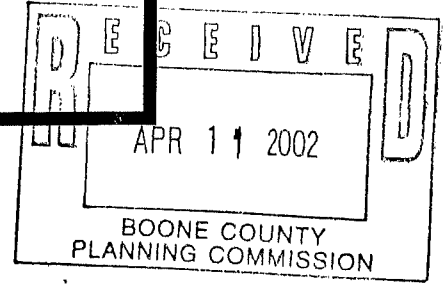


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project KINGSGATE STATION
2. Location of Project RT 18 & KINGSGATE DRIVE
3. Total Acreage of Site 5.0 Ac.
4. Current Zoning of Site PF
5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use) REQUEST TO MODIFY EXISTING MONUMENT SIGN AT CORNER OF KINGSGATE DR. & KY 18 TO INCLUDE IDENTIFICATION FOR BOTH KINGSGATE STATION & KINGSGATE CROSSING.
7. Names of Applicant(s) JAMES PANDZIK CINTECH CONSTRUCTION, INC.
Phone Number (513) 563-1991 Fax No. (513) 563-4543
8. Address of Applicant(s) 10 TECH VIEW PLACE
CINCINNATI OHIO 45215
City State Zip
9. Name of Property Owner(s) STEVE WAXMAN JULIAN MACKENZIE IV LLC / GOLDSMITH PROPERTIES
Phone Number (513) 761-2303 Fax No. (513) 761-2303
10. Address of Property Owner(s) 901 REILY ROAD
CINCINNATI OHIO 45215
City State Zip
11. Proposed Building Intensities (please specify) 15,000 s.f./Ac. ALLOWED
12. Are there any existing buildings on the site? YES
How many? ONE
13. Deed Book 343 Page No. 1 Group No. 2030
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? CONCEPT PLAN APPROVED (RES. NO. R-01-016-A)
16. Have you had a pre-application meeting with BCPC Staff? PHONE CONVERSATION W/ KEVIN WALL
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

EXHIBIT

“A”

STAFF REPORT

Request of Jim Pandzik, Cintech Construction, Inc. (applicant) for Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner) for a Zoning Map Amendment for a Special Sign District for a 5 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) zone.

May 22, 2002

REQUEST

The request is for a Zoning Map Amendment for a Special Sign District to allow the Kingsgate Station Subdivision name to be placed on the Kingsgate Crossing entrance sign. This non-conforming monument sign is 10 feet tall, 12 square feet in area, and is located on the southeast corner of KY 18 and Kingsgate Drive. The request, if approved, would allow the overall square footage of the sign to be increased from 12 square feet to 112 square feet (see Concept Development Plan).

SITE HISTORY

In 1998, the site was rezoned from Commercial Two (C-2) to Public Facilities (PF) to allow a 45,000 square foot assisted living facility with 90 beds.

In 2001, the site went through a Change in Concept Development Plan to allow a medical/professional office building and other uses permitted in the Public Facilities (PF) zone to be developed on up to 3 lots. There was a condition imposed which requires all standards from the Boone County Zoning Regulations to be met (see attachments).

SITE CHARACTERISTICS

The only building that has developed in the 5 acre subdivision is the medical/professional office building on lot 1. Lots 2 and 3 are currently undeveloped.

ADJACENT LAND USES AND ZONING

North: KY 18 & Darlington Farms (UR-1 & C-2)
South: Kingsgate Crossing Subdivision (SR-2)
East: Gold Star Chili (C-2) & Vacant Office Property (O-2)
West: Kingsgate Drive & Landscape Supply (C-3)

RELATIONSHIP TO COMPREHENSIVE PLAN

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

The "Future Land Use Development Guidelines" found within the Land Use Element makes the following comment which relates to this proposal:

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

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

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

SPECIAL SIGN DISTRICTS

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

CURRENT SIGN REGULATIONS

Section 3410 of the Boone County Zoning Regulations permits entrance signs for residential developments in agricultural and residential zoning districts. One (1) entrance sign of up to fifty (50) square feet in area or two (2) entrance signs of up to twenty five (25) square feet each shall be permitted for each entrance into the residential development from an arterial or collector street.

Section 3413 of the Boone County Zoning Regulations permits individual lots in the Public Facilities (PF) zoning district to have one (1) on-premise free-standing sign. Lots which are not located within an office or industrial park are permitted a monument sign up to ten (10) feet in height and one-hundred-fifty (150) square feet in area.

Section 3413 of the Boone County Zoning Regulations permits office parks within the Public Facilities (PF) zoning district to have one (1) entrance sign for each entrance from a major thoroughfare for a total of two (2) signs. Such signs cannot exceed one-hundred (150) square feet in area and ten (10) feet in height.

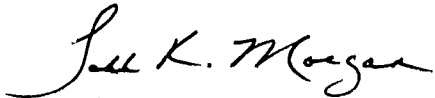
STAFF COMMENTS

1. The subject entrance sign is a non-conforming structure because it is not within the limits of Kingsgate Crossing Subdivision and could not be permitted as an entrance sign under the current zoning code.
2. Staff has been unable to locate any permit showing when the sign was approved. Several Staff members believe that the sign has existed for at least ten years, which would make it a legal non-conforming structure.
3. The three parcel subdivision (Kingsgate Station) is not classified as an office or industrial park, according to the definitions of the zoning code, and is not permitted an entrance sign off of a thoroughfare.
4. The applicant could not file for a Change of Non-Conforming Use from the Boone County Board of Adjustment because of the condition which requires the development to be in compliance with the zoning regulations.
5. The proposed modification to the Kingsgate Crossing entrance sign will not have an affect on the free-standing signage that the three lots are allowed, unless some conditions of approval are agreed upon. The zoning regulations permit each lot in a PF zone to have a monument sign.
6. Staff is concerned that the sign will become less aesthetically pleasing from KY 18 if the 112 square foot aluminum frame is added onto the structure. If the proposal is approved, Staff recommends a condition which requires the sign structure to be all brick with integral letters.
7. Staff is concerned that approving the request could set a precedent to allow other commercial and office subdivisions to have additional free-standing signs. The Planning Commission and Boone County Fiscal Court need to determine if the request is a circumvention of the zoning regulations.

CONCLUSION

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

Respectfully submitted,

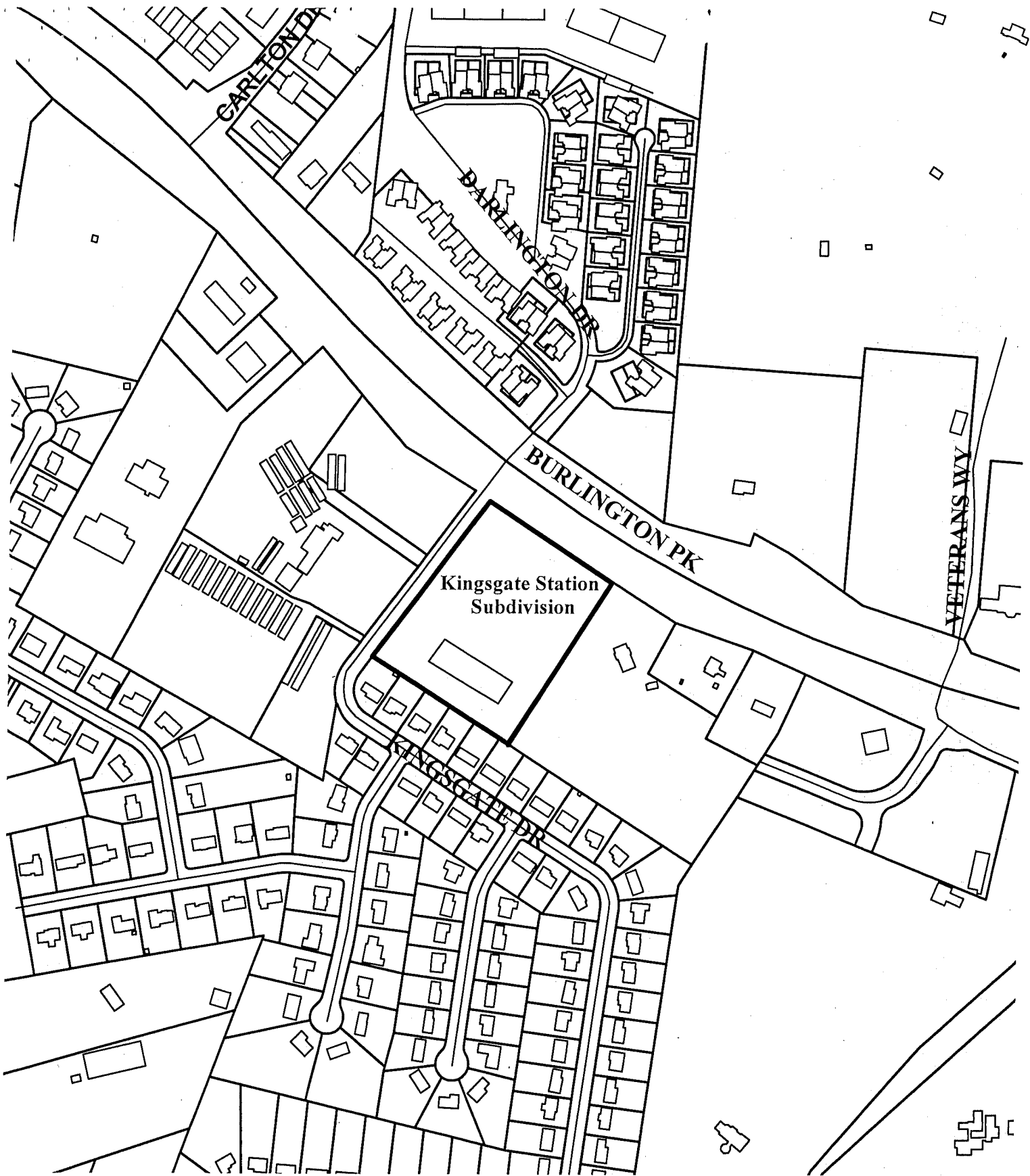


Todd K. Morgan, AICP
Planner

TKM/pr

Attachments:

- *Site Vicinity Map
- *Concept Development Plans
- *Zoning Map
- *Future Land Use Map
- *July 18, 2001 Committee Report
- *Application Form



Kingsgate Station Site Vicinity Map

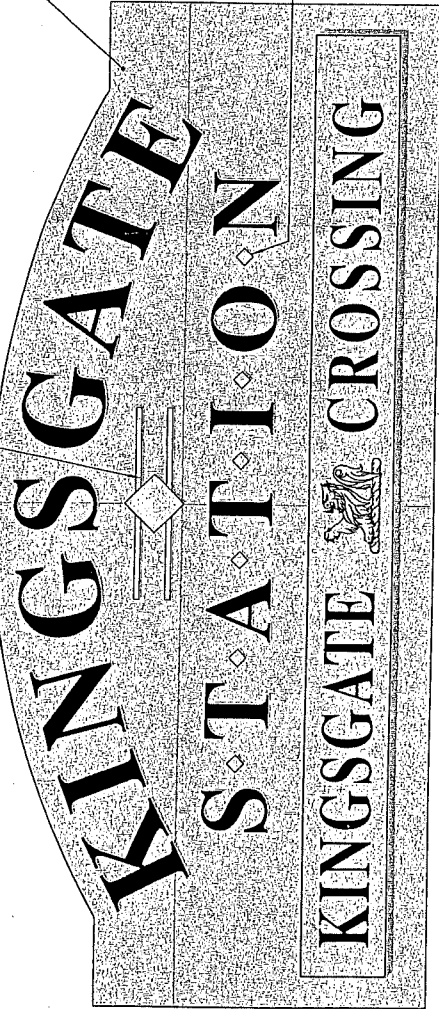
350 0 350 Feet

1 inch equals 350 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 17, 2002



16'-0"

1/2" PVC PAINTED MAPS
BRILLIANT GOLD



.090 ALUM. & ANGLE FRAME
PAINTED PMS WARM GRAY 2 SATIN

15 1/2" COPY

1/2" PVC PAINTED
GLOSS BLACK

12" COPY

1/2" PVC - GOLD

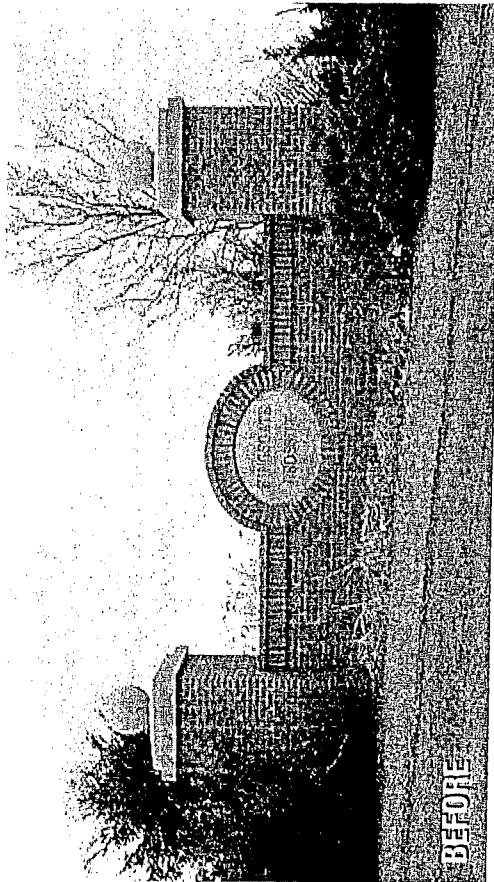
9 1/4" COPY
BLACK VINYL

11 1/4" GRAPHIC
BLACK VINYL

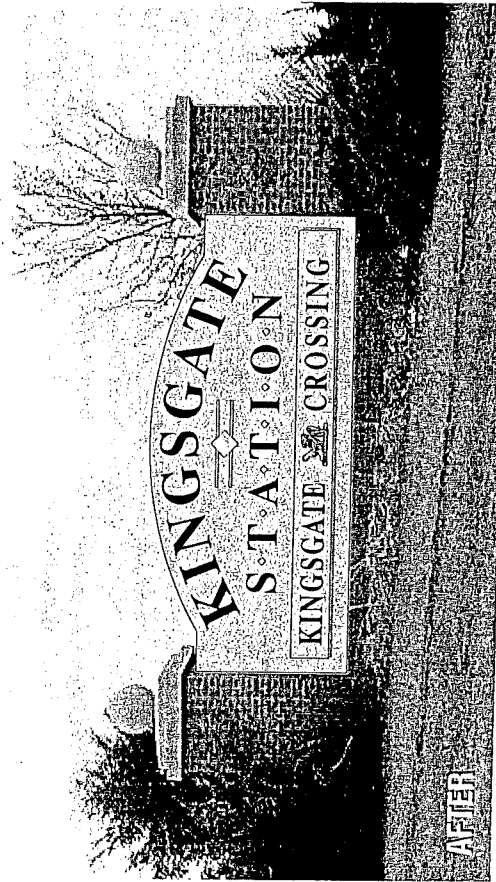
1-4" x 15'-0" .090 ALUM PAN
WARM GRAY 2 SATIN

BACK OPEN
FOR MOUNTING

7'-0"



BEFORE



AFTER

*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

S/F Non-illuminated alum. pan mounted to existing brick ground sign

DATE: 19Mar02 SCALE: 1/2" = 1'-0" BY: SB REP: DS SK. NO: 3226-c4

CLIENT: Cimtech Construction LOC: 6159 First Financial Dr., Burlington FILE: cimtech09c

LACKNER
signs

(513) 779-8686

CLIENT APPROVAL: CLIENT SIGNATURE INSURES THAT ALL SPELLING, COLORS, AND SPECIFICATIONS FOR SIGNAGE RENDERED ON THIS SKETCH DOES MEET CLIENT SATISFACTION

DATE: _____ APPROVED BY: _____
CLIENT: _____ LACKNER APPROVAL: _____

This signed design and all information contained herein is the property of Lackner Signs Co. and subject to patent. Any unauthorized use is forbidden.

Notes:

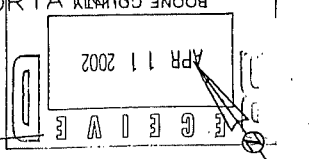
11 2002

ESSEX COUNTY
PLANNING COMMISSION

ENGINEERS: RAYMOND NECK CONSULTING ENGINEERS 4205 DIXIE HIGHWAY CINCINNATI, OHIO 45215 ENGINEERS PLANNERS SURVEYORS	DEVELOPER: DSMITH PROPERTIES 501 RELY ROAD JONE COUNTY, KENTUCKY CINCINNATI, OHIO 45215	CONCEPT PLAN SHEET 1 OF 1 DATE: APRIL 2002 DRAWING NUMBER: 10006
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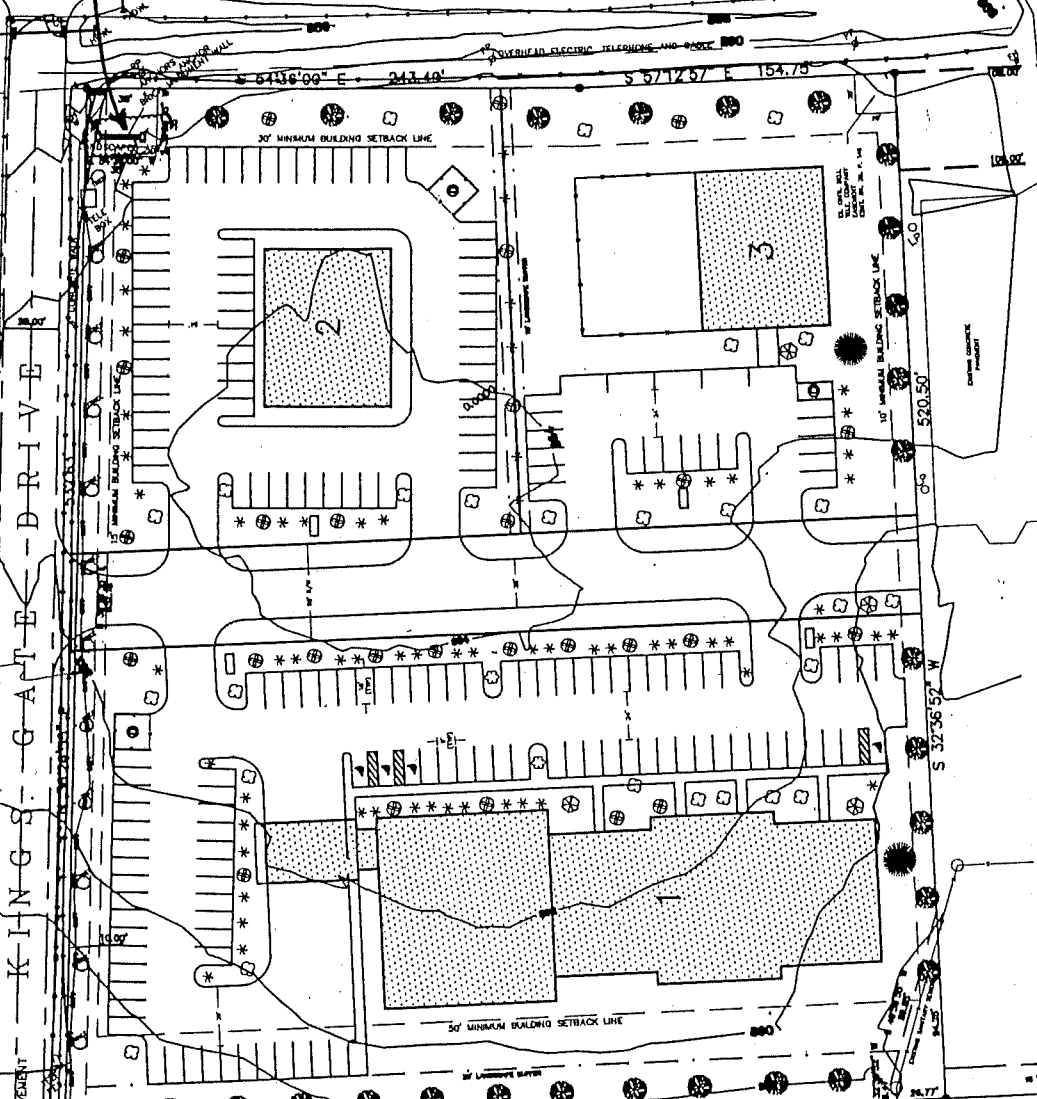
KENTUCKY DEPARTMENT OF TRANSPORTATION
HWY. D.B. 8, PG. 425

KENTUCKY HIGHWAY 18



EXISTING SIGN

EAST BOUND LANES OF A DIVIDED ROAD
ASPHALT SHOULDER

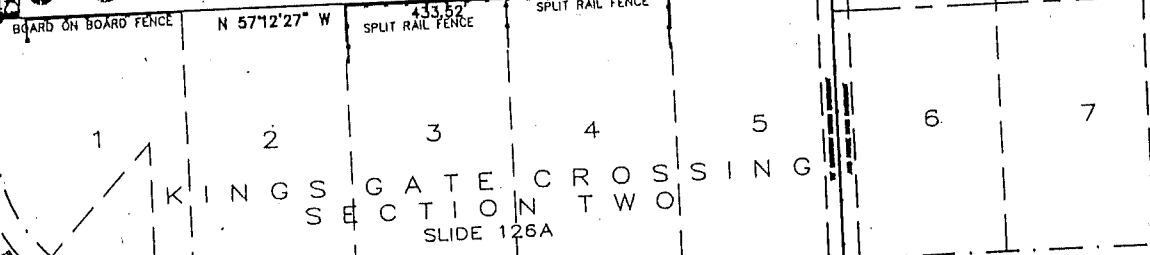


- LOT 1: 2.392 ACRES; 20,000 SQ. FT. MEDICAL/PROFESSIONAL OFFICE BUILDING / 8370 SQ. FT./ACRE
- LOT 2: 1.122 ACRES; PERMITTED PUBLIC FACILITIES (P7) DISTRICT USES; MAXIMUM INTENSITY PER SECTION 1214
- LOT 3: 1.007 ACRES; PERMITTED PUBLIC FACILITIES (P7) DISTRICT USES; MAXIMUM INTENSITY PER SECTION 1214

D.B. 346, PG. 178
DAWD

- 50' ZONING: P, 50 ACRES
- TOTAL AREA: 5.0 ACRES
- ALL LANDSCAPING SHALL BE PER ARTICLE 37 OF BOONE COUNTY ZONING REGULATIONS
- REGULATORY SIZE LOCATION & TYPE SHALL BE DETERMINED DURING THE PLAN REVIEW
- (C) DAMPTER
- (A) HANDBOOK PER BOONE COUNTY ZONING REGULATIONS

KINGS GATE DRIVE



KINGS GATE DRIVE



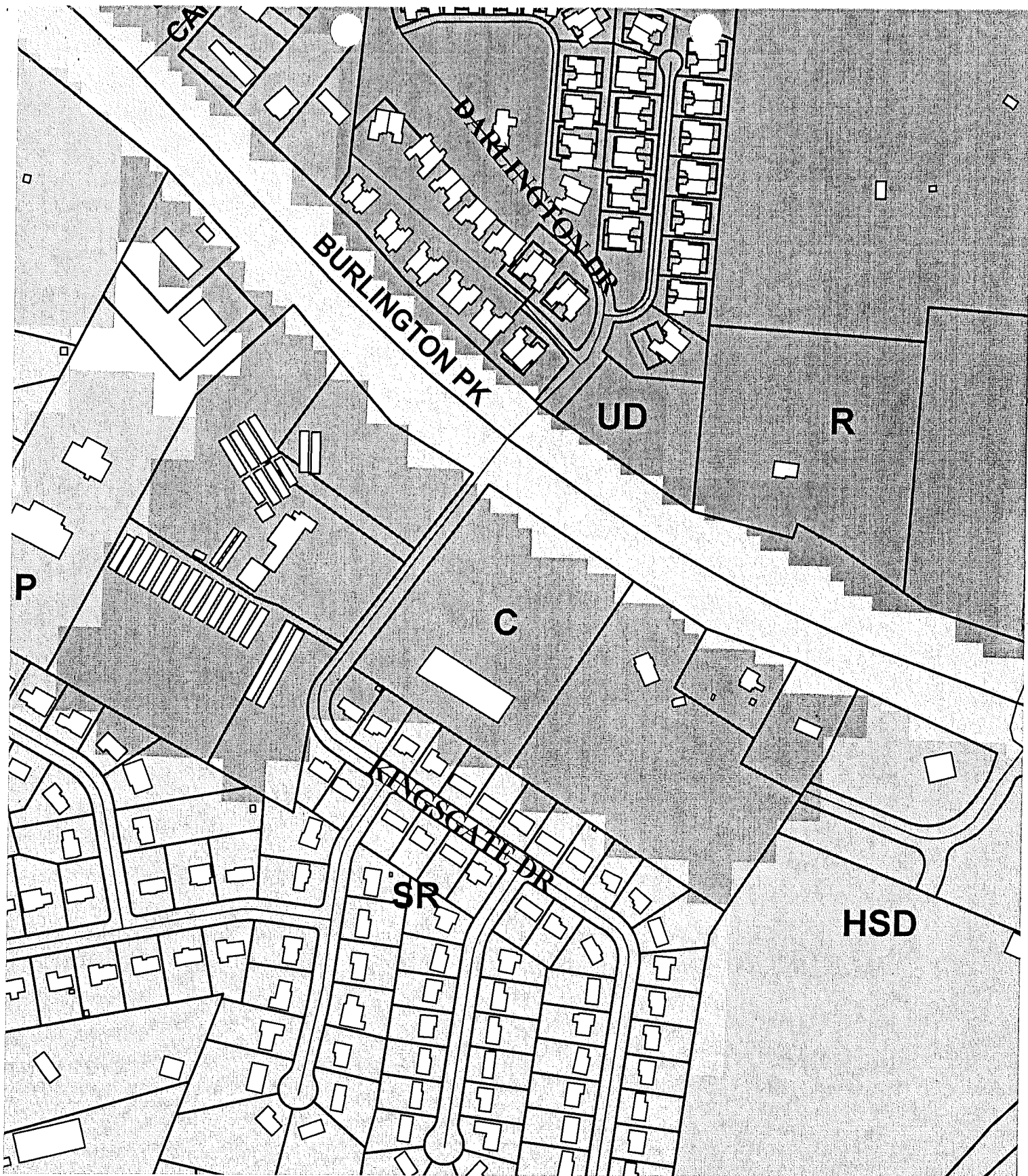
Kingsgate Station Zoning Map

300 0 300 Feet



1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 17, 2002





Kingsgate Station Future Land Use Map

300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 17, 2002



ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: July 18, 2001

RE: Request of Cintech Construction, Inc. (applicant) for Goldsmith Properties (owner by option) to consider a Change in Concept Development Plan for a 5 acre tract located on the southeast corner of the KY 18/ Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Change in Concept Development Plan in a Public Facilities (PF) zone to allow medical and professional offices, and other uses permitted by the PF zone.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2025 Future Land Use Plan designates the site in question for "Commercial" uses. The "Commercial" designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Land Use Element (Burlington Area, pp. 169-171) states that "the south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the continuing residential development occurring off of the KY 18 corridor. All development along the south side of KY 18 toward Burlington must use access management, including parallel roads, shared curb cuts, and adequate turning lane provisions in order to maintain safety on this high volume route."

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Cintech Construction, Inc./Goldsmith Properties/KY 18 & Kingsgate

July 18, 2001

Page 2

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed letters demonstrating agreement with these conditions.

CONDITIONS:

1. The development will be limited to three lots, as shown on the Concept Development Plan.
2. The architectural design of the medical/professional office building must match the submitted elevation drawing.
3. The buildings locating on lots 2 and 3 of the development must go through the Planning Commission's Design Review process. These Design Review applications will be analyzed on the following criteria:
 - A. The buildings shall be of non-metal materials such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
 - B. All building elevations shall be of a similar quality design as the professional/office building that is shown on lot 1 of the Concept Development Plan.
4. The medical/professional office building must be single-story construction. All other buildings within the development will be subject to a two-story height limitation.
5. The development will be limited to one fast food restaurant with a drive-thru.
6. The medical/professional office building will be required to have oblong landscape mounds staggered throughout the rear yard buffer. The height of these mounds, at center, shall be four feet.
7. A photometric plan will be required for each building. A 0.0 foot candle measurement will be required along all residential property lines. In addition, the light fixtures on lot 1 will be equipped with cut-off shields to minimize illumination on the adjoining homes within Kingsgate Crossing Subdivision.
8. The maximum intensity permitted for each lot is 15,000 square feet of gross floor area per acre of land.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Cintech Construction, Inc./Goldsmith Properties/KY 18 & Kingsgate
July 18, 2001
Page 3

9. A right hand turn lane will be installed on Kingsgate Drive prior to the development of lot 2 or 3. The owner is aware that the cost of the turn lane will be at his expense and that he may have to dedicate additional right-of-way to accommodate this improvement.
10. All standards from the Boone County Subdivision Regulations and Boone County Zoning Regulations must be met, unless the Zoning Administrator issues a Waiver.
11. The following attachments list the permitted, accessory, and conditional uses that will be permitted in the development. Deleted items have been stricken out.

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.

ARTICLE

12

PUBLIC FACILITIES DISTRICT

SECTION 1211

Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental offices including executive, legislative, judicial, administrative and U. S. offices, Post Offices.
2. Police, fire, civil defense and other protective and related services;
3. Primary, elementary, and secondary schools;
4. Junior colleges, colleges and universities;
5. Vocational or trade schools, professional schools and special training and schooling facilities;
6. Hospitals, medical outpatient services, sanitariums, convalescent and rest homes and related health facilities;
7. Cemeteries and mausoleums including funeral houses and crematoriums;
8. Libraries, museums art and craft galleries, conservatories and cultural exhibits;
9. Churches or religious assembly uses including apartment dwelling units related to the religious use;
10. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
11. ~~All principally permitted uses in an Office One (O-1) zone.~~

SECTION 1212

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the district defined to be:
 - a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;

- b. ~~Historic sites, structures, monuments, and other exhibits available for public viewing;~~
 - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
 - d. ~~Golf driving ranges;~~
 - e. ~~Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;~~
 - f. ~~Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;~~
 - g. ~~Swimming beaches and swimming pools;~~
 - h. ~~Yachting, boat rental, boat access sites, and other marina activities;~~
 - i. ~~Camping, picnicking, hiking areas, trails and other recreational uses;~~
 - j. ~~Hunting and fishing grounds;~~
2. ~~Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:~~
 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping of security dogs, etc.;~~
 3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
 4. Signage (See Article 34);
 5. Parking (See Article 33);
 6. Temporary buildings incidental to construction;
 7. Blueprinting and photocopying services;
 8. Cafeterias, food service for employees;
 9. Books, stationery, and limited sales of office supply articles;
 10. Postal Services.

SECTION 1213

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Travel, transportation or promotional event ticketing and forwarding services;
3. The writing, publishing, and printing of newspapers, periodicals, and books;
4. Retail sale of drug and proprietary goods;
5. ~~Amphitheatres, theaters, playhouses, and other entertainment assemblies;~~
6. ~~Stadiums, arenas, field houses, and other sports assembly uses and structures;~~
7. ~~Prisons and other correctional institutions;~~
8. ~~Military bases and reservations;~~
9. ~~Communication Towers;~~

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

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

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

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

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

SECTION 1112

Accessory Uses

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

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

SECTION 1113

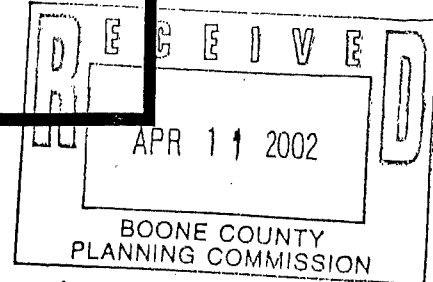
Conditional Uses

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

1. Child and adult care centers.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



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

1. Name of Project KINGSGATE STATION
2. Location of Project RT 18 & KINGSGATE DRIVE
3. Total Acreage of Site 5.0 Ac.
4. Current Zoning of Site PF
5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use) REQUEST TO MODIFY EXISTING MONUMENT SIGN AT CORNER OF KINGSGATE DR. & KY18 TO INCLUDE IDENTIFICATION FOR BOTH KINGSGATE STATION & KINGSGATE CROSSING.
7. Names of Applicant(s) JAMES PANDZIK CINTECH CONSTRUCTION, INC.
- Phone Number (513) 563-1991 Fax No. (513) 563-4543
8. Address of Applicant(s) 10 TECH VIEW PLACE
CINCINNATI OHIO 45215
City State Zip
9. Name of Property Owner(s) STEVE WAXMAN JULIAN MACKENZIE IV LLC/GOLDSMITH PROPERTIES
- Phone Number (513) 761-2303 Fax No. (513) 761-2303
10. Address of Property Owner(s) 901 REILY ROAD
CINCINNATI OHIO 45215
City State Zip
11. Proposed Building Intensities (please specify) 15,000 S.F./AC. ALLOWED
12. Are there any existing buildings on the site? YES
How many? ONE
13. Deed Book 343 Page No. 1 Group No. _____
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? CONCEPT PLAN APPROVED (RES. NO. R-01-016-A)
16. Have you had a pre-application meeting with BCPC Staff? PHONE CONVERSATION W/ KEVIN WALL
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 Boone County Water and Sewer District
 Florence Water and Sewer Commission
 Union Light Heat and Power
 Cincinnati Bell
 Owen County Rural Electric
 Boone County Public Works Department
 Kentucky Transportation Cabinet
 City of Florence Public Services Department
 Boone County Building Department

Public Hearing Item No. 3:

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

The Chairman introduced the last item on the Agenda:

Applicant: **James Pandzik, Cintech Construction, Inc. for Steve Waxman, Julian MacKenzie IV, LLC/Goldsmith Properties (owner)**

Request: **Special Sign District**

The request of James Pandzik, Cintech Construction, Inc. (applicant) for Steve Waxman, Julian MacKenzie IV, LLC/Goldsmith Properties (owner) for a Zoning Map Amendment for a Special Sign District for a five-acre tract on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) 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. James Pandzik, Cintech Construction, Inc., 10 Tech View Place, Cincinnati, Ohio, stated that they are the design/builders of Kingsgate Station and participants in the development. They are in the process of putting together an overall signage package for the Kingsgate Station development and have been in contact with Staff. They are currently allowed a 150 square foot monument sign at the intersection of First Financial Drive with Kingsgate Station. He stated that signage identifies the business and establishes character/level of quality. The existing monument sign is at Kingsgate Drive and KY 18 and the idea came up of putting Kingsgate Crossing and Kingsgate Station on the sign. They would take down the existing masonry construction to just below the existing emblem. The existing columns would remain in place. The infill panel would not be taller than the existing round features on top of the columns. He stated that if you allow for the cut out areas at the corners of the sign, it is 95 square feet. He reviewed the

Power Point slide of the proposed sign. He stated that the medical office in the back would also be identified on the sign. The sign would identify Kingsgate Station, Kingsgate Crossing, and the medical office. They will re-landscape the sign and take over the maintenance of the signage easement area. They have talked to Arlinghaus Builders and they are agreeable to them taking over the maintenance.

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

Mr. Don Feldhaus, a resident of Kingsgate Crossing at 6102 Kingsgate Drive, stated that a shared sign should benefit all entities. He wants to maintain the current quality and character of the sign. The proposed design detracts from the quality and character of the sign.

Mr. Ries questioned the ownership of the sign. He asked if there is an HOA. Mr. Morgan responded that he was advised by Mr. Pandzik that there is a recorded sign easement and the owner is Arlinghaus Builders.

Mr. Ries questioned the materials used in the new sign. Mr. Pandzik responded that it is aluminum plate with an approximate 15" deep cabinet and closed on all sides. The letters will be applied to the aluminum plate and will stand out and be painted a different color. The emblem stands off the aluminum plate and there are small diamond shaped studs between the letters. The Kingsgate Crossing sign is another plate over the larger plate with a shadow line and more definition. It is a one-sided sign. Mr. Morgan noted that the materials are stated on the Concept Plan. Mr. Ries stated that he likes the combination of the two signs, but agrees with Mr. Feldhaus that it looks like Kingsgate Station is taking over Kingsgate Crossing. He would like to see them be more equal. Mr. Pandzik stated that the Kingsgate Crossing sign is actually bigger. Mr. Ries asked if any of the residents have seen the sign and given their input.

Mr. Feldhaus stated he is not so much opposed to the sign and understands the need to advertise, but the current building materials have a richness and quality that this sign does not have. Instead of aluminum plate and painting, he would like the sign done with the existing architectural design. Mr. Ries asked if the applicant could work with the residents on that. Mr. Pandzik responded that they are trying to develop an overall character for the commercial area and this is more of a commercial site.

Mrs. Poston questioned the procedure for requesting this change since Arlinghaus owns the sign, but is not requesting the change. Mr. Morgan responded that they own the lot and there is a sign easement on their property. He stated that he spoke with Arlinghaus and they are in agreement.

Mr. Ries questioned the HOA being responsible for the landscaping and upkeep of the sign. Mr. Feldhaus responded that they do not have an HOA.

Mr. Poe stated that he would like the aluminum changed to stone and that it be a two-sided sign. Mr. Pandzik stated that the sign is parallel to KY 18 and the only time the back of the sign would be seen is coming out of the residential subdivision on Kingsgate Drive. He reviewed the slide showing the entrance into Kingsgate Crossing. Mrs. Wilson questioned what is on the back currently. Mr. Morgan responded that there is nothing on the back of the sign and it can barely be seen. Mr. Pandzik stated that there is a lot of overgrowth there.

Mr. Reynolds asked if there are any signs in the vicinity that are comparable to the proposed sign. Mr. Morgan responded that there are no commercial subdivisions with an entrance sign in the area. He noted the Gold Star sign and other freestanding signs in the area. He stated that each lot is permitted a sign to advertise the business, but there are no subdivision entrance signs. Mr. Reynolds questioned the square footage of other signs compared to this sign. Mr. Morgan stated that Boone Woods would be allowed a 10 foot tall sign. Gold Star is allowed up to a 30-foot tall pylon sign. He stated that the PF zones allow a ten foot tall sign and further down the road in C-2 and C-3 there are pole signs. Mr. Reynolds questioned if this sign is only allowed 100 square feet because it is residential and commercial. Mr. Morgan responded that if they came in today for this sign, it would not be allowed. It is not within a residential subdivision, so it could not be a residential entrance sign. Commercial subdivisions are not permitted entrance signs – they are permitted signs on their lots to advertise their business. Mr. Reynolds stated that this sign has been in existence for more than ten years. Mr. Morgan agreed and stated that the only way to upgrade the sign is through this process.

In response to questions from Chairman Hicks, Counselor Wilson advised that if someone has a valid legal sign and the business changes hands, as long as they keep the same size sign, we allow a change in the logo on the sign. He stated that there could probably be a condition that the sign could only advertise the residential subdivision and the commercial subdivision without reference to any particular users on the outlots, if it was acceptable to the applicant. Mr. Pandzik stated that the intent is to build brand awareness. He does not foresee changing the name, unless it would have a stigma attached to it or the ownership would change. He stated that it will hopefully be nicely designed, landscaped, and lit. The Chairman asked if the sign is currently lit. Mr. Morgan responded “no”. Mr. Pandzik stated that they are not planning on internal illumination, but have not made a decision on ground lighting. Mr. Feldhaus stated that the sign used to be externally lit or spotlighted, but there are no lights currently. He believes the existing architecture would be nice if it is maintained.

Mr. Ries stated that if they were to sell the property and it was turned into an arcade, the new owner could put purple, green, and yellow on the sign as long as

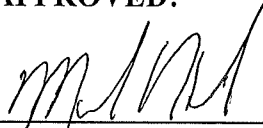
it conform to the square footage. Counselor Wilson responded that it could be worked out in Committee as to the colors. He stated that they are also advertising the residential subdivision, which gives the Planning Commission the leeway to talk about colors. Mr. Morgan stated that there could be a condition that any proposed change in the future has to go through Technical Design Review. Counselor Wilson agreed that without a condition, they could use unattractive colors. Mr. Ries asked that the Committee impose restrictions so that if the property sells and the sign changes, it would have to come back for review.

Mr. Reynolds stated that he would like to see the sign conform to the size dimensions as a rectangle and he would like it to be a different material, such as brick or stone.

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. This item will be on the Agenda for the Business Meeting on June 19, 2002 at 7:30 PM.

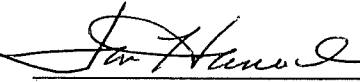
The Chairman closed this Public Hearing at 8:40 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

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

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Poston seconded the motion. A vote on the motion found all voting members in favor. Mr. Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. Change in Concept Development Plan

The request of Robert C. Rhein Interests, Inc. (owner) to consider an application for a Change in an Approved Concept Development Plan in a Suburban Residential One (SR-1) zone for 22.6 acres along the west side of Pleasant Valley Road and within Carters Mill Subdivision, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow an increase in the number of permitted lots.

The Chairman stated that this item is recommended for deferral to the July 17, 2002 Business Meeting at 7:30 PM. Mrs. Poston so moved. Mrs. Kegley seconded the motion.

In response to a question from Mr. Ries, Mr. Costello stated that the Committee met today and took action in regard to this request. The Committee's recommendation will be presented at the next Business Meeting and Staff will bring the Commissioners up-to-date on any changes that were proposed as a result of the Public Hearing. The applicant has waived the time limitations.

There being no further discussion, the Chairman asked for a vote on the motion made by Mrs. Poston and it carried unanimously.

2. Special Sign District

The request of James Pandzik, Cintech Construction, Inc. (applicant) for Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner) for a Zoning Map Amendment for a Special Sign District for a five-acre tract on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) 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 applicant has signed the letter agreeing to the conditions. Mr. Morgan passed around drawings of the revised sign and a sample of the block material to be used.

Mrs. Poston moved by resolution to Boone County Fiscal Court that the sign be approved based on the Committee Report. Mr. White seconded the motion.

In response to questions from Mr. McMillian, Mr. Morgan explained that the existing sign lists Kingsgate Crossing, which is the residential subdivision -- but the names of both developments, Kingsgate Crossing and Kingsgate Station (the commercial subdivision) will be allowed on the proposed sign. Kingsgate Station will be on the top and is bigger than Kingsgate Crossing, which was agreed to by the Committee and the applicant. The sign as proposed at the Public Hearing was 112 square feet and it is now 80.04 square feet. This type of sign would normally not be permitted because it is a commercial entrance sign, but this is a Special Sign District. There is currently a residential entrance sign located within a commercial subdivision and it can stay that way. The only way for the applicant to seek the proposed sign is through a Special Sign District request.

Mr. Ries commented that at the Public Hearing the residents did not seem to care who had the biggest sign.

Mr. Caddell asked for clarification – the existing subdivision sign could stay, but the commercial subdivision would not be allowed a ground-mounted sign on the property? Mr. Morgan responded that they would not be allowed a sign to advertise the commercial subdivision. If a Wendy's or McDonald's went on Lots 2 and 3, there could be a sign for those businesses. If there was a multi-tenant building, a ground-mounted sign would be permitted. He stated that the proposed sign is a separate sign and if Wendy's and McDonald's went in, there could be signs for those uses and also this sign. Mr. Caddell asked if the independent frontage lots will be allowed ground-mounted signs. Mr. Morgan responded that there are three lots in the commercial subdivision and each lot is entitled to a monument sign. Mr. Caddell questioned negotiating away those signs. He asked why we are giving another commercial subdivision sign if the lots are entitled to signs independently. Mr. Morgan responded that the Kingsgate Crossing sign was going to stay there and, therefore, the Committee did not see it as being a substantial change. Mr. Caddell asked "because the Kingsgate Crossing sign is there, we are giving them a sign that they would not otherwise be entitled to?". Mr. Morgan responded "that is correct". Mr. Caddell stated that there was discussion at the Public Hearing about whether the sign would be lit and questioned a condition regarding the lighting of the sign. Mrs. Poston responded that there is a light there already, but it is not functioning at this time. She stated that one of the Committee's thoughts on approving this sign was that the current sign is not being maintained and they would be required to maintain the commercial subdivision sign, the landscaping, and the lighting around the sign. Mr. Caddell responded that the sign is not being maintained because the regulations have not been enforced and the change in ownership should not have anything to do with maintaining the sign. He asked if there is a chance that the sign could be lighted in a way other than the way it is lighted now. Mr. Morgan responded that the Concept Plan indicated that it would not be illuminated, which the applicant also stated that the Public Hearing. They would have to follow the submitted Concept Plan which did not say that the sign would be illuminated – therefore, this sign cannot be internally illuminated – but, they can continue to have the ground-mounted spotlights.

Chairman Hicks asked if the applicant agrees to the Concept Development Plan as presented. Mr. James Pandzik responded "yes". Chairman Hicks asked if there is anything that keeps them from changing the sign. He does not feel that the conditions require it to be exact and only indicate that the letter sizes must be consistent with the approved Concept Development Plan. Mr. Morgan responded that the applicant stated in the Public Hearing that the sign would not be illuminated and the Concept Development Plan does not show it to be illuminated. Chairman Hicks responded that the conditions do not say that the sign has to stay exactly as shown. Mr. Morgan stated that there are specific letter sizes mentioned on the Concept Development Plan, but they could tweak the sign. Mr. Pandzik stated that the sign is limited to the names of the commercial and residential subdivisions. Chairman Hicks responded that there is no guarantee that the sign will look exactly as shown. He asked what happens if they decide to change to a different name. Mr. White responded that they would have to come back. Chairman Hicks stated that the conditions do not say that. Mr. Costello stated that once the Final Plat is recorded, it establishes the name of the subdivision. He does not know if they have recorded the name of "Kingsgate Station" yet. Mr. Pandzik responded "probably not", but stated that their plan is to build the sign as shown on the Concept Development Plan. He stated that the Concept Development Plan shows the size of the sign and the size of the letters. They have agreed to the cast stone material, at a significant increase in cost, and a sample of it has been passed around. He stated that the owners are interested in a good quality product. They are willing to landscape around the sign to improve the appearance of it and keep it well lit. Chairman Hicks asked if their intent is to have the sign look just like what is shown on the Concept Development Plan. Mr. Pandzik responded "yes".

Mr. Caddell questioned if Staff said that there would not be any lighting other than what is called for on the Concept Development Plan. Mr. Morgan responded "yes" and noted that the applicant also stated that at the Public Hearing. Mr. Caddell clarified that his question is in regard to lighting, not just internal illumination. Mr. Morgan responded that there are existing ground-mounted lights and he is not saying that they would not have spotlights shining on the sign, but a sign drawing would just address internal illumination.

Mr. Zimmer asked if there was any opportunity to comment on signs on the other two outlots on KY 18. He stated that his question was not relative to this application, but if when those two parcels are leased or sold, does the Planning Commission or Staff have an opportunity to review the signage that will go on those two lots? Mr. Morgan responded that the signage would be reviewed by Staff through the Sign Permit process. Mr. Caddell stated that if the intent of Mr. Zimmer's question was *can we later negotiate those two signs?*, the answer is "no" -- if it is not done now, it will not happen. Mr. Morgan agreed.

Mr. McMillian stated that the sign at Kroger's has all the entities on one sign. He asked if that is what will happen here or if this is a subdivision where every use has its own sign. Mr. Morgan responded that the Kroger's development is in the C-4/PD zone and is allowed one free-standing sign and the outlots get their own signs, but in the PF Zone each parcel gets its own free-standing monument sign. Mr.

McMillian questioned why the applicant made an application since there is already a sign there for the subdivision. Why did they come in to change the sign? Mr. Morgan responded that the only way they can get a sign to advertise the commercial subdivision is through this process. Commercial subdivisions are not allowed to have an entrance sign. The existing sign is a non-conforming residential sign that they are seeking to modify through this process. Mr. McMillian questioned why they do not leave the existing sign there and put up their own sign. Mr. Morgan responded that commercial subdivision entrance signs are not allowed. Mr. McMillian questioned why they do not get their own sign like the other outlots. Mr. Morgan responded that they want to advertise the commercial subdivision out on the street with this sign.

Mr. Zimmer asked if the professional office building in the back of the commercial development has a sign. Mr. Morgan responded that it is entitled to one free-standing monument sign. Mr. Zimmer stated that the professional office building sign would be on Kingsgate Drive and not on KY 18. Mr. Morgan agreed.

Mr. Costello questioned naming the subdivision "Kingsgate Crossing". Mr. Pandzik responded that they were told they could not do that and they chose the name "Kingsgate Station".

Mr. Caddell stated that a few doors down the street when the financial plaza was developed, it was negotiated in that process that the bank property has all the square footage for any ground-mounted signs for the other lots in the development and, if those lots develop, they do not have the ability to put a monument sign on their property.

Mr. Newman stated that there were different people at the Committee Meetings at different times. The Committee tried to answer the questions that were raised at the Public Hearing, but new issues are now being raised. For the Committee to do a good job, issues need to be brought up prior to the Committee Meeting.

Chairman Hicks stated that his concerns were brought up at the Public Hearing. He is concerned about what will happen if the applicant is allowed to start tinkering with the sign and he wants to make sure they will not change the sign later. He stated that the subdivision is not even recorded yet. Mr. Newman responded that they cannot change the sign unless they come back. Counselor Wilson agreed, as long as the conditions say that. Chairman Hicks responded that the conditions do not address color or wording.

Mr. Newman stated that the applicant has an interest in the sign and will maintain it. Kingsgate Crossing is already developed and the owner does not care. Chairman Hicks responded that someone living next door might push the owner's buttons to get the sign taken care of. Mr. Costello questioned who owns the sign. Mr. Morgan responded that it is owned by Arlinghaus and there is a sign easement.

Mr. Zimmer stated that if the sign is carved into the stone material – and the Concept Development Plan has the names on it – it will happen that way unless

they come back for a change, and that is what Condition #1 says. Mr. Pandzik responded "that is the intent".

Chairman Hicks stated that he is not comfortable with the conditions – they do not lock down what will be on the sign – and there is a question about the lighting.

Mr. Zimmer stated that he is comfortable with the text and the lighting, but is not comfortable with abdicating the ability to control the signage on the remaining lots. It was not talked about in Committee and was not an issue at the Public Hearing – but it is a valid point.

Mr. Barlow stated that it is two separate issues. There is a pre-existing sign there and this Special Sign District application has to do with naming the development, which sets it apart from the other parcels. The development up the street did not have a pre-existing sign to make it a Special Sign District. He stated that there is only one choice in this case – either allow them to change the pre-existing sign or leave it as it is. He stated that if a change is made, it should only deal with this sign and should not tie in the other parcels which are independent of this request. He stated that he does not think the Planning Commission can control the verbiage on the sign. If they change it in five years to Kingsgate Plaza, they would be entitled to change the sign. Counselor Wilson agreed and stated that it was brought up at the Public Hearing that if the property would change ownership and the new owner kept the same sign, they could change the logos. He stated that they cannot advertise three or four different things on the sign, and that is covered in the conditions.

There being no further discussion, the **Chairman asked for a vote on the motion made by Mrs. Poston to approve the sign as presented with the conditions. A roll call vote on the motion found Mr. Barlow, Mrs. Kegley, Mr. Newman, Mr. Poe, Mr. Ries, Mr. Schwenke, Mr. White, Mr. Zimmer, and Mrs. Poston in favor. Mr. Caddell, Mr. McMillian, and Chairman Hicks were opposed. The motion carried by a vote of 9 to 3.**

3. **Change in Concept Development Plan**

The request of Sam's East, Inc. (applicant) for Wal-Mart Stores, Inc. (owner) for a Change in Concept Development Plan for a 1.62 acre site at 4949 Houston Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a gasoline fueling station in a Commercial Two/Planned Development (C-2/PD) zone.

Chairman Hicks stated that Item #3 is recommended for deferral to the August 7, 2002 Business Meeting at 7:30 PM. Mrs. Kegley so moved. Mr. Ries seconded the motion and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: July 3, 2002

RE: Request of Jim Pandzik, Cintech Construction, Inc. (applicant) for Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner) for a Zoning Map Amendment for a Special Sign District for a 5 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

Findings of Fact

1. The Committee has concluded that the Zoning Map Amendment for a Special Sign District is in agreement with the 2000 Boone County Comprehensive Plan. The Land Use Elements "Future Land Use Development Guidelines" state that "developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 160).

When considering this statement, the Committee has concluded that the proposal to alter the non-conforming entrance sign will not have an adverse aesthetic impact and will be less confusing to motorists because the names of both subdivisions will be listed on the sign.

2. The Committee has concluded that the request is in accord with Section 3440 "Special Sign District" of the Zoning Regulations because the presence of a non-conforming residential entrance sign on the property is a special circumstance that is unique to this development. The Committee also concluded that approving the request would not set a precedent to allow other commercial entrance signs because the sign already exists and could stay on the property in its current state. This approval merely permits a modest alteration of the existing structure.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has 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. Signage on the entrance sign will be limited to the names of the commercial and residential subdivisions.
2. The 80.04 sign area will be constructed of cast stone.
3. The letter sizes used on the sign must be consistent with the approved Concept Development Plan.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

Public Hearing Item No. 3:

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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

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Power Point slide of the proposed sign. He stated that the medical office in the back would also be identified on the sign. The sign would identify Kingsgate Station, Kingsgate Crossing, and the medical office. They will re-landscape the sign and take over the maintenance of the signage easement area. They have talked to Arlinghaus Builders and they are agreeable to them taking over the maintenance.

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

Mr. Don Feldhaus, a resident of Kingsgate Crossing at 6102 Kingsgate Drive, stated that a shared sign should benefit all entities. He wants to maintain the current quality and character of the sign. The proposed design detracts from the quality and character of the sign.

Mr. Ries questioned the ownership of the sign. He asked if there is an HOA. Mr. Morgan responded that he was advised by Mr. Pandzik that there is a recorded sign easement and the owner is Arlinghaus Builders.

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Mr. Poe stated that he would like the aluminum changed to stone and that it be a two-sided sign. Mr. Pandzik stated that the sign is parallel to KY 18 and the only time the back of the sign would be seen is coming out of the residential subdivision on Kingsgate Drive. He reviewed the slide showing the entrance into Kingsgate Crossing. Mrs. Wilson questioned what is on the back currently. Mr. Morgan responded that there is nothing on the back of the sign and it can barely be seen. Mr. Pandzik stated that there is a lot of overgrowth there.

Mr. Reynolds asked if there are any signs in the vicinity that are comparable to the proposed sign. Mr. Morgan responded that there are no commercial subdivisions with an entrance sign in the area. He noted the Gold Star sign and other freestanding signs in the area. He stated that each lot is permitted a sign to advertise the business, but there are no subdivision entrance signs. Mr. Reynolds questioned the square footage of other signs compared to this sign. Mr. Morgan stated that Boone Woods would be allowed a 10 foot tall sign. Gold Star is allowed up to a 30-foot tall pylon sign. He stated that the PF zones allow a ten foot tall sign and further down the road in C-2 and C-3 there are pole signs. Mr. Reynolds questioned if this sign is only allowed 100 square feet because it is residential and commercial. Mr. Morgan responded that if they came in today for this sign, it would not be allowed. It is not within a residential subdivision, so it could not be a residential entrance sign. Commercial subdivisions are not permitted entrance signs – they are permitted signs on their lots to advertise their business. Mr. Reynolds stated that this sign has been in existence for more than ten years. Mr. Morgan agreed and stated that the only way to upgrade the sign is through this process.

In response to questions from Chairman Hicks, Counselor Wilson advised that if someone has a valid legal sign and the business changes hands, as long as they keep the same size sign, we allow a change in the logo on the sign. He stated that there could probably be a condition that the sign could only advertise the residential subdivision and the commercial subdivision without reference to any particular users on the outlots, if it was acceptable to the applicant. Mr. Pandzik stated that the intent is to build brand awareness. He does not foresee changing the name, unless it would have a stigma attached to it or the ownership would change. He stated that it will hopefully be nicely designed, landscaped, and lit. The Chairman asked if the sign is currently lit. Mr. Morgan responded “no”. Mr. Pandzik stated that they are not planning on internal illumination, but have not made a decision on ground lighting. Mr. Feldhaus stated that the sign used to be externally lit or spotlighted, but there are no lights currently. He believes the existing architecture would be nice if it is maintained.

Mr. Ries stated that if they were to sell the property and it was turned into an arcade, the new owner could put purple, green, and yellow on the sign as long as

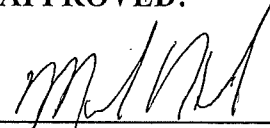
it conform to the square footage. Counselor Wilson responded that it could be worked out in Committee as to the colors. He stated that they are also advertising the residential subdivision, which gives the Planning Commission the leeway to talk about colors. Mr. Morgan stated that there could be a condition that any proposed change in the future has to go through Technical Design Review. Counselor Wilson agreed that without a condition, they could use unattractive colors. Mr. Ries asked that the Committee impose restrictions so that if the property sells and the sign changes, it would have to come back for review.

Mr. Reynolds stated that he would like to see the sign conform to the size dimensions as a rectangle and he would like it to be a different material, such as brick or stone.

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. This item will be on the Agenda for the Business Meeting on June 19, 2002 at 7:30 PM.

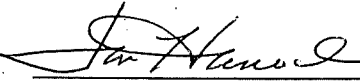
The Chairman closed this Public Hearing at 8:40 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Susan Poston, Committee Chairwoman
DATE: June 19, 2002

RE Request of **James Pandzik, Cintech Construction, Inc. (applicant)** for **Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner)** for a Zoning Map Amendment for a Special Sign District for a 5 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) 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 19, 2002

Pandzik/Goldsmith

Kingsgate Special Sign District

Susan Poston

Susan Poston, Chairwoman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Earl White

Earl White

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Lisa Wilson

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

David Zimmer

David Zimmer

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Randy Barlow (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

Janet Kegley (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

TOTAL: _____ DEFERRED 3 FOR _____ AGAINST _____ ABSTAIN
4 ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Susan Poston, Committee Chairwoman
DATE: June 5, 2002

RE Request of James Pandzik, Cintech Construction, Inc. (applicant) for Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner) for a Zoning Map Amendment for a Special Sign District for a 5 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) 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

Pandzik/Goldsmith

Kingsgate Special Sign District

Susan Poston

Susan Poston, Chairwoman

For _____ Against _____
 Abstain / Absent _____
 Deferred /

Bob Newman

Bob Newman

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 /

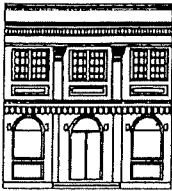
Janet Kegley (Alternate)*

For _____ Against _____
 Abstain _____ Absent /
 Deferred _____

TOTAL: 5 DEFERRED _____ FOR _____ AGAINST _____ ABSTAIN _____
 2 ABSENT

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

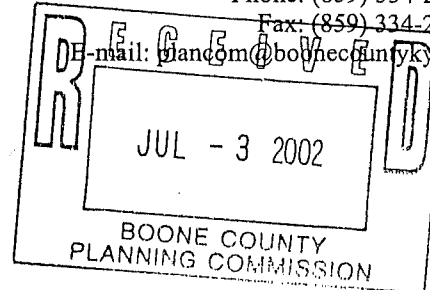
Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancm@boonecountyky.org

June 24, 2002

PROJ #	DATE
CC #	ANTI
VEN #	GL #
GROSS / MT	EXT
PAID VMT	



Julian MacKenzie IV, LLC
c/o – Mr. Steve Waxman
10 Tech View Place
Cincinnati, OH 45215

RE: Request of **Jim Pandzik, Cintech Construction, Inc. (applicant)** for **Steve Waxman, Julian MacKenzie IV LLC/Goldsmith Properties (owner)** for a Zoning Map Amendment for a Special Sign District for a 5 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Special Sign District to modify and enlarge an existing monument sign in a Public Facilities (PF) zone.

Dear Mr. Waxman:

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 a Member of Julian MacKenzie IV, LLC and President of Goldsmith Properties agree to the following conditions, please indicate so by signing the space provided on the bottom of this page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on July 1, 2002.

Conditions

1. Signage on the entrance sign will be limited to the names of the commercial and residential subdivisions.
2. The 80.04 sign area will be constructed of cast stone.
3. The letter sizes used on the sign must be consistent with the approved Concept Development Plan.

Sincerely,

Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

JUN 26 2002

I, Steve Waxman, hereby agree to the listed conditions of approval for a Zoning Map Amendment for a Special Sign District for a 5 acre site located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky.

Mr. Steve Waxman

7/1/2002
Date

October 22, 1998

LEGAL DESCRIPTION

5.0 Acre Parcel

D.B

Kentucky Highway 18, Boone County, Kentucky
Arlinghaus Builders, Inc. to Balanced Care Corporation

Being located in Boone County, Kentucky and lying on the south side of Kentucky Highway 18 as relocated, about 0.8 miles east of Burlington and being more particularly described as follows:

Beginning a set iron pin and cap at the intersection of the south line of Kentucky Highway 18 and the east line of Kings Gate Drive; thence with the south line of Kentucky Highway 18, S 54° 36' 00" E, 243.49 feet to a set iron pin and cap; thence S 57° 12' 57" E, 154.75 feet to a set iron pin and cap, pin and cap being the northwest corner of David (D.B. 304, pg. 288); thence with the west line of said parcel S 32° 36' 52" W, 520.50 feet to a set iron pin and cap on the north line of lot 6, Kings Gate Crossing, Section Two; thence with the north line of Kings Gate Crossing, Section Two N 57° 12' 27" W, 433.52 feet to a set iron pin and cap on the east line of Kings Gate Drive; thence with said line N 36° 26' 35" E, 532.63 feet to the point of beginning and containing 5.00 acres.

Being the remainder of the unsubdivided property conveyed to the grantor and recorded in D.B. 343, pg. 1 of the Boone County Clerk's Office at Burlington, Kentucky. The bearings are based on State Plane Coordinates for the Kentucky North Zone. Set iron pin and caps are stamped "ERPENBECK LS249".

\\980307\01\03\20\LD.DOC



CRETE PAVEMENT

BOOK 730 PAGE 322

RETURN TO:
MIDLAND TITLE SECURITY, INC.
2220 GRANDVIEW DRIVE, SUITE 120
FT. MITCHELL, KY 41217

PROPERTY TRANSFER TAX PAID \$ 575.00 WARRANTY DEED
MARILYN K. ROUSE, CLERK NOTED

Group 2030

KNOW ALL MEN BY THESE PRESENTS:

That ARLINGHAUS BUILDERS INC, a Kentucky corporation, as authorized by corporate resolution, for and in consideration of \$575,000 paid to it by the grantee herein, the receipt of which is acknowledged, does bargain, sell, and convey to:

MLD DELAWARE TRUST, a Delaware Business Trust, its successors and assigns forever, the following described Real Estate located in the County of Boone and Commonwealth of Kentucky, to-wit:

Property Address: 2395 Burlington Pike, Burlington, Ky 41005

Owner's Address: 610 Newport Center Drive, Suite 1150, Newport Beach, California, 92660

Grp2030

SEE DESCRIPTION ATTACHED

RECEIVED
1999 MAR -2 P 3:11
MARILYN K. ROUSE
FOUNTAIN CITY CLERK
pk:00pd

(2)

BOOK 730 PAGE 323

DESCRIPTION OF PROPERTY being sold by Arlinghaus Builders Inc. to MLD Delaware Trust, located at 2395 Burlington Pike, Burlington, KY 41005:

Being located in Boone County, Kentucky, and lying on the south side of Kentucky Highway 18 as relocated, about 0.8 miles east of Burlington, Kentucky, and being more particularly described as follows:

Beginning at a set iron pin and cap at the intersection of the south line of Kentucky Highway 18 and the east line of Kings Gate Drive; thence with the south line of Kentucky Highway 18, S 54-36-00 E, 243.49 feet to a set iron pin and cap; thence S 57-12-57 E, 154.75 feet to a set iron pin and cap; pin and cap being the northwest corner of David (DB 304, pg 288); thence with the west line of said parcel, S 32-36-52 W, 520.50 feet to a set iron pin and cap on the north line of Lot 6, Kings Gate Crossing, Section Two; thence with the north line of Kings Gate Crossing, Section Two, N 57-12-27 W, 433.52 feet to a set iron pin and cap on the east line of Kings Gate Drive; thence with said line, N 36-26-35 E, 532.63 feet to the point of beginning and containing 5.00 acres.

The bearings are based on State Plane Coordinates for the Kentucky North Zone. Set iron pins and caps are stamped "ERPENBECK LS249".

Subject to and together with rights to easements of record. See Easement Book 26 page 115, Easement Book 26 page 146, Easement Book 40 page 46, recorded Plats for Kings Gate Crossing Section Two, and other recorded easements which may affect this parcel.

Also, subject to and together with rights to an access easement as recorded in Easement Book 36, page 105.

ALSO, subject to an easement specifically RETAINED herein by Arlinghaus Builders Inc., described as follows:
Being a permanent signage and landscape easement for the purpose of maintaining an existing landscaped subdivision monument type sign located in Boone County, Kentucky, and described as follows:
Beginning at a point, said point being the intersection of the west line of Burlington Pike (Kentucky Highway 18) and the south right of way line of Kings Gate Drive as recorded on Plat Slide 97-B of the Boone County Clerk's office, and thence with the said south right of way line of Kings Gate Drive S 36-26-35 W, 35.00 feet to a point; thence leaving said right of way line S 54-36 E, 35.00 feet; thence N 36-26-35 E, 35.00 feet to a point on the said west right of way line of Burlington Pike (Kentucky Highway 18); thence with said right of way N 54-36 W, 35.00 feet to the point of beginning.

Being all of the remaining part of the same property conveyed to grantor by deed dated March 13, 1986, recorded in Deed Book 343, page 1, Boone County Clerk's records at Burlington, Kentucky.

SIGN
EASEMENT

BOOK 730 PAGE 324

Together with all the Privileges and Appurtenances to the same belonging. To Have and To Hold the same to the said

MLD DELAWARE TRUST, a Delaware Business Trust, its successors and assigns forever, with the Grantor, its successors and assigns hereby covenanting with the Grantee, its successors and assigns, that the title so conveyed is clear, free and unincumbered, and that it will warrant and defend the same against all legal claims whatsoever.

RESOLUTION

Arlinghaus Builders Inc, a corporation whose main business is the development of land and sale of residential homes, has passed a corporate resolution to authorize it to sell the above described property to the above grantee for the above stated price. Any Corporate Officer is authorized to sign and deliver all instruments to complete this transfer.

Robert Schroder

Vice-President

Bobie Caldwell

Secretary

IN WITNESS WHEREOF, The said Grantor ARLINGHAUS BUILDERS INC, a Ky corporation, hereunto sets its hand, on this 26 day of Feb, 1999.

ARLINGHAUS BUILDERS INC.

By: *Robert Schroder*
Vice-President

Commonwealth of Kentucky
County of Kenton

The foregoing instrument was subscribed, acknowledged and sworn to before me this 26 day of February, 1999, by Robert Schroder, Vice-President of Arlinghaus Builders Inc, for and on behalf of the Corporation.

[Signature]

Notary Public, Ky State at Large
My Commission expires: 8-31-2001

BOOK 730 PAGE 325

CERTIFICATE OF VALUE

This Certificate is made and entered into by the following parties:

GRANTOR: Arlinghaus Builders Inc.

Whose address is 142 Barnwood, Edgewood, Ky 41017

GRANTEE: MLD DELAWARE TRUST, a Delaware Business Trust

Whose address is 610 Newport Center Drive, Suite 1150, Newport Beach, California, 92660

The parties named above swear or affirm that the above amount is the true actual sale price and consideration for the transfer of the property described in this deed.

Signed by Grantor:

Robert Schroder V.P.

For Arlinghaus Builders Inc

Signed by Grantee:

[Signature]

For MLD DELAWARE TRUST, a Delaware Business Trust

Commonwealth of Kentucky
County of Kenton

2002 NOV 08 AM

The foregoing instrument was subscribed, acknowledged and sworn to before me this 28 day of January, 1999, by Robert Schroder, Vice-President of Arlinghaus Builders Inc. for and on behalf of the Selling Corporation.

[Signature]

Notary Public, Ky State at Large
My Commission expires: 7-1-2000

State of California
County of Orange

The foregoing instrument was subscribed, acknowledged and sworn to before me this 28 day of February, 1999, by Mark L. Desmond for and on behalf of the purchaser MLD DELAWARE TRUST, a Delaware Business Trust.

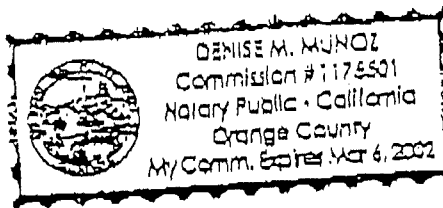
[Signature]

Notary Public, ~~Ky State~~ State of California at Large
My Commission expires: March 6, 2002

Prepared by:

Robert Schroder

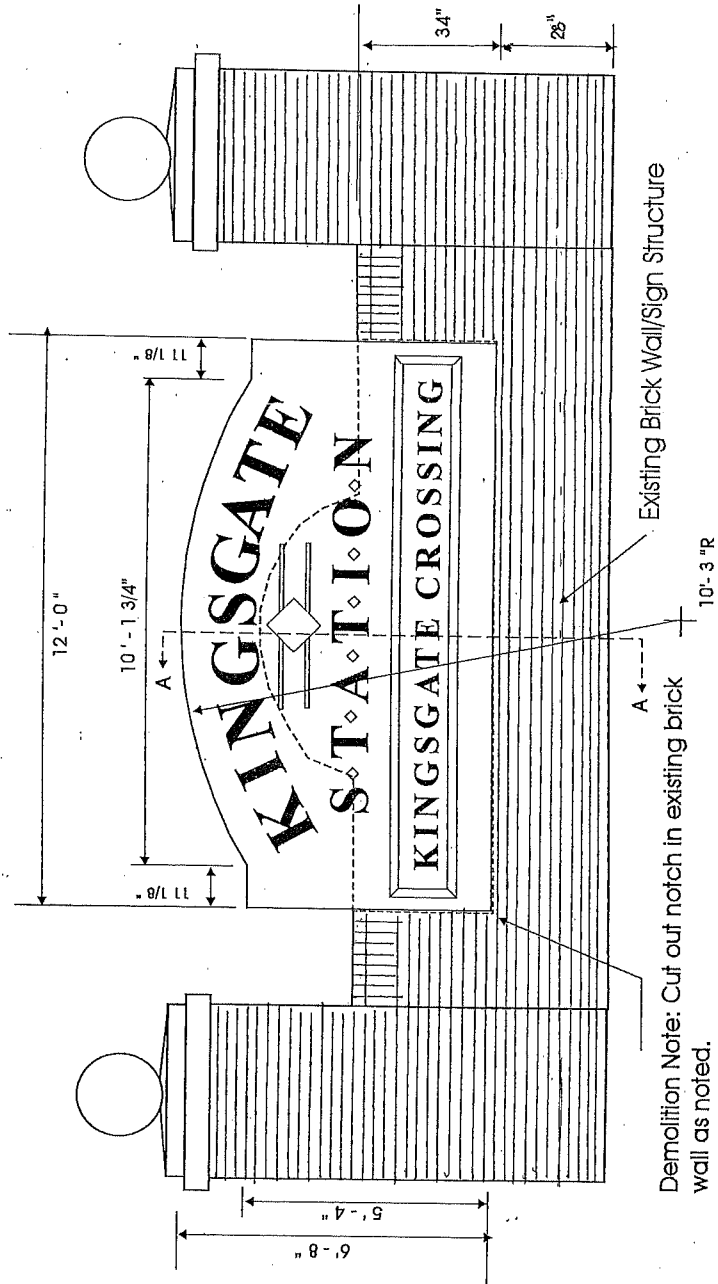
Robert Schroder Attorney
142 Barnwood, Cov, Ky 41017



Concept Plan
APPROVED WITH CONDITIONS

Staff Lee K. Morgan
 Date 7-3-02
 Boone County
 Planning Commission

Letters "KINGSGATE" TO BE 12" COPY,
 "STATION" TO BE 10" COPY AND
 "KINGSGATE CROSSING" TO BE
 6" COPY.



DSD
SYSTEMS
 4447 WOODTRAIL LN
 CINCINNATI, OH 45251

TELEPHONE 513.385.2319
 FAX 513.385.4419

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 AND IS SUBJECT TO FIRM MARKET VALUE
 COMPENSATION TO DSD SYSTEMS.

PROJECT:	Kingsgate Station
Rt 18 Identification Sign	
DRAWN BY:	RJS
SCALE:	3/8" = 1'-0"
DRAWING APPROVED BY:	
DRAWING APPROVED AS NOTED:	
DRAWING REJECTED-RESUBMIT:	
DATE OF DRAWING:	June 18, 2002
FILE:	KS-04
DWG Number	3030-KS-04

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 02-12

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF JAMES PANDZIK, CINTECH CONSTRUCTION, INC. (APPLICANT) FOR STEVE WAXMAN, JULIAN MACKENZIE IV LLC/GOLDSMITH PROPERTIES (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 5 ACRE TRACT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KY 18/KINGSGATE DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (9-3) VIA RESOLUTION NO. R-02-013-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Public Facilities (PF) for a 5 acre tract generally located on the southeast corner of the KY 18/ Kingsgate Drive intersection Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned Public Facilities (PF) for a 5 acre tract generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Public Facilities (PF) zone is more particularly described in DEED BOOK 341, PAGE NO. 1 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 02-12

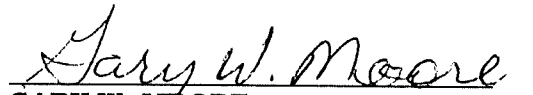
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

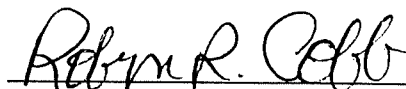
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

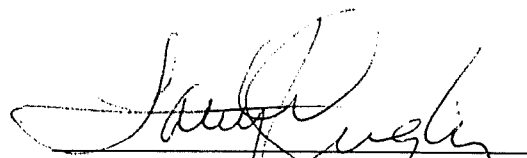
Introduced and given First Reading on the 6th day of August, 2002.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of August, 2002, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


ROBYN R. COBB
FISCAL COURT CLERK

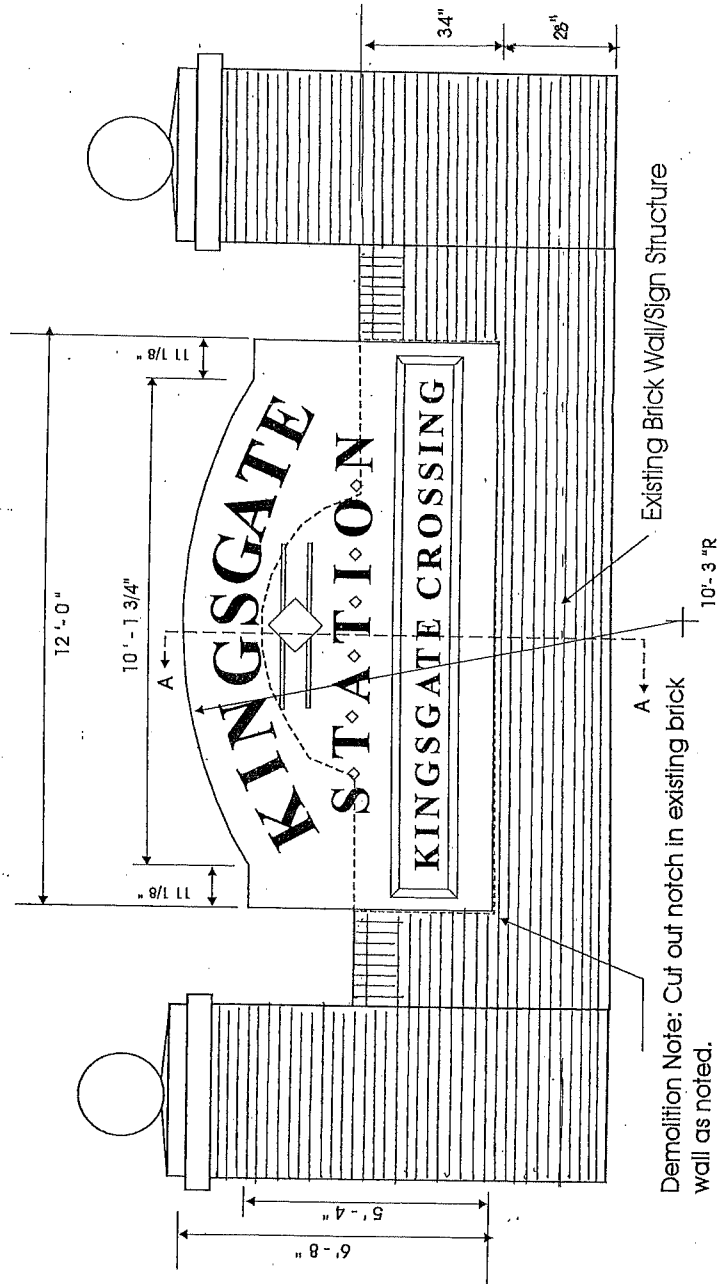

LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

9-5-02
DATE PUBLISHED

Concept Plan
APPROVED WITH CONDITIONS

Staff Jill K. McKagan
 Date 7-3-02
 Boone County
 Planning Commission

Letters "KINGSGATE" TO BE 12" COPY,
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RI 18 Identification Sign	
DRAWN BY:	RJS
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DRAWING REJECTED-RESUBMIT:	
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