

APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

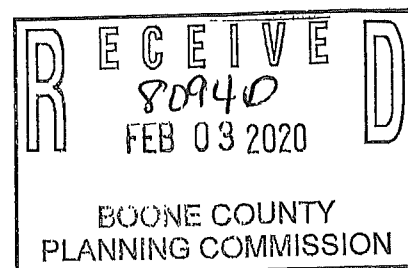
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Professional Building
2. Location of Project Lot 21,22,23 Dilcrest Manor Section Two
3. Total Acreage of Site 0.63 Acres
4. Current Zoning of Site R-1F
5. Proposed Zoning (Classification being requested) C-1
6. Proposed Uses (please specify each use) Beauty & Barber Salon, Bank,
Legal Office, Medical Office, Telephone Exchange, Architects Office
7. Names of Applicant(s) James Titus AIA
Phone No. 513-522-8755 Fax No. 513-522-7844 E-Mail dunnandtitus@usa.net
8. Address of Applicant(s) 800 Compton Rd. No. 26 Cincinnati, Ohio 45231
City _____ State _____ Zip _____
9. Name of Property Owner(s) Luong M. Pham & Thu Ha T Le
Phone No. 502-550-1322 Fax No. _____ E-Mail ttle1314@yahoo.com
10. Address of Property Owner(s) 6156 Fox Run Lane
Florence Kentucky 41042
City _____ State _____ Zip _____
11. Proposed Building Intensities (please specify) One Story Professional Building,
5,180 sq. ft.--37feet x 140 feet; Brick construction with arch windows,
Architectural design that will complimenting the existing homes.
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 1134 Page No. 109 Group No. 2048 B
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)



18. Project Jurisdiction/Location
 _____ Unincorporated Boone County _____ Walton
 X _____ Florence _____ Union
19. **Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action**

X Check if Applicable

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 _____

20. **ORIGINAL Property Owner's Signature** [Signature]
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
- 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 2/3/20
2. Review Fee \$2,328.40 R# 80940
3. Check what has been submitted:
 ☒ Application
 ☒ Fee
 ☒ Legal Description
 ☒ Concept Development Plan
 ☒ Address of Adjoining Property Owners
 _____ Number of Copies of Plan Received**
 _____ Date Application is Administratively Complete as Defined in KRS 100.211
4. Staff Reviewer KEVIN WALL
5. Committee Chairman RICK LUNNEMANN
6. Scheduled Public Hearing Date 3/4/20
8. Boone County Planning Commission Action:
 ☒ Approval
 _____ Approval with Conditions 9/2/20
 _____ Denial _____ Resolution #
9. Other: _____

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

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

EXHIBIT

“A”

STAFF REPORT

Request of **James Titus, AIA (applicant)** for **Luong M. Pham and Thu Ha T Le (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial One (C-1) for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change to allow commercial and office uses.

March 4, 2020

PROPOSAL

This application is for a zone change from R1F to C-1 for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection in Florence. The site is currently vacant. The proposal is for a one story, 5,040 square foot (36' X 140') building for commercial and office uses. Revised materials were provided by the applicant on 2/21/20. The updated list of proposed uses includes "beauty & barber salon; real estate office; accounting office; medical office; insurance office; grocery store."

A Concept Development Plan was submitted with this request. The plan shows a 28 space parking lot along the site's US 42 frontage. A dumpster enclosure is proposed at the west end of the parking lot. The dumpster enclosure is noted as a 6 foot high "brick wall to match building." The current dumpster location is noted as a future driveway connection to the property to the west. The building is placed immediately south of the parking area and faces US 42. A driveway apron on Dilcrest Drive at the southeast corner of the site is proposed for access. A 5 foot wide sidewalk is noted along the site's Dilcrest Drive frontage, north of the proposed access point.

A schematic landscape plan illustrates plantings around the perimeter of the site. A linear detention basin is proposed in the buffer yard between the building and the south property line. A 6 foot high redwood fence is shown along the south edge of the detention basin. The outflow pipe from the detention basin is proposed to tap an existing storm sewer along US 42.

The proposed building is a brick (full brick all sides), hipped roof structure (12/12 pitch) with three gables on the front facade. Symmetrically spaced, arched window and door openings are shown on the front facade. Vertically oriented windows are proposed on the side facades and a row of smaller windows is proposed on the rear facade. Defined sills are shown for the windows on the front and rear facades. The description of the building design stated on the application form is "brick construction with arched windows with architectural design complimenting the existing homes in the area."

The elevation sheet shows one building mounted sign in each of the three gables (three building mounted signs total) which are described as "signage per code." No freestanding

sign is proposed.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjoining the subject site include the following:

- A. A retail pharmacy, a convenience store with fuel sales, and a detached single family dwelling are located on the north side of US 42 between Mall Road and Airview Avenue (C-2 and C-2/PD/MR).
- B. Two automobile repair facilities are located to the northeast, on the northeast corner of the Mall Road/US 42 intersection (C-2/PD/MR).
- C. A vacant lot, a shed/play equipment dealer, and an automotive repair facility are located to the east across Dilcrest Drive and along the south side of US 42 (O-1A and C-3).
- D. Two detached single family dwellings are located to the west along the south side of US 42 between the subject site and Bentley Court (R1F and SR-1).
- E. A subdivision containing detached single family dwellings is located to the south, southwest, and southeast (R1F and SR-1).

SITE CHARACTERISTICS

The site contains 0.63 acres and has approximately 150 feet of frontage along US 42 and approximately 140 feet of frontage along Dilcrest Drive. The site is currently vacant. There is a thicket of existing vegetation along the south property line. The site is relatively level. The elevation of the center of the site is approximately el 908 and the el 906 contour wraps around the north, west, and east property lines. The soil type on the site is Rossmoyne silt loam (RsB and RsC). Public water mains adjoin the site in both the US 42 and Dilcrest Drive rights-of-way. A public sanitary sewer is located in the southern part of the site. US 42 is listed as an arterial roadway in Section 3210 "Functional Roadway Classification" of the Boone County Zoning Regulations and Dilcrest Drive is listed as a local street in the Boone County GIS system.

RELATED HISTORY

On 1/7/04, the Planning Commission recommended conditional approval of a zone change from R1F to O-1A and a variance to reduce the width of the rear buffer yard for the site on the opposite side of Dilcrest Drive (Eighteen Ltd./Helmer property on the southeast corner of the US 42/Dilcrest Drive intersection). This application was denied by the City of Florence on 3/16/04. The property owner appealed the denial and a settlement agreement

between the parties which approved the request was reached on 8/22/06. The 1/7/04 Committee Report referenced in the agreement which recommended conditional approval is attached for reference.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Suburban Density Residential." This designation is described as "single family housing of up to four units per acre."

The Land Use Element provides the following text for the specific area in question.

- A. Vacant parcels and existing residences along the south side of U.S. 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Density Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area. However, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the U.S. 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended (Area 16 "Florence South," p. 129).

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 existing site features to determine positive and useful attributes, as well as features that 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. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," p. 95).
- 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; where appropriate, 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. ("Buffering," p. 95).

- 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 soften 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," p. 96).

- 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 sight distance for access points, adequate spacing 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, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," p. 96).
- 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. Utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Cultural Resource Preservation," p. 97).

The Demographics Element provides the following statements regarding amenities and consumer needs.

- A. Furthermore, by continuing to monitor the composition of the population, Boone County will be more prepared to provide proper and adequate amenities that encourage them to stay in the county rather than moving elsewhere for their needs to be met. Knowing the makeup of the population will assist in providing the appropriate housing, employment, and retail shopping opportunities to meet their needs at the countywide level as well as within specific areas within the county as development plans and zone change requests are reviewed ("Identify the Needs of the Population," p. 19).

The Our Boone County - 2040 Plan's Goals and Objectives include the following pertinent statements.

- A. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems ("Overall," Objective 3).
- B. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population ("Demographics," Goal A, Objective 3).
- C. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County ("Demographics," Goal A, Objective 4).
- D. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design ("Environment," Objective 2).
- E. Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land ("Environment," Objective 7).
- F. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy ("Economy," Goal A, Objective 2).
- G. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses ("Economy," Goal B).
- H. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses ("Economy," Goal B, Objective 1).
- I. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses

and natural systems ("Economy," Goal B, Objective 2).

- J. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking ("Economy," Goal B, Objective 3).
- K. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions ("Transportation," Goal A, Objective 1).
- L. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," Goal B, Objective 6).
- M. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system ("Transportation," Goal B, Objective 9).

BOONE COUNTY TRANSPORTATION PLAN

The Boone County Transportation Plan includes the following project for US 42.

US 42: Adaptive Signal Control Improvements

Location: KY 237 (Pleasant Valley Road) to Ewing Boulevard

Type: Traffic Operations

Total Cost : \$820,000

Description: Perform a signal timing and coordination study to examine the existing signal system and potential benefit of introducing adaptive signal controls. Install improvements as recommended.

This is a "Tier 1" project which is described as "highest priority (implemented between 2020 and 2030)."

STAFF COMMENTS

1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The Planning Commission and Florence City Council need to consider the Comprehensive Plan as it relates to this request. The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Suburban Density Residential." This designation is described as "single family housing of up to four units per acre." The adjoining sites to the south, west, and across Dilcrest Drive to the southeast are also designated as Suburban Density Residential. The area directly across US 42 to the north and northeast, and directly across Dilcrest Drive to the east (southeast corner of US 42/Dilcrest Drive intersection), are designated by the Future Land Use Map as "Commercial."

The Land Use Element text offers some latitude in possible uses for this area by cautiously offering Urban Density Residential and "an extremely well-designed, low-impact professional office" as potential options, but it outlines specific benchmarks in the development design that these options are expected to meet. The Area 16 "Florence South" text (p. 129) states:

Vacant parcels and existing residences along the south side of U.S. 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Density Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area. However, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the U.S. 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended.

Similarly, the Future Land Use Development Guidelines stress proper buffering, access management (including connections between properties), and project design ("Buffering," p. 95; "Landscaping," p. 96; "Access Management," p. 96; and "Design, Signs, and Cultural Resource Preservation," p. 97). The Goals and Objectives advocate placing businesses in suitable and appropriate locations, compatibility with surrounding land uses, buffering, and access connections between properties ("Economy," Goal A, Objective 2; "Economy," Goal B; "Economy," Goal B, Objective 1; and "Transportation," Goal B, Objective 6).

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

2. USE OF SITE

The uses proposed for this site include "beauty & barber salon; real estate office; accounting office; medical office; insurance office; grocery store." As outlined immediately above, the comprehensive plan's Future Land Use Map designates the site as Suburban Density Residential and the text of the Land Use Element (p. 129) states that Urban Density Residential "may be appropriate" and that "an extremely well-designed, low-impact professional office use may be considered." Fairly specific expectations are outlined in the text for the Urban Density Residential and professional office options. The conditions in the 1/7/04 Committee Report for the nearby Eighteen, Ltd./Helmer zone change and variance can be used for reference based on similarities between the proposals and site characteristics. In relation to uses, the Eighteen, Ltd./Helmer approval is limited to medical/dental offices and professional offices.

Four of the six proposed uses fall within the broader "professional office" description mentioned in the Land Use Element's text. Beauty and barber salons are consumer services which are often (but not always) provided in retail environments and "grocery store" is a strictly retail versus professional office use. If approved as proposed, over time the building could potentially contain all office uses, all retail or retail-like uses, or a combination of the two. In addition to the expectations for professional offices outlined on page 129 of the Land Use Element, the governing bodies need to determine if the statutory finding of whether the current zoning is inappropriate and the proposed zoning is appropriate applies, and if so, if it compels approval of a more liberal use list.

3. DESIGN ISSUES

Building Design and Signage: The proposed building is a full brick, hipped roof structure with three gables and arched windows and doorways on the front facade. The proposal was closely modeled after the scheme approved with the Eighteen, Ltd./Helmer zone change and variance application (see 1/7/04 Committee Report). The major distinction between the two designs are slight differences in roof pitch (colors and the roofing material are not stated for the current proposal). Relative to the Land Use Element's text and the relationship with the adjoining sites and surrounding area, the governing bodies will need to determine whether the building is "extremely well-designed," "would establish a positive focal point for the U.S. 42

corridor," and would be compatible with, and minimize impacts on, the adjacent residential properties. In this regard, the building is one story with a high hipped roof and is configured to focus day to day activity on the US 42 side of the lot. The applicant should state the intended color scheme and the roofing material. A natural color scheme and dimensional shingles or standing seam metal roofing are recommended in light of the surrounding commercial and residential structures.

Relative to signage, the elevation sheet shows one building mounted sign in each of the three gables facing US 42 (three building mounted signs total) which are described as "signage per code." No freestanding sign is proposed. Staff recommends that the building mounted signage be limited to one specific type which has three dimensional traits and which correlates to the design of the building (individually illuminated channel letters, backlit pin mounted letters, etc.) and that "flat" or monolithic appearing signs (plexi-faced box cabinets, board signs, etc.) not be used. The governing bodies need to consider the Land Use Element text for this area which states, "Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended" (p. 129).

Landscaping: Buffer Yard A (10' minimum width with specified plantings) is the basis for the street frontage landscaping (Section 3620) that is required along the US 42 and Dilcrest Drive frontages. The width of the landscape area along Dilcrest Drive is approximately 25 feet between the edge of the parking area and the public sidewalk along the street. The landscape area along US 42 scales to slightly less than 10 feet between the edge of the parking area and the public sidewalk along the street. It appears that the 10 foot minimum required width can be met with some adjustments to the plan (the property lines along both street frontages need to be definitively shown and the widths of all perimeter landscape areas need to be noted between improvements and property lines).

Buffer Yard C (30' and 60' width options with specified plantings) is required along the south and west boundaries. Since the 60 foot wide option cannot be met along either property line, a 6 foot high berm, fence, or masonry wall is required in both buffer yards under the 30 foot width option. The basic components required for Buffer Yard C are met along the south boundary between the building and the property line (30' minimum width and 6' high screen fence). The 30 foot width is not met and the 6 foot fence is not shown where the entrance driveway adjoins the south property line. From a practical standpoint, this is the most viable (if not only) location for access into the site. The Zoning Administrator can potentially grant a waiver for this encroachment, but the landscaping in this part of the rear buffer yard area will need to fully screen the driveway area from the adjoining residential property in a manner commensurate with the normal Buffer Yard C requirements. There is a thicket of existing vegetation along the south property line (nominal width is approximately 15' on the subject property). To minimize the change in view from

the adjoining properties to the south, Staff recommends that this existing vegetation be retained and incorporated into the landscape plan.

The southeast corner of the building and the dumpster enclosure encroach into the 30 foot wide Buffer Yard C along the west property line. The dumpster enclosure can be reduced in size and potentially relocated. It appears that compliance with the 30 foot width requirement can be obtained by shifting the improvements slightly eastward and reducing the size of the landscape area along Dilcrest Drive. The required 6 foot berm, fence, or masonry wall is not noted on the plan, but one of the required options will need to be provided, aside from the area where the future driveway connection is shown.

The landscaping shown on the submitted plan is schematic. If this application is approved, a detailed planting plan which meets the standards in Article 36 of the zoning regulations must be submitted with the Major Site Plan application.

Lighting: Lighting is not described in the application materials. Condition #8 in the 1/7/04 Eighteen, Ltd./Helmer Committee Report outlines lighting provisions which reasonably apply to this site as well. This condition states, "Site lighting which is located behind the front building line shall be limited to bollard style and low intensity wall mounted fixtures only." Relative to the area between the front building line and US 42, Staff recommends that lighting be contained within the paved area and that freestanding masts not exceed 12 feet in height. The requirements of Section 3316 "Lighting" of the zoning regulations will still need to be met.

Access: Access to the site is proposed on Dilcrest Drive at the southeast corner of the site. As discussed above relative to the rear buffer yard, this is the most viable, if not the only viable, location for the curb cut. The Kentucky Transportation Cabinet has indicated that it will not grant access on US 42 (12/18/19 e-mail from John Bandy is attached). This access may require modifications to the landscape median in Dilcrest Drive, and an adjustment to the internal radius in the transition between the entrance drive apron and the on-site vehicular area, to accommodate turning movements.

A driveway connection between this site and the property to the west is noted. Completion of the connection would require relocation of the dumpster enclosure (cf., buffer yard encroachment discussed above). Regarding this area, the Land Use Element states, "All developments must provide for connecting parking lots or a frontage road" (p. 129). Condition #3 in the 1/7/04 Eighteen, Ltd./Helmer Committee Report required a similar connection.

The public sidewalk along Dilcrest Drive will need to be completed between the driveway apron and the property to the south, and a sidewalk connection between

the building, parking area, and one of the adjoining public sidewalks will need to be provided per Section 3327 of the zoning regulations.

4. OUTSIDE AGENCY COMMENTS

The Florence Fire/EMS Department has stated that they have no comments on this project (2/13/20 e-mail from Fire Marshal Randy Childress is attached).

Relative to the detention basin outflow being connected to the State's storm system on US 42, Mark Brannon with the Kentucky Transportation Cabinet, District 6, has commented that the Cabinet will require a drawing and drainage calculation(s) for connection to any of the State's drainage structures.

Detailed comments on a variety of issues were provided by the City of Florence (2/27/20 e-mail from Josh Hunt, Business & Community Development Director is attached). Staff recommends that the applicant be prepared to discuss these comments at the Zone Change Committee meeting.

CONCLUSION

The Boone County Planning Commission and the Florence City Council need to evaluate this application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Our Boone County - 2040 Plan, which is the adopted comprehensive plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

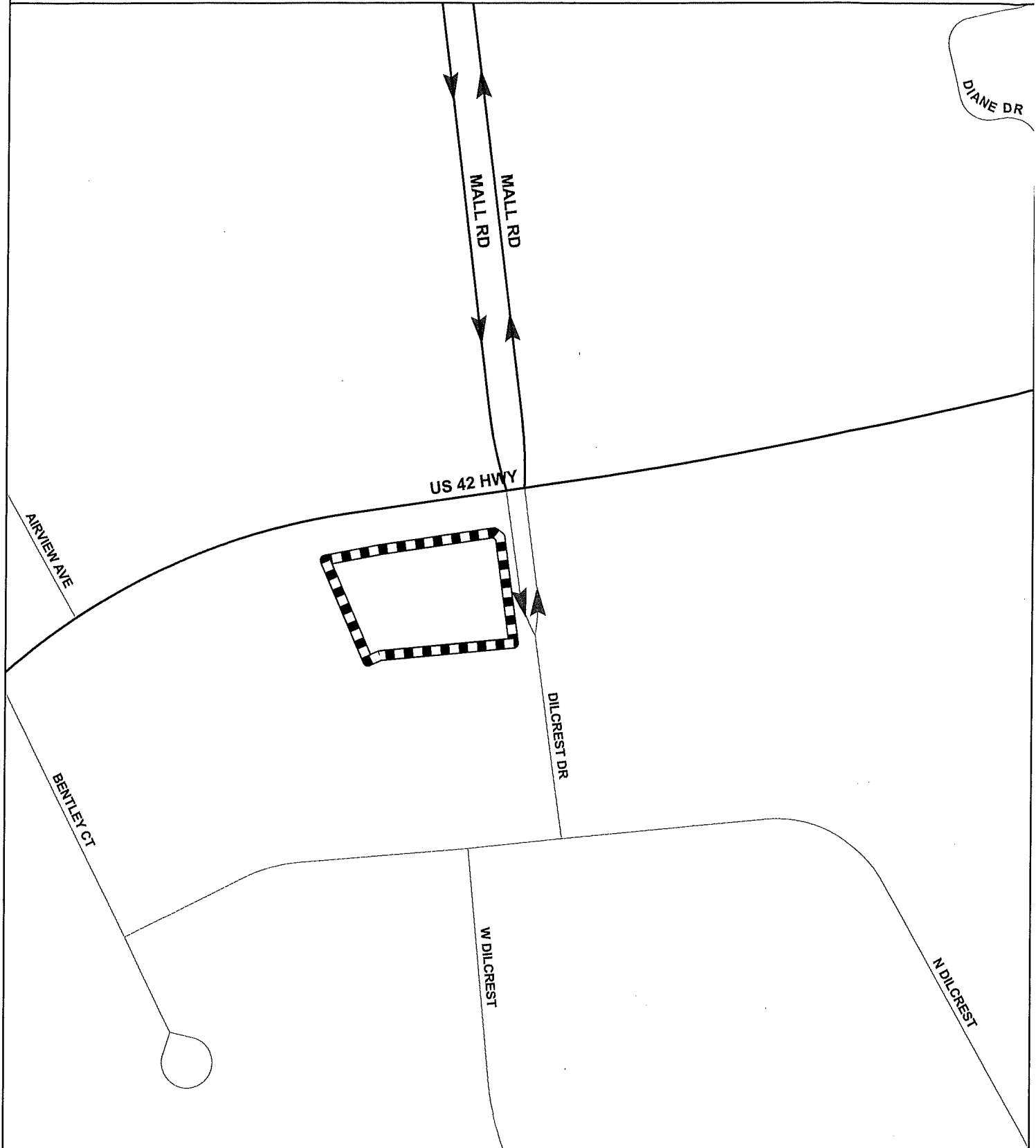
Attachments:

- Location map
- Aerial photograph with zoning
- 2040 Future Land Use Map excerpt
- Natural Features map
- 1/7/04 Committee Report for Eighteen, Ltd./Helmer zone change and variance application

- 12/18/19 e-mail from John Bandy, KYTC
- 2/13/20 e-mail from Fire Marshal Randy Childress
- 2/27/20 e-mail from Josh Hunt, Business & Community Development Director
- Application materials including Concept Development Plan

Location

www.boonecountygis.com



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0 85 170 340 510 680 Feet
1 inch = 167 feet

Boone County GIS - Putting

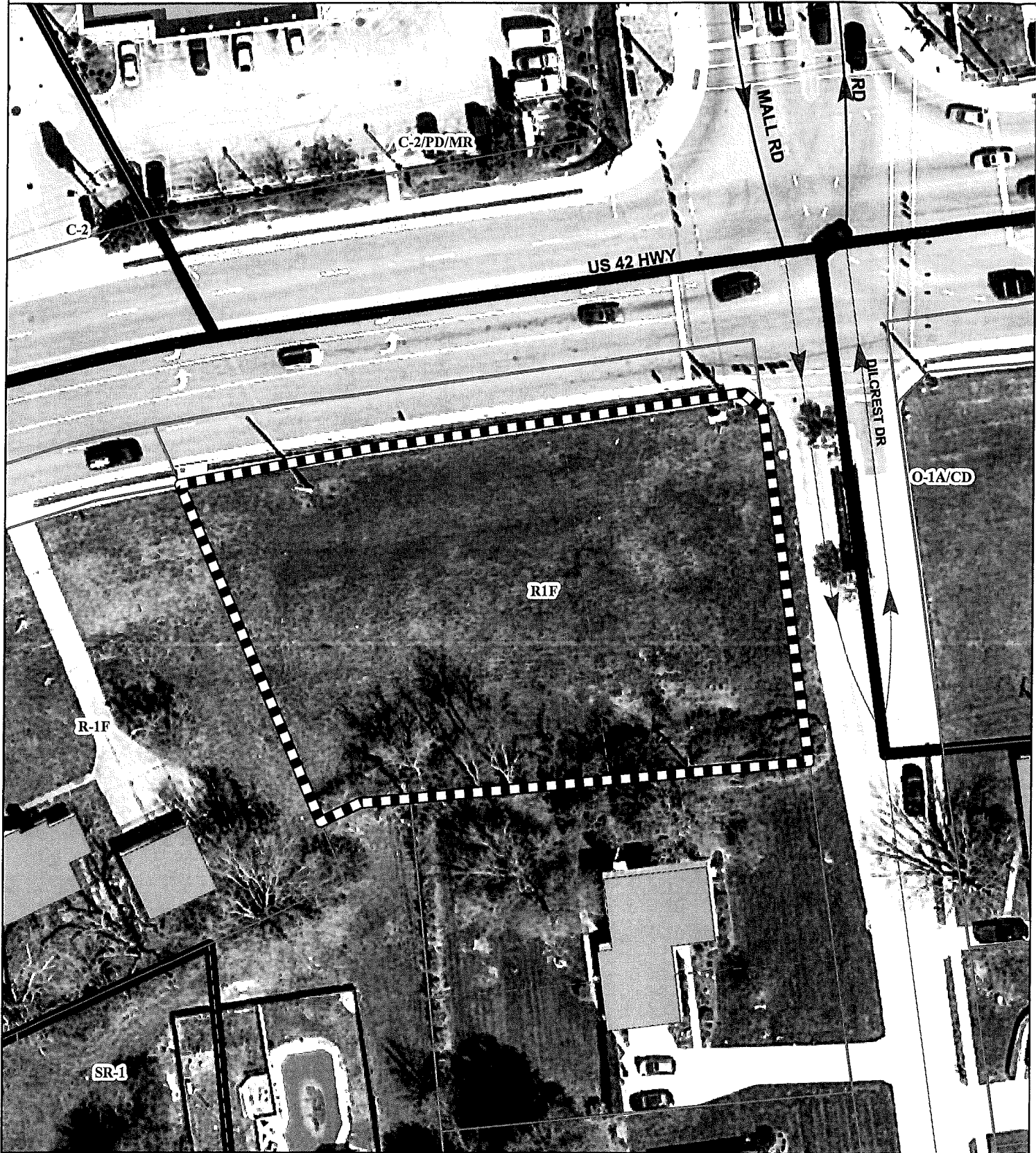


Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

Zoning

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0 25 50 100 150 200 Feet

1 inch = 50 feet

Boone County GIS - Putting Northern Kentucky on the Map

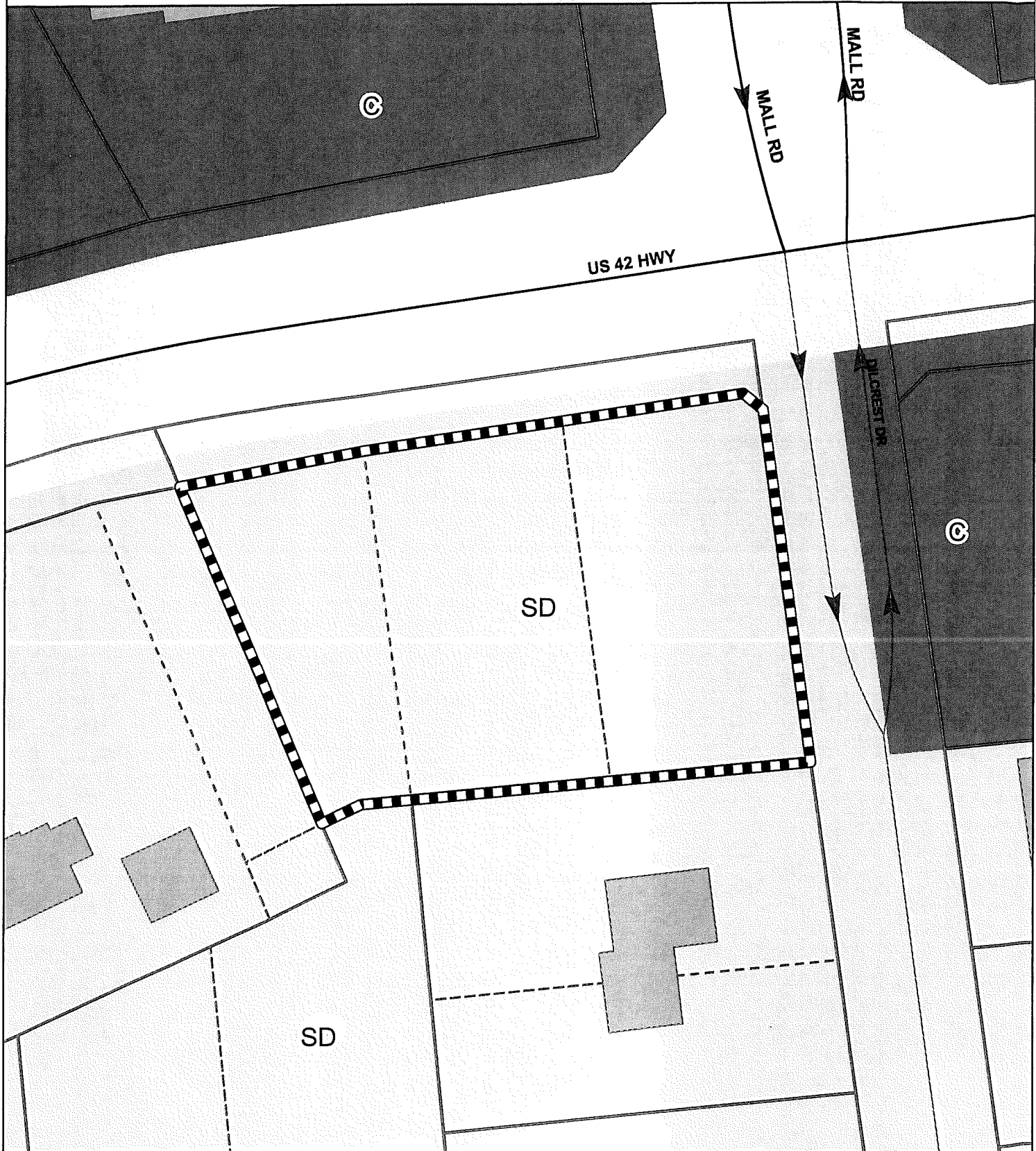
Map Created: xx/xx/2020



Boone County GIS
ArcMap Document: * mxd

2040 Future Land Use

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1 Inch = 50 feet

Boone County GIS - Putting Northern Kentucky on the Map

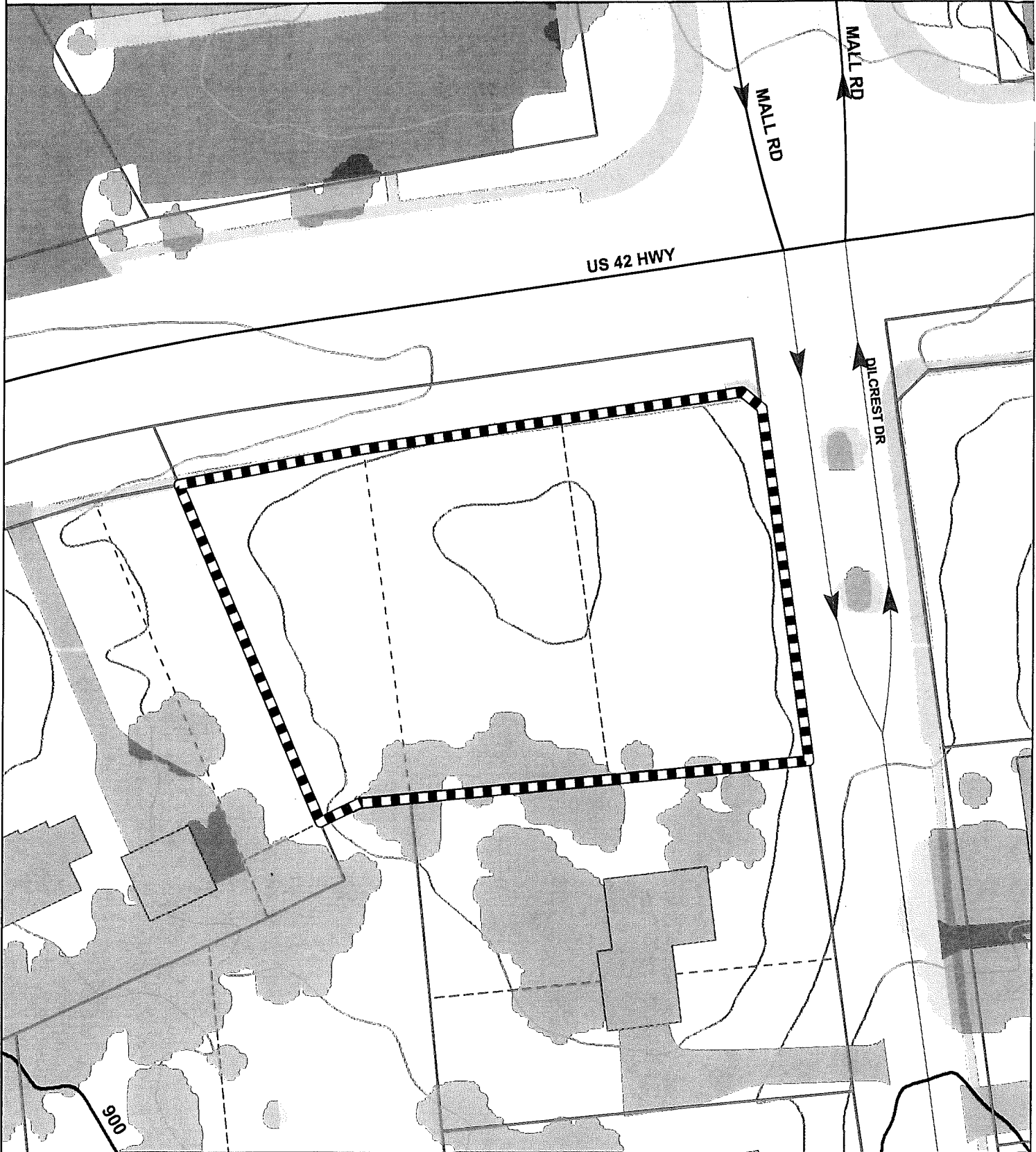


Map Created: xx/xx/2020

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Natural Features

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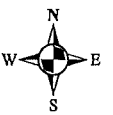
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0 25 50 100 150 200 Feet

1 inch = 50 feet

Boone County GIS - Putting



Map Created: xx/xx/2020

Maple Forest Services by Earth 344 1101
ArcMap Document: *.mxd

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Keglèy, Chairwoman

DATE: January 7, 2004

RE: Request of **Eighteen, Ltd. (applicant)** for **Dennis C. Helmer, Gayle S. Helmer, David L. Helmer, and Sandra G. Helmer (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A), and a Variance from Section 3645 "Buffer Yards" of the Boone County Zoning Regulations to reduce the required Buffer Yard C in the rear yard area from 60 feet to 24.92 feet, for a 0.8613 acre site located on the southeast corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change and a variance to allow an office 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 request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons.
 - A. The Future Land Use Map designates the site for "Suburban Residential" uses. However, the Land Use Element text states "vacant parcels and existing residences along the south side of US 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area, however, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the US 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Development must accommodate plans for double left turn lanes from US 42 to Mall Road. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended" ("Gunpowder Area," pg. 165).

In short, the Comprehensive Plan allows for either Suburban Residential, Urban Residential, or office uses depending on the potential impacts that would be generated and the quality of the specific proposal. The revised Concept Development Plan and architectural elevations that were submitted to the Zone Change Committee in response to the comments presented at the Public Hearing, as well as the agreed conditions outlined below, demonstrate agreement with the Land Use Element text and its detailed objectives regarding the appropriate development of an extremely well designed, low-impact professional office. Specifically: the facility will be limited to professional and medical office uses only; lighting will be controlled as to not impact the adjoining residential properties; the proposal has been revised to include one single story brick structure with multiple roof forms and tangible design detailing so it will resemble a well constructed residence; a detailed landscape/buffering plan for the rear yard buffer area adjoining the adjacent residential lots illustrates that significant buffering and screening will be provided; a commitment to over-detain storm water has been made; the design of the dumpster enclosure and any monument sign will visually correlate to the brick office building; building mounted signage will be limited to the front facade only; and, a vehicular connection will be made from this site to the commercial property to the immediate east. The Committee has also determined that these conclusions are reinforced by the Land Use Element's statement that "development along US 42 from Mall Road to the Ewing Boulevard area should continue to be a mixture of professional and local, traffic-oriented commercial activity" ("Florence Commercial Area," pg. 163).

- B. The Business Activity Element ("Areas of Future Commercial Activity," pp. 70 - 72) notes that "many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area" and "commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods." The proposal involves a modestly scaled office structure which will not have direct access to US 42, but will be served by a local street which has a signalized intersection with US 42, and through an existing access point on an adjoining commercial lot.
- C. Based on the conclusions outlined above, the Committee has determined that the request, with the agreed conditions outlined below, demonstrate agreement with the applicable Business Activity Goals and Objectives, which are outlined in the Staff Report for this application.

January 7, 2004

Eighteen Ltd./Helmer

- D. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
2. When considering that the vast majority of the adjoining area along US 42 has a definitive commercial strip character and is comprised of commercial uses that are oriented toward automobile traffic, and that US 42 is a heavily traveled five lane highway which is contemplated by the Kentucky Transportation Cabinet to be widened to six lanes, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
3. The Committee has concluded that the requested variance fulfills the applicable findings, standards, and criteria outlined in KRS 100.241 to 100.247, which includes the findings outlined in Section 251 of the Boone County Zoning Regulations. Specifically, the strict enforcement of the buffer yard width normally required along the south/rear property line would deprive the applicant of reasonable use of the site, especially when considering the limited size and depth of the property. The width of the rear buffer yard was increased on the revised Concept Development Plan to indicate that both the building and paved vehicular area would be set back at least thirty feet (30') from the rear property line, with a four foot (4') wide sidewalk placed along the rear facade of the building.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the revised Concept Development Plan (received by the Planning Commission 12/12/03) and architectural elevations (received by the Planning Commission 12/16/03) which were submitted to the Zone Change Committee in response to the issues raised at the Public Hearing for this request. The materials for the structure shown on the architectural elevations shall be brick with dimensional shingle roofing.
2. Uses shall be limited to professional office and medical office uses which are Principally Permitted in the O-1A zone.

January 7, 2004

Eighteen Ltd./Helmer

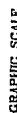
3. A paved, two-way driveway connection between this site and the driveway on the adjoining commercial property to the east shall be provided with the initial construction of the building.
4. Landscaping for the rear buffer yard shall follow the scheme provided with the revised Concept Development Plan. Additional screening along the walk at the rear of the building shall include a row of arborvitaes as shown on the revised Concept Development Plan, or comparable columnar evergreen trees, which are at least 4 feet wide and 15 feet high at maturity, and which have a 6 foot high minimum installation size; this row of columnar evergreen trees, as shown on the revised Concept Development Plan, fulfills the applicable large shrub requirement. A 6 foot high solid screening fence may be opted in lieu of the row of columnar evergreen trees. Other than as specified in this condition for the rear buffer yard, the development must meet all applicable standards stated in Article 36 "Landscaping" of the zoning regulations.
5. As much storm water as practical shall be over-detained in accordance with the City Engineer's direction.
6. The turning radii and reverse curves from (and including) the curb cut to the parking area at the front of the building shall be softened to more readily accommodate traffic flow.
7. Building mounted signage may be located on the front facade facing US 42 only. Any monument style sign and the dumpster enclosure shall use materials, colors, and design detailing which match the proposed office building. Any monument style sign may be externally illuminated only.
8. Site lighting which is located behind the front building line shall be limited to bollard style and low intensity wall mounted fixtures only.

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

[illegible]

C-2

IC SCALE



ZONE - C-3

A detailed black and white architectural drawing of a large, multi-story building, likely a church or institutional structure. The building features a complex roof with multiple gables and a prominent central section. The facade is characterized by numerous windows, some with arched tops, and a series of vertical lines suggesting columns or structural elements. The drawing is oriented horizontally, with the building's length extending from left to right. A small, simple diagram with the numbers '10' and '12' is located in the upper left corner of the page.

RECEIVED
DEC 16 2003
BOONE COUNTY
PLANNING COMMISSION

DEC 16 2003

BOONE COUNTY
PLANNING COMMISSION

26'

10'

TOP OF PROPOSED WALL ELEV. 896.00

EXISTING ELEV. 895.82

Final ELEV. 895.50

Architectural site plan showing two buildings, an existing fence, a proposed wall, and a driveway. Dimensions include 12' and 9' for building widths, 30' for driveway width, and 10' for wall length. Labels include 'EXISTING FENCE', 'PROPOSED WALL', and 'DRIVEWAY'.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
December 17, 2003
Eighteen, Ltd./Helmer

PAGE 2

Janet Kegley
Janet Kegley, Chairwoman
For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Barlow
Randy Barlow
For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Greg Breetz
Greg Breetz
For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Bunger
Kim Bunger
For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Poston
Susan Poston
For Project _____ Absent ☒
Against Project _____
Abstain _____ Deferred _____

Charlie Reynolds(Alternate)*
Charlie Reynolds(Alternate)*
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT 1 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

Folder: Inbox

Trash

Allow Sender

Subject: US 42 and Dilcrest Allow Subject

Trash

Submit as Spam

Original word
Dilcrest

Revert

Replace with

Vulgarest

Replace Replace all

Replace all Replace all

Add to Dictionary

Suggestions

Vulgarest
Talkiest
Decreased
Digressed
Telecast
Delacruz
Delacruz's

Personal Dictionary

John D. Bandy ; Thank you for your E-mail about the request information for a possible curb cut on US42 at the South lane going North +/- 167 feet from the intersection of Dilcrest and US42. Have a merry Xmas. James I. Titus AIA

DUNN & TITUS Architects
Tel. 513.522.8755
Fax. 513.522.7844
800 Compton Rd. #26
Cincinnati, OH 45231

----- Original Message -----

Received: Wed, 18 Dec 2019 08:00:26 AM EST

From: "Bandy, John D (KYTC-D06)" <John.Bandy@ky.gov>

To: "dunnandtitus@usa.net" <dunnandtitus@usa.net>

Subject: US 42 and Dilcrest

James;

This email is in reference to the proposed curb cut approximately 167' south of Dilcrest on US 42. KYTC will not allow an entrance of any type because of access off of Dilcrest. Dilcrest is in the City of Florence and KYTC suggests you approach them for access to the property.

Thank you;

John D. Bandy

Permits
KYTC District 6
421 Buttermilk Pike
Fort Mitchell, KY 41017
859-743-1904



Kevin Wall

From: Randy Childress <Randy.Childress@Florence-KY.gov>
Sent: Thursday, February 13, 2020 4:50 PM
To: Kevin Wall
Subject: RE: Titus/Pham zone change application - US 42/Dilcrest

EXTERNAL MESSAGE

I have reviewed the plan and have no comments at this time.

From: Kevin Wall <KWall@boonecountyky.org>
Sent: Tuesday, February 11, 2020 2:36 PM
To: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Tom Gagnon <Tom.Gagnon@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>
Subject: Titus/Pham zone change application - US 42/Dilcrest

Gentlemen:

The application materials for the above referenced zone change are attached. Please review and comment on the proposal relative to your agency's policies and service abilities. Please forward any comments by Friday, 2/21/20.

Thanks,

Kevin T. Wall, AICP CDT CNU-A
Director, Zoning Services
Zoning Administrator
v: 859-334-2196
f: 859-334-2264
www.boonecountyky.org/planning_commission/



BOONE COUNTY
PLANNING COMMISSION

Kevin Wall

From: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>
Sent: Thursday, February 27, 2020 11:28 AM
To: Kevin Wall
Subject: RE: PROPOSED PROFESSIONAL BUILDING 2-21-20

EXTERNAL MESSAGE

Kevin, our comments are as follows:

- Please provide brick and shingle samples.
- Landscaping is proposed along US 42 on top of a 16" water main. The city has concerns with the planting types in this area, please provide details of the planting types.
- There is an existing metal electric anchor pole within the buffer yard along US 42, will this be left or removed?
- There appears to be landscaping within the south buffer yard that will be within a Duke Energy electric easement, have they approved this request?
- There are existing trees and vegetation within the south buffer yard, will this be removed?
- There is a note of 6' redwood fence to surround the detention facility, please note that this will not be approved. A 6' decorative black metal fence will be required.
- Please indicate where the sewer lateral will be installed from the building to the main, based on the location and length of the building, it would appear that the lateral would go through the detention facility. This would not be permitted.
- While the details of private utility installation will take place during major site plan review, we want to bring up the concern of connecting the storm water detention outfall pipe to the storm box on US 42. There must be appropriate clearance between the existing 16" water main, the connection area must be excavated and appropriate clearances determined before any connection is made. There is a high chance this connection will not be possible based on the depth of the storm box on US 42 and the existing 16" water main. Please indicate where the outfall would go if proper clearances cannot be met.
- Based on the location of the dumpster enclosure, there would appear to be an inadequate turning radius for a garbage truck. Has a model been run?
- Please provide location of any exterior lighting features.
- After reviewing public comments that were submitted during the Dennis Helmer development public hearing, there were reoccurring concern by the residents of Dilcrest that any commercial use would have an impact on Dilcrest by causing additional stacking at the intersection of US 42 and Dilcrest. As you know, due to the island, there is not a dedicated right or left turn lane, one car going straight or turning left causes stacking at this intersection. While there is a variety of commercial uses that were included with this application, the city is requesting a traffic study be provided to determine what the exact impact could be, the removal of the island and dedicated turn lane could be required as a condition of this development if the numbers indicate such a solution is warranted.

From: Kevin Wall <KWall@boonecountky.org>
Sent: Friday, February 21, 2020 4:42 PM
To: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>
Subject: FW: PROPOSED PROFESSIONAL BUILDING 2-21-20

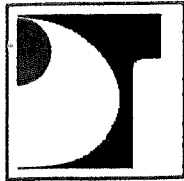
See attached – updated materials for the US 42/Dilcrest zone change request.

From: Sara Smith
Sent: Friday, February 21, 2020 4:37 PM
To: Kevin Wall
Subject: FW: PROPOSED PROFESSIONAL BUILDING 2-21-20

From: Dunn & Titus Architects [<mailto:dunnandtitus@usa.net>]
Sent: Friday, February 21, 2020 4:01 PM
To: Planning Commission General Account
Subject: PROPOSED PROFESSIONAL BUILDING 2-21-20

EXTERNAL MESSAGE
PROPOSED PROFESSIONAL BUILDING 2-21-20

DUNN & TITUS Architects
Tel. 513.522.8755
Fax. 513.522.7844
800 Compton Rd. #26
Cincinnati, OH 45231



DUNN & TITUS

ARCHITECTURE • ENGINEERING • INTERIOR DESIGN • CONSTRUCTION MANAGEMENT

To Mr. Kevin T. Wall AICP CDT
Director, Zoning Services

Boone County Admin. Building
2950 Washington St. Room 317
P.O. Box 958
Burlington, KY 41003

Project No. KY20181
January 03, 2020

PROPOSED ZONE CHANGE

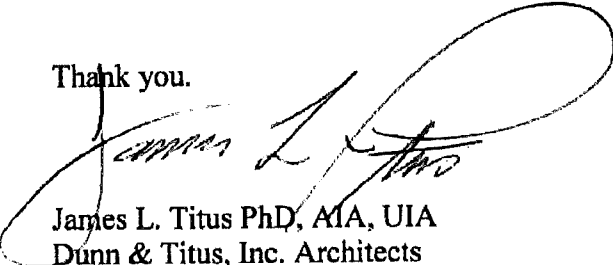
Enclosed please review the proposed zoning change of an approximate 0.63 acre site (Lots 21, 22, 23) generally located on the South West corner of the US42 and Dillcrest Drive intersection in the city of Florence, Kentucky to rezone the site from Residential 1-Family (R1F) to a Commercial 1 (C-1) zone.

An application form for a zone change is submitted with drawings of the proposed site plan and type of structure to be built with required set backs, and curb cut and landscaping.

A list and site map of names and addresses of adjoining property owners has been submitted for contact for the zone change review.

We hope this submitted application will start the process for the proposed zone change.

Thank you.



James L. Titus PhD, AIA, UIA
Dunn & Titus, Inc. Architects
800 Compton Rd. Unit 26
Cincinnati, Ohio 45231

Items for submittal:

1. Application form
2. Legal description of the area to be rezoned
3. Names and mailing addresses of all adjoining property owners
4. Site plan
5. Parking and landscaping plan
6. Proposed building elevations

APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Professional Building
2. Location of Project Lots: 21, 22, 23 Dilcrest Manor
3. Total Acreage of Site 0.63 Acres
4. Current Zoning of Site R- 1F
5. Proposed Zoning (Classification being requested) C-1
6. Proposed Uses (please specify each use) Beauty & Barber Salon ; Real Estate Office;
Accounting Office; Medical Office ; Insurance Company; Grocery Store.
7. Names of Applicant(s) James L. Titus AIA
Phone No. 513-522-8755 Fax No. 513-522-7844 E-Mail dunnandtutus@usa.net
8. Address of Applicant(s) 800 Compton Rd. No. 26
Cincinnati Ohio 45231
City State Zip
9. Name of Property Owner(s) Luong M. Pham & Thu-Ha-T- Le
Phone No. 502-550-1332 Fax No. _____ E-Mail HLF1314@YAHOO.COM
10. Address of Property Owner(s) 6156 Fox Run Lane
Florence Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) One story Propessional Building,
5040 Sq. Ft., -36'x140' Brick Construction with Arch windows with
Architectoral Design Complimenting The Existing Homes in the area.
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 1134 Page No. 109 Group No. 2048B
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Varlance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

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

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

 x Check if Applicable

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 _____.

20. **ORIGINAL Property Owner's Signature** _____
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature _____
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

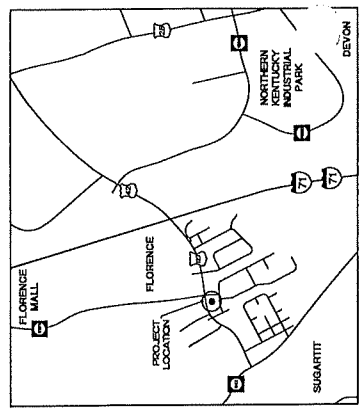
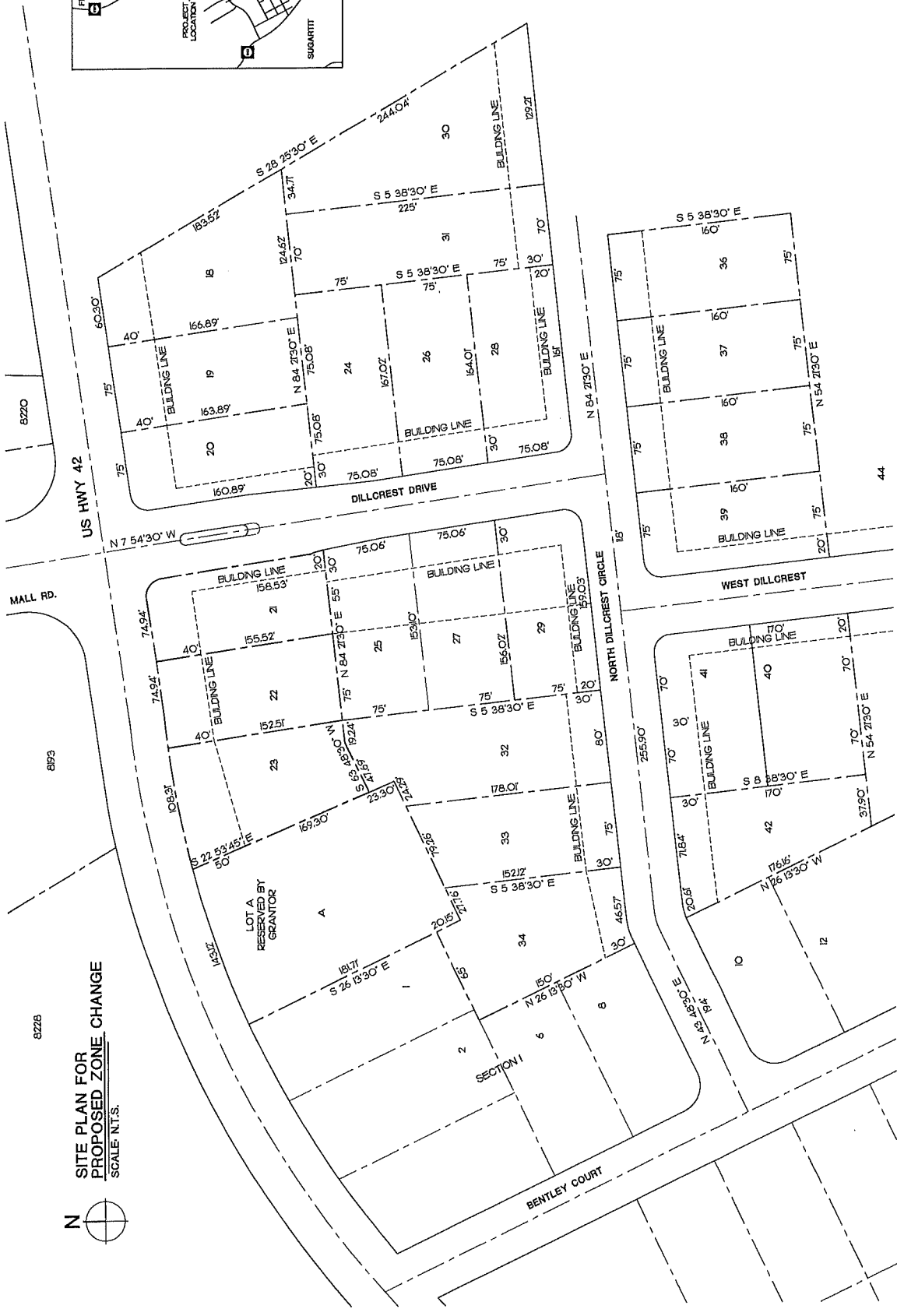
1. Date Received _____
2. Review Fee _____
3. Check what has been submitted:
 _____ Application
 _____ Fee
 _____ Legal Description
 _____ Concept Development Plan
 _____ Address of Adjoining Property Owners
 _____ Number of Copies of Plan Received**
 _____ Date Application is Administratively Complete as Defined in KRS 100.211
4. _____
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 _____ Approval
 _____ Approval with Conditions
 _____ Denial
 _____ Resolution #
9. Other: _____

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

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

8225

**SITE PLAN FOR
PROPOSED ZONE CHANGE**
SCALE: N.T.S.



REVISIONS
2-7-20 2-21-20

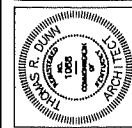
**PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)**

US HWY 42 AND DILLCREST FLORENCE, KY 41042

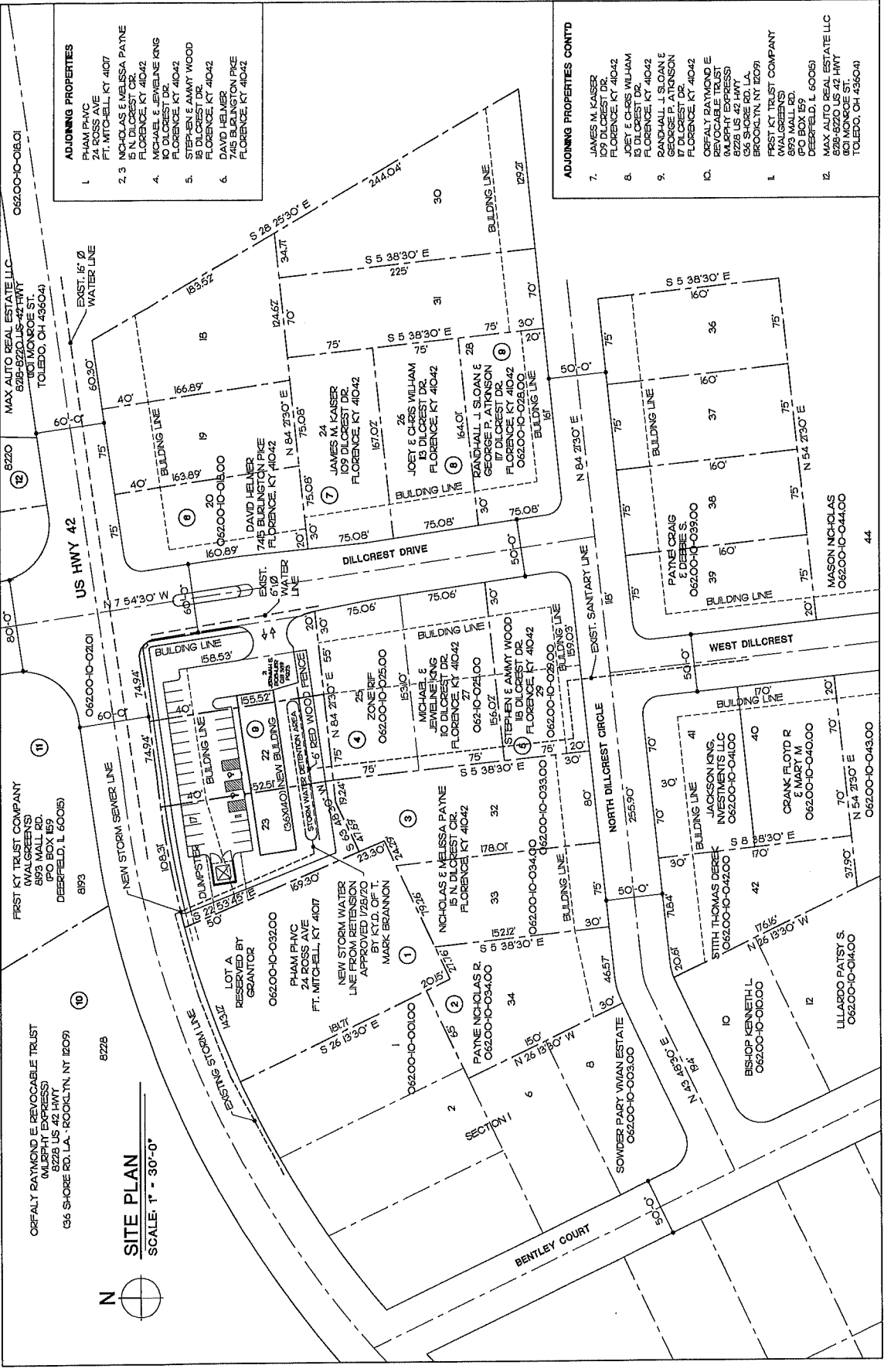


DUNN & TITUS INC.

THOMAS R. DUNN R.A. JAMES L. TITUS P.R.D., AIA
ARCHITECTURE PLANNING INTERIOR DESIGN
800 GUNPOW ROAD CINCINNATI, OH 45231 * TELEPHONE 513-522-8833 * FAX 513-522-7944



DECEMBER, 2009
PROJECT NUMBER
DUNN-2145
S-1



- ADJOINING PROPERTIES**
- 1. PHAM PAVC
24 ROSS AVE
FT. MITCHELL, KY 41017
 - 2, 3. NICHOLAS & MELISSA PAYNE
15 N. DILLCREST DR.
FLORENCE, KY 41042
 - 4. MICHAEL & JEWELINE KING
10 DILLCREST DR.
FLORENCE, KY 41042
 - 5. STEPHEN & AMY WOOD
18 DILLCREST DR.
FLORENCE, KY 41042
 - 6. DAVID HELMER
14 BURLINGTON PIKE
FLORENCE, KY 41042

- ADJOINING PROPERTIES CONT'D**
- 7. JAMES M. KAISER
103 DILLCREST DR.
FLORENCE, KY 41042
 - 8. JOEY & CHRIS WILLIAM
13 DILLCREST DR.
FLORENCE, KY 41042
 - 9. RANDALL J. SLOAN &
GEORGE P. ATKINSON
17 DILLCREST DR.
FLORENCE, KY 41042
 - 10. ORFALY RAYMOND E
12 BURLINGTON PIKE
FLORENCE, KY 41042
 - 11. FIRST KY TRUST COMPANY
893 MAIN RD.
DEERFIELD, L 60055
 - 12. MAX AUTO DEAL ESTATE LLC
828-8220 US 42 HWY
801 MONROE ST.
TOLEDO, OH 43604

ORFALY RAYMOND E REVOCABLE TRUST
(MURPHY EXPRESS)
8228 US 42 HWY
136 SHORE RD. LA. - ROCKLYN, NY 12059

SITE PLAN
SCALE: 1" = 30'-0"

DECEMBER, 2019
PROJECT NUMBER
8228
DOWN 01/16



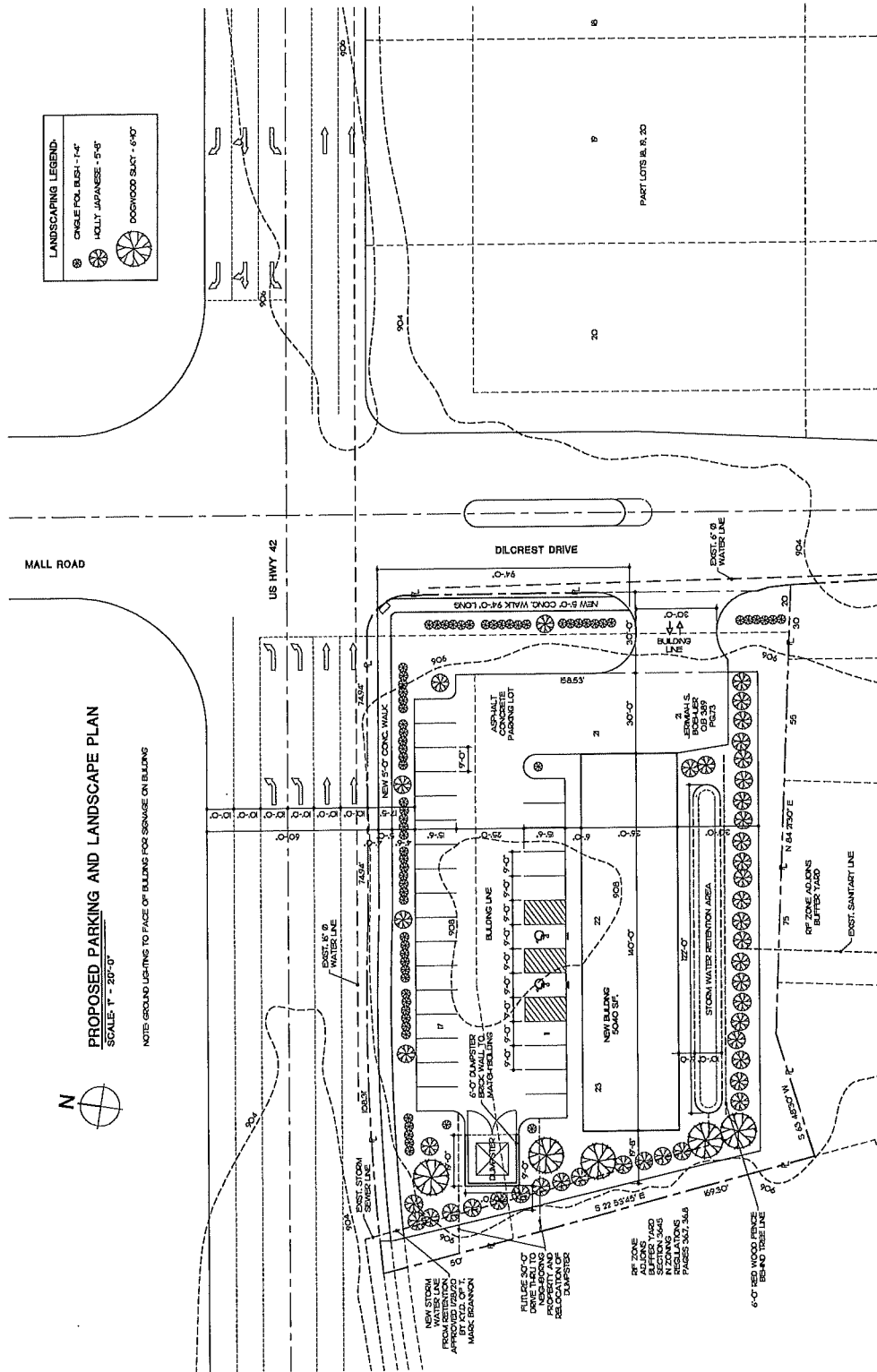
DUNN & TITUS INC.
THOMAS R. DUNN P.E., AIA
ARCHITECTURE • PLANNING • INTERIOR DESIGN
800 COMPTON ROAD • CINCINNATI, OH 45231 • TEL: 513-522-8833 • FAX: 513-522-7944



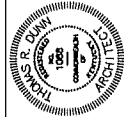
REVISIONS
2-7-20 2-21-20

**PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)**
US HWY 42 AND DILLCREST FLORENCE, KY 41042

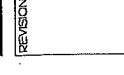
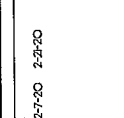
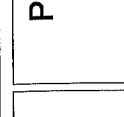
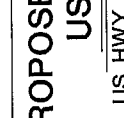
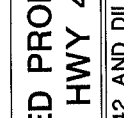
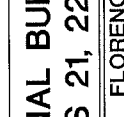
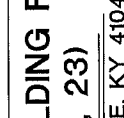
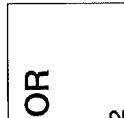
A-1



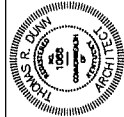
DECEMBER, 2019
PROJECT NUMBER
DUNN & TITUS



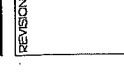
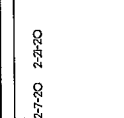
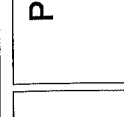
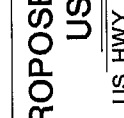
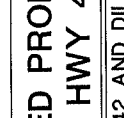
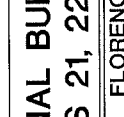
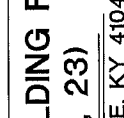
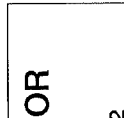
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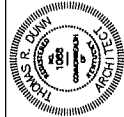
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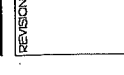
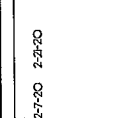
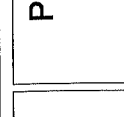
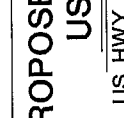
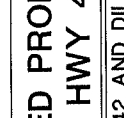
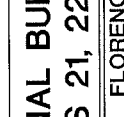
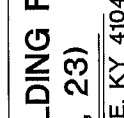
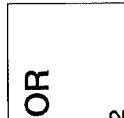
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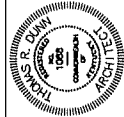
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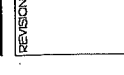
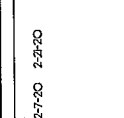
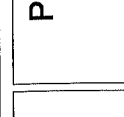
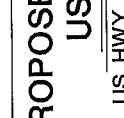
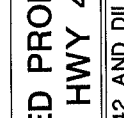
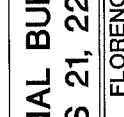
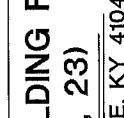
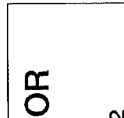
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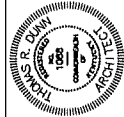
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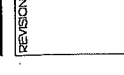
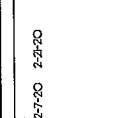
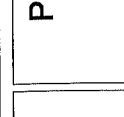
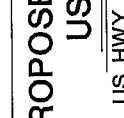
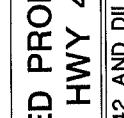
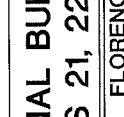
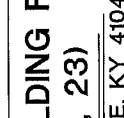
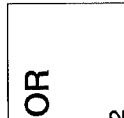
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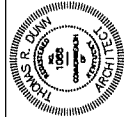
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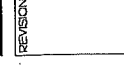
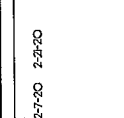
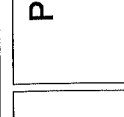
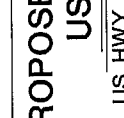
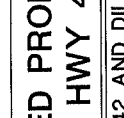
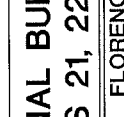
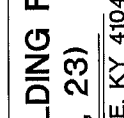
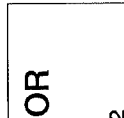
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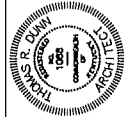
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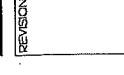
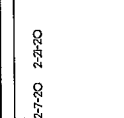
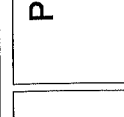
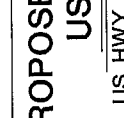
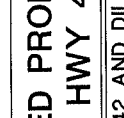
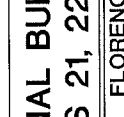
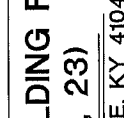
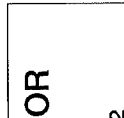
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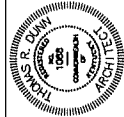
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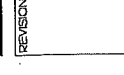
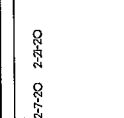
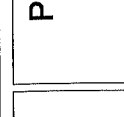
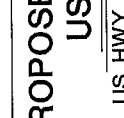
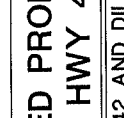
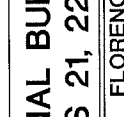
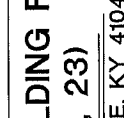
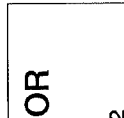
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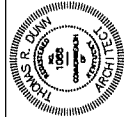
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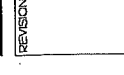
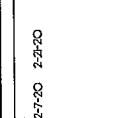
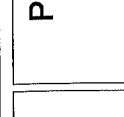
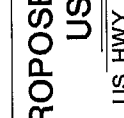
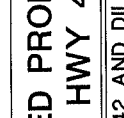
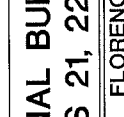
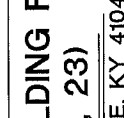
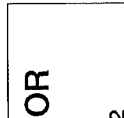
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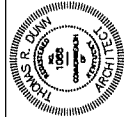
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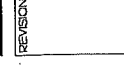
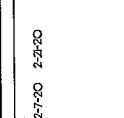
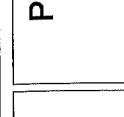
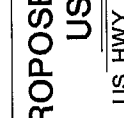
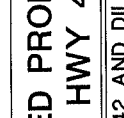
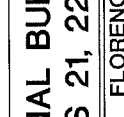
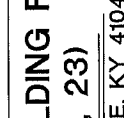
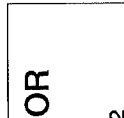
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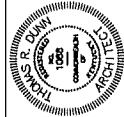
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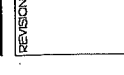
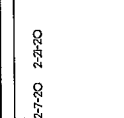
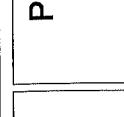
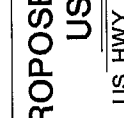
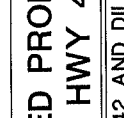
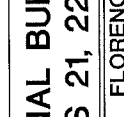
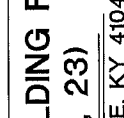
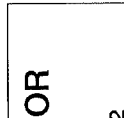
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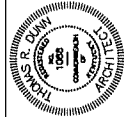
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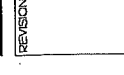
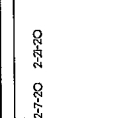
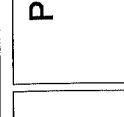
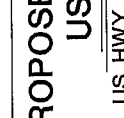
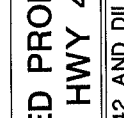
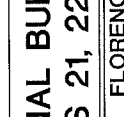
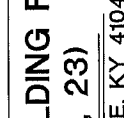
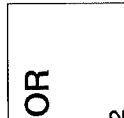
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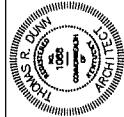
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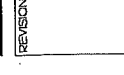
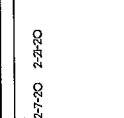
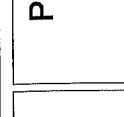
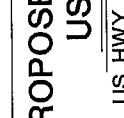
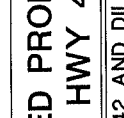
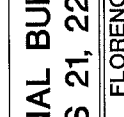
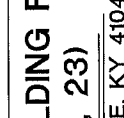
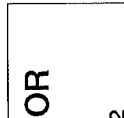
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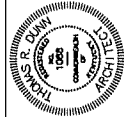
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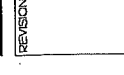
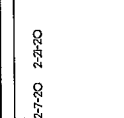
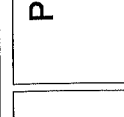
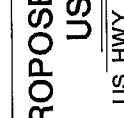
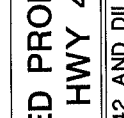
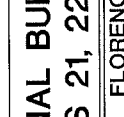
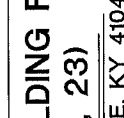
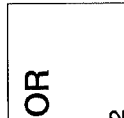
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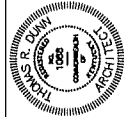
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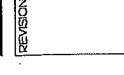
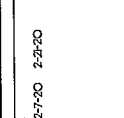
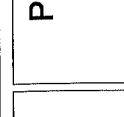
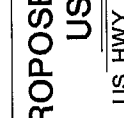
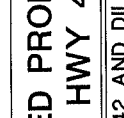
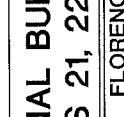
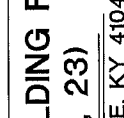
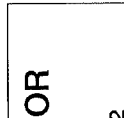
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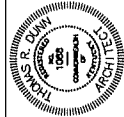
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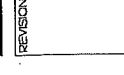
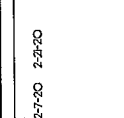
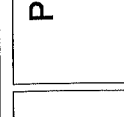
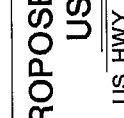
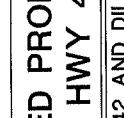
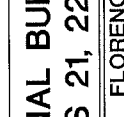
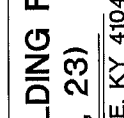
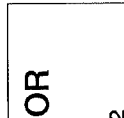
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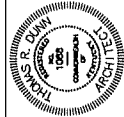
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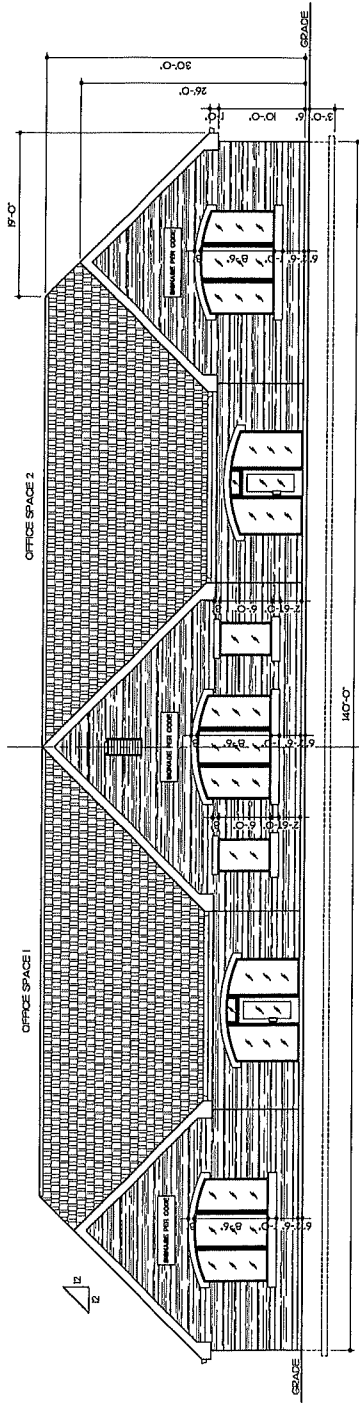
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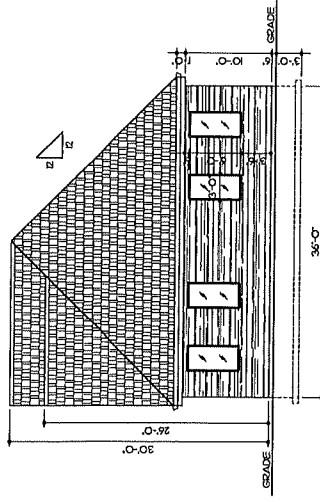
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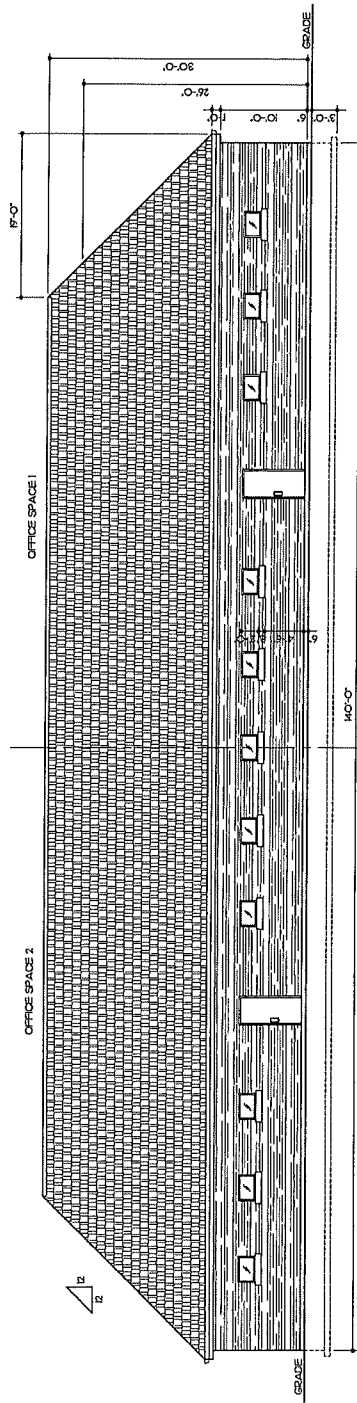
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THOMAS R. DUNN R.A. JAMES L. TITUS P.H.D., AIA
ARCH



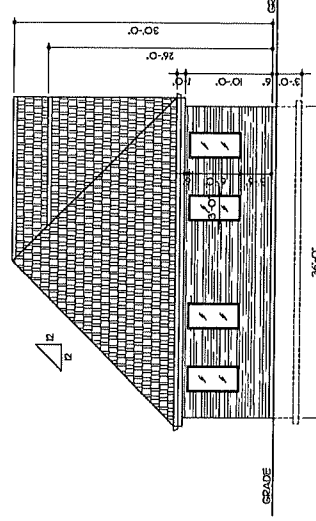
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SCALE N.T.S.



EAST ELEVATION
SCALE N.T.S.



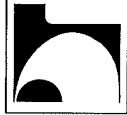
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SCALE N.T.S.



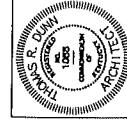
WEST ELEVATION
SCALE N.T.S.

REVISIONS
2-7-20 2-9-20

PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)
US HWY 42 AND DILLCREST FLORENCE, KY 41042



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DECEMBER, 2009
PROJECT NUMBER
KCD008
DUNN & TITUS
A-3

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: September 2, 2020

RE: Request of **James Titus, AIA (applicant)** for **Luong M. Pham and Thu Ha T Le (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial One (C-1) for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change to allow commercial and office uses.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Our Boone County - 2040 Plan, which is the adopted Comprehensive Plan, due to the following reasons.

The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Suburban Density Residential." This designation is described as "single family housing of up to four units per acre." However, the Land Use Element (Area 16 "Florence South," p. 129) allows for Urban Density Residential and "an extremely well-designed, low-impact professional office" uses provided certain stipulations are met. In short, the Comprehensive Plan allows for either Suburban Density Residential, Urban Density Residential, or office uses depending on the potential impacts that would be generated and the quality of the specific proposal. The Land Use Element states:

Vacant parcels and existing residences along the south side of U.S. 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Density Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area. However, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the U.S. 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road.

In addition, right-turn lanes may be required for each development. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended.

The Committee has determined that the proposal, as revised in response to the Public Hearing testimony, constitutes "an extremely well-designed, low-impact professional office use" which "would establish a positive focal point for the U.S. 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses" due to the following reasons:

- A. The size of the proposed building has been downsized from 5,040 square feet to 4,080 square feet.
- B. The proposed building is a full brick, hipped roof structure with multiple gables on the front and rear facades. The proposed roof pitch has been reduced from 12/12 to 6/12 to correlate to the adjoining residences.
- C. The dumpster enclosure will be designed to architecturally correlate to the building.
- D. Berming and landscaping is proposed around the perimeter of the site, including an 8 foot high "green screen" landscaping wall and evergreen trees in the rear buffer yard along the south property line.
- E. Site lighting will be limited to ground or bench style fixtures and will not include any pole or mast style fixtures.
- F. Signage will be limited to one building mounted sign per tenant space on the north facade (facing US 42) only. No freestanding sign will be installed.
- G. Uses will be limited to office uses which are Principally Permitted in the C-1 zone and beauty/barber services only.
- H. The storm water detention system will be underground.
- I. A Traffic Impact Study was submitted by the applicant which demonstrates that the project will generate little traffic. The property owners will construct the Dilcrest Drive improvements shown in the revised Concept Development Plan (attached) and addressed in the agreed conditions, at their expense, to mitigate traffic impacts.
- J. A driveway connection to the adjoining vacant property to the west will be constructed.

- K. The access point is proposed on Dilcrest Drive (local street) versus US 42 (State highway) and is located as far from the US 42/Dilcrest Drive intersection as possible.

Based on these same reasons, the Committee has also determined that the proposal is in agreement with the Land Use Element's Future Land Use Development Guidelines and the Goals and Objectives. Specific provisions in the Future Land Use Development Guidelines which the proposal is in agreement with include proper buffering, access management (including connections between properties), and project design ("Buffering," p. 95; "Landscaping," p. 96; "Access Management," p. 96; and "Design, Signs, and Cultural Resource Preservation," p. 97). Specific Goals and Objectives which the proposal is in agreement with include placing businesses in suitable and appropriate locations, compatibility with surrounding land uses, buffering, and access connections between properties ("Economy," Goal A, Objective 2; "Economy," Goal B; "Economy," Goal B, Objective 1; and "Transportation," Goal B, Objective 6).

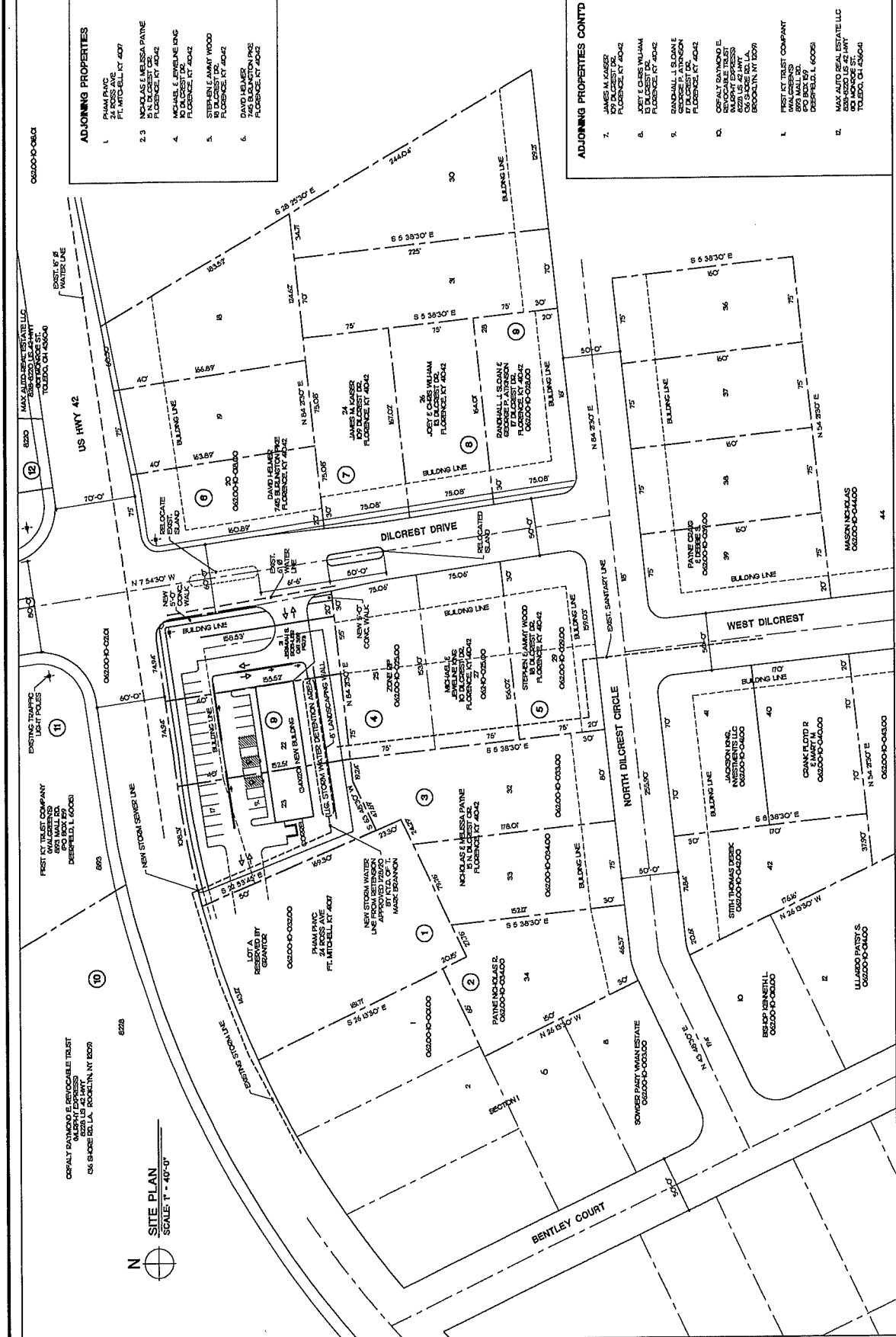
2. When considering that the vast majority of the surrounding area along US 42 has a definitive strip commercial character and is comprised of commercial uses that are oriented toward automobile traffic, that US 42 is a heavily traveled highway that is six lanes wide adjoining the subject site, and the vacant site on the opposite (east) side of Dilcrest Drive is zoned O-1A and is approved for an office development, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Our Boone County - 2040 Plan. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the attached Concept Development Plan set which was revised in response to the testimony given at the Public Hearing except where modified by the agreed conditions outlined below.
2. Uses on the site shall be limited to office uses which are Principally Permitted in the C-1 zone and "beauty and barber services and tanning salons" (Principally Permitted Use #15).
3. Signage shall be limited to building mounted signs only and shall consist of one building mounted sign per tenant space which are mounted on the north facade (facing US 42) only.

4. A third egress door shall be provided on the rear facade if required by the Kentucky Building Code.
5. The project shall follow the landscaping concept in the revised Concept Development Plan set, but must meet the detailed requirements of Article 36 of the Boone County Zoning Regulations at the Site Plan review stage.
6. Site lighting shall be limited to ground or bench style fixtures and shall not include any pole or mast style fixtures.
7. The property owners shall construct the Dilcrest Drive improvements (in the public right-of-way) shown in the revised Concept Development Plan set, and install any associated landscaping and/or fencing required by the City of Florence, at their expense. This scheme is accepted in concept, but it is understood that detailed design drawings must be approved by the City of Florence.
8. The building design shall follow the architectural elevations in the revised Concept Development Plan set.
9. The dumpster enclosure will use the same materials, colors, and design detailing as the building.

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



- ADJOINING PROPERTIES**
- 1. PHAM PAVC
24 ROSS AVE
FL MICHIGAN RT 407
 - 2.3. NICHOLAS E. MELISSA PAINE
B N DILCREST DR
FLORENCE KY 4042
 - 4. MICHAEL E. JENNIFER KING
B N DILCREST DR
FLORENCE KY 4042
 - 5. STEPHEN E. JAMIE WOOD
FLORENCE KY 4042
 - 6. DAVID WELSH
740 BALCONG PRZ
FLORENCE KY 4042

- ADJOINING PROPERTIES CONTD**
- 7. JAMES M. KASER
107 DILCREST DR
FLORENCE KY 4042
 - 8. JET E. CURE WILLIAM
FLORENCE KY 4042
 - 9. RANDALL L. S. OAKLEY
FLORENCE KY 4042
 - 10. CRYSTAL E. RICHARDSON
FLORENCE KY 4042
 - 11. FIRST KY TRUST COMPANY
880 MAIL RD
PO BOX 89
COOPERVILLE KY 40005
 - 12. MAX AUTO DEAL ESTATE LLC
225-2220 US 42 HWY
MAYFIELD KY 40404

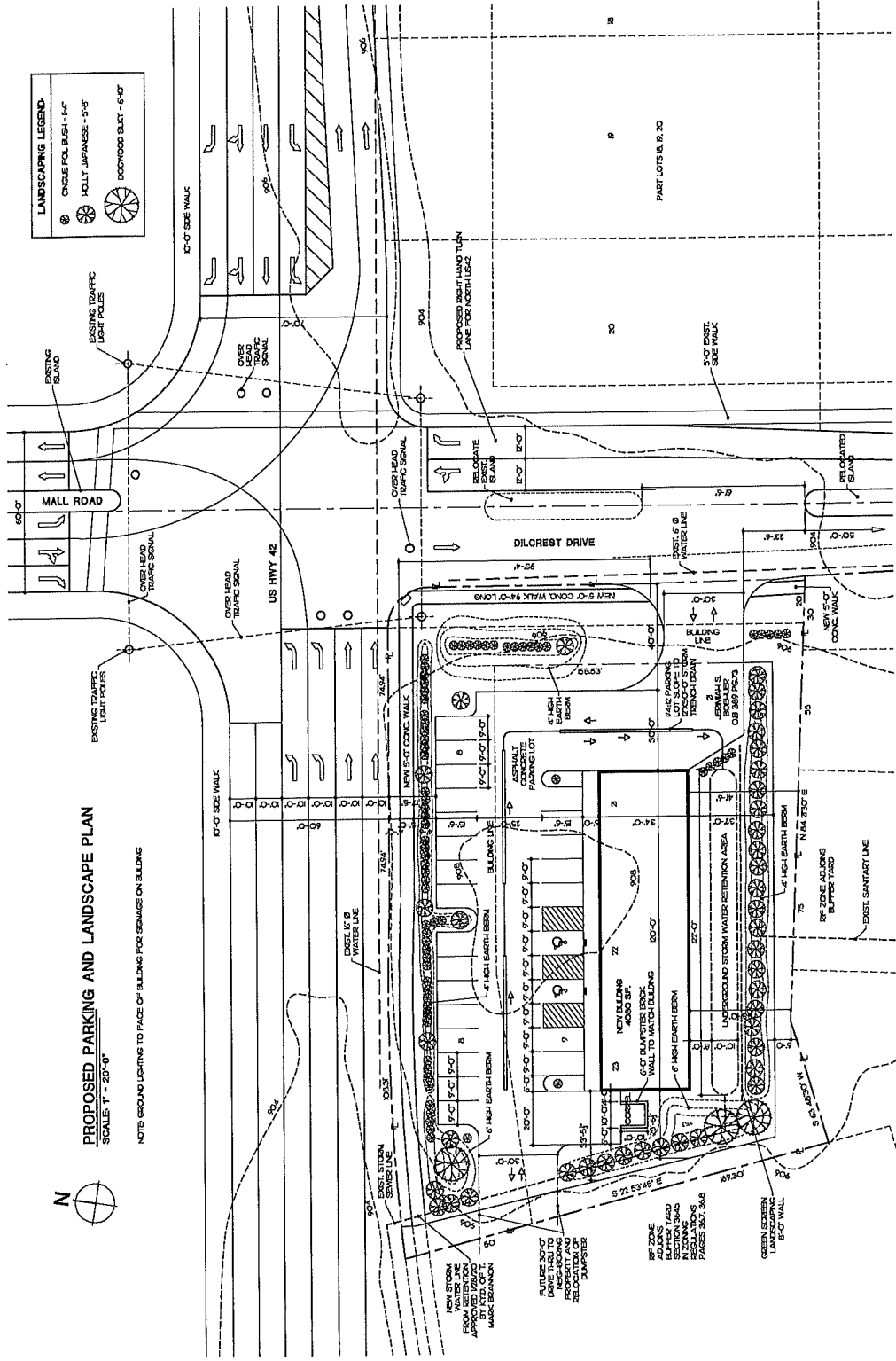
SITE PLAN
SCALE: 1" = 40'-0"

**PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)
US HWY 42 AND DILCREST FLORENCE, KY 41042**

REVISIONS
2-7-20 2-2-20 3-6-20
8-7-20

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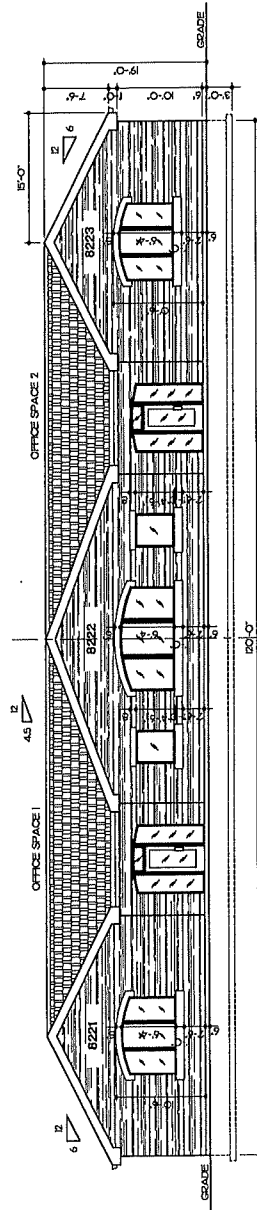
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8-7-20

PROPOSED PROFESSIONAL BUILDING FOR US HWY 42 (LOTS 21, 22, 23) US HWY 42 AND DILCREST FLORENCE, KY 41042



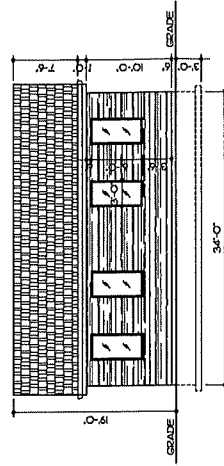
DUNN & TITUS INC.
THOMAS R. DUNN R.A. JAMES L. TITUS P.H.D., AIA
ARCHITECTURE PLANNING INTERIOR DESIGN
400 WEST MAIN STREET, SUITE 100 FLORENCE, KY 41042

DECEMBER 2009
PROJECT NUMBER
107008
COUNTY: LAS
A-2

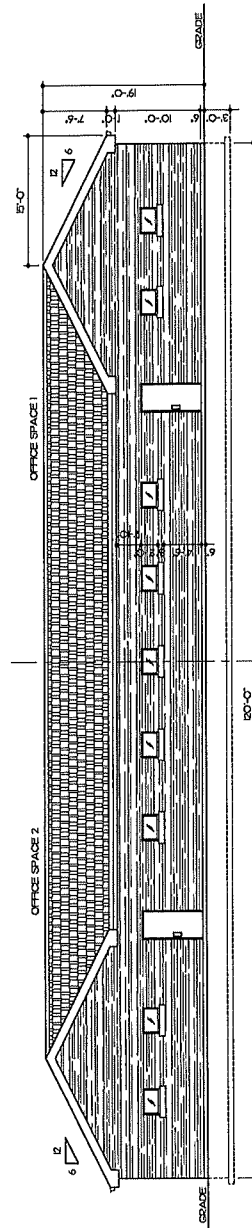


NORTH ELEVATION
SCALE: N.T.S.

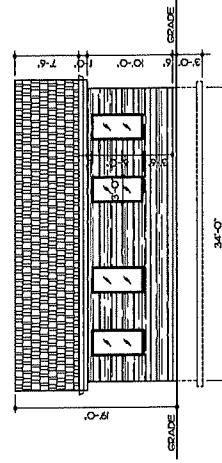
NOTES SIGNAGE PER CODE



EAST ELEVATION
SCALE: N.T.S.



SOUTH ELEVATION
SCALE: N.T.S.



WEST ELEVATION
SCALE: N.T.S.

REVISIONS

2-7-20	2-21-20	3-6-20
8-7-20		

**PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)**

US HWY 42 AND DILCREST FLORENCE, KY 41042



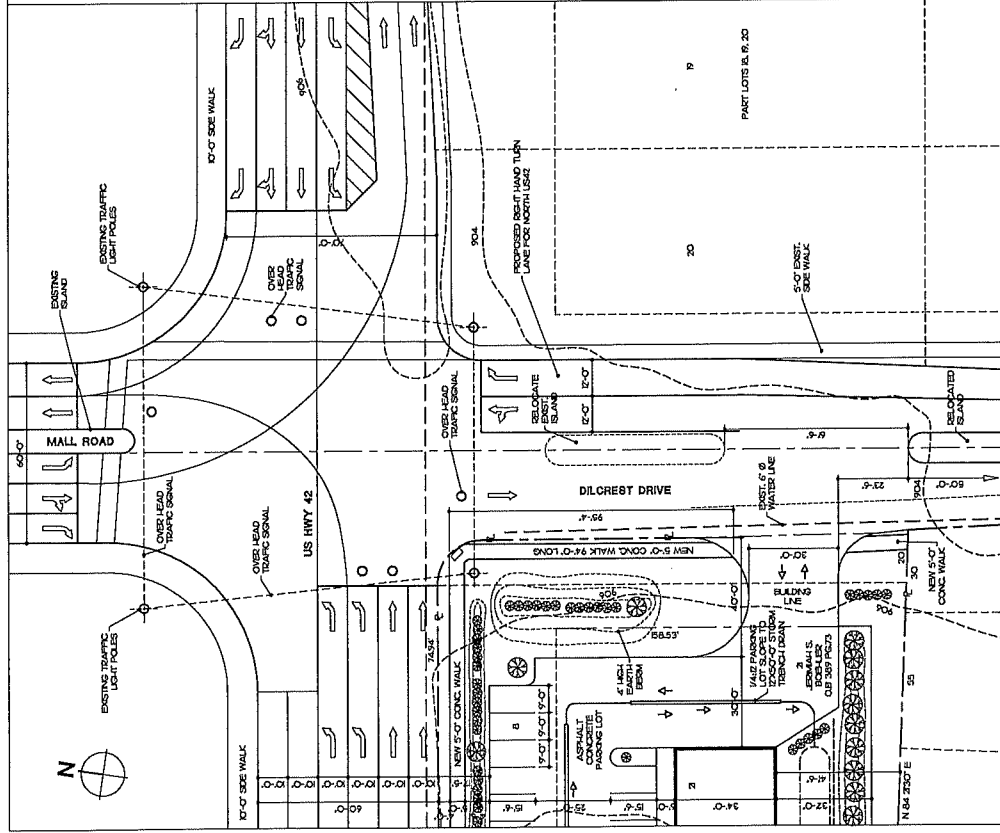
DUNN & TITUS
INC.



DECEMBER, 2019
PROJECT NUMBER
KT208
DRAWN BY: A.S.

A-3

PROPOSED RIGHT HAND TURN FROM DILCREST ON TO NORTH US42

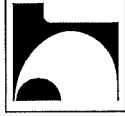


FINDINGS:

- THE NEW OFFICE BUILDING IS 4080 SF. WILL ONLY GENERATE ABOUT 5 TRIPS PER DRIVING PEAK HOURS. IT WILL NOT HAVE AN IMPACT ON THE TRAFFIC OPERATIONS FOR MOVEMENT ON US42 OR MALL ROAD.
- IN CONNECTION WITH SLIGHT MODIFICATION TO THE EXISTING TRAFFIC AT THE INTERSECTION OF US42 AND MALL ROAD / DILCREST AS PART OF THE DEVELOPMENT. A LANE WILL BE ADDED TO THE NORTH SIDE OF THE DILCREST ROAD FOR THE EXCLUSIVE RIGHT TURN. THE EXISTING SIGNAL OPERATES WITH SPLIT PHASING FOR US42 MALL ROAD AND DILCREST APPROACHES WILL NOT BE MODIFIED.
- THE NUMBER OF RIGHT TURNS HAS BEEN EVALUATED AS 10 CARS TO 15 FROM 7:30 AM. TO 9:30 AM. AND THE SAME IN THE AFTERNOON. THIS WAS NOTED AT A ON SITE TRAFFIC COUNT.
- THE OFFICE SPACE WILL BE SPLITTED INTO 3 EQUAL COTTAGE TYPE OFFICES.
- EACH OFFICE WILL HAVE APPROXIMATELY 3-4 PERSONAL.
- EACH OFFICE WILL REQUIRE ABOUT 3-4 PARKING SPACES FOR WORKERS. EACH OFFICE WILL BE OPERATING UNDER A LOW TRAFFIC BUSINESS AND WILL NOT REQUIRE MUCH MORE SPACE FOR CLIENTS / CUSTOMERS.
- ONE OF THE OFFICES WILL BE USED AS A NAIL SALON WITH OPERATION HOURS FROM 9 AM. - 7 PM. THE OTHER OFFICES WILL BE OPEN FROM 9 AM. - 5 PM. (OFFICE TYPE WILL BE INSURANCE AGENT OFFICE OR MEDICAL, DOCTOR OFFICE)

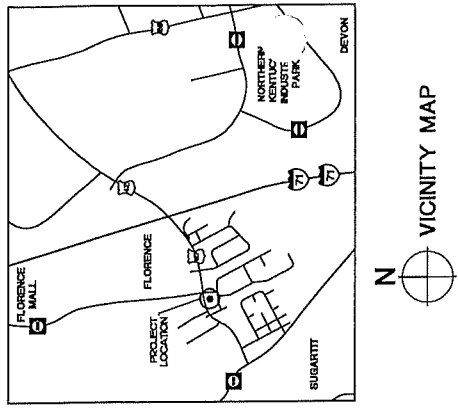
PERSONS OF CONTACT:

- LINZY BYEFELD - KYTC - DISTRICT 6
- JOSH HUNT - CITY OF FLORENCE
- MARK BRANNON - KYTC - TECH III
- JAMAL ADHAM P.E. - TRAFFIC ENGINEER
- KEVIN WALL - DIRECTOR, ZONING AND SERVICES
- JAMES L. TITUS - PH.D., AIA, DUNN AND TITUS, INC. ARCHITECTS





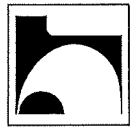
N
 SITE PLAN FOR
 PROPOSED ZONE CHANGE
 SCALE N.T.S.



N
 VICINITY MAP

REVISIONS
 2-7-20 2-2-20 3-6-20
 5-7-20

**PROPOSED PROFESSIONAL BUILDING FOR
 US HWY 42 (LOTS 21, 22, 23)**
 US HWY 42 AND DILCREST FLORENCE, KY 41042



DUNN & TITUS INC.
 THOMAS R. DUNN P.A. JAMES L. TITUS P.L.D., AIA
 ARCHITECTURE PLANNING INTERIOR DESIGN
 800 COMPTON ROAD - CINCINNATI, OHIO 45221 • TELEPHONE 513-552-8237 • FAX 513-552-7644



DECEMBER 2009
 PROJECT NUMBER
 000000
 DUNN & TITUS
S-1

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: August 19, 2020

ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Kevin Wall, Staff

1. Request of **James Titus, AIA (applicant)** for **Luong M. Pham and Thu Ha T Le (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial One (C-1) for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change to allow commercial and office uses.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

Kim Bunger

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Lori Heilman (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Janet Kegley

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Steve Turner (Alternate)

For Project ☐ Absent ☐
Against Project ☐

Rick Lunnemann (Chairman)

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Randy Bessler (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Kim Patton

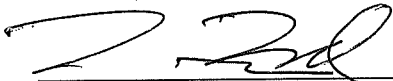
For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Katie Nolan (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Brad Shipe

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐


Recorded Vote by Kevin Wall, Director
Zoning Services

TOTAL: ☐ DEFERRED 5 FOR PROJECT ☐ ABSENT
☐ AGAINST PROJECT ☐ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 4, 2020
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Kevin Wall, Staff

1. Request of **James Titus, AIA (applicant)** for **Luong M. Pham and Thu Ha T Le (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial One (C-1) for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change to allow commercial and office uses.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The request involves a 0.63 acre parcel on the southwest corner of U.S. 42 at Dilcrest. Mr. Wall showed a map of the existing zoning of the site and adjoining properties. The Comprehensive Plan designates the site as Suburban Density Residential (SD), up to 4 dwelling units per acre. The site is relatively flat. The same contour wraps around the north, west and east sides of the site. The submitted Concept Development Plan shows a 5,040 square foot building. It is a brick building with a hip roof. Access is proposed at the southeast corner of the site off Dilcrest Drive. Parking is located in front of the building. The Plan shows a potential driveway connection to the west in the dumpster area. Stormwater detention is proposed to be in the rear of the site. It will connect to the State storm system from U.S. 42. Perimeter landscaping is proposed on 4 sides of the site. The rear buffer yard includes a 6 foot high redwood fence. The proposed uses are a beauty and barber salon, a real estate, accounting, medical, insurance offices and a grocery store. Three tenants are shown on the plan. A building mounted sign is shown on the gables on the front part of the building. No free standing sign is being proposed. Mr. Wall noted there was a zone change request on the opposite side of Dilcrest Drive. The parcel was rezoned to O-1A. Information about that request, including conditions, are in the Staff Report. Mr. Wall showed photographs of the site and surrounding properties.

In terms of Staff Comments, there are many references to the Comprehensive Plan in the Staff Report. The text of the Comprehensive Plan does discuss the area. The Florence South area is described as "Vacant parcels and existing residences along the south side of U.S. 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Density Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area. However, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the U.S. 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended."

In addition to the Boone County Comprehensive Plan, one must also view the alternate statutory findings - the current zoning is inappropriate and the proposed zoning is appropriate and whether there have been changes of an economic, physical or social nature that were not anticipated in the Comprehensive Plan that would substantially alter the area's character. Relative to proposed uses, four of them fall into the office category while the other two - beauty salon and grocery store - are more retail.

There are a number of design issues discussed in the Staff Report. Mr. Wall asked the applicant

to state the color scheme of the building and roof materials. The current proposal should be compared with the Helmer request/approval for reference purposes. There are 3 building mounted signs proposed - one for each tenant. Sign types are recommended in the Staff Report. Regarding landscaping, the street frontage landscaping requirement is Buffer Yard A (10 foot minimum) along U.S. 42 and Dilcrest Drive. There are some encroachments to the proposed buffer on the west side of the site. This will have to be adjusted. A waiver in the buffer yard will be required in the area where the curb cut is proposed. The state will not allow a curb cut along U.S. 42 to this site. There is some existing vegetation along the southern property line. Mr. Wall recommended that it be kept as part of the landscaping plan. Mr. Wall referred to a lighting condition from the Helmer request, "Site lighting which is located behind the front building line shall be limited to bollard style and low intensity wall mounted fixtures only." Relative to the area between the front building line and U.S. 42, Staff recommends that lighting be contained within the paved area and poles not exceed 12 feet in height. The proposed access will require a modification of the existing landscape island on Dilcrest Drive. Mr. Wall noted that no comments were made from Florence Fire/EMS. In addition, the Kentucky Transportation Cabinet commented that they will need plans and calculations if the developer wants to connect to a state storm sewer system on U.S. 42. The City of Florence also submitted a variety of comments about the proposal and its impact. Finally, Mr. Wall reminded the Board to evaluate the request in relation to the 3 statutory requirements for granting a zone change. If the request is approved, the Future Land Use Map would need to be amended.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. James Titus, Architect for the project, stated that the concept for the design was to be low impact and have a residential treatment to the area. It has a residential design with a commercial flavor. He passed around an architectural board and a brick sample of the building. Because the building will be an office, it will have low truck plastic containers. It will be oversized garbage cans. The dumpster area can be modified for the 2 office spaces. The lighting will be ground or bench lighting. There are no poles. The lighting areas will be in the landscaping areas. The benches will be 16 inches high and 4-8 feet long in the landscape area. They flood the driveway 16" - 24" high. There is nothing aerial. The signage will be the address and not the name of the business. People can't remember names but they can remember numbers.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Michael King, 110 Dilcrest Drive, stated that he lives directly behind the property in question. He asked if you would like to live next to the site with a 6 foot high redwood fence? What will it do to your property values? The fence isn't big enough. It needs to be at least a 12 foot high fence. He doesn't want to see it. It is hard to get in and out of Dilcrest particularly around Christmas time. He said that sometimes he has to wait 3-4 times or signals before he gets onto U.S. 42. Mr. King stated that Mr. Wall's assessment of the Helmer property is wrong. He volunteered to show Staff two letters from an attorney.

In response to a question from Mr. Costello, Mr. Wilson stated that the settlement was challenged by some neighbors. The Court finally approved the settlement. Mr. King offered to provide letters to the Staff.

Mr. Larry Brown, 8202 Adella Drive, stated that he believed there was still a deed restriction on the property restricting the use to residential. Dilcrest is a unique area. It is about 1 mile from the expressway, 1 mile from the Mall and has 2 cul-de-sacs. It doesn't get a lot of through traffic because locals know it doesn't go anywhere. There are 4 lots west of the site and 3 that wrap around Bentley Drive. He stated that he has a problem with an above ground storm water facility given the nature of Kentucky clay. The pond is located next to a house. Will it handle a 50 year storm? It has the potential of kids entering it and having mosquitos. He preferred a condition of using an underground storage tank. Proper buffering should be applied to the site to allow proper buffering between residential and commercial. Variances in the buffer yard are being requested due to the size of the proposed building. The building is too large for the site. He recommended not using a redwood fence but other material that is more durable. It should be a minimum 8 foot high fence. There is connectivity to the adjoining property to the west. Where will the dumpster go if the driveway aisle connects to the west? Mr. Brown referred to page 167 of the Comprehensive Plan, which refers to undeveloped lots connecting to adjoining lots. Dilcrest Drive currently has a landscape island. It is part of the decorative piece. Originally, there was a subdivision sign in the previous island. It was torn down. He stated that he would like the subdivision sign reinstalled as a way of identifying the location of businesses in the area and the for the residents. A 3 board fence could be installed. If the island will be moved or replaced to widen Dilcrest Drive, he suggested 2 exit lanes leaving Dilcrest. The additional lane would serve the proposed development and any other future development. Currently, only 3-4 cars make it through the intersection at each light. There is a long time for traffic coming from Union to Florence on U.S. 42. They have less time to get out of the subdivision than ever. No electronic signage should be allowed on the property. He doesn't want to see ambient light. All security lighting should be directed down and not at the adjoining property. Under the proposed uses, he objected to the grocery store because of traffic volume. Professional office uses should only be allowed. Large delivery trucks would be a nightmare for the site. He also recommended no restaurants, sandwich shops, drive-throughs, gasoline stations, service stations or athletic centers (e.g. dance studios, karate, etc.) since they draw a lot of traffic. He doesn't want people to park on Dilcrest. Mr. Brown stated that residential uses are still a viable option for the site. Cluster homes could be built and access through alleys. This lot could be combined with others to form a bigger parcel for development. The project as it stands is not appropriate for the area based on traffic, lack of connectivity, storm water management and inadequate buffering. Nothing in the past 2 decades has changed to make the project appropriate. Since there's not a 5,000 square foot building in the subdivision, then the proposed building is out of character with the neighborhood. The proposed building is twice the size of the average home. It doesn't fit in with the neighborhood. Mr. Brown submitted a copy of his testimony (see Exhibit A).

Mr. Don Volland, 8207 Adella Drive, stated that he served on the Urban Forestry Committee and he lobbied for and designed the island. It is a good way of showing the Dilcrest neighborhood is located. He explained that Mayor Whalen contacted him to see what could be done to improve the landscaping on the Dilcrest side since the City's investment on the Mall Road side? Mr. Volland noted that the Urban Forestry Commission has a design and budget for both sides of Dilcrest Drive. He encouraged the developer to work with Urban Forestry Commission on the project. He commended Mr. Titus on the design of the building. He expressed a concern about C-1 zoning. C-1 zoning can invite anything down the road. It is the same owners that own the subject site and properties to the west. If the site gets zoned C-1, it sets the precedent for the other properties to be rezoned to C-1. Anything can be developed - liquor stores, gas stations, etc. What happens

when the tenants go out of business? Hopefully, there is an alternative that everyone can live with in the future.

Chairman Rolfsen reminded everyone that the Planning Commission can strike uses if the applicant agrees to it.

Mr. James Sullivan, 8205 North Dilcrest Drive, noted there is a pole that blocks the vision of people pulling out of Dilcrest Drive. A right turn lane is needed to get out. Traffic just backs up.

Mr. Jim MacFarlane, 8212 North Dilcrest, stated that traffic will not only come from the subject site but also the Helmer site. He mentioned that he was involved in a terrible accident on January 7th. His car was totaled as a result of a person running a red light. He noted that he couldn't see because of the obstructions at the corner. He is concerned about new shrubs that may be planted along U.S. 42 that could block the view. Residential is not out of the question. Some of the finest homes in Northern Kentucky face Turkeyfoot Road.

Mr. Patrick Harney, 8189 North Dilcrest, expressed a concern of people cutting through their subdivision to get to Mall Road. He doesn't think the applicant has met the criteria A or B of the reasons for a zone change. The proposed zoning is inappropriate and there haven't been any major changes in the area. The 40 year plan shows the site as residential.

Ms. Sharyn Oliver, 240 W. Dilcrest Circle, stated she was in agreement with the residential possibility. Do we really need businesses, especially at the corner? Do we really need a nail salon on Mall Road? Let's stop and pause and think about the residential use idea.

Ms. Debbie Payne, 20 North Dilcrest, stated that her house actually faces U.S. 42. She has a lot of people who turn around in her driveway. This project will cause more to do it. People fly through the neighborhood to get to the traffic signal. Perhaps Bentley Court could be blocked to avoid additional traffic.

Mt. Pat Atkinson, 117 Dilcrest Drive, stated that if the project should be approved, there has to be a stipulation for employee parking. Otherwise, employees will be parking on Dilcrest Drive.

Ms. Tanya Roberts, 8208 North Dilcrest Circle, expressed a concern about cars turning around on her street and driveway as well as foot traffic. Vehicles are already speeding.

Mr. Vi Phu Ngu, 8105 Harms Hill Drive, stated that the people bought this land and never tried to develop the property residential at all.

Mr. Derek Stith, 14 North Dilcrest, stated that the Helmer site was rezoned years ago and nothing has been done. Something more low impact would be better. Commercial needs to be kept away from the neighborhood.

Mr. Patrick Harney asked if the Staff Report was made available earlier. Mr. Costello responded that they are made available to all the day of the Public Hearing - the public, the applicant and

Board Members. He asked about tearing the other houses down next to the site. Mr. Costello explained that the Building Department handles demolition permits.

Ms. Mary Price, 28 North Dilcrest, asked what is the possibility of the development having an entrance and exit off U.S. 42? Chairman Rolfsen replied that the State won't allow it.

At this time Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Patton asked if there were different parking requirements for the different uses? Mr. Wall replied the requirements are pretty much the same with the exception of medical offices. It has a slightly higher standard. Usually, it is 4 spaces per 1,000 square feet. Medical office parking requirements are 1 space per 200 square feet of office space. It covers employees and patients.

Chairman Rolfsen asked Staff if the dumpster could be moved? Mr. Wall responded that it can be slid over and it can be reduced in size.

Mr. Costello asked if there was any discussion about a traffic analysis of the proposed project on the neighborhood? Mr. Wall replied there wasn't because of the contemplated office uses and the Helmer development. The proposed uses are a nail salon and medical office uses.

Mr. Harper asked if one could drive through the subject site to get to the area where the houses were recently torn down? Mr. Wall responded yes.

Mr. Shipe asked if all of the lots fronting on U.S. 42 would develop, would the only access be from Bentley Court and Dilcrest Drive? Mr. Costello replied that he didn't know if the State would allow a limited right turn in and out onto U.S. 42 for the entire development. The side streets provide access to the area and there is a traffic signal at Dilcrest Drive.

Ms. Gulick asked if the parking could be relocated in the back of the site in order to eliminate the cut through in the subdivision? Mr. Titus responded that there are setback requirements and they took it to the extreme to meet the requirements. Mr. Wall noted when they previously reviewed the Helmer request, they wanted to keep the activity in front along U.S. 42 versus the back near the residents.

Mr. Costello asked that if the office building was built, is there a scenario that people would turn around in the parking lot instead of the neighborhood? Mr. Wall replied yes. Mr. Costello asked if the proposed curb cut on Dilcrest Drive lined up with the proposed Helmer curb cut? Mr. Wall responded yes as it is pretty close. Mr. Costello asked if there have been any inquiries in developing the Helmer property. Mr. Wall responded not recently.

Mr. Shipe asked how many cars can be stacked at the intersection of Dilcrest Drive and U.S. 42 to the proposed entrance? Mr. Wall replied about 4-5 cars.

Mr. Szurlinski asked if the island would be reduced in size? Mr. Wall replied yes. Mr. Szurlinski asked how much is the landscaping island an impediment where people will turn right and turn

around in the neighborhood? Mr. Wall replied that he didn't think the island would be a problem. The problem might be if there is a back up at the intersection during peak time. People will drive the path of least resistance.

Ms. Gulick asked if the applicant approached the Kentucky Transportation Cabinet about them requiring a modification of the U.S. 42/Dilcrest traffic signal? Mr. Titus replied that he spoke to Mr. Cox of the Highway Department. Seventy-five percent of the people in the neighborhood are gone by 9:00 a.m. when the proposed medical offices open. Likewise, the same figure is used at 5:00 - 6:00 p.m. Ms. Gulick asked if the applicant discussed this matter with the permit department versus the design department at the State Highway Department? She requested that the applicant get a written opinion from the State Highway Department regarding whether they would require a permit with the project. Was there a Traffic Impact Study done with the project? Mr. Titus responded that listening to the comments, the project was designed to be low impact. Everything can be modified. He will contact the State Highway Department and make modifications as to their requirements. Chairman Rolfsen stated that he thinks a Traffic Impact Study will be required. It is being requested now and the City of Florence has requested it. Mr. Costello stated there are problems there now. The people visiting the office uses will have the same problem getting out of the neighborhood during peak times unless improvements are made. The proposed development may cause more problems. There is only one lane leaving the subdivision. Without a second lane, there will be more of a back-up. The Traffic Impact Study will affect the viability of the new businesses locating in the proposed building. Mr. Titus mentioned having 2 lanes in each direction for a certain distance. He said the right-of-way is 60 feet. Mr. Costello noted that a Traffic Impact Study would help everyone understand the problems at the intersection and what could be done to alleviate the existing and potential problems.

Mr. Patton stated that maybe the island could be relocated south as a transition to the residential neighborhood? It would separate the residential from the commercial.

Mr. Lunnemann stated that most of the proposed uses are low impact but the grocery use sticks out. What is the logic in a grocery store? He asked the applicant to review all the C-1 uses and be prepared to strike out the inappropriate uses in order to have low impact uses for the neighborhood. Mr. Titus responded that he could do that and he thought that the grocery store was an additive for the neighborhood. It is not a Kroger but rather a Mom and Pop store. The building size can be modified to 3,000 square feet with 2 offices.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 18, 2020 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on April 1, 2020 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:42 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A - Statement from Larry Brown - March 4, 2020

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

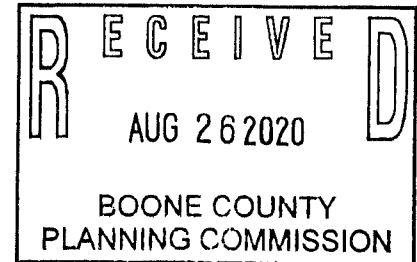
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

August 24, 2020

Luong M. Pham and Thu Ha T Le
6156 Fox Run Lane
Florence, KY 41042



RE: Recommended Conditions of Approval for Pham Zone Change Application From R1F to C-1 for Approximate 0.63 Acre Site on the Southwest Corner of the US 42/Dilcrest Drive Intersection, Florence, Kentucky.

Dear Luong M. Pham and Thu Ha T Le:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their August 19, 2020 meeting. If you, as the property owners 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, August 28, 2020.

CONDITIONS

1. The development shall follow the attached Concept Development Plan set which was revised in response to the testimony given at the Public Hearing except where modified by the agreed conditions outlined below.
2. Uses on the site shall be limited to office uses which are Principally Permitted in the C-1 zone and "beauty and barber services and tanning salons" (Principally Permitted Use #15).
3. Signage shall be limited to building mounted signs only and shall consist of one building mounted sign per tenant space which are mounted on the north facade (facing US 42) only.
4. A third egress door shall be provided on the rear facade if required by the Kentucky Building Code.
5. The project shall follow the landscaping concept in the revised Concept Development Plan set, but must meet the detailed requirements of Article 36 of the Boone County Zoning Regulations at the Site Plan review stage.

Luong M. Pham and Thu Ha T Le
August 24, 2020
Page 2

6. Site lighting shall be limited to ground or bench style fixtures and shall not include any pole or mast style fixtures.
7. The property owners shall construct the Dilcrest Drive improvements (in the public right-of-way) shown in the revised Concept Development Plan set, and install any associated landscaping and/or fencing required by the City of Florence, at their expense. This scheme is accepted in concept, but it is understood that detailed design drawings must be approved by the City of Florence.
8. The building design shall follow the architectural elevations in the revised Concept Development Plan set.
9. The dumpster enclosure will use the same materials, colors, and design detailing as the building.

Sincerely,



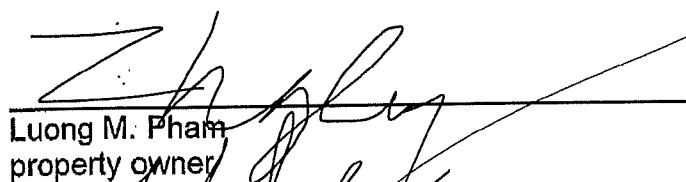
Kevin T. Wall, AICP
Director, Zoning Services

enclosure

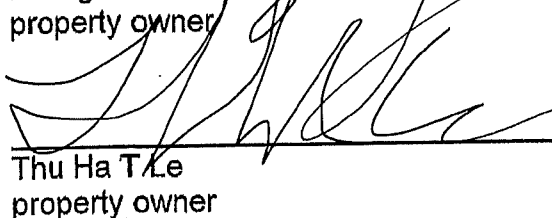
KTW/tlb

AGREEMENT

We, the property owners of the approximate 0.63 acre site on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.


Luong M. Pham
property owner

08/25/2020
Date

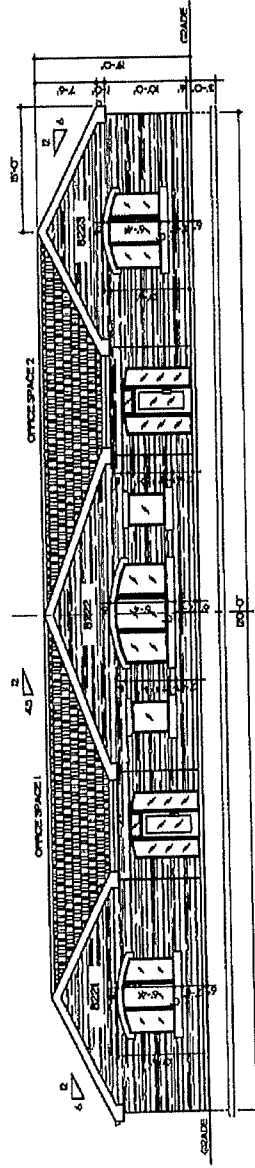

Thu Ha T Le
property owner

08/25/2020
Date

cc: James Titus, applicant

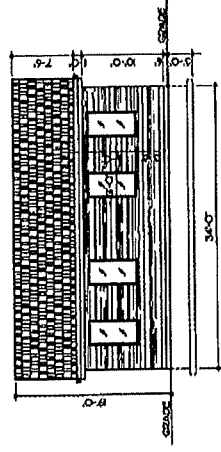


US HWY 42 AND DILCREST FLORENCE, KY 41042

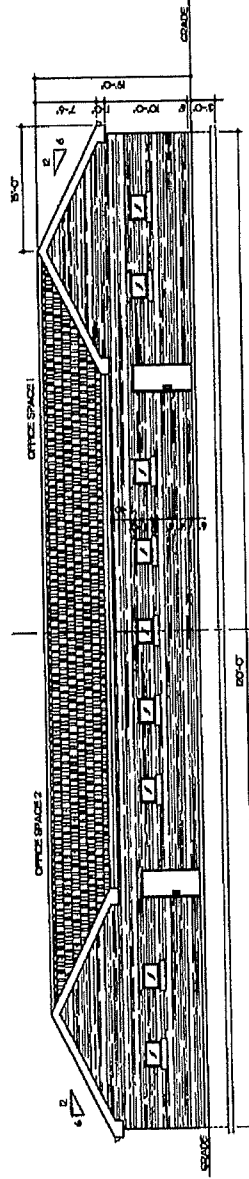


NORTH ELEVATION
SCALE: 1/8"=1'-0"

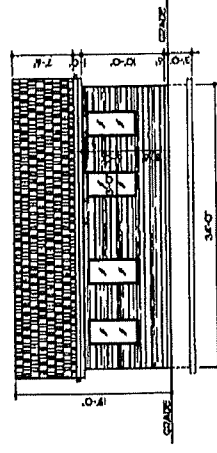
NOTES: SEE CODE



EAST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"

PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)

US HWY 42 AND DILCREST FLORENCE, KY 41042

REVISIONS
2-7-20 2-23-20 3-6-20
6-7-20

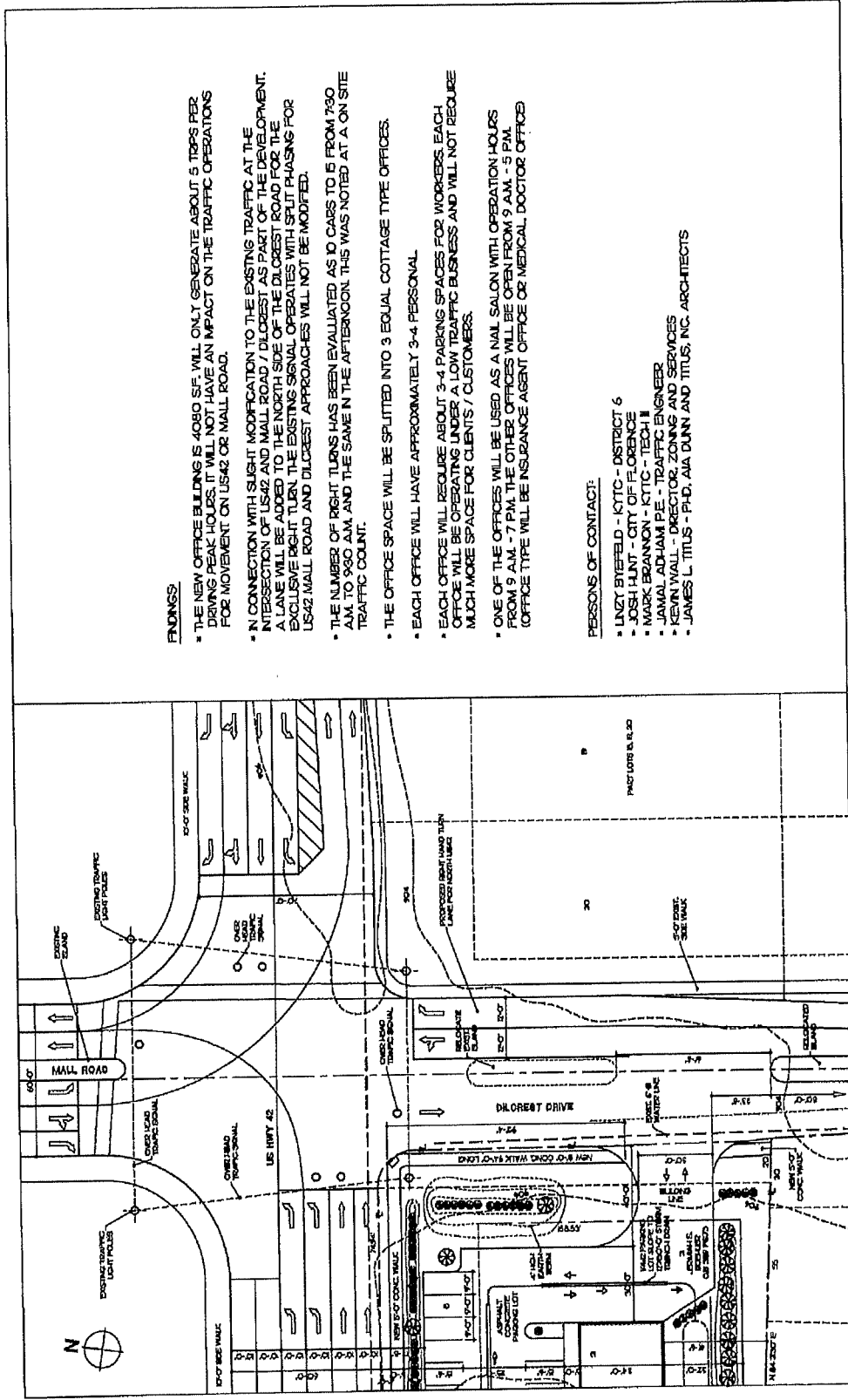


DUNN & TITUS INC.
THOMAS H. DUNN P.E. JAMES L. TITUS P.E. AIA
ARCHITECTS
1000 W. 10TH ST. SUITE 100 FLORENCE, KY 41042
502-744-1111 FAX 502-744-1112



DECEMBER 2, 2009
PROJECT NUMBER
2009-0001
DWG. NO. A-3

PROPOSED RIGHT HAND TURN FROM DILCREST ON TO NORTH US42



REVISIONS
8-7-20

PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)
US HWY 42 AND DILCREST FLORENCE, KY 41042



DUNN & TITUS INC.
THOMAS R. DUNN P.E. JAMES L. TITUS P.E., AIA
ARCHITECTS ENGINEERS PLANNERS
1000 W. 10TH ST. FLORENCE, KY 41042
TEL: 502-338-1100 FAX: 502-338-1101



PROJECT NUMBER
A-4

Kevin Wall

From: Kevin Wall
Sent: Wednesday, August 26, 2020 10:03 AM
To: 'Dunn & Titus Architects'; 't1e1314@yahoo.com'
Subject: RE: Re: CONDITION LETTER

Thanks. Please mail the original.

From: Dunn & Titus Architects [mailto:dunnandtitus@usa.net]
Sent: Wednesday, August 26, 2020 9:54 AM
To: Kevin Wall
Subject: Fwd: Re: CONDITION LETTER

EXTERNAL MESSAGE

DUNN & TITUS Architects
Tel. 513.522.8755
Fax. 513.522.7844
800 Compton Rd. #26
Cincinnati, OH 45231

----- Original Message -----

Received: Tue, 25 Aug 2020 03:30:18 PM EDT
From: thu-ha Le <t1e1314@yahoo.com>
To: Dunn & Titus Architects <dunnandtitus@usa.net>
Subject: Re: CONDITION LETTER

Attached is the signed agreement. Sorry I've been busy with family matters I cannot come to the phone for a while.

**CITY OF FLORENCE, KENTUCKY
MUNICIPAL ORDER NO. MO-14-20**

A MUNICIPAL ORDER REVERSING A RECOMMENDATION FROM THE BOONE COUNTY PLANNING COMMISSION CONTAINED IN RESOLUTION NO. R-20-006-A AND DENYING THE REQUEST OF JAMES TITUS, AIA (APPLICANT) FOR LUONG M. PHAM AND THU HA T LE (OWNERS) FOR A ZONING MAP AMENDMENT FROM RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL ONE (C-1) FOR A 0.63 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF THE US42/DILCREST DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW COMMERCIAL AND OFFICE USES.

WHEREAS, the Boone County Planning Commission considered the Request described above and adopted Resolution No. R-20-006-A recommending to the City that such request be approved; and

WHEREAS, the City Council received and considered the record of proceedings before the Boone County Planning Commission and determined that the Record contained adequate information for consideration of the recommendation and that no need existed for an additional public hearing; and

WHEREAS, the City Council considered the Report and Recommendation of the Planning and Zoning Committee which called for denial of the Request based on suggested Findings.

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

SECTION I

That the recommendation of the Boone County Planning Commission contained in Resolution No. R-20-006-A to approve the Request described above shall be reversed and the request denied based upon the Findings of Reversal, attached hereto as Exhibit "A", which are hereby adopted, approved, and incorporated herein by reference.

SECTION II

That the appropriate officials of the City are hereby authorized and directed to take such actions as are necessary to effectuate this Order.

PASSED AND APPROVED ON THIS 13 DAY OF October, 2020.

APPROVED:

Diane E. Whalen
Diane E. Whalen, Mayor

ATTEST:

Melissa Kramer
Melissa Kramer, City Clerk

**CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE**

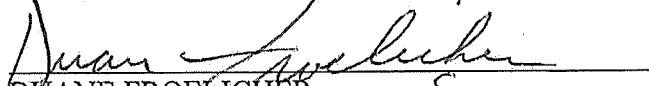
IN RE: REPORT AND RECOMMENDATION - REQUEST OF JAMES TITUS, AIA (APPLICANT) FOR LUONG M. PHAM AND THU HA T LE (OWNERS) FOR A ZONING MAP AMENDMENT FROM RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL ONE (C-1) FOR A 0.63 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF THE US42/DILCREST DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW COMMERCIAL AND OFFICE USES.

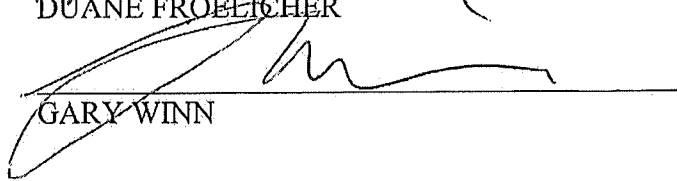
The Committee met in a regular meeting on September 23, 2020, at the Florence Government Center to consider Resolution No. R-20-006-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County 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 reversed, and the request described above be denied based upon the Findings For Reversal, attached hereto as Exhibit "A" and incorporated herein by reference.

MEMBERS OF THE COMMITTEE:


DUANE FROELICHER


GARY WINN

**CITY OF FLORENCE, KENTUCKY
FINDINGS FOR REVERSAL**

IN RE: REQUEST OF JAMES TITUS (APPLICANT) FOR LUONG M. PHAM AND THU HA T LE (OWNERS) FOR A ZONING MAP AMENDMENT FROM RESIDENTIAL ONE FAMILY (R1F) TO COMMERCIAL ONE (C-1) FOR A 0.63 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF THE US 42/DILCREST DRIVE INTERSECTION, FLORENCE, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW COMMERCIAL AND OFFICE USES.

The recommendation of approval by the Boone County Planning Commission of the above referenced request shall be reversed and the request herein denied based upon the following:

FINDING #1

The *Our Boone County – 2040 Plan* is the adopted Comprehensive Plan. The Comprehensive Plan Future Land Use Map designates the site as Suburban Density Residential. This designation is described as “single family housing of up to four units per acre.” The proposal is for an office/commercial building and related improvements including a commercial style parking lot and curb cut, thus, it does not agree with the Suburban Density Residential designation.

The Comprehensive Plan’s Land Use Element (Area 16, “Florence South,” p. 129) states the following regarding the specific area in question:

Vacant parcels and existing residences along the south side of US 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Density Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area. However, the potential developer must submit detailed buffering and building design plans and demonstrate that the project would establish a positive focal point for the US 42 corridor, in addition to minimizing visual, traffic, and storm water impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended.

Since the application is for an office/commercial building, the text regarding potential Urban Density Residential development does not apply to this proposal. The text continues by stating that “an extremely well-designed, low-impact professional office use may be considered,” but this consideration is dependent on the potential impacts that would be generated and the quality of the specific proposal based on the factors noted. However, the proposal is not just for office uses. A significant part of the building is proposed for “beauty and barber services and tanning salons,” specifically including a nail salon, which are not office functions and are uses which typically have a retail or commercial character and nature. In short, the Comprehensive Plan does not contemplate or recommend commercial uses such as beauty/barber services for this site.

FINDING #2

This site is part of the entryway into a substantial subdivision of detached, single-family dwellings to the south, including detached, single-family dwellings on the immediately adjoining tract to the south and on the opposite side of Dilcrest Drive to the southeast. The proposed access point is in relative close proximity to both of these residential properties.

In 2004 the Boone County Planning Commission recommended approval of a zoning request for a site (the Helmer property) directly across Dilcrest Drive from the present site. The Helmer request asked for office uses only and was, therefore, less intensive than the present request. Based on extensive testimony before the Planning Commission, the City Council chose to override the Planning Commission recommendation and deny that request based upon detailed findings related to traffic. A copy of those Findings are attached hereto as Exhibit "A" and incorporated herein.

Litigation ensued and as part of an agreed settlement resulting in approval of the request, the Helmer applicants agreed to make extensive changes to reconstruct Dilcrest Drive to alleviate traffic problems. Documents constituting that settlement are attached hereto as Exhibit "B." Testimony at the public hearing in the present matter indicates that traffic conditions are worse now than they were in 2004.

That settlement constitutes an Agreed Development Plan which would be binding upon a person wishing to develop the Helmer property. Despite acknowledging the existence of the Helmer rezoning, the recommendation in the present case would only require minimal construction on Dilcrest Drive. Accordingly, to adopt the present recommendation would create a totally inconsistent and likely unenforceable zoning situation where the owners of property across Dilcrest Drive from each other, in order to construct very similar developments, would have totally different obligations with respect to reconstruction of Dilcrest Drive.

FINDING #3

Based on the facts outlined above, the recommendation would not establish a positive focal point for the US 42 corridor nor minimize impacts on adjacent residential uses as sought by the Land Use Element.

FINDING #4

No facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified.

FINDING #5

No facts which legitimately support a finding that there have been major changes of an economic, physical, or social nature not anticipated in the Comprehensive Plan that substantially alter the area's character have been identified, particularly since the Comprehensive Plan was adopted on June 5, 2019.

CITY OF FLORENCE, KENTUCKY

IN RE: RECOMMENDATION FROM BOONE COUNTY PLANNING COMMISSION FOR APPROVAL OF A ZONING MAP AMENDMENT FOR AN APPROXIMATE 0.8613 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE U.S. 42/DILCREST DRIVE INTERSECTION IN THE CITY OF FLORENCE, KENTUCKY, TO REZONE THE SITE FROM RESIDENTIAL ONE FAMILY (R1F) TO PROFESSIONAL OFFICE ONE (O-1A). (EIGHTEEN, LTD./HELMER PROPERTY)

FINDINGS FOR DENIAL

The Boone County Planning Commission, by Resolution R-04-001-A recommended approval of the above referenced zone change request. This Resolution, together with the record of proceedings before the Commission, were transmitted to the City of Florence by letter dated January 21, 2004. The Florence City Council has reviewed the record made before the Commission and has determined that the zone change application should be denied. In support of such denial City Council finds as follows:

FINDINGS OF FACT

The record before the Boone County Planning Commission, including documents submitted and testimony at the public hearing, clearly demonstrates that traffic congestion at the intersection of US 42 and Dilcrest Drive is the controlling factor in a decision as to the appropriateness of the requested zone change. The record demonstrates that the flow of traffic from US 42 into Dilcrest Drive entails substantial difficulty and the problems relating to the flow of traffic from Dilcrest Drive onto US 42 are extreme in nature. Any development at that intersection which would worsen the traffic congestion, would make the situation intolerable and create a severe negative impact on the quality of life of the persons residing in the adjacent residential neighborhoods who are required to utilize that intersection. The 2000 Boone County Comprehensive Plan, Land Use Element discusses developments in this area as follows:

“Vacant parcels and existing residences along the south side of US 42 near Dilcrest Drive and Bentley Court may be appropriate for Urban Residential if the developer(s) can demonstrate that proper access management, architecture, and buffering can be provided. An extremely well-designed, low-impact professional office use may be considered for this area, however, the potential developer must submit detailed buffering and building design plans, and demonstrate that the project would establish a positive focal point for the US 42 corridor in addition to minimizing visual, traffic, and stormwater impacts on adjacent residential uses. All developments must provide for connecting parking lots or a frontage road. In addition, right-turn lanes may be required for each development. Development must accommodate plans for double left turn lanes from US 42 to Mall Road. Due to the high visibility of the lots and the need to minimize traffic distractions, minimal signage is recommended (“Gunpowder Area,” pg. 165).” (Emphasis added.)

General statements in the Land Use Element relating to the project are as follows:

Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. . . . 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, and provisions for access connections to adjoining properties, and dedicated of public right-of-way. (“Access Management,” pg. 159).”

“The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways (“Transportation and Pedestrian Network,” pp. 159 - 160).”

The Business Activity Element (“Areas of Future Commercial Activity,” pp. 70 - 72)

makes the following statements concerning the general geographic area of the proposed zone change:

“Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area.”

It is the finding of this Council that the office building use, which is the subject of the proposed zone change, would adversely impact traffic congestion at the intersection.

It would have been mandatory, in order to minimize this impact, for the proposal to include a separate right turn lane of adequate length from Dilcrest Drive onto US 42 together with a frontage road, parallel to US 42, through adjacent properties to the intersection at Sycamore Drive.

Accordingly, the Council concludes that the zone change approval does not comply with the 2000 Boone County Comprehensive Plan and as a result same should be denied.

COMMONWEALTH OF KENTUCKY
BOONE CIRCUIT COURT
CIVIL ACTION FILE NO. 04-CI-595

DENNIS C. HELMER ET UX ET AL

PLAINTIFFS/APPELLANTS

-v-

SETTLEMENT AGREEMENT

CITY OF FLORENCE, KENTUCKY ET AL

DEFENDANTS/APPELLEES

✱

THIS SETTLEMENT AGREEMENT is made and entered into at Burlington, Kentucky as of this 22nd day of August, 2006, by and between Dennis C. Helmer, Gayle S. Helmer, David L. Helmer, Sandra G. Helmer, Eighteen, Ltd., a Kentucky corporation, hereinafter collectively referred to as the "First Party", and City of Florence, Kentucky; Florence City Council; Diane Whalen, in Her Official Capacity as the Mayor of the City of Florence, Kentucky; Julie Metzger, Ted Bushelman, Mel Carroll, Betsy Conrad, David A. Osborne and Dale Stephens, in Their Official Capacities as Members of the Florence City Council, hereinafter collectively referred to as the "Second Party",

WITNESSETH:

WHEREAS, a dispute has arisen between the parties regarding the Second Party's denial of a certain zone change recommendation of the Boone County Planning Commission in favor of the First Party, and

WHEREAS, First Party has filed an appeal and complaint for damages in the Boone Circuit Court at Case No. 04-CI-00495, and

WHEREAS, the parties are desirous to resolve all outstanding issues between them,

NOW, THEREFORE, in consideration of the mutual promises and covenants herein made, the parties hereto agree as follows:

1. The Second Party, by these presents, does hereby agree to approve and adopt,

subject to any conditions contained in the within Agreement, the recommendation for zone change and variance approved by the Boone County Planning Commission on January 7, 2004, via Resolution R-04-001, accompanied by the Helmer concept development plan.

2. The Second Party shall, no later than its first meeting next subsequent to the execution of the within Agreement, initiate all necessary steps and pass all necessary resolutions to authorize the execution of this Agreement and to cause the zone change and variance identified in numerical paragraph 1 above, with the accompanying concept development plan, to become effective immediately thereafter.

3. The Second Party shall permit the First Party, at the First Party's sole expense, to remove the median island at the entrance into Dilcrest Subdivision and create a turn lane to handle traffic turning right onto U. S. Highway 42 from Dilcrest Subdivision. The Second Party shall thereafter re-stripe that portion of Dilcrest Drive to identify the turn lane and the other lanes serving the entrance of Dilcrest Subdivision.

Provided, however, that completion of the turn lane, including all necessary approvals from governmental agencies with jurisdiction, shall be the responsibility of the First Party. First Party shall not be permitted to utilize any improvements constructed on the Helmer property until the turn lane is completed and properly open for use by the traveling public.

4. The Second Party shall use its best efforts to assist First Party in obtaining assistance from the Kentucky Transportation Cabinet, Department of Highways in relocating the electric pole and traffic signal device, if necessary to accommodate the construction of the contemplated turn lane.

The Second Party shall also use its best efforts to assist the First Party in gaining the approvals, as necessary, for the creation of the turn lane on Dilcrest Drive as described above.

Provided, however, that Second Party shall have no obligation with respect to the matters discussed in this paragraph, except to render such assistance, and that Second Party makes no assurances to First Party that its efforts to lend assistance will be successful.

5. The Second Party agrees that permitted uses for the contemplated building on the Helmer property shall include medical offices, dental offices, and any other professional office use.

6. The zone change and variance which are the subject of this Agreement shall be enacted upon, and construction of the office space contemplated hereunder shall be commenced no later than two (2) years from the date on which the ordinance approving the zone change recommendation becomes fully effective.

7. It is explicitly understood and intended by the undersigned that the within is in full accord and satisfaction of a disputed claim and that the consideration herein constitutes a settlement in full and satisfaction of any and all claims, both known and unknown, past, present and future, contingent and otherwise.

8. Upon execution of this *Settlement Agreement*, the undersigned fully understands that it will thereafter be forever barred from reasserting this claim again in any Court or other forum.

9. The undersigned further declares that the terms of this *Settlement Agreement* have been completely read and are fully understood and are voluntarily accepted for the purposes of making a full and final settlement of any and all claims, disputed or otherwise, arising on account of the events above mentioned, and for the expressed purpose of precluding forever any further or additional claims arising from the aforesaid events.

Provided, however, nothing contained herein shall prevent the First Party or their successors or assigns from seeking or applying for other zone changes or variances for the subject property for uses not related to the zone change request which is the subject of this Agreement.

10. The undersigned declares and represents that the terms of this Agreement are contractual and not a mere recital.

11. This Agreement is binding upon, and inures to the benefit of, Dennis C. Helmer, Gayle S. Helmer, David L. Helmer, Sandra G. Helmer, Eighteen, Ltd., a Kentucky corporation, City of Florence, Kentucky; Florence City Council; Diane Whalen, in Her Official Capacity as the Mayor of the City of Florence, Kentucky; Julie Metzger, Ted Bushelman, Mel Carroll, Betsy R. Conrad, David A. Osborne and Dale Stephens, in Their Official Capacities as Members of the Florence City Council, and their respective heirs, executors, successors and assigns.

12. The First Party shall be entitled to its court costs in this action.

13. This Agreement has been entered into by the parties after substantial negotiation and no presumption against the drafter, or the client of the drafter, shall arise by reason of draftsmanship of this final draft and memorialization of the parties' Agreement.

14. This Agreement constitutes the entire agreement of the parties. No amendment to this Agreement, and no waiver of any provisions hereof, shall be effective unless set forth in writing and signed by all parties.

15. This Agreement may be executed in multiple counterparts by the various parties and the failure to have the signatures of all parties on a single Agreement shall not affect the validity or enforceability of any part of this Agreement against any party who executes any counterpart of the Agreement.

16. Subsequent to the execution of this Agreement, the First Party shall prepare for signature by counsel for all parties an Entry of Dismissal, in substantially the same form as the exemplar attached hereto as Exhibit "A", by virtue of which the within action shall be dismissed with prejudice by the Boone Circuit Court.

Dennis C. Helmer
DENNIS C. HELMER

Gayle S. Helmer
GAYLE S. HELMER

David L. Helmer
DAVID L. HELMER

Sandra G. Helmer
SANDRA G. HELMER

EIGHTEEN, LTD.
by Dennis C. Helmer
EIGHTEEN, LTD.
BY: DENNIS C. HELMER
ITS: SECRETARY-TREASURER

Diane E. Whalen
CITY OF FLORENCE, KENTUCKY
BY: DIANE E. WHALON
ITS: mayor

Sep. 13. 2006 12:32PM

No. 3488 P. 1

COMMONWEALTH OF KENTUCKY
BOONE CIRCUIT COURT
CIVIL ACTION FILE NO. 04-CL-595

ENTERED	
BOONE CIRCUIT DISTRICT COURT	
SEP 13 2006	
PAT GUTZET, CLERK	
BY: 	D.C.

DENNIS C. HELMER ET UX ET AL

PLAINTIFFS/APPELLANTS

-v-

ENTRY OF DISMISSAL

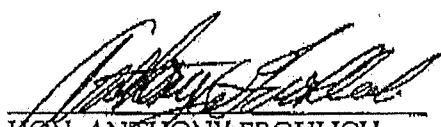
CITY OF FLORENCE, KENTUCKY ET AL

DEFENDANTS/APPELLEES

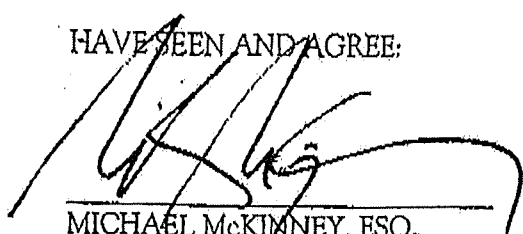
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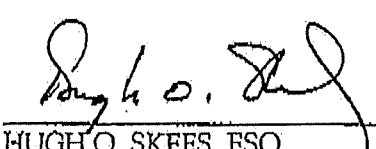
BY AGREEMENT OF THE PARTIES and the Court being in all ways sufficiently advised,
IT IS HEREBY ORDERED that the within action be, and is hereby, dismissed with
prejudice as settled. The Plaintiffs/Appellants shall be entitled to their court costs.

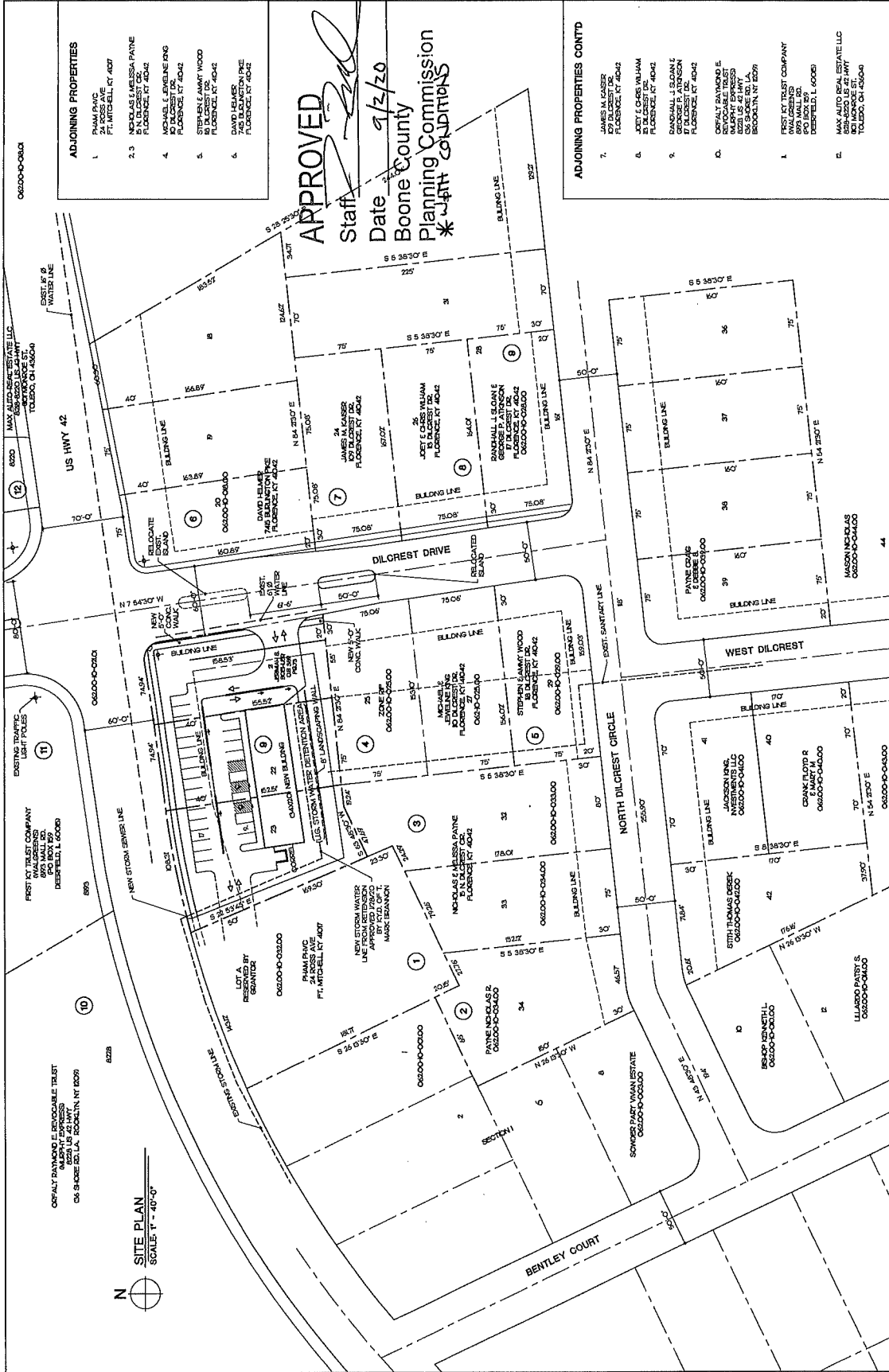
Dated this 13 day of Sept. Oct., 2006.


HON. ANTHONY FROHLICH
Judge
Boone Circuit Court

HAVE SEEN AND AGREE:


MICHAEL McKIMNEY, ESQ.
Counsel for Plaintiffs/Appellants


HUGH O. SKEES, ESQ.
Counsel for Defendants/Appellees



REVISIONS

2-7-20	2-25-20	3-6-20
8-7-20		

PROPOSED PROFESSIONAL BUILDING FOR US HWY 42 (LOTS 21, 22, 23)

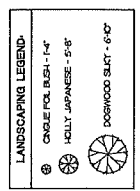
US HWY 42 AND DILCREST FLORENCE, KY 41042

DECEMBER, 2019
PROJECT NUMBER
A-1

THOMAS R. DUNN R.A. JAMES L. TITUS P.H.D. AIA
ARCHITECTURE, PLANNING, INTERIOR DESIGN
AND ENVIRONMENTAL DESIGN, ONE WEST FLORENCE STREET, FLORENCE, KY 41042

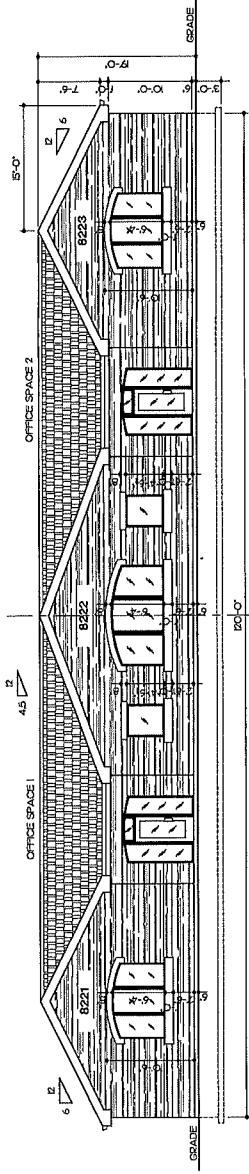
DUNN & TITUS INC.

DECEMBER, 2019
PROJECT NUMBER
A-1



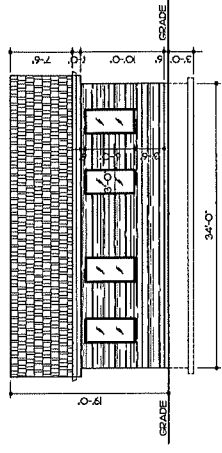
DECEMBER, 2019
PROJECT NUMBER
KT2081
DRAWN BY: A.S.

A-2

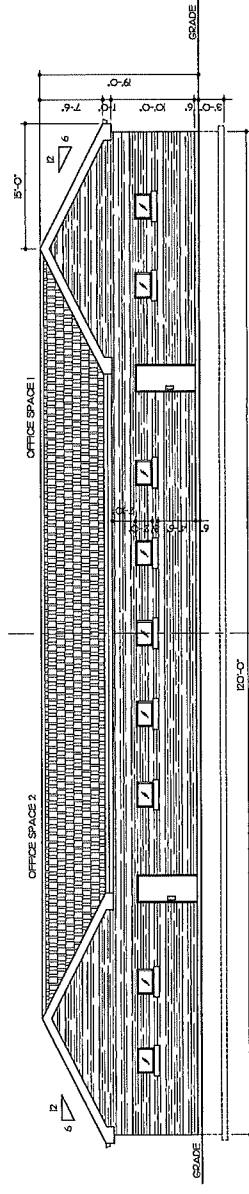


NORTH ELEVATION
SCALE: N.T.S.

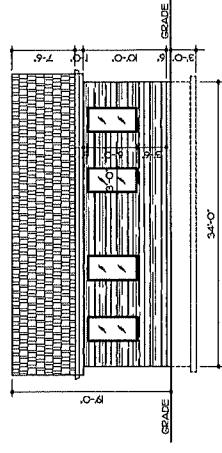
NOTE: SIGNAGE PER CODE



EAST ELEVATION
SCALE: N.T.S.



SOUTH ELEVATION
SCALE: N.T.S.



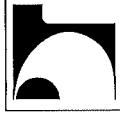
WEST ELEVATION
SCALE: N.T.S.

REVISIONS

2-7-20 2-24-20 3-6-20
8-7-20

**PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)**

US HWY 42 AND DILCREST FLORENCE, KY 41042



DUNN & TITUS INC.

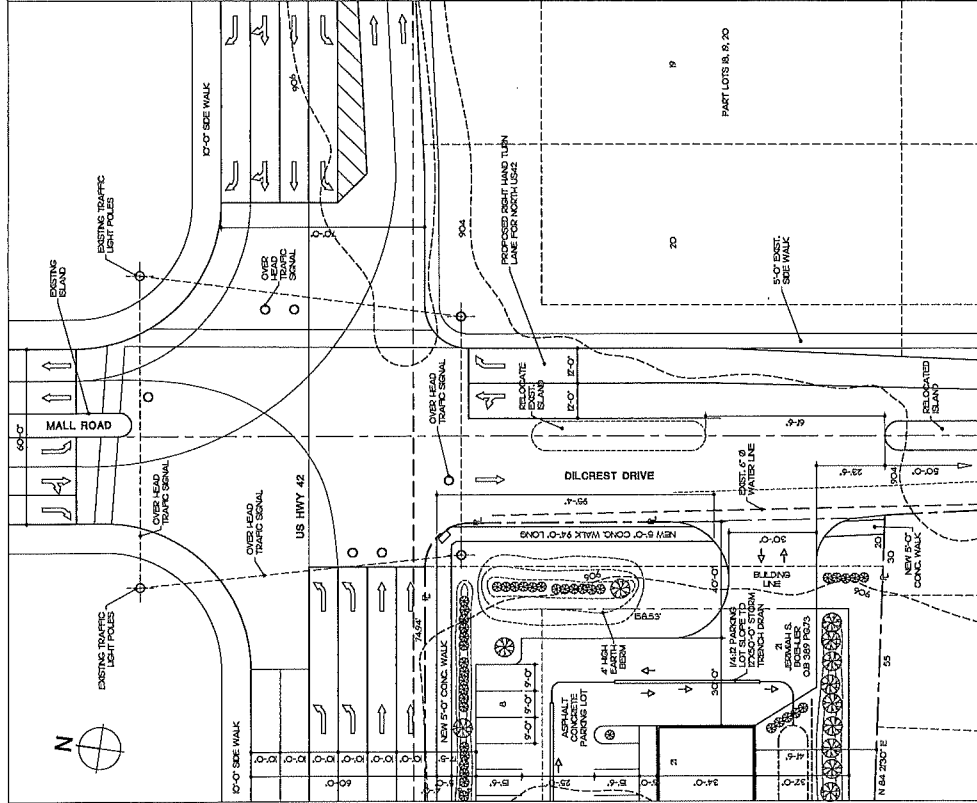
THOMAS R. DUNN R.A. JAMES L. TITUS P.H.D., AIA
ARCHITECTURE, PLANNING, INTERIOR DESIGN
400 DUNN ROAD, SUITE 100, FLORENCE, KY 41042-1000



DECEMBER 2019
PROFESSIONAL
DRAWING

A-3

PROPOSED RIGHT HAND TURN FROM DILCREST ON TO NORTH US42



FINDINGS:

- THE NEW OFFICE BUILDING IS 4080 SF. WILL ONLY GENERATE ABOUT 5 TRIPS PER DRIVING PEAK HOURS. IT WILL NOT HAVE AN IMPACT ON THE TRAFFIC OPERATIONS FOR MOVEMENT ON US42 OR MALL ROAD.
- IN CONNECTION WITH SLIGHT MODIFICATION TO THE EXISTING TRAFFIC AT THE INTERSECTION OF US42 AND MALL ROAD / DILCREST AS PART OF THE DEVELOPMENT, A LANE WILL BE ADDED TO THE NORTH SIDE OF THE DILCREST ROAD FOR THE EXCLUSIVE RIGHT TURN. THE EXISTING SIGNAL OPERATES WITH SPLIT PHASING FOR US42 MALL ROAD AND DILCREST APPROACHES WILL NOT BE MODIFIED.
- THE NUMBER OF RIGHT TURNS HAS BEEN EVALUATED AS 10 CARS TO 15 FROM 7:30 AM TO 9:30 AM, AND THE SAME IN THE AFTERNOON. THIS WAS NOTED AT A ON SITE TRAFFIC COUNT.
- THE OFFICE SPACE WILL BE SPLITTED INTO 3 EQUAL COTTAGE TYPE OFFICES.
- EACH OFFICE WILL HAVE APPROXIMATELY 3-4 PERSONAL.
- EACH OFFICE WILL REQUIRE ABOUT 3-4 PARKING SPACES FOR WORKERS. EACH OFFICE WILL BE OPERATING UNDER A LOW TRAFFIC BUSINESS AND WILL NOT REQUIRE MUCH MORE SPACE FOR CLIENTS / CUSTOMERS.
- ONE OF THE OFFICES WILL BE USED AS A NAL SALON WITH OPERATION HOURS FROM 9 AM - 7 PM. THE OTHER OFFICES WILL BE OPEN FROM 9 AM - 5 PM. (OFFICE TYPE WILL BE INSURANCE AGENT OFFICE OR MEDICAL, DOCTOR OFFICE)

PERSONS OF CONTACT:

- LINZY BYERFIELD - KYTC - DISTRICT 6
- JOSH HUNT - CITY OF FLORENCE
- MARK BRANNON - KYTC - TECHNICAL
- JAMES L. TITUS - PE, TRAFFIC ENGINEER
- KEVIN WALL - DIRECTOR, ZONING AND SERVICES
- JAMES L. TITUS - PHD, AIA, DUNN AND TITUS, INC. ARCHITECTS

REVISIONS
8-7-20

PROPOSED PROFESSIONAL BUILDING FOR
US HWY 42 (LOTS 21, 22, 23)
US HWY 42 AND DILCREST FLORENCE, KY 41042



DUNN & TITUS INC.
THOMAS R. DUNN P.A. JAMES L. TITUS P.H.D., AIA
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AN OWNERS REPRESENTATIVE FIRM
1000 N. 10TH STREET, SUITE 100 FLORENCE, KY 41042

DECEMBER, 2009
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