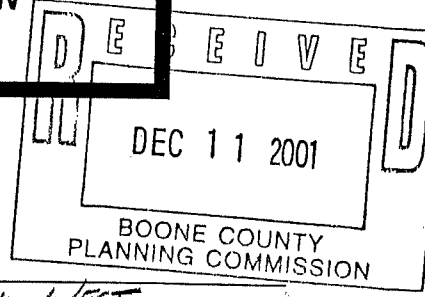


APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)  
SECTION A (To be completed by applicant)

- 1. Name of Project GALERIE AU CHOCOLAT
- 2. Location of Project 237 E LANGLEY DRIVE C ANDOVER, WEST
- 3. Total Acreage of Site 24 ACRES
- 4. Current Zoning of Site Z-1
- 5. ~~Proposed Zoning (Classification being requested)~~ SPECIAL SKIN DISTRICT
- 6. ~~Proposed Uses (please specify each use)~~

- 7. Names of Applicant(s) PAUL HEMMER COMPANIES / MIKE HAGER'S  
Phone Number 859-341-8500 Fax No. 859-341-6817
- 8. Address of Applicant(s) P.O. Box 17310 250 GRANDVIEW DRIVE  
FT. MITCHELL KY 41017-0310  
City State Zip

- 9. Name of Property Owner(s) GALERIE AU CHOCOLAT  
Phone Number 513-527-8200 Fax No. 513-527-8205
- 10. Address of Property Owner(s) 4000 RED BANK ROAD  
CINCINNATI OHIO 45227  
City State Zip

- 11. Proposed Building Intensities (please specify) N/A

- 12. Are there any existing buildings on the site? BUILDING UNDER CONSTRUCTION  
How many? ONE

- 13. Deed Book N/A Page No. N/A Group No. N/A

- 14. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance

- 15. Have you submitted a Concept Development Plan? N/A - CONCEPT PLAN APPROVED
- 16. Have you had a pre-application meeting with BCPC Staff? YES

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

# EXHIBIT

“A”

## STAFF REPORT

Request of Paul Hemmer Construction Companies/Mike Hargis (applicant) for Galerie Au Chocolate (owner) to consider an application for a Zoning Map Amendment for a Special Sign District on a 24 acre site located at 3380 Langley Drive, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) zone to allow alternative signage.

January 23, 2002

### REQUEST

This request is for a Special Sign District for the Galerie Au Chocolate facility which is under construction on the northwest corner of the KY 237/Langley Drive intersection in Airpark West Subdivision. The Galerie Au Chocolate facility will be a candy repackaging/distribution center with offices and an accessory outlet store. The building dimensions are 398 feet (along KY 237) by 624 feet (along Langley Drive), which equals approximately 248,000 square feet.

The proposed signage includes the following:

- A. One 28 foot by 5 foot (140 sf) building mounted sign and one 16 foot by 5 foot (80 sf) building mounted sign, both on the KY 237 facade (220 sf for both signs combined). Both signs are illuminated.
- B. Six or seven changeable banners within permanent architectural frames which are mounted perpendicular to the KY 237 facade, somewhat like a projecting sign or "shingle" style. These banners measure approximately 6 feet by 10 feet (approximately 60 sf each). With the building mounted signs mentioned under "A" above, up to approximately 640 square feet of signage, and up to nine building mounted signs, are proposed for the KY 237 facade (796 sf and three building mounted signs maximum are permitted by Section 3413.1).
- C. One approximate 60 square foot building mounted sign (assumed to be illuminated) over the building entry on the Langley Drive facade (624 square feet of signage and three building mounted signs are permitted on this facade by Section 3413.1).
- D. A ground mounted monument style sign (illuminated) of up to 100 square feet is proposed.
- E. A "candy car" is proposed to be parked in the front yard area along the KY 237 frontage. This is a car or pick up truck that has candy products laminated on it as its exterior finish. Based on the definition of "sign" and the requirements of Section 3413.3.(3), this would be a second freestanding sign on the lot (3413.3.[3] permits

one freestanding sign on the lot that is 100 square feet and 10 feet high maximum). No illustrations, pictures, etc., or a specific size or height, have been provided for the candy car to date.

- F. Directional signage per the normal requirements of Section 3411.
- G. Sculptural elements are proposed around the entry of the building (concepts have been provided, but not a final design). While the Zoning Administrator would typically consider these elements to be architectural features and not signage, they were included in the Special Sign District proposal in the event that the final design would be deemed signage.

Concepts for all of the features described above, except for the candy car, are attached.

#### SITE HISTORY

The site was part of a zone change from RSE, SR-1, SR-2, C-2/PD, and I-1/PD to I-1 for a 210 acre site. This change was conditionally approved by the Fiscal Court on September 29, 1998 with the conditions outlined in the Committee Report and an additional condition that the "Jacobs" property be granted access through this development to KY 237 (Committee Report is attached - no conditions pertain to signage). A Major Site Plan application for the construction of the Galerie Au Chocolate project was approved on May 24, 2001.

#### SITE CHARACTERISTICS

The site contains approximately 24 acres and has 1,030 feet of frontage on KY 237 and 1,208 feet of frontage on Langley Drive. The site is currently being developed with the previously mentioned 248,000 square foot building. The western part of the site is currently undeveloped and is intended for a future expansion.

#### ADJACENT LAND USES AND ZONING

The land use and zoning adjacent to the subject site include the following.

- A. The remainder of the developing Airpark West subdivision is located to the south and west, including several remaining residences on and near Bullock Lane (I-1).

- B. A vacant area is located immediately to the north along KY 237 (I-1 and C-2/PD). There is also a vacant area to the north of the subject site and west of the KY 237 frontage area, and several single family residences along the south side of KY 20 (SR-2).
- C. A vacant area is located to the east across KY 237 (C-2/PD).
- D. A public library is located to the east/southeast on the southeast corner of the KY 237/Langley Drive/Cougar Path intersection (C-2/PD).

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question largely for "Business Park" uses (an incidental area at the northeast corner of the site is within a "Commercial" area). The Plan describes the Business Park designation as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The Land Use Element makes the following statements that relate to the area.

- A. The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development ("Hebron Area," pp. 173 and 174).

The Land Use Element's "Future Land Use Development Guidelines" make the following comments which relate to this proposal:

- A. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 160).

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

- A. Proper design principles shall be applied in development (Overall, Objective 3).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

### SPECIAL SIGN DISTRICTS

Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. The purpose of a special sign district is to allow an applicant to create sign standards for a specific district and "to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."

### STAFF COMMENTS

1. The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The site is within an area designated as Business Park. As outlined above, appropriate architectural and signage solutions, as well as other design issues, are important aspects of the Business Park designation and are also discussed in the Land Use Element's "Future Land Use Development Guidelines." The governing bodies will also need to consider the alternate findings for a Zoning Map Amendment, as well as the direction given by Section 3440 "Special Sign Districts" of the zoning regulations.
2. The Special Sign District was requested because several aspects of the signage package do not meet the standard requirements of Article 34 of the Zoning Regulations. These include:
  - A. With both the two illuminated building mounted signs and up to seven changeable banners, nine building mounted signs are proposed on the KY 237 facade (three maximum are normally permitted, although these nine signs still comply with the maximum total sign area requirements for this facade).

- B. The changeable banners are semi-permanent in nature (can be changed based on holidays, seasons, marketing events, etc.). Such changes in face normally require a permit for each occurrence as either a "change in face" or a Temporary Advertising Display (TAD) (the regulations do not address "semi-permanent" signs per se; they consider signs simply to be either permanent or temporary). Approval of this request would allow the banner changes to occur without obtaining a permit for each instance.
  - C. Two freestanding signs are proposed for the lot - one standard monument style sign and the more unconventional "candy car." Staff is not opposed to the candy car proposal as long as it is professionally executed, integrated with the street frontage/landscape design along KY 237, and is displayed on a hard surfaced area. Currently, no tangible concept of how it would appear has been provided.
3. As noted previously, the Special Sign District mentions possible sculptural elements at the entrance of the building, and design concepts for these features have been provided. If the Special Sign District is approved, staff recommends a condition that if the Zoning Administrator determines that the sculptural elements are in fact signage versus architectural features, then the design will be reviewed by the appropriate Planning Commission committee to insure compatibility with the overall sign package and design of the building. A similar condition could be considered for the final design of the candy car as well.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment. Section 3440 "Special Sign Districts" of the zoning regulations should also be consulted. The Future Land Use Map will not need to be amended if the Planning Commission and Boone County Fiscal Court approve the Zoning Map Amendment for a Special Sign District.

Respectfully submitted,

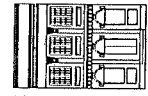
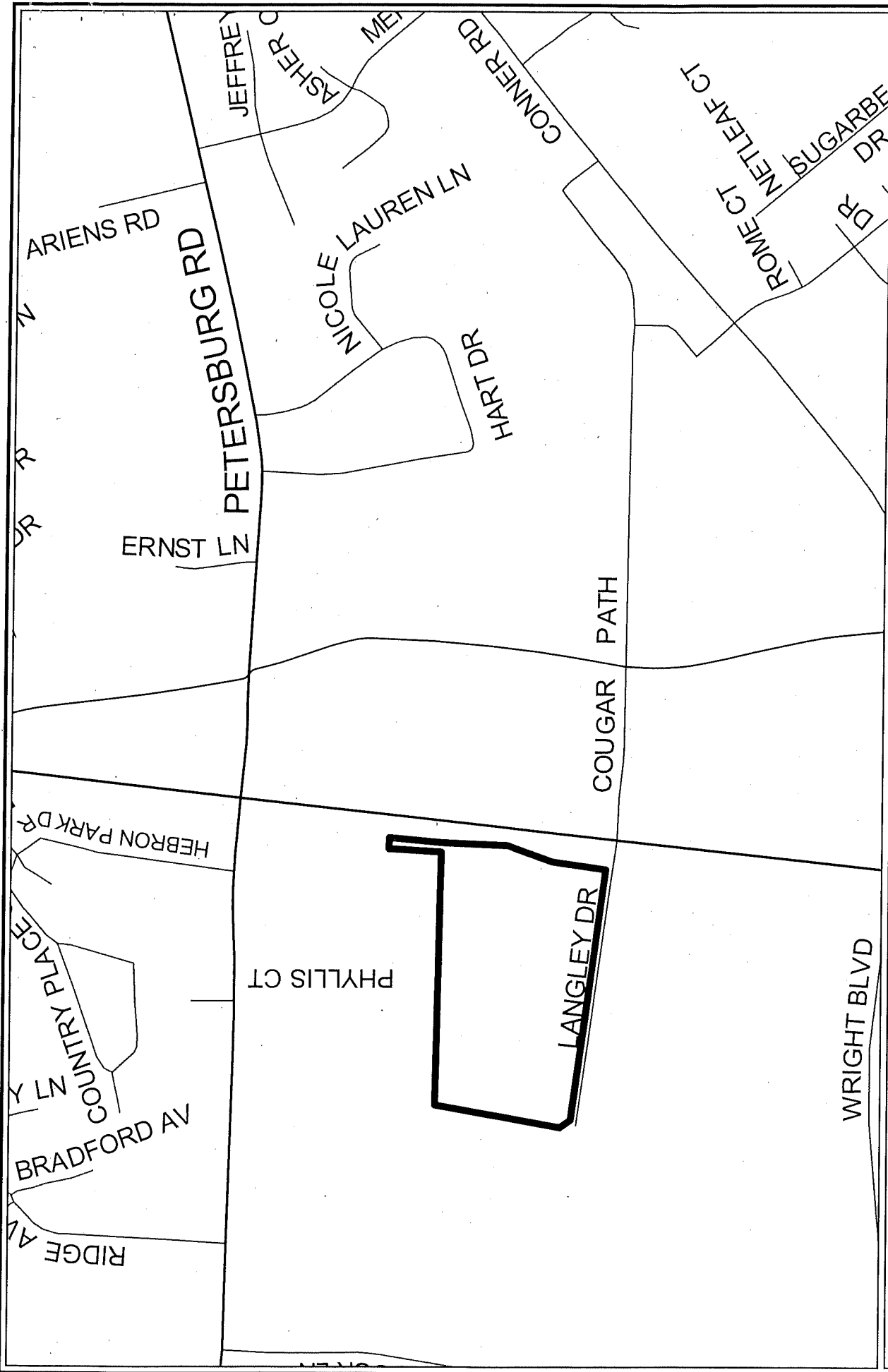


Kevin T. Wall  
Director, Zoning Services

KTW\pr

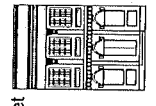
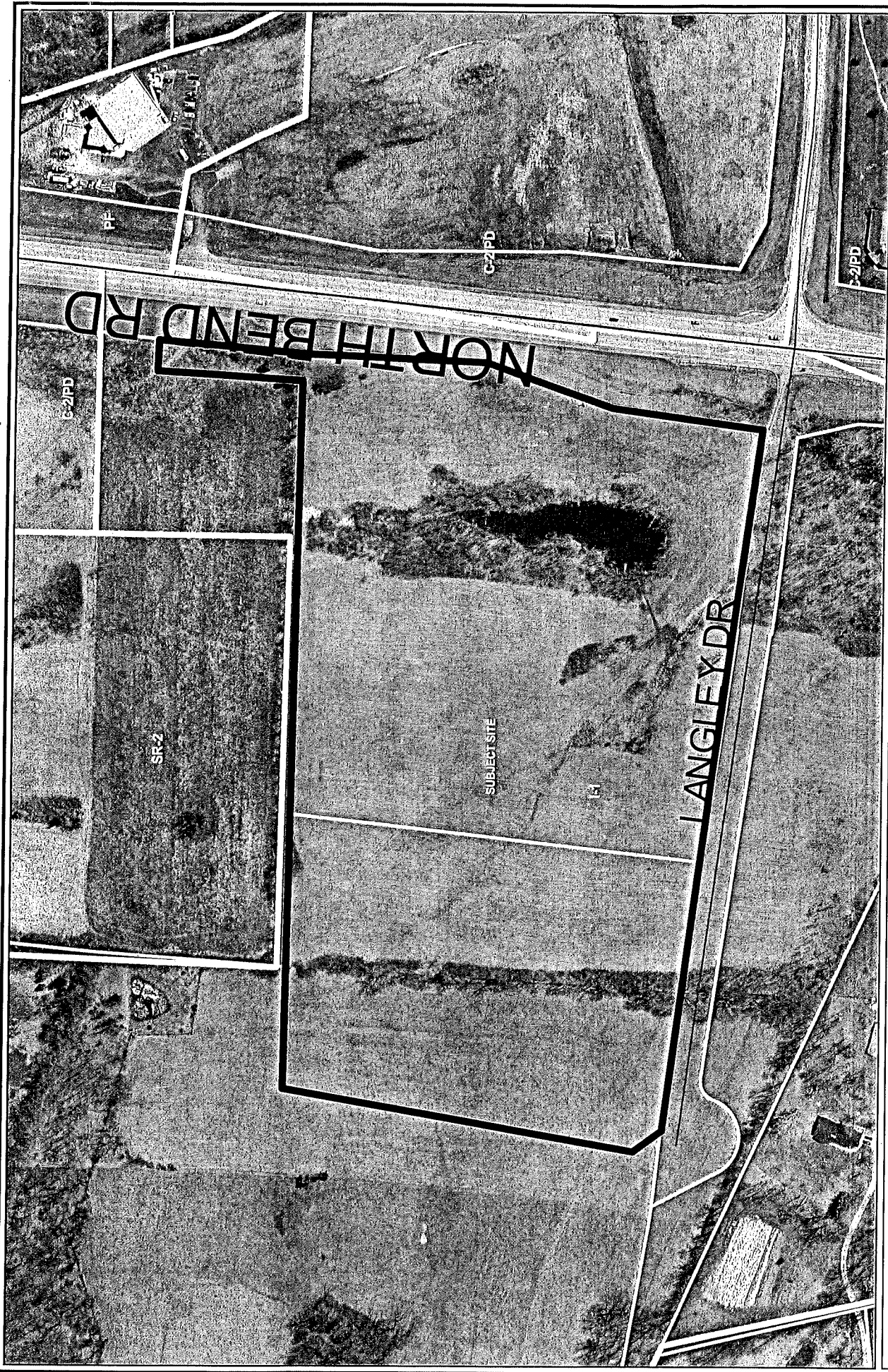
attachments:

- Location map
- Aerial photograph w/ zoning info
- Future Land Use Map excerpt
- 8/19/98 Committee Report for zone change for 210 acre area
- application materials including Concept Development Plan/signage concepts



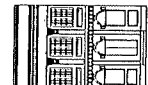
1 inch equals 700 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 January 4, 2002

# Location



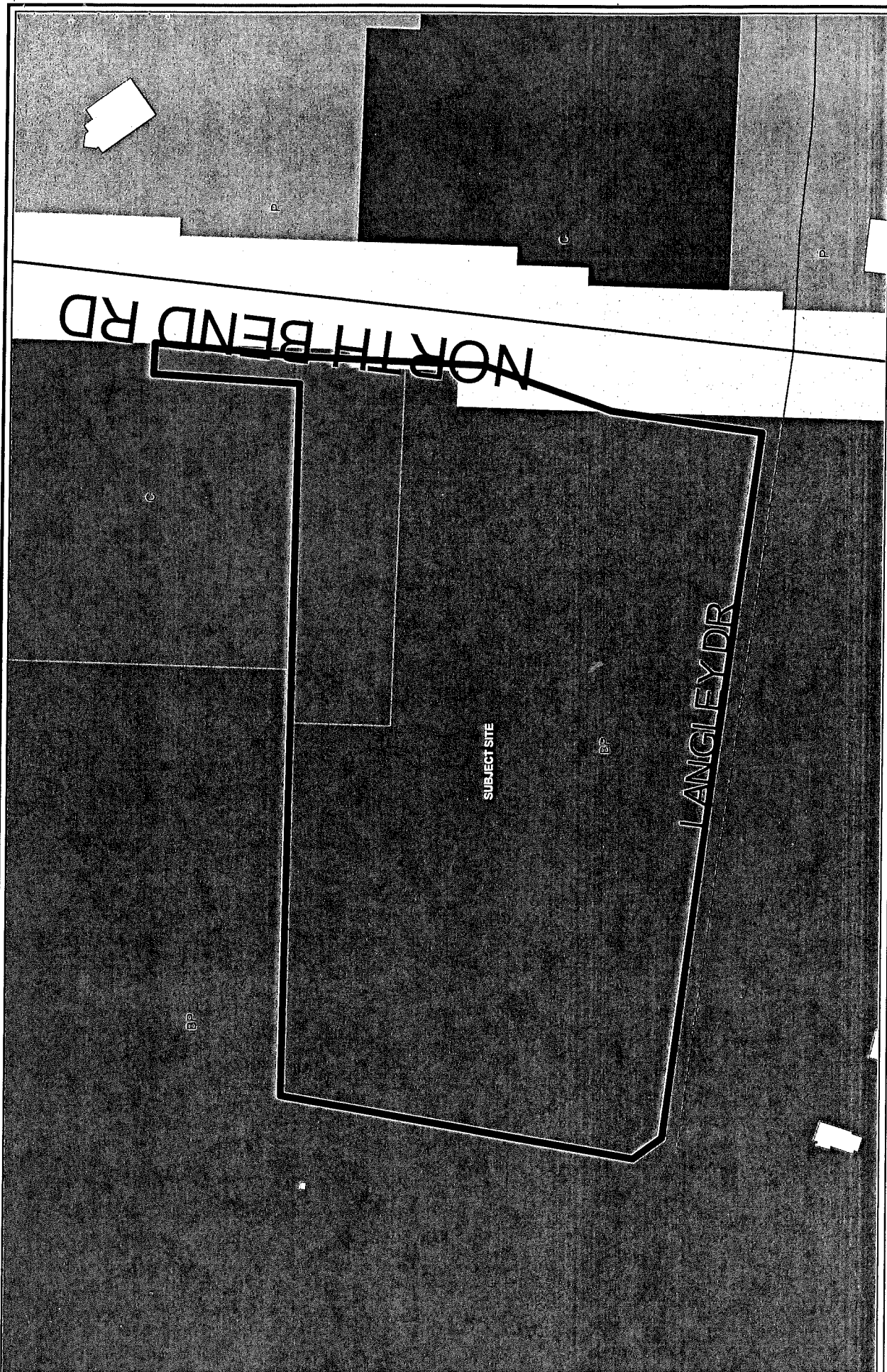
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 4, 2002

# Zoning



250 Feet  
 0  
 250  
 1 inch equals 250 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 January 4, 2002

# Future Land Use



## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 19, 1998

RE: Request of Wm. M. Hargis/Paul Hemmer Development Co. III (applicant) for Paul Hemmer Development Co. III, Elmer L. Jacobs and Helen C. Jacobs, Mary L. Crigler et al, Catton L. Dolwick and Diana Dolwick, Kenton County Airport Board, George Bullock and Patsy Bullock, and Jasper Baker and Hazel Baker (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) for an approximate 210 acre tract located near the southwest corner of KY 237 and KY 20, and along the west side of KY 237, Boone County, Kentucky. The request is for a zone change to allow office, manufacturing, warehousing, and distribution uses.

### Remarks:

We, the Committee, recommend that the request of Mike Hargis on behalf of Paul Hemmer Development Company for a Zoning Map Amendment from Rural Suburban Estates (RSE), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Commercial Two/Planned Development (C-2/PD), and Industrial One/Planned Development (I-1/PD) to Industrial One (I-1) be approved by the Boone County Planning Commission. The Committee's recommendation to approve this request is based upon the following findings of fact and with the following conditions:

### Findings of Fact:

The Committee has determined that the applicant has adequately demonstrated that the proposed Industrial One (I-1) zoning classification is the most appropriate zoning classification for the 210 acre site. The applicant has also demonstrated that the proposed use of the property for industrial development is the most appropriate use of the site. The applicant has demonstrated that the proposed uses within the Industrial One (I-1) zoning classification, along with a concept development plan, produce a cohesive and coordinated development of several separately owned properties, which would otherwise be difficult to develop individually.

The Committee's decision is also based on the 1995 Boone County Comprehensive Plan, the Comprehensive Plan's Future Land Use Map, the existing site conditions, the site's proximity with KY 20 and KY 237, and the site's proximity with the Greater Cincinnati International Airport, in particular, with that of the east/west runway.

The Committee has concluded that the following conditions shall apply in order to ensure that the applicant's request satisfies the goals, objectives, and the intent of the Boone County Comprehensive Plan.

The applicant has signed a letter of agreement with these conditions and understands that the revised concept development plan, submitted to the Committee along with these conditions, serves as the basis for this recommendation.

#### Conditions

1. The site's main entrance will be located at the KY 237-Conner Road intersection as indicated on the revised concept development plan. This entrance shall contain a main roadway through the development that will eventually connect with the adjoining property to the west. This will ensure that the property west of the proposed development has access to KY 237 and not onto KY 20 as is specified within the Boone County Comprehensive Plan.
2. The southernmost proposed entrance along KY 237 will be eliminated.
3. The entrance located across KY 237 from the Levi Strauss building will remain. This entrance shall contain a road connection with the main entrance road.
4. The entrance located across KY 237 from Cougar Path will remain and shall also connect with the main entrance road. This connection will occur during the initial phase of construction of either the Jacobs property or the Escue property, whichever develops first. This connection will complete an internal roadway system for the entire development.
5. Access will be provided between the site and the property at the southwest corner of KY 20 and KY 237. This connection will occur during the initial phase of construction of either of the two sites that are adjacent with the access road.
6. The northernmost access along KY 237 shall provide an access easement for the adjacent property at the southwest corner of KY 20 and KY 237. This access will eliminate the need for any additional curb cuts onto KY 237, when the corner lot develops.
7. A landscaping master plan that includes extensive landscaping and earth berms along KY 237 and the entrance road shall be provided. This landscaping plan shall be submitted as part of the improvement plan review.

8. Each development, including all buildings, will be subject to a design review process that is similar to the design review process required for all buildings within the Houston-Donaldson Study area. Buildings shall be oriented so that loading docks are not directly facing KY 237 or any other internal road connections. Office fronts shall be oriented toward rights of way, particularly toward KY 237 and the entrance road.

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.

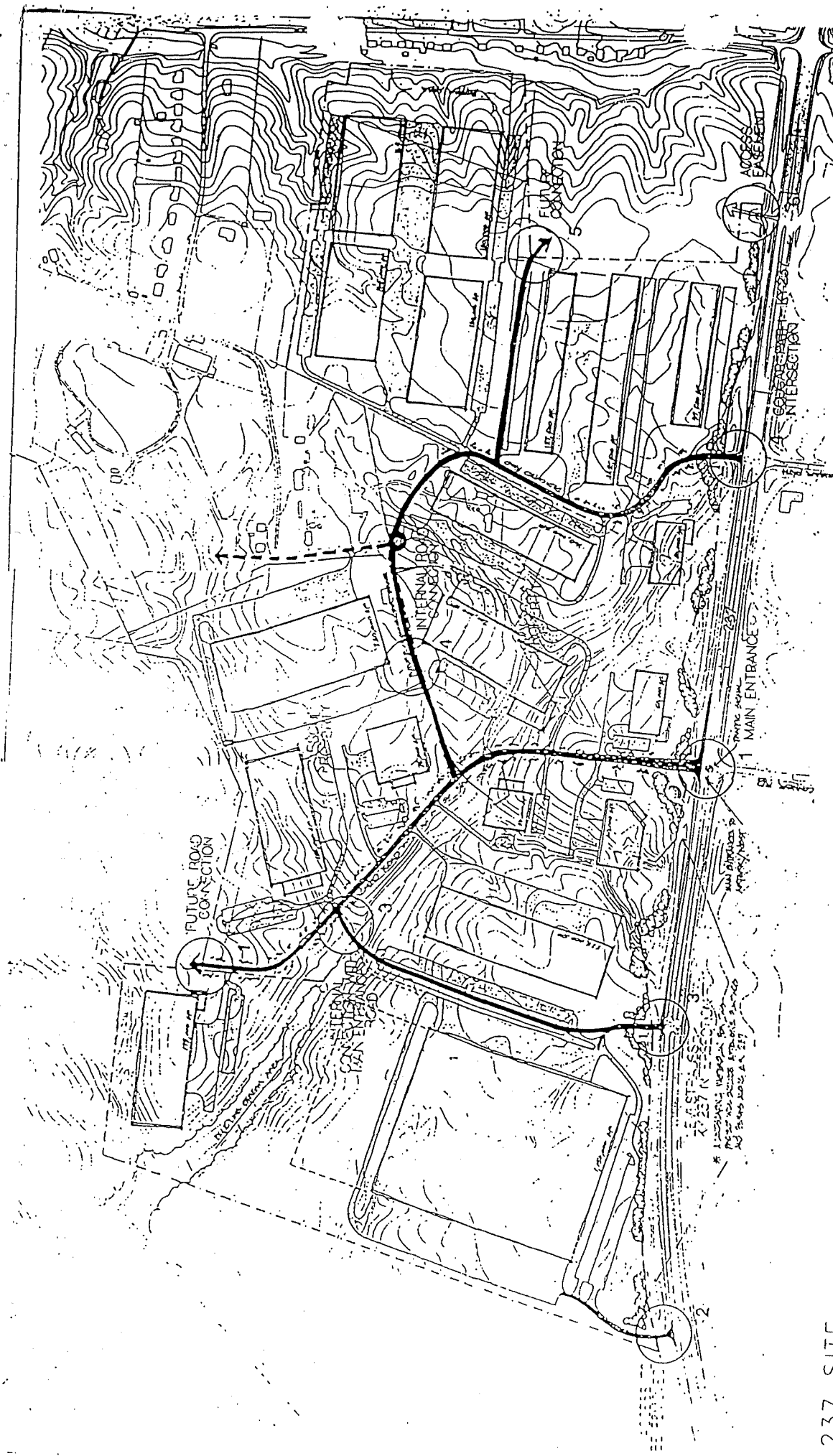
<i>Phil Damstrom</i>			
Phil Damstrom, Chairman			
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Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Arnold Caddell</i>			
Arnold Caddell			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Barry Neltner</i>			
Barry Neltner			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

<i>Earl R. White</i>			
Earl White			
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Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL:	<u>4</u>	FOR	<u>—</u>	AGAINST	<u>—</u>	ABSTAIN	<u>—</u>	ABSENT
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237 SITE  
 EDGE MOOR, KENTUCKY

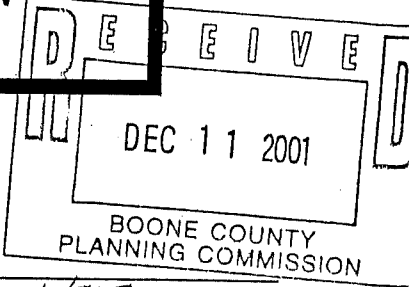
**HEMMER**  
 Paul Hemmer Construction Company

~ AIRPARK WEST ~

© 1988 HEMMER CONSTRUCTION COMPANY

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project GALERIE AU CHOCOLAT
  2. Location of Project 237 1/2 LANGLEY DRIVE @ AIRPARK WEST
  3. Total Acreage of Site 24 ACRES
  4. Current Zoning of Site Z-1
  5. ~~Proposed Zoning (Classification being requested)~~ SPECIAL SIGN DISTRICT
  6. ~~Proposed Uses (please specify each use)~~
- 
7. Names of Applicant(s) PAUL HEMMER COMPANIES / MIKE HARELIS  
Phone Number 859-341-8500 Fax No. 859-341-6817
  8. Address of Applicant(s) P.O. Box 17310 750 GARDVIEW DRIVE  
FT. MITCHELL KY 41017-0310  
City State Zip
  9. Name of Property Owner(s) GALERIE AU CHOCOLAT  
Phone Number 513-527-3200 Fax No. 513-527-3205
  10. Address of Property Owner(s) 4000 RED BANK ROAD  
CINCINNATI OHIO 45227  
City State Zip
  11. Proposed Building Intensities (please specify) N/A
  12. Are there any existing buildings on the site? BUILDING UNDER CONSTRUCTION  
How many? ONE
  13. Deed Book N/A Page No. N/A Group No. N/A
  14. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
  15. Have you submitted a Concept Development Plan? N/A - CONCEPT PLAN APPROVED
  16. Have you had a pre-application meeting with BCPC Staff? YES
  17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

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

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

19. Applicant's Signature

*[Handwritten Signature]*

Property Owner's Signature

*[Handwritten Signature]*

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 12-11-01
2. Review Fee \$ 1372.00 PL# 29864
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - Number of copies of plan received\*\*
4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman SUSAN BOSTON
7. Scheduled Public Hearing Date 1/23/02
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

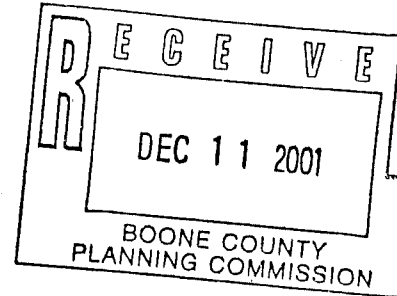
\*\* Five (5) Copies Are Required

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

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

December 10, 2001

Mr. Kevin Wall  
Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005



Dear Mr. Wall:

Attached you will find an application and exhibits for the creation of a special sign district for the Galerie Au Chocolat project located at Airpark West in Hebron, Kentucky.

The purpose of this submittal is to create a unique and interesting image for this very unique project.

The basic request of this application is as follows:

- The approval of two building mounted signs to be located along the 237 frontage of the building. One identification is for the overall facility while the other is for the outlet store.
- A ground mounted monument sign of approximate 100 SF at the first entrance off of Langley Drive.
- The approval and installation of six or seven banners and accompanying support structures along the 237 frontage.
- The installation of directional signage to the truck dock area to the 2nd entrance along Langley Drive.
- The installation of a "candy car" along the 237 frontage. As you realize, the "candy car" is a unique request and we have no existing examples of this vehicle at this time. However, the intent is to laminate a number of candy products on a model T or similar pick up truck and display this vehicle in a permanent location along the front of the building.

While I'm not certain that a special sign district covers sculptural building elements, I do want to mention that the owners of this facility have requested that we provide some type of artistic sculptural element at the front entrance to the building. I have included two idea sketches within this package, we can discuss this as your review process proceeds.



*Construction & Real Estate*

Mr. Kevin Wall  
Director, Zoning Services  
Boone County Planning Commission  
December 10, 2001  
Page 2

We appreciate your consideration of this application and look forward to your approval in creating this unique facility for Boone County.

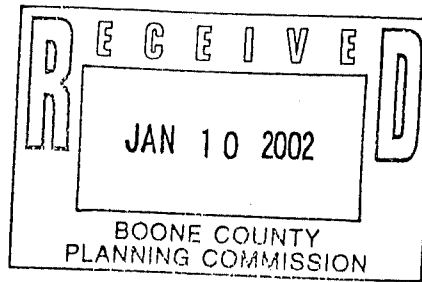
Sincerely,

PAUL HEMMER COMPANIES

Wm. Michael Hargis, A.I.A.  
Vice President

WMH:klm

Attachment



January 9, 2002

Mr. Kevin Wall  
Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

Dear Kevin:

In accordance with our telephone conversation of January 4, 2002, I am hereby submitting an additional signage request to be included in my upcoming Galerie Au Chocolat sign district hearing.

The proposed signage feature will be located above the main pedestrian entrance to the office and will be approximately 60 square feet in area. This feature has not received final design approval from our client. However, conceptually we have been given the approval to move forward.

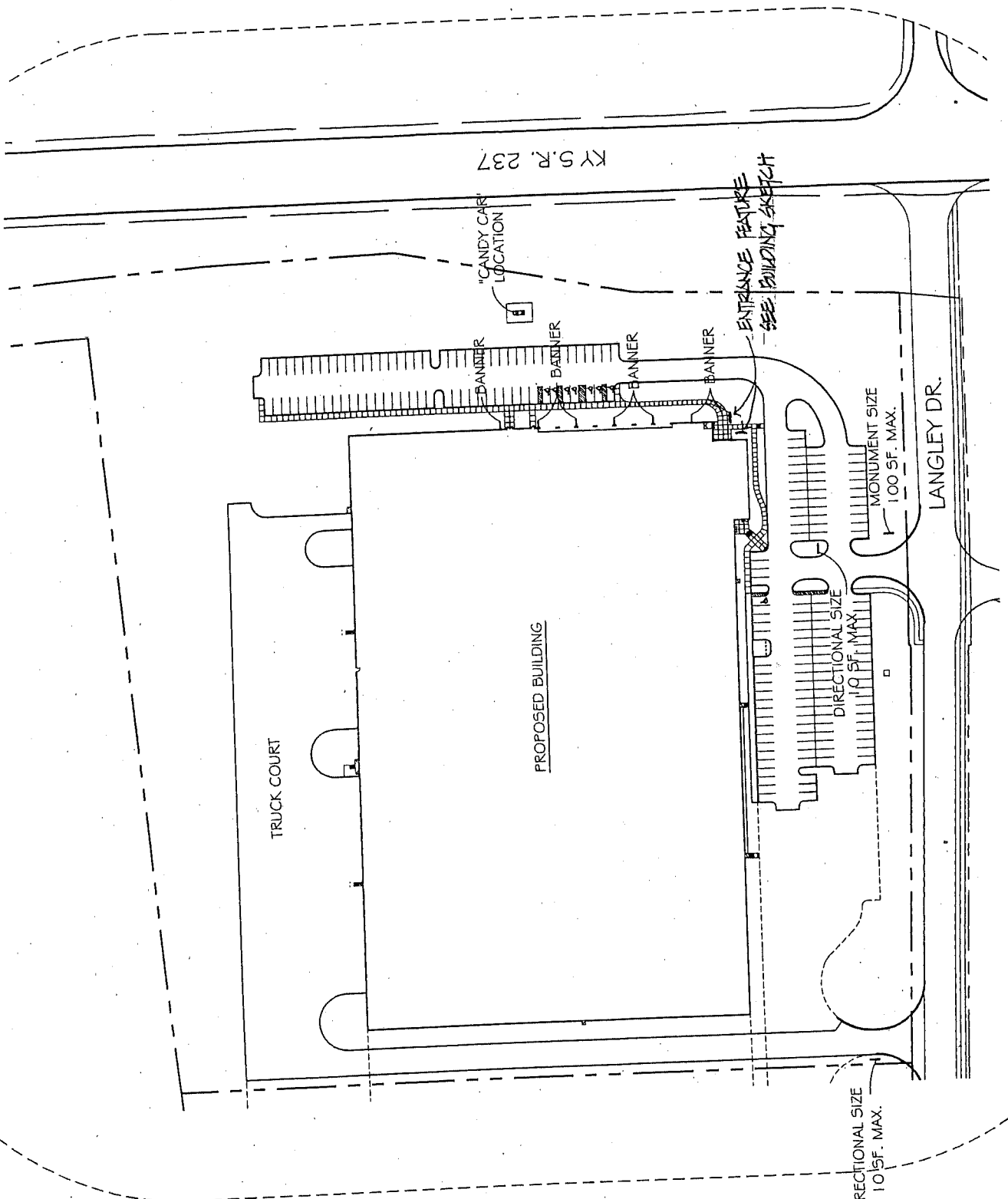
If you have any questions, please contact our office. I appreciate your assistance in this matter.

Very truly yours,

PAUL HEMMER COMPANIES

Wm. Michael Hargis, AIA  
Vice President

WMH:klm



KY S.R. 237

"CANDY CAR"  
LOCATION

BANNER

BANNER

BANNER

BANNER

ENTRANCE FEATURE  
- SEE BUILDING SKETCH

TRUCK COURT

PROPOSED BUILDING

DIRECTIONAL SIZE  
10 SF. MAX.

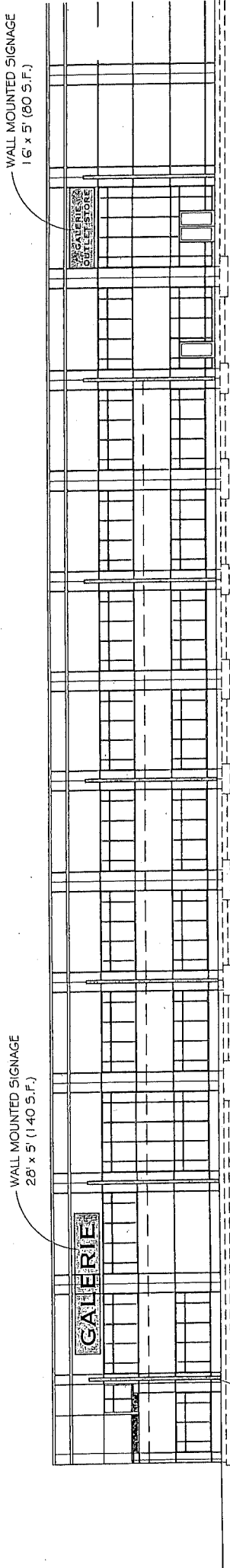
MONUMENT SIZE  
100 SF. MAX.

LANGLEY DR.

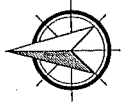
DIRECTIONAL SIZE  
10 SF. MAX.

**RECEIVED**  
DEC 11 2001  
BOONE COUNTY  
PLANNING COMMISSION

RECEIVED  
DEC 11 2001  
BOONE COUNTY  
PLANNING COMMISSION



TYPICAL BANNER



EAST (FRONT)  
ELEVATION  
N.T.S.

GALERIE BUILDING & MONUMENT SIGNAGE CONCEPTS

**GALERIE™**

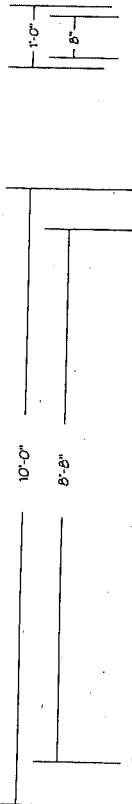
**Toys, Gifts & Candies**

GALERIE BUILDING & MONUMENT SIGNAGE CONCEPTS

**Toys, Gifts & Candies**

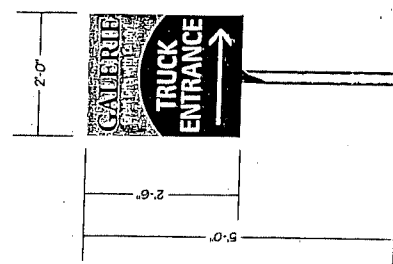
**GALERIE**  
AU CHOCOLAT®

**Outlet**

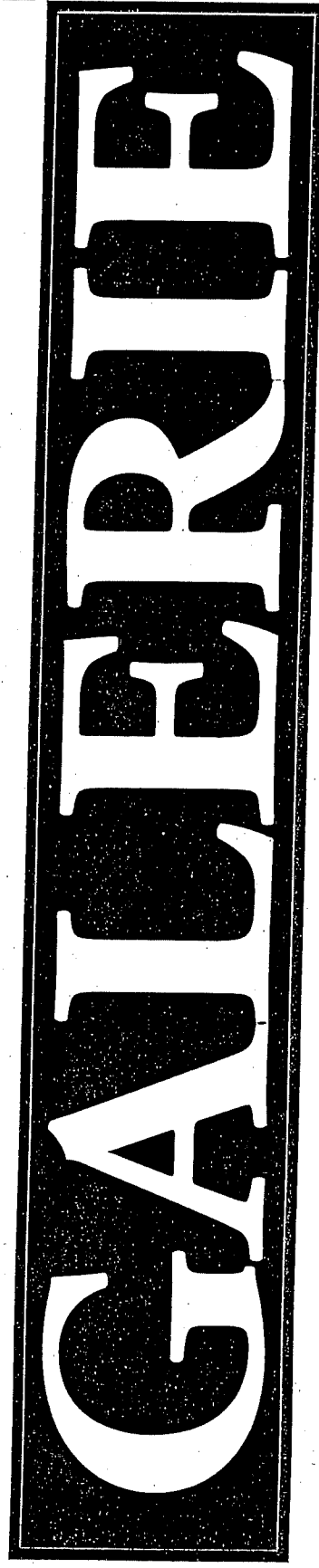


ILLUMINATED MONUMENT SIGN

NON-ILLUMINATED DIRECTIONAL SIGNAGE



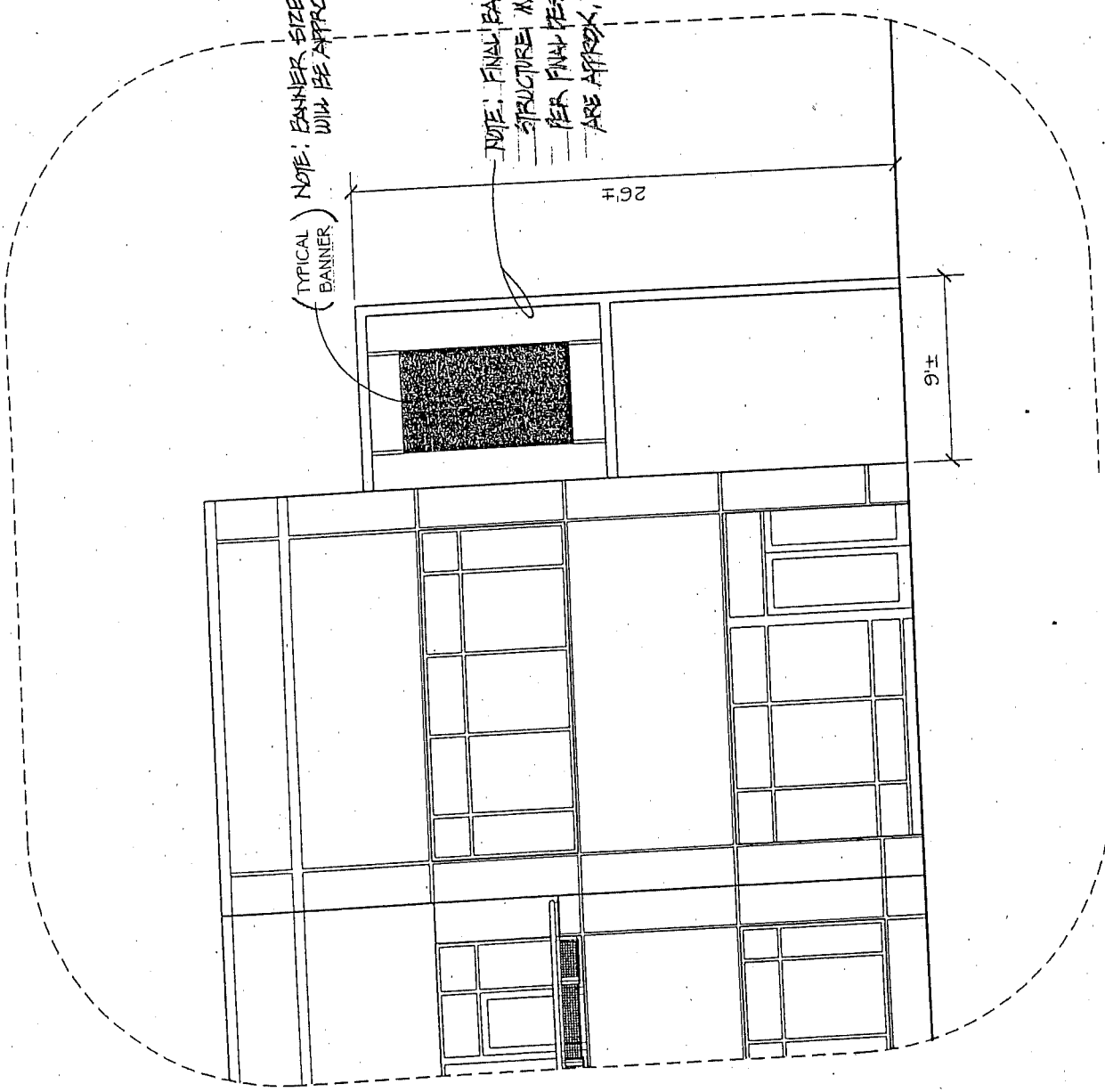
28'-0"



ILLUMINATED BUILDING SIGN

RECEIVED  
 DEC 11 2001  
 BOONE COUNTY  
 PLANNING COMMISSION

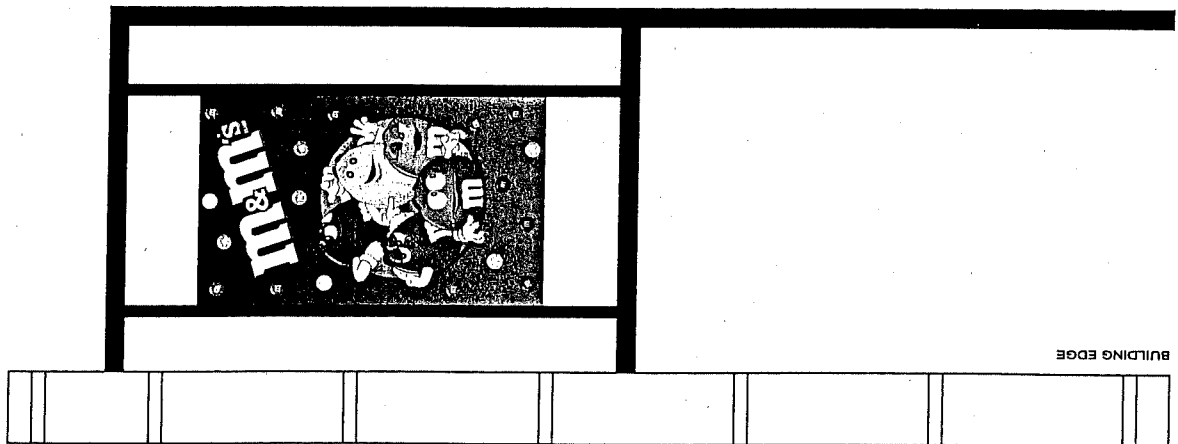
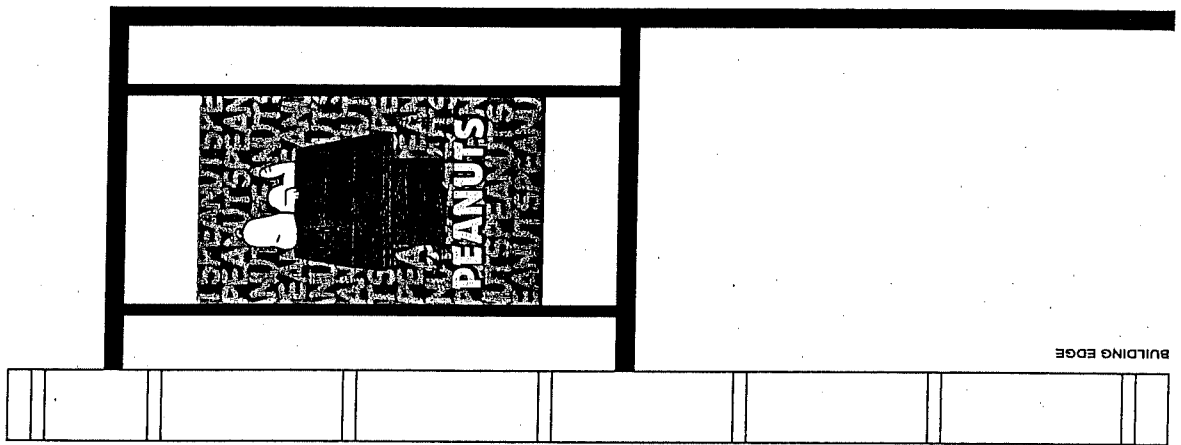
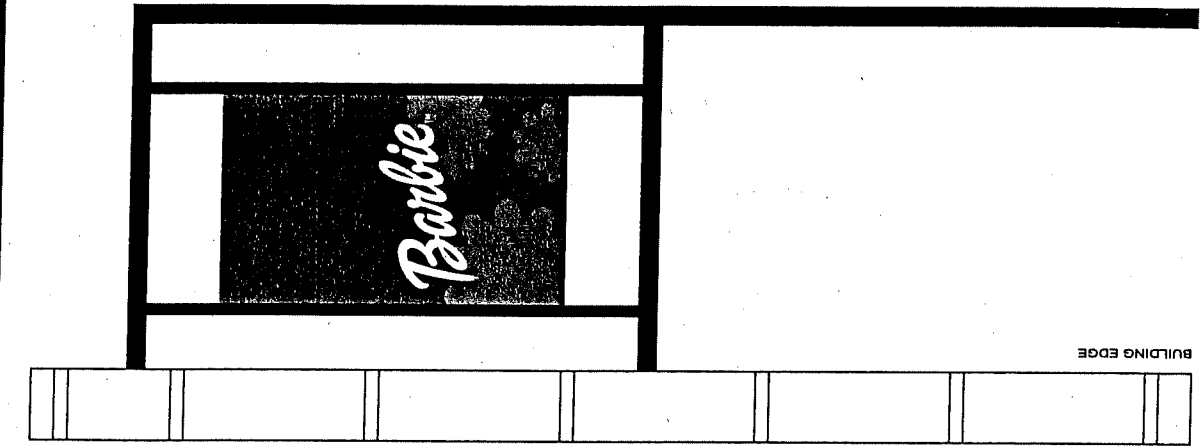
CLIENT	GALERIE
SCALE	NOTED
NOTES:	PROPOSED SIGNAGE
DRAWN BY: <i>[Signature]</i> DATE: 1-2-2001	

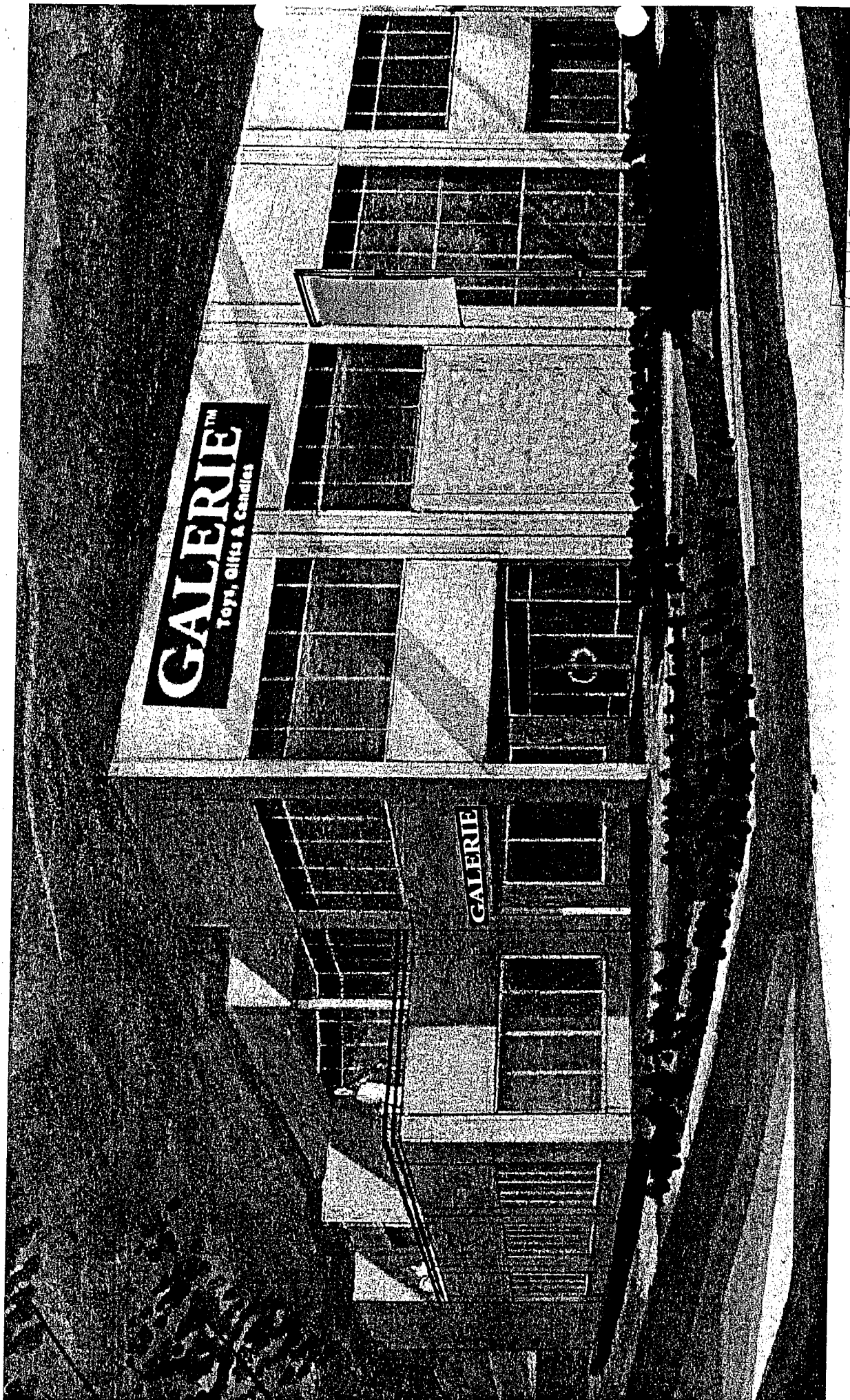


-GENERAL-

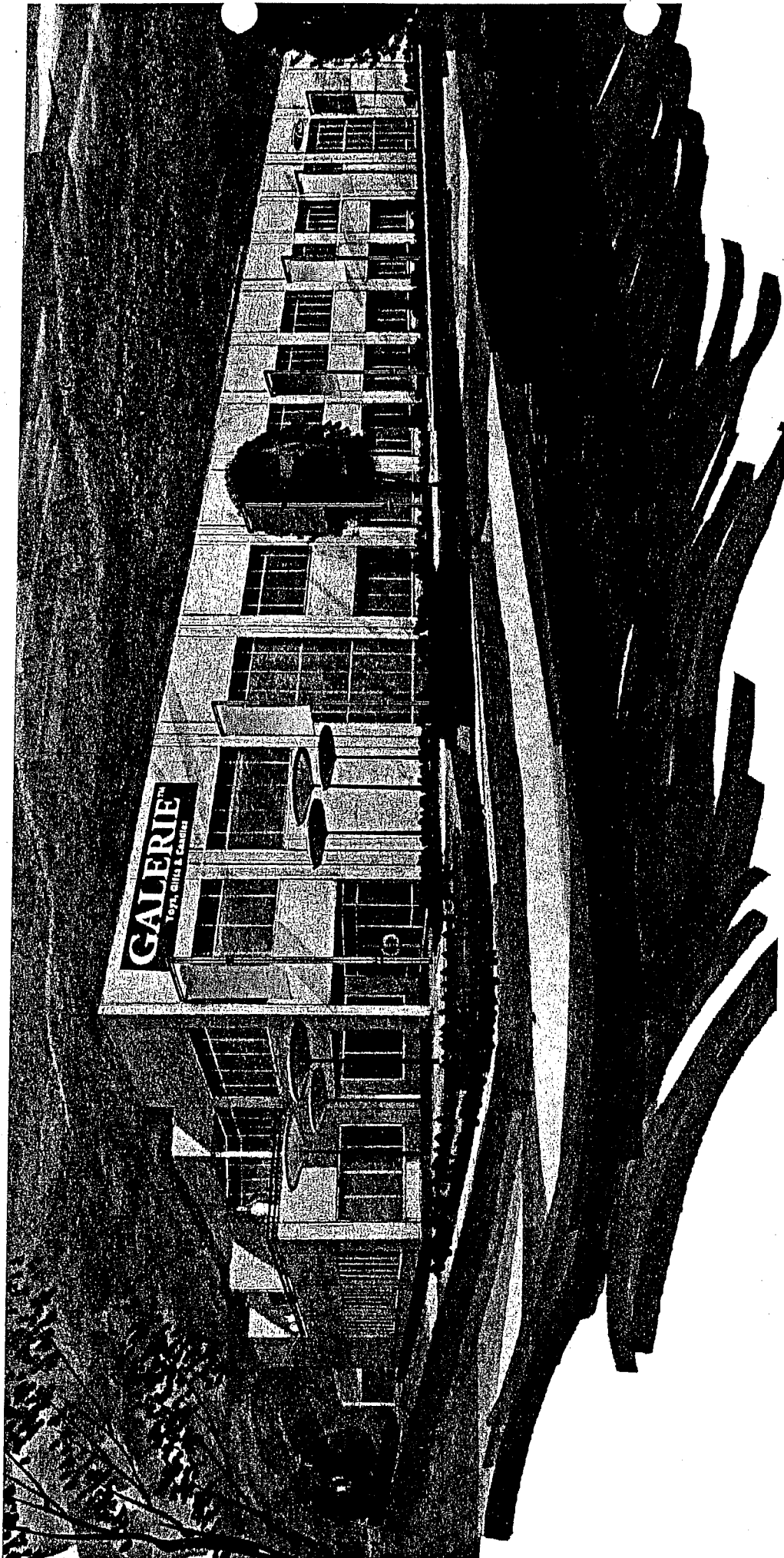
- 1. SEE FRONT SIGNS (SIZE)

GALERIE PROPOSED BANNER CONCEPTS





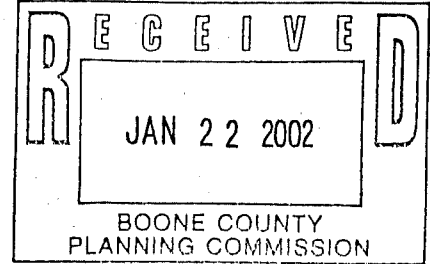
RECEIVED  
JAN 10 2002  
ROOM 22





January 22, 2002

Mr. Kevin Wall  
Director, Zoning Services  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005



Dear Kevin:

I am writing in regard to the upcoming public hearing for the Galerie Au Chocolat sign district request. As you recommended in our recent telephone conversation, I would like to make it clear that the location and square footages for the building mounted signs and banners are approximate at this time. It is my understanding that once I meet with the zone change committee and get their input, I will have an opportunity to adjust the signage square footages and locations to comply with their thinking.

I don't foresee any major changes, however, there is always some tweaking as we go through the final design process and I trust that I will have this latitude.

As always, we look forward to working with you and if you have any questions, please do not hesitate to contact me.

Very truly yours,

PAUL HEMMER COMPANIES

A handwritten signature in black ink, appearing to read "Wm. Michael Hargis".

Wm. Michael Hargis, A.I.A.  
Vice President

WMH:klm

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
January 23, 2002  
7:00 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM and introduced the first item on the Agenda:

1. **Applicant:** Paul Hemmer Companies/Mike Hargis (applicant) for Galerie Au Chocolate (owner)

**Request:** Special Sign District

The request of Paul Hemmer Companies/Mike Hargis (applicant) for Galerie Au Chocolate (owner) to consider an application for a Zoning Map Amendment for a Special Sign District on a 24-acre site at 3380 Langley Drive, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) zone to allow alternative signage.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He noted a letter he received from Mr. Hargis dated January 22, 2002 regarding the building mounted signs and banners. Copies were provided to the Commissioners.

The Chairman asked for the applicant's presentation.

Mr. Mike Hargis, Vice President, Paul Hemmer Construction Company, 250 Grandview Drive, Fort Mitchell, Kentucky, introduced Alan Adam representing Galerie Au Chocolate. Mr. Hemmer stated that they met with Staff on several occasions and were advised to go through the Special Sign District procedure. He stated that this is an international firm and they have a lot of clients who come in from the airport. They do a lot of business in China and the Orient and other countries. They are a young company with young design ideas and they want their building to reflect the character and nature of the company and their products. They want to glue different types of the candies that they produce and package onto a car that will be located in the front area. He passed around a exhibit showing the jelly beans and candies that the applicant wants to glue to the car to show what the surface of the car will look like. He will bring a scale model of the car to the Committee Meeting. He stated that they are allowed 800 square feet of signage along KY 237, but rather than using the 800 square feet on one side, they want to break it up to enhance the scale of the building. The site is designated as Business Park, but they are trying to create a different type of atmosphere than the industrial type building usually seen along main highways. They like the idea of banners so that they can be changed with the different products the company is packaging. He stated that the total square footage of all of the signs, except the car, fits within the guidelines of the ordinance. If they are allowed the banners and the car, they may forego some of the more sculptural elements which are not intended to be signs (the metallic elements that would be painted). He indicated the box type sign that says "Galerie" and "Toys, Gifts & Candies" at the bottom and stated that they would like to take the square footage approved and work with their sign people to develop exact sign. They think it will be individual letters that say "Galerie". He stated that with the way the square footage for signage is calculated, the box sign would meet the requirement and still be 160 square feet. He stated that they are available to answer any questions. This completed the applicant's presentation.

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

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

Mrs. Poston asked if the monument sign is permitted. Mr. Wall responded "yes" and stated that they are allowed one free-standing sign, but the car is a second sign. Mr. Barlow questioned the maximum height allowed of the free-standing sign. Mr. Wall responded that it can be 100 square feet and a maximum height of 10 feet.

Mr. Barlow stated that he is concerned about the 6' x 10' panel signs. He is concerned about the structural elements coming off the building becoming sign supports. He stated that it is almost an indirect was to get a much taller sign and a

greater number of signs simply because they are attached to the building. He is concerned about setting a precedent of being able to change the panels – they could change them for sales or special promotions, which would set a precedent for the other commercial uses and they will want the same thing. He considers them to be signs and they are probably in excess of ten feet high. Mr. Wall responded that the frames are not free-standing signs. Mr. Barlow responded that he sees them as signs that are up for modification and not controlled.

Mr. Ries questioned the car being classified as a sign since it does not say anything. He stated that it could be an architectural element. Mr. Wall responded that the car is advertising the product they sell. He stated that a sign does not have to have phonetic characters on it. He noted that a neon band is considered a sign. He read the definition of a sign from the regulations.

Mr. Hargis stated that the car will be motorized and they have agreed to let it be in the Burlington parades and Boone County parades, but they will not drive it around town or around the site. Mr. Ries questioned if the car would be a sign. He noted that there are people on Mall Road who park a trailer on their property and it is not considered a sign. Mr. Costello stated that they hung a sign on that trailer and we went to court about it. He stated that if this car was a vehicle, it would be parked in a parking space rather than right in front of the front door. Mr. Wall explained that when signs are placed on vehicles or trailers which are parked or located on the site for the primary purpose of supplementing or replacing ordinary signage – if they park something there to get attention – it is called a sign and it is normally prohibited in all districts.

Mr. Reynolds asked if there are requirements for landscaping. Mr. Wall responded “yes” and stated that they have a plan approved that includes landscaping. He noted that the Staff Report says that if this request is approved in all or in part, Staff would like to see the street frontage designed so that the parking area is an integral part – not just a car parked out in the grass.

Mr. McMillian asked if this is a wholesale or retail establishment. Mr. Wall responded that it is largely distribution, but they have an outlet store which is permitted in the I-1 Zone. About one percent of the floor area is retail store.

Mrs. Poston asked if the panel signage exceeds the total signage allowed. Mr. Wall responded that instead of a maximum of three signs, they are having up to nine signs, but the geometric amount is within what is allowed.

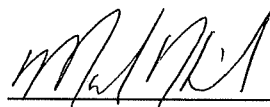
There being no further comments or questions from the Commissioners, Chairman Hicks asked if there were any further comments from the applicant. Mr. Hargis stated that there will be a pad and lighting for the car. They do not disagree that the car is a sign. He stated that they just showed the support for the banners going down to the ground to facilitate this presentation, but how they would be supported has not been decided at this point. He asked Mr. Barlow if

his concerns would be eliminated if the supports do not touch the ground. Mr. Barlow responded that his concern is that the banners can be changed at anyone's discretion. He is concerned that others in the area will want to take the same approach and we will have variable signs throughout the area. Mr. Hargis responded that they would be agreeable to submit the banners they would like to put up for the different seasons (Valentine's Day, Christmas, etc.) to the Zoning Administrator for his review. He stated that they are not trying to get a permit and then randomly change signs every month.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 at 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.

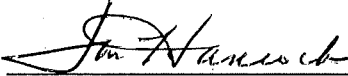
The Chairman closed this Public Hearing.

**APPROVED:**



**Mark Hicks, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
February 20, 2002  
7:30 P.M.**

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Mr. Mark Hicks, Chairman, called the meeting to order at 7:33 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Mark Hicks, Chairman  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Robert Newman  
Mr. Charlie Reynolds  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer  
Mr. David Zimmer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Robert Ries

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Patty Bachman, Planner  
Ms. Jan Hancock, Secretary  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

**Approval of the Minutes:**

Chairman Hicks stated that the Commissioners received copies of the Minutes of the February 6, 2002 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Kegley seconded the motion and it carried unanimously.

Chairman Hicks stated that the Commissioners received copies of the Minutes of the February 6, 2002 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Kegley seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

1. **Special Sign District**

**The request of Paul Hemmer Companies/Mike Hargis (applicant) for Galerie Au Chocolate (owner) to consider an application for a Zoning Map Amendment for a Special Sign District on a 24-acre site at 3380 Langley Drive, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) zone to allow alternative signage.**

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). The property owner has signed the letter agreeing to the conditions.

Mr. White moved to approve the request based on the Committee Report, with the conditions. Mr. Barlow seconded the motion.

Mr. Zimmer stated that the Committee tried to control what could be on the banners with the foresight that what could be on the banners in the future could be disagreeable. They were advised by legal counsel that they cannot say what should be on the sign, so they imposed Condition #1 -- which mutated after the Committee Meeting. The Committee felt that it was better to reevaluate what could be on the banners and the candy car in the event of a change of user. He stated that the Special Sign District was created because Galerie Au Chocolate wanted to do something different, but the Special Sign District goes with the parcel regardless of what comes in the future. He stated that the Planning Commission can revisit the Special Sign District when the user changes.

Counselor Wilson advised that once such an approval is issued, it can only be rescinded or revoked after a Public Hearing.

Mr. Costello questioned the property being sold to a muffler business that would take the candy off the car and put mufflers on it. He stated that if the Special Sign District is designed to what has been submitted, there would be a question as to

whether what happens in the future is consistent with what was approved. If someone wanted to put a truck out front full of auto parts instead of the candy car, that would not be allowed. Mr. Wall stated that the user would have to come in and state their case as to why it fits in with the intent of the approval.

Mr. Zimmer stated that the whole idea was to stay away from a Berma Shave type system, and we have not done that. He stated that we cannot legislate what goes on the banners and they could say "50% off"; "yard sale" etc.. He stated that the banners go with the building for whoever comes in after Galerie Au Chocolate. He stated that the Planning Commission cannot say what goes on the banner, but can say whether they exist or not. The Zone Change Committee was amiable to what they think is going to be on the banners. He would not be opposed to the process starting over if a new user comes in. Mr. Costello stated that that is addressed by Condition #1. Mr. Zimmer responded that Condition #1 allows the Zone Change Committee in the future to make that decision, but not him. Mr. Costello stated that Staff would advise the Committee.

Counselor Wilson stated that if Mr. Zimmer wants to put in a Condition that the Special Sign District is subject to being revoked upon change of use, the applicant would have to agree to that condition to make in enforceable.

Mr. Zimmer stated that they left the Committee Meeting with the idea that they would have some control over what was going on the signs, but subsequent to the Committee Meeting they were advised that that is not going to happen. Mr. Knock stated that it seems like the only way to address future concerns would be to have the applicant go back through the Public Hearing process. Mr. Costello questioned if a change of use to a similar use like an ice cream business would be enough to go back through the entire process.

Mr. Zimmer stated that he voted in favor of the Committee Report because he believed that what the applicant was trying to do was good and he did not want their efforts to fail because we cannot work through the details of what could happen in the future. He stated that if what they are doing changes, then it should go back to the beginning of the process. He asked if the applicant would be agreeable to such a condition.

Mr. Hargis stated that the candy car and the banners are the only two items outside of the Sign Regulations and, as they stated in their presentation, the banners are not to advertise a 10% off sale. They are trying to show the nature of the company with the banners and do not intend to use them for advertising. He stated that he has no problem with the condition, but he does not own the building. He does not think the owners of the building would have a problem with the condition. He stated that the banners are an architectural feature of the building and does not know that the owners want to take down structural elements from in front of the building. Mr. Zimmer stated that his concern is the banners and the car.

Mr. Hargis noted that they agreed that when anything on the banners was to be changed, Kevin Wall would be the proper authority. Mr. Zimmer stated that the

Committee did not act on making Mr. Wall the banner police and that is where there was an element of trust. He stated that the banners were to be architectural feature signage that were appropriate and accent the building with items such as pumpkins or leaves in the fall – not advertisements. Mr. Newman noted that the conditions refer to the “candy car” and anything other than a “candy car” would not be appropriate. Mr. Wall agreed. Mr. Newman stated that the only thing not in the conditions is “candy banners”. Mr. Hicks stated that that would get into the content of the sign.

Counselor Wilson suggested that Condition #1 be amended to read “In the event that the facility experiences a change in use from the candy distribution/accessory candy outlet store use, the permissibility of the semi-permanent, changeable banners along the KY 237 façade of the building, and the “candy car”, shall be subject to re-application for review and approval for a new Special Sign District by the Planning Commission and Fiscal Court.” Mr. Hargis agreed to the change in the wording of Condition # 1. Mr. Zimmer also agreed.

Mr. White amended his motion to include the amended Condition #1. Mr. Barlow seconded the amendment. There being no further discussion, the Chairman asked for a vote on the motion as amended and it carried unanimously.

2. Zoning Map Amendment

The request of Cayton Development LLC (owner) to consider an application for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.459 acre parcel on the south side of Hopeful Road Connector between Hopeful Church Road and Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending); and a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 0.86 acre parcel on the west side of Hopeful Road, immediately north of 6767 Hopeful Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for two zone changes to allow a recreational area for an existing apartment complex and single-family residences.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). The property owner has signed the letter agreeing to the condition.

Mr. Costello stated that the new policy when annexation is pending is to move by resolution to both (in this case the City of Florence and Boone County Fiscal Court) in case the annexation does not occur. The Planning Commission will send the recommendation to both and one will defer to the other. There being no further comments, Mr. Zimmer moved by resolution to the City of Florence and to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Barlow seconded the motion and it carried unanimously.

EXHIBIT  
"B"

This Zone Change/Concept Plan Committee Report was  
Amended at the February 20, 2002 Business Meeting  
(see Business Meeting Minutes dated February 20, 2002 and Condition #1)

## **ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Susan Poston, Chairman

DATE: February 20, 2002

RE: Request of **Paul Hemmer Construction Companies/Mike Hargis (applicant)** for **Galerie Au Chocolate (owner)** to consider an application for a Zoning Map Amendment for a Special Sign District on a 24 acre site located at 3380 Langley Drive, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) zone to allow alternative signage.

### 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 "2025 Future Land Use Plan" designates the site in question largely for "Business Park" uses. The Plan describes the Business Park designation as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

Based on this description, it is the Committee's conclusion that the Special Sign District provides a constant signage theme which enhances the architectural design of the building and creates visual interest for the site. In particular, the structural banner frames proposed for the front facade enhance the architectural design of the building by providing three dimensional relief and color patterns on this wall plane. Additionally, the overall amount of signage is largely in accord with that permitted by Article 34, but has just been "repackaged" in a manner which better fits the needs of this user and which appropriately correlates to the design of the facility while fulfilling the purposes of the Business Park designation.

- B. The Land Use Element's "Future Land Use Development Guidelines" ("Design, Signs, and Historic Preservation," pg. 160) state "developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor." Also, the 2000 Boone County Comprehensive Plan Goals and Objectives state "proper design principles shall be applied in development" (Overall, Objective 3), and "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

When considering these statements, the Committee has concluded that the Special Sign District enhances the overall design of the facility, as explained above. Additionally, the Committee has concluded that the proposal minimizes the use of signs when compared to that permitted by Article 34, as the overall geometric amount of signage is notably less than the normal zoning requirements permit. Rather, the signage has been broken into a system of inter-related signs which better relate to the scale and design of the building.

2. The Committee has concluded that the request is in accord the policies of Section 3440 "Special Sign District" of the Zoning Regulations. It is the Committee's conclusion that by modifying the normal signage requirements as they relate to this facility, the proposed signage scheme more appropriately responds to the special circumstances of this user and site than would be achieved under the standard requirements.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. In the event that the facility experiences a change in use from the candy distribution/ accessory candy outlet store use, the permissibility of the semi-permanent, changeable banners along the KY 237 facade of the building, and the "candy car," shall be subject to re-application for review and approval for a new Special Sign District by the Planning Commission and Fiscal Court.

2. The "candy car" shall be parked on a concrete pad. Lighting for the "candy car" shall consist of spot lighting only which shall not spill any glare onto adjoining rights-of-way or adjoining properties.

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.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
January 23, 2002  
7:00 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM and introduced the first item on the Agenda:

1.     **Applicant:**    Paul Hemmer Companies/Mike Hargis (applicant) for  
                          Galerie Au Chocolate (owner)

**Request:**        Special Sign District

**The request of Paul Hemmer Companies/Mike Hargis (applicant) for  
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Map Amendment for a Special Sign District on a 24-acre site at 3380  
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The Chairman asked for the applicant's presentation.

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

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Mr. Ries questioned the car being classified as a sign since it does not say anything. He stated that it could be an architectural element. Mr. Wall responded that the car is advertising the product they sell. He stated that a sign does not have to have phonetic characters on it. He noted that a neon band is considered a sign. He read the definition of a sign from the regulations.

Mr. Hargis stated that the car will be motorized and they have agreed to let it be in the Burlington parades and Boone County parades; but they will not drive it around town or around the site. Mr. Ries questioned if the car would be a sign. He noted that there are people on Mall Road who park a trailer on their property and it is not considered a sign. Mr. Costello stated that they hung a sign on that trailer and we went to court about it. He stated that if this car was a vehicle, it would be parked in a parking space rather than right in front of the front door. Mr. Wall explained that when signs are placed on vehicles or trailers which are parked or located on the site for the primary purpose of supplementing or replacing ordinary signage – if they park something there to get attention – it is called a sign and it is normally prohibited in all districts.

Mr. Reynolds asked if there are requirements for landscaping. Mr. Wall responded “yes” and stated that they have a plan approved that includes landscaping. He noted that the Staff Report says that if this request is approved in all or in part, Staff would like to see the street frontage designed so that the parking area is an integral part – not just a car parked out in the grass.

Mr. McMillian asked if this is a wholesale or retail establishment. Mr. Wall responded that it is largely distribution, but they have an outlet store which is permitted in the I-1 Zone. About one percent of the floor area is retail store.

Mrs. Poston asked if the panel signage exceeds the total signage allowed. Mr. Wall responded that instead of a maximum of three signs, they are having up to nine signs, but the geometric amount is within what is allowed.

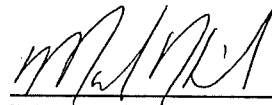
There being no further comments or questions from the Commissioners, Chairman Hicks asked if there were any further comments from the applicant. Mr. Hargis stated that there will be a pad and lighting for the car. They do not disagree that the car is a sign. He stated that they just showed the support for the banners going down to the ground to facilitate this presentation, but how they would be supported has not been decided at this point. He asked Mr. Barlow if

his concerns would be eliminated if the supports do not touch the ground. Mr. Barlow responded that his concern is that the banners can be changed at anyone's discretion. He is concerned that others in the area will want to take the same approach and we will have variable signs throughout the area. Mr. Hargis responded that they would be agreeable to submit the banners they would like to put up for the different seasons (Valentine's Day, Christmas, etc.) to the Zoning Administrator for his review. He stated that they are not trying to get a permit and then randomly change signs every month.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on February 6, 2002 at 4:00 PM. This item will be on the Agenda for the Business Meeting on February 20, 2002 at 7:30 PM.

The Chairman closed this Public Hearing.

**APPROVED:**



**Mark Hicks, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Committee Chairwoman

DATE: February 6, 2002

RE Request of **Paul Hemmer Companies/Mike Hargis (applicant)** for **Galerie Au Chocolate (owner)** to consider an application for a Zoning Map Amendment for a Special Sign District on a 24 acre site located at 3380 Langley Drive, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) zone to allow alternative signage.

### 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.

February 6, 2002

Hemmer/Hargis/Galerie Au Chocolate

*Susan Poston*

---

**Susan Poston, Chairwoman**

For  Against   
 Abstain  Absent   
 Deferred

*Mark Hicks*

---

**Mark Hicks**

For  Against   
 Abstain  Absent   
 Deferred

---

**Bob Newman**

For  Against   
 Abstain  Absent   
 Deferred

*Earl White*

---

**Earl White**

For  Against   
 Abstain  Absent   
 Deferred

*David Zimmer*

---

**David Zimmer**

For  Against   
 Abstain  Absent   
 Deferred

*Randy Barlow*

---

**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](http://www.boonecountyky.org)

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

February 21, 2002

Mr. Tom Powers  
c/o Mr. Mike Hargis  
Paul Hemmer Companies  
P.O. Box 17310  
260 Grandview Drive  
Ft. Mitchell, KY 41017-0310

FAX: 341-8817

RE: Amended Conditions of Approval for Galerie Au Chocolate Special Sign District  
Application, 3380 Langley Drive, Boone County, Kentucky

Dear Mr. Powers:

The following represents the amended conditions of approval for the above referenced application as adopted by the Planning Commission at their 2/20/02 Business Meeting and which you agreed to orally at said 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 within one week.

**CONDITIONS**

1. In the event that the facility experiences a change in use from the candy distribution/ accessory candy outlet store use, the permissibility of the semi-permanent, changeable banners along the KY 237 facade of the building, and the "candy car," shall be subject to re-application for review and approval for a new Special Sign District by the Planning Commission and Fiscal Court.
2. The "candy car" shall be parked on a concrete pad. Lighting for the "candy car" shall be consistent of spot lighting only which shall not spill any glare onto adjoining rights-of-way or adjoining properties.

Sincerely,

Kevin T. Wall  
Director, Zoning Services

KTW/pr

Mr. Tom Powers  
February 21, 2002  
Page 2

AGREEMENT

I, the authorized representative of the owner of the real estate located at 3380 Langley Drive, Boone County, Kentucky agree to the conditions listed herein for the Galerie Au Chocolate Special Sign District application.

  
\_\_\_\_\_  
Tom Powers, Authorized Representative  
Galerie Au Chocolate

2-27-02  
Date

**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 02-05**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF PAUL HEMMER COMPANIES / MIKE HARGIS (APPLICANT) FOR GALERIE AU CHOCOLAT (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT ON A 24 ACRE SITE LOCATED AT 3380 LANGLEY DRIVE, BOONE COUNTY, KENTUCKY FOR A SITE THAT IS CURRENTLY ZONED INDUSTRIAL ONE (I-1), AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-02-005-A.**

**WHEREAS**, the Boone County Fiscal Court received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One (I-1) for a 24 acre site located at 3380 Langley Drive, Boone County, Kentucky, which is more particularly described below; and,

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

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

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One (I-1) for a 24 acre site located at 3380 Langley Drive, Boone County, Kentucky. This change is further subject to an additional modification as provided in the attached letter marked as Exhibit C. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One (I-1) zone is more particularly described in DEED BOOK 809, PAGE NO. 117 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

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

**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 02-05**

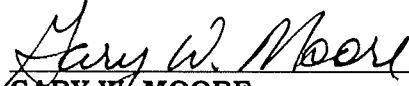
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

**SECTION III**

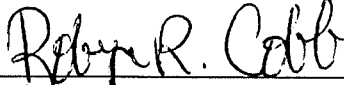
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

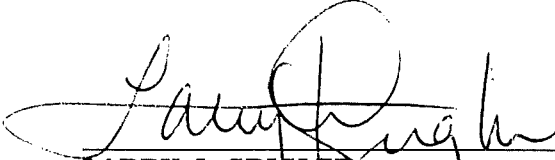
Introduced and given First Reading on the 19<sup>th</sup> day of March, 2002.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21<sup>st</sup> day of May, 2002, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
**GARY W. MOORE**  
**BOONE COUNTY JUDGE/EXECUTIVE**

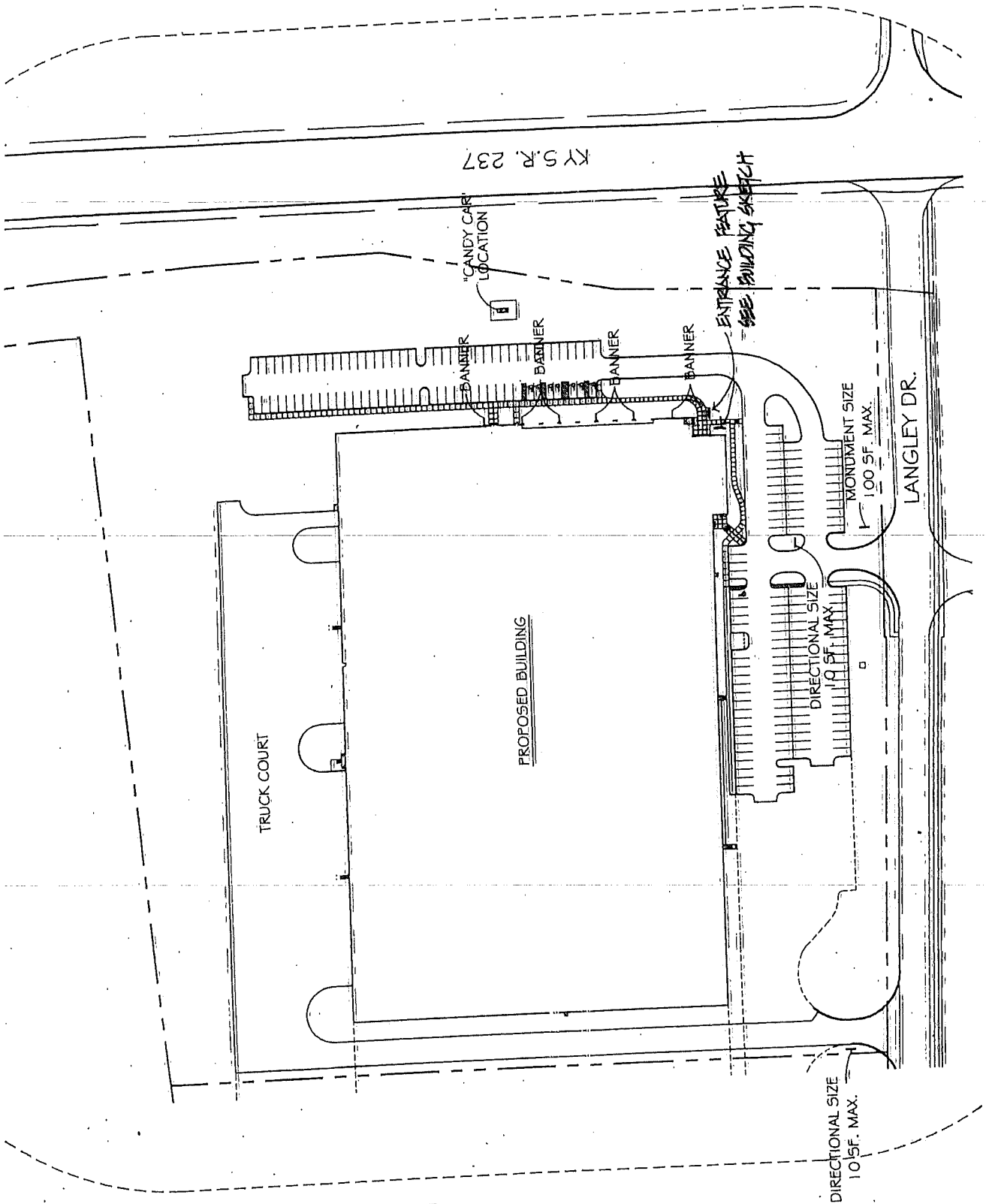
**ATTEST:**

  
\_\_\_\_\_  
**ROBYN R. COBB**  
**FISCAL COURT CLERK**

  
\_\_\_\_\_  
**LARRY J. CRIGLER**  
**BOONE COUNTY ATTORNEY**

5-30-02  
\_\_\_\_\_  
**DATE PUBLISHED**

**RECEIVED**  
DEC 11 2001  
BOONE COUNTY  
PLANNING COMMISSION



KY S.R. 237

"CANDY CART"  
LOCATION

BANNER

BANNER

BANNER

BANNER

ENTRANCE FEATURE  
SEE BUILDING SKETCH

TRUCK COURT

PROPOSED BUILDING

DIRECTIONAL SIZE  
10 SF. MAX.

MONUMENT SIZE  
100 SF. MAX.

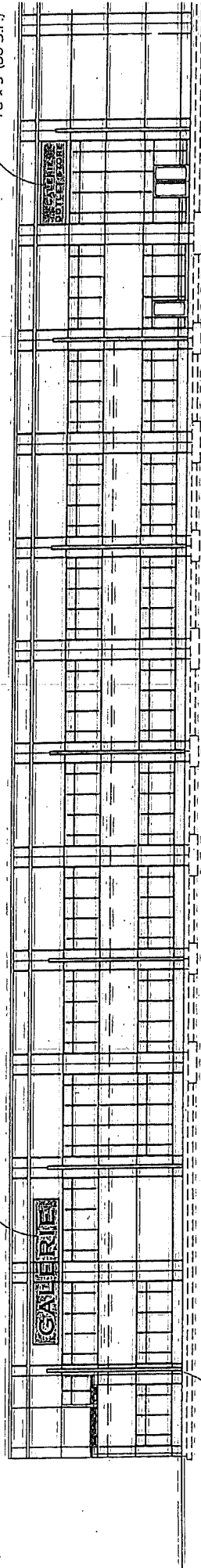
LANGLEY DR.

DIRECTIONAL SIZE  
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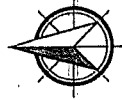
**R** E C E I V E D  
DEC 11 2001  
BOONE COUNTY  
PLANNING COMMISSION

WALL MOUNTED SIGNAGE  
29' x 5' (140 S.F.)

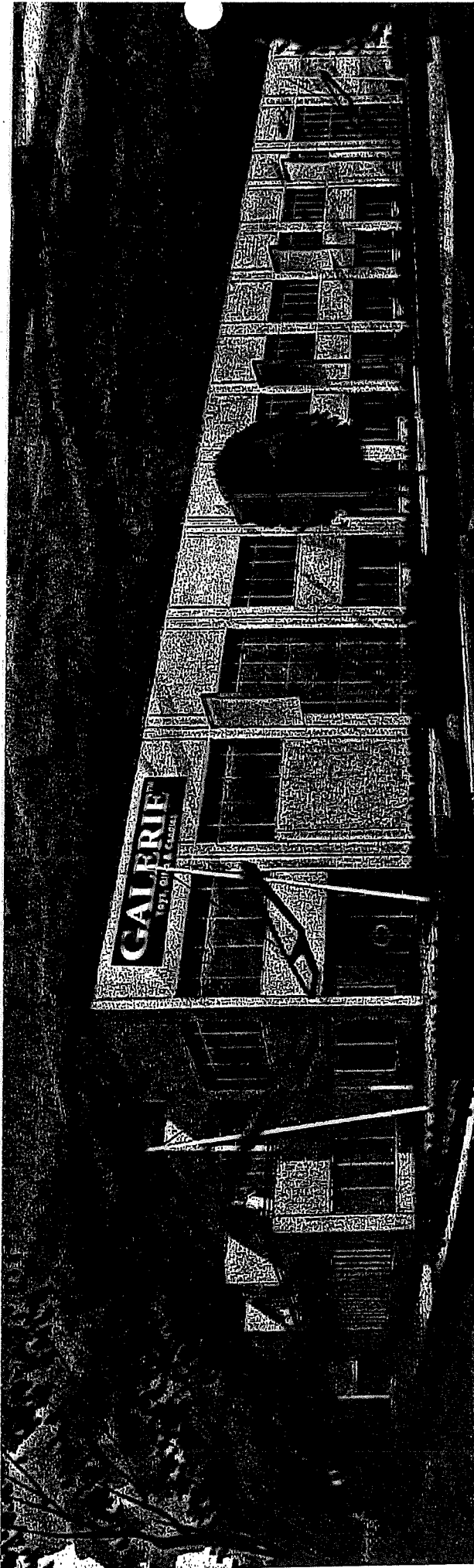
WALL MOUNTED SIGNAGE  
16' x 5' (80 S.F.)

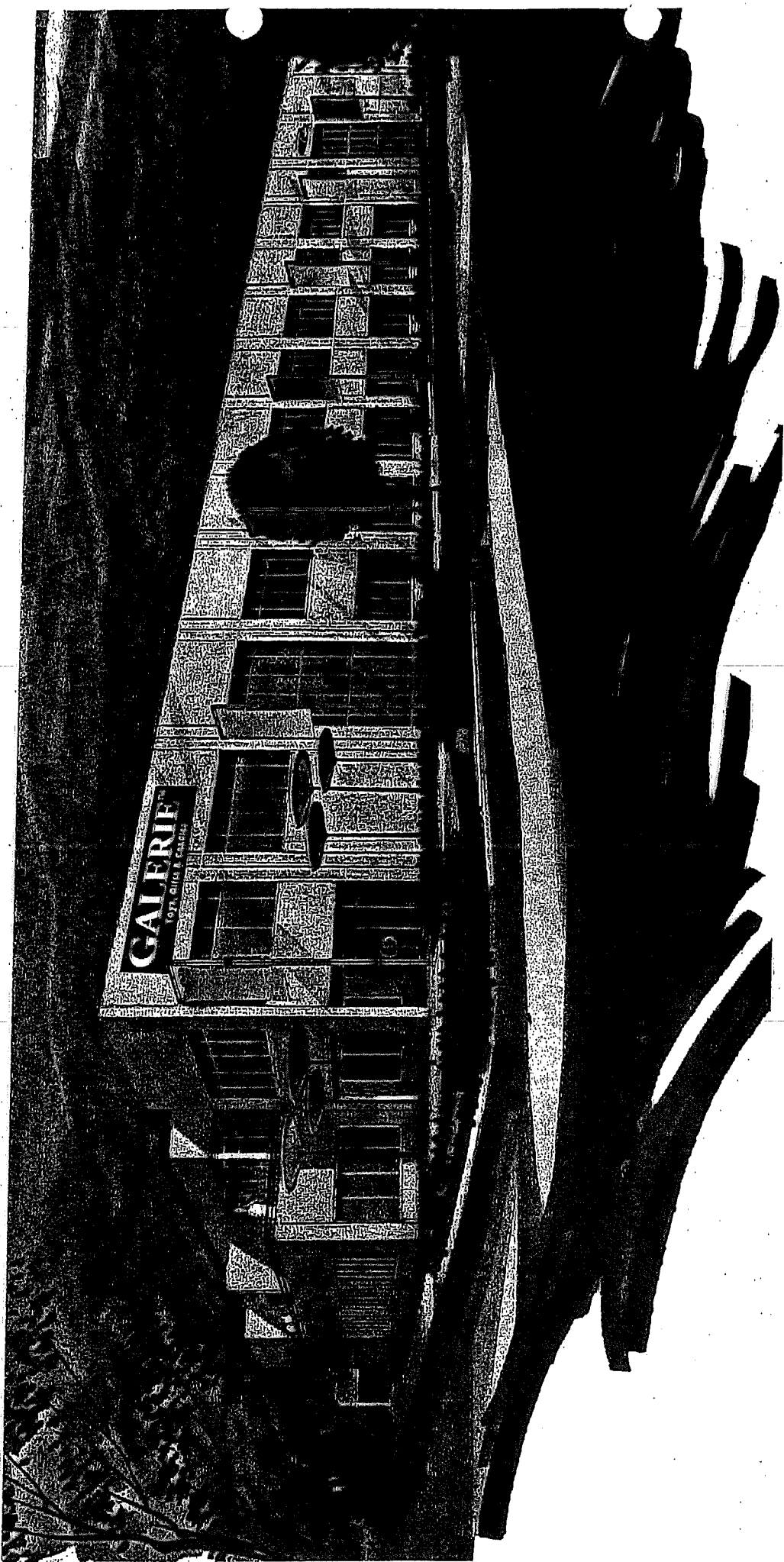


TYPICAL BANNER

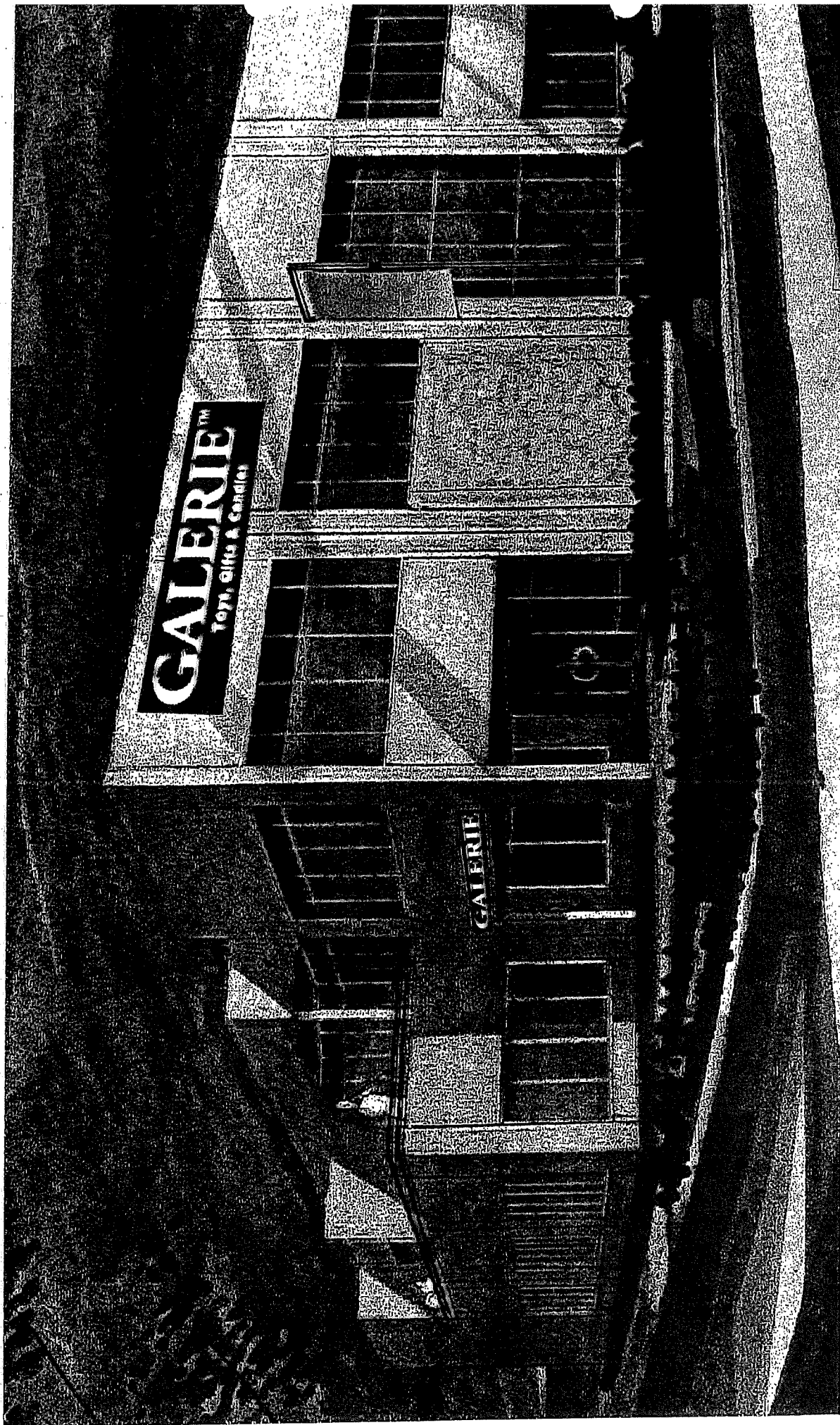


EAST (FRONT)  
ELEVATION  
N.T.S.



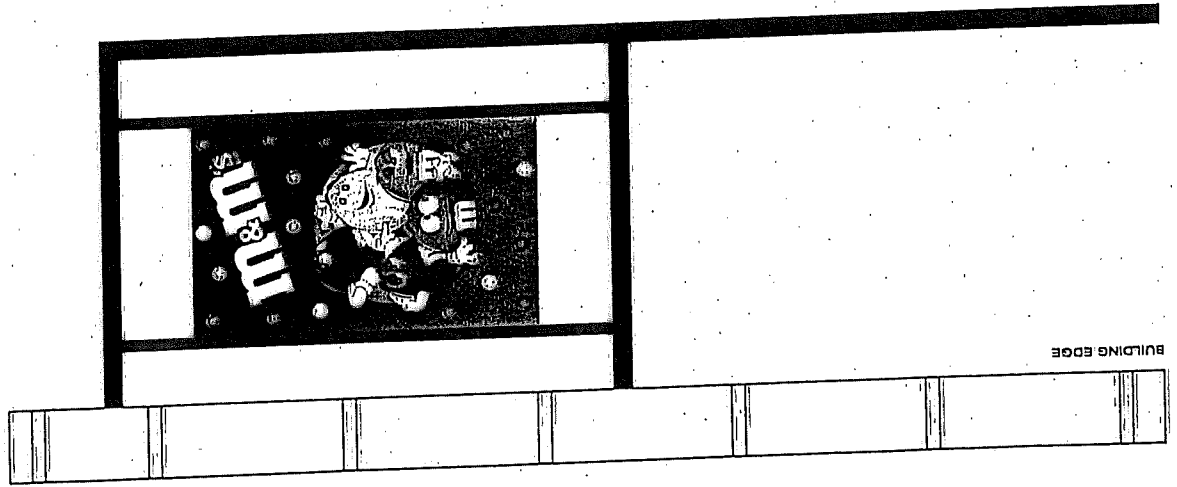
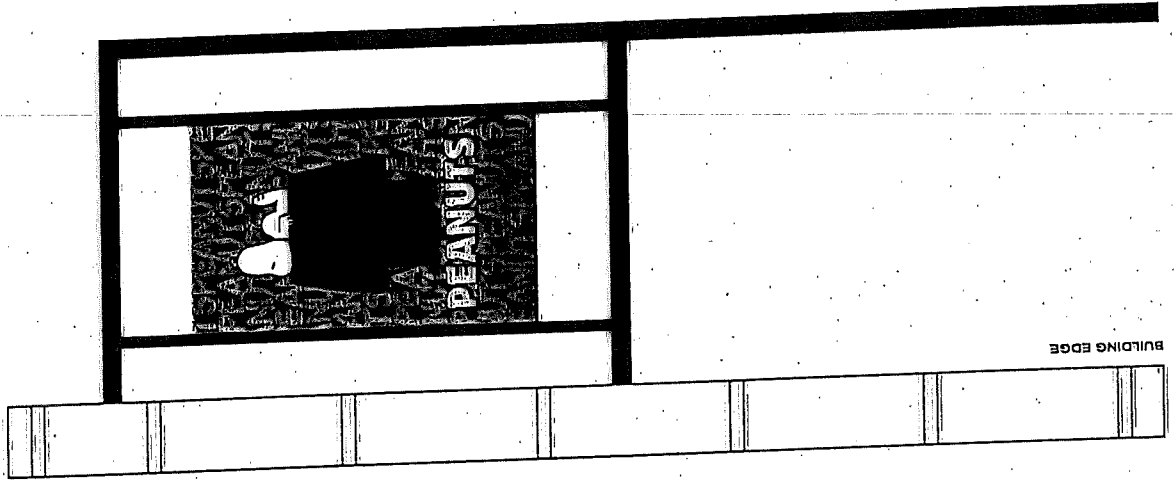
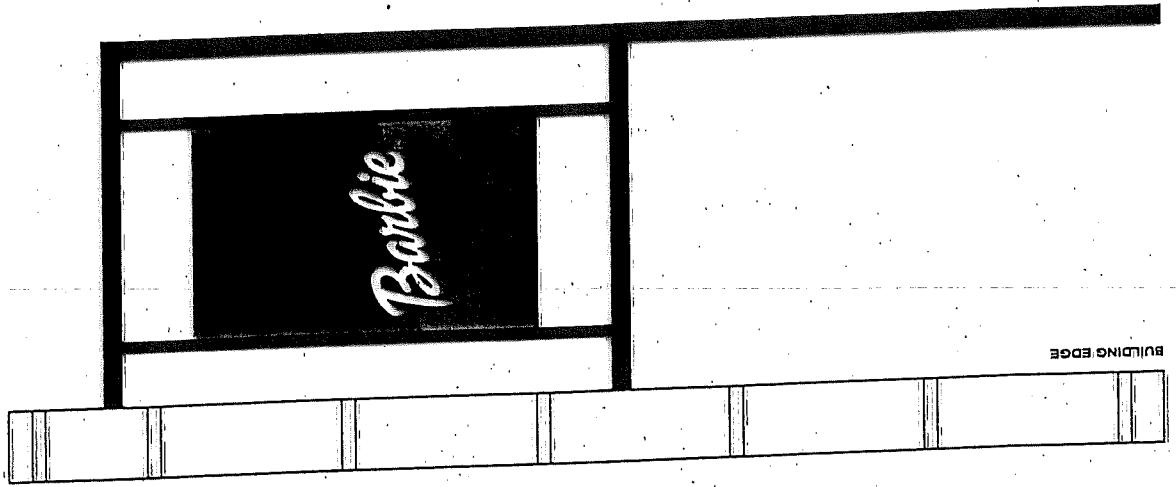


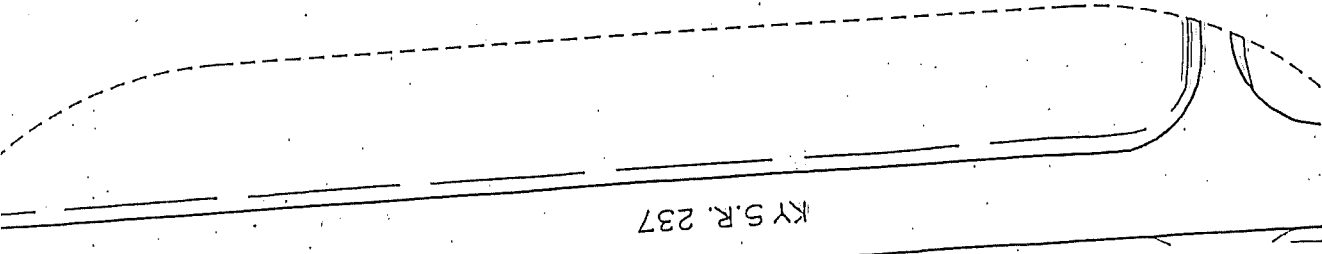
**GALERIE**  
HOTEL CHATELAIN



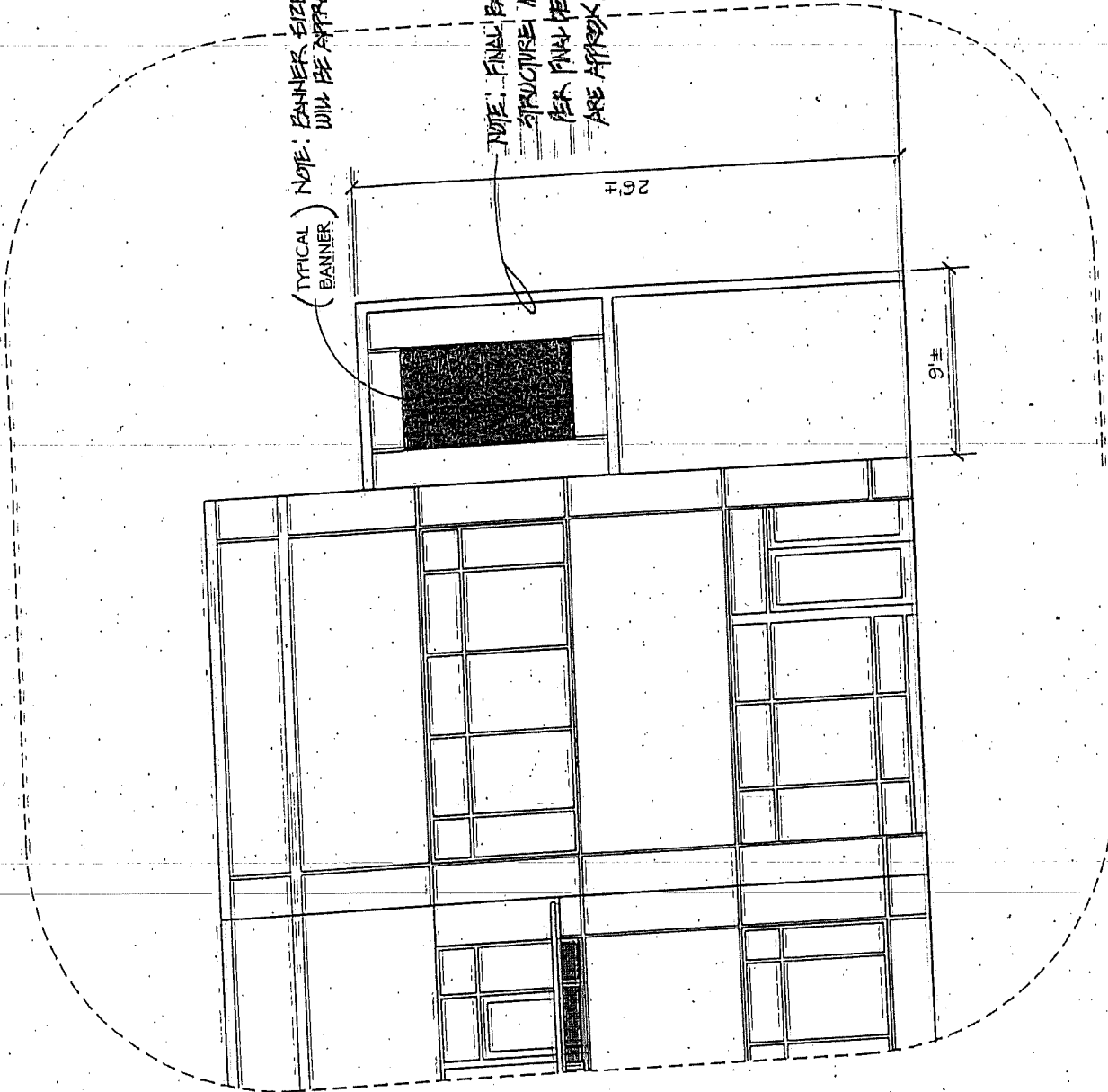
RECEIVED  
JAN 10 2002

GALERIE PROPOSED BANNER CONCEPTS





KY S.R. 237

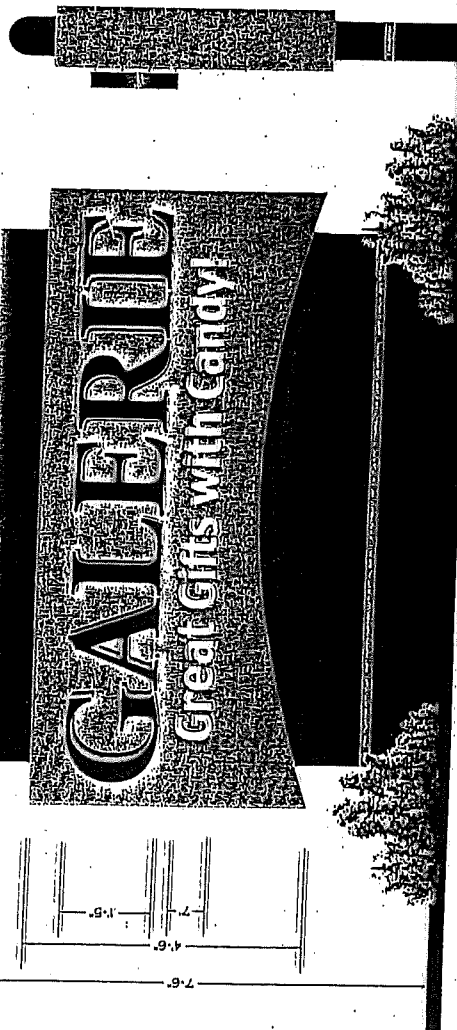
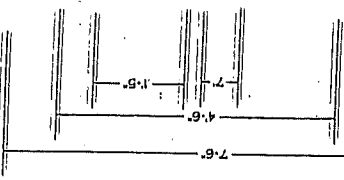
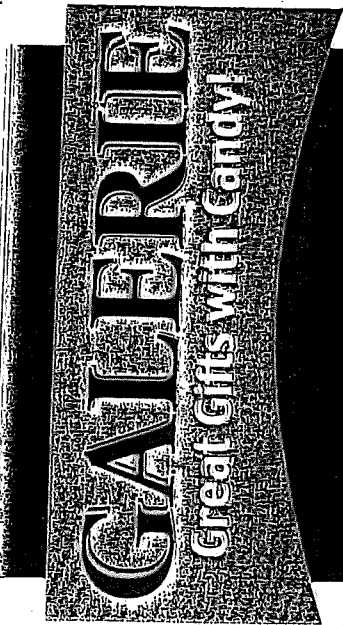
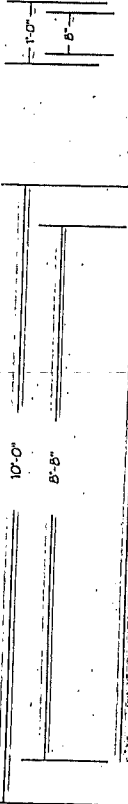


(TYPICAL BANNER) NOTE: BANNER SIZE MAY VARY, BUT WILL BE APPROX. 6' x 10'

NOTE: FINAL BANNER SUPPORT STRUCTURE MAY VARY SOMEWHAT PER FINAL DESIGN - DIMENSIONS ARE APPROX.

GENERAL

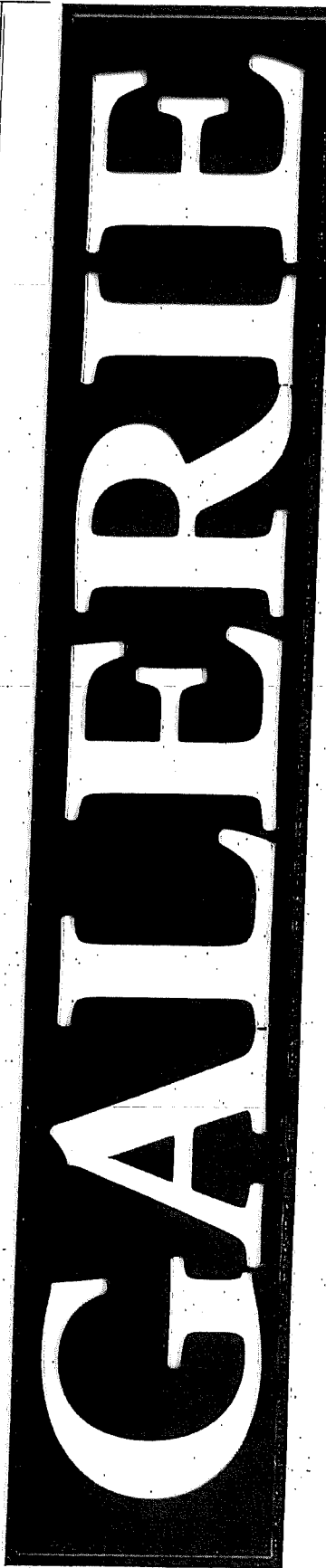
1. SEE FRONT SIGNS (512)



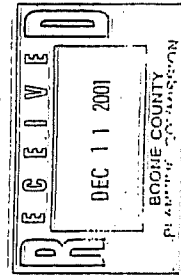
ILLUMINATED MONUMENT SIGN

NON-ILLUMINATED DIRECTIONAL SIGNAGE

28'-0"



ILLUMINATED BUILDING SIGN



CLIENT	GALERIE
SCALE	NOTED
NOTES:	PROPOSED SIGNAGE
	
DRAWN BY: <i>[Signature]</i> DATE: 1-2-2001	

GALERIE BUILDING & MONUMENT SIGNAGE CONCEPTS

**GALERIE™**

**Toys, Gifts & Candies**

GALERIE BUILDING & MONUMENT SIGNAGE CONCEPTS

**Toys, Gifts & Candies**

**GALERIE**  
**AU CHOCOLAT®**

**Outlet**