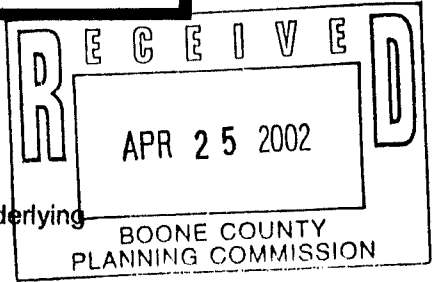


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

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

2. Name of Project LITTLE RED SCHOOL HOUSE
3. Location of Project 8490 OLD TOLL ROAD
4. Total Acreage of Site 1.45
5. Current Zoning C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2/26/92
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
8. Proposed Uses (please specify each use) BUILDING ADDITION, NEW DRIVE THROUGH LANE, NEW PARKING
9. Proposed Building Intensities (please specify) _____
10. Have you submitted a Concept Development Plan? Y
11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
12. Name of Applicant(s) EW FOLTZ & CARTER ENGINEERS
- Phone Number 341-6006 Fax No. 341-0153
13. Address of Applicant(s) 2545 RITCHIE AVE.
CRESCENT SPRINGS KY 41017
City State Zip
14. Name of Property Owner(s) MURPHY REAL ESTATE, LLC
- Phone Number 859-727-6148 Fax No. _____ 15.
- Address of Property Owner(s) 201 PENWOOD ROAD
LAKE SIDE PARK KY 41017
City State Zip
16. Are there any existing buildings on the site? Y
- How many? 1
17. Deed Book 620 Page No. 278 Group No. 2039
18. Have you had a pre-application meeting with BCPC Staff? Y

(over)

EXHIBIT

“A”

STAFF REPORT

Request of E.J. Foltz c/o Cartec Engineering (applicant) for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

May 22, 2002

REQUEST

The request is for a Change in Concept Development Plan to allow Little Red School House, which is located at 8490 Old Toll Road, Florence, Kentucky, to expand their child care center. The submitted Concept Development Plan shows that the following improvements are proposed:

1. A 3,175 square foot classroom addition and playground near the northwest property corner;
2. A 14 foot wide driveway (one-way) and pick-up area running between Old Toll Road and the existing parking lot; and
3. Seven new parking spaces in the existing parking lot.

SITE CHARACTERISTICS

The site contains an approximate 4,170 square foot building, 24 parking stalls, and a curb cut which is approximately 40 feet from the U.S. 42 curb line. The topography on the western side of the lot falls off and a significant amount of fill is being proposed to allow construction of the driveway and building addition.

SITE HISTORY

In 1988, the 2.577 acre property went through the Concept Development Plan application process to allow a 2,700 square foot bank. There was a Condition of Approval which required any future development on the parcel to go back through the public hearing process.

In 1992, the property went through the Concept Development Plan Process to allow a 5,500 square foot child care center to be constructed on a 1.5 acre parcel. A Condition of Approval was imposed which required the proposed daycare driveway to be at least fifty feet from the intersection of U.S. 42 (see attachments).

ADJACENT LAND USES AND ZONING

- North: Single-Family Residential (SR-1)
- South: Old Toll Road, U.S. Hwy. 42, Auto Zone and Peg's (C-2/PD)
- East: Bank One (C-2/PD)
- West: Cable Company (PF)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Pleasant Valley - West Florence Area) states the following regarding this area:

"Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road.

The "Future Land Use Development Guidelines" found in the Land Use Element make the following statements which relate to this proposal:

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

- C. 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. ("Access Management" p. 211).

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

- A. Proper future growth management for Boone County is implemented (Overall, Goal).
- B. Proper design principles shall be applied in development (Overall, Objective 3).
- C. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system (Transportation, Objective 11).
- D. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- E. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- F. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space (Business Activity, Commercial Objective 1).

PLANNED DEVELOPMENT STANDARDS

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

STAFF COMMENTS

- 1. Article 32, Section 3221 of the Boone County Zoning Regulations states that where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted. While the Little House School House lot (220 feet of frontage) does not meet this requirement, they are seeking a second curb cut under the Planned

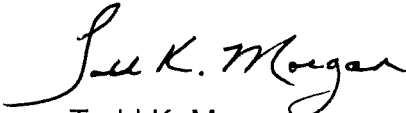
Development (PD) zoning requirements. "A Planned Development may vary the height, use, organization, design, intensity, size, or other features of the proposed development."

2. Boone County Public Works and Florence Public Services have had preliminary discussions about improving the turning radius at the Old Toll Road/U.S. 42 intersection. Staff is concerned that this improvement could increase the speed of cars that pull onto Old Toll Road and could put the existing Little Road School House curb cut closer to the intersection. As a result, Staff recommends a condition which would require the property owners to work with Boone County Public Works in regard to the size and location of their existing curb cut prior to the submission of their Site Plan. The 1992 Conditions of Approval state that the Little Red School House curb cut shall not be closer than 50 feet to the intersection.
3. Staff talked with Boone County Public Works and Florence Public Services about the one-way driveway that is proposed near the southwest property corner. Both agencies believe that the proposed curb cut will improve ingress and egress to the site if the existing curb cut is also made a one-way drive. They also recommended that the proposed access point should be the one-way out and that driveway markings and directional signs should be required to indicate the flow of traffic.
4. The Planned Development Standards state that substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, and buffer zones. While the applicant's conceptual landscape plan does show numerous plantings being installed along the front, side, and rear property lines, Staff recommends a condition which would require the site to be brought into full compliance with the landscape regulations.
5. The Planned Development Standards state that individual buildings should be compatible with surrounding structures and that they shall have a consistent design treatment on all facades. Staff is concerned that the submitted elevation drawings for the proposed addition do not meet this standard. The drawings indicate the northern and western elevations will be constructed with aluminum siding, while the existing building is constructed almost entirely of brick.
6. The Planned Development Standard which addresses transportation connections needs to be addressed by the Planning Commission and the City of Florence. The submitted Concept Development Plan does not show any sidewalks connecting to U.S. 42.
7. The proposed addition, if approved, would bring the overall size of the building up to 7,345 square feet. The 1.45 acre site is permitted a building intensity up to 28,275 square feet.

CONCLUSION

The request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 and Article 15 of the Boone County Zoning Regulations. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan
Planner

TKM/pr

Attachments:

- Site Vicinity Map
- Concept Plans
- Topographical Map
- Zoning Map
- Future Land Use Map
- Aerial Map
- Planned Development Standards
- 1992 Committee Report & Concept Plan
- Application



Little Red School House Site Vicinity Map

300 0 300 Feet

1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002



VICINITY MAP 1" = 2000'

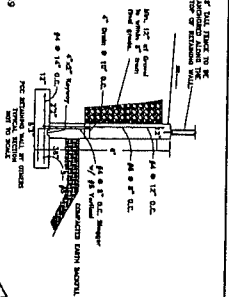


SCHEDULE OF STATISTICS

CURRENT ZONE: C-2/PD
 OWNER: MALLETT REAL ESTATE, LLC DB 620, PG 278, GR62039
 PROPOSED ZONE: C-2/PD
 PROPOSED NEW CLASSROOMS: 15
 PROPOSED NEW CLASSROOMS FOR ALL PERMITTED USES:
 NEW ADDITION FOOTPRINT AREA: 30,175
 PROPOSED FINISH FLOOR ELEV.: 877.32
 PROPOSED BASEMENT FLOOR ELEV.: 867.24
 PROPOSED ROOF ELEV.: 888.24 (MATCH EXISTING)
 NEW LOT SIZE: 5 FOR CONDITIONALLY PERMITTED USES
 MIN. LOT FRONTAGE: 30' @ SETBACK
 MIN. HEIGHT: 30'
 MIN. FRONT: 30'
 REAR: 20' (30')
 SIDE: 10' (30')

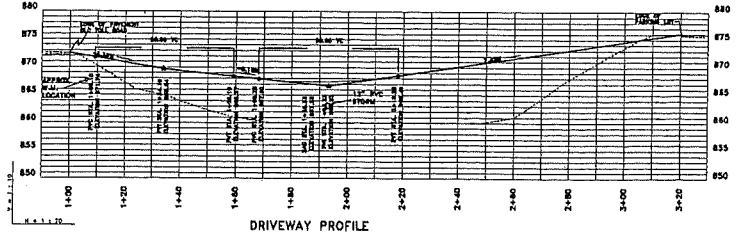
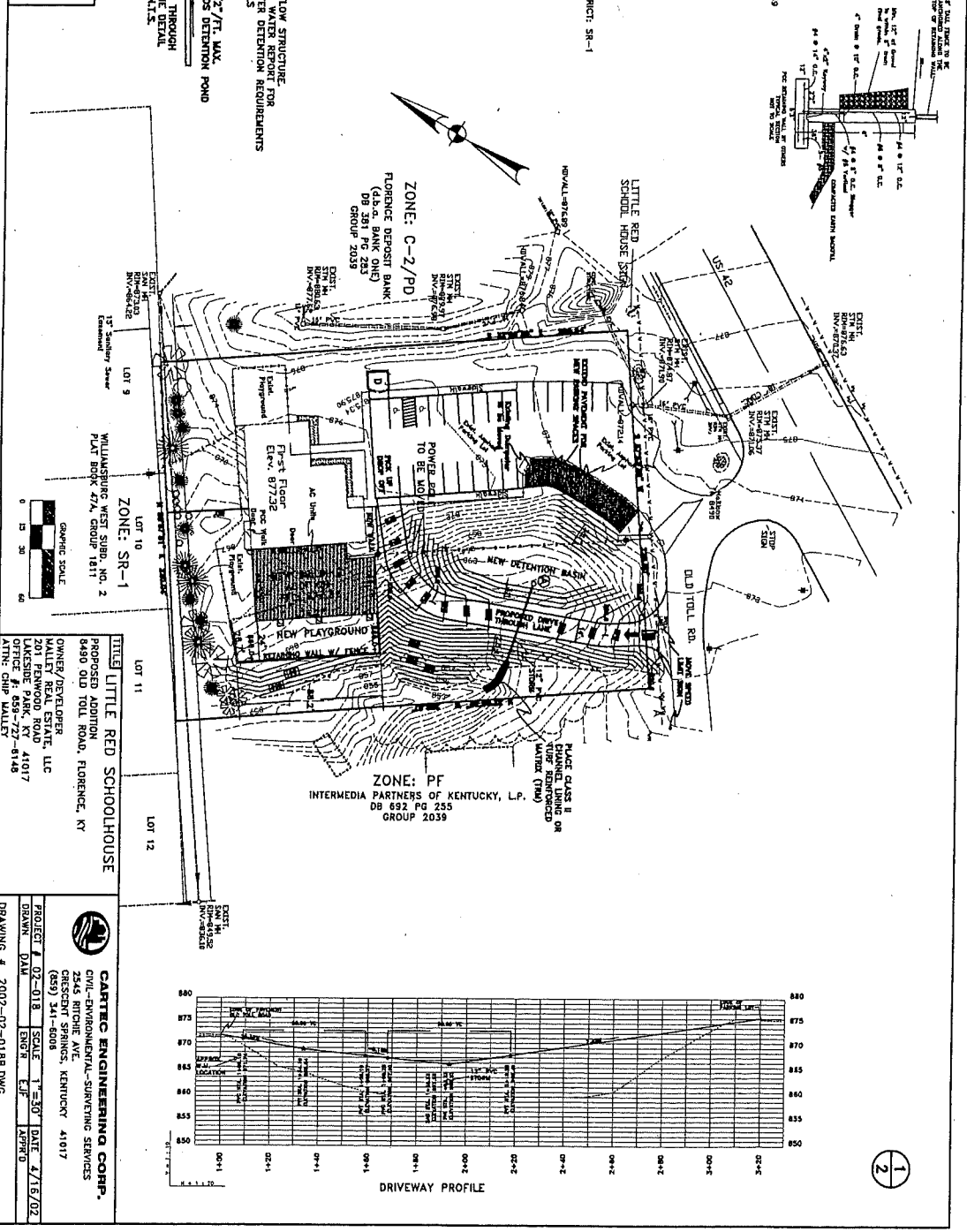
* WHEN ADJOINING THE FOLLOWING APPLICABLE ZONING DISTRICT: SR-1

EXISTING CLASSROOMS: 9
 EXISTING PARKING: 28
 TOTAL CLASSROOMS: 15
 PARKING REQUIRED: 2 SPACES/CLASSROOM, 30 REQ.
 PARKING PROVIDED: 31 (INCLUDES 2 HANDICAP)
 HANDICAP PARKING IS 8'X18' W/ 6" ACCESS LAKE.
 ROOF DRAINS TO BE DIRECTED TO DETENTION POND.
 BOUNDARY INFORMATION OBTAINED FROM DEED OF RECORD.



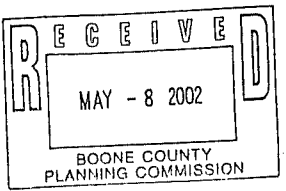
- Water Main (approx. location)
- Water Meter
- Water Valve
- Existing Landscaping
- Existing gutter path with gutters
- Existing retained pond bed
- Existing Proposed Driveway
- Existing Proposed Driveway
- Existing Proposed Driveway
- Existing Septic Driveway
- PROPOSED SPOT ELEVATION
- PROPOSED GRADES TO INTERVALS
- NOTICE: DO NOT ALTER THE DRAINAGE CONTROL
- NEW OPERATING STRUCTURE FOR STORM WATER DETENTION REQUIREMENTS AND DETAILS
- 1/2" FT. MAX. TOWARDS DETENTION POND
- DRIVE THROUGH LAKE DETAIL
- N.T.S.

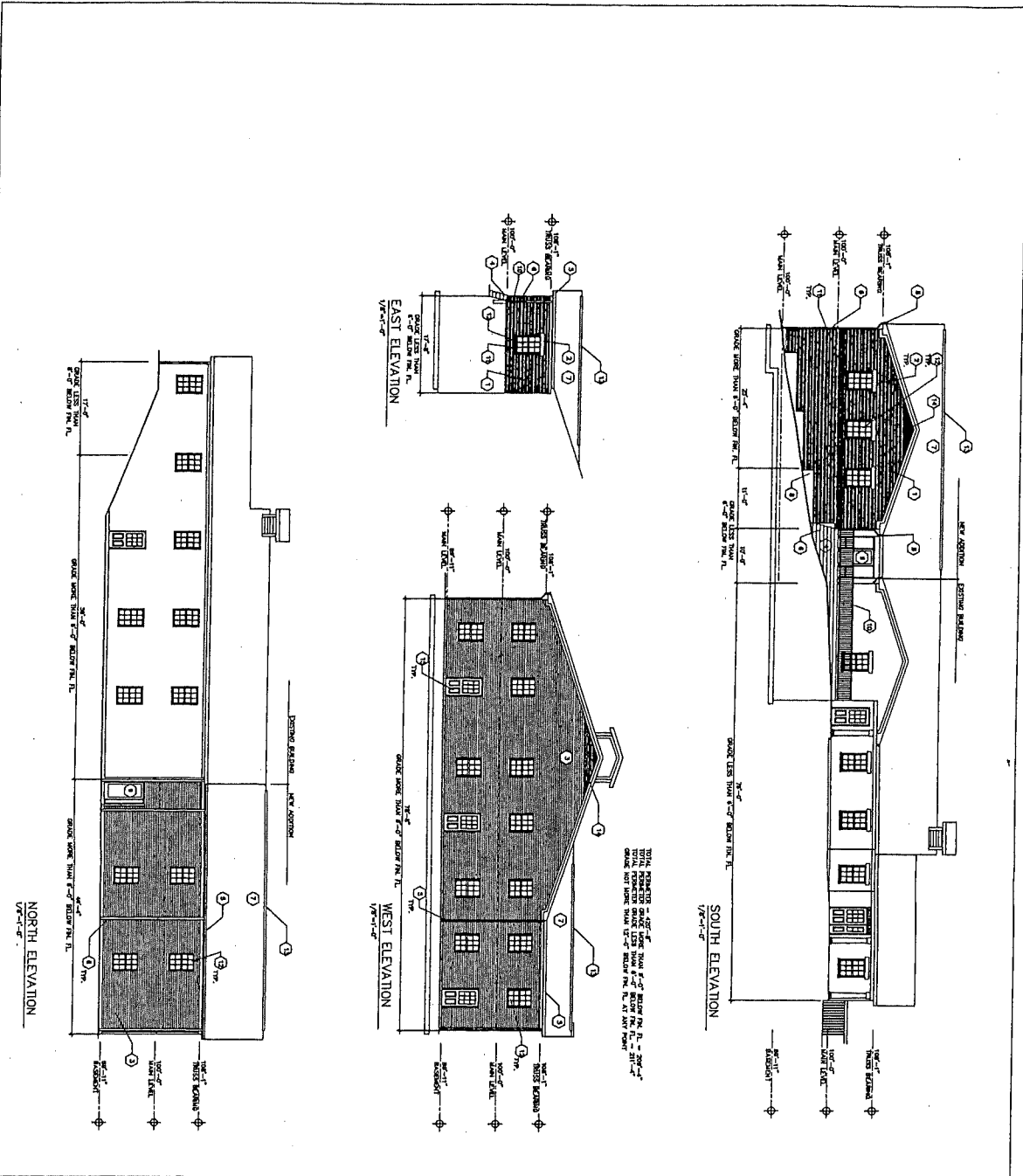
REVISIONS
 1. JORVE THROUGH LOCATION, PROVIDE NOTES 4/15/02
 2. 15.540 STATION 5/01/02



TITLE: LITTLE RED SCHOOLHOUSE
 PROPOSED ADDITION
 8490 OLD TOLL ROAD, FLORENCE, KY
 OWNER/DEVELOPER:
 MALLETT REAL ESTATE, LLC
 201 PENWOOD ROAD
 LAKESIDE PARK, KY 41017
 ATTN: GUY MALLETT

CARTIC ENGINEERING CORP.
 CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
 2545 RITCHIE AVE.
 CRESSKENT SPRINGS, KENTUCKY 41017
 (502) 341-6008
 PROJECT # 02-018 SCALE 1"=30' DATE 4/15/02
 DRAWN: DAV DATE: 4/15/02
 ENGR: J.P. APPROVED:
 DRAWING # 2002-02-018B.DWG

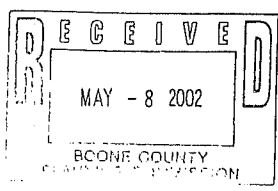




- DRAWING NOTES
1. FACE BRICK TO MATCH EXISTING
 2. FINISHED LINTEL - TO MATCH EXISTING
 3. ALUMINUM SIDING - TO MATCH EXISTING
 4. NEW BRICKWORK BLOCK REPAIRS WALL
 5. ALUMINUM SIDING - TO MATCH EXISTING
 6. ALUMINUM SIDING - TO MATCH EXISTING
 7. ASPHALT FIBERGLASS SHEATHS - TO MATCH EXISTING
 8. EXPOSED CONCRETE FOUNDATION
 9. ALUMINUM SIDING TO MATCH EXISTING
 10. GUTTER AND DOWNSPOUTS TO MATCH EXISTING
 11. BRICK FINISH ON SILL
 12. NEW ALUMINUM WINDOWS - TO MATCH EXISTING
 13. BRICK VENT
 14. GUTTER
 15. HOLLOW METAL DOOR AND FRAME

NEW ADDITION
 "LITTLE RED SCHOOLHOUSE"
 8940 US 42 FLORENCE, KENTUCKY

DATE: 02/23/02 DRAWING: ELEVATIONS SHEET: A201 CONT. 004	HUB & WEBER, P.S.C. <i>Architects - Interiors Design</i> 1000 W. MAIN ST. FLORENCE, KY 40302 502-761-1944	NEW ADDITION "LITTLE RED SCHOOLHOUSE" 8940 US 42 FLORENCE, KENTUCKY
-------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------



DT#	SYMB	COMMON NAME	SCIENTIFIC NAME	HT	SPREAD	PLANT LIST
4	①	FLORIDA BURNING BUSH	CORONILLA FLORIDA	20'-30'	20'-30'	C
10	*	GREENE ELM	QUERCUS INAEQUALIS	40'-50'	40'-50'	A & D
23	⊕	WINGED EUCONYMIUS COMPACTA (OWAR)	ALONIA	8'-8'	8'-8'	E
28	⊕	COANEBERRY COTONEASTER	COTONEASTER APICULATUS	2.5'-3'	3'-6'	E
11	●	WHITE PINE	PINUS STROBUS	50'-80'	20'-40'	A & D
77	⊙	WEETING FORESTHIA	FORESTHIA SPENSANA	6'-10'	5'-8'	E
13	⊙	EASTERN REDBUD	CEREA CANADENSIS	20'-25'	20'-30'	C

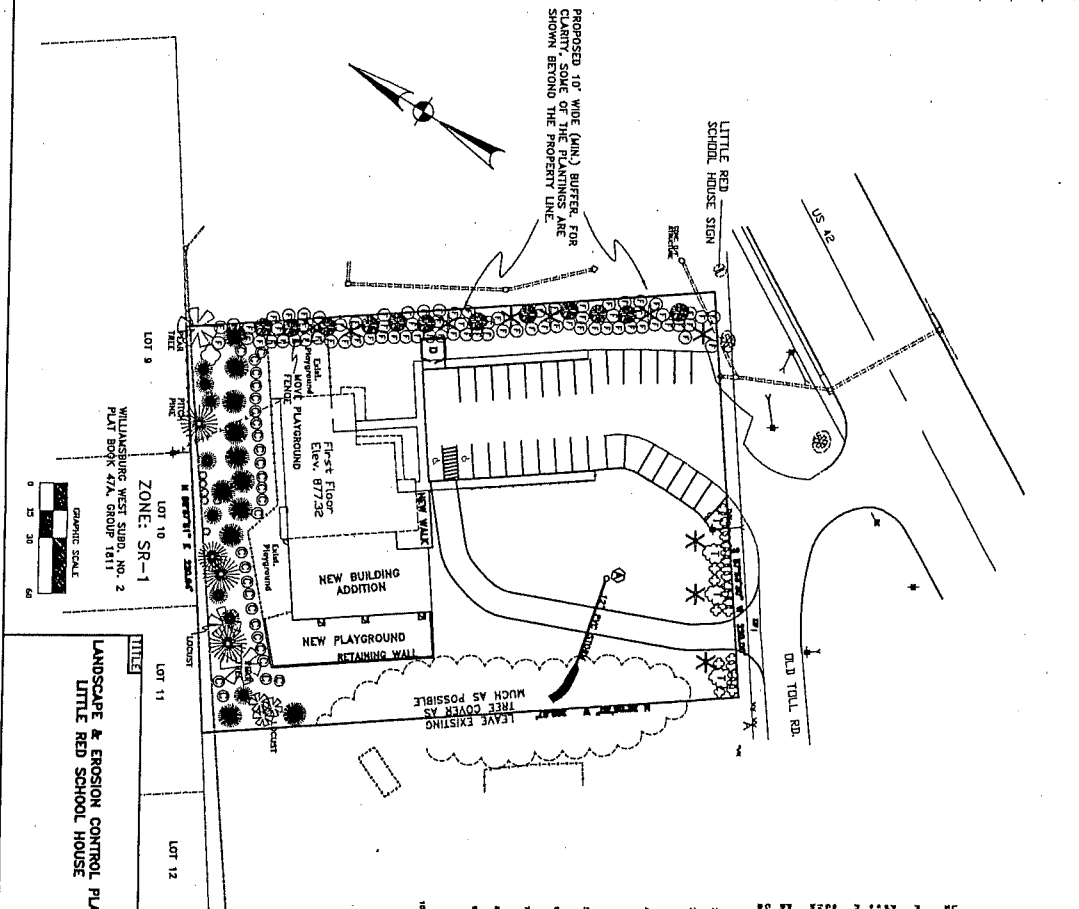
Buffer Zone A
Adjacent to the road in C-2/RD. The 10' buffer can be altered with this zone. Buffer also placed on the southwest portion of the site, or frontage along Old Toll Road.

Buffer Zone C
This buffer applies to the east or north side of the building. The original site designed and constructed in 1991 before the current landscape regulations. A mature growth of mixed trees and bushes exist in this zone. The landscape architect shall implement the full Buffer Zone-C requirements.

EXISTING TREES

- 3" DIA. FERNY BUSH
- 10" DIA. HONEYBUCKLE BUSH
- 8" DIA. WHITE PINE
- 10" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 8" DIA. BURNING BUSH
- 10" DIA. BURNING BUSH
- 12" DIA. BURNING BUSH

REVISIONS
1. WORK THROUGH LOCATION, PROVIDE PROFILE 4/15/02



TITLE
LANDSCAPE & EROSION CONTROL PLAN
LITTLE RED SCHOOL HOUSE

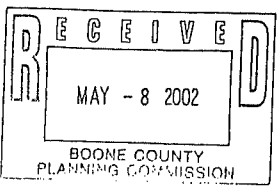
PROJECT / 02-018
SCALE 1"=30'
DATE 4/15/02
DRAWN DAK
ENGR EJP
APPR'D

CARTEC ENGINEERING CORP.
CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
2345 RITCHIE AVE.
RESCUE SPRINGS, KENTUCKY 41017
(609) 341-6006

DRAWING # 2002-02-018B.DWG

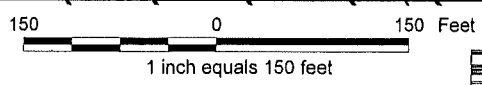
REVISIONS

- The site plan, including site, drainage and landscape, was prepared by the landscape architect and engineer, and the site plan, including site, drainage and landscape, was prepared by the landscape architect and engineer.
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Little Red School House Topographical Map

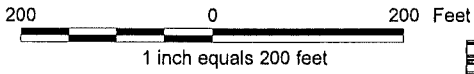


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May 10, 2002

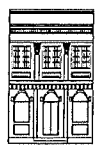




Little Red School House Zoning Map



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Boone County Planning Commission
GIS Services Division
May 10, 2002





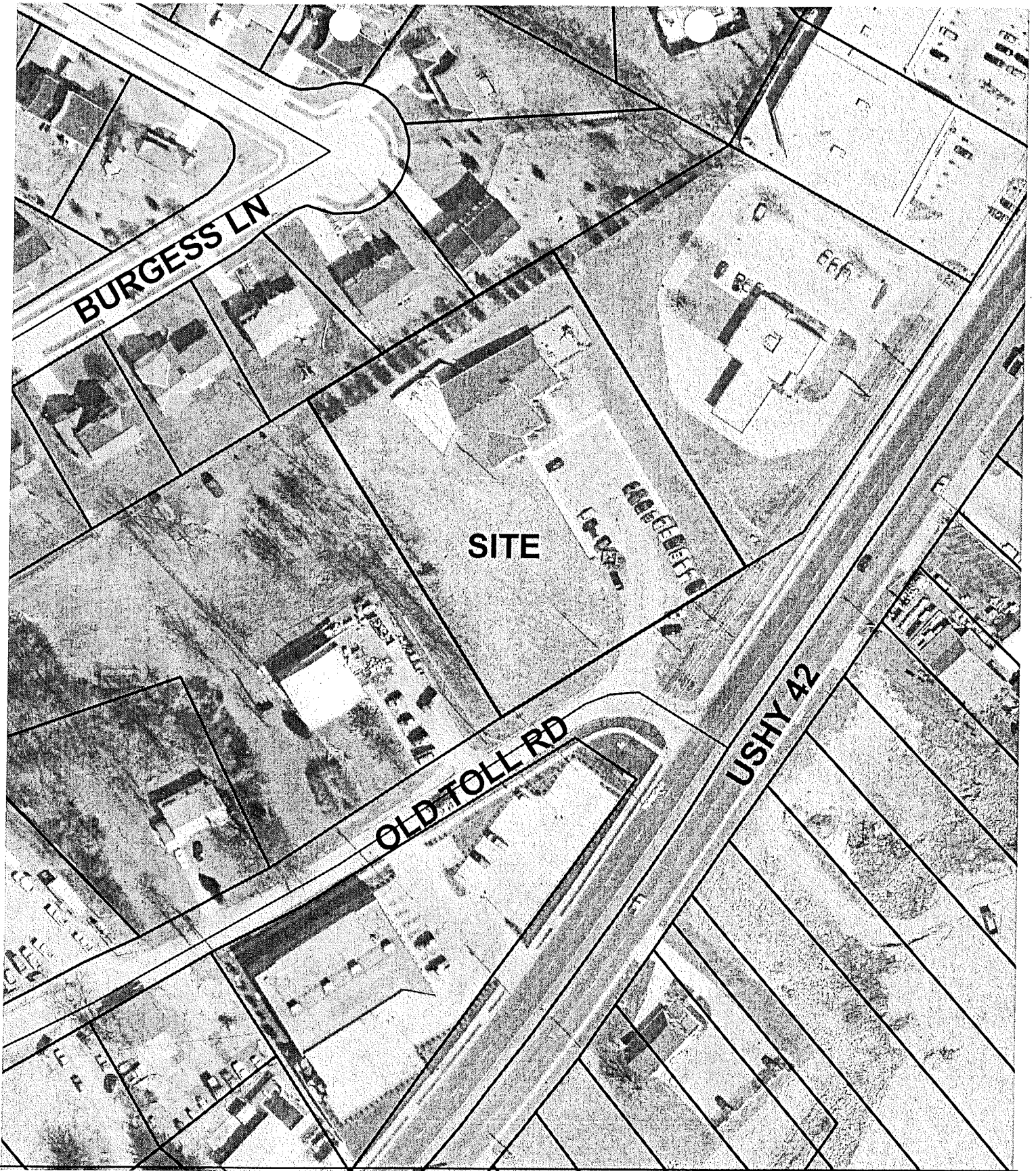
Little Red School House Future Land Use Map

150 0 150 Feet

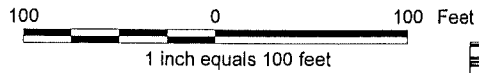
1 inch equals 150 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002





Little Red School House Aerial Map



Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002



SECTION 1512

Intensity

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

SECTION 1513

Minimum Size

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

SECTION 1514

Planned Development Standards

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

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

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

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

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

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

SECTION 1515

Procedure

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

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: March 18, 1992

RE: Request of James W. Berling & Bob Beckman (applicants) for Chip and Jan Malley (owners) for the Utilization of an Underlying Zone in Planned Development. The 1.5 acre is zoned Commercial Two/Planned Development (C-2/PD and is located off Old Toll Road, Florence, Kentucky. The proposed use is a day care center.

REMARKS:

We, the Committee, recommend approval of the proposed Concept Development Plan presented at the February 26, 1992 Public Hearing, based upon the following findings of fact and with the following condition:

Findings of Fact

1. The proposed use of a day car center is consistent with the 1990 Boone County Comprehensive Plan, which calls for local (neighborhood oriented) commercial development rather than regional scale type of developments.
2. The layout and arrangement of the proposed facility, if developed in accordance with the following condition regarding access to U.S. Hwy 42, will be consistent with the access management provisions and the Boone County Comprehensive Plan.

Conditions

The following condition is required of the applicant:

1. The drive into the proposed day car center shall be at least fifty feet curb to curb from the intersection with U.S. 42.

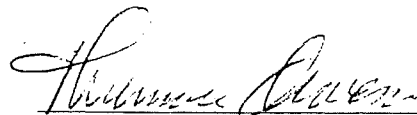
It is suggested that the bank provide some kind of shared access from the site that will be the Little Red School House to the adjacent property to the east.

Barry Neltner, Chairman

Fred Burch



Phil Damstrom



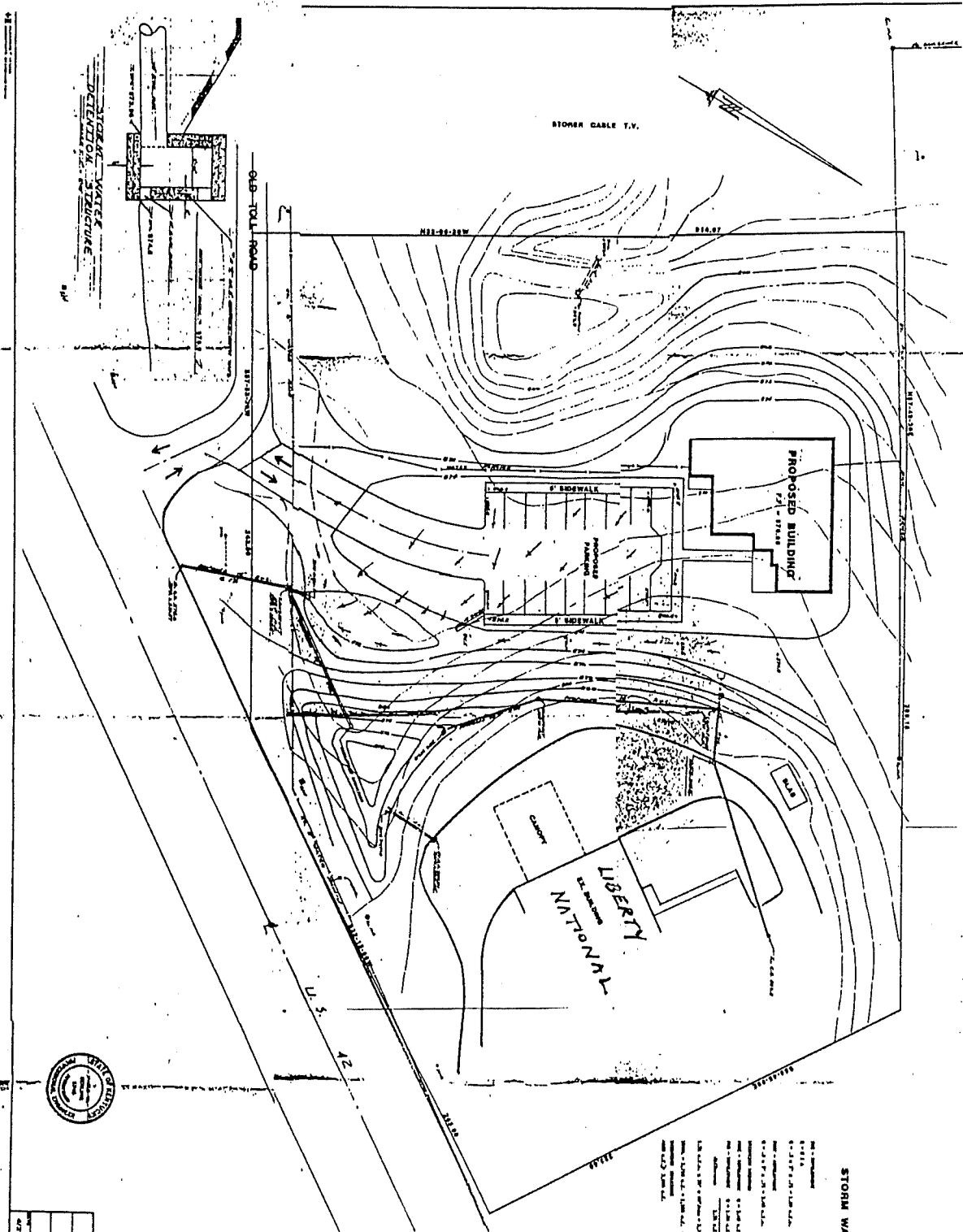
Thurman Owens



Floyd Sharp

Carol Smith

BN:kat



STONER CABLE T.V.

PROPOSED BUILDING
721 - 174

LIBERTY
NATIONAL

STORM WATER DETENTION CALC.

Area	Area (sq. ft.)	Runoff Coefficient	Volume (cu. ft.)
Proposed Building	125,568	0.7	87,898
Liberty National	1,200,000	0.2	240,000
Other	100,000	0.3	30,000
Total	1,425,568		357,898



PROJECT ENGINEER: JAMES W. ROBINSON
 ENGINEER: JAMES W. ROBINSON
 U.S. 42, ROBINSON, TENNESSEE

RECEIVED
 FEB 13 1966

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
APR 25 2002
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 LITTLE RED SCHOOL HOUSE
- 3. Location of Project 8490 OLD TOLL ROAD
- 4. Total Acreage of Site 1.45
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2/26/92
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____

- 8. Proposed Uses (please specify each use) BUILDING ADDITION, NEW DRIVE THROUGH LAINE, NEW PARKING
- 9. Proposed Building Intensities (please specify) _____

- 10. Have you submitted a Concept Development Plan? Y
- 11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

- 12. Name of Applicant(s) EN FOLTZ & CARTER ENGINEERING
- Phone Number 341-6006 Fax No. 341-0153
- 13. Address of Applicant(s) 2545 RITCHIE AVE
CRESCENT SPRINGS KY 41017
City State Zip

- 14. Name of Property Owner(s) MALLEY REAL ESTATE, LLC
- Phone Number 859-727-6148 Fax No. _____ 15.
- Address of Property Owner(s) 201 PENWOOD ROAD
LAKESIDE PARK KY 41017
City State Zip

- 16. Are there any existing buildings on the site? Y
How many? 1

- 17. Deed Book 620 Page No. 278 Group No. 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Y

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**May 22, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Hicks - Chairman, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:02 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** E. J. Foltz c/o Cartec Engineering for
 Malley Real Estate, LLC (owner)
 Request: Change in Concept Development Plan

The request of E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

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

The Chairman asked for the applicant's presentation.

Mr. Chip Malley, with Malley Real Estate, who owns and operates Little Red School House, introduced Mr. E. J. Foltz with Cartec Engineering. In regard to Staff Comments 1, 2, and 3, Mr. Foltz stated that they are willing to work with the City of Florence and Boone County Public Works in regard to the location of the access driveway and whether it is one way in or one way out. He noted that the directional arrows on the pavement currently show it as one way in off Old Toll Road, but that can be easily changed. He stated that he sent the plans to Greg Sketch at Boone County Public Works, but has not heard back regarding the access. In regard to Staff Comment #4, Mr. Foltz stated that they went through the City of Florence Landscaping Regulations and believed they had complied,

and this can be discussed during Site Plan Review. He noted that their Landscaping and Erosion Control Plans are attached to the Staff Report. He stated that Little Red School House was built in 1992 and was required to have a 50-foot setback. He stated that they are supplementing the pine trees in the rear and have identified the size, type, and height of the existing landscaping. He stated that the north and west sides of the building will be brick on the upper floor to match what was shown in the Power Point presentation -- instead of using aluminum siding, they will match brick to brick. He stated that the new driveway has worked extremely well at the schools where they have used it. Parents are able to drive up and drop their children off -- the person out there signs the child in and the parent leaves -- which eliminates the need for a lot of additional parking. They have used this method in Richwood. He stated that they have a waiting list of approximately eighty children and need to serve those Florence residents by expanding this facility.

Chairman Hicks 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 being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries questioned how close the new addition is to the property line and if it affects the buffer area. Mr. Morgan responded that there is a significant tree line in place. He stated that the requirement is Buffer Yard A as it is a Commercial zone abutting a PF zone. It does not abut a Residential zone.

Mr. White questioned water retention. Mr. Morgan responded that they have to submit a Grading Plan. They will provide detention calculations that will be reviewed by the City Engineer and by the County Engineer.

Chairman Hicks stated that it seems like 75% of the parents are dropping off their children in a half-hour time period and the second entrance will help. He has waited in the line -- which does get long -- and he believes this will help the situation.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 5, 2002 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 June 19, 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
June 19, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:32 PM.

COMMISSION MEMBERS PRESENT:

Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Barlow
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Robert Newman
Mr. Robert Ries
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, AICP, Planner
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 June 5, 2002 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Poston seconded the motion and it carried unanimously.

Chairman Hicks stated that the Commissioners received copies of the Minutes of the June 5, 2002 Public Hearing. He asked if there were any comments or corrections. Mr. Costello stated that the minutes should reflect that Mr. Poe attended the Public Hearing. Mr. White moved to approve the minutes with the correction made by Mr. Costello. Mr. Zimmer seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. **Change in Concept Development Plan**

The request of E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

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

Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Reynolds seconded the motion.

Mr. Caddell questioned Condition #1 – why didn't the Committee address this when it was before them and make it part of the recommendation rather than leaving it to after the fact with Boone County Public Works as to whether the size and location of existing and proposed curb cuts should be modified? Mr. Morgan responded that it was left open because Boone County Public Works is responsible for Old Toll Road and the City of Florence is going to take it over, and at this time it is not known what will happen with the radius and what impact that will have on the driveways. Discussion needs to occur first between the city and the county.

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

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: June 19, 2002

RE: Request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced Change in Concept Development Plan application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Committee has concluded that the proposal is in agreement with text of the Land Use Element ("Pleasant Valley - West Florence Area") as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed upon 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, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
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 and 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 applicant and property owner will work with Boone County Public Works and Florence Public Services to determine if the size and location of the existing and proposed curb cuts should be modified.
2. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine the traffic flow on site.
3. Driveway markings and a directional sign will be required at the ingress and egress points.
4. The exterior elevations of the 3,175 square foot addition will match the existing building in regard to construction materials and colors.
5. The site will be brought into compliance with Article 36 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations).
6. Sidewalks will be provided along Old Toll 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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**May 22, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Hicks - Chairman, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:02 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** E. J. Foltz c/o Cartec Engineering for
 Malley Real Estate, LLC (owner)
 Request: Change in Concept Development Plan

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

The Chairman asked for the applicant's presentation.

Mr. Chip Malley, with Malley Real Estate, who owns and operates Little Red School House, introduced Mr. E. J. Foltz with Cartec Engineering. In regard to Staff Comments 1, 2, and 3, Mr. Foltz stated that they are willing to work with the City of Florence and Boone County Public Works in regard to the location of the access driveway and whether it is one way in or one way out. He noted that the directional arrows on the pavement currently show it as one way in off Old Toll Road, but that can be easily changed. He stated that he sent the plans to Greg Sketch at Boone County Public Works, but has not heard back regarding the access. In regard to Staff Comment #4, Mr. Foltz stated that they went through the City of Florence Landscaping Regulations and believed they had complied,

and this can be discussed during Site Plan Review. He noted that their Landscaping and Erosion Control Plans are attached to the Staff Report. He stated that Little Red School House was built in 1992 and was required to have a 50-foot setback. He stated that they are supplementing the pine trees in the rear and have identified the size, type, and height of the existing landscaping. He stated that the north and west sides of the building will be brick on the upper floor to match what was shown in the Power Point presentation -- instead of using aluminum siding, they will match brick to brick. He stated that the new driveway has worked extremely well at the schools where they have used it. Parents are able to drive up and drop their children off -- the person out there signs the child in and the parent leaves -- which eliminates the need for a lot of additional parking. They have used this method in Richwood. He stated that they have a waiting list of approximately eighty children and need to serve those Florence residents by expanding this facility.

Chairman Hicks 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 being no response, he asked if there were any comments or questions from the Commissioners.

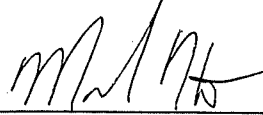
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Mr. White questioned water retention. Mr. Morgan responded that they have to submit a Grading Plan. They will provide detention calculations that will be reviewed by the City Engineer and by the County Engineer.

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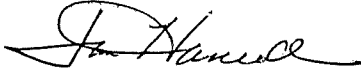
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 5, 2002 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on June 19, 2002 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Bob Newman, Committee Chairman

DATE: June 5, 2002

RE Request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/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.

June 5, 2002

Cartec/Malley/Little Red Schoolhouse

Bob Newman

Bob Newman, Chairman

For Against
 Abstain Absent
 Deferred

Susan Poston

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

Earl White

For Against
 Abstain Absent
 Deferred

Lisa Wilson

Lisa Wilson

For Against
 Abstain Absent
 Deferred

David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

Janet Kegley (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
2 ABSENT

LONG RANGE PLANNING/COMP PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Richard Knock, Chairman
Long Range Planning/Comprehensive Plan Committee

DATE: June 19, 2002

RE: Determination of Review Process for the Marydale Property Proposal Relative to the Houston-Donaldson Study - Houston Road and Donaldson Road, Boone County, Kentucky; Urban Residential One/Planned Development (UR-1/PD), Commercial Two/Planned Development (C-2/PD), Office Two/Planned Development (O-2/PD), and Industrial One/Planned Development (I-1/PD) Zones.

REMARKS:

We, the Committee, recommend that the above referenced development be approved for the "short" review as described in the Houston-Donaldson Study based on the following findings of fact and subject to the following conditions.

1. The Committee has determined that the proposal is in conformance with the "Criteria for Committee Review" on page 71 of the Houston-Donaldson Study. Specifically, the Committee has concluded that the development is consistent with the recommendations in the Site Analysis and Recommendation section of the Study. The tract is located within Site 16 "Sprucewood Drive and Donaldson Highway Frontage," Site 17 "Marydale Retreat Center," Site 18 "Diocese Headquarters Area," Site 19 "Donaldson Highway Office Area," and Site 22 "Passionist Nuns and Turfway Portion of Marydale." Office uses are the predominant land uses recommended for these sites by the Study. The proposed development in the Diocese plan is exclusively office uses, plus a relatively incidental expansion of the Diocese facilities. The overall building square footage is less than forecasted in the Houston -Donaldson Study. In addition, the proposed plan eliminates several areas of commercial and industrial land use that were forecasted by the Study to have significant impact on the area's transportation system.

2. The development, with the conditions outlined below, does not present a drastic or unknown impact on the public infrastructure, and the projected traffic generation from the development is significantly less than that predicted for the area in question by the Houston-Donaldson Study. The proposed plan presents an assurance of employment type development where it has been planned in the Boone County Comprehensive Plan and the Houston-Donaldson Study.
3. The Committee has concluded that the following conditions are necessary to fulfill the intent of the Houston-Donaldson Study and to prevent drastic or unknown impacts on the area in question. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The access points on Houston Road for this development may only be located at: the western terminus of Sprucewood Drive; the two existing signalized intersections shared by the Citicorp development; the Pat Day Drive intersection; the existing driveway which is located between Pat Day Drive and the existing Marydale swimming pool driveway entrance.
2. The developer(s) of office development along Donaldson Highway will improve the respective portion of that roadway to a three-lane cross section where two lanes currently exist.
3. The property owner will allow the Historic Preservation Review Board to document details about the cemeteries on the site.

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

LONG RANGE PLANNING/COMP PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Richard Knock, Committee Chairman

DATE: June 5, 2002

RE: Determination of Review Process for Marydale Proposal Relative to the Houston-Donaldson Study - Houston Road and Donaldson Road, Boone County, Kentucky; Urban Residential One/Planned Development (UR-1/PD), Commercial Two/Planned Development (C-2/PD), Office Two/Planned Development (O-2/PD), Industrial One/Planned Development (I-1/PD) zones.

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.

JUNE 5, 2002

Marydale

Houston Road/Donaldson Road

Richard Knock

Richard Knock, Chairman

For Against
 Abstain Absent
 Deferred

Janet A. Kegley

Janet Kegley

For Against
 Abstain Absent
 Deferred

Randy Poe

Randy Poe

For Against
 Abstain Absent
 Deferred

Robert Ries

Bob Ries

For Against
 Abstain Absent
 Deferred

Robert Schwenke

Bob Schwenke

For Against
 Abstain Absent
 Deferred

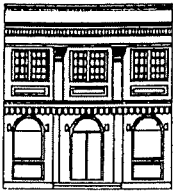
David Zimmer

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
 ABSENT

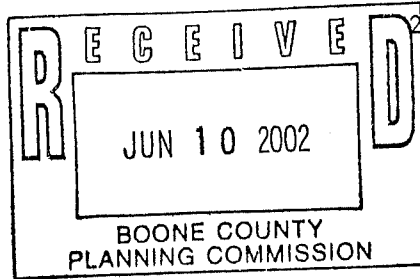
SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



June 7, 2002

Mr. Alfred Malley
Malley Real Estate, LLC
201 Penwood Road
Lakeside Park, KY 41017



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

RE: Request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

Dear Mr. Malley:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you, as the President and C.E.O. of Malley Real Estate, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on June 17, 2002.

Conditions

1. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine if the size and location of the existing and proposed curb cuts should be modified.
2. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine the traffic flow on site.
3. Driveway markings and a directional sign will be required at the ingress and egress points.
4. The exterior elevations of the 3,175 square foot addition will match the existing building in regard to construction materials and colors.
5. The site will be brought into compliance with Article 36 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations).
6. Sidewalks will be provided along Old Toll Road.

Sincerely,

A handwritten signature in cursive script that reads "Todd K. Morgan".

Todd K. Morgan, AICP
Planner, Zoning Services

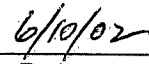
TKM\pr

Mr. Alfred Malley
Malley Real Estate, LLC
June 7, 2002
Page 2

I, Alfred Malley, hereby agree to the listed conditions of approval for a Concept Development Plan for a 1.45 acre site located at 8490 Old Toll Road, Florence, Kentucky.



Mr. Alfred Malley



Date

RECEIVED

1996 AUG 22 P 3:00

JERRY W. ROUSE
BOONE COUNTY CLERK
Pd 16.00

GENERAL WARRANTY DEED

PROPERTY TRANSFER TAX PAID \$ *Exempt*
JERRY W. ROUSE, CLERK 8/22/96 *JWR*

KNOW ALL MEN BY THESE PRESENTS:

That Grantors, **ALFRED D. MALLEY** and **JANIS V. MALLEY**, husband and wife, for and in consideration of One (\$1) Dollar and other good and valuable consideration to them paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell and convey in fee simple to **MALLEY REAL ESTATE, LLC**, a Kentucky Limited Liability Company, its successors and assigns forever, the following described real estate in the City of Florence, County of Boone, Commonwealth of Kentucky, to-wit:

Property Street Address: 8490 Old Toll Road
Florence, Kentucky 41042

Property Mailing Address: Alfred D. and Janis V. Malley
201 Penwood Road
Lakeside Park, Kentucky 41017

Plat No. ____ Group No. 2039 PIDN: _____

Beginning at a point in the Grantor's southwest property line, said point being in the northwest right of way line of Old Toll Road (25 feet from Center Line) and in the northeast line of the 2.03 Acres tract previously conveyed by Charles L. Williams to Storer Communications; thence N32-06-30W along the dividing line between Storer Communications and the Grantor, a distance of 289.67 feet to a point; thence along the Grantor's northwest property line N58-57-51E 220.04 feet to a point; thence through the land of the Grantor S32-06-30E 285.54 feet to a point in the northwest right of way line of Old Toll Road; thence along same S57-53-30W 220.00 feet to the place of beginning. Containing 1.4526 acres.

Restrictive Covenant Running With Land: In further consideration of the conveyance herein, the Grantees hereby covenant and agree that the property herein conveyed will not be used for a bank, savings bank, savings and loan, building and loan, credit union, finance company, loan company, loan production office, mortgage company or other financial institution. This covenant shall run with the land and shall inure to the benefit of and shall be binding on the Grantor and the Grantees, their heirs, administrators, grantees, assigns and successors.

Being the same property conveyed to the Grantors herein by deed dated August 4, 1992 and recorded in Deed Book 487, Page 29 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging.

19

ORDINANCE NO. 0-21-02

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.45 ACRE SITE LOCATED AT 8490 OLD TOLL ROAD IN THE CITY OF FLORENCE, KENTUCKY, THIS PROPERTY BEING CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), TO EXPAND A CHILD CARE CENTER. (MALLEY REAL ESTATE, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to agreed conditions, of a concept development plan for an approximate 1.45 acre site located at 8490 Old Toll Road in the City of Florence, Kentucky to expand a child care facility, and

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

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

SECTION I

That the concept development plan for the approximate 1.45 acre site located at 8490 Old Toll Road in the City of Florence, Kentucky shall be and is hereby approved to allow the expansion of a child care center, subject to the Concept Development Plan and other agreed conditions for the site currently zoned Commercial Two/Planned Development (C-2/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 other 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-02-012-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and made part of the Commission's Resolution No. R-02-012-A, marked Exhibit "B" hereto.

SECTION IV

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 related to this particular Ordinance.

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 23 DAY OF July, 2002.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 30th DAY OF July, 2002.

APPROVED:

Deane E. White

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. 0-21-02 as same appears in the official records of my office.

Dated this 6th day of August, 2002.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

Exhibit B
0-21-02

BOOK 620 PAGE 278

RECEIVED
1993 AUG 22 P 3:00

GENERAL WARRANTY DEED

PROPERTY TRANSFER TAX PAID *2.00*
JERRY W. ROUSE, CLERK *8/22/90*

JERRY W. ROUSE
BOONE COUNTY CLERK
Ad 16.00

KNOW ALL MEN BY THESE PRESENTS:

That Grantors, ALFRED D. MALLEY and JANIS V. MALLEY, husband and wife, for and in consideration of One (\$1) Dollar and other good and valuable consideration to them paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell and convey in fee simple to MALLEY REAL ESTATE, LLC, a Kentucky Limited Liability Company, its successors and assigns forever, the following described real estate in the City of Florence, County of Boone, Commonwealth of Kentucky, to-wit:

Property Street Address: 8490 Old Toll Road
Florence, Kentucky 41042

Property Mailing Address: Alfred D. and Janis V. Malley
201 Penwood Road
Lakeside Park, Kentucky 41017

Plat No. _____ Group No. 2039 PIDN: _____

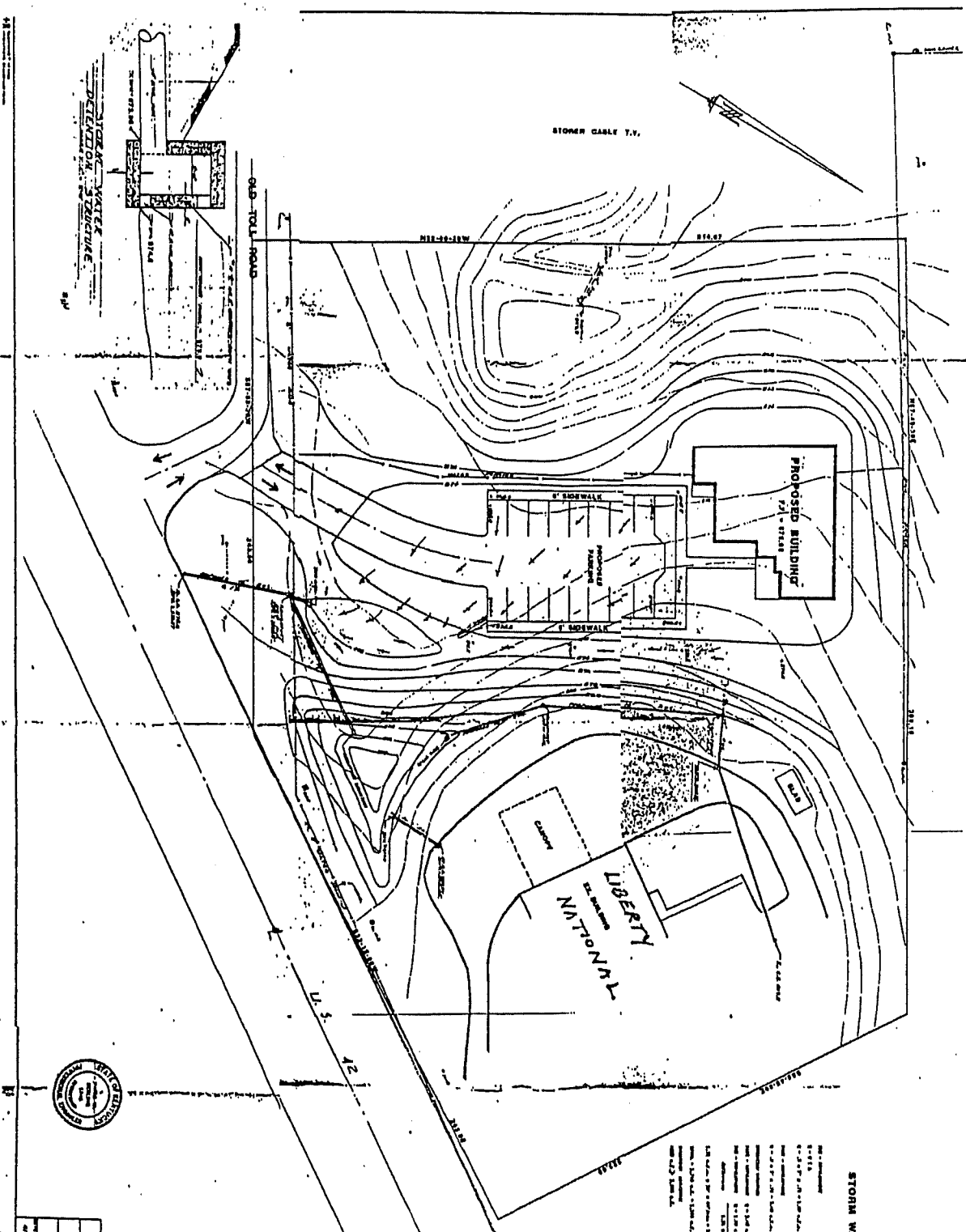
Beginning at a point in the Grantor's southwest property line, said point being in the northwest right of way line of Old Toll Road (25 feet from Center Line) and in the northeast line of the 2.03 Acres tract previously conveyed by Charles L. Williams to Storer Communications; thence N32-06-30W along the dividing line between Storer Communications and the Grantor, a distance of 289.67 feet to a point; thence along the Grantor's northwest property line N58-57-51E 220.04 feet to a point; thence through the land of the Grantor S32-06-30E 285.54 feet to a point in the northwest right of way line of Old Toll Road; thence along same S57-53-30W 220.00 feet to the place of beginning. Containing 1.4526 acres.

Restrictive Covenant Running With Land: In further consideration of the conveyance herein, the Grantees heraby covenant and agree that the property herein conveyed will not be used for a bank, savings bank, savings and loan, building and loan, credit union, finance company, loan company, loan production office, mortgage company or other financial institution. This covenant shall run with the land and shall inure to the benefit of and shall be binding on the Grantor and the Grantees, their heirs, administrators, grantees, assigns and successors.

Being the same property conveyed to the Grantors herein by deed dated August 4, 1992 and recorded in Deed Book 487, Page 29 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging.

(19)



STORM WATER DETENTION CALC.

Area	Area (sq. ft.)	Runoff Coefficient	Volume (cu. ft.)
Proposed Building	10,000	0.80	800,000
Liberty National	20,000	0.60	1,200,000
Other	10,000	0.40	400,000
Total	40,000	0.60	2,400,000

SPECIAL REPORT NO. 104
 LITTLE RED SCHOOL HOUSE
 4210 S. 10th St.
 U.S. 43 KENTUCKY

RECEIVED
 1954

Exhibit B
0-21-02

RESOLUTION R-02-012-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF E.J. FOLTZ C/O CARTEC ENGINEERING (APPLICANT) FOR MALLEY REAL ESTATE, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.45 ACRE TRACT LOCATED AT 8490 OLD TOLL ROAD, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for a change in an approved Concept Development Plan, with conditions, in a Commercial Two/Planned Development C-2/PD) zone for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Boone County, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a change in an approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development C-2/PD) zone for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The real estate which is the subject of this request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 620, PAGE NO. 278 (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 Change in an approved Concept Development Plan, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.45 acre tract located at 8490 Old Toll Road, Florence, the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

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

SECTION III

That a copy of this Resolution recommending approval for a Change in an approved Concept Development Plan, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

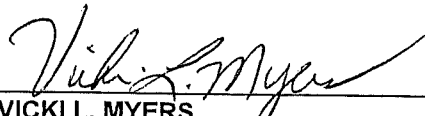
PASSED AND APPROVED ON THIS 3RD DAY OF JULY, 2002.

APPROVED:



MARK HICKS
CHAIRMAN

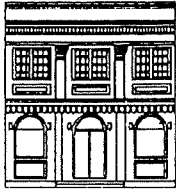
ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

MH:vlm

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

July 3, 2002

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

Dear Mayor Whalen:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and the request would allow the expansion of a child care center.

At their meeting of June 19, 2002, the Boone County Planning Commission voted unanimously to recommend approval, with conditions, by **Resolution R-02-012-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Florence is **Tuesday, September 17, 2002**.

The approved minutes of the May 22, 2002 Public Hearing, along with the pertinent information regarding this request are enclosed.

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

With Kindest Regards,

Mark Hicks
Chairman

MH/vlm

Enclosures

EXHIBIT

“A”

STAFF REPORT

Request of E.J. Foltz c/o Cartec Engineering (applicant) for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

May 22, 2002

REQUEST

The request is for a Change in Concept Development Plan to allow Little Red School House, which is located at 8490 Old Toll Road, Florence, Kentucky, to expand their child care center. The submitted Concept Development Plan shows that the following improvements are proposed:

1. A 3,175 square foot classroom addition and playground near the northwest property corner;
2. A 14 foot wide driveway (one-way) and pick-up area running between Old Toll Road and the existing parking lot; and
3. Seven new parking spaces in the existing parking lot.

SITE CHARACTERISTICS

The site contains an approximate 4,170 square foot building, 24 parking stalls, and a curb cut which is approximately 40 feet from the U.S. 42 curb line. The topography on the western side of the lot falls off and a significant amount of fill is being proposed to allow construction of the driveway and building addition.

SITE HISTORY

In 1988, the 2.577 acre property went through the Concept Development Plan application process to allow a 2,700 square foot bank. There was a Condition of Approval which required any future development on the parcel to go back through the public hearing process.

In 1992, the property went through the Concept Development Plan Process to allow a 5,500 square foot child care center to be constructed on a 1.5 acre parcel. A Condition of Approval was imposed which required the proposed daycare driveway to be at least fifty feet from the intersection of U.S. 42 (see attachments).

ADJACENT LAND USES AND ZONING

- North: Single-Family Residential (SR-1)
- South: Old Toll Road, U.S. Hwy. 42, Auto Zone and Peg's (C-2/PD)
- East: Bank One (C-2/PD)
- West: Cable Company (PF)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Pleasant Valley - West Florence Area) states the following regarding this area:

"Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road.

The "Future Land Use Development Guidelines" found in the Land Use Element make the following statements which relate to this proposal:

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

- C. 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. ("Access Management" p. 211).

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

- A. Proper future growth management for Boone County is implemented (Overall, Goal).
- B. Proper design principles shall be applied in development (Overall, Objective 3).
- C. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system (Transportation, Objective 11).
- D. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- E. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- F. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space (Business Activity, Commercial Objective 1).

PLANNED DEVELOPMENT STANDARDS

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

STAFF COMMENTS

1. Article 32, Section 3221 of the Boone County Zoning Regulations states that where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted. While the Little House School House lot (220 feet of frontage) does not meet this requirement, they are seeking a second curb cut under the Planned

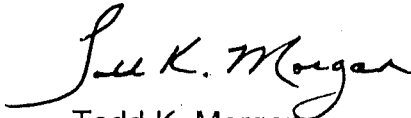
Development (PD) zoning requirements. "A Planned Development may vary the height, use, organization, design, intensity, size, or other features of the proposed development."

2. Boone County Public Works and Florence Public Services have had preliminary discussions about improving the turning radius at the Old Toll Road/U.S. 42 intersection. Staff is concerned that this improvement could increase the speed of cars that pull onto Old Toll Road and could put the existing Little Road School House curb cut closer to the intersection. As a result, Staff recommends a condition which would require the property owners to work with Boone County Public Works in regard to the size and location of their existing curb cut prior to the submission of their Site Plan. The 1992 Conditions of Approval state that the Little Red School House curb cut shall not be closer than 50 feet to the intersection.
3. Staff talked with Boone County Public Works and Florence Public Services about the one-way driveway that is proposed near the southwest property corner. Both agencies believe that the proposed curb cut will improve ingress and egress to the site if the existing curb cut is also made a one-way drive. They also recommended that the proposed access point should be the one-way out and that driveway markings and directional signs should be required to indicate the flow of traffic.
4. The Planned Development Standards state that substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, and buffer zones. While the applicant's conceptual landscape plan does show numerous plantings being installed along the front, side, and rear property lines, Staff recommends a condition which would require the site to be brought into full compliance with the landscape regulations.
5. The Planned Development Standards state that individual buildings should be compatible with surrounding structures and that they shall have a consistent design treatment on all facades. Staff is concerned that the submitted elevation drawings for the proposed addition do not meet this standard. The drawings indicate the northern and western elevations will be constructed with aluminum siding, while the existing building is constructed almost entirely of brick.
6. The Planned Development Standard which addresses transportation connections needs to be addressed by the Planning Commission and the City of Florence. The submitted Concept Development Plan does not show any sidewalks connecting to U.S. 42.
7. The proposed addition, if approved, would bring the overall size of the building up to 7,345 square feet. The 1.45 acre site is permitted a building intensity up to 28,275 square feet.

CONCLUSION

The request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 and Article 15 of the Boone County Zoning Regulations. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan
Planner

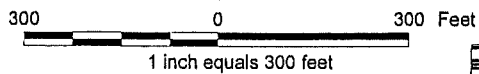
TKM/pr

Attachments:

- Site Vicinity Map
- Concept Plans
- Topographical Map
- Zoning Map
- Future Land Use Map
- Aerial Map
- Planned Development Standards
- 1992 Committee Report & Concept Plan
- Application

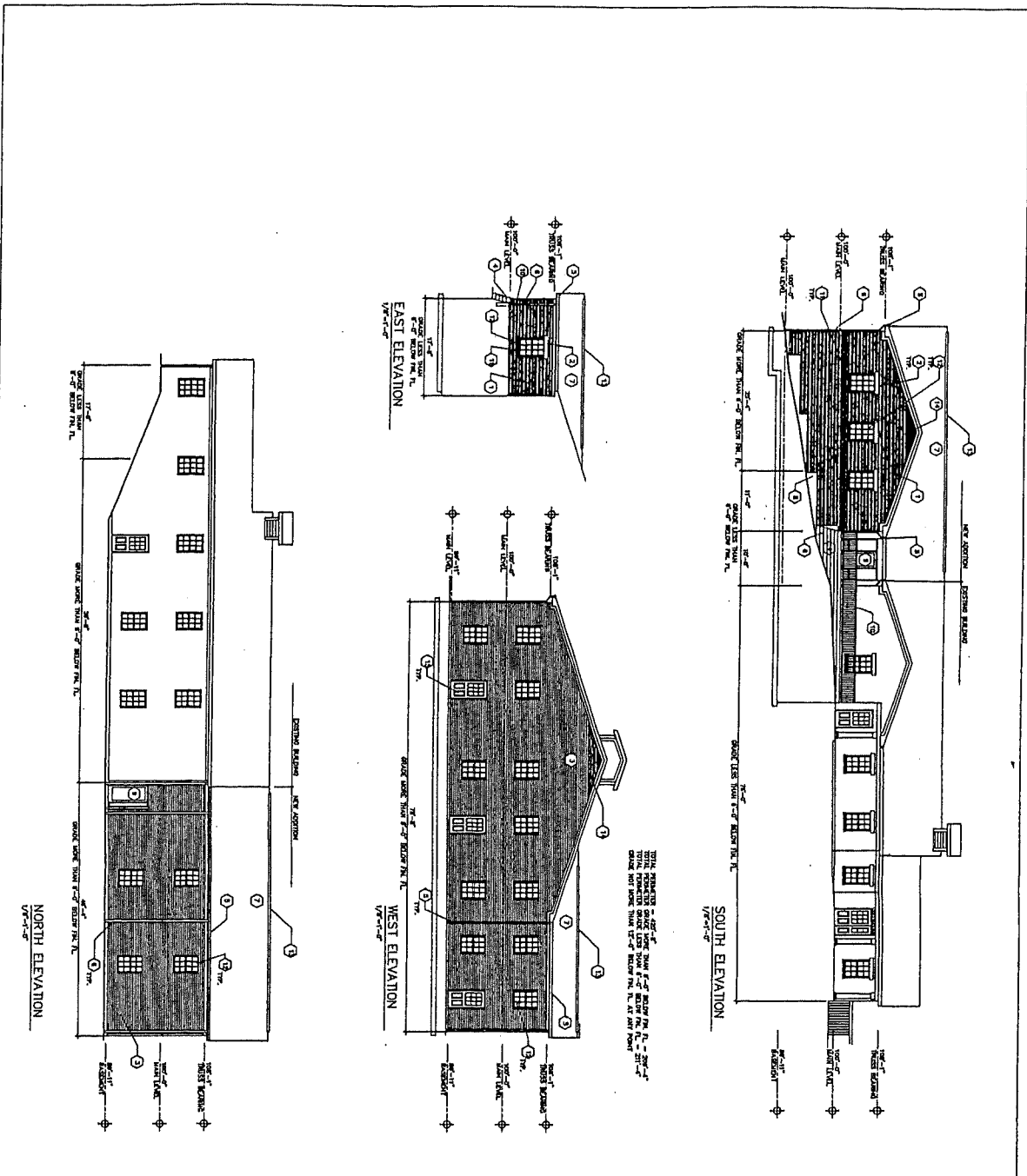


Little Red School House Site Vicinity Map



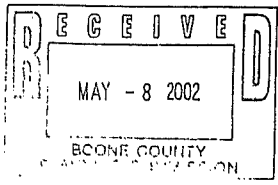
Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002





- DRAWING NOTES**
1. FINE BRICK TO MATCH EXISTING
 2. PRECAST CONCRETE - TO MATCH EXISTING
 3. ALUMINUM SIDING - TO MATCH EXISTING
 4. NEW SPONGE BRICK REPAIRS MATCH
 5. ALUMINUM SIDING - TO MATCH EXISTING
 6. ALUMINUM SIDING - TO MATCH EXISTING
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 10. ALUMINUM SIDING - TO MATCH EXISTING
 11. ALUMINUM SIDING - TO MATCH EXISTING
 12. NEW ALUMINUM SIDING - TO MATCH EXISTING
 13. BRICK SIDING
 14. CONCRETE
 15. HOLLOW METAL ROOF AND FRAMING

A201 DRAWING 02/29/02	HUB & WEBER, P.S.C. <i>Architects - Interior Design</i> <small>642 Grand Street, Florence, Kentucky 41017 502/461-2634</small>	NEW ADDITION LITTLE RED SCHOOLHOUSE <small>5940 US 42</small> FLORENCE, KENTUCKY	<table border="1"> <tr><td>DATE</td><td>02/29/02</td></tr> <tr><td>BY</td><td>[Signature]</td></tr> <tr><td>CHECKED</td><td>[Signature]</td></tr> <tr><td>SCALE</td><td>AS SHOWN</td></tr> </table>	DATE	02/29/02	BY	[Signature]	CHECKED	[Signature]	SCALE	AS SHOWN
DATE	02/29/02										
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SCALE	AS SHOWN										



DTY	ABBR	COMMON NAME	SCIENTIFIC NAME	HT	SPREAD	PLANT LIST
4	FL	FLOWERING DOGWOOD	CORNUS FLORIDA	20'-30'	30'	C
10	ELM	CHINESE ELM	GULMIS PLARVIFOLIUM	40'-50'	40'-50'	A & D
23	WINGED	ELIANTHUS COMPOSITA (WINGED BURNING BUSH)	ELIANTHUS ALATA	6'-8'	6'-8'	E
28	CH	CHANGELING COTONWOOD	COTONWOODER AMERICANA	2.5'-3'	3'-4'	E
11	WP	WHITE PINE	PINUS STROBUS	50'-80'	20'-40'	A & D
77	FO	WEeping FORESTYHIA	FORESTYHIA SUSPENSIA	10'	8'	E
13	ER	EASTERN REDBUD	CEREA CANADENSIS	20'-25'	20'-30'	C

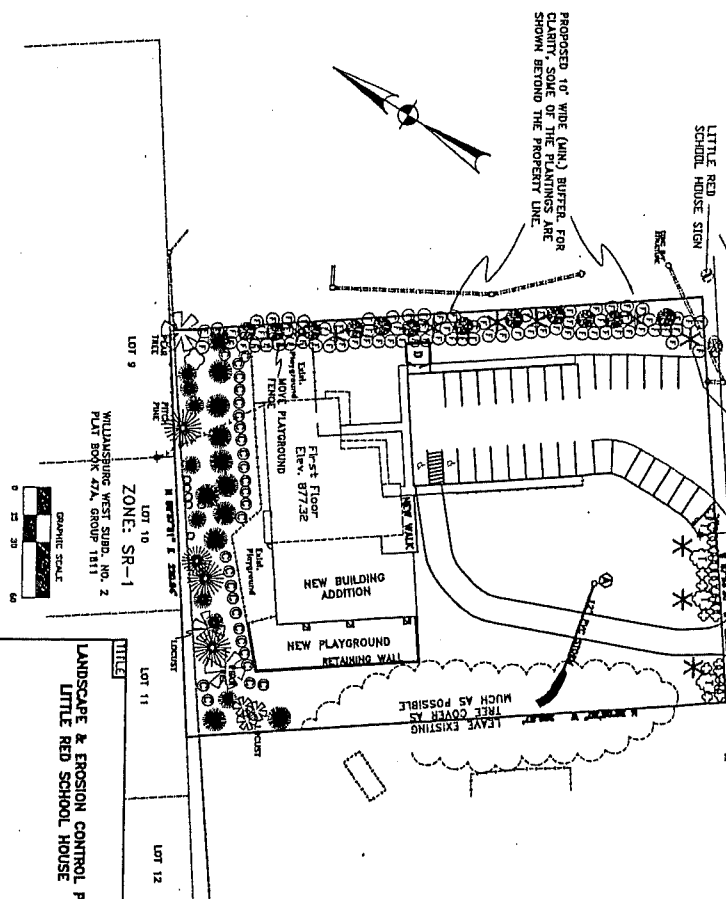
Buffer Zone A
Adjacent zones to the east is C-2/PO. The 10' buffer can be shared with this zone. Buffer also placed on southwest portion of the site, or frontage along Old Toll Road.

Buffer Yard - C
This buffer applies to the rear or north side of the building. The original site designed and constructed in semi-rural areas and is subject to the same regulations. A semi-rural spread of trees and shrubs is required in this zone, along with a playground area. Cannot fully implement the full Buffer Yard-C requirements.

EXISTING TREES

- 3" DIA. TROPICAL BIRCH
- 12" DIA. HONEYLOCUST BIRCH
- 8" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 8" DIA. REDWOODS
- 12" DIA. REDWOODS
- 12" DIA. REDWOODS

REVISIONS
1. WORK THROUGH LOCATION, PROVIDE PEOPLE 4/18/02



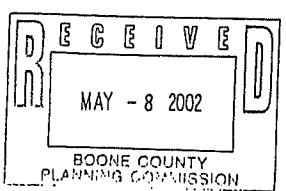
PROPOSED 10' WIDE (MIN.) BUFFER FOR CLARITY. SOME OF THE PLANTINGS ARE SHOWN BEYOND THE PROPERTY LINE.

TITLE
LANDSCAPE & EROSION CONTROL PLAN
LITTLE RED SCHOOL HOUSE

PROJECT 02-018
SCALE 1"=30'
DATE 4/18/02
DRAWN J.M.
DATE 4/18/02
DRAWING # 2002-02-018B.DWG

CARTEC ENGINEERING CORP.
CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
2345 RICHIE AVE.
ROCKFORD SPRINGS, KENTUCKY 41017
(606) 341-4800

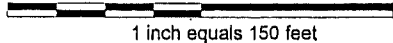
- NOTES:**
- The site plan shall be prepared in accordance with the provisions of the zoning ordinance and the subdivision ordinance of Boone County, Kentucky.
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Little Red School House Topographical Map

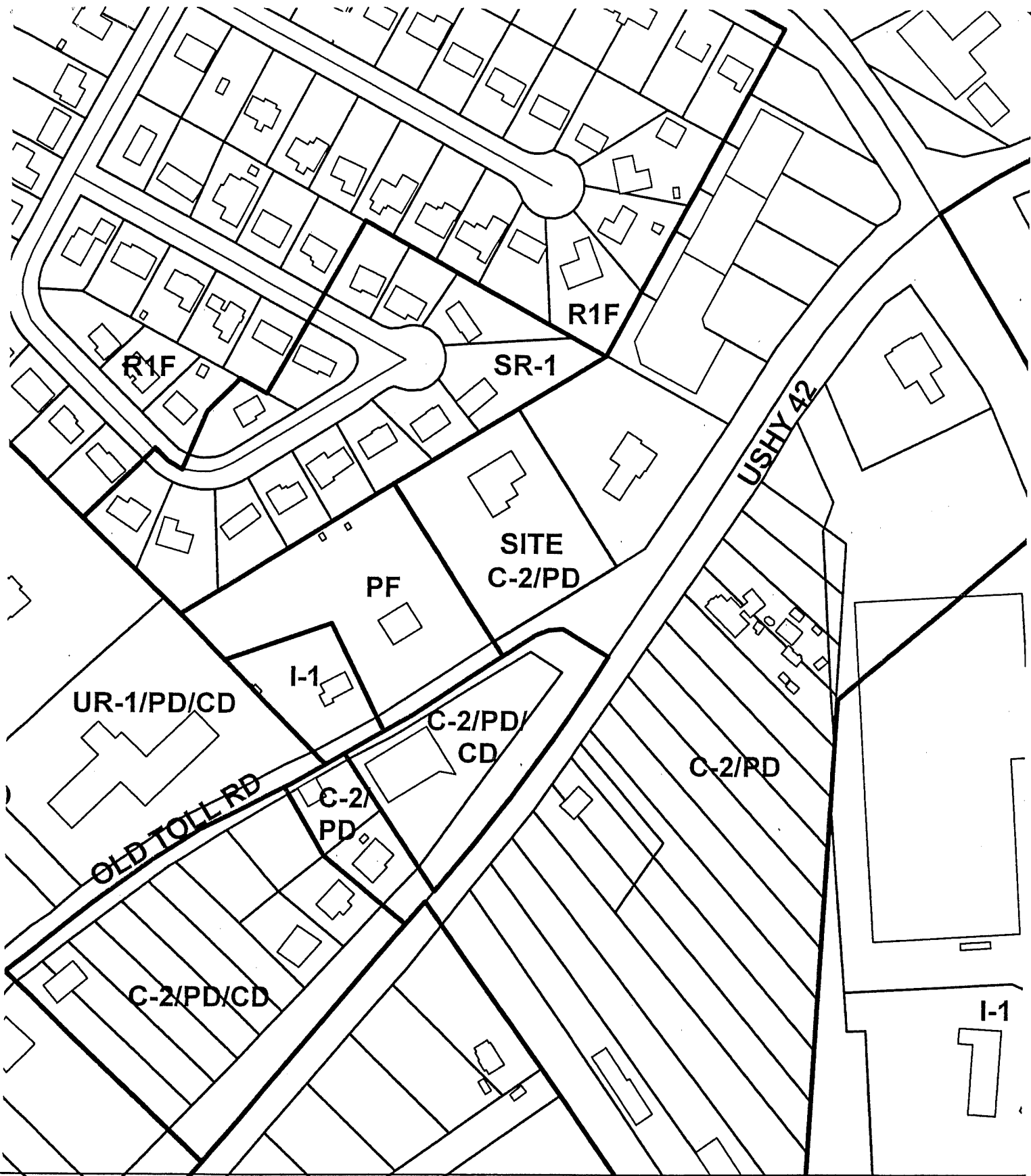
150 0 150 Feet



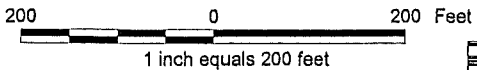
1 inch equals 150 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002





Little Red School House Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002





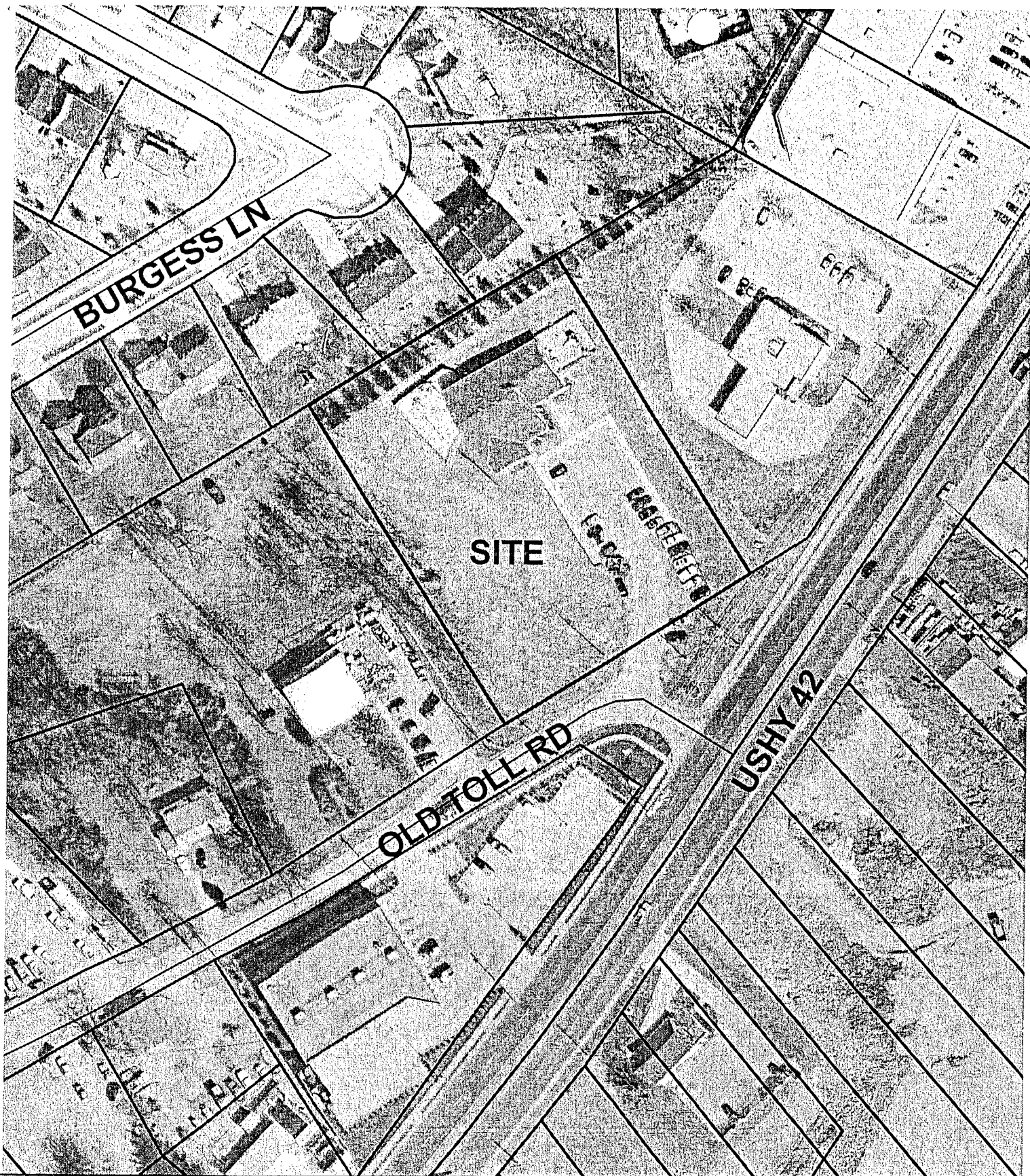
Little Red School House Future Land Use Map

150 0 150 Feet

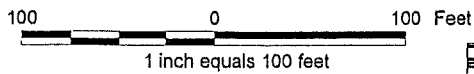
1 inch equals 150 feet

Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002





Little Red School House Aerial Map



Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 2002



SECTION 1512

Intensity

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

SECTION 1513

Minimum Size

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

SECTION 1514

Planned Development Standards

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

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

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

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

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

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

SECTION 1515

Procedure

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

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: March 18, 1992

RE: Request of James W. Berling & Bob Beckman (applicants) for Chip and Jan Malley (owners) for the Utilization of an Underlying Zone in Planned Development. The 1.5 acre is zoned Commercial Two/Planned Development (C-2/PD and is located off Old Toll Road, Florence, Kentucky. The proposed use is a day care center.

REMARKS:

We, the Committee, recommend approval of the proposed Concept Development Plan presented at the February 26, 1992 Public Hearing, based upon the following findings of fact and with the following condition:

Findings of Fact

1. The proposed use of a day car center is consistent with the 1990 Boone County Comprehensive Plan, which calls for local (neighborhood oriented) commercial development rather than regional scale type of developments.
2. The layout and arrangement of the proposed facility, if developed in accordance with the following condition regarding access to U.S. Hwy 42, will be consistent with the access management provisions and the Boone County Comprehensive Plan.

Conditions

The following condition is required of the applicant:

1. The drive into the proposed day car center shall be at least fifty feet curb to curb from the intersection with U.S. 42.

It is suggested that the bank provide some kind of shared access from the site that will be the Little Red School House to the adjacent property to the east.

Barry Neltner, Chairman

Fred Burch



Phil Damstrom



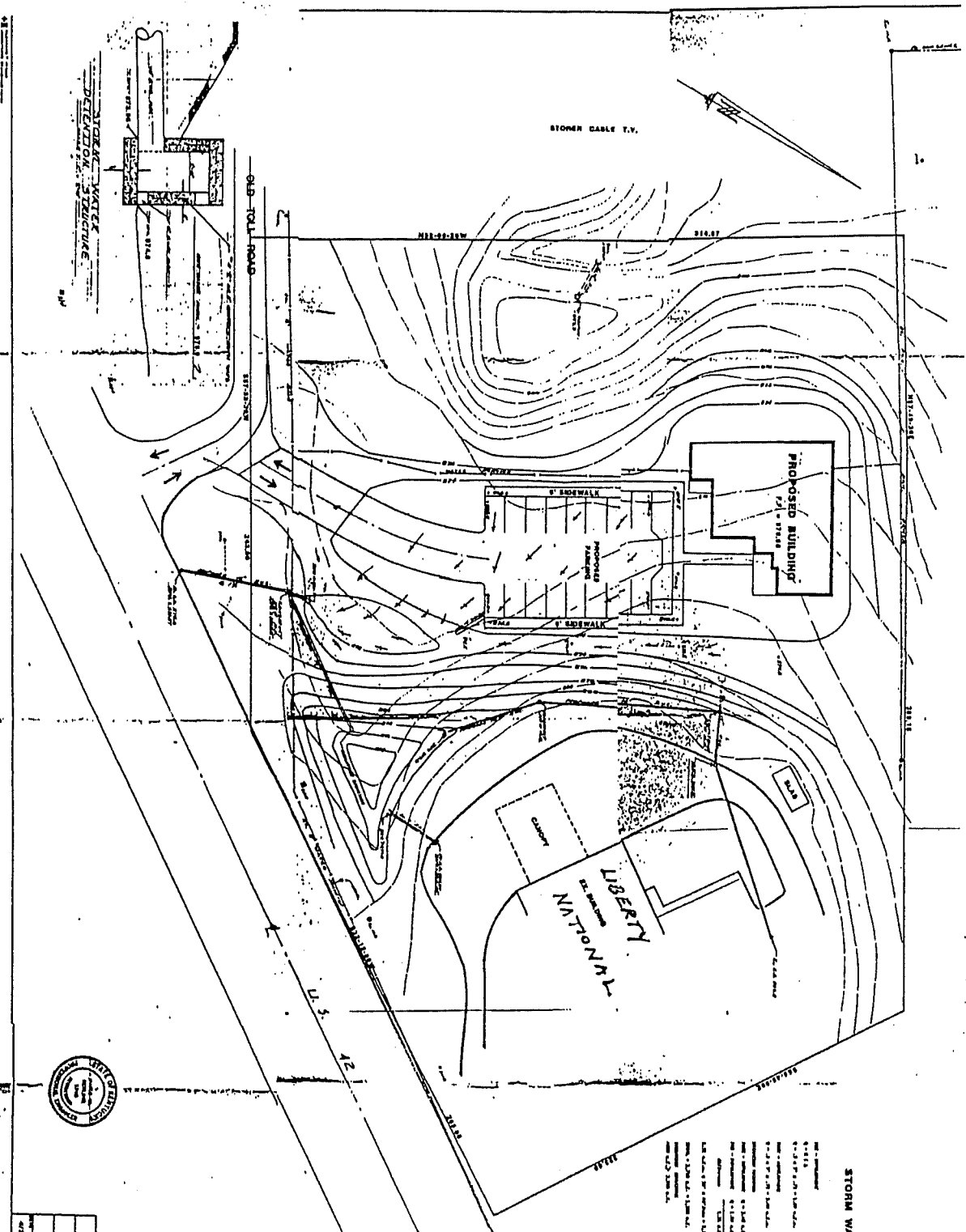
Thurman Owens



Floyd Sharp

Carol Smith

BN:kat



STORM WATER DETENTION CALC.

Area	Area (sq. ft.)	Runoff Coefficient (C)	Volume (cu. ft.)
Proposed Building	10,000	0.80	800,000
Liberty National	15,000	0.75	1,125,000
Other	5,000	0.50	250,000
Total	30,000	0.70	2,175,000

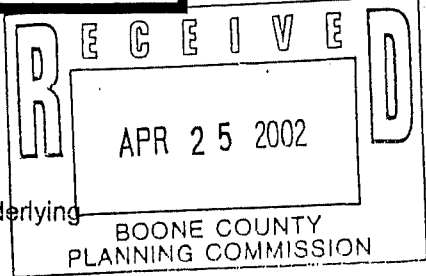


PROJECT EMPLOYER DATA
LITTLE RED SCHOOL HOUSE
 JAMES W. BROWN, JR.
 177 BROWN ST.
 U.S. 42, RICHMOND, KENTUCKY

DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: [Date]

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

2. Name of Project LITTLE RED SCHOOL HOUSE
3. Location of Project 8490 OLD TOLL ROAD
4. Total Acreage of Site 1.45
5. Current Zoning C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2/26/92
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
8. Proposed Uses (please specify each use) BUILDING ADDITION, NEW DRIVE THROUGH LANE, NEW PARKING
9. Proposed Building Intensities (please specify) _____
10. Have you submitted a Concept Development Plan? Y
11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
12. Name of Applicant(s) EW FOLTZ 40 CARTER ENGINEERING
- Phone Number 341-6006 Fax No. 341-0153
13. Address of Applicant(s) 2545 RITCHIE AVE
CRESCENT SPRINGS KY 41017
City State Zip
14. Name of Property Owner(s) MALLEY REAL ESTATE, LLC
- Phone Number 859-727-6148 Fax No. _____ 15.
- Address of Property Owner(s) 201 PENWOOD ROAD
LAKE SIDE PARK KY 41017
City State Zip
16. Are there any existing buildings on the site? Y
- How many? 1
17. Deed Book 220 Page No. 278 Group No. 2039
18. Have you had a pre-application meeting with BCPC Staff? Y

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

May 22, 2002

7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Hicks - Chairman, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:02 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** E. J. Foltz c/o Cartec Engineering for
 Malley Real Estate, LLC (owner)
 Request: Change in Concept Development Plan

The request of E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

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

The Chairman asked for the applicant's presentation.

Mr. Chip Malley, with Malley Real Estate, who owns and operates Little Red School House, introduced Mr. E. J. Foltz with Cartec Engineering. In regard to Staff Comments 1, 2, and 3, Mr. Foltz stated that they are willing to work with the City of Florence and Boone County Public Works in regard to the location of the access driveway and whether it is one way in or one way out. He noted that the directional arrows on the pavement currently show it as one way in off Old Toll Road, but that can be easily changed. He stated that he sent the plans to Greg Sketch at Boone County Public Works, but has not heard back regarding the access. In regard to Staff Comment #4, Mr. Foltz stated that they went through the City of Florence Landscaping Regulations and believed they had complied,

and this can be discussed during Site Plan Review. He noted that their Landscaping and Erosion Control Plans are attached to the Staff Report. He stated that Little Red School House was built in 1992 and was required to have a 50-foot setback. He stated that they are supplementing the pine trees in the rear and have identified the size, type, and height of the existing landscaping. He stated that the north and west sides of the building will be brick on the upper floor to match what was shown in the Power Point presentation -- instead of using aluminum siding, they will match brick to brick. He stated that the new driveway has worked extremely well at the schools where they have used it. Parents are able to drive up and drop their children off -- the person out there signs the child in and the parent leaves -- which eliminates the need for a lot of additional parking. They have used this method in Richwood. He stated that they have a waiting list of approximately eighty children and need to serve those Florence residents by expanding this facility.

Chairman Hicks 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 being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries questioned how close the new addition is to the property line and if it affects the buffer area. Mr. Morgan responded that there is a significant tree line in place. He stated that the requirement is Buffer Yard A as it is a Commercial zone abutting a PF zone. It does not abut a Residential zone.

Mr. White questioned water retention. Mr. Morgan responded that they have to submit a Grading Plan. They will provide detention calculations that will be reviewed by the City Engineer and by the County Engineer.

Chairman Hicks stated that it seems like 75% of the parents are dropping off their children in a half-hour time period and the second entrance will help. He has waited in the line -- which does get long -- and he believes this will help the situation.

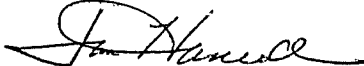
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 5, 2002 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on June 19, 2002 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
June 19, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:32 PM.

COMMISSION MEMBERS PRESENT:

Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Barlow
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Robert Newman
Mr. Robert Ries
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, AICP, Planner
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 June 5, 2002 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Poston seconded the motion and it carried unanimously.

Chairman Hicks stated that the Commissioners received copies of the Minutes of the June 5, 2002 Public Hearing. He asked if there were any comments or corrections. Mr. Costello stated that the minutes should reflect that Mr. Poe attended the Public Hearing. Mr. White moved to approve the minutes with the correction made by Mr. Costello. Mr. Zimmer seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. **Change in Concept Development Plan**

The request of E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

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

Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Reynolds seconded the motion.

Mr. Caddell questioned Condition #1 – why didn't the Committee address this when it was before them and make it part of the recommendation rather than leaving it to after the fact with Boone County Public Works as to whether the size and location of existing and proposed curb cuts should be modified? Mr. Morgan responded that it was left open because Boone County Public Works is responsible for Old Toll Road and the City of Florence is going to take it over, and at this time it is not known what will happen with the radius and what impact that will have on the driveways. Discussion needs to occur first between the city and the county.

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

EXHIBIT
"B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: June 19, 2002

RE: Request of E.J. Foltz c/o Cartec Engineering (applicant) for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced Change in Concept Development Plan application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Committee has concluded that the proposal is in agreement with text of the Land Use Element ("Pleasant Valley - West Florence Area") as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.
 - C. The Committee has concluded that the proposal, with the agreed upon 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, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
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 and 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 applicant and property owner will work with Boone County Public Works and Florence Public Services to determine if the size and location of the existing and proposed curb cuts should be modified.
2. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine the traffic flow on site.
3. Driveway markings and a directional sign will be required at the ingress and egress points.
4. The exterior elevations of the 3,175 square foot addition will match the existing building in regard to construction materials and colors.
5. The site will be brought into compliance with Article 36 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations).
6. Sidewalks will be provided along Old Toll 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. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
May 22, 2002
7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Hicks - Chairman, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:02 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner)
 Request: Change in Concept Development Plan

The request of E. J. Foltz c/o Cartec Engineering for Malley Real Estate, LLC (owner) for a Change in Concept Development Plan for a 1.45 acre tract at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

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

The Chairman asked for the applicant's presentation.

Mr. Chip Malley, with Malley Real Estate, who owns and operates Little Red School House, introduced Mr. E. J. Foltz with Cartec Engineering. In regard to Staff Comments 1, 2, and 3, Mr. Foltz stated that they are willing to work with the City of Florence and Boone County Public Works in regard to the location of the access driveway and whether it is one way in or one way out. He noted that the directional arrows on the pavement currently show it as one way in off Old Toll Road, but that can be easily changed. He stated that he sent the plans to Greg Sketch at Boone County Public Works, but has not heard back regarding the access. In regard to Staff Comment #4, Mr. Foltz stated that they went through the City of Florence Landscaping Regulations and believed they had complied,

and this can be discussed during Site Plan Review. He noted that their Landscaping and Erosion Control Plans are attached to the Staff Report. He stated that Little Red School House was built in 1992 and was required to have a 50-foot setback. He stated that they are supplementing the pine trees in the rear and have identified the size, type, and height of the existing landscaping. He stated that the north and west sides of the building will be brick on the upper floor to match what was shown in the Power Point presentation -- instead of using aluminum siding, they will match brick to brick. He stated that the new driveway has worked extremely well at the schools where they have used it. Parents are able to drive up and drop their children off -- the person out there signs the child in and the parent leaves -- which eliminates the need for a lot of additional parking. They have used this method in Richwood. He stated that they have a waiting list of approximately eighty children and need to serve those Florence residents by expanding this facility.

Chairman Hicks 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 being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Ries questioned how close the new addition is to the property line and if it affects the buffer area. Mr. Morgan responded that there is a significant tree line in place. He stated that the requirement is Buffer Yard A as it is a Commercial zone abutting a PF zone. It does not abut a Residential zone.

Mr. White questioned water retention. Mr. Morgan responded that they have to submit a Grading Plan. They will provide detention calculations that will be reviewed by the City Engineer and by the County Engineer.

Chairman Hicks stated that it seems like 75% of the parents are dropping off their children in a half-hour time period and the second entrance will help. He has waited in the line -- which does get long -- and he believes this will help the situation.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 5, 2002 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 June 19, 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: Bob Newman, Committee Chairman

DATE: June 5, 2002

RE Request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/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.

June 5, 2002

Cartec/Malley/Little Red Schoolhouse

Bob Newman

Bob Newman, Chairman

For Against
 Abstain Absent
 Deferred

Susan Poston

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

Earl White

For Against
 Abstain Absent
 Deferred

Lisa Wilson

Lisa Wilson

For Against
 Abstain Absent
 Deferred

David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

Janet Kegley (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
2 ABSENT

LONG RANGE PLANNING/COMP PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Richard Knock, Chairman
Long Range Planning/Comprehensive Plan Committee

DATE: June 19, 2002

RE: Determination of Review Process for the Marydale Property Proposal Relative to the Houston-Donaldson Study - Houston Road and Donaldson Road, Boone County, Kentucky; Urban Residential One/Planned Development (UR-1/PD), Commercial Two/Planned Development (C-2/PD), Office Two/Planned Development (O-2/PD), and Industrial One/Planned Development (I-1/PD) Zones.

REMARKS:

We, the Committee, recommend that the above referenced development be approved for the "short" review as described in the Houston-Donaldson Study based on the following findings of fact and subject to the following conditions.

1. The Committee has determined that the proposal is in conformance with the "Criteria for Committee Review" on page 71 of the Houston-Donaldson Study. Specifically, the Committee has concluded that the development is consistent with the recommendations in the Site Analysis and Recommendation section of the Study. The tract is located within Site 16 "Sprucewood Drive and Donaldson Highway Frontage," Site 17 "Marydale Retreat Center," Site 18 "Diocese Headquarters Area," Site 19 "Donaldson Highway Office Area," and Site 22 "Passionist Nuns and Turfway Portion of Marydale." Office uses are the predominant land uses recommended for these sites by the Study. The proposed development in the Diocese plan is exclusively office uses, plus a relatively incidental expansion of the Diocese facilities. The overall building square footage is less than forecasted in the Houston -Donaldson Study. In addition, the proposed plan eliminates several areas of commercial and industrial land use that were forecasted by the Study to have significant impact on the area's transportation system.

2. The development, with the conditions outlined below, does not present a drastic or unknown impact on the public infrastructure, and the projected traffic generation from the development is significantly less than that predicted for the area in question by the Houston-Donaldson Study. The proposed plan presents an assurance of employment type development where it has been planned in the Boone County Comprehensive Plan and the Houston-Donaldson Study.
3. The Committee has concluded that the following conditions are necessary to fulfill the intent of the Houston-Donaldson Study and to prevent drastic or unknown impacts on the area in question. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The access points on Houston Road for this development may only be located at: the western terminus of Sprucewood Drive; the two existing signalized intersections shared by the Citicorp development; the Pat Day Drive intersection; the existing driveway which is located between Pat Day Drive and the existing Marydale swimming pool driveway entrance.
2. The developer(s) of office development along Donaldson Highway will improve the respective portion of that roadway to a three-lane cross section where two lanes currently exist.
3. The property owner will allow the Historic Preservation Review Board to document details about the cemeteries on the site.

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

LONG RANGE PLANNING/COMP PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Richard Knock, Committee Chairman

DATE: June 5, 2002

RE: Determination of Review Process for Marydale Proposal Relative to the Houston-Donaldson Study - Houston Road and Donaldson Road, Boone County, Kentucky; Urban Residential One/Planned Development (UR-1/PD), Commercial Two/Planned Development (C-2/PD), Office Two/Planned Development (O-2/PD), Industrial One/Planned Development (I-1/PD) zones.

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.

Marydale
Houston Road/Donaldson Road

Richard Knock
Richard Knock, Chairman

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

Janet K Kegley
Janet Kegley

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

Randy Poe
Randy Poe

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

Bob Ries
Bob Ries

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

Bob Schwenke
Bob Schwenke

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

David Zimmer

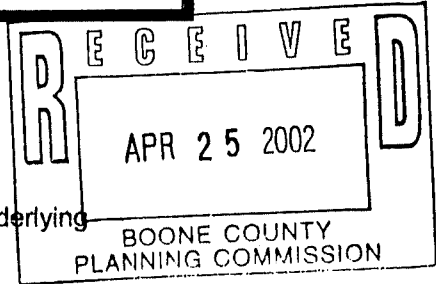
For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>
Deferred	<input type="checkbox"/>		

TOTAL:	<input type="checkbox"/> DEFERRED	<u>5</u> FOR	<input type="checkbox"/> AGAINST	<input type="checkbox"/> ABSTAIN
	<u>1</u> ABSENT			

EXHIBIT
“C”

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project LITTLE RED SCHOOL HOUSE
- 3. Location of Project 8490 OLD TOLL ROAD
- 4. Total Acreage of Site 1.45
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2/26/92
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____

- 8. Proposed Uses (please specify each use) BUILDING ADDITION, NEW DRIVE THROUGH LANE, NEW PARKING
- 9. Proposed Building Intensities (please specify) _____

- 10. Have you submitted a Concept Development Plan? Y
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance

- 12. Name of Applicant(s) EN FOLTZ c/o CARTER ENGINEERING
- Phone Number 341-6006 Fax No. 341-0153
- 13. Address of Applicant(s) 2545 RITCHIE AVE
CRESCENT SPRINGS KY 41017
City State Zip

- 14. Name of Property Owner(s) MALLEY REAL ESTATE, LLC
- Phone Number 859-727-6148 Fax No. _____ 15.
- Address of Property Owner(s) 201 PENWOOD ROAD
LAKE SIDE PARK KY 41017
City State Zip

- 16. Are there any existing buildings on the site? Y
- How many? 1

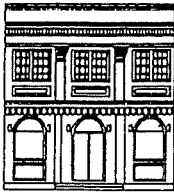
- 17. Deed Book 220 Page No. 278 Group No. 2039

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

(over)

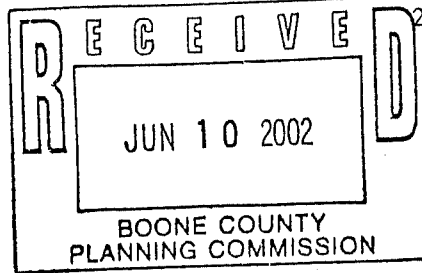
SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



June 7, 2002

Mr. Alfred Malley
Malley Real Estate, LLC
201 Penwood Road
Lakeside Park, KY 41017



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

RE: Request of **E.J. Foltz c/o Cartec Engineering (applicant)** for **Malley Real Estate, LLC (owner)** for a Change in Concept Development Plan for a 1.45 acre tract located at 8490 Old Toll Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an expansion of a child care center in a Commercial Two/Planned Development (C-2/PD) zone.

Dear Mr. Malley:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you, as the President and C.E.O. of Malley Real Estate, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on June 17, 2002.

Conditions

1. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine if the size and location of the existing and proposed curb cuts should be modified.
2. The applicant and property owner will work with Boone County Public Works and Florence Public Services to determine the traffic flow on site.
3. Driveway markings and a directional sign will be required at the ingress and egress points.
4. The exterior elevations of the 3,175 square foot addition will match the existing building in regard to construction materials and colors.
5. The site will be brought into compliance with Article 36 of the Boone County Zoning Regulations (City of Florence Landscaping Regulations).
6. Sidewalks will be provided along Old Toll Road.


Sincerely,

Todd K. Morgan, AICP
Planner, Zoning Services


TKM\pr

Mr. Alfred Malley
Malley Real Estate, LLC
June 7, 2002
Page 2

I, Alfred Malley, hereby agree to the listed conditions of approval for a Concept Development Plan for a 1.45 acre site located at 8490 Old Toll Road, Florence, Kentucky.



Mr. Alfred Malley



Date

RECEIVED

1995 MAR 22 P 3:00

JERRY W. ROUSE
BOONE COUNTY CLERK
Ad 16.00

GENERAL WARRANTY DEED

PROPERTY TRANSFER TAX PAID \$ *Element*
JERRY W. ROUSE, CLERK *12/21/96 JK*

KNOW ALL MEN BY THESE PRESENTS:

That Grantors, **ALFRED D. MALLEY** and **JANIS V. MALLEY**, husband and wife, for and in consideration of One (\$1) Dollar and other good and valuable consideration to them paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell and convey in fee simple to **MALLEY REAL ESTATE, LLC**, a Kentucky Limited Liability Company, its successors and assigns forever, the following described real estate in the City of Florence, County of Boone, Commonwealth of Kentucky, to-wit:

Property Street Address: 8490 Old Toll Road
Florence, Kentucky 41042

Property Mailing Address: Alfred D. and Janis V. Malley
201 Penwood Road
Lakeside Park, Kentucky 41017

Plat No. _____ Group No. 2039 PIDN: _____

Beginning at a point in the Grantor's southwest property line, said point being in the northwest right of way line of Old Toll Road (25 feet from Center Line) and in the northeast line of the 2.03 Acres tract previously conveyed by Charles L. Williams to Storer Communications; thence N32-06-30W along the dividing line between Storer Communications and the Grantor, a distance of 289.67 feet to a point; thence along the Grantor's northwest property line N58-57-51E 220.04 feet to a point; thence through the land of the Grantor S32-06-30E 285.54 feet to a point in the northwest right of way line of Old Toll Road; thence along same S57-53-30W 220.00 feet to the place of beginning. Containing 1.4526 acres.

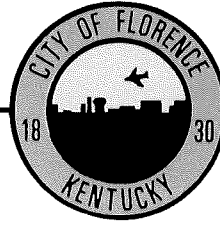
Restrictive Covenant Running With Land: In further consideration of the conveyance herein, the Grantees hereby covenant and agree that the property herein conveyed will not be used for a bank, savings bank, savings and loan, building and loan, credit union, finance company, loan company, loan production office, mortgage company or other financial institution. This covenant shall run with the land and shall inure to the benefit of and shall be binding on the Grantor and the Grantees, their heirs, administrators, grantees, assigns and successors.

Being the same property conveyed to the Grantors herein by deed dated August 4, 1992 and recorded in Deed Book 487, Page 29 of the Boone County Clerk's records at Burlington, Kentucky.

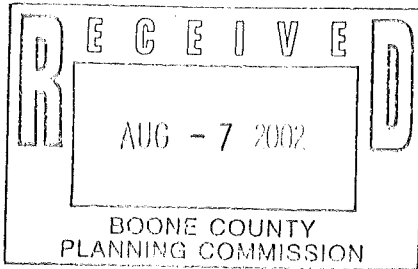
Together with all the privileges and appurtenances to the same belonging.

19

City of Florence



CITY CLERK/
HUMAN RESOURCES DIRECTOR
Betsy R. Conrad



August 6, 2002

VIA FIRST CLASS MAIL:

Judge/Executive Gary Moore
County of Boone
P.O. Box 900
Burlington, KY 41005

Kevin Costello, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Vicki Myers, Mgr. Of Adm. Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Dan Richards, Director of GIS Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Jim Key, Chief Building Official
Boone County Building Inspection Office
5958 Garrard Street
Burlington, KY 41005

Bill Viox, City Engineer
Viox & Viox Inc.
466 Erlanger Road
Erlanger, KY 41018

Bob Hall, Acting General Manager
FLORENCE WATER & SEWER COMMISSION
Florence Government Center
8100 Ewing Blvd.
Florence, KY 41042

Mr. E.J. Foltz
C/o Cartec Engineering
2545 Ritchie Avenue
Crescent Springs, KY 41017

Malley Real Estate, LLC
201 Penwood Road
Lakeside Park, KY 41017

Dear Sirs and/or Madams:

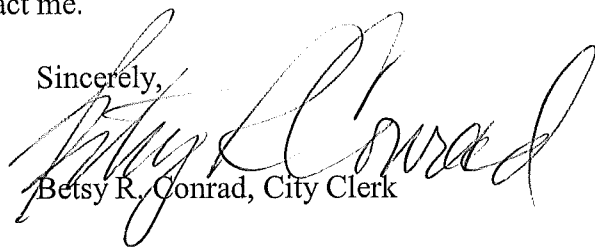
Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. O-21-02 adopting and approving a Concept Development Plan for an approximate 1.45 acre site located at 8490 Old Toll Road in the City of Florence, Kentucky, this property being currently zoned Commercial Two/Planned Development (C-2/PD), to expand a child care center, as requested by Malley Real Estate, LLC.

First reading of Ordinance No. O-21-02 was held on July 23, 2002. Second reading was held on July 30, 2002, and the Ordinance summary was published in the *Boone County Recorder* August 8, 2002, at which time the Ordinance became statutorily official.

The Florence City Council meeting minutes are available at the Florence City Clerk's office, or online at www.cityofflorenceky.com, and hard copies of the minutes of July 23 and 30, 2002 are being forwarded herewith to Ms. Vicki Myers at the Boone County Planning Commission.

If you require additional information, please contact me.

Sincerely,



Betsy R. Conrad, City Clerk

Approved
APPROVED
 Staff
 Date 6-17-02
 Boone County
 Planning Commission



VICINITY MAP 1"=2000'

SCHEDULE OF STATISTICS

CURRENT ZONE: C-2/PD
 OWNER: VALLEY REAL ESTATE, LLC DB 620, PG 278, GR:2039
 NURSERY SCHOOLS ARE A PRINCIPALLY PERMITTED USE.
 SITE PLAN REVIEW REQUIRED FOR ALL PERMITTED USES.
 PROPOSED NEW CLASSROOM ADDITION
 NEW ADDITION FOOTPRINT AREA: 3,175 SQ.FT.
 PROPOSED BASEMENT FLOOR ELEV.=867.24
 PROPOSED RIDGE ELEV.=896.24 (MATCH EXISTING)
 AREA & HEIGHT REG.'S FOR CONDITIONALLY PERMITTED USES
 MIN. LOT SIZE: 5000 sq.ft.
 MIN. FRONT YARD SETBACK: 50' @ SETBACK
 MIN. SIDE YARD SETBACK: 30'
 MIN. REAR YARD SETBACK: 10' (50')
 FRONT: 30'
 SIDE: 10' (50')
 * WHEN ADJOINING THE FOLLOWING APPLICABLE ZONING DISTRICT: SR-1

EXISTING CLASSROOMS: 9
 PROPOSED NEW CLASSROOMS: 6
 TOTAL CLASSROOMS: 15
 PARKING REQUIRED: 2 SPACES/CLASSROOM, 30 REQ.
 PARKING PROVIDED: 15 SPACES (INCLUDES 2 HANDICAP)
 ALL PARKING IS 8'X18' W/ 8' ACCESS LANE
 HANDICAP PARKING IS 8'X18' W/ 8' ACCESS LANE
 ROOF DRAINS TO BE DIRECTED TO DETENTION POND.

BOUNDARY INFORMATION OBTAINED FROM DEED OF RECORD.

- A FIRE HYDRANT
- B WATER METER
- C WATER VALVE
- D EXISTING UNDERGROUND
- E EXISTING WATER MAIN (APPROX. 100'-0" DIA)
- F EXISTING NATURAL GAS LINE
- G EXISTING POWER POLE WITH 300' DIA
- H EXISTING OVERHEAD LIGHTING
- I EXISTING OVERHEAD TELEPHONE
- J EXISTING CEMENT 1" JUNCTION
- K EXISTING SPOT ELEVATION
- L EXISTING 3" DIA

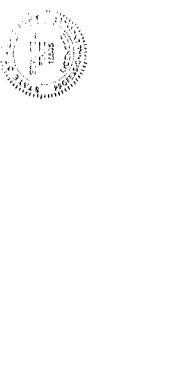
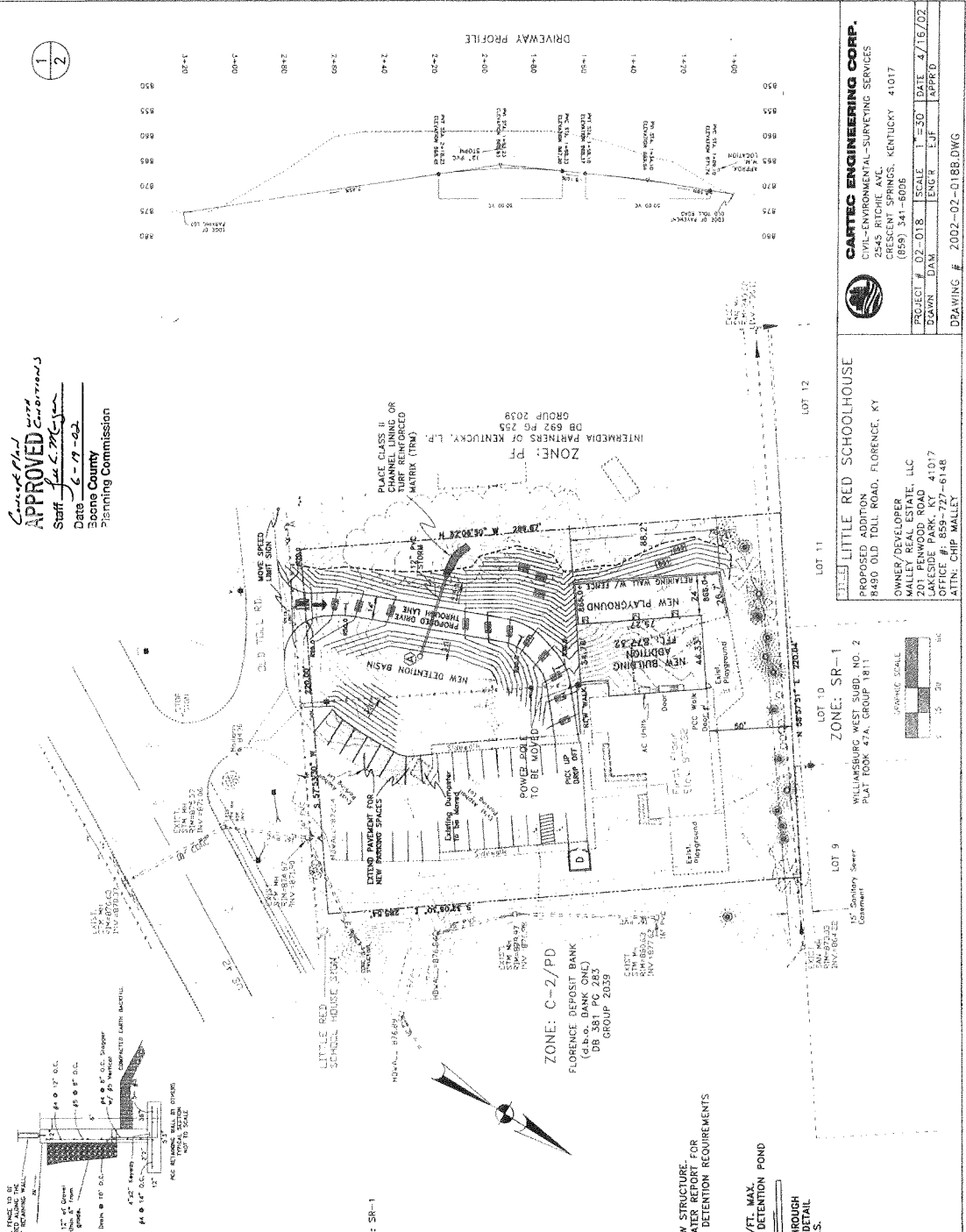
NEW OVERFLOW STRUCTURE FOR SEC STORM WATER RETORT FOR STORM WATER DETENTION REQUIREMENTS AND DETAILS

1/2" / FT. MAX. TOWARDS DETENTION POND

DRIVE THROUGH LAKE DETAIL N.T.S.

NEW COMPUTER ON POLE PAD WITH REMOV FENCE SCREEN PROPOSED NEW POWER POLE LOCATION

SECTION THROUGH POLE PROVIDE PROFILE: 4/19/02



CARTEC ENGINEERING CORP.
 CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
 2545 PITCHER AVE.
 CRESCENT SPRINGS, KENTUCKY 41017
 (859) 341-6006
 PROJECT # 02-018 SCALE 1"=30' DATE 4/16/02
 DRAWN DAM ENGR L/JF APPR D

LITTLE RED SCHOOLHOUSE
 PROPOSED ADDITION
 8490 OLD TOLL ROAD, FLORENCE, KY
 OWNER/DEVELOPER
 INTERMEDIA PARTNERS, LLC
 201 PENWOOD ROAD
 LAKEIDE PARK, KY 41017
 OFFICE #: 859-727-6148
 ATTN: CHIP MALLEY



LITTLE RED SCHOOL HOUSE
EROSION CONTROL PLAN
APRIL 3, 2002

PURPOSE:
The purpose of this plan is to provide the structure and details of the erosion control plan for the Little Red School House project. The plan is to be used for the construction of the erosion control plan for the Little Red School House project.

RESTRICTIONS ON CONDITIONS:
The plan is to be used for the construction of the erosion control plan for the Little Red School House project. The plan is to be used for the construction of the erosion control plan for the Little Red School House project.

1. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
2. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
3. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
4. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
5. The proposed erosion control plan shall be approved by the local authority having jurisdiction.

NOTES:
1. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
- 2. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
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- 4. The proposed erosion control plan shall be approved by the local authority having jurisdiction.
- 5. The proposed erosion control plan shall be approved by the local authority having jurisdiction.

QTY	COMMON NAME	SCIENTIFIC NAME	HT	SPREAD	PLANT LIST
4	FLOWERING DOGWOOD	CORNUS FLORIDA	20'-30'	20'-30'	C
10	CHINESE ELM	ULMUS PARVIFOLIUS	40'-50'	40'-50'	A & D
25	WINGED ELM	ULMUS ALATA	6'-8'	6'-8'	E
28	COTONWOOD	COTYLEDON ALBICORNIS	25'-30'	3'-6'	E
11	WHITE PINE	PINUS STROBUS	50'-80'	20'-40'	A & D
77	WEeping FORESTHIA	FORESTHIA SUSPENSUS	6'-10'	5'-8'	E
13	EASTERN REDBUD	CERCIJA CANADENSIS	20'-25'	20'-30'	C

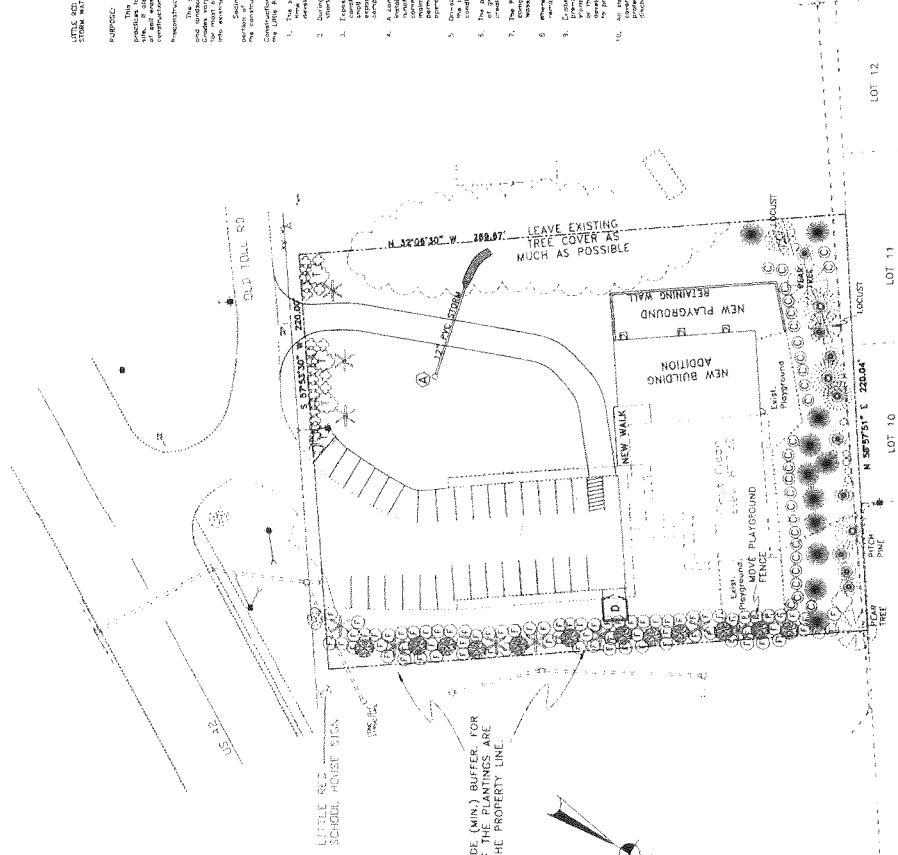
Buffer Zone A
The 10' buffer zone to the east is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD.

Buffer Zone B
The 10' buffer zone to the east is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD.

Buffer Zone C
The 10' buffer zone to the east is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD. The 10' buffer zone to the southwest is C-2/PD.

EXISTING TREES

- EXISTING TREE LINE
- 3" DIA. FORESTHIA BUSH
- 10" DIA. INDICATOR BUSH
- 6" DIA. WHITE PINE
- 10" DIA. WHITE PINE
- 12" DIA. WHITE PINE
- 8" DIA. REDBUD
- 10" DIA. DICHOUS
- 13" DIA. DREIDUNGS



PROPOSED 10' WIDE (MIN.) BUFFER FOR CLARITY. SOME OF THE PLANTINGS ARE SHOWN BEYOND THE PROPERTY LINE.

CARTEC ENGINEERING CORP.
CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
10000 FORE AVE.
CRESCENT, KENTUCKY 40177
(859) 341-6008

PROJECT # 02-01R SCALE 1"=50'
DATE 4/16/02
DRAWN EJM ENCR
APPROVED

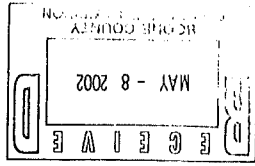
DRAWING # 2002-02-0188.DWG

LANDSCAPE & EROSION CONTROL PLAN
LITTLE RED SCHOOL HOUSE

ZONE: SR-1
WILLIAMSBURG WEST SUBD. NO. 2
PLAT BOOK 47A, GROUP 1811



DATE: 4/19/02
LOCATION: PROJECT
SCALE: 1"=50'



LITTLE RED SCHOOLHOUSE
NEW ADDITION

9840 US 42
FLORENCE, KENTUCKY

HUB & WYDER, P.A.C.
Architects, Engineers, Interiors Designers
1400 South Brown, Florence, Kentucky 41031 502/441-1944

A201
EXISTING ELEVATIONS

- DRAWING NOTES**
1. MATCH TO MATCH EXISTING
 2. FINISH LEVEL - TO MATCH EXISTING
 3. NEW METAL CLADDING
 4. NEW METAL CLADDING
 5. ALUMINUM SIDING - TO MATCH EXISTING
 6. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 7. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 8. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 9. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 10. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 11. ALUMINUM COMPARTMENT - TO MATCH EXISTING
 12. NEW ALUMINUM SIDING - TO MATCH EXISTING
 13. NEW ALUMINUM SIDING - TO MATCH EXISTING
 14. LEATHER
 15. HOLLOW METAL DOOR AND FRAME

