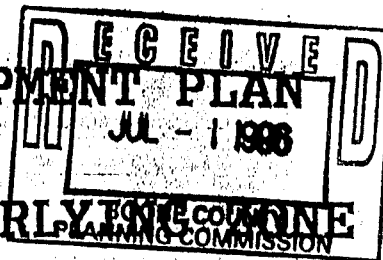


CHANGE IN CONCEPT DEVELOPMENT PLAN

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:

X 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 Sofa Express

3. Location of Project Houston Lakes Center-Houston Rd & Spiral Drive

4. Total Acreage of Site 1.78

5. Current Zoning C2 / O2

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) See attached

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) Yes - Houston Donaldson Corridor

8. Proposed Uses (please specify each use) Retail Building

9. Proposed Building Intensities (please specify) _____

20,050 SF on 77,536 SF (1.78 Ac)

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:

No Conditional Use Permit

No Dimensional Variance

12. Name of Applicant(s) David E. Estes Engineering

Phone Number 342-6100 Fax No. 342-8725

13. Address of Applicant(s) 7075 Industrial Road

Florence KY 41042
City State Zip

14. Name of Property Owner(s) Northern Kentucky Management, Inc.

Phone Number 292-6809 Fax No. 292-0593

15. Address of Property Owner(s) P.O. Box 1670

Ninth & Towell Streets, Newport, KY 41072
City State Zip

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

17. Deed Book 402 Page No. 22 Group No. 2033 B

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

(over)

EXHIBIT "A"

STAFF REPORT

Request of David E. Estes Engineering (applicant) for Northern Kentucky Management, Inc. (owner) for a Change in concept Development Plan for a 1.78 acre site located on the southeast corner of the intersection at Houston Road and Spiral Drive, Houston Lakes Subdivision, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail structure in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone.

July 24, 1996

Location

(Sheet 1-Location Map)

The site is located at the southeast corner of Houston Road and Spiral Drive in the Houston Lakes Development which is within the Houston Donaldson Study area.

Surrounding Land Uses and Zoning

(Sheet 2-Zoning Map)

North of the site is Turfway Business Park which includes Wal-Mart, Star Bank, and Sam's Club, zoned C-2/PD.

East of the site is Meijer and Best Buy both in the Houston Lakes Development, zoned O-2/C-2/PD.

South of the site is Kohl's department store, Office Max and Media Play, also in the Houston Lakes Development, zoned O-2/C-2/PD.

West of the site is the Furniture Fair Gallery and another lot which has been approved for another furniture store.

Request

(Sheet 3-Concept Development Plan)

The applicant is requesting a Change of the Approved Concept Development Plan for the southeast corner lot along Houston Road and Spiral Drive of the Houston Lakes Development. The Concept Development Plan approved in 1990 and revised in 1993 indicates the lot developing as a high turnover restaurant use (Don Pablo's). The proposed change of the Concept Development Plan would be for 1.78 acres of the existing 1.914 acre lot. The size of the proposed building is 20,050 square feet with the building facades situated diagonally with Houston Road. 104 parking spaces are proposed and predominantly located along the property lines with Houston Road and Spiral Drive. The

Concept Development Plan shows two curb cuts along the access drive off Spiral Drive. A Traffic Impact Analysis was submitted for the Change of Concept Development Plan in 1993. The amount of traffic generated for a high turnover restaurant during peak hours, according to the study, averaged out to 117 trips an hour. The proposed use, a furniture store would generate approximately 7 trips an hour according to Trip Generation, 1991 (Sheets 4 & 5).

Site History and Characteristics

1987 Request of Buchanan Development Corporation for a Zoning Map Amendment and Concept Development Plan request for a shopping center (Houston Lakes).

Adoption of the Houston-Donaldson Study by the Boone County Planning Commission.

The Buchanan request is revised to a mall concept, and the Planning Commission recommends approval with conditions.

The City of Florence holds a Public Hearing on the Buchanan request and tables action indefinitely.

1988 The City of Florence adopts the Houston-Donaldson Study.

Buchanan withdraws its request from consideration by the City.

Buchanan initiates a series of pre-application meetings with the Technical Committee of the Planning Commission in an attempt to show that a new Buchanan plan is consistent with the Houston-Donaldson Study, thereby avoiding the public hearing process.

1989 The Technical Committee and Planning Commission find that the new Buchanan plan is not consistent with the Houston-Donaldson Study and needs a Public Hearing.

Northern Kentucky Management (Newport Steel) buys the 101 acre site.

A second Buchanan and NKS application is reviewed and denied by the Planning Commission and City of Florence because it failed to address potential impacts of the development.

1990 A third Buchanan and NKS request for Concept Development Plan approval is reviewed and approved with conditions by the Planning Commission and City of Florence. The 27 acre TOLD site was approved as office uses and was required to be nationally marketed as such.

1992 The 1992 Houston-Donaldson Study is updated and adopted. The Study incorporated the approved 1990 Concept Development Plan with its conditions and requires that any major changes to that plan be reviewed as a Change in Approved Concept Development Plan.

1993 A Change in Concept Development Plan to construct commercial retail on a previously approved professional office site is requested and approved on a 27 acre site located in the Houston Lakes Development (Sheet 6-1993CofCDP).

Preliminary and Improvement Plans are reviewed and approved for the 101 acre Houston Lakes site. A site plan is approved for the 33 acre Meijer's site.

1994 A site plan is approved for Don Pablo's restaurant (Sheet 7-1994 Site Plan).

A site plan is approved for Kohl's store along with Office Max and Media Play.

1995 Design Review is given approval for Don Pablo's restaurant on this site.

Site plans are approved for Best Buy and Studio Plus Hotel.

The 1.78 acre site has been graded flat, has no vegetation other than grass, and has approximately 250 feet of road frontage along Houston Road. Spiral Drive has approximately 380 feet of road frontage.

Relationship To The Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as being "*Commercial*".

The Land Use Element, page 227 of the Boone County Comprehensive Plan states that development along the Houston Road area west of Interstate 75, should follow the guidelines of the Houston-Donaldson Study.

Relationship to the Houston Donaldson Study

The Houston Donaldson Study, which is broken into 29 specific sites, refers to the Houston Lakes Development as Site 9 (Sheet 8 & 9). Page 30 of the Houston-Donaldson Study states that Site 9 is subject to an approved Concept Development Plan of commercial and office development, approved in 1990. This Concept Development Plan indicates the site developing as a high turnover restaurant use (Sheet 10-1990 CDP).

The Houston-Donaldson Study states that "Commercial uses shall be designed in an innovative manner that creates prominent landscaping areas (p. 7)".

Specific development guide lines of the Houston-Donaldson Study that relate to this request state:

"Buildings shall be placed on a site so that a) building frontages are diagonal to the street where possible, b) large blank building walls are partially screened with vegetation or made visually less intrusive with architectural treatment, and c) landscaping and planting spaces are created" (p.55).

"A minimum 20 foot landscaped setback should be maintained between the parking area and the public right-of-way" (p.55).

"Consistent with the previous approvals of Concept Development Plans in the Study Area, all commercial, office, and industrial developments shall contain a minimum of 22 percent of the development site as permanent green space" (p.55).

Conditions that previously apply

1990

Development of the proposed outlots along Houston Road shall be consistent in design with the submitted Concept Development Plan in terms of diagonal building orientation to Houston Road.

Access is to occur off of secondary site drives.

Each site will contain approximately 22 percent green space.

All signage within the development shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign Regulations.

1993

Tree plantings and landscaping shall be provided along Spiral Drive, as approved in the Houston Lakes Improvement Plan.

Staff Concerns

1. Staff suggests that all conditions which applied to the previous Concept Development Plan, pertaining to this site, be maintained as conditions to any changes of a new Concept Development Plan.
2. As part of the Houston-Donaldson Study area, the applicant is required to participate in a design review of all architectural features proposed on the site including signage. All building facades including service areas (back of the building), should be treated equally in terms of design, aesthetics, and materials used. The service areas should also be screened so as not to be visible from Houston Road or Spiral Drive.
3. The Boone County Zoning Regulations require interior and exterior landscaping for all parking areas in excess of 100 lots. The Concept Development Plan indicates a total of 104 parking spaces on the site. Staff suggests that the applicant incorporate in the design of the site, the 22 percent green space, the minimum 20 foot landscaped setback between the parking areas and the public rights-of-way, and all other landscaping requirements of the Boone County Zoning Regulations and the Houston Donaldson Study.
4. Staff suggests that the building be shifted more towards the middle of the site, in order to reduce the amount of parking immediately adjacent with Houston Road and Spiral Drive where the site is so highly visible. Doing so would also create a larger area between the access road and the rear of the building that would enable the service area/back of the building to be more adequately screened.

Conclusion:

This request needs to be evaluated by the Boone County Planning Commission and the City of Florence terms of the criteria necessary for approving a Change of Concept Development Plan as stated in Article 3, "Amendment", of the Boone County Zoning Regulations, the intent of Article 15, Planned Development District of the Boone County Zoning Regulations and the intent of the Houston Donaldson Study. If recommended by the Planning Commission and the City of Florence, the Future Land Use Map would not need to be amended.

Respectfully submitted,



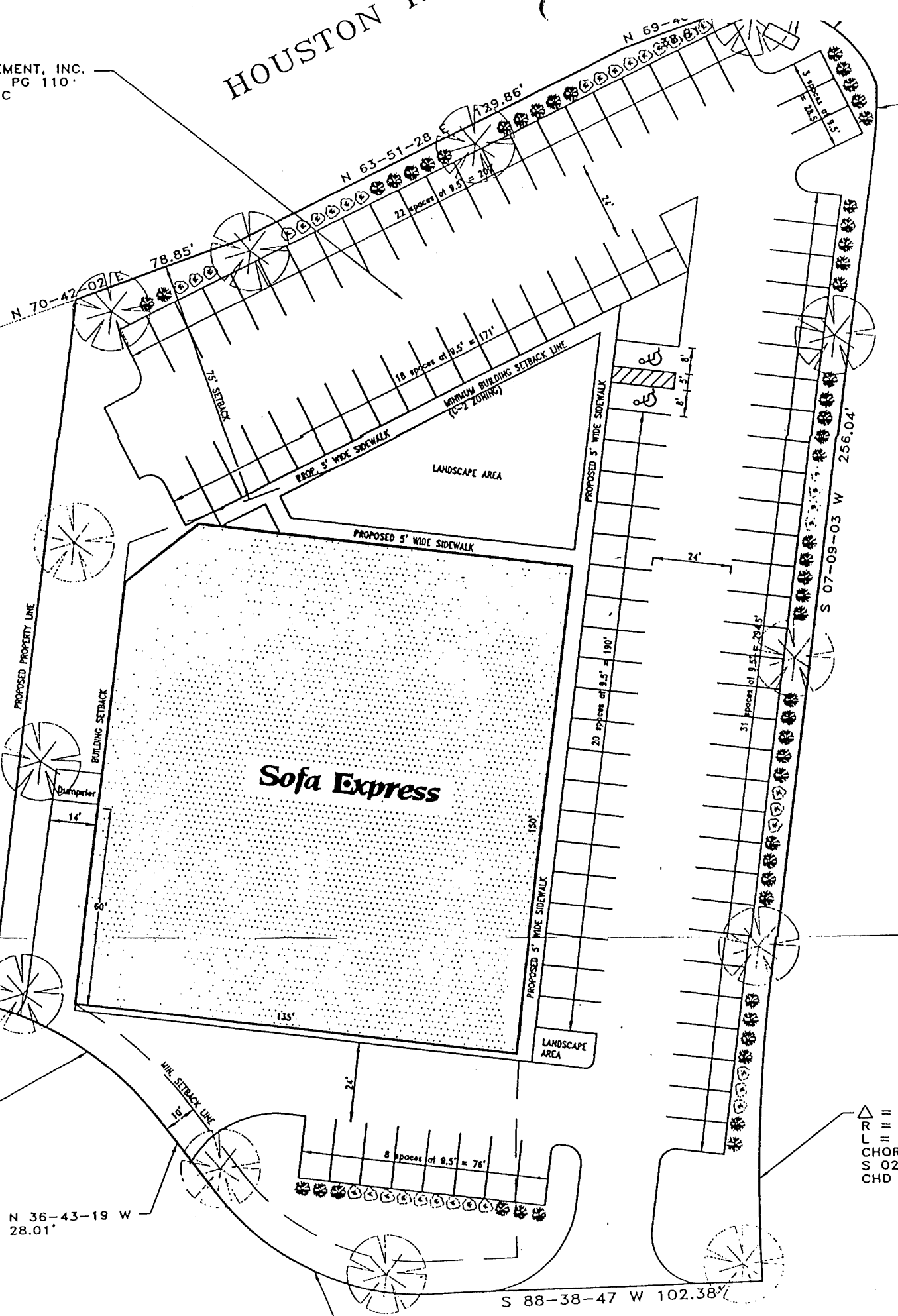
Edward Coleman
Planner

EC\par

HOUSTON ROAD

OF
MANAGEMENT, INC.
JB 523, PG 110
CEL 17C

S 07-09-03 W 203.98'



△ = 49-32-52
 = 100.00'
 = 86.48'
 CHORD BEARING
 < 61-29-45 W
 CHD = 83.81'

N 36-43-19 W 28.01'

△ =
 L =
 CHOR =
 S 02 =
 CHD

FORECAST TRIP GENERATION

A forecast of trip ends to be generated by the proposed development was prepared using the Institute of Transportation Engineer's Trip Generation Manual (Fifth Edition) as the basic source of reference. Specifically, ITE categories #820 (Shopping Center), #832 (Sit-down restaurant--high turnover) and #912 (Drive-in Bank) were used to forecast new traffic associated with this development.

Due to the nature of the internal connections of the circulation system associated with the proposed Meijer Store, traffic associated with the Meijer development was incorporated in the analysis contained in this report. Table 1 summarizes the forecast trip generation for the proposed development.

**TABLE I
TOLD DEVELOPMENT
TRIP GENERATION**

Anchor A		120,000					
Anchor B		70,000			AM		PM
Anchor C		<u>80,684</u>	<u>ADT</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
TOTAL SHOPPING CENTER		270,684 SF	13,168	184	115	618	619
Outlot A	Sit-Down Rest.	7,000 SF	1,437	55	55	58	66
Outlot B	Drive In Bank	5,000 SF	<u>1,195</u>	<u>24</u>	<u>20</u>	<u>104</u>	<u>113</u>
	Subtotal (Told Development)		15,800	263	190	780	798
Meijer		240,000 SF	<u>12,214</u>	<u>171</u>	<u>100</u>	<u>573</u>	<u>573</u>
	Total Trip Ends		28,014	434	290	1,353	1,371

Furniture Store (890)

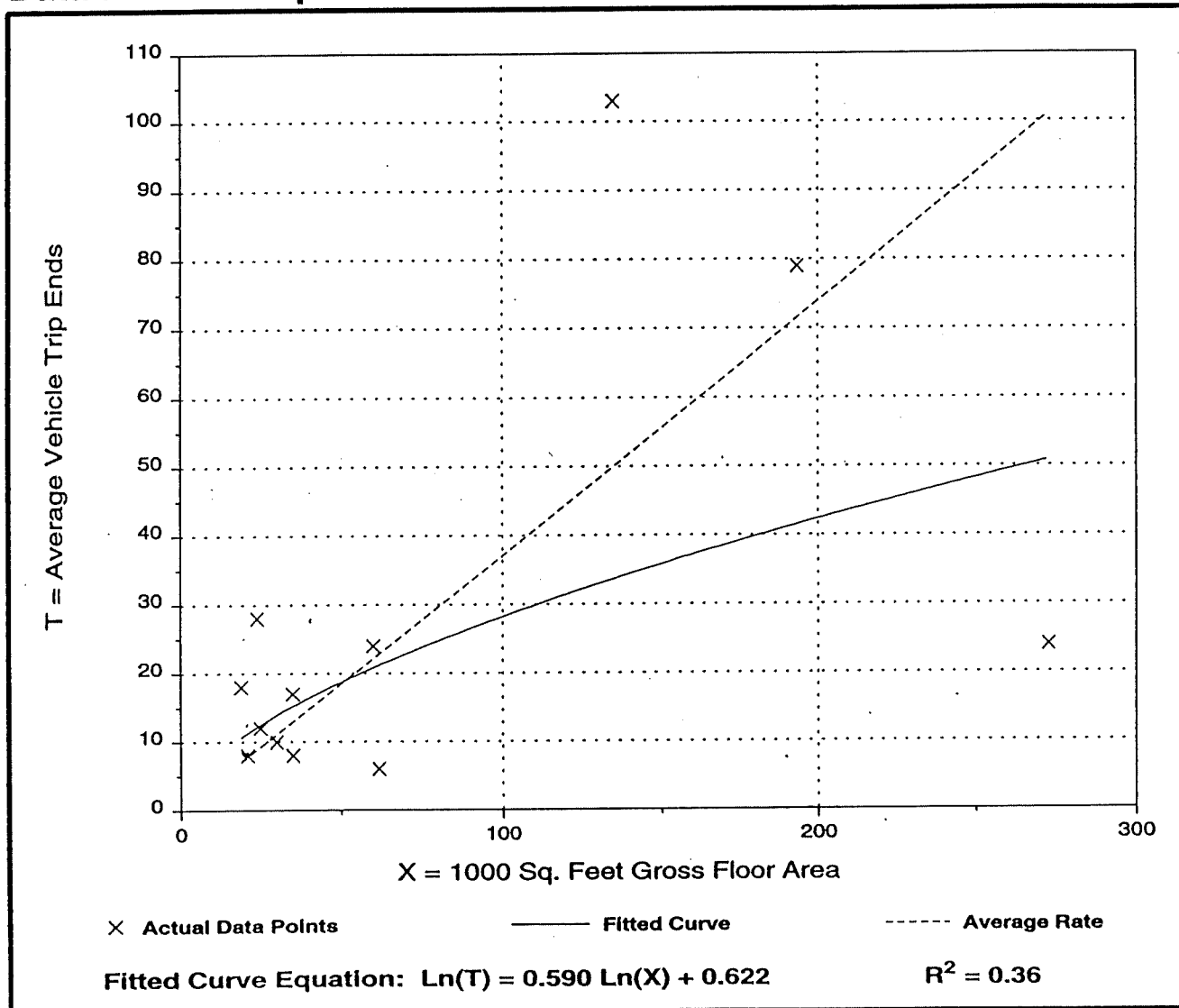
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour of Generator

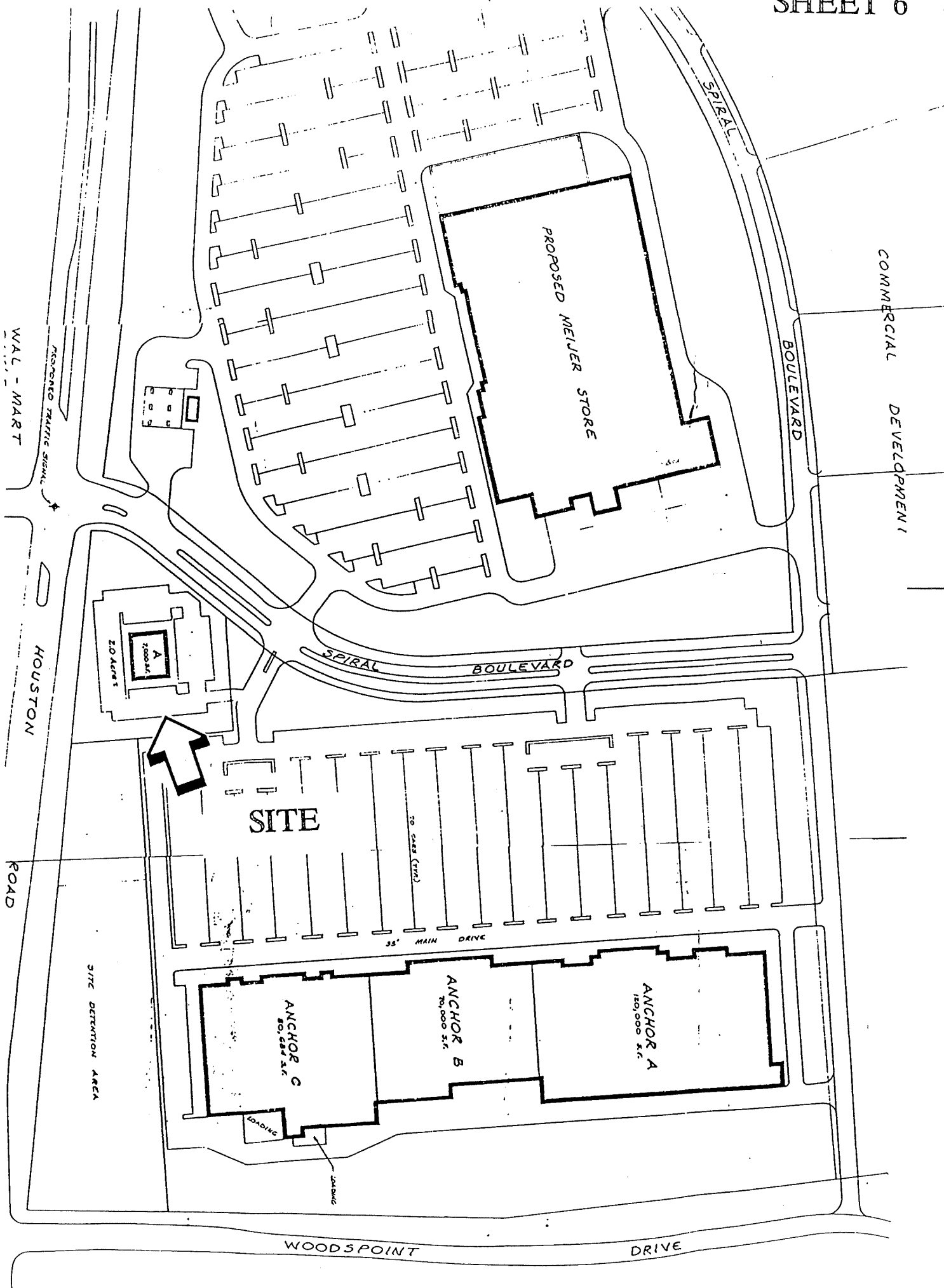
Number of Studies: 12
 Average 1000 Sq. Feet GFA: 76
 Directional Distribution: 63% entering, 37% exiting

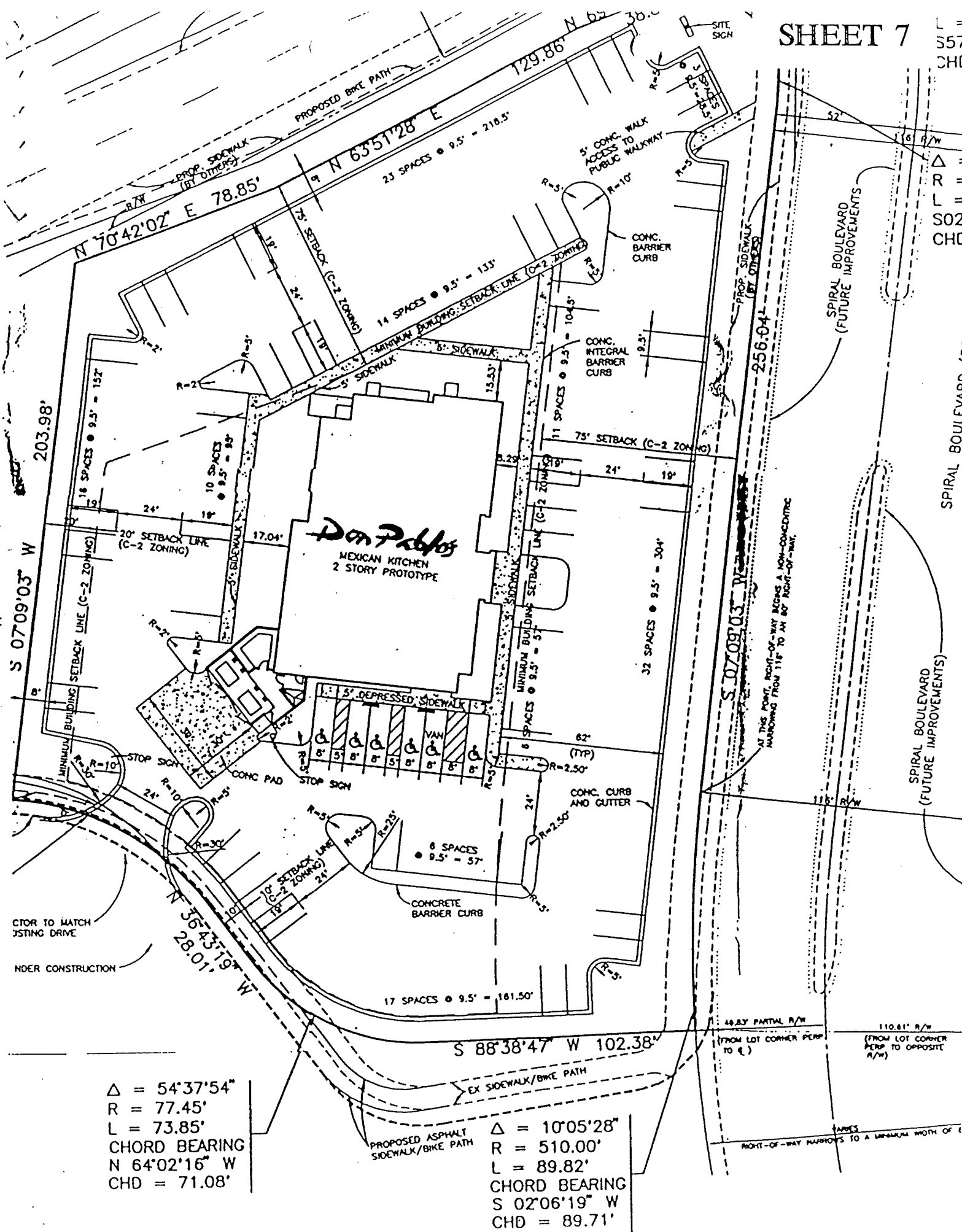
Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.37	0.09 - 1.17	0.66

Data Plot and Equation







S 0709'03" W 203.98'

N 70°42'02" E 78.85'

N 63°51'28" E 23 SPACES @ 9.5' = 218.5'

14 SPACES @ 9.5' = 133'

18 SPACES @ 9.5' = 152'

10 SPACES @ 9.5' = 95'

20' SETBACK LINE (C-2 ZONING)

Don Pablos
MEXICAN KITCHEN
2 STORY PROTOTYPE

11 SPACES @ 9.5' = 104.5'

75' SETBACK (C-2 ZONING)

32 SPACES @ 9.5' = 304'

5' DEPRESSED SIDEWALK

6 SPACES @ 9.5' = 57'

82' (TYP)

CONC. CURB AND GUTTER

6 SPACES @ 9.5' = 57'

CONCRETE BARRIER CURB

17 SPACES @ 9.5' = 161.50'

S 88°38'47" W 102.38'

256.04'

S 0709'03" W

Δ = 54°37'54"
R = 77.45'
L = 73.85'
CHORD BEARING
N 64°02'16" W
CHD = 71.08'

Δ = 10°05'28"
R = 510.00'
L = 89.82'
CHORD BEARING
S 02°06'19" W
CHD = 89.71'

48.23' PARTIAL R/W
(FROM LOT CORNER PERP TO (C))

110.61' R/W
(FROM LOT CORNER PERP TO OPPOSITE R/W)

RIGHT-OF-WAY NARROWS TO A MINIMUM WIDTH OF 110.61'

Δ R = S02 CHD

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

SPIRAL BOULEVARD (FUTURE IMPROVEMENTS)

CTOR TO MATCH JSTING DRIVE

NDER CONSTRUCTION

AT THIS POINT, RIGHT-OF-WAY BEGINS A NON-CONCENTRIC NARROWING FROM 118' TO AN 80' RIGHT-OF-WAY.

RIGHT-OF-WAY NARROWS TO A MINIMUM WIDTH OF 110.61'

SITE 9, HOUSTON LAKES

Existing Conditions/Site Analysis - The 101 acre site is currently undeveloped, however, is subject to an approved Concept Development Plan for commercial and office development, approved in 1990. The approved plan and table of square footage are contained in the Traffic Analysis section of the Study. These uses have been determined to be appropriate for the site, if developed under agreed conditions, by the Boone County Planning Commission and the City of Florence.

Recommended Uses/Zoning - This Study incorporates the approved Concept Development Plan into the recommended land use and zoning scheme. The approved corporate office center in the southeast section of the site and Campus Office portion along Houston Road are necessary for the development to retain the proper character and maintain a suitable mixture of traffic types and patterns. Without these approved office uses, the Woodspoint Nursing Home site and the World of Sports site will be less likely to develop as office sites because of the emphasis on retail development in surrounding areas. If changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail and greater setbacks on the proposed retail portion immediately at the corner of Houston Road and the I-75 interchange ramps. Existing trees should be designed into the corporate office center. This Study recommends that the approved number of outlots along Houston Road and along I-75 not be increased. This development was required, through approval of the Concept Development Plan, to include improvements to Woodspoint Drive to accommodate turning movements and eliminate any sight distance limitations. The existing zoning of Office Two/Commercial Two/Planned Development is recommended for the site.

SITE 9 - TRIP GENERATION

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[714] CORPORATE HEADQUARTERS					
543,000 GSF	3,254	697	52	74	596
[310] HOTEL					
150 ROOMS	1,261	52	35	61	52
[312] BUSINESS HOTEL					
200 ROOMS	1,454	68	48	74	50
[820] SHOPPING CENTER					
438,000 GSF	17,790	244	143	841	841

[912] DRIVE-IN BANK							
3,650 GSF	1,001	19	15	76	83		
[832] HIGH TURNOVER RESTAURANT							
5,150 GSF	1,058	40	40	45	39		
[832] HIGH TURNOVER RESTAURANT							
5,150 GSF	1,058	40	40	45	39		
[832] HIGH TURNOVER RESTAURANT							
5,150 GSF	1,058	40	40	45	39		
TOTAL	27,933	1,202	415	1,262	1,737		

SITE 10, TURFWAY BUSINESS PARK

Existing Conditions/Site Analysis - A significant portion of this 106 acre development is constructed, including the retail center and several of the office research buildings. Sach's Automotive Components, a light manufacturing/assembly facility is under construction at the end of Spiral Drive and is scheduled to be in operation during 1991. Several outlots, including a restaurant and a bank are also under construction. A furniture outlet and garden store have been approved in place of the previously approved Office Campus on Houston Road. The current status and remaining development potential are included in the Traffic Analysis portion of this study. This development, as approved, is important in determining the character of the Houston Road corridor because it is the first major development to be constructed in this area. The approved planned development establishes a variety of uses generally indicative of healthy business districts.

Recommended Uses/Zoning - This development is recommended to continue to develop according to approved plans.

Access/Improvements - Site driveways are already determined by the approved development plans. According to previous agreements, the developer has been adding lanes to Houston Road which will taper back to two lanes south of Woodspoint Drive. Any access to Turfway Road must include adequate deceleration and turn lanes on Turfway Road.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

RE: Request of James W. Berling (applicant) for TOLD Development Company (owner by contract) to construct commercial retail development on a previously approved professional office site. The 27 acre site is located in The Houston Lakes Development, Florence, Kentucky and is zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD).

DATE: October 20, 1993

REMARKS:

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

Findings of Fact

1. Although the request contains uses different than recommended in the Houston-Donaldson Study, the Committee believes that some of the intent of the Study is being met on the issues of density and traffic impact. The request presents considerably less total square footage of building activity, and the applicant's traffic consultant has shown that there will be less impact on the P.M. peak hour of the roadway, which is the critical road condition in the Study. Although the proposed retail uses will generate more traffic on a daily basis, the Study recognizes that the P.M. peak hour on Houston Road is the critical item that should be protected.
2. The applicant has shown that the site has certain negative characteristics in terms of its ability to support office development of the nature previously approved. Specifically, the site is immediately adjacent to the flight path of the north south runway and within the 65 LDN noise contours and partially within the 70 LDN noise contours for the near-term (1991) and long-term (1997) noise abatement plans. In addition, the applicant has demonstrated that the retail development trends of the Houston Road area over the last few years are not conducive to office development. Build-to-suit office development is desired in a campus atmosphere and not in an area containing large parking lots and a retail appearance. Therefore, the approved office uses are inappropriate for the site and the requested retail uses are appropriate for the site.

3. The applicant has demonstrated that the office market is so over-built since the late 1980's that it will be beyond the four years that were required for marketing of the site, and beyond the final phase of Houston Lakes before the approved office uses could be anticipated.
4. With the attached conditions, the development would have the character and sensitive site development to protect the adjacent nursing home and golf course uses from negative visual impacts.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan as presented at the October 6, 1993 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Should the two undisclosed retail uses include features such as outside storage/display or garden centers, these areas shall be enclosed and be screened with the same facade materials used on the building(s). Architecture will be consistent with submitted renderings with the split-face block and two tones of brick. These facade materials and treatments shall continue around all sides of the retail structure(s).
2. The developer will revise the Houston Lakes Improvement Plan to reflect the proposed access location at Woodspoint Drive.
3. The development shall meet the landscaping requirements of the Boone County Zoning Regulations.
4. Screening along the back of the development along Woodspoint Drive shall include berming and landscaping. The width of this landscaped area shall be consistent with the submitted Concept Development Plan. As indicated by the applicant, the berms will be in addition to the proposed grades shown on the submitted Plan. A variety of evergreen and deciduous vegetation shall be provided that completely screens all loading and dumpster activities from Woodspoint Drive while permitting some view of the architectural treatment on higher portions of the building.
5. Tree plantings and landscaping shall be provided along Spiral Drive, as approved in the Houston Lakes Improvement Plan.

October 20, 1993

6. The end of Anchor A (toward "future office development") and the end of Anchor C (toward Houston Road) shall be extensively landscaped to soften the visual impacts of these large walls.
7. The developer shall participate financially in a traffic signal at Woodspoint Drive and Houston Road, when one occurs.
8. The proposed anchors shall be attached as shown on the submitted Concept Development Plan.
9. As recommended in the 1992 Houston-Donaldson Study the developer shall make an effort to orient the proposed outlots diagonally to Houston Road to provide better opportunities for landscaping and effective building-mounted signage.
10. Since this 27 acre development is part of the overall Houston Lakes project, the road improvements to Houston Road, as approved on the Houston Lakes Improvement Plan, are required as the first phase of construction on the 101 acre development.

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
Barry Neltner, Chairman

Fred Burch
Fred Burch

Phil Damstrom
Phil Damstrom

Gayle McElroy
Gayle McElroy

Ralph Rush
Ralph Rush

Thurman Owens
Thurman Owens

Carol Smith
Carol Smith

The applicant and owner have reviewed the conditions for approval contained in this report and agree to them.

70100ar, Inc. by [Signature]
applicant(s) U.P.

Northern Kentucky Management
owner(s)
by: Russell Poole, Secretary

DAG\par

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Bailey, Mr. Caddell, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mr. Viox - Chairman, and Mr. White.

Following a short recess, Chairman Viox reconvened the meeting at 9:20 P.M. and introduced the last item on the Agenda:

2. Applicant: David E. Estes Engineering for
Northern Kentucky Management, Inc. (owner)
Request: Change in Concept Development Plan

The request of David E. Estes Engineering (applicant) for Northern Kentucky Management, Inc. (owner) for a Change in Concept Development Plan for a 1.78-acre site located on the southeast corner of the intersection of Houston Road and Spiral Drive, Houston Lakes Subdivision, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail structure in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) Zone.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Gerry Dusing introduced Mr. John Fonner with Duke Realty, Mr. Ken Paul, a principal of Sofa Express, and Mr. Jack Mehalk with NS Group.

Mr. John Fonner, with Duke Realty Investments, stated that present with him are Greg Malin, Vice President of Development, and Joe Dillon with Estes Engineering. Mr. Fonner advised that they were before the Planning Commission for SouthPark. He stated that retail development comprises about 15% of their total portfolio, and they have significant retail developments in the northern suburbs of Cincinnati. They took their experience with the Fields Ertel Road development and matched what they hope to be the same tenants in this park. He stated that they have experience in and intend to match the appearance of the development with the Kohl's and Office Max development. He showed an exhibit of the building facades of the project. He stated that it is a straight forward architectural design of quality materials. The colors are intended to match as closely as possible to the Kohl's store. He stated that they will wrap the glass around on the south facade. He stated that the site sits approximately ten feet higher than Houston Road and the berm up from the curb line will act as a natural screen for the lower portion of the building. The intent is to ensure compatibility of the building with the Kohl's and Office Max properties. He showed an exhibit of the site. He stated that Don Pablos had fully designed the site and they took advantage of that to keep their engineering effort to a minimum. They intend to stay with the concepts established by Don Pablos in regard to drainage and site utilities. Stormwater detention is in a regional detention pond to the south of the building.

Mr. Fonner referred to Sheet #3 and Sheet #7 attached to the Staff Report in regard to the layout created by Don Pablos. He stated that the parking lot setback from Houston Road approved in the final Site Plan was 8 feet and they matched that plan. In reviewing the Staff Concerns this evening, they have had discussions as to how they can supplement that setback with modifications to their Site Plan. He stated that the landscaping on Sheet #3 is the landscaping on the Don Pablos site, and their intention is not to recreate something that the Planning Commission and the Staff have seen. He stated that they have a bigger building than Don Pablos due to the difference in use and will landscape the west facade of the property. He stated that the traffic generated by the furniture store would be about 6% of the traffic that would have been created by the high-turnover sit-down restaurant, and they could build 16 of these stores before they would reach the traffic intensity Don Pablos would create. He referred to Staff Concern #2 and stated that they recognize the requirement to go through the Design Review process. He referred to Staff Concern #3 and the 20-foot setback from street rights-of-way and stated that their approach is to prepare their site and parking scheme as close as possible on the rights-of-way to what was approved for Don Pablos, and they may be able to supplement the landscaped area by moving some of the parking to the rear of the building, which will require them to move the building closer to Houston Road -- which will require a change to the 75-foot setback from the Houston Road right-of-way in the current Concept Development Plan. He stated that in order to obtain the 20-foot setback from the Spiral Drive right-of-way, they may need to seek a Variance. They will look for special allowances in the zoning code about shortening the parking spaces by allowing the bumper overhang, which they will review with the Staff. He referred to Staff Concern #4 and stated that this is the same issue about moving the building more toward the middle of the site -- which would put them out of the 75-foot setback from Houston Road. He stated that he wants to make discussion of the Variance part of the public record so that in the event they are able to alter the Site Plan in a manner that would require the Variance, they have addressed it in the Public Hearing this evening. He requested approval of the request. He stated that this is a less intense use than what was previously approved and will compliment the existing development.

Mr. Ken Paul, President and one of the owners of Sofa Express, stated that they are living room and family room specialists. Their company is family-owned and was started in 1959 -- but all of their growth has been since 1990 when they adopted the Sofa Express concept. He stated that everything in their store can be delivered the next day and they offer what the customer wants in a guaranteed period of time. They are excited about this site because it is a high visibility site and they have had success in similar sites. They match up with Kohl's and have been successful across the street from Meijer's and Wal-Mart stores. He stated that their customers are upscale customers who are value and fashion conscious. He showed photographs of their Fields Ertel Road store in Cincinnati, and stated that it is the same development with a Kohl's and Office Max.

Mr. Dusing stated that they want to use the engineering done for Don Pablos and the parking configuration and put this store there because the Planning Commission had already approved it. It is the same curb cut. He stated that they are a less intense use and have less traffic. They will work with the Staff in regard to the concerns about architecture and buffer.

Mr. Hank Hondorf, Senior Real Estate Representative for the Meijer organization adjacent to this site, stated that he is not for or against the proposal. He recommended that the Planning Commission not allow the building to move forward and adhere to the 75-foot setback for Don Pablos. He stated that it is easier to screen the parking along Houston Road than a building, and parking area provides a better sight line for any traffic coming from Spiral Drive. He stated that the Planning Commission should adhere to the 75-foot setback on Spiral Drive and on Houston Road.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments from the Commissioners.

Mr. Caddell asked if the Staff could comment in regard to the previous Concept Development Plan where an 8-foot setback was permitted and the normal minimum is 20 feet. Why was this approved?

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timing based on the construction work on Houston Road. The Concept Plan showed an approved public road that would serve this lot.

Mr. Neltner questioned the number of parking spaces needed for the 20,000 square foot building. Mr. Costello advised that he believes the minimum would be 80. Mr. Coleman advised that that information will be available at the Committee Meeting.

Mr. Neltner noted that it was said that this use would generate 1/16 of the traffic of Don Pablos -- and they have half the parking. He stated that Florence has a run-off problem and he does not want to see large parking lots that are not needed to serve a site. The more green space and landscaping on commercial developments the better. If there is a peak period, possibly they could walk across the street from Kohl's.

Mr. Paul advised that they have 80 spaces, which is more than enough for this site.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on August 12, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 21, 1996 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 21, 1996
8 P.M.

Mr. Michael McKinney, Vice Chairman, called the meeting to order at 8:08 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. William Bailey
Mr. Fred Burch
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mike McKinney, Vice Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Susan Cabot, Historic Preservation
Mr. Ed Coleman
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP

Mr. Paul Vesper asked if the 1996 Zoning Regulations and Map have already been adopted and these are changes, or if the regulations will be adopted after the changes are made.

Counselor Wilson explained that the Public Hearing held in May included the 1996 Zoning Regulations, text and map, and what was discussed then is being adopted tonight with the changes being made tonight.

There being no further discussion, Mr. McKinney asked for a roll call vote on the motion made and amended by Mr. Damstrom. The vote found Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Caddell, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White in favor. Mr. Burch and Mr. Millay were opposed. Mr. McKinney abstained due to a potential conflict. The motion carried with 11 votes in favor, 2 opposed, and 1 abstention.

Mrs. Schaffer commented on the good job Mr. Damstrom did as Chairman of the Committee -- he kept things moving and on track. She stated that it was a good committee. Mr. McKinney agreed. He stated that the committee met 26 times and Mr. Damstrom did a great job. He enjoyed working with the committee.

Counselor Wilson advised that the Planning Commission's action is a recommendation only -- the Planning Commission does not have the final authority. He advised those who are interested in the text or map to follow up with the appropriate legislative body as they may go along with the recommendation or they may change it.

2. Change in Concept Development Plan

The request of David E. Estes Engineering (applicant) for Northern Kentucky Management, Inc. (owner) for a Change in Concept Development Plan for a 1.78-acre site located on the southeast corner of the intersection of Houston Road and Spiral Drive, Houston Lakes Subdivision, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail structure in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) Zone.

Staff Member Ed Coleman 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 and understands that the conditions serve as a basis for the recommendation.

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

Mrs. Schaffer stated that she would abstain as she may have a conflict.

Mr. Bailey stated that it was discussed in Committee that all conditions which apply to the previous Concept Plan would pertain. Mr. Coleman advised that the previous conditions have been incorporated into the recommendation.

There being no further comments, Mr. McKinney asked for a vote on the motion made by Mr. Ries which found all voting members in favor. Mrs. Schaffer abstained. The motion carried.

NEW BUSINESS: None.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Commission:

1. Upcoming meetings - The Zone Change Committee will meet on August 26, 1996 at 4 P.M. to discuss the St. Luke property; and the Airport Committee will meet at 6:30 P.M. on August 28, 1996 (half an hour prior to the Public Hearings).
2. Flyers were distributed to the Commissioners in regard to a lecture workshop being sponsored by the Planning Commission in regard to a new way of designing subdivisions. The workshop will be at Ryle High School on September 26, 1996. Those interested in attending should contact Mr. Costello.
3. The Executive Committee met prior to the Business Meeting in regard to two items: 1) In 1994 the Planning Commission signed a Partnership Agreement with the City of Florence and the Fiscal Court to complete the GIS demonstration project, and we are now proposing to amend that agreement to include the cities of Walton and Union. Mr. Costello asked the Planning Commission to make a motion to approve this amendment to the Partnership Agreement; and 2) There is a proposal to sign agreements with the Sanitation District #1 of Campbell and Kenton Counties (we have an agreement with them currently in regard to the mapping project). There are proposed agreements with Cinergy (they would fund us on an annual basis and for this fiscal year it is \$15,000), TRI-Ed would fund us for \$5,000 this fiscal year, and Florence

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: August 21, 1996

RE: Request of David E. Estes Engineering (applicant) for Northern Kentucky Management, Inc. (owner) for a Change in Concept Development Plan for a 1.78 acre site located on the southeast corner of the intersection at Houston Road and Spiral Drive, Houston Lakes Subdivision, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail structure in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone.

Remarks:

We, the Committee, recommend approval of the Change in Concept Development Plan request based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee has determined that the proposed development is in agreement with and conforms to the intent of the 1995 Boone County Comprehensive Plan and the Houston Donaldson Study area for the Houston Lakes Subdivision.

The Committee has also determined that a change in the Concept Development Plan from a restaurant to a retail furniture store would greatly reduce the amount of traffic that could potentially be generated on the site as well as other impacts associated with a restaurant.

The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals and Objectives stated in the 1995 Boone County Comprehensive Plan, Article 15 "Planned Development District" of the Boone County Zoning Regulations, and the Houston Donaldson Study. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

Conditions:

1. The development shall be consistent in design with the Concept Development Plan submitted to the Zone Change Committee August 12th, in terms of diagonal building orientation to Houston Road, the building location, the parking configuration, and the building setbacks with respect to the property lines.
2. Access is to remain off of the secondary site drive only.
3. All signage within this site shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign District.

4. The proposed parking has been reduced from 104 spaces to a maximum of 90 spaces.
5. The applicant has agreed to a landscaping plan in terms of the density and approximate locations that was proposed by Staff which includes shrubs planted between parking areas and all right of ways, large and small trees planted along Houston Road, Spiral Drive and the access road, and interior landscaping between the building and parking spaces. The site will contain a minimum of 28 percent green space with the heaviest concentrations of landscaping located at the corner of Houston Road and Spiral Drive.

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.

Attachments:

- *Concept Development Plan submitted July 24, 1996
- *Concept Development Plan submitted August 12, 1996
- *Landscaping Plan

William Bailey

William Bailey, Chairman

For Against _____
 Abstain _____ Absent _____

Fred Burch

Fred Burch

For Against _____
 Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell

For Against _____
 Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For Against _____
 Abstain _____ Absent _____

~~Robert Millay~~ NOT PRESENT AT COMMITTEE MEETING.

Robert Millay

For _____ Against _____
 Abstain _____ Absent _____

Barry Neltner

Barry Neltner

For Against _____
 Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 1 ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Bailey, Mr. Caddell, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mr. Viox - Chairman, and Mr. White.

Following a short recess, Chairman Viox reconvened the meeting at 9:20 P.M. and introduced the last item on the Agenda:

2. Applicant: David E. Estes Engineering for
Northern Kentucky Management, Inc. (owner)
Request: Change in Concept Development Plan

The request of David E. Estes Engineering (applicant) for Northern Kentucky Management, Inc. (owner) for a Change in Concept Development Plan for a 1.78-acre site located on the southeast corner of the intersection of Houston Road and Spiral Drive, Houston Lakes Subdivision, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail structure in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) Zone.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Gerry Dusing introduced Mr. John Fonner with Duke Realty, Mr. Ken Paul, a principal of Sofa Express, and Mr. Jack Mehalk with NS Group.

Mr. John Fonner, with Duke Realty Investments, stated that present with him are Greg Malin, Vice President of Development, and Joe Dillon with Estes Engineering. Mr. Fonner advised that they were before the Planning Commission for SouthPark. He stated that retail development comprises about 15% of their total portfolio, and they have significant retail developments in the northern suburbs of Cincinnati. They took their experience with the Fields Ertel Road development and matched what they hope to be the same tenants in this park. He stated that they have experience in and intend to match the appearance of the development with the Kohl's and Office Max development. He showed an exhibit of the building facades of the project. He stated that it is a straight forward architectural design of quality materials. The colors are intended to match as closely as possible to the Kohl's store. He stated that they will wrap the glass around on the south facade. He stated that the site sits approximately ten feet higher than Houston Road and the berm up from the curb line will act as a natural screen for the lower portion of the building. The intent is to ensure compatibility of the building with the Kohl's and Office Max properties. He showed an exhibit of the site. He stated that Don Pablos had fully designed the site and they took advantage of that to keep their engineering effort to a minimum. They intend to stay with the concepts established by Don Pablos in regard to drainage and site utilities. Stormwater detention is in a regional detention pond to the south of the building.

Mr. Fonner referred to Sheet #3 and Sheet #7 attached to the Staff Report in regard to the layout created by Don Pablos. He stated that the parking lot setback from Houston Road approved in the final Site Plan was 8 feet and they matched that plan. In reviewing the Staff Concerns this evening, they have had discussions as to how they can supplement that setback with modifications to their Site Plan. He stated that the landscaping on Sheet #3 is the landscaping on the Don Pablos site, and their intention is not to recreate something that the Planning Commission and the Staff have seen. He stated that they have a bigger building than Don Pablos due to the difference in use and will landscape the west facade of the property. He stated that the traffic generated by the furniture store would be about 6% of the traffic that would have been created by the high-turnover sit-down restaurant, and they could build 16 of these stores before they would reach the traffic intensity Don Pablos would create. He referred to Staff Concern #2 and stated that they recognize the requirement to go through the Design Review process. He referred to Staff Concern #3 and the 20-foot setback from street rights-of-way and stated that their approach is to prepare their site and parking scheme as close as possible on the rights-of-way to what was approved for Don Pablos, and they may be able to supplement the landscaped area by moving some of the parking to the rear of the building, which will require them to move the building closer to Houston Road -- which will require a change to the 75-foot setback from the Houston Road right-of-way in the current Concept Development Plan. He stated that in order to obtain the 20-foot setback from the Spiral Drive right-of-way, they may need to seek a Variance. They will look for special allowances in the zoning code about shortening the parking spaces by allowing the bumper overhang, which they will review with the Staff. He referred to Staff Concern #4 and stated that this is the same issue about moving the building more toward the middle of the site -- which would put them out of the 75-foot setback from Houston Road. He stated that he wants to make discussion of the Variance part of the public record so that in the event they are able to alter the Site Plan in a manner that would require the Variance, they have addressed it in the Public Hearing this evening. He requested approval of the request. He stated that this is a less intense use than what was previously approved and will compliment the existing development.

Mr. Ken Paul, President and one of the owners of Sofa Express, stated that they are living room and family room specialists. Their company is family-owned and was started in 1959 -- but all of their growth has been since 1990 when they adopted the Sofa Express concept. He stated that everything in their store can be delivered the next day and they offer what the customer wants in a guaranteed period of time. They are excited about this site because it is a high visibility site and they have had success in similar sites. They match up with Kohl's and have been successful across the street from Meijer's and Wal-Mart stores. He stated that their customers are upscale customers who are value and fashion conscious. He showed photographs of their Fields Ertel Road store in Cincinnati, and stated that it is the same development with a Kohl's and Office Max.

Mr. Dusing stated that they want to use the engineering done for Don Pablos and the parking configuration and put this store there because the Planning Commission had already approved it. It is the same curb cut. He stated that they are a less intense use and have less traffic. They will work with the Staff in regard to the concerns about architecture and buffer.

Mr. Hank Hondorf, Senior Real Estate Representative for the Meijer organization adjacent to this site, stated that he is not for or against the proposal. He recommended that the Planning Commission not allow the building to move forward and adhere to the 75-foot setback for Don Pablos. He stated that it is easier to screen the parking along Houston Road than a building, and parking area provides a better sight line for any traffic coming from Spiral Drive. He stated that the Planning Commission should adhere to the 75-foot setback on Spiral Drive and on Houston Road.

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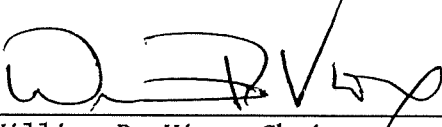
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Mr. Paul advised that they have 80 spaces, which is more than enough for this site.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on August 12, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on August 21, 1996 at 8 P.M..

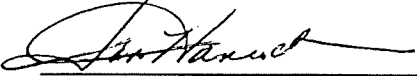
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

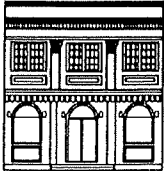
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



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

August 20, 1996

Mr. Joe Dillon
David E. Estes Engineering
7075 Industrial Road
Florence, KY 41042

Re: Change in Concept Development Plan for a 1.78 acre site in the Houston Lakes Subdivision

Dear Joe:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M. Wednesday, June 19, 1996.

Conditions:

1. The development shall be consistent in design with the Concept Development Plan submitted to the Zone Change Committee August 12th, in terms of diagonal building orientation to Houston Road, the building location, the parking configuration, and the building setbacks with respect to the property lines.
2. Access is to occur off of the secondary site drive only.
3. All signage within this site shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign District.
4. The proposed parking has been reduced from 104 spaces to a maximum of 90 spaces.

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mr. Joe Dillon
August 20, 1996
Page 2

5. The applicant has agreed to a landscaping plan in terms of the density and approximate locations that was proposed by Staff which includes shrubs planted between parking areas and all right of ways, large and small trees planted along Houston Road, Spiral Drive and the access road, and interior landscaping between the building and parking spaces. The site will contain a minimum of 28 percent green space with the heaviest concentrations of landscaping located at the corner of Houston Road and Spiral Drive.

Sincerely,



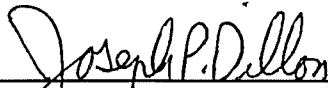
Edward Coleman
Planner

EC\par

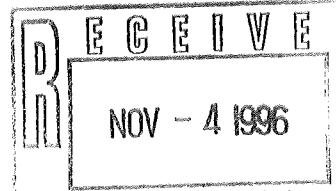
cc John Fonner, Duke Construction

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Change of Concept Development Plan for a 1.78 acre site, located in the Houston Lakes Subdivision.



Mr. Joe Dillon
David E. Estes Engineering



ORDINANCE NO. 0-19-96

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT AS A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR A 1.78 ACRE SITE ZONED OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD), LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION AT HOUSTON ROAD AND SPIRAL DRIVE, HOUSTON LAKES SUBDIVISION, IN THE CITY OF FLORENCE, KENTUCKY. (SOFA EXPRESS 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 as a change in concept development plan 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 as a change in concept development plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone. 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 form of Resolution No. R-96-022-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

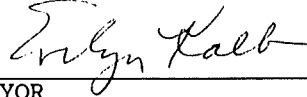
SECTION III

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

PASSED AND APPROVED ON FIRST READING THIS 8th DAY OF October, 1996.

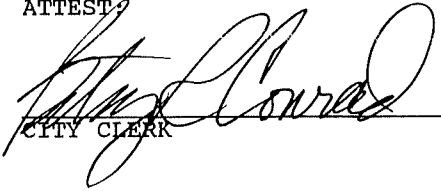
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF October, 1996.

APPROVED:



MAYOR

ATTEST:


CITY CLERK