

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)  
SECTION A (To be completed by applicant)

JUN 15 2007  
10 2008

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 Houston Road Meijer Outlot A
- 3. Location of Project 4990 Houston Road, Florence
- 4. Total Acreage of Site 31.58 Total, Proposed 1.98 Acre Outlot
- 5. Current Zoning O-2/C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1990
- 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 Study
- 8. Proposed Uses (please specify each use) Mixed Use, Retail and Restaurant
- 9. Proposed Building Intensities (please specify) Total Lot (Including existing Meijer and Proposed 13,000 SF Bldg): 7723.94 GFA/Acre  
Outlot (1.98 Acre Outlot only) : 6565.66 GFA/Acre
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
- 12. Name of Applicant(s) Midland Atlantic Properties c/o Casey Ward  
Phone Number (513) 891-2526 x206 Fax No. (513) 891-5131
- 13. Address of Applicant(s) 8044 Montgomery Road, Suite 710  
Cincinnati OH 45236  
City State Zip
- 14. Name of Property Owner(s) Meijer Stores LTD. ROGER DeHOEK  
Phone Number (616) 791-3909 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 2929 Walker N.W.  
Grand Rapids MI 49544  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 1
- 17. Deed Book 793 Page No. 603 Group No. 3464 2033 B
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **Midland Atlantic Properties c/o Casey Ward (applicant)** for **Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building.

July 18, 2007

### REQUEST

This request is for a Change in Approved Concept Development Plan for a 1.98 acre portion of the Meijer property located at the Houston Road/Meijer Drive intersection. The approved Concept Development Plan shows a 6,300 square foot restaurant with sixty five (65) parking spaces on a 1.9 acre lot ("Parcel J") at this location (Concept Development Plan excerpt, 9/5/90 Committee Report, 11/2/90 McBride/Janken letter regarding conditions, and 11/16/90 Wilson letter regarding condition #1 are attached).

The current proposal is to replace the approved restaurant with a 13,000 square foot (200' by 65') multi-tenant commercial building on a 1.98 acre lot that has one hundred and seventeen (117) parking spaces. This is a single story building that is proposed for both retail and restaurant uses with outdoor seating areas at each front corner of the building facing Houston Road.

Access to the site is proposed through a reconfigured, shared driveway within the Meijer parking lot - no new access points onto public roads are proposed. The reconfigured, shared driveway would be defined by a 10 foot wide landscape strip along the rear of the proposed outlot and landscape islands at the ends of the adjoining rows of parking stalls on the Meijer lot. Landscape areas with the plantings from Buffer Yard A are proposed around the perimeter of the lot, and landscape islands and peninsulas are proposed at various points in the parking field. Parking is proposed on all sides of the building and a loading area and multiple dumpster enclosures are proposed at the rear of the building. Sidewalks around the building and a sidewalk link to the Houston Road/Meijer Drive intersection are also proposed.

The proposed building uses a combination of a cast stone base, brick with a cast stone band, EIFS for the rear parapet and portions of the front parapet, and a defined cornice line - matching materials are proposed on all sides of the building. Hipped roof massings covered with standing seam metal are proposed at each front corner of the building and a raised parapet is proposed in the center of the front facade. A combination of metal awnings and flat canopies are proposed over the storefront units. The dumpster enclosure materials are proposed to match the building. The building elevation sheet states that the

building mounted signage will be internally illuminated, individual channel letters, and that corner units may split their permitted signage between the front and corner elevations at a 70%-30% ratio, and that the interior units may split their permitted signage between the front and rear elevations at a 70%-30% ratio. No freestanding/monument sign is proposed.

#### ADJACENT LAND USES AND ZONING

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

- A. An electronics store (Best Buy) is located to the east across Meijer Drive, and several hotels are located further to the southeast, south of the electronics store (O-2/C-2/PD).
- B. A commercial subdivision (Turfway Business Park) which contains a retail strip center (Babies R Us, etc), outlots containing a restaurant and a medical office, and a discount warehouse retailer (Sam's Club) are located to the north and northwest across Houston Road (C-2/PD).
- C. Two commercial outlots containing retail uses and a multi-tenant retail center (Kohls, etc.) are located to the west/southwest across Spiral Drive (O-2/C-2/PD).
- D. The existing Meijer store is located to the south (O-2/C-2/PD).

#### SITE CHARACTERISTICS

As noted above, the site contains 1.98 acres. The site has approximately 390 feet of frontage along Houston Road and approximately 160 feet of frontage along Meijer Drive. The site is partially developed with the Meijer parking lot. The remaining areas along Houston Road and Meijer Drive are grassed/landscaped. There are no buildings on the site. Elevations on the site range from between approximately el 894 in the existing parking lot to approximately el 886 at the west corner of the site's Houston Road frontage. A strip of land extending from the Meijer lot along Meijer Drive is proposed to be retained for the existing Meijer monument sign at the corner with Houston Road. Public water and sanitary sewer are available to the site.

### SITE HISTORY

- 1990** A third Buchanan and NKS Concept Development Plan application was approved for the overall Houston Lakes development (two prior proposals were unsuccessful). A retail center was approved for the current Meijer lot and three outlot uses (two restaurants and a bank) were approved for the Houston Road frontage area in front of the retail center (refer to previously referenced materials). This is the currently approved Concept Development Plan for the site subject to the Zoning Administrator discussed below.
- 1992** In response to a request from representatives of Meijer, the Zoning Administrator determined that the construction of a Meijer store in lieu of the above mentioned retail center was a minor change to the approved Concept Development Plan and was therefore permitted without the review and approval of a new Concept Development Plan. This determination did not affect the three outlots along the Houston Road frontage (letter dated 3/10/92 is attached).

### 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 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 ("Florence Commercial Area," pp. 144-145).

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

- A. 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 ("Buffering," pg. 141).
- B. 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).

- C. 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).

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

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

The Business Activity Element provides the following 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).

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.
- 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. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- E. 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, Overall Objective).
- F. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objective 1).
- H. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles (Business Activity, Commercial Objective 2).

- G. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- H. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, 1st Goal, Objective 11).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, 2nd Goal, Objective 3).

### BOONE COUNTY TRANSPORTATION PLAN 2030

The following passages and information relate to the area.

- 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 HOUSTON-DONALDSON STUDY

The site is within the Houston-Donaldson Study area and is subject to its Site Design Standards, Architectural Design Review, and Special Sign Regulations. The Individual Site Analysis and Recommendations section of the Study provides the following recommended uses/zoning for the area in question ("Site 9, Houston Lakes," pg. 30). This section was written prior to the 1993 approval of the retail uses on the south side of Spiral Drive (Kohls, Home Depot, etc.).

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.

### STAFF COMMENTS

The governing bodies need to review this application relative to the 2005 Boone County Comprehensive Plan, the Houston-Donaldson Study which is acknowledged in the comprehensive plan, and the requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations. Aside from the planning documents mentioned, Staff views the proposal as a "lateral" change from the currently approved restaurant from a basic land use perspective. While the comprehensive plan endorses commercial uses for this site and overall area in a general sense, the Houston-Donaldson Study states "if changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail" regarding the Houston Lakes site. The Study also states that the approved number of outlots along Houston Road should not be increased.

Staff has a few comments about the proposal and compliance with Section 1514 "Planned Development Standards." The Concept Development Plan generally meets both the amount and type of landscaping required by both Article 36 of the zoning regulations and the Houston-Donaldson Study. The remaining Meijer lot will still surpass the 22 percent open/green space requirement and landscape islands at the end of the adjoining parking rows will be added on the Meijer lot to define the reconfigured, shared driveway. The proposed building design is substantially cast stone and brick, will use a consistent architectural treatment on all sides, and relates to other retail buildings in the vicinity, particularly the redeveloped Wal Mart site across Houston Road. Building mounted signage is proposed to use consistent materials (internally illuminated channel letters) and overall sizes which meet the Houston-Donaldson Study. No type of monument/freestanding sign is proposed at all.

Staff has identified two issues relative to the requirements of Section 1514. First, a loading area and several dumpster enclosures are proposed at the rear of the site along the driveway shared with Meijer. To diffuse the view of these items, Staff recommends that continuous hedging consisting of large shrubs (in lieu of the required small shrubs) be used as part of the required Buffer Yard A plantings (standards #2 "Compatibility of Uses" and #6 "Landscaping"). The hedge material will need to be placed along the back curb line and limited to the immediate dumpster/loading area to make sure that sight distance problems for the site's access points are avoided along the curving driveway. Second, two outdoor restaurant seating areas are proposed. If any type of fence or enclosure is intended around either of these areas, Staff recommends that architectural grade steel fencing or rails (or comparable quality product) be used (standard #7 "Architecture").

## CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended in this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

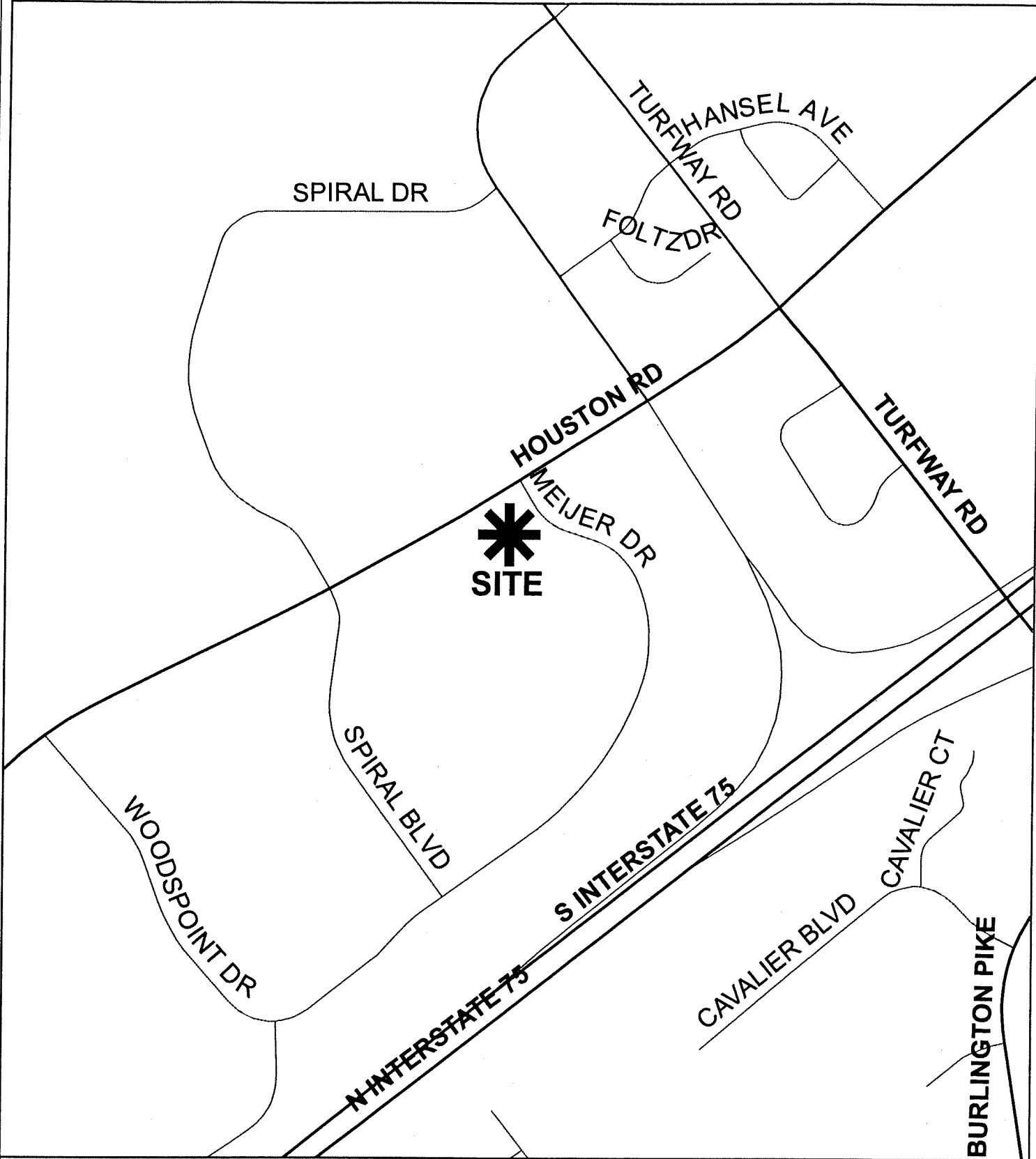
KTW/pr

attachments:

- location map
- aerial photograph w/ zoning
- Future Land Use Map excerpt
- topographic map
- 1990 Concept Development Plan excerpt and 9/5/90 GBBN/Buchanan/N.K. Management Committee Report
- 11/2/90 letter from Anne McBride to Bruce Janken, City Coordinator regarding conditions
- 11/16/90 letter from Dale Wilson to Mayor Roger Rolfes regarding condition #1
- 3/10/92 Zoning Administrator determination letter from Kevin Costello to C. Francis Barrett and Anne McBride
- application materials including Concept Development Plan

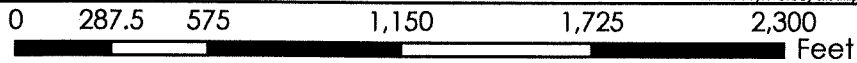
# Location

www.boonecountygis.com



Copyright 2007 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



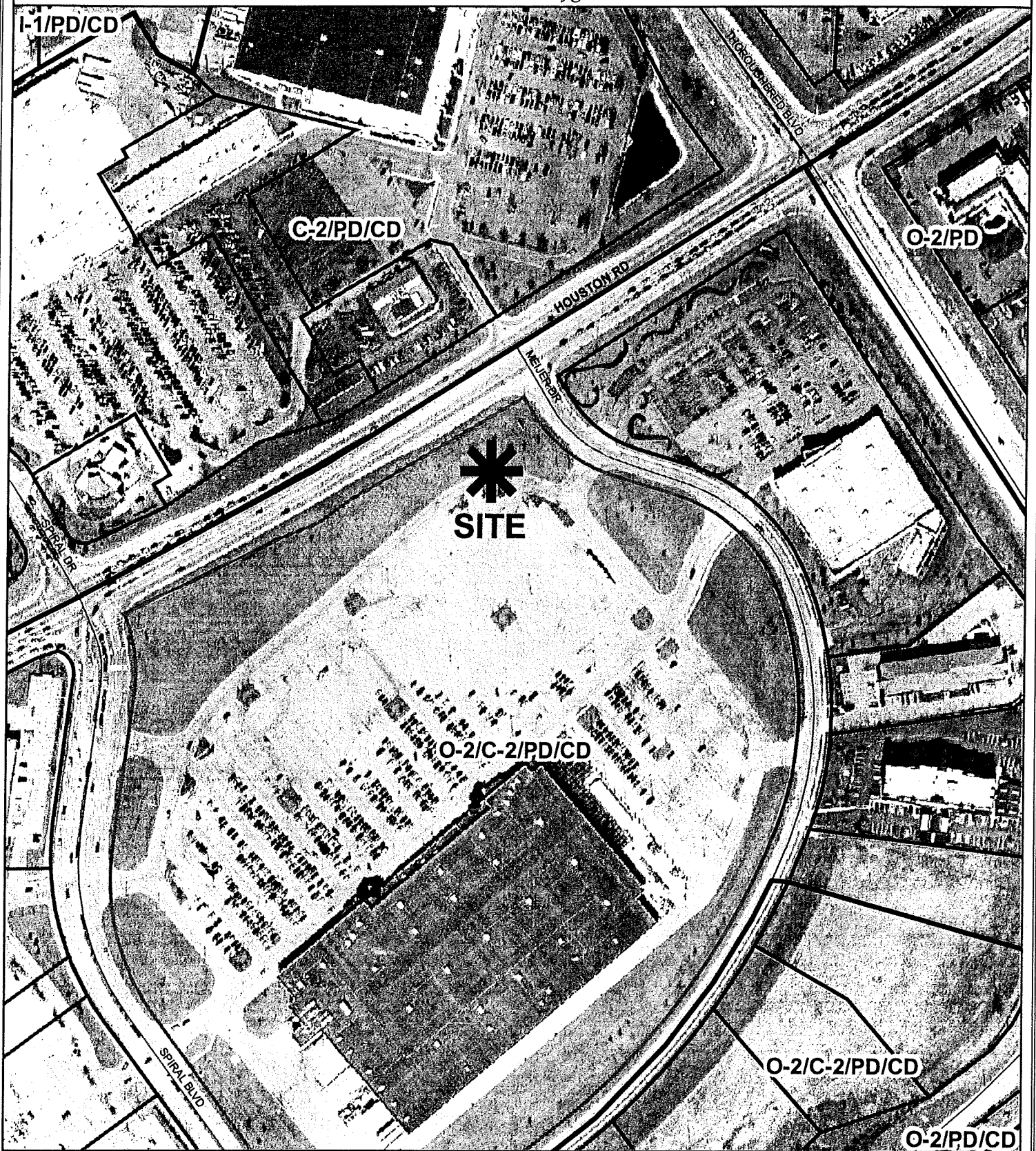
1 inch equals 575 feet



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

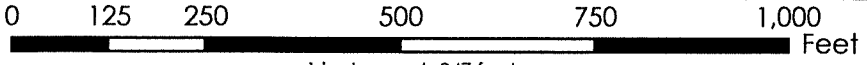
# Zoning

www.boonecountygis.com



Copyright 2007 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch equals 247 feet

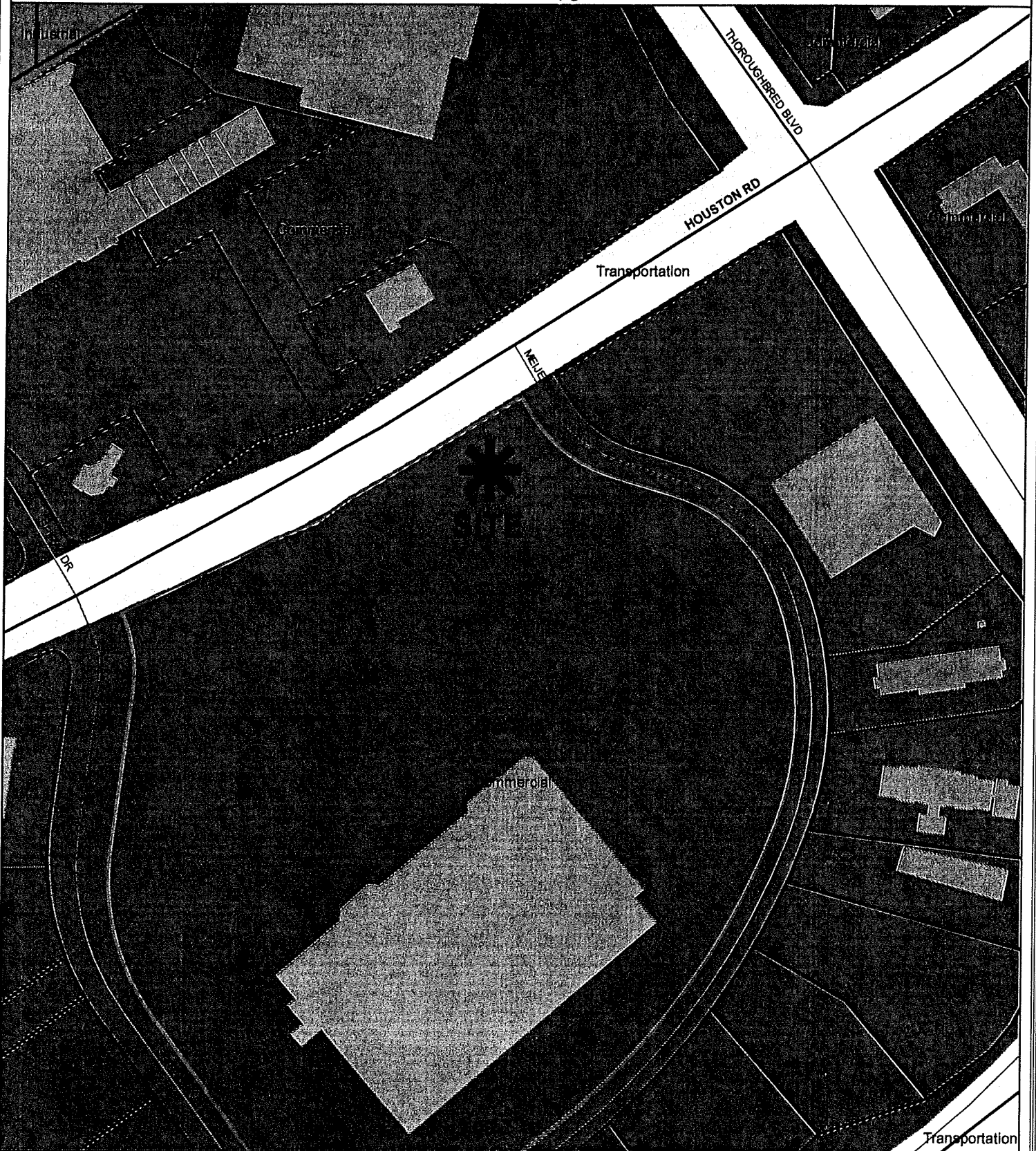


**Boone County GIS - Putting Northern Kentucky on the Map**



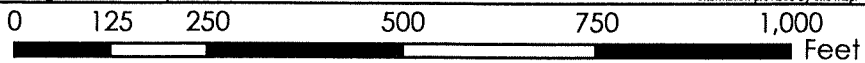
# Future Land Use

www.boonecountygis.com



Copyright 2007 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

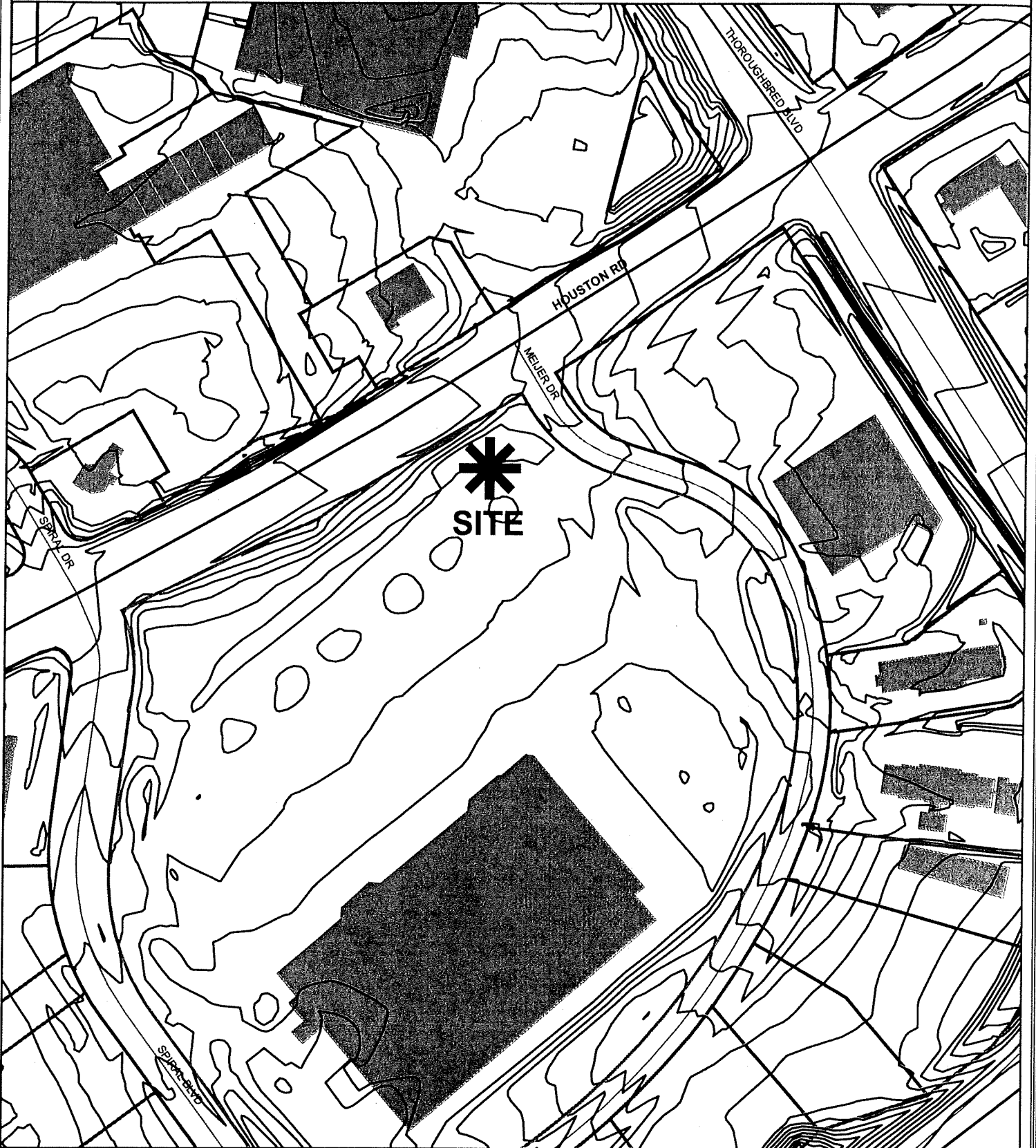


**Boone County GIS - Putting Northern Kentucky on the Map**



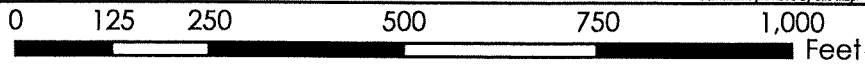
# Topography

www.boonecountygis.com



Copyright 2007 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch equals 247 feet



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



RIST.

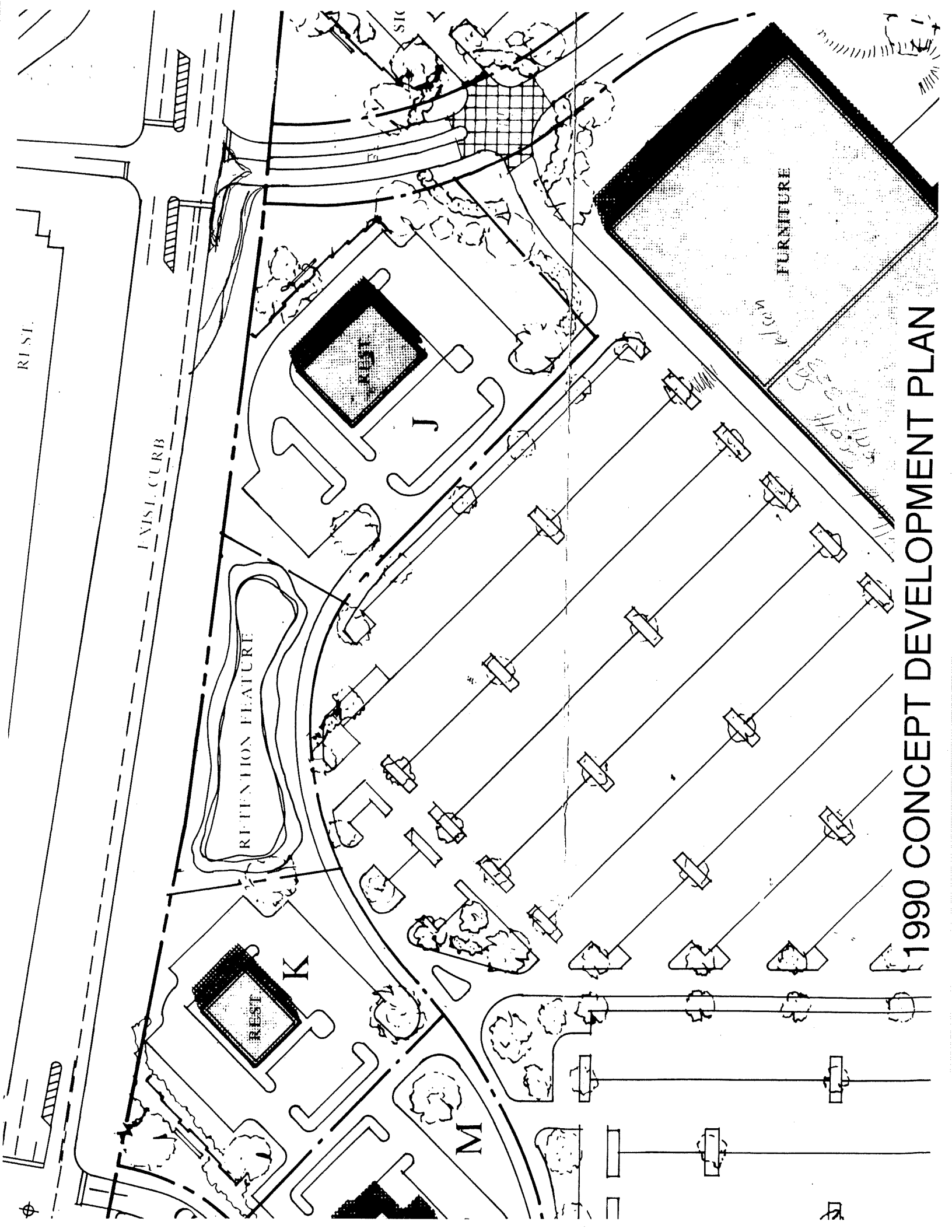
EXIST. CURB

RETENTION FEATURE

REST

FURNITURE

1990 CONCEPT DEVELOPMENT PLAN



# L E G E N D

PARCEL	USE	ACREAGE	BLDG. SQ. FT.	PARKING	BUILDING FLOOR PLATE	PHASE
A	OFFICE	7.00	33,000	190	3 @ 6,600 EA.	2
B	OFFICE	31.50	510,000	2,100	6 ST. @ 85,000	4
C	0-2/C-2	2.60	20,000	100	.....	3
D	0-2/C-2	2.30	23,500	75	.....	3
E	0-2/C-2	2.75	27,000	110	.....	3
F	0-2/C-2	3.00	32,000	130	.....	3
G	HOTEL	3.25	72,000	130	3 ST. @ 24,000	3
H	HOTEL	2.25	48,000	115	3 ST. @ 16,000	3
I	RETAIL	6.00	60,000	330	.....	3
J	RESTAURANT	1.90	6,300	65	.....	2
K	RESTAURANT	1.40	3,850	60	.....	2
L	RESTAURANT	1.60	5,300	65	.....	2
M	BANK	1.20	3,650	30	.....	2
N	RETAIL	27.50	276,000	1,500	.....	1
R/W	.....	5.75	.....	.....	.....	1
TOTAL	.....	100.00	1,120,000	5,000	602,400	.....

\*

\*

## 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.

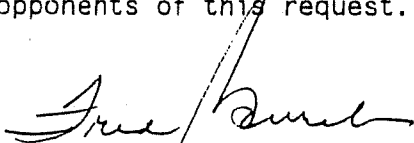
3. The outlots "C" through "F" shall include a minimum building setback of 50 feet from the I-75 right of way and from the Spiral Boulevard right-of-way, as proposed in the submitted restrictive covenants. These setback areas shall include berming and landscaping, and the setback area along I-75 shall 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:

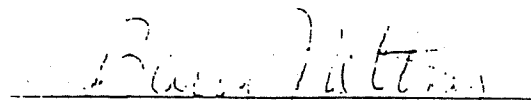
- a) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. 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.

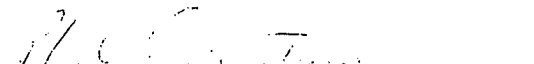
  
\_\_\_\_\_  
Fred Burch, Chairman


\_\_\_\_\_  
Rector Jones

  
\_\_\_\_\_  
Barry Neltner

  
\_\_\_\_\_  
Carol Smith

  
\_\_\_\_\_  
Larry Barnett

  
\_\_\_\_\_  
Phil Damstrom

  
\_\_\_\_\_  
Thurman Owens

**BARRETT  
&  
WEBER**

400 ATLAS BUILDING  
524 WALNUT STREET  
CINCINNATI, OHIO 45202

(513) 721-2120  
FAX (513) 721-2139

A Legal Professional Association

*Exhibit C*

C. FRANCIS BARRETT  
H. PATRICK WEBER  
M. MICHELE FLEMING  
PETER E. KOENIG  
JANET L. BELL

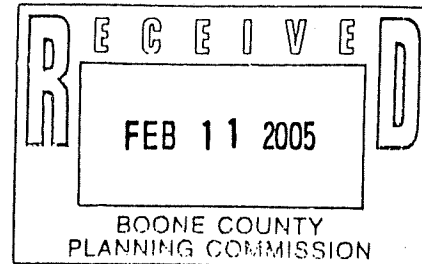
\*\*\*

Non-lawyer Professional  
ANNE F. McBRIDE, A.I.C.P.  
Professional Land Planner

November 2, 1990

HAND DELIVERED

Mr. Bruce W. Janken  
City Coordinator  
7931 U.S. Highway 42  
P.O. Box 457  
Florence, KY 41042



Re: Buchanan Development Corporation  
Houston Lakes

Dear Bruce:

I appreciate your taking the time to meet with me on October 24, 1990 to review the status of the City Council's consideration of the Houston Lakes Development proposed by Buchanan Development Corporation, which is to be located on the east side of Houston Road and the west side of I-75, south of the I-75/Turfway interchange in the City of Florence. The mixed-use development will provide a tremendous opportunity to create a corporate office center with support services such as hotels and restaurants while providing additional retail alternatives for the residents of Florence.

At our meeting, we reviewed the Conditions for Development which are part of the approval recommendation from the Boone County Planning Commission. I understand that there were five items which the Council felt required additional review and/or explanation, as follows:

Condition #1: The Council would like a clarification as to the understanding of the construction of the Houston Extension to Donaldson Highway being "substantially underway" prior to issuance of a Certificate of Occupancy for the retail center, Section "N".

Condition #5: The Council would like a summary as to how the corporate office complex will be marketed.

**BARRETT & WEBER**

A Legal Professional Association

Mr. Bruce W. Janken  
November 2, 1990  
Page Two

- Condition #6: The Council would like a clarification as to the facade treatment for the rear and side elevations of the retail center having "similar" materials as the front elevation.
- Condition #14: The Council would like to know what role Buchanan Development Corporation will play in arriving at a solution to existing and forecasted traffic congestion at the Turfway Interchange.
- Condition #16: The Council would like to better understand the logic behind the marketing of the corporate office center for a period of "four years."

Having had the opportunity to review these items with representatives of Buchanan Development Corporation, we believe the following information may be of use to the Council in reviewing the conditions pertaining to this matter:

- Condition #1: During their initial review of the proposed development, the Boone County Planning Commission had concerns that the retail center might be operational prior to the extension of Houston Road to Donaldson Highway. Boone County was concerned that construction of the Houston Road extension might not become a reality - even if the plans were approved by the Kentucky Transportation officials and funding allocated by the state. Therefore, it was felt that, if construction started, the extension would become a reality. The additional condition of construction being "substantially underway" was then agreed upon. Thus, to alleviate any possible concern, Buchanan Development waived the ability to obtain a Certificate of Occupancy for the retail center until construction of the Houston extension was substantially underway. The major concern of Boone County has now been addressed, since the funding for the project is available, as well as being irrevocably committed to the Houston Extension. Additionally, given the construction timing of the two projects, it appears likely that the Houston Extension will be nearly complete by the time the retail center is ready to apply for a Certificate of Occupancy.

## BARRETT &amp; WEBER

A Legal Professional Association

Mr. Bruce W. Janken  
November 2, 1990  
Page Three

Condition #5: Successful marketing of the corporate office center, to be included in the Houston Lakes development, will take a partnership of public and private efforts. Buchanan Development will assert itself as the developer of the corporate office center, but the City of Florence must play a major role in the marketing of the Houston Lakes Corporate Office Center for it to be a success. Buchanan Development envisions the creation of a small committee of City representatives who would be available to review and revise the marketing efforts of Buchanan. Additionally, Buchanan would ask that the City of Florence be active in promoting the site to potential corporations or developers that contact the City in search of a new location. Without the endorsement of the City of Florence, marketing efforts for the Houston Lakes Corporate Office Center will be greatly hindered in attracting the type of corporations needed to assure the project's success.

Buchanan Development has retained the services of Shamrock Public Relations and Advertising to assist in marketing the corporate office center. Shamrock Public Relations and Advertising is preparing a proposed advertisement (draft copy attached) describing the corporate office site and is researching what trade publications are best suited to attracting a corporate office use. This research has included a review of the editorial status and readership of a variety of real estate publications plus recommendations for advertising placement. Specifically, Buchanan Development is currently considering placement of advertising in the following publications: Real Estate Review, Real Estate Finance Journal, National Real Estate Investor and Commercial Property News. These publications target corporate real estate executives, developers, investors, brokers, and mortgage bankers and lenders. Additionally, the publications Area Development Sites and Planning and Business Facilities target top level executives and

**BARRETT & WEBER**

A Legal Professional Association

Mr. Bruce W. Janken  
November 2, 1990  
Page Four

facility planners responsible for selecting site locations for a variety of corporations. The majority of these publications are monthly or quarterly and notations have been made regarding special publications such as the "Site Seekers Guide" published annually by Business Facilities. Additionally, Buchanan Development will work with both the Cincinnati Business Courier and the Cincinnati Business Record to insure participation in appropriate real estate issues.

Buchanan Development is committed to actively marketing the corporate office center and is connected with a number of local and national organizations which will be used to network the site to potential corporate offices. In addition to the Northern Kentucky and Greater Cincinnati Chamber of Commerce organizations, Buchanan will also be utilizing the efforts of the Tri-County Economic Development Corporation (Tri-ED) and the Kentucky Department of Economic Development. As a member of the National Association of Industrial and Office Parks (NAIOP), Buchanan will be using their publications, directory, conventions and staff to aggressively market the site. Buchanan Development will also work with various real estate brokers and agents in promoting the Houston Lakes Corporate Office Center as a premiere office site in the tri-state area.

Condition #6: Buchanan Development Corporation is committed to having the rear and side elevations of the proposed retail center constructed with building materials that are equal to or better than those that are used on the facade or front elevation of the center. This will provide a uniform appearance of high quality for the entire building.

Condition #14: The traffic conditions in the area can only be resolved by a joint commitment from all concerned: Boone County, the City of Florence, the State of Kentucky, and all the property owners and developers in the vicinity of the Turfway Interchange. These parties have already recognized this situation, have joined together, and have met for this

**BARRETT & WEBER**

A Legal Professional Association

Mr. Bruce W. Janken  
November 2, 1990  
Page Five

purpose. Buchanan Development is committed to being and remaining an integral part of this process and is willing and anxious to be a part of the Committee being formed to address the issue of existing and forecasted traffic in this area. Additionally, Buchanan has employed the services of the traffic consulting firm of Pflum, Klausmeier and Gehrum. Buchanan will use this consulting firm to analyze the issues raised by the Committee and to identify workable solutions for implementation.

Condition #16: Buchanan Development Corporation is committed to a serious marketing effort for the portion of the Houston Lakes development designated for a corporate office center. Initially, Buchanan felt this marketing effort could be accomplished well within two years; however, the Boone County Planning Commission felt that a four year effort, although a considerable investment on the part of Buchanan, was more desirable. Also, the economy has changed, and this four year period will span significant changes in the physical state of the area as well as the development economy. Although it may be difficult to obtain financing for development in today's market, it is extremely unlikely that this situation will continue for more than a year or two. Any time period beyond this would dilute the needed intensity of effort. In other words, the longer the period, the greater the chance of losing the momentum and enthusiasm that are essential to success.

The subject property and vicinity should continue to grow and flourish during this period but Buchanan will provide the proposed infrastructure improvements as a part of the initial phase of the development. Additional roadway improvements, such as the Houston Road extension, will also be constructed during this time frame, providing an improved traffic flow in and around the Houston Lakes development. In addition to these improvements, corporations visiting the area

**BARRETT & WEBER**

A Legal Professional Association

Mr. Bruce W. Janken  
November 2, 1990  
Page Six

will be greeted by the construction of on-site support services (hotels, restaurants, retail businesses and financial institutions) which are desperately needed as a part of a successful corporate office center. Four years of extensive marketing of the corporate office center represent an unprecedented financial commitment on the part of Buchanan Development Corporation.

We hope that the foregoing is satisfactory and responsive to the issues raised by the City Council at their recent meeting. It is my understanding that since November 6, 1990 is an election day, the Planning and Zoning Committee may meet on either November 5 or 8 to review this information. It may then be possible to have a first reading on the proposed Ordinance at the November 13, 1990 meeting and action by Council at the November 27, 1990 meeting.

Please advise if any additional information is needed. I would appreciate your notifying me of the next meeting date for the Planning and Zoning Committee, so that we might be able to attend to answer any questions which may arise. Thank you for your cooperation and professional courtesy in reviewing this matter.

Sincerely,

BARRETT & WEBER



Anne F. McBride, AICP  
Professional Land Planner

AFM/cm  
AFM-8  
Enclosures

cc: Buchanan Development Corporation  
Robert E. Gramann, GBBN  
C. Francis Barrett, Esq.

## ROUSE, SKEES, WILSON &amp; DILLON

ATTORNEYS AND COUNSELORS AT LAW

7000 TANNERS LANE

P. O. Box 750

FLORENCE, KENTUCKY 41042-0750

H. DOUGLAS ROUSE  
HUGH O. SKEES  
DALE T. WILSON  
LARRY B. DILLON

TELEPHONE:  
606-371-7407  
606-371-7675  
TELECOPIER  
606-371-9072

November 16, 1990

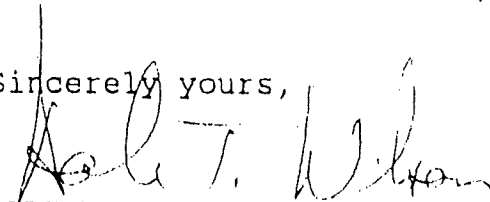
Hon. Roger W. Rolfes, Mayor  
City of Florence, Kentucky  
Florence Municipal Building  
7431 U.S. Highway 42  
Florence, Kentucky 41042

Dear Mayor:

As directed, Hugh Skees and I met with Mr. Francis Barrett, attorney for Buchanan Development Corporation. During that meeting, we put together language based on Council's comments and ideas regarding Condition No. 1.

A copy of this language is enclosed. On review, if you have any questions, please call.

Sincerely yours,

  
DALE T. WILSON

DTW/krp  
Enclosure

cc: Mr. William Bailey  
Mr. William Hudson  
Dr. Ford Metzger  
Mr. James Collins  
Ms. Evelyn Kalb  
Mr. Byron Mohr  
Mr. Francis Barrett, Esq.

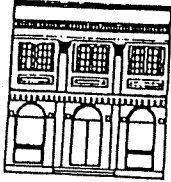
CONDITION NO. 1 AS MODIFIED TO ADDRESS THE CONCERNS OF THE FLORENCE CITY COUNCIL.

Since the City Council of Florence wants reasonable assurance that the extension of Houston Road all the way to Donaldson Highway will be completed and open, the applicant and developer agree not to take occupancy of the retail center, Section "N" of the development, until construction of the Houston extension to Donaldson Highway is substantially complete and there is reasonable assurance that the extension will be completed and open. In order to provide this assurance and to state clearly and definitively what must occur, the applicant and developer agree that all of the following must occur prior to occupancy of Section "N": the plans for the Houston Road extension have been prepared and approved; the funds have been allocated; all parcels of real estate necessary for the extension to Donaldson Highway have been acquired; the contract has been let; and the contractor has drawn 55% of the principal amount of the contract. The aforementioned figure refers to the construction of the extension of Houston Road from its present point of termination to Donaldson Highway. The foregoing provides reasonable and substantial assurance that the extension will be complete and open. In the event the extension is not complete and open at the time of occupancy of Section "N", the applicant and developer shall be responsible for the additional cost of police personnel necessary to assist with traffic as a result of such occupancy.

KPC

BOONE COUNTY PLANNING COMMISSION

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



March 10, 1992

Mr. C. Francis Barrett  
and  
Ms. Anne F. McBride, AICP  
Barrett & Weber  
400 Atlas Building  
524 Walnut Street  
Cincinnati, OH 45202-3114

RE: Proposed Meijer Store  
Houston Lakes, Florence, KY

Dear Mr. Barrett and Ms. McBride:

I have examined the contents of your letter dated February 25, 1992 and the plan showing a community retail center with a garden store and a convenience/gasoline service center facility. I have also reviewed the official record and application for approval of the Houston Lakes Concept Development Plan. Finally, I have met with our legal counsel, Mr. Dale Wilson, and with Mr. Roger Rolfes, City Coordinator of the City of Florence, in order to review the Boone County Planning Commission's approval documents and the City's approval documents. This letter is written based upon your official request and not based on other representatives from companies considering the development of the subject property.

In your letter, you have asked me for a determination whether the submitted information is consistent with the approved Houston Lakes Concept Development Plan and zoning conditions. Since the Houston Lakes project is complex in terms of overall size, mixture of land uses and zoning conditions, this letter will be divided into two sections: analysis and conclusion. The analysis of all the submitted information appears below along with my conclusion.

ANALYSIS OF SEPTEMBER 5, 1990 BOONE COUNTY  
PLANNING COMMISSION COMMITTEE REPORT

Condition 1 - Since the Houston Road extension is open to the public, this condition has been satisfied.

Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP  
March 10, 1992  
Page 2

Condition 2 - This condition involves the outparcels along I-75 and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 3 - This condition again refers to the outparcels along I-75 and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 4 - This condition deals with Section I, or the proposed building located closest to the intersection of Houston Road and the I-75 southbound entrance ramp. It does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 5 - The Boone County Planning Commission would like to obtain additional written information from NS Group, Inc. to monitor the Company's marketing strategy for office development. For example, what is the name of the real estate broker for the office development? We would also appreciate the submission of any printed material used in marketing the office portion of the development (e.g. brochures, ads in trade magazines, etc.). This information would be helpful in assuring compliance with this zoning condition.

Condition 6 - Generally, the architecture of the proposed Meijer store shall be consistent with the existing architecture in Turfway Business Park and the standards in the Design Review procedure outlined in the Houston-Donaldson Study. This condition may require that Meijer, Inc. change the architecture of its "prototype" store in order to comply with local zoning regulations.

The proposed 206,311 square foot Meijer store with a 24,482 square foot open air garden center includes the same type of users as approved on the Houston Lakes Concept Development Plan, but only under one roof. For example, the typical Meijer store sells furniture items, home improvement items, office supply items and apparel items. It can also be classified as a department store. The proposed Meijer store does not exceed the maximum square footage allowed, or 276,000 square feet and the maximum number of retail uses permitted (6).

The proposed outlot, a 1,000 square foot convenience store with gasoline pumps, is substantially different than the approved three outlot uses (e.g. two restaurants and a bank). Specific outlot uses were identified on the approved Houston Lakes Concept Development Plan and these uses "blended in" with the professional nature of the office use and complemented the retail center. The Boone County Planning Commission and the City of Florence limited the number of and type of uses in the outlot area. Equally important was the fact that both the Boone County Planning Commission and the City of Florence promoted the need for heavy landscaping around the original

Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP  
March 10, 1992  
Page 3

approved uses and for a water feature as an amenity to the park. All of this is evidenced in the July 25, 1990 Public Hearing minutes, the representations by GBBN, and by the June 20, 1990 application for zoning action. Furthermore, the area labeled as "future parking" infringes on the planned retention feature and landscaping features.

Condition 7 - This condition involves the hotel uses and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 8 - This condition describes detailed pavement treatment features, amenities such as lakes and entry features, and landscaping features. Generally, it appears that what Meijer proposes is consistent with this condition with the exception of the elimination of the retention feature in the outlot area. These features will be verified at subsequent technical reviews such as Subdivision Review, Site Plan Review and Design Review.

Condition 9 - The proposed use and orientation of use by Meijer, Inc. in the outlot area (lots J, K and M) is not consistent with this condition as a convenience store with fuel pumps was not an approved use and the proposed building is not orientated diagonally.

Condition 10 - The proposed signs by Meijer are not consistent with the adopted Houston-Donaldson Study. For your use, I have enclosed a copy of the signage regulations from the existing text of the Houston-Donaldson Study and the proposed text. The existing text limits the number, size and height of free-standing and monument signs. An option may be to have NS Group, Inc. with Meijer, Inc. apply for a Special Sign District package, a process similar to the Zoning Map Amendment process. For your information, two properties in the Houston Lakes project area have a special sign district (Commonwealth Park and Turfway Commercial Park).

Condition 11 - This condition involving the upgrading of Woodspoint Drive may involve NS Group, Inc. exclusively or both NS Group, Inc. and Meijer, Inc.

Condition 12 - This condition related to road improvements will be implemented by Meijer, Inc. in the first phase of development of the Houston Lakes project.

Condition 13 - The condition related to the connection between Woodspoint Drive and Spiral Drive and who will be responsible for it is uncertain according to your letter.

Condition 14 - Meijer, Inc. and NS Group, Inc. are legally obligated to work with area government officials in order to arrive at a

solution to the traffic congestion problems at the I-75/Turfway Road Interchange.

Condition 15 - This condition describes the design of Spiral Boulevard, the dedication of additional right-of-way along Woodspoint Drive and the financial contribution for traffic signals on Houston Road. Both NS Group, Inc. and Meijer, Inc. will be responsible for this condition.

Condition 16 - This condition discusses marketing the high-rise office use for a period of 4-8 years. This condition does not pertain to Meijer, Inc., but rather with NS Group, Inc.

#### CONCLUSION/DETERMINATION OF PROPOSED USE

In reviewing the material associated with Houston Lakes Concept Development Plan, I have determined that the proposed 206,311 square foot Meijer store with a 24,482 square foot open air garden center is a permitted use and is generally consistent with the approved Concept Development Plan and specific zoning conditions. Thus, Meijer, Inc. can proceed with submitting an application for Subdivision Review, Site Plan Review and Design Review for the proposed Meijer store with an open air garden center. I have also determined that the proposed 1,000 square foot convenience store with fuel pumps is not an approved use based on the above analysis on page 2, and therefore a Public Hearing would have to be held by the Boone County Planning Commission for the review of a Change in Concept Development Plan application by Meijer, Inc. As an alternative, Meijer, Inc. or NS Group, Inc. could still develop the outlot area according to the approved restaurant and bank uses.

In addition, the submitted signage package for the proposed Meijer store is not consistent with the existing Houston-Donaldson Study. The signage options appear below.

- 1) Amend Meijer signage package to meet the current Houston-Donaldson Study requirements.
- 2) Follow the signage "trade-offs and exceptions" procedure as outlined in the current Houston-Donaldson Study.
- 3) Convince the Boone County Planning Commission and the City of Florence to amend the current signage regulations in the Houston-Donaldson Study as it impacts the Houston Lakes site. The text and zoning map of the Houston-Donaldson Study is currently being re-examined as part of the 1992 update.

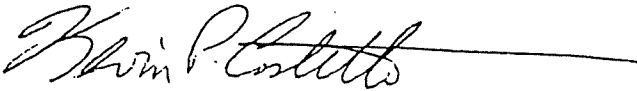
Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP  
March 10, 1992  
Page 5

- 4) Submit a signage package to the Boone County Planning Commission and the City of Florence for an application of a Special Sign District for the Houston Lakes project (see Sections 1950 and 3440 of the Boone County Zoning Regulations).

In conclusion, the above analysis and determination should give your client a clearer direction in developing a Meijer store on the Houston Lakes site.

If you have any questions concerning this letter, you may contact me at your convenience at 334-2196.

Sincerely,



Kevin P. Costello, AICP  
Assistant Director / Zoning Administrator

KPC/vlm

Enclosure

cc: William D. Fromm, AICP, Director  
David A. Geohegan, Sr. Planner  
Roger Rolfes, City Coordinator, City of Florence  
Ronald Noel, NS Group, Inc.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)  
**SECTION A** (To be completed by applicant)

JUN 15 2007  
10 2008

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 Houston Road Meijer Outlot A
- 3. Location of Project 4990 Houston Road, Florence
- 4. Total Acreage of Site 31.58 Total, Proposed 1.98 Acre Outlot
- 5. Current Zoning O-2/C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1990
- 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 Study
- 8. Proposed Uses (please specify each use) Mixed Use, Retail and Restaurant
- 9. Proposed Building Intensities (please specify) Total Lot (Including existing Meijer and Proposed 13,000 SF Bldg): 7723.94 GFA/Acre  
Outlot (1.98 Acre Outlot only) : 6565.66 GFA/Acre
- 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) Midland Atlantic Properties c/o Casey Ward  
Phone Number (513) 891-2526 x206 Fax No. (513) 891-5131
- 13. Address of Applicant(s) 8044 Montgomery Road, Suite 710  
Cincinnati OH 45236  
City State Zip
- 14. Name of Property Owner(s) Meijer Stores LTD. ROGER DeHOEK  
Phone Number (616) 791-3909 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 2929 Walker N.W.  
Grand Rapids MI 49544  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 1
- 17. Deed Book 793 Page No. 603 Group No. 3464
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

**Concept Development Plan**

**Page 2**

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

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

20. Concept Development Plan Jurisdiction/Location

Unincorporated Boone County       Walton

Florence       Union

21. Applicant's Signature(s) \_\_\_\_\_

22. Property Owner's Signature(s) \_\_\_\_\_

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

1. Date Received 6-15-07 Fee Received \$ 11660.60 R#53804

2. Check what has been submitted:

Application       Fee      \_\_\_\_\_ Legal Description

Concept Development Plan      \_\_\_\_\_ Addresses of Adjoining Property Owners

5 No. of copies of plan received \*\*

3. Is application complete?      YES \_\_\_\_\_ NO \_\_\_\_\_

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson \_\_\_\_\_

6. Scheduled Public Hearing Date 7/18/07

7. Boone County Planning Commission Action:

Approved       Approved With Conditions

Denied

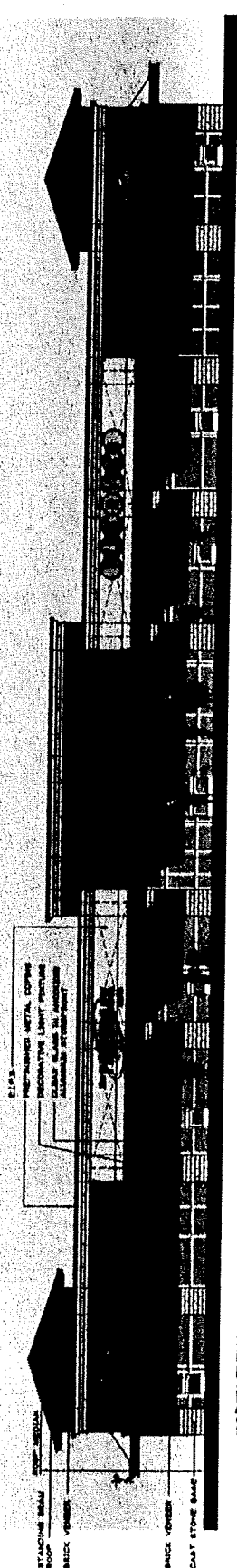
8. Other: \_\_\_\_\_

**\*\* Five (5) Copies Required**

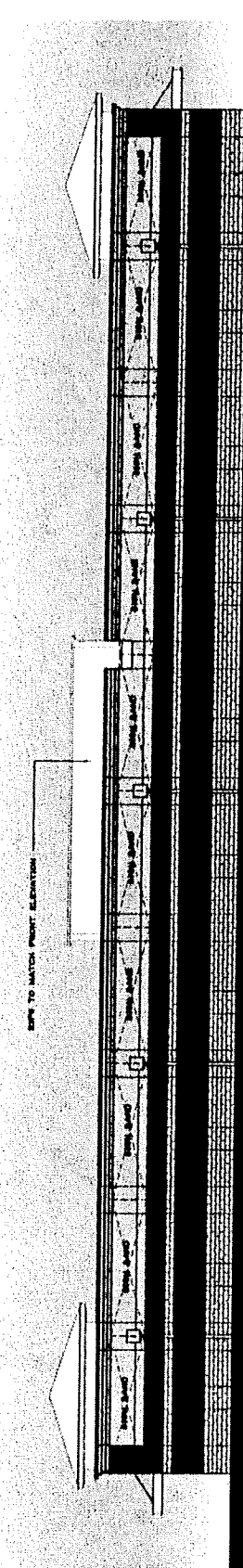
**Boone County Planning Commission**  
**Boone County Administration Building**  
 2950 Washington Street, Room 317  
 P.O. Box 958  
 Burlington, Kentucky 41005  
 (859) 334-2196 - Phone  
 (859) 334-2264 - Fax  
 plancom@boonecountyky.org - E-Mail  
 www.boonecountyky.org - Web Page

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





**NORTH ELEVATION**  
DATE: 04/04/07



**SOUTH ELEVATION**  
DATE: 04/04/07

**SIGNAGE SUMMARY:**

**BUILDING MOUNTED SIGNS:**

THE FRONT BUILDING ELEVATION SHALL INCLUDE TWO SQUARE FEET OF SIGN AREA. LINGAL PORT OF SIGN OCCUPIED BY AN INDIVIDUAL, EXTRA-HEIGHT CHARACTER MAY BE PLACED WITHIN ALLOCATED SIGN AREA. SIGNAGE SHALL BE PLACED WITHIN ALLOCATED SIGN AREA. OTHER SIGNAGE MAY BE PLACED WITHIN ALLOCATED SIGN AREA (HEIGHT AND SIGN AREA). SIGN AREA SHALL BE PLACED WITHIN ALLOCATED SIGN AREA. BUILDING MOUNTED SIGNAGE SHALL BE INTERNALLY ILLUMINATED INDIVIDUAL, PANEL LETTERS. HEIGHTS SHALL BE AS SHOWN. INDIVIDUAL SIGNAGE SHALL BE AS SHOWN.

**MONUMENT SIGN:**

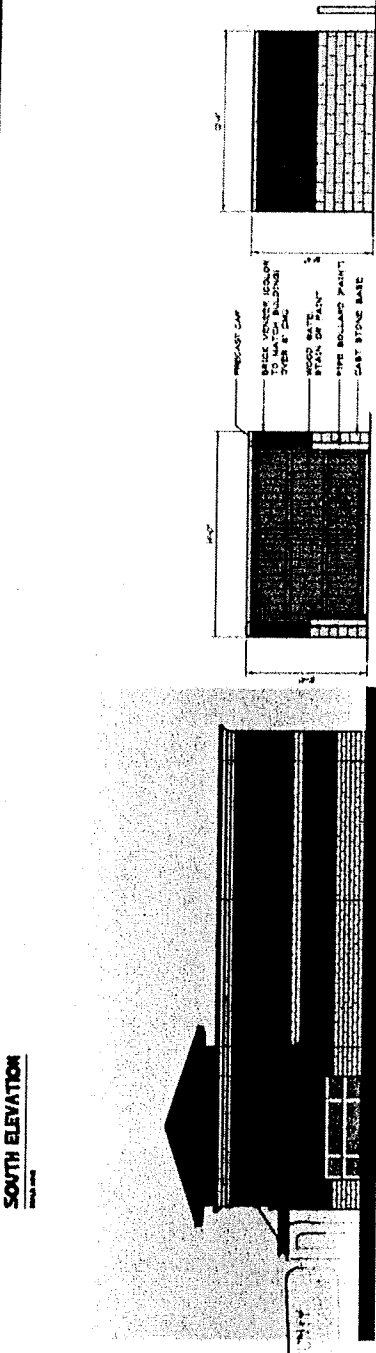
MONUMENT SIGN SHALL BE AS SHOWN.

**FLORENCE RETAIL CENTER**

1000 ATLANTIC AVENUE  
 FLORENCE, SOUTH CAROLINA 29505  
 PROJECT NO. 07-0000000000  
 DRAWING NO. 07-0000000000



P. BRIDGES ARCHITECTS & ASSOCIATES ARCHITECTS, P.A. 1982  
 1000 ATLANTIC AVENUE  
 FLORENCE, SOUTH CAROLINA 29505



**FRONT PUMPSTER ELEVATION**  
DATE: 04/04/07

**SIDE PUMPSTER ELEVATION**  
DATE: 04/04/07

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

**July 18, 2007  
7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:08 PM and introduced the item on the Agenda:

**Applicant:** **Midland Atlantic Properties c/o Casey Ward for Meijer Stores Ltd. c/o Roger Dehoek (owner)**

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

**The request of Midland Atlantic Properties c/o Casey Ward (applicant) for Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building.**

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

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

Mr. Casey Ward with Midland Atlantic Properties, Suite 310, One Cincinnati Way, Cincinnati, OH was present. Mr. Ward stated that Midland Atlantic Properties is a retail development firm that specializes in smaller retail projects. They were the developers of Panera Bread on Houston Road, they redeveloped a small retail strip on U.S. 42, and consulted on the Mall Road Shoppes of Florence which includes Starbucks. He stated that the proposed development will be a nice addition to the Houston Road corridor. It will be a nice looking building and they are talking to good tenants that would be new to greater Cincinnati. He offered to answer any questions.

Mr. E. J. Foltz and Marty Hellman with Cardinal Engineering were present. Mr. Foltz stated that they developed the Concept Plan and they are available to answer any questions.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Schwenke, Chairman of the Technical Design Committee, stated that the Planning Commission has to stay as close as possible to the requirements of the Houston-Donaldson Study. He stated that signs on four sides of the building is not allowed by the Houston-Donaldson Study and has not been done anywhere else. He is concerned that if the signage is allowed, then others will also want it.

Mr. Charlie Reynolds asked the applicant to bring samples of the building materials to the Committee meeting. Mr. Ward responded that they have not selected the building materials yet. Mr. Charlie Reynolds stated that review of the building materials is a requirement of the Technical Design Review Committee.

Mr. Costello asked if this is the last parcel Meijer has available for development. Mr. Wall commented that they have a sign up that says "outlots for sale". Mr. Ward stated that this is the only lot offered for sale on their website. Mr. Costello asked that the information be provided to the Committee. Mr. Wall stated that there are two approved lots that they did not pursue. He stated that they have about 200+ extra parking spaces that they could take out and make room for more outlots.

In response to questions from Mr. Carmichael, Mr. Wall stated that they are not asking for more signage than they are allowed, but each tenant will have at least two outside elevations and they want to be allowed signage on at least two elevations. Mr. Carmichael asked if they would come back to the Technical Design Review Committee for the sign package. Mr. Wall responded that the signage would be part of Design Review.

Mrs. Poston questioned the percentage of the site that is retail. Mr. Ward responded that the proposal is for two restaurants on the ends and retail in the

middle. The site will be 39% restaurant and 61% retail. Mrs. Poston asked the applicant to consider, prior to the Committee meeting, the comment in the Staff Report (Page 8) that "if changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail". Mr. Ward stated that they have not yet decided on the tenants for the rest of the site and if they have to add a restaurant to meet the standards, they will do so.

Mr. Rolfsen questioned the tenants. Mr. Ward responded that the proposed tenants are Pot Belly Sandwich Works, which currently has three restaurants in Cincinnati, and Noodles & Co. from Colorado. They are a step up from fast food, but they are not sit down dining.

Chairman Caddell stated that the applicant is separating restaurants from retail and asked Mr. Wall as Zoning Administrator to discuss the classification of "restaurant". Mr. Wall responded that the Code defines "restaurant", but does not use that term in the individual zones. The Code refers to Eating & Drinking establishments. Restaurant is defined as a facility in which food is prepared and served to the public. He reviewed the definition of "retail" and noted that it does not refer to food service, but it does not necessarily eliminate it. Chairman Caddell advised the applicant that they are in a gray area in separating restaurant use from retail in regard to the traffic and other considerations.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 1, 2007 at 5:00 PM. This item will be on the Agenda for the Business Meeting on August 15, 2007 at 7:00 PM. The Chairman closed this Public Hearing at 8:26 PM.

**APPROVED:**



**Arnold Caddell, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
August 15, 2007  
7:00 P.M.**

---

---

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:04 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Greg Breetz  
Mr. Kim Bunger  
Mr. Arnold Caddell, Chairman  
Mr. Jim Carmichael  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Patrick Reynolds  
Mr. Charlie Rolfsen  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mrs. Linda Herald  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas, AICP – GIS Specialist  
Mr. Todd Morgan, AICP, Senior Planner  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

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

**The request of Midland Atlantic Properties c/o Casey Ward (applicant) for Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial 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.

Chairman Caddell asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request. Mr. Scott Katz and Mr. Casey Ward with Midland Atlantic Properties and Mr. E. J. Foltz with Cartec Engineering were present. They offered to answer questions.

Chairman Caddell 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. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Rolfsen seconded the motion and it carried unanimously.**

**3. Technical Design Review - Beckfield College  
16 Spiral Drive**

Chairman Caddell stated that Agenda Item #3 is recommended for deferral to the September 5, 2007 Business Meeting at 7:00 PM. Mr. Schwenke so moved. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

**NEW BUSINESS:** None

**EXECUTIVE DIRECTOR'S REPORT:**

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

# EXHIBIT

## “B”

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 15, 2007

RE: Request of **Midland Atlantic Properties c/o Casey Ward (applicant)** for **Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building.

### REMARKS:

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

### FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in Concept Development Plan is in agreement with the Comprehensive Plan due to the following reasons.
  - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map 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 proposal is to replace an approved restaurant building with a multi-tenant commercial building that will include retail, restaurant, and potentially office uses.
  - B. The Land Use Element ("Florence Commercial Area," pp. 144-145) states "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." This proposal is for a 13,000 square foot, mixed-use commercial building on a previously approved outlot. This outlot development serves as

an adjunct to the existing Meijer store which will be separated from the Meijer parking area through landscape improvements, and which will provide a sidewalk link to the Meijer Drive/Houston Road intersection.

This section of the Land Use Element also states "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." The site in question fronts on Houston Road, an arterial road, and will be accessed through the existing Meijer parking lot by an existing curb cut on Meijer Drive, thus providing coordinated access.

- C. The Business Activity Element ("Recommended Areas of Commercial Activity," pp. 62) states that the Houston-Donaldson Study (along with two other studies) has "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." Regarding the overall Houston Lakes site, the Houston-Donaldson Study ("Site 9, Houston Lakes," pg. 30) states this Study incorporates the approved Concept Development Plan into the recommended land use and zoning scheme." When considering the changes in the area that have occurred since the Study was adopted in 1992, and that the requested change is for the specific type of uses permitted on a relatively small outlot, the Committee has concluded that the current proposal is generally consistent with the Study as it will not substantively change the overall complexion of the Houston Lakes development.
  - D. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.

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

### CONDITIONS

1. Hedging material composed of large shrubs shall be provided along the back curb line of the site where it adjoins the dumpster and loading areas shown on the Concept Development Plan. The large shrubs shall be provided instead of the small shrubs normally required by Buffer Yard A as outlined in Article 36.
2. Any fence or rail used to enclose the outdoor restaurant seating areas shall be constructed of architectural grade steel.

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

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

**July 18, 2007  
7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:08 PM and introduced the item on the Agenda:

**Applicant:** **Midland Atlantic Properties c/o Casey Ward for Meijer Stores Ltd. c/o Roger Dehoek (owner)**

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

**The request of Midland Atlantic Properties c/o Casey Ward (applicant) for Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building.**

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

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

Mr. Casey Ward with Midland Atlantic Properties, Suite 310, One Cincinnati Way, Cincinnati, OH was present. Mr. Ward stated that Midland Atlantic Properties is a retail development firm that specializes in smaller retail projects. They were the developers of Panera Bread on Houston Road, they redeveloped a small retail strip on U.S. 42, and consulted on the Mall Road Shoppes of Florence which includes Starbucks. He stated that the proposed development will be a nice addition to the Houston Road corridor. It will be a nice looking building and they are talking to good tenants that would be new to greater Cincinnati. He offered to answer any questions.

Mr. E. J. Foltz and Marty Hellman with Cardinal Engineering were present. Mr. Foltz stated that they developed the Concept Plan and they are available to answer any questions.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Schwenke, Chairman of the Technical Design Committee, stated that the Planning Commission has to stay as close as possible to the requirements of the Houston-Donaldson Study. He stated that signs on four sides of the building is not allowed by the Houston-Donaldson Study and has not been done anywhere else. He is concerned that if the signage is allowed, then others will also want it.

Mr. Charlie Reynolds asked the applicant to bring samples of the building materials to the Committee meeting. Mr. Ward responded that they have not selected the building materials yet. Mr. Charlie Reynolds stated that review of the building materials is a requirement of the Technical Design Review Committee.

Mr. Costello asked if this is the last parcel Meijer has available for development. Mr. Wall commented that they have a sign up that says "outlots for sale". Mr. Ward stated that this is the only lot offered for sale on their website. Mr. Costello asked that the information be provided to the Committee. Mr. Wall stated that there are two approved lots that they did not pursue. He stated that they have about 200+ extra parking spaces that they could take out and make room for more outlots.

In response to questions from Mr. Carmichael, Mr. Wall stated that they are not asking for more signage than they are allowed, but each tenant will have at least two outside elevations and they want to be allowed signage on at least two elevations. Mr. Carmichael asked if they would come back to the Technical Design Review Committee for the sign package. Mr. Wall responded that the signage would be part of Design Review.

Mrs. Poston questioned the percentage of the site that is retail. Mr. Ward responded that the proposal is for two restaurants on the ends and retail in the

middle. The site will be 39% restaurant and 61% retail. Mrs. Poston asked the applicant to consider, prior to the Committee meeting, the comment in the Staff Report (Page 8) that "if changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail". Mr. Ward stated that they have not yet decided on the tenants for the rest of the site and if they have to add a restaurant to meet the standards, they will do so.

Mr. Rolfsen questioned the tenants. Mr. Ward responded that the proposed tenants are Pot Belly Sandwich Works, which currently has three restaurants in Cincinnati, and Noodles & Co. from Colorado. They are a step up from fast food, but they are not sit down dining.

Chairman Caddell stated that the applicant is separating restaurants from retail and asked Mr. Wall as Zoning Administrator to discuss the classification of "restaurant". Mr. Wall responded that the Code defines "restaurant", but does not use that term in the individual zones. The Code refers to Eating & Drinking establishments. Restaurant is defined as a facility in which food is prepared and served to the public. He reviewed the definition of "retail" and noted that it does not refer to food service, but it does not necessarily eliminate it. Chairman Caddell advised the applicant that they are in a gray area in separating restaurant use from retail in regard to the traffic and other considerations.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 1, 2007 at 5:00 PM. This item will be on the Agenda for the Business Meeting on August 15, 2007 at 7:00 PM. The Chairman closed this Public Hearing at 8:26 PM.

**APPROVED:**



**Arnold Caddell, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 1, 2007

RE: Request of **Midland Atlantic Properties c/o Casey Ward (applicant)** for **Meijer Stores Ltd. c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant commercial building.

### 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.

Midland Atlantic Properties/Meijer Stores

August 1, 2007

*Janet A. Kegley*  
 Janet Kegley, Chairwoman

For Project  Absent   
 Against Project   
 Abstain  Deferred

Judy Arnett

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Greg Breetz*  
 Greg Breetz

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Kim Bunger*  
 Kim Bunger

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)

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 5 FOR PROJECT  ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

[www.boonecountky.org/pc](http://www.boonecountky.org/pc)  
[www.boonecountygis.com](http://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@boonecountky.org](mailto:plancom@boonecountky.org)

August 3, 2007

Mr. Roger DeHoek, Real Estate Manager  
Meijer Stores Ltd.  
c/o Mr. Casey Ward  
Midland Atlantic Properties  
8044 Montgomery Road, Suite 710  
Cincinnati, OH 45236

FAX: 513-891-5131

RE: Recommended Conditions of Approval for Change in Concept Development Plan  
Application for Multi-Tenant Commercial Building on Proposed 1.98 Acre Outlot at  
4990 Houston Road (Meijer), Florence, Kentucky

Dear Mr. DeHoek:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 8/1/07 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, August 10, 2007.

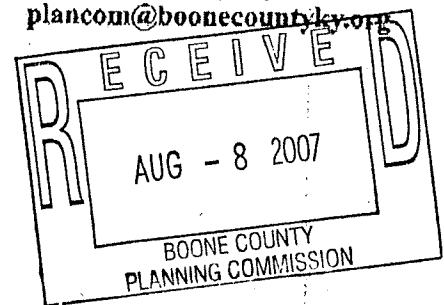
### CONDITIONS

1. Hedging material composed of large shrubs shall be provided along the back curb line of the site where it adjoins the dumpster and loading areas shown on the Concept Development Plan. The large shrubs shall be provided instead of the small shrubs normally required by Buffer Yard A as outlined in Article 36.
2. Any fence or rail used to enclose the outdoor restaurant seating areas shall be constructed of architectural grade steel.

Sincerely,

Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm



Mr. Roger DeHoek, Real Estate Manager  
August 3, 2007  
Page 2

AGREEMENT

I, the property owner's authorized representative for the real estate at 4990 Houston Road (Meijer), Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan application.



\_\_\_\_\_  
Roger DeHoek  
Real Estate Manager, Meijer Stores Ltd.

8/6/2007  
Date

DESCRIPTION OF  
PROPOSED MEWER SITE  
CONTAINING 34.793 ACRES  
FLORENCE, KENTUCKY  
SEPTEMBER 15, 1993

Situate in the City of Florence, County of Boone, State of Kentucky and lying northwest of I-75, northeast of Woodspoint Drive, southeast of Houston Road and southwest of Entrance Ramp "D" to I-75 and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike (found) at the centerline intersection of Woodspoint Drive and Houston Road;

thence along the centerline of said Houston Road for the following described two (2) courses:

1) in a northeasterly direction, on a curve to the right with a radius of one thousand nine hundred nine and 86/100 feet (1909.86') for an arc distance of four hundred eleven and 21/100 feet (411.21') [ chord bearing North fifty-seven degrees fifty-eight minutes fifty-eight seconds East (N57°58'58"E) for four hundred ten and 42/100 feet (410.42') delta angle of said curve being twelve degrees twenty minutes eleven seconds (12°20'11") ] to a point of tangency;

2) North sixty-four degrees nine minutes three seconds East (N64°09'03"E) for nine hundred fifty-eight and 36/100 feet (958.36');

thence departing the centerline of said Houston Road, South twenty-five degrees fifty minutes fifty-seven seconds East (S25°50'57"E) for seventy-five and 00/100 feet (75.00') to a 5/8" iron pin (set) in the southeasterly right-of-way line of Houston Road and the TRUE POINT OF BEGINNING of this herein described tract of land;

thence along said right-of-way line for the following described four (4) courses:

1) North sixty-four degrees nine minutes three seconds East (N64°09'03"E) for three hundred eighty-two and 64/100 feet (382.64') to a 5/8" iron pin (set).

2) North sixty-seven degrees forty-seven minutes fifty-five seconds East (N67°47'55"E) for seventy-six and 44/100 feet (76.44') to a 5/8" iron pin (set);

3) North fifty-three degrees fifty-two minutes thirty-seven seconds East (N53°52'37"E) for seventy-six and 70/100 feet (76.70') to a 5/8" iron pin (set).

4) North fifty-eight degrees forty-eight minutes thirty-nine seconds East (N58°48'39"E) for four hundred six and 64/100 feet (406.64') to a 5/8" iron pin (set).

thence departing said right-of-way line and over the lands of Northern Kentucky Management, Inc. on a new division line for the following described eleven (11) courses:

1) South thirty-three degrees one minute fifty-seven seconds East (S33°01'57"E) for forty-three and 39/100 feet (43.39') to a 5/8" iron pin (set) at a point of curvature;

2) in a southeasterly direction, on a curve to the left with a radius of two hundred fifty and 00/100 feet (250.00') for an arc distance of one hundred seventy-six and 84/100 feet (176.84'), [chord bearing South fifty-three degrees seventeen minutes forty-nine seconds East (S53°17'49"E) for one hundred seventy-three and 18/100 feet (173.18'), delta angle of said curve being forty degrees thirty-one minutes forty-five seconds (40°31'45")], to a 5/8" iron pin (set) at a point of tangency;

3) South seventy-three degrees thirty-three minutes forty-two seconds East (S73°33'42"E) for one hundred four and 83/100 feet (104.83') to a 5/8" iron pin (set) at a point of curvature;

4) in a southeasterly direction, on a curve to the right with a radius of three hundred thirty and 00/100 feet (330.00') for an arc distance of two hundred ninety-eight and 53/100 feet (298.53'), [chord bearing South forty-seven degrees thirty-eight minutes forty-five seconds East (S47°38'45"E) for two hundred eighty-eight and 45/100 feet (288.45'), delta angle of said curve being fifty-one degrees forty-nine minutes fifty-five seconds (51°49'55")], to a 5/8" iron pin (set) at a point of compound curvature;

5) in a southerly direction, on a curve to the right with a radius of six hundred thirty and 00/100 feet (630.00') for an arc distance of four hundred sixty-three and 96/100 feet (463.96'), [chord bearing South no degrees thirty-seven minutes fifty-seven seconds East (S00°37'57"E) for four hundred fifty-three and 54/100 feet (453.54'), delta angle of said curve being forty-two degrees seven minutes forty-one seconds (42°11'41'')] to a 5/8" iron pin (set) at a point of compound curvature;

6) in a southwesterly direction, on a curve to the right with a radius of one thousand three hundred thirty and 00/100 feet (1330.00') for an arc distance of seven hundred seventy and 87/100 feet (770.87'), [chord bearing South thirty-seven degrees four minutes nine seconds West (S37°04'09"W) for seven hundred sixty and 12/100 feet (760.12'), delta angle of said curve being thirty-three degrees twelve minutes thirty-one seconds (33°12'31'')] to a 5/8" iron pin (set) at a point of tangency;

7) South fifty-three degrees forty minutes twenty-five seconds West (S53°40'25"W) for four hundred sixty-six and 97/100 feet (466.97') to a 5/8" iron pin (set);

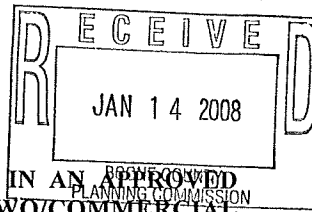
8) North thirty-six degrees forty-three minutes twenty seconds West (N36°43'20"W) for six hundred sixty-seven and 08/100 feet (667.08') to a 5/8" iron pin (set) at a point of curvature;

9) in a northerly direction, on a curve to the right with a radius of four hundred seventy and 00/100 feet (470.00') for an arc distance of three hundred fifty-nine and 89/100 feet (359.89'), [chord bearing North fourteen degrees forty-seven minutes eight seconds West (N14°47'08"W) for three hundred fifty-one and 16/100 feet (351.16'), delta angle of said curve being forty-three degrees fifty-two minutes twenty-three seconds (43°52'23'')] to a 5/8" iron pin (set) at a point of tangency;

10) North seven degrees nine minutes three seconds East (N07°09'03"E) for two hundred sixty-eight and 52/100 feet (268.52') to a 5/8" iron pin (set) at a point of curvature;

11) in a northerly direction, on a curve to the left with a radius of two hundred and 00/100 feet (200.00') for an arc distance of one hundred eleven and 04/100 feet (111.04'), [chord bearing North eight degrees forty-five minutes eighteen seconds West (N08°45'18"W) for one hundred nine and 62/100 feet (109.62'), delta angle of said curve being thirty-nine degrees forty-eight minutes forty-three seconds (39°48'43'')] to the TRUE POINT OF BEGINNING, containing thirty-four and 793/1000 (34.793) acres, more or less.

ORDINANCE NO. 0-23-07



**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 1.98 ACRE PORTION OF THE 31.58 ACRE LOT LOCATED AT 4990 HOUSTON ROAD (MEIJER), FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING. (MIDLAND ATLANTIC PROPERTIES - MEIJER STORES LTD. 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-07-017-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 Midland Atlantic Properties, c/o Casey Ward (Applicant) for Meijer Stores, Ltd., c/o Roger Dehoek (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 1.98 acre portion of the 31.58 acre lot located at 4990 Houston Road (Meijer), Florence, Kentucky, shall be and is hereby approved, subject to agreed conditions for this site, this change in concept development plan being to allow a multi-tenant commercial building. 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 in 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-07-017-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-07-017-A, marked Exhibit "A", and attached hereto.

**SECTION V**

If the approval for these changes 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 9<sup>th</sup> DAY OF October, 2007.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 23<sup>rd</sup> DAY OF October, 2007.

APPROVED:

Deane E. Whalen  
MAYOR

ATTEST:

[Signature]  
CITY CLERK

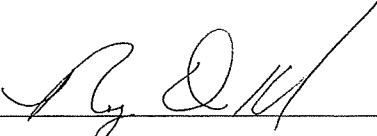
**City of Florence Special Conditions of Approval  
For  
A Change in an Approved Concept Development Plan  
On a 1.98 Acre Portion of the 31.58 Acre lot Located at  
4990 Houston Road, Meijer Stores Ltd., Owner**

The undersigned on behalf of Meijer Stores Ltd., 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 a 1.98 acre portion of the 31.58 acre property at 4990 Houston Road (Meijer Store Property) in Florence, Kentucky.

1. The applicant agrees to construct public sidewalk along the projects' Houston Road frontage in conjunction with this project. The sidewalk shall be constructed the same width as the other existing sidewalk on the east side of Houston Road.
  
2. The applicant agrees to design and construct an additional hardscape feature that may be placed in one of the site's landscape areas, front sidewalk, or buffer yards (excluding the rear buffer yard). The feature shall be reviewed and approved by the City of Florence City staff prior to installation.

9/24/2007

Date

  
\_\_\_\_\_

Signature

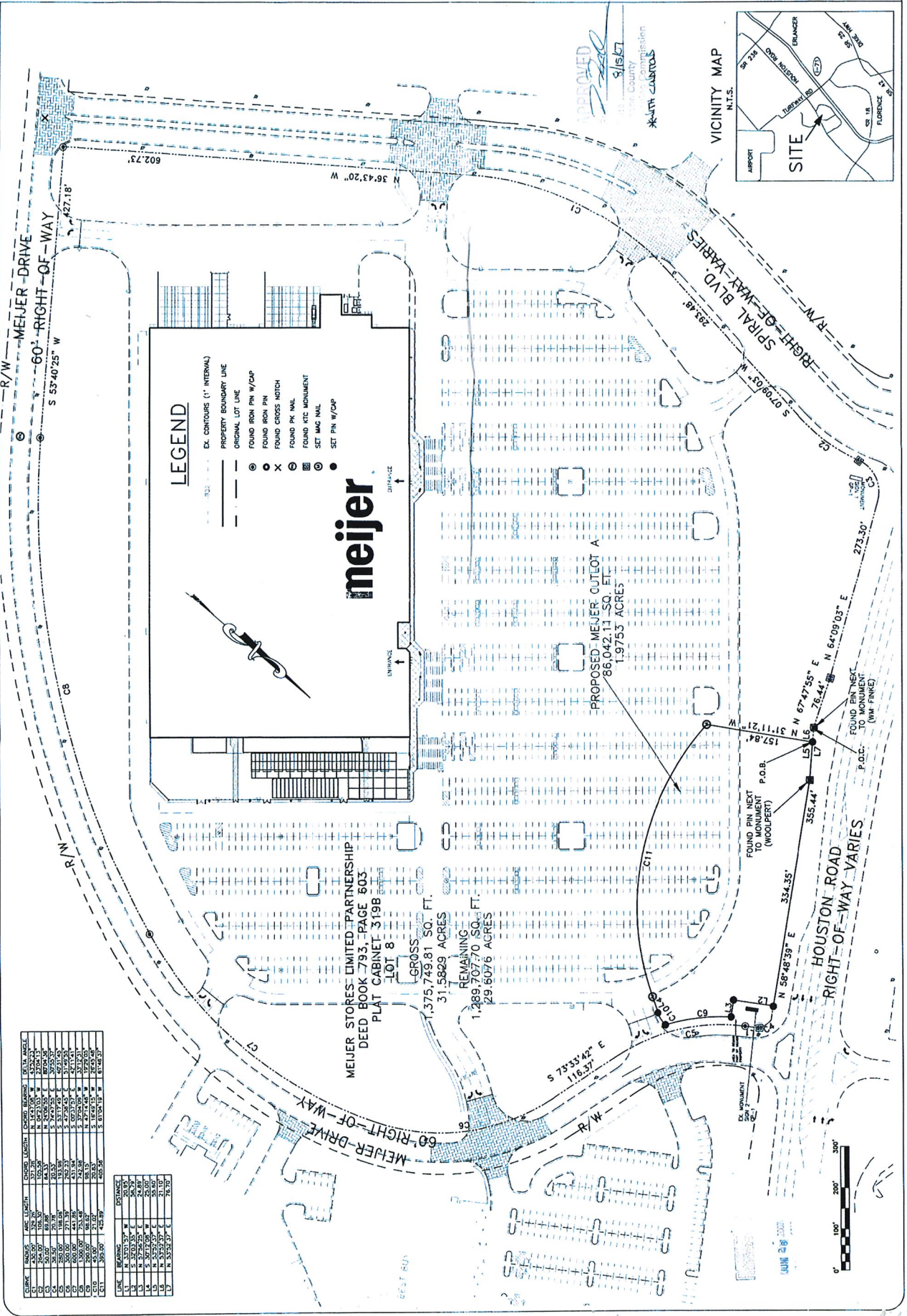
**CARTCO ENGINEERING CORP.**  
 CIVIL ENGINEERING - SURVEYING SERVICES  
 1020 ARBOR TECH DRIVE, SUITE B  
 HERSON, KY 41048 FAX: (502) 241-9008  
 WWW.CARTCOENGINEERING.COM



PRELIMINARY SITE PLAN  
 for  
**MEIJER OUTLOT A**  
 HOUSTON ROAD, HOUNSLEY, ROBERTSON COUNTY, KENTUCKY

DATE	REVISIONS
06/11/2007	Submitted for Review to Planning Department
06/23/2007	Revised Outdoor Setting Plan

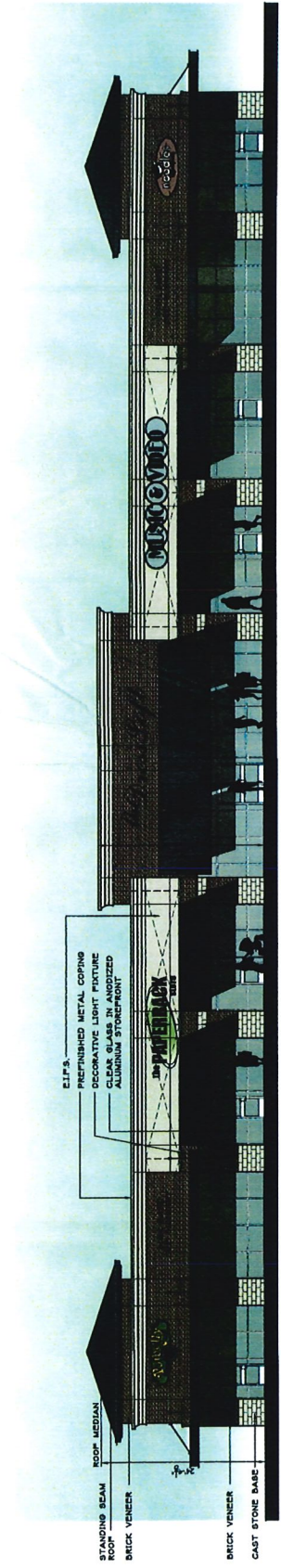
PROJECT NAME	MEIJER OUTLOT A
SHEET TITLE	PRELIMINARY SITE PLAN
PROJECT NO.	07-081
SHEET NO.	C-1
DATE	06/23/07
SCALE	1" = 20'



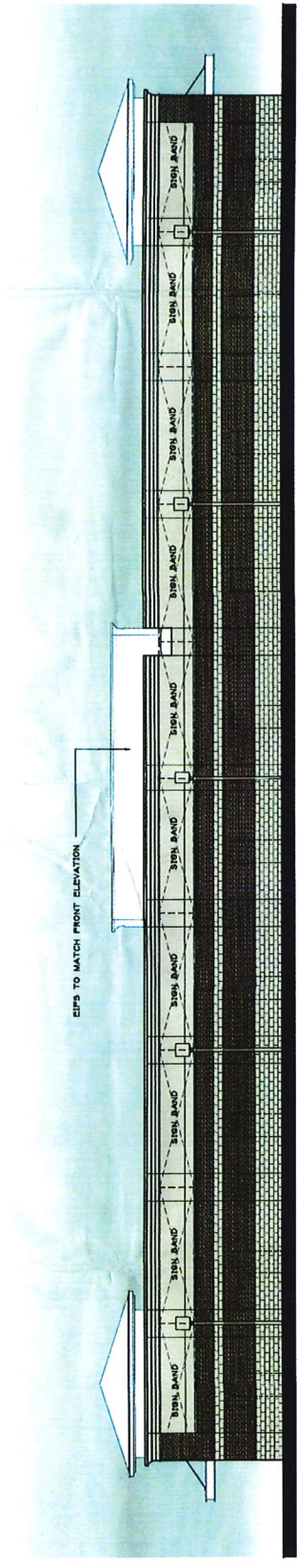
LINE	BEARING	DISTANCE
L1	N 32°03'55" E	506.73'
L2	S 72°26'25" E	24.80'
L3	N 88°52'29" E	50.63'
L4	N 33°23'37" E	21.70'

LINE	BEARING	DISTANCE
L5	S 73°33'42" E	116.37'
L6	N 57°47'55" E	76.44'
L7	N 64°09'03" E	64.09'
L8	N 31°11'21" W	157.84'
L9	N 157°48'39" E	334.35'
L10	N 355°44' W	355.44'

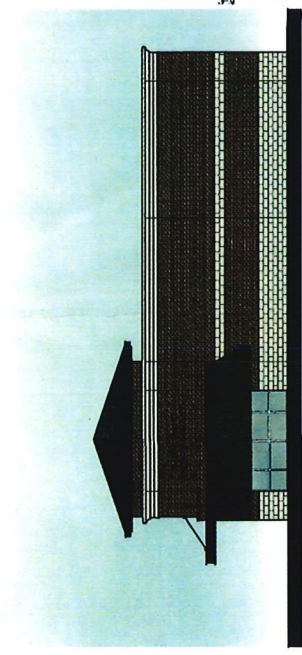




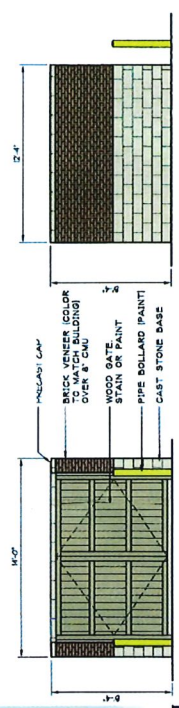
**NORTH ELEVATION**  
SCALE: 3/4" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/4" = 1'-0"



**WEST ELEVATION (EAST SIMILAR)**  
SCALE: 3/4" = 1'-0"



ALL MATERIALS SHALL BE CONSISTENT WITH ARCHITECTURAL FRAMEWORK OF DEVELOPMENT.  
**FRONT PUMPHOUSE ELEVATION**  
SCALE: 1/4" = 1'-0"

ALL MATERIALS SHALL BE CONSISTENT WITH ARCHITECTURAL FRAMEWORK OF DEVELOPMENT.  
**SIDE PUMPHOUSE ELEVATION**  
SCALE: 1/4" = 1'-0"

**SIGNAGE SUMMARY:**

**BUILDING MOUNTED SIGNS:**

THE PERMITTED BUILDING ELEVATION SHALL INCLUDE THE SQUARE FEET OF SIGN AREA PER EACH FOOT OF HEIGHT OCCUPIED BY AN INDIVIDUAL ESTABLISHMENT.

OTHER TENANTS MAY SPLIT THEIR ALLOCATED AREA FOR (FRONT) AND (REAR)

EACH TENANT'S TOTAL SIGNAGE SHALL BE RESTRICTED TO 100 S.F. MAXIMUM.

FRONT ELEVATION: 200 LF. X 2 = 400 SF. OF SIGN AREA

**MONUMENT SIGN:**

NONE INCLUDED

**FLORENCE RETAIL CENTER**

1001 PERSIMMON DRIVE, SUITE 200 CINCINNATI, OHIO 45245  
PH: 562-2535  
PK: 562-7523



R. GERALD FROESE & ASSOCIATES  
ARCHITECTS OF RECORD  
8447 MOUNTAIN ROAD  
CINCINNATI, OHIO 45242