

APPLICATION FORM

07-2000-CCDP-002-A



CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

OCT 4 2000

(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 Kingsgate Square
- 3. Location of Project Kentucky Highway 18
- 4. Total Acreage of Site 6.25
- 5. Current Zoning C-2 - O-2
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 9/5/90
- 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) NO
- 8. Proposed Uses (please specify each use) Mixed Retail, restaurant, office (Phase 2)
- 9. Proposed Building Intensities (please specify) Retail GFA = 16,500 sf ; Restaurant GFA = 4,700 sf ; Office GFA = 15,000 sf
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Mike Ziegler
Phone Number 859-586-8805 Fax No. 859-586-8834
- 13. Address of Applicant(s) 2940 Hebron Park Drive
Hebron, KY 41048
City State Zip
- 14. Name of Property Owner(s) John David
Phone Number 859-802-9601 Fax No. _____
- 15. Address of Property Owner(s) 852 Rosewood Drive
Villa Hills, KY 41017
City State Zip
- 16. Are there any existing buildings on the site? yes
How many? 2
- 17. Deed Book 833 Page No. 24,27,29 Group No. 2030
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)



07-2MA-002-A

APPLICATION FORM

OCT 4 2006

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Kingsgate Square
2. Location of Project Kentucky Highway 18
3. Total Acreage of Site 6.28
4. Current Zoning of Site C-2, O-2
5. Proposed Zoning (Classification being requested) C-2, O-2
6. Proposed Uses (please specify each use) Mixed retail, restaurant, office Phase (2)

- 7. Names of Applicant(s) Mike Ziegler
Phone Number 859-586-8865 Fax No. 859-586-8834
8. Address of Applicant(s) 2940 Hebron Park Drive
Hebron KY 41049
City State Zip

- 9. Name of Property Owner(s) John David
Phone Number 859-802-9601 Fax No.
10. Address of Property Owner(s) 852 Rosewood Drive
Villa Hills, KY 41017
City State Zip

- 11. Proposed Building Intensities (please specify) Retail GFA = 16,500 SF, RESTAURANT GFA = 4,700 GFA; Office GFA 15,000 SF

- 12. Are there any existing buildings on the site? yes
How many? 2

- 13. Deed Book 833 Page No. 24, 27, 29 Group No. 2030

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

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

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

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- X Boone County Water District
Florence Public Services Dept.
Duke Energy
X Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Mike Ziegler (applicant)** for **John David (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant)** for **John David (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

November 15, 2006

REQUEST

This request is for a Change in an Approved Concept Development Plan that is in both the C-2 and O-2 zones for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike and between both current dead ends of First Financial Drive. A zone change request for an approximate 0.5 acre area within the project site is also requested to realign the existing C-2/O-2 zoning boundary within the development along the center line of the proposed street connection. The current Concept Development Plan, which was approved in 1990 in conjunction with a zone change application from R and SR-2 to C-2 and O-2, includes a 1,950 square foot restaurant (Gold Star Chili), a 6,000 square foot restaurant, and a 3,500 square foot drive-through bank in the C-2 section along KY 18, and four professional office buildings totaling 26,500 square feet and a potential 5,000 square foot day care center in the O-2 section at the rear of the site. The C-2/O-2 zoning boundary runs along the centerline of east-west running access street, which has since been developed on both of the adjoining sites as First Financial Drive. The zone change is requested to realign the C-2/O-2 boundary because the exact street alignment has changed since the original Concept Development Plan approval, and a portion of the proposed retail area is within the current O-2 zone.

The submitted Concept Development Plan shows three retail buildings that are configured in a "U" pattern around the C-2 portion of the site along KY 18. The buildings contain 6,000 square feet, 8,000 square feet, and 7,200 square feet respectively (21,200 sf total; proposed intensity in this part of the site is 7,571 sf/ac). 4,700 square feet of the center 8,000 square foot building is proposed for a restaurant. The remaining space in all three buildings is for "mixed retail." A loading area is proposed along the rear of the 8,000 square foot building facing the First Financial Drive extension. A clock tower is proposed in the plaza area between the eastern-most and center buildings. No changes are

indicated for the existing Gold Star site other than the completion of the First Financial Drive alignment at its rear, although a drive-way connection to the Gold Star site's east boundary is shown. Building concepts were provided for the front elevations of the three retail buildings which illustrate storefront areas that have varying architectural treatments including fabric awnings and metal canopies, varying roof lines, and jogged entry points. A submitted narrative states that the primary building material is EIFS that will be accented by masonry, and that parapet walls will be provided on three sides of the buildings.

Two new access points are proposed along KY 18 in addition to the existing Gold Star access point. The center access point is a full access that is proposed to be divided with a median and have separate left and right turn exit lanes. The driveway serviced by this access point is proposed to run through the C-2 portion of the site to First Financial Drive and align with an access point for the O-2 portion of the development. This drive is flanked by landscape strips and it does not directly serve any parking spaces; parking areas adjoin the buildings on each side of this common drive. The second new access point is right-in/right-out only that is proposed near the east boundary of the site.

A 15,000 square foot office building is shown along the rear boundary of the O-2 portion of the site (proposed intensity in this part of the site is 4,310 sf/ac). No architectural concept was provided for this building. Parking is located to the front and sides of this building with a secondary access from First Financial Drive along the east boundary. A detention basin is shown in the western part of the O-2 area. A twenty five foot (25') buffer area is shown along the south and east boundaries where the site adjoins the SR-2 zone; this buffer area is effectively thirty feet (30') wide along the rear property line adjoining Kingsgate Crossing Subdivision when considering the building setback. All proposed buildings in the development are one story.

SITE HISTORY

As described above, the area that includes the subject site was conditionally rezoned from Recreation (R) and Suburban Residential Two (SR-2) to Commercial Two (C-2) and Office Two (O-2) in 1990 (that application was for 7.6 acres and included the Gold Star Chili site; Estes Barnes/David/Gold Star Chili Concept Development Plan, 9/5/06 Committee Report, and 10/16/06 Fiscal Court minutes are attached). In 2000, the 5.62 acre site to the immediate east was conditionally rezoned from Suburban Residential Two (SR-2) to Commercial Two (C-2) (Theissen/Beil Concept Development Plan, 3/15/00 Committee Report, and Ordinance #2000-13 are attached). In 2001, a Change in Concept Development Plan in a Public Facilities (PF) zone was conditionally approved for the 5 acre tract to the immediate west (Cintech/Goldsmith Concept Development Plan, 7/18/01 Committee Report, and Ordinance #01-19 are attached).

SITE CHARACTERISTICS

The site contains 6.28 acres and has approximately 380 feet of frontage on KY 18. There are two existing single family residences (abandoned) along the KY 18 frontage and the south part of the site is undeveloped. The two existing legs of First Financial Drive dead end into the east and west boundaries of the site. There is existing tree cover along the south and east boundaries of the site, a chain link fence line along the east boundary, second generation growth that is developing in the east part of the site, and several large trees adjoining the structures in the north part of the site. The high point of the site is near the First Financial Drive street stub along the east boundary at approximately el. 866, and the low point is approximately el. 844 along the rear/south property line. The overall topography of the site is relatively level, with southern part of the site being more rolling. The soil type on the site is Rossmoyne silt loam (RsB, RsC). Water and sanitary sewer service are available at the site.

ADJACENT LAND USES

The land uses and zoning in the immediate site include:

- A. A bank and remaining undeveloped commercial subdivision is located to the east (C-2), and a residence on a large estate lot is located to the southeast (SR-2).
- B. A single family residence on a large frontage lot and the YMCA facility are located to the north and northeast across KY 18 (R), and a undeveloped commercial lot is located to the northwest across KY 18 (C-2).
- C. Two office buildings and a undeveloped commercial lot are located to the west (PF).
- D. A subdivision of detached, single family residences is located to the south (Kingsgate Crossing; SR-1 and SR-2).

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. This section of Boone County contains Burlington, part of new KY 237, and a significant portion of KY 18. KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. Intersections along KY 18 should continue the existing pattern of spacing of major access points of approximately 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway ("13. Burlington Area," pg. 150).
- B. The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the residential development occurring along the Rogers Lane corridor. All development along the south side of KY 18 toward Burlington must use Access Management, including parallel roads, shared curb cuts, and adequate turning-lane provisions in order to maintain safety on this high volume route. This area provides another excellent opportunity for a TOD featuring high density residential and employment opportunity due to the intersection becoming a major crossroads in the county. This development should connect to Camp Ernst Road and include improvements to that road ("13. Burlington Area," pg. 151).
- C. The intersection area of KY 18 and KY 237 is a high visibility area that already has an office orientation. The Kentucky Transportation Cabinet plans an urban interchange for this location, where KY 18 would be a free-flowing route, and KY 237 would have an elevated intersection over the top of KY 18. Because of the central location, and the importance of the area, and the urban nature of the future road system, this area may be more suitable for a mix of office and commercial, rather than residential. Proposed development at this high visibility, central location should not be all retail, and should be comprised of at least one-half office ("13. Burlington Area," pg. 152).

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 must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site

distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor . . . ("Design, Signs, and Historic Preservation," pg. 142).

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 (823) is expected to increase from 6,305 in the year 2000, to 8,418 in 2010, and to 9,436 in 2020 (pp. 24 and 25).

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

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points ("Recommended Areas of Commercial Activity, pg. 63).
- B. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the

projected high and medium density residential development to form a more coherent community and create neighborhood centers rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area ("Recommended Areas of Commercial Activity, pg. 63).

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

- A. The undeveloped land on the southwest quadrant of KY 18 and KY 237 would be an excellent site for a transit-oriented, mixed-use planned development, even with the planned future urban interchange at this location. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Geographic Housing Issues, Florence-Burlington Area," pg. 79).

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued and supported through incentives ("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. 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).

- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).
- Q. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts ("Transportation," 3rd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

The Transportation Plan identifies a planned project (#13 on pages 5-4 and 5-5) at the KY 18/KY 237 intersection described as "increase intersection capacity by adding lanes on northbound and southbound approaches to provide separate left turn, through and right turn movements. Potential for CMAQ funding."

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. As discussed above, the Future Land Use Map designates the site for Commercial (C) uses. Regarding the area at large, the Land Use Element states "KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. Intersections along KY 18 should continue the existing pattern of spacing of major access points of approximately 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway."

The Land Use Element states about this specific area "the south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the residential development occurring along the Rogers Lane corridor. All development along the south side of KY 18 toward Burlington must use Access Management, including

parallel roads, shared curb cuts, and adequate turning-lane provisions in order to maintain safety on this high volume route.”

The Land Use Element text is reinforced by the Business Activity Element, which states “commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18” and “commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas.”

In brief, the Comprehensive Plan text advocates: turn lanes, the use of parallel roads, such as the developing First Financial Drive, and other access management provisions; mixed use development which is sensitive to traffic impacts, visual impacts, and buffering; and clustered commercial development which is limited in scale and serves the immediate area. The text does not support what is described as “strip commercial development.” These same basic tenets are also supported by the Goals and Objectives. For the proposed zone change, the governing bodies will also need to determine whether the proposal fulfills either of the alternate statutory findings.

2. As stated above, the site is subject to supplemental conditions of approval from the 1990 zone change request (refer to 9/5/90 Committee Report). Staff offers the following comments regarding the proposal as it relates to these conditions, the current Comprehensive Plan, and code requirements.

Condition 1: This condition requires a 6 foot high wooden fence in the 15 foot buffer yards that were required at the time along the south, east, and west boundaries of the site. Article 37 of the zoning regulations now requires Buffer Yard C (25' with specified plantings along the south and east boundaries; the site to the west has since been approved for commercial/office uses). Based on the current site conditions and updated policies, Staff recommends that the buffering along the south and east boundaries adjoining residentially zoned properties include the retention of the healthy, existing trees along these property lines (and fencing where it exists in the tree lines) and around the retention area, that the Buffer Yard C plantings be provided in addition to the retained vegetation and the required

evergreens be increased in quantity from eight to twelve per 100 linear feet (new plantings would all be evergreen trees), and that the evergreen tree planting size be increased from 6 feet to 8 feet. Additionally, the new plantings could be placed on "oblong mounds" similar to those provided on the adjoining office building to the west (refer to condition 6 in the 7/18/01 Cintech Committee Report).

Related to general buffering issues but not part of Condition 1, Staff is concerned with the potential for light pollution onto the adjoining residential properties. To avoid this potential, Staff recommends that any freestanding light masts on the office lot be kept north of the front building line (between the front of the building and the First Financial Drive extension) and that the mast height be limited to 15 feet maximum. Staff also recommends that all lighting on this lot be shielded and directed away from the adjoining residential zones, and that architectural grade fixtures that correlate to the building designs be opted. Relative to lighting levels, Condition 7 of the Concept Development Plan approval for the adjoining tract to the west requires a 0.0 footcandle measurement along the residential adjacencies (refer to attached 7/18/01 Cintech Committee Report).

Condition 1 also has a general statement regarding the street frontage landscaping along KY 18. The minimum required 10 foot street frontage landscape area along KY 18 is not provided on the east part of the road frontage on the current proposal.

Condition 2: This condition states that all O-2 area buildings shall be limited to one story and that any two story buildings shall be located near the center of the site only. All buildings in the development are one story.

Condition 3: This condition includes buffering and Conditional Use Permit stipulations for the day care center shown on the 1990 Concept Development Plan. There is no day care in the current proposal.

Condition 4: This condition states that "the architecture of the proposed office buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping." As a point of reference, very comparable architectural design is required for all of the buildings in the developments to both the east and west (refer to condition 3 in ordinance 2000-12 and conditions 2 and 3 in 7/18/01 Cintech Committee Report). No details have been provided regarding the design of the one office building now proposed, but concept front elevation drawings and a written narrative were provided regarding the design of the retail buildings. These buildings are proposed to be EIFS with some supplemental masonry, and have single sloped roofs with parapet walls on three sides. Based on the Comprehensive Plan's direction regarding visual impacts in this area and the applicable conditions for this site and the adjoining sites, the

design proposal for the retail buildings is not commensurate with the established standards or expectations. In addition to lacking the pitched roof form and predominant brick material, the fourth side of each retail structure would not be finished to the same level as the other three facades although all elevations would be visible from public vantage points.

Staff's recommendation is to continue the established theme for all buildings on the site (retail and office phases), which would include a "finished" residential appearance on all sides, the use of a pitched roof form over the entirety of each structure (no mansard style roofs or roof mounted equipment screens), and natural tone, actual brick as the prevalent building material - these basic cosmetics can also be applied to any freestanding/monument signs. A monument style sign should also be considered for any project identification sign for the commercial phase to further the "residential appearance" (freestanding signs must be monument style in the O-2 zone at the rear of the site). The buildings on the adjoining sites can be used as prototypes for the buildings on this site and can be referenced in any conditions. Varying storefront schemes with awnings or arcades as outlined in the submitted materials could still be incorporated into the retail buildings while following the recommended design program.

Condition 5: This condition requires "every effort" to be made to retain four mature trees on the "Barnes" tract. Although every specific tree intended to be retained by this condition is not clear, this whole part of the site is proposed to be developed and would not retain any existing vegetation except for perhaps in the perimeter area.

Condition 6: This condition states that the proposed restaurant (not Gold Star, but the one which was never developed) would not be a fast-food facility, but could have a pick-up window if approved by the Board of Adjustment. The restaurant shown in the retail area is not proposed to have any sort of drive-through or pick-up window.

Condition 7: This condition requires that no parking spaces be located along major interior drives. The proposed plan complies with this condition.

Condition 8: This condition states "the existing Gold Star curb cut and median cut shall be removed at such time as the main site access drive is constructed." This condition is not met as the submitted plan shows two new access points on KY 18 (divided, full access in the center of the site and right-in/right-out near the eastern boundary) in addition to the access point and median opening remaining for the Gold Star site, which is not part of this application. Additionally, the Kentucky Transportation Cabinet has commented (refer to attached 10/16/06 e-mail from Ed

Thompson, Permit Supervisor) that the main entrance into the development can not be approved by that agency due to spacing constraints. Closure of the Gold Star access per the original condition may or may not change this situation. The applicant has already been informed of this issue.

Based on the total road frontage of the site including the Gold Star lot (subject site has approximately 385' of frontage and the Gold Star site has approximately 200'), the zoning regulations allow a maximum of two access points on KY 18 in contrast to the three shown. On its own, the subject site is permitted one access point (Section 3221 permits a site one access point per 500' of frontage). Additionally, Table 32.1 requires a minimum drive spacing of 275 feet on arterial roadways (the two access points on the subject site are approximately 240 feet apart, and the main center drive is approximately 155 feet from the Gold Star drive - both dimensions are straight lines between edges of pavement at the right-of-way line). Section 3239 does permit the Planning Commission to "reasonably waive or modify" access management requirements if "such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations." Further, a left turn lane on KY 18 is shown for the main center access point (required by condition 10 discussed below). A right turn lane also needs to be evaluated, which would be more feasible with the removal of the Gold Star access as already required.

Condition 9: This condition states that the minimum buffer yard along the east property line between KY 18 and the "proposed main connector drive" (now First Financial Drive) follow the zoning regulations and it also outlines shared access provisions with what is now the Boone National Bank site to the east. The submitted plan demonstrates that the required buffer yard is met, and the shared access provisions are moot based on the approval of the Thiessen/Biel zone change.

Condition 10: This condition requires the two existing median cuts that serve the residences that will be demolished to be removed with the construction of the right-in/right-out access drive, and requires the construction of the west bound turn lane mentioned above. The improvements required by this condition are shown on the submitted plan.

3. The application forms describe the proposed uses on the site as "mixed retail" and "restaurant" for the northern phase and "office" for the rear phase. To provide a clear definition of the permitted uses and avoid unforeseen and/or undesirable impacts (the commercial uses currently permitted are narrowly defined), Staff recommends that: the uses in the commercial phase be limited only to the proposed restaurant and retail and office uses that are principally permitted in the C-2 zone;

the uses in the office phase be limited only to office uses that are principally permitted in the O-2 zone; and that the restaurant seating in the courtyard area is the only permitted outdoor activity, aside from parking and loading/unloading.

4. The provision of sufficient on-site parking for individual parts of the site needs to be considered by the governing bodies. While sufficient parking would be provided for the overall site (both phases combined) based on the information provided, some of the parking would be shared on an "off-site" location (a portion of the restaurant parking is proposed on the office lot across the street extension). Although this is permissible under the zoning regulations, it is not always practical due to inconvenience or confusion on the part of patrons, especially when the off-site parking is not immediately visible, as would be the case for this development. Also, if the site for the west retail building was subdivided onto its own lot, then the bare minimum amount of parking permitted for a retail building would be provided. This could (and not necessarily would) cause temporary parking shortages if the building contained businesses which have concentrated peaks.
5. For informational purposes, Staff has the following comments on specific requirements of the zoning regulations.
 - A. A loading area is proposed along the rear of the center retail building and directly facing First Financial Drive. This area must be screened in accordance with Section 3735 of the zoning regulations. This screening may be combined with the landscaping required in Section 3720. Also, the hammerhead turn-around at the south end of the parking area for the west retail building is within the 10 foot minimum street frontage landscape area along First Financial Drive required by Section 3720.
 - B. A drive-through pick-up window is apparently shown along the west facade of the center retail building. If such a facility is intended, it is subject to the requirements in Section 3155.
 - C. Comparable to the adjoining developments to the east and west, a sidewalk is required to be constructed along the site's KY 18 frontage per Section 3208.
6. The Burlington Fire Protection District provided comments on this proposal. The District questioned if the pavement and entrance drive in the development would be able to accommodate their largest apparatus, and whether the parking areas would be designed to allow this apparatus to adequately maneuver on the site (refer to attached 10/12/06 letter from Shaun Klaserner, Assistant Chief).

7. The Boone County Sheriff's Office has stated that it has no objections to this proposal (refer to attached 10/16/06 e-mail from Lt. Col. Robert Reuthe).
8. The two story house at 2325 Burlington Pike is a circa 1880 structure that was documented by the countywide historic structures survey in 1993. The Boone County Historic Preservation Review Board has asked permission to document the structure and salvage any usable historic building materials prior to demolition (refer to attached 11/13/06 e-mail from Matt Becher, Rural/Open Space Planner).
9. The Boone County Engineer, Boone County Water District, and Sanitation District #1 were 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

These requests need to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the Comprehensive Plan, the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations for the proposed zone change, 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 CDT
Director, Zoning Services

KTW/pr

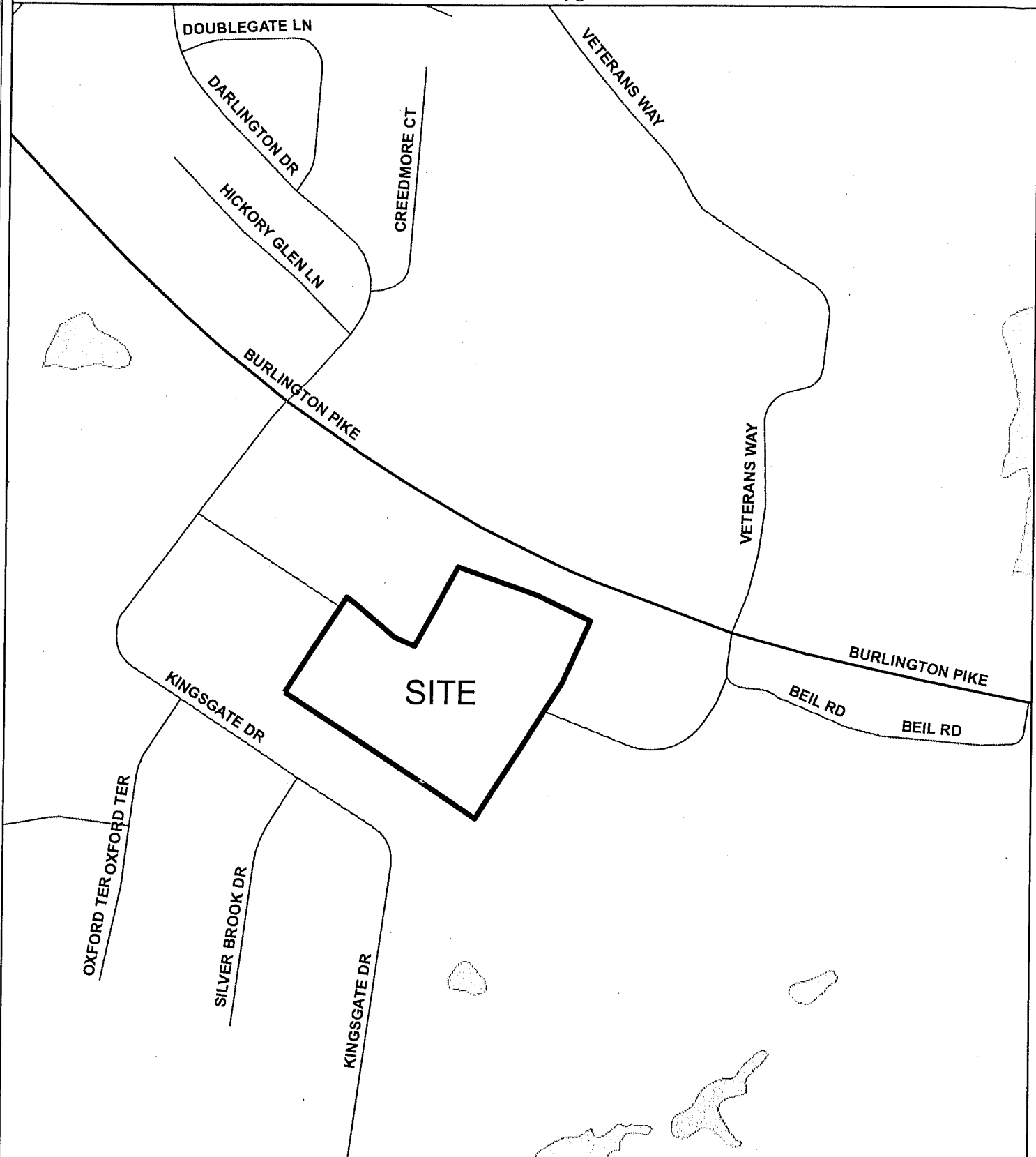
attachments:

- location map
- aerial photo w/zoning
- Future Land Use Map excerpt
- topographic map

- Estes Barnes/David/Gold Star Chili Concept Development Plan, 9/5/90 Committee Report, and 10/16/90 Fiscal Court minutes
- Theissen/Beil Concept Development Plan, 3/15/00 Committee Report, and Ordinance #2000-13
- Cintech/Goldsmith Concept Development Plan, 7/18/01 Committee Report, and Ordinance #01-19
- 10/16/06 e-mail from Ed Thompson, Permit Supervisor, Kentucky Transportation Cabinet, District 6
- 10/12/06 letter from Shaun Klaserner, Assistant Chief, Burlington Fire Protection District
- 10/16/06 e-mail from Lt. Col. Robert Reuthe, Boone County Sheriff's Office
- 11/13/06 e-mail from Matt Becher, Rural/Open Space Planner
- application materials including Concept Development Plan

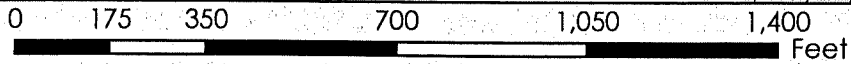
Location

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1 Inch equals 352 feet

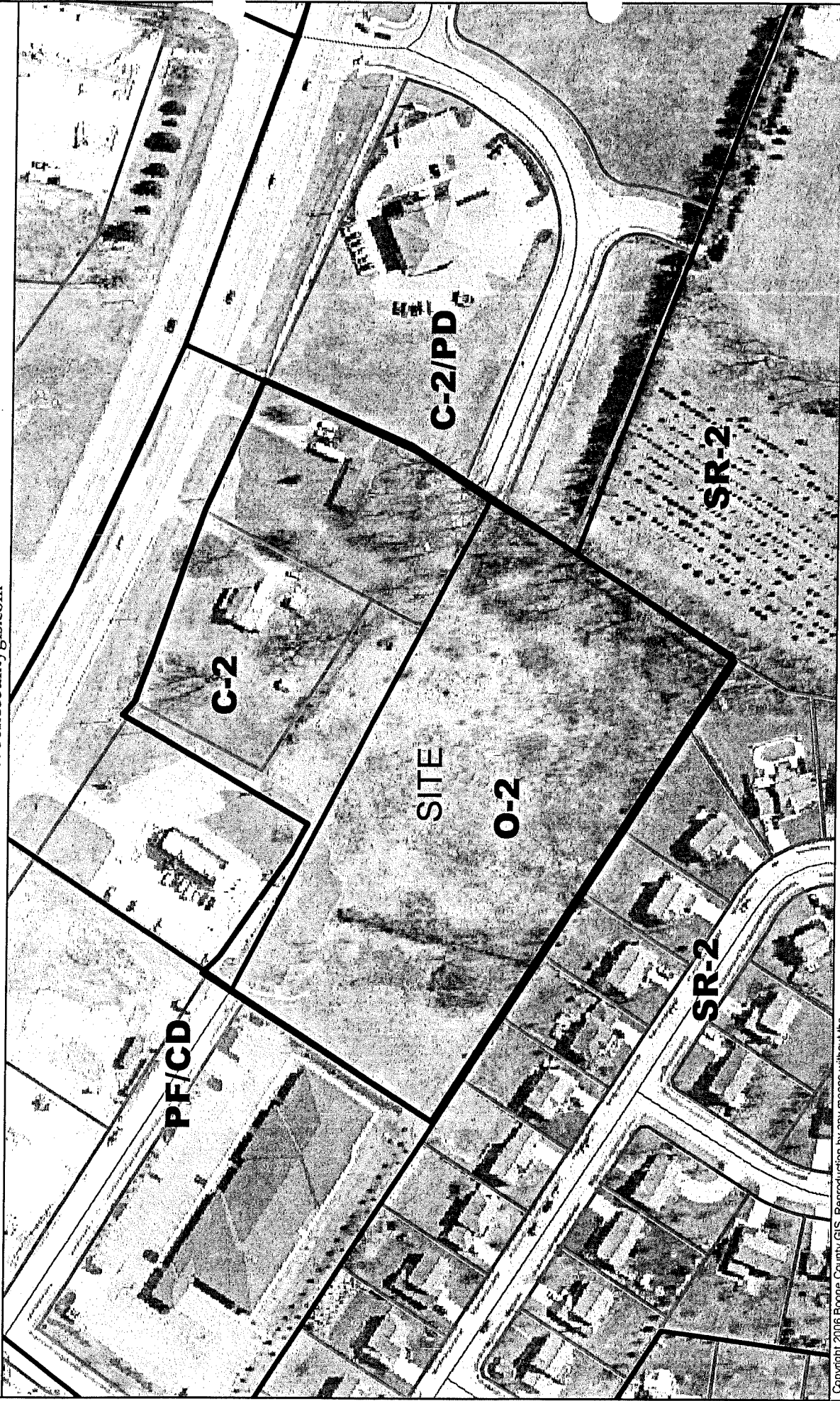


Boone County GIS - Putting Northern Kentucky on the Map

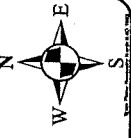


Zoning

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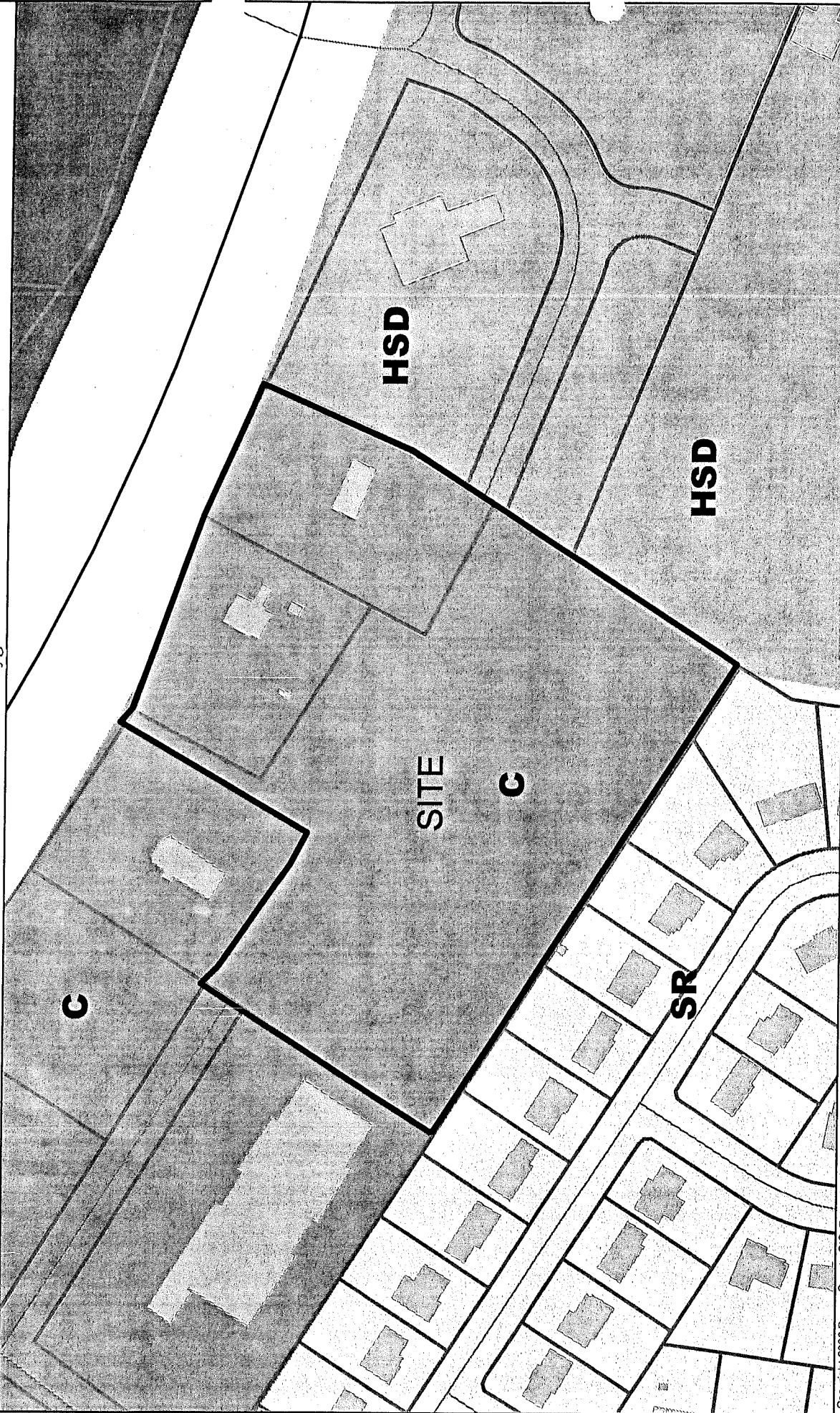
Boone County GIS - Putting Northern Kentucky on the Map



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Future Land Use

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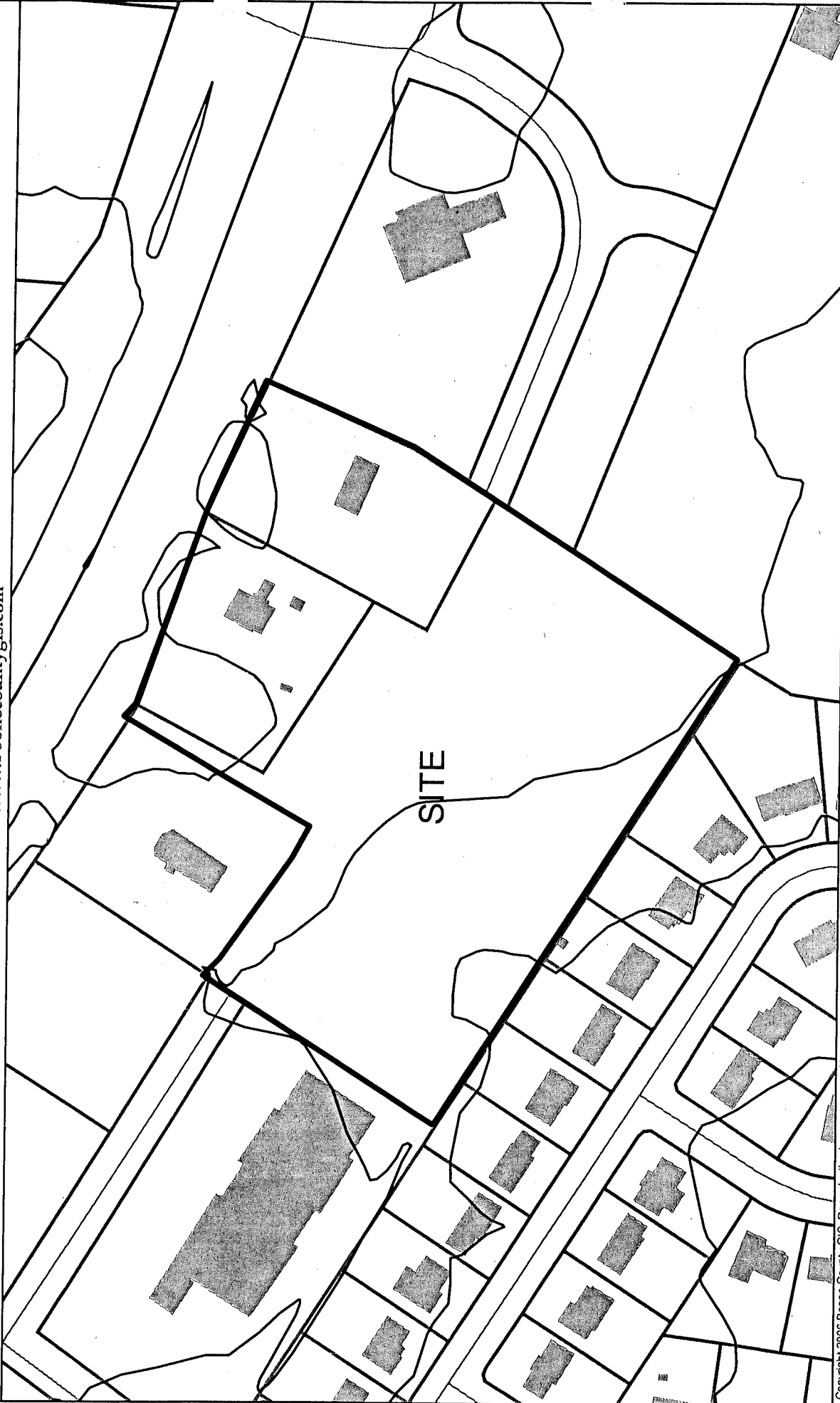


Boone County GIS - Putting Northern Kentucky on the Map



Topography

www.boonecountygis.com

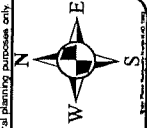


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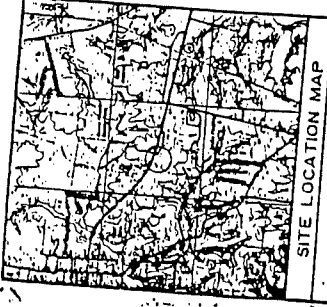
Boone County GIS - Putting Northern Kentucky on the Map



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1990 ESTES-DAVID-GOLD STAR PLAN

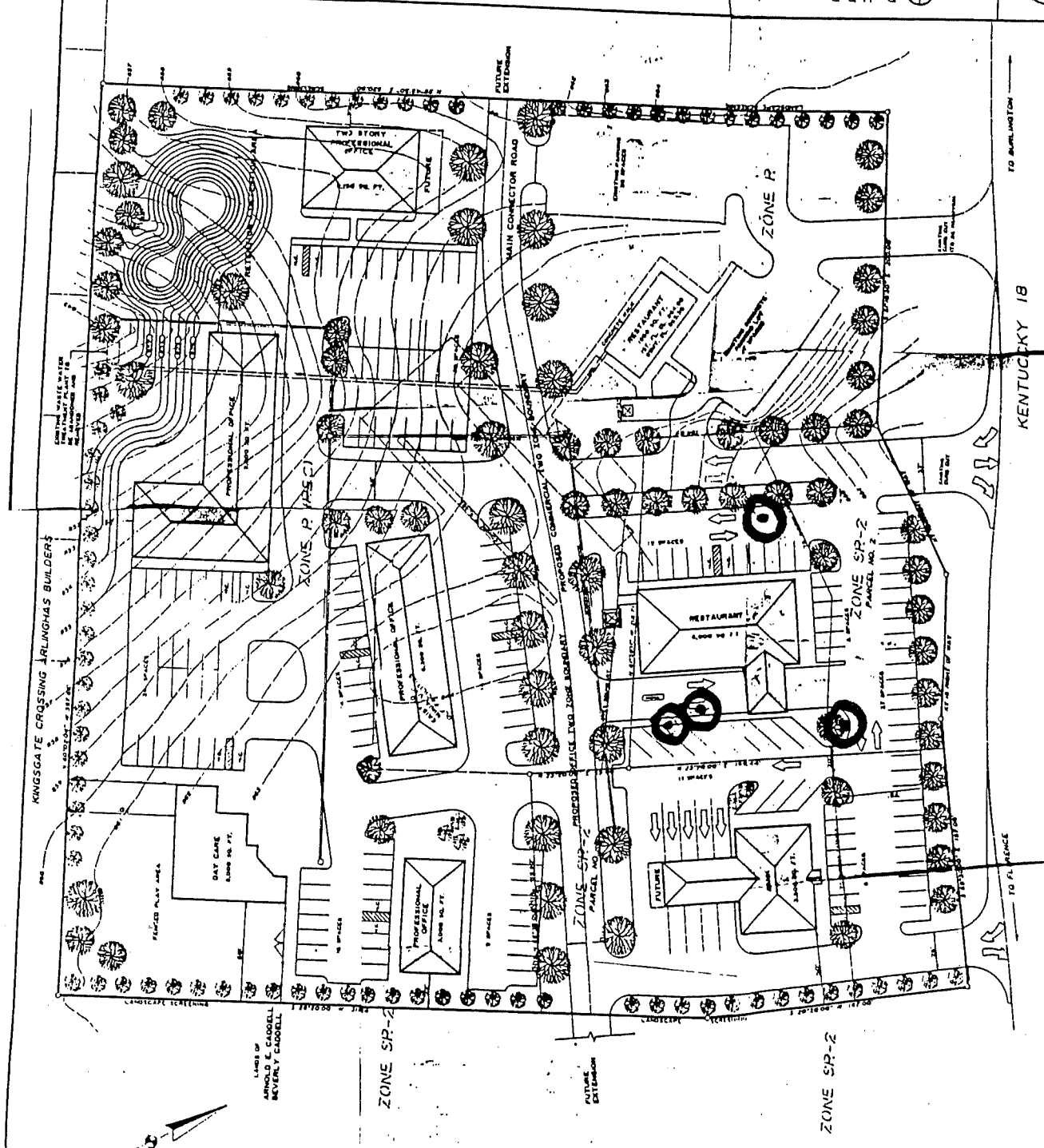


* SCHEDULE OF STATISTICS

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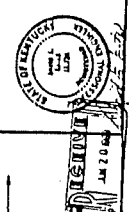
NOTE: THE INFORMATION SHOWN HEREON IS BASED UPON EXAMINATION OF RECORDS AT THE BOONE COUNTY CLERK'S OFFICE OF RECORDS AT THE BOONE COUNTY, KENTUCKY AND INFORMATION PROVIDED BY THE OWNER. THIS DOES NOT REPRESENT AN ACTUAL FIELD CADASTRAL OR TOPOGRAPHIC SURVEY CONDUCTED BY DAVID E. ESTES ENGINEERING CORPORATION.

EXISTING UTILITY OWNERS:
 KENTUCKY BELL TELEPHONE TELEPHONE
 UNITED LIGHT, GAS AND POWER GAS, ELECTRIC
 BOONE COUNTY WATER & SEWER COMMISSION WATER, SEWER
 KENTUCKY POWER CO. POWER



GOLD STAR CHILI INC.
 KENTUCKY 18 (BURLINGTON PIKE)
 BURLINGTON, KENTUCKY 41002

CONCEPT DEVELOPMENT PLAN
 DAVID E. ESTES ENGINEERING CORPORATION
 1000 W. MAIN ST., SUITE 100
 BURLINGTON, KY 41002



⊙ = Exist. mature trees

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom

DATE: September 5, 1990

RE: Request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6 acre site located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 25, 1990, Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following conditions:

Findings of Fact

1. Although the 1990 Boone County Future Land Use Map indicates High Suburban Density residential for most of the site, the Committee believes that the proposed development accomplishes the overall intent of the Comprehensive Plan for the area along Ky 18. The request is consistent with the Land Use Element text that recommends against strip commercial development along Ky 18, and recommends a transition from commercial uses into existing and planned residential uses. In the Committee's opinion, the proposed office development, as modified by the attached conditions, constitutes the low impact type of land uses called for in the Comprehensive Plan. The Land Use Element recommends an innovative mixture of local commercial, office and High Suburban Density residential uses to provide a transition into lower density residential. This project provides some of this mixture of uses, and its design allows adjacent properties to do the same. The project, as modified by the attached conditions, minimizes the potential negative impacts of business uses being located next to residential uses. The request is also consistent with the 1990 Comprehensive Plan's recommended access spacing along Ky 18.
2. The Committee believes that the requested zoning of Office Two (O-2) is appropriate for the rear half of the development because it would buffer the restaurant uses from the residential uses. The existing zoning of Recreation (R) is inappropriate because of the noise and light impacts on adjacent properties that are developing as residential. The requested Commercial Two (C-2) zoning along Ky 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east, and is consistent with a similar establishment across Ky 18. The Committee also believes that the current single-family residences on the site are not appropriate along Ky 18 and that, therefore the current zoning of Suburban Residential Two (SR-2) is not appropriate as reflected by the current uses.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 7/25/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Because the site immediately adjoins established single-family residential areas, the Committee believes that increased buffering is necessary. A six-foot high wooden fence shall be included with the required 15 foot landscaped buffer area along the east, south, and west edges of the site, south of the proposed connector drive. The fence and buffer area shall be installed at the beginning of construction of the office and potential day care development. Detailed landscaping plans for the buffer area shall be submitted at Site Plan Review. The proposed professional office buildings shall contain a minimum setback of 30 feet on the east, south, and west property lines to soften the visual impact of the rear of the proposed buildings. The landscaped strip between the KY 18 right-of-way and parking areas shall be consistent in width and scale of plantings with that shown on the submitted Concept Plan.
2. All buildings on the perimeter of the requested Office Two zone shall be no higher than one story. Any two-story buildings shall be located near the center of the site only.
3. The required 15 foot buffer area around the proposed day care facility is in addition to the proposed play area and shall not be a part of the play area. The proposed day care is a conditional use in the Office Two Zone and is subject to review by the Boone County Board of Adjustments.
4. As presented by the applicant at the 7/25/90 Public Hearing, the architecture of the proposed office buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping.
5. Every effort shall be made to retain four mature trees existing on the Barnes tract in order to soften the commercial appearance along KY 18.
6. The proposed restaurant shall not be fast-food in nature, but a sit-down restaurant could potentially have a pick-up window if approved by the Board of Adjustments.
7. As shown on the submitted plan, no parking stalls shall be located on the major interior drives. The realignment of interior drives, and redesign of the proposed restaurant and bank sites may be required at Site Plan Review.
8. The existing Gold Star curb cut and median cut shall be removed at such time as the main site access drive is constructed.
9. The area along the east property line between KY 18 and the proposed main connector drive shall meet the minimum buffer yard requirements of the

Boone County Zoning Regulations, unless a Variance is granted by the Board of Adjustments. Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway.

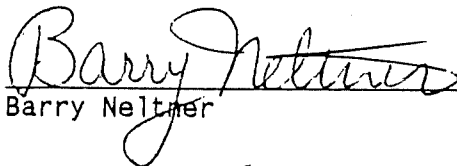
10. The two KY 18 median cuts that currently serve the existing residences shall be removed with the construction of the proposed right-in, right-out access drive. A west bound left-turn lane on KY 18 shall be constructed at the main entrance drive when that drive is constructed.

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.

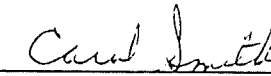


Phil Damstrom, Chairman

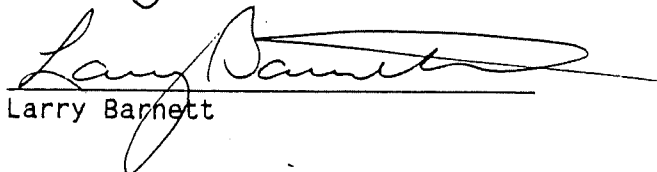
Rector Jones



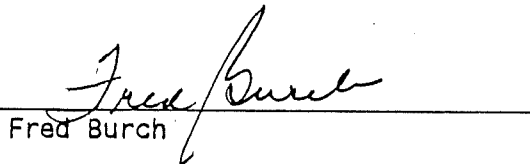
Barry Neltner



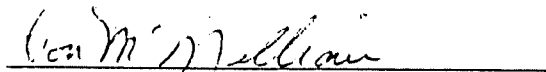
Carol Smith



Larry Barnett



Fred Burch



Donald McMillian

PD:mcb

MINUTES
BOONE COUNTY FISCAL COURT
OCTOBER 16, 1990
5:30 P.M.

Commissioner Patrick moved, seconded by Commissioner, to authorize preparation of the specifications for the conversion of the current porch into a pro shop. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve the general design of the proposed addition to the club house as presented at the caucus meeting. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM IV. RETURN TO ORDINANCES & RESOLUTIONS

ORDINANCE 920.214 - ESTES/BARNES/DAVID

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve on second reading Ordinance 920.214, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by David E. Estes Engineering (Applicant) for Lucille Barnes, John David, and Teresa David (Owners) and such map amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili Restaurant, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-34-90. Commissioner Davis called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

ITEM V. PERSONNEL MATTERS

Commissioner Davis advised there were no personnel matters to come before the court at this time.

ITEM VI. JUDGE'S REPORT

PROCLAMATION - HIGHER EDUCATION WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve a proclamation declaring the week of October 14-20, 1990 as "Higher Education Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

PROCLAMATION - SCHOOL LUNCH WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve a proclamation declaring the week of October 15-19, 1990 as "School Lunch Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM VII. OLD BUSINESS

PROPOSED ANIMAL SHELTER POLICY

Mr. Crigler presented court members with a revised copy of the Animal Shelter Policy and noted the two changes involved the exclusion of the mandatory spay & neuter program and the adoption fees and asked that this item be placed on the agenda for the next regular court meeting.

FLORENCE PARK CARE

Mr. Crigler also advised the court that a ruling had been received from Judge Sam Neace grant judgement in favor of Boone County ordering Florence Park Care to fully comply with the terms

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Zimmer, Chairman

DATE: March 15, 2000

RE: Request of Timothy B. Theissen (applicant) for Marilyn C. Beil and Betty J. Beil (owners) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 5.62 acre tract located on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The request is for a zone change to allow a mixed use commercial development.

REMARKS:

We, the Committee, recommend denial of the above referenced Zoning Map Amendment application based on the following findings of fact.

Findings of Fact

1. The Committee has concluded that the Zoning Map Amendment and Concept Development Plan are not in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site in question for "High Suburban Density Residential" uses. This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, ..." The applicant has proposed a mixed use commercial development, with a bank and four other commercial/office buildings. This proposal is not in agreement with the "High Suburban Density Residential" designation.
 - B. The text of the Comprehensive Plan's Land Use Element (Area C-3: Burlington - KY 18 Area, pp. 220-222) states that "the south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the continuing residential development occurring off of the KY 18 corridor. All development along the south side of KY 18 toward Burlington must use access management, including parallel roads, shared curb cuts, and adequate turning lane provisions in order to maintain safety on this high volume route. This area provides another opportunity for a

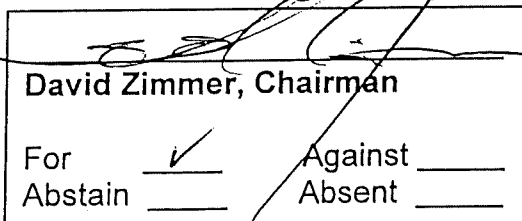
Transit Oriented Development (TOD) featuring high density residential and employment opportunity due to the intersection becoming a major crossroads in the county." The Committee has concluded that the development does not meet this language because there is no mixing of residential uses, no features of a TOD, or no transition to the residential developments occurring off of KY 18. The proposal is for a stereotypical commercial subdivision indicative of strip commercial development and not the innovative mixed development sought by the Comprehensive Plan.

- C. The applicant testified during February 23, 2000 Public Hearing that he was relying on the same findings of fact that were used for the adjacent Gold Star Chili Development. The Committee has concluded that the findings of fact that were used for the Gold Star Development are inappropriate for this project for several reasons: (1) The Gold Star Development was approved in 1990 and the Boone County Comprehensive Plan was updated in 1995. The 1995 update introduced the TOD language into the C-3 Area Land Use text. TODs are described as "mixed use communities within an average 2,000 foot walking distance of a transit stop and core commercial area. TODs mix residential, retail, office, open space, and public uses in a walkable environment, making it convenient for residents and employees to travel by transit, bicycle, foot, or car" (p. 202); (2) The 1990 Future Land Use Map also showed a portion of the Gold Star Development to be planned for Commercial uses.
- D. The Committee has concluded that the proposed development is not in accord with the "Areas of Future Commercial Activity" text and the following Goals and Objectives, from the 1995 Boone County Comprehensive Plan:
- i. "The mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18" (Areas of Future Commercial Activity, p. 82).
 - ii. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments" (Overall, Objective 2).
 - iii. "Appropriate locations for businesses compatible with the surrounding area are provided in Boone County" (Business Activity, Goal).
 - iv. "Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood (Business Activity, Commercial Objective 2). The Committee believes that this proposal does nothing to enhance the neighborhood because it commits a larger area to highway oriented commercial development and the need for an increased buffer.

2. Per KRS 100.213, the Committee found that proposed zoning classification of Commercial Two (C-2) was inappropriate due to wording found in the 1995 Boone County Comprehensive Plan. The Committee concluded that the proposed rezoning and its development plan, adjacent to the Gold Star Development, would extend commercial zoning along KY 18 and establish strip commercial development.

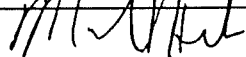
3. Per KRS 100.213, the Committee found that there have been no major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan. The Committee concluded that the location of the traffic signal, at the KY 18/Beil Road/Veterans Way intersection, does not constitute a major change because it was in place before the 1995 Comprehensive Plan was in effect.

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.



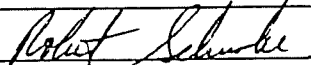
David Zimmer, Chairman

For Against _____
Abstain _____ Absent _____



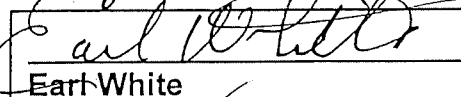
Mark Hicks

For Against _____
Abstain _____ Absent _____



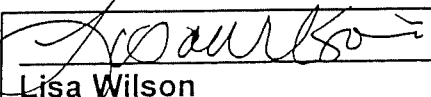
Bob Schwenke

For Against _____
Abstain _____ Absent _____



Earl White

For Against _____
Abstain _____ Absent _____



Lisa Wilson

For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-13

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT GRANTING THE REQUEST OF TIMOTHY B. THEISSEN (APPLICANT) FOR MARILYN C. AND BETTY J. BEIL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) ON A 5.62 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF KY 18 AT THE KY 18/BEIL ROAD/VETERANS WAY INTERSECTION, BOONE COUNTY KENTUCKY.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky, which is more particularly described below; and,

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

WHEREAS, the Boone County Fiscal Court, having reviewed the record established by the Planning Commission, grants the request for this Zoning Map Amendment, subject to certain conditions.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located along on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOKS 293, 157, 191, 310, and 311, PAGE NOS. 194, 98 185, 365, 336, and 11, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Except to the extent modified by Exhibit A, this approval is conditioned upon complying with the terms of the Concept Development Plan, as prepared by Bayer-Becker Engineers, dated January 04, 2000 and as presented to the Boone County Planning Commission, which is incorporated herein and the additional conditions which are attached hereto

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-13

and incorporated herein as Exhibit A. In addition, traffic from the site shall be directed the use the intersection of Beil and KY 18 at Veterans Way.

SECTION II

That as a basis for the granting approval of this Zoning Map Amendment the Boone County Fiscal Court finds from the record of the Boone County Planning Commission, that the request is consistent with the duly adopted Comprehensive Plan for the County of Boone, Kentucky. This development will fit in with mixed commercial and residential development planned for this area. Further, the development is compatible with the existing residential development in the area. The development also utilizes the "Access Management" techniques suggested in the Comprehensive Plan.

SECTION III

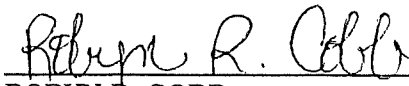
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

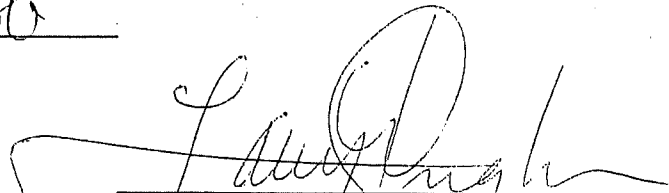
Introduced and given First Reading on the 16th day of May, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 16th day of June, 2000, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


ROBYN R. COBB
FISCAL COURT CLERK


LARRY CRIGLER
BOONE COUNTY ATTORNEY

6-15-2000
DATE PUBLISHED

CONDITIONS

1. This site must provide buffering as required by applicable regulations.
2. Building E at the southeast corner of the property shall be no higher than one story.
3. As presented by the Applicant at the February 23, 2000 public hearing, the architecture of the proposed buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping and shall be subject to architectural design review by Planning Commission.
4. No parking stall shall be located on major interior drives. The realignment of interior drives, and redesign of certain sites may be required at Site Plan Review.
5. The use of Building C may be any C-2 use except the following:
 - C-2 principally permitted uses: 3, 27, 29, 31, 33, 34 and 36;
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 2, 3, 6, 7 and 17
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1, 3 and 13
6. The use of Building B may be any C-2 use except the following:
 - C-2 principally permitted uses: 36: In addition, eating establishments without the sale of alcoholic or drive-thrus will be permitted.
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 6 and 7
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1
7. The use of Buildings A, D and E shall only include those uses as specified in O-1, specifically excluding principally permitted O-1 uses numbers, 1, 3 and 13.
8. The access street to the Caddell property as shown on the applicant's concept development plan shall be constructed by the applicant at such time as the main access street to the development is constructed to the point of intersection with the access street to the Caddell property.
9. Any future text amendments to C-2, C-1 or O-1 shall not apply to the proposed development.
10. A westbound left turn lane on KY 18 and an eastbound deceleration lane on KY 18 shall be constructed.
11. The access road onto Bell Road, east of the main entrance to the development shall be eliminated.
12. That the development shall be permitted signage consistent with C-2 zoning, except that any pole or monument sign shall be no higher than twenty (20) feet.

NOTE: All references to buildings, the proposed development and/or streets are as shown on the applicant's Concept Development Plan for First Financial Plaza prepared by Bayer Becker Engineers dated January 4, 2000.

30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places of religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY);
2. Garden and landscape sales including floral greenhouses, lawn furniture and the like;
3. Automotive repair facility and wash services for vehicles;

4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
5. Sale of satellite dishes;
6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
7. Mini-warehouses or storage facilities;

SECTION 1024 Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025 Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026 Minimum Standards

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

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SECTION 1020
COMMERCIAL TWO (C-2)
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The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchisee style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, Tv., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;

**ARTICLE
10
COMMERCIAL DISTRICTS
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SECTION 1000 Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

**SECTION 1010
COMMERCIAL ONE (C-1)**

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011 Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionary stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, T.V., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;

24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014 Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acre of land.

SECTION 1015 Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016 Minimum Standards

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

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SECTION 1110
OFFICE ONE (0-1)
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The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111 Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;
11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; (Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;

- 29. Recreation centers, gymnasiums and other related recreational facilities;
- 30. The retail sale of office supplies and equipment;
- 31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112 Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Automatic teller machines;
- 6. Single-family dwelling unit.

SECTION 1113 Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Child and adult care centers.

SECTION 1114 Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115 Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116 Minimum Standards

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

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

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2001 CINTECH-GOLDSMITH PLAN

Concept Plan
APPROVED
 with
 Conditions

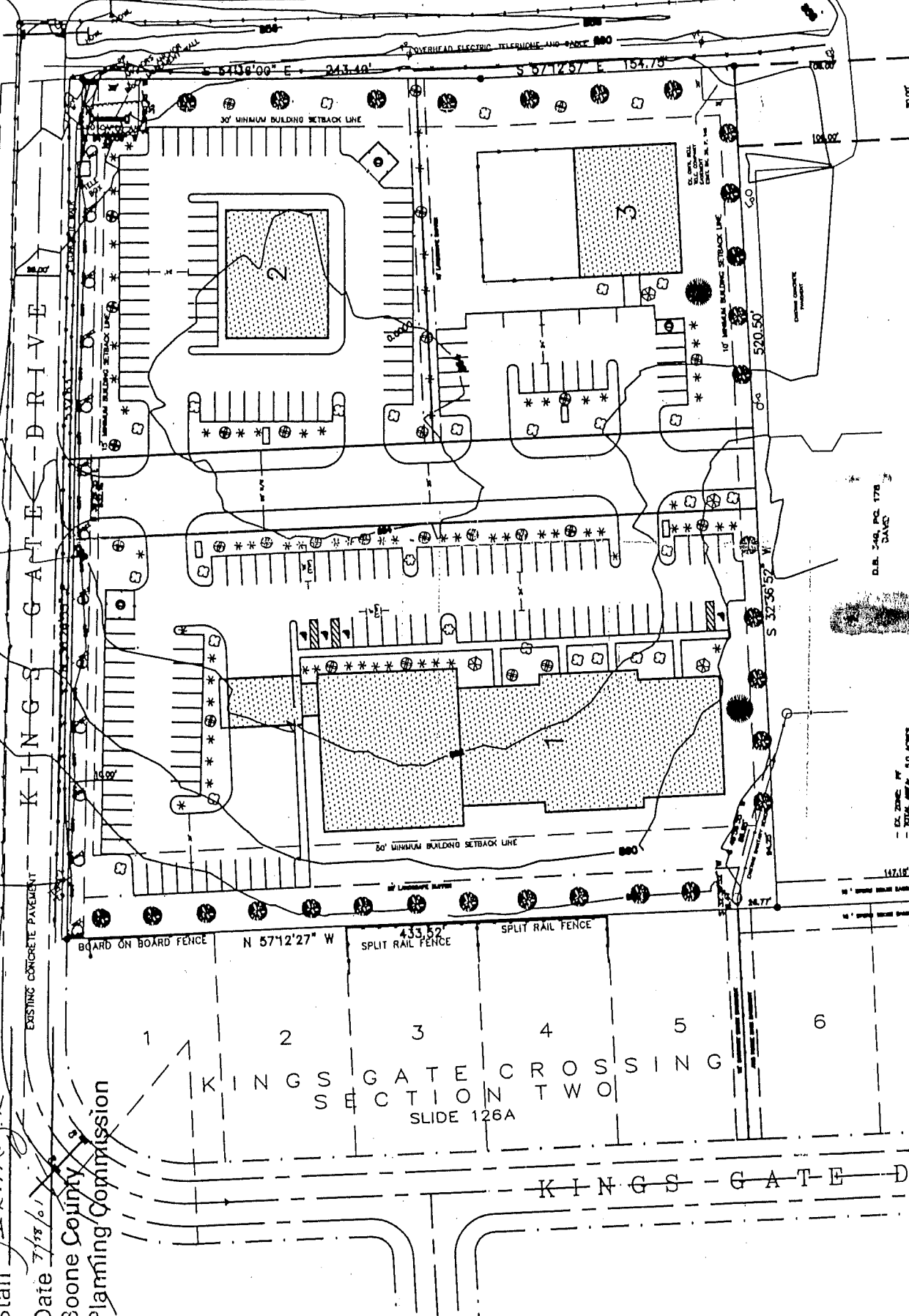
Staff *J.L.L. Morgan*
 Date *7/13/01*
 Boone County
 Planning Commission

AMMUN
 D.B. 292, PG. 289

KENTUCKY HIGHWAY 18

EAST BOUND LANES OF A DIVIDED ROAD

ASPHALT SHOULDER



LOT 1: 2.392 ACRES; 20,000± SQ. FT. MEDICAL/PROFESSIONAL OFFICE BUILDING / 8370 SQ. FT./ACRE
 LOT 2: 1.127 ACRES; PERMITTED PUBLIC FACILITIES (PF) DISTRICT USES, MAXIMUM INTENSITY PER SECTION 1214
 LOT 3: 1.827 ACRES; PERMITTED PUBLIC FACILITIES (PF) DISTRICT USES, MAXIMUM INTENSITY PER SECTION 1214

- (A) ZONE: PF
- TOTAL AREA: 5.346 ACRES
- ALL LANDSCAPING SHALL BE FOR ARTICLE 37 OF BOONE COUNTY ZONING REGULATIONS. SIZE, LOCATION & TYPE TO BE DETERMINED DURING SITE PLAN
- (B) DRAINAGE
- (C) HANDICAP PER BOONE COUNTY ZONING REGULATIONS

KINGS GATE CROSSING
 SECTION TWO
 SLIDE 126A

BOARD ON BOARD FENCE
 N 57°12'27" W
 433.52'
 SPLIT RAIL FENCE

KINGS GATE DRIVE

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: July 18, 2001

RE: Request of Cintech Construction, Inc. (applicant) for Goldsmith Properties (owner by option) to consider a Change in Concept Development Plan for a 5 acre tract located on the southeast corner of the KY 18/ Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Change in Concept Development Plan in a Public Facilities (PF) zone to allow medical and professional offices, and other uses permitted by the PF zone.

REMARKS:

We, the Committee, recommend approval of the above referenced Concept Development Plan application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2025 Future Land Use Plan designates the site in question for "Commercial" uses. The "Commercial" designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Land Use Element (Burlington Area, pp. 169-171) states that "the south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the continuing residential development occurring off of the KY 18 corridor. All development along the south side of KY 18 toward Burlington must use access management, including parallel roads, shared curb cuts, and adequate turning lane provisions in order to maintain safety on this high volume route."

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Cintech Construction, Inc./Goldsmith Properties/KY 18 & Kingsgate
July 18, 2001
Page 2

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed letters demonstrating agreement with these conditions.

CONDITIONS:

1. The development will be limited to three lots, as shown on the Concept Development Plan.
2. The architectural design of the medical/professional office building must match the submitted elevation drawing.
3. The buildings locating on lots 2 and 3 of the development must go through the Planning Commission's Design Review process. These Design Review applications will be analyzed on the following criteria:
 - A. The buildings shall be of non-metal materials such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
 - B. All building elevations shall be of a similar quality design as the professional/office building that is shown on lot 1 of the Concept Development Plan.
4. The medical/professional office building must be single-story construction. All other buildings within the development will be subject to a two-story height limitation.
5. The development will be limited to one fast food restaurant with a drive-thru.
6. The medical/professional office building will be required to have oblong landscape mounds staggered throughout the rear yard buffer. The height of these mounds, at center, shall be four feet.
7. A photometric plan will be required for each building. A 0.0 foot candle measurement will be required along all residential property lines. In addition, the light fixtures on lot 1 will be equipped with cut-off shields to minimize illumination on the adjoining homes within Kingsgate Crossing Subdivision.
8. The maximum intensity permitted for each lot is 15,000 square feet of gross floor area per acre of land.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
Cintech Construction, Inc./Goldsmith Properties/KY 18 & Kingsgate
July 18, 2001
Page 3

9. A right hand turn lane will be installed on Kingsgate Drive prior to the development of lot 2 or 3. The owner is aware that the cost of the turn lane will be at his expense and that he may have to dedicate additional right-of-way to accommodate this improvement.
10. All standards from the Boone County Subdivision Regulations and Boone County Zoning Regulations must be met, unless the Zoning Administrator issues a Waiver.
11. The following attachments list the permitted, accessory, and conditional uses that will be permitted in the development. Deleted items have been stricken out.

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

ARTICLE

12

PUBLIC FACILITIES DISTRICT

SECTION 1211

Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental offices including executive, legislative, judicial, administrative and U. S. offices, Post Offices.
2. Police, fire, civil defense and other protective and related services;
3. Primary, elementary, and secondary schools;
4. Junior colleges, colleges and universities;
5. Vocational or trade schools, professional schools and special training and schooling facilities;
6. ~~Hospitals~~, medical outpatient services, ~~sanitariums~~, convalescent and rest homes and related health facilities;
7. ~~Cemeteries and mausoleums including funeral houses and crematoriums;~~
8. Libraries, museums art and craft galleries, conservatories and cultural exhibits;
9. Churches or religious assembly uses including apartment dwelling units related to the religious use;
10. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
11. ~~All principally permitted uses in an Office One (O-1) zone.~~

SECTION 1212

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:
 - a. Planetaria, aquariums, botanical gardens, and arboretums, ~~zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;~~

- b. ~~Historic sites, structures, monuments, and other exhibits available for public viewing;~~
 - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
 - d. ~~Golf driving ranges;~~
 - e. ~~Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;~~
 - f. ~~Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;~~
 - g. ~~Swimming beaches and swimming pools;~~
 - h. ~~Yachting, boat rental, boat access sites, and other marina activities;~~
 - i. ~~Camping, picnicking, hiking areas, trails and other recreational uses;~~
 - j. ~~Hunting and fishing grounds;~~
2. ~~Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:~~
 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping of security dogs, etc.;~~
 3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
 4. Signage (See Article 34);
 5. Parking (See Article 33);
 6. Temporary buildings incidental to construction;
 7. Blueprinting and photocopying services;
 8. Cafeterias, food service for employees;
 9. Books, stationery, and limited sales of office supply articles;
 10. Postal Services.

SECTION 1213

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Travel, transportation or promotional event ticketing and forwarding services;
3. The writing, publishing, and printing of newspapers, periodicals, and books;
4. Retail sale of drug and proprietary goods;
5. ~~Amphitheatres, theaters, playhouses, and other entertainment assemblies;~~
6. ~~Stadiums, arenas, field houses, and other sports assembly uses and structures;~~
7. ~~Prisons and other correctional institutions;~~
8. ~~Military bases and reservations;~~
9. ~~Communication Towers;~~

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
(Testing of animals must be done off-site)
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. ~~Single-family dwelling unit.~~

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

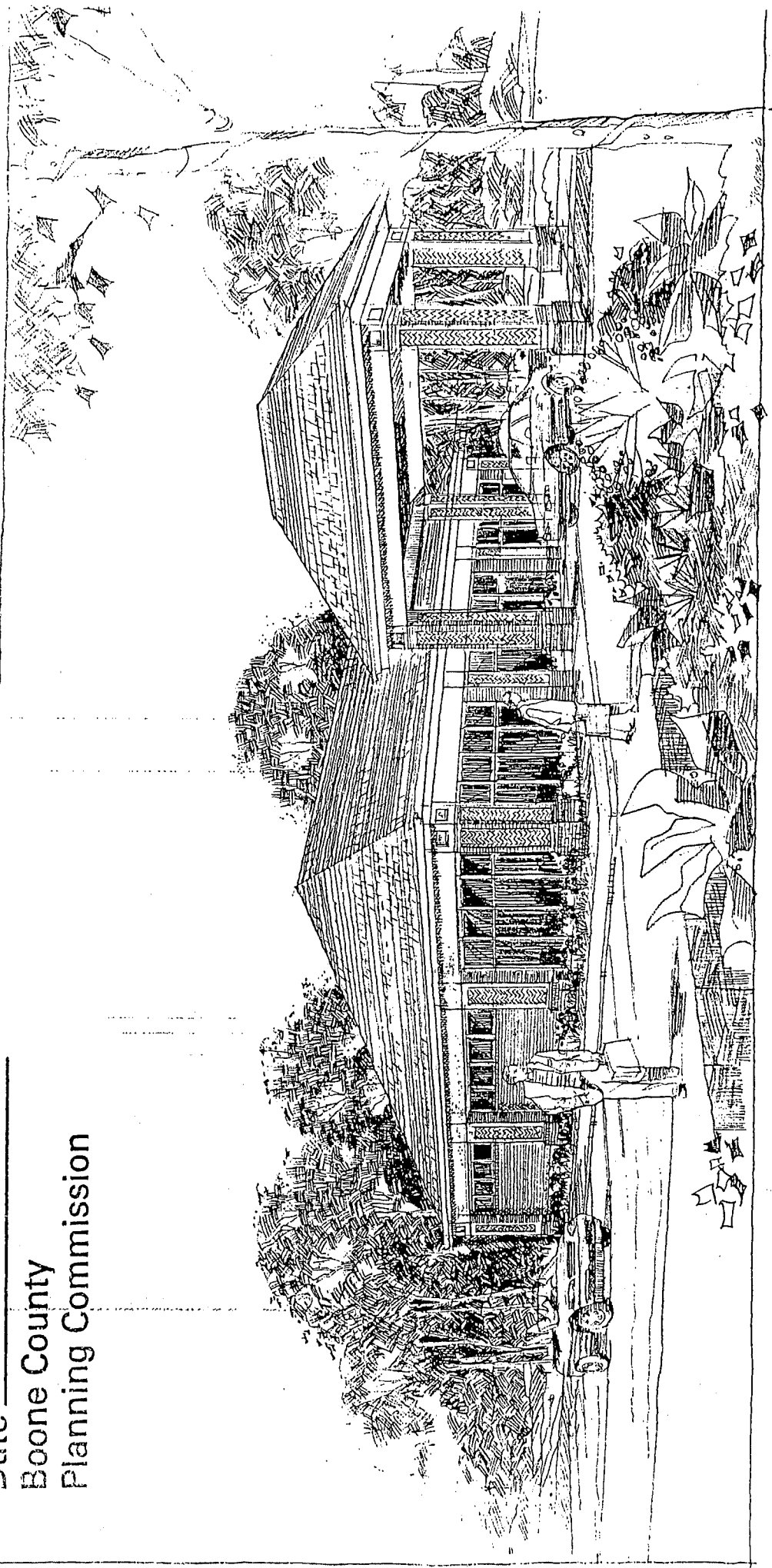
1. Child and adult care centers.

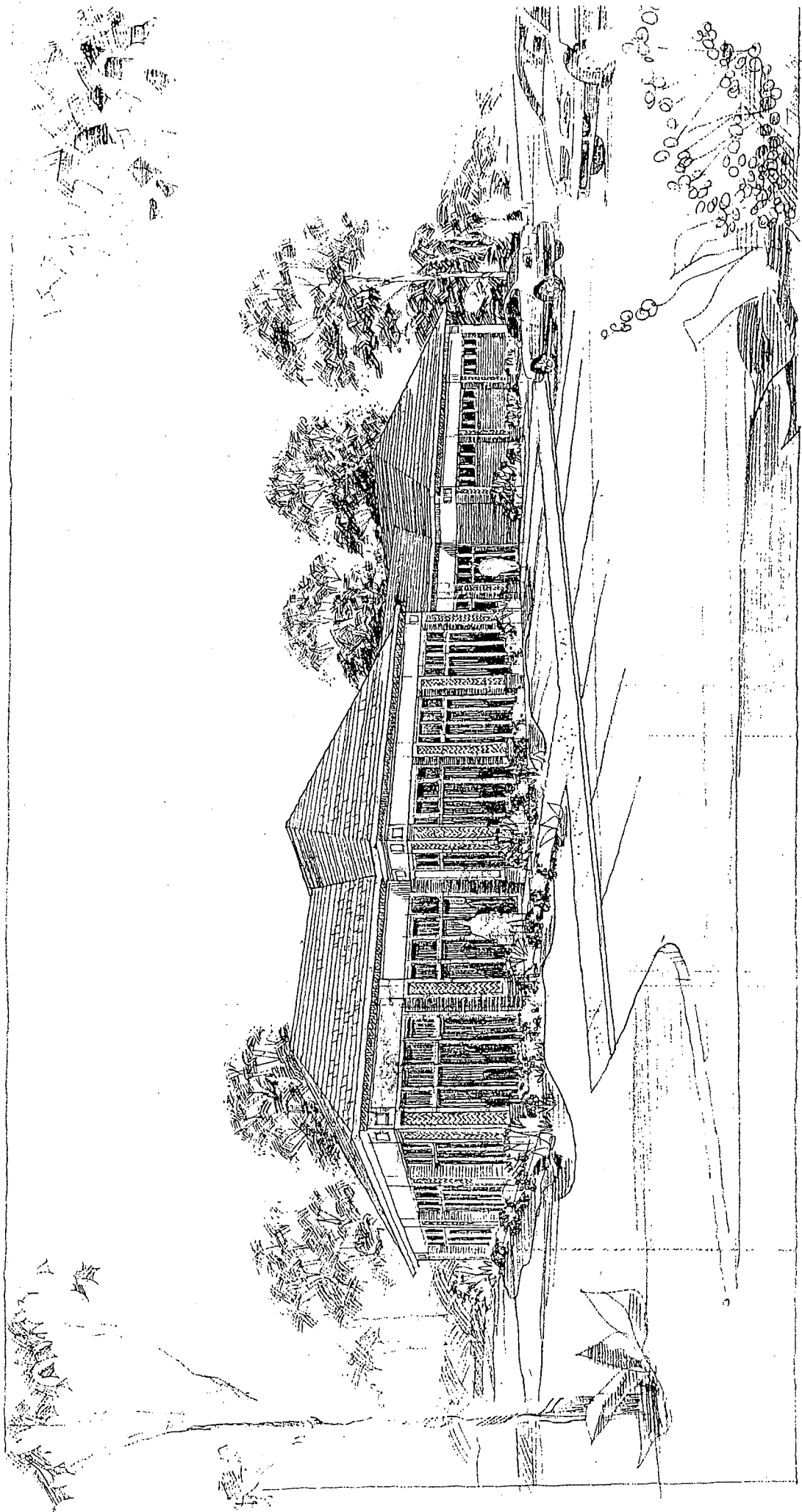
Concept Plan
APPROVED *w/EL*
Conditions

Staff Lee K. Morgan

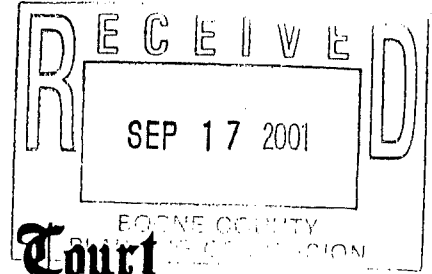
Date 7-18-01

Boone County
Planning Commission





**Ordinance
Of
The Boone County Fiscal Court**



Ordinance No. 01-19

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF CINTECH CONSTRUCTION, INC. (APPLICANT) FOR GOLDSMITH PROPERTIES (OWNER BY OPTION) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A PUBLIC FACILITIES (PF) ZONE FOR AN APPROXIMATE 5 ACRE LOT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KY 18/KINGSGATE DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (9-4) VIA RESOLUTION NO. R-01-016-A.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an approved Concept Development Plan in a Public Facilities (PF) zone is more particularly described in DEED BOOK 343, PAGE NO. 1 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-19

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky, the 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 Ordinance and marked as "Exhibit A".

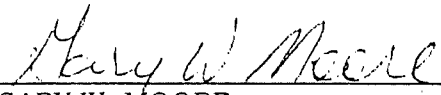
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B".

SECTION III

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

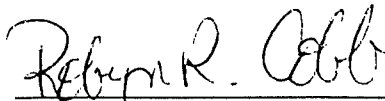
Introduced and given First Reading on the 7th day of August, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 28th day of August, 2001, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

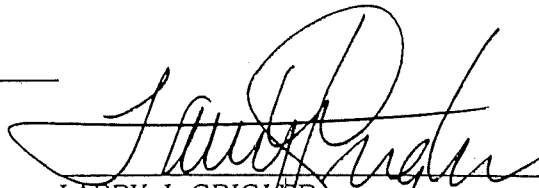


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

9/13/01

DATE PUBLISHED

Kevin Wall

From: Thompson, Ed (KYTC-D06) [Ed.Thompson@ky.gov]
Sent: Monday, October 16, 2006 9:29 AM
To: Kevin Wall
Cc: Madden, Bill F (KYTC-D06); Hans, Robert (KYTC-D06)
Subject: Development Plan KY 18 - east of First Financial Drive

Kevin:

My office has reviewed the Concept development plan for the property just east of property at First Financial Drive in a letter dated October 9, 2006.

The main entrance for the proposed development can NOT be granted by the Department. Kentucky 18 is classified as "Partially Controlled Access" and due to spacing constraints this new access point would not meet those standards. There currently are two existing access drives to the property. They may be modified within current specifications and approval from the Department. They also cannot be moved from their current locations in any manner.

Thank you for the opportunity to review and comment on this proposed development. If any additional information is necessary please let me know.

Edmond Thompson
Dist. 6 - Permit Supervisor
859-341-2700



Burlington Fire Protection District

6050 Firehouse Drive
P.O. Box 479
Burlington, Kentucky 41005-0479

Phone: (859) 586-6161 Fax: (859) 586-6178

David E. Biddle, Fire Chief

Website: www.burlingtonkyfire.org

TO: Kevin T. Wall, AICP CDT
Director, Zoning Services

FROM: Shaun D. Klaserner
Assistant Chief

DATE: Thursday, October 12, 2006

RE: Requested Zone Change for "Kingsgate Square" at 2279, 2325, and 2355
Burlington Pike, Boone County, Kentucky

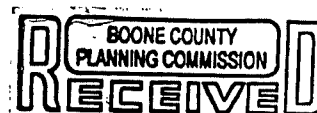
After a careful review of the above referenced project I have just a few comments. I do not see this project affecting the service delivery of the District in any way. This District responded to 2,114 incidents in 2005, this development should not generate more than 5 to 10 incidents when fully developed.

With the proposed plan showing an entrance with an island off of Burlington Pike and running through to First Financial Drive my question is this. *Will the proposed roadway be able to handle our largest apparatus that weights 55,000 pounds and is 45 feet in length? Also, will our largest apparatus be able to maneuver within the proposed parking lot of the retail/restaurant section?* I have similar concerns with the proposed parking lot off of First Financial Drive. Please make sure that our largest apparatus is able to maneuver into and out of the parking lot in the office building section as well.

Thank you in advance for allowing me to comment on this project and if you should have any further questions, please feel free to give me a call.

Yours in Service,

Shaun D. Klaserner
Assistant Chief



OCT 12 2006

Kevin Wall

From: Rob Reuthe
Sent: Monday, October 16, 2006 8:19 AM
To: Kevin Wall
Subject: Zone Change, Burlington Pike

Mr. Wall,
The Sheriff's Office has no objections to the requested zone change noted in your letter dated October 09, 2006 on Burlington Pike.

Robert E. Reuthe

Lt. Colonel, Field Operations
Sheriff's Office, Boone County Kentucky
Office: 859-334-2171
Mobile: 859-393-9860
Fax: 859-334-2234

Kevin Wall

From: Matt Becher
Sent: Monday, November 13, 2006 9:57 AM
To: Kevin Wall
Subject: Historic House at 2325 Burlington Pike - Kingsgate Square

Kevin,

On Thursday, Nov. 9, I brought the proposed demolition of the historic house at 2325 Burlington Pike to the attention of the Boone County Historic Preservation Review Board. The property was documented by the countywide historic structures survey in 1993. It is listed in the Kentucky Historic Inventory as Be-521, but has no assigned historic name. The c. 1880 house is described as a "two-story I-house with symmetrical three-bay façade and hall-parlor type plan."

Although the property has been altered and vacant for some time, the Review Board has asked permission to (1) document the structure with drawings and photographs and (2) salvage any usable historic building materials from the house and outbuildings (if any survive) prior to demolition.

Please let me know if you have any additional questions/concerns about the property.

Thanks,
Matthew E. Becher, AICP
Rural/Open Space Planner
Boone County Historic Preservation Review Board
P.O. Box 958
Burlington, KY 41005
859-334-2111
859-334-2264 (fax)
mbecher@boonecountyky.org

APPLICATION FORM



CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

OCT 4 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)
[X] 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 KINGSgate SQUARE
3. Location of Project Kentucky Highway 18
4. Total Acreage of Site 6.25
5. Current Zoning C-2 - O-2
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 9/5/90
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) NO
8. Proposed Uses (please specify each use) mixed Retail, restaurant, office (Phase 2)
9. Proposed Building Intensities (please specify) Retail GFA = 16,500 sf; Restaurant GFA = 4,700 sf; Office GFA = 15,000 sf
10. Have you submitted a Concept Development Plan? yes
11. Are you also applying for: Conditional Use Permit, Dimensional Variance
12. Name of Applicant(s) Mike Ziegler
Phone Number 859-586-8865 Fax No. 859-586-8834
13. Address of Applicant(s) 2940 Hebron Park Drive
Hebron, KY 41048
14. Name of Property Owner(s) John David
Phone Number 859-802-9601 Fax No.
15. Address of Property Owner(s) 852 Rosewood Drive
Villa Hills, KY 41017
16. Are there any existing buildings on the site? yes
How many? 2
17. Deed Book 833 Page No. 29, 27, 29 Group No.
18. Have you had a pre-application meeting with BCPC 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:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s) _____

22. Property Owner's Signature(s) _____

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-4-06 Fee Received \$1,400.00 R# 51524
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 11/15/06
7. Boone County Planning Commission Action:
 - Approved
 - Denied
 - Approved With Conditions
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) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-Mail
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.



APPLICATION FORM

OCT 4 2006

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Kingsgate Square
2. Location of Project Kentucky Highway 18
3. Total Acreage of Site 6.28
4. Current Zoning of Site C-2, O-2
5. Proposed Zoning (Classification being requested) C-2, O-2
6. Proposed Uses (please specify each use) Mixed retail, restaurant, office Phase (2)
7. Names of Applicant(s) Mike Ziegler
8. Address of Applicant(s) 2940 Hebron Park Drive Hebron KY 41049
9. Name of Property Owner(s) John David
10. Address of Property Owner(s) 852 Rosewood Drive Villa Hills, KY 41017
11. Proposed Building Intensities (please specify) Retail GFA = 16,500 SF, RESTAURANT GFA = 4,700 GFA; OFFICE GFA 15,000 SF
12. Are there any existing buildings on the site? yes How many? 2
13. Deed Book 833 Page No. 24, 27, 29 Group No.
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:


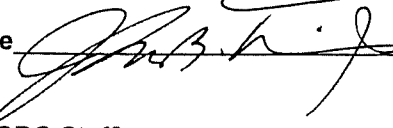
- X Boone County Water District
Florence Public Services Dept.
Duke Energy
X Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY. International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

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

18. Project Jurisdiction/Location
 Unincorporated Boone County _____ Walton
_____ Florence _____ Union

19. Applicant's Signature 
Property Owner's Signature 

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-4-06
2. Review Fee \$1773.00 R# 51526
3. Check what has been submitted:
 Application
 Fee
 Legal Description
_____ Concept Development Plan
_____ Address of Adjoining Property Owners
_____ Number of copies of plan received**
4. Is application complete? Yes _____ No
5. Staff Reviewer KELIN WALKER
6. Committee Chairman _____
7. Scheduled Public Hearing Date 11/15/06
8. Boone County Planning Commission Action:
_____ Approval
_____ Approval with Conditions
_____ Denial
9. Other: _____

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

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

PRELIMINARY DRAWING
NOT TO BE USED FOR CONSTRUCTION

NO.	1
DATE	06/26/10
BY	
CHECKED	
DESIGNED	
SCALE	
PROJECT	KINGSFATE SQUARE
CLIENT	THE ZIEGLER GROUP
LOCATION	BURLINGTON KENTUCKY

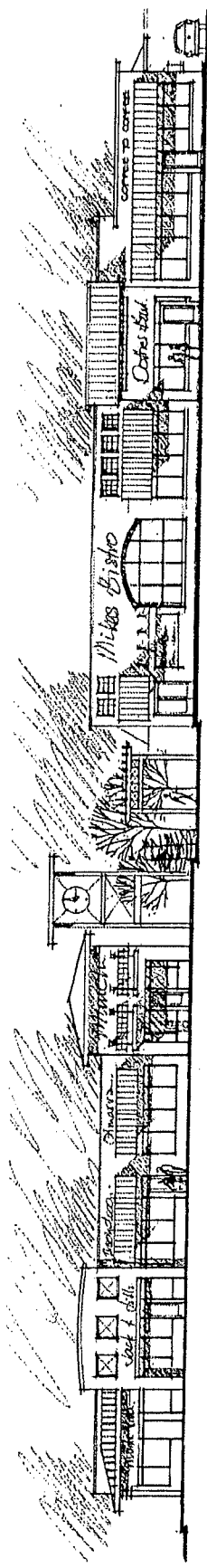


THE ZIEGLER GROUP

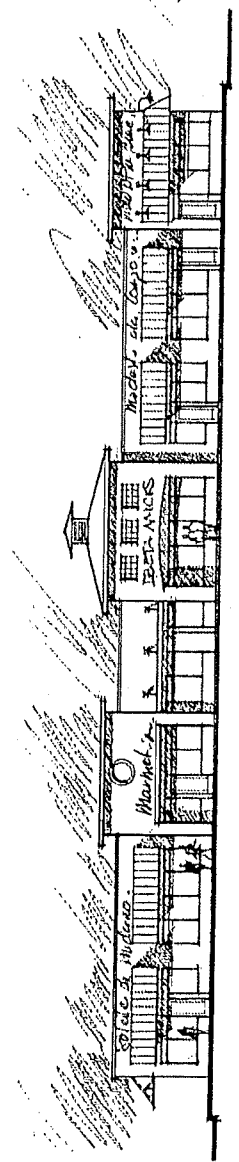
THE ZIEGLER GROUP
1815 2nd Street
Burlington, KY 40302
781-221-1234
www.zieglergroup.com

CONCEPTUAL ELEVATIONS
M.A.A. ARCHITECTS
1815 2nd Street
Burlington, KY 40302
781-221-1234
www.maaarchitects.com

NO.	1
DATE	06/26/10
BY	
CHECKED	
DESIGNED	
SCALE	
PROJECT	KINGSFATE SQUARE
CLIENT	THE ZIEGLER GROUP
LOCATION	BURLINGTON KENTUCKY



CONCEPTUAL ELEVATION
M.A.A. ARCHITECTS



CONCEPTUAL ELEVATION
M.A.A. ARCHITECTS

Kingsgate Square Architectural Concepts Statement

The Kingsgate Square development consists of three buildings dedicated to mixed retail and restaurant uses, totaling 21,200 square feet west of First Financial Drive. The concept also includes a future 15,000 square foot office building to the east of First Financial Drive, buffered from the adjoining residential neighborhood. Each building is proposed to be a single story, and will utilize a steel structure and metal stud framing system. The roofs of the retail buildings will be single-slopes to the rear of each building but will be concealed by parapet walls on three sides. The concept development plan shows the buildings carefully placed to create clusters of activity and a consistent level of visual interest across the site. The main axis of travel across the development terminates visually at the future office building, providing a background object to balance the retail clusters in the foreground.

In order to evoke a more familiar character, the building façades have been conceived as a blending of several smaller storefronts. The height of the parapet/roof varies across each building and elements of the buildings protrude and recede in an effort to break up the length of the façade. Fabric awnings and lightweight metal canopies help to bring the building down to a pedestrian scale. EIFS will be the primary exterior material, accented by areas of masonry. A proposed clock tower element will anchor the central plaza area between the two northernmost retail structures.

Please refer to the Concept Development Plan C0.0 and the Conceptual Elevations A2.0 for more information regarding the site design and building elevation concepts for the Kingsgate Square development.

BOONE WOODS BANK INVESTORS, LLC
P.O. BOX 000
BURLINGTON KY 41005

BOONE COUNTY FISCAL COURT
P.O. BOX 500
BURLINGTON KY 41005

WILLIAM K & ANNE P MCBEE
2342 BURLINGTON PIKE
BURLINGTON KY 41005

HILLS REAL ESTATE GROUP
4901 HUNT RD.
CINCINNATI OH 45242

BOONE NATIONAL BANK
6100 FIRST FINANCIAL DR
BURLINGTON KY 41005

TERRY E FORCHT
P.O. BOX 1450
CORBIN KY 40702

BOONE NATIONAL BANK
6100 FIRST FINANCIAL DR
BURLINGTON KY 41005

ARNOLD E & BEVERLY CADELL
2221 BEL RD
BURLINGTON KY 41005

S57°12'48"E
5.15'

JOHN B DAVID
852 ROSEWOOD DR
VILLA HILLS KY 41017

S57°26'01"E
30.32'

S57°07'27"E
24.98'

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24.98'

FRED & KAREN BURNS
6170 FIRST FINANCIAL DR
BURLINGTON KY 41005

BURLINGTON OFFICE COMPLEX LLC
P.O. BOX 1415
FLORENCE KY 41042

JULIAN MACKENZE LLC
10 TECH VIEW PLACE
CINCINNATI OH 45215

JOHN B DAVID
852 ROSEWOOD DR
VILLA HILLS KY 41017

TIMOTHY L & PATRICIA A
RIDER
6068 KINGSGATE DR
BURLINGTON KY 41005

SUSAN L HUET
6060 KINGSGATE DR
BURLINGTON KY 41005

TERRY D & JANET L
LEE
6054 KINGSGATE DR
BURLINGTON KY 41005

TRAVIS D & LORI R
BANKER
6048 KINGSGATE DR
BURLINGTON KY 41005

EDWARD N & DEBORAH
COLLINS
6042 KINGSGATE DR
BURLINGTON KY 41005

MARY BETH JACOB
6038 KINGSGATE DR
BURLINGTON KY 41005

DONALD E & MARY P
MUNNINGHOFF
6030 KINGSGATE DR
BURLINGTON KY 41005

THOMAS R KRAFT
6024 KINGSGATE DR
BURLINGTON KY 41005

RANDALL L & SUSAN M
CURRAN
6018 KINGSGATE DR
BURLINGTON KY 41005

DONNA L & DENNIS R
JACKSON
6012 KINGSGATE DR
BURLINGTON KY 41005

TED ROBERT ARLINGHAUS
553 DUDLEY ROAD
EDGEWOOD KY 41017

WILLIAM C ALLPHY
6000 KINGSGATE DR
BURLINGTON KY 41005

CURVE TABLE				
CHORD	ARC	ANGLE	CHORD	ANGLE
100.00	100.00	180.00	100.00	180.00
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100.00	140.00	144.00	100.00	144.00
100.00	150.00	135.00	100.00	135.00
100.00	160.00	126.00	100.00	126.00
100.00	170.00	117.00	100.00	117.00
100.00	180.00	108.00	100.00	108.00

Kevin Wall

From: Thompson, Ed (KYTC-D06) [Ed.Thompson@ky.gov]
Sent: Wednesday, November 08, 2006 2:15 PM
To: Kevin Wall
Subject: FW: Kingsgate Square on Ky 18 - Conceptual Plan

Kevin:

Here is my response to the proposal for the latest Kingsgate Square on KY 18.
Ed

From: Thompson, Ed (KYTC-D06)
Sent: Thursday, October 26, 2006 9:33 AM
To: 'Guyer, Steven L'
Cc: 'mziegler@thezieglergroup.com'; Ewart, Jeff C; Spangler, Matthew A; Wiseman, William H; Madden, Bill F (KYTC-D06)
Subject: RE: Kingsgate Square on Ky 18 - Conceptual Plan

Steven:

The concept plan for the Kingsgate Square on KY 18 is actable to the Department subject to a formal review. There may need to be adjustment to the KY 18 left turn lane length but those are details we can resolved with the formal application.
Ed Thompson
Dist. 6 - Permits

From: Guyer, Steven L [mailto:sguyer@hixson-inc.com]
Sent: Wednesday, October 25, 2006 9:24 AM
To: Thompson, Ed (KYTC-D06)
Cc: 'mziegler@thezieglergroup.com'; Ewart, Jeff C; Spangler, Matthew A; Wiseman, William H
Subject: Kingsgate Square on Ky 18 - Conceptual Plan

Mr. Thompson,

I am sending you a pdf of the conceptual site plan for the Kingsgate Square Development on Ky Hwy 18. We have made changes to the drives off of Hwy 18 based on our discussion with you last week. Could you take a look at this and see if it meets your standards. We would like to leave the Goldstar access as is and provide an entrance to the development at an existing drive as shown. Please let me know of any concerns so we can continue with the Boone county submissions.

Thank you.
Steve Guyer

-----Original Message-----

From: Helmer, Matthew R
Sent: Wednesday, October 25, 2006 9:13 AM
To: Guyer, Steven L
Subject:

HIXSON

Architecture Engineering Interiors
<http://www.hixson-inc.com>
P: 513-241-1230

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

November 15, 2006

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:50 PM and introduced the first item on the Agenda:

1. **Applicant:** **Mike Ziegler for
John David (owner)**

Request: **Change in Approved Concept Development Plan
and Zoning Map Amendment**

The request of **Mike Ziegler (applicant) for John David (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant) for John David (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). The Staff Report was based on the plan

submitted with the original application, and a revised plan received November 13, 2006 is attached to the Staff Report and in the Power Point presentation.

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

Mr. Mike Ziegler with the Ziegler Group at 1720 Wildcat Boulevard, Suite 200, Burlington stated that he has been working on this development with the Staff for over two years. He stated that there was a 1990 approved plan for a single use bank, a restaurant with a drive-through (not predominantly fast food), and three single-story professional office buildings. He wants to build a town square type development and bring the uses together in one building, which would complement what has been constructed in the area and give the opportunity to expand the retail to provide services to the office development and the growing residential use in the area. He stated that there are enough banks in Burlington and Hebron. He stated that there is a 4,700 square foot restaurant on the plan and parking in the back, but they have not signed with a restaurant. They have no commitment to a size of 4,700 square feet or any requirement for parking in the rear. They are not saying that the only way they can have the Concept Plan approved is with a restaurant and parking in the rear. There is a walkway and patio area between the buildings for outdoor seating and to build on the town square atmosphere. They have taken three buildings and put them together in one office building, which is more in keeping with today's standards, and allows them to build a bigger detention pond area. They have constructed a sidewalk around the detention pond and linked it to the sidewalks in the development. There is sidewalk all the way to Kingsgate to allow the residents to come out Kingsgate Drive and down to First Financial Drive to walk their pets and jog in that area. He reviewed the Power Point slide looking toward Gold Star and noted the existing road that was not constructed according to the plans. He stated that if they were to continue the road and dedicate it to the county, it would go through the back of the Gold Star parking lot and take out the dumpsters. They want to correct the error by meandering the road to the south, which will take out some of the Gold Star landscaping (Gold Star has agreed). The area where they are adjusting the zoning line has a lot to do with the road and mitigating the expense of reconstructing the section of First Financial Drive that has already been dedicated to the county. He stated that the Ziegler Group developed the Shoppes of Hebron at the front of Park West International, the one-story building at Limaburg Road/KY 18 (Boot Country), and the two-story building there. Their offices are on the second floor of the two-story building. They want to keep with that type of quality. They do not have any problem with the Staff recommendations. They want to construct a quality project that blends with the neighboring residential and complements the neighboring commercial. They want to create something that will be more than a strip retail center and will be a gathering place for the residents. This concluded the applicant's presentation.

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

Mr. David Wallace, attorney with Wallace Boggs Colvin Rouse and Bushelman, was present on behalf of adjoining property owners Arnold and Chad Caddell. Mr. Chad Caddell is building a large home at the corner of this property. Mr. Wallace submitted a handout *Presentation to Boone County Planning Commission in Opposition to the Request of Mike Ziegler (applicant) for John David (owner) for a Change in the Approved Concept Development Plan and Zoning Map Amendment by H. David Wallace, Esq. of Wallace Boggs Covin Rouse Bushelman, PLLC, on behalf of Arnold E. Caddell and Chad Caddell, November 15, 2006* (see Exhibit 1). He stated that the property has been the subject of other zone changes. He stated that the request more than doubles the 9,500 square feet of retail space that was previously approved for this project. The proposed zone change is not in accordance with the Comprehensive Plan and is merely a way to increase the retail density at the front of the property. Kentucky courts have ruled that there has to be a compelling need to change the zoning and profitability is not a compelling need. He stated that the renderings look nice and there are nice awnings – but it is a strip center, and possibly two strip centers – which is in conflict with the Comprehensive Plan. The Comprehensive Plan does not allow strip-type developments. He stated that the existing approval only allows two stand-alone buildings, which is in accordance with the 2005 Comprehensive Plan. The existing zoning and existing Concept Plan are the correct uses for this property. He stated that the applicant indicated that the architectural concept is for the retail buildings (parapet walls, lightweight metal canopies, and E.I.F.S. exterior material), but there is no description of the office building. He stated that the three office buildings totaled 26,550 square feet on the original Concept Plan, but office now totals 15,000 square feet -- which is to allow a greater density in the retail area. They can only have so much density per acre. He stated that this plan has restaurant, retail, parking located across the public street requiring patrons to cross the street, and 21,200 square feet of restaurant/retail uses. The conditions that were approved by Fiscal Court required increased buffering, a six-foot wooden fence along the east/south/west boundary lines, the existing trees were to be maintained, buildings could only be one story, and the buildings were to be residential in appearance with pitched roofs and real brick construction. There were no fast food restaurants and there was only 9,500 square feet of retail/restaurant uses. He was involved in the First Financial Plaza and the uses were extremely limited as part of the conditions. He stated that the architectural design and integrity of this area is very important. On both sides of this property, the Planning Commission required the buildings to be residential in nature with substantial landscaping. Architectural design approval is required for every building on either side. Drive-through restaurants were not allowed. A photometric plan was required where the offices are located so that the lighting would not impact the residences. He stated that the applicant has not demonstrated that the proposal is in accordance with the current Comprehensive

Plan. There have been no changed circumstances and the zoning has not been demonstrated to be inappropriate as required by statute. He stated that strip centers are specifically prohibited by the Comprehensive Plan in this area. If the Planning Commission approves this request, there are issues that would have to be addressed: (1) there has to be a substantial reduction in the density in the retail/restaurant area, (2) the parking that requires patrons to cross the street has to be eliminated -- they are trying to put too much retail in the front of this project if they have to put parking back in the office section, (3) the buffer yard to adjoining properties needs to be widened and all vegetation/trees protected, (4) the six-foot wooden fence should still be required and there should be specific details as to the type and quality of the fence, (5) consideration should be given to moving the detention pond to the other end to get it away from the residential areas, (6) Permitted Uses within the development should be substantially limited much like First Financial Plaza and the office development on the other side of the project, and (7) it is most important to preserve the architectural design and integrity that has been required by the Planning Commission all the way from Kroger, down KY 18, through First Financial Plaza, to the office buildings located closer to Burlington.

Mr. Gary Scott, 6036 Kingsgate Drive, stated that he is not opposed. They live behind Gold Star and they get lights from Gold Star, but they knew it was there when they moved in. The healthy native trees should be left to protect them and their neighbors from light pollution. When they moved in, their backyard sloped towards their house and when it rained they got water in their basement. They graded the yard and put in a drainage swale and have not had a problem since. He is concerned that the detention pond will fail and the water will overpower their swale and they and their neighbors will have flooded basements. He believes it would be a good idea to move the detention pond away from that area. He is concerned about an old creek that may flood if the detention pond fails. He asked that the trees be kept and that something be done about the drainage. He stated that the land slopes away from the site and towards their neighborhood.

Mr. Terry Lee, 6054 Kingsgate, directly south of the subject property, stated that there will be an office building close to the flowerbed in his backyard and a few small trees will not give them any privacy. He stated that there has to be a fence. He recommended that the office building be moved much closer to KY 18 and away from the residential area.

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

Mr. Schwenke asked if the office building in the rear would have an exposed basement. Mr. Ziegler responded that the building is on a slab. Mr. Schwenke questioned the rear buffer yard. Mr. Wall responded that it is 25 feet wide, which is the code requirement, but it is effectively 30 feet with the building setback. Mr.

Schwenke stated that the neighbors indicated that the property slopes toward the residential area. He is concerned about the visibility and questioned the height of the berm. Mr. Wall responded that a berm has not been proposed. There is a Staff Comment regarding consideration of a berm. A fence was included in the original conditions, which was more in vogue at that time, but vertical separation is a matter of choice and there could be a berm or fencing. Mr. Schwenke asked the applicant to bring line-of-sight drawings and the elevations to the Committee Meeting.

Mr. Reynolds questioned what an adequate height of the berm would be in order to screen the development. Mr. Wall responded that typically at a distance of 30 feet, the berm would be four feet tall in order to keep the 3 to 1 slope. A height of 6 feet plus tends to work better. Mr. Reynolds questioned the maturity of the trees on the perimeter of the development. Mr. Wall responded that the trees are 30 to 50 feet tall. The perimeter trees on the east and southeast sides are much older and there is second-generation growth toward the interior of the site. Mr. Reynolds questioned an arborist study on the site. Mr. Wall responded that the Planning Commission has not required an arborist study in the past.

Mrs. Poston asked if Boot Country is a brick building. Mr. Ziegler responded that it is not a full brick building, but the front façade is brick. There was an error on the submitted rendering, but the rendering was approved and the building was constructed with a thin brick material. The bricks were cut in half and grouted on, which is actually more expensive because of the labor involved. They are not proposing thin brick for this site.

Mrs. Poston questioned the shared off-site parking. Mr. Ziegler stated that the code requires one parking space for every two seats in the restaurant but, if the restaurant brought in more cars than that, they could use the overflow area. If there was a sports bar or family style restaurant with a bar, instead of there being one car for every two patrons, there could be two cars for every three patrons -- which they could address with the overflow parking. They have enough parking for typical retail use.

In response to questions from Mrs. Poston regarding the office building, Mr. Ziegler stated that he does not expect to construct the single-story office building for the next year or two because the market is not there. The market is probably a couple of years away. Mrs. Poston asked if there is a retention pond or a detention pond. Mr. Ziegler responded that initially there will be a retention pond for stormwater runoff and it would grow into a detention pond as they finish out the development. He stated that the location of the lake goes along with the Development Plan approved in 1990 and the study at that time indicated that it was the best location. They have not looked at whether it could be easily flipped with the proposed uses.

Mrs. Poston questioned how the square footage of this plan compares to the square footage of the original plan. Mr. Wall responded that the total square footage in the retail area has about doubled and the square footage in the office area is about half what it was. The square footage in the C-2 (retail) area was originally 11,000 – 12,000 square feet and it is now 21,000+ square feet. In the O-2 (office area) with the day care there was about 31,000 square feet (without the day care there was about 26,000 square feet). There is now 15,000 square feet of office space.

Mrs. Poston asked if the conditions from the properties on either side of this property are included in the Staff Report or in Mr. Wallace's material and available for the Committee Meeting. Mr. Wall agreed that the conditions are in the materials the Commissioners have.

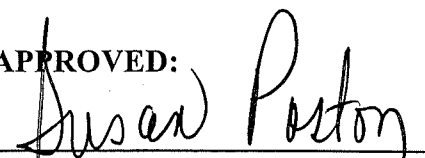
Mr. Reynolds asked Staff if there has been a discussion with the applicant concerning the intensity of use – will there be one or two restaurants, the necessity for parking, and the impact in conjunction with the office space. He questioned the left turn lane that is being constructed into the site. Mr. Ziegler responded that there is an email in the packet from Ed Thompson at KDOT indicating that KDOT reviewed the plan with the proposed left turn lane and that it meets with their approval. He stated that when they submitted the first plan, KDOT asked for modifications and this is the second plan.

Mrs. Poston asked if the applicant wished to respond to the comments made.

Mr. Ziegler stated that they are adjusting the zoning for one-half acre of the property. One of the big issues is being able to complete First Financial Drive. It does not make sense to have the existing road reconstructed -- it makes more sense to meander the road to the south to accommodate what has already been constructed on the site. They have more density than was proposed in 1990 for the retail portion because there were two stand alone single-use buildings and they do not want a single-use building for a bank and a single-use building for a fast-casual restaurant. They want to have more services, such as a Kinko's, that would benefit the greater community. He has also had inquiries about additional medical uses. He stated that the use will not be straight strip retail. He wants to create something that the community and the residents to the rear can enjoy.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 6, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 20, 2006 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:

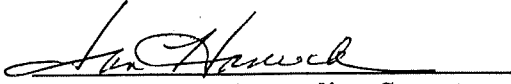

Jan Hancock, Recording Secretary

Exhibit 1 - Presentation to Boone County Planning Commission in Opposition to the Request of Mike Ziegler (applicant) for John David (owner) for a Change in the Approved Concept Development Plan and Zoning Map Amendment by H. David Wallace, Esq. Of Wallace Boggs Covin Rouse Bushelman, PLLC, on behalf of Arnold E. Caddell and Chad Caddell, November 15, 2006, submitted by David Wallace

**PRESENTATION TO BOONE COUNTY PLANNING COMMISSION
IN OPPOSITION TO THE REQUEST OF MIKE ZIEGLER (APPLICANT)
FOR JOHN DAVID (OWNER) FOR A CHANGE IN THE APPROVED
CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT**

BY H. DAVID WALLACE, ESQ.

OF

WALLACE BOGGS COLVIN ROUSE BUSHELMAN, PLLC
ON BEHALF OF ARNOLD E. CADDELL AND CHAD CADDELL

NOVEMBER 15, 2006

Background

The site in question is a 6.28 acre site located on Burlington Pike. This site has previously been the subject of a zoning map amendment whereby the zoning on a portion of the property was changed to Office 2 and a portion changed to Commercial 2. The previous zoning map approval contained several conditions and restrictions relating to the future development of this site, including the layout of buildings within the site and the density of retail and office space upon the site. Specifically, the existing restrictions on the development limit the square footage to be located within the O2 portion of the property to 31,550 square feet and the total square footage to be located within the commercial area of the development to be limited to 9,500 square feet.

The request before you is to rezone a portion of the existing office zone to Commercial 2 and to change the existing concept development plan by more than doubling the density within the retail area.

Discussion

1. The request for the zoning map amendment should be denied.

It is apparent that the request to rezone a portion of the property to C2 is merely to allow for the increase of the density within the retail area. This type of request does not meet the requirements for a zoning map amendment pursuant to KRS 100. The request is not in conformance with the existing comprehensive plan or future land use map; there has been no change of circumstances and the current zoning on the property is appropriate. Kentucky courts have held that the applicant must present evidence that

there is a compelling need for the rezoning sought or must clearly demonstrate that the existing zoning classification is no longer appropriate. The Kentucky courts have also held that the mere fact that a commercial use may be more profitable is not sufficient evidence of a compelling need.

2. The proposed development as shown on the Applicant's Concept Development Plan and as described in the Applicant's Architectural Concepts Statement is not consistent with surrounding developments or existing conditions of the property.

A. Proposed Development

- i. Single slope retail buildings
- ii. Parapet walls
- iii. Lightweight metal canopies
- iv. EIFS exterior material
- v. No description of office building
- vi. Restaurant and retail parking located across public street requiring patrons to cross street
- vii. 21,200 square feet of retail/restaurant uses

B. Existing Conditions of the Property

- i. Increased buffering
- ii. Six foot wooden fence along the east, south and west sides
- iii. Maintain existing mature trees
- iv. Buildings to be one story
- v. Buildings to be residential in appearance with pitched roofs and brick construction.
- vi. No fast food restaurants
- vii. 9500 square feet of retail/restaurant uses

C. Conditions on Adjoining Properties

- i. Limited permitted uses
- ii. Buildings to be residential in appearance with pitched roofs and brick construction
- iii. Substantial landscaping
- iv. No drive thru restaurants
- v. Architectural Design Approval

Summary

It is our position that the applicant cannot and has not presented sufficient evidence to support the requested zoning map amendment or change in concept development plan. However, if this commission would determine to the contrary, the following conditions should be strongly considered by the commission:

1. Substantial reduction of the retail/restaurant density.
2. Elimination of the parking area for the retail/restaurant uses across the street. Pedestrians should not cross a public street from the parking area to their ultimate destination. This point in and of itself is adequate evidence that the retail uses proposed at the front of the development are too dense.
3. The buffer yard around adjoining properties should be widened and it should be mandatory that existing vegetation and trees are not disturbed.
4. The previous requirement of a 6 foot wooden fence along adjoining property owners should be continued along with more specific details of the type of construction of the fence.
5. The location of the detention pond and office building should be reversed.
6. The permitted uses within the development should be substantially limited much like the adjoining First Financial Plaza.
7. Perhaps most importantly, there must be architectural design approval which would require that the buildings within this development at a minimum match the projects on each side, i.e., full brick buildings, residential appearance, pitched roofing and protective exterior lighting.

EXHIBITS

Exhibit 1 – Existing Approval and Concept Development Plan for the Property

Exhibit 2 – Approval and Conditions for First Financial Plaza

Exhibit 3 - Approval and Conditions for Goldsmith Properties

EXHIBIT 1

RESOLUTION R-34-90

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH MAP AMENDMENT BEING REQUESTED BY DAVID E. ESTES ENGINEERING (APPLICANT) FOR LUCILLE BARNES, JOHN DAVID, AND TERESA DAVID (OWNERS) AND SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) AND RECREATION (R) TO OFFICE TWO (O-2) AND COMMERCIAL TWO (C-2) FOR A 7.6 ACRE SITE GENERALLY LOCATED SOUTH OF KY 18 AND ADJACENT TO THE EXISTING GOLD STAR CHILI RESTAURANT, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in DEED BOOK 194, 349, 350 PAGE 141, 178, 303 (as supplied by the applicant) in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for the zoning map amendment request is the 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

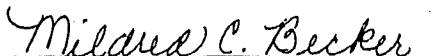
That a copy of this Resolution recommending approval of a Zoning Map Amendment for a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky, shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 5TH DAY OF SEPTEMBER, 1990.

APPROVED:


WILLIAM R. VIOX
CHAIRMAN

ATTEST:


MILDRED C. BECKER
ADMINISTRATIVE SECRETARY

WRV:mcb

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Phil Damstrom

DATE: September 5, 1990

RE: Request of David E. Estes Engineering (applicant) for Lucille Barnes, John David, and Teresa David (owners) for a Zoning Map Amendment on a 7.6 acre site located south of KY 18 and adjacent to the existing Gold Star Chili restaurant, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) in order to allow office and commercial uses.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 25, 1990, Public Hearing, recommend approval of this request based on the following Findings of Fact and subject to the following conditions:

Findings of Fact

1. Although the 1990 Boone County Future Land Use Map indicates High Suburban Density residential for most of the site, the Committee believes that the proposed development accomplishes the overall intent of the Comprehensive Plan for the area along Ky 18. The request is consistent with the Land Use Element text that recommends against strip commercial development along Ky 18, and recommends a transition from commercial uses into existing and planned residential uses. In the Committee's opinion, the proposed office development, as modified by the attached conditions, constitutes the low impact type of land uses called for in the Comprehensive Plan. The Land Use Element recommends an innovative mixture of local commercial, office and High Suburban Density residential uses to provide a transition into lower density residential. This project provides some of this mixture of uses, and its design allows adjacent properties to do the same. The project, as modified by the attached conditions, minimizes the potential negative impacts of business uses being located next to residential uses. The request is also consistent with the 1990 Comprehensive Plan's recommended access spacing along Ky 18.
2. The Committee believes that the requested zoning of Office Two (O-2) is appropriate for the rear half of the development because it would buffer the restaurant uses from the residential uses. The existing zoning of Recreation (R) is inappropriate because of the noise and light impacts on adjacent properties that are developing as residential. The requested Commercial Two (C-2) zoning along Ky 18 is appropriate because the proposed bank facility provides a transition into the residential zoning to the east, and is consistent with a similar establishment across Ky 18. The Committee also believes that the current single-family residences on the site are not appropriate along Ky 18 and that, therefore the current zoning of Suburban Residential Two (SR-2) is not appropriate as reflected by the current uses.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 7/25/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Because the site immediately adjoins established single-family residential areas, the Committee believes that increased buffering is necessary. A six-foot high wooden fence shall be included with the required 15 foot landscaped buffer area along the east, south, and west edges of the site, south of the proposed connector drive. The fence and buffer area shall be installed at the beginning of construction of the office and potential day care development. Detailed landscaping plans for the buffer area shall be submitted at Site Plan Review. The proposed professional office buildings shall contain a minimum setback of 30 feet on the east, south, and west property lines to soften the visual impact of the rear of the proposed buildings. The landscaped strip between the KY 18 right-of-way and parking areas shall be consistent in width and scale of plantings with that shown on the submitted Concept Plan.
2. All buildings on the perimeter of the requested Office Two zone shall be no higher than one story. Any two-story buildings shall be located near the center of the site only.
3. The required 15 foot buffer area around the proposed day care facility is in addition to the proposed play area and shall not be a part of the play area. The proposed day care is a conditional use in the Office Two Zone and is subject to review by the Boone County Board of Adjustments.
4. As presented by the applicant at the 7/25/90 Public Hearing, the architecture of the proposed office buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping.
5. Every effort shall be made to retain four mature trees existing on the Barnes tract in order to soften the commercial appearance along KY 18.
6. The proposed restaurant shall not be fast-food in nature, but a sit-down restaurant could potentially have a pick-up window if approved by the Board of Adjustments.
7. As shown on the submitted plan, no parking stalls shall be located on the major interior drives. The realignment of interior drives, and redesign of the proposed restaurant and bank sites may be required at Site Plan Review.
8. The existing Gold Star curb cut and median cut shall be removed at such time as the main site access drive is constructed.
9. The area along the east property line between KY 18 and the proposed main connector drive shall meet the minimum buffer yard requirements of the

* *
Boone County Zoning Regulations, unless a Variance is granted by the Board of Adjustments. Should the neighboring site to the east redevelop as commercial uses before construction of the proposed right-in, right-out access, the developer and owner agree to participate in joint access to KY 18 or an additional connecting driveway.

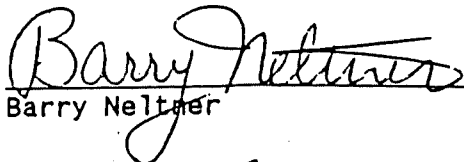
10. The two KY 18 median cuts that currently serve the existing residences shall be removed with the construction of the proposed right-in, right-out access drive. A west bound left-turn lane on KY 18 shall be constructed at the main entrance drive when that drive is constructed.

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.

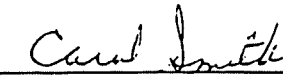


Phil Damstrom, Chairman

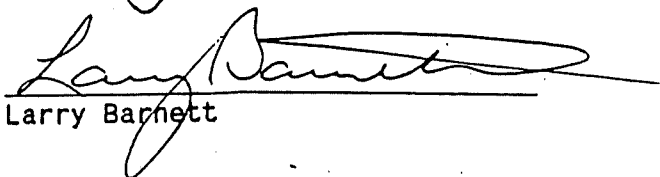
Rector Jones



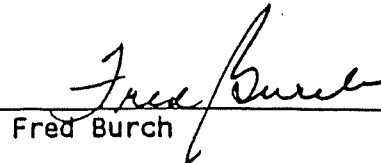
Barry Neltner



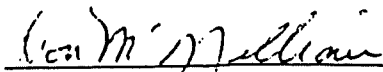
Carol Smith



Larry Barnett



Fred Burch



Donald McMillian

PD:mcb

H. MINUTES OF FIRST READING

MINUTES
BOONE COUNTY FISCAL COURT
OCTOBER 2, 1990
10:00 A.M.

BOND ORDINANCE NO. BO-09-11-90-01
NORTHERN KENTUCKY MENTAL HEALTH

Commissioner Davis moved, seconded by Commissioner Melhaus, to approve on second reading Bond Ordinance No. BO-09-11-90-01, an ordinance authorizing the issuance of \$1,625,000 Aggregate Principal amount of Industrial Building Revenue Bonds (Northern Kentucky Mental Health - Mental Retardation Regional Board, Inc. Project) of the County of Boone, Kentucky, the proceeds of which shall be loaned to Northern Kentucky Mental Health - Mental Retardation Regional Board, Inc. to provide for the acquisition, construction, installation and equipping of an industrial building suitable for use as health care and related facilities; providing for the pledge of revenues for the payment of such bonds' authorizing a loan agreement, trust indenture, bond purchase agreement, tax regulatory agreement and assignments appropriate for the protection and disposition of such revenues and to further secure such bonds; and authorizing other actions in connection with the issuance of such bonds.

County Attorney Larry Crigler noted there were some minor changes that should be noted for the records, however, there were no substance changes which would affect the rate. He said that the bonds can now be recallable in whole or in part when they have only been recallable in whole in the past, and that interest rates for advances means the interest rate then being born by the bonds plus two percent and all payments from the issuer referred to therein shall be payable solely from the pledged project receipts.

Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

ORDINANCE 920.214 -- ESTES/BARNES/DAVID

Commissioner Patrick moved, seconded by Commissioner Davis, to approve on first reading Ordinance 920.214, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by David E. Estes Engineering (Applicant) for Lucille Barnes, John David, and Teresa David (Owners) and such map amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili Restaurant, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-34-90. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

ORDINANCE 920.215 - HARLOW/CUTTER

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve on first reading Ordinance 920.215, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by James L. Harlow and Donald Cutter (Applicants) for Susan Travis (Owner) and such map amendment being a zone change from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential One/Planned development (SR-1/PD) for a 10.487 acre site located at 1082 Cayton Road, Boone County, Kentucky, as recommended by the Boone County Planning Commission on a 11-3 vote via Resolution R-35-90 and with the following conditions as agreed to by the developer and the Cayton Road Homeowners Association:

1. A flaring of the main subdivision street at its intersection with Cayton Road so as to allow vehicles to deaccelerate prior to turning into the subdivision.

I. MINUTES OF SECOND READING

MINUTES
BOONE COUNTY FISCAL COURT
OCTOBER 16, 1990
5:30 P.M.

Commissioner Patrick moved, seconded by Commissioner, to authorize preparation of the specifications for the conversion of the current porch into a pro shop. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve the general design of the proposed addition to the club house as presented at the caucus meeting. Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM IV. RETURN TO ORDINANCES & RESOLUTIONS

ORDINANCE 920.214 - ESTES/BARNES/DAVID

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve on second reading Ordinance 920.214, an ordinance of the Boone County Fiscal Court recommending approval for a zoning map amendment to the Boone County, Kentucky Zoning Map, such map amendment being requested by David E. Estes Engineering (Applicant) for Lucille Barnes, John David, and Teresa David (Owners) and such map amendment being a zone change from Suburban Residential Two (SR-2) and Recreation (R) to Office Two (O-2) and Commercial Two (C-2) for a 7.6 acre site generally located south of KY 18 and adjacent to the existing Gold Star Chili Restaurant, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-34-90. Commissioner Davis called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

ITEM V. PERSONNEL MATTERS

Commissioner Davis advised there were no personnel matters to come before the court at this time.

ITEM VI. JUDGE'S REPORT

PROCLAMATION - HIGHER EDUCATION WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve a proclamation declaring the week of October 14-20, 1990 as "Higher Education Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

PROCLAMATION - SCHOOL LUNCH WEEK

A proclamation was presented on behalf of Judge Ferguson and Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve a proclamation declaring the week of October 15-19, 1990 as "School Lunch Week". Commissioner Davis called for a vote on the motion, ALL VOTED AYE.

ITEM VII. OLD BUSINESS

PROPOSED ANIMAL SHELTER POLICY

Mr. Crigler presented court members with a revised copy of the Animal Shelter Policy and noted the two changes involved the exclusion of the mandatory spay & neuter program and the adoption fees and asked that this item be placed on the agenda for the next regular court meeting.

FLORENCE PARK CARE

Mr. Crigler also advised the court that a ruling had been received from Judge Sam Neace grant judgement in favor of Boone County ordering Florence Park Care to fully comply with the terms

EXHIBIT 2

C

Ordinance Of The Boone County Fiscal Court

Ordinance No. 2000-13

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT GRANTING THE REQUEST OF TIMOTHY B. THEISSEN (APPLICANT) FOR MARILYN C. AND BETTY J. BEIL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) ON A 5.62 ACRE SITE GENERALLY LOCATED ON THE SOUTH SIDE OF KY 18 AT THE KY 18/BEIL ROAD/VETERANS WAY INTERSECTION, BOONE COUNTY KENTUCKY.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky, which is more particularly described below; and,

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

WHEREAS, the Boone County Fiscal Court, having reviewed the record established by the Planning Commission, grants the request for this Zoning Map Amendment, subject to certain conditions.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from suburban Residential Two (SR-2) to Commercial Two (C-2) on a 5.62 acre site generally located along on the south side of KY 18 at the KY 18/Beil Road/Veterans Way intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential Two (SR-2) zone is more particularly described in DEED BOOKS 293, 157, 191, 310, and 311, PAGE NOS. 194, 98 185, 365, 336, and 11, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Except to the extent modified by Exhibit A, this approval is conditioned upon complying with the terms of the Concept Development Plan, as prepared by Bayer-Becker Engineers, dated January 04, 2000 and as presented to the Boone County Planning Commission, which is incorporated herein and the additional conditions which are attached hereto

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 2000-13

and incorporated herein as Exhibit A. In addition, traffic from the site shall be directed the use the intersection of Bell and KY 18 at Veterans Way.

SECTION II

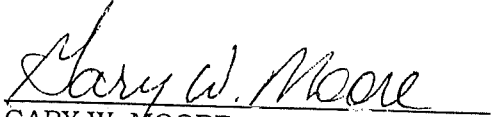
That as a basis for the granting approval of this Zoning Map Amendment the Boone County Fiscal Court finds from the record of the Boone County Planning Commission, that the request is consistent with the duly adopted Comprehensive Plan for the County of Boone, Kentucky. This development will fit in with mixed commercial and residential development planned for this area. Further, the development is compatible with the existing residential development in the area. The development also utilizes the "Access Management" techniques suggested in the Comprehensive Plan.

SECTION III


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

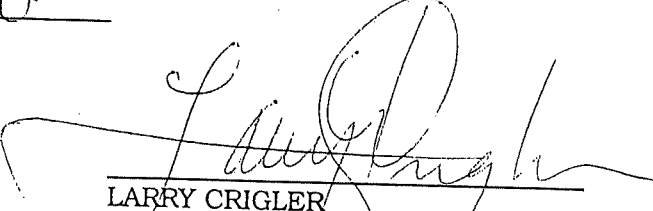
Introduced and given First Reading on the 16th day of May, 2000.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 10th day of June, 2000, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


ROBYN R. COBB
FISCAL COURT CLERK


LARRY CRIGLER
BOONE COUNTY ATTORNEY

6-15-2000
DATE PUBLISHED

CONDITIONS

1. This site must provide buffering as required by applicable regulations.
2. Building E at the southeast corner of the property shall be no higher than one story.
3. As presented by the Applicant at the February 23, 2000 public hearing, the architecture of the proposed buildings shall be residential in appearance on all sides, through the use of pitched roofs, brick or similar construction, and substantial landscaping and shall be subject to architectural design review by Planning Commission.
4. No parking stall shall be located on major interior drives. The realignment of interior drives, and redesign of certain sites may be required at Site Plan Review.
5. The use of Building C may be any C-2 use except the following:
 - C-2 principally permitted uses: 3, 27, 29, 31, 33, 34 and 36;
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 2, 3, 6, 7 and 17
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1, 3 and 13
6. The use of Building B may be any C-2 use except the following:
 - C-2 principally permitted uses: 36: In addition, eating establishments without the sale of alcoholic or drive-thrus will be permitted.
 - C-2 accessory uses: 9 and 11
 - C-2 conditional uses: 3, 4, 6 and 7
 - C-1 principally permitted uses: 6 and 7
 - C-1 accessory uses: 7 and 9
 - C-1 conditional uses: 1
 - O-1 principally permitted uses: 1
7. The use of Buildings A, D and E shall only include those uses as specified in O-1, specifically excluding principally permitted O-1 uses numbers, 1, 3 and 13.
8. The access street to the Caddell property as shown on the applicant's concept development plan shall be constructed by the applicant at such time as the main access street to the development is constructed to the point of intersection with the access street to the Caddell property.
9. Any future text amendments to C-2, C-1 or O-1 shall not apply to the proposed development.
10. A westbound left turn lane on KY 18 and an eastbound deceleration lane on KY 18 shall be constructed.
11. The access road onto Beil Road, east of the main entrance to the development shall be eliminated.
12. That the development shall be permitted signage consistent with C-2 zoning, except that any pole or monument sign shall be no higher than twenty (20) feet.

NOTE: All references to buildings, the proposed development and/or streets are as shown on the applicant's Concept Development Plan for First Financial Plaza prepared by Bayer Becker Engineers dated January 4, 2000.

30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places of religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails, bikeway systems, malls and urban pedestrian networks;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1023 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY);
2. Garden and landscape sales including floral greenhouses, lawn furniture and the like;
3. Automotive repair facility and wash services for vehicles;

- 4. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
- 5. Sale of satellite dishes;
- 6. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
- 7. Mini-warehouses or storage facilities;

SECTION 1024 Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025 Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026 Minimum Standards

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

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SECTION 1020
COMMERCIAL TWO (C-2)
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The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; Eating and drinking establishments including alcoholic beverages and entertainment, but excluding drive thru and franchisee style fast food establishment (CITY OF FLORENCE ONLY);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, TV, watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;

**ARTICLE
10
COMMERCIAL DISTRICTS
BACK TO TABLE OF CONTENTS**

SECTION 1000 Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

**SECTION 1010
COMMERCIAL ONE (C-1)**

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011 Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages, and with drive thru facilities; Eating and drinking establishments including alcoholic beverages, but excluding drive thru and franchise style fast food chains (CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, T.V., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;

- 24. Antiques and used merchandise;
- 25. Books, stationery, newspapers and magazines;
- 26. Florists excluding greenhouses;
- 27. Sporting goods including bicycles;
- 28. Draperies, curtains, upholstery and floor coverings;
- 29. Paint, glass and wallpaper stores;
- 30. Photo finishing services;
- 31. Recreation centers, gymnasiums, clubs and similar athletic uses;
- 32. Video stores;
- 33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
- 2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- 6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
- 7. Retail sale of motor fuels;
- 8. Drive-up photo finishing services and automatic teller services;
- 9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property).

SECTION 1013 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Gasoline filling stations and automotive repair facilities;
- 2. Churches, synagogues, temples and other places of religious assembly for worship;
- 3. Franchise style fast food establishments and drive thru eating and drinking establishments (CITY OF FLORENCE ONLY).

SECTION 1014 Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acre of land.

SECTION 1015 Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016 Minimum Standards

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

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**SECTION 1110
OFFICE ONE (0-1)
BACK TO TABLE OF CONTENTS**

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111 Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;
11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities; (Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;

- 29. Recreation centers, gymnasiums and other related recreational facilities;
- 30. The retail sale of office supplies and equipment;
- 31. Funeral homes and crematoriums including cemeteries or mausoleums.

SECTION 1112 Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Automatic letter machines;
- 6. Single-family dwelling unit.

SECTION 1113 Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Child and adult care centers.

SECTION 1114 Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115 Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116 Minimum Standards

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

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

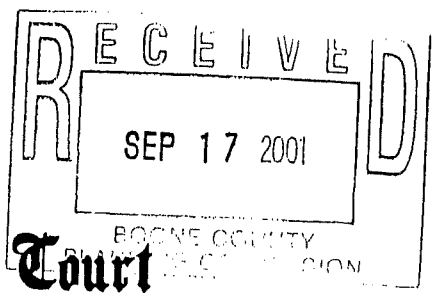
No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

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EXHIBIT 3

D

**Ordinance
Of
The Boone County Fiscal Court**



Ordinance No. 01-19

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF CINTech CONSTRUCTION, INC. (APPLICANT) FOR GOLDSMITH PROPERTIES (OWNER BY OPTION) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A PUBLIC FACILITIES (PF) ZONE FOR AN APPROXIMATE 5 ACRE LOT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KY 18/KINGSGATE DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (9-4) VIA RESOLUTION NO. R-01-016-A.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an approved Concept Development Plan in a Public Facilities (PF) zone is more particularly described in DEED BOOK 343, PAGE NO. 1 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 01-19

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an approved Concept Development Plan in a Public Facilities (PF) zone for an approximate 5 acre lot, generally located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky, the 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 Ordinance and marked as "Exhibit A".

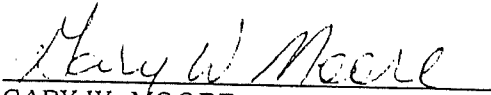
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B".

SECTION III

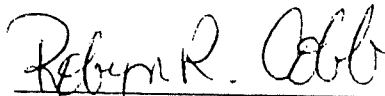
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

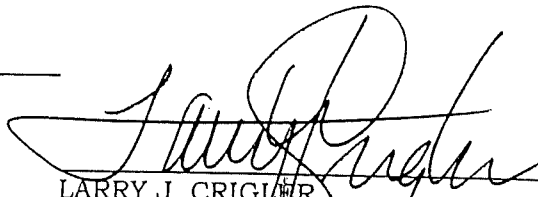
Introduced and given First Reading on the 7th day of August, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 28th day of August, 2001, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

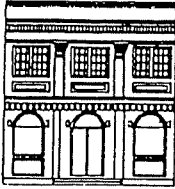
ATTEST:


ROBYN R. COBB
FISCAL COURT CLERK


LARRY J. CRIGLER
BOONE COUNTY ATTORNEY

9/13/01
DATE PUBLISHED

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

July 13, 2001

Mr. James M. Pandzik
Cintech Construction, Inc.
10 Tech View Place
Cincinnati, OH 45215

JUL 16 2001

RE: Request of **Cintech Construction, Inc. (applicant)** for **Goldsmith Properties (owner by option)** to consider a Change in Concept Development Plan for a 5 acre tract located on the southeast corner of the KY 18/ Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Change in Concept Development Plan in a Public Facilities (PF) zone to allow medical and professional offices, and other uses permitted by the PF zone.

Dear Mr. Pandzik:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on July 17, 2001.

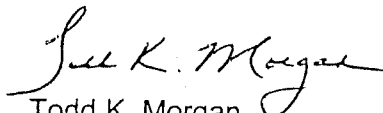
Conditions

1. The development will be limited to three lots, as shown on the Concept Development Plan.
2. The architectural design of the medical/professional office building must match the submitted elevation drawing.
3. The buildings locating on lots 2 and 3 of the development must go through the Planning Commission's Design Review process. These Design Review applications will be analyzed on the following criteria:
 - A. The buildings shall be of non-metal materials such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
 - B. All building elevations shall be of a similar quality design as the professional/office building that is shown on lot 1 of the Concept Development Plan.
4. The medical/professional office building must be single-story construction. All other buildings within the development will be subject to a two-story height limitation.

Mr. James M. Pandzik
Cintech Construction, Inc.
July 13, 2001
Page 2

5. The development will be limited to one fast food restaurant with a drive-thru.
6. The medical/professional office building will be required to have oblong landscape mounds staggered throughout the rear yard buffer. The height of these mounds, at center, shall be four feet.
7. A photometric plan will be required for each building. A 0.0 foot candle measurement will be required along all residential property lines. In addition, the light fixtures on lot 1 will be equipped with cut-off shields to minimize illumination on the adjoining homes within Kingsgate Crossing Subdivision.
8. The maximum intensity permitted for each lot is 15,000 square feet of gross floor area per acre of land.
9. A right-hand turn lane will be installed on Kingsgate Drive prior to the development of lot 2 or 3. The owner is aware that the cost of the turn lane will be at his expense and that he may have to dedicate additional right-of-way to accommodate this improvement.
10. All standards from the Boone County Subdivision Regulations and Boone County Zoning Regulations must be met, unless the Zoning Administrator issues a Waiver.
11. The following attachments list the permitted, accessory, and conditional uses that will be permitted in the development. Deleted items have been stricken out.

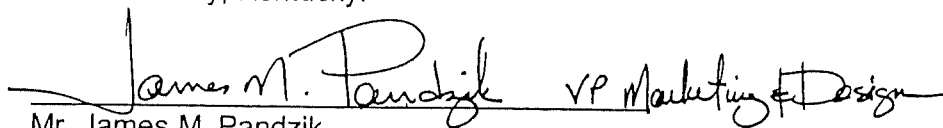
Sincerely,


Todd K. Morgan
Planner

TKM/pr

Enclosure

I, James M. Pandzik, hereby agree to the listed conditions of approval for a Concept Development Plan for a 5 acre site located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky.


Mr. James M. Pandzik VP Marketing & Design
Date 7/18/2001

C: RBX/WAX

ARTICLE

12

PUBLIC FACILITIES DISTRICT

SECTION 1211

Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental offices including executive, legislative, judicial, administrative and U. S. offices, Post Offices.
2. Police, fire, civil defense and other protective and related services;
3. Primary, elementary, and secondary schools;
4. Junior colleges, colleges and universities;
5. Vocational or trade schools, professional schools and special training and schooling facilities;
6. Hospitals, medical outpatient services, sanitariums, convalescent and rest homes and related health facilities;
7. Cemeteries and mausoleums including funeral houses and crematoriums;
8. Libraries, museums art and craft galleries, conservatories and cultural exhibits;
9. Churches or religious assembly uses including apartment dwelling units related to the religious use;
10. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
11. All principally permitted uses in an Office One (O-1) zone.

SECTION 1212

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:
 - a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;

- b. ~~Historic sites, structures, monuments, and other exhibits available for public viewing;~~
 - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
 - d. ~~Golf driving ranges;~~
 - e. ~~Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;~~
 - f. ~~Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;~~
 - g. ~~Swimming beaches and swimming pools;~~
 - h. ~~Yachting, boat rental, boat access sites, and other marina activities;~~
 - i. ~~Camping, picnicking, hiking areas, trails and other recreational uses;~~
 - j. ~~Hunting and fishing grounds;~~
2. ~~Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts, including:~~
 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping of security dogs, etc.;~~
 3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
 4. Signage (See Article 34);
 5. Parking (See Article 33);
 6. Temporary buildings incidental to construction;
 7. Blueprinting and photocopying services;
 8. Cafeterias, food service for employees;
 9. Books, stationery, and limited sales of office supply articles;
 10. Postal Services.

SECTION 1213

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Travel, transportation or promotional event ticketing and forwarding services;
3. The writing, publishing, and printing of newspapers, periodicals, and books;
4. Retail sale of drug and proprietary goods;
5. ~~Amphitheaters, theaters, playhouses, and other entertainment assemblies;~~
6. ~~Stadiums, arenas, field houses, and other sports assembly uses and structures;~~
7. ~~Prisons and other correctional institutions;~~
8. ~~Military bases and reservations;~~
9. ~~Communication Towers.~~

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
2. Beauty and barber services and tanning salons;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
(Testing of animals must be done off-site)
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. ~~Single-family dwelling unit.~~

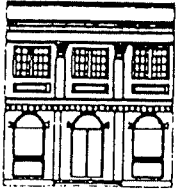
SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

BOONE COUNTY PLANNING COMMISSION



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Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

July 13, 2001

Mr. Steven A. Waxman
Goldsmith Properties
901 Reily Road
Cincinnati, OH 45215

RE: Request of **Cintech Construction, Inc. (applicant)** for **Goldsmith Properties (owner by option)** to consider a Change in Concept Development Plan for a 5 acre tract located on the southeast corner of the KY 18/ Kingsgate Drive intersection, Boone County, Kentucky. The request is for a Change in Concept Development Plan in a Public Facilities (PF) zone to allow medical and professional offices, and other uses permitted by the PF zone.

Dear Mr. Waxman:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the President of Goldsmith Properties, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on July 17, 2001.

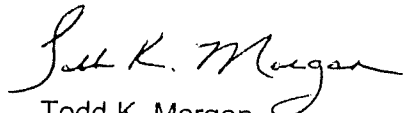
Conditions

1. The development will be limited to three lots, as shown on the Concept Development Plan.
2. The architectural design of the medical/professional office building must match the submitted elevation drawing.
3. The buildings locating on lots 2 and 3 of the development must go through the Planning Commission's Design Review process. These Design Review applications will be analyzed on the following criteria:
 - A. The buildings shall be of non-metal materials such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
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Mr. Steven A. Waxman
Goldsmith Properties
July 13, 2001
Page 2

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7. A photometric plan will be required for each building. A 0.0 foot candle measurement will be required along all residential property lines. In addition, the light fixtures on lot 1 will be equipped with cut-off shields to minimize illumination on the adjoining homes within Kingsgate Crossing Subdivision.
8. The maximum intensity permitted for each lot is 15,000 square feet of gross floor area per acre of land.
9. A right-hand turn lane will be installed on Kingsgate Drive prior to the development of lot 2 or 3. The owner is aware that the cost of the turn lane will be at his expense and that he may have to dedicate additional right-of-way to accommodate this improvement.
10. All standards from the Boone County Subdivision Regulations and Boone County Zoning Regulations must be met, unless the Zoning Administrator issues a Waiver.
11. The following attachments list the permitted, accessory, and conditional uses that will be permitted in the development. Deleted items have been stricken out.

Sincerely,



Todd K. Morgan
Planner

TKM/pr

Enclosure

I, Steven A. Waxman, hereby agree to the listed conditions of approval for a Concept Development Plan for a 5 acre site located on the southeast corner of the KY 18/Kingsgate Drive intersection, Boone County, Kentucky.



Mr. Steven A. Waxman

7/16/2001
Date

C: RBW/JMP

ARTICLE

12

PUBLIC FACILITIES DISTRICT

SECTION 1211

Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental offices including executive, legislative, judicial, administrative and U. S. offices, Post Offices.
2. Police, fire, civil defense and other protective and related services;
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6. Hospitals, medical outpatient services, sanitariums, convalescent and rest homes and related health facilities;
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8. Libraries, museums art and craft galleries, conservatories and cultural exhibits;
9. Churches or religious assembly uses including apartment dwelling units related to the religious use;
10. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
11. All principally permitted uses in an Office One (O-1) zone.

SECTION 1212

Accessory Uses

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 - a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;

- b. ~~Historic sites, structures, monuments, and other exhibits available for public viewing;~~
 - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
 - d. ~~Golf driving ranges;~~
 - e. ~~Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;~~
 - f. ~~Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;~~
 - g. ~~Swimming beaches and swimming pools;~~
 - h. ~~Yachting, boat rental, boat access sites, and other marina activities;~~
 - i. ~~Camping, picnicking, hiking areas, trails and other recreational uses;~~
 - j. ~~Hunting and fishing grounds;~~
2. ~~Dwelling unit(s) for the owner operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:~~
 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping of security dogs, etc.;~~
 3. ~~The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;~~
 4. ~~Signage (See Article 34);~~
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 7. ~~Blueprinting and photocopying services;~~
 8. ~~Cafeterias, food service for employees;~~
 9. ~~Books, stationery, and limited sales of office supply articles;~~
 10. ~~Postal Services.~~

SECTION 1213

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices;
2. Travel, transportation or promotional event ticketing and forwarding services;
3. The writing, publishing, and printing of newspapers, periodicals, and books;
4. Retail sale of drug and proprietary goods;
5. ~~Amphitheatres, theaters, playhouses, and other entertainment assemblies;~~
6. ~~Stadiums, arenas, field houses, and other sports assembly uses and structures;~~
7. ~~Prisons and other correctional institutions;~~
8. ~~Military bases and reservations;~~
9. ~~Communication Towers.~~

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Convenient stores;
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4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Bank related services (including drive-thru facilities) or credit unions;
7. Business and personal credit services and title services;
8. Security brokers, investment services and finance companies;
9. Insurance agents, brokers and services;
10. Real estate agents, brokers and management services;

11. Real estate management services and builders offices excluding any outside storage equipment and the like;
12. Photographic services;
13. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
(Does not apply to property inside City of Florence limits.)
14. Direct mail and advertising services;
15. Stenographic services and other duplicating and mailing services;
16. News syndicate services and employment services;
17. Research, development and testing services of an office nature;
18. Business and management consulting services and associations;
19. Motion picture, audio-visual and similar media production and distribution services;
20. Physician and dental services including medical, dental laboratories and clinics;
21. Legal, engineering, architectural, education and scientific research services;
(Testing of animals must be done off-site)
22. Accounting, auditing and bookkeeping services;
23. Charitable and social services administration offices;
24. Professional membership organizations and labor organizations and civic associations;
25. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
26. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
27. Veterinary services not including the boarding of animals;
28. Business colleges or schools;
29. Recreation centers, gymnasiums and other related recreational facilities;
30. The retail sale of office supplies and equipment;
31. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. ~~Single-family dwelling unit.~~

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers.

October 22, 1998

LEGAL DESCRIPTION

5.0 Acre Parcel

Kentucky Highway 18, Boone County, Kentucky
Arlinghaus Builders, Inc. to Balanced Care Corporation

Being located in Boone County, Kentucky and lying on the south side of Kentucky Highway 18 as relocated, about 0.8 miles east of Burlington and being more particularly described as follows:

Beginning a set iron pin and cap at the intersection of the south line of Kentucky Highway 18 and the east line of Kings Gate Drive; thence with the south line of Kentucky Highway 18, S 54° 36' 00" E, 243.49 feet to a set iron pin and cap; thence S 57° 12' 57" E, 154.75 feet to a set iron pin and cap, pin and cap being the northwest corner of David (D.B. 304, pg. 288); thence with the west line of said parcel S 32° 36' 52" W, 520.50 feet to a set iron pin and cap on the north line of lot 6, Kings Gate Crossing, Section Two; thence with the north line of Kings Gate Crossing, Section Two N 57° 12' 27" W, 433.52 feet to a set iron pin and cap on the east line of Kings Gate Drive; thence with said line N 36° 26' 35" E, 532.63 feet to the point of beginning and containing 5.00 acres.

Being the remainder of the unsubdivided property conveyed to the grantor and recorded in D.B. 343, pg. 1 of the Boone County Clerk's Office at Burlington, Kentucky.

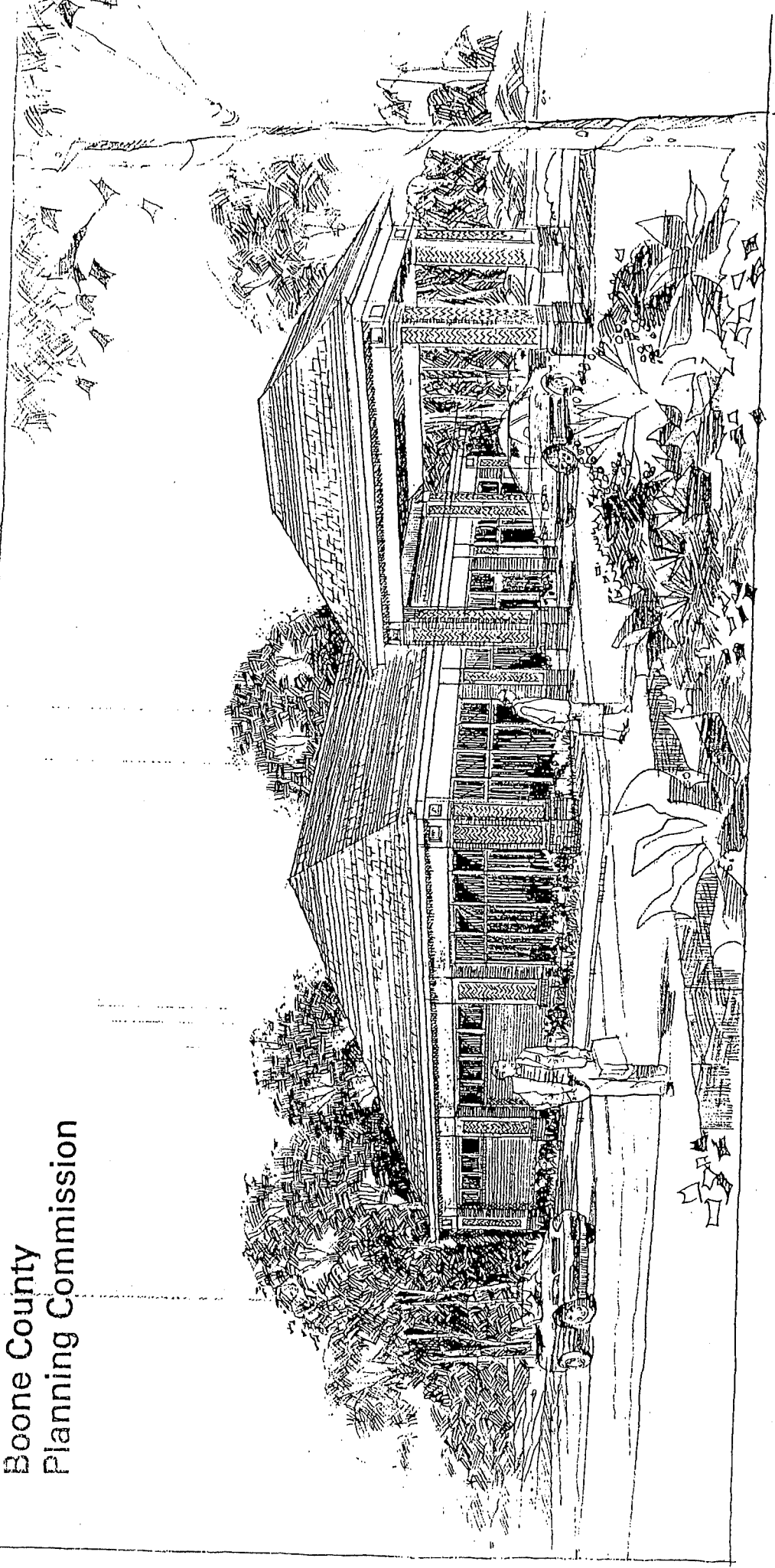
The bearings are based on State Plane Coordinates for the Kentucky North Zone. Set iron pin and caps are stamped "ERPENBECK LS249".

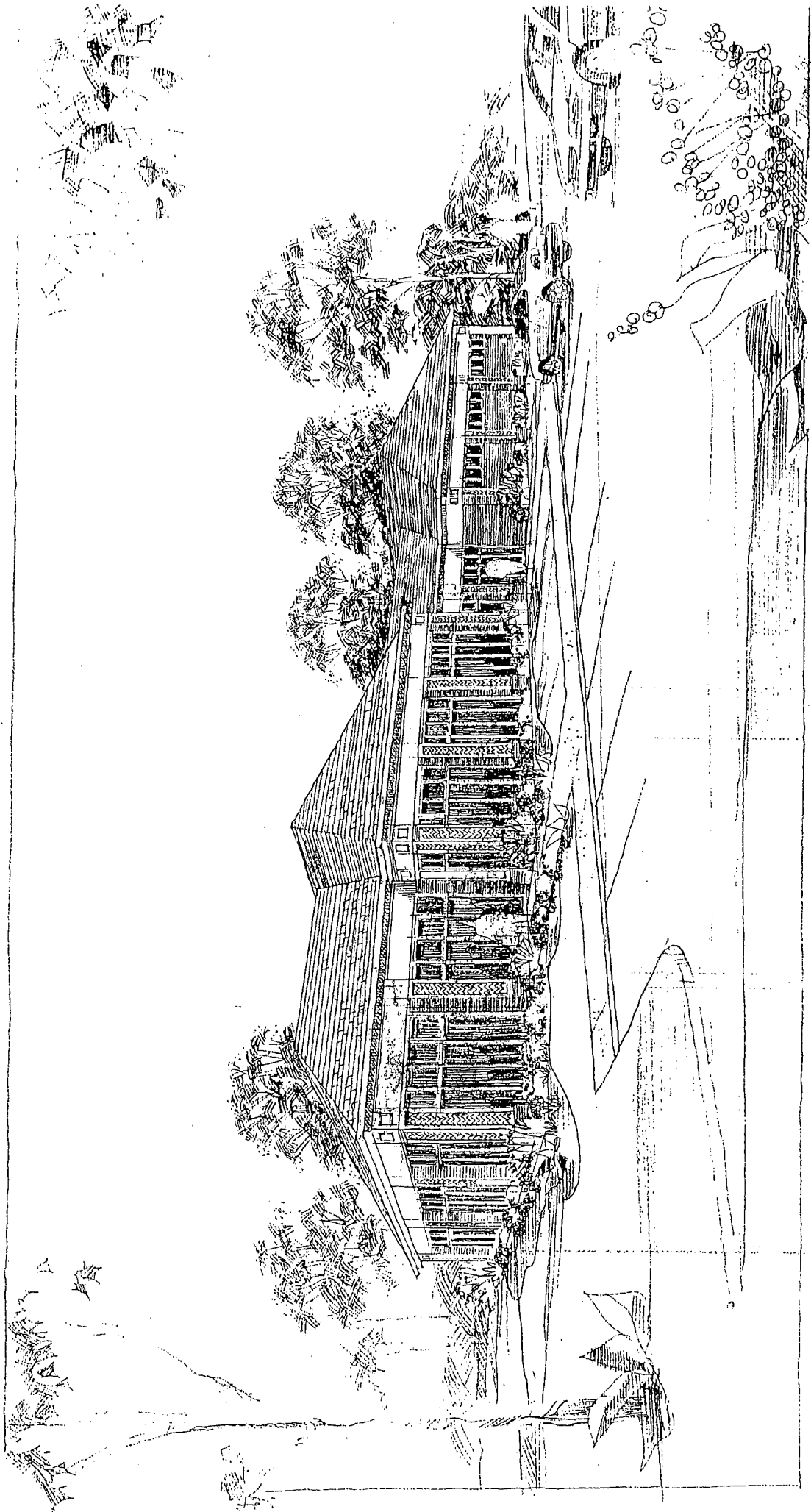
Concept Plan
APPROVED *with
Conditions*

Staff J. L. Morgan

Date 7-18-01

Boone County
Planning Commission





**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
January 17, 2007
7:00 P.M.**

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:07 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell, Chairman
Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds

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

Mrs. Poston welcomed Linda Herald, a new member of the Planning Commission representing the City of Florence.

Approval of the Minutes: Mrs. Poston stated that the Commissioners received copies of the minutes of the January 3, 2007 Business Meeting. He asked if there were any comments or corrections. There being no changes to the minutes, Mr. Rolfsen moved that they be approved as mailed. Mr. Bunger seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Change in Approved Concept Development Plan and Zoning Map Amendment

The request of Mike Ziegler (applicant) for Kingsgate Square, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of Mike Ziegler (applicant) for Kingsgate Square, LLC (owner) for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

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). In regard to Condition #1, Mr. Wall reviewed the Concept Development Plan that was presented at the January 3, 2007 Zone Change Committee Meeting and noted that (1) the building setbacks at the rear of the office area adjoining the residential area are larger and there is more buffering, and (2) the offsite parking for the restaurant has been eliminated. The property owner has signed the letter agreeing to the conditions.

Mrs. Poston 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 before the Planning Commission takes action on this request.

Mr. Scott Phillips, Frost Brown Todd, 2200 PNC Center, legal counsel for the applicant, stated that Mike Ziegler was also present. Mr. Phillips thanked Staff and the Committee for working with them to create a plan that is a win for the community, the neighbors, and his client. He stated that they worked closely with

Mr. Wallace and his client in regard to the neighbor's concerns. He stated that this is a terrific plan that improves the density of the overall project and is a win-win situation. He offered to answer any questions.

Mrs. Poston asked if there was anyone present who wished to make a summary statement on behalf of the opposition.

Mr. Don Feldhaus, 6102 Kingsgate Drive, stated that he is not in opposition but wants to learn more about the request. Counselor Wilson advised that a Public Hearing has been held and there have been at least two Committee Meetings. He stated that the Public Hearing cannot be reopened. Mr. Feldhaus stated that he may have missed his chance, but he has some questions. Mrs. Poston stated that she believes the applicant would be willing to speak with him after the meeting.

There being no further comments, **Mrs. Kegley moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Breetz seconded the motion.**

Mr. Bunger stated that a lot of work went into reaching the current plan and the conditions. This site is a gateway to Burlington and it is important for it to be developed in accordance with the plan and specifications and designed in a way that the entire community can be proud of and share in. Mr. Poe agreed and asked that they follow the conditions to the letter. He does not want them to come back in the future in regard to the over-flow parking not being done as agreed, which has happened on U.S. 42 and other parts of KY 18.

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

2. Zoning Map Amendment

The request of Long Branch Development, Inc. (applicant) for Albert Kenkel, Margaret Kenkel, Riegler Family LLC, Benjamin A. Riley, Patricia A. Riley, Donel Tanner, Alberta Tanner, Arlinghaus Investments LLC, and Robert Schroder (owners) for Zoning Map Amendments from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 173.2 acres, Suburban Residential Two (SR-2) for 101.4 acres, and Suburban Residential Three (SR-3) for 70.6 acres, for an approximate 345 acre total area located between the south side of Longbranch Road across from the Barrone Street intersection and the north side of Hathaway Road including the property at 2505 Longbranch Road and properties to the east, west, and south of 2505 Longbranch Road, the property at 2444 Hathaway Road and properties to the north of 2444 Hathaway Road, Boone County, Kentucky. The request is for zone changes to allow single-family and multi-family residences.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: January 17, 2007

RE: Request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in Concept Development Plan and Zoning Map Amendment are in agreement with the 2005 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - 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." The proposal is for a mixed retail/commercial center in the C-2 portion of the site along KY 18 and one office building in the O-2 portion at the rear of the site.
 - B. The Land Use Element ("Burlington Area," pg. 151) states "the south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an

innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the residential development occurring along the Rogers Lane corridor."

The proposed commercial development has a multi-building, smaller-scaled "lifestyle" center/cluster arrangement to avoid the creation of strip development and will cater towards immediate neighborhood needs. This is also accomplished through the limited uses agreed by the property owner. Visual impacts are addressed through agreed conditions for architectural requirements that relate the proposed structures to the adjoining areas, and signage and lighting stipulations. Significant buffering including the retention of existing trees, supplemental evergreen trees in addition to the normal code requirements, berming, and increased building setbacks will be provided along the residential adjacencies at the rear of the site. These buffer improvements, coupled with a one story, residential appearing office building, will create an appropriate transition to the neighboring residential uses. The applicant's engineer demonstrated that the proposed Concept Development Plan will generate less traffic than the 1990 plan that is currently approved for the site.

These same qualities of the proposal agree with:

- i. The Business Activity Element ("Recommended Areas of Commercial Activity, pg. 63) which states "commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18" and "commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods;" and
- ii. The Business Activity Goals and Objectives which discuss placing businesses at appropriate locations and compatibility with their surrounding areas (Goal), creating compact, efficient development patterns for business districts with appropriately sized buffer spaces (Overall Objective), and coordinating with the surrounding land uses and having safe and effective access (Commercial Objective 1).

- C. Two different paragraphs of the "Burlington Area" section of the Land Use Element discuss the need for parallel roadways to KY 18. Two different sections of First Financial Drive dead end into the opposing east and west boundaries of the site. The proposed Concept Development Plan will finish this parallel roadway into one complete alignment.
 - D. Based on the Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 140 to 142 of the Land Use Element and the Comprehensive Plan Goals and Objectives.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the revised Concept Development Plan that was presented at the January 3, 2007 Zone Change Committee meeting (attached).
2. The attached text from Articles 10 and 11 of the Boone County Zoning Regulations lists uses that will be permitted in the development. Prohibited uses have been stricken out. Bars shall not be permitted under the "eating and drinking establishments including alcoholic beverages" category in the C-2 portion of the site (C-1 principally permitted use #2 and C-2 principally permitted use #3); restaurants which have a license to sell liquor "by the drink" are permitted under this category. One coffee shop or comparable establishment (such as a tea room, sandwich shop, or a pastry shop) with a single drive-through lane is also permitted under this category (one drive-through lane is permitted for the entire development as indicated on the Concept Development Plan).
3. Any future text amendments to the uses permitted in the applicable zones (C-1, C-2, O-1, and O-2) shall not apply to the proposed development.
4. Buffer areas adjoining the residential uses and zones to the east and south shall be provided per the revised Concept Development Plan. A minimum 10 foot wide "no disturb" area where the healthy, existing vegetation will be retained shall be established along these adjacencies. Berming, which is approximately 6 feet high along the east property line and approximately 3 feet high along the south property line, shall be provided. The berming may be tapered down to the existing grade where necessary to retain existing large diameter trees. Two staggered rows of

evergreen trees, which have an installation size of at least 8 feet, shall be provided in these buffer areas at a rate of at least one tree per 15 feet on center in each row. Hedge plantings (large shrubs per Plant List C in Article 37 of the zoning regulations) shall be used to fill "gaps" between the evergreen trees and where the berming was tapered to the existing grade to retain existing large diameter trees.

5. A full pitched roof form or multiple pitched forms shall be provided over the entirety of each structure. The exterior walls of each structure shall be actual brick which uses natural tones; other materials may be used for incidental accents and details. The overall designs of these structures shall be complimentary to the buildings in the developments to the east and west, and the residential structures to the south. Storefronts on the C-2 area buildings may have varied designs such as by providing three dimensional jogs in the building footprint, varying window and door configurations, awnings, varying brick colors of complimentary tones, or alternate types of masonry. A formal Design Review application shall be submitted for review and approval through the full Planning Commission upon the recommendation of the Technical/Design Review Committee.
6. The attached fixture examples shall be used for exterior lighting. The photometric plan submitted with each site plan application in the development shall demonstrate that there will be no measurable light (0.0 footcandle) at each property boundary. The mast height for the freestanding fixtures shall be comparable to the neighboring developments.
7. The permitted architectural freestanding sign or monument sign for the C-2 portion of the site shall be limited to 20 feet in height. The materials and design of this sign shall mimic those used for the buildings; this sign shall be subject to the same Design Review process as outlined in condition 5 for the buildings. Building mounted signs shall be internally illuminated, individual channel letters, which may include secondary sign copy on incidental box cabinets.
8. The Boone County Historic Preservation Review Board shall be granted the opportunity to document and salvage any usable historic building materials from the circa 1880 structure at 2325 Burlington Pike prior to its demolition. The documentation and salvage of materials shall occur within thirty (30) days of being contacted by the developer.
9. The pavement section and vehicular circulation in all areas of the development shall be designed to adequately accommodate the Burlington Fire Protection District's largest apparatus.

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.

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
- ~~3. Grocery stores and supermarkets;~~
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;

MUST BE RESTAURANT DRINK LICENSE ONLY

EXCEPT NO FAST FOOD. COFFEE SHOP WITH DRIVE THRU LARGE DRIVE-THRU

6. ~~Convenience stores;~~ Not Allowed
7. ~~Liquor, beverage;~~ drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;

- 29. Paint, glass and wallpaper stores;
- 30. Photo finishing services;
- 31. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~ NOT ALLOWED
- 32. ~~Video stores;~~
- 33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012
Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
- 2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~ NOT ALLOWED
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping and use of appropriate household pets;~~
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- 6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~ NOT ALLOWED
- 7. ~~Retail sale of motor fuels;~~ NOT ALLOWED
- 8. Drive-up photo finishing services and automatic teller services;

~~8. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ NOT ALLOWED

10. ^{ONE} Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- ~~1. Gasoline filling stations and automotive repair facilities;~~ NOT ALLOWED
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

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

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. ~~All~~ principally permitted uses of a Commercial One (C-1) district; ^{AS NOTED}
2. ~~All~~ the principally permitted uses in an Office One (O-1) district; ^{AS NOTED}
3. Eating and drinking establishments including alcoholic beverages; ^{MUST BE RESTAURANT DRINK LICENSE ONLY.} EXCEPT NO FAST FOOD. COFFEE SH WITH SINGLE LANE DRIVE-THRU
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social

- and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
 26. Aquariums, botanical gardens and other natural exhibitions;
 27. ~~Arcades and other amusement centers;~~
 28. ~~Motion picture theaters (indoor);~~ NOT ALLOWED
 29. ~~Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;~~ NOT ALLOWED
 30. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~
 31. ~~Motorcycles sales or bike shops excluding outside storage;~~ NOT ALLOWED
 32. Churches, synagogues, temples and other places or religious assembly for worship;
 33. ~~Hotels and motels including convention facilities;~~ NOT ALLOWED
 34. ~~Pawn shops (Not Applicable within the City of Florence);~~ NOT ALLOWED
 35. ~~Auto parts and accessories stores;~~
 36. ~~Gasoline filling station;~~ NOT ALLOWED

SECTION 1022

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~

- a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~ NOT ALLOWED
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction ;
 6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~ NOT ALLOWED
 7. Drive-up photo finishing services and automatic teller services;
 8. Indoor target ranges and similar athletic uses;
 9. ~~Recycling collection points (See Article 31);~~ NOT ALLOWED
 10. Garment and Furniture centers (See Article 31);
 11. ~~The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ NOT ALLOWED
 12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. ~~Automotive repair facility and wash services for vehicles;~~ NOT ALLOWED
3. ~~Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~ NOT ALLOWED
4. Sale of satellite dishes;
5. ~~Small scale sales or leasing of new and used recreational vehicles requiring the storage of no~~ NOT ALLOWED

~~more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~

~~6 Mini-warehouses or storage facilities (Does not apply in the City of Florence);~~ NOT ALLOWED

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

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

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Commercial parking facilities and commercial recreational vehicle parking facilities;
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
- ~~8. Eating and drinking establishments including alcoholic beverages; NOT ALLOWED~~
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;

12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:

- a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Automatic teller machines;
 6. ~~Single-family dwelling unit,~~ *NOT ALLOWED*
 7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113

Conditional Uses

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;
2. ~~Convenient stores,~~ *NOT ALLOWED*
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses.

SECTION 1114

Intensity

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115

Minimum Size

The minimum size or extent required of an Office One District is one acre.

SECTION 1116

Minimum Standards

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

Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120

OFFICE TWO (O-2)

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. ~~Convenient stores;~~ NOT ALLOWED
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.

SECTION 1122

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other

- entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
 3. Postal travel and transportation ticket or forwarding services;
 4. Detective, protective and other police services;
 5. Signage (See Article 34);
 6. Parking (See Article 33);
 7. Automatic teller machines;
 8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services;
 9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:

- ~~1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district; NOT ALLOWED~~
2. The writing, publishing of newspapers, periodicals and books provided any printing operation

is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;

3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. ~~Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;~~ NOT ALLOWED
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. ~~Automobile leasing or rental agencies (maximum storage of 50 vehicles);~~ NOT ALLOWED
8. Adult and child care centers.

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

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

SECTION 1130

INDUSTRIAL ONE (I-1)

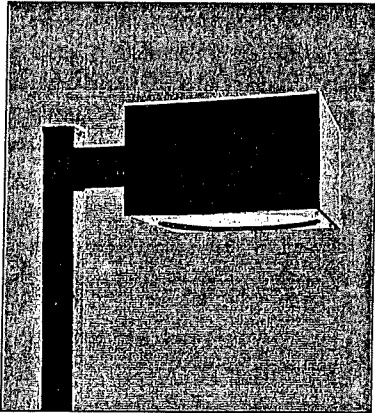
The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres

RECEIVED AT 1/3/07 ZONE CHANGE
COMMITTEE MTG

Architectural Vertical Cutoff

KVF



Intended Use

For car lots, street lighting or parking areas.

Features

Construction – Heavy-gauge, die-formed aluminum housing, fabricated using robotic continuous seam-weld process for weathertight integrity. Integral structural support plate for mounting arm and electrical components. Hinged aluminium door frame with stainless steel hardware. Continuous silicone gasketing surrounds lens.

Finish – Standard finish is dark bronze corrosion-resistant electrostatically applied powder paint. Optional linear embossed accent reveals are available. Dark bronze polyester powder paint is standard. Other architectural colors available.

Optics – Vertical-lamp reflectors are one-piece spun and formed anodized aluminum. Horizontal-lamp reflectors also available. Mogul-base porcelain socket with copper alloy, nickel-plated screw shell and center contact. Horizontal

position-oriented for types R2, R3 and R4. Reflectors are rotatable and interchangeable. UL Listed 1500W-600V, 4KV pulse rated. (1000S is 5K pulse rated.)

Electrical – Electrical components mounted to heavy-gauge plate to maximize heat dissipation and structural integrity. Constant-wattage autotransformer ballasts are copper wound and 100% factory tested. Super CWA pulse start ballasts required for 320M, 350M, 450M and 750M (must order SCWA option).

Installation – Extruded aluminium arm with integral splice compartment. Standard arm is 9" in length. (12" arm is required for fixtures mounted at 90°.)

Listings

UL Listed (standard), CSA Certified (see Options). UL Listed for wet locations. Optical chamber is IP65 rated for ingress protection per IEC529 International standards.

Ordering Information

Example: KVF 1000M SYMDL 480 SP09 LPI

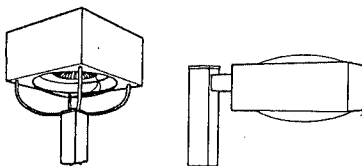
Designation	Distribution	Voltage	Mounting	Options/accessories
High pressure sodium	Vertical lamp distribution	120	Arm mounting	Installed
KVF 250S ¹	SYMDL Symmetric square, drop lens, semi-cutoff	208 ⁷	SP04 4" Square pole arm ⁹	LPI Lamp Included
KVF 400S	ASYDL Asymmetric, drop lens, semi-cutoff	240 ⁷	RP04 4" Round pole arm ⁹	L/LP Less lamp
KVF 1000S ¹	SYMFL Symmetric square, flat lens, full-cutoff ⁵	277	SP06 6" Square pole arm ⁹	PER NEMA twist-lock receptacle only (photocontrol not included)
Metal halide	ASYFL Asymmetric, flat lens, full-cutoff ⁵	347	RP06 6" Round pole arm ⁹	SF Single fuse, 120V, 277V, 347V (n/a TB)
KVF 175M ²	VFADL Vertical forward throw, automotive, drop lens, semi-cutoff	480 ⁷	RP09 9" Square pole arm ⁹	DF Double fuse, 208V, 240V, 480V (n/a TB)
KVF 200M ³	VFAFL Vertical forward throw, automotive, flat lens, full-cutoff ⁵	TB ⁸	SP12 12" Square pole arm	EC Emergency circuit (250W max., lamp not included)
KVF 250M ²			RP12 12" Round pole arm	SCWA Super CWA pulse start ballast (n/a HPS) ¹¹
KVF 320M ³			WB12 12" Wall bracket	KW1 KiloWatch 120V control relay ¹²
KVF 350M ³	Horizontal lamp distribution		KMA Mast arm (external fitter)	KW4 KiloWatch 277V control relay ¹²
KVF 400M ²	R2DL Type II roadway, drop lens ⁵		Post-top mounting¹⁰	EHS External house-side shield ¹³
KVF 450M ³	R3DL Type III asymmetric, drop lens ⁵		PT4 Post-top, 4" OD open-top pole	EHSB External house-side shield black ¹³
KVF 750M ³	R2FL Type II roadway, flat lens ⁵		PT45 Post-top, 4-1/2" OD open-top pole	QRS Quartz restrrike system (250W max., lamp not included)
KVF 1000M ^{2,4}	R3FL Type III asymmetric, flat lens ⁵		PT5 Post-top, 5" OD open-top pole	QRSD QRS time delay (250W max., lamp not included)
	Segmented reflector		PT6 Post-top, 6" OD open-top pole	TLS Tool-less access
	SR2FL Type II segmented, roadway, flat lens ^{5,6,10}		RPF20 Round pole fitter (2-3/8" OD tenon)	CR Enhanced corrosion resistance
	SR3FL Type III segmented, asymmetric, flat lens ^{5,6,10}		RPF25 Round pole fitter (2-7/8" OD tenon)	EA Embossed accents
	SR4SCL Type IV segmented, forward throw, sharp cutoff, flat lens ^{5,6,10}		SPF20 Square pole fitter (2-3/8" OD tenon)	CSA CSA Certified
	SR4WFL Type IV segmented, wide forward throw, sharp cutoff, flat lens ^{5,6,10}		SPF25 Square pole fitter (2-7/8" OD tenon)	NOM NOM Certified (consult factory)

NOTES:

- 1 Must use standard E-25 lamp. Only available with SYMDL, ASYDL and VFADL, n/a 347V.
- 2 May be ordered with SCWA.
- 3 Must be ordered with SCWA.
- 4 1000M requires BT37 reduced jacket lamp.
- 5 Not available with 1000S.
- 6 Not available with 450M, 750M or 1000M.
- 7 Consult factory for availability in Canada.
- 8 Optional multi-tap ballast (120V, 208V, 240V, 277V). In Canada 120V, 277V, 347V; ships as 120V/347V.
- 9 Must order SP12 or RP12 when two or more luminaires are oriented on a 90° drilling pattern.
- 10 Segmented reflectors not available with post-top mounting configurations.
- 11 175M, 750M and 1000M available in vertical lamp distributions only.
- 12 For specific ordering information, consult factory.
- 13 May be ordered as an accessory.

Dimensions are shown in inches (centimeters) unless otherwise noted.

EPA⁹ 2.8ft² (25m²)
Square: 21-1/2" (54.6)
Height: 17" (43.2)
Max. weight: 53 lbs (24 kg)



www.lithonia.com, keyword: KVF

Shipped separately

- PE1 NEMA twist-lock PE (120V-240V)
- PE3 NEMA twist-lock PE (347V)
- PE4 NEMA twist-lock PE (480V)
- PE7 NEMA twist-lock PE (277V)
- SC Shorting cap for PER option
- KVFG Vandal guard

For tenon slip fitters, see page 540.



Consistent with LEED[®] goals & Green Globes[®] criteria for light pollution reduction
Will not meet with DL or EHS options.

Architectural

WST/WSR/ WSQ

BUILDING MOUNTED



Intended Use

For building- and wall-mounted applications.

Features

Housing – Rugged, die-cast, single-piece housing. Die-cast door frame has 1/8" thick tempered glass lens. Door frame is fully gasketed with one-piece solid silicone. Standard finish is textured dark bronze (DDBT) corrosion-resistant polyester powder with other architectural colors available.

Optics – Interchangeable, segmented reflectors for superior uniformity and control. Three full cutoff distributions available: FT (forward throw), MD (medium throw) and WT (wide throw). Four uplight distributions available in WSR only: FTU (forward throw, 10% up), MDU (medium throw, 10% up), WTU (wide throw, 10% up) and MDUS (up/down, medium throw, 50% up, 50% down). Compact fluorescent MD (medium throw) only.

Electrical – HID: 50W MH-150W utilizes a high reactance, high-power factor ballast. 35S and 50S utilizes a reactor normal-power factor ballast. 175W utilizes a constant-wattage auto

transformer ballast. Quick-disconnect plug easily disconnects reflector from ballast. Ballasts are copper wound and 100% factory tested. CFL: compact fluorescent ballast is Class P, electronic, high-power factor, <10% THD with starting temp. of 0° F (-18°C).

Socket - HID is porcelain, medium-base copper alloy, nickel-plated screw shell and center contact. (UL Listed 660W, 600V 4KV pulse rated). Fluorescent socket is high-temperature thermoplastic with integral lamp retention clip.

Installation – Universal mounting mechanism with integral mounting support allows fixture to hinge down. Bubble level provides correct alignment with each installation.

Listings

UL Listed suitable for wet locations (damp location listed in lens-up orientation). CSA Certified (see Options). IP65 rated.

Ordering Information

Example: WST 175M FT 120 SF LPI

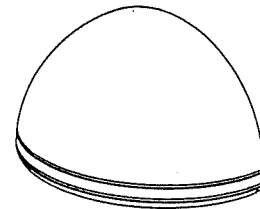
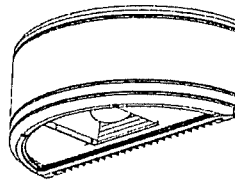
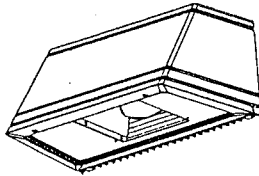
Series	Wattage	Distribution	Voltage	Options/accessories
WST Trapezoid	High pressure sodium	<u>Downlight distribution</u>	120	<u>Installed</u>
WSR Halfround	35S ¹	FT Forward throw	208 ⁴	SF Single fuse, 120V, 277V, 347V (n/a TB or TBV)
WSQ Quartersphere	50S	MD Medium throw (coated lamp standard)	240 ⁴	DF Double fuse, 208V, 240V (n/a TB or TBV)
	70S	WT Wide throw	277	GMF Internal slow-blow fusing ^{8,9}
	100S	<u>Uplight distribution</u> ³	TB ⁵	EC Emergency circuit (25W max., lamp included)
	150S	FTU Forward throw with 10% uplight	TBV ⁶	DC12 Emergency circuit 12 volt (35W lamp included standard) ¹⁰
	<u>Metal halide</u>	MDU Medium throw with 10% uplight (coated lamp standard)	MVOLT ⁷	2DC12 Emergency circuit 12 volt ((2) 35W lamps included standard) ¹⁰
	50M	WTU Wide throw with 10% uplight		DC2012 Emergency circuit 12 volt (20W lamp included standard) ¹⁰
	70M	MDUS Up/down medium throw with 50% uplight & 50% downlight (coated lamp standard)		2DC2012 Emergency circuit 12 volt ((2) 20W lamps included standard) ¹⁰
	100M			ELDW Emergency battery pack (120V or 277V only) ^{8,11}
	150M			ELDWR Remote battery pack ready (by others) for compact fluorescent lamps ¹²
	175M			ELDWC Cold weather emergency battery pack (120V and 277V only) ^{8,20}
	<u>Compact fluorescent</u> ²			QRS Quartz restrike system (100W max., lamp not included) ¹³
	260TT			CR Enhanced corrosion resistance
	2/260TT			
	32TRT			
	2/32TRT			
	42TRT			
	2/42TRT			
				<u>Options/accessories</u>
				CR Non-stick protective coating ¹⁴
				PE Photoelectric cell-button type (n/a TB or TBV) ¹⁶
				WLU Wet location door for up orientation
				IBS Internal backlight shield ¹⁶
				DFL Diffusing lens
				LPI Lamp Included
				L/LP Less lamp
				UCS Uplight component shield ¹⁷
				CSA CSA Certified
				<u>Architectural colors</u> ¹⁸
				<u>Standard textured colors</u>
				DDBT Dark bronze (std.)
				DSST Sandstone
				DNAT Natural aluminum
				DWHG White
				DBLB Black
				<u>Shipped separately</u>
				WSBBW Surface-mounted back box ¹⁹
				UTS Uptilt 5 degrees ¹⁹
				WSTVG Wire guard (WST) ¹⁵
				WSTVG Vandal guard (WST) ¹⁵
				WSRWG Wire guard (WSR and WSQ) ¹⁵
				WSRVG Vandal guard (WSR and WSQ) ¹⁵

LITHONIA OUTDOOR

WST

WSR

WSQ



Dimensions are shown in inches (centimeters) unless otherwise noted.

	WST	WSR	WSQ
Width:	16-1/4(41.2)	18(45.7)	18(45.7)
Depth:	9-1/8(23.2)	9(22.8)	9(22.8)
Height:	7-1/4(18.4)	7-1/4(18.4)	9-3/8(23.8)
Max. weight:	30lbs(13.6kg)	30lbs(13.6kg)	30lbs(13.6kg)

NOTES:

- 1 120V only, NPF only
- 2 Only available with MD, MDU and MDUS distributions.
- 3 Available on WSR fixture only.
- 4 Not available in Canada.
- 5 Optional multi-tap ballast (120V, 208V, 240V, 277V). In Canada 120V, 277V, 347V; ships as 120V/347V.
- 6 Optional 5-tap ballast (120V, 208V, 240V, 277V, 480V; n/a in Canada). 175M only.
- 7 Optional multi-volt electronic ballast (for compact fluorescent lamps only) capable of operating on any line voltage from 120V-277V.
- 8 Available for compact fluorescent units only.
- 9 Must specify voltage, n/a MVOLT or TB.
- 10 Not available with SF, DF or QRS.
- 11 Not available with 2/32TRT or 2/42TRT.
- 12 Battery pack by others and mounted external to luminaire. Pilot light/test switch mounting plate included. Consult factory for availability.
- 13 Not available with compact fluorescent.
- 14 Black finish only.
- 15 Must be ordered with fixture; no field modifications.
- 16 IBS not available with MD, MDU and MDUS distributions.
- 17 For WSR, inverted orientation, with FTU and WTU distributions only.
- 18 Additional architectural colors available; see www.lithonia.com.
- 19 Must specify finish.
- 20 -20°C to 55°C operation. N/A 2/260TI, 2/32TRT, 2/42TRT or WSQ.

Lamp/Fixture Data			
Wattage	Ballast	Lamp type	Base type
High pressure sodium (med/clear)			
35	RHPF	E17	medium
50	RHPF	E17	medium
70	HX-HPF	E17	medium
100	HX-HPF	E17	medium
150	HX-HPF	E17	medium
Metal halide (med/clear)			
50	HX-HPF	E17	medium
70	HX-HPF	E17	medium
100	HX-HPF	E17	medium
150	HX-HPF	E17	medium
175	CWA	E17	medium
Compact fluorescent (double twin-tube/triple-tube)			
260TT	electronic, HPF	T4	G24Q-3
32TRT	electronic, HPF	T4	GX24Q-3
42TRT	electronic, HPF	T4	GX24Q-4



Consistent with LEED® goals & Green Globes™ criteria for light pollution reduction

Does not meet with uplight distribution options.

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

November 15, 2006

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:50 PM and introduced the first item on the Agenda:

1. **Applicant:** Mike Ziegler for
 John David (owner)

Request: Change in Approved Concept Development Plan
 and Zoning Map Amendment

The request of Mike Ziegler (applicant) for John David (owner) for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of Mike Ziegler (applicant) for John David (owner) for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). The Staff Report was based on the plan

submitted with the original application, and a revised plan received November 13, 2006 is attached to the Staff Report and in the Power Point presentation.

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

Mr. Mike Ziegler with the Ziegler Group at 1720 Wildcat Boulevard, Suite 200, Burlington stated that he has been working on this development with the Staff for over two years. He stated that there was a 1990 approved plan for a single use bank, a restaurant with a drive-through (not predominantly fast food), and three single-story professional office buildings. He wants to build a town square type development and bring the uses together in one building, which would complement what has been constructed in the area and give the opportunity to expand the retail to provide services to the office development and the growing residential use in the area. He stated that there are enough banks in Burlington and Hebron. He stated that there is a 4,700 square foot restaurant on the plan and parking in the back, but they have not signed with a restaurant. They have no commitment to a size of 4,700 square feet or any requirement for parking in the rear. They are not saying that the only way they can have the Concept Plan approved is with a restaurant and parking in the rear. There is a walkway and patio area between the buildings for outdoor seating and to build on the town square atmosphere. They have taken three buildings and put them together in one office building, which is more in keeping with today's standards, and allows them to build a bigger detention pond area. They have constructed a sidewalk around the detention pond and linked it to the sidewalks in the development. There is sidewalk all the way to Kingsgate to allow the residents to come out Kingsgate Drive and down to First Financial Drive to walk their pets and jog in that area. He reviewed the Power Point slide looking toward Gold Star and noted the existing road that was not constructed according to the plans. He stated that if they were to continue the road and dedicate it to the county, it would go through the back of the Gold Star parking lot and take out the dumpsters. They want to correct the error by meandering the road to the south, which will take out some of the Gold Star landscaping (Gold Star has agreed). The area where they are adjusting the zoning line has a lot to do with the road and mitigating the expense of reconstructing the section of First Financial Drive that has already been dedicated to the county. He stated that the Ziegler Group developed the Shoppes of Hebron at the front of Park West International, the one-story building at Limaburg Road/KY 18 (Boot Country), and the two-story building there. Their offices are on the second floor of the two-story building. They want to keep with that type of quality. They do not have any problem with the Staff recommendations. They want to construct a quality project that blends with the neighboring residential and complements the neighboring commercial. They want to create something that will be more than a strip retail center and will be a gathering place for the residents. This concluded the applicant's presentation.

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

Mr. David Wallace, attorney with Wallace Boggs Colvin Rouse and Bushelman, was present on behalf of adjoining property owners Arnold and Chad Caddell. Mr. Chad Caddell is building a large home at the corner of this property. Mr. Wallace submitted a handout *Presentation to Boone County Planning Commission in Opposition to the Request of Mike Ziegler (applicant) for John David (owner) for a Change in the Approved Concept Development Plan and Zoning Map Amendment by H. David Wallace, Esq. of Wallace Boggs Covin Rouse Bushelman, PLLC, on behalf of Arnold E. Caddell and Chad Caddell, November 15, 2006* (see Exhibit 1). He stated that the property has been the subject of other zone changes. He stated that the request more than doubles the 9,500 square feet of retail space that was previously approved for this project. The proposed zone change is not in accordance with the Comprehensive Plan and is merely a way to increase the retail density at the front of the property. Kentucky courts have ruled that there has to be a compelling need to change the zoning and profitability is not a compelling need. He stated that the renderings look nice and there are nice awnings – but it is a strip center, and possibly two strip centers – which is in conflict with the Comprehensive Plan. The Comprehensive Plan does not allow strip-type developments. He stated that the existing approval only allows two stand-alone buildings, which is in accordance with the 2005 Comprehensive Plan. The existing zoning and existing Concept Plan are the correct uses for this property. He stated that the applicant indicated that the architectural concept is for the retail buildings (parapet walls, lightweight metal canopies, and E.I.F.S. exterior material), but there is no description of the office building. He stated that the three office buildings totaled 26,550 square feet on the original Concept Plan, but office now totals 15,000 square feet -- which is to allow a greater density in the retail area. They can only have so much density per acre. He stated that this plan has restaurant, retail, parking located across the public street requiring patrons to cross the street, and 21,200 square feet of restaurant/retail uses. The conditions that were approved by Fiscal Court required increased buffering, a six-foot wooden fence along the east/south/west boundary lines, the existing trees were to be maintained, buildings could only be one story, and the buildings were to be residential in appearance with pitched roofs and real brick construction. There were no fast food restaurants and there was only 9,500 square feet of retail/restaurant uses. He was involved in the First Financial Plaza and the uses were extremely limited as part of the conditions. He stated that the architectural design and integrity of this area is very important. On both sides of this property, the Planning Commission required the buildings to be residential in nature with substantial landscaping. Architectural design approval is required for every building on either side. Drive-through restaurants were not allowed. A photometric plan was required where the offices are located so that the lighting would not impact the residences. He stated that the applicant has not demonstrated that the proposal is in accordance with the current Comprehensive

Plan. There have been no changed circumstances and the zoning has not been demonstrated to be inappropriate as required by statute. He stated that strip centers are specifically prohibited by the Comprehensive Plan in this area. If the Planning Commission approves this request, there are issues that would have to be addressed: (1) there has to be a substantial reduction in the density in the retail/restaurant area, (2) the parking that requires patrons to cross the street has to be eliminated -- they are trying to put too much retail in the front of this project if they have to put parking back in the office section, (3) the buffer yard to adjoining properties needs to be widened and all vegetation/trees protected, (4) the six-foot wooden fence should still be required and there should be specific details as to the type and quality of the fence, (5) consideration should be given to moving the detention pond to the other end to get it away from the residential areas, (6) Permitted Uses within the development should be substantially limited much like First Financial Plaza and the office development on the other side of the project, and (7) it is most important to preserve the architectural design and integrity that has been required by the Planning Commission all the way from Kroger, down KY 18, through First Financial Plaza, to the office buildings located closer to Burlington.

Mr. Gary Scott, 6036 Kingsgate Drive, stated that he is not opposed. They live behind Gold Star and they get lights from Gold Star, but they knew it was there when they moved in. The healthy native trees should be left to protect them and their neighbors from light pollution. When they moved in, their backyard sloped towards their house and when it rained they got water in their basement. They graded the yard and put in a drainage swale and have not had a problem since. He is concerned that the detention pond will fail and the water will overpower their swale and they and their neighbors will have flooded basements. He believes it would be a good idea to move the detention pond away from that area. He is concerned about an old creek that may flood if the detention pond fails. He asked that the trees be kept and that something be done about the drainage. He stated that the land slopes away from the site and towards their neighborhood.

Mr. Terry Lee, 6054 Kingsgate, directly south of the subject property, stated that there will be an office building close to the flowerbed in his backyard and a few small trees will not give them any privacy. He stated that there has to be a fence. He recommended that the office building be moved much closer to KY 18 and away from the residential area.

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

Mr. Schwenke asked if the office building in the rear would have an exposed basement. Mr. Ziegler responded that the building is on a slab. Mr. Schwenke questioned the rear buffer yard. Mr. Wall responded that it is 25 feet wide, which is the code requirement, but it is effectively 30 feet with the building setback. Mr.

Schwenke stated that the neighbors indicated that the property slopes toward the residential area. He is concerned about the visibility and questioned the height of the berm. Mr. Wall responded that a berm has not been proposed. There is a Staff Comment regarding consideration of a berm. A fence was included in the original conditions, which was more in vogue at that time, but vertical separation is a matter of choice and there could be a berm or fencing. Mr. Schwenke asked the applicant to bring line-of-sight drawings and the elevations to the Committee Meeting.

Mr. Reynolds questioned what an adequate height of the berm would be in order to screen the development. Mr. Wall responded that typically at a distance of 30 feet, the berm would be four feet tall in order to keep the 3 to 1 slope. A height of 6 feet plus tends to work better. Mr. Reynolds questioned the maturity of the trees on the perimeter of the development. Mr. Wall responded that the trees are 30 to 50 feet tall. The perimeter trees on the east and southeast sides are much older and there is second-generation growth toward the interior of the site. Mr. Reynolds questioned an arborist study on the site. Mr. Wall responded that the Planning Commission has not required an arborist study in the past.

Mrs. Poston asked if Boot Country is a brick building. Mr. Ziegler responded that it is not a full brick building, but the front façade is brick. There was an error on the submitted rendering, but the rendering was approved and the building was constructed with a thin brick material. The bricks were cut in half and grouted on, which is actually more expensive because of the labor involved. They are not proposing thin brick for this site.

Mrs. Poston questioned the shared off-site parking. Mr. Ziegler stated that the code requires one parking space for every two seats in the restaurant but, if the restaurant brought in more cars than that, they could use the overflow area. If there was a sports bar or family style restaurant with a bar, instead of there being one car for every two patrons, there could be two cars for every three patrons -- which they could address with the overflow parking. They have enough parking for typical retail use.

In response to questions from Mrs. Poston regarding the office building, Mr. Ziegler stated that he does not expect to construct the single-story office building for the next year or two because the market is not there. The market is probably a couple of years away. Mrs. Poston asked if there is a retention pond or a detention pond. Mr. Ziegler responded that initially there will be a retention pond for stormwater runoff and it would grow into a detention pond as they finish out the development. He stated that the location of the lake goes along with the Development Plan approved in 1990 and the study at that time indicated that it was the best location. They have not looked at whether it could be easily flipped with the proposed uses.

Mrs. Poston questioned how the square footage of this plan compares to the square footage of the original plan. Mr. Wall responded that the total square footage in the retail area has about doubled and the square footage in the office area is about half what it was. The square footage in the C-2 (retail) area was originally 11,000 – 12,000 square feet and it is now 21,000+ square feet. In the O-2 (office area) with the day care there was about 31,000 square feet (without the day care there was about 26,000 square feet). There is now 15,000 square feet of office space.

Mrs. Poston asked if the conditions from the properties on either side of this property are included in the Staff Report or in Mr. Wallace's material and available for the Committee Meeting. Mr. Wall agreed that the conditions are in the materials the Commissioners have.

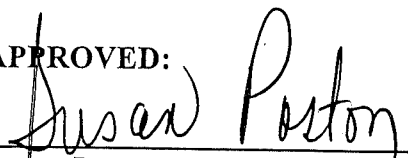
Mr. Reynolds asked Staff if there has been a discussion with the applicant concerning the intensity of use – will there be one or two restaurants, the necessity for parking, and the impact in conjunction with the office space. He questioned the left turn lane that is being constructed into the site. Mr. Ziegler responded that there is an email in the packet from Ed Thompson at KDOT indicating that KDOT reviewed the plan with the proposed left turn lane and that it meets with their approval. He stated that when they submitted the first plan, KDOT asked for modifications and this is the second plan.

Mrs. Poston asked if the applicant wished to respond to the comments made.

Mr. Ziegler stated that they are adjusting the zoning for one-half acre of the property. One of the big issues is being able to complete First Financial Drive. It does not make sense to have the existing road reconstructed -- it makes more sense to meander the road to the south to accommodate what has already been constructed on the site. They have more density than was proposed in 1990 for the retail portion because there were two stand alone single-use buildings and they do not want a single-use building for a bank and a single-use building for a fast-casual restaurant. They want to have more services, such as a Kinko's, that would benefit the greater community. He has also had inquiries about additional medical uses. He stated that the use will not be straight strip retail. He wants to create something that the community and the residents to the rear can enjoy.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 6, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 20, 2006 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:

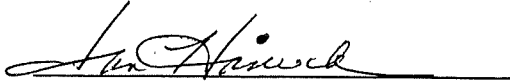

Jan Hancock, Recording Secretary

Exhibit 1 - Presentation to Boone County Planning Commission in Opposition to the Request of Mike Ziegler (applicant) for John David (owner) for a Change in the Approved Concept Development Plan and Zoning Map Amendment by H. David Wallace, Esq. Of Wallace Boggs Covin Rouse Bushelman, PLLC, on behalf of Arnold E. Caddell and Chad Caddell, November 15, 2006, submitted by David Wallace

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: January 3, 2007

RE: Request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

REMARKS:

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

Ziegler/David

January 3, 2007

Susan Poston

Susan Poston, Chairwoman
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

Judy Arnett
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Kim Bunger

Kim Bunger
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley
 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 5 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 20, 2006

RE: Request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

REMARKS:

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

Ziegler/David

December 20, 2006

Susan Poston

Susan Poston, Chairwoman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Judy Arnett

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger

Kim Bunger

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Janet Kegley

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Jim Carmichael (Alternate)

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

Charlie Reynolds (Alternate)

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

Bob Schwenke (Alternate)

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

Lisa Wilson (Alternate)

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

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 6, 2006

RE: Request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone and Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and the request of **Mike Ziegler (applicant)** for **Kingsgate Square, LLC (owner)** for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325, and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow mixed retail, restaurant, and office uses and a zone change to realign an existing zoning boundary in conjunction with the proposed development.

REMARKS:

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

Ziegler/David

December 6, 2006

Susan Poston

Susan Poston, Chairwoman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred

Judy Arnett

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Kim Bunger

Kim Bunger

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Janet Kegley

Janet Kegley

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: 4 DEFERRED _____ FOR PROJECT 1 ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

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

January 16, 2007



Mr. Michael Ziegler
The Ziegler Group
1720 Wildcat Boulevard
Suite 200
Burlington, KY 41005

JAN 16 2007

FAX: 586-8834

RE: Recommended Conditions of Approval for Change in Concept Development Plan and Zone Change from O-2 to C-2 for 6.28 Acre Area at 2279 and 2325 Burlington Pike, Boone County, Kentucky

Dear Mr. Ziegler

The following represents the conditions of approval for the above referenced application as agreed by the Planning Commission's Zone Change Committee at their 1/3/07 meeting, and as we have further discussed the detailed language. If you, as the property owner, 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 9:00 AM, Wednesday, January 17, 2007.

CONDITIONS

1. The development shall follow the revised Concept Development Plan that was presented at the January 3, 2007 Zone Change Committee meeting (attached).
2. The attached text from Articles 10 and 11 of the Boone County Zoning Regulations lists uses that will be permitted in the development. Prohibited uses have been stricken out. Bars shall not be permitted under the "eating and drinking establishments including alcoholic beverages" category in the C-2 portion of the site (C-1 principally permitted use #2 and C-2 principally permitted use #3); restaurants which have a license to sell liquor "by the drink" are permitted under this category. One coffee shop or comparable establishment (such as a tea room, sandwich shop, or a pastry shop) with a single drive-through lane is also permitted under this category (one drive-through lane is permitted for the entire development as indicated on the Concept Development Plan).

WZ

Mr. Michael Ziegler

January 16, 2007

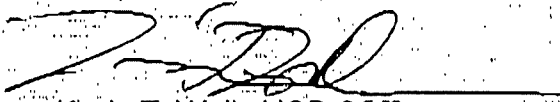
Page 2

3. Any future text amendments to the uses permitted in the applicable zones (C-1, C-2, O-1, and O-2) shall not apply to the proposed development.
4. Buffer areas adjoining the residential uses and zones to the east and south shall be provided per the revised Concept Development Plan. A minimum 10 foot wide "no disturb" area where the healthy, existing vegetation will be retained shall be established along these adjacencies. Berming, which is approximately 6 feet high along the east property line and approximately 3 feet high along the south property line, shall be provided. The berming may be tapered down to the existing grade where necessary to retain existing large diameter trees. Two staggered rows of evergreen trees, which have an installation size of at least 8 feet, shall be provided in these buffer areas at a rate of at least one tree per 15 feet on center in each row. Hedge plantings (large shrubs per Plant List C in Article 37 of the zoning regulations) shall be used to fill "gaps" between the evergreen trees and where the berming was tapered to the existing grade to retain existing large diameter trees.
5. A full pitched roof form or multiple pitched forms shall be provided over the entirety of each structure. The exterior walls of each structure shall be actual brick which uses natural tones; other materials may be used for incidental accents and details. The overall designs of these structures shall be complimentary to the buildings in the developments to the east and west, and the residential structures to the south. Storefronts on the C-2 area buildings may have varied designs such as by providing three dimensional jogs in the building footprint, varying window and door configurations, awnings, varying brick colors of complimentary tones, or alternate types of masonry. A formal Design Review application shall be submitted for review and approval through the full Planning Commission upon the recommendation of the Technical/Design Review Committee.
6. The attached fixture examples shall be used for exterior lighting. The photometric plan submitted with each site plan application in the development shall demonstrate that there will be no measurable light (0.0 footcandle) at each property boundary. The mast height for the freestanding fixtures shall be comparable to the neighboring developments.
7. The permitted architectural freestanding sign or monument sign for the C-2 portion of the site shall be limited to 20 feet in height. The materials and design of this sign shall mimic those used for the buildings; this sign shall be subject to the same Design Review process as outlined in condition 5 for the buildings. Building mounted signs shall be internally illuminated, individual channel letters, which may include secondary sign copy on incidental box cabinets.
8. The Boone County Historic Preservation Review Board shall be granted the opportunity to document and salvage any usable historic building materials from the circa 1880 structure at 2325 Burlington Pike prior to its demolition. The documentation and salvage of materials shall occur within thirty (30) days of being contacted by the developer.

Mr. Michael Ziegler
January 16, 2007
Page 3

- 9. The pavement section and vehicular circulation in all areas of the development shall be designed to adequately accommodate the Burlington Fire Protection District's largest apparatus.

Sincerely,



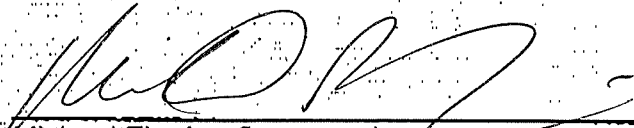
Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Enclosures

AGREEMENT

I, the property owner of the real estate located at 2279 and 2325 Burlington Pike, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan and Zoning Map Amendment application.

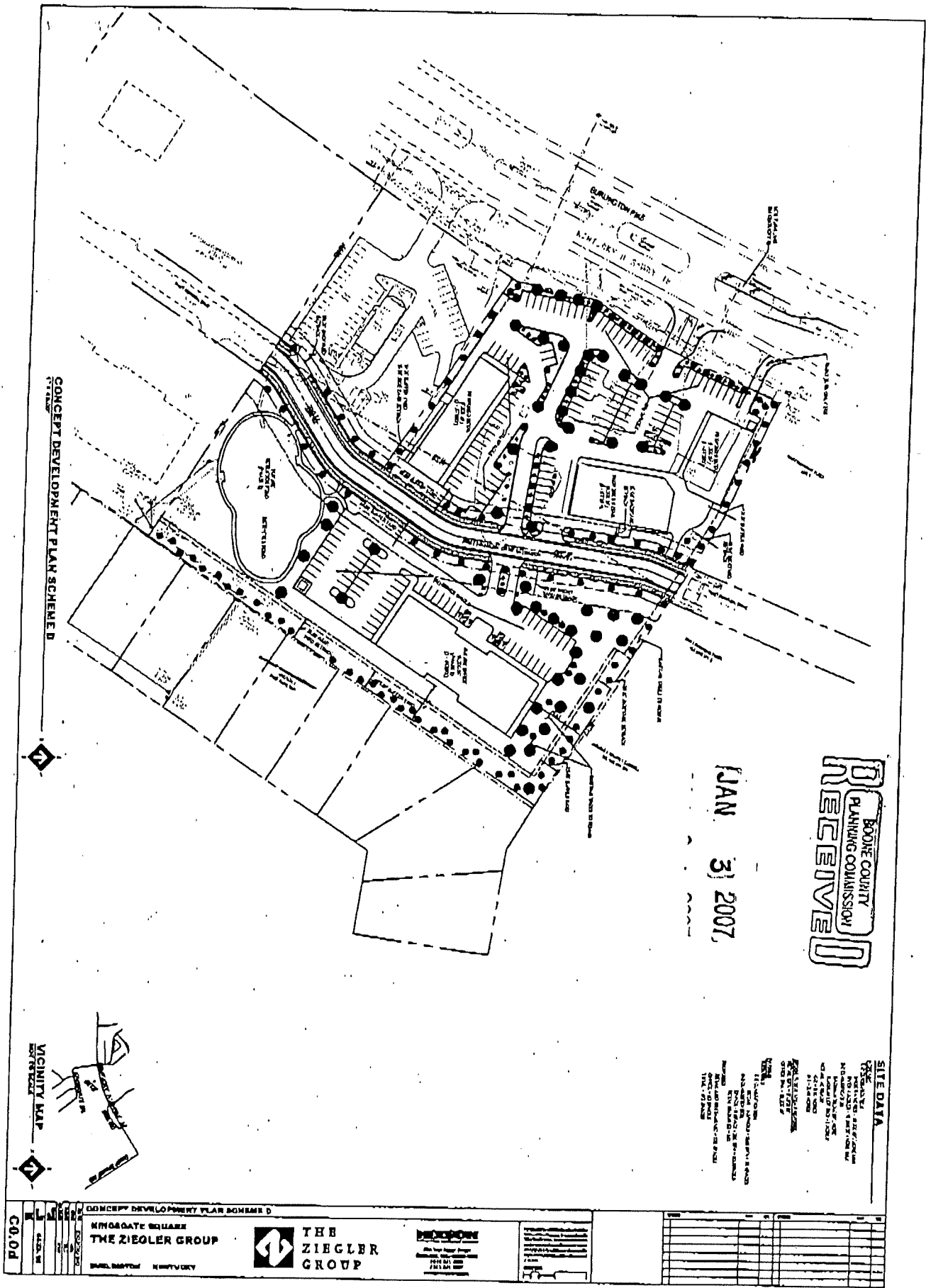


Michael Ziegler, Property Owner

1/16/07

Date

KINGSGATE SQUARE, LLC
MANAGING MEMBER



Handwritten initials

ZIEGLER USES

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

- 1. Hardware stores;
- 2. Eating and drinking establishments including alcoholic beverages;
- ~~3. Grocery stores and supermarkets;~~
- 4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
- 5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;

MUST BE RESTAURANT DRINK LICENSE ONLY

EXCEPT NO FAST FOOD. COFFEE SHOP WITH BEER SINGE LONG DRIVE-TITLE

10.1

6. ~~Convenience stores;~~ *Not Allowed*
7. ~~Liquor, beverage;~~ drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;

30. Photo finishing services;

~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~ NOT ALLOWED

~~32. Video stores;~~

33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:

- a. Temporary exhibit spaces;
- b. Aquariums, botanical gardens and other natural exhibitions;
- c. Stages and similar assembly areas;
- d. Indoor target ranges and similar athletic uses;

~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including.~~

- ~~a. Private garage and parking;~~ NOT ALLOWED
- ~~b. Structures such as fences and walls;~~
- ~~c. Buildings such as storage sheds;~~
- ~~d. The keeping and use of appropriate household pets;~~

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~ NOT ALLOWED

~~7. Retail sale of motor fuels;~~ NOT ALLOWED

8. Drive-up photo finishing services and automatic teller services;

- ~~8. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ Not Allowed
10. ^{one} Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013**Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- ~~1. Gasoline filling stations and automotive repair facilities;~~ Not Allowed
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014**Intensity**

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015**Minimum Size**

There is no minimum size or extent required of a Commercial One district.

SECTION 1016**Minimum Standards**

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

SECTION 1020**COMMERCIAL TWO (C-2)**

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. ~~All~~ principally permitted uses of a Commercial One (C-1) district;
2. ~~All~~ the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social

AS NOTED
 AS MUST BE RESTAURANT DRINK LICENSE ONLY.
 EXCEPT NO FAST FOOD. COFFEE SHOP WITH SINGLE LANE DRIVE-THRU

and fraternal organizations;

- 25. Art and craft galleries and similar exhibit space;
- 26. Aquariums, botanical gardens and other natural exhibitions;
- 27. ~~Arcades and other amusement centers;~~
- 28. ~~Motion picture theaters (indoor);~~ NOT ALLOWED
- 29. ~~Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;~~ NOT ALLOWED
- 30. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~
- 31. ~~Motorcycles sales or bike shops excluding outside storage;~~ NOT ALLOWED
- 32. Churches, synagogues, temples and other places of religious assembly for worship;
- 33. ~~Hotels and motels including convention facilities;~~ NOT ALLOWED
- 34. ~~Pawn shops (Not Applicable within the City of Florence);~~ NOT ALLOWED
- 35. ~~Auto parts and accessories stores;~~
- 36. ~~Gasoline filling station;~~ NOT ALLOWED

SECTION 1022

Accessory Uses

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

- 1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
- 2. ~~A dwelling unit of the property owner, or owner operator, manager, or employee of the business including:~~

NA

- a. ~~Private garage and parking;~~
- b. ~~Structures such as fences and walls;~~ NOT ALLOWED
- c. ~~Buildings such as storage sheds;~~
- d. ~~The keeping and use of appropriate household pets;~~
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction ;
- 6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~ NOT ALLOWED
- 7. Drive-up photo finishing services and automatic teller services;
- 8. Indoor target ranges and similar athletic uses;
- 9. ~~Recycling collection points (See Article 34);~~ NOT ALLOWED
- 10. Garment and Furniture centers (See Article 31);
- 11. ~~The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ NOT ALLOWED
- 12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023
Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
- 2. ~~Automotive repair facility and wash services for vehicles;~~ NOT ALLOWED
- 3. ~~Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~ NOT ALLOWED
- 4. Sale of satellite dishes;
- 5. ~~Small scale sales or leasing of new and used recreational vehicles requiring the storage of no~~

MA

~~more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~

~~6. Mini-warehouses or storage facilities (Does not apply in the City of Florence); NOT ALLOWED~~

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

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

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Commercial parking facilities and commercial recreational vehicle parking facilities;
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

ZIEGLER USES

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
- ~~8. Eating and drinking establishments including alcoholic beverages; NOT ALLOWED~~
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;

11.1

WAG

12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility;

11.2

- a. Garages and parking;
- b. Structures such as fences and walls;
- c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
- ~~6. Single-family dwelling unit; NOT ALLOWED~~
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113**Conditional Uses**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;
- ~~2. Convenience stores; NOT ALLOWED~~
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses.

SECTION 1114**Intensity**

The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115**Minimum Size**

The minimum size or extent required of an Office One District is one acre.

SECTION 1116**Minimum Standards**

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

Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.
No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

**SECTION 1120
OFFICE TWO (O-2)**

The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

**SECTION 1121
Principally Permitted Uses**

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. ~~Convenient stores; NOT ALLOWED~~
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.

**SECTION 1122
Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves; wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other

- entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
 3. Postal travel and transportation ticket or forwarding services;
 4. Detective, protective and other police services;
 5. Signage (See Article 34);
 6. Parking (See Article 33);
 7. Automatic teller machines;
 8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services;
 9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:

- ~~1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district. NOT ALLOWED~~
2. The writing, publishing of newspapers, periodicals and books provided any printing operation

is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;

3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. ~~Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district; NOT ALLOWED~~
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. ~~Automobile leasing or rental agencies (maximum storage of 50 vehicles); NOT ALLOWED~~
8. Adult and child care centers.

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

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

SECTION 1130

INDUSTRIAL ONE (I-1)

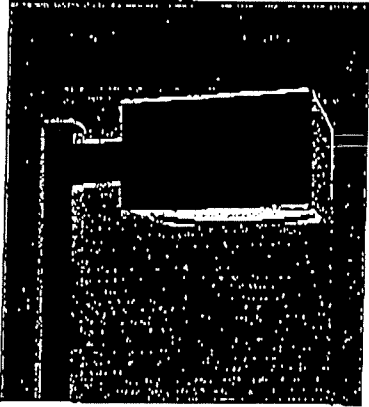
The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres

RECEIVED AT 1/3/07 ZONE CHANGE COMMITTEE MEETING

Architectural Vertical Cutoff

KVF



Intended Use
For car lots, street lighting or parking areas.

Features
Construction - Heavy-gauge, die-formed aluminum housing, fabricated using robotic continuous seam-weld process for weathertight integrity. Integral structural support plate for mounting arm and electrical components. Hinged aluminum door frame with stainless steel hardware. Continuous silicone gasketing surrounds lens.

Finish - Standard finish is dark bronze corrosion-resistant electrostatically applied powder paint. Optional linear embossed accent reveals are available. Dark bronze polyester powder paint is standard. Other architectural colors available.

Optics - Vertical-lamp reflectors are one-piece spun and formed anodized aluminum. Horizontal-lamp reflectors also available. Mogul-base porcelain socket with copper alloy, nickel-plated screw shell and center contact. Horizontal

position-oriented for types R2, R3 and R4. Reflectors are rotatable and interchangeable. UL Listed 1500W-600V, 4KV pulse rated. (1000S is 5K pulse rated.)

Electrical - Electrical components mounted to heavy-gauge plate to maximize heat dissipation and structural integrity. Constant-wattage autotransformer ballasts are copper wound and 100% factory tested. Super CWA pulse start ballasts required for 320M, 350M, 450M and 750M (must order SCWA option).

Installation - Extruded aluminum arm with integral splice compartment. Standard arm is 9" in length. (12" arm is required for fixtures mounted at 90°.)

Options
UL Listed (standard). CSA Certified (see Options). UL Listed for wet locations. Optical Chamber is IP65 rated for ingress protection per IEC529 international standards.

Ordering Information

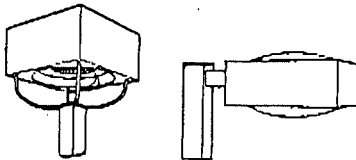
Example: KVF 1000M SYMDL 480 SP09 LPI

Designation	Distribution	Voltage	Mounting	Options/Accessories
High pressure sodium	Vertical lamp distribution	120	Arm mounting	Installed
KVF 250S	SYMDL Symmetric square, drop lens, semi-cutoff	200 ²	SP04 4" Square pole arm ⁹	LPI Lamp included
KVF 400S	ASYDL Asymmetric, drop lens, semi-cutoff	240 ²	RP04 4" Round pole arm ⁹	L/LP Less lamp
KVF 1000S ¹	SYMFL Symmetric square, flat lens, full-cutoff	277	SP06 6" Square pole arm ⁹	PER NEMA twist-lock receptacle only (photocontrol not included)
Metal halide	ASYFL Asymmetric, flat lens, full-cutoff ³	347	RP06 6" Round pole arm ⁹	SP Single fuse, 120V, 277V, 347V (n/a TB)
KVF 175M ²	VFADL Vertical forward throw, automotive, drop lens, semi-cutoff	480 ²	SP09 9" Square pole arm ⁹	DF Double fuse, 208V, 240V, 480V (n/a TB)
KVF 200M ²		TB ³	RP09 9" Round pole arm ⁹	EC Emergency circuit (250W max, lamp not included)
KVF 250M ¹	VFAFL Vertical forward throw, automotive, flat lens, full-cutoff ³		SP12 12" Square pole arm	SCWA Super CWA pulse start ballast (n/a HPS) ¹¹
KVF 320M ¹			RP12 12" Round pole arm	KW1 KiloWatch 120V control relay ¹²
KVF 350M ¹	Horizontal lamp distribution		WB12 12" Wall bracket	KW4 KiloWatch 277V control relay ¹²
KVF 400M ¹	R2DL Type II roadway, drop lens ⁴		KMA Mast arm (external fitter)	EKS External house-side shield ¹³
KVF 450M ¹	R3DL Type III asymmetric, drop lens ⁴		Post-top mounting¹⁰	EKS8 External house-side shield black ¹³
KVF 750M ¹	R2FL Type II roadway, flat lens ⁴		PT4 Post-top, 4" OD open-top pole	QRS Quartz restrike system (250W max, lamp not included)
KVF 1000M ^{2,4}	R3FL Type III asymmetric, flat lens ⁴		PT5 Post-top, 5" OD open-top pole	QSTD QRS (time delay (250W max, lamp not included)
	Segmented reflector		PT6 Post-top, 6" OD open-top pole	TLS Tool-less access
	SR2FL Type II segmented, roadway, flat lens ^{4,10}		RPF20 Round pole fitter (2-3/8" OD tenon)	CR Enhanced corrosion resistance
	SR3FL Type III segmented, asymmetric, flat lens ^{4,10}		RPF25 Round pole fitter (2-7/8" OD tenon)	EA Embossed accents
	SR4SCFL Type IV segmented, forward throw, sharp cutoff, flat lens ^{4,10}		SPF20 Square pole fitter (2-3/8" OD tenon)	CSA CSA Certified
	SR4WFL Type IV segmented, wide forward throw, sharp cutoff, flat lens ^{4,10}		SPF25 Square pole fitter (2-7/8" OD tenon)	HOM HOM Certified (consult factory)

NOTES:

1. Must use standard E-25 lamp. Only available with SYMDL, ASYDL and VFADL, n/a 347V.
2. May be ordered with SCWA.
3. Must be ordered with SCWA.
4. 1000M requires R12 reduced jacket lamp.
5. Not available with 1000S.
6. Not available with 450M, 750M or 1000M.
7. Consult factory for availability in Canada.
8. Optional multi-lamp ballast (120V, 208V, 240V, 277V). In Canada 120V, 277V, 347V; ships as 120V/347V.
9. Must order SP12 or RP12 when two or more luminaires are oriented on a 900 drilling pattern.
10. Segmented reflector not available with post-top mounting configurations.
11. 175M, 750M and 1000M available in wet lamp distributions only.
12. For specific ordering information, consult factory.
13. May be ordered as an accessory.

Dimensions are shown in inches (centimeters) unless otherwise noted.
 EPA⁴ 2.81 (72 mm)
 Square: 21-1/2 (546)
 Height: 17 (432)
 Max. weight: 53 lbs (24 kg)



www.lithonia.com, keyword: KVF

Shipped separately
 PE1 NEMA twist-lock PE (120V-240V)
 PE3 NEMA twist-lock PE (347V)
 PE4 NEMA twist-lock PE (480V)
 PE7 NEMA twist-lock PE (277V)
 SC Shorting cap for PER option
 KVPVG Vandal guard
 For tenon dimensions, see page 540.



Consistent with LCEC[®] goals & Green Globes[™] criteria for light pollution reduction. Will not meet with DL or DLG options.



PSC9

Handwritten signature

Architectural

WST/WSR/ WSQ



Intended Use

For building- and wall-mounted applications.

Features

Housing - Rugged, die-cast, single-piece housing. Die-cast door frame has 1/8" thick tempered glass lens. Door frame is fully gasketed with one-piece solid silicone. Standard finish is textured dark bronze (DBT) corrosion-resistant polyester powder with other architectural colors available.

Optics - Interchangeable, segmented reflectors for superior uniformity and control. Three full cutoff distributions available: FT (forward throw), MD (medium throw) and WT (wide throw). Four uplight distributions available in WSR only: FTU (forward throw, 10% up), MDU (medium throw, 10% up), WTU (wide throw, 10% up) and MDU5 (up/down, medium throw, 50% up, 50% down). Compact fluorescent MD (medium throw) only.

Electrical - MID: 50W MH-150W utilizes a high reactance, high-power factor ballast. 355 and 505 utilizes a reactor normal-power factor ballast. 175W utilizes a constant-wattage auto

transformer ballast. Quick-disconnect plug easily disconnects reflector from ballast. Ballasts are copper wound and 100% factory tested. CFL: compact fluorescent ballast is Class P, electronic, high-power factor, <10% THD with starting temp. of 0° F (-18°C).

Socket - HID is porcelain, medium-base copper alloy, nickel-plated screw shell and center contact. (UL Listed 660W, 600V 4KV pulse rated). Fluorescent socket is high-temperature thermoplastic with integral lamp retention clip.

Installation - Universal mounting mechanism with integral mounting support allows fixture to hinge down. Bubble level provides correct alignment with each installation.

Listings

UL Listed suitable for wet locations (damp location listed in lens-up orientation). CSA Certified (see Options). IP65 rated.

Ordering Information

Example: WST 175M FT 120 SF LPI

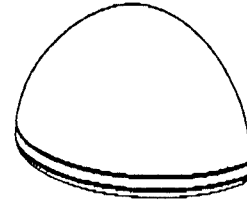
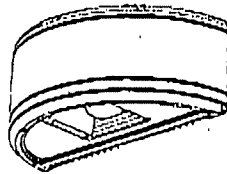
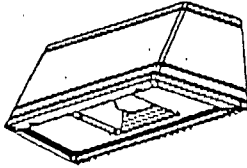
Series	Wattage	Distribution	Voltage	Options/Accessories
WST Tripeaked	High pressure sodium	Downlight distribution	120	Installed SF Single fuse, 120V, 277V, 347V (n/a TB or TBV)
WSR Halfround	355 ¹	FT Forward throw	208 ⁶	
WSQ Quartersphere	505	MD Medium throw (coated lamp standard)	240 ⁶	DF Double fuse, 208V, 240V (n/a TB or TBV)
	705	WT Wide throw	277	
	1005	Uplight distribution ³	347	GMF Internal slow-blow fusing ^{8,9}
	1345	FTU Forward throw with 10% uplight	TP ³	
	Metal halide	MDU Medium throw with 10% uplight (coated lamp standard)	YB ⁴	EC Emergency circuit (25W max. lamp included)
	50M	WTU Wide throw with 10% uplight	MVOLY ⁷	
	70M	MDU5 Up/down medium throw with 50% uplight & 50% downlight (coated lamp standard)		DC12 Emergency circuit 12 volt (35W lamp included standard) ¹⁰
	100M			2DC12 Emergency circuit 12 volt ((2) 35W lamps included standard) ¹⁰
	150M			DC1012 Emergency circuit 12 volt (20W lamp included standard) ¹⁰
	175M			2DC1012 Emergency circuit 12 volt ((2) 20W lamps included standard) ¹⁰
	Compact fluorescent ²			ELDW Emergency battery pack (120V or 277V only) ^{6,11}
	260TT			ELDWR Remote battery pack ready (by others) for compact fluorescent lamps ¹²
	2/260TT			ELDWC Cold weather emergency battery pack (120V and 277V only) ^{6,10}
	32TRT			QRS Quartz restrike system (100W max., lamp not included) ¹³
	2/32TRT			CA Enhanced corrosion resistance
	42TRT			
	2/42TRT			

Architectural

WST

WSR

WSQ



Dimensions are shown in inches (can dimensions) unless otherwise noted.

	WST	WSR	WSQ
Width:	16-1/4(41.2)	18(45.7)	18(45.7)
Depth:	9-1/8(23.2)	9(22.8)	9(22.8)
Height:	7-1/4(18.8)	7-1/4(18.8)	9-3/8(23.8)
Max. weight:	30lbs(13.6kg)	30lbs(13.6kg)	30lbs(13.6kg)

NOTES:

- 1 120V only, NPT only
- 2 Only available with MD, MDU and MDUS distributions.
- 3 Available on WSR fixture only.
- 4 Not available in Canada.
- 5 Optional multi-tap ballast (120V, 208V, 240V, 277V). In Canada 120V, 277V, 240V; ships as 120V/240V.
- 6 Optional 5-tap ballast (120V, 208V, 240V, 277V, 480V); not in Canada. 175W only.
- 7 Optional multi-volt electronic ballast (for compact fluorescent lamps only) capable of operating on any line voltage from 120V-277V.
- 8 Available for compact fluorescent lamps only.
- 9 Please specify voltage, n/a if VOLT or FA.
- 10 Not available with SF, OF or QES.
- 11 Not available with 2/32TRT or 2/42TRT.
- 12 Battery pack by others and mounted external to luminaire. Pilot light/test switch mounting plate included. Consult factory for availability.
- 13 Not available with compact fluorescent.
- 14 Black finish only.
- 15 Must be ordered with fixture; no field modifications.
- 16 IS not available with MD, MDU and MDUS distributions.
- 17 For WSR, inverted orientation, with FTU and WTU distributions only.
- 18 Additional architectural colors available; see www.lithonia.com.
- 19 Must specify finish.
- 20 30°C to 55°C operation. N/A 2/260TT, 2/32TRT, 2/42TRT or W50.

Lamp/Fixture Data			
Wattage	Ballast	Lamp type	Base type
High pressure sodium (med/clear)			
35	HPHF	E17	medium
50	HPHF	E17	medium
70	HX-HPF	E17	medium
100	HX-HPF	E17	medium
150	HZ-HPF	E17	medium
Metal halide (med/clear)			
50	HX-MHF	E17	medium
70	HX-MHF	E17	medium
100	HX-MHF	E17	medium
150	HX-MHF	E17	medium
175	CWA	E17	medium
Compact fluorescent (double twin-tube/double-tube)			
260TT	electronic, NPF	T4	G24Q-3
32TRT	electronic, NPF	T4	G24Q-3
42TRT	electronic, NPF	T4	G24Q-4



Consistent with LEED® goals & Green Globes™ criteria for light pollution reduction

Does not meet with light distribution options.

PSG9

www.lithonia.com, keywords: WST, WSR and WSQ



LITHONIA LIGHTING

WAG

Since 1945



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

October 19, 2006

PARCEL "A"
TO BE REZONED
FROM C-2 TO O-2

A parcel of land lying on the south side of Kentucky Highway 18 in Boone County, Kentucky and being more particularly described as follows:

Beginning at the common corner with John B. David (Deed Book 833, Page 24) and Lot 1 of Kingsgate Station Subdivision, Section 1 (Cabinet 4, Slide 321), and in a common line with Lot 6 of Kingsgate Crossing Subdivision (Slide 126A); thence with the common line of Lot 1 and John B. David N 32°36'51" E 261.18 feet to a point, said point being the TRUE POINT OF BEGINNING; thence N 32°36'51" E 8.45 feet to a point; thence with a curve to the right having an arc length of 34.51 feet, a radius of 100.00 feet, and a chord bearing and distance of S 48°12'40" E 34.34 feet to a point; thence N 62°23'34" W 34.03 feet to the TRUE POINT OF BEGINNING containing 0.004 acres.



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

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Erlanger, Kentucky 41018

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Fax: 859.727.8452
www.vioxinc.com

October 19, 2006

PARCEL "B"
TO BE REZONED
FROM O-2 TO C-2

A parcel of land lying on the south side of Kentucky Highway 18 in Boone County, Kentucky and being more particularly described as follows:

Beginning at the common corner with John B. David (Deed Book 833, Page 24) and Lot 1 of Kingsgate Station Subdivision, Section 1 (Cabinet 4, Slide 321), and in a common line with Lot 6 of Kingsgate Crossing Subdivision (Slide 126A); thence with the common line of Lot 1 and John B. David N 32°36'51" E 261.18 feet to a point; thence S 62°23'34" E 34.03 feet to a point, said point being the TRUE POINT OF BEGINNING; thence S 62°23'34" E 490.98 feet to a point; thence N 81°40'36" W 206.88 feet to a point; thence with a curve to the right having an arc length of 42.31 feet, a radius of 100.00 feet, and a chord bearing and distance of N 69°33'18" W 42.00 feet to a point; thence N 57°26'01" W 123.30 feet to a point; thence with a curve to the right having an arc length of 42.43 feet, a radius of 100.00 feet, and a chord bearing and distance of N 45°16'45" W 42.11 feet to a point; thence N 33°07'29" W 94.98 feet to a point; thence with a curve to the left having an arc length of 9.08 feet, a radius of 100.00 feet, and a chord bearing and distance of N 35°43'29" W 9.07 feet to the TRUE POINT OF BEGINNING containing 0.521 acres.

Since 1945



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Erlanger, Kentucky 41018

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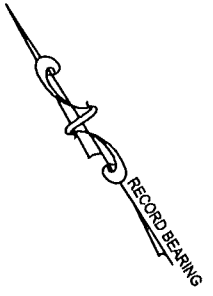
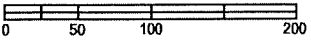
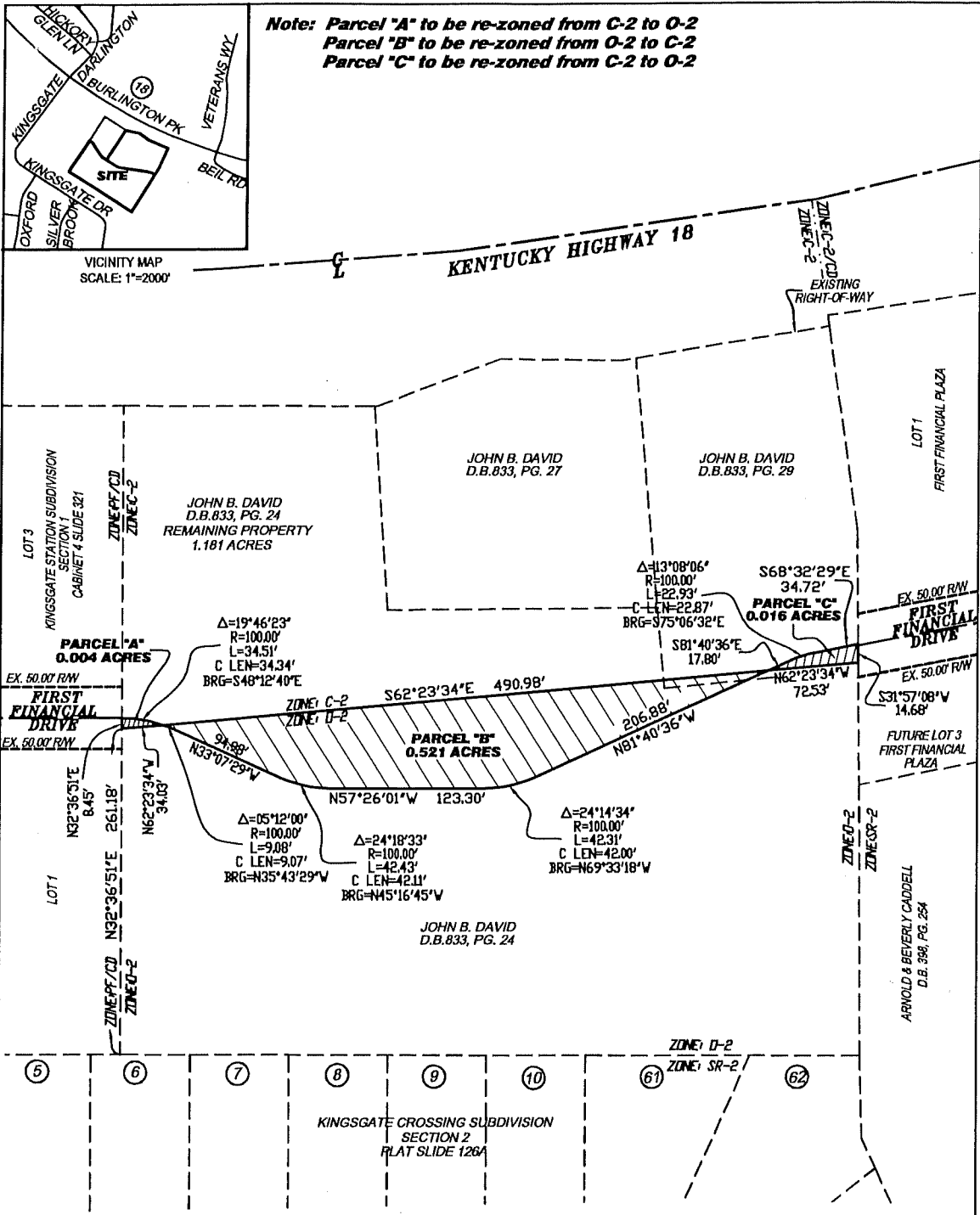
October 19, 2006

PARCEL "C"
TO BE REZONED
FROM C-2 TO O-2

A parcel of land lying on the south side of Kentucky Highway 18 in Boone County, Kentucky and being more particularly described as follows:

Beginning at the common corner with John B. David (Deed Book 833, Page 24) and Lot 1 of Kingsgate Station Subdivision, Section 1 (Cabinet 4, Slide 321), and in a common line with Lot 6 of Kingsgate Crossing Subdivision (Slide 126A); thence with the common line of Lot 1 and John B. David N 32°36'51" E 261.18 feet to a point; thence S 62°23'34" E a distance of 525.01 feet to the a point, said point being the TRUE POINT OF BEGINNING; thence S 81°40'36" E 17.80 feet to a point; thence with a curve to the right having an arc length of 22.93 feet, a radius of 100.00 feet, and a chord bearing and distance of S 75°06'32" E 22.87 feet to a point; thence S 68°32'29" E 34.72 feet to a point; thence S 31°57'08" W 14.68 feet to a point; thence N 62°23'34" W 72.53 feet to the TRUE POINT OF BEGINNING containing 0.016 acres.

**Note: Parcel "A" to be re-zoned from C-2 to O-2
 Parcel "B" to be re-zoned from O-2 to C-2
 Parcel "C" to be re-zoned from C-2 to O-2**



**PLAT OF PARCEL "A",
 PARCEL "B", & PARCEL "C"
 TO BE REZONED**
BOONE COUNTY KENTUCKY

**SOUTH SIDE OF KENTUCKY HIGHWAY 18
 400± SOUTHEAST OF KINGSGATE DRIVE**

OCTOBER 06, 2006 SCALE: 1" = 100'

W VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 466 Erlanger Road • Erlanger, Kentucky 41018
 Ph (858) 727-3283 • Fax (858) 727-8452 • www.vioxinc.com



ORDINANCE 07-09

MAR 28 2007

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF MIKE ZIEGLER (APPLICANT) FOR KINGSGATE SQUARE, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO (C-2) ZONE AND AN OFFICE TWO (O-2) ZONE FOR A 6.28 ACRE SITE LOCATED AT 2279, 2325 AND 2355 BURLINGTON PIKE, AND IMMEDIATELY EAST OF THE PROPERTY AT 6159 FIRST FINANCIAL DRIVE, BOONE COUNTY, KENTUCKY; AND FOR A ZONING MAP AMENDMENT FROM OFFICE TWO (O-2) TO COMMERCIAL TWO (C-2) FOR AN APPROXIMATE 0.5 ACRE AREA WITHIN THE 6.28 ACRE SITE LOCATED AT 2279, 2325 AND 2355 BURLINGTON PIKE, AND IMMEDIATELY EAST OF THE PROPERTY AT 6159 FIRST FINANCIAL DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) and an Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 approved, with conditions, in an Commercial Two (C-2) zone and an Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and approving a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky. The real estate which is subject to both requests is described in DEED BOOK 833, PAGE NOS. 24, 27 & 29 respectively (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 a Commercial Two (C-2) and an Office Two (O-2) zone for a 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky; and for a Zoning Map Amendment from Office Two (O-2) to Commercial Two (C-2) for an approximate 0.5 acre area within the 6.28 acre site located at 2279, 2325 and 2355 Burlington Pike, and immediately east of the property at 6159 First Financial Drive, Boone County, Kentucky, are the 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."

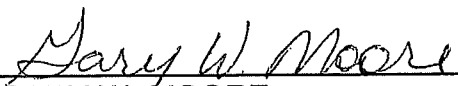
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

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

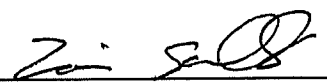
Introduced and given First Reading on the 13th day of March, 2007.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27th day of March 2007, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



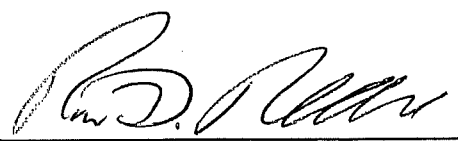
GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



LOUIS KELLY
FISCAL COURT CLERK

4-5-07
DATE PUBLISHED



ROBERT NEACE
BOONE COUNTY ATTORNEY

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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For use only by registered professional engineers. This seal shall not be used by any other person. It shall be used only in connection with the professional services of the registered professional engineer. It shall be used only in connection with the professional services of the registered professional engineer.

HIXSON
 655 Vine Street
 Lexington, KY 40502-1000
 606.254.1000
 FAX 606.254.1001
 www.hixson.com

THE ZIEGLER GROUP
 ZIGLER GROUP

KINGGATE SQUARE
THE ZIEGLER GROUP
 BURLINGTON KENTUCKY

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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SITE DATA
 AGENCY: [blank]
 DATE: [blank]
 PROJECT: [blank]
 ADDRESS: [blank]
 ACTUAL ADDRESS: [blank]
 GROSS AREA: [blank]
 OFFICE AREA: [blank]
 TOTAL AREA: [blank]

APPROVED
 Date: [blank]
 State: [blank]
 County: [blank]
 Planning Commission: [blank]



CONCEPT DEVELOPMENT PLAN SCHEME D

VICINITY MAP
 NOT TO SCALE

CONCEPT DEVELOPMENT PLAN SCHEME D
 1" = 40.00'

THE ZIEGLER GROUP
 ZIGLER GROUP

KINGGATE SQUARE
THE ZIEGLER GROUP
 BURLINGTON KENTUCKY

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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CONCEPT DEVELOPMENT PLAN SCHEME D
 1" = 40.00'

THE ZIEGLER GROUP
 ZIGLER GROUP

KINGGATE SQUARE
THE ZIEGLER GROUP
 BURLINGTON KENTUCKY

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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