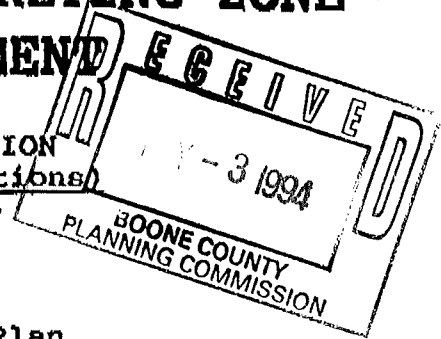


CHANGE IN CONCEPT DEVELOPMENT PLAN OR THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

(Concept Development Plan)
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Check One:

- Change in Concept Development Plan
 - Utilization of An Underlying Zone in Planned Development
 - a) Public Hearing Submittal (Concept Dev. Plan)
 - b) Long Range Planning Committee Review
- (As stated in the Houston-Donaldson Study)

2. Name of Project Medical Office Building
3. Location of Project Next to and west of 7505 Burlington Pike
4. Total Acreage of Site 2.799
5. Current Zoning O-2/PF/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
8. Proposed Uses (please specify each use) Medical Office Building
9. Proposed Building Intensities (please specify) 5,943 S.F. designed for possible future expansion south and west to maximum 22,000 S.F.
10. Have you submitted a Concept Development Plan? NO
11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
12. Name of Applicant(s) MED CENTER, INC. Scott N. Dunn, Trustee
Phone Number 513/248-0300 Fax No. 248-2943
13. Address of Applicant(s) 912 State Route 28
Milford, Ohio 45150-1903
City State Zip
14. Name of Property Owner(s) Richard W. Grote, Trustee
Phone Number 513/241-7688 Fax No. _____
15. Address of Property Owner(s) 3327 Fairlane
Cincinnati, Ohio 45227
City State Zip
16. Are there any existing buildings on the site? NO
How many? _____
17. Deed Book 220 Page No. 147 Group No. 2041
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT "A"

STAFF REPORT

Request of Med Center, Inc. (applicant) for Richard W. Grote, Trustee (owner) to develop a medical office building on a 2.799 acre site. The site is zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD) and is located on the south side of KY 18, immediately west of the Boone County Health Center, Florence, Kentucky.

May 25, 1994

This is a request for Utilization of an Underlying Zone in a Planned Development and for approval of a Concept Development Plan. The applicant plans on building a 6,000 square foot medical office building on the lot to the west of the Boone County Health Clinic on KY 18, in Florence (see sheet #1).

Surrounding Zoning and Land Uses (see sheet #2)

North: Florence Auto Mart zoned Commercial Two/Planned Development (C-2/PD).

South: Single family residential subdivision zoned Suburban Residential One (SR-1).

East: Boone County Health Center zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD).

West: Park zoned Commercial Services (C-3).

Site Characteristics

The 2.799 acre site is undeveloped with tree coverage to the rear and west. The balance of the site is composed of grassy field area. There is a large oak tree near the front of the lot.

Relationship to the Parkway Corridor Study

The Parkway Corridor Study states that this area should develop as a business, cultural, and civic center. The site is easily accessed from I-75 and KY 18 as well as from the Parkway connection. The study calls for an increase in the mixed use development in the area.

Relationship to the Comprehensive Plan (see sheet #3)

The Future Land Use Map of the 1990 Boone County Comprehensive Plan indicates the area to develop as Commercial. According to the Land Use text, the commercial activity should remain near arterial roads or I-75/71. "The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads."

Concept Development Plan (see sheet #4)

The Concept Development Plan shows a 6,000 square foot medical office building that is 20' 4" in height. The building is shown setback approximately 80 feet from KY 18.

There is one curb cut shown on the plan near the center of the KY 18 frontage. The Boone County Zoning Regulations require a minimum distance between driveways of 275 feet. The applicant is showing the driveway 210 feet from the existing curb cut for the Boone County Health Center to the east. The applicant has spoken with Mr. Forrest M. Rankin, Kentucky State Highway Department, regarding locating the curb cut at 210 feet instead of the 275 feet as required. Mr. Rankin stated in a letter that the proposed location would be more appropriate due to the location of the center turn lane on KY 18. The sight distance is also improved at the proposed location.

The Concept Development Plan shows 45 parking spaces which meets the minimum requirements of the Boone County Zoning Regulations. The existing sidewalk along KY 18 is to remain undisturbed.

Staff Concerns

1. Staff feels that every attempt to preserve the large oak tree toward the front of the lot should be made. The tree sits between the front elevation of the proposed building and KY 18.
2. The existing trees at the rear of the property should be preserved to serve as a screening buffer to the single family development behind the site. Furthermore, the strand of trees along the west property line should also be preserved to serve as a screening buffer between the medical building and the park.
3. Due to the existing drainage problems at the rear of the lot and beyond, staff believes that the applicant should explore the possibility of earning tax credits with the City of Florence by detaining more water than required by the Boone County Zoning Regulations.

Conclusion

In conclusion, the proposed use is in compliance with the underlying Office Two (O-2) district and meets the minimum requirements of both the 1990 Boone County Comprehensive Plan and the Parkway Corridor Study.

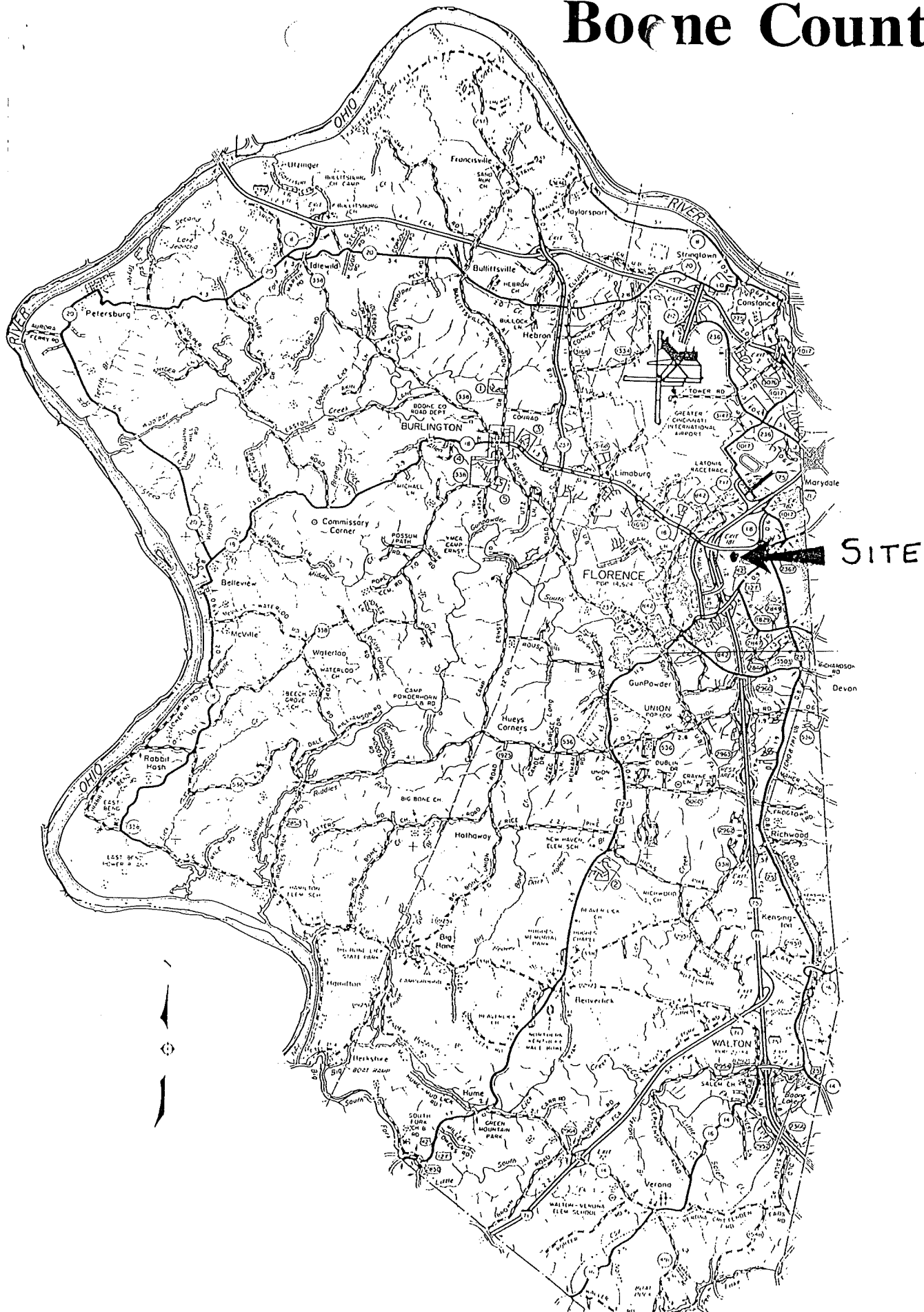
Respectfully submitted,

A handwritten signature in cursive script that reads "Robert A. Jonas". The signature is written in black ink and includes a long horizontal flourish at the end.

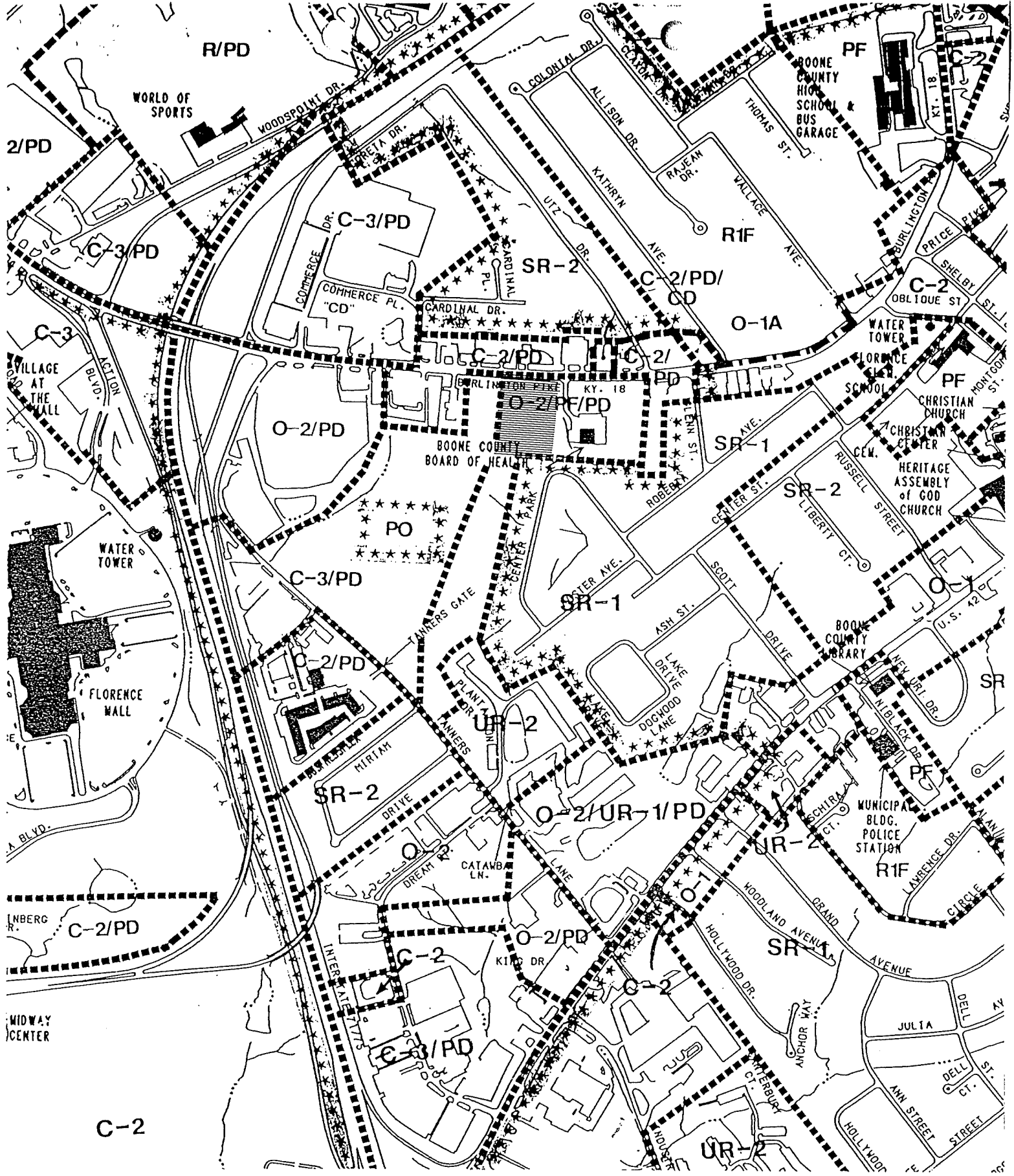
Robert A. Jonas
Planner I

RAJ\par

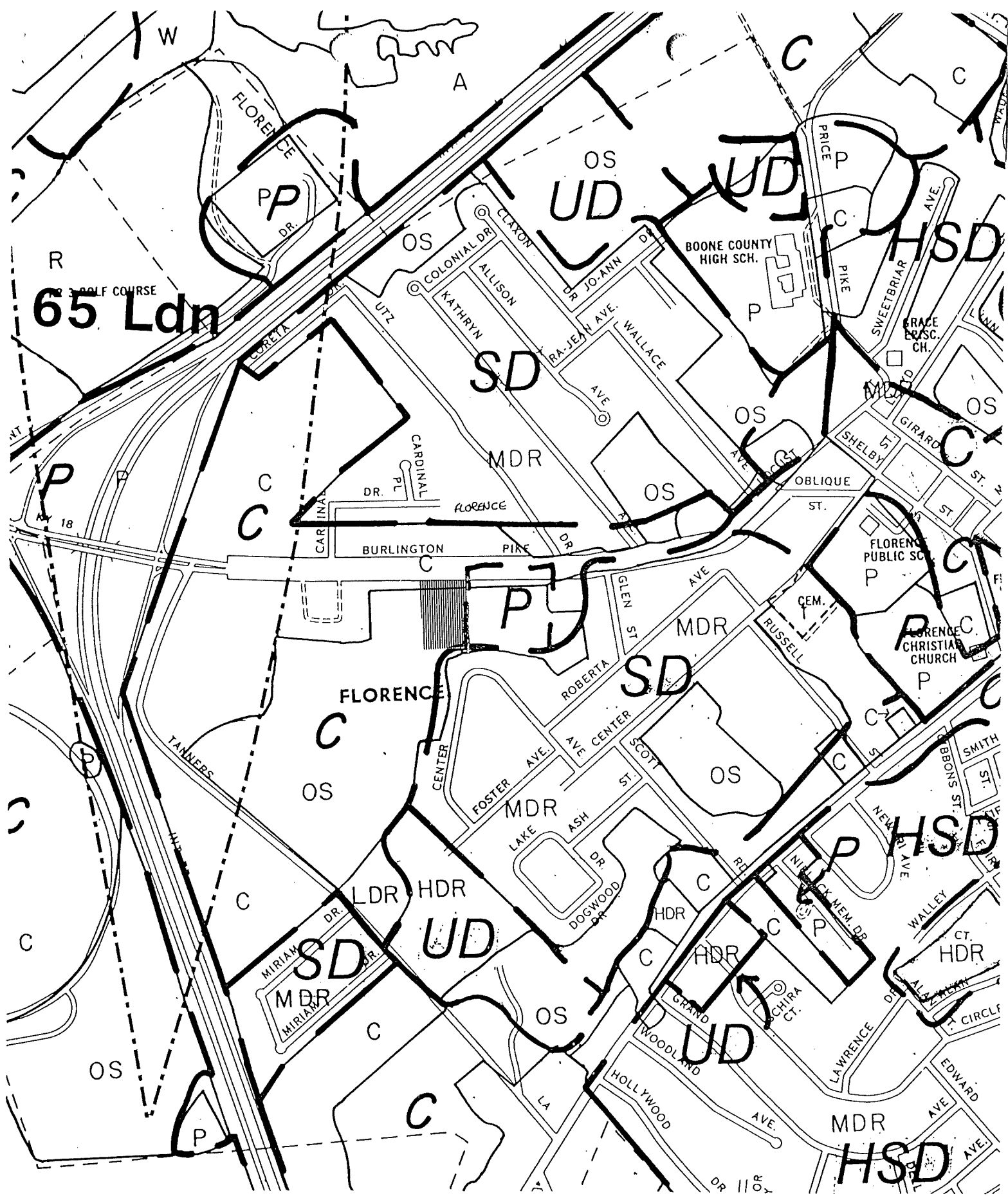
Boone County



Sheet #1 - Location Map

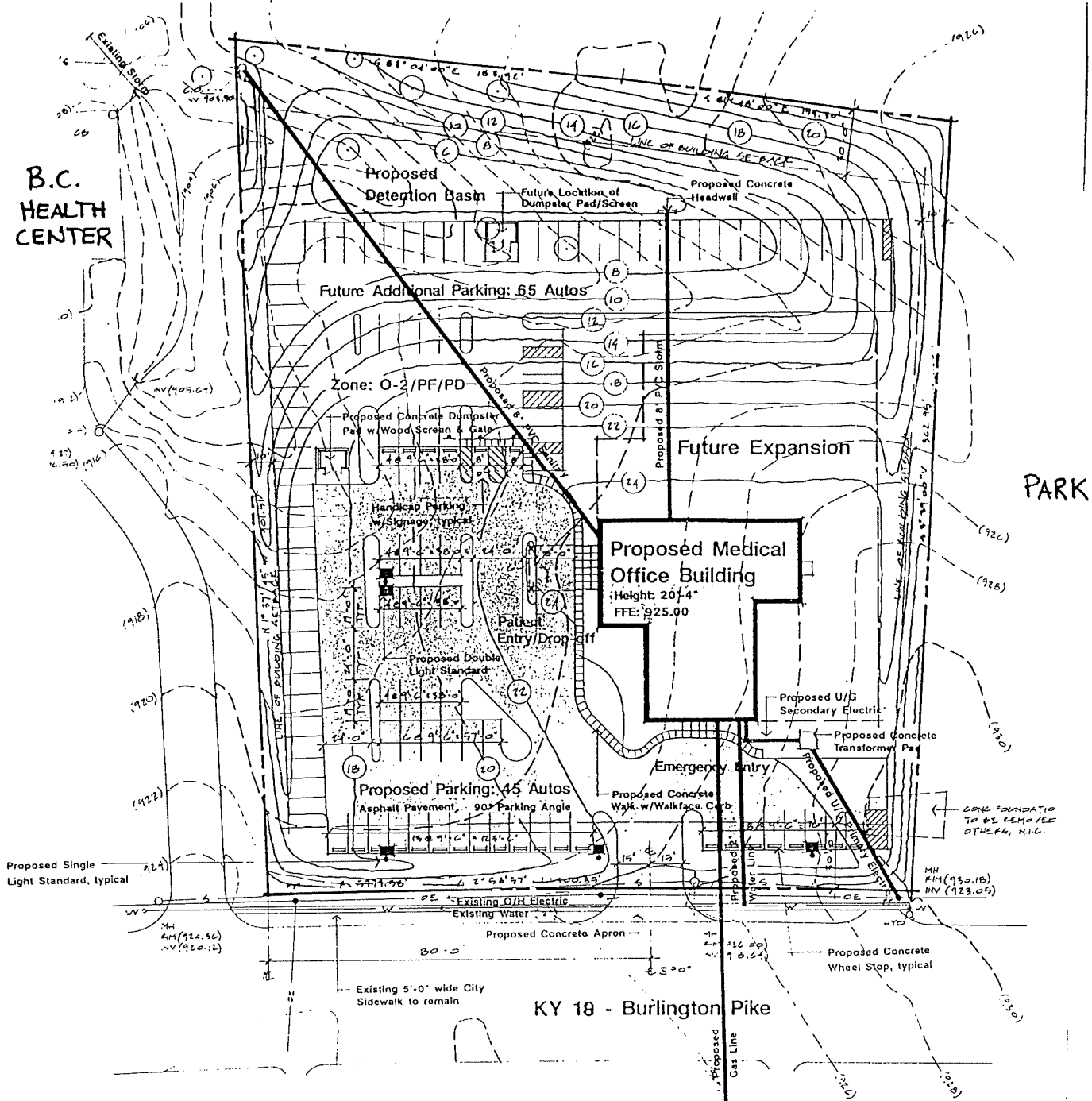


Sheet #2 - Zoning Map



Sheet #3 - Future Land Use Map

B.C.
HEALTH
CENTER



Sheet #4

Concept Development Plan

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: June 15, 1994

RE: Request of Med Center, Inc. (applicant) for Richard W. Grote, Trustee (owner) to develop a medical office building on a 2.799 acre site. The site is zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD) and is located on the south side of KY 18, immediately west of the Boone County Health Center, Florence, Kentucky.

Remarks:

We, the Committee, recommend approval based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The requested use for the site, a medical office building, is consistent with the adjacent Health Department use and with the office environment generally recommended by the Parkway Corridor Study.
2. The Future Land Use Map of the 1990 Boone County Comprehensive Plan indicates the area to develop as Commercial. This land use classification includes office uses. Furthermore, the Land Use Element of the Comprehensive Plan states that commercial activity should remain near arterial roads or I-75/71.
3. The Committee believes that the conditions contained in this report are important in order to maintain consistency with the 1990 Boone County Comprehensive Plan as well as the Parkway Corridor Study. The applicant has signed a condition letter demonstrating his agreement with these conditions.

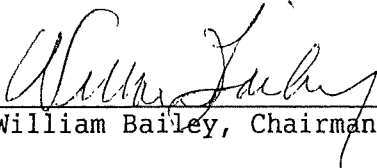
Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the May 25, 1994 Public Hearing.

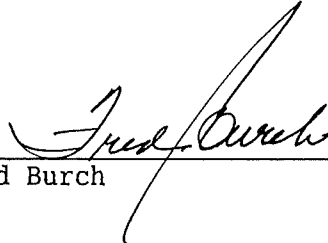
1. The large oak tree towards the front of the lot shall be preserved.
2. The sign for the Med Center development is to be a monument sign.

3. The applicant is to work with staff to preserve the existing trees that serve as a screening buffer from the residential subdivision to the south.
4. The applicant is to work with staff to explore the possibility of a bicycle path connection between the site and the newly constructed Parkway Corridor bike path.


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.



William Bailey, Chairman

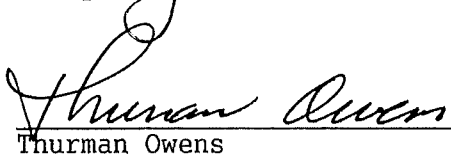


Fred Burch

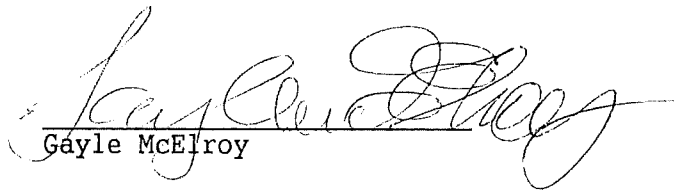


Barry Neltner

Phil Damstrom



Thurman Owens



Gayle McElroy

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Rurch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the third item on the Agenda:

3. Applicant: Med Center, Inc. for
Richard W. Grote, Trustee (owner)
Request: Utilization of an Underlying Zone

The request of Med Center, Inc. (applicant) for Richard W. Grote, Trustee (owner) to develop a medical office building on a 2.799-acre site. The site is zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD) and is located on the south side of KY 18, immediately west of the Boone County Health Center, Florence, Kentucky.

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report). He noted that the building will be just over 14 feet, not 20.4' as shown on Page 2 of the Staff Report.

Chairman Viox asked for the applicant's presentation.

Mr. Scott Dunn, representing Med Center, Inc., advised that he and Mr. John Campbell, Project Manager representing Marshall Erdman of Madison, Wisconsin, were present to answer any questions.

Chairman Viox asked if there was anyone in the audience who wished to speak in regard to this request. There was no response.

He asked if there were any comments or questions from the Commission.

In response to a question from Mrs. Arnett, Mr. Dunn advised that Med Center is a multi-group specialist doctors' facility.

Chairman Viox asked why they did not decide to tie into the curb cut for the health center. He noted that these are common uses. Mr. Dunn stated that they did not investigate that connection as these are independently owned properties. They have not talked to the adjacent property owner, and tying in may cause more confusion for that facility.

Mr. McMillian asked if access management is required in this area. Mr. Costello advised that it is part of the Parkway Corridor Study, which deals to some extent with access management. Mr. Costello questioned if Med Center has referrals from the health center. Mr. Dunn advised that Med Center is a group of multi-specialty doctors merging their care together.

Mr. Bailey stated that one of the points of the corridor study is to encourage pedestrian traffic. He asked if the applicant was aware that

this property was part of the Parkway Corridor Study and questioned a pedestrian connection.

Mr. Dunn stated that their research did not reveal the necessity for a pedestrian connection and they did not contact Boone County Health facility about it.

Mr. Bailey stated that there are plans for possibly a new City Building down close to the new Parkway which will open up in the next few weeks. He stated that there was discussion of encouraging pedestrian movement in this area in the Parkway Corridor Study. He suggested that the Commission look at the study and the intent of the study to encourage pedestrian traffic. He stated that a lot more development will be seen in this area with the parkway ready to open and the Commission should do what it can to encourage pedestrian movement.

Councilman Metzger advised that City Council has not gone into the mechanics of the site at this point.

Mrs. Schaffer questioned the 80-foot setback and if the front yards would zigzag. Mr. Jonas stated that he did not know the setback for Ameristop. Mr. Costello advised that the minimum front yard setback in O-2 is 30 feet.

Mr. Kirby asked if Mr. Bailey was talking about being able to walk from site to site from the parking lots. He noted that the sidewalks along the road will remain and questioned what Mr. Bailey was talking about in terms of other sidewalks.

Mr. Bailey explained that the study was initiated about the time that Florence bought the 44 acres and determined that they wanted it to be the center of the City of Florence. They wanted to highlight this area as a place where there would be a parklike setting around a city building, and the commercial development would be ice cream parlors and that type of use. They wanted to encourage pedestrian type traffic. He stated that they have not laid out any specific plans and so there is a limit as to what a developer can be told he has to do -- but the Commission should do as much as possible to encourage connections between the developments, and a walkway that would go over to the new parkway and the government building there. Since that time, he has heard discussions about the city building going somewhere else and the city may not be as sold on the idea as it was in the mid 1980's. The plan has moved along a great deal and the city has taken the step to build the parkway. The city owns the land around the parkway except in the area of the proposed request. Mr. Bailey believes that the city will do what it can in regard to pedestrian movement.

In regard to the connection between the medical building and the health center, Mr. Jonas stated that the health center is set back further and the topography slopes off. Due to the grade, the most appropriate place to make the connection would be up the front where the existing sidewalk is.

Susan Cabot, Historic Preservation Planner, stated that there are no regulations at this time to protect trees and they are glad that the applicant choses to retain the tree.

Julie Whistle, 316 Center Park Drive, stated that there are water problems in the neighborhood and questioned if there would be a retaining pond on the site.

Mr. John Campbell stated that there is a planned retention pond. There is a natural gully at the rear of the property which would be a retention pond.

Mrs. Whistle stated that there are trees on the property line. Mr. Campbell stated that he believes those trees would be out of their area. It is their intent at this time for that area to stay as it is.

Mr. Jonas advised that future expansion is shown on the Concept Development Plan, but the parking lot expansion does not go back into the tree buffer area. In response to a question from the Chairman, Mr. Jonas advised that there is not a Landscaping Plan at this time.


Mr. William Jones, a resident of Center Park Drive next to Mrs. Whistle, questioned the height of the building. Mr. Dunn advised that the building is to residential scale at about 14.6' and cannot be expanded to two stories.

Mr. Jones asked that everything that can be done with the landscape buffer be done and that the trees be left there.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on June 6, 1994 at 1 P.M. in the building across the street, but people should check with the Staff to be sure of the location. This item will be on the Agenda for the Business Meeting on June 15, 1994 at 8 P.M..


The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 15, 1994
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Dean Niemeyer

Mr. Burch questioned if this is a new Committee. He stated that there is a Committee for this issue. Chairman Viox stated that the Zone Change Committee has the opportunity to meet again if they wish -- which would also be an open meeting. Counselor Wilson stated that any Commission member or member of the public could attend the ad hoc committee meeting.

Mr. Owens stated that the Zone Change Committee is the official committee, and got its orders from the Commission. The Commission voted against the Committee Report. He stated that the Zone Change Committee should meet again and carry out its orders. Counselor Wilson stated that those who voted against this request could also attend a Zone Change Committee meeting.

Chairman Viox stated that the Zone Change Committee meets at 1 P.M. on June 27, 1994. He suggested that they convene at noon on that day in regard to this request and then have their regular meeting at 1 P.M..

Mrs. Schaffer stated that she has three findings of fact as to why she opposes the application.

At this time, Chairman Viox stated that the Commission would have a short working session in regard to this request.

Mr. Ries moved that those opposed meet with the Zone Change Committee at noon on June 27, 1994 to develop findings of fact to be given to the Zone Change Committee to present for a recommendation of denial. Mrs. Schaffer seconded the motion. A vote on the motion found all voting members in favor. Mr. Neltner abstained. The motion carried.

Mrs. Schaffer moved that the request be deferred to the July 6, 1994 Business Meeting. Mr. Owens seconded the motion. A vote on the motion found all voting members in favor. Mr. Neltner abstained. The motion carried.

5. Utilization of an Underlying Zone

The request of Med Center, Inc. (applicant) for Richard W. Grote, Trustee (owner) to develop a medical office building on a 2.799-acre site. The site is zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD) and is located on the south side of KY 18, immediately west of the Boone County Health Center, Florence, Kentucky.

Staff Member Bob Jonas presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

There being no discussion, Mr. Bailey moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Ries seconded the motion and it carried unanimously.

Chairman Viox called for a short recess at this time. The meeting reconvened in ten minutes and was chaired by Mr. Burch.

SUPPORTING INFORMATION

EXHIBIT A

DESCRIPTION OF A 3.081 ACRE TRACT, LYING IN THE
EASTERLY PORTION OF A 7.0922 ACRE TRACT
CONVEYED TO

BOOK 375 PAGE 201

RICHARD W. GROTE, TRUSTEE,
AS RECORDED IN DEED-BOOK 220, PAGE 147, BOONE COUNTY, KENTUCKY

Situated in the State of Kentucky, County of Boone, and City of Florence, located on the south side of Kentucky Highway 18, and lying approximately 2,000 feet, more or less, east of the northbound ramp to Interstate 75 being more particularly bounded and described as follows:

Beginning at an iron pin found on the southerly right-of-way line of Kentucky Highway 18, the northwesterly corner of a 2.2718 acre tract conveyed to James A. and Sandra S. Gallenstein as recorded in Deed Book 300, page 191, and the easterly line of a 7.0922 acre tract conveyed to Richard W. Grote, Trustee, as recorded in Deed Book 220, page 147;

Thence along the westerly line of said 2.2718 acre tract and the easterly line of said 7.0922 acre tract south 05°46' east, a distance of 449.05 feet to an iron pin found at the southwesterly corner of said 2.2718 acre tract, the southeasterly corner of said 7.0922 acre tract, and the northerly line of Lot No. 40 of Center Park Subdivision, Tenth Addition, as shown and delineated on Plat Book 17, page 3, Boone County Clerk's records;

Thence along the northerly line of Lot Nos. 40, 42, 43, and part of 44 of said Subdivision and the southerly line of said 7.0922 acre tract north 83°04' west, a distance of 337.01 feet to the southeasterly corner of a proposed 2.799 acre tract lying in the westerly portion of said 7.0922 acre tract;

Thence through said 7.0922 acre tract and along the easterly line of said 2.799 acre tract north 01°38' west, a distance of 401.50 feet to a point on a curve on the southerly right-of-way line of Kentucky Highway 18;

Thence along the southerly right-of-way of Kentucky Highway 18, along a curve to the left, having a radius of 5779.58 feet an arc length of 51.02 feet and a chord that bears north 89°14' east, a distance of 51.02 feet to a concrete monument found at the point of tangent of said curve;

Thence continuing with the southerly right-of-way of Kentucky Highway 18, north 89°03'55" east, a distance of 249.85 feet to the point of beginning containing 3.081 acres, more or less, subject to all legal rights-of-way, easements, restrictions, and conditions of record.

Description is based on a survey made by Burgess & Kiple, Limited in February 1985 and as shown on the attached plat.

Robert E. Thompson
ROBERT E. THOMPSON
Registered Certified Surveyor No. 2302
Burgess & Kiple, Limited

STATE OF KENTUCKY
Robert E. Thompson
REGISTERED
2302
LAND SURVEYOR

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264



June 8, 1994

Med Center, Inc.
Attn: Mr. Scott N. Dunn, Trustee
912 State Route 26
Milford, OH 45180-1903

RE: Conditions Of Approval For The Utilisation Of An Underlying
Zone In A Planned Development Request On KY 18, Florence,
Kentucky

Dear Mr. Dunn:

The following represents the conditions of approval as unanimously
decided upon by the Zone Change Committee. If you, as applicant,
will agree to the following conditions, please indicate so by
signing your name at the space provided at the end of this letter
and return it to our office by Noon, Tuesday, June 14, 1994.

Conditions of approval

1. The large oak tree towards the front of the lot shall be preserved.
2. The sign for the Med Center development is to be a monument sign.
3. The applicant is to work with staff to preserve the existing trees that serve as a screening buffer from the residential subdivision to the south.
4. The applicant is to work with staff to explore the possibility of a bicycle path on site.

Sincerely,

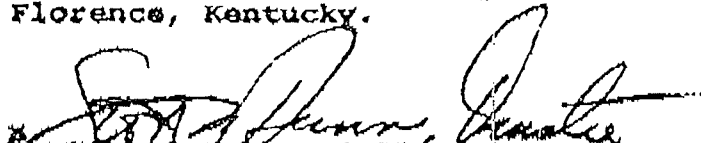
Robert A. Jones
Planner I

RAJ\par

Med Center, Inc.
Mr. Scott N. Dunn, Trustee
June 8, 1994
Page 2

Agreement

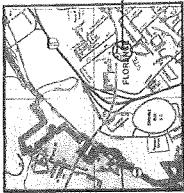
We, the applicant and owner, agree to the above listed conditions for approval of the requested Zoning Map Amendment on KY 18, Florence, Kentucky.


x Scott N. Dunn, Trustee (Applicant)

6/14/94
date

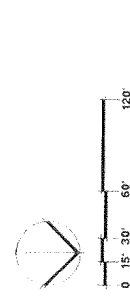
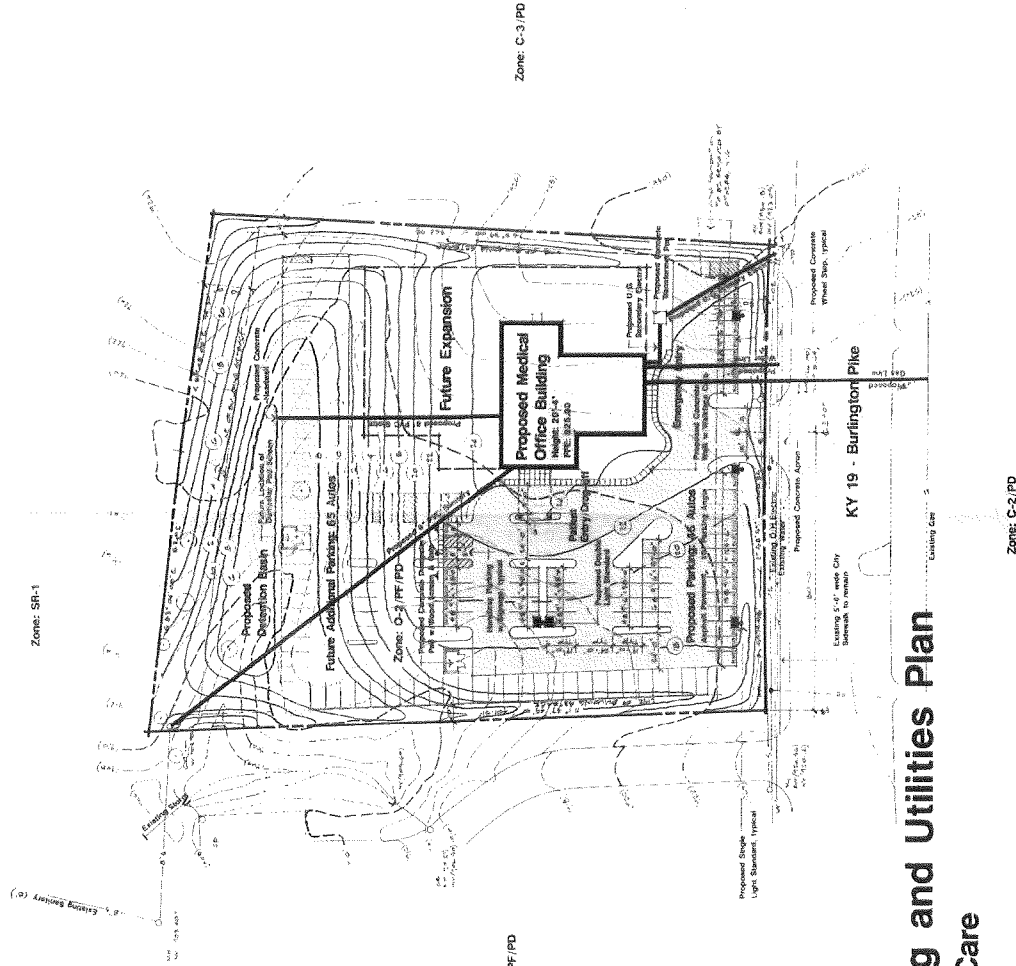

x Richard W. Grove, Trustee (Property Owner)

6/14/94
date



Location Map

NOT TO SCALE



Site Layout, Grading and Utilities Plan

Group Practice Primary Care

Florence, Kentucky

APPROVED
 Submitted
 Date 6-15-21
 Board of Planning Commission

SG A.P.C. #22

ORDINANCE NO. 0-15-94

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ~~ZONE~~ IN PLANNED DEVELOPMENT FOR A 2.799 ACRE SITE ZONED OFFICE TWO/PUBLIC FACILITIES /PLANNED DEVELOPMENT (O-2/PF/PD), LOCATED ON THE SOUTH SIDE OF KENTUCKY 18, IMMEDIATELY WEST OF THE BOONE COUNTY HEALTH CENTER, IN THE CITY OF FLORENCE, KENTUCKY. (MED CENTER, INC-GROTE PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a request for utilization of an underlying zone be granted for property more particularly described herein, and

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

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

SECTION I

That the request for the real estate which is more particularly described below shall be and is hereby approved for the utilization of an underlying zone in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone on a 2.799 acre site. The real estate which is the subject of this request for approval for the utilization of an underlying zone is more particularly described in attached Exhibit "A".

SECTION II

That this approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report made a part of that recommendation, a copy of that recommendation and committee report being attached, marked Exhibit "B", and incorporated herein as if fully set out, such recommendation being in the for of Resolution R-94-020-A No. _____ of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

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

PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF July,
1994.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
26th DAY OF July, 1994.

APPROVED:

Evelyn McCall
MAYOR

ATTEST

Kathy Conrad
CITY CLERK