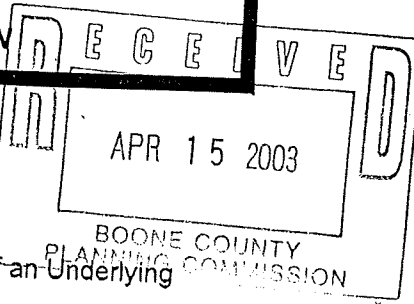


APPLICATION FORM

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 WAFFLE HOUSE
- 3. Location of Project 7673 BURLINGTON PK
- 4. Total Acreage of Site 0.60 AC
- 5. Current Zoning O-2 / PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) RESTAURANT
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? YES w/ This Application
- 11. Are you also applying for:
 - Conditional Use Permit
 - IF READ Dimensional Variance
- 12. Name of Applicant(s) HOWARD WOLF
- Phone Number 513 398 5753 Fax No. 513 398 6015
- 13. Address of Applicant(s) 3989 U.S. 42 South
Lebanon OH 45036
City State Zip
- 14. Name of Property Owner(s) G.M. DUREN Commercial Properties
- Phone Number 1-770-981-6195 Fax No. _____
- 15. Address of Property Owner(s) 1987 FOWLER Rd.
DECATUR GEORGIA 30035
City State Zip
- 16. Are there any existing buildings on the site? YES
How many? ONE
- 17. Deed Book 199 Page No. 464 Group No. 2041
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Howard Wolf (applicant) for G.M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract located at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

May 28, 2003

REQUEST

This application is for Waffle House to completely redevelop its existing site in order to construct a new building with the required parking, circulation and landscape areas.

The applicant is proposing to raise the existing Waffle House restaurant, redefine the access point at Burlington Pike, and build a new facility with adequate parking and landscaping. The only area on the concept plan not meeting the bufferyard requirement is the east side of the building along the rear elevation of the Social Security building where there is an existing keystone retaining wall due to the change in elevation. The existing Waffle House has an approximate 23 foot front yard setback while the proposed building is being shown with a 40 foot front yard setback. The proposed elevations show that brick will be the primary building material on all sides. The existing 30 foot high sign is proposed to remain on the site.

SITE HISTORY

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

Staff is in the process of evaluating the current Parkway Corridor Study.

ADJACENT LAND USES AND ZONING

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

- North: Speedway, Angel Animal Hospital and a vacant auto repair facility (most recently STI Towing) within the Parkway Corridor Study area zoned Commercial Three/Planned Development (C-3/PD).
- East: Social Security Administration and the Skate Park within the Parkway Corridor Study area zoned Public Facilities/Planned Development (PF/PD).
- West: Newly redeveloped TA Truck Stop and vacant lot (formerly Shell Gas Station) within the Parkway Corridor Study area zoned Office Two/Planned Development (O-2/PD).

South: City of Florence Maintenance Garage within the Parkway Corridor Study area zoned Public Facilities/Planned Development (PF/PD).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" (C) uses. This designation is described on page 158 of the Comprehensive Plan as:

- C "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

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

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

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

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

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Designs, Signs, and Historic Preservation," pg. 160).

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. ("Overall," Objective 6).

- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. 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 (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial [Retail and Office] Objective 1).
- J. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood . . . ("Business Activity," Commercial [Retail and Office] Objective 2).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

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

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

The site is located within area "2KY:O2/PD" on the study land use map. The following excerpt describes the area in question.

This parcel is the site of the Union 76 Truck Stop and is currently zoned C3. Its zone change to O2/PD is based upon and is consistent with (a) the plan concept of this report and the policy objective to develop the study area as a business, cultural, and civic center and (b) changing demographic and economic conditions. The site is well situated for office use. It is easily accessible from I-75 and KY 18 as well as from the Parkway. It also enhances the mixed use development of KY 18 in particular and the study area in general.

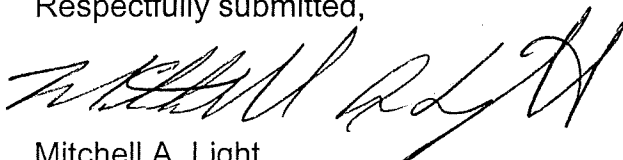
STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments." The Future Land Use Map designates the site as "Commercial."
2. Staff has attached to this report; a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
3. Due to the conceptual nature of the plan, an exhaustive "site plan" type review was not conducted. Therefore, the applicant will need to consider that all normal site plan requirements will need to be met.

CONCLUSION

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

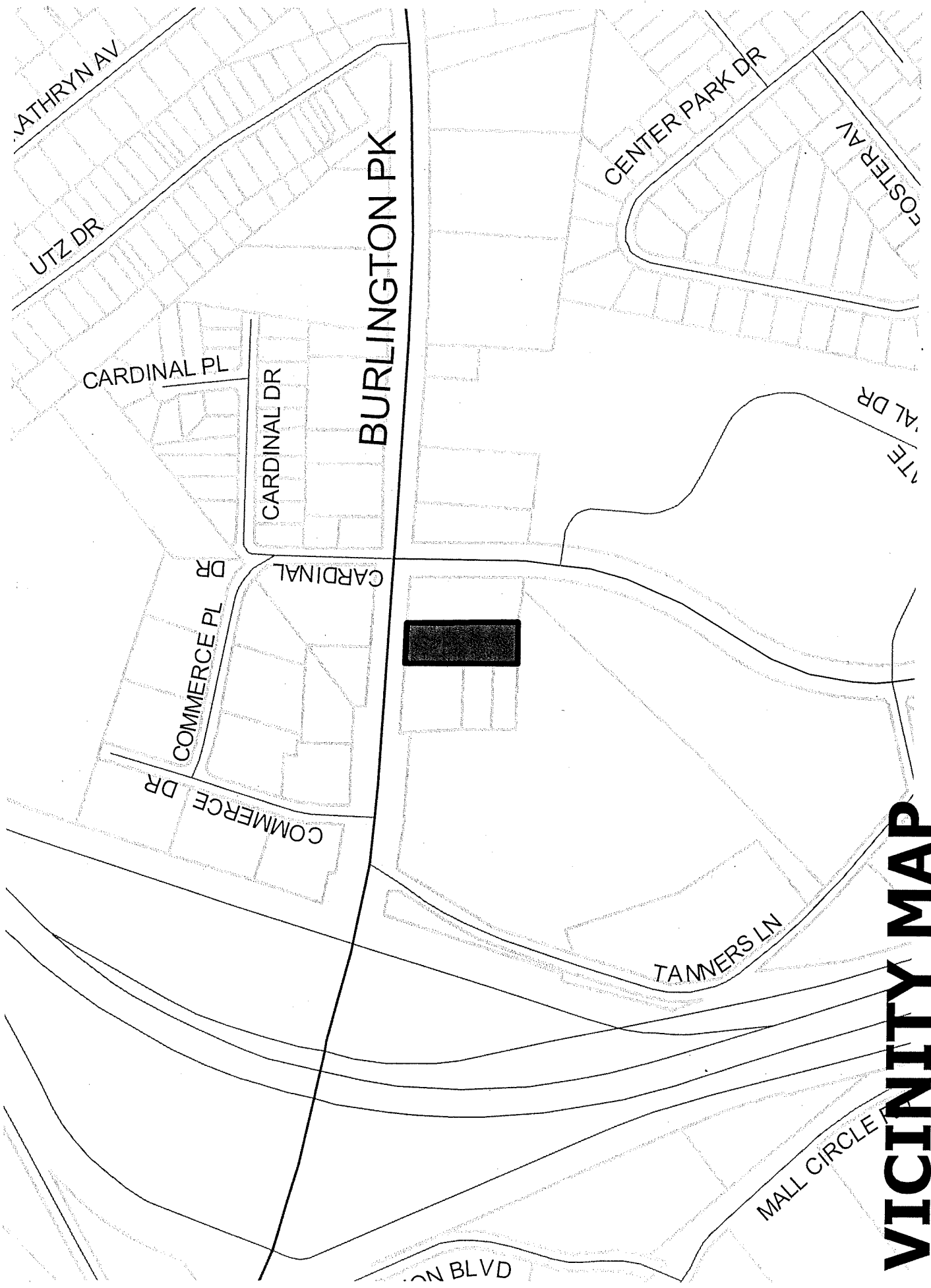
Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

Attachments:

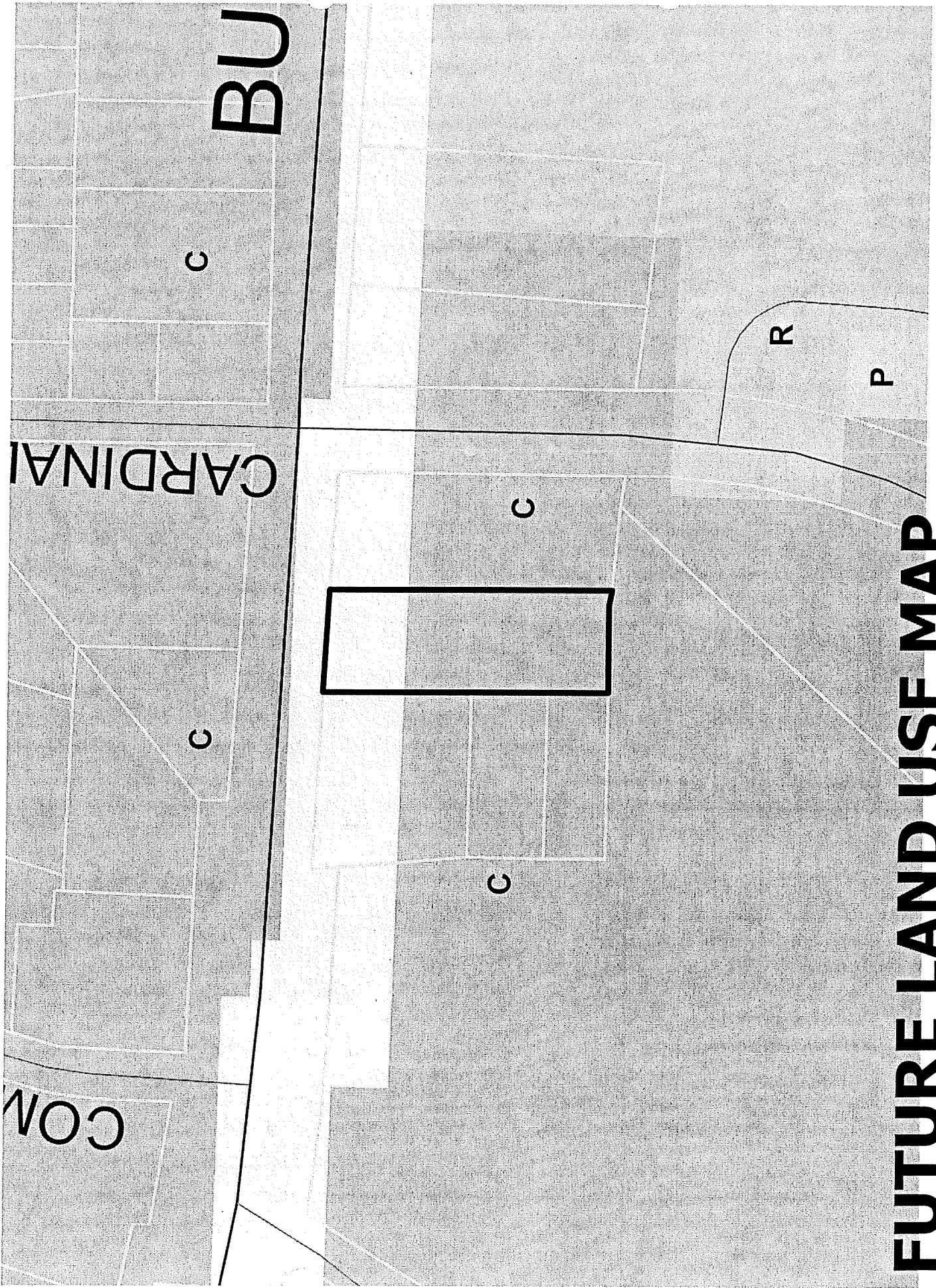
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2002 Aerial Photography
- Existing Site Conditions
- Concept Development Plan
- Proposed Elevations
- Planned Development Standards
- Application



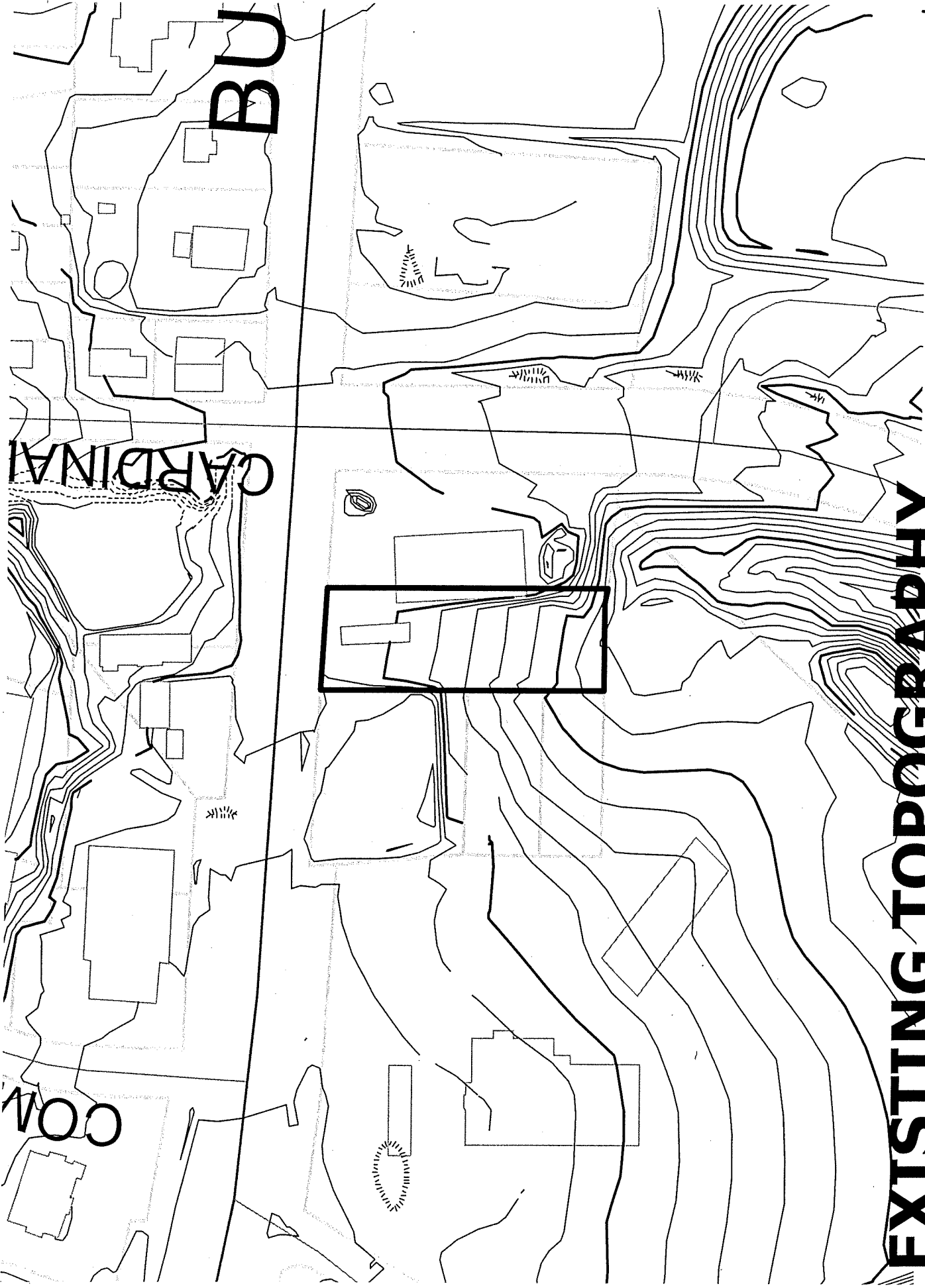
VICINITY MAP



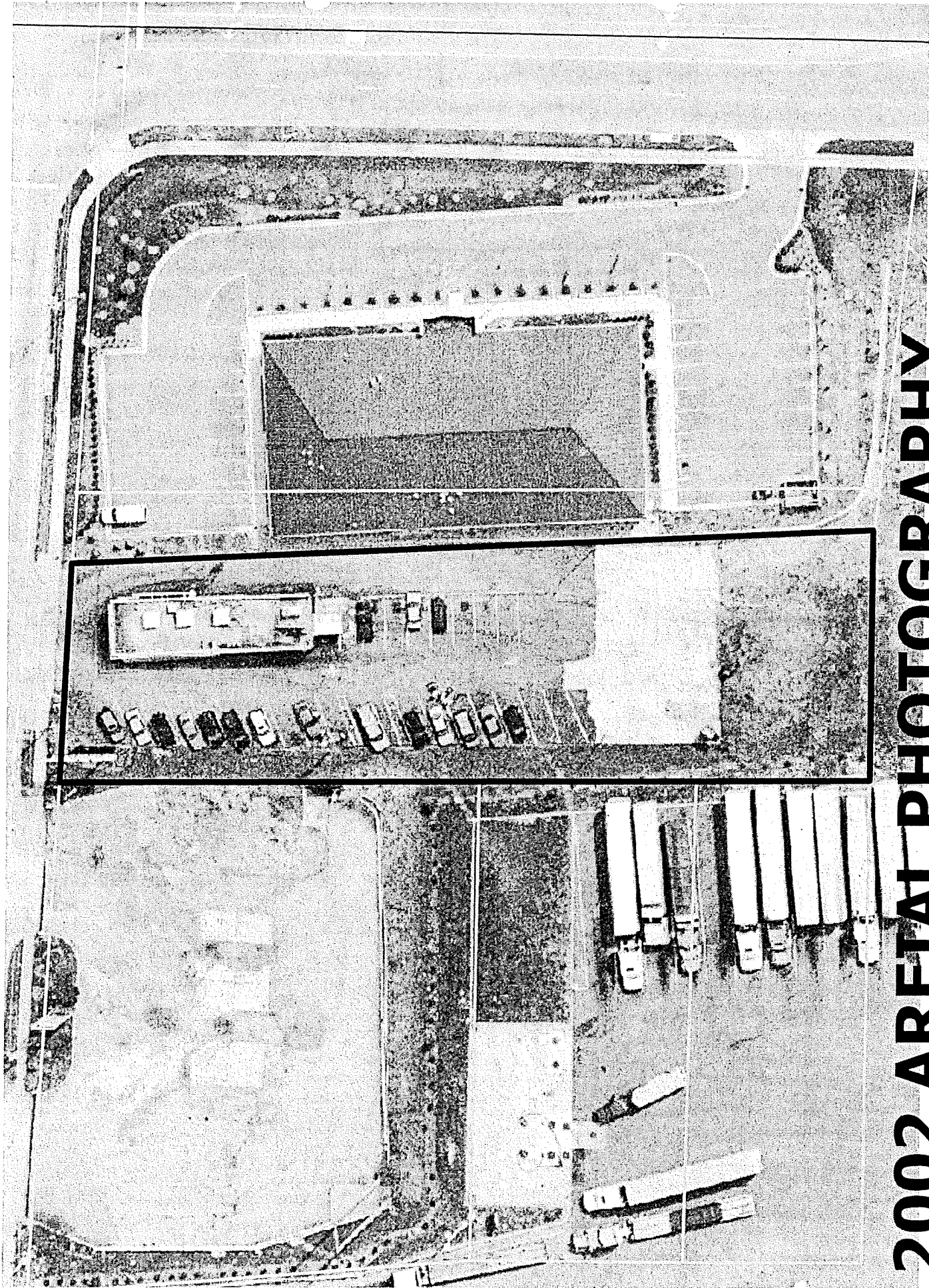
ZONING MAP



FUTURE LAND USE MAP

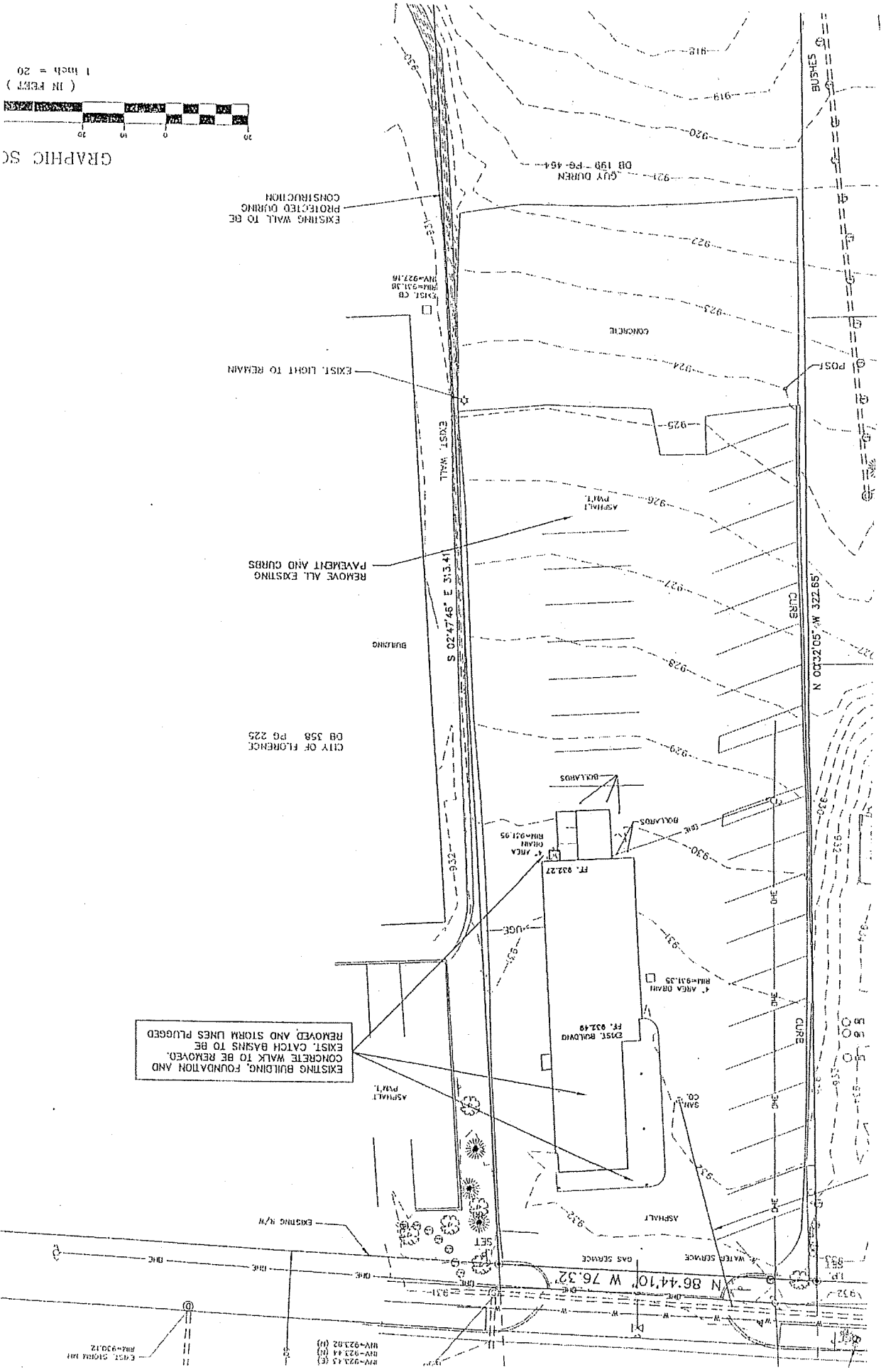


EXISTING TOPOGRAPHY



2002 AREIAL PHOTOGRAPHY

EXISTING SITE CONDITIONS



GRAPHIC SC
1 inch = 20 (IN FEET)

MN-923.43 (E)
 MN-923.44 (E)
 MN-923.02 (E)
 MN-923.12 (E)

SECTION 1514

Planned Development Standards

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

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

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

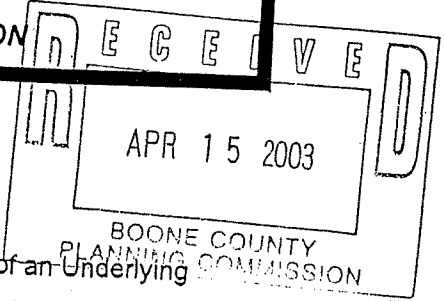
Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

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

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

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 WAFFLE HOUSE
 3. Location of Project 7673 BURLINGTON PK
 4. Total Acreage of Site 0.60 AC
 5. Current Zoning O-2 / PD
 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
 8. Proposed Uses (please specify each use) RESTAURANT
 9. Proposed Building Intensities (please specify) _____
 10. Have you submitted a Concept Development Plan? YES w/this application
 11. Are you also applying for:
 Conditional Use Permit
 IFR 200 Dimensional Variance
 12. Name of Applicant(s) HOWARD WOLF
 Phone Number 513 398 5753 Fax No. 513 398-6015
 13. Address of Applicant(s) 3989 US. 42 South
Lebanon OH 45036
 City State Zip
 14. Name of Property Owner(s) G.M. DUREN Commercial Properties
 Phone Number 1-770-981-6195 Fax No. _____
 15. Address of Property Owner(s) 1987 FOWLER Rd.
DECATUR GEORGIA 30035
 City State Zip
 16. Are there any existing buildings on the site? YES
 How many? ONE
 17. Deed Book 199 Page No. 464 Group No. 2041
 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

Concept Development Plan
Page 2

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

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

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s) *Harold Kelly*
 22. Property Owner's Signature(s) *J M Jensen*

SECTION B (To be completed by BCPC Staff)

1. Date Received 4-15-03 Fee Received \$1371.00 R# 34825
 2. Check what has been submitted:
 - Application Fee _____ Legal Description _____
 - Concept Development Plan _____ Addresses of Adjoining Property Owners _____
 - No. of copies of plan received ** _____
 3. Is application complete? YES YES _____ NO _____
 4. Staff Reviewer HITCH LIGHT
 5. Committee Chairperson _____
 6. Scheduled Public Hearing Date _____
 7. Boone County Planning Commission Action:
 - Approved
 - Approved With Conditions
 - Denied
 8. Other: _____
- ** Five (5) Copies Required

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

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

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. **Applicant:** **Howard Wolf for
G. M. Duren Commercial Properties (owner)**

Request: **Concept Development Plan**

The request of Howard Wolf for G. M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation and review of the Concept Plan (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Howard Wolf with Sharrington Foods and G. M. Duren Commercial Properties, 3989 U.S. 42, Lebanon, Ohio, stated that the building is thirty years old and they need to rehab or rebuild it. He stated that they want to upgrade the site.

The Chairman noted that there was no one else present in the audience. He asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked how much of the building they have to leave to call it a "remodel" and not put in a detention area. Mr. Light responded that they could leave the building in the footprint where it is and remodel it, but Mr. Wall would have to address what the bare minimum is that they would need to leave to call it a "remodel" and not be required to do detention or landscaping.

Mrs. Kegley questioned how close they are to the property line, which could be an issue particularly during construction. She stated that they can pour a driveway up to the property line, but it is going to be difficult to set the brick without going on the adjoining property. Mr. Wolf responded that the brick could be laid from the inside, but it would be difficult. He stated that this is the only way to get the ADA building on the lot. He stated that they wanted another foot for the turning radii and they wanted to move the dumpster back a little for more safety clearance with trucks coming in. Mrs. Kegley asked if they have talked with the neighbor. Mr. Wolf responded that he normally goes and talks to the neighbors and normally there is not a problem – especially if things are put back the way they were.

Mr. Caddell asked if the existing site meets the current standards. Mr. Light responded “no”. Mr. Caddell asked if the building could be set back a little further from KY 18. Mr. Wolf responded that it would hurt visibility and there would be an issue of the sewer drop coming out to the street. There is about 11 inches to work with based on the sewer depth and getting the tanks in the group. The 11 inches is guesswork and not much to work with once they get in the ground. It may not be okay to go back further on the lot because of the length of the fall. He stated that they do not advertise anywhere and their advertising is that the facility looks good. They want to improve this site.

Mr. Breetz asked if the footprint includes the awning. Mr. Wolf responded that the awning is on the porch. There is a five-foot sidewalk and the awning is 4’6” over the sidewalk on the front side. The one on the back will have to be eliminated. Mr. Wolf reviewed the elevation detail with Mr. Breetz and reviewed the Power Point slide with the Commissioners. Mr. Breetz stated that he is concerned about the awning overhang and the roof. Mr. Wolf indicated where the overhang will end. He stated that the three windows shown will not be there. Mr. Light asked that the applicant provide the Committee with revised elevations. Mr. Wolf agreed. Mr. Breetz stated that the exhaust is on the east side of the building and close to the property line. Mr. Wolf responded that the exhaust is on the roof over the grill and they cannot move it. Mr. Light stated that the exhaust sticks out of the wall. Mr. Breetz questioned the fire code in regard to the exhaust being so close to the property line. Mr. Wolf responded that he has done two or three of them with firewalls, but he does not know what the regulations area. He stated that it is a welded duct and totally enclosed and he believes it meets the fire code. Mr. Costello stated that Staff can check it with the Building Department.

Mr. Newman asked if the building is the original facility. Mr. Wolf responded that this was Facility #161 and they are now at Facility #1565. This is one of the earliest facilities and they are required to update it after thirty years. He stated that the easiest way to update is to tear it down. He stated that this building would be of “superbrick” like the facility in Lexington.

Mr. Bunger asked that information be provided to the Committee regarding the depth of buffer yards and the design for the buffering. Mr. Wolf responded that he will provide the landscaping information to the Committee.

Mr. Caddell asked the applicant to bring to information to the Committee regarding the signage. He stated that the existing free-standing sign is huge and there is "Waffle House" on three sides of the building. It seems like gross signage compared to what is going on in the area. Mr. Light stated that he will provide information to the Committee regarding what signage is allowed and what they are showing. Mr. Costello asked if there is any movement towards updating their sign design. Mr. Wolf responded that they have a new sign, but they like it to be thirty feet or higher. They have a Pena flex (totally enclosed sign lighted from within) sign in which is twenty feet high.

Mr. Costello asked if they looked at the property next door which has more exposure and is closer to the interstate. Mr. Wolf responded that it has environmental problems and they test their property to make sure it does not bleed over.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 4, 2003 at 5:00 PM in Courtroom 3A. Mrs. Kegley will be the Committee chairperson. This item will be on the Agenda for the Business Meeting on June 18, 2003 at 7:30 PM.

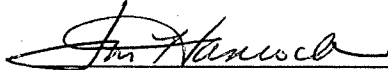
The Chairman closed this Public Hearing at 8:50 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
June 25, 2003
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Hicks stated that the Commissioners received copies of the Minutes of the May 28, 2003 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Wilson moved that they be approved as distributed at the June 4, 2003 Business Meeting. Mr. Reynolds seconded the motion and it carried unanimously.

Chairman Hicks stated that the Commissioners received copies of the Minutes of the June 4, 2003 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 and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. **Uniform Application for Wireless Telecommunications Facility**

The request of Mona Couch, Land Acquisition Services, LLC for SprintCom, Inc. (applicant) for William Rudicill (owner) for a Uniform Application for a wireless telecommunications facility at 5868 River Road, Boone County, Kentucky.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings that no collocation opportunities would achieve the coverage objectives and the proposed tower would be located in a preferred zoning district (I-3), subject to conditions (see Committee Report).

There being no discussion, **Mrs. Wilson moved that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.**

2. **Concept Development Plan**

The request of Howard Wolf (applicant) for G. M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report).

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

Mr. Caddell stated that he was out of town for the meeting. He stated that the request pertains only to the free-standing sign and asked if there was further input at

the Zone Change Committee regarding the building-mounted signage. Mr. Light responded that there is signage on three faces of the building which is under the amount of signage allowed and they are proposing the same square footage of building-mounted signage. He stated that the free-standing sign is being reduced down to 100 square feet in size and is more in line with what would be approved if the site was not yet developed.

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

3. **Technical Design Review - Hooters Restaurant
Lot #2 Behrens Park, Houston Road**

Staff Member Kevin Wall passed around drawings of the proposed one-story restaurant at the corner of Houston Road and Bankers Street. The building will be just under 5,000 square feet in total and approximately 18 feet high. It will be a brick structure with a green metal roof canopy. Mr. Wall showed the Commissioners samples of the brick, which agrees with the pallet in the out-of-court settlement. He also showed the Commissioners a sample of the light brick for detailing. There may be a darker color brick on the lower area. The Committee wanted to leave the final color to the developer. He presented samples of the roof colors and noted that the Committee preferred the true green. Mr. Wall reviewed the proposed signage package which includes a monument style sign and two building-mounted signs. The only issue was that the freestanding sign has an orange cap. A condition of approval is that the cap be the same color as the roof material.

Mr. Costello questioned outdoor seating. Mr. Wall responded that there is an outdoor patio area with seating. Mr. Costello questioned a Site Plan. Mr. Wall responded that the Site Plan is expected to be submitted on Monday. Mr. Costello clarified that this site is north of the new Connector Road that goes from the K-Mart shopping center to Houston Road.

Mrs. Wilson asked if there will be a railing outside with the outdoor seating. Mr. Wall responded "yes" and reviewed the building elevations with her noting the brick columns and railing. He stated that all of the seating is behind the railing and under the roof. The applicant advised that it is a wrought iron railing. Mr. Wall stated that the applicant was very cooperative in meeting the guidelines of the out-of-court settlement.

At this time, **Mr. Schwenke moved that the request be approved based on the Committee Report. Mr. Reynolds seconded the motion.**

Mr. Caddell stated that when the Development Plan was approved several years ago, one of the conditions of approval was that the large billboard would come down. Mr. Wall read the condition of approval that "the existing billboard sign on Lot 1 shall be permanently removed", but noted that the condition does not talk about timing. He stated that when the site develops, the billboard will come down.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 25, 2003

RE: Request of Howard Wolf (applicant) for G.M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract located at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced request based upon 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 Land Use Element of the 2000 Boone County Comprehensive Plan states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Florence Central" area, pg. 162) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.

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

CONDITIONS

1. The property owner agrees that a minimum building setback of 5' will be provided on the east property line in order to allow for adequate buffering.
2. The property owner agrees that the dumpster enclosure will be constructed of like materials (brick, masonry unit, etc.) to that of the building.
3. The property owner agrees to reduce the height of the existing freestanding sign to 20 feet with a maximum of 100 square feet of sign area.

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

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: **Howard Wolf for
G. M. Duren Commercial Properties (owner)**

Request: **Concept Development Plan**

The request of Howard Wolf for G. M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation and review of the Concept Plan (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Howard Wolf with Sharrington Foods and G. M. Duren Commercial Properties, 3989 U.S. 42, Lebanon, Ohio, stated that the building is thirty years old and they need to rehab or rebuild it. He stated that they want to upgrade the site.

The Chairman noted that there was no one else present in the audience. He asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked how much of the building they have to leave to call it a "remodel" and not put in a detention area. Mr. Light responded that they could leave the building in the footprint where it is and remodel it, but Mr. Wall would have to address what the bare minimum is that they would need to leave to call it a "remodel" and not be required to do detention or landscaping.

Mrs. Kegley questioned how close they are to the property line, which could be an issue particularly during construction. She stated that they can pour a driveway up to the property line, but it is going to be difficult to set the brick without going on the adjoining property. Mr. Wolf responded that the brick could be laid from the inside, but it would be difficult. He stated that this is the only way to get the ADA building on the lot. He stated that they wanted another foot for the turning radii and they wanted to move the dumpster back a little for more safety clearance with trucks coming in. Mrs. Kegley asked if they have talked with the neighbor. Mr. Wolf responded that he normally goes and talks to the neighbors and normally there is not a problem – especially if things are put back the way they were.

Mr. Caddell asked if the existing site meets the current standards. Mr. Light responded “no”. Mr. Caddell asked if the building could be set back a little further from KY 18. Mr. Wolf responded that it would hurt visibility and there would be an issue of the sewer drop coming out to the street. There is about 11 inches to work with based on the sewer depth and getting the tanks in the group. The 11 inches is guesswork and not much to work with once they get in the ground. It may not be okay to go back further on the lot because of the length of the fall. He stated that they do not advertise anywhere and their advertising is that the facility looks good. They want to improve this site.

Mr. Breetz asked if the footprint includes the awning. Mr. Wolf responded that the awning is on the porch. There is a five-foot sidewalk and the awning is 4’6” over the sidewalk on the front side. The one on the back will have to be eliminated. Mr. Wolf reviewed the elevation detail with Mr. Breetz and reviewed the Power Point slide with the Commissioners. Mr. Breetz stated that he is concerned about the awning overhang and the roof. Mr. Wolf indicated where the overhang will end. He stated that the three windows shown will not be there. Mr. Light asked that the applicant provide the Committee with revised elevations. Mr. Wolf agreed. Mr. Breetz stated that the exhaust is on the east side of the building and close to the property line. Mr. Wolf responded that the exhaust is on the roof over the grill and they cannot move it. Mr. Light stated that the exhaust sticks out of the wall. Mr. Breetz questioned the fire code in regard to the exhaust being so close to the property line. Mr. Wolf responded that he has done two or three of them with firewalls, but he does not know what the regulations area. He stated that it is a welded duct and totally enclosed and he believes it meets the fire code. Mr. Costello stated that Staff can check it with the Building Department.

Mr. Newman asked if the building is the original facility. Mr. Wolf responded that this was Facility #161 and they are now at Facility #1565. This is one of the earliest facilities and they are required to update it after thirty years. He stated that the easiest way to update is to tear it down. He stated that this building would be of “superbrick” like the facility in Lexington.

Mr. Bunger asked that information be provided to the Committee regarding the depth of buffer yards and the design for the buffering. Mr. Wolf responded that he will provide the landscaping information to the Committee.

Mr. Caddell asked the applicant to bring to information to the Committee regarding the signage. He stated that the existing free-standing sign is huge and there is "Waffle House" on three sides of the building. It seems like gross signage compared to what is going on in the area. Mr. Light stated that he will provide information to the Committee regarding what signage is allowed and what they are showing. Mr. Costello asked if there is any movement towards updating their sign design. Mr. Wolf responded that they have a new sign, but they like it to be thirty feet or higher. They have a Pena flex (totally enclosed sign lighted from within) sign in which is twenty feet high.

Mr. Costello asked if they looked at the property next door which has more exposure and is closer to the interstate. Mr. Wolf responded that it has environmental problems and they test their property to make sure it does not bleed over.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on June 4, 2003 at 5:00 PM in Courtroom 3A. Mrs. Kegley will be the Committee chairperson. This item will be on the Agenda for the Business Meeting on June 18, 2003 at 7:30 PM.

The Chairman closed this Public Hearing at 8:50 PM.

APPROVED:

Mark Hicks, Chairman

Attest:

Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 4, 2003

RE: Request of Howard Wolf (applicant) for G.M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.6 acre tract located at 7673 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

REMARKS:

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

Janet Kegley, Chairwoman

For Project ___ Absent
Against Project ___
Abstain ___ Deferred ___

Greg Breetz *Greg Breetz*

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Bunger
Kim Bunger

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Arnold Caddell

For Project ___ Absent
Against Project ___
Abstain ___ Deferred ___

Susan Poston
Susan Poston

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Randy Barlow
Randy Barlow (Alternate)*

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Charlie Reynolds (Alternate)*

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

TOTAL: ___ DEFERRED 4 FOR PROJECT 2 ABSENT
___ AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2985 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

June 11, 2003

Mr. Howard Wolf
Sherrington Foods, Inc.
3988 US 42
Lebanon, OH 45036

RE: Request of Howard Wolf (applicant) for G.M. Duren Commercial Properties (owner) for a Concept Development Plan for a 0.8 acre tract located at 7873 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone.

Dear Mr. Wolf:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If the property owner is in agreement with the following conditions, please indicate so by having the property owner sign in the space provided on the bottom of the page. Please return this signed letter to the Boone County Planning Commission office by June 20, 2003.

Conditions

1. The property owner agrees that a minimum building setback of 5' will be provided on the east property line in order to allow for adequate buffering.
2. The property owner agrees that the dumpster enclosure will be constructed of like materials (brick, masonry unit, etc.) to that of the building.
3. The property owner agrees to reduce the height of the existing freestanding sign to 20 feet with a maximum of 100 square feet of sign area.

Sincerely,

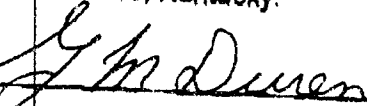
Mitchell A. Light
Asst. Zoning Administration Officer

MAL/pr

Mr. Howard Wolf
Sherrington Foods, Inc.
June 11, 2003
Page 2

I, G.M. Duren, hereby agree to the listed conditions of approval for a Concept Development Plan to allow the redevelopment of the site to permit a restaurant in an Office Two/Planned Development (O-2/PD) zone for a 0.6 acre tract located at 7673 Burlington Pike, Florence, Kentucky.

Mr. G.M. Duren



6-13-03

Date

BOOK 9 PAGE 287

TD 11-37
Rev. 11-73

Page 1 of 1

Sheet 1 of _____

DEED OF CONVEYANCE

Written by PDB

Checked by DRB

PARCEL NO. 3

THIS DEED, between Guy M. Duren and wife, Geraldine P. Duren

_____ part ies of the first part, and the Commonwealth of Kentucky for the use and benefit of the Department of Transportation, party of the second part.

WITNESSETH: That the said part ies of the first part, in consideration of \$ 13,000.00 cash in hand paid, the receipt of which is hereby acknowledged, has bargained and sold and does hereby sell, grant and convey to the party of the second part, its successors and assigns forever, the following described property, viz:

A parcel of land lying and being in Boone County, Kentucky and being a portion of the same tract of land conveyed to the part ies of the first part by Charles M. Land & Tinnie A. Land, H&W by deed bearing date of 10th day of August, 1972 which is duly recorded in Deed Book No. 199 at page 464 in the office of the County Court Clerk of Boone County, Kentucky, said parcel being described as follows:

Group # 2041

A said tract of land lying and being in the city of Florence, Boone County, Kentucky and being on the south side of existing KY 18 and west of the intersection of KY 18 and Cardinal Drive and being more particularly described as follows:

Beginning at a point in the center of existing KY 18, also being a point in the westerly property line, said point being 4.3 feet left of proposed KY 18' centerline Station 9+95.2; thence along said existing centerline S 89° 01' 07" E, 74.23 feet to a point in the easterly property line, said point being 7.2 feet left of proposed centerline Station 10+69.4; thence along said property line S 02° 48' 00"E, 57.54 feet to a point in the proposed right of way line, crossing proposed centerline at Station 10+70.2, said point being 50.0 feet right of Station 10+75.5; thence along said proposed right of way line N 86° 44' 10" W, 76.32 feet to a point in the westerly property line, said point being located 50.0 feet right of Station 9+99.1; thence along said property line N 00° 52' 26" W, 54.4 feet, crossing said proposed centerline at Station 9+95.5, to the point of beginning.

The property described above contains 4,201 square feet, more or less, of which 2,225 square feet is existing right of way and 1,976 square feet if new right of way to be acquired.

It is understood by the parties hereto and made a covenant herein that Parcel No. 3 described above is conveyed in fee simple.

(A)

Also a parcel of land lying on the south side of and adjacent to Parcel No. 3 and being more particularly described as follows:

BOOK 9 PAGE 288

Sheet 2 of

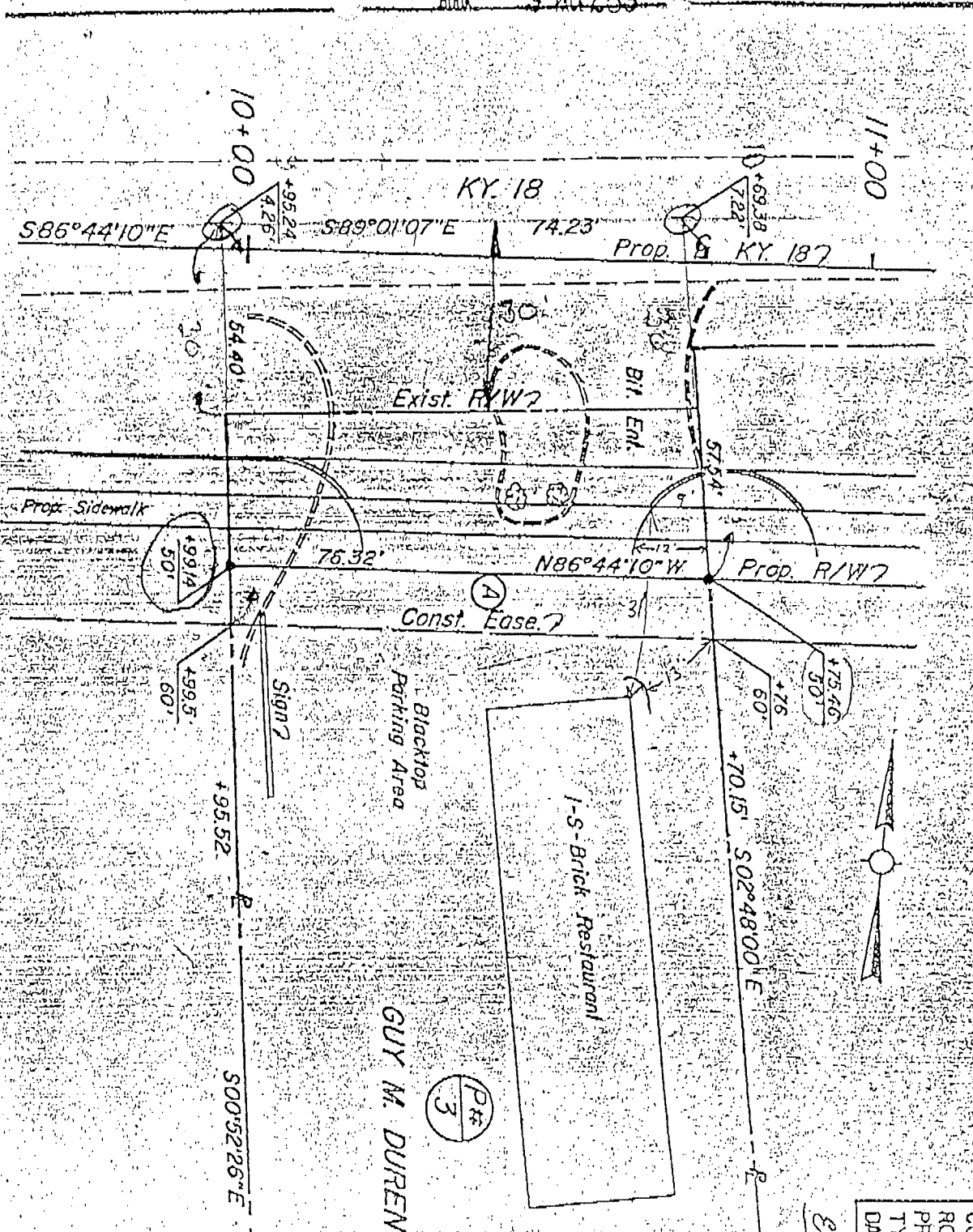
Beginning at a point in the westerly property line, also being a point in the proposed right of way line, said point being 50 feet right of proposed KY 18 centerline Station 9+99.1; thence along said proposed right of way line to a point in the easterly property line, said point being 50 feet right of Station 10+75.5; thence along said property line to a point 60 feet right of Station 10+76; thence along a line in the northwesterly direction to a point in the westerly property line, said point being 60 feet right of Station 9+99; thence along said property line to the point of beginning.

The property described above contains 765 square feet, more or less.

It is the specific intention of the grantors herein to convey a construction easement to the property described above for the purpose of roadway and entrance construction, said easement reverts and terminates upon completion of same.

The acquisition of the right of way of this project was authorized by the Kentucky Bureau of Highways Official Order No. 82667. The control of access on this project and access to the remaining property of the first party shall be by permit, as required to be set forth in Section 5. of the Kentucky Administrative Regulations, (603 KAR 5:010).

APPROVED AND FORWARDED
[Signature]
APRIL 15 2003
P. O. BOX 400
COVINGTON, KY



ROAD NAME: KY 18
PROJECT NO.: S5901 / SP8-4150-
TYPE CONTROL: By Permit
DATE:

Exhibit A

Handwritten calculations:

$$\frac{248}{57.54} = 4.31$$

$$\frac{352}{54.42} = 6.45$$

$$\frac{1.62}{0.162} = 10$$

| | |
|-----------------|---------------|
| Exist. R/W | 2,225 sq. ft. |
| New R/W | 1,976 sq. ft. |
| R/W Acquired | 4,201 sq. ft. |
| Const. Esm. (A) | 765 sq. ft. |

SCALE: 1" = 20'

ORDINANCE NO. 0-18-03

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR A 0.6 ACRE TRACT LOCATED AT 7673 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW THE REDEVELOPMENT OF THE SITE TO PERMIT A RESTAURANT. (WAFFLE HOUSE)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a concept development plan for a 0.6 acre tract located at 7673 Burlington Pike, Florence, Kentucky, to allow the redevelopment of the site to permit a restaurant, and

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

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

SECTION I

That the concept development plan for the property described above shall be and is hereby approved to allow redevelopment for a restaurant, subject to the concept development plan and other agreed conditions. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect the approval of this concept development plan for this subject property.

SECTION II

The approval of this concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan which are incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-03-012-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which are part of the Commission's Resolution No. R-03-012-A.

SECTION IV

In addition to the conditions described in Section II above, this concept development plan approval is also subject to the Special Conditions which are attached hereto as Exhibit "B" which have been agreed to by the applicant and owner.

SECTION V

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

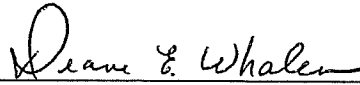
SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 19 DAY OF August, 2003.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26 DAY OF August, 2003.

APPROVED:



MAYOR

ATTEST:


CITY CLERK

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-18-03

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-18-03 on August 26, 2003. The title of this Ordinance is as follows:

ORDINANCE NO. 0-18-03

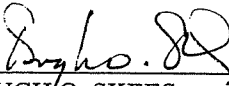
AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR A 0.6 ACRE TRACT LOCATED AT 7673 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW THE REDEVELOPMENT OF THE SITE TO PERMIT A RESTAURANT. (WAFFLE HOUSE)

The effect of this Ordinance is to approve a concept development plan which will allow redevelopment of the site for a restaurant. This Ordinance does not change the zoning of the site, but approves a concept development plan to utilize this site based on current zoning.

The full text of Ordinance No. 0-18-03, including its Exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-18-03 and that it has been prepared by me on the 15th day of August, 2003, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41042-0756
Phone: (859) 371-7407

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF HOWARD WOLF (APPLICANT) FOR GM DUREN COMMERCIAL PROPERTIES (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR A 0.6 ACRE TRACT LOCATED AT 7673 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW THE REDEVELOPMENT OF THE SITE TO PERMIT A RESTAURANT.


The Committee met in a special meeting on July 22, 2003, at the Florence Government Center Building to consider Resolution No. R-03-012-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined that the City should accept the recommendation for approval based upon the record before the Boone County Planning Commission, and the application should be approved based upon the Findings of Fact for Approval which are attached hereto as Exhibit "A" and subject to the Special Conditions which are attached hereto as Exhibit "B".

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the City should accept the recommendation for approval from the Boone County Planning Commission and the application should be approved based upon the Findings of Fact for approval attached hereto as Exhibit "A" and subject to the Special Conditions attached hereto as Exhibit "B".

MEMBERS OF THE COMMITTEE:



JULIE METZGER



DALE STEPHENS

FINDING OF FACT FOR APPROVAL

1. The request is in general agreement with the 2000 Boone County Comprehensive Plan. A mixing of uses in the City of Florence can be accommodated and the existing residential communities can be protected if proper buffers and design are incorporated into the developments.
2. The proposal is in agreement with the text of the Land Use Element ("Florence Central" Area, page 162) as it relates to this request.
3. The proposal, in conjunction with the Agreed Conditions set forth in Exhibit "B" demonstrate agreement with the Land Use Elements future Land Use Development Guidelines as well as the applicable Goals and Objectives.
4. The request reasonably agrees with the Parkway Corridor Study as it relates to this request.
5. The request, along with the Agreed Conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
6. The conditions set forth in Exhibit "B" are necessary to achieve consistency with the specific goals, objectives and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the Zoning Regulations. The property owner has signed a letter demonstrating agreement with these conditions.

Exhibit "A"

SPECIAL CONDITIONS

IN RE: REPORT AND RECOMMENDATION - REQUEST OF HOWARD WOLF (APPLICANT) FOR GMDUREN COMMERCIAL PROPERTIES (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR A 0.6 ACRE TRACT LOCATED AT 7673 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW THE REDEVELOPMENT OF THE SITE TO PERMIT A RESTAURANT.

1. The property owner agrees that a minimum building setback of 5 feet will be provided on the east property line in order to allow for adequate buffering.

2. The property owner agrees that the dumpster enclosure will be constructed of like materials (brick, masonry unit, etc.) to that of the building.

3. The property owner agrees to reduce the height of the existing free-standing sign to 20 feet with a maximum of 100 square feet of sign area.

4. The property owner agrees that any building mounting signage will comply with all applicable signage regulations.

5. The property owner agrees to meet all applicable landscaping requirements with the exception of the width requirements as they apply to the east and west property line on the site.

6. The property owner agrees that the supporting structure of the free-standing sign shall be architecturally similar in texture and color to that of the building.

SPECIAL CONDITIONS

IN RE: REPORT AND RECOMMENDATION - REQUEST OF HOWARD WOLF (APPLICANT) FOR GMDUREN COMMERCIAL PROPERTIES (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR A 0.6 ACRE TRACT LOCATED AT 7673 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW THE REDEVELOPMENT OF THE SITE TO PERMIT A RESTAURANT.

1. The property owner agrees that a minimum building setback of 5 feet will be provided on the east property line in order to allow for adequate buffering.
2. The property owner agrees that the dumpster enclosure will be constructed of like materials (brick, masonry unit, etc.) to that of the building.
3. The property owner agrees to reduce the height of the existing free-standing sign to 20 feet with a maximum of 100 square feet of sign area.
4. The property owner agrees that any building mounting signage will comply with all applicable signage regulations.
5. The property owner agrees to meet all applicable landscaping requirements with the exception of the width requirements as they apply to the east and west property line on the site.
6. The property owner agrees that the supporting structure of the free-standing sign shall be architecturally similar in texture and color to that of the building.

I, G.M. Duren hereby agree to the conditions of approval placed on this project by the Boone County Planning Commission as contained in their Committee Report marked Exhibit B as approved by that body on June 25, 2003, and to the Special Conditions of Approval placed on this project by the City of Florence as setout below:

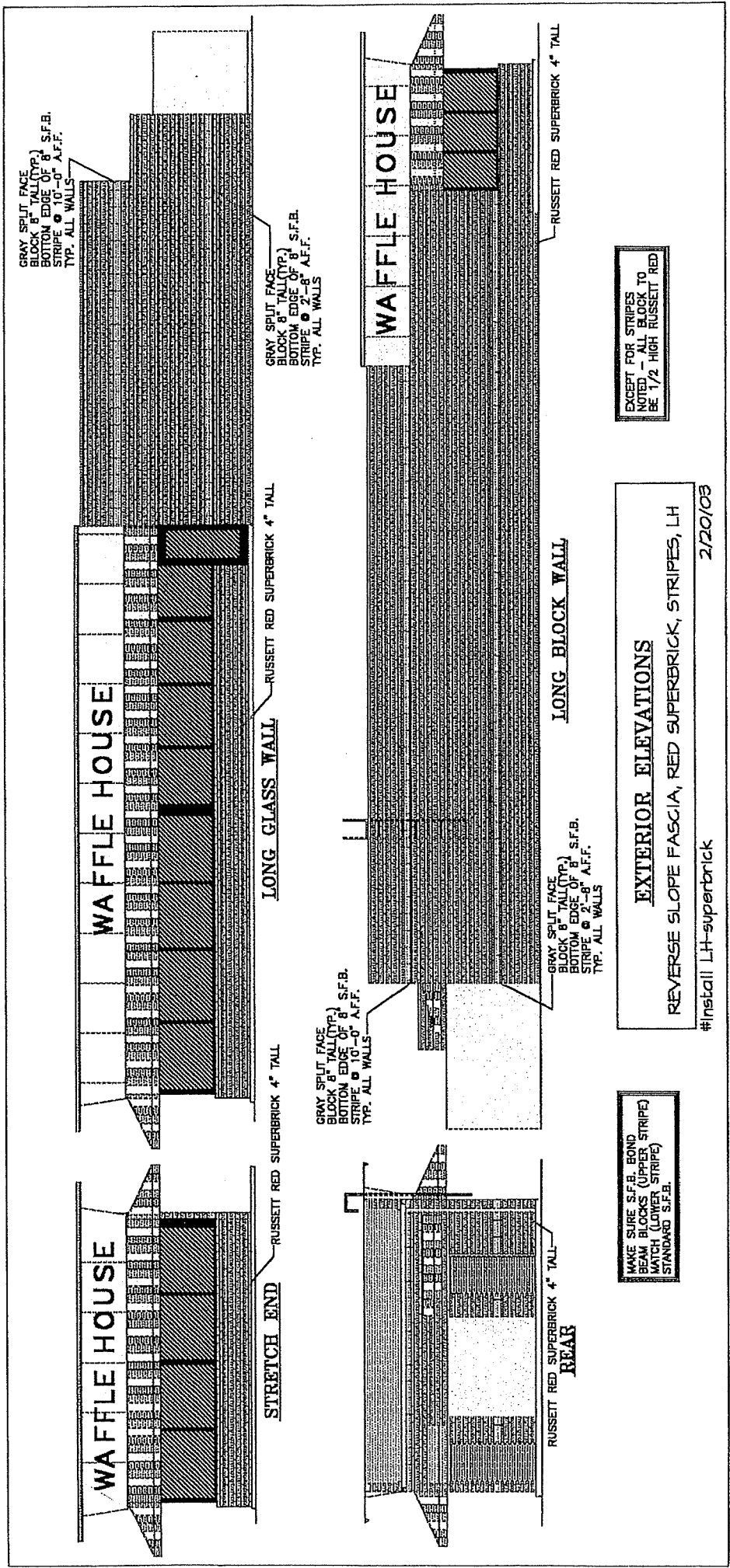
1. The property owner agrees that any building mounted signage will comply with all applicable signage regulations.
2. The property owner agrees to meet all applicable landscaping requirements with the exception of the width requirements as they apply to the east and west property line on the site.
3. The property owner agrees that the supporting structure of the free-standing sign shall be architecturally similar in texture and color to that of the building.

Signed:

G.M. Duren

G M Duren 7-30-03
Date

Saved:ownercondition



GRAY SPLIT FACE
BLOCK 8" TALL (TYP.)
BOTTOM EDGE OF 8" S.F.B.
STRIPES @ 10'-0" A.F.F.
TYP. ALL WALLS

GRAY SPLIT FACE
BLOCK 8" TALL (TYP.)
BOTTOM EDGE OF 8" S.F.B.
STRIPES @ 2'-8" A.F.F.
TYP. ALL WALLS

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STRIPES @ 2'-8" A.F.F.
TYP. ALL WALLS

EXCEPT FOR STRIPES
NOTED - ALL BLOCK TO
BE 1/2 HIGH RUSSETT RED

EXTERIOR ELEVATIONS
REVERSE SLOPE FASCIA, RED SUPERBRICK, STRIPES, LH
2/20/03

MAKE SURE S.F.B. BOND
BEAM BLOCKS (UPPER STRIPES)
MATCH (LOWER STRIPES)
STANDARD S.F.B.

#Install LH-superbrick

WAFFLE HOUSE

LONG GLASS WALL - RUSSETT RED SUPERBRICK 4" TALL

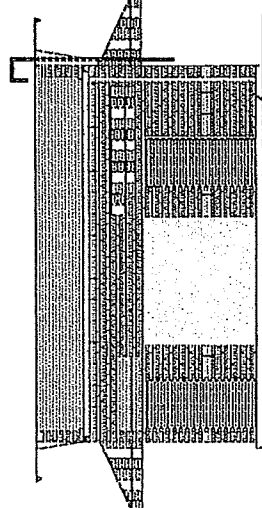
WAFFLE HOUSE

LONG BLOCK WALL

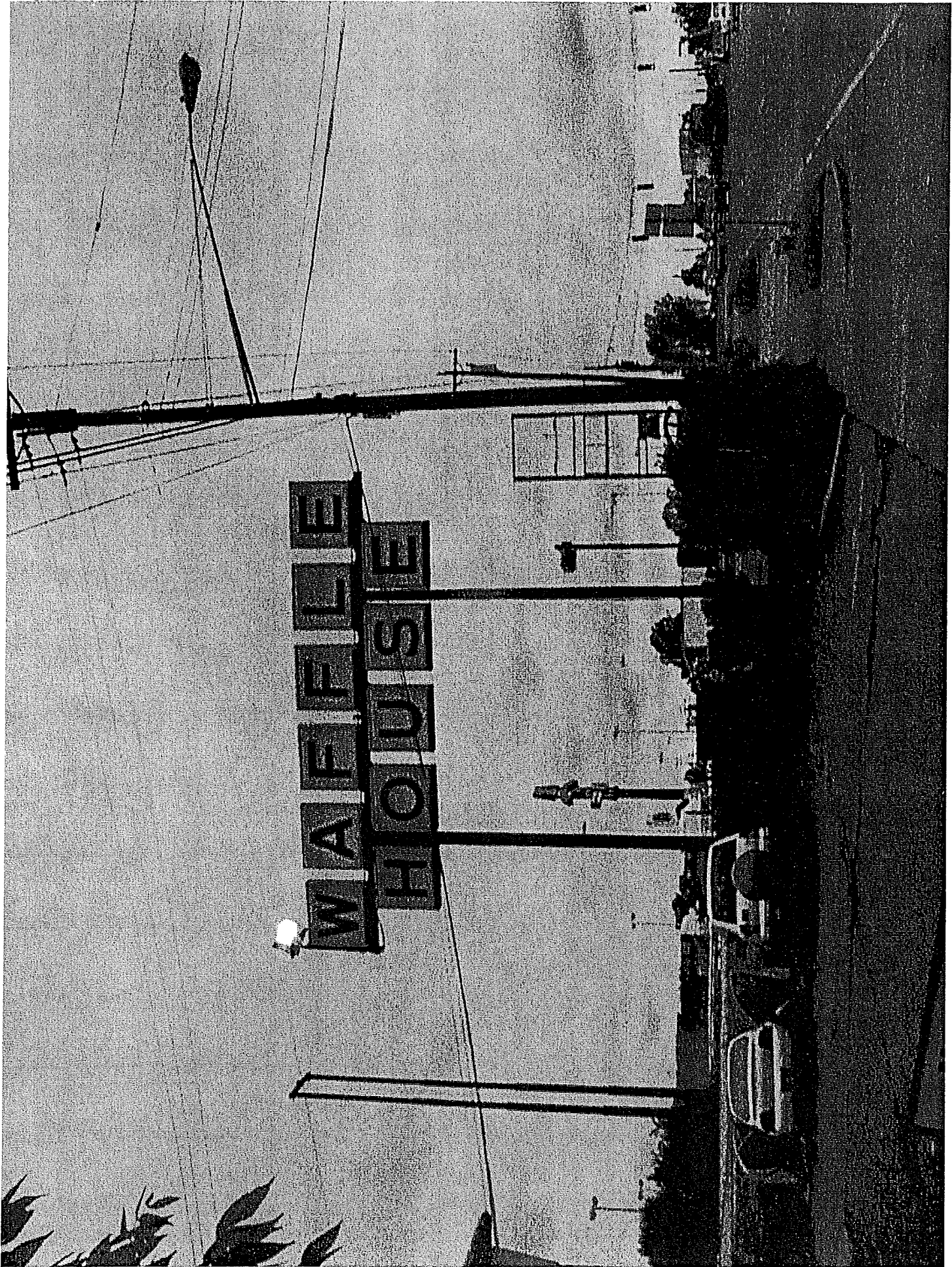
RUSSETT RED SUPERBRICK 4" TALL

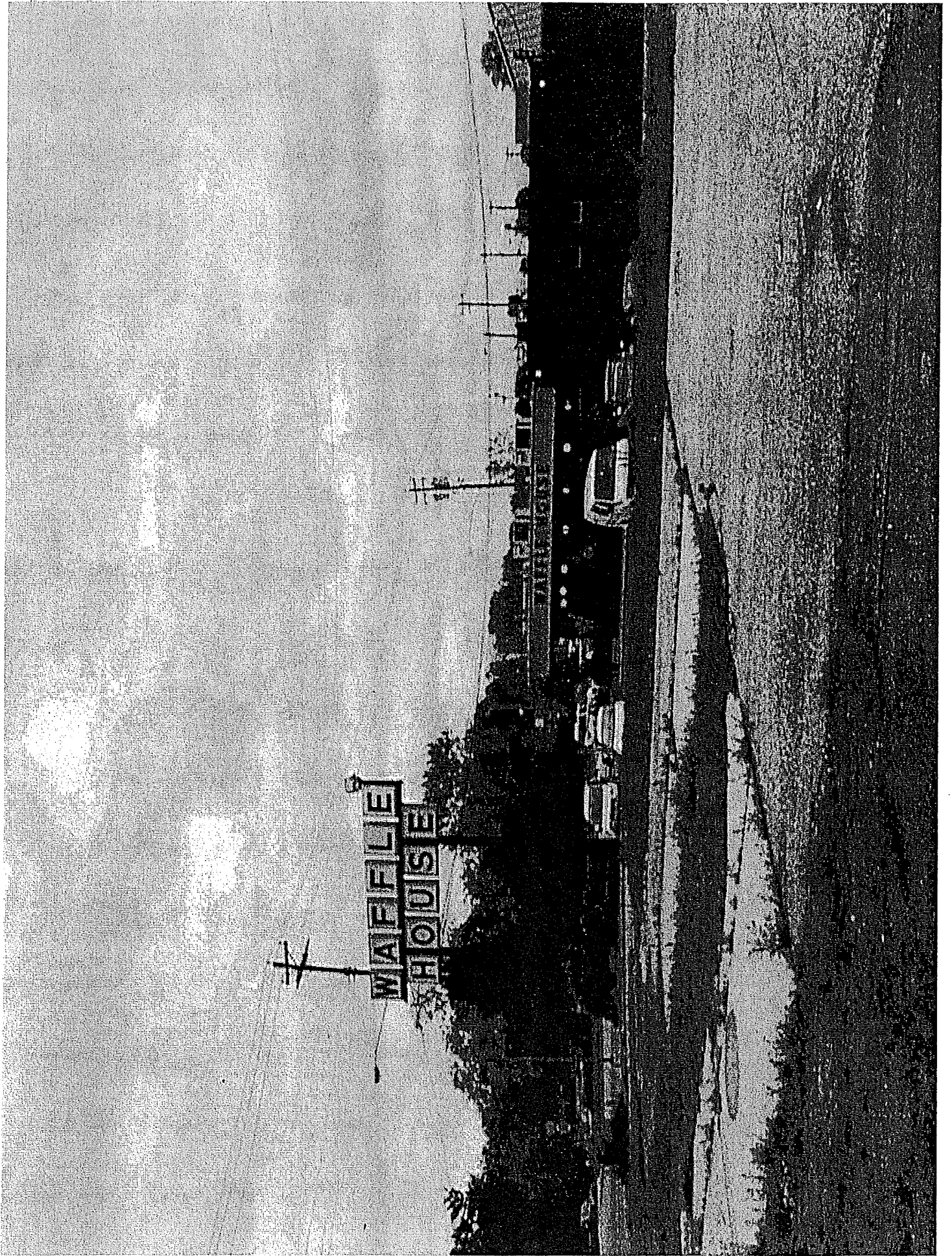
WAFFLE HOUSE

STRETCH END - RUSSETT RED SUPERBRICK 4" TALL



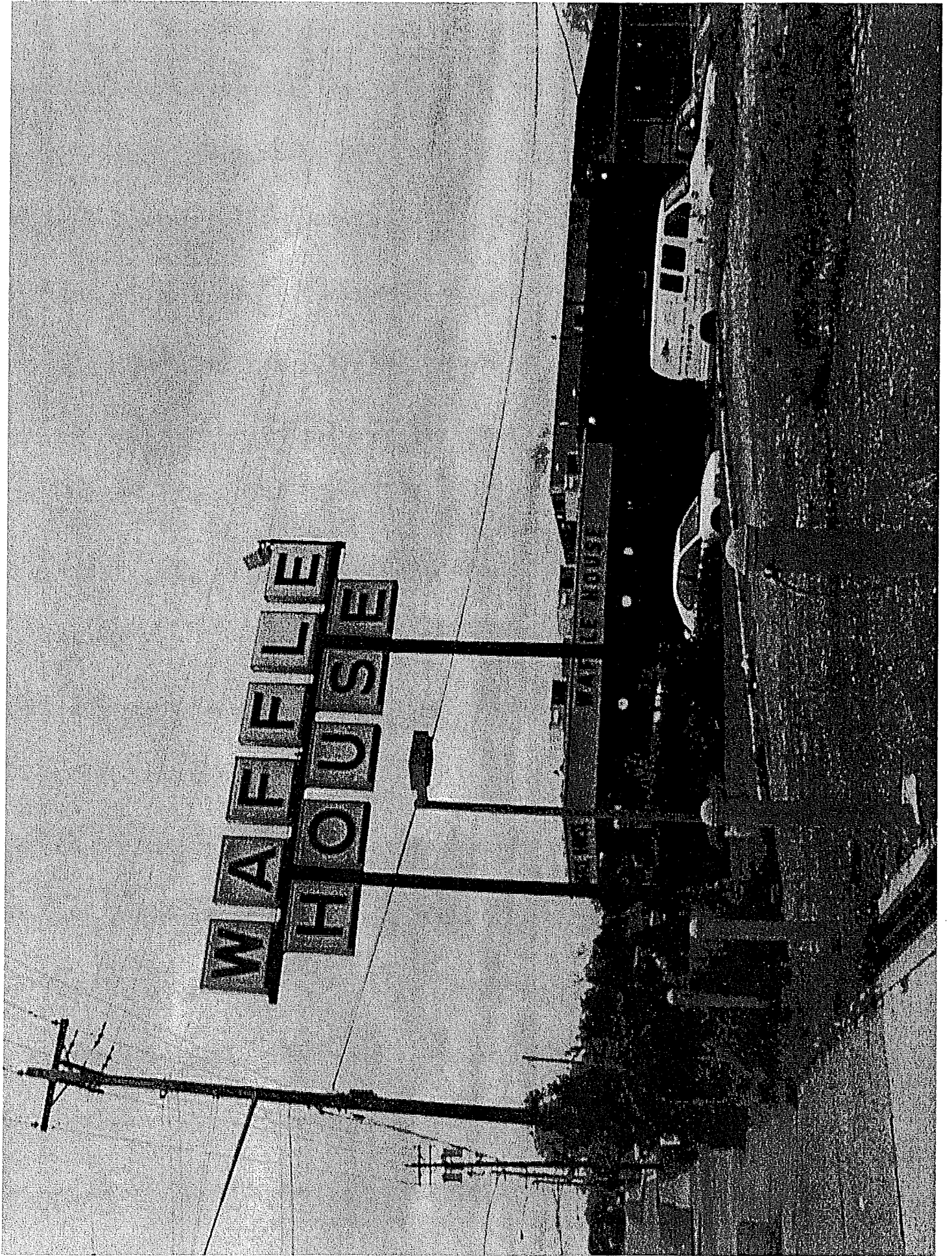
RUSSETT RED SUPERBRICK 4" TALL
REAR





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May 24, 2004

VIA FIRST CLASS MAIL:

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

Kevin Costello, Executive Director
(C/o) Vicki Myers
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Bob Townsend, Director
Florence Public Services
Florence Government Center
Florence, KY 41042

Peter Glenn, Project Manager
Florence Public Services
Florence Government Center
Florence, KY 41042

Police Chief Tom Kathman
Florence Police Department
Florence Government Center
Florence, KY 41042

Fire/EMS Chief Jim McMillen
Florence Fire/EMS Department
Fire Station 3, 1152 Weaver Road
Florence, KY 41042

Finance Director Linda Chapman
Florence Finance Department
Florence Government Center
Florence, KY 41042

Director
Boone Co. Public Safety Communications Center
Florence Government Center
Florence, KY 41042

Boone Co. Property Valuation Administrator Ron Burch
P.O. Box 388
Burlington, KY 41005

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

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

GM Duren Commercial Properties
% Waffle House
7673 Burlington Pike
Florence, KY 41042

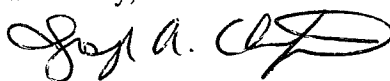
Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. 0-18-03 adopting and approving a Concept Development Plan for an approximate 0.6-acre site located at 7673 Burlington Pike in the City of Florence, to allow the redevelopment of the site to permit a restaurant (WAFFLE HOUSE).

First reading of Ordinance No. 0-18-03 was held on the 19th Day of August 2003. Second reading was held on 26th Day of August 2003, and the full Ordinance was published in the *Boone County Recorder* on September 4th 2003 at which time the Ordinance became statutorily official.

If you require additional information, please contact me.

Sincerely,



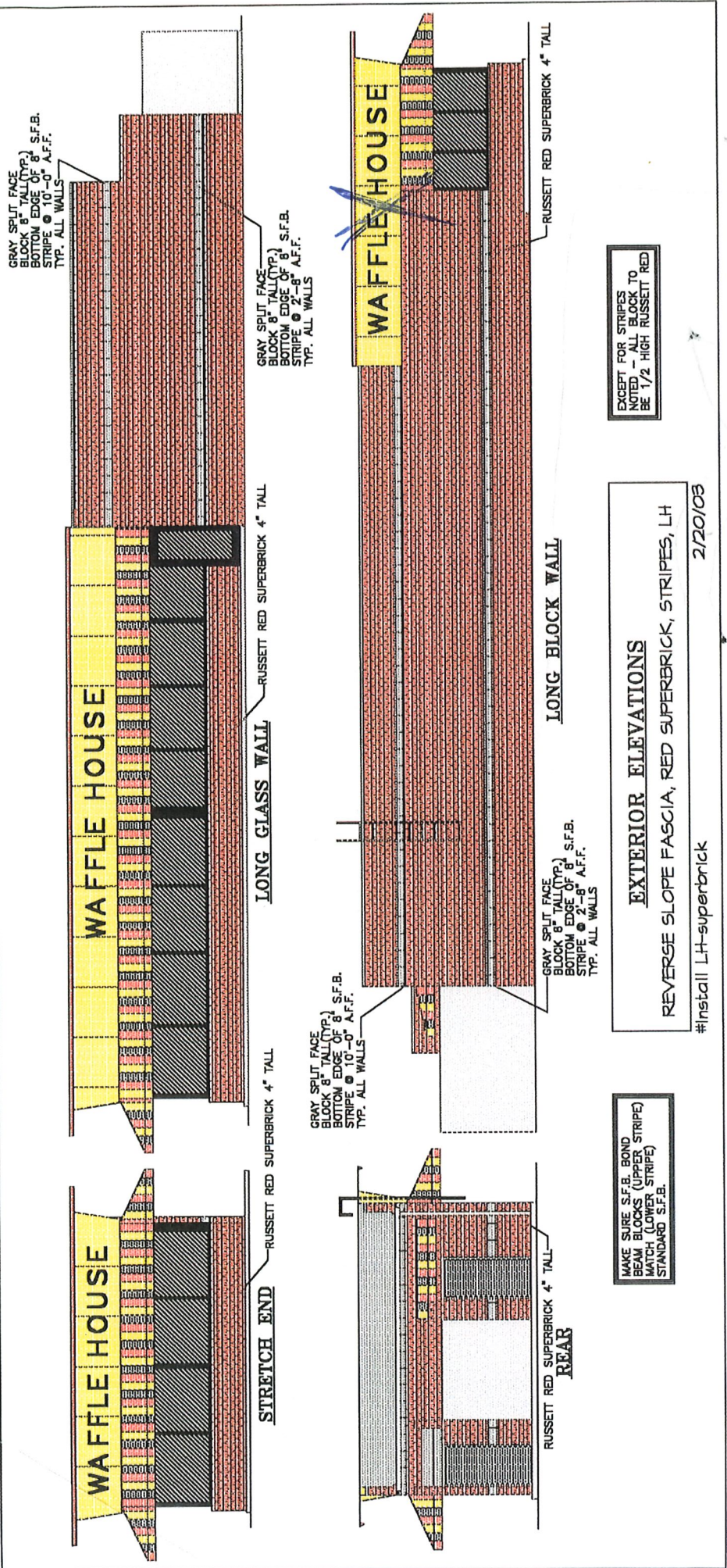
Joseph A. Christofield, City Clerk

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of 0-18-03 as same appears in the official records of my office.

Dated this 25th day of MAY, 2004.



Florence City Clerk



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