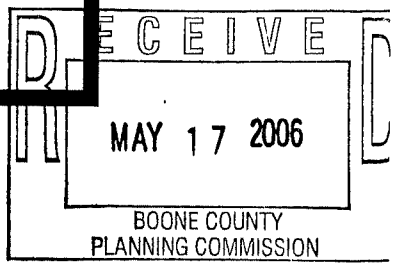


\$ 1671

06-2MA021-A

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 VILLAGE TERRACE
- 2. Location of Project BOUMAN WAY, FLORENCE KY
- 3. Total Acreage of Site 2.5 AC
- 4. Current Zoning of Site UC
- 5. Proposed Zoning (Classification being requested) UC/PD
- 6. Proposed Uses (please specify each use) DENTIST OFFICE & BANK

- 7. Names of Applicant(s) TERRACE DEVELOPMENT COMPANY
Phone Number 342-7333 Fax No. 342-6080

- 8. Address of Applicant(s) 495 ERLANGER Rd STE 201
ERLANGER KY 41018
City State Zip

- 9. Name of Property Owner(s) TERRACE DEVELOPMENT Co
Phone Number _____ Fax No. _____

- 10. Address of Property Owner(s) SAME AS ABOVE
City State Zip

- 11. Proposed Building Intensities (please specify) 4,000 Sq FT FOOTPRINT w/ BASEMENT
8,000 Sq FT OF SPACE, EXISTING 3,600 Sq FT BANK ON SITE
8,000 Sq FT OF GROSS FLOOR SPACE PER ACRE

- 12. Are there any existing buildings on the site? YES
How many? 1

- 13. Deed Book 873 & 877 Page No. 620 & 143 Group No. 2038

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

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

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

- 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

EXHIBIT

“A”

STAFF REPORT

Request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

July 5, 2006

REQUEST

This request is for a zone change from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for the existing PNC Bank located at 8810 US 42 and the vacant lot that is immediately to the north of the bank along the east side of Bowman Way. The bank lot contains 1.4120 acres and the vacant lot contains 1.2068 acres. The very southwest part of the PNC site by the Bowman Way/US 42 intersection was part of the original Village Terrace zone change area and is already zoned UC/PD.

The Concept Development Plan is for an entire development on the vacant lot and deals only with signage issues for the PNC lot. The Concept Development Plan shows a new building located in the approximate center of the vacant lot, which according to the application form, will have a ground level and a basement that contain 4,000 square feet each (8,000 sf total). The concept plan notes that the building will be setback fifty feet (50') from both the north and east property lines (adjoining Farmview Subdivision and a medical office building), across the existing slopes. Parking is shown along the west and south boundaries of the lot, along Bowman Way and the shared driveway with the bank. Landscape areas are proposed around the perimeter of the lot and around the parking area. Access to the site is proposed at the ninety degree turn in Bowman Way to create a three-way intersection and through the existing shared drive with the bank.

No specific building design was submitted, but the application proposes to follow the same basic architectural guidelines and cosmetic guidelines for signage as the other commercial buildings in the Village Terrace development. Although the application materials state that a dentist office is the intended occupant of the building, the proposal does not limit potential future uses narrower than those permitted in the UC zone. Storm water detention can be accommodated in an existing basin which is partially on the lot at its northwest corner. Public water and sanitary sewer are available to the site.

The application requests several exceptions through the PD overlay zone to the requirements in Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts" for the vacant lot. These include: an exception to the front yard setback requirements (2540.1.a; 10' minimum and 50' maximum) to allow the front yard setback to be as large as 150 feet (70' is noted on the concept plan); an exception to the "parking"

section (2540.9.d.1) to allow a parking area to be located at the front of the building in addition to the side and rear; and an exception to the "entrance" standards (2540.8.c) which require the main building entrance to be located on the primary street with an equally defined rear entry from the parking area - neither a rear parking area or appurtenant rear building entry are shown on the concept plan.

A narrative submitted with the application outlines the following signage program which requests flexibility through the PD overlay zone:

Building Mounted Signage (for both lots)

Proposed: "One (1) square foot of signage to be permitted per each one (1) linear foot of building width for each permissible frontage. However, a minimum of twenty four (24) square feet of signage shall be permitted for each user or tenant. Internal and/or external illumination source to be allowed." No limitation on the number of signs per facade or letter height is specifically proposed. The ratios proposed are the same as those approved in a Change in Concept Development Plan application for signage in Village Terrace in 2005 (for all US 42 frontage lots except Walgreens), although that approval limited the signage to three sign areas for facades that directly face US 42, and one sign area for secondary frontages (3/16/05 Committee Report and additional City Council conditions are attached).

Permitted by Section 2580: One (1) building mounted sign is permitted for each building facade for a total of three (3) signs. Each tenant in a multi-tenant building is permitted one (1) sign. The maximum permitted size for each sign is twenty four (24) square feet, and the maximum letter height is twenty four (24) inches. Illumination must be external with the light source concealed.

Monument Sign:

Proposed: One monument sign on a curved wall is proposed along Bowman Way for the vacant lot. The applicant's narrative states that it will "be constructed of brick veneer and/or same material as used on building, not to exceed 80 square feet and 6 feet in height." Up to thirty percent (30%) of the sign area may be manually changeable copy.

Also listed under the "monument sign" section in the narrative and shown on a separate drawing are three signs proposed to be mounted on the existing brick-faced retaining wall at the front of the PNC site along US 42. According to the applicant's 5/29/06 letter, these include a sixty (60) square foot "City of Florence" sign, a sixty (60) square foot "Village Terrace" sign, and a thirty two (32) square foot "PNC Bank" sign (total retaining wall sign area is 152 sf). The signs shall be composed of individual letters made from metal, plastic, or weathered metal, and any illumination shall be external.

Permitted by Section 2580: No type of freestanding sign (monument or otherwise) are permitted for individual sites. One monument sign that is sixty (60) square feet maximum (or two signs that are 30 sf maximum each) is permitted for the major entry point of the overall development with a maximum height of six (6) feet. Through the first zone change approval for the first phase of Village Terrace, the overall development monument sign was permitted to be a maximum of one hundred (100) square feet and up to ten (10) feet high. This sign is to be located at the Bowman Way/US 42 intersection on what became the PNC Bank site (two other monument signs that are to be shared among the original four frontage lots along US 42 were also part of this approval).

SITE HISTORY

The current UC zone which applies to the site was adopted as part of the Union Town Plan in 2000. A Zoning Map Amendment from RS/UTO, UC, and UNO to UR-1/PD and UC/PD, in conjunction with annexation into the City of Florence, was conditionally approved on June 8, 2004 for the almost 14 acre site to the immediate west (4/7/04 Committee Report and Ordinance with supplemental conditions are attached). The above mentioned Change in Concept Development Plan for signage in the original Village Terrace development was conditionally approved on 5/31/05. Several other Public Hearing applications for the original Village Terrace site that do not directly relate to the current request have also been processed since that time. An application for a zone change from UC to UC/PD for the subject site was submitted in 2004 (Public Hearing was held 9/29/04), but was withdrawn during the Zone Change Committee process because specific users of the site and their design needs were not known at the time. Major Site Plan and Design Review applications for PNC Bank were approved in 2005.

ADJACENT LAND USES AND ZONING

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

- A. The Boone County Library Scheben Branch and a retail center (Union Village) are located across US 42 to the south (C-2).
- B. An office building is located to the east, near the US 42/Farmview Drive intersection (O-1).
- C. A subdivision of detached single family residences (Farmview) is located to the north (SR-1/PD).

- D. The five (originally four) Village Terrace commercial frontage lots are located to the west between US 42 and Bowman Way (UC/PD), and a day care center and pending residential condominiums are located further to the northwest, north of Bowman Way (UC/PD and UR-1/PD).

SITE CHARACTERISTICS

The total site contains approximately 2.6 acres and has 270 feet of frontage on US 42 and approximately 400 feet of frontage on Bowman Way (frontage figures include the small portion already zoned UC/PD). A drive-through bank building exists on the southern lot and the northern lot is vacant. Relatively steep slopes exist along the north, south, and east property lines with a plateau in the central part of the site. A large brick-faced retaining wall is part of the slope design along the south property line facing US 42. Soil types on the site include Rossmoyne silt loam (RsB, RsC) and Faywood silty clay (FdD3). Public water and sanitary sewer are available to the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site largely for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Incidental areas along the north and east property lines are designated for "Suburban Residential" (SR) uses.

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

- A. Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union ("3. Pleasant Valley-West Florence Area," pp. 145 and 146).

- B. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2030 Future Land Use Map and also affect the Boone County Zoning Regulations ("4. Union Area," pg. 146).

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pg. 140).
- 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 . . .

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. 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 . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Design, Signs, and Historic Preservation," pg. 142).

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

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points.

The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth toward the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial. The Union Town Center could be used as an example of planning efforts for other parts of the U.S. 42 corridor, as well as other corridors in Boone County. Ultimately, mixed use town centers should be developed at major crossroads throughout Boone County without commercial development along the roadways between the town centers. Street connectivity is critical in these types of corridors.

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 and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas . . . ("Recommended Areas of Business Activity," pg. 63).

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

- A. The factors that will help fuel growth in this area include the improvements (expand from two to five lanes) of U.S. 42 from Florence to the Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land. The Union Town Plan sets the stage for development in this area when sanitary sewer becomes widely available around the year 2010 ("Union-West Florence Area-West Richwood Area" pg. 79).

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. 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 should 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 ("Environment," Physical Objective 2).
- I. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. 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," Overall Objective).

- L. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Objective 1).
- M. 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," Objective 2).
- N. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

RELATIONSHIP TO UNION TOWN PLAN

The text of the Union Town Plan ("Relationship to the Boone County Comprehensive Plan," pg. 2) states that it was "drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations." The 2000 Union Town Land Use Plan Map designates the site for Commercial uses. The Union Town Land Use Plan Map illustrates a conceptual connector street in the same general alignment as "Bowman Way."

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. In addition to the Comprehensive Plan document itself, the Union Town Plan will need to be considered in the context of the Future Land Use Map and Land Use Element, which states "The plan's recommendations are shown on the 2030 Future Land Use Map and also affect the Boone County Zoning Regulations." As discussed previously, the Future Land Use Map and the Union Town Land Use Plan Map designate the site for Commercial uses. As the Union Town Plan is both a planning document and a zoning document, the zoning that was created through it was designed to directly implement said plan.

The Comprehensive Plan text discusses the area in some detail. The Land Use Element states "mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection (US 42/Pleasant Valley Road) on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union."

Very similar points are made by the Business Activity Element which notes "as defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial" and "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 and designed properly."

In short, the Comprehensive Plan and Union Town Plan do plan for Commercial growth for this site. The fundamental question is whether it is the type and manner of growth indicated in this application, especially since the tangible effect of this proposal pertains to site arrangement and design issues and not permissible uses or intensity. The governing bodies will need to consider the entirety of the Comprehensive Plan regarding this question, and should consider the adjoining developments that have similar characteristics - several of which were approved under the PD overlay zone with consideration given to the Union Town Plan. The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character. All of these basic questions were analyzed for the initial zone change for the adjoining site (which was approved under the 2000 Boone County Comprehensive Plan), and its approval can be used for reference (refer to attached Committee Report and ordinance).

2. Staff offers the following comments regarding 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. Comments regarding certain aspects of the standards in Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts" of the Boone County Zoning Regulations are also provided.

1. Mixed Use Development and Pedestrian Orientation: The site is already part of a mixed or multi-use development and the potential uses will not vary from those already permitted in the UC zone. Regarding pedestrian orientation, the sidewalk design along Bowman Way was determined through the original zone change approval for Village Terrace Subdivision (provided on the opposite side of the street). Section 3327 of the zoning regulations require a sidewalk link between the building, parking area, and street. This link can be provided along the shared drive for the vacant lot and bank and connect to the handicap ramp(s) that were constructed as part of the curb cut.

2. Compatibility of Uses: As noted immediately above, the uses in this development will not vary from those permitted in the current UC zone. The three exceptions requested from Section 2540 for the vacant lot (increased front yard setback, allowing parking in the front of the building, and waiving the rear building entry) have direct bearing on this standard. The proposed configuration of the building and parking will be comparable to the adjoining developments (within Village Terrace and the adjoining medical office building to the east), and the "street wall" effect intended by these standards would not be created regardless due to the placement of the adjoining buildings, the location of the lot at the rear of the development and at the ninety degree bend in the street, and the small scale of the building. Additionally, the placement of the parking and building entry toward the front of the building orients activity from the parking area and building away from the residential properties to the rear. In short, Staff has no opposition to the exceptions requested from Section 2540.

Regarding design issues, the request proposes to follow the same architectural and cosmetic signage standards (regarding materials, etc. vs. size/height/quantity) as the rest of the Village Terrace Subdivision and the adjoining PNC bank. Buffering from the residential lots in Farmview Subdivision has not been outlined, with the exception that a fifty foot (50') building setback has been noted. As a point of reference, Staff recommends that the governing bodies consider the same treatment required along Bowman Way for the original Village Terrace. This included the combination of retained existing trees along the property line, a solid, decorative privacy fence, and supplemental plantings (primarily evergreen trees) that when combined were commensurate with Buffer Yard C as outlined in Article 36. An additional condition from the City Council required the sight lines from the residential properties to be evaluated through the Improvement Plan review for the subdivision. Based on the result in the field, it is Staff's conclusion that the fence is instrumental in screening the initial phase from the residential neighbors, at least until the new plantings mature. Based on the final building placement and design, such fencing on the subject lot may be best served in segments versus a continuous line.

Also related to compatibility with the Farmview lots, Staff recommends that measurable light be limited to less than one (1) footcandle at all property lines, that all fixtures be shielded/directed, and that the height of freestanding masts be very limited, such as twelve feet (12') maximum. A similar condition was part of the zone change approval for the original phase of Village Terrace.

3. Open Space: This standard states that "useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided." Additional open space area has been provided along the east property line adjoining the medical office building, although this area is a slope and is not "useable." Section 2540 requires some form of gathering place, such as a landscaped picnic table area, and also requires the provision of street furniture. Section 2540 and the PD standards would be reasonably served if a plaza area with a table, decorative surfacing, and landscaping were provided in the area between the front of the building and the parking area.

4. Multi-Modal Transportation System: The required sidewalk link is discussed under #1 above. Additionally, bike racks are required by both Sections 2540 and 3327.

5. Preservation of Existing Site Features: The site has been previously graded in conjunction with other Village Terrace projects. Per this standard, the Comprehensive Plan's direction, and as discussed above, the existing tree line along the north property line should be retained as part of the buffer.

6. Landscaping: Landscape buffering is discussed under #2 above and the street trees required by Section 2540 were approved as part of the overall streetscape plan with the Improvement Plan for the subdivision. Provided the remainder of the site meets the normal requirements of Article 36 of the zoning regulations, staff has no further comments on this standard. Section 2540 requires that a post and rail, horse-style fence be provided in the front yard setback, which can be integrated into an overall landscape design.

7. Architecture: The application proposes to follow an updated version of some architectural standards that were used for the other commercial developments in Village Terrace. Staff has no issue with this aspect of the proposal.

8. Historic and Prehistoric Features: Staff is not aware of any such features on the subject site.

9. Signage: This standard states that a consistent signage theme shall be provided and that building mounted signs shall be the predominate signage on the project site. Signage considerations are a larger aspect of the overall application, and the only one that applies to the PNC Bank site.

First, the applicant's narrative proposes "one (1) square foot of signage to be permitted per each one (1) linear foot of building width for each permissible frontage. However, a minimum of twenty four (24) square feet of signage shall be permitted for each user or tenant. Internal and/or external illumination source to be allowed." PNC Bank's US 42 building frontage is 53.91 feet wide and it's Bowman Way building frontage is 75.79 feet wide (based on the schematic plan, an exact building frontage dimension is not available for the vacant lot). No limitation on the number of signs per facade or letter height is specifically proposed. The ratios proposed are the same as those approved in a Change in Concept Development Plan for signage in Village Terrace in 2005 (for all US 42 frontage lots except Walgreens), although that approval limited the signage to three sign areas for facades that directly face US 42, and one sign area for secondary frontages.

Staff recommends that the same basic limitations on the number of building mounted sign areas be considered for these two lots as well (three for the primary frontage and one for the secondary frontage). Additionally, in consideration of the additional monument sign for the vacant lot and for any signage on the retaining wall for the bank site, Staff recommends that the letter height be limited to 24 inches per the normal Union Town Plan requirements. Also in consideration of any signage on the retaining wall, and PNC's somewhat expansive building frontage on Bowman Way, Staff recommends that a smaller permissible ratio for the bank's secondary frontage be considered, such as one half ($\frac{1}{2}$) square foot of sign area per linear foot of building frontage. Staff is not opposed to the use of internally illuminated building mounted signs as requested in the application, provided they are channel letters.

Second, Staff has no issue with the concept of a monument wall with a sign on the vacant lot (where none is permitted under the normal requirements), provided it has a design which is integral with the landscape and architecture of the site. However, eighty (80) square feet of sign area on what is essentially a low-speed, two lane local street is excessive in Staff's view. Staff recommends that the actual sign (i.e., copy) area on the monument wall be limited to twenty four (24) square feet, which is consistent with the standards used in the Houston-Donaldson Study area. Up to thirty percent (30%) of the requested 80 square feet was proposed for manually changeable copy. Based on the location of the site, the nature of the street, and the office use initially proposed, Staff does not support the use of changeable copy in this instance.

Third, Staff is not opposed to very limited sign copy on the retaining wall ("limited" to avoid a billboard appearance). Where three signs have been proposed (two of which are 60 square feet and one which is 32 square feet), with some potential variations in materials and lighting, Staff recommends that the signage be more reserved, uniform, and bear a greater design relationship with the brick veneer, especially when considering the proximity of the wall to US 42. As such, Staff recommends that signage on the retaining wall be limited two signs which are 32 square feet maximum (one on each end of the wall) and that the copy be limited to raised metal letters (same metal finish for both signs). Staff is not opposed to the letters being either backlit or externally illuminated as long as the same method is

used for both signs. For informational purposes, the name "Village Terrace" is already displayed on the base of the monument sign for the overall development, which is already on the subject lot. Also, the retaining wall is 221 linear feet long (dimension includes the curve portions which wrap around the grades; the "straight" portion at the very front of the lot is approximately 105 lf long) and is approximately 10 feet high at the highest point.

10. Transportation Connections and Entry Points: The concept plan proposes to use the shared driveway with PNC Bank (which fulfills Section 2540.9.d.h) and to provide an access point at the ninety degree bend in Bowman Way, which will complete the three-way intersection per the original design. The shared entry point is proposed to be demarcated with the monument wall as discussed above.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations, the requirements of Article 15 "Planned Development District" of the zoning regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

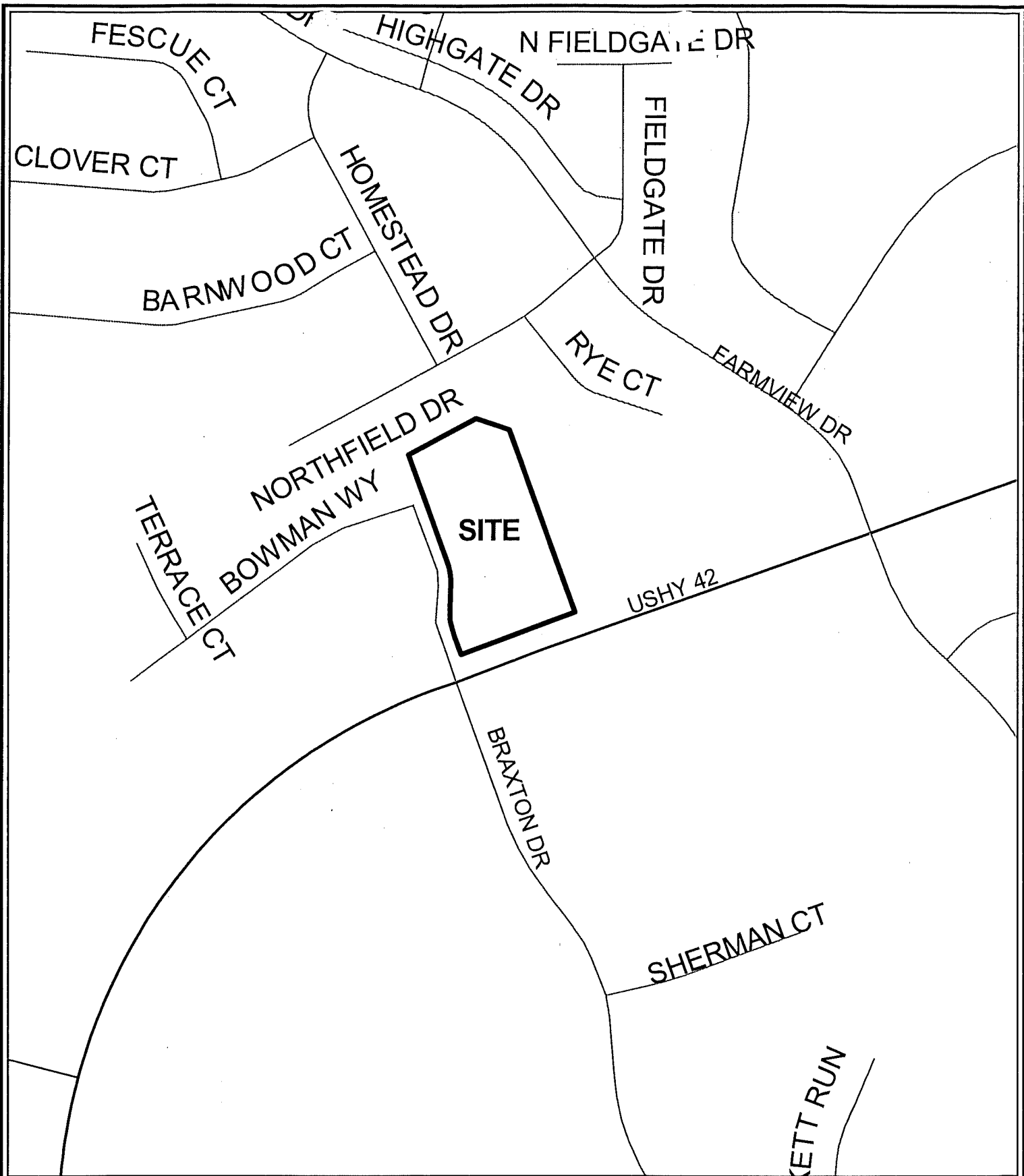
Respectfully submitted,


Kevin T. Wall, AICP
Director, Zoning Services

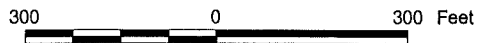
KTW/pr

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- Union Town Plan Land Use Map excerpt
- 3/16/05 Committee Report and Additional City Council Conditions for Terrace Development Company Change in Concept Development Plan (for signage)
- 4/7/04 Committee Report and Ordinance O-16-04 w/ Supplemental Conditions Exhibit for Triangle/White/Bowman Zoning Map Amendment and Annexation
- application materials including Concept Development Plan

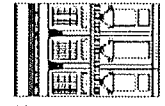
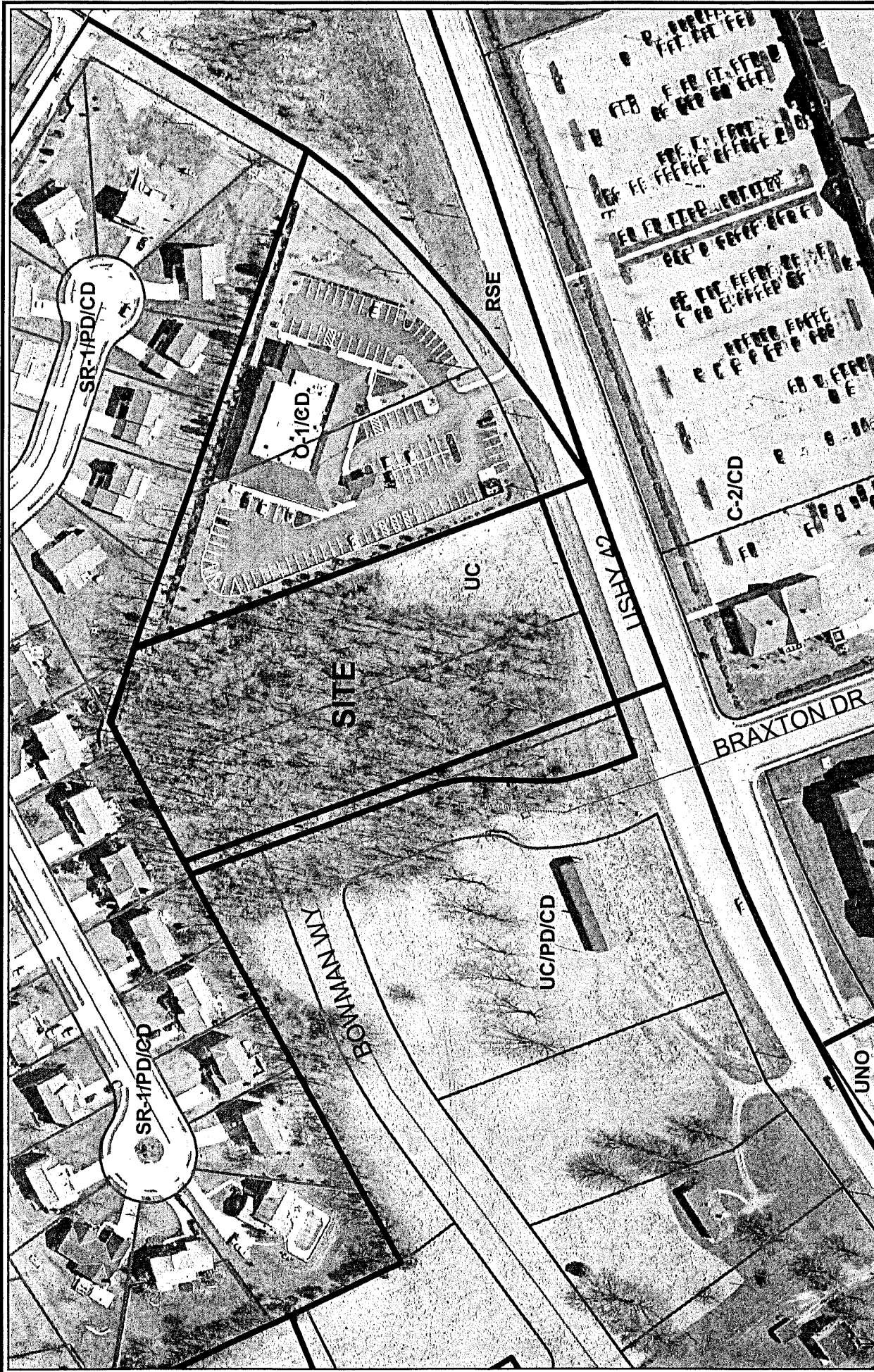


Location



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 23, 2006

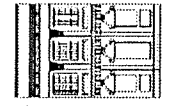
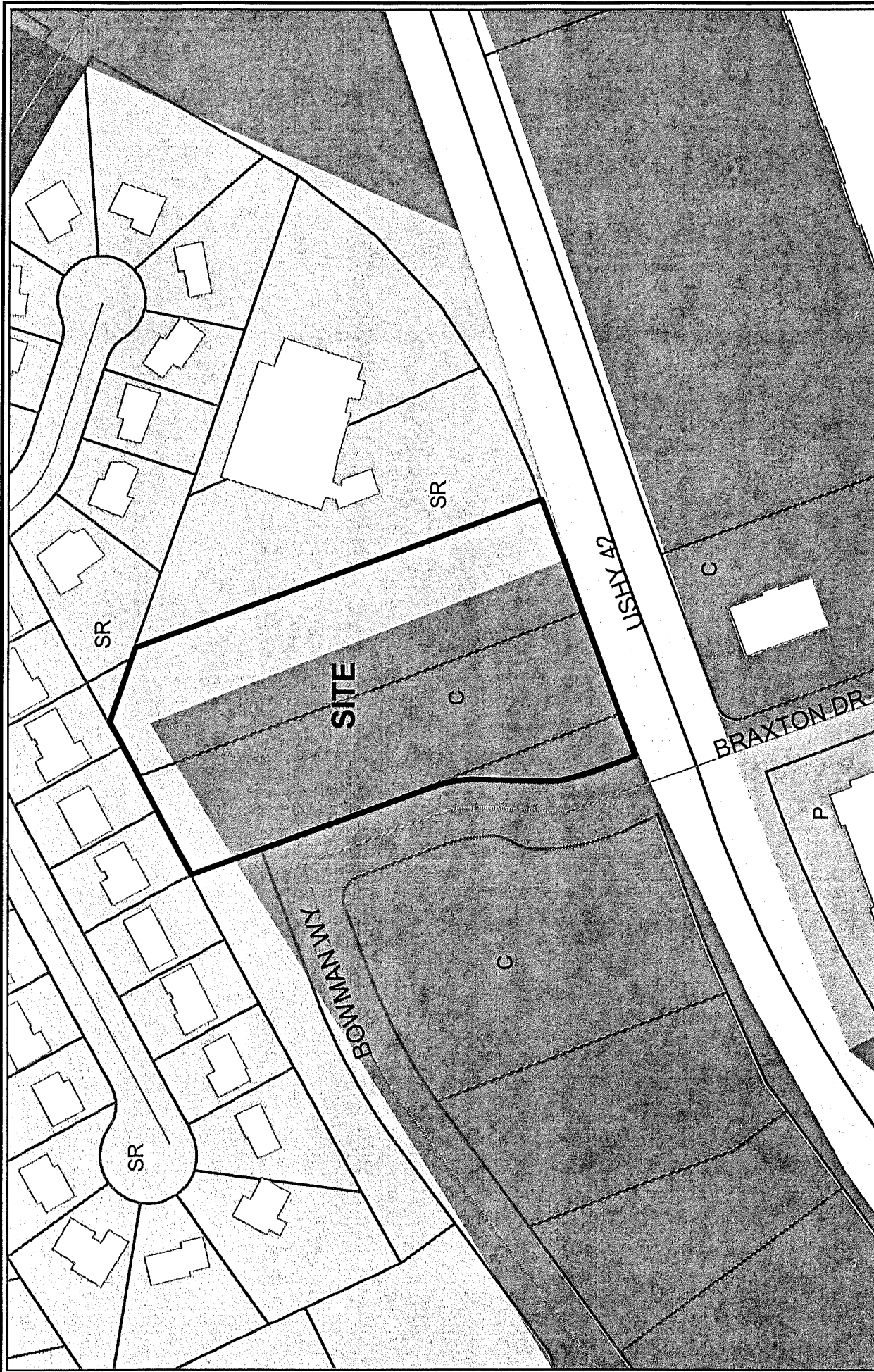




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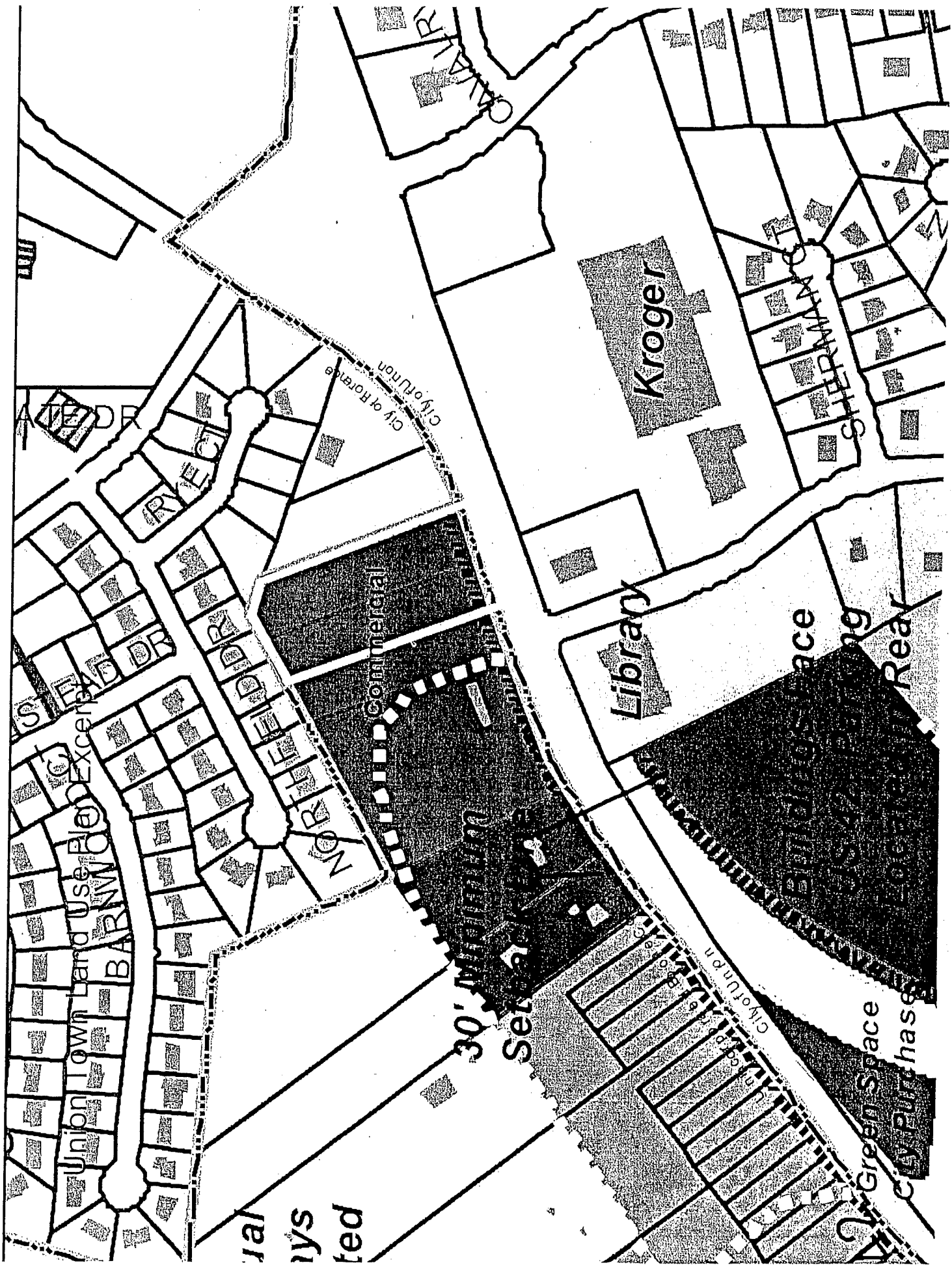
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Produced by the
Boone County Planning Commission
GIS Services Division
May 23, 2006

Zoning



1 inch equals 140 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 23, 2006

Future Land Use



Union Town Land Use Plan
BARNWOOD

RYE CT

ial
ys
ted

Commercial

30' Minimum
Setback

Kroger

Library

Green Space

City Purchase

SHERMAN ST

City of Florence

City of Union

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: March 16, 2005

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

REMARKS:

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

FINDINGS OF FACT

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

- B. The Land Use Element's "Future Land Use Development Guidelines" ("Designs, Signs, and Historic Preservation," pg. 160) state "developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor." Also, the 2005 Boone County Comprehensive Plan Goals and Objectives state "proper design principles shall be applied in development" (Overall, Objective 3), and "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

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

2. The Committee has concluded that the proposed signage, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Subsection #9 "Signage" of Section 1514 "Planned Development Standards." Subsection #9 states that "a consistent signage theme shall be provided within a planned development. Building mounted signs shall be the

predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height." A consistent design theme and the use of joint monument style signs is required through the original zone change/Concept Development Plan approval. With the building mounted and directional signage recommended for approval herein, building mounted signage will be the predominate signage on the site.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan, 2005 Boone County Comprehensive Plan Goals and Objectives, the 2000 Union Town Plan, and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

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

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

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.

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

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

CONDITIONS:

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

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

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

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

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

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

Dated: 4/28/05

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

By: Phil Drees
Phil Drees

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 7, 2004

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

REMARKS:

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

FINDINGS OF FACT

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

- B. The Land Use Element ("Pleasant Valley - West Florence Area," pg. 164) states that smaller-scaled office and institutional uses are intended in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary, and that creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. Although the proposed commercial area includes retail uses, the Concept Development Plan is designed to have the characteristics of an integral development indicative of smaller-scaled office and institutional uses. It also uses the Planning Development Overlay District to provide a creative building layout which appropriately relates to both US 42 and the proposed internal street, which helps to minimize an automobile orientation and strip style development characteristics. In addition to building siting, the development will use low scaled signage, an integral architectural system throughout the development, and an appropriate streetscape design along US 42 and along the proposed internal street to accomplish these objectives.
- C. The Land Use Element (quotation from the 1995 Comprehensive Plan in the "Union Area" section of current plan, pg. 165) also states that "neighborhood-oriented commercial uses may be provided along U.S. 42 between Farmview Subdivision and the Union city center in the form of small-scale nodes that are focused upon existing and future road intersections; regional retail uses are not appropriate in the U.S. 42 corridor. The physical development of these commercial nodes should be reflective of the existing rural environment and should include such elements as vernacular influenced architectural treatments, site planning arrangements reflective of the farmsteads in the area, parking areas situated at the sides and rear of buildings, tree lines along side property lines, and post and rail fencing." The proposal is a small-scale, neighborhood oriented commercial node which is focused upon the existing US 42/Braxton intersection. Based on the site arrangement, proposed architectural design, amenities, and other commitments in the agreed conditions outlined below, the character of the development will properly relate to the rural environment of the US 42 corridor to the west and south. These attributes of the proposal also demonstrate agreement with the Business Activity Element ("Union Area," pg. 164), which advocates limited scale commercial clusters, or "neighborhood business district form," in the US 42 corridor.

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

4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan, the Union Town Plan as it relates to the Comprehensive Plan, and the standards and policies of Article 15 "Planned Development District" and Article 25 "Union Town Plan Districts." The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

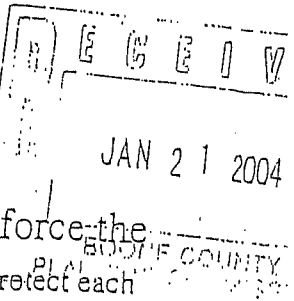
1. The development shall follow the version of the Concept Development Plan presented by the applicant at the 2/25/04 Public Hearing for this request, except where superceded by the following conditions.
2. The transition of the main internal road between the north-south leg and the east-west leg shall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

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

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

Exhibit "B"

Union Terrace
Design Guidelines (Preliminary)



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

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

Architectural Building Guidelines:
Commercial

Roof:

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

Exterior of Building:

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

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

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

Commercial site design requirements:

Outdoor Storage/Trash

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

Parking and Lighting

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

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

Landscaping

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

Signage

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

Union Terrace
Design Guidelines (Preliminary)

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

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

Architectural Building Guidelines:
Residential Condo's

Roof:

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

Exterior of Building:

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

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

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

Amenities

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



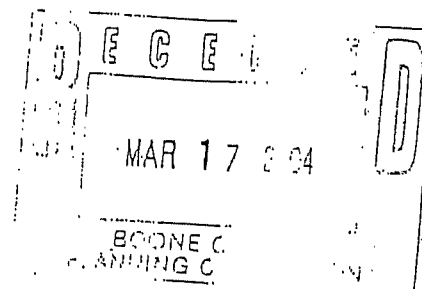
Triangle Design Group, Inc.

495 Erlanger Rd
Suite 201
Erlanger, Ky 41018

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

March 16, 2004

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



Dear Kevin,

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

These concerns are as follows:

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

How are the developers of Union Terrace addressing these issues?

1. Buffering

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

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

2. Detention

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

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

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

3. Lighting

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

4. Noise

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

5. Existing Trees

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

6. Hours of Operation

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

Summary

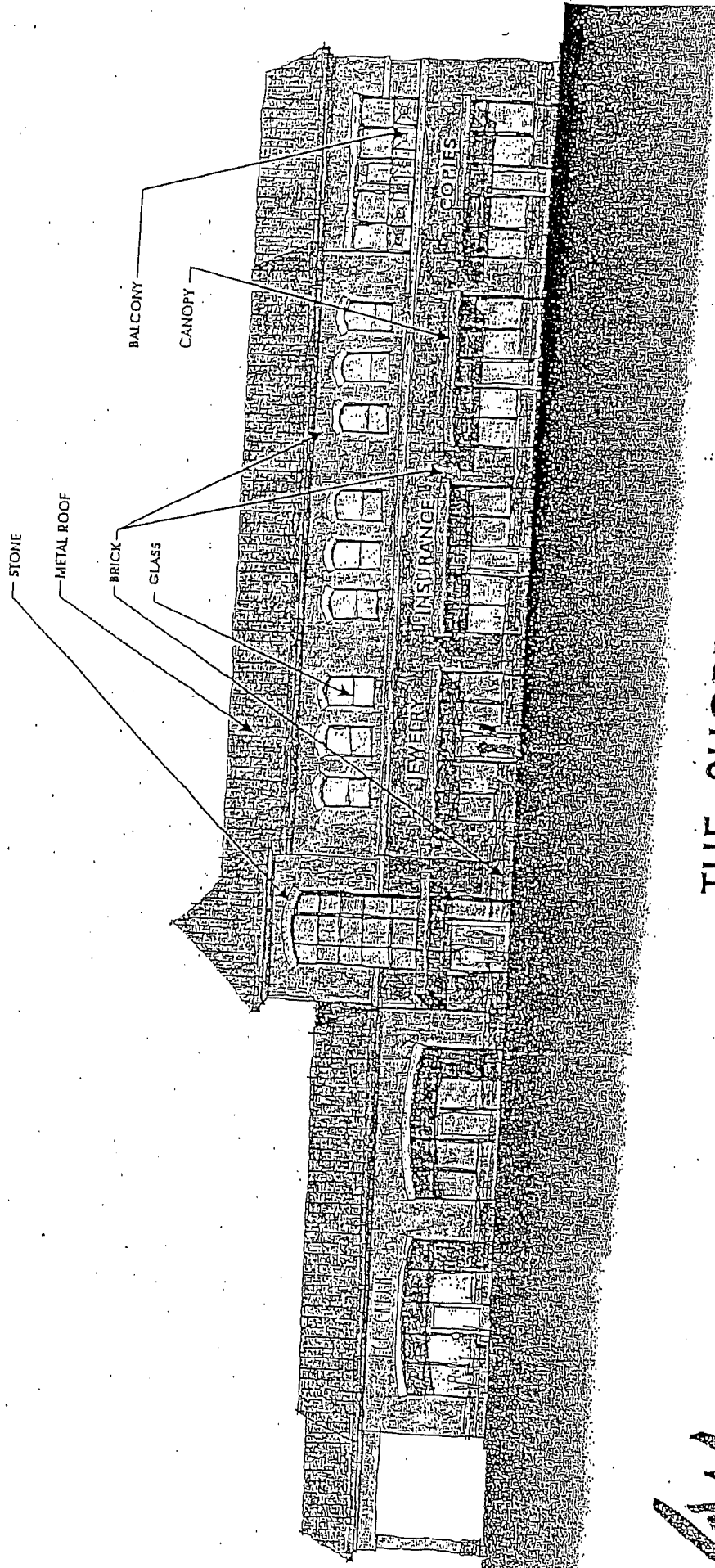
TDG met with the existing residential neighbors on March 11, 2004 at the proposed site. Our overall opinion of the meeting was that the neighboring property owners were, for the most part, satisfied with the options and solutions outlined in this letter.

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

Sincerely,

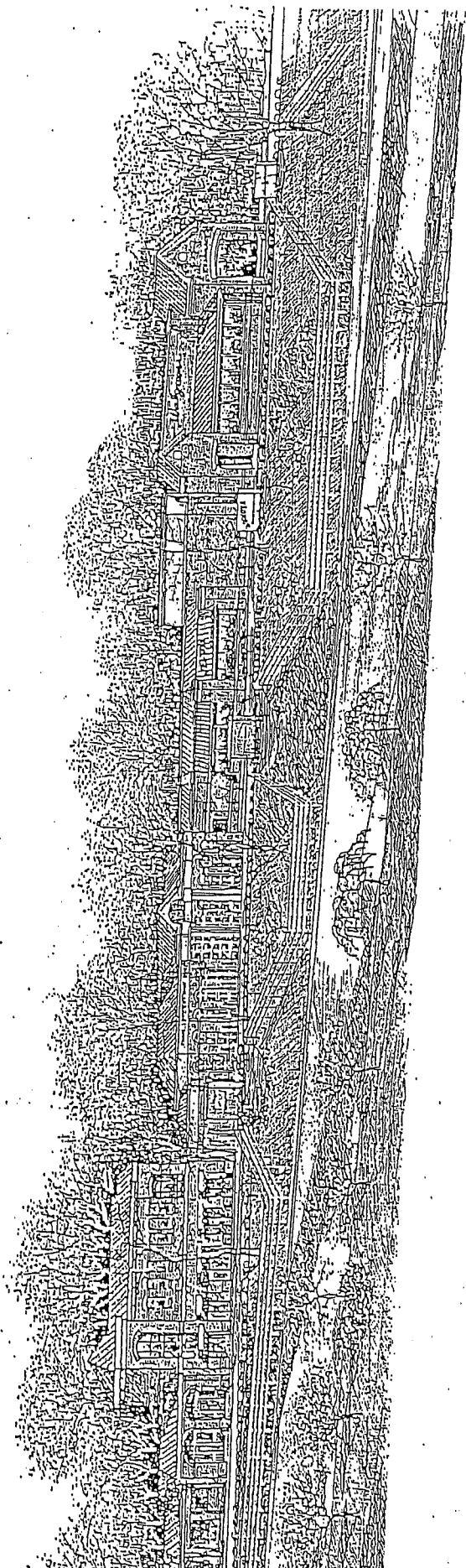


Phil Drees,
President,
Triange Design Group, Inc.

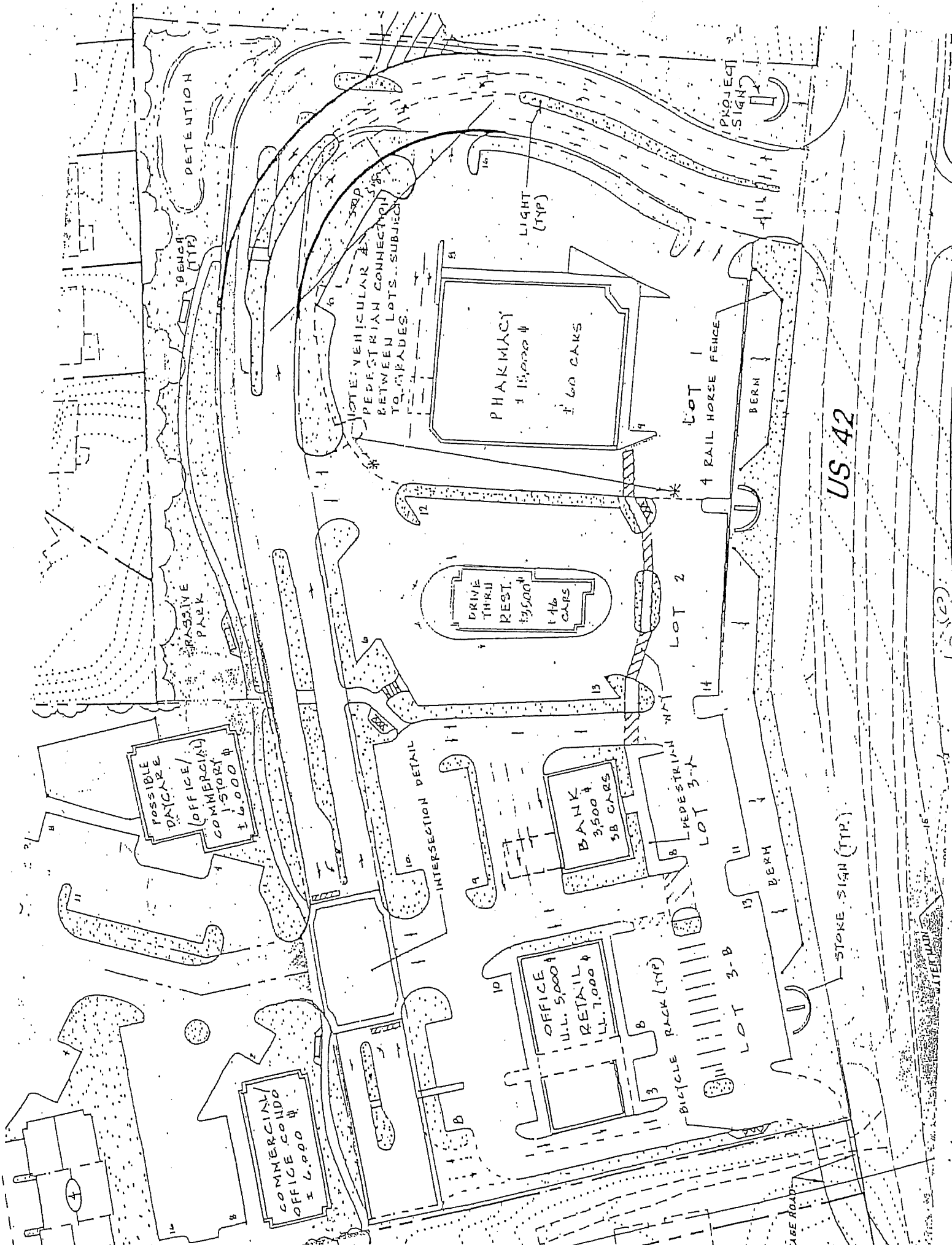


THE SHOPPES AT UNION TERRACE
TRIANGLE DESIGN GROUP





7



DETECTION

BENCH (TYP)

PASSIVE PARK

POSSIBLE DAYCARE (OFFICE/COMMERCIAL) 1-STORY 14,000 sq ft

COMMERCIAL OFFICE BUILDING 6,000 sq ft

OFFICE U.L. 5,000 sq ft
RETAIL U.L. 7,000 sq ft

BANK 3,500 sq ft
58 CARS

DRIVE THRU REST. 13,500 sq ft
146 CARS

PHARMACY 11,000 sq ft
60 CARS

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

LIGHT (TYP)

PROJECT SIGN

LOT 1
4 RAIL HORSE FENCE

LOT 2

PEDESTRIAN WALKWAY
LOT 3-A

LOT 3-B

US 42

STREET SIGN (TYP.)

TABE ROAD

ORDINANCE NO. 0-16-04

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

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

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

WHEREAS, the recommendation for approval of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

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

SECTION I

That the request of Triangle Design Group (applicant) for Kenneth Bowman, Joyce Bowman, and William H. White (owners) for zoning map amendments for an approximate 13.88 acre site located at 8902 and 8908 U.S. Highway 42 in Boone County, Kentucky, these zoning map amendments being to rezone the site from Rural Suburban/Union Town Overlay (RS/UTO), Union Commercial (UC), and Union Neighborhood Office (UNO), to Urban Residential One/Planned Development (UR-1/PD), for approximately 5.2 acres and to Union Commercial/Planned Development (UC/PD), for approximately 8.7 acres, in conjunction with proposed annexation of the 13.88 acres into the City of Florence to allow commercial and office uses and residential condominiums shall be and is hereby approved, subject to a Concept Development Plan and agreed conditions. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended and designated to reflect the approval of these zoning map amendments for this 13.88 acres.

SECTION II

Approval of these zoning map amendments is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-04-009-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution.

SECTION III

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

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-04-009-A, marked Exhibit "B" hereto.

SECTION V

If this approval for these zoning map amendments shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 25th DAY OF MAY, 2004.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS

8th DAY OF June, 2004.

APPROVED:

Dean E. Walsh
MAYOR

ATTEST:

Gay A. [Signature]
CITY CLERK

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

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

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

RECEIVED
MAY 17 2006
BOONE COUNTY
PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Village Terrace
2. Location of Project Bowman Way, Florence KY
3. Total Acreage of Site 2.5 Ac
4. Current Zoning of Site UC
5. Proposed Zoning (Classification being requested) UC/PD
6. Proposed Uses (please specify each use) DENTIST OFFICE & BANK

7. Names of Applicant(s) TERRACE DEVELOPMENT COMPANY
Phone Number 342-7333 Fax No. 342-6080
8. Address of Applicant(s) 495 ERLANGER Rd Ste 201
ERLANGER KY 41018
City State Zip
9. Name of Property Owner(s) TERRACE DEVELOPMENT Co
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) SAME AS ABOVE
City State Zip
11. Proposed Building Intensities (please specify) 4,000 Sq FT FOOTPRINT w/ BASEMENT
8,000 Sq FT of SPACE, EXISTING 3,600 Sq FT BANK on SITE
8,000 Sq FT of GROSS floor SPACE per Acre
12. Are there any existing buildings on the site? YES
How many? 1
13. Deed Book 873 & 877 Page No. 620 & 143 Group No. 2038
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
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

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
 - Florence
 - Walton
 - Union

19. Applicant's Signature *Paul Brax*
- Property Owner's Signature *Paul Brax*

SECTION B (To be completed by BCPC Staff)

1. Date Received 5-16-05
2. Review Fee 1671.00 ~~14~~ 5013
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 *Kalin White*
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

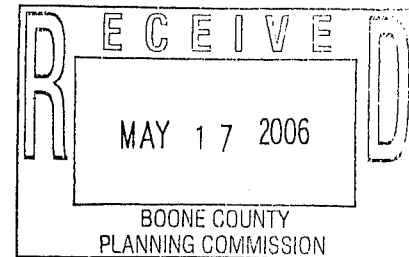
**** Five (5) Copies Are Required**

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.

May 5, 2006

Mr. Kevin Wall
Boone County Planning
2995 Washington St
Burlington, KY 41005



RE: Application of Zoning Map Amendment & Recommended Conditions for Approval

Dear Kevin:

We would like to present to the commission a zone change for a 2.5-Acre tract of land we own adjacent to the Village Terrace Subdivision, which is currently zone UC/PD. The current zoning for the 2.5-acre property is UC and we would like to bring this property into the same zoning as the Village Terrace Subdivision.

Currently the property has been subdivided into two lots, tract A and B as shown on the attached plat. Tract A has been built on and is currently a PNC bank office and tract B is vacant at this point in time. We do have a contract on this lot from Dr. Jamie DeStefono, a dentist.

We have already subjected the property to our architectural requirements in the Village Terrace Subdivision. In order for our potential user and us to achieve our goals we must go through the zoning map amendment process and adopt the following specific deviations from the UC zone. I believe you and the planning commission will find that the recommended conditions compliment our existing development.

1. Building mounted signage:
 - a. One (1) square foot of signage to be permitted per each One (1) linear foot of building width for each permissible frontage. However, a minimum of twenty-four (24) square feet of signage shall be permitted for each user or tenant. Internal and/or external lighting source to be allowed.

1. Monument sign
 - a. Allow one monument sign to be constructed as shown on the attached site plan. Monument sign to be constructed of brick veneer and/or same material as used on building, not to exceed 80 Square feet and 6 feet in height.
 - b. Allow the existing retaining wall built by PNC to display signage that is depicted on the attached drawing.



Terrace Development Group, LLC.

Creating Desirable Places

Office (859) 342-7333

Fax (859) 342-6080

495 Erlanger Rd. Ste 201

Erlanger, KY 41018

1. Dimensional Variance
 - a. Change the maximum setback requirement from 50' to 150' for principally permitted structures.
1. Parking requirements
 - a. Parking shall be located in the side, rear, or front of building.
1. Entrance
 - a. One main entrance for pedestrian access
1. Architectural guidelines
 - a. Adopt the Village Terrace design guidelines as stipulated in the Village Terrace Community Commercial association documents recorded in book MC1024 pages 450-479

Thanks you for considering our request and if there is any additional information you may need please do not hesitate to call.

Sincerely,

Phil Drees

Terrace Development Group, LLC.

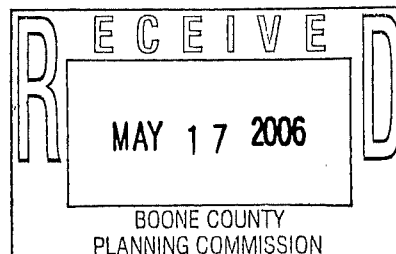
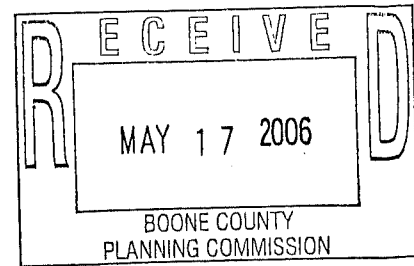


Exhibit B
Initial Development Criteria



Village Terrace
Design Guidelines (Preliminary)

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

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

Architectural Building Guidelines:
Commercial

Roof:

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

Exterior of Building:

- Brick material has to be on 80% of the Building (WatsonTown Brick Co.- Fifth Avenue Velour I/S – Iron Spot Series or Manhattan Series) or (Carolina Ceramics – Heritage Wirecut)
- Arch walkways or Arch windows to be incorporated into building. Arch concrete lintels (on similar looking material) to be used where practical
- Use beige colored band trim, belt course or cornice line at or above window height (Brick Color – WatsonTown Brick Co – Carleton – Manhattan Series or Carolina Ceramics ‘Shadow Gray’ wirecut)
- Mortar Color – Tan 1 lb. (Kosmortar Kolor) or Standard color mortar (grey – no additives)
- Colors and accents to match other commercial users within development
- Stamp concrete or color concrete sidewalks (if used) to match pattern for development (Color and pattern to be determine)

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

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

Commercial site design requirements:

Outdoor Storage/Trash

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

Parking and Lighting

- No solid concrete islands in parking lot allowed, landscaped islands to be used unless approved Streetscape materials used.
- Light post and fixture (selection yet to be determine)
- Light post base to use brick or stone (color/type same as buildings or entry monument)
- Connectivity with other parking areas must be made
 - If "Stamp" concrete or color concrete sidewalks is used to connect (pattern to match development selection)
 - *Coordinate and blend parking lot entrances and exits with adjacent users*

Landscaping

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

Signage

- All exterior signs shall be approved by Village Terrace Design Review Committee
- No sheet metal signs, flat wood painted, or exposed fluorescent lights signage allowed.
- The location, size, and construction of signs will be in keeping with the character of the development.
- Ground mounted signs shall not have a gross area of more than Seventy (70) square feet and shall not exceed eight feet (8') in height and shall be connected to the ground along the base length. All changeable copy shall be manual.
- Development sign at the entrance of "Village Terrace" containing major tenants shall not have a gross area of more than One Hundred (100) square feet and shall not exceed ten (10') in height and shall be connected to the ground along the base length. No changeable copy allowed.
- Illuminated signs shall be rear lighted or lighted from a nonapparent light source
- Other signs allowed may be of a directional nature or temporary signs indicating "For Sale" or For Lease"
- All permitted signs shall be of a design and material consistent with the building and/or developers monumentation itself.



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 25, 2006

Mr. Phil Drees
Terrace Development Group, LLC
495 Erlanger Road
Suite 201
Erlanger, KY 41018

FAX: 342-6080

RE: Zone Change Application from UC to UC/PD for 2.5 Acre Area Adjoining Village Terrace Subdivision

Dear Mr. Drees:

I have begun reviewing your current zone change application and have a few comments and need some clarifications on the proposal. These are as follows:

- A. Based on the requirements in section 2540.9.d, insufficient parking is shown for the new office building. Between 27 and 40 parking spaces are required, and the figures noted on the plan add to 23.
- B. Some additional explanation needs to be provided for the phrase "one main entrance for pedestrian access" mentioned in your letter.
- C. I am assuming from the various documents submitted that the only part of the proposal that applies to the PNC Bank site is the addition of the signage on the retaining wall, and that the other parts of the signage program in your letter only apply to the vacant site (please clarify whether or not this is correct). Additionally, details for the signs on the retaining wall need to be outlined (type/materials, lighting, and dimensions for each).
- D. I have some confusion regarding the remaining signage details for the remainder of the project. The signage program in the design guidelines differs some from the program outlined in your 5/5/06 letter. I am assuming that the only parts of the guidelines that apply are the "cosmetic" stipulations and that the number, type, size, and height stipulations in your letter is what is currently proposed for the vacant lot

Mr. Phil Drees
Terrace Development Group, LLC
May 25, 2006
Page 2

(the guidelines seem to be a carry-over from the original phase of Village Terrace, particularly the portions that discuss the development ID sign and the discrepancies in dimensions for the ground mounted signs from your letter). Also, is any changeable copy part of this application? If so, I minimally recommend that it be limited to 30 percent of the sign area to be consistent with the prior approval. Again, please clarify these issues.

Your prompt attention to these matters is greatly appreciated so that I can provide an accurate review of your proposal and a succinct staff report. Please provide a written response so that it can be made part of the record.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', with a stylized flourish extending to the right.

Kevin T. Wall, AICP
Director, Zoning Services

KTW/pr



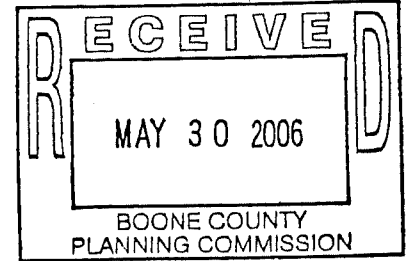
Terrace Development Group, LLC.

Creating Desirable Places
Office (859) 342-7333
Fax (859) 342-6080

495 Erlanger Rd, Ste 201
Erlanger, KY 41018

May 29, 2006

Mr. Kevin Wall
Boone County Planning
2995 Washington St
Burlington, KY 41005



RE: Application of Zoning Map Amendment & Recommended Conditions for Approval

Dear Kevin:

We would like to address and clarify the comments in your letter dated May 25, 2006 regarding the zone change application. These are as follows:

- A. Parking will comply with section 2540.9.d to satisfy the requirement of the minimum of One (1) space per 300 feet of gross floor area.
- B. Section 2540.8.c. requires all buildings shall have their main entrance on the primary street with an equally defined rear entry. What we would like to propose is one entrance due to the parking is in front of the building and there is no need to create a equally defined rear entrance.
- C. Our proposal affects the PNC site in two ways:
 - 1. Allow the retaining wall to display signage as depicted on the rendering. Three separate signs "City of Florence" 60 sq ft, Village Terrace 60 Sq ft, and PNC 32 Sq ft. The lettering shall be individual letters made from metal, plastic or a highly weathered material. The light source (if any) shall be from an external source.
 - 2. Allow signage on building to have an internal light source and sized accordingly to the formula based on building width which will be consistent with prior approvals.
- D. The monument sign proposed for the vacant lot should follow the stipulations of type, size and height in my previous letter. We would also like to recommend that it be limited to 30 percent changeable copy.

Sincerely,

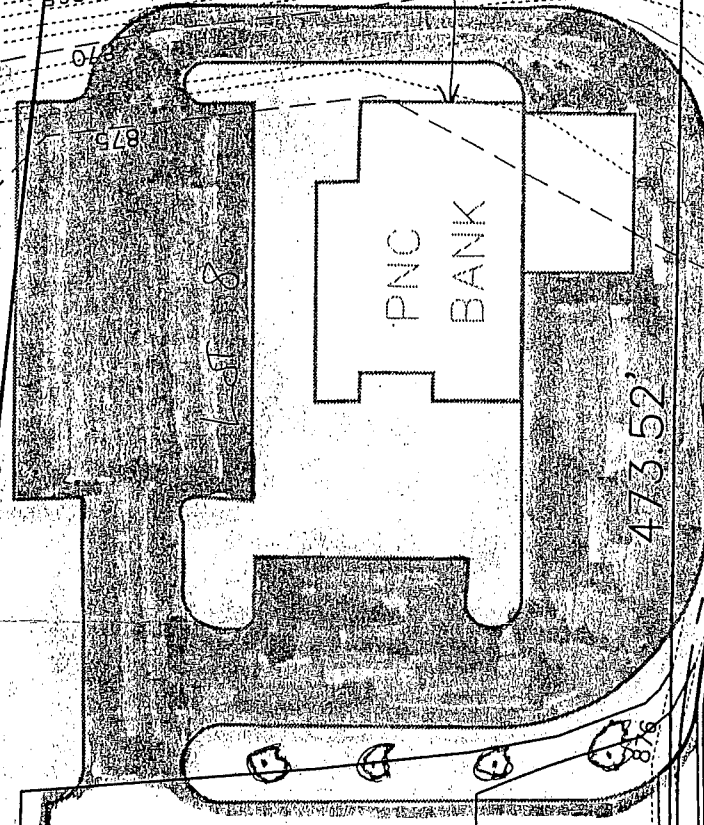
Phil Drees
Terrace Development Group, LLC.

EXISTING MH 2 MH 3
S68°29'22" W

225.03'



PROPOSED SANITARY MAIN
Detention Lot & Lot
CURELAND



PNC BANK

473.52'

LOT LINE

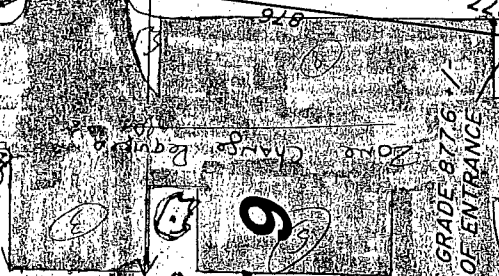
445.47'

S21°21'41" E

8658
8655
8650
8645

8710
8705
8700

875



LOT 6
Office
Basement

EXISTING GRADE 87.6' AT EDGE OF ENTRANCE

N21°08'43" W

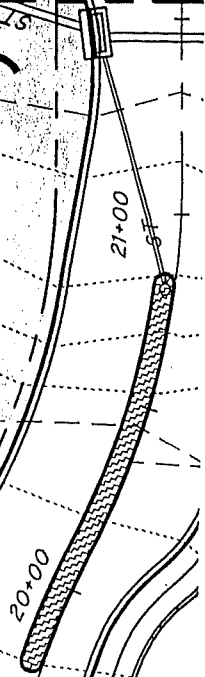
19+00

18+00

17+00

16+00

15+00



21+00

20+00

Rd

RECEIVED

MAY 17 2006

BOONE COUNTY
PLANNING COMMISSION

Lot 9
Bourman Way
Boone, MO

Preliminary Plat

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**July 5, 2006
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the item on the Agenda:

Applicant: Terrace Development Company (owner)

Request: Zoning Map Amendment

The request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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

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

Mr. Frank Raeon, a commercial realtor with Townmark Realty, 8020 Montgomery Road, Cincinnati, was present on behalf of the property owner. He introduced Mr. Joe Chickey with Vollmer Realtors, and Mr. Phil Drees and Mr. Adam Chaney with Terrace Development. Mr. Raeon stated that the rezoning

would make the property compatible with what is next door. Wendy's and the new Graeter's, and Donato's Pizza will open in September. He stated that this is a development with high standards and it is a building block for the City of Florence in this area. They have attractive buildings, signage, fencing and landscaping. They have created a sense of place and people can accomplish a number of things without getting back on U.S. 42. He stated that Dr. Stefano, the dentist who wants to locate on the lot behind PNC Bank, is currently in Brazil. She approached them because the growth in the area and the quality of design and mix of uses in this development make it the ideal place for a family dental practice. He stated that they have received her preliminary plans, but they still have to meet the requirements and go through architectural review. The dentist made a good effort to comply with their standards for brick, metal seam roof, and colors to be harmonious. The plan is a concept and nothing is locked in. He stated that there is a tremendous amount of slope behind and on two sides of the building which limits where the parking can be located. The original concept was to create as much parking in the rear and on the sides as possible, which they were able to do with Wendy's, Graeter's and Donato's, but they cannot do that here because of the slope. They want to have as much of the parking in an area close to the front door as possible, which would be convenient for the dental customers. Putting in a retaining wall along the side would be a huge expense and may not fit in with what they are trying to accomplish. He passed around the original concept plan provided by the dentist and stated that they are confident she will comply with the changes needed. He presented an exhibit board of illustrations to show the quality of the development and stated that they anticipate the subject building will be comparable. He stated that the Union Town Plan and their standards set a nice standard for the development. He stated that Staff is in support of a small monument sign. They want to identify that there is a dentist with a family practice and include her name. They are not looking for large signage. He passed around an exhibit showing the wall across from Abby's Education Center, which is behind where Donato's and Graeter's will be, to show the quality of the design. He stated that they are willing to work with the Planning Commission, the City of Florence and the dentist in regard to a Landscaping Plan. They do not have a Landscaping Plan at this time. He stated that anyone who builds in the development will be in compliance with their design standards. In regard to a sign out front on the PNC retaining wall, he stated that they want a sign to tell people that they are in the City of Florence and who the developer is. They have a standard in place to limit the square footage of the sign and, although the sign may be larger, it will be done tastefully. They want to create identity. They want the sign to be seen by people driving by and by people stopped at the traffic light. He offered to answer any questions. This completed the applicant's presentation.

The Chairman noted that there was no one present in the audience other than the applicant's team. The Chairman asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. Knock, Mr. Wall indicated the wall in front of PNC Bank on the Power Point slide. He stated that PNC Bank is part of the application in regard to signage. He stated that this is the only retaining wall that is part of the application, unless in the future the grading of the lot demands a retaining wall.

In response to questions from Mr. Barlow, Mr. Wall stated that they are proposing a dentist office, but the application does not limit the use to a dentist office. There is nothing that would restrict them from having the UC Zone uses. Mr. Barlow stated that the applicant made reference to a dentist by name, a use, and a building design. He is concerned that this development has a history of coming in with a presentation and a request, but then there is a new tenant and the plan goes in other directions. He stated that there is a specific request for variations in setback and variations with signage at the entrance, but we do not have specifics on the use. He stated that this location is on the back corner abutting a residential area and building height is a concern. The building, if it is similar in height to the PNC Bank, will project light down into the residential area. The location is on a curve of what will be a busy street when the condominiums and apartments are completed. He is not comfortable with changing this to a Planned Development and then having another use go there. He stated that UC is the broadest use classification in the county. Mr. Wall asked the applicant to be prepared to address Mr. Barlow's concerns regarding the residential area at the Committee Meeting. Mr. Barlow asked the Committee to limit the number of signs that can go on the wall now and in the future. He stated that the request is for a Planned Development and he envisions every use there wanting a sign on the wall. Limitations should be set now. He suggested that they be limited to two signs and, if someone else has more need for a sign, then someone will have to take a sign down.

Mr. Carmichael agreed with Mr. Barlow and with the Staff Comments. He asked the Committee to consider that PNC Bank already has signage on three sides of the building. He stated that it is redundant to have PNC Bank and Village Terrace again on the wall. He stated that the six panels on the monument sign at the entrance are enough for the tenants that are already there.


Mr. Knock questioned the elevation of the lot compared to the elevation of the residential development in the back. Mr. Wall reviewed the Power Point slide and noted the trees along the common property line with Farmview. He stated that this site sits up a fair degree from the street level and estimated the embankment to be 25' – 30'.

Mr. Schwenke stated that at night the blue light shining out of the top of PNC Bank shows much more than he thought it would. He would be willing to have a sign on the wall to get rid of the lights on top.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 19, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 2, 2006 at 7:00 PM.

The Chairman closed this Public Hearing at 8:12 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
August 16, 2006
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger
Mr. Richard Knock, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 2, 2006 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mr. Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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.

The Chairman asked if the applicant wished to make a summary statement. There was no response.

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

Mr. Carmichael questioned the "brick monument wall" in Condition 2.B. Mr. Wall responded that it is the brick monument wall for the new building site behind the bank. A small sign that serves the individual building will be mounted on the wall. Mr. Carmichael noted that at the Public Hearing the applicant requested an additional monument sign on U.S. 42. Mr. Wall responded that a monument sign was approved on U.S. 42 as part of the original zone change approval and they were asking for sign copy on the existing retaining wall, which is addressed in Condition 2.C., which is not allowed.

Mrs. Kegley stated that the applicant asked for a waiver of the front yard requirements for the office building, which the Committee approved, with the restriction that the back yard could not be less than 45 feet. She stated that the building is set diagonally on the corner and they could straighten the building and keep the backyard setback, which would increase the front yard setback.

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

2. Change in Concept Development Plan

The request of Atlantic Signs (applicant) for RNS Properties, LLC, Robert N. Sibcy, Managing Partner (owner) for a Change in an Approved Concept Development Plan for a 2.4158 acre site located at 4885 Houston Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow a monument sign.

Chairman Caddell stated that Agenda Item #2 is recommended for deferral to the September 20, 2006 Business Meeting at 7:00 PM. Mr. Reynolds so moved. Mrs. Wilson seconded the motion and it carried unanimously.

3. Zoning Map Amendment and Change in Concept Development Plan

The request of JEA 2 Properties, LLC (applicant) for EWG Corporation (owner) for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Chairman Caddell stated that Agenda Item #3 is recommended for deferral to the September 6, 2006 Business Meeting at 7:00 PM. Mr. Rolfsen so moved. Mrs. Wilson seconded the motion and it carried unanimously.

NEW BUSINESS:

Agenda Item
No.

- 4 Zoning Map Amendment
The request of James Rybolt and Subhas Patel (applicants) for Kentucky Wayturf, LLC (owner) for a Zoning Map Amendment from Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) for a 3.9246 acre site

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 16, 2006

RE: Request of **Terrace Development Company (owner)** for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan and the 2000 Union Town Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site largely for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The 2000 Union Town Land Use Plan Map designates the site for Commercial uses. The proposal is for one new small-scaled office/commercial building on the rear lot and signage for both the new building and existing bank, thus, the proposal is in accordance with these land use designations.
 - B. The Land Use Element text ("3. Pleasant Valley-West Florence Area," pp. 145 and 146) states "mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection (US 42/Pleasant Valley Road) on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and

institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union."

Similar points are made by the Business Activity Element ("Recommended Areas of Business Activity," pg. 63) which notes "as defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial" and "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 and designed properly."

As stated above, the proposal involves one new small-scaled office/commercial building on the rear lot and signage for both the new building and existing bank. The proposal does not involve any uses which are not already permitted in the current UC zone and the proposal pertains only to site arrangement and design related issues. The uses involved and design approach taken create an appropriate transition from the adjoining commercial uses to the residential subdivision to the north, as well as create an environment which will properly relate to said adjoining commercial uses and contribute to the smaller-scaled office and institutional style environment sought by the Comprehensive Plan - this is partially accomplished through creative use of the Planned Development overlay zone.

- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the submitted Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Standards," and Article 25 "Union Town Plan Districts" of the Boone County Zoning Regulations. Through the flexibility permitted by Section 1500, the application requests several exceptions to the requirements in Section 2540 "Design

Requirements for UTC, UC, and UNO Zoning Districts” for the new office/commercial building. These include: an exception to the front yard setback requirements (2540.1.a; 10' minimum and 50' maximum) to allow the front yard setback to be as large as 150 feet (70' is noted on the concept plan); an exception to the “parking” section (2540.9.d.1) to allow a parking area to be located at the front of the building in addition to the side and rear; and an exception to the “entrance” standards (2540.8.c) which require the main building entrance to be located on the primary street with an equally defined rear entry from the parking area - neither a rear parking area or appurtenant rear building entry are shown on the concept plan.

It is the Committee’s conclusion that these exceptions fulfill the requirements of Section 1514 and will create a better overall site design by placing the building in a location consistent with the neighboring commercial structures, and by directing activity generated from the parking area away from the neighboring residential properties and towards the interior of the Village Terrace development.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan, the 2000 Union Town Plan, and Article 15 “Planned Development District” of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The project shall follow the submitted Concept Development Plan and narratives (including the 5/5/06 and 5/29/06 Phil Drees letters and Village Terrace Design Guidelines). All normal requirements of the Boone County Zoning Regulations shall be followed except where superseded by the conditions listed herein or where exceptions are specifically granted.
2. The following requirements shall apply to signage.
 - A. The amount of building mounted signage for both sites shall be limited to 1 square foot of sign area per 1 linear foot of permissible building frontage, however, the maximum amount of building mounted signage for the PNC Bank site’s Bowman Way frontage shall not exceed the amount permitted for

its US 42 frontage. Building mounted signs shall be channel style letters which shall not exceed 2 feet in height, and which may be either internally or externally illuminated.

- B. The sign copy area on the brick monument wall for the new office/commercial building site shall be limited to 24 square feet. The height of the monument wall shall not exceed 8 feet.
 - C. No sign copy shall be permitted on the existing retaining wall along the PNC Bank site's US 42 frontage.
3. Setbacks from the north and east property lines for the new office/commercial building shall be a minimum of 45 feet.
 4. The new building may have an exposed concrete foundation on the lower part of the structure provided it is stained or painted to match the brick on the building.
 5. Plantings from Buffer Yard C in Article 36 of the zoning regulations shall be provided along the north property line adjoining Farmview Subdivision.
 6. All lighting on the new office/commercial building site shall be downlit and shielded to prevent glare onto adjoining properties. Measureable light shall be less than 1 footcandle at all property lines. The mast for any freestanding light fixture on this site that is located northward of the southern-most point of the building shall be limited to 12 feet in height.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**July 5, 2006
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the item on the Agenda:

Applicant: Terrace Development Company (owner)

Request: Zoning Map Amendment

The request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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

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

Mr. Frank Raeon, a commercial realtor with Townmark Realty, 8020 Montgomery Road, Cincinnati, was present on behalf of the property owner. He introduced Mr. Joe Chickey with Vollmer Realtors, and Mr. Phil Drees and Mr. Adam Chaney with Terrace Development. Mr. Raeon stated that the rezoning

would make the property compatible with what is next door. Wendy's and the new Graeter's, and Donato's Pizza will open in September. He stated that this is a development with high standards and it is a building block for the City of Florence in this area. They have attractive buildings, signage, fencing and landscaping. They have created a sense of place and people can accomplish a number of things without getting back on U.S. 42. He stated that Dr. Stefano, the dentist who wants to locate on the lot behind PNC Bank, is currently in Brazil. She approached them because the growth in the area and the quality of design and mix of uses in this development make it the ideal place for a family dental practice. He stated that they have received her preliminary plans, but they still have to meet the requirements and go through architectural review. The dentist made a good effort to comply with their standards for brick, metal seam roof, and colors to be harmonious. The plan is a concept and nothing is locked in. He stated that there is a tremendous amount of slope behind and on two sides of the building which limits where the parking can be located. The original concept was to create as much parking in the rear and on the sides as possible, which they were able to do with Wendy's, Graeter's and Donato's, but they cannot do that here because of the slope. They want to have as much of the parking in an area close to the front door as possible, which would be convenient for the dental customers. Putting in a retaining wall along the side would be a huge expense and may not fit in with what they are trying to accomplish. He passed around the original concept plan provided by the dentist and stated that they are confident she will comply with the changes needed. He presented an exhibit board of illustrations to show the quality of the development and stated that they anticipate the subject building will be comparable. He stated that the Union Town Plan and their standards set a nice standard for the development. He stated that Staff is in support of a small monument sign. They want to identify that there is a dentist with a family practice and include her name. They are not looking for large signage. He passed around an exhibit showing the wall across from Abby's Education Center, which is behind where Donato's and Graeter's will be, to show the quality of the design. He stated that they are willing to work with the Planning Commission, the City of Florence and the dentist in regard to a Landscaping Plan. They do not have a Landscaping Plan at this time. He stated that anyone who builds in the development will be in compliance with their design standards. In regard to a sign out front on the PNC retaining wall, he stated that they want a sign to tell people that they are in the City of Florence and who the developer is. They have a standard in place to limit the square footage of the sign and, although the sign may be larger, it will be done tastefully. They want to create identity. They want the sign to be seen by people driving by and by people stopped at the traffic light. He offered to answer any questions. This completed the applicant's presentation.

The Chairman noted that there was no one present in the audience other than the applicant's team. The Chairman asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. Knock, Mr. Wall indicated the wall in front of PNC Bank on the Power Point slide. He stated that PNC Bank is part of the application in regard to signage. He stated that this is the only retaining wall that is part of the application, unless in the future the grading of the lot demands a retaining wall.

In response to questions from Mr. Barlow, Mr. Wall stated that they are proposing a dentist office, but the application does not limit the use to a dentist office. There is nothing that would restrict them from having the UC Zone uses. Mr. Barlow stated that the applicant made reference to a dentist by name, a use, and a building design. He is concerned that this development has a history of coming in with a presentation and a request, but then there is a new tenant and the plan goes in other directions. He stated that there is a specific request for variations in setback and variations with signage at the entrance, but we do not have specifics on the use. He stated that this location is on the back corner abutting a residential area and building height is a concern. The building, if it is similar in height to the PNC Bank, will project light down into the residential area. The location is on a curve of what will be a busy street when the condominiums and apartments are completed. He is not comfortable with changing this to a Planned Development and then having another use go there. He stated that UC is the broadest use classification in the county. Mr. Wall asked the applicant to be prepared to address Mr. Barlow's concerns regarding the residential area at the Committee Meeting. Mr. Barlow asked the Committee to limit the number of signs that can go on the wall now and in the future. He stated that the request is for a Planned Development and he envisions every use there wanting a sign on the wall. Limitations should be set now. He suggested that they be limited to two signs and, if someone else has more need for a sign, then someone will have to take a sign down.

Mr. Carmichael agreed with Mr. Barlow and with the Staff Comments. He asked the Committee to consider that PNC Bank already has signage on three sides of the building. He stated that it is redundant to have PNC Bank and Village Terrace again on the wall. He stated that the six panels on the monument sign at the entrance are enough for the tenants that are already there.


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Mr. Schwenke stated that at night the blue light shining out of the top of PNC Bank shows much more than he thought it would. He would be willing to have a sign on the wall to get rid of the lights on top.

There being no further comments, the Chairman stated that the Committee Meeting for, this item will be on July 19, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 2, 2006 at 7:00 PM.

The Chairman closed this Public Hearing at 8:12 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 2, 2006

RE: Request of **Terrace Development Company (owner)** for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of a office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

Terrace Development Company

August 2, 2006

Janet Kegley
 Janet Kegley, Chairwoman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
 Greg Breetz
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
 Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

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

TOTAL: DEFERRED 3 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: July 19, 2006

RE: Request of **Terrace Development Company (owner)** for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of a office/commercial building and allow alternative signage for an existing bank.

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Terrace Development Company

July 19, 2006

Janet K. Kegley
 Janet Kegley, Chairwoman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Judy Arnett
 Judy Arnett

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Greg Breetz
 Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger
 Kim Bunger

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Susan Poston
 Susan Poston

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Jim Carmichael (Alternate)
 Jim Carmichael (Alternate)

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

Charlie Reynolds (Alternate)
 Charlie Reynolds (Alternate)

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

Bob Schwenke (Alternate)
 Bob Schwenke (Alternate)

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

Lisa Wilson (Alternate)
 Lisa Wilson (Alternate)

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

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 16, 2006



RE: Request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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FINDINGS OF FACT

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As stated above, the proposal involves one new small-scaled office/commercial building on the rear lot and signage for both the new building and existing bank. The proposal does not involve any uses which are not already permitted in the current UC zone and the proposal pertains only to site arrangement and design related issues. The uses involved and design approach taken create an appropriate transition from the adjoining commercial uses to the residential subdivision to the north, as well as create an environment which will properly relate to said adjoining commercial uses and contribute to the smaller-scaled office and institutional style environment sought by the Comprehensive Plan - this is partially accomplished through creative use of the Planned Development overlay zone.

- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the submitted Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Standards," and Article 25 "Union Town Plan Districts" of the Boone County Zoning Regulations. Through the flexibility permitted by Section 1500, the application requests several exceptions to the requirements in Section 2540 "Design

Requirements for UTC, UC, and UNO Zoning Districts" for the new office/commercial building. These include: an exception to the front yard setback requirements (2540.1.a; 10' minimum and 50' maximum) to allow the front yard setback to be as large as 150 feet (70' is noted on the concept plan); an exception to the "parking" section (2540.9.d.1) to allow a parking area to be located at the front of the building in addition to the side and rear; and an exception to the "entrance" standards (2540.8.c) which require the main building entrance to be located on the primary street with an equally defined rear entry from the parking area - neither a rear parking area or appurtenant rear building entry are shown on the concept plan.

It is the Committee's conclusion that these exceptions fulfill the requirements of Section 1514 and will create a better overall site design by placing the building in a location consistent with the neighboring commercial structures, and by directing activity generated from the parking area away from the neighboring residential properties and towards the interior of the Village Terrace development.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan, the 2000 Union Town Plan, and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The project shall follow the submitted Concept Development Plan and narratives (including the 5/5/06 and 5/29/06 Phil Drees letters and Village Terrace Design Guidelines). All normal requirements of the Boone County Zoning Regulations shall be followed except where superceded by the conditions listed herein or where exceptions are specifically granted.
2. The following requirements shall apply to signage.
 - A. The amount of building mounted signage for both sites shall be limited to 1 square foot of sign area per 1 linear foot of permissible building frontage, however, the maximum amount of building mounted signage for the PNC Bank site's Bowman Way frontage shall not exceed the amount permitted for

- its US 42 frontage. Building mounted signs shall be channel style letters which shall not exceed 2 feet in height, and which may be either internally or externally illuminated.
- B. The sign copy area on the brick monument wall for the new office/commercial building site shall be limited to 24 square feet. The height of the monument wall shall not exceed 8 feet.
 - C. No sign copy shall be permitted on the existing retaining wall along the PNC Bank site's US 42 frontage.
3. Setbacks from the north and east property lines for the new office/commercial building shall be a minimum of 45 feet.
 4. The new building may have an exposed concrete foundation on the lower part of the structure provided it is stained or painted to match the brick on the building.
 5. Plantings from Buffer Yard C in Article 36 of the zoning regulations shall be provided along the north property line adjoining Farmview Subdivision.
 6. All lighting on the new office/commercial building site shall be downlit and shielded to prevent glare onto adjoining properties. Measureable light shall be less than 1 footcandle at all property lines. The mast for any freestanding light fixture on this site that is located northward of the southern-most point of the building shall be limited to 12 feet in height.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM

July 5, 2006
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the item on the Agenda:

Applicant: Terrace Development Company (owner)

Request: Zoning Map Amendment

The request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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

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

Mr. Frank Raeon, a commercial realtor with Townmark Realty, 8020 Montgomery Road, Cincinnati, was present on behalf of the property owner. He introduced Mr. Joe Chickey with Vollmer Realtors, and Mr. Phil Drees and Mr. Adam Chaney with Terrace Development. Mr. Raeon stated that the rezoning

would make the property compatible with what is next door. Wendy's and the new Graeter's, and Donato's Pizza will open in September. He stated that this is a development with high standards and it is a building block for the City of Florence in this area. They have attractive buildings, signage, fencing and landscaping. They have created a sense of place and people can accomplish a number of things without getting back on U.S. 42. He stated that Dr. Stefano, the dentist who wants to locate on the lot behind PNC Bank, is currently in Brazil. She approached them because the growth in the area and the quality of design and mix of uses in this development make it the ideal place for a family dental practice. He stated that they have received her preliminary plans, but they still have to meet the requirements and go through architectural review. The dentist made a good effort to comply with their standards for brick, metal seam roof, and colors to be harmonious. The plan is a concept and nothing is locked in. He stated that there is a tremendous amount of slope behind and on two sides of the building which limits where the parking can be located. The original concept was to create as much parking in the rear and on the sides as possible, which they were able to do with Wendy's, Graeter's and Donato's, but they cannot do that here because of the slope. They want to have as much of the parking in an area close to the front door as possible, which would be convenient for the dental customers. Putting in a retaining wall along the side would be a huge expense and may not fit in with what they are trying to accomplish. He passed around the original concept plan provided by the dentist and stated that they are confident she will comply with the changes needed. He presented an exhibit board of illustrations to show the quality of the development and stated that they anticipate the subject building will be comparable. He stated that the Union Town Plan and their standards set a nice standard for the development. He stated that Staff is in support of a small monument sign. They want to identify that there is a dentist with a family practice and include her name. They are not looking for large signage. He passed around an exhibit showing the wall across from Abby's Education Center, which is behind where Donato's and Graeter's will be, to show the quality of the design. He stated that they are willing to work with the Planning Commission, the City of Florence and the dentist in regard to a Landscaping Plan. They do not have a Landscaping Plan at this time. He stated that anyone who builds in the development will be in compliance with their design standards. In regard to a sign out front on the PNC retaining wall, he stated that they want a sign to tell people that they are in the City of Florence and who the developer is. They have a standard in place to limit the square footage of the sign and, although the sign may be larger, it will be done tastefully. They want to create identity. They want the sign to be seen by people driving by and by people stopped at the traffic light. He offered to answer any questions. This completed the applicant's presentation.

The Chairman noted that there was no one present in the audience other than the applicant's team. The Chairman asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. Knock, Mr. Wall indicated the wall in front of PNC Bank on the Power Point slide. He stated that PNC Bank is part of the application in regard to signage. He stated that this is the only retaining wall that is part of the application, unless in the future the grading of the lot demands a retaining wall.

In response to questions from Mr. Barlow, Mr. Wall stated that they are proposing a dentist office, but the application does not limit the use to a dentist office. There is nothing that would restrict them from having the UC Zone uses. Mr. Barlow stated that the applicant made reference to a dentist by name, a use, and a building design. He is concerned that this development has a history of coming in with a presentation and a request, but then there is a new tenant and the plan goes in other directions. He stated that there is a specific request for variations in setback and variations with signage at the entrance, but we do not have specifics on the use. He stated that this location is on the back corner abutting a residential area and building height is a concern. The building, if it is similar in height to the PNC Bank, will project light down into the residential area. The location is on a curve of what will be a busy street when the condominiums and apartments are completed. He is not comfortable with changing this to a Planned Development and then having another use go there. He stated that UC is the broadest use classification in the county. Mr. Wall asked the applicant to be prepared to address Mr. Barlow's concerns regarding the residential area at the Committee Meeting. Mr. Barlow asked the Committee to limit the number of signs that can go on the wall now and in the future. He stated that the request is for a Planned Development and he envisions every use there wanting a sign on the wall. Limitations should be set now. He suggested that they be limited to two signs and, if someone else has more need for a sign, then someone will have to take a sign down.

Mr. Carmichael agreed with Mr. Barlow and with the Staff Comments. He asked the Committee to consider that PNC Bank already has signage on three sides of the building. He stated that it is redundant to have PNC Bank and Village Terrace again on the wall. He stated that the six panels on the monument sign at the entrance are enough for the tenants that are already there.


Mr. Knock questioned the elevation of the lot compared to the elevation of the residential development in the back. Mr. Wall reviewed the Power Point slide and noted the trees along the common property line with Farmview. He stated that this site sits up a fair degree from the street level and estimated the embankment to be 25' - 30'.

Mr. Schwenke stated that at night the blue light shining out of the top of PNC Bank shows much more than he thought it would. He would be willing to have a sign on the wall to get rid of the lights on top.

There being no further comments, the Chairman stated that the Committee Meeting for, this item will be on July 19, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 2, 2006 at 7:00 PM.

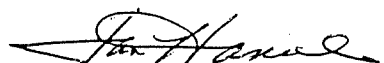
The Chairman closed this Public Hearing at 8:12 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 2, 2006

RE: Request of **Terrace Development Company (owner)** for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of a office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

Terrace Development Company

August 2, 2006

Janet Kegley
 Janet Kegley, Chairwoman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
 Greg Breetz
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
 Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

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

TOTAL: DEFERRED 3 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: July 19, 2006

RE: Request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of a office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

Terrace Development Company

July 19, 2006

Janet K. Kegley

Janet Kegley, Chairwoman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Judy Arnett

Judy Arnett

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Greg Breetz

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Susan Poston

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Jim Carmichael (Alternate)

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

Charlie Reynolds (Alternate)

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

Bob Schwenke (Alternate)

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

Lisa Wilson (Alternate)

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

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

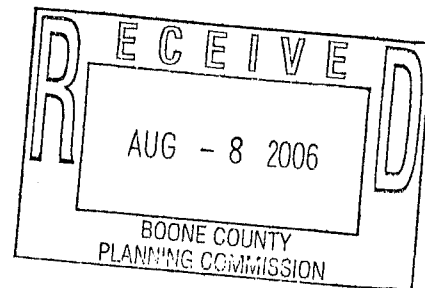
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

August 4, 2006

Mr. Phil Drees
Terrace Development Company, LLC
495 Erlanger Road, Suite 201
Erlanger, KY 41018



FAX: 342-6080

RE: Recommended Conditions of Approval for Zone Change from UC to UC/PD for 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky

Dear Mr. Drees:

The following represents the conditions of approval for the above referenced application as agreed by the Planning Commission's Zone Change Committee at their August 2, 2006 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, August 11, 2006.

CONDITIONS

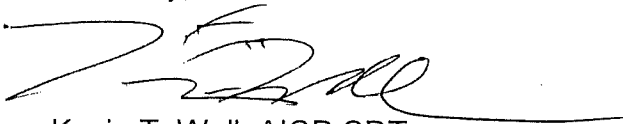
1. The project shall follow the submitted Concept Development Plan and narratives (including the 5/5/06 and 5/29/06 Phil Drees letters and Village Terrace Design Guidelines). All normal requirements of the Boone County Zoning Regulations shall be followed except where superceded by the conditions listed herein or where exceptions are specifically granted.
2. The following requirements shall apply to signage.
 - A. The amount of building mounted signage for both sites shall be limited to 1 square foot of sign area per 1 linear foot of permissible building frontage, however, the maximum amount of building mounted signage for the PNC Bank site's Bowman Way frontage shall not exceed the amount permitted for its U.S. 42 frontage. Building mounted signs shall be channel style letters which shall not exceed 2 feet in height, and which may be either internally or externally illuminated.
 - B. The sign copy area on the brick monument wall for the new office/commercial building site shall be limited to 24 square feet. The height of the monument wall shall not exceed 8 feet.

PAD

Mr. Phil Drees
August 4, 2006
Page 2

- C. No sign copy shall be permitted on the existing retaining wall along the PNC Bank site's U.S. 42 frontage.
3. Setbacks from the north and east property lines for the new office/commercial building shall be a minimum of 45 feet.
 4. The new building may have a exposed concrete foundation on the lower part of the structure provided it is stained or painted to match the brick on the building.
 5. Plantings from Buffer Yard C in Article 36 of the zoning regulations shall be provided along the north property line adjoining Farmview Subdivision.
 6. All lighting on the new office/commercial building site shall be downlit and shielded to prevent glare onto adjoining properties. Measureable light shall be less than 1 footcandle at all property lines. The mast for any freestanding light fixture on this site that is located northward of the southern-most point of the building shall be limited to 12 feet in height.

Sincerely,

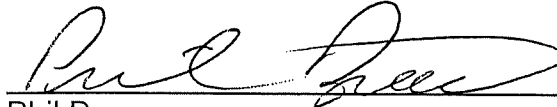


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

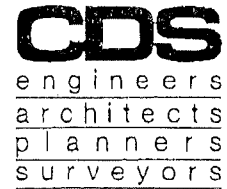
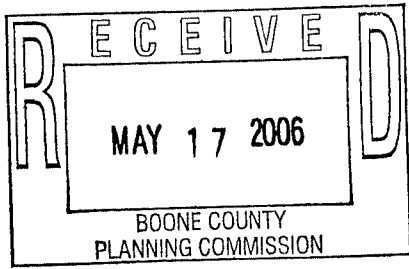
AGREEMENT

I, the authorized representative for the property owner of the 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky, agree to the conditions listed herein for the above referenced zone change application.



Phil Drees
Authorized Representative for Property Owner

8/7/06
Date



**LEGAL DESCRIPTION
TRACT 'A'
1.2068 ACRES**

Being a parcel of land situated in the City of Florence, Boone County, Kentucky, being part of the property heretofore conveyed to Terrace Development Company LLC by deed recorded in Deed Book 877, Page 143 (all references made to plats and deeds are of the Boone County, Kentucky Records), and being more particularly described as follows:

Commencing at an iron pin and cap found at the grantor's southwesterly corner and being the intersection of the north right-of-way line of U.S. Route 42 with the east right-of-way line of Bowman Way as dedicated in Village Terrace Subdivision, recorded in Plat Cabinet 5, Pages 182-184;

Thence along the east right-of-way line of Bowman Way on the following four (4) courses and distances:

1. North 21°30'38" West, a distance of 47.00 feet;
2. along an arc deflecting to the right, having a radius of 166.00 feet, an arc length of 80.07 feet and a chord bearing North 07°41'35" West, a chord distance of 79.29 feet;
3. along an arc deflecting to the left, having a radius of 234.00 feet, an arc length of 111.37 feet and a chord bearing North 07°30'37" West, a chord distance of 110.32 feet;
4. North 21°08'43" West, a distance of 15.94 feet to an iron pin and cap set, being the **Principal Point of Beginning** for this description;

Thence from said beginning point, continuing with said east right-of-way line North 21°08'43" West, a distance of 226.40 feet to an iron pin and cap found in the southerly line of Northfield at Farmview Subdivision, Section 1, recorded at Plat 51B;

Thence along the southerly line of said subdivision, North 61°03'26" East, a distance of 164.77 feet to an iron pin and cap found, being a corner to a parcel of land heretofore conveyed to James and Janet Weaver by deed recorded in Deed Book 681, Page 32;

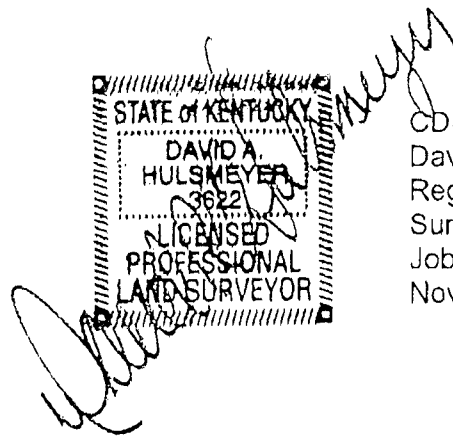
Thence along Weaver's southwesterly line South 72°30'38" East, a distance of 78.22 feet to an iron pin and cap found at the northwesterly corner of a parcel of land heretofore conveyed to

Julian MacKenzie III, Ltd. by deed recorded in Deed Book 890, Page 380;

Thence along Mackenzie's westerly line South 21°21'41" East, a distance of 199.92 feet to an iron pin and cap set;

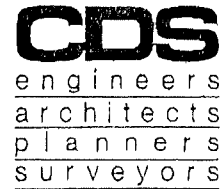
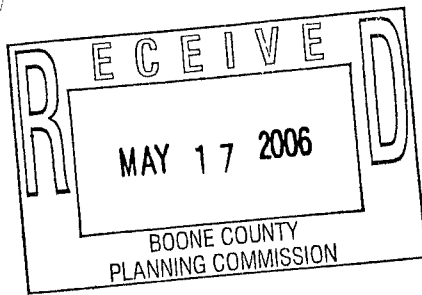
Thence through the grantor's tract, along a new division line, South 68°51'17" West, a distance of 225.10 feet to the point of beginning;

Containing 1.2068 acres, more or less, and being subject to all easements and restrictions of record.



STATE OF KENTUCKY
DAVID A.
HULSMEYER
3622
LICENSED
PROFESSIONAL
LAND SURVEYOR

CDS Associates, Inc.
David A. Hulsmeyer
Registered Professional
Surveyor #3622 in Kentucky
Job # 2003854-017
November 17, 2005



**LEGAL DESCRIPTION
TRACT 'B'
1.4120 ACRES**

Being a parcel of land situated in the City of Florence, Boone County, Kentucky, being part of the property heretofore conveyed to Terrace Development Company LLC by deed recorded in Deed Book 877, Page 143 (all references made to plats and deeds are of the Boone County, Kentucky Records), and being more particularly described as follows:

- | | |
|-----------|--|
| Beginning | at an iron pin and cap found at the grantor's southwesterly corner and being the intersection of the north right-of-way line of U.S. Route 42 with the east right-of-way line of Bowman Way as dedicated in Village Terrace Subdivision, recorded in Plat Cabinet 5, Pages 182-184; |
| Thence | from said beginning point along the east right-of-way line of Bowman Way on the following four (4) courses and distances: <ol style="list-style-type: none"> 1. North 21°30'38" West, a distance of 47.00 feet; 2. along an arc deflecting to the right, having a radius of 166.00 feet, an arc length of 80.07 feet and a chord bearing North 07°41'35" West, a chord distance of 79.29 feet; 3. along an arc deflecting to the left, having a radius of 234.00 feet, an arc length of 111.37 feet and a chord bearing North 07°30'37" West, a chord distance of 110.32 feet; 4. North 21°08'43" West, a distance of 15.94 feet to an iron pin and cap set; |
| Thence | through the grantor's tract, along a new division line, North 68°51'17" East, a distance of 225.10 feet to an iron pin and cap set in the westerly line of a parcel of land heretofore conveyed to Julian MacKenzie III, Ltd. by deed recorded in Deed Book 890, Page 380; |
| Thence | along Mackenzie's westerly line South 21°21'41" East, a distance of 245.55 feet to an the northerly right-of-way line of U.S. Route 42, being witnessed by an iron pin found lying 0.64 feet north; |
| Thence | along said northerly right-of-way line South 68°29'22" West, a distance of 270.18 feet to the point of beginning; |

Containing

1.4120 acres, more or less, and being subject to all easements and restrictions of record.

David A. Hulsmeyer
David A. Hulsmeyer

STATE OF KENTUCKY
DAVID A.
HULSMeyer
3622
LICENSED
PROFESSIONAL
LAND SURVEYOR

CDS Associates, Inc.
David A. Hulsmeyer
Registered Professional
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November 17, 2005

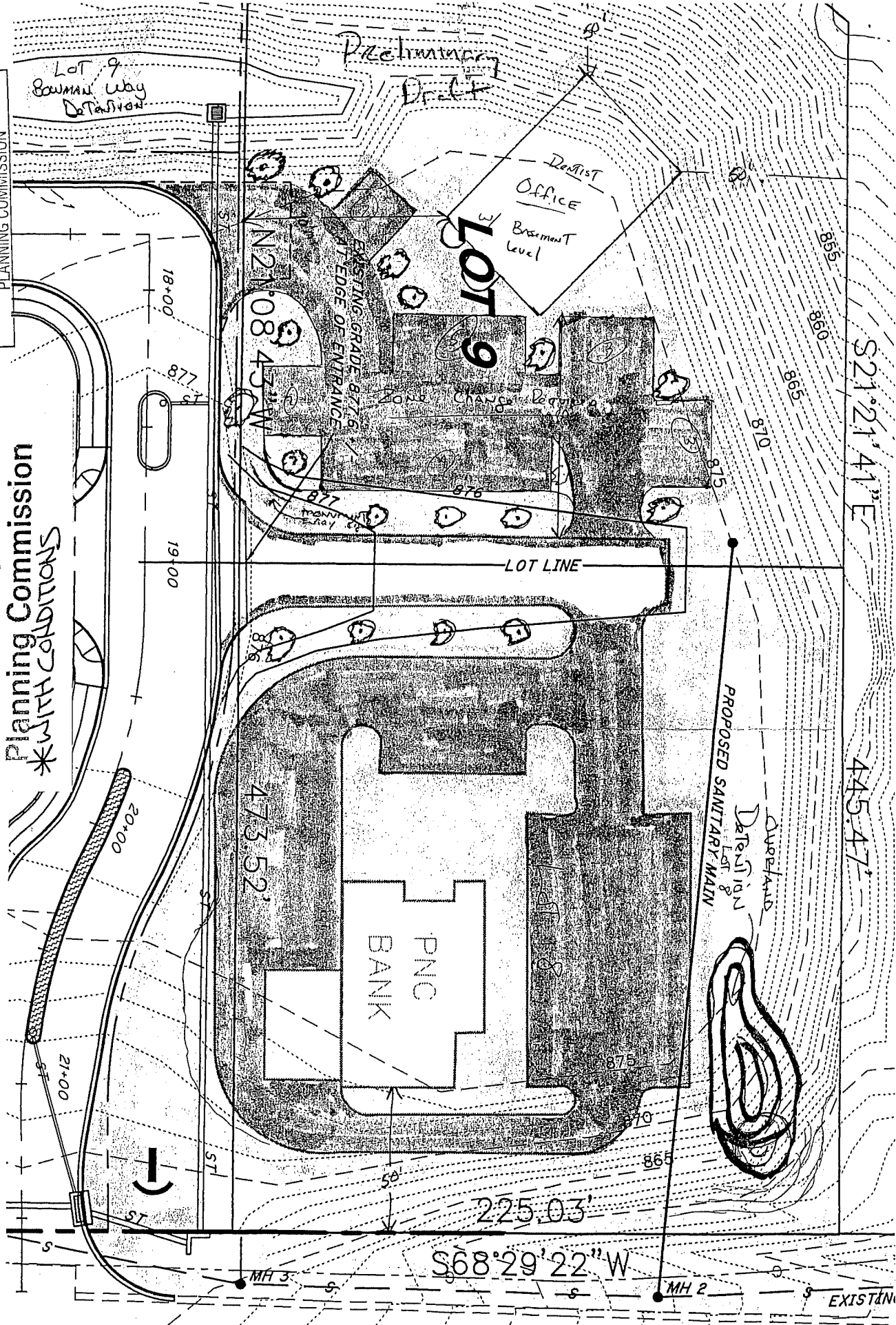
APPROVED

Staff *[Signature]*

Date 8/16/06

Boone County
Planning Commission
**WITH CONDITIONS*

RECEIVED
MAY 17 2006
BOONE COUNTY
PLANNING COMMISSION



S21°21'41"E

445.47'

S68°29'22"W

U.S. 42

ORDINANCE NO. 0-26-06

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM UNION COMMERCIAL (UC) TO UNION COMMERCIAL/PLANNED DEVELOPMENT (UC/PD) FOR AN APPROXIMATE 2.5 ACRE SITE LOCATED AT 8810 U.S. HIGHWAY 42 AND ALONG THE EAST SIDE OF BOWMAN WAY IN THE CITY OF FLORENCE, KENTUCKY, SUBJECT TO A CONCEPT DEVELOPMENT PLAN AND OTHER AGREED CONDITIONS, TO ALLOW CONSTRUCTION OF AN OFFICE/COMMERCIAL BUILDING AND TO ALLOW ALTERNATIVE SIGNAGE FOR AN EXISTING BANK. (TERRACE DEVELOPMENT COMPANY PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-06-021-A recommended approval of the rezoning described above, and

WHEREAS, the recommendation for approval of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

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

SECTION I

That the request of Terrace Development Company (owner) for a zoning map amendment for an approximate 2.5 acre site located at 8810 U.S. Highway 42 and along the east side of Bowman Way in the City of Florence, Kentucky, this zoning map amendment being to rezone the site from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) to allow construction of an office/commercial building and to allow alternative signage for an existing bank shall be and the same is hereby approved, subject to a concept development plan and agreed conditions. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended and designated to reflect the approval of this zoning map amendment for this 2.5 acres.

SECTION II

Approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Commission's Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-06-021-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to the concept development plan that is part of the application for the zoning map amendment.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-06-021-A marked Exhibit "B" hereto.

SECTION IV

The subject real property of this zoning amendment remains subject to the design requirements for the Union Commercial zoning district as set out in Section 2540.4.b and Section 2540.9.g of the Boone County zoning regulations as the application for the subject 2.5 acre site being rezoned did not address these provisions of the design requirements for the Union Commercial zoning district. As a result, this zoning map amendment granted herein is subject to further submittal, review and approval under the applicable Boone County zoning regulations to satisfy the design requirements under Section 2540.4.b and Section 2540.9.g.

SECTION V

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

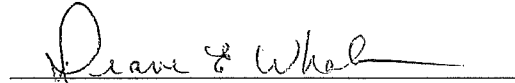
SECTION VI

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


PASSED AND APPROVED ON FIRST READING THIS 10th DAY OF October, 2006.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24th DAY OF October, 2006.

APPROVED:

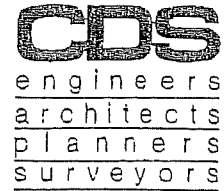
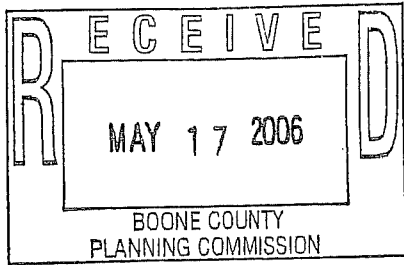

MAYOR

ATTEST:


CITY CLERK

EXHIBIT

“A”



LEGAL DESCRIPTION
TRACT 'A'
1.2068 ACRES

Being a parcel of land situated in the City of Florence, Boone County, Kentucky, being part of the property heretofore conveyed to Terrace Development Company LLC by deed recorded in Deed Book 877, Page 143 (all references made to plats and deeds are of the Boone County, Kentucky Records), and being more particularly described as follows:

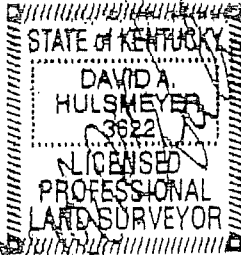
- Commencing at an iron pin and cap found at the grantor's southwesterly corner and being the intersection of the north right-of-way line of U.S. Route 42 with the east right-of-way line of Bowman Way as dedicated in Village Terrace Subdivision, recorded in Plat Cabinet 5, Pages 182-184;
- Thence along the east right-of-way line of Bowman Way on the following four (4) courses and distances:
1. North 21°30'38" West, a distance of 47.00 feet;
 2. along an arc deflecting to the right, having a radius of 166.00 feet, an arc length of 80.07 feet and a chord bearing North 07°41'35" West, a chord distance of 79.29 feet;
 3. along an arc deflecting to the left, having a radius of 234.00 feet, an arc length of 111.37 feet and a chord bearing North 07°30'37" West, a chord distance of 110.32 feet;
 4. North 21°08'43" West, a distance of 15.94 feet to an iron pin and cap set, being the Principal Point of Beginning for this description;
- Thence from said beginning point, continuing with said east right-of-way line North 21°08'43" West, a distance of 226.40 feet to an iron pin and cap found in the southerly line of Northfield at Farmview Subdivision, Section 1, recorded at Plat 51B;
- Thence along the southerly line of said subdivision, North 61°03'26" East, a distance of 164.77 feet to an iron pin and cap found, being a corner to a parcel of land heretofore conveyed to James and Janet Weaver by deed recorded in Deed Book 681, Page 32;
- Thence along Weaver's southwesterly line South 72°30'38" East, a distance of 78.22 feet to an iron pin and cap found at the northwesterly corner of a parcel of land heretofore conveyed to

Julian MacKenzie III, Ltd. by deed recorded in Deed Book 890,
Page 380;

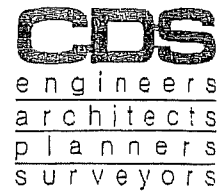
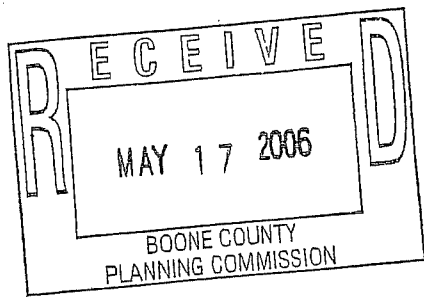
Thence along Mackenzie's westerly line South 21°21'41" East, a distance
of 199.92 feet to an iron pin and cap set;

Thence through the grantor's tract, along a new division line, South
68°51'17" West, a distance of 225.10 feet to the point of
beginning;

Containing 1.2068 acres, more or less, and being subject to all easements
and restrictions of record.

David A. Hulsmeyer


CDS Associates, Inc.
David A. Hulsmeyer
Registered Professional
Surveyor #3622 in Kentucky
Job # 2003854-017
November 17, 2005



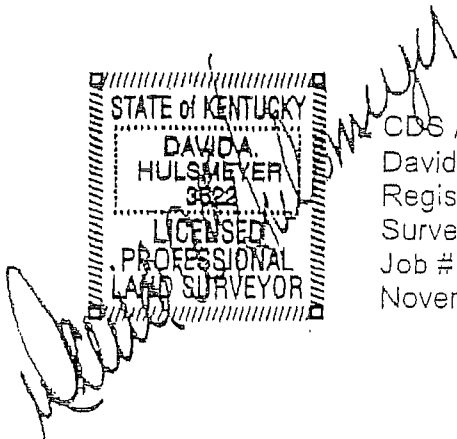
LEGAL DESCRIPTION
TRACT 'B'
1.4120 ACRES

Being a parcel of land situated in the City of Florence, Boone County, Kentucky, being part of the property heretofore conveyed to Terrace Development Company LLC by deed recorded in Deed Book 877, Page 143 (all references made to plats and deeds are of the Boone County, Kentucky Records), and being more particularly described as follows:

- Beginning at an iron pin and cap found at the grantor's southwesterly corner and being the intersection of the north right-of-way line of U.S. Route 42 with the east right-of-way line of Bowman Way as dedicated in Village Terrace Subdivision, recorded in Plat Cabinet 5, Pages 182-184;
- Thence from said beginning point along the east right-of-way line of Bowman Way on the following four (4) courses and distances:
1. North 21°30'38" West, a distance of 47.00 feet;
 2. along an arc deflecting to the right, having a radius of 166.00 feet, an arc length of 80.07 feet and a chord bearing North 07°41'35" West, a chord distance of 79.29 feet;
 3. along an arc deflecting to the left, having a radius of 234.00 feet, an arc length of 111.37 feet and a chord bearing North 07°30'37" West, a chord distance of 110.32 feet;
 4. North 21°08'43" West, a distance of 15.94 feet to an iron pin and cap set;
- Thence through the grantor's tract, along a new division line, North 68°51'17" East, a distance of 225.10 feet to an iron pin and cap set in the westerly line of a parcel of land heretofore conveyed to Julian MacKenzie III, Ltd., by deed recorded in Deed Book 890, Page 380;
- Thence along Mackenzie's westerly line South 21°21'41" East, a distance of 245.55 feet to an the northerly right-of-way line of U.S. Route 42, being witnessed by an iron pin found lying 0.64 feet north;
- Thence along said northerly right-of-way line South 68°29'22" West, a distance of 270.18 feet to the point of beginning;

Containing

1.4120 acres, more or less, and being subject to all easements and restrictions of record.



STATE OF KENTUCKY
DAVID A.
HULSMeyer
3622
LICENSED
PROFESSIONAL
LAND SURVEYOR

CDS Associates, Inc.
David A. Hulsmeyer
Registered Professional
Surveyor #3622 in Kentucky
Job # 2003854-017
November 17, 2005

EXHIBIT
“B”

RESOLUTION R-06-021-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF TERRACE DEVELOPMENT COMPANY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM UNION COMMERCIAL (UC) TO UNION COMMERCIAL/PLANNED DEVELOPMENT (UC/PD) FOR A 2.5 ACRE SITE LOCATED AT 8810 U.S. 42 AND ALONG THE EAST SIDE OF BOWMAN WAY, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, 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 Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, 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 PLANNING COMMISSION 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 recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Union Commercial (UC) zone is more particularly described in DEED BOOKS 873 & 877, PAGE NOS. 620 & 143 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of 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."

SECTION III

That a copy of this Resolution recommending approval for a Zoning Map Amendment for a zone change from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky, shall be forwarded to the City of Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

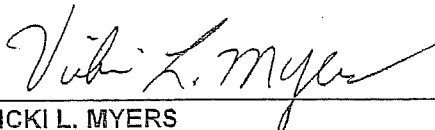
PASSED AND APPROVED ON THIS 6TH DAY OF SEPTEMBER, 2006.

APPROVED:



ARNOLD CADDELL
CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

AC:vlm

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

July 5, 2006

7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the item on the Agenda:

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

Request: **Zoning Map Amendment**

The request of **Terrace Development Company (owner)** for a **Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD)** for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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

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

Mr. Frank Raeon, a commercial realtor with Townmark Realty, 8020 Montgomery Road, Cincinnati, was present on behalf of the property owner. He introduced Mr. Joe Chickey with Vollmer Realtors, and Mr. Phil Drees and Mr. Adam Chaney with Terrace Development. Mr. Raeon stated that the rezoning

would make the property compatible with what is next door. Wendy's and the new Graeter's, and Donato's Pizza will open in September. He stated that this is a development with high standards and it is a building block for the City of Florence in this area. They have attractive buildings, signage, fencing and landscaping. They have created a sense of place and people can accomplish a number of things without getting back on U.S. 42. He stated that Dr. Stefano, the dentist who wants to locate on the lot behind PNC Bank, is currently in Brazil. She approached them because the growth in the area and the quality of design and mix of uses in this development make it the ideal place for a family dental practice. He stated that they have received her preliminary plans, but they still have to meet the requirements and go through architectural review. The dentist made a good effort to comply with their standards for brick, metal seam roof, and colors to be harmonious. The plan is a concept and nothing is locked in. He stated that there is a tremendous amount of slope behind and on two sides of the building which limits where the parking can be located. The original concept was to create as much parking in the rear and on the sides as possible, which they were able to do with Wendy's, Graeter's and Donato's, but they cannot do that here because of the slope. They want to have as much of the parking in an area close to the front door as possible, which would be convenient for the dental customers. Putting in a retaining wall along the side would be a huge expense and may not fit in with what they are trying to accomplish. He passed around the original concept plan provided by the dentist and stated that they are confident she will comply with the changes needed. He presented an exhibit board of illustrations to show the quality of the development and stated that they anticipate the subject building will be comparable. He stated that the Union Town Plan and their standards set a nice standard for the development. He stated that Staff is in support of a small monument sign. They want to identify that there is a dentist with a family practice and include her name. They are not looking for large signage. He passed around an exhibit showing the wall across from Abby's Education Center, which is behind where Donato's and Graeter's will be, to show the quality of the design. He stated that they are willing to work with the Planning Commission, the City of Florence and the dentist in regard to a Landscaping Plan. They do not have a Landscaping Plan at this time. He stated that anyone who builds in the development will be in compliance with their design standards. In regard to a sign out front on the PNC retaining wall, he stated that they want a sign to tell people that they are in the City of Florence and who the developer is. They have a standard in place to limit the square footage of the sign and, although the sign may be larger, it will be done tastefully. They want to create identity. They want the sign to be seen by people driving by and by people stopped at the traffic light. He offered to answer any questions. This completed the applicant's presentation.

The Chairman noted that there was no one present in the audience other than the applicant's team. The Chairman asked if there were any comments or questions from the Commissioners.

In response to questions from Mr. Knock, Mr. Wall indicated the wall in front of PNC Bank on the Power Point slide. He stated that PNC Bank is part of the application in regard to signage. He stated that this is the only retaining wall that is part of the application, unless in the future the grading of the lot demands a retaining wall.

In response to questions from Mr. Barlow, Mr. Wall stated that they are proposing a dentist office, but the application does not limit the use to a dentist office. There is nothing that would restrict them from having the UC Zone uses. Mr. Barlow stated that the applicant made reference to a dentist by name, a use, and a building design. He is concerned that this development has a history of coming in with a presentation and a request, but then there is a new tenant and the plan goes in other directions. He stated that there is a specific request for variations in setback and variations with signage at the entrance, but we do not have specifics on the use. He stated that this location is on the back corner abutting a residential area and building height is a concern. The building, if it is similar in height to the PNC Bank, will project light down into the residential area. The location is on a curve of what will be a busy street when the condominiums and apartments are completed. He is not comfortable with changing this to a Planned Development and then having another use go there. He stated that UC is the broadest use classification in the county. Mr. Wall asked the applicant to be prepared to address Mr. Barlow's concerns regarding the residential area at the Committee Meeting. Mr. Barlow asked the Committee to limit the number of signs that can go on the wall now and in the future. He stated that the request is for a Planned Development and he envisions every use there wanting a sign on the wall. Limitations should be set now. He suggested that they be limited to two signs and, if someone else has more need for a sign, then someone will have to take a sign down.

Mr. Carmichael agreed with Mr. Barlow and with the Staff Comments. He asked the Committee to consider that PNC Bank already has signage on three sides of the building. He stated that it is redundant to have PNC Bank and Village Terrace again on the wall. He stated that the six panels on the monument sign at the entrance are enough for the tenants that are already there.

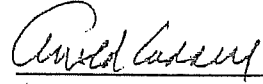
Mr. Knock questioned the elevation of the lot compared to the elevation of the residential development in the back. Mr. Wall reviewed the Power Point slide and noted the trees along the common property line with Farmview. He stated that this site sits up a fair degree from the street level and estimated the embankment to be 25' - 30'.

Mr. Schwenke stated that at night the blue light shining out of the top of PNC Bank shows much more than he thought it would. He would be willing to have a sign on the wall to get rid of the lights on top.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on July 19, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 2, 2006 at 7:00 PM.

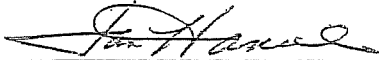
The Chairman closed this Public Hearing at 8:12 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

August 16, 2006

7:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger
Mr. Richard Knock, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 2, 2006 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mr. Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 U.S. 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

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.

The Chairman asked if the applicant wished to make a summary statement. There was no response.

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

Mr. Carmichael questioned the "brick monument wall" in Condition 2.B. Mr. Wall responded that it is the brick monument wall for the new building site behind the bank. A small sign that serves the individual building will be mounted on the wall. Mr. Carmichael noted that at the Public Hearing the applicant requested an additional monument sign on U.S. 42. Mr. Wall responded that a monument sign was approved on U.S. 42 as part of the original zone change approval and they were asking for sign copy on the existing retaining wall, which is addressed in Condition 2.C., which is not allowed.

Mrs. Kegley stated that the applicant asked for a waiver of the front yard requirements for the office building, which the Committee approved, with the restriction that the back yard could not be less than 45 feet. She stated that the building is set diagonally on the corner and they could straighten the building and keep the backyard setback, which would increase the front yard setback.

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

2. Change in Concept Development Plan

The request of Atlantic Signs (applicant) for RNS Properties, LLC, Robert N. Sibcy, Managing Partner (owner) for a Change in an Approved Concept Development Plan for a 2.4158 acre site located at 4885 Houston Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow a monument sign.

Chairman Caddell stated that Agenda Item #2 is recommended for deferral to the September 20, 2006 Business Meeting at 7:00 PM. Mr. Reynolds so moved. Mrs. Wilson seconded the motion and it carried unanimously.

3. Zoning Map Amendment and Change in Concept Development Plan

The request of JEA 2 Properties, LLC (applicant) for EWG Corporation (owner) for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Chairman Caddell stated that Agenda Item #3 is recommended for deferral to the September 6, 2006 Business Meeting at 7:00 PM. Mr. Rolfsen so moved. Mrs. Wilson seconded the motion and it carried unanimously.

NEW BUSINESS:

Agenda Item
No.

4 Zoning Map Amendment

The request of James Rybolt and Subhas Patel (applicants) for Kentucky Wayturf, LLC (owner) for a Zoning Map Amendment from Recreation/Planned Development (R/PD) to Commercial Two/Planned Development (R/PD) to Commercial Two/Planned Development (C-2/PD) for a 3.9246 acre site

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 16, 2006

RE: Request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of an office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan and the 2000 Union Town Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site largely for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The 2000 Union Town Land Use Plan Map designates the site for Commercial uses. The proposal is for one new small-scaled office/commercial building on the rear lot and signage for both the new building and existing bank, thus, the proposal is in accordance with these land use designations.
 - B. The Land Use Element text ("3. Pleasant Valley-West Florence Area," pp. 145 and 146) states "mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection (US 42/Pleasant Valley Road) on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and

institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union."

Similar points are made by the Business Activity Element ("Recommended Areas of Business Activity," pg. 63) which notes "as defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial" and "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 and designed properly."

As stated above, the proposal involves one new small-scaled office/commercial building on the rear lot and signage for both the new building and existing bank. The proposal does not involve any uses which are not already permitted in the current UC zone and the proposal pertains only to site arrangement and design related issues. The uses involved and design approach taken create an appropriate transition from the adjoining commercial uses to the residential subdivision to the north, as well as create an environment which will properly relate to said adjoining commercial uses and contribute to the smaller-scaled office and institutional style environment sought by the Comprehensive Plan - this is partially accomplished through creative use of the Planned Development overlay zone.

- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the submitted Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Standards," and Article 25 "Union Town Plan Districts" of the Boone County Zoning Regulations. Through the flexibility permitted by Section 1500, the application requests several exceptions to the requirements in Section 2540 "Design

Requirements for UTC, UC, and UNO Zoning Districts" for the new office/commercial building. These include: an exception to the front yard setback requirements (2540.1.a; 10' minimum and 50' maximum) to allow the front yard setback to be as large as 150 feet (70' is noted on the concept plan); an exception to the "parking" section (2540.9.d.1) to allow a parking area to be located at the front of the building in addition to the side and rear; and an exception to the "entrance" standards (2540.8.c) which require the main building entrance to be located on the primary street with an equally defined rear entry from the parking area - neither a rear parking area or appurtenant rear building entry are shown on the concept plan.

It is the Committee's conclusion that these exceptions fulfill the requirements of Section 1514 and will create a better overall site design by placing the building in a location consistent with the neighboring commercial structures, and by directing activity generated from the parking area away from the neighboring residential properties and towards the interior of the Village Terrace development.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan, the 2000 Union Town Plan, and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The project shall follow the submitted Concept Development Plan and narratives (including the 5/5/06 and 5/29/06 Phil Drees letters and Village Terrace Design Guidelines). All normal requirements of the Boone County Zoning Regulations shall be followed except where superceded by the conditions listed herein or where exceptions are specifically granted.
2. The following requirements shall apply to signage.
 - A. The amount of building mounted signage for both sites shall be limited to 1 square foot of sign area per 1 linear foot of permissible building frontage, however, the maximum amount of building mounted signage for the PNC Bank site's Bowman Way frontage shall not exceed the amount permitted for

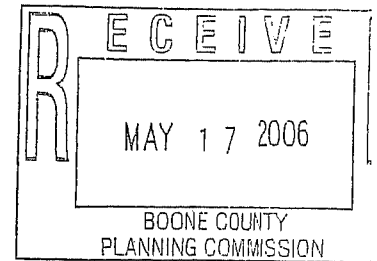
- its US 42 frontage. Building mounted signs shall be channel style letters which shall not exceed 2 feet in height, and which may be either internally or externally illuminated.
- B. The sign copy area on the brick monument wall for the new office/commercial building site shall be limited to 24 square feet. The height of the monument wall shall not exceed 8 feet.
 - C. No sign copy shall be permitted on the existing retaining wall along the PNC Bank site's US 42 frontage.
3. Setbacks from the north and east property lines for the new office/commercial building shall be a minimum of 45 feet.
 4. The new building may have an exposed concrete foundation on the lower part of the structure provided it is stained or painted to match the brick on the building.
 5. Plantings from Buffer Yard C in Article 36 of the zoning regulations shall be provided along the north property line adjoining Farmview Subdivision.
 6. All lighting on the new office/commercial building site shall be downlit and shielded to prevent glare onto adjoining properties. Measureable light shall be less than 1 footcandle at all property lines. The mast for any freestanding light fixture on this site that is located northward of the southern-most point of the building shall be limited to 12 feet in height.

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.



May 5, 2006

Mr. Kevin Wall
Boone County Planning
2995 Washington St
Burlington, KY 41005



RE: Application of Zoning Map Amendment & Recommended Conditions for Approval

Dear Kevin:

We would like to present to the commission a zone change for a 2.5-Acre tract of land we own adjacent to the Village Terrace Subdivision, which is currently zone UC/PD. The current zoning for the 2.5-acre property is UC and we would like to bring this property into the same zoning as the Village Terrace Subdivision.

Currently the property has been subdivided into two lots, tract A and B as shown on the attached plat. Tract A has been built on and is currently a PNC bank office and tract B is vacant at this point in time. We do have a contract on this lot from Dr. Jamie DeStefono, a dentist.

We have already subjected the property to our architectural requirements in the Village Terrace Subdivision. In order for our potential user and us to achieve our goals we must go through the zoning map amendment process and adopt the following specific deviations from the UC zone. I believe you and the planning commission will find that the recommended conditions compliment our existing development.

1. Building mounted signage:

- a. One (1) square foot of signage to be permitted per each One (1) linear foot of building width for each permissible frontage. However, a minimum of twenty-four (24) square feet of signage shall be permitted for each user or tenant. Internal and/or external lighting source to be allowed.

1. Monument sign

- a. Allow one monument sign to be constructed as shown on the attached site plan. Monument sign to be constructed of brick veneer and/or same material as used on building, not to exceed 80 Square feet and 6 feet in height.
- b. Allow the existing retaining wall built by PNC to display signage that is depicted on the attached drawing.



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1. Dimensional Variance
 - a. Change the maximum setback requirement from 50' to 150' for principally permitted structures.

1. Parking requirements
 - a. Parking shall be located in the side, rear, or front of building.

1. Entrance
 - a. One main entrance for pedestrian access

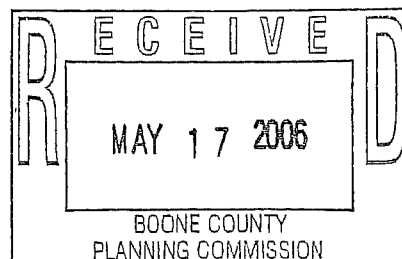
1. Architectural guidelines
 - a. Adopt the Village Terrace design guidelines as stipulated in the Village Terrace Community Commercial association documents recorded in book MC1024 pages 450-479

Thanks you for considering our request and if there is any additional information you may need please do not hesitate to call.

Sincerely,

Phil Drees

Terrace Development Group, LLC.



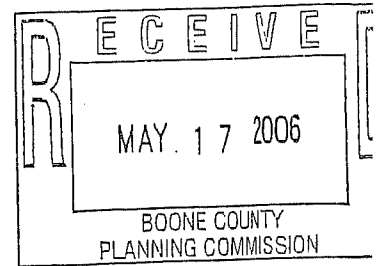


Exhibit B
Initial Development Criteria

Village Terrace
Design Guidelines (Preliminary)

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

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

Architectural Building Guidelines:
Commercial

Roof:

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

Exterior of Building:

- Brick material has to be on 80% of the Building (WatsonTown Brick Co.- Fifth Avenue Velour I/S – Iron Spot Series or Manhattan Series) or (Carolina Ceramics – Heritage Wirecut)
- Arch walkways or Arch windows to be incorporated into building. Arch concrete lintels (on similar looking material) to be used where practical
- Use beige colored band trim, belt course or cornice line at or above window height (Brick Color – WatsonTown Brick Co – Carleton – Manhattan Series or Carolina Ceramics ‘Shadow Gray’ wirecut)
- Mortar Color – Tan 1 lb. (Kosmortar Kolor) or Standard color mortar (grey – no additives)
- Colors and accents to match other commercial users within development
- Stamp concrete or color concrete sidewalks (if used) to match pattern for development (Color and pattern to be determine)

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

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

Commercial site design requirements:

Outdoor Storage/Trash

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

Parking and Lighting

- No solid concrete islands in parking lot allowed, landscaped islands to be used unless approved Streetscape materials used.
- Light post and fixture (selection yet to be determine)
- Light post base to use brick or stone (color/type same as buildings or entry monument)
- Connectivity with other parking areas must be made
 - If "Stamp" concrete or color concrete sidewalks is used to connect (pattern to match development selection)
 - *Coordinate and blend parking lot entrances and exits with adjacent users*

Landscaping

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

Signage

- All exterior signs shall be approved by Village Terrace Design Review Committee
- No sheet metal signs, flat wood painted, or exposed fluorescent lights signage allowed.
- The location, size, and construction of signs will be in keeping with the character of the development.
- Ground mounted signs shall not have a gross area of more than Seventy (70) square feet and shall not exceed eight feet (8') in height and shall be connected to the ground along the base length. All changeable copy shall be manual.
- Development sign at the entrance of "Village Terrace" containing major tenants shall not have a gross area of more than One Hundred (100) square feet and shall not exceed ten (10') in height and shall be connected to the ground along the base length. No changeable copy allowed.
- Illuminated signs shall be rear lighted or lighted from a nonapparent light source
- Other signs allowed may be of a directional nature or temporary signs indicating "For Sale" or For Lease"
- All permitted signs shall be of a design and material consistent with the building and/or developers monumentation itself.



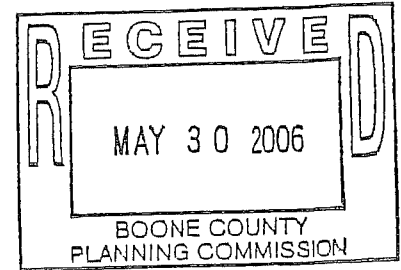
Terrace Development Group, LLC.

Creating Desirable Places
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495 Erlanger Rd. Ste 201
Erlanger, KY 41018

May 29, 2006

Mr. Kevin Wall
Boone County Planning
2995 Washington St
Burlington, KY 41005



RE: Application of Zoning Map Amendment & Recommended Conditions for Approval

Dear Kevin:

We would like to address and clarify the comments in your letter dated May 25, 2006 regarding the zone change application. These are as follows:

- A. Parking will comply with section 2540.9.d to satisfy the requirement of the minimum of One (1) space per 300 feet of gross floor area.
- B. Section 2540.8.c. requires all buildings shall have their main entrance on the primary street with an equally defined rear entry. What we would like to propose is one-entrance due to the parking is in front of the building and there is no need to create a equally defined rear entrance.
- C. Our proposal affects the PNC site in two ways:
 1. Allow the retaining wall to display signage as depicted on the rendering. Three separate signs "City of Florence" 60 sq ft, Village Terrace 60 Sq ft, and PNC 32 Sq ft. The lettering shall be individual letters made from metal, plastic or a highly weathered material. The light source (if any) shall be from an external source.
 2. Allow signage on building to have an internal light source and sized accordingly to the formula based on building width which will be consistent with prior approvals.
- D. The monument sign proposed for the vacant lot should follow the stipulations of type, size and height in my previous letter. We would also like to recommend that it be limited to 30 percent changeable copy.

Sincerely,

Phil Drees

Terrace Development Group, LLC.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 2, 2006

RE: Request of Terrace Development Company (owner) for a Zoning Map Amendment from Union Commercial (UC) to Union Commercial/Planned Development (UC/PD) for a 2.5 acre site located at 8810 US 42 and along the east side of Bowman Way, Florence, Kentucky. The request is for a zone change to allow the construction of a office/commercial building and allow alternative signage for an existing bank.

REMARKS:

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

Terrace Development Company

August 2, 2006

Janet Kegley
 Janet Kegley, Chairwoman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 For Project Absent
 Against Project
 Abstain Deferred

~~*Greg Breetz*~~
 Greg Breetz
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
 Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (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

