

5/14/07

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

MAY 16 2007

(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 Turfway Commons by Nuti Builders, Inc.

3. Location of Project Meijer Drive

4. Total Acreage of Site 5.8624 Acres

5. Current Zoning C-2

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable)

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson

8. Proposed Uses (please specify each use) Office Building, Medical Building and Retail Shops

9. Proposed Building Intensities (please specify) Not to exceed 15,000 sq./ft. of gross floor area per acre of land (lots 10-I + 10-J); 18,000 Sq. Ft Per Acre (LOT 10-H)

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for: No Conditional Use Permit No Dimensional Variance

12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 344-7422

13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip

14. Name of Property Owner(s) Turfway Commons, LLC
Phone Number 859-245-6884 Fax No. 859-245-6885

15. Address of Property Owner(s) 1093 Duval Street
Lexington, Kentucky 40515
City State Zip

16. Are there any existing buildings on the site? No
How many?

17. Deed Book 925 Page No. 888 Group No. 4069 20330

18. Have you had a pre-application meeting with BCPC Staff? Yes

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

June 20, 2007

REQUEST

The applicant has submitted a Change in Concept Development Plan application for a 5.8624 acre area (Lots 10-H, 10-I, and 10-J of Houston Lakes Subdivision) which is located on Meijer Drive between Gold's Gym (under construction) and La Quinta Inn and Suites. The area under review is zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD) and is located within the limits of the Houston-Donaldson Study. The application includes a 20% intensity bonus request on lot 10-H, waivers to reduce the 22% green space and 20 foot wide street frontage buffer requirements of the Houston-Donaldson Study, and waivers to reduce the perimeter and vehicular use landscaping (V.U.A.) buffer requirements of the Boone County Zoning Regulations.

The submitted Concept Development Plan (see attachments) shows that the following improvements are being proposed:

LOT	ACREAGE	MAX. INTENSITY	PROPOSED USES
10-H	2.0	30,000 Sq. Feet (C-2) 39,000 Sq. Feet (PD Bonus)	*3 story office building (Approximately 36,000 sq. feet) *130 Parking Stalls
10-I	1.4826	22,239 Sq. Feet (C-2)	*1 story medical building with a speculative retail/commercial tenant space (Medical 6,000 sq. feet; retail/commercial 3,000 sq. feet) *124 Parking stalls
10-J	2.3798	35,697 SQ. Feet (C-2)	*1 story retail building (Approximately 24,000 sq. feet) *135 Parking stalls

SITE HISTORY

In 1990, the Boone County Planning Commission approved a Utilization of an Underlying Zone (Concept Development Plan) request for a 101 acre site (see attachments). The approved Concept Plan showed 14 parcels (letters A-N) containing 1,120,000 square feet of office, commercial, hotel, restaurant, and bank uses and 5,000 parking spaces.

The subject sites were labeled as letters D through F on the approved Concept Development Plan (see attachments). The following uses and building intensities were approved.

Lots	Use	Acreage	Bldg. Sq. Footage	Parking
D	O-2/C-2	2.3	23,500	75
E	O-2/C-2	2.75	27,000	110
F	O-2/C-2	3	32,000	130

The following conditions were imposed on the approval that relate to the current request (see attachments):

- “The four out-parcels C through F shall undergo additional review when specific uses are proposed by the developer. This additional review shall include Technical Committee evaluation, a recommendation of the Committee to the full Planning Commission, and a Planning Commission recommendation to the City of Florence. These recommendations must determine if the proposed uses are consistent with the submitted Concept Development Plan and traffic generation figures, and present an appropriate appearance from I-75 that is consistent with the Houston-Donaldson Study” (Condition #2).
- “The outlots C through F shall include a minimum building setback of 50 feet from the I-75 right-of-way and from the Spiral Boulevard right-of-way, as proposed in the submitted restrictive covenants. These setback areas shall include berming and landscaping, and the setback along I-75 shall include no parking, circulation or other paved areas. The proposed buildings, if retail, shall be consistent with the architectural design to be compatible with an office environment. No mechanical equipment, whether on the roof or ground, shall be visible from I-75 or Spiral Boulevard” (Condition #3).
- “Amenities, such as the pavement treatment at intersection, retention lakes, and entry features, shall be consistent with the submitted Concept Development Plan. As indicated by the applicant, the development of the 101 acre site shall contain approximately 22 percent green space. Each phase of the development submitted for review shall include calculations of green space area. All parking areas shall contain landscaping that is consistent with the Turfway Business Park. These standards include the following:

- a.) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate parking area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. For code required parking, 1 tree and 3 shrubs are to be utilized per fifteen spaces.
 - b.) Provide eight-foot wide landscape strips for every four rows of parking, or large planting islands at the ends of parking rows.
 - c.) In addition, canopy tree plantings along the public streets of the development shall accompany the proposed berms and 50' landscape setbacks submitted as part of this application" (Condition #8).
- All signage within the development shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign Regulations" (Condition # 10).

In 2006, a Change in Concept Development Plan was approved which allowed a 36,000 square foot office building, a 33,147 square foot multi-tenant retail building, and 377 parking spaces on the 5.8624 acre lot. The Planning Commission Conditions and City of Florence imposed the following conditions that relate to the current request:

Planning Commission Conditions

- Both lots (Gold's Gym and the subject site) shall be required to have 15' minimum/20' average street frontage buffers along Interstate 71/75 and Meijer Drive.
- Both lots (Gold's Gym and the subject site) shall be required to have at least 20% green space.
- The architectural design of the buildings will be reviewed through the Houston-Donaldson Study's Design Review process. The architectural design of the buildings will be evaluated in terms of the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations and the "Criteria and Standards Used for Evaluating Architectural Design Plans" found in the Houston-Donaldson Study.
- The office building shall be permitted to have one accessory restaurant (coffee shop, sandwich shop, etc.). All other tenants in the building shall be office uses.
- An attachment lists the principally permitted and accessory uses which are permitted in the retail center. All deleted items have been stricken.

City of Florence Special Conditions

- The approval is conditional on architectural review and approval with the City of Florence participation in advance of the Boone County architectural review process. The architectural review and approval shall occur with the City of Florence Planning and Zoning Committee.

SITE CHARACTERISTICS

The 5.8624 acre area is located to the north of Interstate I-71/75 and to the south of Meijer Drive. Public sidewalks, water and sanitary sewer mains exist along the Meijer Drive frontage. The rear of the property contains a 30' wide overhead power line easement. The majority of the parcel has rolling topography, but there is one area near the Houston Lakes identification sign and Interstate 71/75 right-of-way line that is severe. The only area of the site with vegetation (trees and shrubs) is near the Interstate and Houston Lakes identification sign.

ADJACENT LAND USES AND ZONING

North: Meijer (O-2/C-2/PD/CD)

South: Interstate 71/75, Huff Realty (SR-2/PD/CD), Rodeway Inn (O-2/PD/CD), & Courtyard Marriott (O-2/PD/CD)

East: La Quinta Inn & Suites (O-2/C-2/PD/CD)

West: Gold's Gym (O-2/C-2/PD/CD)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Florence Commercial Area, pp. 144-145) makes the following statements regarding the general area:

- A. "Regionally-oriented growth should be confined to Mall road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities."
- B. "Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the

existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development."

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

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

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

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

These recommendations are site specific and should be evaluated on a case-by-case basis. In fact, there may be other design mechanisms not identified here that may work in some instances ("Development Layout, Lot Sizes, and Setbacks," pp. 140 and 141).

- C. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate . . .

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

- D. 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).

- E. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds ("Stormwater Management and Erosion Control, pg. 141).

- F. 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).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).
- H. 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. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.

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

The Business Activity Element provides the following comment that relates to the area in question:

- A. Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital (Recommended Areas of Commercial Activity, pp. 62-65).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- C. 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 maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- D. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective).
- E. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).

- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens (Economy, Goal).
- G. Employment opportunities shall be encouraged for the citizens of Boone County (Economy, Objective).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (industrial commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- J. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- K. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- L. Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall demonstrate a means of addressing significant impacts on existing infrastructure and services (Public Services and Facilities, Objective).
- M. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- N. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).
- O. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

Relationship to the Boone County Transportation Plan 2030

The following passages and information relate to the request:

- A. The current level of service (LOS) on Interstate 75, between KY 18 and Turfway Road, is LOS C. The average daily trips on this section of road is 143,173 (Exhibit 2-6).
- B. The current level of service (LOS) on Interstate 75, between Turfway Road and Donaldson Highway is LOS D. The average daily trips on this section of road is 175,437 (Exhibit 2-6).
- C. The current level of service (LOS) on Houston Road, between KY 18 and Turfway Road, is LOS C. The average daily trips on this section of road is 24,570 (Exhibit 2-8).
- D. The current level of service (LOS) on Turfway Road, between Dixie Highway and Thoroughbred Blvd., is LOS F. The average daily trips on this section of road is 25,478 (Exhibit 2-8).
- E. The widening of Turfway Road, from Dixie Highway to Thoroughbred Boulevard is currently on the State's Six Year Plan (Exhibit 3-1). This project is currently under construction.
- F. The redesign of I-71/75/Turfway Road Interchange is a recommended long range transportation improvement (Exhibit 6-1).
- G. The Spiral Boulevard to Cavalier Court Connector is a recommended long range transportation improvement (Exhibit 6-1).

Relationship to the Houston-Donaldson Study

- A. The property is located in Site 9 (Houston Lakes) of the Study. The approved 1990 Concept Development Plan has been incorporated into the recommended land use and zoning scheme. The study recommends that the approved number of outlots along Houston Road and along I-75 not be increased (see attachments).
- B. The property is subject to the Site Design Standards, Architectural Design Review, and Special Sign Regulations.

Planned Development Standards

Concept Development Plan proposals within the Planned Development (PD) overlay district are to be primarily evaluated against the standards in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations (see attachments). A proposed Concept Development Plan shall fulfill the criteria outlined in this section "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal."

STAFF COMMENTS

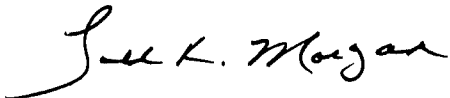
1. Staff would like the applicant to address the extra building that is being sought with the application. The approved 2006 Concept Development Plan showed a 36,000 square foot office building and a 33,147 square foot multi-tenant retail building on the 5.8624 acre lot. The Zoning Administrator indicated that most medical uses would be principally permitted in the approved office building.
2. The Boone County Zoning Regulations state that the building intensity in a Planned Development may be up to 30% greater than the maximum intensity that is permitted in the underlying zone. Increases in building intensity are to be weighed upon increases in open space, retention of existing vegetation, buffer areas, public commons, etc. Staff has not identified any such increases in amenities or buffering.
3. Staff believes that the three lots have excessive parking and that the parking areas should be reduced. Office, medical, and retail buildings (excluding restaurants) are required to provide one parking stall per 250 square feet of gross floor area and restaurants are currently required to provide one parking stall per two seats. The Concept Plan shows a total of 389 parking stalls on the three sites. 276 parking spaces would be required if all the proposed uses were general office or retail (36,000 + 9,000 + 24,000 / 250). Staff has not identified any reasons why the landscaping requirements from the Houston-Donaldson Study and Boone County Zoning Regulations cannot be met.
4. Staff is concerned about site lighting because of the proximity of the sites to the Interstate.
5. Staff recommends that the applicant, Planning Commission, and Florence City Council should work toward implementing the following Planned Development (PD) Standards into the Concept Development Plan:
 - A. Open Space: This standard calls out that open space in an amount over the setback area shall be provided. In addition, the Houston-Donaldson Study requires developments to provide 20 foot wide street frontage buffers and 22% green space on each lot. Staff is concerned that the Concept Development Plan does not indicate the amount of green space or the average width of the street frontage buffers on each lot. The 2006 conditions of approval required each lot to have at least 20% green space and street frontage buffers which were 15 feet minimum/20 feet average in width.
 - B. Landscaping: This standard states that substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping within the developed portions of the site. Staff is concerned that the request includes waivers to reduce the V.U.A. and perimeter landscaping. The zoning regulations require a minimum 10' wide buffer (can be shared) between side property lines and 5% of a parking lot to be in the form of landscaping islands. The Concept Plan shows that some of the proposed parking is immediately against or crossing over property lines.

- C. Compatibility of Uses: Staff would like the applicant to identify the primary occupant of the medical building (doctor's office, clinic, treatment center, etc.) and indicate if any changes are being proposed to the 2006 conditions of approval which dealt with permitted uses in the office and retail buildings.
 - D. Architecture: This standard states that a consistent architectural theme shall be provided in Planned Developments. The architectural theme shall relate to existing structures on the project site and adjacent sites. Staff is concerned that building elevations have not been submitted for any of the buildings. Staff would like the applicant to address if they are seeking any changes to architectural conditions that were agreed to with the 2006 Concept Development Plan.
 - E. Signage: This standard states that a consistent signage theme shall be provided within a Planned Development. The Concept Development Plan does not show that any additional free-standing signage is being proposed.
 - F. Transportation Connections and Entry Points: This standard states that street connections, pedestrian paths, sidewalks, and bicycle facilities shall be provided in Planned Developments. Staff recommends that sidewalk connections and walkways should be provided between buildings and to the public sidewalks on Meijer Drive. Staff would like the applicant to address if La Quinta has agreed to the driveway connections to their property. If so, Staff will need to review La Quinta's revised parking layout to verify that they have adequate parking.
6. Staff recommends that the applicant should bring a revised Concept Plan to the Zone Change Committee meeting which addresses building intensity, required perimeter and vehicular use area (V.U.A.) landscaping, site green space percentages, and existing utility easements.

CONCLUSION

The Concept Development Plan requests needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 15 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

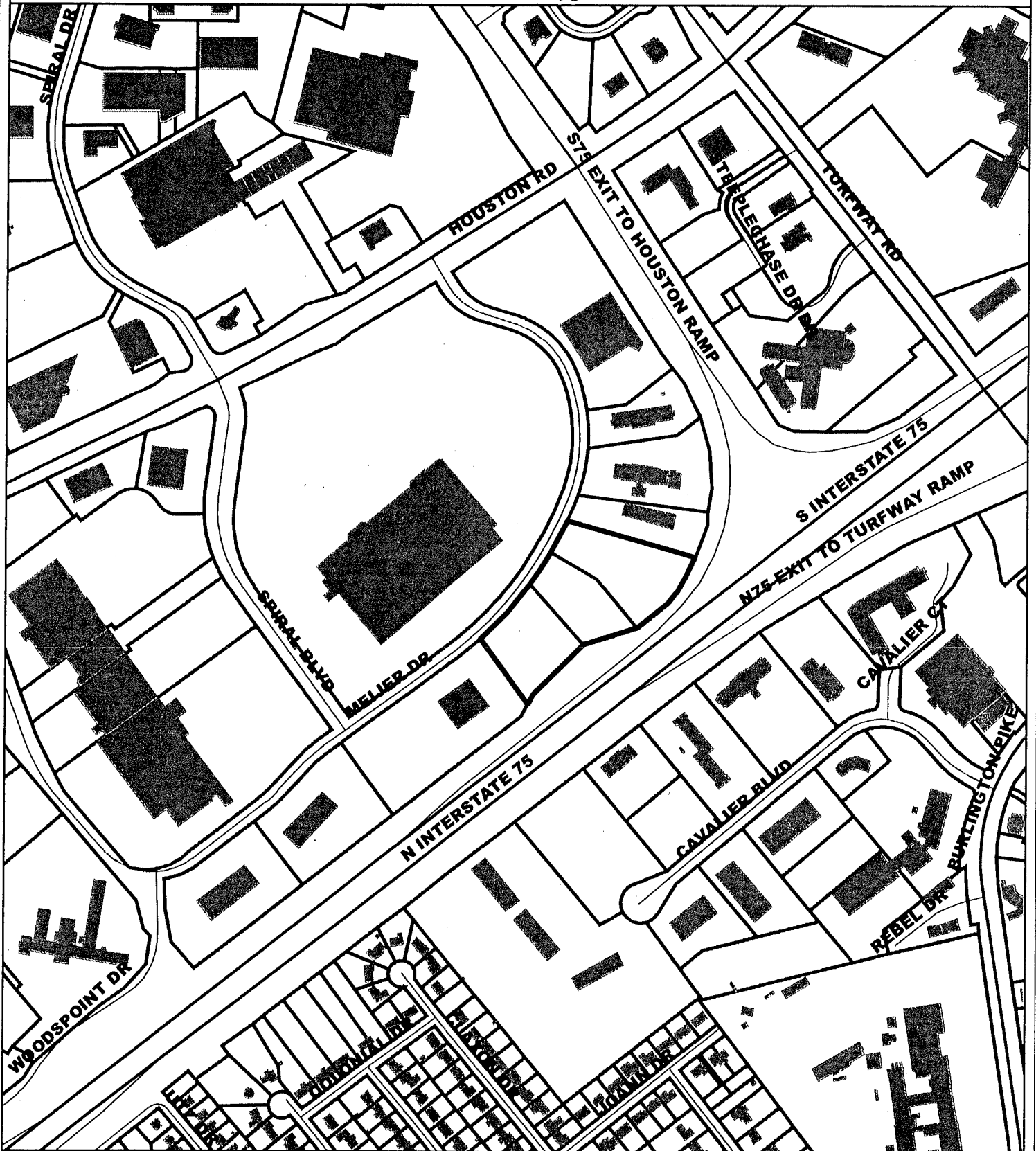
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Attachments:

- *Site Vicinity Map
- *Concept Development Plans
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Aerial Map
- *1990 Concept Development Plan
- *1990 Committee Report
- *2006 Concept Development Plan
- *2006 Building Renderings
- *2006 Conditions of Approval
- *City of Florence Special Conditions
- *Site 9, Houston-Donaldson Study
- *Planned Development Standards
- *Application

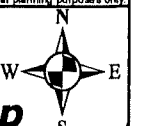
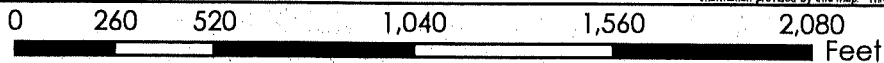
Site Vicinity Map

www.boonecountygis.com



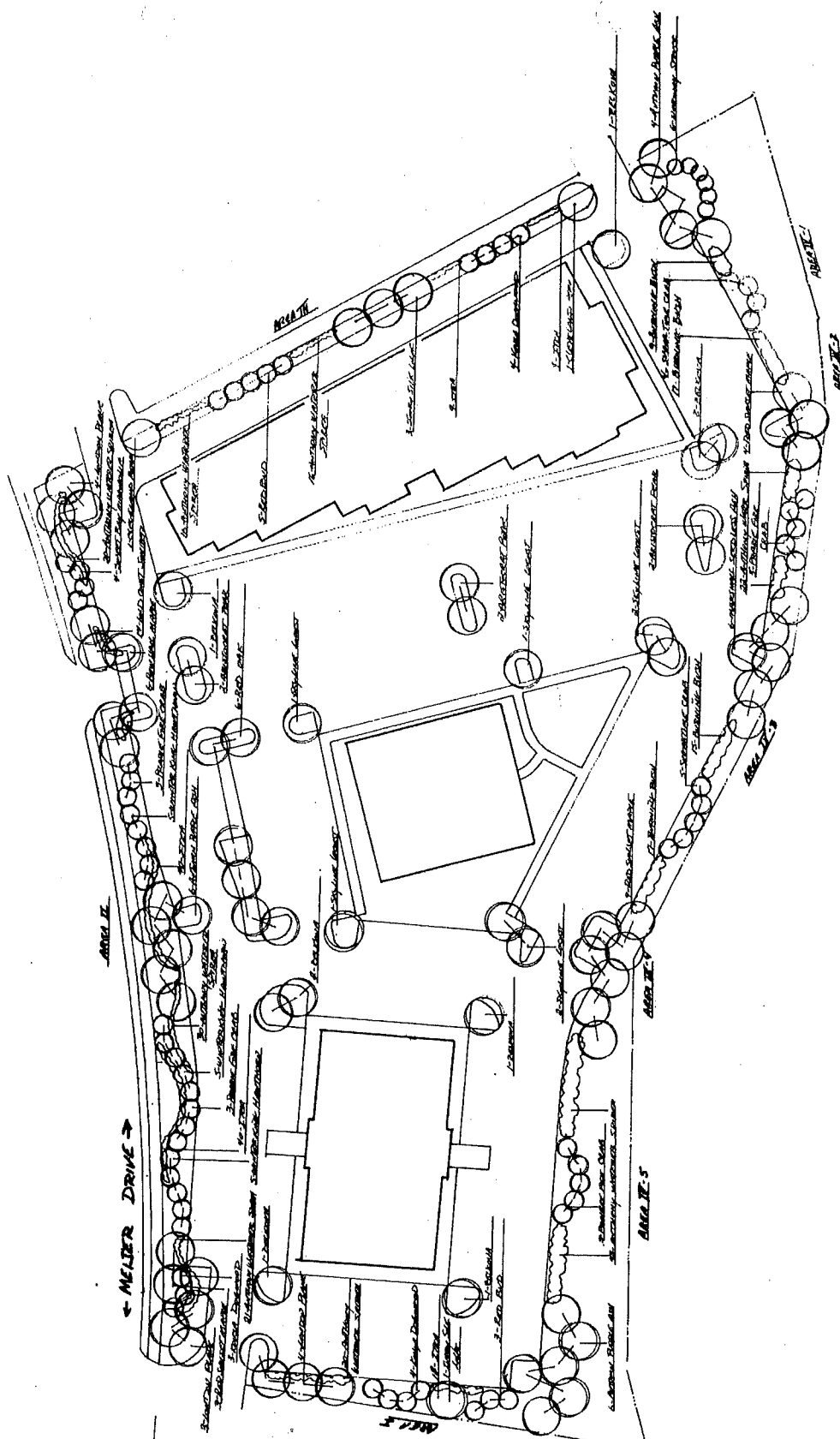
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Boone County GIS - Putting Northern Kentucky on the Map

1	1-1/2" Dia. Steel Pipe	100
2	2-1/2" Dia. Steel Pipe	100
3	3-1/2" Dia. Steel Pipe	100
4	4-1/2" Dia. Steel Pipe	100
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24	24-1/2" Dia. Steel Pipe	100
25	25-1/2" Dia. Steel Pipe	100
26	26-1/2" Dia. Steel Pipe	100
27	27-1/2" Dia. Steel Pipe	100
28	28-1/2" Dia. Steel Pipe	100
29	29-1/2" Dia. Steel Pipe	100
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31	31-1/2" Dia. Steel Pipe	100
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40	40-1/2" Dia. Steel Pipe	100
41	41-1/2" Dia. Steel Pipe	100
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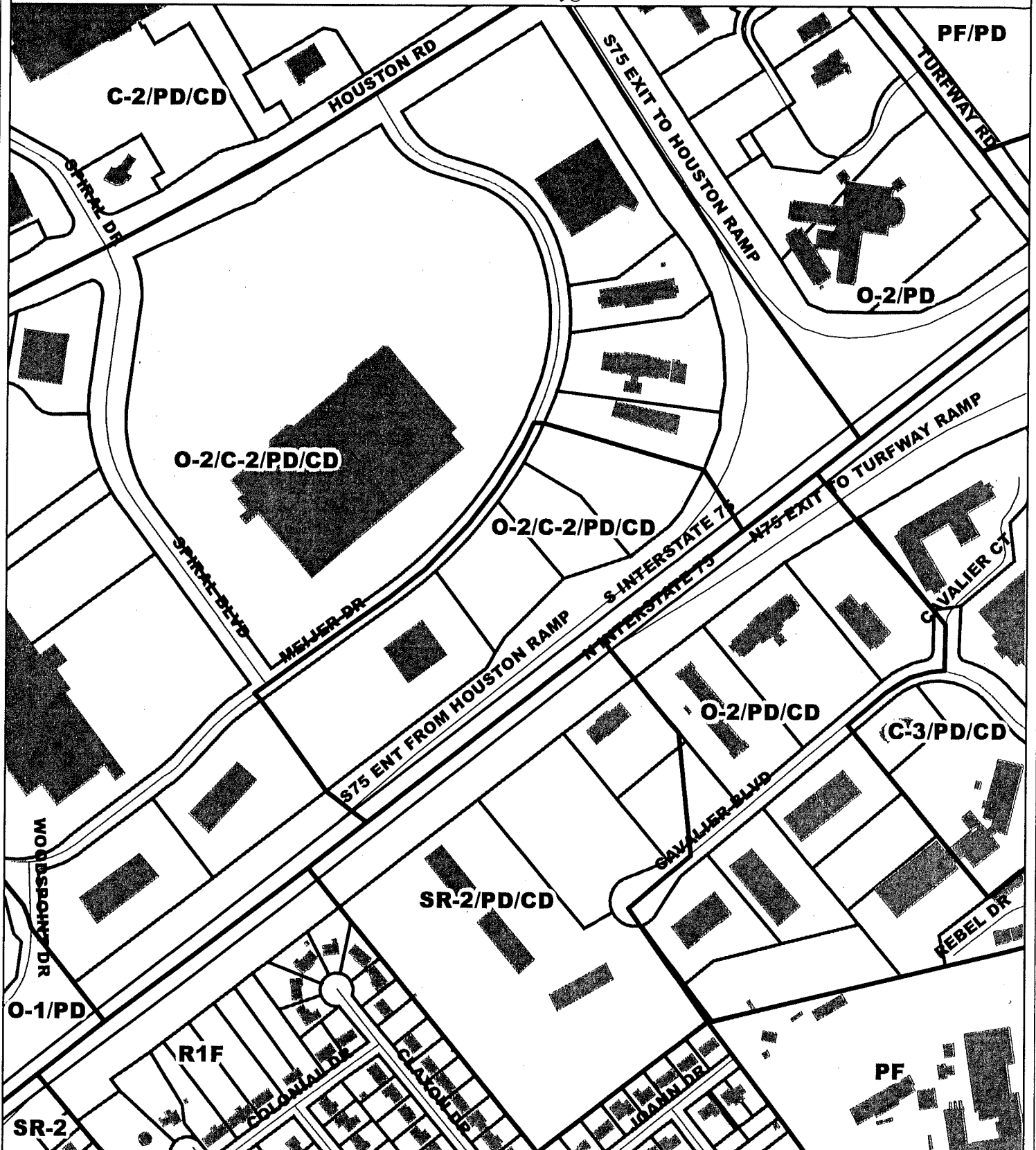
TURKEY COMPASS	
BY: MULTI BUILDERS, INC.	
DATE: 1-30-67	BY: M. J. MELLER
SCALE: 1/8" = 1'-0"	PROJECT: MELLER DRIVE
FLORENCE, KENTUCKY	
BY: M. J. MELLER	

INTERSTATE 65

Customer	16,000
Block Number	171, 100
Location	26, 000, 00
Block Number	27, 000, 00
Block Number	28, 000, 00
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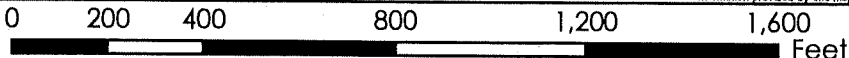
Zoning Map

www.boonecountygis.com



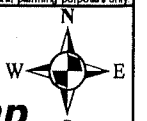
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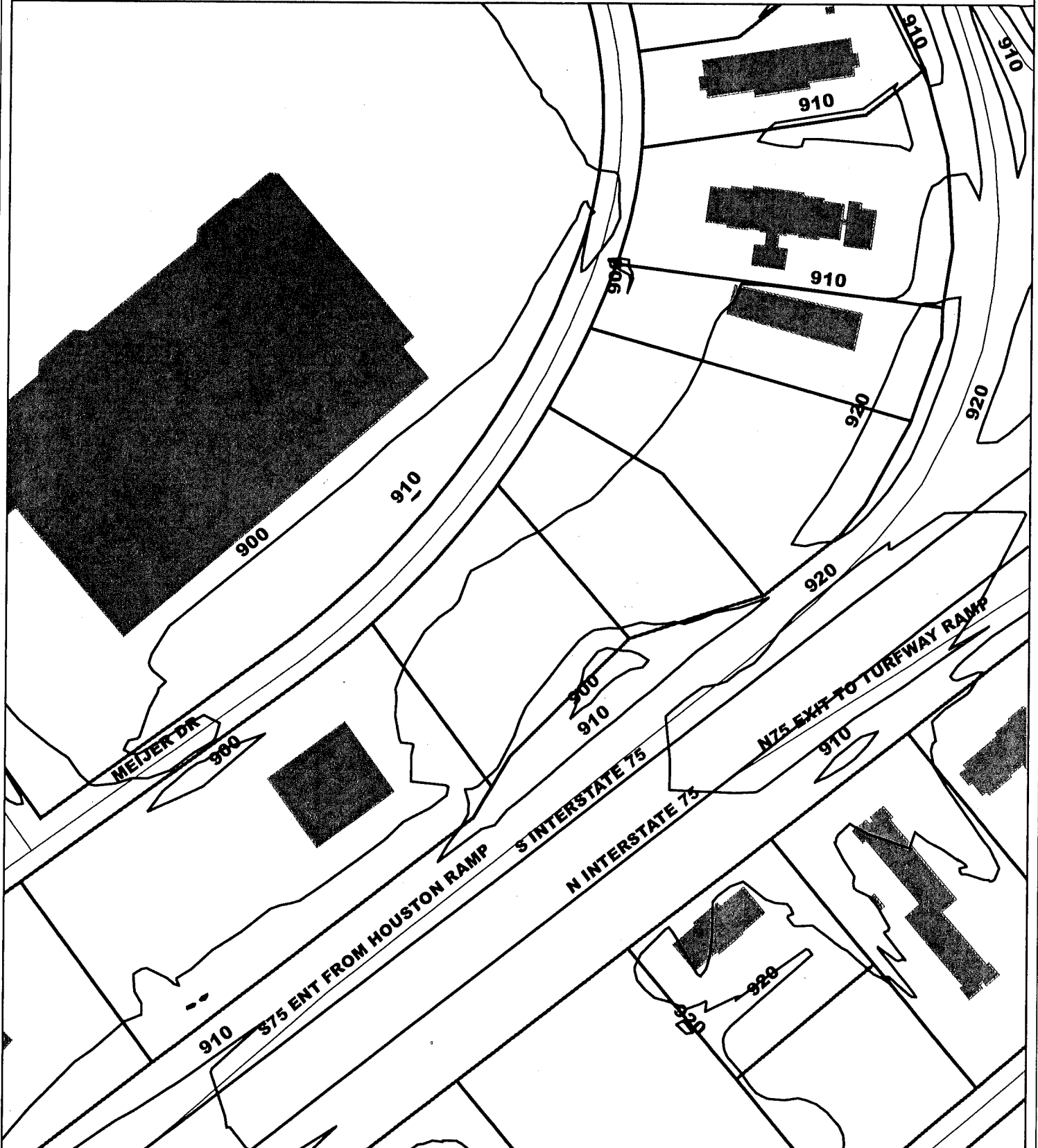
1 Inch equals 400 feet

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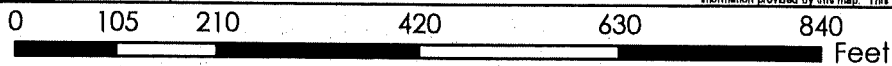
Topographical Map

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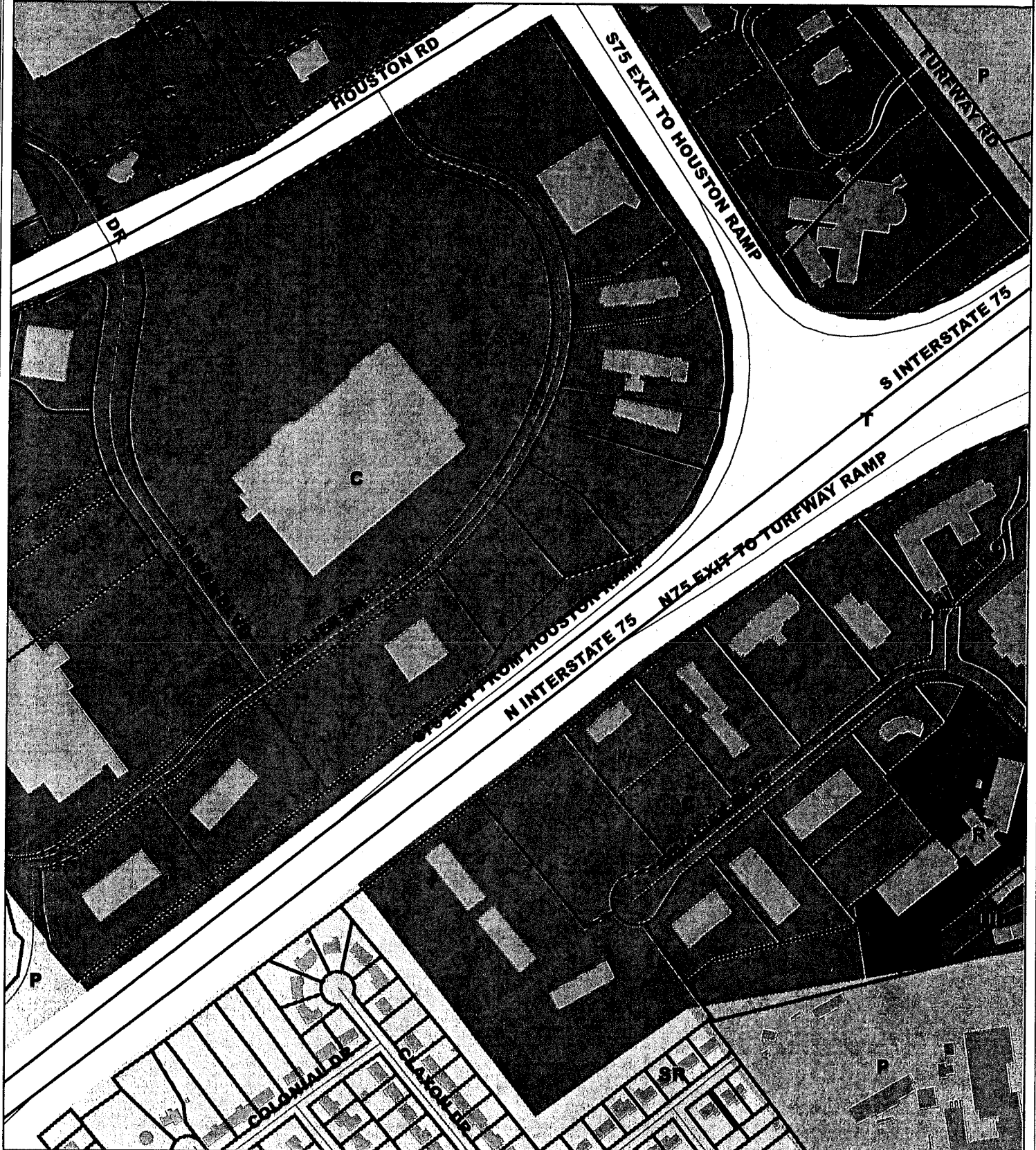
Boone County GIS - Putting Northern Kentucky on the Map

Map Created at 10:41:10 on 06/07/2007



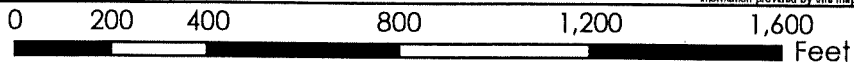
Future Land Use Map

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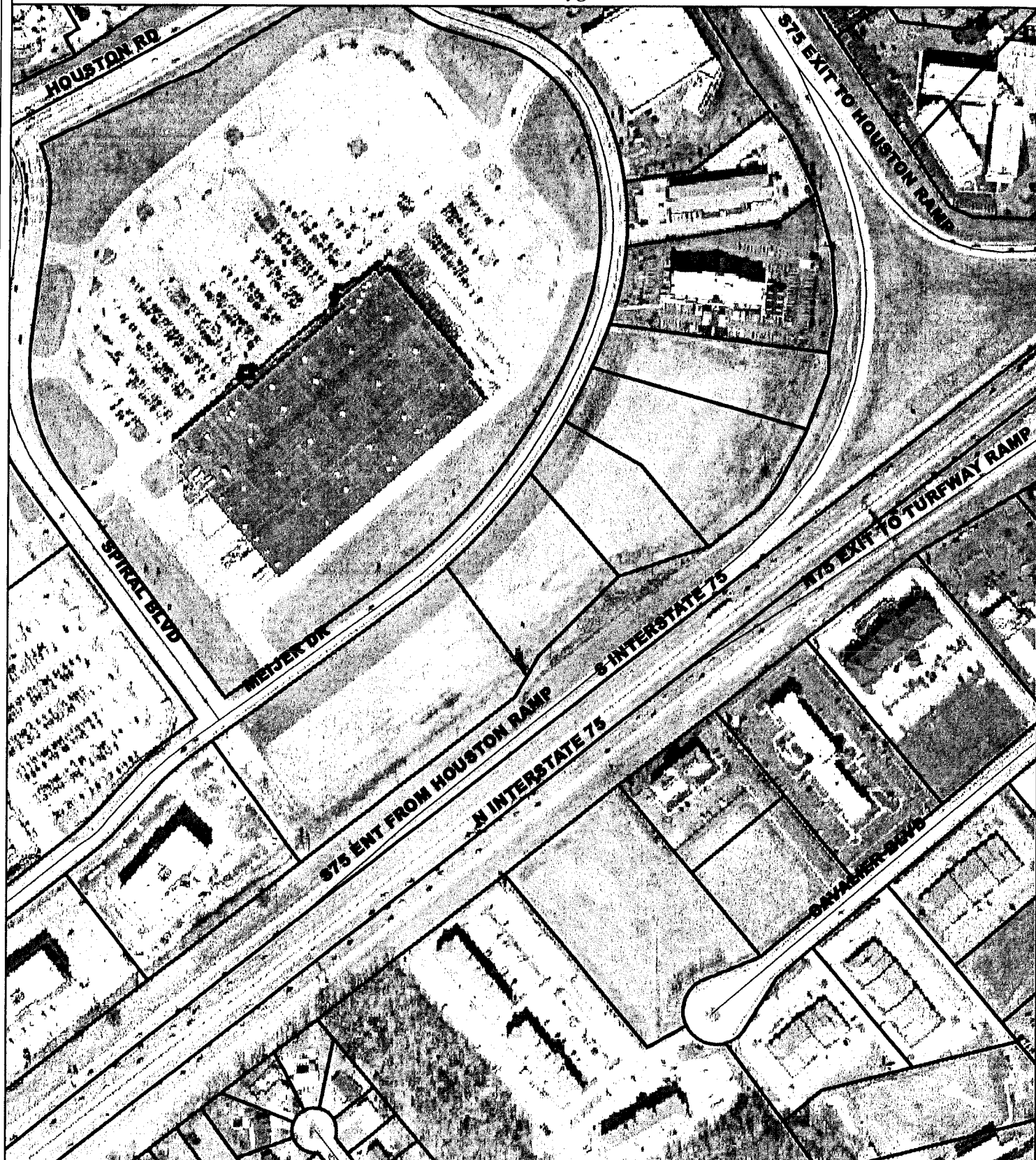


Boone County GIS - Putting Northern Kentucky on the Map



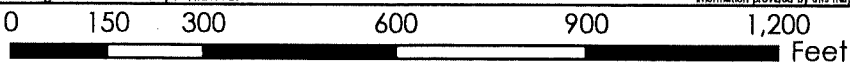
Aerial Map

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Boone County GIS - Putting Northern Kentucky on the Map



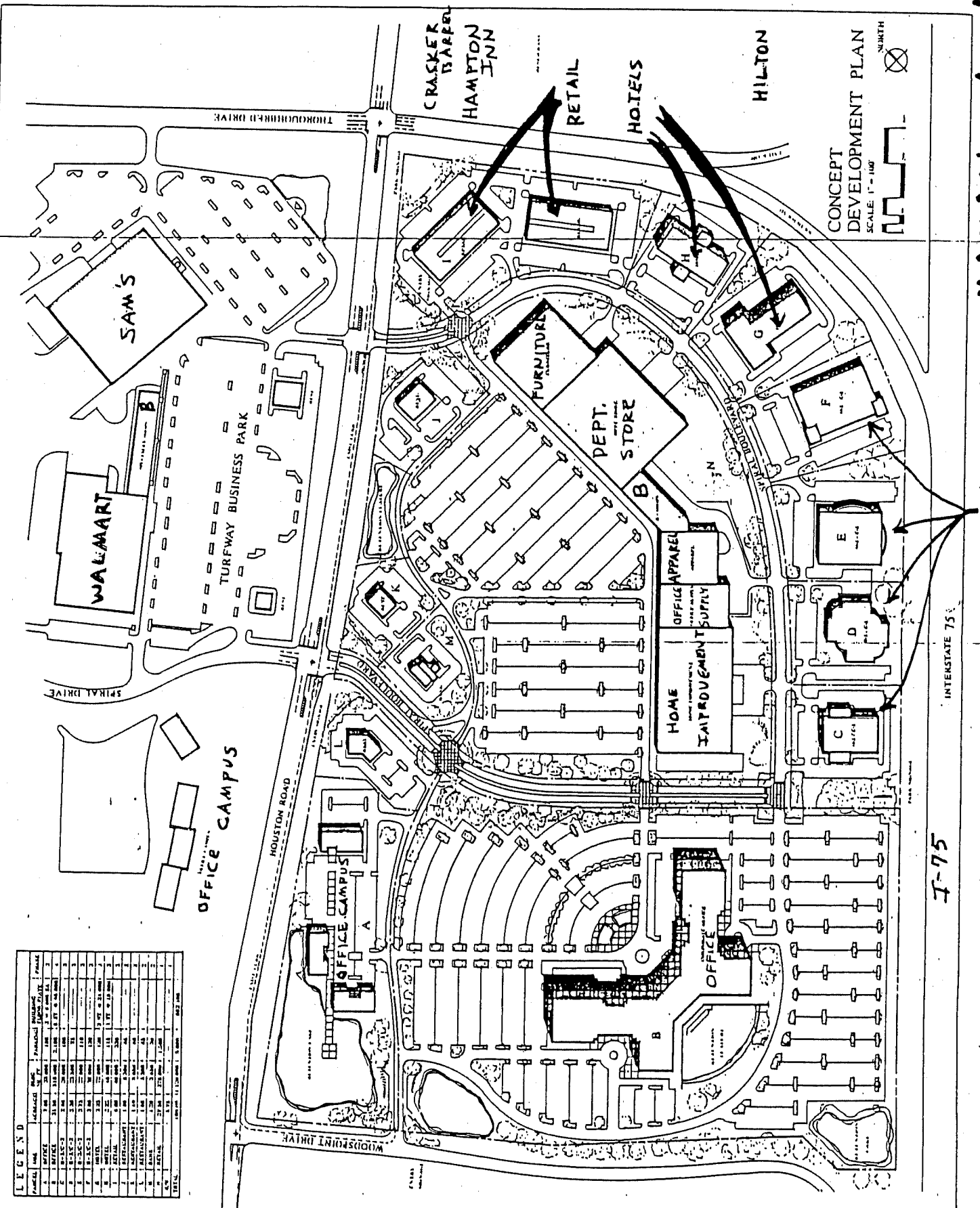
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Map Document: Unfilled

FIGURE 4

BUCHANAN DEVELOPMENT CO.
 FLORENCE, KENTUCKY
 HOUSTON LAKES

BUCHANAN 7/25/90



0-2/C-2

INTERSTATE 75

T-75

LEGEND

PARCEL	AREA	PERMITS	PROPOSED	STATUS	PHASE
1	OFFICE	21,100	21,100	100%	1
2	OFFICE	21,100	21,100	100%	1
3	OFFICE	21,100	21,100	100%	1
4	OFFICE	21,100	21,100	100%	1
5	OFFICE	21,100	21,100	100%	1
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96	OFFICE	21,100	21,100	100%	1
97	OFFICE	21,100	21,100	100%	1
98	OFFICE	21,100	21,100	100%	1
99	OFFICE	21,100	21,100	100%	1
100	OFFICE	21,100	21,100	100%	1

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: September 5, 1990

RE: Request of GBBN Architects (applicant) for Buchanan Development Corporation and N.K. Management (owners) for the Utilization of an Underlying Zone in Planned Development on a 101 acre site located at the southwest corner of Houston Road and the I-75/Turfway interchange, Florence, Kentucky. The site is currently zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD). Houston Lakes is the commercial and office development being proposed.

REMARKS:

We, the Committee, recommend approval of the Houston Lakes request based upon the following Findings of Fact and with the following Conditions:

Findings of Fact

1. Even though the request does not agree with the specific office/commercial mixture and the commercial density recommendations of the Houston-Donaldson Study, the Committee believes that the Houston Lakes request generally meets the intent and Goals and Objectives of the Boone County Comprehensive Plan and the Houston-Donaldson Study. More specifically:

The applicant has indicated that the type of retail proposed in the Houston Lakes development is not regional in character. The size and type of retail uses are proposed to be consistent with existing retail uses in the Turfway Business Park, and draw customers from areas immediately surrounding the Houston Road area, not from the entire Northern Kentucky Area.

A major focus of the Houston Lakes development is the proposed corporate office section "B". This portion of the development is proposed to be a high-visibility office use that will help set the character of the Houston Road corridor in accordance with the Houston-Donaldson Study. With this corporate office center and with the proposed office campus use, the Committee believes that the Houston Lakes project is appropriate for the site. Without one or the other of these two important parts of the project, the Committee does not believe that the request is appropriate for the site. The Committee is founding its recommendation for approval of this request on the applicant's assurances that these portions of the submitted Concept Development Plan will be developed. These two portions of the development are critical in establishing the proper development character along both I-75 and Houston Road.

Specific references to the Boone County Comprehensive Plan and Houston-Donaldson Study are made in the 7/25/90 Staff Report.

2. With the conditions contained in this report and agreed to by the applicant, the request meets the general objectives of the Houston-Donaldson Study and Article 15 Planned Development of the Boone County Zoning Regulations, for creative development design that includes sufficient green space and appropriate appearance from the public view. Even though many of the uses are not actually proposed as strict office uses, there are enough assurances in the applicant's submitted materials and in the conditions that the overall development will be consistent with the employment district character foreseen for this important corridor area of Boone County. These assurances include the arrangement of outlots along Houston Road, building and parking setback standards, landscaping and signage standards, building design, and additional public review of specific uses.
3. The developer and applicant have agreed to make significant road improvements adjacent to the site that are recommended by the Houston-Donaldson Study, and to phase the retail portion of the development according to the status of the Houston Extension. The developer and property owner have agreed to work with other area developers, owners, the Planning Commission, and the City of Florence to help remedy the existing and forecasted traffic congestion around the Turfway Interchange. These actions are in accordance with the Houston-Donaldson Study which was designed to correlate Study Area development with infrastructure improvements.

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 as 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. Since the submitted traffic analysis and facts presented at the 7/25/90 Public Hearing indicate that the Houston Road Extension to Donaldson Highway is necessary for the area road system to have a near-satisfactory level of service, the applicant and developer agree to not to take occupancy of the retail center, section "N", of the development until construction of the Houston Extension to Donaldson Highway is substantially underway.
2. The four out-parcels "C" through "F" shall undergo additional review when specific uses are proposed by the developer. This additional review shall include Technical Committee evaluation, a recommendation of that Committee to the full Planning Commission, and a Planning Commission recommendation to the City of Florence. These recommendations must determine if the proposed uses are consistent with the submitted Concept Development Plan and traffic generation figures, and present an appropriate appearance from I-75 that is consistent with the Houston-Donaldson Study.

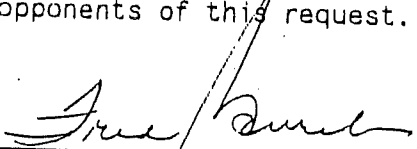
3. The outlots "C" through "F" shall include a minimum building setback of 50 feet from the I-75 right of way and from the Spiral Boulevard right-of-way, as proposed in the submitted restrictive covenants. These setback areas shall include berming and landscaping, and the setback area along I-75 shall include no parking, circulation or other paved areas. The proposed buildings, if retail, shall be consistent in architectural design to be compatible with an office environment. No mechanical equipment, whether on the roof or ground, shall be visible from I-75 or Spiral Boulevard.
4. The proposed retail shown as "I", shall be reconfigured to address comments at the 7/25/90 Public Hearing, and as shown to the Committee. The building nearest Houston Road shall be rotated approximately 90 degrees as shown on the detail drawing submitted to the Committee by GBBN Architects. As indicated by the applicant, the retail buildings in Section "I" shall have store frontages on all sides. All roof equipment shall be screened from public view, and parking areas shall include berms and plantings between the proposed pavement and all adjacent right-of-ways. A water retention or significant landscaping feature shall be located adjacent to the Houston Road and Turfway Interchange ramps to be consistent in appearance with the Turfway Business Park.
5. Since the proposed corporate office complex is essential for the character of the development in terms of the Houston-Donaldson Study Area, the developer shall contract a professional, marketing consultant to develop strategies of attracting potential corporate users to the site. Marketing efforts shall be undertaken on a national basis and coordinated with the Planning Commission and City of Florence. Documentation of marketing efforts shall be provided. The office development shall be a minimum of 5 stories in height.
6. The proposed retail center shall have a continuous facade that is similar in concept to that employed at the Turfway Business Park. The rear and side walls of the retail center shall be constructed of the similar materials as the facade. Roof parapets shall be utilized on all sides of the buildings, as necessary, to screen all roof equipment from public view. Cross section drawings may be required as part of Architectural Design Review. As indicated by the applicant, the rear of the retail center will be screened by berms, evergreen plantings, and service court walls constructed of the finished building materials. The relative amounts of paved area and green space behind the retail center shall be generally consistent with that shown on the Concept Development Plan. The proposed retail center shall be generally consistent with the submitted Concept Development Plan in terms of number and size of users.
7. The architecture of the proposed hotels shall compliment the appearance of adjacent outlot uses.
8. Amenities, such as the pavement treatment at intersections, retention lakes, and entry features, shall be consistent with the submitted Concept

Development Plan. As indicated by the applicant, the development of the 101 acre site shall contain approximately 22 percent green space. Each phase of development submitted for review shall include calculations of green space area. All parking areas shall contain landscaping that is consistent with the Turfway Business Park. These standards include the following:

- a) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. For code required parking, 1 tree and 3 shrubs are to be utilized per fifteen spaces.
 - b) Provide eight-foot wide landscape strips for every four rows of parking, or large planting islands at the ends of parking rows.
 - c) In addition, canopy tree plantings along the public streets of the development shall accompany the proposed berms and 50 foot landscape setbacks submitted as part of the application.
9. Development of the proposed outlots along Houston Road shall be consistent in design with the submitted Concept Development Plan in terms of diagonal building orientation to Houston Road, access off of secondary site drives, and amount of green space.
 10. All signage within the development shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign Regulations.
 11. The developer agrees to reconstruct portions of Woodspoint Drive east of the proposed site access if sight distance limitations are determined to create potential safety hazards, by an independent traffic engineer acceptable to the Planning Commission.
 12. The Spiral Drive entrance will contain dual left turn lanes on south bound Houston Road. The improvements to the Woodspoint Drive and Houston Road intersection will include two south bound through lanes on Houston Road to include a taper back to one travel lane south of Woodspoint Drive. All improvements to public roads described in this report shall be made by the developer or owner of the site during the first phase of development, except to the extent that signalization of Spiral Drive shall be shared with the adjacent property owner as previously agreed. The construction of Spiral Drive and Spiral Boulevard to form the "ring road" shall also accompany the first phase of development. The northernmost access to the site shall be designed as an exclusive right-in and right-out drive. The design of this intersection shall include a ramp-like right turn lane to physically eliminate left turns into the site from Houston Road. The developer shall provide a separate right turn lane from Houston Road onto the southbound I-75 entrance ramp.

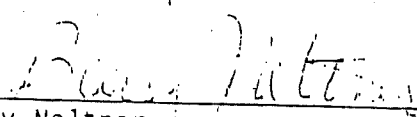
13. Spiral Drive will be connected to Woodspoint Drive along the I-75 right-of-way to allow for traffic to flow between this site and future development on the World of Sports site. All driveway entrances on Spiral Drive and Boulevard shall be properly aligned.
14. The developer agrees to work with the City of Florence, Boone County, and area property owners and developers in arriving at a solution to the existing and forecasted traffic congestion at the Turfway Interchange.
15. The main access drive shall contain three exit lanes. The developer agrees to dedicate additional right-of-way to Woodspoint Drive to allow for a future additional exit lane onto Houston Road. The developer and owner agree to participate financially with the Turfway Business Park in installing the proposed traffic signal at Spiral Drive, and to install the proposed light at Woodspoint Drive.
16. Consistent with the statements made by the applicant at the 7/25/90 Public Hearing that the section "B" office is proposed for Phase IV in four to eight years, the developer agrees to actively pursue and market development of the proposed corporate office section "B" for a period of a minimum of four years from today's date.

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.

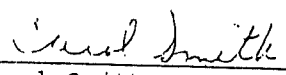


Fred Burch, Chairman


Rector Jones




Barry Neltner



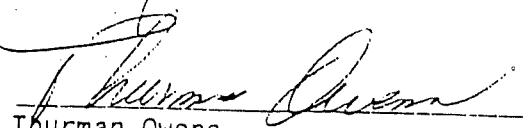
Carol Smith



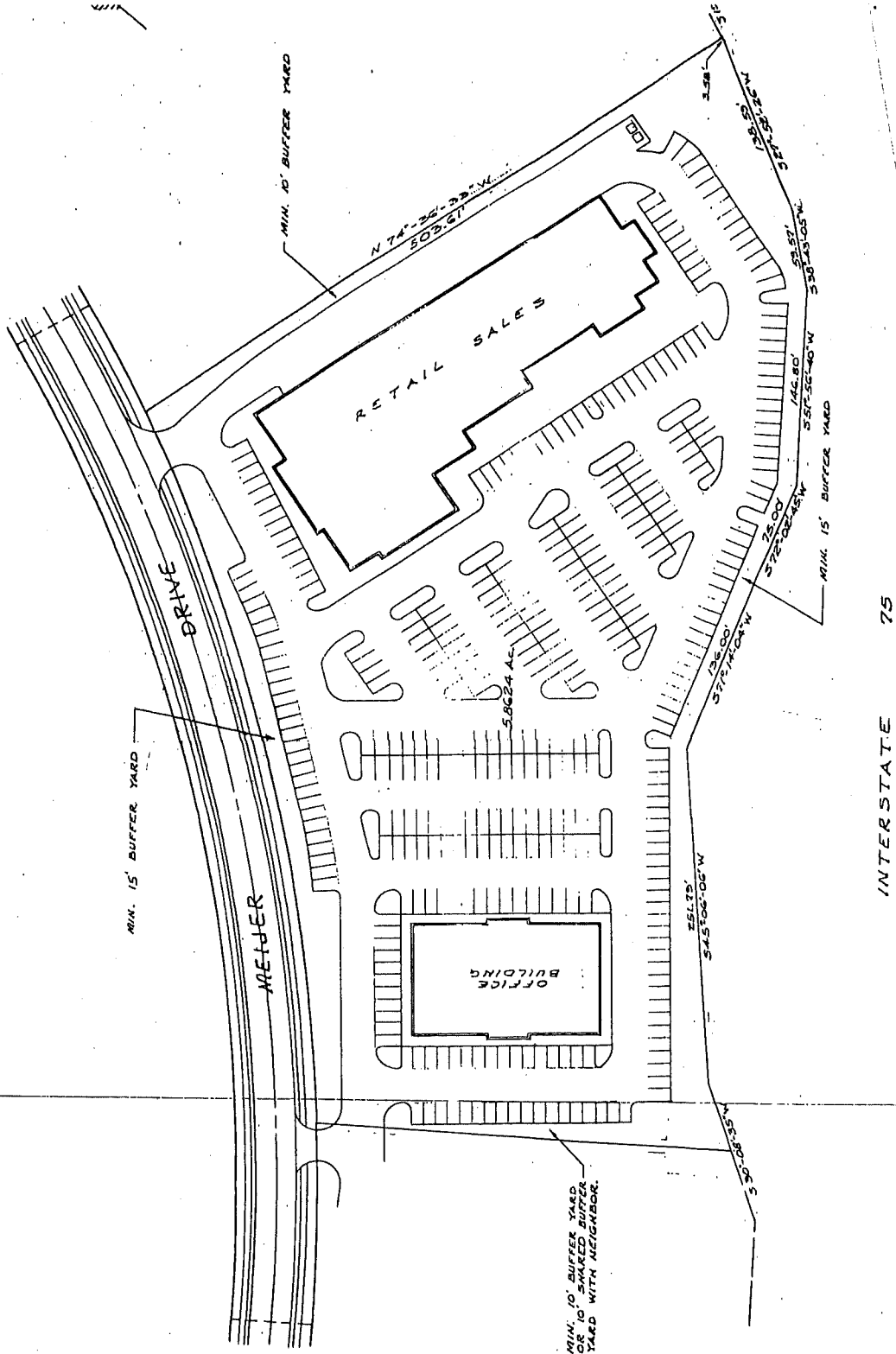
Larry Barnett



Phil Damstrom

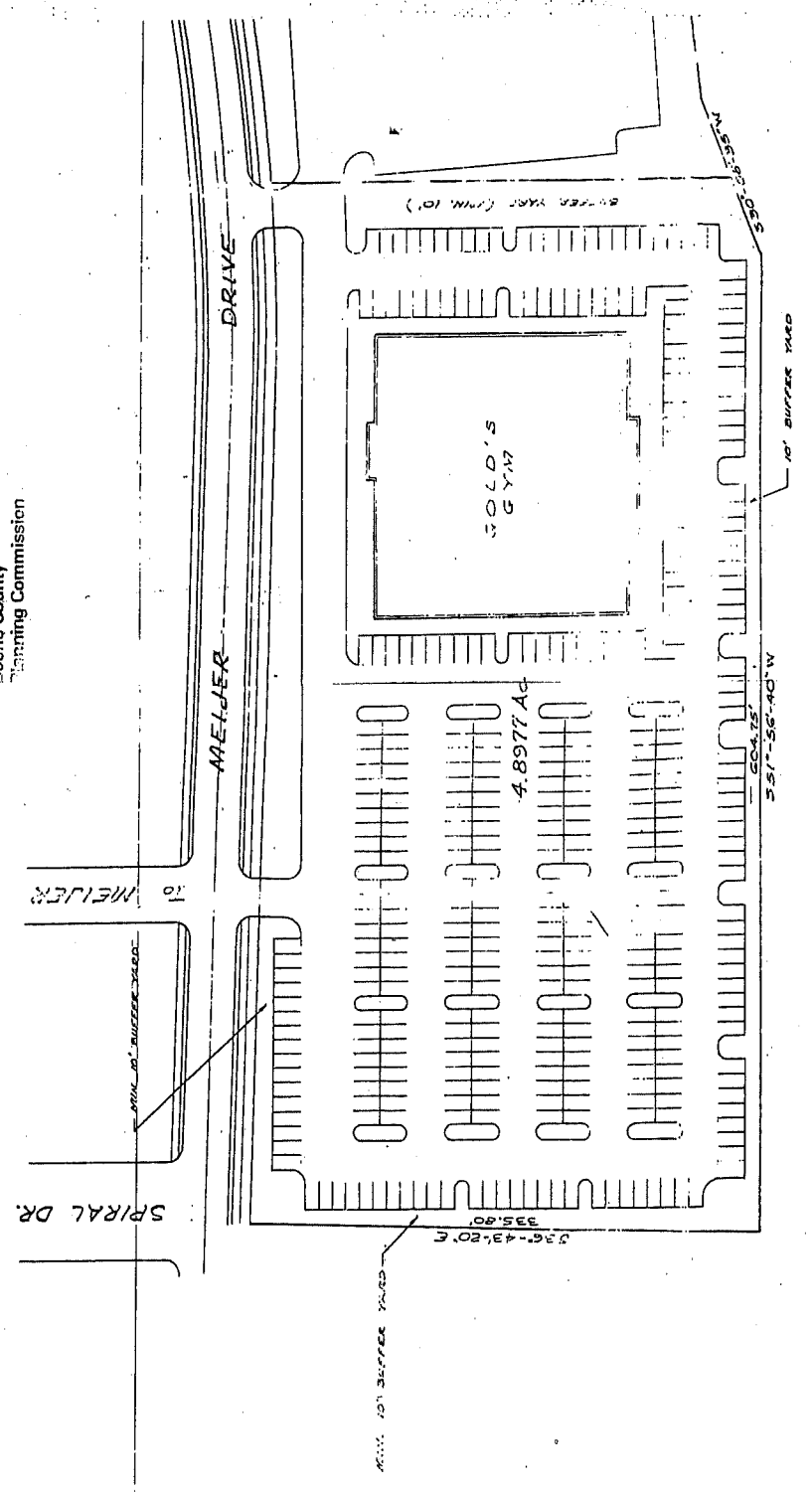


Thurman Owens

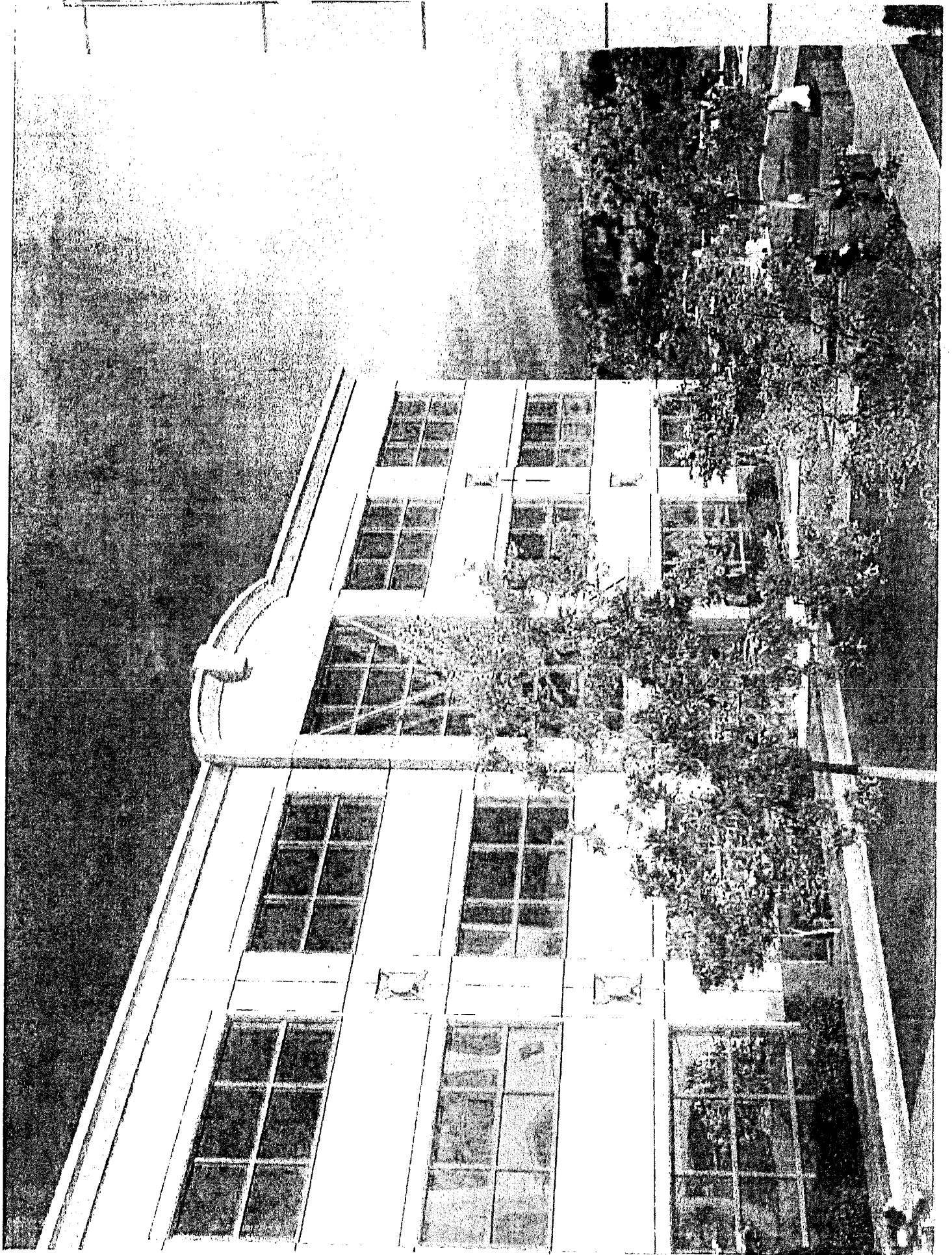


2006 - Approved Concept Development Plan

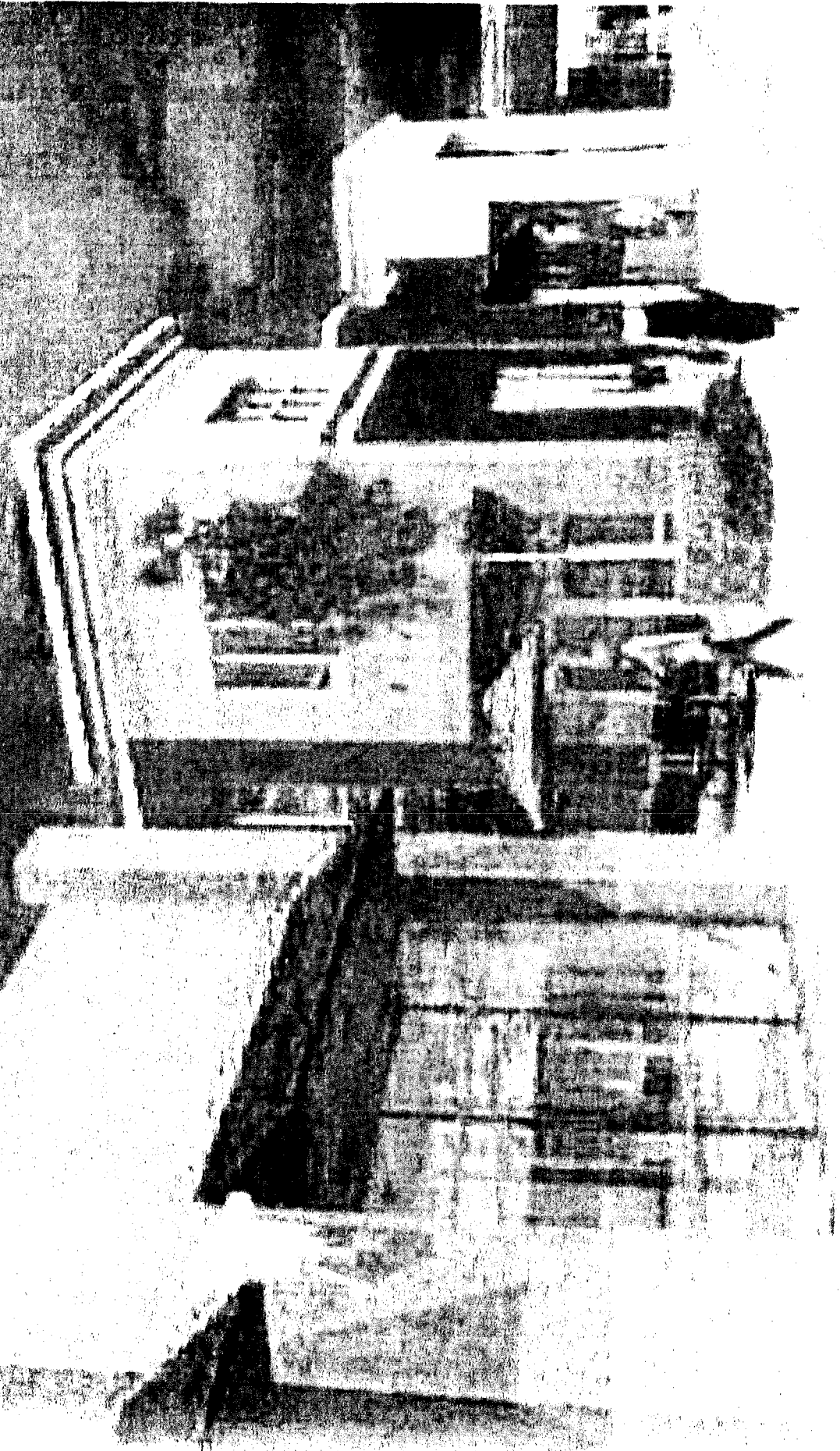
Concept Development Plan
APPROVED WITH CONDITIONS
 Staff J. L. H. H. H.
 Date 8/2/06
 Boone County
 Planning Commission



INTERSTATE 75



Front Elevation





BOONE COUNTY PLANNING COMMISSION

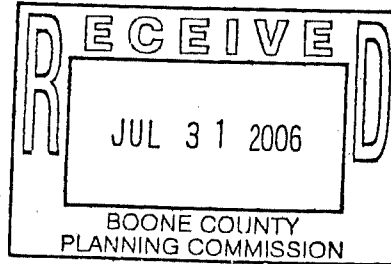
www.boonecountyky.org/pc
www.boonecountygis.com

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

July 26, 2006

Mr. James W. Berling
1671 Park Road, Suite One
Ft. Wright, KY 41011



RE: Request of **James W. Berling (applicant)** for **Northern Kentucky Management, Inc. (owner)** for a Change in an Approved Concept Development Plan for a 4.8977 acre tract located between the south/east side of Meijer Drive and I-75, and across from the Spiral Drive/Meijer Drive intersection, Florence, Kentucky. The request is for a change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone to allow a fitness center; and, the request of **James W. Berling (applicant)** for **Northern Kentucky Management, Inc. (owner)** for a Change in an Approved Concept Development Plan for a 5.8624 acre tract located between the south/east side of Meijer Drive and I-75, and south of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone to allow an office building and a multi-tenant retail building.

Dear Mr. Berling:

The following represents the conditions of approval for the above referenced Change in Approved Concept Development Plan applications as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as applicant, agree to these conditions, please have the property owner sign the appropriate space on the last page of this letter. Please return this letter with the property owner's original signature to the Boone County Planning Commission office by August 1, 2006.

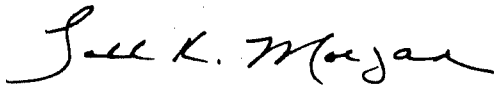
CONDITIONS

1. Both lots shall be required to have 15' minimum/20' average street frontage buffers along Interstate 71/75 and Meijer Drive.
2. Both lots shall be required to have at least 20% green space.

Mr. James W. Berling
July 26, 2006
Page 2

3. The architectural design of the buildings will be reviewed through the Houston-Donaldson Study's Design Review process. The architectural design of the buildings will be evaluated in terms of the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations and the "Criteria and Standards Used for Evaluating Architectural Design Plans" found in the Houston-Donaldson Study.
4. The office building shall be permitted to have one accessory restaurant (coffee shop, sandwich shop, etc.). All other tenants in the building shall be office uses.
5. The attachment lists the principally permitted and accessory uses which are permitted in the retail center. All deleted items have been ~~stricken~~.

Sincerely,



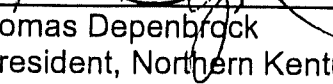
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\pr

Attachment

AGREEMENT

I, Thomas Depenbrock, agree to the listed conditions of approval for the Change in Approved Concept Development Plan applications for the approximate 10.76 acre area which is described on the first page of this letter.



Mr. Thomas Depenbrock
Vice President, Northern Kentucky Management, Inc.

7/31/06

Date

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;
6. Convenience stores;
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;
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

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-model 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; except No. 33
2. All the principally permitted uses in an Office One 90-1) district; except No. 26
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture home furnishing 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;

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;~~
 - ~~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;~~
- ~~7. Retail sale of motor fuels;~~
8. Drive-up photo finishing services and automatic teller services (attached to building only);
- ~~9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~
- ~~10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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;~~
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 or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
- ~~34. Pawn shops (Not Applicable within the City of Florence);~~
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. 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;~~
7. Drive-up photo-finishing services and automatic teller services (attached to building only);
- ~~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);~~
- ~~12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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;
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);

- ~~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 (attached to the building only);
 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.~~

4. Parking (See Article 33);
5. Automatic teller machines (attached to the building only);
- ~~6. Single family dwelling unit;~~
- ~~7. Drive through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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; except No. 26
2. Retail sales of newspaper and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores;
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;~~~~

SITE 9, HOUSTON LAKES

Existing Conditions/Site Analysis - The 101 acre site is currently undeveloped, however, is subject to an approved Concept Development Plan for commercial and office development, approved in 1990. The approved plan and table of square footage are contained in the Traffic Analysis section of the Study. These uses have been determined to be appropriate for the site, if developed under agreed conditions, by the Boone County Planning Commission and the City of Florence.

Recommended Uses/Zoning - This Study incorporates the approved Concept Development Plan into the recommended land use and zoning scheme. The approved corporate office center in the southeast section of the site and Campus Office portion along Houston Road are necessary for the development to retain the proper character and maintain a suitable mixture of traffic types and patterns. Without these approved office uses, the Woodspoint Nursing Home site and the World of Sports site will be less likely to develop as office sites because of the emphasis on retail development in surrounding areas. If changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail and greater setbacks on the proposed retail portion immediately at the corner of Houston Road and the I-75 interchange ramps. Existing trees should be designed into the corporate office center. This Study recommends that the approved number of outlots along Houston Road and along I-75 not be increased. This development was required, through approval of the Concept Development Plan, to include improvements to Woodspoint Drive to accommodate turning movements and eliminate any sight distance limitations. The existing zoning of Office Two/Commercial Two/Planned Development is recommended for the site.

SITE 9 - TRIP GENERATION

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[714] CORPORATE HEADQUARTERS					
543,000 GSF	3,254	697	52	74	596
[310] HOTEL					
150 ROOMS	1,261	52	35	61	52
[312] BUSINESS HOTEL					
200 ROOMS	1,454	68	48	74	50
[820] SHOPPING CENTER					
438,000 GSF	17,790	244	143	841	841

**City of Florence Special Conditions of Approval
For
A Change in an Approved Concept Development
On a 10.7601 Acre Site
Located on the South/East Side of Meijer Drive and I-75
Northern Kentucky Management, Inc., Owner**

The undersigned on behalf of Northern Kentucky Management, Inc., as owner, hereby agrees to the following Special Conditions of Approval placed on this Change in an Approved Concept Development Plan by the City of Florence, Kentucky. The property to which these Special Conditions of Approval apply is located on 10.7601 acres generally between the south/east side of Meijer Drive and I-75 and across from the Spiral Drive/Meijer Drive intersection in Florence, Kentucky.

1. The applicant shall agree to use his best efforts to obtain the cooperation of the owner of the adjacent Florence Executive Center so a vehicular connection between the proposed Gold's Gym parking lot and the adjacent Florence Executive Center II parking lot can be constructed at the expense of the applicant.
2. This approval is conditional on architectural review and approval with the City of Florence participation in advance of the Boone County Planning Commission architectural review process. This architectural review and approval shall occur with the City of Florence Planning and Zoning Committee.

September 12, 2006

Date

Northern Kentucky Management, Inc.
by: Thomas J. Deppenbrock
Thomas J. Deppenbrock, Vice President

Signature of Owner

[912] DRIVE-IN BANK							
3,650	GSF	1,001	19	15	76	83	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
TOTAL		27,933	1,202	415	1,262	1,737	

SITE 10, TURFWAY BUSINESS PARK

Existing Conditions/Site Analysis - A significant portion of this 106 acre development is constructed, including the retail center and several of the office research buildings. Sach's Automotive Components, a light manufacturing/assembly facility is under construction at the end of Spiral Drive and is scheduled to be in operation during 1991. Several outlots, including a restaurant and a bank are also under construction. A furniture outlet and garden store have been approved in place of the previously approved Office Campus on Houston Road. The current status and remaining development potential are included in the Traffic Analysis portion of this study. This development, as approved, is important in determining the character of the Houston Road corridor because it is the first major development to be constructed in this area. The approved planned development establishes a variety of uses generally indicative of healthy business districts.

Recommended Uses/Zoning - This development is recommended to continue to develop according to approved plans.

Access/Improvements - Site driveways are already determined by the approved development plans. According to previous agreements, the developer has been adding lanes to Houston Road which will taper back to two lanes south of Woodspoint Drive. Any access to Turfway Road must include adequate deceleration and turn lanes on Turfway Road.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Standards

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

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a mixed use development as described in this standard is provided.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.

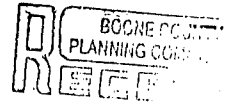
5. Preservation of Existing Site Features: Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

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

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

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

5/14/07



APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

MAY 16 2007

(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 Turfway Commons by Nuti Builders, Inc.
3. Location of Project Meijer Drive
4. Total Acreage of Site 5.8624 Acres
5. Current Zoning C-2
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable)
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson
8. Proposed Uses (please specify each use) Office Building, Medical Building and Retail Shops
9. Proposed Building Intensities (please specify) Not to exceed 15,000 sq./ft. of gross floor area per acre of land on 10-I and 10-J. 20% Intensity Bonus on Lot 10-H
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for: No Conditional Use Permit, No Dimensional Variance
12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 344-7422
13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
14. Name of Property Owner(s) Turfway Commons, LLC
Phone Number 859-245-6884 Fax No. 859-245-6885
15. Address of Property Owner(s) 1093 Duval Street
Lexington, Kentucky 40515
City State Zip
16. Are there any existing buildings on the site? No
How many?
17. Deed Book 925 Page No. 888 Group No. 4069
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Patrick Reynolds, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **James W. Berling for**
Turfway Commons, LLC (owner)

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

The request of James W. Berling (applicant) for Turfway Commons, LLC (owner) for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that he received the elevation drawing of the medical office today and copies have been provided to the Commissioners (see Exhibit 1).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, 1671 Park Road, Fort Wright, engineer for the development, stated that they discussed a lot of items with the Committee when this project was done in 2006, and everyone on the Committee at that time is still on the Planning Commission. The current request is for a change to that plan. He stated that they were allowed a minimum landscape buffer along I-75 and Meijer Drive provided they had an average of twenty feet, and they have followed that agreement. The perimeter has not been changed. He stated that there are buyers for a freestanding medical office building, rather than the proposed three-story office building. He stated that the Houston-Donaldson Study and the Turfway Study push towards office rather than commercial. He stated that this request reduces the retail space and increases the office space. He stated that there is an area between the

proposed building in the center and the retail on the right and the lot line goes through there. There will be internal agreements for shared parking. They are asking for a Waiver so that there does not have to be an adjacent property owner buffer there. He stated that the elevations for the office building and the retail are still good, and they submitted an elevation for the freestanding medical office building (see Exhibit 1). They will bring copies of the elevations to Committee. He stated that they have more than the minimum amount of parking for the office -- one parking space for every 250 square feet or four parking spaces per thousand is acceptable. He stated that there is a provision for doctors' offices of four parking spaces per thousand square feet OR so many parking spaces per nurse or doctor, etc. which generally is higher. He stated that parking for a restaurant is governed by the number of seats rather than by the floor area. He stated that they want to keep the parking that they have. He reviewed the summary at the bottom of the Landscape Plan and stated that they are beyond the 5% minimum area required inside the parking areas. He stated that lighting can be set up so that it does not shine outside the limits of the site. They will submit a Photometric Plan. He stated that this plan is an improvement.

The Chairman noted that there was only one other person present in the audience and she did not wish to speak.

There being no comments or questions from the Commissioners, the Chairman stated that the Committee Meeting for this item will be on June 27, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on July 5, 2007 at 7:00 PM at Burlington Elementary. The Chairman closed this Public Hearing at 9:48 PM.

APPROVED:



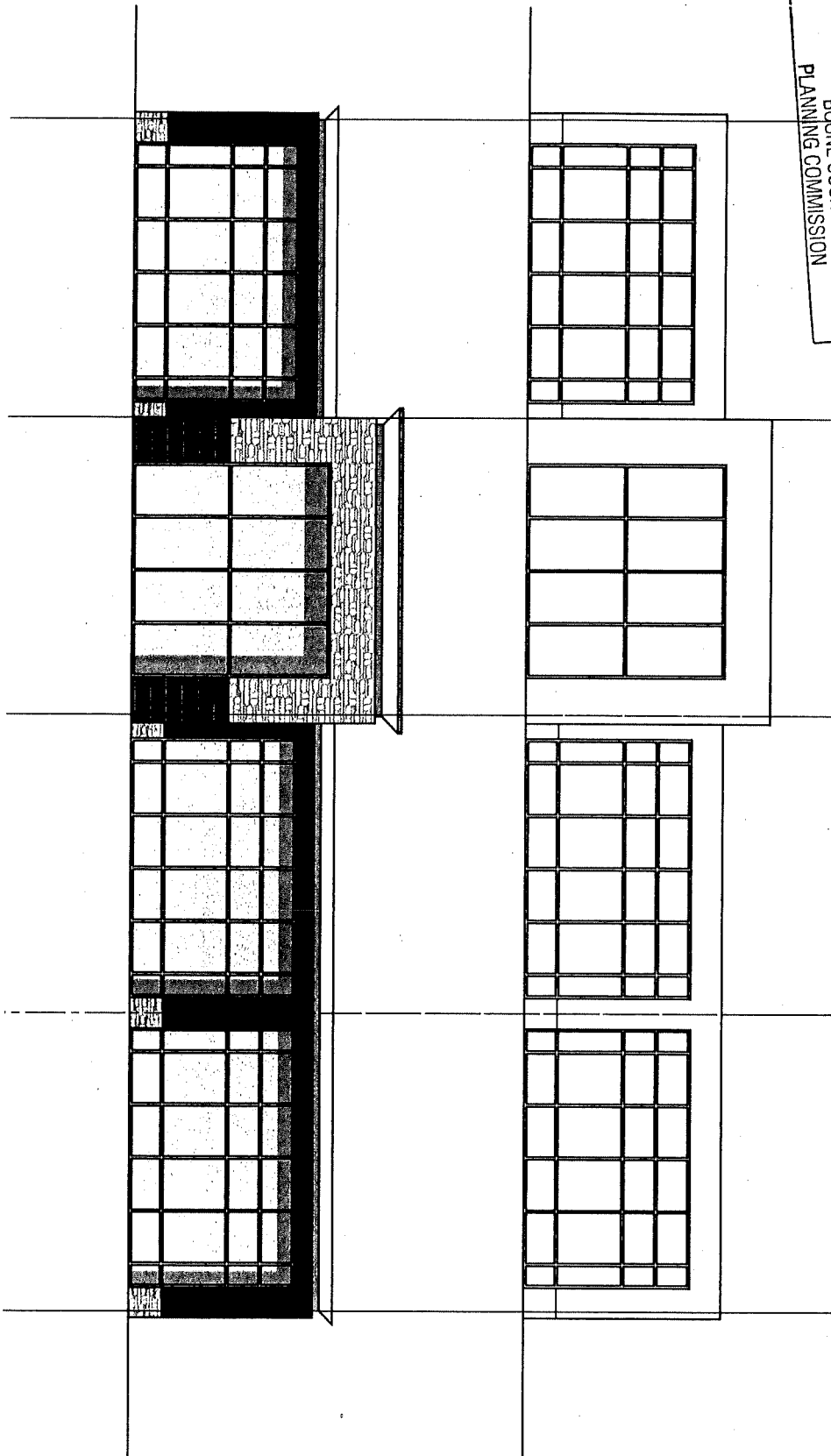
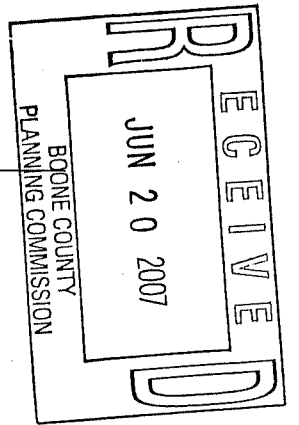
Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 - elevation drawing of the medical office, submitted by Staff



Mark-inc.com 4125 humphrey / st. louis missouri 63116 / p 314 771 8484 / f 314 771 8989 / M 314 660 6171

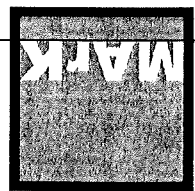
07-0010

06.18.2007
(design development)

c.1.01



turfway commons
florence, r kentucky



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

July 5, 2007

7:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Randy Poe
Mr. Patrick Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

ACTION ON PLAN REVIEWS:

1. Change in Concept Development Plan

The request of **Anthony Hause (owner)** for a **Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate two-acre site located at 7570 Burlington Pike, Florence, Kentucky. The request is for a change in Concept Development Plan to permit retail, office, medical office, child care, and restaurant uses in an existing building.**

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

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Anthony Hause stated that potential tenants did not want to wait through the approval process and they have lost those tenants, including the daycare center. They do not have all of their tenants at this time. They have agreed not to allow a liquor store, which would not work well with the health food store next door.

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

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

2. Change in Approved Concept Development Plan

The request of **James W. Berling (applicant) for Turfway Commons, LLC (owner)** for a **Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.**

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see

Committee Report). The property owner has signed the letter agreeing to the conditions.

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request. There being no response, he asked if there was anyone else present who wished to make a summary statement opposing this request. There was no response.

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

3. Change in Concept Development Plan

The request of Shout Assembly/Shout to the World Ministries, Inc. (applicant) for S.T.D. Sales, Inc./Ike Hazen (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 1.07 acre site located at 8731 Bankers Street, Boone County, Kentucky. The request is for a change in Concept Development Plan to permit all uses principally permitted in the C-2 zone in an existing building.

This item has been withdrawn at the applicant's request.

4. Zoning Map Amendment

The request of Miller Developers (applicant) for Conrad Nicholas, Estelle Nicholas, and David Kroth (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS) for a 26.37 acre tract located on the northeast corner of the Longbranch Road/Kroth Lane intersection and on the southeast corner of the Kroth Lane/KDK Lane intersection, including the property at 2738 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family, detached residences.

Chairman Caddell stated that Agenda Item #4 is recommended for deferral to the July 18, 2007 Business Meeting at 7:00 PM. Mrs. Poston so moved. Mr. McMillian seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Long Branch Development, Inc. (applicant) for AF Investments LLC, 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 Agriculture (A-1), Agricultural

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: July 5, 2007

RE: Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

- A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Committee determined that the proposed office building, medical building, and retail center are located in an area which is designated for commercial uses.

- B. The request is in agreement with the following passages from the Land Use Element:

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

The Committee determined that the request is in general conformance with the Houston-Donaldson Study for the following reasons:

- Site 9 (Houston Lakes) indicates that the 1990 Concept Development Plan has been incorporated into the recommended land use and zoning scheme. The Study recommends that any changes in the approved Concept Plan should include less emphasis on retail uses and that the approved number of outlots along I-71/75 should not be increased.

The Committee determined that the proposal includes a medical building and an office building. The number of outlots along I-71/75 is remaining the same.

- 22% of the 5.8624 acres will be in the form of green space.
- All buildings and proposed signs will be more thoroughly reviewed through the Design Review process.

C. The request is in general agreement with the following passage from the Business Activity Element:

Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital (Recommended Areas of Commercial Activity, pp. 62-65).

The Committee determined that the proposed office building, medical building, and retail center are the types of buildings that were anticipated by the Houston-Donaldson Study.

D. The requests are in agreement with the following 2005 Goals and Objectives:

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

The Committee determined that the buildings are proposed in an area which is designated for commercial uses by the 2030 Future Land Use Map. In addition, the properties adjoin Interstate 71/75 and other commercial and office uses.

- Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).

The Committee determined that buildings will have safe and effective access and ample parking and will be designed to coordinate with the surrounding land uses.

2. The requests are in general conformance with the following Planned Development (PD) Standards which are found in Section 1514 of the Boone County Zoning Regulations:

- Mixed Use Development and Pedestrian Orientation: Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.

The Committee determined that the request shows retail and office uses. The Concept Development Plan shows that driveway connections will be provided to Gold's Gym and La Quinta.

- Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape, buffer zones, and the provision of significant landscaping (in terms of size of landscape area, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.

Although two landscaping waivers were issued, the Committee determined that substantial landscaping was being provided. This determination was made because there is a condition which requires 22% of the 5.8624 acre area to be in the form of green space.

The Committee determined that the Waiver to reduce the Interstate 71/75 and Meijer Drive street frontage buffers from a 20 foot minimum to a 15 foot minimum was rational when considering that the average width of these buffers will be 20 feet. In addition, the Waiver to eliminate some of the required landscaping islands was rationale due to the potential irregular shape of lot 10-I and the parking demands that will be generated from the office building, medical building, and retail center.

- "Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally oriented influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects."

The Committee has imposed a condition stating that this planned development standard will be analyzed when the individual buildings are reviewed through Houston-Donaldson Study's Design Review process. All buildings will have architectural characteristics that relate to each other.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The lots shall have 15' minimum/20' average street frontage buffers along Interstate 71/75 and Meijer Drive.
2. At least 22% of the 5.8624 acre area will be in the form of green space.
3. The architectural design of the buildings will be reviewed through the Houston-Donaldson Study's Design Review process. The architectural design of the buildings will be evaluated in terms of the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations and the "Criteria and Standards Used for Evaluating Architectural Design Plans" found in the Houston-Donaldson Study.
4. The office building shall be permitted to have one accessory restaurant (coffee shop, sandwich shop, etc.). All other tenants in the building shall be office uses.
5. An attachment lists the principally permitted and accessory uses which are permitted in the retail center. All deleted items have been ~~stricken~~.

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 Concept Development Plan Committee Vote.

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;
6. Convenience stores;
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;
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;~~
 - ~~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;~~
- ~~7. Retail sale of motor fuels;~~
8. Drive-up photo finishing services and automatic teller services (attached to building only);
- ~~9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~
- ~~10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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-model 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; except No. 33
2. All the principally permitted uses in an Office One (O-1) district; except No. 26
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture home furnishing 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);
- ~~29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;~~
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 or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
- ~~34. Pawn shops (Not Applicable within the City of Florence);~~
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. 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;~~
7. Drive-up photo finishing services and automatic teller services (attached to building only);
- ~~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);~~
- ~~12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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;
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 (attached to the building only);
6. ~~Single family dwelling unit;~~
7. ~~Drive through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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; except No. 26
2. Retail sales of newspaper and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores:
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 (attached to the building only);
 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.~~

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Patrick Reynolds, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **James W. Berling for
Turfway Commons, LLC (owner)**

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

The request of **James W. Berling (applicant) for Turfway Commons, LLC (owner)** for a **Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.**

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that he received the elevation drawing of the medical office today and copies have been provided to the Commissioners (see Exhibit 1).

The Chairman asked for the applicant's presentation.


Mr. Jim Berling, 1671 Park Road, Fort Wright, engineer for the development, stated that they discussed a lot of items with the Committee when this project was done in 2006, and everyone on the Committee at that time is still on the Planning Commission. The current request is for a change to that plan. He stated that they were allowed a minimum landscape buffer along I-75 and Meijer Drive provided they had an average of twenty feet, and they have followed that agreement. The perimeter has not been changed. He stated that there are buyers for a freestanding medical office building, rather than the proposed three-story office building. He stated that the Houston-Donaldson Study and the Turfway Study push towards office rather than commercial. He stated that this request reduces the retail space and increases the office space. He stated that there is an area between the

proposed building in the center and the retail on the right and the lot line goes through there. There will be internal agreements for shared parking. They are asking for a Waiver so that there does not have to be an adjacent property owner buffer there. He stated that the elevations for the office building and the retail are still good, and they submitted an elevation for the freestanding medical office building (see Exhibit 1). They will bring copies of the elevations to Committee. He stated that they have more than the minimum amount of parking for the office -- one parking space for every 250 square feet or four parking spaces per thousand is acceptable. He stated that there is a provision for doctors' offices of four parking spaces per thousand square feet OR so many parking spaces per nurse or doctor, etc. which generally is higher. He stated that parking for a restaurant is governed by the number of seats rather than by the floor area. He stated that they want to keep the parking that they have. He reviewed the summary at the bottom of the Landscape Plan and stated that they are beyond the 5% minimum area required inside the parking areas. He stated that lighting can be set up so that it does not shine outside the limits of the site. They will submit a Photometric Plan. He stated that this plan is an improvement.

The Chairman noted that there was only one other person present in the audience and she did not wish to speak.

There being no comments or questions from the Commissioners, the Chairman stated that the Committee Meeting for this item will be on June 27, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on July 5, 2007 at 7:00 PM at Burlington Elementary. The Chairman closed this Public Hearing at 9:48 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 - elevation drawing of the medical office, submitted by Staff

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: June 27, 2007

RE: Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

REMARKS:

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

Judy Arnett

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

Kim Bunger

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

Greg Breetz

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

Janet Kegley
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

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

Charlie Rolfsen

Charlie Rolfsen
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 _____

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

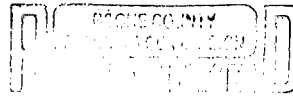
SUPPORTING INFORMATION



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

June 29, 2007

JUL 5 2007

Mr. James W. Berling
1671 Park Road, Suite One
Ft. Wright, KY 41011

RE: Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

Dear Mr. Berling:

The following represents the conditions of approval for the above referenced Change in Approved Concept Development Plan application as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as applicant, agree to these conditions, please have the property owner sign the appropriate space on the last page of this letter. Please return this letter with the property owner's original signature to the Boone County Planning Commission office by July 5, 2007.

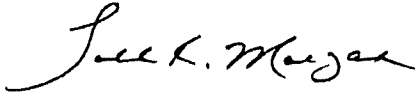
CONDITIONS

1. The lots shall have 15' minimum/20' average street frontage buffers along Interstate 71/75 and Meijer Drive.
2. At least 22% of the 5.8624 acre area will be in the form of green space.
3. The architectural design of the buildings will be reviewed through the Houston-Donaldson Study's Design Review process. The architectural design of the buildings will be evaluated in terms of the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations and the "Criteria and Standards Used for Evaluating Architectural Design Plans" found in the Houston-Donaldson Study.
4. The office building shall be permitted to have one accessory restaurant (coffee shop, sandwich shop, etc.). All other tenants in the building shall be office uses.

Mr. James W. Berling
June 29, 2007
Page 2

5. An attachment lists the principally permitted and accessory uses which are permitted in the retail center. All deleted items have been stricken.

Sincerely,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\dw

Attachment

AGREEMENT

I, Jim Nuti, agree to the listed conditions of approval for the Change in Approved Concept Development Plan application for the approximate 5.8624 acre area which is described on the first page of this letter.



Mr. Jim Nuti
Turfway Commons, LLC

7/3/07

Date

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;
6. Convenience stores;
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;
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;~~
 - 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;~~
7. ~~Retail sale of motor fuels;~~
8. ~~Drive-up photo finishing services and automatic teller services (attached to building only);~~
9. ~~The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~
10. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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; except No. 33
2. All the principally permitted uses in an Office One (O-1) district; except No. 26
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture home furnishing 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);
- ~~29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;~~
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 or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
- ~~34. Pawn shops (Not Applicable within the City of Florence);~~
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. 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;~~
7. ~~Drive-up photo finishing services and automatic teller services (attached to building only);~~
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);~~
12. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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;
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 (attached to the building only);
6. ~~Single family dwelling unit;~~
7. ~~Drive through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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; except No. 26
2. Retail sales of newspaper and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores;
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 (attached to the building only);
 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.~~

Group No. 4069

EXHIBIT A

Lots 10-H, 10-I and 10-J as shown on the Resubdivision of the Remainder of Lot 10-C* of record in LAB Book 5, Page 310, in the Office of the Clerk of Boone County, Kentucky.

*Houston Lakes Subd

Being part of the same property acquired by Grantor by Deed dated January 25, 1989, of record in Deed Book 402, Page 28, Deed dated January 31, 1989, of record in Deed Book 402, Page 35 and Deed dated October 1, 1993, of record in Deed Book 523, Page 110, all in the Office of the Clerk of Boone County, Kentucky.

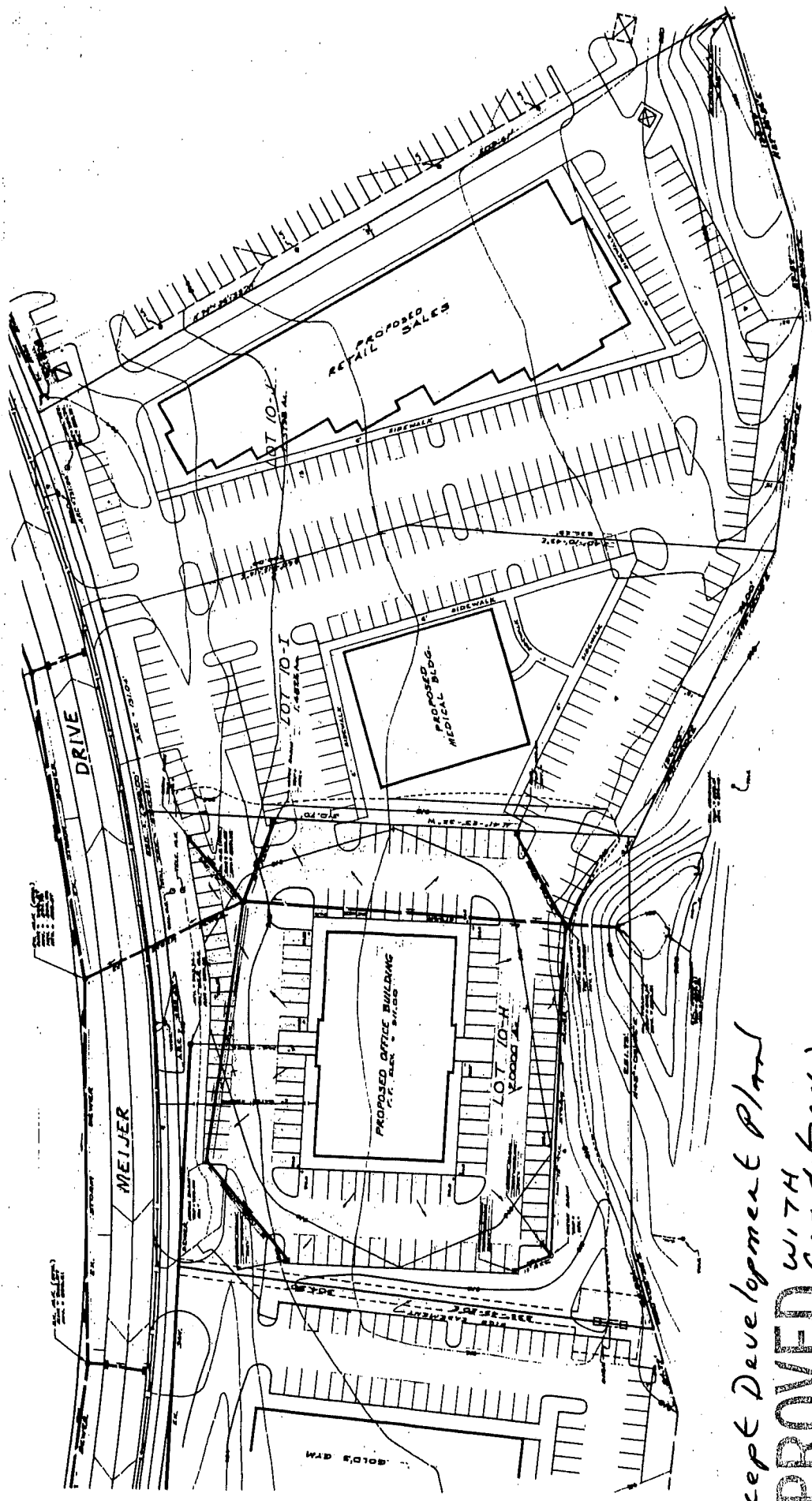
BOONE COUNTY

D925 PG 890

Page 3

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TRANSFER TAX: \$1985.50
GROUP : 4069
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: BOND COLLINS
BOOK D925 PAGES 888 - 890



Concept Development Plan

APPROVED WITH CONDITIONS

Staff Jill K. Morgan

Date 7/5/07

Boone County
Planning Commission

ORDINANCE NO. 078-07

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR A 5.8624 ACRE SITE GENERALLY LOCATED BETWEEN THE SOUTH/EAST SIDE OF MEIJER DRIVE AND I-75, AND SOUTH/WEST OF THE PROPERTY AT 350 MEIJER DRIVE, FLORENCE, KENTUCKY, TO ALLOW OFFICE, MEDICAL OFFICE, AND RETAIL BUILDINGS. (JAMES W. BERLING - TURFWAY COMMONS, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-07-011-A recommended approval, with conditions, for a change in an approved concept development plan, and

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

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

SECTION I

That the request of James W. Berling (Applicant) for Turfway Commons, LLC (Owner), for a change in an approved concept development plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone, for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky, shall be and is hereby approved, subject to agreed conditions for this site, this change in concept development plan being to allow office, medical office, and retail buildings. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-07-011-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

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

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-07-011-A, marked Exhibit "A", and attached hereto.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 28th DAY OF August, 2007.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF September, 2007.

APPROVED:

Dean & Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

EXHIBIT
“A”

RESOLUTION R-07-011-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR TURFWAY COMMONS, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR A 5.8624 ACRE SITE GENERALLY LOCATED BETWEEN THE SOUTH/EAST SIDE OF MEIJER DRIVE AND I-75, AND SOUTH/WEST OF THE PROPERTY AT 350 MEIJER DRIVE, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site generally located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2C-2/PD) zone for a 5.8624 acre site generally located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky.

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

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site generally located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone is more particularly described in DEED

BOOK 925, PAGE NO. 888 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site generally located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

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

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky, shall be forwarded to the City of Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

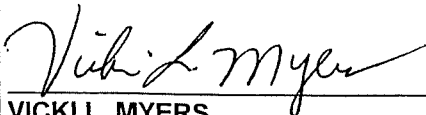
PASSED AND APPROVED ON THIS 18TH DAY OF JULY, 2007.

APPROVED:



ARNOLD CADDELL
CHAIRMAN

ATTEST:



VICKI L. MYERS

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Patrick Reynolds, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **James W. Berling for
Turfway Commons, LLC (owner)**

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

The request of **James W. Berling (applicant) for Turfway Commons, LLC (owner)** for a **Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.**

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that he received the elevation drawing of the medical office today and copies have been provided to the Commissioners (see Exhibit 1).

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, 1671 Park Road, Fort Wright, engineer for the development, stated that they discussed a lot of items with the Committee when this project was done in 2006, and everyone on the Committee at that time is still on the Planning Commission. The current request is for a change to that plan. He stated that they were allowed a minimum landscape buffer along I-75 and Meijer Drive provided they had an average of twenty feet, and they have followed that agreement. The perimeter has not been changed. He stated that there are buyers for a freestanding medical office building, rather than the proposed three-story office building. He stated that the Houston-Donaldson Study and the Turfway Study push towards office rather than commercial. He stated that this request reduces the retail space and increases the office space. He stated that there is an area between the

proposed building in the center and the retail on the right and the lot line goes through there. There will be internal agreements for shared parking. They are asking for a Waiver so that there does not have to be an adjacent property owner buffer there. He stated that the elevations for the office building and the retail are still good, and they submitted an elevation for the freestanding medical office building (see Exhibit 1). They will bring copies of the elevations to Committee. He stated that they have more than the minimum amount of parking for the office -- one parking space for every 250 square feet or four parking spaces per thousand is acceptable. He stated that there is a provision for doctors' offices of four parking spaces per thousand square feet OR so many parking spaces per nurse or doctor, etc. which generally is higher. He stated that parking for a restaurant is governed by the number of seats rather than by the floor area. He stated that they want to keep the parking that they have. He reviewed the summary at the bottom of the Landscape Plan and stated that they are beyond the 5% minimum area required inside the parking areas. He stated that lighting can be set up so that it does not shine outside the limits of the site. They will submit a Photometric Plan. He stated that this plan is an improvement.

The Chairman noted that there was only one other person present in the audience and she did not wish to speak.

There being no comments or questions from the Commissioners, the Chairman stated that the Committee Meeting for this item will be on June 27, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on July 5, 2007 at 7:00 PM at Burlington Elementary. The Chairman closed this Public Hearing at 9:48 PM.

APPROVED:



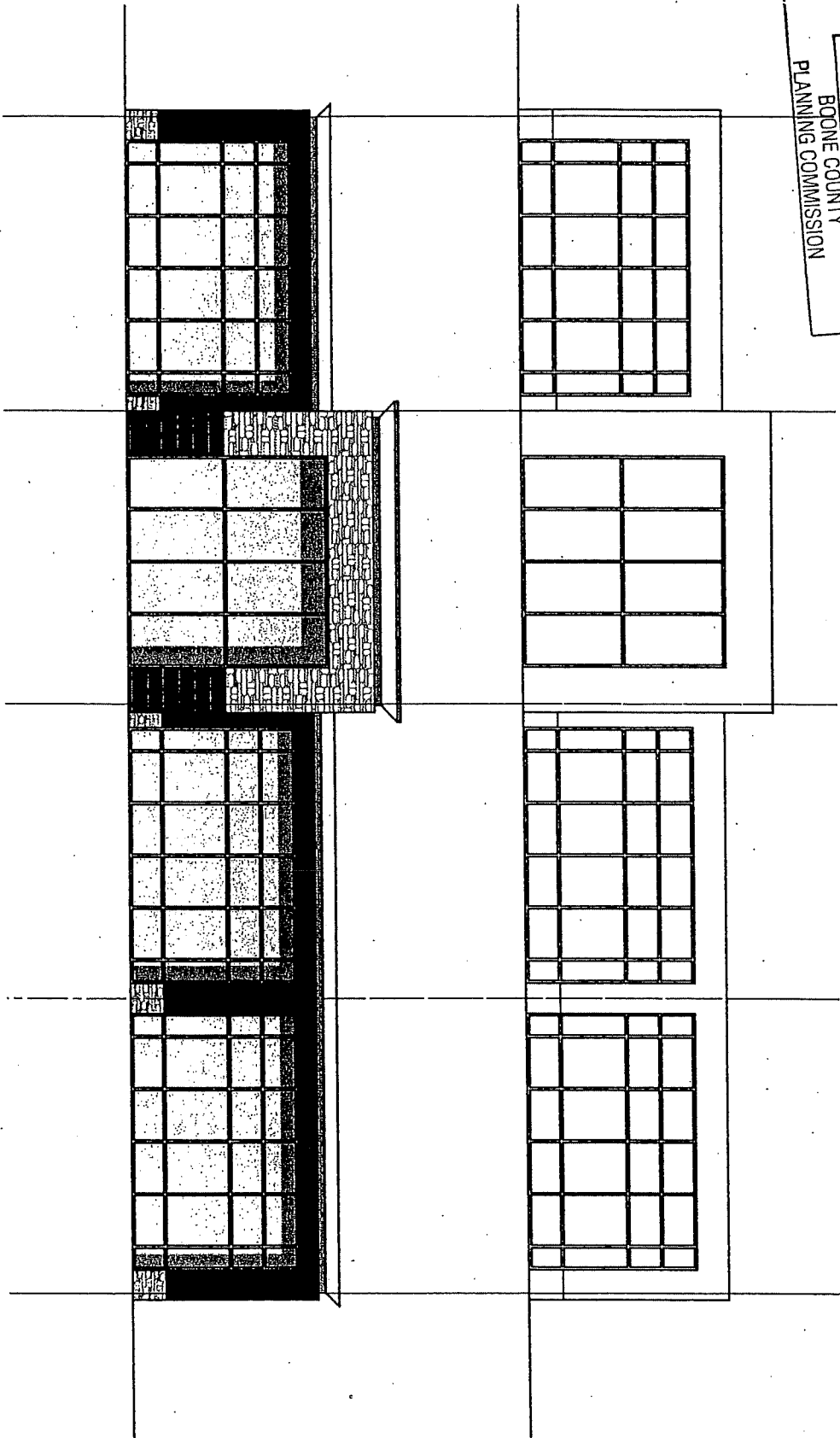
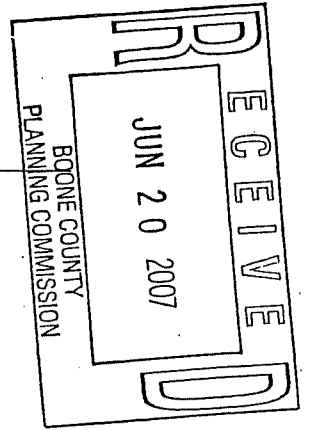
Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibit 1 - elevation drawing of the medical office, submitted by Staff



Mark-Inc.com

4125 humphrey / st. louis missouri 63116 / p 314 771 8484 / f 314 771 8989 / M 314 660 6171

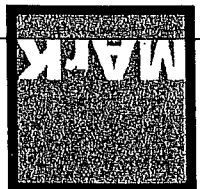
07-0010

06.18.2007
(design development)

c.1.01



turfway commons
florence, r. kentucky



**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
July 5, 2007
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Randy Poe
Mr. Patrick Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

ACTION ON PLAN REVIEWS:

1. **Change in Concept Development Plan**

The request of **Anthony Hause (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate two-acre site located at 7570 Burlington Pike, Florence, Kentucky. The request is for a change in Concept Development Plan to permit retail, office, medical office, child care, and restaurant uses in an existing building.

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

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Anthony Hause stated that potential tenants did not want to wait through the approval process and they have lost those tenants, including the daycare center. They do not have all of their tenants at this time. They have agreed not to allow a liquor store, which would not work well with the health food store next door.

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

There being no discussion, Mrs. Arnett moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Breetz seconded the motion and it carried unanimously.

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

The request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see

Committee Report). The property owner has signed the letter agreeing to the conditions.

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request. There being no response, he asked if there was anyone else present who wished to make a summary statement opposing this request. There was no response.

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

3. Change in Concept Development Plan

The request of Shout Assembly/Shout to the World Ministries, Inc. (applicant) for S.T.D. Sales, Inc./Ike Hazen (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 1.07 acre site located at 8731 Bankers Street, Boone County, Kentucky. The request is for a change in Concept Development Plan to permit all uses principally permitted in the C-2 zone in an existing building.

This item has been withdrawn at the applicant's request.

4. Zoning Map Amendment

The request of Miller Developers (applicant) for Conrad Nicholas, Estelle Nicholas, and David Kroth (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS) for a 26.37 acre tract located on the northeast corner of the Longbranch Road/Kroth Lane intersection and on the southeast corner of the Kroth Lane/KDK Lane intersection, including the property at 2738 Longbranch Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family, detached residences.

Chairman Caddell stated that Agenda Item #4 is recommended for deferral to the July 18, 2007 Business Meeting at 7:00 PM. Mrs. Poston so moved. Mr. McMillian seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Long Branch Development, Inc. (applicant) for AF Investments LLC, 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 Agriculture (A-1), Agricultural

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: July 5, 2007

RE: Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

- A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Committee determined that the proposed office building, medical building, and retail center are located in an area which is designated for commercial uses.

- B. The request is in agreement with the following passages from the Land Use Element:

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

The Committee determined that the request is in general conformance with the Houston-Donaldson Study for the following reasons:

- Site 9 (Houston Lakes) indicates that the 1990 Concept Development Plan has been incorporated into the recommended land use and zoning scheme. The Study recommends that any changes in the approved Concept Plan should include less emphasis on retail uses and that the approved number of outlots along I-71/75 should not be increased.

The Committee determined that the proposal includes a medical building and an office building. The number of outlots along I-71/75 is remaining the same.

- 22% of the 5.8624 acres will be in the form of green space.
- All buildings and proposed signs will be more thoroughly reviewed through the Design Review process.

- C. The request is in general agreement with the following passage from the Business Activity Element:

Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital (Recommended Areas of Commercial Activity, pp. 62-65).

The Committee determined that the proposed office building, medical building, and retail center are the types of buildings that were anticipated by the Houston-Donaldson Study.

- D. The requests are in agreement with the following 2005 Goals and Objectives:

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

The Committee determined that the buildings are proposed in an area which is designated for commercial uses by the 2030 Future Land Use Map. In addition, the properties adjoin Interstate 71/75 and other commercial and office uses.

James W. Berling/Turfway Commons, LLC
 July 5, 2007

- Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).

The Committee determined that buildings will have safe and effective access and ample parking and will be designed to coordinate with the surrounding land uses.

2. The requests are in general conformance with the following Planned Development (PD) Standards which are found in Section 1514 of the Boone County Zoning Regulations:

- **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.

The Committee determined that the request shows retail and office uses. The Concept Development Plan shows that driveway connections will be provided to Gold's Gym and La Quinta.

- **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape, buffer zones, and the provision of significant landscaping (in terms of size of landscape area, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.

Although two landscaping waivers were issued, the Committee determined that substantial landscaping was being provided. This determination was made because there is a condition which requires 22% of the 5.8624 acre area to be in the form of green space.

The Committee determined that the Waiver to reduce the Interstate 71/75 and Meijer Drive street frontage buffers from a 20 foot minimum to a 15 foot minimum was rational when considering that the average width of these buffers will be 20 feet. In addition, the Waiver to eliminate some of the required landscaping islands was rationale due to the potential irregular shape of lot 10-1 and the parking demands that will be generated from the office building, medical building, and retail center.

- **"Architecture:** A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally oriented influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects."

James W. Berling/Turfway Commons, LLC

July 5, 2007

The Committee has imposed a condition stating that this planned development standard will be analyzed when the individual buildings are reviewed through Houston-Donaldson Study's Design Review process. All buildings will have architectural characteristics that relate to each other.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The lots shall have 15' minimum/20' average street frontage buffers along Interstate 71/75 and Meijer Drive.
2. At least 22% of the 5.8624 acre area will be in the form of green space.
3. The architectural design of the buildings will be reviewed through the Houston-Donaldson Study's Design Review process. The architectural design of the buildings will be evaluated in terms of the Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations and the "Criteria and Standards Used for Evaluating Architectural Design Plans" found in the Houston-Donaldson Study.
4. The office building shall be permitted to have one accessory restaurant (coffee shop, sandwich shop, etc.). All other tenants in the building shall be office uses.
5. An attachment lists the principally permitted and accessory uses which are permitted in the retail center. All deleted items have been stricken.

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 Concept Development Plan Committee Vote.

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;
6. Convenience stores;
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;
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;
 - 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;~~
- ~~7. Retail sale of motor fuels;~~
- ~~8. Drive-up photo finishing services and automatic teller services (attached to building only);~~
- ~~9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~
- ~~10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;~~

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; except No. 33
2. All the principally permitted uses in an Office One (O-1) district; except No. 26
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture home furnishing 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);
- ~~29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;~~
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 or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
- ~~34. Pawn shops (Not Applicable within the City of Florence);~~
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. 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;~~
7. Drive-up photo finishing services and automatic teller services (attached to building only);
- ~~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);~~
- ~~12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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;
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 (attached to the building only);
- ~~6. Single family dwelling unit;~~
- ~~7. Drive through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.~~

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; except No. 26
2. Retail sales of newspaper and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores:
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 (attached to the building only);
 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.~~

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Judy Arnett, Chairwoman

DATE: June 27, 2007

RE: Request of **James W. Berling (applicant)** for **Turfway Commons, LLC (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south/west of the property at 350 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office, medical office, and retail buildings.

REMARKS:

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

Judy Arnett
Judy Arnett, Chairwoman

For Project Absent
Against Project
Abstain Deferred

Kim Bunger
Kim Bunger

For Project Absent
Against Project
Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
Against Project
Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
Against Project
Abstain Deferred

Susan Poston
Susan Poston

For Project Absent
Against Project
Abstain Deferred

Charlie Rolfsen
Charlie Rolfsen

For Project Absent
Against Project
Abstain Deferred

Jim Carmichael (Alternate)
Jim Carmichael (Alternate)

For Project Absent
Against Project
Abstain Deferred

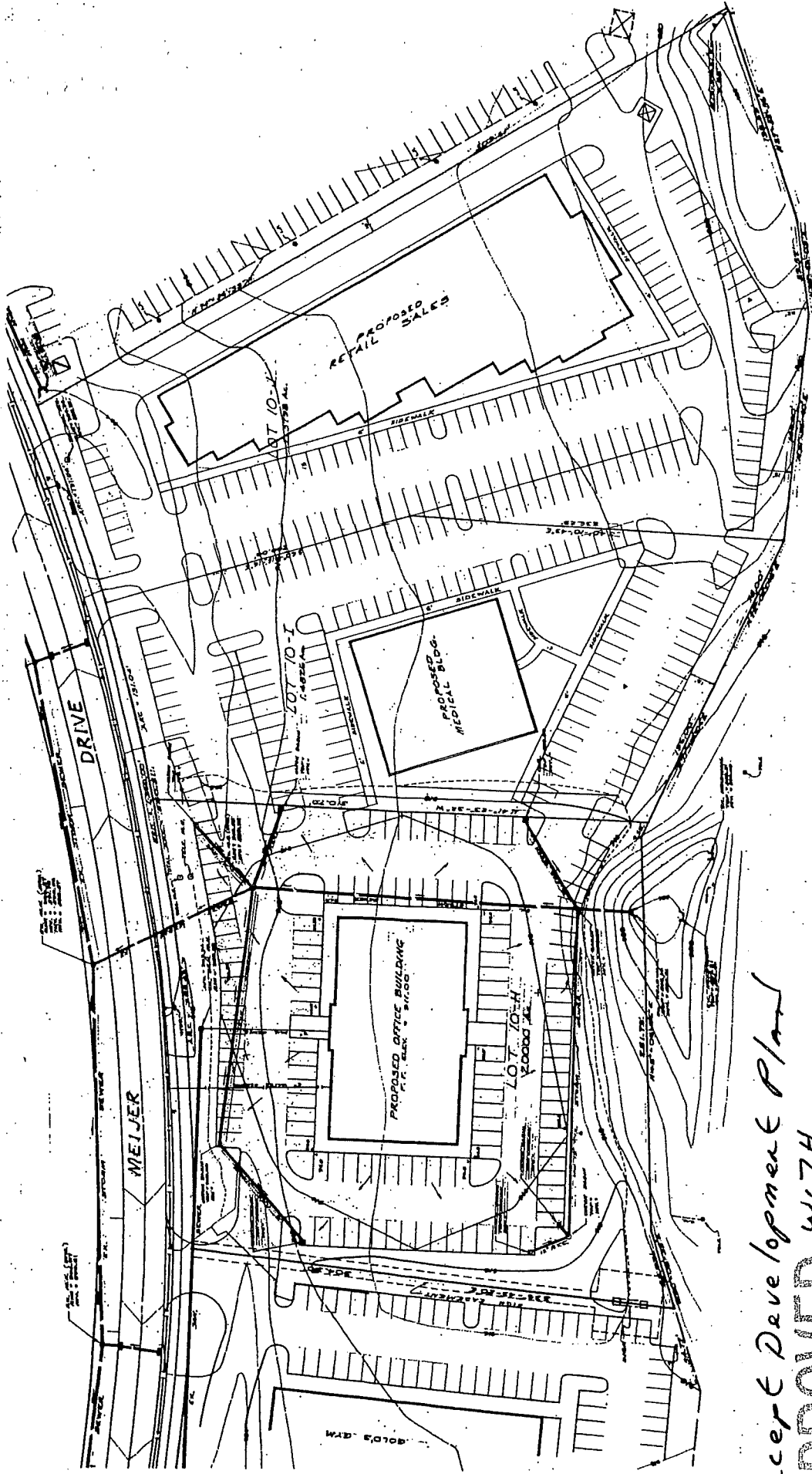
Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)

For Project Absent
Against Project
Abstain Deferred

Bob Schwenke (Alternate)
Bob Schwenke (Alternate)

For Project Absent
Against Project
Abstain Deferred

TOTAL: DEFERRED 4 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN



Concept Development Plan
APPROVED WITH CONDITIONS

Staff Jack Morgan

Date 7/5/07

Boone County
 Planning Commission

EXHIBIT
“B”

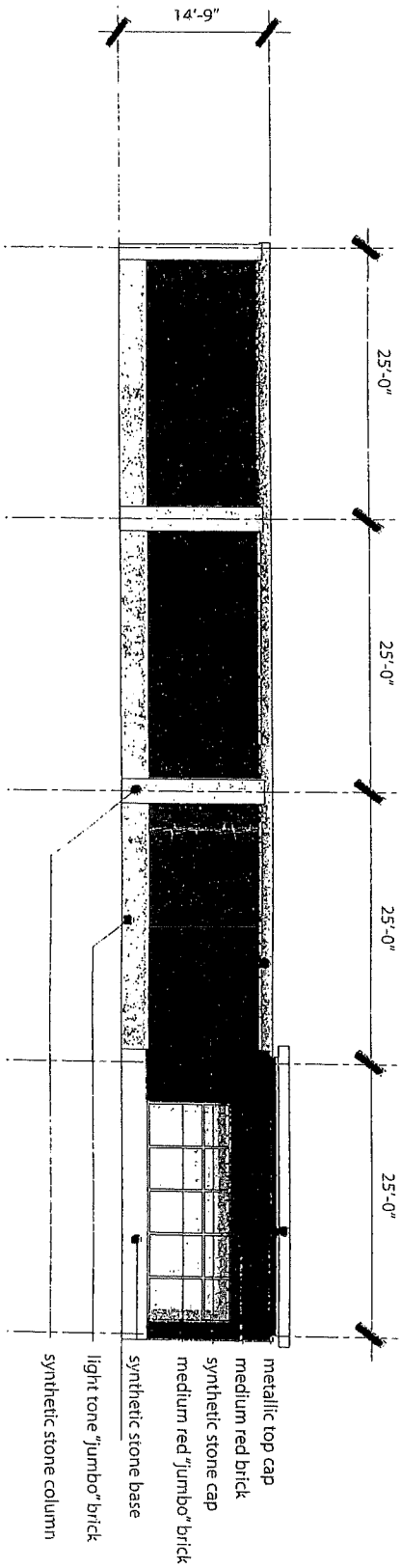
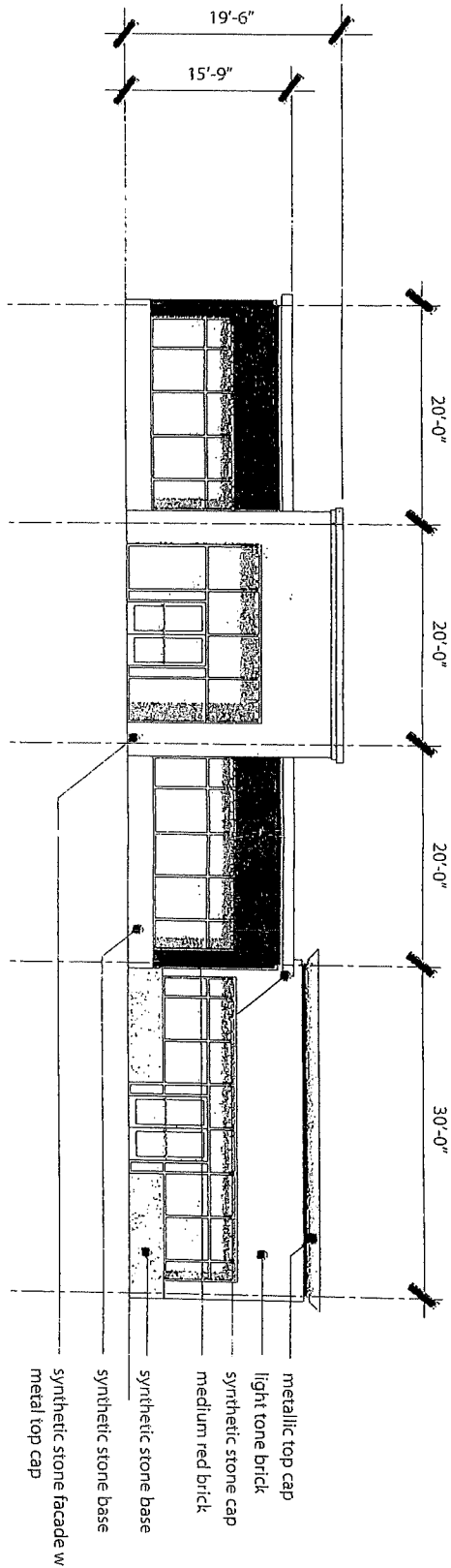
**City of Florence Special Conditions of Approval
For
A Change in an Approved Concept Development
On a 5.8624 Acre Site
Located on the South/East Side of Meijer Drive and I-75
Turfway Commons LLC, Owner**

The undersigned on behalf of Turfway Commons LLC, as owner, hereby agrees to the following Special Conditions of Approval placed on this Change in an Approved Concept Development Plan by the City of Florence, Kentucky. The property to which these Special Conditions of Approval apply is located on 5.8624 acres generally between the south/east side of Meijer Drive and I-75 in Florence, Kentucky.

1. This approval is conditional on architectural review and approval of the City of Florence Planning and Zoning Committee in advance of the Boone County Planning Commission architectural review process for lot 10-H and 10-J only. The building proposed for construction on lot 10-I shall follow the building elevations presented to the City of Florence Planning and Zoning Committee on August 7, 2007 for Lot 10-I (see attached elevations) without the need for further review and approval by the Florence Planning and Zoning Committee.
2. The applicant agrees to design and construct an open space public commons feature on lot 10-I in accordance with Section 1514 of the Boone County Zoning Regulations simultaneous to the first business opening on this lot. The design of the open space public commons feature shall be reviewed and approved by the Florence Planning and Zoning Committee.
3. The signage packages for lots 10-H, 10-I, and 10-J shall be submitted to the Florence Planning and Zoning Committee for architectural review and approval in advance of the required Boone County Planning Commission Houston-Donaldson Study signage review.

8/16/07
Date

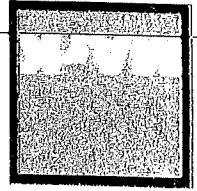

Signature of Owner



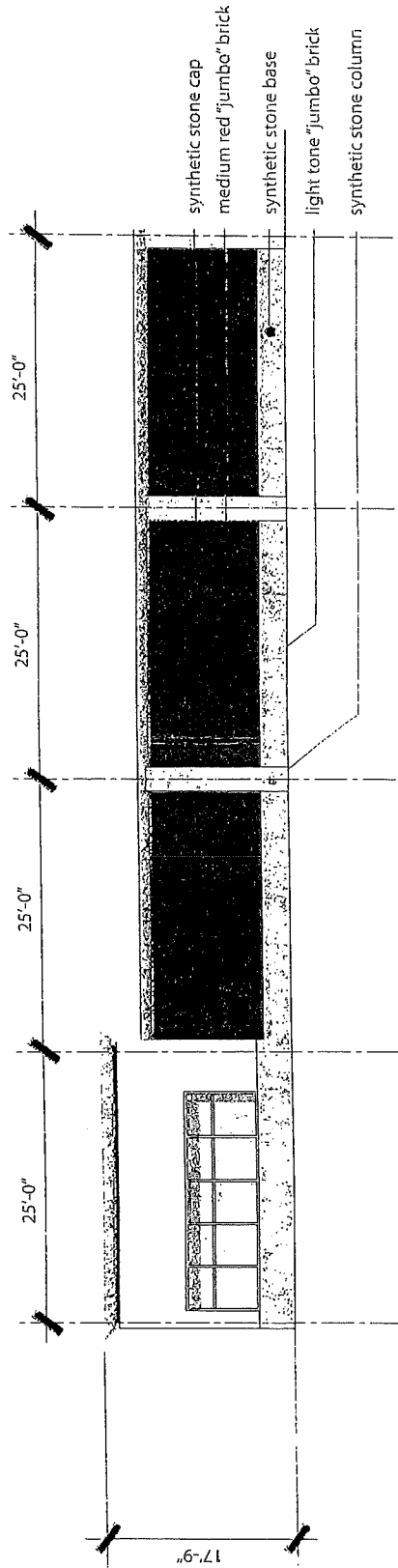
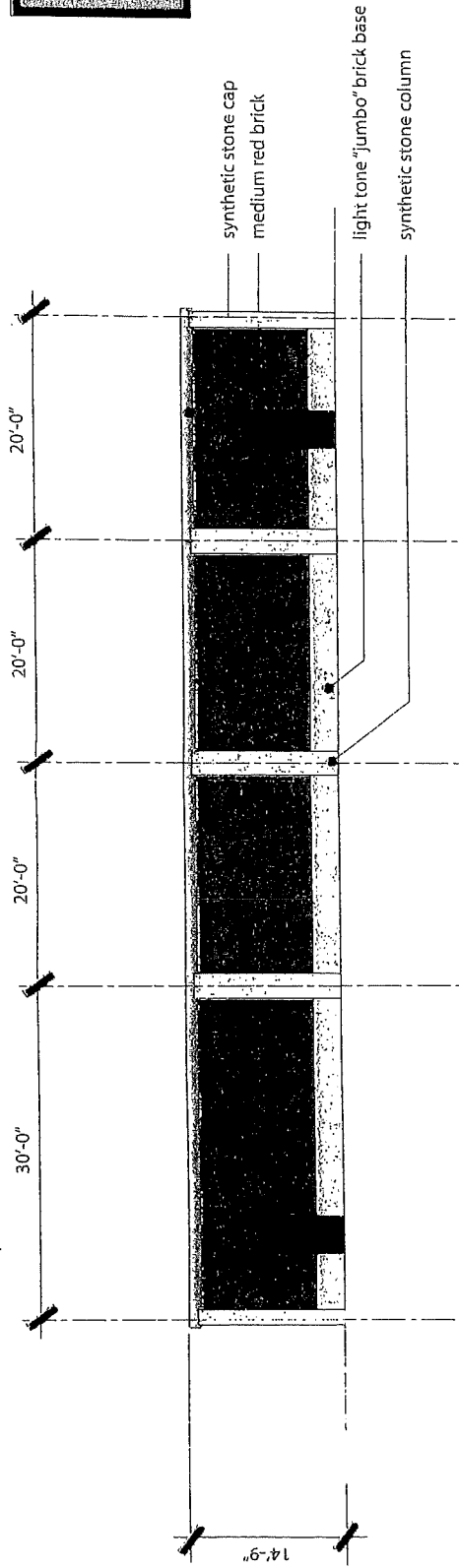
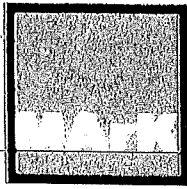
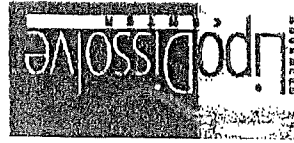
01 elevations

e.01 3/16" = 1'-0"

August 7, 2007



turfway commons
florence, kentucky



01 elevations

e.02 3/16" = 1'-0"

September 20, 2007

VIA IN-HOUSE:

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

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

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

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

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

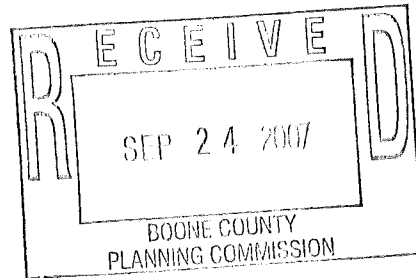
Chief Building Official Jim Key
Boone County Building Inspection Office
2950 Washington Street, Room 312
P.O. Box 960
Burlington, KY 41005

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

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

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

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



Turfway Commons, LLC
%Jim Nuti Builders
1093 Duval Street
Lexington, KY 40515

Jim Berling
1671 Park Road, Suite 1
Ft. Wright, KY 41011

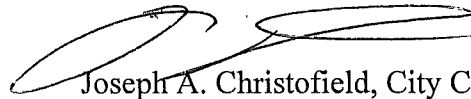
Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. O-18-07 adopting and approving a change in an approved concept development plan in an office two/commercial two/planned development (O-2/C-2/PD) zone for a 5.8624 acre site generally located between the south/east side of Meijer drive and I-75, and south/west of the property at 350 Meijer drive, Florence, Kentucky, to allow office, medical office, and retail buildings. (James W. Berling – Turfway Commons, LLC Property)

First reading of Ordinance No. O-18-07 was held on the 28th Day of August 2007. Second reading was held on the 11th Day of September 2007, and the full Ordinance was published in the *Boone County Recorder* on the 20th Day of September 2007 at which time the Ordinance became statutorily official.

If you require additional information, please contact me.

Sincerely,



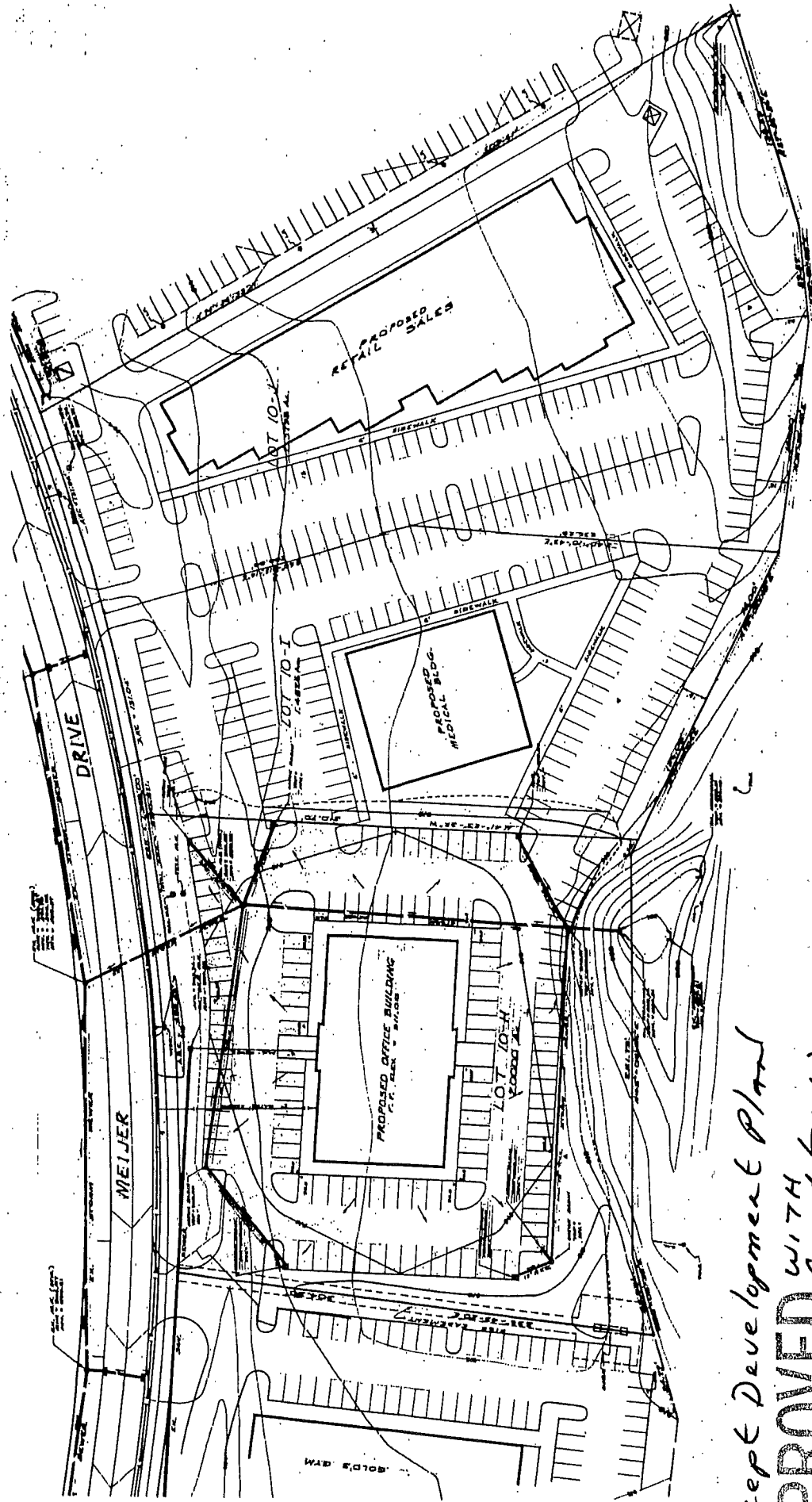
Joseph A. Christofield, City Clerk

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance O-18-07 as same appears in the official records of my office.

Dated this 21st day of September, 2007.



Joseph A. Christofield
Florence City Clerk



Concept Development Plan

APPROVED WITH CONDITIONS

Staff Jill K. McGowan

Date 7/5/07

Boone County
Planning Commission