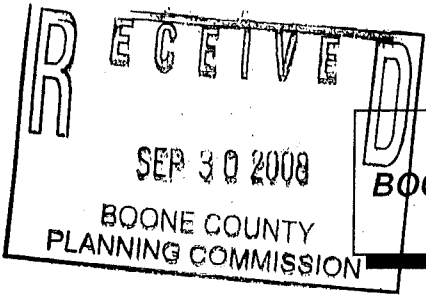


09-2ma/CDP-003-A



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project The Paddock
- 2. Location of Project Richwood Rd @ Grand National Blvd
- 3. Total Acreage of Site 5.51 (2.61 zone change)
- 4. Current Zoning of Site C-3 / EPD
- 5. Proposed Zoning (Classification being requested) EPD
- 6. Proposed Uses (please specify each use) Drug Store, Commercial, Retail, Resturant

- 7. Names of Applicant(s) Viox+Viox, Inc (Jonathan Brown)
- Phone Number 727-3293 Fax No. 727-8452

- 8. Address of Applicant(s) 4666 Erlanger Rd
- Erlanger KY 41048
- City State Zip

- 9. Name of Property Owner(s) see attached
- Phone Number see attached Fax No. _____

- 10. Address of Property Owner(s) see attached

- 11. Proposed Building Intensities (please specify) 35,000 sf / 5.51 = 6352 sf/ac

- 12. Are there any existing buildings on the site? yes (to be removed)
- How many? 4 houses + out-building

- 13. Deed Book see attached Page No. see attached Group No. 2071

- 14. Are you also applying for:
- no Conditional Use Permit
- no Dimensional Variance

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

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

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

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

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT - 1 2008
BOONE COUNTY
PLANNING COMMISSION

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

1. Check One:

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

- 2. Name of Project The Paddock
- 3. Location of Project Richwood Rd @ Grand National Blvd
- 4. Total Acreage of Site 5.51
- 5. Current Zoning EPD/C-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) NA
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
- 8. Proposed Uses (please specify each use) Dug Store, C-2 use, O-2 uses
- 9. Proposed Building Intensities (please specify) 35,000 sf / 5.51 = 6352 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) Viox + Viox Inc. (Jonathan Brown)
Phone Number 727-3293 Fax No. 727-8452
- 13. Address of Applicant(s) 4100 Erlanger Rd
Erlanger KY 41018
City State Zip
- 14. Name of Property Owner(s) Anchor Properties (by contract)
Phone Number 513-403-2399 (Bob Mooney) Fax No. _____
- 15. Address of Property Owner(s) 128 East 2nd St
Covington KY 41011
City State Zip
- 16. Are there any existing buildings on the site? yes
How many? 4 houses
- 17. Deed Book --- Page No. _____ Group No. 2071
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

November 5, 2008

PROPOSAL

This request is for a zone change from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area, and a Concept Development Plan for a 3.045 acre area, both for a site located on the southeast corner of the Richwood Road/Grand National Boulevard intersection in Boone County. The size of the overall site stated on the application forms is 5.51 acres. The Concept Development Plan states that the proposal is for a pharmacy and uses permitted in the C-2 and O-2 zones. Aside from the retail pharmacy, the developments on the other three lots are shown for illustrative purposes.

The Concept Development Plan shows the following four lots.

Walgreens: This is a 2.32 acre lot proposed for a 15,000 square foot retail pharmacy. Parking areas are shown along both the Richwood Road and Grand National Boulevard street frontages, a drive-through lane is shown along the rear of the building, and a service area is shown along the east side of the building.

Bank: This is a 1.02 acre lot shown with a 5,000 square foot bank. Parking is shown at the front, rear, and west sides of the building, and a four lane drive-through is shown along the east side of the building.

Retail Center: This is a 0.90 acre lot shown with a 10,000 square foot retail building, presumably multi-tenant. Parking is shown at the front and rear of this building.

Restaurant: This is a 1.27 acre lot shown with a 5,000 square foot restaurant. Parking is shown on all sides of the building, with a drive-through lane along the east side of the building.

Access is shown at the southwest corner of the site along Grand National Boulevard, and along the common property line between the Walgreens and bank sites on Richwood Road. Improvements along Grand National Boulevard are noted as a left-hand turn lane into the new access point, an extension of the existing landscape median that is near the intersection with Richwood Road, and the dedication of right-of-way. The future expansion of Richwood Road and future signal at the Richwood Road/Grand National Boulevard intersection are indicated on the plan.

The four lots are interconnected with shared driveways which run east/west across the front and rear of the lots, and a sidewalk system which connects the lots to the two adjoining streets. A crosswalk across Grand National Boulevard between this site and the existing bike path on the opposite side of the road is also shown. A north/south shared driveway is also shown between the Walgreens and bank lots which extends from the Richwood Road access point. A driveway connection is shown stubbed from the rear of the restaurant lot to the adjoining Skyline Chili lot to the east. The Concept Development Plan notes that fencing which will match the existing along Grand National Boulevard will be provided along the site's Richwood Road frontage, and the plan shows an approximate 115 foot wide grading easement outside of the project site along the south boundary.

Architectural elevations were submitted for the four buildings in the development. The elevations for the Walgreens show that the building will be constructed primarily of brick, textured CMU, and precast concrete with a parapet design (matching materials on all four sides). Gabled massings are proposed over the main entry and on the elevations facing the adjoining streets. Dimensional shingles are shown for the roofing material. Dumpster/equipment enclosures are proposed to be constructed with the same materials as the building. The elevations for the other three buildings are illustrative/representational to show that all buildings in the development will follow a common design theme, but are not specific proposals as the users are unknown. These illustrative designs use the same colors and materials as the Walgreens building and show the use of parapet, gabled, and combination parapet/gabled designs.

Building mounted signage is conceptually shown on the Walgreens elevations with three building mounted signs proposed on both of the street facing facades, but no dimensions or sizes are stated. The project narrative states that signage, parking, lighting, and landscaping will follow the requirements of the Boone County Zoning Regulations. A traffic impact study was also submitted.

ADJACENT LAND USES AND ZONING

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

- A. A rolling pasture area which contains several buildings that are near the subject is located to the immediate south (C-3 and EPD). The Legends of Steeplechase multi-family development is located further to the south (UR-1).
- B. Two restaurants, two gas station/convenience stores, a bank, and mini-warehouses are located to the east along the south side of Richwood Road between the subject site and I-75 (C-3).
- C. An undeveloped area is located to the north and northwest across Richwood Road at the Triple Crown Boulevard/Richwood Road intersection (SR-2/R/PD). Several banks, restaurants, and a truck stop are located to the east/northeast across Richwood Road between the subject site and I-75 (C-3 and C-4).
- D. An undeveloped area is located to the west across Grand National Boulevard from the subject site (EPD) and detached, single family residences on estate lots that front on Richwood Road are located further to the west (A-2).

SITE CHARACTERISTICS

Per the figure stated on the application forms, the site contains 5.51 acres (the stated sizes for the zone change and Concept Development Plan areas individually add to 5.655 acres). The site has approximately 665 feet of frontage along Richwood Road, and approximately 355 feet of frontage on Grand National Boulevard. The site is a continuous slope upwards from Richwood Road. Elevations on the site range from approximately el 832 at the northeast corner of the site along Richwood Road to approximately el 884 in the southern part of the site. There are no structures on the subject site itself, although there are four detached single family residences in the grading easement to the immediate south. There are two shared drives which cross the site from Richwood Road. Soil types on the site include Faywood silty clay loam (FdD3) and Rossmoyne silt loam (RsB, RsC). Public water and sanitary sewer service are available in the area.

SITE HISTORY

The current Employment Planned Development (EPD) zone that applies to part of the property was adopted through the 1991 Zoning Update. The EPD text in the Boone County Zoning Regulations was initially adopted at this same time. A Zoning Map Amendment/Concept Development Plan approval from A-2 and EPD to SR-1/PD for the original 189 acre Steeplechase development was granted in 1997. The overall approval was for 311 detached single family residences and 372 attached/condominium style units. The alignment for Grand National Boulevard, which is the west boundary of the subject

site, was approved as part of this application (3/19/97 Committee Report and Concept Development Plan are attached).

A Concept Development Plan application for a 41.5 acre site, which included the site for the current proposal and additional area to the south and southeast, was submitted in 2007. This plan was for a Walgreens pharmacy and office, retail, and residential uses. A public hearing was conducted on May 2, 2007 and the application was withdrawn on August 14, 2007 before any actions were taken.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the site for "Business Park" (BP) uses and an incidental area in the northeast part of the site for "Commercial" uses. The Business Park designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element text makes the following statements that relate to the overall area and this specific site.

- A. Development to the southwest of the Richwood Interchange must continue the Grand National Boulevard connection to Chambers Road . . .

The remaining undeveloped land on the southwest quadrant of I-75 and Richwood Road is shown as Business Park and Urban Residential. The Business Park area along Richwood Road should develop as an attractive office campus project that provides an appropriate entrance to the Steeplechase to Chambers Road residential corridor. Any business development along Grand National Boulevard must include proper ingress and egress, and provide for needed modifications to the roadway and/or its intersection with KY 338 ("7. Richwood West," pg. 148).

- B. Improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75 . . .

Commercial development along Richwood Road should be screened from the roadway, and serve the developing residential uses in the Richwood - Union area. Curb cuts should be limited and consolidated wherever possible ("8. Richwood Area," pg. 148).

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. Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed ("Development Layout, Lot Sizes, and Setbacks," pp. 140 and 141).
- C. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact ("Buffering," pg. 141).
- D. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

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

- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).
- F. 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 ("Design, Signs, and Historic Preservation," pg. 142).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (887) is expected to increase from 5,973 in the year 2000, to 8,402 in 2010, and to 9,459 in 2020 (pp. 24 and 25).

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

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop.

These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area ("Recommended Areas of Commercial Activity," pp. 63 and 64).

- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads ("Recommended Areas of Industrial and Office Activity," pg. 65).

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

- A. The Frogtown Road and Richwood Road corridors have experienced significant residential construction with very little improvement to the existing roadways. Triple Crown sets a good example with its central, limited access boulevard that connects these two state-maintained roadways. However, other existing roads in the area, such as Hicks Pike and Chambers Road are designed for less traffic. Significant improvements to these roadways will be needed to support extensive growth. Future development in this area should be sensitively designed to minimize impact on existing low density residential land uses, and connecting routes that take traffic off existing roadways should be encouraged. Boone County should be encouraged to work closely with the Kentucky Transportation Cabinet to improve existing roadways ("Union-West Florence Area-West Richwood Area," pg. 80).

The "KY Transportation Cabinet Six-Year Plan" section (pg. 129) of the Transportation Element lists a project described as "reconstruction of the Richwood (KY 338) interchange on I-75/71 - design year 2008." The "Summary of the 2005 Boone County Transportation Plan Recommendations" section (pp. 129 and 130) lists a "recommended capacity project" described as "KY 338, Richwood Rd., widening." The "Street Connections" section (pp. 130 and 131) lists a planned road connection described as "Richwood Road to Beaver Road." Figure 11.4 "Proposed Trail Network" (pg. 131) illustrates a proposed trail alignment running along the west side of I-75 from the south end of Steeplechase Subdivision to Beaver Road.

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

- K. 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).
- L. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).
- M. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- N. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).
- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 6-1 (pg. 6-2) illustrates and lists recommended project 2 involving Richwood Road which is described as "widen to 4 lanes from Chambers Road to US 25/Dixie Highway" (the text on page 6-3 states five lanes from west of Triple Crown Boulevard to Dixie Highway and also mentions reconstruction of the interchange). Exhibit 6-13 lists this as a high priority project to be completed within 10 years. Exhibit 6-18 (pg. 6-29) illustrates a proposed trail along Richwood Road.

Exhibit 6-14 (pg. 6-22) illustrates a proposed controlled access connector from the end of Grand National Boulevard to Chambers Road (intersects at the approximate midpoint between I-75 and Gaines Way); a continuation of this road between Chambers and Beaver Road is shown closer to I-75/71 as a separate alignment. Exhibit 6-1 "Recommended Long-Range Highway Projects" illustrates a road alignment (project 11) from Richwood Road, through (or by) Steeplechase Subdivision to Beaver Road; this project is described as "Frogtown Connector Extension - South, extend Frogtown Connector from KY 338 Richwood Road to KY 1292 Beaver Road." Accompanying text (pg. 6-6) describes this connection as a new four lane road that will serve as a local, parallel alternative to I-71/75. This alignment is described as a low priority project (completed after 20 years) in Exhibit 6-13.

STAFF COMMENTS

1. COMPREHENSIVE PLAN

The governing bodies need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates the majority of the site for "Business Park" (BP) uses and an incidental area in the northeast part of the site for "Commercial" (C) uses.

The Land Use Element ("7. Richwood West," pg. 148) discusses this specific site and the type and character of it's planned development by stating "the remaining undeveloped land on the southwest quadrant of I-75 and Richwood Road is shown as Business Park and Urban Residential. The Business Park area along Richwood Road should develop as an attractive office campus project that provides an appropriate entrance to the Steeplechase to Chambers Road residential corridor. Any business development along Grand National Boulevard must include proper ingress and egress, and provide for needed modifications to the roadway and/or its intersection with KY 338."

The key concepts outlined in this passage are that new development in the area will contribute to "an attractive office campus project" gateway to the area to the south, and that appropriate access management provisions are undertaken. These ideas are supplemented by the "Richwood Area" section of the Land Use Element (pg. 148) which states "commercial development along Richwood Road should be screened from the roadway, and serve the developing residential uses in the Richwood - Union area," and the "Recommended Areas of Commercial Activity" section of the Business Activity Element (pg. 63) which states "highway related commercial activity is appropriate at the I-75/Richwood Road Interchange."

Both the "Richwood West" and "Richwood Area" sections of the Land Use Element quoted above, and the "Union-West Florence Area-West Richwood Area" section of the Housing Element (pg. 80), provide text regarding the area-wide road system. The "Richwood West" section discusses the need for proper access management on Grand National Boulevard, and the "Richwood Area" section states "improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity" and "curb cuts should be limited and consolidated wherever possible" on Richwood Road. Several specific road improvement projects in the area are discussed in both the Transportation Element and the Boone County Transportation Plan 2030 as summarized above. The basic issue of traffic is discussed later in this report.

The Population Element forecasts a substantial increase in population for the traffic zone in question. Although this population forecast infers an increase in demand or need for local services, it is for the zone at large and should not, in and of itself, be construed to endorse a particular land use or density on a specific parcel.

The governing bodies also need to consider the alternate statutory findings for the proposed zone change. In particular, whether the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate needs to be considered as the project narrative states "the applicant determined that the portion of the property zoned C-3 is not appropriate for the proposed development."

2. EPD ZONE STANDARDS

Concept Development Plan proposals in the EPD zone are to be assessed against the standards in sections 1607, 1608, and 1609 of the Boone County Zoning Regulations (full text is attached). Staff offers the following comments regarding these standards.

Section 1607 Land Use Standards

1. This standard states that the type, character, and intensity of uses shall generally conform with the Comprehensive Plan. The Comprehensive Plan is discussed in depth above. A particular point regarding the Plan is that the Business Park Future Land Use Map designation does not include retail uses, which are prevalent in the C-2 zone use list proposed for the site. Related to this standard, Section 1605 "Maximum Intensity and Density" (EPD/RPD Article) states "proposed developments shall be planned in clusters and provide an innovative design as outlined in the objectives and standards of this article."

The application proposes uses which are permitted in the C-2 and O-2 zones. The only accessory uses listed in the project narrative are signage, parking, drive-through windows, and outdoor loading facilities (outside storage/display and retail sale of motor fuels are not listed). To better facilitate conformance with the

Comprehensive Plan as discussed above, especially the BP land use designation and the "office campus project" described in the Land Use Element, Staff recommends that minimally the following uses be excluded from the development or modified as noted, and that the lists be further reviewed in detail by the Zone Change Committee (applicable zoning text is attached).

C-1 Zone (principally permitted uses allowed in C-2 by reference)

Principally Permitted Use #6: Convenience stores.

Principally Permitted Use #31: Recreation centers, gymnasiums, clubs and similar athletic uses.

Principally Permitted Use #33: Funeral homes and crematoriums excluding cemeteries or mausoleums; eliminate crematoriums from this category.

C-2 Zone

Principally Permitted Use #30: Recreation centers, gymnasiums, clubs and similar athletic uses.

Principally Permitted Use #31: Motorcycle sales or bike shops excluding outside storage.

Principally Permitted Use #34: Pawn shops.

Principally Permitted Use #35: Auto parts and accessories stores.

Principally Permitted Use #36: Gasoline filling stations.

Conditional Uses: Eliminate all CUP categories.

O-1 Zone (principally permitted uses allowed in C-2 and O-2 by reference)

Principally Permitted Use #26: Funeral homes and crematoriums excluding cemeteries or mausoleums; eliminate crematoriums from this category.

O-2 Zone

Principally Permitted Use #4: Convenient stores.

Conditional Use #3: Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district.

Conditional Use #4: Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district.

Conditional Use #6: Window cleaning, disinfecting and exterminating, dwelling and building services.

Conditional Use #7: Automobile leasing or rental agencies (maximum storage of 50 vehicles).

This standard also deals with whether the planned development will conform to the Comprehensive Plan relative to impacts on public facilities, services, and road network. Provided the recommendations outlined above are followed, Staff has not identified any specific impacts that are beyond the scope of those anticipated by the Comprehensive Plan. The Comprehensive Plan anticipates that a number of substantial road improvements (outlined above) will be completed to alleviate the traffic impacts created by planned developments. Traffic issues are discussed further below.

2. This standard states that the development shall efficiently utilize the site, incorporate existing natural features into the site design, and include natural areas identified on the Future Land Use Map as open space for recreational or common use. The Concept Development Plan shows "efficient" use of the site based on the type of project that is proposed. The one "scenic asset" or "natural feature" of the types mentioned in this standard is the site's topography, which would necessitate substantial grading for most typical types of development. The site does not contain any natural or developmentally sensitive areas designated on the Future Land Use Map.
3. This standard states in part that "where appropriate, the planned development shall include developable land that is unbuilt and be available for purchase or donation to public agencies for public recreation or public facility building sites." The proposed development is small and does not have any unbuilt areas or parts that are worthwhile for most conventional types of public facilities. These points could be amplified by the site's topography and planned grading, which does need further explanation as discussed below.
4. This standard states "the planned development shall not hinder nor deter development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan." This proposal will not affect the ability of any adjoining property to develop. The proposed development will share an access point on Grand National Boulevard with the vacant area to the south. Although Staff prefers not to use a "T" configuration for this access where it branches on-site between the two properties as shown, the egress lane to Grand National Boulevard is over 110 feet long which alleviates the major concern of adequate stacking space. Related to this issue, standard #14 "Transportation Design" in section 1609, and the Comprehensive Plan, an additional driveway connection between the eastern part of the subject site and the area to the south should be considered.
5. This standard states that the development shall be located in an area where adequate transportation, public services, utilities, and facilities are or will be available. Relative to public services, the Walton Fire District has provided several comments about fire hydrants (refer to attached 10/14/08 e-mail from Allen Roberts, Deputy Chief).

Regarding utilities, the Boone County Water District has stated that they have no issue with the project. Sanitation District #1 has stated that sanitary sewer is available to serve the development, but that it is the developer's responsibility to physically extend the sewers and that a formal application to reserve capacity must be approved by the District (refer to attached e-mail dated 10/24/08 from Greg Haggard, Senior Engineering Technician)

Transportation and traffic issues are discussed later in this report.

Section 1608 Compatibility Assessment Standards

This section states "the proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of compatibility of the existing conditions of the site. Each applicant or developer is required to address the following issues in a written and/or graphic manner." These issues are outlined as a set of nine topics that are to be explained in the Concept Development Plan. For the current proposal, section 1608 is addressed on pages 2 and 3 of the project narrative. Staff feedback on these issues is provided throughout the Staff Comments section of this report.

Section 1609 Design Standards

1. Height: The proposed Walgreens is one story. The three other illustrative building designs are also shown as one story, although the project narrative states that the maximum allowable building height is proposed to be 50 feet. To reasonably relate the structures to those on other sites in the vicinity, Staff suggests a one and a half to two story limit (+20'), with an exception for architectural features such as towers. It should be noted that such a limitation would make the development of some uses difficult, such as hotels.

2. Placement or Location of Buildings: The siting of the proposed buildings is comparable to the other commercial developments in the vicinity (parking/vehicular areas along the street frontages with the building set further back) and is indicative of contemporary, suburban retail design for freestanding/outlot buildings. Based on the Comprehensive Plan's direction regarding the Business Park designation, an office campus concept, and an appropriate entrance to the residential area to the south, Staff recommends that a "parkway" approach be further developed/enhanced along the site's Grand National Boulevard frontage and wrap around the immediate corner area at the intersection with Richwood Road.

This may or may not entail altering the location of the building, but could involve relocating a part of the site's parking away from Grand National Boulevard, the construction of berming, "naturalistic" plantings of specimen deciduous and evergreen trees, and hedging composed of large shrubs. The existing board fencing is proposed to be retained along Grand National Boulevard with additional

fencing to be provided across the site's entire Richwood Road frontage. Plantings from a modified version of Buffer Yard C per article 37 would be appropriate for the trees (such as 8 large and medium deciduous trees and 4 evergreen trees per 100 linear feet). To provide a distinct visual break between the more retail-oriented development proposed along Richwood Road and the planned (and unknown) Business Park uses to the south, a comparable landscape approach is recommended in the landscape areas along the rear boundary of the site.

3. Preliminary Building Design or Architecture: This standard states that large developments should be "designed in a compatible architectural style," "have a consistent design treatment on all facades," and "shall include traditional, regionally influenced architectural forms and allow variations within it." Staff has no fundamental issues with the design concepts presented in the submitted architectural elevations. It is Staff's understanding that the Walgreens elevations are the specific proposal for that building, and that the elevations provided for the other three structures are representational, meaning that they are not final designs for specific buildings, but that the actual buildings will use these designs as prototypes for materials, colors, details, roof shapes, etc. If the applications are approved, this should be formalized as a condition. The project narrative states that all buildings shall have an equal level of finish on all sides.

Staff comments for the preliminary building design are as follows:

- A. The rear of the gabled roofs for the Walgreens building should be further developed so that they have a "finished" appearance consistent with the street facing facades. The current proposal shows slopes/hips which have an abrupt or cut-off appearance.
- B. The project narrative states that the exterior elevations will have a minimum of 70 percent masonry (brick, stone, split face block and manufactured limestone) and a maximum of 30 percent wood, EIFS, metals, etc. To help facilitate the office campus concept sought by the Comprehensive Plan, Staff recommends that masonry be used for the entire exterior envelope of all buildings, and that other materials may be used for incidental areas such as eaves, cornice lines, dormers, sign band areas on parapets, and the like. Based on this recommendation, the parapet areas shown for the multi-tenant retail building would be "EIFS heavy," assuming that the lighter colored material shown on the elevations is EIFS (materials are not noted).

4. Scale: The restaurant and bank shown on the Concept Development Plan are comparable to the other buildings on the Richwood Road strip west of I-75. The retail center and Walgreens are larger, but would not be profoundly different from the neighboring buildings if both structures were one story. Related to scale, a recommendation regarding the height limitation is discussed above. Also, minimum building setbacks need to be determined.

This standard advocates "pedestrian scale and orientation." The overall development has more of an auto-oriented, suburban commercial scale based on the multiple outlot concept, that the buildings are set further back from the road with parking at the front of the lot, etc. This issue can be partially addressed with the addition of features like arcades, street trees, outdoor seating areas, street furniture, etc., but would not be completely overcome based on the development concept. Such features can also be considered in light of the amenities expected in the Planned Development zones.

5. Elevation: The overall site is a large, fairly continuous slope. To help evaluate the proposal relative to this standard and the project's relationship to the adjoining sites, a grading concept should be provided to the Zone Change Committee for evaluation. The grading easement area and one or two north/south site sections should be included with this concept.

6. Historic and Prehistoric Features: Staff is not aware of any historic or prehistoric features on this site.

7. Paved Surfaces: This standard discusses the interrelationship of open space, landscaping, and paved areas including sidewalks and interior road system. The basic point of the standard is the amount of paving versus open space, which is mostly just the perimeter landscape areas on the submitted plan. The landscape treatments along Grand National Boulevard and the rear of the lots is discussed above. Seating areas/plazas, specialty decorative pavement, etc., would also help fulfill this standard.

8. Fences, Walls and Landscaped Berms: Fencing and berms are discussed under #2 above.

9. Landscaping: The project narrative states that landscaping will follow the requirements of the zoning regulations. Landscape design along Grand National Boulevard and along the rear of the site is discussed above. In addition to these areas, a consistent streetscape design should be considered along the site's entire Richwood Road frontage, such as regularly spaced street trees (or trees in some regular pattern) along the road side of the proposed board fence. Also, the internal buffer yards between the lots within the development should be maximized beyond the 10 foot minimum width where possible - for example, the landscaped area between the Walgreens and bank lots could be expanded by approximately 13 to 14 feet by reducing the width of the drive on the bank lot.

10. Open Space and Recreational Uses: The issue of open space is discussed above.

11. Signage: Building mounted signage is shown in a schematic fashion on the Walgreens building elevations, and the project narrative states that signage shall follow Article 34 of the zoning regulations. For freestanding signs, Article 34 permits one monument sign on each lot that is a maximum of 10 feet high and 100 square feet. Staff's comments regarding signage are as follows:

- A. Three building mounted signs are shown on each street facing facade of the Walgreens building (no sizes are indicated). To minimize the "commercial" appearance along Grand National Boulevard, signage on this facade should be either eliminated or limited to an incidental amount, such as one sign area that did not exceed ½ square foot of signage per 1 linear foot of building frontage. Building mounted signage on the Richwood Road facing facade would still need to meet the size limitations in Article 34.
- B. A consistent sign program should be considered for all signage. Such a program would outline materials for building signs (such as individual channel letters), and would use either a standard structure on each lot for the permitted monument signs, or require them to use designs, materials, etc., that correlated to the buildings they serve.

12. Utilities: The adequacy of public utilities is discussed above. The applicant should verify whether all utilities are planned to be underground.

13. Detention/Retention Ponds or Lakes: The project narrative states that the development will use underground detention facilities and meet the applicable requirements.

14. Transportation Design: A traffic impact study was submitted with this proposal. Staff's first comment on the submitted traffic study is that it deals with the immediate area adjoining the subject site, but does not address the area from Paddock Drive through the I-75 interchange. Whether or not this is important largely deals with the specific uses in the development, which are unknown at this time aside from the Walgreens. Staff's second comment on the traffic study is that Table 9 on page 20 shows the level of service improving for the Triple Crown Boulevard and Grand National Boulevard approaches from the "2010 no build" scenario to the "2010 build" scenario - this improvement needs to be explained.

The Boone County Engineer has provided a memorandum with an update on the planned widening of Richwood Road between Paddock Drive and Grand National Boulevard (10/23/08 memo from Greg Sketch, PE, PLS, Boone County Engineer is attached). This memorandum explains the planned improvements and recommends that if the application is approved, the developer should financially participate in the project in an amount proportionate to the cost of turn lanes into the site from Richwood Road (based on an engineer's estimate including a 10% contingency).

Comments regarding the access point on Richwood Road were received from the Kentucky Transportation Cabinet, District 6 and the Boone County Sheriff's Office. The KTC stated that they have no objections to the project, but that the access point may need to be restricted to right-in/right-out if the pending road improvements did not occur (10/22/08 e-mail from Mike Bezold, P.E., District 6 Planning Supervisor is attached). Similarly, the Boone County Sheriff's Office recommends "prior to the future expansion," the Richwood Road access "should be a right turn exit only" (10/14/08 e-mail from Lt. Col. Robert Reuthe is attached). The Planning Commission should evaluate whether any turning restrictions are warranted, and/or whether this access point should be placed in between the retail center and bank lots, which is closer to the approximate midpoint between the Paddock Drive and Grand National Boulevard intersections. This would result in a shorter offset with the access point for the existing bank on the opposite side of Richwood Road.

This standard also deals with transportation connections. A drive connection is shown to the adjoining Skyline Chili site, which assumes that the grades will be matched (this issue should be addressed in the recommended grading concept), and that there are no other feasibility issues. As discussed above, an additional driveway connection between the eastern part of the subject site and the area to the south should be considered.

A sidewalk system is shown throughout the development, although some of the alignments are somewhat disjointed based on the schematic level of the plan. To assure conformance with this standard and other aspects of the EPD standards, Staff recommends that all lots/buildings within the development be interconnected with sidewalks at both the front and rear, and that at least one additional sidewalk link be provided out to Richwood Road at either end of the restaurant lot. Because sidewalks are not part of the Richwood Road widening project, the developer is responsible for sidewalk construction along the site's Richwood Road frontage per section 3208 of the zoning regulations.

15. Multi-Modal Transportation System: Sidewalks/pedestrian paths are discussed above. Bike racks are required to be provided for each individual development per section 3327 of the zoning regulations.

16. Location of Land Uses: The issues outlined in this standard are addressed above.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the 2005 Boone County Comprehensive Plan, the requirements of Article 3 "Amendment" and Article 16 "Employment Planned Development District - Residential Planned Development District" of the Boone County Zoning Regulations, and the potential impacts on the existing and planned uses in the area.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

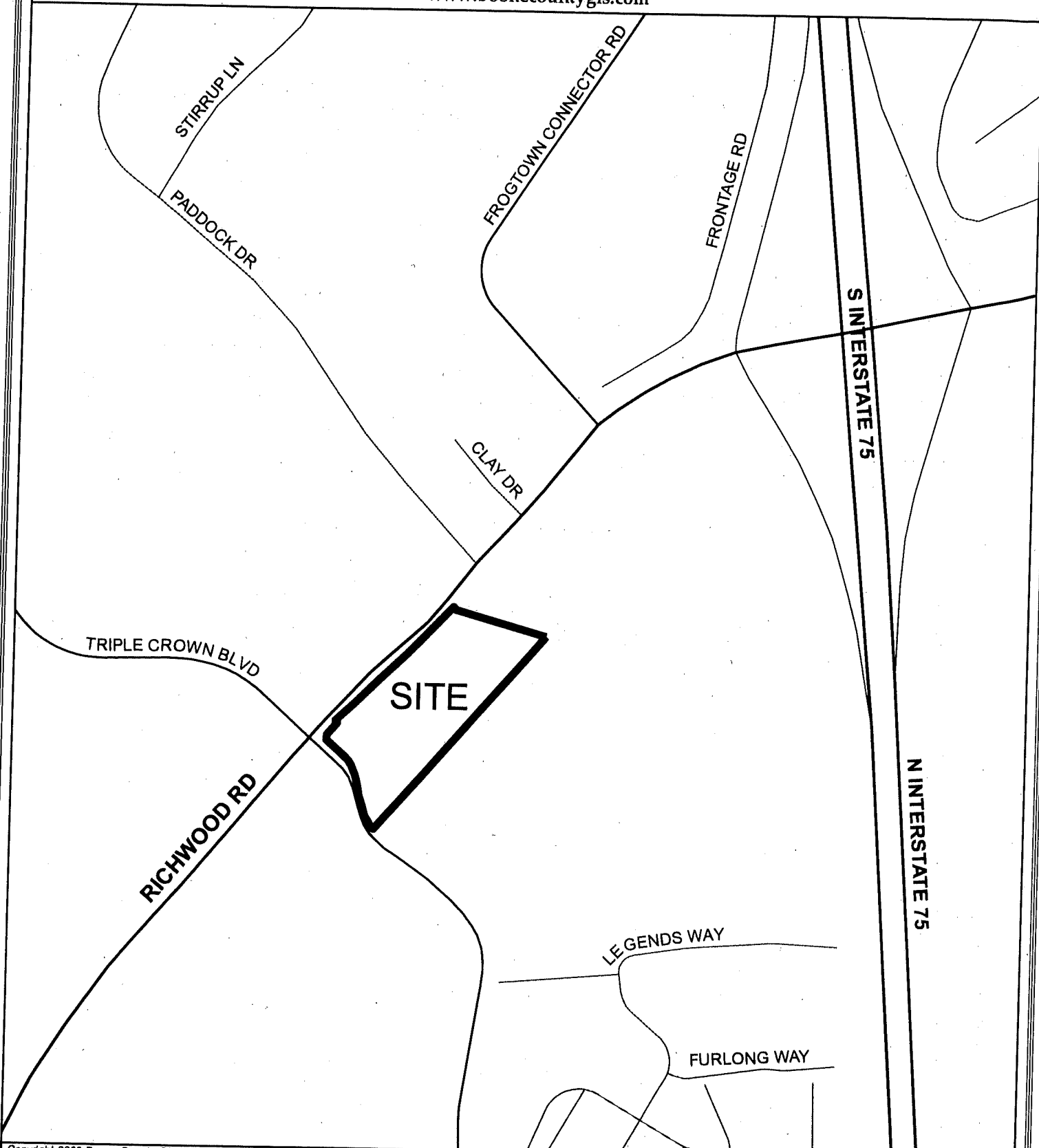
KTW/pr

attachments:

- location map
- aerial photograph w/ zoning
- Future Land Use Map excerpt
- topographic map
- 3/19/97 Erpenbeck/Em-A-Non Acres Committee Report and Concept Development Plan
- Sections 1607, 1608, and 1609 of Boone County Zoning Regulations
- C-1, C-2, O-1, and O-2 zone text
- 10/14/08 e-mail from Allen Roberts, Deputy Chief, Walton Fire District
- 10/24/08 e-mail from Greg Haggard, Senior Engineering Technician, Sanitation District #1
- 10/23/08 memo from Greg Sketch, PE, PLS, Boone County Engineer
- 10/22/08 e-mail from Mike Bezold, P.E., District 6 Planning Supervisor, Kentucky Transportation Cabinet
- 10/14/08 e-mail from Lt. Col. Robert Reuthe, Boone County Sheriff's Office
- application materials including Concept Development Plan, narrative, and traffic study w/o appendixes
- written public comment received to date

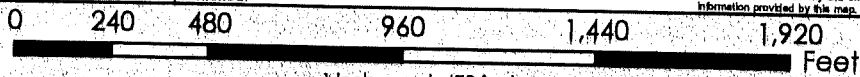
Location

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1 Inch equals 472 feet

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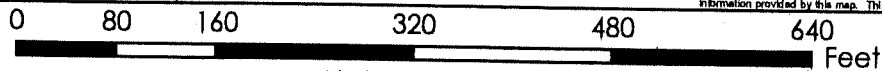
Zoning

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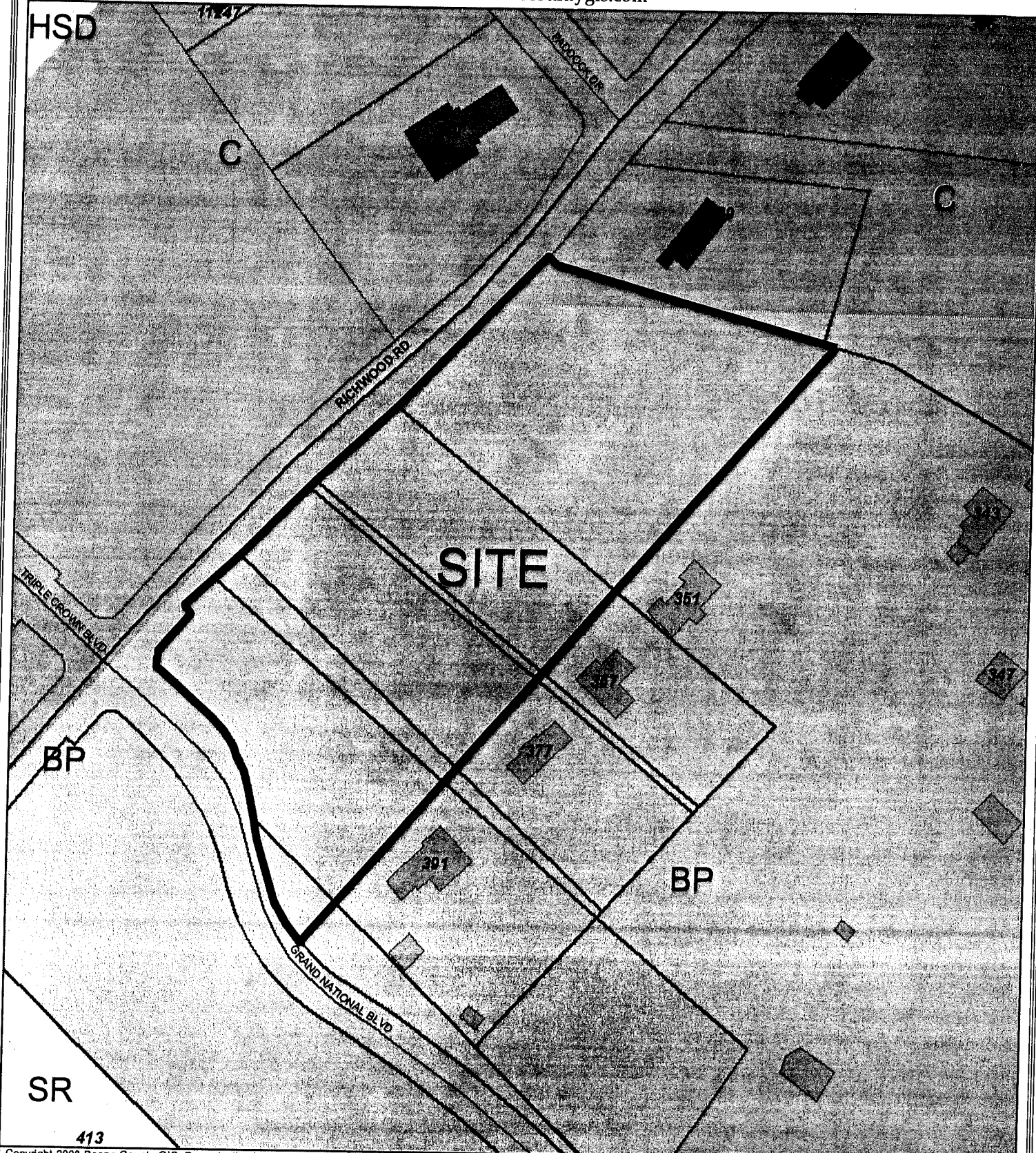
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Future Land Use

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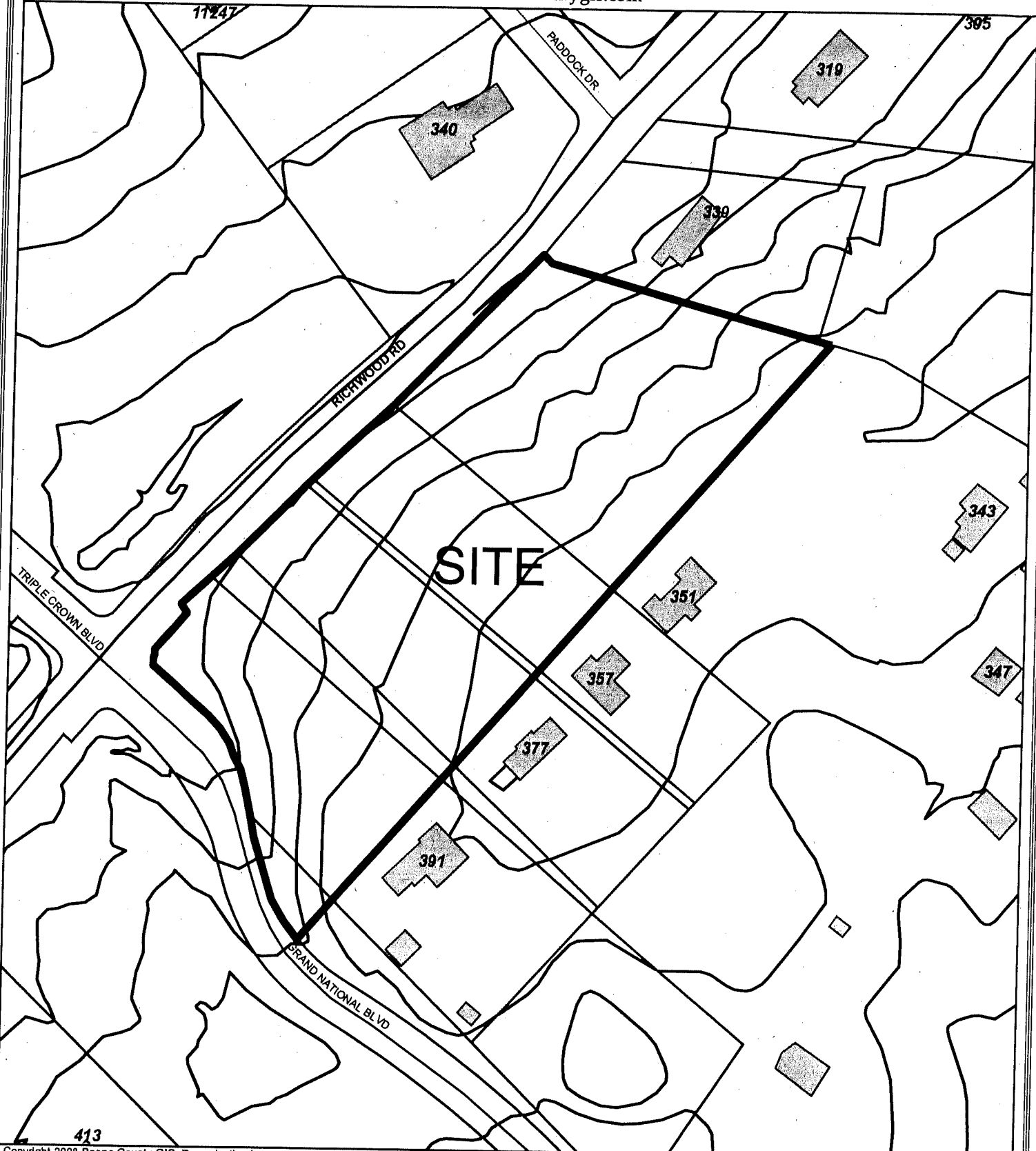
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1 inch equals 154 feet



Boone County GIS - Putting Northern Kentucky on the Map

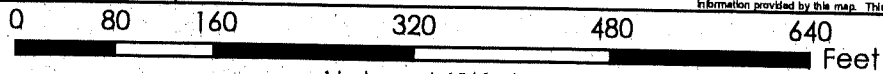
Topography

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Boone County GIS - Putting Northern Kentucky on the Map



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: March 19, 1997

RE: Request of The Erpenbeck Company (applicant) for EM-A-NON Acres Limited Partnership (owners) for a Zoning Map Amendment from Agriculture Estate (A-2) and Employment Planned Development (EPD) to Suburban Residential One/Planned Development (SR-1/PD) for a 189 acre site located at the southwest quadrant of the KY 338/I-75 interchange, Boone County, Kentucky. The request is for a zone change to allow a residential subdivision with single-family and multi-family dwelling units, "**Steeplechase.**"

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The proposal leaves a seventy five (75) acre remainder tract which is currently zoned Employment Planned Development (EPD) in the southwest quadrant of the KY 338/I-75 interchange, between the subject site and KY 338, that is designated for "Business Park" uses by the both the Future Land Use Map and the Land Use Element.
 - B. The Future Land Use Map designates the area south of the "Business Park" area mentioned above for Suburban Density Residential uses (single family housing of up to four units per acre). The majority of the site area is proposed for detached single family residences with an overall density of 3.6 units per acre.

- C. The text of the Land Use Element calls for High Suburban Density development to act as a transition between the aforementioned Business Park uses and Suburban Density Residential uses. The proposal in question provides a cluster of multi-family structures between the remaining EPD zone and the proposed single family residences in accordance with this provision.
 - D. The Concept Development Plan, which was revised through the Zone Change Committee review process in accordance with the issues raised by the public and the Planning Commission in the January 29, 1997 public hearing, generally addresses the qualitative issues stated in the 1995 Boone County Comprehensive Plan regarding overall project design, preservation of natural features, provision of open space areas, buffering between adjoining properties, and street connections.
2. The Committee has concluded that due to the suburban density and low density residential developments that are immediately adjacent to the subject site to the west and southwest, and due to the natural site features which are better preserved and enhanced through moderate density residential development versus office, industrial, and/or commercial development permitted under the current Employment Planned Development (EPD) zone, the existing zoning classification is inappropriate and the proposed zoning classification is appropriate.
 3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" 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 applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The development shall follow the attached Concept Development Plan which was revised through the Zone Change Committee review in accordance with the issues raised at the January 29, 1997 public hearing. This Concept Development Plan, and its related attachments, are identified as "Exhibit A."
2. The applicant will construct and dedicate the street connection (labeled as "future street connection by others") shown on the Concept Development Plan between "Street H" and the property to the south (referred to as the "Deters Property") by the time that fifty percent (50%) of the lots on "Street H" are sold.

3. The applicant shall upgrade KY 338 to a three lane road (two way road with a center turn lane), from the point where similar improvements that were recently constructed near Heritage Trails Subdivision (Paddock Drive) terminate through the proposed four way KY 338/Triple Crown Boulevard/Steeplechase Boulevard intersection, including the related intersection improvements identified in the applicant's traffic report. These improvements shall be constructed by the time Building Permits for 217 new dwelling units have been approved within the zone change area, and will consist of the same street section and right-of-way improvements as the recent three lane upgrade to KY 338 between Heritage Trails Subdivision and I-75.
4. The entry features (masonry walls and landscaping) at the proposed KY 338/Steeplechase Boulevard intersection shall be constructed in accordance with the detail included in Exhibit A. In addition, "horse farm" style fencing with intermittent shrubs shall be provided along both sides of Steeplechase Boulevard. Examples of this fencing is included in Exhibit A.
5. The entry treatment at the KY 338/Steeplechase Boulevard intersection, the pool proposed along Steeplechase Boulevard, and the recreation amenities shown on the Concept Development Plan, shall be constructed with the first phase of the subdivision.
6. The design of the multi-family structures shall follow the concept included in Exhibit A; the types of masonry used on these structures may be altered at the applicant's option.
7. The applicant shall be responsible for a proportionate share of the costs involved in signaling the future four way KY 338/Triple Crown Boulevard/Steeplechase Boulevard intersection when signal warrants are met and when the overall intersection level of service drops below a level of service "C" based on the Highway Capacity Analysis for Unsignalized Intersections. This condition acknowledges that one or more other private developers will participate in these costs if the signal is not installed at the exclusive expense of the Kentucky Transportation Cabinet. The applicant's contribution towards signaling the intersection shall not exceed \$13,600.00.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Arnold Caddell
Arnold Caddell, Chairman

For Against
Abstain Absent

Robert Millay
Robert Millay

For Against
Abstain Absent

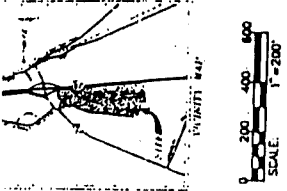
Donald McMillian
Donald McMillian

For Against
Abstain Absent

Robert Ries
Robert Ries

For Against
Abstain Absent

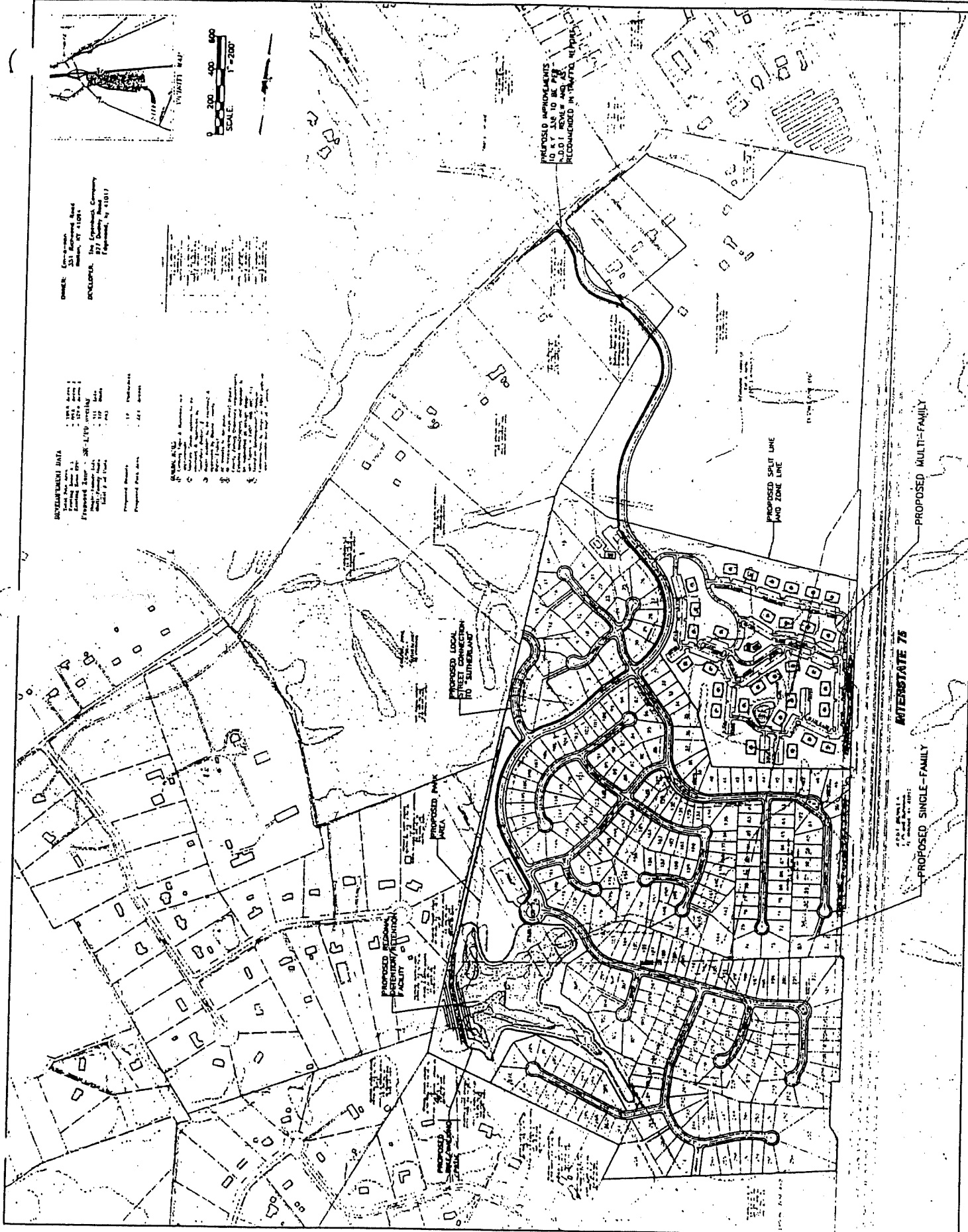
TOTAL: 4 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT



OWNER: [illegible]
 321 [illegible]
 [illegible], NY 11201

DEVELOPER: [illegible]
 [illegible], [illegible]
 [illegible], NY 11017

- RECYCLING DATA**
- 1. 100% Recycled Paper
 - 2. 100% Recycled Ink
 - 3. 100% Recycled Plastic
 - 4. 100% Recycled Metal
 - 5. 100% Recycled Glass
 - 6. 100% Recycled Wood
 - 7. 100% Recycled Concrete
 - 8. 100% Recycled Asphalt
 - 9. 100% Recycled Steel
 - 10. 100% Recycled Aluminum
 - 11. 100% Recycled Copper
 - 12. 100% Recycled Zinc
 - 13. 100% Recycled Lead
 - 14. 100% Recycled Tin
 - 15. 100% Recycled Silver
 - 16. 100% Recycled Gold
- PROPOSED PARK AREAS**
- 1. 1.0% Park Area
 - 2. 2.0% Park Area
 - 3. 3.0% Park Area
 - 4. 4.0% Park Area
 - 5. 5.0% Park Area
 - 6. 6.0% Park Area
 - 7. 7.0% Park Area
 - 8. 8.0% Park Area
 - 9. 9.0% Park Area
 - 10. 10.0% Park Area
 - 11. 11.0% Park Area
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 - 18. 18.0% Park Area
 - 19. 19.0% Park Area
 - 20. 20.0% Park Area



INTERSTATE 76

PROPOSED SINGLE-FAMILY

PROPOSED MULTI-FAMILY

PROPOSED LOCAL
DETENTION/RETENTION
FACILITY

PROPOSED LOCAL
RETENTION
TO SOUTHWEST

PROPOSED IMPROVEMENTS
TO KY 116 TO BE PER
J.O.T. REVIEW AND AS
RECOMMENDED IN TRAFFIC REPORT

PROPOSED SPLIT LINE
AND ZONE LINE

SECTION 1606

Pre-Application And Procedure

The developer shall meet with the Boone County Planning Commission staff prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

Submittal and Contents of Application for Approval of a Zoning Map Amendment to EPD or RPD or Concept Development Plan in an existing RPD or EPD District.

The Planning Commission shall require that the Concept Development Plan and an application form be submitted for property located in a proposed EPD and RPD zone. The Concept Development Plan may be filed with the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

The Planning Commission and legislative body or Fiscal Court may recommend or approve the proposed Planned Development district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site. The legislative body's or Fiscal Court's approval in principle of the Concept Development Plan shall constitute a commitment to the general layout of the project, the planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the Boone County Subdivision Regulations unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.

Public Hearing by Planning Commission

Upon receipt of an application for approval of the planned development district request or Concept Development Plan, the Planning Commission shall hold at least one public hearing, within thirty (30) days of receipt of the application, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in Section 305 of this order.

SECTION 1607

Land Use Standards

No application or Concept Development Plan shall be approved for an Employment Planned Development district or a Residential Planned Development district under the provisions of this article unless each district and application fulfills the following standards.

1. The planned development shall generally conform to the adopted Comprehensive Plan with respect to type, character and intensity of use and impact on public facilities, services and road network. The intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions. Deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems;

2. The planned development shall efficiently utilize the site, and shall protect and preserve the scenic assets and natural features by incorporating existing trees, streams, and topographic features into the site design. The development shall include the provision that designated natural areas and developmentally sensitive areas as identified on the Future Land Use maps in the adopted Boone County Comprehensive Plan will constitute permanent open space or be dedicated to public or semi-public organizations for recreational or common use;
3. Where appropriate, the planned development shall include developable land that is unbuilt and be available for purchase or donation to public agencies for public recreation or public facility building sites. This provision of land can constitute one reason for increased development densities on portions of the site or even an increased overall development intensity in relation to the Boone County Comprehensive Plan, provided other public facilities and services are adequately provided;
4. The planned development shall not hinder nor deter development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan;
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and adequate for the uses proposed. The applicant shall make provision for such facilities or utilities which are not presently available or shall construct such facilities for the eventual connection into a public system.

This flexible approach to planned development is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted either one of the two types of planned development zoning districts, the property owner or developer must demonstrate the achievement of the above objectives and standards. In addition, a property owner or developer's request for a planned development would be assessed in terms of its impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services. This demonstration must be in written and/or graphic form as part of the Concept Development Plan submittal. In summary, the property owner or developer is responsible to present why the subject plan is unique and requires special consideration that can only be fulfilled by the EPD or RPD zoning district. Equally as important is that the property in question could be unique with certain qualities and/or amenities that warrant the special consideration of the EPD or RPD district. Proposed developments that cannot be shown to meet these standards may be more appropriately developed under conventional zoning districts.

SECTION 1608

Compatibility Assessment Standards

The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of compatibility of the existing conditions of the site. Each applicant or developer is required to address the following issues in a written and/or graphic manner.

1. How does the proposed project affect the natural features of the site (e.g. soils, topography, drainage areas)?;
2. Describe in detail the existing road network (e.g. Closest arterial road and/or interstate access) that would be used to travel to this proposed project. What is the condition of this road system? What is the expected impact of the proposed development on the public road system?;

3. Where is the closest public sanitary sewer line and water line, which could serve this site? What is the capacity of these lines and what would be needed to accommodate this development with existing lines?;
4. Indicate the location of schools, which would serve the proposed development. What impact would this development have on the school system? Indicate the availability and adequacy of police and fire protection services;
5. Demonstrate how the proposed project will impact vehicular traffic or parking in the area and at what level would traffic or parking conditions become unsafe;
6. Demonstrate how the proposed project will impact the view for adjoining property owners;
7. Demonstrate how the proposed project will impact storm water runoff;
8. Demonstrate how the proposed project will impact the demand for additional governmental services. (e.g. fire protection, police protection, etc.);
9. Demonstrate how the proposed project will affect the need for off-site public utilities.

SECTION 1609

Design Standards

The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of the design standards contained in this section. Each applicant or developer is required to demonstrate how the proposed Concept Development Plan fulfills the following design standards in a written and/or graphic manner. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. Height: The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site, and meet airport clearance regulations;
2. Placement or location of buildings: Consideration should be given to the most appropriate location of buildings based upon access and direct visibility. The location of any building should not interrupt a continuous visual pattern from public view or a public street. Building location should be planned to accomplish a transition with the landscaped areas, pedestrian areas, and parking areas. Building setbacks can vary in order to allow appropriate building location. The setback on the perimeter of the planned development district shall be large enough to protect the privacy and amenity of adjoining uses both existing and anticipated;
3. Preliminary Building Design or Architecture: Building design should be designed in a compatible architectural style if part of a large commercial, residential, industrial or office center. Individual buildings not part of larger development should be compatible with surrounding structures. All structures shall have a consistent design treatment on all facades. The unified architectural style or building design shall also apply to materials, colors, roof types and entrances, and shall include traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects;

4. Scale: Consideration shall be given to the scale of each building and architectural detail, which relates to the size of an individual and the natural environment. In general, planned developments shall have a pedestrian scale and orientation. In rendering this decision, emphasis should be given to building mass and how it relates to open space;
5. Elevation: The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side and rear elevation of any building from a public road. Exposed foundations and building elevations from a public street should be minimized;
6. Historic and Prehistoric Features: Historic features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible;
7. Paved Surfaces: Emphasis should be placed on preserving at a reasonable rate the amount of open space. The interior road system, sidewalk system, and parking lot should be designed with this in mind. Paved surface refers to cement, brick pavement, asphalt, cobblestone, or other similar type surfaces. Parking areas should be treated with decorative elements, fence, or wall extensions, plantings, berms as other means so as to screen parking areas from public view or soften their visual impact. Large parking lots shall be designed with landscaped islands. Parking lots and driveway aisles should be either asphalt or concrete. Landscaped entrances with trees and bushes should be encouraged near the entrances of any commercial, retail or industrial development;
8. Fences, Walls and Landscaped Berms: Consideration should be given to brick walls, fences and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line or adjacent to a road. These fences, walls shall be designed and maintained in relationship with character of the surrounding land uses and structures;
9. Landscaping: Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscaped areas, and quantity and quality of landscape materials) within the developed portions of the site. Landscaping details will be evaluated on the entire site and surrounding any proposed structure and shall be reviewed in relation to adjacent properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public's benefit. Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. Plantings should be used to soften the impact of parking and loading areas. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public. The use of landscape design guidelines is required for multi-phased projects;
10. Open Space and Recreational Uses: Residential Planned Developments shall make a provision for preserving open space and devoting an appropriate portion of the site to meet the recreational (either active or passive recreation) needs of the residential population at a minimum. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space;

11. Signage: Signage should be designed to protect the visual order of any site and to minimize the impact of adjacent properties. Consideration should be given to the number, location, size and height of any building mounted sign or free-standing sign. A consistent signage theme shall be provided within a planned development. Except on residential areas, building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects;
12. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible;
13. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area subject to public view from a public street if not used both for stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area subject to public view from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties;
14. Transportation Design: Principal vehicular access shall be from major streets and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Maximum separation of vehicular traffic on major roads from pedestrian and recreational areas shall occur. The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or undesirable due to land use characteristics;
15. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc;
16. Location of Land Uses: Land uses shall be located primarily for convenience to the service area and compatibility with the adjoining land uses. If conflicting land uses are intended to be located near each other, measures shall be taken to mitigate the impact of the uses upon each other;

SECTION 1610

Findings Necessary For A Zoning Map Amendment or Concept Development Plan Approval In An EPD Or RPD District

Each application shall conform to the criteria in Section 308 of the Boone County Zoning Regulations in presenting the basis for granting a Zoning Map Amendment or approval of a Concept Development Plan in an EPD or RPD district. In addition, each application shall be in conformance with the standards and requirements stated in this Article.

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

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

SECTION 1010

COMMERCIAL ONE (C-1)

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

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

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

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

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

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

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

SECTION 1013

Conditional Uses and Criteria

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

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

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

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

SECTION 1015

Minimum Size

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

SECTION 1016

Minimum Standards

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

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access

from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All principally permitted uses in an Office One (O-1) district with the exception of principally permitted use #27 in Section 1111.
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;

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

SECTION 1022

Accessory Uses

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

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

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

SECTION 1023

Conditional Uses and Criteria

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

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;

3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
4. Sale of satellite dishes;
5. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
6. Mini-warehouses or storage facilities (**Does not apply in the City of Florence**);

SECTION 1024

Intensity

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

SECTION 1025

Minimum Size

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

SECTION 1026

Minimum Standards

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

SECTION 1030

COMMERCIAL SERVICES (C-3)

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

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

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

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;

12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

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

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

2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
6. Single-family dwelling unit;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113

Conditional Uses

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

1. Child and adult care centers;
2. Convenient stores;
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses.

SECTION 1114

Intensity

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

SECTION 1115

Minimum Size

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

SECTION 1116

Minimum Standards

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

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

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

SECTION 1120

OFFICE TWO (O-2)

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

SECTION 1121

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. Convenient stores;
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.
9. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1122

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;

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

SECTION 1123

Conditional Uses and Criteria

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

1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Adult and child care centers.

SECTION 1124

Intensity

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

SECTION 1125

Minimum Size

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

SECTION 1126

Minimum Standards

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

SECTION 1130

INDUSTRIAL ONE (I-1)

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets,

Kevin Wall

From: aroberts@waltonfireky.com
Sent: Tuesday, October 14, 2008 4:14 PM
To: Kevin Wall; Allen Roberts
Subject: The Paddock

Kevin,

After reviewing the concept development plan for this we have a concern with the use of the fire hydrants in the area. The following is a concern, along with a request from the Boone County Water District.

1.) At the proposed plan and where the entrances are showing, that at any of these buildings when built if there should be a fire, spill, Hazardous Materials incident, etc. we would have to block off either Richwood Rd. to lay supply line into the area, or the same if we used the hydrants on Grand National Blvd. We are asking that at least two (2) fire hydrants be placed in this complex. A.) The first hydrant be placed on the left side of the entrance off of Richwood Rd. (where the parking would start) and the second one be placed behind the Proposed Walgreens Bldg. on the south side of the building. These hydrants would allow us to use these and not interrupt the flows of traffic on either Richwood Rd. or Grand National Blvd.

2.) We would like to have the fire hydrant placed back at the intersection of Richwood Rd. and Triple Crown Blvd. The stub connection is there, however the hydrant has been taken out from an accident.

If you have any questions please feel free to call

Thank you
Allen Roberts Dep. Chief

Kevin Wall

From: Greg Haggard [GHAGGARD@sd1.org]
Sent: Friday, October 24, 2008 3:58 PM
To: Kevin Wall
Subject: The Paddock (Davis Property)

Mr. Wall,

Sanitary sewer is available in the area to serve the subject development. It is the owner/developer's responsibility to extend the sanitary sewers to the site. Prior to SD1 approval of the development, a "Request for Reservation of Sanitary Sewer Capacity" application must be approved by the District. The owner/developer should be advised to submit flow information to SD1 at their earliest opportunity so that the availability of capacity may be determined. Please let me know if you have any questions.

Thanks

Greg Haggard
Senior Engineering Technician
Plan Review & Development Group
Sanitation District No. 1
859-578-6763

GARY W. MOORE
County Judge-Executive

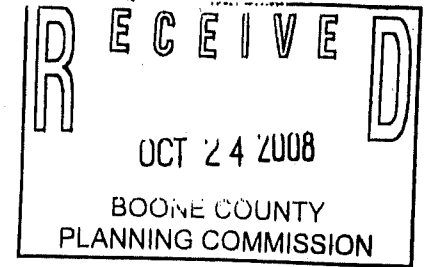


GREGORY V. SKETCH, PE, PLS
County Engineer

JEFFREY S. EARLYWINE
County Administrator

PUBLIC WORKS DEPARTMENT

www.BooneCountyKy.org
5645 Idlewild Road
Burlington, KY 41005
(859) 334-3600
Fax (859) 334-3598



MEMORANDUM

TO: Kevin Wall, Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Proposed Concept Development Plan for The Paddock, a 5.6 Acre Tract Located at Richwood Road and Grand National Boulevard**

DATE: October 23, 2008

This is in response to your request for input concerning the request for the approval of a concept development plan for a 5.60 acre tract of land located at the intersection of Grand National Boulevard, a Boone County maintained street and Richwood Road (KY 338), a KY Transportation Cabinet (KYTC) maintained road. I would like to update the Planning Commission of the status of road improvements to Richwood Road (KY 338) and discuss possible conditions for approval of the submitted plan.

As stated previously for other applications concerning this site, the Boone County Fiscal Court approved a Memorandum of Understanding between the County and the two current developers in the Steeplechase Development on December 21, 2004. Within the memo, the developers agreed to escrow \$200,000 with the County to ensure that road improvements are made to Richwood Road at the intersection of Grand National Boulevard. These improvements include the design and construction of the widening of Richwood Road to a three lane section from the intersection of Richwood Road and Paddock Drive to the intersection of Grand National Boulevard. The County has contracted the services of Bayer Becker Engineers for the design of the project. Originally the decision was to construct an urban pavement section that included curb and gutter. Unfortunately, because of the current topography along the south side of the road, a separate storm sewer system would needed to be constructed behind the curb and gutter section if this type of section was built to accommodate the amount of surface drainage directed to the road. Because of

Page -2- "Concept Development Plan"

this system, additional right-of-way would need to be secured. However, if the site under consideration was developed, the storm water drainage from the site could be directed to a separate detention basin system that could outlet either in a different drainage basin or storm sewer system. This would eliminate the need for additional right-of-way for storm water purposes.

Given the uncertainty of the development of this site as proven by the submission of other development plans, the County has decided to build the three lane section using a rural pavement section that would include ditch lines and not curb and gutter. The proposed section would need no or little additional right-of-way and would not depend on the development of the site under review. The improvement to Richwood Road would be from the intersection of Paddock Drive through the intersection of Grand National Boulevard/Triple Crown Boulevard including a left turning lane for eastbound traffic turning onto Triple Crown Boulevard. The plan using this pavement section has been submitted to District 6 of KYTC for review for an encroachment permit.

If the submitted Concept Development Plan is approved, there could be considerable savings in the Richwood Road improvement project without changing the proposed pavement section. Because there are existing driveways for the residential lots accessing Richwood Road currently on this site, significant grading and driveway improvements must be part of the improvement project. If this site is developed, that need is eliminated and as stated previously, the storm water run-off could be directed away from Richwood Road.

Also, it is my recommendation that if the Planning Commission recommends approval of this proposal, a condition be placed that the applicant must financially participate in the improvements to Richwood Road. I believe this condition is justified because if there was no improvement project proposed for Richwood Road, the applicant would normally be required to construct turning lanes at the access point to the site. Therefore, the applicant should have an engineer's estimate prepared to determine the cost of constructing adequate turn lanes on Richwood Road (in its current condition) to the site, including a 10% contingency, and submit a payment in that amount to Boone County to be used for the design and construction of the improvements to Richwood Road.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

Kevin Wall

From: Bezold, Mike (KYTC-D06) [Mike.Bezold@ky.gov]
Sent: Wednesday, October 22, 2008 9:51 AM
To: Kevin Wall
Subject: RE: Zone Change for the "Davis Property"

Our permits office has been in contact with the developer and the thought is if the improvements to KY 338 that the County will be implementing do not occur that entrance might need to be right in right out. Otherwise everything should be fine.

Mike

From: Kevin Wall [mailto:KWall@boonecountyky.org]
Sent: Wednesday, October 22, 2008 9:43 AM
To: Bezold, Mike (KYTC-D06)
Subject: RE: Zone Change for the "Davis Property"

Mike:

Thanks for the input. Any thoughts on the location of the Richwood Road access or restricting turning movements at this point?

Regards,

kw

From: Bezold, Mike (KYTC-D06) [mailto:Mike.Bezold@ky.gov]
Sent: Wednesday, October 22, 2008 9:40 AM
To: Kevin Wall
Cc: Hans, Robert (KYTC-D06); Thompson, Ed (KYTC-D06); Minckley, James (KYTC-D06)
Subject: Zone Change for the "Davis Property"

KYTC is working with this developer to ensure that traffic patterns are not detrimental to the traveling public, and that all of KYTC Permit requirements are met. With such a working relationship, KYTC has no objection to the proposed zone change.

If you have any questions please let me know.

Mike Bezold P.E.
Kentucky Transportation Cabinet
District 6 Planning Supervisor
(859) 341-2707 ext. 259

Kevin Wall

From: Rob Reuthe
Sent: Tuesday, October 14, 2008 3:01 PM
To: Kevin Wall
Cc: Charles Rolfsen
Subject: "Davis Property"

Mr. Wall,

We have concerns with the proposed entrance off of Richwood Road. We feel that prior to the future expansion, that should be a right turn exit only, after the future construction to Richwood Road is complete, then perhaps they could use that as an entrance. There is just too much congestion for drivers to safely navigate the left turn against traffic. Other than that we see no issues related to law enforcement.

ROBERT E. REUTHE
Lt. Colonel, Operations
Boone County Sheriff's Office
Burlington, KY 41005

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT - 1 2008
BOONE COUNTY
PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project The Paddock
- 3. Location of Project Richwood Rd @ Grand National Blvd
- 4. Total Acreage of Site 5.51
- 5. Current Zoning EPD/C-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) na
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) no

8. Proposed Uses (please specify each use) Dug Store, C-2 use, O-2 uses

9. Proposed Building Intensities (please specify) 35,000 sf / 5.51 = 6352 sf/acre

10. Have you submitted a Concept Development Plan? yes

11. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

12. Name of Applicant(s) Viox + Viox Inc. (Jonathan Brown)
Phone Number 727-3293 Fax No. 727-8452

13. Address of Applicant(s) 4100 Erlanger Rd
Erlanger KY 41018
City State Zip

14. Name of Property Owner(s) Anchor Properties (by contract)
Phone Number 513-403-2399 (Bob Mooney) Fax No.

15. Address of Property Owner(s) 128 East 2nd St
Covington KY 41011
City State Zip

16. Are there any existing buildings on the site? yes
How many? 4 houses

17. Deed Book --- Page No. --- Group No. 2071

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

Concept Development Plan
Page 2

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

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

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

21. Applicant's Signature(s) [Signature] (VIOX VIOX)
22. Property Owner's Signature(s) [Signature] (ANCHOR PROPERTIES)

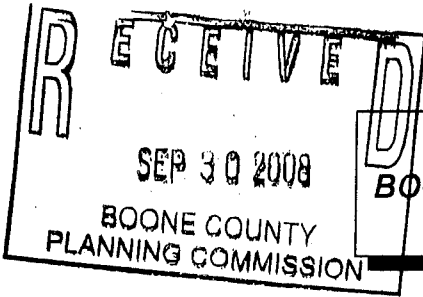
SECTION B (To be completed by BCPC Staff)

1. Date Received 10-1-08 Fee Received \$ 2,110.20 RA# 57501
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 KRIN WALL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 11/5/08
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.



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)


1. Name of Project The Paddock
2. Location of Project Richwood Rd @ Grand National Blvd
3. Total Acreage of Site 5.51 (2.61 zone change)
4. Current Zoning of Site C-3 / EPD
5. Proposed Zoning (Classification being requested) EPD
6. Proposed Uses (please specify each use) Drug Store, Commercial, Retail, Restaurant
7. Names of Applicant(s) Viox+Viox, Inc (Jonathan Brown)
Phone Number 727-3293 Fax No. 727-8452
8. Address of Applicant(s) 4666 Erlanger Rd
Erlanger KY 41048
City State Zip
9. Name of Property Owner(s) see attached
Phone Number see attached Fax No. _____
10. Address of Property Owner(s) see attached
City State Zip
11. Proposed Building Intensities (please specify) 35,000 sf / 5.51 = 6352 sf/ac
12. Are there any existing buildings on the site? yes (to be removed)
How many? 4 houses + out-building
13. Deed Book see attached Page No. see attached Group No. 2071
14. Are you also applying for:
no Conditional Use Permit
no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
4 Boone County Water District
n/a Florence Public Services Dept.
4 Duke Energy
4 Sanitation District #1
4 Cincinnati Bell
4 Owen Electric Cooperative, Inc.
4 Boone County Public Works Department
4 Kentucky Transportation Cabinet
n/a Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

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

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

19. Applicant's Signature  (Viox + Viox)
Property Owner's Signature See attached

SECTION B (To be completed by BCPC Staff)

- 1. Date Received 9-30-08
- 2. Review Fee \$ 2,392.00 R# 57190
- 3. Check what has been submitted:
 - _____ Application
 - _____ Fee
 - _____ Legal Description
 - _____ Concept Development Plan
 - _____ Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
- 4. Is application complete? _____ Yes _____ No
- 5. Staff Reviewer KEVIN WALL
- 6. Committee Chairman _____
- 7. Scheduled Public Hearing Date 11/5/08
- 8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
- 9. Other: _____

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

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

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

Zoning Map Amendment – Property Owners Attachment

EMANON Acres, Limited Partnership
351 Richwood Road
Walton, KY 41094
Deed Book 498, Page 302
Phone 859 485 7789

Dennis G. Davis
Signature

SEPT. 29, 2008
Date

DENNIS G. DAVIS, PRINCIPAL MEMBER / MANAGER
Print Name and Title

Davis, Dennis G.
357 Richwood Road
Walton, KY 41094
Deed Book 282, Page 78
Phone 859 485 7789

Dennis G. Davis
Signature

SEPT. 29, 2008
Date

Davis, Don
10760 Dixie Highway
Walton, KY 41094
Deed Book 216, Page 635
Phone 859 384 4216

Don Davis
Signature

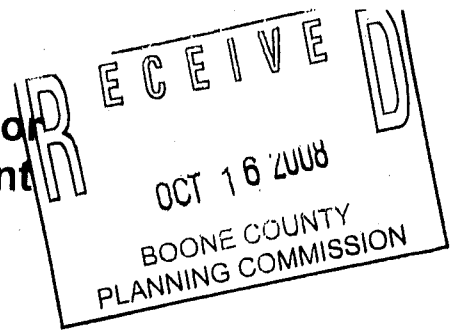
29 September 2008
Date

Davis, Richard
391 Richwood Road
Walton, KY 41094
Deed Book 282, Page 80
Phone 859-384-9139

Richard L. Davis
Signature

Sept. 29, 2008
Date

Supplemental Information For "The Paddock" Development



Introduction

The following narrative is an attachment to the application and concept plan for "The Paddock". The information contained herein shall be formally presented to the full Planning Commission at the designated public hearing. At that date and time this attachment, along with the concept plan, will be presented in detail (if not read aloud).

The applicant, Anchor Properties, has had several pre-application meetings with the Boone County Planning Commission staff over several months. After careful consideration, the applicant determined that the portion of the property zoned C-3 is not appropriate for the proposed development.

The decisions to apply for EPD on the remaining property (approximately 53% of the property is already EPD) is based on size and difficult topography along with the existing and potential future uses surrounding the site. The decision was also based on the high cost of developing the site (including providing a graded section along Richwood Road (KY338) for a future five lane expansion). Providing the space for the future lane expansion on Richwood Road greatly increases the amount of grading necessary to accommodate the intended use.

Careful consideration has also been given to the architectural elements for "The Paddock". After review of the existing architecture of the commercial area along Richwood Road, (i.e. Truck Stops, BP Gas Station, Wendy's, Skyline, etc.) the applicant chose a design that will enhance the aesthetics of the existing neighborhood.

The following additional explanations are information in addition to the detail shown on the concept plan:

Section 1-Intent

The Paddock consists of approximately 5.51 acres located at the southeast corner of Richwood Road and Grand National Boulevard. The Property is currently zoned both Employment Planned Development (EPD) and Commercial-3 (C-3). The current EPD portion incorporates approximately 53% of the site, while the C-3 portion makes up the remaining 47% of the site. The applicant is applying for a zoning map amendment for the C-3 portion (47% of the site) of the property to change it to EPD. It is the applicant's desire to develop the parcel consistent with the objectives of the EPD zone, as listed in Article 16 of the Boone County Zoning Regulations.



Supplemental Information For "The Paddock" Development

Section 2 – Permitted Uses

The permitted uses within the area designated as "Walgreens" shall be:

- A. 24-Hour Pharmacy or Drug Store (w/ drive-thru)
- B. Out-Patient Medical Clinic
- C. Convenience Store and Photo Services
- D. Other uses generally associated with Walgreens Stores

The permitted uses on the remainder of the site shall be:

- A. C-2 uses as defined by the Boone County Zoning Regulations
- B. O-2 uses as defined by the Boone County Zoning Regulations

Accessory Uses shall be:

- A. Signage (per Article 34 of Boone County Zoning Regulations)
- B. Parking (per Article 34 of Boone County Zoning Regulations)
- C. Drive-thru windows
- D. Outdoor loading facilities

Section 3 – Building Intensities

Building intensities shall be consistent with the requirements of Article 16 of the Boone County Zoning Regulations.

Office Uses = 20,000 sf/ac. maximum
Commercial Uses = 15,000 sf/ac maximum

Section 3 – Compatibility Assessment Standards

1. The project will be graded to provide vehicular orientation to Richwood Road. The applicant has also agreed to grade the area along Richwood Road to allow for a future expansion of up to 5 lanes. The excess soil will be deposited on the remaining Em-a-Non Acres tract to the south. The natural drainage pattern of the site will be maintained to the extent practical.
2. The project sits at the intersection of Richwood Road (arterial) and Grand National Boulevard (collector). The site is approximately 0.5 miles from the I-71/75 interchange at Richwood Road. Please see the submitted Traffic Impact Study for details regarding impact to local roads.



Supplemental Information For "The Paddock" Development

3. There is an existing 12" sewer on the north side of Richwood Road. Capacity in this line will be subject to approval by Sanitation District No.1. Water service is available along both the Richwood Road and Grand National Boulevard frontages.
4. There are no residential units associated with this development. The only effect this development would have on the school system would be increased property tax revenues. Emergency services are available in the area and currently serve similar facilities.
5. Please see the submitted traffic impact study.
6. Development of the site will improve the line of site along Richwood Road. This will aid in providing safer travel, as well as, added visibility for adjoining businesses.
7. The project will be designed with underground detention facilities in compliance with the Boone County Subdivision Regulations as well as the regulations of Sanitation District No.1.
8. This development is not anticipated to have any negative impact on emergency services in the area.
9. There is no anticipated need for off-site utility extensions.

Section 4 – Design Standards

- A. Architectural Design - Although the development will include a variety of businesses, care will be taken to create unified architectural features that can incorporate individual designs. All buildings and structures constructed shall have an equal level of finishes on all sides. Exterior elevations of buildings will consist of a minimum of 70% masonry, which can include brick, stone, split face block and manufactured limestone, and a maximum of 30% wood, EIFS, metals, etc. The maximum allowable building height shall be 50 feet.
- B. Building Design / Architecture – See the attached building elevations. **The building elevations, as shown, are representations of possible designs and are not meant to be actual elevations of proposed buildings. The actual design will be established when a tenant has been identified.**

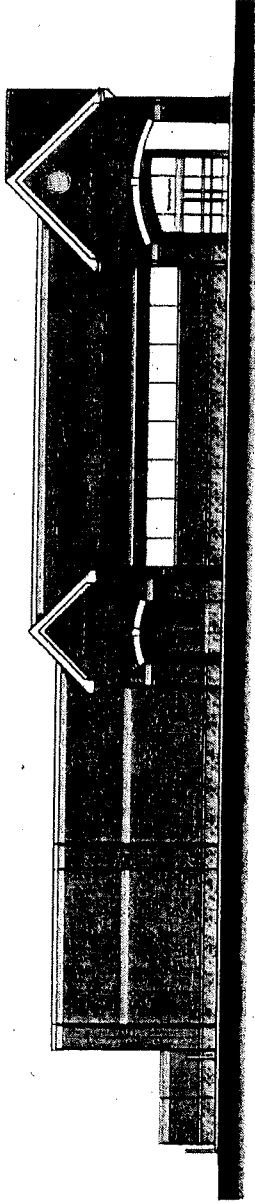


Supplemental Information For "The Paddock" Development

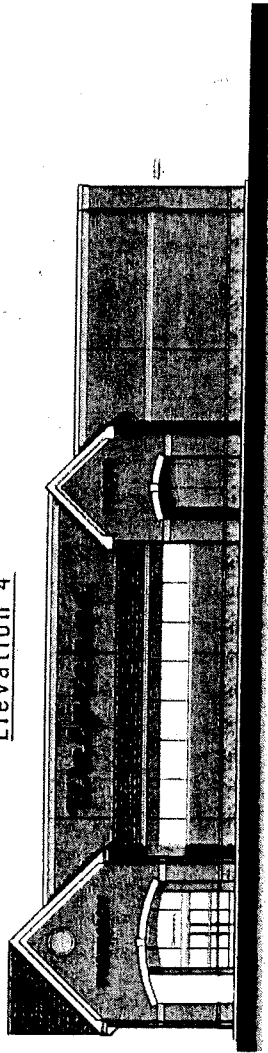
- C. Parking and Landscaping – Parking and landscaping will be provided in conformance with the Boone County Zoning Regulations.
- D. Fences – The project provides for a frontage fence along Grand National Boulevard and Richwood Road similar to the existing fence along Grand National Boulevard.
- E. Loading Facilities – Loading facilities shall be on the rear or sides of the buildings and shall be screened and constructed in conformance with the Boone County Zoning Regulations.
- F. Lighting – Lighting shall be consistent with the Boone County Zoning Regulations.



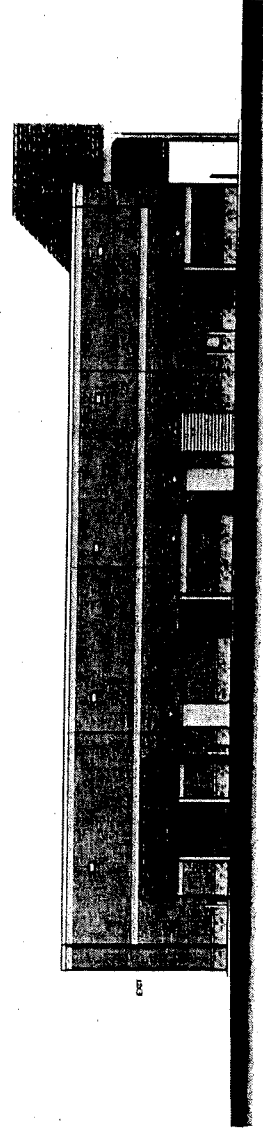
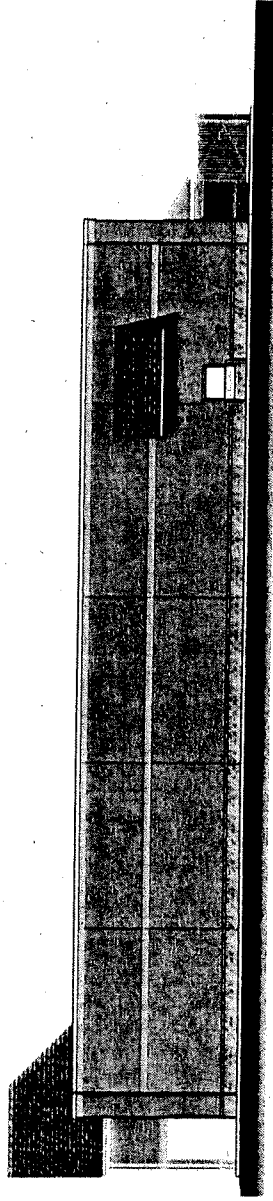
R E C E I V E D
OCT 16 2008
BOONE COUNTY
PLANNING COMMISSION



Elevation 4



Elevation 3



Walgreens - Grand National Blvd and Richwood Dr

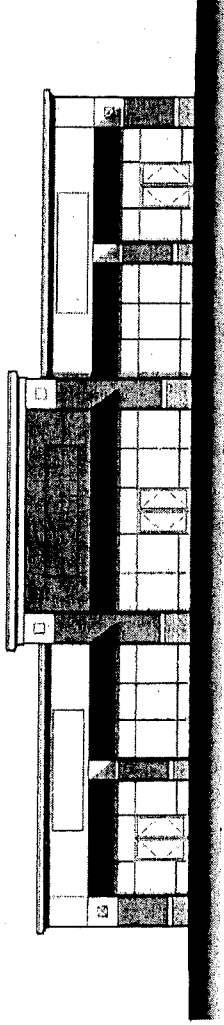
11.29.07

Richwood, KY

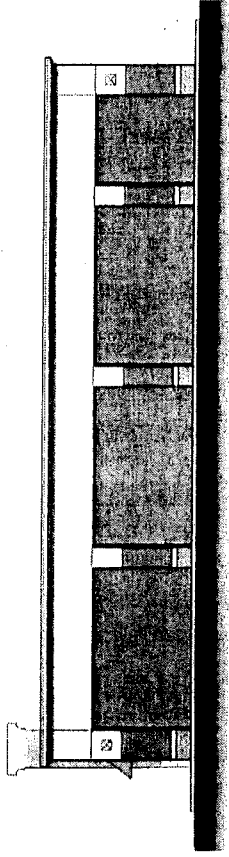
Cole + Russett Architects



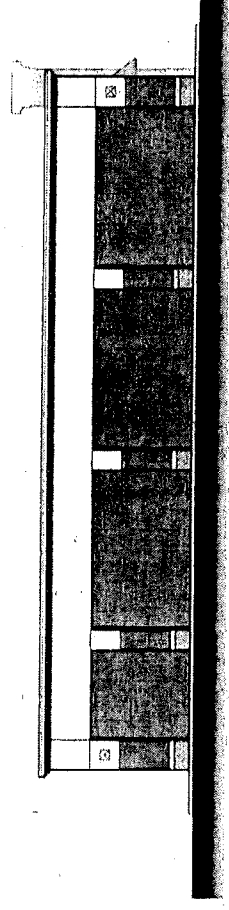
NOTE: THE BUILDING ELEVATIONS AS SHOWN ARE REPRESENTATIONS OF POSSIBLE DESIGNS AND ARE NOT MEANT TO BE ACTUAL ELEVATIONS OF PROPOSED BUILDINGS. THE ACTUAL DESIGN WILL BE ESTABLISHED WHEN A TENANT HAS BEEN IDENTIFIED.



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

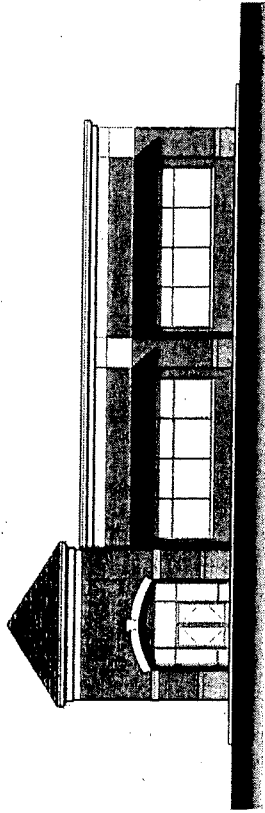


Retail- Richwood Road

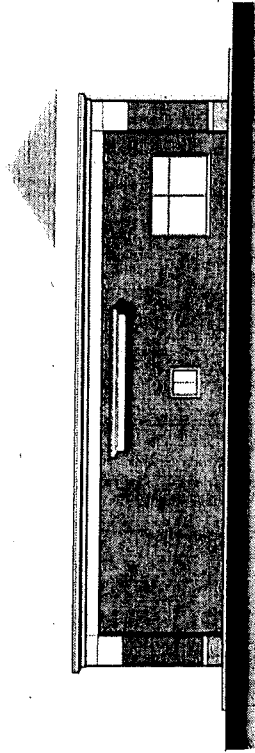
Richwood, KY Cole + Russell Architects
A Division of HOK, Inc.

10.07.08

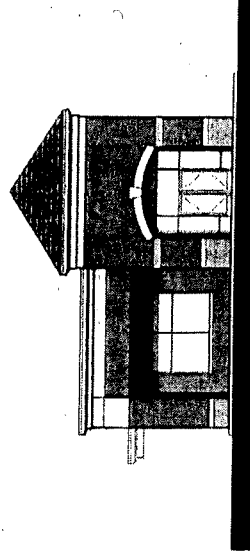
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SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION

10.07.08

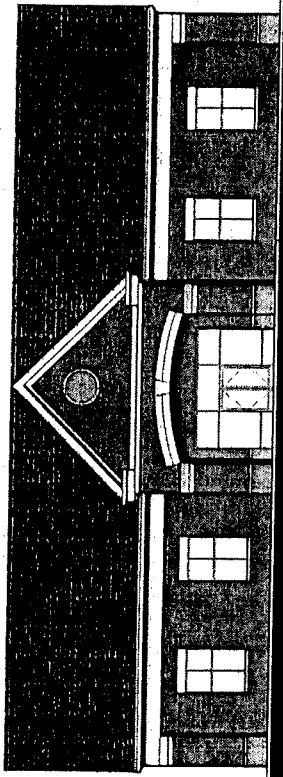
Restaurant- Richwood Road

Richwood, KY

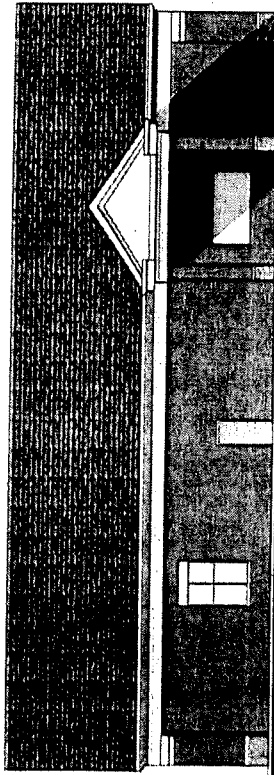


Cole + Russell Architects

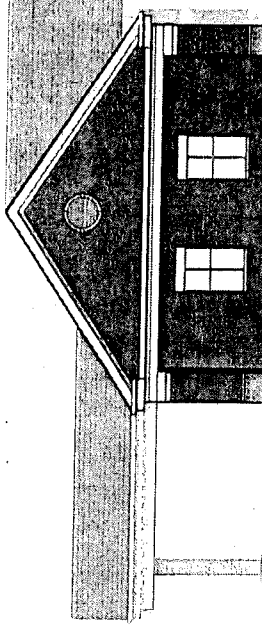
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SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION

10.07.08

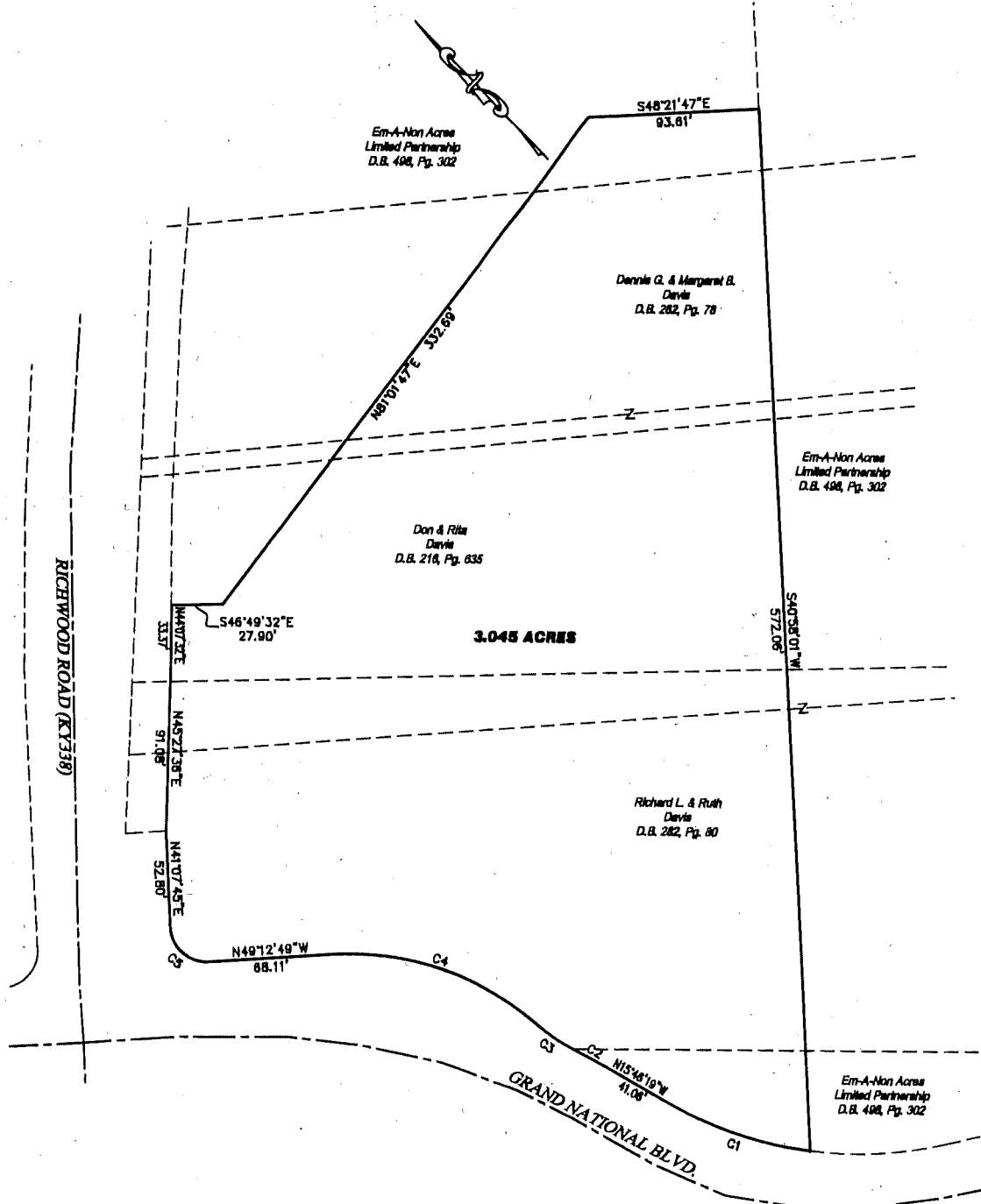
Bank- Richwood Road

Richwood, KY



Cole + Russell Architects

RICHWOOD ROAD (KY338)



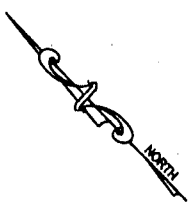
3.045 ACRES

| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|---------|------------|---------------|--------------|
| C1 | 208.50' | 82.43' | N27°05'52\"W | 81.90' |
| C2 | 348.00' | 16.58' | N17°08'12\"W | 16.58' |
| C3 | 144.50' | 31.74' | N12°12'31\"W | 31.68' |
| C4 | 155.50' | 117.51' | N27°33'52\"W | 114.73' |
| C5 | 20.00' | 31.54' | N04°02'32\"W | 28.37' |

PLAT OF 3.045 ACRES
 FOR THE
 CHANGE IN CONCEPT
 BOONE COUNTY KENTUCKY
 SOUTHEAST SIDE OF RICHWOOD ROAD
 NORTHEAST OF GRAND NATIONAL BLVD.
 OCTOBER 1, 2008 SCALE: 1" = 60'

DeLors Compass
D.B. 836, Pg. 40

One Holland Property
of Richwood LLC
D.B. 914, Pg. 20



S74°35'12"E 323.15'

Proposed
Zone Line

Em-A-Non Acres
Limited Partnership
D.B. 498, Pg. 302

S40°56'01"W 347.02'

PARCEL TO BE REZONED
2.61± ACRES

Em-A-Non Acres
Limited Partnership
D.B. 498, Pg. 302

Existing
Zone Line

EX. ZONE C-3
EX. ZONE EPD

N48°21'47"W 93.61'

Dennis G. & Margaret B.
Davis
D.B. 282, Pg. 78

EX. ZONE C-3
EX. ZONE EPD

S81°01'57"W 332.69'

Don & Rita
Davis
D.B. 218, Pg. 635

RICHWOOD ROAD (KY338)

N40°44'59"E
34.63'

N44°49'59"E 64.42'

N49°04'31"E 111.05'

N48°15'43"E 87.64'

N48°11'33"E 113.26'

N44°16'E 51.67'

N48°49'32"W
27.90'

PLAT OF 2.61± ACRES
TO BE RE-ZONED
FROM C-3 TO EPD

BOONE COUNTY KENTUCKY

SOUTHEAST SIDE OF RICHWOOD ROAD
NORTHEAST OF GRAND NATIONAL BLVD.

SEPTEMBER 30, 2008 SCALE: 1" = 50'



VIOX & VIOX

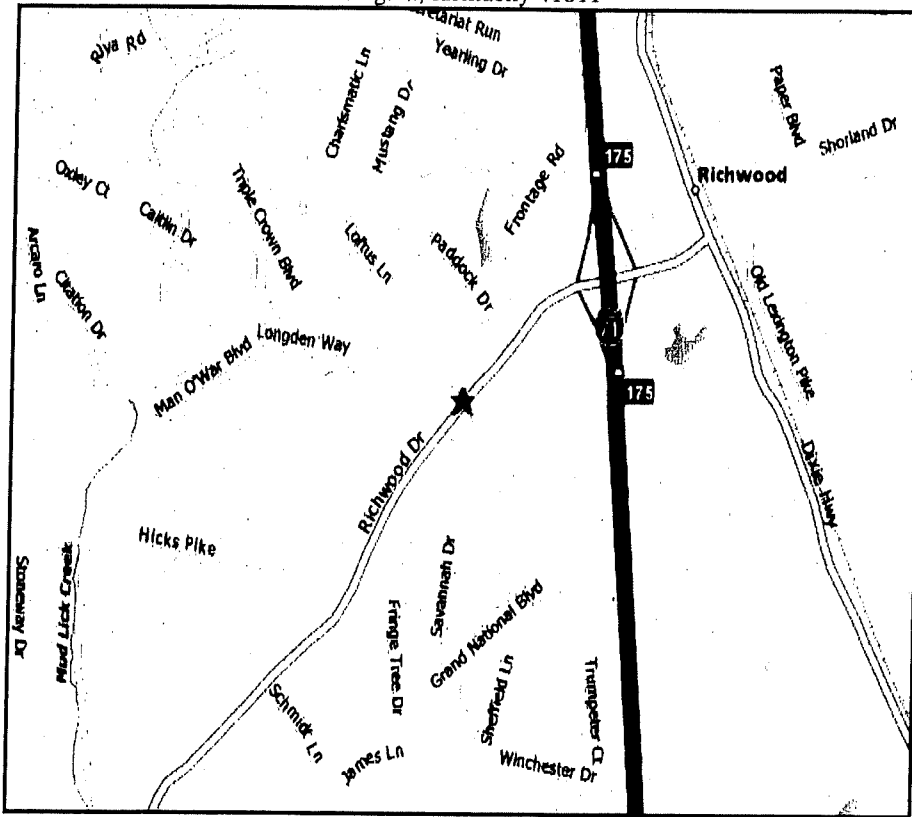
Civil Engineers, Surveyors, and Landscape Architects
488 Erlanger Road • Erlanger, Kentucky 41018
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Traffic Impact Study

Richwood Road & Grand National Boulevard Proposed Mixed Use Development Boone County, Kentucky

Prepared For:

Anchor Properties
128 East Second Street
Covington, Kentucky 41011



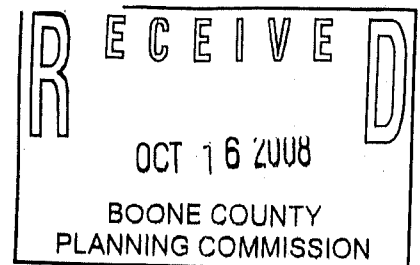
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1. EXECUTIVE SUMMARY

Purpose and Objectives

TEC Engineering, Inc. was retained by Anchor Properties to conduct a Traffic Impact Study in Boone County, Kentucky. The objective of this report is to determine any roadway and/or intersection improvements necessary to accommodate the traffic generated by the proposed development.

Proposed Site Development

The proposed development consists of a Walgreen's Pharmacy, drive-in bank, sit-down restaurant and retail shopping center. The development is scheduled to be completed and open for business in 2010. In order to determine any roadway and/or intersection improvements necessary to accommodate the traffic generated by the proposed development, the following scenarios were analyzed: *Existing Conditions*, *2010 No Build Conditions* and *2010 Build Conditions*.

The site will have two full access points; one will be located on Grand National Boulevard east of Richwood Road and the other will be located on Richwood Rd north of Grand National Boulevard/Triple Crown Boulevard. It should be noted it is assumed that Richwood Rd. is oriented in a north-south direction for purposes of graphical simplicity, with north being toward the interchange with I-75/I-71.

Existing Conditions

The proposed site is located directly to the northeast of the intersection of Richwood Road and Grand National Boulevard/Triple Crown Boulevard (referred to only as Grand National Boulevard in this report) in Boone County, Kentucky. The study area includes Richwood Rd and Grand National Blvd in the vicinity of the proposed development. The speed limit on Richwood Rd is 45 mph and the speed limit on Grand National Blvd is 20 mph.

In addition, Boone County has plans to widen a section of Richwood Rd between Paddock Rd (north of the project area) and Grand National Blvd to three lanes. This widening will add a southbound left turn lane that will extend from north of the proposed access on Richwood Rd to the intersection with Grand National Blvd. A northbound left turn lane on Richwood Rd will also be provided for traffic turning onto Triple Crown Blvd.

Projected Traffic

The proposed development is expected to be open for business in 2010. To determine the roadway and/or intersection improvements necessary, three scenarios were analyzed; the *Existing Conditions*, *2010 No Build Conditions* and *2010 Build Conditions*.

The *Institute of Transportation Engineers (ITE) Trip Generation Manual* is the most widely accepted publication for projecting traffic volumes related to specific land uses.

The trips generated by the proposed development were estimated using the following ITE Land Uses:

- Land Use 881, Pharmacy/Drugstore with Drive-Through Window
- Land Use 912, Drive-in Bank
- Land Use 820, Shopping Center
- Land Use 932, High-Turnover (Sit-Down) Restaurant

Due to the nature of the development, a portion of the trips generated will be pass-by/diverted trips. Pass-by/diverted trip percentages were taken from the *ITE Trip Generation Handbook* and were applied to the AM and PM peak hour trips entering the development.

A summary of the ITE trip generation results is shown in *Table 1* below.

Table 1: Summary of Trips Generated

| Type of Trips Generated | Weekday Peak Hour of Adjacent Street Traffic | | | | | |
|-------------------------|--|----------|---------|-------|----------|---------|
| | AM | | | PM | | |
| | Total | Entering | Exiting | Total | Entering | Exiting |
| Primary | 101 | 56 | 45 | 268 | 136 | 132 |
| Pass-By | 99 | 56 | 43 | 285 | 142 | 142 |
| Total | 200 | 112 | 88 | 552 | 278 | 274 |

The directional distribution for the proposed development was determined based on an overview of the area; specifically, the location of the site in relation to surrounding communities, workplaces, shopping centers and major roadways. For this site, the following directional distributions were assumed:

- 25% to/from the north
- 30% to/from the south
- 15% to/from the east
- 30% to/from the west

Additionally, TEC Engineering, Inc. looked at the individual driveway distribution. The driveway distribution was based on knowledge of the proposed layout of the development and generated traffic.

Signal Warrant Analysis

A traffic signal warrant analysis was performed for the intersection of Richwood Rd and Grand National Blvd. Twenty-four hour mechanical counts were conducted by TEC Engineering, Inc. on an average weekday to obtain the volumes for the warrant analysis. The analysis revealed that existing volumes at the intersection satisfy the following warrants: Warrant 1A: Eight Hour Vehicular Volume, Warrant 2: Four Hour Vehicular Volume and Warrant 3B: Peak Hour Volume. The results of this analysis can be seen in *Section 5* of this report.

Traffic Analyses

The software program *Synchro* was used to analyze capacity at the intersections. The *Existing Conditions*, *2010 No Build Conditions* and *2010 Build Conditions* were all analyzed. The results of the analyses can be seen in *Section 6* of this report.

Critical lane analyses were performed to determine if the existing roadway network would be affected by the development and if additional lanes were needed. The critical lane analyses show that no additional lanes will be necessary. The results of the critical lane analyses can also be found in *Section 6* of this report.

Improvements

A thorough analysis of the traffic conditions around the site under No Build and Build scenarios for the year 2010 led to the conclusion that roadway improvements will not be necessary due to the proposed development. The analysis takes into account the planned three lane widening along Richwood Rd and assumes the installation of a traffic signal at the intersection of Richwood Rd and Grand National Blvd.

Findings

The proposed development will have two accesses, both of which meet the standards set forth in the Boone County Zoning Regulations, Article 32: Traffic Management Regulations. The minimal volumes associated with the proposed Walgreens store and related commercial development will have little impact on traffic in the surrounding area, including the intersection of Richwood Road and Grand National Boulevard.

Qualifications

TEC Engineering, Inc. is a Southwest Ohio-based consulting engineering firm established in 1992 specializing in the fields of Transportation Planning, Traffic Engineering, and Roadway and Highway Design, including all ancillary services. In its fifteen year history in the Tri-State, the firm has completed a variety of transportation improvement and enhancement projects across a wide spectrum, including: Traffic Signal Design, Intelligent Transportation Systems Planning, Design and Operations, Roadway/Highway Design, Engineering Studies, and Roadway/Highway and Parking Lighting Systems.

TEC has conducted a wide variety of Traffic Impact Studies throughout Ohio, Kentucky and Indiana. These studies include both retail and residential developments. The retail developments range in size from a single commercial building to multiuse sites covering several acres. Likewise, the residential developments range in size from small communities to large developments with several hundred single family homes.

"I certify that this TRAFFIC IMPACT STUDY has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering."

*Jamal A. Adhami, P.E.
Kentucky Registration #23473
TEC Engineering, Inc.*

2. PROPOSED SITE DEVELOPMENT

TEC Engineering, Inc. was retained by Anchor Properties to conduct a Traffic Impact Study for a proposed mixed use development in Boone County, Kentucky. The proposed site is located directly east of the intersection of Richwood Rd and Grand National Blvd.

Current Off-Site Development

The proposed site is approximately one half of a mile south of I-75/I-71. Several businesses are located along Richwood Rd near the interstate, including gas stations, fast food restaurants, and banks among others. In addition, two residential developments are located in the immediate vicinity of the site. West of the site is a large residential development consisting of single family homes, a golf course and a clubhouse. Two residential developments are located east of the site, one comprised of apartments and the other of single family homes.

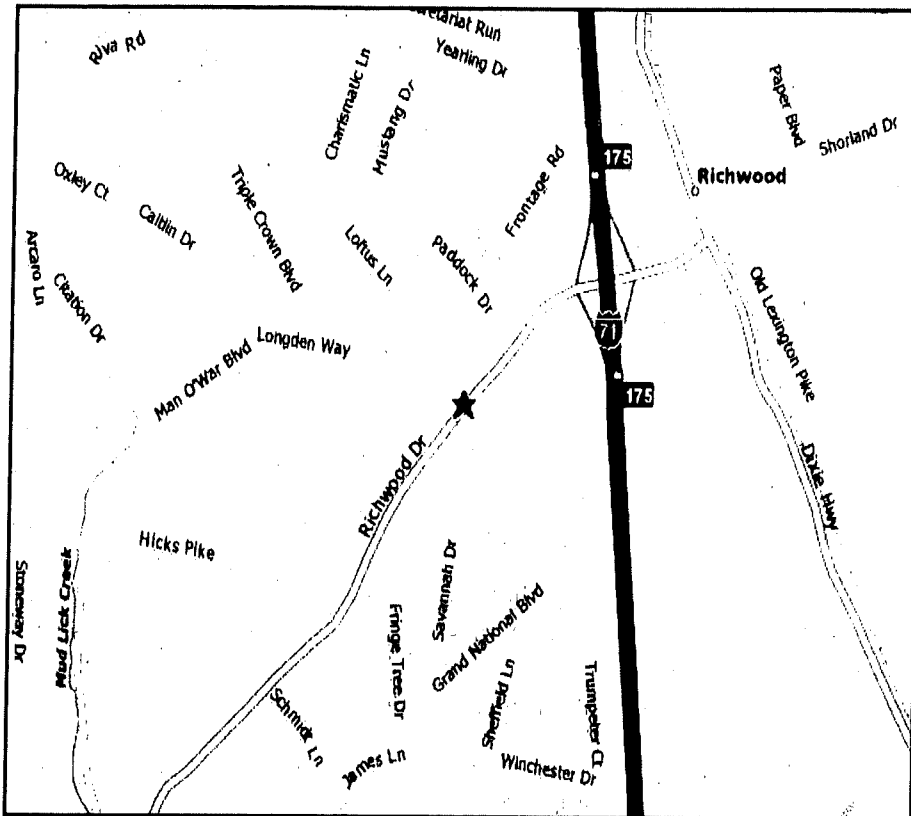
On-Site Development

The proposed development is expected to be built in one phase and completed in 2010. The proposed development will consist of four independent buildings: a 5,000 sf High-Turnover Sit-Down Restaurant, a 10,000 sf Retail Shopping Center, a 5,000 sf Drive-In Bank and a 15,000 sf Pharmacy with a Drive-Through Window (Walgreen's Pharmacy). Two access points will provide ingress and egress for the site. The first (Access 1) will be a full access located on Richwood Rd north of Grand National Blvd and the second (Access 2) will also be a full access located on Grand National Blvd east of Richwood Rd. A vicinity map and aerial photograph are shown in *Figure 1* and the proposed site plan is shown in *Figure 2*.

Improvement to Richwood Road

Boone County plans to expand Richwood Rd to three lanes near the study area. Currently, Richwood Rd is two lanes (one each direction) in this area with no exclusive turn lanes at the intersection with Grand National Blvd. With this improvement, Richwood Rd will be widened to three lanes from Paddock Rd south to Grand National Blvd. This will provide exclusive left turn lanes for southbound traffic at Access 1 as well as at Grand National Blvd. In addition, an exclusive left turn lane will be constructed on Richwood Rd south of Grand National Blvd for northbound traffic turning onto Triple Crown Blvd. This lane addition was assumed to be finished in 2010, and this assumption is reflected in the models used to perform the capacity analysis and critical lane analysis.

Figure 1: Vicinity Map and Aerial Photograph



3. EXISTING CONDITIONS

Study Area

The site of the proposed development is located east of the intersection of Richwood Rd and Grand National Blvd in Boone County, Kentucky.

The study area includes Richwood Road in the area of the site, including the aforementioned intersection.

Study Area Land Use

Currently, the land use around the study area is residential. Residential developments are located east and west of the site, although they are both set back approximately one half of a mile from Richwood Rd. In addition, several residential properties near the intersection have driveways that intersect Richwood Rd. The proposed site is approximately 5.5 acres.

Site Accessibility

The proposed site will have two stop-controlled access points. Access 1 will be located on Richwood Rd approximately 260 feet from the intersection with Grand National Blvd. This will be a shared access between all facilities located on the proposed site. Access 2 will be located on Grand National Blvd approximately 300 feet from Richwood Rd. This will be a service drive with shared access to all facilities located on the proposed site.

Existing Volumes

Manual turning movement counts were conducted at the intersection of Richwood Rd and Grand National Blvd on October 6, 2008. The manual counts were performed between 7:00-9:00 AM and 4:00-6:00 PM.

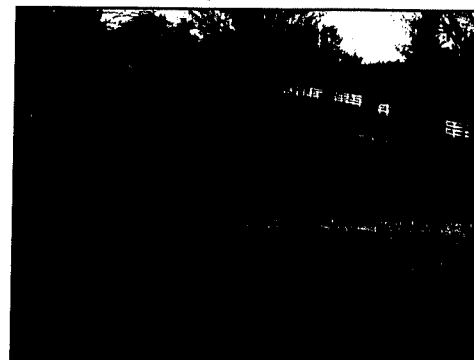
Figure 3 shows existing peak hour turning movement volumes. Traffic count data sheets are provided in Appendix A.



NB Richwood Rd



EB Triple Crown Blvd



WB Grand National Blvd

Figure 3: Existing Traffic Volumes

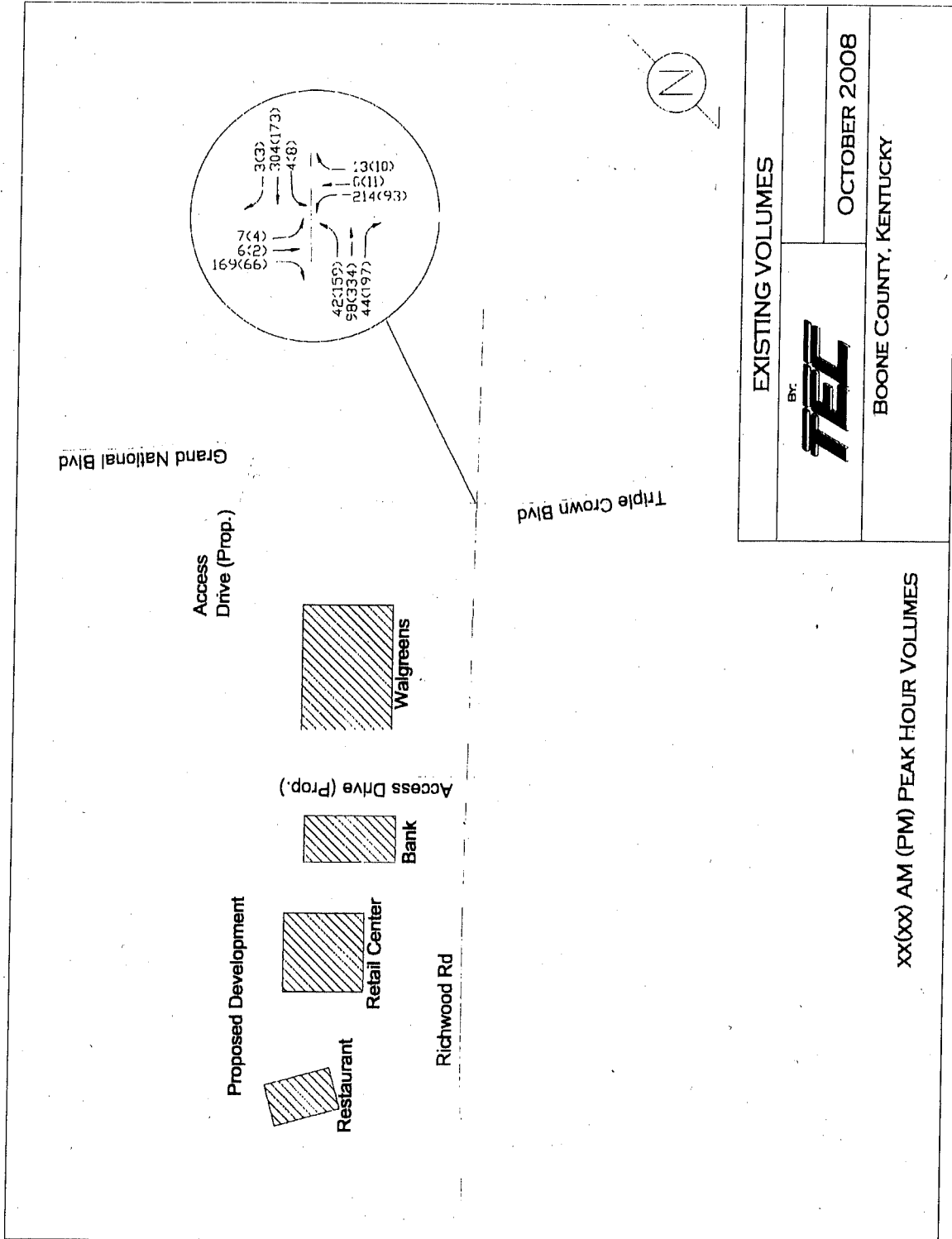
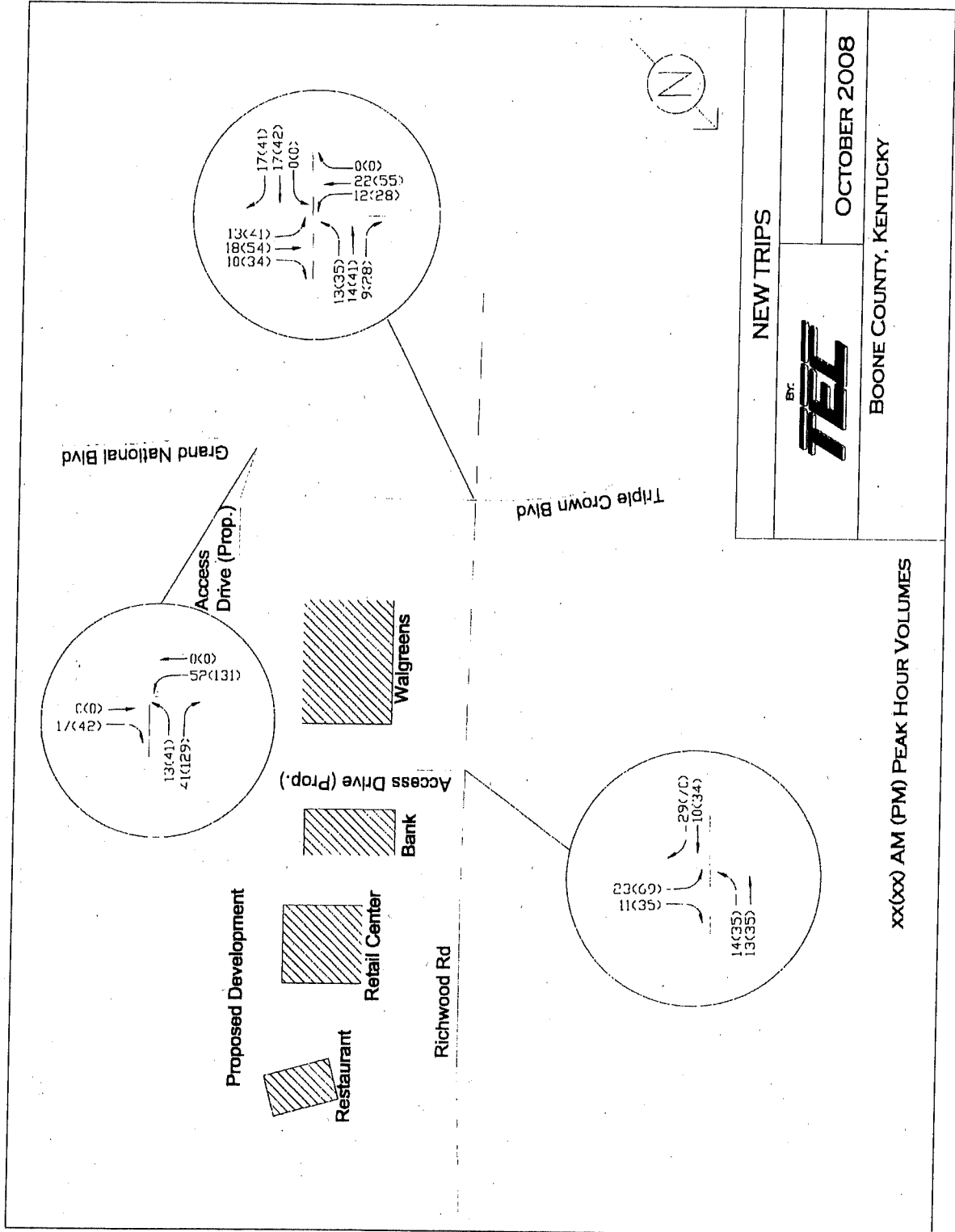


Figure 4: New Trips



4.0 PROJECTED TRAFFIC

A. Site Traffic

Trip Generation

The *Institute of Transportation Engineers (ITE) Trip Generation Manual* is the most widely accepted publication for projecting traffic volumes related to specific land uses. The trips generated by the development were projected using the following ITE Land Uses: *Land Use 881, Pharmacy/Drugstore with Drive-Through Window; Land Use 912, Drive-In Bank; Land Use 820, Shopping Center; and Land Use 932, High-Turnover (Sit-Down) Restaurant*. The traffic for each land use was generated per 1,000 square feet of gross floor area.

The projected total number of trips generated is shown in *Table 3*. The ITE Trip Generation worksheets are provided in *Appendix B*.

Table 3: Total Trips Generated

| Land Use Description | ITE Code | Unit of Measure (Square Feet GFA) | Weekday Peak Hour of Adjacent Street Traffic | | | | | |
|--|----------|-----------------------------------|--|----------|---------|-------|----------|---------|
| | | | AM | | | PM | | |
| | | | Total | Entering | Exiting | Total | Entering | Exiting |
| Pharmacy/Drugstore with Drive-Through Window | 881 | 15,000 | 40 | 23 | 17 | 131 | 64 | 67 |
| Drive-In Bank | 912 | 5,000 | 62 | 35 | 27 | 230 | 115 | 115 |
| Shopping Center | 820 | 10,000 | 40 | 24 | 16 | 136 | 65 | 71 |
| High-Turnover (Sit-Down) Restaurant | 932 | 5,000 | 58 | 30 | 28 | 55 | 34 | 21 |
| Total | - | 35,000 | 200 | 112 | 88 | 552 | 278 | 274 |

Due to the nature of the site, a portion of the trips generated will be pass-by trips. Pass-by drips are defined as follows:

Pass-by trips: trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway.

The pass-by trips were calculated using percentages from the *ITE Trip Generation Handbook*. According to this source, 49% of trips generated by a

Pharmacy/Drugstore with Drive-Through Window are pass-by trips, 47% of trips generated by a *Drive-In Bank* are pass-by trips, 65% of trips generated by a *Shopping Center* are pass-by trips and 43% of trips generated by a *High-Turnover (Sit-Down) Restaurant* are pass-by trips. This indicates that a significant percentage of the trips generated will come from traffic that will be passing the site en route to another primary destination. The pass-by trips are shown in *Table 4*.

Table 4: Pass-by Trips

| Land Use Description | ITE Code | Unit of Measure (Square Feet GFA) | Weekday Peak Hour of Adjacent Street Traffic | | | | | |
|--|----------|-----------------------------------|--|----------|---------|-------|----------|---------|
| | | | AM | | | PM | | |
| | | | Total | Entering | Exiting | Total | Entering | Exiting |
| Pharmacy/Drugstore with Drive-Through Window | 881 | 15,000 | 19 | 11 | 8 | 63 | 31 | 32 |
| Drive-In Bank | 912 | 5,000 | 29 | 16 | 13 | 108 | 54 | 54 |
| Shopping Center | 820 | 10,000 | 26 | 16 | 10 | 89 | 43 | 46 |
| High-Turnover (Sit-Down) Restaurant | 932 | 5,000 | 25 | 13 | 12 | 23 | 14 | 9 |
| Total | - | 35,000 | 99 | 56 | 43 | 283 | 142 | 141 |

The number of primary trips is simply the total number of trips generated minus the pass-by trips. The primary trips generated are shown in *Table 5*.

Table 5: Primary Trips

| Land Use Description | ITE Code | Unit of Measure (Square Feet GFA) | Weekday Peak Hour of Adjacent Street Traffic | | | | | |
|--|----------|-----------------------------------|--|----------|---------|-------|----------|---------|
| | | | AM | | | PM | | |
| | | | Total | Entering | Exiting | Total | Entering | Exiting |
| Pharmacy/Drugstore with Drive-Through Window | 881 | 14,820 | 21 | 12 | 9 | 66 | 32 | 34 |
| Drive-In Bank | 912 | 5,000 | 33 | 18 | 15 | 122 | 61 | 61 |
| Shopping Center | 820 | 10,000 | 14 | 9 | 5 | 48 | 23 | 25 |
| High-Turnover (Sit-Down) Restaurant | 932 | 5,000 | 33 | 17 | 16 | 31 | 19 | 12 |
| Total | - | 35,000 | 101 | 56 | 45 | 267 | 135 | 132 |

Trip Distribution

The directional distribution of primary trips for the proposed development was determined based on an overview of the area; specifically, the location of the site in relation to surrounding communities, workplaces, and shopping centers. For this site, the following directional distributions were assumed:

- 25% to/from the north
- 30% to/from the south
- 15% to/from the east
- 30% to/from the west

Additionally, TEC Engineering, Inc. looked at the individual driveway distribution. The driveway distribution was based on knowledge of the proposed layout of the development and generated traffic.

These distribution percentages were applied to the projected -new trips generated. The resulting entering and exiting trips in the AM and PM peak hours are shown in *Figure 4*.

B. Through Traffic

Future background traffic volumes were calculated using a straight line growth rate of 3% per year. This was done under the assumption that the development will be fully built and operational in 2010.

2010 No Build Scenario

Under this scenario, the development will not be built. This analysis does include the anticipated turn lanes on Richwood Rd as discussed in *Section 2*. Traffic volumes were calculated by using existing volumes and a straight line growth rate of 3% per year. The *2010 No Build* volumes are shown in *Figure 5*.

C. Total Traffic

Future background traffic volumes were calculated using a straight line growth rate of 3% per year. This was done under the assumption that the development will be fully built and operational in 2010.

2010 Build Scenario

Under this scenario, the development will be built. In addition, the anticipated turn lanes on Richwood Rd as discussed in *Section 2* are included. Traffic volumes were calculated by using existing volumes, a straight line growth rate of 3% per year and the trips generated by the proposed development. The traffic under this scenario is adjusted for the Pass-by/diverted trips estimated for the proposed development. The *2010 Build* volumes are shown in *Figure 6*.

Figure 5: 2010 No Build Volumes

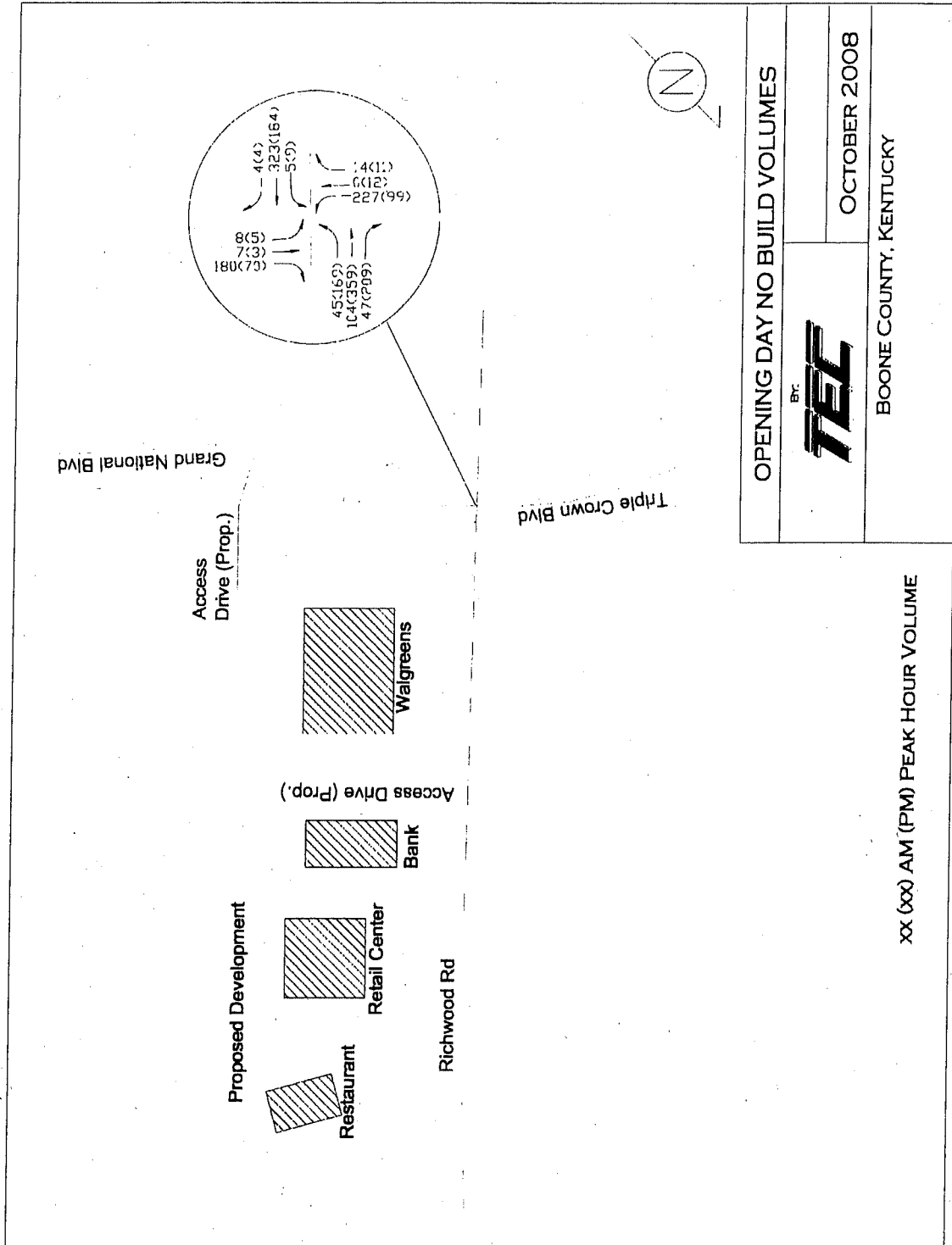
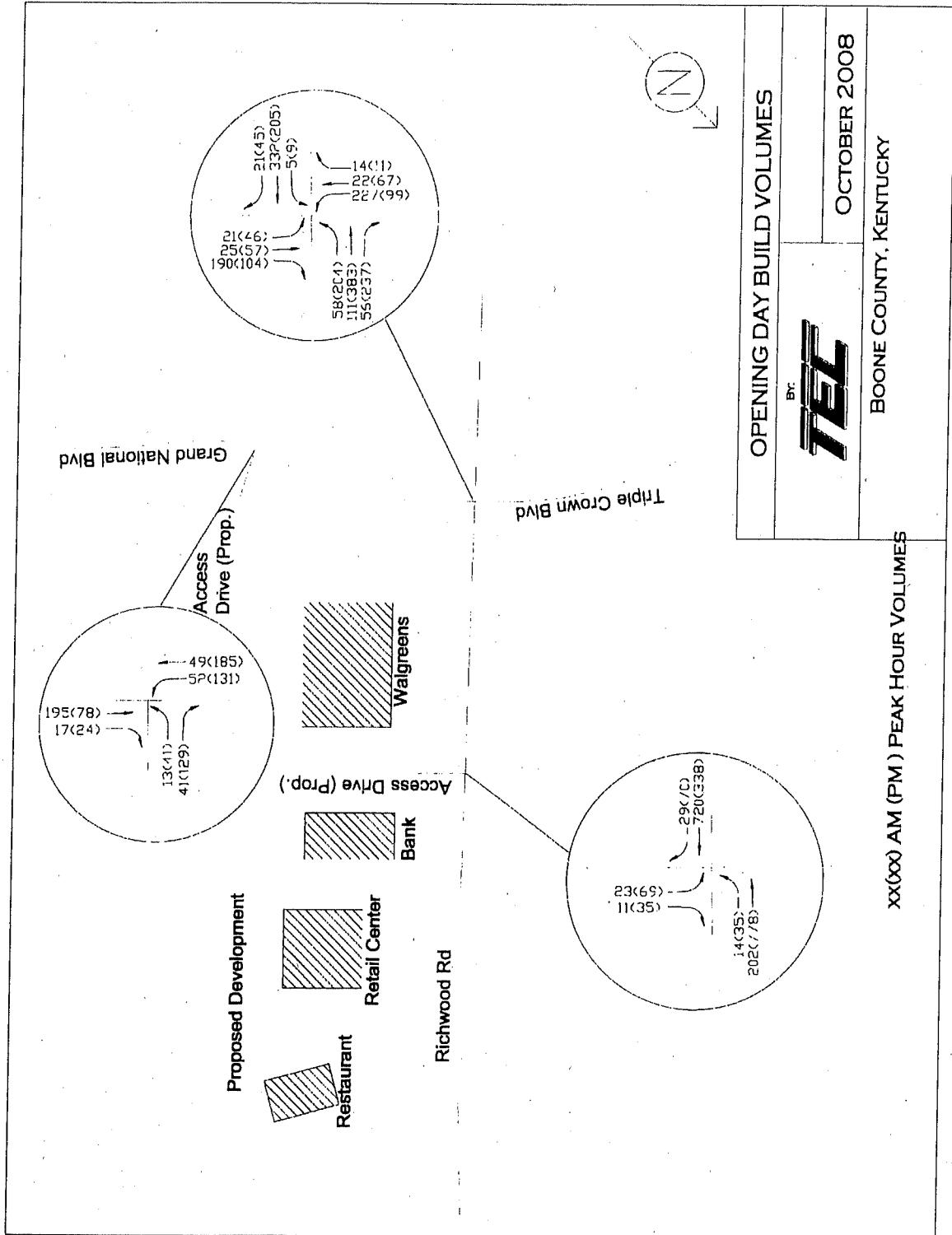


Figure 6: 2010 Build Volumes



5. SIGNAL WARRANT ANALYSIS

Due to the expense of traffic signal installations and the delay caused to vehicles and their occupants, certain requirements or warrants must be met to justify the installation of a traffic signal at an intersection. Each warrant addresses a different set of conditions in which signal control has been found to be an effective and justifiable measure to ensure safe and efficient operation of the intersection.

The *Manual of Uniform Traffic Control Devices (MUTCD)* provides eight (8) individual warrants, one or more of which must be satisfied to warrant installation of a traffic signal. A warrant analysis was performed for the intersection of Richwood Rd and Grand National Blvd using existing volumes obtained from twenty-four mechanical counts performed by TEC Engineering, Inc. on an average weekday in October, 2008. A summary of the results of the warrant analysis is presented in *Table 6*. The signal warrant worksheets are provided in *Appendix C*.

Table 6: Signal Warrant Analysis Summary

| | |
|--|-----|
| Warrant #1A: Eight Hour Vehicular Volume | YES |
| Warrant #1B: Continuous Traffic | NO |
| Warrant #2: Four Hour Vehicular Volume | YES |
| Warrant #3A: Peak Hour Delay | N/A |
| Warrant #3B: Peak Hour Volume | YES |
| Warrant #4: Pedestrian Volume | N/A |
| Warrant #5: School Crossing | NO |
| Warrant #6: Coordinated System | NO |
| Warrant #7: Crash Experience | N/A |
| Warrant #8: Roadway Network | NO |

The intersection of Richwood Rd and Grand National Blvd does warrant a traffic signal under existing conditions.

6. TRAFFIC ANALYSIS

A. Site Access

The proposed development will have two accesses. The first will be a full access located on Richwood Rd north of Grand National Blvd. The second will be a full access located on Grand National Blvd east of Richwood Rd.

Access 1 will be approximately 260 feet from Grand National Blvd and is a full access. As stated in the 2001 edition of the Boone County Zoning Regulations, Article 32: Transportation Management Regulations, the minimum required driveway spacing from an arterial intersection is 230 feet if the driveway is located on the right side of the street and after the intersection.

Access 2 will be approximately 300 feet from Richwood Rd and is also a full access. As stated in the 2001 edition of the Boone County Zoning Regulations, Article 32: Transportation Management Regulations, the minimum required driveway spacing from an arterial intersection is 85 feet if the driveway is located on the right side of the street and before the intersection.

B. Capacity and Level of Service

The software program *Synchro* was used to analyze the capacity at each intersection. *Synchro* uses the methods prescribed in the *Highway Capacity Manual (HCM)* to determine the level of service (LOS). LOS is defined in terms of delay and is a measure of driver discomfort and intersection performance. Delay refers to total average stopped delay experienced by motorists at the referenced intersection. LOS is measured with respect to vehicular capacity and quality of service provided to road users. The level of service at a particular intersection can range from A to F. *Table 7* shows LOS classifications for an unsignalized intersection while *Table 8* shows these classifications for a signalized intersection.

Table 7: LOS for Minor Approaches at Unsignalized Intersections

| | | |
|---|--|-----------------------|
| A | Very low delay | <10 seconds/vehicle |
| B | Good progression | 10-15 seconds/vehicle |
| C | Limit of acceptable delay | 15-25 seconds/vehicle |
| D | Start of traffic breakdown | 25-35 seconds/vehicle |
| E | High delay | 35-50 seconds/vehicle |
| F | Congested conditions, unacceptable delay | >50 seconds/vehicle |

Table 8: LOS at Signalized Intersections

| | | |
|---|--|-----------------------|
| A | Very low delay | <10 seconds/vehicle |
| B | Good progression | 10-20 seconds/vehicle |
| C | Limit of acceptable delay | 20-35 seconds/vehicle |
| D | Start of traffic breakdown | 35-55 seconds/vehicle |
| E | High delay | 55-80 seconds/vehicle |
| F | Congested conditions, unacceptable delay | >80 seconds/vehicle |

A capacity analysis was performed for the AM and PM peak hours at the following intersections:

- Richwood Rd & Grand National Blvd
- Richwood Rd & Access 1
- Grand National Blvd & Access 2

Each intersection was analyzed under *Existing Conditions, 2010 No Build Conditions* and *2010 Build Conditions*.

Summaries of the capacity analyses are presented in *Tables 9-11*. The capacity analysis worksheets can be seen in *Appendix D*. Due to the nature of HCM calculations, intersection LOS cannot be computed at unsignalized intersections. Additionally, approach LOS cannot be computed for free movement approaches. As a result, the tables below only show delay per vehicle for unsignalized intersections and free movements.

Table 9: Richwood Rd & Grand National Blvd Capacity Analysis Summary

| Scenario | Peak Period | Approach LOS (Delay) | | | | Intersection LOS (Delay/Vehicle) |
|---------------|-------------|----------------------|-------------|-------------------|---------------------|----------------------------------|
| | | Richwood Rd | Richwood Rd | Triple Crown Blvd | Grand National Blvd | |
| | | NB | SB | EB | WB | |
| Existing* | AM | (0.1 s)** | (2.1 s)** | F (98.5 s) | B (12.2 s) | (27.7 s) |
| | PM | (0.5 s)** | (3.0 s)** | F (54.9 s) | B (11.1 s) | (8.7 s) |
| 2010 No Build | AM | B (10.7 s) | A (9.0 s) | C (22.2 s) | C (34.5 s) | B (18.0 s) |
| | PM | A (9.4 s) | A (6.4 s) | D (35.3 s) | D (45.1 s) | B (12.7 s) |
| 2010 Build | AM | B (16.7 s) | A (9.0 s) | C (28.8 s) | D (42.5 s) | C (23.7 s) |
| | PM | A (13.6 s) | A (9.5 s) | B (32.8 s) | C (47.5 s) | B (18.4 s) |

Table 10: Richwood Rd & Access 1 Capacity Analysis Summary

| Scenario | Peak Period | Approach LOS (Delay) | | | Intersection Delay/Vehicle |
|------------|-------------|----------------------|-------------|-------------|----------------------------|
| | | Access 1 | Richwood Rd | Richwood Rd | |
| | | WB | NB** | SB** | |
| 2010 Build | AM | D (24.1 s) | (0.0s) | (0.7 s) | 1.0 s |
| | PM | E (42.8 s) | (0.0 s) | (0.4 s) | 3.6 s |

Table 11: Grand National Blvd & Access 2 Capacity Analysis Summary

| Scenario | Peak Period | Approach LOS (Delay) | | | Intersection Delay/Vehicle |
|------------|-------------|----------------------|---------------------|------------|----------------------------|
| | | Grand National Blvd | Grand National Blvd | Access 2 | |
| | | EB** | WB** | SB | |
| 2010 Build | AM | (4.2 s) | (0.0 s) | A (10.0 s) | 2.6 s |
| | PM | (3.7 s) | (0.0 s) | B (10.6 s) | 5.1 s |

* Unsignalized intersection

** Free movement

Richwood Rd & Grand National Blvd

The analysis under the existing conditions shows excessive delays for the eastbound and westbound approaches at the intersections. This is primarily because these two approaches are operating with stop control, while northbound and southbound movements are free flowing.

The intersection analyzed for year 2010 No Build Scenario with traffic signal installed at this locations show acceptable flow of traffic on all approaches of the intersection. It should be noted this scenario is analyzed with additional lanes on Richwood Road , this providing exclusive left turn lanes for the northbound and southbound traffic.

The intersection analyzed for year 2010 Build Scenario shows a slight increase in overall delay for the intersection. However, delay for all approaches shows satisfactory flow of traffic for the AM as well PM peak periods.

Richwood Rd and Access 1

The analysis at Access 1 on Richwood Rd indicates slightly higher delays for the westbound approach. The unsignalized intersection will operate with stop control on westbound approach, therefore the approach appears to have slightly higher delays, i.e., 25.9 seconds/vehicle for the AM peak period and 37.1 seconds/vehicle for the PM peak period.

Grand National Boulevard and Access 2

The analysis at Access 2 on Grand National Boulevard is constructed as an unsignalized intersection with stop control on southbound approach. The southbound approach at the intersection shows acceptable LOS during AM (10.8 seconds/vehicles) and PM (10.0 seconds/vehicles) periods.

C. Critical Lane Analysis

A critical lane analysis was performed for traffic movements by site-generated traffic at the following intersections:

- Richwood Rd & Grand National Blvd
- Richwood Rd & Access 1
- Grand National Blvd & Access 2

The critical lanes for each approach were determined from an evaluation of the model created in *Synchro*. Each critical lane, along with its corresponding storage length and 95th percentile queue, is shown in *Table 12*. The critical lane analysis worksheets can be seen in *Appendix E*.

Table 12: Critical Lane Analysis

| Richwood Rd & Grand National Blvd* | SB LTR** | 475 | 37 | 92 | Existing |
|------------------------------------|----------|------|-----|-----|---------------|
| | EB L | 500 | 126 | 51 | |
| | EB TR | 1000 | - | 35 | |
| | WB TR | 1000 | 108 | 54 | |
| Richwood Rd & Grand National Blvd* | NB TR** | 1000 | 91 | 78 | 2010 No Build |
| | SB L** | 225 | 59 | 45 | |
| | SB TR** | 1000 | 61 | 179 | |
| | EB L | 500 | 130 | 91 | |
| | EB TR | 1000 | - | 80 | |
| | WB L | 70 | 18 | 17 | |
| | WB TR | 1000 | 153 | 58 | |
| Richwood Rd & Grand National Blvd | NB L | 175 | - | 26 | 2010 Build |
| | NB TR | 1000 | 183 | 124 | |
| | SB L | 225 | 68 | 98 | |
| | SB TR | 1000 | 96 | 216 | |
| | EB L | 500 | 182 | 146 | |
| | EB TR | 1000 | 27 | 95 | |
| | WB L | 70 | 39 | 83 | |
| | WB TR | 1000 | 157 | 152 | |
| Richwood Rd & Access 1* | SB L** | 250 | 38 | 42 | 2010 Build |
| | SB T** | 1000 | - | 161 | |
| | NWB L | 50 | 42 | 64 | |
| | NWB R | 50 | 37 | 44 | |
| Grand National Blvd & Access 2* | SWB L | 150 | 24 | 68 | 2010 Build |
| | SWB R | 150 | 40 | 92 | |

* *Unsignalized intersection*

** *Free movement*

The 2010 No Build and 2010 Build scenarios include turn lanes on Richwood Rd at Grand National Blvd slated for construction by the Boone County Engineer. The critical lane analysis shows no need for additional turn lanes or turn lane improvements due to the proposed development.

7. IMPROVEMENTS

A. Improvements to Accommodate Site Traffic

Richwood Rd & Grand National Blvd

The intersection under the existing conditions show excessive delay for the eastbound and westbound approaches at the intersection since the intersection is operating with stop sign installed at these two approaches. Based on the traffic signal warrant analysis completed for the intersection, a traffic signal is warranted and can be installed at this location. With the installation of traffic signal and completion of planned widening along Richwood Rd., the analyses completed for year 2010 No Build and Build scenarios show acceptable flow of traffic through the intersection. The analysis completed including the trips generated by the proposed development show no additional improvements are required at this intersection to maintain acceptable flow of traffic.

Grand National Blvd & Proposed Development Access 1

No additional improvements need to be made to Grand National Boulevard to accommodate the additional traffic generated by the proposed development.

Richwood Rd & Proposed Development Access 2

No additional improvements need to be made to Richwood Road to accommodate the additional traffic generated by the proposed development.

8. FINDINGS

A. Site Accessibility

The site will have two accesses, one on Grand National Boulevard east of Richwood Rd and another on Richwood Rd north of Grand National Blvd. Both access drives are proposed to as full access drive, i.e, all the movements to and from the driveway will be allowed.

As part of the Critical Lane Analysis (see Table 12), Access 1 and Access 2 were checked to determine if vehicle queue lengths on Richwood Rd and/or Grand National Blvd extend past the driveways. Table 12 shows the results. Neither Access point will be impacted adversely.

B. Traffic Impact

The trips generated by the proposed developments will not have any significant impact on the LOS and delay recorded at the critical intersection of Richwood Rd. and Grand National Blvd. The analysis completed for the opening day in 2010 indicates that the intersection will be operating with LOS C during the AM peak period and LOS B during the PM peak period.

C. Need for Improvements

The analysis completed using the committed improvements along Richwood Rd and installation of traffic signal at the intersection of Richwood Rd and Grand National Blvd. shows that no additional improvements, beyond those to be constructed by the Boone County Engineer, are required for maintaining the acceptable flow of traffic through the study area.

D. Compliance with Applicable Local Codes

The two accesses to the proposed site comply with standards set forth in the Boone County Zoning Regulations, Article 32: Transportation Management Regulations.

Kevin Wall

From: Tony Berling [tberling@fuse.net]
Sent: Thursday, October 23, 2008 2:10 PM
To: Kevin Wall
Subject: The Paddock Concept Plan

Kevin:

After reviewing the concept plan Triple Crown Developers has two comments:

- 1). No grading shall occur on this job until KY 338 is expanded by others as shown on the concept plan.
- 2). The concept plan shows a sidewalk in front of Walgreen's but not in front of the other out parcels.

We recommend that a sidewalk be shown from the Walgreen's site going east to Skyline Chili Restaurant on the south side of KY 338.

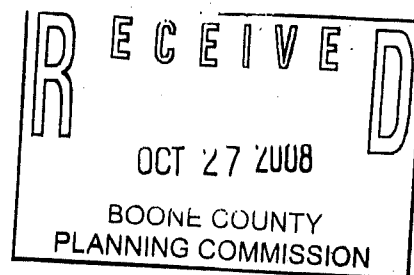
Thanks for sharing this plan.

Tony Berling

TRIPLE CROWN HOMEOWNERS ASSOCIATION

October 27, 2008

Kevin T. Wall, AICP
Boone County Planning Commission
2950 Washington Street, Suite 317
Burlington, KY 41005



Kevin T. Wall:

The Triple Crown Homeowners Association is in receipt of your letter of October 20th that served to advise of an upcoming Public Hearing on Wednesday, November 5 regarding the 2.61 acre site at 343-377 Richwood Road. Thank you for the notification and for the explanation of the process involved in this project. The Association has met regarding this and other issues and we do plan to be represented at the Public Hearing. In the interim, however, we have several concerns:

1. Widening of Route 338 to include a turn lane and two travel lanes at Grand National and Triple Crown Blvd and at the entrance to the center must be done at the time of construction—not later.
2. The traffic light at Route 338 and Grand National and Triple Crown Blvd must be installed at the time of construction—not later.
3. A landscape and signage plan should be submitted which would serve to compliment the entrances to Steeplechase and to Triple Crown.
4. The center access to this development should be a left/right entrance but should only allow a right turn at exiting the center. This would enhance safety by forcing west-bound traffic exiting the center to make the left turn at the new traffic light.
5. A sidewalk should connect the east end of the center to the Skyline Chili site.
6. Elevation plans need specific attention for the sake of safety. If headlights from cars parking in front of the new Walgreens shine directly into cars exiting Triple Crown Blvd there should be a plan to block those lights from impairing vision. The same scenario exists at the Fifth Third Bank exit.

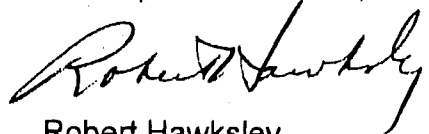
Professionally Managed by Towne Properties Asset Management Company, Ltd.
500 Thomas More Parkway • Crestview Hills, KY 41017-2175
(859)291-5858 • fax (859)291-7767

TRIPLE CROWN HOMEOWNERS ASSOCIATION

7. The east wall of Walgreens needs to be treated architecturally as a visible face; this will be the dominant view of all westbound vehicles as they approach Triple Crown and Steeplechase. A casual review of an almost identical visual blight exists at the corner of Rt. 42 and Mall Road.
8. Trash and dumpster locations should be clearly identified now and plans must insure they are screened appropriately.
9. The state, the county, or the new developer should add a guardrail on the north side of Rt. 338 as there is a significant drop off to a creek area below. The increased traffic in the area and the potential for left turns out of the new proposed curb cut will make a guardrail critical to the prevention of damage to life and property.

In general, the growing association of over 1,300 owners in Triple Crown is in favor of the proposal with each of the above situations clearly addressed in advance of approval and construction. We look forward to the discussion and successful resolution of these and other issues as progress continues in the area.

For Triple Crown HOA,

A handwritten signature in black ink, appearing to read "Robert Hawksley", with a small flourish to the right.

Robert Hawksley
President

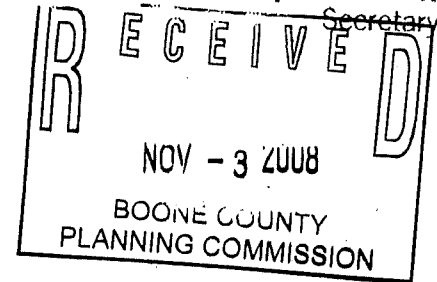


TRANSPORTATION CABINET

Department of Highways District 6 Office
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017
(859) 341-2700

Steven L. Beshear
Governor

Joseph W. Prather
Secretary



JEP Consulting Engineering
7451 Hosbrook Road
Cincinnati, OH 45243
Attn.: John E. Pflum, P.E.

Subject: Commercial Entrance Review
Anchor Property – Mixed Use Development
KY 338, MP 0.710 Lt.
Boone County

October 29, 2008

Dear Mr. Pflum:

This letter is in response to a letter and Traffic Study dated October 16, 2008 regarding a proposed commercial entrance for the proposed commercial development site located on Kentucky 338 in Boone County.

The Department has reviewed the proposed development plan and Traffic Study for this site. The proposed access, as per your plan on Kentucky 338 @ milepoint 0.710, seems to meet our standards and specifications for the intersections sight distance, and would meet those requirements for approval. There are a number of other factors that will determine the entrance configuration and access design. First, the Department has been reviewing plans submitted by Boone County Fiscal Court to upgrade Kentucky 338 along this section, including upgrading the intersection with Grand National Boulevard. If these improvements are constructed in a timely manner, the Department will allow the entrance to be constructed with full access capacity. If, however, Kentucky 338 is not upgraded by Boone County Fiscal Court or other entities, then the Department would only allow a right-in/right-out entrance at the proposed location.

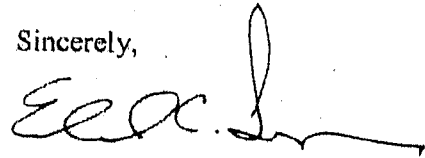
While the Department has been contacted and is currently reviewing plans for the upgrade of Kentucky 338 along this corridor, nothing has officially been approved at this date for the improvements. We believe Boone County Fiscal Court will move forward with the upgrade of Kentucky 338, and coordination between Anchor Properties and Boone County Fiscal Court will be required for approval of both request.



JEP Consulting Engineering
October 29, 2008
Page: 2

The formal approval is subject to an Encroachment Permit Application being forwarded to the Department for final review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edmond C. Thompson', with a long horizontal flourish extending to the right.

Edmond C. Thompson
Permit Supervisor

ECT/csm

Cc: Robert Hans, P.E., Executive Director, District 6
Rick Davis, P.E., TEBM - Engineering Support Branch, District 6
Greg Sketch, P.E., Boone County Engineer
Robert Mooney, Anchor Properties

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

November 5, 2008

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Bungler, Mr. Ford, Mrs. Herald, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke – Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: Viox & Viox, Inc. for
EmANon Acres, Limited Partnership,
Dennis G. Davis, Don Davis, and Richard Davis (owners)

Request: Zoning Map Amendment and Concept Development Plan

The request of Viox & Viox, Inc. (applicant) for EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners) for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EDP) for a 2.61 acre area located at 343, 351, 357, and 377 Richwood Road, Boone County, Kentucky; and the request of Viox & Viox, Inc. (applicant) for Anchor Properties (owner by contract) for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff Report.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Bill Viox with Viox & Viox introduced their Transportation Engineer, Jack Pflum, and their attorney, Gerald Dusing. Mr. Viox stated that they are here this evening to discuss Walgreens coming to this community. He stated that most of the Walgreens sites in this area were developed by Anchor Properties, and every Walgreens site they develop has to be approved by their headquarters in Chicago. Reviewing the applicant's Power Point presentation, Mr. Viox noted the line between the existing C-3 and EDP zoning classifications. He stated that the development community seems to keep away from EPD zoning -- it is a zoning classification that is involved and often misunderstood. After meeting with Staff and discussing a direction for over a year, they feel that this use belongs in the EPD zone. He stated that normally zoning lines are parallel or perpendicular to a road, or they follow a property boundary line or a river -- but this zoning line does not. He stated that they have the right to continue to develop in C-3 next to Skyline, but what happens when they get to the EPD zoning? He stated that Staff asked them to control the rest of the frontage and they want to create a theme that goes all the way down to Skyline. He presented photographs of the current site conditions noting Grand National Boulevard and the entrance that goes over a hill and around a curve as you approach the site. He presented and reviewed the Site Plan. He stated that they are providing land for the current widening of the road and providing right-of-way for the five lanes that will occur years from now. He stated that they agreed to grade the area. They have to bring the entrance down to the flat elevation, which caused them to move the building back -- which was expensive since there is quite a hill there. He stated that Walgreens requires the entrance where it is located for their traffic movements and they cannot move it further down the road. He stated that located next to Walgreens is a bank site. They had banks interested in locating there until the banking crisis occurred in September 2008 and they currently do not know which bank will be there. He stated that the uses in the center will be uses needed in the neighborhood. He stated that Walgreens often acts as a catalyst for other uses which might include health related businesses -- such as health foods, medical or dental office. At the end of the site is a restaurant use, but almost every company that showed interest has backed away. It may be a Starbucks. They will wait to put in uses that fit with the neighborhood. The architecture is part of the theme. All utilities are available at the site and they will be underground. He stated that they had to terrace the site up because of the hillside and there will not be an issue with headlights on passing cars because of the grade. The grade sits well with the grade on Grand National Boulevard. He stated that Grand National Boulevard and Triple Crown Boulevard rise up in elevation away from Richwood Road. He stated that Skyline is on a grade above the top of a car and their site will be higher than that and people will be looking at the landscaping. He stated that they have

added turning movements. They met with the County Engineer and the state and are aware of the agreements related to the traffic signal. He stated that a car at the gates at Triple Crown will be able to look across at the architecture, and people driving on Richwood Road will be looking at their landscaping and their lawn. He stated that Walgreens industry has changed and pharmacists now do more things than they did previously. Over-the-counter drugs have increased because the FDA now allows more drugs to be on the shelves than they did twenty years ago. Because there are more drugs over-the-counter, a Walgreens can no longer be as small as it was when they started in 1901. He stated that 55 new drugs were introduced in 2007 and another twenty were introduced by June 2008 – so pharmacists have to go through training to keep up. He stated that 75% of Walgreens total income is from prescription drugs and over-the-counter medical supplies. Walgreens is an innovative company – they were first to have one-hour film developing and first to have satellite telecommunications between stores – and now every Walgreens will have a manned clinic within the store. Walgreens at this site will make a living off of the thousands of homes in the area – Triple Crown, Frogtown Road, Bedinger's Landing – that's their marketplace.

Mr. Viox presented a 3D video of a vehicle starting on Triple Crown Boulevard and going towards Richwood Road. The video begins at the traffic light and after turning left, you begin to see the Walgreens site. He noted the queue space at Walgreens and the "people area" on the site. He noted the views and how the vehicle continues to go up grade to the bank site. He noted the landscaping in front of the buildings. He noted the view from Grand National Boulevard and the grades. He indicated the traffic light. He stated that the entire site is up above the monument sign. He stated that the Staff Power Point presentation showed the monument sign at the intersection and how far above the monument sign the Walgreens site is located.

Mr. Jack Pflum stated that he has been involved in traffic and transportation planning for more than thirty years. He has experience in working with the Transportation Cabinet, many developers, and the Planning Commission Staff. He presented a slide of the Traffic Engineering Standards. He stated that this has been a fast-growing area and there is still room to grow commercially and residentially. It is important for the proposed uses to fit in properly. The Traffic Study, which is attached to the Staff Report, has been reviewed by Greg Sketch and the Transportation Cabinet. He stated that they followed the standards of the Institute of Transportation Engineers and the Highway Capacity Manual, and they have done everything they need to do to enhance the safety of the motoring public. They have an approval letter from the Transportation Cabinet, which was reviewed by Greg Sketch, and the outstanding questions will be addressed later. He believes the Traffic Study meets all of the criteria. He presented a slide listing the five areas they looked at to evaluate the traffic: He stated that existing conditions are terrible and it is difficult to get out of Triple Crown without a traffic signal. They looked at Level of Service with a signal and no roadway widening on Richwood Road. Then they looked at the traffic with the signal,

future traffic, and future road widening of Richwood Road (two lanes in each direction and a center turn lane) and the Level of Service improves dramatically. He stated that the traffic signal meets the warrants and can be installed. He stated that their lane analysis, field observations, and computer models show that the driveways will work. They will respect the comments by the Transportation Cabinet and the Boone County Sheriff and the driveways will be restricted until the widening of Richwood Road occurs. He stated that Walgreens tends to draw traffic from the existing roadways and does not generate a lot of new traffic. Walgreens' market is the adjacent residential areas and the other uses will be similar. The impact on the adjacent streets is minimal. The new traffic signal and roadway widening will significantly improve Level of Service for all users of the intersection – Triple Crown, Grand National Boulevard, and Richwood Road. The intersection is currently Level of Service F (failure) and will go to Level of Service B/C, which provides good service. He stated that the Richwood Road widening is underway and drawings have been submitted to the Transportation Cabinet. He stated that traffic does not back up beyond the driveways and will not block the driveways. There will be enough capacity with the roadway improvements to handle the forecasted traffic. He stated that the improvements to the roadway system and traffic signal are sufficient to not only maintain the standards required by the Transportation Cabinet for Richwood Road and by Boone County for Grand National Boulevard, but to improve them substantially. He stated that the Walgreens at U.S. 42/Braxton Road is a stand-alone store. He showed a picture of the parking lot at 8:00 AM when there were six vehicles in the parking lot, some of which may have been employees. A photograph taken in the evening when people pick up their prescriptions showed 27 cars in the parking lot. He stated that the traffic flow at the intersection (U.S. 42 being five lanes wide and there being a traffic signal at Braxton Road) was operating in a safe fashion and did not negatively impact the roadway system. It is their conclusion in the Traffic Study that the proposed Walgreens will operate as well as the one at U. S. 42/Braxton Road.

Mr. Gerald Dusing, attorney representing Anchor Properties, addressed the criteria in the Zoning Ordinance for EPD and the criteria for a zone change. He referred to Chapter 16 of the Zoning Ordinance and stated that EPD is unique in that there is no underlying zoning district. He stated that they are not asking for a zone change for the EPD portion of the proposed development -- they are asking for approval of a Concept Development Plan within the existing EPD zone – and they are asking to change the existing C-3 zoning to EPD in order to have a unified development. He stated that the EPD zone was introduced into the Zoning Ordinance in the early 1980's for property across the street – but nothing has ever developed in EPD in Boone County. He stated that the criteria is cumbersome and somewhat ambiguous – nothing is permitted and nothing is prohibited. He stated that they meet the criteria for EPD zoning. He stated that, as indicated in the Staff Presentation, the Comprehensive Plan designation is "Business Park" and the dark line on the Comprehensive Plan includes a total of 40+ acres on both sides of Grand National Boulevard. They are asking for a development of a little

over five acres within that 40+ acre Business Park designation. He stated that EPD zoning (Page 61) "may consist of Industrial, Office or Commercial uses" and noted that the criteria for the EPD designation calls for a mix. He stated that they are presenting Neighborhood Commercial and maybe Office in five acres of a 40+ acre area, which leaves approximately 35 acres remaining to be developed. He stated that they meet the Comprehensive Plan – EPD calls for this type of use. He stated that EPD calls for Industrial but, hopefully, Industrial will not be allowed west of I-75 in this corridor. He stated that Office Park and Campus development are not practical on topography – the site is steep along the frontage of Richwood Road. He stated that the C-3 zoning as shown was done prior to GIS -- the zoning is bisected by Grand National Boulevard leaving a sliver to the west, which does not make sense. He stated that their plan allows a large area of EPD to continue to develop for mixed use. He referred to Page 62 of the Zoning Ordinance and noted that "EPD is intended to allow some uses compatible to the surrounding land uses" – which this use does since it serves the residential uses on both sides of Richwood Road. He read from Page 16-3 that "EPD is specifically to permit uses which are flexible -- if they are compatible with the adjoining uses and the objectives of the chapter". He noted that the standards to be considered for a zone change are on Page 16-5. He quoted that "Planned development shall generally conform to the Comprehensive Plan and not be a burden on public infrastructure". He stated that this site has water, sewer, fire and police services and, with the road improvements, it will not have a negative off-site impact. He stated that they meet the criteria. He quoted that "Planned Development shall efficiently utilize the site, protect and preserve the scenic assets and natural features, incorporate the existing trees, streams and topographic features". He stated that there are no trees or streams on the site – but there is a slope, which they will improve significantly. He quoted from Criteria #3 that "Where appropriate, Planned Development shall include developable land that is unbuilt and may be available for purchase or donation to public agencies". He does not think the county will buy the site now, making reference to the Park tax that was defeated last night, and five acres along Richwood Road is not appropriate for donation. He quoted from Criteria #4 that "Planned Development shall not hinder or deter development of surrounding undeveloped properties". He stated that there are expensive and well-thought out features in their plan to honor the entrances to Steeplechase, Triple Crown and the corridor to the west on Richwood Road. He quoted from Criteria #5 that "Planned Development shall be located where transportation, police, fire protection, and other public facilities, utilities, sanitary sewer, etc. are available and adequate". He stated that improving the interchange and providing grading and coordination at the developer's expense for the ultimate improvements to Richwood Road all the way through the intersection is a tremendous improvement. He asked Bill Viox to address the nine compatibility standards on Page 66 – 67 of the Zoning Ordinance.

Mr. Viox stated that attached to the Staff Report is a narrative, as required, which includes an introduction and a section on intent (see Supplemental Information for "The Paddock" Development). He reviewed the narrative and stated that they had

to create the Permitted Uses and they will continue to be discussed as this process moves forward. The narrative talks about Building Intensities and lists the nine Compatibility Assessment Standards. Section 4 covers the Design Standards, which were also addressed in the Staff Presentation. In regard to Design Standard B, he stated that they do not know what the uses (besides Walgreens) will be, but they will fit the neighborhood. They need a little leeway in regard to what the buildings will look like since different uses have facades that they would like to have there. He stated that they are here this evening about Walgreens. The proposal was presented previously, but this time they are showing the whole corridor and what they can do with the rest of the block and what they can do for the neighborhood. He stated that Walgreens is needed in the area -- the numbers do not show how many times a person gets on the roadway to go to such a use when they could just go up the street.

Mr. Dusing stated that neighborhood uses are sorely needed in this area -- especially Walgreens and what they have to offer. He stated that the criteria is *Does the plan do justice to the surrounding area?* and he believes it does. He stated that some of the Permitted Uses may not be appropriate -- and they will be discussed further in Committee and gone through one by one. He stated that being able to walk or ride a bike to Walgreens is a huge amenity. He stated that there are 1,300 families living in Triple Crown and the letter from the Triple Crown Homeowners Association (attached to the Staff Report) endorses the project provided certain conditions are met. This concluded the applicant's presentation.

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

Mr. John Lorms, 1309 Oxley Court in Triple Crown, stated that he is not opposed to the project -- he believes it will provide convenience and Anchor Properties will do a nice job on the architecture -- but he is concerned about traffic. He stated that they are focusing on the area in front of the development, which is important, but he is concerned about there being a detriment up towards I-75 where there are truck stops. When a truck comes out of Pilot and makes a left turn, it blocks the roadway and the traffic backs up. He stated that the road improvements have to occur before the development can go forward.

There being no further comments from the audience, Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Hicks asked Staff when the traffic signal would be installed. Mr. Wall responded that he requested feedback on this question from the state and from the County Engineer, but did not get a definitive answer. He stated that it is up to the state whether it is something they want to do or not. He stated that the applicant's Traffic Study shows that three warrants for the signal are met. Mr. Costello stated

that the county initiated the study of the traffic signal. He meets quarterly with the Highway Department and it appears, with the improvements and the activity levels, that the warrants would be met. He anticipates the light being installed as the improvements are being done. He stated that the current owners are obligated to pay for a portion of the signal, and Triple Crown will also have to pay for a portion of it.

Mr. Hicks questioned how to move forward and get the traffic signal installed since the funding is in place. Mr. Pflum responded that the traffic signal is warranted based on existing traffic and the next step would be approval from the Transportation Cabinet. He stated that Richwood Road is a state highway and the Transportation Cabinet has the authority to install and maintain the traffic signal. He stated that the turn lanes, roadway improvements, and drainage have to be considered and he doubts that they would just install the traffic signal by itself. Mr. Hicks questioned the timeframe for the road improvements. Mr. Pflum responded that his conversations with the Transportation Cabinet and Greg Sketch indicate that there is not a definitive date for construction to begin. He stated that right-of-way acquisition has to occur and they have to apply for Encroachment Permits and, to his knowledge, that process has not started.

Mr. Hicks stated that Steeplechase was required to put up money once they reached a certain number of units. He asked if they would have to pay if they have not yet reached that number of units. Mr. Wall responded that Steeplechase has escrowed the money with the county.

Mr. Hicks stated that there is a connector shown towards Skyline and there is a retaining wall there and one at Skyline. He asked if they have plans to cut out the large mass of land between and connect the two sites, and if they have contacted Skyline about a connection. Mr. Viox responded that the Site Plan for Skyline does not show access management, even though the Planning Commission normally requires it. They do not want to put in a connection and have Skyline put a cable across it. They will discuss it with Skyline to see if it is the proper location for a connection and if Skyline wants a connection. The applicant is willing to connect.

Mr. Hicks questioned the difference in elevation from the front door of Walgreens to Richwood Road. He questioned how high the parking lot will be compared to KY 338. Mr. Viox estimated 8' – 10', but will provide more accurate information to the Committee.

Mr. Schwenke asked if there will be a retaining wall at the back of Walgreens, or will it be a slope or concrete wall? He questioned how high the elevation will be and what they plan to do there. Mr. Viox responded that they have negotiated a grading easement for a slope.

Mr. Ford questioned why the previous application was withdrawn. Mr. Wall responded that it was a much larger project of 40+ acres and included the remaining area between Richwood Road and the frontage of this five acres all the way back to Steeplechase. The project was done in a guideline format for various kinds of office, commercial, and residential options. He cannot speak for the people who withdrew the application, but it seemed that it would be hard to manage based on the amount of land and the lack of people committed to developing it at that time. The proposed project is scaled back and much smaller.

Mr. Rolfsen asked if the Walgreens would be open 24 hours a day. Mr. Viox responded that every Walgreens has the option to be open 24 hours a day, but they do not know at this time if this location will be open 24 hours a day or not. He stated that the Walgreens on Mall Road became a 24-hour store when St. Elizabeth Hospital had to curtail some of their services to the public. Mr. Rolfsen asked if there will be a drive-through. Mr. Viox responded "yes".

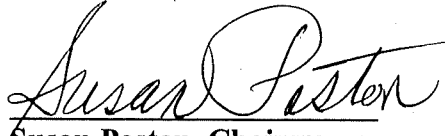
Mr. Charlie Reynolds noted that Staff said that there are no setbacks in EPD. Mr. Wall agreed and explained that the zone is set up so that qualitative items have to be addressed and they form their own zone and zoning requirements based on the qualitative standards – which is why there is a Staff Comment that the three undetermined lots need to have qualitative standards, which may be difficult to do without knowing the users. Mr. Viox stated that they will come up with a setback standard.

Mrs. Poston questioned the amount of additional parking that would be needed for the health clinic. Mr. Wall responded that the clinics they have seen so far have been small and have not really affected the parking. The clinic will not add any required parking – it is a similar parking requirement in the same size building.

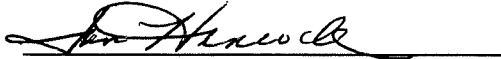
Mr. Hicks asked if the buildings will be built as shown with the elevations, building materials, and design – or will they go through Design Review? Mr. Viox stated that there is a paragraph in their narrative in regard to the building materials and they can discuss it at the Committee Meeting. They were not planning to go through Design Review for buildings for which they do not know the uses. Walgreens will be as shown and the other buildings will be generally as shown. They will try to have the same brick for all of the buildings, but they need some leeway because they do not know the other uses at this time.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 19, 2008 at 5:00 PM in this room. The public is welcome to attend, but no new testimony will be taken. This item will be on the Agenda for the Business Meeting on December 3, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:50 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
February 4, 2009
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:09 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mr. Mark Hicks
Mr. Jim Longano
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment and Concept Development Plan

The request of Viox & Viox, Inc. (applicant) for EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners) for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EDP) for a 2.61 acre area located at 343, 351, 357, and 377 Richwood Road, Boone County, Kentucky; and the request of Viox & Viox, Inc. (applicant) for Anchor Properties (owner by contract) for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

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). He stated that the Committee met this evening. He read a letter addressed to the applicants c/o Mr. Jonathon Brown, in regard to the recommended conditions. Mr. Costello stated that the difference between the Draft Committee Report and the letter is in regard to Condition #10 only – all of the other conditions are identical. Mr. Wall noted that condition #10 is amended to read:

10. The Richwood Road access point shall be designed and constructed for right-in/right-out movements only until the pending road widening project is complete. ~~It is understood that the Walgreens pharmacy will not develop until full access is permitted on Richwood Road.~~ Also, only the Walgreens lot and one other lot with a use whose traffic peak hour does not conflict with the peak hour of the adjoining road system may develop until full access is permitted on Richwood Road.

The property owners have signed the letter agreeing to the conditions.

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

Mr. Gerald Dusing, attorney present on behalf of the applicant, stated that the Committee Report is comprehensive and has some all-encompassing conditions. The Committee Report deals in depth with the issues raised at the Public Hearing. He stated that the applicant is present to answer any questions.

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

At this time, **Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Rolfsen seconded the motion.**

Mr. Schwenke questioned the hours of operation of the Walgreens store – will it be open 24 hours a day? Mr. Mike Ricke with Anchor Properties responded that the hours that the store is open is an operational decision that will be made before the store opens. Mr. Schwenke stated that this is a residential area. He does not want the store open 24 hours a day, but he would not be opposed to it being open during evening hours. Mr. Ford agreed. He stated that he does not want to set a precedent of allowing 24-hour retail in a nice residential area. He believes that the use should meet the area it is going into and, at a certain time, a residential area shuts down. He questioned a timeline for an answer to the question Mr. Schwenke raised. Mr. Ricke responded that the operations people look at the community and determine if there is a need for a 24-hour pharmacy. The decision to be open 24 hours is not based on selling soft drinks and milk, it is related to the pharmacy. He stated that in most cases there is a need for a 24-hour pharmacy. They will make that decision after analyzing the market and the demand. Mr. Schwenke stated that his comments were not limited to Walgreens. He does not want to see any of the uses open 24 hours a day and he would have a difficult time voting in favor of the application without such a condition. Mr. Bunger asked Mr. Schwenke what he believes the hours of operation should be. Mr. Schwenke responded that he would be agreeable to Walgreens opening at 6 AM for people going to work and closing at 10 PM, which is more in keeping with a residential area.

Mrs. Poston questioned Condition #10. She asked how it would be determined that a second use that goes in would not be in conflict with the peak hours. Mr. Wall responded that it is based on a variety of data, such as when peak hours tend to occur for the business and the peak hours of the road system. As Zoning Administrator, he would obtain all available information relative to the use and data from all available resources, such as ITE or other published sources. Counselor Wilson advised with this condition, when a second use is proposed, Mr. Wall as Zoning Administrator will be able to demand that they provide him with peak hour information in order to make a determination.

There being no further discussion, Mrs. Poston asked for **a vote on the motion made by Mr. Bunger which found Mr. Brandstetter, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mr. Hicks, Mrs. Arnett, Mr. Rolfsen and Mrs. Poston in favor. Mr. Ford, Mr. Reynolds and Mr. Schwenke were opposed. Mr. Longano passed his vote when called. Counselor Wilson advised that a pass vote goes with the majority. The motion carried by a vote of 9 to 3.**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: February 4, 2009

RE: Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Concept Development Plan and Zoning Map Amendment applications are in agreement with the Comprehensive Plan due to the following reasons.
 - A. The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Map designates the site substantially for "Business Park" uses. This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." Although this designation does not outline retail uses per se as proposed, the project does include the potential for office uses. Also, the proposal with the agreed conditions will create the type of campus environment sought by the Comprehensive Plan through the use limitations, pedestrian and open space amenities, constant architectural and signage theme, and extensive landscape areas. These qualities also agree with the Business Activity Goals and Objectives (Commercial Objective 2).

- B. The Land Use Element ("7. Richwood West," pg. 148) states "the remaining undeveloped land on the southwest quadrant of I-75 and Richwood Road is shown as Business Park and Urban Residential. The Business Park area along Richwood Road should develop as an attractive office campus project that provides an appropriate entrance to the Steeplechase to Chambers Road residential corridor. Any business development along Grand National Boulevard must include proper ingress and egress, and provide for needed modifications to the roadway and/or its intersection with KY 338."

As outlined above, the proposal meets the substance of the Business Park designation and provides a campus type environment. This will function as both a "softer" commercial/office entrance to the Grand National Boulevard residential corridor and the beginning of a transition between Richwood Road, the currently vacant Business Park area to the immediate south, and the residential uses further to the south. Regarding road improvements, the development will provide substantial, necessary grading for the Richwood Road widening. It will also provide a left hand turn lane into the development on Grand National Boulevard and appurtenant road widening at the developer's expense.

- C. The Land Use Element ("8. Richwood Area," pg. 148) states "improvements are needed to the Richwood Interchange and to Richwood Road to increase capacity. Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75" and that commercial development along Richwood Road should "serve the developing residential uses in the Richwood - Union area. Curb cuts should be limited and consolidated wherever possible."

Through the agreed use limitations, the development will be limited to neighborhood oriented uses versus interstate uses. These limitations avoid uses which are intense from a traffic perspective or which would substantially draw from the interstate. The Concept Development Plan has one shared curb cut on Richwood Road which will be limited to right-in/right-out movements only until the road widening project is complete.

The above facts regarding the use limitations also agree with the Business Activity Goals and Objectives (Goal and Commercial Objective 1), and the Business Activity Element ("Recommended Areas of Commercial Activity," pp. 63 and 64) which states "as the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers."

- D. The Committee has concluded that the proposal with the agreed conditions is in agreement with the applicable Future Land Use Development Guidelines and the Goals and Objectives. The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted in the Staff Report. These provisions pertain to building setbacks and buffering, landscaping, access management, aesthetic impacts, and appropriate design. These basic tenets are also discussed in the Goals and Objectives.
2. The Committee has concluded that the proposal, coupled with the agreed conditions, fulfill the applicable requirements of Article 16 "Employment Planned Development District/Residential Planned Development District" of the Boone County Zoning Regulations, including the requirements of 1607, 1608, and 1609.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and the requirements of Article 16 of the 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 owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the submitted Concept Development Plan materials except as modified by the conditions listed below.
2. Uses in the development shall be limited to those permitted in the C-2 and O-2 zones as proposed in the Concept Development Plan. However, the following uses shall be excluded from the development, or modified as further described below.

C-1 Zone (principally permitted uses allowed in C-2 by reference)

Principally Permitted Use #6: Convenience stores.

Principally Permitted Use #31: Recreation centers, gymnasiums, clubs and similar athletic uses; facilities permitted under this use category shall be limited to fitness clubs.

Principally Permitted Use #33: Funeral homes and crematoriums excluding cemeteries or mausoleums.

C-2 Zone

Principally Permitted Use #30: Recreation centers, gymnasiums, clubs and similar athletic uses; facilities permitted under this use category shall be limited to fitness clubs.

Principally Permitted Use #31: Motorcycle sales or bike shops excluding outside storage.

Principally Permitted Use #34: Pawn shops.
Principally Permitted Use #35: Auto parts and accessories stores.
Principally Permitted Use #36: Gasoline filling stations.

Conditional Uses: All CUP categories are eliminated from the development except that the uses permitted under Conditional Use #1 "Garden and landscape sales including florist greenhouses, lawn furniture and the like" are allowed if all business activities occur indoors.

O-1 Zone (principally permitted uses allowed in C-2 and O-2 by reference)

Principally Permitted Use #26: Funeral homes and crematoriums excluding cemeteries or mausoleums.

O-2 Zone

Principally Permitted Use #4: Convenient stores.

Conditional Use #3: Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district.

Conditional Use #4: Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district.

Conditional Use #6: Window cleaning, disinfecting and exterminating, dwelling and building services.

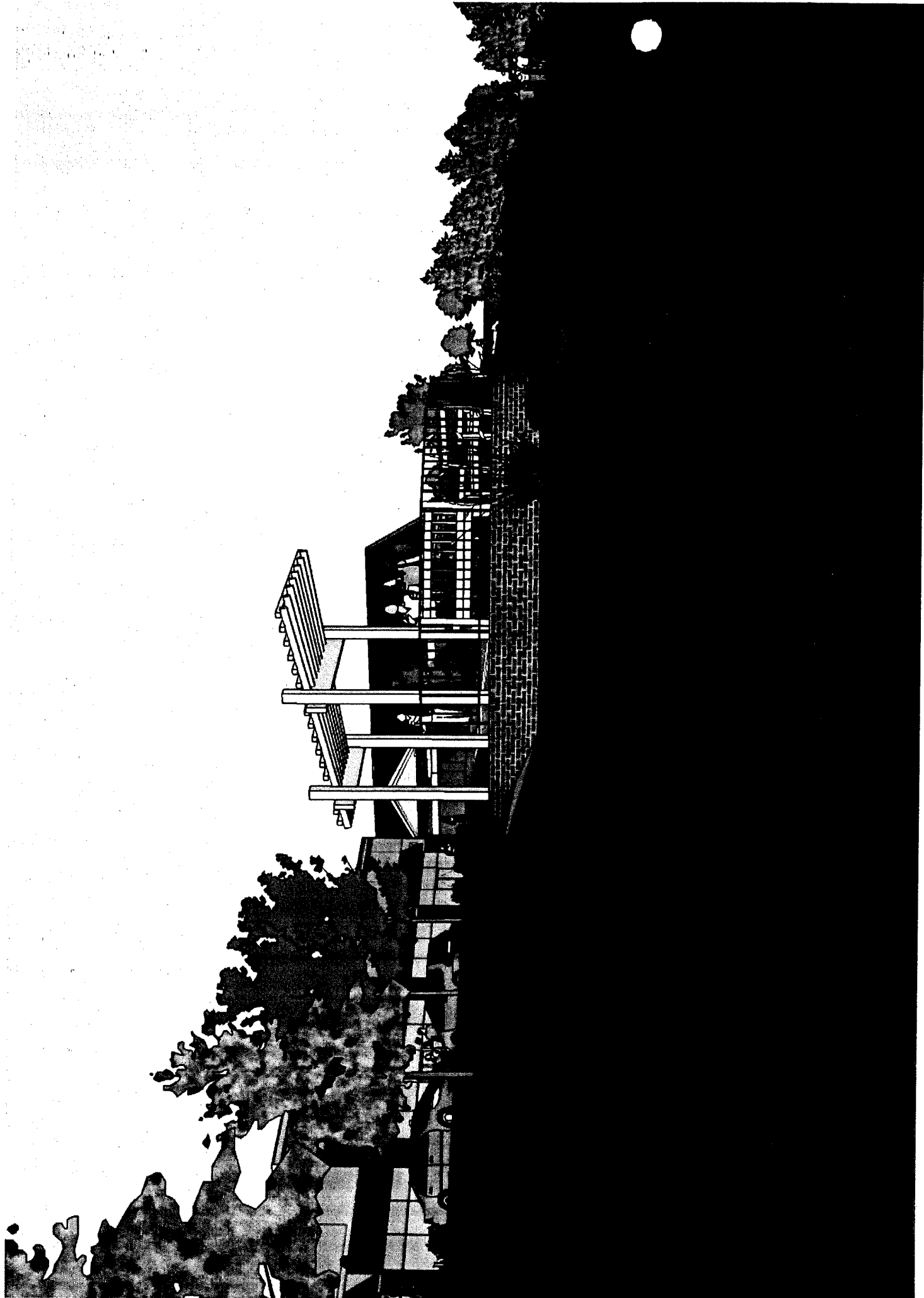
Conditional Use #7: Automobile leasing or rental agencies (maximum storage of 50 vehicles).

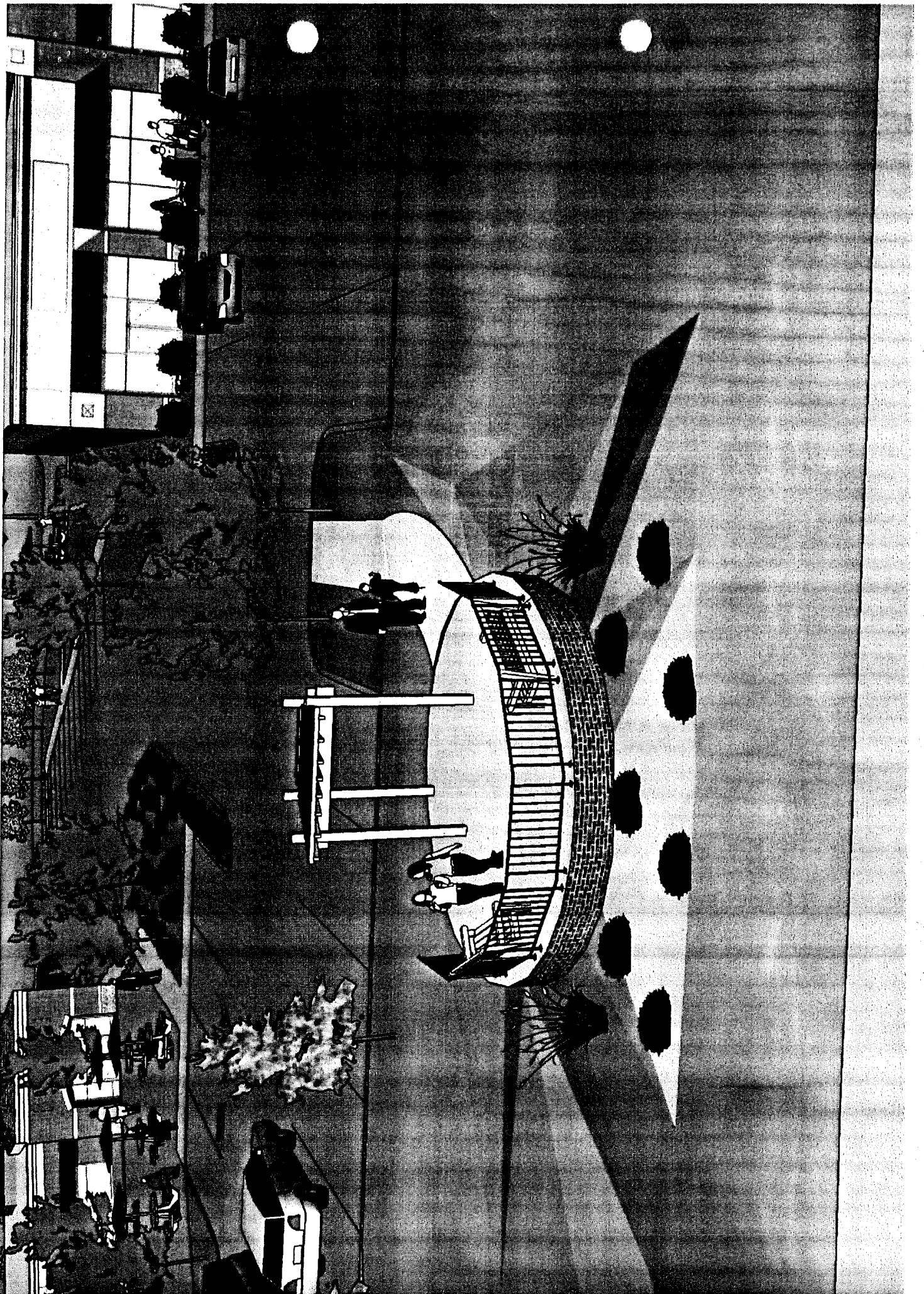
3. The Planning Commission shall contact the owner of the adjoining Skyline Chili tract to the east to facilitate a driveway connection between this development and the Skyline tract. If agreeable to the owner of the Skyline Chili tract, the developer shall construct a driveway connection at their expense between the Skyline Chili parking area and the eastern-most site in this development, when said site is developed and if the connection is physically feasible.
4. An additional sidewalk connection shall be provided between this development and the future sidewalk along Richwood Road. This connection shall be located to the east of the Richwood Road access point. This sidewalk connection may be provided along the Skyline Chili access drive to Richwood Road if the driveway connection outlined in condition #3 is constructed.
5. Building height in the development shall be limited to 35 feet. The development shall follow the minimum setback standards for the C-2 zone.

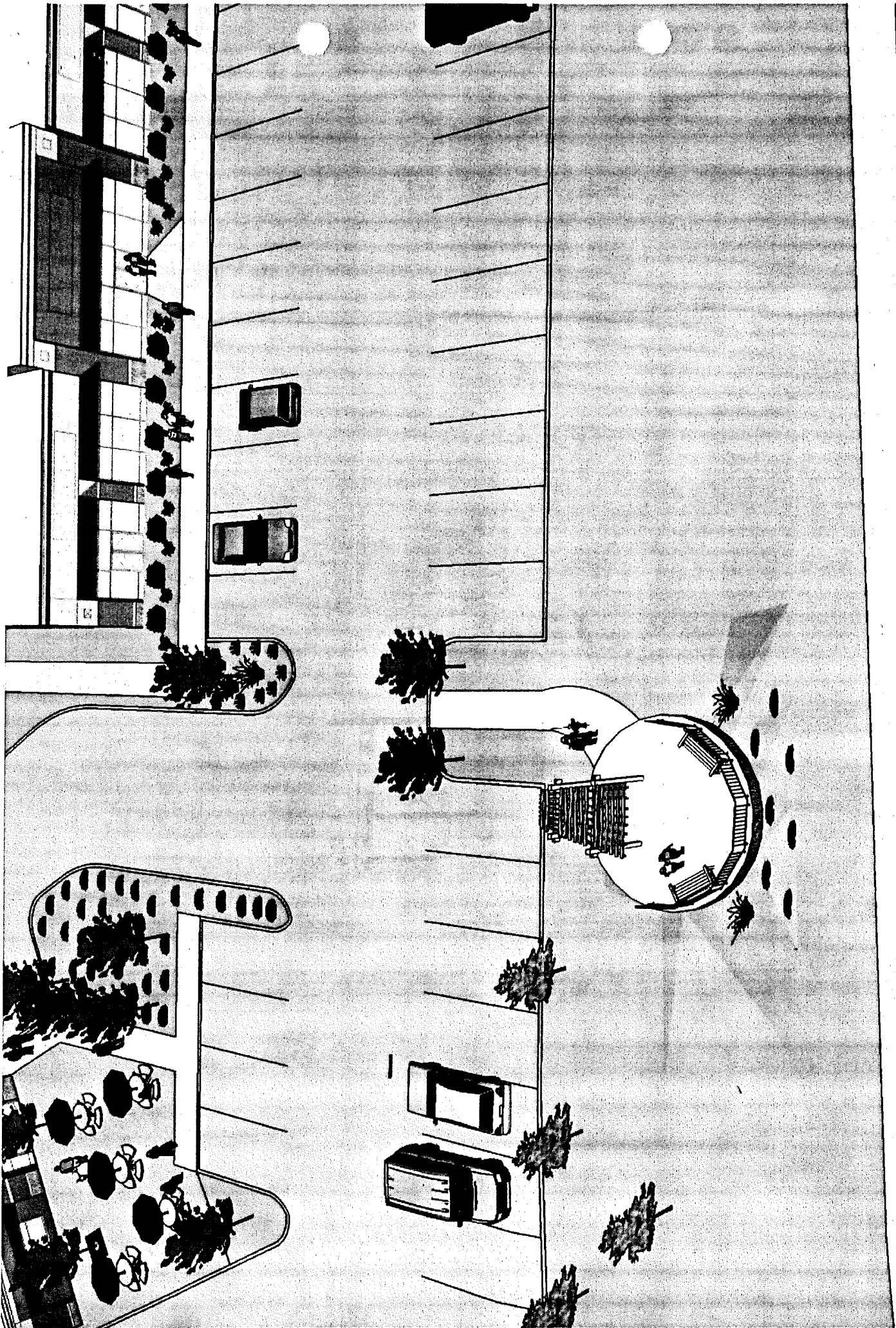
6. Landscaping along the entire Grand National Boulevard frontage will consist of a combination of evergreen trees, large deciduous trees, low intermittent berms, and hedging composed of large shrubs, in addition to the rail fencing and street trees along the immediate right-of-way line. The exact combination of plantings will be mutually agreed by the applicant and Planning Commission's staff at the site plan stage. The objective of this condition is to enhance the street frontage area and substantially diffuse the view of the building and parking area from the road.
7. Landscaping along the entire rear property line shall minimally consist of 4 large deciduous and/or medium deciduous trees and 8 evergreen trees per 100 linear feet. These trees shall be placed at the base of the rear slope adjoining the vehicular areas.
8. A common landscape plan/theme shall be provided for the entire site's Richwood Road frontage based on the landscape plan of the first site developed.
9. The internal side buffer yards within the development shall be increased to the extent that the basic design and functionality of the Concept Development Plan is maintained, to be not less than 10 feet or per plan, whichever is greater.
10. The Richwood Road access point shall be designed and constructed for right-in/right-out movements only until the pending road widening project is complete. Also, only the Walgreens lot and one other lot with a use whose traffic peak hour does not conflict with the peak hour of the adjoining road system may develop until full access is permitted on Richwood Road.
11. All utilities and storm water detention shall be underground.
12. Fire hydrants will be provided as recommended in the 10/14/08 e-mail from the Walton Fire District.
13. Architectural grade masonry shall be used for the entire exterior envelope (walls) of all buildings. The type and color of all will be consistent with the Walgreens building. Other materials as described in the project narrative may be used for incidental areas such as eaves, cornice lines, dormers, sign band areas on parapets, architectural details, etc. Roof mounted mechanical equipment shall be screened from adjoining parking lots and roadways through the use of integral parapet walls or contained within pitched roof structures. The rear of the gabled roofs on the Walgreens building shall be revised to have a "finished" appearance.
14. The dumpster and compactor enclosures shall match the buildings they serve through use of common design elements, materials, and colors.
15. A consistent architectural grade shoe box style light fixture shall be used for all lots. Low level landscape lights may also be used.

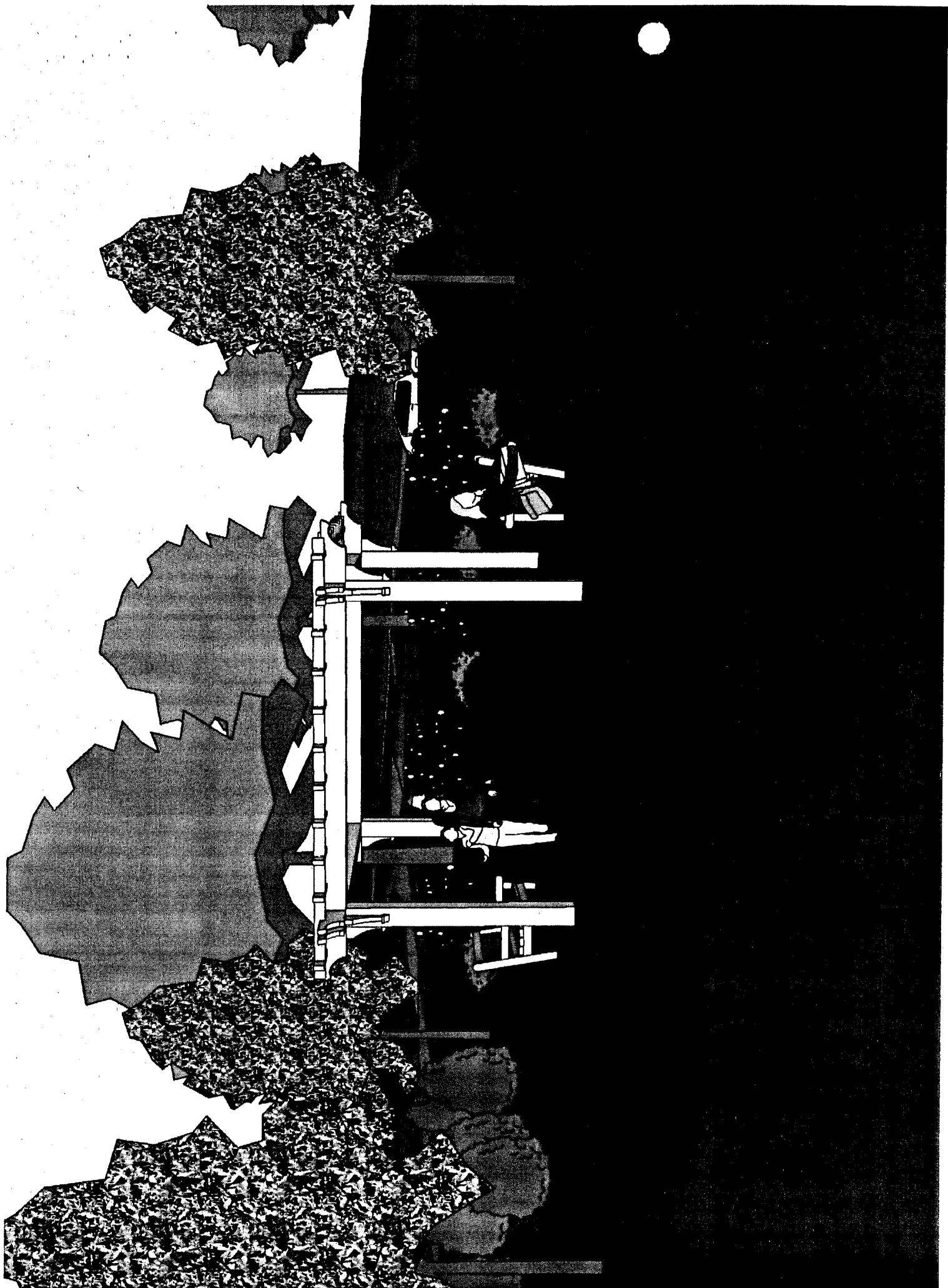
16. Formal seating/gathering areas shall be provided along the Richwood Road frontage between the restaurant and retail center lots, and at the southwest corner of the Walgreens lot, per the attached design concepts. Crosswalk and sidewalk connections shall be made to these two areas.
17. The bases of all monument signs in the development shall use brick which is consistent with the Walgreens building. Building mounted signage shall primarily use individual channel letters; secondary copy for building mounted signs may use other types of structures. No electronically changeable copy is permitted in the development.

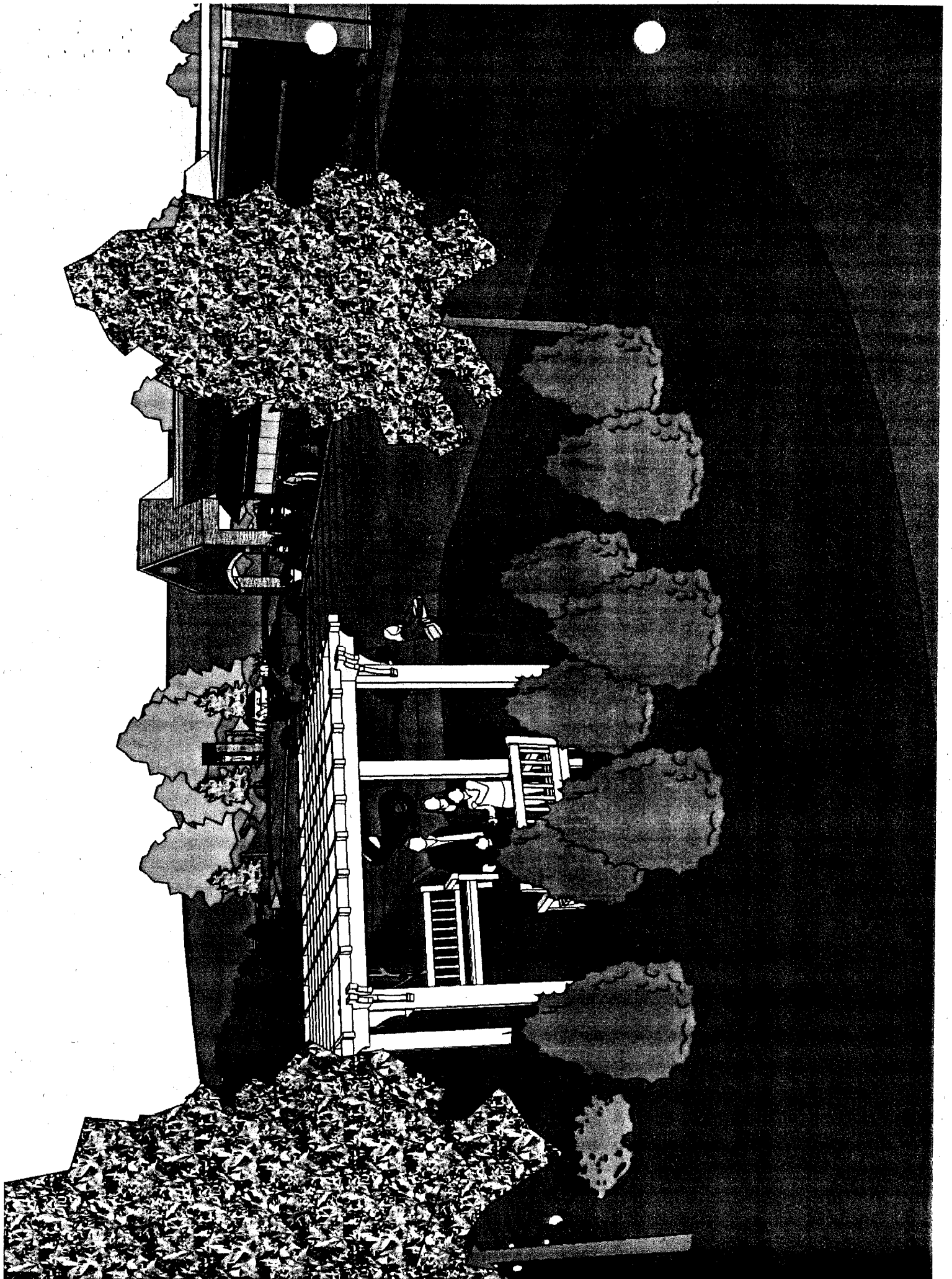
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

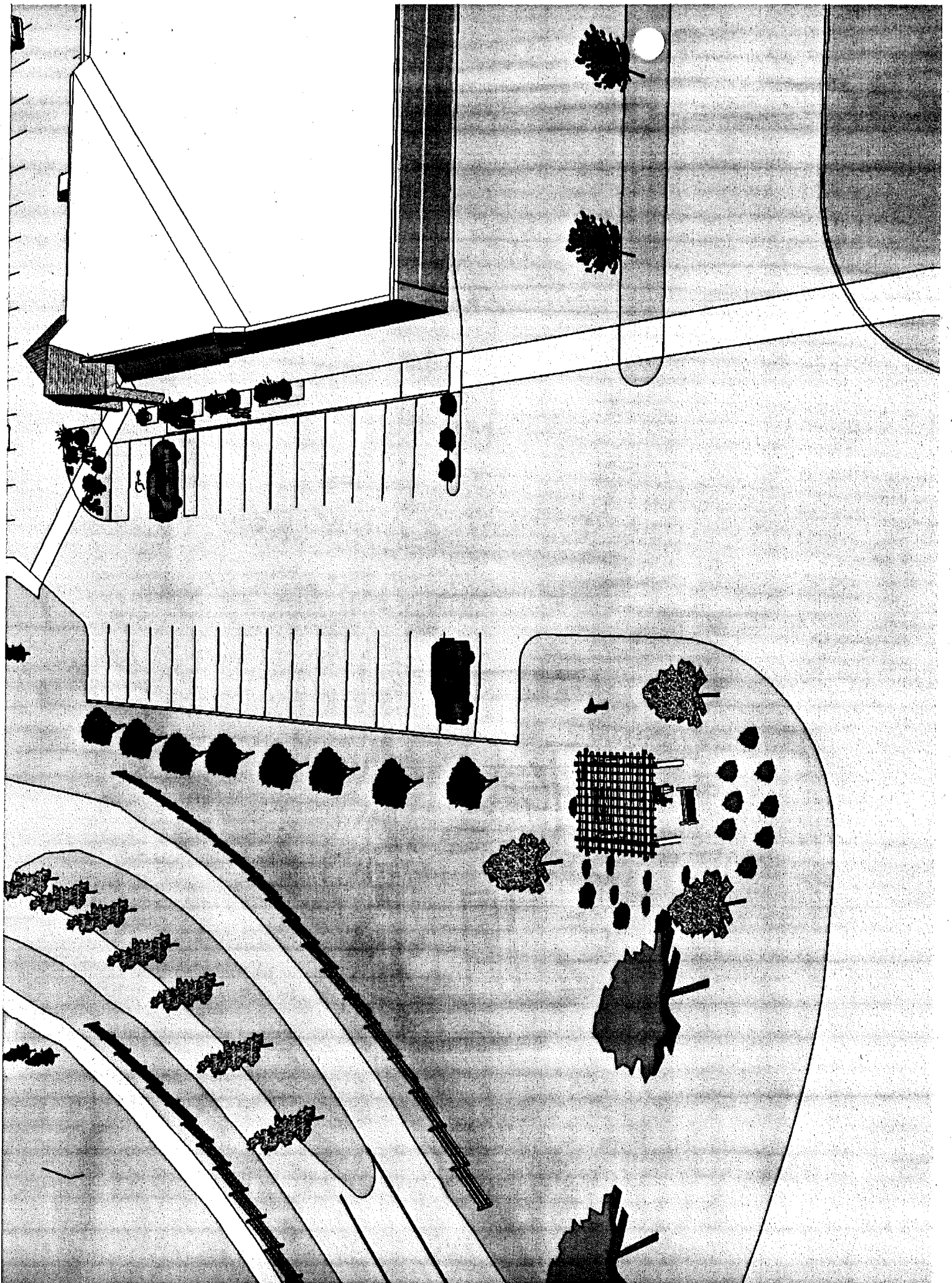












**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

November 5, 2008

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Bungler, Mr. Ford, Mrs. Herald, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen - Vice Chairman, and Mr. Schwenke - Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: Viox & Viox, Inc. for
EmANon Acres, Limited Partnership,
Dennis G. Davis, Don Davis, and Richard Davis (owners)

Request: Zoning Map Amendment and Concept Development Plan

The request of Viox & Viox, Inc. (applicant) for EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners) for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EDP) for a 2.61 acre area located at 343, 351, 357, and 377 Richwood Road, Boone County, Kentucky; and the request of Viox & Viox, Inc. (applicant) for Anchor Properties (owner by contract) for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff Report.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Bill Viox with Viox & Viox introduced their Transportation Engineer, Jack Pflum, and their attorney, Gerald Dusing. Mr. Viox stated that they are here this evening to discuss Walgreens coming to this community. He stated that most of the Walgreens sites in this area were developed by Anchor Properties, and every Walgreens site they develop has to be approved by their headquarters in Chicago. Reviewing the applicant's Power Point presentation, Mr. Viox noted the line between the existing C-3 and EDP zoning classifications. He stated that the development community seems to keep away from EPD zoning -- it is a zoning classification that is involved and often misunderstood. After meeting with Staff and discussing a direction for over a year, they feel that this use belongs in the EPD zone. He stated that normally zoning lines are parallel or perpendicular to a road, or they follow a property boundary line or a river -- but this zoning line does not. He stated that they have the right to continue to develop in C-3 next to Skyline, but what happens when they get to the EPD zoning? He stated that Staff asked them to control the rest of the frontage and they want to create a theme that goes all the way down to Skyline. He presented photographs of the current site conditions noting Grand National Boulevard and the entrance that goes over a hill and around a curve as you approach the site. He presented and reviewed the Site Plan. He stated that they are providing land for the current widening of the road and providing right-of-way for the five lanes that will occur years from now. He stated that they agreed to grade the area. They have to bring the entrance down to the flat elevation, which caused them to move the building back -- which was expensive since there is quite a hill there. He stated that Walgreens requires the entrance where it is located for their traffic movements and they cannot move it further down the road. He stated that located next to Walgreens is a bank site. They had banks interested in locating there until the banking crisis occurred in September 2008 and they currently do not know which bank will be there. He stated that the uses in the center will be uses needed in the neighborhood. He stated that Walgreens often acts as a catalyst for other uses which might include health related businesses -- such as health foods, medical or dental office. At the end of the site is a restaurant use, but almost every company that showed interest has backed away. It may be a Starbucks. They will wait to put in uses that fit with the neighborhood. The architecture is part of the theme. All utilities are available at the site and they will be underground. He stated that they had to terrace the site up because of the hillside and there will not be an issue with headlights on passing cars because of the grade. The grade sits well with the grade on Grand National Boulevard. He stated that Grand National Boulevard and Triple Crown Boulevard rise up in elevation away from Richwood Road. He stated that Skyline is on a grade above the top of a car and their site will be higher than that and people will be looking at the landscaping. He stated that they have

added turning movements. They met with the County Engineer and the state and are aware of the agreements related to the traffic signal. He stated that a car at the gates at Triple Crown will be able to look across at the architecture, and people driving on Richwood Road will be looking at their landscaping and their lawn. He stated that Walgreens industry has changed and pharmacists now do more things than they did previously. Over-the-counter drugs have increased because the FDA now allows more drugs to be on the shelves than they did twenty years ago. Because there are more drugs over-the-counter, a Walgreens can no longer be as small as it was when they started in 1901. He stated that 55 new drugs were introduced in 2007 and another twenty were introduced by June 2008 – so pharmacists have to go through training to keep up. He stated that 75% of Walgreens total income is from prescription drugs and over-the-counter medical supplies. Walgreens is an innovative company – they were first to have one-hour film developing and first to have satellite telecommunications between stores – and now every Walgreens will have a manned clinic within the store. Walgreens at this site will make a living off of the thousands of homes in the area – Triple Crown, Frogtown Road, Bedinger's Landing – that's their marketplace.

Mr. Viox presented a 3D video of a vehicle starting on Triple Crown Boulevard and going towards Richwood Road. The video begins at the traffic light and after turning left, you begin to see the Walgreens site. He noted the queue space at Walgreens and the "people area" on the site. He noted the views and how the vehicle continues to go up grade to the bank site. He noted the landscaping in front of the buildings. He noted the view from Grand National Boulevard and the grades. He indicated the traffic light. He stated that the entire site is up above the monument sign. He stated that the Staff Power Point presentation showed the monument sign at the intersection and how far above the monument sign the Walgreens site is located.

Mr. Jack Pflum stated that he has been involved in traffic and transportation planning for more than thirty years. He has experience in working with the Transportation Cabinet, many developers, and the Planning Commission Staff. He presented a slide of the Traffic Engineering Standards. He stated that this has been a fast-growing area and there is still room to grow commercially and residentially. It is important for the proposed uses to fit in properly. The Traffic Study, which is attached to the Staff Report, has been reviewed by Greg Sketch and the Transportation Cabinet. He stated that they followed the standards of the Institute of Transportation Engineers and the Highway Capacity Manual, and they have done everything they need to do to enhance the safety of the motoring public. They have an approval letter from the Transportation Cabinet, which was reviewed by Greg Sketch, and the outstanding questions will be addressed later. He believes the Traffic Study meets all of the criteria. He presented a slide listing the five areas they looked at to evaluate the traffic: He stated that existing conditions are terrible and it is difficult to get out of Triple Crown without a traffic signal. They looked at Level of Service with a signal and no roadway widening on Richwood Road. Then they looked at the traffic with the signal,

future traffic, and future road widening of Richwood Road (two lanes in each direction and a center turn lane) and the Level of Service improves dramatically. He stated that the traffic signal meets the warrants and can be installed. He stated that their lane analysis, field observations, and computer models show that the driveways will work. They will respect the comments by the Transportation Cabinet and the Boone County Sheriff and the driveways will be restricted until the widening of Richwood Road occurs. He stated that Walgreens tends to draw traffic from the existing roadways and does not generate a lot of new traffic. Walgreens' market is the adjacent residential areas and the other uses will be similar. The impact on the adjacent streets is minimal. The new traffic signal and roadway widening will significantly improve Level of Service for all users of the intersection – Triple Crown, Grand National Boulevard, and Richwood Road. The intersection is currently Level of Service F (failure) and will go to Level of Service B/C, which provides good service. He stated that the Richwood Road widening is underway and drawings have been submitted to the Transportation Cabinet. He stated that traffic does not back up beyond the driveways and will not block the driveways. There will be enough capacity with the roadway improvements to handle the forecasted traffic. He stated that the improvements to the roadway system and traffic signal are sufficient to not only maintain the standards required by the Transportation Cabinet for Richwood Road and by Boone County for Grand National Boulevard, but to improve them substantially. He stated that the Walgreens at U.S. 42/Braxton Road is a stand-alone store. He showed a picture of the parking lot at 8:00 AM when there were six vehicles in the parking lot, some of which may have been employees. A photograph taken in the evening when people pick up their prescriptions showed 27 cars in the parking lot. He stated that the traffic flow at the intersection (U.S. 42 being five lanes wide and there being a traffic signal at Braxton Road) was operating in a safe fashion and did not negatively impact the roadway system. It is their conclusion in the Traffic Study that the proposed Walgreens will operate as well as the one at U. S. 42/Braxton Road.

Mr. Gerald Dusing, attorney representing Anchor Properties, addressed the criteria in the Zoning Ordinance for EPD and the criteria for a zone change. He referred to Chapter 16 of the Zoning Ordinance and stated that EPD is unique in that there is no underlying zoning district. He stated that they are not asking for a zone change for the EPD portion of the proposed development -- they are asking for approval of a Concept Development Plan within the existing EPD zone – and they are asking to change the existing C-3 zoning to EPD in order to have a unified development. He stated that the EPD zone was introduced into the Zoning Ordinance in the early 1980's for property across the street – but nothing has ever developed in EPD in Boone County. He stated that the criteria is cumbersome and somewhat ambiguous – nothing is permitted and nothing is prohibited. He stated that they meet the criteria for EPD zoning. He stated that, as indicated in the Staff Presentation, the Comprehensive Plan designation is "Business Park" and the dark line on the Comprehensive Plan includes a total of 40+ acres on both sides of Grand National Boulevard. They are asking for a development of a little

over five acres within that 40+ acre Business Park designation. He stated that EPD zoning (Page 61) "may consist of Industrial, Office or Commercial uses" and noted that the criteria for the EPD designation calls for a mix. He stated that they are presenting Neighborhood Commercial and maybe Office in five acres of a 40+ acre area, which leaves approximately 35 acres remaining to be developed. He stated that they meet the Comprehensive Plan – EPD calls for this type of use. He stated that EPD calls for Industrial but, hopefully, Industrial will not be allowed west of I-75 in this corridor. He stated that Office Park and Campus development are not practical on topography – the site is steep along the frontage of Richwood Road. He stated that the C-3 zoning as shown was done prior to GIS -- the zoning is bisected by Grand National Boulevard leaving a sliver to the west, which does not make sense. He stated that their plan allows a large area of EPD to continue to develop for mixed use. He referred to Page 62 of the Zoning Ordinance and noted that "EPD is intended to allow some uses compatible to the surrounding land uses" – which this use does since it serves the residential uses on both sides of Richwood Road. He read from Page 16-3 that "EPD is specifically to permit uses which are flexible -- if they are compatible with the adjoining uses and the objectives of the chapter". He noted that the standards to be considered for a zone change are on Page 16-5. He quoted that "Planned development shall generally conform to the Comprehensive Plan and not be a burden on public infrastructure". He stated that this site has water, sewer, fire and police services and, with the road improvements, it will not have a negative off-site impact. He stated that they meet the criteria. He quoted that "Planned Development shall efficiently utilize the site, protect and preserve the scenic assets and natural features, incorporate the existing trees, streams and topographic features". He stated that there are no trees or streams on the site – but there is a slope, which they will improve significantly. He quoted from Criteria #3 that "Where appropriate, Planned Development shall include developable land that is unbuilt and may be available for purchase or donation to public agencies". He does not think the county will buy the site now, making reference to the Park tax that was defeated last night, and five acres along Richwood Road is not appropriate for donation. He quoted from Criteria #4 that "Planned Development shall not hinder or deter development of surrounding undeveloped properties". He stated that there are expensive and well-thought out features in their plan to honor the entrances to Steeplechase, Triple Crown and the corridor to the west on Richwood Road. He quoted from Criteria #5 that "Planned Development shall be located where transportation, police, fire protection, and other public facilities, utilities, sanitary sewer, etc. are available and adequate". He stated that improving the interchange and providing grading and coordination at the developer's expense for the ultimate improvements to Richwood Road all the way through the intersection is a tremendous improvement. He asked Bill Viox to address the nine compatibility standards on Page 66 – 67 of the Zoning Ordinance.

Mr. Viox stated that attached to the Staff Report is a narrative, as required, which includes an introduction and a section on intent (see Supplemental Information for "The Paddock" Development). He reviewed the narrative and stated that they had

to create the Permitted Uses and they will continue to be discussed as this process moves forward. The narrative talks about Building Intensities and lists the nine Compatibility Assessment Standards. Section 4 covers the Design Standards, which were also addressed in the Staff Presentation. In regard to Design Standard B, he stated that they do not know what the uses (besides Walgreens) will be, but they will fit the neighborhood. They need a little leeway in regard to what the buildings will look like since different uses have facades that they would like to have there. He stated that they are here this evening about Walgreens. The proposal was presented previously, but this time they are showing the whole corridor and what they can do with the rest of the block and what they can do for the neighborhood. He stated that Walgreens is needed in the area -- the numbers do not show how many times a person gets on the roadway to go to such a use when they could just go up the street.

Mr. Dusing stated that neighborhood uses are sorely needed in this area -- especially Walgreens and what they have to offer. He stated that the criteria is *Does the plan do justice to the surrounding area?* and he believes it does. He stated that some of the Permitted Uses may not be appropriate -- and they will be discussed further in Committee and gone through one by one. He stated that being able to walk or ride a bike to Walgreens is a huge amenity. He stated that there are 1,300 families living in Triple Crown and the letter from the Triple Crown Homeowners Association (attached to the Staff Report) endorses the project provided certain conditions are met. This concluded the applicant's presentation.

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

Mr. John Lorms, 1309 Oxley Court in Triple Crown, stated that he is not opposed to the project -- he believes it will provide convenience and Anchor Properties will do a nice job on the architecture -- but he is concerned about traffic. He stated that they are focusing on the area in front of the development, which is important, but he is concerned about there being a detriment up towards I-75 where there are truck stops. When a truck comes out of Pilot and makes a left turn, it blocks the roadway and the traffic backs up. He stated that the road improvements have to occur before the development can go forward.

There being no further comments from the audience, Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Hicks asked Staff when the traffic signal would be installed. Mr. Wall responded that he requested feedback on this question from the state and from the County Engineer, but did not get a definitive answer. He stated that it is up to the state whether it is something they want to do or not. He stated that the applicant's Traffic Study shows that three warrants for the signal are met. Mr. Costello stated

that the county initiated the study of the traffic signal. He meets quarterly with the Highway Department and it appears, with the improvements and the activity levels, that the warrants would be met. He anticipates the light being installed as the improvements are being done. He stated that the current owners are obligated to pay for a portion of the signal, and Triple Crown will also have to pay for a portion of it.

Mr. Hicks questioned how to move forward and get the traffic signal installed since the funding is in place. Mr. Pflum responded that the traffic signal is warranted based on existing traffic and the next step would be approval from the Transportation Cabinet. He stated that Richwood Road is a state highway and the Transportation Cabinet has the authority to install and maintain the traffic signal. He stated that the turn lanes, roadway improvements, and drainage have to be considered and he doubts that they would just install the traffic signal by itself. Mr. Hicks questioned the timeframe for the road improvements. Mr. Pflum responded that his conversations with the Transportation Cabinet and Greg Sketch indicate that there is not a definitive date for construction to begin. He stated that right-of-way acquisition has to occur and they have to apply for Encroachment Permits and, to his knowledge, that process has not started.

Mr. Hicks stated that Steeplechase was required to put up money once they reached a certain number of units. He asked if they would have to pay if they have not yet reached that number of units. Mr. Wall responded that Steeplechase has escrowed the money with the county.

Mr. Hicks stated that there is a connector shown towards Skyline and there is a retaining wall there and one at Skyline. He asked if they have plans to cut out the large mass of land between and connect the two sites, and if they have contacted Skyline about a connection. Mr. Viox responded that the Site Plan for Skyline does not show access management, even though the Planning Commission normally requires it. They do not want to put in a connection and have Skyline put a cable across it. They will discuss it with Skyline to see if it is the proper location for a connection and if Skyline wants a connection. The applicant is willing to connect.

Mr. Hicks questioned the difference in elevation from the front door of Walgreens to Richwood Road. He questioned how high the parking lot will be compared to KY 338. Mr. Viox estimated 8' – 10', but will provide more accurate information to the Committee.

Mr. Schwenke asked if there will be a retaining wall at the back of Walgreens, or will it be a slope or concrete wall? He questioned how high the elevation will be and what they plan to do there. Mr. Viox responded that they have negotiated a grading easement for a slope.

Mr. Ford questioned why the previous application was withdrawn. Mr. Wall responded that it was a much larger project of 40+ acres and included the remaining area between Richwood Road and the frontage of this five acres all the way back to Steeplechase. The project was done in a guideline format for various kinds of office, commercial, and residential options. He cannot speak for the people who withdrew the application, but it seemed that it would be hard to manage based on the amount of land and the lack of people committed to developing it at that time. The proposed project is scaled back and much smaller.

Mr. Rolfsen asked if the Walgreens would be open 24 hours a day. Mr. Viox responded that every Walgreens has the option to be open 24 hours a day, but they do not know at this time if this location will be open 24 hours a day or not. He stated that the Walgreens on Mall Road became a 24-hour store when St. Elizabeth Hospital had to curtail some of their services to the public. Mr. Rolfsen asked if there will be a drive-through. Mr. Viox responded "yes".


Mr. Charlie Reynolds noted that Staff said that there are no setbacks in EPD. Mr. Wall agreed and explained that the zone is set up so that qualitative items have to be addressed and they form their own zone and zoning requirements based on the qualitative standards – which is why there is a Staff Comment that the three undetermined lots need to have qualitative standards, which may be difficult to do without knowing the users. Mr. Viox stated that they will come up with a setback standard.

Mrs. Poston questioned the amount of additional parking that would be needed for the health clinic. Mr. Wall responded that the clinics they have seen so far have been small and have not really affected the parking. The clinic will not add any required parking – it is a similar parking requirement in the same size building.

Mr. Hicks asked if the buildings will be built as shown with the elevations, building materials, and design – or will they go through Design Review? Mr. Viox stated that there is a paragraph in their narrative in regard to the building materials and they can discuss it at the Committee Meeting. They were not planning to go through Design Review for buildings for which they do not know the uses. Walgreens will be as shown and the other buildings will be generally as shown. They will try to have the same brick for all of the buildings, but they need some leeway because they do not know the other uses at this time.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 19, 2008 at 5:00 PM in this room. The public is welcome to attend, but no new testimony will be taken. This item will be on the Agenda for the Business Meeting on December 3, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:50 PM.

APPROVED:


Susan Poston
Susan Poston, Chairwoman

Attest:


Jan Hancock
Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: February 4, 2009

RE: Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in a Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

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.

Viox/EmANon Acres/Davis/Anchor Properties

February 4, 2009

Kim Bunger
Kim Bunger, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Charlie Rolfsen
Charlie Rolfsen

For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael
Jim Carmichael (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 4 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 7, 2009

RE: Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in a Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

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Viox/EmANon Acres/Davis/Anchor Properties

January 7, 2009

Kim Bunger

Kim Bunger, Chairman

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Judy Arnett

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet R. Kegley

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Charlie Rolfsen

Charlie Rolfsen

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Jim Carmichael

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Patrick Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 10, 2008

RE: Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in a Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

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.

Viox/EmANon Acres/Davis/Anchor Properties

December 10, 2008

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Rolfsen

Charlie Rolfsen

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Carmichael

Jim Carmichael (Alternate)

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Patrick Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 19, 2008

RE: Request of **Viox & Viox, Inc. (applicant)** for **EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners)** for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and the request of **Viox & Viox, Inc. (applicant)** for **Anchor Properties (owner by contract)** for a Concept Development Plan in a Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

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.

Viox/EmANon Acres/Davis/Anchor Properties

November 19, 2008

Kim Bunger

Kim Bunger, Chairman

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Judy Arnett

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Charlie Rolfsen

Charlie Rolfsen

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Jim Carmichael

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Patrick Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

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

February 4, 2009

Mr. Dennis Davis, Mr. Don Davis,
Mr. Richard Davis, and Mr. Michael Ricke
c/o Mr. Jonathon Brown
Viox & Viox, Inc.
466 Erlanger Road
Erlanger, KY 41018

FAX: 727-8452

RE: Recommended Conditions of Approval for Davis/Anchor Properties Concept Development Plan and Zoning Map Amendment Applications for 5.7 Acre Site Located at Richwood Road/Grand National Boulevard, Boone County, Kentucky

Dear Messrs Davis and Ricke:

The following represents the conditions of approval for the above referenced applications as discussed by the Planning Commission's Zone Change Committee at their 11/19/08, 12/10/08, 1/7/09, and 2/4/09 meetings. If you, as the property owners and/or authorized property owner representatives, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the letter with original signatures to the Planning Commission's office by Friday, 1/30/09.

CONDITIONS

1. The development shall follow the submitted Concept Development Plan materials except as modified by the conditions listed below.
2. Uses in the development shall be limited to those permitted in the C-2 and O-2 zones as proposed in the Concept Development Plan. However, the following uses shall be excluded from the development, or modified as further described below.

C-1 Zone (principally permitted uses allowed in C-2 by reference)

Principally Permitted Use #6: Convenience stores.

Principally Permitted Use #31: Recreation centers, gymnasiums, clubs and similar athletic uses; facilities permitted under this use category shall be limited to fitness clubs.

Principally Permitted Use #33: Funeral homes and crematoriums excluding cemeteries or mausoleums.

C-2 Zone

Principally Permitted Use #30: Recreation centers, gymnasiums, clubs and similar athletic uses; facilities permitted under this use category shall be limited to fitness clubs.

Principally Permitted Use #31: Motorcycle sales or bike shops excluding outside storage.

Principally Permitted Use #34: Pawn shops.

Principally Permitted Use #35: Auto parts and accessories stores.

Principally Permitted Use #36: Gasoline filling stations.

Conditional Uses: All CUP categories are eliminated from the development except that the uses permitted under Conditional Use #1 "Garden and landscape sales including florist greenhouses, lawn furniture and the like" are allowed if all business activities occur indoors.

O-1 Zone (principally permitted uses allowed in C-2 and O-2 by reference)

Principally Permitted Use #26: Funeral homes and crematoriums excluding cemeteries or mausoleums.

O-2 Zone

Principally Permitted Use #4: Convenient stores.

Conditional Use #3: Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district.

Conditional Use #4: Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district.

Conditional Use #6: Window cleaning, disinfecting and exterminating, dwelling and building services.

Conditional Use #7: Automobile leasing or rental agencies (maximum storage of 50 vehicles).

3. The Planning Commission shall contact the owner of the adjoining Skyline Chili tract to the east to facilitate a driveway connection between this development and the Skyline tract. If agreeable to the owner of the Skyline Chili tract, the developer shall construct a driveway connection at their expense between the Skyline Chili parking area and the eastern-most site in this development, when said site is developed and if the connection is physically feasible.
4. An additional sidewalk connection shall be provided between this development and the future sidewalk along Richwood Road. This connection shall be located to the east of the Richwood Road access point. This sidewalk connection may be provided along the Skyline Chili access drive to Richwood Road if the driveway connection outlined in condition #3 is constructed.
5. Building height in the development shall be limited to 35 feet. The development shall follow the minimum setback standards for the C-2 zone.

6. Landscaping along the entire Grand National Boulevard frontage will consist of a combination of evergreen trees, large deciduous trees, low intermittent berms, and hedging composed of large shrubs, in addition to the rail fencing and street trees along the immediate right-of-way line. The exact combination of plantings will be mutually agreed by the applicant and Planning Commission's staff at the site plan stage. The objective of this condition is to enhance the street frontage area and substantially diffuse the view of the building and parking area from the road.
7. Landscaping along the entire rear property line shall minimally consist of 4 large deciduous and/or medium deciduous trees and 8 evergreen trees per 100 linear feet. These trees shall be placed at the base of the rear slope adjoining the vehicular areas.
8. A common landscape plan/theme shall be provided for the entire site's Richwood Road frontage based on the landscape plan of the first site developed.
9. The internal side buffer yards within the development shall be increased to the extent that the basic design and functionality of the Concept Development Plan is maintained, to be not less than 10 feet or per plan, whichever is greater.
10. The Richwood Road access point shall be designed and constructed for right-in/right-out movements only until the pending road widening project is complete. Also, only the Walgreens lot and one other lot with a use whose traffic peak hour does not conflict with the peak hour of the adjoining road system may develop until full access is permitted on Richwood Road.
11. All utilities and storm water detention shall be underground.
12. Fire hydrants will be provided as recommended in the 10/14/08 e-mail from the Walton Fire District.
13. Architectural grade masonry shall be used for the entire exterior envelope (walls) of all buildings. The type and color of all will be consistent with the Walgreens building. Other materials as described in the project narrative may be used for incidental areas such as eaves, cornice lines, dormers, sign band areas on parapets, architectural details, etc. Roof mounted mechanical equipment shall be screened from adjoining parking lots and roadways through the use of integral parapet walls or contained within pitched roof structures. The rear of the gabled roofs on the Walgreens building shall be revised to have a "finished" appearance.
14. The dumpster and compactor enclosures shall match the buildings they serve through use of common design elements, materials, and colors.
15. A consistent architectural grade shoe box style light fixture shall be used for all lots. Low level landscape lights may also be used.
16. Formal seating/gathering areas shall be provided along the Richwood Road frontage between the restaurant and retail center lots, and at the southwest corner of the Walgreens lot, per the attached design concepts. Crosswalk and sidewalk connections shall be made to these two areas.

Mr. Jonathon Brown
February 4, 2009
Page 4

17. The bases of all monument signs in the development shall use brick which is consistent with the Walgreens building. Building mounted signage shall primarily use individual channel letters; secondary copy for building mounted signs may use other types of structures. No electronically changeable copy is permitted in the development.

Sincerely,



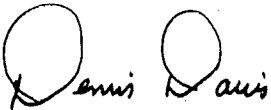
Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

Enclosures

AGREEMENT

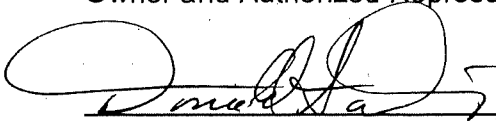
We, the property owners and/or authorized property owner representatives for the approximate 5.7 acre site located at the corner of Richwood Road and Grand National Boulevard, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan and Zoning Map Amendment applications.



2/4/09

Dennis Davis
Owner and Authorized Representative for EMANON Acres Limited Partnership

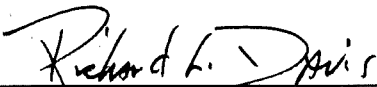
Date



2/4/09

Don Davis
Owner

Date



2/4/09

Richard Davis
Owner

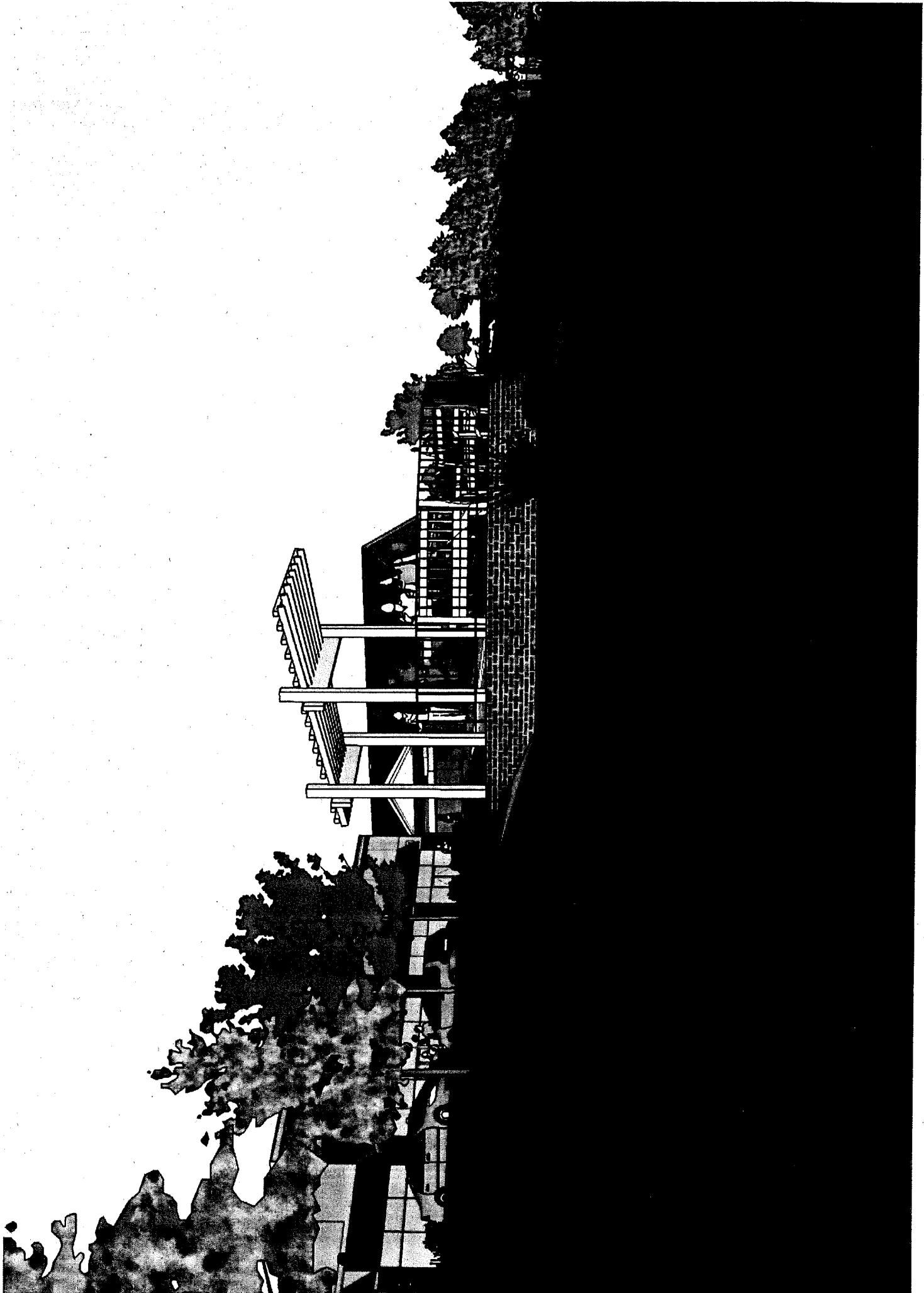
Date

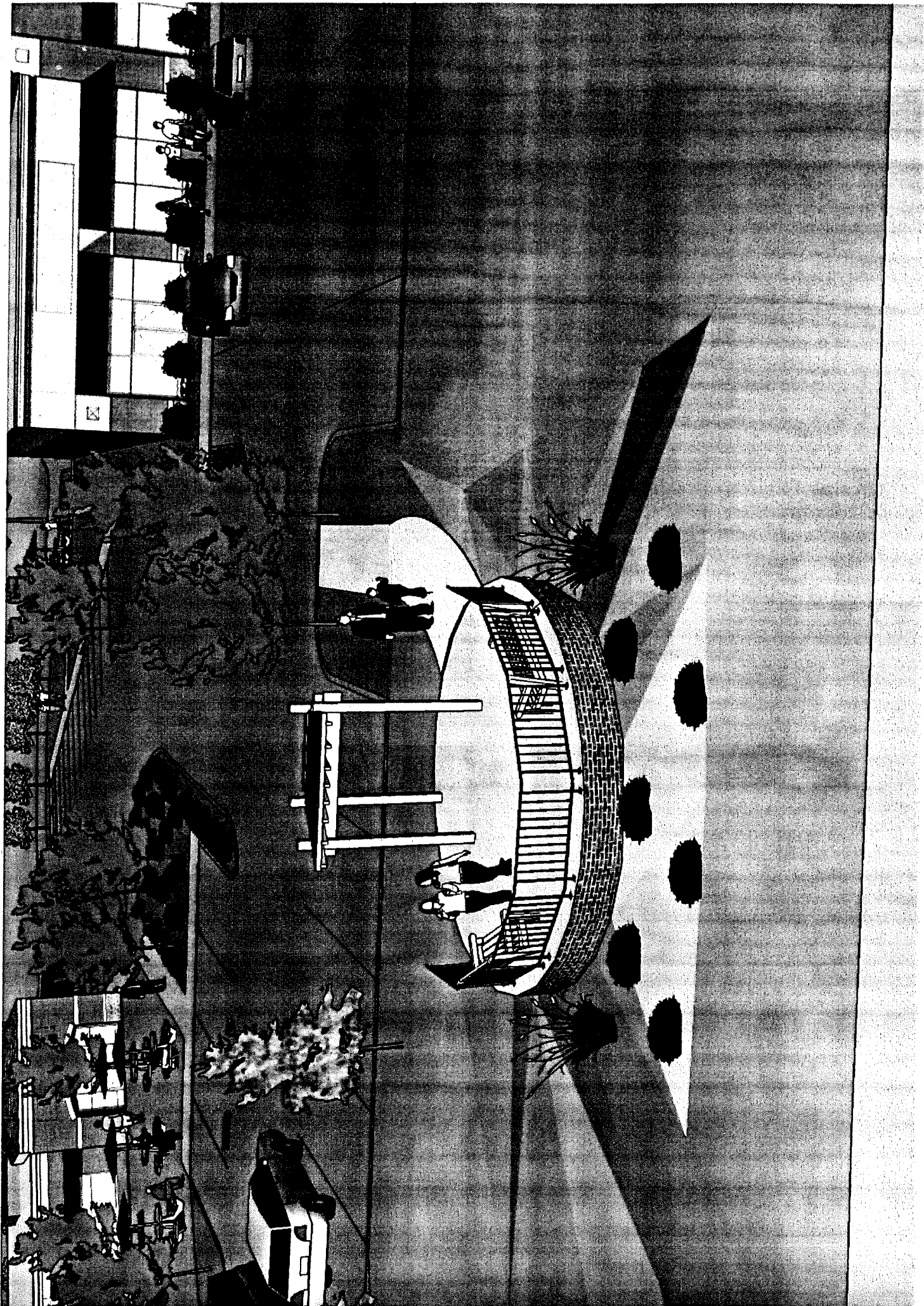


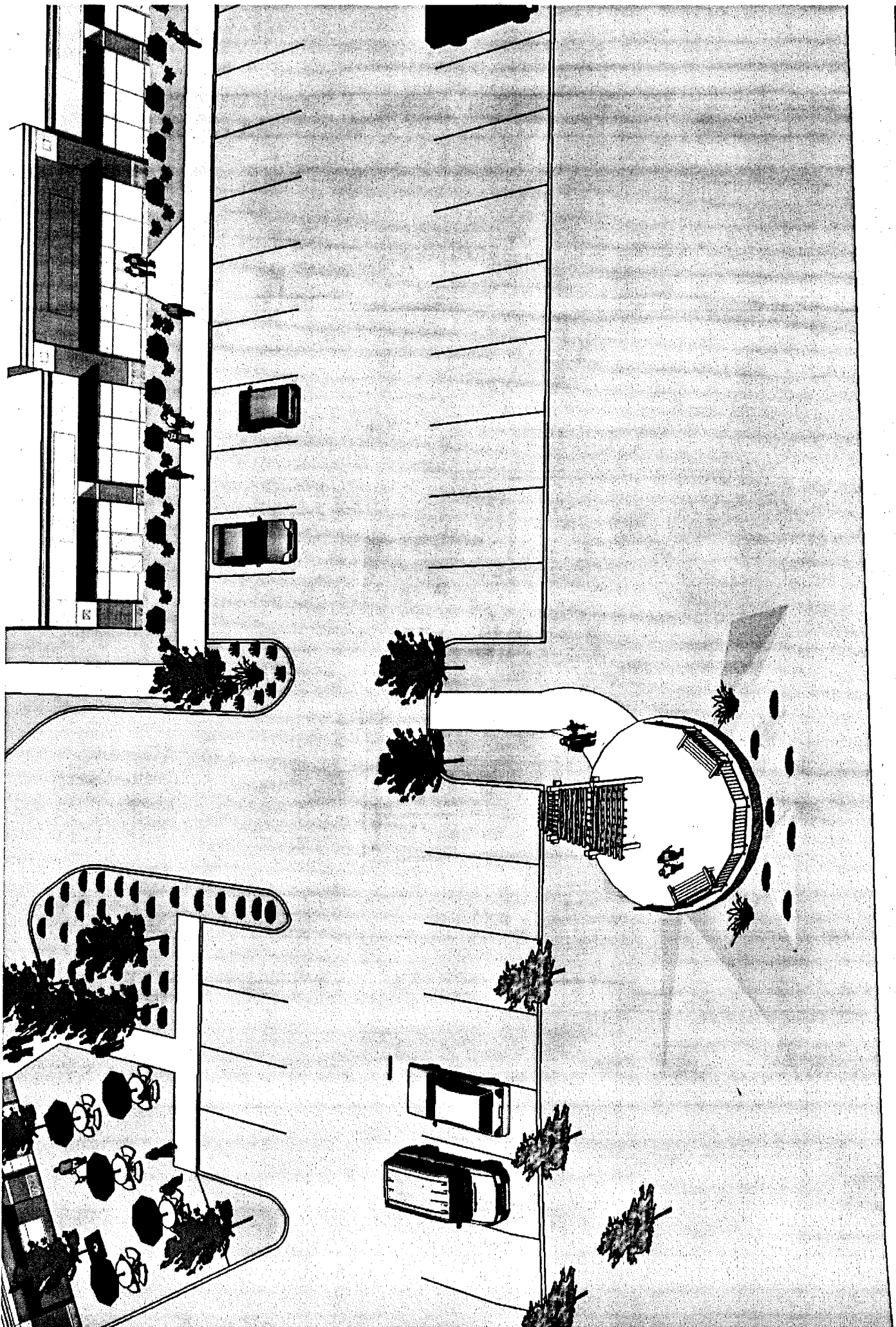
2-4-09

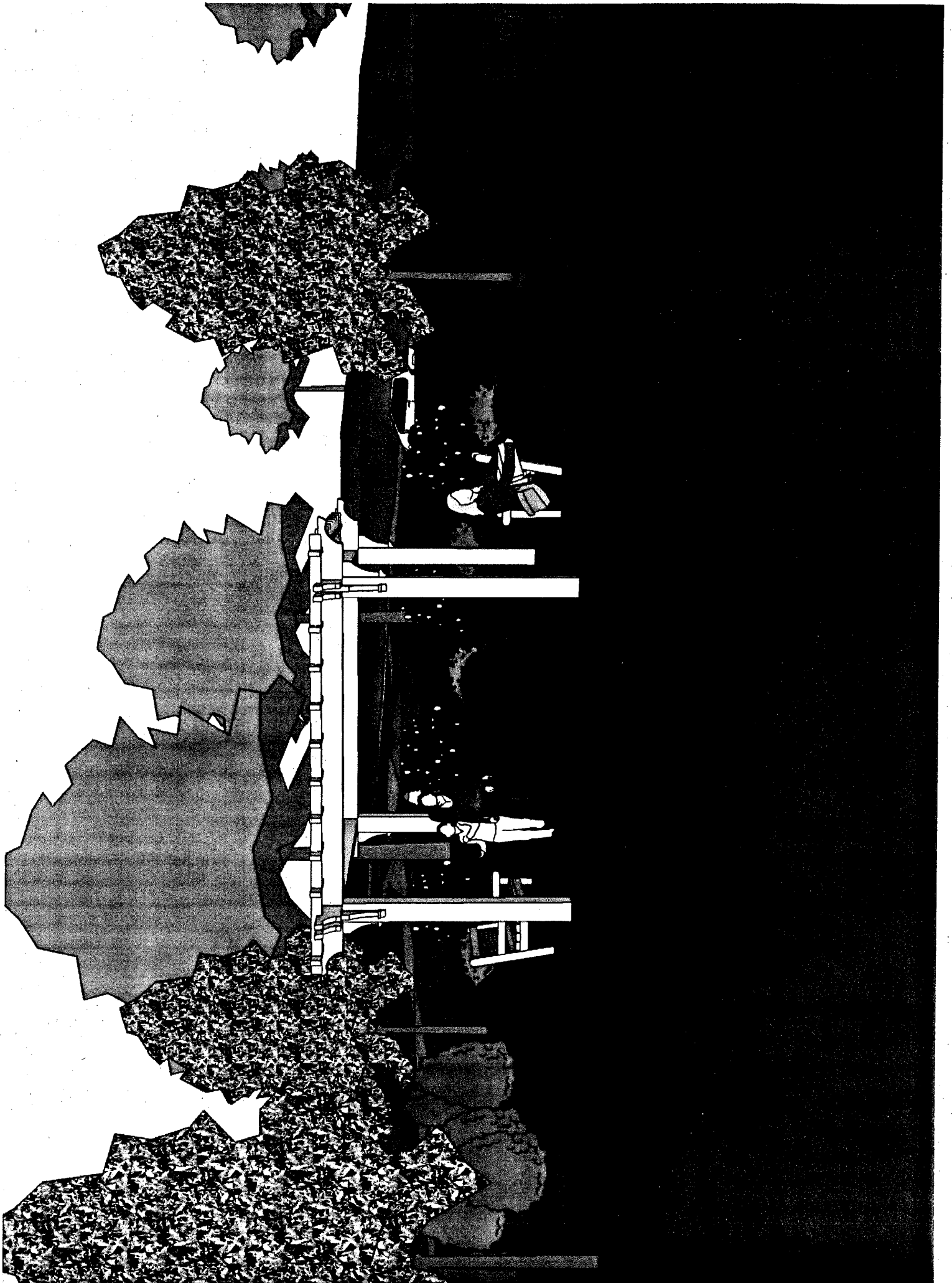
Michael Rieke
Executive Vice President, Anchor Properties

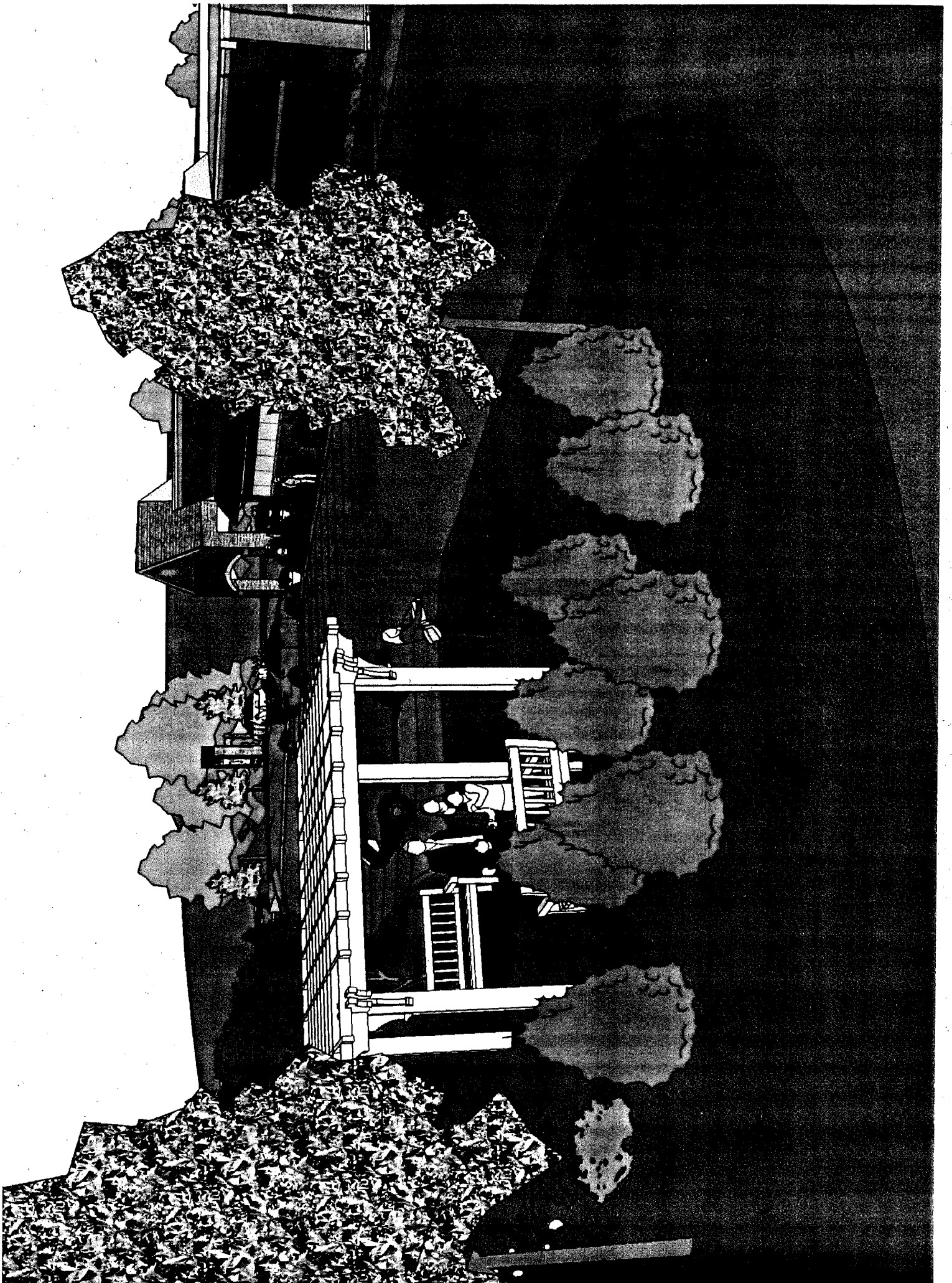
Date

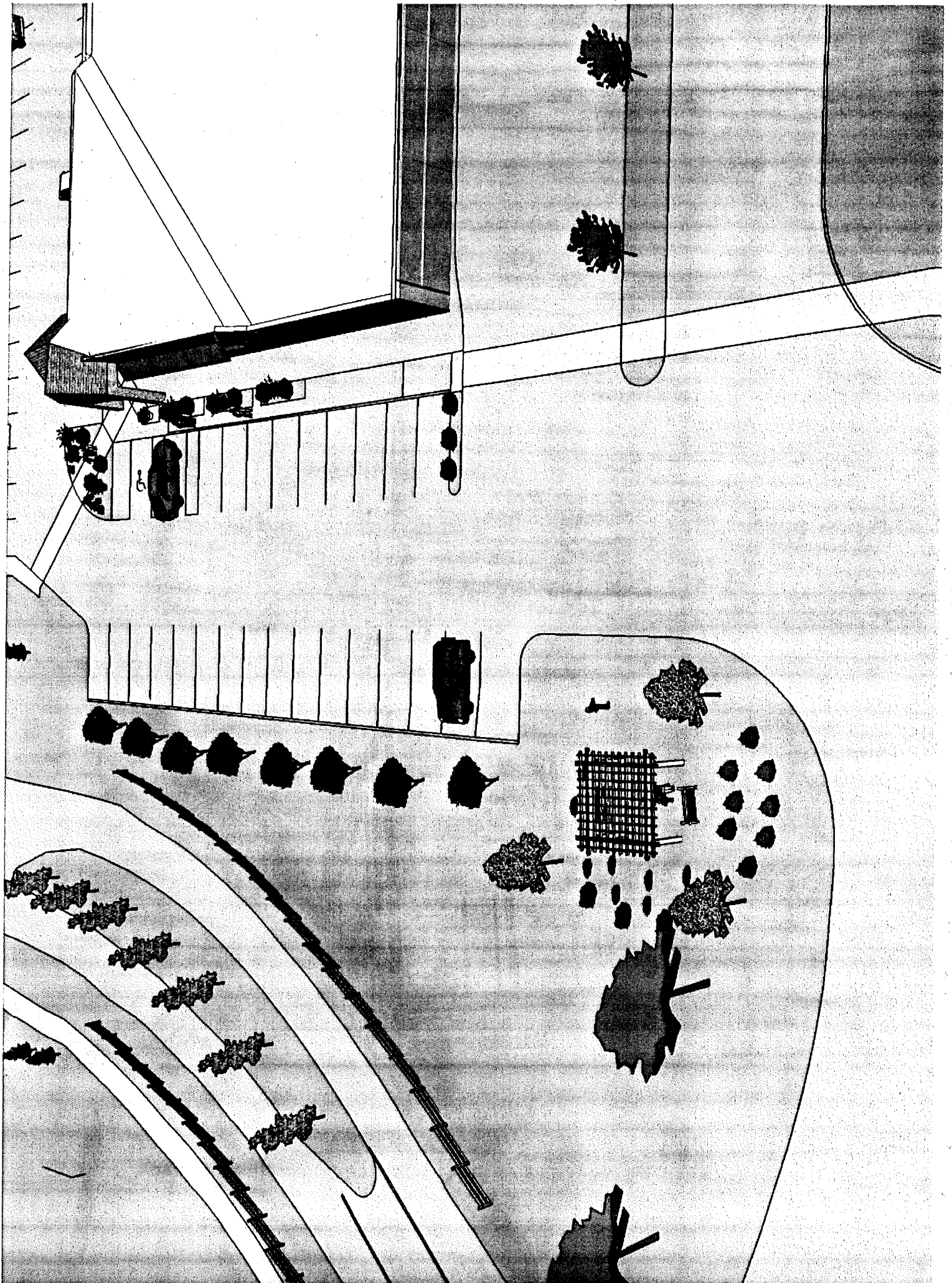














VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

September 30, 2008

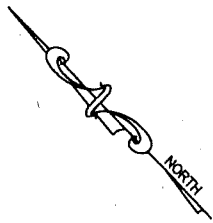
PARCEL TO BE REZONED FROM C-3 TO EPD

Located in Boone County, Kentucky lying on the southeast side of Richwood Road (S.R. 338) and on the northeast of Grand National Boulevard, and is more particularly described as follows:

Beginning at a point on the southeast side of Richwood Road (S.R. 338), being in a common line with Em-A-Non Acres Limited Partnership (Deed Book 498, Page 302) and One Holland Properties of Richwood LLC; thence S74°35'12"E 323.15 feet to a point; thence S 40°58'01" W 347.02 feet to a point; thence N 48°21'47" W 93.61 feet to a point; thence S 81°01'47" W 332.69 feet to a point; thence N 46°49'32" W 27.90 feet to a point; thence N 44°01'16" E 51.61 feet to a point; thence N 46°11'53" E 113.26 feet to a point; thence N 48°15'43" E 87.64 feet to a point; thence N 49°04'31" E 111.03 feet to a point; thence N 44°49'59" E 64.42 feet to a point; thence N 40°44'59" E 34.63 feet to the point of beginning containing 2.610 acres.

Deters Company
D.B. 836, Pg. 407

One Holland Properties
of Richwood LLC
D.B. 919, Pg. 20



S74°35'12"E 323.15'

Proposed
Zone Line

S40°58'01"W 347.02'

Em-A-Non Acres
Limited Partnership
D.B. 498, Pg. 302

**PARCEL TO BE REZONED
2.610 ACRES**

Em-A-Non Acres
Limited Partnership
D.B. 498, Pg. 302

Existing
Zone Line

EX. ZONE C-3
EX. ZONE EPD

N48°21'47"W 93.61'

Dennis G. & Margaret B.
Davis
D.B. 282, Pg. 78

EX. ZONE C-3
EX. ZONE EPD

S81°01'47"W 332.89'

Don & Rita
Davis
D.B. 216, Pg. 635

**PLAT OF 2.61± ACRES
TO BE RE-ZONED
FROM C-3 TO EPD**

BOONE COUNTY KENTUCKY

**SOUTHEAST SIDE OF RICHWOOD ROAD
NORTHEAST OF GRAND NATIONAL BLVD.**

SEPTEMBER 30, 2008

SCALE: 1" = 50'

RICHWOOD ROAD (KY338)

N40°44'59"E
34.63'

N44°49'59"E 64.42'

N49°04'31"E 111.03'

N48°15'43"E 87.64'

N46°11'53"E 113.26'

N44°01'16"E 51.81'

N46°49'32"W
27.90'



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

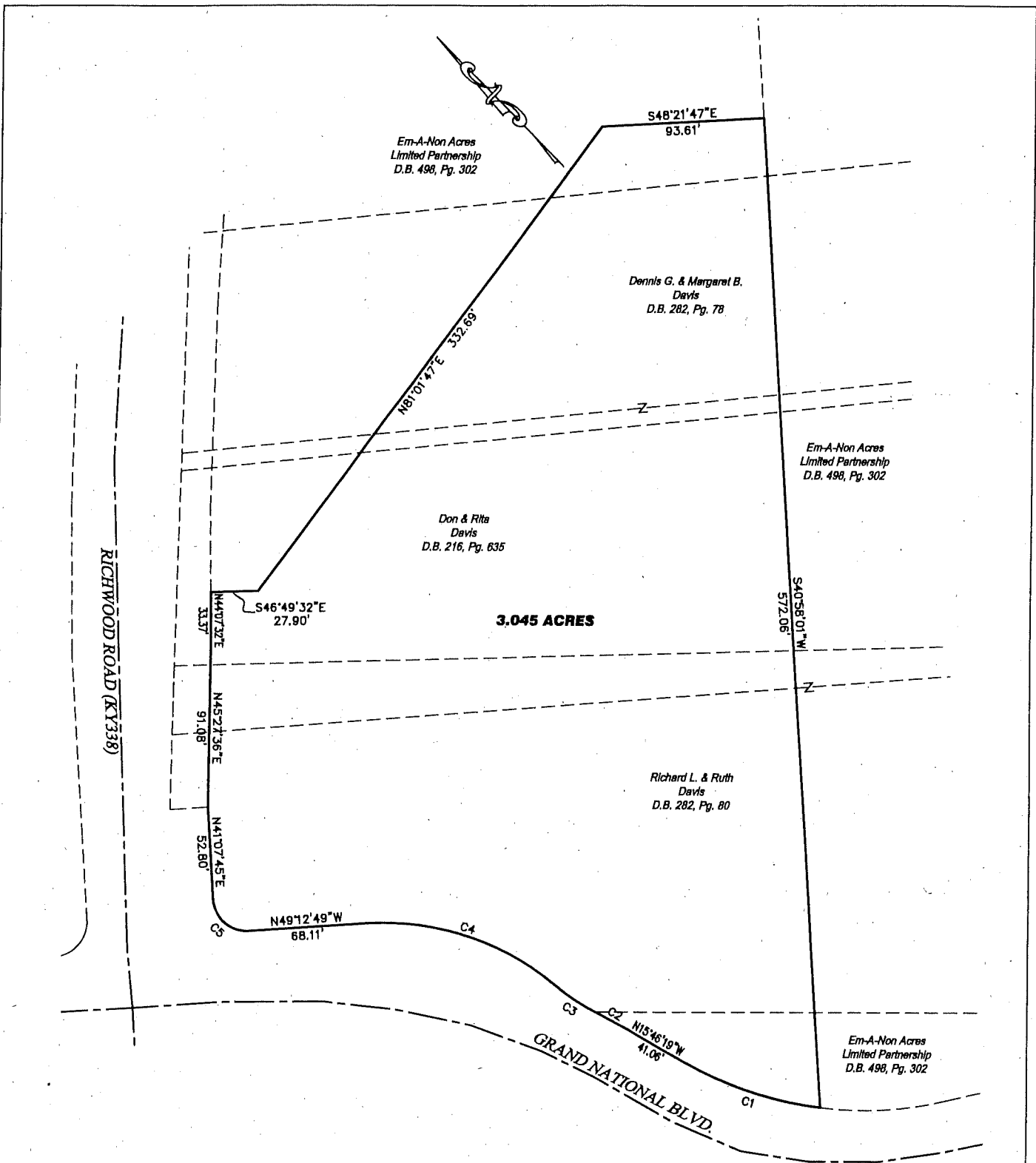
Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

October 1, 2008

DESCRIPTION OF 3.045 ACRES FOR CHANGE IN CONCEPT

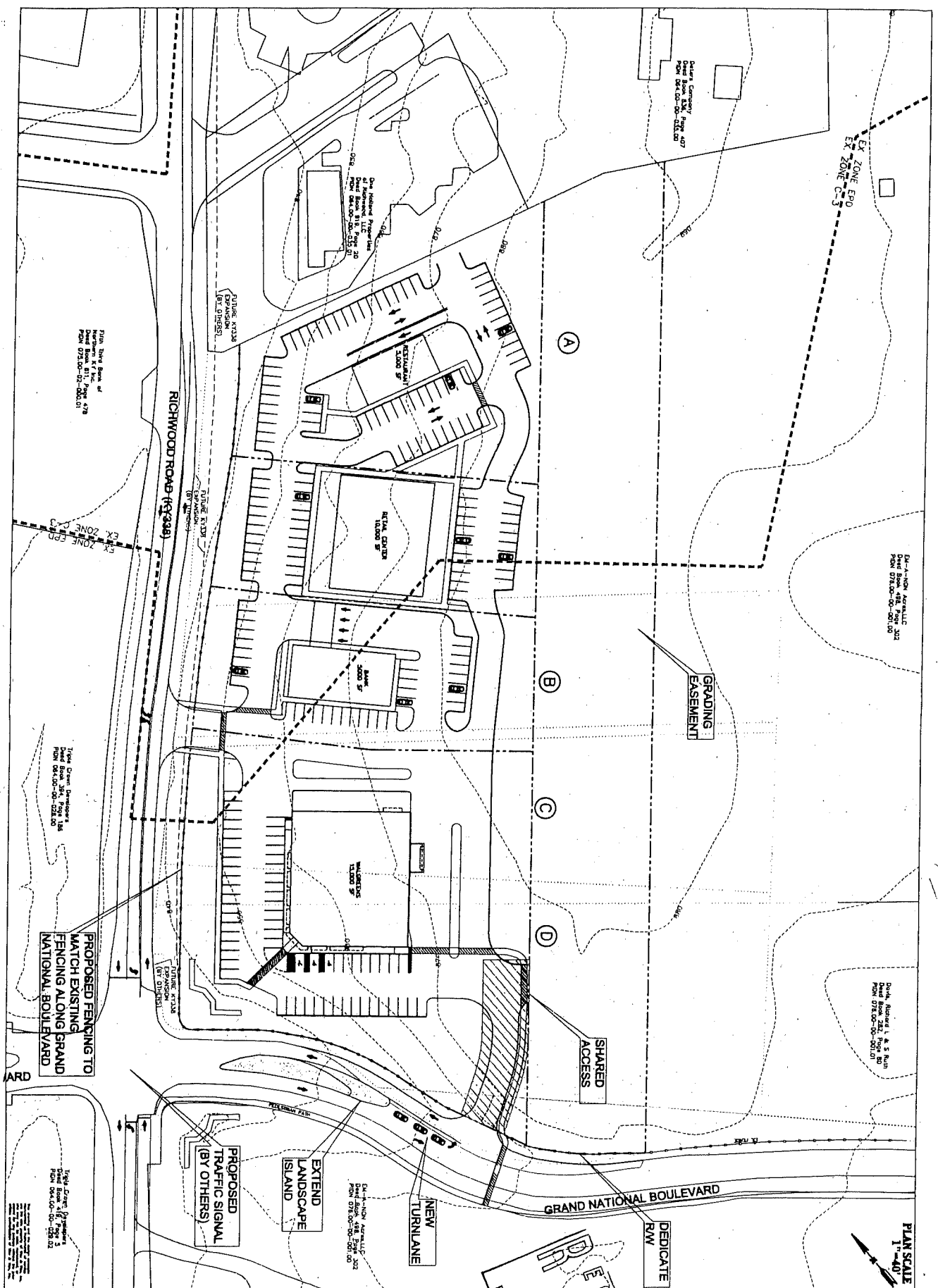
Located in Boone County, Kentucky lying on the southeast side of Richwood Road (S.R. 338) and on the northeast of Grand National Boulevard, and is more particularly described as follows:

Beginning at a point in the north right-of-way intersection of Richwood Road (KY 338) and Grand National Boulevard; thence with the right-of-way line of Richwood Road N 41°07'45" E 52.80 feet to a point; thence N 45°27'36" E 91.08 feet to a point; thence N 44°07'32" E 33.37 feet to a point; thence S 46°49'32" E 27.90 feet to a point; thence N 81°01'47" E 332.69 feet to a point; thence S 48°21'47" E 93.61 feet to a point; thence S 40°58'01" W 572.06 feet to a point; with a curve to the right having a radius of 208.50 feet, an arc length of 82.43 feet, with a chord bearing and distance of N 27°05'52" W 81.90 feet; thence N 15°46'19" W 41.06 feet to a point; with a curve to the right having a radius of 348.00 feet, an arc length of 16.58 feet, with a chord bearing and distance of N 17°08'12" W 16.58 feet; with a curve to the right having a radius of 144.50 feet, an arc length of 31.74 feet, with a chord bearing and distance of N 12°12'31" W 31.68 feet; thence with a curve to the left having a radius of 155.50 feet, an arc length of 117.51 feet, with a chord bearing and distance of N 27°33'52" W 114.73 feet; thence N 49°12'49" W 68.11 feet to a point; thence with a curve to the right having a radius of 20.00 feet, an arc length of 31.54 feet, with a chord bearing and distance of N 04°02'32" W 28.37 feet to the point of beginning containing 3.045 acres.



| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|---------|------------|---------------|--------------|
| C1 | 208.50' | 82.43' | N27°05'52"W | 81.90' |
| C2 | 348.00' | 16.58' | N17°08'12"W | 16.58' |
| C3 | 144.50' | 31.74' | N12°12'31"W | 31.68' |
| C4 | 155.50' | 117.51' | N27°33'52"W | 114.73' |
| C5 | 20.00' | 31.54' | N04°02'32"W | 28.37' |

**PLAT OF 3.045 ACRES
 FOR THE
 CHANGE IN CONCEPT
 BOONE COUNTY KENTUCKY
 SOUTHEAST SIDE OF RICHWOOD ROAD
 NORTHEAST OF GRAND NATIONAL BLVD.
 OCTOBER 1, 2008 SCALE 1" = 60'**



**CONCEPT PLAN
THE PADDOCK
BOONE COUNTY, KENTUCKY**

VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
1000 Highway 100, Suite 100, Bowling Green, KY 42301
P: 502-752-1111 • F: 502-752-1111 • www.viox.com

RECEIVED
OCT - 9 2018
BOONE COUNTY
PLANNING COMMISSION

GENERAL NOTES:

1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.

A FUTURE DEVELOPMENT PLAN FOR THIS SITE IS BEING IDENTIFIED.

PAGE 1

**PLAN SCALE
1"=40'**

Ordinance 09-04

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING , WITH CONDITIONS, FOR A REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR EMANON ACRES, LIMITED PARTNERSHIP, DENNIS G. DAVIS, DON DAVIS, AND RICHARD DAVIS (OWNERS) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL SERVICES (C-3) TO EMPLOYMENT PLANNED DEVELOPMENT (EPD) FOR A 2.61 ACRE AREA LOCATED AT 343, 351, 357, 377 RICHWOOD ROAD, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF VIOX & VIOX, INC. (APPLICANT) FOR ANCHOR PROPERTIES (OWNER BY CONTRACT) FOR A CONCEPT DEVELOPMENT PLAN IN AN EMPLOYMENT PLANNED DEVELOPMENT (EPD) ZONE FOR A 3.045 ACRE AREA LOCATED AT 351, 357, 377, AND 391 RICHWOOD ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and recommended for approval, with conditions, a Concept Development Plan in an Employment Planned Development zone for a 3.045 acre

site located at 351, 357, 377 and 391 Richwood Road, Boone County, Kentucky. The real estate which is subject to both requests is described in DEED BOOKS 498, 282 & 216, PAGE NOS. 302, 78 & 80, and 635 respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, from Commercial Services (C-3) to Employment Planned Development (EPD) for a 2.61 acre area located at 343, 351, 357, 377 Richwood Road, Boone County, Kentucky; and recommended for approval, with conditions, a Concept Development Plan in an Employment Planned Development zone for a 3.045 acre site located at 351, 357, 377 and 391 Richwood Road, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

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

SECTION III

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

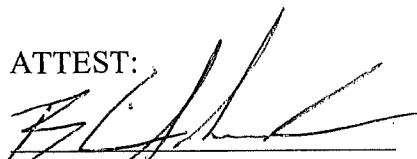
Introduced and given First Reading on the 17th day of March, 2009.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21st day of April, 2009 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.




GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



BLAIR G. SCHROEDER
FISCAL COURT CLERK



ROBERT NEACE
COUNTY ATTORNEY

4.30.09

DATE PUBLISHED

