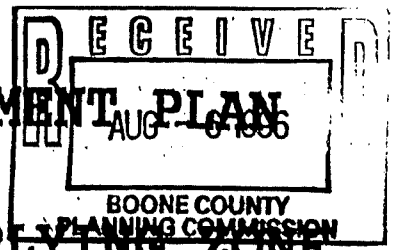


CHANGE IN CONCEPT DEVELOPMENT PLAN

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 Turfway Commercial Park - Lot No. 6
3. Location of Project Cavalier Blvd.
4. Total Acreage of Site 3.0460
5. Current Zoning C-3/PD O-2/PD & SR-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
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) _____
8. Proposed Uses (please specify each use) Office Building/Restaurant
9. Proposed Building Intensities (please specify) _____
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
12. Name of Applicant(s) James W. Berling
 Phone Number 331-9191 Fax No. 344-7422
13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
 City State Zip
14. Name of Property Owner(s) Jim Huff Realty, Inc.
 Phone Number 344-4616 Fax No. 344-4614
15. Address of Property Owner(s) 2332 Royal Drive
Ft. Mitchell, Kentucky 41017
 City State Zip
16. Are there any existing buildings on the site? No
 How many? _____
17. Deed Book 336 Page No. 26 Group No. 2034-A
18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

EXHIBIT "A"

STAFF REPORT

Request of **James W. Berling (applicant)** for **Jim Huff Realty, Inc. (owner by contract)** for a Change in Concept Development Plan for an approximate 3 acre site known as Lot 6, Turfway Commercial Park, Florence, Kentucky. The request is for a change in the currently approved Concept Development Plan to allow office and restaurant uses in a Office Two/Planned Development (O-2/PD) zone and Suburban Residential Two/Planned Development (SR-2/PD) zone.

August 28, 1996

Proposal

This request is for a Change in Concept for Lot 6, Turfway Commercial Park (see sheet #2) to allow a 14,000 square foot office building and an outlot for either a restaurant or another office use. The "real estate services" and restaurant uses are principally permitted within the Office Two (O-2) zoning district.

The proposed Concept Development Plan illustrates a two (2) story real estate office with an outlot for office/restaurant. The parking is shown behind the proposed building (toward the outlot) with the proposed building nearest to I-71/75. (see sheets #3 & # 4)

Site History

- 1984 The Land Use Study I-75/Turfway Road Interchange Study was adopted, which includes the entire Turfway Commercial Park Subdivision.
- 1986 The original Concept Development Plan was approved on March 5, 1986. Lot 6 (subject property) was approved for a 12,000 square foot restaurant.

Surrounding Land Uses (see sheet #2)

- East: Fairfield Inn zoned Office Two/Planned Development (O-2/PD).
- South: Lot 9 (currently vacant) approved for "Office/Flex" use zoned O-2/PD.
- West: Lot 7 (currently vacant) approved for a 15,000 square foot sit down type restaurant.
- North: The Houston Lakes Development zoned O-2/C-2/PD across Interstate 71/75.

Relationship to the 1995 Comprehensive Plan/Future Land Use Map

The 1995 Boone County Comprehensive Plan refers more to the entire subdivision than this site specifically by stating: "Major development has occurred on both sides of the Turfway Road interchange with the Winn Dixie (Thriftway) supermarket on the east side and Houston Lakes and Turfway Business Park on the west side." However, the Future Land Use Map shows this site to develop as Commercial, which includes "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Relationship to Land Use Study I-75/Turfway Road Interchange

The Study, adopted in 1984, refers to not only this site but the entire Turfway Commercial Park as best being utilized "as O-2 or UR-2 or a combination of both" to "generate a predictable and acceptable traffic rate."

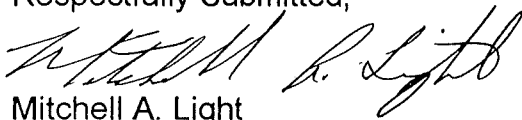
Staff Concerns

1. The submitted Concept Development Plan (see sheet #3) shows no connections to Lot 5B (Fairfield Inn) or Lot 7 (currently undeveloped) approved for a 15,000 square foot restaurant use. Both the Fairfield Inn (constructed in 1989) and the Marriott Courtyard (constructed in 1994) continued a frontage road along Cavalier Blvd. and an access parallel to I-71/75. Staff feels that these should continue.
2. The Turfway Commercial Park has a Special Sign District that permits a free-standing sign "to the lots that abut I-75" with a maximum height of 45 feet but not to exceed the height in elevation of the Signature Inn sign. The sign must be similar in design with the existing "pole" signs (i.e. ornamental base).

Conclusion

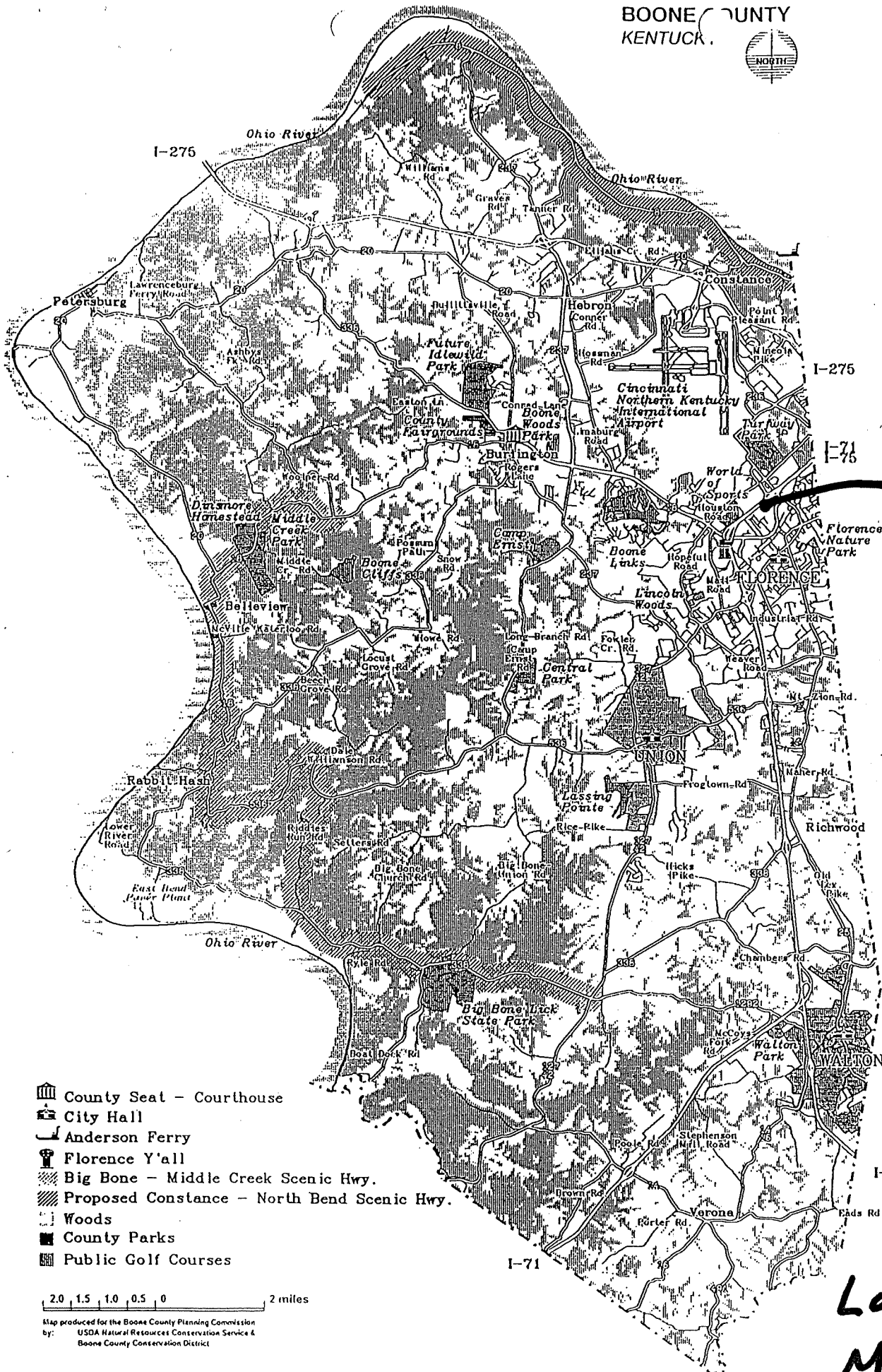
This request needs to be evaluated by the Boone County Planning Commission and Florence City Council regarding the relationship of this project to the 1995 Boone County Comprehensive Plan and the Land Use Study I-75/Turfway Road Interchange.

Respectfully Submitted,



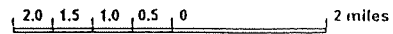
Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par



Site

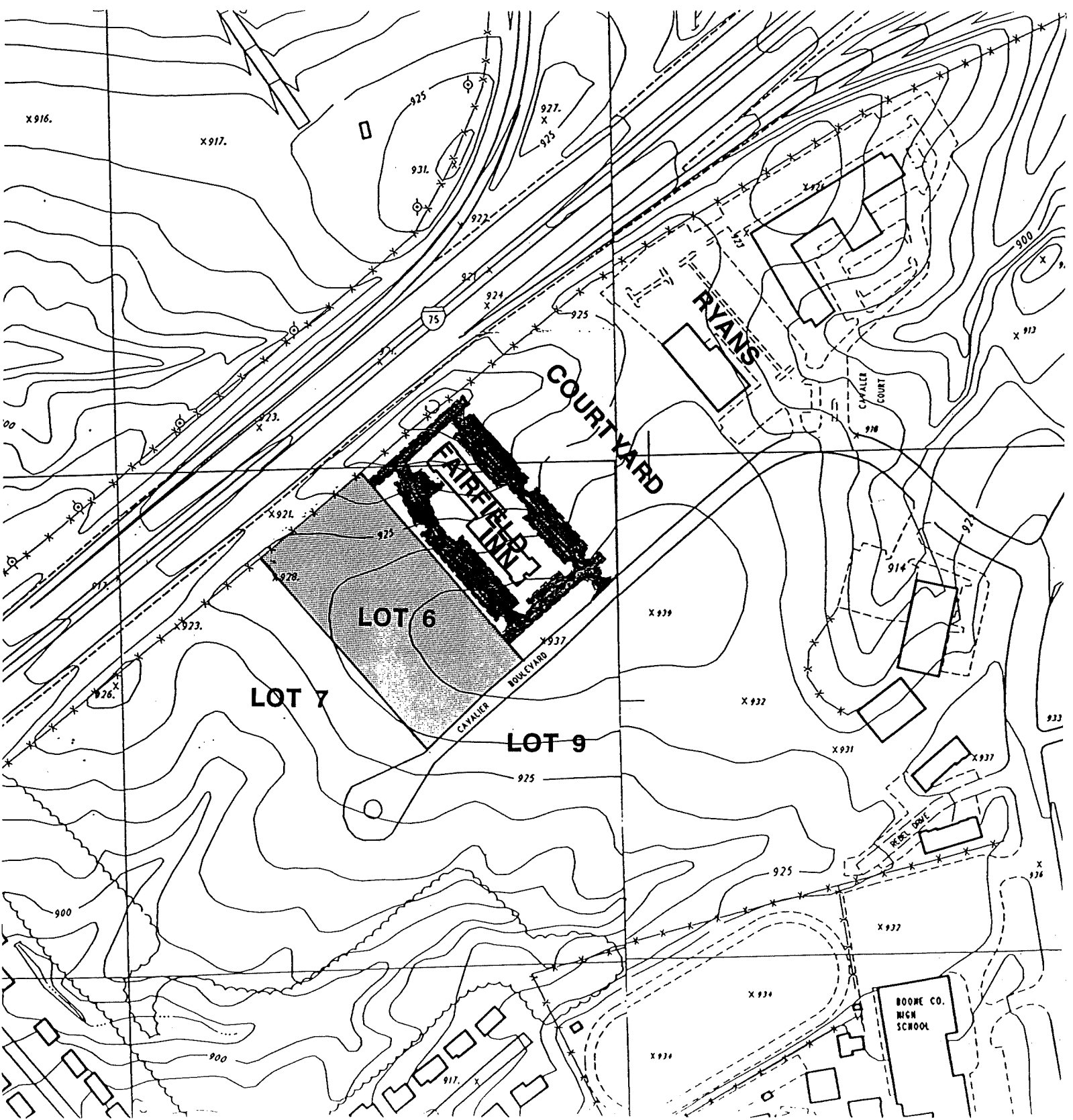
- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses



Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District

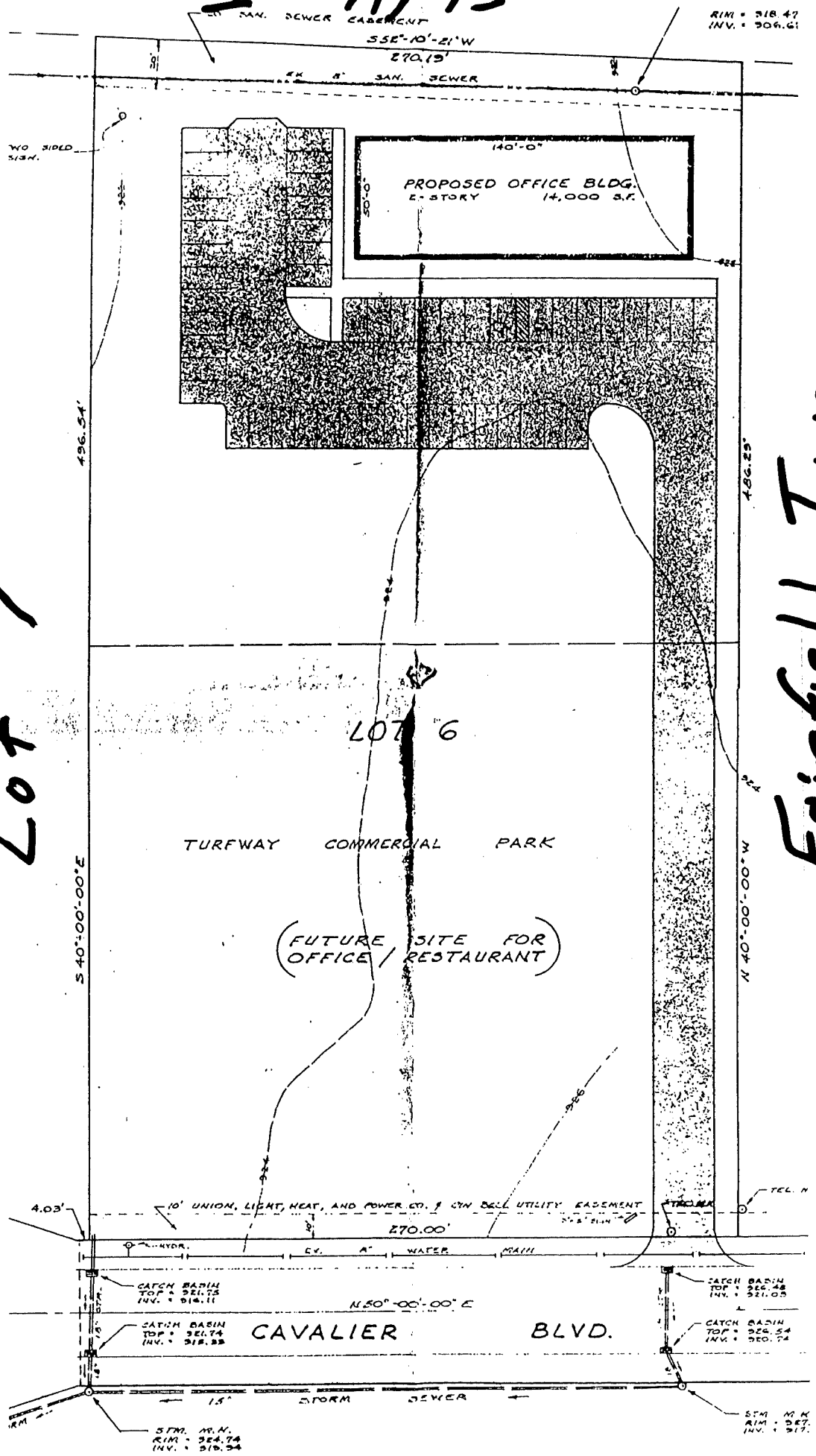
Location
Map
Sheet #1

↑
N
Sheet
2



I-71/15

RIM = 318.47
INV. = 306.61

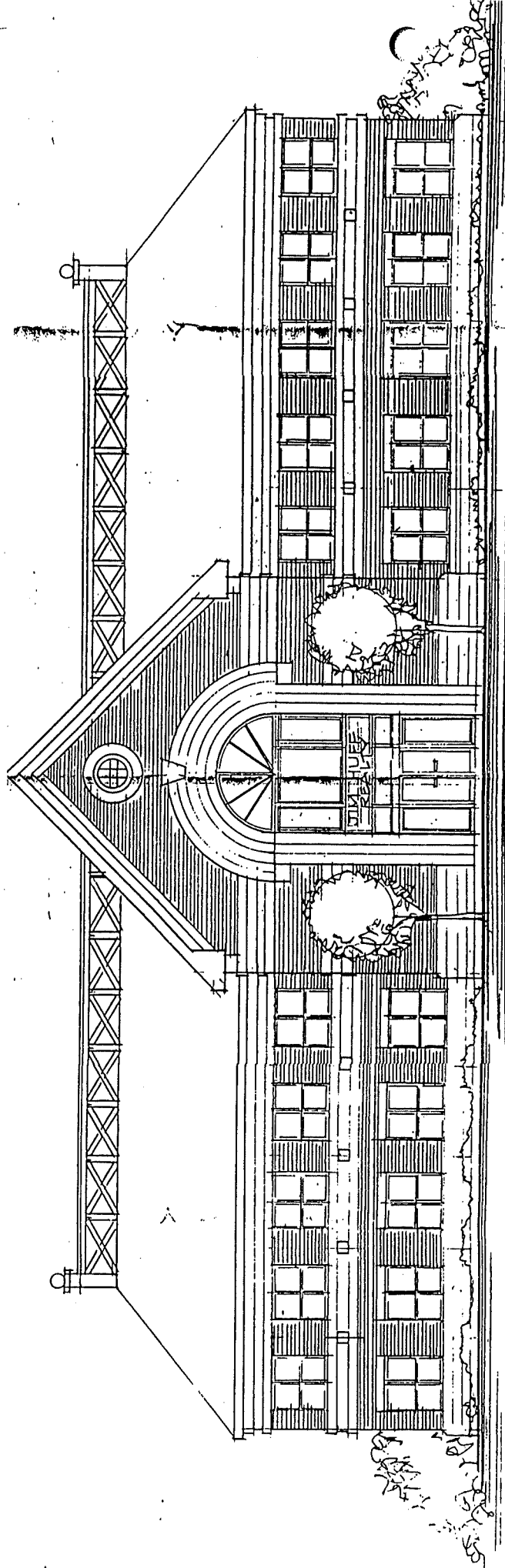


Fairfield Inn

Sheet #3

STM. M.N.
RIM = 324.74
INV. = 319.54

STM. M.N.
RIM = 327.
INV. = 317.



Sheet
4

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Bailey, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. Viox - Chairman

Following a short recess, Chairman Viox introduced the last item on the Agenda:

3. Applicant: James W. Berling for
Jim Huff Realty, Inc. (owner by contract)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for Jim Huff Realty, Inc. (owner by contract) for a Change in Concept Development Plan for an approximate 3 acre site known as Lot 7, Turfway Commercial Park, Florence, Kentucky. The request is for a change in the currently approved Concept Development Plan to allow office and restaurant uses in an Office Two/Planned Development (O-2/PD) Zone and Suburban Residential Two/Planned Development (SR-2/PD) Zone.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's presentation.

Mr. Tony Berling stated that their only question is in regard to the frontage road.

Mr. Costello explained that in 1986 there was a commercial park that had restaurants and hotels, and the idea was for people to go from the restaurants to the hotels without going on Cavalier Boulevard. He noted that this is a proposed change in use.

Mr. Jim Huff stated that he wants to keep the front of the building clean and put in some shrubbery, and make it look nice from the interstate. He stated that he did not intend to park cars in the front. If there are no cross easements, he thought that possibly there could be a barricade.

Chairman Viox stated that they are asking for something that is different from what was anticipated with restaurants and hotels, and the Committee will consider their request.

Mrs. Schaffer questioned the signs and asked if the Planning Commission would be splitting a lot for the first time. Mr. Light advised that it is not the first time a lot has been split. He added that they will have no signs along the interstate and there will just be a monument sign.


Mr. Bailey questioned a sign district.

Mr. Costello advised that the interstate sign is tied to the elevation of I-75 -- there is a maximum height on the grade of the lot. He stated that the signs shown on the slide are uniform in terms of height and they would have to have a freestanding sign compatible with that elevation and in line with those signs.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on September 9, 1996 at 4 P.M. in the old courthouse on the second floor in the Circuit Courtroom. The Committee will hear this item first. This item will be on the Agenda for the Business Meeting on September 18, 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
September 18, 1996
8 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch
Mr. Don McMillian
Mr. Barry Neltner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

3. Change in Concept Development Plan

The request of James W. Berling (applicant) for Jim Huff Realty, Inc. (owner by contract) for a Change in Concept Development Plan for an approximate 3-acre site known as Lot 6, Turfway Commercial Park, Florence, Kentucky. The request is for a change in the currently approved Concept Development Plan to allow office and restaurant uses in an Office Two/Planned Development (O-2/PD) Zone and Suburban Residential Two/Planned Development (SR-2/PD) Zone.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the finding of fact (see Committee Report).

Mr. Ries moved by resolution to the City of Florence to approve the request based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. Bailey stated that the access to Lot #5 was discussed in Committee, but is not part of the Committee Report. Mr. Light advised that the Concept Plan has been amended and the current plan shows the connections.

Mr. Bailey questioned the signage being in conformance. Mr. Light advised that the signage has to be in conformance with the Special Sign District of Turfway Commercial Park.

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

NEW BUSINESS: None.

EXECUTIVE DIRECTOR'S REPORT:

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

1. The upcoming Committee Meetings are shown on the Agenda, and he made the following correction: The Zone Change Committee will meet on September 29, 1996 at 4 P.M. in the Boone County Circuit Courtroom in the old Courthouse.
2. The Fiscal Court is having a Public Hearing on the Zoning Update on September 23, 1996 at 5:30 P.M., and may take action the next day. Mrs. Schaffer advised that they do not have a time frame for action at this time as there is an issue they want to discuss.
3. Those interested in attending the Northern Kentucky Chamber dinner should contact Mr. Costello. The dinner is on Tuesday, September 24.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: September 18, 1996

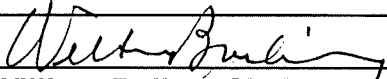
RE: Request of **James W. Berling (applicant)** for **Jim Huff Realty, Inc. (owner by contract)** for a Change in Concept Development Plan for an approximate 3 acre site known as Lot 6, Turfway Commercial Park, Florence, Kentucky. The request is for a change in the currently approved Concept Development Plan to allow office and restaurant uses in an Office Two/Planned Development (O-2/PD) zone and Suburban Residential Two/Planned Development (SR-2/PD) zone.


REMARKS: We, the committee, recommend approval of the request based upon the following finding of fact:

Finding of Fact

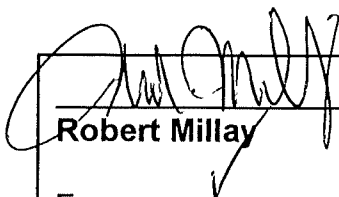
1. This request is in conformance with the 1995 Boone County Comprehensive Plan which recommends this site develop as commercial land. The request is also consistent with the mixed commercial character of the existing and approved uses in the immediate area.

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 at this request.

	
William Bailey, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

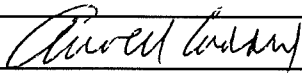
	
Phil Damstrom	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

COMMITTEE REPORT - Berling/Huff Realty, Inc.
September 18, 1996



Robert Millay
For _____ Against _____
Abstain _____ Absent _____

Barry Neltner
For _____ Against _____
Abstain _____ Absent _____



Arnold Caddell
For _____ Against _____
Abstain _____ Absent _____

Fred Burch
For _____ Against _____
Abstain _____ Absent _____

TOTAL: 4 FOR _____ AGAINST _____ ABSTAIN 2 ABSENT

ORDINANCE NO. 0-23-96

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT AS A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR A SITE ZONED OFFICE TWO/PLANNED DEVELOPMENT (O-2/PD) AND SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR AN APPROXIMATE 3 ACRE SITE KNOWN AS LOT 6, TURFWAY COMMERCIAL PARK, IN THE CITY OF FLORENCE, KENTUCKY. (JIM HUFF REALTY, INC. PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of the 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:

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/Planned Development (O-2/PD) and Suburban Residential Two/Planned Development (SR-2/PD) zones. The real estate which is the subject of this request for approval for the utilization of an underlying zone is an approximate 3 acre site known as Lot 6 of Turfway Commercial Park in the City of Florence, Kentucky, and 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-96-025-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 22nd DAY OF October, 1996.

PASSED AND APPROVED ON SECOND READINGS AND PUBLICATION ORDERED ON THIS 29th DAY OF October, 1996.

APPROVED:

Edlyn J. Kalb
MAYOR

ATTEST:
Peter Conrad
CITY CLERK