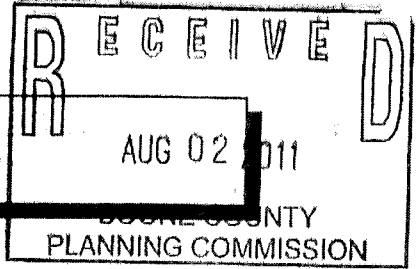


8/1/11

11-CCDP-012-A

APPLICATION FORM



CONCEPT DEVELOPMENT PLAN
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)
- XXX 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
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project Houston Road Commercial Site
- 3. Location of Project Houston Road
- 4. Total Acreage of Site 9.5 Acres
- 5. Current Zoning C-2
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study
- 8. Proposed Uses (please specify each use) One Retail Center and Two Restaurants
- 9. Proposed Building Intensities (please specify) _____
- 10. _____
- 11. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
- Phone Number 331-9191 Fax No. 344-7422
- 13. Address of Applicant(s) 1671 Park Road, Suite One
- Ft. Wright, Kentucky 41011
- City State Zip
- 14. Name of Property Owner(s) RCDK Properties, LLC
- Phone Number 283-2260 Fax No. 283-2265
- 15. Address of Property Owner(s) 8800 Bankers Street
- Florence, Kentucky 41042
- City State Zip
- 16. Are there any existing buildings on the site? No
- How many? _____
- 17. Deed Book 991 Page No. 773 Group No. 2033B
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

Concept Development Plan

Page 2

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

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

Annexation

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County Walton
 Florence Union

21. ORIGINAL Property Owner's Signature Richard Crist
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-2-11 Fee Received \$2472.00 R#
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 TODD MORGAN
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 Approved 10/5/11 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
Phone (859) 334-2196 - Fax (859) 334-2264
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.

EXHIBIT

“A”

STAFF REPORT

Request of James W. Berling (applicant) for RCDK Properties, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

September 7, 2011

REQUEST

The applicant has submitted a Change in Approved Concept Development Plan application to allow a third development option on the above referenced site. The submitted Concept Development Plan shows the property will be subdivided into three lots of record.

Lot 1 is approximately 2.4 acres in area and contains an approximate 10,000 square foot sit down restaurant with an outdoor seating area, 165 parking spaces, and a 6 foot tall outlet sign (see Exhibit H from the Lawsuit settlement agreement). Access to the lot is proposed from two curb cuts on a future public street (Crist Crossing) that runs between Houston Road and Doering Drive.

Lot 2 is approximately 3.7 acres in area and contains a 17,500 square foot multi-tenant building (retail, restaurant, and office uses), 161 parking spaces, and a 28 foot tall project identification sign (see Exhibit F from the Lawsuit settlement agreement). Access to the lot is proposed from two curb cuts on Crist Crossing and driveway easements that connect to lot 3. A preliminary elevation drawing shows that the multi-tenant building will be constructed with masonry, EIFS, storefront systems, windows, and a flat roof with parapet walls and standing seam metal roofing. A note on the Concept Plan indicates that the rear elevation will be modified. The rear wall will be topped with a 2 to 6 foot tall parapet wall so roof equipment will not be visible from Doering Drive, Crist Crossing, or the rear parking lot.

Lot 3 is approximately 2.7 acres in area and contains an approximate 10,000 square foot sit down restaurant, 151 parking stalls, and a 6 foot tall outlet sign (see Exhibit H from the Lawsuit settlement agreement). Access to the lot is proposed from a single curb cut on the future South Airfield Connector Road and driveway easements that connect to lot 2.

The submitted plan shows that the following Planned Development (PD) Waivers are being sought with the request:

Lot 1

- Reduce the 20' wide street frontage buffer along Doering Drive to a minimum of 11'.
- Reduce the 20' wide street frontage buffer along Crist Crossing to a minimum of 11'.

Lot 2

- Eliminate the 10' wide landscaping buffer yard along the northeast property line.
- Reduce the 20' wide street frontage buffer along Houston Road to a minimum of 12'.
- Reduce the 20' wide street frontage buffer along Crist Crossing to a minimum of 10'.

Lot 3

- Eliminate the 10' wide landscaping buffer yard along the southwest property line.
- Reduce the 20' wide street frontage buffer along Houston Road to a minimum of 10'.
- Reduce the 20' wide street frontage buffer along the South Airfield Connector Road to a minimum of 10 feet.

PERTINENT SITE HISTORY

1997/1998 - The Boone County Planning Commission recommended approval of a Zoning Map Amendment from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD) and the Utilization of an Underlying Zone in a Planned Development for a 95 acre tract located on both sides of Houston Road, generally between KY 18 and Woodspoint Drive. The approved Concept Plan showed the subject property (lots 19 and 20) would be developed with office/commercial uses (see attachment).

The City of Florence overturned the Planning Commission's recommendation and the applicant filed a lawsuit. A lawsuit settlement agreement between the City of Florence, applicant, and property owners was agreed to on September 8, 1998. One of the conditions of approval required the approximate 1.5 acre outlots along Houston Road to be developed as individual businesses and prohibited them to be consolidated for the purpose of developing a strip center (see attachments).

April 2003 - A landscaping master plan was approved for the northwest side of Houston Road. The plan shows the subject property (lots 19 and 20) would have 24 street trees in or near the Houston Road right-of-way and an entrance wall monument at the Houston Road/South Airfield Connector Road intersection (see attachment).

2005 - The Boone County Planning Commission and City of Florence approved a Change in an Approved Concept Development application allowing a single use retail facility or a multi-tenant retail center on the subject site. The approved Concept Plan showed an approximate 85,400 square foot building which could be broken into three tenant spaces. The Planning Commission and City of Florence imposed conditions on the approval (see attachments).

4/19/11 - Boone County Planning Commission approved an Improvement Plan allowing grading, storm sewer, and sanitary sewer work to be performed on the subject site.

SITE CHARACTERISTICS

The approximate 9.5 acre parcel has about 810 feet of frontage on Houston Road, 460 feet of frontage on the future South Airfield Connector Road, and 855 feet of frontage on existing and future portions of Doering Drive. The 4/19/11 Improvement Plan shows a relocated sanitary sewer main and a 7' x 7' storm sewer box culvert will run between lots 2 and 3. The topography of the site falls from approximately 890 feet above sea level at the southwest property corner to 840 feet above sea level where a creek cuts through the northern portion of the property. Grading and utility construction is occurring on site and most of the vegetation, with the exception of the creek area has been cleared. Sidewalks currently exist along Houston Road and a small portion of the Doering Drive street frontage. Overhead utilities exist along Houston Road.

ADJACENT LAND USES AND ZONING

Northeast: Houston Road Connector Right-of-Way, Airport Property (A), and Undeveloped Property (C-2/PD and A)

Northwest: Doering Drive (Existing Road and Future Right-of-Way), Airport Property (A), and Wal-Mart (C-2/PD)

Southeast: Houston Road, Houston Office Condos (C-2/PD), World of Golf (R/PD), and Woodspoint Drive

Southwest: Logan's Roadhouse (C-2/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" and "Transportation" uses. These designations are described as follows:

Commercial - "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Transportation - "Airports, major four lane roads, interstates, and interchanges."

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

A. "Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-

scaled, automobile appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities."

- B. "Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development."
- C. "Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts."

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

- A. Developments in Boone County 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 (Landscaping, pg. 141).
- B. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff (Stormwater Management and Erosion Control, pg. 141).
- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the

coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pp. 141-142).

- D. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate (Transportation and Pedestrian Network, pg. 142).
- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view (Design, Signs, and Historic Preservation, pg. 142).

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

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

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

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

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

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- C. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- D. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- E. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- F. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

RELATIONSHIP TO THE BOONE COUNTY TRANSPORTATION PLAN 2030

The following passages and information relates to the request:

- A. The current level of service (LOS) on Houston Road, between KY 18 and Turfway Road is LOS C. The average daily trips on this section of road is 24,570 (Exhibit 2-7).
- B. The projected LOS on Houston Road, between KY 18 and Turfway Road, in the year 2030 is LOS C. The average daily trips projected on this section of road is 20,262 (Exhibit 3-8).
- C. The Recommended Long Range-Transportation Improvement Chapter indicates that the section of KY 18 between North Bend Road and S. Airfield Drive is projected to be over capacity during peak periods by the year 2030. Implemented access management retrofit projects will help preserve capacity and reduce the need for widening.

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The property is located in Site 6 (Seligman and Foltz Property) of the Study. The Study states that this area of Houston Road is important because its development will greatly affect the visual character of the middle of Houston Road. The Study has not been updated since the Lawsuit Settlement Agreement was signed in 1998.
- B. The property is subject to the Site Design Standards and Architectural Design Review standards contained in the Study (see attachments).

PLANNED DEVELOPMENT STANDARDS

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the property is zoned Commercial Two/Planned Development (C-2/PD). A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

STAFF COMMENTS

1. Staff recommends that the following Planned Development (PD) Standards should be analyzed by Boone County Planning Commission and Florence City Council:
 - A. Mixed Use Orientation and Pedestrian Orientation: This standard states that Planned Developments shall have a pedestrian orientation.
 - Staff recommends that a sidewalk connection should extend out to South Airfield Drive.
 - B. Compatibility of Uses: Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites.
 - The Lawsuit Settlement agreement contains a condition pertaining to principally permitted C-2 uses. Staff recommends that the applicant and Planning Commission review this list and determine which uses are appropriate in the multi-tenant building. Staff would like the applicant to explain if the 3 lots will have shared parking agreements.
 - C. Landscaping: Substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.
 - The submitted Concept Plan indicates that the street trees in the Houston Road right-of-way will be installed per the 4/15/03 plan. Staff questions if there is enough room to install all these trees because of the deceleration lane that is being constructed. Staff would like the applicant to provide documentation from the Kentucky Transportation Cabinet indicating whether they will allow the street trees in the right-of-way.

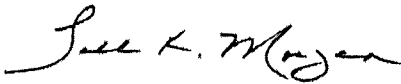
- Waivers are being sought to reduce the 20' wide street frontage buffers along all street frontages (Houston Road, Doering Drive, Crist Crossing, and South Airfield Connector Road). The Planning Commission and City of Florence should evaluate whether the proposed Waivers are excessive.
 - A Waiver is being sought to eliminate the 10' wide buffer yard that is required between lot 2 and 3. At a minimum, Staff recommends that shared landscaping islands should be provided in each row of parking.
 - The plan indicates that all three lots will comply with the 22% green space requirement that is required by the Houston-Donaldson Study.
- D. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements.
- An elevation drawing of the multi-tenant building was submitted (see attachments). A note on the Concept Plan indicates that the rear wall will be topped with a 2' to 6' tall parapet to screen mechanical equipment.
 - The design of all three buildings will be analyzed against the architectural guidelines found in the lawsuit settlement agreement and the site design standards found in the Houston-Donaldson Study. Technical Design Review applications will need to be approved by the Boone County Planning Commission for all three buildings.
- E. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
- The proposed Concept Development Plan indicates that a 28 foot tall freestanding sign is being proposed on lot 2 (see Exhibit F from the Lawsuit settlement agreement). The 1998 Concept Development Plan from the Lawsuit Settlement indicates that only one 28 foot tall freestanding sign would be constructed on the 95 acre tract. This sign was constructed at the main intersection of Houston Road and Kiley Place and advertises Wal-Mart and other outlots/tenant spaces in Florence Marketplace. Staff recommends that the proposed sign should be downsized to an outlot sign because the multi-tenant building is only 17,500 square feet in area and is proposed on a tract that is functionally an outlot.
- F. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe.

- The Concept Plan shows that lot 3 will have a curb cut on the S. Airfield Connector Road. It is anticipated that S. Airfield Drive and the Connector Road will be open to the public sometime in the fall of 2012. A copy of the Connector Road plan is attached to the report (see attachment).
- The plans show that lots 1 and 2 will be accessed off a new public street (Crist Crossing). The applicant has provided a copy of an Encroachment Permit from the Kentucky Transportation Cabinet. The approved permit and plan show the location of the road and a 320' deceleration lane on Houston Road.
- Staff recommends that the Planning Commission and City of Florence should analyze the length of the left hand turning lane on Crist Crossing that is in close proximity to Houston Road. The Concept Plan shows that the turn lane could accommodate four vehicles before stacking occurs in Houston Road.
- Staff recommends that the Planning Commission and City of Florence analyze the Crist Crossing/Doering Drive intersection. One of the Wal-Mart entrances is in close proximity and creates an offset intersection.

CONCLUSION

The Change in Approved Concept Development Plan request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments:

- *Site Vicinity Map
- *Concept Development Plan
- *Preliminary Elevation Drawing of Multi-Tenant Building (Lot 2)
- *1998 Lawsuit Settlement Agreement
- *April 15, 2003 Landscaping Master Plan
- *2005 Concept Development Plan and Conditions
- *Houston Road Connector Plans
- *11/23/10 Encroachment Permit from Kentucky Transportation Cabinet
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Planned Development Standards
- *Houston-Donaldson Study Site Design Guidelines
- *E-Mail From Joshua R. Wice
- *Application

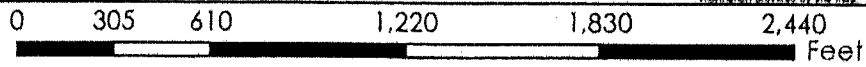
SITE VICINITY MAP

www.boonecountygis.com



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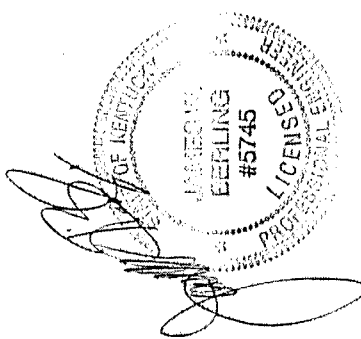
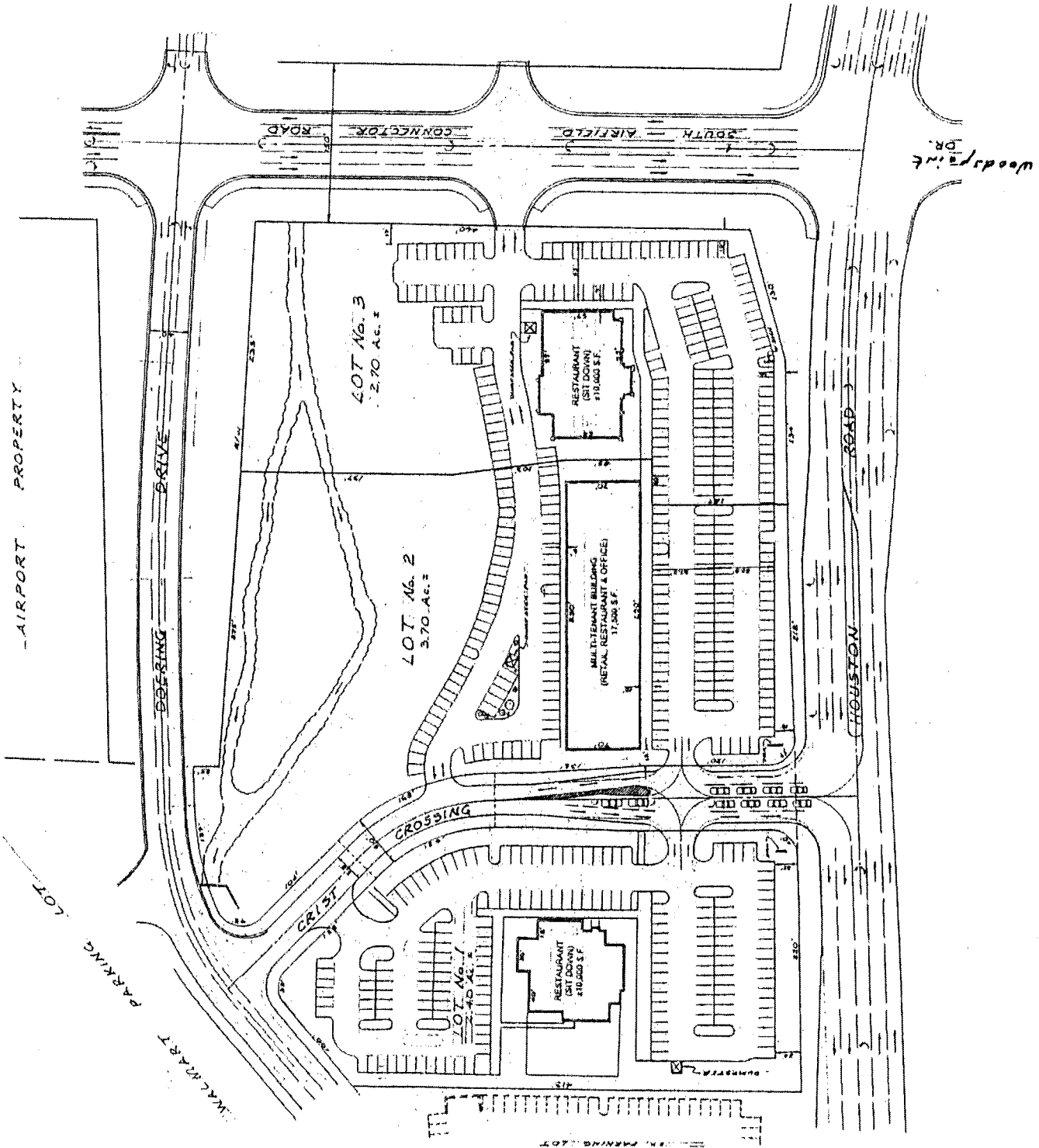


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Map Document: 1.mxd

-AIRPORT PROPERTY



NOTES:

1. GREEN SPACE FOR LOT NO. 1 * MORE THAN 22%
GREEN SPACE FOR LOT NO. 2 * MORE THAN 40%
GREEN SPACE FOR LOT NO. 3 * MORE THAN 30%
AVERAGE GREENSPACE PER LOT * MORE THAN 30%
2. The streetlights within the road right of way will be done in accordance with the approved plan and settlement agreement, dated 6/15/03.
3. The signs in front of Lot No. 1 and 3 will be illuminated signs, described as "T" in the Statement of Assurances. The sign in front of Lot No. 2 will be a "T" sign showing the address of the occupant to the multi-tenant building.
4. The rear wall will be topped with a 2' 6" parapet wall. The parapet will be 2 feet high and located in the center of the roof. The parapet will not be visible from Downing Drive, One Century or the new parking lot.

OWNER & DEVELOPER:

ENGINEER:

ROCK INDUSTRIES LLC
 8400 BANGERS STREET
 FLORENCE, KENTUCKY 41042
 (606) 231-2260

JAMES W. BERLING ENGINEER
 1877 PARK ROAD, SUITE 1
 FLORENCE, KENTUCKY 41011
 (606) 331-6181

LOGAN'S STEAK HOUSE

WOODRUFF DR.

ORDINANCE NO. 0-18-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 95 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF HOUSTON ROAD BETWEEN KENTUCKY 18 AND WOODSPOINT DRIVE FOR THAT PORTION OF THE SITE WITHIN THE CITY OF FLORENCE, KENTUCKY, AND APPROVING THE UTILIZATION OF THE UNDERLYING ZONE IN ACCORDANCE WITH A CONCEPT DEVELOPMENT PLAN AGREED TO BY THE CITY AND THE OWNERS OF THE SITE PURSUANT TO THE SETTLEMENT OF A PENDING APPEAL IN THE BOONE CIRCUIT COURT. (DOERING, FULLER, FOLTZ, DURR AND CRIST PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution R-97-020A recommended that a request for a zone change for an approximate 95 acre site located on both sides of Houston Road, generally between Kentucky 18 and Woodspoint, being part of the complete tract as recorded in Deed Book 446, Page 301, Deed Book 136, Page 74, and Deed Book 635, Page 68, of the Boone County Clerk's records (the "Site") to Commercial Two/Planned Development (C-2/PD) from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) be approved and utilization of the underlying zone be granted, and

WHEREAS, On January 6, 1998, City Council voted to override the recommendation of the Boone County Planning Commission and deny the zone change request, and

WHEREAS, the zone change applicant and owners of the site filed an action in the Boone Circuit Court being James W. Berling, et al v. City of Florence, et al, Case No. 98-CI-00145 (the "Lawsuit") as an appeal from such denial, and

WHEREAS, settlement negotiations between the parties to that action resulted in agreement on a revised concept development plan which was acceptable to all parties, and

WHEREAS, because the revised concept development plan results in a decrease in the intensity of uses recommended by the Boone County Planning Commission and, on advice of the staff of said Commission, the City and the applicant/owner have determined that, in settlement of the lawsuit, the zone change and utilization of the underlying zone represented by the revised concept development plan can be approved without the necessity of additional Planning Commission review and recommendation, and

WHEREAS, the parties have agreed to settle the lawsuit by granting the requested zone change in accordance with the revised concept development plan and subject to the terms and conditions hereinafter set out.

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

SECTION I

That a zone change for the Site is hereby approved as shown on the concept development plan titled: "June 16, 1998, Second Amendment Concept Development Plan, Seligman/Durr/Crist/Foltz Properties, Houston Road, Florence, Kentucky" (the "Development Plan"), a copy of which is attached hereto as Exhibit "I", subject to the conditions hereinafter set out. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of that portion of the Site located within the City of Florence, Kentucky, as so approved.

SECTION II

That utilization of the underlying zone for that portion of the Site located in the City of Florence, Kentucky, in accordance with the Development Plan is hereby approved, subject to the conditions hereinafter set out.

SECTION III

The zone change and utilization of underlying zone are subject to all of the terms and conditions of the Committee Report of the Boone County Planning Commission dated October 15, 1997, (the "Committee Report"), a copy of which is attached hereto and incorporated herein as Exhibit "II", except as modified by the following:

A. Condition 1 is modified to provide that the development shall follow the Development Plan attached hereto as Exhibit "I".

B. Condition 1E is modified to provide that signage for the site shall be permitted in the areas designated on the Concept Development Plan and in compliance with the following criteria:

1. Building Mounted Signage shall be limited to the number and size as permitted by the Zoning Ordinance but must be internally illuminated individual channel letters, mounting raceway optional, and generally of the dimensions and criteria as depicted on Exhibits "A" through "E" to this Ordinance.

2. Project Identification Signage shall consist of a pylon sign maximum 28 feet in height and of materials and architectural details as depicted on Exhibit "F", hereto and of low wall signage not to exceed six (6) feet in height and constructed of masonry, brick or stone identifying only the development and containing only polished metal individual channel letters which may be backlit as depicted on Exhibit "G" to this Ordinance. The developer shall construct an architectural feature at the northeast corner of Houston Road and Kentucky Highway 18 identifying the south entrance to the development. This feature shall be architecturally compatible with the other landscaping and building construction.

3. Low Ground Monument Signage is permitted one per out-lot not to exceed six (6) feet in height and seven (7) feet in width and generally as depicted on Exhibit "H" to this Ordinance.

C. Condition 2 is deleted and the following substituted:

Zoning of the entire tract shall be in accordance with the land use designations on the Development Plan. The 19.20 acre parcel designated Office/Research Park/Light Industrial and the 3.80 acre parcel designated Office shall be zoned O1/PD. The remainder of the Site shall be zoned C2/PD. The following additional uses shall be permitted in the O1/PD and C2/PD areas.

1. Real estate sub-dividing and developing services.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience.
3. Nursery and day care centers.
4. Consumer and mercantile credit reporting, adjustment and collection services.
5. Travel arranging, transportation ticket and public event or promotional booking agencies.
6. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space.
7. Medical clinics with outpatient services.
8. Welfare and charitable services.
9. Aquariums, botanical gardens and other natural exhibitions.

10. Rehabilitation hospital facilities.
11. Micro-brewery.
12. Professional scientific and controlling instruments, photographic and optical goods, watches and clocks.
13. Electric and electronic equipment.
14. Technology and research centers including medical and hospital research establishments.
15. Educational and governmental institutions.
16. Wholesale trade of drugs, drug preparations and sundries.
17. Wholesale trade of electrical and electronic parts.
18. Research, development and testing services.
19. Photo finishing and other photographic laboratories.
20. Postal services and related storage, distribution and transfer activities.
21. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services.
22. Fire stations or fire related protective services including rescue services.
23. Warehouse and distribution center-warehouse facilities.

D. The retail commercial center located on parcel no. 22 shall not exceed 296,000 square feet under total roof and the square footage of any single user in the retail commercial center shall not be more than 150,000 square feet.

E. Not less than 22% of the total acreage of the Site shall be green space which may be integrated throughout the other approved uses, provided that green space of 18% of the total acreage shall be contained in the privately owned areas.

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O1/PD to any commercial use for a period of 5 years from the date of final passage of this Ordinance.

SECTION IV

If these approvals for a zone change and utilization of the subject property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from these approvals herein and are intended to continue to have effect regardless of any invalidity regarding these particular approvals.

SECTION V

This Ordinance shall be effective upon final passage, publication by summary, and approval by judgment of the Boone Circuit Court in the Lawau.

PASSED AND APPROVED ON FIRST READING THIS 21st DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21st DAY OF September, 1998.

APPROVED:

Emlyn W. Kahl
MAYOR

ATTEST:

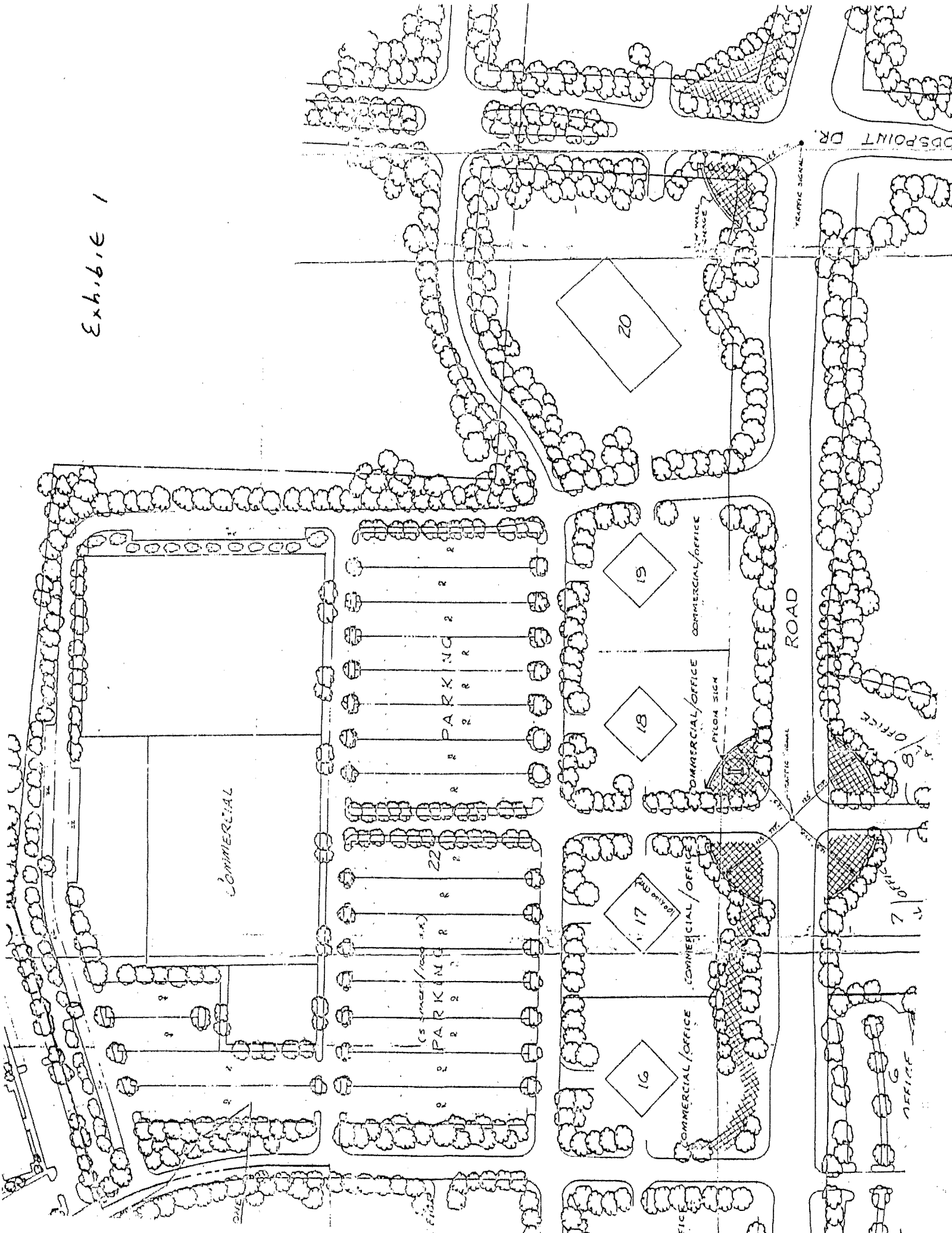
Betsy R. Conrad
CITY CLERK

3

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-18-98 as same appears in the official records of my office. Dated this 23rd day of September, 1998.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

Exhibit 1



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

RE: Request of James W. Berling (applicant) for Ruth Doering, Harry Fuller, Mary Ellen Foltz, R.C. Durr and Richard Crist (owner) to consider a Zoning Map Amendment and the Utilization of an Underlying Zone in a Planned Development for 95 acres located on both sides of Houston Road generally between KY 18 and Woodspoint Drive, Florence and unincorporated Boone County, Kentucky. The request is for a zone change from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD), and the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) zone, both to allow a retail/commercial development.

Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment and Utilization of an Underlying Zone request based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee believes that the applicant has adequately demonstrated that the restrictive site features, which include topography, geometry, and utilities, make the site unsuitable for industrial development. These site features were not foreseen in the 1995 Boone County Comprehensive Plan or the Houston Donaldson Study, as possible deterrents for industrial development. As a result, the Committee has concluded that the existing Industrial One Planned Development (I-1/PD) zoning classification, which comprises a majority of the site, is not appropriate.

The applicant has demonstrated that the proposed uses within the underlying Commercial Two (C-2) zoning classification, as part of the Concept Development Plan, produce a cohesive and coordinated development of several distinct and separately-owned properties, which would otherwise be difficult to develop individually.

The Committee believes that the applicant has adequately demonstrated that the proposed Commercial Two Planned Development (C-2/PO) zoning classification is appropriate for the 95 acre site because, the submitted Concept Development Plan along with the attached conditions meets the standards required for a Planned Development within Article 15 of the Boone County Zoning Regulations. The Concept Development Plan with these conditions provides a beneficial interior circulation pattern, a comprehensive landscaping and entry feature package, a lightly controlled and consistent architectural theme and mixture of uses, all of which are consistent with the intent of a Planned Development.

The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

Conditions

1. The development shall follow the revised Concept Development Plan which was submitted by the applicant during the review process to the Zone Change Committee. These changes reflect the issues raised at the Public Hearing on July 23, 1997. In addition to the revised Concept Development Plan, the applicant has provided supplemental design standards for the architectural treatment of all buildings, signage, and landscaping. The revised Concept Development Plan and supporting information contains the following:
 - A. The architectural development guidelines, as submitted by the applicant, outline the minimum design standards for all buildings to be constructed within the development. All proposed buildings shall be reviewed by the Design Review Committee and Planning Commission to determine if the architectural development guideline design standards are being followed. Each proposed building shall receive approval from the Committee and the Planning Commission before any construction occurs. Building types include anchor retailers (Exhibit A), attached retailers (Exhibits B & C), free standing commercial properties (Exhibits D & E), and single use buildings. The guidelines include general building design, roof treatment, building facade materials, colors, exterior lighting, window treatment, and signage. In addition, buildings shall not contain exposed heating or cooling units or other engineering devices. Roof mounted equipment shall not be seen as part of any building silhouette. See Exhibits A, B, C, D, and E of the Architectural Development Guidelines.

- B. Lot 1, which is located at the northeast corner of Houston Road and Hwy 18, will contain an architectural feature and landscaping for the purpose of identifying the southern entrance into the development. The architectural element shall be no taller than 32 feet and shall only identify the development. Advertising is prohibited. See Exhibits F, I, and J of the Architectural Development Guidelines. The existing billboard sign on Lot 1 shall be permanently removed.
- C. The proposed access road behind the Foltz property on the north end of the site shall either be relocated onto the Foltz property so that it runs parallel with the property line or constructed on the airport property as shown on the Concept Development Plan. Construction of this access road shall occur concurrently with the first phase of development of either lot. A four lane divided boulevard that extends from the airport to Houston Road is indicated on the north end of the Concept Development Plan. The applicant has agreed that if either lot on the Foltz property is ready to develop before the start of construction of the airport boulevard, the applicant shall develop the portion of the boulevard that runs the length of the Foltz property from Houston Road to the airport property.
- D. A Landscaping Master Plan has been included as part of the Concept Development Plan. The Master Plan provides uniform landscaping design and treatment along Houston Road, Merchants Street, Seligman Drive, and at all existing and proposed intersections. This landscaping shall be installed during the improvement phase of the development and is independent of, and in addition to landscaping requirements for individual lots that require a Site Plan review. See Exhibits H and J of the Architectural Development Guidelines.
- E. The development will include the following signage:
- One 40' tall pylon sign, identifying the development and tenants within the commercial center, shall be located on the northwest corner of the commercial center-Houston Road signalized intersection. See Exhibit G of the Architectural Development Guidelines.
 - Low profile monument signs identifying only the development shall be located at the non-signalized intersection along Houston Road. The signs shall not exceed 6 feet in height.
 - Low profile wall mounted signs shall be located at the Seligman Street-Merchant Street and Merchant Street-Houston Road intersections, at the southeast corner of the proposed office building complex, and at the southeast and southwest corners of the Houston Road-Woodspoint Drive-

Airport Boulevard intersection. The low profile walls shall be constructed of masonry brick and/or stone and shall only identify the name of the development. The wall mounted signs shall contain only non-illuminated, polished metal, individual channel letters. See Exhibit J of the Architectural Development Guidelines.

Each out lot will be permitted one low profile monument sign. The signs shall not exceed 6 feet in height. All low profile monument signs shall be constructed of the same masonry material, and be of the same height, size, design.

All building mounted signs shall be individual channel letters and internally illuminated.

- F. The development shall contain a pedestrian access network as shown on the Concept Development Plan.
 - G. The development shall also contain a vertical architectural element at the southwest corner of Merchants Street and Houston Road. See Exhibit F of the Architectural Development Guidelines.
2. The Seligman property, which contains approximately 51 acres including the three major commercial users, storm water detention basin, and 5 out lots on the west side of Houston Road, will develop as commercial uses described within a Commercial Two (C-2) zoning district of the Boone County Zoning Regulations. The applicant has agreed to develop 25% of the remaining 45 acres with uses permitted within the Office One (O-1) zoning district and the following uses that may occur in Commercial One (C-1) or Commercial Two (C-2) zoning district:
- A. Real estate sub-dividing and developing services;
 - B. Postal services and packaging services provided the use is essential for pick-up and delivery convenience;
 - C. Nursery and day care centers;
 - D. Consumer and mercantile credit reporting, adjustment and collection services;
 - E. Travel arranging, transportation ticket and public event or promotional booking agencies;

- F. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space;
- G. Medical clinics with out-patient services;
- H. Welfare and charitable services;
- I. Aquariums, botanical gardens and other natural exhibitions;
- J. Arcades and other amusement centers;

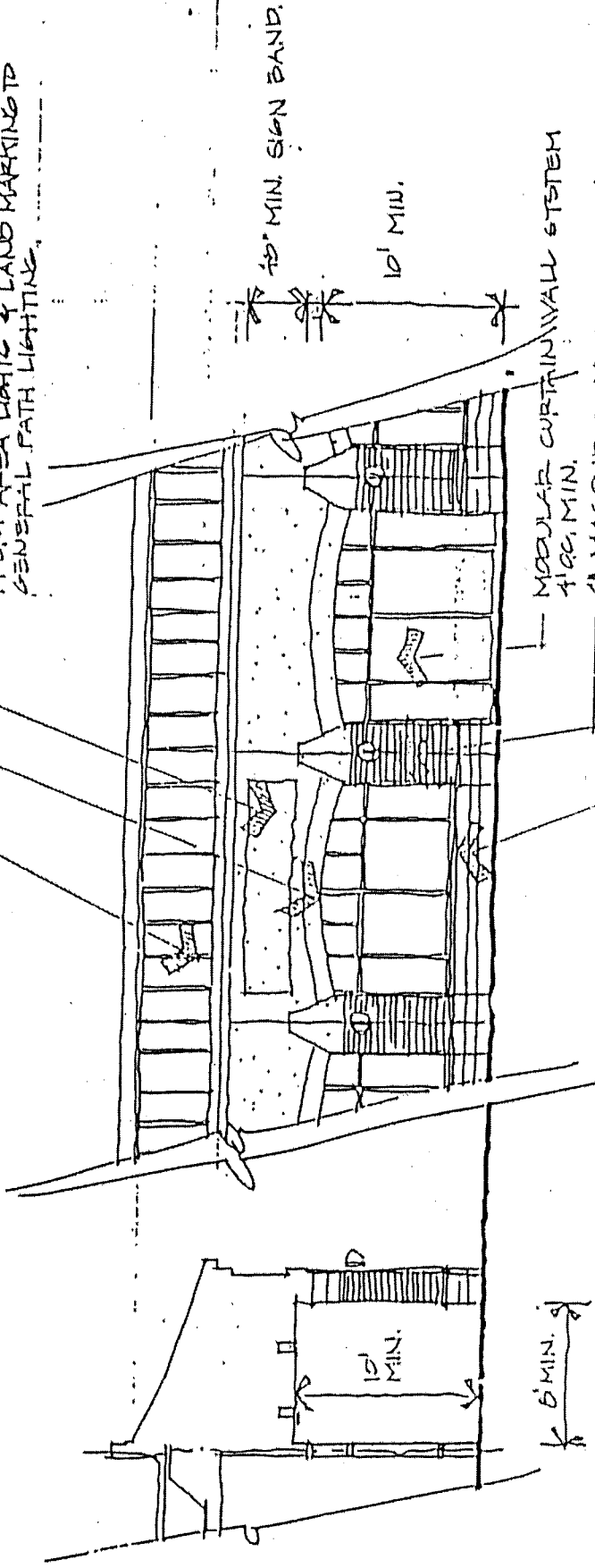
Included as part of this 25% is a proposed office building complex on the east side of Houston Road, immediately across from the three major commercial users on lots 6 and 7. Eleven (11) acres constitutes as a minimum, 25% of the remaining 45 acres that shall be developed with the uses described above.

3. The out lots along Houston Road are to be developed as individual businesses or establishments. The lots, which are approximately 1.5 acres each in size, shall not be consolidated for the purpose of developing a strip center along Houston Road. Any consolidation of lots shall be for a individual business and any additional parking needs or requirements only.
4. The Planning Commission has been informed that grave sites or possibly a cemetery exists somewhere on the site between the proposed storm detention basin and the airport property. The applicant shall be responsible for performing an archeological survey as required in the Boone County Zoning Regulations, to determine the location of any grave sites or a cemetery.
5. The traffic intersections along Houston Road shall be spaced at a minimum of 600' intervals as indicated on the Concept Development Plan.
6. The intensity of the 95 acre development shall will not exceed 10,000 square feet per acre.
7. The applicant will maintain all existing trees on the property lines between the development, the municipal golf course, and the Greenview Subdivision. The applicant shall establish a 15' no disturb limit on the site to the property line with the golf course and a 25' no disturb limit on the site to the property line with the Greenview Subdivision.
8. The applicant shall provide a minimum of 22% greenspace for the development as a whole, including the detention area, in accordance with the open space provisions of the Houston Donaldson Study.

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.

STANDING SEAM METAL ROOF.

2 COLO 'EITS' VENEER SYSTEM
SIGNAGE BAND, 48" CLEAR MIN.
SIGNAGE MUST BE INDIVIDUAL INTERMALLT
ILLUMINATED CHANNEL LETTERS,
CONSISTANT LIGHTING PACKAGE
FROM AREA LIGHTS & LAND MARKING TO
GENERAL PATH LIGHTING.



The Florence Marketplace

Architectural Development Guidelines NTS



GFED
INSTITUTE

CONSISTANT CORNICE DETAILING

2 COLOR EIFS VENEER SYSTEM
SIGN BAND, 46" MIN.

SIGNAGE MUST BE INDIVIDUAL INTERNALLY
ILLUMINATED CHANNEL LETTERS,
CONSISTANT LIGHTING PACKAGE OR
EIFS DETAILING + MEDALLIONS

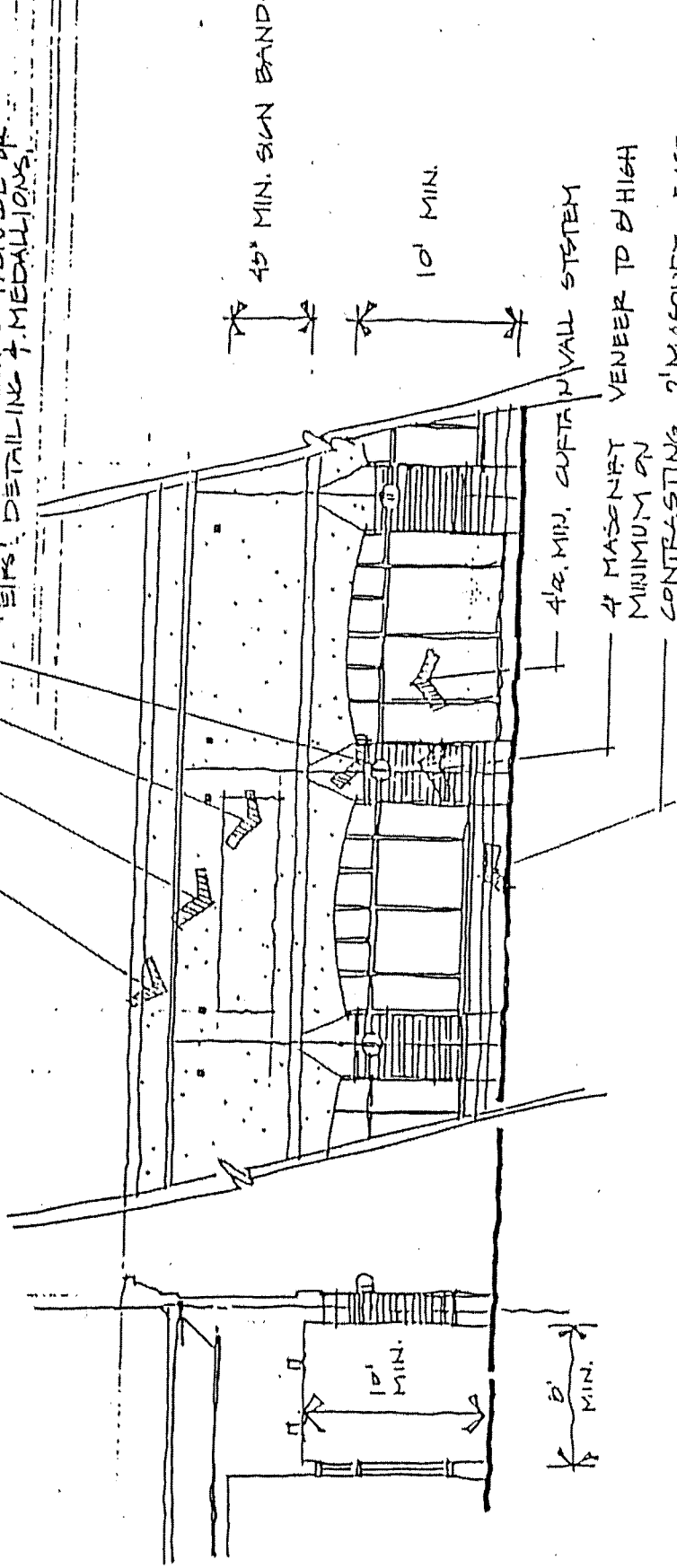
46" MIN. SIGN BAND

10' MIN.

4 1/2" MIN. CURTAIN WALL SYSTEM

4" MASONRY VENEER TO 8' HIGH

CONTRASTING 2" MASONRY BASE

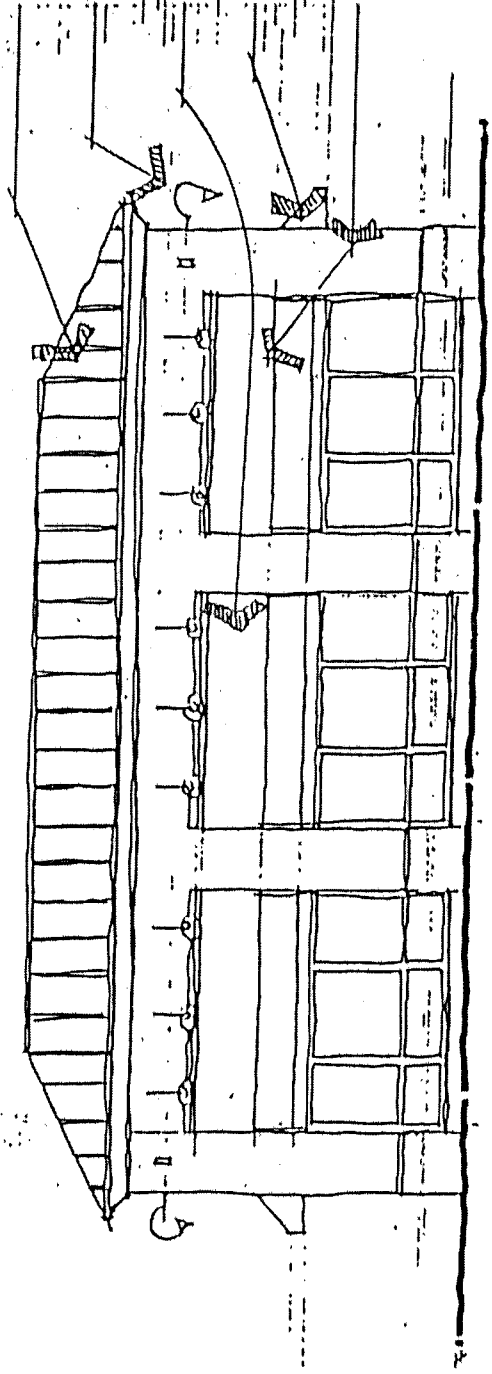


The Florence Marketplace
Architectural Development Guidelines NTS



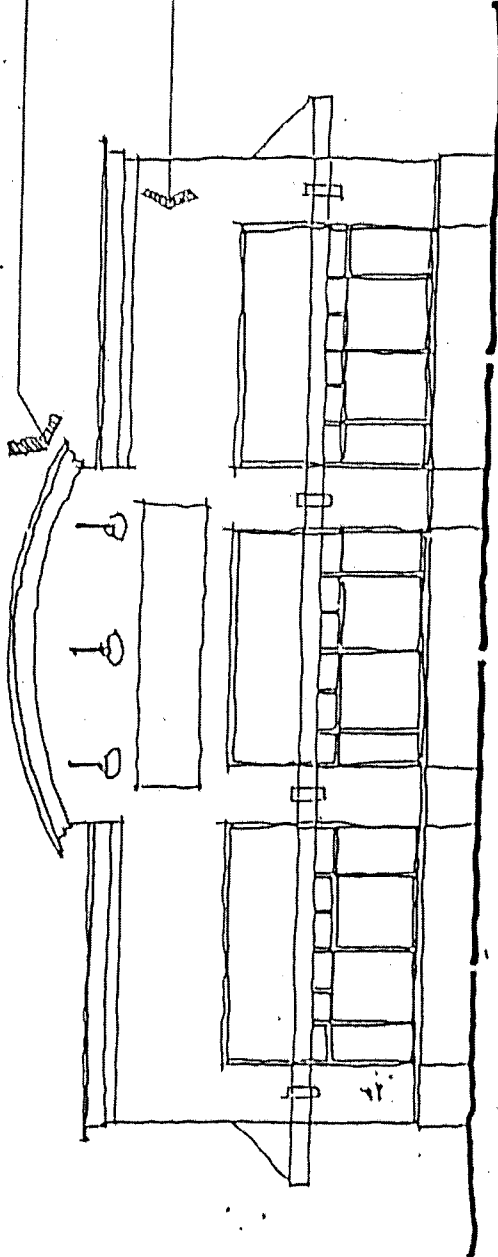
C

STANDING SEAM METAL
ROOF CONSISTANT W/ PLAZA
LIGHTING CONSISTANT W/ BLDG.
MOUNTED SIGNAGE + IMAGE,
ACCENT LIGHTING.
SIGNAGE MUST BE INDIVIDUAL
CHANNEL LETTERS, INTERMOUNT
ILLUMINATED
BLDG. MID. FABRIC CANOPY
MUST BE OF PRESCRIBED
COLOR
PUL. HGT. FACE BRICK
VENEER W/ EIFS ACCENT.



SIMPLY SHAPED PARAPET.

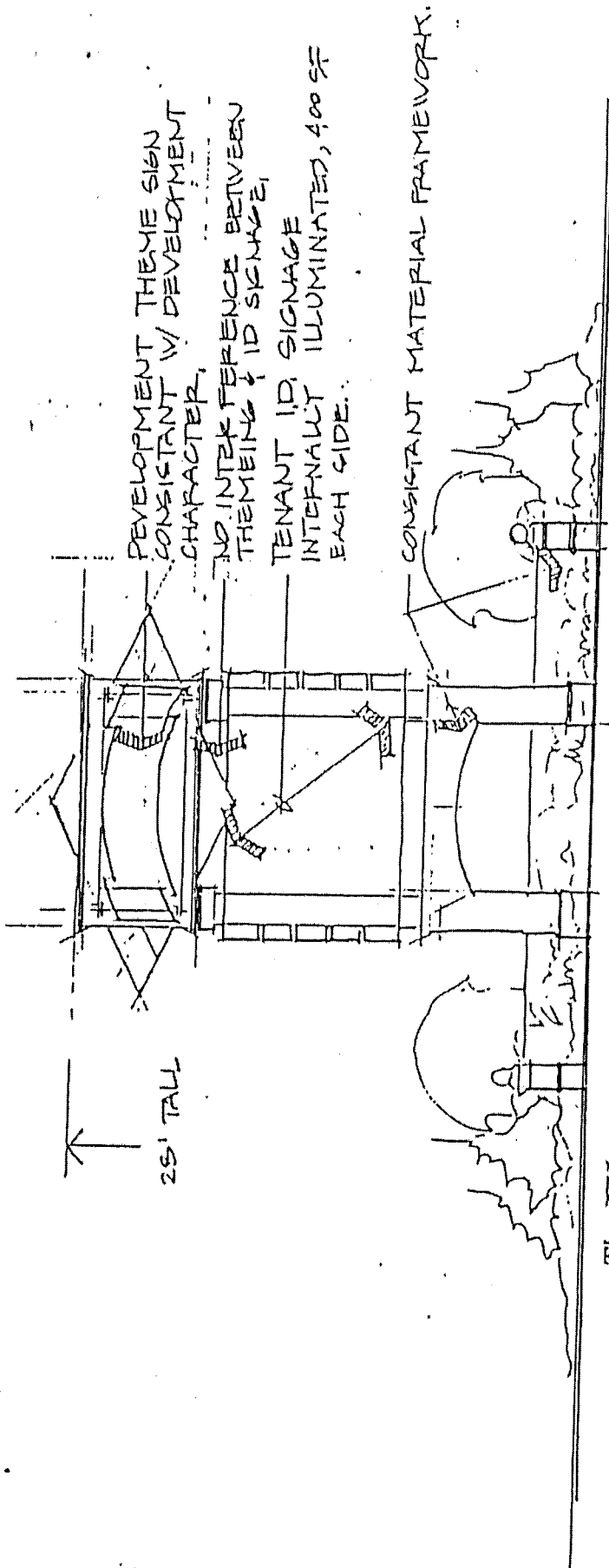
4' MASONRY VENEER
FULL HEIGHT ON OUTLOT
BUILDINGS



The Florence Marketplace
Architectural Development Guidelines NTS



D



↑
25' TALL

DEVELOPMENT THEME SIGN
CONSISTANT W/ DEVELOPMENT
CHARACTER.

NO INTERFERENCE BETWEEN
THEMING & ID SIGNAGE

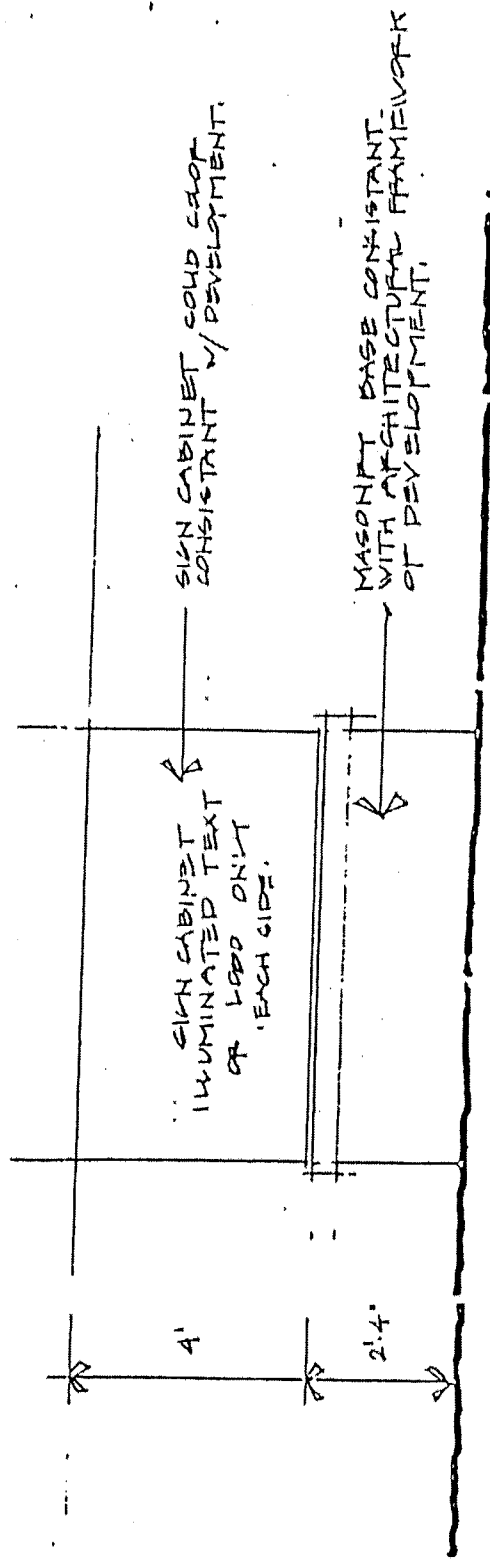
TENANT ID SIGNAGE
INTERNALLY ILLUMINATED, 400 SF
EACH SIDE.

CONSISTANT MATERIAL FRAMEWORK.

The Florence Marketplace

Architectural Development Guidelines NTS



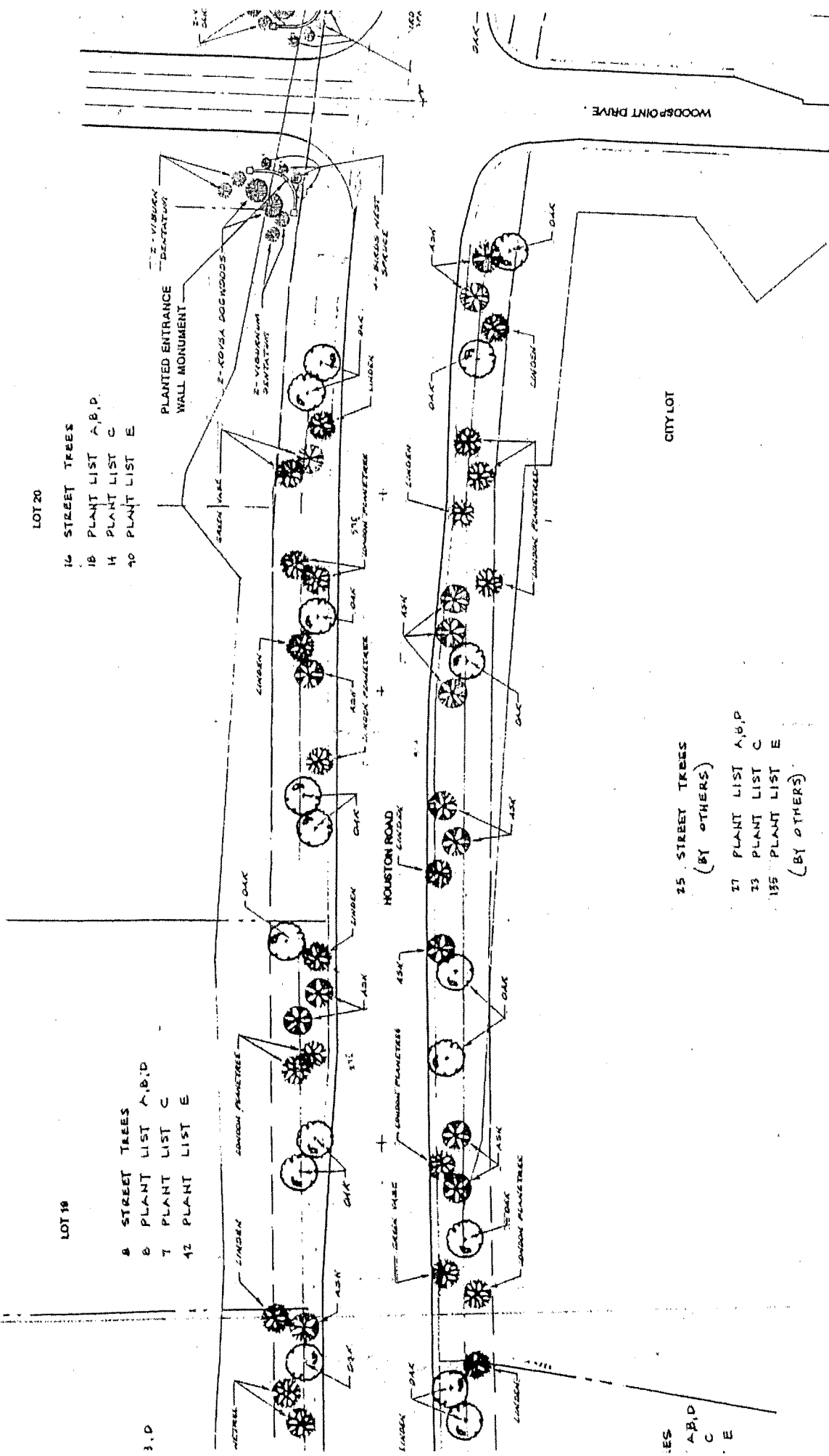


LOW MONUMENT SIGN.

The Florence Marketplace
 Architectural Development Guidelines NTS



H



- LOT 20
- 16 STREET TREES
 - 18 PLANT LIST A,B,D
 - 14 PLANT LIST C
 - 90 PLANT LIST E

- LOT 19
- 8 STREET TREES
 - 8 PLANT LIST A,B,D
 - 7 PLANT LIST C
 - 42 PLANT LIST E

- 25 STREET TREES
(BY OTHERS)
- 17 PLANT LIST A,B,D
- 13 PLANT LIST C
- 135 PLANT LIST E
(BY OTHERS)

4/15/03 Landscaping Master Plan

IES
A,B,D
C
E

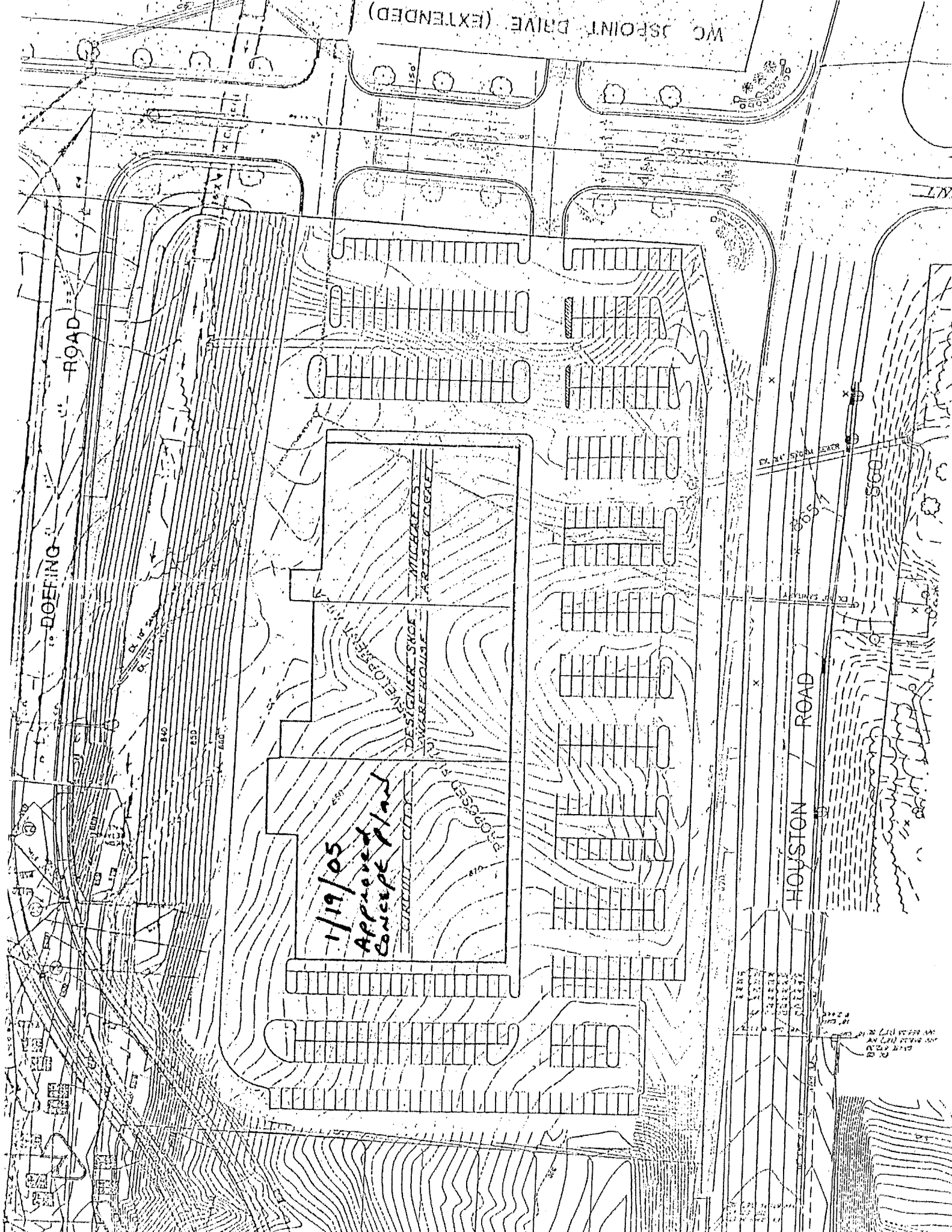
WC JOSEPH DRIVE (EXTENDED)

DOEFING ROAD

HOUSTON ROAD

1/19/05
Approved
Concept Plan

DESIGNER: SAGE
MORSE HOUSE
ARCHITECTS
ARTISTS & CRAFTSMEN



BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

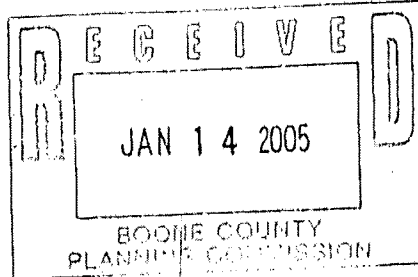
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 11, 2005



Mr. R.C. Durr
Mr. Richard Crist
DC-KY 18, LLC
8800 Bankers Street
Florence, KY 41042

RE: Proposed Change to an Approved Concept Development Plan, Houston Road, Florence, KY

Dear Mr. Durr and Mr. Crist:

The following conditions, in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval. If you, as the property owners, agree to the following conditions, please indicate so by signing at the space provided below, and return this letter to the Planning Commission Office by 5:00 P.M. Monday, January 17, 2005.

1. The proposed building may accommodate no more than 3 tenants.
2. The front facade shall have the appearance of 3 or more different zero lot line style facades or storefronts and shall otherwise break up the visual mass of the building by staggering the storefronts to break up the plane of the building or offsetting the angle of the building. In addition care should be taken with regard to landscaping to break up the mass of the parking area, using additional landscaping if necessary. Further, the site will be subject to the architectural requirements mandated in the approval of the original Zoning Map Amendment and the lawsuit settlement. Both landscaping and building design will be reviewed through the Design Review process.

Sincerely,

Patty Bachman
Planner

MPB/pr

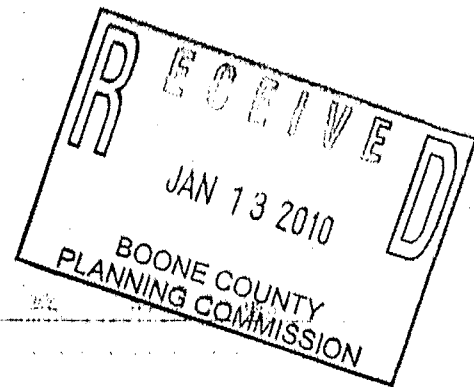
Mr. R.C. Durr
Mr. Richard Crist
DC-KY 18, LLC.
January 11, 2005
Page 2

Agreement

We, the property owners, agree to the above-listed conditions of approval for the requested Zoning Map Amendment and Change in Concept Development Plan for property located at the north/west side of Houston Road, across Houston Road from the City of Florence/World of Sports golf course and the Houston Road/Woodspoint Drive intersection, Florence, Kentucky.

R.C. Durr 1-11-05
R.C. Durr, (Date)
Property Owner

RICHARD CRIST 1-11-05
Richard Crist, (Date)
Property Owner

EXHIBIT "C"City of Florence Special Conditions

The undersigned, on behalf of DC-KY18, LLC hereby agrees to the following special conditions for approval for the requested change in concept development plan for property located at the north/west side of Houston Road, across Houston Road from the City of Florence/World of Sports and the Houston Road/Woodspoint Drive intersection, Florence, Kentucky.

1. That the rear of the building shall be constructed of brick, or a brick like substance such as "quick brick" or other material as approved by the City of Florence, which substantially conforms to the exterior appearance of ~~the rear of the proposed Super Wal-Mart. The front and sides of the~~ building shall be constructed predominately of brick material and other complimentary materials similar to the exterior appearance of the front and sides of the proposed Super Wal-Mart.
2. Dumpster enclosure(s) shall be constructed of materials similar to that of the building.
3. A connection from the southwest portion of the site shall be made to Doering Drive.
4. The rear hillside of the site shall be broadcast seeded with black locust. Additionally, a pine/spruce mixture shall be planted. Pines shall be 5' minimum height when planted.

FEB. 25, 2005

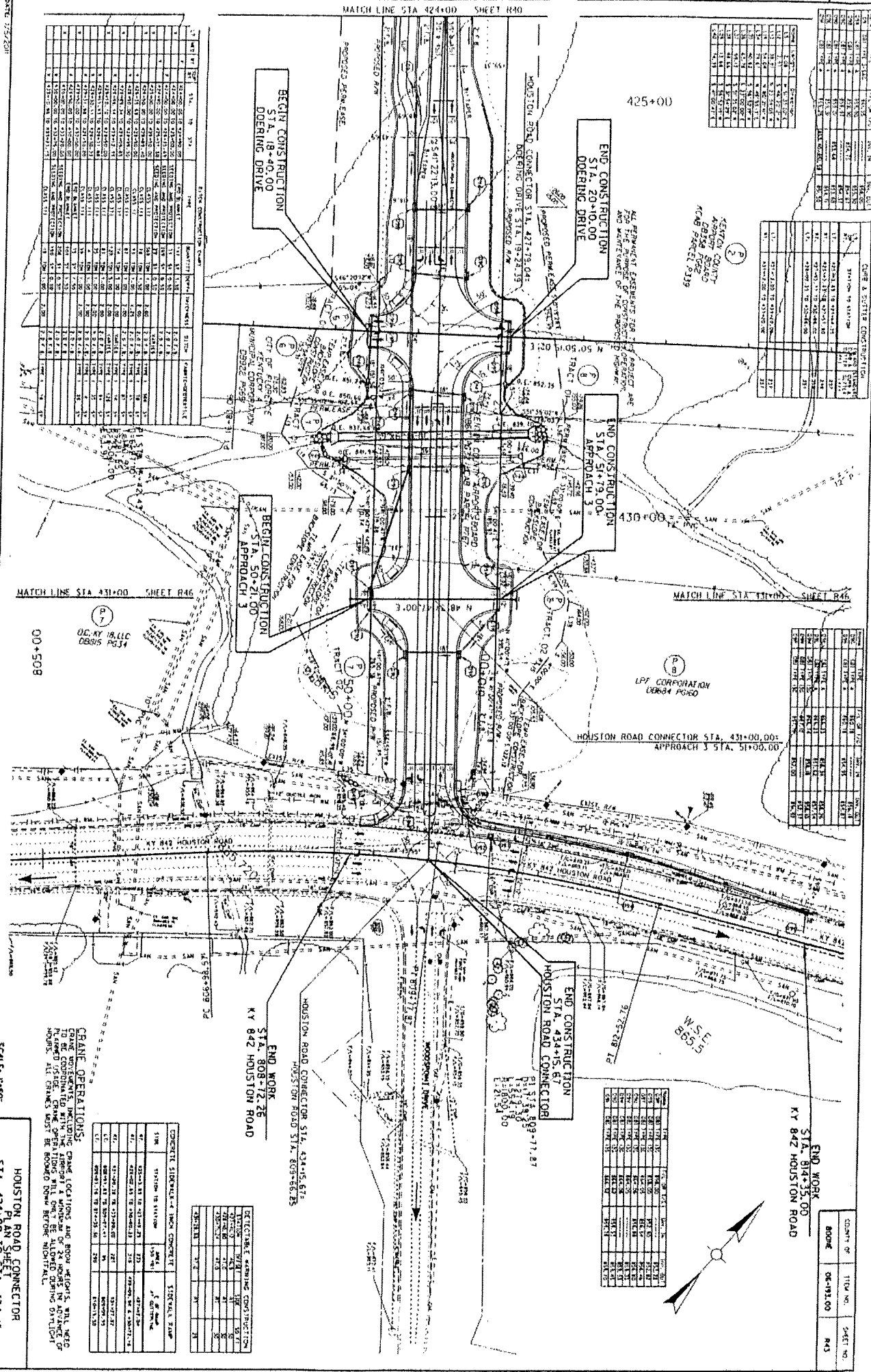
Date

RICHARD D. CRIST MEMBER
Member, DC-KY18, LLC (owner)

DATE: 11/25/2011

LINE	STATION	DESCRIPTION	AMOUNT	DATE
1	424+00	CONCRETE	100.00	11/25/2011
2	424+00	STEEL	50.00	11/25/2011
3	424+00	PAINT	20.00	11/25/2011
4	424+00	LABOR	150.00	11/25/2011
5	424+00	EQUIPMENT	75.00	11/25/2011
6	424+00	PERMITS	10.00	11/25/2011
7	424+00	INSURANCE	15.00	11/25/2011
8	424+00	TRAVEL	5.00	11/25/2011
9	424+00	MEALS	3.00	11/25/2011
10	424+00	PHONE	2.00	11/25/2011
11	424+00	OTHER	1.00	11/25/2011
12	424+00	TOTAL	432.00	11/25/2011

NO.	DESCRIPTION	AMOUNT
1	CONCRETE	100.00
2	STEEL	50.00
3	PAINT	20.00
4	LABOR	150.00
5	EQUIPMENT	75.00
6	PERMITS	10.00
7	INSURANCE	15.00
8	TRAVEL	5.00
9	MEALS	3.00
10	PHONE	2.00
11	OTHER	1.00
12	TOTAL	432.00



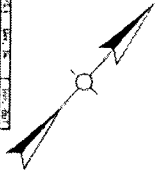
CRANE OPERATIONS:
 CRANE LOCATIONS, INCLUDING CRANE LOCATIONS AND APPROXIMATE RADIUS TO BE CONSIDERED WITH THE APPROXIMATE 24 HOURS IN ADVANCE OF WORK. ALL CRANES MUST BE REMOVED FROM THE PROJECT AREA PRIOR TO THE START OF CONSTRUCTION.

TYPE	LOCATION	DATE	STATUS
1	CONCRETE	11/25/2011	COMPLETE
2	STEEL	11/25/2011	COMPLETE
3	PAINT	11/25/2011	COMPLETE
4	LABOR	11/25/2011	COMPLETE
5	EQUIPMENT	11/25/2011	COMPLETE
6	PERMITS	11/25/2011	COMPLETE
7	INSURANCE	11/25/2011	COMPLETE
8	TRAVEL	11/25/2011	COMPLETE
9	MEALS	11/25/2011	COMPLETE
10	PHONE	11/25/2011	COMPLETE
11	OTHER	11/25/2011	COMPLETE
12	TOTAL	11/25/2011	COMPLETE

NO.	DESCRIPTION	AMOUNT
1	CONCRETE	100.00
2	STEEL	50.00
3	PAINT	20.00
4	LABOR	150.00
5	EQUIPMENT	75.00
6	PERMITS	10.00
7	INSURANCE	15.00
8	TRAVEL	5.00
9	MEALS	3.00
10	PHONE	2.00
11	OTHER	1.00
12	TOTAL	432.00

END WORK
 STA. 434+35.00
 KY 842 HOUSTON ROAD

COUNT OF: 06-11-00
 SHEET NO: R43





cc MBLAND

TRANSPORTATION CABINET

Steven L. Beshear
Governor

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

November 23, 2010

SUBJECT: Boone County, -8-842-5.344
KY 842 (HOUSTON ROAD)
Permit Number 06-0228-07

Dear DC-KY 18:

Your application for an encroachment permit has been approved by the Department of Highways. We are returning two copies of the approved permit so one may be kept in your record files. The other copy must be given to the party responsible for completing the project and must be kept at the jobsite at all times.

Please see that the work is done in strict conformity with the permit and any other applicable conditions (See Form TC99-21 and any other attached documents, conditions or specifications). The work should be completed no later than January 1, 2012. When the permitted work and any necessary restoration have been completed please notify this office by using the attached form which will serve as notification for final inspection.

If there are any questions regarding this permit, please do not hesitate to contact James Minckley at 859-341-2700 or fax number 859-341-6729.

Sincerely,

Robert Hans, P.E.
Chief District Engineer
Department of Highways
District 6 -Covington
421 Buttermilk Pike
Covington, KY 41017



An Equal Opportunity Employer M/F/D

12-8-10
cc JMB, U/A FAX

KENTUCKY TRANSPORTATION CABINET
Department of Highways
Permits Branch

TC 99-1
Rev. 7/95

Released Date _____

ENCROACHMENT PERMIT

PERMIT NO. 06-0228-0

APPLICANT IDENTIFICATION:
 NAME: D C KY 18
 CONTACT PERSON: Richard Crist
 ADDRESS: 8800 Bankers Street
 CITY: Florence
 STATE: Ky. ZIP CODE: 41042
 PHONE: area code (859) 283-2260

PROJECT IDENTIFICATION:
 ACCESS CONTROL By Permit Partial Full
 COUNTY: Boone PRIORITY ROUTE NO: KY 842
 MILEPOINT: 5.344 Left Right X-ing
 PROJECT STATUS: Maint. Const. Design
 PROJECT # STATE: mp-008-0842
 PROJECT # FEDERAL: _____
 ROAD/ STREET NAME: Houston Road

TYPE OF ENCROACHMENT:
 COMMERCIAL ENTRANCE - BUSINESS
 PRIVATE ENTRANCE: Single Family Farm
 UTILITY: Overhead Underground
 GRADE: Fill Landscape on RW
 AIRSPACE: Agreement Lease
 OTHER: (Specify) _____

ATTACHMENTS:
 Standard Drawings (List on TC 99-21 under Misc.)
 Applicant's Plans
 Highway Plan and Profile Sheets
 TC 99-3 (Pending Encroachment Specs. & Conditions)
 TC 99-4 (Rest Area Usage Specs. & Conditions)
 TC 99-5 (Tree Cutting/Trimming Specs. & Conditions)
 TC 99-6 (Chemical Use of Specs. & Conditions)
 TC 99-10 (Typical Hwy. Boring Crossing Detail)
 TC 99-12 (Overhead Utility Encroachment Diagram)
 TC 99-13 (Surface Restoration Methods)
 TC 99-21 (Encroachment Permit General Notes & Specs.)
 TC 99-22 (Agreement for Services to be Performed)
 TC 99-23 (Mass Transit Shelter Specs. & Conditions)
 Other Attachments (Specify):
PAVEMENT TYPICAL - HOUSTON ROAD
STD DRAWINGS - RDB-270-07
RPM-100-09

APPROVED
MAY 14 2007

TYPE OF INDEMNITY: Bond Cash
 SELF-INSURED AMOUNT ENCUMBERED \$ 5,000.00
 OTHER _____

NAME AND ADDRESS OF LOCAL INSURANCE AGENCY OR SELF-INSURED REPRESENTATIVE: _____

INDEMNITY: The applicant, in order to secure this obligation, has deposited with the Transportation Cabinet as a guarantee of conformance with the Department's Encroachment Permit requirements, an indemnity in the amount of \$ 5000 as determined by the Department. It shall be the responsibility of the applicant or permittee, his heirs and assignees to keep all indemnities in full force until construction or reconstruction has been completed and duly accepted by an authorized agent of the Transportation Cabinet, Department of Highways.

BRIEF DESCRIPTION OF WORK TO BE DONE: (If private entrance, show sketch with pipe location. Separate attached drawings required for encroachments other than private entrances.)
Construct a new entrance on the west side of Houston Road about 600 feet south of Woodspoint Drive; with Rt. TURN LANE.

IMPORTANT (PLEASE READ): Applicant does does not intend to apply for excess RW

When the work is completed in accordance with the terms of this encroachment permit, your indemnity will be released. However, the permit is effective until revoked by the Transportation Cabinet and the terms on the permit accompanying permit documents and drawings remain in effect as long as the encroachment exists. **FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITTEE.** It is important that you understand the requirements of this encroachment permit application and accompanying documents. If you have not done so, it is suggested that you review these documents and place the permit package in a safe place for future reference.

A copy of this permit and all documents shall be given to your contractor and shall be readily available at the work site for the encroachment permit inspector to review at all times. Failure to meet this requirement may result in cancellation of this permit.

IN THE EVENT THIS APPLICATION IS APPROVED, THIS DOCUMENT SHALL CONSTITUTE A PERMIT FOR THE APPLICANT TO USE THE RIGHT-OF-WAY, BUT ONLY IN THE MANNER AUTHORIZED BY THIS DOCUMENT AND REGULATIONS OF THE DEPARTMENT AND THE DRAWINGS, PLANS, ATTACHMENTS, AND OTHER PERTINENT DATA ATTACHED HERETO AND MADE A PART HEREOF.

The permittee agrees to the following terms and conditions:

1. The permittee shall comply with and is bound by the requirements of the Department's Permits Manual as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.
2. Permittee agrees that if the Department determines that vehicular capacity deficiencies or over capacity conditions develop as a result of the installation and use of this facility, the permittee shall adjust, relocate, or reconstruct the facilities and/or provide and bear the expenses for signs, storage lanes, or other corrective measures reasonably deemed necessary by the Department and as set forth in the Department's Permit Manual within a reasonable length of time after receipt of written notice regarding such adjustments, relocation, additions, modifications, and/or corrective measures, such time to be specified in the notice. In cases where traffic signals are permitted or required, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee and/or the Department in accordance with the Department policy then in force as set forth in the Traffic Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, at no expense to the Department. (This applies only to Entrance Permits.)
3. The said encroachment will not infringe on the frontage rights of an abutting owner without written consent of the said owner as hereto: "I (we) consent to the granting of attached permit."
Date _____ (This does not apply to utilities which serve the general public.)
4. Any permit granted hereunder shall be with the full understanding that it shall not interfere with any similar rights or permits heretofore granted to any other party except as otherwise provided by law.
5. A plan prepared by James W. Berling and dated 4/9/07 is attached hereto and made a part hereof, which describes the facilities to be constructed by the permittee for which facilities this permit is granted. The permittee agrees as a condition to the issuance of the permit to construct and maintain such facilities in accordance with said plan, and the permittee shall not use the facilities authorized herein in any manner contrary to that prescribed by this permit and plan. Normal usage and routine maintenance only are authorized under this permit.
6. Permittee shall comply with the Manual on Uniform Traffic Control Devices as revised to and in effect on the date of this issuance of this permit which is made a part hereof by reference.
7. Permittee shall at all times from date when work is first commenced and until such time as all facilities are removed from the right-of-way premise, defend, protect, and save harmless the Department from all liability, claims, and demands arising out of work undertaken by the permittee pursuant to this permit, due to any negligent act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party or operate to enlarge any liability of the Department beyond that existing at common law if this right to indemnity did not exist.
8. Upon a violation of any of the provisions of this permit, the Department may revoke the permit by giving notice to the permittee in writing to remove from the right-of-way any facilities placed thereon within a reasonable time as set forth in the notice, and in the event said facilities are not so removed, and the right-of-way restored the Department may cause same to be removed, and the costs thereof shall be charged to the permittee.
9. The permittee, his successors and assigns shall use the encroachment premises in compliance with all Federal requirements imposed pursuant to the provisions of the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000-1) and regulations of the U.S. Department of Transportation as set forth in Title 49 C.F.R., Part 21, and as said regulations may be amended.
10. Permittee agrees that in the event it should become necessary, as may be reasonably determined by the Department, for the facilities covered by this permit to be removed or relocated in connection with the reconstruction, relocation, or improvement of the abutting highway, the Department may revoke this permit and require removal or relocation by the permittee at his own expense according and pursuant to the procedures provided in Paragraph 8 above except in those cases where the Department is required by law to pay any or all the same.
11. The permittee understands and agrees that this permit is personal to the permittee and shall not inure to his successors and assigns without the written approval of the Department that he is bound by the provisions of this permit as long as the encroachment exists unless a written release has been obtained from the Department. (Does not apply to utilities serving the general public.)
12. If the work authorized by this permit is on a project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Resident Engineer on the project to coordinate the permitted work with the State's prime contractor on the project.
13. This permit does not alleviate any requirements of any other government agency.
14. Permittee agrees to keep the priority route in which this permit was issued clear of dirt, mud, and debris during construction and for the life of this permit.

THE UNDERSIGNED APPLICANT (being duly authorized representative/owner) DOES AGREE TO ALL TERMS AND CONDITIONS SET FORTH HEREIN.

January 1st July 1st April 10 May 2007
Completion Date Date

RECOMMENDED FOR APPROVAL

James W. Berling
Signature

James W. Berling
Signature

Chief District Engineer
Title

May 16th 2007
Date

PRIVATE ENTRANCE: TO BE COMPLETED BY PERSONNEL INSTALLING FACILITY.

Installed By: _____

Title

Signature

Date

2009 AERIAL MAP

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0 8,750 17,500 35,000 52,500 70,000

Feet

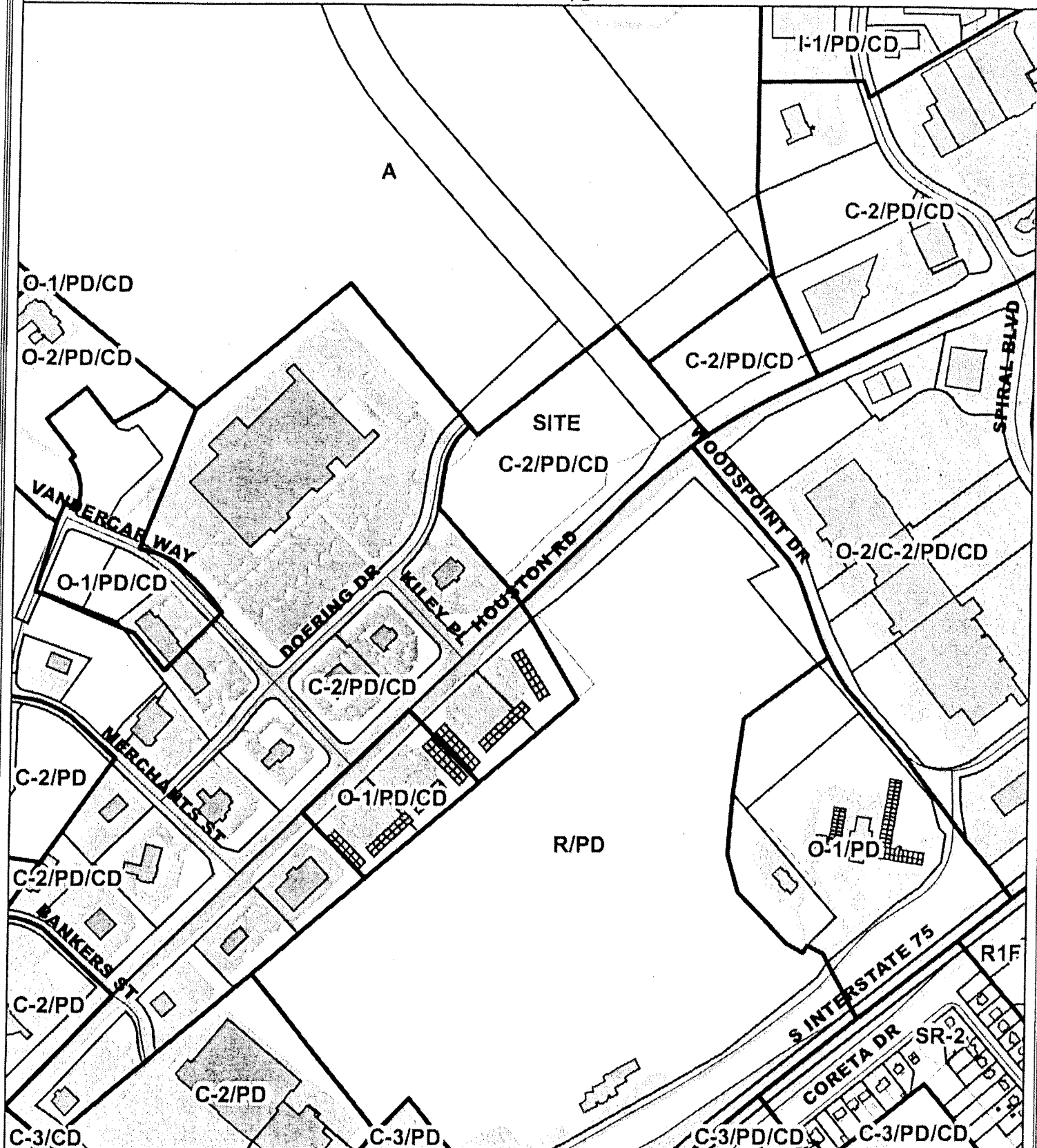
1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map

ZONING MAP

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0 8,750 17,500 35,000 52,500 70,000

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



FUTURE LAND USE MAP

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1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional Intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, 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. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, 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. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

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

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

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

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission 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.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

SITE DESIGN IN THE HOUSTON/DONALDSON STUDY AREA

This section is important for the implementation of the Houston-Donaldson Study because much of the Study Area comprises the highly visible Houston Road Corridor. As pointed out in the Mall Road Study of 1990, the roadway corridor shapes the public perception of a community. As described in that study, many commercial, office, and industrial corridors across the United States have experienced a common set of problems, including traffic congestion, confusing driveway alignments, proliferation of strip centers, poor landscaping, lack of corridor identity, and excessive signage. The objective of this section of the Houston-Donaldson Study is to enhance the identity of the Study Area and avoid the above problems.

Each development should meet the following specific development guidelines at Site Plan Review in addition to the standard requirements of Article 30 of the Boone County Zoning Regulations:

1. Placement or location of buildings - Buildings shall be placed on a site so that a) building frontages are diagonal to the street where possible, b) large blank building walls are partially screened with vegetation or made visually less intrusive with architectural treatment, and c) landscaping and planting spaces are created. In addition, restaurant and bank outlot buildings along Houston Road should be placed so that the building frontage is diagonal from the public roadway similar to previously approved Concept Development Plans in the Study Area. A minimum 20 foot landscaped setback should be maintained between the parking area and the public right-of-way.
2. Impervious Area Coverage - Impervious areas include all building and pavement coverage on a site. Green Space areas include all landscape areas that have a meaningful visual impact on a development. Consistent with the previous approvals of Concept Development Plans in the Study Area, all commercial, office, and industrial developments shall contain a minimum of 22 percent of the development site as permanent green space. The computation of this green space ratio can include landscaped parking islands, buffer areas, and aesthetically suitable wet stormwater retention areas, but will not include any area on public right-of-way or dry detention areas that will have a negative visual impact on the development. Interior road systems, sidewalk networks, and parking lots of new developments must be designed with this in mind. In industrial zones, any parking in the front yard area should be devoted to office employee and visitor parking. Other employee parking in industrial zones, will be placed on the side and rear portions of the building. Parking areas should include decorative elements, such as suitable fences, wall extensions, plantings, and/or berms between the public

right-of-way to screen parking areas from public view. Parking lots must be designed with landscaped islands as described under requirement 3. Concrete curbs should be used around the perimeter of the parking lot. Landscaped areas with trees and bushes will be installed at the entrances of any commercial, office, or industrial development. Continuous curbs or wheel blocks should be placed between a parking area and a sidewalk. As approved for the Houston Lakes development in 1990, pedestrian crossings at interior intersections should be constructed of suitable brick, cobblestone, or similar surface to emphasize the crossing location.

3. Landscaping - The simplest and most effective method to enhance the appearance of a roadway corridor is to provide adequate landscaping. Landscaping also reduces glare and the amount of reflected and absorbed sunlight, resulting in a more comfortable environment and reduced energy costs. Landscaping and buffering should meet the requirements under Article 30 Site Plan Review of the 1991 Boone County Zoning Regulations. These requirements were developed for the Mall Road Study in 1990, however, are generally consistent with several approved developments in the Study Area. A list of reference source books for suitable plant species can be found in the Mall Road Study.

4. Pedestrian Connections - Each development or land use within the Study Area will provide pedestrian connections to other developments, recreation facilities, and public open space areas, if appropriate. An area-wide pedestrian network that connects developments, recreation areas, and existing green areas should be developed for the Study Area. Innovative and practical pathway designs other than typical sidewalks are encouraged within developments. Certain sites within the Study Area, such as the Marydale property, World of Sports site, Seligman property, and Houston Lakes site are important to the overall pedestrian network of the corridor, and are addressed in detail in the Individual Site Analysis and Recommendations section of this Study. In addition, pedestrian crossings on public and private roadways within planned developments may be required to be of distinct pavement treatment, such as brick or cobblestone to emphasize these crossings. This feature will provide a safer pedestrian environment because motorists can actually feel the pavement difference at the crossing.

ARCHITECTURAL DESIGN REVIEW

Architectural Design Review is based upon the third goal of the Houston/Donaldson Study, or more specifically, "to ensure that the recommended land uses and the type of development occurs in conjunction with appropriate exterior appearances to the general

Todd Morgan

From: Joshua Wice [Joshua.Wice@Florence-KY.gov]
Sent: Thursday, August 11, 2011 4:07 PM
To: Todd Morgan
Subject: Crist annexation

The city is working with Mr. Dick Crist on annexing a portion of his property at Houston Road and the planned Houston-South Airfield Road connector. The city anticipates annexing the 1.2973 acre portion that is in unincorporated Boone County. We understand that this same property is part of a concept development plan application that has been made to the Boone County Planning Commission. The city will take final action on the annexation at the same time that we take action on the concept development plan recommendation from BCPC.

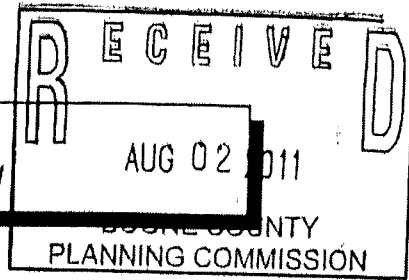
Please let me know if you have any questions or need any additional information.

Thanks.

Joshua R. Wice
Director, Business & Community Development
City of Florence
8100 Ewing Boulevard
Florence, Kentucky 41042-7588
(859) 647-8177 office
(859) 647-5411 fax
Joshua.Wice@florence-ky.gov

8/1/11

APPLICATION FORM



CONCEPT DEVELOPMENT PLAN
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)
- XXX 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
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project Houston Road Commercial Site
- 3. Location of Project Houston Road
- 4. Total Acreage of Site 9.5 Acres
- 5. Current Zoning C-2
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study
- 8. Proposed Uses (please specify each use) One Retail Center and Two Restaurants
- 9. Proposed Building Intensities (please specify) _____
- 10. _____
- 11. Have you submitted a Concept Development Plan? Yes
- 12. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 13. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 344-7422
- 14. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
- 15. Name of Property Owner(s) RCDK Properties, LLC
Phone Number 283-2260 Fax No. 283-2265
- 16. Address of Property Owner(s) 8800 Bankers Street
Florence, Kentucky 41042
City State Zip
- 17. Are there any existing buildings on the site? No
How many? _____
- 18. Deed Book 991 Page No. 773 Group No. 2033B
- 19. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Mark Hicks
Mrs. Janet Kegley
Ms. Susan Schultz
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Rolfsen, Chairman, called the meeting to order at 9:28 P.M. and introduced the second item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of James W. Berling (applicant) for RCDK Properties, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

Staff Member, Todd Morgan presented the Staff Report, which included a Power Point presentation (see Staff Report). He showed the location of the 9.5 acre site and the proposed South Airfield Drive. The road is currently under construction. There is a small sliver of land attached to this project that is located in unincorporated Boone County. It is 1.3 acres in size and it is being annexed into the City of Florence. The Concept Development Plan shows 3 lots. Lot 1 is about 2.4 acres and contains a 10,000 square foot restaurant. Lot 2 is approximately 3.7 acres in area and contains a 17,500 square foot multi-tenant building. The applicant has submitted preliminary elevation drawings for this building. Lot 3 is 2.7 acres in size and includes a 10,000 square foot restaurant. Under the Planned Development regulations, the applicant is requesting 8 waivers on the 3 lots. The waivers are landscaping buffer related and are identified on page 2 of the Staff Report. Mr. Morgan stated that the applicant wants to retain both development options, which includes the previous approval and the proposed project. Mr. Morgan referred to the history of the project site dating back to 1997-1998 (see page 2 of the Staff Report). He gave an overview of the current zoning of the site and adjacent property. He showed photographs of the site and adjoining properties. In regard to the Comprehensive Plan, the Land Use Map designates the site for Commercial and Transportation uses. The request must be evaluated based upon the *Houston-Donaldson Study* and the Planned Development standards. Mr. Morgan identified the staff concerns will include mixed-use and pedestrian orientation, compatibility of uses, landscaping, architecture, signage and transportation connections. It is recommended that a sidewalk connection be extended to South Airfield Drive and the C-2 permitted uses be reviewed. Further, can the previously approved street trees be installed along Houston Road due to the narrower right-of-way? The building architecture will have to be revised to screen the rooftop mechanical equipment. Mr. Morgan noted that the applicant is requesting a sign similar to the Florence Marketplace sign on Lot 2. The proposed 28 foot tall sign might be too large for Lot #2. Mr. Morgan reviewed the plans for the Connector Road and the encroachment for improvements on Houston Road. Staff recommends that the applicant analyze the length of the left turn lane on Crist Crossing because of its close proximity to Houston Road. Finally, staff recommends that the Planning Commission analyze the Crist Crossing / Doering Drive intersection because of the offset intersection with one of the Walmart entrances.

Chairman Rolfsen asked if the applicant was present. Mr. James Berling, applicant and engineer for the project. It is a difficult parcel to develop. About a third of the property is not being developed due to the construction of a large concrete box culvert. What has resulted has been moving the building towards the front of the lot. There is a lot of green space in the rear. Now they have 3 nice commercial lots. They are asking for a waiver of the minimum 20 foot landscaping buffer around the perimeter of the parcel. The property line along Houston Road varies from 12-24 feet to the paved parking areas. They are trying to leave as much open space as possible. Lanes have been added to Crist Crossing to accommodate turning movements. Mr. Berling introduced Mr. Dick Crist, Mr. Michael Brandy of Brandicorp and Bill Daven.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request.

Ms. Patty Flannery, lives on Edge Hill Road, expressed a concern about storm water flow from the proposed development. The creek in her backyard has moved since the construction of Walmart. Mr. Morgan used an aerial photograph to show the location of Ms. Flannery's residence. In response to Mr. Bunger's question, Mr. Berling said the same water is going through the area. Storm water will be detained on the site. A 60 inch pipe will be installed and storm water will be stored and eventually be released to the Walmart detention facility. The run off should be no greater than what was there before the development.

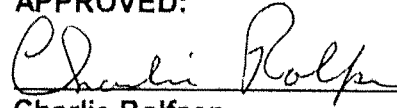
Mr. Reynolds questioned the submitted drawing and whether Mr. Berling has enough room to accommodate the landscaping? Mr. Berling responded that due to the limitations of the fill work by the U.S. EPA and U.S. Corps of Engineers, they had to move the development closer to Houston Road. Some of the area along Houston Road has a large right-of-way and some trees can be planted in the right-of-way. The average buffer width is about 16 feet. Mr. Costello stated that with other developments, the Planning Commission has allowed landscaping in the right-of-way in the past.

Mr. Berling stated that Mr. Crist has to extend Doering Drive to the South Airfield Drive Connector even though he won't benefit from it. It was part of the lawsuit settlement area. It should have been extended by Walmart instead of Mr. Crist.

Ms. Flannery explained that the Patels, who own the hotel were supposed to meet with the neighborhood before they took correction action. This was not done and work has been completed. Mr. Costello responded that the City of Florence was handling the matter and his staff would get in touch with the City to see about the status of the complaint.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on September 21, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on October 5, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 10:00 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ATTENDANCE SHEET
BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING & PUBLIC HEARINGS
SEPTEMBER 7, 2011

Name/Organization
(Please Print)

Mailing Address
(Include Zip Code)

TERRY Williams

7224 Josephette 41042

NOBLE DUNNELL

13806 Kyle Rd. Union 41091

PATTY HENRY

959 Edgemoor Rd. Florence 41041

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
OCTOBER 5, 2011
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

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, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning 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 September 7, 2011 Business Meeting and the September 7, 2011 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. Ms. Reeves seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff; Janet Kegley, Chairwoman

1. Request of James W. Berling (applicant) for RCDK Properties, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

Mr. Mark Hicks announced that he would abstain from voting on the request due to his business relationship with the applicant. Mr. Hicks left the meeting room.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously with Mrs. Kegley, Mr. Breetz and Mr. Bunger voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the project for a 5 minute time limit.

Mr. Jim Berling, Applicant, stated that he was available to answer any questions and mutually agreed to the conditions.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak against the request? Seeing no one, Mrs. Kegley moved that the request be approved with conditions by Resolution to the City of Florence based upon the Committee Report. Mr. Bunger seconded the motion and it passed unanimously.

At this time, Mr. Hicks returned to the meeting room.

ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT - Mitch Light, Staff; Mark Hicks, Chairman

2. Request of Peter Blackmore, Nancy Blackmore, and Brett Blackmore (applicants) for Peter Blackmore and Nancy Blackmore (owners) for a Zoning Map Amendment from Agriculture (A-1) to Recreation ®) and a Conditional Use Permit for a 5 acre site located at 13989 Ryle Road, Boone County, Kentucky. The request is for a zone change and a Conditional Use Permit to allow recreational uses, retail sales, and an eating and drinking establishment.

Staff Member, Mitch Light, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Light noted that the Committee voted

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: October 5, 2011

RE: Request of **James W. Berling (applicant)** for **RCDK Properties, LLC (owner)** for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the majority of the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The request is in agreement with the following passages from the Land Use Element:

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

Although the landscaping Waivers noted in the Staff Report are being approved, the Committee determined that each of the three lots will comply with the Houston-Donaldson Study's 22% green space requirement. In addition, the architecture of all three buildings will be evaluated through the Boone County Planning Commission's Technical Design Review application process.

2. The request is in conformance with the Planned Development (PD) Standards found in Section 1514 of the Boone County Zoning Regulations. Conditions have been imposed dealing with the mixed use orientation and pedestrian orientation, compatibility of uses, landscaping, and signage standards.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The approval is based on the submitted Concept Development Plan except as modified by the conditions below.
2. A sidewalk connection shall be provided between the building on lot 3 and the public sidewalks on Houston Road or the Connector Road.
3. The 1998 Lawsuit Settlement Agreement indicated that 23 additional uses could be permitted on sites which were zoned O-1/PD or C-2/PD. Use 23 (warehouse and distribution center-warehouse facilities) shall not be permitted in the multi-tenant building.
4. The landscaping islands shown in the parking lots shall contain large trees from Plant List A. One large tree shall be required per 162 square feet of area.
5. Each lot shall comply with the Houston-Donaldson Study's 22% green space requirement.
6. A maximum 18 foot tall freestanding sign shall be permitted on lot 2 to advertise the multi-tenant building tenants. The construction materials and style of the sign shall closely resemble the Florence Marketplace/Wal-Mart sign that is located at the Houston Road/Kiley Place intersection. The full Planning Commission shall review sign height, appropriateness of the proposed sign area, construction materials, and sight distance measurements through the Technical Design Review application process.

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

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of James W. Berling (applicant) for RCDK Properties, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

Staff Member, Todd Morgan presented the Staff Report, which included a Power Point presentation (see Staff Report). He showed the location of the 9.5 acre site and the proposed South Airfield Drive. The road is currently under construction. There is a small sliver of land attached to this project that is located in unincorporated Boone County. It is 1.3 acres in size and it is being annexed into the City of Florence. The Concept Development Plan shows 3 lots. Lot 1 is about 2.4 acres and contains a 10,000 square foot restaurant. Lot 2 is approximately 3.7 acres in area and contains a 17,500 square foot multi-tenant building. The applicant has submitted preliminary elevation drawings for this building. Lot 3 is 2.7 acres in size and includes a 10,000 square foot restaurant. Under the Planned Development regulations, the applicant is requesting 8 waivers on the 3 lots. The waivers are landscaping buffer related and are identified on page 2 of the Staff Report. Mr. Morgan stated that the applicant wants to retain both development options, which includes the previous approval and the proposed project. Mr. Morgan referred to the history of the project site dating back to 1997-1998 (see page 2 of the Staff Report). He gave an overview of the current zoning of the site and adjacent property. He showed photographs of the site and adjoining properties. In regard to the Comprehensive Plan, the Land Use Map designates the site for Commercial and Transportation uses. The request must be evaluated based upon the *Houston-Donaldson Study* and the Planned Development standards. Mr. Morgan identified the staff concerns will include mixed-use and pedestrian orientation, compatibility of uses, landscaping, architecture, signage and transportation connections. It is recommended that a sidewalk connection be extended to South Airfield Drive and the C-2 permitted uses be reviewed. Further, can the previously approved street trees be installed along Houston Road due to the narrower right-of-way? The building architecture will have to be revised to screen the rooftop mechanical equipment. Mr. Morgan noted that the applicant is requesting a sign similar to the Florence Marketplace sign on Lot 2. The proposed 28 foot tall sign might be too large for Lot #2. Mr. Morgan reviewed the plans for the Connector Road and the encroachment for improvements on Houston Road. Staff recommends that the applicant analyze the length of the left turn lane on Crist Crossing because of its close proximity to Houston Road. Finally, staff recommends that the Planning Commission analyze the Crist Crossing / Doering Drive intersection because of the offset intersection with one of the Walmart entrances.

Chairman Rolfsen asked if the applicant was present. Mr. James Berling, applicant and engineer for the project. It is a difficult parcel to develop. About a third of the property is not being developed due to the construction of a large concrete box culvert. What has resulted has been moving the building towards the front of the lot. There is a lot of green space in the rear. Now they have 3 nice commercial lots. They are asking for a waiver of the minimum 20 foot landscaping buffer around the perimeter of the parcel. The property line along Houston Road varies from 12-24 feet to the paved parking areas. They are trying to leave as much open space as possible. Lanes have been added to Crist Crossing to accommodate turning movements. Mr. Berling introduced Mr. Dick Crist, Mr. Michael Brandy of Brandicorp and Bill Daven.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request.

Ms. Patty Flannery, lives on Edge Hill Road, expressed a concern about storm water flow from the proposed development. The creek in her backyard has moved since the construction of Walmart. Mr. Morgan used an aerial photograph to show the location of Ms. Flannery's residence. In response to Mr. Bunger's question, Mr. Berling said the same water is going through the area. Storm water will be detained on the site. A 60 inch pipe will be installed and storm water will be stored and eventually be released to the Walmart detention facility. The run off should be no greater than what was there before the development.

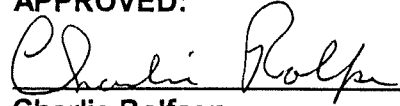
Mr. Reynolds questioned the submitted drawing and whether Mr. Berling has enough room to accommodate the landscaping? Mr. Berling responded that due to the limitations of the fill work by the U.S. EPA and U.S. Corps of Engineers, they had to move the development closer to Houston Road. Some of the area along Houston Road has a large right-of-way and some trees can be planted in the right-of-way. The average buffer width is about 16 feet. Mr. Costello stated that with other developments, the Planning Commission has allowed landscaping in the right-of-way in the past.

Mr. Berling stated that Mr. Crist has to extend Doering Drive to the South Airfield Drive Connector even though he won't benefit from it. It was part of the lawsuit settlement area. It should have been extended by Walmart instead of Mr. Crist.

Ms. Flannery explained that the Patels, who own the hotel were supposed to meet with the neighborhood before they took correction action. This was not done and work has been completed. Mr. Costello responded that the City of Florence was handling the matter and his staff would get in touch with the City to see about the status of the complaint.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on September 21, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on October 5, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 10:00 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 21, 2011

RE: Request of **James W. Berling (applicant)** for **RCDK Properties, LLC (owner)** for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

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.

James W. Berling (applicant) for RCDK Properties, LLC (owner)

September 21, 2011

Janet Kegley
 Janet Kegley, Chairwoman

For Project Absent
 Against Project
 Abstain Deferred

Susan Poston

For Project Absent
 Against Project
 Abstain Deferred

Ben Brandstetter

For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
 Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Jim Longano (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
 Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 3 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. O-24-11

The City of Florence, Kentucky, enacted on second reading Ordinance No. O-24-11 on November 22, 2011. The title of this Ordinance is as follows:

ORDINANCE NO. O-24-11

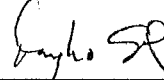
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE 9.5 ACRE SITE LOCATED ON THE NORTH/WEST SIDE OF HOUSTON ROAD TO THE IMMEDIATE NORTH/EAST OF THE PROPERTY AT 6835 HOUSTON ROAD, FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING AND TWO FREESTANDING RESTAURANTS IN ADDITION TO THE PREVIOUSLY APPROVED DEVELOPMENT OPTIONS. (RCDK PROPERTIES, LLC)

The effect of this Ordinance is to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence, Kentucky. This change in an approved concept development plan is subject to additional conditions that have been agreed to in writing by the property owner/applicant.

The full text of Ordinance No. O-24-11, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. O-24-11 and that it has been prepared by me on the 15th day of November, 2011, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
(859) 371-7407

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF JAMES W. BERLING (APPLICANT) FOR RCDK PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 9.5 ACRE SITE GENERALLY LOCATED ON THE NORTH/WEST SIDE OF HOUSTON ROAD TO THE IMMEDIATE NORTH/EAST OF THE PROPERTY AT 6835 HOUSTON ROAD, FLORENCE, KENTUCKY. THE SITE IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND THE REQUEST WOULD ALLOW A MULTI-TENANT COMMERCIAL BUILDING AND TWO FREESTANDING RESTAURANTS IN ADDITION TO THE PREVIOUSLY APPROVED DEVELOPMENT OPTIONS.

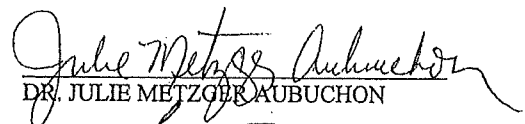
The Committee met in a special meeting on November 15, 2011, at the Florence Government Center Building to consider Resolution No. R-11-012-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

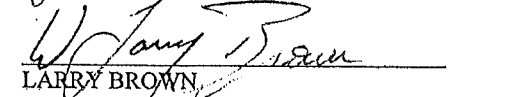
Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to additional conditions that are attached hereto and incorporated herein.

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, subject to additional conditions that are attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON


LARRY BROWN

ORDINANCE NO. O-24-11

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE 9.5 ACRE SITE LOCATED ON THE NORTH/WEST SIDE OF HOUSTON ROAD TO THE IMMEDIATE NORTH/EAST OF THE PROPERTY AT 6835 HOUSTON ROAD, FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT COMMERCIAL BUILDING AND TWO FREESTANDING RESTAURANTS IN ADDITION TO THE PREVIOUSLY APPROVED DEVELOPMENT OPTIONS. (RCDK PROPERTIES, LLC)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-11-012-A recommended approval, with conditions, for a change in an approved concept development plan, and

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

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

SECTION I

That the request of James W. Berling (Applicant) for RCDK Properties, LLC (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development (C-2/PD) zone, for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence, Kentucky, shall be and is hereby approved, subject to additional conditions, this change in concept development plan being to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-11-012-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-11-012-A, marked Exhibit "A", and attached hereto.

SECTION IV

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

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 15th DAY OF November, 2011.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF November, 2011.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Joe [Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: **AGREED ADDITIONAL CONDITIONS - REQUEST OF JAMES W. BERLING (APPLICANT) FOR RCDK PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 9.5 ACRE SITE GENERALLY LOCATED ON THE NORTH/WEST SIDE OF HOUSTON ROAD TO THE IMMEDIATE NORTH/EAST OF THE PROPERTY AT 6835 HOUSTON ROAD, FLORENCE, KENTUCKY. THE SITE IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND THE REQUEST WOULD ALLOW A MULTI-TENANT COMMERCIAL BUILDING AND TWO FREESTANDING RESTAURANTS IN ADDITION TO THE PREVIOUSLY APPROVED DEVELOPMENT OPTIONS.**

The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

1. Approved and agreed upon City of Florence Special Conditions 1, 2, and 3 from the 2005 concept development plan option for this site, as attached, are hereby incorporated and apply to this concept development plan option.
2. All rooftop equipment shall be screened from public view with materials that are harmonious with the rest of the building. Parapet walls shall be of sufficient height to screen rooftop equipment from public streets.
3. Landscape plan for the rear hillside of the site between the parking lots and Doering Drive shall be pre-approved by the City of Florence.

Agreed to this 15th day of NOVEMBER, 2011.

RCDK PROPERTIES, LLC

BY: RONALD CRIST, MEMBER
(Title)

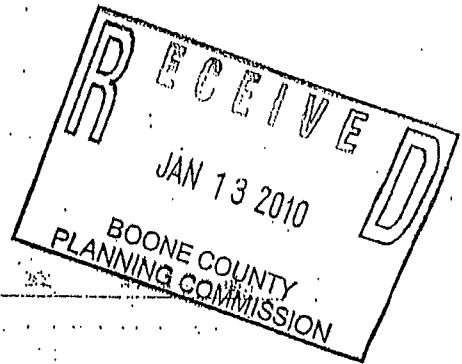


EXHIBIT "C"

City of Florence Special Conditions

The undersigned, on behalf of DC-KY18, LLC hereby agrees to the following special conditions for approval for the requested change in concept development plan for property located at the north/west side of Houston Road, across Houston Road from the City of Florence/World of Sports and the Houston Road/Woodspoint Drive intersection, Florence, Kentucky.

1. That the rear of the building shall be constructed of brick, or a brick like substance such as "quick brick" or other material as approved by the City of Florence, which substantially conforms to the exterior appearance of ~~the rear of the proposed Super Wal-Mart. The front and sides of the~~ building shall be constructed predominately of brick material and other complimentary materials similar to the exterior appearance of the front and sides of the proposed Super Wal-Mart.
2. Dumpster enclosure(s) shall be constructed of materials similar to that of the building.
3. A connection from the southwest portion of the site shall be made to Doering Drive.
4. The rear hillside of the site shall be broadcast seeded with black locust. Additionally, a pine/spruce mixture shall be planted. Pines shall be 5' minimum height when planted.

FEB. 25, 2005
Date

RICHARD D. CRIST MEMBER
Member, DC-KY18, LLC (owner)

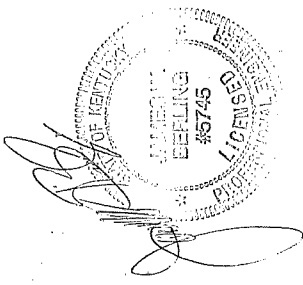
Concept Development Plan
APPROVED
 with
 Conditions

Staff Jac K. Johnson

Date 7/5/11

Boone County
 Planning Commission

RECEIVED
 AUG 30 2011
 BOONE COUNTY
 PLANNING COMMISSION

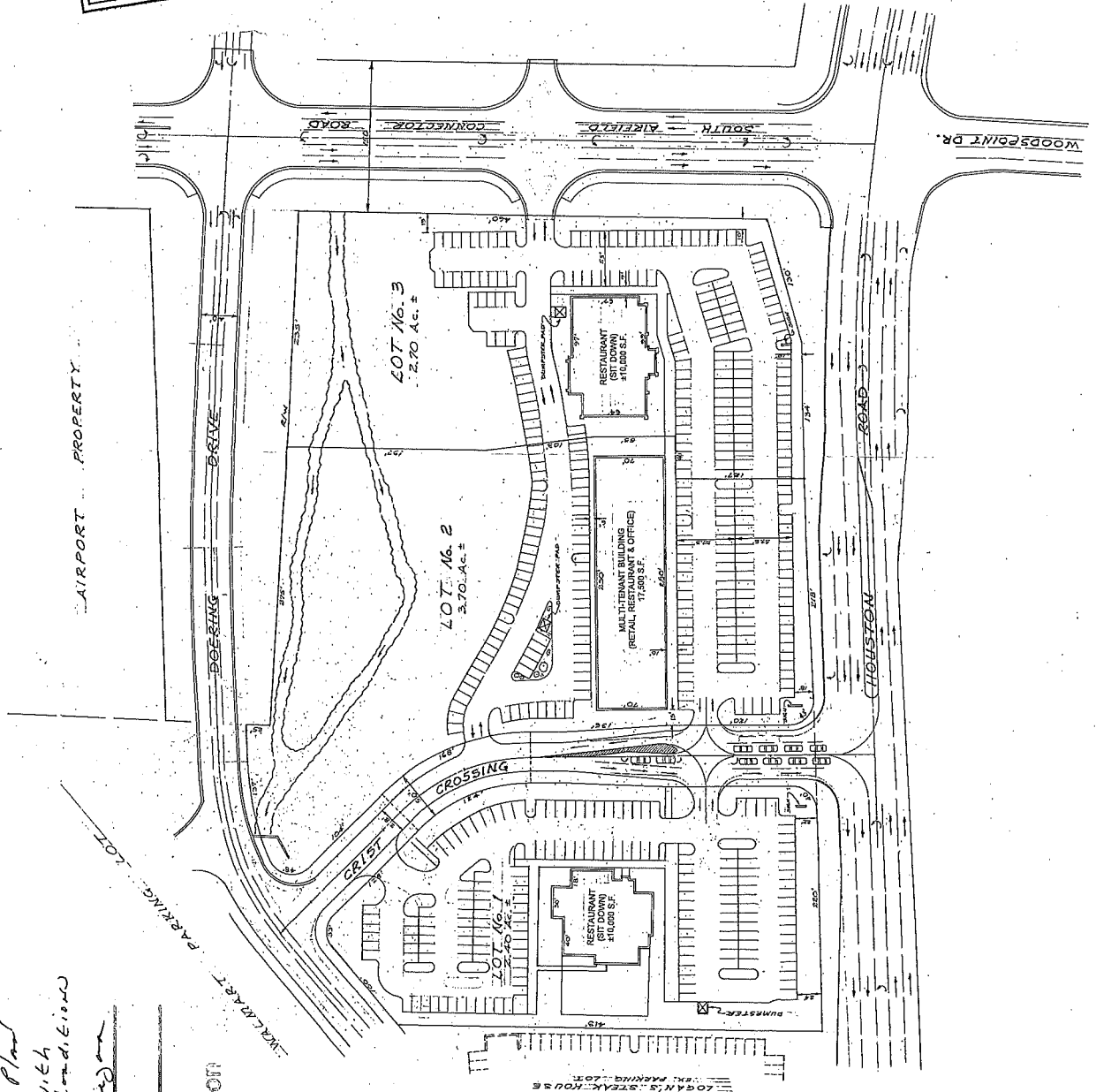


- NOTES:
- GREEN SPACE FOR LOT NO. 1 = MORE THAN 20%
 GREEN SPACE FOR LOT NO. 2 = MORE THAN 40%
 GREEN SPACE FOR LOT NO. 3 = MORE THAN 30%
 AVERAGE GREENSPACE PER LOT = MORE THAN 30%
 - The setbacks within the road right of way will be done in accordance with the approved plan and statement agreement dated 4/19/11.
 - The signs in front of Lot Nos. 1 and 3 will be monument signs distributed as follows:
 - 12" x 18" signs in front of Lot No. 1
 - 12" x 18" signs in front of Lot No. 3
 - 12" x 18" signs in front of the building
 - 12" x 18" signs in front of the building
 - The rear wall will be topped with a 2'-0" parapet wall. The equipment will be 3' high and the roof will be 10' high. The equipment will not be visible from Chestnut Drive, Chest Crossing or the rear parking lot.

OWNER & DEVELOPER
 ROCK PROPERTIES, LLC
 FLORENCE, KENTUCKY 41042
 (609) 293-2280

ENGINEER
 JAMES W. BERLING ENGINEERING, PLLC
 1671 PARK ROAD, SUITE 1
 FLORENCE, KENTUCKY 41011
 (609) 241-9181

CONCEPT DEVELOPMENT PLAN
 HOUSTON RD. COMMERCIAL SITE
 PROJECT NO. 11-0001
 DATE 7/5/11
 JAMES W. BERLING
 FLORENCE, KENTUCKY



LOT No. 1
 2.40 Ac.