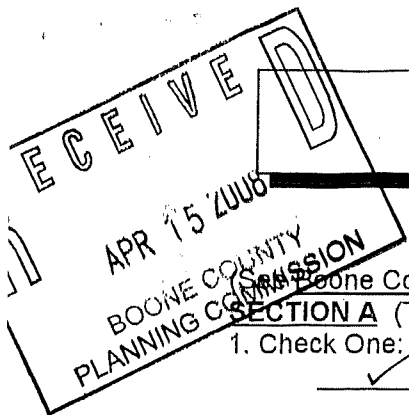


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

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

- 2. Name of Project Pleasant Valley Commons
- 3. Location of Project US 42 @ Pleasant Valley Road
- 4. Total Acreage of Site 3.501
- 5. Current Zoning C-2/DD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) Resturant/Retail
- 9. Proposed Building Intensities (please specify) 21,104 / 3.501 = 6027 sf/Ac.
- 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) Hemmer
- Phone Number 578-1855 (Jeremy Moore) Fax No. ~~878~~ 341-6817
- 13. Address of Applicant(s) 250 Grandview Dr.
- Ft Mitchell KY 41017
- City State Zip
- 14. Name of Property Owner(s) Hemmer (by contract)
- Phone Number 578-1855 (Jeremy Moore) Fax No. 341-6817
- 15. Address of Property Owner(s) 250 Grandview Dr
- Ft Mitchell KY 41017
- City State Zip
- 16. Are there any existing buildings on the site? yes
- How many? 3 (1 house, 2 sheds)
- 17. Deed Book 422 Page No. 177 Group No. 2039
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Paul Hemmer Companies (owner by contract)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

May 21, 2008

PROPOSAL

This application is for a Concept Development Plan in a C-2/PD zone for a 3.501 acre site located at 8572 Old Toll Road in Boone County. The site is located between Old Toll Road and US 42, and between Pleasant Valley Road and the car wash which is accessed from Harvey Quast Drive. The proposal is for two buildings for restaurant and retail uses.

The first building is an "L" shaped structure along the east property line adjoining the car wash property. This building has 10,164 square feet of retail space and 5,940 square feet for a restaurant (16,104 sf total). An outdoor patio/seating area is shown at the front of the restaurant space. This building is proposed to be placed on a 2.45 acre lot.

The second building is a 5,000 square foot restaurant along the Pleasant Valley Road frontage. An outdoor patio/seating area is shown at the front of this building facing US 42. The building is proposed to be placed on a 1.06 acre lot.

A common parking area with 178 parking spaces is shown in between the two structures. The parking lot includes intermittent landscape islands and peninsulas, and a sidewalk along the west edge of the lot by the freestanding restaurant. A retaining wall is proposed along the north/west end of the parking area facing Old Toll Road, and a second retaining wall is proposed at the northeast corner of the site adjoining the larger building as part of a dumpster enclosure. A storm water detention basin is conceptually shown in the southwest corner of the lot near the US 42/Pleasant Valley Road intersection.

Access to the site is proposed to be provided by a right-in only access point along US 42 and a two way access point along Old Toll Road. Proposed improvements to the adjoining road system by the Kentucky Transportation Cabinet are shown on the plan. These include: the widening of Pleasant Valley Road to a seven lane section at the intersection with US 42; construction of a sidewalk along the site's Pleasant Valley Road frontage; and the realignment of Old Toll Road at Pleasant Valley Road with a right-in/right-out intersection.

The applicant has stated that annexation of the site into the City of Florence is planned. Documentation regarding an intent to annex is anticipated to be provided by the City before the public hearing for this request. No architectural, landscape, or signage concepts were provided with the application.

ADJACENT LAND USES AND ZONING

- A. A church is located to the north/west across Old Toll Road and a senior housing complex is located further to the north (UR-1/PD).
- B. A car wash and a drive-through fast food restaurant are located to the east between US 42 and Old Toll Road (C-2/PD).
- C. A partially developed commercial subdivision is located to the south across US 42 (C-2/PD). A convenience store with gas sales is located to the south diagonally across the US 42/Pleasant Valley Road/Gunpowder Road intersection (C-2/PD).
- D. A bank and a multi-tenant commercial building are located to the west/southwest across Pleasant Valley Road and Gunpowder Creek (C-3).

SITE CHARACTERISTICS

As stated above, the site contains 3.501 acres. It has approximately 470 feet of frontage along US 42, approximately 270 feet of frontage along Pleasant Valley Road, and approximately 475 feet of frontage along Old Toll Road. A single family residence and two outbuildings are located in the approximate center of the site, a dry stacked stone wall exists along the Old Toll Road frontage, and a small pond is in the northern part of the site. The site is largely wooded. The topography of the site slopes continuously from east to west, with the high point of the site at approximately el 849 along the east property line and the low point of the site at approximately el 796 in the southwest corner. Soil types on the site include Cynthiana flaggy silty clay loam (CyF), Faywood silty clay loam (FcC), Jessup silt loam (JeC), and Rossmoyne silt loam (RsB). Public water and sanitary sewer are available in the vicinity.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. The low lying area around the west end of the site, which is substantially in the road widening alignment for Pleasant Valley Road, is designated as

"Developmentally Sensitive." The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the general area.

- A. Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union ("Pleasant Valley-West Florence Area," pp. 145 and 146).
- B. The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals ("Gunpowder Area," pg. 147).

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

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

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 141).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

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

- D. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff ("Stormwater Management and Erosion Control," pg. 141).
- E. 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. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pp. 141 and 142).

- F. 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. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. 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).
- G. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element states the following regarding the general area.

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

The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth toward the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses . .

Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas . . . ("Recommended Areas of Commercial Activity," pp. 63 and 64).

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

- A. The factors that will help fuel growth in this area include the improvements (expand from two to five lanes) of U.S. 42 from Florence to the Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land ("Geographic Housing Issues, Union-West Florence Area-West Richwood Area," pp. 79 and 80).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element lists improvements described as "reconstruct and widen KY 237 (Camp Ernst Rd/Pleasant Valley Rd) - R.O.W. & Utilities 2005" as a Six Year Highway Plan project (pg. 129). The "Summary of the 2005 Boone County Transportation Plan Recommendations" section lists "operational improvements" described as "US 42 & KY 237 intersection lane improvements" (pg. 129). This same section lists "recommended capacity projects" described as "Gunpowder Rd improvements" (pg. 130). Figure 11.4 "Proposed Trail Network" illustrates a planned pedestrian/bike path along the section of Pleasant Valley Road that adjoins the subject site (pg. 131).

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued and supported through incentives ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage. ("Business Activity," Overall Objective).

- L. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial Objective 1).
- M. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial Objective 2).
- N. Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall demonstrate a means of addressing significant impacts on existing infrastructure and services ("Public Services and Facilities," Objective 1).
- O. 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 "Identification of Problem Locations" section in Chapter 5 "Operational Improvement Plan" lists "KY 237 Pleasant Valley Road at US 42" as a problem location that is within Six Year Plan projects, yet is included in the OIP. Pleasant Valley Road and the connecting Camp Ernst Road, and Mt. Zion Road/Hathaway Road, are illustrated as "Six Year Highway Plan Projects" on the "Operational Improvement Plan Project Locations Map" (Exhibit 5-2, pg. 5-4). Exhibit 5-3 (pg. 5-6) describes the "KY 237 Pleasant Valley Road at US 42" project (Map ID 15 on Exhibit 5-2) as "add southbound left turn lane and adjust signal timing." This is listed as a high priority project (0-3 years) (Exhibit 5-4, pg. 5-17).

Exhibit 6-1 (pg. 6-2) lists "Map ID 19 - Gunpowder Road" as a "Recommended Project." It is described as "widen/improve from US 42 to KY 536 Mt. Zion Road" (project text on pg. 6-7). This is listed as a high priority project (less than 10 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization (pg. 6-20).

Exhibit 6-7 "2030 Projected Level of Service" (pg. 6-10) illustrates US 42 from Braxton to I-75 as LOS E (related text is outlined in Exhibit 6-9).

The Transportation Plan recommends a "US 42 Corridor Study." The Study is to "identify safety and operational projects that will improve traffic conditions through the corridor" for the section of road from Wetherington Boulevard to Ewing Boulevard (pg. 6-21).

Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a planned trail along the section of Pleasant Valley Road that adjoins the subject site.

STAFF COMMENTS

1. The governing bodies will need to determine whether the application is in agreement with the Comprehensive Plan. The Future Land Use Map designates the site for Commercial uses, which is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The low lying area around the west end of the site is designated as "Developmentally Sensitive," although this area is substantially in the road widening alignment for Pleasant Valley Road.

The Land Use Element discusses this specific area. The Element ("Pleasant Valley-West Florence Area," pp. 145 and 146) states "commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate

boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized." Comparable statements are also made by the Business Activity Element as quoted previously ("Recommended Areas of Commercial Activity," pp. 63 and 64).

The Land Use Element ("Gunpowder Area," pg. 147) continues by stating "the U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals."

In short, the Comprehensive Plan text outlines specific goals at this location. These include:

- A. Commercial development that is local versus regional scale, and that does not attract additional traffic.
 - B. Access/frontage roads including the reconstruction of Old Toll Road to serve development. Other access management methods should include interconnecting parking lots.
 - C. A broader range of uses in the US 42/Pleasant Valley Road/Gunpowder Road intersection area where the subject site is located which decline to smaller-scaled office and institutional uses further to the west.
 - D. Creative building layout and orientation instead of strip-style commercial development.
2. Staff offers the following comments regarding the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
1. Mixed Use Development and Pedestrian Orientation: Staff would not characterize the development as mixed use in a true sense as it is basically a retail strip center with a restaurant outlot, although it is similar to others along this section of US 42. Additionally, development options are somewhat limited relative to this standard due to the size of the site and the fact that it has streets on three sides.

Relative to pedestrian orientation, there are several improvements that are required by the zoning regulations. First, sidewalks are required by section 3208 to be constructed in adjoining rights-of-way where they do not exist, such as along Old Toll Road (sidewalk which dead ends at this site was constructed with the adjoining development). If not constructed as part of the widening project as currently indicated, a sidewalk will be required to be constructed along Pleasant Valley Road as well. Section 3327 requires sidewalk links to be provided between the building, parking, and street. A link between the required walk across the front of the multi-tenant building and the public walk along US 42 could be readily accommodated. A sidewalk link between the building and required walk along Old Toll Road should also be considered due to the likelihood of pedestrians from the nearby senior housing development.

2. Compatibility of Uses: Staff has the following comments regarding this standard.

A.) Uses: The application form states that restaurant and retail uses are proposed. Staff is not concerned with potential uses in the development provided they are restaurant, retail, and office uses that are principally permitted in the underlying zone, are conducted indoors aside from the outdoor restaurant seating shown on the Concept Development Plan, and conform to the improvements shown on the Concept Development Plan (for example, no drive-throughs, fuel sales, or outside storage are shown on the plan).

B.) Architectural Design: No architectural concept was included with the application. Building design varies notably from this site eastward, although the site is at a transition point where there is more consistency to the west. Specifically, between the nearby church and senior house development on Old Toll Road, the bank and convenience store to the west along US 42, and buildings in Plantation Pointe Commercial Subdivision, a loose theme of brick/masonry buildings with pitched roofs has been developing. As this site is a visually "high impact" site, Staff recommends an approach that relates to this theme, but is loose enough to allow continuity with the other nearby structures along US 42 to the east.

Based on these goals, Staff recommends that the structures use largely brick and other architectural grade masonry, and that all roof areas be enclosed or otherwise screened with a "finished" design (pitched roofs or parapet design with a cornice or other type of detailing; roof equipment should be screened). Due to the visibility of all sides of both buildings, consistent materials and detailing should be provided on all elevations. The facades of both structures which face Pleasant Valley Road and US 42 should be

designed as "front" facades. Additionally, signage structures and the proposed retaining walls (faces and any rails) should follow the architectural program for the site.

C.) Landscaping: No landscape concept was included with the application. As part of the normal requirements of Article 36, Staff recommends that a consistent landscape theme be provided around the street frontages, such as by providing large, regularly spaced deciduous trees throughout and clusters of evergreens which are targeted at the corners of the lot and parking areas. Continuous screen plantings should be considered around the dumpster/service area at the northeast corner of the lot; Staff suggests using a combination of evergreen trees and hedging composed of large shrubs.

For the buffer yard along the common property line with the adjoining car wash to the east, Staff recommends that the normal Buffer Yard A plantings, which are fairly ornamental, be substituted with a combination of evergreen and large/medium deciduous trees based on the likelihood of a slope in this buffer yard, maintenance issues, and the resulting aesthetic of the recommended plants. Additionally, because of the visibility of the detention basin proposed at the US 42/Pleasant Valley Road intersection, it should be cosmetically designed as part of the site's overall landscape versus just a storm water management facility.

3. Open Space: This standard states that "useable open space(s), in an amount over and above setback and open areas required by the underlying zone, shall be provided." The perimeter landscape areas shown on the Concept Development Plan are generally wider than required by the minimum requirements. The standard provides a list of the types of spaces or features which could fulfill this standard. Based on the size and location of the project, it is not conducive to most of the types of spaces noted, although the outdoor seating areas for the restaurants somewhat parallel the standard. Also, the provision of landscaped seating areas along the required sidewalk links would be an expedient way of addressing this standard and providing amenities that are in proportion to the development.

4. Multi-Modal Transportation System: Sidewalks are discussed under #2 above. Bike racks are required for the development per section 3327 of the zoning regulations.

5. Preservation of Existing Site Features: There is notable tree cover, topography, and a small pond on the site. A grading concept would need to be provided to fully assess the proposal relative to this standard, but based on the pending road work, the site's topography, and the submitted Concept Development Plan, Staff would not expect any of the existing features of the site to be retained.

6. Landscaping: Several landscape comments are discussed under #2 above. Additionally, the submitted Concept Development Plan does not meet two specific landscaping requirements. First, section 3625 of the zoning regulations outlines standards for "vehicular use area" landscaping including minimum dimensions for parking lot islands and peninsulas. Several islands do not meet the minimum size and width requirements. Second, section 3645 "Buffer Yards" requires Buffer Yard A to be provided along the common lot line between the two proposed lots in the development, and no buffer yard is shown. This is a 10 foot wide landscape strip with specified plantings that can be shared between the two lots along the common property line. The plan could be altered to meet both of these requirements.

7. Architecture: Recommendations regarding this subject are outlined under #2 above.

8. Historic and Prehistoric Features: The site contains the c. 1854 William A. Tanner House and a historic "rock fence" along the Old Toll Road frontage. Recommendations regarding these features are outlined in the attached memorandum dated May 2, 2008 from Matthew Becher, Rural/Open Space Planner, on behalf of the Boone County Historic Preservation Review Board.

9. Signage: No signage plan/concept was included with the application. This standard states that a consistent signage theme shall be provided, that building mounted signs shall be the predominate signage on the project site, and that freestanding signs shall be monument style and of a limited height. For building mounted signage, Staff recommends that a consistent program which correlates to the building designs be devised, such as by using individual channel letters for each tenant.

Based on these standards and the Comprehensive Plan, any freestanding sign should be monument style and use a design which relates to the architectural program for the proposed buildings. As the buildings and tenant frontages will be directly visible from multiple street frontages, the number of tenant panels on any freestanding sign should be limited (such as to one or two major tenants) in order

to limit the size and height, and maintain legibility in proximity to what is planned to be a very large intersection. For these same reasons, Staff recommends that only one monument sign be provided in the development. A specific size and height that is reasonable for the development is substantially dependent on the sign location.

For comparison purposes, the maximum size and height of an architectural freestanding sign permitted in the C-2 zone in the City of Florence is 150 square feet in area and 20 feet in height. Outlots are permitted one monument sign that does not exceed 100 square feet in area and 10 feet in height. The Concept Development Plan approval for the nearby McDonald's limits their monument sign to 14' 10" in height and 100 square feet in area. The Concept Development Plan approval for the Gunpowder Centre across US 42 permits a monument style "development identification sign" that is limited to 25 feet in height and 200 square feet in size, and permits monument signs on outlots that are limited to 12 feet in height and 60 square feet in size.

10. Transportation Connections and Entry Points: Other than the sidewalks previously discussed, there are no opportunities for transportation connections. Landscape walls with no sign copy could be considered to demarcate entry points, especially since the historic rock fence would be removed with this development.

11. Conformance with Comprehensive Plan: A discussion of the Comprehensive Plan is provided earlier in this report.

3. Access to the site is proposed through a right-in only curb cut on US 42 and a full two way access on Old Toll Road, with the Old Toll Road/US 42 intersection planned to be right-in/right-out only. For the portion of this work that is in the State's rights-of-way, the Kentucky Transportation Cabinet has endorsed the proposal (refer to attached 4/30/08 e-mail from Robert Hans, P.E., TEBM - Planning for KTC District 6).

Staff's major comment on access is the alignment of the two way access point on Old Toll Road. The centerline of this access point is basically diagonal to Old Toll Road versus perpendicular. The Florence Public Services Department commented that this access point is too big (4/23/08 comments entitled "Pleasant Valley Commons Plan Review" are attached). While Staff presumes that this alignment is necessitated by technical issues such as finished grades and intersection spacing, it hinders on-site circulation and visibility for an exiting vehicle. Therefore, Staff recommends that this specific issue be reevaluated by the applicant with a report provided to the Zone Change Committee.

4. Comments regarding specific technical issues are outlined in the previously mentioned comments from the Florence Public Services Department and from Florence Fire/EMS (5/1/08 e-mail from Robert Krebs is attached).

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the legislative body in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the Comprehensive Plan, and potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

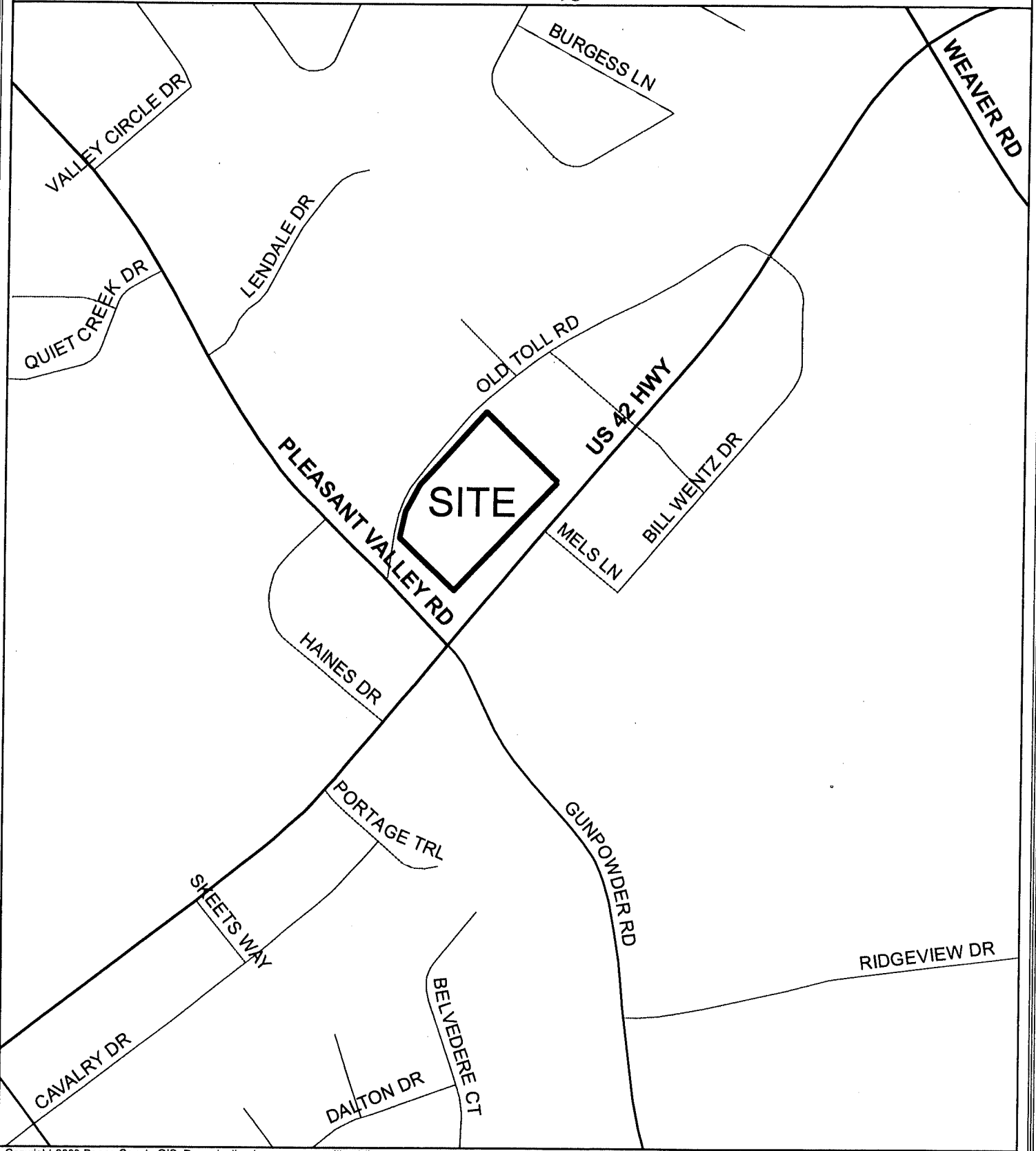
KTW/pr

attachments:

- * location map
- * aerial photo w/ zoning
- * Future Land Use Map excerpt
- * topographic map
- * 5/2/08 memo from Matthew Becher, Rural/Open Space Planner
- * 4/30/08 e-mail from Robert Hans, P.E., TEEM - Planning, KTC District 6
- * 4/23/08 Pleasant Valley Commons Plan Review comments from Florence Public Services Department
- * 5/1/08 e-mail from Robert Krebs, Florence Fire/EMS
- * application materials including Concept Development Plan

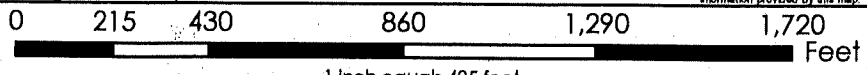
Location

www.boonecountygis.com



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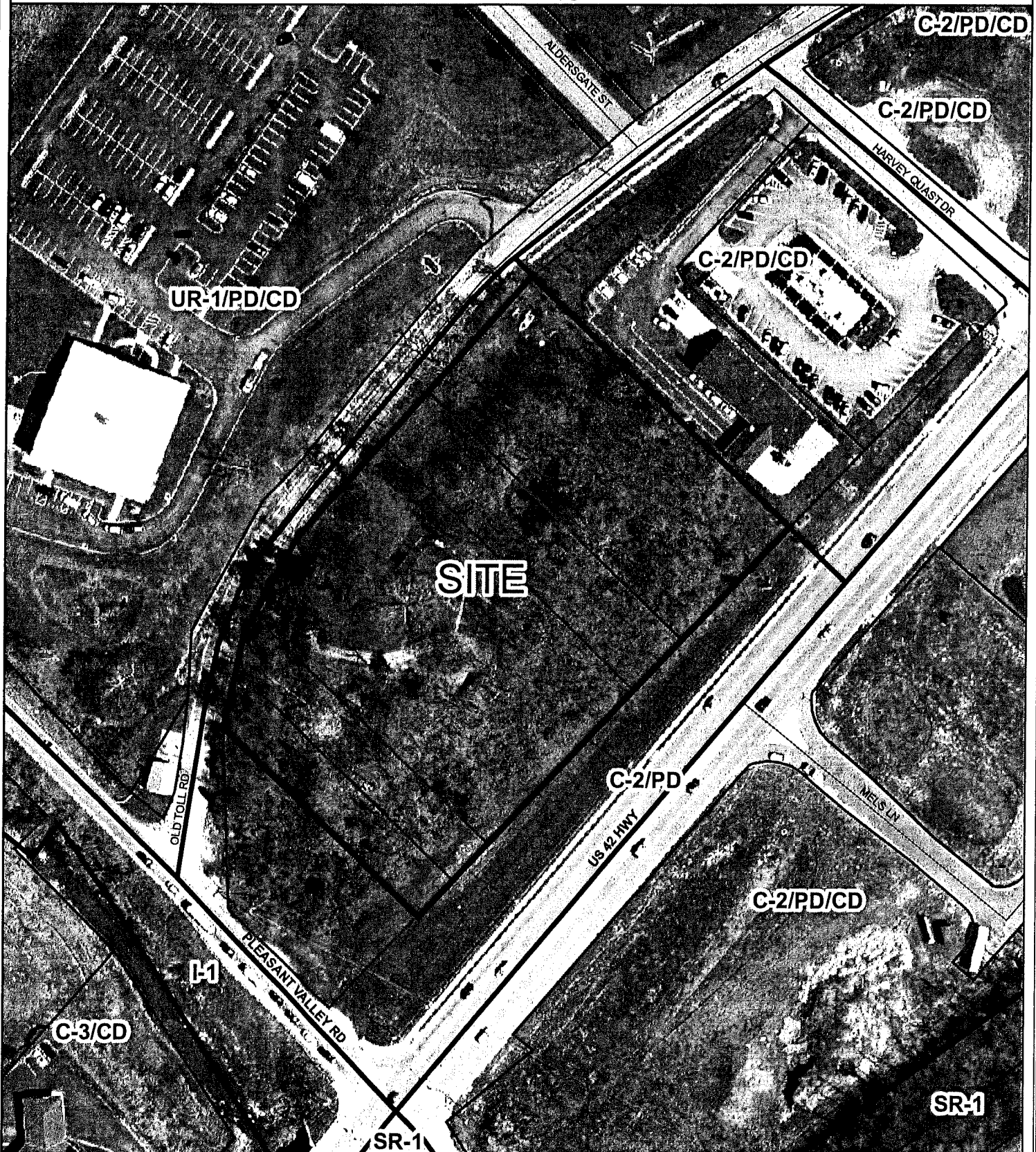
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Boone County GIS - Putting Northern Kentucky on the Map

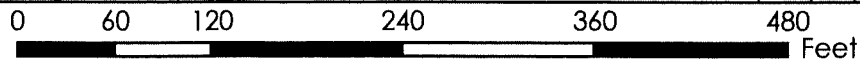
Zoning

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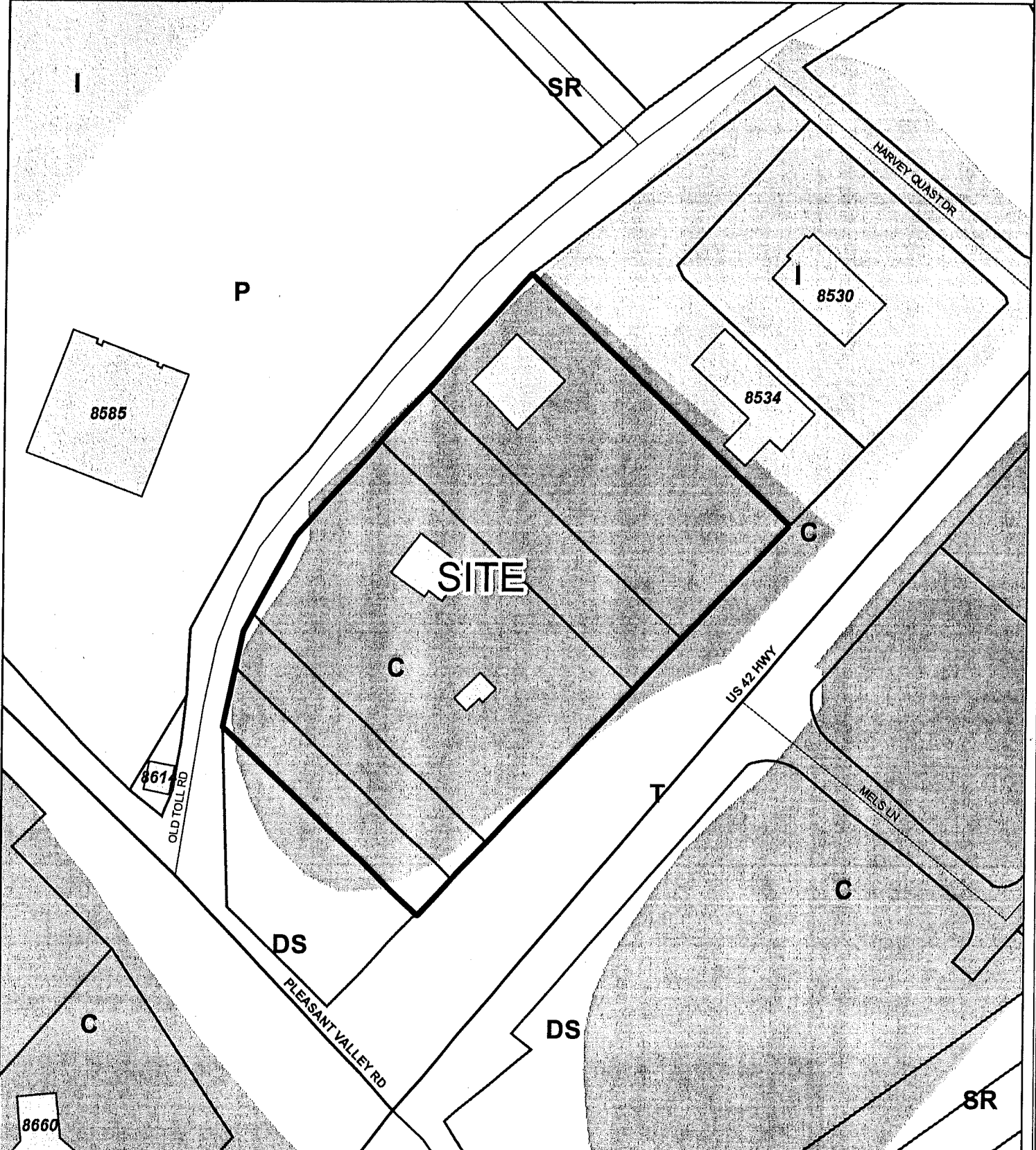
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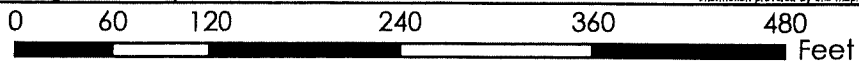
Future Land Use

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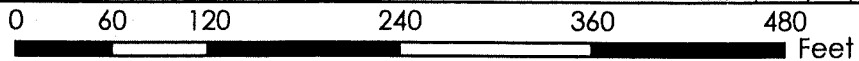
Topography

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Boone County GIS - Putting Northern Kentucky on the Map

BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

2950 Washington Street, Room 317, Burlington, KY 41005

859-334-2111

FAX 859-334-2264

E-Mail:

mbecher@boonecountyky.org



MEMORANDUM

TO: Kevin Wall, AICP, Zoning Administrator
FROM: Matthew E. Becher, AICP, Rural/Open Space Planner *MEB*
DATE: May 2, 2008
RE: William A. Tanner House, 8572 Old Toll Road

These comments are provided on behalf of the Boone County Historic Preservation Review Board (Review Board). According to a 2002 Kentucky Historic Resources Individual Survey Form, the historic house at 8572 Old Toll Road was built by William A. Tanner c. 1854. The Review Board selected the William A. Tanner House for inclusion in the publication Historic Structures of Boone County, Kentucky (Boone County Historic Preservation Review Board, 2002:98). It is described therein as follows:

A well-detailed Italianate dwelling of single-story, center-passage plan, the Tanner House includes a low, center gable and large, multi-light windows that extend nearly floor to ceiling. The main doorway contains twin arched, glazed panels and is framed by a multi-light transom and sidelights. The front lot line is marked by a drylaid stone wall, or "rock fence," which is mentioned in some of the deeds for the property...The property lies along the former alignment of the Louisville Turnpike, since bypassed and rebuilt.

Architecturally, the Tanner House is an excellent example of a single-story Italianate structure in Boone County. The rock fence on the property is the last of those built along the Louisville Turnpike. Such "Kentucky Rock Fences" are relatively common in central Kentucky, but they are quite rare in Boone County. Only two other known examples are visible along public roads today, both in the vicinity of Idlewild. A few other such fences have been reported in stream valleys (e.g., Sand Run, Gunpowder Creek), but most of these are in poor shape and are not accessible to the general public.

The Tanner House, taken together with the rock fence and setting on Old Toll Road (the Louisville Turnpike) are among the last visual reminders of the heritage of the surrounding farming community variously known as Pleasant Ridge, Gunpowder or Sugar Tit. Given the local historic significance of the Tanner House and the fact that it was featured in Historic Structures of Boone County, Kentucky, the Review Board is disheartened to learn of its proposed demolition for the Pleasant Valley Commons development. The Review Board makes the following requests:

- 1) That staff be allowed access to fully document the property through drawings and photographs;
- 2) Time and permission to locate an individual or group willing to relocate the house or, at a minimum, salvage historic building materials, including windows, doors, wood trim, etc. prior to demolition;
- 3) Time to assess the feasibility of moving the rock fence to another location, such as a Boone County park, where it could be seen, interpreted, and appreciated.

On behalf of the Review Board, staff requests a minimum of 60 days notice prior to demolition of the William Tanner property to accommodate these requests. This notification can be made to myself, as staff of the Review Board.

Kevin Wall

From: Hans, Robert (KYTC-D06) [Robert.Hans@ky.gov]
Sent: Wednesday, April 30, 2008 5:11 PM
To: Kevin Wall
Cc: Thompson, Ed (KYTC-D06); Schomaker, Tom (KYTC-D06); Davis, Rick (KYTC-D06); Brannon, Jim (KYTC-D06); Callan-Ramler, Carol (KYTC-D06)
Subject: Concept Development Plan - 3.5 Acre Paul Hemmer Co. Site - US 42/Pleasant Valley Road/Old Toll Road - Boone County

The Kentucky Department of Highways has reviewed the subject Concept Development Plan and makes the following comments.

The plan shows a proposed right-in access on US 42 westbound across from Mel Lane. This configuration has been discussed with the Department and will be acceptable once the KY 237 improvement project is constructed. If this access is constructed prior to the KY 237 project, the developer will be required to perform any and all improvements necessary on US 42 for this right-in access. This may include, but not be limited to a right turn deceleration lane and possible drainage improvements. A Permit would also be required for this work.

Drainage calculations will be required for the development as it impacts the highway drainage.

The Department has no additional specific comments. Thank you for allowing this office the opportunity to comment on proposed developments in Boone County. If additional information is desired, please feel free to contact me.

Thanks,

Rob Hans, P.E.

TEBM - Planning

Kentucky Department of Highways, D-6

P.O. Box 17130

Covington, KY 41017

(859) 341-2707, ext. 256

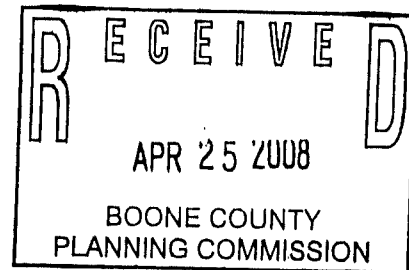
This transmission is sent on behalf of the Kentucky Transportation Cabinet and may be privileged, proprietary, or confidential. It is intended only for the intended recipient. If you are not the intended recipient or a person responsible for delivering this transmission to the intended recipient, you shall not disclose, copy, or distribute this transmission or take any action in reliance on it. If you have received this transmission in error, please notify us immediately by telephone at (859) 341-2700, by facsimile transmission at (859) 341-3661, or by e-mail at Robert.Hans@ky.gov. Please dispose of and delete this transmission. Thank you.

Pleasant Valley Commons

Plan Review
FLORENCE PUBLIC SERVICES DEPT.

April 23, 2008

1. The curb cut on Old Toll Road is too big.
2. Show easements for existing and proposed water and sewer utilities.
3. Provide sidewalks along Old Toll Road.
4. Make sure that the storm water discharges on the property before it flows off. (West Property Line)
5. Show the domestic water service line for the "west" proposed restaurant.



Kevin Wall

From: Robert Krebs [Robert.Krebs@Florence-KY.gov]
Sent: Thursday, May 01, 2008 11:05 AM
To: Kevin Wall
Subject: RE: 42 and Pleasant Valley

Attached is a copy of the turning radius requirements if you need a copy.

Bob

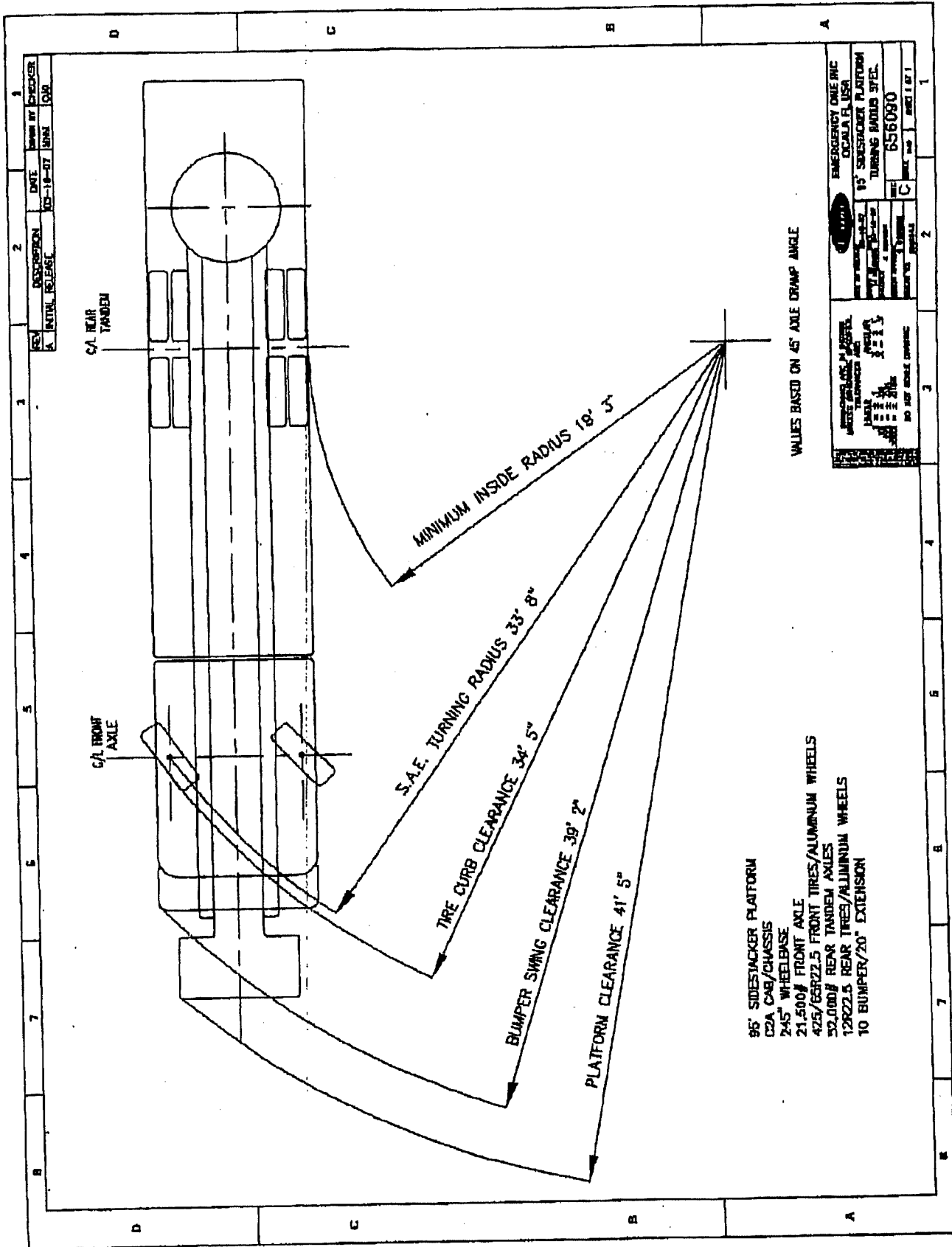
From: Robert Krebs
Sent: Tuesday, April 29, 2008 4:36 PM
To: kwall@boonecountyky.org
Subject: 42 and Pleasant Valley

The following are the comments from Florence Fire/EMS:

What is the final proposed elevation for the site. Walls, access around buildings etc:
The turning radius towards the strip mall portion for Ladder 110. Also through the site.

Thanks

Bob

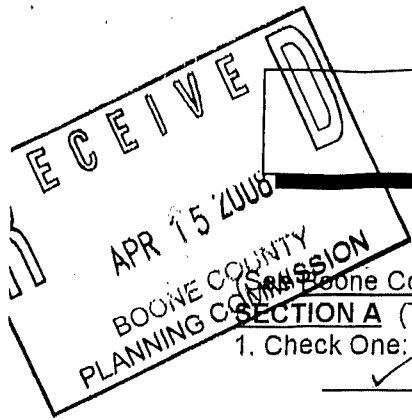


REV	DESCRIPTION	DATE	DESIGNED BY
1	INITIAL RELEASE	03-18-87	BNH

EMERGENCY ONE RIC	
OCALA FL USA	
15' SIDESTACKER PLATFORM	
TURNING RADIUS SPEC.	
UNIT	656080
DATE	
BY	
CHECKED	
APPROVED	
NO NET SCALE DRAWING	

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

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

- 2. Name of Project Pleasant Valley Commons
- 3. Location of Project US 42 @ Pleasant Valley Road
- 4. Total Acreage of Site 3.501
- 5. Current Zoning C-2/DD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) Resturant/Retail
- 9. Proposed Building Intensities (please specify) 21,104 / 3.501 = 6027 sf / Ac.
- 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) Hemmer
- Phone Number 578-1855 (Jeremy Moore) Fax No. ~~578~~ 341-6817
- 13. Address of Applicant(s) 250 Grandview Dr.
- Ft Mitchell KY 41017
- City State Zip
- 14. Name of Property Owner(s) Hemmer (by contract)
- Phone Number 578-1855 (Jeremy Moore) Fax No. 341-6817
- 15. Address of Property Owner(s) 250 Grandview Dr
- Ft Mitchell KY 41017
- City State Zip
- 16. Are there any existing buildings on the site? yes
- How many? 3 (1 house, 2 sheds)
- 17. Deed Book _____ Page No. _____ Group No. _____
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

Concept Development Plan
Page 2

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

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

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence (annexation pending) Union

21. Applicant's Signature(s) W. Michael Long's

22. Property Owner's Signature(s) W. Michael Long's owner by contract

SECTION B (To be completed by BCPC Staff)

1. Date Received 4-15-08 Fee Received \$2,352.02 R# 56055

2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 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 5/21/08

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

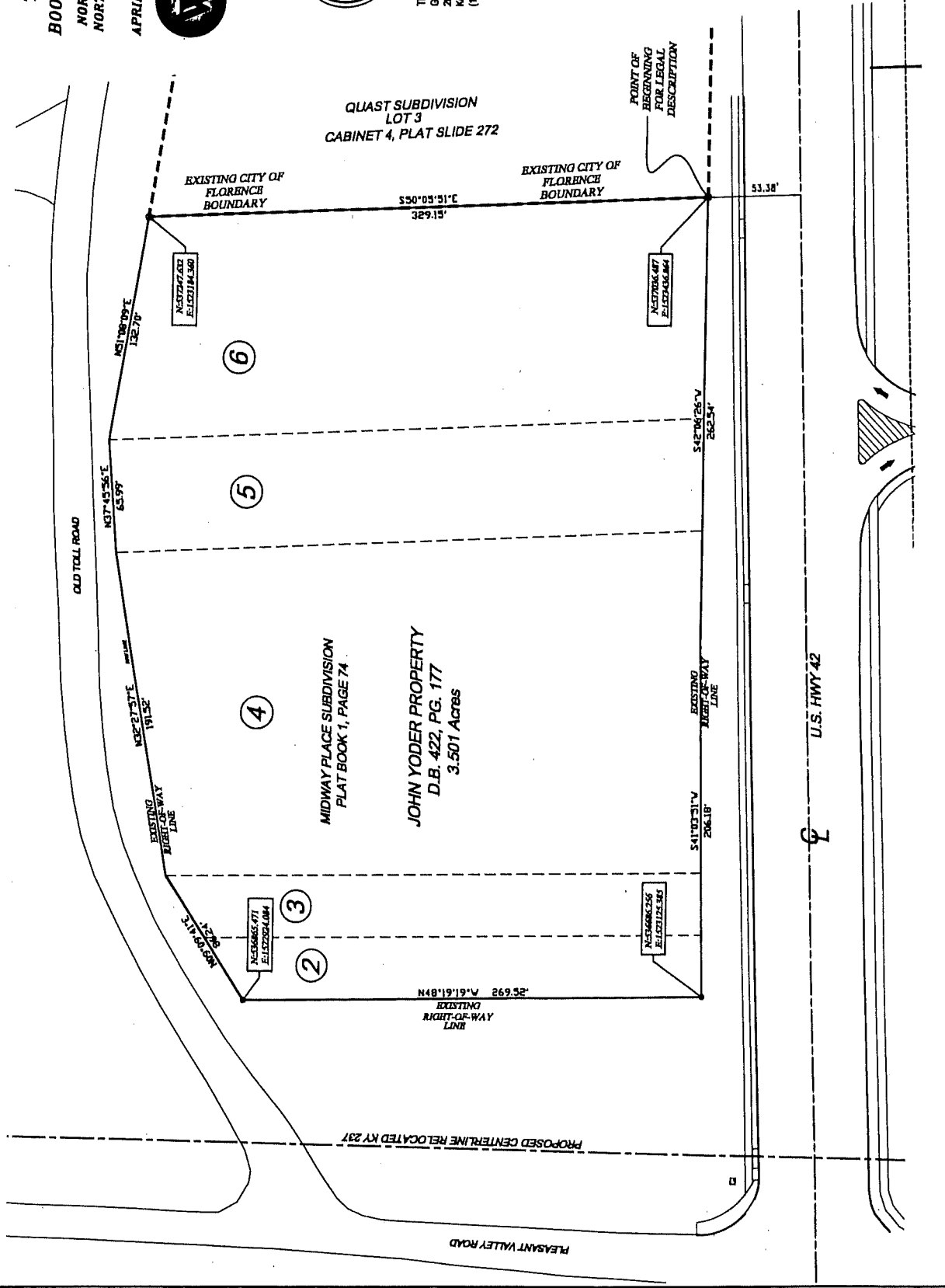
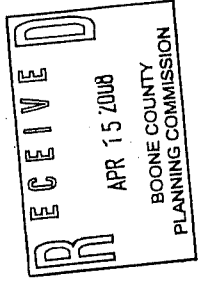
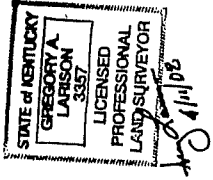
Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

PLAT OF 3.501± ACRES
 TO BE ANNEXED BY
 THE CITY OF FLORENCE
 BOONE COUNTY KENTUCKY
 NORTHWEST SIDE OF U.S. HIGHWAY 42
 NORTHEAST OF KENTUCKY HIGHWAY 237

APRIL 10, 2008 SCALE: 1" = 50'



The plat was prepared from a field survey conducted by Gregory A. Larson, PLS 3357, for Viox & Viox, Inc., March of 2008. The bearings shown herein are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (1983).



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

**May 21, 2008
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mrs. Vivian Llambi, Mr. McMillian, Mr. Poe, Mr. Charlie Reynolds, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Judy Arnett, Secretary/Treasurer, called the meeting to order at 7:38 PM and introduced the first item on the Agenda:

Applicant: **Paul Hemmer Companies (owner by contract)**

Request: **Concept Development Plan**

The request of Paul Hemmer Companies (owner by contract) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

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

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

Mr. Mike Hargis, Vice President of Paul Hemmer Companies, owner of the property, stated that there is a right-turn in only access off U.S. 42 and a full access drive off Old Toll Road. Mr. Wall noted that this information is correct in the Staff Report, but he misspoke in his presentation. Mr. Hargis stated that they are here for plan approval, not for a zone change. He stated that they met with the

City of Florence and the city submitted a letter last week stating that they intend to annex the property and, therefore, the plan will be reviewed by the City of Florence. Mr. Wall stated that he did not receive the letter and he will contact the City of Florence. Mr. Hargis will provide a copy of the letter to Staff tomorrow.

Mr. Hargis stated that a large percentage of the rock wall on the site will be in the reconstruction area of Old Toll Road. They will coordinate with the Highway Department in regard to the grading. He stated that they met with the City of Florence and have agreed to allow representatives of the City of Florence and the Planning Commission (Matt Becher) to look at the house and document it. Mr. Becher indicated to him that they are not interested in the additions to the house – just the original structure and the stone wall. Mr. Hargis stated that they are welcome to relocate the house and the stone wall. They will meet with Matt Becher on the property next week. He stated that he met with Kevin Wall in regard to the signage prior to the application and they agreed to signs that are in compliance with the current C-2 zoning. They talked about a monument sign on U.S. 42 and a smaller road sign on the Old Toll Road side. They will have tenant signs for the 16,000 square foot L-shaped building. He stated that he planned to discuss the landscaping and architecture more at the Committee meeting, but he has drawings available if the Commissioners want to see them. He stated that they have been working on the site for a year and a half and have taken into consideration all of the proposed improvements along Pleasant Valley Road and along U.S. 42. He stated that the Highway Department plans to put sidewalks along Old Toll Road and U.S. 42 when the improvements occur. A large portion of Old Toll Road will be removed and realigned. The City of Florence felt that it would be a waste of money to put sidewalks in an area where they could be taken out within a year or two when the road improvement occurs. He stated that the site is topographically challenging. The high point is at the car wash. He presented a sketch of the L-shaped building and stated that, because of the severity of the grade, they will use the back wall of the building as a retaining wall -- there will be a ten-foot high foundation wall at the back of the building and the area will drain into the storm system. He stated that they are in discussion with a family-style sit-down restaurant, which could occupy 5,400 – 5,500 square feet of the building, and would have an outside patio area for dining. The rest of the building is multi-tenant. Potential tenants include a beauty shop, a sandwich shop with a small outside patio, and other retail uses. He indicated the right-in access and the upper parking lot for the multi-tenant retail building. He indicated the full access point onto Old Toll Road. He stated that the 178 parking spaces meet the requirement for the restaurant and retail users. All of the buildings in the development are one-story buildings. He offered to answer any questions. This concluded the applicant's presentation.

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

Mrs. Arnett asked if there were any comments or questions from the Commissioners.

Mrs. Kegley agreed that there is quite a hill there. She asked what the building on the Pleasant Valley Road side would look like. She asked if there will be huge retaining walls that people can see. Mr. Hargis responded that the Highway Department is building huge retaining walls, but he is not. He is trying to work his grades down to the grade that goes into the retaining wall, which is approximately 35 feet off the south property line. He estimated that the wall the Highway Department will build is about ten feet high and even higher near the church. The Highway Department is taking out the Old Toll building. Mrs. Kegley stated that is difficult to image how they are going to develop the site. Mr. Hargis stated that they have good engineers and he will bring the Grading Plan to the Committee Meeting. He reviewed the slopes on the property and indicated the area that the state will grade and where the state will build the retaining wall along the roadway.

Mrs. Llambi questioned the finished floor elevation of the restaurant. Mr. Hargis estimated that it would be at about elevation 818. Mrs. Llambi asked if the parking lot will be terraced. Mr. Hargis responded that it is on an even slope. He indicated the upper parking lot and the driveway that is steeper than 5% and terraces it down. He stated that they have to meet the elevations of both roads and that is the reason for the configuration of the driveway on Old Toll Road.

Mr. Breetz stated that Old Toll Road relocated looks like it has a right-in/right-out access to Pleasant Valley Road. Mr. Hargis stated that Pleasant Valley Road access to Old Toll Road will be a right turn in from U.S. 42 – you would go down Pleasant Valley Road and take the loop up. Coming out of the development, if you made a left turn you would go down Old Toll Road and you could only make a right turn. Mr. Breetz stated that people exiting the development to go south on U.S. 42 would have to go north on Old Toll Road and go up to the traffic light. Mr. Hargis responded that it what the state wanted. Mr. Breetz asked if traffic studies of the intersection have been done. Mr. Hargis responded that they have not done traffic studies – this is the way the Highway Department told them they wanted it done. Mr. Breetz questioned the width of the right-in access from U.S. 42. Mr. Hargis responded that it is a single lane 15' – 16' wide.

Mr. McMillian questioned the potential for the street frontage landscaping to block visibility at the intersections. Mr. Wall responded that it is a big intersection and the road pavement is off the site and there is a retaining wall. He stated that there will have to be proper placement of the trees.

Mr. Carmichael questioned where deliveries will be made to the L-shaped building and where the second exit to the retail space is located. Mr. Hargis responded that a use that has less than 50 people and less than a 75-foot travel distance is not required to have a second exit out the back. He stated that the

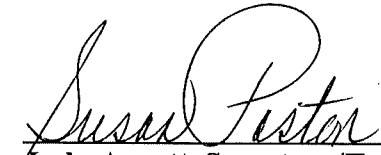
buildings are 66 feet deep and most of the tenants will have 2,000 square feet of space. He indicated where deliveries to the restaurant will occur and the location of the dumpster. Mr. Carmichael asked if there is a firewall. Mr. Hargis responded that a firewall is not required. He stated that the buildings are fully sprinklered.

Mr. McMillian asked if the Fire Department has approved not having a fire escape and no way to get out of the back of the building. Mr. Hargis responded that the plan has not been submitted to the Fire Department, but they will ultimately have to do that.

Mr. Costello stated that the extent of the road improvements is limited in terms of the new Old Toll Road. He is concerned about the stretch of road from this development to Harvey Quast. He stated that Old Toll Road is not wide enough and a lot of traffic will be forced to make the left turns and use that road. It will be the primary access to the development for people living off of Pleasant Valley Road. Mr. Hargis agreed. Mr. Costello asked if there was any discussion about improving that road. Mr. Hargis respond "nothing other than the improvements the state is going to make". Mr. Costello stated that it is a well-traveled road where people cut through, particularly in the peak hours. Mr. Hargis stated that it is a city-owned road. Mr. Costello asked if the city has stated any position on it. Mr. Wall responded "no". Mr. Costello stated that he believes the volume of traffic on that road is being under-estimated and they should look at it more closely. Mr. Hargis stated that they talked with the City of Florence Public Works Department and it was not mentioned. Mr. Costello stated that there has to be a sidewalk on that road. There will be sidewalks and bike lanes on Pleasant Valley Road and people will be walking up and down Old Toll Road. Mr. Hargis responded that they have no problem with the sidewalks -- just the timing -- and on the unimproved section there is no shoulder and it drops down into a deep swale. Mr. Costello stated that if this request is approved by the city, then their intent is to build prior to the reconstruction of the road. He stated that Old Toll Road will be unlimited left turn in and left turn out before it is reconstructed. Mr. Hargis agreed and stated that they will work with the city to develop a sidewalk plan that would go from behind the existing car wash down to their driveway and then they would stop the sidewalk until they figure what the state is going to do and when. Mr. Costello stated that when McDonald's and Taco Bell went in, their primary access was off U.S. 42 and the connection to Old Toll Road was secondary -- but for this development the connection to Old Toll Road will be primary for people that want to leave Pleasant Valley Road and make the left turn. Mr. Hargis stated that a lot of the traffic will be eliminated when the improvements go in because there will not be a left turn from Pleasant Valley Road up Old Toll Road. The traffic from people cutting through to avoid the traffic on U.S. 42 will be negated, but people could still cut through Old Toll Road to get from U.S. 42 down to Pleasant Valley Road.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on June 4, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on June 18, 2008 at 7:00 PM. Mrs. Arnett closed this Public Hearing.


APPROVED:



Judy Arnett, Secretary/Treasurer



Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
June 18, 2008
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Vivian Llambi
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Patrick Reynolds
Mr. Charlie Rolfsen, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Mike Walker, Store Manager of Sam's, stated that he bought gas in Cincinnati today for \$3.86 a gallon and it was \$3.89 at a station in Boone County. He stated that they want to keep gas prices down for the community.

Mrs. Poston asked if there was anyone else present who wished to make a summary statement before the Planning Commission takes action on this request. There was no response.

There being no further discussion, **Mrs. Poston asked for a roll call vote on the motion made by Mr. Schwenke to deny the request, which found Mr. Carmichael, Mrs. Herald, Mrs. Llambi, Mr. McMillian, Mr. Poe, Mr. Charlie Reynolds, Mr. Schwenke, and Mrs. Poston in favor. Mr. Breetz and Mr. Bunger were opposed. The motion carried by a vote of 8 to 2.**

Counselor Wilson advised that the City of Florence may follow the Planning Commission's recommendation or over turn it.

5. Concept Development Plan

The request of Paul Hemmer Companies (owner by contract) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

Mr. Carmichael stated that he would not participate in regard to Agenda Item #5 due to a conflict of interest. He left the room at this time.

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

Mrs. Poston asked if the applicant wanted 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. Mike Hargis with Paul Hemmer Companies, owner of the property, stated that they have been working with the Highway Department over the last year and a half to determine the best access routes and have agreed to the right-in and the full access out onto Old Toll Road. The Highway Department is in agreement with the traffic pattern. They have worked with the Committee and agreed to the architectural character. He stated that there are some physical limitations on the site and they cannot get into the construction area that the state will be using to do the improvements to Pleasant Valley Road, which is why they talked about the cut

through and the walkway to connect the Old Toll Road and U.S. 42 sidewalk areas. The signage is in compliance with the C-2 zoning regulations. They showed a Site Plan at the Committee Meeting with a drive-through because between the Public Hearing and the Committee Meeting a user came in and he brought the drive through to the attention of the Committee. They agreed that if that use happens, they will come back to Staff in regard to the drive-through.

Mr. McMillian asked if they contacted the Fire Department. Mr. Hargis responded that they talked to Bob Townsend with the City of Florence, but not the Fire Department. Mr. McMillian asked if he is aware of the wall and that there is no exit in the back. Mr. Hargis responded "yes".

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

There being no discussion, **Mr. Bunger moved by Resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Charlie Reynolds seconded the motion. A vote on the motion found all voting members in favor. Mr. Carmichael was not present and did not vote. The motion carried.**

Mr. Carmichael returned to the meeting at this time.

6. Zoning Map Amendment

The request of Robert G. Maddox (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Industrial One (I-1) for a 6.168 acre site located at 8430 Dixie Highway and on the south side of Brookfield Court immediately east of the property at 9175 Brookfield Court, Boone County, Kentucky. The request is for a zone change to allow office/warehouse and wholesale nursery uses.

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

Mrs. Poston asked if the applicant wanted 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. Bill Viox was present but had no comments.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: June 18, 2008

RE: Request of Paul Hemmer Companies (owner) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

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 Concept Development Plan is in agreement with the Comprehensive Plan due to the following reasons.
 - A. The Future Land Use Map designates this 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 for a commercial center with retail and restaurant uses. An incidental part of the site along Pleasant Valley Road is designated as Developmentally Sensitive, although this area will be substantially altered by the planned Kentucky Transportation Cabinet road work.
 - B. The text of the Land Use Element ("Pleasant Valley-West Florence Area," pp. 145 and 146) states "commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments."

The Land Use Element ("Gunpowder Area," pg. 147) also states "the U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals."

The proposal is for a smaller-scaled, multi-user development which would attract local, pass-by traffic. The scale and type of development is similar to others along US 42 between Weaver Road and Pleasant Valley Road which have been approved in recent years. Old Toll Road will be used as a local road for this development with a two way access point located at the opposite end of the site from the Old Toll/Pleasant Valley intersection. For access management on US 42, only a right-in access point is proposed.

These basic points also demonstrate agreement with the "Recommended Areas of Commercial Activity" section of the Business Activity Element (pp. 63 and 64). This section outlines that development in this area should be local versus regional in scale to serve growing residential neighborhoods, should have a mixture of uses, and use the Planned Unit Development (PD) approach to assure proper design.

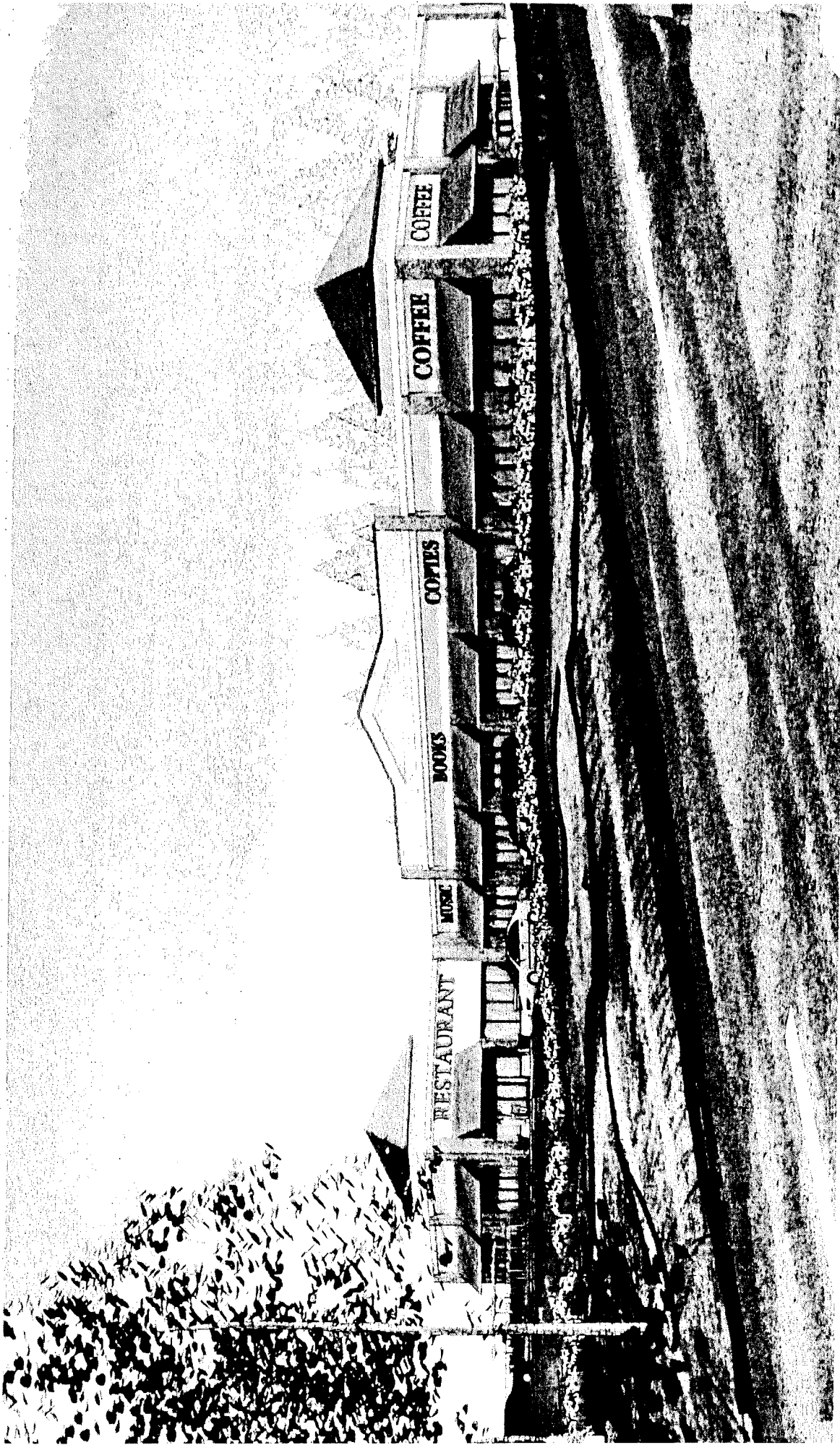
- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the 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 applicant presented a revised concept drawing to the Committee which illustrated a drive-through facility for the outlot restaurant along Pleasant Valley Road. As this was not shown on the Concept Development Plan that was presented at the Public Hearing, the applicant may later present this as a potential minor or major amendment to the Concept Development Plan if this option would come to fruition.
 4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and 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. A centerline strip which is at, or approximates, a 90 degree angle with Old Toll Road shall be painted in the Old Toll Road access point. A directional or regulatory type sign which states "no truck left turn" shall be installed at this access point.

2. In lieu of a landscape buffer yard along the common property line between the two proposed lots, a greater amount of landscaping shall be provided along the site's US 42 frontage in accordance with the Zoning Administrator's requirements.
3. A sidewalk link/cut-through shall be provided across the site from the Old Toll Road access point, across the front of the multi-tenant building, and to the US 42 access point. Marked crosswalks will be provided where this walk crosses vehicular areas.
4. The design of the multi-tenant building shall follow the submitted architectural concept (attached). EIFS may be used for sign band and parapet areas (portions of the building that are higher than the storefront units), and architectural grade masonry shall be used otherwise. The outlot restaurant shall follow the same basic design concept and material requirements. Roof mounted equipment on both buildings shall be completely screened.
5. A development identification monument style freestanding sign shall be permitted along the US 42 frontage. A smaller monument style ID sign shall be permitted along the Old Toll Road frontage near the site's access point; this sign shall be limited to 10 feet in height and 100 square feet in size. The design and materials of both monument signs shall correlate to the buildings on the site. Building mounted signage shall follow a consistent design scheme which relates to the building design.

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



H E M M E R
Your Building Partner

Pleasant Valley Commons

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

**May 21, 2008
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mrs. Vivian Llambi, Mr. McMillian, Mr. Poe, Mr. Charlie Reynolds, and Mr. Schwenke.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Judy Arnett, Secretary/Treasurer, called the meeting to order at 7:38 PM and introduced the first item on the Agenda:

Applicant: **Paul Hemmer Companies (owner by contract)**

Request: **Concept Development Plan**

The request of Paul Hemmer Companies (owner by contract) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

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

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

Mr. Mike Hargis, Vice President of Paul Hemmer Companies, owner of the property, stated that there is a right-turn in only access off U.S. 42 and a full access drive off Old Toll Road. Mr. Wall noted that this information is correct in the Staff Report, but he misspoke in his presentation. Mr. Hargis stated that they are here for plan approval, not for a zone change. He stated that they met with the

City of Florence and the city submitted a letter last week stating that they intend to annex the property and, therefore, the plan will be reviewed by the City of Florence. Mr. Wall stated that he did not receive the letter and he will contact the City of Florence. Mr. Hargis will provide a copy of the letter to Staff tomorrow.

Mr. Hargis stated that a large percentage of the rock wall on the site will be in the reconstruction area of Old Toll Road. They will coordinate with the Highway Department in regard to the grading. He stated that they met with the City of Florence and have agreed to allow representatives of the City of Florence and the Planning Commission (Matt Becher) to look at the house and document it. Mr. Becher indicated to him that they are not interested in the additions to the house – just the original structure and the stone wall. Mr. Hargis stated that they are welcome to relocate the house and the stone wall. They will meet with Matt Becher on the property next week. He stated that he met with Kevin Wall in regard to the signage prior to the application and they agreed to signs that are in compliance with the current C-2 zoning. They talked about a monument sign on U.S. 42 and a smaller road sign on the Old Toll Road side. They will have tenant signs for the 16,000 square foot L-shaped building. He stated that he planned to discuss the landscaping and architecture more at the Committee meeting, but he has drawings available if the Commissioners want to see them. He stated that they have been working on the site for a year and a half and have taken into consideration all of the proposed improvements along Pleasant Valley Road and along U.S. 42. He stated that the Highway Department plans to put sidewalks along Old Toll Road and U.S. 42 when the improvements occur. A large portion of Old Toll Road will be removed and realigned. The City of Florence felt that it would be a waste of money to put sidewalks in an area where they could be taken out within a year or two when the road improvement occurs. He stated that the site is topographically challenging. The high point is at the car wash. He presented a sketch of the L-shaped building and stated that, because of the severity of the grade, they will use the back wall of the building as a retaining wall -- there will be a ten-foot high foundation wall at the back of the building and the area will drain into the storm system. He stated that they are in discussion with a family-style sit-down restaurant, which could occupy 5,400 – 5,500 square feet of the building, and would have an outside patio area for dining. The rest of the building is multi-tenant. Potential tenants include a beauty shop, a sandwich shop with a small outside patio, and other retail uses. He indicated the right-in access and the upper parking lot for the multi-tenant retail building. He indicated the full access point onto Old Toll Road. He stated that the 178 parking spaces meet the requirement for the restaurant and retail users. All of the buildings in the development are one-story buildings. He offered to answer any questions. This concluded the applicant's presentation.

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

Mrs. Arnett asked if there were any comments or questions from the Commissioners.

Mrs. Kegley agreed that there is quite a hill there. She asked what the building on the Pleasant Valley Road side would look like. She asked if there will be huge retaining walls that people can see. Mr. Hargis responded that the Highway Department is building huge retaining walls, but he is not. He is trying to work his grades down to the grade that goes into the retaining wall, which is approximately 35 feet off the south property line. He estimated that the wall the Highway Department will build is about ten feet high and even higher near the church. The Highway Department is taking out the Old Toll building. Mrs. Kegley stated that is difficult to image how they are going to develop the site. Mr. Hargis stated that they have good engineers and he will bring the Grading Plan to the Committee Meeting. He reviewed the slopes on the property and indicated the area that the state will grade and where the state will build the retaining wall along the roadway.

Mrs. Llambi questioned the finished floor elevation of the restaurant. Mr. Hargis estimated that it would be at about elevation 818. Mrs. Llambi asked if the parking lot will be terraced. Mr. Hargis responded that it is on an even slope. He indicated the upper parking lot and the driveway that is steeper than 5% and terraces it down. He stated that they have to meet the elevations of both roads and that is the reason for the configuration of the driveway on Old Toll Road.

Mr. Breetz stated that Old Toll Road relocated looks like it has a right-in/right-out access to Pleasant Valley Road. Mr. Hargis stated that Pleasant Valley Road access to Old Toll Road will be a right turn in from U.S. 42 – you would go down Pleasant Valley Road and take the loop up. Coming out of the development, if you made a left turn you would go down Old Toll Road and you could only make a right turn. Mr. Breetz stated that people exiting the development to go south on U.S. 42 would have to go north on Old Toll Road and go up to the traffic light. Mr. Hargis responded that it what the state wanted. Mr. Breetz asked if traffic studies of the intersection have been done. Mr. Hargis responded that they have not done traffic studies – this is the way the Highway Department told them they wanted it done. Mr. Breetz questioned the width of the right-in access from U.S. 42. Mr. Hargis responded that it is a single lane 15' – 16' wide.

Mr. McMillian questioned the potential for the street frontage landscaping to block visibility at the intersections. Mr. Wall responded that it is a big intersection and the road pavement is off the site and there is a retaining wall. He stated that there will have to be proper placement of the trees.

Mr. Carmichael questioned where deliveries will be made to the L-shaped building and where the second exit to the retail space is located. Mr. Hargis responded that a use that has less than 50 people and less than a 75-foot travel distance is not required to have a second exit out the back. He stated that the


buildings are 66 feet deep and most of the tenants will have 2,000 square feet of space. He indicated where deliveries to the restaurant will occur and the location of the dumpster. Mr. Carmichael asked if there is a firewall. Mr. Hargis responded that a firewall is not required. He stated that the buildings are fully sprinklered.

Mr. McMillian asked if the Fire Department has approved not having a fire escape and no way to get out of the back of the building. Mr. Hargis responded that the plan has not been submitted to the Fire Department, but they will ultimately have to do that.

Mr. Costello stated that the extent of the road improvements is limited in terms of the new Old Toll Road. He is concerned about the stretch of road from this development to Harvey Quast. He stated that Old Toll Road is not wide enough and a lot of traffic will be forced to make the left turns and use that road. It will be the primary access to the development for people living off of Pleasant Valley Road. Mr. Hargis agreed. Mr. Costello asked if there was any discussion about improving that road. Mr. Hargis respond "nothing other than the improvements the state is going to make". Mr. Costello stated that it is a well-traveled road where people cut through, particularly in the peak hours. Mr. Hargis stated that it is a city-owned road. Mr. Costello asked if the city has stated any position on it. Mr. Wall responded "no". Mr. Costello stated that he believes the volume of traffic on that road is being under-estimated and they should look at it more closely. Mr. Hargis stated that they talked with the City of Florence Public Works Department and it was not mentioned. Mr. Costello stated that there has to be a sidewalk on that road. There will be sidewalks and bike lanes on Pleasant Valley Road and people will be walking up and down Old Toll Road. Mr. Hargis responded that they have no problem with the sidewalks -- just the timing -- and on the unimproved section there is no shoulder and it drops down into a deep swale. Mr. Costello stated that if this request is approved by the city, then their intent is to build prior to the reconstruction of the road. He stated that Old Toll Road will be unlimited left turn in and left turn out before it is reconstructed. Mr. Hargis agreed and stated that they will work with the city to develop a sidewalk plan that would go from behind the existing car wash down to their driveway and then they would stop the sidewalk until they figure what the state is going to do and when. Mr. Costello stated that when McDonald's and Taco Bell went in, their primary access was off U.S. 42 and the connection to Old Toll Road was secondary -- but for this development the connection to Old Toll Road will be primary for people that want to leave Pleasant Valley Road and make the left turn. Mr. Hargis stated that a lot of the traffic will be eliminated when the improvements go in because there will not be a left turn from Pleasant Valley Road up Old Toll Road. The traffic from people cutting through to avoid the traffic on U.S. 42 will be negated, but people could still cut through Old Toll Road to get from U.S. 42 down to Pleasant Valley Road.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on June 4, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on June 18, 2008 at 7:00 PM. Mrs. Arnett closed this Public Hearing.


APPROVED:



Judy Arnett, Secretary/Treasurer



Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 4, 2008

RE: Request of **Paul Hemmer Companies (owner by contract)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

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.

Paul Hemmer Companies - Old Toll Road

June 4, 2008

Janet Kegley, Chairwoman

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Judy Arnett

Judy Arnett

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Kim Bunger

Kim Bunger

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

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 ___

P. Reynolds

Patrick Reynolds (Alternate)

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Bob Schwenke (Alternate)

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

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

SUPPORTING INFORMATION

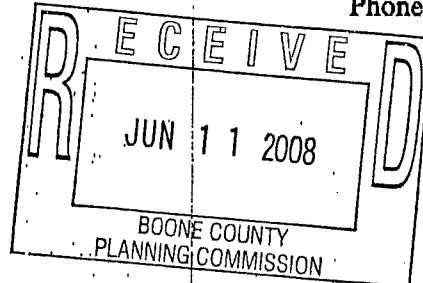


BOONE COUNTY PLANNING COMMISSION

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

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

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



June 5, 2008

Mr. Mike Hargis
 Paul Hemmer Dev. III
 250 Grandview Drive
 Ft. Mitchell, KY 41011

FAX: 341-6817

RE: Recommended Conditions of Approval for Paul Hemmer Companies Concept Development Plan Application, 8572 Old Toll Road, Boone County (Annexation into City of Florence Pending), Kentucky

Dear Mr. Hargis:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 6/4/08 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, June 13, 2008.

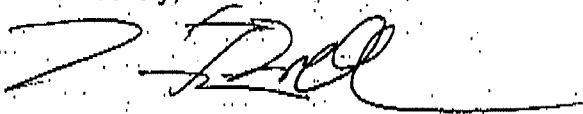
CONDITIONS

1. A centerline strip which is at, or approximates, a 90 degree angle with Old Toll Road shall be painted in the Old Toll Road access point. A directional or regulatory type sign which states "no truck left turn" shall be installed at this access point.
2. In lieu of a landscape buffer yard along the common property line between the two proposed lots, a greater amount of landscaping shall be provided along the site's U.S. 42 frontage in accordance with the Zoning Administrator's requirements.
3. A sidewalk link/cut-through shall be provided across the site from the Old Toll Road access point, across the front of the multi-tenant building, and to the U.S. 42 access point. Marked crosswalks will be provided where this walk crosses vehicular areas.
4. The design of the multi-tenant building shall follow the submitted architectural concept (attached). EIFS may be used for sign band and parapet areas (portions of the building that are higher than the storefront units), and architectural grade masonry shall be used otherwise. The outlot restaurant shall follow the same basic design concept and material requirements. Roof mounted equipment on both buildings shall be completely screened.

Mr. Mike Hargis
June 5, 2008
Page 2

- 5. A development identification monument style freestanding sign shall be permitted along the U.S. 42 frontage. A smaller monument style ID sign shall be permitted along the Old Toll Road frontage near the site's access point; this sign shall be limited to 10 feet in height and 100 square feet in size. The design and materials of both monument signs shall correlate to the buildings on the site. Building mounted signage shall follow a consistent design scheme which relates to the building design.

Sincerely,



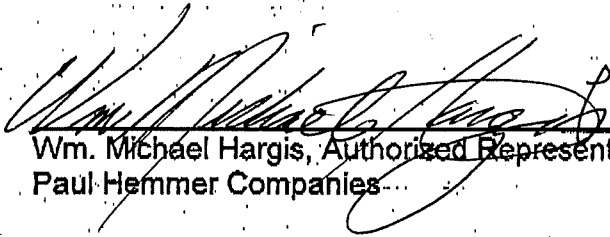
Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

Enclosure

AGREEMENT

I, the property owner's authorized representative for the 3.501 acre tract at 8572 Old Toll Road, Boone County (Annexation into City of Florence Pending), Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan application.



Wm. Michael Hargis, Authorized Representative
Paul Hemmer Companies

6/9/08
Date



H E M M E R
Your Building Partner



Pleasant Valley Commons

**VIOX & VIOX**

Civil Engineers, Surveyors, and Landscape Architects

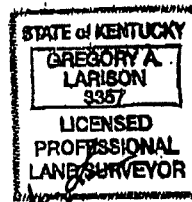
466 Erlanger Road
Erlanger, Kentucky 41018Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

April 10, 2008

DESCRIPTION OF 3.501 ACRES
TO BE ANNEXED
BY THE CITY OF FLORENCE

Located in Boone County, Kentucky; lying on the northwest side of U.S. Highway 42 northeast of Kentucky Highway 237 and is more particularly described as follows:

Beginning at an existing iron pin in the northwest right-of-way line of U.S. Highway 42, 53.85 feet as measured perpendicular to the centerline, at the most northeasterly common corner of John Yoder (Deed Book 422, page 177), Lot 3 of Quast Subdivision (Cabinet 4, Plat Slide 272) and the City of Florence Boundary; thence with said right-of-way line S 42°06'26" W 262.54 feet to a point; thence S 41°03'51" W 206.18 to an iron pin (set) at the right-of-way intersection of U.S. Highway 42 and relocated Kentucky Highway 237; thence the right-of-way line Kentucky Highway 237 N 48°19'19" W 269.52 feet to an iron pin (set) at the right-of-way intersection of relocated Kentucky Highway 237 and Old Toll Road; thence with said right-of-way line of Toll Road N 09°09'41" E 86.24 feet to a point; thence N 32°27'57" E 191.52 feet to a point; thence N 37°45'56" E 65.99 feet to a point; thence N 51°08'09" E 132.70 to an existing iron pin at the most northwesterly common corner of John Yoder, Lot 3 of Quast Subdivision and the City of Florence Boundary; thence with the common line of Yoder, Lot 3 and the City of Florence Boundary S 50°05'51" E 329.15 feet to the point of beginning containing 3.501 acres and being subject to all right-of-ways and easements of record.



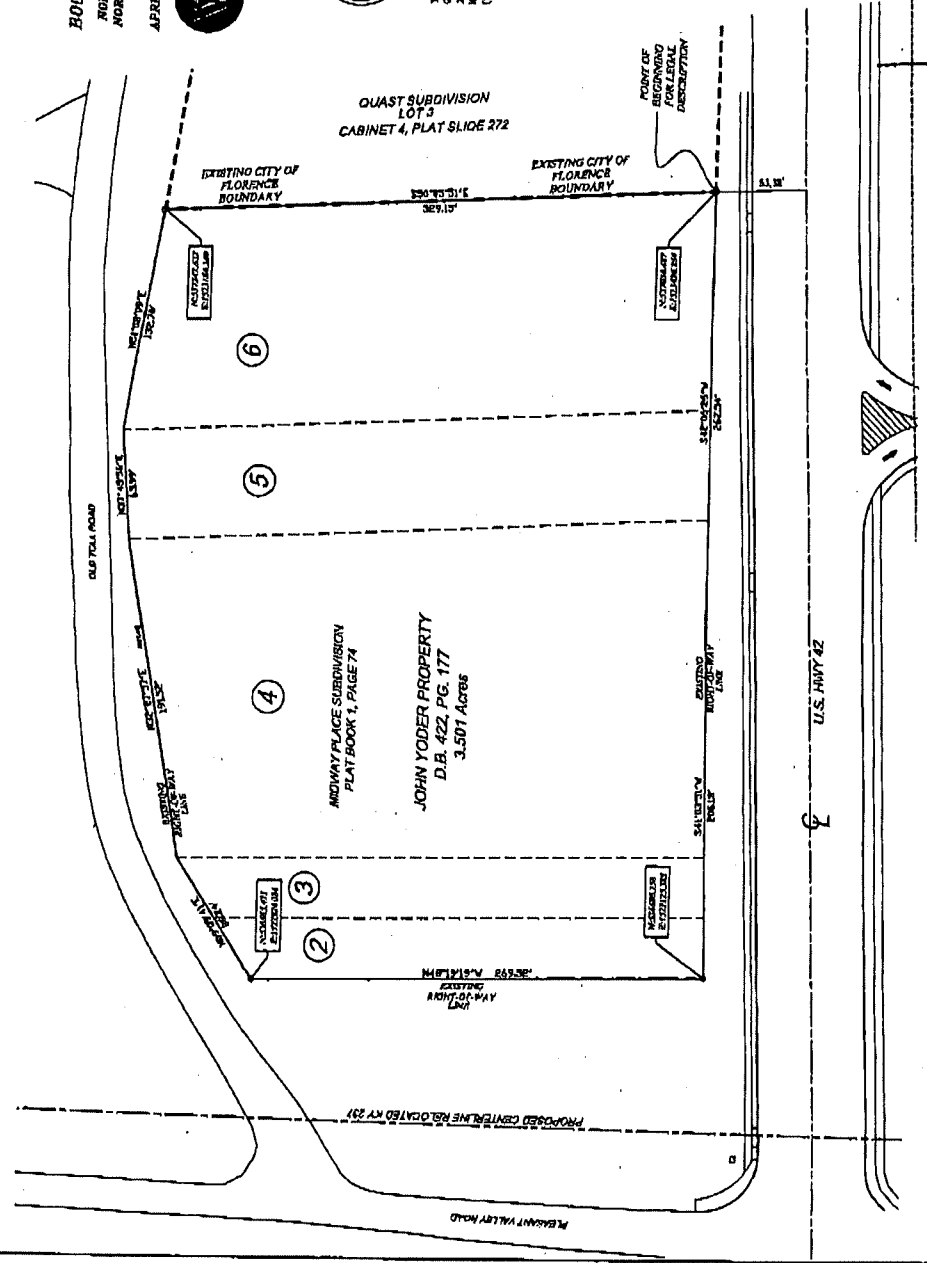
4/10/08

PLAT OF 3.501± ACRES
TO BE ANNEXED BY
THE CITY OF FLORENCE
BOONE COUNTY KENTUCKY
NORTHEAST SIDE OF U.S. HIGHWAY 42
NORTHEAST OF KENTUCKY HIGHWAY 237

APRIL 16, 2008 SCALE: 1" = 50'



This plat was prepared from a field measurement by
Georgia A. Larkin, C.S., L.S. 2322, on June 15, 2007, and
2008. The bearings shown herein are based on the
Maryland State Plane Coordinate System, North Zone, NAD83
(1983)



ORDINANCE NO. O-13-08

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 3.501 ACRE SITE LOCATED AT 8572 OLD TOLL ROAD, BOONE COUNTY, KENTUCKY, TO ALLOW RESTAURANT AND RETAIL USES. (YODER/PAUL HEMMER DEVELOPMENT COMPANY IV, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-08-014-A recommended approval, with conditions, for a 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 Eliane Yoder as Executrix of the John P. Yoder Estate and Paul Hemmer Development Company IV, LLC (Owners), for approval of a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone, for a 3.501 acre site located at 8572 Old Toll Road, Boone County, Kentucky, in conjunction with proposed annexation of the 3.501 acres into the City of Florence, Kentucky, shall be and is hereby approved, subject to agreed conditions for this site, this Concept Development Plan being to allow restaurant and retail uses. 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 Concept Development Plan for this subject property.

SECTION II

The approval of this 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-08-014-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-08-014-A, marked Exhibit "A", and attached hereto.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 22nd DAY OF July, 2008.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 5th DAY OF August, 2008.

APPROVED:

Deane & Whalen
MAYOR

ATTEST:

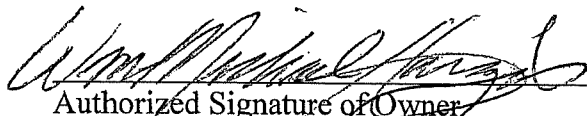
[Signature]
CITY CLERK




**City of Florence Special Conditions of Approval
For**

**A Concept Development Plan
On a 3.501 Acre Site Located at 8572 Old Toll Road at the Intersection
Of U.S. 42, Pleasant Valley Road and Old Toll Road
Paul Hemmer Development Company IV, LLC, Owner**

1. The design of the multi-tenant building shall follow the architectural design concept and materials established by Boone County Planning Commission Condition of Approval # 4 except that architectural grade CMU may only be used for knee walls and architectural grade brick masonry materials shall be used for side and rear elevations from the knee walls (if applicable) to the EIFS parapet/sign band. Architectural grade CMU may be used for knee walls only on the front elevations. The outlot building shall follow the same basic design and material concept.
2. Dumpster enclosure(s) shall be constructed of materials to match the buildings.
3. The applicant agrees to continue to work with City Staff and Boone County Planning Commission staff to the extent possible to allow reasonable access to property for removal of mutually agreed upon historic artifacts.
4. The applicant agrees to construct sidewalk along the Old Toll Road frontage from their property line near Pleasant Valley Road to their Old Toll Road curb cut after the Pleasant Valley Road reconstruction project is completed.


Authorized Signature of Owner


Date



Dear Sirs and/or Madams:

Enclosed please find a certified copy of City of Florence, Kentucky Ordinance No. O-13-08:

ORDINANCE NO. O-13-08:

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 3.501 ACRE SITE LOCATED AT 8572 OLD TOLL ROAD, BOONE COUNTY, KENTUCKY, TO ALLOW RESTAURANT AND RETAIL USES. (YODER/PAUL HEMMER DEVELOPMENT COMPANY IV, LLC PROPERTY)

The First Reading of Ordinance No. O-13-08 was held on the 22nd Day of July, 2008. The Second Reading of Ordinance No. O-13-08 was held on the 5th Day of August, 2008. Ordinance No. O-13-08 was published in the *Boone County Recorder* on the 14th Day of August, 2008 at which time the Ordinance became statutorily official.

Please contact me if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Christofield", written over a horizontal line.

Joseph A. Christofield
City Clerk
Florence

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify the foregoing is a true and correct copy of Ordinance O-13-08 as same appears in the official records of my office.

Dated this 22nd day of September, 2008.

A handwritten signature in black ink, appearing to read "J. Christofield", written over a horizontal line.

Joseph A. Christofield
City Clerk
Florence



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

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

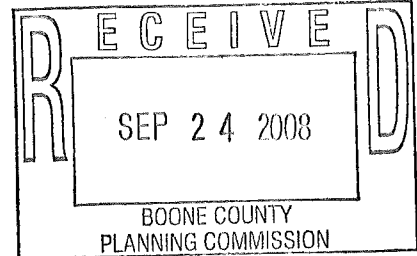
Administrative Services Manager **Vicki Myers**
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

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

Director **James Staverman**
Boone County Public Safety Communications Center
Florence Government Center
Florence, KY 41042

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

Paul Hemmer Development Co. IV
250 Grandview Drive
Ft. Mitchell, KY 41017





A handwritten signature in black ink, appearing to read "James", with a long horizontal line extending to the right.

County Clerk **Rena Ping**
Boone County
P.O. Box 874
Burlington, KY 41005

Governor's Office for Local Development
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601

Secretary of State **Trey Grayson**
700 Capital Avenue, Suite 152
Frankfort, KY 40601

Address Management Systems

Att: Gene Roland
U. S. Postal Service
1591 Dalton Street
Cincinnati, OH 45234-9321

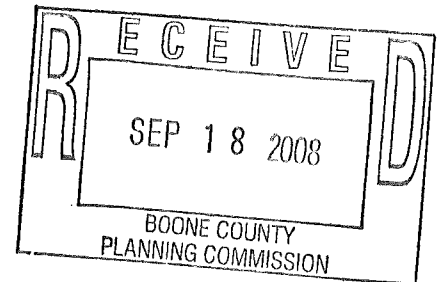
Administrative Services Manager **Vicki Myers**
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Boone County Board Of Education
8330 U.S. 42
Florence, KY 41042

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

CSI Waste Services of Greater Cincinnati
11563 Mosteller Road
Cincinnati, OH 45241

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



Cincinnati Bell

Att: Mark Johnson
201 East 4th Street
Building #343
Cincinnati, OH 45202

Cinergy

Att: Jim Gillespie
424 Gest Street, Room 317
Cincinnati, OH 45202

City Engineer **Bill Viox**

Viox & Viox Inc.
466 Erlanger Road
Erlanger, KY 41018

Director **Dan Maher**

Boone County Emergency Management
P.O. Box 960
Burlington, KY 41005

Director **James Staverman**

Boone County Public Safety Communications Center
Florence Government Center
Florence, KY 41042

Insight Communications

Att: Linda Begnoche
7906 Dixie Highway
Florence, KY 41042

Judge/Executive **Gary Moore**

Boone County
P.O. Box 900
Burlington, KY 41005

Kentucky League of Cities

101 E. Vine Street, Suite 600
Lexington, KY 40507-3700

Northern Kentucky Area Development District

22 Spiral Drive
Florence, KY 41042

Owen Electric Cooperative, Inc.

Att: Mike Cobb
8205 Hwy 127 N
P.O. Box 400
Owenton, KY 40359-3036

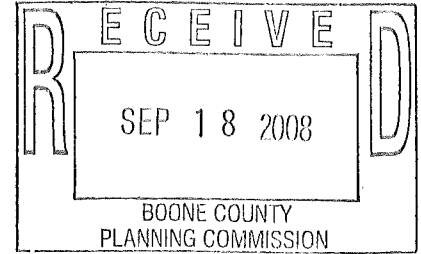
Postmaster **Nancy Huber**
Florence Post Office
7101 Turfway Road
Florence, KY 41042

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

Sheriff **Mike Helmig**
Boone County
P.O. Box 198
Burlington, KY 41005

Cayton Development LLC
1530 Amsterdam Road
Ft. Wright, KY 41011

Pentagon Management
1530 Amsterdam Road
Ft. Wright, KY 41011



Dear Sirs and/or Madams:

Enclosed please find a certified copy of City of Florence, Kentucky Ordinance No. O-7-08:

ORDINANCE NO. O-7-08:

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 3.501 ACRES LOCATED ON THE NORTHWEST SIDE OF U.S. HIGHWAY 42, NORTHEAST OF KENTUCKY HIGHWAY 237, ADJACENT TO THE CITY LIMITS. (YODER/PAUL HEMMER DEVELOPMENT COMPANY IV, LLC PROPERTY)

This property was annexed at the request of Eliane Yoder as Executrix of the Estate of John P. Yoder and Paul Hemmer Development Company IV, LLC. Exhibit A, the legal description, and Exhibit B, the plat map of said property, are included herewith. According to the owner, there are 0 registered voters residing on this property at present.

The First Reading of Ordinance No. O-7-08 was held on the 13th Day of May, 2008. The Second Reading of Ordinance No. O-7-08 was held on the 5th Day of August, 2008. Ordinance No. O-7-08 was published in the *Boone County Recorder* on the 14th Day of August, 2008 at which time the Ordinance became statutorily official.

Please contact me if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Christofield".

Joseph A. Christofield
City Clerk
Florence

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify the foregoing is a true and correct copy of Ordinance No. O-7-08 as same appears in the official records of my office.

Dated this 16th day of September, 2008.

A handwritten signature in black ink, appearing to read "J. Christofield".

Joseph A. Christofield
City Clerk
Florence

ORDINANCE NO. 0-7-08

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 3.501 ACRES LOCATED ON THE NORTHWEST SIDE OF U.S. HIGHWAY 42, NORTHEAST OF KENTUCKY HIGHWAY 237, ADJACENT TO THE CITY LIMITS. (YODER/PAUL HEMMER DEVELOPMENT COMPANY IV, LLC PROPERTY)

WHEREAS, Eliane Yoder as Executrix of the John P. Yoder Estate and Paul Hemmer Development Company IV, LLC, being the owners of record of the hereinafter described territory (the "territory"), have requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owner has given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that after annexation the territory shall remain subject to the same land use restrictions as applied to it prior to annexation until such restrictions are changed in accordance with K.R.S. Chapter 100.

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

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION III

The owner of record of the territory has filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1) the territory shall, after annexation, remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed in accordance with K.R.S. Chapter 100.

SECTION V

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 13th DAY OF May, 2008.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 5th DAY OF August, 2008.

APPROVED:

Deane & White
MAYOR

ATTEST:

[Signature]
CITY CLERK



VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

Exhibit "A"

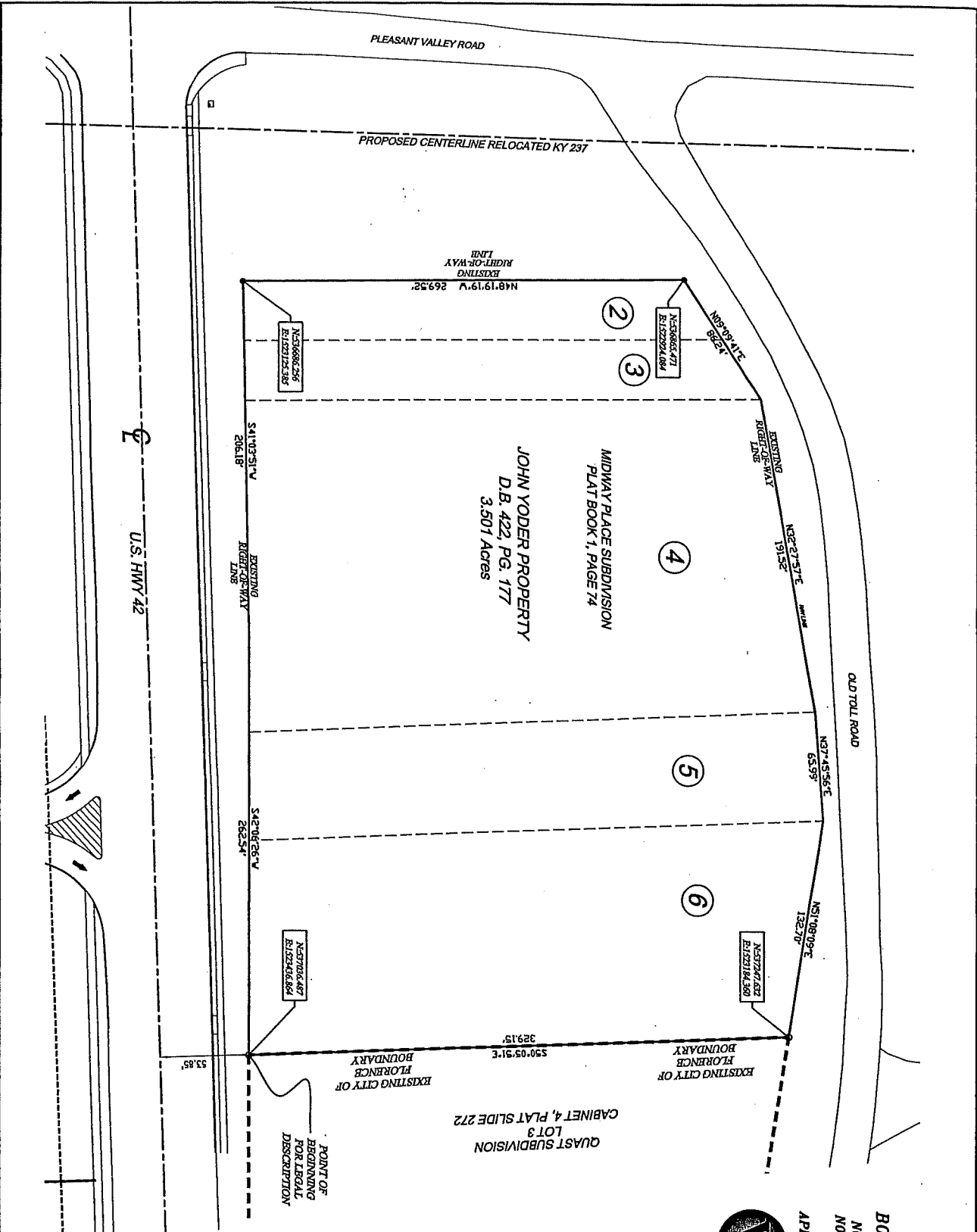
April 10, 2008

DESCRIPTION OF 3.501 ACRES
TO BE ANNEXED
BY THE CITY OF FLORENCE

Located in Boone County, Kentucky; lying on the northwest side of U.S. Highway 42 northeast of Kentucky Highway 237 and is more particularly described as follows:

Beginning at an existing iron pin in the northwest right-of-way line of U.S. Highway 42, 53.85 feet as measured perpendicular to the centerline, at the most northeasterly common corner of John Yoder (Deed Book 422, page 177), Lot 3 of Quast Subdivision (Cabinet 4, Plat Slide 272) and the City of Florence Boundary; thence with said right-of-way line S 42°06'26" W 262.54 feet to a point; thence S 41°03'51" W 206.18 to an iron pin (set) at the right-of-way intersection of U.S. Highway 42 and relocated Kentucky Highway 237; thence the right-of-way line Kentucky Highway 237 N 48°19'19" W 269.52 feet to an iron pin (set) at the right-of-way intersection of relocated Kentucky Highway 237 and Old Toll Road; thence with said right-of-way line of Toll Road N 09°09'41" E 86.24 feet to a point; thence N 32°27'57" E 191.52 feet to a point; thence N 37°45'56" E 65.99 feet to a point; thence N 51°08'09" E 132.70 to an existing iron pin at the most northwesterly common corner of John Yoder, Lot 3 of Quast Subdivision and the City of Florence Boundary; thence with the common line of Yoder, Lot 3 and the City of Florence Boundary S 50°05'51" E 329.15 feet to the point of beginning containing 3.501 acres and being subject to all right-of-ways and easements of record.

STATE of KENTUCKY
GREGORY A. LARISON
3357
LICENSED PROFESSIONAL LAND SURVEYOR
4/10/08



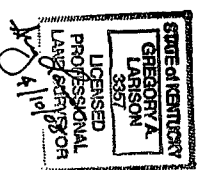
PLAT OF 3.501± ACRES
 TO BE ANNEXED BY
 THE CITY OF FLORENCE
 BOONE COUNTY KENTUCKY
 NORTHWEST SIDE OF U.S. HIGHWAY 42
 NORTHEAST OF KENTUCKY HIGHWAY 237

APRIL 10, 2008 SCALE: 1" = 50'



This plat was prepared from a field survey performed by Gregory A. Larson, PLS 3357, for Vox & Vox, Inc., March of 2008. The bearings shown hereon are based upon the Kentucky State Plane Coordinate System, North Zone, NAD83 (1983).

EXHIBIT "B"



POINT OF BEGINNING FOR LEGAL DESCRIPTION

QUAST SUBDIVISION
 LOT 3
 CABINET 4, PLAT SLIDE 272

EXISTING CITY OF FLORENCE BOUNDARY

EXISTING CITY OF FLORENCE BOUNDARY

550°09'51"E 329.15'

N51°09'09"E 132.70'

N37°43'56"E 65.93'

N32°21'57"E 191.52'

N32°21'57"E 82.72'

191.52'

EXISTING RIGHT-OF-WAY LINE
 N48°19'19"V 269.32'

N53°06'47"E 122.04'± 0.84'

EXISTING RIGHT-OF-WAY LINE
 S41°03'51"V 206.18'

S42°08'26"V 262.54'

N53°06'47"E 122.04'± 0.84'

N53°06'47"E 122.04'± 0.84'

U.S. HWY 42

PLEASANT VALLEY ROAD

PROPOSED CENTERLINE RELOCATED KY 237

OLD TOLL ROAD

JOHN YODER PROPERTY
 D.B. 422, PG. 177
 3.501 Acres

MIDWAY PLACE SUBDIVISION
 PLAT BOOK 1, PAGE 74

2

3

4

5

6

