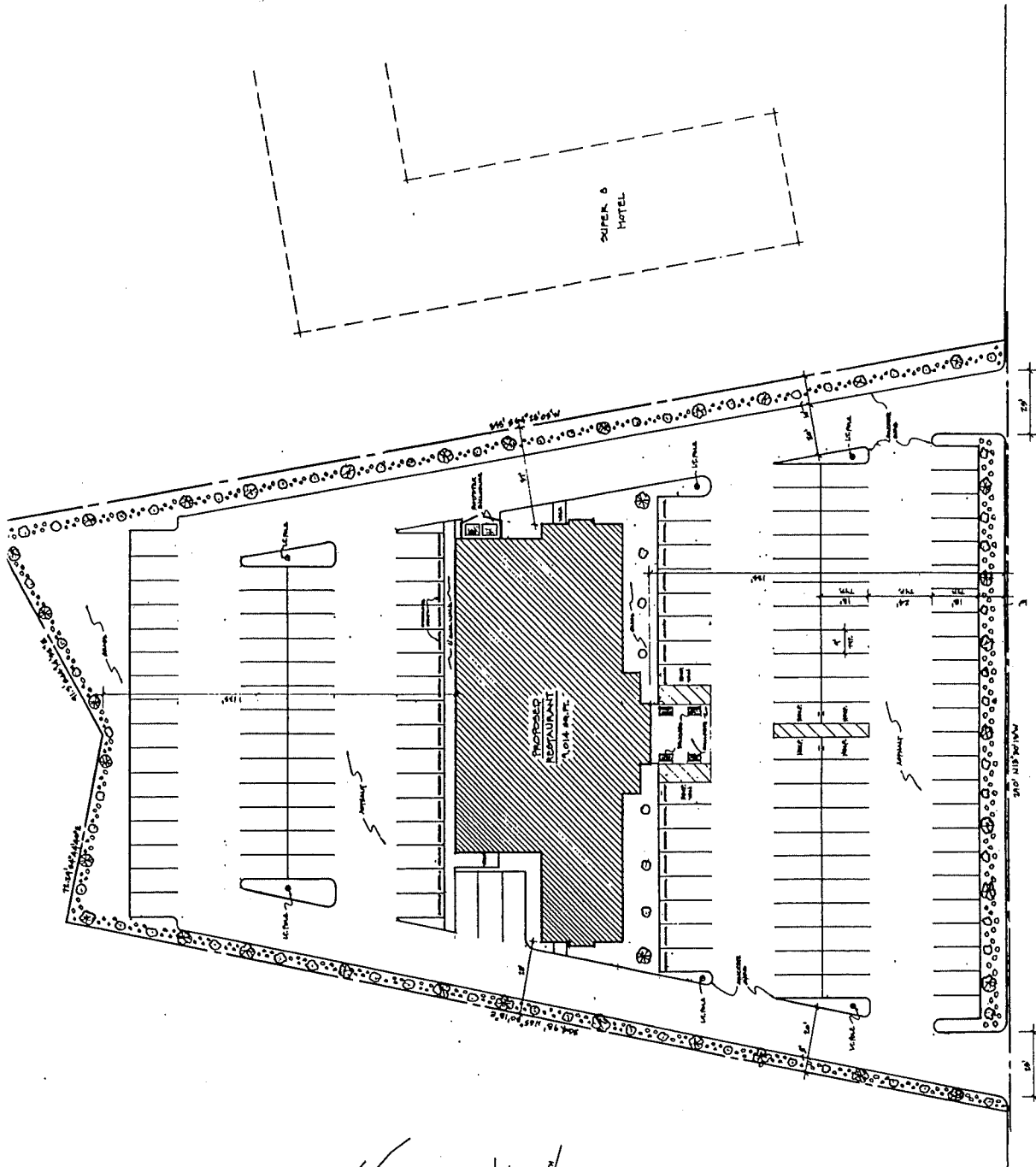
- Approved
- Approved With Conditions
- Denied

8. Other: _____

** Five (5) Copies Required

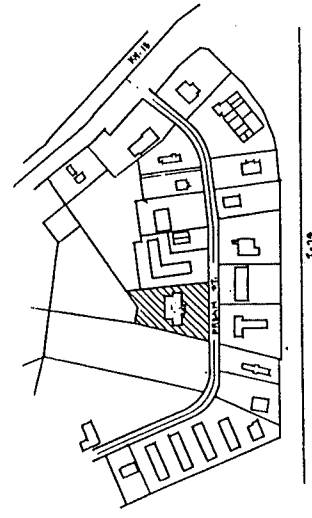
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.






DREAM STREET

SITE PLAN 11'x20'

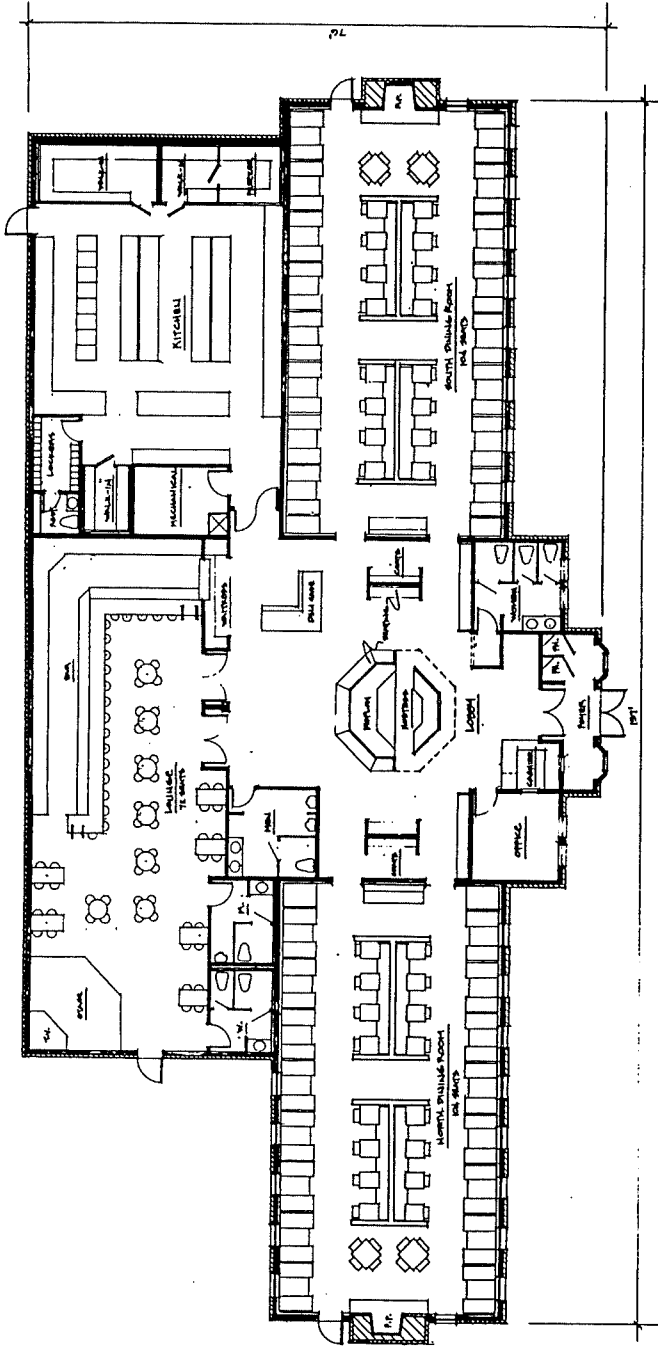


VICINITY MAP

-  LARGE TREE
-  SMALL TREE
-  SHRUB

PARKING SUMMARY

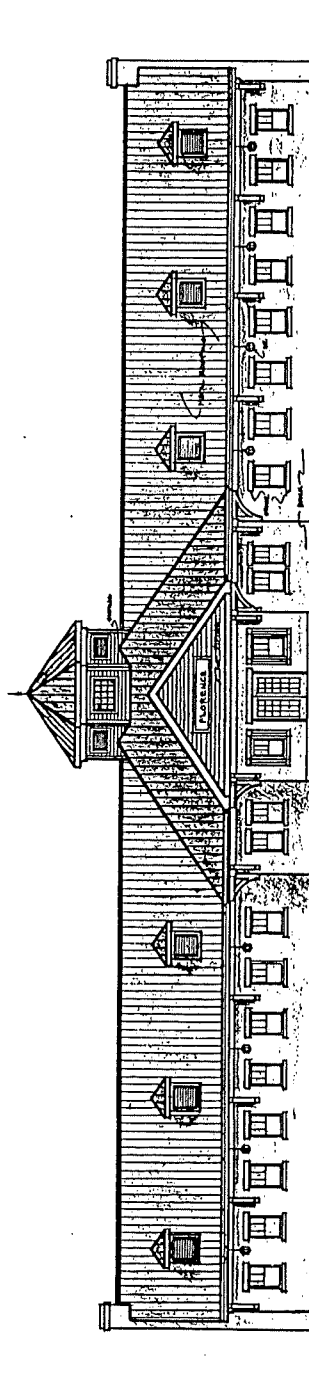
HAZICAP SPACES	4
HOVET. (HVI ACCESS) SPACES	2
PARKING SPACES	139
TOTAL SPACES	145



FLOOR PLAN 14'-10"
9,014 sq. ft.

SEATING SUMMARY

NORTH DINING	104
SOUTH DINING	104
LOBBY	72
TOTAL	280



FRONT ELEVATION 14'-10"

Public Hearing Item No. 4:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. McMillian, Mrs. Poston, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

1. **Applicant:** Gregory J. Staley for Jim Gallenstein (owner)

Request: Concept Development Plan

The request of Gregory J. Staley (applicant) for Jim Gallenstein (owner) to consider a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 1.84 acre lot on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow a restaurant.

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

The Chairman asked for the applicant's presentation.

Mr. Greg Staley, architect for the project, stated that there is no sidewalk on Dream Street. They are willing to put the sidewalk in there, along with connections to the adjoining properties if the adjoining property owners agree. They would have to get permission from Super 8, the adjoining property owner, for the drives. He stated that the building is brick and the condensing units on top will be hidden. He has called Florence Water & Sewer in regard to the sewer project and putting a manhole in there. They will extend the line to the rear of the property and it will not be underneath the building. The benches and lighting will be in keeping with the theme.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There was no response.

The Chairman asked if there was anyone present who wished to speak in opposition or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Chaney asked for clarification about the ravine. Mr. Staley responded that the ravine is not really where it is shown. He stated that someone cut a drainage ditch there. He stated that it is approximately 15 feet deep and 25 feet wide and goes to the rear of the property. It basically cuts the site in half. He stated that they will divert the stormwater by pipe rather than surface drainage. They will fill over the existing ditch level with the surrounding property.

Mr. Wall stated that it looks like someone cut in a drainage ditch there and it has eroded around the edges. It is not a blue line stream. Mr. White stated that he has always thought that ravine was there because someone ran out of fill. Mr. Staley agreed.


Chairman Caddell asked if this is a national chain. Mr. Staley responded that it is an independent operation.

Mr. Barlow stated that there are three parking spaces shown on the north side of the building that would require backing out into the main driveway. He asked if they are for carry-out parking. Mr. Staley responded that that are just to maximize the parking. They want to have the smoothest flow of traffic.

Mr. Costello questioned how the business would be characterized – is it more restaurant or more night club? Mr. Staley responded that it is primarily a restaurant. The bar/lounge area is smaller than the restaurant area, but food will be available in that area also.


There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 4, 2000 at 4:30 P.M. in the Fiscal Courtroom in the Administration Building.. This item will be on the Agenda for the Business Meeting on October 18, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:30 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 18, 2000
7:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock
Mr. Bob Schwenke
Mrs. Judy Arnett, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services



EXHIBIT

“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: October 18, 2000

RE: Request of **Gregory J. Staley (applicant)** for **Jim Gallenstein (owner)** to consider a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 1.84 acre lot located on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow a restaurant.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the Concept Development Plan request is in agreement with the 1995 Boone County Comprehensive Plan and the 2000 Boone County Comprehensive Plan Goals and Objectives due to the following reasons:
 - A. The Future Land Use Map designates the site in question as "Commercial." This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("D-4: Florence Area") as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.

- D. The site in question is indicated for commercial development on the Future Industrial and Commercial map (Figure 5.3) on page 87 of the Business Activity Element.
2. The Committee has concluded that the request reasonably agrees with the Parkway Corridor Study as it relates to this request. Specific references to the Study are outlined in the Staff Report for this request.
 3. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
 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 2000 Boone County Comprehensive Plan Goals and Objectives, and the requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Sidewalk links will be provided between the subject development and the vacant sites to both the north and east, and to the Super 8 site to the south. The design and construction of the required sidewalk in the adjoining Dream Street right-of-way shall conform to the recommendations in the final version of the Dream Street Study, which is currently under preparation.
2. The proposed building shall follow the architectural concept submitted as part of the Concept Development Plan application, and use consistent colors, materials, and design detailing on all facades of the structure. The dumpster enclosure, signage, and site furniture shall architecturally correlate to the design of the building. Architectural elevations shall be submitted with the site plan application for this development to insure compliance with this condition.
3. Signage for the site shall conform to the recommendations in the final version of the Dream Street Study, which is currently preparation.

4. One access point onto Dream Street shall be permitted for the development. This curb cut shall be located at the northwest corner of the lot and shall be designed in a manner which will permit it to be shared with the vacant lot to the north, including the provision of a shared access easement. Additionally, a driveway connection with a shared access easement shall be stubbed to the Super 8 property to the south, to allow for vehicular interconnection between the two sites.

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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

Public Hearing Item No. 4:

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Chaney - Vice Chairman, Mr. McMillian, Mrs. Poston, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

1. **Applicant:** Gregory J. Staley for Jim Gallenstein (owner)

Request: Concept Development Plan

The request of Gregory J. Staley (applicant) for Jim Gallenstein (owner) to consider a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 1.84 acre lot on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow a restaurant.

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

The Chairman asked for the applicant's presentation.

Mr. Greg Staley, architect for the project, stated that there is no sidewalk on Dream Street. They are willing to put the sidewalk in there, along with connections to the adjoining properties if the adjoining property owners agree. They would have to get permission from Super 8, the adjoining property owner, for the drives. He stated that the building is brick and the condensing units on top will be hidden. He has called Florence Water & Sewer in regard to the sewer project and putting a manhole in there. They will extend the line to the rear of the property and it will not be underneath the building. The benches and lighting will be in keeping with the theme.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There was no response.

The Chairman asked if there was anyone present who wished to speak in opposition or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Chaney asked for clarification about the ravine. Mr. Staley responded that the ravine is not really where it is shown. He stated that someone cut a drainage ditch there. He stated that it is approximately 15 feet deep and 25 feet wide and goes to the rear of the property. It basically cuts the site in half. He stated that they will divert the stormwater by pipe rather than surface drainage. They will fill over the existing ditch level with the surrounding property..

Mr. Wall stated that it looks like someone cut in a drainage ditch there and it has eroded around the edges. It is not a blue line stream. Mr. White stated that he has always thought that ravine was there because someone ran out of fill. Mr. Staley agreed.

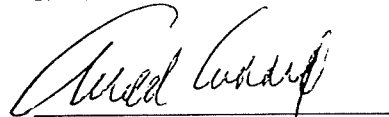
Chairman Caddell asked if this is a national chain. Mr. Staley responded that it is an independent operation.

Mr. Barlow stated that there are three parking spaces shown on the north side of the building that would require backing out into the main driveway. He asked if they are for carry-out parking. Mr. Staley responded that that are just to maximize the parking. They want to have the smoothest flow of traffic.

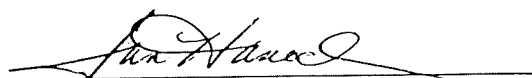
Mr. Costello questioned how the business would be characterized – is it more restaurant or more night club? Mr. Staley responded that it is primarily a restaurant. The bar/lounge area is smaller than the restaurant area, but food will be available in that area also.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 4, 2000 at 4:30 P.M. in the Fiscal Courtroom in the Administration Building.. This item will be on the Agenda for the Business Meeting on October 18, 2000 at 7:30 P.M.. The Chairman closed this Public Hearing at 8:30 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Bob Newman, Committee Chairman

DATE: October 4, 2000

RE: Request of **Gregory J. Staley (applicant)** for **Jim Gallenstein (owner)** to consider a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 1.84 acre lot located on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow a restaurant.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

October 4, 2000

Staley/Gallenstein/Dream Street

[Signature]

Bob Newman, Chairman

For Against
 Abstain Absent
 Deferred

W. Thomas Chaney

For Against
 Abstain Absent
 Deferred

[Signature]

Mark Hicks

For Against
 Abstain Absent
 Deferred

[Signature]

Earl White

For Against
 Abstain Absent
 Deferred

David Zimmer

For Against
 Abstain Absent
 Deferred

Bob Schwenke (Alternate)*

For Against
 Abstain Absent
 Deferred

[Signature]

Lisa Wilson (Alternate)*

For Against
 Abstain Absent
 Deferred

Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 4 FOR AGAINST ABSTAIN
4 ABSENT

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Richard Knock, Chairman

DATE: October 18, 2000

RE: Determination of Review Process Relative to the Houston-Donaldson Study for the Donaldson Road Center II, located along Donaldson Highway adjacent to Receptions and the existing Donaldson Road Center, Boone County, Kentucky, for "office/warehouse industrial applications" uses in an Industrial One/Planned Development (I-1/PD) Zone.

REMARKS:

We, the Committee, recommend that the above referenced proposal follow the short review process described in the Houston-Donaldson Study based upon the following findings of fact:

Findings of Fact

1. This request is in compliance with the criteria stated in the in the "Criteria for Committee Review" on page 71 of the Houston-Donaldson Study for allowing a development proposal to follow the short review process. Specifically:
 - a. "The proposed development is consistent with recommendations in the Site Analysis and Recommendation section, and is able to meet the guidelines of the Site Design section."
 - b. "The applicant and property owner can agree to certain conditions that would help make the proposed development consistent with the Houston-Donaldson Study."
 - c. "The proposed development, because of its nature, does not present a drastic or unknown potential impact on the public infrastructure."
 - d. "The projected traffic generation for the peak hour of the generator is not more than the traffic generation calculated for the respective site under the Traffic Generation and Recommended Improvements section of the Study."
2. The Committee has concluded that the attached condition is necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

Condition

1. An easement, along the south side of and parallel with Donaldson Highway, will be provided to the east of the subject site and will be made available to any adjacent future developments if they are compatible uses, as determined by the Zoning Administrator.

Attached is the signature page for the Long Range Planning/Comp Plan Committee Vote.

LONG RANGE PLANNING/COMP PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Richard Knock, Committee Chairman
DATE: October 4, 2000
RE: Donaldson Road Center II - Donaldson Road

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

October 4, 2000

Donaldson Road Center II/Donaldson Road

Richard Knock, Chairman

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Mark Hicks

Mark Hicks

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Bob Ries

Bob Ries

For Against _____
 Abstain _____ Absent _____
 Deferred _____

Bob Schwenke

Bob Schwenke

For Against _____
 Abstain _____ Absent _____
 Deferred _____

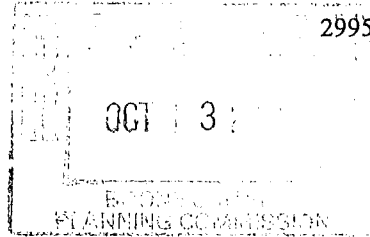
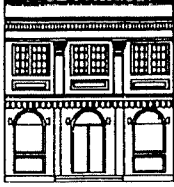
David Zimmer

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

TOTAL: DEFERRED 3 FOR AGAINST ABSTAIN
 2 ABSENT

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 5, 2000

Mr. Jim Gallenstein
c/o Mr. Gregory Staley
70 Grant Street
Ft. Thomas, KY 41075-2504

RE: Recommended Conditions of Approval for Concept Development Plan for Restaurant on 1.84 Acre Site, Dream Street, Florence, Kentucky

Dear Mr. Gallenstein:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their October 4, 2000 meeting. If you, as the property owner, agree to these conditions, please so indicate by signing in the space provided at the end of this letter. Please return the original, signed condition letter to the Planning Commission's office by 5:00 p.m., Friday, October 13, 2000.

CONDITIONS

1. Sidewalk links will be provided between the subject development and the vacant sites to both the north and east, and to the Super 8 site to the south. The design and construction of the required sidewalk in the adjoining Dream Street right-of-way shall conform to the recommendations in the final version of the Dream Street Study, which is currently under preparation.
2. The proposed building shall follow the architectural concept submitted as part of the Concept Development Plan application, and use consistent colors, materials, and design detailing on all facades of the structure. The dumpster enclosure, signage, and site furniture shall architecturally correlate to the design of the building. Architectural elevations shall be submitted with the site plan application for this development to insure compliance with this condition.
3. Signage for the site shall conform to the recommendations in the final version of the Dream Street Study, which is currently under preparation.
4. One access point onto Dream Street shall be permitted for the development. This curb cut shall be located at the northwest corner of the lot and shall be designed in a manner which will permit it to be shared with the vacant lot to the north, including the provision of a shared access easement. Additionally, a driveway connection with

Mr. Jim Gallenstein
October 5, 2000
Page 2

a shared access easement shall be stubbed to the Super 8 property to the south, to allow for vehicular interconnection between the two sites.

Please call me if you have any questions or need any clarifications.

Sincerely,

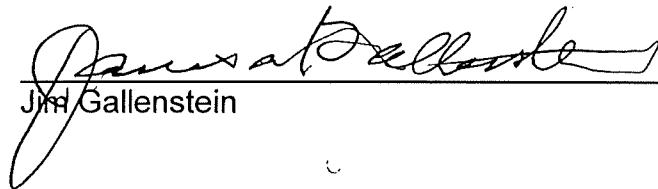


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

AGREEMENT

I, Jim Gallenstein, the owner of the 1.84 acre tract noted above, agree to the conditions listed herein for the above referenced Concept Development Plan application.


Jim Gallenstein

10-13-2000
Date

EXHIBIT "A"

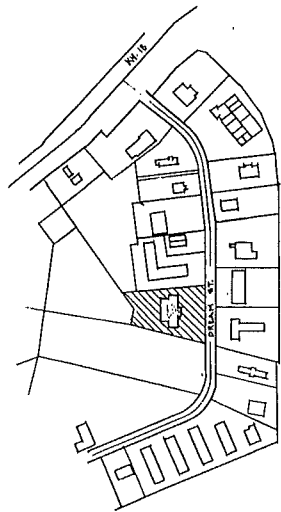
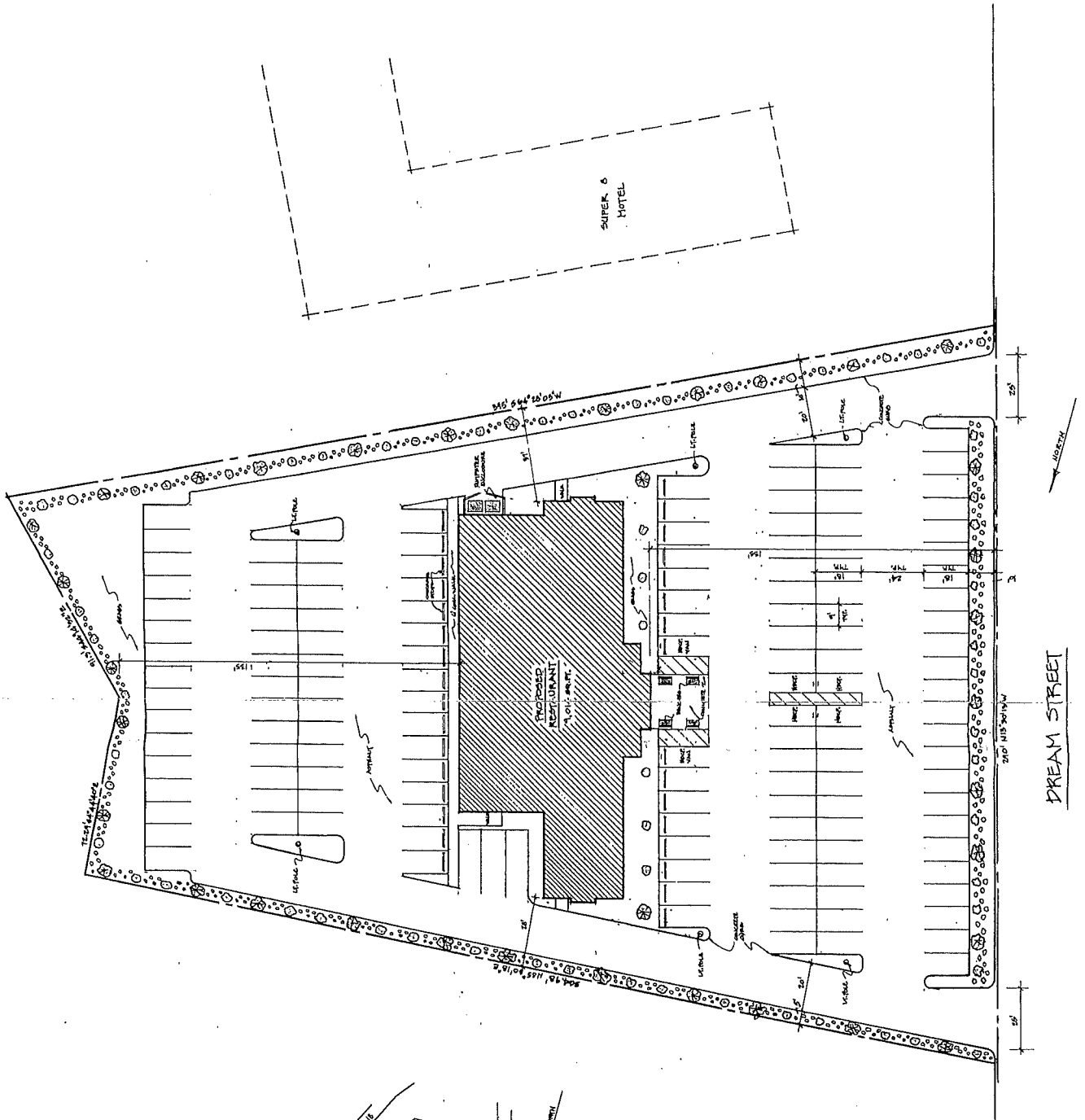
BOOK 495 PAGE 85

PARCEL ONE
GROUP NO. 2041-A




Legal description of remaining property on Dream Street, in the City of Florence, Kentucky, County of Boone, owned by J. Robert West and Joanna West, husband and wife.

Being at a point in the East Right of Way line of Dream Street at the N.W. corner of Motel A property; thence along said right of way N 18 degrees 30' 15" W 290.00 feet to a steel pin, thence N 85 degrees 30' 18" E 364.98 feet to a point (tac in post) thence S 4 degrees 44' 40" E 72.29 feet to a point (steel pipe) thence S 53 degrees 19' 30" E 91.30 feet to a point thence N 63 degrees 58' 00" E 395 feet to point of beginning, containing 1.83 acres.

SOURCE OF TITLE: Being all of the remaining property from the conveyances to J. Robert West and his wife, Joanna West, by Deed from W.K.R.D., Inc. dated June 27, 1977, and recorded at Deed Book 296, Page 90, and by Deed From W.K.R.D., Inc. dated August 24, 1982, and recorded at Deed Book 240, Page 119, of the Boone County Clerk's records at Burlington, Kentucky.



VICINITY MAP
1/20/20

-  LARGE TREE
-  SMALL TREE
-  DRIVE

PARKING SUMMARY	
INDICAT SPACES	4
HOPE (VAN ACCESS) SPACES	2
PARKING SPACES	197
TOTAL SPACES	145

ORDINANCE NO. 0-12-00

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR A 1.84 ACRE TRACT GENERALLY LOCATED ON THE EAST SIDE OF DREAM STREET, IMMEDIATELY NORTH OF PROPERTY AT 7928 DREAM STREET, IN THE CITY OF FLORENCE, KENTUCKY, THIS PROPERTY BEING CURRENTLY ZONED COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) AND BEING SUBJECT TO THE PARKWAY CORRIDOR STUDY, THIS CONCEPT DEVELOPMENT PLAN BEING TO ALLOW A RESTAURANT, SUBJECT TO AGREED CONDITIONS. (JAMES GALLENSTEIN-GREGORY STALEY PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of the 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 a development plan and agreed conditions, of a Concept Development Plan for an approximate 1.84 acre tract generally located on the east side of Dream Street, immediately north of the property at 7928 Dream Street in the City of Florence, Kentucky, to allow a restaurant, the subject property being zoned Commercial Services/Planned Development (C-3/PD), and being subject to the Parkway Corridor Study, and

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings and conditions attached to its 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 Concept Development Plan for the approximate 1.84 acre tract located generally on the east side of Dream Street, immediately north of property at 7928 Dream Street in the City of Florence, Kentucky, shall be and is hereby approved to allow a restaurant, subject to the Concept Development Plan and other agreed conditions for this site currently zoned Commercial Services/Planned Development (C-3/PD). 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 designated to reflect the approval of this Concept Development Plan for this subject property.

SECTION II

The approval of this Concept Development Plan 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 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-00-027-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 recommendations 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 that have been agreed to in writing by the property owners/applicant 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 part of the Commission's Resolution No. R-00-027-A, marked Exhibit "B" hereto.

SECTION V

If this approval of this Concept Development Plan 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 22nd DAY OF November, 2000.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
5th DAY OF December, 2000.

APPROVED:

Dave E. Whalen
MAYOR

ATTEST:

Peter J. Conrad
CITY CLERK

CITY OF FLORENCE, KENTUCKY
ADDITIONAL AGREED CONDITIONS - ZONING APPROVAL

IN RE: **REQUEST OF GREGORY J. STALEY (APPLICANT) FOR JIM GALLENSTEIN (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR A 1.84 ACRE TRACT GENERALLY LOCATED ON THE EAST SIDE OF DREAM STREET, IMMEDIATELY NORTH OF THE PROPERTY AT 7928 DREAM STREET, FLORENCE, KENTUCKY, TO ALLOW A RESTAURANT.**

The undersigned owner of the tract described above hereby agrees that the following conditions shall become a part of the approval of the City of Florence, of the recommendation from the Boone County Planning Commission of the requested zoning map amendment and conditional use permit for said property. In case of conflict between these conditions and the conditions contained in such recommendation, these conditions shall prevail.

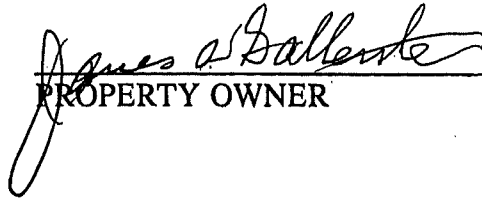
1. Applicant will comply with all of the landscaping requirements contained in the Boone County Zoning Regulations.
2. The sharing of the required Buffer Yard A with adjoining properties shall not be permitted and the normal 10 foot wide Buffer Yard A, within the area of the development, shall be required.
3. Condition No. 2 on page 2 of the Committee Report of the Boone County Planning Commission dated October 18, 2000, shall be amended to read as follows:

[2] The proposed building shall follow the size and architectural concept submitted as part of the Concept Development Plan application, be of brick construction and, use consistent colors, materials, and design detailing on all facades of the structure. The dumpster enclosure, signage and site furniture shall architecturally correlate to the design of the building. Architectural elevations shall be submitted with the site plan application for this development to insure compliance with this condition.
4. Condition No. 3 of said Committee Report shall be deleted and the following conditions substituted therefor:

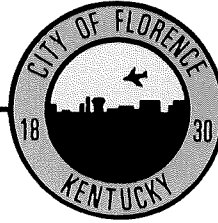
J. Staley
 RIGHTS

Signage shall be limited to one monument sign not to exceed 36 square feet in area and one building mounted sign to conform in size and location to that shown on the Concept Development Plan.

Dated this 21 day of Nov., 2000.



PROPERTY OWNER



December 15, 2000

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

Re: Request of **Gregory J. Staley (applicant)** for **Jim Gallenstein (owner)** for a Concept Development Plan for a 1.84 acre tract generally located on the east side of Dream Street, immediately north of the property at 7928 Dream Street, Florence, Kentucky. The property is currently zoned commercial Services/Planned Development (C-3/PD), and the request would allow a restaurant. (R-00-027-A)

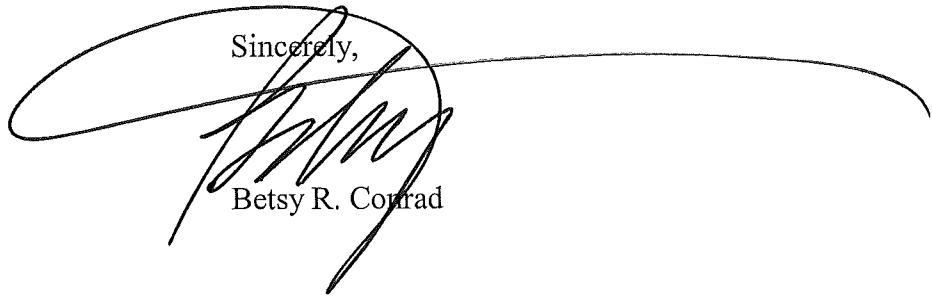
Dear Mr. Costello:

At the December 5, 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-22-00.

The recommendation received by this legislative body from the Boone County Planning Commission included certain conditions that were incorporated into City Council's Ordinance of approval. Florence City Council also imposed **certain additional conditions** agreed to by the applicant. A copy of a letter setting out these additional conditions (Exhibit "C") is attached and incorporated into Ordinance No. O-22-00.

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

Sincerely,



Betsy R. Conrad

Encs.

Copies: Hugh O. Skees, Esq.
William Viox, City Engineer
Public Services Director