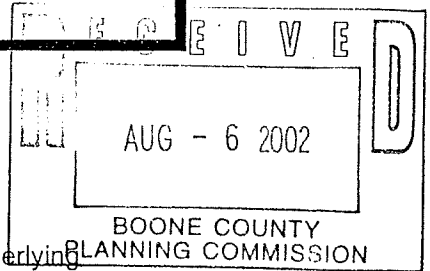


APPLICATION FORM

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 KINGSGATE STATION (LOT #2 & LOT #3)
3. Location of Project KY. 10 & KINGSGATE DRIVE
4. Total Acreage of Site 2.127 Ac.
5. Current Zoning PF
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) CONCEPT PLAN APPROVED (RES. NO. R-01-016-A)
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO

8. Proposed Uses (please specify each use) Those Allowed by PF Zoning

9. Proposed Building Intensities (please specify) 4800 sq. ft. per floor to include common area, with basement for mechanicals and workout area.

10. Have you submitted a Concept Development Plan? (SEE ATTACHED)

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

12. Name of Applicant(s) FRED BURNS & ASSOC.

Phone Number 859-223-2563 Fax No. _____

13. Address of Applicant(s) 366 WALLER AVE #104 LEX. KY 40517
Lexington Ky 40517
City State Zip

14. Name of Property Owner(s) JULIAN MACKENZIE IV, LLC

Phone Number (513) 563-1991 Fax No. (513) 563-4543

15. Address of Property Owner(s) 10 TECH VIEW PL.
CINCINNATI, OHIO 45219
City State Zip

16. Are there any existing buildings on the site? NO
How many? N/A

17. Deed Book 243 Page No. 1 Group No. _____

18. Have you had a pre-application meeting with BCPC Staff? PHONE CONVERSATIONS WITH TODD MORGAN & KEVIN WALL

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Fred Burns & Associates (applicant)** for **Julian MacKenzie IV, LLC (owner)** for a Change in Concept Development Plan for a 2.127 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

September 25, 2002

REQUEST

The request is for a Change in Concept Development Plan to allow the conditions of approval for two outlots within Kingsgate Station Subdivision to be modified. Cintech Construction, on behalf of the applicant, has provided a letter (see attachments) which lists the following changes:

- (1) Change condition #4 to allow the outlots (lots 2 & 3) to develop with three story office buildings;
- (2) Change condition #8 to allow the maximum building intensity of the outlots to be increased from 15,000 square feet per acre to 20,000 square feet per acre. The intensity increase is needed because the parcels are 1.01 and 1.13 acres respectively and each of the buildings are 19,200 square feet in area;
- (3) Eliminate condition #3, which requires the buildings on lots 2 and 3 to go through Technical Design Review. The applicant has provided elevation drawings of the proposed office buildings with this request.

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, a Change in Concept Development Plan was approved which allowed a medical/professional office building and other uses permitted in the Public Facilities (PF) zone to be developed on up to 3 lots. There were eleven conditions of approval that were imposed on the development (see attachments).

In 2002, a Zoning Map Amendment for a Special Sign District was approved which allowed the Kingsgate Station Subdivision name to be added to a pre-existing nonconforming entrance sign.

SITE CHARACTERISTICS

The two outlots are relatively flat and have frontage on KY 18 and First Financial Drive. Water and sanitary sewer exist along KY 18.

ADJACENT LAND USES AND ZONING

- North: KY 18 & Darlington Farms (UR-1 & C-2)
- South: First Financial Drive, Medical/Professional Office Building (PF), and 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 Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- 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 roadway. Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and

- to facilitate the compatibility of differing land uses ("Landscaping," pg. 159).
- C. Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site ("Storm Water Management and Erosion Control", pg. 159).
 - D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and traffic patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 159).
 - E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).
 - F. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The "Areas of Future Commercial Activity" found within the Business Activity Element makes the following comments that relate to the proposal:

- A. "Many problems with the location and arrangement of commercial uses has emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. The mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that

can be worsened by adding commercial access points.”

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

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

- A. Proper design principles shall be applied in development (“Overall,” Objective).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (“Overall,” Objective).
- C. Boone County shall strive to achieve both a diversity and balance in land use (“Overall,” Objective).
- D. The needs of Boone County’s population base are measured and fulfilled through the provision of orderly growth (“Population,” Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life (“Environment,” Goal).
- F. New development or redevelopment shall attempt to design sites utilizing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site’s existing physical assets are used. (“Environment”, Physical Objective 2).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (“Business Activity”, Goal).
- H. Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well-maintained buffer spaces between the business use and other land usage (“Business Activity”, Overall Objective).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and affective access and ample parking space (“Business Activity”, Objectives).

- J. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities", Goal).
- K. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation", Objectives).

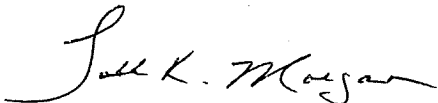
STAFF COMMENTS

- 1. Section 3325 of the Boone County Zoning Regulations requires office and business uses to have 1 parking space for every 250 square feet of gross floor area. As a result, each building needs to have 77 parking stalls (19,200/250). The Concept Plan shows that parcel #2 contains 71 parking stalls and parcel #3 contains 50 parking stalls.
- 2. Staff is concerned about the scale and density of the proposed buildings. The Goals and Objectives state that business districts shall be compact and efficient and must have ample parking.
- 3. The Planning Commission and Fiscal Court need to thoroughly review the elevation drawings that have been submitted because the request would eliminate any further design review.

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 Concept Development Plan as stated in Article 3 of the Boone County Zoning Regulations. The Future Land Use Map will not need to be amended if the Planning Commission and the Boone County Fiscal Court approve the request.

Respectfully submitted,

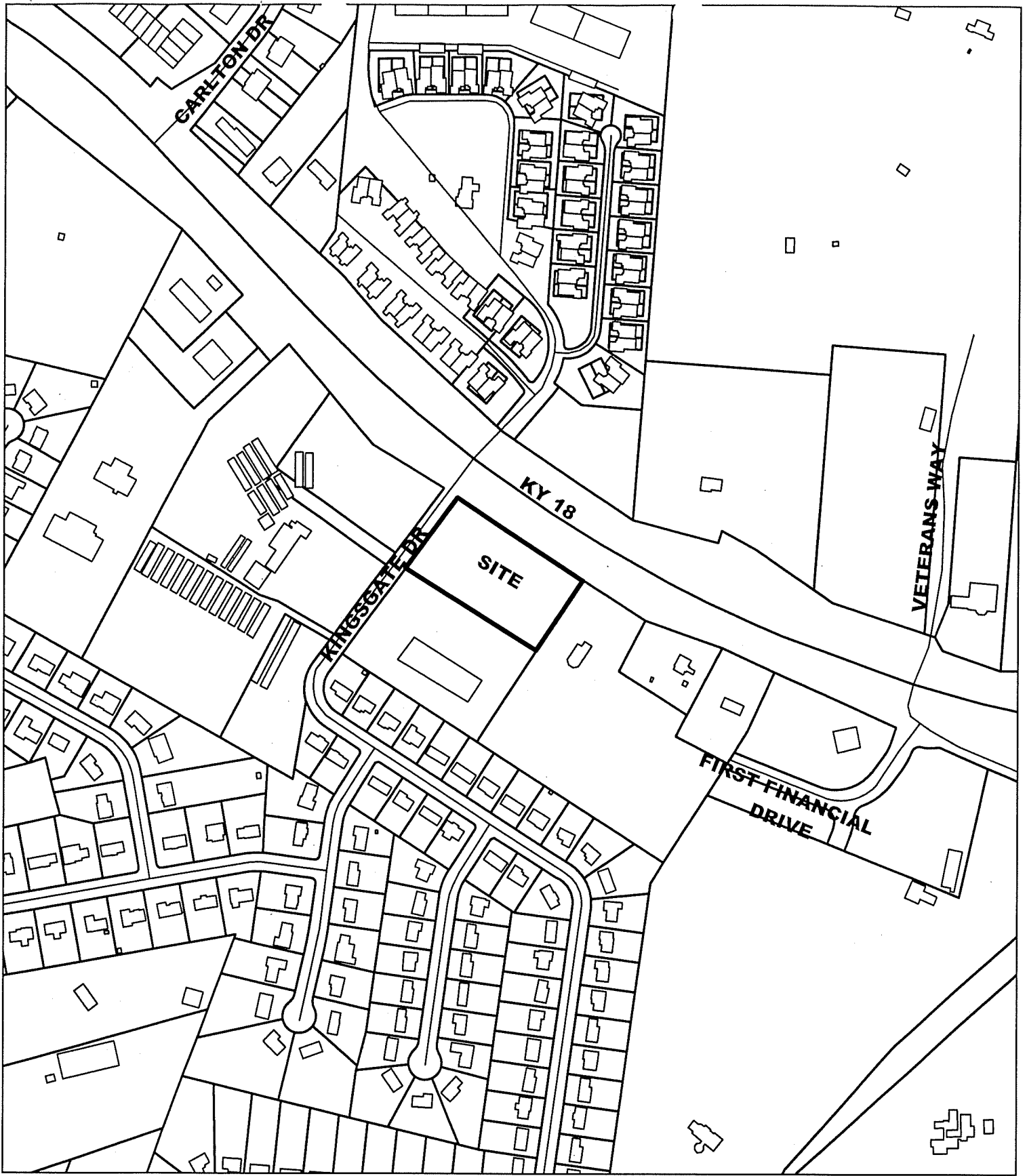


Todd K. Morgan, AICP
Planner

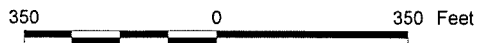
TKM/dw

Attachments:

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



KINGSGATE STATION OUTLOTS SITE VICINITY MAP



1 inch equals 350 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 18, 2002



BOONE COUNTY
PLANNING COMMISSION
AUG - 8 2002

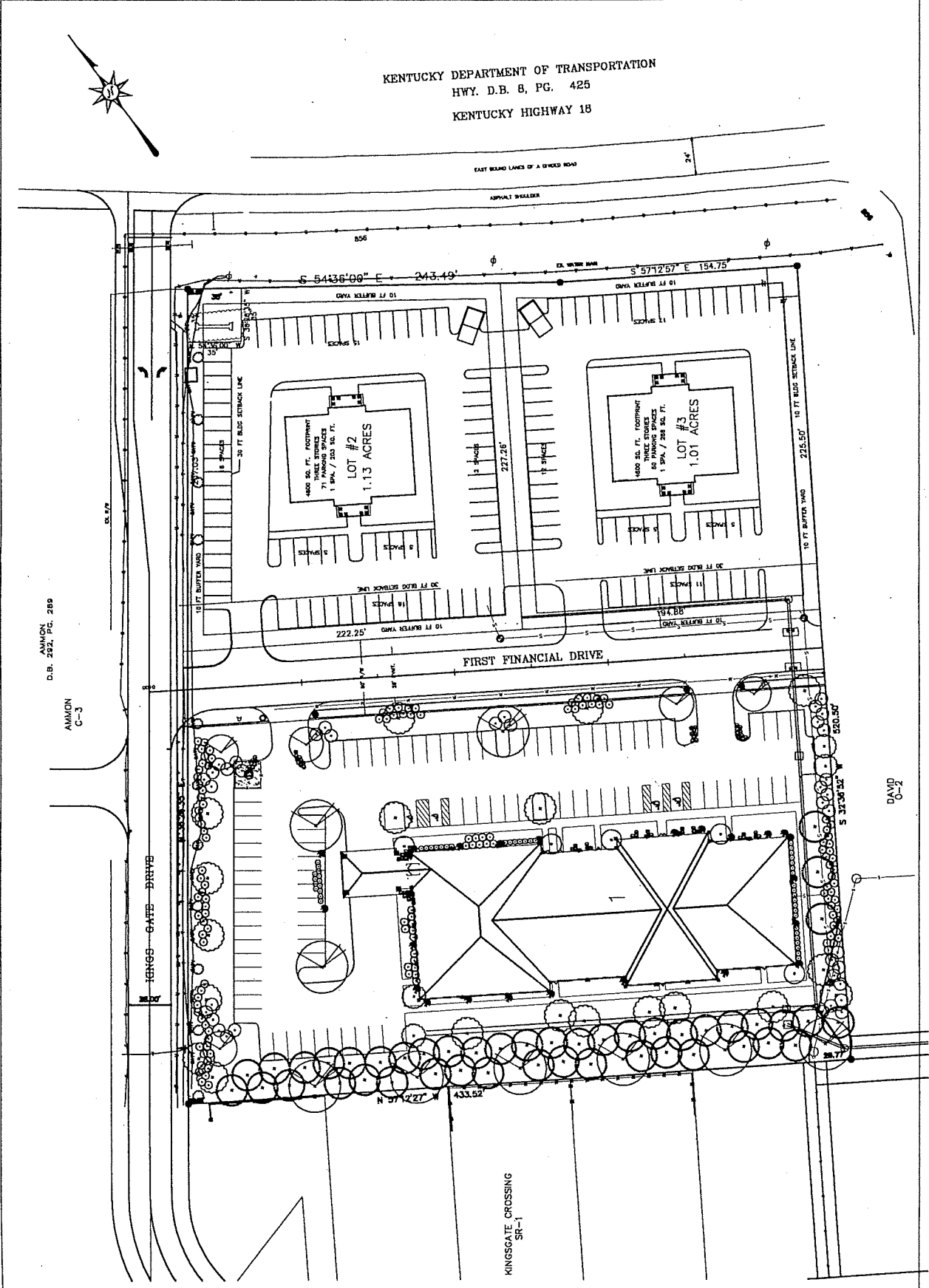
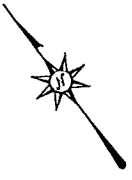
John R. Kingston - Architect
828 Lone Allen Road
Lexington, Kentucky 40504

Fred Burns & Associates
386 Waller Avenue, Suite 104
Lexington, Kentucky 40517

DESCRIPTION
CONCEPT PLAN
SHEET
CDP-1
1 OF 2
DATE: 08/08/02
PROJECT NO:
DRAWING NUMBER

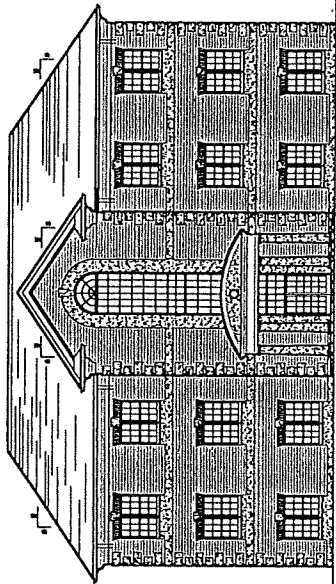
LOTS 2 & 3
KINGSGATE STATION
BOONE COUNTY, KENTUCKY

KENTUCKY DEPARTMENT OF TRANSPORTATION
HWY. D.B. 8, PG. 425
KENTUCKY HIGHWAY 18

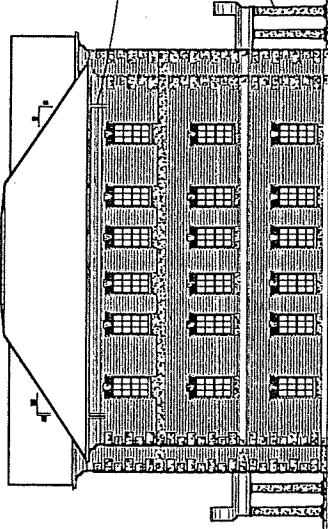


AMMON
D.B. 22A, PG. 289
C-3

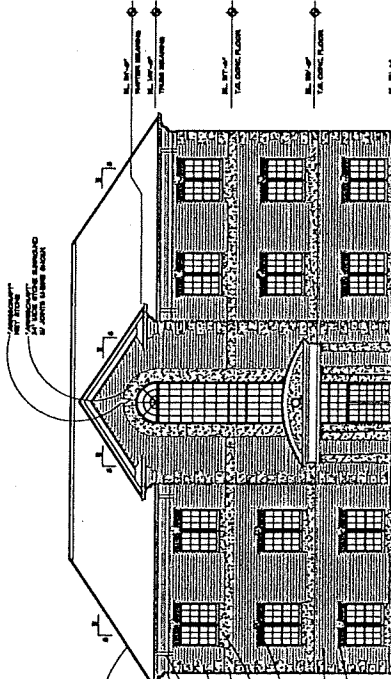
DAVID
0-2



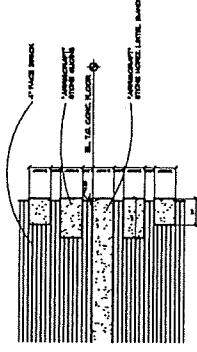
REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



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



TYP. QUON & LINTEL BAND DETAIL
SCALE: 3/4" = 1'-0"

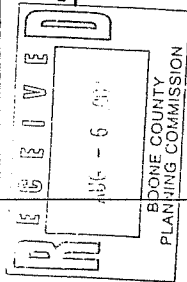
LOTS 2 & 3
KINGSGATE STATION
BOONE COUNTY, KENTUCKY
Fred Burns & Associates
366 Waller Avenue, Suite 104
Lexington, Kentucky 40517

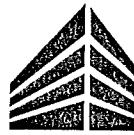
John R. Kingston - Architect
828 Lone Allen Road
Lexington, Kentucky 40504

REVISIONS
PRINT DATE
SCALE
DESIGNED BY
DRAWN BY
CHECKED BY
PLG
DATE

DESCRIPTION
CONCEPT
ELEVATIONS
SHEET

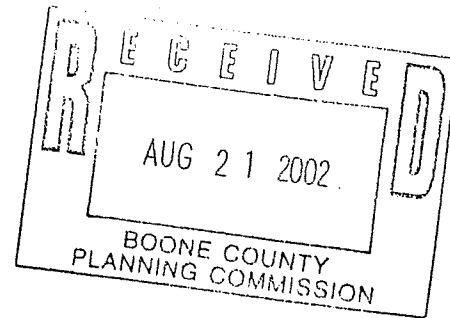
CDP-2
2 OF 2
DATE: AUG. 2002
PROJECT NO.
DRAWING NUMBER





CINTECH CONSTRUCTION, INC.
DESIGN / BUILDING CONSTRUCTION

10 TECH VIEW PLACE · CINCINNATI, OHIO 45215 · 513/563-1991



August 20, 2002

Mr. Todd Morgan, Planner
Boone County Planning & Zoning
2995 Washington Street
Burlington, Kentucky 41005

RE: Change in an Approved Concept Development Plan
Kingsgate Station - Lots 2 & 3
Burlington, Kentucky

Dear Mr. Morgan:

Per our phone conversation this morning, I offer the following information in support of the above referenced "Change in an Approved Concept Development Plan" request.

This request is being made as the Applicant, Fred Burns & Associates, wishes to deviate, as outlined below, from the "Conditions" as recommended by the Boone County Planning Commission and as approved by the Boone County Fiscal Court in Resolution R-01-016-A.

1. Allow Three-Story Building Height Limitation in lieu of a Two-Story Height Limitation

The change in height limitation applies only to Lots 2 & 3.

The Applicant has developed a smaller footprint, three-story building which is intended to accommodate smaller tenants. Each floor level (approximately 4,800 sf in area) will accommodate four (4) tenants with each tenant occupying approximately 1,200 sf.

Building setbacks, landscaped yards and parking requirements are all in compliance with the Boone County Zoning Resolution.

Actual building heights from grade are as follows:

Grade to Truss Bearing / Eave Height	approx. 37' - 0"
Grade to Peak of Roof	approx. 51' - 0"
Mean Elevation of Roof Slope	approx. 44' - 0"

2. Increase Maximum Intensity Permitted to 20,000 sf / Acre in lieu of 15,000 sf / Acre

The Applicant is proposing two, three-story buildings (one on each lot) each with a footprint of 4,800 sf.

The proposed buildings are three stories in height and include a full basement. The grade level floor and the two above-grade level floors (total of 14,400 sf) are intended to be the only occupied levels and fall within the current limitation of 15,000 sf / acre.

The basement level (4,800 sf) is intended to be used for mechanical equipment and storage and is not intended to be occupied on a full time basis. Added to the 14,400 sf of the three occupied levels, the total is 19,200 sf (each building).

3. Waive the Planning Commission Design Review Process for Lots 2 & 3

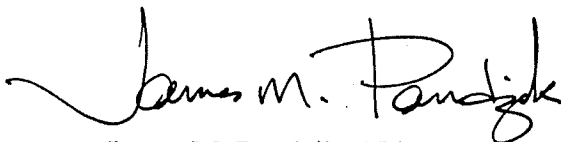
The Applicant has submitted building elevations with his application.

The buildings are "finished" on all four sides and include building materials similar and compatible with the Professional Office/Medical Building on Lot 1.

As it is the intention of the Applicant to construct the buildings as the drawings indicate, the Planning Commission Design Review Process is no longer required.

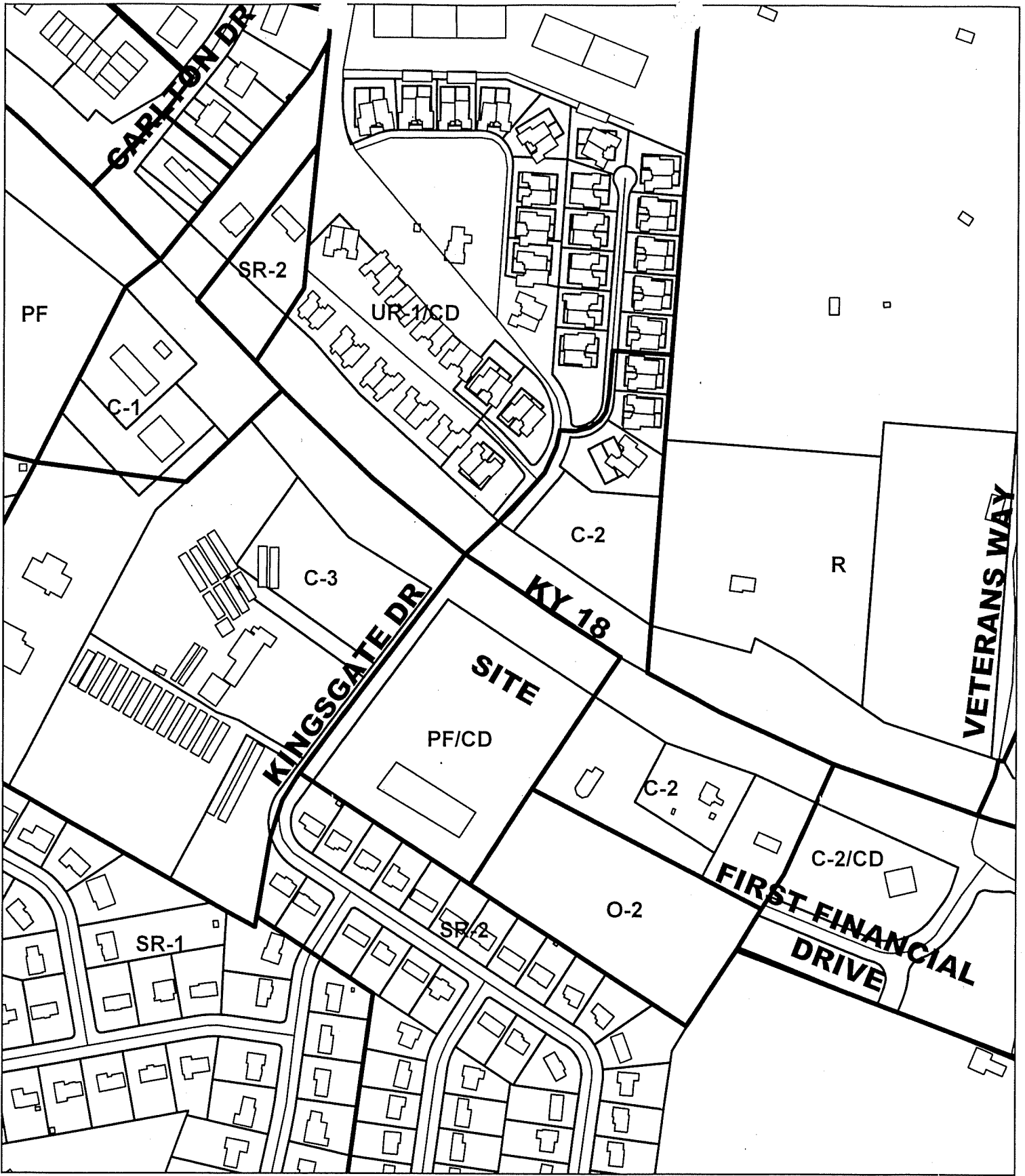
Mr. Morgan, should you have additional questions or need additional information, please do not hesitate to give me a call. I look forward to a favorable resolution to these issues.

Sincerely,
Cintech Construction, inc.



James M. Pandzik, AIA
VP Marketing & Design

c: Fred Burns, Fred Burns & Associates
Will Korte, Lockland Development Company
Roger Wade, Julian-Mackenzie IV, LLC
Steve Waxman, Julian-Mackenzie IV, LLC



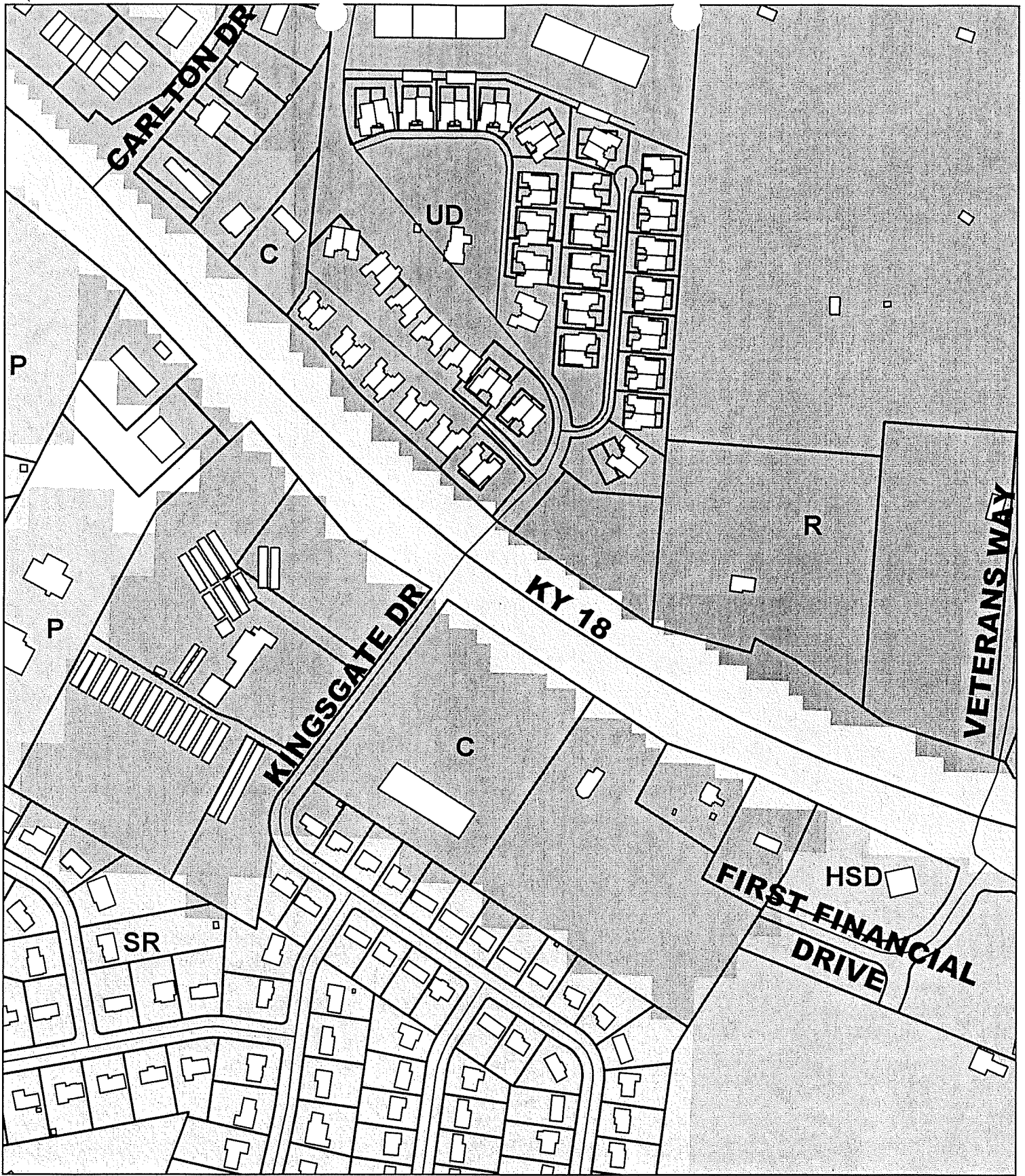
KINGSGATE STATION OUTLOTS ZONING MAP



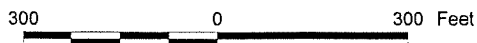
1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 18, 2002





KINGSGATE STATION OUTLOTS FUTURE LAND USE



1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
September 18, 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. ~~Amphitheaters, 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

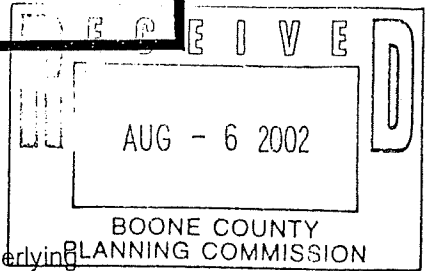
Conditional Uses

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

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 KINGSGATE STATION (LOT #2 & LOT #3)
- 3. Location of Project KY. 10 & KINGSGATE DRIVE
- 4. Total Acreage of Site 2.127 AC.
- 5. Current Zoning PF
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) CONCEPT PLAN APPROVED (RES. NO. R-01-016-A)
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO

8. Proposed Uses (please specify each use) Those Allowed by PF Zoning

9. Proposed Building Intensities (please specify) 4800 sq. ft. per floor to include common area, with basement for mechanicals and workout area.

10. Have you submitted a Concept Development Plan? (SEE ATTACHED)

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

12. Name of Applicant(s) FRED BURNS & ASSOC.

Phone Number 859-223-2563 Fax No. _____

13. Address of Applicant(s) 366 WALLER AVE #104 LEX. KY 40517
Lexington Ky 40517
City State Zip

14. Name of Property Owner(s) JULIAN MACKENZIE IV, LLC

Phone Number (613) 563-1991 Fax No. (613) 563-4543 15.

Address of Property Owner(s) 10 TECH VIEW PL.
CINCINNATI, OHIO 45219
City State Zip

16. Are there any existing buildings on the site? NO
How many? N/A

17. Deed Book 363 Page No. 1 Group No. _____

18. Have you had a pre-application meeting with BCPC Staff? PHONE CONVERSATIONS WITH TODD MORGAN & KEVIN WALL

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 25, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mr. Knock - Temporary Presiding Officer, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Larry Dillon

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** **Fred Burns & Associates for
Julian MacKenzie IV, LLC (owner)**

Request: **Change in Concept Development Plan**

The request of Fred Burns & Associates for Julian MacKenzie IV, LLC (owner) for a Change in Concept Development Plan for a 2.127 acre tract on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

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. Jim Pandzik, Vice President, Marketing and Design, Cintech Construction, representing the applicant and owners/investors of the original development (five-acre parcel) stated that his letter to Staff Member Todd Morgan of August 20,

2002 is attached to the Staff Report. He stated that they are seeking change in some of the conditions that were attached to the approval a year ago for the five-acre development. He reviewed his letter requesting to deviate from the previous conditions: **1. Allow Three-Story Building Height Limitation in lieu of a Two-Story Height Limitation** – Mr. Pandzik stated that when he agreed to the condition last year, he had prepared an analysis of the site for a larger three-story building. The type of developments Cintech and the developers of the five-acre parcel were involved in were much larger buildings and with the size of the lots, they would not work – they could not get a three-story building on the lot. The buildings currently proposed are smaller in footprint and area. When they agreed to the limitation regarding number of stories and area, they were basing that on medical uses which require a higher number of parking spaces. Currently, a gentleman is looking to purchase the two outlots and develop them separately with a smaller footprint and three-story buildings. He stated that the O-1 district allows 45 feet in height. The proposed buildings have a height of 37 feet and a peak of 51 feet, but the mean elevation is 44 feet which meets the 45-foot requirement. **2. Increase Maximum Intensity Permitted to 20,000 Square Feet per Acre in lieu of 15,000 Square Feet per Acre** – Mr. Pandzik stated that the developer is proposing a footprint of 4,800 square feet with a floor level at grade, two stories above, and a full basement. Taking out the non-occupyable space (area for the corridor that runs across the building, the square footage per floor for the elevators, stairwells, and utility space) times four floors would be 5,800 square feet to be deducted from the 19,200 total square footage -- which takes it down to 14,400 square feet which is within the 15,000 square feet they agreed to. The total building is 19,200 square feet and is within the 20,000 square feet that the O-1 zone would normally allow. He stated that they are asking for consideration regarding net occupyable area versus gross area of the building. **3. Waive the Planning Commission Design Review Process for Lots 2 & 3** – Mr. Pandzik stated that they are asking to waive the Design Review process since the owner/developer has an architect who designed the building and they have submitted elevations with the application. It is their intention to complete the design and build the building as shown in the elevations. Mr. Pandzik stated that the proposed buildings are very attractive and are finished on all four sides. They are complimentary to what is constructed on Lot #1 and have matching building and roofing materials. In regard to **Staff Comment #1**, Mr. Pandzik stated that they do not meet the parking requirements, but the actual occupyable area of the building is 14,400 square feet and they could provide sufficient parking on the site. He stated that Section 3326 of the Zoning Regulations states that when parking demand is unusually low, the parking space provision may be reduced by the Zoning Administrator. He asked to address this issue with the Zoning Administrator or the Committee. He stated that the building is a small footprint of approximately 4,800 square feet per floor and taking out the unoccupyable space, there is 2,500 square feet of occupyable space per floor. They are looking at four tenants per floor and approximately eight employees per floor. It will be a higher end building and less dense. They are looking at a total of 32 people per building and will have double the actual required parking for employees. They

will not have a tremendous consumer load on the buildings – they are professional offices. In regard to **Staff Comment #2**, he presented a power point presentation of buildings in the area and reviewed their footprints compared to the proposed buildings. He provided copies of the Power Point slides to the Commissioners and submitted a set for the record (see Exhibit 1). The proposed buildings are 80 feet long and sixty feet wide, with a footprint of 4,800 square feet. The sizes of the comparable buildings are shown on the slides (see Exhibit 1). In regard to **Staff Comment #3**, he presented and reviewed a cross-section of the profile to show the line of sight of the two office buildings. He stated that the site is relatively level. Looking out of the second floor window of the residence across the roof of their building, the line of site would be well above the proposed office buildings. The berm will be re-landscaped when weather permits.

Mr. Fred Burns, a resident of Walton, Kentucky, stated that he will move his operations from Lexington up here. He stated that the office structure will lend itself to accounting and legal offices with the courthouse and new court center being developed. Mr. Burns, his daughter, and his son-in-law – who are attorneys – will take the entire top floor of the building. He stated that there will be about eight people per floor. The building is designed for four separate units or they can be combined so that a use can occupy the whole floor. He does not want to lease to medical offices because of having to set up for a use such as a dentist – and then when the dentist leaves they would have to rent to another dentist because of the plumbing. He stated that Mr. Pandzik was counting the basement, so the building is actually smaller than he projected. Mr. Pandzik assumed 4,800 square feet in the basement, but he did not project the basement in the comparable buildings and they could have a lot more square footage than this building.

Mr. Barlow stated that the application indicates that the basement will be used for full-time offices. He questioned the use of the basement. Mr. Pandzik responded that they need space for storage for the tenants on the upper levels because that will be expensive space. Most of the space in the lower level will be storage and there will be an elevator equipment room. There could be a temporary or short-term meeting area, but it would not be occupied on a daily basis. He stated that if it was used as offices, it would have a corridor, bathrooms, stairway, and the elevator equipment room taken out of the occupiable space. The lower level is not anticipated to be occupied on a full-time basis.

Mr. Barlow stated that this application is coming in about fifteen months after the Concept Plan was approved for the medical building. The request is to negate many of the conditions that were agreed to in order to allow that building – increasing the density by 30%, a deviation on the number of parking spaces, and waiving the two-story limit. He stated that this request needs to be looked at carefully in Committee.

Mr. Zimmer noted Mr. Pandzik's comment regarding the Zoning Administrator making a determination regarding the parking requirement. He asked that the

Zoning Administrator provide that information to the Committee. He asked Mr. Pandzik to bring to Committee the height of the Bank of Kentucky, Boone National Bank, Huntington Bank, and the courthouse. Mr. Zimmer questioned the Landscaping Plan. Mr. Pandzik responded that they will comply with the requirements of the Zoning Ordinance for the buffer zones and provide the required plantings. He stated that the architect has a Site Development Plan but he does not know if it meets the requirements. Mr. Zimmer asked that it be brought to the Committee Meeting. Mr. Costello stated that he plan shows a ten-foot buffer area around the perimeter, but it does not show plant material. Mr. Zimmer stated that landscaping needs to be addressed to help mitigate scale.

Mr. Zimmer asked if the improvement to Kingsgate Crossing is part of this request. Mr. Pandzik responded that it will not change from the conditions imposed last year and it will occur. He stated that this will be a phased project and the improvements will occur with whatever building occurs first.

Mr. Zimmer stated that the Zone Change request on July 1 referred to the Land Use Element – Burlington area – Page 169 – 171 – and questioned why that was left out of the Staff Report for this zone change? Mr. Morgan responded that it should have been in the Staff Report. It was intended to be in the Staff Report and it not being included was an error.

Mr. Ries agreed with Mr. Barlow that these are major changes being proposed after only fourteen months. He stated that the Design Review Committee plays an important role and he is skeptical about eliminating that process. He stated that Mr. Burns has indicated that they will occupy the top floor – but there is nothing to prevent Toyota from leasing the space in the future and putting forty employees on that floor. He is concerned about use of the building in four or five years and that there would not be adequate parking.

Mr. Caddell stated that inasmuch as the request is for a change in the Approved Concept Development Plan, the Planning Commission should have the ability to further review the uses in both the PF District and the Employment District. Mr. Morgan responded that analyzing all of the conditions to see if any new conditions are needed is open for discussion as part of this request.

Mr. Caddell noted Mr. Burns' comment that the uses are primarily legal and accounting and asked the Committee to look in detail at the uses that were not previously struck from the PF and Employment Districts and eliminate any Permitted Uses that are not in keeping with this type of office building.

Mr. Knock noted the per square foot occupancy on the Approved Concept Development Plan and asked if the density will be less or greater per square foot. Mr. Pandzik responded that the occupancy will be much less than what could have been built on the sites – they were open to fast food restaurants, retail,

neighborhood business – and the intention of the developer is that the occupancy per floor is less than what could have occurred on either one of the lots.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 2, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on October 16, 2002 at 7:30 PM.

Mr. Pandzik noted the exhibits and renderings on the easels that were provided by the architect. Chairman Hicks asked that they be brought to the Committee Meeting.

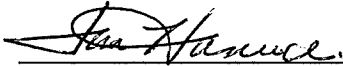
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – Copies of power point slides presented by the applicant.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 16, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:30 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Robert Ries
Mr. Earl White
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, AICP, Planner

Approval of the Minutes:

Chairman Hicks stated that the Commissioners received copies of the Minutes of the September 25, 2002 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. Schwenke seconded the motion. A vote on the motion found all voting members in favor. Mr. Newman was not yet present. The motion carried.

Chairman Hicks stated that the Commissioners received copies of the Minutes of the October 2, 2002 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as mailed. Mr. Barlow seconded the motion. A vote on the motion found all voting members in favor. Mr. Newman was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. **Zoning Map Amendment**

The request of RoseMary Kahmann GST Exempt Marital Trust (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 35-acre tract at 728 Chambers Road, Boone County, Kentucky. The request is for a zone change to allow detached single-family residences.

Chairman Hicks stated that Agenda Item No. 1 is recommended for deferral to the November 6, 2002 Business Meeting at 7:30 PM. Mr. Reynolds so moved. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Mrs. Kegley abstained and Mr. Newman was not yet present. The motion carried.

2. **Change in Concept Development Plan**

The request of Fred Burns & Associates for Julian MacKenzie IV, LLC (owner) for a Change in Concept Development Plan for a 2.127 acre tract on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

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

There being no discussion, Mrs. Wilson moved by resolution to Boone County Fiscal Court that the request be denied based on the Committee Report. Mr. Barlow seconded the motion. A vote on the motion found all voting members in favor. Mr. Newman was not yet present. The motion carried.

Mrs. Wilson left the meeting at this time. Mr. Newman arrived at this time.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Lisa Wilson, Chairwoman

DATE: October 16, 2002

RE: Request of **Fred Burns & Associates (applicant) for Julian MacKenzie IV, LLC (owner)** for a Change in Concept Development Plan for a 2.127 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

REMARKS:

We, the Committee, recommend denial of the above referenced Concept Development Plan application based on the following findings of fact.

FINDINGS OF FACT:

1. The Committee has concluded that the request is not in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:

- A. The Future Land Use Development Guidelines found in the Land Use Element states 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 Committee concluded that the proposed three-story office buildings would have a negative aesthetic impact on the adjoining properties and the residential subdivisions (Darlington Farms and Kingsgate Crossing) to the north and south. The proposed buildings are of monumental height when compared to the adjoining commercial structures and the dwelling units within the two residential subdivisions. The Planning Commission and property owner agreed to a two story height limitation for the two outlots in the July 18, 2001 Committee Report.

- B. The Goals and Objectives Element includes the following statements that relate to the proposal:

1. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Fred Burns & Associates/Julian MacKenzie IV, LLC

October 16, 2002

Page 2

2. "Compact, efficient development patterns shall be encouraged for business districts with appropriately sized and well-maintained buffer spaces between the business use and other land usage" (Business Activity, Overall Objective).

The Committee concluded that the proposed three-story buildings were of a size and scale that made them inappropriate at this location. The determination was made because the site is in close proximity to two residential subdivisions (Darlington Farms and Kingsgate Crossing).

3. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and affective access and ample parking space" (Business Activity, Commercial Objectives).

The Committee concluded that the proposal does not meet this objective. This determination is based on the fact that the Boone County Zoning Regulations requires each of the 19,200 square foot buildings to have 77 parking stalls. The submitted Concept Plan shows parcel 2 with 71 parking stalls and parcel 3 with 50 parking stalls. The lack of parking also eluded to the fact that the buildings are too dense for the subject parcels.

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
September 25, 2002
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mr. Knock - Temporary Presiding Officer, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

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Mr. Zimmer noted Mr. Pandzik's comment regarding the Zoning Administrator making a determination regarding the parking requirement. He asked that the

Zoning Administrator provide that information to the Committee. He asked Mr. Pandzik to bring to Committee the height of the Bank of Kentucky, Boone National Bank, Huntington Bank, and the courthouse. Mr. Zimmer questioned the Landscaping Plan. Mr. Pandzik responded that they will comply with the requirements of the Zoning Ordinance for the buffer zones and provide the required plantings. He stated that the architect has a Site Development Plan but he does not know if it meets the requirements. Mr. Zimmer asked that it be brought to the Committee Meeting. Mr. Costello stated that he plan shows a ten-foot buffer area around the perimeter, but it does not show plant material. Mr. Zimmer stated that landscaping needs to be addressed to help mitigate scale.

Mr. Zimmer asked if the improvement to Kingsgate Crossing is part of this request. Mr. Pandzik responded that it will not change from the conditions imposed last year and it will occur. He stated that this will be a phased project and the improvements will occur with whatever building occurs first.

Mr. Zimmer stated that the Zone Change request on July 1 referred to the Land Use Element – Burlington area – Page 169 – 171 – and questioned why that was left out of the Staff Report for this zone change? Mr. Morgan responded that it should have been in the Staff Report. It was intended to be in the Staff Report and it not being included was an error.

Mr. Ries agreed with Mr. Barlow that these are major changes being proposed after only fourteen months. He stated that the Design Review Committee plays an important role and he is skeptical about eliminating that process. He stated that Mr. Burns has indicated that they will occupy the top floor – but there is nothing to prevent Toyota from leasing the space in the future and putting forty employees on that floor. He is concerned about use of the building in four or five years and that there would not be adequate parking.

Mr. Caddell stated that inasmuch as the request is for a change in the Approved Concept Development Plan, the Planning Commission should have the ability to further review the uses in both the PF District and the Employment District. Mr. Morgan responded that analyzing all of the conditions to see if any new conditions are needed is open for discussion as part of this request.

Mr. Caddell noted Mr. Burns' comment that the uses are primarily legal and accounting and asked the Committee to look in detail at the uses that were not previously struck from the PF and Employment Districts and eliminate any Permitted Uses that are not in keeping with this type of office building.

Mr. Knock noted the per square foot occupancy on the Approved Concept Development Plan and asked if the density will be less or greater per square foot. Mr. Pandzik responded that the occupancy will be much less than what could have been built on the sites – they were open to fast food restaurants, retail,

neighborhood business – and the intention of the developer is that the occupancy per floor is less than what could have occurred on either one of the lots.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 2, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on October 16, 2002 at 7:30 PM.

Mr. Pandzik noted the exhibits and renderings on the easels that were provided by the architect. Chairman Hicks asked that they be brought to the Committee Meeting.

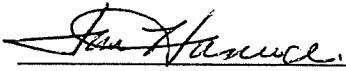
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 – Copies of power point slides presented by the applicant.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Lisa Wilson, Committee Chairwoman

DATE: October 16, 2002

RE Request of **Fred Burns & Associates (applicant)** for **Julian MacKenzie IV, LLC (owner)** for a Change in Concept Development Plan for a 2.127 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

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.

October 16, 2002

Fred Burns & Associates/Julian MacKenzie IV,LLC

KY 18/ Kingsgate Drive

Lisa Wilson

Lisa Wilson, Chairwoman

For Against

Abstain Absent

Deferred

Bob Newman

Bob Newman

For Against

Abstain Absent

Deferred

Susan Poston

Susan Poston

For Against

Abstain Absent

Deferred

Earl White

For Against

Abstain Absent

Deferred

David Zimmer

David Zimmer

For Against

Abstain Absent

Deferred

Randy Barlow

Randy Barlow (Alternate)*

For Against

Abstain Absent

Deferred

Janet Kegley (Alternate)*

For Against

Abstain Absent

Deferred

TOTAL: ___ DEFERRED 5 FOR 0 AGAINST ___ ABSTAIN

___ ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Lisa Wilson, Committee Chairwoman

DATE: October 2, 2002

RE Request of **Fred Burns & Associates (applicant)** for **Julian MacKenzie IV, LLC (owner)** for a Change in Concept Development Plan for a 2.127 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

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.

October 2, 2002

Fred Burns & Associates/Julian MacKenzie IV,LLC

KY 18/ Kingsgate Drive

Lisa Wilson

Lisa Wilson, Chairwoman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Bob Newman

Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Susan Poston

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Earl White

Earl White

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

David Zimmer

David Zimmer

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Janet Kegley (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

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

SUPPORTING INFORMATION

*FULL 5 ACRE PARCEL
KINGSGATE STATION*

October 22, 1998

LEGAL DESCRIPTION

5.0 Acre Parcel

D.B.

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

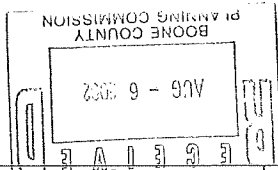
Being located in Boone County, Kentucky and lying on the south side of Kentucky Highway 18 as relocated, about 0.8 miles east of Burlington and being more particularly described as follows:

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".

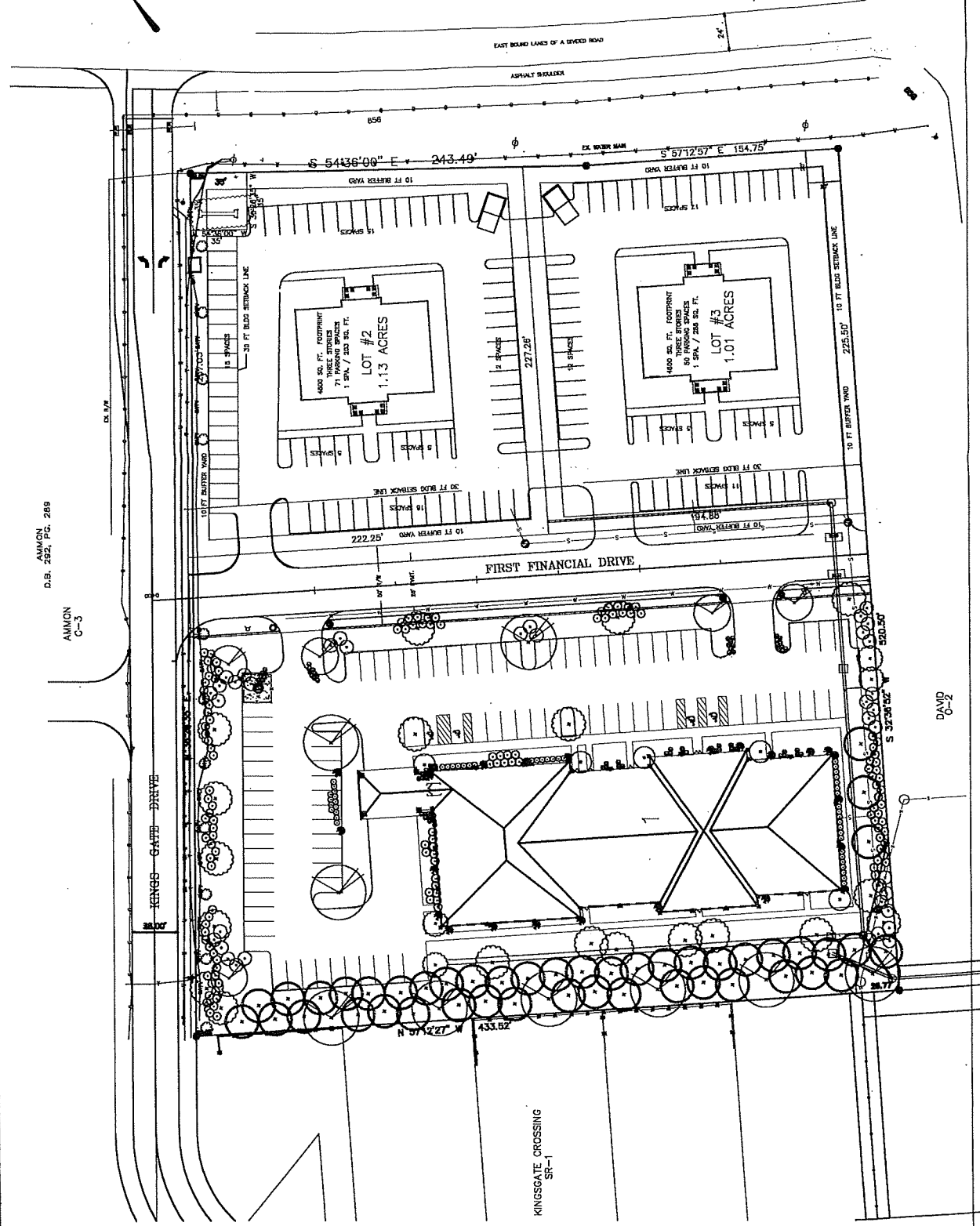
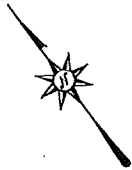
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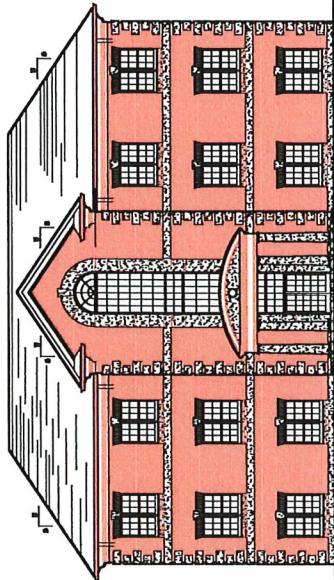
SCALE: DESIGNED BY: JK DRAWN BY: JK CHECKED BY: JBT FILE: PRINT DATE:	REVISIONS:	John R. Kingston - Architect 828 Lane Allen Road Lexington, Kentucky 40504	Fred Burns & Associates 366 Waller Avenue, Suite 104 Lexington, Kentucky 40517	DESCRIPTION: CONCEPT PLAN	SHEET: CDP-1 1 of 2	DATE: PROJECT NO: DRAWING NUMBER:
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KENTUCKY DEPARTMENT OF TRANSPORTATION
 HWY. D.B. 8, PG. 425
 KENTUCKY HIGHWAY 18

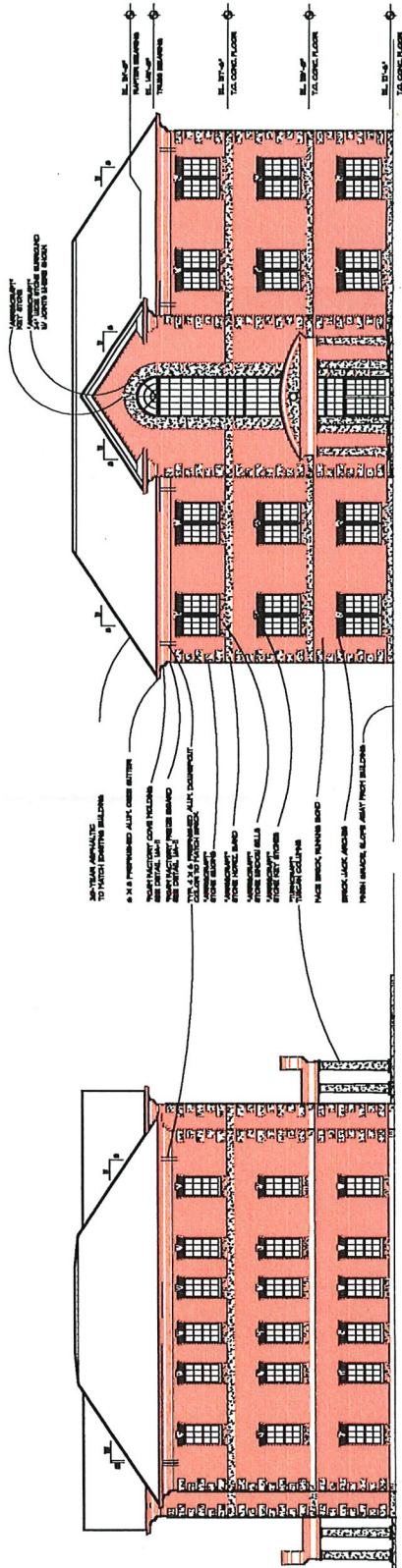


AMMON
 D.B. 252, P.C. 289
 AMMON
 C-3

DAVID
 C-2

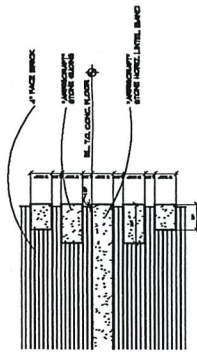


REAR ELEVATION
SCALE: 1/8" = 1'-0"



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

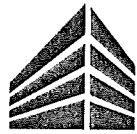
SIDE ELEVATION
SCALE: 1/8" = 1'-0"



TYP. GLIION & LINTEL BAND DETAIL
SCALE: 3/4" = 1'-0"

DESIGNED BY: [Blank] DRAWN BY: JH CHECKED BY: [Blank] FILE: [Blank] PRINT DATE: [Blank]	REVISIONS: [Blank]	Fred Burns & Associates 366 Waller Avenue, Suite 104 Boone County, Kentucky 40517	DESCRIPTION: CONCEPT ELEVATIONS
SCALE: [Blank]	John R. Kingston - Architect 828 Lane Allen Road Lexington, Kentucky 40504	LOTS 2 & 3 KINGSGATE STATION BOONE COUNTY, KENTUCKY	SHEET: CDP-2 2 of 2
		DATE: 08/06/02 PROJECT NO: [Blank] DRAWING NUMBER: [Blank]	

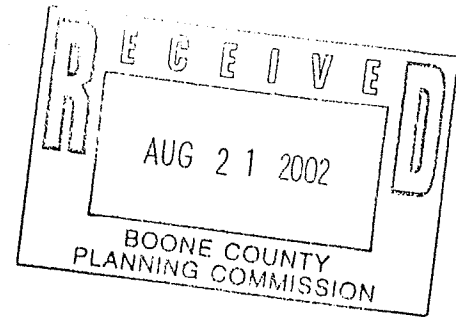
RECEIVE
 AUG - 6 2002
 BOONE COUNTY
 PLANNING COMMISSION



CINTECH CONSTRUCTION, INC.

DESIGN / BUILDING CONSTRUCTION

10 TECH VIEW PLACE · CINCINNATI, OHIO 45215 · 513/563-1991



August 20, 2002

Mr. Todd Morgan, Planner
Boone County Planning & Zoning
2995 Washington Street
Burlington, Kentucky 41005

RE: Change in an Approved Concept Development Plan
Kingsgate Station - Lots 2 & 3
Burlington, Kentucky

Dear Mr. Morgan:

Per our phone conversation this morning, I offer the following information in support of the above referenced "Change in an Approved Concept Development Plan" request.

This request is being made as the Applicant, Fred Burns & Associates, wishes to deviate, as outlined below, from the "Conditions" as recommended by the Boone County Planning Commission and as approved by the Boone County Fiscal Court in Resolution R-01-016-A.

1. Allow Three-Story Building Height Limitation in lieu of a Two-Story Height Limitation

The change in height limitation applies only to Lots 2 & 3.

The Applicant has developed a smaller footprint, three-story building which is intended to accommodate smaller tenants. Each floor level (approximately 4,800 sf in area) will accommodate four (4) tenants with each tenant occupying approximately 1,200 sf.

Building setbacks, landscaped yards and parking requirements are all in compliance with the Boone County Zoning Resolution.

Actual building heights from grade are as follows:

Grade to Truss Bearing / Eave Height	approx. 37' - 0"
Grade to Peak of Roof	approx. 51' - 0"
Mean Elevation of Roof Slope	approx. 44' - 0"

2. Increase Maximum Intensity Permitted to 20,000 sf / Acre in lieu of 15,000 sf / Acre

The Applicant is proposing two, three-story buildings (one on each lot) each with a footprint of 4,800 sf.

The proposed buildings are three stories in height and include a full basement. The grade level floor and the two above-grade level floors (total of 14,400 sf) are intended to be the only occupied levels and fall within the current limitation of 15,000 sf / acre.

The basement level (4,800 sf) is intended to be used for mechanical equipment and storage and is not intended to be occupied on a full time basis. Added to the 14,400 sf of the three occupied levels, the total is 19,200 sf (each building).

3. Waive the Planning Commission Design Review Process for Lots 2 & 3

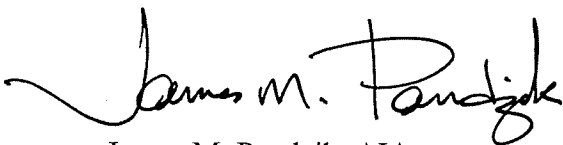
The Applicant has submitted building elevations with his application.

The buildings are "finished" on all four sides and include building materials similar and compatible with the Professional Office/Medical Building on Lot 1.

As it is the intention of the Applicant to construct the buildings as the drawings indicate, the Planning Commission Design Review Process is no longer required.

Mr. Morgan, should you have additional questions or need additional information, please do not hesitate to give me a call. I look forward to a favorable resolution to these issues.

Sincerely,
Cintech Construction, inc.



James M. Pandzik, AIA
VP Marketing & Design

c: Fred Burns, Fred Burns & Associates
Will Korte, Lockland Development Company
Roger Wade, Julian-Mackenzie IV, LLC
Steve Waxman, Julian-Mackenzie IV, LLC

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-01

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST OF FRED BURNS & ASSOCIATES (APPLICANT) FOR JULIAN MACKENZIE, IV, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A PUBLIC FACILITIES (PF) ZONE FOR A 2.127 ACRE TRACT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KY 18 / KINGSGATE DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for a 2.127 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 denial for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for a 2.127 acre tract generally located on the southeast corner of the KY 18 / Kingsgate Drive intersection, Boone County, Kentucky.

WHEREAS, the Boone County Fiscal Court believes that the change in Concept Development Plan **should be approved based upon certain conditions.**

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 approved in a Public Facilities (PF) zone for a 2.127 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 change in an approved Concept Development Plan in a Public Facilities (PF) zone is more particularly described in DEED BOOK 343, PAGE NO. 1 (as supplied by the applicant) as recorded in the Boone County Clerk's office. That this change is subject to the conditions attached hereto as Exhibit A.

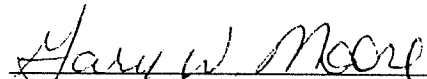
Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-01
SECTION II

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

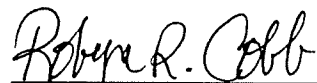
Introduced and given First Reading on the 17th day of December, 2002.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 7th day of January, 2003, 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



BOONE COUNTY ATTORNEY

1-16-03

DATE PUBLISHED

Request of Fred Burns & Associates (applicant) for Julian MacKenzie IV, LLC (owner) for a Change in Concept Development Plan for a 2.127 acre tract located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to modify previous conditions of approval for two outlots.

1. The average height of the proposed office buildings on lots 2 and 3 shall not exceed 44 feet.
2. The architecture and materials of the proposed office buildings will be consistent with the submitted elevation drawings (Exhibit A). A Staff Design Review submittal will be required as part of the Site Plan Review.
3. The maximum building intensity on lots 2 and 3 will be 20,000 square feet (gross floor area) per acre of land.
4. The square footage of any proposed basement will be excluded from the parking requirements. However, these easements will not be permitted to be leased as office space. They will serve as accessory space to the three office floors. They may be used for storage, mechanical equipment, workout rooms, or conference areas.
5. The property owners of the three lots will work with Boone County Fiscal Court, if it is determined that First Financial Drive needs to be realigned with the properties to the east. This could include dedicating additional right-of-way.
6. The front, side, and rear property lines will be screened with Buffer Yard A (see Section 3745 of the Boone County Zoning Regulations).
7. Conditions 3, 5, 8, and 11, from the July 16, 2001 Committee Report, no longer pertain to lots 2 and 3.
8. The property shall be used for office use and accessory uses relating to the office use.

