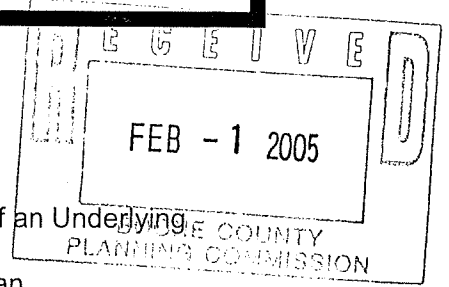


APPLICATION FORM

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 U.S. HWY 42
- 4. Total Acreage of Site 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) _____
- 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 Corp. 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) SAME AS Applicant
Phone Number _____ Fax No. _____
- 15. Address of Property Owner(s) _____
City State Zip
- 16. Are there any existing buildings on the site? _____
How many? _____
- 17. Deed Book 677/873 Page No. 143/620 Group No. 2038B
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (future Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in a Union Commercial/Planned Development (UC/PD) zone to allow two commercial buildings with drive-through facilities on separate lots.

March 16, 2005

REQUEST

This request is for a Change in an Approved Concept Development Plan for the western-most commercial lot (future Lot 4) along US 42 in the Village Terrace Subdivision. The overall Village Terrace development is subject to a zone change/Concept Development Plan approval with supplemental conditions from 2004 (Committee Report which includes the original 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 current application only pertains to future Lot 4. The site is currently approved for one multi-tenant commercial building with one drive-through window/lane along the west end of the structure. This is a two story building that contains approximately 12,000 square feet which would be placed on a single lot. The conceptual design for this original multi-tenant building was the model for the overall development's architectural requirements.

The submitted Concept Development Plan shows two single story buildings that are placed in an even alignment from US 42. The western building is an approximate 5,040 square foot multi-tenant commercial structure. The eastern building is an approximate 2,400 square foot structure that is intended to be used for an ice cream restaurant, but could be used for any permitted commercial use.

The basic site layout is comparable to the approved Concept Development Plan (same general building placement, parking areas at the front and rear of the site, a drive-through lane at the west end of the site, a shared drive-way along the common property line with Lot 3, and a driveway connection to Old Union Road in the southwest corner of the site). The main differences are that a second drive-through lane is proposed to run in between the two buildings, a wider landscape area (15' noted width) is proposed along the east side of the building facing Lot 3 (this area may be used for outdoor seating), and the lot is proposed to be subdivided into two separate lots of record (noted as lots 4 and 4A). A 10 foot wide shared buffer yard which contains the plantings from Buffer Yard A is normally

required along this new property line (per Section 3645 of the zoning regulations), although the proposed Concept Development Plan does not include this landscape area. The application materials that the lack of this buffer yard is to "resemble the approved site plan more accurately therefore reflecting less of a change to the overall design concept." A shared parking agreement is proposed for lots 3, 4, and 4A. No changes to the current conditions of zone change/Concept Development Plan approval have been specifically requested, except to accommodate the new proposal as drawn.

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 (one multi-tenant building on the subject future Lot 4) on January 5, 2005. Site plan approval for the Walgreens lot was granted on January 28, 2005 and is pending for the one multi-tenant building on the subject future Lot 4. 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). A Public Hearing for a Change in Concept Development Plan to modify certain signage requirements for the overall Village Terrace Subdivision was held by the Planning Commission on February 16, 2005.

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. The remaining three commercial frontage lots in Village Terrace Subdivision are located to the immediate east (UC/PD), an undeveloped tract is located beyond along the east side of Bowman Way (UC), and an office building is located further to the east, near the US 42/Farmview Drive intersection (O-1).

- C. Two commercial lots and the residential condominium phase of Village Terrace are located to the north along the north side of Bowman Way (UC/PD and UR-1/PD), and a subdivision of detached single family residences (Farmview) is located further to the north and east (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 approximate 1.2 acre portion of the overall 13.88 acre development. The lot has approximately 185 feet of frontage on US 42 and approximately 180 feet of frontage on Bowman Way. Old Union Road terminates at this site. The site contains no structures or trees. The site is currently stripped and the public improvements for the subdivision are being constructed. 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 site as Commercial (C). The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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 begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design.

Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

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

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).

- E. 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 Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (889) is expected to increase from 5,229 in the year 2000 to 9,772 in 2010, and to 12,455 in 2020 (pp. 27-30).

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

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area ("Areas of Future Commercial Activity," pg. 70).
- B. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth toward the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form instead of strip style commercial ("Areas of Future Commercial Activity," pg. 70).

- C. 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 Housing Element makes the following remarks which relate to the proposal or general area.

- A. The factors that will help fuel growth in this area include the improvements (expand from two to five lanes) of U.S. 42 from Florence to the new Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land. The Union Town Plan sets the stage for development in this area when the new U.S. 42 is constructed around the year 2002, and sanitary sewer becomes widely available around the year 2006. Areas west and south of the Union Town Plan area, along U.S. 42, Hathaway Road, and Longbranch Road contain an existing agricultural, horse farm and estate residential character. Planning efforts, such as the Union Town Plan should be conducted in these areas. Street connections between developments and to arterials are critical in this central part of Boone County. The connections shown in the Union Town Plan need to be continued outside the study area to the next logical properties and arterial roadways ("Union-West Florence Area," pg. 88).

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. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).

- D. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- F. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- G. 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).
- H. 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).
- I. 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 2).
- J. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access (Commercial [Retail and Office], Objective 3).
- K. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed (Transportation, 2nd Goal, Objective 2).

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 overall Village Terrace 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, including future Lot 4, 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

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. In addition to the Comprehensive Plan document itself, the Union Town Plan will need to be considered in the context of the Future Land Use Map and Land Use Element, which states "the (Union Town) plan's recommendations are shown on the 2025 Future Land Use Map." As discussed previously, the Future Land Use Map designates the site for Commercial uses. The Union Town Land Use Plan Map designates this site for Office uses. The two land use plan maps are consistent with one another based on the terminology used within each document (i.e., the "Office" designation in the Union Town Plan fits within the broader "Commercial" classification in the Comprehensive Plan).

The Comprehensive Plan text discusses the area in some detail. The Land Use Element states "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 (U.S. 42/Pleasant Valley Road) 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."

Key to this discussion is whether the proposal involves the "smaller-scaled office and institutional uses" and whether a high quality site arrangement has been offered. Regarding this issue, the Committee Report which recommended conditional approval of the original zone change/Concept Development Plan stated "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."

In short, it was acknowledged that the original plan deviated from the letter of the Comprehensive Plan to some extent, but that the proposal had other qualities which mitigated these differences, especially by having characteristics of "smaller-scaled office and institutional uses," and that of a transitional development between the existing suburban style development to the east and the Union Town Plan area to the west and south. An aspect of the original proposal that reinforces this point was a single drive-through facility per building/lot, versus several which would have created various drive-through lane intersections, pedestrian crossings, and generally more pavement. The original proposal also did not have two drive-through lanes immediately adjoining any one single building, such as the western building (the drive-through lane that is in between the two buildings will basically resemble an alley). The Committee Report also stated that the original proposal was providing "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." The addition of the landscaped area along the east side of the east building (which may be an outdoor seating area) is partly intended to compensate for the more "auto-intense" changes in the plan. The governing bodies will need to determine whether these objectives, or others from the adopted planning documents, will still be fulfilled with the requested change. A definitive description of the types of businesses which would use the drive-throughs would also help in this regard. An option to consider would be to allow the two separate buildings as proposed, but only one drive-through facility.

2. The current Concept Development Plan was previously reviewed against the requirements of Article 15 "Planned Development District" of the zoning regulations, including Section 1514 "Planned Development Standards." The current conditions of approval were designed with these standards and the planning documents

discussed above in mind. Staff offers the following comments regarding the conditions in the Committee Report which are affected by this proposal (no changes which would affect the City Council conditions have been proposed).

Condition #1: This condition requires the Concept Development Plan to be followed, except where superceded by the written conditions of approval. The current application was submitted because it changed the concept for lot 4.

Condition #2: This condition expresses a number of requirements regarding the road system. The phrase which is specifically applicable to the current application states "the site shall be connected to the 'future frontage road by KTC' (note - now called 'Old Union Road') that is shown on the Concept Development Plan only if safe traffic movement with an appropriate geometric layout is demonstrated." This phrase is still applicable to this site and proposal, making the connection contingent upon a proper engineering design being provided at the site plan stage.

Condition #6: In addition to a number of buffering requirements for the overall development, this condition states "all other landscaping shall meet the normal requirements of Article 36 of the zoning regulations." As noted above, one aspect of the submitted Concept Development Plan is to eliminate the shared 10 foot wide buffer yard that would normally be required along the common property line between lots 4 and 4A. This results in the project appearing as one lot with two buildings in addition to eliminating some of the "internal" plantings. While Staff is generally reluctant to endorse this type of reduction, such landscaping in between two small lots which have one integral vehicular area (while still providing the remaining perimeter and interior "vehicular use area" landscaping through islands/peninsulas) is comparatively less important than it would be for larger lots or developments. However, the elimination of this landscape area altogether (versus providing it per the regulations or in some modified form) and the provision of the shared parking arrangement between lots 3, 4, and 4A infers that the proposal is relatively intense. The applicant should provide parking calculations to the Zone Change Committee so that the adequacy of the parking shown, and the reasonableness of the request to eliminate the shared buffer yard altogether, can be better demonstrated. An option that was previously discussed with the developer would be to condominiumize one or both buildings in lieu of a land division, therefore eliminating the common property line and shared buffer yard requirement.

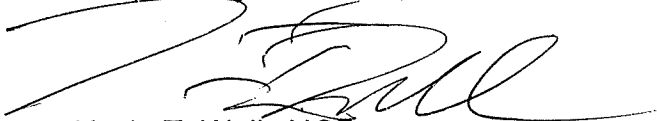
3. Regarding other design issues, Staff recommends that defined crosswalks be required across each end of the drive-through lane that is in between the two buildings, as well as a stop sign at its exit, should the application be approved. For the applicant's information, the standards in Section 3155 "Drive-Through Facilities" of the zoning regulations must be met by both drive-through facilities.

4. The City of Florence Public Services Department was requested to comment on the proposal relative to service abilities. Any comments received will be forwarded to the Zone Change Committee.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations, as the proposal is a modification to the original zone change approval, 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,

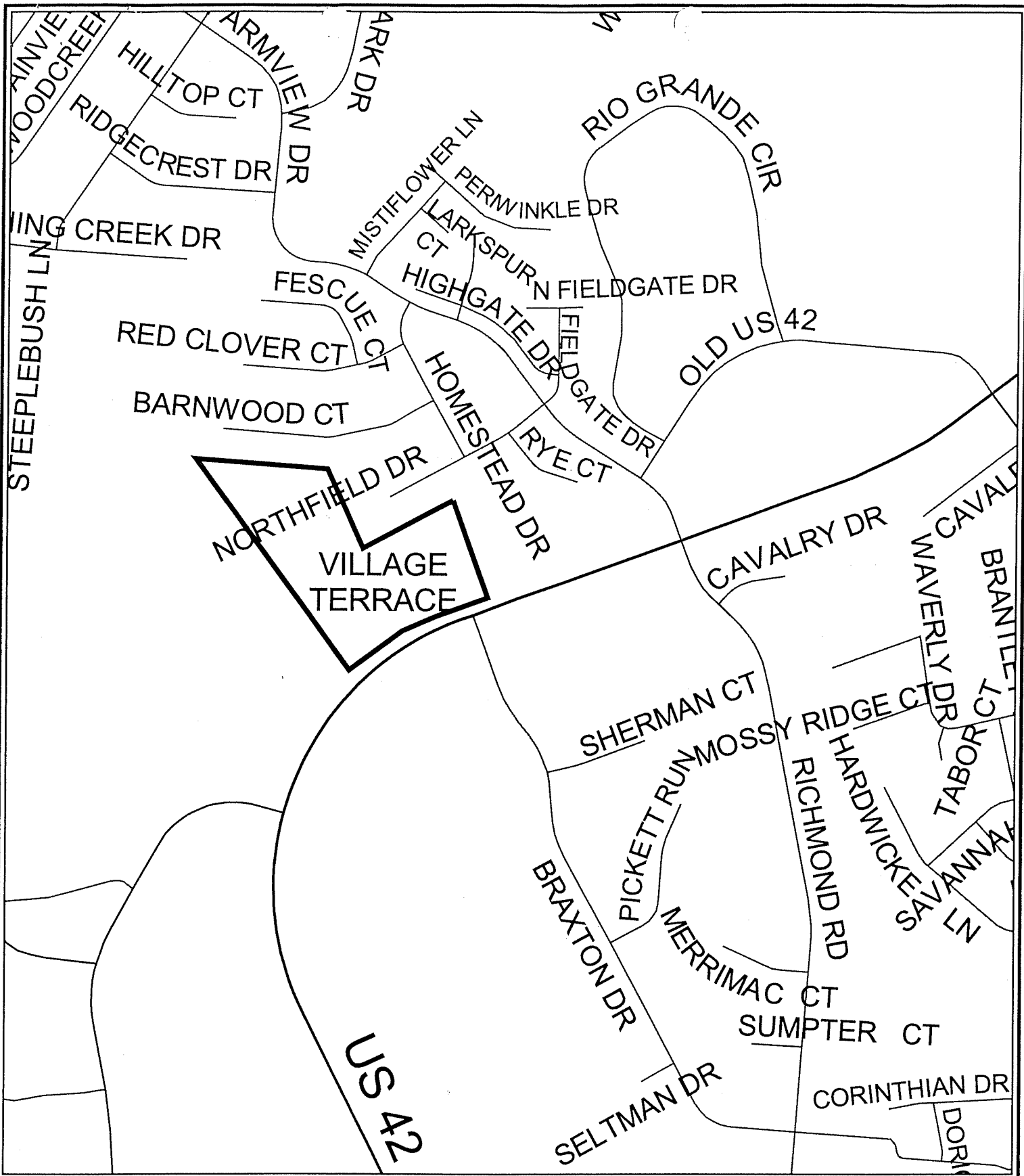


Kevin T. Wall, AICP
Director, Zoning Services

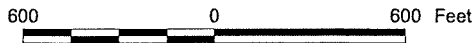
KTW/pr

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- Union Town Plan Land Use Map excerpt
- 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
- application materials including Concept Development Plan

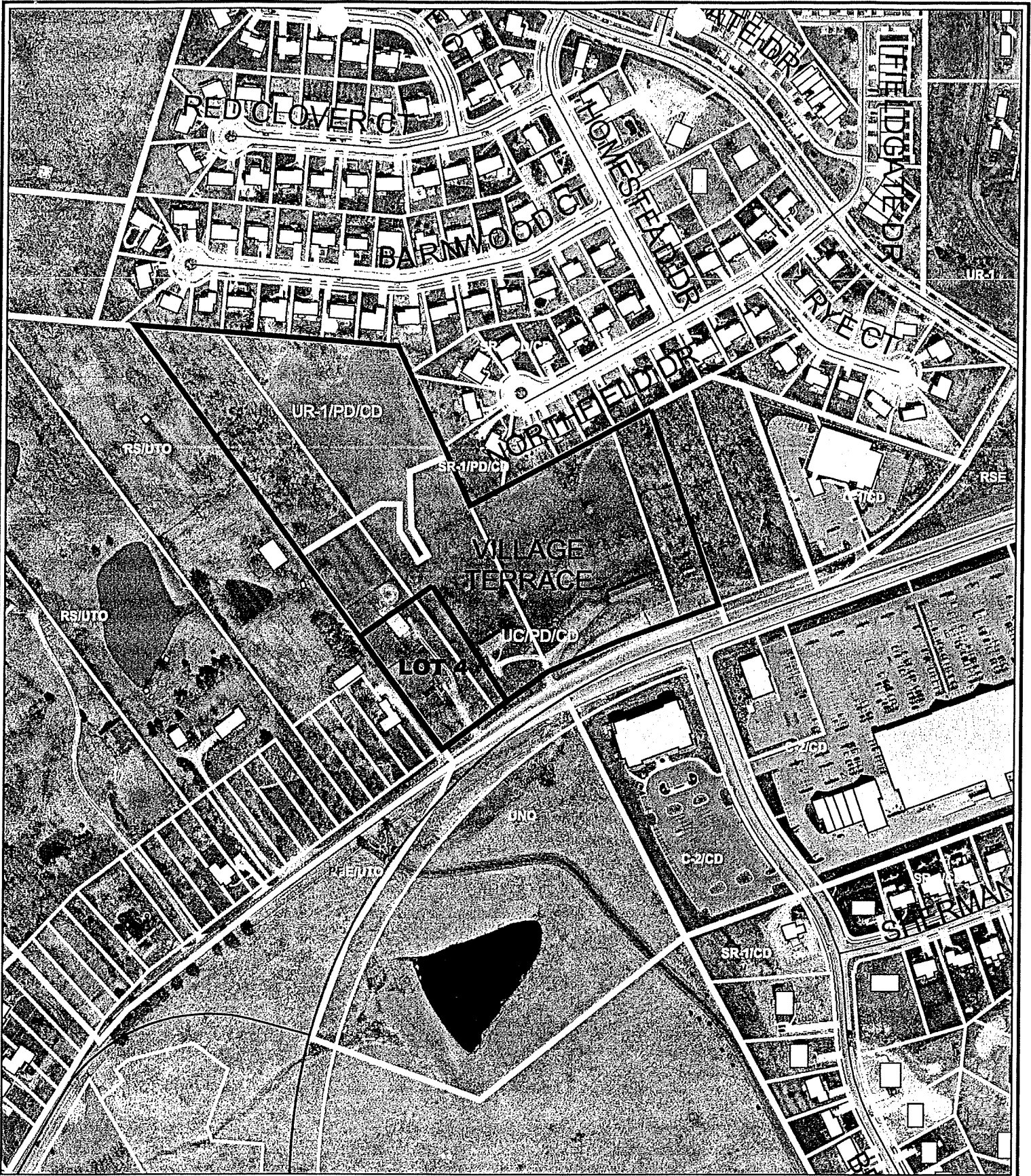


Location



1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 3, 2005





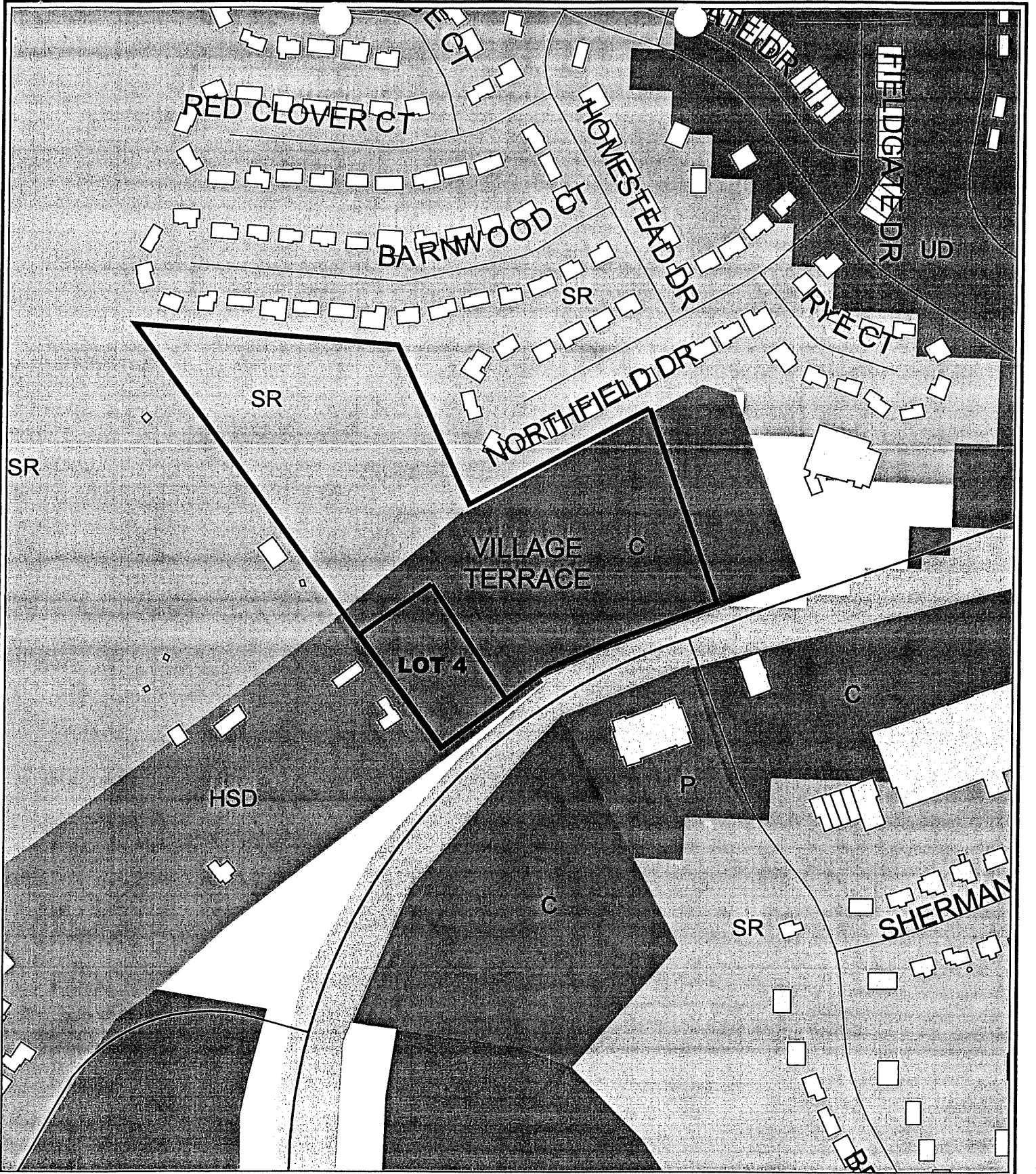
Zoning

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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 3, 2005

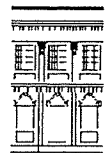




Future Land Use

300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 3, 2005



Trail/Bike Trail From
Powder Creek

Individual
Driveways
Prohibited

SINGLE
FAM. DET.

COMMERCIAL

30' Minimum
Setback Line

OFFICE

Library

Kroger

Buildings Face
US 42 Parking
Located In Rear

Green Space
City Purchase

Senior
Housing/
Institutional
Use/Church

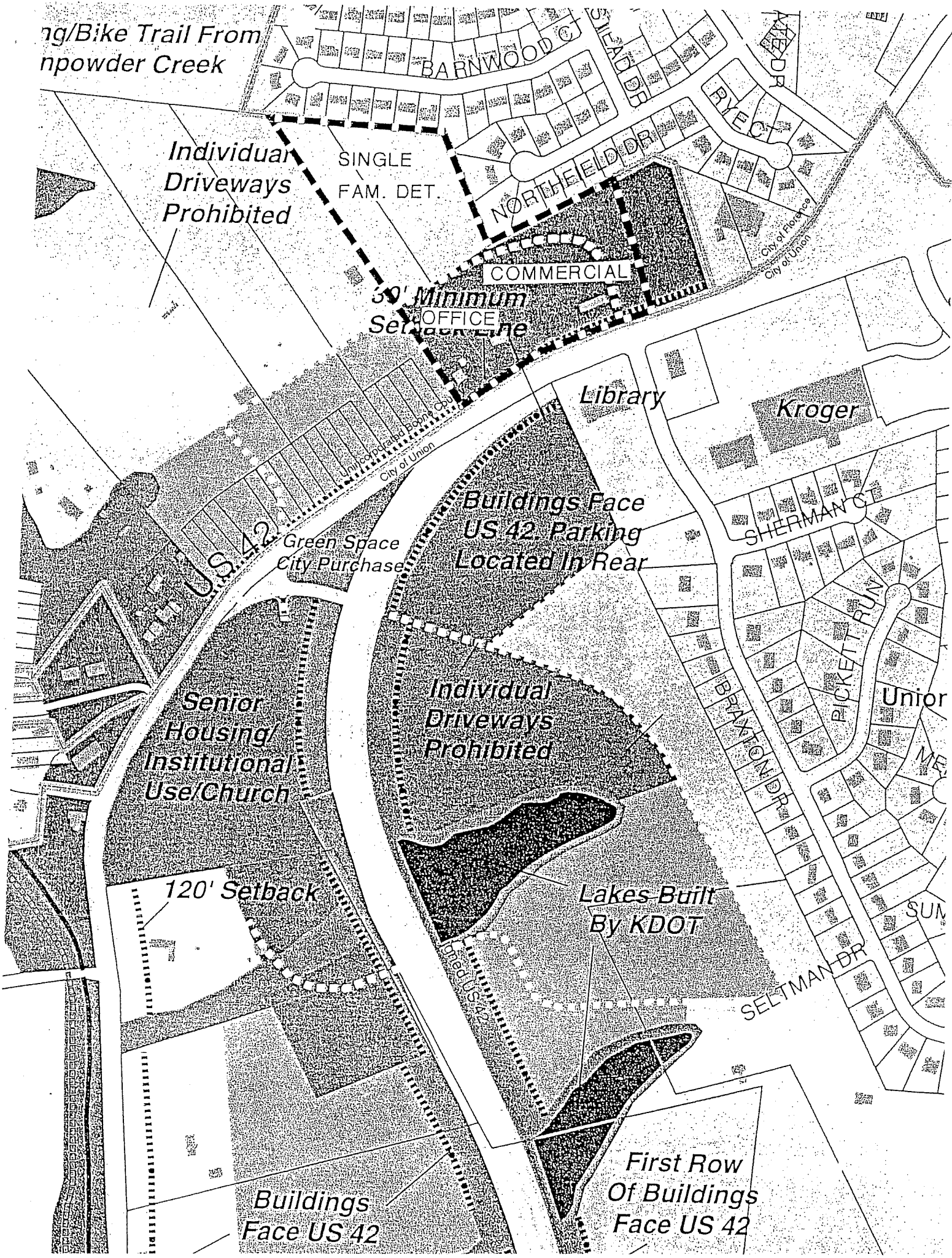
Individual
Driveways
Prohibited

120' Setback

Lakes Built
By KDOT

Buildings
Face US 42

First Row
Of Buildings
Face US 42



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.

- 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.

- 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.

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

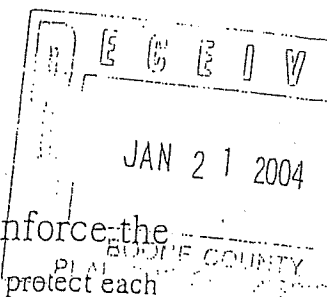
1. The development shall follow the version of the Concept Development Plan presented by the applicant at the 2/25/04 Public Hearing for this request, except where superceded by the following conditions.
2. The transition of the main internal road between the north-south leg and the east-west leg shall 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.

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)



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:

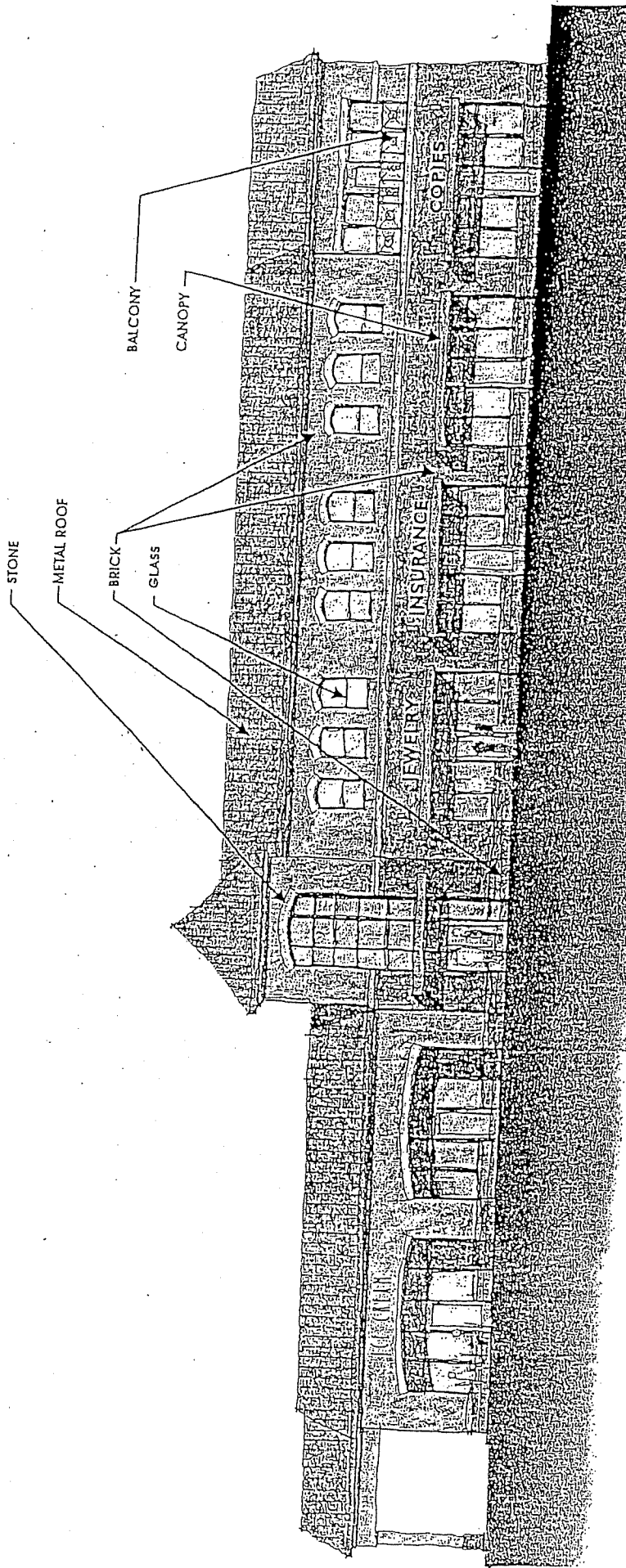
- Brick or stone material has to be on 65% of the Building (Color/type to match commercial buildings)
- Arch walkways or Arch windows to be incorporated into building. Arch concrete lintels (on similar looking material) to be used where practical
- Colors and accents to match other commercial users within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





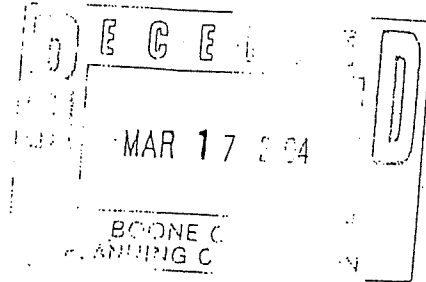
Triangle Design Group, Inc.

495 Erlanger Rd
Suite 201
Erlanger, Ky 41018

Office (859) 342-7331
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 Cinergy 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

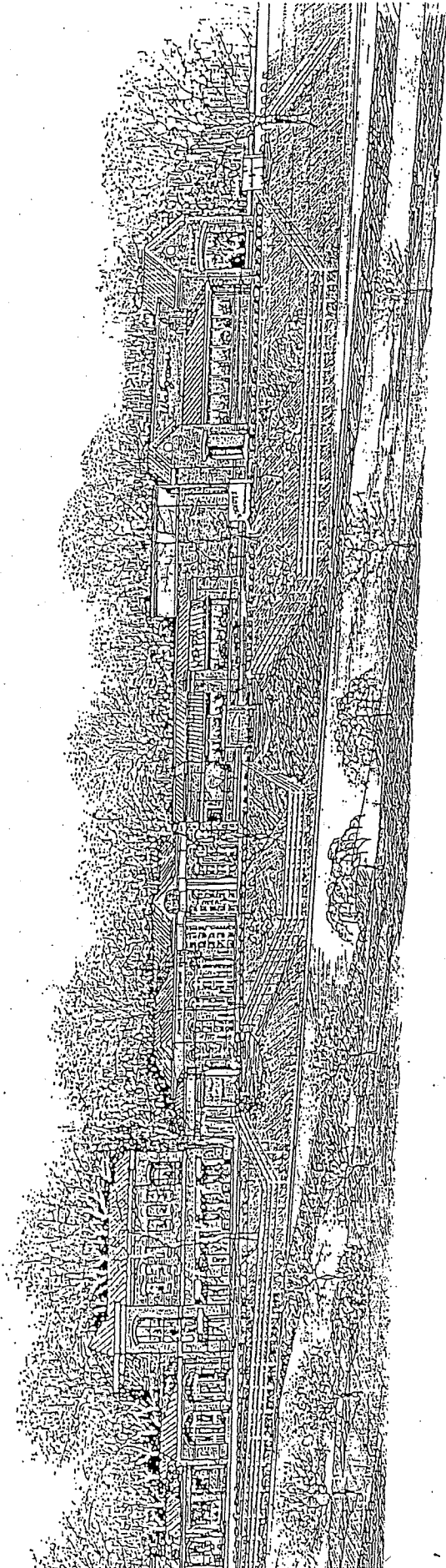
TDG met with the existing residential neighbors on March 11, 2004 at the proposed site. Our overall opinion of the meeting was that the neighboring property owners were, for the most part, satisfied with the options and solutions outlined in this letter.

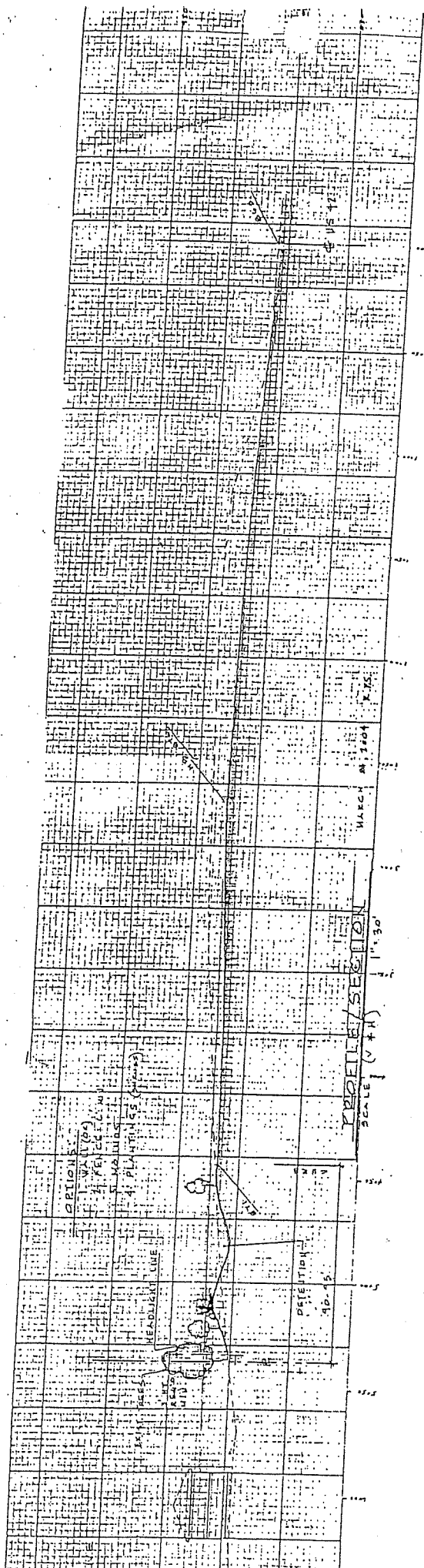
Union Terrace is poised to be a special development unlike any in the existing area. We hope that you can appreciate the time and effort put in by the development team to find solutions and overcome the objections presented by the neighbors. We hope that these efforts will further your ability to recommend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

Sincerely,



Phil Drees,
President,
Triange Design Group, Inc.





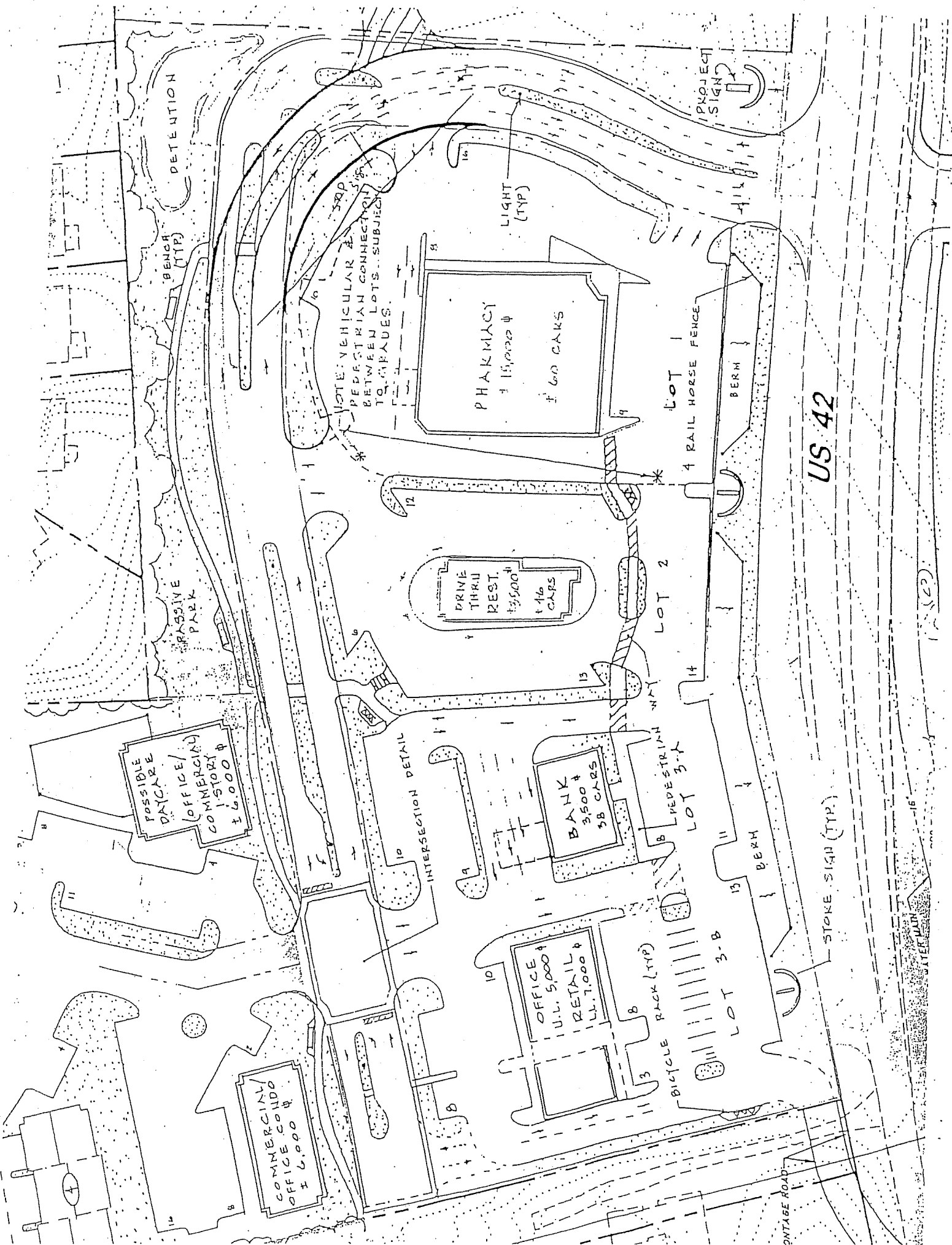
OPTIC
RADIOGRAPH
DISTENSION

PROFILE SECTION
SCALE 1" = 30'

MARCH 21, 1904

DISTENSION
10-5

RADIOGRAPH



DETECTION

BENCH (TYP)

PASSIVE PARK

POSSIBLE DAYCARE (OFFICE/COMMERCIAL) 1-STORY \$ 6,000

COMMERCIAL/ OFFICE CONDO \$ 6,000

NOTE: VEHICULAR & PEDESTRIAN CONNECTION BETWEEN LOTS... SUBJECT TO GRADES.

INTERSECTION DETAIL

DRIVE THRU REST \$ 5,000 146 CARS

BANK \$ 3,500 38 CARS

OFFICE U.L. \$ 5,000 RETAIL U.L. \$ 7,000

PHARMACY \$ 15,000 600 CARS

BICYCLE RACK (TYP)

LOT 3-B

LOT 3-A

LOT 2

LOT 1

RAIL HORSE FENCE

BERM

STAKE SIGN (TYP)

PROJECT SIGN

LIGHT (TYP)

US 42

ONTABE ROAD

16

WATER MAIN

(2)

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. White
MAYOR

ATTEST:

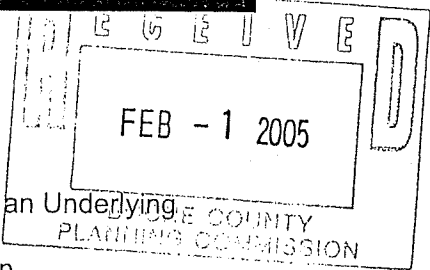
Jan A. [Signature]
CITY CLERK

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.

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 U.S. HWY 42
- 4. Total Acreage of Site 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) _____

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 Corp. 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) SAME AS Applicant
Phone Number _____ Fax No. _____

15. Address of Property Owner(s) _____
City State Zip

16. Are there any existing buildings on the site? _____
How many? _____

17. Deed Book 677/873 Page No. 143/620 Group No. _____

18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

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) *James E. Furd*
 22. Property Owner's Signature(s) *James E. Furd*

SECTION B (To be completed by BCPC Staff)

1. Date Received 2-1-05 Fee/Received 1587.80 R# 41348
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
48 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 3/16/05
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.



1. This application is for a change in the approved concept development plan as it relates to lot 4 of the Village Terrace Subdivision. Attached is a concept plan that shows the proposed changes. For your convenience along with the proposed concept plan we have included a copy of the approved plan. Renderings of the buildings will be available for the public hearing.

We are requesting no buffer yard requirement between lot 4 and 4a so we can resemble the approved site plan more accurately therefore reflecting less of a change to the overall design concept.

We are asking that the concept plan be approved as submitted.

*Please note that there will be a shared parking agreement between Lots 3, 4 and 4a.

PROJECT NO.	17-407-2-1-05
DATE	
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITS
2	
3	
4	
5	
6	
7	
8	
9	
10	

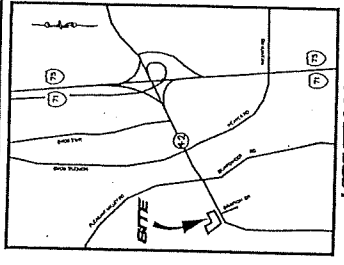
CONCEPT PLAN
T 4 / 4A
VILLAGE TERRACE SITE PLAN
BOONE COUNTY, KENTUCKY

SEB
ENGINEERS
ARCHITECTS
SURVEYORS

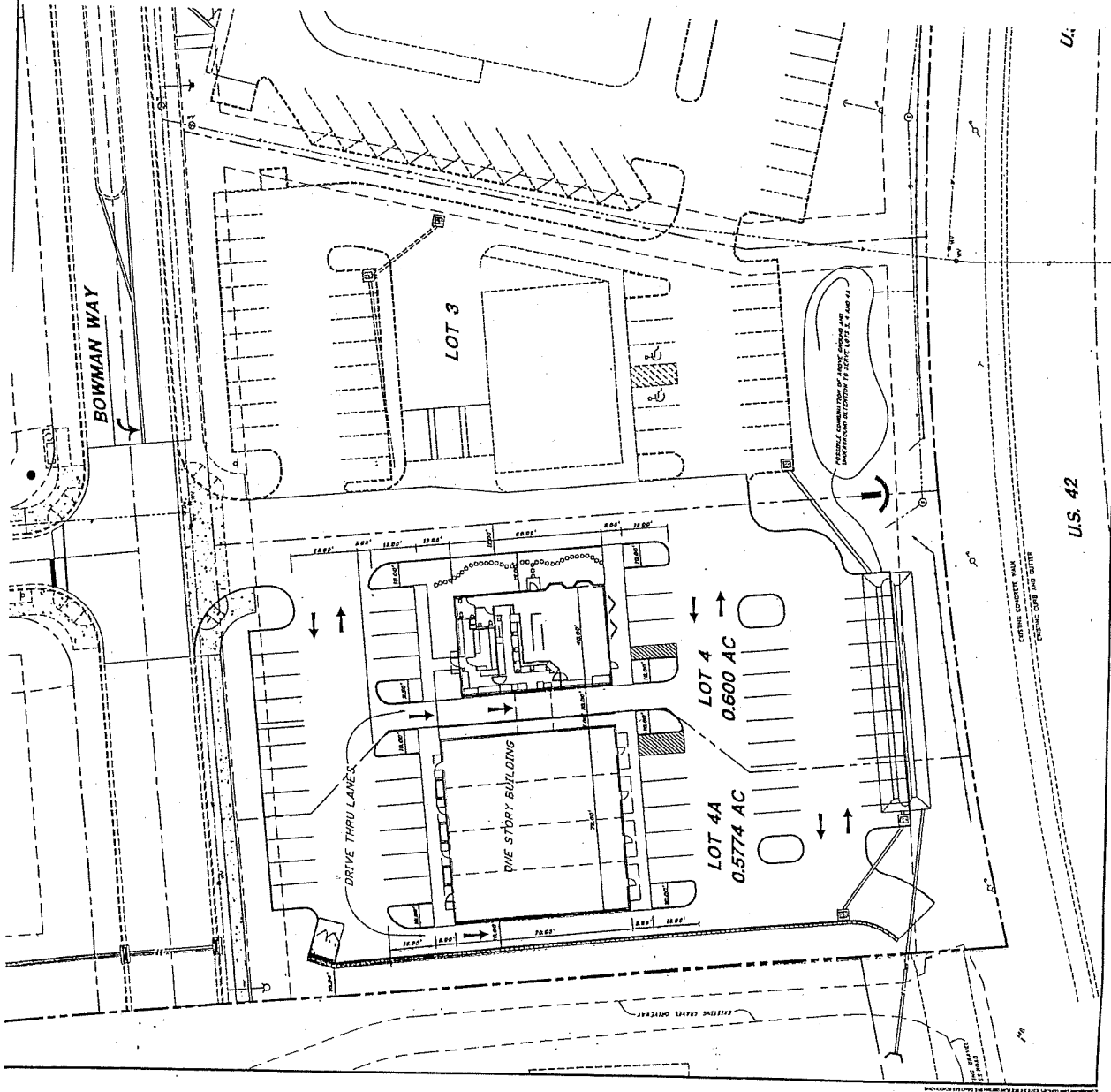
2000 One Kentucky Street
Cincinnati, Ohio 45202
Phone: (513) 533-1100
Fax: (513) 533-1101
www.seb-engineers.com

REVISIONS

FEB - 1 2005



OWNER / DEVELOPER
TERRACE DEVELOPMENT COMPANY, LLC
495 ENLINGER ROAD, SUITE 201
ERLANGER, KENTUCKY 40118
PH: 609-342-7331



U.S. 42

U.

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

PUBLIC HEARING

Commission Members Present: Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:30 PM and introduced the first 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 an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (future Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) zone to allow two commercial buildings with drive-through facilities on separate lots.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Jamie Lusk, 941 Lost Valley Court, Villa Hills, presented an exhibit and reviewed a Power Point slide showing what is approved on the site and what is

being proposed. He stated that they are requesting a Change in an Approved Concept Plan on Lot #4 of Village Terrace Subdivision. The proposed changes are minor and the overall intent of the site is the same. They will still have the multi-tenant building and Graeter's Ice Cream is still a tenant. He stated that they need to satisfy the needs of their clients (Graeter's and Donato's) and create an architecturally pleasing and functional Site Plan. He stated that research shows that the market is not ready for office and it is not economically feasible to build office space now. Graeter's has expressed an interest in owning their own parcel and the changes to the building gave them the opportunity to design what they want. He stated that they are seeking approval of the Site Plan as submitted with the minor changes. He stated that the second floor was omitted due to the soft office market, and they added a drive-through lane and moved Graeter's to the side. This completed the applicant's presentation.

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

Mrs. Poston asked if there were any comments or questions from the Commissioners.

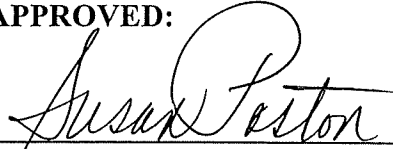
Mr. McMillian questioned the boundaries of the City of Union and the City of Florence. Mr. Wall reviewed the Power Point slide and stated that Kroger's and the bank across the street from the site are in the City of Union. Village Terrace has been annexed into the City of Florence (the west property line is the City of Florence/Boone County line) and the medical office at the entrance to Farmview is in the City of Florence -- but the parcel between the two is in unincorporated Boone County. Mr. Lusk stated that they own that parcel and plan to annex it into the City of Florence. It was a separate purchase and they will be back for the annexation.

In response to a question from Mrs. Poston, Mr. Lusk indicated the drive-through for Graeter's and the drive-through for Donato's Pizza. Mrs. Poston stated that the old plan with the two stories gave some relief so that it did not have such a boxy look. She stated that the first Concept Plan looked nice, but it is being changed drastically. Mr. Lusk responded that there was office use on the second floor, but their research and testing the market showed that the market is not ready for office. He stated that they have other clients who are ready to build now and it is not economically feasible to build the building as it was originally submitted. He stated that they still have some space available for office use, not on this particular site but throughout the development, if there becomes a need for it. Mrs. Poston stated that she was impressed by the first building. Mr. Lusk responded that they tried to keep some of the same architecture from that plan, including the corridor through the building. He stated that they have widened the east buffer area to fifteen feet.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on April 6, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 20, 2005 at 7:00 PM.

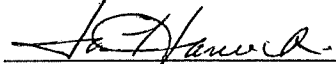
Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 4, 2005
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Barlow
Mrs. Janet Kegley
Mr. Robert Newman
Mr. Randy Poe

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

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

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 an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (future Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) zone to allow two commercial buildings with drive-through facilities on separate lots.

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.

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

Chairman Caddell asked if the buildings are to scale and questioned the number of cars that could stack in the two drive-through lanes. Mr. Phil Drees, 1055 Thornwilde Drive, Hebron responded that the building as shown is close to scale -- it is 72 feet wide and approximately 4.5 cars could stack there. Chairman Caddell asked if the user has been determined for the drive-through window. Mr. Drees responded that they have been in contact with Donato's and if Donato's is the user -- which does not look good at this time -- then it would be a pick-up type drive-through window for Donato's. He stated that there will be three tenants in the building and Donato's has been talking about taking a 30-foot wide space. Chairman Caddell asked if the service for the drive-through would be facing east or west if Village Terrace Square is subdivided -- would the drive-through window, regardless of who uses it, be to the far left side? Mr. Drees responded "yes".

Chairman Caddell asked that the record reflect that the Committee and the applicant are agreeable that the drive-through be on the far left-hand side in order to reduce the problem with stacking. Mr. Breetz indicated the Committee's agreement. Mr. Drees stated that they are trying to maximize stacking distance and they do not have a problem with the Chairman's comment.

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

2. Boone County Subdivision Regulations Update

The request of the Boone County Planning Commission Technical/Design Review Committee to consider a series of amendments to the 1998 Boone County Subdivision Regulations and to the 1998 Boone County Street, Storm and Sidewalk Specifications.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the Amendments to the 1998 Boone County Subdivision Regulations and the 1998 Boone County Street, Storm and Sidewalk Specifications based on the Findings of Fact, but subject to minor changes from the March 30, 2005 Public Hearing.

Mr. Schwenke move to approve the request based on the Committee Report. Mr. Reynolds seconded the motion and it carried unanimously.

Mr. Costello stated that the regulations will go into effect immediately. The amendments will go on the website immediately and printed copies will be available. He thanked Kevin Wall and Greg Sketch for their hard work on this project.

3. Zoning Map Amendment

The request of Burlington Executive Centre, LLC for FTK Properties, LLC (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Office One (O-1) for a 3.2 acre site at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

Chairman Caddell stated that Agenda Item #3 is recommended for deferral to the May 18, 2005 Business Meeting at 7:00 PM. Mr. McMillian so moved. Mr. Carmichael seconded the motion and it carried unanimously.

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

Mr. Costello presented the Design Review request for Executive Springs Car Wash. The review was started by Staff Member Patty Bachman who is currently on maternity leave. He stated that Executive Springs Car Wash is an existing business located on Bankers Street. There is an existing monument sign and a building-mounted sign on the main portion of the building. The applicant then placed a total of eight signs on the site without the necessary approvals. Staff and the City of

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 4, 2005

RE: Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (future Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in a Union Commercial/Planned Development (UC/PD) zone to allow two commercial buildings with drive-through facilities on separate lots.

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

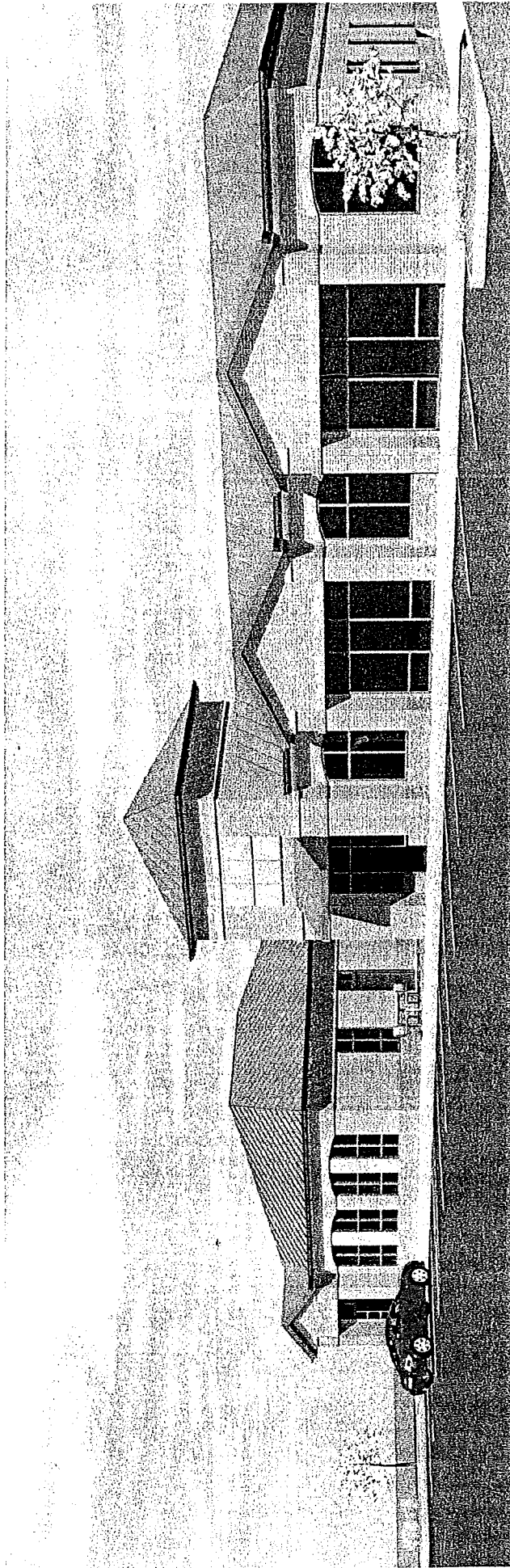
1. The Committee has concluded that the proposed Change in Approved Concept Development Plan is in agreement with the Comprehensive Plan due to the following reasons.
 - A. The Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Further, the 2000 Union Town Land Use Plan Map designates the site for Office uses - this category falls within the Comprehensive Plan's broader 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."

- 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 proposal is for retail uses, the Concept Development Plan, which was revised through the Zone Change Committee process, 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 Bowman Way by providing the second drive-through lane at the rear of the eastern building and facing away from US 42, which helps to minimize an automobile orientation and strip style development characteristics. With the exception of the specific changes requested through the revised Concept Development Plan, the applicant has agreed to follow all applicable terms and conditions of the original zone change/Concept Development Plan approval. Overall, the changes proposed on the revised Concept Development Plan will not alter the basic character of the original development as expressed through its Concept Development Plan and zone change conditions, nor does it change the applicability of the findings in the 4/7/04 Committee Report for the original zone change approval.
- C. 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. The Committee has concluded that the Change in 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.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan, the 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 owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the revised Concept Development Plan (plot plan and perspective drawings) received by the Planning Commission on 4/15/05 (attached).
2. To insure pedestrian visibility across the rear drive-through lane at the northwest corner of the "Village Terrace" building shown on the revised Concept Development Plan, pedestrian crossing at this point shall be at least 7 feet from the corner of the building. This 7-foot clearance shall be physically maintained through the provision of a defined crosswalk, landscaping, fence or rail, and/or other means as determined through the site plan review process.
3. The development is still subject to all applicable terms and conditions of the original zone change approval for the overall Village Terrace development.

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.

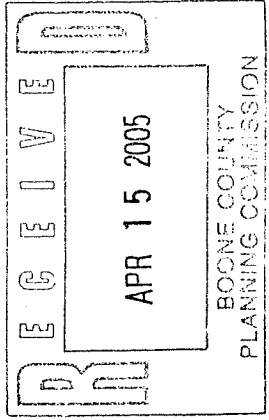


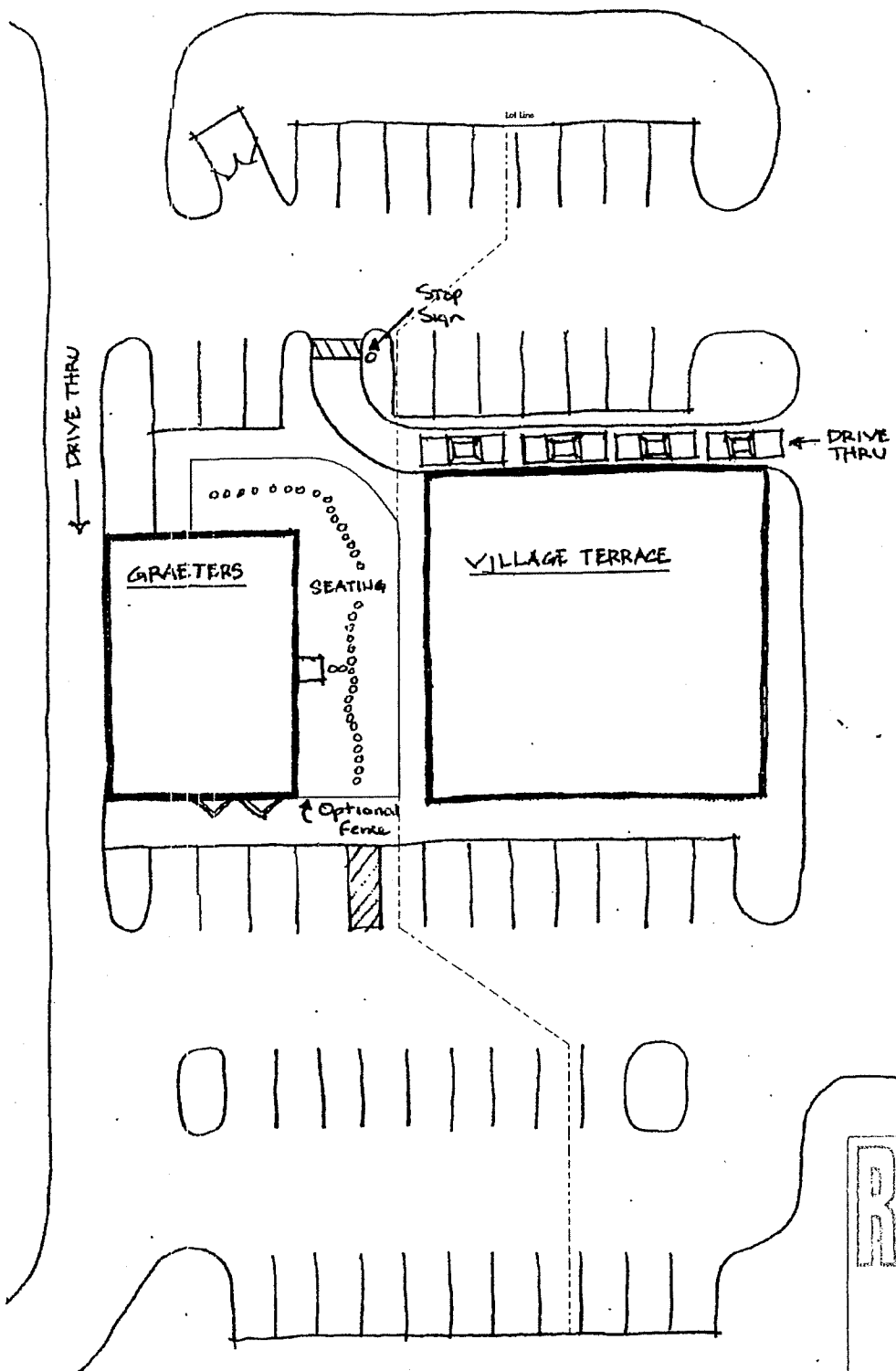
VILLAGE TERRACE / GRAETERS



Hub+Weber
Architects, PLC

4-15-05





RECEIVED

APR 15 2005

BOONE COUNTY
PLANNING COMMISSION

(A)

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

March 16, 2005

7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: Terrace Development Company, LLC (owner)

Request: Change in Approved Concept Development Plan

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

Mrs. Poston asked if there were any comments or questions from the Commissioners.

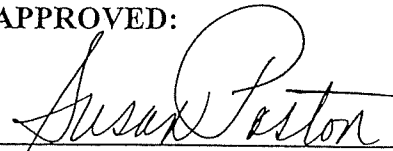
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There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on April 6, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 20, 2005 at 7:00 PM.

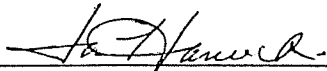
Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

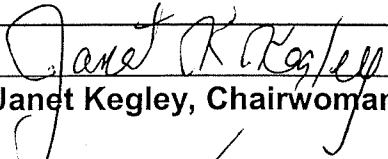
FROM: Janet Kegley, Chairwoman

DATE: April 20, 2005

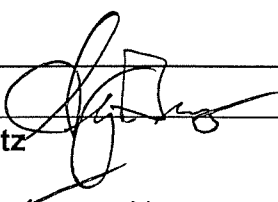
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REMARKS:


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


Janet Kegley, Chairwoman
For Project Absent
Against Project
Abstain Deferred

Randy Barlow
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


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

Lisa Wilson (Alternate)
For Project Absent
Against Project
Abstain Deferred

TOTAL: DEFERRED 3 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: April 6, 2005

RE: Request of **Terrace Development Company, LLC (owner)** for a Change in an Approved Concept Development Plan for an approximate 1.2 acre site located on the north side of US 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (future Lot 4, Village Terrace Subdivision). The request is for a Change in an Approved Concept Development Plan in Union Commercial/Planned Development (UC/PD) zone to allow two commercial buildings with drive-through facilities on separate lots.

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.

Terrace Development Company, LLC

April 6, 2005

Janet R. Kegley
 Janet Kegley, Chairwoman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Randy Barlow
 Randy Barlow

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Greg Breetz
 Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger
 Kim Bunger

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Susan Poston
 Susan Poston

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Charlie Reynolds (Alternate)
 Charlie Reynolds (Alternate)

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

Earl White (Alternate)
 Earl White (Alternate)

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

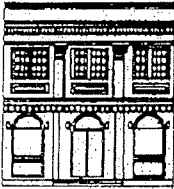
Lisa Wilson (Alternate)
 Lisa Wilson (Alternate)

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

TOTAL: 4 DEFERRED ___ FOR PROJECT 1 ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



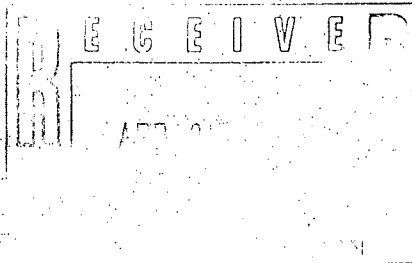
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



April 21, 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 Lot 4, 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 April 20, 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, April 29, 2005.

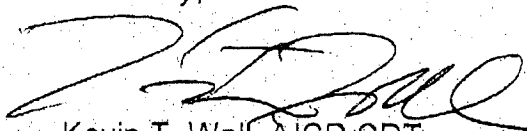
CONDITIONS

1. The development shall follow the revised Concept Development Plan (plot plan and perspective drawings) received by the Planning Commission on 4/15/05 (attached).
2. To insure pedestrian visibility across the rear drive-through lane at the northwest corner of the "Village Terrace" building shown on the revised Concept Development Plan, pedestrian crossing at this point shall be at least 7 feet from the corner of the building. This 7 foot clearance shall be physically maintained through the provision of a defined crosswalk, landscaping, fence or rail, and/or other means as determined through the site plan review process.

Mr. Jamie Lusk
April 22, 2005
Page 2

- 3. The development is still subject to all applicable terms and conditions of the original zone change approval for the overall Village Terrace development.

Sincerely,



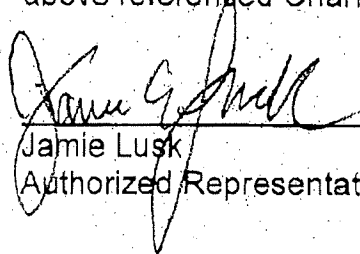
Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Enclosure

AGREEMENT

I, the authorized representative for the property owner of the Lot 4 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

4/25/05
Date

RECORD PLAT VILLAGE TERRACE

SITUATED IN:
CITY OF FLORENCE
BOONE COUNTY, KENTUCKY

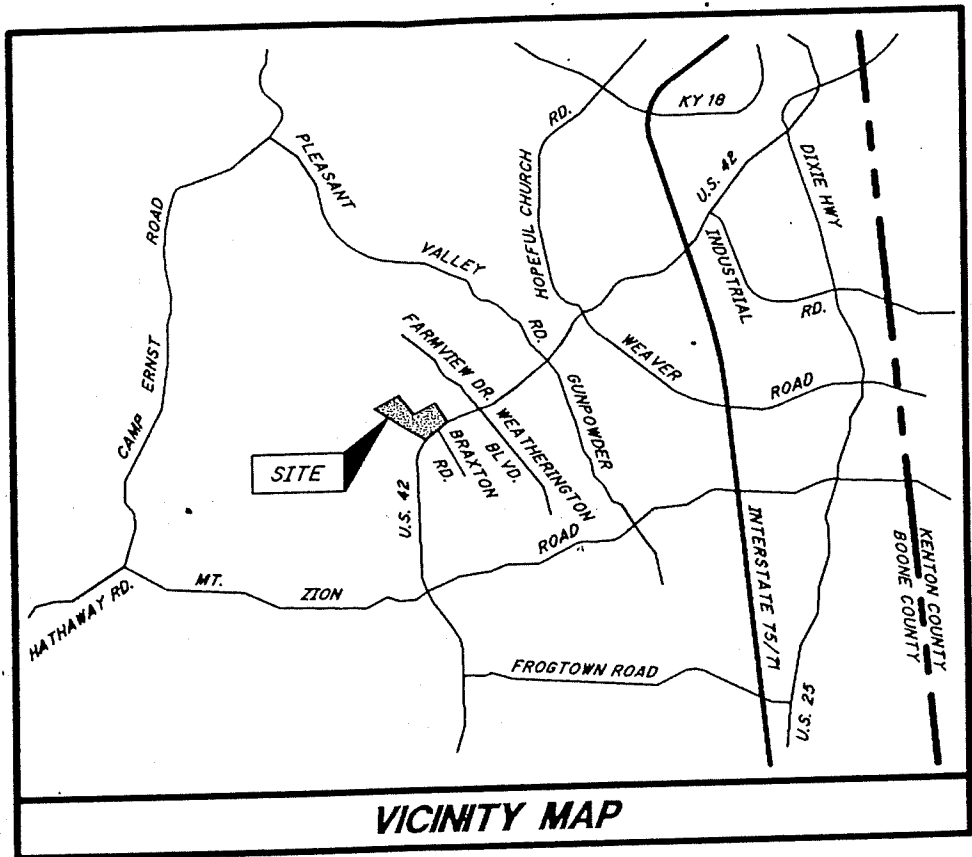
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M. AND

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OR



VICINITY MAP

OWNER AND DEVELOPER

TERRACE DEVELOPMENT CO. LLC
495 ERLANGER ROAD
ERLANGER, KY 41018
PHONE: (859) 342-7333

UTILITY DEDICATION

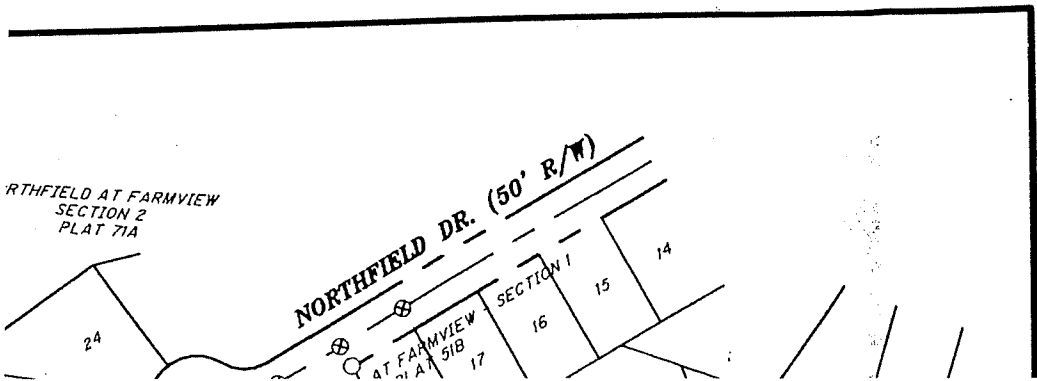
I HEREBY CERTIFY THAT ALL PUBLIC IM
HAVE BEEN INSTALLED AND INSPECTED.
THE BOONE COUNTY SUBDIVISION REGUL
AND MAINTAINED 45 DAYS FROM THE RE
POSTED WITH THE APPLICABLE ACCEPT.

STREETS

CITY/COUNTY OFFICIAL

TITLE

SANITARY SEWER SYSTEM

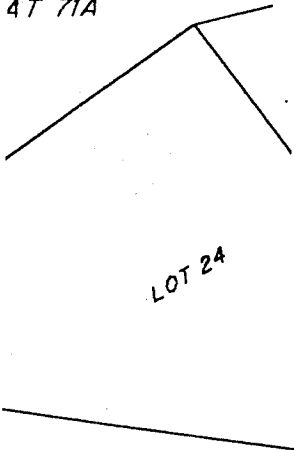


OR
REON.
ASSOCIATION

CURVE TABLE

CURVE	RADIUS	LENGTH	CH. BEARING	CH. LENGTH
C1	1377.95	598.43	S 57°29'52" W	593.74
C2	200.00	96.47	N 07°41'35" W	95.53
C3	200.00	95.19	N 07°30'37" W	94.29
C4	600.00	166.70	S 60°50'08" W	166.16
C5	200.00	40.33	N 31°20'51" W	40.26
C6	1377.95	181.71	S 66°09'41" W	181.58
C7	570.00	148.40	N 61°20'11" E	147.98
C8	24.00	37.72	S 66°10'31" E	33.96
C9	176.00	55.33	N 12°08'19" W	55.11
C10	37.00	22.60	N 14°21'57" E	22.25
C11	51.00	28.98	S 15°34'57" W	28.60
C12	235.00	85.36	S 11°06'17" E	84.89
C13	1377.95	137.66	S 59°31'17" W	137.61
C14	570.00	9.96	N 53°22'37" E	9.96
C15	1377.95	98.32	S 54°36'55" W	98.30
C16	1377.95	180.73	S 48°48'49" W	180.60
C17	221.00	42.47	S 31°04'37" E	42.41
C18	25.00	39.03	S 08°08'49" W	35.19
C19	25.00	39.65	N 81°41'30" W	35.62
C20	33.39	179.00	N 30°54'55" W	33.34
C21	630.00	175.03	N 60°50'08" E	174.47
C22	166.00	80.07	S 07°41'35" E	79.29
C23	234.00	111.37	S 07°30'37" E	110.32
C24	630.00	20.53	N 53°48'35" E	20.52
C25	630.00	76.23	S 65°19'41" W	76.19

AT FARMVIEW
SECTION 2
AT 71A



LOT 24

LOT 23

LOT 22

LOT 21

NON-

(E)

408.67'

108.57'

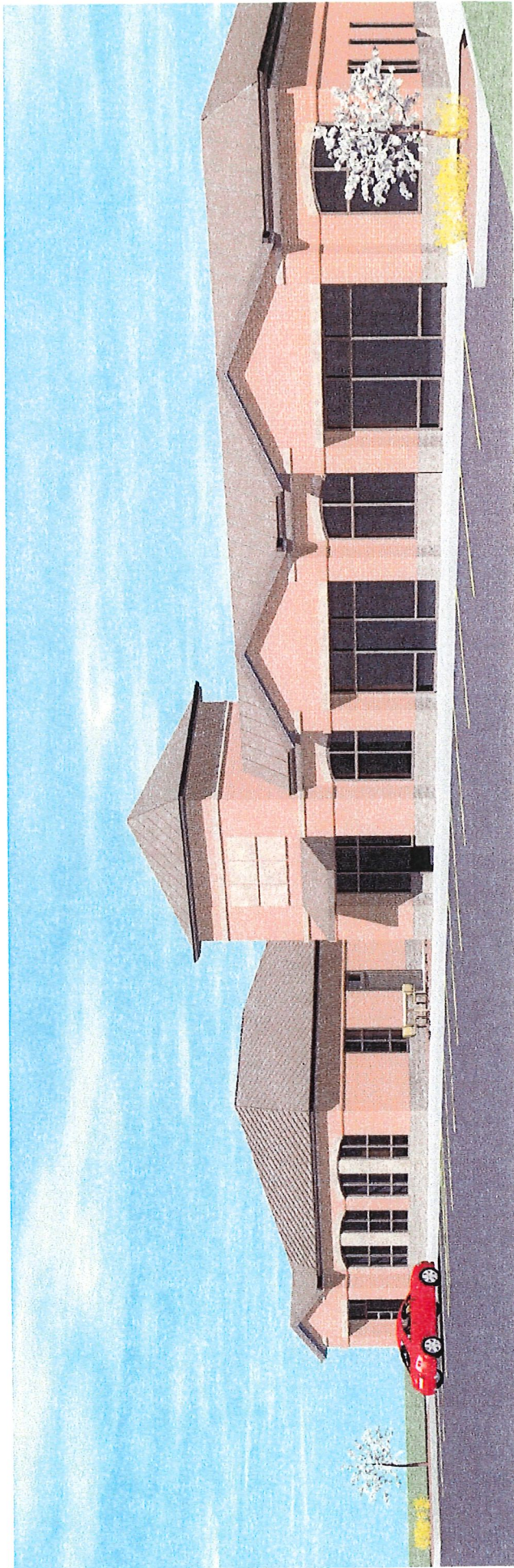
N 61°03'26" E

r 20'S

PARTIAL A

UC/PP/CD
&
UR-1/PP/CD

CD

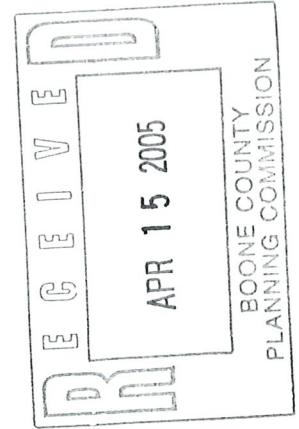


VILLAGE TERRACE / GRAETERS



Hub+Weber
Architects, PLLC

4-15-05



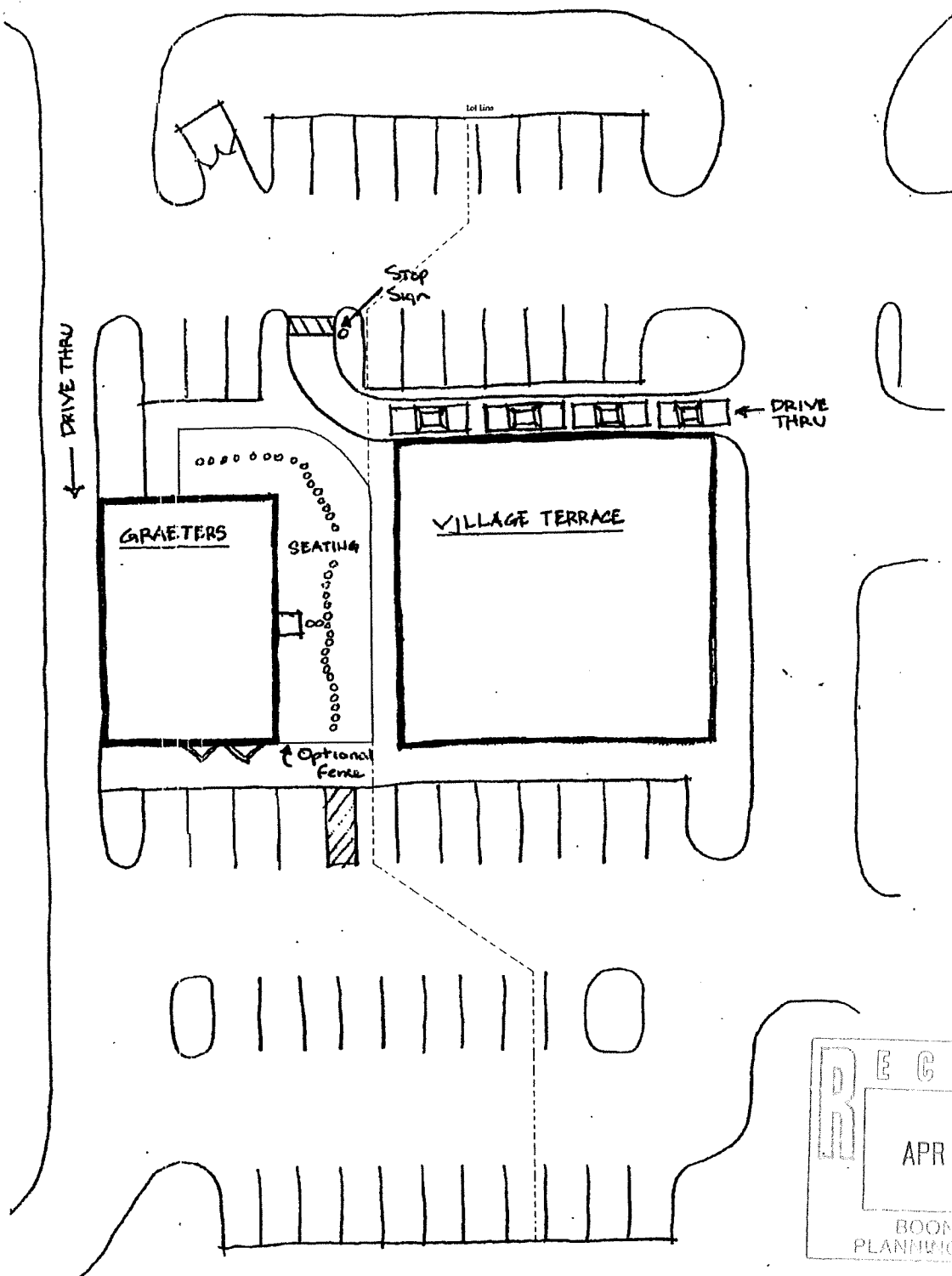
APPROVED

Staff _____

Date _____

s/4/05

Boone County
Planning Commission
*w/att CONDITIONS



RECEIVED
 APR 15 2005
 BOONE COUNTY
 PLANNING COMMISSION

(A)

ORDINANCE NO. O-17-05

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.2 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF U.S. 42, IMMEDIATELY EAST OF THE PROPERTY AT 8912 OLD UNION ROAD, FLORENCE, KENTUCKY (FUTURE LOT 4, VILLAGE TERRACE SUBDIVISION), TO ALLOW TWO COMMERCIAL BUILDINGS WITH DRIVE-THROUGH FACILITIES ON SEPARATE LOTS. (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.

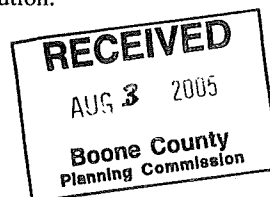
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the requested change in concept development plan for an approximate 1.2 acre site generally located on the north side of U.S. 42, immediately east of the property at 8912 Old Union Road, Florence, Kentucky (Future Lot 4, Village Terrace Subdivision), 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 two commercial buildings with drive-through facilities on separate lots. 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-05-008-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-05-008-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.

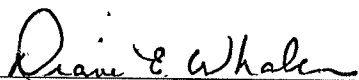
SECTION VI

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

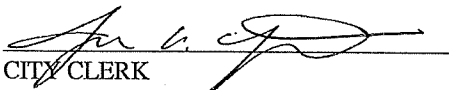
PASSED AND APPROVED ON FIRST READING THIS 19th DAY OF July, 2005.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF July, 2005.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-17-05

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-17-05 on July 26, 2005. The title of this Ordinance is as follows:

ORDINANCE NO. 0-17-05

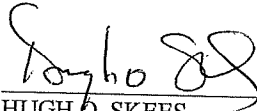
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.2 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF U.S. 42, IMMEDIATELY EAST OF THE PROPERTY AT 8912 OLD UNION ROAD, FLORENCE, KENTUCKY (FUTURE LOT 4, VILLAGE TERRACE SUBDIVISION), TO ALLOW TWO COMMERCIAL BUILDINGS WITH DRIVE-THROUGH FACILITIES ON SEPARATE LOTS. (TERRACE DEVELOPMENT COMPANY, LLC)

The effect of this Ordinance is to allow two commercial buildings with drive-through facilities on separate lots within Future Lot 4 of the Village Terrace Subdivision. In all other respects, the previously approved concept development plan for this approximate 1.2 acre site remains in full force and effect.

The full text of Ordinance No. 0-17-05, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-17-05 and that it has been prepared by me on the 19th day of July, 2005, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
(859) 371-7407

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF TERRACE DEVELOPMENT COMPANY, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.2 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF U.S. 42, IMMEDIATELY EAST OF THE PROPERTY AT 8912 OLD UNION ROAD, FLORENCE, KENTUCKY (FUTURE LOT 4, VILLAGE TERRACE SUBDIVISION), TO ALLOW TWO COMMERCIAL BUILDINGS WITH DRIVE-THROUGH FACILITIES ON SEPARATE LOTS.

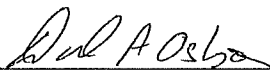
The Committee met in a special meeting on July 12, 2005 at the Florence Government Center Building to consider Resolution No. R-05-008-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to the additional conditions which are attached hereto and incorporated herein.

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

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, subject to the additional conditions attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:



DAVID A. OSBORNE



MEL CARROLL

**CITY OF FLORENCE
SPECIAL CONDITIONS OF APPROVAL
FOR
CHANGE IN APPROVED CONCEPT DEVELOPMENT
PLAN
FUTURE LOT 4, VILLAGE TERRACE SUBDIVISION**

The undersigned, on behalf of Terrace Development Company, LLC, hereby agrees to the following special conditions of approval for the requested change in concept development plan for the approximate 1.2 acre site known as future lot 4 of the Village Terrace Subdivision Florence, Kentucky.

1. That a decorative wrought iron style fence, which may include one or more pedestrian gates, or a trellis feature which incorporates a fence with materials compatible with the trellis shall be constructed around the outside seating area for lot 4 (Greater's) as shown on Exhibit B1. The final design shall be approved by the Design Review Committee of the Boone County Planning Commission.
2. This approval shall follow the revised Concept Development Plan (Exhibit B1) received by the City of Florence at the July 13, 2005 Planning and Zoning Committee Meeting (see attached). This condition of approval shall supercede Boone County Planning Commission Condition of Approval # 1 for this request.

7-14-05
Date


Member, Terrace Development Company, LLC

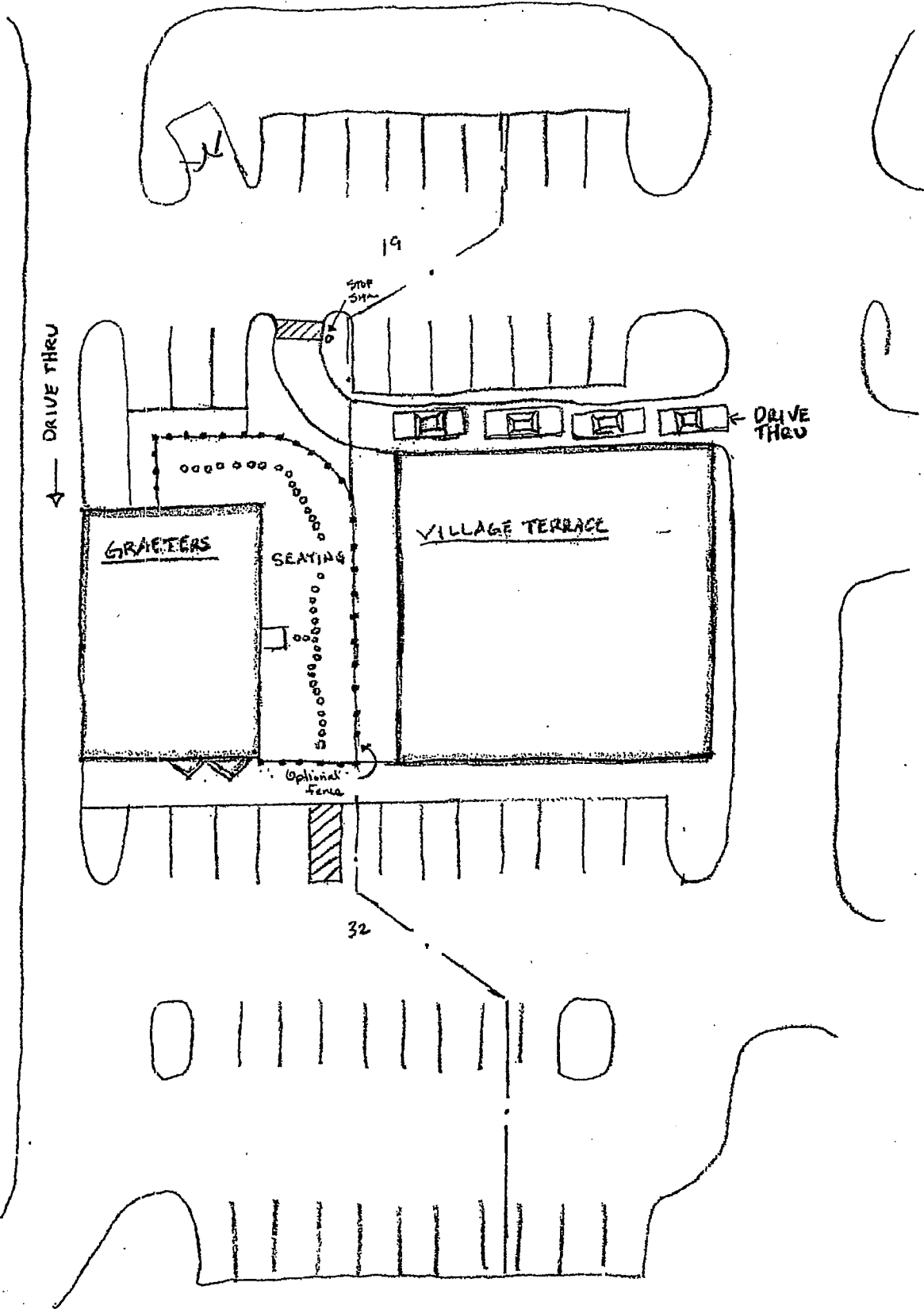
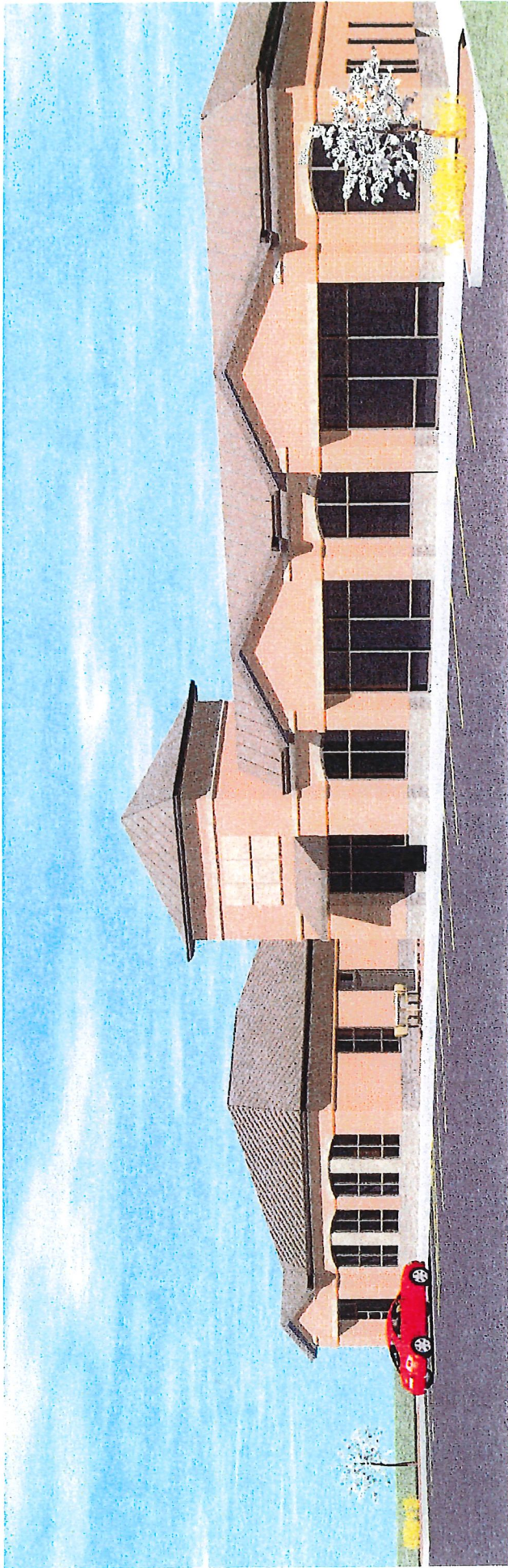


Exhibit (B1)

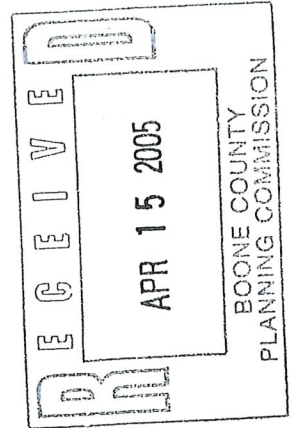


VILLAGE TERRACE / GRAETERS



Hub+Weber
Architects, PLLC

4-15-05



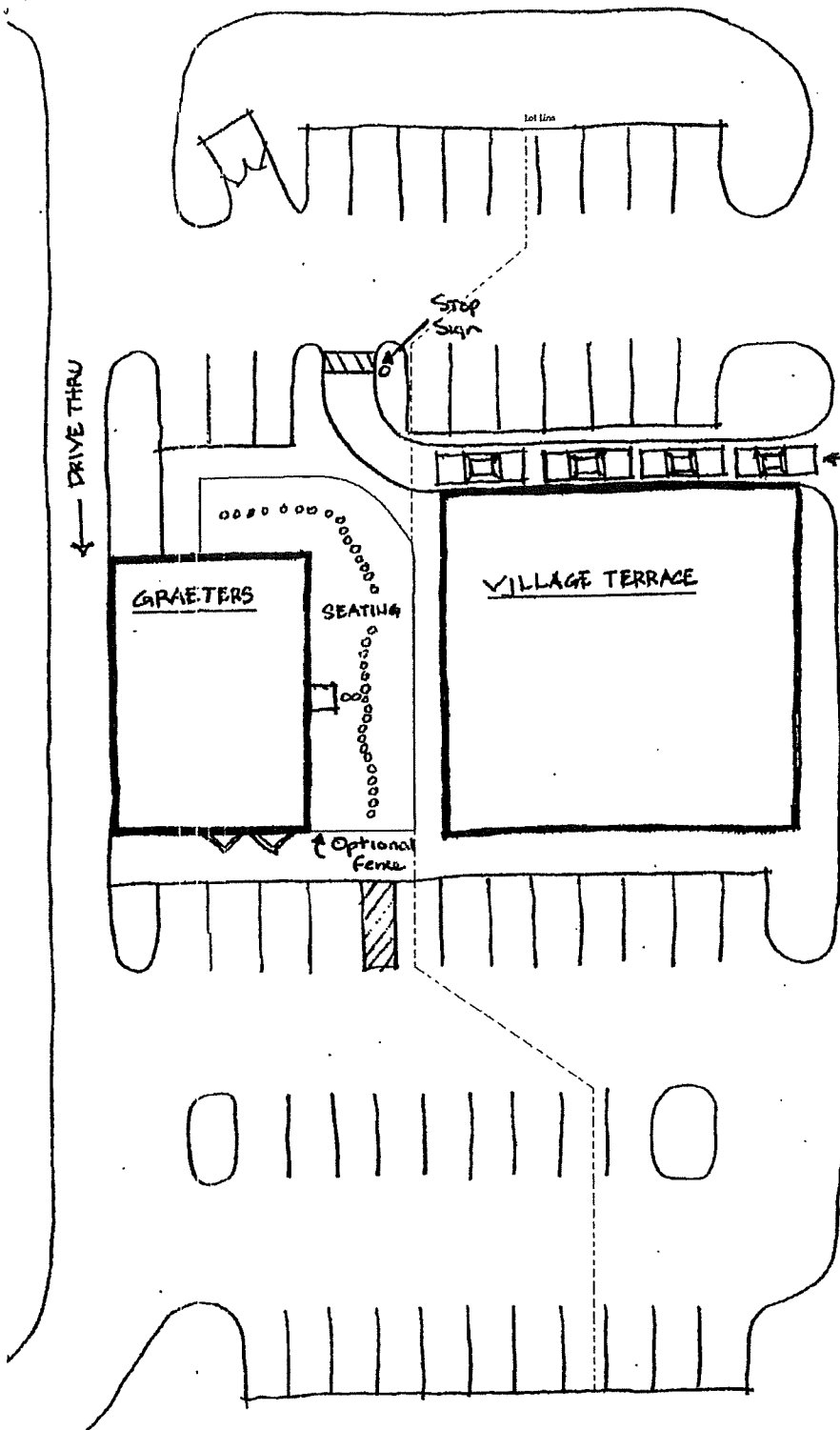
~~APPROVED~~

Staff _____

Date _____

5/4/05

Boone County
Planning Commission
*with conditions



RECEIVED
 APR 15 2005
 BOONE COUNTY
 PLANNING COMMISSION

(A)