

05-00C DP-006-1

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 Village Terrace
3. Location of Project HWY 42 Florence, Ky.
4. Total Acreage of Site ~~12.00~~ 13.88
5. Current Zoning UC, UNO, RSE / UTO / PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) May 11, 2004
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) Union Town Plan
8. Proposed Uses (please specify each use) Restaurant, Bank, Daycare, Drugstore, Strip Center, office Condominium, Residential Condominium, All permitted uses in UC zone
9. Proposed Building Intensities (please specify) _____
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) Terrace Development Company LLC
Phone Number 859.342.7333 Fax No. 859.342.6080
13. Address of Applicant(s) 495 Erlanger Rd., Suite 201
Erlanger KY 41018
City State Zip
14. Name of Property Owner(s) Terrace Development Company LLC
Phone Number 859.342.7333 Fax No. 859.342.6080
15. Address of Property Owner(s) 495 Erlanger Rd. Suite 201
Erlanger Ky 41018
City State Zip
16. Are there any existing buildings on the site? No
How many? _____
17. Deed Book 877,873 Page No. 143,620 Group No. 2038B
18. Have you had a pre-application meeting with BCPC Staff? Yes.

~~the~~ 8. Change of Concept Plan to allow Village Terrace Subdivision

(over)

to follow the Building Mounted, Drive-Through Signs or Menu-Boards found in Section 3413 of the Boone County Zoning Regulations.

Guidelines & DIRECTIONAL SIGNS PER 3412

EXHIBIT

“A”

STAFF REPORT

Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of US 42, across from the US 42/Braxton intersection and the Boone County Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building mounted, drive-through, menu board, and directional signage per Section 3412 "Directional Signs Requiring a Permit" and Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" of the Boone County Zoning Regulations instead of Section 2580 "Special Sign District" for the Union Town Plan Districts.

February 16, 2005

REQUEST AND BACKGROUND

This request is for a Change in an Approved Concept Development Plan in a Planned Development (PD) zone to allow the Village Terrace development to follow the building mounted, drive-through, menu board, and directional sign requirements outlined in Article 34 "Signs" of the Boone County Zoning Regulations for general commercial and employment zones, versus the requirements in the Union Town Plan Special Sign District outlined in Section 2580. The application only pertains to the specific signage described, and would not change any other aspect of the prior zone change/Concept Development Plan approval.

The development is subject to a zone change/Concept Development Plan approval with supplemental conditions from 2004 (Committee Report which includes the Concept Development Plan and City Council ordinance and conditions are attached). This zone change was from RS/UTO, UC, and UNO to UR-1/PD for approximately 5.2 acres of the site and to UC/PD for approximately 8.7 acres of the site, and was in conjunction with annexation into the City of Florence. The Concept Development Plan and conditions of approval have specific provisions for monument signs (including quantity, size, and height), but no special provisions for quantity and size of building mounted or directional signs. Therefore, these aspects default to the normal Union Town Plan requirements. The development includes six commercial lots (four that face US 42 and two that face the internal street, "Bowman Way") and a residential condominium phase.

The basic differences between the applicable code sections are as follows (refer to "Applicable Sign Regulations" attachment for the complete text).

Building Mounted Signs

Section 2580: This section allows one building mounted sign per facade for a total of three signs. The maximum size of each sign is 24 square feet and the maximum letter height is 24 inches. This section allows projecting signs and multiple signs for multi-tenant buildings.

Section 3413: This section allows signage on up to three elevations directly on or with high visibility from streets or other circulation areas. The primary facade is allowed up to 2 square feet of sign area for each linear foot of building width (e.g., a 50 foot wide elevation is permitted 100 square feet of sign area on that elevation), and up to two secondary facades are allowed 1 square foot of sign area for each linear foot of building width (e.g., a 50 foot wide elevation is permitted 50 square feet of sign area on that elevation). This section has no absolute cap such as the 24 square foot requirement in Section 2580, but rather the maximum permitted sign area is dependent on the facade width. The total permitted sign area for each facade may be divided into up to three separate sign areas. This section also allows projecting signs and has no maximum permitted letter height.

Directional Signage

Section 2580: This section allows one directional sign at the entrance, exit, or drive-through lane (for "each driveway that extends off a road or parking lot"). The maximum size is 6 square feet (includes the additional masonry areas for monument type directionals), and the maximum permitted height is 4 feet. These directional signs may be building mounted.

Section 3412: This section allows one directional sign at the site entrance which is up to 6 square feet. Directional signs that are within the interior of the property, such as to direct drive-through traffic, may be up to 10 feet in area and 5 feet in height. These directional signs may also be building mounted.

Drive-Through/Menu Board Signs

Section 2580: This type of sign is not expressly outlined in the Special Sign District. This section states that all sections of Article 34 that are not replaced by the Special Sign District shall apply.

Section 3413: This section permits one such sign adjoining the drive-through lane. The sign may be up to 48 square feet in area (may be building mounted or freestanding), and up to 6 feet in height if freestanding.

Illustrative concepts of the signage for one of the buildings (Walgreens drug store) is included in the attached application materials.

SITE HISTORY

The original RS/UTO, UC, and UNO zones which formerly applied to the site were adopted as part of the Union Town Plan in 2000. The previously mentioned annexation and zone change to UR-1/PD and UC/PD was conditionally approved in 2004. Preliminary Plat and Grading Plan approvals for the subdivision were granted on August 17, 2004, and an Improvement Plan was approved on October 22, 2004. Design Review approval was granted for both the eastern-most commercial lot (Walgreens) and the western-most commercial lot (multi-tenant building) on January 5, 2005. Site plan approval for the Walgreens site was granted on January 28, 2005 and is pending for the multi-tenant lot. A variance application for the Walgreens site to increase the permitted area for building mounted and directional (building mounted style) signage, and to increase the permitted letter height from 24 to 30 inches, was denied by the Florence Board of Adjustment on January 12, 2005 (draft minutes are attached).

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. The Boone County Library, Scheben Branch, and a retail center (Union Village) are located across US 42 to the south and southeast (C-2). An undeveloped tract is located across US 42 to the south and southwest (UNO).
- B. An undeveloped tract is located immediately to the east (UC) and an office building is located further to the east, near the US 42/Farmview Drive intersection (O-1).
- C. A subdivision of detached single family residences (Farmview) is located to the north of the eastern portion of the site, and to the north and east of the northern portion of the site (SR-1/PD).
- D. Several detached single family residences on acreage lots are located to the west and southwest along the north side of Old Union Road, and to the northwest along Fowler Creek Road (RS/UTO, RSE/UTO, RS, and RSE). The construction of an electrical substation is pending on the adjoining tract to the west.

SITE CHARACTERISTICS

The site is an L shaped tract which contains 13.88 acres. The lot has approximately 725 feet of frontage on US 42 and fronts near the point where new US 42 splits from the old road alignment. The site contains no structures and the public improvements for the subdivision are currently being constructed. Tree lines exist along the common property lines with Farmview Subdivision. An electric transmission line runs along the west boundary of the site on the adjoining lot.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the southern portion of the site along US 42 as Commercial (C) and the northern portion of the site as Suburban Residential (SR). The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Suburban Residential designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element text makes the following statements that relate to the overall area.

- 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 should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Further, creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. Farmview Subdivision should continue to develop in a High Suburban Density Residential manner. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union ("Pleasant Valley - West Florence Area," pg. 164).

- B. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and proposed improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2025 Future Land Use Map and also affect the Boone County Zoning Regulations ("Union Area," pg. 164).
- C. Neighborhood-oriented commercial uses may be provided along U.S. 42 between Farmview Subdivision and the Union city center in the form of small-scale nodes that are focused upon existing and future road intersections; regional retail uses are not appropriate in the U.S. 42 corridor. The physical development of these commercial nodes should be reflective of the existing rural environment and should include such elements as vernacular influenced architectural treatments, site planning arrangements reflective of the farmsteads in the area, parking areas situated at the sides and rear of buildings, tree lines along side property lines, and post and rail fencing. Residential subdivisions in this area should be cluster form so that the open space areas and pastures along U.S. 42 are maintained; density bonuses are encouraged for residential subdivisions in this area to accomplish this purpose. The new alignment of U.S. 42 offers a unique opportunity to prepare a model plan of a Transit Oriented Development (TOD) for the new corridor. This Comprehensive Plan recommends that such a specific area plan, that includes design review procedures, be explored for the U.S. 42 corridor between Farmview Subdivision and the south end of the Union city center within a few years of this Plan's adoption (quotation from the 1995 Comprehensive Plan in the "Union Area" section of current plan, pg. 165).

The Land Use Element provides the following general comments that relate to the proposal.

- A. 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 . . .

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Designs, Signs, and Historic Preservation," pg. 160).

The Business Activity Element provides the following statements that relate to the general area.

- A. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) 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 unit serving the Burlington and Union areas ("Areas of Future Commercial Activity," pg. 70).

The adopted 2005 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. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- D. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- F. 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," Objective).

- G. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Commercial [Retail and Office], Objective 1).
- H. 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 (Commercial [Retail and Office], Objective 1).

RELATIONSHIP TO UNION TOWN PLAN

The text of the Union Town Plan ("Relationship to the Boone County Comprehensive Plan," pg. 2) states that it was "drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations."

The 2000 Union Town Land Use Plan Map designates the site for three different land uses. Slightly more than the eastern one half of the southern portion of the site (US 42 frontage area south of Northfield Drive that included the prior motel building) is designated for Commercial uses. The remaining portion of the US 42 frontage area is designated for Office uses. The northern portion of the site is planned for Single Family Detached uses. The Union Town Land Use Plan Map illustrates a conceptual connector street in the same general alignment as "Bowman Way," which is currently under construction.

STAFF COMMENTS

This Change in Concept Development Plan application was submitted pursuant to Section 1500 "Intent" of Article 15 "Planned Development District," which allows development standards, including signage to "vary" in the PD overlay zone. The application needs to be evaluated relative to the requirements of Section 1514 "Planned Development Standards" in addition to agreement with the Boone County Comprehensive Plan and the Union Town Plan. The standards in Section 1514 which can be reasonably applied to the application include #2 "Compatibility of Uses," #7 "Architecture," #9 "Signage," and #11 "Conformance with Comprehensive Plan."

Subsection #9 "Signage" states that "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 combination of the written design guidelines and the conceptual architectural elevation that are part of the current zone change approval basically outline that building mounted signs will be largely (if not completely) composed of individual channel letters. While this subsection states that building mounted signs shall be the predominate signage, the Union Town Plan requirements limit the amount and demeanor of all signs in concert with the generally smaller, tighter-knit pedestrian scale environment sought for the commercial areas under the Town Plan requirements. In contrast, the Village Terrace development is a transition between the more suburban (albeit "highway") style development to the east and southeast and the remainder of the Union Town Plan area, and was originally approved with aspects of both to serve this purpose.

Of particular importance to this development is the location of the buildings on the four outlots facing US 42 from the road itself - these four buildings have relatively substantial setbacks from US 42 (range between approximately 95 and 140 feet from the US 42 right-of-way). As the two commercial lots on the north side of Bowman Way front on a low speed, internal street, and act as both a "gateway" to the future condo phase and a transition to the adjoining single family residential uses, Staff has not identified any specific reason as to why the normal Union Town Plan signage requirements are not appropriate for these two lots.

Regarding the four lots which directly front on US 42, Staff offers the following suggestions for consideration. These comments are intended to maintain the basic qualities of the Union Town Plan requirements while providing reasonable signage for the lots involved, and acknowledge the fact that monument signage which exceeds the normal Town Plan requirements has already been permitted through the original zone change approval.

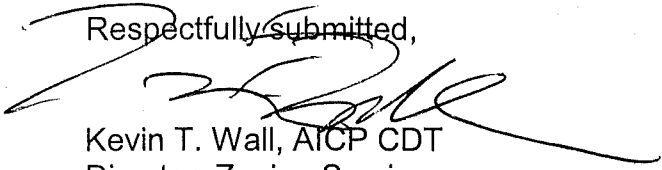
- A. As the Union Town Plan building mounted sign requirements permit one sign per facade which is 24 square feet maximum and 24 inches high, the applicant should provide data which shows what copy height will be reasonably legible from US 42. This data could be considered in maintaining the basic intent of the Union Town Plan requirements by limiting the letter height to a dimension which corresponds to the expanded setbacks, but will not dominate the building facades. In Staff's view, this issue (which also relates to sign size/area as discussed immediately below) is of paramount importance as to the reasonableness of the application. Such data could also be provided for Bowman Way, although the 24 inch height should be sufficient for the north facing facades.

- B. The signage could be limited to one sign area per facade (versus three under Section 3413) which conveys the business name or a single phrase only, versus multiple lines of superfluous sign copy which may clutter the facades. Under this scenario, a more limited ratio for determining sign area for the primary facade (such as 1 square foot of sign area per linear foot of facade width) may be in order (normal requirement is 2 square feet per linear foot for the primary facade). The submitted Walgreens building mounted signage would comply with these suggestions if the "pharmacy" and "photo" signs were eliminated.
- C. The prior zone change approval requires substantial screening between Bowman Way and the single family residential lots in the neighboring Farmview Subdivision to the north (this screening is part of the approved Improvement Plan). To further assure that these residences are protected from possible encroachment by the commercial uses, any building mounted signage on the north facades of the eastern two commercial lots (Walgreens and planned fast food restaurant sites) could be composed of individual letters which are non-illuminated only.
- D. With the possible exception of the first two access points into the Walgreens site from the US 42 intersection (i.e., traversing from the five lane highway into the lower speed, almost "neighborhood" environment), Staff has not identified any rationale as to why the directional signage permitted under the Union Town Plan Special Sign District is not sufficient and appropriate. Although, Staff acknowledges that the difference between sections 2580 and 3413 for the maximum permitted directional sign size is not very substantial. For informational purposes, the "drive-thru pharmacy" building mounted directional sign shown on the submitted elevations exceeds the maximum size permitted by either Section 2580 or 3413.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the requirements of Article 15 "Planned Development District" of the zoning regulations and the potential impacts on the existing and planned uses in the area.

Respectfully submitted,

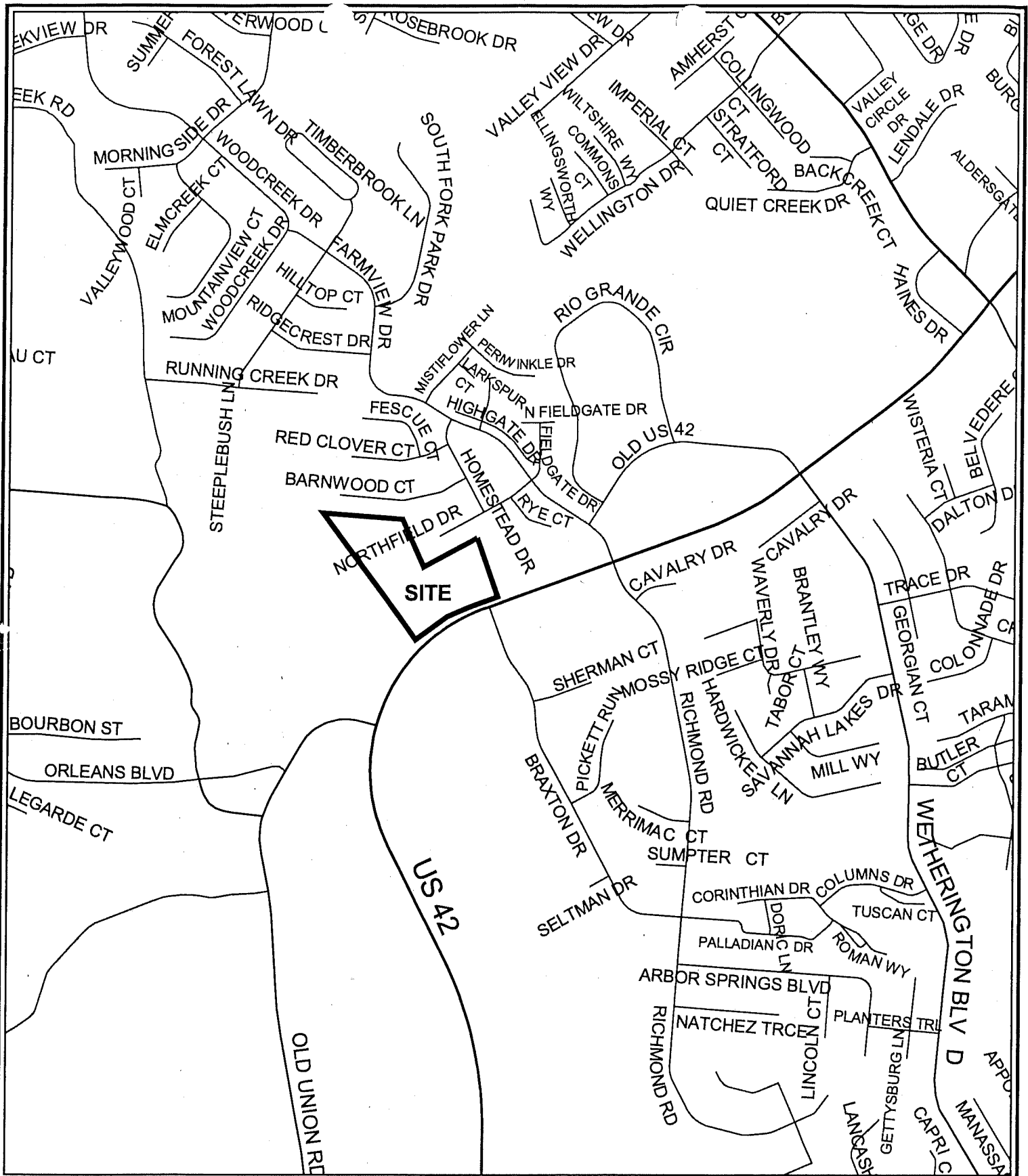


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/pr

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- Union Town Plan Land Use Map excerpt
- Village Terrace Change in Concept Development Plan, Applicable Sign Regulations
- 4/7/04 Committee Report including Concept Development Plan and Ordinance O-16-04 w/ Supplemental Conditions Exhibit for Triangle/White/Bowman Zoning Map Amendment and Annexation
- draft minutes from 1/12/05 Florence Board of Adjustment public hearing
- application materials

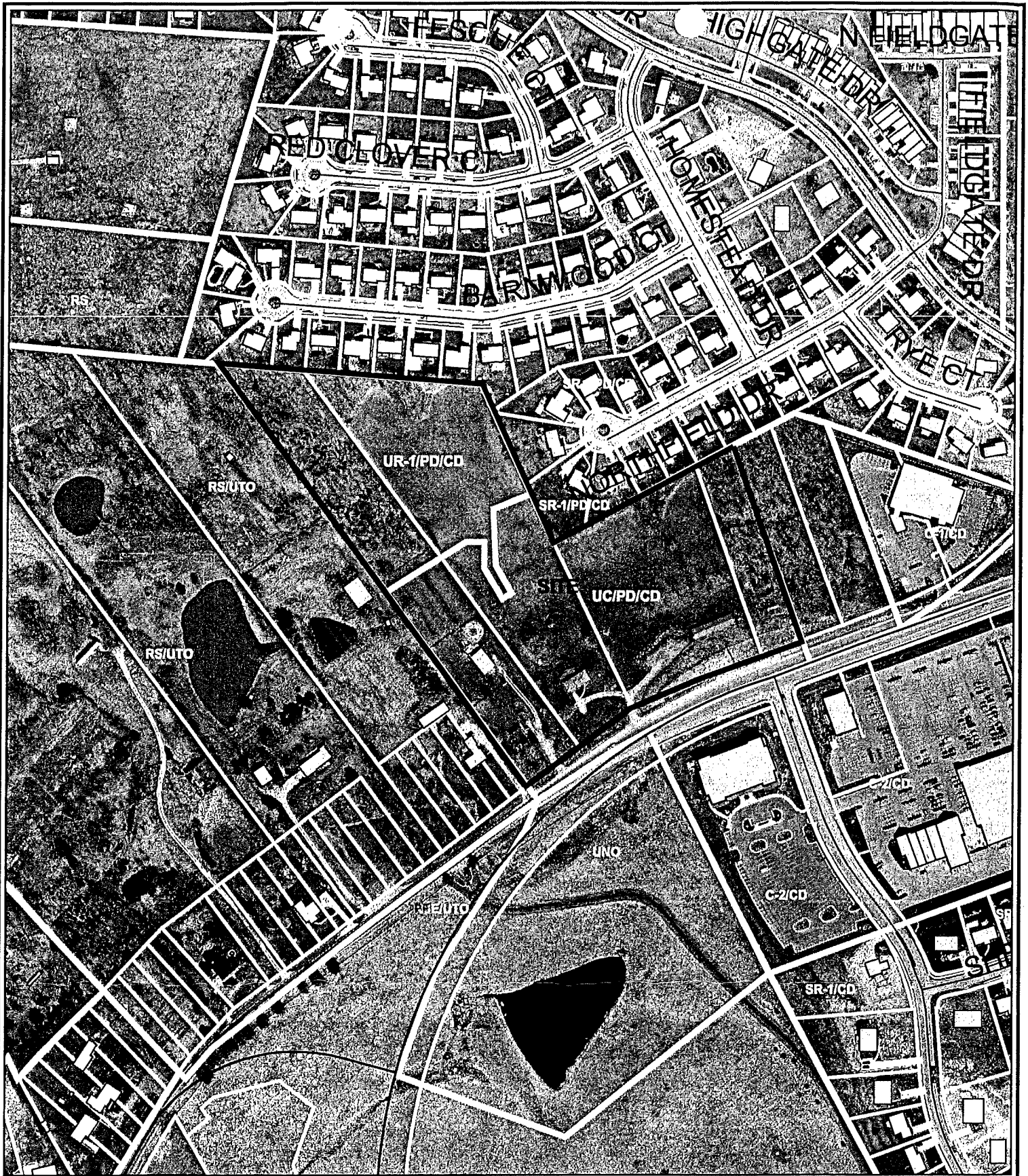


Location

1000 0 1000 Feet

1 inch equals 1000 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 26, 2004



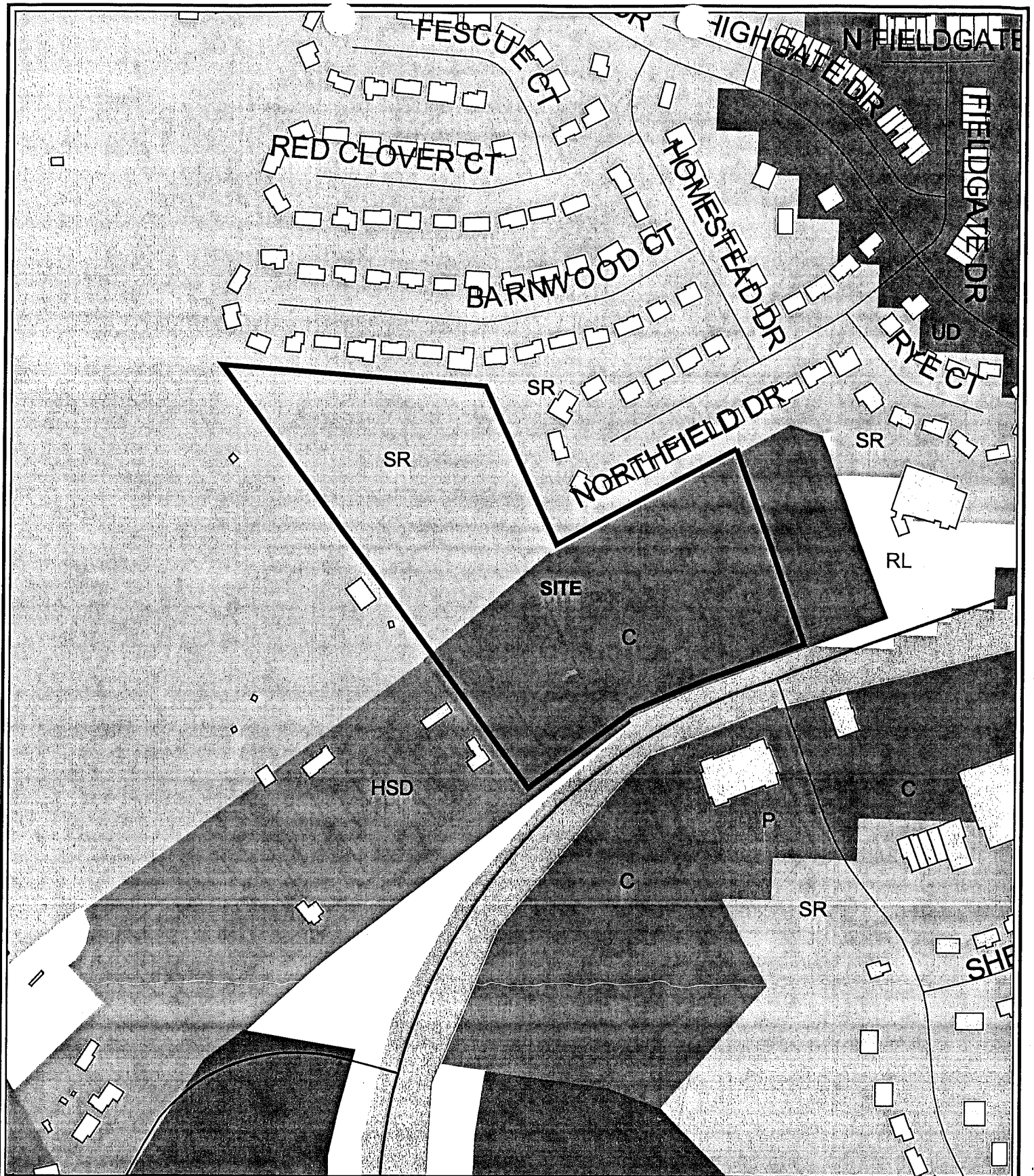


Zoning

300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 21, 2005





Future Land Use

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 26, 2004



ng/Bike Trail From
npowder Creek

Individual
Driveways
Prohibited

SINGLE
FAM. DET.

COMMERCIAL

30' Minimum
Setback Line

Library

Kroger

Buildings Face
US 42. Parking
Located In Rear

Green Space
City Purchase

Senior
Housing/
Institutional
Use/Church

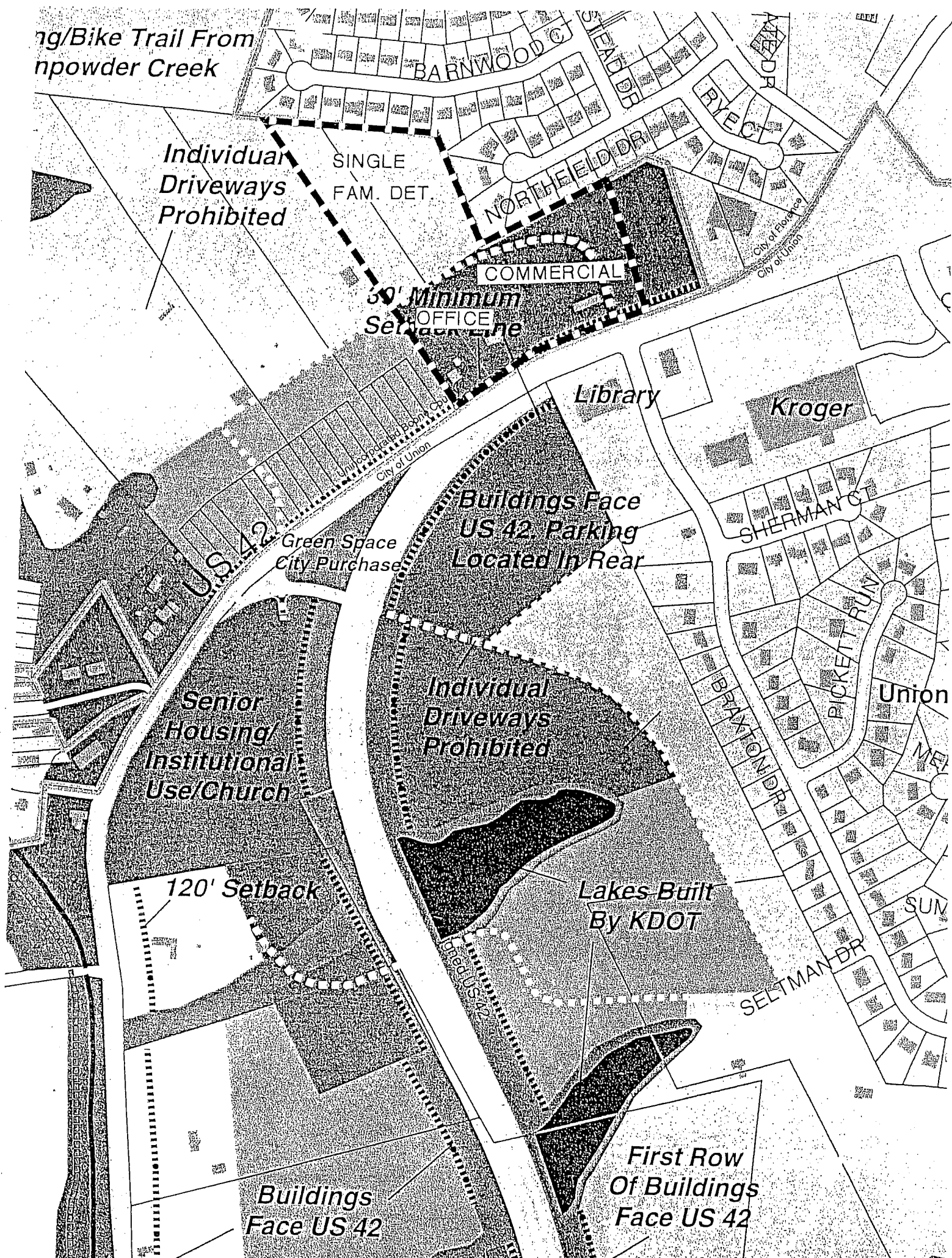
Individual
Driveways
Prohibited

120' Setback

Lakes Built
By KDOT

Buildings
Face US 42

First Row
Of Buildings
Face US 42



VILLAGE TERRACE CHANGE IN CONCEPT DEVELOPMENT PLAN APPLICABLE SIGN REGULATIONS

Section 2580 "Special Sign District" (Applicable Subsections)

1. All sections of Article 34 not otherwise replaced by the subsections below shall apply (note - includes drive-through and menu board signage per Section 3413.3).
2. Permitted Sign Types
 - e. Building Mounted Signs - Building mounted signs shall be permitted for commercial, office and similar uses in the UTC, UNO and UC zone districts. One (1) building mounted sign is permitted for each building facade for a total of three (3) signs. Buildings that contain more than one tenant are permitted one (1) sign for each tenant.
 - (1) Size - The maximum size of the sign, which is calculated by drawing a rectangle around the entire sign area including all lettering and graphics, shall not exceed twenty-four (24) square feet.
 - (2) Height - Individual letters shall not exceed twenty-four (24) inches in height.
 - (3) Location - signs shall not exceed the height or width of the building nor be roof-mounted.
 - f. Projecting Signs - are permitted in place of any building mounted sign in accordance to Section 3460 - 2. of the *Boone County Zoning Regulations* (note - Section 3460.2 is outlined below).
 - g. Exit/Entrance and Drive Thru Directional Sign - one (1) directional sign located on the site for which it directs traffic is permitted at the entrance, exit or drive thru lane to a commercial, office or similar use for each driveway that extends off a road or parking lot.
 - (1) Display - The name or logo of the business, office or similar use and the words "entrance" and/or "exit" are permitted on the sign.
 - (2) Construction - Monument style and pole signs are permitted.
 - (3) Size - Six (6) square feet, including additional brick, stone or masonry areas.
 - (4) Height - Four (4) feet from the ground to top of sign which includes the base and additional brick, stone or masonry areas.
 - (5) Location - Sign must be located outside of any vehicular sight triangle and at least two (2) feet from any property line.

Section 3412 "Directional Signs Requiring a Permit"

One (1) directional sign shall be permitted near each entrance of a commercial,

industrial, or office zoned property with a maximum sign area of six square feet. Advertising on such a sign shall minimally include the words "enter" "exit" or arrows. Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" (Applicable Subsections)

1. Building Mounted Signs (All Commercial, Employment, and Recreation Districts (Except I-3) - A business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage.
3. Drive-Through Signs or Menu-Boards - Drive-Through establishments which have a pick-up window will be permitted to have one (1) drive-through sign or menu-board adjoining the drive-through lane. The menu-board shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free-standing and forty-eight (48) square feet in size if the sign is mounted to the building.

Section 3460 "Small Community Overlay District Signage" (Applicable Subsection Referenced by 2580.2.f Above)

2. Signs cannot project more than four (4) feet into the right-of-way or interfere with pedestrian traffic on sidewalks. Signs that project into a right-of-way will require written permission from the owner of the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs is 16 square feet.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 7, 2004

RE: Request of Triangle Design Group (applicant) for Kenneth Bowman, Joyce Bowman, and William H. White (owners) for a Zoning Map Amendment from Rural Suburban/Union Town Overlay (RS/UTO), Union Commercial (UC), and Union Neighborhood Office (UNO) to Urban Residential One/Planned Development (UR-1/PD) for approximately 5.2 acres of the site, and to Union Commercial/Planned Development (UC/PD) for approximately 8.7 acres of the site, in conjunction with the annexation of real property into the City of Florence, all for 13.88 acres located at 8902 and 8908 US 42, Boone County, Kentucky. The request is for a zone change to allow commercial and office uses, and residential condominiums.

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 proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Comprehensive Plan due to the following reasons.
 - A. The Future Land Use Map designates the southern portion of the site along US 42, which coincides with the proposed UC/PD area, as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Further, the 2000 Union Town Land Use Plan Map designates this part of the site for both Commercial and Office uses - both of these categories fall within the Comprehensive Plan's Commercial designation as it is described in the Land Use Element. The Union Town Plan is "designed to be a furtherance of the Comprehensive Plan's recommendations," and the Land Use Element ("Union Area," pg. 164) states that "the (Union Town) plan's recommendations are shown on the 2025 Future Land Use Map and also affect the Boone County Zoning Regulations." Additionally, the Union Town Land Use Plan Map illustrates a conceptual connector street in the same general alignment as the street shown on the Concept Development Plan.

April 7, 2004

Triangle Design/Bowman/White

- B. The Land Use Element ("Pleasant Valley - West Florence Area," pg. 164) states that smaller-scaled office and institutional uses are intended in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary, and that creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. Although the proposed commercial area includes retail uses, the Concept Development Plan is designed to have the characteristics of an integral development indicative of smaller-scaled office and institutional uses. It also uses the Planning Development Overlay District to provide a creative building layout which appropriately relates to both US 42 and the proposed internal street, which helps to minimize an automobile orientation and strip style development characteristics. In addition to building siting, the development will use low scaled signage, an integral architectural system throughout the development, and an appropriate streetscape design along US 42 and along the proposed internal street to accomplish these objectives.

- C. The Land Use Element (quotation from the 1995 Comprehensive Plan in the "Union Area" section of current plan, pg. 165) also states that "neighborhood-oriented commercial uses may be provided along U.S. 42 between Farmview Subdivision and the Union city center in the form of small-scale nodes that are focused upon existing and future road intersections; regional retail uses are not appropriate in the U.S. 42 corridor. The physical development of these commercial nodes should be reflective of the existing rural environment and should include such elements as vernacular influenced architectural treatments, site planning arrangements reflective of the farmsteads in the area, parking areas situated at the sides and rear of buildings, tree lines along side property lines, and post and rail fencing." The proposal is a small-scale, neighborhood oriented commercial node which is focused upon the existing US 42/Braxton intersection. Based on the site arrangement, proposed architectural design, amenities, and other commitments in the agreed conditions outlined below, the character of the development will properly relate to the rural environment of the US 42 corridor to the west and south. These attributes of the proposal also demonstrate agreement with the Business Activity Element ("Union Area," pg. 164), which advocates limited scale commercial clusters, or "neighborhood business district form," in the US 42 corridor.

April 7, 2004

Triangle Design/Bowman/White

- D. The proposed UR-1/PD portion of the development is in agreement with the Housing Element text. The Element ("Housing Types," pg. 82) notes that "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses" and that "high density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged." The proposed residential condominiums will be located in close proximity to US 42 with immediate access to the proposed commercial area and other commercial areas in the vicinity. The proposal also transitions from the more intense commercial uses along US 42, to an office orientation in the center of the site, and then to attached residential which adjoins the existing single family detached development in Farmview Subdivision.
 - E. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. Due to the narrow width of the northern portion of the site that is proposed for residential condominiums, and the fact that the construction of an electrical substation is pending immediately to the west, which is adverse to a single family residential character and limits the ability of the parcel to be assembled with the adjoining lots for a substantive single family development, the Committee has concluded that the existing RS/UTO zone is inappropriate and that the proposed UR-1/PD zone is appropriate. The pending construction of the substation also represents a major change of a physical nature not anticipated in the adopted comprehensive plan that substantially alters the area's character. As noted under paragraph 1.D above, the Committee has concluded that the proposed UR-1 zone is part of an effective land use transition which is in agreement with the Housing Element.
 3. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" and Article 25 "Union Town Plan Districts" of the Boone County Zoning Regulations. Due to the varying requirements of each article, the Committee has concluded that the combination of the Concept Development Plan and the agreed conditions represents an appropriate "merging" of the various requirements via the flexibility in standards permitted by the PD overlay zone.

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Triangle Design/Bowman/White

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, the Union Town Plan as it relates to the Comprehensive Plan, and the standards and policies of Article 15 "Planned Development District" and Article 25 "Union Town Plan Districts." 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 owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the version of the Concept Development Plan presented by the applicant at the 2/25/04 Public Hearing for this request, except where superceded by the following conditions.
2. The transition of the main internal road between the north-south leg and the east-west leg shall be a three-way stop, "T" intersection (with the third leg of the intersection being completed when the property to the east develops), unless it is demonstrated through the Preliminary Plat review that a radial curve is safer in terms of traffic circulation. Additionally, the site shall be connected to the "future frontage road by KTC" that is shown on the Concept Development Plan only if safe traffic movement with an appropriate geometric layout is demonstrated.
3. The development shall comply with the requirements of the following subsections of Section 2540 of the Boone County Zoning Regulations: #5 "Utilities," #7 "Fences," #9.b "Street Trees," #9.f "Street Lights," and #9.g "Street Furniture." Sidewalks shall be provided on at least one side of the street and may be integral curb/walks where appropriate. Additionally, the sidewalk links normally required under Section 3327 "Pedestrian/Bicycle Improvements" shall also be provided.
4. The architectural design in the development shall follow the submitted written guidelines and the conceptual elevation (attached) and the conceptual illustration which is attached to the 3/16/04 letter from Phil Drees (attached).
5. The on-site storm water system shall be designed to help remedy existing storm water problems in the area through the use of extra catch basins, over-detention, etc., per the City Engineer's direction.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Page 5

April 7, 2004

Triangle Design/Bowman/White

6. Healthy, existing trees shall be retained and buffering shall be provided per the 3/16/04 letter from Phil Drees, including the attached buffer profile drawing. Additionally, a minimum 30 foot wide buffer which contains the required plantings from Buffer Yard B in Article 36 of the zoning regulations, in addition to the retained trees, shall be provided along the north and east property lines of the northern (residential condo/office/day care) section of the development. The combination of the buffering commitments in the 3/16/04 letter and additional plantings along the south property line of the lots in Farmview Subdivision which adjoin the proposed internal road shall be minimally equivalent to Buffer Yard C as outlined in Article 36. All other landscaping shall meet the normal requirements of Article 36 of the zoning regulations.
7. Lighting shall conform to the commitments outlined in the 3/16/04 letter from Phil Drees. Measurable light shall be less than one (1) footcandle at all project boundaries.
8. Freestanding signs shall be limited to three monument signs total along the U.S. 42 frontage (one overall development identification sign and two signs for specific businesses). The design of the signs shall mimic the development's architectural theme and shall follow the submitted schematic drawings. Each sign shall be a maximum of 8 (eight) feet high (as measured from the top of the appurtenant retaining wall base) and contain a maximum of sixty (60) square feet. Manually changeable copy shall only be permitted, for the two monument signs for specific businesses, for up to thirty percent (30%) of the total copy area of each sign. Electronically changeable copy of any type is not permitted.

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.

Exhibit "B"

Union Terrace
Design Guidelines (Preliminary)

JAN 21 2004

The purpose of establishing design guidelines is to reinforce the theme and character of Union Terrace. The guidelines will protect each commercial and residential user as well as enhance the physical features and amenities within the overall environment.

Note: the Union Terrace Design Review Committee must approve all site and building plans.

Architectural Building Guidelines:
Commercial

Roof:

- At least 20% of the Roof line has to pitched (mansard roof line is acceptable)
- Pitched roof has to be metal or equivalent (color to be determined)
- If roof is used over pick-up or drive-thru windows then pitched roof is required

Exterior of Building:

- Brick material has to be on 80% of the Building (Color/type to be determine)
- Arch walkways or Arch windows to be incorporated into building. Arch concrete lintels (on similar looking material) to be used where practical
- Use beige colored band trim, belt course or cornice line at or above window height
- Colors and accents to match other commercial users within development
- Stamp concrete or color concrete sidewalks to be used next to building (Color and pattern to be determine)

No temporary buildings including trailers, incomplete buildings, tents, or shacks shall be permitted on the property.

Union Terrace Design Review Committee reserves the right to waive any of these requirements when, in its sole judgment, the waiver provides for a more appropriate design of a building and does not compromise the integrity of the development.

Commercial site design requirements:

Outdoor Storage/Trash

- Outdoor storage and trash location must be concealed using the primary building design requirements

Parking and Lighting

- No solid concrete islands in parking lot allowed, landscaped islands to be used unless approved Streetscape materials used.
- Light post and fixture (selection yet to be determine)

- Light post base to use brick or stone (color/type same as buildings or entry monument)
- Connectivity with other parking areas must be made
 - Use "Stamp" concrete or color concrete sidewalks to connect (pattern to be determine)
 - Coordinate and blend parking lot entrances and exits with adjacent users

Landscaping

- A separate landscape plan shall be submitted prior to building construction. Union Terrace Design Review Committee must approve plant materials and landscape construction that is to be installed on the lot.
- All unpaved areas of each site not utilized for parking or buildings shall be landscape,
- Landscape shall be used to mark entrance points and parking areas.
- Landscape shall be used to enhance building scale and forms.
- Landscape treatment shall not interfere with sight line requirements at street or driveway intersections. All landscaping shall be designed for reasonable maintenance, and all landscape areas shall be maintained in a quality manner at all times. Paving or terracing may be used in areas where excessive maintenance would otherwise be required.

Signage

- All exterior signs shall be approved by Union Terrace Design Review Committee
- No sheet metal signs, flat wood painted, or exposed fluorescent lights signage allowed.
- The location, size, and construction of signs will be in keeping with the character of the development.
- Ground mounted signs shall not have a gross area of more than Eighty (80) square feet and shall not exceed ten feet (10') in height and shall be connected to the ground along the base length.
- Illuminated signs shall be rear lighted or lighted from a nonapparent light source
- Other signs allowed may be of a directional nature or temporary signs indicating "For Sale" or For Lease"
- All permitted signs shall be of a design and material consistent with the building and/or developers monumentation itself.

Union Terrace
Design Guidelines (Preliminary)

The purpose of establishing design guidelines is to reinforce the theme and character of Union Terrace. The guidelines will protect each commercial and residential user as well as enhance the physical features and amenities within the overall environment.

Note: the Union Terrace Design Review Committee must approve all site and building plans.

Architectural Building Guidelines:
Residential Condo's

Roof:

- Define overhangs, cornice lines, dormers
- Utilize gable and/or hip roof shapes with a minimum roof slope of 4:12
- Material shall be heavy weight dimensional shingles or metal. Color to coordinated with commercial roof lines
- Flat roofs and mansard roofs are not allowed

Exterior of Building:

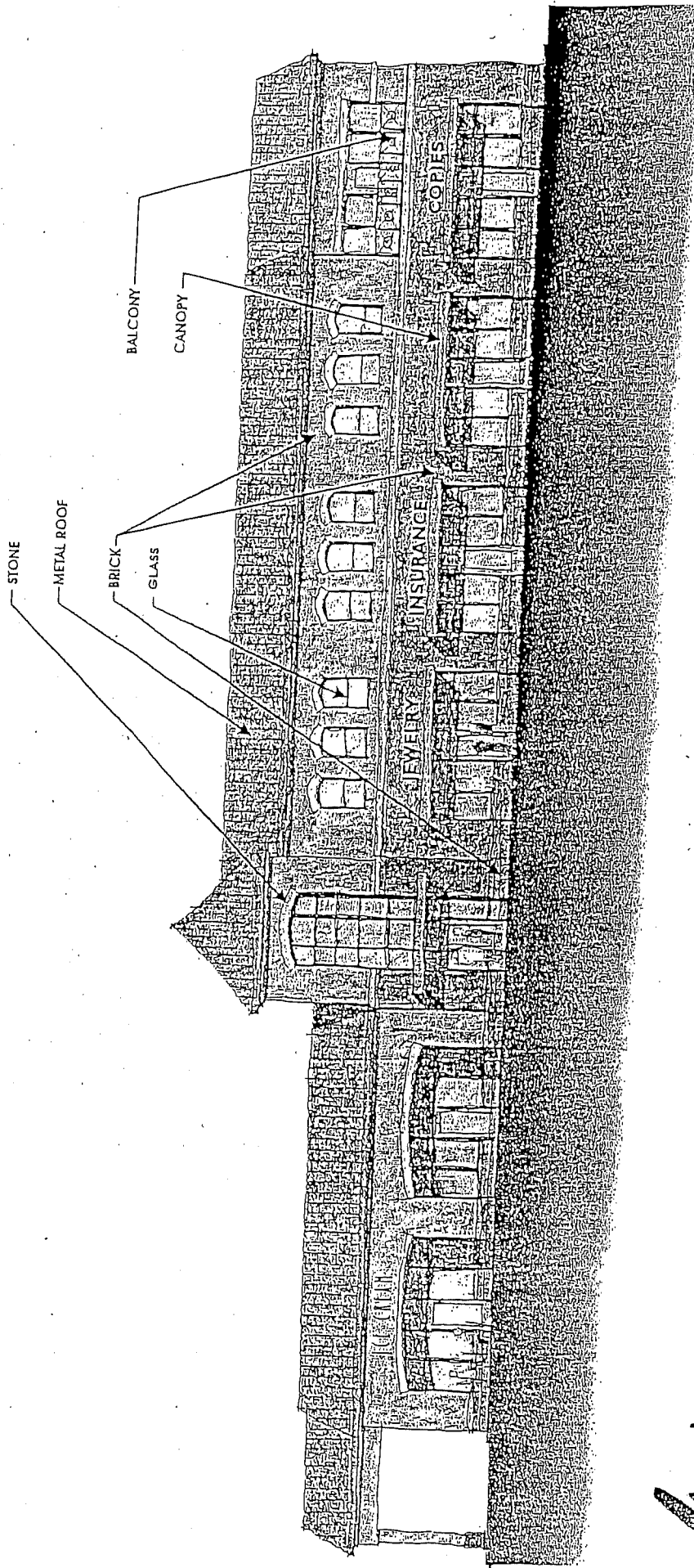
- Brick or stone material has to be on 65% of the Building (Color/type to match commercial buildings)
- Arch walkways or Arch windows to be incorporated into building. Arch concrete lintels (on similar looking material) to be used where practical
- Colors and accents to match other commercial users within development

No temporary buildings including trailers, incomplete buildings, tents, or shacks shall be permitted on the property.

Union Terrace Design Review Committee reserves the right to waive any of these requirements when, in its sole judgment, the waiver provides for a more appropriate design of a building and does not compromise the integrity of the development

Amenities

- Developer to provide a common area amenity such as a "pocket park" for public open space gathering
- Agree to be a member of the "Union Terrace commercial association" that will provide the vehicle to maintain the open space grounds and features
- Developer will place "Union Terrace" signage at entrance with each commercial user listed (Must have at least 3000 Sq. Ft.)
-



THE SHOPPES AT UNION TERRACE

TRIANGLE DESIGN GROUP

AW



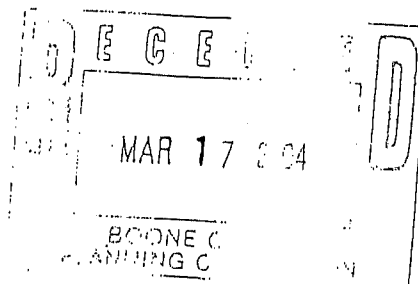
Triangle Design Group, Inc.

495 Erlanger Rd
Suite 201
Erlanger, Ky 41018

Office (859) 342-7333
Fax (859) 342-6080

March 16, 2004

Mr. Kevin Wall
Boone Co. Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Kevin,

The following is a summary of the various neighbor concerns that have been brought to our attention regarding the proposed Union Terrace Project (UT). Triangle Design Group (TDG) has been working with the existing residential property owners to the North of UT in an effort to mitigate their concerns.

These concerns are as follows:

1. Buffering- Can the road be moved in order to create more buffering?
2. Detention- Will the UT detention area be adequate to prevent storm water runoff from entering the residential area?
3. Lighting- Can TDG use a less invasive lighting system to guard against light pollution? In addition, how will UT address the impact of car lights on the residences behind the intersection at UT?
4. Noise- What can TDG do to minimize noise pollution?
5. Trees on the property line- Will the UT development impact the mature existing trees along the property line?
6. Hours of Operation- What will the hours of operation be and can they be controlled?

How are the developers of Union Terrace addressing these issues?

1. Buffering

TDG has submitted an option that has the potential of mitigating the buffering concern. The option of "sweeping" the road has been reviewed by the residential neighbors and TDG. If this option meets subdivision requirements, we will be willing to make the change. However, the "sweep" needs to be reviewed by the proper engineering representative for the county and or city of Florence before acceptance.

Another option looked at by the neighbors and TDG was to install some fencing and low hedging along with the already proposed trees and swale/berm area. TDG feels that portions of a strategically placed fence will severely reduce any light and noise emanating from UT, as well provide a sense of safety for the neighboring homeowners. (Examples of each option are included in this packet).

2. Detention

By law, TDG is not able to increase storm water runoff onto neighboring properties. It is our impression that the neighboring property owners are concerned that existing storm water problems will be amplified by the UT development. This will definitely not be the case. TDG is currently working with its engineers and tenants to actually reduce the current amount of storm water runoff onto neighboring properties.

The Detention area along the back of the properties on Northfield Dr. could possibly be reduced in size if Walgreen's were to agree to install underground detention. TDG has also determined that the Detention area can be moved slightly away from the adjoining property owners if the "sweeping" option explained in the buffering section is determined feasible. If practical, the Detention area will outlet into the ditch along US Hwy 42.

The Detention along Barnwood Court is under review as well. A meeting was held on March 10, 2004 with Cingery to explore placing the Detention area on their property. The outlet will still follow the normal outlet that is shown on our plan.

3. Lighting.

TDG has submitted for your review the lighting provided by Cingery. The gas light replica will be used on all public streets and throughout the residential condominium area. Light options run 12' to 16' in height and have a lower luminary range than standard streetlights (included in packet). In addition, a light plan will be submitted, illustrating how lighting on individual commercial lots will be contained on site as opposed to drifting onto neighboring properties.

4. Noise

The UT development is governed by current zoning regulations for allowable noise levels projected through the site. It is our intention not to exceed these regulations. With the fencing and hedges, there should be ample barriers and reduction in noise to prevent noise from negatively affecting neighboring residences.

5. Existing Trees

TDG has instructed its engineer (CDS and Associates) to provide a 15' buffer around the entire rear of the property. The disturbed limits will not encroach upon this buffer therefore saving all of the existing trees. Elsewhere, it is our intention to preserve as much of the existing mature live trees as possible.

6. Hours of Operation

TDG has spoken with all tenants and future business owners. Expected business volumes do not justify 24-hour operations. The hours of operation will be consistent with other retail and restaurant hours in similar surrounding areas.

Summary

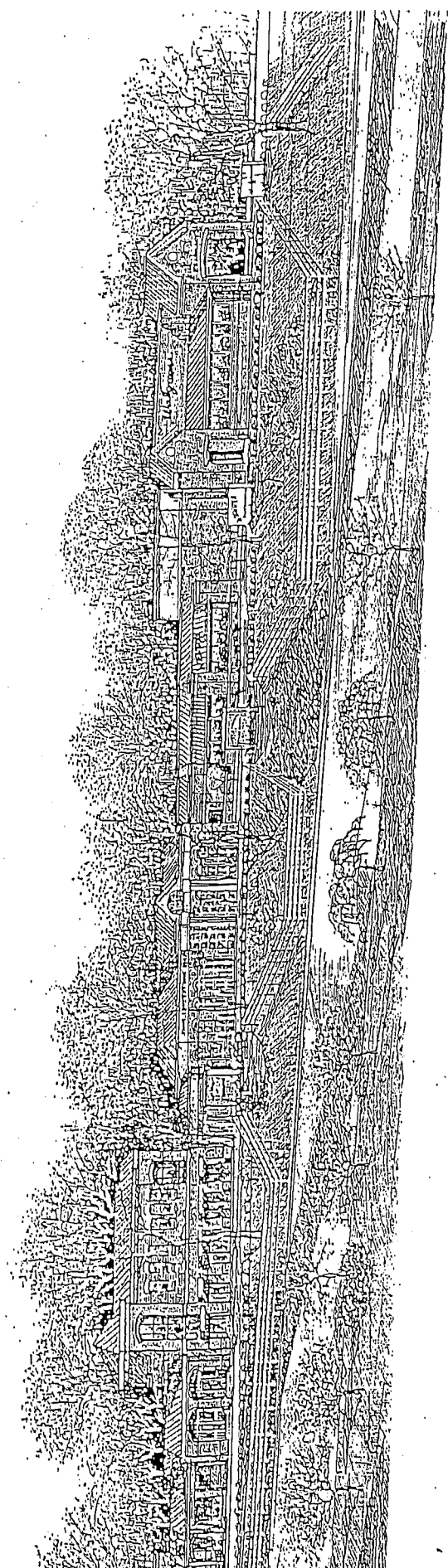
TDG met with the existing residential neighbors on March 11, 2004 at the proposed site. Our overall opinion of the meeting was that the neighboring property owners were, for the most part, satisfied with the options and solutions outlined in this letter.

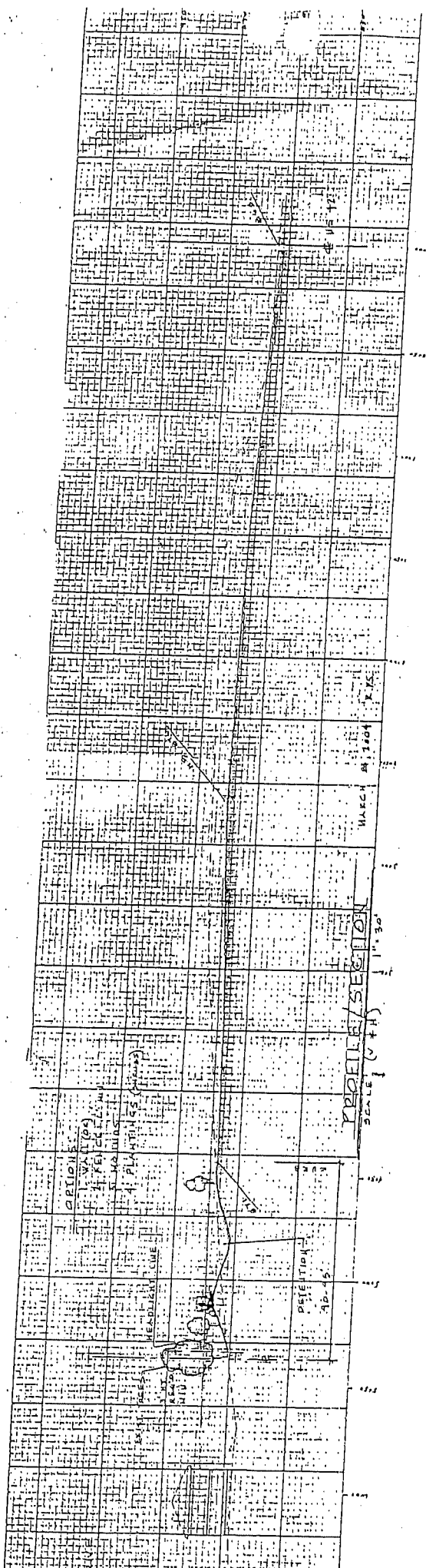
Union Terrace is poised to be a special development unlike any in the existing area. We hope that you can appreciate the time and effort put in by the development team to find solutions and overcome the objections presented by the neighbors. We hope that these efforts will further your ability to recommend approval of the UT development to the entire planning commission.

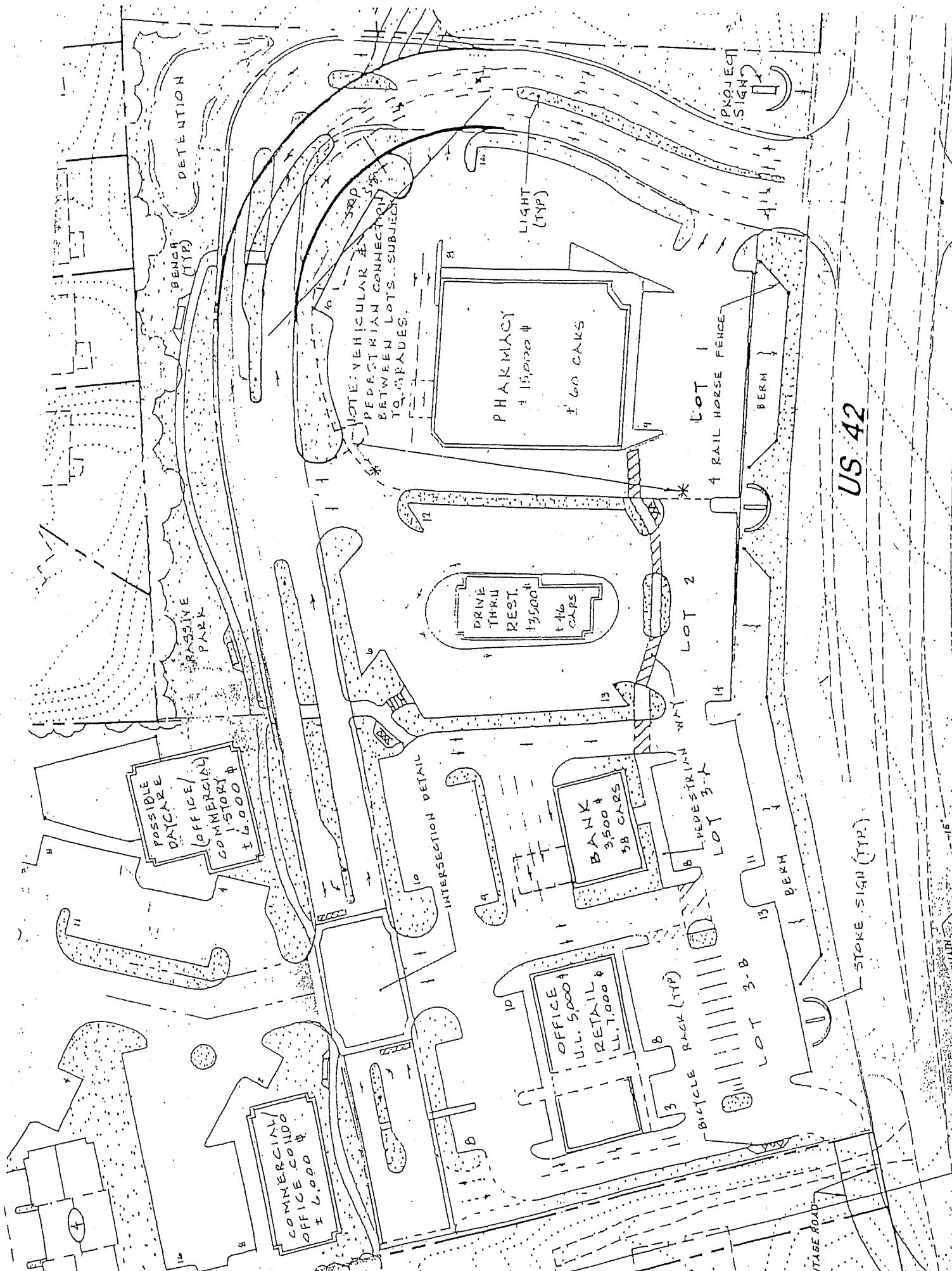
Sincerely,



Phil Drees,
President,
Triange Design Group, Inc.







US 42

STONE SIGN (TYP.)

PROJECT SIGN

LIGHT (TYP.)

BENCH (TYP.)

DETENTION

NOTE: VEHICULAR & PEDESTRIAN CONNECTIONS BETWEEN LOTS SUBJECTED TO GRADES.

PHARMACY
15,000
600 CARS

DRIVE THRU REST.
3,500
146 CARS

BANK
3,500
58 CARS

OFFICE
11,500
RETAIL
11,000

POSSIBLE DAYCARE
(OFFICE/COMMERCIAL)
1-STORY
16,000

COMMERCIAL OFFICE CONDO
16,000

LOT 1

LOT 2

LOT 3-A

LOT 3-B

LOT 3-C

1 RAIL HORSE FENCE

BERM

BERM

ONTAGE ROAD

INTERSECTION DETAIL

BICYCLE RACK (TYP.)

WATER MAIN

ORDINANCE NO. 0-16-04

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM RURAL SUBURBAN/UNION TOWN OVERLAY (RS/UTO), UNION COMMERCIAL (UC), AND UNION NEIGHBORHOOD OFFICE (UNO), TO URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1/PD), FOR APPROXIMATELY 5.2 ACRES AND TO UNION COMMERCIAL/PLANNED DEVELOPMENT (UC/PD), FOR APPROXIMATELY 8.7 ACRES, THESE ZONING MAP AMENDMENTS BEING FOR A 13.88 ACRE SITE LOCATED AT 8902 AND 8908 U.S. HIGHWAY 42, BOONE COUNTY, KENTUCKY, TO ALLOW COMMERCIAL AND OFFICE USES AND RESIDENTIAL CONDOMINIUMS. (BOWMAN/WHITE/TRIANGLE DESIGN GROUP PROPERTY).

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-04-009-A recommended approval of the rezoning described above, and

WHEREAS, the recommendation for approval of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, 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 request of Triangle Design Group (applicant) for Kenneth Bowman, Joyce Bowman, and William H. White (owners) for zoning map amendments for an approximate 13.88 acre site located at 8902 and 8908 U.S. Highway 42 in Boone County, Kentucky, these zoning map amendments being to rezone the site from Rural Suburban/Union Town Overlay (RS/UTO), Union Commercial (UC), and Union Neighborhood Office (UNO), to Urban Residential One/Planned Development (UR-1/PD), for approximately 5.2 acres and to Union Commercial/Planned Development (UC/PD), for approximately 8.7 acres, in conjunction with proposed annexation of the 13.88 acres into the City of Florence to allow commercial and office uses and residential condominiums shall be and is hereby approved, subject to a Concept Development Plan and 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 amended and designated to reflect the approval of these zoning map amendments for this 13.88 acres.

SECTION II

Approval of these zoning map amendments 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-04-009-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to additional conditions that have been agreed to by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

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 part of the Commission's Resolution No. R-04-009-A, marked Exhibit "B" hereto.

SECTION V

If this approval for these zoning map amendments 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 25th DAY OF MAY, 2004.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS

8th DAY OF June, 2004.

APPROVED:

Dean E. Walsh
MAYOR

ATTEST:

Jan A. [Signature]
CITY CLERK

We, William White, Louise White, Kenneth Bowman and Joyce Bowman as the property owners of the real estate referenced herein and the authorized representative from Triangle Design Group (applicant) hereby agree to the Special Conditions of approval placed on this project by the City of Florence, Kentucky as set forth below:

1. The hours of operation for the commercial businesses that locate within the development shall not be permitted to be open for business twenty four (24) hours a day. The hours of operation shall be consistent with other retail and restaurant hours of operation in the surrounding area.
2. The commercial parcel immediately adjacent to the rear of the residential properties on Northfield Drive, the proposed daycare center or any such future use, shall not have daily hours of operation past 10:00 p.m.
3. A pedestrian sidewalk system shall be constructed along the west or internal commercial side of the main boulevard type road in the development.
4. Buffer yard cross sections shall be submitted to the Boone County Planning Commission for review and approval during the improvement plan process for all portions of the proposed development property where it is adjacent to Farmview residential property. The review and approval shall evaluate lines of sight to determine the most effective method of buffering the development from the adjacent residential subdivision through the utilization of fencing, berming, and/or installation of trees.
5. Freestanding signs shall be limited to three monument style signs total along the U.S. 42 frontage (one overall development sign and two signs for specific businesses). The development sign shall be a maximum of ten (10) feet in height and a maximum of one hundred (100) square feet. The two monument style signs for specific businesses shall be a maximum of eight (8) feet in height and a maximum of seventy (70) square feet. Note, the height and size restrictions contained in this condition supercede the height and size restrictions contained in Boone County Planning Commission Number 8. However, all other restrictions relative to signage contained in Boone County Planning Commission Condition number 8 remain in effect.

2. The request of McBride Dale Clarion for three (3) Variances to: (1) have more than 24 square feet of building-mounted signage on two building facades; (2) have building-mounted channel letters which are more than 24 inches in height; and (3) have a directional sign which is larger than 6 square feet in area. The property is located on future Lot #1 of Village Terrace Subdivision. The subject property is located on the north side of U.S. 42, across from the U.S. 42/Braxton Drive intersection, Florence, Kentucky. The site is currently zoned Union Commercial/Planned Development/Concept Development (UC/PD/CD).

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

DRAFT
SUBJECT TO CHANGE

Mr. Jonathan Woche with McBride Dale Clarion presented and reviewed an exhibit of the plan. He stated that they went through the Technical/Design Review Committee last week and are currently going through Site Plan Review regarding site issues such as drainage. He stated that the east elevation of the building faces Braxton Road and the south elevation faces U. S. 42. Across U.S. 42 is the library, Block Buster and the Kroger center. To the north of the building is Bowman Way and north of it is a berm and buffer area for the existing residential subdivision. He indicated the drive-thru pharmacy on the east side of the north elevation. He stated that this Walgreen's is different than the typical Walgreen's store and the Concept Development plan requires different architecture. He noted the arches, brick, and other design elements. He stated that this is not a standard Walgreen's – it is all brick, there is the colored awning and the arch design creates a tower element. He stated that this will not be a 24-hour store. He indicated the Walgreen's sign with the pharmacy and photo signs at the corners. He stated that the Sign Code requires that the sign be designated as 681 square feet – but 550 square feet of it is brick and the sum of the three signs is 128 square feet of sign area. The Walgreen's sign is 102 square feet (26'8" by 2'6") on the east and south elevations. The pharmacy sign is 15.1 square feet and the photo sign is 11.6 square feet. The actual sign area is 128 square feet. He stated that they are asking for a Variance on the limitation of the sign area, which is 24 square feet for an individual sign. He stated that the intent of the Union Center Sign District was primarily for applications of property in the Union downtown area and, for whatever reason, this property was zoned Union Center and a Concept Plan was developed. Many things were modified as part of the Concept Plan – setbacks, landscaping, etc. – but wall signage was not part of the modification. He believes that was an oversight. He stated that a 24 square foot limitation is going to require other Variances – there will be a Wendy's and a Graeter's there and 24 square feet is very restrictive for this type of commercial development. He stated that the two other Variances are for the letter heights because the "W" is 30 inches tall and the Sign Code limit is 24 inches. The photo

and pharmacy signs do not exceed the maximum. The drive-thru pharmacy sign on the canopy is 12.5 square feet and the limitation is 6 square feet. Walgreen's feels strongly that identifying the pharmacy drive-thru is important to their customers and the sign will only be visible to the customers. The pharmacy drive-thru sign is important and appropriate. He stated that the sign area is 128 square feet under normal calculations. The building is 114 feet by 130 feet and the signage is at about the standard of one square foot per linear foot of frontage on only two elevations. The Block Buster, which is across the street and in a different district, is 5,000 – 6, 000 square feet in size and has 229 square feet of sign area. He stated that the signage will not have a detrimental impact on the Kroger center, which has more than 800 square feet of sign area. It will not have a detrimental impact on Block Buster or the library. He stated that Walgreen's is the largest building on the Concept Development Plan. The signage is oriented to the public and not to the residential areas. He stated that the property is in a zoning district in the Union Town Plan area, but it is in the City of Florence – which is a unique situation that had not been planned for. He asked for approval of the request on the basis that it is appropriate to the area and will not have a detrimental impact.

Mr. Mel Carroll, 45 Northfield Drive in Farmview Subdivision, stated that his property is contiguous to this development. He stated that the signage in this development was not an oversight -- it was well discussed between the developers, Planning & Zoning, and the City of Florence – and after discussing the issues extensively they recognized that the current signage was the correct signage. He stated that the Union Town Plan does not just pertain to the City of Union, it pertains to the surrounding area. This is one of the first opportunities for the Union Town Plan to be addressed and what the Board does tonight will set the basis for additional signage in the Union Town Plan area for future developments. He stated that everyone wants the maximum signage, and that would be unregulated signage. If the Board allows these Variances, then the next one wanting additional signage will use it to get their signage increased. He stated that the developer asked for more signage and it was discussed extensively and turned down. He reviewed the criteria necessary to grant a Variance. He stated that there are not special circumstances and reasonable use of the land can be achieved with the existing signage. He stated that everything was spelled out before this development got underway. He does not think they need additional signage or the three Variances to achieve their retail purposes.

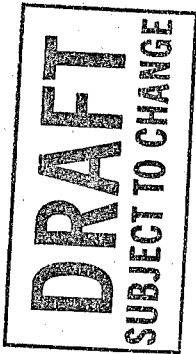
Mr. Adam Chaney, 8100 Camp Ernst Road, a partner in this development, stated that only the monument signs were discussed in Committee and they did not address building-mounted signage. They thought it would be better for the end user to determine what was best suited to their needs. He stated that throughout the entire Planned Development process they have had the same struggle as to what goes in the Union Town Plan area. The Union Town Plan calls for buildings to be right up against U.S. 42, but the buildings are further back, which should allow for larger signage than what was originally planned. He stated that if this

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SUBJECT TO CHANGE

was one building, Walgreen's signage would fit – the only difference is that there are separate users. He stated that they could have divided the property into 4,000 square foot lots and each user could have had 24 square feet of signage – but this is one larger user. If they had the smaller buildings, there would be more square footage of signage than Walgreen's is requesting for one building. Kroger's sign is much larger than what Walgreen's is proposing and they are Walgreen's competition. He stated that if Florence businesses want to compete with businesses outside the City of Florence, they will require the same signage. He stated that anything smaller than typical Walgreen's signage will look out of place.

Mr. Timothy Garnett, 33 Northfield Drive, is concerned about light pollution from the signs.

Mr. Bob Mooney, Anchor Properties, stated that it is difficult to build a new prototype store and have any recognition without the signage. They will not be able to develop a Walgreen's on the site without some type of Variance on the signage.



Mr. Chaney stated that they submitted a rendering of all the buildings on the site and the rendering showed the signage on Walgreen's as it looks on Mall Road. He stated that almost every other retail user in the development that is a major corporate or national player will be requesting the same Variances. He stated that if they lose Wendy's and Graeter's because of the signage issue, the original plan that everyone liked will become totally different and they will not have the users they intended to have here – and they will probably get "B" Class users. He stated that they cannot operate without signage – they are competing against a major pharmacy at Kroger's across the street. Unless a precedent can be set here that works for Walgreen's, he believes the rest of the users will fall in line with whatever Walgreen's does.

There being no one else present who wished to speak, the Chairman asked if there were any comments from the Board.

Ms. Evans questioned the hours of operation. Mr. Wocher responded that one of the conditions of the Concept Plan was that they not be open 24 hours a day. Mr. Mooney stated that normally the hours are 9 AM to 10 PM, but they have not been determined. Ms. Evans asked if there is 24 hour lighting. Mr. Mooney responded that normally it is 24 hour lighting. He stated that the signs do not face the residential area. He stated that this is the smallest amount of signage they have on their buildings. Mr. Wocher stated that they are working with Planning & Zoning on lighting and may have a requirement of one foot candle at the property line.

Mrs. Schaffer reviewed the Special Sign District regulations, which are a relatively new section of the Zoning Regulations. She stated that the Special Sign

District was to help create a theme and a corridor with the proposed site on U.S. 42. This is a corridor, not just this parcel. She stated that the entire request does not comply and she does not see how the Board can consider increasing the size of the sign letters. She stated that this is a new plan for this corridor – it is not antiquated – and she can find no basis to grant this request. Allowing increased signage will be detrimental to the vicinity of the sign district and an unreasonable circumvention of the requirements. She is opposed to granting the Variances.

Mr. Wocher stated that the Concept Development Plan has not enforced the Union Town Plan guidelines for setbacks, parking, or building locations because they felt it was inappropriate for this property to follow the Union Town Plan guidelines. None of the plan that Florence approved for this property followed the Union Town Plan. He stated that the question has to be “can this store survive with one 24-square foot sign that can barely be read”?

Mrs. Schaffer stated that this corridor is the gateway to the Union Town Plan area and it is not related only to Union. She reviewed the size of the proposed signage and stated that it is too much. She does not feel that the requested signage is appropriate.

Mr. Wocher asked the Board to consider the Walgreen’s sign on each elevation with the pharmacy and photo signs removed, which would be approximately 102 square feet of signage and less than one square foot per linear elevation.

Mr. Chaney stated that using Mrs. Schaffer’s argument, they would not have had any of the things they have in this Planned Development. He stated that there wasn’t a literal reading of the Union Town Plan and they have already set a precedent by moving the buildings back off U.S. 42. He stated that to literally interpret the signage requirement now is not appropriate.

Ms. Evans stated that the Walgreen’s on Mall Road has one large sign in the front. Ms. Bachman responded that it is part of a different Special Sign District. She stated that the intent of the Union Town Plan is to create a pedestrian type scale. The setback is intended to be of a smaller scale (human versus automobile scale), but she does not know that the smaller scale has been maintained in this development.

Mrs. Schaffer stated that this Special Sign District is relatively new and is the Board’s guideline. If it is not right and it needs to be changed, then it needs to go through the appropriate authority, which is not this Board. Mr. Pieper agreed. He stated that if the Board grants the Variance to put up larger signage, then each building will have to be looked at separately and argued in a separate way.

Ms. Bachman stated that a possible remedy would be to examine a change in the Approved Concept Development Plan through the Public Hearing process. Mr. Morgan stated that the Union Town Plan area is visualized as a pedestrian



environment. He does not know why the signage was not addressed more thoroughly at the Public Hearing considering the scale of the building and the 24 square foot sign. He stated that if this request is denied, the only avenue is to go through the Public Hearing process – and it would take four to six months before Florence City Council could act on it.

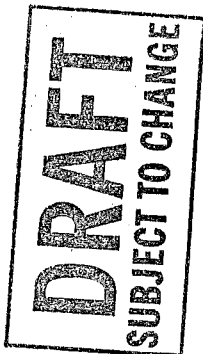
Mr. Chaney stated that it was unanimously agreed by the Planning Commission and Florence City Council that this was a transition zone between the uses across the street and the Union Town Plan area. They were in unanimous agreement that the Union Town Plan was out of place here. If they had thought that there would be disagreement that this was in a transition zone or that there would be opposition, they would have addressed it. He stated that they were all in agreement that there would not be a literal reading of the Union Town Plan and that is the reason they did not address it. He stated that the City of Florence and Planning & Zoning both wanted the development in the city and without the Variances the entire plan is jeopardized. He stated that having to wait four to six months may as well be a denial.

Mr. Sparks questioned their construction time. Mr. Chaney responded that they planned to transfer the lot in March and open in early summer. He stated that Walgreen's is not going to be the only user that will have this problem.

Mr. Wocher stated that development of the Concept Plan took place over several months in sub-committee meetings and there were renderings of Walgreen's that included this design and the signage. He questioned looking through the file for the renderings.

Ms. Bachman stated that there are no minutes recorded at the Zone Change Committee Meetings. The only condition in the Committee Report pertained to the monument signage. Mr. Chaney stated that building-mounted signage was specifically not discussed because they did not know exactly who the users would be and did not want to be pigeonholed. He stated that the building-mounted signage was not discussed at Planning & Zoning or at the Committee level, but renderings were submitted that included every building they thought would be on the site and signage at this scale. He stated that there are minutes of the sub-committee meeting and they say that this area is outside the Union Town Plan. He stated that they did not bring up individual user's signage and they did not think it was going to be a big issue.

Ms. Evans questioned the transition area. Mr. Morgan stated that the information could possibly be in the Public Hearing minutes or the Florence City Council minutes – but there are no minutes of the sub-committee meeting. He stated that Kevin Wall was the Staff person who handled this for Planning & Zoning. Counselor Wilson advised that there are no minutes of the Planning Commission sub-committee meeting and if minutes exist they would be City Council minutes. Mr. Morgan stated that it is a caucus meeting and he does not think there would



be minutes. Counselor Wilson advised that even if there are minutes, they are not going to reflect approval of building-mounted signage and if there is a rendering it does not represent an approval of building-mounted signage. Mr. Chaney stated that the minutes of approval from Planning & Zoning and the minutes from Florence City Council should show that they used the term "transition zone" several times. He asked the Board to understand why everything else was approved and apply that reasoning to the signage. He stated that Planning & Zoning and the City of Florence approved the building setbacks and all kinds of Variances and he asked the Board to use the same logic – it is a transition zone and not in the middle of Union Town Center. They talked about the things they could control as developers – setbacks and monument signage – and left the building-mounted signage to the builders of the buildings.

Mrs. Schaffer stated that there is an approved Concept Plan for the parcel and there are sign regulations. She questioned how being a transition area makes any difference. She stated that if there has been a mistake, they need to remedy it through a change in the Concept Plan as suggested by Staff.

At this time, Mrs. Schaffer moved that the requests be denied on the basis that the criteria necessary to grant any of the Variances has not been met pursuant to the Boone County Zoning Regulations or any other applicable regulations. Mr. Sparks seconded the motion. A roll call vote on the motion found Mrs. Schaffer, Mr. Sparks and Mr. Pieper in favor. Ms. Evans and Mr. Schneider were opposed. The motion carried by a vote of 3 to 2.

3. **The request of Quality Project Management, LLC for a Change in Non-Conforming Use to allow Travel Centers of America to construct a three bay garage addition onto their existing three bay shop. The property is located at 7777 Burlington Pike, Florence, Kentucky. The site is currently zoned Office Two/Planned Development (O-2/PD).**

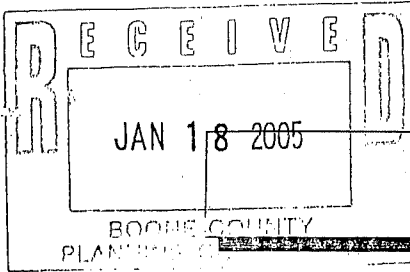
Staff Member Todd Morgan, AICP, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Tom DiMartino with Quality Project Management, 1649 Marlowe Avenue, Lakewood, Ohio, was present representing Travel Centers of America. He stated that they are proposing a state-of-the-art addition onto their existing facility. He stated that 80% of the truckstops in their network are being added to with upgraded bays to provide better customer service and a modern service facility.

Mr. Dave Shealy, 24601 Center Ridge Road, Westlake, Ohio, stated that there is a mandate from the federal government that drivers have to spend more downtime and, therefore, they will be parking at their facilities longer. While drivers are

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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 Village Terrace
3. Location of Project HWY 42 Florence, KY.
4. Total Acreage of Site ~~13.88~~ 13.88
5. Current Zoning UC, UNO, RSE / UTO / PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) May 11, 2004
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) Union Town Plan
8. Proposed Uses (please specify each use) Restaurant, Bank, Daycare, Drugstore, Strip Center, office Condominium, Residential Condominium, All permitted uses in UC zone
9. Proposed Building Intensities (please specify) _____
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) Terrace Development Company LLC
Phone Number 859.342.7333 Fax No. 859.342.6080
13. Address of Applicant(s) 495 Erlanger Rd., Suite 201
Erlanger KY 41018
City State Zip
14. Name of Property Owner(s) Terrace Development Company LLC
Phone Number 859.342.7333 Fax No. 859.342.6080
15. Address of Property Owner(s) 495 Erlanger Rd. Suite 201
Erlanger KY 41018
City State Zip
16. Are there any existing buildings on the site? No
How many? _____
17. Deed Book 5 877,873 Page No. 143,620 Group No. _____
18. Have you had a pre-application meeting with BCPC Staff? Yes.

~~the~~ 8. Change of Concept Plan to allow Village Terrace Subdivision
(over)

to follow the Building Mounted, Drive-Through Signs or Menu-Boards
found in Section 3413 of the Boone County Zoning Regulations.

Guidelines & DIRECTIONAL SIGNS PER 3412

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 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: _____

20. Concept Development Plan Jurisdiction/Location

☐ Unincorporated Boone County ☐ Walton
☒ Florence ☐ Union

21. Applicant's Signature(s) _____

22. Property Owner's Signature(s) _____

SECTION B (To be completed by BCPC Staff)

1. Date Received _____ Fee Received _____
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 ☐ NO
4. Staff Reviewer KEVIN WALKER
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 2/16/05
7. Boone County Planning Commission Action:
☐ Approved
☐ Approved With Conditions
☐ Denied
8. Other: _____

** Five (5) Copies Required

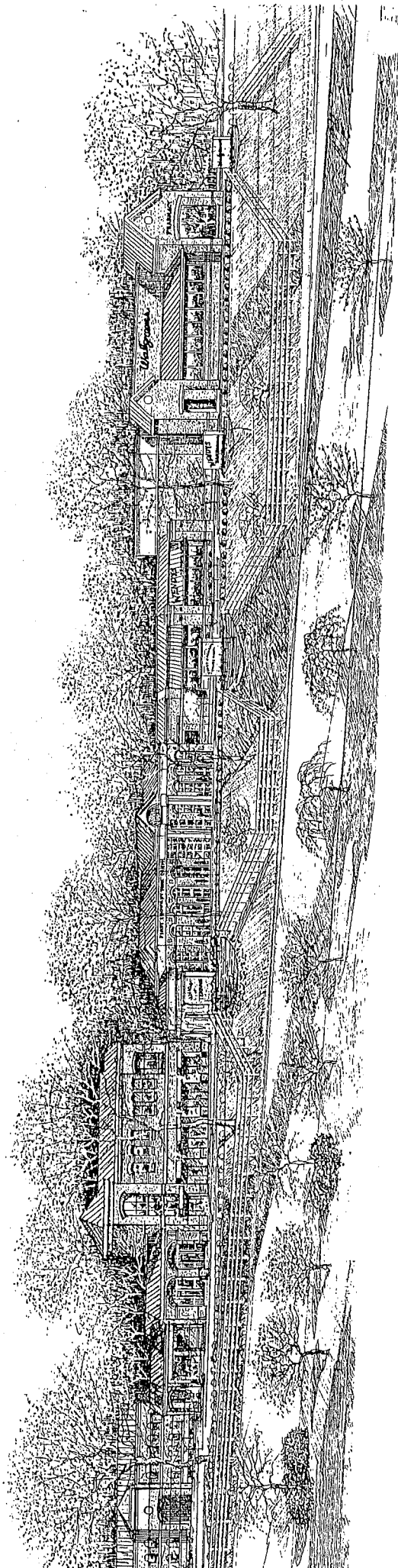
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-Mail
www.boonecountyky.org - Web Page

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.

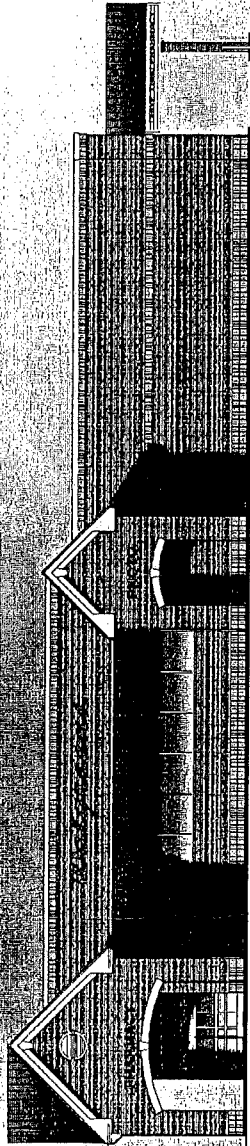
BCPC:4/2003

JAN 18 2005

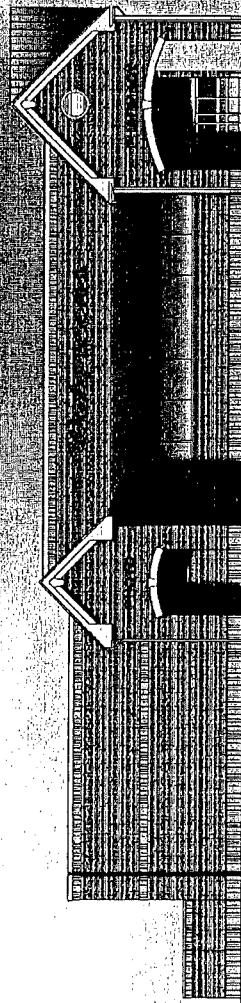
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JAN 18 2005



EAST ELEVATION



SOUTH ELEVATION

WALGREENS UNION, KY
C+RA COMM. NO. 504018



SIGN AREA SUMMARY

EAST ELEVATION – BY INDIVIDUAL SIGN

26'-8 1/2" WALGREENS SCRIPT SIGN	102.1 S.F.
16" PHARMACY INDIVIDUAL LETTER SIGN	15.1 S.F.
18" PHOTO INDIVIDUAL LETTER SIGN	11.6 S.F.
10" DRIVE-THRU PHARMACY LETTER SIGN	(12.6 S.F. NOT IN TOTAL)
DRIVE-THRU 'CLEARANCE' SIGN	(3.5 S.F. NOT IN TOTAL)
EAST ELEVATION TOTAL PROPOSED	128.8 S.F.
EAST ELEVATION TOTAL ALLOWED (1 SIGN MAX.)	24.0 S.F.

SOUTH ELEVATION – BY INDIVIDUAL SIGN

26'-8 1/2" WALGREENS SCRIPT SIGN	102.1 S.F.
16" PHARMACY INDIVIDUAL LETTER SIGN	15.1 S.F.
18" PHOTO INDIVIDUAL LETTER SIGN	11.6 S.F.
SOUTH ELEVATION TOTAL PROPOSED	128.8 S.F.
SOUTH ELEVATION TOTAL ALLOWED (1 SIGNS MAX.)	24.0 S.F.

WEST ELEVATION – BY INDIVIDUAL SIGN

10" EXIT INDIVIDUAL LETTER SIGN	(2.1 S.F. NOT IN TOTAL)
WEST ELEVATION TOTAL PROPOSED	0.0 S.F.
WEST ELEVATION TOTAL ALLOWED (1 SIGNS MAX.)	24.0 S.F.

NORTH ELEVATION – BY INDIVIDUAL SIGN

NONE	—
NORTH ELEVATION TOTAL PROPOSED	0.0 S.F.
NORTH ELEVATION TOTAL ALLOWED	0.0 S.F.

BUILDING SIGNAGE TOTAL PROPOSED	257.6 S.F.
BUILDING SIGNAGE TOTAL ALLOWED	72.0 S.F.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 16, 2005
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Bunker, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:06 PM and introduced the item on the Agenda:

Applicant: **Terrace Development Company, LLC (owner)**

Request: **Change in Approved Concept Development Plan**

The request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of US 42, across from the US 42/Braxton intersection and the Boone County Public Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building-mounted, drive-through, and menu board signage per Section 3413 “Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit” of the **Boone County Zoning Regulations** instead of Section 2580 “Special Sign District” for the Union Town Plan Districts.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant’s presentation.

Attorney Gerald Dusing introduced Mr. Adam Chaney, Mr. Jamie Lusk, and Mr. Jonathan Wocher.

Mr. Chaney, 8100 Camp Ernst Road, displayed renderings of the streetscape, which were submitted as part of their initial PD, and show Walgreen's as they intended it to be. He stated that the monument signs were a prevalent issue because there was a comment back to them from the Committee and they revisited the issue and made changes – but there was no discussion of the building-mounted signs. He stated that the intent of the PD is to allow some flexibility and they assumed they would have the flexibility to have reasonable signage. However, Florence held Walgreen's to the Union Town Plan requirement of 24 square feet. He stated that the Planning Commission changed the development from a pedestrian scale to a scale that caters to automobiles with the drive-through and the increased setbacks. He stated that moving the building back makes it harder for a car traveling down a five-lane highway at 45 MPH to see a 24 square foot sign, which is a safety issue. He stated that the signage approved by the Union Town Plan does not take into account the size of the building. He stated that the architecture does not work if the proposed uses in their Planned Development and the streetscape are reduced to the Union Town Plan scale. He stated that the building has to be scaled with the signage -- a tiny little sign on a large building makes no sense. There is a Kroger's and a Block Buster across the street and Walgreen's would be competing with those uses with a tiny sign. He stated that this is a transition zone and the signage is not appropriate. All of the arguments they made about the transition zone, they also make for the signage.

Mr. Dusing presented an exhibit of the permit drawings with the actual dimensions. Mr. Wall stated that the drawings are also included with the Staff Report. Mr. Dusing stated that on the streetscape that was approved as part of the zone change, the Walgreen's sign is 240 square feet and the permit they are asking for is 220 square feet. He stated that the signage package defaults back to the Union Town Plan even though the Planning Commission approved the project with a lot of things different than the Union Town Plan. The Union Town Plan is a village/boutique type concept with storefronts right on the sidewalk and up against U.S. 42, in which case a 24 square foot sign makes sense – but this development is 95' – 140' back from the right-of-way. Motorists cannot see the signage and it is out of scale with the building. He passed around a rendering showing what the building would look like with a 24 square foot sign, which he described as "silly". He stated that the details can be worked out in Committee. He stated that the Land Use Element recommends that anything that is done in this area be done in a Planned Unit Development and this is a PD. He stated that under signage in a Planned Unit Development, the Code says "overlay allows signage to vary to conform with the theme and configuration of the development" and "the two most important criteria in determining what is reasonable in regard to vary the signage are proportionality and building scale/distance from the road. He stated that a 24 square foot sign on a building the size of Walgreen's that is

100 feet back from the right-of-way is totally out of proportion. He stated that the building-mounted sign should be the predominant signage according to the Code and that is what they are trying to accomplish. The monument signs on the frontage were negotiated specifically, but the building-mounted signs were not. He stated that the signage is a deal-killer for them. Walgreen's applied to the Florence Board of Adjustment, which is a 30-day process, and a member of the Florence Board of Adjustment said that the Board did not have jurisdiction and they should go back to the Planning Commission – which is a four-month process. He stated that they will present the specifics to the Committee. They agree with Mr. Wall's four suggestions beginning on Page 8 of the Staff Report with a couple of "tweaks" (two façade signs instead of three in a scale less than what was presented throughout the zone change process and a couple of directional signs). He stated that if they lose Walgreen's, the development will go from an A Class development to something less than that. The signage is critical for this building and this scale, along with Graeter's, and Wendy's. He stated that the sign fits in the standard C-2 zone and is smaller than what those regulations permit. He stated that the Union Town Plan sign package is great in a Union Town Plan project – which this is not – and they need relief.

Chairman Caddell stated that it has been indicated by the applicant that because the Planning Commission allowed them to build a larger development with larger scale buildings and agreed to the setbacks, that the Planning Commission owes them larger signage. He stated that even though the Planning Commission approved this, the Planning Commission had the expectation that the applicant knew what the Union Town Plan signage requirements were. He is concerned that the applicant thinks they are allowed a larger sign because they were allowed to build the larger building. He does not agree with that thinking.

Mrs. Poston asked if the request was denied by the Florence Board of Adjustment. Mr. Dusing responded that it was turned down by a vote of 3 to 2 and, according to the minutes, it was denied on the basis that if you have a Code follow the Code – why vary from it. He stated that varying from the Code is the purpose of a Board of Adjustment. He stated that he did not mean to imply that the Planning Commission owes them anything.

Mr. Costello asked if this request is identical to the request presented to the Board of Adjustment.

Mr. Jonathan Wocher, 5725 Dragon Way, a land use planner representing Anchor Properties (the developer of the Walgreen's project) and the applicant for the Board of Adjustment hearing, stated that the same drawings were submitted to the Board of Adjustment. He stated that the Concept Plan amendment allows some flexibility between what is being asked for and what the drawings show. He stated that they have not maximized the signage on the Walgreen's project according to the sign text requested. They have some flexibility to work within the Staff Comments and want to clarify some of the items.

Mr. Schwenke stated that the name of the project is "Union Terrace" and asked if there will be a sign out front with that name – which would cause people to think it was part of the Union Town Plan. Mr. Dusing responded "no, not since it was annexed into Florence". Mr. Schwenke stated that the Planning Commission does not want to set a precedent for the Union Town Plan that could be an issue in the future as to what is to be developed. Mr. Dusing stated that the applicant is asking for what was depicted on Walgreen's throughout the zone change process. Chairman Caddell asked if he was saying that the applicant assumed that the signage they presented was approved in that process. Mr. Dusing responded that the applicant assumed that since monument signage out front was discussed at length and negotiated as a condition, and there was no indication to them that what was shown at the Public Hearing and the Committee Meeting was not acceptable, there was no controversy. He stated that they did not have Walgreen's under contract, but Walgreen's was interested and they used Walgreen's as the prototype.

Mr. Barlow stated that since Walgreen's was not under contract at the time, there was probably no intent to make this a scalable presentation on the drawing. Mr. Dusing responded that it was a scalable presentation on the drawing. Mr. Barlow stated the Wendy's sign in proportion to the building, it would be huge. He does not see the drawing as a basis to say that was intended to be the size of the sign. Mr. Dusing stated that the Union Town Plan sign package does not fit this development. It is out of scale and too small considering how far away they are from the road. They are asking to amend the Plan to allow appropriate signage, which the Planning Commission can do under the PD. There is nothing different now than what the Planning Commission has already seen.

Mr. Chaney stated that he does not think the Planning Commission owes them anything and apologized for the comment. He stated that as developers they are responsible for the monument signs but not the building-mounted signs. They assumed that Walgreen's would have the opportunity to make the same arguments that they made and did not see signage as being a huge issue. He stated that because of the setbacks, it made sense that Walgreen's would be able to work with the flexibility of the PD plan. They deferred signage back to the end user -- they felt that it was up to Walgreen's to make their case for the signage. He stated that signage was not brought up as a main concern from the Planning Commission and they thought that Walgreen's could get the signage because of the flexibility. He stated that they did not look at the regulations. If they had known the signage was an issue, they would have spent the time on it and made the same arguments that they made for the monument signs which were approved. They showed their vision on the renderings and if the Planning Commission had told them at that time that signage was a big issue, they would have addressed it at that point.

Mr. Barlow noted Mr. Chaney's earlier comment that the sign issue is a safety issue. He questioned why it is a safety issue. Mr. Chaney responded that if a

driver is having a hard time seeing the sign, he will not be paying attention to what else is on the road.

Mr. Dusing stated that this is not a cookie cutter Walgreen's – it's a custom made Walgreen's and the identity that it is a Walgreen's is important. The profile of the building is not typical of Walgreen's.

Mr. White stated that the applicant went to the Florence Board of Adjustment and the Board did not allow it. He stated that it is hard to visualize what they are saying and possibly Mr. Wall should go out there and look at it. He stated that the Board of Adjustment did not go out there. Chairman Caddell stated that since the building has not been built he does not know what Staff would be able to see out there. Mr. Wall stated that the applicant could make signs out of 4' x 8' sheets of plywood and place them with different letter heights and different distances back from the road to see what they look like and photograph them, which is commonly done.

Counselor Wilson advised that the Florence Board of Adjustment perceived that they were being asked to change the plan, which they did not feel was a Board of Adjustment function and did not fall within their purview. The Board felt that a change in the plan had to come back through the Public Hearing process. He does not think the Board was saying that they are not entitled to a change in the plan, but that the Board of Adjustment was not the place for it.

Mr. McMillian questioned where the Union Town Plan area ends and the City of Florence begins. Mr. Wall responded that this site is in the Union Town Plan area – it was in unincorporated Boone County when the Union Town Plan was adopted. Due to utility issues, the property was annexed into the City of Florence. He stated that the Union Town Plan zones were adopted countywide through the last zoning update. He stated that the office building at the front of Farmview is the first property outside the Union Town Plan area. Mr. Poe asked if the City of Florence wants to continue the Union Town Plan. Mr. Wall responded that he is not speaking for the city, but that city representatives have expressed appreciation for the town plan's standards. Mr. Poe questioned if the City of Florence is opposed to the Planning Commission varying the Union Town Plan in the City of Florence. He questioned the signage across the street at Kroger's. Mr. Wall stated that the Kroger site is zoned C-2. Chairman Caddell stated that it was developed before the Union Town Plan existed. Mr. Costello stated that there were conditions on that signage. Mr. Wall stated that there was a comment from Jim Berling to the Union City Commission that they would use tombstone style signs (monument style) which is the one thing they have there other than the normal Code.

Mr. Barlow asked if this request is for the total development or just for the Walgreen's. Mr. Wall responded that the application is for the total development. Mr. Barlow asked if a decision in regard to the sign exceptions for this building

applies to all the buildings. Mr. Wall responded that it would apply to all of the buildings unless the distinction is made that other buildings are to be treated differently". Mr. Dusing stated that the two lots at the back which abut the residential area are different and they are willing to negotiate conditions.

Chairman Caddell questioned Staff Comment D that "any building mounted signage on the north facades of the eastern two commercial lots (Walgreen's and planned fast food restaurant sites) could be composed of individual letters which are non-illuminated only". He stated that if a sign is not illuminated it would seem that there would be a floodlight on it. Mr. Wall responded that a floodlight would be illumination.

Mr. Chaney stated that Walgreen's is the anchor. If Walgreen's is gone, that is a deal-killer for them – they will lose Graeter's and probably Wendy's. The streetscape and Development Plan will become totally meaningless. He stated that the other uses probably cannot live with the design requirements. Mr. Costello stated that Graeter's is coming back for a change in Concept Development Plan. Mr. Chaney responded that Graeter's is coming back with the understanding that Walgreen's is the anchor – they want a shopping center that generates traffic and Walgreen's is a traffic generator.

Mr. Barlow stated that the demographics of the area make it attractive for an anchor such as Walgreen's – there is the need for a drugstore out there. He stated he takes the applicant's comment that the sign is a deal breaker to be a threat. He stated that people worked for a long time to come up with the Union Town Plan and he does not understand why a developer would come in and go against what took six or seven years to accomplish -- to lay that aside and do what they want because it is important to them.

Mr. Chaney stated that if Walgreen's leaves, then every other use will think differently about the location. If Walgreen's will not go there, then he does not know who would go there. He stated that they would have to change the concept completely and it will probably not be A Class users.

Mr. Wocher, speaking on behalf of Anchor Properties, stated that they have indicated to Triangle Development that their Contract to Purchase is contingent upon signage that is suitable to Walgreen's. The 24 square foot limitation on signage is not suitable. He asked if a compromise could be reached that maintains as much of the Union Town Plan concept as possible versus the amendment they are seeking. He stated that the Walgreen's store will not be completed unless suitable signage is worked out and they feel that they can get to that point based on the Staff Comments.

Chairman Caddell stated that their meeting with the Zone Change Committee is their opportunity to see if those points can be negotiated and the Planning Commission will wait for the Committee's recommendation.

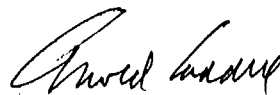
Chairman Caddell asked if there were any further comments.

Mr. Frank Raeon, a resident of Mariemont Ohio, stated that he is a commercial realtor and a planner. He stated that the Planned Development approach allows the Planning Commission the latitude to determine what works and what does not work. He stated that the Union Town Plan requirements are written for a place much like Mariemont where there is a high sense of pedestrians. He stated that the competition here is not really Union in terms of Mt. Zion Road and U.S. 42 – the competition is what is across the street at Kroger's and Block Buster and that commercial core includes banks and retail stores. He stated that the feeling was that when the property was rezoned there would be some latitude in regard to signage. He stated that they want to be treated fairly in terms of the competition.

Mr. McMillian stated that there was the same type of situation with McDonald's "if we can't have what we want, we will not be there" and they were told "if you don't want to be here that's okay" and they changed their colors and design and now all McDonald's have different colors. He stated that if Walgreen's wants to be in this location, they will come in – and if they don't want to be there, they will find a reason to get out. He stated that this development is not solid unless they have a signed contract.

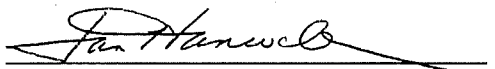
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 2, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 16, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:02 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
March 16, 2005
7:00 P.M.**

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mr. Randy Poe
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
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:

Mrs. Poston stated that the Commissioners received copies of the Minutes of the March 2, 2005 Business Meeting. She 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. Newman seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Change in Approved Concept Development Plan

The request of Terrace Development Company, LLC (owner) for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of U.S. 42, across from the U.S. 42/Braxton intersection and the Boone County Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building-mounted drive-through, and menu board signage per Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" of the Boone County Zoning Regulations instead of Section 2580 "Special Sign District" for the Union Town Plan Districts.

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 agreeing to the conditions.

There being no discussion, Mrs. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Wilson seconded the motion and it carried unanimously.

**2. Technical Design Review - Executive Springs Car Wash
8720 Bankers Street**

Mrs. Poston stated that Agenda Item #2 is recommended for deferral to the April 6, 2005 Business Meeting at 7:00 PM. Mr. White so moved. Mrs. Wilson seconded the motion and it carried unanimously.

**3. Technical Design Review - Wendy's at Village Terrace
U.S. 42 and Bowman Way**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: March 16, 2005

RE: Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of US 42, across from the US 42/Braxton intersection and the Boone County Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building mounted, drive-through, menu board, and directional signage per Section 3412 "Directional Signs Requiring a Permit" and Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" of the Boone County Zoning Regulations instead of Section 2580 "Special Sign District" for the Union Town Plan Districts.

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 general agreement with the 2000 Boone County Comprehensive Plan and the 2000 Union Town Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the affected portion of the site as Commercial (C). The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Union Town Land Use Plan Map designates the US 42 frontage area for Commercial and Office uses. The proposed signage, with the conditions noted herein, is commensurate with, and appropriate for, the types of land uses planned under these designations based on the reasons explained below.

- B. The Land Use Element's "Future Land Use Development Guidelines" ("Designs, Signs, and Historic Preservation," pg. 160) state "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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor." Also, the 2005 Boone County Comprehensive Plan Goals and Objectives state "proper design principles shall be applied in development" (Overall, Objective 3), and "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

It is the Committee's conclusion that the requested signage, with the conditions noted herein, appropriately relates to the unique location and layout of the overall development. The site is a transitional area between more conventional, suburban style auto-oriented commercial uses to the east and across US 42 to the south, and the Union Town Plan area proper to the south and west. Based on the additional materials presented by the applicant at the Zone Change Committee meeting in response to the issues raised at the Public Hearing, the Committee has concluded that the proposed signage, subject to the recommended conditions, is appropriate in order for the signage to be reasonably legible and proportionate as seen from US 42. This is due to: the larger setbacks inherent in the original Concept Development Plan; the pavement width, right-of-way width, and posted speed limit of US 42; and, the scale of the buildings when considering these aspects. The Committee has also concluded that the proposed signage with the recommended conditions respects the basic tenants of the Union Town Plan Special Sign District when considering the unique attributes of the Village Terrace development. The agreed conditions also mitigate any potential impacts from the signage onto the adjoining residential subdivision to the north of the US 42 frontage lots by prohibiting illumination of any signs which directly face the subdivision.

2. The Committee has concluded that the proposed signage, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Subsection #9 "Signage" of Section 1514 "Planned Development Standards." Subsection #9 states that "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." A consistent design theme and the use of joint monument style signs is required through the original zone change/Concept Development Plan approval. With the building mounted and directional signage recommended for approval herein, building mounted signage will be the predominate signage on the site.

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, 2005 Boone County Comprehensive Plan Goals and Objectives, the 2000 Union Town Plan, and Article 15 "Planned Development District" of the Boone County 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. Building mounted signage for the four frontage lots which face US 42 shall be subject to the following requirements.
 - A. One (1) square foot of signage is permitted per each one (1) linear foot of building width for each permissible frontage. However, a minimum of twenty four (24) square feet of signage shall be permitted for each user or tenant.
 - B. The permitted signage for the facades that directly face US 42 may be divided into up to three separate sign areas. Only one sign area is permitted for secondary frontages.
 - C. Signage on the north facing facades on lots 1 and 2 (proposed Walgreen's and Wendy's lots) shall be composed of individual letters and shall not be illuminated, either internally or externally.
2. Building mounted signage for the two lots on the north side of Bowman Way shall be subject to the following requirements.
 - A. The lot on the northeast corner of the Bowman Way/Terrace Court intersection shall be permitted one half (½) square foot of signage per each one (1) linear foot of building width, for each of the two street frontages.

- B. The lot on the northwest corner of the Bowman Way/Terrace Court intersection shall be permitted one half ($\frac{1}{2}$) square foot of signage per each one (1) linear foot of building width for one street frontage only. Only one sign is permitted for this building.
- 3. All directional signs, with the exception of the canopy mounted drive-through directional sign for the Walgreen's building, shall be a maximum of six (6) square feet in area. The canopy mounted drive-through directional sign for the Walgreen's building shall be a maximum of ten (10) square feet in area, and any illumination for this sign shall be internal only.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 16, 2005
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:06 PM and introduced the item on the Agenda:

Applicant: **Terrace Development Company, LLC (owner)**

Request: **Change in Approved Concept Development Plan**

The request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of US 42, across from the US 42/Braxton intersection and the Boone County Public Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building-mounted, drive-through, and menu board signage per Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" of the **Boone County Zoning Regulations** instead of Section 2580 "Special Sign District" for the Union Town Plan Districts.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Gerald Dusing introduced Mr. Adam Chaney, Mr. Jamie Lusk, and Mr. Jonathan Wocher.

Mr. Chaney, 8100 Camp Ernst Road, displayed renderings of the streetscape, which were submitted as part of their initial PD, and show Walgreen's as they intended it to be. He stated that the monument signs were a prevalent issue because there was a comment back to them from the Committee and they revisited the issue and made changes – but there was no discussion of the building-mounted signs. He stated that the intent of the PD is to allow some flexibility and they assumed they would have the flexibility to have reasonable signage. However, Florence held Walgreen's to the Union Town Plan requirement of 24 square feet. He stated that the Planning Commission changed the development from a pedestrian scale to a scale that caters to automobiles with the drive-through and the increased setbacks. He stated that moving the building back makes it harder for a car traveling down a five-lane highway at 45 MPH to see a 24 square foot sign, which is a safety issue. He stated that the signage approved by the Union Town Plan does not take into account the size of the building. He stated that the architecture does not work if the proposed uses in their Planned Development and the streetscape are reduced to the Union Town Plan scale. He stated that the building has to be scaled with the signage -- a tiny little sign on a large building makes no sense. There is a Kroger's and a Block Buster across the street and Walgreen's would be competing with those uses with a tiny sign. He stated that this is a transition zone and the signage is not appropriate. All of the arguments they made about the transition zone, they also make for the signage.

Mr. Dusing presented an exhibit of the permit drawings with the actual dimensions. Mr. Wall stated that the drawings are also included with the Staff Report. Mr. Dusing stated that on the streetscape that was approved as part of the zone change, the Walgreen's sign is 240 square feet and the permit they are asking for is 220 square feet. He stated that the signage package defaults back to the Union Town Plan even though the Planning Commission approved the project with a lot of things different than the Union Town Plan. The Union Town Plan is a village/boutique type concept with storefronts right on the sidewalk and up against U.S. 42, in which case a 24 square foot sign makes sense – but this development is 95' – 140' back from the right-of-way. Motorists cannot see the signage and it is out of scale with the building. He passed around a rendering showing what the building would look like with a 24 square foot sign, which he described as "silly". He stated that the details can be worked out in Committee. He stated that the Land Use Element recommends that anything that is done in this area be done in a Planned Unit Development and this is a PD. He stated that under signage in a Planned Unit Development, the Code says "overlay allows signage to vary to conform with the theme and configuration of the development" and "the two most important criteria in determining what is reasonable in regard to vary the signage are proportionality and building scale/distance from the road. He stated that a 24 square foot sign on a building the size of Walgreen's that is

100 feet back from the right-of-way is totally out of proportion. He stated that the building-mounted sign should be the predominant signage according to the Code and that is what they are trying to accomplish. The monument signs on the frontage were negotiated specifically, but the building-mounted signs were not. He stated that the signage is a deal-killer for them. Walgreen's applied to the Florence Board of Adjustment, which is a 30-day process, and a member of the Florence Board of Adjustment said that the Board did not have jurisdiction and they should go back to the Planning Commission – which is a four-month process. He stated that they will present the specifics to the Committee. They agree with Mr. Wall's four suggestions beginning on Page 8 of the Staff Report with a couple of "tweaks" (two façade signs instead of three in a scale less than what was presented throughout the zone change process and a couple of directional signs). He stated that if they lose Walgreen's, the development will go from an A Class development to something less than that. The signage is critical for this building and this scale, along with Graeter's, and Wendy's. He stated that the sign fits in the standard C-2 zone and is smaller than what those regulations permit. He stated that the Union Town Plan sign package is great in a Union Town Plan project – which this is not – and they need relief.

Chairman Caddell stated that it has been indicated by the applicant that because the Planning Commission allowed them to build a larger development with larger scale buildings and agreed to the setbacks, that the Planning Commission owes them larger signage. He stated that even though the Planning Commission approved this, the Planning Commission had the expectation that the applicant knew what the Union Town Plan signage requirements were. He is concerned that the applicant thinks they are allowed a larger sign because they were allowed to build the larger building. He does not agree with that thinking.

Mrs. Poston asked if the request was denied by the Florence Board of Adjustment. Mr. Dusing responded that it was turned down by a vote of 3 to 2 and, according to the minutes, it was denied on the basis that if you have a Code follow the Code – why vary from it. He stated that varying from the Code is the purpose of a Board of Adjustment. He stated that he did not mean to imply that the Planning Commission owes them anything.

Mr. Costello asked if this request is identical to the request presented to the Board of Adjustment.

Mr. Jonathan Wocher, 5725 Dragon Way, a land use planner representing Anchor Properties (the developer of the Walgreen's project) and the applicant for the Board of Adjustment hearing, stated that the same drawings were submitted to the Board of Adjustment. He stated that the Concept Plan amendment allows some flexibility between what is being asked for and what the drawings show. He stated that they have not maximized the signage on the Walgreen's project according to the sign text requested. They have some flexibility to work within the Staff Comments and want to clarify some of the items.

Mr. Schwenke stated that the name of the project is "Union Terrace" and asked if there will be a sign out front with that name – which would cause people to think it was part of the Union Town Plan. Mr. Dusing responded "no, not since it was annexed into Florence". Mr. Schwenke stated that the Planning Commission does not want to set a precedent for the Union Town Plan that could be an issue in the future as to what is to be developed. Mr. Dusing stated that the applicant is asking for what was depicted on Walgreen's throughout the zone change process. Chairman Caddell asked if he was saying that the applicant assumed that the signage they presented was approved in that process. Mr. Dusing responded that the applicant assumed that since monument signage out front was discussed at length and negotiated as a condition, and there was no indication to them that what was shown at the Public Hearing and the Committee Meeting was not acceptable, there was no controversy. He stated that they did not have Walgreen's under contract, but Walgreen's was interested and they used Walgreen's as the prototype.

Mr. Barlow stated that since Walgreen's was not under contract at the time, there was probably no intent to make this a scalable presentation on the drawing. Mr. Dusing responded that it was a scalable presentation on the drawing. Mr. Barlow stated the Wendy's sign in proportion to the building, it would be huge. He does not see the drawing as a basis to say that was intended to be the size of the sign. Mr. Dusing stated that the Union Town Plan sign package does not fit this development. It is out of scale and too small considering how far away they are from the road. They are asking to amend the Plan to allow appropriate signage, which the Planning Commission can do under the PD. There is nothing different now than what the Planning Commission has already seen.

Mr. Chaney stated that he does not think the Planning Commission owes them anything and apologized for the comment. He stated that as developers they are responsible for the monument signs but not the building-mounted signs. They assumed that Walgreen's would have the opportunity to make the same arguments that they made and did not see signage as being a huge issue. He stated that because of the setbacks, it made sense that Walgreen's would be able to work with the flexibility of the PD plan. They deferred signage back to the end user -- they felt that it was up to Walgreen's to make their case for the signage. He stated that signage was not brought up as a main concern from the Planning Commission and they thought that Walgreen's could get the signage because of the flexibility. He stated that they did not look at the regulations. If they had known the signage was an issue, they would have spent the time on it and made the same arguments that they made for the monument signs which were approved. They showed their vision on the renderings and if the Planning Commission had told them at that time that signage was a big issue, they would have addressed it at that point.

Mr. Barlow noted Mr. Chaney's earlier comment that the sign issue is a safety issue. He questioned why it is a safety issue. Mr. Chaney responded that if a

driver is having a hard time seeing the sign, he will not be paying attention to what else is on the road.

Mr. Dusing stated that this is not a cookie cutter Walgreen's – it's a custom made Walgreen's and the identity that it is a Walgreen's is important. The profile of the building is not typical of Walgreen's.

Mr. White stated that the applicant went to the Florence Board of Adjustment and the Board did not allow it. He stated that it is hard to visualize what they are saying and possibly Mr. Wall should go out there and look at it. He stated that the Board of Adjustment did not go out there. Chairman Caddell stated that since the building has not been built he does not know what Staff would be able to see out there. Mr. Wall stated that the applicant could make signs out of 4' x 8' sheets of plywood and place them with different letter heights and different distances back from the road to see what they look like and photograph them, which is commonly done.

Counselor Wilson advised that the Florence Board of Adjustment perceived that they were being asked to change the plan, which they did not feel was a Board of Adjustment function and did not fall within their purview. The Board felt that a change in the plan had to come back through the Public Hearing process. He does not think the Board was saying that they are not entitled to a change in the plan, but that the Board of Adjustment was not the place for it.

Mr. McMillian questioned where the Union Town Plan area ends and the City of Florence begins. Mr. Wall responded that this site is in the Union Town Plan area – it was in unincorporated Boone County when the Union Town Plan was adopted. Due to utility issues, the property was annexed into the City of Florence. He stated that the Union Town Plan zones were adopted countywide through the last zoning update. He stated that the office building at the front of Farmview is the first property outside the Union Town Plan area. Mr. Poe asked if the City of Florence wants to continue the Union Town Plan. Mr. Wall responded that he is not speaking for the city, but that city representatives have expressed appreciation for the town plan's standards. Mr. Poe questioned if the City of Florence is opposed to the Planning Commission varying the Union Town Plan in the City of Florence. He questioned the signage across the street at Kroger's. Mr. Wall stated that the Kroger site is zoned C-2. Chairman Caddell stated that it was developed before the Union Town Plan existed. Mr. Costello stated that there were conditions on that signage. Mr. Wall stated that there was a comment from Jim Berling to the Union City Commission that they would use tombstone style signs (monument style) which is the one thing they have there other than the normal Code.

Mr. Barlow asked if this request is for the total development or just for the Walgreen's. Mr. Wall responded that the application is for the total development. Mr. Barlow asked if a decision in regard to the sign exceptions for this building

applies to all the buildings. Mr. Wall responded that it would apply to all of the buildings unless the distinction is made that other buildings are to be treated differently". Mr. Dusing stated that the two lots at the back which abut the residential area are different and they are willing to negotiate conditions.

Chairman Caddell questioned Staff Comment D that "any building mounted signage on the north facades of the eastern two commercial lots (Walgreen's and planned fast food restaurant sites) could be composed of individual letters which are non-illuminated only". He stated that if a sign is not illuminated it would seem that there would be a floodlight on it. Mr. Wall responded that a floodlight would be illumination.

Mr. Chaney stated that Walgreen's is the anchor. If Walgreen's is gone, that is a deal-killer for them -- they will lose Graeter's and probably Wendy's. The streetscape and Development Plan will become totally meaningless. He stated that the other uses probably cannot live with the design requirements. Mr. Costello stated that Graeter's is coming back for a change in Concept Development Plan. Mr. Chaney responded that Graeter's is coming back with the understanding that Walgreen's is the anchor -- they want a shopping center that generates traffic and Walgreen's is a traffic generator.

Mr. Barlow stated that the demographics of the area make it attractive for an anchor such as Walgreen's -- there is the need for a drugstore out there. He stated he takes the applicant's comment that the sign is a deal breaker to be a threat. He stated that people worked for a long time to come up with the Union Town Plan and he does not understand why a developer would come in and go against what took six or seven years to accomplish -- to lay that aside and do what they want because it is important to them.

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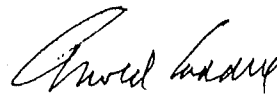
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Mr. Frank Raeon, a resident of Mariemont Ohio, stated that he is a commercial realtor and a planner. He stated that the Planned Development approach allows the Planning Commission the latitude to determine what works and what does not work. He stated that the Union Town Plan requirements are written for a place much like Mariemont where there is a high sense of pedestrians. He stated that the competition here is not really Union in terms of Mt. Zion Road and U.S. 42 – the competition is what is across the street at Kroger's and Block Buster and that commercial core includes banks and retail stores. He stated that the feeling was that when the property was rezoned there would be some latitude in regard to signage. He stated that they want to be treated fairly in terms of the competition.

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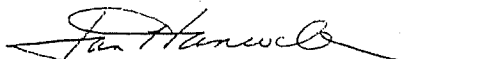
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 2, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 16, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:02 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: March 2, 2005

RE: Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for a 13.88 acre tract located on the north side of US 42, across from the US 42/Braxton intersection and the Boone County Library, Scheben Branch, and immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) and Urban Residential One/Planned Development (UR-1/PD) zones to allow building mounted, drive-through, and menu board signage per Section 3413 "Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit" of the Boone County Zoning Regulations instead of Section 2580 "Special Sign District" for the Union Town Plan Districts.

REMARKS:

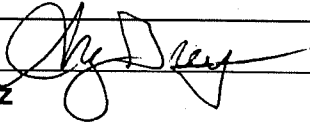
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
Terrace Development Company, LLC
March 2, 2005

PAGE 2

Randy Barlow, Chairman

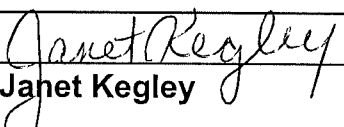
For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____


Greg Breetz

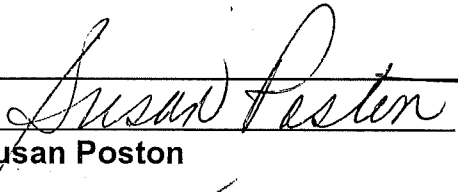
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Kim Bunger

For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____


Janet Kegley

For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____


Susan Poston

For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Charlie Reynolds (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

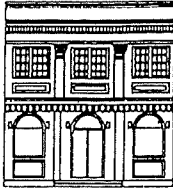
Earl White (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: ____ DEFERRED 3 FOR PROJECT 2 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

March 3, 2005

Mr. Jamie Lusk
Terrace Development Company, LLC
495 Erlanger Road, Suite 201
Erlanger, KY 41018

FAX: 342-6080

RE: Recommended Conditions of Approval for Change in Approved Concept Development Plan for Certain Signage Requirements, U.S. 42/Village Terrace Subdivision, Florence, Kentucky

Dear Mr. Lusk:

The following represents the conditions of approval for the above referenced application as agreed by the Planning Commission's Zone Change Committee at their March 2, 2005 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, March 11, 2005.

CONDITIONS

1. Building mounted signage for the four frontage lots which face U.S. 42 shall be subject to the following requirements.
 - A. One (1) square foot of signage is permitted per each one (1) linear foot of building width for each permissible frontage. However, a minimum of twenty four (24) square feet of signage shall be permitted for each user or tenant.
 - B. The permitted signage for the facades that directly face U.S. 42 may be divided into up to three separate sign areas. Only one sign area is permitted for secondary frontages.
 - C. Signage on the north facing facades on lots 1 and 2 (proposed Walgreen's and Wendy's lots) shall be composed of individual letters and shall not be illuminated, either internally or externally.
2. Building mounted signage for the two lots on the north side of Bowman Way shall be subject to the following requirements.

Mr. Jamie Lusk
March 3, 2005
Page 2

- A. The lot on the northeast corner of the Bowman Way/Terrace Court intersection shall be permitted one half ($\frac{1}{2}$) square foot of signage per each one (1) linear foot of building width, for each of the two street frontages.
 - B. The lot on the northwest corner of the Bowman Way/Terrace Court intersection shall be permitted one half ($\frac{1}{2}$) square foot of signage per each one (1) linear foot of building width for one street frontage only. Only one sign is permitted for this building.
3. All directional signs, with the exception of the canopy mounted drive-through directional sign for the Walgreen's building, shall be a maximum of six (6) square feet in area. The canopy mounted drive-through directional sign for the Walgreen's building shall be a maximum of ten (10) square feet in area, and any illumination for this sign shall be internal only.

Sincerely,

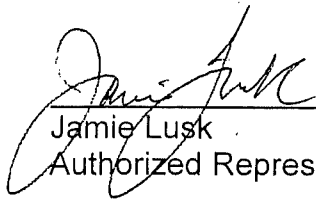


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the authorized representative for the property owner of the Village Terrace Subdivision property, Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in an Approved Concept Development Plan.



Jamie Lusk
Authorized Representative for Property Owner

3/7/05
Date

LEGAL DESCRIPTION
PARCEL "A" - FOR ZONE CHANGE TO UR-1/PD
TRIANGLE DESIGN GROUP

Situated on the northwesterly side of U.S. Highway #42 located approximately 0.5 mile south of Farmview Drive in unincorporated Boone County, Kentucky and being a portion of the lands conveyed to the Grantors as described in Deed Book 322, Page 241 and Deed Book 575, Page 11 and being more particularly described as follows:

BEGINNING at the northwesterly most corner of a parcel of land conveyed to William H. White and Stella L. White as described in Deed Book 322, Page 241 said point being in the southerly line of Farmview Subdivision and the existing corporation limits for the City of Florence;

Thence continuing along the common line of White with said southerly line of Farmview Subdivision, also being the existing City of Florence limits, North 90°00'00" East for a distance of 195.00 feet to a point being the common corner to said White and a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 11);

Thence leaving said White and continuing with the common line of said Bowman (Deed Book 575, Page 11) and Farmview Subdivision, also being the existing City of Florence limits, for the following two (2) calls:
1.) North 90°00'00" East for a distance of 416.10 feet to a point;
2.) South 28°30'00" East for a distance of 280 feet to a point;

Thence leaving said common line of Bowman (Deed Book 575, Page 11) and Farmview Subdivision and continuing with a proposed new zoning line through the lands of the Grantor for the following eight (8) calls:
1.) South 61°30'00" West for a distance of 121.00 feet to a point;
2.) South 11°48'03" East for a distance of 177.49 feet to a point;
3.) South 40°00'00" East for a distance of 75.00 feet to a point;
4.) South 50°00'00" West for a distance of 25.00 feet to a point;
5.) North 40°00'00" West for a distance of 81.28 feet to a point;
6.) North 11°48'03" West for a distance of 79.84 feet to a point;
7.) South 78°11'57" West for a distance of 48.33 feet to a point;
8.) South 50°00'00" West for a distance of 180.00 feet to a point in the westerly line of said William H. White and Stella L. White (Deed Book 322, Page 241);

Thence continuing with the westerly line of said White (Deed Book 322, Page 241) North 40°00'00" West for a distance of 700 feet, more or less, to the said **POINT OF BEGINNING**.

Containing approximately 5.2 acres of land, more or less, based on deed descriptions and being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record. This legal description is based on the deed descriptions contained in Deed Book 322, Page 241 and Deed Book 575, Page 11. The source of bearings for this description is based on the property described in Deed Book 575, Page 11.

LEGAL DESCRIPTION
PARCEL "B" - FOR ZONE CHANGE TO UC/PD
TRIANGLE DESIGN GROUP

Situated on the northwesterly side of U.S. Highway #42 located approximately 0.5 mile south of Farmview Drive in unincorporated Boone County, Kentucky and being all of the lands conveyed to the Grantors as described in Deed Book 575, Page 6 and Deed Book 575, Page 9 and being a portion of the lands conveyed to the Grantors as described in Deed Book 322, Page 241 and Deed Book 575, Page 11 and being more particularly described as follows:

Commencing at the northwesterly most corner of a parcel of land conveyed to William H. White and Stella L. White as described in Deed Book 322, Page 241 said point being in the southerly line of Farmview Subdivision and the existing corporation limits for the City of Florence;

Thence continuing along the common line of White with said southerly line of Farmview Subdivision, also being the existing City of Florence limits, North 90°00'00" East for a distance of 195.00 feet to a point being the common corner to said White and a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 11);

Thence leaving said White and continuing with the common line of said Bowman (Deed Book 575, Page 11) and Farmview Subdivision, also being the existing City of Florence limits, for the following two (2) calls:

- 1.) North 90°00'00" East for a distance of 416.10 feet to a point;
- 2.) South 28°30'00" East for a distance of 280 feet to a point being the true **POINT OF BEGINNING** for this description;

Thence continuing with said common line of Bowman (Deed Book 575, Page 11) and Farmview Subdivision South 28°30'00" East for a distance of 120 feet, more or less, to a point being the northwesterly most corner to a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 9);

Thence leaving said Bowman (Deed Book 575, Page 11) and continuing with the common line of said Bowman (Deed Book 575, Page 9) and Farmview Subdivision, also being the existing City of Florence limits, North 57°24'00" East for a distance of 357.70 feet to a point being the common corner to said Bowman and a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 6);

Thence leaving said Bowman (Deed Book 575, Page 9) and continuing with the common line of said Bowman (Deed Book 575, Page 6) and Farmview Subdivision, also being the existing City of Florence limits, North 57°18'00" East for a distance of 97.78 feet to a point;

Thence leaving said southerly line of Farmview Subdivision and the existing City of Florence limits and continuing with the easterly line of said Bowman (Deed Book 575, Page 6) South 24°42'05" East for a distance of 473.52 feet to a point in the northwesterly right of way line of U.S. Highway #42;

Thence continuing with said northwesterly right of way line of U.S. Highway #42 South 64°56'00" West for a distance of 99.92 feet to a point being the common corner to said Bowman (Deed Book 575, Page 6) and a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 9);

Thence leaving said Bowman (Deed Book 575, Page 6) and continuing with said northwesterly right of way line of U.S. Highway #42 for the following two (2) calls:
 1.) South 64°56'00" West for a distance of 161.45 feet to a point;
 2.) South 58°36'00" West for a distance of 163.50 feet to a point being the common corner to said Bowman (Deed Book 575, Page 9) and a parcel of land conveyed to Kenneth Bowman (Deed Book 575, Page 11);

Thence leaving said Bowman (Deed Book 575, Page 9) and continuing with said northwesterly right of way line of U.S. Highway #42 South 50°00'00" West for a distance of 150.00 feet to a point being the common corner to said Bowman (Deed Book 575, Page 11) and a parcel of land conveyed to William H. White and Stella L. White (Deed Book 322, Page 241);

Thence leaving said Bowman (Deed Book 575, Page 11) and continuing with said northwesterly right of way line of U.S. Highway #42 South 50°00'00" West for a distance of 150.00 feet to a point being the southwesterly most corner of said White (Deed Book 322, Page 241);

Thence leaving said northwesterly right of way line of U.S. Highway #42 and continuing with the westerly line of said White (Deed Book 322, Page 241) North 40°00'00" West for a distance of 513.60 feet, more or less, to a point;

Thence leaving said westerly line of White (Deed Book 322, Page 241) and continuing with a proposed new zoning line through the lands of the Grantor for the following eight (8) calls:
 1.) North 50°00'00" East for a distance of 180.00 feet to a point;
 2.) North 78°11'57" East for a distance of 48.33 feet to a point;
 3.) South 11°48'03" East for a distance of 79.84 feet to a point;
 4.) South 40°00'00" East for a distance of 81.28 to a point;
 5.) North 50°00'00" East for a distance of 25.00 feet to a point;
 6.) North 40°00'00" West for a distance of 75.00 feet to a point;
 7.) North 11°48'03" West for a distance of 177.49 feet to a point;
 8.) North 61°30'00" East for a distance of 121.00 feet, more or less, to the said **POINT OF BEGINNING.**

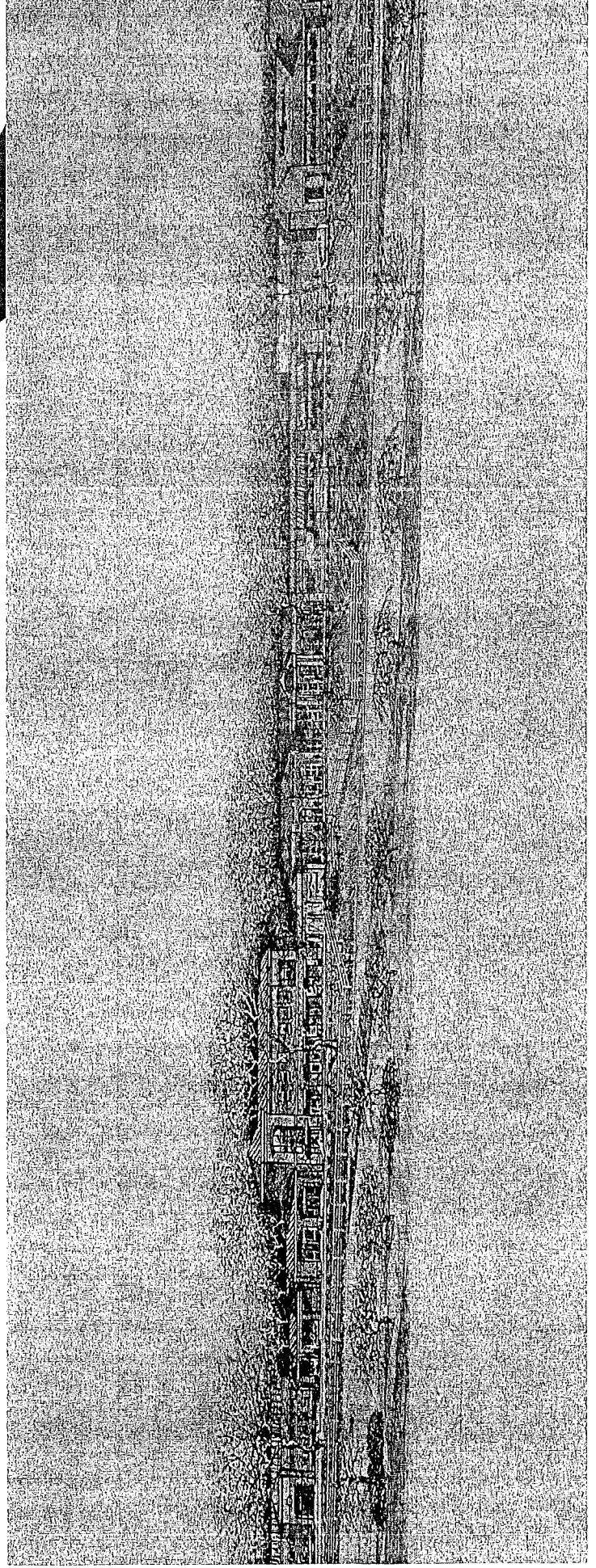
Containing approximately 8.7 acres of land, more or less, based on deed descriptions and being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record. This legal description is based on the deed descriptions contained in Deed Book 322, Page 241, Deed Book 575, Page 6, Deed Book 575, Page 9 and Deed Book 575, Page 11. The source of bearings for this description is based on the property described in Deed Book 575, Page 11.

RECEIVED AT 3/2/05 ZONE CHANGE COMM

Village Terrace

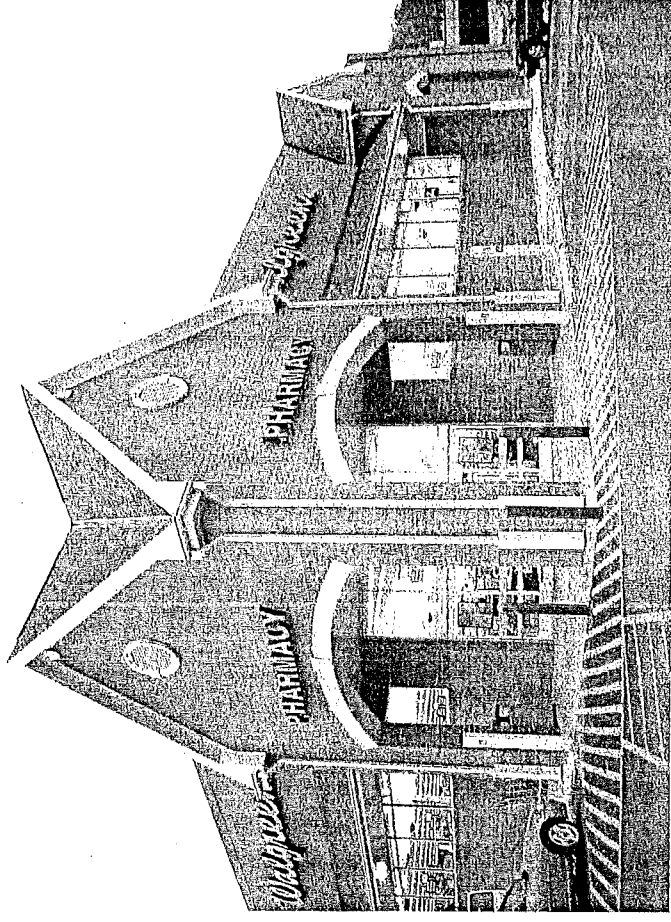
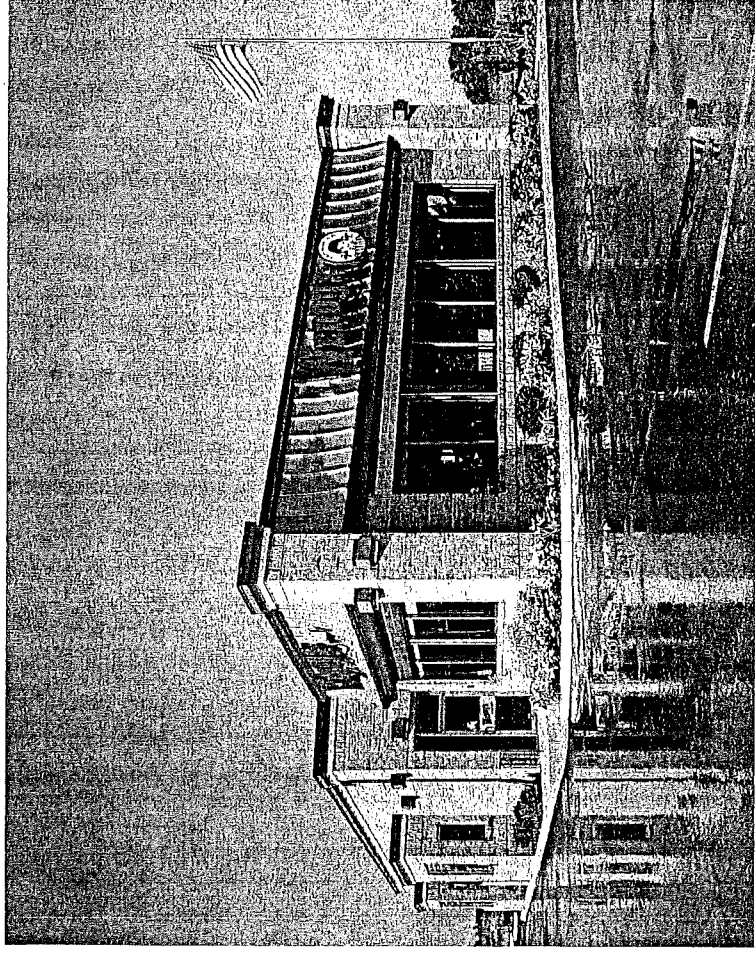
Creating Desirable Places

- Florence
- Boone County, KY

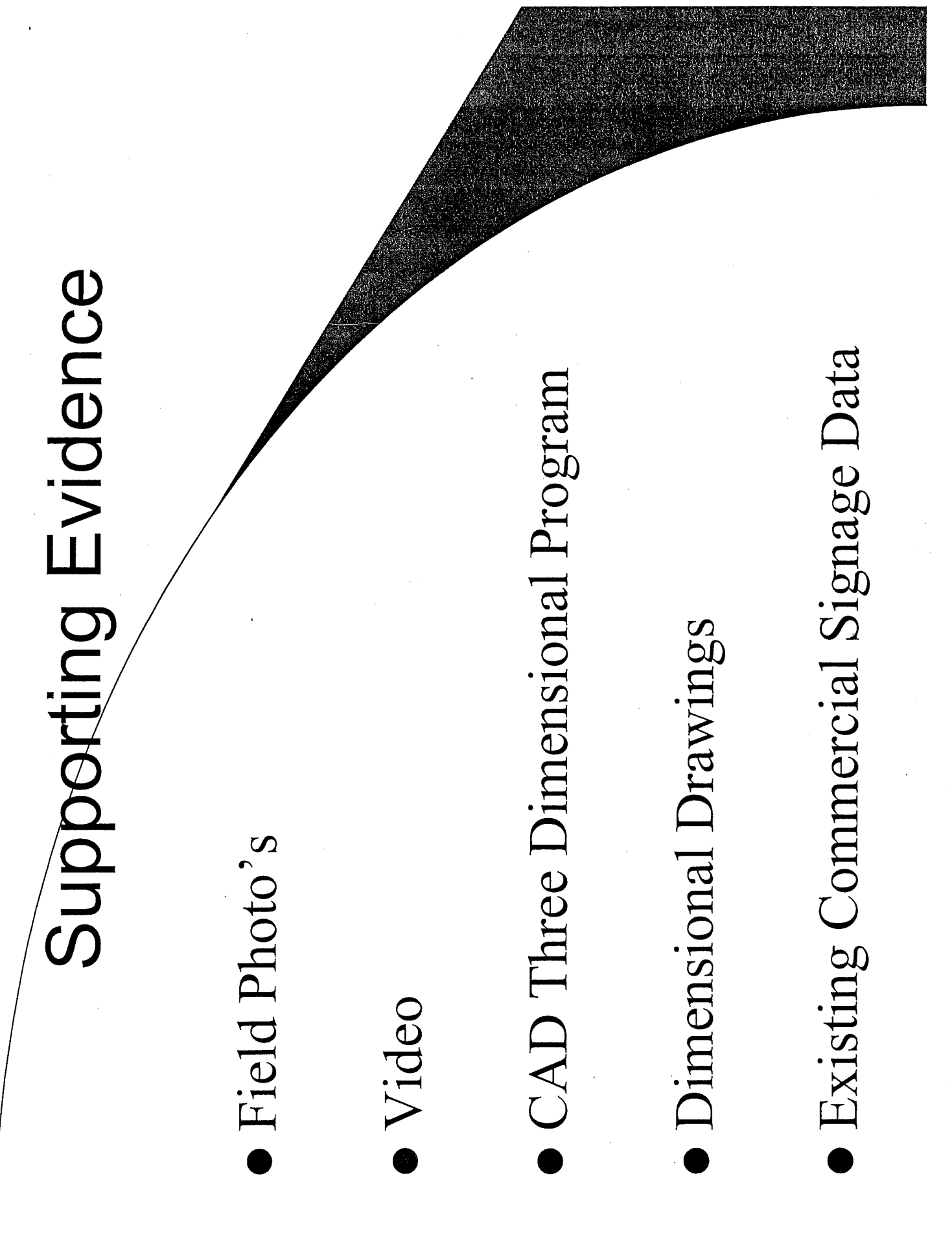


Overall Objective for Signage:

- Create a balance between Architectural scale and Functionality



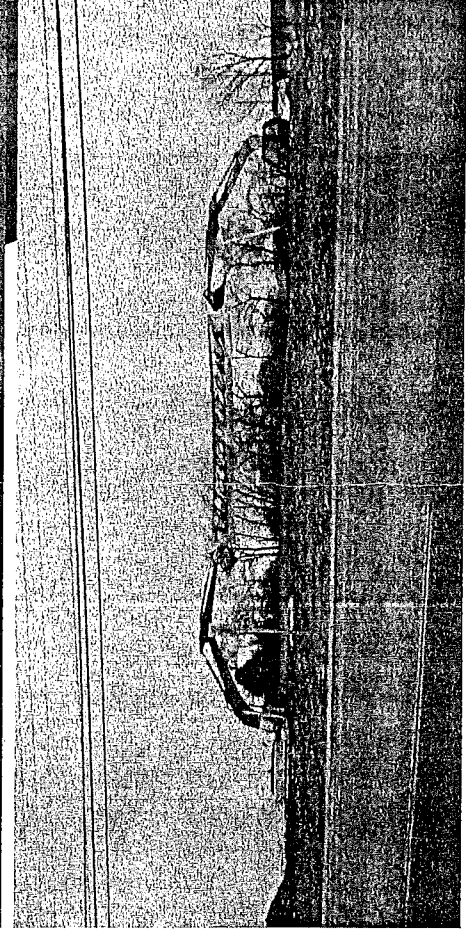
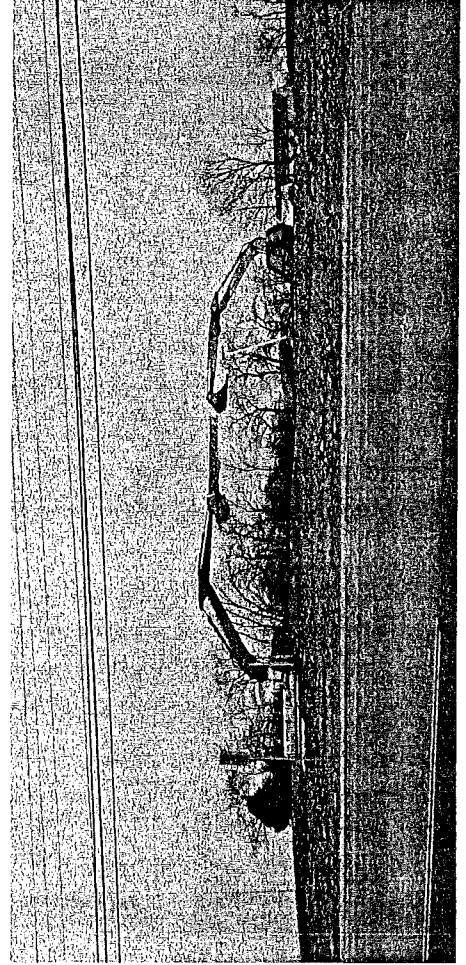
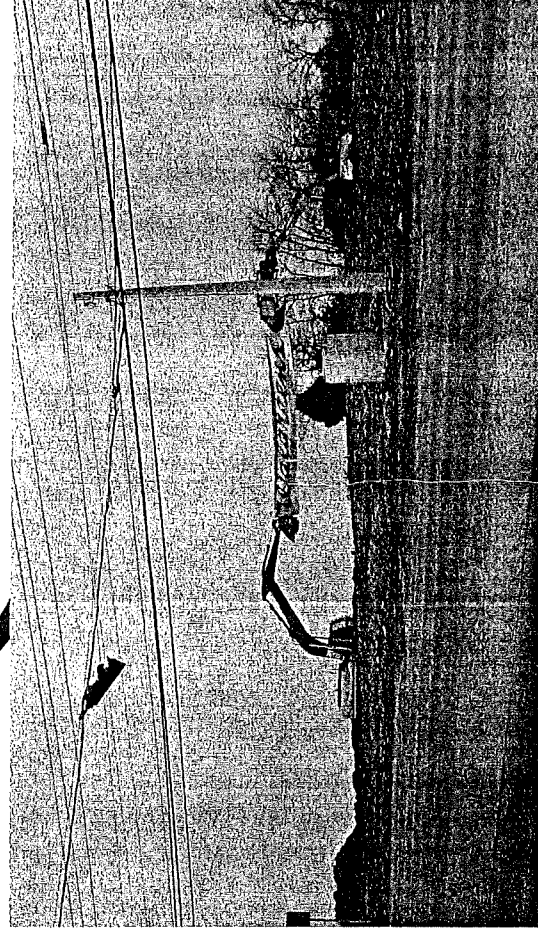
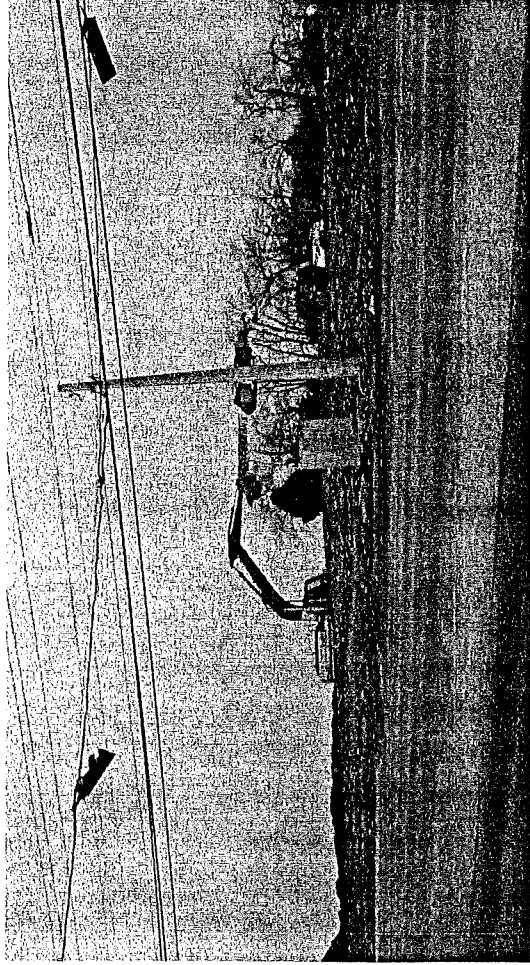
Supporting Evidence



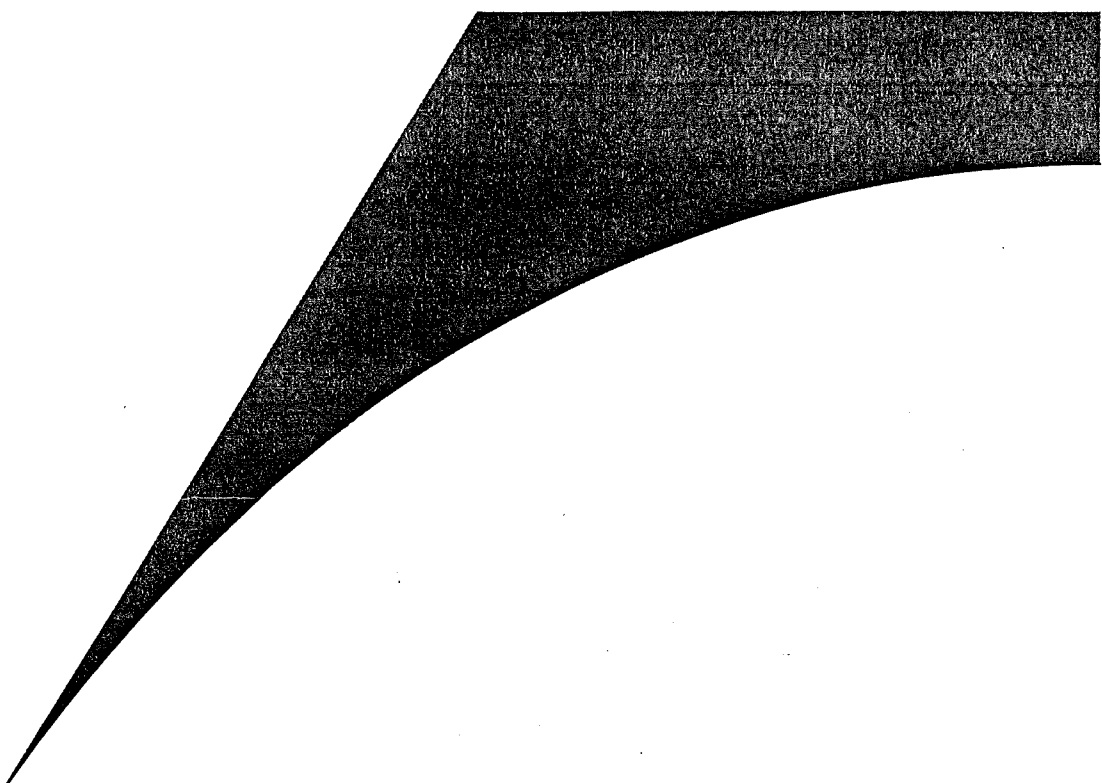
- Field Photo's
- Video
- CAD Three Dimensional Program
- Dimensional Drawings
- Existing Commercial Signage Data

Field Photo's

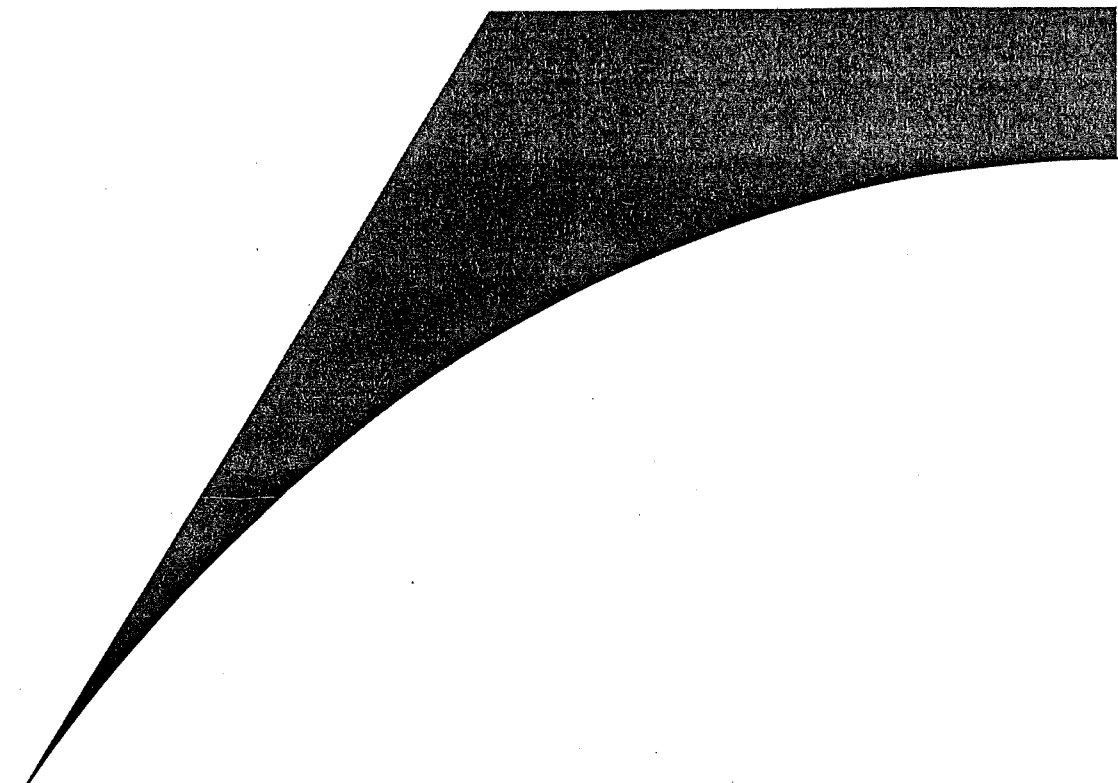
- Photo's taken from the intersection of Braxton and US 42 – approximately 250 feet from proposed Walgreens building



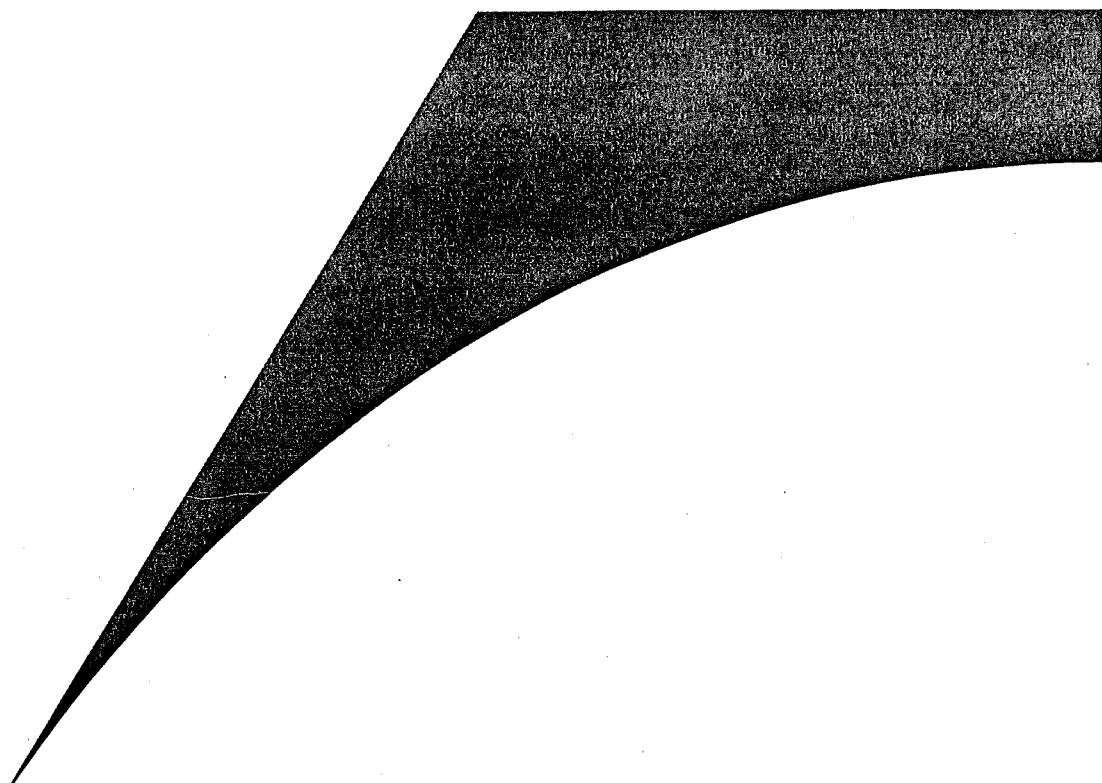
Video



CAD Three-D Presentation



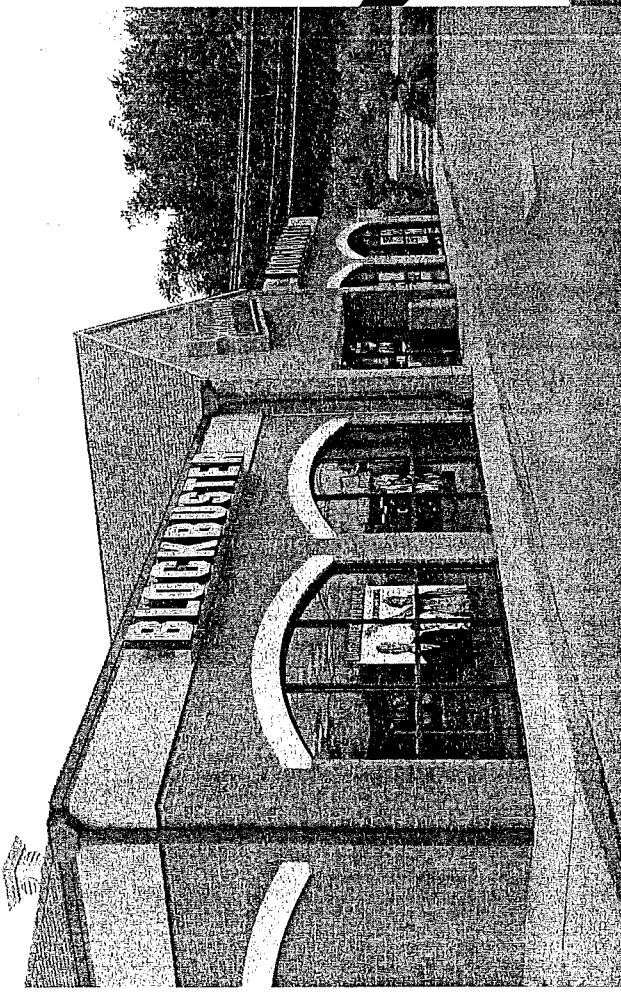
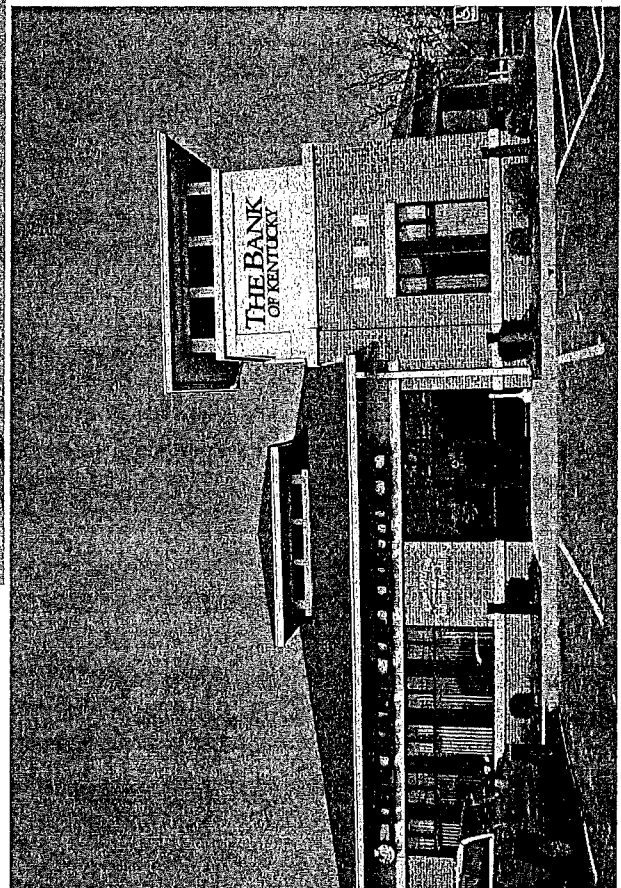
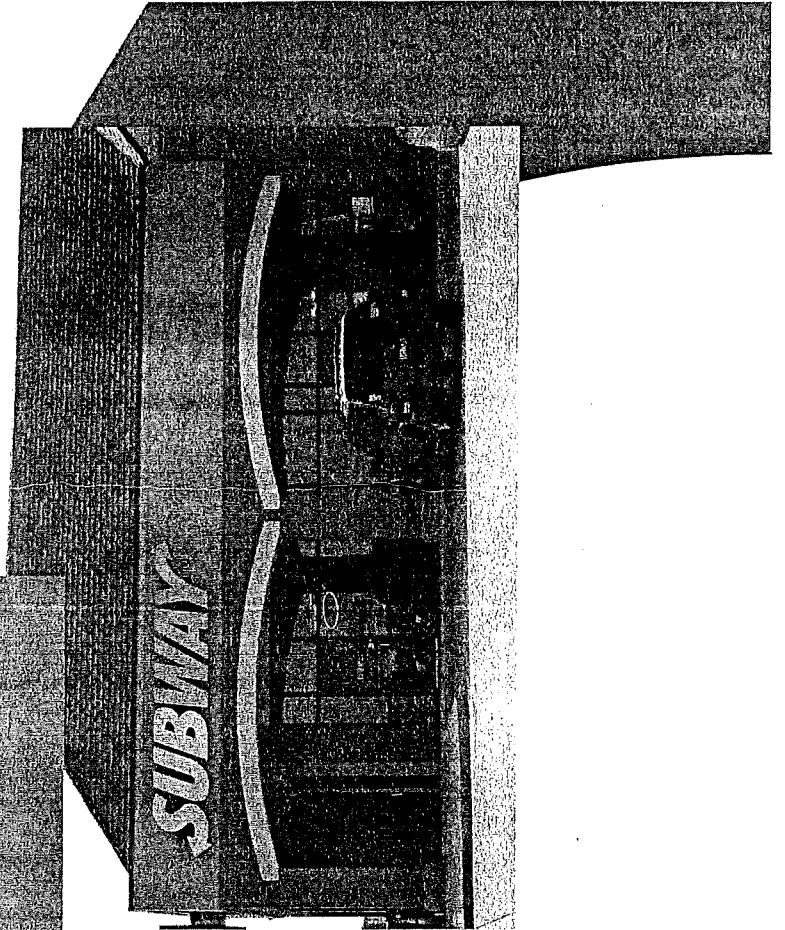
Dimensional Drawings

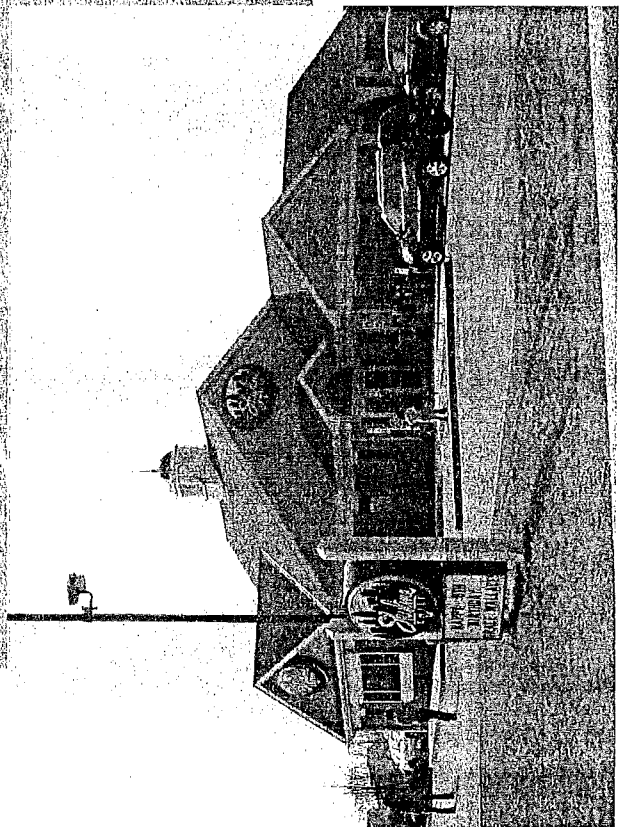
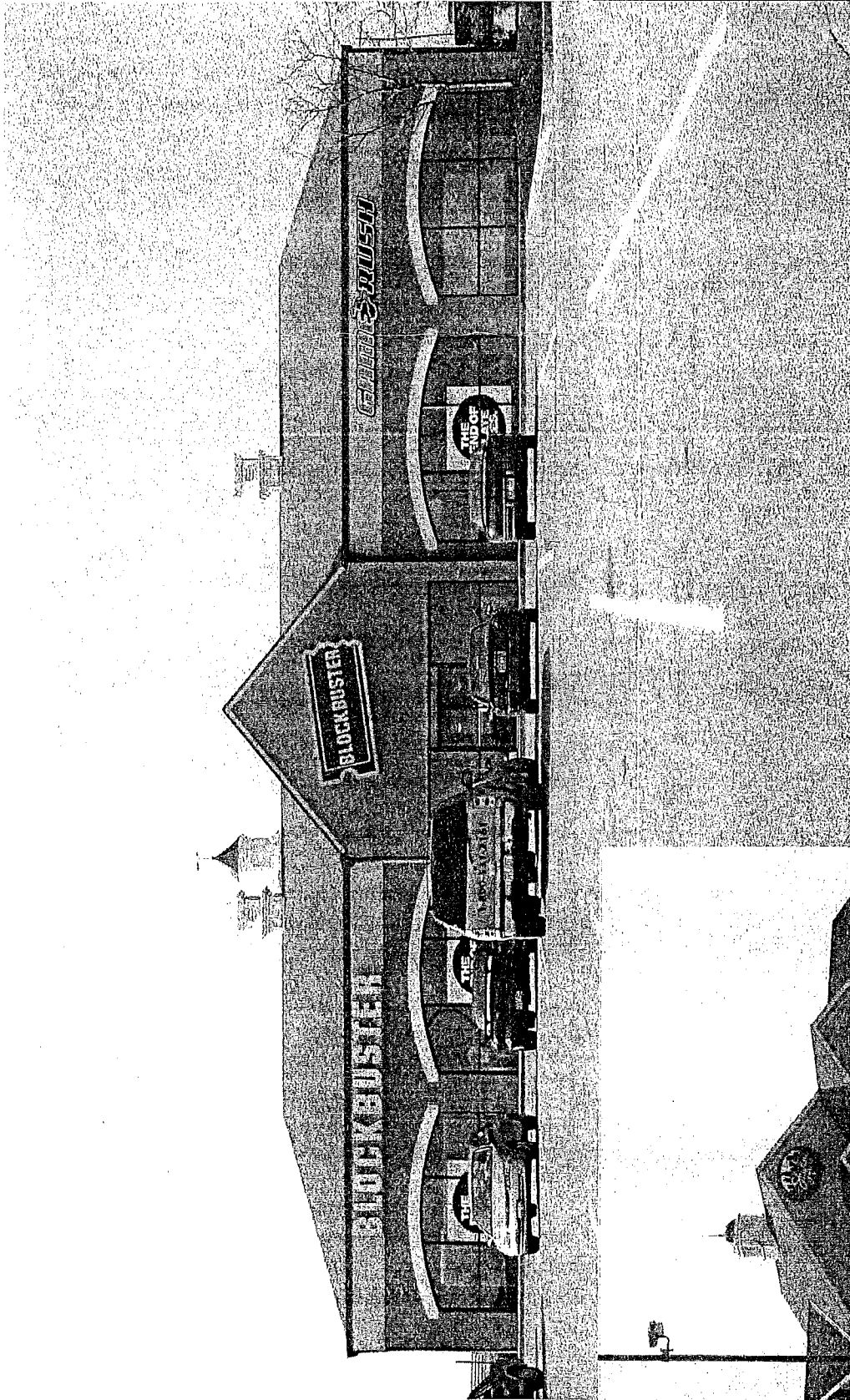


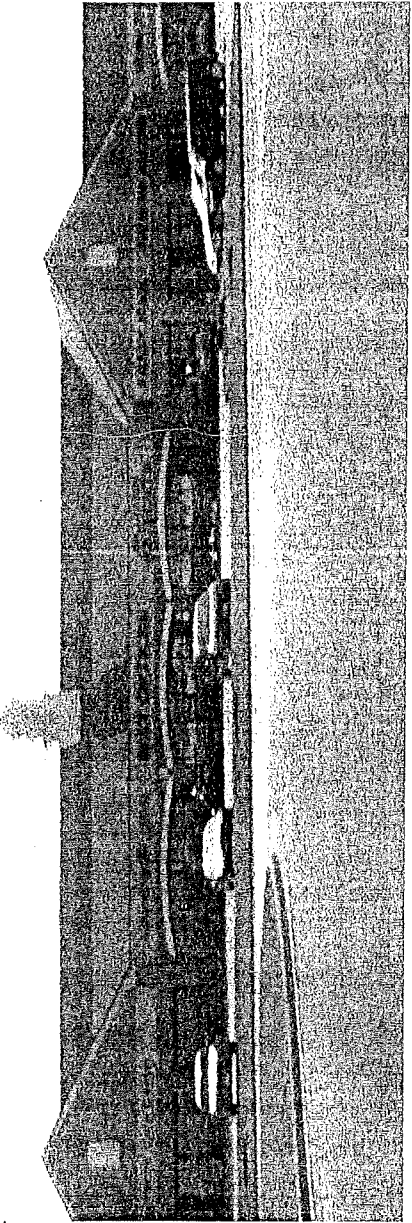
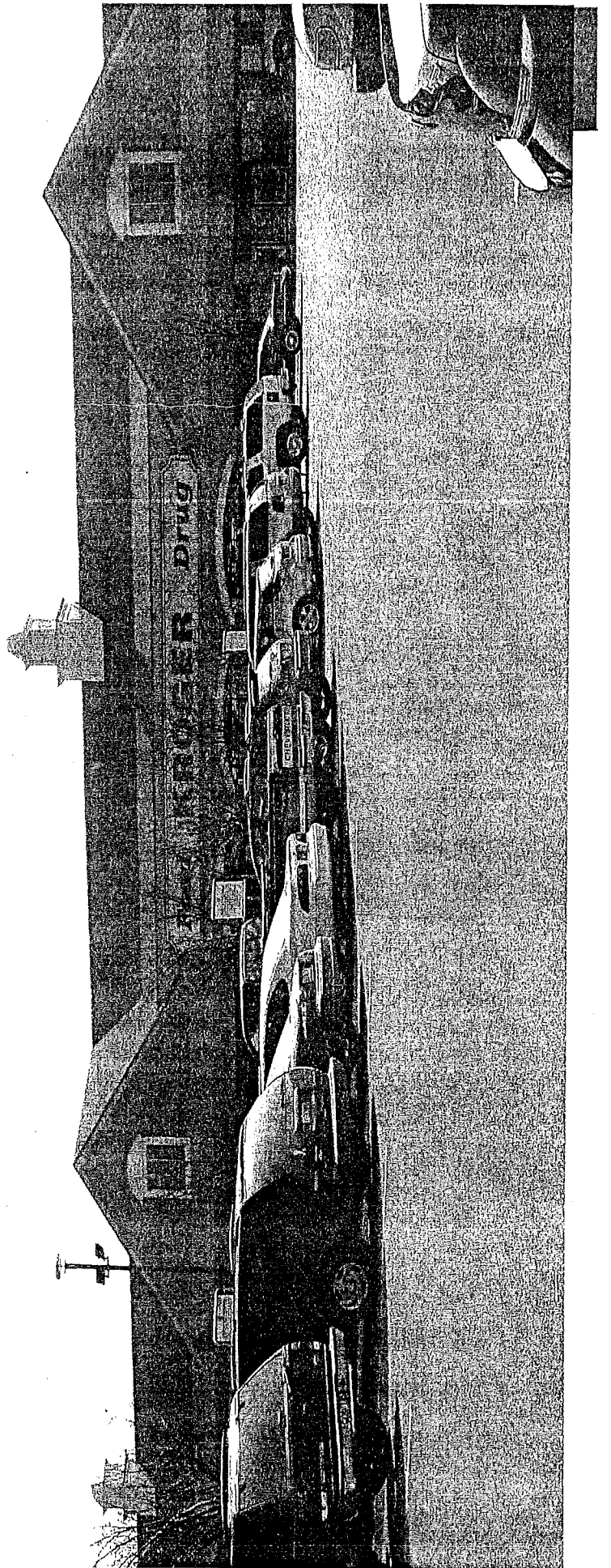
Existing commercial signage Data

Sign Dimensions
U.S. Hwy 42

Company	Address	Sign Square Footage	Building Frontage	Square Foot per lineal foot
Shanghai Garden	8761 U.S. Hwy 42	24	20	1.20
May Optical	8761 U.S. Hwy 42	40	20	2.00
Sassy Nails	8761 U.S. Hwy 42	21.38	20	1.07
Subway	8761 U.S. Hwy 42	48.49	28	1.73
Big League Haircuts	8761 U.S. Hwy 42	36.86	20	1.84
Domino's Pizza	8851 U.S. Hwy 42	35.18	30	1.17
V.I.P. Cleaners	8761 U.S. Hwy 42	35.01	18	1.95
Learning Express	8761 U.S. Hwy 42	33.64	20	1.68
Skyline Chili	8675 U.S. Hwy 42	39	40	0.98
Chiropractic Care	8761 U.S. Hwy 42	31	34.75	0.89
Papa Murphy's	8761 U.S. Hwy 42	39.96	20	2.00
Pizza Magia	8851 U.S. Hwy 42	39.68	23	1.73
Personal Touch	8847 U.S. Hwy 42	26	23	1.13
Sandra Derringer	8843 U.S. Hwy 42	45.5	22.5	2.02
Great Clips	8839 U.S. Hwy 42	42.5	21	2.02
Fifth Third/ Kroger	8825 U.S. Hwy 42	434	400	1.09
Kroger Liquor	8825 U.S. Hwy 42	43.75	40	1.09
Blockbuster		114.97	92.07	1.25
McDonald's	8530 U.S. Hwy 42	67.1	45	1.49
Key Bank	8529 U.S. Hwy 42	52.8	45	1.17
				1.50
				Average Square Foot per lineal foot

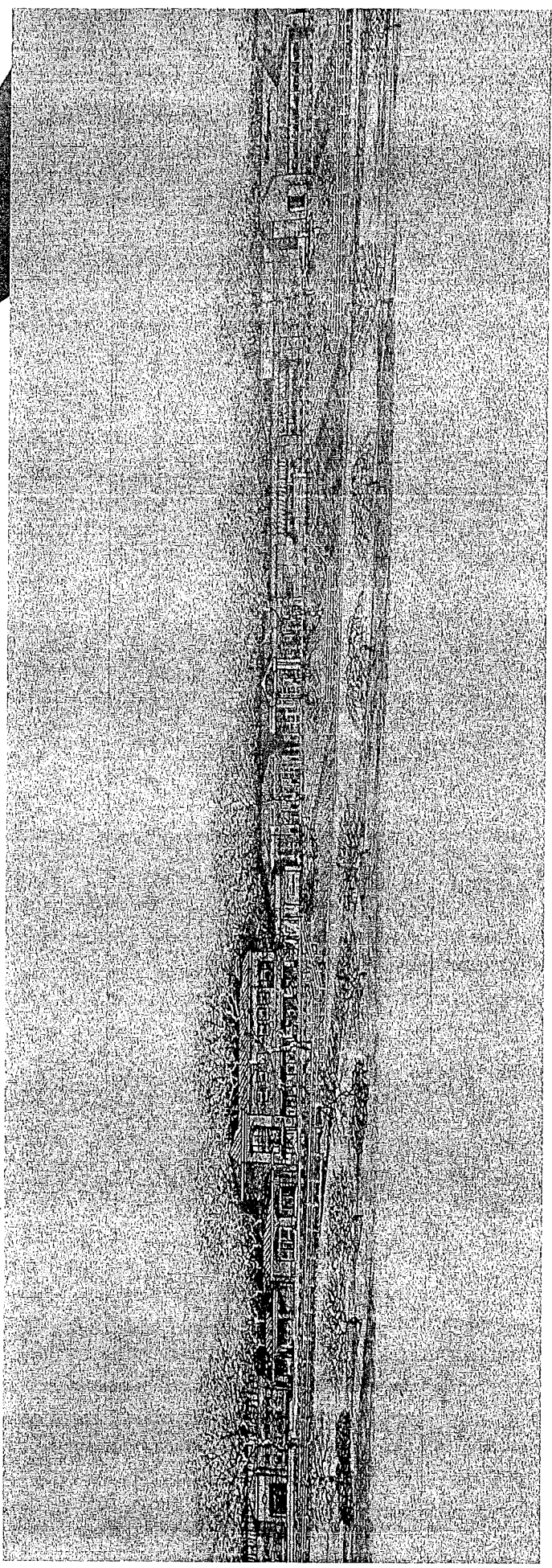






Objective = Proposal

- Create a balance between architectural scale and functionality
- =
- Proposed Signage for Village Terrace



Proposed Signage for Village Terrace

- 1.35 Square feet of sign area for each linear foot of building width
- Allow up to Two secondary facades at 1 Square foot of sign area for each linear foot of building width
- Signs may be divided up into three separate areas
- Directional signs and interior directional signs 6 square feet
- Drive-Through/Menu boards 48 Square feet

ORDINANCE NO. O-10-05

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR A 13.88 ACRE SITE LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 42, ACROSS FROM THE U.S. 42/BRAXTON INTERSECTION AND THE BOONE COUNTY LIBRARY, SCHEBEN BRANCH, AND IMMEDIATELY EAST OF THE PROPERTY AT 8912 OLD UNION ROAD, FLORENCE, KENTUCKY (VILLAGE TERRACE SUBDIVISION) TO ALLOW BUILDING MOUNTED, DRIVE-THRU, AND MENU BOARD SIGNAGE PER SECTION 3413 OF THE BOONE COUNTY ZONING REGULATIONS INSTEAD OF SECTION 2580 OF THE REGULATIONS. (TERRACE DEVELOPMENT COMPANY, LLC)

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 change in a previously approved concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission 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 requested change in concept development plan for an approximate 13.88 acre site located on the north side of U.S. 42, across from the U.S. 42/Braxton intersection and the Boone County Library, Scheben branch, and immediately east of the property at 8912 Old Union Road, shall be and is hereby approved, subject to the concept development plan previously approved and now amended as well as other agreed conditions for this site, this change in concept development plan being to allow building mounted, drive-thru, and menu board signage pursuant to Section 3413 of the Boone County Zoning Regulations, instead of Section 2580 of those regulations. In all other respects, the previously approved concept development plan for this property shall remain in full force and effect.

SECTION II

The approval of this change in concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-05-006-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference as if fully set out.

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-05-006-A, marked Exhibit "A", and attached hereto.

SECTION V

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

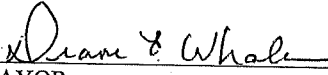
SECTION VI

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

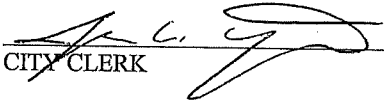
PASSED AND APPROVED ON FIRST READING THIS 10th DAY OF May, 2005.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 31st DAY OF MAY, 2005.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

AUG 23 2005

BOONE COUNTY
PLANNING COMMISSION

**Agreed upon Conditions of Approval
For Change in Approved Concept Development Plan for
Certain Signage Requirements, U.S. 42/Village Terrace Subdivision,
Florence, Kentucky**

Terrace Development Company, LLC., by and through its authorized representatives hereby agrees to the following Conditions of Approval for its requested Change in the Approved Concept Development Plan for Certain Signage Requirements, for its U.S. 42/Village Terrace Subdivision, Florence, Kentucky.

CONDITIONS:

A. Those Conditions recommended and previously agreed to with the Boone County Planning Commission as set forth in the March 3, 2005 letter from Kevin T. Wall, Director of Zoning Services, a copy of which is attached hereto as Exhibit 1.

B. In addition to the foregoing, Terrace Development Company, LLC further agrees to the additional conditions as requested by the City of Florence Planning and Zoning Committee:

1. That the signage on the facade of the Walgreen's building facing U.S. 42 shall be one sign only, which shall be no larger than 102 square feet.

2. That there shall be no signage on the facade of the Walgreen's building, facing Northwest toward Bowman Way.

3. That the permitted canopy mounted drive-through directional sign for the Walgreen's building, shall be shielded so as to minimize illumination in the direction of Bowman Way.

In witness whereof the parties have set their names as set forth below.

Dated: 4/28/05

Terrace Development Company, LLC
By and through its managing member
Triangle Design Group, Inc.

By: Phil Drees

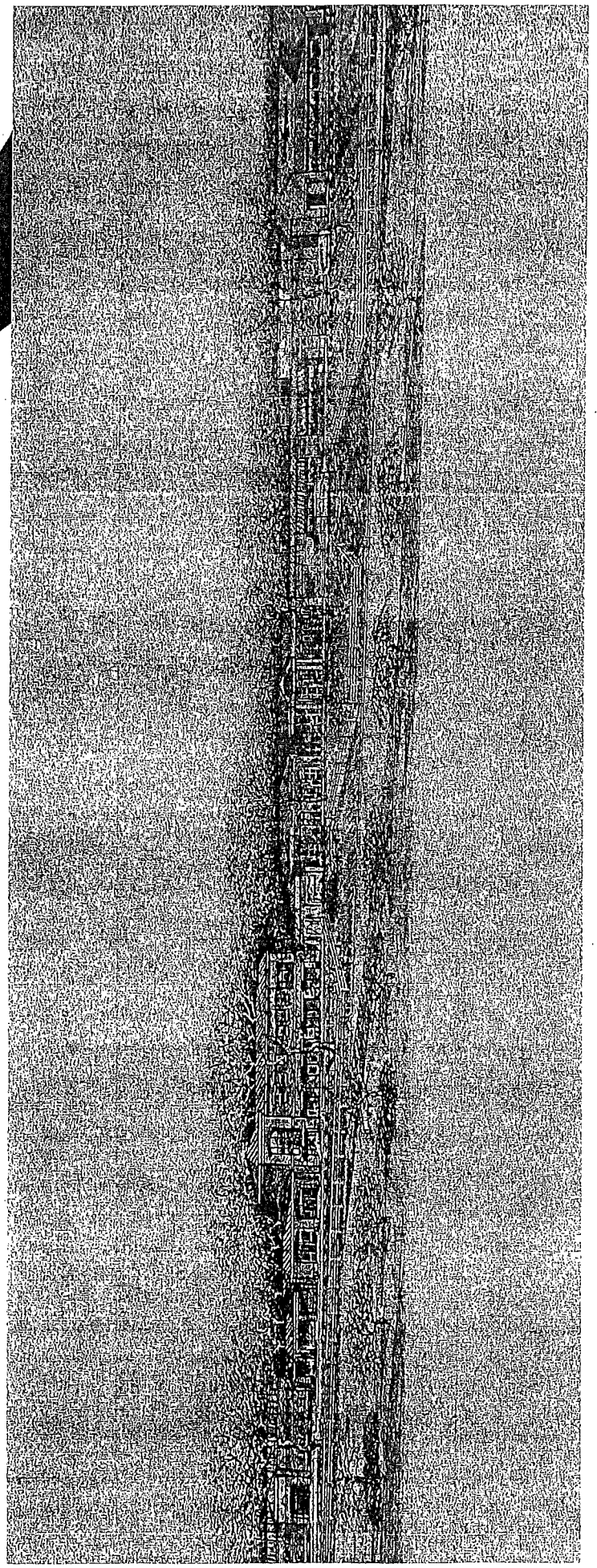
Phil Drees

RECEIVED AT 3/2/05 ZONE CHANGE COMM

Village Terrace

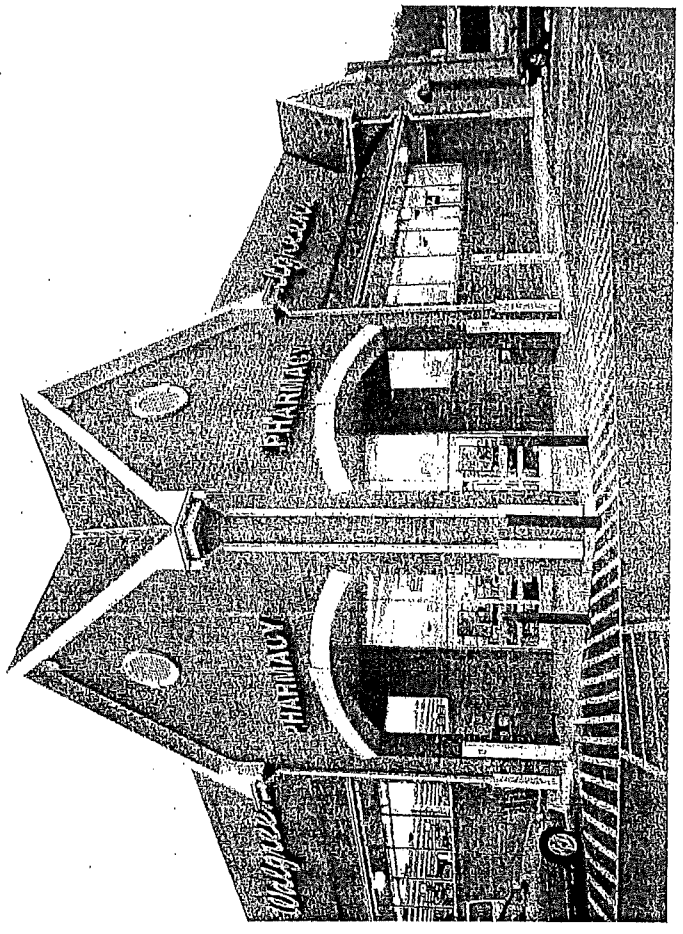
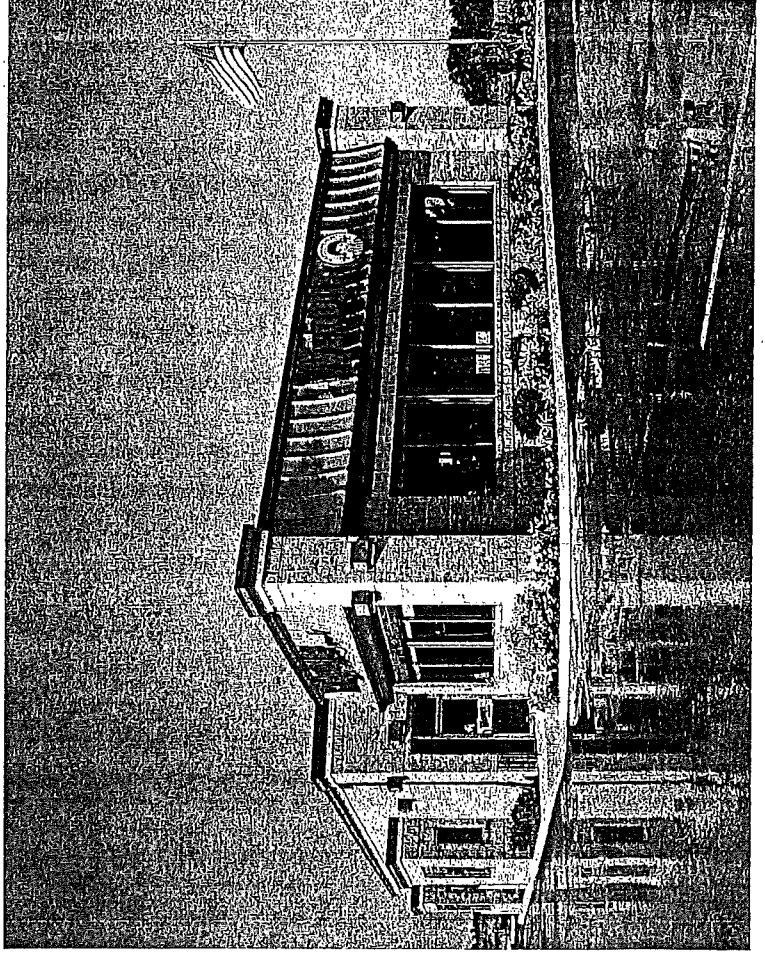
Creating Desirable Places

- Florence
- Boone County, KY

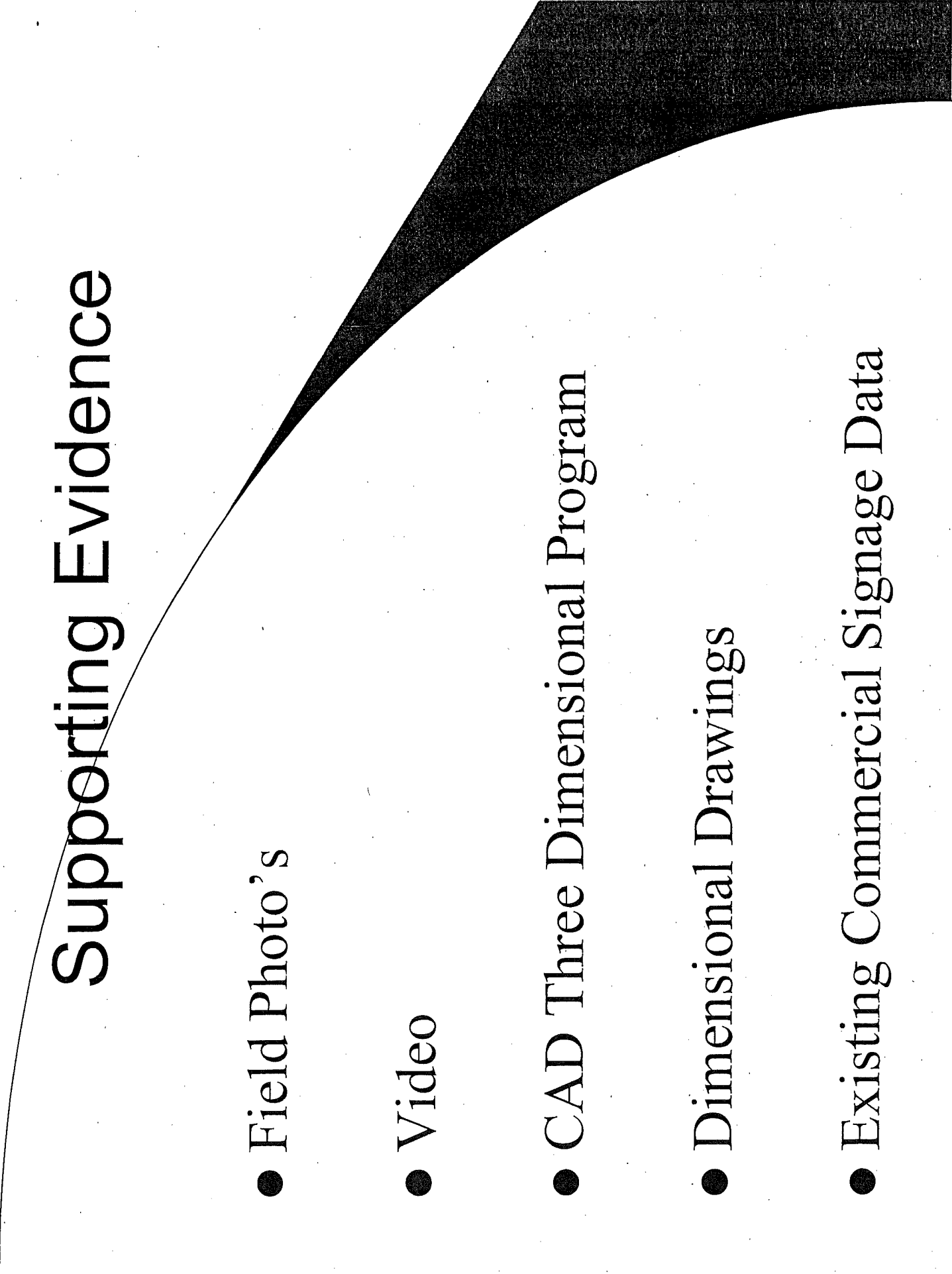


Overall Objective for Signage:

- Create a balance between Architectural scale and Functionality



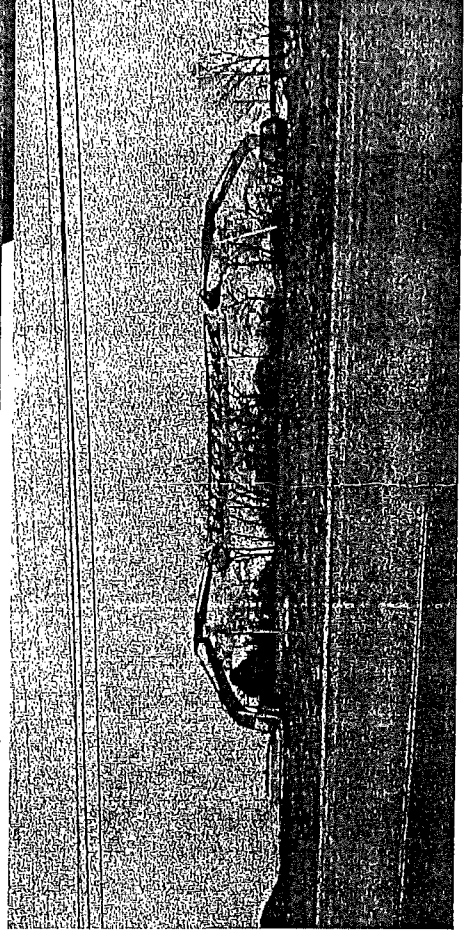
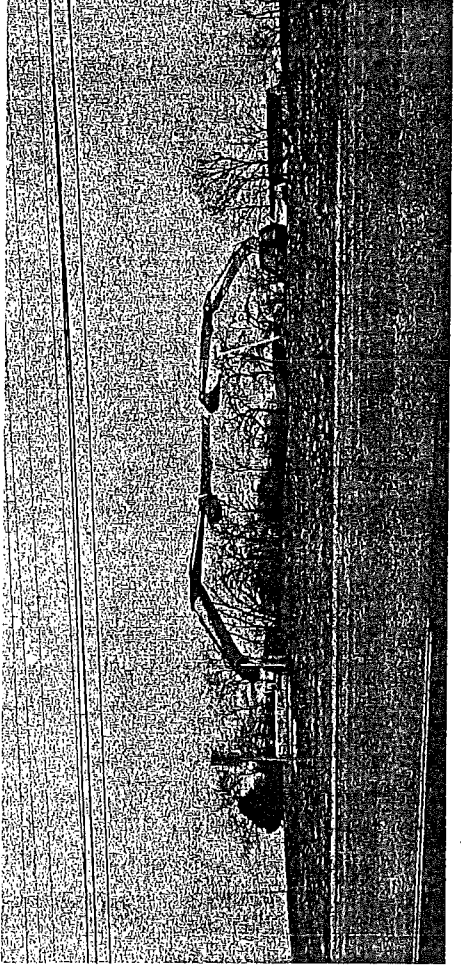
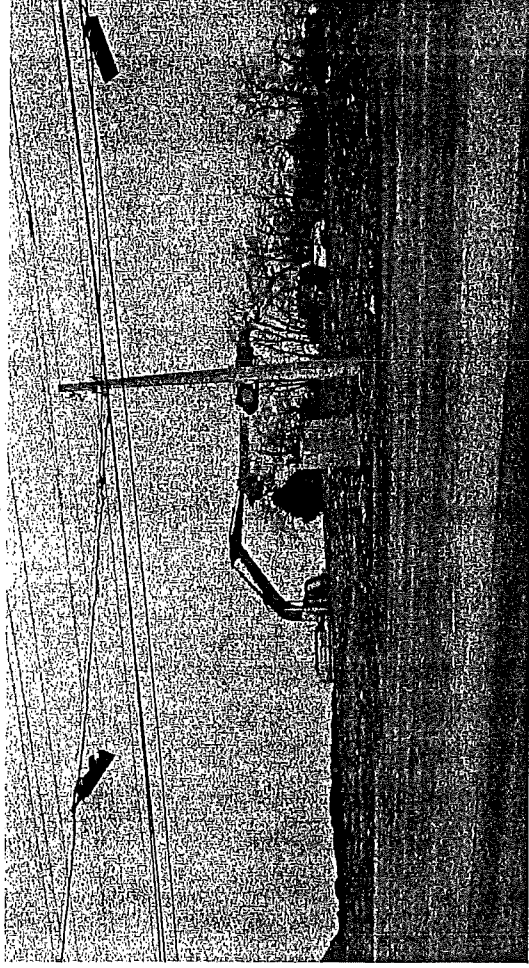
Supporting Evidence



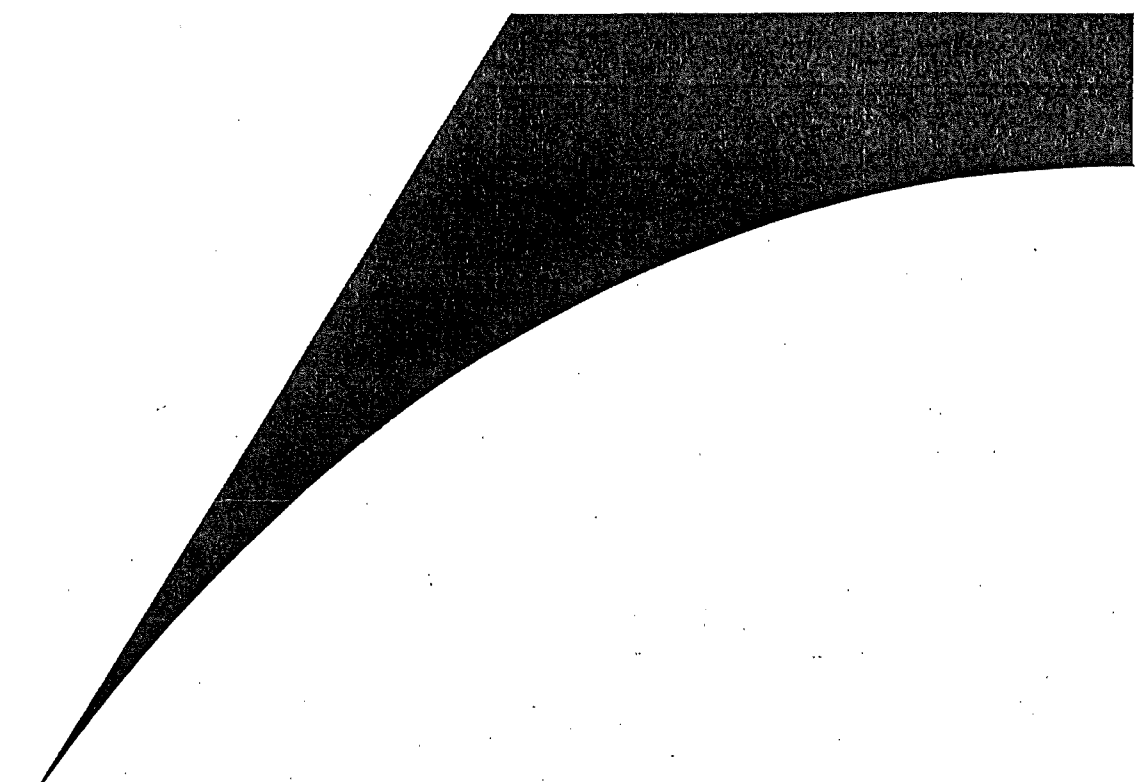
- Field Photo's
- Video
- CAD Three Dimensional Program
- Dimensional Drawings
- Existing Commercial Signage Data

Field Photo's

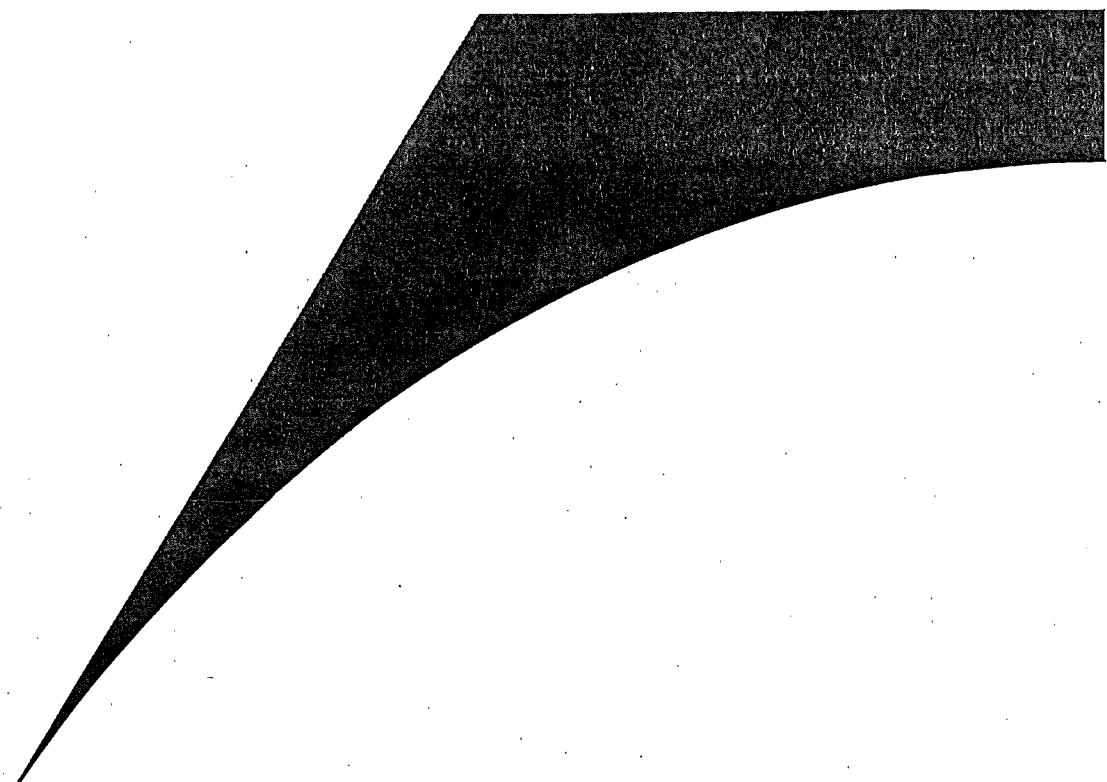
- Photo's taken from the intersection of Braxton and US 42 – approximately 250 feet from proposed Walgreens building



Video



CAD Three-D Presentation



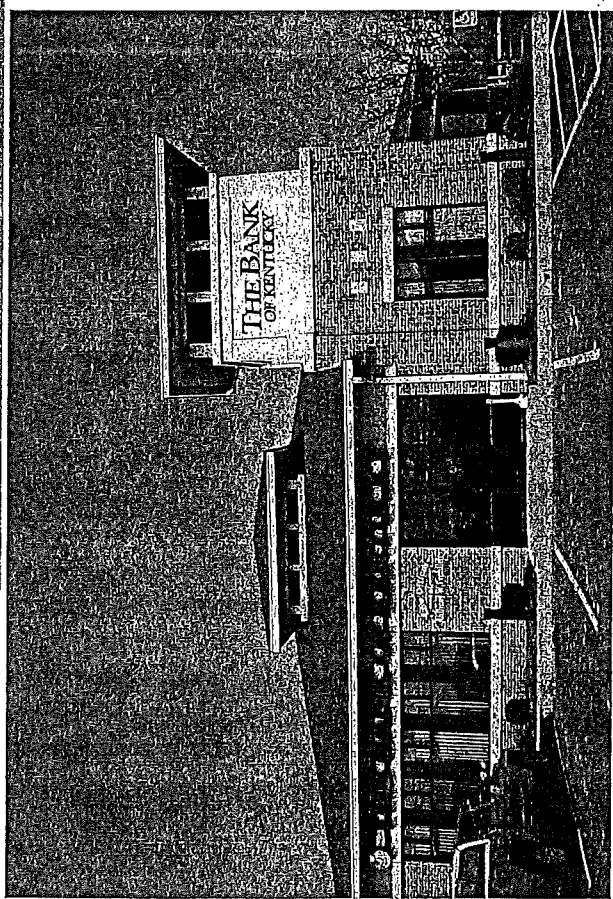
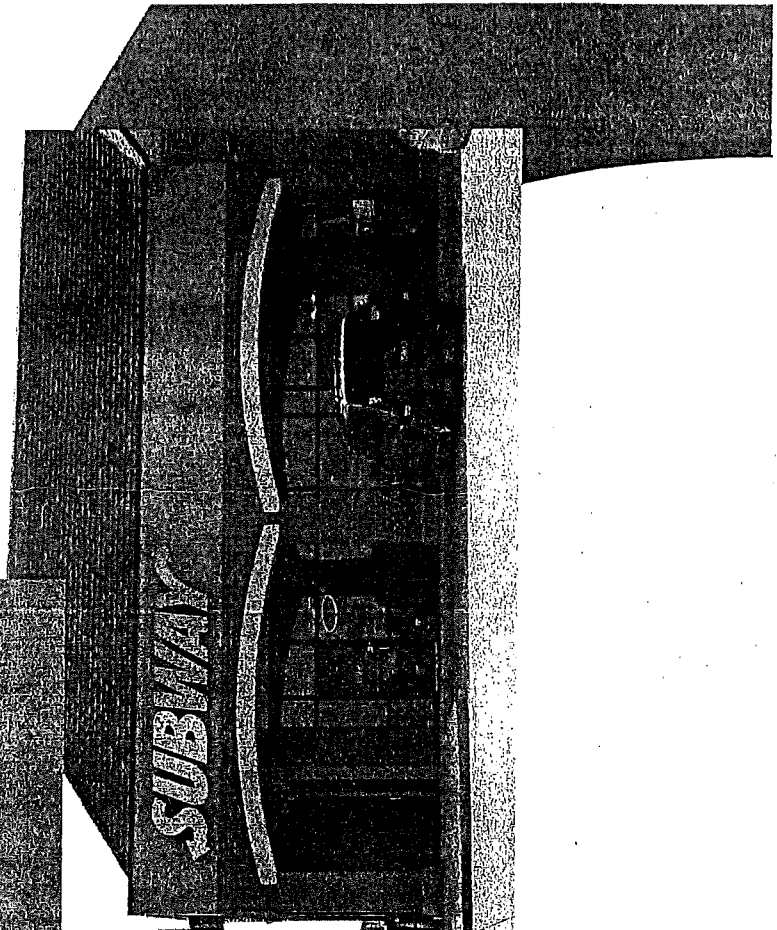
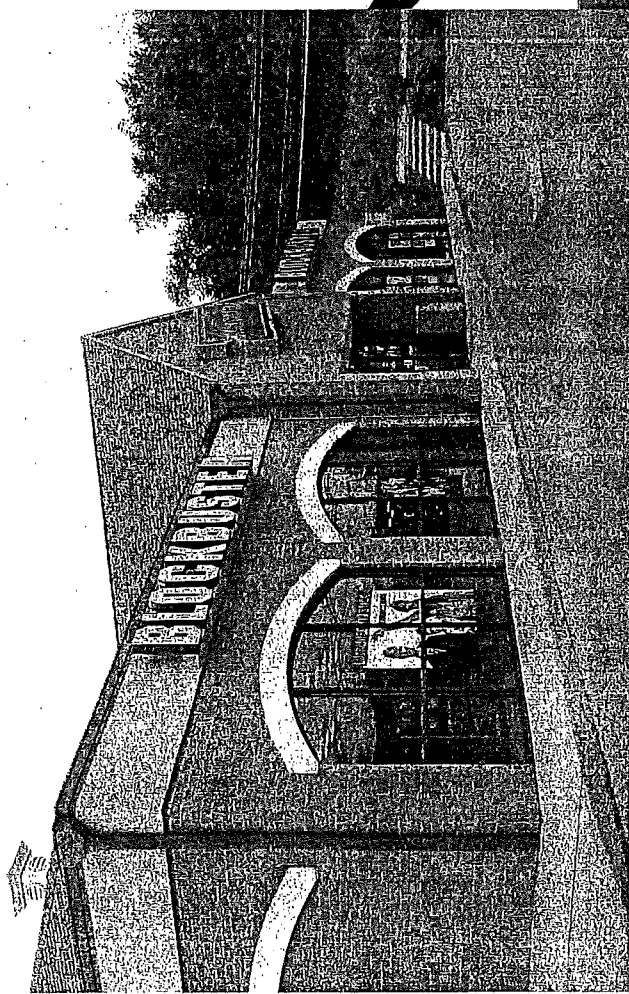
Dimensional Drawings

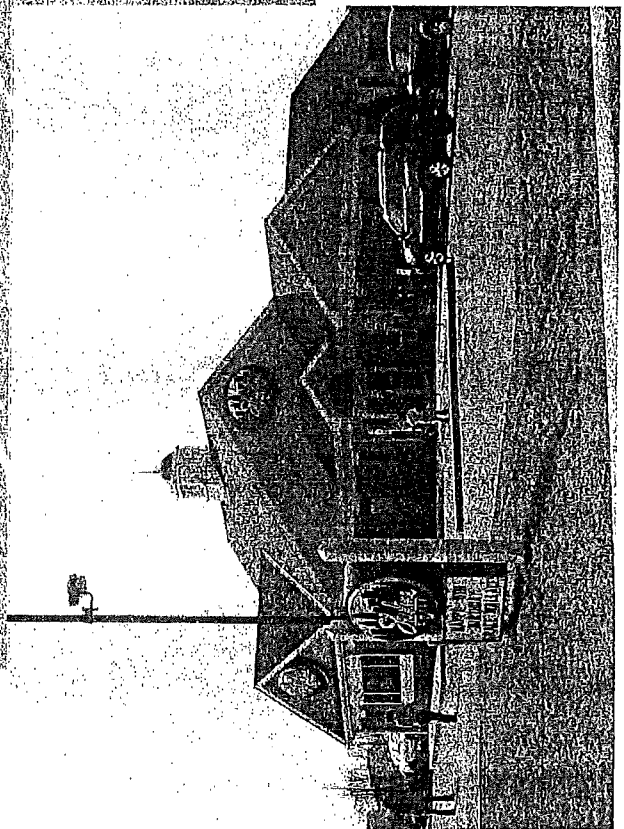
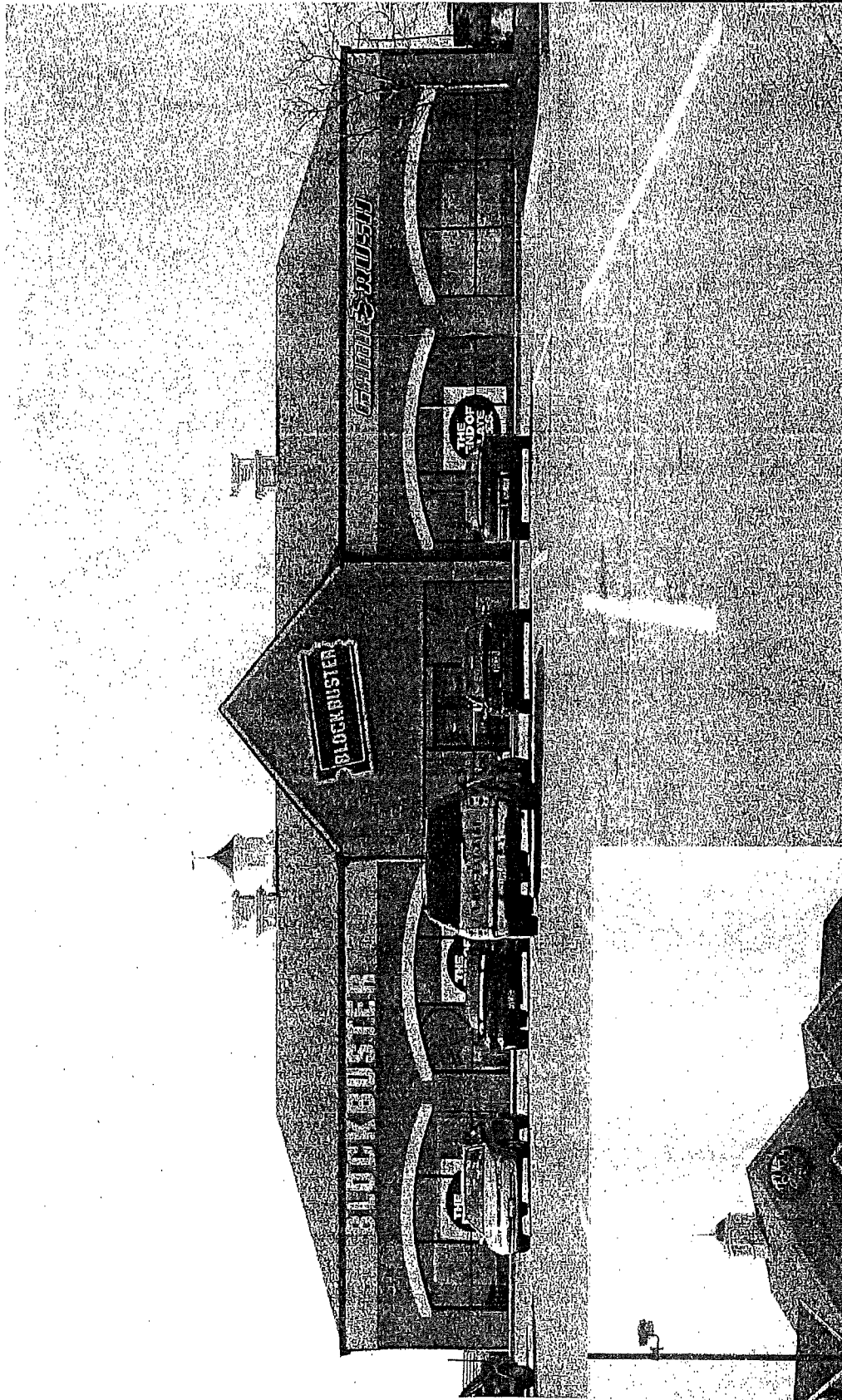


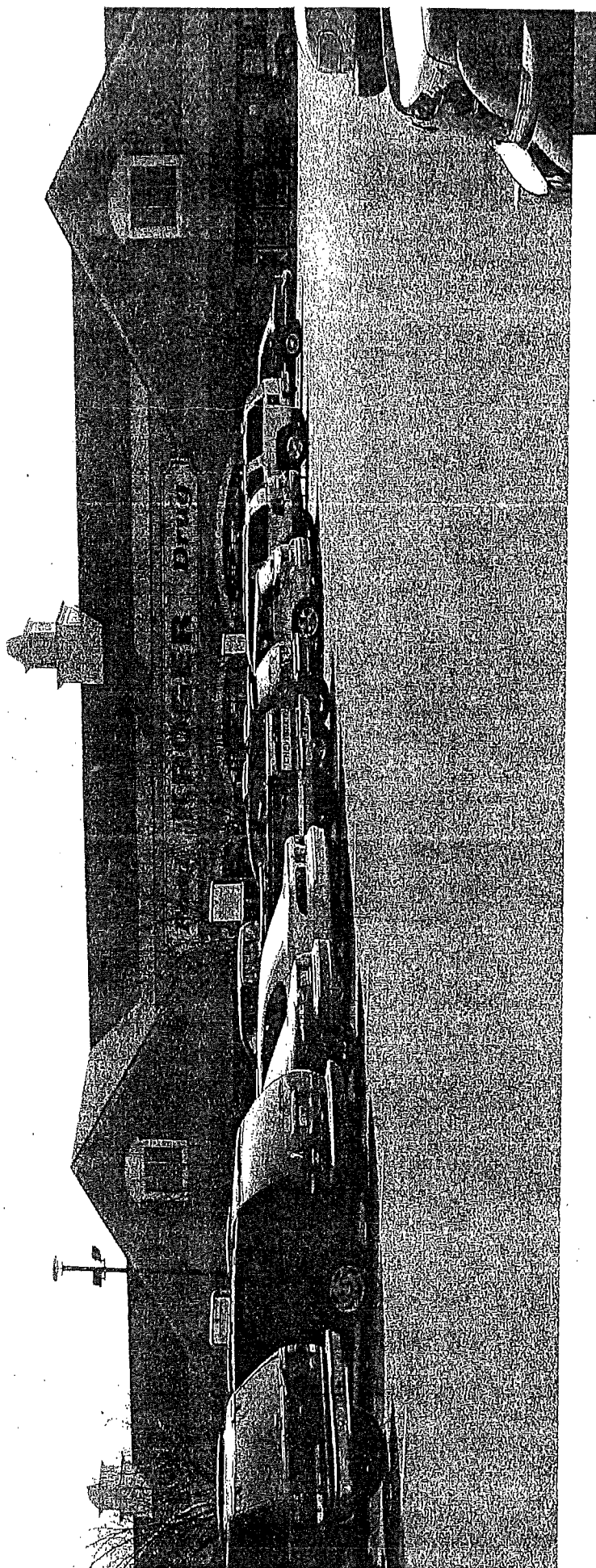
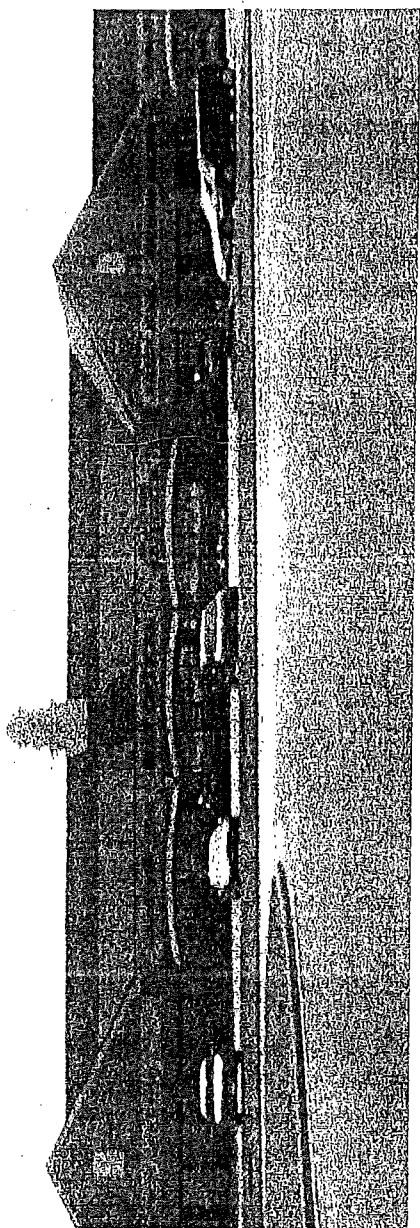
Existing commercial signage Data

Sign Dimensions
U.S. Hwy 42

Company	Address	Sign Square Footage	Building Frontage	Square Foot per lineal foot
Shanghai Garden	8761 U.S. Hwy 42	24	20	1.20
May Optical	8761 U.S. Hwy 42	40	20	2.00
Sassy Nails	8761 U.S. Hwy 42	21.38	20	1.07
Subway	8761 U.S. Hwy 42	48.49	28	1.73
Big League Haircuts	8761 U.S. Hwy 42	36.86	20	1.84
Domino's Pizza	8851 U.S. Hwy 42	35.18	30	1.17
V.I.P. Cleaners	8761 U.S. Hwy 42	35.01	18	1.95
Learning Express	8761 U.S. Hwy 42	33.64	20	1.68
Skyline Chili	8675 U.S. Hwy 42	39	40	0.98
Chiropractic Care	8761 U.S. Hwy 42	31	34.75	0.89
Papa Murphy's	8761 U.S. Hwy 42	39.96	20	2.00
Pizza Magia	8851 U.S. Hwy 42	39.68	23	1.73
Personal Touch	8847 U.S. Hwy 42	26	23	1.13
Sandra Derringer	8843 U.S. Hwy 42	45.5	22.5	2.02
Great Clips	8839 U.S. Hwy 42	42.5	21	2.02
Fifth Third/Kroger	8825 U.S. Hwy 42	434	400	1.09
Kroger Liquor	8825 U.S. Hwy 42	43.75	40	1.09
Blockbuster		114.97	92.07	1.25
McDonald's	8530 U.S. Hwy 42	67.1	45	1.49
Key Bank	8529 U.S. Hwy 42	52.8	45	1.17
				1.50
				Average Square Foot per lineal foot

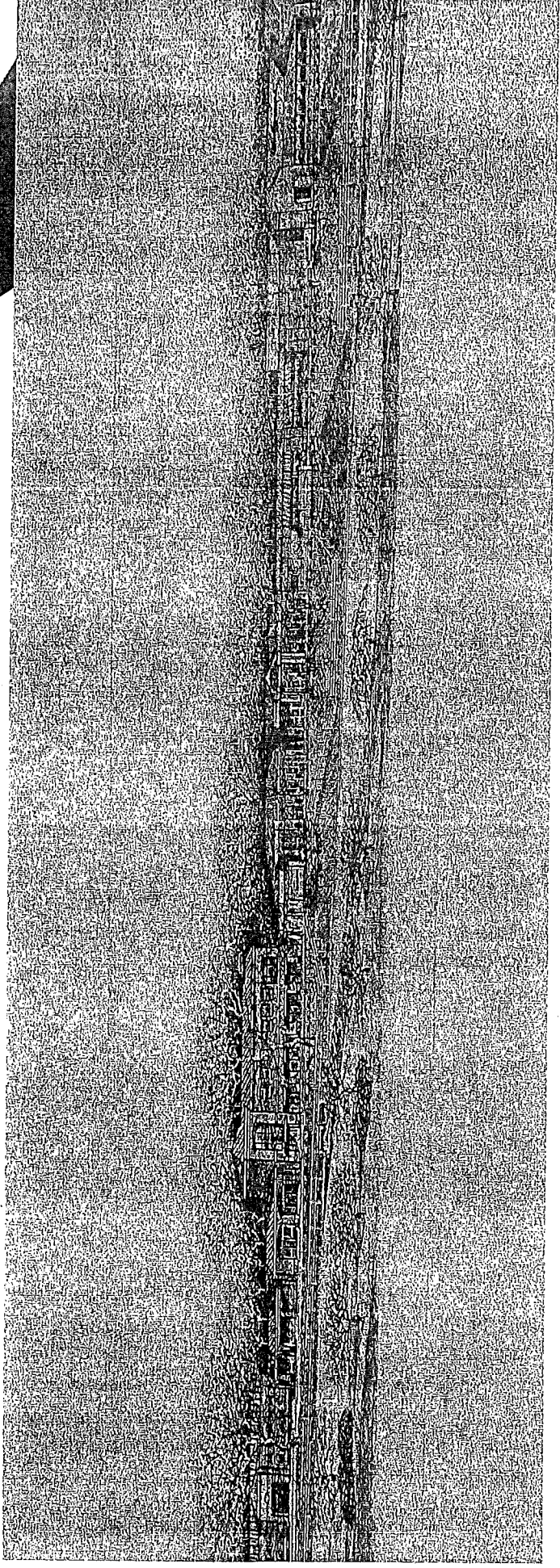






Objective = Proposal

- Create a balance between architectural scale and functionality
- =
- Proposed Signage for Village Terrace



Proposed Signage for Village Terrace

- 1.35 Square feet of sign area for each linear foot of building width
- Allow up to Two secondary facades at 1 Square foot of sign area for each linear foot of building width
- Signs may be divided up into three separate areas
- Directional signs and interior directional signs 6 square feet
- Drive-Through/Menu boards 48 Square feet