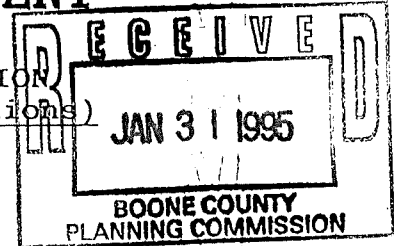


PV

APPLICATION FORM  
**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 CHINA FOOD RESTAURANT
- 3. Location of Project 745 BURLINGTON PIKE
- 4. Total Acreage of Site 1.66
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) NA
- 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) PARKWAY CORRIDOR STUDY

- 8. Proposed Uses (please specify each use) FAMILY DINE IN RESTAURANT
- 9. Proposed Building Intensities (please specify) 5000 SF BUILDING ON 1.66 ACRES = 3012 SF PER ACRE

- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance SEE CONCEPT PLAN

- 12. Name of Applicant(s) PING T. LEE
- Phone Number 525-1719 Fax No. 578-2654 AH: WM KRAATZ
- 13. Address of Applicant(s) 7000 SHADETREE COURT  
FLORENCE KENTUCKY 41042

- 14. Name of Property Owner(s) PING T. LEE (Contract Pending)
- Phone Number 525-1719 Fax No. 578-2654
- 15. Address of Property Owner(s) 7000 SHADETREE COURT  
FLORENCE, KENTUCKY 41042

- 16. Are there any existing buildings on the site? NO  
 How many? -

- 17. Deed Book 243 Page No. 75 Group No. 2041
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

**EXHIBIT "A"**

## STAFF REPORT

Request of Ping T. Lee (owner by contract) for the Utilization of an Underlying Zone for a 4,500 to 5,000 square foot restaurant on a 1.66 acre site located on the south side of Burlington Pike near Utz Drive, Florence, Kentucky. The site is located in a Commercial Two/Planned Development (C-2/PD) zone.

February 22, 1995

### REQUEST

This request is for a Utilization of an Underlying Zone to allow the construction of a 4,500 to 5,000 square foot "sit down" type restaurant on a 1.66 acre site. The site is located on the south side of Burlington Pike near the intersection with Utz Drive in Florence, between the existing retail strip center that includes the Ameristop convenience store and the Boone County Health Center complex.

A Concept Development Plan has been submitted with this request. The plan illustrates an "L" configured building that is located near the front of the site, a small parking area along KY 18, and a larger parking area behind the building; a raised concrete sidewalk is proposed to be installed around the building to provide pedestrian access from the parking areas. An existing tree stand is proposed to be retained along the eastern-most property line and along an open area at the southern end of the site. Loading and garbage storage is proposed to be located in the northeastern corner of the rear parking area, directly behind the Ameristop building. Access is proposed to be accommodated through the construction of a new curbcut at the northwestern corner of the site along KY 18; this curbcut will provide right and left turn egress lanes. A monument style freestanding sign, with no size or height stated, has been proposed for the KY 18 frontage. The applicant has requested a relaxation of the 10 foot side yard setback requirement to 5 feet in the area of the site adjacent to the strip retail building to the immediate east.

### SITE HISTORY

1986 The Parkway Corridor Study, that includes the subject site, was adopted. The adoption of the Planned Development Overlay zone for the area resulted from the study.

### ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- A. An auto dealership that is located immediately to the north, west of Utz Drive, and an office that is within a converted residence is located to the north on the east side of Utz Drive (C-2/PD).

- B. A small retail strip center is located immediately to the east along KY 18 and an office structure is located further to the east at the intersection with Glen Street (C-2/PD). Two smaller-scaled multi-family residential structures are located to the east along Glen Street, immediately to the south of the office structure mentioned above, and the remainder of the area to the east along Glen Street is encompassed by detached single family residences (SR-1).
- C. Detached single family residences (exclusively) in the area to the south along Roberta Street and in the area to the southwest along Center Park (SR-1).
- D. The Boone County Health Center complex is located immediately to the west on the south side of KY 18, and a office building, that is located beyond a large open area along KY 18, is located further to the west (O-2/PF/PD).

#### SITE CHARACTERISTICS

The site is currently undeveloped. The lot basically has a flag lot configuration with 107 feet of frontage along KY 18. The panhandle portion of the lot, adjacent to KY, is basically level and "open" relative to tree cover. The remainder of the site has gently rolling topography that slopes towards the south. The interior of the site is largely wooded with a fairly consistent tree cover throughout.

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Future Land Use Map designates the site in question as "Commercial." The plan describes this designation as "non-base land uses such as retail, wholesale, services, finance, insurance, and real estate, along with all other office uses." The text of the Land Use Element (Area D-4) states "the area east of I-75, north of US 42 and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. A mixture of office, retail, commercial, recreation, and residential development is the goal."

The Business Activity objectives provided in the 1995 Boone County Comprehensive Plan Goals and Objectives include the following:

- \* Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage.
- \* The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood (underline added).

The Environment objectives provided in the 1995 Boone County Comprehensive Plan Goals and Objectives include the following:

- \* New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible.

#### RELATIONSHIP TO PARKWAY CORRIDOR STUDY

As stated above, the site is within the Parkway Corridor Study area. The Study states the following regarding development potential in the study area as a whole:

The 1980 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure or its logical extension can allow for development as well.

The site is located within area "3KY" on the study land use map. The text of the study provides the following statements regarding land use issues in this area:

In this district, parcels along both sides of KY 18 are designated C-2/PD. The accessibility of these sites needs to take into consideration the specific local conditions of nearby residential areas and streets. In addition, development in this zone should also enhance pedestrian use of the area and contribute to the pedestrian network of walkways located throughout the study area. Like other office and commercial districts in the study area, this zone offers the potential to establish ground level conditions for retail, restaurant (underline added), and other consumer and pedestrian oriented service uses.

#### STAFF CONCERNS

1. Staff's primary concern deals with the compatibility of this development with the adjacent areas. This concern is two-fold. The first aspect deals with the level of activity associated with the restaurant use, particularly the hours of operation (not stated) and a relatively high amount of customer turnover in the vicinity of substantial residential uses. However, it should be acknowledged that some of the other uses permitted in the C-2 zone are potentially more intrusive than the proposed restaurant use.

The second aspect deals with buffering and physical compatibility with the adjacent areas. To insure that the development is physically compatible with the adjacent areas, the following should be considered:

- A. The site is a transition area between a commercial strip and an area composed of single family residences. Due to this fact, the architectural design of the building should be sensitive to the adjacent residential area in terms of scale and design characteristics, yet the materials and colors should be compatible with the commercial structures along KY 18 (brick and earth tones are prevalent on the structures immediately adjacent to this site). Further, the building should use consistent detailing, materials, and architectural forms on all facades due to the close proximity of the building to the Ameristop structure (i.e., relaxed setback) and due to the fact that the building has no "backside" per se because of the orientation of both the proposed building and the lot itself. Staff is not concerned with the proposed setback relaxation if these measures are taken. The final design of the structure should be subject to the review and approval by the Planning Commission upon the fulfillment of design requirements, such as those mentioned herein.
- B. Although the applicant has proposed to retain a tree buffer around a part of the rear portion of the lot, this buffer will not be substantial enough to create a continuous visual landscape screen to the adjoining properties, nor does it provide screening for the property to the west. Thus, the provision of additional landscaping, in the form of berms, evergreen trees and possibly hedging, should be considered for supplementing the existing trees to be retained so that a continuous landscape screen is maintained around the entire rear portion of the lot (from the end of the lot's panhandle southward).
- C. Because the lot is currently wooded, large trees could be provided (or maintained) within the interior of the rear parking lot and the open area to the south of this parking lot. When mature, these trees would help maintain the "wooded" character of the tract from the adjoining areas.
- D. Although the applicant's proposal states that the site lighting will be unobtrusive and will not create light pollution, the Commission should consider specific standards to insure that this goal will be reached. Staff suggests that 12 foot high, shielded fixtures be considered as an absolute maximum standard, however, the use of bollard style lighting is encouraged as the ideal solution. To assure appropriateness and compatibility with the adjacent residential area, all lighting, including architectural lighting, should be subject to review and approval by the Commission.
- E. The dumpster, loading area, and any exterior mechanical equipment should be completely screened from the adjoining properties. Any walls or fences used for screening should use materials and architectural detailing that is consistent with the design of the building.

2. The drive aisle width for the parking area at the front of the lot should be reduced to 24 feet (ranges from approximately 27 feet to 40 feet as proposed) so that the landscaped area along KY 18 can be enlarged; landscape screening materials should be considered along the front of this parking area to visually diffuse the parked vehicles and to screen the glare of headlights from vehicles within the lot. To help accomplish the Parkway Corridor Study's objective of enhancing the pedestrian environment, several large canopy trees should be provided in this front landscaped area and a pedestrian walkway should be provided between KY 18 and the building.
3. The proposed curbcut is a concern to Staff due its' spacing with the curbcut on the Ameristop property. Preferably, a joint access would be provided for both of these properties. Minimally, a driveway connection should be provided to the Ameristop property.
4. Although the Concept Development Plan states that a monument style sign is intended, no specific size or height is mentioned. Staff suggests that the signage guidelines for similar developments in the Houston-Donaldson Study Area be considered (8 foot maximum height, 60 square foot maximum area).
5. As an informational note, the proposed loading area does not meet the minimum size requirements provided in the Zoning Regulations.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council 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 applicable provisions of Article 15, "Planned Development" of the Boone County Zoning Regulations, the Parkway Corridor Study, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map would not need to be amended if the request is approved.

Respectfully submitted,

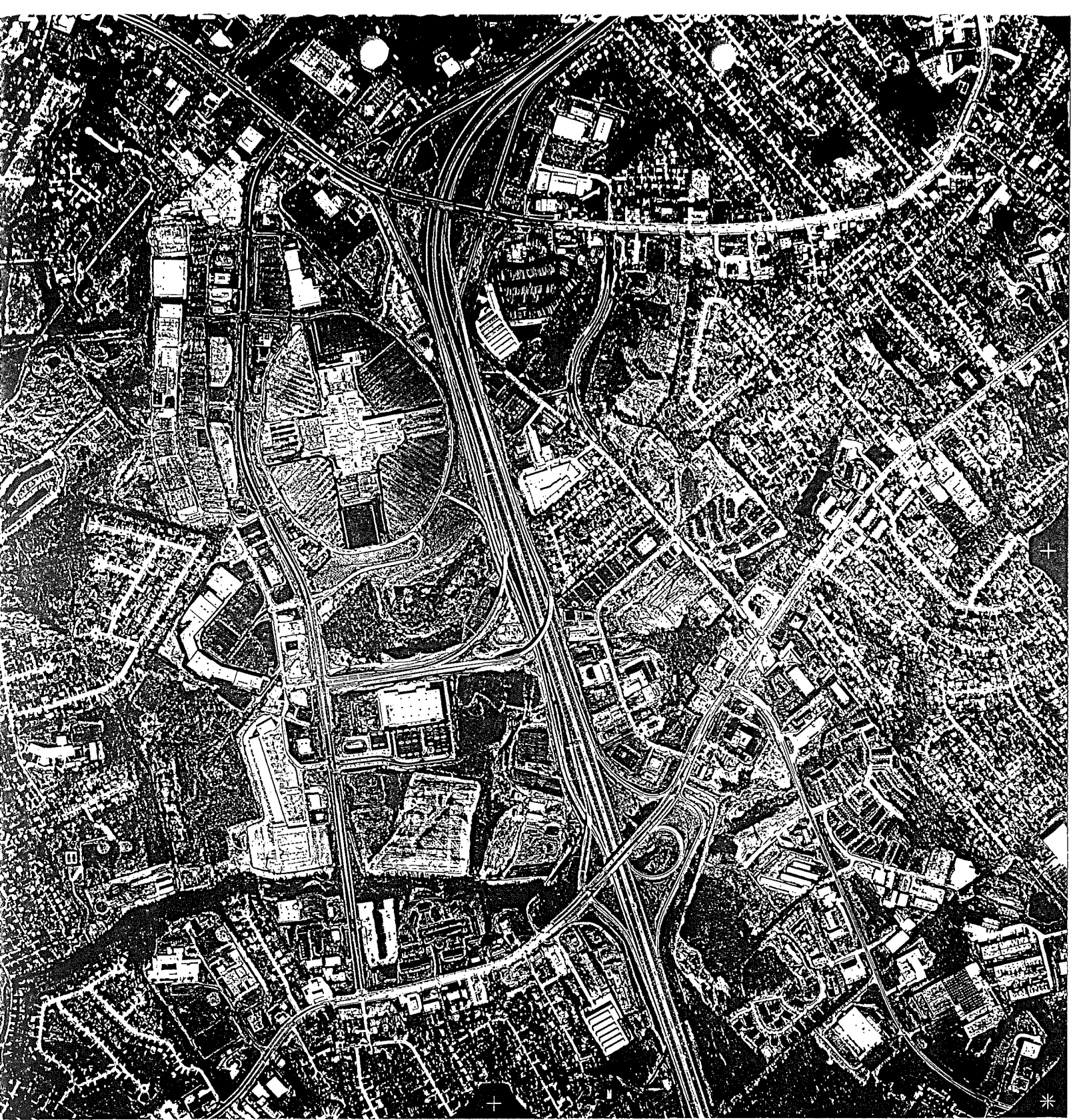


Kevin T. Wall, AICP CDT  
Director, Zoning Services

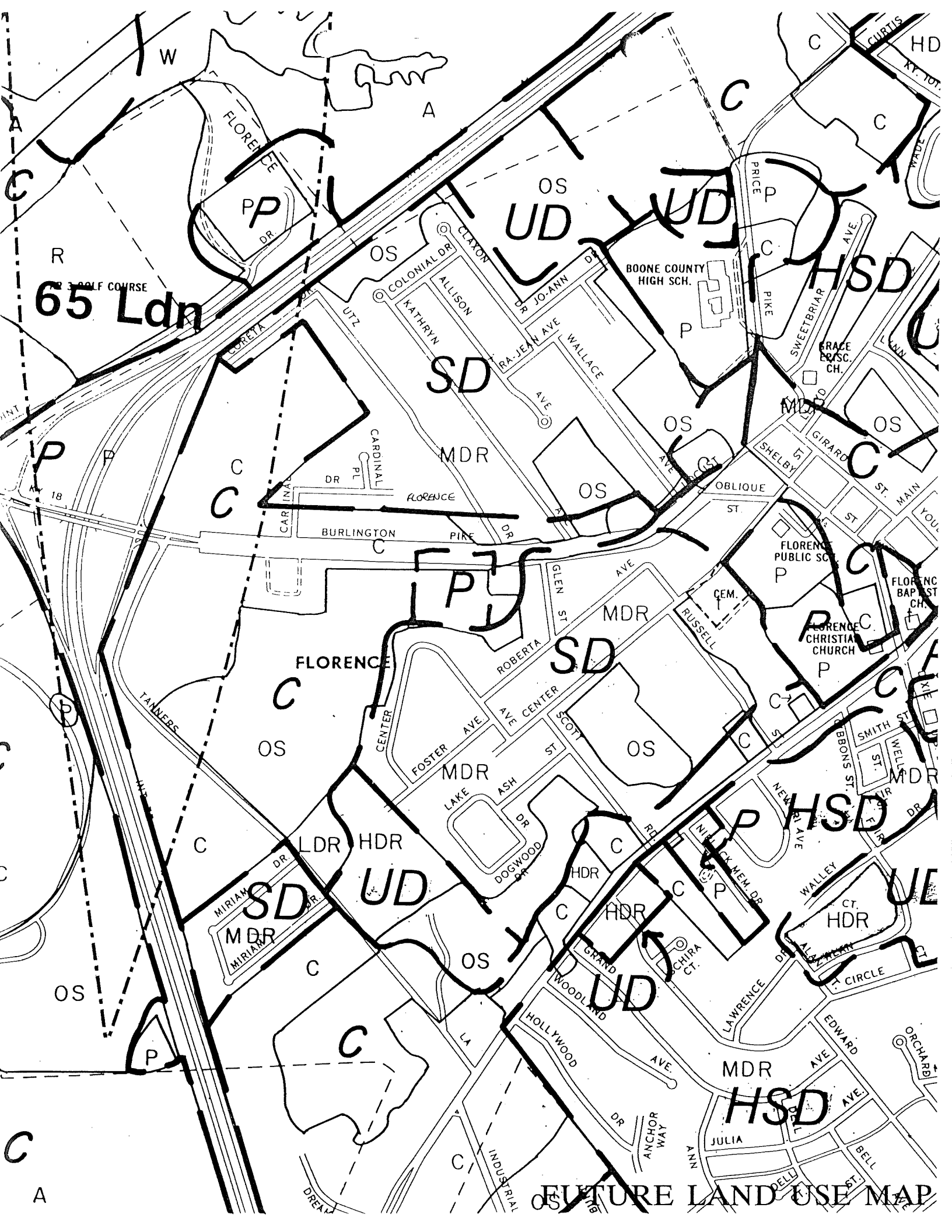
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attachments:

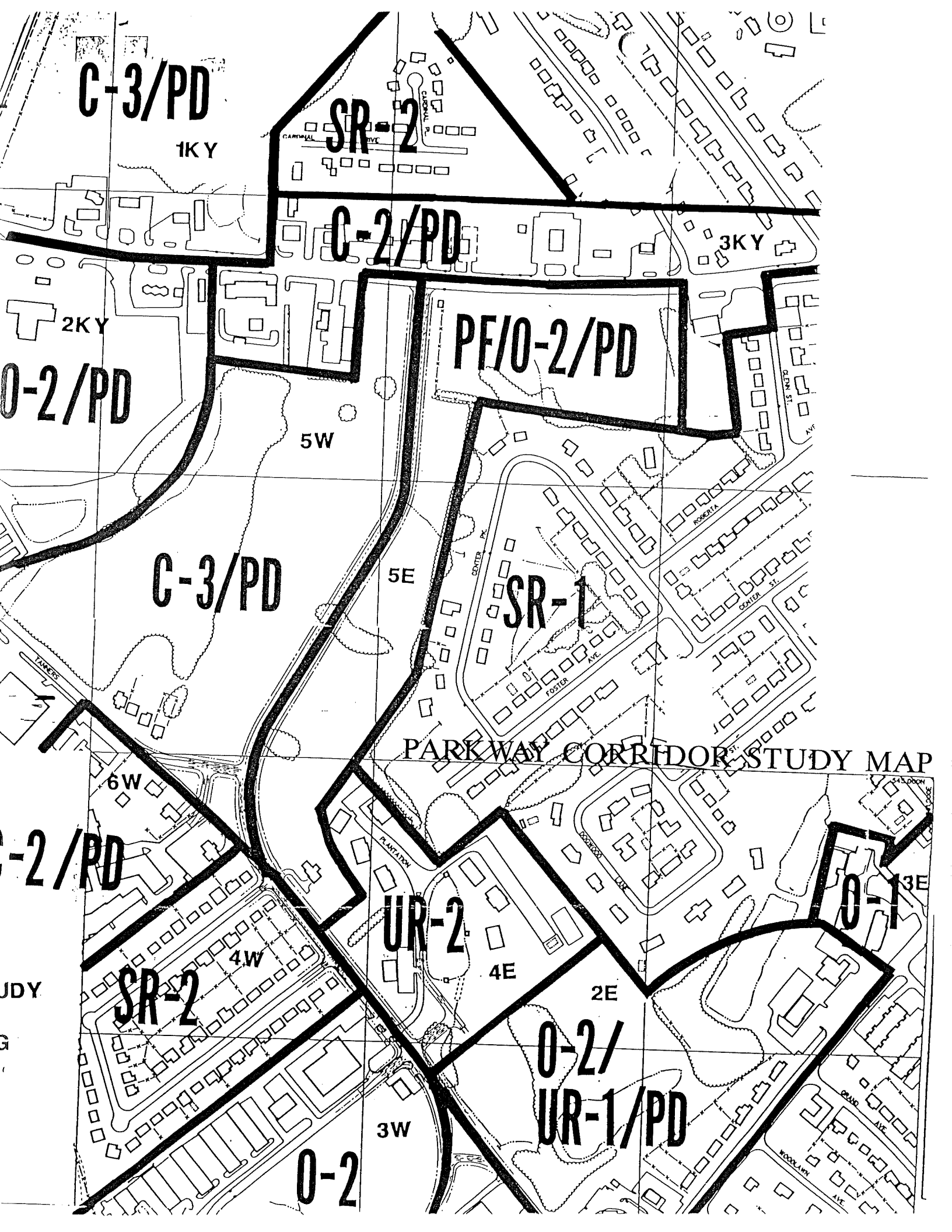
- air photo of area
- Comprehensive Plan Future Land Use Map excerpt
- Parkway Corridor Study Land Use Map excerpt
- Zoning Map excerpt
- application materials



65 Ldn



FUTURE LAND USE MAP



**C-3/PD**

1KY

**SR-2**

**C-2/PD**

3KY

2KY

**O-2/PD**

**PF/O-2/PD**

5W

**C-3/PD**

5E

**SR-1**

**PARKWAY CORRIDOR STUDY MAP**

6W

**C-2/PD**

**UR-2**

**O-1**

JUDY

**SR-2**

4W

4E

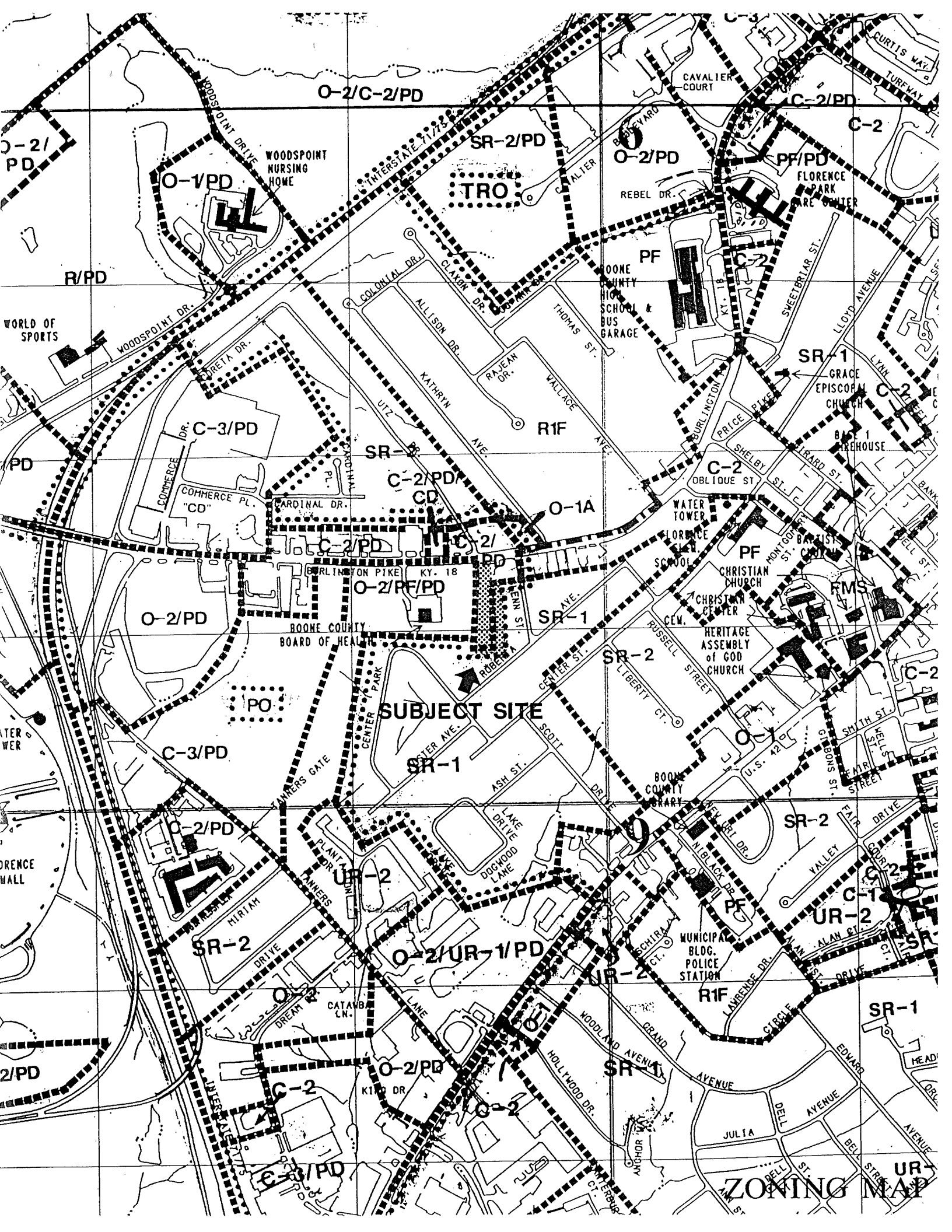
2E

**O-2/  
UR-1/PD**

3W

**O-2**

WOODLAWN AVE



O-2/C-2/PD

O-1/PD

SR-2/PD

TRO

O-2/PD

PF/PD

C-2

R/PD

WORLD OF SPORTS

WOODSPOINT DR.

WOODSPOINT NURSING HOME

INTERSTATE 75

COLONIAL DR.

ALLISON DR.

CLAYTON DR.

THOMAS ST.

WALLACE AVE.

PF

BOONE COUNTY HIGH SCHOOL & BUS GARAGE

REBEL DR.

FLORENCE PARK RECREATION CENTER

SR-1

GRACE EPISCOPAL CHURCH

WAREHOUSE

PD

C-3/PD

COMMERCE DR.

COMMERCE PL. "CD"

SR-1

C-2/PD

CD

R1F

O-1A

C-2

OBLIQUE ST.

WATER TOWER

SCHOOL

CHRISTIAN CHURCH

CHRISTIAN CENTER

HERITAGE ASSEMBLY OF GOD CHURCH

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

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O-2/PD

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O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

O-2/PD

PO

SUBJECT SITE

SR-1

SR-1

SR-2

LIBERTY CT.

RUSSELL STREET

BOONE COUNTY SHARPS

C-3/PD

C-2/PD

SR-2

C-2

C-3/PD

O-2/UR-1/PD

O-2/PD

C-3/PD

SR-2

UR-2

SR-1

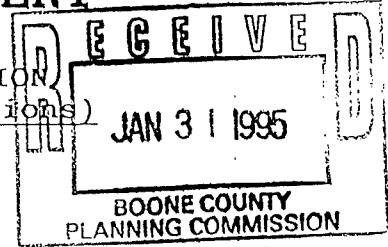
UR-2

ZONING MAP

PV

APPLICATION FORM  
**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 CHINA FOOD RESTAURANT
3. Location of Project 745 - BURLINGTON PIKE
4. Total Acreage of Site 1.66
5. Current Zoning C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) NA
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) PARKWAY CORRIDOR STUDY
8. Proposed Uses (please specify each use) FAMILY DINE IN RESTAURANT
9. Proposed Building Intensities (please specify) 5000 SF BUILDING ON 1.66 ACRES = 3012 SF PER ACRE
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
  - Conditional Use Permit
  - Dimensional Variance SEE CONCEPT PLAN
12. Name of Applicant(s) PING T. LEE
- Phone Number 525-1719 Fax No. 578-2654 AH: WM KRANTZ
13. Address of Applicant(s) 1000 SHADETREE COURT  
FLORENCE KENTUCKY 41042  
 City State Zip
14. Name of Property Owner(s) PING T. LEE (Contract Pending)
- Phone Number 525-1719 Fax No. 578-2654
15. Address of Property Owner(s) 1000 SHADETREE COURT  
FLORENCE, KENTUCKY 41042  
 City State Zip
16. Are there any existing buildings on the site? NO  
 How many? -
17. Deed Book 243 Page No. 75 Group No. 2041
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

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

- N/A Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- N/A Owen County Rural Electric
- N/A Boone County Public Works Department
- ✓ Kentucky Transportation Cabinet *Forest Rankin*
- City of Florence Public Services Department *Jeff Koring*
- N/A Boone County Building Department
- Northern Kentucky Health District
- N/A U.S. Soil Conservation Service
- N/A Local School District
- N/A Local Fire District
- ✓ Other: CITY COORDINATOR Roger Rolles

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County        Walton
- ✓ Florence        Union

21. Applicant's Signature(s) See attached

22. Property Owner's Signature(s) \_\_\_\_\_

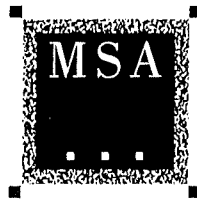
**SECTION B (To be completed by BCPC Staff)**

- 1. Date Received 1-31-95 Fee Received 966.00 R# 5801
- 2. Check what has been submitted:
  - ✓ Application ✓ Fee ✓ Legal Description
  - Concept Development Plan        Addresses of Adjoining Property Owners
- 3.        No. of copies of plan received \*\*
- Is application complete?        YES        NO
- 4. Staff Reviewer \_\_\_\_\_
- 5. Committee Chairperson \_\_\_\_\_
- 6. Scheduled Public Hearing Date \_\_\_\_\_
- 7. Boone County Planning Commission Action:
  - Approved
  - Approved With Conditions
  - Denied
- 8. Other: \_\_\_\_\_

**\*\* Five (5) Copies Required**

Boone County Planning Commission  
 2995 Washington Street  
 Burlington, Kentucky 41005  
 (606) 334-2196 Phone  
 (606) 334-2264 Fax

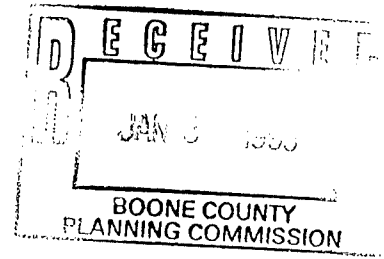
**Note:** See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



30 January 1995

Boone County Planning Commission  
2995 Washington Street  
Burlington KY 41005

Re: **China Food Restaurant**  
Lot No. F1-11-03  
(Between 7445 & 7459 Burlington Pike)  
Florence, Kentucky



Dear Planning Commission Members:

The Owner of China Food, an existing restaurant on Dixie Highway in Florence, is proposing to expand and relocate the business to a new building on the vacant lot between the Ameristop and Health Department along Burlington Pike. The restaurant is an established business based on sit-down dining with some carry-out business. The Owner does not plan to have "drive-thru" service and intends to target lunch and dinner customers for dining-in type service.

The Owner would like to relocate to the proposed site for several reasons:

1. The site will provide the Owner with the space required for additional parking and building size.
2. The location will be adjacent to other uses and zones (office) which when developed should provide additional business, especially during lunch hours.
3. The location will permit easier access from the interstate via Burlington Pike, (though the Owner is not intending to rely on interstate traffic for business).
4. Relocation within Florence will allow the Owner to retain and build an established customer base.
5. The new building will provide the Owner with the ability to design a restaurant which has the proper character for Chinese Food.

#### General Site Characteristics

The Owner of China Food has a conditional contract to purchase the property based on approval of the Concept Plan by the Planning Commission and City of Florence. The site is approximately 1.66 acres of partially wooded lot sloping gently to the south away from Burlington Pike. The property is very narrow where it adjoins Burlington Pike and wider to the south past the Ameristop.

The Ameristop is built adjacent to the property line and has a blank wall facing this property. Dumpsters and loading facilities for the Ameristop are at the back of their building. To the west, the Health Department building is set back from the property line and street. The Health Department buildings and parking are buffered from this property with large areas of landscaping and grass.

The attached Concept Development Plan depicts the Owner's intention for maintaining most of the wooded character of the site to buffer the residential properties to the south and east. The front of the site toward Burlington Pike is presently open with sparse trees and other vegetation.

Drainage for the site will be provided by retention located at the south end of the parking area. Drainage will be routed to natural swails to the south.

The site is highly visible from the west. Burlington Pike takes a gentle dip to the west which exposes this site to eastbound traffic.

#### Transportation Patterns

The Owner plans to provide direct access to Burlington Pike. Traffic leaving the site will utilize designated left and right turn lanes. Primary parking will be behind the building. Truck delivery and dumpster service will be on the east side of the kitchen tucked behind the building, Ameristop and landscaping.

Traffic to and from the site is expected to be during off peak hours (during lunch and after rush hour). Additional traffic congestion along Burlington Pike is not expected.

#### Land Use Characteristics

The existing lot is vacant. The proposed development will add a building, parking and signage to the site. The building will be approximately 4500 to 5000 sf on the 1.66 acre site. The building is anticipated to be a one-story with a sloped roof that should peak between 18 and 25 feet. The final area and height will become apparent when the Concept Development Plan is approved and the design is developed further.

Site lighting will be provided primarily by low level lights along the parking and walkway areas. This will help minimize any light pollution of the surrounding residential properties and will provide an intimate character in line with the overall design concept.

Additional lighting may be used to highlight the character of the building. This lighting may include neon banding, accent uplighting or other appropriate site lighting.

Signage for the business will be primarily a monument sign located at the entrance to Burlington Pike. The sign will be lighted by in-ground uplights or will be internally illuminated.

Boone County Planning Commission  
30 January 1995  
Page 3

The placement of the dumpster, delivery zone and utility items such as condensers and transformers will be designed to be near similar functions of the Ameristop. the design of the site and placement of the building will tend to buffer Burlington Pike, customers of the restaurant and surrounding residences visually from the utility functions of both businesses.

#### Utilities and Infrastructure

All utilities for this site will be brought in parallel with the east property line from Burlington Pike. All utilities including electric and telephone will be underground.

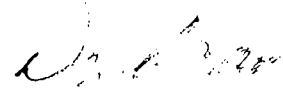
The parking lot and driveway is planned to be asphalt paving. Concrete sidewalks and curbs will border the parking and provide access for pedestrians to the building.

#### Relationship of Proposed Zone Change with Comprehensive Plan

The proposed Concept Development Plan for this site will compliment the intention of the zoning along Burlington Pike. This site is located on the fringe of an area designated to be developed into office buildings and city administration buildings. Restaurants which are "sit-down" versus "fast-food" provide complimenting types of services for these uses. Properly designed, the restaurant will be an asset to the area.

We hope you will consider the proposed Development Plan carefully and will agree that approval for this plan will be a positive step in forwarding the Comprehensive Plan for the area.

Sincerely,



Dwayne L. Boso, AIA

DLB:sv:95604

c: William L. Schwab  
Ping Lee

Revisions

**EAGLE**  
Contracting Inc.  
379 Market Avenue, Oakdale, KY 40221  
318-4444 Fax 318-4128

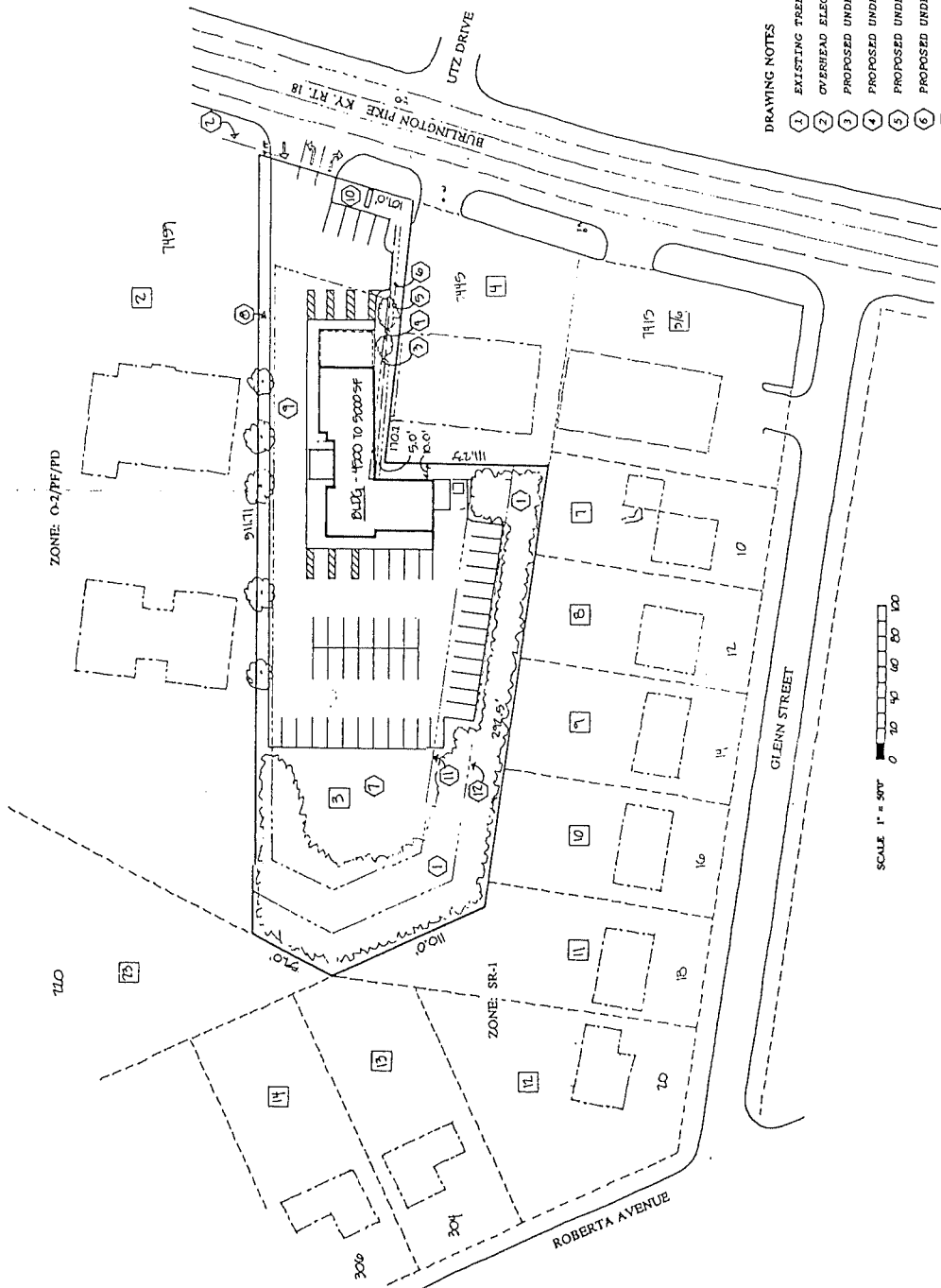
PROPOSED RESTAURANT  
MR. & MRS. PING LEE  
CHINA FOOD  
745 BURLINGTON PIKE  
FLORENCE, KENTUCKY

PRELIMINARY  
SITE PLAN  
FOR  
CONCEPT  
DEVELOPMENT PLAN  
Drawing Title

Drawn By: WM. L. SCD.  
Scale: SCALE 1" = 50'  
Date: JAN. 30, 1995

Drawing Number  
**10**

PLIM. 10



- DRAWING NOTES**
- 1 EXISTING TREES TO REMAIN
  - 2 OVERHEAD ELECTRIC UTILITY ON BURLINGTON PIKE
  - 3 PROPOSED UNDERGROUND ELECTRIC SERVICE
  - 4 PROPOSED UNDERGROUND 4" GAS SERVICE
  - 5 PROPOSED UNDERGROUND 6" SANITARY SERVICE
  - 6 PROPOSED UNDERGROUND 2" WATER SERVICE
  - 7 PROPOSED DRAINAGE RETENTION AREA
  - 8 GRASS/PLANTING AREA, 8'-0" WIDE
  - 9 DRIVEWAY, 25'-0" WIDE
  - 10 SIGN, GROUND MTD., 15'-0" L X 8'-0" H, LIGHTED
  - 11 BUILDING SETBACK LIMITS
  - 12 LANDSCAPE SETBACK LIMITS

**SUBJECT PROPERTY INFORMATION**

- A. ZONED: C-2/PD
- B. EXISTING USE: VACANT PROPERTY
- C. PROPOSED USE: RESTAURANT, DINE IN, FAMILY
- D. SEATING: 90 - 100 PEOPLE
- E. TOPO: LEVEL/SLIGHT SLOPE TO REAR
- F. PARKING: APPROX. 53 CARS
- G. ACREAGE: 1.659

**ADJOINING PROPERTY LEDGEND**

- FI-11-02 7459 BURLINGTON PIKE
- FI-11-03 745 BURLINGTON PIKE
- FI-11-04 745 BURLINGTON PIKE
- FI-11-06 7510 GLENN STREET
- FI-11-07 10 GLENN STREET
- FI-11-08 12 GLENN STREET
- FI-11-09 14 GLENN STREET
- FI-11-10 16 GLENN STREET
- FI-11-11 18 GLENN STREET
- FI-11-12 306 ROBERTA AVENUE
- FI-11-23 220 CENTER PARK STREET

PUBLIC HEARING ITEM NO. 4:

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

Following a short recess, Chairman Viox introduced Agenda Item #4:

4. Applicant: Ping T. Lee (owner by contract)

Request: Utilization of Underlying Zone

The request of Ping T. Lee (owner by contract) for the Utilization of an Underlying Zone in a Planned Development on a 1.66-acre site located on Burlington Pike. The request is to allow a 4,500 to 5,000 square foot restaurant on a site located on the south side of Burlington Pike near Utz Drive, Florence, Kentucky. The site is located in a Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). He noted a correction to the Staff Report on page 1. The Staff Report says "A monument style freestanding sign, with no size or height stated, . . .". He advised that the size is 8' high by 15' wide. Mr. Wall stated that the applicant delivered a schematic elevation to the Staff yesterday, which is a good step in meeting the Staff Concern relative to the building design. He amended Staff Concern #4 to indicate that the size of the monument sign is 8' high by 15' wide. He stated that he would advocate a sign in the range of what is typically allowed in the Houston-Donaldson Study area, particularly to contribute to the boulevard environment that is being advocated in this vicinity.

Chairman Viox asked for the applicant's comments.

Mr. Dwayne Bosson of Michael Shuster and Associates, Architects, representing the applicant, presented an exhibit. He stated that the Staff Concerns are very appropriate and the owner agrees with most of the concerns. He stated that the restaurant is situated at the edge of the planned district area. He reviewed the exhibit. He stated that it is his understanding that the intended development would be offices and things like that and will be developed in the location where most of the car lots are along the KY 18 corridor. They believe that restaurants would tend to further the foot traffic in the area. This type of restaurant would cater more to business type sit-down luncheons and would tend to create foot traffic to the office area. The quality of the restaurant is above some of the other restaurants in the area and would enhance the office development in the area. He referred to the exhibit and stated that the buildings more to the west of this building are larger type office buildings. He stated that a lot of the area has not been developed and the potential is for larger scale buildings. He indicated a building that would provide a scaled down factor towards the residential area. He stated that the exhibit shows a concept of how the building may develop.

Mr. Bosson stated that the building would not be a large office tower looming over the adjacent residences. He stated that they have attempted to preserve as much of the wooded area as possible. The owner does not have a problem with looking into providing additional evergreens for additional buffering of the residential properties. The setback they are asking for occurs only at the throat of the property and as you go more toward KY 18 it opens up and is approximately in the ten-foot range. They are asking for setback relief only in the small area indicated. He stated that the Ameristop property is adjacent to the property line and the dumpster and other services for Ameristop are in their back area. The restaurant services would be in that area also and screening could be provided around them. They could be screened like a four-sided building. In regard to the ingress and egress of the property, he stated that they realize there is an adjacency problem and the owner is willing to work with the other owner for an acceptable solution. In regard to the lighting, he stated that the owner has expressed the desire to have low lights throughout the parking area and not do the higher light fixtures -- which would be more in compliance with the Staff Report. The lower lights would not allow so much light to spill back into the residential area. He stated that the owner is from Florence and would like to keep the customer base he has established in this area for the restaurant.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having comments.

Mr. Mike Lyons, attorney, stated that he was representing people who are opposed to the development. He stated that one of the adjoining residential owners, Mr. Godsey, was not notified of this meeting. Mr. Godsey indicated that he was present. Mr. Lyons questioned if there are other property owners who were not notified.

Counselor Wilson stated that Mr. Godsey was present and, therefore, he was not prejudiced. Kentucky Law says the hearing can proceed. He stated that the applicant has the duty to provide the names of the adjacent property owners and notice is given to those persons. He believes the hearing can proceed as Mr. Godsey and his attorney are present.

Mr. Lyons stated that Mr. Godsey was advised of the hearing by an adjoining property owner, but feels that he could not adequately prepare for the meeting because of the lack of notice.

Mr. Lyons stated that the neighbors are concerned about the traffic and high incidence of auto accidents in this area -- this vicinity of Utz Drive and the Ameristop. They are concerned about the ingress/egress not conforming with what Planning and Zoning has dictated and the setback requirements for the building. There is also concern in regard to the placement and use of the dumpsters and how many there might be. The neighbors are concerned about toxic materials being introduced into the residential neighborhood and the potential to attract rodents and other vermin. They feel that the tree buffer is inadequate to protect and buffer them from this business use, which is likely to be intense and have late night usage. There is concern about the topography. He stated that the ground slopes to the south and noted the location of the proposed

retention pond. He stated that the land is sloping away from the retention pond. There is concern about a building of approximately 5,000 square feet and not knowing how much parking or paving there will be. They are concerned about the amount of stormwater runoff. The City of Florence has not adequately directed or provided for the runoff at this point. The residents are concerned about the signage, which is approximately twice as much as Planning and Zoning is suggesting for the Donaldson Highway and Houston Road corridor. They hope it is not the attitude of the owner to push things to the max. Another concern of the residents is the potential for a subsequent user who might occupy the building if the restaurant did not work out. He stated that Chinese restaurants are intense users of MSG, which is a toxic product to children.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this request.

Mr. Bill Schwale, People Contractors, stated that the retention pond is designed to have catch basins. There is presently a retention pond in the area he indicated on the exhibit. They have not fully developed how to retrieve the water, but can put it in the detention pond or pump it out. He indicated the drainage pattern and stated that the intention is to bring the water back by an underground system. In regard to a rat problem, he stated that it is now a debris filled site with rodents and animals there, but they would clean up everything and have everything contained. They want a low sign, probably not even eight feet high. He stated that there is no problem with the signage. They will probably put a name on the building above the entrance. They are developing the building so that it is not a Chinese restaurant structure. The building will be detailed on the inside and is designed so that if the restaurant would go out of business, someone else could come in with a family type sitdown restaurant or steakhouse. It is not designed to be turned into an office, unless the utilities are ripped out. He stated that he could not address the MSG issue. He stated that the berming and pine trees is a good buffer. The restaurant is not open until midnight and is more in the family range.

Mr. Gary Godsey, 220 Center Park Drive, stated that his property abuts this property and the Willet Center and the Boone County Health Center. There were several development proposals that were not approved there. There were restrictions on the health center regarding the buffering on the back where it adjoins his property. A couple of years later, the Compucare Health Center was approved by City Council because it was conducive to the Boone County Health Center and complimented the area. There were restrictions regarding the berm/buffer area. The buffer was to be 8' to 12' high. He stated that it is about 100 feet wide from the back of his property going out towards KY 18. Prior to Compucare, City Council did not approve proposals for apartment complexes, Barleycorn's restaurant, a LaRosa's with a liquor store and another restaurant with a courtyard. He stated that this property is very wide in comparison with the other two pieces of property. He thinks the berm in the back is only about 50 feet. Mr. Bosson advised that it is about 75 feet. Mr. Godsey stated that, unlike the Boone County Health Center, he does not see where

a restaurant is conducive or compliments the area where the properties already exist.

Mr. Bill Kratz, West Shell Realtors, representing Ping Lee as a buyer's agent, stated that he is also speaking as a resident of Florence. He stated that Ping Lee is a resident of Florence and wants to continue expanding. Mr. Lee is in business with his brother-in-law at the China Foods Restaurant on Dixie Highway and would like to go out on his own with a more formal sitdown restaurant. He stated that after going through the zoning book and studying the Planned Development Overlay, it seems that the preferred use is office with the Tanner's Gate, proposed city building, the surrounding restaurants, the truck stop, Waffle House, Famous Recipe, and the national chains. He stated that a quality local restaurant would be an ideal spot for a business luncheon for the office uses and additional franchise restaurants are not needed in Florence. He stated that the current hours of operation are 11 A.M. to 9:30 P.M. and Mr. Ping wants to continue those hours. He noted that the bulk of the business is during the lunch hour.

Mr. Schwale distributed copies of the plan to the Commission.

Counselor Wilson advised that Mr. Wall had shown him the receipt showing that certified mail was sent to the Godsey's, but there is not a receipt showing the letter was received. He noted that there was notice on the property and in The Boone County Recorder. He stated that the Commission had done its duty in sending out notice to the Godsey's.

Chairman Viox asked if there were any further comments from the Commission.

Mr. Damstrom questioned the maximum height of the structure and asked if there is intent to fence the retention pond in the back.

Mr. Bosson advised that the building is approximately 24 feet at the highest point of the hip roof. He stated that they plan a dry retention pond that will only fill during periods of rain but, if required, they have no problem fencing it.

Mr. McMillian asked if there are sidewalks down KY 18. Chairman Viox advised that there are. Mr. McMillian stated that he was wondering how people would walk from the health center.

Mr. Bailey questioned the space between the back yard on Glenn Street and the parking spaces. Mr. Bosson stated that it is 25 feet, and it is 125 feet to the back side. Mr. Bailey questioned what is planned in the 25 feet. Mr. Bosson stated that there is a lot of wooded area in there now and advised that the Staff had suggested to them that pine trees and berming occur. He stated that they would maintain the existing wooded condition as well. Mr. Bailey stated that buffering would be a requirement and, if there are not trees there, they should considering putting trees in that area.

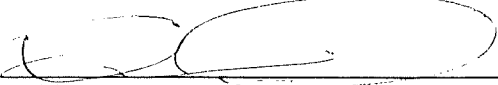
Mrs. Arnett asked if the applicant is suggesting that the southern corner of the Ameristop building be five feet from their building. Mr. Schwale

stated that they are 1' to 1.5' off the property line and there would be approximately 8 feet there. Mr. Bosson indicated this on the plan. Mrs. Arnett asked how far the buildings would be from each other. Mr. Bosson stated that they would be approximately 8 feet apart.

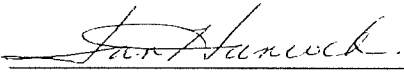
There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. on the third floor of the Administration Building.

The Chairman closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
BOONE COUNTY ADMINISTRATION BUILDING  
March 15, 1995  
8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey  
Mr. Robert Ries

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Dave Geohegan, AICP  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall

review, the Committee will be looking at the Design Review. Once it gets to the Site Plan stage, it would go to the Site Plan Committee. Mr. Burch stated that that was the Committee's intent. He suggested taking the word "site" out of "concept site plan".

Mr. Kirby asked if the Site Plan Committee will see the Design Review. Mr. Costello advised that the Zone Change Committee is very familiar with the project and may have a lot of concerns. He noted that there was a lot of scrutiny of Rivershore Farms Subdivision and a condition was built into that approval giving the Zone Change Committee the authority to review any changes. The intent was to have one committee that was familiar with the original request look at the concept and the design features of the proposed use. He stated that the Zone Change Committee wants to give their approval and then turn it over to the Plan Review Committee for their review of the Site Plan only. Mr. Kirby stated that the only Design Review will be at the Zone Change Committee. Mr. Costello agreed. He advised that "Concept Site Plan" should be "Concept Plan".

Mr. Wall advised that "Concept Site Plan" was specifically chosen in order not to be confused with a Concept Development Plan. Mr. Costello advised that there is no definition of "Concept Site Plan" and the term "Concept Plan" should be used.

Counselor Wilson stated that if this becomes a zone change, the applicant will submit a Concept Plan and a Design Review Plan to the Zone Change Committee. After that, the matter will go to the Site Plan Committee. The Site Plan Committee's authority is not being reduced and they will conduct their review as they would any other Site Plan Review, and they may include some design questions. Mr. Burch stated that this is his understanding. Mr. Millay agreed. Counselor Wilson asked if this is also the applicant's understanding. The applicant responded "yes".

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

5. Utilization of Underlying Zone

The request of Ping T. Lee (owner by contract) for the Utilization of an Underlying Zone in a Planned Development on a 1.66-acre site located on Burlington Pike. The request is to allow a 4,500 to 5,000 square foot restaurant on a site located on the south side of Burlington Pike near Utz Drive, Florence, Kentucky. The site is located in a Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

**EXHIBIT "B"**

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: March 15, 1995

RE: Request of Ping T. Lee (owner by contract) for the Utilization of an Underlying Zone in a Planned Development on a 1.66 acre site located on Burlington Pike. The request is to allow a 4,500 to 5,000 square foot restaurant on a site located on the south side of Burlington Pike near Utz Drive, Florence, Kentucky. The site is located in a Commercial Two/Planned Development (C-2/PD) zone.

### REMARKS:

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

### FINDINGS OF FACT

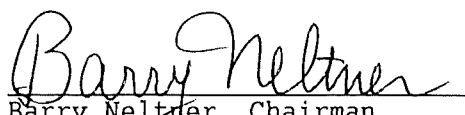
1. This request, along the attached conditions, is in conformance with the 1990 Boone County Comprehensive Plan, which recommends commercial land uses for the site, and the 1995 Boone County Comprehensive Plan Goals and Objectives. The request is also in conformance with the Parkway Corridor Study's land use recommendations.
2. The attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan, the Parkway Corridor Study, and to mitigate foreseeable community impacts that would be created by the proposal. The applicant has signed a letter agreeing to these conditions.

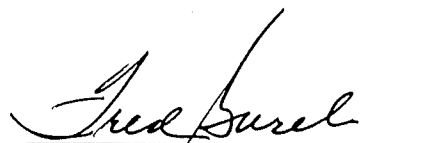
### CONDITIONS

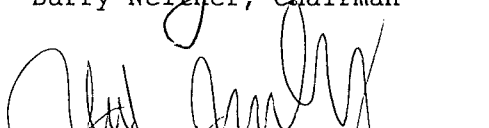
1. The architectural design of the proposed structure shall be subject to design review by the Planning Commission's Staff to assure compatibility and appropriateness with the adjacent areas, and to assure that the structure will provide an overall high quality design. This design review will be conducted as part of the Site Plan procedure. The structure shall: incorporate masonry elements and earth tones that relate to the adjacent commercial structures; use consistent detailing, materials, and architectural forms on all facades to avoid the creation of a "back side" of the building; and, use a scale and design characteristics that are sensitive to the adjacent residential structures.

2. Bollard style fixtures shall be used for any freestanding site lighting.
3. Continuous landscape screening shall be provided between the building and the parking area, and the residential lots along Glen Street. A continuous shrub screen shall be provided between the parking area along KY 18 and the KY right-of-way so that glare from any headlights within the parking area is screened from the right-of-way. All screening shall be subject to review and approval by the Planning Commission's Staff through the Site plan procedure.
4. The freestanding sign shall be monument style and shall be limited to 8 feet in height and 60 square feet in area.
5. A joint access with the adjoining Ameristop property, or a driveway connection to the adjoining Ameristop property, shall be provided subject to a mutual agreement between the pertinent property owners. Any joint access arrangement between the two properties shall be subject to review and approval by the Planning Commission's Staff.
6. The loading area, dumpster, and any exterior mechanical equipment shall be completely screened. Any fences or walls used for screening shall use materials and design details that are architecturally compatible with the building.
7. At least three large canopy trees and/or large evergreen trees shall be provided within the rear parking area and/or within the open space area that is immediately south of the rear parking area.

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.

  
Barry Neltner, Chairman

  
Fred Burch

  
Robert Millay

  
Phil Damstrom

\_\_\_\_\_  
William Bailey

  
Donald McMillian

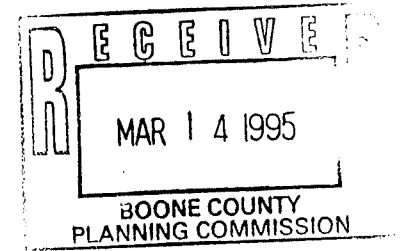
## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



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

March 8, 1995



Mr. Ping T. Lee  
c/o Bill Kratz  
West Shell Realtors  
10 Crestview Hills Mall Road  
Crestview Hills, KY 41017

FAX: 578-2654

RE: Recommended Conditions of Approval for Utilization of an Underlying Zone in a Planned Development, Burlington Pike, Florence, Kentucky

Dear Mr. Lee:

The following represents the conditions of approval as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 p.m., Wednesday, March 15, 1995.

## Conditions of Approval

1. The architectural design of the proposed structure shall be subject to design review by the Planning Commission's Staff to assure compatibility and appropriateness with the adjacent areas, and to assure that the structure will provide an overall high quality design. This design review will be conducted as part of the Site Plan procedure. The structure shall: incorporate masonry elements and earth tones that relate to the adjacent commercial structures; use consistent detailing, materials, and architectural forms on all facades to avoid the creation of a "back side" of the building; and, use a scale and design characteristics that are sensitive to the adjacent residential structures.
2. Bollard style fixtures shall be used for any freestanding site lighting.
3. Continuous landscape screening shall be provided between the building and the parking area, and the residential lots along Glen Street. A continuous shrub screen shall be provided

Mr. Ping T. Lee  
March 8, 1995  
Page 2

between the parking area along KY 18 and the KY right-of-way so that glare from any headlights within the parking area is screened from the right-of-way. All screening shall be subject to review and approval by the Planning Commission's Staff through the Site plan procedure.

4. The freestanding sign shall be monument style and shall be limited to 8 feet in height and 60 square feet in area.
5. A joint access with the adjoining Ameristop property, or a driveway connection to the adjoining Ameristop property, shall be provided subject to a mutual agreement between the pertinent property owners. Any joint access arrangement between the two properties shall be subject to review and approval by the Planning Commission's Staff.
6. The loading area, dumpster, and any exterior mechanical equipment shall be completely screened. Any fences or walls used for screening shall use materials and design details that are architecturally compatible with the building.
7. At least three large canopy trees and/or large evergreen trees shall be provided within the rear parking area and/or within the open space area that is immediately south of the rear parking area.

Sincerely,

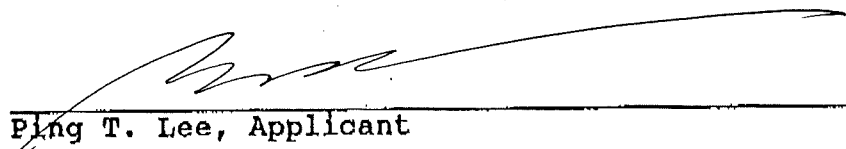


Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

**Agreement**

I, the applicant, agree to the above listed conditions of approval for the requested Utilization of an Underlying Zone in a Planned Development for the approximately 1.66 acre tract located on the south side of KY 18, Florence, Kentucky.

  
Ping T. Lee, Applicant

3/13/95  
Date

FLORENCE CITY COUNCIL

MINUTES - REGULAR MEETING

JUNE 13, 1995

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, June 13, 1995 at 7:30 p.m. in the Florence Municipal Building with Councilmember Hudson presiding in the Chair. Councilmember Hudson advised that Mayor Kalb was ill and that Vice Mayor Metzger was out of town. Councilmember Hudson called for a motion to appoint a Chairman for the meeting. Councilmember Osborne moved, with second by Councilmember Howard that Councilmember Hudson Chair the meeting. Council approved by unanimous vote.

Chairman Hudson called the meeting to order and declared the Regular Session to be open for the presentation of all City Business.

The roll was called and the following members registered present: Mel Carroll, Robert O. Hay, Carl Howard, William Hudson, and David A. Osborne. Absent was Dr. Ferd Metzger.

Also present were City Coordinator Roger Rolfes, City Attorney Hugh O. Skees, Finance Director Ronald Epling, Assistant Police Chief Thomas Kathman, Public Services Director Jeffrey Koenig, Fire/EMS Chief Richard Albers, Assistant Fire/EMS Chief James Butler, City Clerk Betsy R. Conrad, Assistant City Clerk Marlene Brown, Police Officers Washington, Cloyd, Davis, White, Starnes Humbert and several employees from the Water and Sewer Department.

Chairman Hudson called for a motion to approve the minutes of the May 23, 1995, Regular Meeting of Council. Councilmember Carroll so moved, with second from Councilmember Hay and unanimous approval of Council.

Chairman Hudson called for a motion to approve the minutes of the May 30, 1995, Special Meeting of Council. Councilmember Carroll so moved, with second from Councilmember Howard and unanimous approval of Council.

Chairman Hudson presented the following Ordinance for second reading:

ORDINANCE NO. 0-8-95: AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT FOR A 1.66 ACRE SITE ON THE SOUTH SIDE OF BURLINGTON PIKE NEAR UTZ DRIVE ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), IN THE CITY OF FLORENCE, KENTUCKY. (PING T. LEE PROPERTY)

Chairman Hudson then read the following Summary of the Ordinance: This Ordinance approves a proposed restaurant use on particular property located in a C-2/PD zone. The restaurant use approval is subject to a development plan submitted and reviewed as required on property containing a planned development overlay zoning district. The development plan shows a 4,500 to 5,000 square foot restaurant. This Ordinance adopts the findings and conditions contained in the recommendation from the Boone County Planning Commission and all of the provisions contained in the development plan submitted for the proposed use.

Councilmember Carroll moved, with second from Councilmember Howard, that Ordinance No. 0-8-95 be approved on second reading and be published in accordance with the law. Roll call vote was taken. Voting Yes: Councilmembers Howard, Carroll, Hudson, Hay. Voting No: Councilmember Osborne. Council approved by a vote of four (4) to one (1).

Chairman Hudson presented the following Ordinance for first reading: