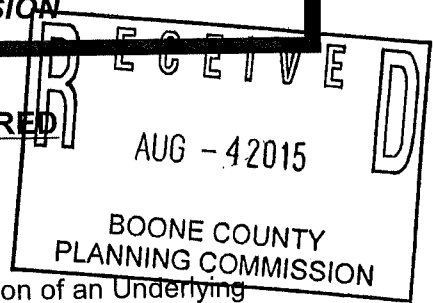


APPLICATION FORM

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 \_\_\_ Technical Design \_\_\_ **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 Merchants Square
- 3. Location of Project Seligman Drive, Florence, KY
- 4. Total Acreage of Site 4.1401 Ac. (Lot 10 Merchants Square) (see 4 ac)
- 5. Current Zoning C-2/ PD/ CD/ HDO
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1992
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) Add this use: Senior Citizen Housing
- 9. Proposed Building Intensities (please specify) \_\_\_\_\_
- 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) James W. Berling
- Phone Number 859 331 9191 Fax No. 859-344-7422 E-Mail jwberling@fuse.net
- 13. Address of Applicant(s) 1671 Park Road #1
- Ft. Wright KY 41017
- City State Zip
- 14. Name of Property Owner(s) DC-KY 18 LLC
- Phone Number 802-8058 Fax No. \_\_\_\_\_ E-Mail rcrist100@gmail.com
- 15. Address of Property Owner(s) 8800 Bankers Street
- Florence KY 41042
- City State Zip
- 16. Are there any existing buildings on the site? No
- How many? 0
- 17. Deed Book 635 Page No. 272 Group No. 2033-B

(over)

**Concept Development Plan**  
**Page 2**

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

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 RICHARD P. COST MEMBER  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 8-4-15 Fee Received 2364.00 R# 071345

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. Date Application is **Administratively Complete** as Defined in KRS 100.211

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson JANET KEGLEY

6. Scheduled Public Hearing Date 9/2/15

7. Boone County Planning Commission Action:  
 Approved       Approved With Conditions 10/7/15  
 Denied      Resolution # \_\_\_\_\_

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.

**ADDENDUM TO ZONING MAP AMENDMENT OR  
CONCEPT DEVELOPMENT PLAN APPLICATION  
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION**

**Waiver of 60 Day Time Requirement by Originator  
for Final Planning Commission Action**

1. Name of Project Merchants Square - Lot No. 10
2. Location of Project Seligman Drive
3. Names of Applicant(s) James W. Berling  
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail jwberling@fuse.net
4. Address of Applicant(s) 1671 Park Road - Suite One  
Fort Wright KY 41011  
City State Zip
5. Name of Property Owner(s) DC-KY 18, LLC - Richard D. Crist, Member

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan\* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on October 8, 2015.

6. ORIGINAL Property Owner's Signature RICHARD D. CRIST, member  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
- ORIGINAL Applicant's Signature James W. Berling  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**Note:**

\*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.

# EXHIBIT

“A”

## STAFF REPORT

Request of **James W. Berling (applicant)** for **DC-KY 18 LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 4.1401 acre site located on the west side of Seligman Drive and to the south of the property at 1090 Vandercar Way, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a senior citizen residential apartment development.

September 9, 2015

### PROPOSAL

This application is for a Change in Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 4.1401 acre site located along the west side of Seligman Drive in Florence. The current approval was the result of a settlement agreement between the City of Florence and the property owners of the ninety five (95) acre site for the "Doering, Fuller, Foltz, Durr, and Crist" Zoning Map Amendment from I-1/PD and O-2/PD to C-2/PD and a Concept Development Plan in a C-2/PD zone in 1998 (1998 Concept Development Plan excerpt, 10/15/97 Committee Report w/ graphic exhibits, and Ordinance #0-18-98 are attached). The site in question is designated for "commercial/office/research park" uses on the Concept Development Plan (Site #25), and the conditions of approval include a list of supplemental uses which are permitted in the development.

The Concept Development Plan for the current application is for "senior citizen housing." The plan shows one building which contains 57,976 gross square feet and 46 apartment units. The building intensity is 14,003 square feet per acre, and the residential density is 11.11 units per acre. The building is 3 stories high ( $\pm 46' 11''$  at the highest ridge line and  $\pm 60' 7''$  to the top of a decorative tower).

The Concept Development Plan illustrates an "L" shaped building in the southwest corner of the site. A 115 space parking lot is located in the center portion of the lot. The access point on Seligman Drive is located in the southeast corner of the tract and curves into the parking lot. Sidewalks are shown across the two building frontages which adjoin the parking lot, and a sidewalk connection between the building and Seligman Drive is shown along the access drive.

Existing tree cover is proposed to be retained as a landscape buffer along the north and west property lines. The tree cover ranges between approximately 60 feet and 150 feet wide along the north property line, and between approximately 45 feet and 75 feet wide along the west property line. Landscape islands are proposed throughout the parking lot. An existing regional storm water detention basin behind the Wal Mart site is proposed to

be used for detention.

As described above, the building is 3 stories high and is "L" shaped in plan view. The building has a combination of hipped and gabled roof forms with a series of secondary massings or jogs around the perimeter of the structure. A tower with a hipped, standing seam metal roof and finial is proposed as the main entry feature where the two building wings meet, facing the parking area. An entry canopy is partly shown on the building elevations. The majority of the first and second floors are brick with a precast stone water table. A combination of 6" vinyl horizontal siding and cement board panels are shown for the third floor. The top level of the tower is shown with cement board panels and PVC trim. Asphalt shingles are proposed for the entire structure, aside from the roof of the tower and entry canopy. Precast stone and cement board details with PVC trim are shown on all facades.

A formal landscape planting plan and a signage proposal were not included with the application.

#### SITE HISTORY

The previously mentioned Zoning Map Amendment and Concept Development Plan applications were conditionally approved in 1998. Before the 1998 approval, the specific site in question was part of a Zoning Map Amendment/Concept Development Plan that was conditionally approved in 1990 for Merchants Square Subdivision. The site in question was designated for industrial uses on the 1990 plan.

The current version of the Houston-Donaldson Study (2013) was adopted in early 2014. The 1992 version of the Houston-Donaldson Study was in force when the current (1998) Zoning Map Amendment/Concept Development Plan approval was granted.

#### ADJACENT LAND USES AND ZONING

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

- A. A vacant area is located to the east across Seligman Drive (O-1/PD/HDO and C-2/PD/HDO). A chiropractor office is located to the southeast, on the northeast corner of the Merchants Street/Seligman Drive intersection (C-2/PD/HDO).
- B. A vacant site is located to the immediate south, on the northwest corner of the Merchants Street/Seligman Drive intersection. A credit union with a drive-through facility is currently proposed on this site. A vacant lot is located further the south.

A rehabilitation hospital is located on the south side of Merchants Street, across from the Merchants Street/Seligman Drive intersection (C-2/PD/HDO).

- C. A regional detention basin, vacant lot, and a hotel are located to the north (O-1/PD/HDO and O-2/PD/HDO).
- D. A subdivision of detached, single family residences (Greenview Subdivision) is located to the west (SR-1).

### SITE CHARACTERISTICS

The site contains 4.1401 acres and has approximately 289 feet of frontage along Seligman Drive. The site contains no structures and has existing tree cover along the north and west boundaries. The center portion of the lot is relatively level, with steeper grades along the north and west boundaries, and along the northern part of the Seligman Drive frontage.

The elevation of the site ranges from approximately el. 872 along the center portion of the south property line to approximately el. 824 at the northwest corner of the lot. Public water and sanitary sewer adjoin the site in the Seligman Drive right-of-way. Soil types on the site include Jessup silt loam (JeD), Linside silt loam (Ln), and Rossmoyne silt loam (RsB). A perennial blue line stream runs parallel to the north property line on the adjoining tract.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the proposal and/or general area (2. "Houston-Donaldson/Mall Road" pg. 167).

- A. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's proposed transit hub at a site on the west side of Mall Rd. Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and

industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Regionally-oriented commercial development should be confined to Mall Road and the Houston Road area.

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 ("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. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("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. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," 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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." This site is on the border between the "Florence" region and the "Airport" region. The population of the "Florence" region is estimated to change to 32,385 in 2020, and to 34,153 in 2030.

The Business Activity Element makes the following statements regarding the surrounding areas ("Recommended Areas of Commercial Activity," pg. 67).

- A. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Elizabeth-Florence Hospital. The Main Street area will experience a rebirth as a result of an expanded population in the area and public improvements. Existing business districts need to be supported through market analysis and realistic recommendations. Overall the commercial economy of Boone County has become more diversified.

The Housing Element makes the following statements that relate to the project or the overall area.

- A. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).

- B. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan.

Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents ("Housing Types," pp. 79 and 80).

- C. It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics. As stated previously, the youthful population, divorcees, and elderly often select a multi-family unit or manufactured home to satisfy their housing needs. In the case of the young, this housing provides their first independent housing unit. In order for Boone County to retain its youth, the county must provide both jobs and housing, otherwise, an out-migration of the young and educated population will occur. Divorcees often select multi-family housing immediately following a separation. Elderly select these units for reasons usually related to economics and the need for a secure environment near their daily needs. The variety of multi-family housing includes nursing homes, retirement housing, apartments, townhouses, and condominiums all ranging greatly in price per unit. These types of units are increasing in demand outside of the established urban areas. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," pg. 80).
- D. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming

relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed.

Housing development density has become an issue of concern to many existing residents in established, large lot subdivisions in suburban Boone County. Many of these areas developed during the 1960's to the 1980's when land prices were relatively low, few utilities were present, the surrounding land was agricultural, and urban/suburban development had not yet extended out to these areas. Many of these older subdivisions contain two-acre lots or larger. By contrast, most new subdivisions in Boone County are developing at around three units per acre and sponsor sewer construction if sanitary sewer is not currently available to the site. The issue arises when these new higher density subdivisions are proposed near established low density areas and centers mainly around development impacts on infrastructure and the residential character of the area ("Housing Densities," pg. 81).

- E. The undeveloped land on the southwest quadrant of KY 18 and KY 237 would be an excellent site for a transit-oriented, mixed-use planned development, even with the planned future urban interchange at this location. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Florence/Burlington Area," pg. 84).

The "Summary of the 2006 Boone County Transportation Plan Recommendations" section in the Transportation Element lists the following Operational Improvements that are in the general area (pp. 146 and 147).

- KY 18 & KY 842 Intersection Lane Improvements.
- KY 18 Access Management Study.
- KY 18 Speed Study.
- KY 18 at Merchants/Greenview/Ridge Signal Coordination.
- KY 18 at Bankers Street Signal Study.

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. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
  - K. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and Secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
  - L. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
  - M. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced, and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).

- N. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
- O. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 12).
- P. Traditional and innovative design as well as mixed use options shall be encouraged throughout Boone County in order to accommodate market demands ("Housing," Objective 14).
- Q. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- R. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and highways, public facilities, and parks ("Transportation," 1<sup>st</sup> Goal, Objective 9).
- S. 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," 2<sup>nd</sup> Goal).
- T. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts ("Transportation," 3<sup>rd</sup> Goal, Objective 3).

#### RELATIONSHIP TO 2013 HOUSTON-DONALDSON STUDY

The site in question is within Subarea One as outlined in the Houston-Donaldson Study. The "Development and Redevelopment Opportunities/Strategies" section of Chapter 3 "Land Use Recommendations" states the following:

- A. Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-

related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility (pg. 30).

- B. It is not recommended that any new "big box" commercial development happen in Subarea One. If one of the existing large scale retail centers should vacate, the site should be redeveloped as such or, alternatively, could be redeveloped as a campus-like setting for office uses. In addition, no permanent residential development, either single family or multiple family, is recommended in Subarea One.

In summary, the Planning Commission makes the following recommendations for the future of Subarea One:

- Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses.
- Support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities.
- The properties at the KY 18/Woodspoint Drive intersection should be combined and developed as a single entity.
- The development of the KY 18/Woodspoint Drive intersection as a retail node.
- New development in Subarea One should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape (pg. 31).

The Goals and Objectives for "Subarea One - South Entrance" includes the following pertinent statements (pg. 42).

- A. Maintain the successful business climate of the South Entrance Subarea (Goal A).
- B. Continue to consistently apply the Design Standards for future development and/or redevelopment (Goal A, Objective 1).
- C. Continue to support the Commercial, Office, and Industrial uses in their current locations, as well as the current zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map (Goal A, Objective 2).
- D. Disconnects in the sidewalk network within the Subarea should be filled in (Goal B, Objective 2).

- E. Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff (Goal C, Objective 1).

Chapter Six "Current Zoning and Recommended Changes" states the following.

- A. The Zoning for Subarea One is comprised of Office (O-1/PD/CD, O-2/PD/CD) and Commercial (C-2/PD, C-2/PD/CD, C-3/PD) districts (Figure 6.1). A close investigation of the existing zoning for Subarea One shows that the Subarea is appropriately zoned. Because of the limited nature of potential new development and because the existing zoning suits the existing development, thus there are no recommendations for rezonings in Subarea One (pg. 66).

#### BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 5-2 "Operational Improvement Plan Project Locations" (pg. 5-4) outlines the following four projects that are in the area. All four projects are medium priority projects (4-6 years) on Exhibit 5-4 "Prioritization of Operational Improvement Plan Projects" (pg. 5-17).

1. Project 16: Turn lane improvements at KY 18 Burlington Pike and KY 842 Houston Road/Hopeful Church Road (text is on page 5-7).
2. Project 25: Traffic signal evaluation at KY 18 Burlington Pike and Merchants Street and evaluation of connection between Merchants Street and Greenview Drive (text is on page 5-10).
3. Project 26: Traffic signal evaluation at KY 18 Burlington Pike and Greenview Drive/Ridge Road and evaluation of connection to Merchants Street (text is on page 5-11).
4. Project 32: Traffic signal evaluation at KY 842 Houston Road and Bankers Street/Behrens Street (text is on page 5-12).

Exhibit 6-1 "Recommended Long-Range Highway Projects" (pg. 6-2) describes a project for Burlington Pike (Map ID 21) as "access management retrofit projects from 1-71/75 to KY 237 (text is on pp 6-7 and 6-8). This is a medium priority project (11-20 years) on Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg 6-20). The "KY 18 Access Management Study" itself is discussed on page 6-19.

The text regarding the Florence Pedestrian & Bicycle Plan includes KY 18/Merchants Drive as an intersection "where actions are needed to improve pedestrian and bicycle safety" (pg. 6-27). The text also states "the Florence study also recommends a list of specific actions designed to improve pedestrian and bicycle safety along the major arterials - KY 18, US 42, and Mall Road" (pg. 6-27).

### RELATIONSHIP TO AIRPORT

The site is near the alignment with runway 36R. The site is not within a noise contour on the 2006 Noise Exposure Map adopted by the Kenton County Airport Board, but it is within the 55 DNL contour on the 2011 map.

### STAFF COMMENTS

#### 1. COMPREHENSIVE PLAN AND HOUSTON-DONALDSON STUDY

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Comprehensive Plan's Land Use Element largely references the Houston-Donaldson Study. In this regard, the Element (pg. 167) states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development" and "regionally-oriented commercial development should be confined to Mall Road and the Houston Road area."

The Houston-Donaldson Study does not recommend residential development in Subarea One where the subject site is located as evidenced by the following statements.

- A. Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area

is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility (pg. 30).

- B. It is not recommended that any new "big box" commercial development happen in Subarea One. If one of the existing large scale retail centers should vacate, the site should be redeveloped as such or, alternatively, could be redeveloped as a campus-like setting for office uses. In addition, no permanent residential development, either single family or multiple family, is recommended in Subarea One (pg. 31).
- C. Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses (pg. 31).

Section 1511 "Permitted Uses" (PD overlay zone) states "any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan." In short, uses which are not permitted by the underlying zone and can still be reviewed and potentially approved on their own merits under the PD overlay zone. As a point of reference, there are two nearby developments which have some attributes of multi-family housing (the rehabilitation hospital to the south and the hotel to the north). These two developments were also subject to the 1998 Zoning Map Amendment/Concept Development Plan approval.

The Housing Element makes several statements which apply to the proposal and/or area. These include the following.

- A. "Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan" ("Housing Types," pg. 79).
- B. "Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses.

The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents" ("Housing Types," pp. 79 and 80).

- C. "High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved" ("Housing Densities," pg. 81). This is reinforced by the Goals and Objectives which state "mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways" ("Housing," Objective 10).
- D. "Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor" ("Florence/Burlington Area," pg. 84).

## 2. PD OVERLAY ZONE CRITERIA

Staff offers the following comments regarding the criteria set forth in Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

- 1. Mixed Use Development and Pedestrian Orientation: This criterion states "planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites." The proposal is for a single multi-family residential building and is not mixed use in and of itself. While there is not a mixed use orientation on this specific site, the proposal does diversity uses in the immediate vicinity and acts as a transitional use between the neighboring commercial, office, and institutional uses and the detached single family residences

to the west. The site is on a side street at the rear of Merchants Square Subdivision. These facts will need to be considered in light of the Houston-Donaldson Study's statement that "no permanent residential development, either single family or multiple family, is recommended in Subarea One" (pg. 31).

This criterion also states "in general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile." The site is within walking distance of several outlets for shopping and other commercial services, medical care, and eating and drinking. A sidewalk link between the building, parking, and public walk along the street is shown on the Concept Development Plan. The developer will be required to construct a public sidewalk across the site's frontage in the Seligman Drive right-of-way.

This criterion also discusses the creation of a pedestrian environment through the overall design of the project through reduced setbacks along the street frontages, providing storefront windows, and the like. The building placement at the side and rear of the property is not indicative of a "pedestrian" environment, but it is compatible with, and reflective of, the existing commercial developments within the subdivision.

2. Compatibility of Uses: This criterion states that "measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites." Staff has identified the following issues related to this criterion.

A. Rear Buffer Yard and Setback: The minimum required rear building setback is 50 feet. Based on the size of the building, the required landscape buffer is Buffer Yard D (80' wide w/ specified plantings or 40' wide w/ a 6' high berm, wall, or fence and specified plantings).

The Concept Development Plan notes that the rear building setback and buffer yard is 68.51 feet wide at the closest point along the common property line with the detached single family residences to the west. The existing wood cover would be used as the buffer. No berm, wall, or fence is indicated in the buffer yard. Based on the proposed grades at the front of the site, it appears that the improvements could be shifted eastward so that the 80 foot Buffer Yard D was met (or closer to being met). Because the existing wood cover varies in depth and tree density, Staff recommends that mixed evergreen trees be added along the eastern edge of the existing tree cluster to fill out the 80 foot buffer yard width. For informational purposes, the existing wood cover to be retained along the north property line adjoining the hotel site ranges between approximately 60 feet and 150 feet in width.

- B. Lighting: Exterior lighting is not addressed in the application materials. Provided the lighting standards in Section 3316 of the zoning regulations and the architectural grade fixture requirements of the Houston-Donaldson Study are met, Staff's only comment is to make sure that any substantive lighting fixtures (freestanding masts and wall packs) are not located where they are visible to the residential neighbors to the west.
- C. Architecture: Condition 1.A in the 10/15/97 Committee Report for the current Zone Change/Concept Development Plan approval for the property (1998) outlines specific architectural requirements which must be met for outlots and single use buildings. These are shown in Exhibits D and E. Among the requirements are standing seam metal roofing for pitched roofs and full height masonry veneer. Aside from the tower and the entry canopy, the entire structure is proposed to use asphalt shingles. Vinyl siding and cement board panels are proposed on the third floor in addition to masonry for the first and second floors.

The Houston-Donaldson Study (Section 6 "Building Materials" on page 56) permits cement board siding for trim, detailing, and incidental or secondary wall areas only. It prohibits the use of vinyl siding altogether.

Based on these policies, Staff recommends that the building design be modified to meet the standards outlined in Exhibits D and E from the 1998 Zone Change/Concept Development Plan approval. This would entail changing the roof material from asphalt shingles to standing seam metal, changing the vinyl siding and cement board panels on the third floor to full height masonry, minimizing the overall use of cement board panels, and not using vinyl siding on any part of the building. The hotel on the adjoining site to the north and the Houston Office Condominiums are similar developments which followed these same requirements.

Only a portion of the entry canopy was shown on the submitted elevation drawings. The entire canopy will need to be shown in context of the overall building before it can be approved. It can not be effectively evaluated based on how it is currently depicted.

- D. Dumpster: The location of the dumpster was not shown on the Concept Development Plan. The dumpster must be placed in the side or rear yard only, and meet the enclosure requirements of the Houston-Donaldson Study and Section 3151 of the zoning regulations.

E. Outside Activities/Amenities: An outdoor patio is shown at the southwest corner of the building. The applicant should explain whether any outside activities or amenities other than the patio are planned. This issue also relates to Criterion #3 "Open Space" below.

3. Open Space: This criterion states "useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided." In addition to the north and west wooded buffer areas discussed above, the proposed street frontage landscape area ranges in width from approximately 70 feet to 77 feet (20' minimum is required by the Houston-Donaldson Study). If the width of the rear buffer was adjusted as discussed above, the width of the street frontage area would be reduced by approximately 11 to 12 feet.

No "useable" outdoor spaces, aside from the patio mentioned above, are shown on the plan. If no additional outside amenities are planned, then the governing bodies will need to determine whether this criterion is effectively met by the submitted Concept Development Plan.

4. Multi-Modal Transportation System: Sidewalks are discussed under #1 above. A bike rack is required under Section 3327 of the zoning regulations.

5. Preservation of Existing Site Features: The existing wood cover and topography is proposed to be retained in the buffer areas along the north and west property lines as discussed above. Other than these two features, the site is an open lot which has already experienced substantial grading.

6. Landscaping: The buffer areas along the north and west property lines is discussed several times in the comments above. The proposal will also need to meet the applicable landscape requirements in Article 36 of the zoning regulations and the "Site Design Requirements" in the Houston-Donaldson Study.

7. Architecture: Architecture is discussed under #2 above.

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

9. Signage: This criterion states "a consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects."

No details regarding signage were submitted with this application. Any signage will need to meet the conditions of the 1998 Zone Change/Concept Development Plan approval. This includes a low rise monument style sign with a masonry base and a decorative gable or pediment cap, and channel letter building mounted signage. Based on the site's location at the rear of the subdivision, the distance of the building from Seligman Drive, and the fact that the proposal is for a residential structure, consideration should be given to minimizing or altogether bypassing building mounted signage.

10. Transportation Connections and Entry Points: A sidewalk connection between the building, parking, and Seligman Drive is shown on the Concept Development Plan in accordance with Section 3327 of the zoning regulations. Based on the existing conditions around this tract, Staff has not identified any reasonable opportunity for a transportation connection to any of the adjoining sites.

This criterion also requires entry points to be marked or defined. No specific proposal for how this would be achieved has been provided at this point in time. Staff suggests that this demarcation be addressed through the final signage and/or landscape design.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

3. FLORENCE FIRE/EMS DEPARTMENT COMMENTS

Robert Krebs, Fire Marshal with the Florence Fire/EMS Department, has reviewed the plan and has comments regarding limited access for firefighting (8/14/15 e-mail is attached).

5. OUTSIDE AGENCY COMMENTS

Staff has requested comments on the proposal from the Florence City Administration, Florence Public Services Department, and the Kenton County Airport Board. 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.

6. OTHER ISSUES

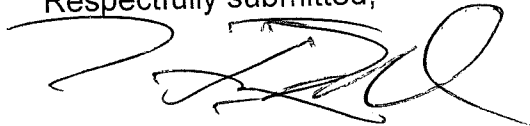
Staff has identified the following details which will need to be addressed at the site plan or design review stages.

- A. An additional handicap parking space will need to be provided.
- B. The curb walks along the building frontages scale to 5 feet in width. The required width is either 6 feet or 4 feet if wheel blocks are provided.
- C. All site furniture will need to meet the requirements of the Houston-Donaldson Study.
- D. All new utilities will need to be underground.

### CONCLUSION

The Boone County Planning Commission and the Florence City Council need to evaluate the application in terms of the requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, the 2013 Houston-Donaldson Study, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended to reflect Urban Density Residential Uses on this site if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

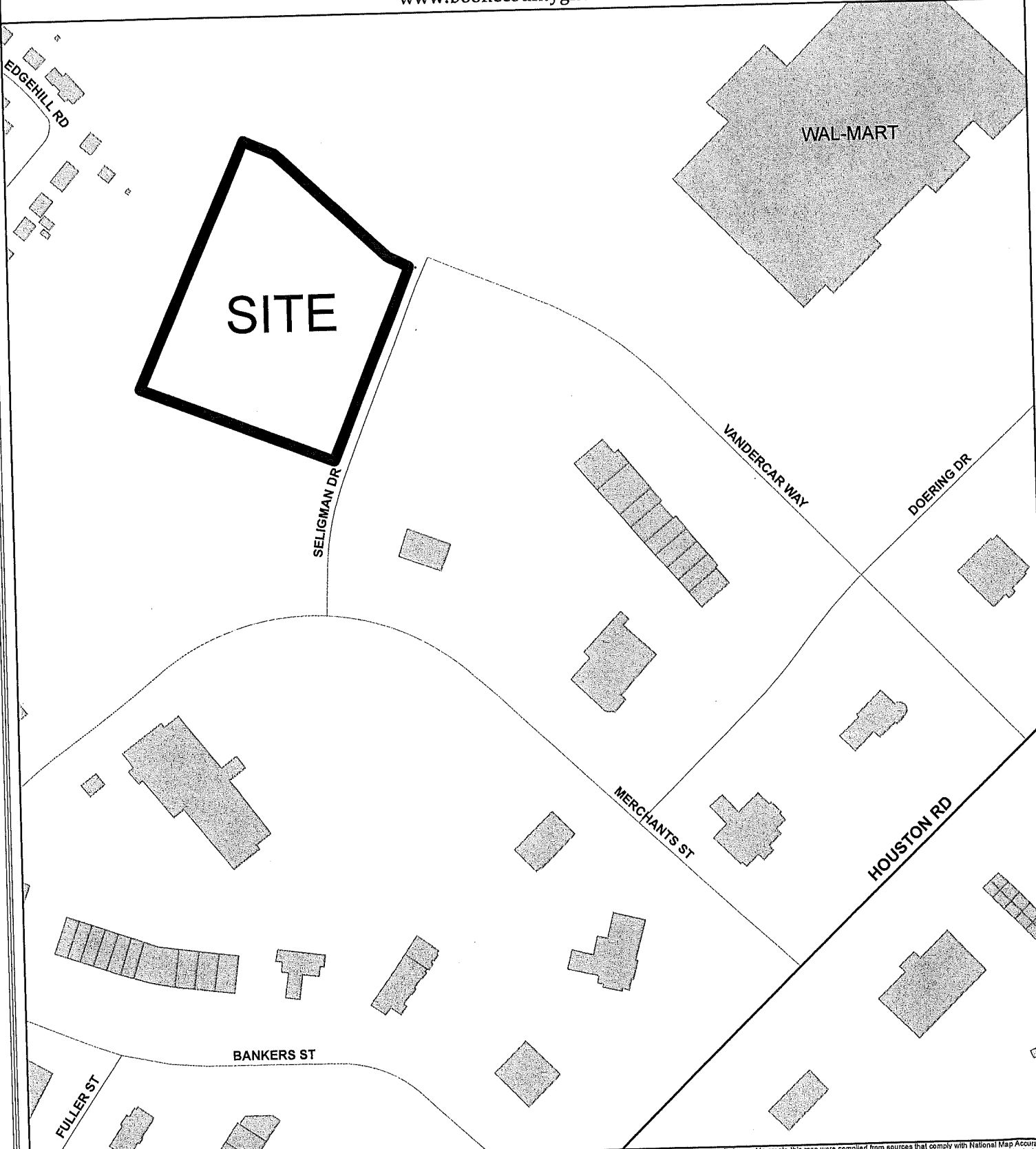
KTW/tlb

attachments:

- \* Location map
- \* Aerial photograph with zoning
- \* 2035 Future Land Use Map excerpt
- \* Topographic map
- \* 1998 Concept Development Plan excerpt
- \* 10/15/97 Committee Report w/ graphic exhibits
- \* Ordinance #0-18-98
- \* 8/14/15 e-mail from Robert Krebs, Fire Marshal, Florence Fire/EMS Department
- \* Application materials including Concept Development Plan

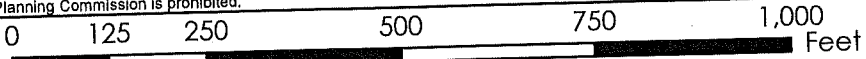
# Location

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1 inch = 247 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Boone County GIS  
ArcMap Document: BooneMap.mxd

Map Created: 01/01/2015

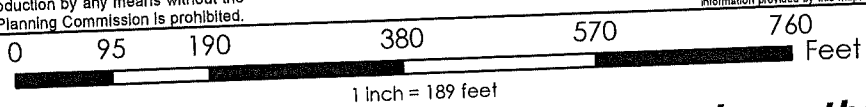
# Zoning

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**Boone County GIS - Putting Northern Kentucky on the Map**

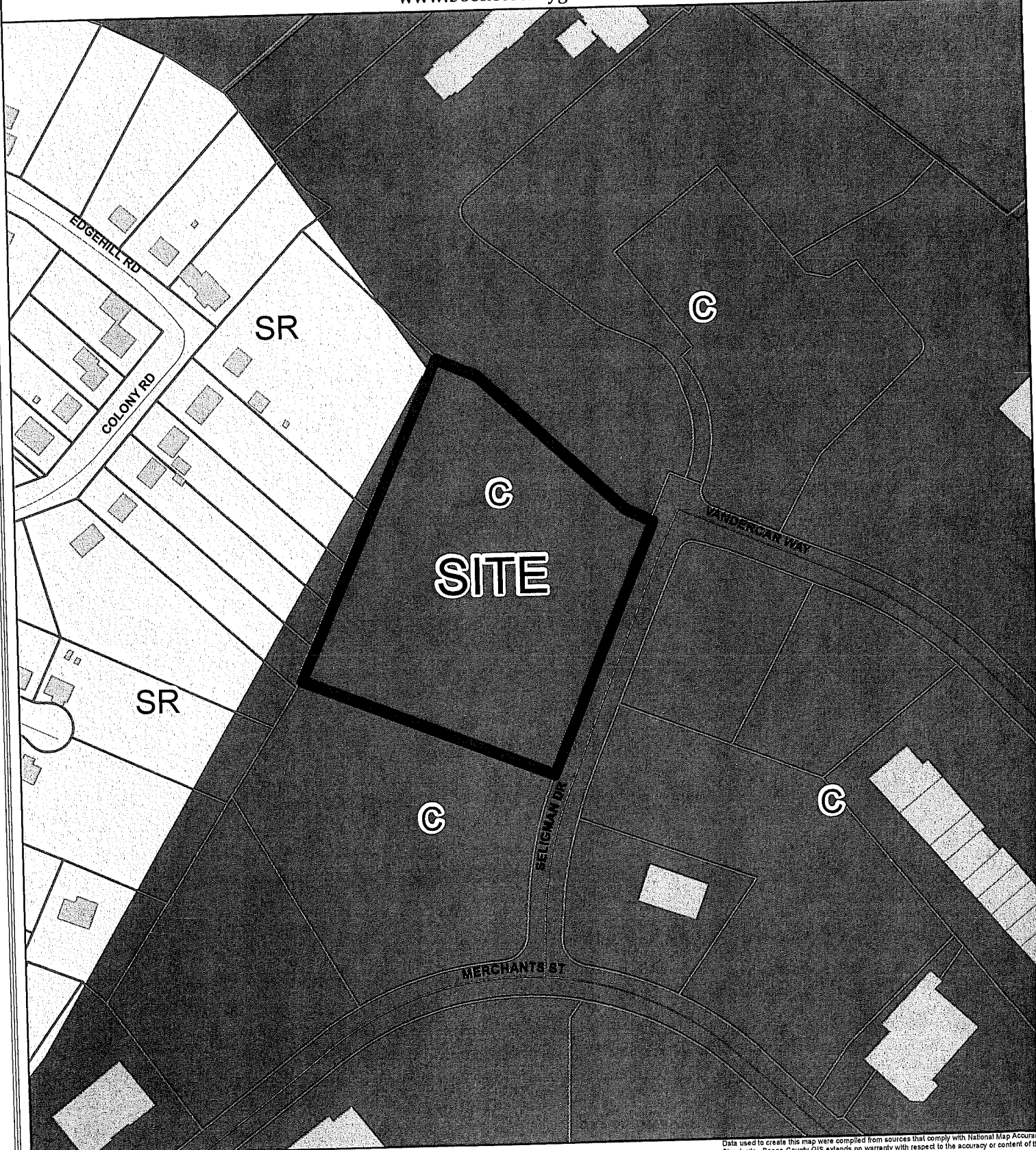


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Boone County GIS - Putting Northern Kentucky on the Map  
Aerial Map Document: BooneMap

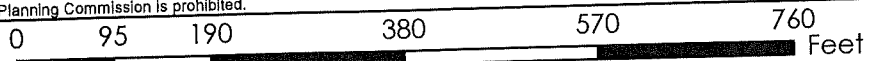
# Future Land Use

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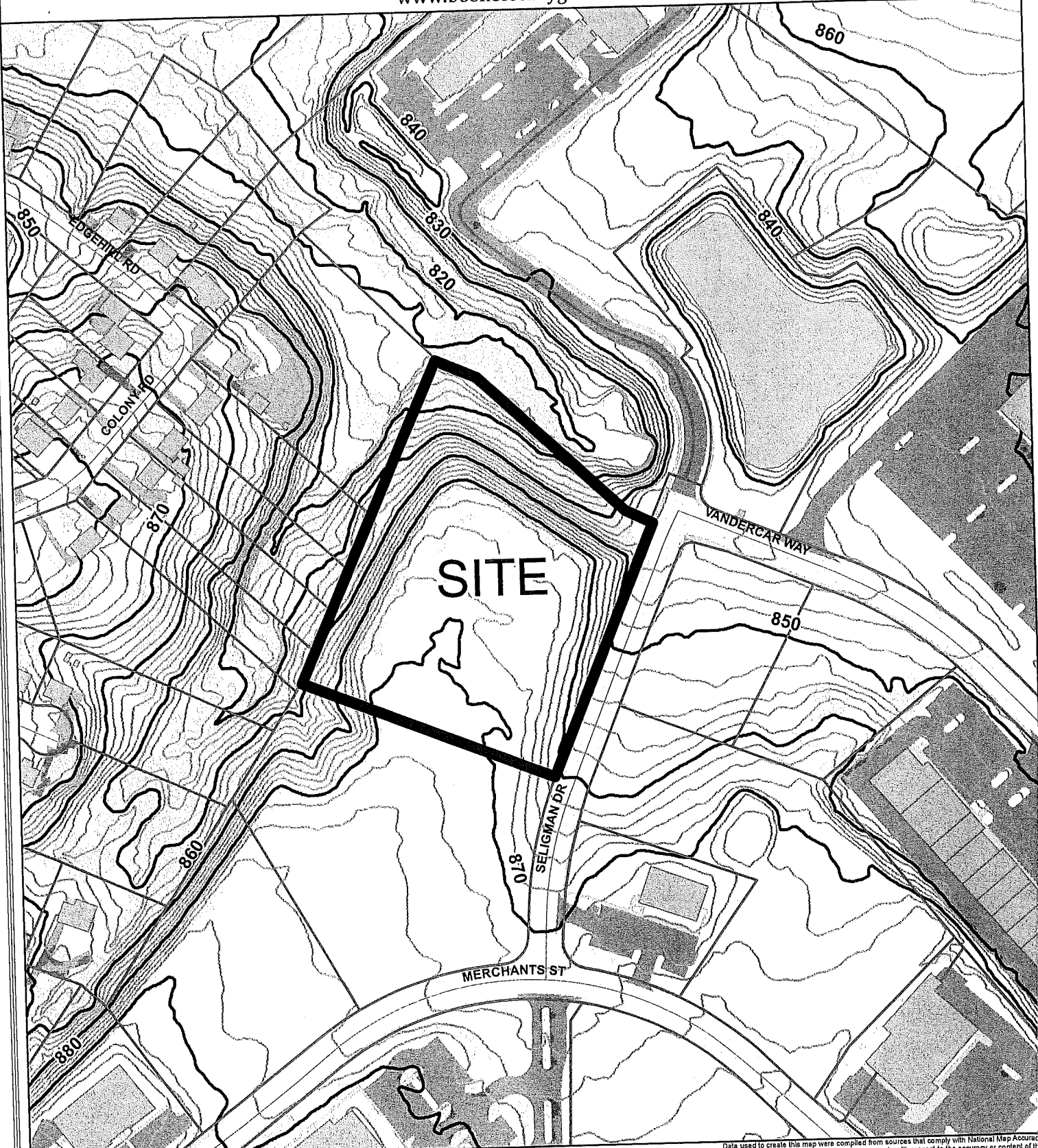
**Boone County GIS - Putting Northern Kentucky on the Map**



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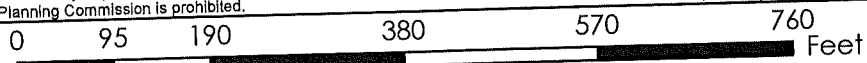
# Topography

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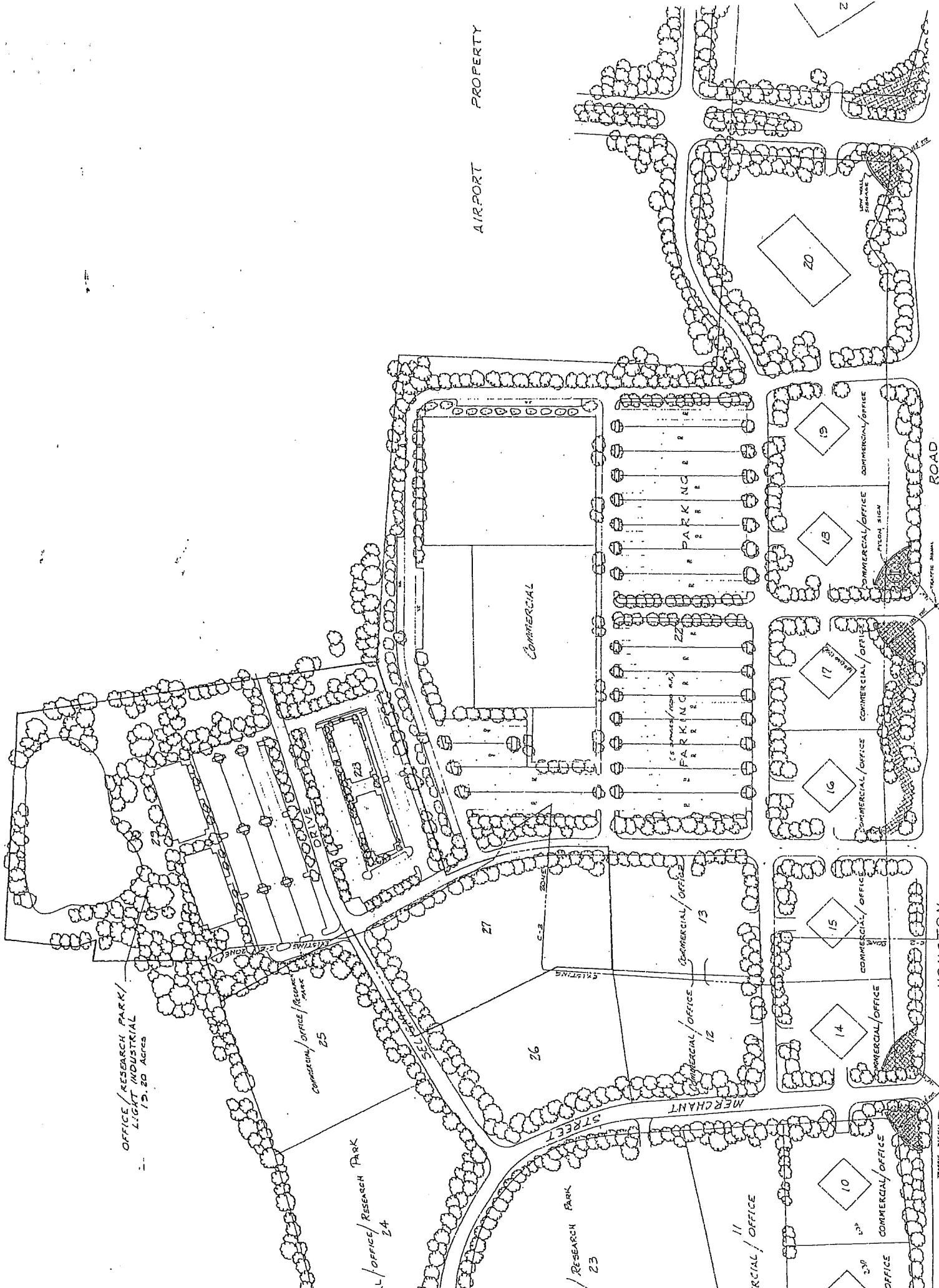
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**Boone County GIS - Putting Northern Kentucky on the Map**





AIRPORT PROPERTY

1000 CONCEPT DEVELOPMENT PLAN

HOUSTON ROAD

OFFICE / RESEARCH PARK / LIGHT INDUSTRIAL 15.80 ACRES

OFFICE / RESEARCH PARK 24

RESEARCH PARK 23

RENTAL / OFFICE 11

COMMERCIAL / OFFICE / RESEARCH PARK 25

26

27

MERCHANT STREET

EXISTING

EXISTING

22

COMMERCIAL

PARKING

PARKING

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## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

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

### Remarks:

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

### Findings of Fact:

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

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

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

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

#### Conditions

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

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

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

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

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

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

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

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

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

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

Arnold Caddell  
Arnold Caddell, Chairman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

Larry Brown  
Larry Brown

For	<input type="checkbox"/>	Against	<input checked="" type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

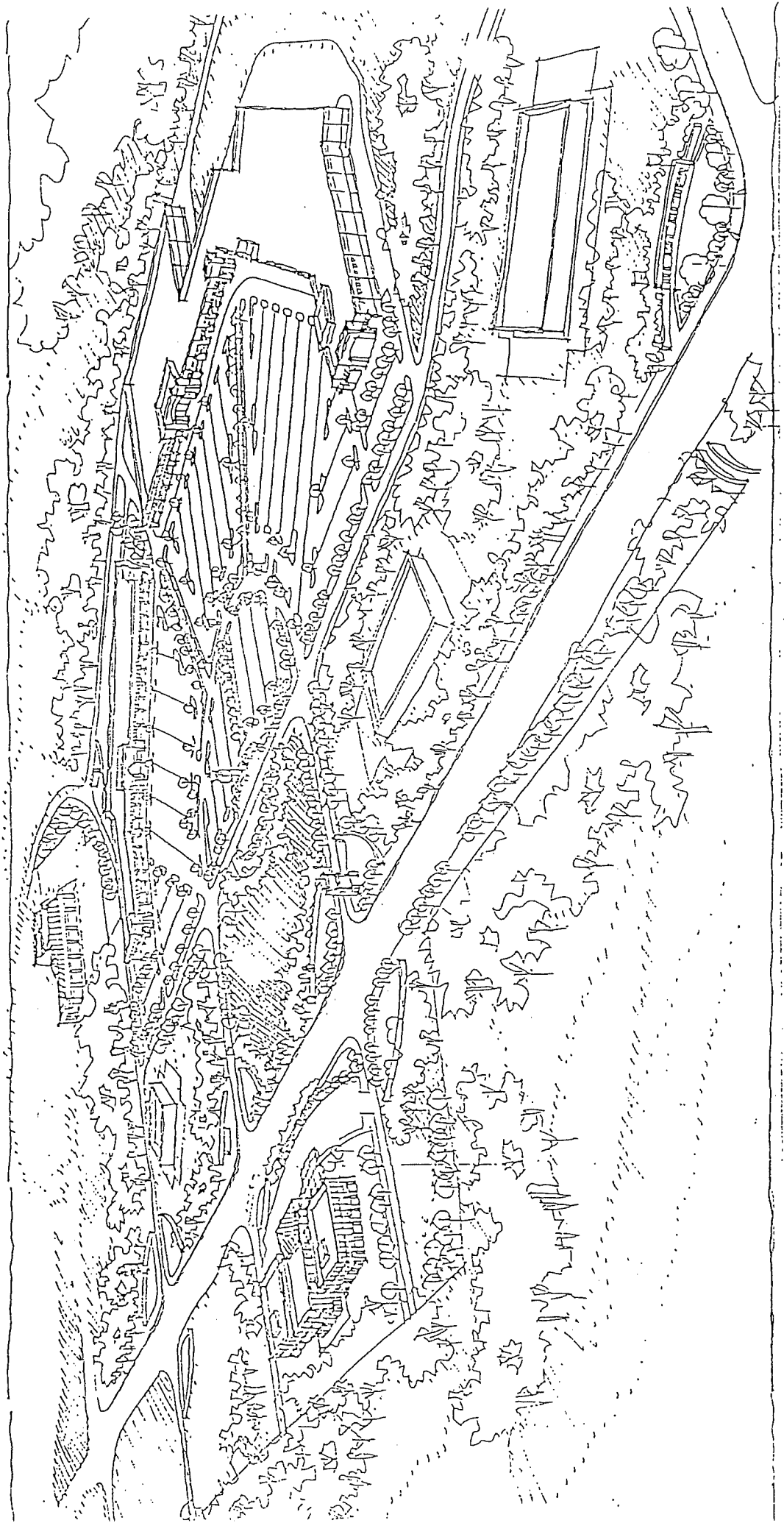
Donald McMillian  
Donald McMillian

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

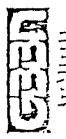
Linda Schaffer  
Linda Schaffer

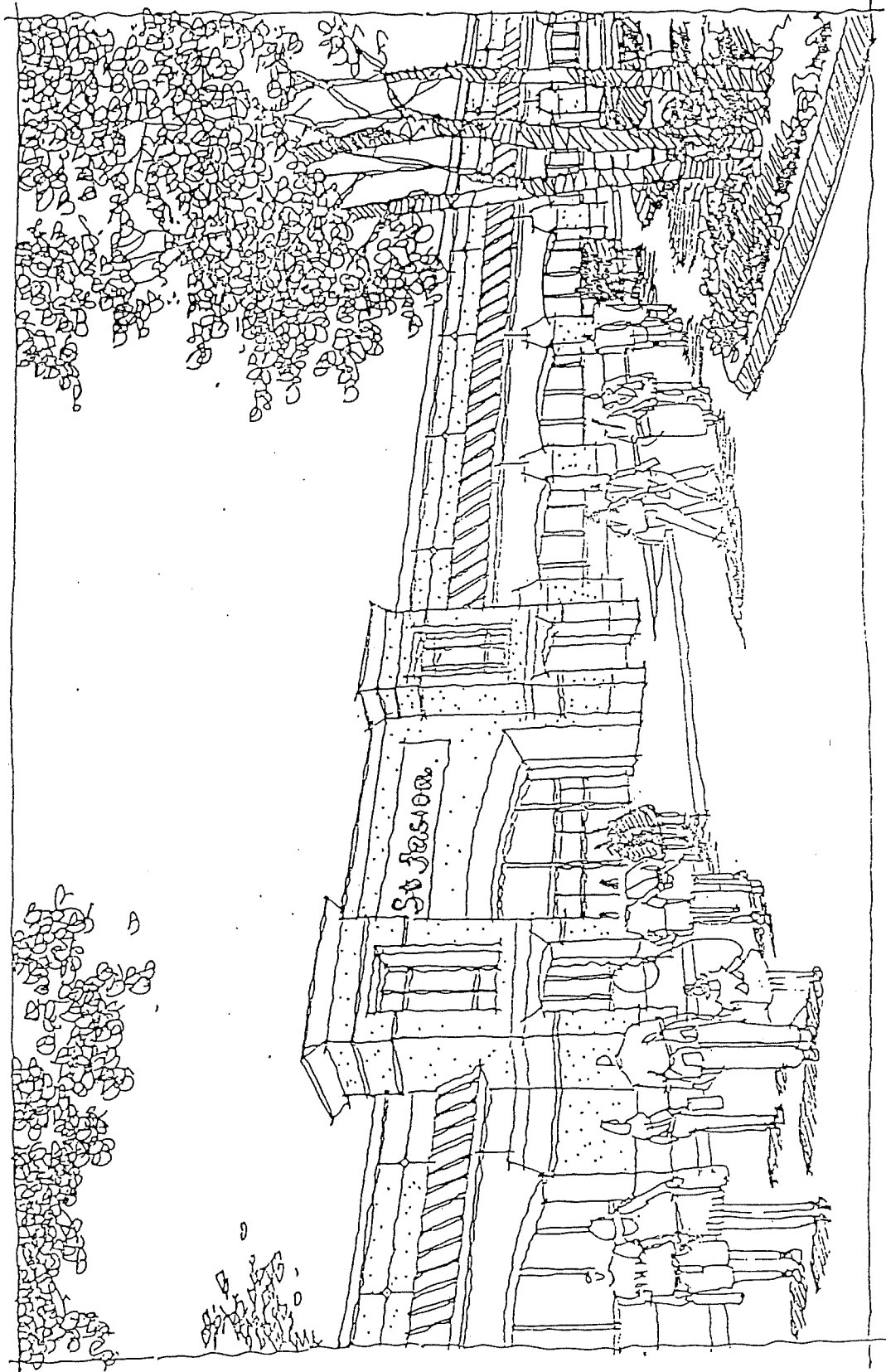
For	<input type="checkbox"/>	Against	<input checked="" type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL: 2 FOR 2 AGAINST — ABSTAIN — ABSENT



*The Florence Marketplace*  
Architectural Development Guidelines NTS





*The Florence Marketplace*

Architectural Development Guidelines NTS



\* ALL SIGNAGE MUST BE INTERMEDIATE ILLUMINATED INDIVIDUAL CHANNEL LETTERS.  
 CONSTANT CORNICE ELEMENT ON ALL FACADES OF ANCHORS.  
 EIFS VENEER ABOVE MASONRY BASE & BODY  
 STANDING SEAM METAL ROOF

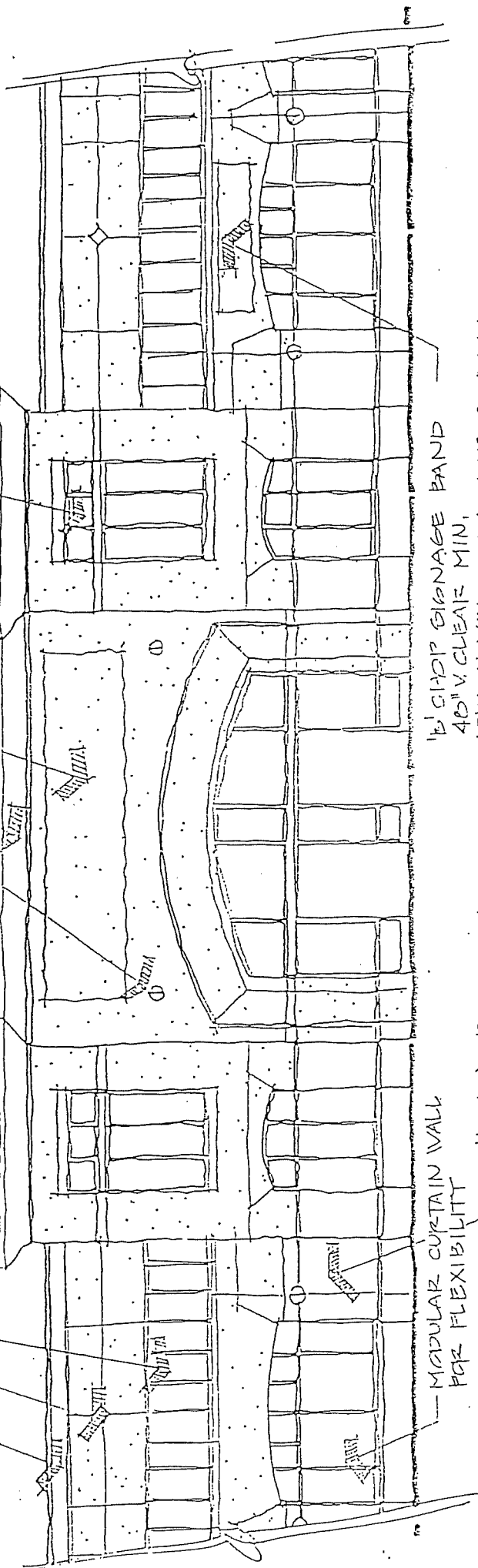
EIFS DETAILING, MEDALLIONS OR CONSTANT LIGHTING FIXTURE PACKAGE  
 FOLE, WALL MOUNTED, SURFACE MOUNTED, ETC.  
 FORM GIVING THEME SET & ANCHOR

ANCHOR SIGNAGE PANEL 10' HIGH x 40' WIDE, TYP  
 IMPLIED SECOND FLOOR W/ RAISED DISPLAY OR FALSE WINDOW SYSTEM.

6" CHOP SIGNAGE BAND 48" V. CLEAR MIN, 10' HIGH MIN, CONTINUOUS COVERED WALKWAY, 6' MIN. CLEAR WIDTH.

1" VENEER, MASONRY TO 60' MIN, 2' MASONRY BASE IN COMPLEMENTING COLOR.

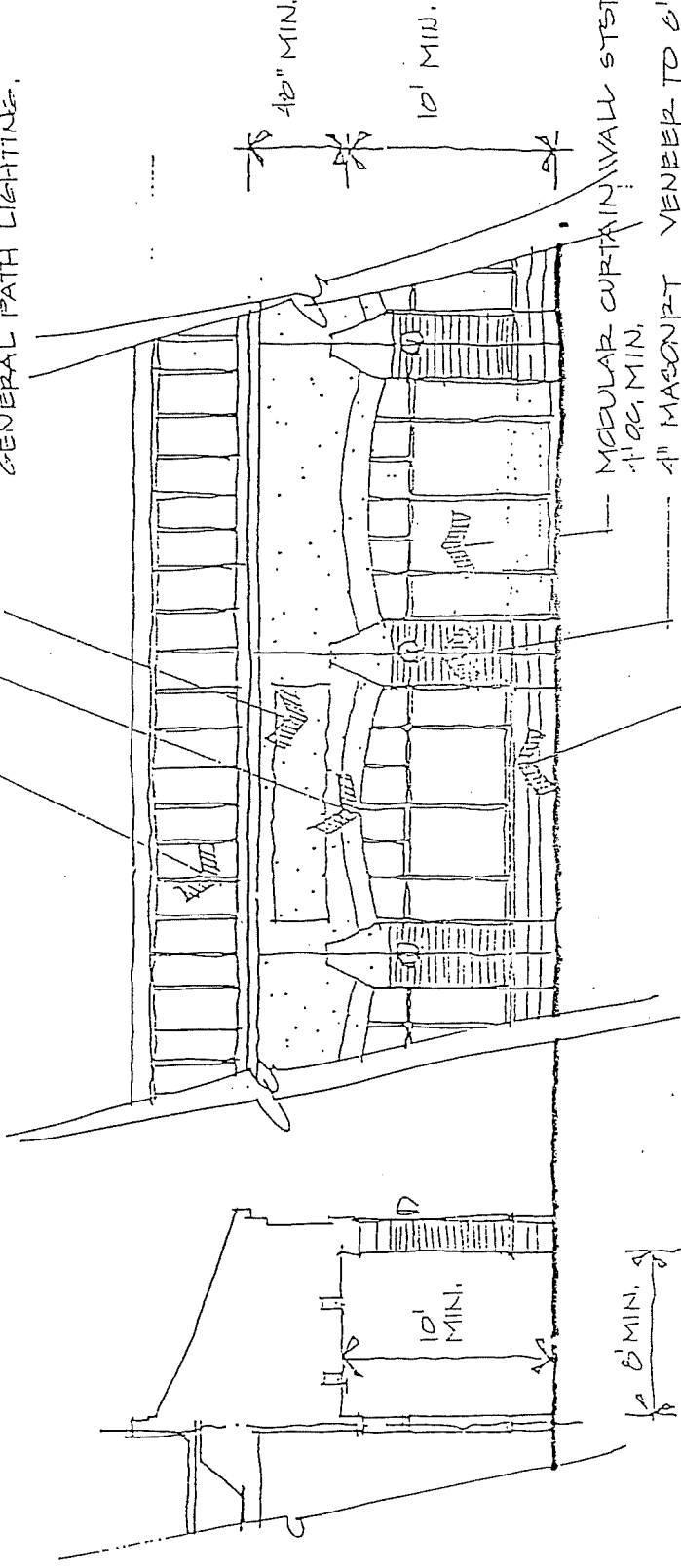
MODULAR CURTAIN WALL FOR FLEXIBILITY



STANDING SEAM METAL ROOF.

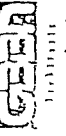
2 COLOR EIFS VENEER SYSTEM  
2 SIGNAGE BANDS, 48" CLEAR MIN.

SIGNAGE MUST BE INDIVIDUAL INTELLUENT  
ILLUMINATED CHANNEL LETTERS,  
CONSISTANT LIGHTING PACKAGE  
FROM AREA LIGHTS & LAND MARKING TO  
GENERAL PATH LIGHTING.



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Architectural Development Guidelines NYS



CONSISTANT CORNICE DETAILING

2 COLOR 'EIFES' VENEER SYSTEM

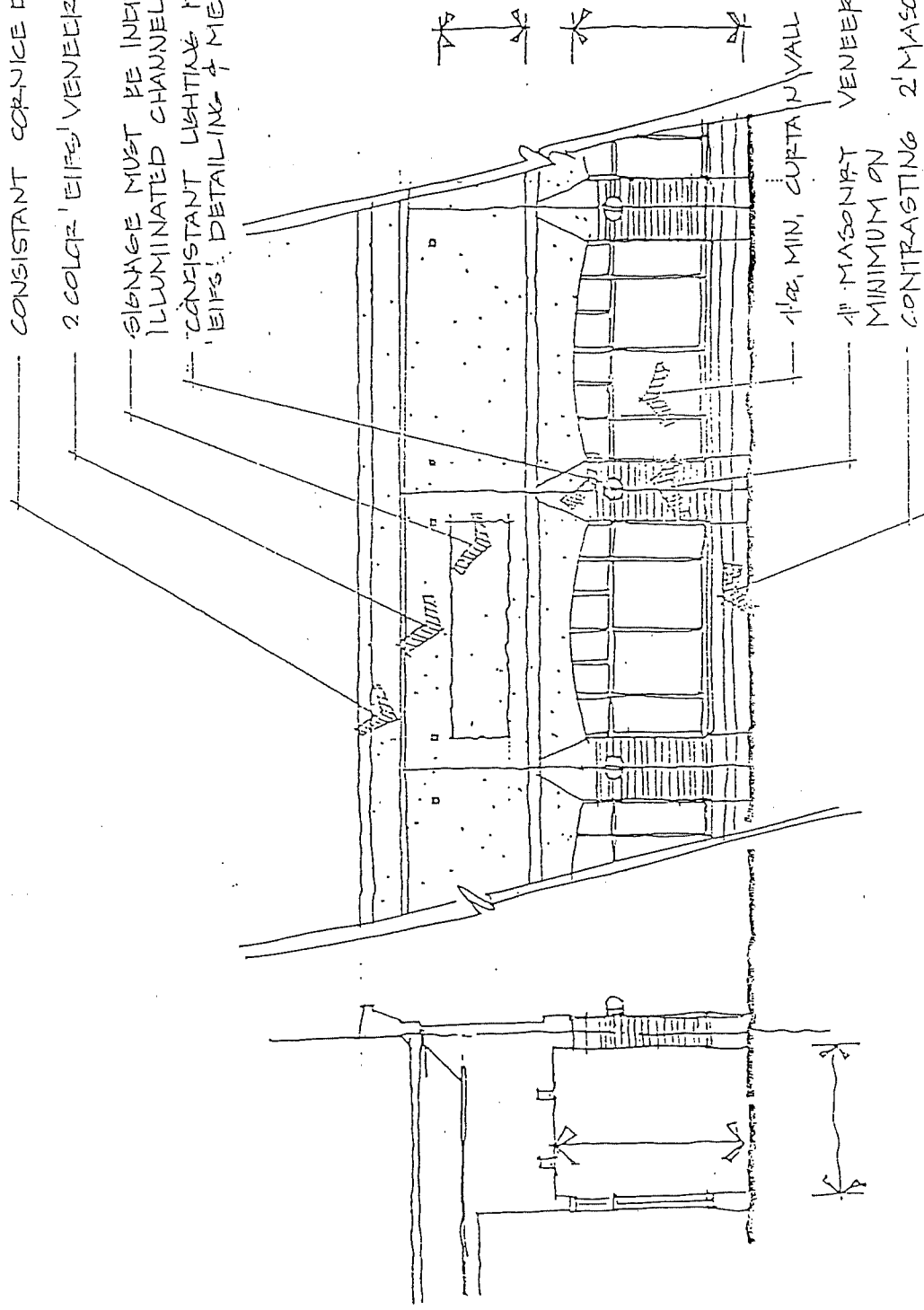
SIGNAGE MUST BE INDIVIDUAL INTERNALLY ILLUMINATED CHANNEL LETTERS.

'EIFES' DETAILING & MEDALLIONS, CANEISTANT LIGHTING PACKAGE OF

1 1/2" MIN. CURTAIN WALL SYSTEM

1" MASONRY VENEER TO 6' HIGH MINIMUM ON

CONTRASTING 2' MASONRY BASE,



# The Florence Marketplace

Architectural Development Guidelines NTS



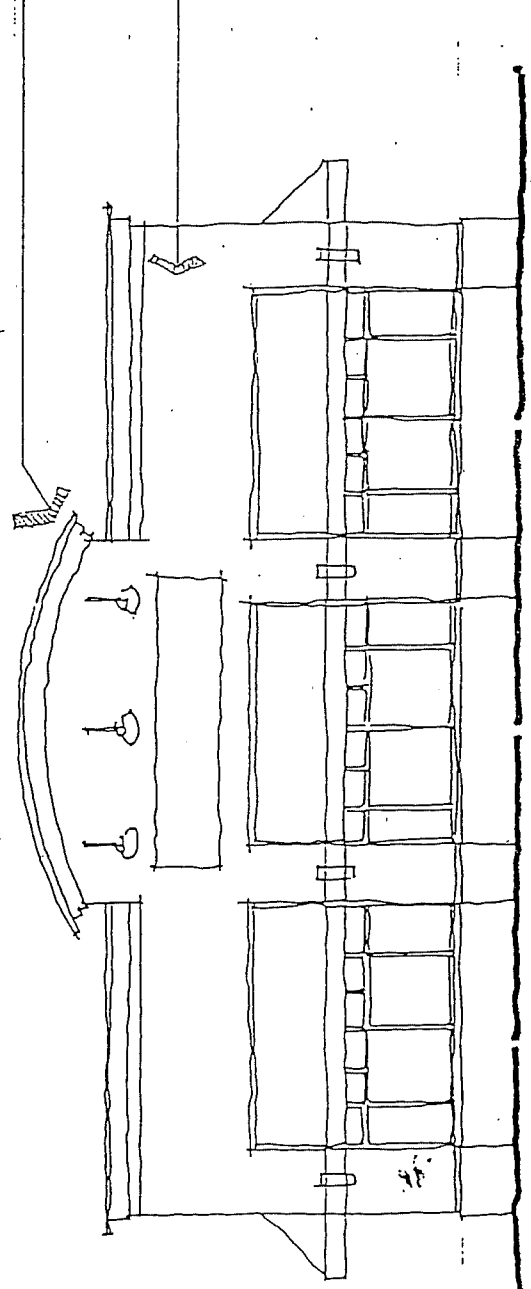
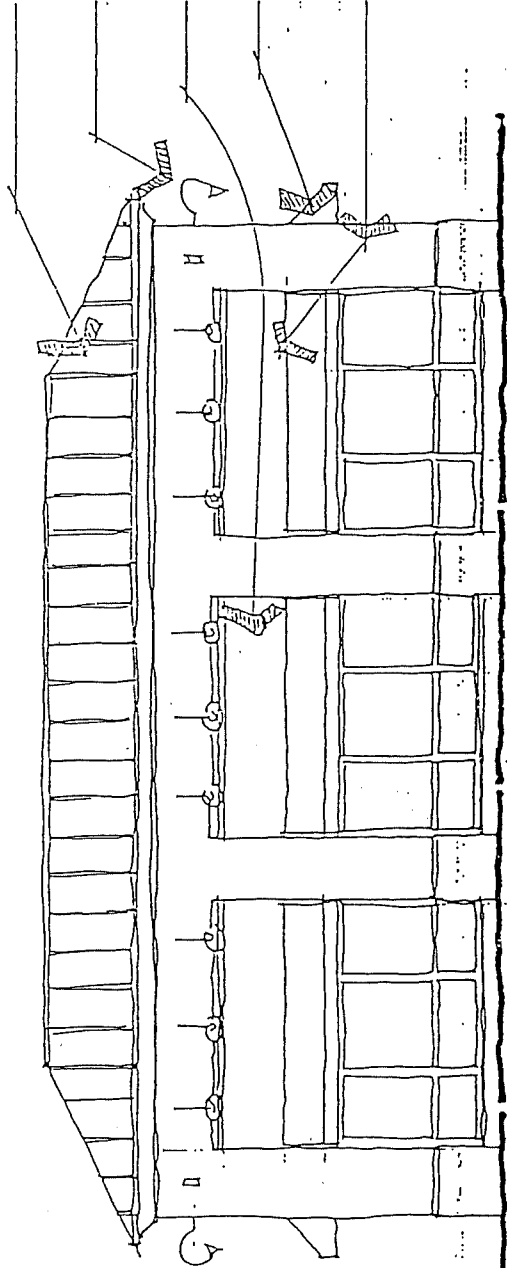
C

STANDING SEAM METAL  
ROOF CONSISTANT W/ FLAZA  
LIGHTING CONSISTANT W/ BLDG.  
MOUNTED SIGNAGE & IMAGE,  
ACCENT LIGHTING.  
SIGNAGE MUST BE INDIV AL  
CHANNEL LETTERS, INTERVAULT  
ILLUMINATED  
BLDG. MTD, FABRIC CANOPY  
MUST BE OF PRESCRIBED  
COLOR.

FULL HGT, FACE BRICK  
VENEER W/ EIFS, ACCENT.

SIMPLY SHAPED PARAPET.

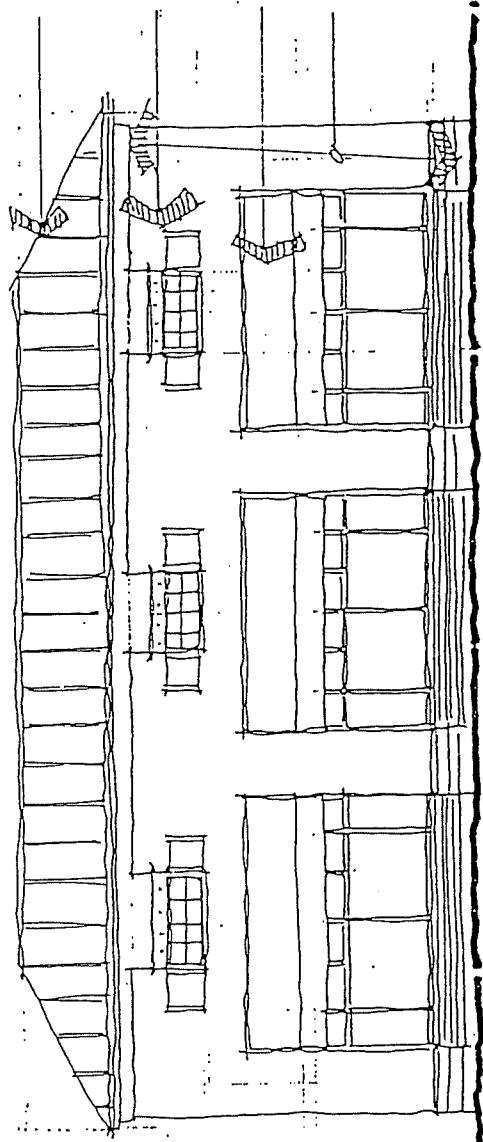
4' MASONRY VENEER  
FULL HEIGHT ON LOT  
BUILDINGS



*The Florence Marketplace*

Architectural Development Guidelines NTS



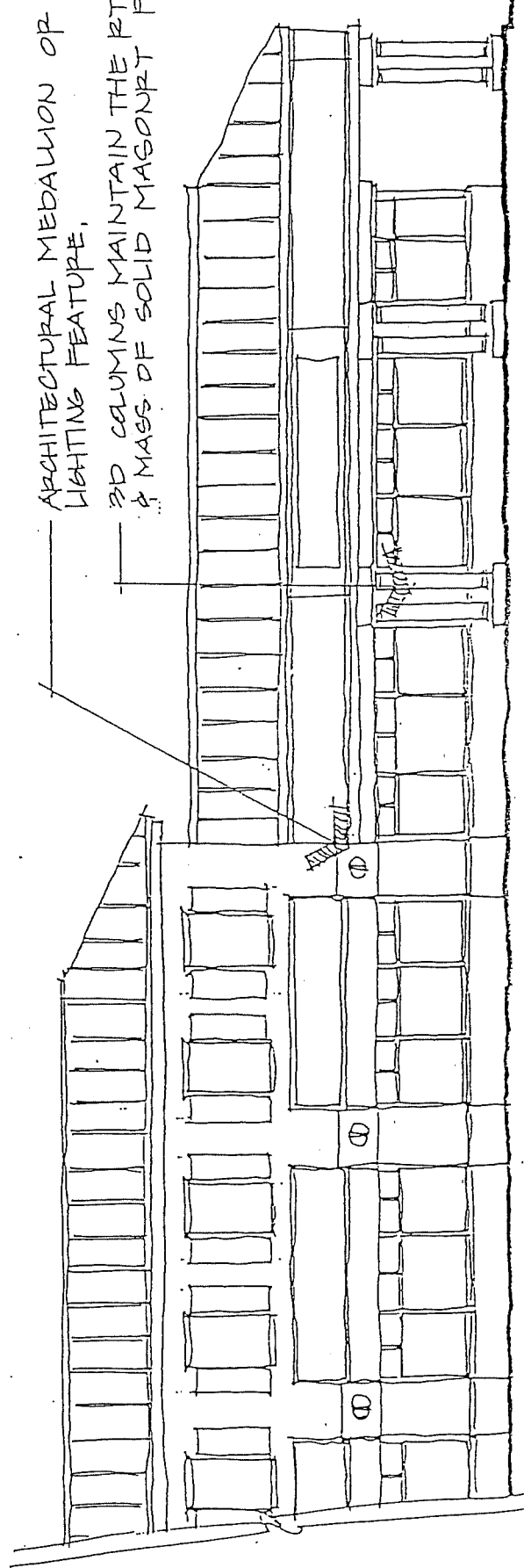


STANDING SEAM METAL ROOF  
CONSTANT W/ DEVI. COLOR PALETTE.

CLERESTORY ON SECOND FLOOR.

48" HIGH SIGNAGE BAND - INDIVIDUAL  
ILLUMINATED CHANNEL LETTERS

FULL HEIGHT MASONRY VENEER



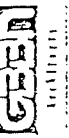
ARCHITECTURAL MEDALLION OR  
LIGHTING FEATURE.

3D COLUMNS MAINTAIN THE RHYTHM  
& MASS OF SOLID MASONRY PIERS

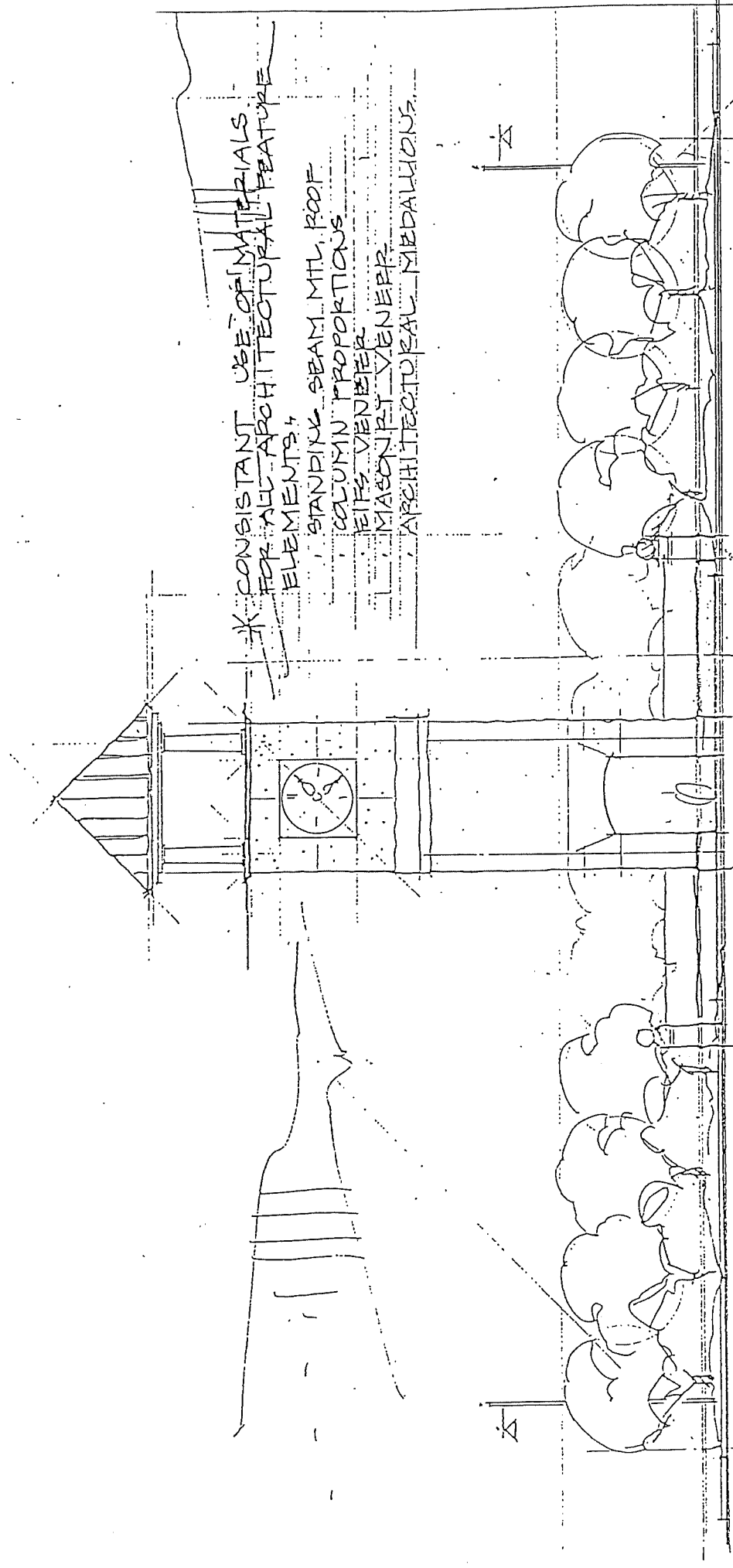
4804F.

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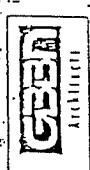


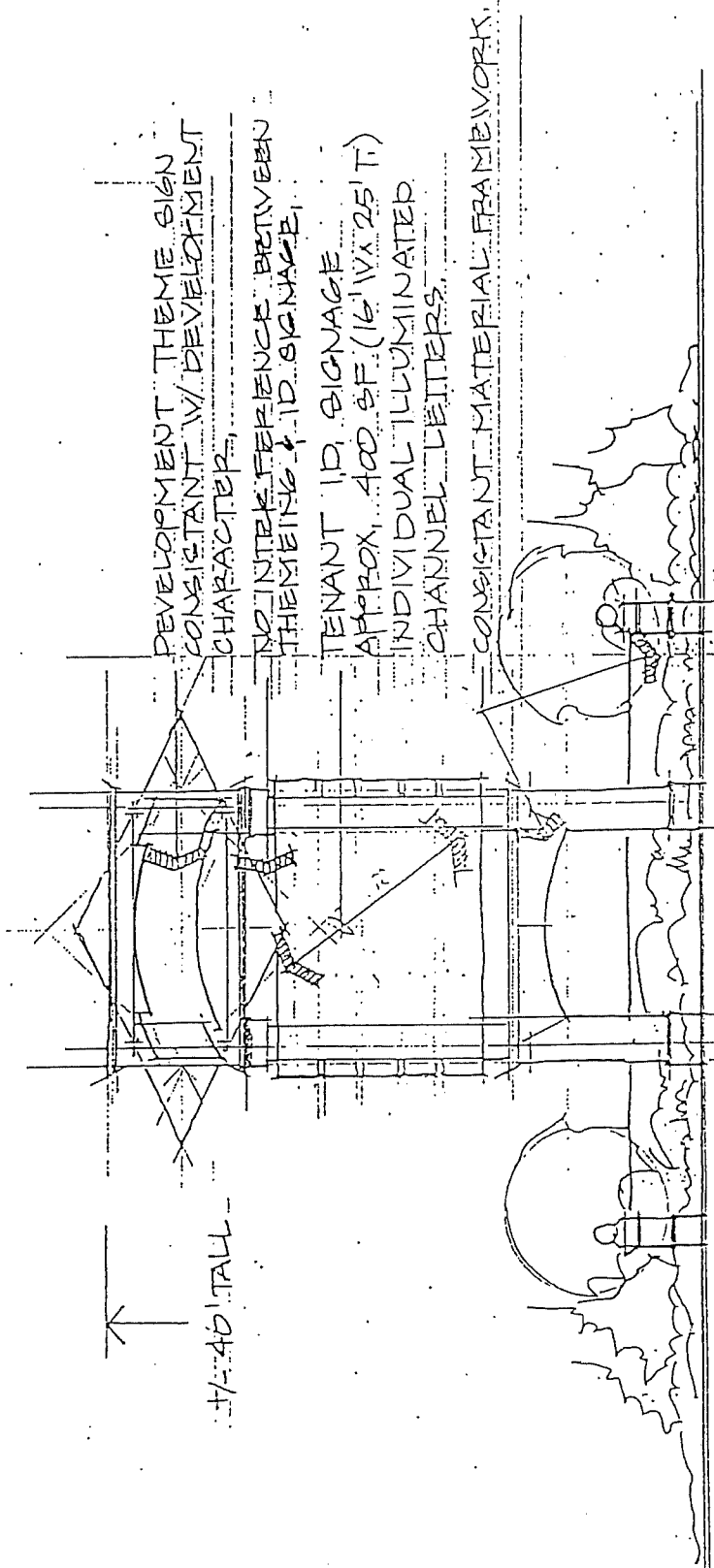
E



\* CONSTANT USE OF MATERIALS FOR ALL ARCHITECTURAL FEATURE ELEMENTS:  
- STANDING SEAM METAL ROOF  
- COLUMN PROPORTIONS  
- EIFS VENEER  
- MASONRY VENEER  
- ARCHITECTURAL MEDALLIONS

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↑  
40 FT TALL

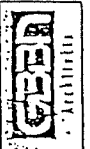
DEVELOPMENT THEME SIGN  
CONSISTANT W/ DEVELOPMENT  
CHARACTER

NO INTERFERENCE BETWEEN  
THEMING & ID SIGNAGE

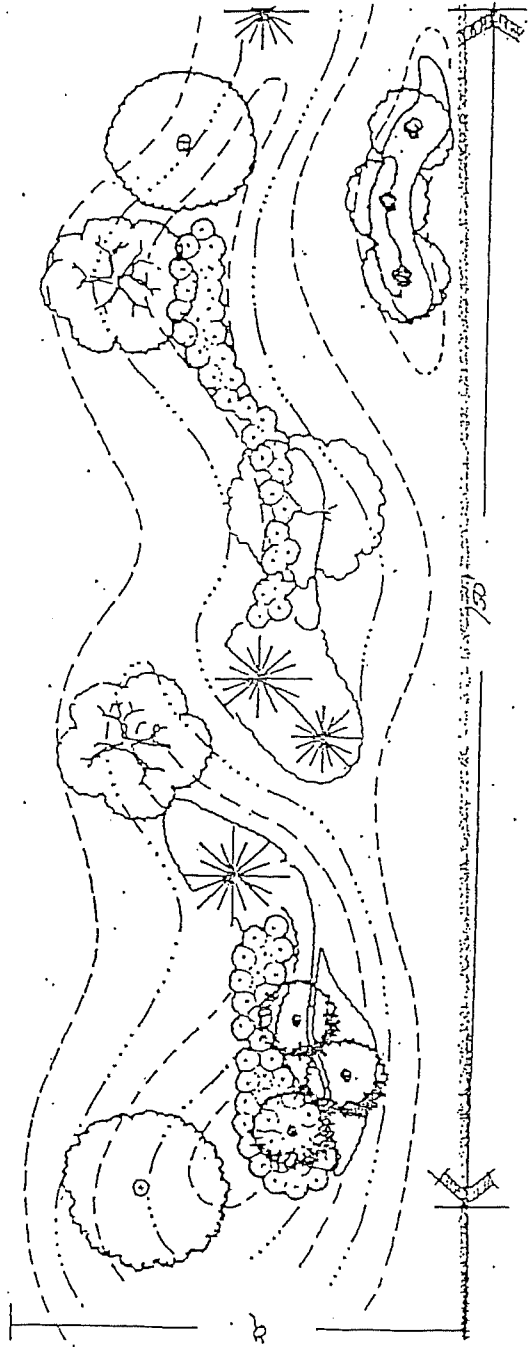
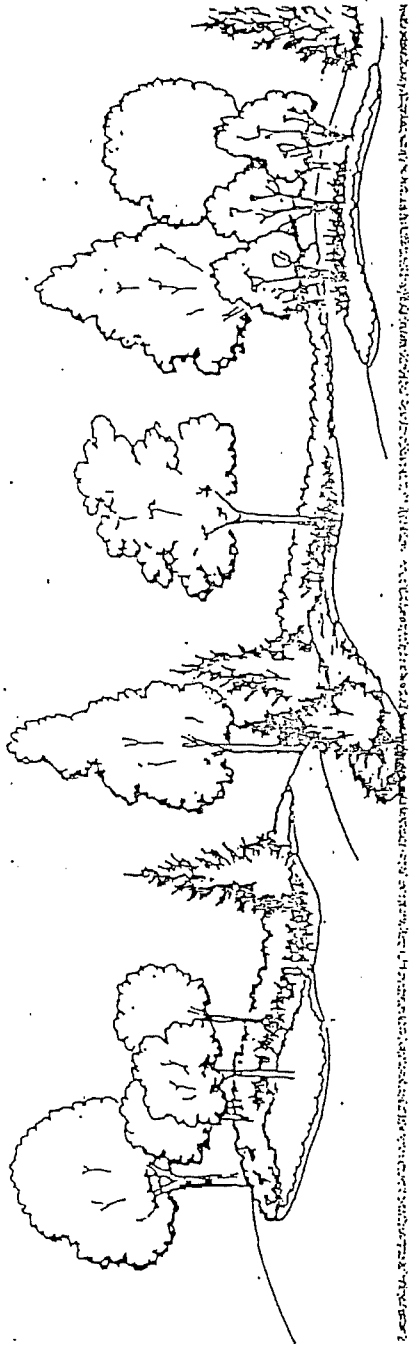
TENANT ID SIGNAGE  
APPROX. 400 SF (16' W X 25' H)  
INDIVIDUAL ILLUMINATED  
CHANNEL LETTERS

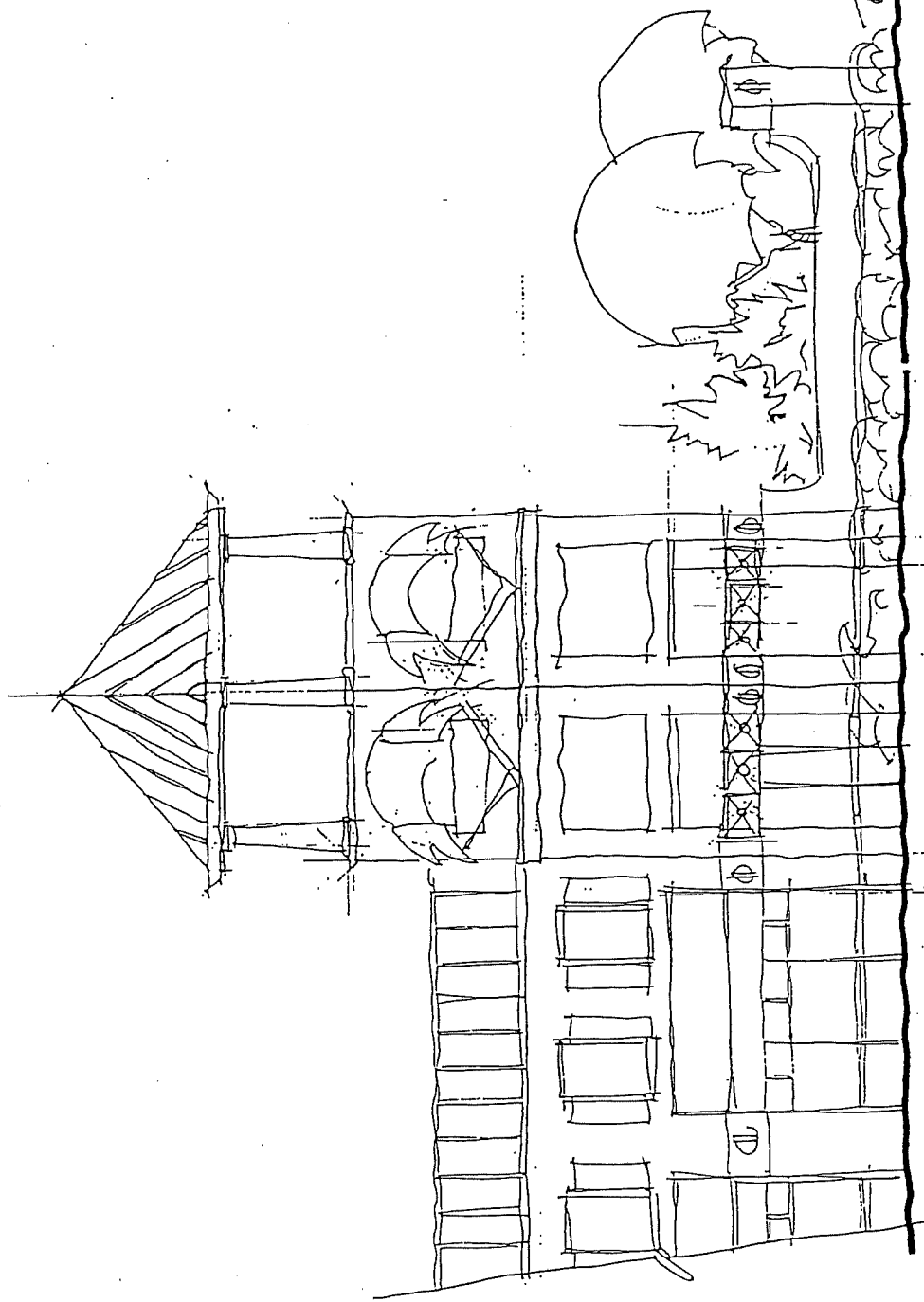
CONSISTANT MATERIAL FRAMEWORK

*The Florence Marketplace*  
Architectural Development Guidelines NTS



\*IMAGE SHOWS DENSITY OF LANDSCAPING & BEEM FOR 150' OF FRONTAGE. SIM TO TYPICAL OUTLOT FRONTAGE.



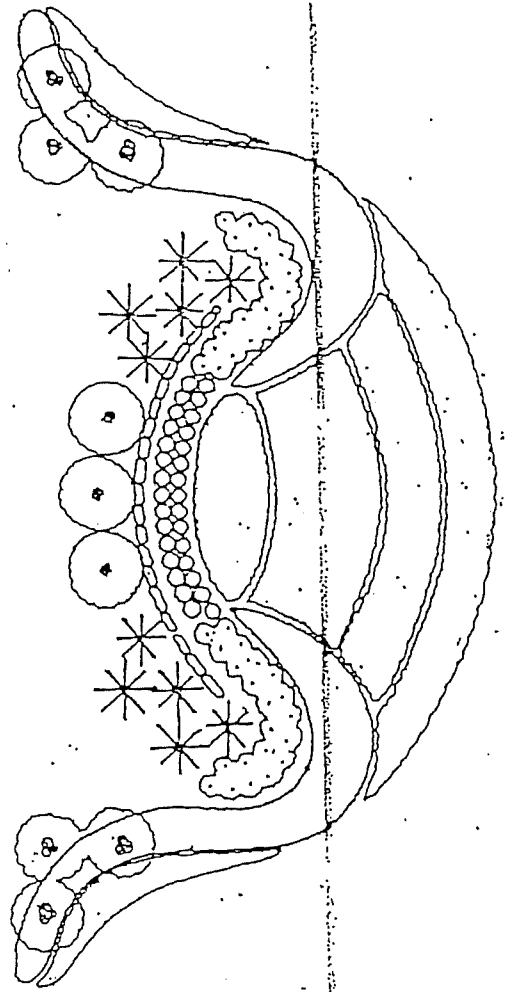
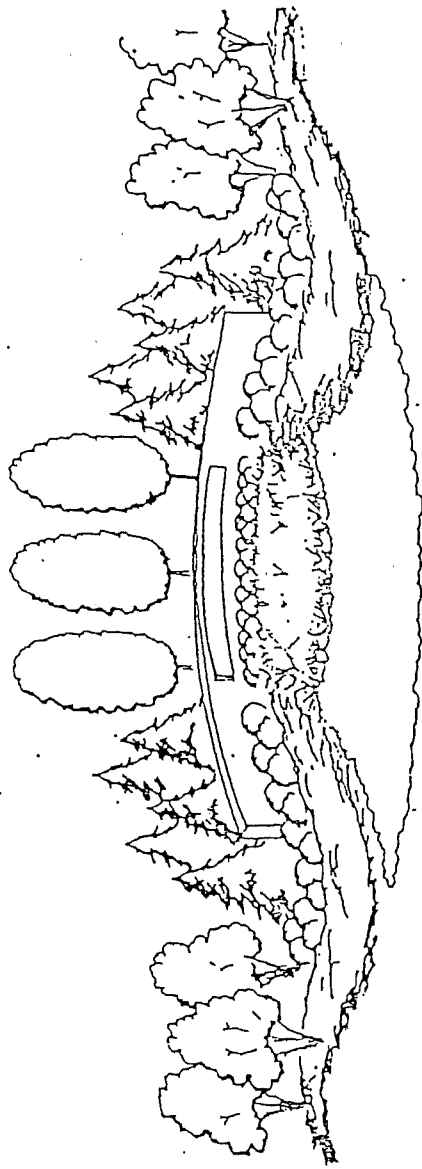


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Print  
Sheet



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Architectural Development Guidelines NTS



ORDINANCE NO. 0-18-98

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

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

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

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

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

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

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

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

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

SECTION I

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

## SECTION II

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

## SECTION III

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

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

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

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

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

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

C. Condition 2 is deleted and the following substituted:

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

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

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

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

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

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O1/P1 to any commercial use for a period of 5 years from the date of final passage of this Ordinance.

#### SECTION IV

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

#### SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF September, 1998.

APPROVED:

Emory M. Kall  
MAYOR

ATTEST:

Betsy R. Conrad  
CITY CLERK

3

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

Betsy R. Conrad  
Betsy R. Conrad, City Clerk

## Kevin Wall

---

**From:** Robert Krebs <Robert.Krebs@Florence-KY.gov>  
**Sent:** Friday, August 14, 2015 3:59 PM  
**To:** Kevin Wall  
**Subject:** DC-KY 18 LLC Plan comments

Access to the site is limited to a single entrance, layout of the parking lot appears to be challenging for equipment. A 2<sup>nd</sup> access would be preferred.

Access for firefighting is limited, access to only 2 sides. Prefer more access

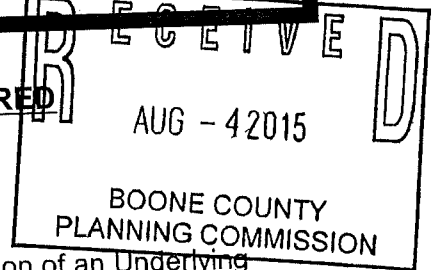
Will have to review fire water requirements at a later time.

Bob

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  Technical Design  **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 Merchants Square
- 3. Location of Project Seligman Drive, Florence, KY
- 4. Total Acreage of Site 4.1401 Ac. (Lot 10 Merchants Square) (see 4 ac)
- 5. Current Zoning C-2/ PD/ CD/ HDO
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1992
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) Add this use: Senior Citizen Housing
- 9. Proposed Building Intensities (please specify) \_\_\_\_\_
- 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) James W. Berling  
Phone Number 859 331 9191 Fax No. 859-344-7422 E-Mail jwberling@fuse.net
- 13. Address of Applicant(s) 1671 Park Road #1  
Ft. Wright KY 41017  
City State Zip
- 14. Name of Property Owner(s) DC-KY 18 LLC  
Phone Number 802-8058 Fax No. \_\_\_\_\_ E-Mail rcrist100@gmail.com
- 15. Address of Property Owner(s) 8800 Bankers Street  
Florence KY 41042  
City State Zip
- 16. Are there any existing buildings on the site? No
- 17. How many? 0  
Deed Book 635 Page No. 272 Group No. 2033-B

(over)

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

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 RICHARD P. GIBB MEMBER  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 8-4-15 Fee Received 2364.00 R# 071345

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. Date Application is **Administratively Complete** as Defined in KRS 100.211

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson \_\_\_\_\_

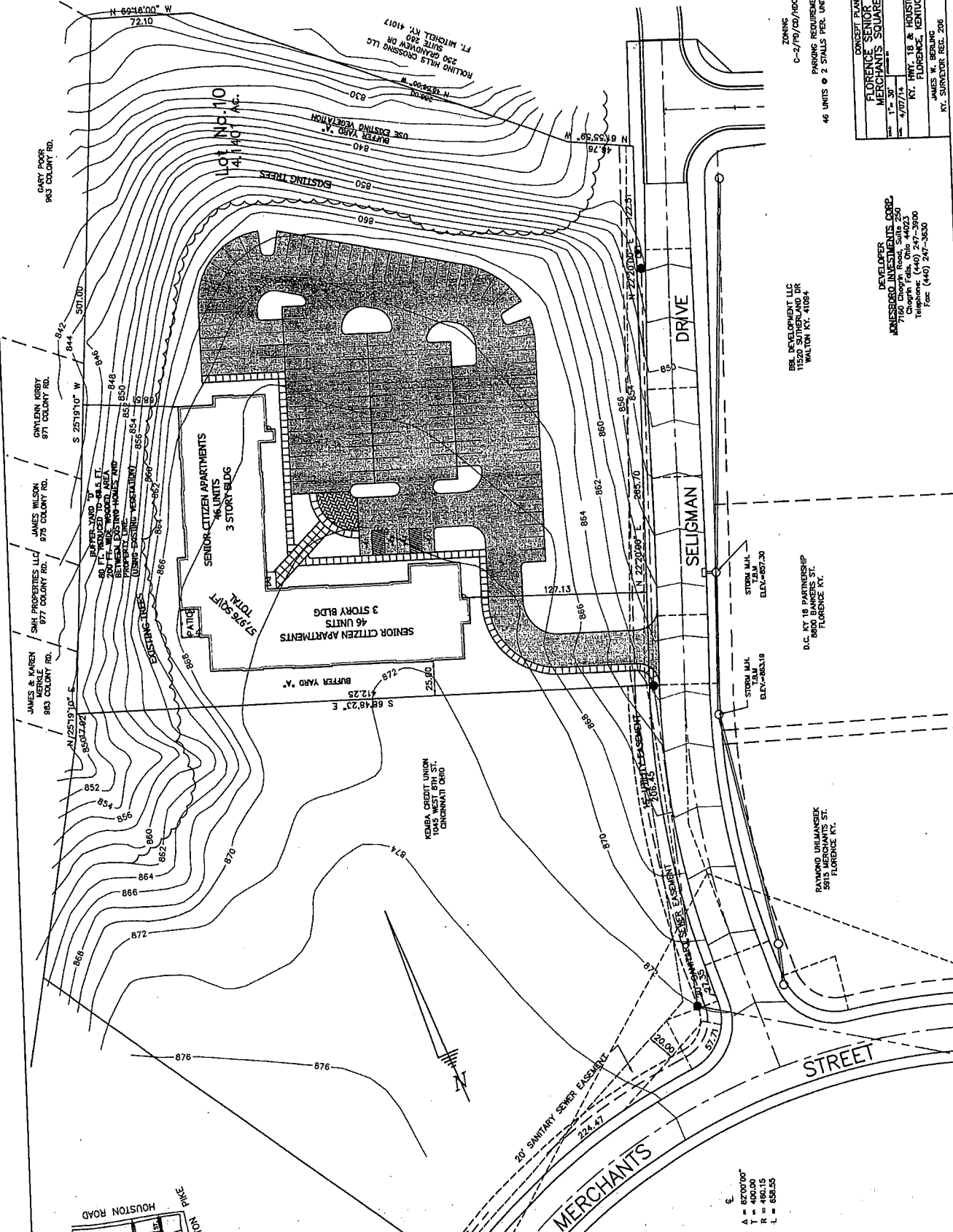
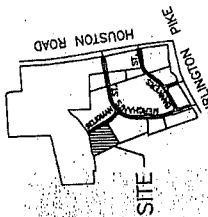
6. Scheduled Public Hearing Date 9/2/15

7. Boone County Planning Commission Action:  
 Approved  Approved With Conditions  
 Denied  Resolution # \_\_\_\_\_

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.



CONCEPT PLAN  
FLORENCE SENIOR VILLAGE  
MERCHANTS SQUARE - LOT 10

DATE	4/07/14
SCALE	1" = 30'
PROJECT	KT, HWY 16 & HOUSTON ROAD
LOCATION	FLORENCE, KENTUCKY
DESIGNED BY	WISS JANIKOWSKI
PROJECT NO.	KT, SUTHERLAND REG. 206

ZONING  
C-2/PD/CO/NO  
PARKING REQUIREMENT  
46 UNITS @ 2 STALLS PER UNIT = 92 SPACES

DEVELOPER  
KONESSBERG INVESTMENTS CORP.  
7160 Cheyenne Road, Suite 400  
Cincinnati, OH 45230  
Telephone: (416) 247-3900  
Fax: (416) 247-3630

ERL DEVELOPMENT LLC  
11520 SUTHERLAND DR  
WALTON KY, 41084

D. C. KY 18 PARTNERSHIP  
6800 BANKERS ST.  
FLORENCE KY.

PATRYCKA WILKINS  
380 MERCHANTS ST.  
FLORENCE KY.

6  
A = 8200'00"  
T = 400.00  
R = 480.15  
L = 656.55







**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: October 7, 2015

RE: Request of **James W. Berling (applicant)** for **DC-KY 18 LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 4.1401 acre site located on the west side of Seligman Drive and to the south of the property at 1090 Vandercar Way, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a senior citizen residential apartment development.

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Change in Concept Development Plan is in agreement with the 2010 Boone County Comprehensive Plan and 2013 Houston-Donaldson Study due to the following reasons.
  - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Comprehensive Plan's Land Use Element largely references the Houston-Donaldson Study. In this regard, the Element (pg. 167) states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development" and "regionally-oriented commercial development should be confined to Mall Road and the Houston Road area."

The subject site is in Subarea One in the Houston-Donaldson Study. Regarding

this area, the Study (pg. 30) states "Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility." The Study (pg. 31) also states "no permanent residential development, either single family or multiple family, is recommended in Subarea One."

The Committee has concluded that while the proposal is for a permanent multiple family residential development, it will have a land use character and impacts that are very comparable to the "long term care facility for seniors" that is specifically contemplated by the Houston-Donaldson Study. Additionally, the proposal diversifies uses in the immediate vicinity and acts as a transitional use between the neighboring commercial, office, and institutional uses and the detached single family residences to the west as sought by the Comprehensive Plan's Housing Element ("Housing Types," pp. 79 and 80 and "Housing Densities," pg. 81), Future Land Use Development Guidelines ("Buffering," pp. 162 and 163), Goals and Objectives ("Housing," Objective 10), and the Planned Development Criteria in Section 1514 of the Boone County Zoning Regulations. The site is on a side street at the rear of Merchants Square Subdivision and is in proximity to the KY 18 corridor, which the Housing Element describes as "a prime opportunity to promote high density residential uses in a transit corridor" ("Florence/Burlington Area," pg. 84).

- B. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Comprehensive Plan Future Land Use Development Guidelines and Goals and Objectives, and the design and development standards in the 2013 Houston-Donaldson Study. The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted in the Staff Report. These pertain to landscaping and buffering, signage, architectural design, minimizing disturbance and retaining existing vegetation, and access management and impacts on roadways. These basic tenets are also discussed in the Goals and Objectives.
2. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfills the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations.

3. The developer of the site testified at the 9/9/15 Public Hearing that the proposal was being amended to increase the total number of dwelling units from 46 to 48, and that freestanding garages for tenants may be added. The Committee has concluded that neither of these amendments substantively change the proposal, provided the stipulations regarding the garages outlined in Conditions #3 and 5 below are met.
4. 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 and the 2013 Houston-Donaldson Study. 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 normal Buffer Yard D requirements per Section 3645 of the Boone County Zoning Regulations shall be met along the west property line (either the 40' or 80' width option). The existing wood cover along the north and west boundaries shall be retained as indicated on the Concept Development Plan. Mixed evergreen trees shall be added where needed to fill out the minimum opted buffer yard width and/or planting requirements along the west property line.
2. Freestanding light masts and wall packs shall not be located where they are visible to the neighboring residential properties to the west. Incidental patio/porch lights and security lighting, including lower wattage wall packs triggered by motion detectors, are permitted in all developed portions of the site.
3. All structures (apartment building and any garages) shall meet the applicable architectural design requirements outlined in the 1998 Zoning Map Amendment/Concept Development Plan approval which included the subject site, and the 2013 Houston-Donaldson Study. For the architectural concept presented at the 9/9/15 Public Hearing for this request, this includes changing the roof material from asphalt shingles to standing seam metal, changing the vinyl siding and cement board panels on the third floor to full height masonry, minimizing the overall use of cement board panels, and not using vinyl siding on any part of the building.
4. Any signage on the site shall meet the applicable requirements outlined in the 1998 Zoning Map Amendment/Concept Development Plan approval which included the subject site, and the 2013 Houston-Donaldson Study.
5. The garages shall meet all applicable requirements in the Boone County Zoning Regulations regarding the placement of accessory structures and building intensity, in addition to the architectural design requirements in Condition #3. If the addition of

garages would cause the overall development to exceed the intensity requirements of the underlying C-2 zone (15,000 gross square feet per acre), then the additional building area must be approved through the normal Change in Concept Development Plan Public Hearing procedure.

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.

**COMMISSION MEMBERS PRESENT:**

Ms. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Don McMillian  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Chairman Rolfsen called the Public Hearing to order at 7:41 P.M. and introduced the second item on the Agenda:

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff**

2. Request of **James W. Berling (applicant)** for **DC-KY 18 LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 4.1401 acre site located on the west side of Seligman Drive and to the south of the property at 1090 Vandercar Way, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a senior citizen residential apartment development

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is for a Change in an Approved Concept Development Plan for a site located in the lawsuit area. The site is located near Walmart. The original Concept Development Plan approval was in 1998. The project involves the construction of 46 apartment units for seniors. The applicant contacted the Staff and wanted to amend the application to add 2 more units for a total of 48 units. With 46 units, the overall density is about 11 units per acre. Mr. Wall showed photographs of the subject site. Just west of the site is a single-family residential subdivision. The Comprehensive Plan's Future Land Use Map designates the site as Commercial. The site is relatively flat but has some tree cover and slope on the north and west sides. The proposed L-shaped building is three stories in height and has an entry tower and canopy. The existing buffer on the north and west sides of the site are to be retained. Mr. Wall showed elevations of the proposed building. It is largely brick on the first two levels with stone and vinyl siding. The roof is made of asphalt shingles. The height of the building is about 47 feet whereas the top of the tower is over 60 feet. The entry feature faces Seligman Drive. Mr. Wall then showed photographs of the site and adjoining properties. He stated that the Comprehensive Plan and the Houston-Donaldson Study are discussed in depth in the Staff Report. The Houston-Donaldson Study has expressed language about this site or area. The site is located in Subarea 1 and suggests not having residential in the area. It discusses uses that are compatible with the Gateway Rehab Center. There is language about not having permanent residences in the area.

In terms of Staff Comments, Section 1514 of the zoning regulations deals with the Planned Development criteria. The proposal does diversify land uses in the vicinity as a transitional use. It is a bridging use between the commercial subdivision and the residences to the west. The minimum required rear yard building setback is 50 feet and the required landscape buffer is Buffer Yard D (80 feet or 40 feet wide with a berm wall or a fence). The building as shown is at about 68.5 feet, which for Buffer Yard D is a little shy. The existing woods is shown as landscaping. It varies in depth and density. He recommended adjusting the building and parking placement and adding a mix of evergreen trees. Lighting is not addressed by the applicant at this point. Most of the other comments pertain to building design. The site is subject to the 1998 lawsuit settlement approval, which has specific architectural requirements. These requirements apply to outlots and single use buildings. Some of the proposed building materials such as vinyl siding and asphalt roof shingles are not allowed. Only masonry materials and standing seam metal are allowed. Some metal is being proposed on the canopy and tower but the bulk of the building is asphalt shingles. He recommended minimizing cement board and eliminating the vinyl. It is not permitted under the current version of the Houston-Donaldson Study. A complete view of the proposed canopy is needed. Only a partial view has been provided. A patio is proposed at the southwest corner of the building. Is there anything else active that is planned

for the site? The submitted plan shows a sidewalk connection between the building, parking lot and the street. A sidewalk along Seligman Drive lot will need to be constructed as well as a bike rack be provided. There is no planned signage for the site. There are specific requirements per the lawsuit settlement agreement. Key aspects are masonry monument signs with a gable design. Since the site is located in the rear portion of the subdivision, Mr. Wall suggested eliminating building mounted signage. The monument sign at the street should be sufficient. The Florence Fire Department did provide comments. These comments relate to limited access for fire fighting purposes. To date, the Staff has not received comments from the City of Florence and the Kenton County Airport Board. They may be forthcoming. The proposed facility is located in the path of one of the airport runways. The Planning Commission must evaluate the request in relation to Article 15 of the Boone County Zoning Regulations, the Comprehensive Plan and the Houston-Donaldson Study. If approved, the Future Land Use Map would need to be amended to reflect the Urban Density Residential (UD) land use classification.

Chairman Rolfsen asked about the correct heading starting on page 3 of the Staff Report. Mr. Wall replied that it should read Berling/DC-KY 18 LLC and not Fyda/DLW Associates.

Chairman Rolfsen asked if the applicant was ready to proceed with his presentation?

Mr. Tim Morgan, Jonesboro Investments Corp. from Chagrin Falls, Ohio stated that the project is 48 residential units and not 46 units. His company is interested in developing senior housing.

Chairman Rolfsen asked if the proposed building is a prototype building for other building locations? Is it a brand new concept? Mr. Morgan stated that the concept itself - three story, double loaded corridor has been replicated and built in a number of different locations. The skin is what they change from place to place in response to local codes. Chairman Rolfsen asked about the range of unit rents. Mr. Morgan replied it is medium cost.

Mr. Costello asked if the applicant has built other projects in the area? Mr. Morgan responded yes as they developed the project Magnolia Glen along Dixie Highway and Memory Lane. This project is designed for families versus seniors.

Mr. Schwenke asked if there is a parking garage for the proposed facility? Mr. Morgan replied no but they have discussed building garages in a strip fashion for seniors. It has not evolved from the design side yet. Mr. Schwenke asked about common areas other than the patio area. Mr. Morgan responded that the majority of the public areas are interior to the building. He volunteered to provide floor plans.

Ms. Heilman asked about the number of bedrooms per unit? Mr. Morgan stated that all of the units will have two bedrooms. She asked whether the rents would be market rent or adjusted rent? Mr. Morgan replied that they anticipate the rents to be \$675 to \$775 per month. It will attract a broad spectrum of people at an affordable rent. He noted the age restrictions are 55 plus. It is enforced by a deed restriction with the property. They hire a third party firm to manage their properties. They continue to own the properties. The third party management firm varies from state to state. Wallach Companies from Columbus, Ohio manages the Magnolia Glen project. They have merged with HENDY Properties (a Cincinnati firm) and his company still owns Magnolia Glen.

Chairman Rolfsen asked if the units were true apartments or is there a cafeteria for the senior residents? Mr. Morgan stated there is no outright cafeteria where there is common eating facilities. There is a planned cafeteria in a slim down version but it is not one where everyone would go to dinner. There are kitchens within the units.

Mr. Longano asked if everyone who is living in the unit have to be 55 years old? Mr. Morgan explained that the person executing the lease has to be at least 55 years old. It is an exception rather than the rule that a child may live with a grandparent.

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

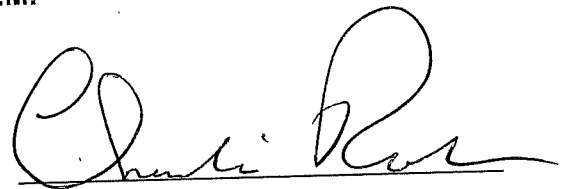
Seeing no one, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Chairman Rolfsen asked if the proposed housing was independent senior housing? Mr. Morgan replied it is independent living and not assisted living. Residents don't need individual care. Chairman Rolfsen inquired whether the applicant would follow the specific architectural or design requirements? Mr. Morgan stated that all of the design related observations made by Staff will be met should the project receive approval. This would pertain to the removal of the vinyl siding and the addition of the standing seam metal roof.

Mrs. Kegley asked the applicant to address the fire department's comments. Mr. Morgan responded that he would meet with the fire department to address their comments and concerns.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 16, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on October 7, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:05 P.M.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 16, 2015

### CHANGE IN CONCEPT DEVELOPMENT PLAN - Janet Kegley, Chairwoman, Kevin Wall, Staff

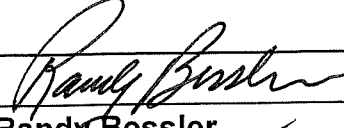
2. Request of **James W. Berling (applicant)** for **DC-KY 18 LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 4.1401 acre site located on the west side of Seligman Drive and to the south of the property at 1090 Vandercar Way, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a senior citizen residential apartment development.

### 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.

Berling/DC-KY 18 LLC

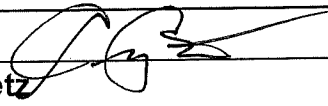
September 16, 2015

  
**Randy Bessler**

For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Kim Patton**

For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Greg Breetz**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Charlie Reynolds (Alternate)**


For Project  Absent   
 Against Project

**Kim Bunger**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Longano, (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Janet Kegley, Chairwoman**

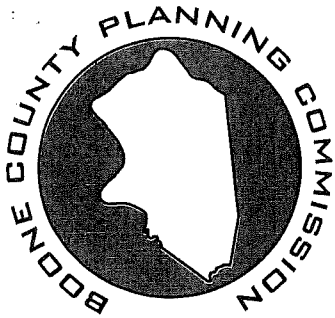
For Project  Absent   
 Against Project   
 Abstain  Deferred

**Mark Hicks (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

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

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

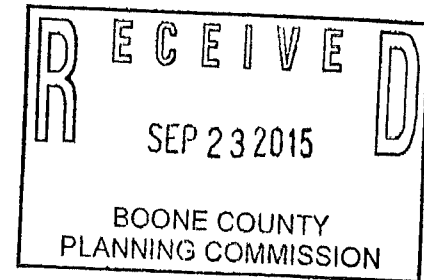
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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](mailto:plancom@boonecountyky.org)

September 17, 2015

Mr. Richard D. Crist, Member  
DC-KY 18 LLC  
8800 Banker Street  
Florence, KY 41042



RE: Recommended Conditions of Approval for Berling/DC-KY 18 LLC Change in Approved Concept Development Plan Application for 4.1401 Acre Site, West Side of Seligman Drive, Florence, Kentucky

Dear Mr. Crist:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their September 16, 2015 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, October 2, 2015.

## CONDITIONS

1. The normal Buffer Yard D requirements per Section 3645 of the Boone County Zoning Regulations shall be met along the west property line (either the 40' or 80' width option). The existing wood cover along the north and west boundaries shall be retained as indicated on the Concept Development Plan. Mixed evergreen trees shall be added where needed to fill out the minimum opted buffer yard width and/or planting requirements along the west property line.
2. Freestanding light masts and wall packs shall not be located where they are visible to the neighboring residential properties to the west. Incidental patio/porch lights and security lighting, including lower wattage wall packs triggered by motion detectors, are permitted in all developed portions of the site.
3. All structures (apartment building and any garages) shall meet the applicable architectural design requirements outlined in the 1998 Zoning Map Amendment/Concept Development Plan approval which included the subject site, and the 2013 Houston-Donaldson Study. For the architectural concept presented at the 9/9/15 Public Hearing for this request, this includes changing the roof material from asphalt shingles to standing seam metal, changing the vinyl siding and cement board panels on the third floor to full height masonry, minimizing the overall use of cement board panels, and not using vinyl siding on any part of the building.

Mr. Richard D. Crist, Member  
September 17, 2015  
Page 2

4. Any signage on the site shall meet the applicable requirements outlined in the 1998 Zoning Map Amendment/Concept Development Plan approval which included the subject site, and the 2013 Houston-Donaldson Study.
5. The garages shall meet all applicable requirements in the Boone County Zoning Regulations regarding the placement of accessory structures and building intensity, in addition to the architectural design requirements in Condition #3. If the addition of garages would cause the overall development to exceed the intensity requirements of the underlying C-2 zone (15,000 gross square feet per acre), then the additional building area must be approved through the normal Change in Concept Development Plan Public Hearing procedure.

Sincerely,



Kevin T. Wall, AICP  
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the authorized representative of the property owner of the 4.1401 acre site on the west side of Seligman Drive, Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Approved Concept Development Plan application.



Richard D. Crist, Member  
DC-KY 18 LLC  
Authorized Representative for Property Owner

9/21/15  
Date

cc: James W. Berling, FAX: 344-7422



To whom it may concern:

Enclosed please find a certified copy of **City of Florence, Kentucky Ordinance No. O-18-15:**

ORDINANCE NO. O-18-15:

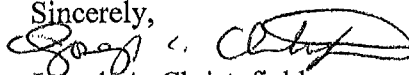
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 4.1491 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF SELIGMAN DRIVE AND TO THE SOUTH OF THE PROPERTY AT 1090 VANDERCAR WAY, FLORENCE, KENTUCKY, TO ALLOW A SENIOR CITIZEN RESIDENTIAL APARTMENT DEVELOPMENT. (BERLING/DC-KY 18 LLC)

The First Reading of Ordinance No. O-18-15 was held on the 10<sup>th</sup> Day of November, 2015.

The Second Reading of Ordinance No. O-18-15 was held on the 17<sup>th</sup> Day of November, 2015.

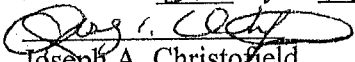
Ordinance No. O-18-15 was published in the *Boone County Recorder* on the 26<sup>th</sup> Day of November, 2015 at which time the Ordinance became statutorily official.

Please contact me if you require additional information.

Sincerely,  
  
Joseph A. Christofield  
City Clerk  
Florence

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify the foregoing is a true and correct copy of Ordinance No. O-18-15 as same appears in the official records of my office.

Dated this 27<sup>th</sup> day of November, 2015.

  
Joseph A. Christofield

City Clerk  
City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042-7588  
859-647-8178 (phone)  
859-647-5411 (fax)  
[joe.christofield@florence-ky.gov](mailto:joe.christofield@florence-ky.gov)  
[www.florence-ky.gov](http://www.florence-ky.gov)

CITY OF FLORENCE, KENTUCKY  
SUMMARY OF ORDINANCE NO. 0-18-15

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-18-15 on November 17, 2015. The title of this Ordinance is as follows:  
ORDINANCE NO. 0-18-15

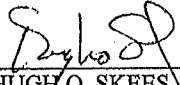
**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON - DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 4.1491 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF SELIGMAN DRIVE AND TO THE SOUTH OF THE PROPERTY AT 1090 VANDERCAR WAY, FLORENCE, KENTUCKY, TO ALLOW A SENIOR CITIZEN RESIDENTIAL APARTMENT DEVELOPMENT. (BERLING/DC-KY 18 LLC)**

The effect of this Ordinance is to allow a senior citizen residential apartment development in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone.

The full text of Ordinance No. 0-18-15, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-18-15 and that it has been prepared by me on the 6<sup>th</sup> day of November, 2015, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

  
\_\_\_\_\_  
HUGH O. SKEES  
SKEES, WILSON & NIENABER, PLLC  
7699 Ewing Blvd., P.O. Box 756  
Florence, KY 41022-0756  
Phone: (859) 371-7407  
Fax: (859) 371-7407

ORDINANCE NO. 0-18-15

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON - DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 4.1491 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF SELIGMAN DRIVE AND TO THE SOUTH OF THE PROPERTY AT 1090 VANDERCAR WAY, FLORENCE, KENTUCKY, TO ALLOW A SENIOR CITIZEN RESIDENTIAL APARTMENT DEVELOPMENT. (BERLING/DC-KY 18 LLC)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-15-013-A recommended approval for a change in an approved concept development plan, and

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

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

**SECTION I**

That the request of James W. Berling (Applicant) for DC-KY 18 LLC (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development/Houston - Donaldson Study Corridor Overlay (C-2/PD/HDO) zone, for a 4.1491 acre site generally located on the west side of Seligman Drive and to the south of the property at 1090 Vandercar Way, Florence, Kentucky, to allow a senior citizen residential apartment development. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

**SECTION II**

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-15-013-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-15-013-A, marked Exhibit "A", and attached hereto.

**SECTION IV**

If the approval for this change in the concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the

validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

**SECTION V**

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

PASSED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF November, 2015.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 17<sup>th</sup> DAY OF November, 2015.

APPROVED:

Dean E. White  
MAYOR

ATTEST:

Joe Clifton  
CITY CLERK

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE


IN RE: REPORT AND RECOMMENDATION - REQUEST OF JAMES W. BERLING (APPLICANT) FOR DC-KY 18 LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON - DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) FOR A 4.1491 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF SELIGMAN DRIVE AND TO THE SOUTH OF THE PROPERTY AT 1090 VANDERCAR WAY, FLORENCE, KENTUCKY, TO ALLOW A SENIOR CITIZEN RESIDENTIAL APARTMENT DEVELOPMENT.

The Committee met in a regular meeting on November 9, 2015, at the Florence Government Center Building to consider Resolution No. R-15-013-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

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

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, and the request described above be approved.

MEMBERS OF THE COMMITTEE:

  
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DR. JULIE METZGER AUBUCHON

  
\_\_\_\_\_  
GARY WINN

