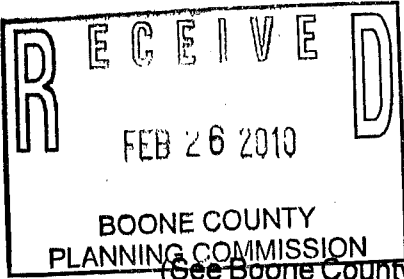


18-2MA-004-A



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 Holiday Inn Express & Suites
- 2. Location of Project RICHWOOD, KY 12928 FROXTOWN CONNECTOR
- 3. Total Acreage of Site 2.58
- 4. Current Zoning of Site C3/C4
- 5. Proposed Zoning (Classification being requested) SPECIAL LIGHTING DIST
- 6. Proposed Uses (please specify each use) BLUE UP LIGHTS ON FRONT & SIDE OF BUILDING
- 7. Names of Applicant(s) Rolling Hills RICHWOOD
- Phone Number 859-466-4779 Fax No. 859-898-0513
- 8. Address of Applicant(s) 12928 Froxtown Connector Road
RICHWOOD KY 41094
City State Zip
- 9. Name of Property Owner(s) ROLLING Hills RICHWOOD, LLC
- Phone Number 859-466-4779 Fax No. 859-898-0513
- 10. Address of Property Owner(s) 12928 Froxtown Connector Road
RICHWOOD KY 41094
City State Zip
- 11. Proposed Building Intensities (please specify) \_\_\_\_\_
- 12. Are there any existing buildings on the site? Yes
- How many? 2
- 13. Deed Book 948 Page No. 281 Group No. 2064
- 14. Are you also applying for:
- \_\_\_\_\_ Conditional Use Permit
- \_\_\_\_\_ Dimensional Variance
- 15. Have you submitted a Concept Development Plan? ND
- 16. Have you had a pre-application meeting with BCPC Staff? ND
- 17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Rolling Hills Richwood, LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.

April 7, 2010

### PROPOSAL

Article 40 of the *Boone County Zoning Regulations* defines a sign as "a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images."

This request is for a Zoning Map Amendment for a Special Sign District to allow alternative signage for the Holiday Inn Express at 12928 Frogtown Connector Road. Specifically, in addition to their fixed building mounted and freestanding signage, they are requesting to illuminate four (4) areas on the front (north) elevation and two (2) areas on the side (east) elevation facing I-71/75 with blue "up-lights" and two (2) "down-lights" under the canopy. The applicant has submitted digital photos showing the fixture locations.

The two (2) "down-lights" under the canopy are more decorative in nature and therefore are not considered signage.

### SITE HISTORY

2008 The Major Site Plan to construct the Holiday Inn Express was approved.

2009 Sign Permits for building mounted and monument signage approved.

### ADJACENT ZONING AND LAND USES

North: Undeveloped lot (2.3 acres) at Frogtown Connector Road and Frontage Road zoned C-4.

East: Frontage Road and I-71/75.

South: Existing TK Constructors and Econo Lodge zoned C-3 and an undeveloped lot (1.39 acres) zoned C-3 and C-4.

West: Undeveloped property zoned C-4 and EPD/CD. Farther West lies the existing Heritage Trails Subdivision zoned SR-1.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This 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.

"The commercial development northwest of the interchange will expand and extend along the interstate. This expansion can occur with the completion of the connector road to Frogtown Road ("8. Richwood Area," pg. 148)."

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

"Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange ("Recommended Areas of Commercial Activity," pg. 63)."

The Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. 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).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. 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).
- F. The needs of Boone County's population 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).

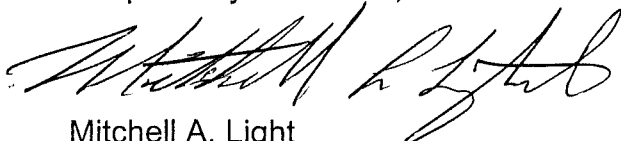
STAFF COMMENTS

- 1. Article 40 of the *Boone County Zoning Regulations* defines a sign as "a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images."
- 2. A Sign Permit to install one (1) monument sign and two (2) building mounted signs was approved on August 13, 2009. Staff had no discussion or correspondence with the Applicant or sign contractor with regard to the blue "up-lights".
- 3. If this request is approved, a Sign Permit review will be conducted by the Boone County Planning Commission Staff.

CONCLUSION

The request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations.

Respectfully submitted,

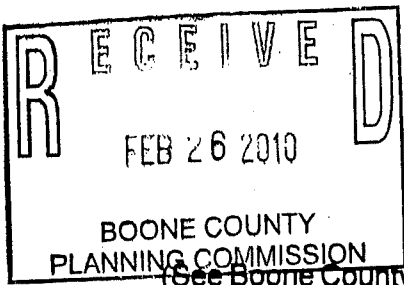


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

attachments:

- Application
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2007 Aerial Photography
- Photos of Existing Site Lighting



APPLICATION FORM

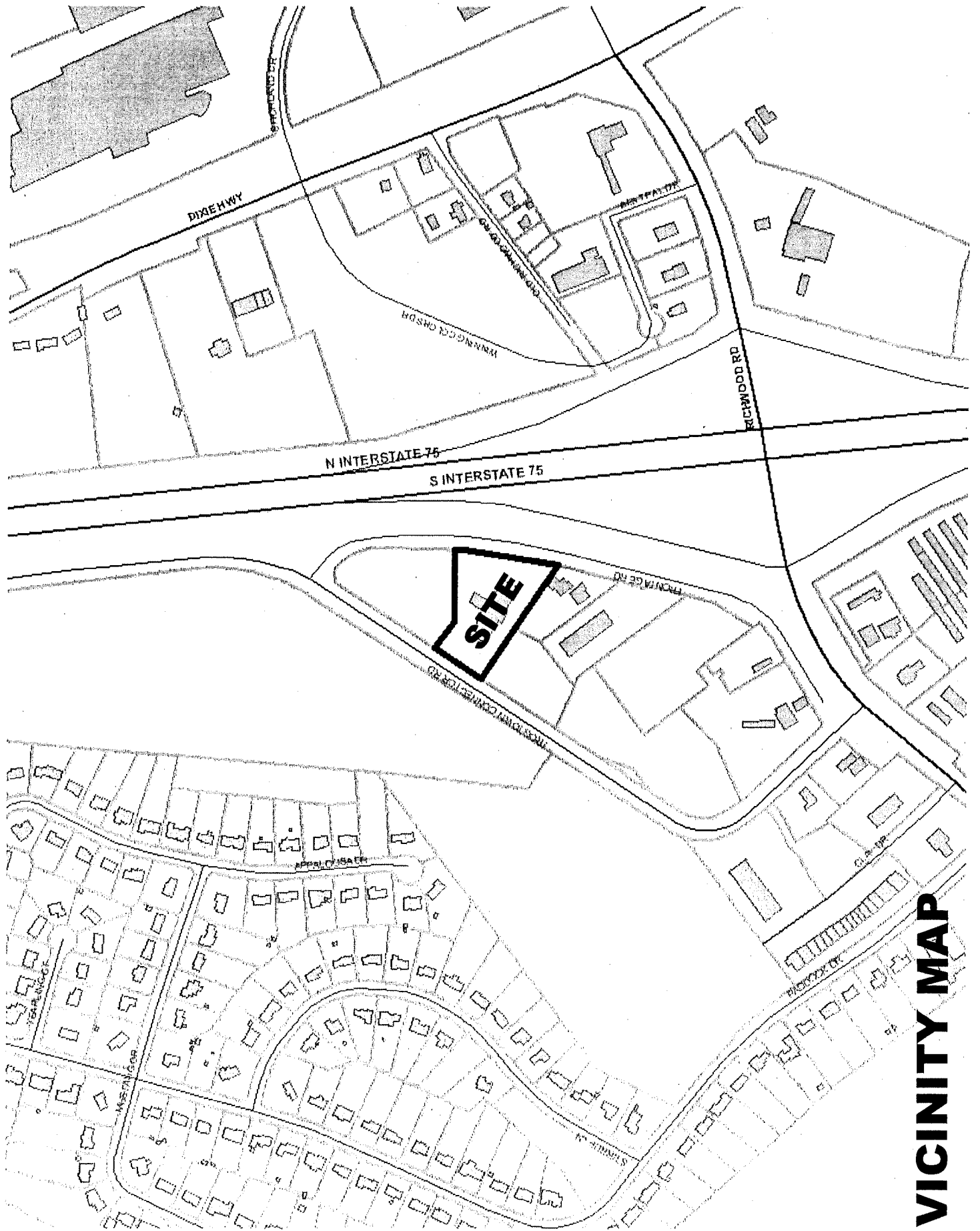
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

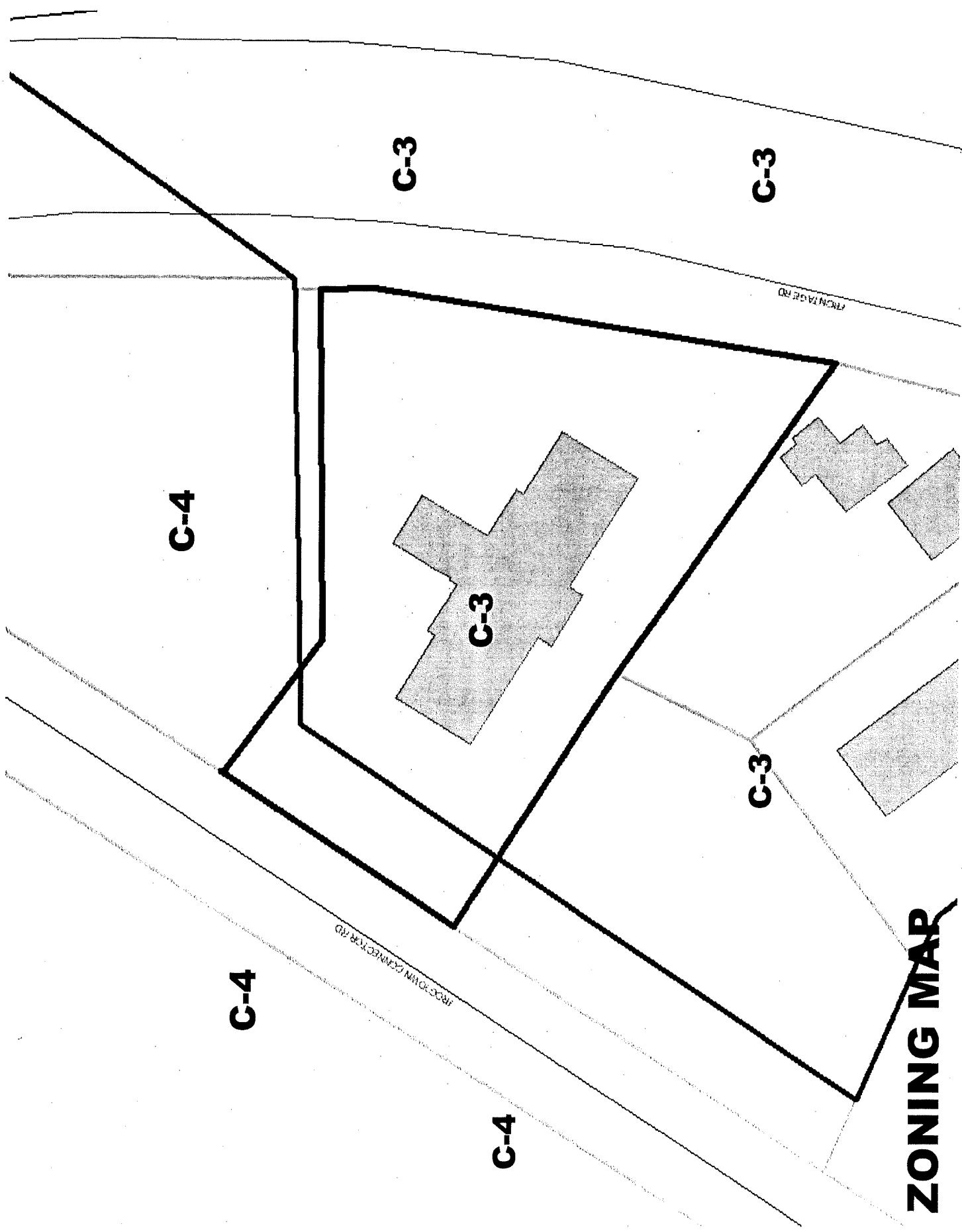
SECTION A (To be completed by applicant)

- 1. Name of Project: Holiday Inn Express & Suites
2. Location of Project: RICHWOOD, KY 12928 FROXTOWN CONNECTOR
3. Total Acreage of Site: 2.58
4. Current Zoning of Site: C3/C4
5. Proposed Zoning (Classification being requested): SPECIAL LIGHTING DIST
6. Proposed Uses (please specify each use): BLUE UP LIGHTS ON FRONT & SIDE OF BUILDING
7. Names of Applicant(s): Rolling Hills RICHWOOD
8. Address of Applicant(s): 12928 Froxtown Connector Road, RICHWOOD KY 41094
9. Name of Property Owner(s): ROLLING Hills RICHWOOD, LLC
10. Address of Property Owner(s): 12928 Froxtown Connector Road, RICHWOOD KY 41094
11. Proposed Building Intensities (please specify)
12. Are there any existing buildings on the site? YES
13. Deed Book: 948 Page No.: 281 Group No.: 2064
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within 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
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



**VICINITY MAP**



**C-4**

**C-3**

**C-3**

**C-3**

**C-3**

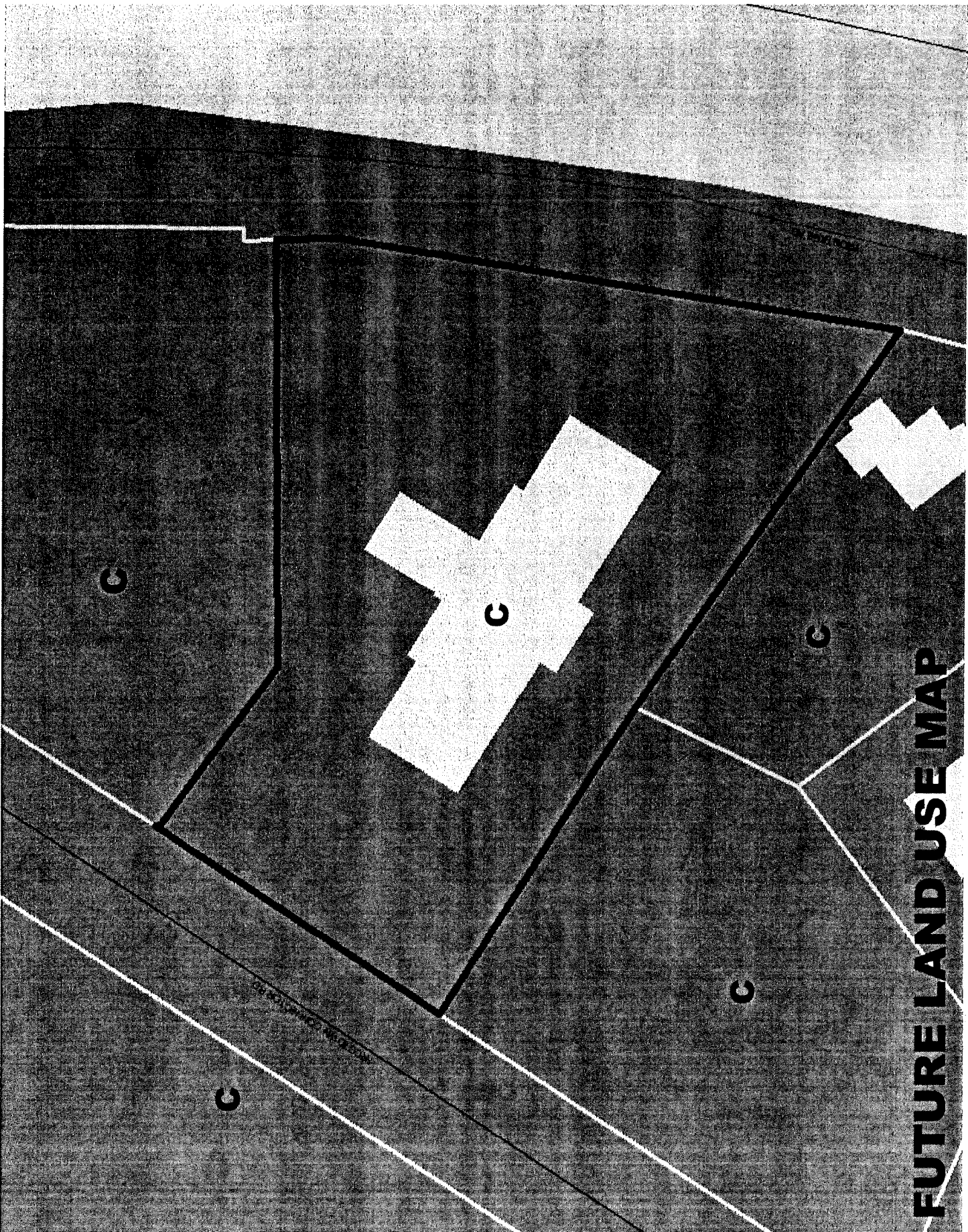
**C-4**

**C-4**

**ZONING MAP**

FRONT CONNECTOR RD

FRONTAGE RD



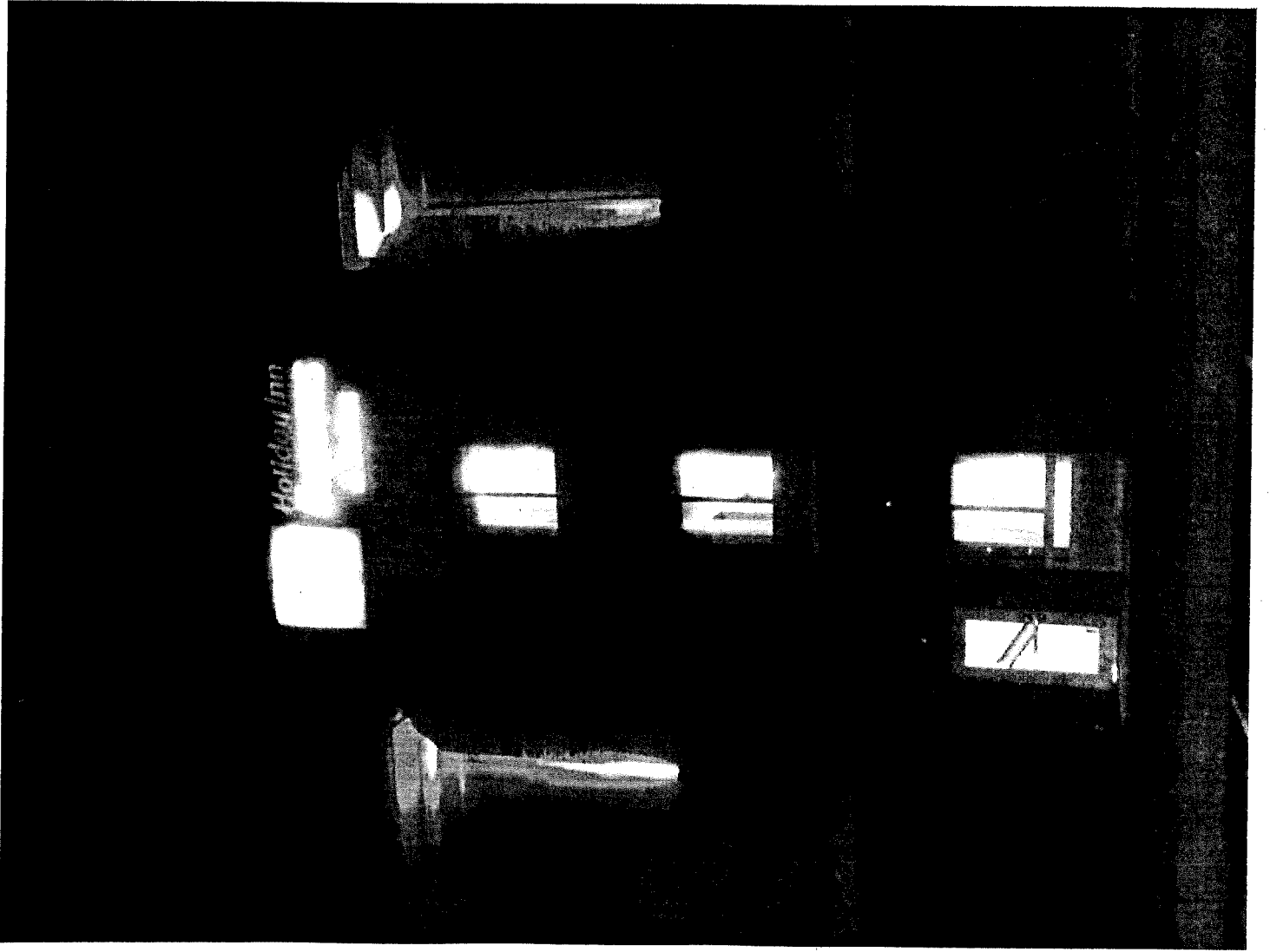
**FUTURE LAND USE MAP**



2007 AERIAL PHOTOGRAPH



**SITE PHOTO**



**SITE PHOTO**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 7, 2010  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

Mr. Mike Ford, Vice-Chairman, called the meeting to order at 7:30 P.M. and introduced the first item on the Agenda:

**APPLICANT: Rolling Hills Richwood, LLC**

**REQUEST: Zoning Map Amendment for a Special Sign District**

- 1. Request of Rolling Hills Richwood, LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.**

Staff member, Mitch Light presented the Staff Report, which included a Powerpoint presentation (see Staff Report). Mr. Light explained that the request is a Zoning Map Amendment to create a Special Sign District in order to allow alternative signage at a Holiday Inn Express. The request does not affect the existing free-standing sign or building mounted signage. He referred to Article 40 of the Zoning Regulations, which defined a sign. He stated that the applicant wishes to illuminate four areas on the front (north elevation) of the building and two down lights under the canopy on the side (east elevation) facing I-75/I-71. The Holiday Inn Express uses blue uplights. The applicant has submitted digital photographs of the hotel. Mr. Light proceeded to show photos of the existing building and surrounding zoning and land uses. Mr. Light noted the staff concerns which relate to the definition of a sign and the issuance of permits for the existing building mounted and free-standing signs only.

Mr. Victor Patel, applicant and co-owner of the hotel, explained that the franchiser, Inter Continental Hotel from Atlanta mandates the installation of the blue uplights for all hotels in the United States. Without these lights, he cannot operate as a Holiday Inn Express & Suites.

Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor of the request. Mr. Don Castle, owner of the Holiday Inn located off Freedom Way, stated that in order to get a franchise agreement, you have to have the uplights in order to be a Holiday Inn.

Ms. Sheri Wright, Richwood Road, stated she is in favor of the request. She lives in the area, and the hotel looks wonderful. It looks better than what was there in the past.

Vice-Chairman Ford asked if there was anyone else present who wished to speak against the request. There being no response, he asked whether the Commissioners had questions.

Mrs. Poston asked whether the previous hotel request near the airport was a Holiday Inn. Mr. Light responded "yes" and it had green lights.

Mr. Bunger asked what was the basis for the request? Is it due to the quantity or size (square footage) of the signage or changing of the color? Mr. Light stated that the colored uplighting is considered signage just like the stripes on awnings. If it was a clear or white light, it wouldn't be considered a sign just an accent.

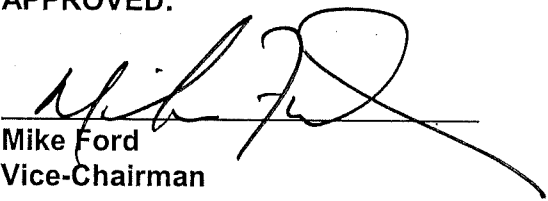
Mr. Schwenke asked about the blue color since the photographs were fuzzy versus actually looking at the hotel on site. Mr. Patel responded the lights have a Masque 2- they light up no more than 2 stories. The higher the building the higher the beam. He responded that it won't interfere with anything.

Mr. Brandstetter remarked that the photographs showed more intense lighting. Mr. Light noted that he would bring the comparisons to the Committee meeting.

In response to Mr. McMillian's question, Mr. Light explained that the lights will only be on 2 building elevations since it is only visible from I-75 at two locations.

**There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 7:45 P.M.**

**APPROVED:**

  
Mike Ford  
Vice-Chairman

**Attest:**

  
Kevin P. Costello, AICP  
Executive Director

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

**May 5, 2010  
7:00 P.M.**

---

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director of Zoning Services  
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer  
Mr. Todd K. Morgan, AICP, Senior Planner

**Approval of the Minutes:**

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the April 7, 2010 Business Meeting and the April 7, 2010 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ford moved that the Minutes be approved as written. Mr. Bunger seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT

1. Request of Rolling Hills Richwood, LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.

Staff Member, Mitch Light, read the Committee Report, which recommended approval subject to conditions (see Committee Report). He referred to the Findings of Fact for Approval and the list of Conditions. Mr. Light stated that the property owner has signed a letter agreeing to the conditions. The Committee approved the request 4-0 with Mr. Bunger, Mr. Brandstetter, Mrs. Kegley and Mrs. Poston voting in favor of the request. Mr. Light noted that the Masque 2 option is the same as the one used at the Airport Holiday Inn.

Charlie Rolfsen asked if the applicant wanted to make any comments. Mr. Bimal Patel, representing Rolling Hills Richwood, LLC responded no, but he was present to answer any questions. At this time, Chairman Rolfsen asked if there was anyone in the audience that wanted to speak in opposition to the request? There being no further comments, Chairman Rolfsen asked if the Planning Commissioners had any questions or comments.

Mr. McMillian asked if they were using the colored lights? Mr. Light responded yes - it is the blue up-lights for Holiday Inn Express. Mr. McMillian asked why the blue lights? Mr. Bimal Patel, Rolling Hills Richwood, LLC explained that the Inter-Continental Hotels has designated blue for all Holiday Inn Express hotels and green for all Holiday Inn hotels. It is a branding scheme.

There being no further discussion, Mr. Bunger moved that the request be approved by Resolution to the Boone County Fiscal Court with conditions based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT

2. Request of 42 Lodging, LLC (applicant) for Todd Worley (owner) for a Zoning Map Amendment for a Special Sign District for a 3.05 acre site located at 7905 Freedom Way, Florence, Kentucky (Holiday Inn). The request is for a Special Sign District in a Commercial Services/Planned Development (C-3/PD) zone to allow alternative signage.

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Kim Bunger, Chairman

**DATE:** May 5, 2010

**RE:** Request of **Rolling Hills Richwood, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Concept Development Plan is in agreement with the Comprehensive Plan due to the following reasons.
  - A. The Future Land Use Map designates this site as "Commercial." This designation is described as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposal is to create a Special Sign District to allow alternative signage in the form of accent up-lighting.
2. The Committee has concluded that the provisions stated in the Special Sign District, coupled with the agreed conditions, fulfill the applicable requirements of Article 3 of the Boone County Zoning Regulations.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

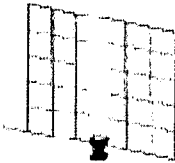
CONDITIONS

1. The property owner agrees that the proposed lighting "height" will not exceed the height of the roofline.
2. The property owner agrees that the Masque II option from the Photometric Data exhibit (attached) will be used.
3. The property owner agrees that the up-lighting will be a constant beam of light and at no time will the up-lighting ever flash, blink, pulsate, etc.

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

# Photometric Data

## Narrow Wash



**Masque I**  
 70W CMH (T-4, G8.5)  
 Narrow Wash (NW)  
 Beam Angle: 10°  
 Field Angle: 27°  
 Initial Lamp Lumens: 0,400  
 Offset: 0 inches  
 Aiming Angle: 0°

**Multiplex (T-4, G8.5 Lamps)**  
 20W CMH 1,700 Lumens X 0.27  
 30W CMH 3,400 Lumens X 0.53  
 70W CMH 8,400 Lumens X 1.0

**Masque II**  
 180W CMH (T-8, G12)  
 Narrow Wash (NW)  
 Beam Angle: 10°  
 Field Angle: 27°  
 Initial Lamp Lumens: 11,000  
 Offset: 0 inches  
 Aiming Angle: 0°

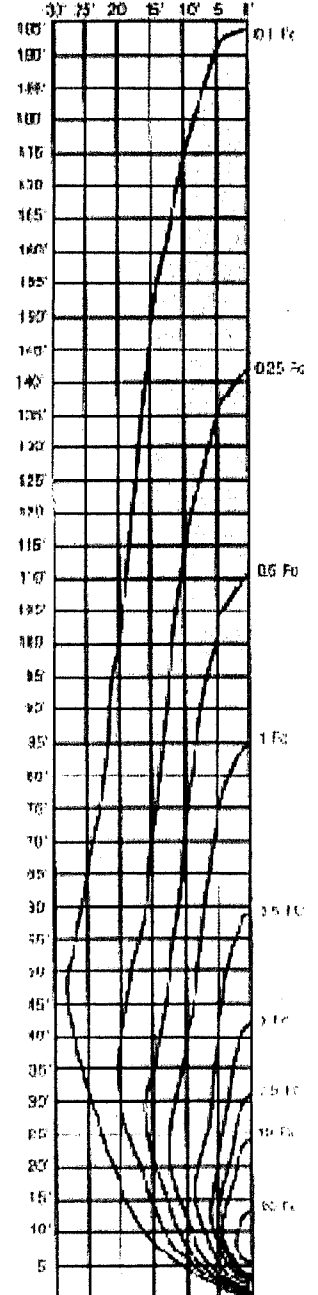
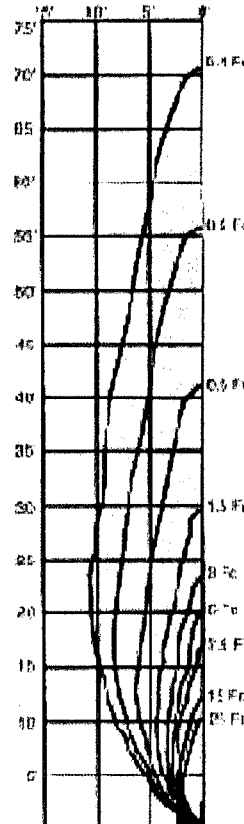
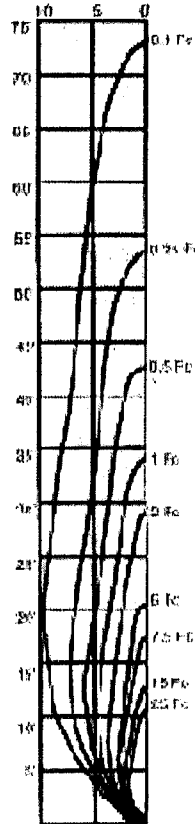
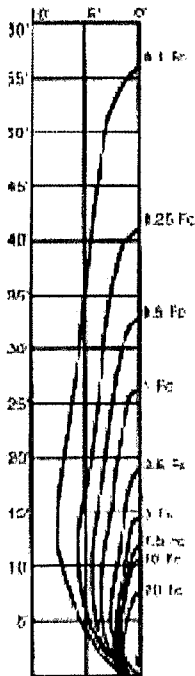
**Multiplex (T-8, G12 Lamps)**  
 70W CMH 6,000 Lumens X 0.47  
 100W CMH 8,000 Lumens X 0.65  
 150W CMH 14,000 Lumens X 1.0

**Masque III**  
 150W MH (ED-17, Mod)  
 Narrow Wash (NW)  
 Beam Angle: 11°  
 Field Angle: 34°  
 Initial Lamp Lumens: 14,000  
 Offset: 0 inches  
 Aiming Angle: 0°

**Multiplex (ED-17, Mod Lamps)**  
 70W CMH 6,800 Lumens X 0.44  
 100W CMH 8,000 Lumens X 0.60  
 150W CMH 14,000 Lumens X 1.0

**Masque IV**  
 400W MH (ED-28, Mod Base)  
 Narrow Wash (NW)  
 Beam Angle: 10°  
 Field Angle: 27°  
 Initial Lamp Lumens: 40,000  
 Offset: 48 inches  
 Aiming Angle: 0°

**Multiplex (ED-28 & T-5 Lamps)**  
 220W MH 20,000 Lumens X 0.50  
 400W MH 40,000 Lumens X 1.0  
**Multiplex (T-5 Lamps)**  
 250W MH 22,000 Lumens X 0.55  
 400W MH 36,000 Lumens X 1.0



All photometry is performed by an independent test laboratory.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 7, 2010  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

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**APPLICANT: Rolling Hills Richwood, LLC**

**REQUEST: Zoning Map Amendment for a Special Sign District**

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Mrs. Poston asked whether the previous hotel request near the airport was a Holiday Inn. Mr. Light responded "yes" and it had green lights.

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Mr. Schwenke asked about the blue color since the photographs were fuzzy versus actually looking at the hotel on site. Mr. Patel responded the lights have a Masque 2- they light up no more than 2 stories. The higher the building the higher the beam. He responded that it won't interfere with anything.

Mr. Brandstetter remarked that the photographs showed more intense lighting. Mr. Light noted that he would bring the comparisons to the Committee meeting.

In response to Mr. McMillian's question, Mr. Light explained that the lights will only be on 2 building elevations since it is only visible from I-75 at two locations.

**There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 7:45 P.M.**

**APPROVED:**

  
\_\_\_\_\_  
**Mike Ford**  
**Vice-Chairman**

**Attest:**

  
\_\_\_\_\_  
**Kevin P. Costello, AICP**  
**Executive Director**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 21, 2010

RE: Request of **Rolling Hills Richwood, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.

### 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.

Rolling Hills Richwood, LLC

April 21, 2010

*Kim Bunger*  
 \_\_\_\_\_  
**Kim Bunger, Chairman**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Ben Brandstetter*  
 \_\_\_\_\_  
**Ben Brandstetter**

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 \_\_\_\_\_

*Susan Poston*  
 \_\_\_\_\_  
**Susan Poston**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_

**Linda Herald (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_

**Charlie Reynolds**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED 4 FOR PROJECT \_\_\_\_\_ ABSENT \_\_\_\_\_  
 \_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

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

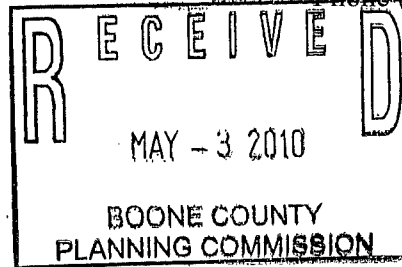
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264

plancom@boonecountyky.org

April 26, 2010

Mr. Victor Patel  
Rolling Hills Richwood, LLC  
250 Grandview Drive, Unit 260  
Ft. Mitchell, KY 41017



RE: Request of **Rolling Hills Richwood, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.

Dear Mr. Patel:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their April 21, 2010 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners, in the spaces provided at the end of this letter, and return the original letter to the Planning Commission office by Monday, May 3, 2010.

## CONDITIONS

1. The property owner agrees that the proposed lighting "height" will not exceed the height of the roofline.
2. The property owner agrees that the Masque II option from the Photometric Data exhibit (attached) will be used.
3. The property owner agrees that the up-lighting will be a constant beam of light and at no time will the up-lighting ever flash, blink, pulsate, etc.

Sincerely,

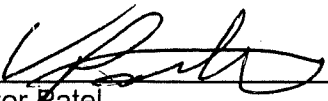
Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/pr

Mr. Victor Patel  
Rolling Hills Richwood, LLC  
April 26, 2010  
Page 2

AGREEMENT

I, Victor Patel, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment for a Special Sign District in the Commercial Services (C-3) and Commercial Four (C-4) zones for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express) to allow alternative signage.

  
\_\_\_\_\_  
Victor Patel  
Rolling Hills Richwood, LLC (owner)

4/29/10  
\_\_\_\_\_  
Date

2

**DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

That Richwood Developers, Inc., a Kentucky corporation, for and in consideration of \$825,000.00 the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to Rolling Hills Richwood, LLC, a Kentucky Limited Liability Company, its successors and assigns forever, the following described real estate, lying and being in County of Boone and Commonwealth of Kentucky, to wit:

Grantor Mailing Address: P.O. Box 725, Union, KY 41091

Grantee Mailing Address: P.O. Box 725, Union, KY 41091

Group Nos.: 4987 PIDN No.:

Property Address: \_\_\_\_\_ Frogtown Connector Road, Richwood, KY 41094

Plat Cabinet: 5 Page: 478

Being all of lot 2, Richwood Commons East, Section 3 as recorded in Plat Cabinet 5, Slide 478, of the Boone County Clerks Records at Burlington, Kentucky.

Being a part of the same property conveyed to Richwood 34, Inc., a Kentucky corporation, by Deed dated October 31, 2001 and recorded December 13, 2001, at Deed Book 817, Page 694, and corrected by Deed Dated August 4, 2003 at Deed Book 858, Page 287, Boone County, Kentucky records in Burlington, Kentucky.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Rolling Hills Richwood, LLC, a Kentucky Limited Liability Company, its successors and assigns forever, the Grantor, Richwood Developers, Inc., its successors and assigns, HEREBY COVENANTING with T. K. Constructors, Inc., an Indiana Corporation, its successors and assigns, its heirs, successors and assigns forever, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

RETURN TO KCT

IN WITNESS WHEREOF the said Grantors hereunto set its hand acting by and through its duly authorized director this 22nd day of February, 2008.

GRANTOR :

RICHWOOD DEVELOPERS, INC.

Robert L. Porter, Jr.  
Robert L. Porter, Jr., Director

COMMONWEALTH OF KENTUCKY :

:SS

COUNTY OF BOONE :

The foregoing instrument was sworn to and acknowledged before me this 22<sup>nd</sup> day of February, 2008, by Richwood Developers, Inc., a Kentucky corporation by and through its Director, Robert L. Porter, Jr.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: 2-2008

**CERTIFICATE OF CONSIDERATION**

Richwood Developers, Inc., a Kentucky corporation, the Grantor, and Grantee, Rolling Hills Richwood, LLC, a Kentucky Limited Liability Company, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$825,000.00, is the true, correct and full consideration paid for the property herein conveyed, and that the fair market value of the above property is \$ 825,000.00 . We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

RICHWOOD DEVELOPERS, INC.,  
a Kentucky corporation

Robert L. Porter, Jr.  
ROBERT L. PORTER, JR., DIRECTOR

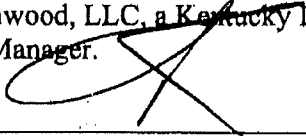
GRANTEE:

ROLLING HILLS RICHWOOD, LLC, a Kentucky  
Limited Liability Company

By: [Signature]  
BIMAL PATEL, MANAGER

COMMONWEALTH OF KENTUCKY :  
:SS  
COUNTY OF BOONE :

The foregoing instrument was sworn to and acknowledged before me this 22<sup>nd</sup> day of February, 2008, by Rolling Hills Richwood, LLC, a Kentucky Limited Liability Company, by and through Bimal Patel, it's Manager.

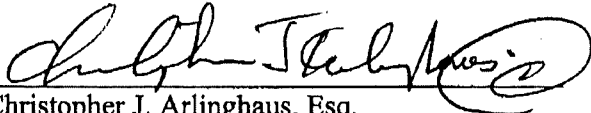
  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 8-1-2008

COMMONWEALTH OF KENTUCKY :  
:SS  
COUNTY OF BOONE :

The foregoing instrument was sworn to and acknowledged before me this 22<sup>nd</sup> day of February, 2008, by Richwood Developers, Inc., a Kentucky corporation by and through its Director, Robert L. Porter, Jr.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 8-1-2008

THIS INSTRUMENT PREPARED BY:

  
\_\_\_\_\_  
Christopher J. Arlinghaus, Esq.  
O'HARA, RUBERG, TAYLOR, SLOAN & SERGENT  
25 CRESTVIEW HILLS MALL ROAD, SUITE 201  
P.O. BOX 17411  
COVINGTON, KY 41017-0411  
E:\docs\BURCH.RICH\Rolling Hills\DEED Rich Dev-TK.doc

BOONE COUNTY  
D948 Pg 283  
BOONE COUNTY

DOCUMENT NO: 451613  
RECORDED ON: FEBRUARY 25, 2008 03:32:29PM  
TOTAL FEES: \$17.00  
TRANSFER TAX: \$825.00  
GROUP : 4987  
COUNTY CLERK: RENAI PING  
COUNTY: BOONE COUNTY CLERK  
BOONE COUNTY CLERK

## **ORDINANCE 10-07**

**AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF ROLLING HILLS RICHWOOD, LLC (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 2.58 ACRE SITE LOCATED AT 12928 FROGTOWN CONNECTOR ROAD, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Services (C-3) and Commercial Four (C-4) for a 2.58 acre site located at 12928 Frogtown Connector 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 the Zoning Map Amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### **SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved , with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Services (C-3) and Commercial Four (C-4) for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both a Commercial

Services (C-3) and Commercial Four (C-4) zone is more particularly described in DEED BOOK 948, PAGE NO. 281 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## SECTION II

That as a basis for the approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

## SECTION III

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

Introduced and given First Reading on the 22<sup>nd</sup> day of June, 2010.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27<sup>th</sup> day of July, 2010 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

  
DAPHNE KORNBLUM  
FISCAL COURT CLERK