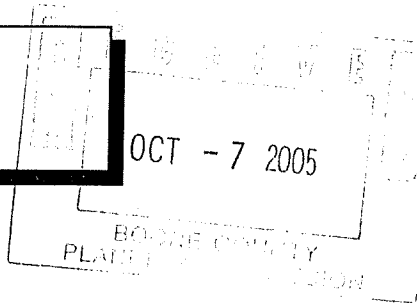


APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project BURLINGTON RETAIL CENTER
2. Location of Project PATRICK DR.
3. Total Acreage of Site 4.63 ACRES 3.29 ACRES to be rezoned
4. Current Zoning of Site SR-2/PD & C-4/PD
5. Proposed Zoning (Classification being requested) C-4/PD
6. Proposed Uses (please specify each use) RETAIL & RESTAURANT

7. Names of Applicant(s) CARTEC ENGINEERING / BRANDICORP.
- Phone Number 859-341-6006 Fax No. 341-0163
8. Address of Applicant(s) 2545 RITCHIE AVE

Covington Ky 41017

City State Zip

9. Name of Property Owner(s) BRANDICORP.
- Phone Number 292-8040 Fax No. 292-8050
10. Address of Property Owner(s) 45 FAIRFIELD AVE

Belleveue KY 41073

City State Zip

11. Proposed Building Intensities (please specify) RETAIL & RESTAURANT

12. Are there any existing buildings on the site? No

How many? N/A

13. Deed Book 790 Page No. 170 Group No. 2031

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

15. Have you submitted a Concept Development Plan? _____

16. Have you had a pre-application meeting with BCPC Staff? YES, BRANDICORP. Hq. meeting

17. Please check the following organizations/agencies which you have discussed the proposed Match Center 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

EXHIBIT

“A”

STAFF REPORT

Request of Cartec Engineering and Brandicorp (applicants) for Brandicorp (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

November 16, 2005

REQUEST

The applicant is requesting to change the 3.39 acres from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) that is adjacent to the 1.237 acre parcel that changed from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) in 2003. This would result in a 4.63 acre parcel with a proposed intensity of approximately 5,900 square feet/acre. The maximum intensity in the Commercial Four (C-4) zone is 13,000 square feet per acre.

The site is split by the Mid-Valley Pipeline which has a 50' easement. The applicant is proposing two (2) buildings with the potential of two (2) drive up windows (one on each building). The only improvements proposed on the Mid-Valley Pipeline will be parking and circulation. The 3.39 acres also include a "40' Access Easement" for the First Church of Christ along the west property line as well as the regional storm water control for the Shoppes of Burlington and Burgundy Hill Apartments and will remain as such.

The required parking is based on use, meaning that a restaurant is required to provide 1 parking space per 2 seats and retail is required to provide 1 parking space per 250 square feet of gross floor area (gfa). Since exact uses are unknown at this time, the applicant can only speculate. All utilities are present on the site and a regional storm water system is present for the development.

Revised elevations have been attached to this Staff Report. The Applicant is proposing more of a "lifestyle center" design. A copy of the previous conditions are also attached.

SITE HISTORY

In 1996 a Zoning Map Amendment with a Concept Development Plan was approved for the Combs property (Southeast Development applicant) for approximately 55 acres. The Zoning Map Amendment and Concept Development Plan approval permitted 396 apartment units in the SR-2/PD zone and a retail strip shopping center with four (4) outlots for commercial development. A fifth outlot was designated for use as a TANK "Park and Ride" lot and remained within the SR-2/PD zone.

In 2003, a Zoning Map Amendment with a Concept Development Plan from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) was approved for a portion of this site for an approximate 16,000 square foot retail building on 1.237 acres for a maximum intensity of 13,000 square feet per acre (13,000 square feet/acre is the maximum intensity permitted in the C-4 zone).

ADJACENT LAND USES AND ZONING

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

- North: Across Patrick Drive - Burger King, Donato's and a Car Wash zoned Commercial Four/Planned Development (C-4/PD/CD).
- East: Shoppes of Burlington and Blockbuster/Concord Cleaners outlot development zoned Commercial Four/Planned Development (C-4/PD/CD).
- West: Boone County CO+OP property zoned Public Facilities (PF), and the First Church of Christ property zoned Suburban Residential One (SR-1).
- South: Burgundy Hill Apartment development zoned Suburban Residential Two/Planned Development (SR-2/PD/CD).

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Commercial (C) along Patrick Drive and Urban Density Residential (UD) which are defined in the adopted Comprehensive Plan as:

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Urban Density: "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The Land Use Element within the 2000 Boone County Comprehensive Plan (page 169 Burlington Area) only refers to this general area by stating:

"This section of Boone County contains Burlington, 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."

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

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- E. *A public process of visioning, which shall include the selection of specific areas of Boone County, shall be pursued as a means of recommending a theme or character for future land use planning and development design ("Overall," Objective 5).***
- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens ("Economy," Goal).
- G. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).

- J. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals or other regulatory agencies ("Business Activity," Industrial Objective 2).

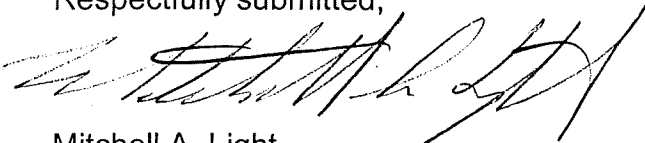
STAFF COMMENTS

1. This 3.39 acre site is currently zoned Suburban Residential Two/Planned Development (SR-2/PD). If approved, all of the property owned by Brandicorp would then be zoned Commercial Four/Planned Development (C-4/PD).
2. If approved, an extensive Major Site Plan review would be required in order that all requirements (i.e. landscaping, parking, circulation etc.) are met.
3. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
4. The latest plan for the proposed "Urban Interchange" at KY 18 and KY 237 has been attached to this Staff Report for your review as it relates to this request.

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 and in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

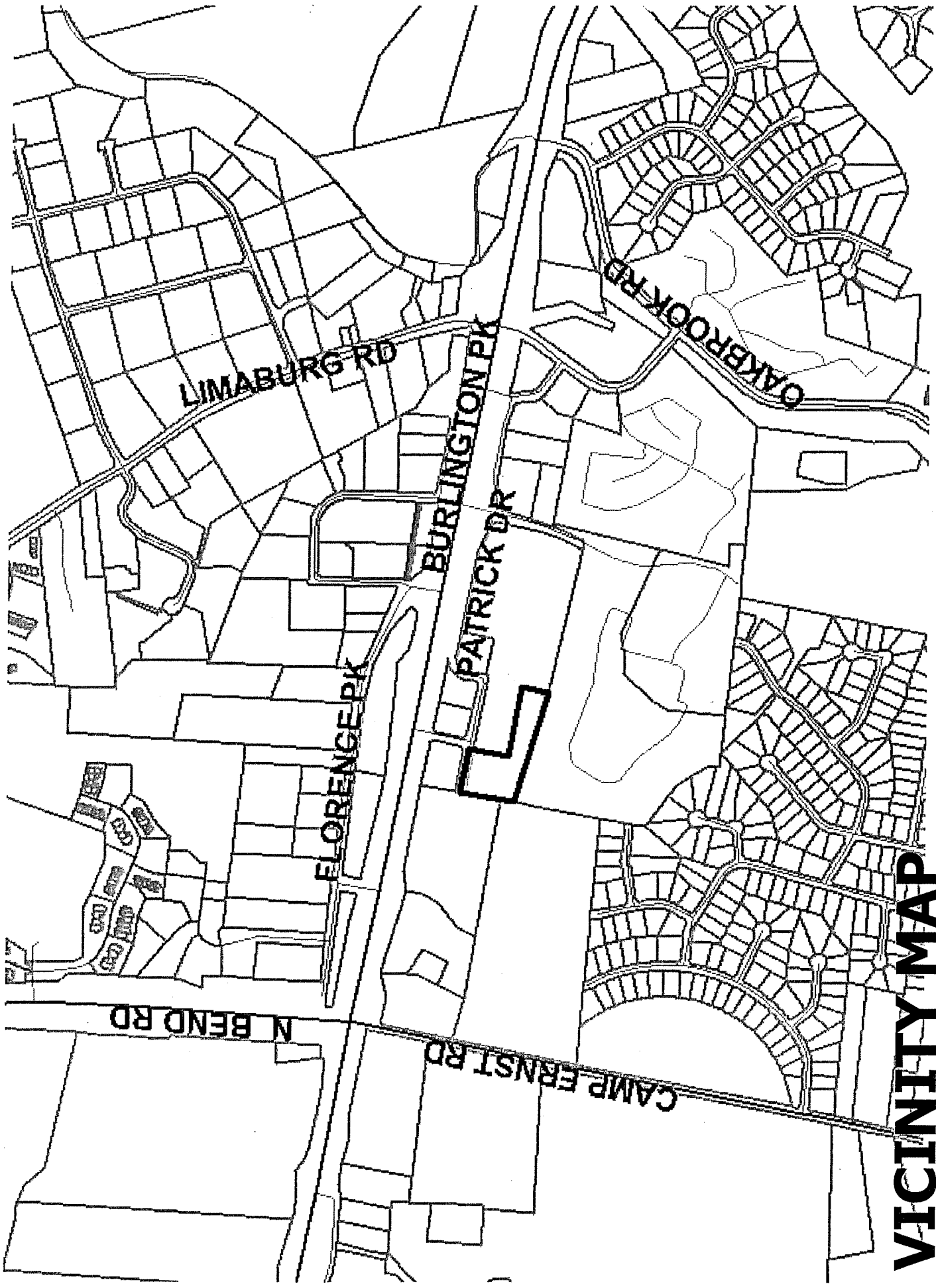


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL\pr

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- 2005 Concept Development Plan
- Proposed Building Elevations
- 2003 Concept Development Plan
- "Urban Interchange" Improvements
- E-Mail Comments from Mid-Valley
- 2003 Conditions of Approval
- 1996 Conditions of Approval
- Commercial Four (C-4) Uses
- Planned Development Standards
- Application



LIMABURG RD

OAKEROCK RD

BURLINGTON PK

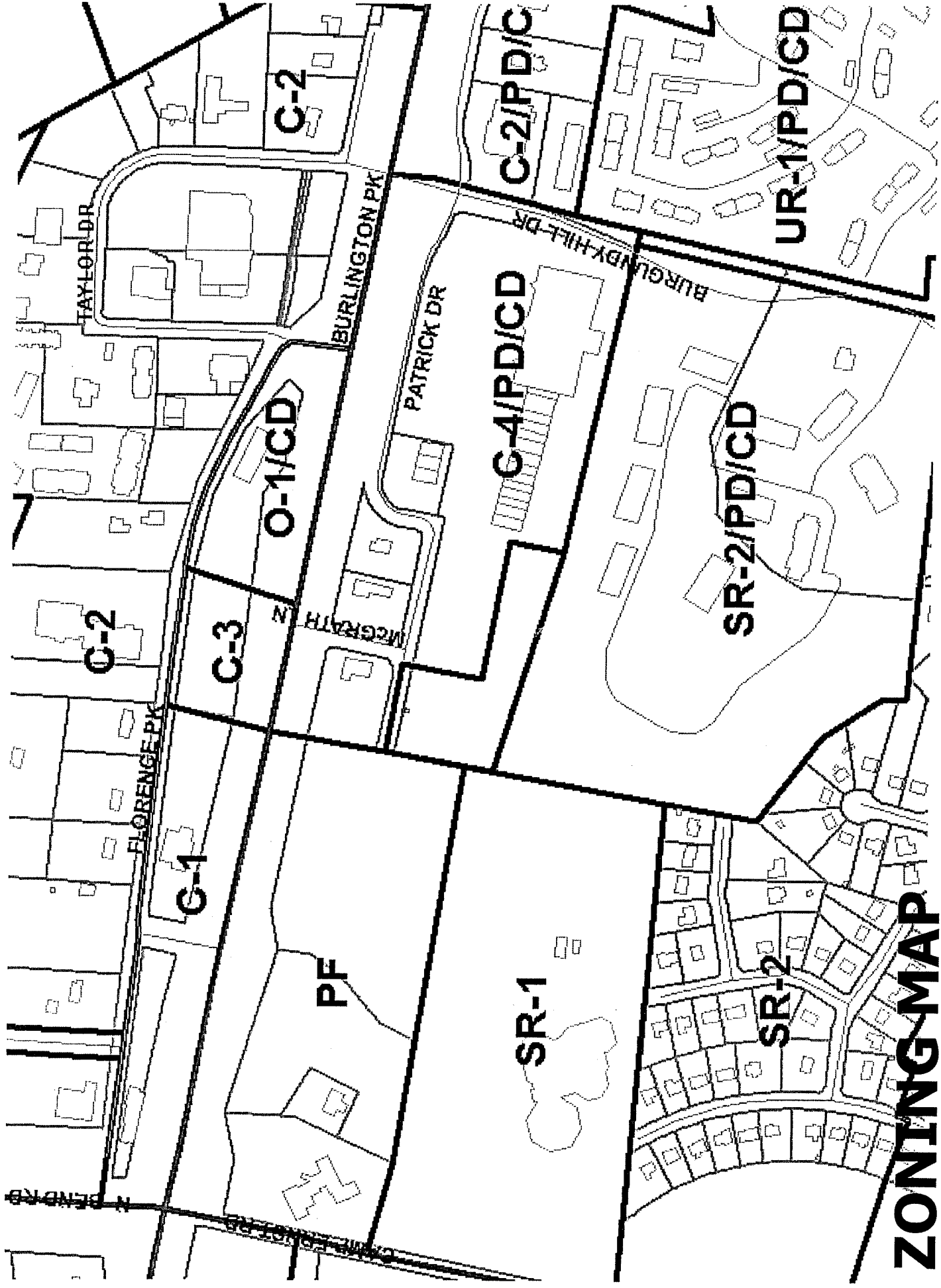
PATRICK DR

FLORENCE PK

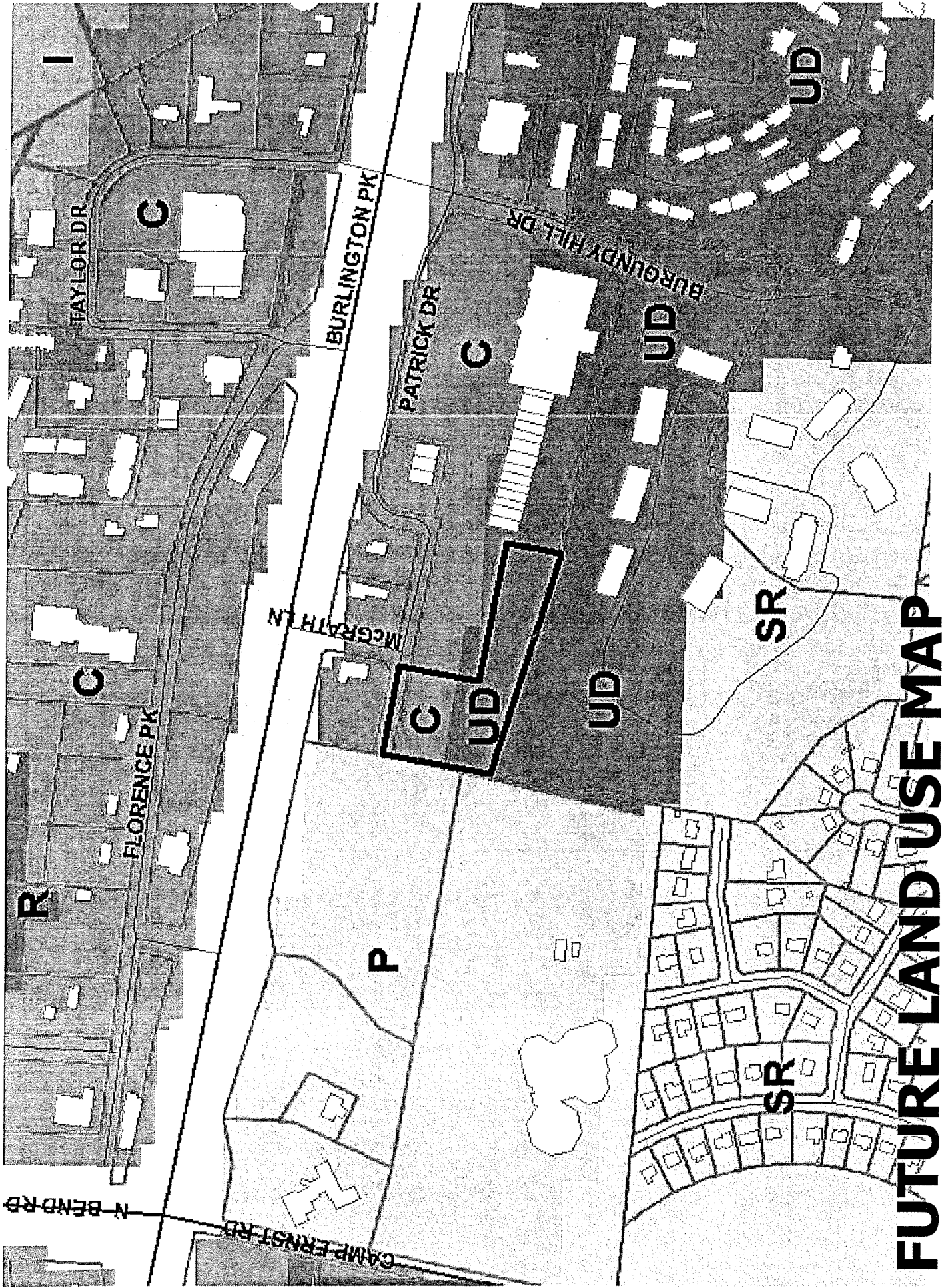
N BEND RD

CAMP ERNST RD

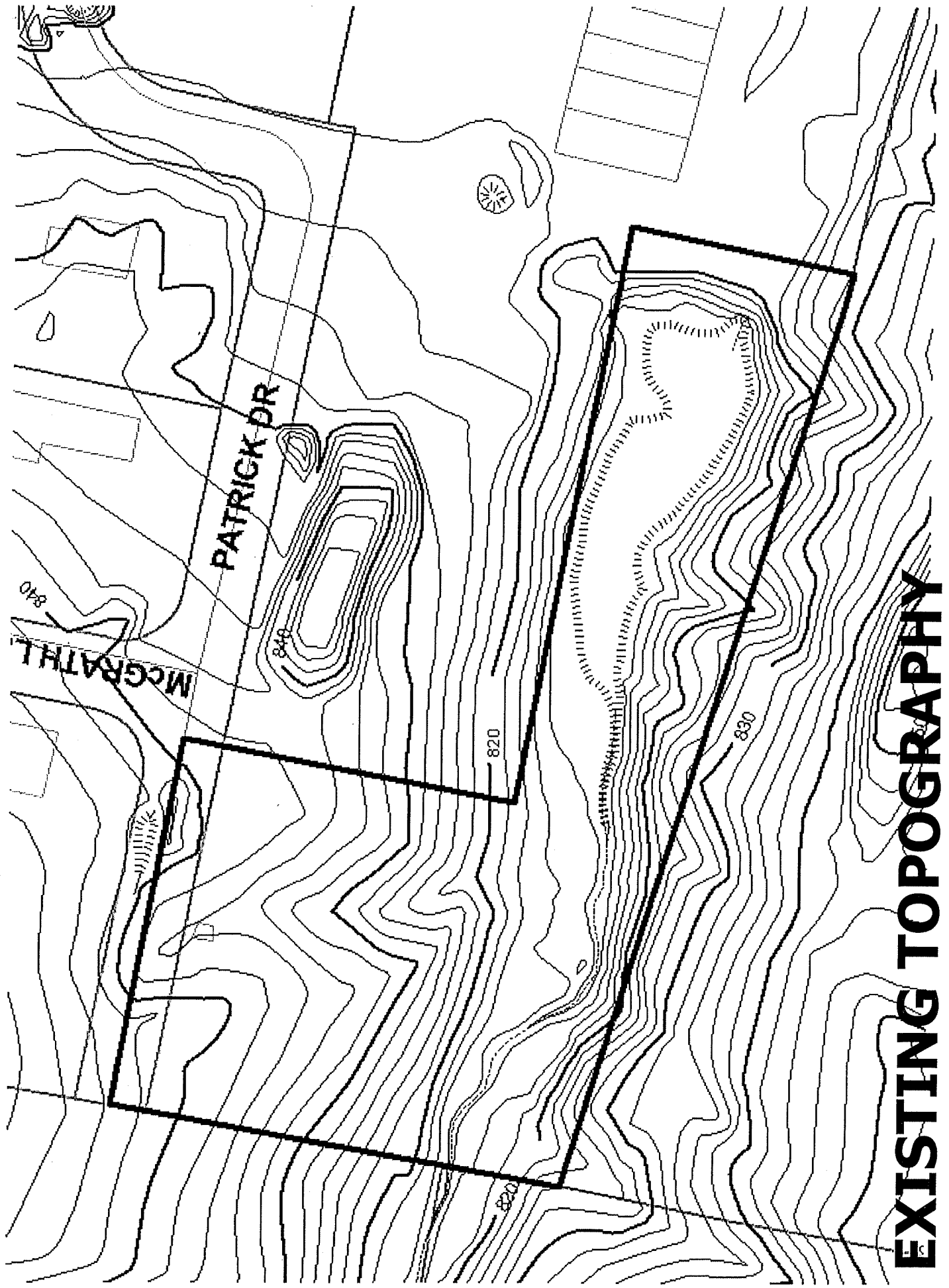
VICINITY MAP



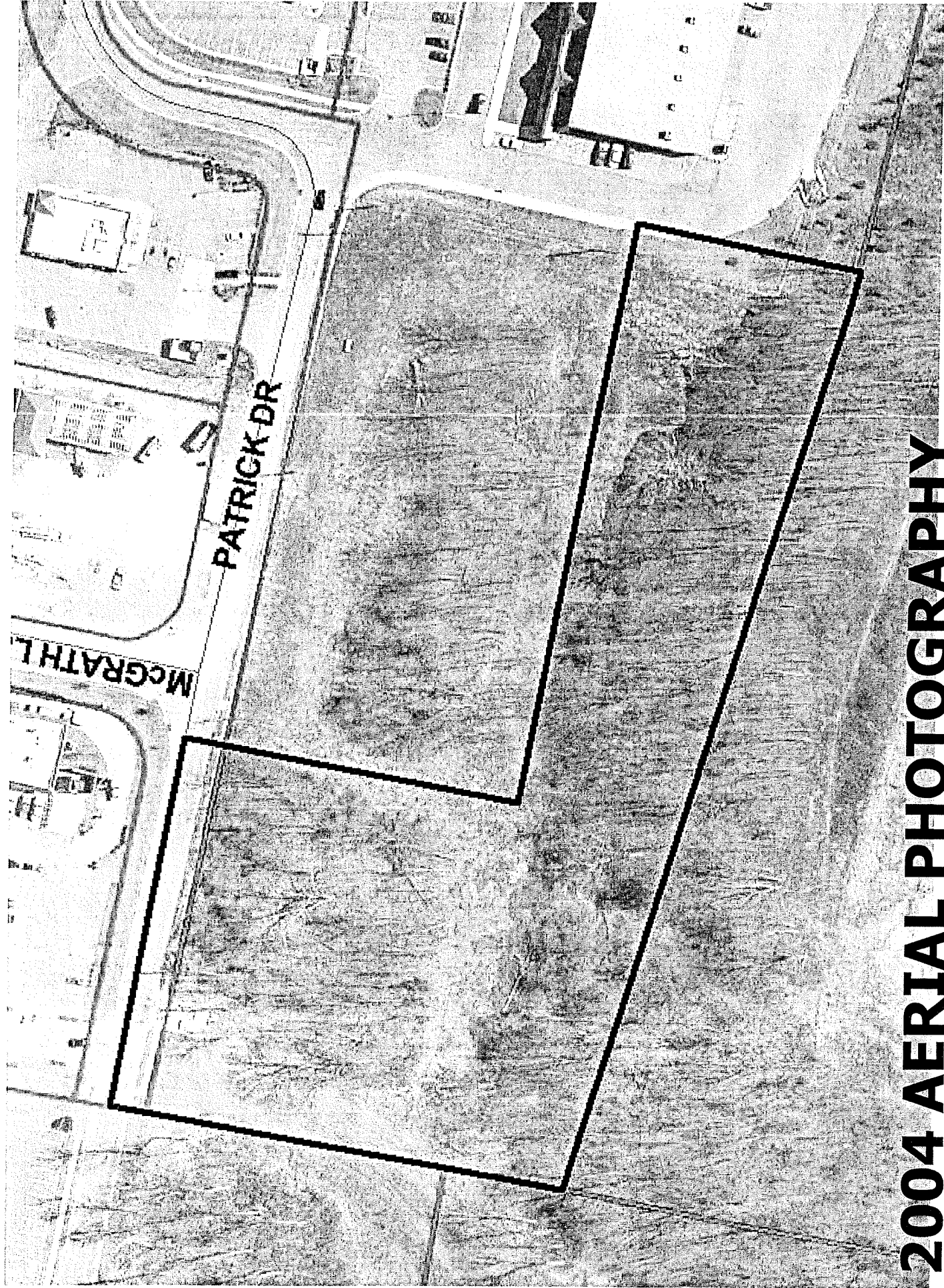
ZONING MAP



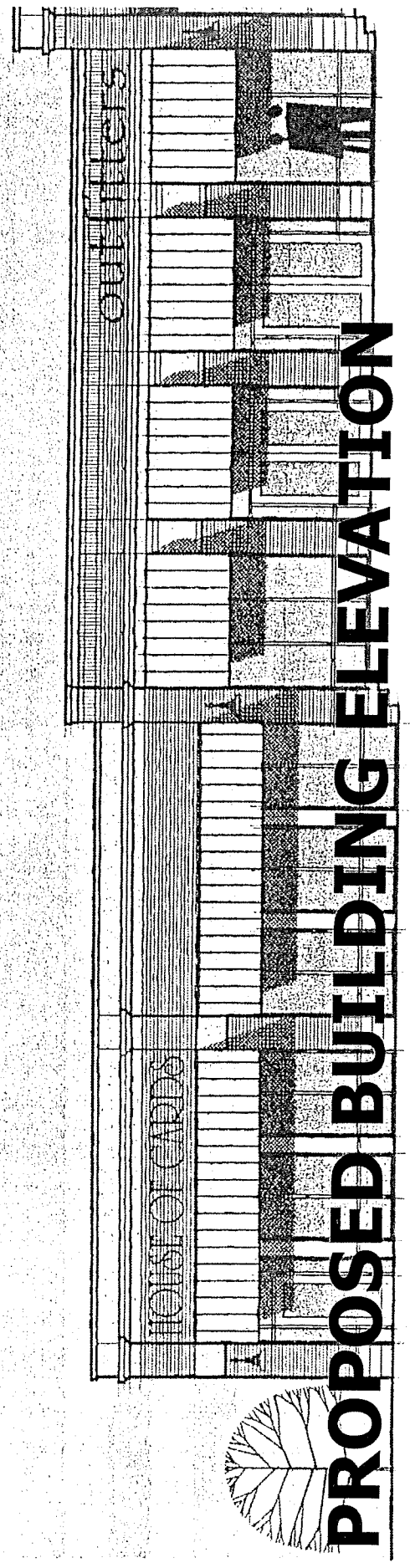
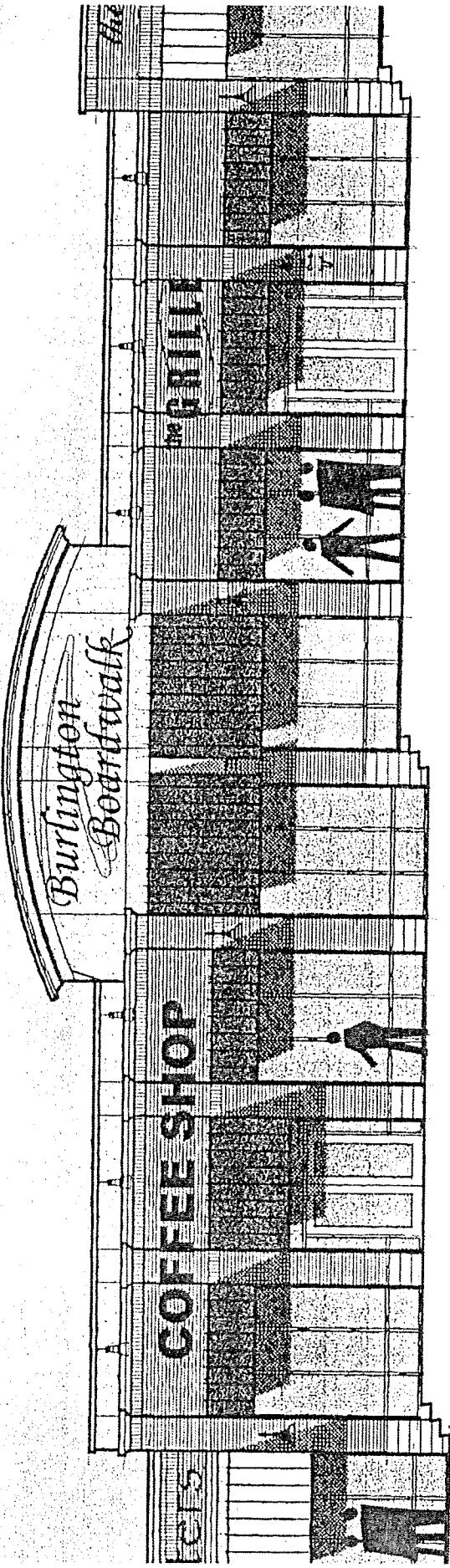
FUTURE LAND USE MAP



EXISTING TOPOGRAPHY

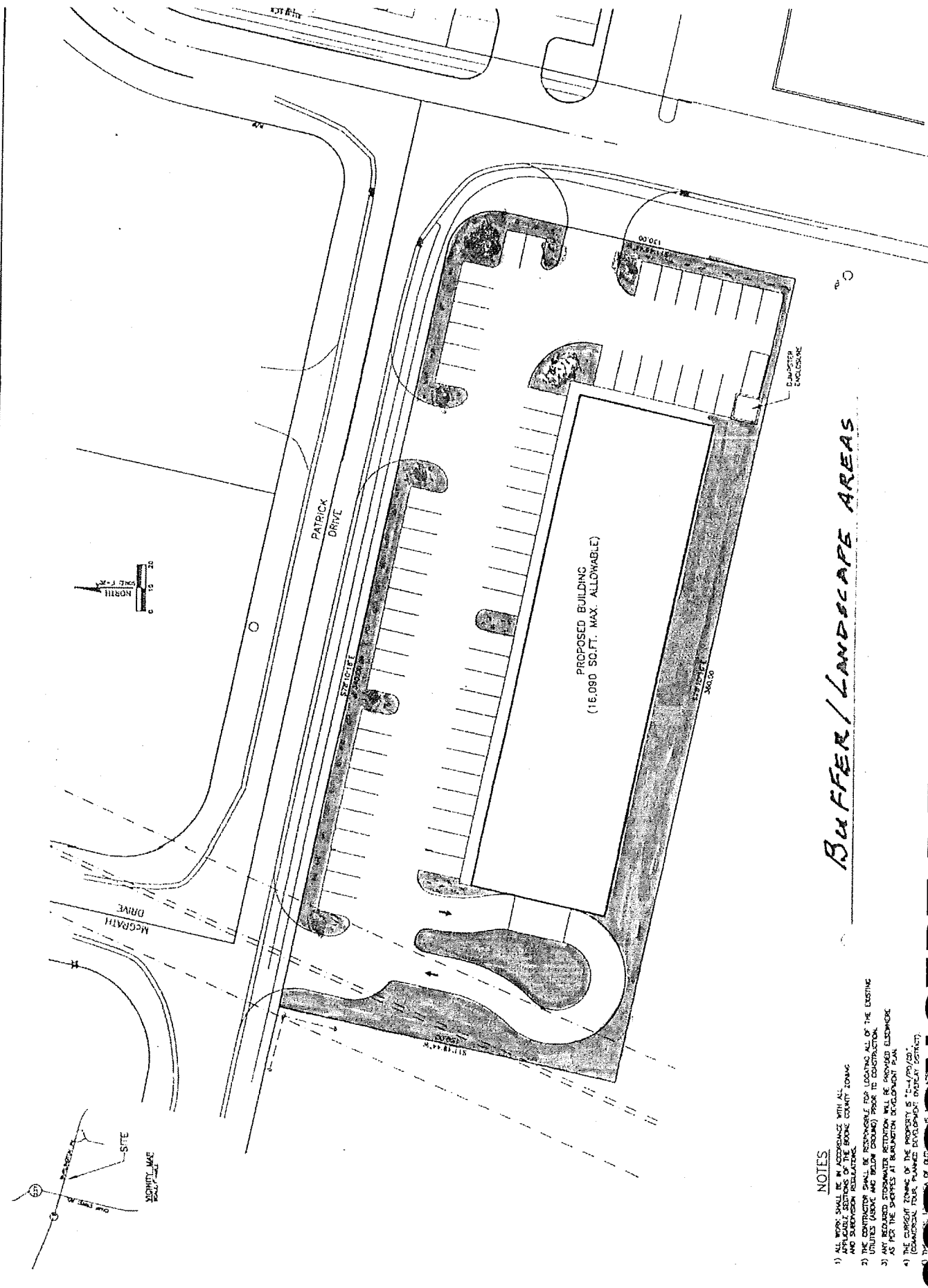


2004 AERIAL PHOTOGRAPHY



PROPOSED BUILDING ELEVATION





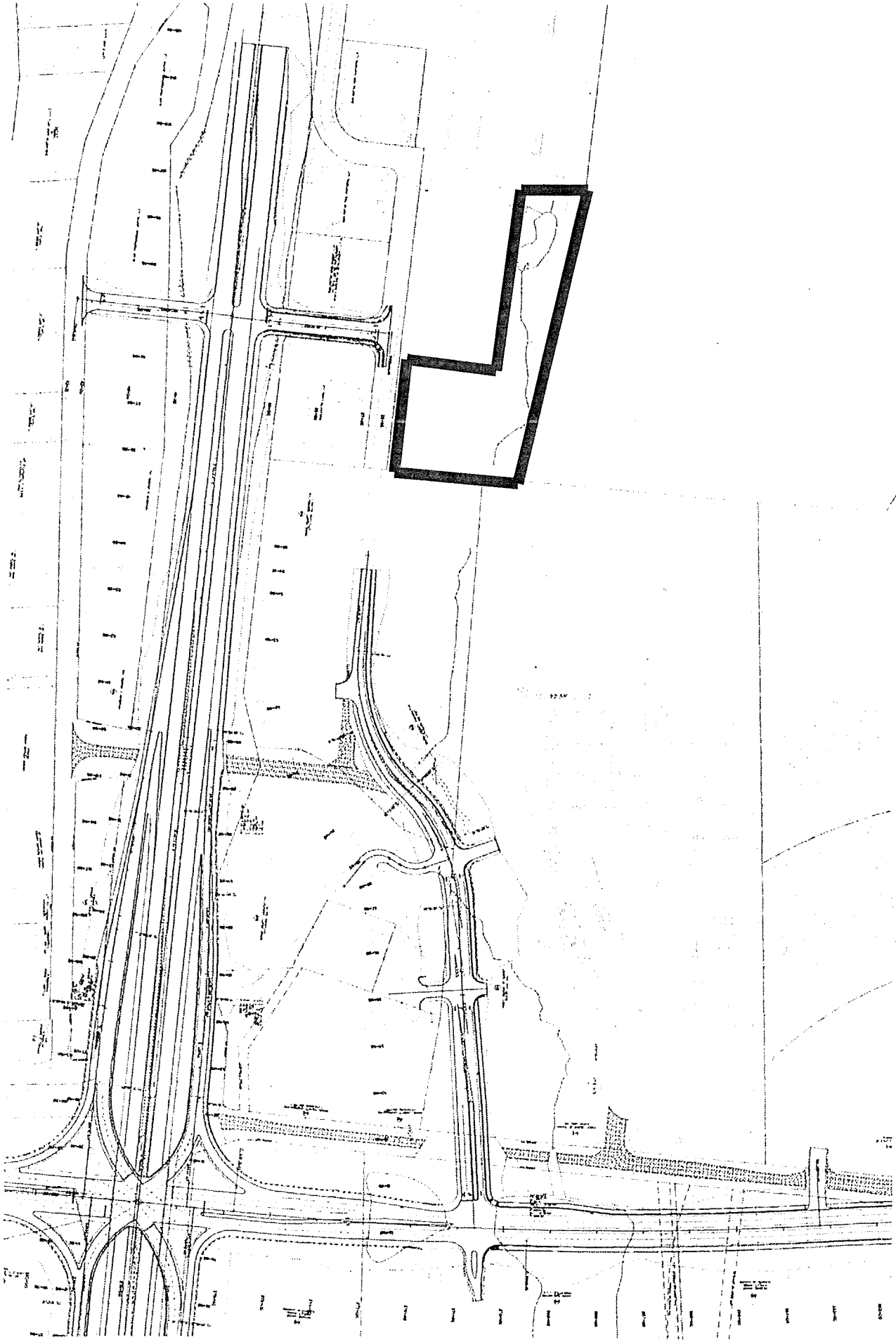
BUFFER / LANDSCAPE AREAS

NOTES

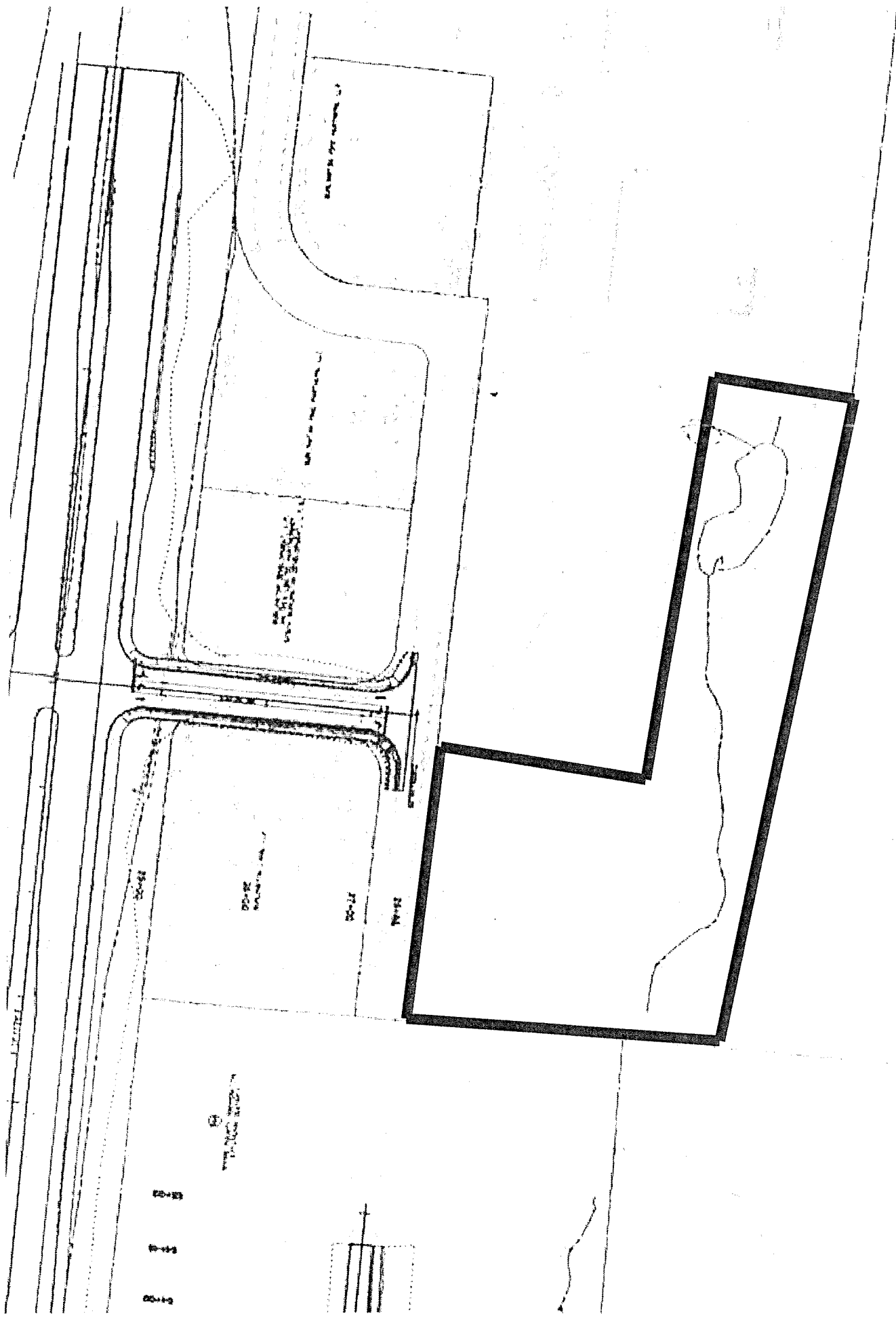
- 1) ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE EDITIONS OF THE BRIDGE COUNTY ZONING AND SUBDIVISION REGULATIONS.
- 2) THE DEVELOPER SHALL BE RESPONSIBLE FOR LOCATING ALL OF THE EXISTING UTILITIES (GAS, WATER, SEWER, ETC.) AND PROVIDING PROTECTION FOR THEM THROUGHOUT THE CONSTRUCTION OF THE PROJECT.
- 3) ANY REQUIRED STORMWATER RETENTION MUST BE CONSTRUCTION AS PER THE SPECIFICATIONS AT PLANNING DEVELOPMENT PARK.
- 4) THE CURRENT ZONING OF THE PROPERTY IS "M-100 (A)", (COMMERCIAL TOUR PLANNED DEVELOPMENT DISTRICT CENTER).

2003 CONCEPT DEVELOPMENT PLAN

DATE	BY	CHK



"URBAN INTERCHANGE" IMPROVEMENTS



"URBAN INTERCHANGE" IMPROVEMENTS

Mitch Light

From: MURPHY, MARSHALL D [MDMURPHY@sunocologistics.com]
Sent: Thursday, November 03, 2005 9:06 AM
To: DEAHL, MICHAEL R; Mitch Light
Cc: JONES, CHARLES E; HARDEN, EDWARD D
Subject: RE: Zoning Map Amendment, Patrick Drive, Burlington, KY

Mike:

We have mitigated the extra costs with special language in the agreement that defines extra work. All costs for extra work is at the expense of the landowner.

Thanks,

Marshall

> -----Original Message-----

> From: DEAHL, MICHAEL R

> Sent: Thursday, November 03, 2005 7:36 AM

> To: 'mlight@boonecountyky.org'

> Cc: JONES, CHARLES E; MURPHY, MARSHALL D; HARDEN, EDWARD D

> Subject: Zoning Map Amendment, Patrick Drive, Burlington, KY

>

> Mid-Valley Pipeline has a history of working with landowners and
> developers when construction or modifications to property arise. This
> proposed development presents a major concern due to the amount of
> fill that it appears will be added to the cover of our pipeline at
> this location. Normally, our pipeline has in the vicinity of 36" to
> 48" of cover. This allows relatively easy access when performing
> maintenance on our pipeline and provides a safety cushion to the
> public. From the drawing provided, it appears that anywhere from 2'
> to 20' of cover will be added to that already in existence.
> Additional cover equates to additional cost when exposing the pipeline
> for maintenance work. This cost includes the use of trench boxes,
> larger earth moving equipment and the additional time needed to deal
> with the added cover.

>

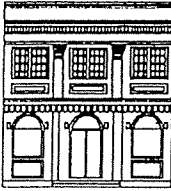
> I will be out of pocket the balance of this week, but will be in my
> office Monday, 11/7 should you wish to contact me to further discuss
> these concerns. I can be reached at 859-371-4469, ext 12.

>

>

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

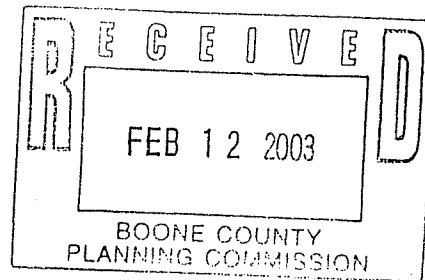
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 27, 2003



Mr. Michael Brandy
Brandicorp
7346 Beechmont Ave.
Cincinnati, OH 45230

RE: Recommended Conditions of Approval for the Request of **Douglas L. King (applicant)** for **Burlington Retail, LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 1.237 acre tract located on the south side of Patrick Drive, between the Patrick Drive/McGrath Drive intersection and the building located at 1793 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow uses permitted in the C-4 zone in a maximum 16,090 square foot building.

Dear Mr. Brandy:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their January 22, 2003 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, January 31, 2003.

CONDITIONS

1. The TANK Park & Ride area will be located along Patrick Drive utilizing the existing parking spaces for the retail center. A copy of the letter outlining the agreement between TANK and Burlington Retail, LLC is included in the Staff Report.
2. The property owner agrees that there will only be one (1) principle structure on this 1.237 acre tract.
3. The property owner agrees that if a drive-up type window would be desired in the final building design, the Zone Change Committee will review the proposal for window location, landscaping, location of menu/reader board(s), etc.
4. The property owner agrees to Design Review by Planning Commission Staff for the monument style sign and building materials. The monument style sign will be a maximum of ten (10) feet in height and a maximum of one hundred (100) square feet. The base of the monument style sign will be constructed of the dominant building material. The building materials will be consistent in appearance with the other buildings within the Shoppes of Burlington. *AND APPROVE MCB*
5. The property owner agrees to coordinate construction of the additional pedestrian connection from Patrick Drive to the adjacent Burgundy Hill Apartments with the developer of the apartment community. *AND APPROVE MCB*

6. The following are the Principally Permitted Commercial Four (C-4) uses with the excluded uses stricken:

COMMERCIAL FOUR (C-4)

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. ~~Grocery stores and supermarkets;~~
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
5. Department stores or general merchandise stores;
6. Gasoline filling stations, automotive repair facilities and wash facilities;
7. Eating and drinking establishments including alcoholic beverages;
8. Furniture stores;
9. Hardware stores;
10. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~
11. Medical offices, clinics and laboratory services;
12. Travel agencies;
13. Legal, architectural, engineering, accounting, insurance and real estate services;
14. Photo finishing services;
15. Florists, excluding greenhouses;
16. Shoe repair and dry cleaning services;
17. Nursery and day care centers;
18. Beauty and barber salons;
19. Veterinary services and pet grooming services;

20. Bakery stores;
21. Apparel shops;
- ~~22. Drug store;~~
23. Garden and landscaping sales and supplies including florist greenhouse;
24. Fire stations and related services and police stations;
25. Laundromats and self-service washing and drying;
26. Opticians and optical goods;
27. Television and audio sales and repair;
28. Paint and wallpaper stores;
29. Carpet stores;
30. Books, stationery, gift shops and card shops;
31. Household and electrical appliance stores including repair;
32. Sporting goods stores;
- ~~33. Video stores;~~
34. Churches, synagogues, temples and other places or religious assembly for workshop;
35. Funeral homes and crematoriums excluding cemeteries or mausoleums;
36. Liquor, beverage, drug and proprietary stores;
37. Auto parts and accessories stores;
- ~~38. Hotels and motels including convention facilities.~~

Sincerely,



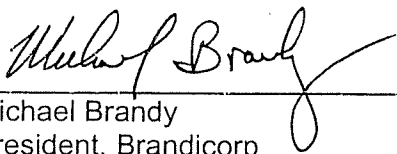
Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

Mr. Michael Brandy
January 27, 2003
Page 4

AGREEMENT

I, Michael Brandy, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 1.237 acre tract located on the south side of Patrick Drive, between the Patrick Drive/McGrath Drive intersection and the building located at 1793 Patrick Drive, Boone County, Kentucky.

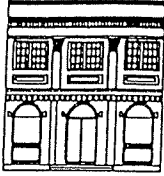


Michael Brandy
President, Brandicorp

2/3/03

Date

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

September 18, 1996

Mr. Steven Poe
Southeast Development Corporation
462 South Fourth Ave
Suite 625, Meidinger Tower
Louisville, KY 40202

RE: Recommended Conditions of Approval for the Zoning Map Amendment Application for the Southeast Development Corporation and Charlene Combs Site.

Dear Mr. Poe:

The following represent potential conditions of approval as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by Tuesday, September 17, 1996.

Conditions of Approval

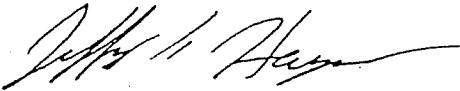
1. The applicant shall provide an easement from the property line of the First Church of Christ through the applicant's site which shall afford the church the ability to connect with the proposed traffic light at KY 18. The Church shall be responsible for the development and payment of the roadway and shall workout the details of the placement of the easement and the construction of the driveway with the applicant. The driveway should be designed to prevent public use as a cut thru to Camp Ernst Road or KY 18.
2. The applicant shall be required to undergo Design Review for the retail center and outlots during the Site Plan Review procedure. The Planning Commission shall review the development as it relates to the surrounding environment of KY 18 and Burlington. The development should create a unique design to the area, but at the same time be sensitive to the established character of KY 18 and Burlington. A unified design theme shall be incorporated throughout the development for the retail center, outlots and apartments. This design theme will not prohibit corporate identity, but rather enhance any franchise style design, thus creating a design which is unique to this development. Architectural details, roof types, and shapes, scale, landscaping, color and materials, roof equipment screening and quality of design are all elements which shall be reviewed by the Planning Commission during Design Review. The design of the apartments shall be as presented at the Public Hearing.

3. All signage for the site shall be required to undergo Design Review along with the review of the building design. All outlot signs shall be of a monument design with stone, brick or like material for the base. The maximum height of these signs shall be 10 feet from the ground level. The retail center shall be permitted one free-standing sign which shall not exceed forty (40) feet in height and shall be designed with similar materials to that of the center. No support structures shall be uncovered and visible to adjoining properties or public right-of-way.
4. The four outlots will not be permitted to have parking in front of the building facing KY 18. However, driveways shall be permitted in the front of the building. The applicant shall also be held to only developing two of the outlots for fast-food restaurants which shall be defined as a restaurant which has a drive-thru and high customer turn over. Restaurants which have a drive thru, but are more of a family oriented sit down type of restaurant, in which the food is served to the customer at their table, shall not be classified as fast food restaurant.
5. The approximately three acre Open Space area shown on the applicant's Concept Development Plan, shall be set aside for use by TANK in the future. The applicant shall work with TANK to develop a Park & Ride facility as the need and demand develops. The applicant shall develop the facility at their expense, but can develop the Park & Ride facility in two phases. The facility shall be constructed as the need is identified by TANK and shall include a transit shelter if needed by TANK. The maximum size of the park & ride facility required to be developed by the applicant would be 50 parking spaces.
6. The applicant shall provide sidewalks within the development and between the apartments and retail uses. In addition, the applicant shall provide a bicycle path which connects the apartment use to the retail uses from KY 18. Bicycle racks shall also be provided near the retail center.
7. The applicant shall clearly indicate the grading limits on the appropriate subdivision review plan. These grading limits shall be clearly marked in the field and it shall be the responsibility of the applicant to contact the Boone County Planning Commission Staff to review the location of the grading limits before any grading can occur. The undisturbed areas shall remain the same as identified on the submitted Concept Development Plan.
8. The applicant shall provide a detailed lighting plan for the overall development with special emphasis given to the loading dock area of the retail center. The applicant shall provide details of the lighting fixtures which include specification on the power and direction of each light. There shall be no spill over lighting into any of the adjoining residential properties. In addition, the applicant shall provide berming or fencing along the eastern property line which shall be reviewed during Site Plan review to the satisfaction of the Planning Commission. The objective of the berming or fencing shall be to screen the loading dock area of the retail center and the side parking area from the view of the existing apartment development to the east.

Mr. Steven Poe
Southeast Development Corporation
September 18, 1996
Page 3

9. The alignment of the roadway to the apartments and the Pennington property shall be redeveloped so that the roadway continues south to the Pennington property and the apartments access this road at a right angle. This design shall be reviewed during the appropriate development review procedure by the Planning Commission.
10. The applicant shall be required to work with the property owner to the east to create an even alignment of Patrick Drive. This alignment should allow for the stacking of appropriately 5 to 7 automobiles between the traffic light on KY 18 and the intersection of Patrick Drive. If this alignment cannot be secured the applicant shall work with the Boone County Planning Commission to their satisfaction regarding a secondary alignment. In addition, the control of the intersection shall be reviewed to the satisfaction of the Planning Commission during the appropriated development review procedure.

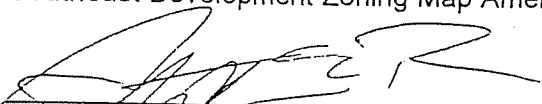
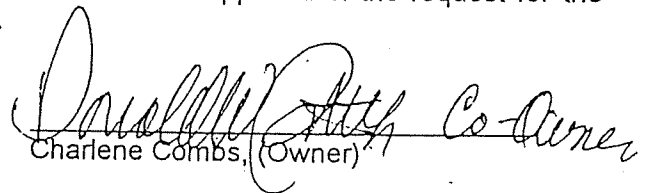
Sincerely,



Jeffrey F. Hayes, AICP
Planner

JFH\par

We, the owner/applicant, agree to the above listed condition for approval of the request for the Southeast Development Zoning Map Amendment.


Steven Poe, (Applicant)
Charlene Combs, (Owner)

SECTION 1040

COMMERCIAL FOUR (C-4)

The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population.

SECTION 1041

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
5. Department stores or general merchandise stores;
6. Gasoline filling stations, automotive repair facilities and wash facilities;
7. Eating and drinking establishments including alcoholic beverages;
8. Furniture stores;
9. Hardware stores;
10. Recreation centers, gymnasiums, clubs and similar athletic uses;
11. Medical offices, clinics and laboratory services;
12. Travel agencies;
13. Legal, architectural, engineering, accounting, insurance and real estate services;

14. Photo finishing services;
15. Florists, excluding greenhouses;
16. Shoe repair and dry cleaning services;
17. Nursery and day care centers;
18. Beauty and barber salons;
19. Veterinary services and pet grooming services;
20. Bakery stores;
21. Apparel shops;
22. Drug store;
23. Garden and landscaping sales and supplies including florist greenhouse;
24. Fire stations and related services and police stations;
25. Laundromats and self-service washing and drying;
26. Opticians and optical goods;
27. Television and audio sales and repair;
28. Paint and wallpaper stores;
29. Carpet stores;
30. Books, stationery, gift shops and card shops;
31. Household and electrical appliance stores including repair;
32. Sporting goods stores;
33. Video stores;
34. Churches, synagogues, temples and other places or religious assembly for workshop;
35. Funeral homes and crematoriums excluding cemeteries or mausoleums;
36. Liquor, beverage, drug and proprietary stores;
37. Auto parts and accessories stores;
38. Hotels and motels including convention facilities.

SECTION 1042

Accessory Uses

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

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assemble areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Amusement centers;
 - d. Tennis courts and swimming pools;
 - e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. General leisure, ornamental and other park spaces;
2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
6. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
7. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1043

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses to the district:

1. Mini-warehouses or storage facilities;

SECTION 1044

Intensity

The intensity of use in a Commercial Four (C-4) district is 9,000 - 13,000 square feet of gross floor area per 1 acre. The maximum intensity for any principally permitted use or accessory use shall not exceed 100,000 square feet.

SECTION 1045

Minimum/Maximum Size

The minimum size and extent of a Commercial Four (C-4) district, including all the contiguous private property so designated, shall not be less than three (3) acres. There is no maximum size limit of a C-4 district. However, no development or project in a C-4 district shall exceed 30 acres in size.

SECTION 1046

Minimum Standards

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

SECTION 1514

Planned Development Standards

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

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a mixed use development as described in this standard is provided.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. **Architecture:** A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.

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

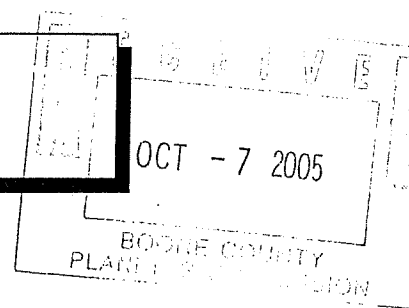
Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

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

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

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project BULLINGTON RETAIL CENTER
- 2. Location of Project PATERK DR.
- 3. Total Acreage of Site 4.63 ACRES 3.27 ACRES to be Rezoned
- 4. Current Zoning of Site SR-2/PD & C-4/PD
- 5. Proposed Zoning (Classification being requested) C-4/PD
- 6. Proposed Uses (please specify each use) RETAIL & RESTAURANT

- 7. Names of Applicant(s) CARTEC ENGINEERING / BRANDICORP
- Phone Number 859-341-6006 Fax No. 341-0163

- 8. Address of Applicant(s) 2545 RITCHIE AVE
- COVINGTON KY 41017
- City State Zip

- 9. Name of Property Owner(s) BRANDICORP
- Phone Number 292-8040 Fax No. 292-8050

- 10. Address of Property Owner(s) 45 FAIRFIELD AVE
- BELLEVUE KY 41073
- City State Zip

- 11. Proposed Building Intensities (please specify) RETAIL & RESTAURANT

- 12. Are there any existing buildings on the site? No
- How many? N/A

- 13. Deed Book 790 Page No. 170 Group No. 2031

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

- 15. Have you submitted a Concept Development Plan? _____

- 16. Have you had a pre-application meeting with BCPC Staff? YES, BRANDICORP PRE-METTING

- 17. Please check the following organizations/agencies which you have discussed the proposed MITCH LIKH 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

**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 Union *BURLINGTON*
 Florence Union

19. Applicant's Signature *Genie L. [Signature]*
 Property Owner's Signature *x Michael Brandy*

SECTION B (To be completed by BCPC Staff)

1. Date Received *10-7-05*
2. Review Fee *\$136290* ~~*\$44001*~~ ~~*\$88.00*~~ *\$88.00* ~~*\$44092*~~
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer *KIRCHLIGHT*
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@boonecountyky.org - E-mail
 www.boonecountyky.org - Web Page

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

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

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:32 PM and introduced the first item on the Agenda:

Applicant: Cartec Engineering and Brandicorp for Brandicorp (owner)

Request: Zoning Map Amendment

The request of Cartec Engineering and Brandicorp (applicants) for Brandicorp (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that this application is being reviewed under the 2000 Comprehensive Plan due to the date on which it was submitted.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Bill Martin, Brandicorp, 45 Fairfield Avenue, Bellevue, Kentucky, stated that Kroger's is interested in expanding and upgrading the store. He stated that they want to update the center and possibly change the facades to reflect the new look. Strip centers are going towards the lifestyle center look and that is what they are trying to do. They will have to relocate some of the tenants to make room for the Kroger's expansion and they want to move those tenants to the subject location. He offered to answer any questions.

Mr. E. J. Foltz indicated the retention pond area and stated that it will be modified. It should have had a water retention area and there are some things that were not done correctly when the pond was designed. They will not disturb the buffer on the south end of the tract or the wooded hillside abutting the apartments.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request.

Mr. Kelvin Peyton, Kroger's Real Estate Department, stated that they are excited about expanding the store. The Kroger's store is currently 62,541 square feet and they want to expand it by 20,470 square feet, which will make the store approximately 83,000 square feet in size and give them the opportunity to expand the different departments in the store and offer other items to the community. They want to create and maintain a first class development.

Mr. Ralph Wilmhoff, Director of Operations for First Church of Christ, stated that the church has a 40-foot easement along the west boundary. He stated that they will lose the direct access off KY 18 into their property with the changes to the KY 18/KY 237 intersection. They would like the Planning Commission and the developer to consider modifying the plan so that there can be direct access to the church that follows McGrath Drive and goes into the back of the property. They want to access their property in a direct line with McGrath Drive and would be willing to give up the 40-foot easement for such access. He stated that about 2,200 people come to the church on the weekends, plus there are activities during the day and almost every night, and most of them come to the church via the access from KY 18. A direct road that follows McGrath Drive would not replace the access they have now, but it would be much better than entering the church property via the 40-foot easement. He stated that providing the access may enhance the proposed project due to the church traffic that would go by the development every day.

Mr. Chris Divan representing the apartment community to the rear, stated that the access point off of McGrath Drive would be a good option that would allow for development of the land beyond it and the traffic going to the church would help the retail businesses. He believes the proposed plan is good for the area, but he would like to see the plan tweaked to accommodate the church and future development needs.

Mr. Eric Halverstadt, owner of Jet Clean Auto Wash, stated that he is concerned about the intersection of McGrath Drive and Patrick Drive because people do not stop at the stop sign now and there will be more concerns with the increased traffic. He questioned a traffic light at that intersection and at KY 18. He thinks the project is good for the area and, if the traffic is done right, it will also be good for the car wash.

Mrs. Poston asked if there was anyone else present who wished to speak regarding this request. There being no response, she asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. McMillian regarding the proposed road and the easement, Mr. Light stated that the road could not go right over top of the pipeline. He does not think Mid-Valley would allow a long stretch of road on the easement, but they could cross the easement with pavement. He stated that the idea is for the road to go along side the easement to a point and then cross it and go south but still be in the easement. He stated that the 40-foot access easement to the church is shown on the Concept Plan and is 40 feet from the west property line. It is shown stubbed on the Concept Plan, but it would provide access to the back property (the flat area that has been graded). They were required in 1996 to have the 40-foot access easement. Mr. Carmichael stated that the applicant is not proposing an extension of McGrath Drive to the back of the church – it was suggested by a member of the audience, but it is not part of the application. Mr. Costello agreed.


Mr. Bunger asked if both buildings will be built on both lots and questioned how the sidewalk will tie in with the Kroger's development. Mr. Foltz reviewed the Power Point slide and stated that they do not have elevations prepared for the building on the west side of the high point easement. He stated that the topography for the retail building is correct and they matched it up with the county contour. He indicated where the existing sidewalk in front of the lot begins and where it terminates.

Mrs. Poston stated that the applicant is proposing two buildings with the potential of two drive-up windows. Mr. Light stated that they do not know who the tenants will be so they are showing the buildings with the drive-through windows. The 2003 approval required Zone Change Committee review and approval if a drive-through was proposed at the Major Site Plan Review. Mrs. Poston stated that the building looks like it is right on the 40-foot easement. Mr. Light responded that the building can go all the way up to the edge of the easement.

Mrs. Poston asked if there were any further comments or questions from the applicant, the audience or the Commissioners. There was no response.

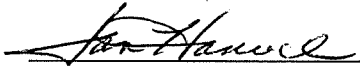
Mrs. Poston stated that the Committee Meeting for this item will be on December 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 21, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:01 PM.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
December 21, 2005
7:00 P.M.**

Mrs. Lisa Wilson, Secretary/Treasurer called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Robert Newman
Mrs. Susan Poston, Vice Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

Approval of the Minutes:

Mrs. Wilson stated that the Commissioners received copies of the Minutes of the December 7, 2005 Business Meeting. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Kegley seconded the motion and it carried unanimously.

Mrs. Wilson stated that the Commissioners received copies of the Minutes of the December 7, 2005 Public Hearings. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Kegley seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Cartec Engineering and Brandicorp (applicants) for Brandicorp (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

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

At this time, Mrs. Wilson allowed the applicant an opportunity to summarize their position.

Mr. Bill Martin stated that they have discussed all of the conditions and are in agreement with the Committee Report. He offered to answer any questions.

Mrs. Wilson asked if there was anyone present who would like to comment in opposition to the request. There was no response.

There being no discussion, **Mrs. Kegley moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Barlow seconded the motion and it carried unanimously.**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 21, 2005

RE: Request of Cartec Engineering and Brandicorp (applicants) for Brandicorp (owner) for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Suburban Residential Two/Planned Development (SR-2/PD) is inappropriate and that the proposed zoning classification of Commercial Four/Planned Development (C-4/PD) is appropriate due to the adjoining 1.237 acres being changed to Commercial Four/Planned Development (C-4/PD) in 2003 and its location in a growing local commercial area.
2. The Committee has also concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specific references to the Comprehensive Plan are provided in the Staff Report for this request.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner agrees that there will only be one (1) principle structure on this 3.39 acre tract for a total of two (2) principle structures on the entire 4.63 acre lot.
2. The property owner agrees that if a drive-up type window (a maximum of one on each building) would be desired in the final building designs, the Zone Change Committee will review and approve the proposal for window location, landscaping, location of menu/reader board(s), etc. at the Major Site Plan Review.

3. The property owner agrees to Design Review by Planning Commission Staff for the monument style sign and building materials. The monument style sign will be a maximum of ten (10) feet in height and a maximum of one hundred (100) square feet. The base of the monument style sign will be constructed of the dominant building material. The building materials and design will be consistent in appearance with the elevations presented at the December 7, 2005 Zone Change Committee meeting and will be reviewed by Staff through the required Major Site Plan Review.
4. The property owner agrees to coordinate construction of the additional pedestrian connection from Patrick Drive to the adjacent Burgundy Hill Apartments with the developer of the apartment community.
5. The following are the Principally Permitted Commercial Four (C-4) uses with the excluded uses stricken:

COMMERCIAL FOUR (C-4)

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
5. Department stores or general merchandise stores;
6. Gasoline filling stations, automotive repair facilities and wash facilities;
7. Eating and drinking establishments including alcoholic beverages;
8. Furniture stores;
9. Hardware stores;
- ~~10. Recreation centers, gymnasiums, clubs and similar athletic uses;~~

11. Medical offices, clinics and laboratory services;
12. Travel agencies;
13. Legal, architectural, engineering, accounting, insurance and real estate services;
14. Photo finishing services;
15. Florists, excluding greenhouses;
16. Shoe repair and dry cleaning services;
17. Nursery and day care centers;
18. Beauty and barber salons;
19. Veterinary services and pet grooming services;
20. Bakery stores;
21. Apparel shops;
22. Drug store;
23. Garden and landscaping sales and supplies including florist greenhouse;
24. Fire stations and related services and police stations;
25. Laundromats and self-service washing and drying;
26. Opticians and optical goods;
27. Television and audio sales and repair;
28. Paint and wallpaper stores;
29. Carpet stores;
30. Books, stationery, gift shops and card shops;
31. Household and electrical appliance stores including repair;

- 32. Sporting goods stores;
- 33. Video stores;
- ~~34. Churches, synagogues, temples and other places or religious assembly for workshop;~~
- ~~35. Funeral homes and crematoriums excluding cemeteries or mausoleums;~~
- 36. Liquor, beverage, drug and proprietary stores;
- ~~37. Auto parts and accessories stores;~~
- ~~38. Hotels and motels including convention facilities.~~

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/Concept Plan Committee Vote.

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

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:32 PM and introduced the first item on the Agenda:

Applicant: **Cartec Engineering and Brandicorp for
Brandicorp (owner)**

Request: **Zoning Map Amendment**

The request of **Cartec Engineering and Brandicorp (applicants) for
Brandicorp (owner)** for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

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Mr. Chris Divan representing the apartment community to the rear, stated that the access point off of McGrath Drive would be a good option that would allow for development of the land beyond it and the traffic going to the church would help the retail businesses. He believes the proposed plan is good for the area, but he would like to see the plan tweaked to accommodate the church and future development needs.

Mr. Eric Halverstadt, owner of Jet Clean Auto Wash, stated that he is concerned about the intersection of McGrath Drive and Patrick Drive because people do not stop at the stop sign now and there will be more concerns with the increased traffic. He questioned a traffic light at that intersection and at KY 18. He thinks the project is good for the area and, if the traffic is done right, it will also be good for the car wash.

Mrs. Poston asked if there was anyone else present who wished to speak regarding this request. There being no response, she asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. McMillian regarding the proposed road and the easement, Mr. Light stated that the road could not go right over top of the pipeline. He does not think Mid-Valley would allow a long stretch of road on the easement, but they could cross the easement with pavement. He stated that the idea is for the road to go along side the easement to a point and then cross it and go south but still be in the easement. He stated that the 40-foot access easement to the church is shown on the Concept Plan and is 40 feet from the west property line. It is shown stubbed on the Concept Plan, but it would provide access to the back property (the flat area that has been graded). They were required in 1996 to have the 40-foot access easement. Mr. Carmichael stated that the applicant is not proposing an extension of McGrath Drive to the back of the church – it was suggested by a member of the audience, but it is not part of the application. Mr. Costello agreed.


Mr. Bunger asked if both buildings will be built on both lots and questioned how the sidewalk will tie in with the Kroger's development. Mr. Foltz reviewed the Power Point slide and stated that they do not have elevations prepared for the building on the west side of the high point easement. He stated that the topography for the retail building is correct and they matched it up with the county contour. He indicated where the existing sidewalk in front of the lot begins and where it terminates.

Mrs. Poston stated that the applicant is proposing two buildings with the potential of two drive-up windows. Mr. Light stated that they do not know who the tenants will be so they are showing the buildings with the drive-through windows. The 2003 approval required Zone Change Committee review and approval if a drive-through was proposed at the Major Site Plan Review. Mrs. Poston stated that the building looks like it is right on the 40-foot easement. Mr. Light responded that the building can go all the way up to the edge of the easement.

Mrs. Poston asked if there were any further comments or questions from the applicant, the audience or the Commissioners. There was no response.

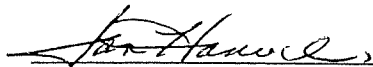
Mrs. Poston stated that the Committee Meeting for this item will be on December 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 21, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:01 PM.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 7, 2005

RE: Request of **Cartec Engineering and Brandicorp (applicants)** for **Brandicorp (owner)** for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

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.

Cartec Engineering/Brandicorp

December 7, 2005

Susan Poston

Susan Poston, Chairwoman

For Project Absent
 Against Project
 Abstain Deferred

Randy Barlow

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger

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

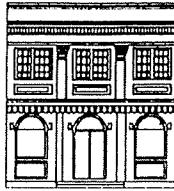
Lisa Wilson (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: _____ DEFERRED 3 FOR PROJECT 2 ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

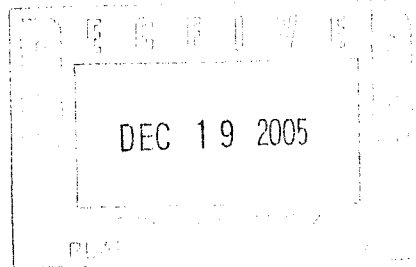
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

December 13, 2005



Mr. Michael Brandy
Brandicorp
45 Fairfield Avenue
Bellevue, KY 41073

RE: Recommended Conditions of Approval for the Request of **Cartec Engineering and Brandicorp (applicants)** for **Brandicorp (owner)** for a Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre area located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow retail and restaurant uses.

Dear Mr. Brandy:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their December 7, 2005 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, December 16, 2005.

CONDITIONS

1. The property owner agrees that there will only be one (1) principle structure on this 3.39 acre tract for a total of two (2) principle structures on the entire 4.63 acre lot.
2. The property owner agrees that if a drive-up type window (a maximum of one on each building) would be desired in the final building designs, the Zone Change Committee will review and approve the proposal for window location, landscaping, location of menu/reader board(s), etc. at the Major Site Plan Review.
3. The property owner agrees to Design Review by Planning Commission Staff for the monument style sign and building materials. The monument style sign will be a maximum of ten (10) feet in height and a maximum of one hundred (100) square feet. The base of the monument style sign will be constructed of the dominant building material. The building materials and design will be consistent in appearance with the elevations presented at the December 7, 2005 Zone Change Committee meeting and will be reviewed by Staff through the required Major Site Plan Review.

Mr. Michael Brandy
Brandicorp
December 13, 2005
Page 2

4. The property owner agrees to coordinate construction of the additional pedestrian connection from Patrick Drive to the adjacent Burgundy Hill Apartments with the developer of the apartment community.
5. The following are the Principally Permitted Commercial Four (C-4) uses with the excluded uses stricken:

COMMERCIAL FOUR (C-4)

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
5. Department stores or general merchandise stores;
6. Gasoline filling stations, automotive repair facilities and wash facilities;
7. Eating and drinking establishments including alcoholic beverages;
8. Furniture stores;
9. Hardware stores;
- ~~10. Recreation centers, gymnasiums, clubs and similar athletic uses;~~
11. Medical offices, clinics and laboratory services;
12. Travel agencies;
13. Legal, architectural, engineering, accounting, insurance and real estate services;
14. Photo finishing services;

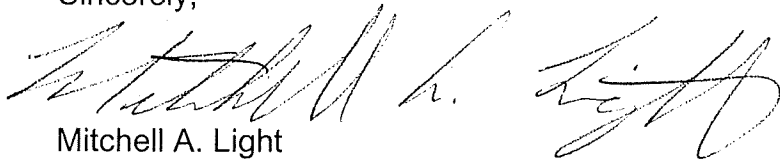
Mr. Michael Brandy
Brandicorp
December 13, 2005
Page 3

15. Florists, excluding greenhouses;
16. Shoe repair and dry cleaning services;
17. Nursery and day care centers;
18. Beauty and barber salons;
19. Veterinary services and pet grooming services;
20. Bakery stores;
21. Apparel shops;
22. Drug store;
23. Garden and landscaping sales and supplies including florist greenhouse;
24. Fire stations and related services and police stations;
25. Laundromats and self-service washing and drying;
26. Opticians and optical goods;
27. Television and audio sales and repair;
28. Paint and wallpaper stores;
29. Carpet stores;
30. Books, stationery, gift shops and card shops;
31. Household and electrical appliance stores including repair;
32. Sporting goods stores;
33. Video stores;
- ~~34. Churches, synagogues, temples and other places or religious assembly for workshop;~~
- ~~35. Funeral homes and crematoriums excluding cemeteries or mausoleums;~~

Mr. Michael Brandy
Brandicorp
December 13, 2005
Page 4

- 36. Liquor, beverage, drug and proprietary stores;
- ~~37. Auto parts and accessories stores;~~
- ~~38. Hotels and motels including convention facilities.~~

Sincerely,

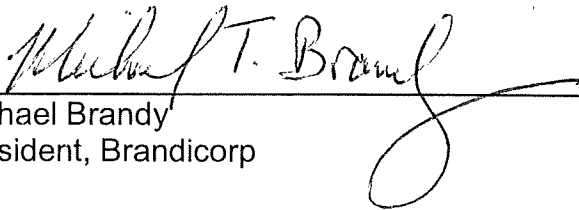


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, Michael Brandy, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Suburban Residential Two/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre site located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky, to allow retail and restaurant uses



Michael Brandy
President, Brandicorp

12-15-05
Date

BRANDICORP PARCEL
RE-ZONE FROM SR-2 TO C-4
3.3891 ACRES

Being a particular piece of property located on the southerly side of Patrick Drive in Boone County Kentucky, being more particularly described as follows:

Commencing at a recovered P.K. Nail at the centerline intersections of Patrick Drive and McGrath Lane,

Thence, South $53^{\circ}37'16''$ West for a distance of 33.53 feet to a point on the southerly right-of-way of Patrick Drive, said point being the Real Point of Beginning for this tract,

Thence, leaving the right-of-way of Patrick Drive South $11^{\circ}49'44''$ West for a distance of 150.00 feet,

Thence, South $78^{\circ}10'16''$ East for a distance of 360.00 feet,

Thence, South $11^{\circ}49'44''$ West for a distance of 204.22 feet,

Thence, North $72^{\circ}34'06''$ West for a distance of 622.44 feet,

Thence, North $10^{\circ}27'59''$ East for a distance of 293.53 feet to a point on the southerly right-of-way of Patrick Drive,

Thence, along the southerly right-of-way of Patrick Drive South $78^{\circ}10'16''$ East for a distance of 266.44 feet to the Real Point of Beginning, containing 3.3891 acres.

APPROVED

Staff *[Signature]*

Date 12/21/05

Seane County
Planning Commission



FRONT ELEVATION

PROJECT:
RETAIL CENTER

LOCATION:
SANDY CREEK

DATE:
12/21/05

DRAWN BY:
[Name]

CHECKED BY:
[Name]

SCALE:
1" = 20'-0"

PROJECT NO.: 05-0000000000
DATE: 12/21/05
DRAWN BY: [Name]
CHECKED BY: [Name]

ORDINANCE 06-03

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF CARTEC ENGINEERING AND BRANDICORP (APPLICANTS) FOR BRANDICORP (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) TO COMMERCIAL FOUR/PLANNED DEVELOPMENT (C-4/PD) FOR A 3.39 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF PATRICK DRIVE, ACROSS FROM THE PROPERTY AT 1816 PATRICK DRIVE, 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/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre site generally located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, 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 ORDAINED 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/Planned Development (SR-2/PD) to Commercial Four/Planned Development (C-4/PD) for a 3.39 acre site generally located on the south side of Patrick Drive, across from the property at 1816 Patrick Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two/Planned Development (SR-2/PD) zone is more particularly described in DEED BOOK 790, PAGE NO. 170 (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 Ordinance and marked as "Exhibit A.

ORDINANCE 06-03

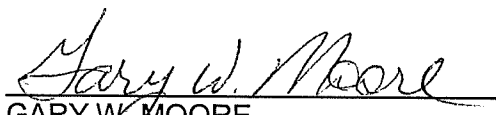
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

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 17th day of January, 2006.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 14th day of February, 2006, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

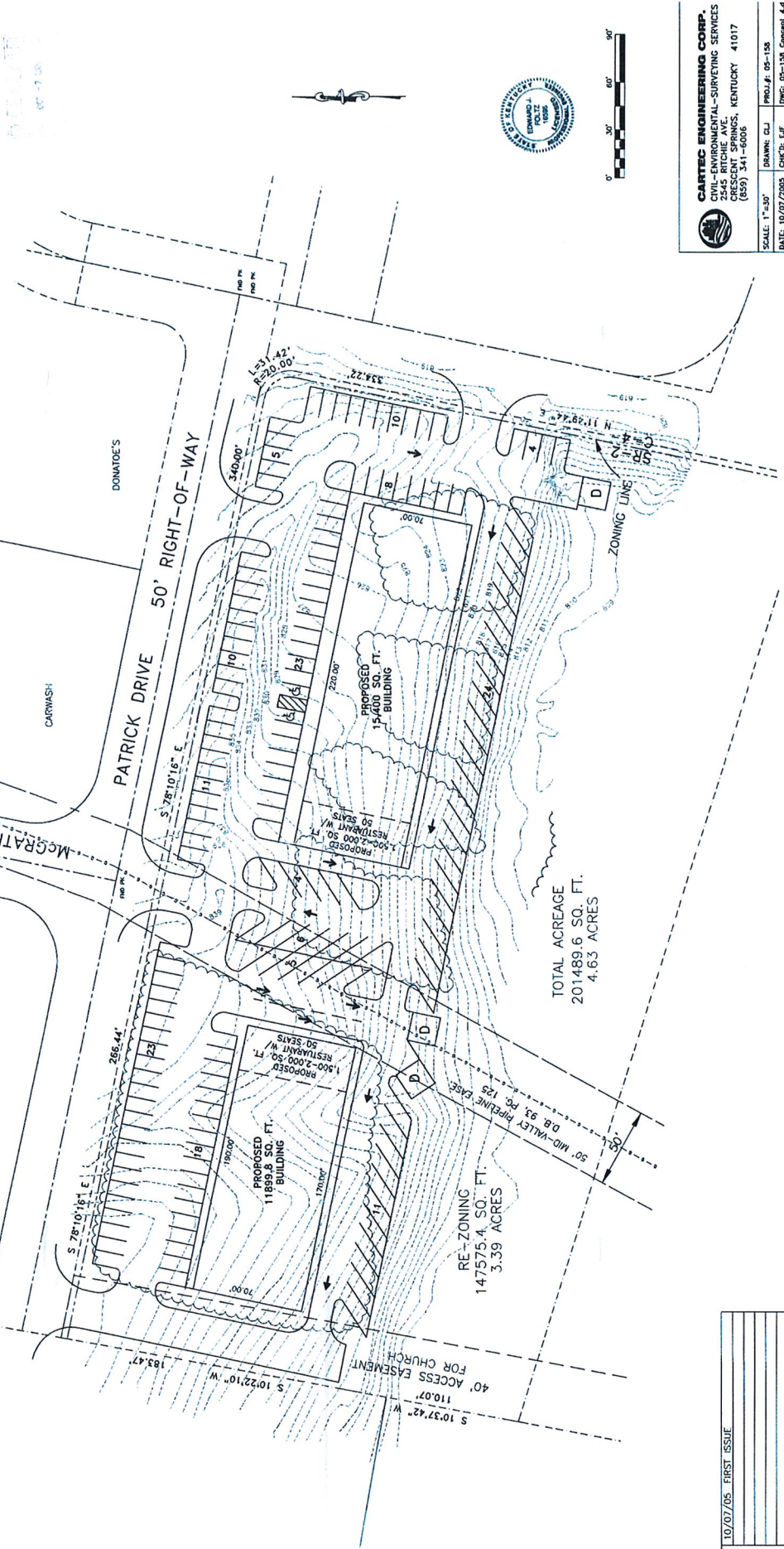
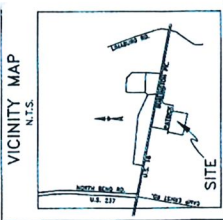

LOUIS KELLY
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

3-9-06
DATE PUBLISHED

FOR
BRANDICORP
 PROPOSED BURLINGTON RETAIL CENTER
 PATRICK DRIVE
 CITY OF BURLINGTON
 BOONE COUNTY, KENTUCKY

APPROVED
[Signature]
 Mayor
 Boone County
 Planning Commission



TOTAL ACREAGE
 201,489.6 SQ. FT.
 4.63 ACRES

RE-ZONING
 147,575.4 SQ. FT.
 3.39 ACRES

CARTEC ENGINEERING CORP.
 CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
 2465 S. STATE ST.
 CRESCENT SPRINGS, KENTUCKY 41017
 (859) 341-6006

SCALE: 1"=30'
 DATE: 10/07/2005
 DRAWN: CLJ
 PROJ.#: 05-158
 CHK'D: E.F.
 DWG: 05-158 Concept 4.d

REVISIONS
10/07/05 FIRST ISSUE

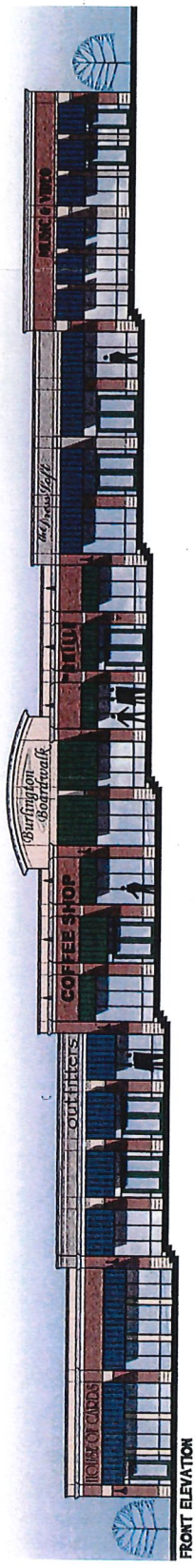


APPROVED

Staff: *[Signature]*

Date: 12/21/05

Boone County
Planning Commission



FRONT ELEVATION

ARCHITECT
RETAIL CENTER
ARCHITECTURE

NCPA ARCHITECTURE
1000 NORTH MAIN STREET, SUITE 200
CHAPEL HILL, NC 27514
PHONE: 704.943.8888 FAX: 704.943.8889