

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Burlington Executive Center, LLC
- 2. Location of Project 1655 Burlington Pike
- 3. Total Acreage of Site 3.2
- 4. Current Zoning of Site SR-2
- 5. Proposed Zoning (Classification being requested) O-1
- 6. Proposed Uses (please specify each use) offices - 2 Each @ 20,200 SF

- 7. Names of Applicant(s) BURLINGTON EXECUTIVE CENTRE, LLC
- Phone Number (859) 647-9600 Fax No. (859) 647-9603
- 8. Address of Applicant(s) 2430 U.S. 42 - Suite 114  
Florence KY 41042-1989

- 9. Name of Property Owner(s) FTK Properties, LLC
- Phone Number (859) 647-9600 Fax No. (859) 647-9603
- 10. Address of Property Owner(s) 2430 U.S. 42  
Florence KY 41042-1989

- 11. Proposed Building Intensities (please specify) 18,500 SF/Acre

- 12. Are there any existing buildings on the site? Single Family Residence & outbuilding  
How many? 2
- 13. Deed Book 191, 227, 183 Page No. 21, 289, 165 Group No. 2032

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

- 15. Have you submitted a Concept Development Plan? Submitted with this Applic.
- 16. Have you had a pre-application meeting with BCPC Staff? No

17. Please check the following organizations/agencies which you have discussed the proposed development within 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

(over)

# EXHIBIT

“A”

## STAFF REPORT

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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

March 30, 2005

### REQUEST

The applicant is requesting a Zoning Map Amendment from Suburban Residential Two (SR-2) to Office One (O-1) for a 3.2 acre parcel, located north of the Stoneridge phase of Oakbrook Subdivision and across Burlington Pike from three small office buildings. The site has approximately 570 feet of road frontage on Burlington Pike. The Concept Development Plan indicates that an existing house on the site would be demolished to construct two 2-storey office buildings, each approximately 20,000 square feet, on the site. The applicant has indicated that these buildings would be similar in style to the existing Florence Executive Centre. Ingress and egress from the site would be provided through an existing driveway onto KY 18, located approximately 560 feet from the intersection of Limaburg Road and KY 18 and approximately 460 feet from the intersection of Oakbrook Drive and KY 18. This driveway would be widened. There would be one hundred and seventy-nine (179) parking spaces on the site. A detention pond would be located in the southwest corner of the site. No landscaping plan has been submitted with the application. Connection to existing utilities was not depicted on the plan, nor were storm and sanitary sewerage lines.

### SITE CHARACTERISTICS:

The proposed office buildings would be constructed on the top of a ridge. The topography of the site slopes steeply from this ridge top to the northern, southern, and western property boundaries. The highest elevation is 840 feet above sea level, at the eastern property boundary and at the ridge top. The lowest elevation is 776 feet above sea level, along the eastern property boundary. The site is wooded, with a creek along the southern property boundary. An existing 12-inch water main runs the length of the property's frontage on KY 18, and an 8-inch water main along the Oakbrook Drive frontage of the adjoining Drees parcel to the east. Sanitary sewer mains adjoin the property to west, through the Bushelman property, and to the east, along the eastern side of Oakbrook Drive.

### SITE HISTORY:

**1986:** The Boone County Fiscal Court approved a Zoning Map Amendment for a 37.3 acre site south of KY 18 and west of Oakbrook Road, from Suburban Residential Two (SR-2) to Urban Residential One/Planned Development (UR-1/PD) and Commercial Two/Planned Development (C-2/PD). This site adjoins the property in question to the west. The proposal entailed the development of 15.7 acres for commercial uses, with the remaining 21.6 acres to be developed for multi-family uses.

ADJACENT LAND USES:

- **North:** Three office buildings on a 0.98-acre parcel, zoned Commercial Four (C-4)  
  
Vacant parcel, 0.55 acres, owned by Cincinnati Bell, zoned Commercial Four (C-4)
- **South and East:** Vacant parcel, 0.93 acres, owned by Drees, part of the Wynds phase of Oakbrook Subdivision, zoned Suburban Residential Two (SR-2)
- **West:** Vacant parcel, 1.5 acres, zoned Suburban Residential Two (SR-2) and Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
- **Southeast:** Single-family residences, located across Oakbrook Drive from Drees parcel, part of the Stoneridge and the Woods phases of Oakbrook Subdivision, zoned Suburban Residential One/Planned Development/Concept Development (SR-1/PD/CD)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 2000 Boone County Comprehensive Plan designates the property as Commercial, which is defined as follows:

"Retail, corporate, and professional office, interchange commercial, indoor commercial, recreation, restaurants, services, etc. (p. 158)."

The text of the Land Use Element states the following regarding the general area of East Bend Road, in which the parcels are located:

- A. "This section of Boone County includes some of the western growth areas of Florence, including Mall Road and KY 18. It also contains some of the most rapidly growing residential areas in the county, particularly from KY 18 south to Union (p. 163 'Pleasant Valley-West Florence Area')."

- B. "The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority. These should include the connection of Oakbrook Road to Pebble Creek Drive; Beemon Lane to Pleasant Valley Road; Cayton Road to Pleasant Valley Road; and an east-west connector between Pleasant Valley Road and Hopeful Church Road, south of Stonegate Meadows. These collector road extensions should not allow parking or driveway access in order to facilitate the movement of traffic through the area and should include multi-modal elements such as pedestrian paths and bike lanes and bus stop areas (p. 163 'Pleasant Valley-West Florence Area')."
  
- C. "This section of Boone County contains Burlington Pike, part of new KY 237, and a significant portion of KY 18. KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. Intersections along KY 18 should continue the existing pattern of spacing of major access points of approximately 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway (p. 169 'Burlington Area')."
  
- D. "The intersection of KY 18 and Limaburg Road should also develop locally-oriented commercial uses. Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs and include office uses in order to avoid a continuous commercial strip. Existing pockets of mature wooded areas should remain intact to provide a visual transition into the industrial uses planned north of KY 18 as indicated in the Future Land Use Map. Industrial development should be served by a new road system that includes a major north-south connection between KY 18 and the Mineola Pike and Turfway Road areas as recommended in the Northeast Boone County Transportation Study and the 1996 Boone County Transportation Plan. The plan also recommends a roadway extending west from this connection to the KY 237/Conrad Lane area. The location and function of these roads are very important. The location of the terminus of this north-south airport road will greatly impact current and future traffic patterns on KY 18 and must be given careful consideration. The primary function of both roads should be to move traffic through the area, not to serve as access for adjoining parcels.

"Limaburg Creek Road is inadequate to carry industrial traffic and intersects KY 18 at a dangerous location. The Future Land Use Map indicates a mixture of land uses along the KY 18 corridor and which will provide a transition into existing and planned public facilities near KY 237 (p. 170, 'Burlington Area')."

The following quotes, taken from the Business Activity Element, are applicable to this site:

- A. "Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within in 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. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area (p. 71, 'Areas of Future Commercial Activity')."
- B. "In general large residential developments may need to provide for neighborhood-scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, professional offices, or small retail operations of general merchandise. These neighborhood commercial activities should be scaled to serve only their surrounding residential subdivisions (p. 73, 'Areas of Future Commercial Activity')."

The following quote, taken from the Housing Element, pertains to the site in question:

"The undeveloped land on the southwest quadrant of KY 18 and KY 237 would be an excellent site for a transit-oriented development. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses (p. 87 'Florence-Burlington -Area')."

The following statements, taken from the Future Land Use Development Guidelines, are applicable to the subject property:

- 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 (p. 158 'Utilization of Existing Vegetation and Topography')."
- 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 (pg. 159, 'Buffering')."
- 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts (p. 159 'Buffering')."
- D. "Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion control measures must be concurrent with site work in order to be effective (p. 158 'Storm water Management and Erosion Control')."

- E. "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, 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 systems (p. 158, 'Access Management')."
- E. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access but should be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian uses. These networks should not only provide internal paths but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159-160 'Transportation and Pedestrian Network')."
- F. "Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (p. 160, 'Design, Signs, and Historic Preservation')."

These quotes from the Goals and Objectives of the 2000 Comprehensive Plan apply:

- 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 neighborhoods ('Overall' Objective 2, p. 4)."
- B. "Proper design principles shall be applied in development ('Overall' Objective 3, p. 4)."
- C. "Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ('Overall' Objective 3, p. 4)."
- D. "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 ('Overall' Objective 6, p. 4)."
- E. "New development or redevelopment within Boone County is designed, constructed, and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment' Goal, p. 5)."
- E. "Future development and redevelopment of areas shall include an evaluation of the physical factors identified in this Plan as part of the review of the site being considered for development. The suitability ratings identified in the Environment Element for each physical factor shall be taken into consideration ('Physical Environment' Objective 1, p. 5)."
- F. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Physical Environment' Objective 2, p. 5)."

- G. "Existing vegetation shall be considered as both an important site characteristic and a community resource ('Social Environment' Objective 4, p. 6)."
- H. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ('Business Activity [Commercial]' Objective 1, p. 8)."
- 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 ('Business Activity [Commercial]' Objective 2, p.9)."
- J. "New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ('Housing' Objective 9, p. 9)."

#### STAFF COMMENTS/CONCERNS

- 1. The Boone County Planning Commission and Boone County Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
  - A. The Future Land Use Map designates the site as "Commercial," allowing the proposed office land use. The Land Use Element states generally that the vicinity in which the site is located is one of the areas with the highest concentration of residential growth in Boone County. The Element highlights the importance of commercial uses in the general area, noting that the intersection of KY 18 and Limaburg Road is suitable for locally-oriented commercial uses. It states that the KY 18 corridor should provide a mixture of land uses to allow an appropriate transition into the existing and planned public facilities near KY 237. The "Transportation and Pedestrian Network"

guideline listed in the Future Land Use Development Guidelines states that developments along existing arterial roadways should not have direct access to and from the arterial but should access the site through local streets. The impact of development along arterial and collector roads should be minimized through the provision of frontage roads and parallel roads.

- B. The Business Activity Element similarly indicates that commercial uses in the KY 18 corridor should be limited in scale and geared to serve the developing residential areas that adjoin the corridor. These commercial uses should serve the Burlington area rather than be seen as an extension of Mall Road or the Florence Commercial districts. These commercial uses should be designed to act as an extension of existing residential neighborhoods, such that the commercial development is seen as a continuation of the existing residential neighborhood rather than a distinct land use. The Oakbrook Marketplace, which is adjacent to the site in question, is noted as an example of this type of development. Business Activity [Commercial] Objective #2 suggests that smaller-scale commercial uses should be developed with a level of scrutiny so that these uses enhance the adjoining residential uses.
- C. Environment [Physical] Objective 2 discusses the importance of preserving a developing site's existing vegetation and topography. Site grading should be minimized, and tree cover should be maintained when possible.

The Boone County Planning Commission and Boone County Fiscal Court need to consider the alternate findings for a Zoning Map Amendment.

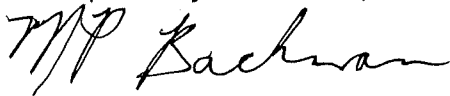
- 2. A copy of the plan was submitted to the Burlington Fire Department. The Fire Department believes that the proposed access to the site from KY 18 poses safety concerns and requests that ingress and egress from the site be from Oakbrook Drive. The Fire Department also questioned the location of water service to the site and asked that the applicant verify that the parking lot could accommodate the Department's largest truck, which is 40 feet long. A copy of a letter from Captain Shaun Klaserner is attached.
- 3. Ed Thompson, Permit Engineer of Kentucky Department of Highways, District 6, received a copy of the Plan. The Department of Highways has indicated that a left turn lane will be required for the development of the site, with 250 feet of storage and 110 feet taper. The pavement design will require a matching of the current pavement design of KY 18. A copy of this letter is also attached.

4. The County is currently examining the possible re-alignment of the intersection of Oakbrook Road and KY 18, through the proposed extension of Oakbrook Road to the north. At this time a preliminary alignment has been agreed upon; however, the County is still negotiating the acquisition of right-of-way through the adjoining Drees property to the west and through properties that adjoin the site to the north. The County Engineer, Greg Sketch, has indicated that if Oakbrook Road is not re-aligned, the County would prefer to see access to the site in question from Oakbrook Road rather than KY 18.
5. Gary Aman, of Sanitation District #1, has reviewed the plan. He noted that there is sufficient sanitary sewerage capacity for the proposed project.
6. The Concept Development Plan did not indicate the location of existing utility lines. Staff has concerns with regard to stormwater detention on the site. The impervious surface that would be installed through this development greatly exceeds what is currently on the site. This concern is magnified by the fact that disturb limits have not been labeled on the site plan, nor have proposed contours been indicated on the plan. The existing topography of the site is such that stormwater runoff would be directed to the south, the east, and the west of the site. Staff requests that the applicant address this issue at the Zone Change Committee meeting.
7. Staff would like for the applicant to address how the site will be buffered from the adjoining residential property to the south and the west. There is substantial buffering which has a "streetscape" design located along the Oakbrook Road frontage. The applicant did not submit a landscaping plan with the Concept Development Plan. While there currently is a significant amount of tree cover on the site, no disturb limits for tree cover were indicated on the site. The existing tree cover should be maintained, where possible, to provide a buffer between the adjoining residential uses and the proposed office development, so that the change in visual character would be minimized. This concern should also be addressed at the Zone Change Committee meeting.
8. Staff requests that the applicant submit a photometric plan of the site, indicating the measurement of glare in foot candles. The foot candle measurement of glare should not exceed 1.0 at the site's property boundaries. The issue should be addressed at the Zone Change Committee Meeting.
9. The applicant has submitted a copy of the proposed Building Elevations, which are attached. Staff would like clarification regarding the following matters:
  - materials used in building construction, including color of building
  - overall height of structure
  - if there will be any exposed foundationsThe applicant should be prepared to discuss these points at the Zone Change Committee meeting.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. The Future Land Use Map will not need to be changed if the request is approved.

Respectfully Submitted,

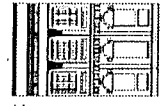
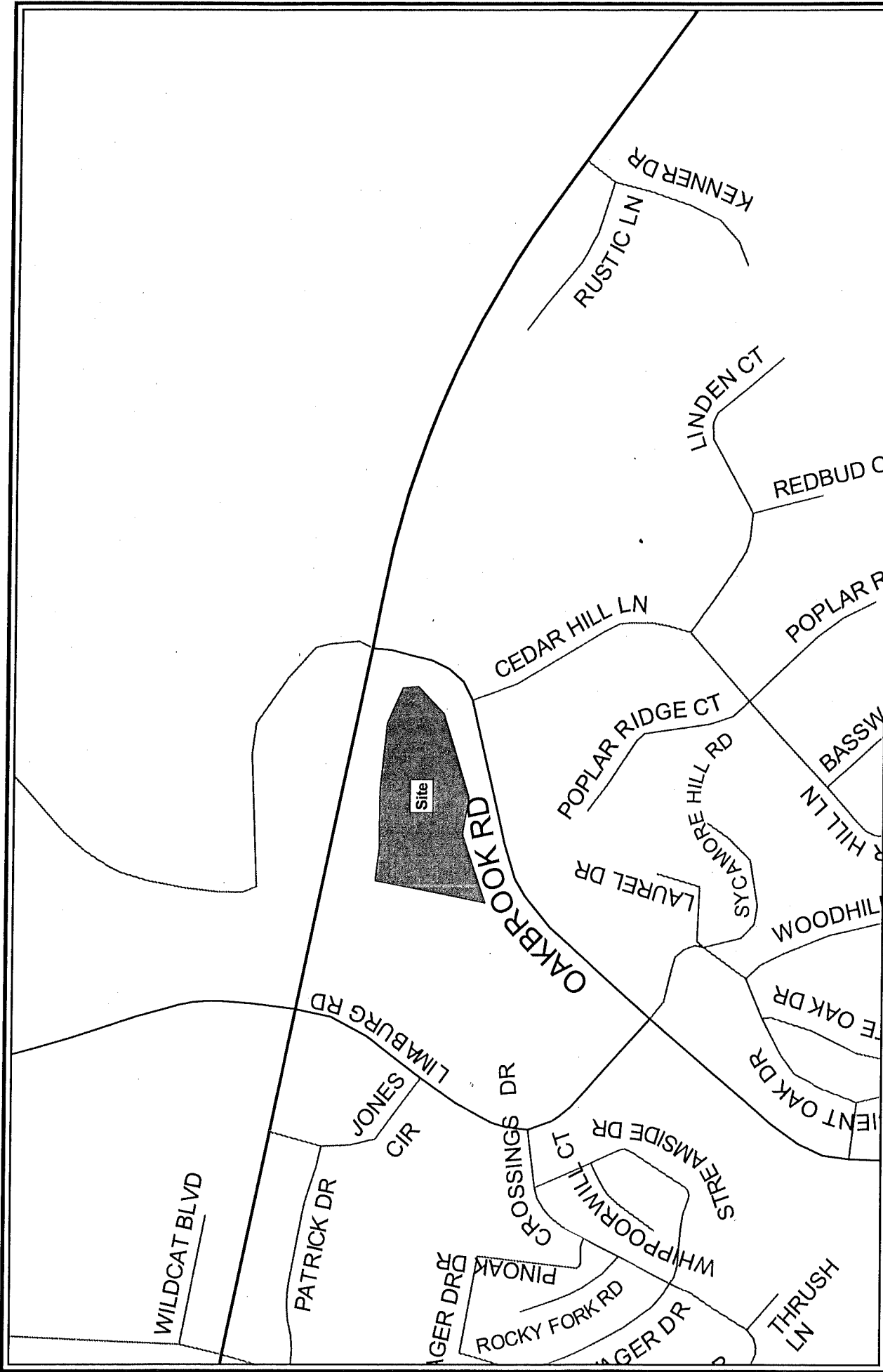


Patty Bachman  
Planner

PB/pr

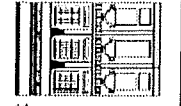
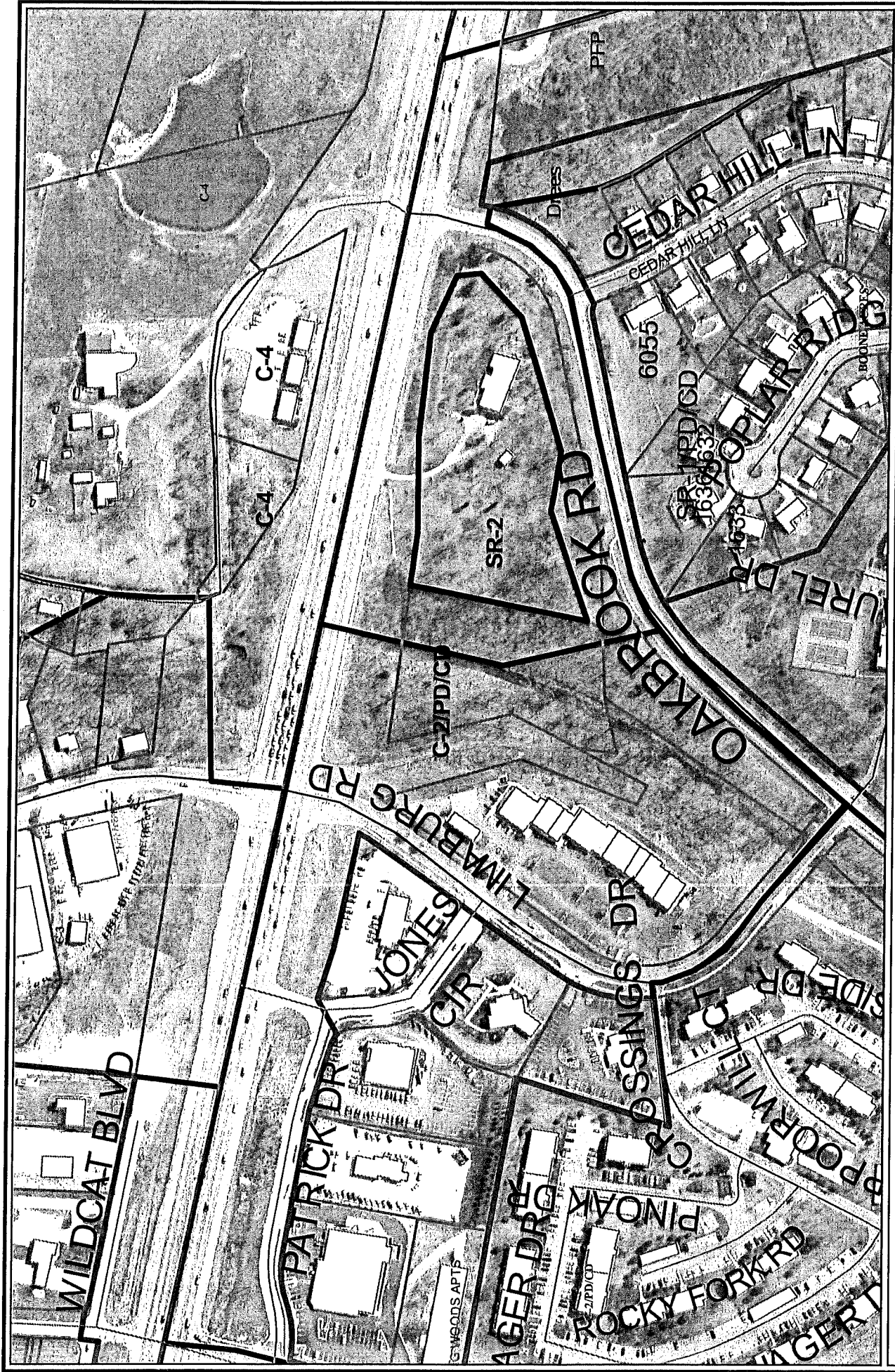
Attachments:

- vicinity map
- aerial photos
- future land use map excerpt
- site topography
- application materials, including the Concept Development Plan and purchase contract
- letter from Captain Shaun Klaserner, Burlington Fire Department
- letter from Ed Thompson, Permit Engineer, of the Kentucky Transportation Cabinet
- proposed building elevations



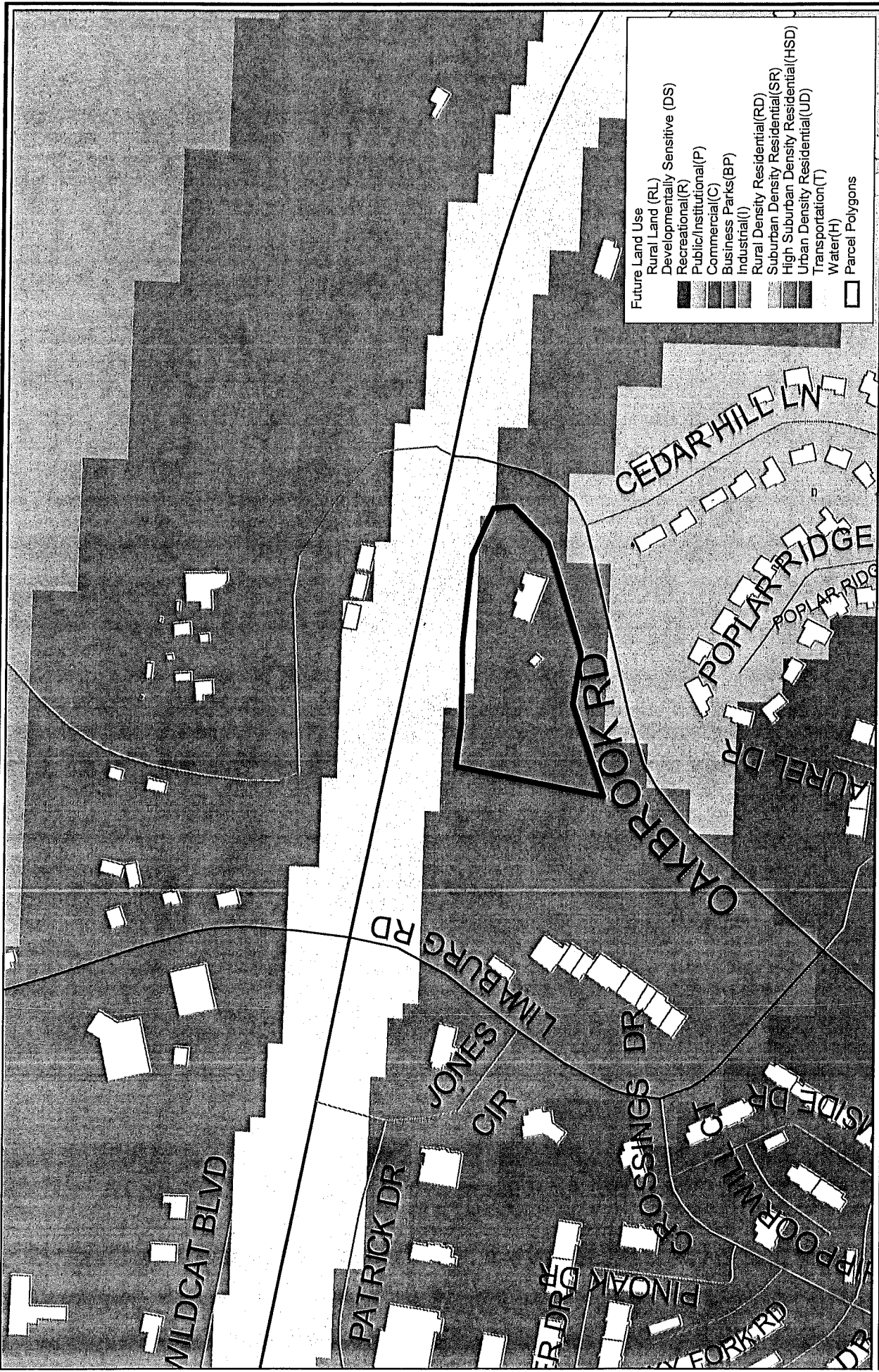
1 inch equals 400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 March 25, 2005

# Vicinity Map



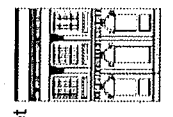
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 Boone County Planning Commission  
 GIS Services Division  
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# Zoning



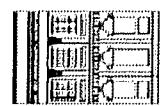
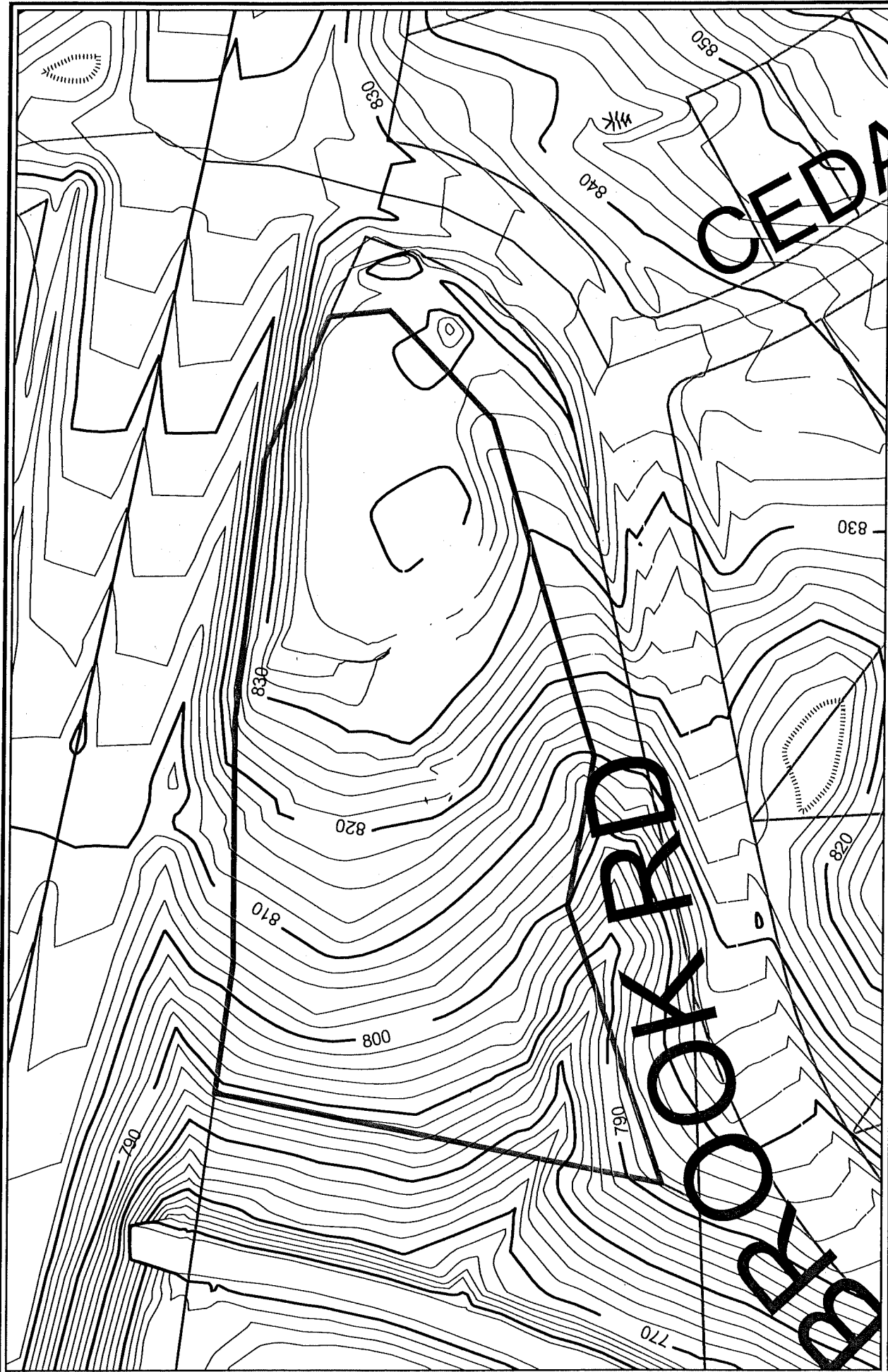
**Future Land Use**

- Rural Land (RL)
- Developmentally Sensitive (DS)
- Recreational (R)
- Public/Institutional (P)
- Commercial (C)
- Business Parks (BP)
- Industrial (I)
- Rural Density Residential (RD)
- Suburban Density Residential (SR)
- High Suburban Density Residential (HSD)
- Urban Density Residential (UD)
- Transportation (T)
- Water (H)
- Parcel Polygons



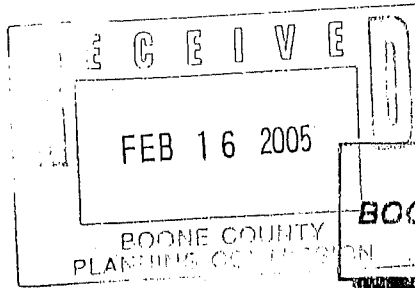
1 inch equals 300 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 March 25, 2005

# Future Land Use



1 inch equals 100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 25, 2005

# Topography



APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

SECTION A (To be completed by applicant)

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2. Location of Project 1655 Burlington Pike
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- Boone County Building Department

(over)

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ USDA NRCS/Boone County Conservation District
- \_\_\_\_\_ KY Division of Water
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

18. Project Jurisdiction/Location
- Unincorporated Boone County \_\_\_\_\_ Walton
  - \_\_\_\_\_ Florence \_\_\_\_\_ Union

19. Applicant's Signature \_\_\_\_\_

Property Owner's Signature \_\_\_\_\_ E.C. Lee Jr. et al

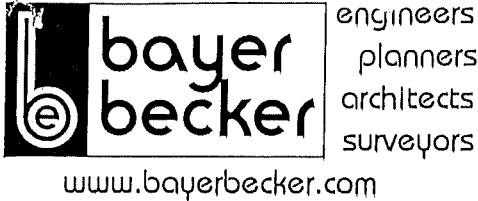
**SECTION B (To be completed by BCPC Staff)**

1. Date Received 2-16-05
2. Review Fee \$1,393.34 R# 41470
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 5 Number of copies of plan received\*\*
4. Is application complete?  Yes \_\_\_\_\_ No
5. Staff Reviewer PATTY BACHMAN
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - \_\_\_\_\_ Approval
  - \_\_\_\_\_ Approval with Conditions
  - \_\_\_\_\_ Denial
9. Other: \_\_\_\_\_

**\*\* Five (5) Copies Are Required**

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

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.



14 East Eighth Street  
Covington, KY 41011  
P.859.261.1113  
f.859.261.1710

DESCRIPTION: Rezone Parcel – 3.2 Acres  
LOCATION: Burlington Pike (KY. Highway 18)  
DATE: February 11, 2005

Situated in the County of Boone, Commonwealth of Kentucky, lying on the South side of Burlington Pike (KY. Highway 18) and the West side of Oakbrook Road, all of a 1.28 acre tract conveyed to Paul E. & E. Marie Sewell in D.B. 191, Pg. 21, all of a 0.41 acre tract conveyed to Paul E. & E. Marie Sewell in D.B. 227, Page 289, and part of a 9 acre +/- tract conveyed to Paul E. & E. Marie Sewell in D. B. 183, Page 165 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at a point in the center of Burlington Pike (KY. Highway,18) approximately 1000 feet East of the centerline intersection of Burlington Pike and Limaburg Road, said point being at Burlington Pike centerline station 132+94.00 (K.D.O.T. Plan #SP-8-130); thence leaving said centerline of Burlington Pike and with a line perpendicular to the same South 11°29'22" West, 131.78 feet to a point 131.78 feet right of centerline station 132+94.00 and the TRUE POINT OF BEGINNING:

thence with the West line of a 0.21 acre tract conveyed to The Drees Company (D.B. 227, Page 294) South 05°54'11" East, 88.20 feet;

thence leaving said West line and with the North line of a 35.2 acre tract conveyed to The Drees Company (D.B. 222, Page 128) South 46°19'52" West, 111.80 feet;

thence continuing with said North line South 72°53'52" West, 258.10 feet;

thence North 80°32'07" West, 111.80 feet;

thence South 71°01'46" West, 215.93 feet;

thence leaving said North line and with the East line of a 4.32 acre tract conveyed to Thomas Henry Bushelman (D.B. 188, Page 423) North 11°24'58" East, 332.43 feet to a point 167.00 feet right of Burlington Pike centerline station 127+27.00;

thence leaving said East line and with the South right-of-way line of Burlington Pike South 87°28'15" East, 196.57 feet;

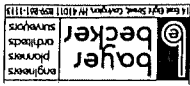
thence continuing with said South right-of-way line of Burlington Pike South 88°15'35" East, 177.72 feet;

thence South 84°20'23" East, 194.10 feet to the TRUE POINT OF BEGINNING.

DESCRIPTION: Rezone Parcel – 3.2 Acres  
LOCATION: Burlington Pike (KY. Highway 18)  
DATE: February 11, 2005  
Page 2 of 2

Containing 3.2 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

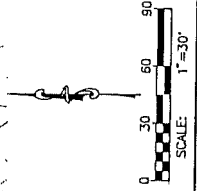
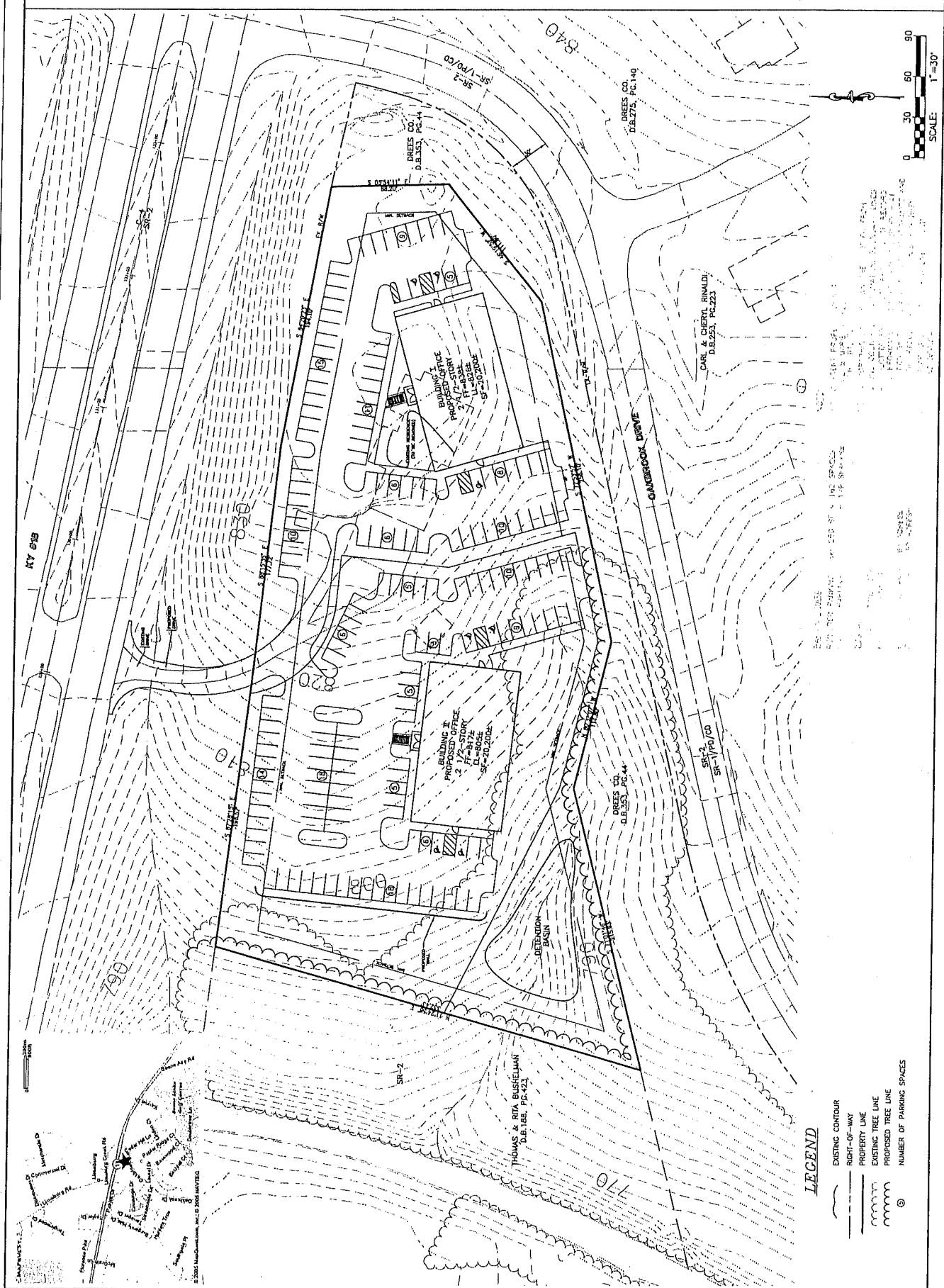
The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Surveyor #3292 in the Commonwealth of Kentucky, February, 2005. This description is not the result of a field survey and monuments will not be set.



CONCEPT DEVELOPMENT PLAN  
FOR  
BURLINGTON  
EXECUTIVE CENTRE  
BURLINGTON PARK  
BOONE COUNTY, KENTUCKY

DATE	2-15-65
PROJECT	BURLINGTON EXECUTIVE CENTRE
CLIENT	BAYER ENGINEERS, ARCHITECTS, PLANNERS & SURVEYORS
SCALE	1" = 30'
DESIGNED BY	...
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...

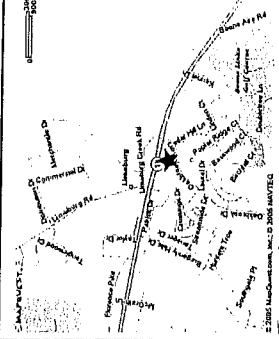
1011



NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL DISTANCES ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
3. ALL ELEVATIONS ARE TO FINISHED GRADE UNLESS OTHERWISE NOTED.  
4. ALL UTILITIES SHOWN ARE AS SHOWN ON RECORD PLANS.  
5. ALL UTILITIES TO BE DELETED OR RELOCATED SHALL BE SHOWN WITH DASHED LINES.  
6. ALL UTILITIES TO BE INSTALLED SHALL BE SHOWN WITH SOLID LINES.  
7. ALL UTILITIES TO BE MAINTAINED SHALL BE SHOWN WITH DOTTED LINES.  
8. ALL UTILITIES TO BE PROTECTED SHALL BE SHOWN WITH Wavy LINES.  
9. ALL UTILITIES TO BE REMOVED SHALL BE SHOWN WITH DASHED LINES AND A CROSS-HATCH PATTERN.  
10. ALL UTILITIES TO BE RELOCATED SHALL BE SHOWN WITH DOTTED LINES AND A CROSS-HATCH PATTERN.  
11. ALL UTILITIES TO BE INSTALLED SHALL BE SHOWN WITH SOLID LINES AND A CROSS-HATCH PATTERN.  
12. ALL UTILITIES TO BE MAINTAINED SHALL BE SHOWN WITH DOTTED LINES AND A CROSS-HATCH PATTERN.  
13. ALL UTILITIES TO BE PROTECTED SHALL BE SHOWN WITH Wavy LINES AND A CROSS-HATCH PATTERN.  
14. ALL UTILITIES TO BE REMOVED SHALL BE SHOWN WITH DASHED LINES AND A CROSS-HATCH PATTERN.

LEGEND

- EXISTING CONTOUR
- - - RIGHT-OF-WAY
- PROPERTY LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- ⊙ NUMBER OF PARKING SPACES



(K)

# DEED

FAIR CASH VALUE \_\_\_\_\_  
TRANSFER TAX \_\_\_\_\_

PIDN: \_\_\_\_\_  
GROUP: 2032 \_\_\_\_\_  
PLAT: \_\_\_\_\_

## Know All Men By These Presents:

That E. Marie Sewell, an unmarried widow,

whose mailing address is: 2081 Divot Drive, Burlington, KY 41005

for and in consideration of one dollar and other valuable considerations to them paid by  
the grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

FTK Properties, LLC, its successors

RETURN TO: pg 4

and assigns forever, the following described Real Estate, in the City of \_\_\_\_\_

County of Boone and Commonwealth of Kentucky, to-wit:

Located in Boone County, Kentucky, lying on the south side of Kentucky Highway 18 and the west side of south Limaburg Road and is described as follows;

Beginning at an iron pin set in the south right-of-way line of Kentucky Highway 18 (Station 132+94, 131.78 feet right) corner of a 0.21 acre tract conveyed by Paul E. Sewell to The Drees Company (Deed Book 227, Page 294), said point being N 84° 20' 23" W 220.00 feet along said right-of-way line from its intersection with the south line of Paul E. Sewell's original tract of 9 acres ( Deed Book 183, Page 165) at Station 135+14, 127 feet right; thence with the west line of said 0.21 acre tract S 5° 54' 11" E 88.20 feet to an iron pin set corner of a 0.41 acre tract conveyed by The Drees Company to Paul E. Sewell ( Deed Book 227, Page 289) thence with the south line of said 0.41 acre tract S 46° 19' 52" W 111.80 feet to an iron pin set; thence S 72° 53' 52" W 258.10 feet to an iron pin set; thence N 80° 32' 07" W 111.80 feet to an iron pin set in the south line of Paul E. Sewell ( Deed Book 191, Page 21); thence with the line of Sewell and The Drees Company S 71° 01' 46" W 215.93 feet to a post corner of Sewell and Thomas Henry Bushelman ( Deed Book 188, Page 423); thence with the line of Sewell and Bushelman N 11° 24' 58" E 332.44 feet to an iron pin set in the south right-of-way line of Kentucky Highway 18 ( Station 127+27, 167

feet right); thence with the said right-of-way line S 87° 28' 15" E 196.57 feet to an iron pin set; thence S 88° 15' 35" E 177.72 feet to an iron pin set; thence S 84° 20' 23" E 194.10 feet to the point of beginning containing 3.234 acres and subject to all right-of-ways and easements of record.

This description was prepared from a new survey by Timothy R. McNeely, L.S. No. 2030, June, 1990.

Being part of and all of the remainder of the property lying on the South side of Kentucky Highway 18 conveyed to Paul E. Sewell and E. Marie Sewell, his wife, with right of survivorship, by Charles L. Hambrick and Dorothy Hambrick, his wife, by Deed dated October 15, 1968 and recorded in Deed Book 183 Page 165 of the Boone County records.

Being all of the same property conveyed to Paul E. Sewell and E. Marie Sewell, his wife, with right of survivorship, by William M. McCormick and Ruth Loretta McCormick, his wife, by deed dated October 13, 1970, and recorded in Deed Book 191, Page 21, of the Boone County Court Clerk's records, at Burlington, Kentucky.

Being all of the same property conveyed to Paul E. Sewell and E. Marie Sewell by THE DREES COMPANY, a Kentucky Corporation, by deed dated February 18, 1977, and recorded in Deed Book 227 Page 289 of the Boone County Court Clerk's records, at Burlington, Kentucky.

The said Paul E. Sewell died on December 3, 2003 and by virtue of the survivorship clause in the above mentioned deeds the fee simple title is now vested in the grantor herein, E. Marie Sewell.

*This instrument prepared by  
Eddie W. Brown  
Attorney at Law  
7130 Arice Pike  
Florence, Ky 41042  
EDDIE W. BROWN*

PROPERTY ADDRESS: 1655 Burlington Pike, Florence, Ky 41042

GRANTEE MAILING ADDRESS: 13460 Ferris Avenue, Apple Valley, MN 55124

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said FTK Properties, LLC, its successors

and assigns, forever, the Grantor, her heirs, executors and administrators, HEREBY COVENANTING with the Grantee, its successors ~~and~~ and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that she will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, E. Marie Sewell, an unmarried widow,

hereunto sets her hand, this 4<sup>th</sup> day of February in the year 2005

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Marie Sewell  
E. Marie Sewell

STATE OF KENTUCKY  
COUNTY OF BOONE

The foregoing instrument was acknowledged, subscribed and sworn to before me this 4<sup>th</sup> day of February, 2005, by the Grantor,

E. Marie Sewell.

Eddie W. Brown

Commission expires: 10/9/07

Notary Public  
(Title)

**AGREEMENT**

This Agreement, made and entered into this 12<sup>th</sup> Day of FEBRUARY 2005, by and between Gary Sewell, and/or FTK Properties L.L.C (hereinafter "FTK"), and The Signature Group (Hereinafter "DEVELOPER").

**WITNESSETH**

WHEREAS, DEVELOPER, GARY SEWELL, AND/or FTK have formed THE BURLINGTON EXECUTIVE CENTRE, L.L.C. for the purpose of constructing and owning together in accordance with the Membership values and the Operating Agreement of said L.L.C., an office building known as The Burlington Executive Centre, currently the FTK property and formerly the Sewell property, located on Rt. 18, in Boone County, Kentucky, and

WHEREAS, GARY SEWELL and /or FTK do hereby grant DEVELOPER full and complete Power of Attorney, permission, authority, and do also direct DEVELOPER to execute any and all documents on the behalf of GARY SEWELL and /or FTK for the purposes of rezoning the property mentioned herein as needed for a zone change pursuant to the needs of The Burlington Executive Centre.

NOW THEREFORE, As indicated by the executed signature below, I, Gary Sewell, Managing Member for FTK Properties L.L.C, do hereby represent I am the authorized person and entity with full and complete approval for directing said DEVELOPER to execute documents, submissions, plans, and forms required to obtain a zone change for the property described herein.

IN WITNESS WHEREOF, the undersigned have hereunto set their signatures on the day and year first written above,

By: *Gary Sewell*  
Gary Sewell, Managing Member  
FTK Properties LLC

Date: 2-12-2005

Sworn and subscribed to me, a NOTARY PUBLIC in the State of Minnesota, County of Dakota, by Gary Sewell, this 12 day of February, 2005.

*Joseph Sanders*  
Notary

My Commission Expires Jan 31, 2008

SEAL





## Burlington Fire Protection District

6050 Firehouse Drive

P.O. Box 479

Burlington, Kentucky 41005-0479

Phone: (859) 586-6161

Fax: (859) 586-6178

David E. Biddle, Chief

Tuesday, March 15, 2005

Boone County Planning Commission

Attention: Patty Bachman, Planner

2995 Washington Street

Burlington, Kentucky 41005

Mrs. Bachman,

I have completed my review of the Burlington Executive Center located at the corner of Burlington Pike and Oakbrook Drive. You will find listed below several comments that I have about this project.

1. The location of the entrance/exit is, in the opinion of the District, in the worst possible place. The amount of traffic that the project will generate will almost certainly cause traffic problems on Burlington Pike if no modifications are made. The District would like to see the entrance/exit to this project off of Oakbrook Drive.
2. Will either of the proposed buildings be sprinkled? If so, we would like to discuss where the water service for the site will come from.
3. Please have the applicant check and make sure that the parking lot is accessible to the longest fire truck the District currently owns, which is 40' long.

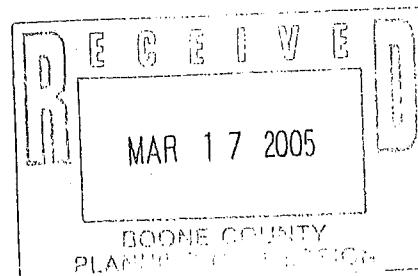
If you should have any further questions, feel free to give me a call at the number listed above Monday through Friday from 8:00 a.m. to 4:00 p.m. Thank you in advance for allowing the District to comment on this project.

Yours in Service,

A handwritten signature in black ink, appearing to read "Shaun D. Klaserner".

Shaun D. Klaserner

Captain





ERNIE FLETCHER  
GOVERNOR

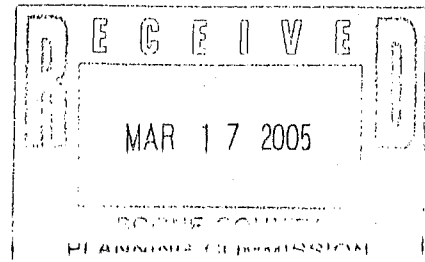
KENTUCKY TRANSPORTATION CABINET  
Department of Highways, District Six  
421 Buttermilk Pike, P.O. Box 17130  
Covington, Kentucky 41017  
859/341-2700 (Fax) 859/341-3661  
WWW.KENTUCKY.GOV

MAXWELL C. BAILEY  
SECRETARY

Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Attn.: Kevin Wall, Director of Zoning Services  
Patty Bachman, Planner

Subject: Burlington Executive Center & White Castle  
KY 18 & US 42  
Boone County



March 14, 2005

Dear Mr. Wall:

This letter is in response to your letter dated March 7, 2005, regarding a proposed Burlington Executive Center on KY 18, and White Castle Plan Review on US 42.

The Department has reviewed the proposed development for the Burlington Executive Center on Kentucky 18. We will require that a left turn lane be constructed for the site. The requirements for the left turn lane will be for 250 feet of storage and 110 feet taper. The pavement design will require a matching of the current pavement design of Kentucky 18 in that area.

The Department has reviewed the site plan for the re-build of the White Castle on US 42 in Florence. We feel that due to the heavy traffic volumes on US 42 in that area, it would be beneficial to remove the existing entrance. While this is the ideal solution regarding the traffic flow for US 42, we would feel comfortable with some turn restrictions to the existing entrance (right in/right out).

This is the subject to the formal Encroachment Permitting Application that is required, and forwarded to the Department for final review.



KENTUCKY TRANSPORTATION CABINET

Department of Highways, District Six  
421 Buttermilk Pike, P.O. Box 17130  
Covington, Kentucky 41017  
859/341-2700 (Fax) 859/341-3661  
WWW.KENTUCKY.GOV

ERNIE FLETCHER  
GOVERNOR

MAXWELL C. BAILEY  
SECRETARY

Boone County Planning Commission  
March 14, 2005  
Page: 2

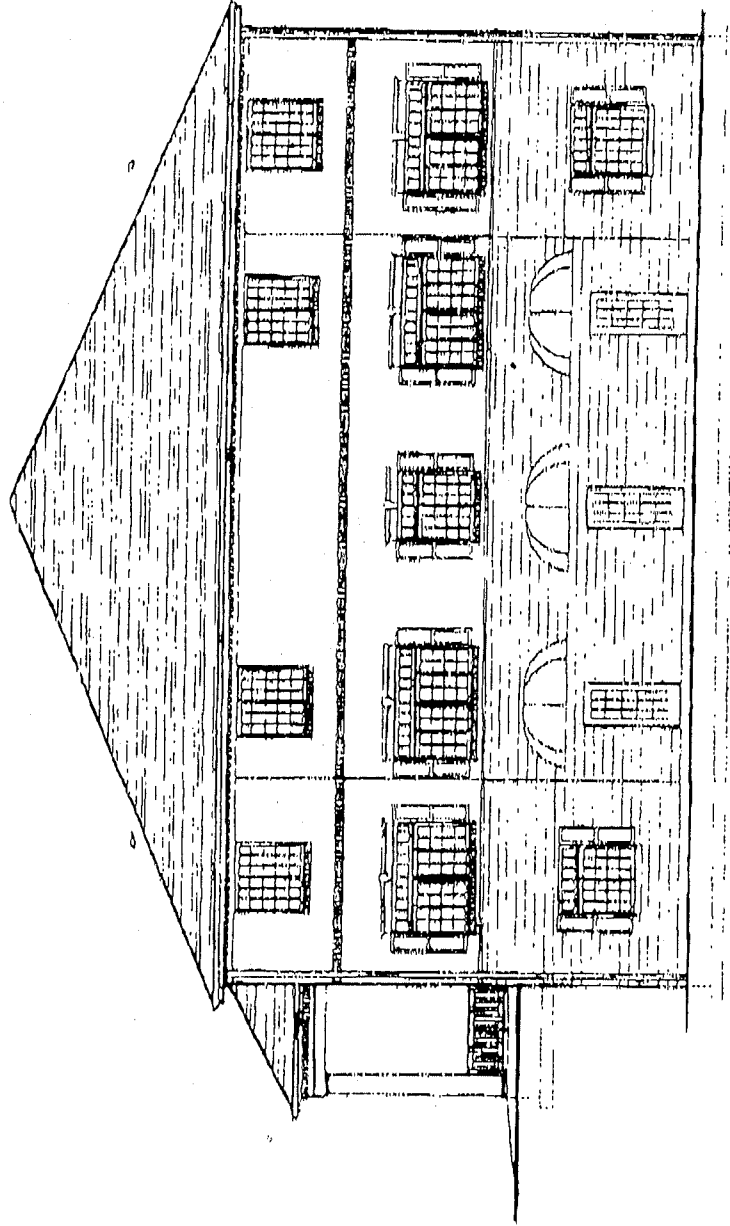
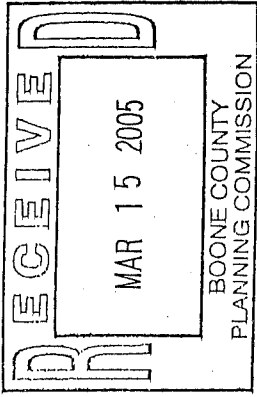
This office would like to thank you for this opportunity to comment on these proposed developments in Boone County. If any additional information is desired, or you have any questions, please contact this office.

Sincerely,

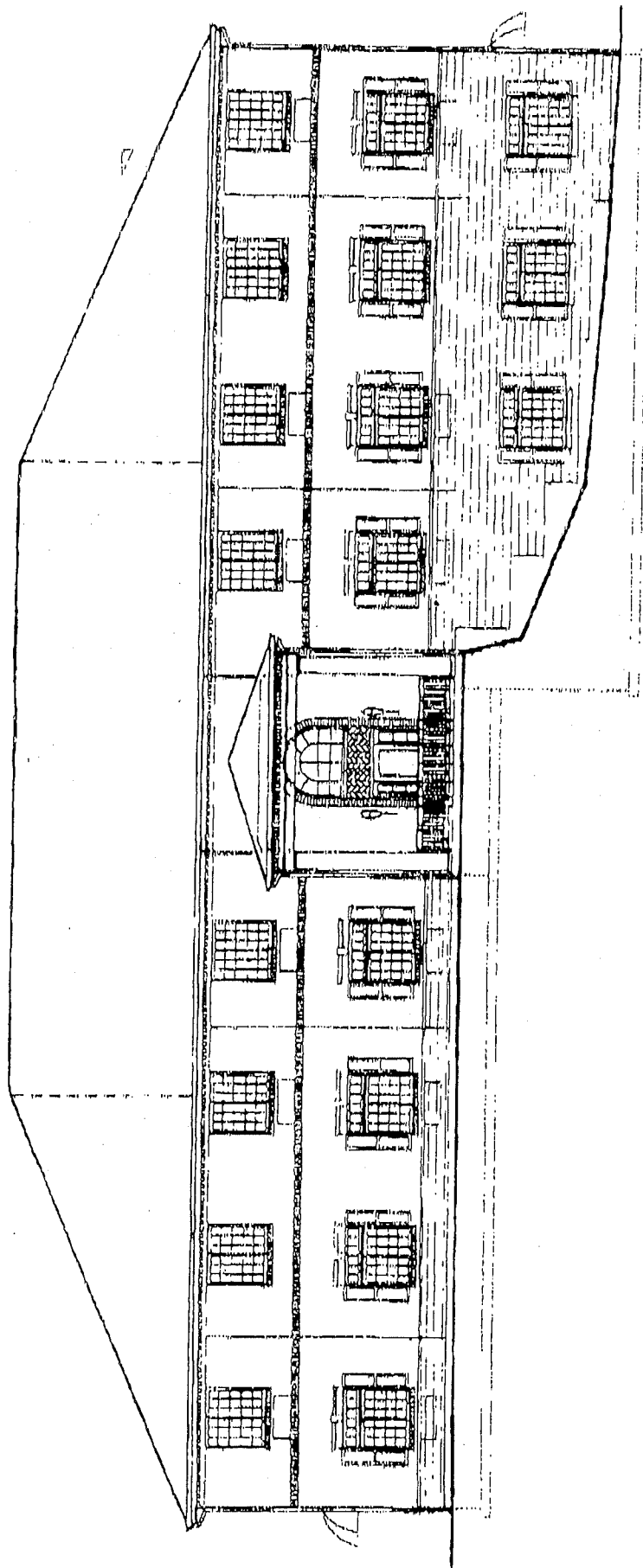
A handwritten signature in black ink, appearing to read "Edmond C. Thompson".

Edmond C. Thompson  
Permit Supervisor

ECT/csm  
Cc: Thomas J. Schomaker, CDE



**RECEIVED**  
MAR 15 2005  
BOONE COUNTY  
PLANNING COMMISSION



**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

**Legal Counsel Present:** Mr. Dale Wilson

2.     **Applicant:**     Burlington Executive Centre, LLC for  
                                  FTK Properties, LLC (owner)

**Request:**         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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). She stated that additional information regarding the potential realignment of Oakbrook Road/KY 18 will be available in time for the Committee Meeting.

The Chairman asked for the applicant's presentation.

Mr. Dale McPherson, owner and President of The Signature Group, 7430 US 42 in Florence, and a majority partner in Burlington Executive Centre if this request is approved, submitted a folder "Florence Executive Centre" (see Exhibit 1). He stated that the proposed office development will be a replica of the Florence Executive Centre on US 42, but this site grades off to one side and the buildings will have walkouts. The folder includes interior/exterior pictures of the existing Florence Executive Centre. The proposed development will use the same brick and stone base and have the same type of entries. They will lower the height of the porch to the height of the second building in Florence, which looks nicer. He stated that this is not "bulk" office space development. This development will be a sister to the Florence Executive Centre with individual custom suites which are approximately 12.5' x 28', which provides a different tenant use than in bulk office space and less employee and traffic use. With the way the buildings are designed, it would be cost-prohibitive to come back later and turn it into bulk office space with more parking. They will lease the office suites -- they are upper end suites and get

the highest net rent in the area. He stated that this is an individual suite concept, but some users will rent more than one suite (they currently have a user who has connected seven suites). They average 2.5 suites per user and 0.67 employees per suite. The required parking, per the regulations, is 2.88 spaces per suite. He distributed copies of "Burlington Executive Centre – Parking/Traffic Analysis, March 28, 2005" (see Exhibit 2). He noted comments from the Burlington Fire Protection District and the Kentucky Transportation Cabinet (attached to the Staff Report) and stated that they agree to provide a left turn lane off KY 18, which the Fire Department did not know about when they made their comments. He stated that the Fire Department's problem goes away with the turn lane. He stated that they cannot get the land to access Oakbrook Road and the only access they are allowed is their property's access on KY 18. They calculate 162 parking spaces for this site based on the requirements. At the Florence Executive Centre, their average daily use is 12.3% of the parking spaces. These are move-down satellite offices or move-up people who are working out of their homes and they do not work five days per week. They average 50.7% of the office people and 20 – 21 cars being there at any one time, and the rest of the 140 parking spaces are empty. They would rather landscape the space, but the regulations require the parking spaces. He stated that the traffic flow with this concept has the least effect in the C-4 zone and the highest caliber product in terms of office/retail use. He stated that the building is all brick. They have had temporary driveways for every building (apartment and office) that they have done. This development will be done in phases and Phase II will not be started until there is 70% occupancy of Phase I. When Phase I is completed, the drainage system will be in place for both buildings. They will do a photometric/lighting study if required by the regulations. They will exceed the landscaping requirements in terms of buffering for the neighbors and adjoining areas. He offered to answer any questions.

Mr. Gil Whitacre with Bayer & Becker Engineers stated that when they looked at this site using the GIS mapping, they thought they had frontage along Oakbrook Road but they were provided with a boundary survey done by Tim McNealy and discovered that they do not have that frontage. He stated that the highway plan designates an access point off KY 18 for this property. There is a break in the median there and they are willing to construct the left turn lane. He stated that the shoulder along KY 18 is extra wide and helps to facilitate right turn movements. They will provide grading and stormwater detention information at the Committee Meeting. He stated that the site falls from east to west and they have tried to utilize the topography with the buildings. The buildings will fall from one side to the other across the front to help make up grade differences. The lower levels will be accessed on the lower ends of the buildings. He reviewed Staff's Power Point slide in regard to the elevations on the site. He stated that there is a grade separation between the buildings and they have tried to work with the topography to direct the entire site into the detention basin that outlets into the existing swale at the southwest corner of the property. He indicated on a Power Point slide the wooded areas of the site and stated that they will try to maintain as much buffer as possible around the perimeter of the site. They will provide a Lighting Plan and a

Landscaping Plan at the Committee meeting. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak regarding this application.

Mr. Tom Bushelman, a professional licensed land surveyor, was present on behalf of his parents, Thomas and Marie Bushelman, owners of the adjacent parcel to the west. He submitted a packet of eight exhibits (see Exhibit 3). He stated that they are in favor of the proposal, but there is an issue of overlapping property boundaries.

Chairman Caddell stated that the Planning Commission cannot make a determination in regard to boundary lines. Counselor Wilson advised that a dispute over boundaries is a civil matter. The Planning Commission does not have authority under KRS 100 to resolve boundary disputes. He explained that if the applicant goes through this process and gets a zone change, but he does not own all of the property or some portion of the property, the rezoning would be subject to challenge and would probably be invalid because the property owner did not ask for the zone change. Therefore, it behooves the applicant to clear up any boundary disputes.

Mr. McPherson stated that he received a telephone call and was asked to purchase the property. At that time, and subsequently, he requested some proof of the issue. He stated that they have had title searches done and they do not see any problems with the title. He stated that it is a civil matter and it is not to do with the zoning boundary. He stated that the Bushelman property is landlocked and he is not interested in buying it.

Chairman Caddell stated that Counselor Wilson has stated the Planning Commission's position. He offered Mr. Bushelman the opportunity to summarize his position for the record.

Mr. Bushelman referred to Exhibit 8 in the packet and stated that the dashed line shown going through the parking lot and the retention pond is the property line and removing that eight-tenths of an acre reduces the size of the development property from 3.2 acres to 2.4 acres, which affects the density and the parking and causes problems for the adjoining property. He asked the Planning Commission to consider the land use of the landlocked parcel next to the subject property.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if the Bushelman property ever had access to KY 18. Mr. Bushelman responded that his family lived on the property but KY 18 was widened in 1970 and the property was landlocked at that time. They received compensation of \$500.


Mrs. Wilson questioned the access on KY 18 and asked if the traffic will stack up. Ms. Bachman reviewed the aerial photograph in regard to the location of the driveway. The driveway is about 560 feet from the signalized intersection of KY 18/Limaburg Road and about 460 feet from Oakbrook Road. Mr. Costello noted that the KY 18/Oakbrook Road access may be relocated. Ms. Bachman stated that Greg Sketch will provide that information and it will be presented at the Committee meeting.

Mr. Breetz asked if the applicant has approached The Drees Company about obtaining an access easement or purchasing the land along Oakbrook Road. Mr. McPherson responded that The Drees Company is negotiating with Cinergy and has no need or willingness to sell the land there. The Drees Company needs to know if Oakbrook Road is going to be moved to the other side of the power station before they are willing to discuss the property -- and he does not know if he could afford it. Mr. Breetz asked if The Drees Company has a potential use for the property. Mr. McPherson responded that he did not discuss that with The Drees Company.


Ms. Bachman stated that if the property boundary changed as indicated by Mr. Bushelman and the site was reduced to 2.4 acres, then the maximum intensity of development in the O-1 zoning district there could be 43,200 square feet -- which would not impact the request. The parking standard, which is linked to the square footage of the building, would also not be impacted.

There being no further comments, the Chairman 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. The Chairman closed this Public Hearing at 8:45 PM.

**APPROVED:**

  
Arnold Caddell, Chairman

Attest:

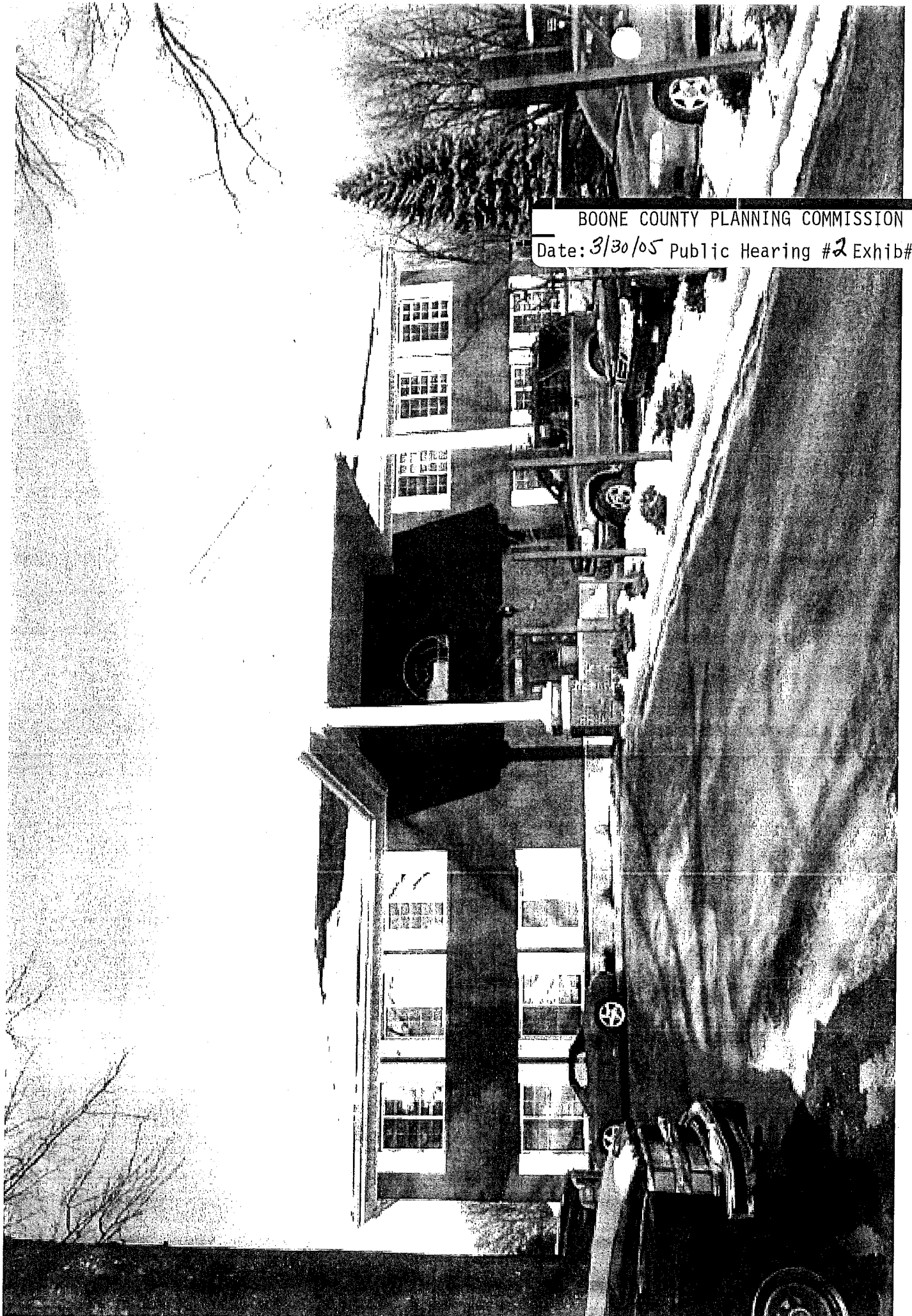
  
Jan Hancock, Recording Secretary

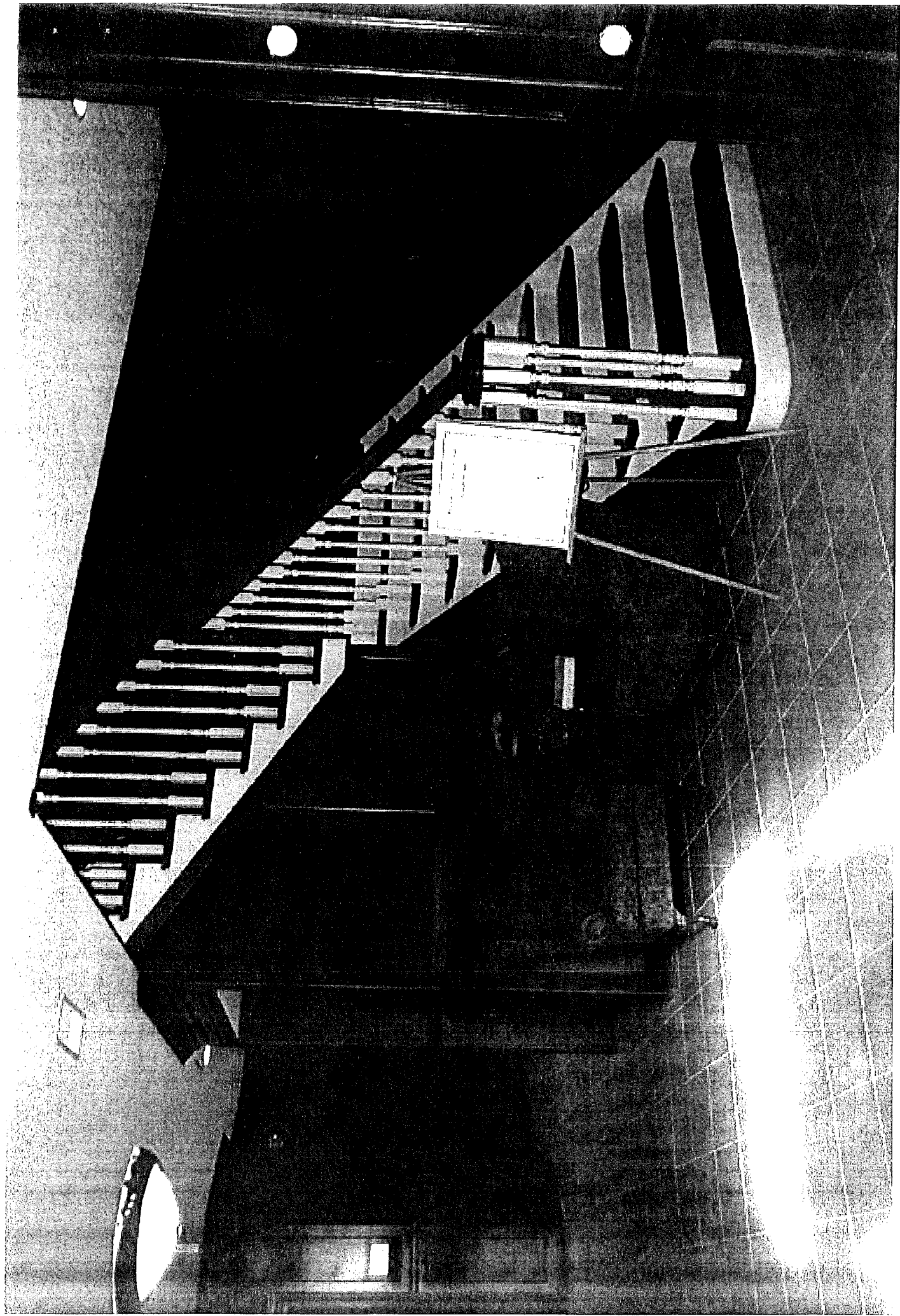
Exhibits –

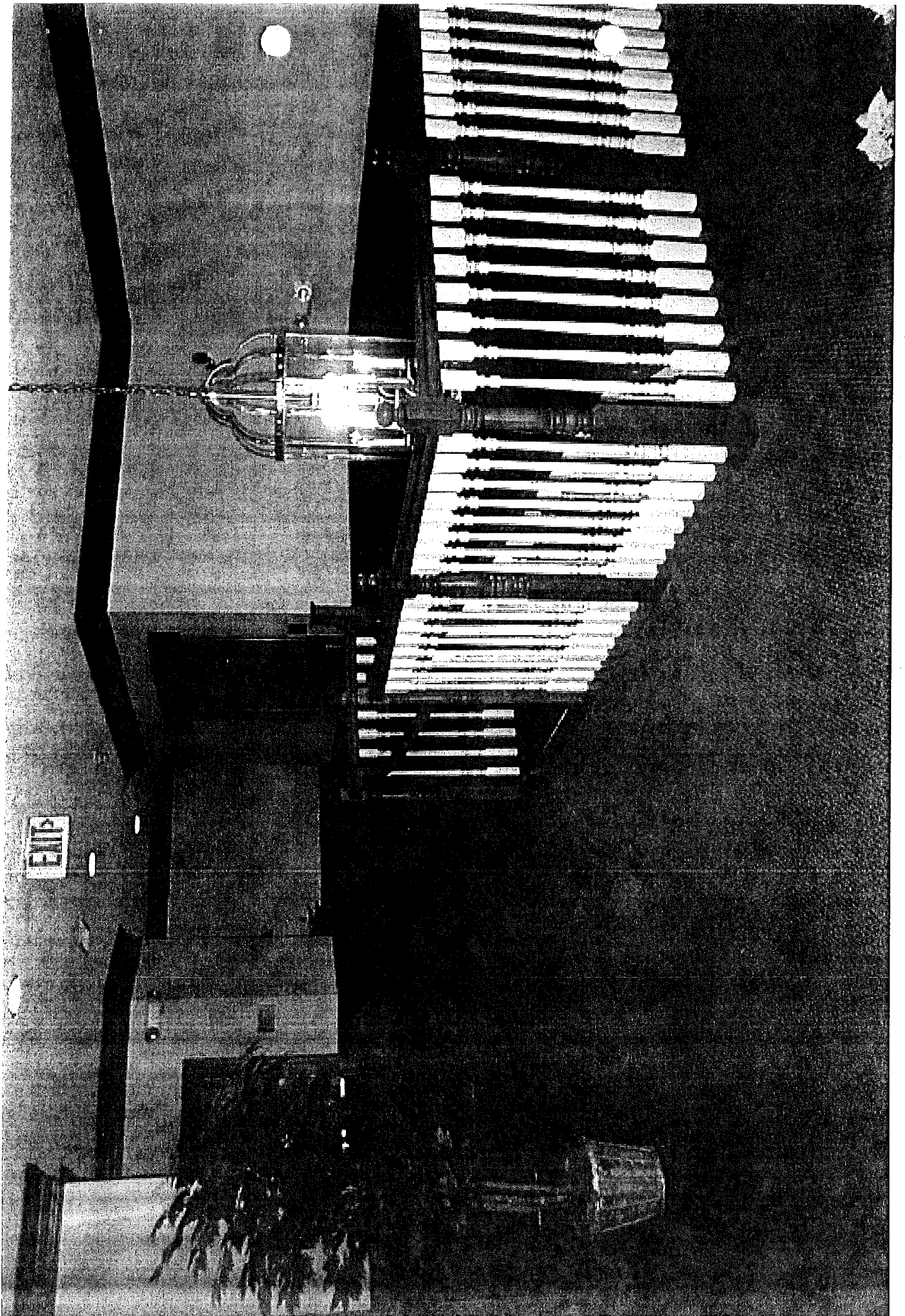
1. "Florence Executive Centre" folder submitted by Mr. McPherson
2. "Burlington Executive Centre – Parking/Traffic Analysis, March 28, 2005" submitted by Mr. McPherson
3. Eight exhibits submitted by Mr. Bushelman

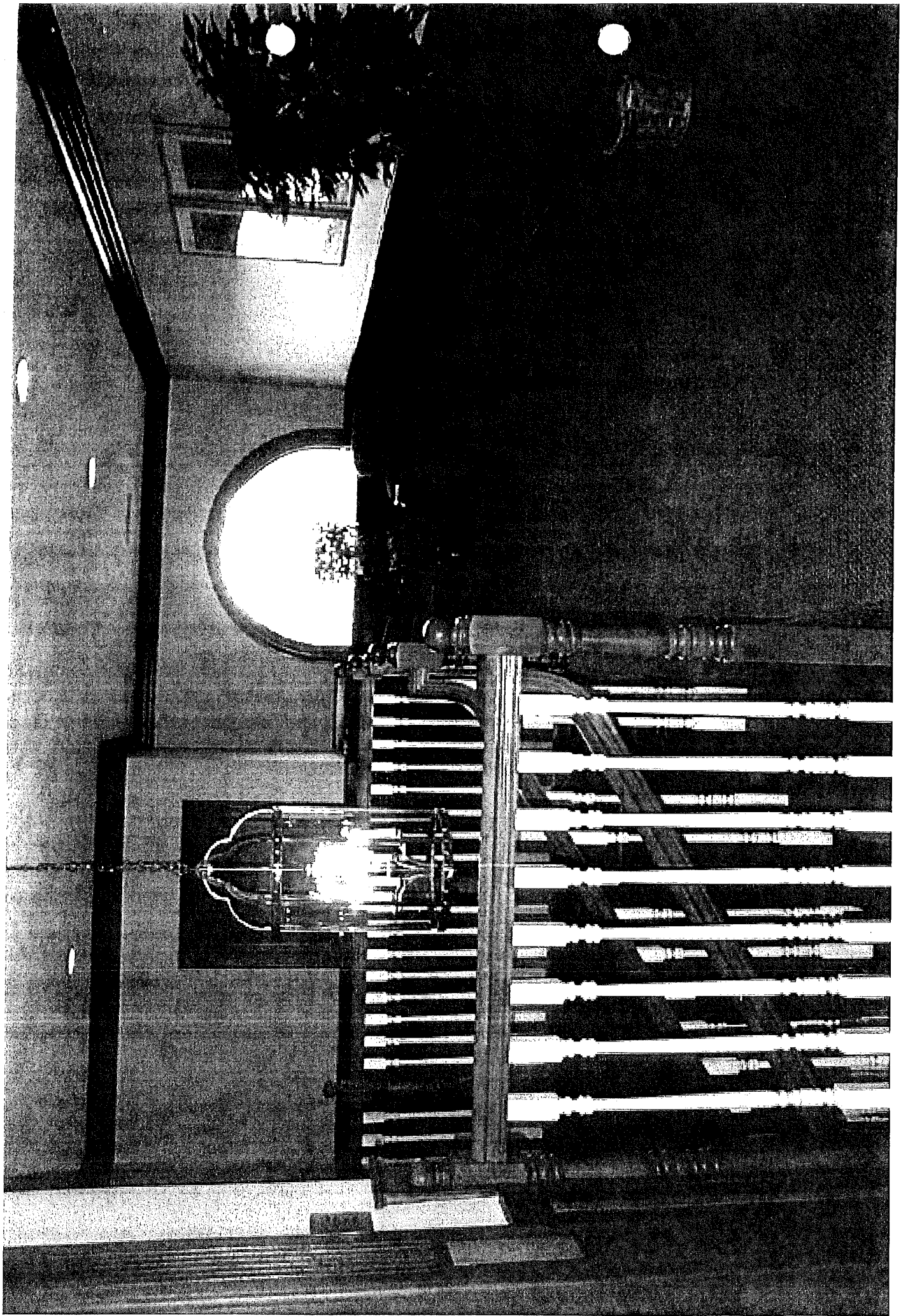
BOONE COUNTY PLANNING COMMISSION

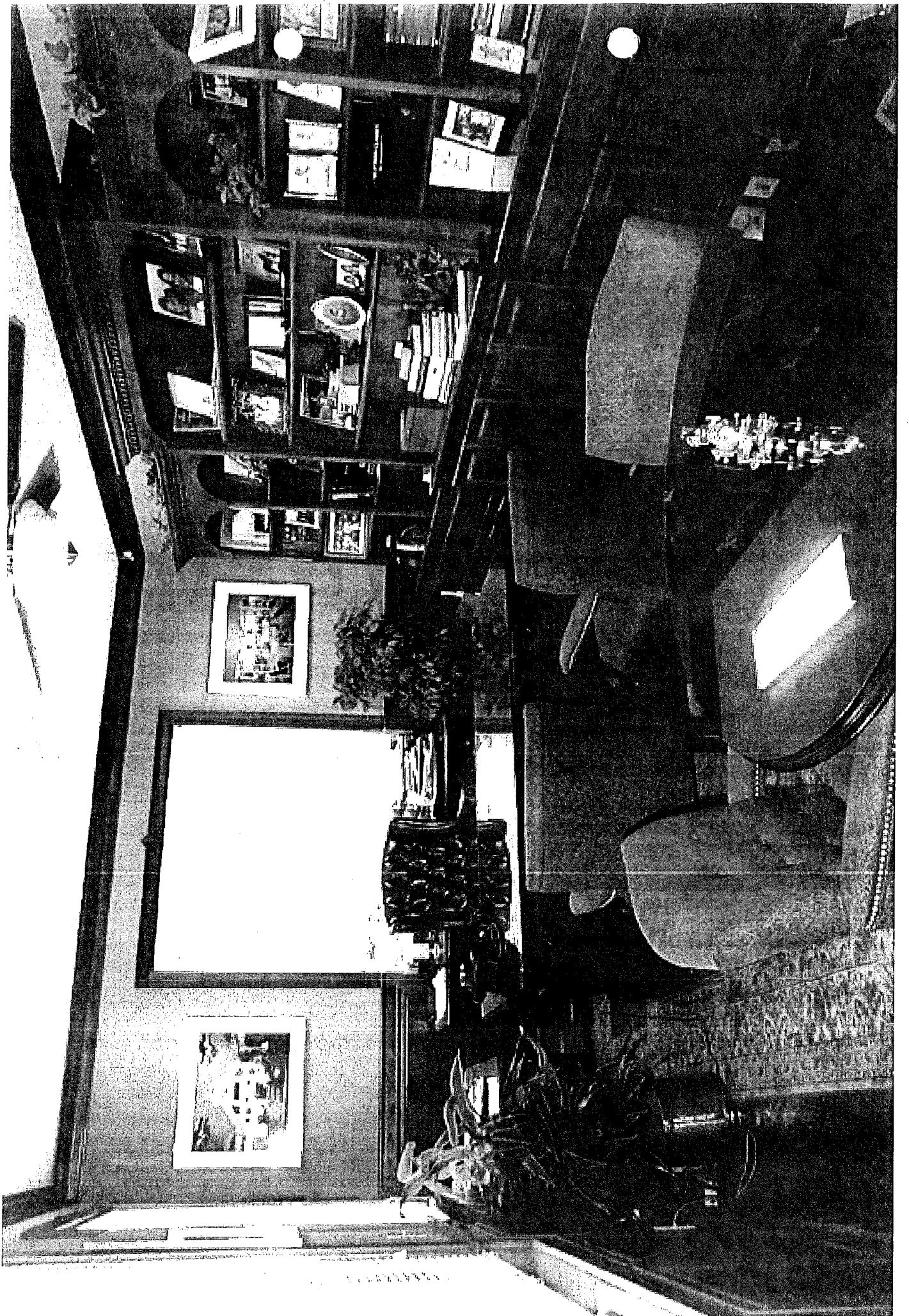
Date: 3/30/05 Public Hearing #2 Exhib# 1

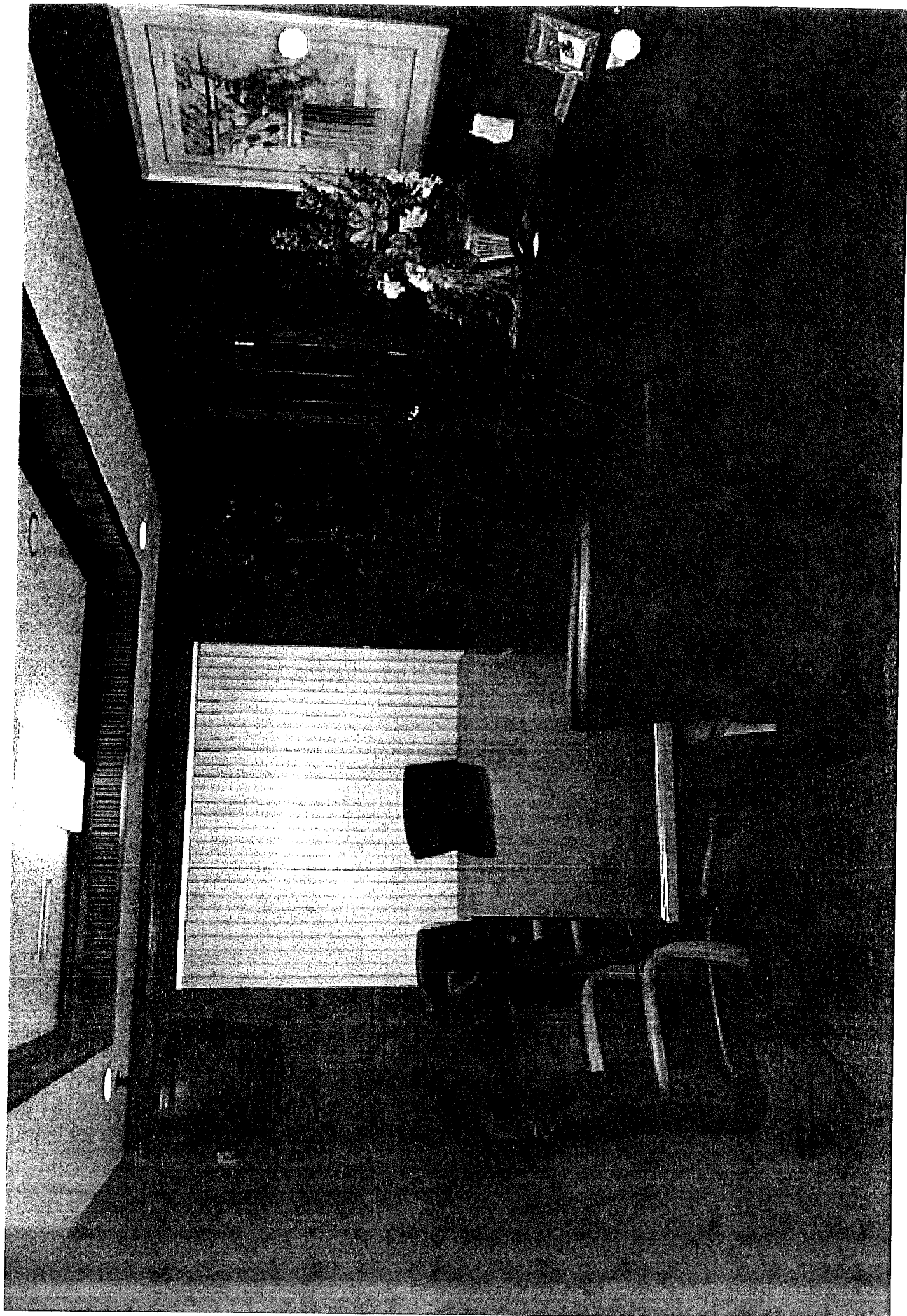


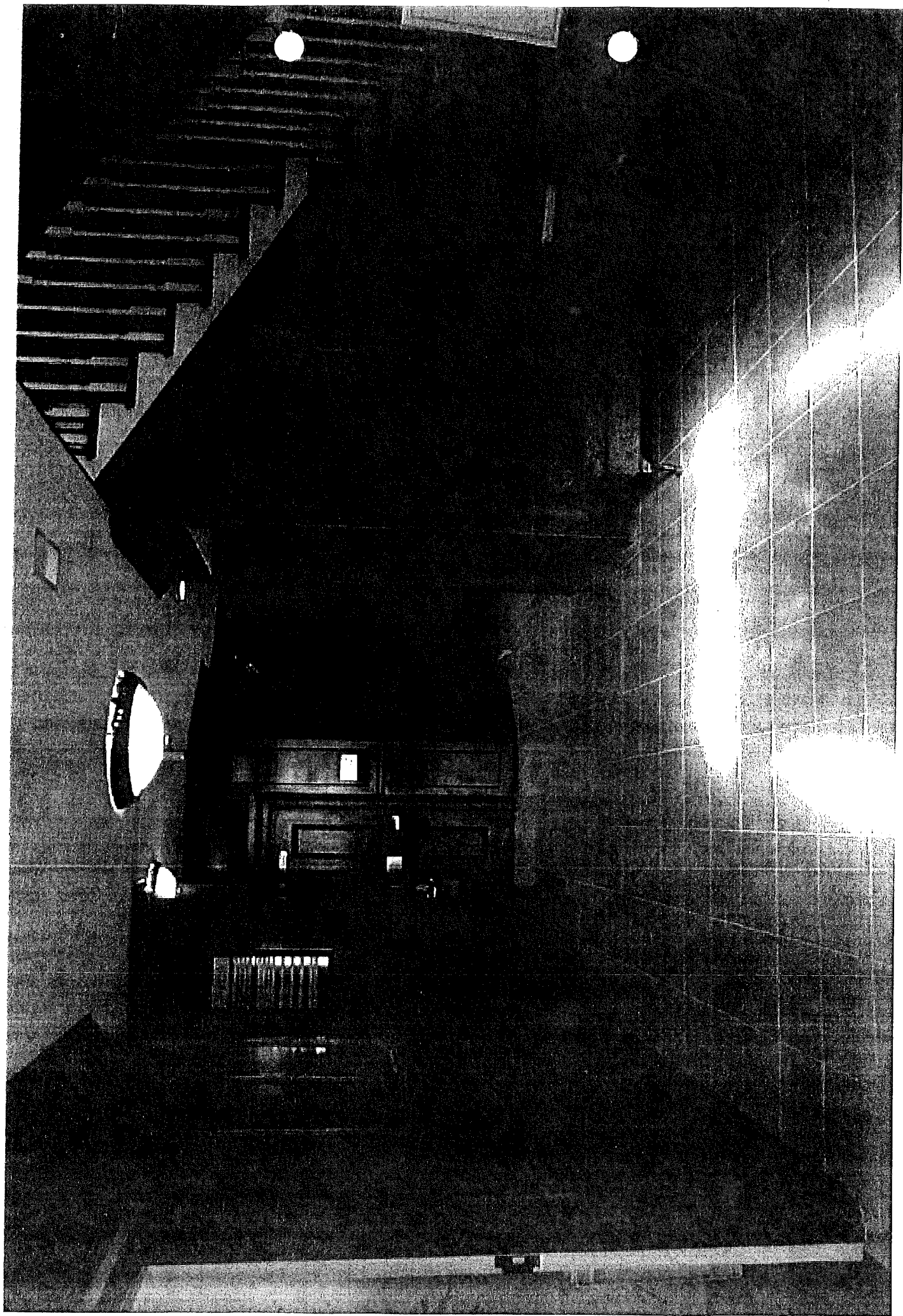


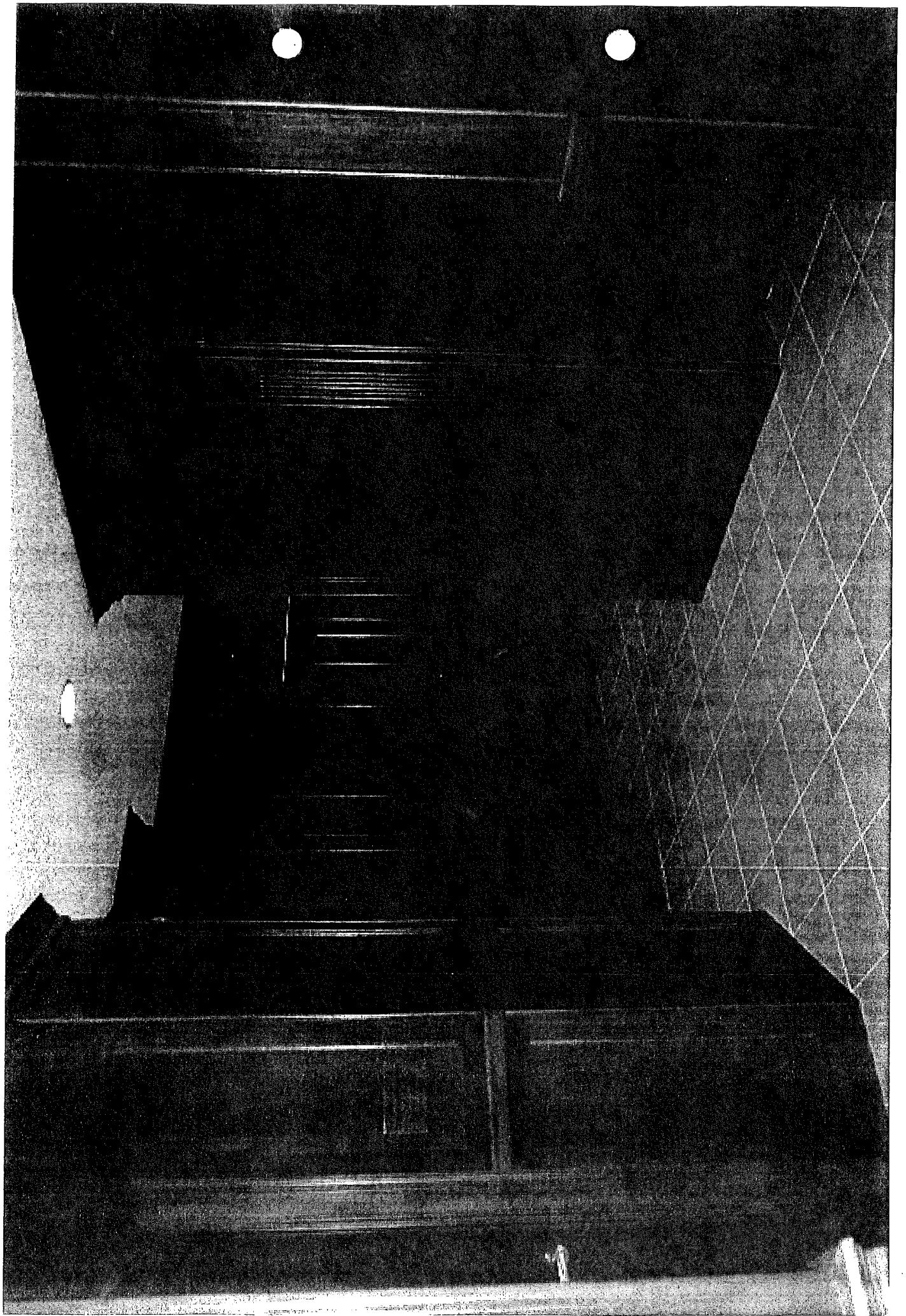
















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## FLORENCE EXECUTIVE CENTRE

7430 U.S. 42 FLORENCE, KY. 41042 859.647.7726

### *Client Welcome Services*

*One of the reasons we are here at the Florence Executive Centre is the prestige and professionalism that is inherent to an upscale office environment. Our new concept in office services is unsurpassed in the industry, combining the Concierge values of a fine hotel with the secretarial and business needs of our local business community. The impression we all make on our clients supports our repeat business, our pricing structure, and our general professional image. It has been shown that over time an upscale office environment enhances tenant sales and pricing levels.*

*The first impression we make on our clients is probably the most important. The Florence Executive Centre was designed to offer us all a chance to showcase our skills, and the fact we truly care for our clients. Let us help you present the image you deserve. We have tried to design and build a facility that speaks only to prestige and quality. We also offer all the services we feel best serve the upscale business owner.*

*When you are expecting a visitor, let us know, and have them check in at the Concierge Centre if you prefer. We will walk them to your Suite or to the Conference Center and inform you they have arrived. You can then leave your office for private matters, and hold a meeting in the beautiful Conference Center.*

*The services offered are far too many to list here. Please take a moment to read the included packet of information so you can take full advantage of all we offer. If you feel there is a service we do not include, let us know, we'll always do our best to offer what you need.*

*Also please familiarize yourself with the rules and regulations we have set up to enhance the entire office environment for all our tenants and our visitors. We have tried to insure all the businesses at The Florence Executive Centre are well supported and protected and expect that every tenant will be respectful of the decisions behind these rules.*

*As always, if you have any suggestions that would better serve you or your business, please contact our Concierge.*



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## FLORENCE EXECUTIVE CENTRE

7430 U.S. 42 FLORENCE, KY. 41042 859.647.7726

### Concierge Services

*A new concept in prestigious offices*

*At Florence Executive Centre we offer a large assortment of professional services designed to help you present a professional image and run your business more smoothly. We have found it is often much more cost effective to farm these services out to our Concierge rather than keep an additional full time position operating within your office. If there is a professional service not currently offered that you feel you need please contact us and we will be glad to make special arrangements for your firm. Our mission statement is simple. To provide the technical, secretarial, clerical, and professional support services that you need to better focus on your business. When we can, we also hope to help you arrange some of your personal needs to help free up your time for your growing business. Due to the changing needs of our clients, some of following services may change without notice. Please contact our Concierge for additional information or to receive a more detailed description and price list of all our services.*

#### **Cleaning Service**

*Our cleaning hosts will clean your Suite Monday, Wednesday, and Friday. Please let us know if you would like any additional cleaning, dusting or any polishing services for your suites.*

#### **Receptionist**

*Our custom designed phone system is capable of handling all your incoming calls, transferring calls directly to any extension within your suite or to your own voice mail, taking messages, and acting as your personal receptionist.*

#### **Answering Service**

*Our receptionist can also simply take your calls and transfer them to your personal voice mail or provide you with written messages twice a day to your office.*

#### **Conference Center**

*Our state of the art Conference Center is available by the hour, by the half day, and by the day. Let us know if you would like us to also offer your clients our complete beverage service.*

#### **Beverage Service**

*Upon your request, our Concierge will offer your clients a large selection of beverages and snacks upon their arrival to your office or our Conference Center. Free coffee is available in the Grand Foyer.*

## **Concierge Services Continued**

### **Catering**

*From simply running out and picking up a sandwich to providing complete meal service for a meeting, we offer a full catering service. We will negotiate with the provider of your choice and handle all menu presentation and scheduling arrangements, or we will use someone from our Preferred Vendor List.*

### **Laundry Service**

*Our approved vendor will pick up and deliver your dry cleaning and laundry directly to your office any day of the week. Just let the concierge know so we can get it scheduled.*

### **Secretarial Service**

*Our professionals can assist you with copying, typing, filing, clerical, accounting, and most any business need. We have a full stable of outside consultants available to also help with those services we may not provide. From legal work and arbitration, through full accounting help, computer specialists, audio visual needs, and many other areas, we believe we can help you with your outside business needs.*

### **Internet Service**

*The Florence Executive Centre has pre-wired every Suite with two Cat 5 phone lines capable of providing high speed Internet access. Contact your favorite server for personalized connections.*

### **Coffee Service**

*We always offer a complete line of custom blended coffees in our Grand Foyer free to you or your guests.*

### **Notary, Copying and Facsimile Services**

*Our Concierge Center provides copying, facsimile, and notary publics services. We are also in contract with a local printer for pick up and delivery of larger printing jobs. We also offer complete 24 x 36 Xerox and blueprinting.*

### **Delivery and Pick -Up Courier**

*We will be happy to deliver or pick-up your emergency package anywhere within 30 miles of our facility, and can arrange any additional mailing and packaging requests.*

### **Newspaper Delivery**

*Let us know the newspaper of your choice and we will see that it gets to your Suite by 10:30 AM every day. We offer a wide selection of national newspapers, and a nice selection of local business publications. Local papers are delivered by 9 A.M.*

## ~ SERVICES ~

Receptionist .....	110.00	Email retrieval	
Answering Service .....	50.00	Setup .....	5.00
Voice Mail .....	10.00	Page received .....	1.00
Satellite TV .....	40.00	Copies .....	0.15
Conference Center		Resumes (per page) .....	25.00
Hour .....	15.00 (25.00 if not FEC tenant)	Blueprinting (24" x 36") .....	4.00
Half Day .....	30.00	Graphics (per hour) .....	35.00
All Day .....	40.00	Notary .....	5.00
(Including: Zoom Town, Satellite, surround sound, DVD, video, CD, overhead projector and slide projector)		Delivery/Pick-Up Courier .....	cost+20%
Beverage Service		Cleaning Service .....	included
Soda .....	1.00	(Vacuuming, trash removal, light dusting and windows once a year)	
Juice .....	1.25	Newspaper Delivery	
Bottled water .....	1.25	Chicago Tribune	
Perrier .....	2.00	USA Today	
Coffee Mocha .....	3.50	Cincinnati Enquirer	
Milk .....	1.25	New York Times	
Catering		KY Post	
Krispi Crème Donuts (3each) .....	1.50	Business Courier	
Bakery Goods/Danish (3 each) .....	2.50	Wall Street Journal	
Fresh Fruit Plate (serves 3) .....	6.25	L. A. Times	
Fruit and Pastries (serves 3) .....	7.50	Barons	
Vegetable Plate w/ dip (serves 4) .....	7.50		
Cheese and Crackers (serves 4) .....	8.00		
Chips, Pretzels, Nuts (serves 4) .....	5.00		
Chocolates (services 4) .....	9.00		
Laundry .....	at cost		
On Site Tailor .....	at cost		
Greeting Card Service			
Yearly (8 cards) .....	120.00		
Individual cards .....	13.00		
50 Christmas Cards .....	50.00		
10 Personalized Christmas Cards .....	110.00		
Secretarial Service			
Half hour .....	10.00		
Typing			
2 pages + envelope .....	10.00		
Additional pages .....	3.00		
Facsimile			
First Page .....	2.00		
Additional pages .....	1.00		



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## FLORENCE EXECUTIVE CENTRE

7430 U.S. 42 FLORENCE, KY. 41042 859.647.7726

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# Tenant Rules and Regulations

*We take the tenant responsibilities at The Florence Executive Centre very seriously. It is important that we all work together to protect our business investment. The terms of the Tenant Lease will be strictly enforced at all times. In addition, we have developed several regulations that we feel will keep our facility running smoothly for all of our tenants. Please read our regulations and facility general information to insure you and all your employees understand our facility completely.*

### **Concierge and Other Services**

*The tenant is responsible for all services requested by their employees. Pricing for all services is included within our welcome package. If there is any service you need that we do not offer, please let us know. Please take a moment to review all of the services we have described in this packet*

### **Parking**

*We respectfully request that all employees park in the rear parking lot. The front parking marked areas are reserved for Suite Owners, Managing Partners, Business Managers, and clients. Under no circumstances is anyone allowed to park in the portico drop off area.*

### **Smoking Policy**

*Our facility is officially designated as a smoke free workplace. Under no circumstances shall we permit smoking in any common areas of the building. Please help us enforce this regulation. Should it be necessary that you allow smoking in your own personal Suite, it will be allowed only if it does not in anyway interfere with other tenants. A reminder – smoking Suites most often lose their full deposit due to smoke related damage, cleaning, and re-painting needs. A covered exterior rear canopy has been provided for smokers.*

### **Security**

*Each Suite has it's own private keyed lock. Only the Building Manager has a master copy. You will be provided with two "DO NOT DUPLICATE" keys for each Suite, and one for the front and rear door. Additional keys may only be requested from the Building Concierge. The front and rear doors will be locked daily from 5 P.M. through 8 A.M., the building officially opens at 8:30 A.M. Please make sure you lock your Suite doors and windows when you leave.*

## **Tenants Rules and Regulations Cont'd**

Throughout the building there are several "false" security cameras to hopefully help present the building to strangers in a manner that may help provide additional layers of deterrent. It is your responsibility that you inform your employees of these so as not to also create a false level of security. Additionally, we have added smoke detectors around the building that are not required by code. The building department requested that we let all our tenants know it is not a sprinkled building. It is also your responsibility to insure the building is re-locked if you open the main door on weekends or after hours for your guests.

### **Cleaning**

We also provide Suite cleaning for your convenience. Our cleaning services include vacuuming, trash removal, and a light dusting. We will clean the tops of your desk only if you remove all items for liability reasons. Our cleaning staff is not allowed to touch ANY work or personal items. We will clean the windows once a year and the furnace filters twice a year

### **Vending**

The vending area is located just off the Grand Foyer for your use. Let us know if you would like us to carry something we do not currently stock.

### **Tenant Respect for Others**

Please be respectful of our other tenants. This includes the playing of loud music, social events, and other behaviors that may affect their business. We offer monthly social networking parties for everyone to enjoy, and to invite any potential or existing clients.

### **Conference Centre**

Our Conference Centre is available for all tenants to rent for a nominal cost. You are completely responsible for the room while it is in your possession. Please use the reservation form at the Concierge desk to insure your rental time needs are available.

### **Mail Service**

You will be assigned a mailbox located at the rear entrance of the building. If you have another preferred vendor, we will be happy to arrange the pick up for you, or go to the Post Office for any other mailing needs.

### **Coffee Service**

We offer a complete coffee service located just off the Grand Foyer for your guests with several brands of custom blended coffee, flavored creamers, and tea.

### **Building Aesthetics**

We respectfully ask that you keep debris, folders, photos and other items out of view from the exterior of the building or on the window sills visible from the outside..

### **Storage**

We do offer on site storage for a minimal fee.



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## FLORENCE EXECUTIVE CENTRE

7430 U.S. 42 FLORENCE, KY. 41042 859.647.7726

### Satellite/Cable Television Service

We have pre-wired our entire building for our own exclusive Satellite Television reception. Please refer to our complete channel listings for all the channels we carry including the full line of Office and Business-Financial channels, a complete Sports package, and the March Madness special package. All Suites are pre-wired with two standard locations and one receiver location, and are capable of up to four receivers.

We offer this package at below market pricing at only \$40.00 per month per location. We will bill one month in advance on your monthly rental statement. Set up takes 72 hours, so please give us as much notice as possible.

#### OFFICE CHOICE

A & E  
All News Channel  
American Movie Classics  
BBC America  
BET  
Bloomberg Television  
Bravo  
Cartoon Network  
CNBC  
CNN  
CNN fr  
CNN Sports  
Comedy Central  
Court TV  
C-SPAN  
C-SPAN 2  
Discovery Channel  
NBC

ESPN  
ESPN2  
ESPN Classic  
ESPNNews  
Food Network  
Fox family  
Fox Movie  
Fox News  
Galavision  
Game Show Network  
Headline News  
The Health Network  
The History Channel  
Home Shopping  
Lifetime  
MSNBC  
MTV  
ABC

TNN  
Newsworld International  
Nickelodeon  
QVC  
Sci Fi  
TSS Superstation  
Tech TV  
TNT  
Toon Disney  
Trinity-TBN  
TRIO  
Turner Clasic  
Turner South  
Univision  
VH-1  
The Weather Channel  
Local regional Sports  
CBS

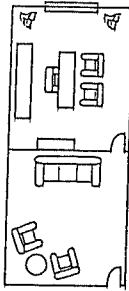
#### DIRECT SPORTS

Out of market collegiate coverage for up to 23 regional sports networks including FOX WorldSports, and SPORTSCHANNEL 2, also includes ESPN, Golf Channel, NBA.com, Olympic Coverage and more.

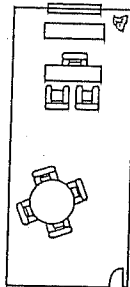
#### MEGA MARCH MADNESS

Includes 37 out of market CBS broadcasts for the first three rounds of the NCAA and all final games.

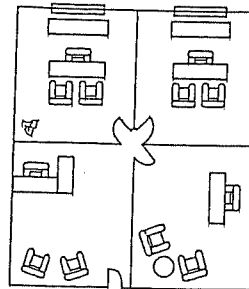
# Customize Your Office Design



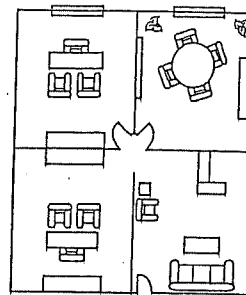
Executive Private



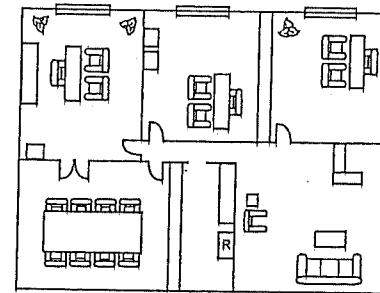
Executive Open



Business Double



Conference Double



Corporate Triple

Our in-house designers can work with you on the design and pricing of virtually any office layout or finish specification that best suits your needs.

## Standard Specifications per Suite:

- 4 electrical outlets
- Wall to wall commercial grade carpet
- 2 Phone outlets
- 1 Data High Speed Internet/Computer jack
- 4" colonial wood base-painted
- 1 cable outlet
- 3-1/4" wooden window casing-painted
- Chair rail and crown molding-painted
- (3) fluorescent lights 2'x 4'
- Individual heat and cool units

## BURLINGTON EXECUTIVE CENTER

Parking / Traffic Analysis  
March 28, 2005



**THE SIGNATURE GROUP**

*Homebuilding, Land Development, Office Properties, Property Management, Architectural Design, Rental Properties, Real Estate Sales*  
[signaturegroupnky.com](http://signaturegroupnky.com)

FLORENCE EXECUTIVE CENTRE  
TRAFFIC / PARKING ANALYSIS

3-14-05 THRU 3-28-05

ACTUAL	54 FEC I	49 FEC II	103 Total	100% %
<b>3/14/05</b>				
10 A.M.	3	8	13	12.62%
1 P.M.	5	7	12	11.65%
4 P.M.	2	5	7	6.80%
<b>3/15/05</b>				
10 A.M.	5	4	9	8.74%
1 P.M.	1	8	9	8.74%
4 P.M.	4	6	10	9.71%
<b>3/16/05</b>				
10 A.M.	4	2	6	5.83%
1 P.M.	4	9	13	12.62%
4 P.M.	6	8	14	13.59%
<b>3/17/05</b>				
10 A.M.	1	3	4	3.88%
1 P.M.	3	6	9	8.74%
4 P.M.	4	8	12	11.65%
<b>3/18/05</b>				
10 A.M.	4	4	8	7.77%
1 P.M.	4	7	11	10.68%
4 P.M.	8	7	15	14.56%
<b>3/19/05</b>				
10 A.M.	0	0	0	Saturday
1 P.M.	1	0	1	
4 P.M.	1	0	0	
<b>3/20/05</b>				
10 A.M.	0	0	0	Sunday
1 P.M.	0	0	0	
4 P.M.	0	0	0	
<b>3/21/05</b>				
10 A.M.	4	7	11	10.68%
1 P.M.	6	8	14	13.59%
4 P.M.	6	5	11	10.68%
<b>3/22/05</b>				
10 A.M.	5	4	9	8.74%
1 P.M.	7	6	13	12.62%
4 P.M.	8	9	17	16.50%
<b>3/23/05</b>				
10 A.M.				
1 P.M.	6	8	14	13.59%
4 P.M.	7	8	15	14.56%
<b>3/24/05</b>				
10 A.M.	2	6	8	7.77%
1 P.M.	4	4	8	7.77%
4 P.M.	8	4	12	11.65%
<b>3/25/05</b>				
10 A.M.	3	3	6	5.83%
1 P.M.	3	9	12	11.65%
4 P.M.	6	5	11	10.68%
<b>3/26/05</b>				
10 A.M.	0	1	1	Saturday
1 P.M.	0	0	0	
4 P.M.	1	0	1	
<b>3/27/05</b>				
10 A.M.	1	0	1	Sunday
1 P.M.	0	0	0	
4 P.M.	0	0	0	
<b>3/28/05</b>				
10 A.M.	6	6	12	11.65%
1 P.M.	9	6	15	14.56%
4 P.M.	7	8	15	14.56%
<b>AVERAGE</b>				
10 A.M.	4.3	6.1	10.4	
1 P.M.	6	7.8	13.8	
4 P.M.	6.7	7.2	13.9	
	5.7	7.03	12.7	12.33%

## Burlington Executive Centre

### Traffic – Parking Analysis

#### Historical based on Florence Executive Centre

Total # of spaces required	103
Average Cars parked	<b>12.7</b>
Percentage of required spaces	12.33%
Turnover ratio	5.9
Tenants at 50%	6.3
Total Egress-Entrance trips	12.2
Total # Suites 67	
Percentage occupancy	87%
# employees per Suite/ Average	.65
# parking spaces per Suite required	2.88
Percentage of employee usage	22.5%
# employees on site / Suite possible/ week	262
# actual employee work days / week	133
% of work days per week	50.7%
% applied to parking usage	.229 spaces
% of total	7.9%
Visiting total / average trips per day	11.24

#### Burlington Executive Centre

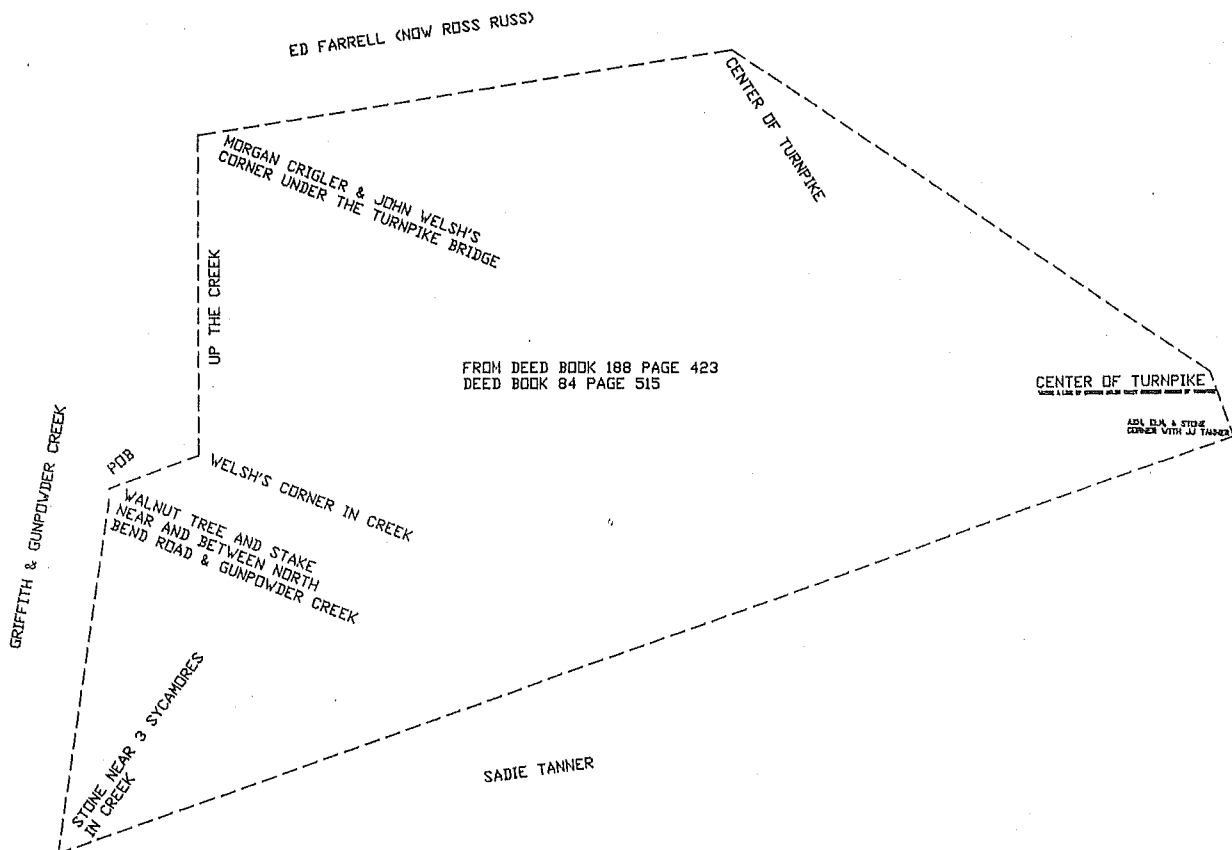
# spaces required Bldg #1	79
# spaces required Bldg. #2	83
Total # spaces	162
Historical total usage at 12.33%	<b>20</b>
Total # of Suites Bldg. #1	45
Total # of Suites Bldg. #2	45
Total Suites at project completion	88
Average employee per suite (.65)	57
Percentage of Historical Usage	<b>21</b>
Visiting traffic trips per day / historical	17.8

JH

# EXHIBIT 1

February 14, 1946

Deed Book 84 Page 515, Noel Walton buys 12 acres 2 roods & 37 poles

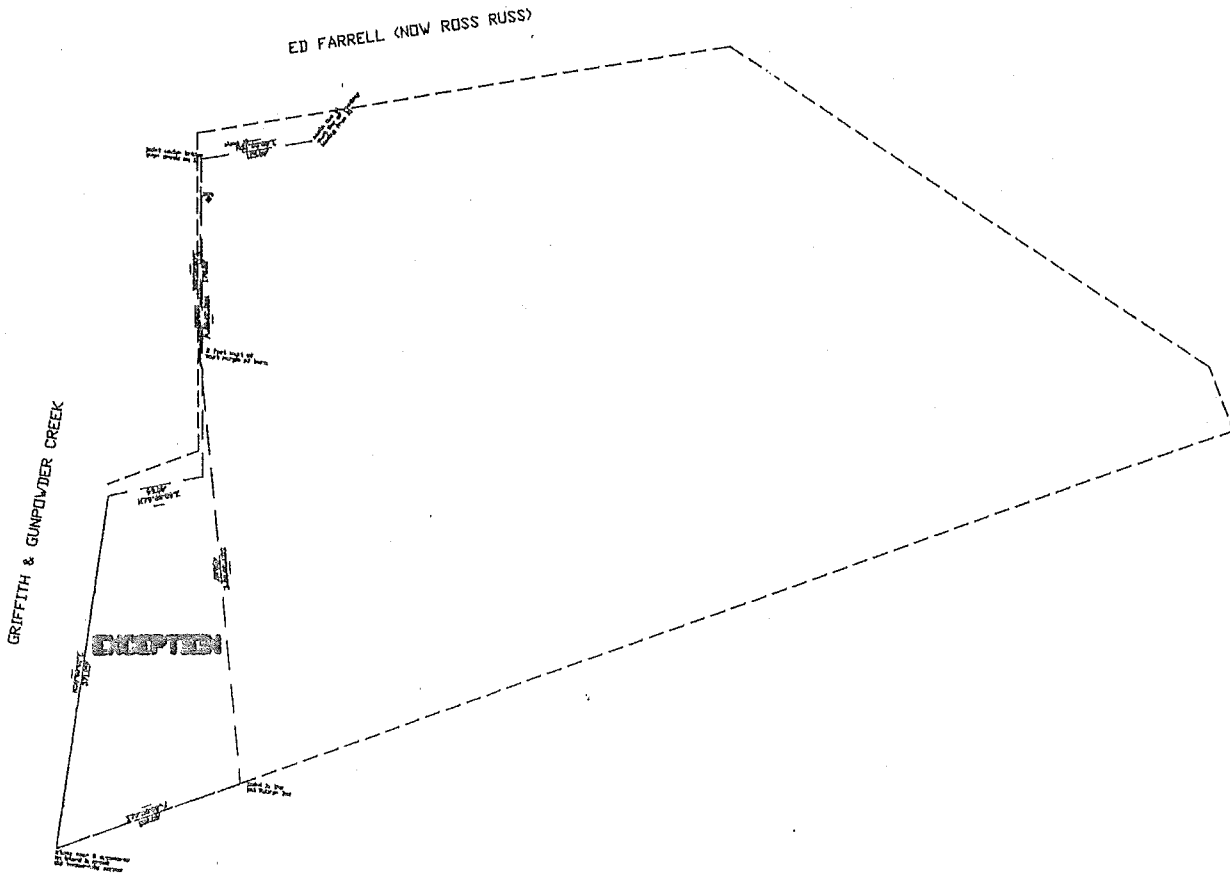


## EXHIBIT 2

February 21, 1946

Deed Book 84 Page 574, 12 acres 2 roods and 37 poles is sold with an exception.

The exception is 2 acres more or less and the description does not form a closed figure.  
The main body as described is closer to 1 acre.



### EXHIBIT 3

October 7, 1946

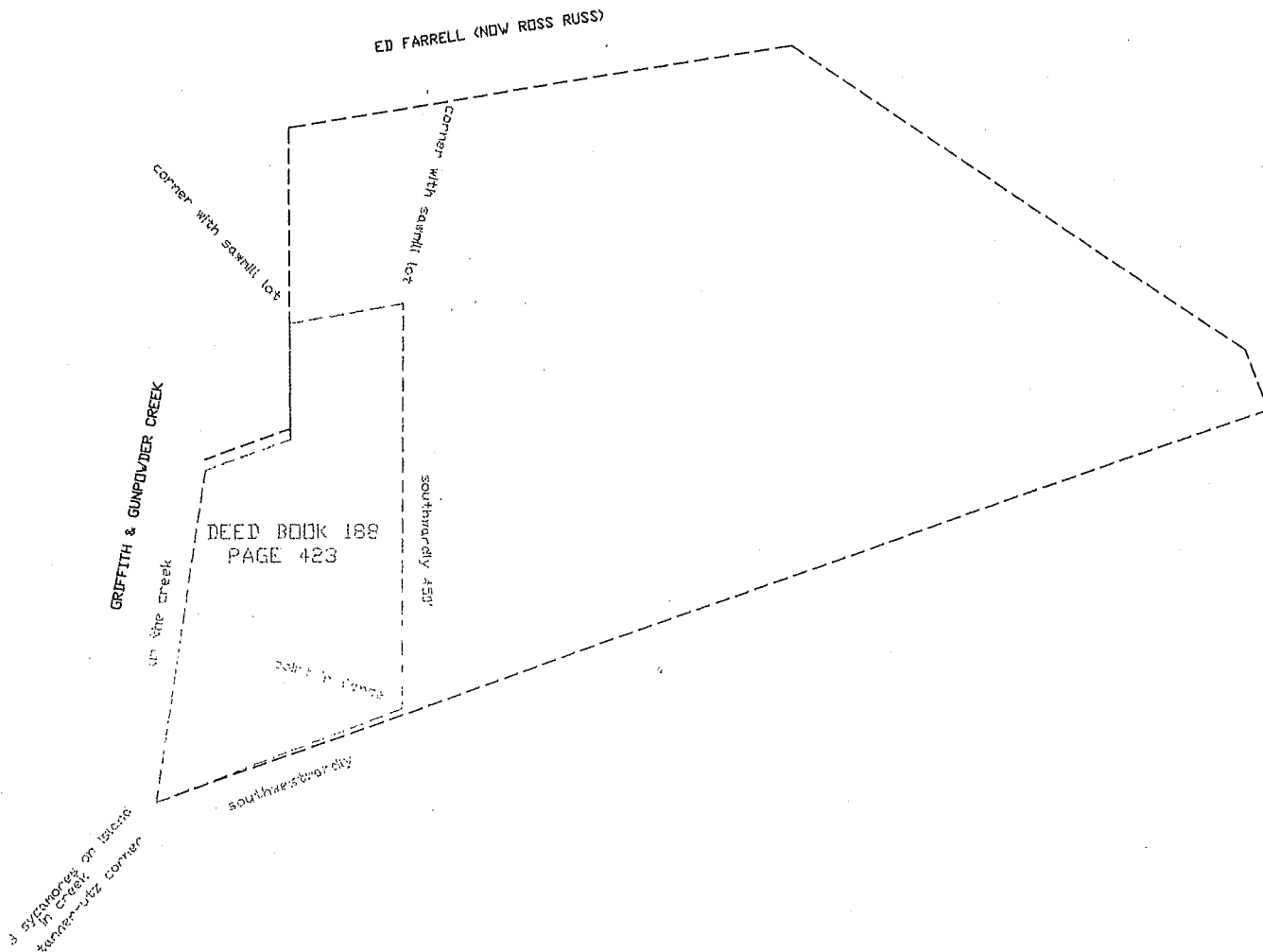
Deed Book 88 Page 160, 2 acres more or less is sold, described as part of the original 12 acre tract prior to Noel Walton's ownership and no references to easterly adjoiners

The description is bounded on the west by Gunpowder Creek, which is a strong anchor point. The last two calls are vague on exact dimensions.

The second to last call says "southwardly 450 feet to a point in a fence" It ends in a fence but makes no reference to running along a fence. It has been held by surveyors that a fence running southwardly has been the property line. There exists evidence of a fence running east-west that could be the termination of that line.

The last call says "southwestwardly to the beginning" with no distance.

This description has not changed through the changing of many owners since 1946.



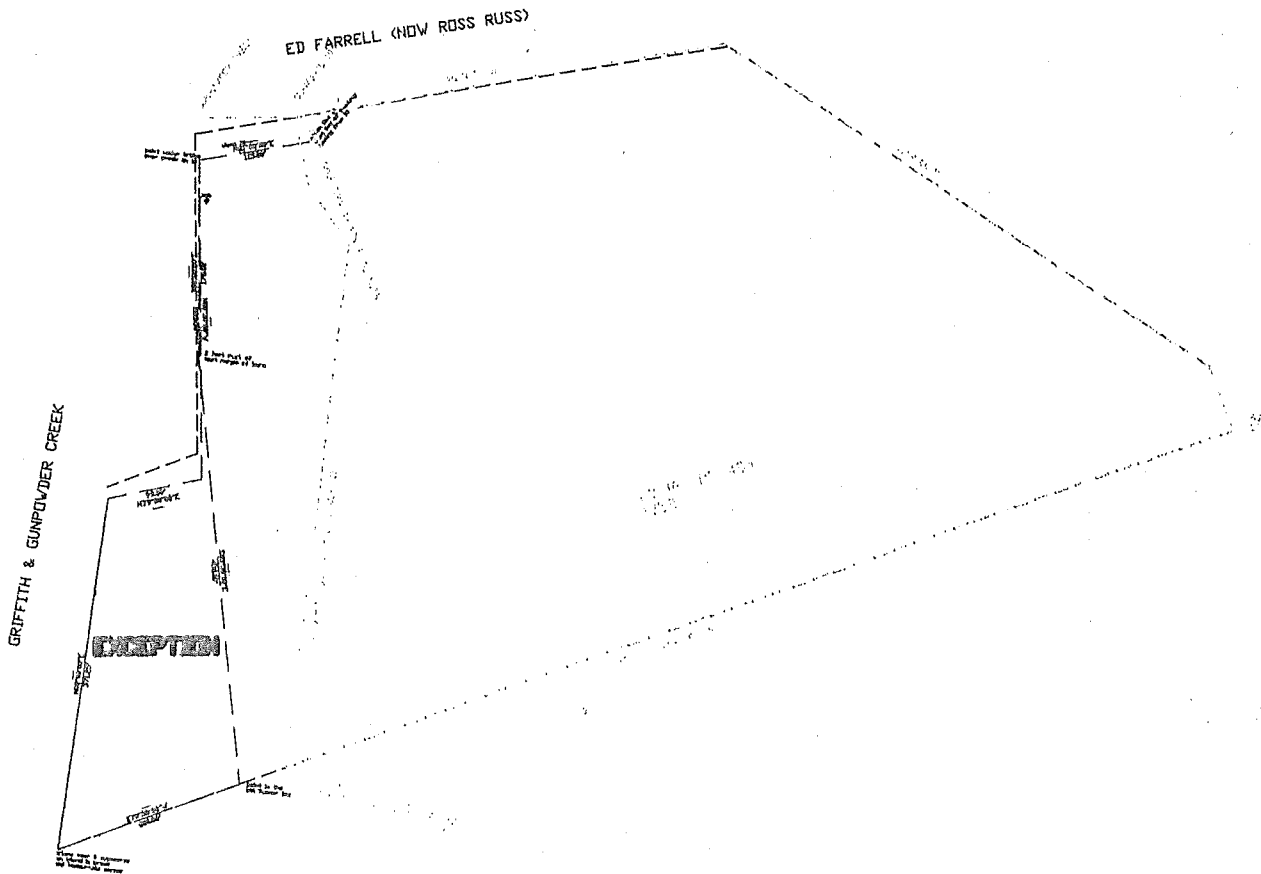
# EXHIBIT 4

September 24, 1952

Deed Book 104 Page 494, the 12 acres with exceptions is given a separate description from a new survey made by Noel Walton. The new description contains 9 acres more or less.

The mathematical inadequacies of the earlier exception is clarified in this description by calling the westerly line as "with the line of said exceptions".

The new description begins in Gunpowder Creek which anchors the property on the west. The lines fit neatly over the original 12 acre tract.

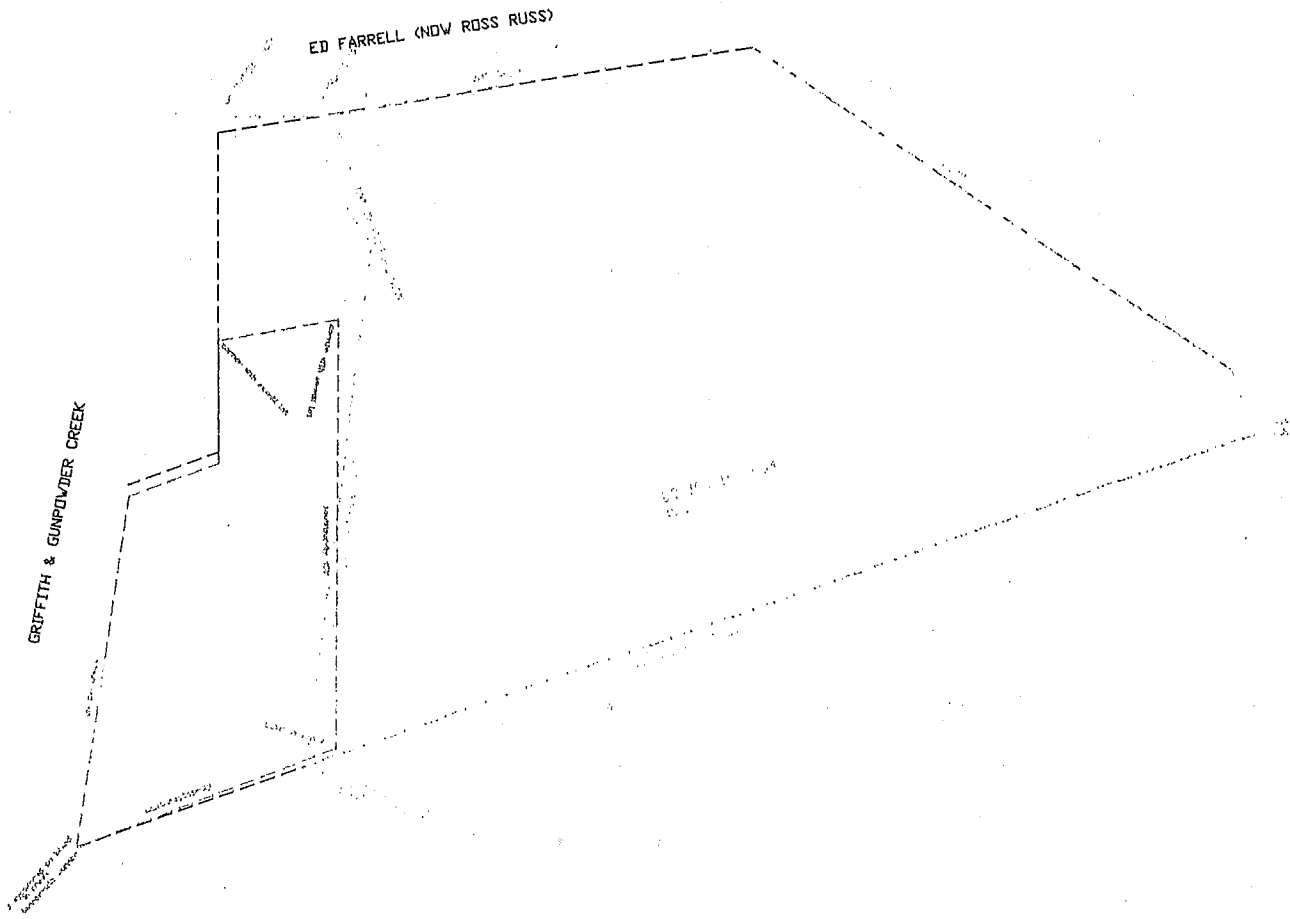


# EXHIBIT 5

September 24, 1952

Deed Book 104 Page 494, the 12 acres with exceptions is given a separate description from a new survey made by Noel Walton. The new description contains 9 acres more or less.

The drawing shows the 2 acre tract and the 9 acre tract with some minor overlaps that could be explained by the "southwardly" call on the description for the 2 acre tract.

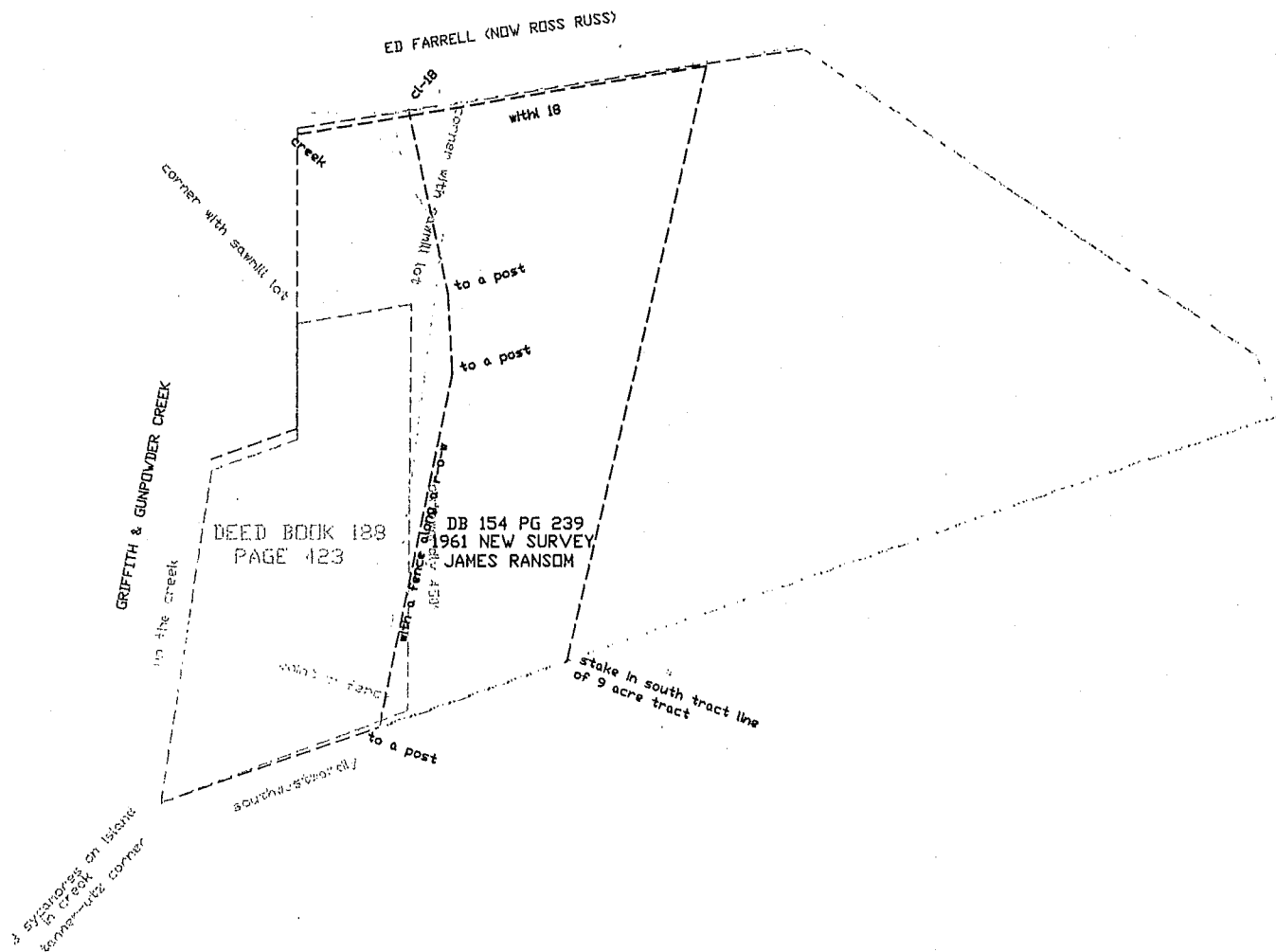


# EXHIBIT 6

June 11, 1962

Deed Book 154 Page 239, the nine acres has had a 3.4 acre parcel split off from it on the westerly side. This split was made from a new survey by J.E. Ransom.

The new description again begins in Gunpowder Creek in a corner of the original 12 acre tract. The westerly line more or less corresponds to the nine acre description for the westerly line. It also corresponds to the easterly line of the 2 acre tract.



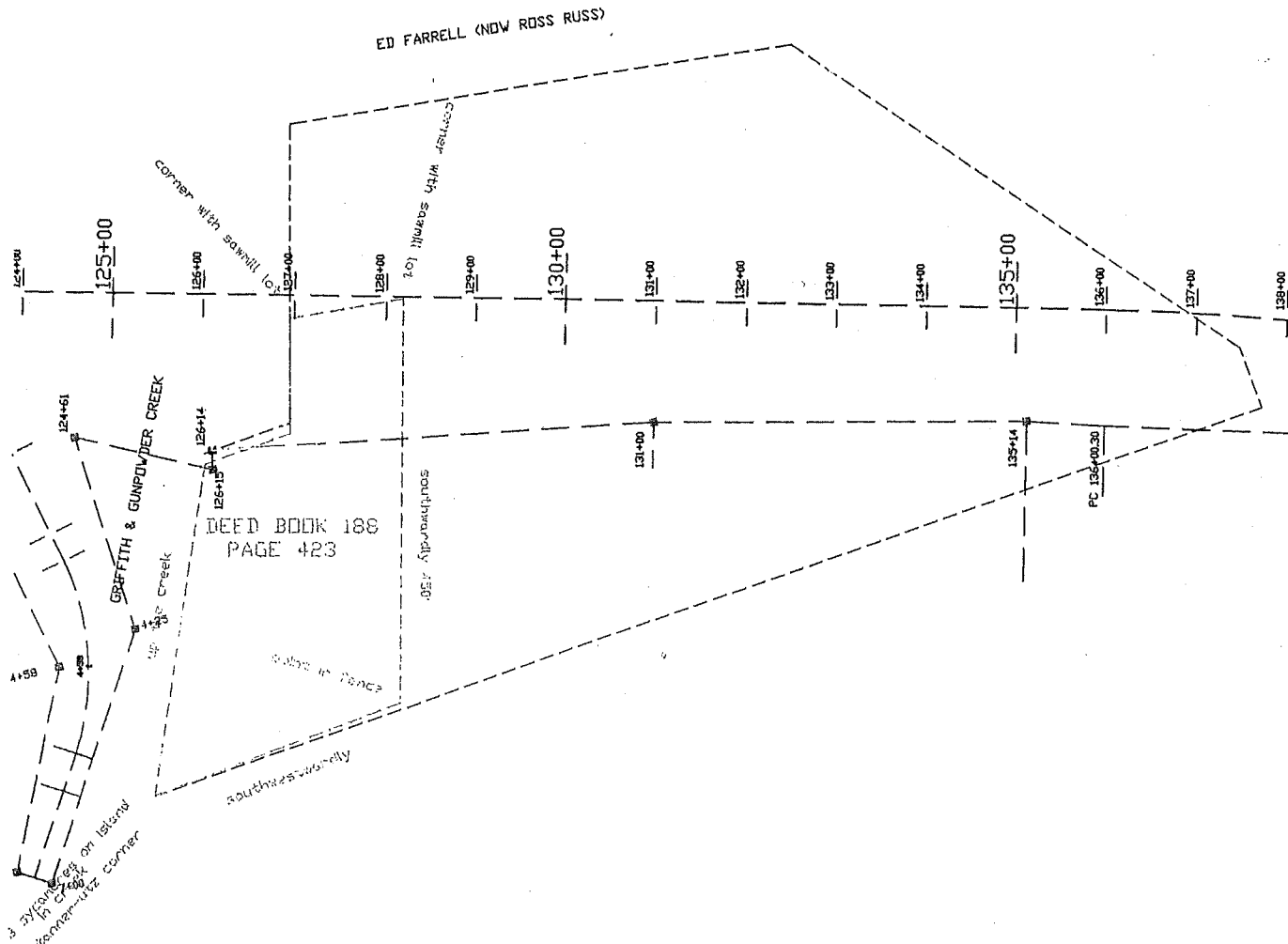
# EXHIBIT 7

1970

Route 18 was relocated and widened into a four lane road. The parcels in question had some land taken for the new road.

The Bushelman property was landlocked with no access onto the new 18 granted by the state. There is currently no access to the property on a public road.

On the description of the taken property, stationing numbers were used which very precisely located the parcel that the state was taking. It would seem that this is the first instance in which the lines really got unclear. According to the drawing, the state took some of what it should not have and didn't take what it needed from the Bushelman property. This could be rectified by sliding the taken parcel over to the east. Subsequent surveys show the boundary line as following the Right-Of-Way take.

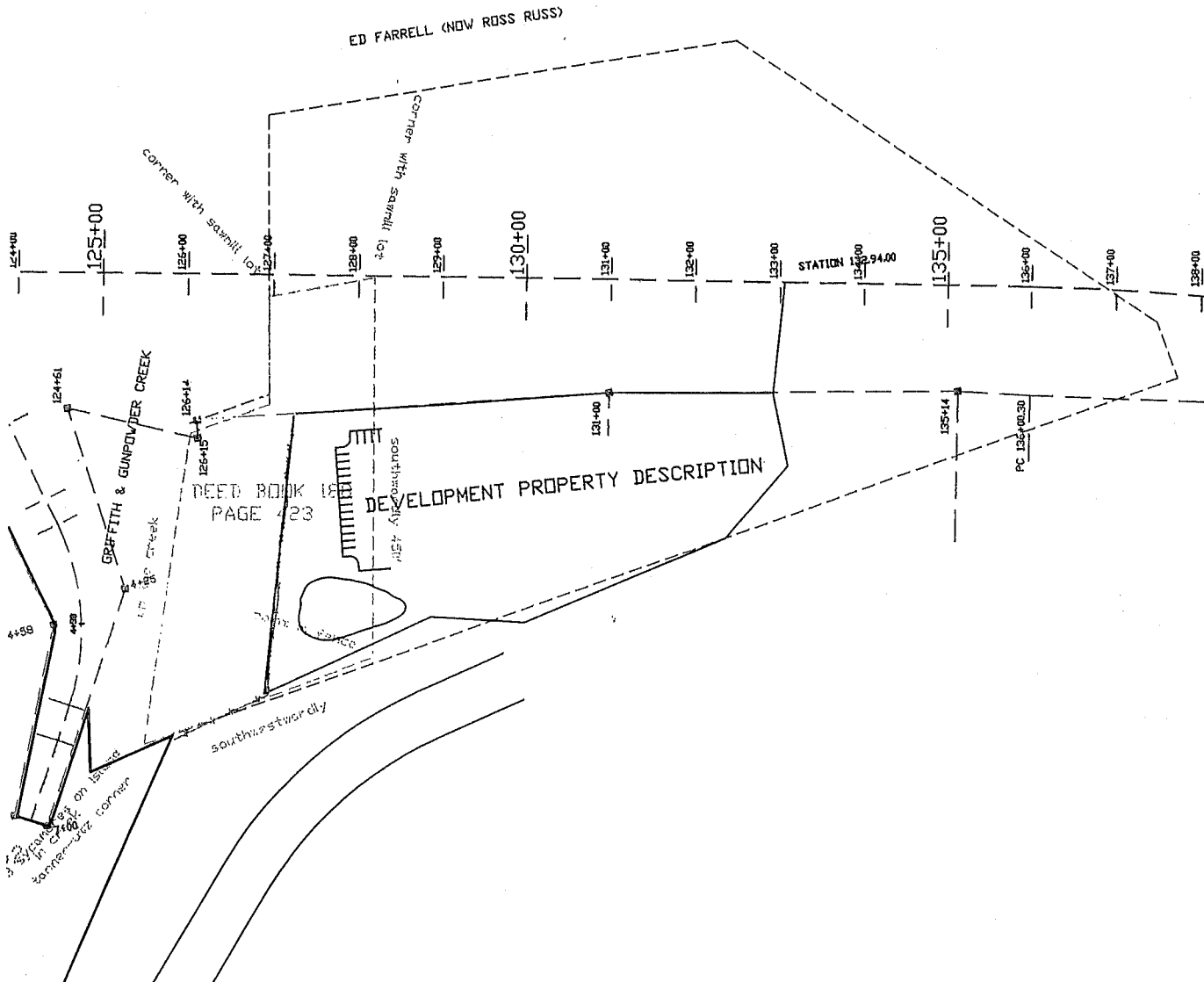


## EXHIBIT 8

This drawing shows an old fence line, which runs very near the property line as described in the development property. This very nearly splits the Bushelman property in half. This isn't an issue of a couple of dozen feet but almost an acre of ground. The remainder would be 1.00 acre and the overlapping piece being claimed is 0.78 of an acre.

Survey monuments have been found by reputable surveyors that show clearly that this overlap piece does not belong to the Bushelman property. None of the original monumentation is available except the creek and the position of the creek seems to corroborate with the Bushelman property owning the overlap. Older monuments to the east have been located by other surveyors that bring the properties into the position as shown by the development plan.

Senior rights of the Bushelman property, i.e. the exception, i.e. the 2 acre tract more or less seem to be the real issue. There has been some intermingling of time frames but it seems that the Bushelman property has senior rights and the adjacent property gets what is left over.



**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
June 1, 2005  
7:00 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBER NOT PRESENT:**

Mr. Robert Newman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Patty Bachman, Planner  
Ms. Jan Hancock, Secretary  
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. Bunger 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. 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 this item was recommended for approval by the Committee at the last meeting, but the motion to approve did not carry. He stated that the request is before the Planning Commission again this evening and he will allow five minutes each for the applicant and someone in opposition to speak before the Findings for Denial are read.

Mr. Dale McPherson, 7430 U.S. 42, Florence, was present with his attorney Mr. Jim Dressman with the law firm of Deters, Benzinger, and LaVelle. Mr. McPherson submitted a copy of his letter to the Boone County Planning Commission members dated May 20, 2005 (see Exhibit 1) as well as copies of the Burlington Executive Centre Landscape Plan, topographical map, and color-coded renderings of the lines of sight (see Exhibit 2). Reviewing the letter, he stated that he may have done a poor job of presenting some of the merits of the project. He reviewed the lines of sight and stated that there is no height issue as brought up by Mr. Breetz. He stated that he directs their engineer, architect and staff to meet or exceed the Comprehensive Plan and the landscaping exceeds the landscaping requirements. He stated that comments were made that the building is 40' – 50' in the air, but that is not true. Reviewing the Grading Plan, he stated that it is surprising how little of the building is exposed. The building does not stick up and is hard to see. Reviewing Drawing A (see Exhibit 2), he indicated locations B, C and D which correspond to the colored lines on attached line of sight drawings labeled B and C. The blue line is existing conditions without any grade change, the yellow line is with credit for the trees as planted. He stated that a single-family residence on the site could be 45 feet tall, but this building is 33 feet tall. He stated that in no case is there full building view except for one location on KY 18 just past the trees where there is a view of the entire building for 2.1 seconds when driving the speed limit. He stated that a residence would be only seven feet smaller than this building in roof height.

Mr. Dressman stated that under Kentucky statute, it is up to the applicant to show that the request is in agreement with the Comprehensive Plan and once that is done there is no obligation to show that the existing zoning is inappropriate and the proposed zoning is appropriate or that there have been major changes not anticipated in the Comprehensive Plan. He stated that Mr. McPherson has shown that the request is consistent with the Comprehensive Plan. He stated that there is no opposition in the record and no one presented anything at the Public Hearing or since to support any finding that it is not consistent with the Comprehensive Plan. He stated that the Committee found that the request was in agreement with the Comprehensive Plan and once that burden has been met then due process requires that the Zone Change be granted. He stated that the only opposition in the record was from a neighbor who had issues that were not relevant to the considerations of this Commission.

The Chairman asked if there was anyone present who wished to speak in opposition. There was no response.

At this time, Staff Member Kevin Wall read the Findings for Denial.

**Mr. Breetz moved by resolution to Boone County Fiscal Court that the request be denied based on the Findings for Denial as presented. Mr. McMillian seconded the motion.**

Mrs. Poston stated that she was the chairperson of the Zone Change Committee for this request. She apologized for not taking a stand at the last meeting. She believes that Mr. Wall had a difficult time with the Findings for Denial because the request should be approved. She stated that she drives by this location every day. She drove past the property and looked at the elevation of the trees and the height of the building and how it would look from KY 18, from the subdivision, and from the Oakbrook shops. She believes this is a good plan and it would be a good development for that area. She does not see it as being a monstrous building in that area. She will not vote for denial because it should be approved. She was surprised by the vote at the last meeting.

Mrs. Kegley stated that she was also taken by surprise by the vote at the last meeting and should have commented at that time. She voted in favor of the request at the last meeting. She stated that the proposed building is 33 feet deep, which is the average depth of a home, and it is about the height and size of a two-story home with a walkout basement or a side basement – which is done all of time when there is a hill. The proposed building is wider than a normal house, but it is not larger than the condominiums and apartments that are already a part of Oakbrook subdivision. Since the right-of-way there is 90 feet, the building is back off KY 18 by 150 feet. She stated that the Committee asked the developer to revamp the plan. She stated that the proposed uses require considerably less parking than what is

usually required by office space and the Committee asked the developer to eliminate some of the parking. She stated that the office buildings they have in Florence have 2.5 times as much parking as they need – but they did not delete that much parking in this location because of Staff's concerns. She stated that in deleting the parking spaces, they eliminated the wall and were able to move the building over and put a berm between Oakbrook Drive and the building, which hides the building from Oakbrook Drive. She voted in favor at the last meeting and stands behind that vote.

Mr. Bunger agreed with Mrs. Poston and Mrs. Kegley and stated that he voted in favor of the request at the Zone Change Committee meeting. He stated that there was concern about the bulk of the building and positive changes were made so that there would not be that great an impact from KY 18 or from the adjoining residential subdivision. There was concern about it being of a heavy commercial nature but with the planned uses as described and the reduction in the number of parking spaces, it would not be a heavy commercial use – it would be a lighter office use with a minimum amount of traffic coming in and out – and it would not have a negative impact on the community. He stated that the nature of this stretch along KY 18 changed when the electrical station went in and he considered that negative impact versus the impact this use would have. He supports approval of the request.

Mr. Reynolds agreed. He stated that he was initially in favor of the proposal -- and the illustrations submitted this evening affirm that position.

Counselor Wilson stated that a motion has been made to deny the request. A “yes” vote would be in favor of denial and a “no” vote would be against denial.

Mr. Knock asked Mr. Breetz if the renderings presented this evening were available to him when he raised his concerns about the elevations. Mr. Breetz responded “no”. Mr. Knock asked if this information changed his view about the height of the building. He stated that comments about the height of the building influenced his vote. Mr. Breetz responded that he used the elevations as they were presented at the Committee level and they did not have the height of the buildings. He stated that he questioned the height of the buildings on several occasions and he still does not know the exact top of the elevation of the building. The applicant is showing a line of sight below the ridge, but from what the developer and his architect were saying in Committee it was about 50 feet from the basement to the crown of the building. He stated that the elevations on the adjoining roads (KY 18 and Oakbrook) were shown. There was quite a difference in elevation and with the size of the building being 120' x 70' it looked to be overpowering, especially against Oakbrook subdivision and the single-family residential homes in that area. He was concerned about one of the buildings which was on a high point. He stated that there were a lot of concessions made and there were modifications to the plan, including reducing the parking and moving the buildings to accommodate the reduction in

parking, but not much was done as far as the buffering or minimizing the impact of the size of the building. Mr. Knock asked if the height of the building was his main concern. Mr. Breetz responded that his main concern was the combination of the height and size of the building.

Mr. Knock stated that the elevations are strictly done on a westbound basis and asked if there are elevations looking east. Mr. McPherson responded that Drawing D is the only one that looks the opposite way (from Oakbrook towards the project).

Mr. Poe stated that he was seeing this for the first time and asked if there was discussion about the traffic on KY 18 and turning left out of the site with the volume of traffic and accidents up the road by Flick's. Mrs. Poston responded that the Committee discussed that. She stated that the light at Oakbrook helps with stopping and slowing the traffic for people turning left out of this site. She stated that there was a condition that a left turn lane is to be constructed at the developer's expense. Mrs. Kegley stated that the Committee went through the list of allowable businesses and deleted those which create a heavy traffic flow. She stated that lighter traffic is expected from this development.

Counselor Wilson advised that the four-page exhibit submitted by Mr. McPherson has been represented as not being new evidence -- it is a compilation or illustration of information already in the record.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Breetz. **A roll call vote on the motion found Mr. Breetz, Mr. Carmichael, Mr. McMillian and Mr. White in favor. Mr. Barlow, Mr. Bunger, Mrs. Kegley, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. Knock, Mrs. Wilson, Mrs. Poston and Chairman Caddell were opposed. With 4 votes in favor and 10 opposed, the motion did not carry.**

At this time, 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 Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mrs. Kegley seconded the motion. A roll call vote on the motion found Mr. Barlow, Mr. Bunger, Mrs. Kegley, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. Knock, Mrs. Wilson, Mrs. Poston and Chairman Caddell in favor. Mr. Breetz, Mr. Carmichael, Mr. McMillian and Mr. White were opposed. The motion carried by a vote of 10 to 4.**

Counselor Wilson advised that the Planning Commission's action is a recommendation to the legislative body for their final action. The legislative body

may concur with the recommendation, override it, or conduct their own public hearing. He stated that the minutes will not be forwarded until they are approved at the next meeting. In response to a question from Mr. Knock, he advised that the information presented by the applicant this evening is part of the record and will be forwarded to Fiscal Court.

**2. Technical Design Review - I Hop  
Houston Road**

Staff Member Patty Bachman presented the Design Review request for I Hop on Houston Road, three lots down from First Security Trust. The site is part of the lawsuit settlement area and within the same subdivision as the new Wal-Mart. Reviewing the packet of information, she stated that the building fronts on Houston Road. The building is 4,494 square feet in area and an overall height of 29'7". The majority of the building is tawny beige brick with red brick trim at the bottom. The stone columns are light beige. All of the colors, except for the standing seam metal roof, are within the pallet approved for the lawsuit settlement area. The roof is slightly darker blue than what is shown in the packets. There is a second story feature over the entry and blue awnings over the windows. The design of the building is similar in idea to Exhibit D of the lawsuit settlement Concept Development Plan on Page 5 of the packets. The Committee determined that no mechanical equipment would be visible from the roofline. The Committee recommends approval of the request with no conditions.

There being no discussion, **Mr. Schwenke moved to approve the request based on the Technical/Design Review Committee's Report. Mr. Reynolds seconded the motion and it carried unanimously.**

**3. Technical Design Review - Mary Queen of Heaven  
1150 Donaldson Highway**

Staff Member Kevin Wall presented the Design Review request for Mary Queen of Heaven. Reviewing the packet of information, he stated that the proposal is for the addition of three limestone sign panels onto three existing monument walls which do not currently have signs on them. The individual letters will be dark bronze cast aluminum. He reviewed the plot plan on Page 3 of the packet. He stated that there are three existing signs. There are three curb cuts – two on Donaldson Highway and one on Turfway Road. The first curb cut on Donaldson Highway has two brick walls with sign copy on them and the second curb cut has two brick walls with no sign copy. The curb cut on Turfway Road has a brick wall with no sign copy. The request is for a 17 square foot panel on each of the three brick walls that currently have no sign copy on them. The walls range in height from 38" to 39". There is a total of 144 square feet of signage for all the signs combined. Two monument signs are permitted (one for each street frontage) and a total of six signs is proposed – each of which could be 100 square feet under the guidelines of the Houston-

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May 20, 2005

Boone County Planning Commission:

Arnold Caddell, Susan Poston, Richard Knock, Lisa Willson, Greg Breetz, Randy Poe, Bob Schwenke, Kim Bunger, Janet Kegley, Bob Newman, Charlie Reynolds, Earl White, Randy Barlow, Jim Carmichael, Don McMillan.

RE: Burlington Executive Centre

Dear Commissioners,

In follow up to the recent vote on The Burlington Executive Centre, it seems that many of us were perhaps surprised the vote went against the Committee recommendation. It is in this vein we apologize for what we feel was our poor job of addressing the only two real pertinent issues ever brought up at any hearing or meeting. Please indulge us by reviewing the following information, and the attached drawings, to better understand what it is we proposed before going forward with a vote or motion that is not in the best interest of Boone County.

**"The Comprehensive Plan calls for Commercial Zoning"**

Please understand that all the commercial zoning descriptions including Retail, Industrial, and Business Park specifically allow for "Professional Office Buildings". Virtually any zoning in accordance with the comprehensive plan allows for this same product. In fact, it allows for products with much less quality than what we have offered and proposed. Virtually any other "commercial" or retail use would have a much higher impact on traffic and parking count than what we have proposed, and in fact was then even limited more through Commission comments on allowable uses for our project. This higher demand use would call for extensive grading, elimination of trees, more parking, more traffic, and would then expose any building to full view. These are the exact things we were told to minimize on our project. While the setbacks of our project were questioned, please keep in mind the setbacks presented were the result of Committee requests to save existing trees and minimize the visibility of our building. The setbacks are greater than and residential zoning, and in fact greater than any other allowable zoning.

**"The Building elevation is too tall - too exposed to view"**

Generally speaking, it is quite obvious our intentions, and the proposed plan was not properly presented to you for your accurate review. We apologize for not providing you better, and more clear information. We have attached several sketches that we feel will now clarify what may have been a misunderstanding of the building height and exposure, and how it relates to the site. These drawings certainly prove mathematically that this building is not fully visible, and in fact only partially visible regardless of what landscaping is also required.

We have taken great care to match the building with the site grades, and have not simply placed it on top of a hill. We have taken care to "step" the building into the existing grade, and have even lowered the existing grade providing "sight barriers". Please keep in mind that whoever, whenever, or however this site is developed, they must work with the existing grades. It is what it is. Reviewing the attached sketches should better provide proof we have studied the site exactly in response to this issue, and have designed and placed the buildings in a fashion that best fits the site, and minimizes the effect of the building visibility on this site. We have graded the site, bermed the site, over-landscaped the site, and left the existing stand of trees on the site in specific order to block full views to the buildings. Any commercial zoning would allow a specific maximum square footage of building that would then require a greater expanse of pavement, that would then require the site be "pancaked" graded flat, that would then require removal of additional trees.

and essentially go against every comment and every re-design we have incorporated into this project based upon your own comments throughout the process.

### General Information

Our building is approximately 33 feet tall at the very tip of the hip ridge, for a total lineal foot distance of only 50 feet. Therefore only approximately 25 square feet of our entire building hits this height. The current zoning would allow a building height of 45 feet. Any new commercial zoning would also allow a much taller building. This building is a full hip roof, meaning that truly the average roof height is only 26 feet tall. It is not 40 or 50 feet tall. Remember as a hip roof, this height does not occur at the building wall line. It fades, or falls away on a 5 to 12 minimal roof pitch, so the maximum height occurs nearly 25 feet from the front wall. It is true we proposed a walk out condition on only one end of the building, and for only 25% of the total building. The total height of the walkout condition is still less than the current allowable residential height. This walk out condition is mainly viewed only on site because of our grading, not viewed from the street, and in the case of Building Two (noted below), it is virtually not visible anywhere offsite. The reasons for the walkout lower level was in exact response to the grades on site so we could step the building into the existing site matching adjoining property grades, saving trees, and hiding the building as much as possible from view. The parking requirements for a commercial development alone would prohibit matching or conforming to existing grades and the site would indeed end up becoming a flat-stripped site. If one were to drive by the existing residence on this site, it is virtually invisible from view as you approach from Limaburg Road. These same trees will block the views to our buildings as noted below.

Despite any subjective opinions on architectural style, this is a true Georgian Mansion residential design exactly in accordance with the specifications of the Comprehensive Plan. Short of a flat roofed building, virtually any other non-ranch style building design would be taller with a steeper roof pitch. The square footage required in any commercial or office development for this site cannot be met with a ranch design.

The landscaping plan previously submitted also clearly shows the result of our understanding the need for proper buffering with oversized trees and provides a virtual hedgerow of trees surrounding the development, some with 5 year heights over 30 feet tall. The Route 18 frontage for example, presents 19 trees in roughly 410 lineal feet, or 23 feet apart. This means that at installation the canopy is only 12 feet apart, becoming closer at a minimal rate of about 2 feet per year until the entire length is canopied and covered by the trees. In addition, Building Two maintains the existing tree stand as tall as 50 feet literally surrounding two full sides of the building. These existing trees block all view to the walkout side of the building, and as much as 100% of the first floor height as shown on the attached drawing. These trees will also help screen Building Two lower level from a distance until such time Building Two is built which will also block the long range view to Building One.

### Drawing "A" General Site and Plan

This drawing is attached to show where the following drawings had the exact grades calculated.

### Drawing "B" – Sight View of Building One from Route 18

The building as proposed is essentially "sunken" behind the existing and remaining grade of the KDOT ground between Route 18 and our property. The site view without any additional grading, landscaping or berms, would only allow a view from the street at an approximate height of 857 or only four feet of the second floor and the roof are even exposed. Our sketch indicates that the view to the building will be probably completely blocked where the trees are planted on the day of installation. Obviously these 12 foot trees will further grow in width and in height at the rate of about 4 to 6 feet per year. The sketch clearly shows that the walkout condition cannot be viewed from the street.

Drawing "C" Sight View of Building Two from Route 18

The building proposed will be visible at an approximate grade of 829 without any additional landscaping, grading or berms. This equals an exposed building view at only about the second floor height, and exposes only about 15 total feet of wall and the roof. With the proposed grading the exposure is reduced to a grade of 835, or only about 7 feet of wall and the roof. With the proposed landscaping once again the view would be completely blocked by the trees. The existing tree stand noted above will block all view to the lower level and most the first floor line.

Drawing "D" Sight View of Building one from the Adjoining Residence

Most important we need to remember the adjoining resident had no opposition to this project. There are no windows exposed to our building. The attached sketch clearly shows the impact to this residence is minimal at best, and less than that allowed if a residential structure was to be built at the allowable heights. Once again, the proposed berm and landscaping will block nearly half the exposure of this building to the entrance.

In conclusion, we hope this better clarifies the fact that our building truly has been designed to blend into the site as much as any project could, or more. We again apologize for not better presenting the plan so it could be more easily understood as we intend to build it. Further, that we have taken great care with grading and landscaping to insure it is a beautiful project that is not obtrusive in any way. In the scope of the Comprehensive Plan, it meets or exceeds the requirements therein. It is the least obtrusive development that you could approve, and we feel it is the exact development that would best serve the citizens of Boone County. We have followed every single recommendation from staff, committee, and council at all times on all of our developments, and will always move to satisfy any concerns if we know what they are. In regards to this development, there have never been any comments other than those listed above we now hope have been clarified.

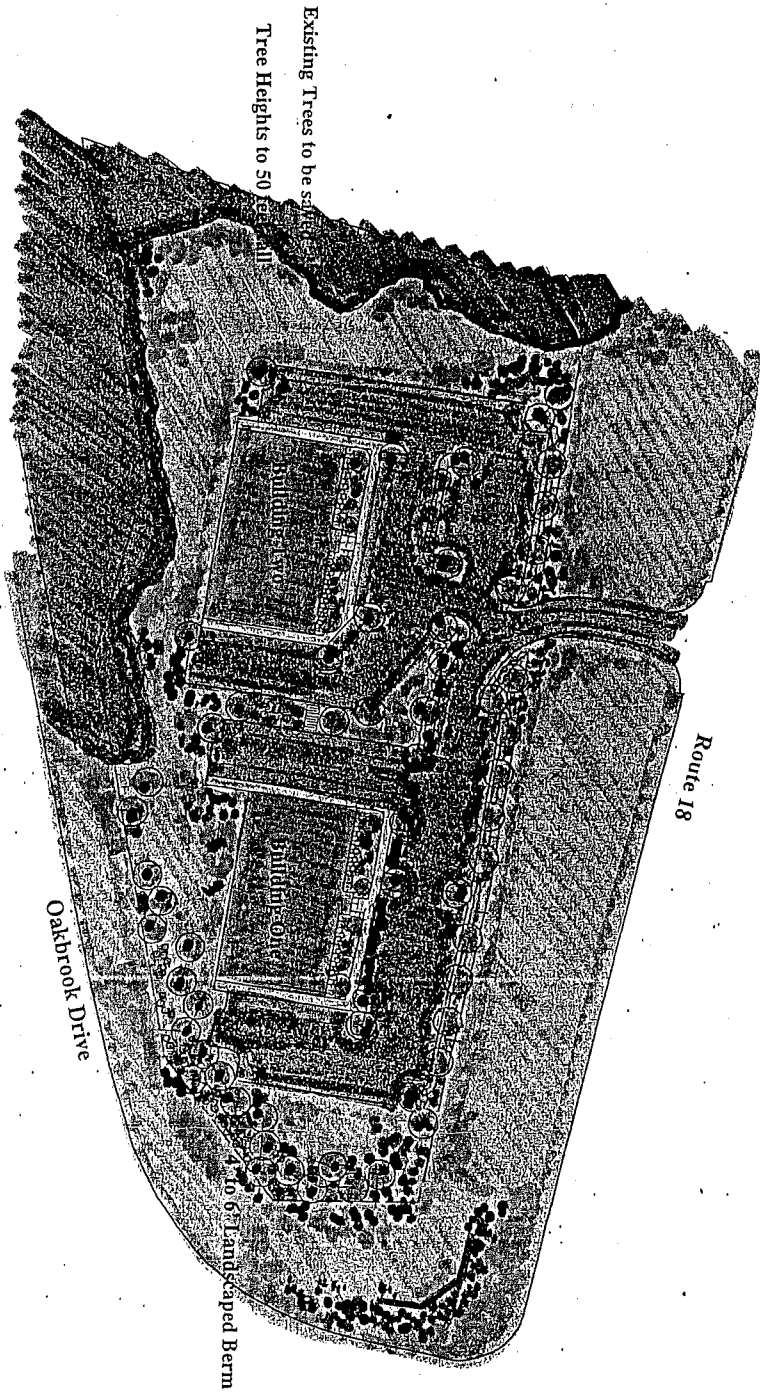
It is in that regard we ask that the facts be reconsidered, the original Committee Recommendation for approval be reconsidered, and that a motion to approve be once again presented and considered.

With Respect,

Dale M. McPherson  
President

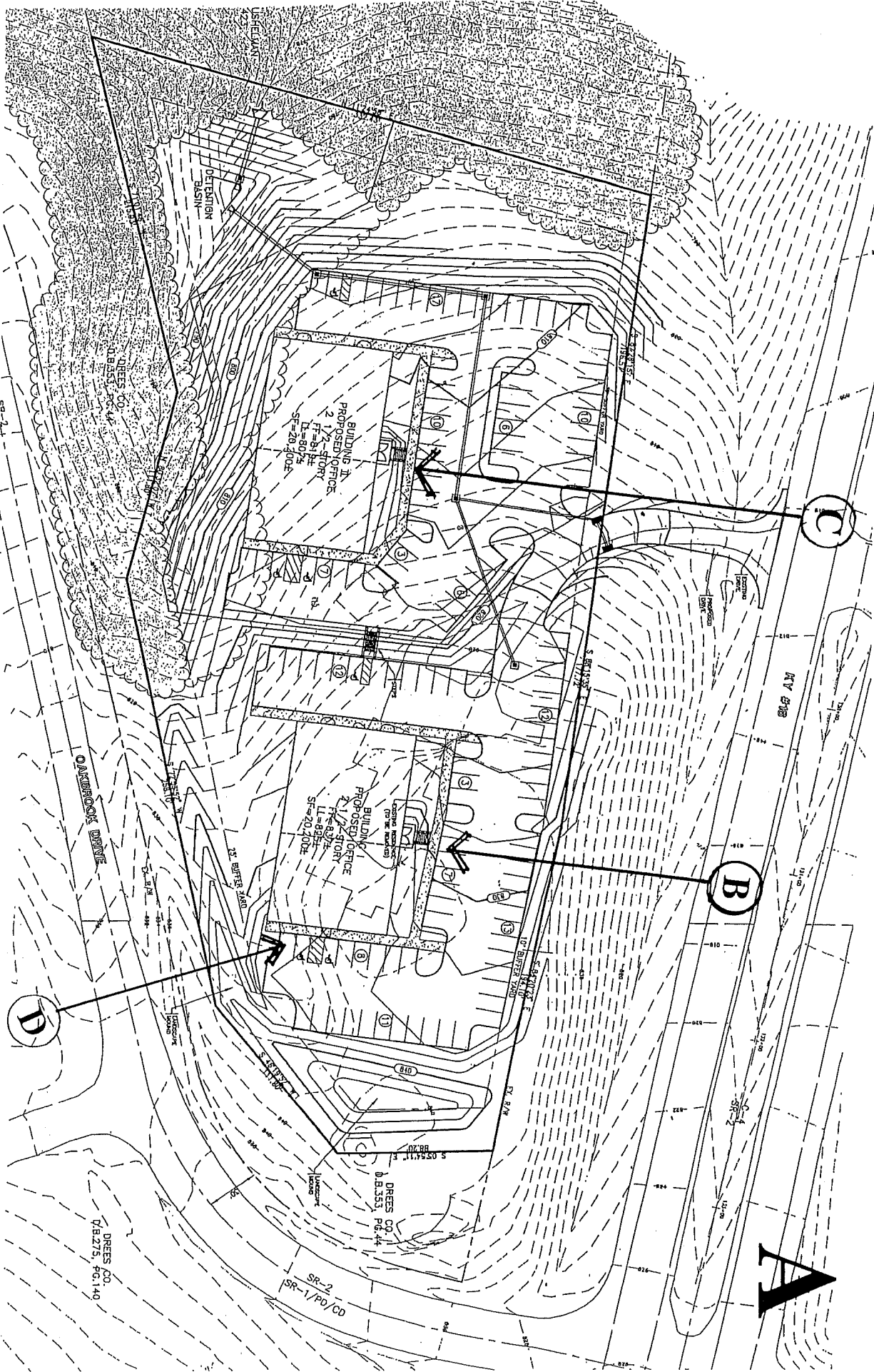
CC; Mr. Dale Wilson, Esq. , Boone County Attorney  
Mr. Jim Dressman, Esq., Deters, Benzinger, and Lavelle  
Mr. Michael McMMain, Esq., Busald, Funk, and Zevely

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BUSINESS MEETING



**BURLINGTON EXECUTIVE CENTRE  
LANDSCAPE PLAN**

All species shown at "installed" sizes



**A**

**B**

**C**

**D**

SR-2  
SR-1/PO/CD

DREES CO.  
0/6.2/75, P.C. 140

DREES CO.  
0/6.3/53, P.C. 44

BUILDING II  
PROPOSED OFFICE  
2 1/2 STORY  
11,835  
SF=20,400

BUILDING I  
PROPOSED OFFICE  
2 1/2 STORY  
11,835  
SF=20,400

RETENTION  
BASIN

DREES CO.  
0/6.3/53, P.C. 44

OAKBROOK DRIVE

RV DR

SR-2

SR-2

SR-2

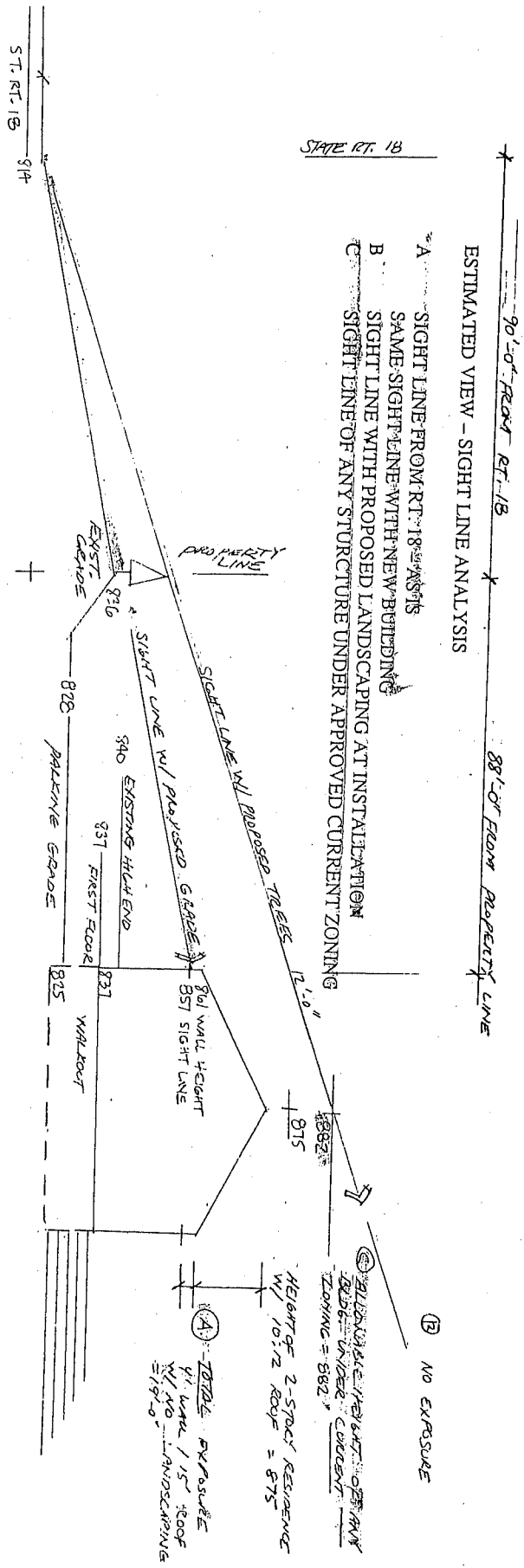
# BURLINGTON EXECUTIVE CENTRE BUILDING ONE

SCALE 1:30

ESTIMATED VIEW - SIGHT LINE ANALYSIS

- A SIGHT LINE FROM RT-18 TO PROPOSED BUILDING
- B SAME SIGHT LINE WITH NEW BUILDING
- C SIGHT LINE WITH PROPOSED LANDSCAPING AT INSTALLATION
- D SIGHT LINE OF ANY STRUCTURE UNDER APPROVED CURRENT ZONING

SITE SECTION - FROM RT 18 TO BUILDING

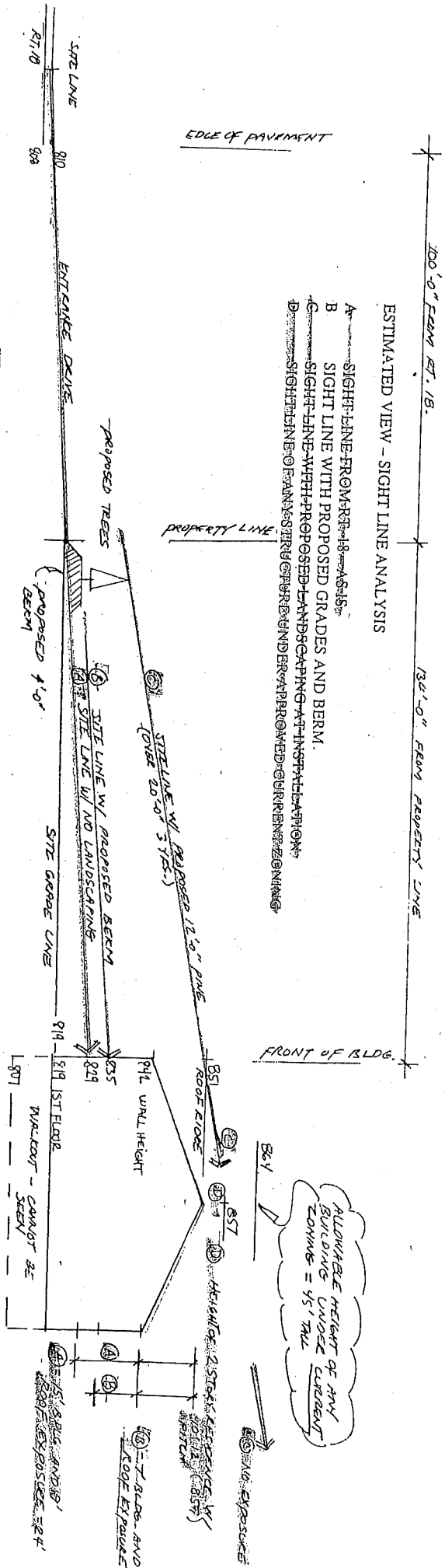


# BURLINGTON EXECUTIVE CENTRE BUILDING TWO

SCALE 1:30

ESTIMATED VIEW - SIGHT LINE ANALYSIS

- A - SIGHT LINE FROM RT. 18 TO AS-15
- B - SIGHT LINE WITH PROPOSED GRADES AND BERM.
- C - SIGHT LINE WITH PROPOSED LANDSCAPING AT INSTALLATION
- D - SIGHT LINE WITH MANY TREES AND PROPOSED CURB AND RAMP ZONING



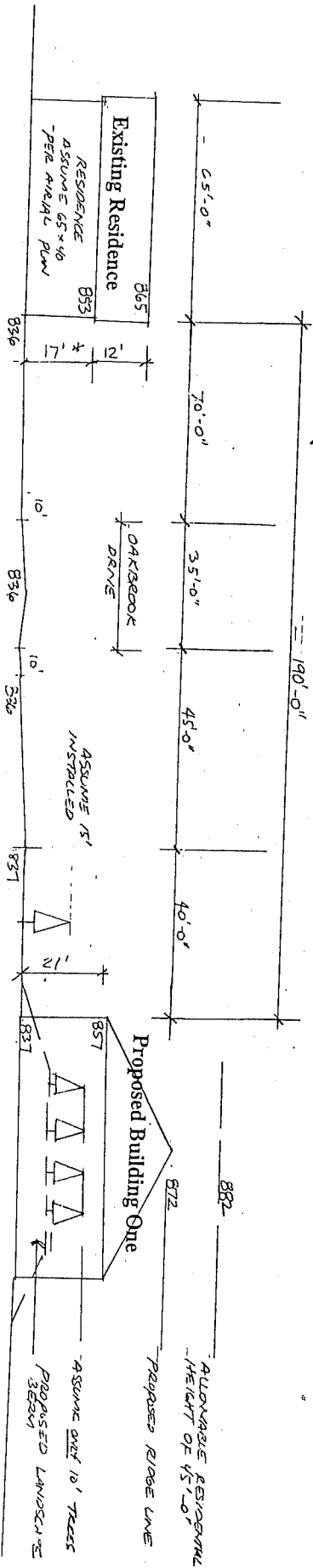
SITE SECTION - FROM RT. 18 TO BUILDING

(C)

BURLINGTON EXECUTIVE CENTRE  
 BUILDING ONE  
 SCALE 1:30



SITE SECTION FROM EXISTING RESIDENCE TO BUILDING ONE



R71.18

**EXHIBIT**

**“B”**

3. The Committee analyzed concerns expressed at the Public Hearing by an adjoining property owner, which are outlined in the Public Hearing minutes for this request and which were further explained to the Committee directly. While the Committee understands these concerns, it has concluded that these issues are private matters which cannot be appropriately addressed through the zone change process. Further, the applicant has expressed a willingness to negotiate these private matters with the adjoining property owner.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and 2005 Boone County Comprehensive Plan Goals and Objectives. 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 received by the Planning Commission on 4/20/05. This revised plan is comprised of a site plan/preliminary grading sheet, landscape plan concept sheet, and a photometric sheet.
2. A left turn lane into this development shall be constructed on KY 18 at the developer's expense per the requirements of the Kentucky Transportation Cabinet.
3. The design of the buildings shall follow the submitted architectural concept. The predominate building material shall be brick.
4. The following uses normally allowed in the O-1 zone shall be prohibited within this development.

#### Principally Permitted Uses

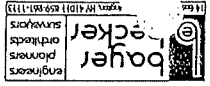
- #8: Eating and drinking establishments including alcoholic beverages;
- #20: Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
- #22: Veterinary services not including the boarding of animals;
- #23: Business colleges or schools;
- #24: Recreation centers, gymnasiums and other related recreational facilities;
- #25 Retail sale of office supplies and equipment;
- #26: Funeral homes and crematoriums excluding cemeteries and mausoleums.

Conditional Uses

- #1: Child and adult care centers;
- #2: Convenience stores;
- #3: Beauty and barber services and tanning salons;
- #4: Laundering, dry cleaning and dyeing services, including self-service;
- #5: Shoe repair, shoe shining, and hat cleaning services;
- #6: Florists, excluding greenhouses.

Additionally, uses permitted under Principally Permitted Use #15 "Physician and dental services including medical, dental laboratories and clinics" which provide direct patient care on the premises shall constitute no more than fifty percent (50%) of the floor area of each structure.

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.



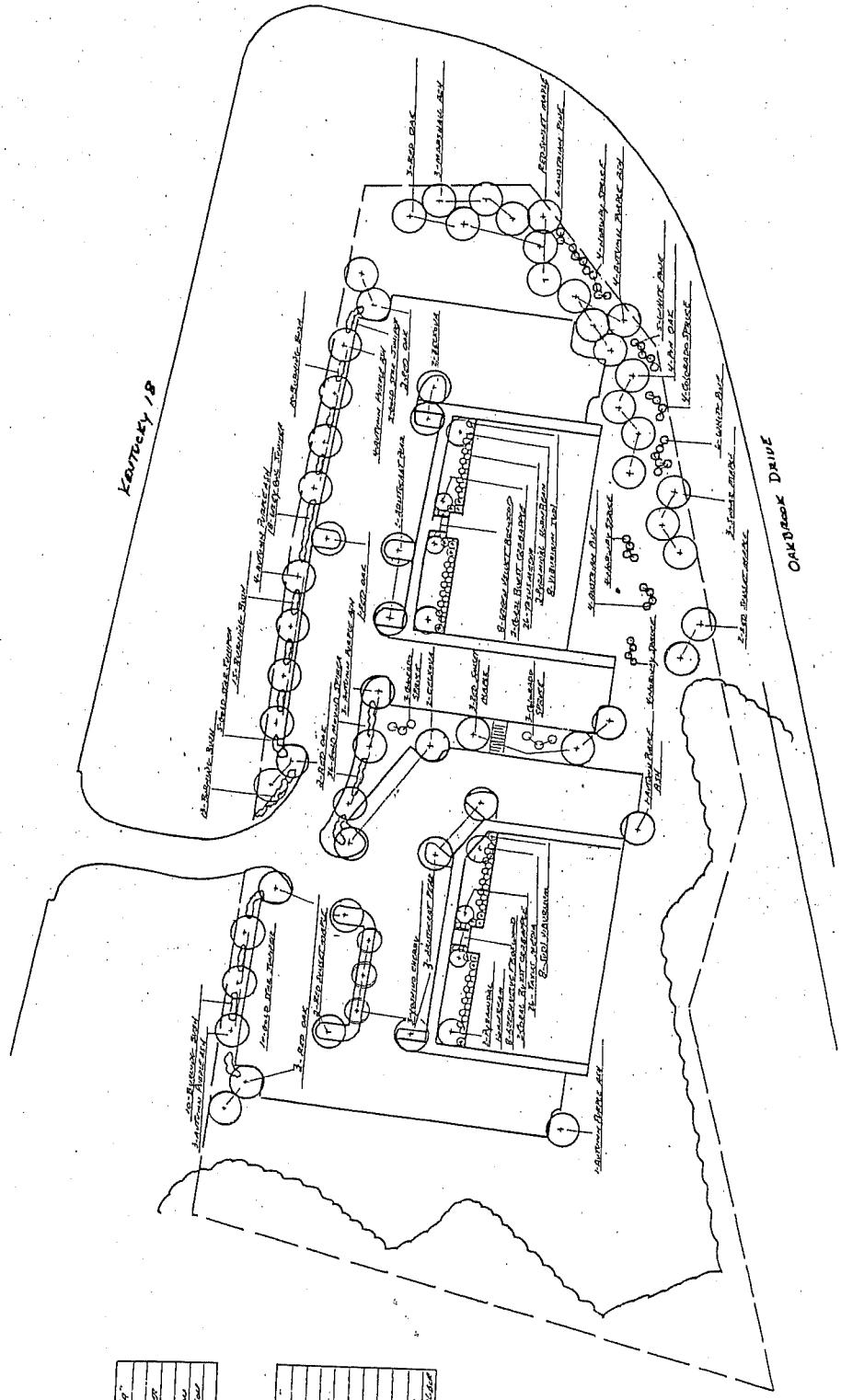
PRELIMINARY GRADING PLAN  
FOR  
BURLINGTON  
EXECUTIVE CENTRE  
BOONE COUNTY, KENTUCKY  
BURLINGTON PIKE

DATE	DESCRIPTION
04/11/05	PRELIMINARY
04/13/05	REVISED
04/19/05	REVISED
04/27/05	REVISED
05/03/05	REVISED
05/10/05	REVISED
05/17/05	REVISED
05/24/05	REVISED
06/07/05	REVISED
06/14/05	REVISED
06/21/05	REVISED
06/28/05	REVISED
07/05/05	REVISED
07/12/05	REVISED
07/19/05	REVISED
07/26/05	REVISED
08/02/05	REVISED
08/09/05	REVISED
08/16/05	REVISED
08/23/05	REVISED
08/30/05	REVISED
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09/27/05	REVISED
10/04/05	REVISED
10/11/05	REVISED
10/18/05	REVISED
10/25/05	REVISED
11/01/05	REVISED
11/08/05	REVISED
11/15/05	REVISED
11/22/05	REVISED
11/29/05	REVISED
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12/27/05	REVISED
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01/17/06	REVISED
01/24/06	REVISED
01/31/06	REVISED
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PROFESSIONAL ARCHITECT  
NOT APPROVED FOR CONSTRUCTION



Landscape Plan  
Prepared By  
Florencia Nursery  
Federal Shop Inc  
Route 6890, Evansville, Ind.  
Date: 1-1-50  
Sheet 1 of 2

CLASS	YARD I	YARD II	YARD III
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This Committee Report Was Read At The May 18, 2005 Business Meeting, With A Motion To Approve That Failed. No Action Was Taken.

This Committee Report Was Read Again at the June 1, 2005 Business Meeting And Was Passed With A Motion of 10-4 For Approval With Conditions.

## **ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: May 18, 2005

RE: 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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

### 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 is in agreement with the 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
  - A. The Future Land Use Map of the 2000 Boone County Comprehensive Plan designates the property as Commercial, which is defined as "retail, corporate, and professional office, interchange commercial, indoor commercial, recreation, restaurants, services, etc. (p. 158)." The proposal is for two office buildings, with limited uses as expressed in the agreed conditions.
  - B. The Land Use Element ("Burlington Area," pg. 170) states that "the intersection of KY 18 and Limaburg Road should also develop locally-oriented commercial uses." The site is in the general vicinity of the KY 18/Limaburg Road intersection and is proposed for lower activity/turn-over office uses. The site is also physically separated from the residential development in Oakbrook Subdivision by Oakbrook Road.
  - C. The Business Activity ("Areas of Future Commercial Activity," pg. 71) states "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. This principle should apply to the Limaburg

area and surrounding area as well." The proposal involves two office structures which are clustered together and integrated into the grade of the site with "walk-out" lower levels. Although the proposal is not for a "PUD" development per se, it does use some of the basic characteristics through the proposed building design and arrangement, site grading, retention of existing vegetation, provision of new landscaping and buffering, and limitation of paved surfaces - the Concept Development Plan was revised through Zone Change Committee process to address several of these issues. Thus, the basic directives of the Business Activity Element for the "Limaburg area and surrounding area" is being followed. The Committee has also concluded that the proposal constitutes an appropriate transition to the adjoining residential uses, therefore conforming to the Land Use Element's Buffering provisions outlined in the Future Land Use Development Guidelines (pg. 159).

Regarding the limitation of paved surfaces and unnecessary parking, the applicant has agreed to a condition that limits permitted uses and that has resulted in a low parking demand for a similar development in Florence. Should this condition be adopted, the Zoning Administrator is willing to grant a waiver to reduce the number of required parking spaces if necessary to assure that an abundance of unused parking is not needlessly constructed.

The Business Activity Element ("Areas of Future Commercial Activity," pg. 73) also notes that "large residential developments may need to provide for neighborhood-scale commercial activities," including professional offices. The proposal helps accomplish this purpose for Oakbrook Subdivision and the adjoining areas.

- D. 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 site is a 3.2 acre tract which is bound by: KY 18, a divided highway, to the north; Oakbrook Road, a limited access collector road, to the south and east; and a notable grade and a creek on adjoining property to the west, with a commercial center further to the west. Additionally, the site is physically separated by the surrounding residential uses by Oakbrook Road, and is across KY 18 from three office structures. When considering these facts coupled with the revised Concept Development Plan and agreed conditions, the Committee has concluded that the existing SR-2 zoning classification is inappropriate and that the proposed O-1 zoning classification is appropriate.

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: Burlington Executive Centre, LLC for FTK Properties, LLC (owner)

Request: 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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). She stated that additional information regarding the potential realignment of Oakbrook Road/KY 18 will be available in time for the Committee Meeting.

The Chairman asked for the applicant's presentation.

Mr. Dale McPherson, owner and President of The Signature Group, 7430 US 42 in Florence, and a majority partner in Burlington Executive Centre if this request is approved, submitted a folder "Florence Executive Centre" (see Exhibit 1). He stated that the proposed office development will be a replica of the Florence Executive Centre on US 42, but this site grades off to one side and the buildings will have walkouts. The folder includes interior/exterior pictures of the existing Florence Executive Centre. The proposed development will use the same brick and stone base and have the same type of entries. They will lower the height of the porch to the height of the second building in Florence, which looks nicer. He stated that this is not "bulk" office space development. This development will be a sister to the Florence Executive Centre with individual custom suites which are approximately 12.5' x 28', which provides a different tenant use than in bulk office space and less employee and traffic use. With the way the buildings are designed, it would be cost-prohibitive to come back later and turn it into bulk office space with more parking. They will lease the office suites -- they are upper end suites and get

the highest net rent in the area. He stated that this is an individual suite concept, but some users will rent more than one suite (they currently have a user who has connected seven suites). They average 2.5 suites per user and 0.67 employees per suite. The required parking, per the regulations, is 2.88 spaces per suite. He distributed copies of "Burlington Executive Centre – Parking/Traffic Analysis, March 28, 2005" (see Exhibit 2). He noted comments from the Burlington Fire Protection District and the Kentucky Transportation Cabinet (attached to the Staff Report) and stated that they agree to provide a left turn lane off KY 18, which the Fire Department did not know about when they made their comments. He stated that the Fire Department's problem goes away with the turn lane. He stated that they cannot get the land to access Oakbrook Road and the only access they are allowed is their property's access on KY 18. They calculate 162 parking spaces for this site based on the requirements. At the Florence Executive Centre, their average daily use is 12.3% of the parking spaces. These are move-down satellite offices or move-up people who are working out of their homes and they do not work five days per week. They average 50.7% of the office people and 20 – 21 cars being there at any one time, and the rest of the 140 parking spaces are empty. They would rather landscape the space, but the regulations require the parking spaces. He stated that the traffic flow with this concept has the least effect in the C-4 zone and the highest caliber product in terms of office/retail use. He stated that the building is all brick. They have had temporary driveways for every building (apartment and office) that they have done. This development will be done in phases and Phase II will not be started until there is 70% occupancy of Phase I. When Phase I is completed, the drainage system will be in place for both buildings. They will do a photometric/lighting study if required by the regulations. They will exceed the landscaping requirements in terms of buffering for the neighbors and adjoining areas. He offered to answer any questions.

Mr. Gil Whitacre with Bayer & Becker Engineers stated that when they looked at this site using the GIS mapping, they thought they had frontage along Oakbrook Road but they were provided with a boundary survey done by Tim McNealy and discovered that they do not have that frontage. He stated that the highway plan designates an access point off KY 18 for this property. There is a break in the median there and they are willing to construct the left turn lane. He stated that the shoulder along KY 18 is extra wide and helps to facilitate right turn movements. They will provide grading and stormwater detention information at the Committee Meeting. He stated that the site falls from east to west and they have tried to utilize the topography with the buildings. The buildings will fall from one side to the other across the front to help make up grade differences. The lower levels will be accessed on the lower ends of the buildings. He reviewed Staff's Power Point slide in regard to the elevations on the site. He stated that there is a grade separation between the buildings and they have tried to work with the topography to direct the entire site into the detention basin that outlets into the existing swale at the southwest corner of the property. He indicated on a Power Point slide the wooded areas of the site and stated that they will try to maintain as much buffer as possible around the perimeter of the site. They will provide a Lighting Plan and a

Landscaping Plan at the Committee meeting. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak regarding this application.

Mr. Tom Bushelman, a professional licensed land surveyor, was present on behalf of his parents, Thomas and Marie Bushelman, owners of the adjacent parcel to the west. He submitted a packet of eight exhibits (see Exhibit 3). He stated that they are in favor of the proposal, but there is an issue of overlapping property boundaries.

Chairman Caddell stated that the Planning Commission cannot make a determination in regard to boundary lines. Counselor Wilson advised that a dispute over boundaries is a civil matter. The Planning Commission does not have authority under KRS 100 to resolve boundary disputes. He explained that if the applicant goes through this process and gets a zone change, but he does not own all of the property or some portion of the property, the rezoning would be subject to challenge and would probably be invalid because the property owner did not ask for the zone change. Therefore, it behooves the applicant to clear up any boundary disputes.

Mr. McPherson stated that he received a telephone call and was asked to purchase the property. At that time, and subsequently, he requested some proof of the issue. He stated that they have had title searches done and they do not see any problems with the title. He stated that it is a civil matter and it is not to do with the zoning boundary. He stated that the Bushelman property is landlocked and he is not interested in buying it.

Chairman Caddell stated that Counselor Wilson has stated the Planning Commission's position. He offered Mr. Bushelman the opportunity to summarize his position for the record.

Mr. Bushelman referred to Exhibit 8 in the packet and stated that the dashed line shown going through the parking lot and the retention pond is the property line and removing that eight-tenths of an acre reduces the size of the development property from 3.2 acres to 2.4 acres, which affects the density and the parking and causes problems for the adjoining property. He asked the Planning Commission to consider the land use of the landlocked parcel next to the subject property.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if the Bushelman property ever had access to KY 18. Mr. Bushelman responded that his family lived on the property but KY 18 was widened in 1970 and the property was landlocked at that time. They received compensation of \$500.

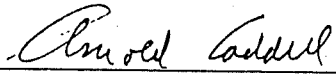
Mrs. Wilson questioned the access on KY 18 and asked if the traffic will stack up. Ms. Bachman reviewed the aerial photograph in regard to the location of the driveway. The driveway is about 560 feet from the signalized intersection of KY 18/Limaburg Road and about 460 feet from Oakbrook Road. Mr. Costello noted that the KY 18/Oakbrook Road access may be relocated. Ms. Bachman stated that Greg Sketch will provide that information and it will be presented at the Committee meeting.

Mr. Breetz asked if the applicant has approached The Drees Company about obtaining an access easement or purchasing the land along Oakbrook Road. Mr. McPherson responded that The Drees Company is negotiating with Cinergy and has no need or willingness to sell the land there. The Drees Company needs to know if Oakbrook Road is going to be moved to the other side of the power station before they are willing to discuss the property -- and he does not know if he could afford it. Mr. Breetz asked if The Drees Company has a potential use for the property. Mr. McPherson responded that he did not discuss that with The Drees Company.

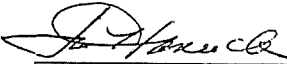
Ms. Bachman stated that if the property boundary changed as indicated by Mr. Bushelman and the site was reduced to 2.4 acres, then the maximum intensity of development in the O-1 zoning district there could be 43,200 square feet -- which would not impact the request. The parking standard, which is linked to the square footage of the building, would also not be impacted.

There being no further comments, the Chairman 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. The Chairman closed this Public Hearing at 8:45 PM.

APPROVED:

  
Arnold Caddell, Chairman

Attest:

  
Jan Hancock, Recording Secretary

Exhibits –

1. "Florence Executive Centre" folder submitted by Mr. McPherson
2. "Burlington Executive Centre – Parking/Traffic Analysis, March 28, 2005" submitted by Mr. McPherson
3. Eight exhibits submitted by Mr. Bushelman

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 20, 2005

RE: 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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

### 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.

*Susan Poston*  
\_\_\_\_\_  
**Susan Poston, Chairwoman**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**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 \_\_\_\_\_

*Janet Kegley*  
\_\_\_\_\_  
**Janet Kegley**  
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 \_\_\_\_\_ 1 ABSENT  
\_\_\_\_\_ 1 AGAINST PROJECT \_\_\_\_\_ ABSTAIN

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 6, 2005

RE: 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 located at 1655 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow an office development.

### REMARKS:

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE  
Burlington Executive Centre, LLC/FTK Properties LLC  
April 6, 2005

*Susan Poston*  
\_\_\_\_\_  
**Susan Poston, 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

*Janet Kegley*  
\_\_\_\_\_  
**Janet Kegley**

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: 5 DEFERRED \_\_\_\_ FOR PROJECT \_\_\_\_ ABSENT  
\_\_\_\_ AGAINST PROJECT \_\_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**



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14 East Eighth Street  
Covington, KY 41011  
P.859.261.1113  
F.859.261.1710

DESCRIPTION: Rezone Parcel – 3.2 Acres  
LOCATION: Burlington Pike (KY. Highway 18)  
DATE: February 11, 2005

Situated in the County of Boone, Commonwealth of Kentucky, lying on the South side of Burlington Pike (KY. Highway 18) and the West side of Oakbrook Road, all of a 1.28 acre tract conveyed to Paul E. & E. Marie Sewell in D.B. 191, Pg. 21, all of a 0.41 acre tract conveyed to Paul E. & E. Marie Sewell in D.B. 227, Page 289, and part of a 9 acre +/- tract conveyed to Paul E. & E. Marie Sewell in D. B. 183, Page 165 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at a point in the center of Burlington Pike (KY. Highway 18) approximately 1000 feet East of the centerline intersection of Burlington Pike and Limaburg Road, said point being at Burlington Pike centerline station 132+94.00 (K.D.O.T. Plan #SP-8-130); thence leaving said centerline of Burlington Pike and with a line perpendicular to the same South 11°29'22" West, 131.78 feet to a point 131.78 feet right of centerline station 132+94.00 and the TRUE POINT OF BEGINNING:

thence with the West line of a 0.21 acre tract conveyed to The Drees Company (D.B. 227, Page 294) South 05°54'11" East, 88.20 feet;

thence leaving said West line and with the North line of a 35.2 acre tract conveyed to The Drees Company (D.B. 222, Page 128) South 46°19'52" West, 111.80 feet;

thence continuing with said North line South 72°53'52" West, 258.10 feet;

thence North 80°32'07" West, 111.80 feet;

thence South 71°01'46" West, 215.93 feet;

thence leaving said North line and with the East line of a 4.32 acre tract conveyed to Thomas Henry Bushelman (D.B. 188, Page 423) North 11°24'58" East, 332.43 feet to a point 167.00 feet right of Burlington Pike centerline station 127+27.00;

thence leaving said East line and with the South right-of-way line of Burlington Pike South 87°28'15" East, 196.57 feet;

thence continuing with said South right-of-way line of Burlington Pike South 88°15'35" East, 177.72 feet;

thence South 84°20'23" East, 194.10 feet to the TRUE POINT OF BEGINNING.

J:\05\05k001\1318.DOC

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road 777 Eads Pkwy., Suite C  
Mason, OH 45040 Lawrenceburg, IN 47025

DESCRIPTION:

Rezone Parcel – 3.2 Acres

LOCATION:

Burlington Pike (KY. Highway 18)

DATE:

February 11, 2005

Page 2 of 2

Containing 3.2 acres of land and subject to all easements and rights-of-way of record. The reference meridian is Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared for zoning purposes only by Chris R. Gephart, Licensed Professional Surveyor #3292 in the Commonwealth of Kentucky, February, 2005. This description is not the result of a field survey and monuments will not be set.

J:\05\05\001\1318.DOC

700 Nilles Road  
Fairfield, OH 45014

14 East Eighth Street  
Covington, KY 41011

6900 Tylersville Road 777 Eads Pkwy., Suite C  
Mason, OH 45040 Lawrenceburg, IN 47025

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

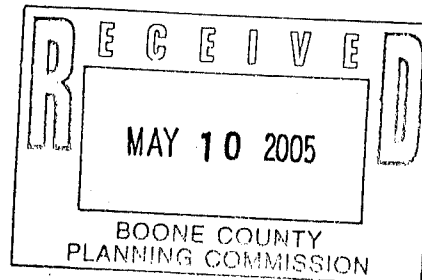
Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

April 21, 2005

Mr. Gary Sewell  
c/o Mr. Dale McPherson  
7430 U.S. 42, Suite 114  
Florence, KY 41042

FAX: 647-9603



RE: Recommended Conditions of Approval for Burlington Executive Center Zone Change Request from SR-2 to O-1, 1655 Burlington Pike, Boone County, Kentucky

Dear Mr. Sewell:

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 received by the Planning Commission on 4/20/05. This revised plan is comprised of a site plan/preliminary grading sheet, landscape plan concept sheet, and a photometric sheet.
2. A left turn lane into this development shall be constructed on KY 18 at the developer's expense per the requirements of the Kentucky Transportation Cabinet.
3. The design of the buildings shall follow the submitted architectural concept. The predominate building material shall be brick.
4. The following uses normally allowed in the O-1 zone shall be prohibited within this development.

### Principally Permitted Uses

#8: Eating and drinking establishments including alcoholic beverages;

Mr. Gary Sewell  
April 22, 2005  
Page 2

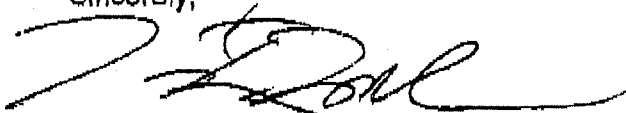
- #20: Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
- #22: Veterinary services not including the boarding of animals;
- #23: Business colleges or schools;
- #24: Recreation centers, gymnasiums and other related recreational facilities;
- #25: Retail sale of office supplies and equipment;
- #26: Funeral homes and crematoriums excluding cemeteries and mausoleums.

Conditional Uses

- #1: Child and adult care centers;
- #2: Convenience stores;
- #3: Beauty and barber services and tanning salons;
- #4: Laundering, dry cleaning and dyeing services, including self-service;
- #5: Shoe repair, shoe shining, and hat cleaning services;
- #6: Florists, excluding greenhouses.

Additionally, uses permitted under Principally Permitted Use #15 "Physician and dental services including medical, dental laboratories and clinics" which provide direct patient care on the premises shall constitute no more than fifty percent (50%) of the floor area of each structure.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

AGREEMENT

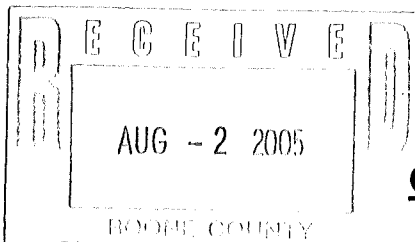
I, the authorized representative for the owner of the real property at 1655 Burlington Pike, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application



Gary Sewell, Managing Member  
FTK Properties LLC

5-7-2005

Date



**ORDINANCE 05-08**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF BURLINGTON EXECUTIVE CENTRE (APPLICANT) FOR FTK PROPERTIES, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO OFFICE ONE (O-1) FOR A 3.2 ACRE SITE LOCATED AT 1655 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Office One (O-1) for a 3.2 acre site located at 1655 Burlington Pike, Boone County, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Office One (O-1) for a 3.2 acre site located at 1655 Burlington Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOKS 191, 227 & 183, PAGE NOS. 21, 289 & 292, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

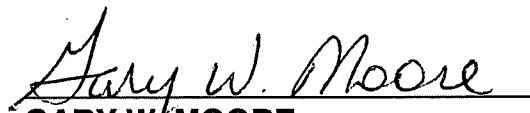
**ORDINANCE 05-08**


**SECTION III**

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

Introduced and given First Reading on the 5th day of July, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 26<sup>th</sup> of July, 2005, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

  
**GARY W. MOORE**  
**BOONE COUNTY JUDGE/EXECUTIVE**

**ATTEST:**  
  
**MICHELE ROBERTS**  
**FISCAL COURT CLERK**

  
**JAMES R. SCHRAND II**  
**BOONE COUNTY ATTORNEY**

8-4-05  
**DATE PUBLISHED**  
**August 4, 2005**





