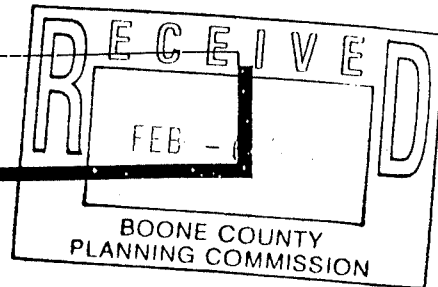


APPLICATION FORM

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)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

2. Name of Project Wentz Project

3. Location of Project US#42 & Gunpowder Road

4. Total Acreage of Site approx. 10 acres

5. Current Zoning C-2/PD and SR-1

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) August 10, 1999

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) No.

8. Proposed Uses (please specify each use) Any permitted use under a C-2 zone classification.

9. Proposed Building Intensities (please specify) See attached plan.

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:
 Conditional Use Permit

Dimensional Variance

12. Name of Applicant(s) Richard E. Wentz, Individ. & as Sole member of Gunpowder Properties LLC

Phone Number 859/432-6100 Fax No. 859/431-3778

13. Address of Applicant(s) 23 Leathers Road
Ft. Mitchell, KY 41017

City State Zip

14. Name of Property Owner(s) Same as applicant

Phone Number Fax No.

15. Address of Property Owner(s)

City State Zip

16. Are there any existing buildings on the site? Yes.
How many? Two, both to be demolished.

17. Deed Book 310, 328, 425, 609 Page No. 238, 259, 99, 295 Group No. 2048A

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

EXHIBIT

“A”

STAFF REPORT

Request of **Quast Properties (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.134 acre site located at 8534 US 42 and along Old Toll Road, Boone County, Kentucky; the request of **Peoples Bank of Northern Kentucky (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1027 acre site located at 8526 US 42 and along Old Toll Road, Boone County, Kentucky; the request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky; and, the request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.35 acre site located at the southeast corner of the US 42 /Gunpowder Road intersection and along the east side of Gunpowder Road, Boone County, Kentucky. The requests are to allow a bank, fast food restaurant, and other commercial uses.

February 28, 2001

REQUEST

The request involves four separate applications. Application #1, submitted by Quast Properties, is to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zoning district for an approximate 2.134 acre site located at 8534 U.S. 42 and along Old Toll Road. The submitted Concept Development Plan shows that this proposal consists of a McDonald's restaurant, with a drive-thru window, on a 1.3324 acre parcel and another permitted commercial use on a 0.7838 acre parcel. The proposed McDonald's restaurant is 3,460 square feet in size, has 40 parking stalls, and is shown with a "high-rise" pole sign. The proposed commercial use is 1,350 square feet or greater in size, has a potential drive-thru window, contains 22 parking stalls, and has a monument sign. The intensity of both developments is well within the 19,500 square feet per acre parameters of the Commercial Two/Planned Development zoning district. Access is shown by means of a private street that connects to Old Toll Road and U.S. 42. A new traffic signal is shown at the intersection of U.S. 42 and the proposed street.

Application #2, submitted by Peoples Bank of Northern Kentucky, is to Consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zoning district for a 1.1027 acre site located at 8526 U.S. 42 and along Old Toll Road. The submitted Concept Development Plan shows a 2,400 square foot bank, 15 parking stalls, a drive-thru teller area, and a monument sign. Access to site is shown off of the same private street that is proposed for the McDonald's and future commercial site.

Application #3, submitted by Richard Wentz/Gunpowder Properties LLC, is to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42. The applicant submitted two different Concept Development Plans to allow him flexibility with prospective buyers. The applicant has also submitted a letter (see attachments) indicating his wish to permit only those uses which are allowed within the Commercial Two (C-2) zoning district, with several exceptions.

Concept Development Plan #1 shows five separate buildings. Building #1 is a 3,750 square foot outlot with 47 parking stalls, building #2 is 3,850 square foot outlot with 37 parking stalls, building #3 is a 3,375 square foot outlot with 40 parking stalls, building #4 is a 3,000 square foot outlot with 26 parking stalls, and building #5 is a 28,000 square foot strip center with 137 parking stalls. The overall building square footage that is shown on this Concept Development Plan is 41,975 square feet, which is well below the 195,000 square feet that could be sought on a 10 acre parcel in a Commercial Two/Planned Development (C-2/PD) zone. The site is also shown with a 25' tall project identification sign and individual 12' tall monument signs for each of the buildings. Access to these buildings is shown by way of two proposed curb cuts off of U.S. 42. The eastern most curb cut comes out at the proposed traffic signal which also serves the three buildings that were laid out in the first two Concept Development Plan applications. Public streets are shown throughout the development with potential connections to the east and south.

Concept Development Plan #2 shows seven outlots. Outlots #1 through #4 are identical to those that were proposed in Concept Development Plan #1. Outlot #5 is 2,200 square feet in size and contains 30 parking stalls, outlot #6 is 2,975 square feet in size and contains 42 parking stalls, outlot #7 is 4,000 square feet in size and contains 35 parking stalls. The overall building square footage that is shown on this Concept Development Plan is 23,100 square feet. Access and signage are identical to what is shown in Concept Development Plan #1.

Application #4, submitted by Richard Wentz/Gunpowder Properties LLC, is to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.35 acre site located at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the east side of Gunpowder Road. The proposed zone change area is within the approximate 10 acre area that comprises application #3 and is shown to contain an outlot which would house a permitted Commercial Two (C-2) use.

SITE CHARACTERISTICS

The property that comprises applications #1 and #2 has no tree cover and rolling topography. The property used to contain a single-family residential dwelling and the Quast Paving business. Three curb cuts and sidewalks exist along the frontage of U.S. 42.

The property that makes up application #3 and #4 has severe topographic conditions in some areas along U.S. 42. The area has been recently grubbed so there is little tree cover on the parcel. The site contains two existing curb cuts, one which serves an existing landscape business.

SITE HISTORY

In 1986, the Zoning Map Update changed the great majority of this area to C-2/PD in order to encourage commercial services, while controlling the development so that it would be compatible with the residential and traffic characteristics of the area.

In 1999, a Concept Development Plan was approved for a one acre site within the project area. The Concept Plan was for a 2,554 square foot, single-story bank. The approval of application #3 would serve as a change to this approved Concept Plan.

ADJACENT LAND USES AND ZONING

North: Florence United Methodist & Panarama Plus Apartments (UR-1/PD/CD)

South: Single-Family Residential (SR-1)

East: Single-Family Residential & Florence Body and Frame (C-2/PD)

West: Single-Family Residential and Vacant Commercial Land (C-2/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Land Use Plan designates the site for "Suburban Residential", "Industrial", Commercial" and "Developmentally Sensitive" uses. The "Suburban Residential" classification is described by the Land Use Element as "single family housing of up to 4 units per acre." The "Industrial" classification is described as manufacturing, wholesale; warehouse, distribution, assembly, mining and terminal uses." The "Commercial" designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The "Developmentally Sensitive" classification is described as "areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project."

The Land Use Element (Pleasant Valley - West Florence Area) provides the following statements that relate to the general area and site.

- A. "Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access management at the intersection of U.S. 42 and Pleasant Valley Road should include access roads to serve commercial developments.

The Land Use Element provides the following Future Land Use Development Guidelines 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. 158).
- 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. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- 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," pg. 159).

- 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. 159).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
- F. 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 "Areas of Future Commercial Activity" found within the Business Activity Element makes the following comments that relate to the proposal:

- A. "Many problems with the location and arrangement of commercial uses has emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area."

- B. "Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas. These commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct district unit serving the Burlington and Union areas."

The 2000 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. Boone County shall strive to achieve both a diversity and balance in land use ("Overall," Objective 6).
- D. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- F. New development or redevelopment shall attempt to design sites utilizing 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. ("Environment", Physical Objective 2).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity", Goal).
- H. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well-maintained buffer spaces between the business use and other land usage ("Business Activity", Overall Objective).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and affective access and ample parking space ("Business Activity", Objectives).

- J. 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 placed 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," Objectives).
- K. Proper access to adjoining properties shall be provided and/or retained when a property develops or redevelops ("Transportation," Objectives).
- L. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed use districts ("Transportation," Objectives).

PLANNED DEVELOPMENT STANDARDS

Section 1514 of the Boone County Zoning Regulations states that Concept Development proposals in a Planned Development shall be primarily evaluated against this list of criteria (see attachments). The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

STAFF COMMENTS

1. Staff recommends that the proposed street that is shown in applications #1 and #2 be publically dedicated and meet the sub-collector street standards. Sub-collector streets are typically required in commercial subdivisions with 1 to 50 lots, have a 50 foot right-of-way, and contain 28 feet of pavement.
2. Application #2 contains a proposed commercial use that is not defined. Staff would recommend that the Applicant and Zone Change Committee should determine what uses are allowed within this building.
3. Staff received a copy of a traffic impact analysis (see attachments) for the proposed project. This analysis focuses on trip generation and the warrants for a new traffic signal on U.S. 42. The analysis did not address access management and/or spacing on any of the internal streets.

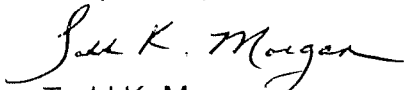
4. Staff is concerned about access management for applications #1 and #2. The proposed street is already shown with 4 access points. The McDonald's access closest to U.S. 42 is a key concern because it has the potential to cause stacking problems onto U.S. 42. Staff would recommend that the McDonald's and Peoples Bank access points should be centrally located between U.S. 42 and Old Toll Road. The Applicants, Staff, and Zone Change Committee need to address the number of curb cuts, spacing between these curb cuts, and the possibility of having additional access points onto Old Toll Road.
5. Staff recommends that the proposed curb cut closest to the Gunpowder Road/U.S. 42 intersection should be right-in/right-out only. This design would prohibit dangerous left-hand turning movement across U.S. 42.
6. The entire project will have to be annexed into the City of Florence, in order to tap into their water and sanitary sewer systems. Staff has had several discussions with Mr. Jeff Koenig, the City Coordinator, about the proposed project. Mr. Koenig has indicated that he has read Mr. Wentz's letter and is in general agreement with the uses, landscaping, and signage proposed in this application. However, he did indicate a desire for a publically dedicated street on the Old Toll Road side of the project.
7. Staff is concerned that some of the buildings may not be providing enough parking. The number of parking stalls is contingent upon the use of the building. Staff would recommend a condition of approval that requires all proposed uses to meet the parking calculations that are set out in Section 3325 of the Boone County Zoning Regulations.
8. Staff has talked with the Greg Sketch, the County Engineer, about allowing access points on Old Toll Road. Mr. Sketch expressed concern over the width and condition of the road and indicated that encroachment issues would be looked at closer during the Site Plan process.
9. Staff recommends that the following Planned Development Standards be addressed:
 - a. Architecture - Staff did not receive any proposed building elevation drawings with the applications. One of the criteria of a Planned Development (PD) is that "a consistent architecture theme shall be provided" in these districts. Staff would recommend that there should be some conditions of approval that would require a consistent architectural theme and a Design Review approval process.
 - b. Compatibility of Uses - "Measures shall be taken to assure compatibility of land use within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific land use is dominant. Compatibility/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development."

- c. Signage - The four applications show numerous signs. Applications #1 and #2 have not stated proposed heights or sizes for their signs. Staff would recommend a condition that requires all monument signs to 12' tall or less. Staff believes that the "high rise" signs that are shown for McDonald's and Mr. Wentz's project needs to be discussed further to see if they are warranted. Design review needs to be a condition to ensure that there will be a consistent theme.
- d. Landscaping - "Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping." The letter that was submitted as part of Application #3 did indicate that this proposal would follow the Florence Landscaping Standards. However, no such commitment has been made for applications #1 or #2.
- e. Transportation Connections and Entry Points - The provision of transportation connections (street connections, pedestrian paths, sidewalks, and bicycle facilities) shall be provided in all planned developments unless physically unfeasible or undesirable due to land use characteristics." As a result, Staff recommends a condition that requires sidewalks along the southern side of U.S. 42.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 of the Boone County Zoning Regulations and in terms of the Planned Development requirements as stated in Article 15 of the Zoning Regulations. The Future Land Use Map will need to be amended if these requests are approved.

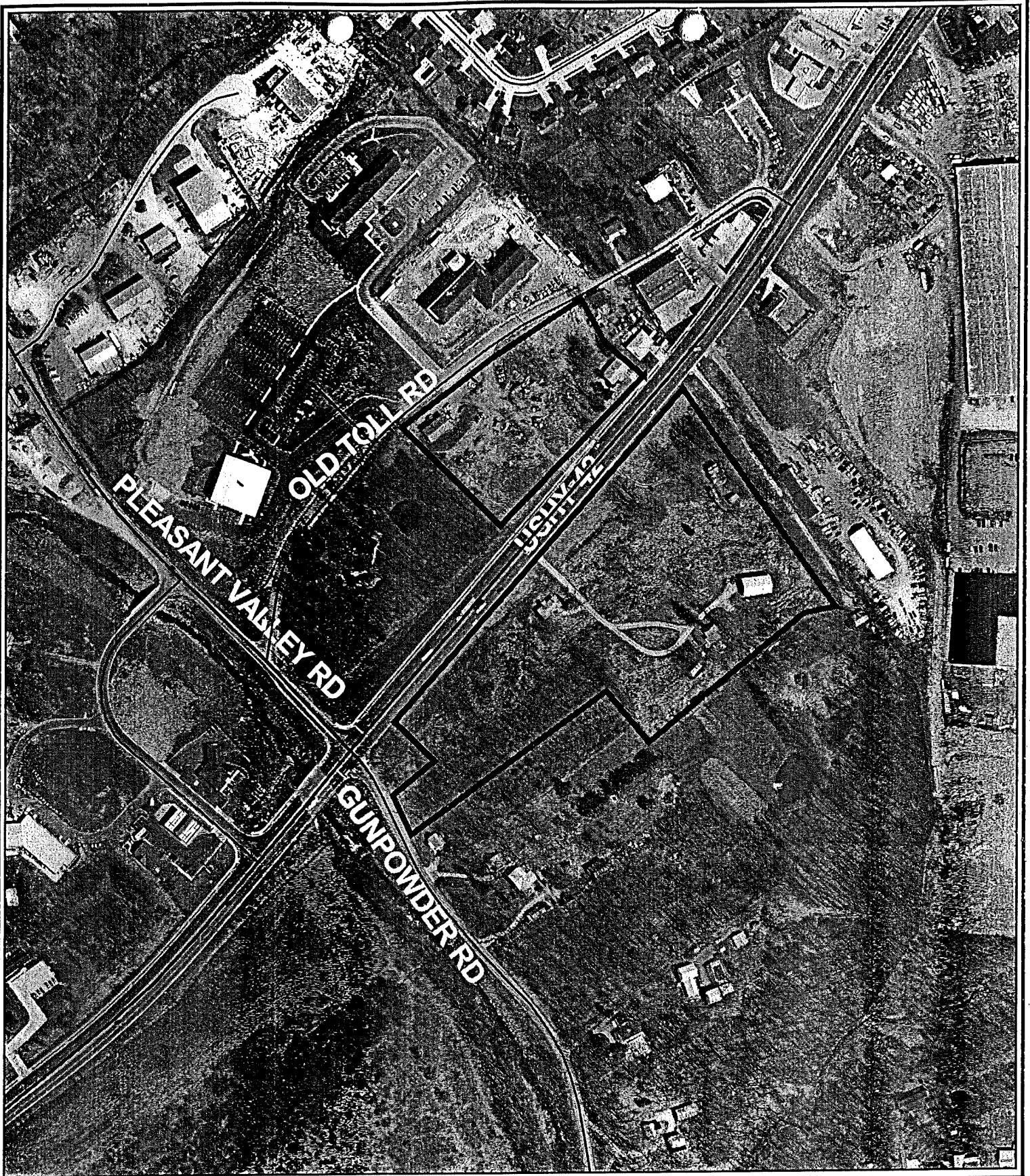
Respectfully submitted,


Todd K. Morgan
Planner, Zoning Services

TKM\pr

attachments:

- Site Vicinity Map
- Concept Plans
- Topographical Map
- Zoning Map
- Future Land Use Map
- Planned Development Standards
- Traffic Impact Analysis
- Letter From Richard Wentz
- Commercial One (C-1) Regulations
- Commercial Two (C-2) Regulations
- Office One (O-1) Regulations

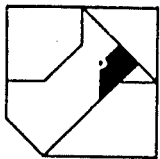
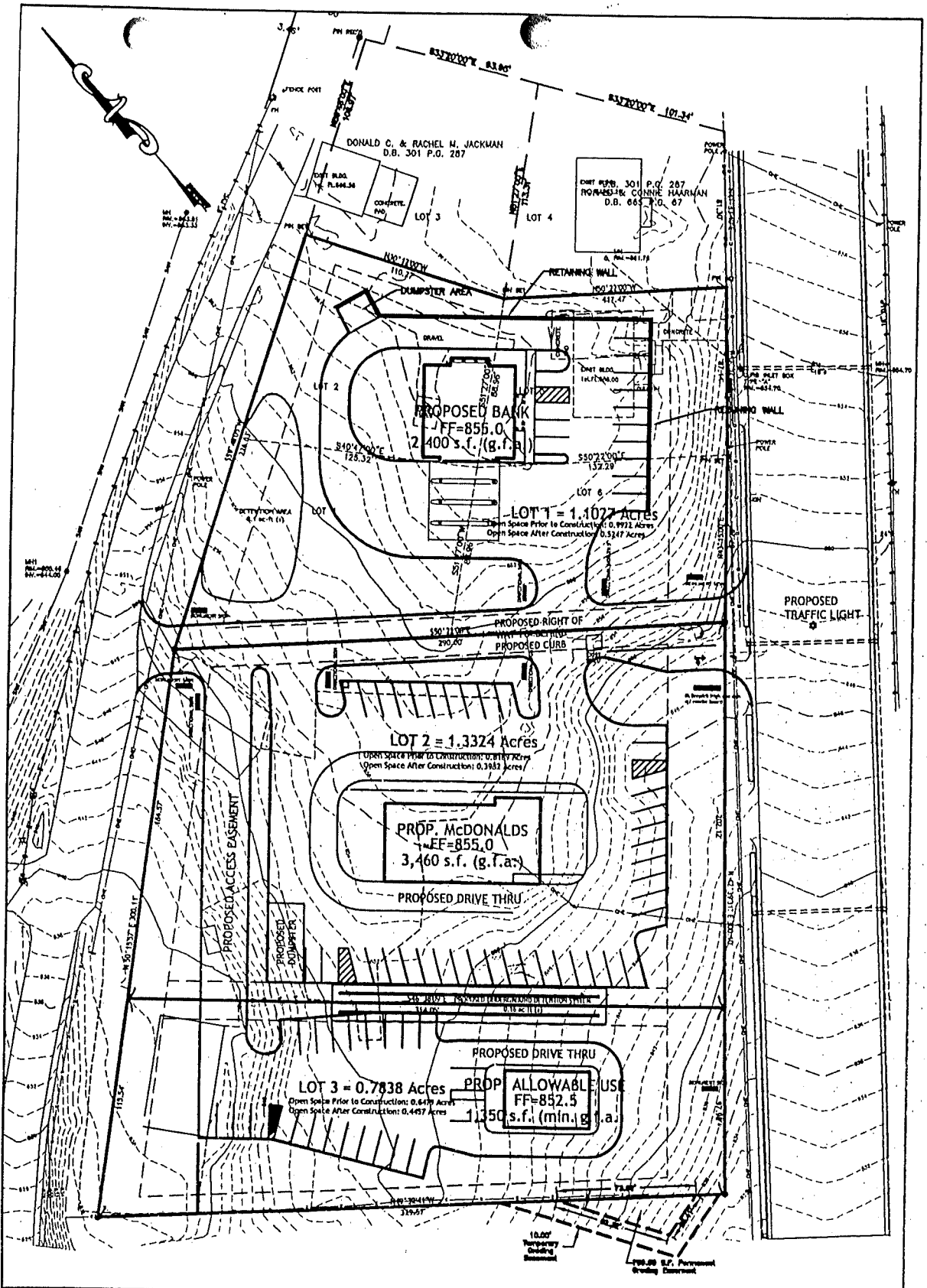


**Quast/Peoples Bank/Wentz
Site Vicinity Map**

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 9, 2001





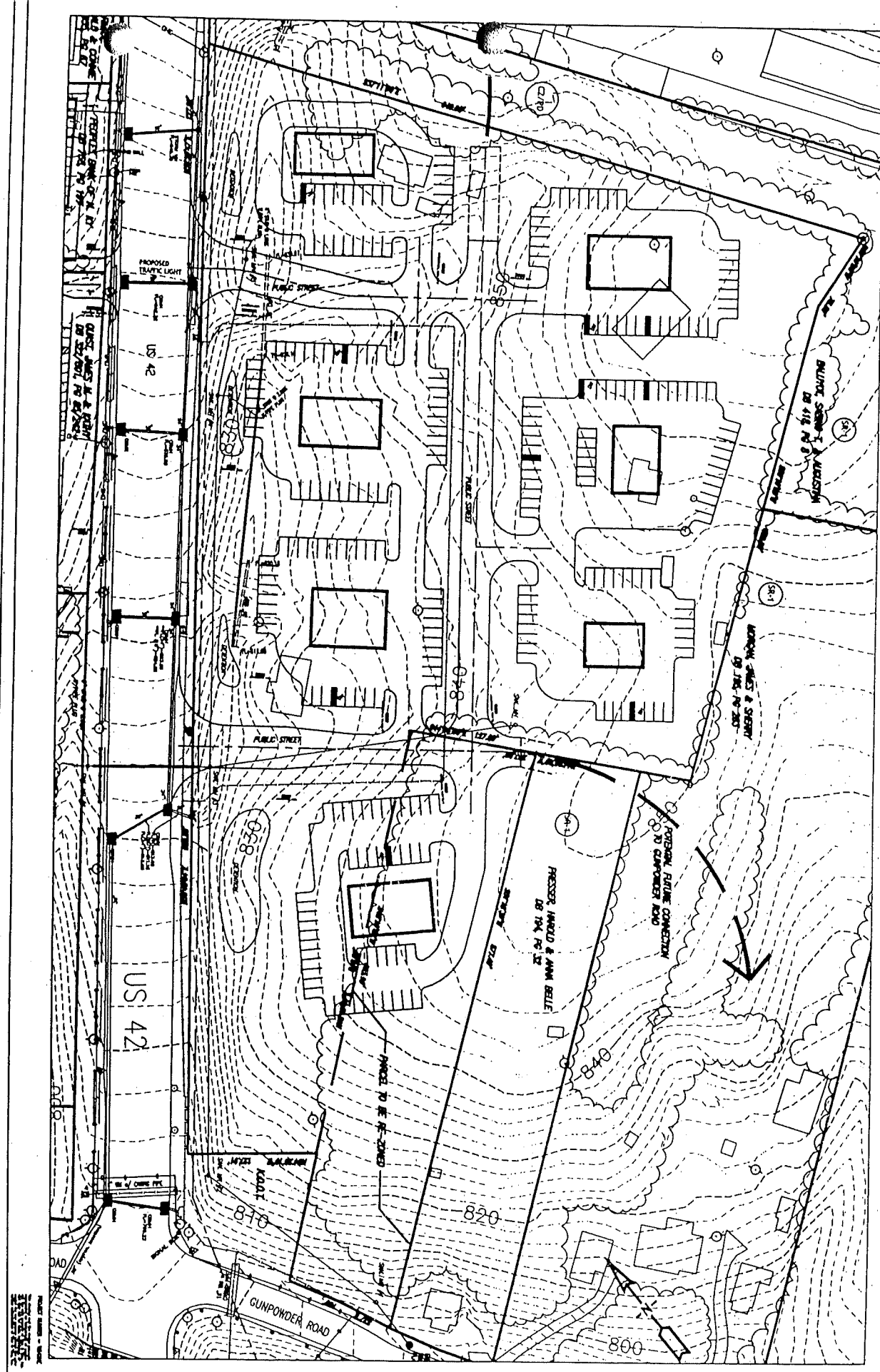
CARDINAL
 ARCHITECTURE
 ENGINEERING
 LAND SURVEYING

QUAST / PEOPLES BANK
 JOINT SITE CONCEPT
 US-42, BOONE COUNTY, KY

ONE MOOCK ROAD
 WILDER, KENTUCKY
 41071 (606) 581-8600


RECEIVED
 BOONE COUNTY
 PLANNING COMMISSION

DRAWN BY:
 AED
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 SCALE:
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 00-041

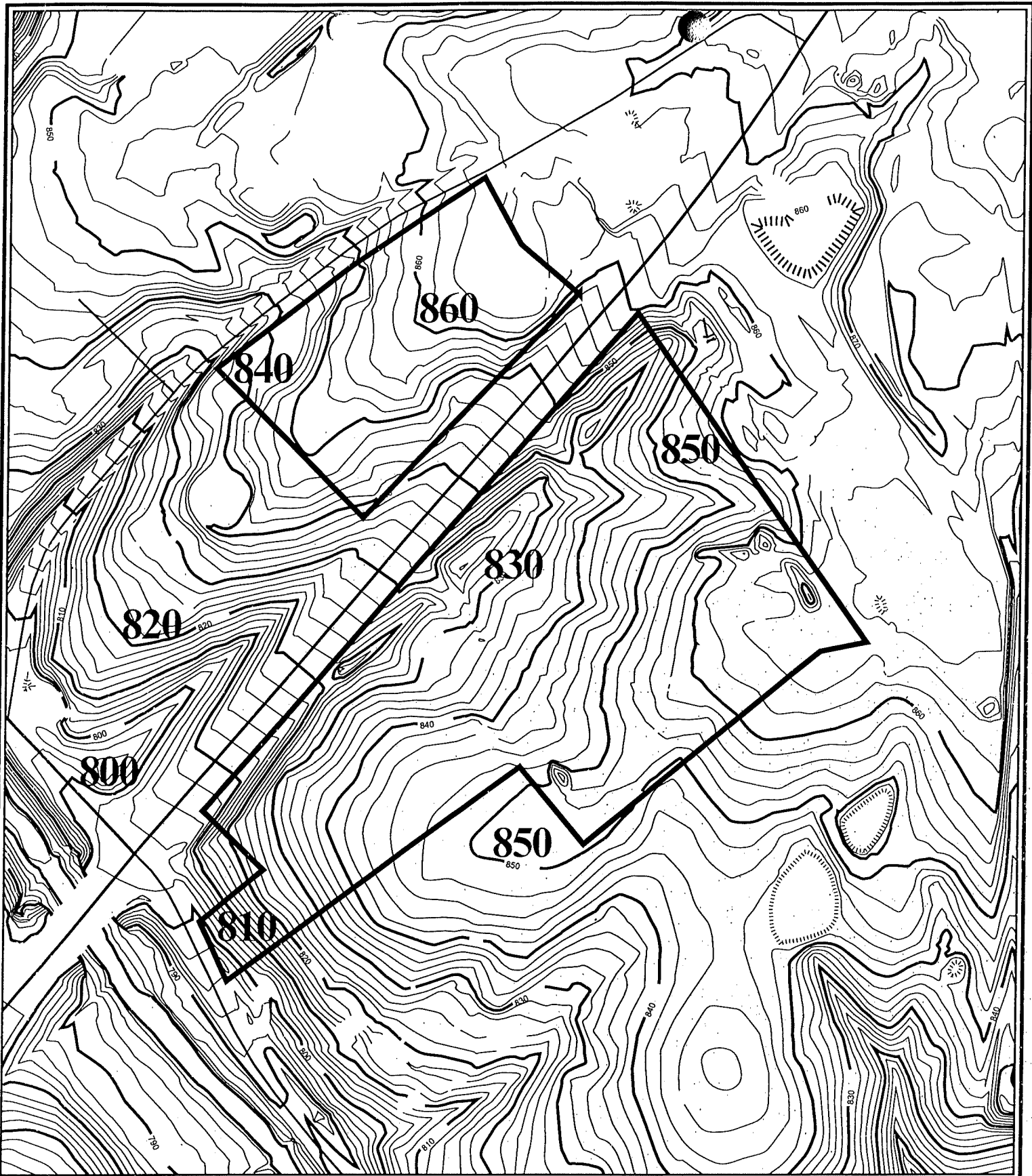


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CONCEPT DEVELOPMENT PLAN
 WENTZ PROPERTY
 FLORENCE, BOONE CO., KENTUCKY



VIOX & VIOX INC.
 CONSULTING ENGINEERS & SURVEYORS
 481 ORLANDER ROAD
 ORLANDER, KENTUCKY 41018
 PHONE: (606) 727-3283

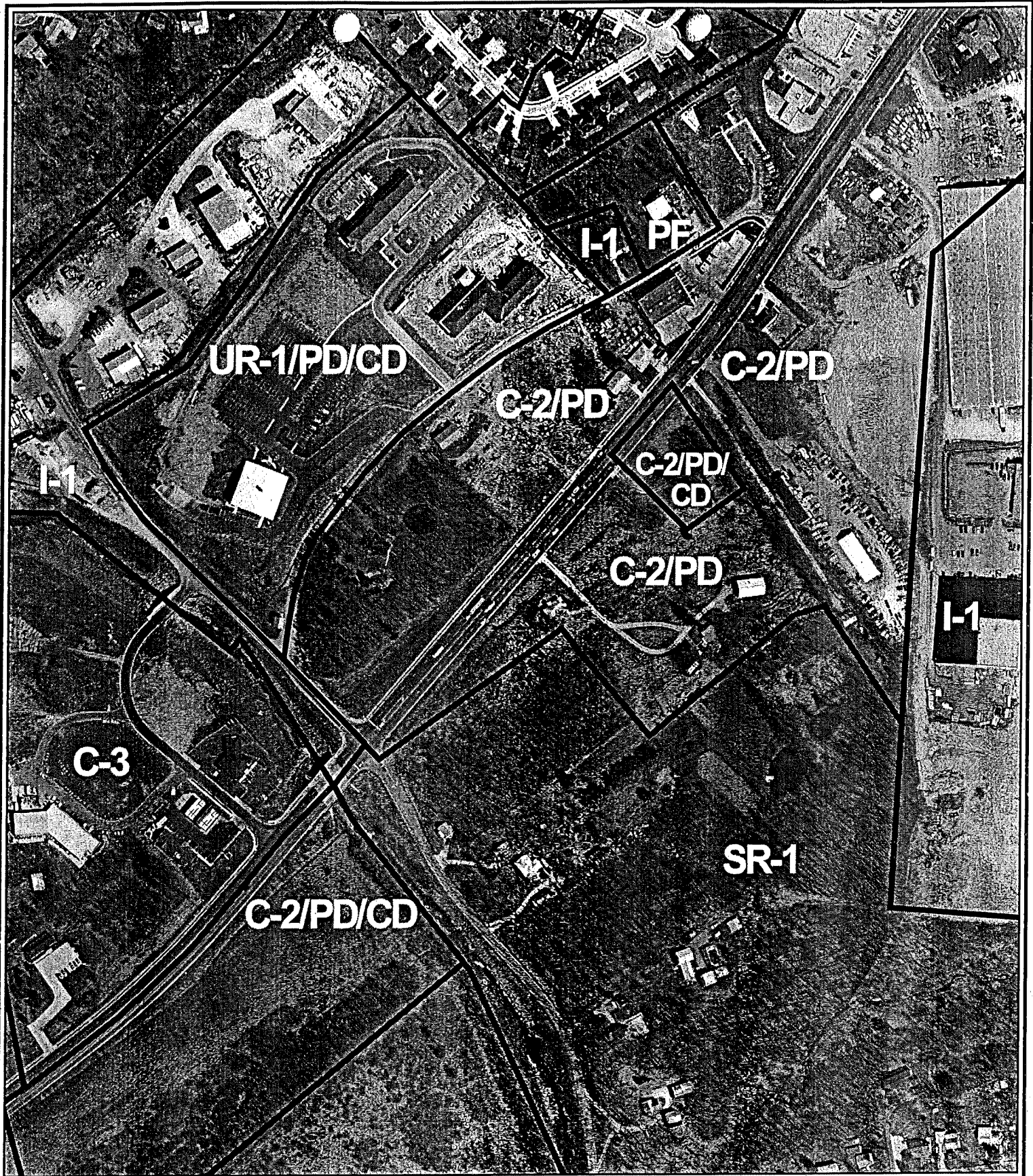


200 0 200 Feet

Quast/Peoples Bank/Wentz Topographical Map

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
February 9, 2001



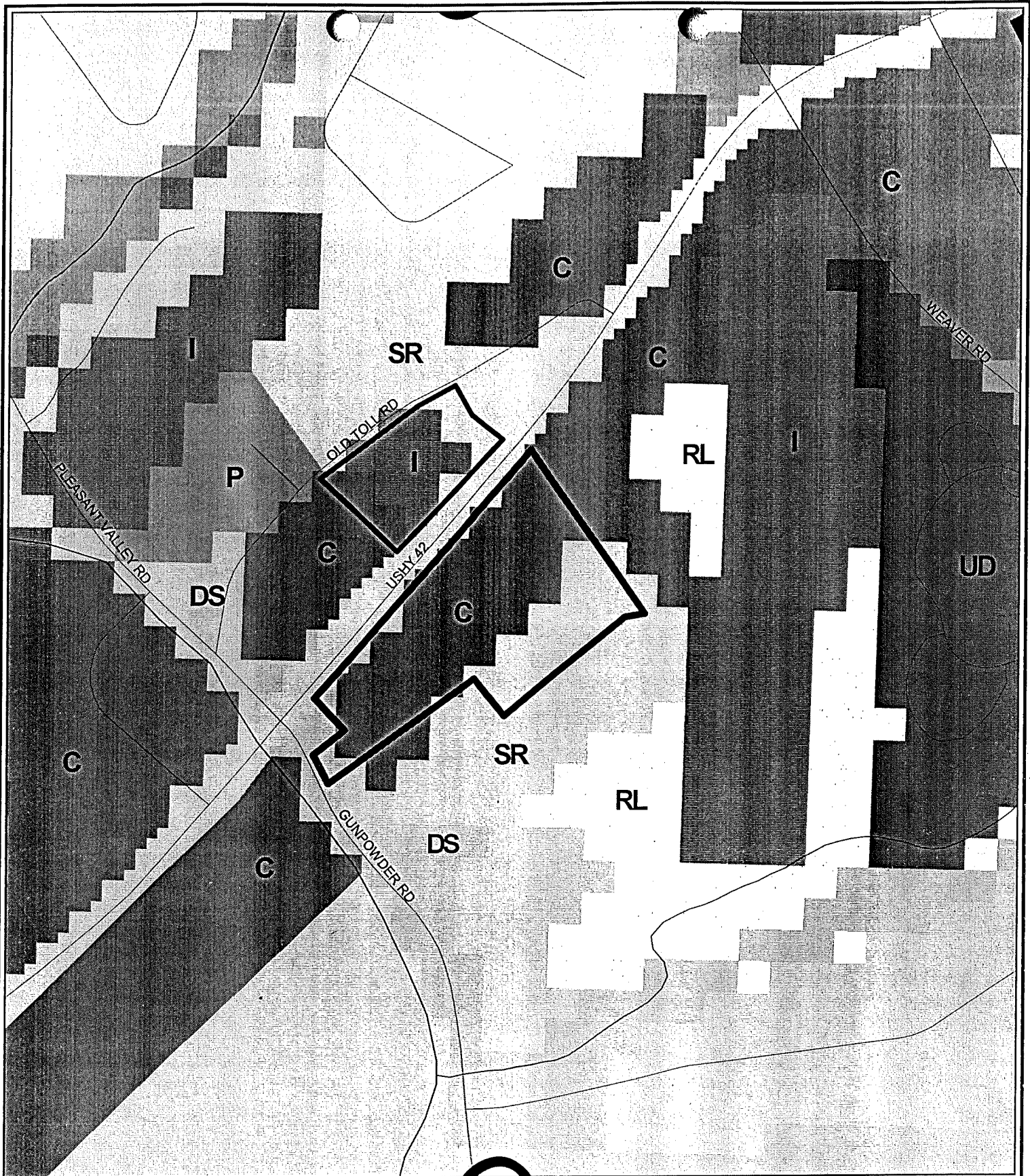


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Quast/Peoples Bank/Wentz Zoning Map

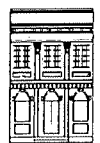
1 inch equals 315 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 9, 2001





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1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 15, 2001



Quast/Peoples Bank/Wentz 2025 Future Land Use Plan

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Mixed Use Development and Pedestrian Orientation:** Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.

7. Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

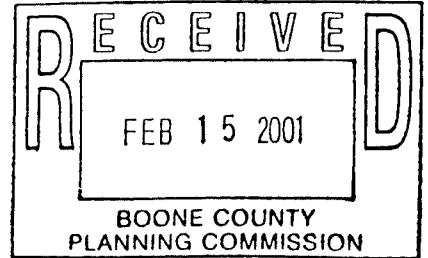
A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.



**TRAFFIC IMPACT ANALYSIS
U.S. 42 DEVELOPMENTS
QUAST PROPERTY
WENTZ PROPERTY
CITY OF FLORENCE
BOONE COUNTY, KENTUCKY**

4 January 2001

Prepared For:

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Appendix B	Existing Level of Service Analysis for the Quast Development
Appendix C	Signalized Intersection Analyses for the Quast and Wentz Developments

INTRODUCTION

The purpose of this report is to summarize the results of a traffic impact analysis for two (2) proposed retail developments on opposite sides of U.S. 42, north of Pleasant Valley Road (KY 237). The proposed Quast property development is located on the north side of U.S. 42 between U.S. 42 and Old Toll Road. The Wentz property development is positioned on the south side of U.S. 42 and extends south to Gunpowder Road.

The primary access for each of these two developments is proposed directly opposite each other to form a new intersection with U.S. 42. The objective of the traffic analysis is to analyze the need for a new traffic signal at the proposed project intersection serving the developments.

Figure 1 illustrates the regional location of each of these two proposed developments.

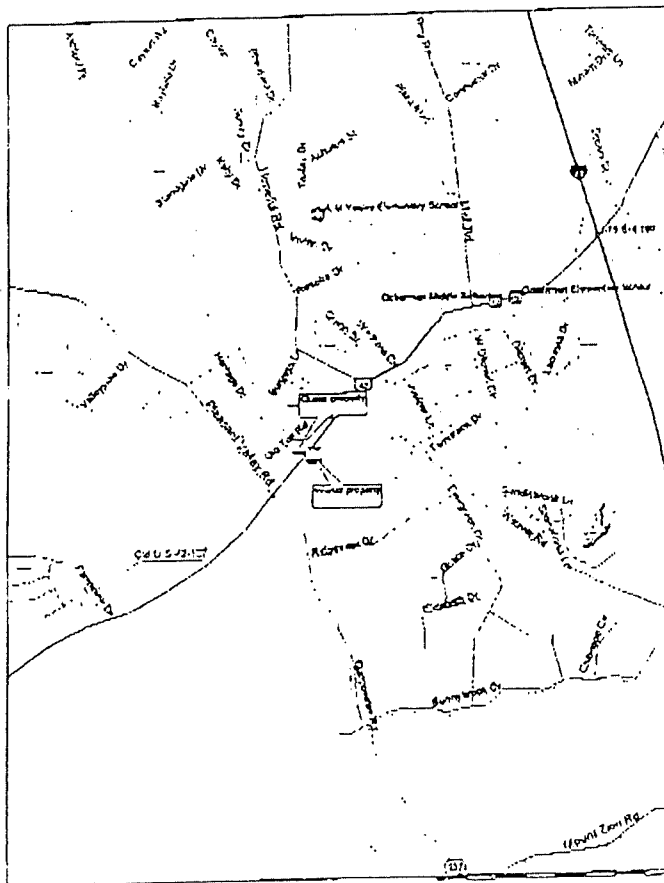


FIGURE 1
REGIONAL LOCATION

Included in the Study and summarized in this report is an analysis of signal warrants, intersection capacity evaluations and intersection geometric requirements for the opening day of the two projects.

The report analysis is based on the following referenced sources:

1. A Site Plan for the Quast property by Cardinal Engineering;
2. A Site Plan for the Wentz property by Viox & Viox;
3. Traffic Volume counts by Pflum, Klausmeier & Gehrum Consultants, Inc. (PKG);
4. Site reconnaissance, field observations and roadway survey conducted by Pflum, Klausmeier & Gehrum Consultants, Inc. (PKG);
5. Reference to the Institute of Transportation Engineers' (ITE) Trip Generation Manual, Sixth Edition;
6. Reference to the "Manual on Uniform Traffic Control Devices for Streets and Highways";
7. Reference to the ODOT Location and Design Manual, Volume One - Roadway Design;
8. The Highway Capacity Software for unsignalized and signalized intersections (Version 3.2); and
9. The application of accepted and normal traffic safety and engineering standards.

PROJECT DESCRIPTION – QUAST PROPERTY DEVELOPMENT

As indicated in the Introduction, this Study incorporates two individually proposed retail developments on the opposite sides of U.S. 42, which will share a common four-way intersection as their major access.

The proposed development on the north side of U.S. 42, west of the Old Toll Road intersection is a small retail center on the Quast property. The total Site land area is _____ acres and is assumed to contain the following uses:

McDonald's Restaurant with Drive Thru at 3,200 S.F.

Bank facility with Drive Thru at 3,025 S.F.

Uncommitted general retail building at 2,000 S.F.

Access to the development will provide a new north-south intersecting street connecting U.S. 42 and Old Toll Road through the Site.

Figure 2 illustrates the Site Plan for the Quast property development.

IMPLEMENTATION PRIORITY

The implementation schedule of the Quast property retail development is expected to begin in the immediate future. The McDonald's restaurant is planned for early spring 2001 followed by the Bank facility. The third land use is presently unknown.

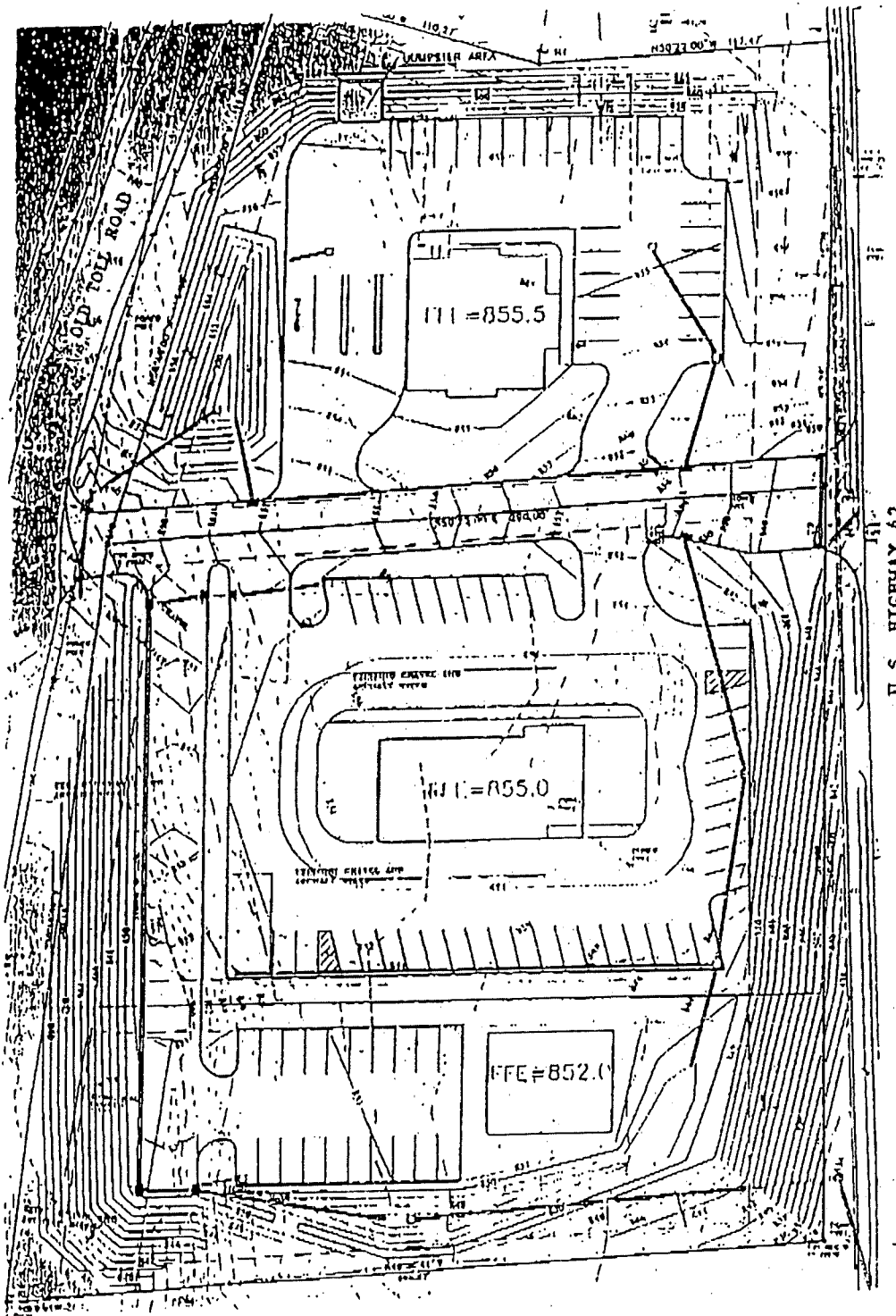


FIGURE 2
PRELIMINARY SITE DEVELOPMENT PLAN
FOR THE QUAST PROPERTY

PROJECT DESCRIPTION – WENTZ PROPERTY DEVELOPMENT

The proposed development to be located on the south side of U.S. 42 on the Wentz property is a _____ acre Site. This Site is proposed for retail uses and/or service uses consisting of a 28,000 square foot commercial strip center and for outlots with frontage on U.S. 42

Access to the Wentz development is proposed via two new intersections on U.S. 42, one being the major access point opposite the proposed Quast development on U.S. 42. The plan also provides for an internal road connection to the adjacent east property as well as a potential connection to Gunpowder Road.

Figure 3 illustrates a Preliminary Site Development Plan for the Wentz property.

IMPLEMENTATION PRIORITY

At the present time no schedule has been developed for specific land uses. Current plans provide for implementation to proceed following approvals of Site access.

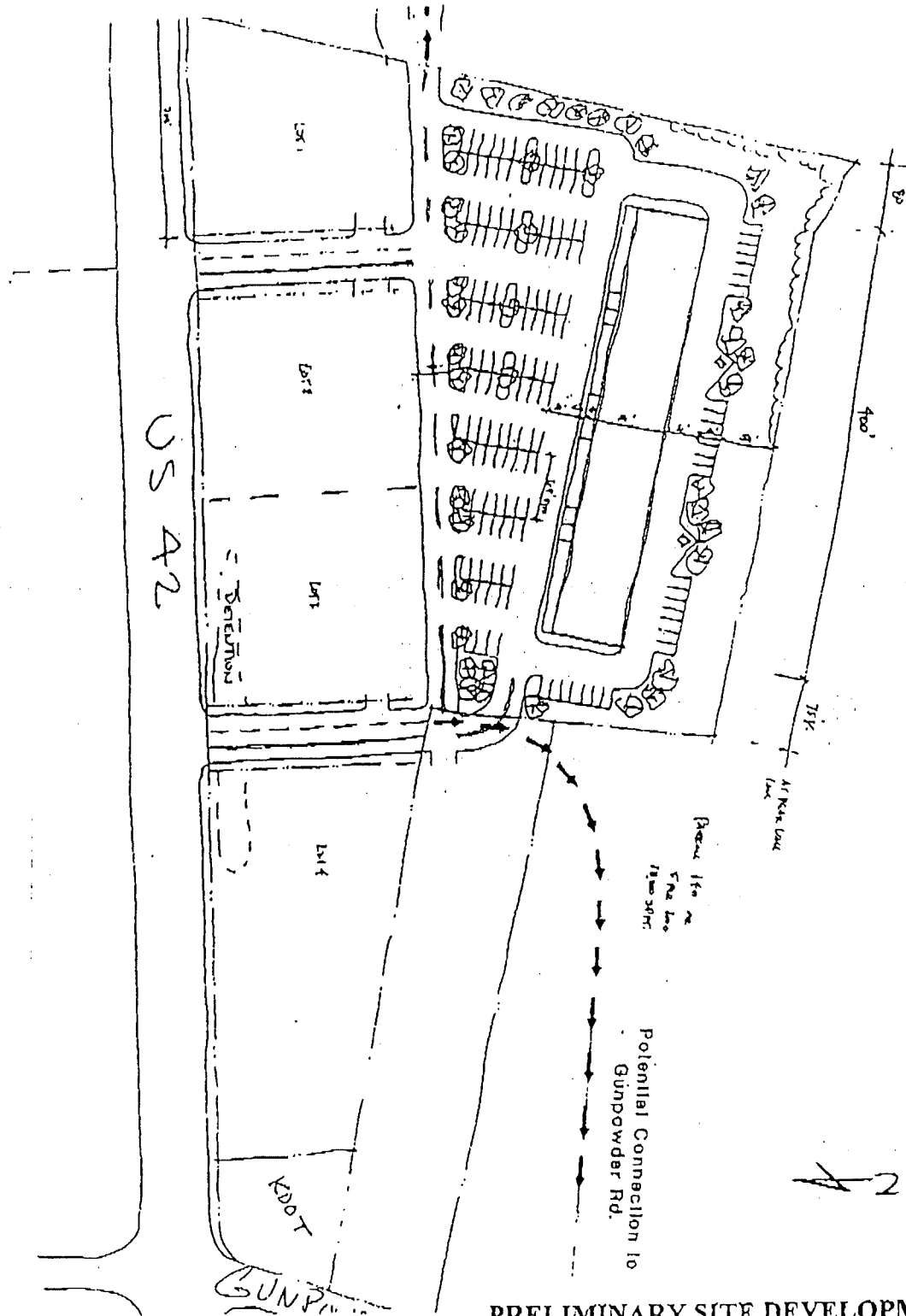


FIGURE 3
PRELIMINARY SITE DEVELOPMENT PLAN
FOR THE WENTZ PROPERTY

EXISTING ROAD CONDITIONS

U.S. 42/U.S. 127 is a major five-lane arterial roadway adjacent to the Site connecting with I-71/I-75 to the east and the City of Union to the west. The intersection of U.S. 42 with Hopeful Church Road/Weaver Road and U.S. 42 with Pleasant Valley Road/Gunpowder Road are currently signalized.

Pflum, Klausmeier & Gehrum Consultants, Inc. (PKG) conducted a twenty-four hour weekday volume count on U.S. 42 adjacent to the two Sites. This count provided directional volumes in 15-minute increments and indicated a total weekday volume of 27,089 vehicles. The AM peak hour had a volume of 1,629 vehicles and the PM peak hour was 2,257 vehicles.

Appendix A provides the 24-hour count data by direction and hourly distribution.

PROPOSED DEVELOPMENT TRAFFIC FORECAST

Trip Generation

The number of trips to be generated by each of the two developments during an average weekday was estimated using empirical data consistent with similar types of existing land uses. The Institute of Transportation Engineers' (ITE) Trip Generation Manual, Sixth Edition, was used as a basic source of reference. A summary of the trip generation forecasts for the Quast property is given in Table 1. Table 2 provides the trip generation forecasts for the Wentz property.

**TABLE 1
 QUAST PROPERTY DEVELOPMENT
 FORECAST TRIP GENERATION**

<u>ITE Land Use & Code</u>	<u>Sq. Ft. (1000)</u>	<u>Weekday 24-Hour</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>		
			<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Fast Food (#834)	3.2	1,588	82	78	160	56	51	107
Bank (#912)	3.025	914	21	17	38	83	83	166
Retail (#820)	2.0	<u>551</u>	<u>10</u>	<u>6</u>	<u>16</u>	<u>23</u>	<u>24</u>	<u>47</u>
TOTAL TRIPS		3,053	113	101	214	162	158	320
<i>Pass-by Trips</i>		<i>1,411</i>	<i>53</i>	<i>48</i>	<i>101</i>	<i>75</i>	<i>73</i>	<i>148</i>
Primary (New) Trips		1,642	60	53	113	87	85	172

**TABLE 2
 WENTZ PROPERTY DEVELOPMENT
 FORECAST TRIP GENERATION**

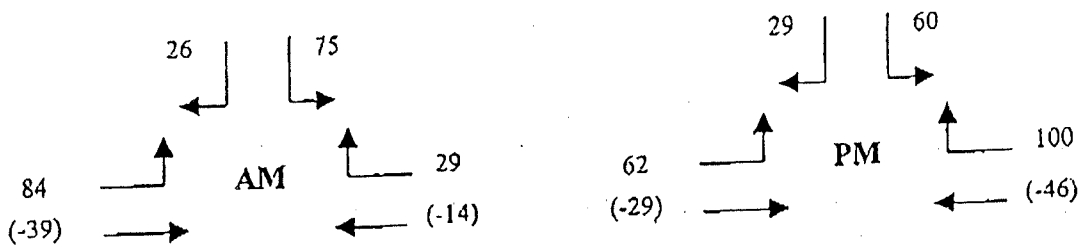
<u>ITE Land Use & Code</u>	<u>Sq. Ft. (1000)</u>	<u>Weekday 24-Hour</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>		
			<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Shopping Center (#826)	28.0	3,007	46	29	75	130	141	271
Sit-Down Restaurant (#832)	4.5	587	22	20	42	29	20	49
Fast Food (#834)	3.2	1,588	82	78	160	56	51	107
Bank (#912)	3.0	909	21	17	38	82	82	164
Convenience Mart (#853)	3.55	<u>3,002</u>	<u>81</u>	<u>81</u>	<u>162</u>	<u>108</u>	<u>107</u>	<u>215</u>
TOTAL TRIPS		9,093	252	225	477	405	401	806
<i>Pass-by Trips</i>		4,476	126	116	242	194	192	386
Primary (New) Trips		4,617	126	109	235	211	209	420

Trip Distribution

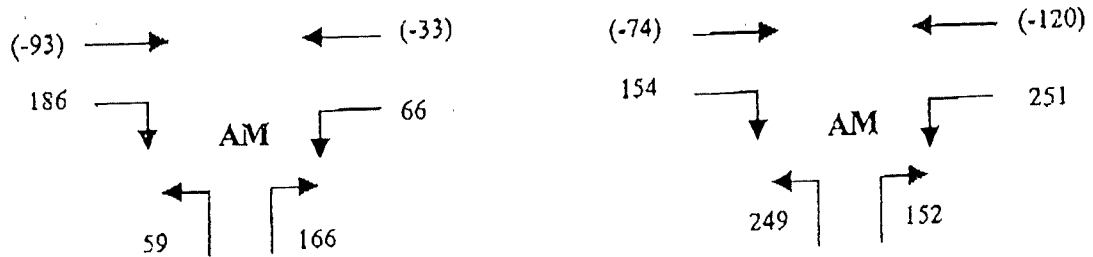
The assignment of the peak hour trips generated by each of the proposed developments to the adjacent public road system was made on the basis of the existing traffic flow and regional arterial routes. A portion of the future trip generation of both of the proposed development uses will result from traffic that is already on U.S. 42 but will stop to patronize the new retail uses. This type of trip is known as a pass-by trip and will not be a new trip on the adjacent roadway system.

Figure 4 illustrates the Quast Build-out forecasted trip distribution on U.S. 42 for the AM and PM peak hour, including the adjustment for pass-by trips.

Figure 5 illustrates the Wentz Build-out development traffic for the AM and PM peak hours with the pass-by trip adjustment.



**FIGURE 4
 QUAST SITE TRIP DISTRIBUTION**



**FIGURE 5
 WENTZ SITE TRIP DISTRIBUTION**

SIGNAL WARRANT ANALYSIS & PROJECT PHASING

As indicated previously, the proposed development of the Quast property on the north side of U.S. 42 and the southern site development of the Wentz property will create a new four-way major site access intersection with U.S. 42 when both of the Sites are implemented.

In terms of current implementation plans, the development of the Quast site is proposed for the immediate future, particularly for the McDonald's restaurant and Bank facilities.

For the purpose of this analysis, a signal warrant analysis was conducted for the Quast property development itself, as well as for the combined Quast and Wentz developments.

QUAST WARRANT ANALYSIS

In order to analyze the applicability of the primary signal warrants for the Quast site development, an hourly distribution of weekday site trips at the proposed new Site drive was forecast using the ITE hourly distribution data. Table 3 summarizes the resulting access trips.

TABLE 3
QUAST SITE DEVELOPMENT
HOURLY DISTRIBUTION OF WEEKDAY SITE TRIPS
 Proposed FF w/drive-thru (3200 sf) + bank (3025 sf) + retail (2000 sf)
ESTIMATED 24-HOUR TRIPS 3053

<u>TIME</u>	<u>ENTER TRIPS</u>	<u>EXIT TRIPS</u>	<u>TOTAL TRIPS</u>
8 AM	114	102	217
9 AM	116	102	218
10 AM	116	101	217
11 AM	116	128	244
12 NOON	116	125	241
1 PM	105	114	220
2 PM	137	119	256
3 PM	147	145	292
4 PM	148	157	305
5 PM	159	157	316
6 PM	113	127	240
7 PM	82	81	163
8 PM	64	66	130
9 PM	29	27	56
12-Hour Total	1,333	1,348	2,681

The hourly existing trip distribution from Table 3 was used as the minor approach volumes for the primary warrants #1 and #2 shown on Table 4. The major roadway volumes were obtained from the combined directional count data in Appendix A.

According to the data analysis of Table 4, the primary warrant #2 for Interruption of Continuous Traffic will be met by the build-out conditions of the Quast property development.

Warrants #9 – Four-Hour Volumes and #11 – Peak Hour Volumes were also analyzed to determine if they meet warrants. Each of these two warrant requirements do provide for alternate conditions where the speed is above 40 mph on the major street. The posted speed limit on U.S. 42 adjacent to the Site developments is 45 mph. For purposes of this analysis, the more restrictive condition (without the 40 mph option) was found to meet both the four-hour and peak hour warrant requirements based upon the minor street approach volumes as the lower threshold with two lanes.

Table 4
Primary Signal Warrant Analysis
Quast Property Build-out Conditions

CONDITION *	NO. LANE	ADJUSTED HOURLY VOLUMES			WARRANT #1				WARRANT #2			
		MAJOR 2-WAY	MINOR EB Exit	MINOR 1-WAY	100%		80%		100%		80%	
					MAJ	MIN	MAJ	MIN	MAJ	MIN	MAJ	MIN
* NORM	1				500	150	400	120	750	75	500	60
	2*				600	200	480	160	900	100	720	80
70% *	1				350	105	280	84	525	53	420	42
	2*				420	140	336	112	630	70	504	56
MID - 1 A.M.		172										
1 A.M. - 2 A.M.		116										
2		106										
3		70										
4		105										
5		286										
6		848			✓		✓				✓	
7		1629			✓		✓		✓		✓	✓
8		1490	102		✓		✓		✓	✓	✓	✓
9		1349	102		✓		✓		✓	✓	✓	✓
10		1431	101		✓		✓		✓	✓	✓	✓
11		1673	128		✓		✓		✓	✓	✓	✓
NOON - 1 P.M.		1700	125		✓		✓		✓	✓	✓	✓
1 P.M. - 2 P.M.		1634	114		✓		✓		✓	✓	✓	✓
2		1681	119		✓		✓		✓	✓	✓	✓
3		2012	145		✓		✓		✓	✓	✓	✓
4		2094	157		✓		✓		✓	✓	✓	✓
5		2257	157		✓		✓		✓	✓	✓	✓
6		1953	127		✓		✓		✓	✓	✓	✓
7		1475	81		✓		✓		✓	✓	✓	✓
8		1114	66		✓		✓		✓		✓	
9		932	27		✓		✓		✓		✓	
10		636			✓		✓					
11		326										
HOURS MET					17		17		15	11	16	13
WARRANT SATISFIED?					Y		Y		Y	Y	Y	Y

*CONDITION IS DETERMINED BY ENVIRONMENT USE. USE 70% VALUES IF 85 PERCENTILE SPEED EXCEEDS 40 MPH ON THE MAJOR APPROACH OR IF LOCATION IS IN THE BUILT-UP AREA OF AN ISOLATED COMMUNITY WITH A POPULATION OF LESS THAN 10,000

WENTZ WARRANT ANALYSIS

A second warrant analysis was also prepared for the Wentz Site development based upon the forecast hourly distributions of weekday exiting trips for this proposed development. Table 5 summarizes this distribution.

TABLE 5
WENTZ SITE DEVELOPMENT
HOURLY DISTRIBUTION OF WEEKDAY SITE TRIPS
 Proposed FF w/drive-thru (3200 sf) + bank (3025 sf) + retail (2000 sf)
 ESTIMATED 24-HOUR TRIPS= 3053

<u>TIME</u>	<u>ENTER TRIPS</u>	<u>EXIT TRIPS</u>	<u>TOTAL TRIPS</u>
8 AM	341	305	646
9 AM	346	305	650
10 AM	346	300	646
11 AM	346	382	727
12 NOON	346	373	718
1 PM	314	341	655
2 PM	409	355	764
3 PM	436	432	868
4 PM	441	468	909
5 PM	473	468	941
6 PM	336	377	714
7 PM	246	241	486
8 PM	191	195	386
9 PM	86	82	168
12-Hour Total	3,969	4,015	7,984

The addition of the Wentz development minor approach volumes to the Warrant #1 and #2 conditions provided in Table 6 shows that the build-out conditions will satisfy both warrants #1 and #2 at the 100% and 80% levels.

Table 6
Primary Signal Warrant Analysis
Quast and Wentz Build-Out Conditions

CONDITION *	NO. LANE	ADJUSTED HOURLY VOLUMES			WARRANT #1				WARRANT #2			
		MAJOR 2-WAY	MINOR EB Exit	MINOR 1-WAY	100%		80%		100%		80%	
					MAJ	MIN	MAJ	MIN	MAJ	MIN	MAJ	MIN
* NORM	1				500	150	400	120	750	75	500	60
	2*	•	•		600	200	480	160	900	100	720	80
70% *	1				350	105	280	84	525	53	420	42
	2*				420	140	336	112	630	70	504	56
MID - 1 A.M.		172										
1 A.M. - 2 A.M.		116										
2		106										
3		70										
4		105										
5		286										
6		848			✓		✓				✓	
7		1629			✓		✓		✓		✓	
8		1490	102	305	✓	•	✓	•	✓	✓	✓	✓
9		1349	102	305	✓	•	✓	•	✓	✓	✓	✓
10		1431	101	300	✓	•	✓	•	✓	✓	✓	✓
11		1673	128	382	✓	•	✓	•	✓	✓	✓	✓
NOON - 1 P.M.		1700	125	373	✓	•	✓	•	✓	✓	✓	✓
1 P.M. - 2 P.M.		1634	114	341	✓	•	✓	•	✓	✓	✓	✓
2		1681	119	355	✓	•	✓	•	✓	✓	✓	✓
3		2012	145	432	✓	•	✓	•	✓	✓	✓	✓
4		2094	157	468	✓	•	✓	•	✓	✓	✓	✓
5		2257	157	468	✓	•	✓	•	✓	✓	✓	✓
6		1953	127	377	✓	•	✓	•	✓	✓	✓	✓
7		1475	81	241	✓	•	✓	•	✓	✓	✓	✓
8		1114	66	195	✓		✓		✓		✓	
9		932	27	82	✓		✓		✓		✓	
10		636			✓		✓					
11		326										
HOURS MET					17	12	17	13	15	11	16	13
WARRANT SATISFIED?					Y	Y	Y	Y	Y	Y	Y	Y

*CONDITION IS DETERMINED BY ENVIRONMENT USE. USE 70% VALUES IF 85 PERCENTILE SPEED EXCEEDS 40 MPH ON THE MAJOR APPROACH OR IF LOCATION IS IN THE BUILT-UP AREA OF AN ISOLATED COMMUNITY WITH A POPULATION OF LESS THAN 10,000.

IMPACT ANALYSIS

The impact of the proposed Quast development will be defined by the resulting operational conditions at the new tee intersection with U.S. 42. Typically, the standard used by the Kentucky Transportation Cabinet and the Boone County Planning Commission is the requirement for a design Level of Service for intersections to be LOS "C".

Using the Highway Capacity Analysis procedures (HCS) for an unsignalized intersection, the build-out conditions for the Quast development will produce the following conditions:

<u>Unsignalized</u>	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
EB U.S. 42 left turn	A	8.4	B	13.8
SB site left turn	C	21.1	E	47.1
SB site right turn	A	9.7	C	18.3
Intersection Overall	C	18.2	D	29.2

Analysis of this new tee intersection serving the Quast development assuming the provision of a traffic signal produces the following conditions.

<u>Signalized</u>	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
EB U.S. 42 left & thru	A	8.5	A	6.0
WB U.S. 42 thru & right	A	5.8	A	7.7
SB site left & right	B	9.7	C	25.5
Intersection Overall	A	8.5	A	8.2

As shown by the above analysis results, the proposed Quast site signalized tee intersection will operate with very acceptable and safe Level of Service conditions of "A" during both the AM and PM peak hour conditions.

Appendix B provides the actual unsignalized and signalized Level of Service analysis for the Quast development.

The future implementation of the Wentz site on the south side of U.S. 42 will provide a full four-way intersection serving both the Quast and Wentz site developments. Under the signalized operation of the intersection the Level of Service conditions, assuming a two-phase signal operation, would be as follows:

<u>Signalized</u>	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
EB U.S. 42 approach	A	9.4	B	10.0
WB U.S. 42 approach	A	7.5	B	15.5
NB Wentz approach	C	23.2	D	41.1
SB Quast approach	C	20.7	C	28.4
Intersection Overall	B	10.9	B	17.8

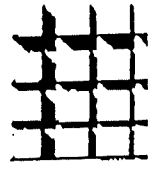
According to the HCS analysis, the overall operational conditions of this intersection will be LOS "B" with a two-phase operation.

Appendix C contains the signalized intersection analysis for the combination of both development Sites.

5. Considering the availability of the center turn lane on U.S. 42, restriping is recommended to provide for the separate intersection turn lanes. The eastbound left-turn lane should provide for 100 feet storage for the Quast development. The Wentz development will require 250 feet of left-turn storage.
6. The subsequent development of the Wentz property access on the south side will align with the Quast access to provide a full four-way intersection on U.S. 42. This development will also provide for a future connection to its U.S. 42 intersection from the adjacent eastern property when development occurs.
7. It is recommended that both left and right turn lanes be provided on the new northbound and southbound approaches to U.S. 42.

*Traffic Impact Analysis
U.S. 42 Developments
Quast Property, Wentz Property
City of Florence, Boone County, Kentucky*

APPENDIX A
EXISTING TRAFFIC VOLUME COUNTS



Klausmeier & Gehrum
Consultants

Lattice Counter
Recording Log

State KENTUCKY
County BOONE
PKG Job # 332801
Technician MCN

DATE	TIME	DAY	# OF	Location Sketch		Direction of Volume Count	COMPUTER USE ONLY
start	start	start	site				
12/14/00	14:05	Tue	21			EAST #14 WEST #5 Module # both	File Name <u>33280542</u> Disk
/ /	:					A _____ B _____ Module # _____	File Name Disk
/ /	:					A _____ B _____ Module # _____	File Name Disk
/ /	:					A _____ B _____ Module # _____	File Name Disk

cannot guarantee accuracy of directional count due to lack of centerline
Half Tube A-B-A - the long hose will always be channel (B)

Day Start : THURSDAY
 Technician: MARK C. NIBHAUS
 Location : ON US ROUTE 42, EAST OF
 PLEASANT VALLEY ROAD (KY 237)

PPLUM, KLAUSNBIER & GERRHUM CONSULTANTS
 5531 FAIR LANE
 CINCINNATI, OHIO 45227
 (513) 272-5533

Site Code : 112801000001
 Start Date: 12/14/2000
 File I.D. : 1128UG42
 Page : 1

7-DIRECTION COUNT

Begin Time	EAST		WEST		Combined		Thursday					
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.						
12:00 12/14	19	213	47	215	66	428						
12:15	12	210	25	212	37	422						
12:30	8	214	28	186	36	400						
12:45	10	49	239	876	23	123	211	824	33	172	450	1700
01:00	8	187	26	242	34	429						
01:15	15	142	16	219	31	361						
01:30	7	190	14	208	21	398						
01:45	13	43	181	700	17	73	265	934	30	116	446	1634
02:00	10	191	24	223	34	414						
02:15	5	195	15	204	20	399						
02:30	13	169	19	262	31	431						
02:45	5	32	206	761	16	74	231	920	21	106	437	1681
03:00	5	190	13	285	19	475						
03:15	9	210	7	298	16	508						
03:30	8	194	7	302	15	496						
03:45	15	37	223	817	6	33	310	1195	21	70	533	2012
04:00	14	233	6	281	20	514						
04:15	18	212	4	308	22	520						
04:30	21	215	13	323	34	538						
04:45	20	73	196	856	9	32	326	1238	29	105	522	2094
05:00	35	237	12	345	47	582						
05:15	43	207	16	355	59	562						
05:30	68	211	15	366	83	577						
05:45	70	216	197	852	27	70	339	1405	97	286	536	2257
06:00	121	237	39	343	160	580						
06:15	145	207	40	272	185	479						
06:30	178	197	47	268	225	465						
06:45	200	644	195	836	78	204	234	1117	278	848	429	1953
07:00	237	158	93	277	330	435						
07:15	359	138	92	236	451	374						
07:30	304	101	110	236	414	337						
07:45	304	1204	134	531	130	425	195	944	434	1629	329	1475
08:00	233	113	120	199	353	312						
08:15	290	105	105	183	395	288						
08:30	232	103	102	170	334	273						
08:45	287	1042	69	390	121	448	172	724	408	1490	241	1114
09:00	222	104	108	177	330	281						
09:15	223	74	103	177	326	251						
09:30	207	63	131	156	338	219						
09:45	225	877	47	308	130	472	114	624	355	1349	181	932
10:00	188	64	116	146	304	210						
10:15	224	61	135	132	359	193						
10:30	211	46	153	90	364	136						
10:45	224	847	35	206	180	584	62	430	404	1421	97	636
11:00	199	27	192	66	391	93						
11:15	248	19	190	63	438	82						
11:30	208	29	170	63	378	92						
11:45	243	838	15	90	223	775	44	226	466	1673	59	336

Totals	5962	7223	3313	10591	9275	17814
Day Totals	13185	13904	27089			
Split %	64.2%	40.5%	35.7%	59.4%		

Peak Hour	07:00	03:45	11:00	05:00	11:00	05:00
Volume	1204	883	775	1405	1673	2257
P.H.P.	.83	.94	.86	.95	.89	.96

*Traffic Impact Analysis
U.S. 42 Developments
Quast Property, Wentz Property
City of Florence, Boone County, Kentucky*

APPENDIX B

EXISTING LEVEL OF SERVICE ANALYSIS

FOR THE QUAST DEVELOPMENT

APPENDIX C
SIGNALIZED INTERSECTION ANALYSES
FOR THE
QUAST AND WENTZ DEVELOPMENTS

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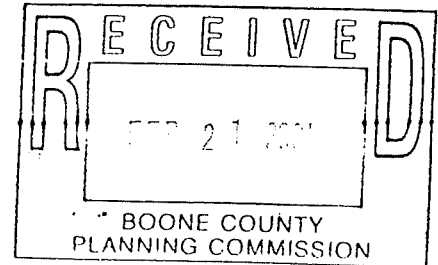
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*ALSO ADMITTED IN OHIO

February 20, 2001

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



RE: KY-20 - Grace Properties
AP&W#: 1790-6

Dear Todd:

Based upon my discussions with the City of Florence, I would like to suggest the following provisions be added to the plan which I presented to the Planning Commission:

- (1) **USES.** As I have indicated, I wanted any use presently permitted under a C-2 Zone. I would like to submit the following exceptions:
 - A. Pawn Shops,
 - B. Auto parts and accessory stores.
 - C. Gasoline filling stations, (gasoline filling stations would be changed from a principally permitted use to a conditional use.)
 - D. Automobile repair facility and wash services for vehicles;
 - E. Mini-warehouses or storage facility; and
 - F. Check-cashing services;
- (2) **LANDSCAPING:** I would agree to abide by the Florence landscaping provision.
- (3) **SIGNAGE.** Each one of the individual lots would be entitled to a monument sign not to exceed 12 feet. The retail center would be entitled to one large sign. I had requested 25 feet in my letter to the City. The City wanted to be sure that it was consistent with other retail center signs in the City.

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchise style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;

25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).
2. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
3. Automotive repair facility and wash services for vehicles;
4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
5. Sale of satellite dishes;

6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;

7. Mini-warehouses or storage facilities;

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. Commercial parking facilities;
2. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
3. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit.

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116
Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120
OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121
Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Eating and drinking places including alcoholic beverages and with drive-thru facilities; Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in or franchise style fast food establishments. **(CITY OF FLORENCE ONLY)**;
3. Retail sales of newspapers and magazines, drugs, and proprietary goods;
4. Banking and credit union services, including drive-thru teller services.

SECTION 1122
Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;

Public Hearing Item No. 2:

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

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

Mr. Chaney introduced the last item on the Agenda:

1. Applicant: **Quast Properties, Peoples Bank of Northern Kentucky, and Richard Wentz/Gunpowder Properties LLC**

Request: **Concept Development Plan/Zoning Map Amendment**

The request of **Quast Properties (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.134 acre site at 8534 U.S. 42 and along Old Toll Road, Boone County, Kentucky; the request of **Peoples Bank of Northern Kentucky (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1027 acre site at 8526 U.S. 42 and along Old Toll Road, Boone County, Kentucky; the request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10-acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky; and the request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.35 acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the east side of Gunpowder Road, Boone County, Kentucky. The requests are to allow bank, fast food restaurant, and other commercial uses.

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report). He was told by the state that a new traffic signal at the intersection of U.S. 42 and the proposed street will occur when the warrants are there. Mr. Morgan noted a correction to Page 9 of the Staff Report under Item (c) the fourth sentence should read, "Staff believes that the "high rise" signs that are shown for McDonald's and Mr. Wentz's project need to be discussed further to see if the heights are warranted."

Mr. Chaney asked for the applicants' presentations beginning with the Quast property.

Mr. Joseph Hoh representing Cardinal Engineering in Wilder, Kentucky stated that Staff did a good job of explaining their proposal. In regard to the main access between the bank and the proposed McDonald's, he stated that they propose that it be dedicated only to the extent of the pavement and that there not be a 50-foot wide swath through the middle of the property. They have limited the access to a central access as Greg Sketch, County Engineer, made a comment that Old Toll Road might not withstand access points between individual parcels. He reviewed the grades and indicated where it would be impossible to construct a driveway to serve the individual property. He stated that a use for the third lot has not been determined, but they have proposed a use consistent with the C-2 zoning. Mr. Hoh reviewed the slide in regard to the location of the access for McDonald's and the traffic pattern. He stated that they would consider an additional exit on the bank parcel to alleviate traffic that may want to use the drive-thru. He noted the four accesses to the property and stated that if it were a condition and if agreement could be reached between Quast and McDonald's, they could combine the two westernmost driveways. He stated that Staff Comment #8 is in conflict with Greg Sketch's comments concerning additional access points onto Old Toll Road. He stated that Auto Zone is there and the area seems to be developing in a commercial pattern to the southwest. He noted that the Quasts are in the paving business, but the equipment shown on the slide does not belong to them. He stated that the developers are more than willing to comply with the City of Florence landscaping requirements along the open areas, around the buildings, and in the frontage and buffer zone areas. He stated that their combined plan indicates extensive plantings on their side of the road and on the Wentz side of the property. He stated that Staff acknowledges that architectural concerns are to be addressed. He referred to the area outlined in red on the slide and stated that it is premature to talk about the future use of that area, but it will be a pleasant building. He stated that the property owners would like to discuss the signage further with the Committee. They have shown a detention basin and a buried detention basin between McDonald's and the future use in response to concerns about detention along the west side of Old Toll Road. The buried system would meet the Boone County requirements for McDonald's and the adjacent use. The bank will have an open detention basin in the area shown and it will drain into the rock ditch along Old Toll Road. The underground detention basin could drain into the sewer system on U.S. 42 or it could drain back to Old Toll Road. They intend to comply with the county requirements for the detention basins.

Mr. John Finnan, 2467 Legends Way, Crestview Hills, Kentucky, stated that he was speaking in regard to the bank parcel. He indicated the entryway on the plan. He stated that cars would come in a second entryway, even if it is marked "exit only" and would conflict with cars going the proper way on the driveway -- one access point works better for the bank site. They do not anticipate any stacking

problems because of the circulation around the building. He stated that they began in 1992 in Crestview Hills and built their first five offices in Kenton County, and then last April they came to Hebron at the entrance to Southpark. They have also purchased some property in Richwood. He showed a rendering of their building which is Colonial style red brick with white columns and commented that all their buildings look the same. He stated that this would be about a 2400 square foot facility with four drive-thru lanes.

Mr. Richard Wentz, 600 Greenup Street, Covington, Kentucky, owner of both parcels of land indicated on the slide, stated that the property outlined in blue was zoned C-2/PD in 1986 when his parents lived on the property. They applied to have the property zoned commercial and it was zoned C-2 with a PD Overlay. He stated that the property does not fit a PD Overlay because there is not a mixture of uses (residential with commercial, office with commercial, etc.). He stated that it is anticipated that the entire project will be commercial but, because of the PD Overlay, they are required to go through this process. He stated that in 1999, he came in with a plan dealing with Building #4 because Firststar Bank expressed an interest in moving a branch to this location. The request was approved – but the bank decided not to come there. At that time, there was discussion of a frontage road parallel to U.S. 42 to help control traffic on this side of U.S. 42. He stated that Staff requested that parallel road take place and they have agreed to it. He stated that both the streets coming off U.S. 42 and the parallel road would be constructed to public standards and will become city streets if the City of Florence will accept them. In regard to Staff Comment #5 that the curb cut closest to the Gunpowder Road/U.S. 42 intersection be right-in/right-out only, he stated that this was discussed in detail a year ago and at that time it was indicated that it would be a full access point without any restrictions. He stated that they discussed this with the Department of Transportation and it should be in the minutes that they were in agreement. In regard to Staff Comment #6, he stated that an item was left out of his letter that is attached to the Staff Report. His letter was originally to Mr. Koenig and included a restriction to only have two of seven possible lots used for any kind of fast food restaurant with drive-thru. He stated that he amends his letter to include the restriction that fast food restaurants with drive-thrus are limited to two lots – with the understanding in regard to Building #1 that they have talked to Graeter's about locating there and they would have a drive-thru, but Graeter's would not be considered a fast food operation with drive-thru due to their volume. In regard to Staff Comment #9 (a) he stated that they have no problem with the Design Review process and want the architecture to be uniform. He stated that they will include sidewalks along U. S. 42 as the lots develop and noted that in the previous more detailed discussion of the bank building there were sidewalks there at that time.

Mr. Bill Viox with Viox & Viox, 466 Erlanger Road, Erlanger, Kentucky, reviewed the slide and stated that about a year ago they came before the Planning Commission in regard to the fourth building, which was a bank, and the Planning Commission was concerned about the whole site. He stated that they presented a

plan with the streets indicated and in discussion with the City of Florence the city stated that they would like them to be public streets. They will be full standard streets with reduced rights-of-way similar to the streets in front of Bigg's and behind O'Charley's. He stated that three or four years ago there was no sewer available to the site and an investigation done by Florence Water & Sewer determined that KDOT had built a public sewer when that portion of Gunpowder was relocated as they had interfered with some of the septic fields for the houses along Gunpowder. Florence Water & Sewer petitioned the state and purchased the sewer, which is now public to the point indicated. They have agreed and a plan has been prepared to build a public sewer as a joint venture to the point indicated and then Mr. Wentz would continue it and it would eventually be available to the people up the street. He stated that there is a 16" city water main that goes to Plantation Pointe and Farmview and it will serve this site. They will provide individual detention on the site with detention features. Reviewing the slide, he stated that they will provide detention all along the area indicated. He indicated the point where they will reenter the state storm sewer system that eventually goes down to Gunpowder.

Mr. Rodney Crice, a landscape architect with Viox & Viox, 466 Erlanger Road, Erlanger, Kentucky, presented and reviewed the Landscape Plan. He stated that the landscaping would be done on a site-by-site basis and the Landscaping Plan would be provided at the time of Site Plan approval. They would create standards by which the lots would develop so that there would be consistency in the landscaping. Features of the plan include green space between the uses, generous green space along U.S. 42, and unique detention features – possibly a fountain. He indicated the steep slope that would be softened to open up the view. He stated that there has been some desire on the part of the city to use the KDOT parcels as identity features and provide some landscaping. He stated that they agree to abide by the City of Florence landscaping regulations. He stated that buffering would occur primarily along the rear, side, and front edges and they will make every effort to maintain the existing trees along the rear. There will be additional evergreen plantings in the rear. He stated that they would provide a consistent streetscape along the lots.

This completed the applicant's presentation.

Mr. Chaney asked if there was anyone else present who wished to speak in favor of the request.

Mr. James Morgan, 8678 Gunpowder Road, whose property adjoins the Wentz property at the rear, stated that he is in favor of the project. He bought his house in 1970 and still has no water. He uses cistern water, which he cannot drink. They thought they would get water and sewer when Mr. Erpenbeck put the subdivision in and ran pipe across the street in front of his house. He is concerned about people fishing in his pond and wants to work out something with a fence.

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

Mr. Ron Haarman, 8522 U.S. 42 (the single-family house next to the bank site), stated that when Auto Zone was built next door to him they raised the grade up eight feet and built an eight-foot high retaining wall – and now his basement floods when it rains. He has fought with the city, the state, and the county about this. All the garbage from Auto Zone ends up in his swimming pool. He does not want the same things to happen with the bank. He asked if there will be an eight-foot retaining wall and will his property be deeper in the hole? He thought he would get water and sewer when Auto Zone was built. He is not going to stand for the bank putting him further down in a hole and their garbage going in his swimming pool. He reviewed the topography in the area and how Auto Zone raised their site up eight feet. He stated that he almost gets hit coming out of his driveway now.

Mr. Hoh stated that their preliminary grading plan indicates that the bank will set a few feet lower than Mr. Haarman's house and the retaining wall proposed along the edge of the driveway may be as high as the back of the chairs. They will be taking dirt off the site and exposing the Haarman property. The retaining wall will be decorative with some green built into it. He stated that their parking lot will be a few feet below the Haarman house.

Mr. Haarman asked if he will be able to hook up to the city sewer. Mr. Chaney asked that Mr. Haarman continue that discussion with the applicant outside the meeting. Mr. Hoh stated that the sanitary sewer is in the back and will exit their property in the location shown. He stated that he would think the Haarman house has the potential for gravity sewer out the back if the owner of the utility and adjacent property would agree.

Mr. Chaney asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries stated that from Gunpowder heading east on U.S. 42 there is a very dangerous zone that goes up to 45 – 50 MPH and when the Planning Commission originally talked about this piece of property, there was concern about the access on U.S. 42. He stated that the access on the north and south side can be resolved by a light. His concern is in regard to the lower access on U.S. 42, which is very close to the point where vehicles are accelerating. When the Planning Commission originally talked about this property, there was discussion about access onto Gunpowder versus the second access road. He stated that there will be no light there. It is dangerous enough at the other area where a light is mandatory, but the second access closer to Gunpowder on U.S. 42 will be a real

problem. He would prefer the access being off Gunpowder as discussed at the time of the Firststar Bank use.

Mr. McMillian stated that the access management road along U.S. 42 would be a great idea. Mr. Wentz responded that it was put in at the request of Staff so that other property owners can access the street system from further east (Russ Rankin property, Crouch property, etc.) and allow any development to access the light. He stated that the parallel road would be 200 – 300 feet from U.S. 42. Mr. Viox explained that there was a Concept Plan for this area and Staff tried to get their street to line up with this one and the thought was to eventually have a road parallel to U.S. 42. He stated that when they talked to Forrest Rankin at KDOT, he did not have a problem with the access because the lights on either side reduce speed and provide gap opportunity to come in and out. He stated that KDOT bought their piece of property to protect the intersection.

Mrs. Wilson questioned the sign requirements being discussed at a later date. Mr. Morgan responded that the PD standards recommend a consistent theme and there is a need to discuss the height for the McDonald's sign as well as the monument signs, which can be done at Committee.

Mr. Wentz stated that the speed limit on U.S. 42 was an issue a year ago and he believes the Mayor wrote a letter to the Highway Department requesting that the speed limit along U.S. 42 be lowered in that area. He stated that Forrest Rankin indicated that it is still being reviewed and once this development is in place and the light is warranted, the speed limit would probably be lowered. The speed limit is currently 55 MPH and the idea is to lower it to the city speed limit of 35 MPH. Mr. Chaney stated that he believes it is currently 45 MPH.

Mr. Schwenke stated that on the east side of the property in the PD zone, they do not have tenants at this time and the buildings will vary, but what they are projecting is within the PD requirements. Mr. Wentz agreed and stated they would have Staff review all architectural features, green space, etc. to make sure it is consistent with the regulations. Mr. Schwenke questioned the Staff Concern that each building have a theme. Mr. Wentz responded that that may not be possible, but in other areas of the county and city they have done that with franchise operations that have strong ideas about their architecture, but they have flexibility to deal with restrictions such as the amount of masonry. He stated that he may develop the strip center himself and it would be of uniform architecture and brick. Mr. Morgan stated that a good example is Union Village. Mr. Costello stated that the bank is setting the pace there and he hopes the property owners can get together and use the same style and materials, even though it is both sides of the road. He commented that Auto Zone actually proposed more colors than what is out there, but we toned them down. He stated that the Grammas Center was difficult to deal with and was put in Planned Development because the widening of U.S. 42 was underway and it was a sensitive corridor. He hopes all of the

entities will get together and work something out that will be of benefit to the community.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 7, 2001 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 21, 2001 at 7:30 P.M..

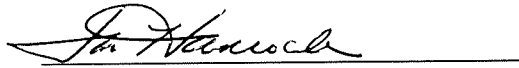
Mr. Chaney closed this Public Hearing at 9:05 P.M..

APPROVED:



W. Thomas Chaney
Vice Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
April 18, 2001
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:06 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Richard Knock

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

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the April 4, 2001 Business Meeting. He asked if there were any comments or corrections. Mr. Zimmer stated that on Page 4, Paragraph 5, Line 1, the phrase "as he did at the Public Hearing" should be deleted. Mr. White moved to approve the Minutes as amended. Mrs. Poston seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Richard Wentz/Gunpowder Properties LLC (owner) to consider a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.35 acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the east side of Gunpowder Road, Boone County, Kentucky. The request is to allow commercial uses.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings of fact.

There being no discussion, Mr. White moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. McMillian seconded the motion and it carried unanimously.

2. Concept Development Plan

The request of Richard Wentz/Gunpowder Properties LLC (owner) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10-acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky. The request is to allow commercial uses.

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

Mr. Chaney moved to approve the request based on the Committee Report. Mr. White seconded the motion.

Mr. Chaney questioned Condition #10. Mr. Morgan responded that intercom systems can sometimes be loud and be heard in adjacent neighborhoods. He stated that Bill Viox, representing Mr. Wentz, called someone in the industry to determine what an acceptable level would be to be able to hear the intercom on the facility but not on the adjacent properties.

Mrs. Wilson stated that at the Public Hearing she questioned the height of the McDonald's sign. She asked if that issue went to this Committee or would come back later. Mr. Morgan responded that signage was brought up at the Committee level and the Committee agreed that the signage was appropriate and would stay as it was.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Chaney and it carried unanimously.

3. Concept Development Plan

The request of Quast Properties (owner) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.134 acre site at 8534 U.S. 42 and along Old Toll Road, Boone County, Kentucky. The request is to allow a fast food restaurant and a commercial use.

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

There being no discussion, Mr. Chaney moved to approve the request based on the Committee Report. Mr. Hicks seconded the motion and it carried unanimously.

4. Concept Development Plan

The request of Peoples Bank of Northern Kentucky (owner) to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1027 acre site at 8526 U.S. 42 and along Old Toll Road, Boone County, Kentucky. The request is to allow a bank.

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

Mr. White moved to approve the request based on the Committee Report. Mrs. Poston seconded the motion.

Mr. Schwenke noted that the gentleman who lives on the property next door to the proposed bank expressed concerned about flooding.

Mr. Joe Hoh with Cardinal Engineering stated that the bank property will be lower than the adjoining property so no wall will be built to disturb the view and there will be landscaping on the hillside above the bank. The bank will work with the adjacent property owner to make sanitary sewer available to him at the existing sewer on Old Toll Road. Mr. Chaney asked if the adjacent property owner had a concern about drainage at the Public Haring. Mr. Hoh responded

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: April 18, 2001

RE: The request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky. The request is to allow commercial uses.

REMARKS:

We, the Committee, recommend approval of the above referenced Concept Development Plan 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 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element (Pleasant Valley - West Florence Area) states that "commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access management at the intersection of U.S. 42 and Pleasant Valley Road should include access roads to serve commercial developments.
 - B. The "2025 Future Land Use Plan" designates the majority of the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Although the "2025 Future Land Use Plan" did show smaller portions of the site to be designated as "Suburban Residential" and "Developmentally Sensitive", the Committee determined that the intent of the 2000 Boone County Comprehensive Plan was to provide "commercial development in the U.S. 42, Pleasant Valley Road intersection area."
2. The Committee has determined that the request will be in general conformance with Planned Development Standards, from Article 15 of the Boone County Zoning Regulations, when considering the Conditions of Approval listed below.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 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 property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. All proposed buildings and signs must be approved through the Planning Commission's Design Review process to ensure that at least 60% of any building locating on such property shall be of a non-metal material such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
2. The "development identification sign" must be monument style. The sign will be limited to 25 feet in height and 200 square feet in size.
3. The individual outlots will be permitted to have their own monument signs. These signs will be limited to 12 feet in height and 60 square feet in size. The base and supports of these signs will be required to match the dominant construction material of each building.
4. The following Commercial Two (C-2) uses will be prohibited in the development:
 - a. Pawn shops,
 - b. Auto parts and accessory stores,
 - c. Auto repair and wash services for vehicles,
 - d. Mini-warehouse or storage facilities, and
 - e. Check-cashing services.
5. Any proposed Gasoline filling station(s) will be required to submit for a Conditional Use Permit.

6. The entire development will be limited to 3 franchise style (fast food) establishments and/or drive-thru facilities.
7. The development will adhere to Florence Landscaping Regulations (Article 36 of the Boone County Zoning Regulations).
8. Sidewalks will be required along U.S. 42.
9. A photometric plan will be required at Site Plan Review. The photometric plan will need to show that all proposed lighting is arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street.
10. All proposed intercom systems must be at a decibel level of 75 to 85 db at 1 meter.
11. The landscaping buffer along the southern property boundary will need to be approved by the Technical Design Review Committee.
12. All design standards within the Boone County Zoning Regulations and Boone County Subdivision Regulations must be met.

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. 2:

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

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

Mr. Chaney introduced the last item on the Agenda:

1. **Applicant:** Quast Properties, Peoples Bank of Northern Kentucky, and Richard Wentz/Gunpowder Properties LLC

Request: Concept Development Plan/Zoning Map Amendment

The request of Quast Properties (owner) to consider a **Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.134 acre site at 8534 U.S. 42 and along Old Toll Road, Boone County, Kentucky;** the request of Peoples Bank of Northern Kentucky (owner) to consider a **Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1027 acre site at 8526 U.S. 42 and along Old Toll Road, Boone County, Kentucky;** the request of Richard Wentz/Gunpowder Properties LLC (owner) to consider a **Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10-acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky;** and the request of Richard Wentz/Gunpowder Properties LLC (owner) to consider a **Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.35 acre site at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the east side of Gunpowder Road, Boone County, Kentucky. The requests are to allow bank, fast food restaurant, and other commercial uses.**

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report). He was told by the state that a new traffic signal at the intersection of U.S. 42 and the proposed street will occur when the warrants are there. Mr. Morgan noted a correction to Page 9 of the Staff Report under Item (c) the fourth sentence should read, "Staff believes that the "high rise" signs that are shown for McDonald's and Mr. Wentz's project need to be discussed further to see if the heights are warranted."

Mr. Chaney asked for the applicants' presentations beginning with the Quast property.

Mr. Joseph Hoh representing Cardinal Engineering in Wilder, Kentucky stated that Staff did a good job of explaining their proposal. In regard to the main access between the bank and the proposed McDonald's, he stated that they propose that it be dedicated only to the extent of the pavement and that there not be a 50-foot wide swath through the middle of the property. They have limited the access to a central access as Greg Sketch, County Engineer, made a comment that Old Toll Road might not withstand access points between individual parcels. He reviewed the grades and indicated where it would be impossible to construct a driveway to serve the individual property. He stated that a use for the third lot has not been determined, but they have proposed a use consistent with the C-2 zoning. Mr. Hoh reviewed the slide in regard to the location of the access for McDonald's and the traffic pattern. He stated that they would consider an additional exit on the bank parcel to alleviate traffic that may want to use the drive-thru. He noted the four accesses to the property and stated that if it were a condition and if agreement could be reached between Quast and McDonald's, they could combine the two westernmost driveways. He stated that Staff Comment #8 is in conflict with Greg Sketch's comments concerning additional access points onto Old Toll Road. He stated that Auto Zone is there and the area seems to be developing in a commercial pattern to the southwest. He noted that the Quasts are in the paving business, but the equipment shown on the slide does not belong to them. He stated that the developers are more than willing to comply with the City of Florence landscaping requirements along the open areas, around the buildings, and in the frontage and buffer zone areas. He stated that their combined plan indicates extensive plantings on their side of the road and on the Wentz side of the property. He stated that Staff acknowledges that architectural concerns are to be addressed. He referred to the area outlined in red on the slide and stated that it is premature to talk about the future use of that area, but it will be a pleasant building. He stated that the property owners would like to discuss the signage further with the Committee. They have shown a detention basin and a buried detention basin between McDonald's and the future use in response to concerns about detention along the west side of Old Toll Road. The buried system would meet the Boone County requirements for McDonald's and the adjacent use. The bank will have an open detention basin in the area shown and it will drain into the rock ditch along Old Toll Road. The underground detention basin could drain into the sewer system on U.S. 42 or it could drain back to Old Toll Road. They intend to comply with the county requirements for the detention basins.

Mr. John Finnan, 2467 Legends Way, Crestview Hills, Kentucky, stated that he was speaking in regard to the bank parcel. He indicated the entryway on the plan. He stated that cars would come in a second entryway, even if it is marked "exit only" and would conflict with cars going the proper way on the driveway -- one access point works better for the bank site. They do not anticipate any stacking

problems because of the circulation around the building. He stated that they began in 1992 in Crestview Hills and built their first five offices in Kenton County, and then last April they came to Hebron at the entrance to Southpark. They have also purchased some property in Richwood. He showed a rendering of their building which is Colonial style red brick with white columns and commented that all their buildings look the same. He stated that this would be about a 2400 square foot facility with four drive-thru lanes.

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This completed the applicant's presentation.

Mr. Chaney asked if there was anyone else present who wished to speak in favor of the request.

Mr. James Morgan, 8678 Gunpowder Road, whose property adjoins the Wentz property at the rear, stated that he is in favor of the project. He bought his house in 1970 and still has no water. He uses cistern water, which he cannot drink. They thought they would get water and sewer when Mr. Erpenbeck put the subdivision in and ran pipe across the street in front of his house. He is concerned about people fishing in his pond and wants to work out something with a fence.

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

Mr. Ron Haarman, 8522 U.S. 42 (the single-family house next to the bank site), stated that when Auto Zone was built next door to him they raised the grade up eight feet and built an eight-foot high retaining wall – and now his basement floods when it rains. He has fought with the city, the state, and the county about this. All the garbage from Auto Zone ends up in his swimming pool. He does not want the same things to happen with the bank. He asked if there will be an eight-foot retaining wall and will his property be deeper in the hole? He thought he would get water and sewer when Auto Zone was built. He is not going to stand for the bank putting him further down in a hole and their garbage going in his swimming pool. He reviewed the topography in the area and how Auto Zone raised their site up eight feet. He stated that he almost gets hit coming out of his driveway now.

Mr. Hoh stated that their preliminary grading plan indicates that the bank will set a few feet lower than Mr. Haarman's house and the retaining wall proposed along the edge of the driveway may be as high as the back of the chairs. They will be taking dirt off the site and exposing the Haarman property. The retaining wall will be decorative with some green built into it. He stated that their parking lot will be a few feet below the Haarman house.

Mr. Haarman asked if he will be able to hook up to the city sewer. Mr. Chaney asked that Mr. Haarman continue that discussion with the applicant outside the meeting. Mr. Hoh stated that the sanitary sewer is in the back and will exit their property in the location shown. He stated that he would think the Haarman house has the potential for gravity sewer out the back if the owner of the utility and adjacent property would agree.

Mr. Chaney asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries stated that from Gunpowder heading east on U.S. 42 there is a very dangerous zone that goes up to 45 – 50 MPH and when the Planning Commission originally talked about this piece of property, there was concern about the access on U.S. 42. He stated that the access on the north and south side can be resolved by a light. His concern is in regard to the lower access on U.S. 42, which is very close to the point where vehicles are accelerating. When the Planning Commission originally talked about this property, there was discussion about access onto Gunpowder versus the second access road. He stated that there will be no light there. It is dangerous enough at the other area where a light is mandatory, but the second access closer to Gunpowder on U.S. 42 will be a real

problem. He would prefer the access being off Gunpowder as discussed at the time of the Firststar Bank use.

Mr. McMillian stated that the access management road along U.S. 42 would be a great idea. Mr. Wentz responded that it was put in at the request of Staff so that other property owners can access the street system from further east (Russ Rankin property, Crouch property, etc.) and allow any development to access the light. He stated that the parallel road would be 200 – 300 feet from U.S. 42. Mr. Viox explained that there was a Concept Plan for this area and Staff tried to get their street to line up with this one and the thought was to eventually have a road parallel to U.S. 42. He stated that when they talked to Forrest Rankin at KDOT, he did not have a problem with the access because the lights on either side reduce speed and provide gap opportunity to come in and out. He stated that KDOT bought their piece of property to protect the intersection.

Mrs. Wilson questioned the sign requirements being discussed at a later date. Mr. Morgan responded that the PD standards recommend a consistent theme and there is a need to discuss the height for the McDonald's sign as well as the monument signs, which can be done at Committee.

Mr. Wentz stated that the speed limit on U.S. 42 was an issue a year ago and he believes the Mayor wrote a letter to the Highway Department requesting that the speed limit along U.S. 42 be lowered in that area. He stated that Forrest Rankin indicated that it is still being reviewed and once this development is in place and the light is warranted, the speed limit would probably be lowered. The speed limit is currently 55 MPH and the idea is to lower it to the city speed limit of 35 MPH. Mr. Chaney stated that he believes it is currently 45 MPH.

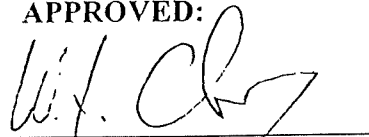
Mr. Schwenke stated that on the east side of the property in the PD zone, they do not have tenants at this time and the buildings will vary, but what they are projecting is within the PD requirements. Mr. Wentz agreed and stated they would have Staff review all architectural features, green space, etc. to make sure it is consistent with the regulations. Mr. Schwenke questioned the Staff Concern that each building have a theme. Mr. Wentz responded that that may not be possible, but in other areas of the county and city they have done that with franchise operations that have strong ideas about their architecture, but they have flexibility to deal with restrictions such as the amount of masonry. He stated that he may develop the strip center himself and it would be of uniform architecture and brick. Mr. Morgan stated that a good example is Union Village. Mr. Costello stated that the bank is setting the pace there and he hopes the property owners can get together and use the same style and materials, even though it is both sides of the road. He commented that Auto Zone actually proposed more colors than what is out there, but we toned them down. He stated that the Grammas Center was difficult to deal with and was put in Planned Development because the widening of U.S. 42 was underway and it was a sensitive corridor. He hopes all of the

entities will get together and work something out that will be of benefit to the community.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on March 7, 2001 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 21, 2001 at 7:30 P.M..

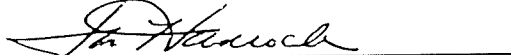
Mr. Chaney closed this Public Hearing at 9:05 P.M..

APPROVED:



W. Thomas Chaney
Vice Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Earl White, Committee Chairman

DATE: April 4, 2001

RE: Request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky. The request is to allow commercial uses.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

Wentz/Gunpowder Properties LLC

10 acre site

April 4, 2001

[Signature]

Bob Newman, Chairman

For Against
 Abstain Absent
 Deferred

[Signature]

Mark Hicks

For Against
 Abstain Absent
 Deferred

[Signature]

Susan Poston

For Against
 Abstain Absent
 Deferred

[Signature]

Earl White

For Against
 Abstain Absent
 Deferred

[Signature]

David Zimmer

For Against
 Abstain Absent
 Deferred

Judy Arnett (Alternate)*

For Against
 Abstain Absent
 Deferred

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED FOR AGAINST ABSTAIN
 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Earl White, Committee Chairman

DATE: March 7, 2001

RE: Request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky. The request is to allow commercial uses.

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.

Bob Newman
Bob Newman, ~~Chairman~~

For	___	Against	___
Abstain	___	Absent	<input checked="" type="checkbox"/>
Deferred	___		

Mark Hicks
Mark Hicks

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	___		

Susan Poston
Susan Poston

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	___		

Earl White
Earl White - Chairman

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	___		

David Zimmer

For	___	Against	___
Abstain	___	Absent	<input checked="" type="checkbox"/>
Deferred	___		

Judy Arnett (Alternate)*

For	___	Against	___
Abstain	___	Absent	<input checked="" type="checkbox"/>
Deferred	___		

Randy Barlow
Randy Barlow (Alternate)*

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	___		

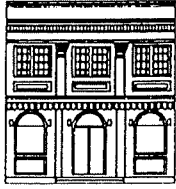
Don McMillian
Don McMillian (Alternate)*

For	<input checked="" type="checkbox"/>	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: ___ DEFERRED 5 FOR ___ AGAINST ___ ABSTAIN
3 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

April 16, 2001

Mr. Richard Wentz
600 Greenup Street
P.O. Box 472
Covington, KY 41012-0472

RE: The request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky. The request is to allow commercial uses.

Dear Mr. Wentz:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owner, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on April 17, 2001.

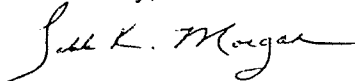
Conditions

1. All proposed buildings and signs must be approved through the Planning Commission's Design Review process to ensure that at least 60% of any building locating on such property shall be of a non-metal material such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
2. The "development identification sign" must be monument style. The sign will be limited to 25 feet in height and 200 square feet in size.
3. The individual outlots will be permitted to have their own monument signs. These signs will be limited to 12 feet in height and 60 square feet in size. The base and supports of these signs will be required to match the dominant construction material of each building.
4. The following Commercial Two (C-2) uses will be prohibited in the development:
 - a. Pawn shops,
 - b. Auto parts and accessory stores,
 - c. Auto repair and wash services for vehicles,

Mr. Richard Wentz
April 16, 2001
Page 2

- d. Mini-warehouse or storage facilities, and
 - e. Check-cashing services.
5. Any proposed gasoline filling station(s) will be required to submit for a Conditional Use Permit.
 6. The entire development will be limited to 3 franchise style (fast food) establishments and/or drive-thru facilities.
 7. The development will adhere to Florence Landscaping Regulations (Article 36 of the Boone County Zoning Regulations).
 8. Sidewalks will be required along U.S. 42.
 9. A photometric plan will be required at Site Plan Review. The photometric plan will need to show that all proposed lighting is arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street.
 10. All proposed intercom systems must be at a decibel level of 75 to 85 db at 1 meter.
 11. The landscaping buffer along the southern property boundary will need to be approved by the Technical Design Review Committee.
 12. All design standards within the Boone County Zoning Regulations and Boone County Subdivision Regulations must be met.


Sincerely,



Todd K. Morgan
Planner

TKM\pr

I, Richard Wentz, hereby agree to the listed conditions of approval for a Concept Development Plan for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky.



Mr. Richard Wentz

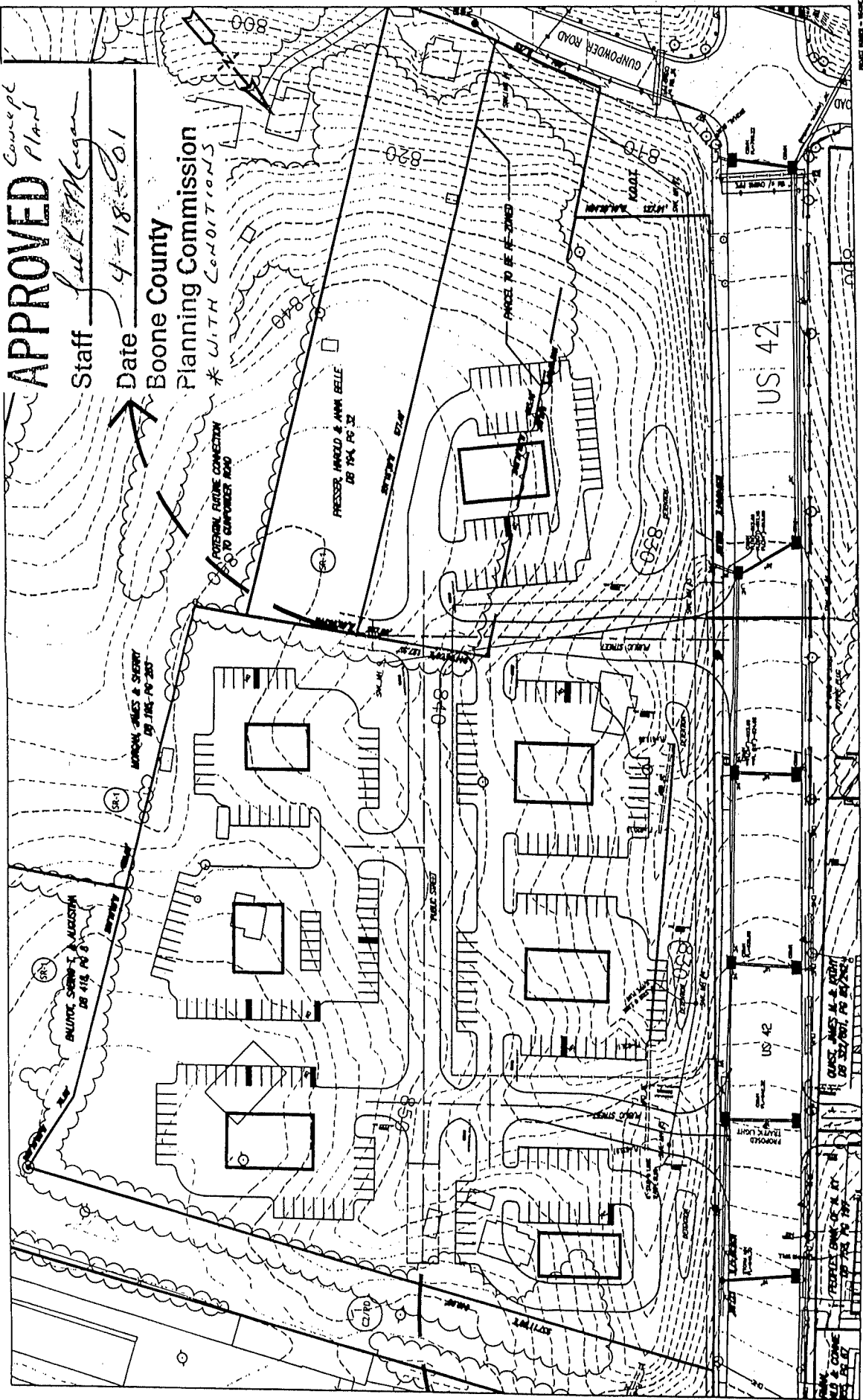
4/17/01

Date

DATE	1-11-01
SCALE	1" = 100'
PROJECT	WENTZ PROPERTY
DESIGNED BY	VIOX & VIOX INC.
CHECKED BY	VIOX & VIOX INC.
APPROVED BY	VIOX & VIOX INC.

APPROVED *Concept Plan*
Staff *Lee L. Morgan*
Date *4-18-01*

Boone County
Planning Commission
* WITH CONDITIONS



SCALE 1" = 100'

DATE 1-11-01

PROJECT WENTZ PROPERTY

DESIGNED BY VIOX & VIOX INC.

CHECKED BY VIOX & VIOX INC.

APPROVED BY VIOX & VIOX INC.

DATE 4-18-01

STAFF LEE L. MORGAN

BOONE COUNTY PLANNING COMMISSION

* WITH CONDITIONS

CONCEPT DEVELOPMENT PLAN

WENTZ PROPERTY

FLORENCE, BOONE CO., KENTUCKY

VIOX & VIOX INC.

CONSULTING ENGINEERS & ARCHITECTS

1415 BENTLEY ROAD

EVANSVILLE, INDIANA 47711-1914

PHONE (812) 425-1111

FAX (812) 425-1112

LEGAL DESCRIPTION

WENTZ PROJECT

1. Lots 19 through 29 Midway Place Subdivision; and
2. Lots 17 & 18 Sugar Tit Subdivision

(Lots 17 & 18 of Sugar Tit Subdivision are part of the project to be re-zoned.)

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-12

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF RICHARD WENTZ/GUNPOWDER PROPERTIES LLC (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE ON AN APPROXIMATE 10 ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE U.S. 42/GUNPOWDER ROAD INTERSECTION AND ALONG THE SOUTH SIDE OF U.S. 42, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-01-011-A.

WHEREAS, the Boone County Planning Commission received a request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site generally located at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for unincorporated Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Concept Development Plan in a Commercial Two / Planned Development (C-2/PD) zone for an approximate 10 acre site generally located at the southeast corner of the U.S. 42 / Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky.

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

SECTION I

That the request for a Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site generally located at the southeast corner of the U.S. 42/Gunpowder Road intersection and along the south side of U.S. 42, Boone County, Kentucky. The real estate which is the subject of this request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOKS 310, 328, 425, 608 and 736, PAGE NOS. 238, 259, 99, 295 and 193, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-12

SECTION II

That as a basis for the approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone on an approximate 10 acre site, 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".

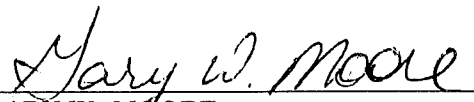
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B".

SECTION III

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


Introduced and given First Reading on the 5th day of June, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26th day of June, 2001, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

7-5-01

DATE PUBLISHED