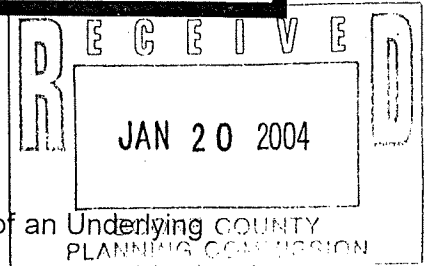


APPLICATION FORM

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 COUNTY 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 Old Toll Road Center
- 3. Location of Project 8519 Old Toll Rd Florence, KY 41042
- 4. Total Acreage of Site 0.26 Acre
- 5. Current Zoning C-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) Neighborhood Commercial Center - Dry Cleaner's Drop Off - Pick Up
- 9. Proposed Building Intensities (please specify) 24%

10. Have you submitted a Concept Development Plan? Yes

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

12. Name of Applicant(s) George Van Horne Jean McWhorter
 Phone Number (859) 982-1700 Fax No. _____
 13. Address of Applicant(s) 2312 BIRNACLE CT
HEBROW KY 41048
 City State Zip

14. Name of Property Owner(s) Dod & Rachel M Jackson
 Phone Number (859) 341-8152 Fax No. _____
 15. Address of Property Owner(s) 557 Kinsella Drive
Edgewood KY 41017
 City State Zip

- 16. Are there any existing buildings on the site? Yes
 How many? 1 (Frame 30'x32' Garage on Front Property Line)
- 17. Deed Book 301 Page No. 287 Group No. 880 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

EXHIBIT

“A”

STAFF REPORT

Request of **George Van Horne and Jean Van Horne (applicants)** for **Donald C. Jackman and Rachel M. Jackman (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

February 18, 2004

REQUEST

The applicant is requesting to redevelop this site into a commercial strip center with no frontage on US 42. All visibility and access will be from Old Toll Road. The applicant is also asking for flexibility in the parking requirement for this project. The applicant is proposing a 2,700 square foot multi-tenant building of which one would be AMKOR Dry Cleaning (drop-off and pick-up). The applicant is proposing 9 parking spaces which is only 3 parking spaces per 1,000 square feet. The required parking is based on use, meaning that retail is required to provide 1 parking space per 250 square feet of gross floor area (gfa) and a restaurant is required to provide 1 parking space per 2 seats. The applicant is requesting a reduction in the required parking by 2 spaces. The concept plan also shows the rear corner of the building encroaching five (5) feet into the required ten (10) foot setback. The flexibility in the Planned Development allows the applicant to request these variations through this process.

SITE CHARACTERISTICS

The site is relatively flat and consists of only one structure that sits on the Old Toll Road right-of-way. Almost the entire 0.26 acre site is currently impervious without storm water detention.

SITE HISTORY

In 1986, the Zoning Map Update changed the great majority of this area to C-2/PD in order to encourage commercial services, while controlling the development so that it would be compatible with the residential and traffic characteristics of the area.

ADJACENT LAND USES AND ZONING

- North: Across Old Toll Road - Panorama Plus Apartments zoned Urban Residential One/Planned Development (UR-1/PD/CD) and the Coyne residence zoned Industrial One (I-1) both located within the limits of the City of Florence.
- South: The Haarman residence zoned Commercial Two/Planned Development (C-2/PD) located within Unincorporated Boone County.

East: Autozone zoned Commercial Two/Planned Development (C-2/PD) located within the limits of the City of Florence.

West: The Bank of Kentucky property (currently only approved for grading only) zoned Commercial Two/Planned Development (C-2/PD) located within the limits of the City of Florence.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR). This classification is defined in the adopted Comprehensive Plan as:

SR: "Single family housing of up to 4 units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element (Pleasant Valley - West Florence Area p.163) provides the following statements that relate to the general area and site.

- A. "Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access management at the intersection of U.S. 42 and Pleasant Valley Road should include access roads to serve commercial developments.

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. 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).

- C. 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 land uses ("Landscaping," 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 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."

- 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 3).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- C. Boone County shall strive to achieve both a diversity and balance in land use ("Overall," Objective 6).
- 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. 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. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Objectives).

- K. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed use districts ("Transportation," Objectives).

PLANNED DEVELOPMENT STANDARDS

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

STAFF COMMENTS

1. As of the preparation of this Staff Report, the applicant has not yet submitted the "Consent to Annexation" paperwork in order for this property to be annexed into the City of Florence. This is necessary for water service for this property and project. It is my understanding that the applicant (or someone on behalf of the applicant) met with Rick Lunnemann, Asst. City Coordinator for the City of Florence, and was told at that time to file the "Consent to Annexation" paperwork with the City before filing with the Boone County Planning Commission. It is also my understanding that the applicant was told the same when they had the required pre-application meeting with the Boone County Planning Commission staff. If the applicant does not file the "Consent to Annexation" paperwork with the City of Florence, the Boone County Planning Commissions recommendation for this item will be forwarded to the Boone County Fiscal Court for final action.

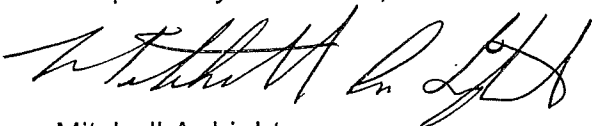
The Boone County Planning Commissions GIS data shows that the City of Florence has an 8" diameter watermain directly across Old Toll Road. The Boone County Water District has a 12" watermain approximately 1,300 feet away at the intersection at US 42 and Hopeful Church Road.

2. Staff was presented with a black and white front elevation of this project. Colored elevations of all sides should be made available for the Committee to review.
3. The access point includes three (3) lanes which include separate right out and left out lanes. Staff feels that one lane in and one lane out is sufficient for proper traffic flow. This will also provide 12' to 15' more street frontage landscaping along Old Toll Road.
4. A detailed landscape plan was not submitted with this request. However, a landscape plan will of course be required as part of the Major Site Plan review if this request is ultimately approved.
5. The applicant is proposing a 2,700 square foot multi-tenant building of which one would be AMKOR Dry Cleaning (drop-off and pick-up). The applicant is proposing 9 parking spaces which is only 3 parking spaces per 1,000 square feet. The required parking is based on use, meaning that retail is required to provide 1 parking space per 250 square feet of gross floor area (gfa) and a restaurant is required to provide 1 parking space per 2 seats. The applicant is requesting a reduction in the required parking by 2 spaces. The applicant also agrees to exclude "restaurants, group instructional users, and other tenants that require excessive parking." The Principally Permitted Commercial One (C-1), Commercial Two (C-2) and Office One (O-1) uses are attached to this Staff Report for further review.
6. The rear corner of the proposed building is shown five feet into a ten foot setback. The adjoining property, although still residential in use, is also zoned Commercial Two/Planned Development (C-2/PD).
7. The applicant stated in their request that they "anticipate a small monument sign to identify the center with individual signs for each tenant on the building fascia (to comply with all pertinent codes)." Staff suggests that specific height, size and materials be discussed at the Committee Meeting.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and (currently) the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 of the Boone County Zoning Regulations and in terms of the Planned Development requirements as stated in Article 15 of the Zoning Regulations. The Future Land Use Map will need to be amended if this request is approved.

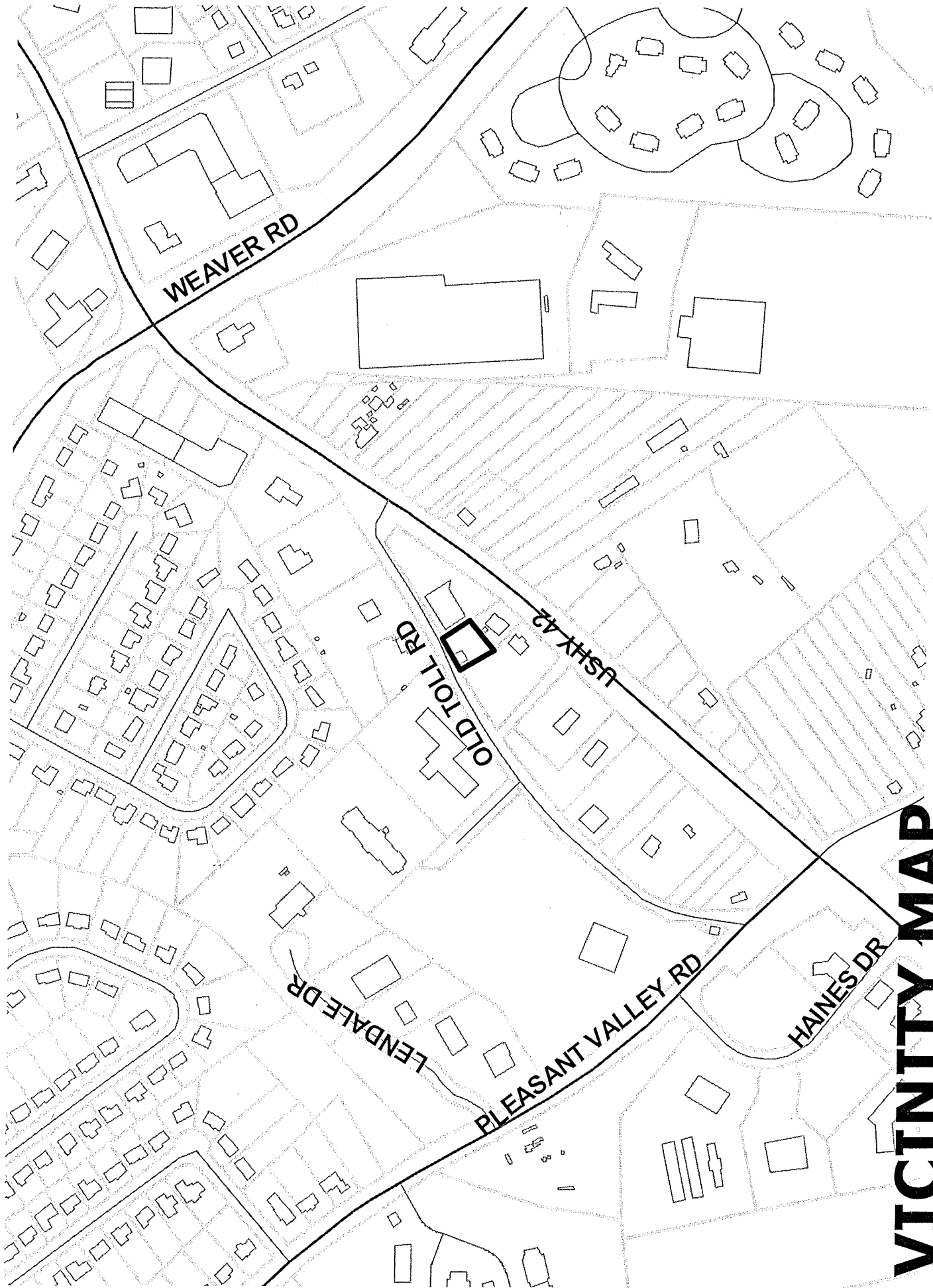
Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

attachments:

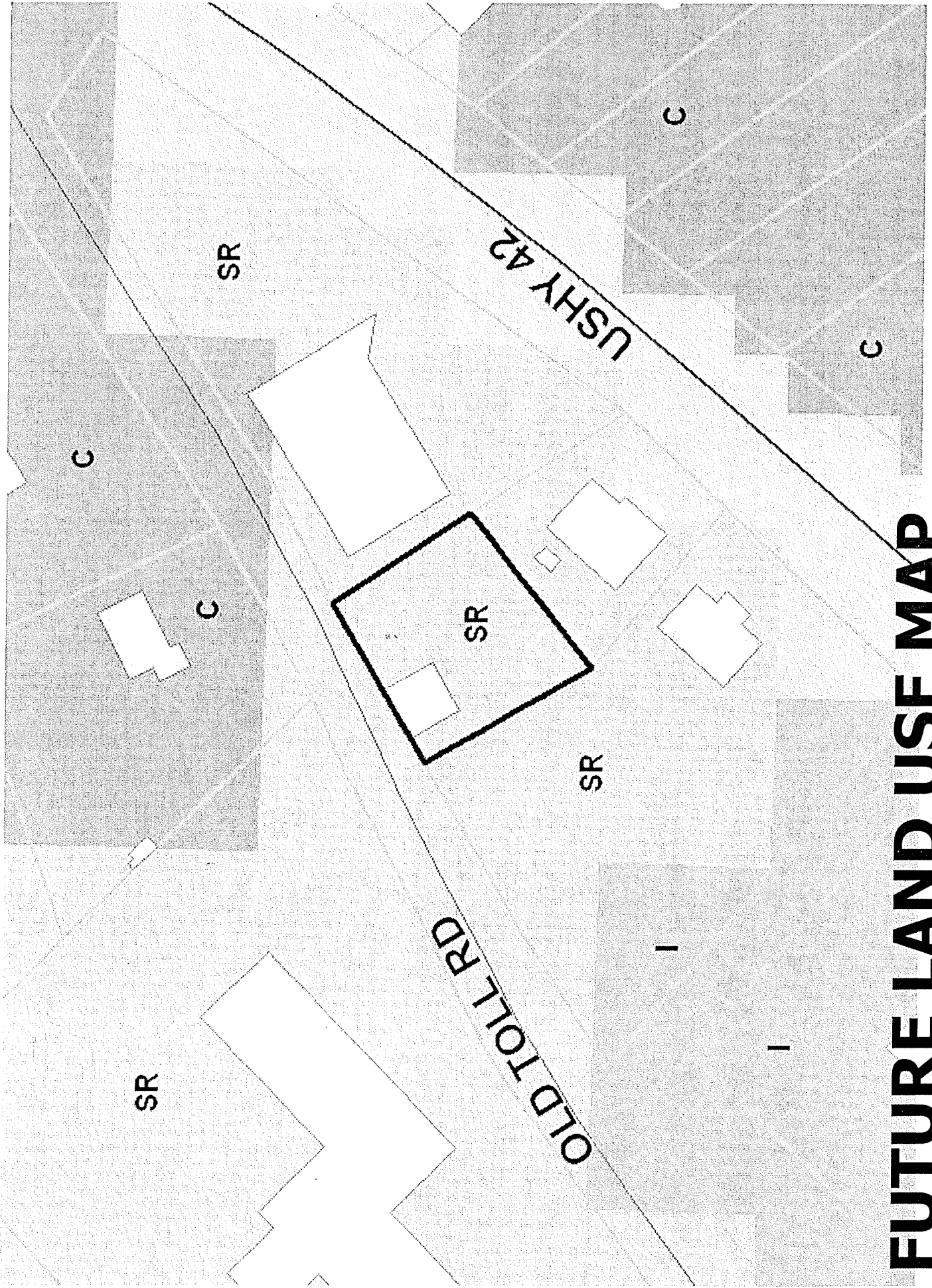
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2002 Aerial Photography
- Concept Development Plan
- Proposed Front Elevation
- Request
- Planned Development Standards
- Commercial One (C-1) Regulations
- Commercial Two (C-2) Regulations
- Office One (O-1) Regulations
- Application



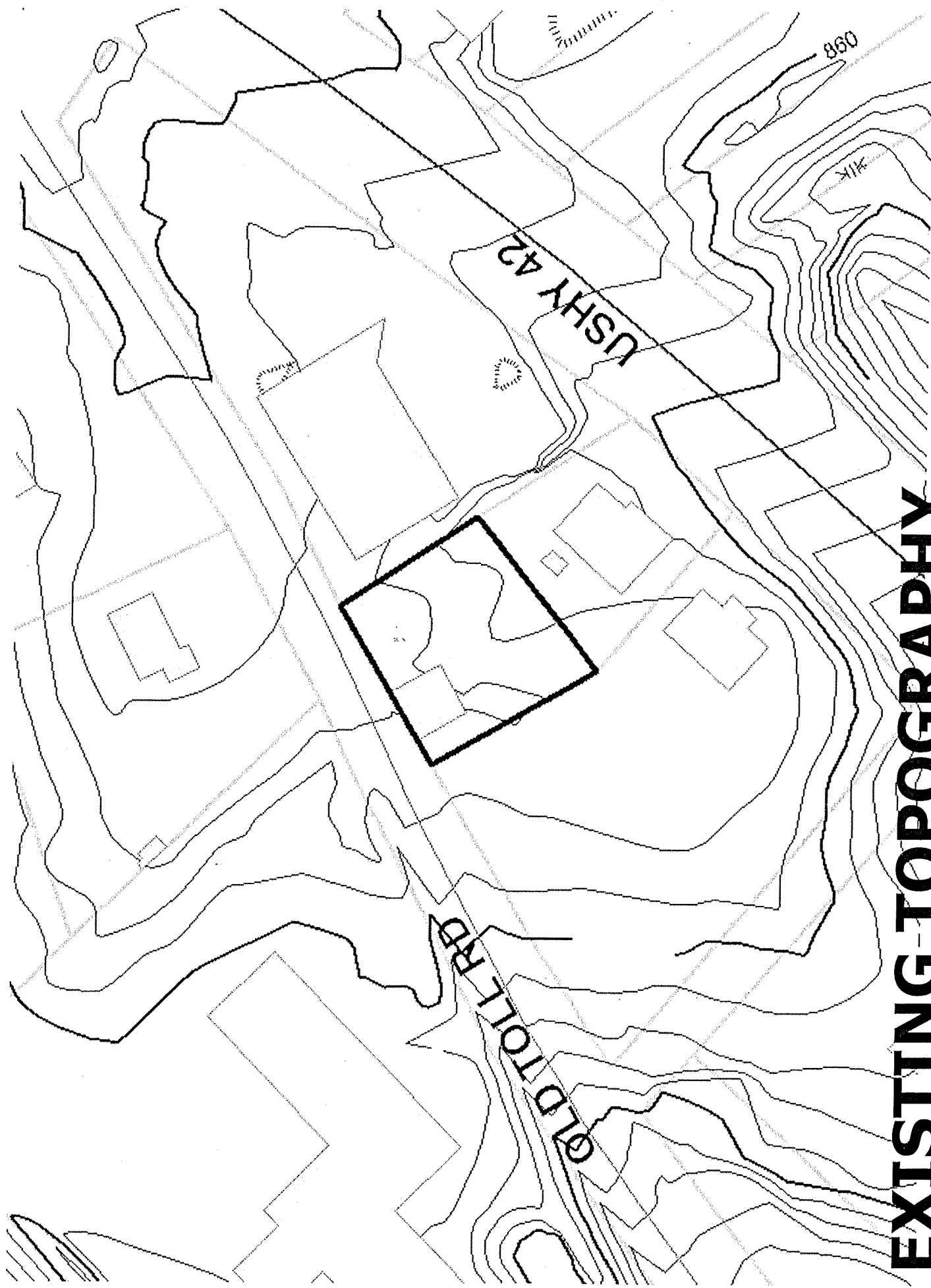
VICINITY MAP



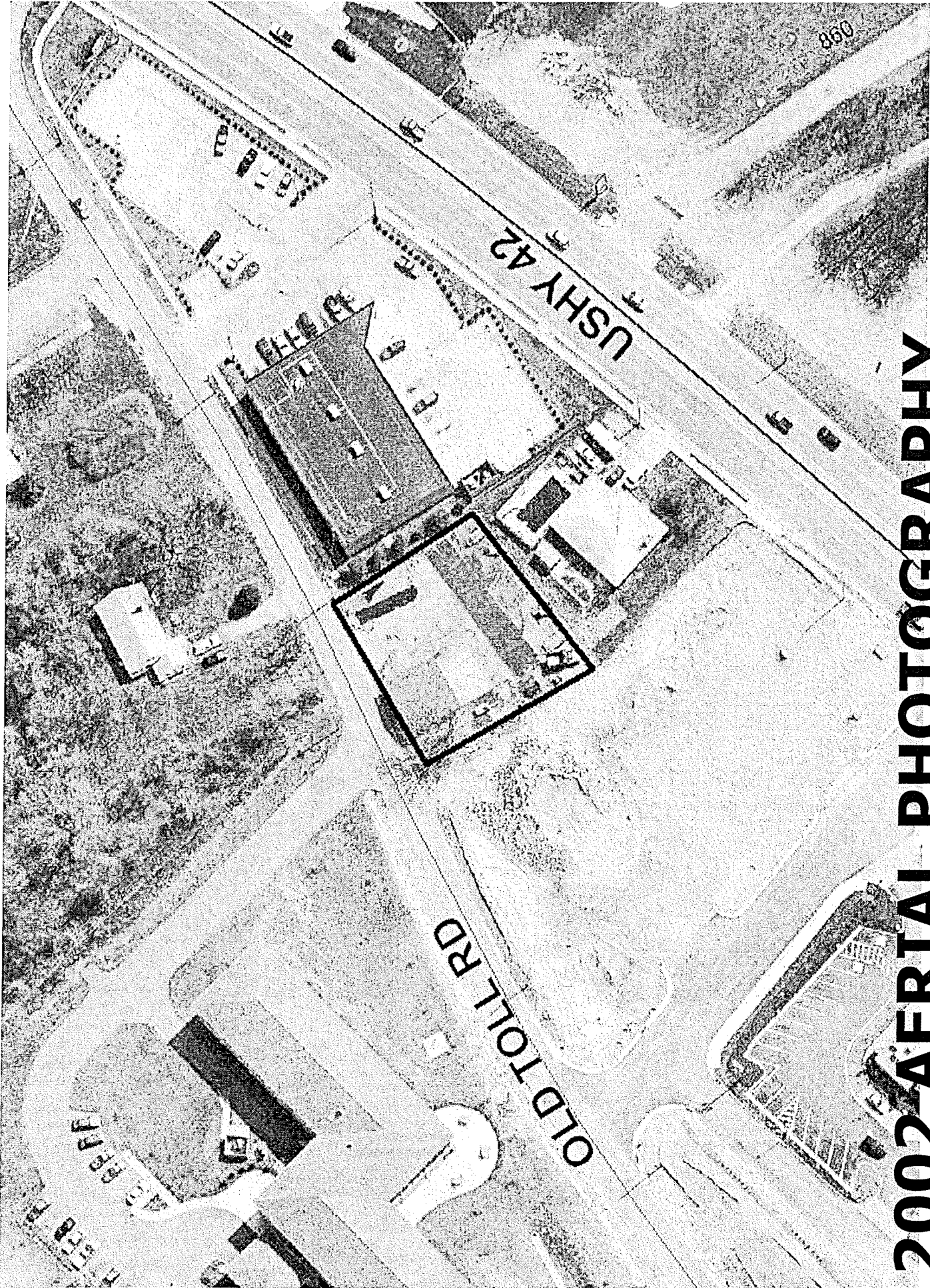
ZONING MAP



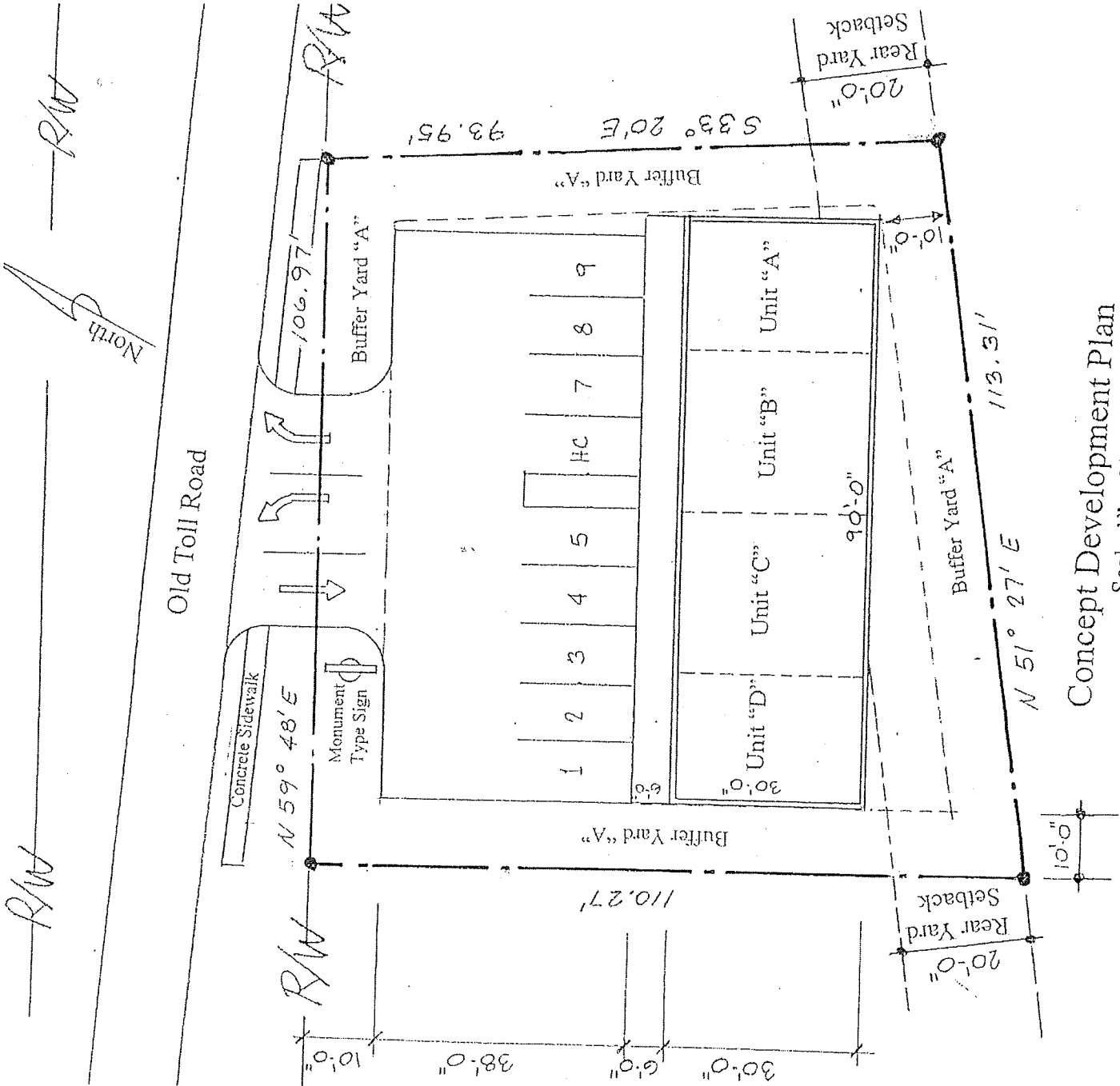
FUTURE LAND USE MAP



EXISTING TOPOGRAPHY



2002 AERIAL PHOTOGRAPHY



Concept Development Plan
 Scale 1" = 20'

Concept Development Plan

for

8519 Old Toll Road - Florence, Kentucky

submitted by applicants

George & Jean Van Horne

January 20, 2004

This 'Concept Development Plan' application represents our desire to develop the property at 8519 Old Toll Road to mainly accommodate our AMKOR Dry Cleaning drop-off & pick-up operation. In addition to our store we anticipate 3 additional tenants with compatible uses. We anticipate 2 tenant spaces at 600 square feet and 2 tenant spaces at 750 square feet totaling 2700 square feet. Since Old Toll Road is a secondary road, at best, we expect the tenants to be 'destination type' users

We are asking for a 2 car parking variance ($2700 \text{ s.f.} / 250 \text{ s.f. per car} = 10.8 \text{ cars}$) as this site can accommodate 9 cars. Due to parking constraints we are excluding any restaurants, group instructional users and other tenants that require excessive parking.

We are also requesting a 10' rear yard setback variance in the southeast corner so we can construct a rectangular building rather than angle the rear wall with the property line to achieve maximum rentable area. This would still maintain the 10' green area (Buffer Yard "A") for the perimeter of the property.

We are proposing the building to be constructed of split-face block, all four walls painted a light warm Earth tone (as opposed to the dark grey painted Autozone building with a smooth block rear wall) but more consistent with the retail center at the corner of US Hwy 42 and Hopeful Church Road. The side and rear wall will have an eight inch smooth course of block painted a slightly darker accent color to match the front sign fascia.

We anticipate a small monument type sign to identify the center with individual signs for each tenant on the building fascia (to comply with all pertinent codes). Exterior lighting, landscaping and water detention to be designed by professionals at time of Major Site Plan Review submittal.

SECTION 1514

Planned Development Standards

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

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

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

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

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

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

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

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;
 - d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;

7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

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 an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) 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. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access

from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;

22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops **(Not Applicable within the City of Florence)**;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023

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 an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;

3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence)**;
4. Sale of satellite dishes;
5. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence)**;
6. Mini-warehouses or storage facilities **(Does not apply in the City of Florence)**;

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

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. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;

11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. 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;
21. 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;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. 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;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

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;
2. Convenient stores;
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses.

SECTION 1114
Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115
Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores;
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.

SECTION 1122

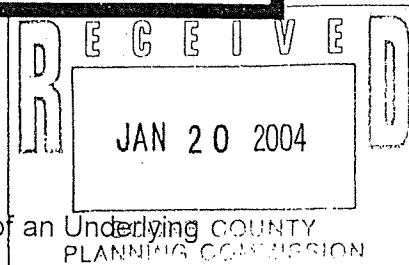
Accessory Uses

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 purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;

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 COUNTY 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 Old Toll Road Center
- 3. Location of Project 8519 Old Toll Rd Florence, KY 41042
- 4. Total Acreage of Site 0.26 Acre
- 5. Current Zoning C-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) Neighborhood Commercial Center - Dry Cleaner's Drop Off - Pick Up
- 9. Proposed Building Intensities (please specify) 24%

- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

- 12. Name of Applicant(s) George Van Home Jean McWhorter
- Phone Number (859) 282-7800 Fax No. _____
- 13. Address of Applicant(s) 2812 Parkway Ct
- HEBROW KY 41048
- City State Zip
- 14. Name of Property Owner(s) Don & Rachel M Jackson
- Phone Number (859) 341-8152 Fax No. _____
- 15. Address of Property Owner(s) 557 Kinsella Drive
- Edgewood KY 41017
- City State Zip

- 16. Are there any existing buildings on the site? Yes
- How many? 1 (Frame 30'x32' Garage on Front Property Line)
- 17. Deed Book 301 Page No. 287 Group No. 880 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

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

- Boone County Water District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H & P. Co
- Sanitation District #1
- 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
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: Florence Asst. City Coordinator

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s)

George Van Horn Joan Wilbur

22. Property Owner's Signature(s)

Mon. Jackman Rachel Jackman

SECTION B (To be completed by BCPC Staff)

1. Date Received 1-20-04 Fee Received 1363.50 RT# 3761
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer TODD HERRMAN MITCH 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. Knock, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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

2. Applicant: **George Van Horne and Jean Van Horne for Donald C. Jackman and Rachel M. Jackman (owners)**

Request: **Concept Development Plan**

The request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) or a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He made the following changes/updates to the written Staff Report: Staff Comment #1 - the Consent to Annexation paperwork was delivered yesterday, but the City of Florence has not yet had first reading. The Consent to Annexation paperwork should have been filed prior to submitting this request, but the Concept Development Plan request was filed first. Staff Comment #2 - the applicant provided color elevations for the rear yesterday. Staff Comment #5 - eleven parking spaces are required. Staff Comment #6 - the first sentence should read, "The rear corner of the proposed building is shown 10 feet into a 20-foot setback". Staff Comment #7 - the Auto Zone monument sign at the intersection is 8 feet high and 50 square feet and the McDonald's sign on US 42, which was approved in 2001, is 12.67 feet high and 102.12 square feet.

Mrs. Poston asked for the applicant's presentation.

Mr. Paul Meyrose, 3512 Susan Lewis Drive, Erlanger, KY, representing the Amkor drycleaner owners, stated that they want a neighborhood commercial

destination type center. They are looking at users such as H & R Block and a hobby center. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mr. Ron Harmon, owner of the house in front of the property, stated that he is concerned about the dumpster. Auto Zone has placed their dumpster by his swimming pool and oil cans and paper are going in his pool. He does not want the dumpster for the center to be in the back by his swimming pool. He is concerned about what may be in the garbage from these uses.

Mr. Reynolds questioned stormwater detention. Staff advised that the use was there prior to the detention/retention requirements. Mr. Costello stated that it is grandfathered. Mr. Light stated that the current site conditions are that no detention was required when the paving was done – but approval of this request would require that detention be done. Mr. Reynolds stated that the property slopes down to a residence. Mr. Light agreed, but added that he does not know if they will be able to pipe to the proposed bank site next door. He stated that they do not have to provide the detention plans at this level. Mr. Costello stated that they will have to provide on-site detention or demonstrate that they can tie into the regional system. Detention/retention is a Staff review.

Mr. Breetz asked if the property has been surveyed and questioned the right-of-way line in relation to the road. Mr. Meyrose responded that the plat was taken from the County Clerk's Office and shows that Old Toll Road is on an angle. He stated that the property will be surveyed when they get to Major Site Plan Review. He does not know if the road was resurfaced and straightened after the plat was recorded. Mr. Breetz stated that knowing exactly where the road is would be a critical part of the layout. He is concerned about the stacking distance for cars waiting to exit the site. He stated that it does not look like there is enough room to get cars in and out of the site properly. It will be critical for the Committee to see the correct dimensions in order to review the movement of cars and the landscaping area. Mr. Meyrose responded that there is a ten-foot Buffer Yard A around the property. He stated that they can eliminate the easternmost lane turning out of the site and the two exit lanes could be moved further to the west to allow for more stacking. He stated that they anticipate low traffic uses.

Mr. Breetz noted that the adjoining property owner is concerned about the dumpster. Mr. Meyrose responded that the leases will say that tenants are responsible for taking trash to the curb in trash containers. There will not be a permanent dumpster.

Mr. George Van Horne, one of the applicants, stated that they produce a low amount of garbage and they take it home. He stated that trash collection is

available for the site. He stated that there is a retention pond on the Auto Zone property that serves all three pieces of property. They have made a request to the Florence Public Works Department to get this in writing.

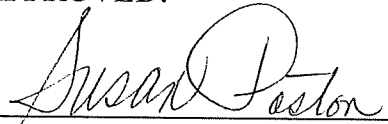
Mrs. Wilson asked if the trash from Auto Zone is an enforcement issue that can be addressed. Mr. Costello stated that there are litter laws and Staff will look into the issue.

Mr. Costello asked the applicant to bring to Committee more specifics on the design of the building including materials and architectural features. He stated that what was presented was preliminary and the Committee needs more details.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 3, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 17, 2004 at 7:00 PM.

Mrs. Poston closed this Public Hearing at 9:25 PM.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 5, 2004
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Richard Knock, Temporary Presiding Officer
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Barlow moved by resolution to Boone County Fiscal Court that the Committee Report to deny the application be adopted. Mrs. Poston seconded the motion. A vote on the motion found Mr. Barlow, Mr. Breetz, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson, Mrs. Poston, and Chairman Caddell in favor. Mr. Bunger and Mr. Knock were opposed. The motion carried by a vote of 9 to 2.

2. Concept Development Plan

The request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter demonstrating agreement with the conditions.

Mr. Bunger stated that the property has been annexed by the City of Florence. The applicant was very cooperative and is in agreement with the conditions.

Mr. Bunger moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Reynolds seconded the motion and it carried unanimously.

3. Technical Design Review - Key Bank
U.S. 42 – Lot #2 Gunpowder Centre

Staff Member Todd Morgan presented the Design Review request for Key Bank on U.S. 42, Lot #2 of Gunpowder Centre. He reviewed the packet of information which had been provided to the Commissioners. He stated that Lot #2 is at one of the entrances into the development. The proposal is for a 3,218 square foot bank with drive-thrus. He reviewed Condition #1 of the 2001 Committee Report (included in the packet) that requires all buildings in the development to be of a non-metal material and noted that the proposed building is almost entirely brick, which meets the condition. He reviewed Condition #3 of the 2001 Committee Report which stated that the individual outlots may have their own monument signs, but they are limited to 12 feet in height and 60 square feet in size, with the base and supports matching the dominant construction material of the building. He stated that the applicant is in agreement with this condition. Mr. Morgan stated that the

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bungler, Chairman

DATE: May 5, 2004

RE: Request of **George Van Horne and Jean Van Horne (applicants)** for **Donald C. Jackman and Rachel M. Jackman (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Florence, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element (Pleasant Valley - West Florence, pg. 163) as it relates to this request.

“Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road.”
 - B. 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, along with the agreed conditions, fulfill the applicable requirements of Article 15 “Planned Development District” of the Boone County Zoning Regulations.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and 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.

May 5, 2004

Van Horne/Jackman/Old Toll Road

CONDITIONS

1. The property owner agrees that the storm water for this project will be discharged to the north side of Old Toll Road.
2. The property owner agrees that there will be no dumpster for this project. Tenants will use curbside garbage collection and will store garbage containers within their suite.
3. The property owner agrees that the roof units will be adequately screened so as not to be visible from Old Toll Road or US 42.
4. The property owner agrees that there will be no lighting in the rear of the building as there are no doors located along the rear of the building.
5. The property owner agrees that the required trees in the Buffer Yard "A" landscaping along the rear of the building will consist of only evergreens in order to better screen the residence to the rear.
6. The property owner agrees that the building will be constructed of EIFS (dryvit) and textured concrete block per the revised elevations presented to the Planning Commission's Zone Change Committee at their April 21, 2004 meeting. This includes the "earth tone" colors presented to the Committee.
7. The property owner agrees to one (1) monument sign of 8 feet high and 60 square feet of sign area to be consistent with the colors and design of the building.
8. The property owner agrees to limit the use of the site to the following Principally Permitted Uses in the Commercial One (C-1) zone:
 9. Insurance carriers and agents;
 10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
 11. Accounting, auditing and bookkeeping services;
 17. Laundering, dry cleaning and dyeing services including self-service;
 18. Alteration and garment repair and custom tailoring;

19. Shoe repair, shoe shining and hat cleaning services;
21. Jewelry stores;
28. Draperies, curtains, upholstery and floor coverings;
30. Photo finishing services;

The property owner agrees to limit the use of the site to the following Principally Permitted Uses in the Commercial Two (C-2) zone:

6. Specialized upholstery and furniture repair or refinishing services;
9. Radio, t.v., watch, clock, and jewelry repair;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
15. Business and management consulting services;

The property owner agrees to limit the use of the site to the following Principally Permitted Uses in the Office One (O-1) zone:

2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;

The property owner agrees to limit the use of the site to the following Principally Permitted Uses in the Office Two (O-2) zone:

6. Laundering, dry cleaning and dyeing services, including self-service;

May 5, 2004

Van Horne/Jackman/Old Toll Road

7. Shoe repair, shoe shining and hat cleaning services;

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:

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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.

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Mr. Ron Harmon, owner of the house in front of the property, stated that he is concerned about the dumpster. Auto Zone has placed their dumpster by his swimming pool and oil cans and paper are going in his pool. He does not want the dumpster for the center to be in the back by his swimming pool. He is concerned about what may be in the garbage from these uses.

Mr. Reynolds questioned stormwater detention. Staff advised that the use was there prior to the detention/retention requirements. Mr. Costello stated that it is grandfathered. Mr. Light stated that the current site conditions are that no detention was required when the paving was done – but approval of this request would require that detention be done. Mr. Reynolds stated that the property slopes down to a residence. Mr. Light agreed, but added that he does not know if they will be able to pipe to the proposed bank site next door. He stated that they do not have to provide the detention plans at this level. Mr. Costello stated that they will have to provide on-site detention or demonstrate that they can tie into the regional system. Detention/retention is a Staff review.

Mr. Breetz asked if the property has been surveyed and questioned the right-of-way line in relation to the road. Mr. Meyrose responded that the plat was taken from the County Clerk's Office and shows that Old Toll Road is on an angle. He stated that the property will be surveyed when they get to Major Site Plan Review. He does not know if the road was resurfaced and straightened after the plat was recorded. Mr. Breetz stated that knowing exactly where the road is would be a critical part of the layout. He is concerned about the stacking distance for cars waiting to exit the site. He stated that it does not look like there is enough room to get cars in and out of the site properly. It will be critical for the Committee to see the correct dimensions in order to review the movement of cars and the landscaping area. Mr. Meyrose responded that there is a ten-foot Buffer Yard A around the property. He stated that they can eliminate the easternmost lane turning out of the site and the two exit lanes could be moved further to the west to allow for more stacking. He stated that they anticipate low traffic uses.

Mr. Breetz noted that the adjoining property owner is concerned about the dumpster. Mr. Meyrose responded that the leases will say that tenants are responsible for taking trash to the curb in trash containers. There will not be a permanent dumpster.

Mr. George Van Horne, one of the applicants, stated that they produce a low amount of garbage and they take it home. He stated that trash collection is

available for the site. He stated that there is a retention pond on the Auto Zone property that serves all three pieces of property. They have made a request to the Florence Public Works Department to get this in writing.

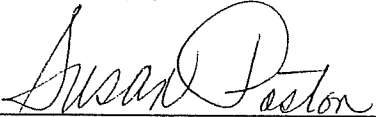
Mrs. Wilson asked if the trash from Auto Zone is an enforcement issue that can be addressed. Mr. Costello stated that there are litter laws and Staff will look into the issue.

Mr. Costello asked the applicant to bring to Committee more specifics on the design of the building including materials and architectural features. He stated that what was presented was preliminary and the Committee needs more details.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 3, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 17, 2004 at 7:00 PM.

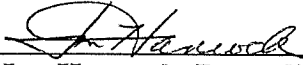
Mrs. Poston closed this Public Hearing at 9:25 PM.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 21, 2004

RE: Request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

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.

April 21, 2004

Van Horne/Jackman/Old Toll Road

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

R Barlow

Randy Barlow

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

Susan Poston

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds(Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: March 3, 2004

RE: Request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

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.

March 3, 2004

Van Horne/Jackman/Old Toll Road

Kim Bunger

Kim Bunger, Chairman

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Randy Barlow

Randy Barlow

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Greg Breetz

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Janet K. Kegley

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Susan Poston

Susan Poston

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

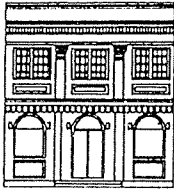
Charlie Reynolds(Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

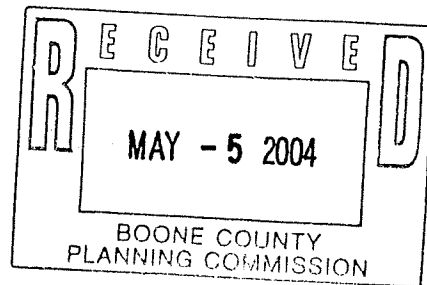
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

April 26, 2004



Mr. George Van Horne
Ms. Jean Van Horne
2312 Pinnacle Court
Hebron, KY 41048

RE: Request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

Dear Mr. & Ms. Van Horne:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their April 21, 2004 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Monday, May 3, 2004.

CONDITIONS

1. The property owners agree that the storm water for this project will be discharged to the north side of Old Toll Road.
2. The property owners agree that there will be no dumpster for this project. Tenants will use curbside garbage collection and will store garbage containers within their suite.
3. The property owners agree that the roof units will be adequately screened so as not to be visible from Old Toll Road or US 42.
4. The property owners agree that there will be no lighting in the rear of the building as there are no doors located along the rear of the building.
5. The property owners agree that the required trees in the Buffer Yard "A" landscaping along the rear of the building will consist of only evergreens in order to better screen the residence to the rear.
6. The property owners agree that the building will be constructed of EIFS (dryvit) and textured concrete block per the revised elevations presented to the Planning Commission's Zone Change Committee at their April 21, 2004 meeting. This includes the "earth tone" colors presented to the Committee.

Mr. George Van Horne
Ms. Jean Van Horne
April 26, 2004
Page 2

7. The property owners agree to one (1) monument sign of 8 feet high and 60 square feet of sign area to be consistent with the colors and design of the building.
8. The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Commercial One (C-1) zone:
 9. Insurance carriers and agents;
 10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
 11. Accounting, auditing and bookkeeping services;
 17. Laundering, dry cleaning and dyeing services including self-service;
 18. Alteration and garment repair and custom tailoring;
 19. Shoe repair, shoe shining and hat cleaning services;
 21. Jewelry stores;
 28. Draperies, curtains, upholstery and floor coverings;
 30. Photo finishing services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Commercial Two (C-2) zone:

6. Specialized upholstery and furniture repair or refinishing services;
9. Radio, t.v., watch, clock, and jewelry repair;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
15. Business and management consulting services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Office One (O-1) zone:

2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;

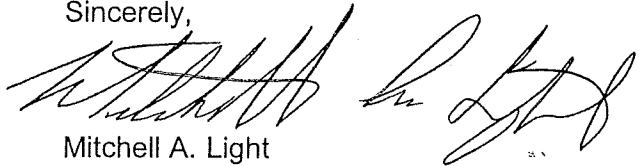
Mr. George Van Horne
Ms. Jean Van Horne
April 26, 2004
Page 3

5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Office Two (O-2) zone:

6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;

Sincerely,

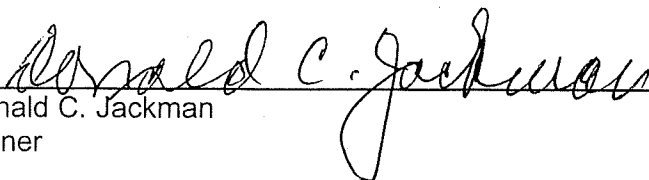


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

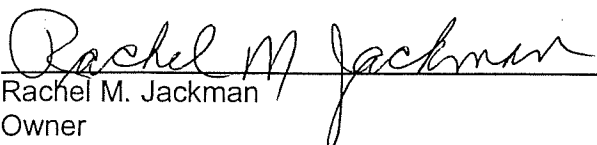
We, Donald C. Jackman & Rachel M. Jackman, do hereby agree to the recommended conditions of approval stated above for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky, to allow a multi-tenant commercial building.



Donald C. Jackman
Owner

5-4-04

Date



Rachel M. Jackman
Owner

5/4/04

Date

KNOW ALL MEN BY THESE PRESENTS: **DEED**
THAT

Property Transfer Tax Paid \$ 20.00
JERRY W. ROUSE, Clerk D.C. JWR

EBB WALLING and WILMA WALLING, his wife BOOK 301 PAGE 287

for and in consideration of Twenty Thousand (\$20,000.00) Dollars
the receipt whereof is hereby acknowledged, do(es) hereby bargain, sell and convey to

DONALD C. JACKMAN and RACHEL M. JACKMAN, his wife, jointly for and
during their lives with the remainder in fee simple to the survivor
of them, his or her
heirs and assigns forever, the following described real estate, lying and being in Florence Boone County, Kentucky to-wit:
Grantee Mailing Address 515 Beckridge Drive, Edgewood, Ky. 41017 Group No. 880
Property Address Old Toll Road, Florence, Kentucky Plat Book 7 Page 2

Being all of Lot No. Three (3) of the Hamilton Resubdivision of
Midway Place lots as shown on plat recorded in Plat Book 7, Page 2,
Boone County Clerk's records at Burlington, Kentucky.

Being the same property conveyed to the Grantor(s) by Donald J. Renaker & Beverly Renaker
by deed dated 5th day of August, 19 76 and recorded in Deed Book 221 Page 128, in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said
DONALD C. JACKMAN and RACHEL M. JACKMAN, his wife, jointly for and
during their lives with the remainder in fee simple to the survivor
of them, his or her

heirs and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said EBB WALLING and WILMA WALLING, his wife,

hereunto set their hands this 22nd day of March, 1983.

Ebb Walling
EBB WALLING
Wilma Walling
WILMA WALLING

STATE OF KENTUCKY
SCT.
County of Kenton

The foregoing instrument was acknowledged before me this 22nd day of March, 19 83, by
Ebb Walling and Wilma Walling, his wife.

Charles W. Doney
Notary Public

My Commission Expires
February 2, 1984

STATE OF KENTUCKY
SCT.
COUNTY OF BOONE

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing
instrument of writing from Ebb Walling and Wilma Walling, his wife
to Donald C. Jackman & wife was this 24th day of March, 1983
produced to me, certified as above and lodged for record at 2:32 o'clock P. m.

Whereupon, the said instrument and this certificate have been duly recorded in my office.

Given under my hand this 24th day of March, 1983.

This Instrument was prepared by:
John H. Klatt, Jr. Attorney
106 E. 3rd St., Cov., Ky. 41011 Address

JERRY W. ROUSE, Clerk
By Brenda Cope D. C.
Grantees at
Return to 515 Beckridge Drive, Edgewood,
Kentucky 41017

Recording Fee Paid FAS

son,
the year 1983

300

1983
February, 1983
Hex

Instrument of
single

EWAY
P. M.
in my office.
the year 1983.
WOOD, Clerk
D. C.

Jerry W. Rouse

Tax Paid

Concept Development Plan
for
8519 Old Toll Road - Florence, Kentucky
submitted by applicants
George & Jean Van Horne

January 20, 2004
April 21, 2004

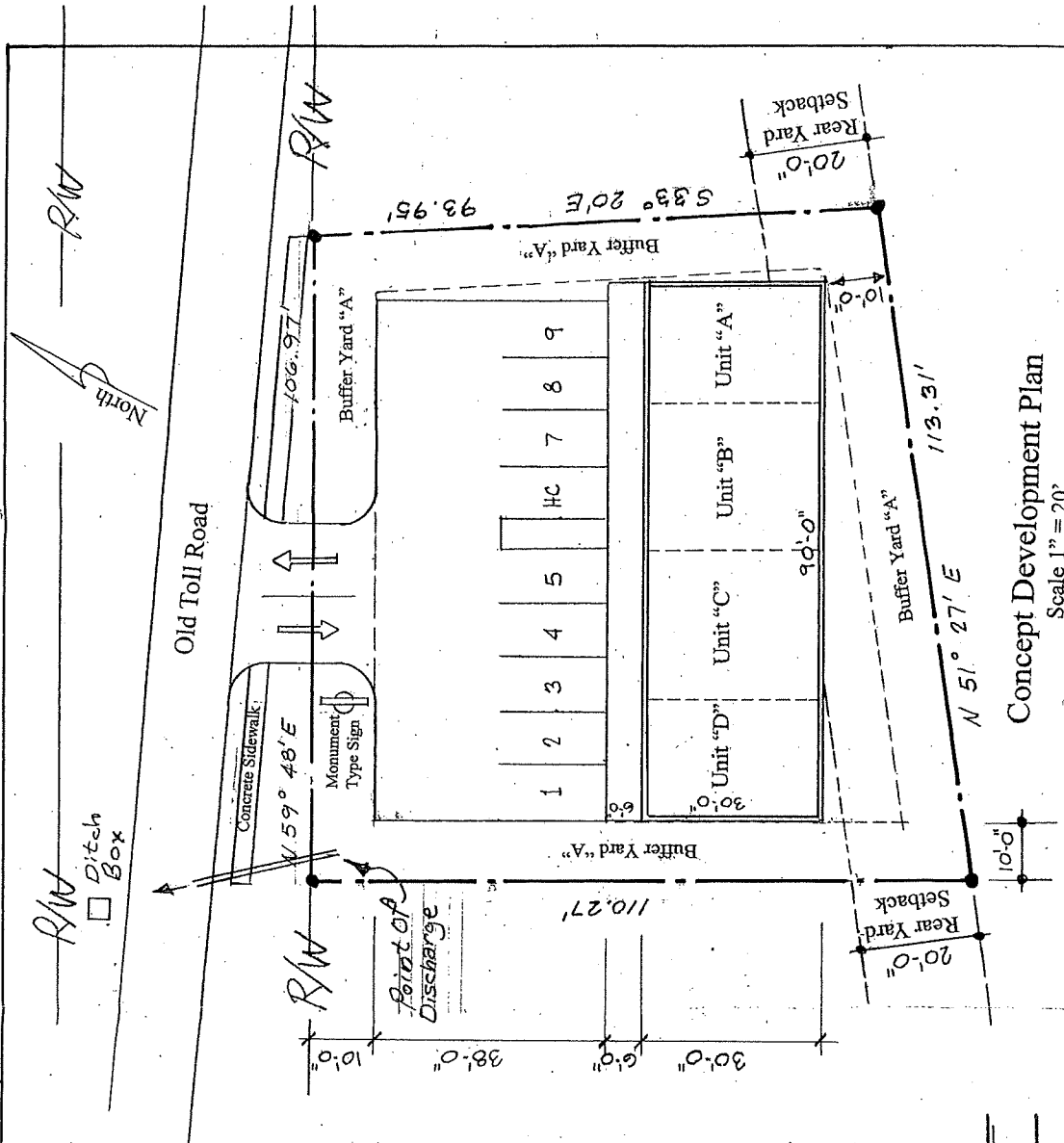
This 'Concept Development Plan' application represents our desire to develop the property at 8519 Old Toll Road to mainly accommodate our AMKOR Dry Cleaning drop-off & pick-up operation. In addition to our store we anticipate 3 additional tenants with compatible uses. We anticipate 2 tenant spaces at 600 square feet and 2 tenant spaces at 750 square feet totaling 2700 square feet. Since Old Toll Road is a secondary road, at best, we expect the tenants to be 'destination type' users.

We are asking for a 2 car parking variance (2700 s.f. / 250 s.f. per car = 10.8 cars) as this site can accommodate 9 cars. Due to parking constraints we are excluding any restaurants, group instructional users and other tenants that require excessive parking.

We are also requesting a 10' rear yard setback variance in the southeast corner so we can construct a rectangular building rather than angle the rear wall with the property line to achieve maximum rentable area. This would still maintain the 10' green area (Buffer Yard "A") for the perimeter of the property.

We are proposing the building to be constructed of split-face block, all four walls painted a light warm Earth tone (as opposed to the dark grey painted Autozone building with a smooth block rear wall) but more consistent with the retail center at the corner of US Hwy 42 and Hopeful Church Road. The side and rear wall will have an eight inch smooth course of block painted a slightly darker accent color to match the front sign fascia.

We anticipate a small monument type sign to identify the center with individual signs for each tenant on the building fascia (to comply with all pertinent codes). Exterior lighting, landscaping and water detention to be designed by professionals at time of Major Site Plan Review submittal.



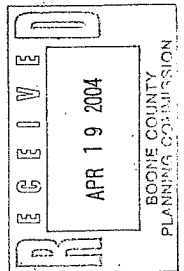
Concept Development Plan
Scale 1" = 20'

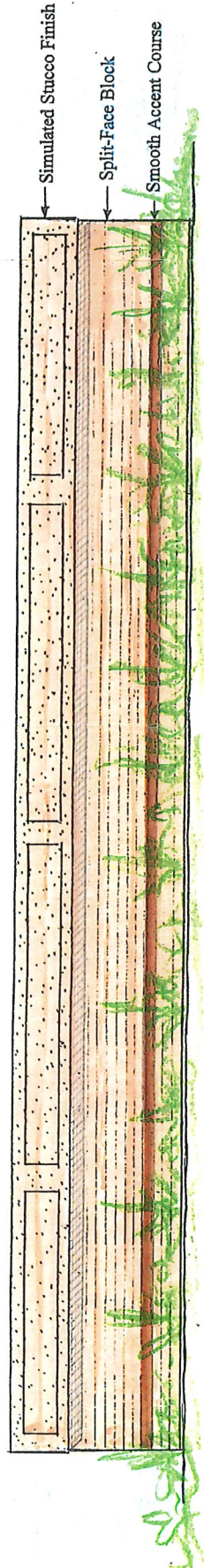
APPROVED

Staff *[Signature]*

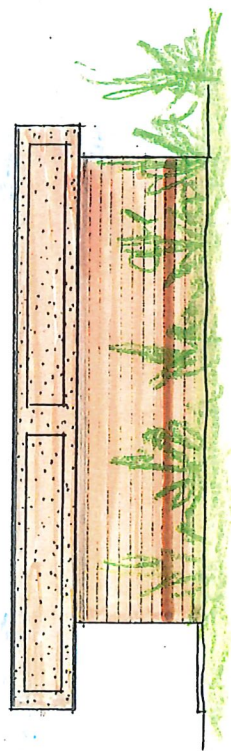
Date 5/5/04

Boone County
Planning Commission
[Signature]

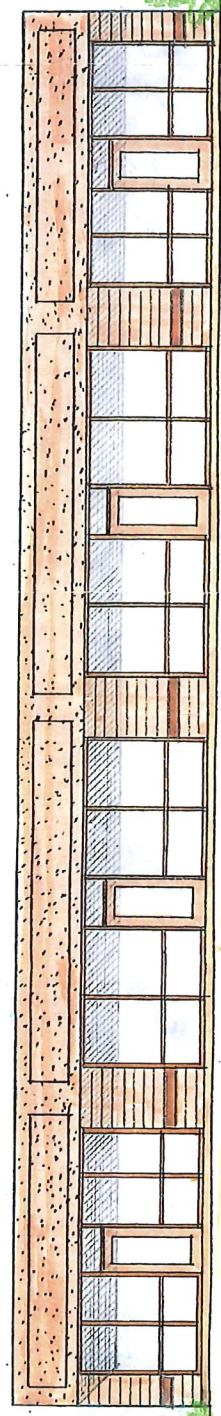




Rear Elevation (as seen from U.S. 42)
 Scale 1/8" = 1'-0"



Right Side Elevation
 Scale 1/8" = 1'-0"



Front Elevation
 Scale 1/8" = 1'-0"

Old Toll Road Retail Center
 AMKOR Dry Cleaners

ORDINANCE NO. 0-25-04

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN, WITH CONDITIONS, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING FOR A 0.26 ACRE TRACT LOCATED AT 8519 OLD TOLL ROAD IN FLORENCE, KENTUCKY. (GEORGE AND JEAN VAN HORNE, APPLICANTS, AND DONALD AND RACHEL JACKMAN, OWNERS)

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 agreed conditions of a Concept Development Plan for an approximate 0.26 acre tract located at 8519 Old Toll Road in Florence, Kentucky, to allow a multi-tenant commercial building, the subject property being zoned Commercial Two/Planned Development (C-2/PD), 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 of the City of Florence, Kentucky.

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

SECTION I

That the proposed Concept Development Plan for an approximate 0.26 acre tract generally located at 8519 Old Toll Road in Florence, Kentucky, shall be and is hereby approved to allow a multi-tenant commercial building, subject to the development plan as presented, which includes agreed conditions for this site currently zoned Commercial Two/Planned Development (C-2/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A" attached 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 the 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, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B"

and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-04-012-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution.

SECTION III

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and made a part of the Commission's Resolution No. R-04-012-A, marked Exhibit "B" hereto.

SECTION IV

If this approval of 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 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.

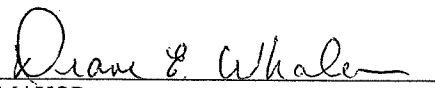
SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 22 DAY OF June, 2004.

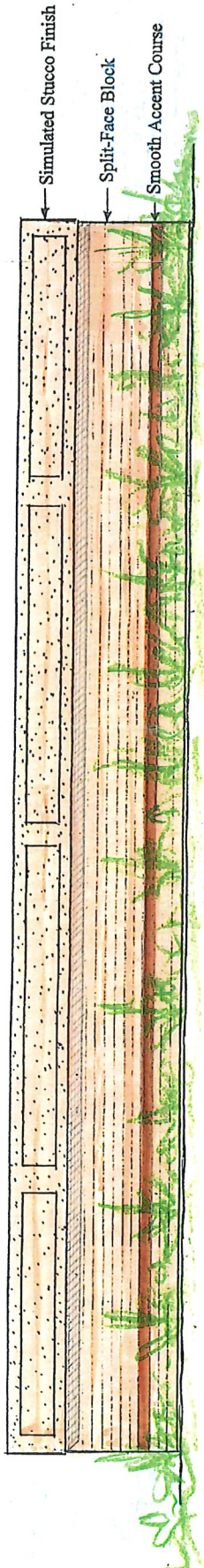
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 6th DAY OF July, 2004.

APPROVED:

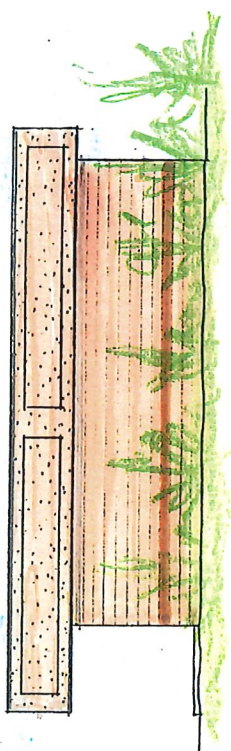

MAYOR

ATTEST:

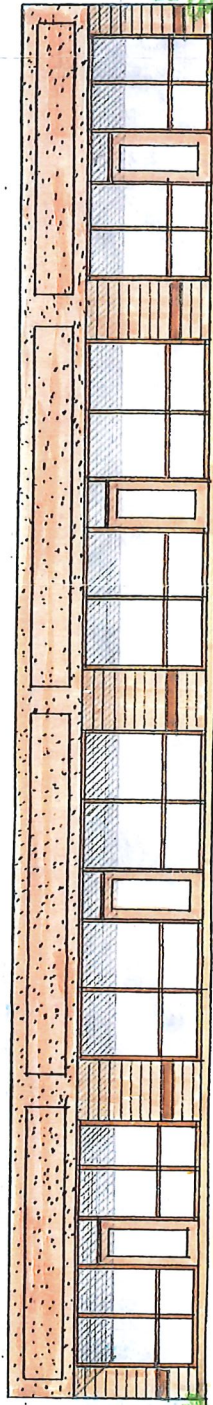

CITY CLERK



Rear Elevation (as seen from U.S. 42)
 Scale 1/8" = 1'-0"



Right Side Elevation
 Scale 1/8" = 1'-0"



Front Elevation
 Scale 1/8" = 1'-0"

Old Toll Road Retail Center
 AMKOR Dry Cleaners