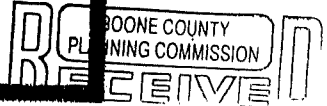


06-CCDP-024-A

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

SEP 19 2006

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Rolling Hills Crossing
- 3. Location of Project Seligman Drive & Vandercar Way, Florence
- 4. Total Acreage of Site 8.95 AC
- 5. Current Zoning O-1/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) September 8, 1998 (Settlement Agreement)
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston - Donaldson
- 8. Proposed Uses (please specify each use) 4-Story Up-Scale Hotel & Restaurants
- 9. Proposed Building Intensities (please specify) 16,000 SF / AC
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
  - No Conditional Use Permit
  - No Dimensional Variance
- 12. Name of Applicant(s) ECE, Inc. on behalf of Rolling Hills Hospitality  
Phone Number 859-685-3829 Fax No. 859-685-3801
- 13. Address of Applicant(s) 437 Lewis Hargett Circle, Suite 130  
Lexington KY 40503  
City State Zip
- 14. Name of Property Owner(s) Vandercar Holdings  
Phone Number 513-272-1700 Fax No. 513-272-3555
- 15. Address of Property Owner(s) 5027 Madison Road, Suite 200  
Cincinnati OH 45227  
City State Zip
- 16. Are there any existing buildings on the site? No  
How many?
- 17. Deed Book 890 Page No. 951 Group No. 2033A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **ECE, Inc. on behalf of Rolling Hills Hospitality (applicant)** for **Vandercar Holdings (owner)** for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for a 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

October 18, 2006

### REQUEST

This request is for a Change in an Approved Concept Development Plan in an O-1/PD zone for a 8.95 acre site that is located at the dead end of Vandercar Drive and to the west (behind) the new Wal Mart at 7625 Doering Drive. The current approval was the result of a settlement agreement between the City of Florence and the property owners for the ninety five (95) acre site for the "Doering, Fuller, Foltz, Durr, and Crist" zone change from I-1/PD and O-2/PD to C-2/PD, and a Concept Development Plan in a C-2/PD in 1998 (Concept Development Plan excerpt, committee report w/ graphic exhibits, and ordinance are attached). The site is designated for "office/research park/light industrial" uses on the Concept Development Plan, and the conditions of approval include a list of supplemental uses which are permitted in the development. The current O-1/PD zoning for the subject site was a stipulation of the settlement.

The Concept Development Plan for the current application shows a 80,000 square foot, 65 foot high hotel (four stories) at the northwest corner of the site. The building is "L" shaped in plan with a loop drive and porte cochere at the front of the building. Three smaller buildings are proposed to the south and east of the hotel. These buildings are proposed for restaurants or other uses permitted by the current O-1/PD zone. The two eastern buildings contain approximately 5,400 square feet each and the remaining building at the southwest corner of the site contains approximately 4,250 square feet. Based on the stated building sizes and scaled footprint dimensions, the three smaller buildings would be one story. The area of the three smaller buildings combined is approximately 15,050 square feet, the total building area on the site including the hotel is approximately 95,050 square feet, and the proposed intensity based on these figures is 10,613 square feet per acre.

The site is accessed by a private driveway that extends from the Vandercar Way/Seligman Drive intersection. This drive divides the developed portion of the site from an existing creek valley that runs along the south property line and that is proposed to be retained along with the existing tree cover. Aside from the buildings, the "developed" part of the site is largely a parking field. The parking areas for the east and west parts of the site are proposed to be separated by a north-south running common drive and linear landscape

islands that vary from approximately 6 feet to 8 feet in width. A driveway loop that connects the four building sites is proposed around the perimeter of the development. All four buildings are shown on a single lot. It is assumed that storm water detention will be accommodated in the adjoining regional basin. Specific architectural or signage concepts have not been submitted to date.

The application proposes a total of five freestanding signs including a "proposed project identification sign" at the main entrance (no size specified) and a monument sign for each of the four buildings within the development per the 6 by 7 foot size permitted in the settlement agreement. The proposal requests the following four variations from the current approval. Numbers 1, 2, and 3 are stated in the Council ordinance and number 4 is stated in the Planning Commission Committee Report:

1. "Settlement Condition B.2: To allow 'project identification sign' at Rolling Hills Crossing entrance to be located at Seligman & Vandercar intersection, as shown on concept development plan." This condition allows one 28 foot high project identification sign along Houston Road at the signalized intersection. The existing Wal Mart freestanding sign with tenant panels is the one sign permitted under this current condition.
2. "Settlement Condition B.3: To allow 6' X 7' 'low ground monument signage for each business, instead of each out-lot.'" This condition allows one 6 foot by 7 foot monument sign as depicted in the design guidelines for each outlot.
3. "Settlement Condition C: To add 'hotels and motels including convention facilities' to list of permitted uses." This condition outlines a number of supplemental uses permitted in the development.
4. "Zoning Map Amendment Condition #6: Be withdrawn to allow standards O-1 intensity of 16,000 SF/AC." This condition limits building intensity to 10,000 square feet of building area per acre. As stated above, the building intensity shown on the Concept Development Plan is approximately 10,613 square feet per acre.

The application also requests an exception to the maximum O-1 zone building height of 45 feet to allow the 65 foot high hotel.

### SITE CHARACTERISTICS

The site has 8.95 acres with road frontage limited to the immediate Vandercar Way/Seligman Drive intersection. There are no structures on the site. The previously mentioned creek valley runs along the south property line and contains a blue line stream.

A cemetery (Vaughan Cemetery) that was fenced as part of the Wal Mart and Florence Marketplace Subdivision improvements is located in the northeast part of the site. There is existing tree cover on much of the site, with the exception of the areas to the south and west of the adjoining detention area. The topography of the site slopes from north to south, with the high point being at approximately el 862 near the northeast corner of the site and the lowest point being approximately el 820 at the creek. Public water and sanitary service are available.

### ADJACENT LAND USES

The land uses and zoning in the immediate site include:

- A. The Greater Cincinnati/Northern Kentucky International Airport is located to the north and west (A).
- B. The Florence Marketplace development/lawsuit settlement area (includes Wal Mart) is located to the south/southeast and east (O-1/PD and C-2/PD).
- C. A subdivision of detached, single family residences (Greenview Subdivision) is located to the south/southwest (SR-1).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

- A. Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Regionally-oriented commercial development should be confined to Mall Road and the Houston Road area . . . ("2. Florence Commercial Area," pp. 144 and 145).

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

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

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 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 . . . ("Design, Signs, and Historic Preservation," pg. 142).

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

- A. Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital ("Recommended Areas of Commercial Activity," pg. 62).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (815) is expected to increase from 1,162 in the year 2000, to 1,218 in 2010, and to 1,275 in 2020 (pp. 24 and 25).

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," Commercial 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," Commercial Objective 2).
- N. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).
- O. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

### RELATIONSHIP TO HOUSTON-DONALDSON STUDY

The site in question is within an area described by the Study as "Site 6, Main Seligman Property and Foltz Property Remnant." As the Study was adopted in 1992, the current zone change/Concept Development Plan adopted in 1998 takes precedence over the Study's specific land use recommendations.

The "Goals and Objectives" section of the document (pg. 6) states "because the Houston-Donaldson Study further defines the Comprehensive Plan for this area, the broader Goals and Objectives of the Comprehensive Plan should also be consulted in evaluating development proposals." The Study further provides the following goals and objectives which relate to the proposal.

- A. Consistent with the Boone County Comprehensive Plan's recognition of this area of the county as suitable for a large scale employment and commercial district with unique residential and recreational opportunities, proposed land uses shall be planned in order to provide a logical, realistic development pattern with a mixture of land uses (Goal I, Objective A).
- B. Commercial uses shall be designed in an innovative manner that creates prominent landscaping areas (Goal I, Objective B).
- C. Commercial outlots shall be located near major development access points (Goal I, Objective C).
- D. Sites that contain significant topography and vegetation should be considered in the Study's land use plan for land uses that could incorporate those site characteristics into design (Goal I, Objective E).
- E. Significant topography and vegetation should be retained where appropriate to address the aesthetics, absorbed sunlight heat and glare, stormwater runoff, and buffering of developments (Goal I, Objective F).
- F. Each development shall have a central architectural design focus (Goal I, Objective G).
- G. Submitted development requests shall be reviewed in context of Article 15 Planned Development of the Boone County Zoning Regulations and this document (Goal I, Objective I)

- H. The phasing and density of individual developments shall be correlated with appropriate road improvements described by traffic analysis (Goal II, Objective A).
- I. To ensure that the recommended land uses and the types of development occur in conjunction with appropriate exterior appearances to the general public. This goal is based upon the recognition that the Study Area has an enormous amount of visibility from major public thoroughfares. It also is based upon the idea that development should preserve, where appropriate, the natural terrain and vegetation (Goal III).
- J. To institute a design review mechanism whereby the design of any existing or new structure and site should compliment neighboring developments and the surrounding landscape. This mechanism would serve as a guideline for aesthetics or amenities in a specified area (Goal III, Objective A).
- K. To provide an alternative to conventional zoning requirements for signage, which could be implemented to allow unique and imaginative signage requirements in an area that is highly visible from major public thoroughfares. This alternative would at the same time protect the public and enhance community visual appearance (Goal III, Objective B).

#### BOONE COUNTY TRANSPORTATION PLAN 2030

The Transportation Plan outlines several operational improvement plan projects in the general area, although none of them are directly related to, or adjoin, this specific site. These projects are numbered as 16, 25, 26, and 32 on Exhibit 5-2 (pg. 5-4) and are described in the text of Chapter 5.

Exhibit 6-11 (pg. 6-17) which outlines year 2030 levels of service for two lane local routes lists "South Airfield Road" as a proposed route between Burlington Pike and Turfway Road. This route and the extension of Woodspoint Drive westward from Houston Road to it are illustrated on Exhibit 6-14 (pg. 6-22) as controlled access connector roads. These roads are located to the north of the subject site.

#### RELATIONSHIP TO AIRPORT

The site is near the alignment with runway 36R, but it is not within the 65 DNL contour on the 1999 and 2005 Noise Exposure Maps adopted by the Kenton County Airport Board, or the 2006 and 2011 Noise Exposure Maps that are proposed through the current FAR Part 150 Study Update. William Martin, P.E., Senior Director of Planning and Development for the Cincinnati/Northern Kentucky International Airport, has commented that the

proposed land use is compatible with airport operations, but that the developer should consult with the Airport's Noise Abatement Department to review the most current "Projected Noise Contours." He also stated that up to two separate government forms may need to be submitted relative to building heights around airports (10/4/06 letter is attached).

### STAFF COMMENTS

1. The Planning Commission and City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates the site for "Commercial" (C) uses. The Land Use Element states (pp. 144 and 145) "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road." It also states (pg. 145) "commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate." The Business Activity Element also makes reference to the Houston-Donaldson Study. As noted above, the current zone change/Concept Development Plan was approved after the adoption of the Houston-Donaldson Study, and the Study was considered in that approval.

Because various office/commercial uses are already permitted on this site, and the current proposal is basically limited to the addition of the hotel use and design issues, the Land Use Element's Future Land Use Development Guidelines and several of the Comprehensive Plan's and Houston-Donaldson Study's Goals and Objectives are especially relevant. Pertinent excerpts listed above discuss the retention of existing vegetation and topography, buffering and other impact mitigation, landscaping, overall design, and signage issues.

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.

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 on the site except for the addition of the hotel, which is permitted in the C-2/PD zoned portion of the same subdivision. Regarding pedestrian orientation, Section 3327 of the zoning regulations require a sidewalk link between

the building(s), parking area, and street. Condition 1.F in the Committee Report for the original zone change approval also requires a "pedestrian access network." To accomplish these ends, a sidewalk could be provided on one side of the shared drive through the development from the Vandercar/Seligman intersection back to the hotel, with sidewalk links between the various buildings to the main walk. Sidewalks will be provided on both sides of the nearby public streets.

2. Compatibility of Uses: As noted immediately above, the uses in this development will not vary from those already permitted on the site, except for the addition of the hotel. The primary compatibility issue staff has identified with the proposed hotel is the height. The applicant has requested an exception through the PD overlay zone to permit the height of the hotel to be increased from the O-1 maximum of 45 feet to 65 feet. This building will be substantially taller than the neighboring structures as viewed from the Houston Road vicinity, and will possibly be visible from the neighboring Greenview Subdivision, particularly in the winter months (based on the existing topography, the ground floor elevation of the nearest houses is slightly higher than the ground floor of the hotel; the site is partly visible through the existing trees now). The height will also need to be approved by the proper aviation authorities.

Related to the appearance of the three smaller buildings in addition to the 65 foot high hotel, no architectural concepts have been provided. However, this development is subject to the architectural standards for "outlots" required through the original zone change. Assuming the standards are consciously followed, staff is not concerned with the cosmetics of the buildings, but rather that the height of the hotel could be intrusive onto the residential neighbors, especially if any building illumination or illuminated signage is visible over the tree line. An explanation of the proposed site grading versus the height of the trees and hotel compared to the Greenview properties should be provided by the applicant at the Zone Change Committee meeting.

Condition #7 in the Committee Report for the original zone change requires a 25 foot no disturb area along the common property boundary with Greenview Subdivision (SR-1 zone). The Concept Development Plan proposes to retain the existing creek and creek valley vegetation within a strip that ranges in width between approximately 66 feet and 145 feet. Section 3645 of the zoning regulations requires Buffer Yard D to be provided between a SR-1 zone and a O-1 development with more than 50,000 square feet of floor area (80' wide with specified plantings or 40' wide with specified plantings plus a berm, wall, or fence). The zoning regulations allow the existing trees in the creek valley to be credited towards the required plantings. Staff recommends that the new Buffer Yard D improvements be placed as high on the grade by the driveway as possible, and that a solid fence or wall

structure be considered at the top of the grade. Staff also recommends that where the site adjoins the C-2/PD tract to the immediate south, the normal plantings from Buffer Yard A be provided (in addition to the retained vegetation) on the south side of the main drive at the top of the creek valley grade, between the edge of the required Buffer Yard D and the current terminus of Seligman Drive. The proposed site lighting is important in the success of the Greenview Subdivision buffer area. As such, Staff recommends that the height of all exterior lighting be kept below the height of the existing tree cover (the height/grade analysis mentioned above could address lighting as well), and that the on site fixtures be downlit with the lighting level maintained at less than 1 fc where the main drive adjoins this buffer yard.

A 5 foot wide landscape area is shown along the west property line and a 10 foot to approximately 48 foot wide landscape area is shown along the north property line - both of these boundaries adjoin Airport property. The zoning regulations require Buffer Yard A (10' with specified plantings) along these property lines (the Airport zone is considered the same as a Commercial zone for buffer yard purposes; the additional 5' along the west property line can be provided with little modification to the plan). Based on the Comprehensive Plan's direction regarding the retention of existing vegetation and the buffer yard requirements, staff recommends that the buffer area along the west boundary be increased to the normal 10 foot width, and that all healthy, existing vegetation be retained along both the north and west property lines with new plants added where necessary to meet the Buffer Yard A planting standards.

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." Additionally, the original conditions of approval and the Houston-Donaldson Study require that at least 22 percent of the site area be maintained as open space. Forty four percent (44%) of the site is proposed to be kept as open space on the Concept Development Plan; this figure accounts only for the perimeter areas and does not include the islands in the parking lot. Although none of these areas are "useable" in a conventional sense, the majority of the open space on the site is in the retained creek valley discussed above and the historic Vaughan Cemetery that is located in the northeast corner of the site. Retention of both of these features is supported by several adopted policies. The area between the main drive into the site and adjoining regional detention basin is labeled as "existing green space and/or parking," meaning that this area can not be credited as open space if it could potentially be developed with additional parking. Regarding parking per se, the adequacy of the parking area can not be evaluated based on the limited information provided, but it must still meet the number of spaces required by the zoning regulations.

Related partly to open space and partly to compatibility as discussed above, the developed "interior" portion of the site is fairly dense appearing when viewed in plan. In contrast, the open space areas are substantial but are dictated as existing site features around the site's perimeter. Although the applicant has requested that the 10,000 square foot per acre intensity limitation (condition #6 in the Committee Report of the original zone change condition) be replaced with the normal O-1 zone requirement of 16,000 square feet per acre, the actual intensity shown on the Concept Development Plan 10,613 square feet per acre. In lieu of granting the requested 16,000 square feet of building area "sight unseen" (a 66% increase over the 10,613 sf shown), Staff recommends that the intensity be linked to the submitted plan. In that case, any modification to square footage/intensity can be evaluated by the Zoning Administrator as a potential major or minor change.

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

5. Preservation of Existing Site Features: This topic is discussed under #2 and 3 above.

6. Landscaping: Landscape buffering and perimeter vegetation are discussed under #2 above. Provided the remainder of the site meets the normal requirements of Article 36 of the zoning regulations, including the vehicular use area ("VUA") landscaping, staff has no further comments on this standard.

7. Architecture: No architectural concepts have been provided. However, this development is subject to the architectural standards for "outlots" required through the original zone change. As such, staff has no issue with this aspect of the proposal.

8. Historic and Prehistoric Features: The Vaughan Cemetery is located in the northeast part of the site. The archaeology work and installation of the ornamental fence required by the zoning and subdivision regulations were accomplished through the subdivision process. The required enclosure fence was installed around the larger outer boundary of the 30 foot protective cemetery easement versus just the cemetery itself.

9. Signage: This standard states that a consistent signage theme shall be provided, that building mounted signs shall be the predominate signage on the project site, and that freestanding signs shall be monument style and of a limited height. The application has requested several changes to the current conditions of approval and normal zoning requirements regarding freestanding signs. These include the

provision of a project identification sign at the site entrance by the Seligman/Vandercar intersection (unspecified size and height) and a separate 6 foot by 7 foot monument sign (size permitted by the original zone change conditions) for each of the four buildings within the development (five freestanding signs total).

Staff sees some logic in the basic signage approach based on the distance and limited visibility between the site entrance and the various buildings, but does not agree that the specific proposal fulfills the basic intent of the original zone change conditions, Houston-Donaldson Study requirements, or Article 34 "Signs" of the zoning regulations. To fulfill both ends, a monument style identification sign such as those permitted by the Study for office and industrial uses could be provided at the main site entrance (the Study allows 8' high and 100 sf maximum; at 8' high with four business names, 60 sf would be proportionate), and one 6 foot by 7 foot monument sign which served as an internal directional could be provided at the first internal driveway intersection. Due to the relatively tight internal site arrangement, the building mounted signage should be clearly legible from within the site and additional monument signs would just serve as supplemental objects. Consistent with the prior approvals in Florence Marketplace, the monument signs will need to have a "gable/pediment" or "peaked" design. For informational purposes, the design standards for this development specify individual channel letters for building mounted signs.

10. Transportation Connections and Entry Points: Due to the site's location adjoining Greenview Subdivision and a "pocket" of Airport property, no realistic opportunities for vehicular connections have been identified. Staff has discussed the idea of a connection with the future South Airfield Road with Greg Sketch, Boone County Engineer, who commented that no private access points will be permitted on this road (access for individual sites would need to connect to intersecting side streets). The demarcation of entry points is discussed above.

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

3. The Florence Fire Department has commented that they have no issue with the proposal (10/2/06 e-mail from Robert Krebs, Fire Marshall, is attached).
4. The Florence Public Services Department was requested to comment on the proposal relative to their policies and/or service abilities. No written comments have been received to date. Any comments received will be forwarded to the Zone Change Committee.

## CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the requirements of Article 15 "Planned Development District" of the zoning regulations including Section 1514, the 2005 Boone County Comprehensive Plan, the Houston-Donaldson Study, 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

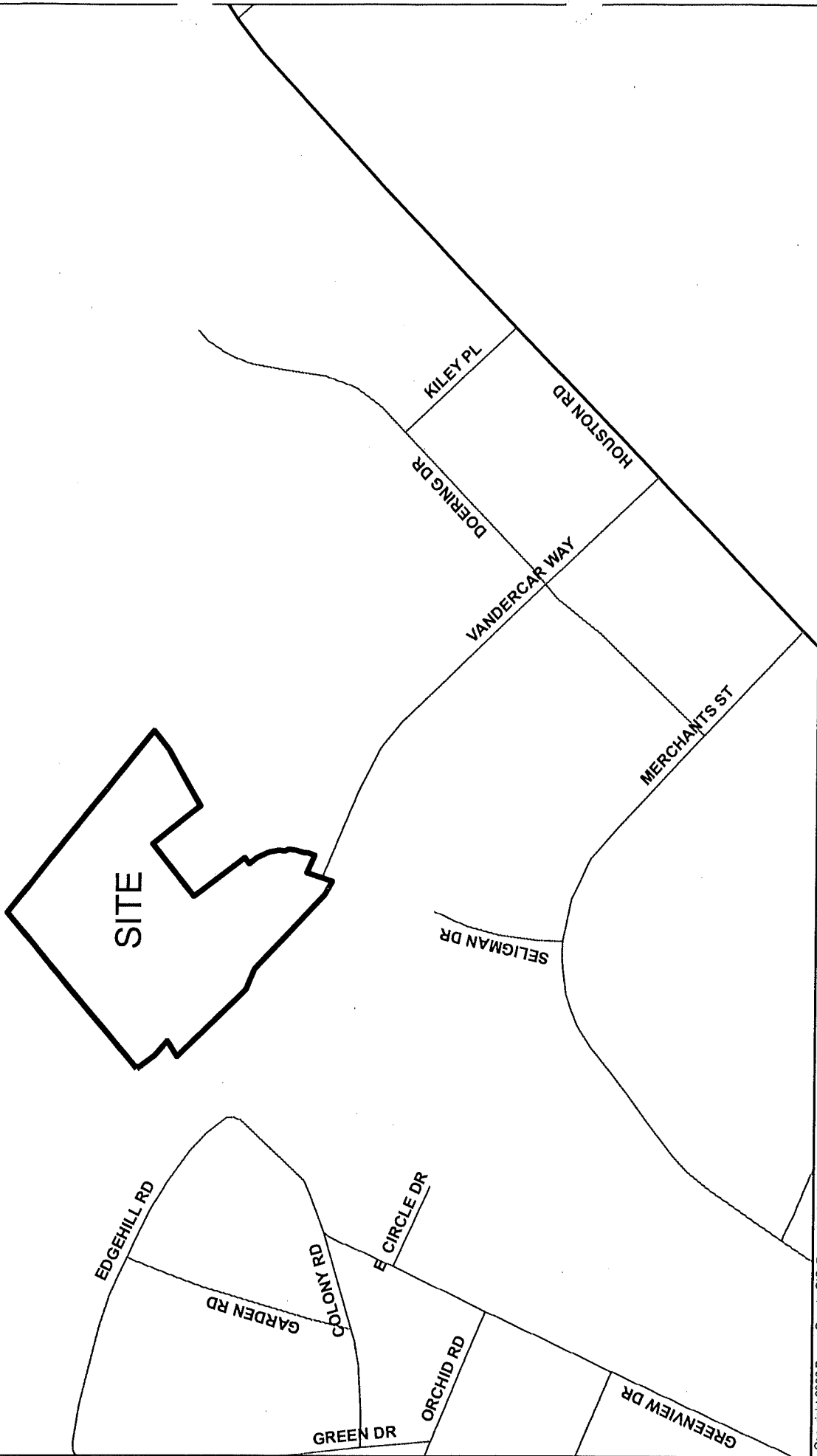
KTW/pr

attachments:

- location map
- aerial photo w/zoning
- Future Land Use Map excerpt
- excerpt of current Doering, et al Concept Development Plan
- 10/15/97 Committee Report for Doering, et al zone change/Concept Development Plan application w/ graphic exhibits
- Ordinance #0-18-98 for Doering, et al zone change/Concept Development Plan application
- 10/4/06 letter from William D. Martin, P.E., Senior Director of Planning and Development, Cincinnati/Northern Kentucky International Airport
- 10/2/06 e-mail from Robert Krebs, Fire Marshall, Florence Fire Department
- application materials including Concept Development Plan

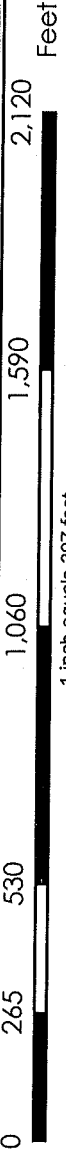
# Location

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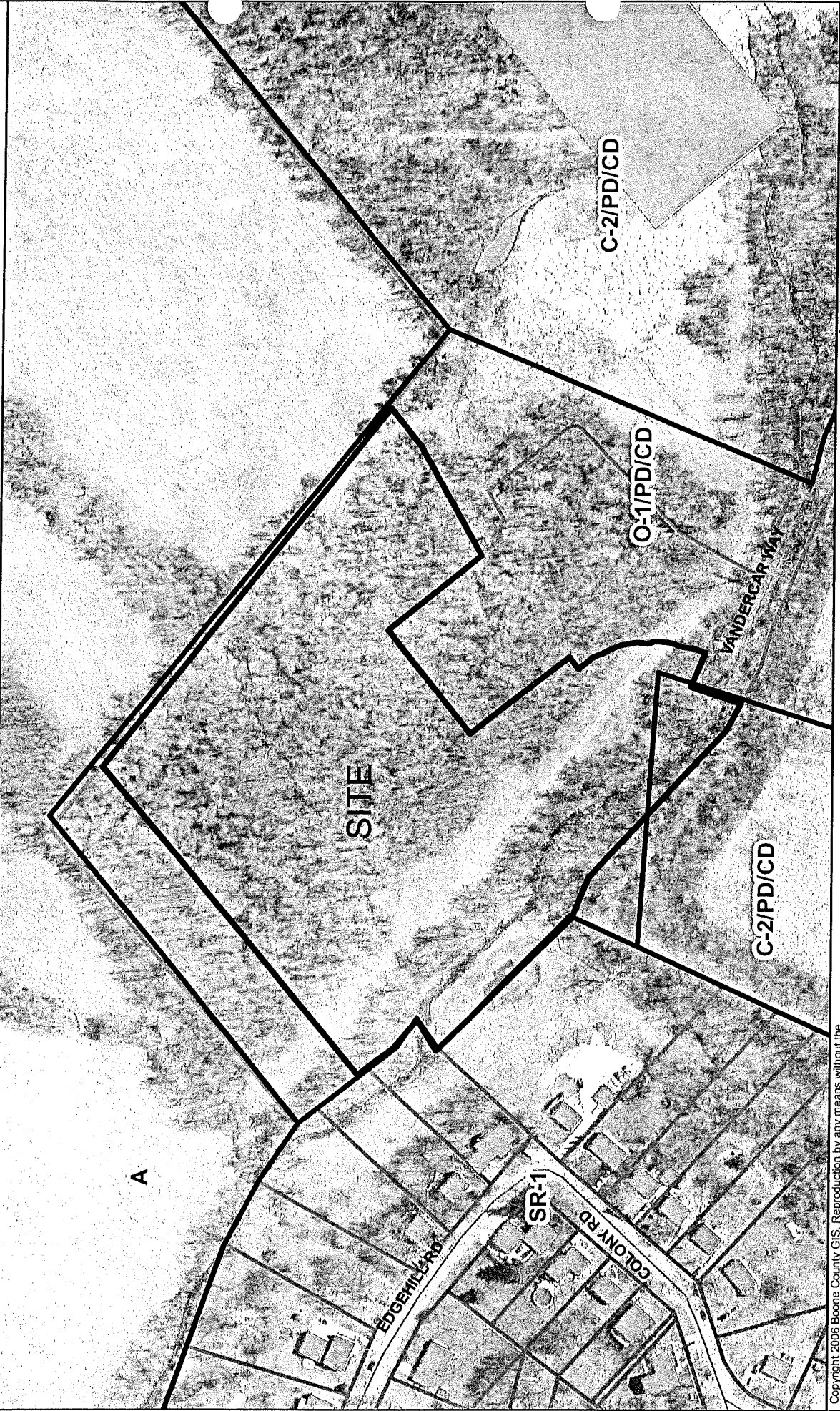
## Boone County GIS - Putting Northern Kentucky on the Map

Map Created at 09:52:28 on 09/22/06

Boone County GIS  
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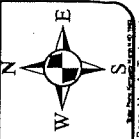
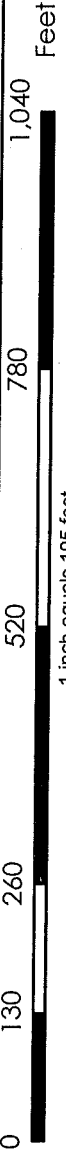
# Zoning

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## Boone County GIS - Putting Northern Kentucky on the Map

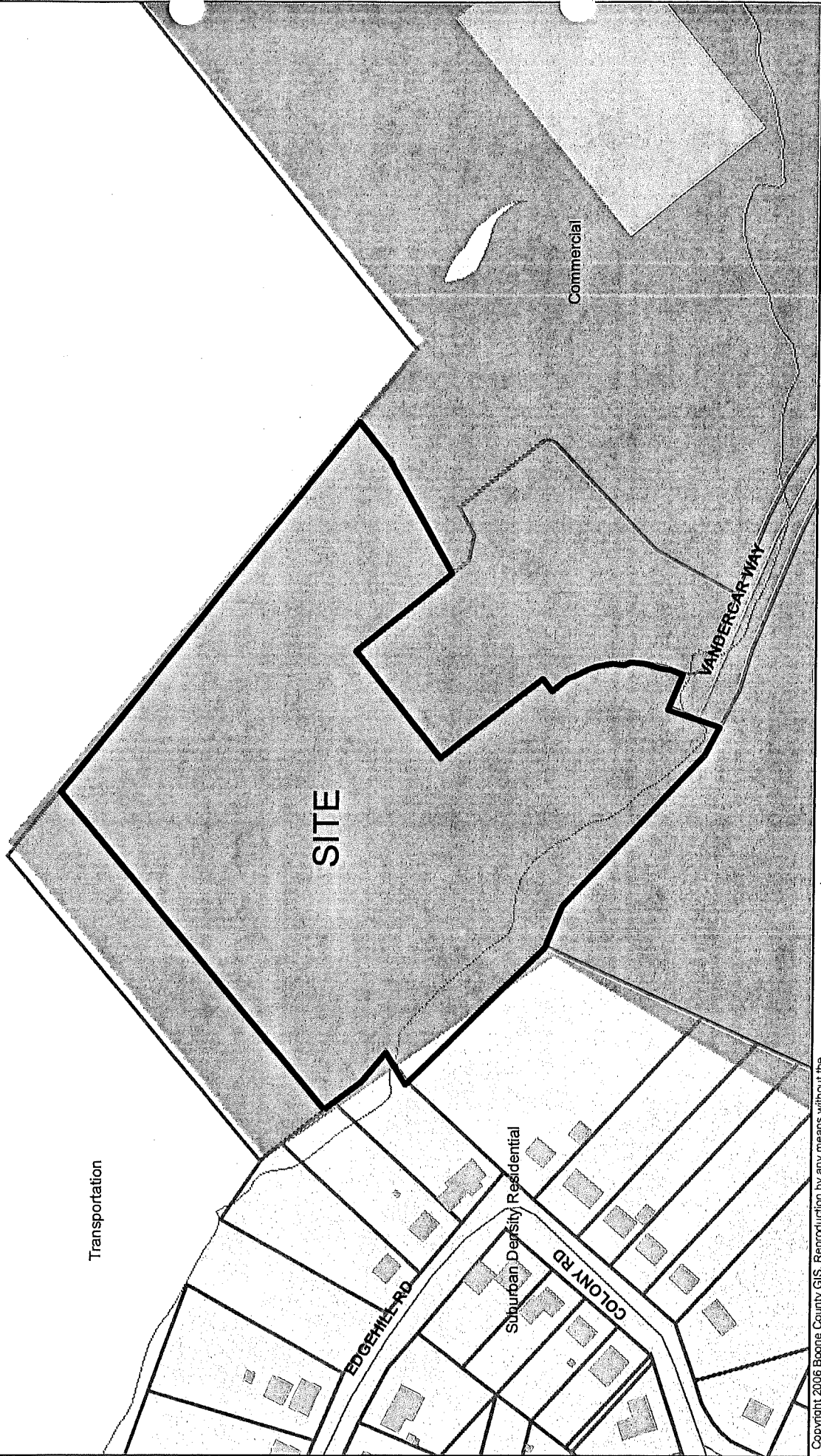


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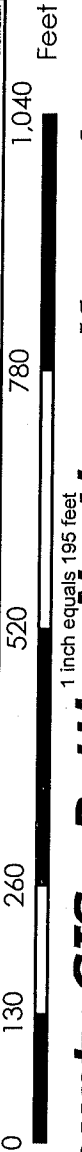
# Future Land Use

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## Boone County GIS - Putting Northern Kentucky on the Map

Map Created at 09:49:28 on 08/22/2006

ArchMap Document: BooneMap\_ArCtools.mxd

OFFICE / RESEARCH PARK / LIGHT INDUSTRIAL  
15.20 ACRES

COMMERCIAL / OFFICE / RESEARCH PARK  
25

OFFICE / RESEARCH PARK  
24

OFFICE / RESEARCH PARK  
23

COMMERCIAL / OFFICE  
11

MERCHANT STREET

27

26

13

12

14

15

16

17

18

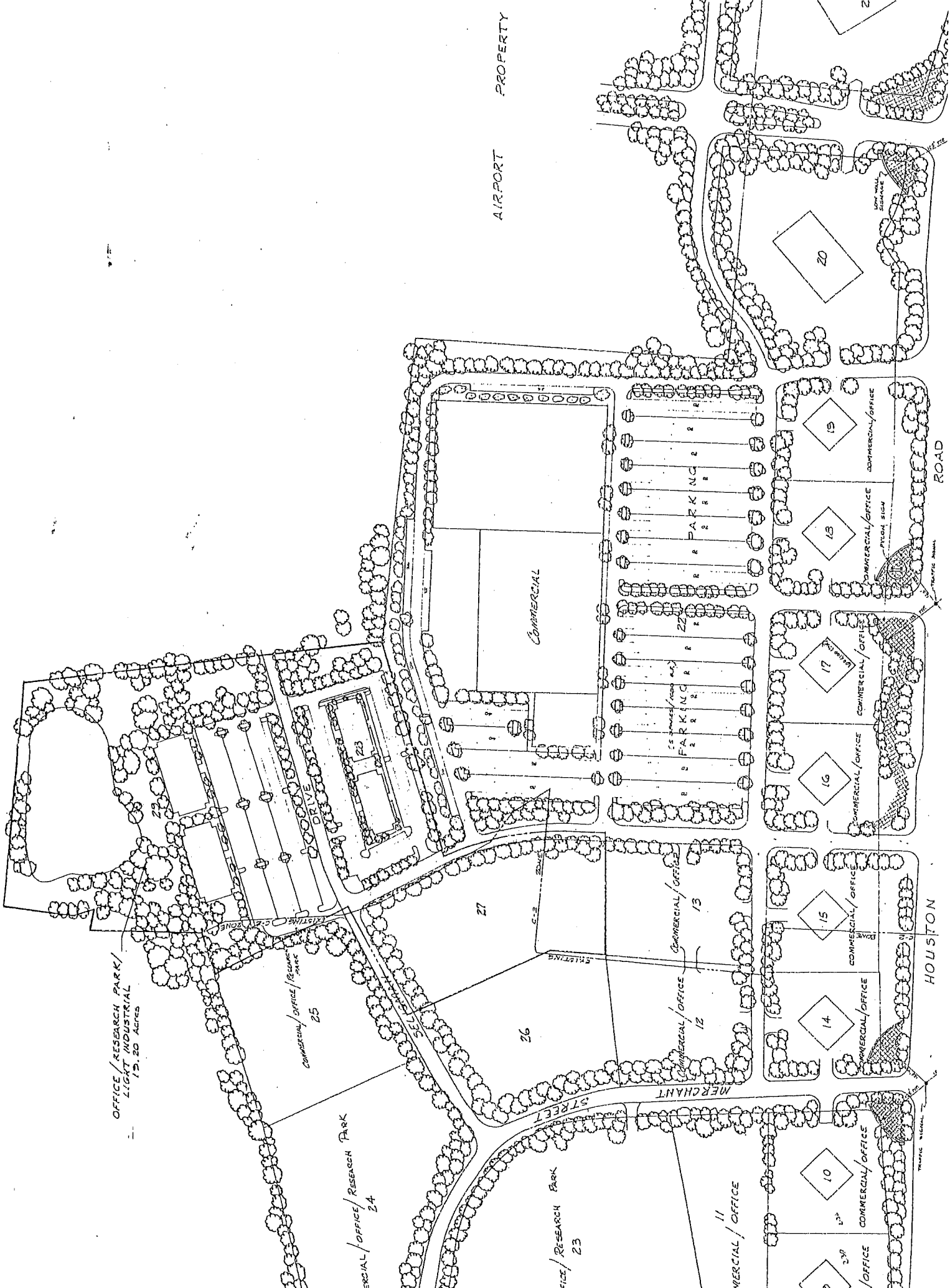
19

20

AIRPORT PROPERTY

HOUSTON ROAD

ROAD



## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

RE: Request of James W. Berling (applicant) for Ruth Doering, Harry Fuller, Mary Ellen Foltz, R.C. Durr and Richard Crist (owner) to consider a Zoning Map Amendment and the Utilization of an Underlying Zone in a Planned Development for 95 acres located on both sides of Houston Road generally between KY 18 and Woodspoint Drive, Florence and unincorporated Boone County, Kentucky. The request is for a zone change from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD), and the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) zone, both to allow a retail/commercial development.

### Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment and Utilization of an Underlying Zone request based upon the following findings of fact and with the following conditions:

### Findings of Fact:

The Committee believes that the applicant has adequately demonstrated that the restrictive site features, which include topography, geometry, and utilities, make the site unsuitable for industrial development. These site features were not foreseen in the 1995 Boone County Comprehensive Plan or the Houston Donaldson Study as possible deterrents for industrial development. As a result, the Committee has concluded that the existing Industrial One Planned Development (I-1/PD) zoning classification, which comprises a majority of the site, is not appropriate.

The applicant has demonstrated that the proposed uses within the underlying Commercial Two (C-2) zoning classification, as part of the Concept Development Plan, produce a cohesive and coordinated development of several distinct and separately-owned properties, which would otherwise be difficult to develop individually.

The Committee believes that the applicant has adequately demonstrated that the proposed Commercial Two Planned Development (C-2/PD) zoning classification is appropriate for the 95 acre site because, the submitted Concept Development Plan along with the attached conditions meets the standards required for a Planned Development within Article 15 of the Boone County Zoning Regulations. The Concept Development Plan with these conditions provides a beneficial interior circulation pattern, a comprehensive landscaping and entry feature package, a tightly controlled and consistent architectural theme and mixture of uses, all of which are consistent with the intent of a Planned Development.

The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

#### Conditions

1. The development shall follow the revised Concept Development Plan which was submitted by the applicant during the review process to the Zone Change Committee. These changes reflect the issues raised at the Public Hearing on July 23, 1997. In addition to the revised Concept Development Plan, the applicant has provided supplemental design standards for the architectural treatment of all buildings, signage, and landscaping. The revised Concept Development Plan and supporting information contains the following:
  - A. The architectural development guidelines, as submitted by the applicant, outline the minimum design standards for all buildings to be constructed within the development. All proposed buildings shall be reviewed by the Design Review Committee and Planning Commission to determine if the architectural development guideline design standards are being followed. Each proposed building shall receive approval from the Committee and the Planning Commission before any construction occurs. Building types include anchor retailers (Exhibit A), attached retailers (Exhibits B & C), free standing commercial properties (Exhibits D & E), and single use buildings. The guidelines include general building design, roof treatment, building facade materials, colors, exterior lighting, window treatment, and signage. In addition, buildings shall not contain exposed heating or cooling units or other engineering devices. Roof mounted equipment shall not be seen as part of any building silhouette. See Exhibits A, B, C, D, and E of the Architectural Development Guidelines.

- B. Lot 1, which is located at the northeast corner of Houston Road and Hwy 18, will contain an architectural feature and landscaping for the purpose of identifying the southern entrance into the development. The architectural element shall be no taller than 32 feet and shall only identify the development. Advertising is prohibited. See Exhibits F, I, and J of the Architectural Development Guidelines. The existing billboard sign on Lot 1 shall be permanently removed.
- C. The proposed access road behind the Foltz property on the north end of the site shall either be relocated onto the Foltz property so that it runs parallel with the property line or constructed on the airport property as shown on the Concept Development Plan. Construction of this access road shall occur concurrently with the first phase of development of either lot. A four lane divided boulevard that extends from the airport to Houston Road is indicated on the north end of the Concept Development Plan. The applicant has agreed that if either lot on the Foltz property is ready to develop before the start of construction of the airport boulevard, the applicant shall develop the portion of the boulevard that runs the length of the Foltz property from Houston Road to the airport property.
- D. A Landscaping Master Plan has been included as part of the Concept Development Plan. The Master Plan provides uniform landscaping design and treatment along Houston Road, Merchants Street, Seligman Drive, and at all existing and proposed intersections. This landscaping shall be installed during the improvement phase of the development and is independent of, and in addition to landscaping requirements for individual lots that require a Site Plan review. See Exhibits H and J of the Architectural Development Guidelines.
- E. The development will include the following signage:

One 40' tall pylon sign, identifying the development and tenants within the commercial center, shall be located on the northwest corner of the commercial center-Houston Road signalized intersection. See Exhibit G of the Architectural Development Guidelines.

Low profile monument signs identifying only the development shall be located at the non-signalized intersection along Houston Road. The signs shall not exceed 6 feet in height.

Low profile wall mounted signs shall be located at the Seligman Street-Merchant Street and Merchant Street-Houston Road intersections, at the southeast corner of the proposed office building complex, and at the southeast and southwest corners of the Houston Road-Woodspoint Drive-

Airport Boulevard intersection. The low profile walls shall be constructed of masonry brick and/or stone and shall only identify the name of the development. The wall mounted signs shall contain only non-illuminated, polished metal, individual channel letters. See Exhibit J of the Architectural Development Guidelines.

Each out lot will be permitted one low profile monument sign. The signs shall not exceed 6 feet in height. All low profile monument signs shall be constructed of the same masonry material, and be of the same height, size, design.

All building mounted signs shall be individual channel letters and internally illuminated.

- F. The development shall contain a pedestrian access network as shown on the Concept Development Plan.
  - G. The development shall also contain a vertical architectural element at the southwest corner of Merchants Street and Houston Road. See Exhibit F of the Architectural Development Guidelines.
2. The Seligman property, which contains approximately 51 acres including the three major commercial users, storm water detention basin, and 5 out lots on the west side of Houston Road, will develop as commercial uses described within a Commercial Two (C-2) zoning district of the Boone County Zoning Regulations. The applicant has agreed to develop 25% of the remaining 45 acres with uses permitted within the Office One (O-1) zoning district and the following uses that may occur in Commercial One (C-1) or Commercial Two (C-2) zoning district:
- A. Real estate sub-dividing and developing services;
  - B. Postal services and packaging services provided the use is essential for pick-up and delivery convenience;
  - C. Nursery and day care centers;
  - D. Consumer and mercantile credit reporting, adjustment and collection services;
  - E. Travel arranging, transportation ticket and public event or promotional booking agencies;

- F. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space;
- G. Medical clinics with out-patient services;
- H. Welfare and charitable services;
- I. Aquariums, botanical gardens and other natural exhibitions;
- J. Arcades and other amusement centers;

Included as part of this 25% is a proposed office building complex on the east side of Houston Road, immediately across from the three major commercial users on lots 6 and 7. Eleven (11) acres constitutes as a minimum, 25% of the remaining 45 acres that shall be developed with the uses described above.

3. The out lots along Houston Road are to be developed as individual businesses or establishments. The lots, which are approximately 1.5 acres each in size, shall not be consolidated for the purpose of developing a strip center along Houston Road. Any consolidation of lots shall be for a individual business and any additional parking needs or requirements only.
4. The Planning Commission has been informed that grave sites or possibly a cemetery exists somewhere on the site between the proposed storm detention basin and the airport property. The applicant shall be responsible for performing an archeological survey as required in the Boone County Zoning Regulations, to determine the location of any grave sites or a cemetery.
5. The traffic intersections along Houston Road shall be spaced at a minimum of 600' intervals as indicated on the Concept Development Plan.
6. The intensity of the 95 acre development shall will not exceed 10,000 square feet per acre.
7. The applicant will maintain all existing trees on the property lines between the development, the municipal golf course, and the Greenview Subdivision. The applicant shall establish a 15' no disturb limit on the site to the property line with the golf course and a 25' no disturb limit on the site to the property line with the Greenview Subdivision.
8. The applicant shall provide a minimum of 22% greenspace for the development as a whole, including the detention area, in accordance with the open space provisions of the Houston Donaldson Study.

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.

Arnold Caddell  
Arnold Caddell, Chairman

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

Larry Brown  
Larry Brown

For \_\_\_\_\_ Against   
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

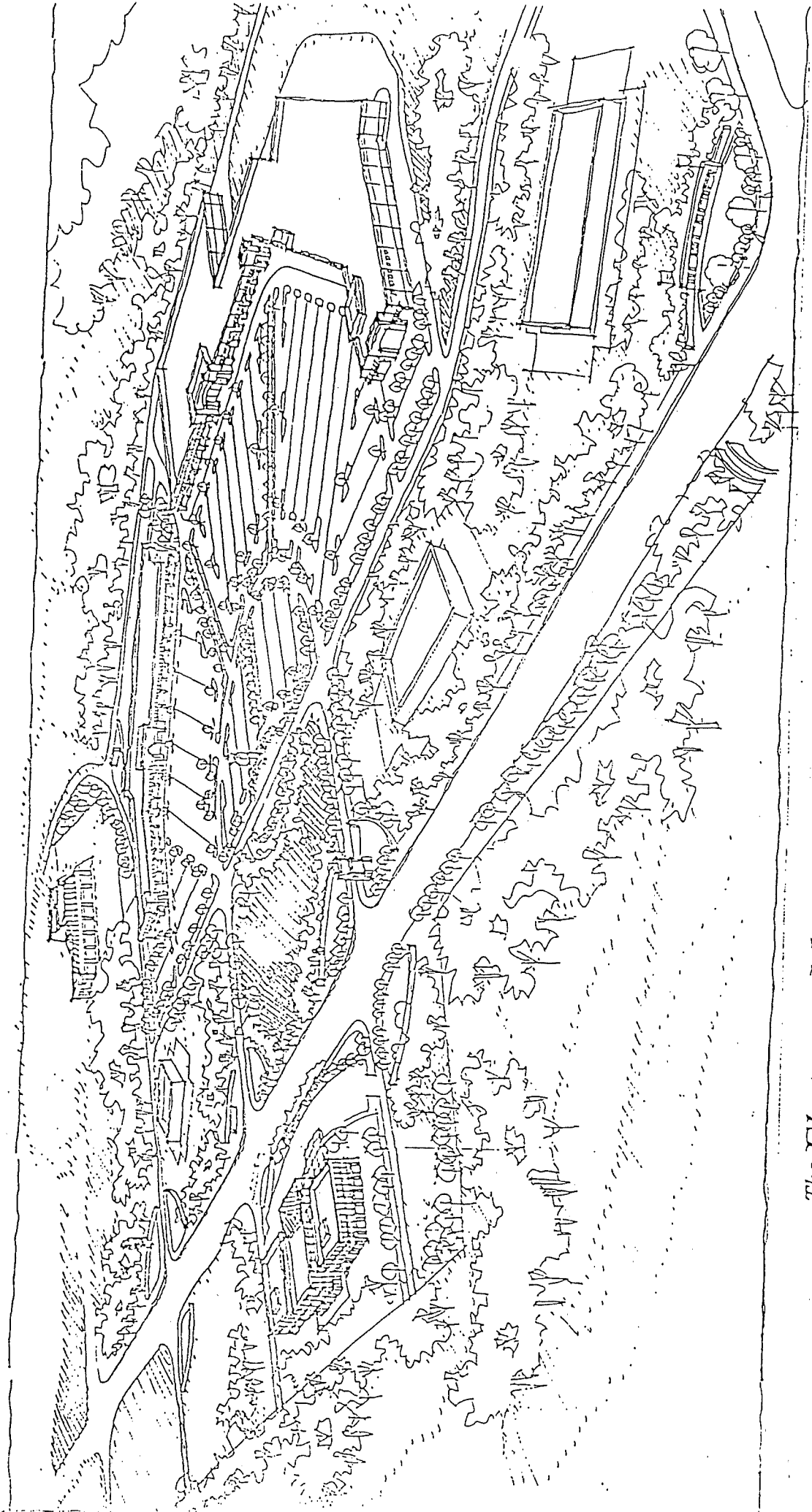
Donald McMillian  
Donald McMillian

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

Linda Schaffer  
Linda Schaffer

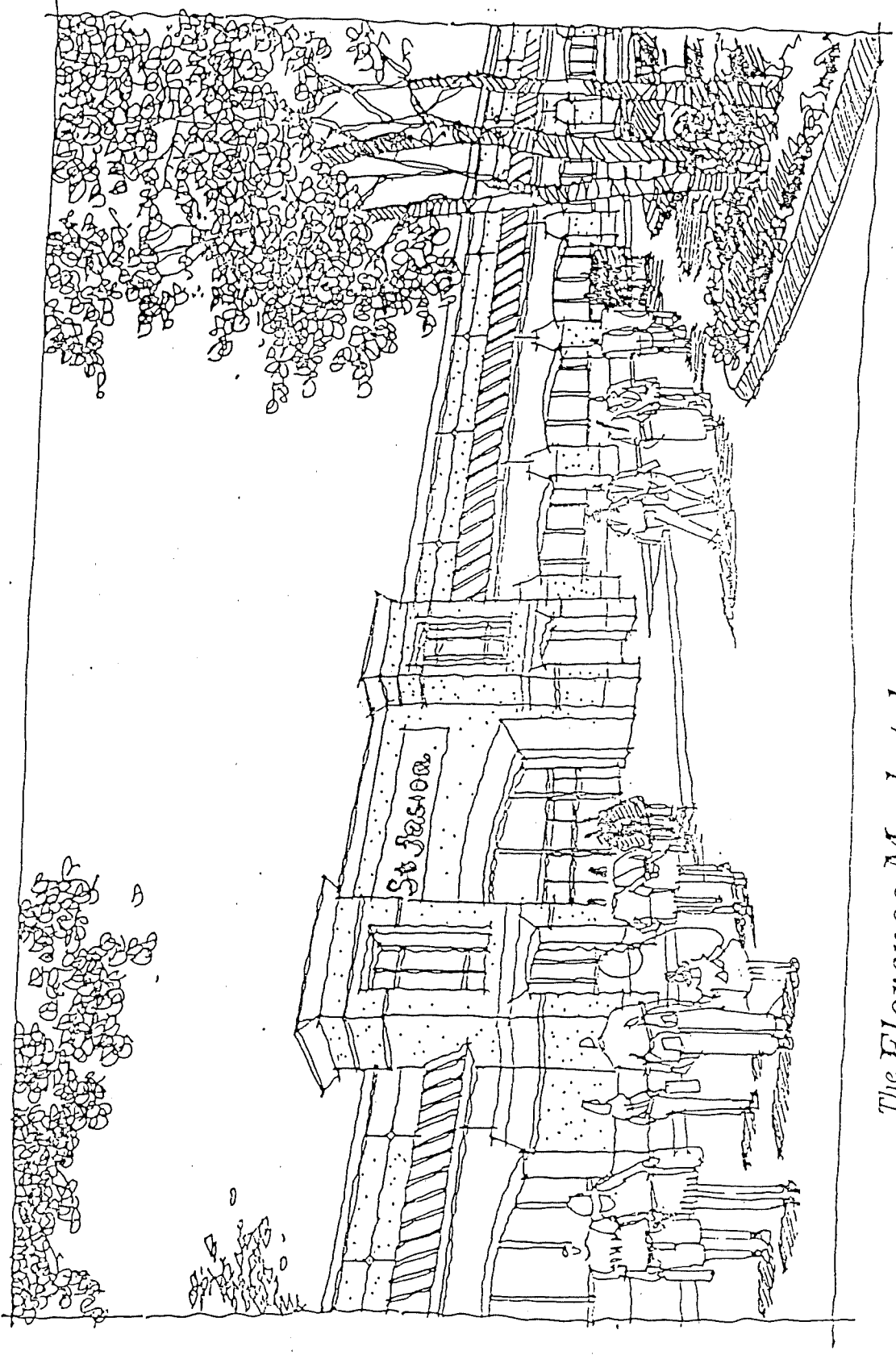
For \_\_\_\_\_ Against   
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

TOTAL: 2 FOR 2 AGAINST — ABSTAIN — ABSENT



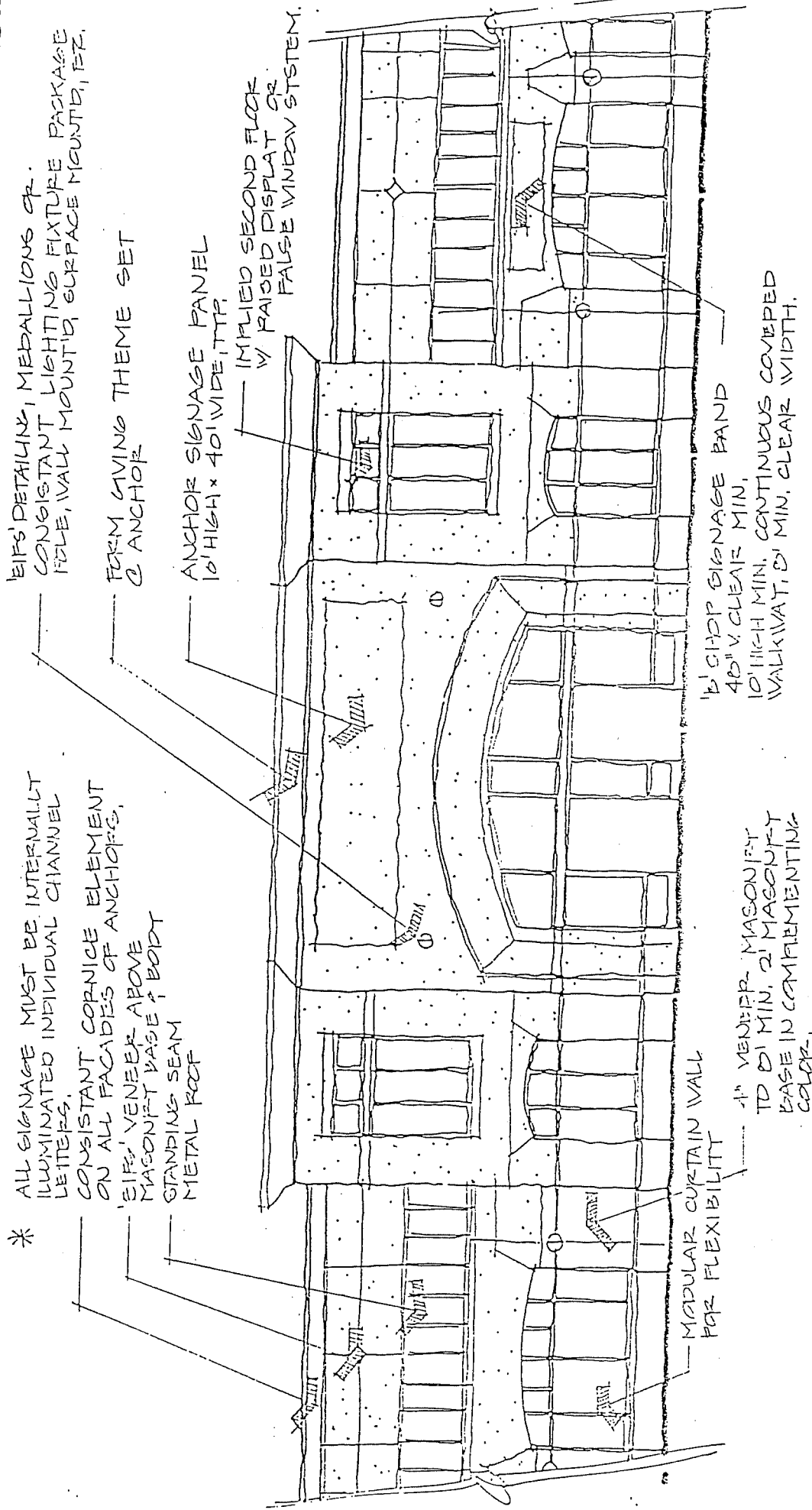
*The Florence Marketplace*  
Architectural Development Guidelines NTS





*The Florence Marketplace*  
Architectural Development Guidelines NTS





\* ALL SIGNAGE MUST BE INTERNALLY ILLUMINATED INDIVIDUAL CHANNEL LETTERS.  
 CONSISTANT CORNICE ELEMENT ON ALL FACADES OF ANCHORS.  
 EIFS VENEER ABOVE MASONRY BASE & BODY  
 STAMPING SEAM METAL ROOF

EIFS DETAILING, MEDALLIONS OR CONSISTANT LIGHTING FIXTURE PACKAGE POLE, WALL MOUNTED, SURFACE MOUNTED, ETC.

FORM GIVING THEME SET & ANCHOR

ANCHOR SIGNAGE PANEL 10' HIGH x 40' WIDE, ITT'

IMPLIED SECOND FLOOR W/ RAISED DISPLAY OR FALSE WINDOW SYSTEM.

MODULAR CURTAIN WALL FOR FLEXIBILITY

1" VENEER MASONRY TO 81" MIN, 2" MASONRY BASE IN COMPLEMENTING COLOR.

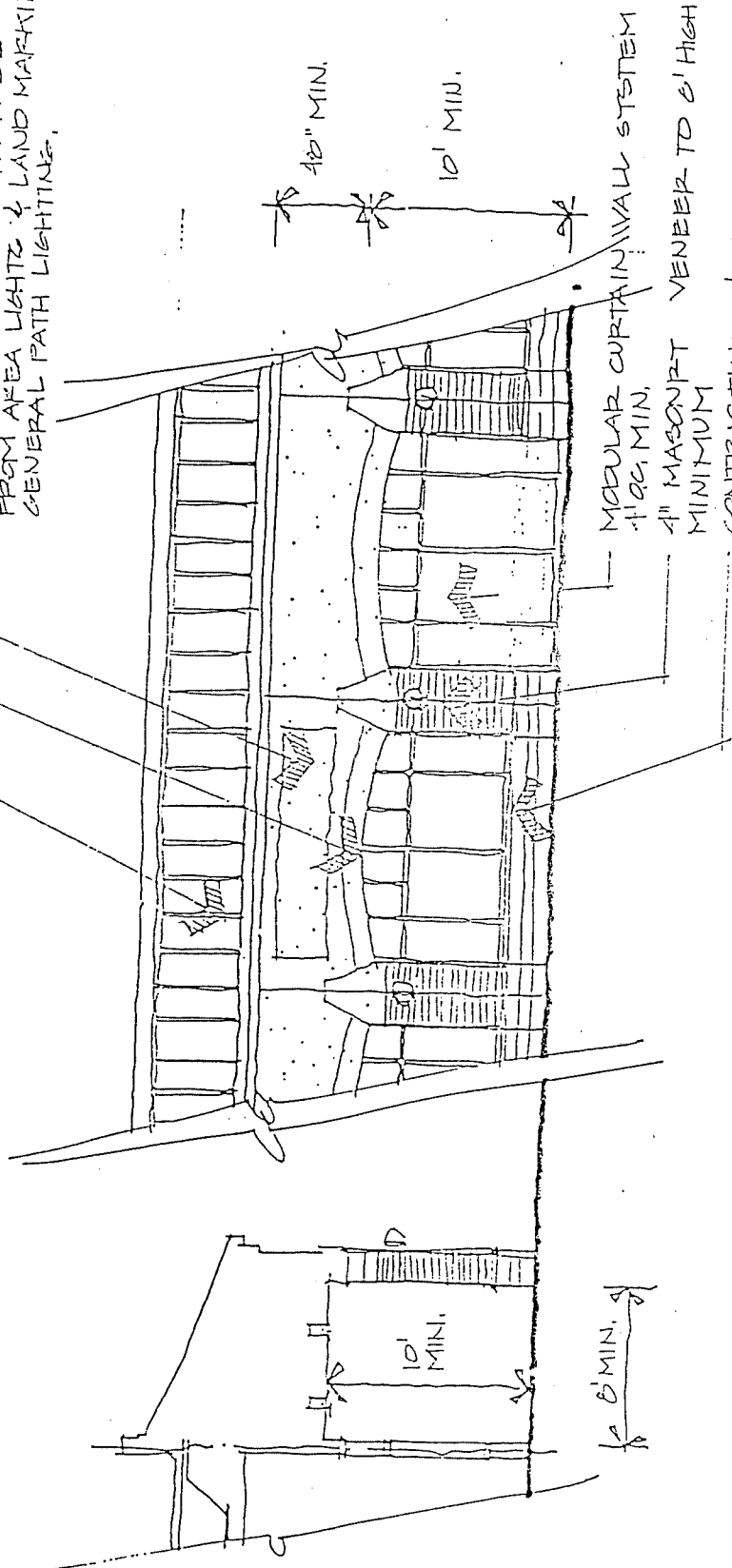
1" CHOP SIGNAGE BAND 40" V. CLEAR MIN, 10" HIGH MIN, CONTINUOUS COVERED WALKWAY, 8' MIN. CLEAR WIDTH.



STANDING SEAM METAL ROOF.

2 COLOR EIFS VENEER SYSTEM  
2 SIGNAGE BAND, 45" CLEAR MIN.

SIGNAGE MUST BE INDIVIDUAL INTERVALLY  
ILLUMINATED CHANNEL LETTERS.  
CONSISTANT LIGHTING PACKAGE  
FROM AREA LIGHTS & LAND MARKING TO  
GENERAL PATH LIGHTING.



48" MIN.  
10' MIN.

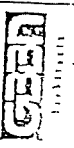
MODULAR CURTAIN WALL SYSTEM  
1" OC, MIN.  
4" MASONRY VENEER TO 6' HIGH  
MINIMUM  
CONTRASTING 2' MASONRY BASE

10' MIN.

6' MIN.

# The Florence Marketplace

Architectural Development Guidelines NTS



CONSISTANT CORNICE DETAILING

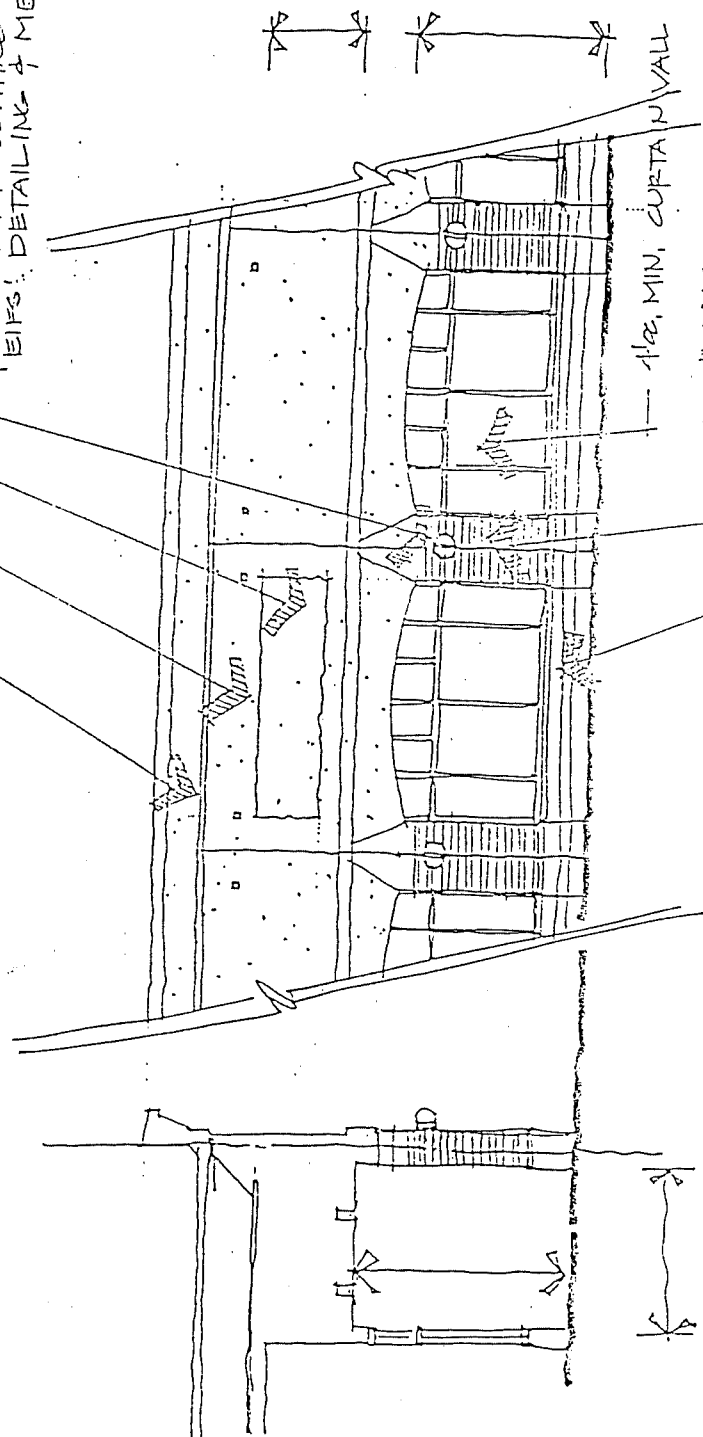
2 COLOR 'EIFES' VENEER SYSTEM

SIGNAGE MUST BE INDIVIDUAL INTERNALLY ILLUMINATED CHANNEL LETTERS, CONSISTANT LIGHTING PACKAGE OF 'EIFES' DETAILING + MEDALLIONS,

1/2" MIN. CURTAIN WALL SYSTEM

1" MASONRY VENEER TO 8' HIGH MINIMUM ON

CONTRASTING 2' MASONRY BASE,



*The Florence Marketplace*  
 Architectural Development Guidelines NTS

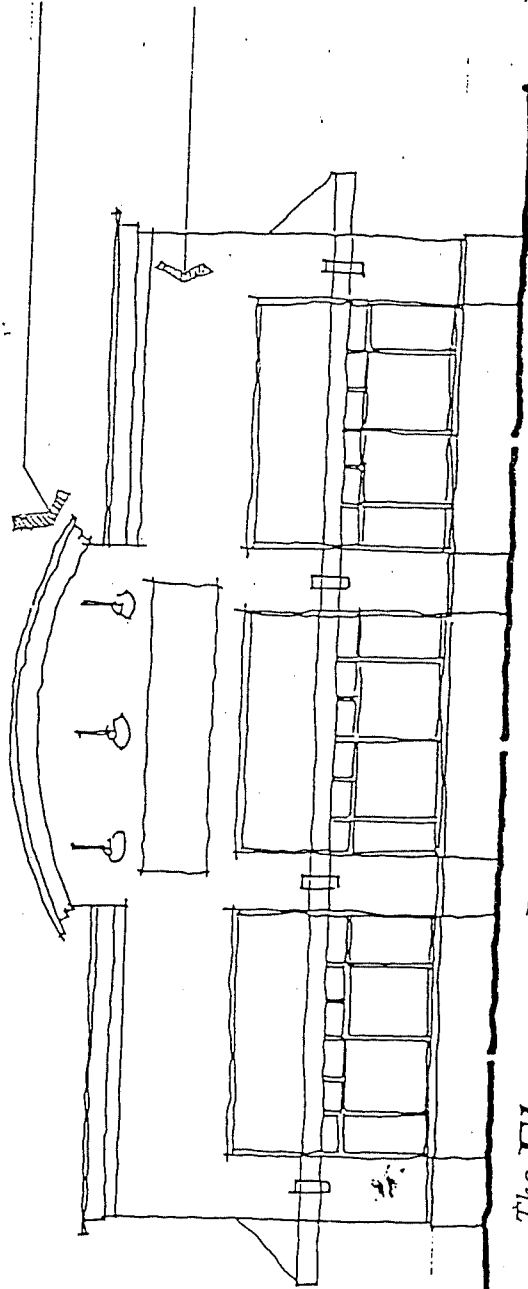
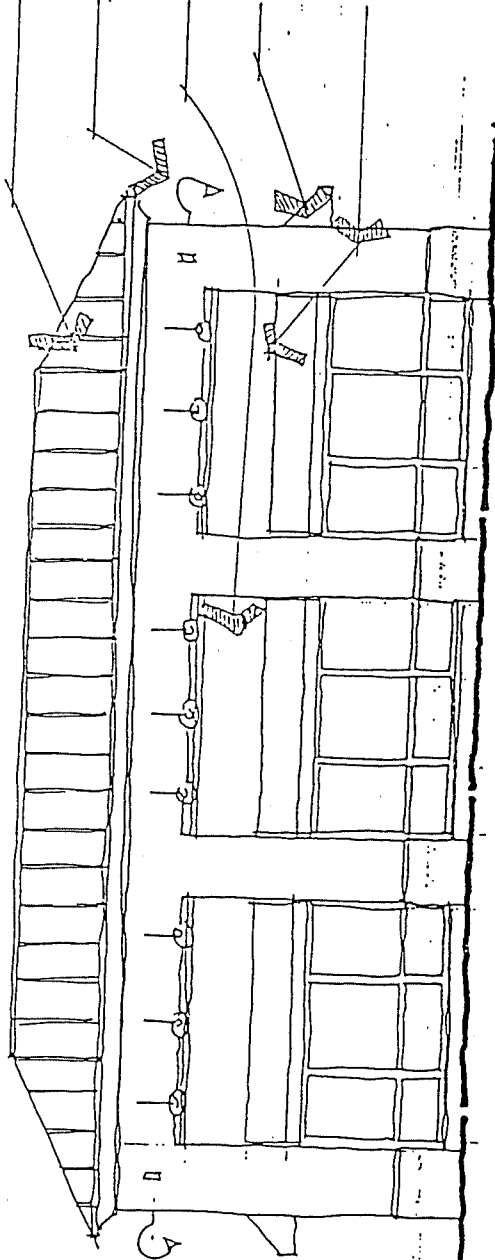


STANDING SEAM METAL  
ROOF CONSISTANT W/ FLAZA  
LIGHTING CONSISTANT W/ BLDG.  
MOUNTED SIGNAGE & IMAGE,  
ACCENT LIGHTING.  
SIGNAGE MUST BE INDIV AL  
CHANNEL LETTERS, INTERVAULT  
ILLUMINATED  
BLDG. MTD, FABRIC CANOPY  
MUST BE OF PRESCRIBED  
COLOR.

FULL HGT, FACE BRICK  
- VENEER W/ EIFS ACCENT.

SIMPLY SHAPED PARAPET.

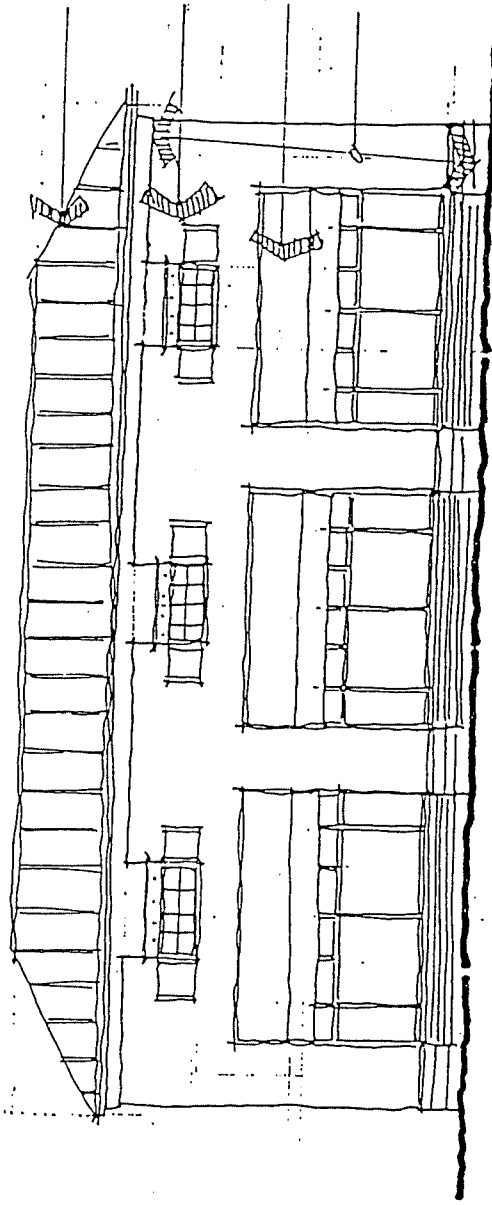
4" MASONRY VENEER  
FULL HEIGHT ON LOT  
BUILDINGS



*The Florence Marketplace*

Architectural Development Guidelines NTS



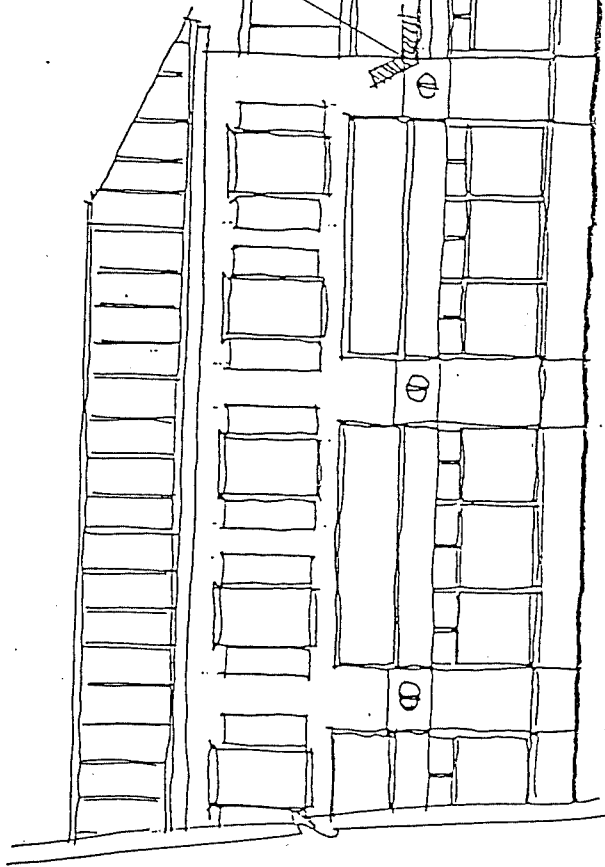


STANDING SEAM MET. ROOF  
CONSTANT W/DEN. COLOR PALETTE.

CLERESTORY OF SECOND FLOOR.

48" HIGH SIGNAGE BAND - INDIVIDUAL  
ILLUMINATED CHANNEL LETTERS

FULL HEIGHT MASONRY VENEER



ARCHITECTURAL MEDALLION OF  
LIGHTING FEATURE.

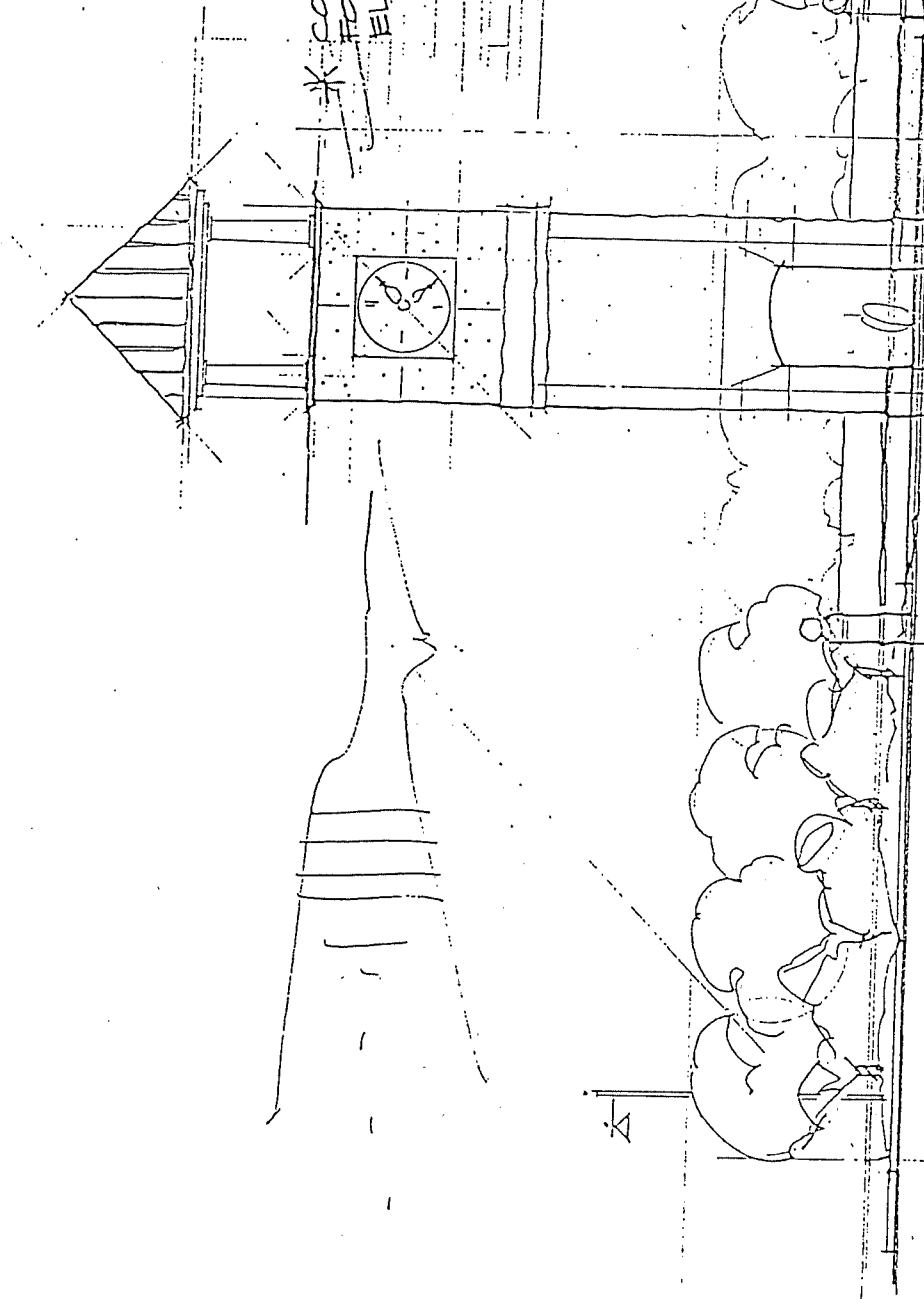
2D COLUMNS MAINTAIN THE RHYTHM  
& MASS OF SOLID MASONRY PIERS

48CLF.

# The Florence Marketplace

Architectural Development Guidelines NTS

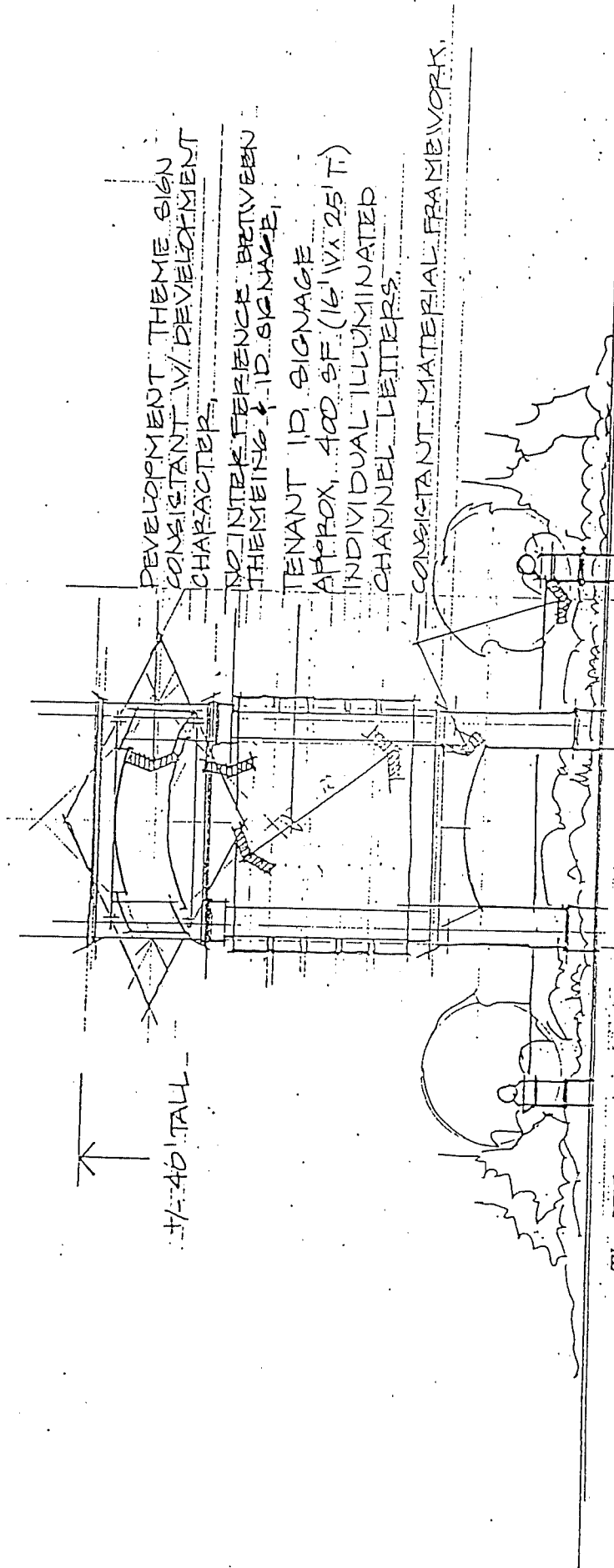




\* CONSISTANT USE OF MATERIALS FOR ALL ARCHITECTURAL FEATURE ELEMENTS  
STANDING BEAM MTL. ROOF  
COLUMN PROPORTIONS  
EIFS VENEER  
MASONRY VENEER  
ARCHITECTURAL MEDALLIONS

*The Florence Marketplace*  
Architectural Development Guidelines NTS

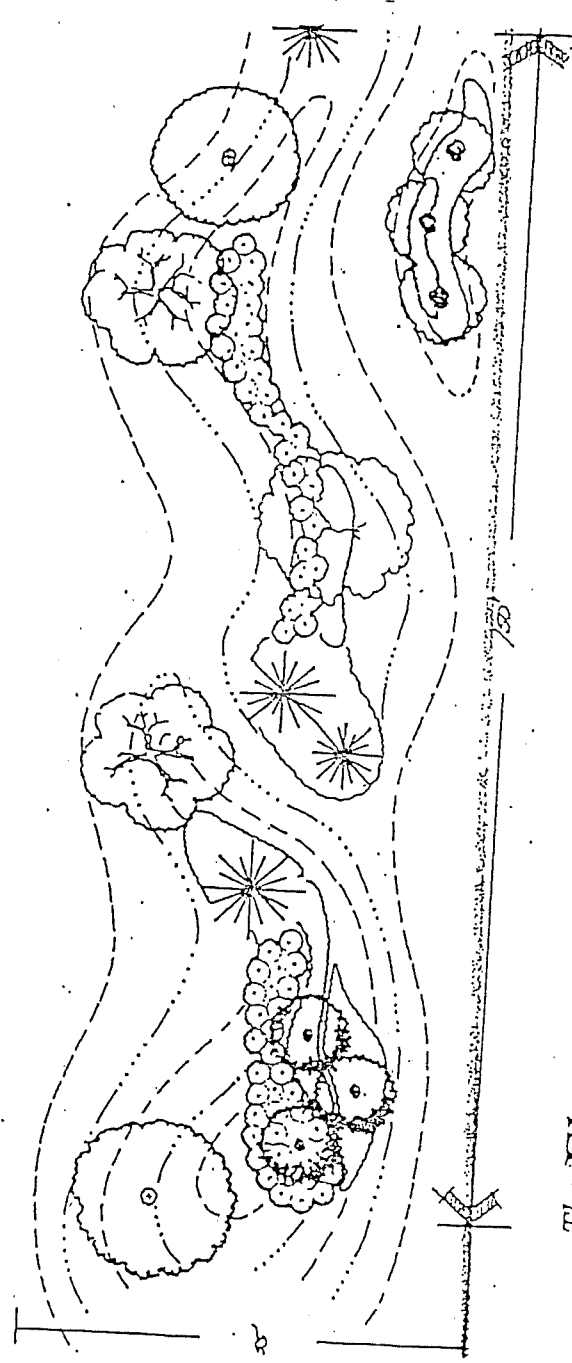
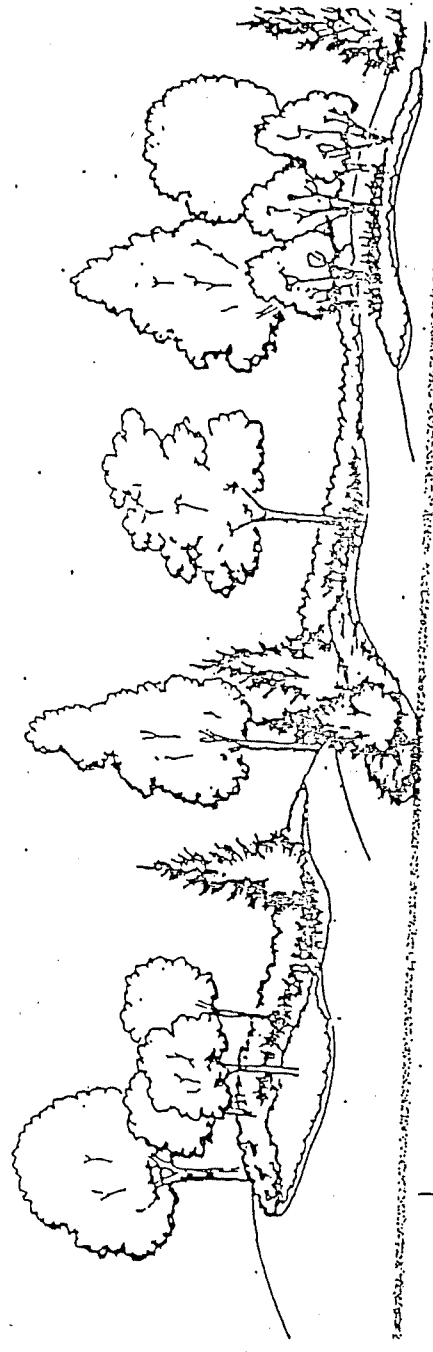




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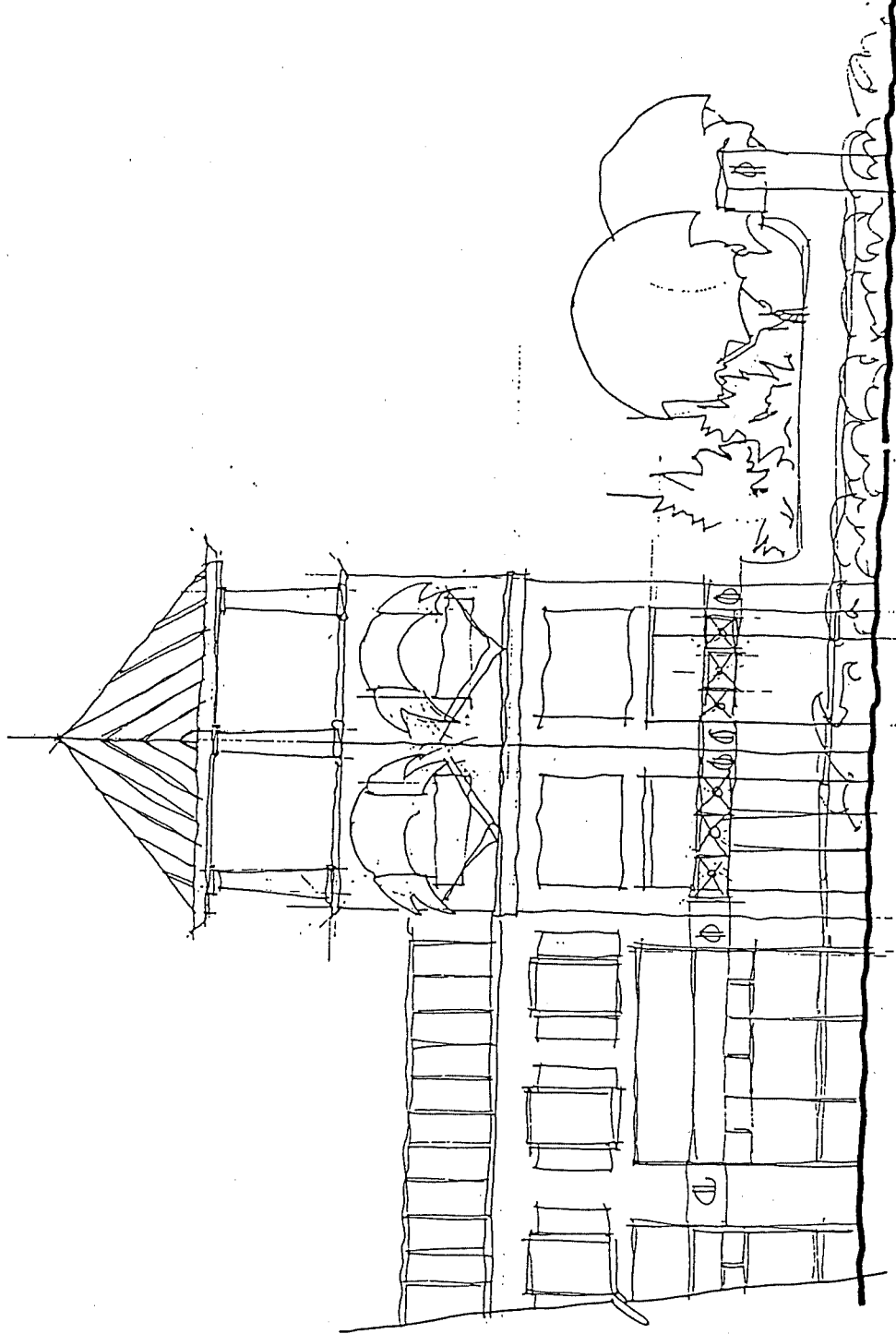


\* IMAGE STAYS  
 DENSITY OF  
 LANDSCAPING 4'  
 DEEP FOR 150'  
 OF FRONTAGE.  
 SIM TO TYPICAL  
 OUTLOT FRONTAGE.



*The Florence Marketplace*  
 Architectural Development Guidelines NTS

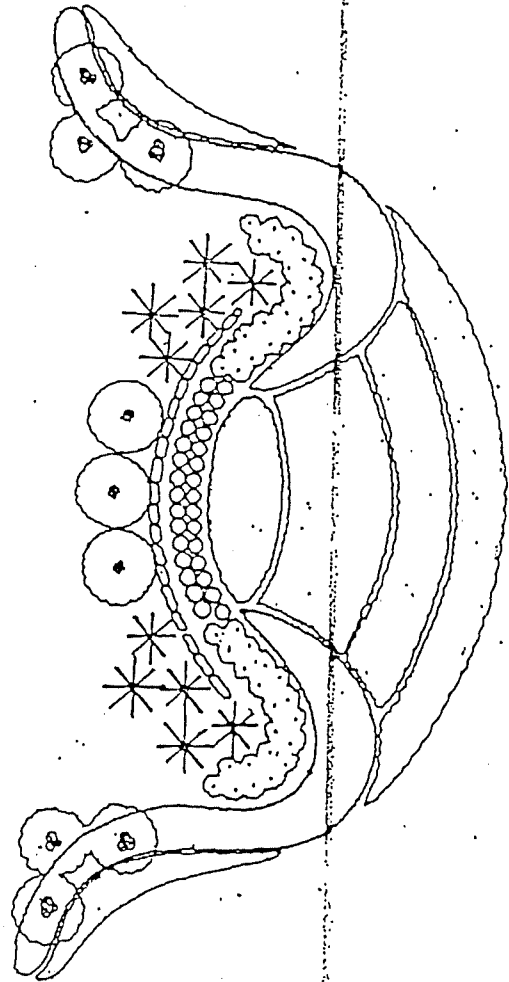
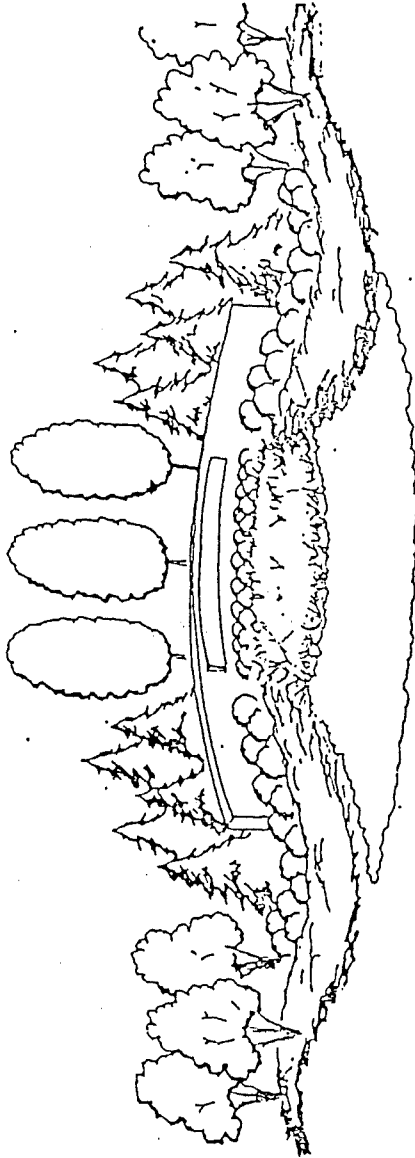




*The Florence Marketplace*

Architectural Development Guidelines NTS





*The Florence Marketplace*  
Architectural Development Guidelines NTS



ORDINANCE NO. 0-18-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 95 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF HOUSTON ROAD BETWEEN KENTUCKY 18 AND WOODSPOINT DRIVE FOR THAT PORTION OF THE SITE WITHIN THE CITY OF FLORENCE, KENTUCKY, AND APPROVING THE UTILIZATION OF THE UNDERLYING ZONE IN ACCORDANCE WITH A CONCEPT DEVELOPMENT PLAN AGREED TO BY THE CITY AND THE OWNERS OF THE SITE PURSUANT TO THE SETTLEMENT OF A PENDING APPEAL IN THE BOONE CIRCUIT COURT. (DOERING, FULLER, FOLTZ, DURR AND CRIST PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution R-97-020A recommended that a request for a zone change for an approximate 95 acre site located on both sides of Houston Road, generally between Kentucky 18 and Woodspoint, being part of the complete tract as recorded in Deed Book 446, Page 301, Deed Book 136, Page 74, and Deed Book 635, Page 68, of the Boone County Clerk's records (the "Site") to Commercial Two/Planned Development (C-2/PD) from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) be approved and utilization of the underlying zone be granted, and

WHEREAS, On January 6, 1998, City Council voted to override the recommendation of the Boone County Planning Commission and deny the zone change request, and

WHEREAS, the zone change applicant and owners of the site filed an action in the Boone Circuit Court being James W. Berling, et al v. City of Florence, et al, Case No. 98-CI-00145 (the "Lawsuit") as an appeal from such denial; and

WHEREAS, settlement negotiations between the parties to that action resulted in agreement on a revised concept development plan which was acceptable to all parties, and

WHEREAS, because the revised concept development plan results in a decrease in the intensity of uses recommended by the Boone County Planning Commission and, on advice of the staff of said Commission, the City and the applicant/owner have determined that, in settlement of the lawsuit, the zone change and utilization of the underlying zone represented by the revised concept development plan can be approved without the necessity of additional Planning Commission review and recommendation, and

WHEREAS, the parties have agreed to settle the lawsuit by granting the requested zone change in accordance with the revised concept development plan and subject to the terms and conditions hereinafter set out.

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

SECTION I

That a zone change for the Site is hereby approved as shown on the concept development plan titled: "June 16, 1998, Second Amendment Concept Development Plan, Seligman/Durr/Crist/Foltz Properties, Houston Road, Florence, Kentucky" (the "Development Plan"), a copy of which is attached hereto as Exhibit "I", subject to the conditions hereinafter set out. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of that portion of the Site located within the City of Florence, Kentucky, as so approved.

## SECTION II

That utilization of the underlying zone for that portion of the Site located in the City of Florence, Kentucky, in accordance with the Development Plan is hereby approved, subject to the conditions hereinafter set out.

## SECTION III

The zone change and utilization of underlying zone are subject to all of the terms and conditions of the Committee Report of the Boone County Planning Commission dated October 15, 1997, (the "Committee Report"), a copy of which is attached hereto and incorporated herein as Exhibit "II", except as modified by the following:

A. Condition 1 is modified to provide that the development shall follow the Development Plan attached hereto as Exhibit "I".

B. Condition 1E is modified to provide that signage for the site shall be permitted in the areas designated on the Concept Development Plan and in compliance with the following criteria:

1. Building Mounted Signage shall be limited to the number and size as permitted by the Zoning Ordinance but must be internally illuminated individual channel letters, mounting raceway optional, and generally of the dimensions and criteria as depicted on Exhibits "A" through "E" to this Ordinance.

2. Project Identification Signage shall consist of a pylon sign maximum 28 feet in height and of materials and architectural details as depicted on Exhibit "F", hereto and of low wall signage not to exceed six (6) feet in height and constructed of masonry, brick or stone identifying only the development and containing only polished metal individual channel letters which may be backlighted as depicted on Exhibit "G" to this Ordinance. The developer shall construct an architectural feature at the northeast corner of Houston Road and Kentucky Highway 18 identifying the south entrance to the development. This feature shall be architecturally compatible with the other landscaping and building construction.

3. Low Ground Monument Signage is permitted one per out-lot not to exceed six (6) feet in height and seven (7) feet in width and generally as depicted on Exhibit "H" to this Ordinance.

C. Condition 2 is deleted and the following substituted:

Zoning of the entire tract shall be in accordance with the land use designations on the Development Plan. The 19.20 acre parcel designated Office/Research Park/Light Industrial and the 3.80 acre parcel designated Office shall be zoned OI/PD. The remainder of the Site shall be zoned C2/PD. The following additional uses shall be permitted in the OI/PD and C2/PD areas.

1. Real estate sub-dividing and developing services.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience.
3. Nursery and day care centers.
4. Consumer and mercantile credit reporting, adjustment and collection services.
5. Travel arranging, transportation ticket and public event or promotional booking agencies.
6. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space.
7. Medical clinics with outpatient services.
8. Welfare and charitable services.
9. Aquariums, botanical gardens and other natural exhibitions.

10. Rehabilitation hospital facilities.
11. Micro-brewery.
12. Professional scientific and controlling instruments, photographic and optical goods, watches and clocks.
13. Electric and electronic equipment.
14. Technology and research centers including medical and hospital research establishments.
15. Educational and governmental institutions.
16. Wholesale trade of drugs, drug proprietaries and sundries.
17. Wholesale trade of electrical and electronic parts.
18. Research, development and testing services.
19. Photo finishing and other photographic laboratories.
20. Postal services and related storage, distribution and transfer activities.
21. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services.
22. Fire stations or fire related protective services including rescue services.
23. Warehouse and distribution center-warehouse facilities.

D. The retail commercial center located on parcel no. 22 shall not exceed 296,000 square feet under total roof and the square footage of any single user in the retail commercial center shall not be more than 150,000 square feet.

E. Not less than 22% of the total acreage of the Site shall be green space which may be integrated throughout the other approved uses, provided that green space of 18% of the total acreage shall be contained in the privately owned areas.

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O1/PD to any commercial use for a period of 5 years from the date of final passage of this Ordinance.

#### SECTION IV

If these approvals for a zone change and utilization of the subject property should be held invalid 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 these approvals herein and are intended to continue to have effect regardless of any invalidity regarding these particular approvals.

#### SECTION V

This Ordinance shall be effective upon final passage, publication by summary, and approval by Judgment of the Boone Circuit Court in the Lawsuit.

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF September, 1998.

APPROVED:

Evelyn McCall  
MAYOR

ATTEST:

Betsy R. Conrad  
CITY CLERK

3

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-18-98 as same appears in the official records of my office. Dated this 23rd day of September, 1998.

Betsy R. Conrad  
Betsy R. Conrad, City Clerk

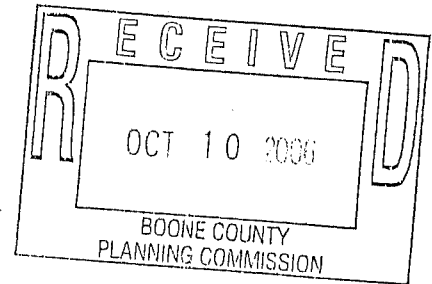


**CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT**

P.O. BOX 752000 CINCINNATI, OH 45275-2000 (859) 767-3151 FAX (859) 767-3080

October 4, 2006

Mr. Kevin Wall  
Director of Zoning Services  
Boone County Planning Commission  
2950 Washington Street  
Burlington, KY 41005



**RE: PROPOSED CHANGE – CONCEPT DEVELOPMENT PLAN AT VANDERCAR WAY**

Dear Mr. Wall:

Our staff has reviewed the proposed concept and we offer the following comments:

- A. The proposed use of land is compatible with Airport operations. It should be noted that the proposed hotel is close to the approach and departure path for Runway 18L-36R. The developer should consult with the Airport's Noise Abatement Department to review the most current "Projected Noise Contours".
- B. The location of the hotel with an assumed floor elevation of 850 and height of 65' or 915 MSL is less than 100:1 slope (State Statute) from Runway End 36R. Thus, a 56-60 (State Form) would not be required. The architect should check with the FAA to see if a 7460 form would be required. Obviously if my assumption for floor elevation is significantly higher, then the forms may be required.

If I can be of further help please call me at (859) 767-3166.

Sincerely,

William D. Martin, P.E.  
Senior Director of Planning and Development

WDM/amd

cc: Robert F. Holscher  
Barb Schempf  
Charles Harris

Dale Huber  
John Houlihan

**Kevin Wall**

---

**From:** Robert Krebs [Robert.Krebs@Florence-KY.gov]

**Sent:** Monday, October 02, 2006 3:55 PM

**To:** Kevin Wall

**Subject:** Rolling Hills Crossings

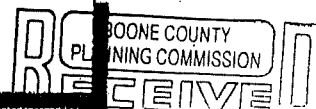
The submitted concept development plan as revised is fine with me.

Thanks

Bob

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



SEP 19 2006

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Rolling Hills Crossing
- 3. Location of Project Seligman Drive & Vandercar Way, Florence
- 4. Total Acreage of Site 8.95 AC
- 5. Current Zoning O-1/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) September 8, 1998 (Settlement Agreement)
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston - Donaldson
- 8. Proposed Uses (please specify each use) 4-Story Up-Scale Hotel & Restaurants
- 9. Proposed Building Intensities (please specify) 16,000 SF / AC
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
  - No Conditional Use Permit
  - No Dimensional Variance
- 12. Name of Applicant(s) ECE, Inc. on behalf of Rolling Hills Hospitality  
Phone Number 859-685-3829 Fax No. 859-685-3801
- 13. Address of Applicant(s) 437 Lewis Hargett Circle, Suite 130  
Lexington KY 40503  
City State Zip
- 14. Name of Property Owner(s) Vandercar Holdings  
Phone Number 513-272-1700 Fax No. 513-272-3555
- 15. Address of Property Owner(s) 5027 Madison Road, Suite 200  
Cincinnati OH 45227  
City State Zip
- 16. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
- 17. Deed Book 890 Page No. 951 Group No. \_\_\_\_\_
- 18. Have you had a pre-application meeting with BOPC Staff? Yes

(over)

**Concept Development Plan**

Page 2

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- No Boone County Water District
- No Florence Public Services Dept.
- No Duke Energy
- No Sanitation District #1
- No Cincinnati Bell
- No Owen Electric Cooperative, Inc.
- No Boone County Public Works Department
- No Kentucky Transportation Cabinet
- No Boone County Building Department
- No Northern Kentucky Health District
- No USDA NRCS/Boone County Conservation District
- No KY Division of Water
- No Local School District
- No Local Fire District
- Yes Other: Florence Development Director

20. Concept Development Plan Jurisdiction/Location  
 Unincorporated Boone County  Walton  
 Florence  Union

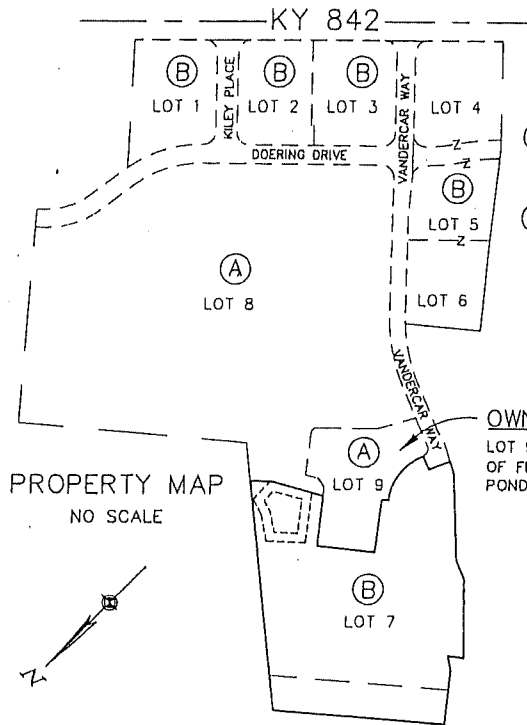
21. Applicant's Signature(s) *[Signature]*  
22. Property Owner's Signature(s) *[Signature]* VH Florence LLC

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

- 1. Date Received 9-19-06 Fee Received \$1800.00 R#51399
- 2. Check what has been submitted:  
 Application  Fee  Legal Description  
 Concept Development Plan  Addresses of Adjoining Property Owners  
5 No. of copies of plan received \*\*
- 3. Is application complete?  YES  NO
- 4. Staff Reviewer KEVIN WALL
- 5. Committee Chairperson \_\_\_\_\_
- 6. Scheduled Public Hearing Date 10/2/06
- 7. Boone County Planning Commission Action:  
 Approved  Approved With Conditions  
 Denied
- 8. Other: \_\_\_\_\_

\*\* Five (5) Copies Required  
Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2198 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountky.org - E-Mail  
[www.boonecountky.org](http://www.boonecountky.org) - Web Page

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.  
BCPC:05/06



**OWNERSHIP**  
 (A) ERIC ZORN TRUSTEE  
 WAL-MART REAL ESTATE  
 BUSINESS TRUST  
 D.B. 890, PG. 971  
 (B) VH FLORENCE LLC  
 5027 MADISON ROAD, STE. 200  
 CINCINNATI, OH 45227  
 D.B. 890, PG. 924

**OWNERSHIP NOTE**  
 LOT 9 DEDICATED TO THE CITY  
 OF FLORENCE FOR A DETENTION  
 POND.

**REFERENCES:**  
 DEEDS: D.B. 778, PG. 136 D.B. 85, PG. 441  
 D.B. 635, PG. 272 D.B. 89, PG. 168  
 D.B. 85, PG. 172 D.B. 125, PG. 373  
 D.B. 85, PG. 377 D.B. 140, PG. 437

This parcel, in and of itself, does not meet  
 the existing Boone County zoning regulations  
 for use as a buildable site.  
 Date 4-5-06 Current Zoning O-1/PD/IC/D  
 CNS

SURVEY: KENTON COUNTY AIRPORT BOARD BY: JAMES W. BERLING 7-6-77  
 SURVEY: MARY ELLEN FOLTZ BY: JAMES W. BERLING 10-27-87  
 SURVEY: SELIGMAN PROPERTY SURVEY BY: BAYER, BECKER ENGINEERS 11-4-86

PLAT: P.C. 3, PG. 549 - MERCHANTS SQUARE  
 PLAT: P.C. 3, PG. 867 - MERCHANTS SQUARE, SECTION 6  
 PLAT: P.C. 4, PG. 101 - BEHRENS PARK, SECTION 1  
 PLAT: P.C. 4, PG. 332 - BEHRENS PARK, SECTION 2  
 PLAT: P.C. 4, PG. 398 - BEHRENS PARK, SECTION 4  
 PLAT: P.C. 4, PG. 399 - BEHRENS PARK, SECTION 5  
 PLAT: B.C. 5, PG. 199 - FLORENCE MARKET PLACE

HIGHWAY PLANS: HOUSTON ROAD IMPROVEMENTS - FDO4 008 0842 004-007

**BOONE COUNTY REGIONAL PLANNING COMMISSION:**  
 THIS PLAT WAS APPROVED BY THE BOONE COUNTY REGIONAL PLANNING  
 COMMISSION ON THIS 5th DAY OF April, 2006

*David R. Barnhart*  
 PLANNING DIRECTOR

P & Z Code No. 4478

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR  
 RECORDING PURPOSES WITHIN TWO (2) YEARS OF PLANNING COMMISSION APPROVAL.

**CERTIFICATION:**  
 I hereby certify that the survey depicted by  
 this plat was done by persons under my direct  
 supervision by the method of random traverse  
 with sideshots. The unadjusted precision ratio  
 of the unadjusted traverse was 1:17000 and  
 was adjusted. The survey as shown hereon is a  
 Class "A" Survey and the accuracy and  
 precision of said survey meets all the  
 specifications of the class.

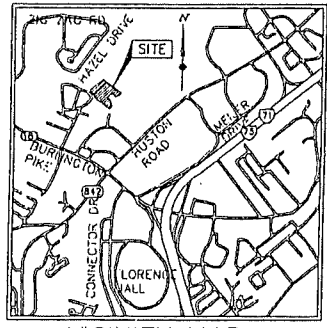
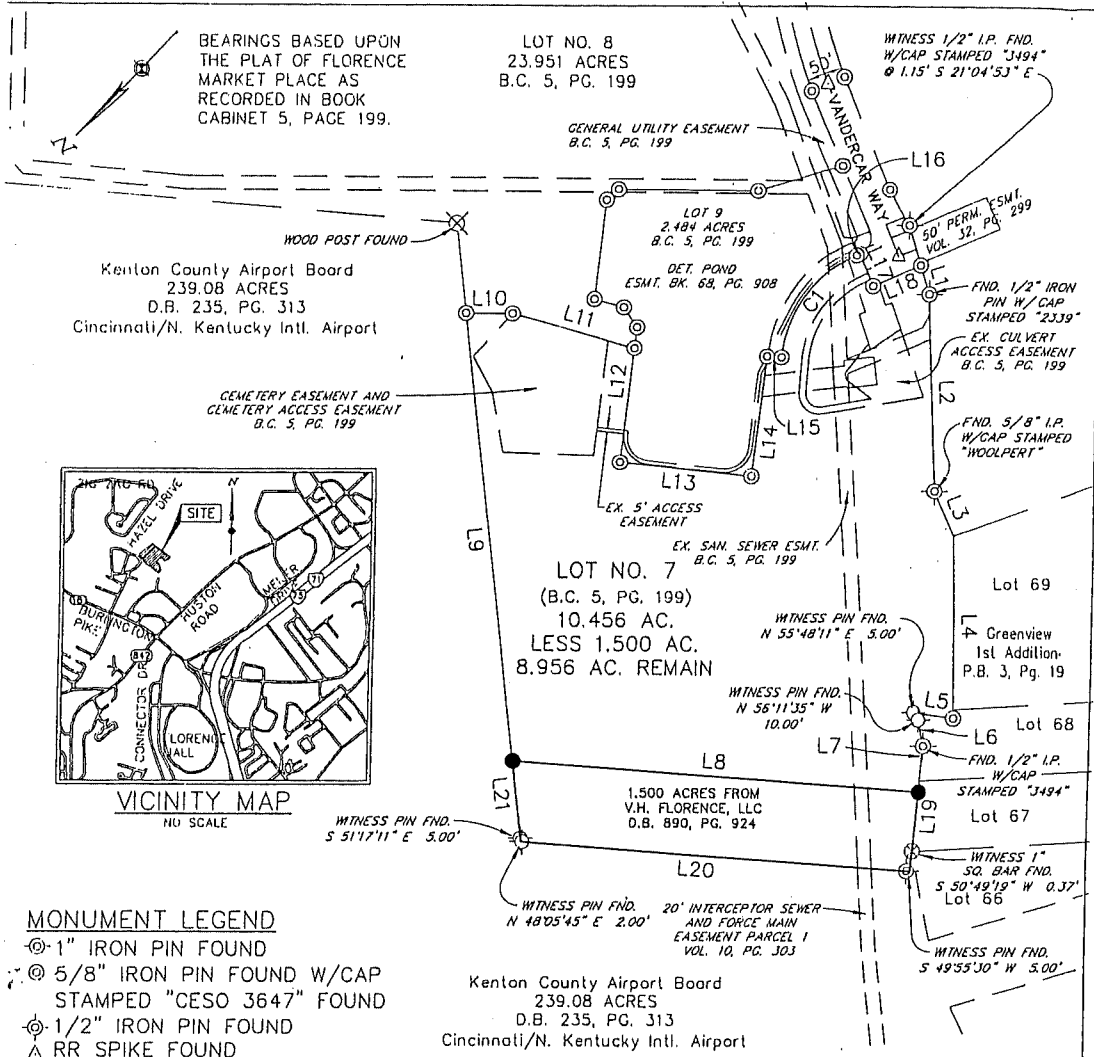
STATE OF KENTUCKY  
 DAVID R.  
 BARNHART  
 3647  
 LICENSED  
 PROFESSIONAL  
 LAND SURVEYOR

SUBDIVISION OF LOT 7 OF  
 FLORENCE MARKETPLACE

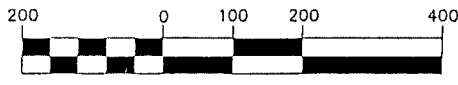
V.H. FLORENCE, LLC  
 CITY OF FLORENCE BOONE COUNTY, KENTUCKY  
 SCALE: 1"=200' DATE: MARCH 30, 2006

DESIGN DRB	CESO	JOB NO. 3496
DRAWN LJH	PROFESSIONAL ENGINEERS	SHEET NO.
CHECKED DRB	REGISTERED LAND SURVEYORS	2 OF 2
1700 LYONS ROAD, DAYTON, OHIO 45458-1804 (937) 435-8984 FAX (937) 435-3307		

*David R. Barnhart* 3/30/06  
 David R. Barnhart PLS. #3647 Date



- MONUMENT LEGEND**
- ⊙ 1" IRON PIN FOUND
  - ⊙ 5/8" IRON PIN FOUND W/CAP STAMPED "CESO 3647" FOUND
  - ⊙ 1/2" IRON PIN FOUND
  - △ RR SPIKE FOUND
  - 5/8" IRON PIN W/CAP STAMPED "CESO 3647" SET
  - ⊗ 1" SQUARE BAR FOUND
  - ⊗ WOOD POST FOUND



P & Z Code No. L4/L7S

STATE OF KENTUCKY  
 DAVID R. BARNHART  
 3647  
 LICENSED PROFESSIONAL LAND SURVEYOR

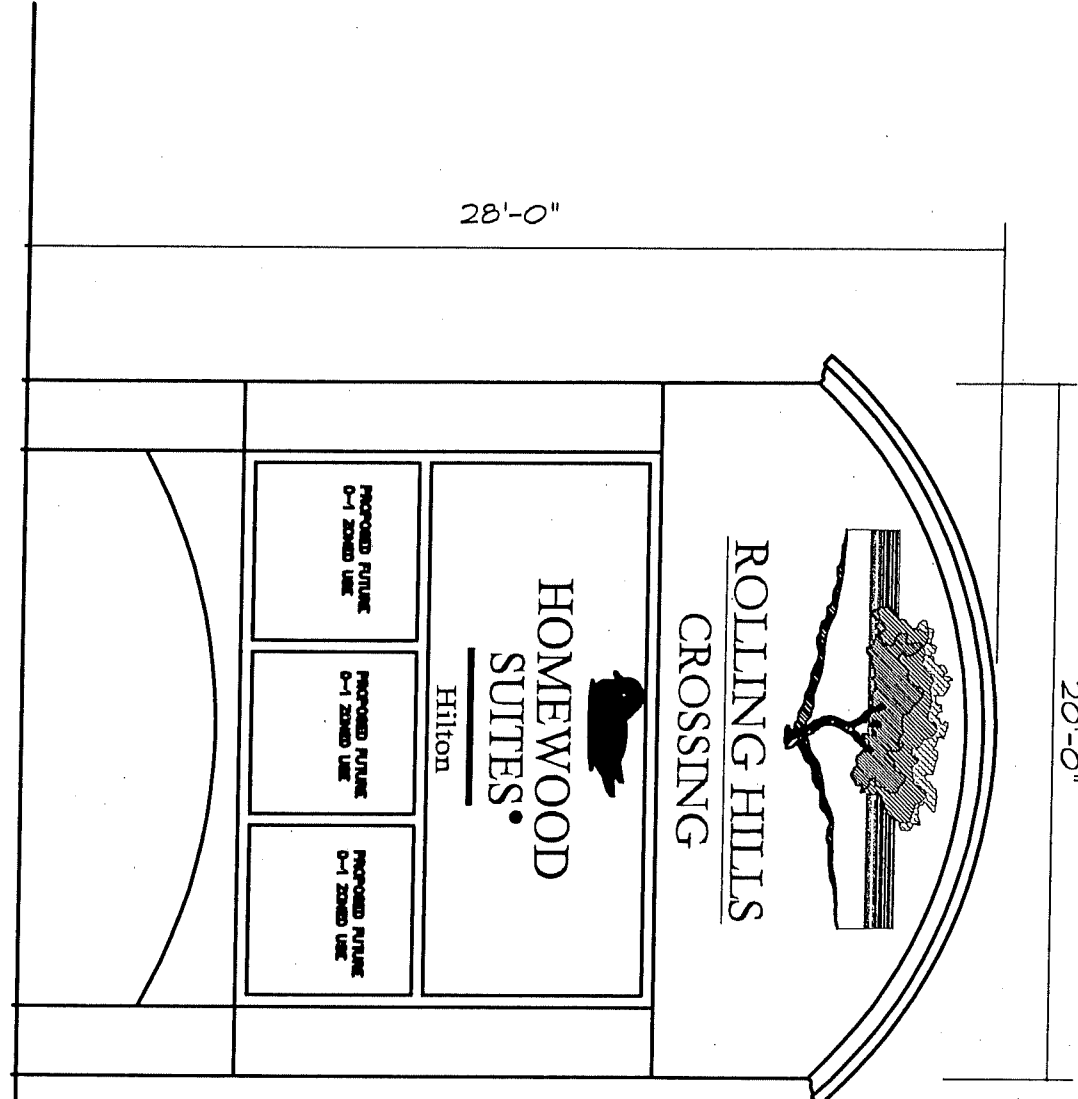
**NOTE**  
 THIS 1.500 ACRE TRACT OF ITSELF DOES NOT MEET THE CURRENT ZONING REGULATIONS. IT IS BEING TRANSFERRED FOR NON-BUILDING PURPOSES AND IS TO BE CONSOLIDATED WITH THE ADJOINING PROPERTY TO THE NORTH.

This parcel, in and of itself, does not meet existing Boone County zoning regulations for use as a buildable site.  
 Current Zoning O-1/PO/1-C  
 CHORD = S 08'33'35" E 180.92'

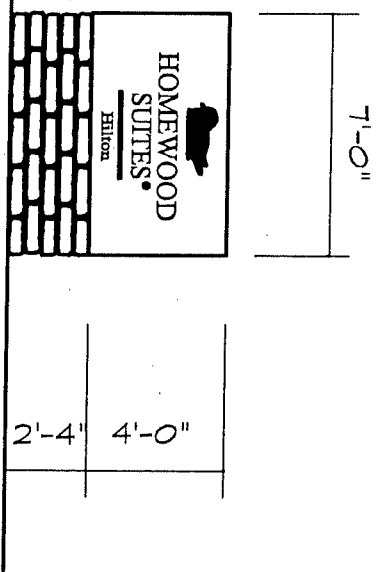
LINE	BEARING	DISTANCE
L1	N 61°59'24" W	43.04'
L2	N 46°59'25" W	286.00'
L3	N 68°10'53" W	70.58'
L4	N 45°17'35" W	258.29'
L5	N 53°42'27" E	53.30'
L6	N 56°23'39" W	47.87'
L7	N 39°10'41" W	65.76'
L8	N 49°55'30" E	586.12'
L9	S 51°12'42" E	645.51'
L10	S 45°57'13" W	66.34'
L11	S 61°23'08" W	180.97'
L12	N 38°13'15" W	166.70'
L13	S 51°46'07" W	190.08'
L14	S 37°48'41" E	175.42'
L15	S 49°12'22" W	21.07'
L16	S 22°22'09" W	4.92'
L17	N 67°37'51" W	50.00'
L18	S 22°22'09" W	74.60'
L19	N 39°10'41" W	113.82'
L20	N 49°55'30" E	561.94'
L21	S 51°12'42" E	115.99'

SUBDIVISION OF LOT 7 OF  
 LORENCE MARKETPLACE  
 V.H. FLORENCE, LLC  
 COUNTY OF FLORENCE BOONE COUNTY, KENTUCKY  
 ALL: 1"=200' DATE: MARCH 30, 2006  
 SIGN: DRB JOB NO. 3496  
 DRAWN: LKH PROFESSIONAL LAND SURVEYORS SHEET NO.  
 1700 LYONS ROAD, DAYTON, OHIO 45424-1804  
 (513) 435-8244 FAX (513) 435-1342 1 OF 2





PROJECT INDENTIFICATION SIGN



MONUMENT SIGN

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

**October 18, 2006  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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 7:38 PM and introduced the first item on the Agenda:

**Applicant:** ECE, Inc. on behalf of Rolling Hills Hospitality for Vandercar Holdings (owner)

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

**The request of ECE, Inc. on behalf of Rolling Hills Hospitality (applicant) for Vandercar Holdings (owner) for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.**

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). Prior to the meeting, the applicant advised him that the height of the hotel will be in the 60-foot range, rather than 65 feet high. In a concept e-mailed to him by the applicant, they are requesting a 28-foot high project ID sign and a monument sign for each building instead of each lot.

Chairman Caddell asked Mr. Wall to explain what is meant by the settlement area and the settlement conditions on Page 2 of the Staff Report. Mr. Wall responded that the 1997-98 zone change area was primarily in the City of Florence, but part

of it was in the unincorporated area and subsequently annexed into the city. The Planning Commission recommended approval of the request -- Boone County Fiscal Court agreed, but the City of Florence denied the request. Several property owners appealed to Boone County Circuit Court and they reached agreement subject to a number of conditions and stipulations.

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

Mr. Bimal Patel with Rolling Hills Hospitality, 437 Lewis Hargett Circle, Suite 130, Lexington, KY was present on behalf of the investor's group. His background is in the extended stay hotel business. He was previously Regional Manager in charge of operations for a privately run organization which had seven extended stay hotels. The hotel he wants to develop is an upscale extended stay hotel by Hilton called Homewood Suites. Every room is a suite and every suite has a kitchen. There are complimentary receptions in the evening and complimentary breakfasts. The average rate is in the \$100 per night range. He stated that at LaQuinta Inn and Suites in Florence the average stay is two or three days, but there are a lot of people on long term projects who need accommodations, sometimes for six or eight months. On this side of Florence there are not currently any extended stay hotels or any being developed. This type of hotel does not have to be near a highway like most other hotels and many extended stay hotels are in suburban settings. Their guests need to be near restaurants and close to work. He stated that they chose this location because of the intensities required by the Planning Commission and the City of Florence. There are only a few zoning classifications complimentary to hotel development because of the amount of square footage per acre required. This hotel is four stories. He stated that every floor adds to the density, so they have to get larger parcels of land to accommodate the building. After searching for real estate in the Houston-Donaldson Study area, they found this site to be most beneficial to them for the development of the hotel. He is a hotel operator and developer. He offered to answer any questions.

Mr. Brandon Rayburn with Erpenbeck Consulting Engineers, Dixie Highway, Elsmere, KY distributed brochures to the Commissioners *Make Yourself at Home: Homewood Suites/Hilton* which includes a pamphlet *Homewood Suites by Hilton Prototype* (see Exhibit 1), and a drawing of the project identification and monument signs (see Exhibit 2). He stated that the proposed intensity is 16,000 square feet per acre, which is the intensity of the standard O-1 zone. They do not currently have users for the restaurant spaces. They are requesting 16,000 square feet, but are asking for flexibility because they do not know the size of the restaurants that will be interested in the site. He stated that the proposed 65-foot hotel has been reduced to 60-foot high. He stated that they will retain as much of the existing tree cover as possible. Many of the existing trees are 50-feet tall. He stated that no one wants to look out their back door and see commercial development and they plan to abide by all of the landscaping requirements of the

Boone County Zoning Ordinance. They will abide by the parking and drive-aisle width requirements. He noted the area designated as "existing green space or parking" and stated that no parking calculations have been done. If they need more space to meet the parking requirements it will be in that area; if not, that area will remain green space. He indicated where ten-foot Buffer Yard A will be required and stated that they will abide by that requirement. He stated that they propose 44% open space, much of which is in the cemetery, creek bed and trees on the south end of the site, and a lot of it is not usable space. They have twice as much open space as required. He stated that the Future Land Use of the site is commercial, and hotels are permitted in the C-1 and C-2 zones. They will abide by the Future Land Use Map. This concluded the applicant's presentation.

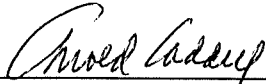
Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Wilson asked the applicant to bring to the Committee Meeting additional pictures of the area and a concept showing the trees that will remain and the buffer on the Greenview subdivision side of the site. Mr. Patel responded that there is 80' – 120' along the Greenview subdivision side of the site that they do not plan to touch. He will bring the pictures to the Committee Meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 25, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on November 1, 2006 at 7:00 PM. The Chairman closed this Public Hearing.

**APPROVED:**

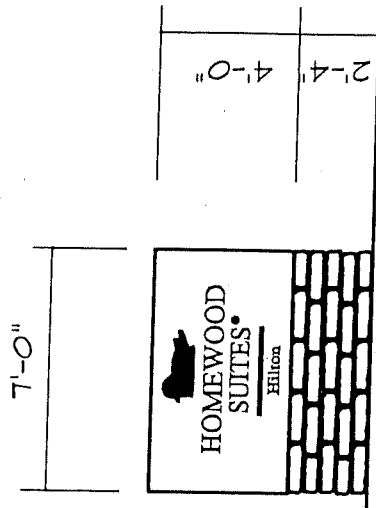
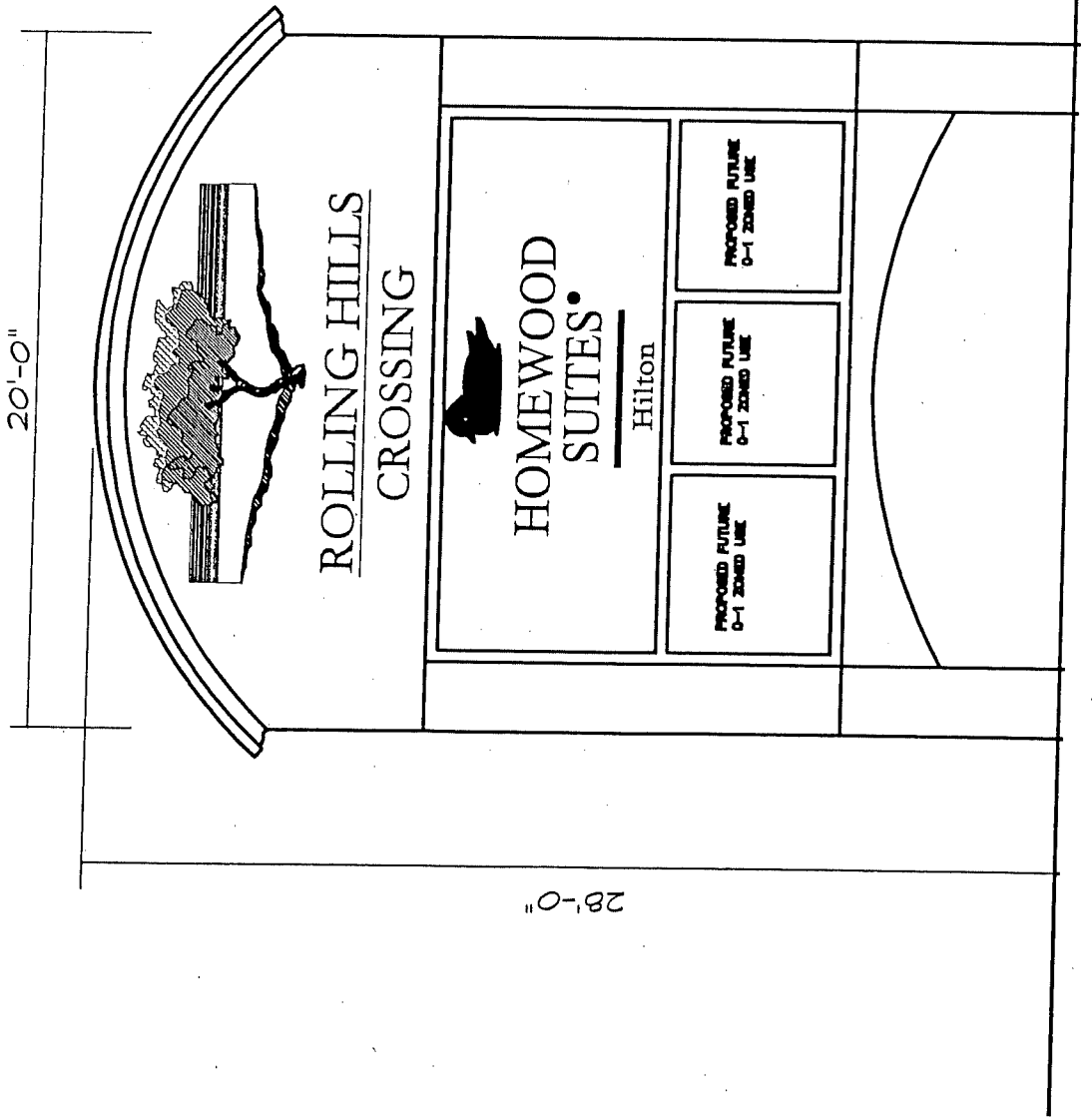
  
\_\_\_\_\_  
**Arnold Caddell, Chairman**

**Attest:**

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

**Exhibits**

- 1. Brochure "Make Yourself at Home: Homewood Suites/Hilton" and pamphlet "Homewood Suites by Hilton Prototype" submitted by the applicant**
- 2. Drawing of the project identification and monument signs submitted by the applicant**



PROJECT IDENTIFICATION SIGN

MONUMENT SIGN

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: November 1, 2006

RE: Request of **ECE, Inc. on behalf of Rolling Hills Hospitality (applicant)** for **Vandercar Holdings (owner)** for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

### 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 proposal is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons.
  - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." This request is limited to allowing the hotel, which is consistent with the Commercial designation, in addition to those uses already permitted in the current O-1/PD zone per the "lawsuit settlement agreement" that applies to the site, and certain design issues.
  - B. The Land Use Element ("2. Florence Commercial Area," pp. 144 and 145) states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor" and that "the development of the southern portion of the corridor has been more commercial in nature." The proposal helps to diversify uses and reinforce a mixed use character in this section of the Houston-Donaldson Study area, which is especially important when considering the site's location away from the Houston Road frontage and behind a major retail building. The

Committee has determined that this proposal will not change the fundamental character of the original 95 acre zone change area that was reviewed and approved pursuant to the same version of the Houston-Donaldson Study that is currently in effect.

- C. The Committee has concluded that the proposal fulfills the Houston-Donaldson Study's Goals and Objectives. Specifically, the creek valley and accompanying vegetation along the south boundary of the site will be retained pursuant to Goal I, Objective E, the hotel building will provide a central architectural focus per Goal I, Objective G, and unique signage which will minimize visual impacts on the community at large will be provided in accordance with Goal III, Objective B.
  - D. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and its Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the Change in Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Standards," of the Boone County Zoning Regulations. Pursuant to Section 1500, the application requested an exception to the 45 foot building height limitation in the underlying O-1 zone for the hotel building. The proposed building height is approximately 52.5 feet based on how building height is determined for pitched roofs. Due to the location of the hotel in the far rear corner of the site, the Committee has concluded that the additional building height is incidental.
  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, Houston-Donaldson Study, 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 required Buffer Yard D along the south property boundary will be supplemented by sufficient evergreen trees at the top of the grade by the shared driveway adjoining the creek valley so that a continuous vegetative screen will be provided.

2. Only one freestanding sign will be permitted on the site. This will be a shared, monument style directory sign located at the Seligman Drive/Vandercar Way intersection. The sign shall be limited to 12 feet in height and 100 square feet in area, and shall have a gable/pediment design comparable to the existing monument signs in the Florence Marketplace Subdivision. Directional signage is permitted per the normal requirements of the Houston-Donaldson Study.
3. Site lighting shall be downlit and directed towards the interior of the development and away from the adjoining Greenview Subdivision to the south.
4. Building intensity shall be limited to 11,000 square feet of building area per acre for the entire 8.95 acre site.

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**

October 18, 2006  
7:30 P.M.

**PUBLIC HEARINGS**

**Commission Members Present:** Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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 7:38 PM and introduced the first item on the Agenda:

**Applicant:** ECE, Inc. on behalf of Rolling Hills Hospitality for Vandercar Holdings (owner)

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

**The request of ECE, Inc. on behalf of Rolling Hills Hospitality (applicant) for Vandercar Holdings (owner) for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.**

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). Prior to the meeting, the applicant advised him that the height of the hotel will be in the 60-foot range, rather than 65 feet high. In a concept e-mailed to him by the applicant, they are requesting a 28-foot high project ID sign and a monument sign for each building instead of each lot.

Chairman Caddell asked Mr. Wall to explain what is meant by the settlement area and the settlement conditions on Page 2 of the Staff Report. Mr. Wall responded that the 1997-98 zone change area was primarily in the City of Florence, but part

of it was in the unincorporated area and subsequently annexed into the city. The Planning Commission recommended approval of the request -- Boone County Fiscal Court agreed, but the City of Florence denied the request. Several property owners appealed to Boone County Circuit Court and they reached agreement subject to a number of conditions and stipulations.

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

Mr. Bimal Patel with Rolling Hills Hospitality, 437 Lewis Hargett Circle, Suite 130, Lexington, KY was present on behalf of the investor's group. His background is in the extended stay hotel business. He was previously Regional Manager in charge of operations for a privately run organization which had seven extended stay hotels. The hotel he wants to develop is an upscale extended stay hotel by Hilton called Homewood Suites. Every room is a suite and every suite has a kitchen. There are complimentary receptions in the evening and complimentary breakfasts. The average rate is in the \$100 per night range. He stated that at LaQuinta Inn and Suites in Florence the average stay is two or three days, but there are a lot of people on long term projects who need accommodations, sometimes for six or eight months. On this side of Florence there are not currently any extended stay hotels or any being developed. This type of hotel does not have to be near a highway like most other hotels and many extended stay hotels are in suburban settings. Their guests need to be near restaurants and close to work. He stated that they chose this location because of the intensities required by the Planning Commission and the City of Florence. There are only a few zoning classifications complimentary to hotel development because of the amount of square footage per acre required. This hotel is four stories. He stated that every floor adds to the density, so they have to get larger parcels of land to accommodate the building. After searching for real estate in the Houston-Donaldson Study area, they found this site to be most beneficial to them for the development of the hotel. He is a hotel operator and developer. He offered to answer any questions.

Mr. Brandon Rayburn with Erpenbeck Consulting Engineers, Dixie Highway, Elsmere, KY distributed brochures to the Commissioners *Make Yourself at Home: Homewood Suites/Hilton* which includes a pamphlet *Homewood Suites by Hilton Prototype* (see Exhibit 1), and a drawing of the project identification and monument signs (see Exhibit 2). He stated that the proposed intensity is 16,000 square feet per acre, which is the intensity of the standard O-1 zone. They do not currently have users for the restaurant spaces. They are requesting 16,000 square feet, but are asking for flexibility because they do not know the size of the restaurants that will be interested in the site. He stated that the proposed 65-foot hotel has been reduced to 60-foot high. He stated that they will retain as much of the existing tree cover as possible. Many of the existing trees are 50-foot tall. He stated that no one wants to look out their back door and see commercial development and they plan to abide by all of the landscaping requirements of the

Boone County Zoning Ordinance. They will abide by the parking and drive-aisle width requirements. He noted the area designated as "existing green space or parking" and stated that no parking calculations have been done. If they need more space to meet the parking requirements it will be in that area; if not, that area will remain green space. He indicated where ten-foot Buffer Yard A will be required and stated that they will abide by that requirement. He stated that they propose 44% open space, much of which is in the cemetery, creek bed and trees on the south end of the site, and a lot of it is not usable space. They have twice as much open space as required. He stated that the Future Land Use of the site is commercial, and hotels are permitted in the C-1 and C-2 zones. They will abide by the Future Land Use Map. This concluded the applicant's presentation.

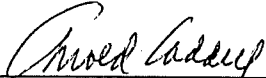
Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.


Mrs. Wilson asked the applicant to bring to the Committee Meeting additional pictures of the area and a concept showing the trees that will remain and the buffer on the Greenview subdivision side of the site. Mr. Patel responded that there is 80' - 120' along the Greenview subdivision side of the site that they do not plan to touch. He will bring the pictures to the Committee Meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 25, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on November 1, 2006 at 7:00 PM. The Chairman closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
Arnold Caddell, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

**Exhibits**

- 1. Brochure "Make Yourself at Home: Homewood Suites/Hilton" and pamphlet "Homewood Suites by Hilton Prototype" submitted by the applicant**
- 2. Drawing of the project identification and monument signs submitted by the applicant**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: October 25, 2006

RE: Request of **ECE, Inc. on behalf of Rolling Hills Hospitality (applicant)** for **Vandercar Holdings (owner)** for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

### 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.

*Judy Arnett*  
\_\_\_\_\_  
**Judy Arnett, Chairwoman**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Greg Breetz*  
\_\_\_\_\_  
**Greg Breetz**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Kim Bunger*  
\_\_\_\_\_  
**Kim Bunger**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Janet Kegley**  
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 4 FOR PROJECT \_\_\_\_\_ ABSENT  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**



## BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc  
www.boonecountyky.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

October 26, 2008

Mr. Robert Smyjunas  
Vandercar Holdings  
c/o Mr. Brandon Rayborn  
Erpenbeck Consulting Engineers  
4205 Dixie Highway  
Elmore, KY 41018

FAX: 342-5852

RE: Recommended Conditions of Approval for Change in an Approved Concept Development Plan for a 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7825 Doering Drive (Wal Mart), Florence, Kentucky, Boone County, Kentucky

Dear Mr. Smyjunas:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 10/25/08 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 Tuesday, October 31, 2008.

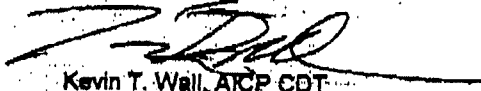
### CONDITIONS

1. The required Buffer Yard D along the south property boundary will be supplemented by sufficient evergreen trees at the top of the grade by the shared driveway adjoining the creek valley so that a continuous vegetative screen will be provided.
2. Only one freestanding sign will be permitted on the site. This will be a shared, monument style directory sign located at the Sellgman Drive/Vandercar Way intersection. The sign shall be limited to 12 feet in height and 100 square feet in area, and shall have a gable/pediment design comparable to the existing monument signs in the Florence Marketplace Subdivision. Directional signage is permitted per the normal requirements of the Houston-Donaldson Study.

Mr. Robert Smyjunas  
October 26, 2006  
Page 2

- 3. Site lighting shall be downlit and directed towards the interior of the development and away from the adjoining Greenview Subdivision to the south.
- 4. Building intensity shall be limited to 11,000 square feet of building area per acre for the entire 8.95 acre site.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/mm

**AGREEMENT**

I, the authorized representative of the property owner of the real estate located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan application.

  
Robert Smyjunas, Authorized Representative for  
Vandercar Holdings, Property Owner

10/26/06  
Date

93

This conveyance is exempt from real estate transfer tax pursuant to K.R.S. §142.050(7)(d)

Revised 1/18/05  
overlap

P.L.D.N. # Gr. 2033A

~~CONFIDENTIAL~~ QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That D.C.-KY 18, LLC, a Kentucky limited liability company (hereinafter "Grantor"), for and in consideration of One Dollar (\$1.00) to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does hereby CONVEY, TRANSFER and QUITCLAIM to VH FLORENCE, LLC, a Kentucky limited liability company, whose principal place of business is located 5027 Madison Road, Suite 200, Cincinnati, Ohio 45227, (hereinafter "Grantee"), its successors and assigns, forever, all of its right, title and interest, if any, in and to the real estate more particularly described in Exhibit A, attached hereto and incorporated by reference herein, and depicted on the conveyance plat attached hereto as Exhibit B and incorporated by reference herein (the "Property").

whose address is 8800 Bank  
Suite #3, Florence, Ky

Strawns & Tracy

RETURN TO:

The Property is conveyed subject to all covenants, conditions, restrictions, agreements, easements and rights of way of record

Together with all the PRIVILEGES and APPURTENANCES to the same belonging, to have and to hold the same to the said VH FLORENCE, LLC, a Kentucky limited liability company, its successors and assigns forever.

The parties hereto state and certify pursuant to KRS Section 382 that the consideration reflected in this Deed is the true and correct value and full consideration paid for the property, with further certified understanding that falsification of the statement of consideration or sale price of the property is a Class D Felony, subject to one to five years imprisonment and fines up to Ten Thousand Dollars (\$10,000.00). The parties hereto further state and certify that this conveyance is exempt from transfer tax pursuant to K.R.S. §142.050(7)(d). The purpose of this conveyance is to correct a boundary overlap in the legal descriptions of record for the Grantor's and Grantee's adjacent parcels. The Grantee joins in the execution of this Deed solely for the purpose of certifying the consideration passing pursuant to Kentucky Revised Statute Chapter 382.

IN WITNESS WHEREOF, the Grantor, D.C.-KY 18, LLC, a Kentucky limited liability company, and the Grantee, VH FLORENCE, LLC, a Kentucky limited liability company, have caused their names to be hereunto subscribed, the Grantor by Richard D. Crist, Member of the Grantor, the Grantee, ~~Richard D. Crist~~ as Managing Member of the Grantee, hereunto duly authorized by resolutions of or pursuant to resolutions duly adopted by their respective Members this 11 day of February, 2005.

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**EXHIBIT A**

**(Legal Description)**

**(See Attached)**

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**Legal Description for**  
**52.882 Acre Parcel to VH Florence LLC**  
**City of Florence, Boone County, Kentucky**  
**December 14, 2004**

Situated in the City of Florence, Boone County, Kentucky, north of Houston Road and Merchant Street and being part (52.882 acres) of an original 85.88 acre tract conveyed to the Doering Family Limited Partnership as recorded in Deed Book 778, Page 136 and all of a tract of land conveyed to Doering Family Limited Partnership as recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ (all references to deed books, official records, survey records and plats refer to the records of Boone County, Kentucky) and being more particularly described as follows;

Beginning at a stone found at the most northerly corner of Lot 20 of the Plat of Merchants Square, Section 6 as recorded in Plat Cabinet 4, Page 368, also being the northeast corner of a 0.29 acre tract conveyed to Gordon Food Service, Inc. as recorded in Deed Book 867, Page 414 and being on a southwesterly line of said 85.88 acre Doering Family Limited Partnership tract witnessing an iron pin North 39°03'05" West, 4.97 feet and being the Point of Beginning of the following described tract of land;

thence along the northeasterly line of said 0.29 acre Gordon Food Service, Inc. tract and a northeasterly line of an original 13.82 acre tract conveyed to DC KY 18 Partnership as recorded in Deed Book 635, Page 272, North 39°51'37" West, 300.39 feet to a found wood post, passing a found 1/2" iron pin at a distance of 20.27 feet;

thence along the northerly and easterly lines of said 13.82 acre DC KY 18 Partnership tract for the following eight (8) courses;

1. North 51°05'30" East, 392.52 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
2. North 76°14'25" West, 103.30 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
3. South 84°15'37" West, 96.00 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
4. North 77°19'27" West, 84.50 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
5. North 72°49'25" West, 221.00 feet, witness a found 1/2" iron pin with a cap stamped "3494", South 21°04'53" East, 1.15 feet;
6. North 61°59'24" West, 102.00 feet to a found 1/2" iron pin with a cap stamped "2339";
7. North 46°59'25" West, 286.00 feet to a found 5/8" iron pin with a cap stamped "WOOLPERT";
8. North 68°10'53" West, 70.58 feet to a found wood post at the northeast corner of Lot 69 of the Plat of Greenview 1<sup>st</sup> Addition as recorded in Plat Book 3, Page 19;

thence along the northerly lines of said Plat of Greenview 1<sup>st</sup> Addition for the following four (4) courses;

1. North 45°17'35" West, 258.29 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";

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**Legal Description for**  
**52.882 Acre Parcel to VH Florence LLC**  
**City of Florence, Boone County, Kentucky**  
**December 14, 2004**

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2. North 53°42'27" East, 53.30 feet to a set 5/8" iron pin with a cap stamped "CESO 3647", witnessing a found iron pin South 55°48'11" West, 5.00 feet and witness a found iron pin North 56°11'35" West, 10.00 feet;
  3. North 56°23'39" West, 47.87 feet to a found 1/2" iron pin with a cap stamped "3494";
  4. North 39°10'41" West, 179.58 feet to the south line of a 239.08 acre tract conveyed to Kanton County Airport Board as recorded in Deed Book 235, Page 313, witness a found iron pin South 49°55'30" West, 5.00 feet;
- thence along the southern lines of said 239.08 acre Kanton County Airport Board tract the following three (3) courses;
1. South 49°55'30" East, 561.94 feet to a found wood post witness a found iron pin North 48°05'45" East, 2.00 feet and witness a found iron pin South 51°17'11" East, 5.00 feet;
  2. South 51°12'42" East, 890.70 feet to a found wood post,
  3. North 50°35'35" East, 753.87 feet to a found wood post, witness a found 1" bent pipe North 40°44'14" West, 0.64 feet and witness a found iron pin North 24°46'50" West, 10.00 feet;
- thence continuing along a common line of said 85.88 acre tract conveyed to the Doering Family Limited Partnership tract with said 239.08 acre Kanton County Airport Board tract and a southwestern line of a 8.7751 acre tract conveyed to DC KY 18, LLC as recorded in Deed Book 758, Page 265, South 40°37'17" East, 751.63 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
- thence along the southeasterly lines of said 85.88 acre tract conveyed to the Doering Family Limited Partnership tract the following three (3) courses;
1. South 26°51'14" West, 71.87 feet to a found 1/2" iron pin;
  2. South 48°32'40" West, 219.53 feet to a found 1/2" iron pin with a cap stamped "3494" at the western corner of said 8.7751 acre DC KY 18, LLC tract;
  3. South 41°56'08" East, 496.21 feet to a 5/8" iron pin with a cap stamped "CESO 3647" set on the northwestern right-of-way line of Houston Rd. (KY 18), passing a found 1/2" pin with a cap stamped "3494" at a distance of 436.62 feet;
- thence along said right-of-way line South 45°45'18" West, 1206.34 feet to a 5/8" iron pin with a cap stamped "CESO 3647" set at the most easterly corner of a 1.8586 acre tract conveyed to First Security Trust Bank as recorded in Deed Book 789, Page 121;
- thence along the northeasterly line of said 1.8586 acre tract North 44°13'39" West, 321.43 feet, witness a found 1/2" iron pin with cap stamped "3494", South 13°51'05" West, 0.34 feet;
- thence along a new division line through said 85.88 acre Doering Family Limited Partnership tract North 44°13'39" West, 27.91 feet to a 1/2" iron pin with a cap stamped "206" found at the most easterly corner of said Lot 20 of the Plat of Merchants Square, Section 6;
- thence along the northeast line of said Lot 20 of North 38°43'59" West, 300.00 feet to the Point of Beginning, containing 52.882 acres (2303528 square feet).

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**0880 PG 955**

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**Legal Description for**  
**52.852 Acre Parcel to VH Florence LLC**  
**City of Florence, Boone County, Kentucky**  
**December 14, 2004**

Bearings are based on the centerline of Houston Road, as shown on the plat of Behrens Park as recorded in Plat Cabinet 4, Page 101 of the Plat Records of Boone County, Kentucky.

This description was prepared under the direct supervision of David R. Barnhart, P.L.S. #3647, Kentucky, C.E.S.O., Inc., 1700 Lyons Road, Centerville, Ohio, 45458 and is based on a field survey made in March 2004.

David R. Barnhart 12/14/04  
David R. Barnhart, P.L.S., #3647, Kentucky Date



The prior deed reference for the grantor's tract is Deed Book 758, Page 265.

K:\WORK\MISC\0201 Florence, KY\Vol-Misc\BOONCOUNTY\deed\0201 Revised Cover\52.852 Acres.dwg

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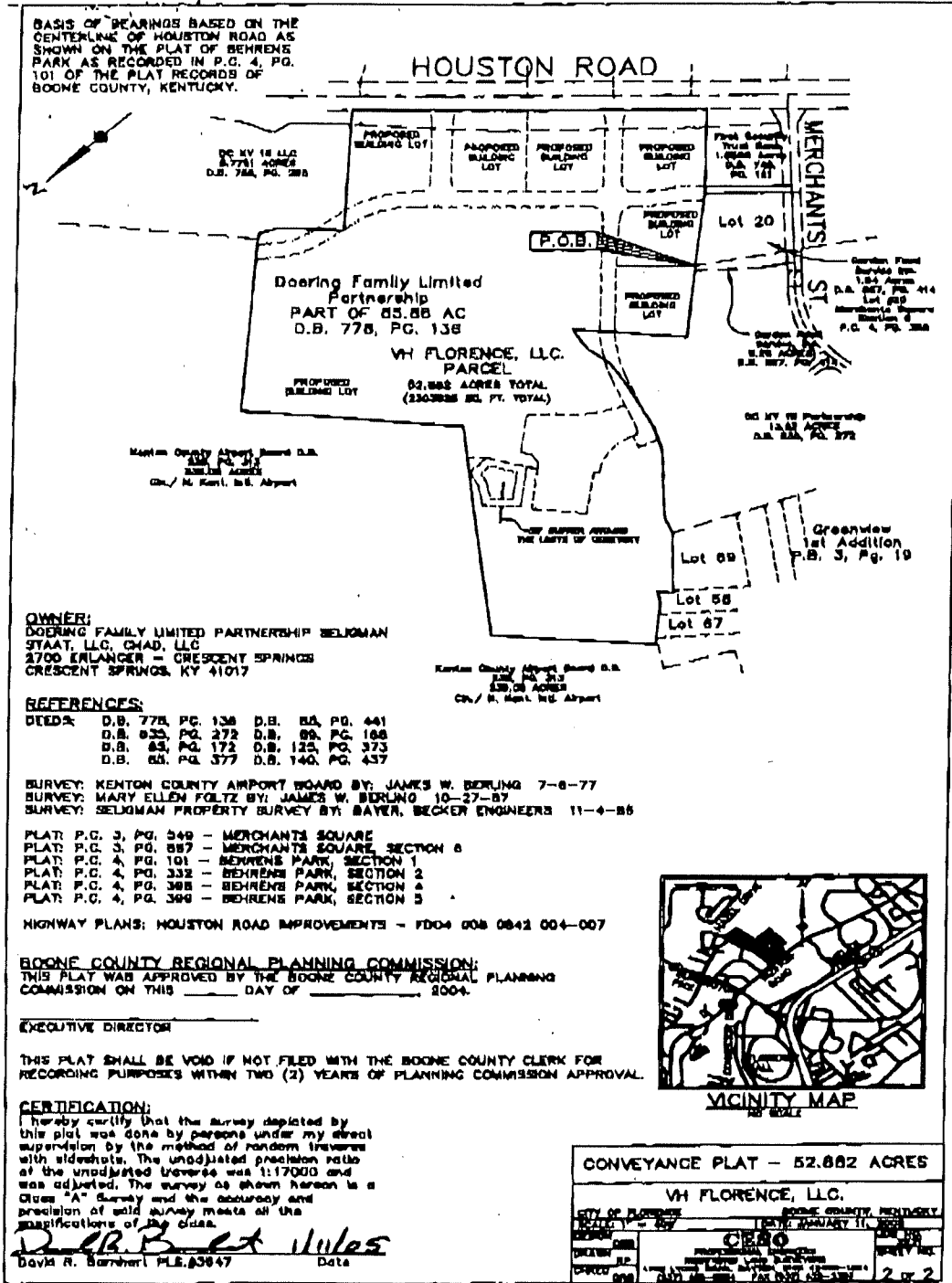
**EXHIBIT B**  
**(Conveyance Plat)**  
**(See Attached)**

BOONE COUNTY  
D890 PG 957

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ORDINANCE NO. 0-32-04

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD) ZONE FOR AN 8.95 ACRE SITE GENERALLY LOCATED AT THE TERMINUS OF VANDERCAR WAY AND TO THE WEST OF THE PROPERTY AT 7625 DOERING DRIVE (WAL MART), FLORENCE, KENTUCKY, TO ALLOW A HOTEL, RESTAURANTS AND OTHER USES PERMITTED BY THE CURRENT ZONING. (VANDERCAR HOLDINGS 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-06-029-A recommended approval, with conditions, for a change to an approved concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's 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 ECE, Inc. on behalf of Rolling Hills Hospitality (Applicant) for Vandercar Holdings (Owner), for a change in an approved concept development plan in an Office One/Planned Development (O-1/PD) zone, for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), shall be and is hereby approved, subject to the concept development plan, as well as agreed conditions for this site, this change in concept development plan being to allow a hotel, restaurants and other uses permitted by the current zoning. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

**SECTION II**

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-06-029-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

In addition to those conditions set forth in the 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 additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference as if fully set out.

**SECTION IV**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-06-029-A, marked Exhibit "A", and attached hereto.

**SECTION V**

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

**SECTION VI**

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

PASSED AND APPROVED ON FIRST READING THIS 19<sup>th</sup> DAY OF December, 2006.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9<sup>th</sup> DAY OF January, 2007.

APPROVED:

*Deane E. Whalen*  
MAYOR

ATTEST:

*[Signature]*  
CITY CLERK

# EXHIBIT

“ A ”

**RESOLUTION R-06-029-A**

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF ECE, INC. ON BEHALF OF ROLLING HILLS HOSPITALITY (APPLICANT) FOR VANDERCAR HOLDINGS (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD) ZONE FOR AN 8.95 ACRE SITE GENERALLY LOCATED AT THE TERMINUS OF VANDERCAR WAY AND TO THE WEST OF THE PROPERTY AT 7625 DOERING DRIVE (WAL MART), 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 Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), 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 a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

**SECTION I**

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone is more particularly described in DEED BOOK 890, PAGE NO. 951 (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, with conditions, for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky, findings of fact 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."

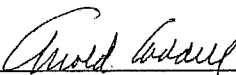
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

**SECTION III**

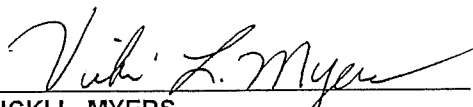
That a copy of this Resolution recommending approval, with conditions, for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), 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 15TH DAY OF NOVEMBER, 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**

**October 18, 2006  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, 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 7:38 PM and introduced the first item on the Agenda:

**Applicant:** ECE, Inc. on behalf of Rolling Hills Hospitality for Vandercar Holdings (owner)

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

The request of ECE, Inc. on behalf of Rolling Hills Hospitality (applicant) for Vandercar Holdings (owner) for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). Prior to the meeting, the applicant advised him that the height of the hotel will be in the 60-foot range, rather than 65 feet high. In a concept e-mailed to him by the applicant, they are requesting a 28-foot high project ID sign and a monument sign for each building instead of each lot.

Chairman Caddell asked Mr. Wall to explain what is meant by the settlement area and the settlement conditions on Page 2 of the Staff Report. Mr. Wall responded that the 1997-98 zone change area was primarily in the City of Florence, but part

of it was in the unincorporated area and subsequently annexed into the city. The Planning Commission recommended approval of the request -- Boone County Fiscal Court agreed, but the City of Florence denied the request. Several property owners appealed to Boone County Circuit Court and they reached agreement subject to a number of conditions and stipulations.

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

Mr. Bimal Patel with Rolling Hills Hospitality, 437 Lewis Hargett Circle, Suite 130, Lexington, KY was present on behalf of the investor's group. His background is in the extended stay hotel business. He was previously Regional Manager in charge of operations for a privately run organization which had seven extended stay hotels. The hotel he wants to develop is an upscale extended stay hotel by Hilton called Homewood Suites. Every room is a suite and every suite has a kitchen. There are complimentary receptions in the evening and complimentary breakfasts. The average rate is in the \$100 per night range. He stated that at LaQuinta Inn and Suites in Florence the average stay is two or three days, but there are a lot of people on long term projects who need accommodations, sometimes for six or eight months. On this side of Florence there are not currently any extended stay hotels or any being developed. This type of hotel does not have to be near a highway like most other hotels and many extended stay hotels are in suburban settings. Their guests need to be near restaurants and close to work. He stated that they chose this location because of the intensities required by the Planning Commission and the City of Florence. There are only a few zoning classifications complimentary to hotel development because of the amount of square footage per acre required. This hotel is four stories. He stated that every floor adds to the density, so they have to get larger parcels of land to accommodate the building. After searching for real estate in the Houston-Donaldson Study area, they found this site to be most beneficial to them for the development of the hotel. He is a hotel operator and developer. He offered to answer any questions.

Mr. Brandon Rayburn with Erpenbeck Consulting Engineers, Dixie Highway, Elsmere, KY distributed brochures to the Commissioners *Make Yourself at Home: Homewood Suites/Hilton* which includes a pamphlet *Homewood Suites by Hilton Prototype* (see Exhibit 1), and a drawing of the project identification and monument signs (see Exhibit 2). He stated that the proposed intensity is 16,000 square feet per acre, which is the intensity of the standard O-1 zone. They do not currently have users for the restaurant spaces. They are requesting 16,000 square feet, but are asking for flexibility because they do not know the size of the restaurants that will be interested in the site. He stated that the proposed 65-foot hotel has been reduced to 60-foot high. He stated that they will retain as much of the existing tree cover as possible. Many of the existing trees are 50-feet tall. He stated that no one wants to look out their back door and see commercial development and they plan to abide by all of the landscaping requirements of the

Boone County Zoning Ordinance. They will abide by the parking and drive-aisle width requirements. He noted the area designated as "existing green space or parking" and stated that no parking calculations have been done. If they need more space to meet the parking requirements it will be in that area; if not, that area will remain green space. He indicated where ten-foot Buffer Yard A will be required and stated that they will abide by that requirement. He stated that they propose 44% open space, much of which is in the cemetery, creek bed and trees on the south end of the site, and a lot of it is not usable space. They have twice as much open space as required. He stated that the Future Land Use of the site is commercial, and hotels are permitted in the C-1 and C-2 zones. They will abide by the Future Land Use Map. This concluded the applicant's presentation.

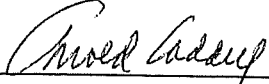
Chairman Caddell asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

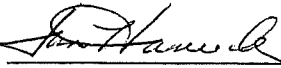
Mrs. Wilson asked the applicant to bring to the Committee Meeting additional pictures of the area and a concept showing the trees that will remain and the buffer on the Greenview subdivision side of the site. Mr. Patel responded that there is 80' - 120' along the Greenview subdivision side of the site that they do not plan to touch. He will bring the pictures to the Committee Meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 25, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on November 1, 2006 at 7:00 PM. The Chairman closed this Public Hearing.

**APPROVED:**

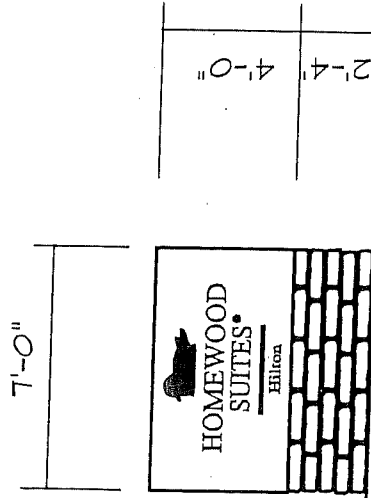
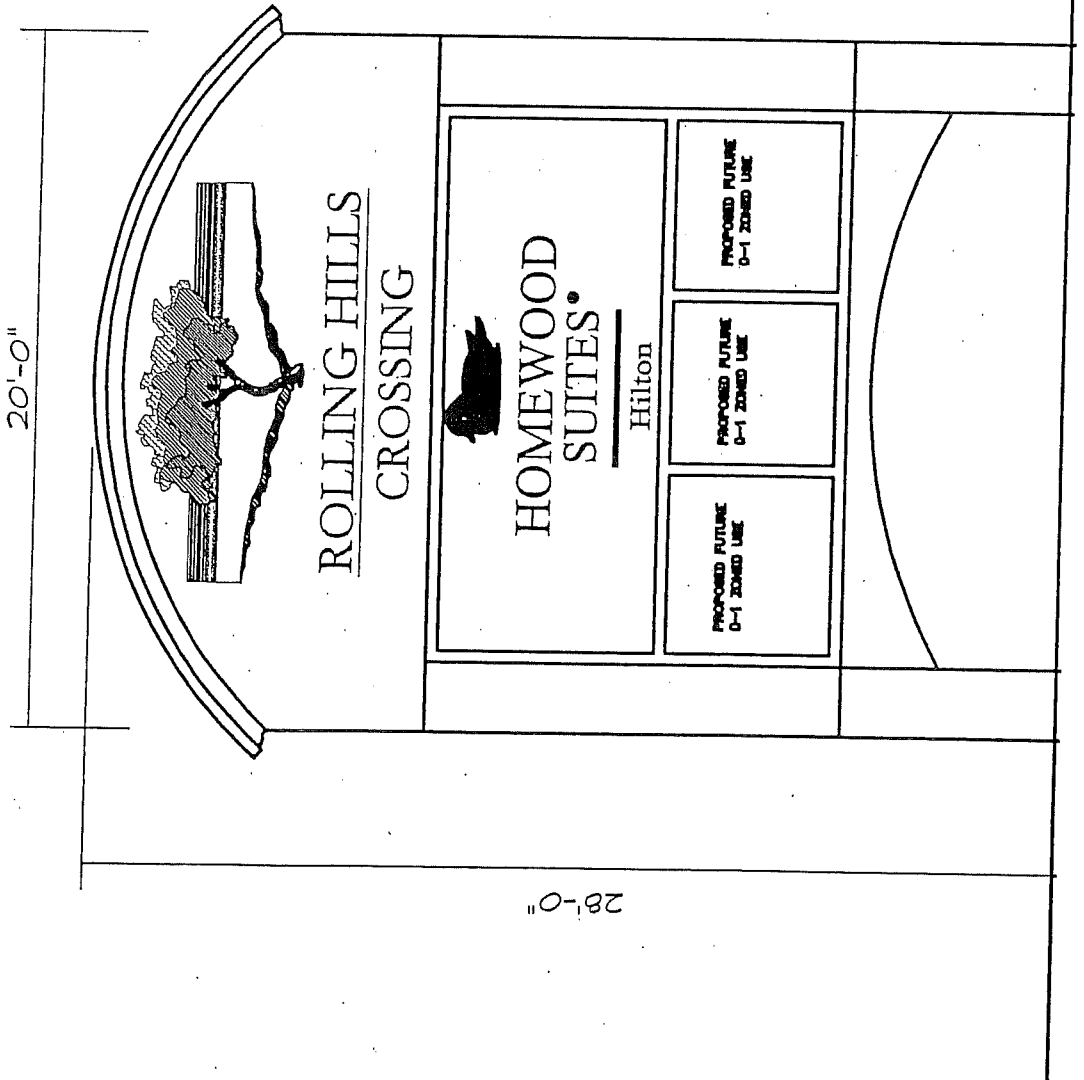
  
Arnold Caddell, Chairman

Attest:

  
Jan Hancock, Recording Secretary

**Exhibits**

- 1. Brochure "Make Yourself at Home: Homewood Suites/Hilton" and pamphlet "Homewood Suites by Hilton Prototype" submitted by the applicant**
- 2. Drawing of the project identification and monument signs submitted by the applicant**



PROJECT IDENTIFICATION SIGN

MONUMENT SIGN

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
November 1, 2006  
7:00 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett  
Mr. Randy Barlow  
Mr. Kim Bunger  
Mr. Arnold Caddell, Chairman  
Mr. Jim Carmichael  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen  
Mr. Bob Schwenke  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman

**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

The Chairman asked if there was anyone present who wished to make a summary statement on behalf of the opposition at this time. There was no response.

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

**3. Concept Development Plan**

**The request of Thomas R. Dunn (applicant) for Mahesh Nichani, Shivam Hospitality, LLC (owner) for a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 2.399 acre site located at 7928 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow an enclosed pool addition onto an existing hotel.**

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

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting.

Mr. Thomas Dunn, architect with Dunn & Titus, representing the owner, stated that resurfacing the building and adding the pool will be handsome additions to the Dream Street façade. They are enthusiastic about the project.

The Chairman asked if anyone wished to make a summary statement on behalf of the opposition. There was no response.

There being no discussion, **Mrs. Arnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Schwenke seconded the motion and it carried unanimously.**

**4. Change in Approved Concept Development Plan**

**The request of ECE, Inc. on behalf of Rolling Hills Hospitality (applicant) for Vandercar Holdings (owner) for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.**

Mrs. Kegley abstained from participation in regard to Agenda Item #4, due to a possible conflict of interest, and left the meeting at this time.

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

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting.

Mr. Brandon Rayburn with Erpenbeck Consulting Engineers agreed to all of the conditions. He offered to answer any questions.

The Chairman asked if anyone wished to make a summary statement on behalf of the opposition. There was no response.

There being no discussion, **Mrs. Arnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mrs. Wilson seconded the motion. A vote on the motion found all eleven voting members in favor. Mrs. Kegley was not present. The motion carried.**

**5. Change in Approved Concept Development Plan – withdrawn**

**The request of Cardinal Engineering (applicant) for The Bank of Kentucky (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 0.9 acre site located on the northeast side of Harvey Quast Drive and to the southwest of the property at 8522 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a drive-in/drive-through restaurant.**

Mr. Costello stated that the Commissioners received copies of a letter dated October 27, 2006 from Jeff Hall, Director of Real Estate for Hometown Sonic, LLC, withdrawing this request. The letter is on file in the Staff Office.

**NEW BUSINESS:** None

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: November 1, 2006

RE: Request of **ECE, Inc. on behalf of Rolling Hills Hospitality (applicant) for Vandercar Holdings (owner)** for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

### 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 proposal is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons.
  - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" (C) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." This request is limited to allowing the hotel, which is consistent with the Commercial designation, in addition to those uses already permitted in the current O-1/PD zone per the "lawsuit settlement agreement" that applies to the site, and certain design issues.
  - B. The Land Use Element ("2. Florence Commercial Area," pp. 144 and 145) states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor" and that "the development of the southern portion of the corridor has been more commercial in nature." The proposal helps to diversify uses and reinforce a mixed use character in this section of the Houston-Donaldson Study area, which is especially important when considering the site's location away from the Houston Road frontage and behind a major retail building. The

Committee has determined that this proposal will not change the fundamental character of the original 95 acre zone change area that was reviewed and approved pursuant to the same version of the Houston-Donaldson Study that is currently in effect.

- C. The Committee has concluded that the proposal fulfills the Houston-Donaldson Study's Goals and Objectives. Specifically, the creek valley and accompanying vegetation along the south boundary of the site will be retained pursuant to Goal I, Objective E, the hotel building will provide a central architectural focus per Goal I, Objective G, and unique signage which will minimize visual impacts on the community at large will be provided in accordance with Goal III, Objective B.
  - D. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and its Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the Change in Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Standards," of the Boone County Zoning Regulations. Pursuant to Section 1500, the application requested an exception to the 45 foot building height limitation in the underlying O-1 zone for the hotel building. The proposed building height is approximately 52.5 feet based on how building height is determined for pitched roofs. Due to the location of the hotel in the far rear corner of the site, the Committee has concluded that the additional building height is incidental.
  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, Houston-Donaldson Study, 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 required Buffer Yard D along the south property boundary will be supplemented by sufficient evergreen trees at the top of the grade by the shared driveway adjoining the creek valley so that a continuous vegetative screen will be provided.

2. Only one freestanding sign will be permitted on the site. This will be a shared, monument style directory sign located at the Seligman Drive/Vandercar Way intersection. The sign shall be limited to 12 feet in height and 100 square feet in area, and shall have a gable/pediment design comparable to the existing monument signs in the Florence Marketplace Subdivision. Directional signage is permitted per the normal requirements of the Houston-Donaldson Study.
3. Site lighting shall be downlit and directed towards the interior of the development and away from the adjoining Greenview Subdivision to the south.
4. Building intensity shall be limited to 11,000 square feet of building area per acre for the entire 8.95 acre site.

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.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: October 25, 2006

RE: Request of **ECE, Inc. on behalf of Rolling Hills Hospitality (applicant)** for **Vandercar Holdings (owner)** for a Change in an Approved Concept Development Plan in an Office One/Planned Development (O-1/PD) zone for an 8.95 acre site located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive (Wal Mart), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a hotel, restaurants, and other uses permitted by the current O-1/PD zone.

### 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.

*Judy Arnett*  
\_\_\_\_\_  
**Judy Arnett, Chairwoman**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Greg Breetz*  
\_\_\_\_\_  
**Greg Breetz**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Kim Bungler*  
\_\_\_\_\_  
**Kim Bungler**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

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

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)**

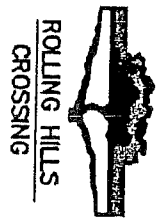
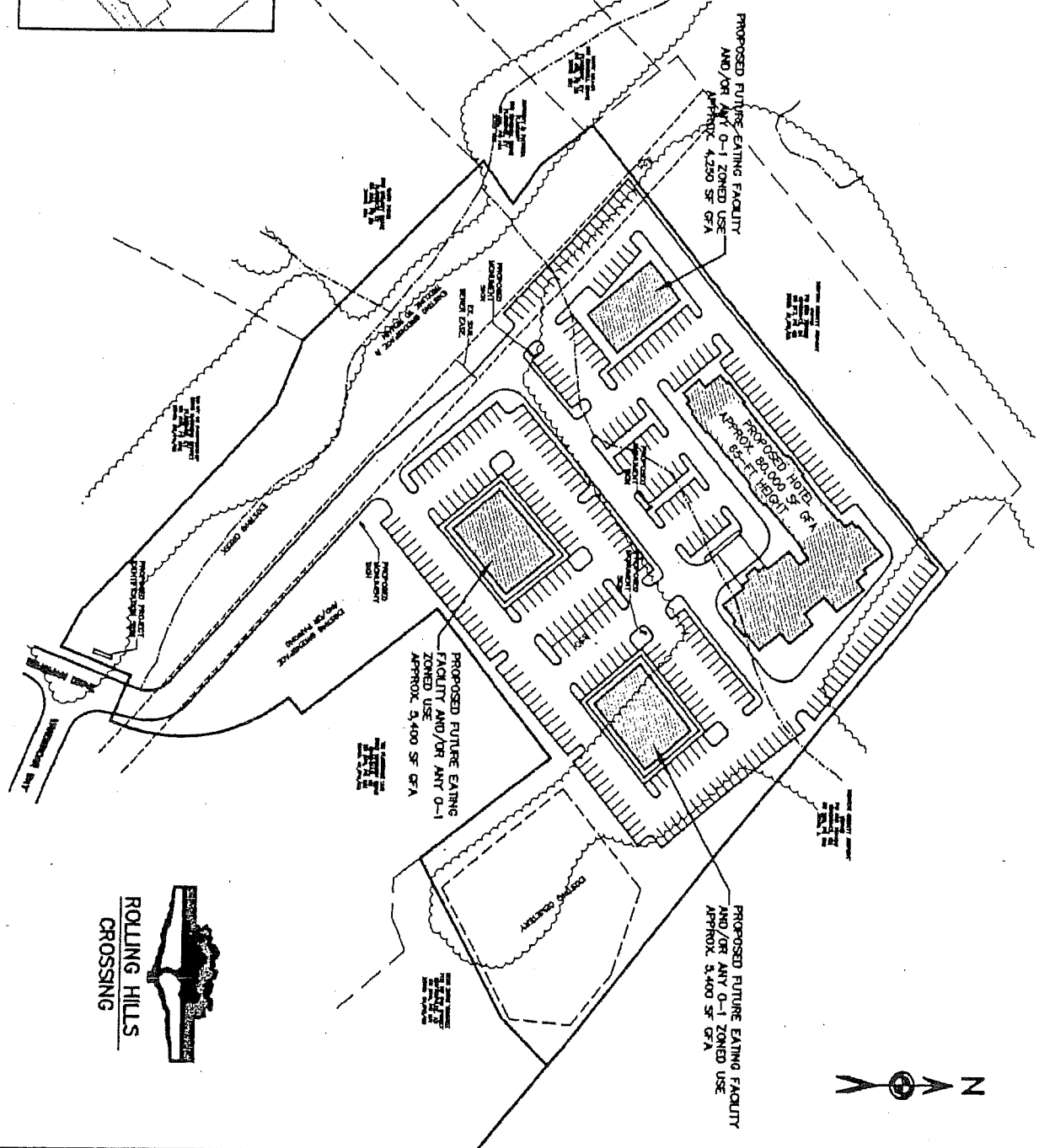
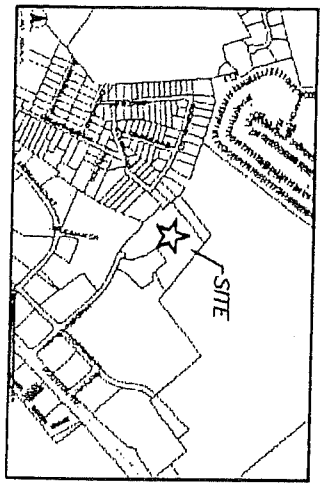
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED 4 FOR PROJECT \_\_\_\_\_ ABSENT  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

- TOTAL AREA: 8,996 ACRES
- CURRENT ZONING: O1/PD/OD
- OWNER: V.H. FLORENCE, LLC
- INTERIOR PARKING AISLES TO BE PRIVATE AND CIRCULATION TO BE PER BOONE COUNTY ZONING REGULATIONS
- EXISTING TREELINE BORROWING GREENVIEW SUBDIVISION SHALL REMAIN

- CHANGE IN CONCEPT DEVELOPMENT NOTES:**
- DEVELOPMENT SHALL ABIDE BY CONDITIONS SET FORTH BY BEARING - CITY OF FLORENCE SETTLEMENT AGREEMENT RECORDED DEC. 17, 1998 IN THE BOONE COUNTY CLERK WITH THE EXCEPTION OF THE FOLLOWING REQUESTED MODIFICATIONS:
  - REQUESTED MODIFICATIONS FROM APPROVED CONCEPT DEVELOPMENT PLAN & SETTLEMENT AGREEMENT:
    - SETTLEMENT CONDITION B.2: TO ALLOW PROJECT IDENTIFICATION SIGN AT ROLLING HILLS CROSSING ENTRANCE TO BE LOCATED AT SELSKAN & VANDERCAAR DIVERSION, AS SHOWN ON CONCEPT SETTLEMENT CONDITION B.3. TO ALLOW 6% TRUCK ROUND MOUNTAIN STORAGE OUT-LOT.
    - SETTLEMENT CONDITION C: TO ADD HOTELS AND HOTELS INCLUDING CONVENTION FACILITIES TO LIST OF PERMITTED USES
    - ZONING MAP AMENDMENT CONDITION B: BE WITHDRAWN TO ALLOW STANDARD O-1 INTENSITY OF 14,000 SF/AC

- WALKER REQUEST NOTES:**
- WALKER OF O-1 MAXIMUM HEIGHT REQUIREMENT OF 45' TO ALLOW FOR 65' HOTEL. PERSONAL APPROVAL BY KENTON COUNTY AIRPORT BOARD



SHEET: 1 OF 2		DATE: 11/27/06		DRAWN BY: JLD		CHECKED BY: JLD		PROJECT: ROLLING HILLS CROSSING		DEVELOPER: ROLLING HILLS HOSPITALITY 437 LEWIS HARGETT CIRCLE LEXINGTON, KY 40503	
REVISIONS		DESCRIPTION		DATE		BY		NO.		CONCEPT DEVELOPMENT PLAN	
1		CONCEPT DEVELOPMENT PLAN		11/27/06		JLD		1		CHANGE IN APPROVED CDP	
2		CONCEPT DEVELOPMENT PLAN		11/27/06		JLD		2		ROLLING HILLS CROSSING	

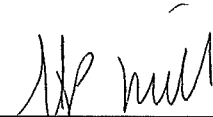
**City of Florence, Kentucky Special Condition of Approval  
For  
A Change In An Approved Concept Development Plan On A  
8.95 Acre Site Located At The Terminus of Vandercar Way West  
Of 7625 Doering Drive (Super Wal-Mart)  
Rolling Hills Hospitality (Applicant), Vandercar Holdings (Owner)**

The undersigned on behalf of Vandercar Holdings, as owner, hereby agrees to the following Special Condition of Approval placed on this Change in an Approved Concept Development Plan by the City of Florence, Kentucky. The property to which this Special Condition of Approval applies is located at the terminus of Vandercar Way to the west of 7625 Doering Drive (Super Wal-Mart). The request would allow for a hotel, restaurants and other uses permitted by the O-1/PD zone.

1. The applicant and owner/operator of the proposed hotel hereby agree to perform the required perpetual maintenance to the existing cemetery on the 8.95 acre project site.

12/13/06

Date



Signature of Owner

January 19, 2007

**VIA IN-HOUSE:**

Project Manager Peter Glenn  
Florence Public Services  
Florence Government Center  
Florence, KY 41042

Chief Tom Szurlinski  
Florence Police Department  
Florence Government Center  
Florence, KY 41042

Chief Marc Muench  
Florence Fire/EMS Department  
Fire Station 3, 1152 Weaver Road  
Florence, KY 41042

Director Bob Townsend  
Florence Public Services  
Florence Government Center  
Florence, KY 41042

Boone County Property Valuation Administrator  
P.O. Box 388  
Burlington, KY 41005

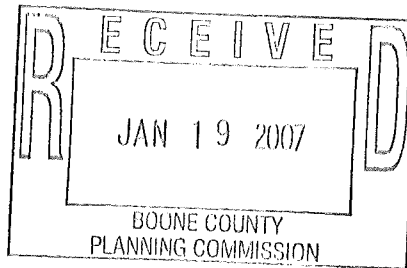
Chief Building Official Jim Key  
Boone County Building Inspection Office  
2950 Washington Street, Room 312  
P.O. Box 960  
Burlington, KY 41005

Boone County Judge/Executive Gary Moore  
P.O. Box 900  
Burlington, KY 41005

Manager, Administrative Services Vicki Myers  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Director James Staverman Boone Co. PSCC  
Florence Government Center  
Florence, KY 41042

Florence City Engineer Bill Viox  
Viox & Viox Inc.  
466 Erlanger Road  
Erlanger, KY 41018



Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. O-32-06 adopting and approving a change in an approved concept development plan in an office one/planned development(01/PD0 Zone for an 8.95 acre site generally located at the terminus of Vandercar Way and to the west of the property at 7625 Doering Drive(Wal-Mart), Florence, Kentucky, to allow a hotel, restaurants and other uses permitted by the current zoning. (Vandercar Holdings Property)

First reading of Ordinance No. O-32-06 was held on the 19<sup>th</sup> Day of December 2006. Second reading was held on the 9<sup>th</sup> Day of January 2007, and the full Ordinance was published in the *Boone County Recorder* on the 18<sup>th</sup> Day of January 2007 at which time the Ordinance became statutorily official.

If you require additional information, please contact me.

Sincerely,



Joseph A. Christofield, City Clerk

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance O-32-06 as same appears in the official records of my office.

Dated this 18<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
Joseph A. Christofield  
Florence City Clerk

**GENERAL NOTES:**

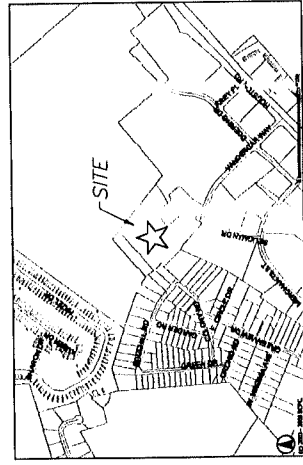
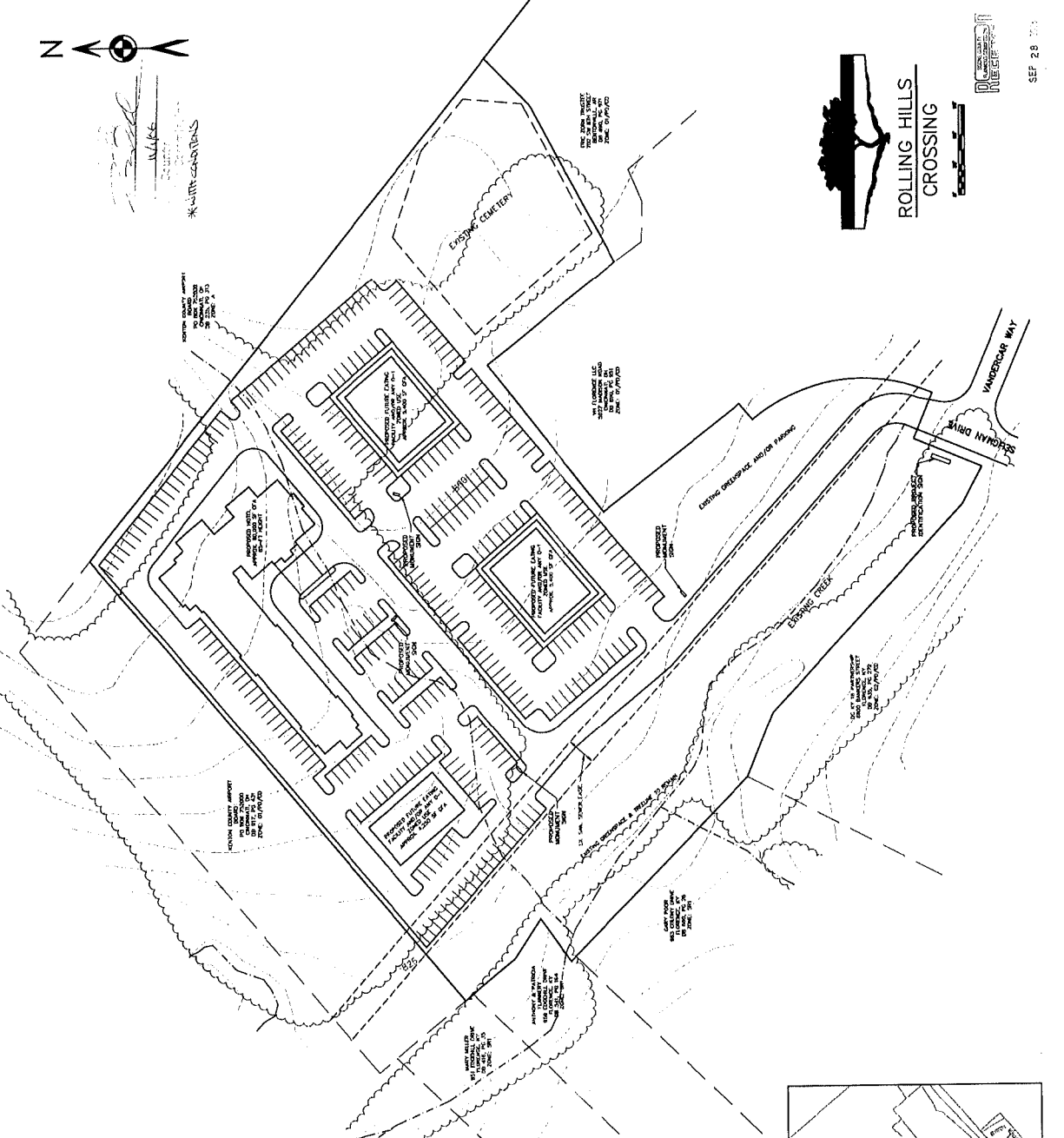
- TOTAL AREA: 8.856 ACRES
- CURRENT ZONING: O-1 PDC
- OWNER: ROLLING HILLS LLC
- ZONING REGULATIONS TO BE PER BOONE COUNTY ZONING REGULATIONS
- EXISTING TREELINE BORDERING GREENVIEW SUBDIVISION SHALL REMAIN

**CHANGE IN CONCEPT DEVELOPMENT NOTES:**  
 DEVELOPMENT SHALL ABIDE BY CONDITIONS SET FORTH BY BERLING - CITY OF FLORENCE SETTLEMENT AGREEMENT RECORDED DEC. 17, 1998 IN THE BOONE CIRCUIT COURT, WITH THE EXCEPTION OF THE FOLLOWING REQUESTED MODIFICATIONS:  
 - REQUESTED MODIFICATIONS FROM APPROVED CONCEPT DEVELOPMENT PLAN & SETTLEMENT AGREEMENT:  
 - SETTLEMENT CONDITION B.2: TO ALLOW PROJECT IDENTIFICATION SIGN AT ROLLING HILLS GROUND ENTRANCE TO INTERSECTION, AS SHOWN ON CONCEPT DEV PLAN  
 - SETTLEMENT CONDITION B.3: TO ALLOW 6'x7' LOW GROUND MONUMENT SIGNAGE FOR EACH BUSINESS, INSTEAD OF EACH OUT-LOT  
 - SETTLEMENT CONDITION C: TO ADD "HOTELS AND MOTELS INCLUDING CONVENTION FACILITIES" TO LIST OF PERMITTED USES  
 - ZONING MAP AMENDMENT CONDITION #6: BE WITHDRAWN TO ALLOW STANDARD O-1 INTENSITY OF 16,000 SF/AC

**WAIVER REQUEST NOTES:**  
 - WAIVER OF 0-1 MAXIMUM HEIGHT REQUIREMENT OF 45' TO ALLOW FOR 65' HOTEL, PENDING APPROVAL BY KENTON COUNTY AIRPORT BOARD



ROLLING HILLS  
 CROSSING  
 DEVELOPMENT PLAN



VICINITY MAP

		DEVELOPER: ROLLING HILLS HOSPITALITY 437 LEWIS HARGETT CIRCLE LEWINGTON, KY 40503	FLORENCE, BOONE COUNTY, KENTUCKY <b>ROLLING HILLS CROSSING</b> CHANGE IN APPROVED CDP CONCEPT DEVELOPMENT PLAN	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>9-28-06</td> <td>BMR</td> <td>REVISED CDP</td> </tr> </table>	NO.	DATE	BY	DESCRIPTION	1	9-28-06	BMR	REVISED CDP	CHECK BY: RHE SCALE: 1"=30' FILE: CDP-PLANS DATE: SEPT. 2006 DESCRIPTION: CONCEPT DEVELOPMENT PLAN DRAWING NUMBER: 23358 SHEET: 1 OF 1
NO.	DATE	BY	DESCRIPTION										
1	9-28-06	BMR	REVISED CDP										

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