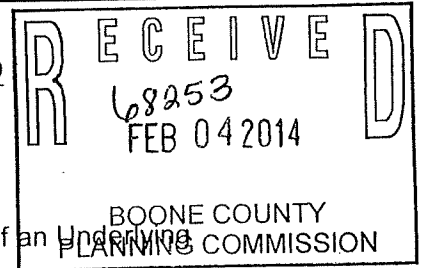


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an UPDATING Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

2. Name of Project FAST PARK AND RELAX FACILITY EXPANSION - CVG
3. Location of Project ~~613 PETERSBURG ROAD~~ HERRON, KY 41048 RIDGE DALE
4. Total Acreage of Site 11.7
5. Current Zoning C-3/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) SPRING 2006
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
8. Proposed Uses (please specify each use) COMMERCIAL PARKING FACILITY
9. Proposed Building Intensities (please specify) N/A
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
12. Name of Applicant(s) CHAVEZ PROPERTIES (PETERSBURG LLC)
 Phone Number 513-241-0429 Fax No. 513-241-0497 E-Mail MANUEL@CHAVEZPROPERTIES.COM
13. Address of Applicant(s) 250 WEST COURT STREET SUITE 200 E
CINCINNATI OHIO 45202
 City State Zip
14. Name of Property Owner(s) CHAVEZ PROPERTIES (PETERSBURG LLC)
 Phone Number 513-241-0429 Fax No. 513-241-0497 E-Mail MANUEL@CHAVEZPROPERTIES.COM
15. Address of Property Owner(s) 250 WEST COURT STREET SUITE 200 E
CINCINNATI OHIO 45202
 City State Zip
16. Are there any existing buildings on the site? No
 How many? N/A
17. Deed Book 300 Page No. 38 Group No. 2009 + 2010
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

Concept Development Plan

Page 2

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

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

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

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

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

SECTION B (To be completed by BCPC Staff)

1. Date Received 2/4/13 Fee Received \$2,516.⁰⁰ A# 68253

2. Check what has been submitted:
 Application Fee _____ Legal Description
 Concept Development Plan _____ Addresses of Adjoining Property Owners
_____ No. of copies of plan received **

3. Is application complete? YES _____ NO _____

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson _____

6. Scheduled Public Hearing Date 3/5/14

7. Boone County Planning Commission Action:

Approved
 Denied

Approved With Conditions 4/2/14

8. Other: _____

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 **Chavez Properties (Petersburg LLC) (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 11.7 acre site located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive / Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the Properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the expansion of an existing commercial parking facility onto the subject site.

March 5, 2014

PROPOSAL

This proposal is for a Change in an Approved Concept Development Plan for the above referenced tract. A zone change from SR-1 to C-3 was conditionally approved for this site in 2006 (4/19/06 Committee Report including Concept Development Plan, Planning Commission Resolution R-06-013, and Ordinance 06-11 are attached). Condition #1 of this approval requires any development of the site to follow the Concept Development Plan attached to the Committee Report. The approved Concept Development Plan is for a four lot commercial subdivision with varying uses and a street extension from Ridgedale Drive that terminates in a cul-de-sac. This commercial subdivision was physically separate from the commercial parking facility to the immediate east at 609 Petersburg Road ("Fast Park & Relax").

The proposed Concept Development Plan abandons the multi-lot commercial subdivision concept and involves the expansion of the neighboring commercial parking facility at 609 Petersburg Road onto the subject property as one large development. No other uses are proposed.

Access into the Concept Development Plan area would be through the existing commercial parking facility to the immediate east. No direct access from the Concept Development Plan area to Ridgedale Drive or any other public street is proposed. The parking spaces themselves are proposed to be covered by open canopies. The canopies have a clear height of 10 feet and slope up to approximately 14 feet at the highest point. The largest canopy structure proposed on the Concept Development Plan site is approximately 620 feet long.

A large detention pond which will serve both the Concept Development Plan area and the existing Fast Park & Relax development is proposed at the south end of the site along I-275. The proposed landscaping includes: the provision of Buffer Yard A adjoining the C-3 zoned site to the immediate north at 737 Peterburg Road, along the Ridgedale Drive street

frontage, and along the I-275 frontage; the 40 foot wide version of Buffer Yard D with a 6 foot high screen fence adjoining the residential properties to the immediate west in Bluebird Subdivision; and landscape islands at the end of the parking rows near the outer perimeter of the site (landscape islands/peninsulas are not proposed in the interior of the site). The actual width of the landscape areas along Ridgedale Drive and the west property line is approximately 50 feet at the narrowest points, and the actual width of the landscape area along I-275 is approximately 25 feet at the narrowest point.

The Concept Development Plan notes two landscape "waivers to be requested after development plan approval." These read as follows:

1. Section 3625 - Interior landscaped area less than required 5% of vehicular use area (note: proposed perimeter landscaping exceeds required area).
2. Section 3645 - Buffer Yard "D" along western side of property to be 40' wide with 6' high fence. Request fence be located adjacent to property line, in lieu of in center of buffer yard.

Lighting for the site is not outlined in the application materials.

The existing Fast Park & Relax facility is proposed to be redeveloped in conjunction with the subject tract. This redevelopment includes the addition of open canopies over the parking spaces, additional landscaping, the removal of the building near the KY 212/KY 20 intersection, and consolidation of the various access points. One access point is proposed to be aligned with the signalized Progress Drive/Petersburg Road intersection. Since the existing commercial parking facility at 609 Petersburg Road is zoned C-3 and is not subject to a prior Concept Development Plan or conditional zone change approval, it is only subject to the Major Site Plan process.

The existing facility has 2,261 parking spaces. 932 new parking spaces are proposed on the Concept Development Plan site for a total of 3,193 spaces for both sites combined (approximate 41% increase).

SITE HISTORY

- | | |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2006 | The previously mentioned zone change from SR-1 to C-3 was conditionally approved. |
| 2008 | Two variances were conditionally approved by the Boone County Board of Adjustment on 7/9/08 to reduce the widths of the street frontage landscaping area along Petersburg Road and perimeter landscape areas for the |

redevelopment of the Fast Park & Relax site (conditions are outlined in the attached CLUR #08-BCBOA-014A). A variance was approved by the Boone County Board of Adjustment on 9/10/08 to reduce the width of the street frontage landscape area along I-275 for the redevelopment of the Fast Park & Relax site. Both proposals involved redeveloping the site for commercial parking and included the previously mentioned open canopy structures over the parking spaces.

2013/14 The Zoning Administrator issued a decision on 12/16/13 that the proposed change constituted a "major" amendment to the approved Concept Development Plan per Section 314 "Amendments to an Approved Zoning Map Amendment" of the Boone County Zoning Regulations. Major amendments must be reviewed and approved by the Planning Commission and Fiscal Court through the normal public hearing process. This decision was appealed to the Boone County Board of Adjustment, however, the appeal application was withdrawn on 1/28/14.

ADJACENT LAND USES AND ZONING

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

- A. A commercial/industrial building is located to the north on the southeast corner of the Petersburg Road/Ridgedale Drive intersection at 737 Petersburg Road (C-3).
- B. The previously mentioned "Fast Park & Relax" commercial parking facility is located to the east and northeast (C-3).
- C. A subdivision of detached, single family residences is located to the west, and to the north and northwest across Ridgedale Drive (A-2 and SR-1).
- D. I-275 is located to the south.

SITE CHARACTERISTICS

The subject site contains approximately 11.7 acres. The site has approximately 424 feet of frontage along the curve in Ridgedale Drive, and approximately 762 feet of frontage along I-275. The site is largely wooded with no improvements. The overall topography ranges from relatively level to steep, with the steeper valleys in the south and east parts of the tract. A blue line stream exists in the south and east parts of the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the site as "Commercial ." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." An incidental area in the northwest corner of the site is designated as "Suburban Residential." This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("14. Airport," pp. 176 and 177).

- A. Riverview Subdivision and the residential area on Hunter Drive and Hetzel Drive have been purchased lot-by-lot by the airport, and should eventually redevelop into industrial uses to take advantage of the proximity to the interstate. The existing Bluebird Subdivision should remain residential and not experience piecemeal conversions to business uses. Future business uses may be appropriate if residential to business conversion is proposed on all of the subdivision area. The existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals. Industrial development to the north of KY 20 should not locate on any portion of the Developmentally Sensitive hillsides, and a buffer area for the preservation of those hillsides may be required. Throughout these hillside areas, stands of existing trees should be retained between individual developments.

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.
- Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).
- D. 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 ("Access Management," pg. 163).
- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Airport" region where the subject site is located is estimated to change to 4,141 in 2020, and to 3,886 in 2030.

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

- A. The I-275/KY 212 Interchange should experience a decrease in airport related commercial activities due to the economy, as these services and activities may eventually be provided on Airport property. The existing airport related commercial businesses at the KY 20/I-275 Interchange should evolve into highway related businesses. This area could support office related businesses, particularly properties possessing panoramic views of the Ohio River. Additional commercial growth based upon the expansion of the airport, and subsequent industrial growth, will be located at the Mineola 1-275 Interchange as evidenced by the Airport Exchange Business Park and the Circleport Industrial Park ("Recommended Areas of Commercial Activity," pg. 69).

The site is not discussed in the "Geographic Housing Issues" section of the Housing Element (pg. 83-85).

The Transportation Element lists the following projects for the overall area.

- A. The "KY Transportation Cabinet Six-Year Plan" section lists a project described as "reconstruction of I-275/KY Interchange at CVG Airport - Not funded" (pg. 146).
- B. The "Summary of the 2006 Boone County Transportation Plan Recommendations" lists a Recommended Capacity Project described as "KY 212 Ohio River Bridge" (pg. 147).
- C. The "Street Connections" section lists a street connection described as "KY 212 to new KY 20 (south of I-275)" (pg. 148).

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).

- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- K. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- L. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity,"

Commercial [Retail and Office] Objective 2).

- M. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office] Objective 3).
- N. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- O. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system ("Transportation," 2nd Goal).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

The Transportation Plan makes the following statements which relate to the overall area.

- A. The continued expansion of the Cincinnati/Northern Kentucky International Airport has constrained travel in northeast Boone County. Every effort must be made to improve mobility in this area, concurrent with future airport expansion and improvements ("Existing Conditions – Challenges" pg. 2-1).
- B. The current level of service (LOS) on KY 20 between I-275 and KY 212 is LOS D. The average daily trips on this section of road is 13,035 (Exhibit 2-8).
- C. The construction of a new interchange at I-275 & KY 20 is currently on the State's Six Year Plan (Exhibit 3-1).
- D. Growth near the airport is anticipated to be a result of planned airport expansion, related services, and industries that will benefit from having close proximity to the airport ("Future Conditions – Socioeconomic Data" pp. 3-5).
- E. The project is located in Traffic Analysis Zone 1469. In the year 2030, population is projected to be 234 and employment is projected to be 3,853 (Exhibits 3-2 & 3-3).

- F. Population Change in Traffic Analysis Zone 1469 is projected to increase between 1 and 1,000 people between the years 2000 and 2030 (Exhibit 3-4)
- G. Employment Change in Traffic Analysis Zone 1469 is projected to increase between 1,501 and 3,000 people between the years 2000 and 2030 (Exhibit 3-5)
- H. The projected level of service (LOS) on KY 20 between I-275 and KY 212 is LOS F. The projected average daily trips on this section of road is 22,957 (Exhibit 3-9).
- I. The widening and improvement of KY 20 between KY 237 and KY 212 is a recommended long range transportation improvement. Widening this section of KY 20 will complete the four-lane, parallel east west alternative to I-275. Increased development around the airport will create additional traffic demand in this corridor. The recommended improvement is to widen the road to four lanes (Exhibit 6-1).

STAFF COMMENTS

1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates the majority of the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." An incidental area in the northwest corner of the site is designated as "Suburban Residential." This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element ("14. Airport," pp. 176 and 177) discusses this area and recommends that the existing commercial parking uses be moved onto the Airport proper with the remaining sites being redeveloped for other uses. In this regard, the Element states "the existing Bluebird Subdivision should remain residential and not experience piecemeal conversions to business uses. Future business uses may be appropriate if residential to business conversion is proposed on all of the subdivision area. The existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals."

The Business Activity Element ("Recommended Areas of Commercial Activity," pg. 69) provides similar, yet less specific direction for the area by stating "the I-275/KY 212 Interchange should experience a decrease in airport related commercial activities due to the economy, as these services and activities may eventually be provided on Airport property. The existing airport related commercial businesses at the KY 20/I-275 Interchange should evolve into highway related businesses. This area could support office related businesses, particularly properties possessing panoramic views of the Ohio River." The Business Activity Goals and Objectives outlined in the body of this report also discuss the proper placement of commercial uses and compatibility with neighboring non-commercial uses.

The governing bodies will also need to consider the alternate statutory findings of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. DESIGN ISSUES

Staff has the following comments on design related issues.

- A. Landscaping proposed for the site includes Buffer Yard A (minimum 10 foot wide area with specified plantings) along Ridgedale Drive and I-275, the 40 foot wide version of Buffer Yard D along the west boundary adjoining the SR-1 zoned properties with a 6 foot high screen fence, and some internal landscape islands/peninsulas within the parking area. The 40 foot wide version of Buffer Yard D is 20 evergreen trees, 11 large deciduous trees, and 20 large shrubs per 100 linear feet, along with a 6 foot high wall, fence, or berm in the center of the buffer yard.

The plan notes two waivers that are planned to be requested at the site plan stage. Because these requirements are not dimensional in nature, and the site is not in the PD overlay zone, an administrative waiver by the Zoning Administrator is the proper course versus a variance through the Board of Adjustment or some type of exception through the Concept Development Plan process. These waivers are as follows:

1. Section 3625 - Interior landscaped area less than required 5% of vehicular use area (note: proposed perimeter landscaping exceeds required area).

2. Section 3645 - Buffer Yard "D" along western side of property to be 40' wide with 6' high fence. Request fence be located adjacent to property line, in lieu of in center of buffer yard.

The Zoning Administrator/Staff is not opposed to the first waiver in principle based on the size of the site and the proposal to use the canopy/carport structures throughout the lot. However, the Zoning Administrator's initial conclusion about this request is that several more islands should be placed at the ends of parking rows that are in close proximity to the adjoining public streets. The specific areas in mind are outside of the Concept Development Plan site.

The Zoning Administrator/Staff does not endorse the second waiver as currently proposed as it would essentially wall in the buffer landscaping from the adjoining residential properties that it is intended to benefit. The applicant stated that the rationale behind the second waiver is to provide tangible definition of the property lines in the field and to facilitate maintenance from within the lot. One solution would be to provide a decorative fence along the west boundary of the site (such as a split rail or three or four board fence) to define the property line, and place the 6 foot high screen fence along the internal side of the buffer yard with the required plantings in between the fences. Under this scenario, a gate from within the development or a drive apron on Ridgedale Drive could be provided for grounds maintenance and emergency access only. To minimize the need for maintenance and to better integrate the buffer yard with the adjoining properties, a native hardwood and evergreen tree combination could be designed to reforest this area.

Condition #8 from the 2006 approval required the installation of a 6 foot high vinyl coated chain link fence along the interior/parking lot side of the west buffer versus near the rear property line. The condition stated that "the fencing will be located within close proximity to the rear parking lots" of the developments proposed at the time. For informational purposes, the buffer yard formulas (widths and planting mix) which applied to unincorporated Boone County in 2006 were changed in 2008.

The applicant should explain whether any existing vegetation is proposed to be retained in the perimeter areas. Retention of existing vegetation is advocated by the Comprehensive Plan and it can be credited towards the required plantings.

- B. A significant portion of the site would be covered with the canopy/carport

structures. As stated previously, the canopies are 14 feet high at the highest point and the largest canopy structure on the Concept Development Plan site is approximately 620 feet long. The governing bodies will need to consider whether these structures are appropriate and compatible for the site in question, particularly when considering the Comprehensive Plan's statements regarding "commercial parking uses." The images of the canopies submitted with the application include a schematic line drawing and a photo of an overall site with many canopies together. Staff requests that the applicant provide a photo of one canopy taken at close range for the Zone Change Committee to evaluate.

- C. The intended lighting for the development was not addressed in the Concept Development Plan materials. The applicant should explain the intended lighting plan or approach. The 2006 approval included the following two conditions which could be used as a starting point for any lighting conditions for the current application.

Condition #4: All light poles located in the commercial subdivision shall be no taller than twenty (20) feet. All illumination from light fixtures will be directed inwards and downwards toward the principal buildings and all light fixtures will be equipped with cut-off shields.

Condition #5: Wall packs used for parking lot illumination shall be prohibited on the northwestern and southwestern building facades of lots 1 and 2. This condition does not prohibit light fixtures to be constructed at doorways.

- D. For the applicant's information, all applicable standards in Article 33 "Off-Street Parking and Loading Facilities" of the zoning regulations, such as driveway widths, parking stall dimensions, etc., will need to be met at the site plan stage. Based on 3,193 parking spaces proposed for the overall development, a minimum of 52 handicap parking spaces will need to be provided.

3. 2006 CONCEPT DEVELOPMENT PLAN APPROVAL

It is not clear in the application materials whether the current proposal is intended to replace the approved Concept Development Plan from 2006, or would be a second option from which the owner could follow in addition to the 2006 plan. The applicant should clarify this issue.

4. TRAFFIC MANAGEMENT

Condition #2 of the 2006 approval required the applicant to install or participate in several transportation improvements to the Ridgedale Drive/KY 20 intersection. Since the proposed development would not use Ridgedale Drive for access, except perhaps for occasional grounds maintenance, this condition would be moot.

Based on the size of the development and the fact that only one access point to the entire site is proposed, Staff recommends that a gated emergency access from Ridgedale Drive or the adjoining site at 737 Petersburg Road be considered. This could be used in the case of an emergency such as a car fire, or potentially for grounds keeping, but not for routine customer or business use. This access could be as simple as a one lane driveway which was surfaced with asphalt, concrete, or grass pavers. A "fire department access drive" was addressed for an earlier proposal in the 7/9/08 variance approval by the Board of Adjustment (refer to condition #3 in attached CLUR #08-BCBOA-014A).

5. SD1 COMMENTS

Sanitation District No. 1 has commented that "it appears this project will be required to obtain a Land Disturbance Permit from SD1 meeting current NKY Storm Water Rules and Regulations," and that "any alterations to sanitary connection(s) and or capacity must be approved meeting current Sanitary Rules and Regulations" (2/19/14 e-mail from Andy Aman, Environmental Compliance Administrator, Integrated Watershed Management Department of SD1 is attached).

6. OUTSIDE AGENCY COMMENTS

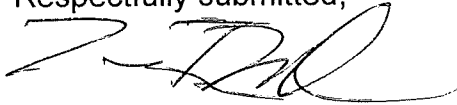
Staff has requested comments on the proposal from the Boone County Public Works Department and the Hebron Fire Protection District. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing

and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



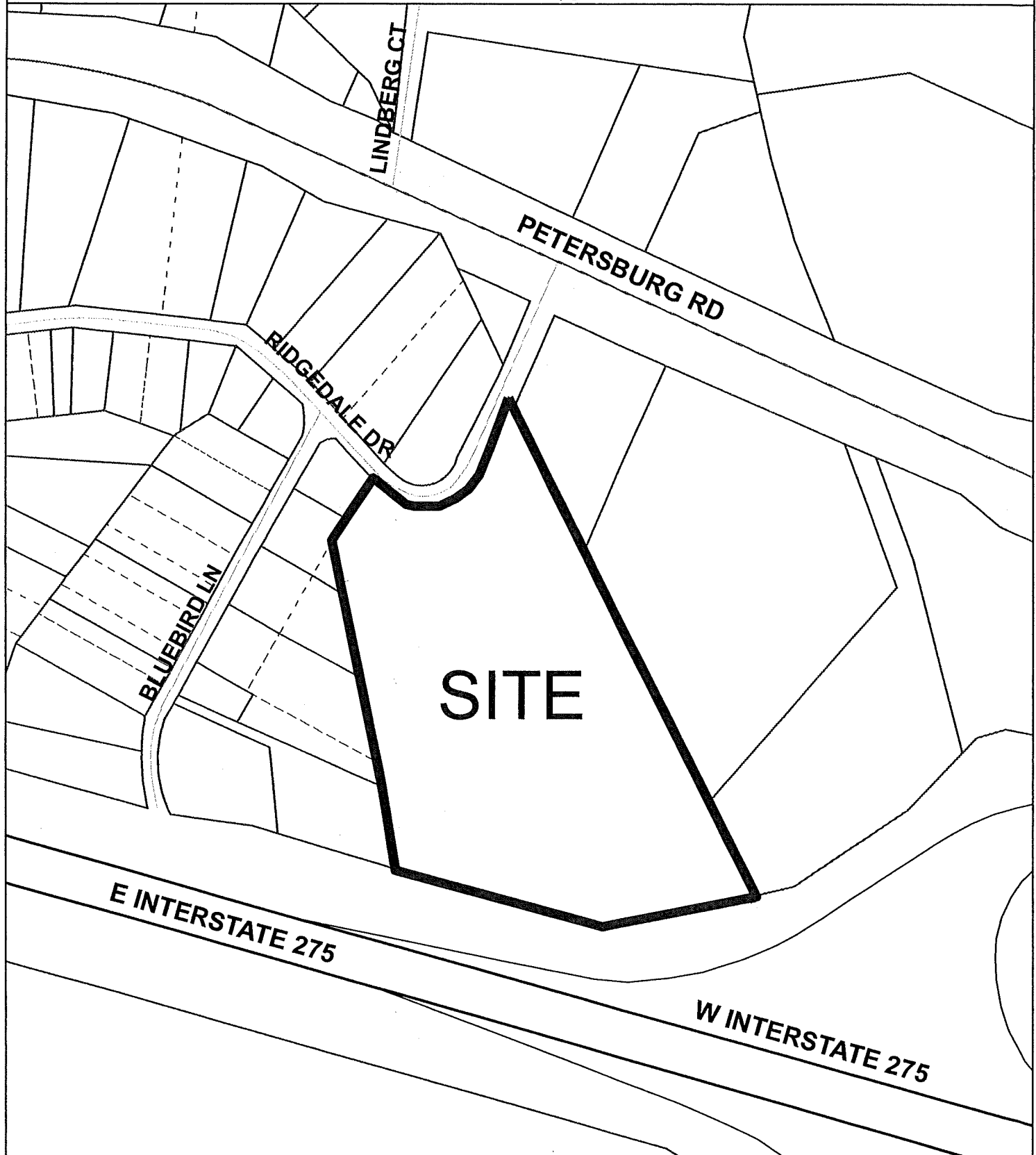
Kevin T. Wall, AICP
Director, Zoning Services

Attachments:

- Location Map
- Aerial Photograph with Zoning
- 2035 Future Land Use Map Excerpt
- Topographic Map
- 4/19/06 Committee Report including approved Concept Development Plan, Planning Commission Resolution R-06-013, and Ordinance 06-11
- 7/9/08 Boone County Board of Adjustment conditions of variance approval (CLUR #08-BCBOA-014A)
- 12/16/13 Letter from Kevin Wall, Zoning Administrator, to Mark Brueggemann regarding change to approved Concept Development Plan
- 2/19/14 e-mail from Andy Aman, Environmental Compliance Administrator, Integrated Watershed Management Department of SD1
- Application Materials

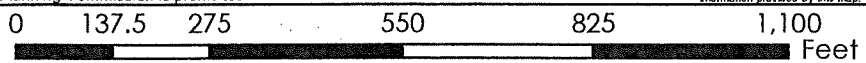
Location

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 273 feet



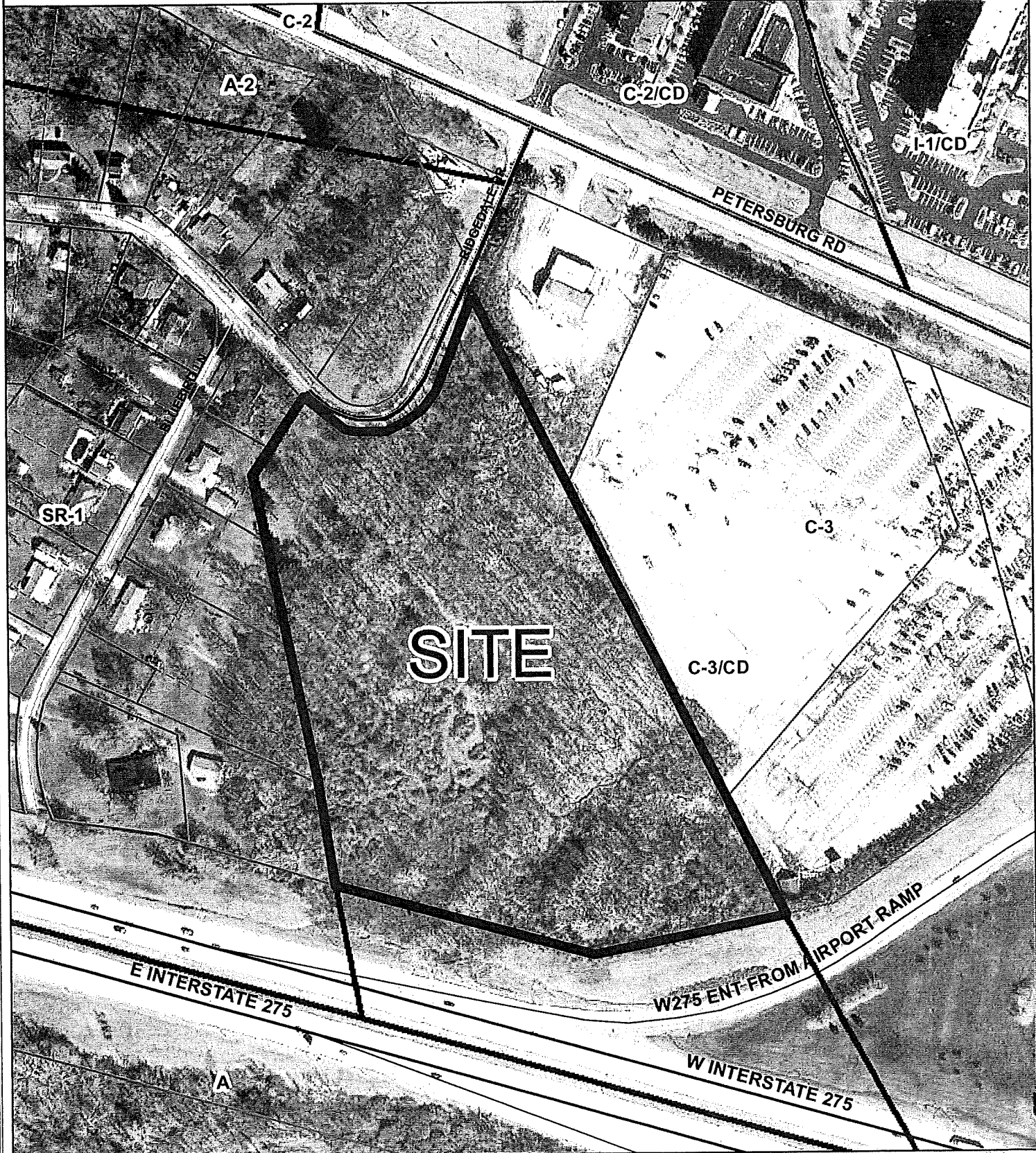
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap.mxd

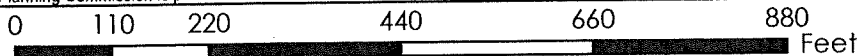
Zoning

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 218 feet



Boone County GIS - Putting Northern Kentucky on the Map

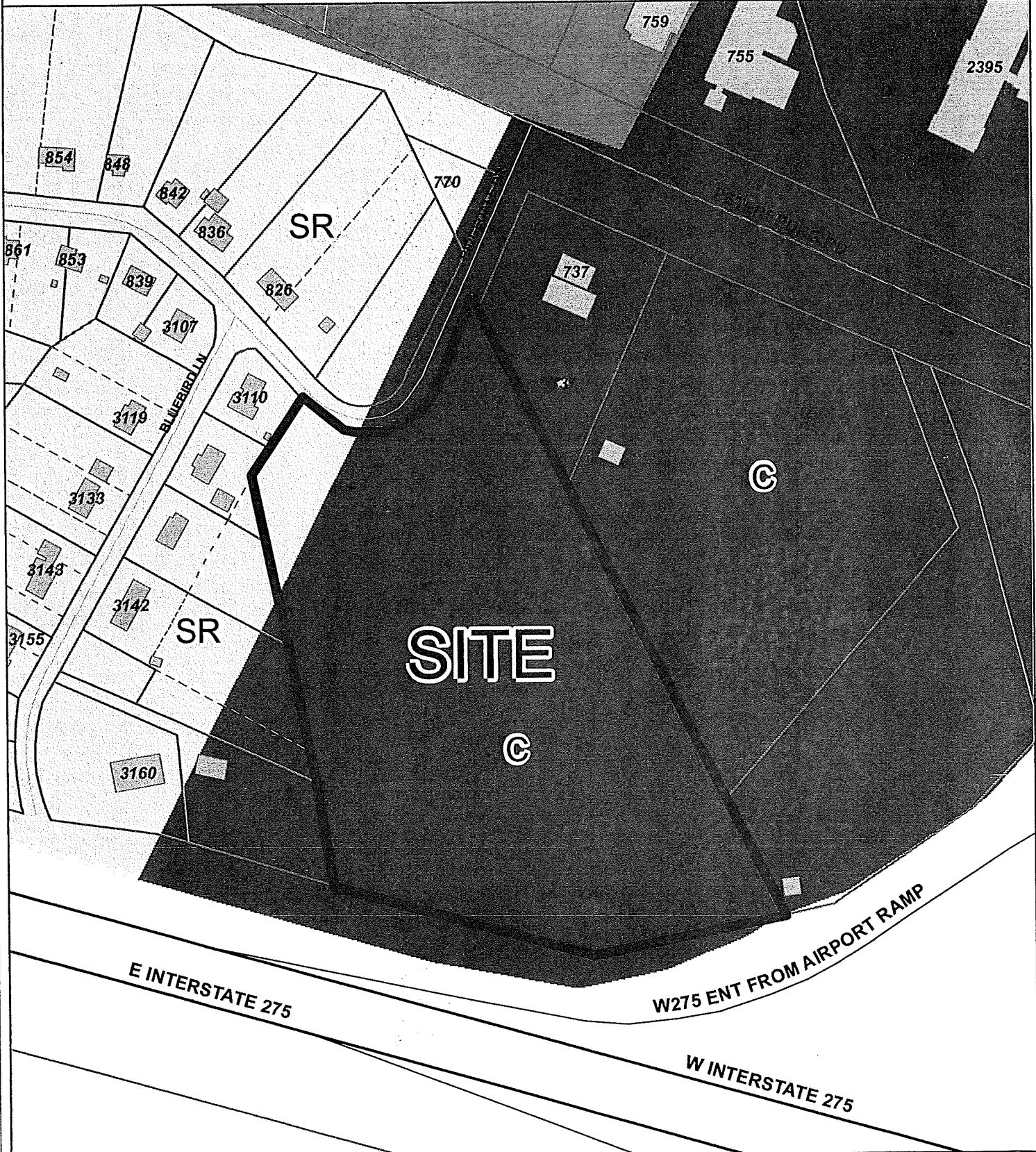


Map Created: 07/01/2013

Small text at the bottom right corner, likely a file path or document name: ArcMap Document: BooneMap.mxd

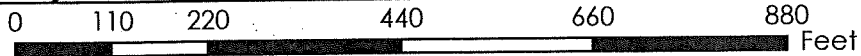
Future Land Use

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 218 feet



Boone County GIS - Putting Northern Kentucky on the Map

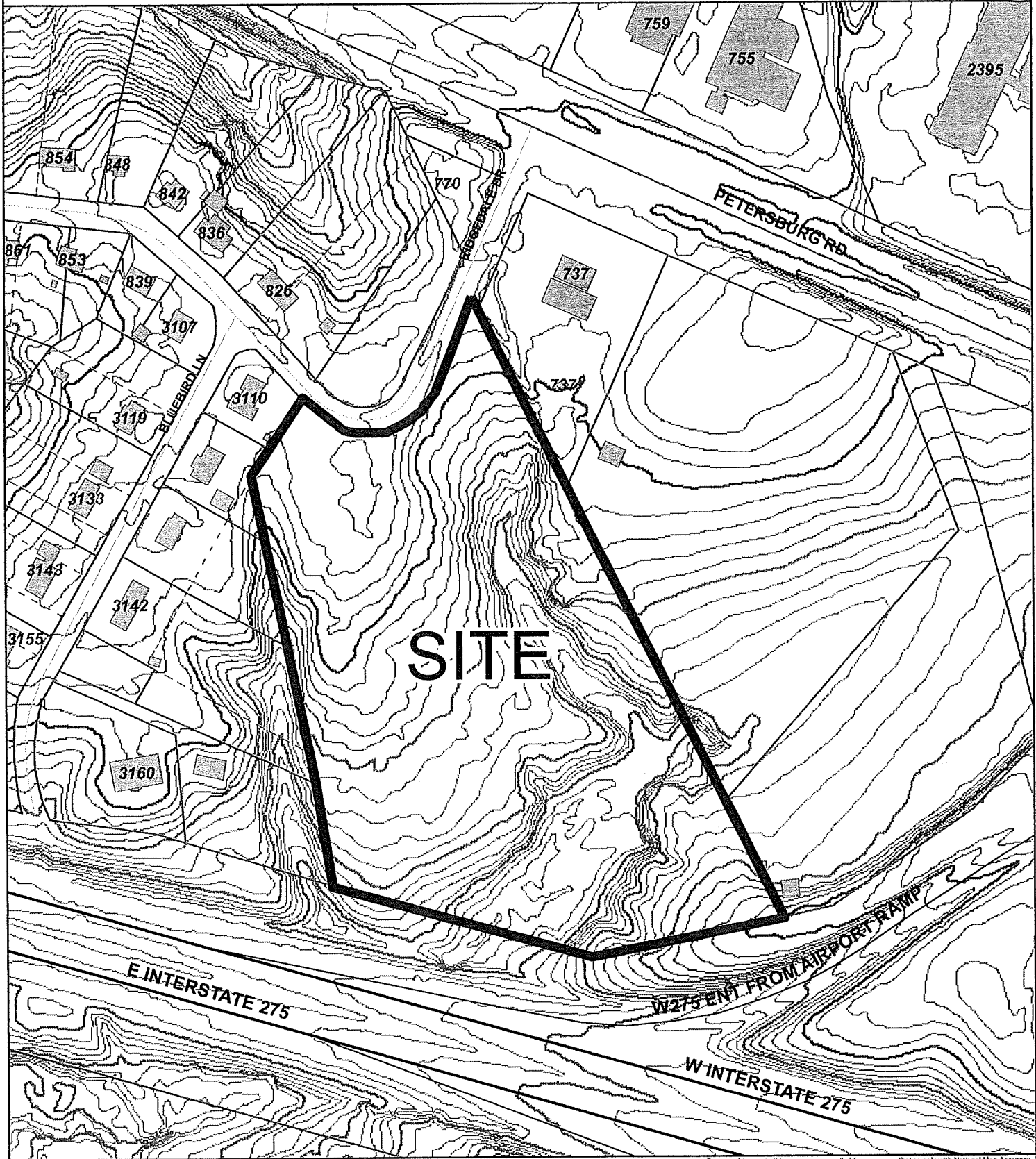


Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap.mxd

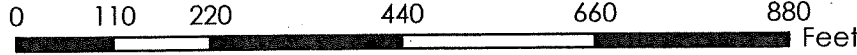
Topography

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

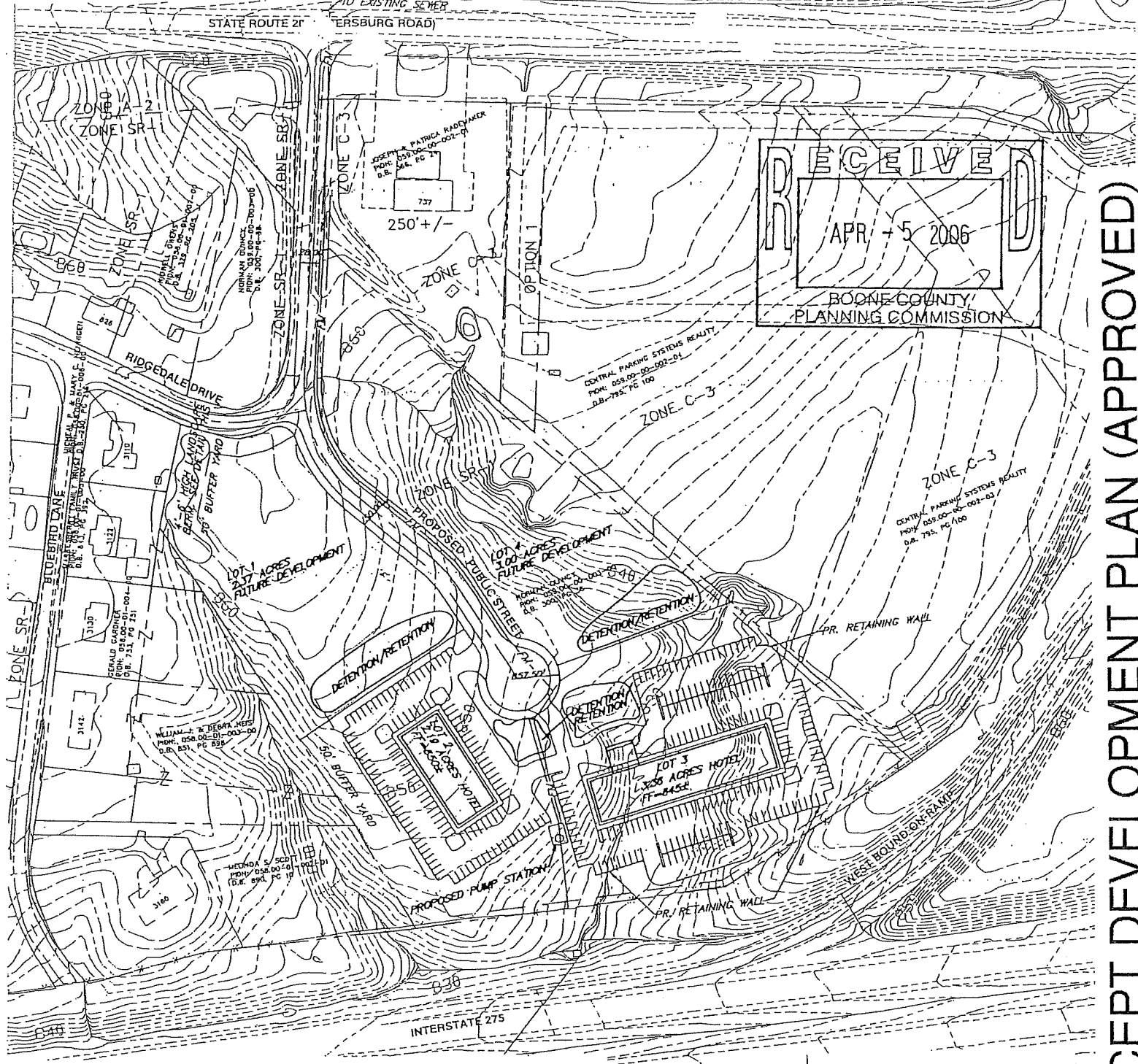
Map Document: BooneMap.mxd

STATE ROUTE 27
ERSBURG ROAD

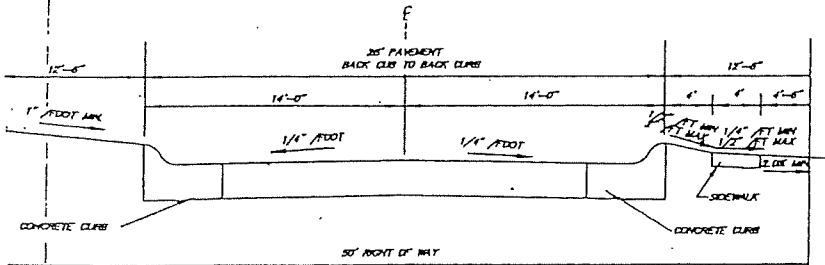
RECEIVED

APR 15 2006

BOONE COUNTY
PLANNING COMMISSION



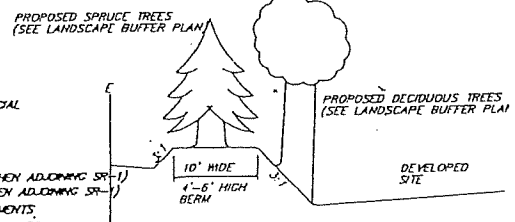
2006 CONCEPT DEVELOPMENT PLAN (APPROVED)



PROPOSED TYPICAL SECTION - PUBLIC STREET

SITE STATISTICS:

TOTAL AREA OF PROPERTY	12.67 AC
TOTAL AREA OF ZONE CHANGE	12.6 AC
EXISTING ZONE:	SR-1
PROPOSED ZONE:	C3
FUTURE LAND USE PLAN:	(C) - COMMERCIAL
NUMBER OF LOTS:	5
MIN. LOT SIZE:	20,000 SF
MIN. FRONTAGE:	100 FEET
MIN. FRONT YARD SETBACK:	50 FEET
MIN. REAR YARD SETBACK:	20 FEET (50' WHEN ADJOINING SR-1)
MIN. SIDE YARD SETBACK:	10 FEET (50' WHEN ADJOINING SR-1)
LANDSCAPING TO MEET ZONING OBSCURANCE REQUIREMENTS.	
BUILDING FOOTPRINT SIZE:	9000 SQ. FT. TO 15680 SQ. FT.
MAX. BUILDING HEIGHT:	50 FEET



BERM DETAIL

LOT 1	SITE AREA	2.37 ACRES
	PROPOSED USE	PRINCIPALLY PERMITTED USES IN C-3 ZONE
	MAX. INTENSITY	18,000 SF / AC
LOT 2	SITE AREA	2.19 ACRES
	PROPOSED USE	HOTEL
	BLDG. AREA 1ST FLOOR	8,000 SF
	BLDG. HEIGHT	4 STORIES
	MAX. INTENSITY	18,000 SF / AC
	NO. OF SLEEPING ROOMS	100
	EST. NO. OF EMPLOYEES	110
	REQUIRED PARKING SPACES	105
	PROVIDED PARKING SPACES	118
LOT 3	SITE AREA	1.35 ACRES
	PROPOSED USE	HOTEL
	BLDG. AREA 1ST FLOOR	13,000 SF
	BLDG. HEIGHT	4 STORIES
	MAX. INTENSITY	18,000 SF / AC
	NO. OF SLEEPING ROOMS	157
	EST. NO. OF EMPLOYEES	200
	REQUIRED PARKING SPACES	167
	PROVIDED PARKING SPACES	184
LOT 4	SITE AREA	1.00 ACRES
	PROPOSED USE	PRINCIPALLY PERMITTED USES IN C-3 ZONE
	MAX. INTENSITY	18,000 SF / AC

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: April 19, 2006

RE: Request of **Chavez Properties, attn. Manuel Chavez, III (applicant)** for **Norman Quincy (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a ± 11.92 acre site. The site is located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130, and 3142 Bluebird Lane, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow hotels and other commercial uses.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general 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 site for "Commercial" and "Suburban Residential" uses. These designations are described as follows:

Commercial – "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential – "Single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Committee determined that the four commercial lots are proposed in areas which are designated for commercial uses and that 50 foot wide landscape buffers are proposed in portions of the site which are designated for Suburban Residential uses.
 - B. The proposal is in general agreement with the following passages from the Land Use Element:

- “The existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals” (Airport Area, pp. 152-153).

The Committee determined the above referenced passage is applicable to the zone change request because the subject site is immediately adjacent to Allright Airport Parking. This passage shows that hotels, speculative commercial, and office uses have been forecasted in the KY 20/KY212/I-275 area.

- “Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate . . . (Future Land Use Development Guidelines – Buffering, pg. 141).

The Committee determined that potential impacts that could be generated by the commercial subdivision were addressed by the revised concept development plan and the agreed conditions of approval dealing with building design, lighting, landscape buffering, and permitted uses (see conditions).

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

The Committee determined that the potential traffic impacts on Ridgedale Drive and the KY 20/Ridgedale Drive intersection were minimized by upgrading Ridgedale Drive to sub-collector street standards and by the applicant’s agreement to five (5) conditions which require various transportation improvements (see conditions).

- C. The proposal is in general agreement with the following passage from the Business Activity Element:

"The I-275/Airport Interchange should experience a decrease in the existing airport related commercial activities, as these services and activities will eventually be provided on Airport property. The existing airport related commercial businesses at the KY 20/I-275 Interchange should evolve into highway related businesses. This area could support office related businesses, particularly properties possessing panoramic views of the Ohio River" (Business Activity Element – Recommended Areas of Commercial Activity, pp. 62-65).

The Committee determined the above referenced passage is applicable to the zone change request because the subject site is immediately adjacent to Allright Airport Parking. This passages shows that hotels, speculative commercial, and office uses have been forecasted in the KY 20/KY212/I-275 area.

- D. The project is in agreement with the following 2005 Goals and Objectives:

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

The proposed commercial subdivision is located adjacent to I-275, a commercial parking lot, a trucking company, and a residential subdivision. The revised Concept Development Plan shows that Ridgedale Drive will "T" where the proposed public street ties into Ridgedale Drive. This "T" intersection will allow motorists to differentiate the commercial subdivision entrance from the Bluebird Subdivision entrance. The revised Concept Development Plan also shows that 50 foot wide landscape buffers will be required where the rear yard of lots 1 and 2 adjoins Bluebird Subdivision. Lastly, several conditions were agreed to which deal with permitted uses, building materials, site lighting, and transportation improvements.

- Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access (Business Activity, Objective).

The proposed hotels and two speculative lots are located in close proximity to the KY 212/I-275 Interchange and will offer convenience and economy to the traveling public. In addition, the upgrading of Ridgedale Drive to sub-collector street standards and other transportation improvements (see conditions of approval) will minimize traffic congestion for patrons of the proposed businesses and residents of Bluebird Subdivision.

- Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).

The proposed commercial subdivision will tie into public water and sanitary sewer service. The Concept Development Plan shows that the applicant will upgrade a portion of Ridgedale Drive to sub-collector street standards, construct a new public street, and install a sanitary sewer pump station.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

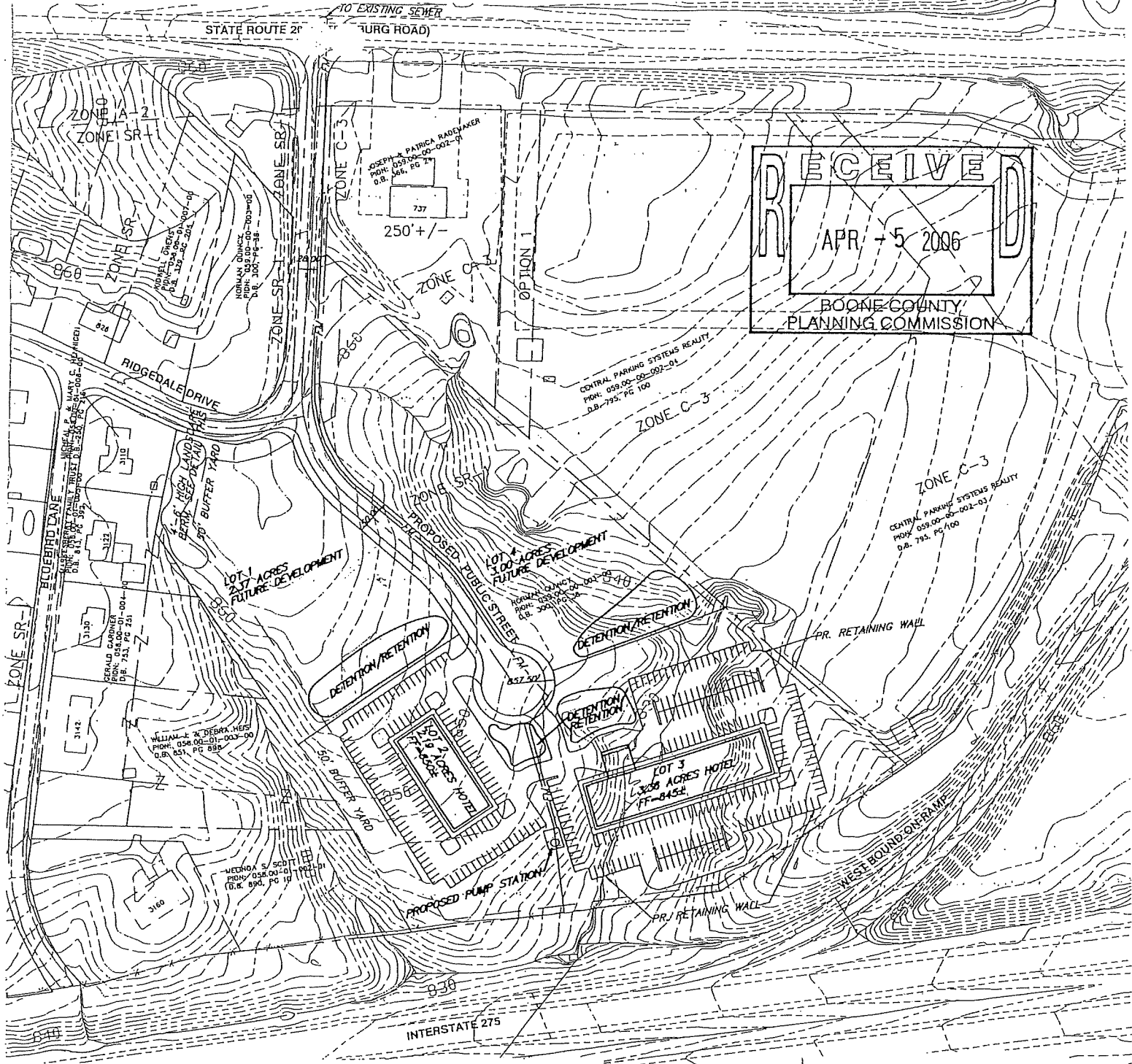
1. The approval is based on the Concept Development Plan that was submitted at the Zone Change Committee meeting on April 5, 2006 (see attachments).
2. The applicant agrees to make the following transportation improvements:
 - A. Installation of a left hand turn lane on KY 20 that will serve westbound traffic entering Ridgedale Drive. The turn lane will be installed and open to the public before the first business in the commercial subdivision opens for business.
 - B. Installation of a deceleration lane on KY 20 that will serve eastbound traffic entering Ridgedale Drive. The deceleration lane will be installed and open to the public before the first business in the commercial subdivision opens for business.
 - C. Installation of a left hand turn lane on Ridgedale Drive at the KY 20/Ridgedale Drive intersection. The turn lane will be installed and open to the public before the first business in the commercial subdivision opens for business.
 - D. Payment for a traffic signal at the KY 20/Ridgedale Drive/Country Inn & Suites driveway intersection. The Kentucky Transportation Cabinet will determine when the traffic warrants have been met and the traffic signal needs to be installed at the intersection.
 - E. A driveway connection shall be provided between lot 4 and P.J. Express.
3. The building height on lot 1 shall be limited to thirty (30) feet.
4. All light poles located in the commercial subdivision shall be no taller than twenty (20) feet. All illumination from light fixtures will be directed inwards and downwards toward the principal buildings and all light fixtures will be equipped with cut-off shields.
5. Wall packs used for parking lot illumination shall be prohibited on the northwestern and southwestern building facades of lots 1 and 2. This condition does not prohibit light fixtures to be constructed at doorways.

Chavez Properties/Norman Quincy

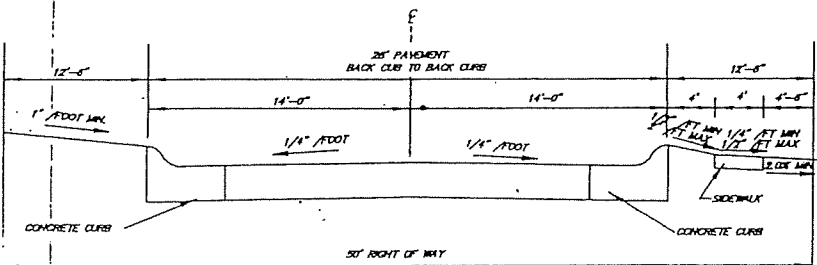
April 19, 2006

6. Trash dumpsters are prohibited to adjoin the western and southwestern property lines of lots 1 and 2.
7. A drive through is permitted on lot 1 but it must be constructed so that the intercom system and/or menu board is not adjacent to the western and southwestern property lines. In addition, any drive through facility constructed on lot 1 cannot stay open past 11:00 P.M.
8. Six foot (6') tall vinyl coated chain link fencing will be installed where the berm ends on lot 1 and will run through lot 2 to the Interstate 275 right-of-way line. The fencing will be located within close proximity to the rear parking lots.
9. The applicant will record a sign easement on the 0.85 acre portion of Norman Quincy's property which has been removed from the zone change request. The sign easement is for the sole purpose of allowing the residents of Bluebird Hill Subdivision to construct an entrance monument if they so choose. The sign shall be in compliance with the dimensional requirements of the Boone County Zoning Regulations and will be approved through the sign permit review process.
10. The buildings constructed in the commercial subdivision shall be subject to a Staff Design Review. Building elevation drawings will be submitted during Site Plan Review that shows compliance with the following items:
 - Sixty percent (60%) of all building facades shall be constructed with brick, stone, or textured concrete block. EIFS may be used for cornice lines, incidental detailing, and sections of the fascia provided it is broken into multiple planes on each facade.
 - No roof equipment shall be visible from public streets or adjoining property which is residentially zoned.
11. An attachment lists the principally permitted, accessory uses, and conditional uses (subject to Board of Adjustment approval) which can develop on the site. Prohibited uses have lines drawn through them.

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.



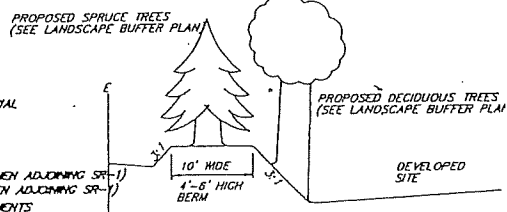
RECEIVED
 APR 15 2006
 BOONE COUNTY
 PLANNING COMMISSION



PROPOSED TYPICAL SECTION - PUBLIC STREET

SITE STATISTICS:

TOTAL AREA OF PROPERTY 12.87 AC
 TOTAL AREA OF ZONE CHANGE 122 AC
 EXISTING ZONE: SR-1
 PROPOSED ZONE: C-3
 FUTURE LAND USE PLAN: (C) - COMMERCIAL
 NUMBER OF LOTS: 5
 MAX. LOT SIZE: 20,000 SF
 MAX. FRONTAGE: 100 FEET
 MAX. FRONT YARD SETBACK: 50 FEET
 MAX. REAR YARD SETBACK: 20 FEET (20' WHEN ADJOINING SR-1)
 MAX. SIDE YARD SETBACK: 10 FEET (50' WHEN ADJOINING SR-1)
 LANDSCAPING TO MEET ZONING ORDINANCE REQUIREMENTS
 BUILDING FOOTPRINT SIZE: 50000 SQ. FT. TO 156800 SQ. FT.
 MAX. BUILDING HEIGHT: 50 FEET



BERM DETAIL

LOT 1	SITE AREA	2.37 ACRES
	PROPOSED USE	PRINCIPALLY PERMITTED USES IN C-3 ZONE
	MAX. INTENSITY	18,000 SF / AC
LOT 2	SITE AREA	2.19 ACRES
	PROPOSED USE	HOTEL
	BLDG. AREA 1ST FLOOR	8,000 SF
	BLDG. HEIGHT	4 STORES
	MAX. INTENSITY	18,000 SF / AC
	NO. OF SLEEPING ROOMS	100
	EST. NO. OF EMPLOYEES	10
	REQUIRED PARKING SPACES	105
	PROVIDED PARKING SPACES	118
LOT 3	SITE AREA	3.38 ACRES
	PROPOSED USE	HOTEL
	BLDG. AREA 1ST FLOOR	15,000 SF
	BLDG. HEIGHT	4 STORES
	MAX. INTENSITY	18,000 SF / AC
	NO. OF SLEEPING ROOMS	157
	EST. NO. OF EMPLOYEES	20
	REQUIRED PARKING SPACES	167
	PROVIDED PARKING SPACES	184
LOT 4	SITE AREA	3.00 ACRES
	PROPOSED USE	PRINCIPALLY PERMITTED USES IN C-3 ZONE
	MAX. INTENSITY	18,000 SF / AC

SECTION 1030

COMMERCIAL SERVICES (C-3)

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

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

- ~~1. All principally permitted uses of a Commercial One (C-1) district;~~
- ~~2. All the principally permitted uses in an Office One (O-1) district;~~
- ~~3. Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
- ~~5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;~~
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
7. Eating and drinking establishments including alcoholic beverages;
(with conditions that the use is excluded on lot 1 and that a saloon cannot be the principal use on lot 4)
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales; **(with condition that all vehicles for sale must be parked inside a building)**
- ~~9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
- ~~12. Equipment (light), automobile, truck rental and leasing services;~~
- ~~13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;~~

14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;
17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
21. Hotels and motels including convention facilities;
22. Auto parts and accessories stores;
23. ~~Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;
25. ~~The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~
26. ~~Pawn shops. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~

SECTION 1032

Accessory Uses

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

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assembly areas; **(with condition that use is only permitted inside the principal structure)**
 - b. Auditoriums, exhibition halls and other public assembly spaces; **(with condition that use is only permitted inside the principal structure)**
 - c. Amusement centers; **(with condition that use is only permitted inside the principal structure)**
 - d. Tennis courts and billiards; **(with condition that outdoor tennis courts cannot be open past 11:00 P.M.)**
 - e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. Swimming beaches and swimming pools; **(with condition that outdoor swimming pools cannot be open past 11:00 P.M.)**

- g. General, leisure, ornamental and other park spaces;
- 2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;~~
- ~~7. The rental of trucks and trailers;~~
- 8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155 (see **Condition #7**).

SECTION 1033

Conditional Uses and Criteria

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

- ~~1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;~~
- ~~2. Truck stops;~~

SECTION 1010

COMMERCIAL ONE (C-1)

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

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
(with conditions that the use is excluded on lot 1 and that a saloon cannot be the principal use on lot 4)
- ~~3. Grocery stores and supermarkets;~~
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;

22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1012

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces; **(with condition that use is only permitted inside the principal structure)**
 - b. Aquariums, botanical gardens and other natural exhibitions; **(with condition that use is only permitted inside the principal structure)**
 - c. Stages and similar assembly areas; **(with condition that use is only permitted inside the principal structure)**
 - d. Indoor target ranges and similar athletic uses; **(with condition that use is only permitted inside the principal structure)**
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;

- d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
- ~~7. Retail sale of motor fuels;~~
8. Drive-up photo finishing services and automatic teller services; **(see Condition #7)**
- ~~9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155 **(see Condition #7)**

SECTION 1110

OFFICE ONE (O-1)

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

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;

8. Eating and drinking establishments including alcoholic beverages;
(with conditions that the use is excluded on lot 1 and that a saloon cannot be the principal use on lot 4)
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
- ~~26. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1112

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:

- a. Temporary exhibit spaces; **(with condition that use is only permitted inside the principal structure)**
 - b. Aquariums, botanical gardens and other natural exhibitions; **(with condition that use is only permitted inside the principal structure)**
 - c. Stages and similar assembly areas; **(with condition that use is only permitted inside the principal structure)**
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Automatic teller machines;
 6. Single-family dwelling unit;
 7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155 **(see condition #7)**.

RESOLUTION R-06-013-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF CHAVEZ PROPERTIES, ATTN: MANUAL CHAVEZ, III (APPLICANT) FOR NORMAN QUINCY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A ±11.92 ACRE SITE. THE SITE IS LOCATED ALONG THE EAST AND SOUTH SIDES OF RIDGEDALE DRIVE, APPROXIMATELY 300 FEET SOUTH OF THE RIDGEDALE DRIVE/PETERSBURG ROAD INTERSECTION AND IMMEDIATELY SOUTH OF THE PROPERTY AT 737 PETERSBURG ROAD, AND EAST OF THE PROPERTIES AT 3110, 3122, 3130 AND 3142 BLUEBIRD LANE, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a ±11.92 acre site. The site is located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a ±11.92 acre site. The site

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-06-013-A
PAGE TWO**

is located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 300, PAGE NO. 38 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

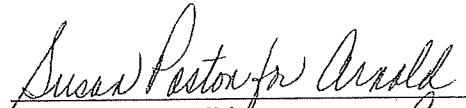
SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment for a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a ±11.92 acre site. The site is located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky, shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-06-013-A
PAGE THREE


PASSED AND APPROVED ON THIS 3RD DAY OF MAY, 2006.

APPROVED:



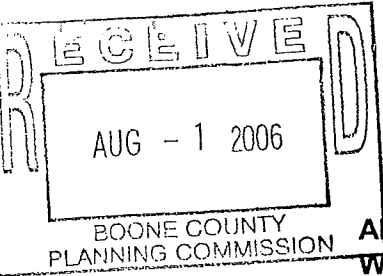
ARNOLD CADDELL
CHAIRMAN *Caddell*

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

AC:vlm



ORDINANCE 06-11

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF CHAVEZ PROPERTIES, ATTN: MANUAL CHAVEZ (APPLICANT) FOR NORMAN QUINCY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 11.92 ACRE SITE. THE SITE IS LOCATED ALONG THE EAST AND SOUTH SIDES OF RIDGEDALE DRIVE/PETERSBURG ROAD INTERSECTION AND IMMEDIATELY SOUTH OF THE PROPERTY AT 737 PETERSBURG ROAD, AND EAST OF THE PROPERTIES AT 3110, 3122, 3130 AND 3142 BLUEBIRD LANE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 11.92 acre site. The site is located along the east and south sides of Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky, which is more particularly described below; and,

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

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and hereby is approved with conditions, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 11.92 acre site. The site is located along the east and south sides of Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 300, PAGE NO. 38 (as supplied by applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

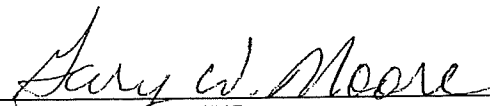
The Committee recommended approval of the request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 6th day of June, 2006.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 11th day of July, 2006, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


LOUIS KELLY
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

8-3-06
DATE PUBLISHED

COPY

CLUR #08-BCBOA-014-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Chavez Properties
250 W. Court St., Ste. 200E
Cincinnati, OH 45202

2. ADDRESS OF PROPERTY
613 Petersburg Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Fast Park and Relax

4. DEED BOOK 935 PAGES 61, 419 GROUP NOS. 2009 & 2010

5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
 From To
 Development Plan Conditional Zoning
 Subdivision Plat Other:
 (Not Recorded)
 X Variances (2)

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

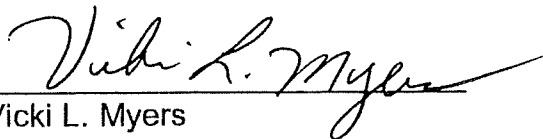
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

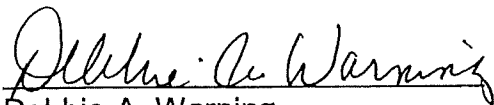
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of July, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the VariANCES (2) approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of July 9, 2008 Certificate of Land Use Restriction (#08-BCBOA-014-A), for Chavez Properties, Property Owner(s).

The following conditions will apply:

- 1) The property owner will approach the Kentucky Transportation Cabinet about planting in the KY 20 right-of-way at the time the KY 20 road improvement project is complete and open to the public. Buffer Yard A plantings or its equivalent shall be planted on the site or in the KY 20 right-of-way. The property owner will be responsible for submitting landscaping plans to the Boone County Planning Commission at the time the road improvements are complete and open to the public. The applicant will be required to come back to this Board in regard to this condition if they cannot install Buffer Yard A on the property or in the right-of-way.
- 2) A 10' wide street frontage buffer shall be installed on the approximate 520 linear foot area which adjoins the I-275 on-ramp. The buffer yard shall be required at the time the parking covers are installed. The 520' measurement shall start at the KY 212 right-of-way line and run westward. Some of the plantings may be installed in the I-275 right-of-way with the approval of the Kentucky Transportation Cabinet. If approval is denied, then the applicant will be required to come back to the Boone County Board of Adjustment in regard to this condition.
- 3) A fire department access drive shall be provided. The existing driveway which roughly aligns with Progress Drive is to be upgraded and paved to support a maximum load of 50,000 pounds. The access drive and gate are to be a minimum of 14 feet wide.

The approved VariANCES (2) as well as the preceding conditions apply to the property described in:



BOONE COUNTY PLANNING COMMISSION

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

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

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

December 16, 2013

Mr. Mark V. Brueggemann, P.E.
Co-President
CDS Associates, Inc.
7000 Dixie Highway
Florence, KY 41042

RE: Chavez Properties "Fast Park and Relax" Proposed Change to Approved Concept Development Plan, Approximate 13 Acre Site, Ridgedale Drive, Boone County, Kentucky

Dear Mr. Brueggemann:

I have reviewed your letter dated 12/11/13 and the accompanying plan. The current proposal is to refurbish and expand the existing Chavez commercial parking facility westward onto the approximate 13 acre site at Ridgedale Drive. The site is subject to a zone change from SR-1 to C-3 that was conditionally approved in 2006. The Concept Development Plan approved in conjunction with the zone change showed a multi-user/multi-lot concept with a public street extension from Ridgedale Drive. This development had no direct physical relationship with the existing Chavez commercial parking facility.

Section 314 "Amendments to an Approved Zoning Map Amendment" of the Boone County Zoning Regulations states:

Major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.

A key aspect of Section 314 is whether or not there are changes in the development concept. The regulations deem changes in the development concept to be "major amendments" which must be reviewed and approved through the Public Hearing process. The Zoning Administrator is only authorized to approve "minor amendments" which "do not involve changes in the development concept."

Although the proposal is for a commercial parking facility, and the conditions of approval permit commercial parking, the development concept now proposed is substantially different from the Concept Development Plan approved in 2006. Whereas the current proposal is a westward expansion of the existing commercial parking facility (I understand that upgrade/refurbishment type of work is part of the project), the approved Concept Development Plan shows four unrelated

Mr. Mark V. Brueggemann, P.E.
December 26, 2013
Page 2

commercial lots which are physically separated from the Chavez parking facility, and which are accessed from an extension of Ridgedale Drive that would terminate in a cul-de-sac. In short, the layout of the project is substantially different and neighboring property owners, decision makers, etc., could not have ever anticipated that the current proposal would result from the 2006 approval.

Additionally, Condition #1 in the 4/19/06 Committee Report states:

The approval is based on the Concept Development Plan that was submitted at the Zone Change Committee meeting on April, 5, 2006 (see attachments).


The plan attached to the Committee Report is the four lot layout with the cul-de-sac extension discussed above. Thus, the 2006 approval is tied to the specific Concept Development Plan presented at the time.

Based on the language of Section 314 and Condition #1 in the 4/19/06 Committee Report, it is my conclusion that the proposal constitutes a "major amendment" which must be reviewed and approved through the Change in Concept Development Plan (i.e., Public Hearing) process. It is understood that the proposal is for the expansion of the existing commercial parking facility, and that commercial parking is a permitted use under the zone change conditions which apply to this site. I am not making any judgements regarding the merits of the proposal at this point, but rather whether it qualifies as a major or minor amendment.

I noticed several potential exceptions or waivers to zoning code requirements mentioned in your letter, particularly landscaping requirements. Some of these could have substantial effect upon neighboring properties and/or the character of the subject development. My best advice for this type of project is to meet and/or exceed the development standards stated in the regulations.

Because this letter outlines a determination of the Zoning Administrator, it may be appealed to the Board of Adjustment within thirty (30) days. In order for an appeal to be granted, it must be demonstrated that the decision is in error versus just contrary to one's goals or wishes. Please call me if you have any questions.

Sincerely,



Kevin T. Wall, AICP
Zoning Administrator
Boone County Fiscal Court

KTW/vlm

cc: Jeff Earlywine, Boone County Administrator
Todd Morgan, AICP, Senior Planner

Kevin Wall

From: Aman, Andy [aaman@sd1.org]
Sent: Wednesday, February 19, 2014 11:00 AM
To: Kevin Wall
Cc: William Plunkett; Haggard, Greg
Subject: Chavez Properties Change in Approved Concept Development Plan

Kevin,

SD1's comments are as follows.

- 1.) It appears this project will be required to obtain a Land Disturbance Permit from SD1 meeting current NKY Storm Water Rules and Regulations.
- 2.) Any alterations to sanitary connection(s) and or capacity must be approved meeting current Sanitary Rules and Regulations.

Please let me know if you have any questions or need further clarification regarding these comments.

Regards,

Andy

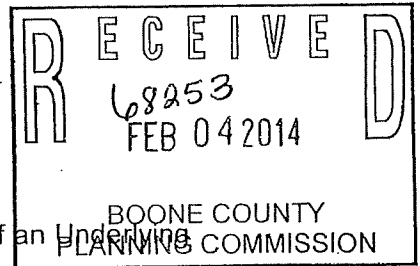
--

Andy Aman
Environmental Compliance Administrator
Integrated Watershed Management Department
SD1
1045 Eaton Drive
Ft. Wright, KY 41017
859-578-6880

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project FAST PARK AND RELAX FACILITY EXPANSION - CVG
- 3. Location of Project 613 PETERSBURG ROAD HEBRON, KY 41048
- 4. Total Acreage of Site 11.7
- 5. Current Zoning C-3/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) SPRING 2006
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No

8. Proposed Uses (please specify each use) COMMERCIAL PARKING FACILITY

9. Proposed Building Intensities (please specify) N/A

10. Have you submitted a Concept Development Plan? YES

11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

12. Name of Applicant(s) CHAVEZ PROPERTIES (PETERSBURG LLC)
Phone Number 513-241-0429 Fax No. 513-241-0497 E-Mail MANUEL@CHAVEZPROPERTIES.COM

13. Address of Applicant(s) 250 WEST COURT STREET SUITE 200 E
CINCINNATI OHIO 45202
City State Zip

14. Name of Property Owner(s) CHAVEZ PROPERTIES (PETERSBURG LLC)
Phone Number 513-241-0429 Fax No. 513-241-0497 E-Mail MANUEL@CHAVEZPROPERTIES.COM

15. Address of Property Owner(s) 250 WEST COURT STREET SUITE 200 E
CINCINNATI OHIO 45202
City State Zip

16. Are there any existing buildings on the site? No
How many? N/A

17. Deed Book 300 Page No. 38 Group No. _____

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

(over)

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

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

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

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

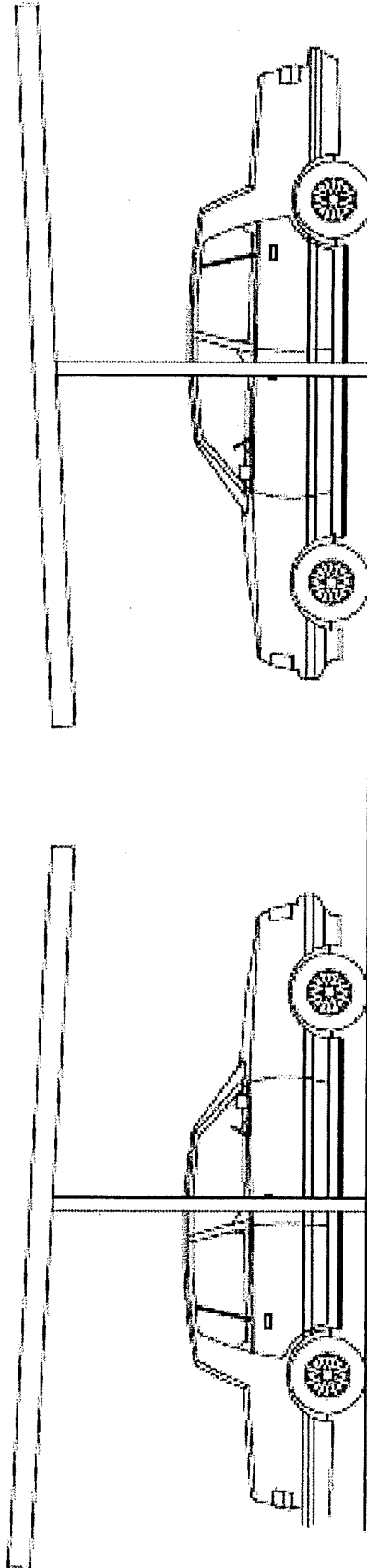
22. ORIGINAL Applicant's Signature Manuel Chao
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 2/4/13 Fee Received \$2,516.⁰⁰ R# 68253
2. Check what has been submitted:
 Application Fee _____ Legal Description
 Concept Development Plan _____ Addresses of Adjoining Property Owners
_____ No. of copies of plan received **
3. Is application complete? YES _____ NO
4. Staff Reviewer KEVIN WILL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 3/5/14
7. Boone County Planning Commission Action:
 Approved _____ Approved With Conditions
 Denied
8. Other: _____

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.



UNENCLOSED STEEL CARPORT DETAIL

N.T.S.





EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: April 2, 2014

RE: Request of **Chavez Properties (Petersburg LLC) (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 11.7 acre site located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive / Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the Properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the expansion of an existing commercial parking facility onto the subject site.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions. The property owner has clarified that the proposal outlined in this application is a second option for the development of the property, and that it would not replace or void the Concept Development Plan which was conditionally approved in 2006.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site largely as "Commercial ." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." An incidental area in the northwest corner of the site is designated as "Suburban Residential." The SR portion of the site is mostly proposed to be a landscaped area.
 - B. The Land Use Element ("14. Airport," pp. 176 and 177) states "the existing commercial parking lot facilities at KY 20 and KY 212 should eventually redevelop into office, hotel, convention, and travel related commercial uses. Commercial parking uses should be relocated onto airport property, in closer proximity to the airport terminals." Similarly, the Business Activity Element ("Recommended Areas of Commercial Activity," pg. 69) states "the I-275/KY 212 Interchange should experience a decrease in airport related commercial

activities due to the economy, as these services and activities may eventually be provided on Airport property. The existing airport related commercial businesses at the KY 20/I-275 Interchange should evolve into highway related businesses.”

When considering that the site is designated for Commercial uses by the Future Land Use Map, and that the 2006 Zoning Map Amendment/Concept Development Plan approval currently in effect already allows commercial parking facilities in a different physical layout, it is the Committee’s conclusion that the proposal fulfills the basic intent and direction of this text. Additionally, the owner of the property in question also owns the existing commercial parking facility across the street on the north side of Petersburg Road. The property owner has stated that it is their intent to close the facility on the north side of the road after the subject site is developed, which will reduce the overall number of commercial parking spaces in the KY 20/KY 212 vicinity.

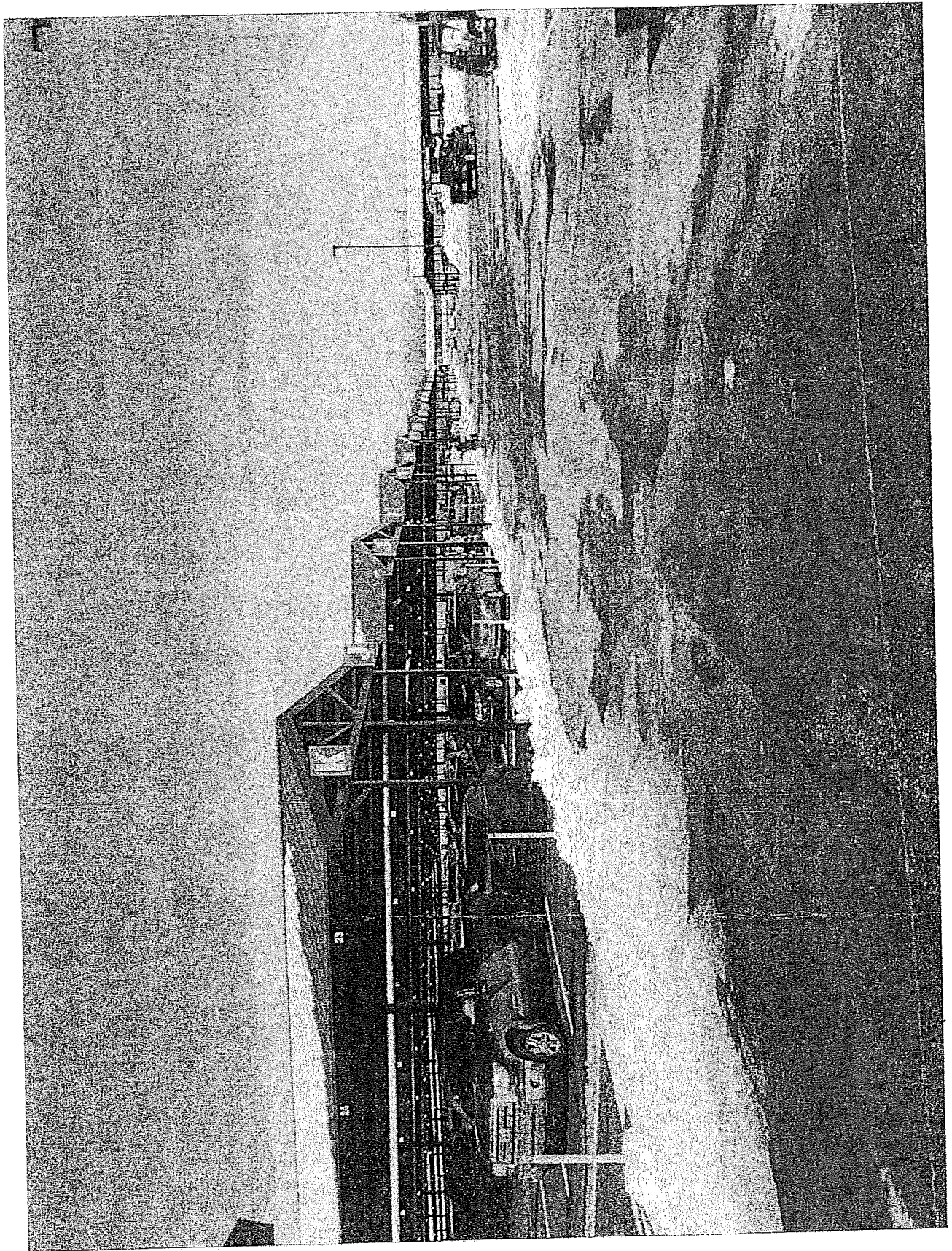
The property owner has also stated that due to the “decrease in airport related commercial activities due to the economy” stated in the Business Activity Element, the variety of commercial services, such as hotels, that were envisioned by the 2006 Concept Development Plan are not viable. Approval of the current proposal would increase the likelihood that future airport related commercial services would locate on the Airport proper per the Land Use and Business Activity Elements.


- C. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the Future Land Use Development Guidelines and the Goals and Objectives which are outlined in the Staff Report for this request. The Future Land Use Development Guidelines and the Goals and Objectives outline the proper location of business activities, design issues such as landscaping, retention of existing vegetation, and architecture, and the mitigation of impacts such as noise, light, and overall activity levels. It is the Committee’s conclusion that the proposal for a low turnover, long term parking facility with one story open canopy structures will have less adverse effects on the neighboring properties than are possible under the current 2006 Concept Development Plan, which allows a variety of active uses and multi-story buildings.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The canopy structures shall use a gable roof design with a dark green, standing seam style metal roof surfacing as shown in the attached photograph. Photovoltaic (PV) panels, irrespective of color, may be mounted on the canopies at the owner's option.
2. The initial lighting on the site shall consist of downlit, freestanding masts which are a maximum of 20 feet high. The freestanding masts shall be removed and replaced as the canopy structures are constructed with downlit fixtures which are mounted underneath the canopies. There shall be no measurable light at the property lines (0 footcandles).
3. No PA system shall be used on the lot.
4. There shall be no parking of the shuttle vehicles in the Concept Development Plan area. The shuttles may stop for the purpose of picking up and dropping off customers at their vehicles.
5. Grading and disturbance on the site shall follow the attached plans. The grading as shown on these plans will produce a berm effect when viewed from the neighboring residential properties to the west. Healthy, mature vegetation which is outside of the grading limits along the north and west boundaries of the site shall be retained. The retained vegetation may be credited towards the applicable landscaping requirements.
6. A 6 foot high, decorative, architectural grade black metal fence with an open or transparent design will be used around the perimeter of the site. This fence may be placed up to the property line and shall be configured through the buffer yard area so that the removal of existing trees is avoided.
7. A gated emergency access driveway shall be provided from the north-south leg of Ridgedale Drive. The width and surfacing of this driveway shall meet the requirements of the Hebron Fire Protection District.

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




ODS ASSOCIATES, INC.
 1111 Westwood Blvd.
 Suite 200
 Louisville, KY 40203
 Phone: (502) 452-1111
 Fax: (502) 452-1112
 Website: www.odsassoc.com

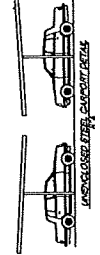
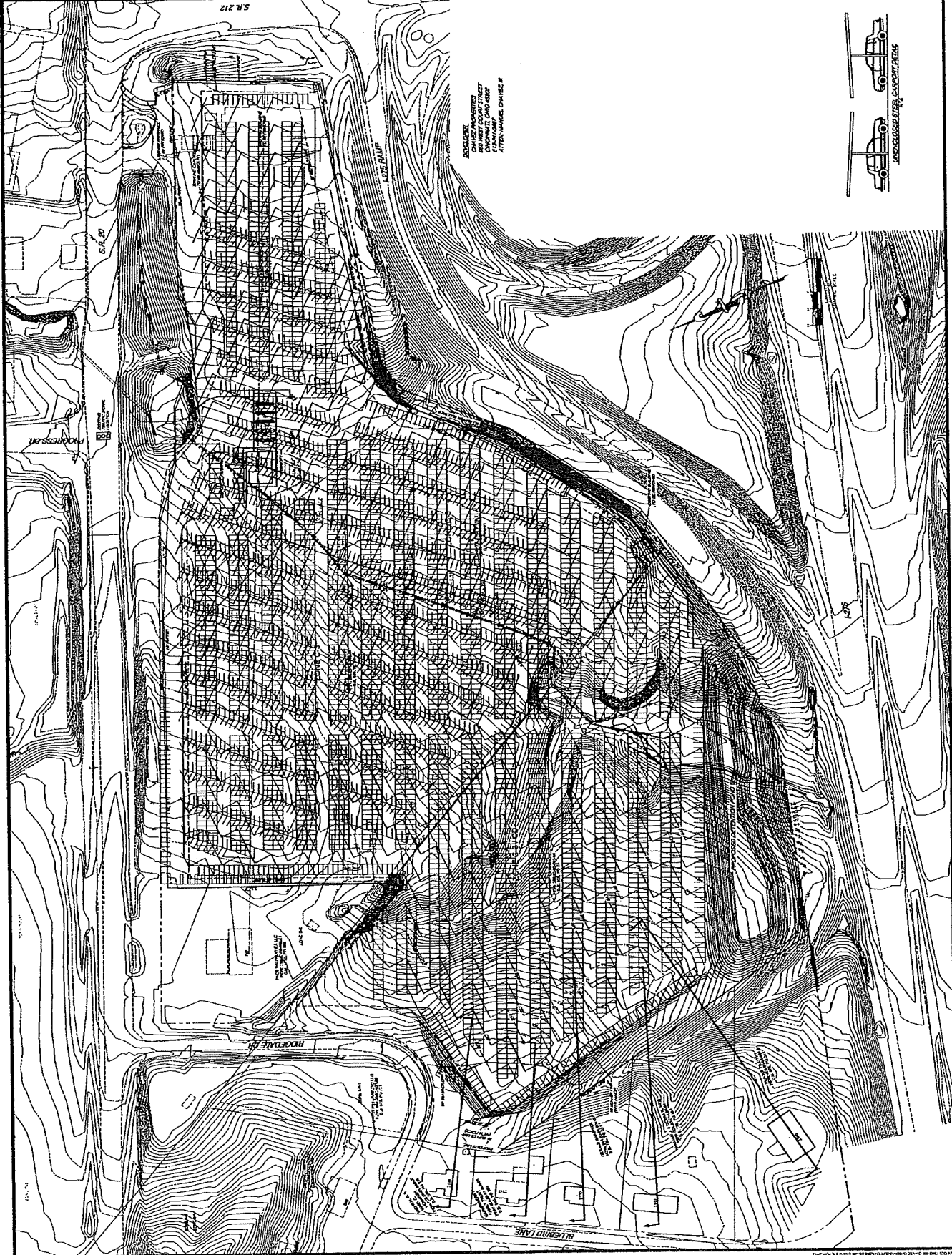
**PRELIMINARY
 NOT
 RELEASED FOR
 CONSTRUCTION**

**CHAVEZ PROPERTIES
 FAST PARK AND RELAX EXPANSION
 BOONE COUNTY, KENTUCKY**

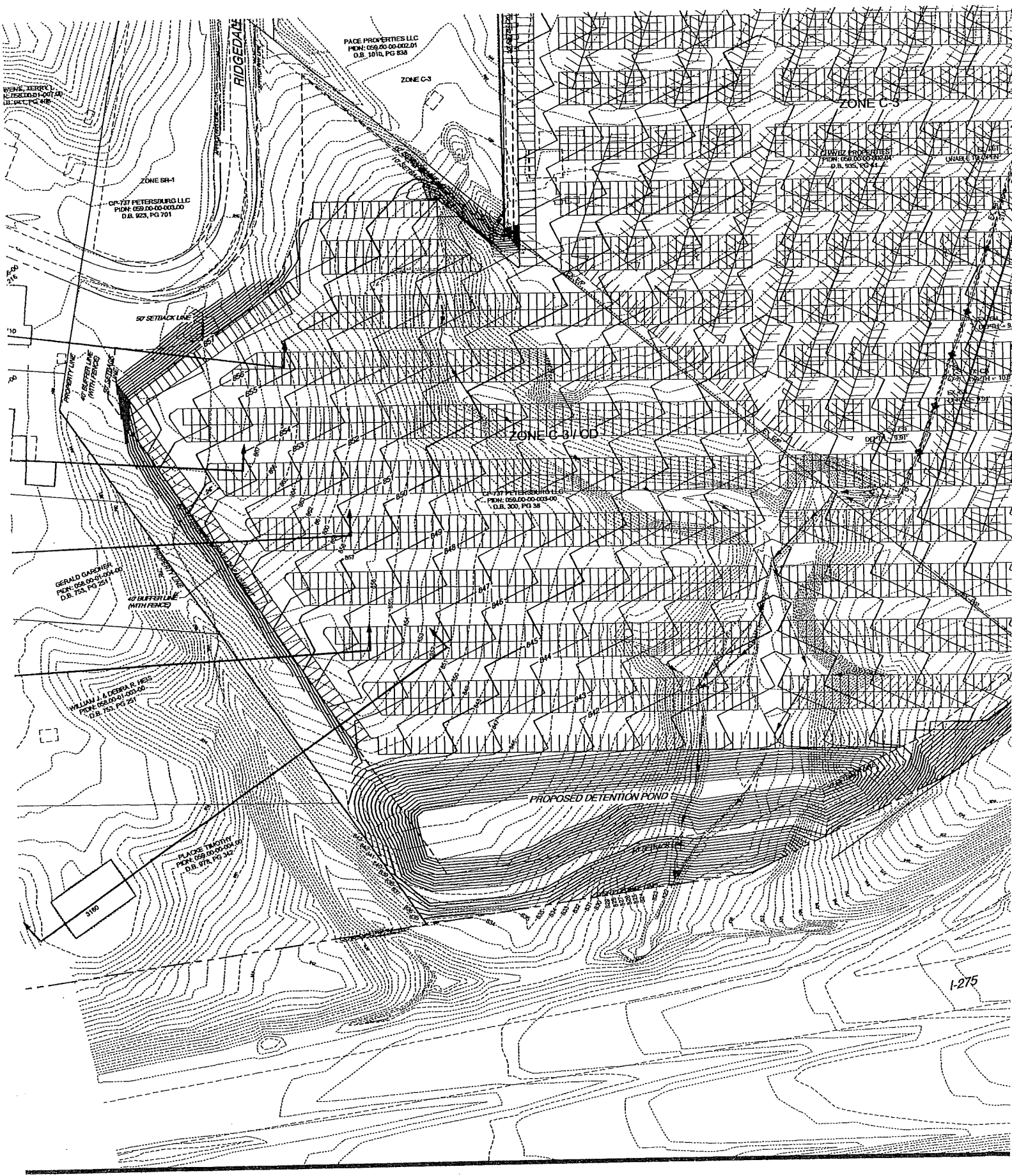
DEVELOPMENT PLAN

NO.	DATE	DESCRIPTION
1	02-03-14	PRELIMINARY
2	03-03-14	REVISION
3	04-03-14	REVISION
4	05-03-14	REVISION
5	06-03-14	REVISION
6	07-03-14	REVISION
7	08-03-14	REVISION
8	09-03-14	REVISION
9	10-03-14	REVISION
10	11-03-14	REVISION
11	12-03-14	REVISION
12	01-03-15	REVISION
13	02-03-15	REVISION
14	03-03-15	REVISION
15	04-03-15	REVISION
16	05-03-15	REVISION
17	06-03-15	REVISION
18	07-03-15	REVISION
19	08-03-15	REVISION
20	09-03-15	REVISION
21	10-03-15	REVISION
22	11-03-15	REVISION
23	12-03-15	REVISION
24	01-03-16	REVISION
25	02-03-16	REVISION
26	03-03-16	REVISION
27	04-03-16	REVISION
28	05-03-16	REVISION
29	06-03-16	REVISION
30	07-03-16	REVISION
31	08-03-16	REVISION
32	09-03-16	REVISION
33	10-03-16	REVISION
34	11-03-16	REVISION
35	12-03-16	REVISION
36	01-03-17	REVISION
37	02-03-17	REVISION
38	03-03-17	REVISION
39	04-03-17	REVISION
40	05-03-17	REVISION
41	06-03-17	REVISION
42	07-03-17	REVISION
43	08-03-17	REVISION
44	09-03-17	REVISION
45	10-03-17	REVISION
46	11-03-17	REVISION
47	12-03-17	REVISION
48	01-03-18	REVISION
49	02-03-18	REVISION
50	03-03-18	REVISION
51	04-03-18	REVISION
52	05-03-18	REVISION
53	06-03-18	REVISION
54	07-03-18	REVISION
55	08-03-18	REVISION
56	09-03-18	REVISION
57	10-03-18	REVISION
58	11-03-18	REVISION
59	12-03-18	REVISION
60	01-03-19	REVISION
61	02-03-19	REVISION
62	03-03-19	REVISION
63	04-03-19	REVISION
64	05-03-19	REVISION
65	06-03-19	REVISION
66	07-03-19	REVISION
67	08-03-19	REVISION
68	09-03-19	REVISION
69	10-03-19	REVISION
70	11-03-19	REVISION
71	12-03-19	REVISION
72	01-03-20	REVISION
73	02-03-20	REVISION
74	03-03-20	REVISION
75	04-03-20	REVISION
76	05-03-20	REVISION
77	06-03-20	REVISION
78	07-03-20	REVISION
79	08-03-20	REVISION
80	09-03-20	REVISION
81	10-03-20	REVISION
82	11-03-20	REVISION
83	12-03-20	REVISION
84	01-03-21	REVISION
85	02-03-21	REVISION
86	03-03-21	REVISION
87	04-03-21	REVISION
88	05-03-21	REVISION
89	06-03-21	REVISION
90	07-03-21	REVISION
91	08-03-21	REVISION
92	09-03-21	REVISION
93	10-03-21	REVISION
94	11-03-21	REVISION
95	12-03-21	REVISION
96	01-03-22	REVISION
97	02-03-22	REVISION
98	03-03-22	REVISION
99	04-03-22	REVISION
100	05-03-22	REVISION

SHEET 1 OF 1
C1



REVISIONS
 CHAVEZ PROPERTIES
 FAST PARK AND RELAX
 BOONE COUNTY, KY 40302



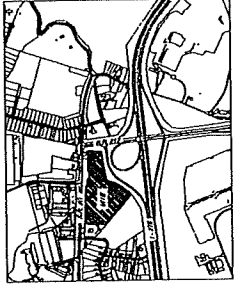
CDS ASSOCIATES, INC.
 11000 Woodloch Forest, Suite 100
 Louisville, KY 40242
 (502) 452-1100
 www.cdsassociates.com



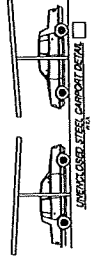
PRELIMINARY
NOT
 RELEASED FOR
 CONSTRUCTION

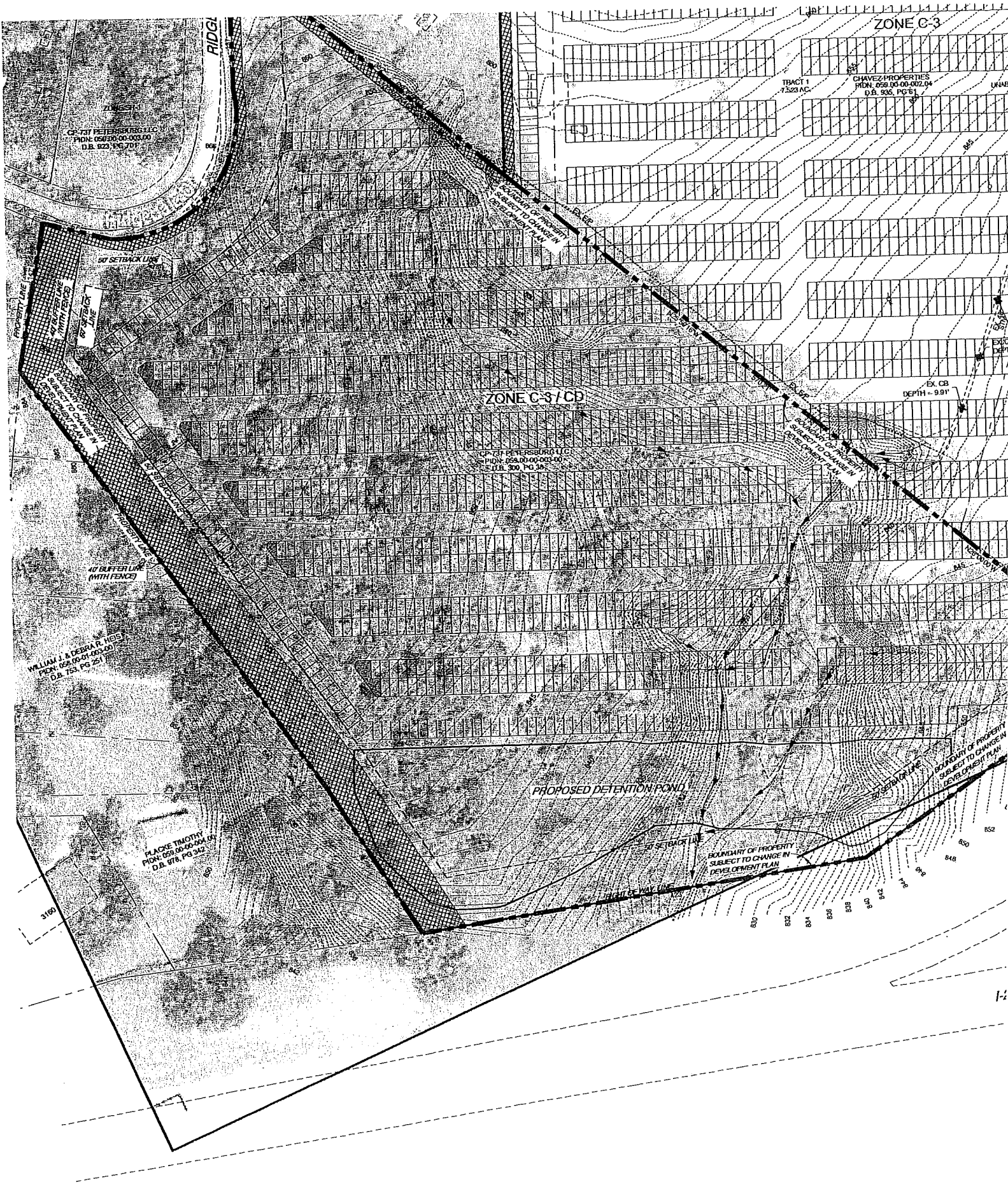
DEVELOPMENT PLAN
CHAVEZ PROPERTIES
FAST PARK AND RELAX EXPANSION
 BOONE COUNTY, KENTUCKY

DATE	DESCRIPTION
12-18-07	02-03-14
BOOS	MERLU
PROJECT NO.	LOT #
011958-006	
SHEET: 1 OF 1	



NOTICE: THIS PLAN IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE OWNER ASSUMES ALL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON.





ZONE C-3

TRACT 1
7.523 AC

CHAVEZ PROPERTIES
P.O.N. 028 00-00-002.04
D.B. 935 PG 61

UNAB

ZONE C-3/CD

W.P. PETERSBURG LLC
P.O.N. 05A0000003.00
D.B. 300 PG 36

EX. CB
DEPTH - 9.91'

PROPOSED DETENTION POND

BOUNDARY OF PROPERTY
SUBJECT TO CHANGE IN
DEVELOPMENT PLAN

BOUNDARY OF PROPERTY
SUBJECT TO CHANGE IN
DEVELOPMENT PLAN

PLACKE TRACT
P.O.N. 05B 00-00-001.01
D.B. 078 PG 342

WILLIAM J. & DEBRA R. REED
P.O.N. 05A 00-00-003.01
D.B. 753 PG 251

40' BUFFER LINE
(WITH FENCE)

50' SETBACK LINE

50' SETBACK LINE

RIDGE

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: March 19, 2014

RE: **CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Greg Breetz, Chairman, Kevin Wall, Staff**

Request of **Chavez Properties (Petersburg LLC) (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 11.7 acre site located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive / Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the Properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the expansion of an existing commercial parking facility onto the subject site.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Ben Brandstetter

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

Greg Breetz

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Bunger, Chairman

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

Janet Kegley

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Susan Schultz

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

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

Mark Hicks (Alternate)

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Jim Longano (Alternate)

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

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 5, 2014
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Ms Lisa Reeves
Ms. Susan Schultz
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen called the Public Hearing to order at 7:45 P.M. and introduced the first item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

1. Request of **Chavez Properties (Petersburg LLC) (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 11.7 acre site located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive / Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the Properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the expansion of an existing commercial parking facility onto the subject site.

Mr. Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). Mr. Wall stated that the request is a change in a Concept Development Plan from a zone change application in 2006. The site is zoned Commercial Services (C-3). The concept at the time was for a 4 lot commercial subdivision. It involved an extension of Ridgedale Drive to form a cul-de-sac. It is a wooded site. The Future Land Use Map designates this site as primarily Commercial and partly Suburban Residential. An expansion of the existing long-term parking lot is proposed. Canopies will be installed above each parking stall. The canopies are about 14 feet high. The applicant has proposed a 50 foot buffer yard along Bluebird Subdivision and Buffer Yard A along the street frontages including I-275. Mr. Wall showed drawings of the proposed canopies. The previous Concept Development Plan showed a 4 lot commercial subdivision based upon a list of approved uses. The original plan showed no connection with the existing long-term parking lot. Mr. Wall showed photographs of the site and adjoining properties.

In regard to Staff comments, Mr. Wall noted the Comprehensive Plan's Land Use Element on page 176, which makes reference to Bluebird Subdivision and the existing commercial parking lot facilities on page 9 of the Staff Report. Mr. Wall explained that the existing Concept Development Plan did allow for commercial parking lots. The applicant wants to reconfigure the site to make things happen. He referenced several design issues including landscaping, the retention of existing vegetation, a picture of the canopy up close, lighting, the applicability of the 2006 Concept Development Plan approval (an option or a replacement?), and an emergency access through the commercial/industrial lot at the corner or from Ridgedale Drive. Mr. Wall concluded that the Planning Commission and the Fiscal Court will need to examine the 3 criteria for granting a change based upon the original zone change application.

Mr. Mark Guilfoyle, representing the applicant, introduced Mark Brueggeman, Engineer from CDS and Manuel Chavez, III. Mr. Bruggeman explained that the existing property is zoned Commercial Services (C-3) and a commercial parking facility is a principally permitted use. The property is 11.84 acres in size and is presently undeveloped. It is adjacent to the existing Fastpark and Relax parking facility, which is now owned by Chavez Properties. Mr. Bruggeman stated that what they are proposing is less of an impact on Bluebird Subdivision. The original proposal was a commercial development with 4 commercial lots. Two of the lots were supposed to be hotels up to 4 or 5 stories. The original approval allowed for a density of 18,000 square feet of building area per acre. This would allow 214,920 square feet for the entire site. Another critical aspect of the original approval was the connection to Ridgedale Drive. At the time, Chavez Properties did not own the Fastpark and Relax lot. At the time, the owner agreed to make a connection and improvements to Ridgedale Drive up to the intersection of KY 20. The original proposal also included a 50 foot buffer area between the proposed commercial uses

and the existing homes in Bluebird Subdivision. In regard to the submitted Concept Development Plan, the applicant is proposing a commercial parking facility with 3,179 parking spaces. The project is a redevelopment of the existing Fastpark and Relax property and the subject site. The purpose of the project is to consolidate both properties into one facility. If approved, the parking activity would be relocated on the north side of KY 20 temporarily until the construction work is completed on the south side. Once completed, all parking would be located on the south side of KY 20. The project will be developed in phases. Initially, they would construct the parking facility without covered parking for financial reasons and then install the canopies later on. Lighting would be typical parking lot lighting and when the carports are installed, the lighting would be underneath. Additionally, a 50 foot buffer is being provided between Bluebird Subdivision and the parking area. The applicant is also proposing to relocate their access to the intersection of KY 20 and Progress Drive. It is a signalized intersection. The Kentucky Transportation Cabinet is supportive of the idea. The existing access is located very close to the KY 20 / KY 212 intersection. Mr. Bruggeman stated that they submitted a Traffic Impact Study to the Kentucky Transportation Cabinet for review. The study indicates that the proposal is generating no new trips or traffic to the roadway network. They are consolidating existing traffic. The total number of parking spaces for the 2 existing facilities is 4,630 parking spaces and they are proposing 3, 179 parking spaces. It is a reduction of about 30 %. There will be no increase in traffic.

Mr. Guilfoyle stated that they are not seeking a zone change but are asking for a Change in Approved Concept Development Plan. It should be approved for 3 reasons. First, Mr. Guilfoyle referred to the Staff Report and Comprehensive Plan, which recommends consolidating parking facilities to allow for other uses at the airport interchange. The parcel on the north side will be open for future redevelopment. It is what is called for in the Comprehensive Plan. Second, there have been changes especially economic in nature that were not anticipated in 2006. The world has changed since 2006 with the economic downturn. They are not building hotel and office complexes now. The airport has shrunk dramatically. They did not control the existing parking lot. It was owned by Allright Parking at the time. Since they own both properties, they would not go back to Ridgedale Drive for access as the point of entry. Third, the proposed change is a much reduced impact on the residential subdivision in terms of traffic and lighting. All in all, this proposal blends in much better with the residential character on the west side of the property.

Mr. Manuel Chavez, III stated that his company is excited about the project since they acquired the existing parking lot and liquor store. He noted that they are going to remove the building and change the way the corner looks. It will be a first class parking facility with great street and curb appeal. The planned ingress/egress will be much improved. There is a lot of potential on the north side to redevelop the existing parking lot. They have owned that site since 1981.

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

Mr. Steve Markesbury, former resident on Ridgedale Drive, stated that his parents still live on Ridgedale. His parents are located directly up against the proposed site. Things need to change. He stated that the project affects the residential subdivision. It will definitely change the neighborhood. Your responsibility is to make sure that the proposal does not impede the neighbors dramatically. The neighbors look out their doors each night and see deer. They will see headlights and hear cars all hours of the day. It is wonderful they are reducing the number of parking spaces, but they are putting them in their backyards. In regard to lighting, several of

the houses have their bedrooms in the backyard. Light will affect them especially with older people who like the quiet. It is not fair to have the homeowners install blackout blinds. The buffer must be wide enough so it doesn't impede anyone's sleep. The lights should not shine in the back windows. If the project develops in phases, one must monitor it more closely.

Ms. Denise Placke, 3160 Bluebird Lane, stated that her property abuts the site. There is a concern about horn noises in the middle of the night. She invited Board members over to her house and sleep to get an idea. It will probably decrease the value of her home. If she was a new home buyer, she would never look at her neighborhood because of the proposed development. She asked if they will take trees down on her property since there are a lot of markings on her property. Mr. Bruggeman responded that his firm conducted a survey of the property and there will be no earthwork or tree removal done on her property. She doesn't want to live in any area with canopies. She is in no way in favor of the request.

Mr. Jerry Gardner, 3130 Bluebird Lane, stated that his property abuts the site. He asked about the elevation of the lot compared with the existing elevation? Mr. Bruggeman replied that his client is doing a significant amount of grading to balance the site. There is a large swell on the site. They will be cutting in some areas and filling in the middle. The goal is to balance the site with the material on-site. Mr. Gardner stated that they will have to drop the elevation in the high areas to fill in the low areas. It should create a good buffer for their homes.

Mr. Michael Hegener, 3145 Robin Court, asked if there was still going to be an earthen berm installed for the landscaped area as approved from the original application? Mr. Bruggeman responded that his client is providing a 50 foot area from the property line to the edge of the pavement. It matches the buffer that they originally proposed. They are also providing a 6 foot high screen fence in the 40 foot buffer zone. At this time, they don't know whether they will install a mound. It will depend on the earthwork and available material on the site. The hotels were originally four-story buildings that required more height to screen and thus the reason for the berm. The carports at their high point are only 14 feet in height. It is significantly different. There is a 40 foot buffer area plus an additional 10 feet of clear green area close to edge of pavement. Mr. Bruggeman stated that they will look closely at the grade next to the homeowners in order to retain as much as possible some of the existing vegetation. They don't have the final grades yet. Mr. Hegener commented that the original proposal had a height restriction on the lighting structures.

Chairman Rolfsen asked if any of the Board members had any comments or questions?

Mr. McMillian asked the applicant about what type of vegetation could be planted in the buffer? Mr. Bruggeman responded that the 40 foot buffer area would be based upon the current requirements of the Boone County Zoning Regulations for a C-3 zone. It will be a combination of trees and bushes.

Mr. Longano inquired about a description of the proposed canopy in terms of materials, aesthetics, durability, and strength? Mr. Chavez replied that canopies are steel structures. They are engineered with footers and can handle significant snow and wind loads. These types of structures have been built in South Florida, Central Florida, North Carolina, Houston, Baltimore, and Indianapolis. In the 2007 hurricane, they had no problems in Houston. None of the structures were laying on the ground. They held up well. Mr. Chavez stated that their color

scheme is black, green, and white. The poles will be black and the roofs may be green or white. White reflects the sun. In response to a question from Mr. Longano, Mr. Chavez stated that the lighting won't be higher than 20 feet. The lighting for the carports originates off the poles. Lighting is mounted underneath. They don't light the lots anymore but rather the cars underneath the canopies. It will be LED lighting. It is a soft white light that is focused.

Mr. Schwenke asked if the applicant would provide more information about the grading work and whether or not they will leave a berm or not?

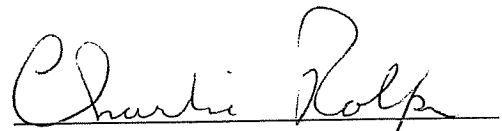
Mr. Bunger inquired whether the applicant could provide pictures of canopies from other sites? Mr. Bunger asked whether the previous approval for the site included canopies? Mr. Chavez responded yes.

Mr. Reynolds requested that the applicant not to install white pine trees in the buffer area since they die at an alarming rate. Mr. Chavez stated that the vegetation and green space is very important to the company because it softens the aesthetics of the site. It is not cheap either since it has to be maintained to remain healthy.

In response to a question from Chairman Rolfsen, Mr. Bruggeman stated that they would be agreeable to an emergency access point to Ridgedale Drive if the Fire Department wants it for emergency purposes. They don't want full time access to Ridgedale Drive in order to be a good neighbor.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 19, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 2, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:29 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


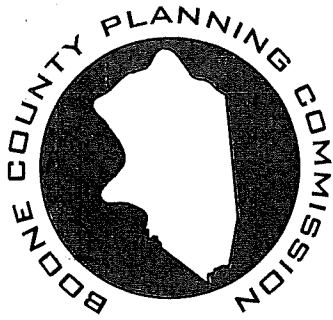

Kevin P. Costello, AICP
Executive Director

Exhibit -

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

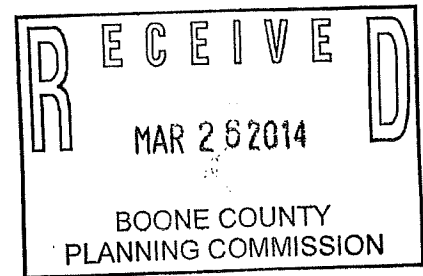
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

March 21, 2014

Mr. Manuel Chavez
Chavez Properties (Petersburg LLC)
250 West Court Street
Suite 200E
Cincinnati, OH 45202



FAX: 513-241-0497

RE: Recommended Conditions of Approval for Chavez Properties (Petersburg LLC) Change in Approved Concept Development Plan for 11.7 Acre Site on Ridgedale Drive, Boone County, Kentucky

Dear Mr. Chavez:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their March 19, 2014 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, March 28, 2014.

CONDITIONS

1. The canopy structures shall use a gable roof design with a dark green, standing seam style metal roof surfacing as shown in the attached photograph. Photovoltaic (PV) panels, irrespective of color, may be mounted on the canopies at the owner's option.
2. The initial lighting on the site shall consist of downlit, freestanding masts which are a maximum of 20 feet high. The freestanding masts shall be removed and replaced as the canopy structures are constructed with downlit fixtures which are mounted underneath the canopies. There shall be no measurable light at the property lines (0 footcandles).
3. No PA system shall be used on the lot.
4. There shall be no parking of the shuttle vehicles in the Concept Development Plan area. The shuttles may stop for the purpose of picking up and dropping off customers at their vehicles.

Mr. Manuel Chavez
March 21, 2014
Page 2

5. Grading and disturbance on the site shall follow the attached plans. The grading as shown on these plans will produce a berm effect when viewed from the neighboring residential properties to the west. Healthy, mature vegetation which is outside of the grading limits along the north and west boundaries of the site shall be retained. The retained vegetation may be credited towards the applicable landscaping requirements.
6. A 6 foot high, decorative, architectural grade black metal fence with an open or transparent design will be used around the perimeter of the site. This fence may be placed up to the property line and shall be configured through the buffer yard area so that the removal of existing trees is avoided.
7. A gated emergency access driveway shall be provided from the north-south leg of Ridgedale Drive. The width and surfacing of this driveway shall meet the requirements of the Hebron Fire Protection District.

Sincerely,

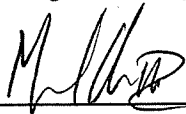


Kevin T. Wall, AICP
Director, Zoning Services

enclosures

AGREEMENT

I, the authorized representative of the property owner of the approximate 11.7 acre site on Ridgedale Drive, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change in an Approved Concept Development Plan application.

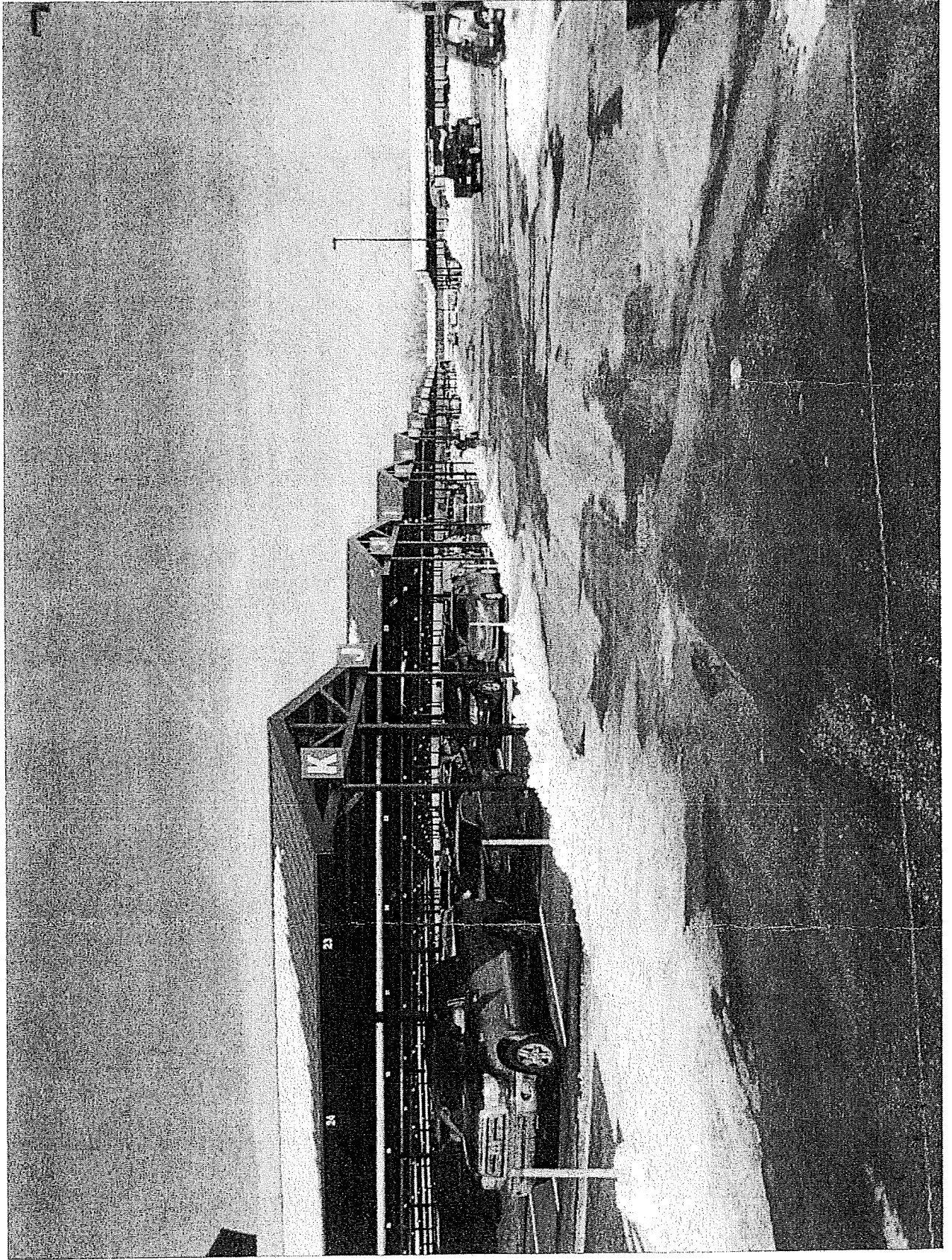


3/25/14

Manuel Chavez
authorized representative for
Chavez Properties (Petersburg LLC)

Date

KTW/tlb



1-275

PROPOSED DETENTION POND

ZONE G-3/10D

ZONE C-3

PACE PROPERTIES LLC
POM: 059.00.0022.01
DB: 1010, PG 638

CH-77 PETERSLAND LLC
POM: 059.00.0022.00
DB: 923, PG 701

GERALD GARDNER
POM: 059.00.0022.00
DB: 1024, PG 241

WILLIAM J. GERRA & SONS
POM: 059.00.0022.00
DB: 1023, PG 251

FRANCIS BRADY
POM: 059.00.0022.00
DB: 978, PG 304

3100

RIDGEVALE

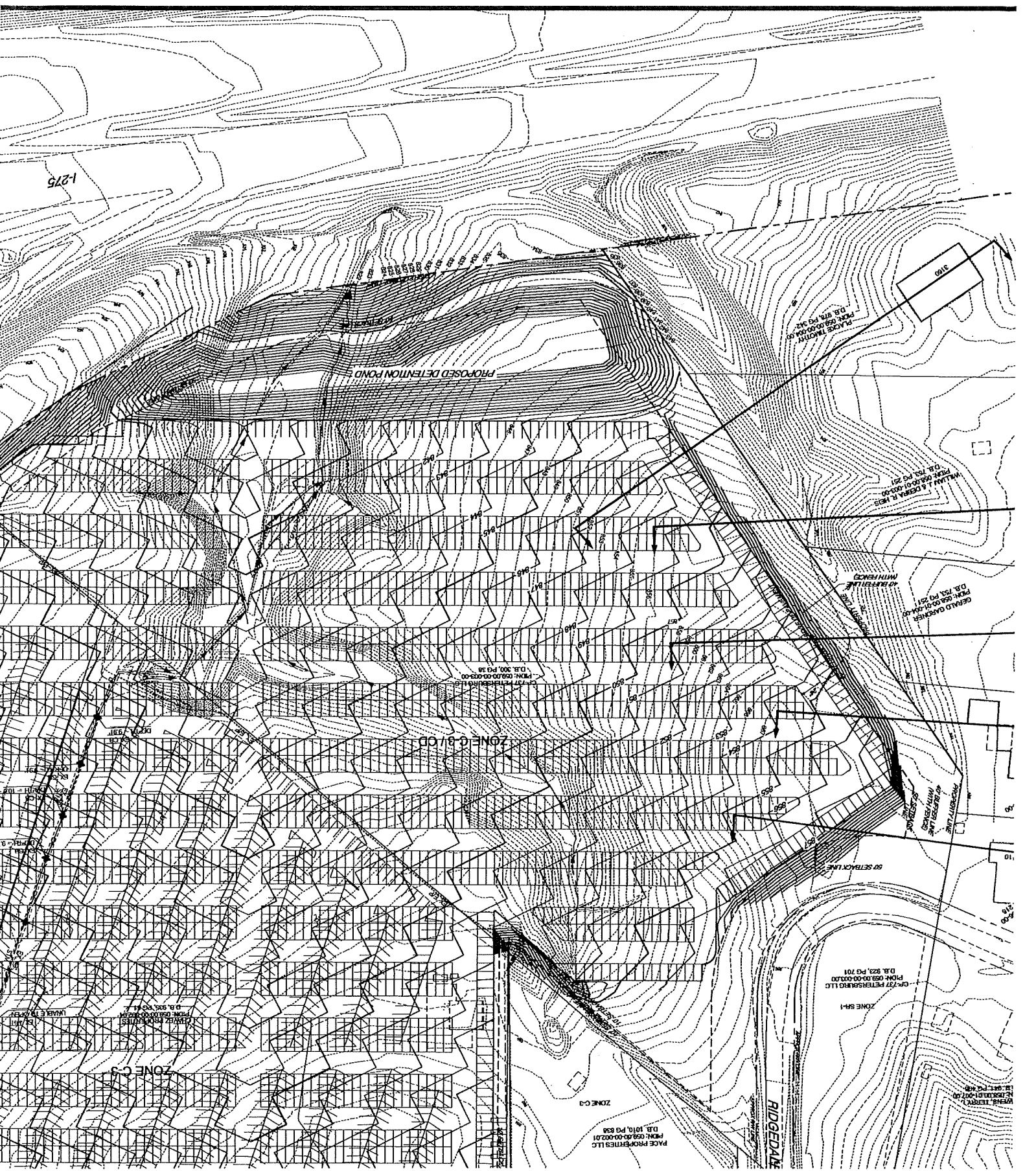
50 SETBACK LINE

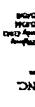
PROPERTY LINE
50 SETBACK LINE
50 SETBACK LINE
50 SETBACK LINE

ZONE G-4H

WENDEL TERRY
POM: 059.00.0022.00
DB: 981, PG 418

10
110
210
310



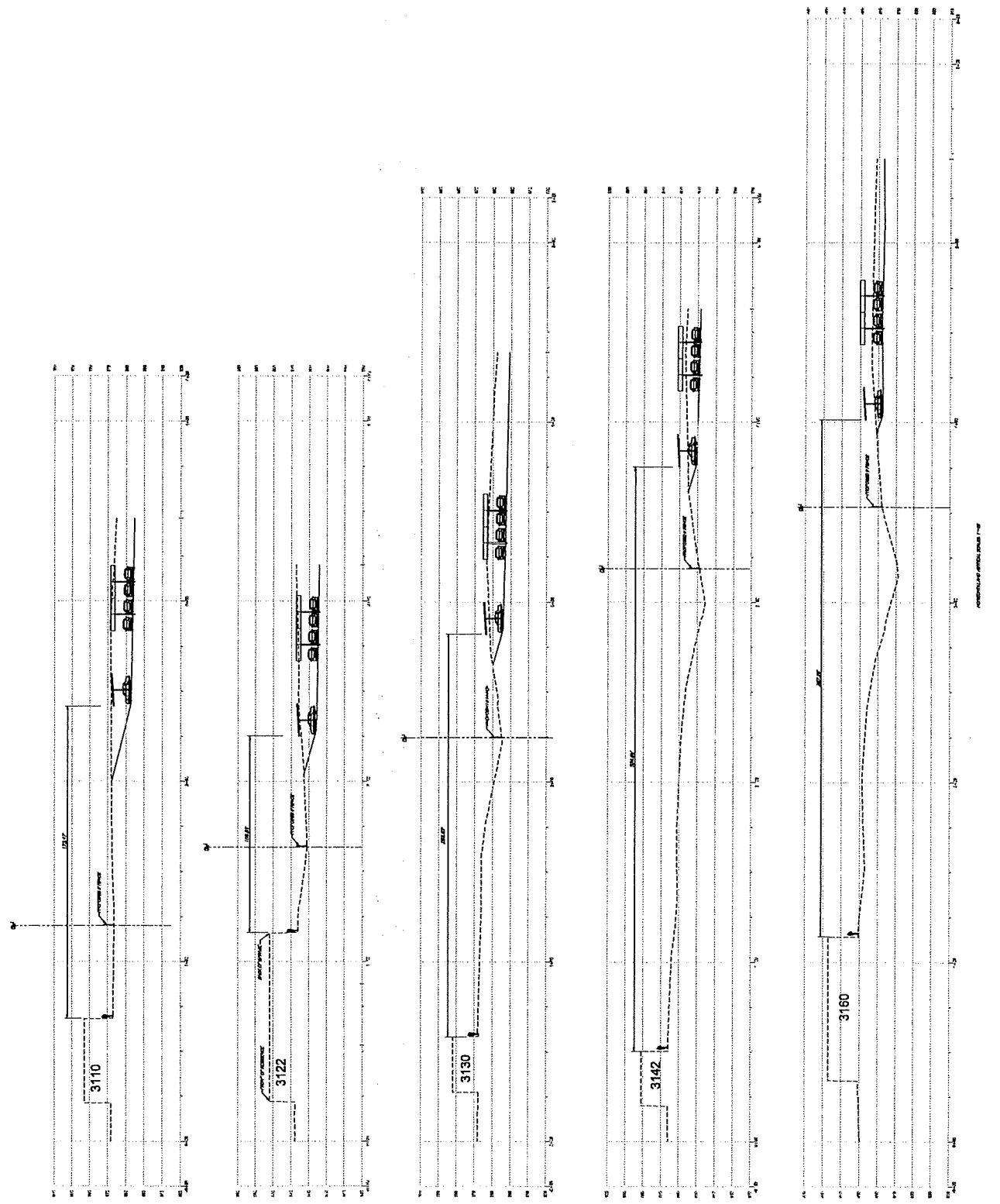

CDS ASSOCIATES, INC.
 Surveying • Engineering • Architecture
 11750 Eastern Blvd.
 Louisville, KY 40243
 (502) 438-1100
 FAX (502) 438-1101
 www.cdsassoc.com

PRELIMINARY
NOT
 RELEASED FOR
 CONSTRUCTION

CHAVEZ PROPERTIES
FAST PARK AND RELAX EXPANSION
 BOONE COUNTY, KENTUCKY

NO.	DATE	BY	DESCRIPTION
01	02/03/14	MRB	ISSUED FOR PERMITS
02	03/03/14	MRB	ISSUED FOR PERMITS
03	03/03/14	MRB	ISSUED FOR PERMITS
04	03/03/14	MRB	ISSUED FOR PERMITS
05	03/03/14	MRB	ISSUED FOR PERMITS
06	03/03/14	MRB	ISSUED FOR PERMITS
07	03/03/14	MRB	ISSUED FOR PERMITS
08	03/03/14	MRB	ISSUED FOR PERMITS
09	03/03/14	MRB	ISSUED FOR PERMITS
10	03/03/14	MRB	ISSUED FOR PERMITS
11	03/03/14	MRB	ISSUED FOR PERMITS
12	03/03/14	MRB	ISSUED FOR PERMITS
13	03/03/14	MRB	ISSUED FOR PERMITS
14	03/03/14	MRB	ISSUED FOR PERMITS
15	03/03/14	MRB	ISSUED FOR PERMITS
16	03/03/14	MRB	ISSUED FOR PERMITS
17	03/03/14	MRB	ISSUED FOR PERMITS
18	03/03/14	MRB	ISSUED FOR PERMITS
19	03/03/14	MRB	ISSUED FOR PERMITS
20	03/03/14	MRB	ISSUED FOR PERMITS
21	03/03/14	MRB	ISSUED FOR PERMITS
22	03/03/14	MRB	ISSUED FOR PERMITS
23	03/03/14	MRB	ISSUED FOR PERMITS
24	03/03/14	MRB	ISSUED FOR PERMITS
25	03/03/14	MRB	ISSUED FOR PERMITS
26	03/03/14	MRB	ISSUED FOR PERMITS
27	03/03/14	MRB	ISSUED FOR PERMITS
28	03/03/14	MRB	ISSUED FOR PERMITS
29	03/03/14	MRB	ISSUED FOR PERMITS
30	03/03/14	MRB	ISSUED FOR PERMITS
31	03/03/14	MRB	ISSUED FOR PERMITS
32	03/03/14	MRB	ISSUED FOR PERMITS
33	03/03/14	MRB	ISSUED FOR PERMITS
34	03/03/14	MRB	ISSUED FOR PERMITS
35	03/03/14	MRB	ISSUED FOR PERMITS
36	03/03/14	MRB	ISSUED FOR PERMITS
37	03/03/14	MRB	ISSUED FOR PERMITS
38	03/03/14	MRB	ISSUED FOR PERMITS
39	03/03/14	MRB	ISSUED FOR PERMITS
40	03/03/14	MRB	ISSUED FOR PERMITS
41	03/03/14	MRB	ISSUED FOR PERMITS
42	03/03/14	MRB	ISSUED FOR PERMITS
43	03/03/14	MRB	ISSUED FOR PERMITS
44	03/03/14	MRB	ISSUED FOR PERMITS
45	03/03/14	MRB	ISSUED FOR PERMITS
46	03/03/14	MRB	ISSUED FOR PERMITS
47	03/03/14	MRB	ISSUED FOR PERMITS
48	03/03/14	MRB	ISSUED FOR PERMITS
49	03/03/14	MRB	ISSUED FOR PERMITS
50	03/03/14	MRB	ISSUED FOR PERMITS
51	03/03/14	MRB	ISSUED FOR PERMITS
52	03/03/14	MRB	ISSUED FOR PERMITS
53	03/03/14	MRB	ISSUED FOR PERMITS
54	03/03/14	MRB	ISSUED FOR PERMITS
55	03/03/14	MRB	ISSUED FOR PERMITS
56	03/03/14	MRB	ISSUED FOR PERMITS
57	03/03/14	MRB	ISSUED FOR PERMITS
58	03/03/14	MRB	ISSUED FOR PERMITS
59	03/03/14	MRB	ISSUED FOR PERMITS
60	03/03/14	MRB	ISSUED FOR PERMITS
61	03/03/14	MRB	ISSUED FOR PERMITS
62	03/03/14	MRB	ISSUED FOR PERMITS
63	03/03/14	MRB	ISSUED FOR PERMITS
64	03/03/14	MRB	ISSUED FOR PERMITS
65	03/03/14	MRB	ISSUED FOR PERMITS
66	03/03/14	MRB	ISSUED FOR PERMITS
67	03/03/14	MRB	ISSUED FOR PERMITS
68	03/03/14	MRB	ISSUED FOR PERMITS
69	03/03/14	MRB	ISSUED FOR PERMITS
70	03/03/14	MRB	ISSUED FOR PERMITS
71	03/03/14	MRB	ISSUED FOR PERMITS
72	03/03/14	MRB	ISSUED FOR PERMITS
73	03/03/14	MRB	ISSUED FOR PERMITS
74	03/03/14	MRB	ISSUED FOR PERMITS
75	03/03/14	MRB	ISSUED FOR PERMITS
76	03/03/14	MRB	ISSUED FOR PERMITS
77	03/03/14	MRB	ISSUED FOR PERMITS
78	03/03/14	MRB	ISSUED FOR PERMITS
79	03/03/14	MRB	ISSUED FOR PERMITS
80	03/03/14	MRB	ISSUED FOR PERMITS
81	03/03/14	MRB	ISSUED FOR PERMITS
82	03/03/14	MRB	ISSUED FOR PERMITS
83	03/03/14	MRB	ISSUED FOR PERMITS
84	03/03/14	MRB	ISSUED FOR PERMITS
85	03/03/14	MRB	ISSUED FOR PERMITS
86	03/03/14	MRB	ISSUED FOR PERMITS
87	03/03/14	MRB	ISSUED FOR PERMITS
88	03/03/14	MRB	ISSUED FOR PERMITS
89	03/03/14	MRB	ISSUED FOR PERMITS
90	03/03/14	MRB	ISSUED FOR PERMITS
91	03/03/14	MRB	ISSUED FOR PERMITS
92	03/03/14	MRB	ISSUED FOR PERMITS
93	03/03/14	MRB	ISSUED FOR PERMITS
94	03/03/14	MRB	ISSUED FOR PERMITS
95	03/03/14	MRB	ISSUED FOR PERMITS
96	03/03/14	MRB	ISSUED FOR PERMITS
97	03/03/14	MRB	ISSUED FOR PERMITS
98	03/03/14	MRB	ISSUED FOR PERMITS
99	03/03/14	MRB	ISSUED FOR PERMITS
100	03/03/14	MRB	ISSUED FOR PERMITS

SHEET 1 OF 1
C1



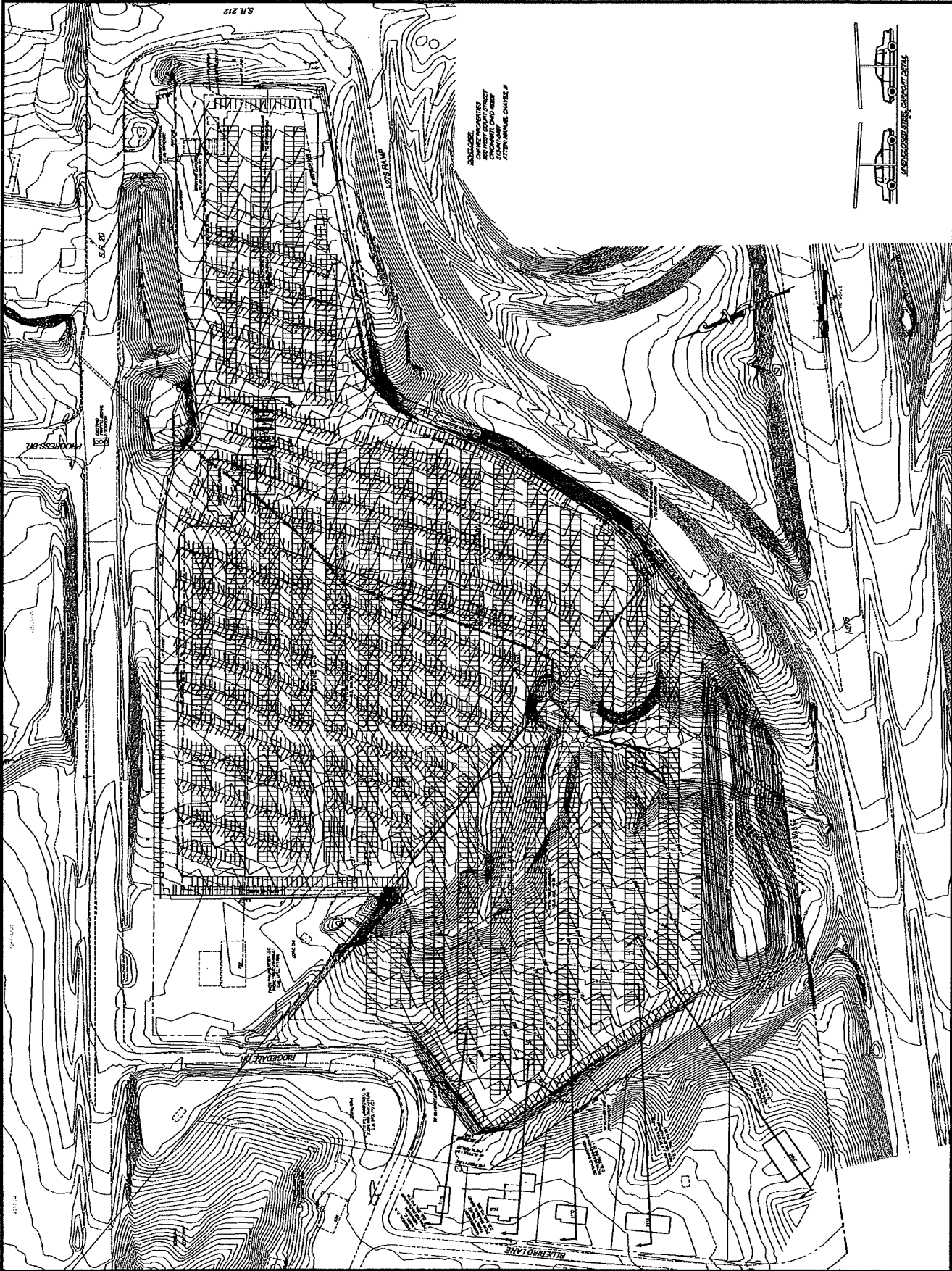
CHAZZ ASSOCIATES, INC.
 1115 East Main Street
 Lexington, KY 40502
 Phone: (606) 253-1111
 Fax: (606) 253-1112
 www.chazz.com

PRELIMINARY
NOT
 RELEASED FOR
 CONSTRUCTION

DEVELOPMENT PLAN
CHAZZ PROPERTIES
FAST PARK AND RELAX EXPANSION
 BOONE COUNTY, KENTUCKY

NO.	DATE	REVISIONS

DATE	02/03/14
PROJECT NO.	100000000
PROJECT NAME	FAST PARK
OWNER	CHAZZ PROPERTIES
DESIGNER	CHAZZ ASSOCIATES, INC.
SCALE	AS SHOWN
SHEET NO.	C1
TOTAL SHEETS	1



CHAZZ ASSOCIATES, INC.
 1115 EAST MAIN STREET
 LEXINGTON, KY 40502
 (606) 253-1111
 WWW.CHAZZ.COM



GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Norman Quincy, who is married, for and in consideration of Nine Hundred and Twenty-One Thousand, Five Hundred and 00/100 Dollars (\$921,500.00) paid by Grantee herein, the receipt of which is acknowledged, hereby bargain, sell and convey to CP-737 Petersburg LLC, an Ohio Limited Liability Company, the following described Real Estate, in the County of Boone and Commonwealth of Kentucky, to wit:

SEE EXHIBIT A

Being the same property conveyed to Grantor herein by Deed recorded in Book 300, Page 38, Boone County Clerks Records at Boone County, Kentucky. *Picture*

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the Grantee, its successors and assigns, forever, the Grantor, Norman Quincy, his heirs and assigns, HEREBY COVENANTING with the Grantee, CP-737 Petersburg, LLC, an Ohio Limited Liability Company, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED, and that the Grantor will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN EXECUTION WHEREOF, the said Grantor, Norman Quincy and Doris Quincy, his wife, who hereby releases her right and expectancy of dower in said premises, have set their hands this 2nd day of October, 2006.

Norman Quincy

Norman Quincy

Doris Quincy

Doris Quincy

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 2nd day of October, 2006 by Norman Quincy and Doris Quincy.



Clem Pater III

Notary Public
CLEM PATER III, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration

This Instrument Prepared By:
PATER, PATER & PATER CO., L.P.A.
315 South Front Street
Hamilton, Ohio 45011
(513)867-1411
e-mail: cpater@paterlaw.com

BOONE COUNTY
D923 PG 701

351050199

Return to
LandAmerica
4555 Lake Forest Drive, Suite 300
Cincinnati OH 45242
RETURNS

EXHIBIT A

Lying and being in Boone County, Kentucky on the North and South Side of Ridgedale Drive and North of I-275 and more particularly described as follows to wit:

Unless stated otherwise, any monument referred to herein as a set iron pin is a ½" iron rebar 18" in length with a yellow cap stamped L.S. 3407, 3316. All bearings stated herein are referred to from the magnetic meridian as observed on the 29th of June 2004.

Beginning at a post at the Northeast corner of Lot 7, Blue Bird Hill Subdivision, Plat Book 3, Page 46 and at the existing South right of way of Ky. Rt. 20; thence leaving said corner, S 22° 14' 44" E – passing a set iron pin at 118.13 feet in the existing North 20' right of way of Ridgedale Drive and passing a set iron pin in the existing South right of way of Ridgedale Drive at 170.2 feet for a total of 1302.27 feet to a post in the existing right of way of I-275; thence with the said right of way, S 80° 00' 20" W ---159.71 feet to a post; thence N 88° 05' 13" W – 240.97 feet to a post; thence N 70° 25' 53" W ---359.28 feet to a found iron pin, L.S. 2759, at a corner to Timothy Placke (D.B. 873, PG 414); thence leaving said right of way with the line of Placke, William Heis (D.B. 851, PG 898), Gerald Gardner (D.B. 753, PG 251) and Marksberry Family Trust (D.B. 843, PG 392), N 06° 41' 47" W – 686.37 feet to a concrete marker at the South corner of Lot 6, Blue Bird Hill Subdivision, Plat Book 3, Page 46 (Michael Hennigen, D.B. 250, PG 216); thence N 37° 25' 24" E---passing a set iron pin at 136.38 feet in the existing South 20' right of way of Ridgedale Drive and passing a set iron pin at 177.50 feet in the existing North right of way of Ridgedale Drive for a total of 532.62 feet to The Place of Beginning containing a total of 13.2609 acres less a 40' right of way parcel containing 0.3922 acres for a Net of 12.8687 acres more or less exclusive of all right of ways and easements of record.

The above description is in accordance with a survey made by W. Thomas Leach with Hicks & Mann Inc. On the 29th of June, 2004.

12.8687 Net Acres
Group No.: 2009

PIDN: 059.00-00-003.00

CERTIFICATE AS TO VALUE

Pursuant to KRS Chapter 382, the undersigned, the Grantor and Grantee in the within deed, state that the full consideration paid for the property passing herein is Nine Hundred and Twenty-One Thousand, Five Hundred and 00/100 Dollars (\$921,500.00).

GRANTOR:

Norman Quincy and Doris Quincy

By: *Norm Quincy*
Printed Name: **Norman Quincy**

By: *Doris Quincy*
Printed Name: **Doris Quincy**

GRANTEE:

CP-737 Petersburg, LLC, an Ohio
Limited Liability Company

By: **CP-737 Petersburg Manager, LLC,
its Manager**

By: _____
Manuel Chavez, Manager

GRANTOR'S ADDRESS 365 N. 7th St. HAMILTON, OHIO 45011

GRANTEE'S ADDRESS _____

STATE OF OHIO, COUNTY OF BUTLER, SS

The foregoing Certificate was subscribed and sworn to before me this 2nd day of October, 2006, by Norman Quincy and Doris Quincy.



Clem Pater III
Notary Public

**CLEM PATER III, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration**

STATE OF _____, COUNTY OF _____, SS

The foregoing Certificate was subscribed and sworn to before me this _____ day of October, 2006, by _____, as _____, of CP-737 Petersburg, LLC, an Ohio Limited Liability Company, by CP-737 Petersburg Manager, LLC; its Manager, by Manuel Chavez, Manager.

Notary Public

This Instrument Prepared By:

Clem Pater III
Clem Pater III
Pater, Pater & Pater Co., L.P.A.
315 South Front Street
Hamilton, Ohio 45011

CERTIFICATE AS TO VALUE

Pursuant to KRS Chapter 382, the undersigned, the Grantor and Grantee in the within deed, state that the full consideration paid for the property passing herein is Nine Hundred and Twenty-One Thousand, Five Hundred and 00/100 Dollars (\$921,500.00).

GRANTOR:

Norman Quincy and Doris Quincy

By: _____
Printed Name: **Norman Quincy**

By: _____
Printed Name: **Doris Quincy**

GRANTEE:

CP-737 Petersburg, LLC, an Ohio
Limited Liability Company

By: **CP-737 Petersburg Manager, LLC,**
its Manager

By: Manuel Chavez
Manuel Chavez, Manager

GRANTOR'S ADDRESS _____

GRANTEE'S ADDRESS 250 WEST COURT STREET, SUITE 200E, CINCINNATI, OH 45202

STATE OF OHIO, COUNTY OF BUTLER, SS

The foregoing Certificate was subscribed and sworn to before me this _____ day of September, 2006, by Norman Quincy and Doris Quincy.

Notary Public

STATE OF OHIO, COUNTY OF HAMILTON, SS

The foregoing Certificate was subscribed and sworn to before me this 2ND day of OCTOBER, 2006, by MANUEL CHAVEZ, as MANAGER, of CP-737 Petersburg, LLC, an Ohio Limited Liability Company, by CP-737 Petersburg Manager, LLC, its Manager, by Manuel Chavez, Manager.

Nancy K Morris
Notary Public

This Instrument Prepared By:

Clem Pater III
Pater, Pater & Pater Co., L.P.A.
315 South Front Street
Hamilton, Ohio 45011

NANCY K. MORRIS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 03-31-09

DOCUMENT NO: 389792
RECORDED ON: OCTOBER 18, 2006 09:15:16AM
TOTAL FEES: \$19.00
TRANSFER TAX: \$921.50
GROUP : 2009
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: CINDY B
BOOK D923 PAGES 781 - 784

BOONE COUNTY
D923 PG 704

Return to:

4555 Lake Forest Drive, Suite 200
Cincinnati OH 45242

ORDINANCE 14-09

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF CHAVEZ PROPERTIES (PETERSBURG LLC) (OWNER) A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) FOR AN 11.7 ACRE TRACT GENERALLY LOCATED ALONG THE EAST AND SOUTH SIDES OF RIDGEDALE DRIVE, APPROXIMATELY 300 FEET SOUTH OF THE RIDGEDALE DRIVE/PETERSBURG ROAD INTERSECTION AND IMMEDIATELY SOUTH OF THE PROPERTY AT 737 PETERSBURG ROAD, AND EAST OF THE PROPERTIES AT 3110, 3122, 3130 AND 3142 BLUEBIRD LANE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an 11.7 acre tract generally located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an 11.7 acre tract generally located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky.

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

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is approved, with conditions, in a Commercial Services (C-3) zone for an 11.7 acre tract generally located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 300, PAGE NO. 38 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an 11.7 acre tract generally located along the east and south sides of Ridgedale Drive, approximately 300 feet south of the Ridgedale Drive/Petersburg Road intersection and immediately south of the property at 737 Petersburg Road, and east of the properties at 3110, 3122, 3130 and 3142 Bluebird Lane, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of

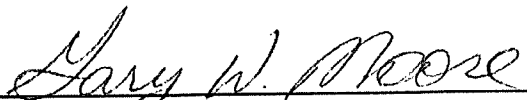
fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

SECTION III


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

Introduced and given First Reading on the 3rd day of June, 2014.

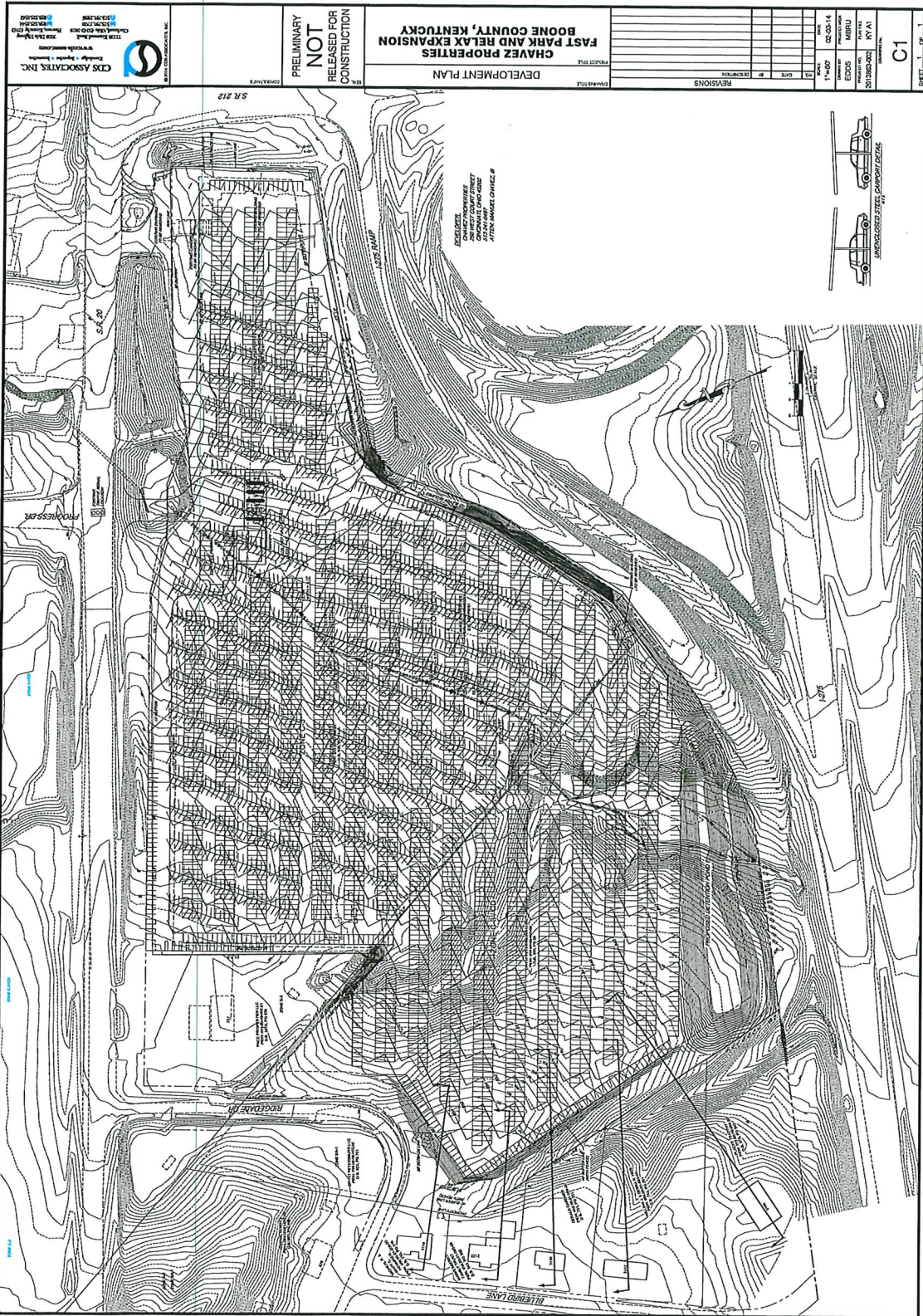
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 1st day of July, 2014 and signed by the County Judge/Executive as evidence of his approval attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE



DAPHNE KORNBLUM
FISCAL COURT CLERK



CDS ASSOCIATES, INC.
 1110 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 (404) 525-1110
 www.cdsassoc.com

PRELIMINARY
NOT
 RELEASED FOR
 CONSTRUCTION

DEVELOPMENT PLAN
FAST PARK AND RELAX EXPANSION
CHAVEZ PROPERTIES
BOONE COUNTY, KENTUCKY

NO.	DATE	BY	REVISIONS	APP'D.	CHECKED	DATE	BY	REVISIONS	APP'D.	CHECKED	DATE	BY	REVISIONS	APP'D.	CHECKED

