

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
NOV - 2 2001
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 U.S. 42 & Dream Street Frisch's Restaurant & Office Building
- 3. Location of Project 7908 Dream Street, Florence, KY
- 4. Total Acreage of Site 1.72
- 5. Current Zoning G-3 / PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
- 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) Parkway Corridor
- 8. Proposed Uses (please specify each use) Restaurant with drive-thru and an office building.
- 9. Proposed Building Intensities (please specify) Restaurant - 5,200 S.F.
Office Building - 3,500 S.F.
- 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) Frisch's Restaurants, Inc. c/o David Rowe
Phone Number (513) 559-5142 Fax No. (513) 559-5144
- 13. Address of Applicant(s) 2800 Gilbert Avenue
Cincinnati Ohio 45206
City State Zip
- 14. Name of Property Owner(s) Robinson & Robinson, Inc.
Phone Number _____ Fax No. _____
Address of Property Owner(s) 11310 Longden Way, Union, KY 41091
City State Zip
- 15. _____
- 16. Are there any existing buildings on the site? Yes
How many? One (10,000 S.F. +/-) Jalapeno's Restaurant
- 17. Deed Book 365 Page No. 48 Group No. 1542 2 of 1 A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Frisch's Restaurants, Inc. c/o David Rowe (applicant) for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with a drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

December 5, 2001

REQUEST

This request is for a Concept Development Plan to allow the construction of a restaurant with a drive-through window and the construction of an office building. The site is located on the northwest corner of the US 42/Dream Street intersection and contains the existing Jalapeno's building. The proposal involves the demolition of the existing building and redevelopment of the site.

The first building is a 5,200 square foot restaurant (142 seats) which is proposed in the southern part of the site facing Dream Street. A somewhat "retro" diner styled structure is proposed which has an angled canopy (with an exterior column constructed of three angled steel members on a masonry base), a glass and metal curtain wall around the main entry, and a checkerboard pattern parapet overhead. The remaining portions of the building that are shown on the rendering provided consist of masonry knee walls with EIFS for the remaining portions of the walls, and awnings over the windows. The second building is a 3,500 square foot office building which is proposed in the northern part of the site facing US 42 and adjoining the Discount Tobacco site. No details regarding the design of this building have been provided to date.

The curb cut is proposed to be provided in the southwest corner of the site on Dream Street, in the approximate location as the existing curb cut. Landscape areas have been shown around the perimeter of the site (the 10' wide Buffer Yard A with the specified plantings have been shown along the north, south, and west property lines; trees only have been shown along part of the US 42 frontage and a 5' wide grass area has been shown where the proposed parking by the restaurant building adjoins the US 42 right-of-way). Landscape islands and peninsulas have been proposed within the parking field, included a large landscape island in the approximate center of the site which would partially separate the two uses on the lot. Raised sidewalks have been shown where parking spaces immediately adjoin the buildings, and a sidewalk link has been shown to Dream Street from the restaurant building. A loading area is proposed along the north side of the restaurant building (side opposite of Dream Street), and the drive-through window is proposed along the west side of the building (facing the adjoining Wendy's site). Other than a building mounted sign which extends above the roof line and a "Big Boy" statuette, both shown on the architectural rendering, details have not been provided regarding signage, although both the existing freestanding sign and a proposed freestanding sign are shown on the plan.

SITE HISTORY

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

ADJACENT LAND USES AND ZONING

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

- A. A restaurant (Bob Evans) is located to the south across Dream Street (C-3/PD) and a convenience store with gas sales (BP) is located to the south across the US 42/Dream Street intersection (C-3).
- B. A restaurant (Dunkin Donuts) and a hotel (Ramada Inn) are located to the east across US 42 (C-3).
- C. A wooded area is located to the north of the site (C-3/PD and O-2/PD)) and a tobacco store, fast food restaurant, and a multi-tenant retail building are located to the north/northeast along the west side of US 42 (C-3/PD).
- D. A number of commercial establishments, mostly fast food restaurants with some retail businesses, are located to the west along both sides of Dream Street (C-3/PD).

SITE CHARACTERISTICS

The site contains 1.72 acres and has approximately 350 feet of frontage on US 42 and approximately 200 feet of frontage on Dream Street. There is an existing building which is located along the rear (west) property line, and the site itself is almost entirely paved - for the portion of the US 42 frontage that adjoins the existing building, the paving extends between 17 and 20 feet into the right-of-way. There is an existing pylon sign located at the US 42/Dream Street intersection which is 35 feet high and has 53.6 square feet of area. The developed area of the site is basically flat, but the elevation difference between US 42 and the parking lot is approximately 14 feet, and the elevation difference between the parking lot and the adjoining tobacco store to the north along US 42 is approximately 20 feet. Public water and sewer are available to the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("Florence Central" area, pg. 162).

- A. The City of Florence developed from an aggregate of residential subdivisions, and is the population center of Boone County. The city is experiencing considerable residential growth due primarily to annexation. Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city. This is evidenced by continuing annexation of developable property.
- B. . . . a study for the Dream Street area should be prepared.
- C. Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor(s?) of the City.
- D. In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two.

The Land Use Element provides the following general statements which relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact ("Buffering," pg. 159).

- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

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 uses ("Landscaping," pg. 159).

- C. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided ("Stormwater Management and Erosion Control," 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 travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- E. Developments in Boone County should give consideration to the overall design of the area. 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 ("Designs, Signs, and Historic Preservation," pg. 160).

The Business Activity Element states "since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity" and "many problems with the location and arrangement of commercial uses have emerged , especially along the KY 18 and US 42 corridors" ("Areas of Future Commercial Activity," pg. 70).

The site is within the "Florence, US 25 Corridor" area described in the Geographic Housing Issues section of the Housing Element (pg. 88), however, the site and immediate area are not discussed in this section.

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting the development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).

- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- L. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial [Retail and Office] Objective 1).
- M. 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 . . . ("Business Activity," Commercial [Retail and Office] Objective 2).
- N. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office] Objective 2).
- O. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

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

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

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

The Parkway west parcels begin with the Dream Street area. Most of Dream Street is already developed. Still, some relatively large parcels remain undeveloped. In addition, the Parkway connector to Dream Street will allow for development on new parcels of land nearby which are zoned consistent with the existing character of the area and also provide for better access to and from the business establishments and many restaurants in the area. Nonetheless, traffic flow problems are likely to remain given the particular characteristics of the land use pattern along Dream Street and the likelihood that development will continue along the street beyond its "loop."

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city" and that "a study for the Dream Street area should be prepared." The Future Land Use Map designates the site and overall area in question as "Commercial."
2. Staff offers the following comments regarding the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
 1. Mixed Use Development and Pedestrian Orientation: Relative to the size of the lot and land use characteristics of the area, it can reasonably be argued that the proposal is a mixed use project as it includes both a restaurant and unrelated office building (keeping in mind that the underlying C-3 zone does not currently permit general office uses, but that they can be approved in the PD zone pursuant to Section 1511 "Permitted Uses"). The Concept Development Plan does include a sidewalk connection to Dream Street along the driveway apron. The "Dream Street Streetscape Improvement Study" which was recently prepared by a consultant on

behalf of the City recommends that a 5 foot wide curbwalk be constructed along the street, including the frontage adjoining this lot (note - the Study has not been adopted as zoning requirements). As Section 3208 "Provision for Pedestrian Network" of the Zoning Regulations requires the construction of sidewalks in the right-of-way adjoining a development site when they do not exist, the developer is responsible for the construction of walks along both Dream Street and US 42. So that the sidewalks are built as part of the upcoming street reconstruction, financial participation (such as a bond) should be considered for the Dream Street sidewalk as has been done recently for another project. Because the City plans to construct sidewalks along this section of US 42 but no specific design has been opted as of this time, proportionate financial participation in the US 42 walk should be considered as well (note that the US 42 project could include additional aspects such as storm water improvements that the applicant is not responsible for under Section 3208).

2. Compatibility of Uses: When considering that there are a number of restaurants in the area and the adjoining lots already house similar commercial uses, Staff has not identified any extraordinary measures that need to be taken to assure compatibility with other uses in the area. This statement is especially relevant in light of the fact that the proposed restaurant is approximately 4,000 square feet smaller than the existing restaurant (which is approximately 9,300 square feet according to GIS data), that the proposal also involves a small scale office user, and that the existing development of marginal quality will be replaced with a project that will conform to the community's current standards. However, it needs to be noted that the street frontage landscaping requirements have not been completely fulfilled along the US 42 frontage, and that some trees will need to be added in the "VUA" (vehicular use area) in order for those requirements to be completely fulfilled.

3. Open Space: This standard states that "useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided." With the exception of nominal areas adjoining the proposed office building and the large island within the parking field between the two buildings, no such additional areas have been provided and those mentioned can not reasonably be construed as "useable." The opening paragraph of Section 1514 states that the criteria shall be fulfilled "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal." As such, the governing bodies will need to determine the applicability of this requirement to the proposal at hand.

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

5. Preservation of Existing Site Features: Other than possibly the grades which exist along the north property line and the US 42 frontage, there are no existing site features of the nature outlined in this standard which should be preserved.

6. Landscaping: Conceptual landscaping has been shown on the Concept Development Plan, although, as discussed above, some of the landscape requirements have not been completely fulfilled. First, a portion of the street frontage landscape area along US 42 is proposed to be 5 feet wide (10' minimum required, this is the same area where the existing pavement substantially encroaches into the right-of-way), and the proposed plantings are limited to only small trees across a portion of the frontage (a combination of small trees, large or medium deciduous and/or evergreen trees, and shrubs are required). Due to the severity of the grade along US 42, the expansive width of the right-of-way, and the fact that an existing guardrail substantially blocks the view of the front part of the parking lot from US 42, Staff is not opposed to foregoing the required shrubs in this part of the site (except for perhaps in the large peninsula which is along the right-of-way and between the two buildings - a cluster of trees in this peninsula would probably have more visual impact), although a proportionate increase in large trees should be provided across the entire frontage. It is Staff's conclusion that more, and larger, trees will have a more substantive effect on the US 42 frontage of the site than the required shrubs due to the factors noted above.

The small trees proposed along US 42 are shown within the right-of-way itself (assumes approval will be obtained from the Kentucky Transportation Cabinet). Staff agrees that at least a portion of the trees should be planted within the right-of-way if possible, as this will increase the effect of the trees from US 42 and will also help to mitigate the expansive width of the right-of-way and the fact that only a 5 foot landscape area has been proposed along part of this frontage. Relative to the "VUA" requirements mentioned previously, a few additional large canopy trees will need to be added in some of the "corner" areas of the parking lot. For informational purposes, the Dream Street Study does include street trees and other planned streetscape features which adjoin this lot.

7. Architecture: Acknowledging the rather "mixed" character of the various buildings in the area and keeping in mind that there are already several theme restaurants in the immediate vicinity, Staff is not opposed to the retro/diner scheme proposed for the restaurant building. However, Staff is concerned with the use of EIFS for the body of the building as it often has a flimsy and/or monotonous appearance. In lieu of the proposed EIFS for large parts of the exterior walls, Staff suggests that a material which has a more substantial character, yet relates to the diner motif, be

opted (such as glazed brick, ceramic coated panels, etc.). Additionally, consistent materials and design detailing should be used on all sides of the building to prevent the appearance of a "back" or "utility" side(s) of the building, and steps should be taken to make sure that the roof top equipment is screened from Dream Street and US 42 - this is especially important when considering the grade difference from US 42. For informational purposes, the "checkerboard" design on the parapet is considered signage by the Zoning Regulations.

Because no design concept was provided for the office building, any approval of this application should include a condition which requires design review for said structure. In addition to addressing the basic issues mentioned for the restaurant building (high quality, "sturdy" materials, consistent materials and detailing on all sides, and screening any rooftop equipment), the basic design of the building should be compatible with the restaurant, although it should not necessarily duplicate it. Also, the dumpster enclosure(s), signage, and site furniture should architecturally correlate to the buildings.

8. Historic and Prehistoric Features: Staff is unaware of any historic or prehistoric features either on or near the subject property.

9. Signage: Several signs have been proposed. These include the "Big Boy" logo building mounted sign, a "Big Boy" statuette which would be placed near the restaurant building entrance (is considered a freestanding sign), the checkerboard parapet walls mentioned above, and a new freestanding sign which is labeled on the Concept Development Plan by the curb cut (no details regarding design, size, or height provided to date). The building mounted sign is proposed to extend above the parapet line, contrary to the requirements of Section 3402, #3. There is also a nonconforming pylon style, 35 foot high freestanding sign on the site. This criterion in Section 1514 states that "freestanding signs shall be monument style and of a limited size and height" and the Dream Street Study recommends "ground mounted/freestanding signage that does not exceed 10 feet in height" and 60 square feet.

In discussions with Staff, the applicant has expressed a willingness to remove the nonconforming freestanding sign. In consideration for the removal of the nonconforming high-rise sign, Staff suggests that the governing bodies consider permitting the requested signage (building mounted logo, checkerboard parapet, and statuette) in addition to one monument style sign that served both buildings (provided the governing bodies determine that the checkerboard parapet meets the Architecture standard above). This monument sign should architecturally correlate

to the buildings and meet the size and height recommendations outlined in the Dream Street Study. It is Staff's view that the existing pylon sign is more visually disruptive due to its size, height, and design than the proposed signage package, which although does not meet all aspects of the sign regulations, is at least designed as an integral system which correlates to the architecture of the restaurant. The governing bodies will also need to consider building mounted signage for the office building.

10. Transportation Connections and Entry Points: Staff has only one basic comment relative to entry points, although it is not directly related to the wording of this standard per the Zoning Regulations. Under a section entitled "Access Management Considerations," the Dream Street Study states "in general, to reduce conflict points as redevelopment occurs, sites should be designed to allow for a single driveway and or shared driveway. New access drives should align with existing access points on the opposite side of the street." The Comprehensive Plan also raises access management concerns. To this end, Staff requests the applicant to contact the owner of the adjoining Wendy's restaurant to investigate the possibility of combining the two adjoining curb cuts into one shared curb cut and report back to the Zone Change Committee on this issue. The governing bodies need to understand that even if the adjoining owner is agreeable to this scheme, the combining of these curb cuts may not be possible or advantageous due to geometric or other technical issues.

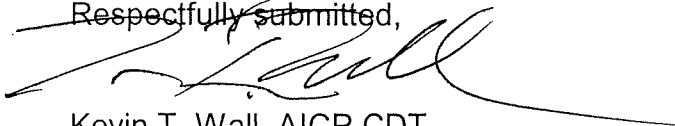
11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

3. There is a 6 foot private storm pipe that runs through the site. For the applicant's information, Bob Hall of the Florence Water and Sewer Commission recommends that the applicant's engineer inspect and evaluate this pipe before construction plans are prepared.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,

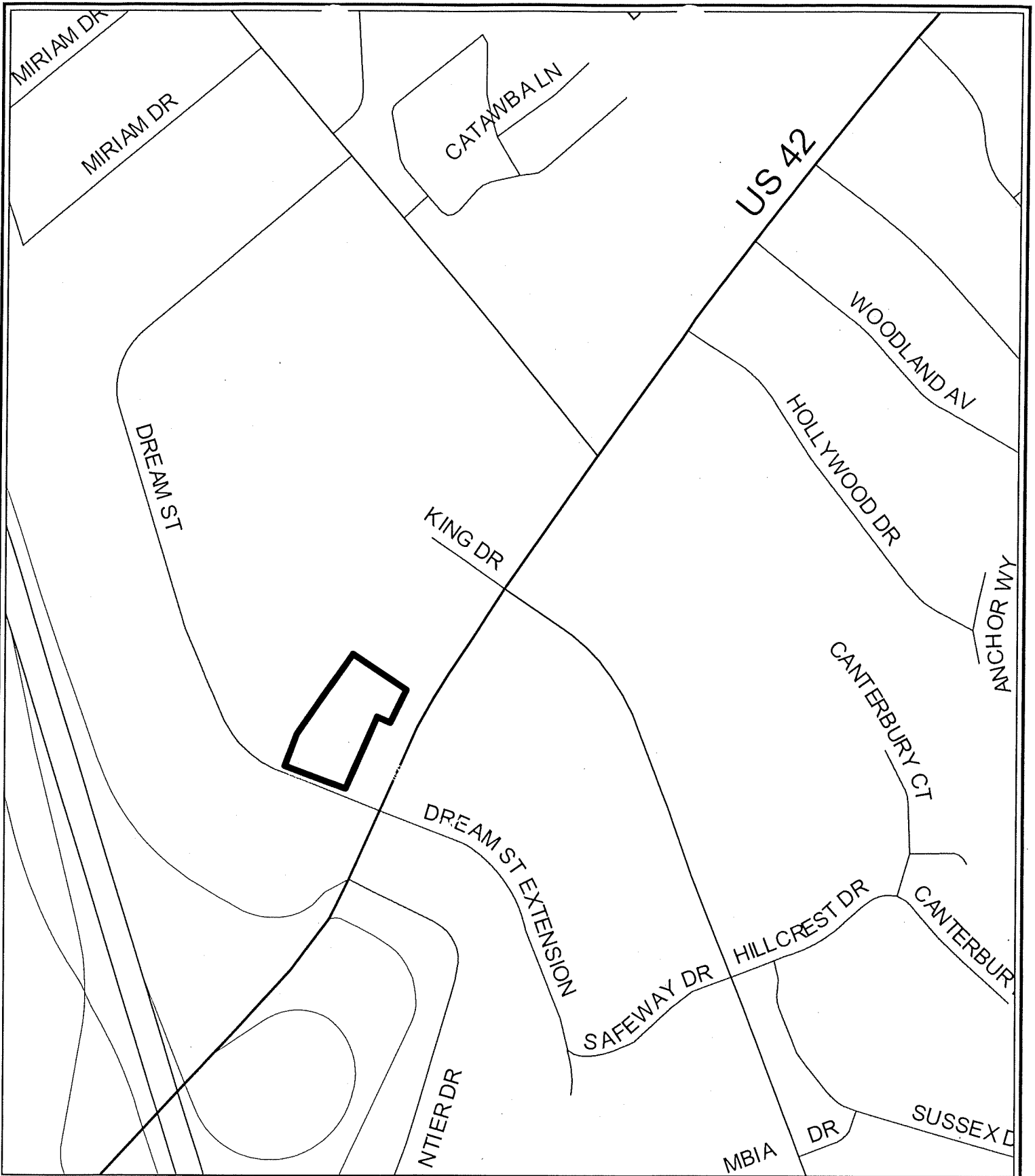


Kevin T. Wall, AICP CDT
Director, Zoning Services

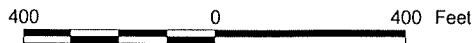
KTW/pr

Attachments:

- location map
- aerial photo w/zoning information
- topographic map
- Future Land Use Map excerpt
- application materials including Concept Development Plan

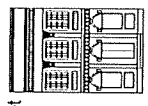
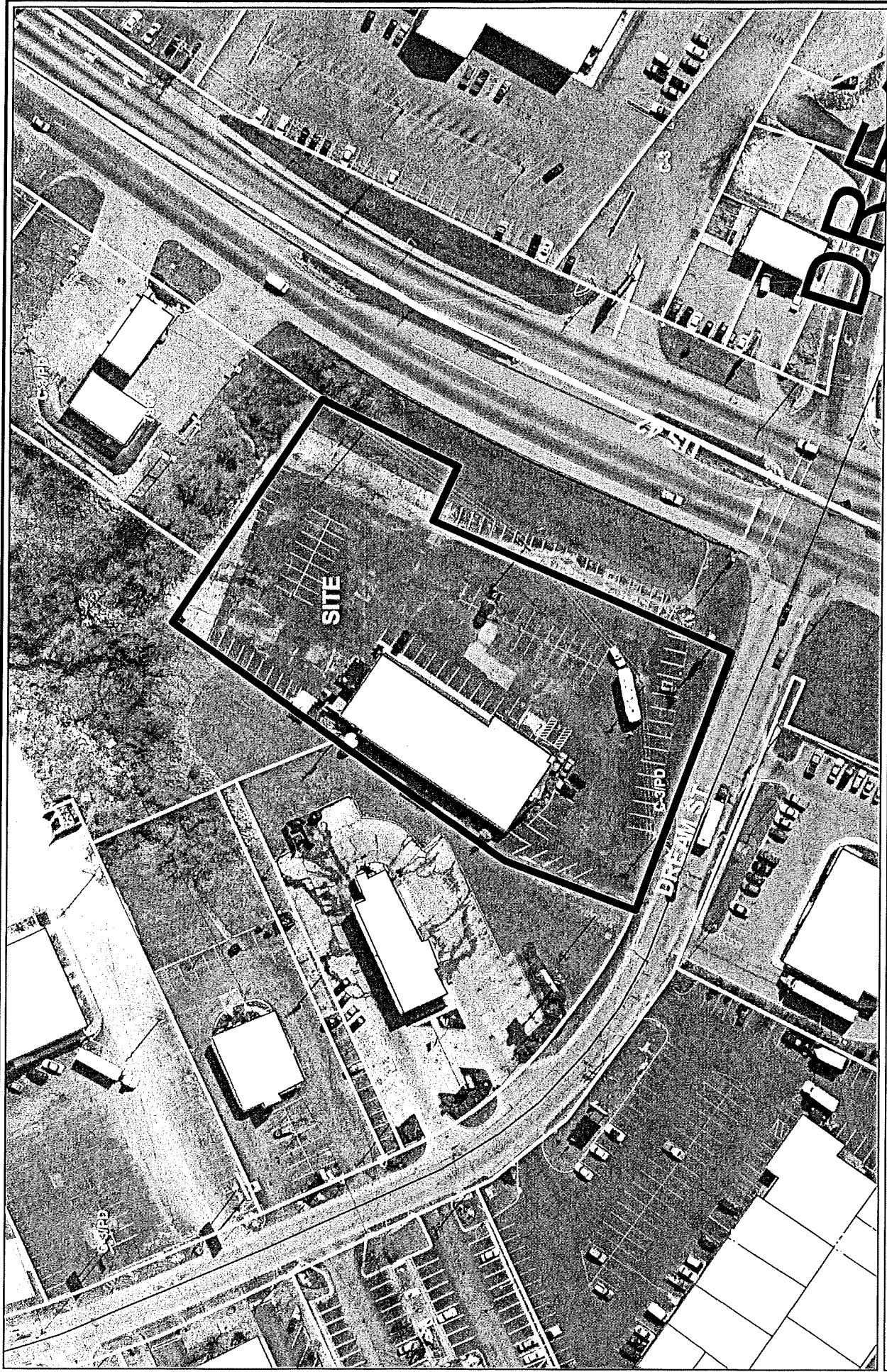


Location



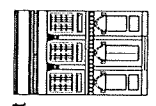
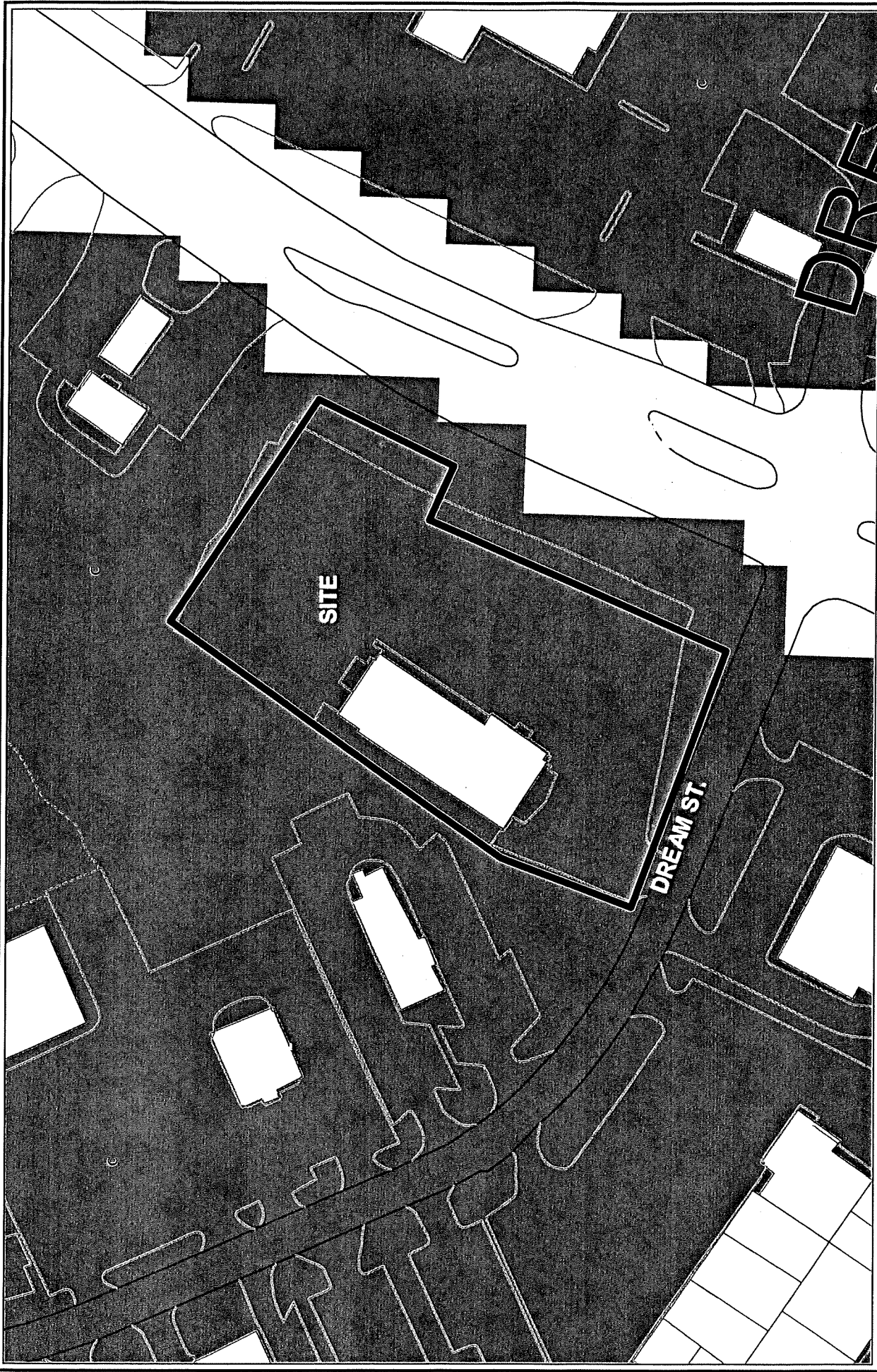
1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 9, 2001





1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 9, 2001

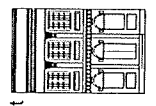
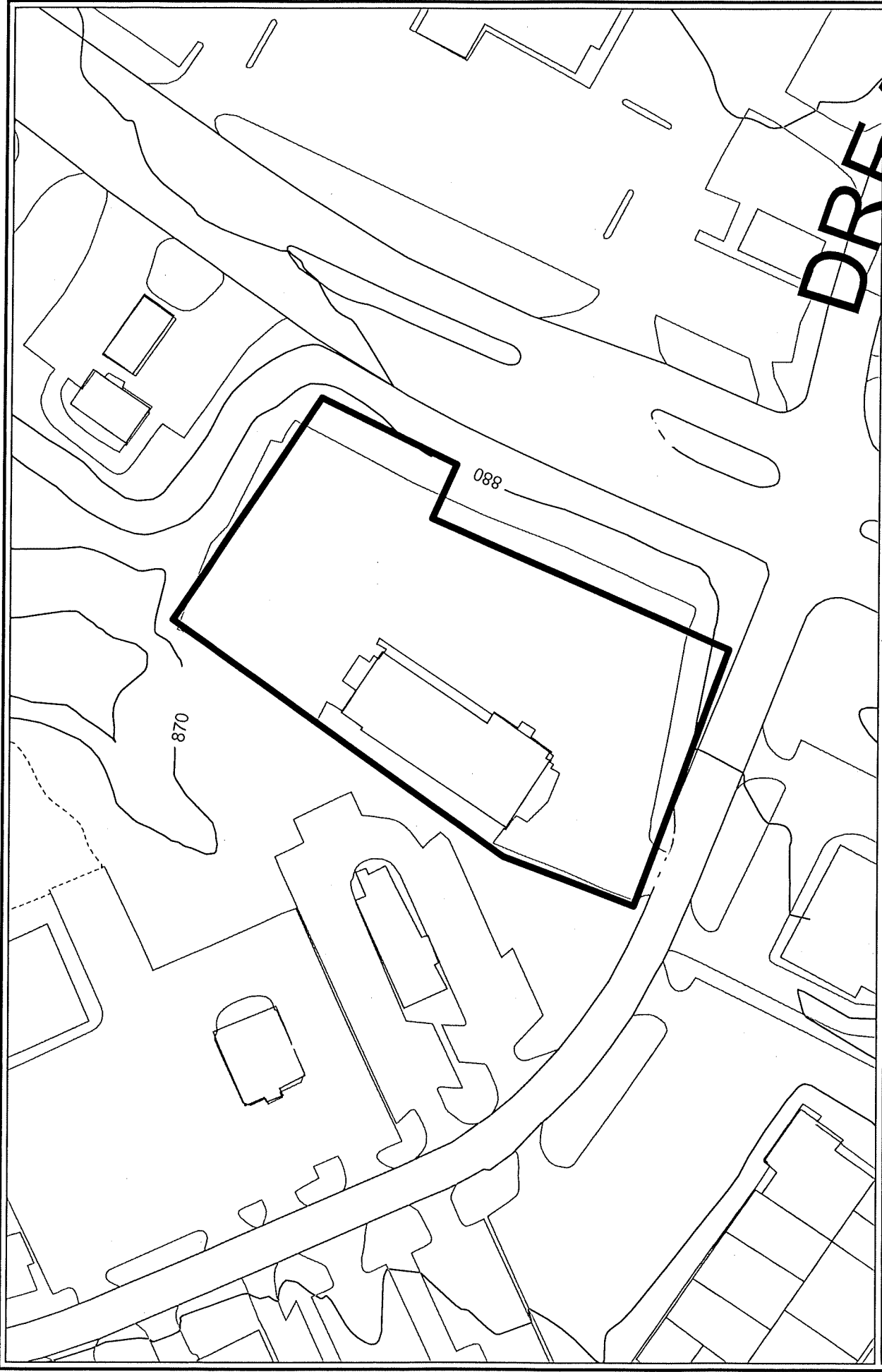
Zoning



100 Feet
0

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 12, 2001

Future Land Use



1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 9, 2001

Topography

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
NOV - 2 2001
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)

- Name of Project U.S. 42 & Dream Street Frisch's Restaurant & Office Building
Location of Project 7908 Dream Street, Florence, KY
Total Acreage of Site 1.72
Current Zoning C-3 / FD
Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
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) Parkway Corridor
Proposed Uses (please specify each use) Restaurant with drive-thru and an office building.
Proposed Building Intensities (please specify) Restaurant - 5,200 S.F. Office Building - 3,500 S.F.
Have you submitted a Concept Development Plan? Yes
Are you also applying for: Conditional Use Permit Dimensional Variance
Name of Applicant(s) Frisch's Restaurants, Inc. c/o David Rowe
Phone Number (513) 559-5142 Fax No. (513) 559-5144
Address of Applicant(s) 2800 Gilbert Avenue Cincinnati Ohio 45206
City State Zip
Name of Property Owner(s) Robinson & Robinson, Inc.
Phone Number Fax No.
Address of Property Owner(s) 11310 Longden Way, Union, KY 41091
City State Zip
Are there any existing buildings on the site? Yes
How many? One (10,000 S.F. +/-) Jalapeno's Restaurant
Deed Book 365 Page No. 48 Group No. 1542
Have you had a pre-application meeting with BCPC Staff? Yes

(over)

Concept Development Plan
Page 2

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- N/A Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- N/A Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

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

Watson
Union

21. Applicant's Signature(s) _____

22. Property Owner's Signature(s) _____

[Handwritten signatures and dates: 10/22/01, 10/22]

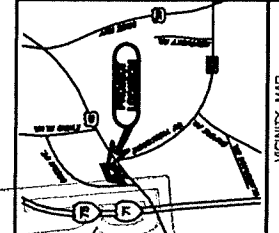
SECTION B (To be completed by BCPC Staff)

1. Date Received 11-2-01 Fee Received 1164.00 #29567
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
5 No. of copies of plan received **
 Is application complete? YES NO
3. Staff Reviewer KEVIN WELLS
4. Committee Chairperson BOB NEWMAN
5. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 Approved
 Approved With Conditions
 Denied
 Other: _____
8. Other: _____

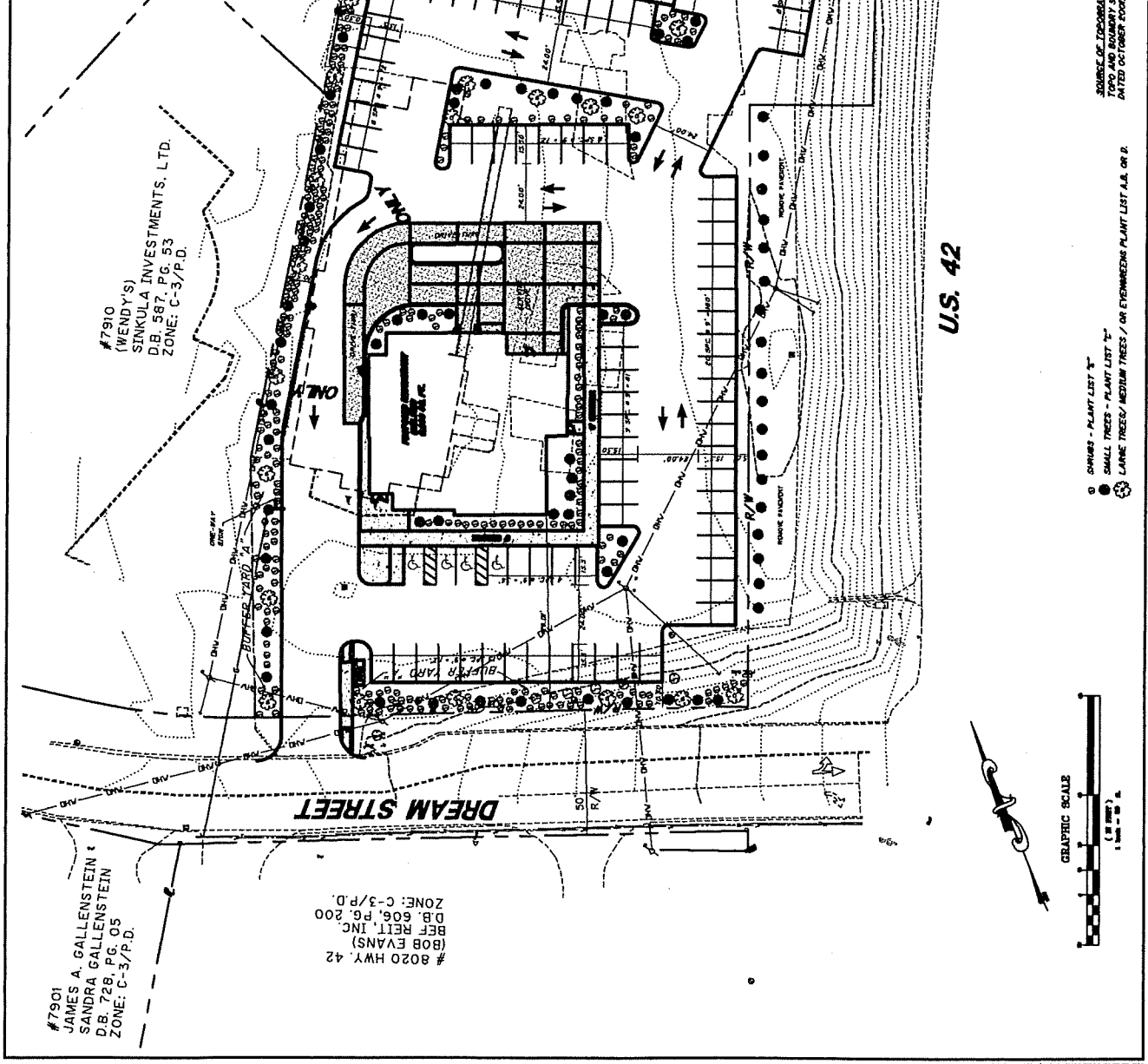
** Five (5) Copies Required

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.
BCPC:11/2000



RECEIVED
 NOV 27 2001
 BOONE COUNTY
 PLANNING COMMISSION



#7901
 JAMES A. GALLENSTEIN &
 SANDRA GALLENSTEIN
 D.B. 728, P.G. 05
 ZONE: C-3/P.D.

#8020 HWY. 42
 (BOB EVANS)
 BEF REIT, INC.
 D.B. 606, P.G. 200
 ZONE: C-3/P.D.

#7910
 (WENDY'S)
 SINKULA INVESTMENTS, LTD.
 D.B. 587, P.G. 53
 ZONE: C-3/P.D.

GEORGE M. WINTSON
 D.B. 335, P.G. 282

D.B. 305, P.G. 283
 (RICHARD THOMAS)
 (7969)
 ZONE: C-3/P.D.

TABLE OF STATISTICS

STANDARD	C-3 / P.D.
LOT SIZE	172 ACRES
MIN. LOT SIZE	18,000 SQ. FT.
MIN. FRONT YARD SETBACK	100 FEET
MIN. SIDE YARD SETBACK	50 FEET
MIN. REAR YARD SETBACK	50 FEET
MIN. SIDE YARD SETBACK	50 FEET

BUILDING SUMMARY	5,000 SQ. FT.
PROPOSED RESTAURANT	3,500 SQ. FT.
PROPOSED OFFICE BUILDING	1,500 SQ. FT.
TOTAL BUILDING AREA	5,000 SQ. FT.

PARKING SUMMARY	14 SPACES
OFFICE BLDG. / RESTAURANT	14 SPACES
OFFICE BLDG. / OFFICE BLDG.	14 SPACES
TOTAL PROVIDED	28 SPACES

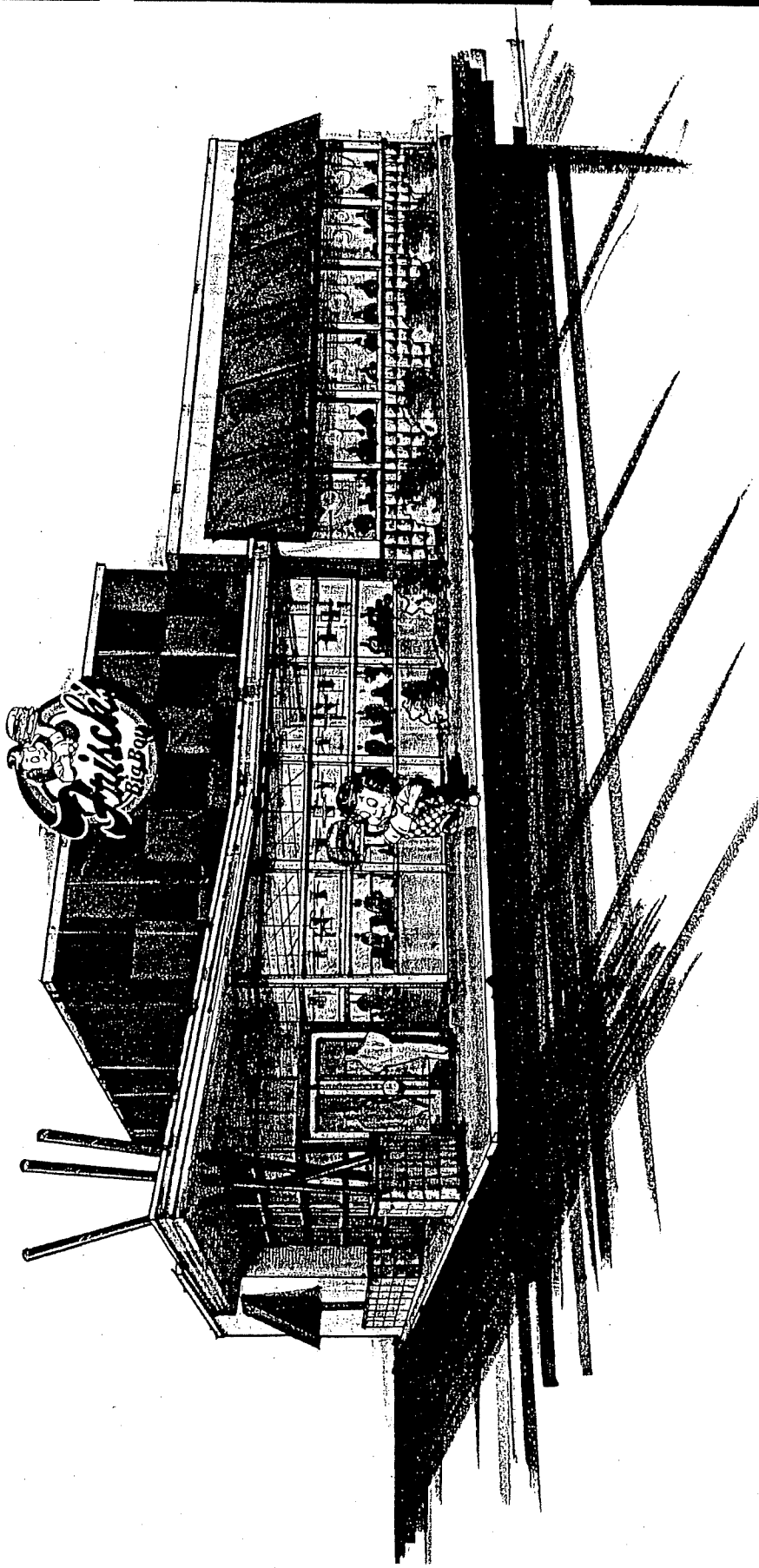
GRAPHIC SCALE
 1" = 100' ±

LEGEND

- SHUBS - PLANT LIST "A"
- SMALL TREES - PLANT LIST "B"
- ⊗ LANE TREES / MEDIUM TREES / OR EVERGREENS PLANT LIST A.B. OR D.

SOURCE OF INFORMATION: SHEET 1
 LOTS AND BOUNDARY SURVEY PERFORMED BY CINCINNATI LAND SURVEY
 DATED OCTOBER 2000.

EXHIB
 100890
 814



F R I C H

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mrs. Kegley, Mr. Knock, 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. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Chaney introduced the second item on the Agenda:

2. **Applicant:** **Frisch's Restaurants, Inc. c/o David Rowe for
Robinson & Robinson, Inc. (owner)**

Request: **Concept Development Plan**

The request of Frisch's Restaurants, Inc. c/o David Rowe for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

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

The Chairman asked for the applicant's presentation.

Mr. David Rowe, real estate agent for Frisch's at 2800 Gilbert Avenue, Cincinnati, OH, introduced Mr. Dan Boder, in-house site design; Mr. Mark Brueggemann, engineer for the project with CDS Associates; Mr. John Cody, landscape designer with McGill Smith Punshon; and Mr. John Hunter, Director of Store Development and Construction. Mr. Rowe stated that this is a very difficult site to develop and a number of utilities will have to be relocated. He passed around copies of their annual report, which includes a rendering of the proposed building. He stated that the design shown by Staff is one rendition. He stated that they are looking at the retro look. There is an article in the report that explains that they went through focus groups and surveys and this building is the result. Pictures of the interior are also included in the report, and it is different than the traditional Frisch's. Mr. Rowe stated that their existing facility is about a block

away from this site and their lease terminates in 36 months, so they are looking at relocation. He stated this site is extremely expensive and the reason for the office use is to help offset the costs. They do not have designs for the office, which will be determined when the project develops. He stated that Staff's comments were well done, but there are a few issues they would like to discuss in Committee, including signage. He stated that the site is about fourteen feet below the existing grade on U.S. 42 and signage will be critical.

Mr. Mark Brueggemann with CDS Associates, representing Frisch's as their civil engineer for the project, stated that there are several site issues that make the site difficult. He presented an exhibit of a survey they did for Frisch's to identify encumbrances that impact the project. He stated that the proposed Frisch's building and office building are highlighted in blue on the exhibit. He indicated the sanitary sewer that runs through the site and noted that a section of it will have to be relocated to allow construction of the office building. The 15" sewer will also have to be relocated. He stated that the buildings are pushed away from the 72" (six-foot diameter) pipe along the west property line. He stated that U.S. 42 sets up higher than the site, which makes visibility difficult and impacts the signage. He stated that the parking lot is in terrible disrepair. He stated that Frisch's proposes to redevelop the entire site and will provide on-site retention, which would not be required if the existing building were remodeled. He stated that the City of Florence has some problems with the 72" storm sewer and providing detention will help with that. They will provide the buffering, screening, and landscaping that would not be required if the building were remodeled. He stated that the existing parking lot goes out into the right-of-way of U.S. 42. He presented a photograph of the right-of-way and the parking lot and stated that they will construct new curb along the property line and will ask the Transportation Cabinet to remove the old pavement – which will clean up an existing eyesore.

Mr. John Cody, 311 Grant Street, Fort Thomas, a landscape architect with McGill Smith Punshon, stated that this site serves as a gateway to the City of Florence and as a gateway to the rest of the development. He stated that all of the planting on the periphery of the site will adhere to the Buffer Yard A requirements (three shade trees per one hundred feet, five ornamental trees, and thirty shrubs). He stated that they are trying to incorporate a variety of plant materials, particularly in high-impact areas. They will try to be as good a neighbor as possible and make the site attractive.

Mr. Rowe submitted the Landscape Plan and Signage Plan for discussion in Committee. He presented an exhibit of the proposed signage. He also submitted an exhibit of some of the articles that have been printed in regard to the building design, as well as interior and exterior photographs. He stated that they want to add the glass block tower. This concluded the applicant's presentation.

Mr. Chaney asked if there were any comments or questions from the Commissioners.

Mr. Knock commended the applicant for an outstanding presentation and for bringing something uniquely different to that area of the community. He referred to the Staff Report and the provision of sidewalks and questioned if sidewalks have been required of others. Mr. Wall responded "yes" and stated that it is normally done at Site Plan Review. He noted that this site is a little different because the city is planning to do the sidewalks as a different project and we want to make sure that the sidewalk construction is done with the street. The city will construct it, but the applicant is paying for it. The city is not sure what the design will be for the U.S 42 frontage, it may be a five-foot sidewalk or an eight-foot sidewalk and there might be storm drainage. The regulations require five-foot sidewalks and what occurs above and beyond that requirement is not the applicant's responsibility. He stated that an office building at the other end of Dream Street bonded their sidewalks.

Mr. Knock asked if it was a subjective conclusion on Staff's part that the checkerboard design is signage. Mr. Wall responded that it is his conclusion as Zoning Administrator. Mr. Knock asked for a definition of "flimsy and monotonous". Mr. Wall responded that dryvit materials normally do not appear to have real weight or substance, but they are not physically "flimsy" and can be used. Mr. Knock asked if it is a subjective statement in the Staff Report. Mr. Wall stated that it was.

Mr. Ries stated that he is concerned about meeting the sign requirements. He stated that a lot of restaurants have come to the Planning Commission and tried to get larger signs when they remodeled and he is concerned about setting a precedent. He feels that we need to keep close to the signage requirements. He stated that he is also concerned about a mixed use in a Planned Development Zone. He is reluctant to approve a mixed use when it is not known what the other use will be like – it could be a seven-story building. He stated that more information is needed on what the office building will look like and how big it will be.

Mr. Brueggemann stated that they do not know what the building will be like yet and are agreeable to coming back before Staff with a Plan Review of the design of the office building. Mr. Ries asked if there is any general information that they could bring to Committee to show what they think they want there. Mr. Brueggemann responded that it will be a 3,500 square foot building. Mr. Ries asked if it will be one story or two. Mr. Rowe responded that he could not answer that question at this time, but they recognize the concerns and will have to come back to the Planning Commission or Staff in that regard. Mr. Ries stated that the size of the building affects how much parking there has to be. Mr. Rowe stated that he believes they will meet that criteria, but will have to come back in regard to the appearance and design of the building.

Mrs. Wilson questioned the glass block feature of the building. Mr. Rowe responded that some of the renderings remove the glass block, but as of last week it was back on. He does not know if it will be on the building or not, but they will know by the time it gets to the Committee and to the Planning Commission. Mrs. Wilson asked if it would be considered signage. Mr. Rowe responded that it is a feature, but it is not signage. Mr. Wall stated that under most circumstances, he does not think he would call the glass block feature signage.

Mr. Hicks asked Mr. Ries if he would be more comfortable with size restraints in regard to the office building and requiring the applicant to come back through Technical/Design Review. Mr. Ries responded "yes".

Mr. Hicks asked if the applicant has labeled the plantings on the Landscape Plan. Mr. Wall stated that at this level, we are looking at types of plantings. Mr. Hicks stated that large trees would grow and block the view. He suggested crab apple trees and trees of that type. Mr. Wall stated that they can be strategic about the placement of some large trees. Mr. Hicks questioned what they plan to put along the frontage and stated that there are alternatives to just shrubs. Mr. Cody responded that the graphic shows the number of trees and "medium" or "large", but they have not determined exactly what they will be. This is a conceptual planting plan. He noted that the smaller trees are shown in purple. He agreed with Staff that putting a six-foot high shrub at the bottom of the hillside would serve very little purpose. He stated that they want to stay away from large shade trees on the U.S. 42 side, but they are not adverse to putting in ornamentals. They will work with Staff so that the trees do not block the view. Mr. Hicks stated that he does not want to see it done in just shrubs. Mr. Wall stated that there is some flexibility as they are in the PD zone, and a condition of approval needs to be specific.

Mr. McMillian questioned the office building. Mr. Rowe responded that the office building will be an independent user. Someone could build it as an investment and lease it out. Frisch's would not have anything to do with the office building. Mr. McMillian asked if Frisch's intends to build it and Mr. Rowe responded "no".

Mr. McMillian questioned which Frisch's building they are proposing. Mr. Rowe responded that they will tweak the design of the rendering in the annual report. Mr. Knock stated that the signage is flush on the annual report version but is extending on their proposal. Mr. Rowe responded that that is one of the changes they are working on. He stated that they have three or four different versions of the building. He stated that this is a brand new design. They built one in Batavia, Ohio – but it is changing and does not have the glass tower. There is also one in Nicholasville, Kentucky.

Mrs. Poston questioned the building materials. Mr. Rowe responded that the building is block on the bottom and dryvit at the top.

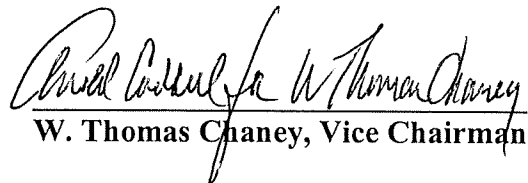
Mr. Barlow questioned the glass tower. He noted that it is to "serve as a beacon" and has a computer driven system that changes color. Mr. Rowe responded that there is a very soft light inside. It is transitional lighting and does not project light at all.

In response to a question from Mr. Hicks, Mr. Rowe stated that they plan to have their plan finalized by the Committee meeting.

Mr. Costello stated that over the last fifteen years there have been some problems in that parking lot and questioned if they have done any soil tests. Mr. Brueggemann responded that they are scheduled to do those tests before they close on the property. They are very concerned about the condition of the existing parking lot. The whole site is basically fill and they will do geotechnical work before the deal is finalized.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on December 19, 2001 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on January 2, 2002 at 7:30 PM. Mr. Chaney closed this Public Hearing.

APPROVED:


W. Thomas Chaney, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

3. Concept Development Plan

The request of Frisch's Restaurants, Inc. c/o David Rowe for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

Chairman Caddell stated that Heritage Bank is involved in some lending activity that affects this piece of property and it would be inappropriate for him to chair the meeting in regard to this request or to vote on it. He asked Mrs. Wilson to chair the meeting and left the meeting room at this time.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). He passed around two exhibits which are referenced in the conditions. The property owner has signed the letter agreeing to the conditions.

Mr. Zimmer moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mrs. Poston seconded the motion.

Mr. McMillian stated that at the Public Hearing there was discussion that this project is well below U.S. 42 and questioned how the applicant would put sidewalks on U.S. 42. He questioned the criteria used to determine that sidewalks are required on U.S. 42 to Dream Street. Mr. Wall responded that there are currently no sidewalks on this stretch of U.S. 42. There are sidewalks in front of Burger King and the Gap and between this site and the old gas station. He stated that the city is planning to do a project with an eight-foot sidewalk and storm sewer improvements. The applicant will financially participate at the level that would be required under normal circumstances for a five-foot sidewalk. Mr. McMillian stated that he does not want to require the applicant to do something that is not possible. Mr. Wall responded that it is hinged on the city doing something. Mr. McMillian stated that there is no wording in the condition that says that and questioned what the applicant would participate with the city in doing (see Condition #5). Mr. Wall responded that the condition says that the applicant will financially participate – it does not say that the applicant will financially bear all the costs. Whatever the five-foot sidewalk would cost is what they are required to do and that is what they need to pay. Mr. McMillian commented that the applicant would not have to put in all the fill. Mr. Wall responded “that is correct”.

Counselor Wilson advised that if the city and the applicant want to get into details and specifics as to the amount of contribution, that can be done when the request gets to the city. The Planning Commission does not have the right to obligate the city to any amount. Mr. Zimmer stated that a streetscape plan is being developed for Dream Street and the city cannot anticipate the final conclusion and how the

applicant would participate with them. The Committee did not feel that the applicant should be obligated to pay any more than what is required by the current Zoning Regulations. Mr. Costello suggested including wording that the applicant will financially participate in accordance with the City of Florence's requirements in construction of public improvements. Mr. Zimmer responded that the Committee said that by referring to Section 3208 of the Zoning Regulations.

There being no further discussion, Mrs. Wilson asked for a vote on the motion made by Mr. Zimmer. The vote found all nine voting members in favor. Chairman Caddell was not present and did not participate or vote. The motion carried.

Chairman Caddell returned to the meeting as this time and introduced the last item on the Agenda:

4. Special Sign District

The request of Burlington Retail Center/Bill Martin (applicant) for Burlington Retail Center, LLC (owner) to consider an application for a Zoning Map Amendment for a Special Sign District at 1700 Patrick Drive, Boone County, Kentucky. The request is for a Special Sign District to allow an additional freestanding sign in a Commercial Four/Planned Development (C-4/PD) zone (Shoppes of Burlington).

The Chairman stated that this item is recommended for deferral to the February 6, 2002 Business Meeting at 7:30 PM. The Committee Meeting will be on January 16, 2002 at 4 PM in the Fiscal Courtroom. Mr. Reynolds so moved. Mr. Zimmer seconded the motion and it carried unanimously.

NEW BUSINESS:

**Agenda Item
No.**

- 5 Zoning Map Amendment**
The request of Bill Toebben (applicant) for Toebben Ltd. (owner) to consider an application for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 28.6 acre site on the west side of Sam Neace Boulevard, approximately 800 feet north of the Sam Neace Boulevard/Mt. Zion Road intersection, Boone County, Kentucky.

Mr. Zimmer moved to schedule a Public Hearing for the above item on January 23, 2002 at 7 PM. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: January 2, 2002

RE: Request of Frisch's Restaurants, Inc. c/o David Rowe (applicant) for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with a drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Florence Central" area, pg. 162) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.

2. The Committee has concluded that the request reasonably agrees with the Parkway Corridor Study as it relates to this request. Specific references to the Study are outlined in the Staff Report for this request.
3. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall generally follow the landscape concept submitted by the applicant at the 12/19/01 Zone Change Committee meeting for this request, and follow the City of Florence landscaping requirements outlined in Article 36 of the Zoning Regulations, with the exception that the street frontage landscape area along US 42 may be reduced as shown on the Concept Development Plan and the normally required shrubs may be omitted along the US 42 frontage. Additionally, the street frontage landscaping along Dream Street shall correlate to the streetscape design opted by the City.
2. The office building shall be limited to two stories in height and 3,500 gross square feet in area. The design of the office building shall be subject to a Houston-Donaldson Study type design review at the site plan stage (recommendation by the Technical/Design Review Committee to the full Planning Commission upon submission of a formal Design Review application). The predominant materials of the office building shall not be vinyl, EIFS, metal, or other non-architectural grade materials.
3. The design of the restaurant building shall follow the architectural concept provided on the Frisch's annual report submitted by the applicant at the Public Hearing for this request, and shall be reviewed by staff through the site plan process. The restaurant building shall use consistent materials on all facades.

4. Permitted signage for the development shall include:
 - A. The 25 foot high, three pole style freestanding sign as shown on the exhibit submitted by the applicant at the 12/19/01 Zone Change Committee meeting for this request;
 - B. Appropriate directional signage;
 - C. The Big Boy statuette;
 - D. The checkerboard parapet proposed for the building;
 - E. One building mounted logo sign on the restaurant building; and,
 - F. Building mounted signage on the office building as permitted by Article 34 of the Zoning Regulations.

The existing pylon sign on the site shall be removed.

5. The applicant shall financially participate in the construction of public sidewalks along both Dream Street and US 42 in amounts which are commensurate with the costs of the sidewalks required by Section 3208 of the Zoning Regulations.

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 Committee Vote.

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Chaney - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mrs. Kegley, Mr. Knock, 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. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Chaney introduced the second item on the Agenda:

2. Applicant: Frisch's Restaurants, Inc. c/o David Rowe for Robinson & Robinson, Inc. (owner)

Request: Concept Development Plan

The request of Frisch's Restaurants, Inc. c/o David Rowe for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

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

The Chairman asked for the applicant's presentation.

Mr. David Rowe, real estate agent for Frisch's at 2800 Gilbert Avenue, Cincinnati, OH, introduced Mr. Dan Boder, in-house site design; Mr. Mark Brueggemann, engineer for the project with CDS Associates; Mr. John Cody, landscape designer with McGill Smith Punshon; and Mr. John Hunter, Director of Store Development and Construction. Mr. Rowe stated that this is a very difficult site to develop and a number of utilities will have to be relocated. He passed around copies of their annual report, which includes a rendering of the proposed building. He stated that the design shown by Staff is one rendition. He stated that they are looking at the retro look. There is an article in the report that explains that they went through focus groups and surveys and this building is the result. Pictures of the interior are also included in the report, and it is different than the traditional Frisch's. Mr. Rowe stated that their existing facility is about a block

away from this site and their lease terminates in 36 months, so they are looking at relocation. He stated this site is extremely expensive and the reason for the office use is to help offset the costs. They do not have designs for the office, which will be determined when the project develops. He stated that Staff's comments were well done, but there are a few issues they would like to discuss in Committee, including signage. He stated that the site is about fourteen feet below the existing grade on U.S. 42 and signage will be critical.

Mr. Mark Brueggemann with CDS Associates, representing Frisch's as their civil engineer for the project, stated that there are several site issues that make the site difficult. He presented an exhibit of a survey they did for Frisch's to identify encumbrances that impact the project. He stated that the proposed Frisch's building and office building are highlighted in blue on the exhibit. He indicated the sanitary sewer that runs through the site and noted that a section of it will have to be relocated to allow construction of the office building. The 15" sewer will also have to be relocated. He stated that the buildings are pushed away from the 72" (six-foot diameter) pipe along the west property line. He stated that U.S. 42 sets up higher than the site, which makes visibility difficult and impacts the signage. He stated that the parking lot is in terrible disrepair. He stated that Frisch's proposes to redevelop the entire site and will provide on-site retention, which would not be required if the existing building were remodeled. He stated that the City of Florence has some problems with the 72" storm sewer and providing detention will help with that. They will provide the buffering, screening, and landscaping that would not be required if the building were remodeled. He stated that the existing parking lot goes out into the right-of-way of U.S. 42. He presented a photograph of the right-of-way and the parking lot and stated that they will construct new curb along the property line and will ask the Transportation Cabinet to remove the old pavement – which will clean up an existing eyesore.

Mr. John Cody, 311 Grant Street, Fort Thomas, a landscape architect with McGill Smith Punshon, stated that this site serves as a gateway to the City of Florence and as a gateway to the rest of the development. He stated that all of the planting on the periphery of the site will adhere to the Buffer Yard A requirements (three shade trees per one hundred feet, five ornamental trees, and thirty shrubs). He stated that they are trying to incorporate a variety of plant materials, particularly in high-impact areas. They will try to be as good a neighbor as possible and make the site attractive.

Mr. Rowe submitted the Landscape Plan and Signage Plan for discussion in Committee. He presented an exhibit of the proposed signage. He also submitted an exhibit of some of the articles that have been printed in regard to the building design, as well as interior and exterior photographs. He stated that they want to add the glass block tower. This concluded the applicant's presentation.

Mr. Chaney asked if there were any comments or questions from the Commissioners.

Mr. Knock commended the applicant for an outstanding presentation and for bringing something uniquely different to that area of the community. He referred to the Staff Report and the provision of sidewalks and questioned if sidewalks have been required of others. Mr. Wall responded "yes" and stated that it is normally done at Site Plan Review. He noted that this site is a little different because the city is planning to do the sidewalks as a different project and we want to make sure that the sidewalk construction is done with the street. The city will construct it, but the applicant is paying for it. The city is not sure what the design will be for the U.S 42 frontage, it may be a five-foot sidewalk or an eight-foot sidewalk and there might be storm drainage. The regulations require five-foot sidewalks and what occurs above and beyond that requirement is not the applicant's responsibility. He stated that an office building at the other end of Dream Street bonded their sidewalks.

Mr. Knock asked if it was a subjective conclusion on Staff's part that the checkerboard design is signage. Mr. Wall responded that it is his conclusion as Zoning Administrator. Mr. Knock asked for a definition of "flimsy and monotonous". Mr. Wall responded that dryvit materials normally do not appear to have real weight or substance, but they are not physically "flimsy" and can be used. Mr. Knock asked if it is a subjective statement in the Staff Report. Mr. Wall stated that it was.

Mr. Ries stated that he is concerned about meeting the sign requirements. He stated that a lot of restaurants have come to the Planning Commission and tried to get larger signs when they remodeled and he is concerned about setting a precedent. He feels that we need to keep close to the signage requirements. He stated that he is also concerned about a mixed use in a Planned Development Zone. He is reluctant to approve a mixed use when it is not known what the other use will be like - it could be a seven-story building. He stated that more information is needed on what the office building will look like and how big it will be.

Mr. Brueggemann stated that they do not know what the building will be like yet and are agreeable to coming back before Staff with a Plan Review of the design of the office building. Mr. Ries asked if there is any general information that they could bring to Committee to show what they think they want there. Mr. Brueggemann responded that it will be a 3,500 square foot building. Mr. Ries asked if it will be one story or two. Mr. Rowe responded that he could not answer that question at this time, but they recognize the concerns and will have to come back to the Planning Commission or Staff in that regard. Mr. Ries stated that the size of the building affects how much parking there has to be. Mr. Rowe stated that he believes they will meet that criteria, but will have to come back in regard to the appearance and design of the building.

Mrs. Wilson questioned the glass block feature of the building. Mr. Rowe responded that some of the renderings remove the glass block, but as of last week it was back on. He does not know if it will be on the building or not, but they will know by the time it gets to the Committee and to the Planning Commission. Mrs. Wilson asked if it would be considered signage. Mr. Rowe responded that it is a feature, but it is not signage. Mr. Wall stated that under most circumstances, he does not think he would call the glass block feature signage.

Mr. Hicks asked Mr. Ries if he would be more comfortable with size restraints in regard to the office building and requiring the applicant to come back through Technical/Design Review. Mr. Ries responded "yes".

Mr. Hicks asked if the applicant has labeled the plantings on the Landscape Plan. Mr. Wall stated that at this level, we are looking at types of plantings. Mr. Hicks stated that large trees would grow and block the view. He suggested crab apple trees and trees of that type. Mr. Wall stated that they can be strategic about the placement of some large trees. Mr. Hicks questioned what they plan to put along the frontage and stated that there are alternatives to just shrubs. Mr. Cody responded that the graphic shows the number of trees and "medium" or "large", but they have not determined exactly what they will be. This is a conceptual planting plan. He noted that the smaller trees are shown in purple. He agreed with Staff that putting a six-foot high shrub at the bottom of the hillside would serve very little purpose. He stated that they want to stay away from large shade trees on the U.S. 42 side, but they are not adverse to putting in ornamentals. They will work with Staff so that the trees do not block the view. Mr. Hicks stated that he does not want to see it done in just shrubs. Mr. Wall stated that there is some flexibility as they are in the PD zone, and a condition of approval needs to be specific.

Mr. McMillian questioned the office building. Mr. Rowe responded that the office building will be an independent user. Someone could build it as an investment and lease it out. Frisch's would not have anything to do with the office building. Mr. McMillian asked if Frisch's intends to build it and Mr. Rowe responded "no".

Mr. McMillian questioned which Frisch's building they are proposing. Mr. Rowe responded that they will tweak the design of the rendering in the annual report. Mr. Knock stated that the signage is flush on the annual report version but is extending on their proposal. Mr. Rowe responded that that is one of the changes they are working on. He stated that they have three or four different versions of the building. He stated that this is a brand new design. They built one in Batavia, Ohio – but it is changing and does not have the glass tower. There is also one in Nicholasville, Kentucky.

Mrs. Poston questioned the building materials. Mr. Rowe responded that the building is block on the bottom and dryvit at the top.

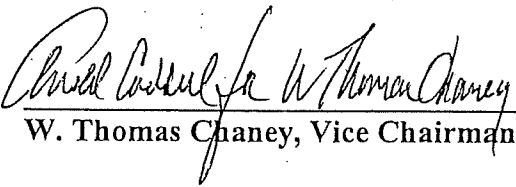
Mr. Barlow questioned the glass tower. He noted that it is to "serve as a beacon" and has a computer driven system that changes color. Mr. Rowe responded that there is a very soft light inside. It is transitional lighting and does not project light at all.

In response to a question from Mr. Hicks, Mr. Rowe stated that they plan to have their plan finalized by the Committee meeting.

Mr. Costello stated that over the last fifteen years there have been some problems in that parking lot and questioned if they have done any soil tests. Mr. Brueggemann responded that they are scheduled to do those tests before they close on the property. They are very concerned about the condition of the existing parking lot. The whole site is basically fill and they will do geotechnical work before the deal is finalized.

There being no further comments, Mr. Chaney stated that the Committee Meeting for this item will be on December 19, 2001 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on January 2, 2002 at 7:30 PM. Mr. Chaney closed this Public Hearing.

APPROVED:


W. Thomas Chaney, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Bob Newman, Committee Chairman

DATE: December 19, 2001

RE Request of Frisch's Restaurants, Inc. c/o David Rowe (applicant) for Robinson & Robinson, Inc. (owner) to consider an application for a Concept Development Plan at 7908 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow the construction of a restaurant with a drive-through window and an office building in a Commercial Services/Planned Development (C-3/PD) zone.

REMARKS:

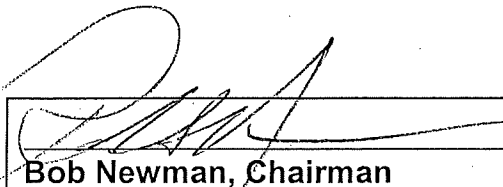
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

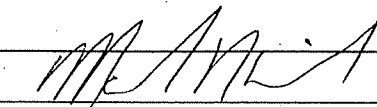
December 19, 2001

Frisch's Restaurant

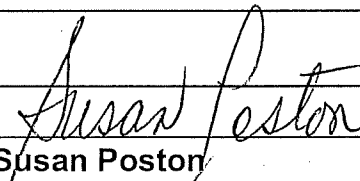
7908 Dream Street


Bob Newman, Chairman

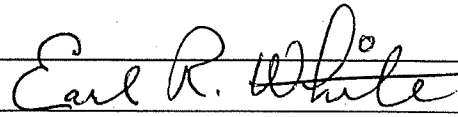
For Against
 Abstain Absent
 Deferred


Mark Hicks


For Against
 Abstain Absent
 Deferred


Susan Poston

For Against
 Abstain Absent
 Deferred


Earl White

For Against
 Abstain Absent
 Deferred


David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

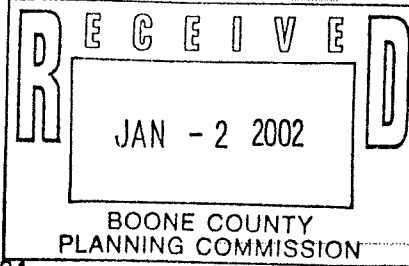
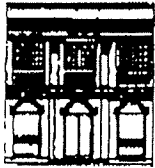
Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
 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

December 20, 2001

Ms. Joyce Robinson
Robinson & Robinson, Inc.
c/o Mr. David Rowe
Frisch's Restaurants, Inc.
2800 Gilbert Avenue
Cincinnati, OH 45206

Table with columns: Post-it* Fax Note, Date, # of pages, To, From, Co./Dept, Co., Phone #, Fax #. Contains handwritten entries: 7671, [blank], [blank], Kevin W., D. Rowe, BCPC, [blank], [blank].

FAX: (513) 559-5144

RE: Recommended Conditions of Approval for Frisch's Restaurant/Office Building
Concept Development Plan Application, 7908 Dream Street, Florence, Kentucky;
Commercial Services/Planned Development (C-3/PD) Zone

Dear Ms. Robinson:

The following represents the conditions of approval for the above referenced application
as recommended by the Planning Commission's Zone Change Committee at their
December 19, 2001 meeting. If you, as the authorized representative of the property
owner, agree to these conditions, please so indicate by signing in the space provided at
the end of this letter, and return the original letter to the Planning Commission's office by
Friday, December 28, 2001.

CONDITIONS

- 1. The development shall generally follow the landscape concept submitted by the
applicant at the 12/19/01 Zone Change Committee meeting for this request, and
follow the City of Florence landscaping requirements outlined in Article 36 of the
Zoning Regulations, with the exception that the street frontage landscape area along
US 42 may be reduced as shown on the Concept Development Plan and the normally
required shrubs may be omitted along the US 42 frontage. Additionally, the street
frontage landscaping along Dream Street shall correlate to the streetscape design
opted by the City.

Ms. Joyce Robinson
Robinson & Robinson, Inc.
December 20, 2001
Page 2

- 2. The office building shall be limited to two stories in height and 3,500 gross square feet in area. The design of the office building shall be subject to a Houston-Donaldson Study type design review at the site plan stage (recommendation by the Technical/Design Review Committee to the full Planning Commission upon submission of a formal Design Review application). The predominant materials of the office building shall not be vinyl, EIFS, metal, or other non-architectural grade materials.
- 3. The design of the restaurant building shall follow the architectural concept provided on the Frisch's annual report submitted by the applicant at the Public Hearing for this request, and shall be reviewed by staff through the site plan process. The restaurant building shall use consistent materials on all facades.
- 4. Permitted signage for the development shall include:
 - A. The 25 foot high, three pole freestanding sign as shown on the exhibit submitted by the applicant at the 12/19/01 Zone Change Committee meeting for this request;
 - B. Appropriate directional signage;
 - C. The Big Boy statuette;
 - D. The checkerboard parapet proposed for the building;
 - E. One building mounted logo sign on the restaurant building and;
 - F. Building mounted signage on the office building as permitted by Article 34 of the Zoning Regulations.

The existing pylon sign on the site shall be removed.

- 5. The applicant shall financially participate in the construction of public sidewalks along both Dream Street and US 42 in amounts which are commensurate with the costs of the sidewalks required by Section 320 of the Zoning Regulations.

Sincerely,

Kevin T. Wall

Kevin T. Wall
Director, Zoning Services

KTW/p

Ms. Joyce Robinson
Robinson & Robinson, Inc.
December 20, 2001
Page 3

AGREEMENT

I, the authorized representative of the owner of the real estate located at 7908 Dream Street, Florence, Kentucky, agree to the conditions listed herein for the Frasch's restaurant/office building Concept Development Plan application.

[Handwritten Signature]

Joyce Robinson, authorized representative
Robinson & Robinson, Inc.

*Keith S. Richd, Attorney
LUCERO PROPERTIES
a Kentucky limited liability Co.
which purchased the REAL
Estate from Robinson
Robinson, Inc. Dec. 26, 2001*

THIS DEED OF CONVEYANCE made and entered into this 30TH day of April, 1987, by and between D. D. ROBERTS and wife, EDITH ROBERTS and JOHN BILL KECK/and wife, GLORIA KECK, parties of the first part (hereinafter called "Grantors"), and
AND
ROBINSON / ROBINSON, INC., a Kentucky corporation, with an address of 7908 Dream Street, Florence, Kentucky 41042, party of the second part (hereinafter called "Grantee");

WITNESSETH: that the Grantors for and in consideration of the sum of Ten Dollars (\$10.00) in cash paid to the Grantors by the Grantee and other good and valuable consideration, the receipt of which the Grantors hereby acknowledge, do hereby bargain, grant and convey unto the Grantee, absolutely and in fee simple, its successors and assigns forever, the following described real property located in Boone County, Kentucky, to-wit:

GROUP NO. 1542
Being located in the Commonwealth of Kentucky, County of Boone and City of Florence at the northeast corner of U. S. Highway 42 and Dream Street and being more particularly described as follows:
BEGINNING at the intersection of North right of way line of U. S. Highway 42 and the east right of way line of Dream Street; thence with the north right of way line of U. S. Highway 42, N. 22 deg. 06 min. E. 241.55 feet; S. 67 deg. 54 min. E. 50.00 feet, N. 22 deg. 06 min. E. 12.92 feet; thence continuing with said right of way line, a curve deflecting to the right an arc distance of 99.26 feet, the chord of said arc being N. 23 deg. 50 min. E. 99.22 feet; thence leaving said right of way line, N. 56 deg. 25 min. W. 200.00 feet; thence S. 33 deg. 13 min. W. 299.49 feet; thence S. 20 deg. 50 min. W. 104.00 feet to the east right of way line of Dream Street; thence with said east right of way line, S. 69 deg. 10 min. E. 198.49 feet to the place of BEGINNING, containing 1.7168 acres. The foregoing tract is known as Lot B of the West Commercial Subdivision, Section II, as shown on plat recorded in Plat Book 18, page 30 of the Boone County Clerk's records at Burlington, Kentucky.

For title reference see deed from J. Robert West and Joanna West to the undersigned D. D. Roberts et ux and John Bill Keck et ux, dated August 24, 1982, of record in the Boone County Clerk's Office in Deed Book 296, page 93.

The above described real estate is conveyed subject to easements of record, twenty feet in width, for sanitary and storm sewers, and also subject to easements of record for electric and telephone facilities.

PROPERTY TRANSFER TAX PAID \$ 15.00
JERRY W. ROUSE, CLERK

Capps, Foutch & Cantwell

HAMILTON BANK BUILDING, MORRISTOWN, TENNESSEE

Return
MR. GO
950 L.
1417 D.
FT. WR

REFER TO CONDITION #3 IN COMMITTEE REPORT
RE ARCHITECTURAL CONCEPT ON THIS COVER

FRISCH'S RESTAURANTS, INC.



ANNUAL REPORT
2 0 0 1

RECEIVED AT 12/19/01
 ZONE CHANGE COM. MEETING -
 REFER TO CONDITION #11 IN
 COMMITTEE REPORT

msp
 Mace Smith Partnership, Inc.
 270 Park St. Dr. #306 106
 Cincinnati, Ohio 45247-2037
 Tel: 513-752-0004 • Fax: 513-563-7099
 Engineers • Architects • Surveyors
 Planners • Landscape Architects

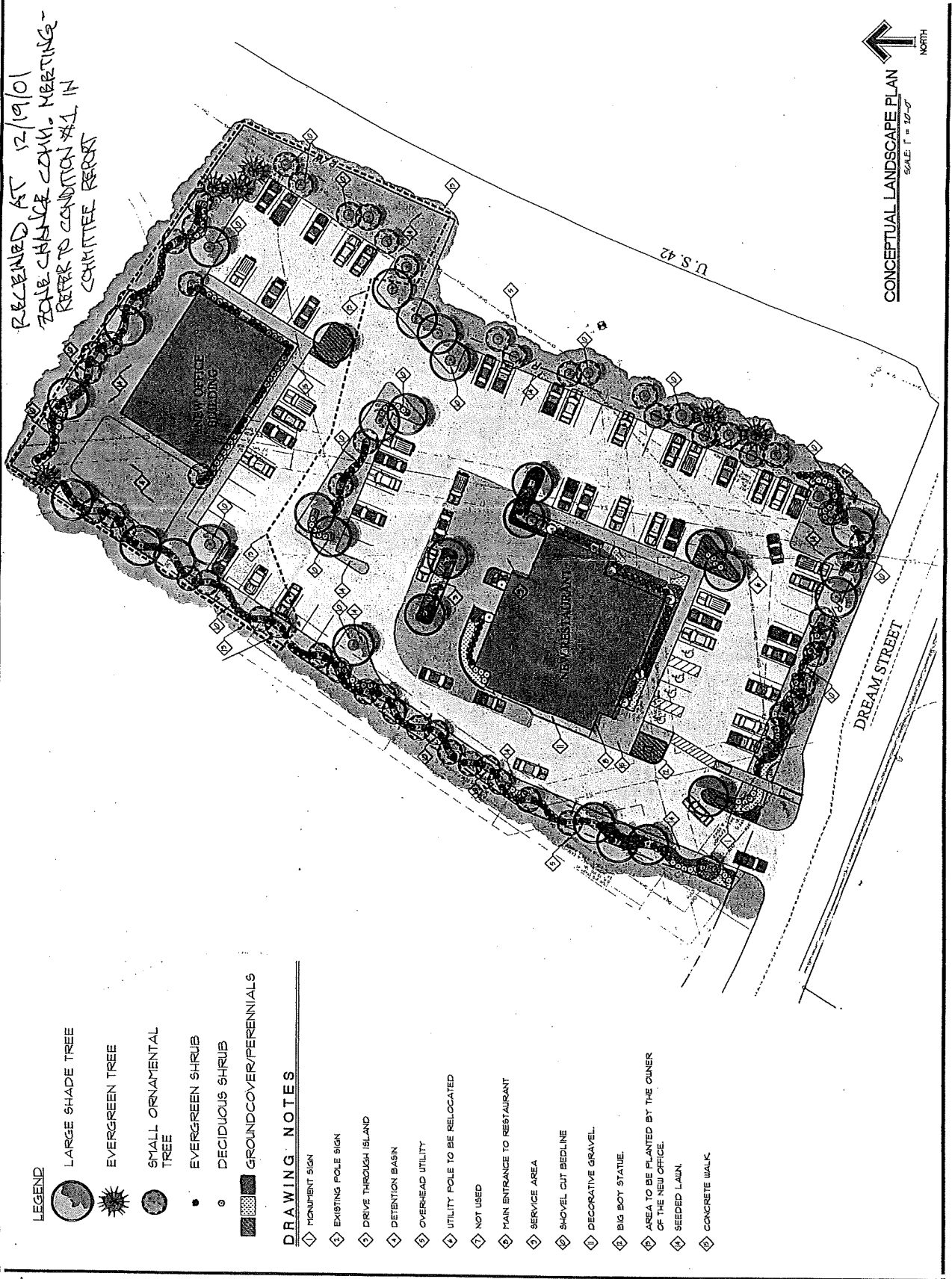
Drawn By: EC Project Mgr: JC
 CADD File: 03100000-BA1
 X-ref File: 03100000-BA02

Task/Revision	Number	Date
CONCEPT SUBMISSION	12/01/01	12/01/01
STAFF COMMENT		
REVISIONS	12/19/01	12/19/01

FRISCH'S BIG BOY
 U.S. 42 AND DREAM STREET
 CITY OF FLORENCE
 BOONE COUNTY, KENTUCKY

Scale: 1" = 20'-0"

Project No.	03100000
Sheet No.	11
Scale	1"=20'-0"
Sheet No.	L1



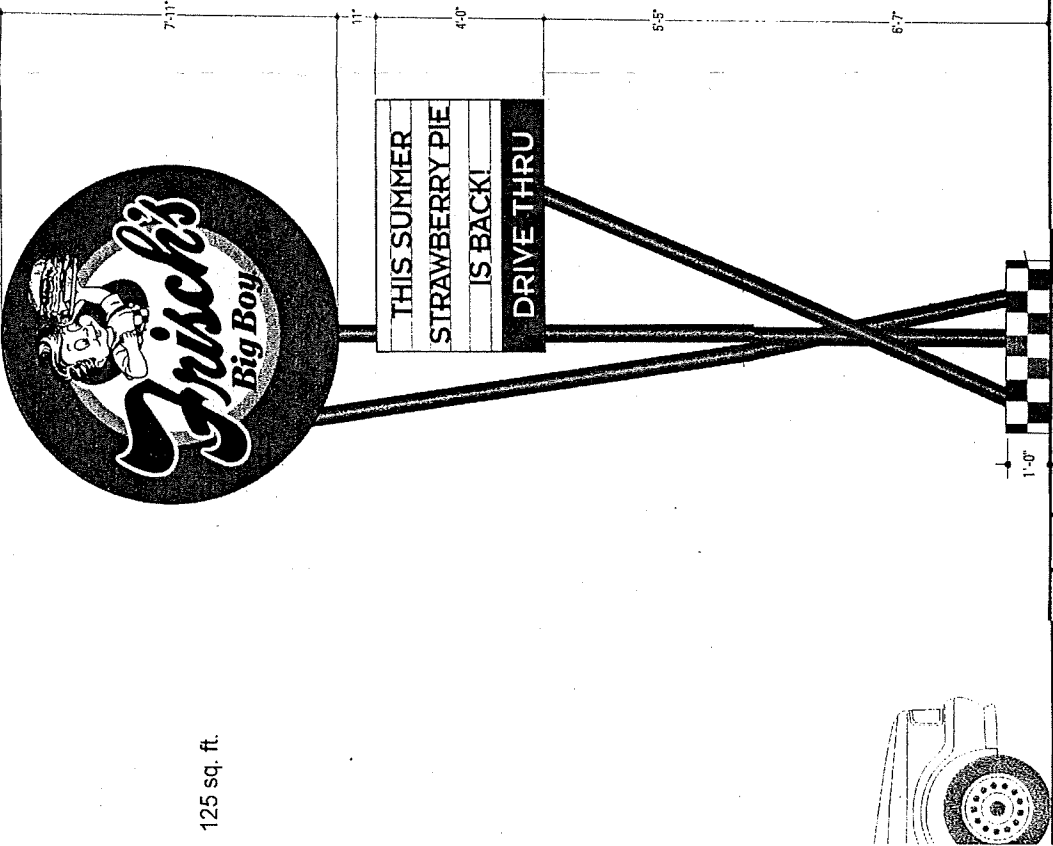
- LEGEND**
- LARGE SHADE TREE
 - EVERGREEN TREE
 - SMALL ORNAMENTAL TREE
 - EVERGREEN SHRUB
 - DECIDUOUS SHRUB
 - GROUNDCOVER/PERENNIALS

DRAWING NOTES

- 1 MONUMENT SIGN
- 2 EXISTING POLE SIGN
- 3 DRIVE THROUGH ISLAND
- 4 DETENTION BASIN
- 5 OVERHEAD UTILITY
- 6 UTILITY POLE TO BE RELOCATED
- 7 NOT USED
- 8 MAIN ENTRANCE TO RESTAURANT
- 9 SERVICE AREA
- 10 SHOVEL CUT BEDLINE
- 11 DECORATIVE GRAVEL
- 12 BIG BOY STATUE
- 13 AREA TO BE PLANTED BY THE OWNER OF THE NEW OFFICE
- 14 SEEDED LAWN
- 15 CONCRETE WALK

CONCEPTUAL LANDSCAPE PLAN
 SCALE: 1" = 20'-0"
 NORTH

RECEIVED AT 12/19/01 ZONE CHANGE
COMMITTEE MEETING - REFER TO
CONDITION #4 IN COMMITTEE REPORT

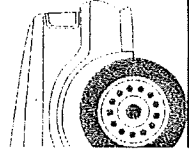


125 sq. ft.

Side View-Entrance Identification Sign
w/ Reader Board & Office Tenant Listing
Scale: 3/8" = 1'

Elevation-Entrance Identification Sign
w/ Reader Board
Scale: 3/8" = 1'

Location **E**



ORDINANCE NO. 0-5-02

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR THE TRACT LOCATED AT 7908 DREAM STREET IN THE CITY OF FLORENCE, KENTUCKY, THIS PROPERTY BEING CURRENTLY ZONED COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD), TO ALLOW CONSTRUCTION OF A RESTAURANT WITH DRIVE-THROUGH WINDOW AND AN OFFICE BUILDING. (FRISCH'S RESTAURANTS, INC.)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a concept development plan for the tract located at 7908 Dream Street in the City of Florence, Kentucky, to allow construction of a restaurant with drive-through window and an office building, and

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

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

SECTION I

That the concept development plan for the tract located at 7908 Dream Street in the City of Florence, Kentucky shall be and is hereby approved to allow construction of a restaurant with drive-through window and an office building, subject to the concept development plan and other agreed conditions for this site currently zoned Public Services/Planned Development (C-3/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect the approval of this concept development plan for this subject property.

SECTION II

The approval of this concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-02-003-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky through its City Council shall be and is hereby subject to those additional conditions that have been

agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-02-003-A, marked Exhibit "B" hereto.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 12 DAY OF March, 2002.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26 DAY OF March, 2002.

APPROVED:

Dean E. Whalen
MAYOR

ATTEST:

Betsy R. Conrad
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-5-02 as same appears in the official records of my office.

Dated this 28th Day of March, 2002.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

0-5-02 Exhibit "C"

**AGREED ADDITIONAL CONDITIONS -
CONCEPT DEVELOPMENT PLAN APPROVAL**

IN RE: FRISCH'S RESTAURANTS, INC., C/O DAVID ROWE (APPLICANT) FOR ROBINSON & ROBINSON, INC. (OWNER) - 7908 DREAM STREET, FLORENCE, KENTUCKY

WHEREAS, Robinson & Robinson, Inc., is the owner of the tract located at 7908 Dream Street, Florence, Kentucky, and through Frisch's Restaurants, Inc., c/o David Rowe (Applicant) has applied to the Boone County Planning Commission for approval of a Concept Development Plan which would allow construction of a restaurant with drive-through window and office building, and

WHEREAS, the Commission has recommended approval of the application to the City of Florence and the Planning and Zoning Committee of the City has issued its report in support of such regulation subject however, to the additional conditions hereinafter set out, and

WHEREAS, the Owner and Applicant have agreed to said additional conditions.

NOW, THEREFORE, Frisch's Restaurants, Inc. (Applicant) and Robinson and Robinson (Owner), do hereby agree that the following conditions shall be incorporated into approval by the City of Florence, Kentucky, of the recommendation of the Boone County Planning Commission contained in Resolution No. R-02-0003-A of a Concept Development Plan for said tract and that this Agreement shall become part of the Ordinance of approval. It is further agreed that, to the extent that these additional conditions shall be inconsistent with the conditions of approval contained in the record from the Boone County Planning Commission, these additional conditions shall take precedence and apply.

1. Notwithstanding the reduction in width of the landscape buffer on the U.S. 42 side, Applicant/Owner shall install all of the plant materials within that remaining area which would have been required had the area been of its full size as prescribed in the zoning regulations. Additional landscaping shall be installed adjacent to and along the back of the restaurant building and the landscape area along the back of the restaurant building shall be extended and enlarged.

2. The design of the restaurant building shall follow the architectural concept contained in the booklet entitled: *Frisch's Exterior Studies, March 11, 2002*, which booklet is attached hereto and incorporated herein.

3. The restaurant building design shall be reviewed by and approved by the staff of the City through the site plan review process. Review shall include but not be limited to colors, lighting and building materials. Site plan approval is contingent upon approval of the building design. All sides of the building shall have recessed panels as shown on the attached drawings.

4. Signage for the site shall be limited to the following:

- a. Two (2) building mounted signs on the restaurant building front and one on the right side, each of which shall be no larger than 20 square feet in area as shown on the attached drawings.
- b. One monument style sign, with a maximum height of 15 feet, the design of which shall be consistent with option (A) in the attached drawings. The monument sign shall be limited to the following maximum sign areas:
 - (1) 40 square feet - Frisch's logo;
 - (2) 20 square feet - reader board;
 - (3) Panel for office building behind restaurant - 7.5 square feet.
- c. One big boy statuette not to exceed 7.5 feet in height.

SEE
3/11/02
Exterior
Studies

5. It shall be the obligation of the Applicant/Owner to negotiate with the owners of the adjacent Wendy's restaurant and to use their best efforts to reach an agreement to co-locate the curb cut for the two sites so as to move the existing curb cut the maximum practical distance from the intersection of U.S. 42 and Dream Street.

6. A bike rack shall be provided per Article 33 of the Zoning Regulations.

Dated this 13 day of March, 2002.

FRISCH'S RESTAURANTS, INC.

BY: [Signature]
General Manager (Title) 3/13/02

~~ROBINSON & ROBINSON, INC.~~

~~BY: _____~~
(Title)

The New owner of record as of December 26, 2001
[Signature]
MARTIN LUCERO



Exterior Studies

Florence, Kentucky

March 11, 2002



McCall Smith Purshon, Inc.
 3700 Park 42 Drive
 Cincinnati, Ohio 45241-2027
 Tel. 513-759-0004 • Fax 513-633-7999
 Engineers • Architects • Surveyors
 Planners • Landscape Architects

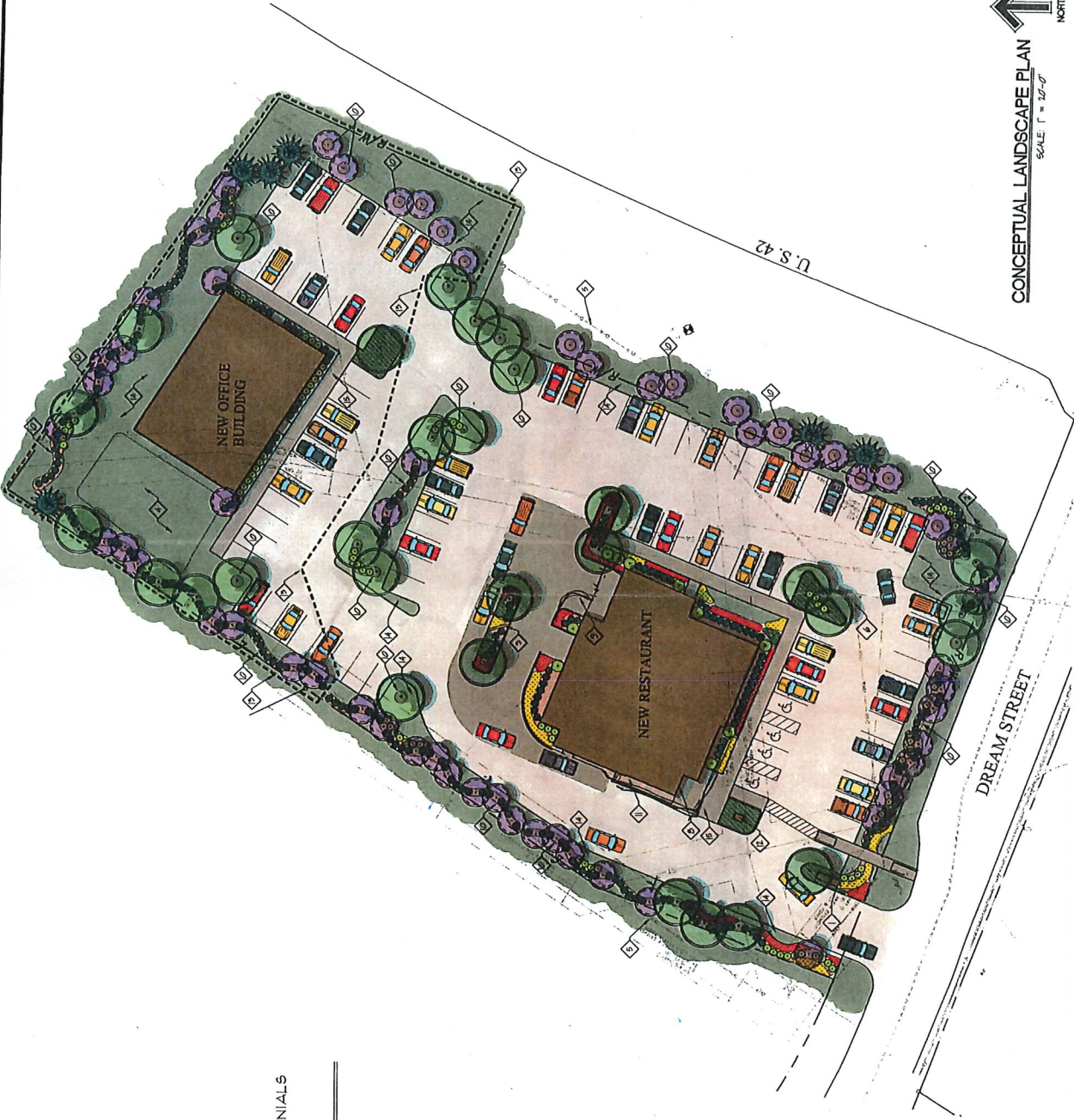
Drawn By	J.C.	Project Mgr.	J.C.
CAD File	001000000-PUN		
X-Ref File	001000000-AJES2		
Issue/Revision	Issue Number	Date	
CONCEPT SUBMISSION	12/2/07		
STAFF COMMENT			
REVISIONS	12/7/07		

© COPYRIGHT 2006, MCGILL SMITH PURSHON, INC.

FRISCH'S BIG BOY
 CITY OF FLORENCE
 U.S. 42 AND DREAM STREET
 BONE COUNTY, KENTUCKY

Sheet Title	CONCEPTUAL PLANTING PLAN
Project No.	0038100
Scale	1"=30'-0"
Sheet No.	L1
Rev. No.	

CONCEPTUAL LANDSCAPE PLAN
 SCALE: 1" = 30'-0"
 NORTH

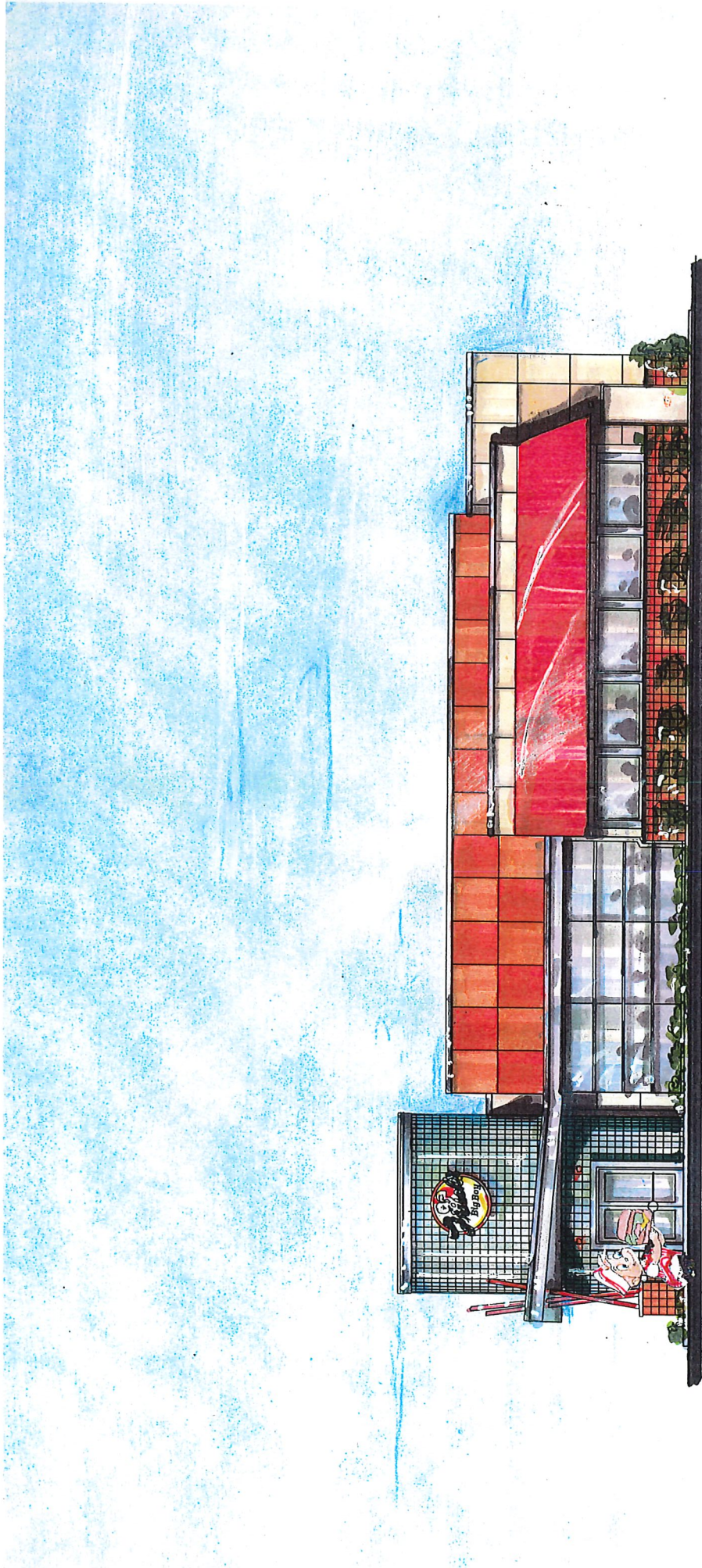


LEGEND

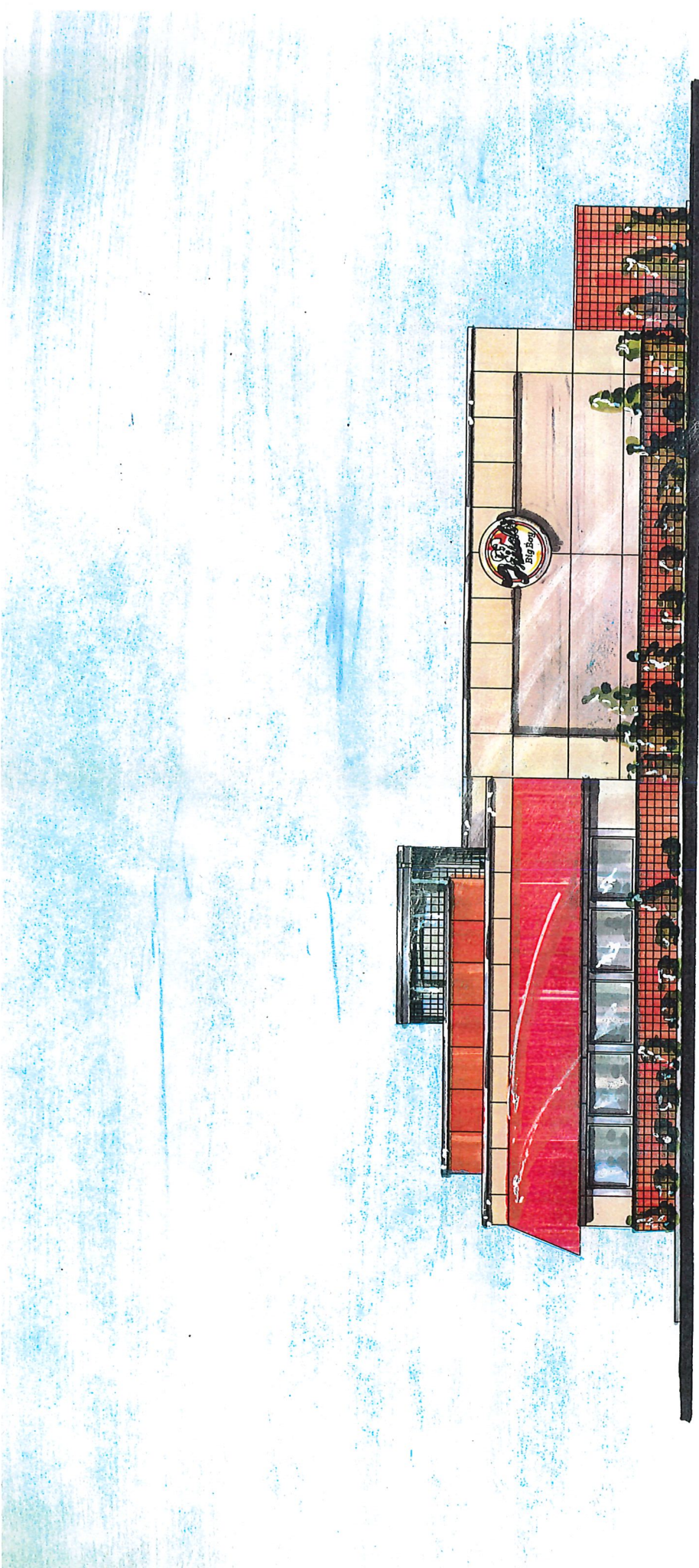
- LARGE SHADE TREE
- EVERGREEN TREE
- SMALL ORNAMENTAL TREE
- EVERGREEN SHRUB
- DECIDUOUS SHRUB
- GROUNDCOVER/PERENNIALS

DRAWING NOTES

- 1 MONUMENT SIGN
- 2 EXISTING POLE SIGN
- 3 DRIVE THROUGH ISLAND
- 4 DETENTION BASIN
- 5 OVERHEAD UTILITY
- 6 UTILITY POLE TO BE RELOCATED
- 7 NOT USED
- 8 MAIN ENTRANCE TO RESTAURANT
- 9 SERVICE AREA
- 10 SHOVEL CUT BEDLINE
- 11 DECORATIVE GRAVEL
- 12 BIG BOY STATUE
- 13 AREA TO BE PLANTED BY THE OWNER OF THE NEW OFFICE
- 14 SEEDED LAWN
- 15 CONCRETE WALK



FRONT ELEVATION
1/8"=1'-0"

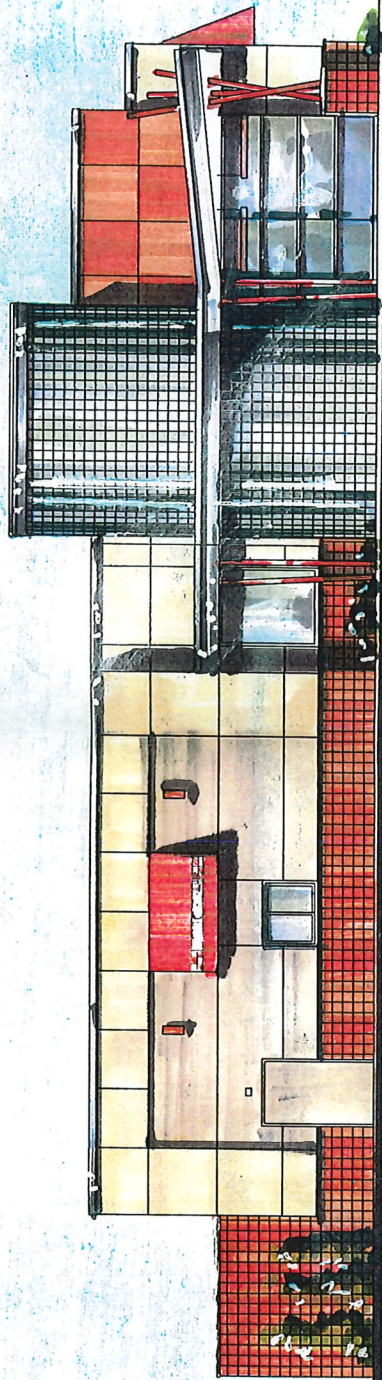


RIGHT SIDE ELEVATION
1/8"=1'-0"



REAR ELEVATION
1/8"=1'-0"

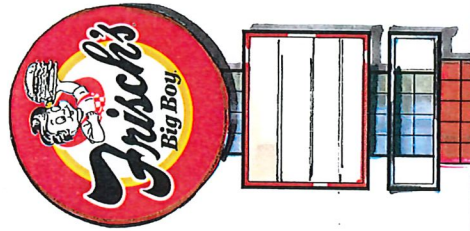




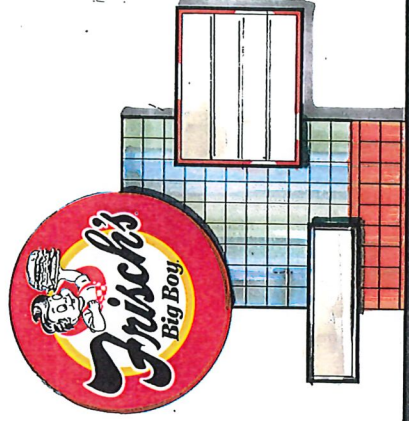
LEFT SIDE ELEVATION
1/8"=1'-0"







OPTION 'A'



OPTION 'B'

FRONT ELEVATION
1/4"=1'-0"