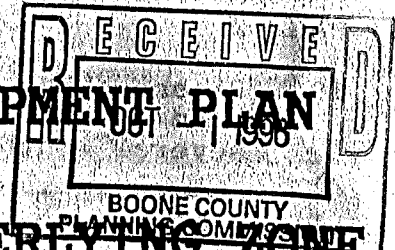


CHANGE IN CONCEPT DEVELOPMENT PLAN

OR

THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT



9/30/96

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

SECTION A (To be completed by applicant)

1. Check One:

- XX 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 Northern Kentucky Commerce Center

3. Location of Project Cavalier Boulevard

4. Total Acreage of Site 12.5 Acres

5. Current Zoning O-2/DP SR-2/PD EC/10196

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/Office Showroom

9. Proposed Building Intensities (please specify)

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) 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) David A. Wolf Associates

Phone Number 984-3030 Fax No. 984-3081 792-1248

15. Address of Property Owner(s) 10925 Reed Hartman Highway

Cincinnati, Ohio 45242

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 **David A. Wolf Associates (owner)** for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-2/PD) zone.

October 23, 1996

Location and Site Characteristics

(Sheet 1-Location Map)

The site is located at the end of the cul-de-sac on Cavalier Boulevard in the Turfway Commercial Park. The park is subject to the Turfway Interchange Land Use Impact Study, approved in 1985 and a 1986 Concept Development Plan (Sheet 2-1986 CDP), approved with conditions by the Florence City Council. This site is also within the Turfway Commercial Park Special Sign District.

The 12.5 acre site (Lot 8) contains approximately 7 acres of dense woods that border Colonial Estates to the south and west. The wooded area contains a large drainage swale that is classified as a blueline stream. The drainage swale within the woods is part of a regional detention system for Lots 6, 7 and 9 in addition to Lot 8. The remaining acres have been previously graded and is relatively flat (Sheet 3-Aerial Photo).

Request

(Sheet 4-Concept Development Plan)

The applicant is requesting a Change in Concept Development Plan to allow office uses and office showroom uses. The Concept Development Plan contains three buildings, each with a building footprint dimension of approximately 65' x 195' (12,675 sq. ft.). The applicant has indicated that building "A" would be a three-story building containing offices only. Buildings "B" and "C" would contain either offices or a combination of offices and office showrooms. The office showrooms would be one story buildings with rear entrances that can be driven into and would contain overhead garage type doors. Approximately 390 parking spaces are provided for the three buildings. The site contains one access directly off the cul-de-sac. The site also contains approximately 500 feet of frontage along Interstate 75. The Concept Plan contains a 200 foot greenbelt area between Colonial Estates Subdivision and the proposed buildings. This 200 foot greenbelt is included in the Declaration of Protective Covenants for Turfway Commercial Park, Florence, Kentucky, Book 192, Pages 323-324. Detention is to be located onsite in the existing regional detention basin.

Site History

- 1983 Site zoning classification is Urban Residential Two (UR-2).
- 1984 Concept Development Plan approved with 128 Garden Apartments proposed and permitted on Lot 8. The new zoning classification is Suburban Residential Two Planned Development.
- 1985 Proposed use for the site is a 98 unit Executive Apartment complex. Zoning Classification is SR-2/PD.
- 1986 Change in Concept Development Plan approved with the condition agreed to by Turfway Development Company and C. W. Henne Development Company with the Florence City Council that:
- "No use is being approved for lots 7 or 8, at this time and it (Turfway Development Company) shall reapply and obtain necessary approvals under applicable zoning regulations before any use, structure or construction can begin on lots 7 or 8, it being understood that the unassigning of any use for these two lots is temporary".
- Zoning Classification is SR-2/PD.
- 1994 Requested Zoning Map Amendment from O-2/PD, SR-2/PD to UR-1 on Lots 8 and 9 to allow 366 apartment units. The Boone County Planning Commission recommended approval of the Amendment, but was later denied by the City of Florence.

Surrounding Land Uses and Zoning

(Sheet 5-Zoning Map)

South and west of the site is Colonial Estates Subdivision, in particular Claxon and Jo Ann Drives. This neighborhood contains single family residences and is zoned Residential One Family (R-1F).

North of the site are Lots 6 and 7 which are part of the Turfway Commercial Park. These lots are zoned Suburban Residential Two Planned Development (SR-2/PD). Interstate 75 and Houston Lakes is also located north of the site.

The remaining lots in Turfway Commercial Park, located east of the site, include the Family Fun Center, Sports of All Sorts, Signature Inn, Ryan Steak House, Fairfield Inn, a pediatrics medical office and undeveloped lots zoned Office Two Planned Development zoned Office Two Planned Development (O-2/PD).

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 "Commercial" and is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

The Land Use Element of the Comprehensive Plan for the Florence Area states:

"Commercial developments in this section should remain near the arterial roads or close to the interstate. These consumer services and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate...Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office or industrial developments in existence," (page 227).

The Future Land Use Development Guidelines within the Land Use Element concerning buffering states:

"Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate," (page 210).

The Land Use Study I-75 Turfway Road Interchange guidelines for development for this particular site states:

"It is the purpose of SR-2 for this parcel to permit a sensitive residential use of the land. This parcel has a major swale and heavy vegetation in an east-west direction through the parcel. Development of the parcel must recognize and be sensitive to the existing vegetation and topography while maintaining the natural buffering of the land. The site is surrounded on two sides by existing R1-F residential. Development of the site should be limited and clustered north of the swale and take maximum advantage of the slopes, views and vegetation. Access to the parcel should be provided off Price Road through parcel 2E. Access off Claxon Drive or JoAnn Drive should be discouraged," (page 4-3), (Sheet 6).

Staff Concerns and Comments

1. Staff would remind the applicant that the site is subject to Section 3170 of the Boone County Zoning Regulations for Perimeter and Interior Landscaping of the parking lots.

2. The site is subject to the Turfway Commercial Park Special Sign District. This district currently allows a total of six free standing "pole" signs, allocated to the lots that abut I-75. These signs are permitted a maximum 254 sq. ft. and a maximum height no greater than that of the existing and Signature Inn sign. The applicant has not indicated or provided any information concerning signage at this time.
3. All proposed buildings should be similar or the same in design, materials, and colors so that the proposed development conveys continuity.
4. This site is part of a Planned Development, which encourages innovative physical design proposals through flexibility in dimensional standards that are normally applied to conventional districts. Staff contends the Planned Development Overlay is not being taken advantage of through the proposed Concept Development Plan for Lot 8.

Conclusion

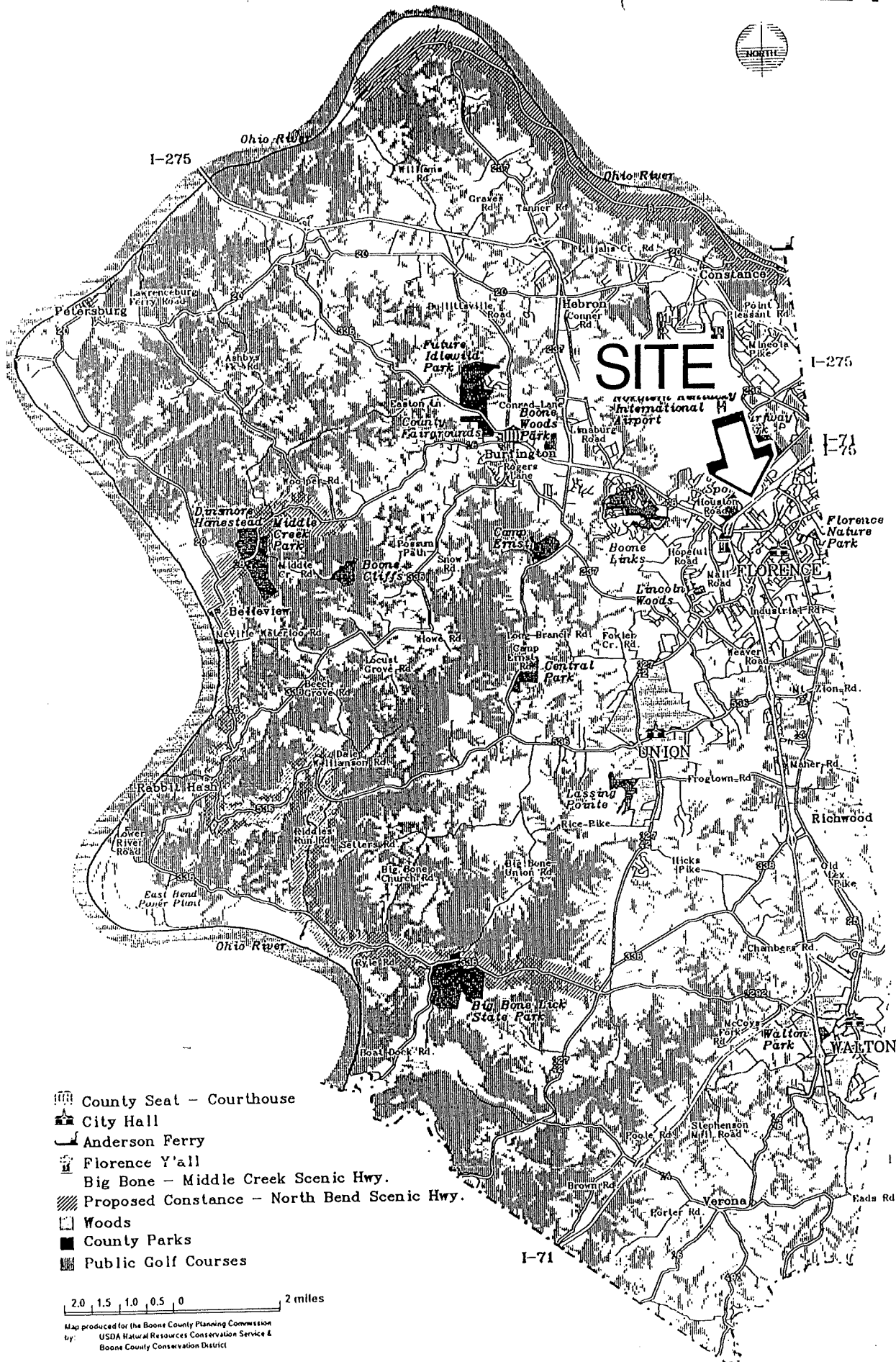
This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the criteria necessary for approving a Change in Concept Development Plan as stated in Article 3, "Amendment," of the Boone County Zoning Regulations, the intent of Article 15, Planned Development District of the Boone County Zoning Regulations and the intent of the Land Use Study I-75 Turfway Road Interchange Study. If recommended by the Planning Commission and the Florence City Council, the Future Land Use Map would not need to be amended.










Respectfully submitted,

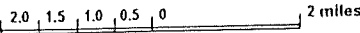


Edward Coleman
Planner

EC\pr



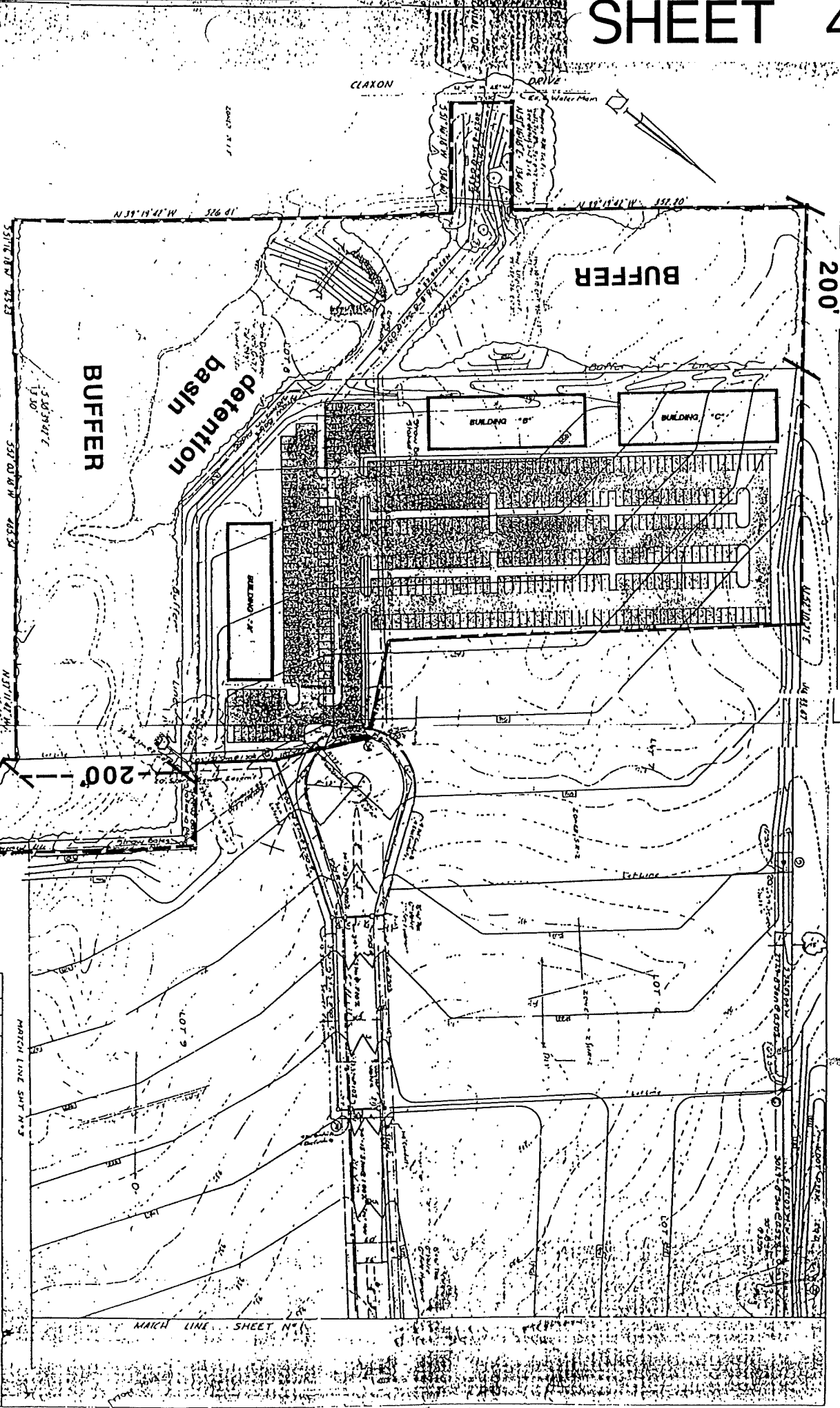
-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



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

Northern KY Commerce Center



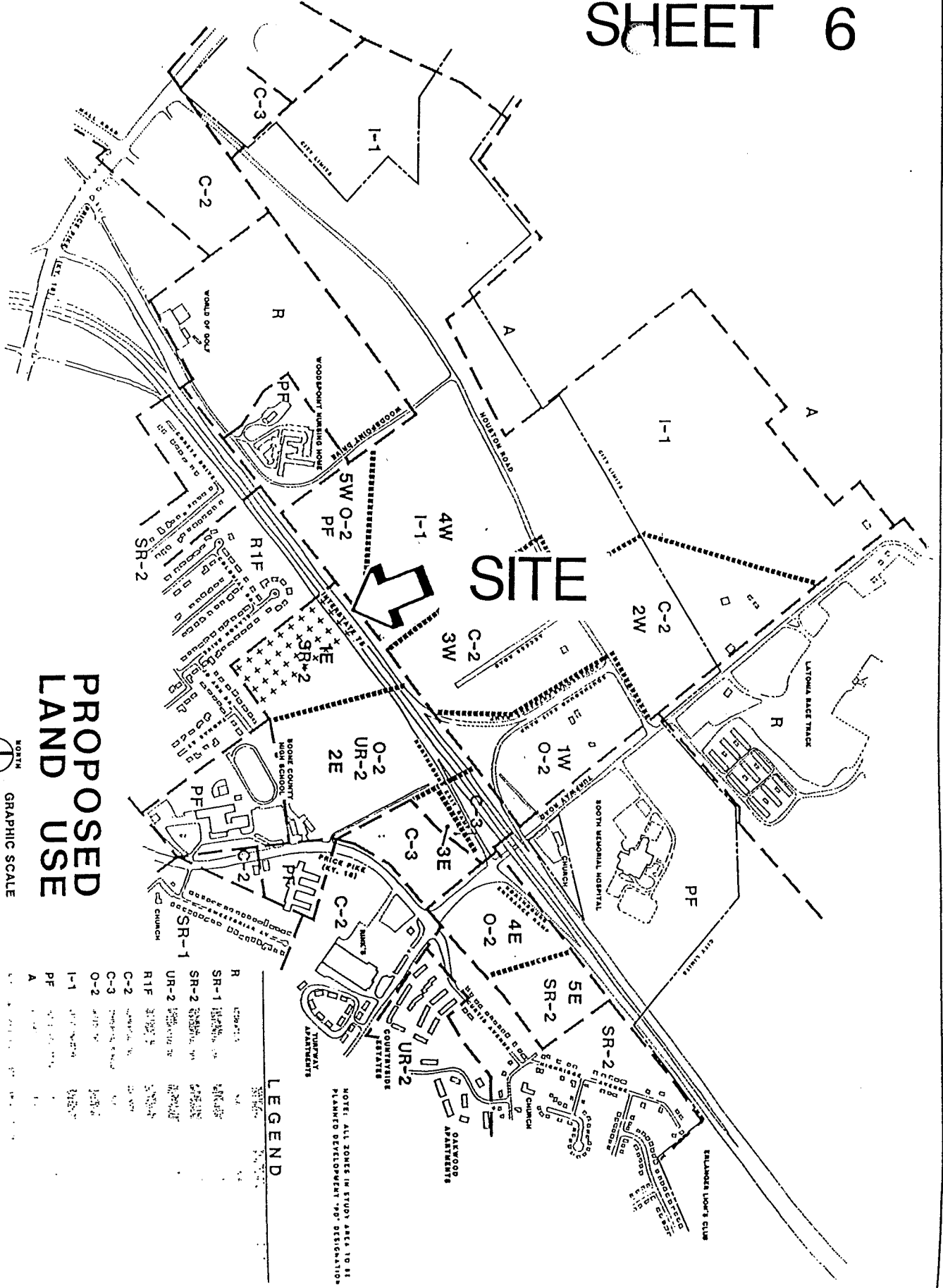


Note:
 1. Lots 1, 2, 3, 4, 5 and 6 will be individually
 rezoned for detention retention facility
 from 2000 sq. ft. to 10000 sq. ft. minimum
 2. Lot 7 and 8 will utilize the detention
 facility located on Lot 8 for control of
 stormwater runoff
 3. Lot 9 will remain open for
 industrial detention of stormwater from the
 storm sewer system development 10/15/10

NORTHERN KENTUCKY COMMERCE CENTER

TURFWAY
 COMMERCIAL PARK
 CITY OF FLORENCE
 BOONE COUNTY, KENTUCKY

WOOLPERT CONSULTANTS, INC.
 CONSULTANTS



PROPOSED LAND USE



LEGEND

R	RESIDENTIAL
SR-1	SINGLE-FAMILY RESIDENTIAL
SR-2	SEMI-DETACHED RESIDENTIAL
UR-2	URBAN RESIDENTIAL
R1F	RESIDENTIAL FLEXIBLE
C-2	COMMERCIAL
C-3	COMMERCIAL
O-2	OFFICE
I-1	INDUSTRIAL
PF	PUBLIC FACILITY
A	ARTS AND RECREATION

NOTE: ALL ZONES IN STUDY AREA TO BE PLANNED DEVELOPEREST 70' DISTANCE



BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

October 23, 1996
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, and Mrs. Schaffer, and Chairman Viox.

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M. and stated that following the Public Hearings, the next step for these items will be to go to the Zone Change Committee. The Zone Change Committee meeting for these items will be held on Monday, October 28, 1996 at 4 P.M. in the second floor conference room of this building. These items will then be on the Agenda for the business Meeting on November 6, 1996 for possible action.

Following an explanation of the Public Hearing process by Counselor Wilson, Chairman Viox introduced the first item on the Agenda:

1. Applicant: James W. Berling for
David A. Wolf Associates (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for David A. Wolf Associates (owner) for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-2/PD) zone.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). He also showed the Commissioners pictures of the type of buildings the applicant is proposing.

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, Engineer, representing the applicant, stated that the Staff had done an excellent job of presenting the issue and they agree with the Staff's presentation. They do not object to continuing the buffer as recommended by Staff and believe it is in the covenants of the development. He stated that this is a good use for the property -- it is office oriented, which has always been the theme around the Turfway interchange.

Mr. David Wolf, one of the developers, stated that the Staff covered the proposal thoroughly. He offered to answer any questions. He stated that he had submitted several pictures of the concept, which they have built in previous locations. He stated that he intends to build similar buildings on this site. He stated that the office building is different than others in Northern Kentucky in that it is a three-story office building for small and tiny users of less than 1,000 square feet. They will build the space in a way that allows for some flexibility, but not as much as a larger user would get with a long term lease. He stated that they currently have buildings in Springdale, Blue Ash, and Union Township in Ohio. Those areas are happy to have them because they bring in the small businesses and when they grow and get to a size that the building cannot accommodate them, they tend to stay in the municipality. He stated that they attract factory representatives, sales people, professionals, and people who have been laid off from large corporations who are now providing the same services to those corporations as consultants. They are a clean use and tax generative. He stated that they are in conformity with the O-2/PD use proposed on Lot #9. He stated that this site has a lot of history that has been controversial, and the apartment use has been rejected. He stated that they are a use the Planning Commission should be pleased with.

Chairman Viox asked if there was anyone else present who wished to speak either for or against this request. There being no response, he asked if there were any questions from the Commissioners.

Mr. Ries asked if we are looking at development on Lot #8 only. Mr. Wolf responded "yes". Mr. Ries stated that there could be development on the other 9 lots and there could be 10 buildings there at some time. Mr. Coleman advised that the change in Concept Development Plan would be only for Lot #8.

Mr. Ries stated that he is concerned about the closeness of the residential area and wants to be sure the residents are protected. He is concerned about what the residents will be looking at when the leaves fall off the trees. He wants buffering or berming that would protect the residents from looking at the back of a building -- where it is sometimes trashy and where the trash bins may be. He stated that he is concerned with this being a 3-story building versus a 2-story building. The visibility would be a concern.

Mrs. Schaffer stated that Staff had indicated that there were conditions in the beginning. She asked if those conditions would still apply if this change is made. Mr. Coleman advised that Mrs. Schaffer is referring to the protective covenants. He stated that the 200 foot buffer is in addition to any conditions the Planning Commission might impose.

Mrs. Schaffer questioned the depth of the treeline. Mr. Coleman advised that it averages about 200 feet. Mrs. Schaffer questioned the number of trees to be destroyed. Mr. Coleman recommended that none of them be destroyed. Mrs. Schaffer agreed.

Mrs. Schaffer stated that 390 parking spaces appears to be a lot. Mr. Coleman agreed and stated that if they were to build out the three buildings with office uses, the number of spaces could increase to 432, which would be excessive. Mrs. Schaffer stated that she is concerned with the view from the interstate and all the concrete. Mr. Coleman stated that that gets into Staff Concern #4. He stated that he drove I-75 North and I-75 South today and when heading south there is a high point where you can see down into the site and where they are proposing the parking a lot of it can be seen -- as opposed to if they put the buildings in the middle or on the high point and have the parking away from the buildings. Also, if there are overhead doors, there is a need to work with the problem of them facing I-75.

Mrs. Schaffer stated that at previous hearings, the residents were concerned that there be no access on Claxon Drive. Mr. Coleman advised that this access is not proposed on the Concept Plan. He stated that the original study suggested that there be no connection with the residences. Mr. Costello stated that there is an existing condition that does not permit access on Claxon and it would be maintained.

Mrs. Schaffer stated that the Committee needs to look at the number of parking spaces, the greenbelt area, and Staff Concern #4 in regard to innovative design.

Mr. Neltner asked Mr. Wolf to elaborate on the office showroom uses. He asked if the showroom could be driven into and if there is intent to have a car showroom there. Mr. Wolf responded "no". Mr. Neltner asked if the showroom would be divided into small office uses as well. Mr. Wolf responded "yes". Mr. Neltner stated that he is concerned with the number of parking spaces -- there are too many spaces for the little uses that will be there.

Mr. Wolf stated that he only intends to create parking spaces as he needs them and will not put in more than he needs. If they build the buildings as shown, they would want as much parking as they have shown, which is 4 spaces per gross 1,000 -- which is what they would need. He stated that building #1 will be the three-story office building shown, but if it does not rent quickly then they would build the office showroom which would be a one-story building -- and those parking requirements would be considerably less than the office building. He stated that the three-story office building is no different than the other uses that are on Lots 1, 2, 3, 4, and 5 which are three-story motels. He stated that they will commit that they will not ever use Claxon Road. He stated that the 200 foot buffer is as big a buffer as he has ever experienced in the 35 years he has been building and when the leaves are off the trees there is still a healthy buffer there. He stated that they want the visibility from I-75 and it is one of the reasons they chose this site. It is important that their building be seen. They want this to be a high-visibility building. He stated that building #1 will be an office building, but he cannot commit to whether buildings #2 and #3 will be office buildings or office showroom buildings. They could be either.

Mr. Damstrom stated that he did not see any provision for dumpsters. He questioned access to the back of the buildings.

Mr. Wolf stated that they will work out the dumpsters with Staff. He stated that the placement of the buildings will be as shown if they are all built as office buildings. If they end up being office showroom buildings, they would want to locate them differently and there would be access from the rear. They will have fire code ingress/egress, but the primary entrance would be from the front. Mr. Coleman advised that this had been discussed. He stated that there would not be any other access back there other than the 12-foot wide access per the building code. He stated that there was a condition in 1986 that there would not be any connection to Claxon Drive.

Mr. McMillian questioned if the airport buying property on Katherine Drive and in that subdivision would make a difference in regard to access to this project. Chairman Viox advised that the airport is buying those properties with purchase assurance, which means that the people can continue to live there.

Mr. Bailey stated that he was on City Council when the covenants were passed. He stated that the covenants apply today. Mr. Coleman agreed. Mr. Bailey stated that he believes ingress/egress is part of the covenants and would apply even if it were not part of this approval. Mr. Coleman stated that it is his understanding that the covenants would apply no matter what. Mr. Bailey stated that he believes there would be no ingress or egress on Joann either. Mr. Coleman agreed.

Mr. Bailey questioned the 200 foot buffer and the acreage. Mr. Coleman stated that it is 200 feet in each direction, but if you take into account the detention basin it is wider than 200 feet. Mr. Bailey stated that he believes that preserving the open space in the seven acres was part of the covenants. He asked if there is seven acres. Mr. Coleman stated that the area that contains woods is approximately seven acres. Mr. Bailey stated that it is a 12-acre site. He asked how many acres will be involved in the development and how many will be involved in the buffer area.

Mr. Wolf stated that the buffer is 6.5 acres. The whole site is slightly under twelve acres, which gives then approximately six acres of usable plateau.

Mr. Bailey stated that the covenants mention seven acres, but they are close on the buffer. Mr. Berling advised that the covenants do not mention seven acres. Mr. Coleman stated that there is a 200-foot minimum buffer, but not a set amount of acreage. Mr. Bailey advised that he did look this up, but will look it up again to see if it says 7 acres.

Mr. Bailey stated that there is wording in the covenants to the effect that the flow of rain water will be no greater after the development than it is currently. Mr. Coleman agreed and advised that this would be a Site Plan issue.

Mr. Ries referred to the office showroom and questioned if there could be used car sales there. Mr. Wolf stated that they have no intention of doing that. He stated that they build a long building, broken up into small users who have offices in the front and use the space in the rear for multiple purposes -- such as telecommunications, printers, business services, engineers. Some people divide the rear space up into additional office space. He stated that there could be heating and cooling contractors. There could also be a national corporation renting space for their people rather than in a regular office building. He stated that he will commit not to have a use of new or used car sales.

Mr. Bailey asked if it is necessary for the residents of Claxon Road and Joann to be notified in regard to this request. Mr. Coleman advised that the adjoining property owners were notified.

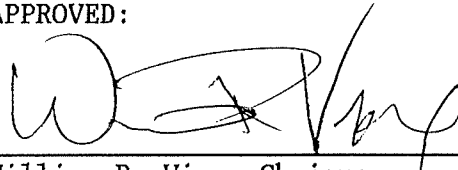
Chairman Viox asked if there were any further comments.

Mr. Berling stated that the contours (Sheet #4) indicate that this area slopes away from the interstate and drops away. He stated that he does not think people will see much of the parking lot since the property drops away in grade. He stated that it would be difficult to see anything more than just the end of the parking.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 28, 1996 at 4 P.M. and this item will be on the Agenda for the Business Meeting on November 6, 1996 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. Viox - Chairman.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: James W. Berling for
Russell Rankin and Robert Hill (owners)

Request: Utilization of an Underlying Zone

The request of James W. Berling (applicant) for Russell Rankin and Robert Hill (owner) for a Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) Zone for an approximate 5.2 acre site located on the south side of U.S. 42 near Old Toll Road, unincorporated Boone County and Florence, Kentucky. The request is for a Utilization of an Underlying Zone in a Planned Development to allow all uses permitted in the C-2 Zone plus the sale of concrete fasteners.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report). Mr. Light stated that the project has been decreased in acreage and intensity due to Mr. Hill withdrawing his parcel from the project. The project is still in both jurisdictions, but the acreage and the square footage have been reduced. He showed the Commissioners a colored copy of the Concept Plan.

Chairman Viox referred to Staff Concern #3 and questioned the retail sales building not being in the City of Florence. Mr. Light advised that about 95% of the building is not in the City of Florence. Chairman Viox questioned water service to the project. Mr. Light indicated the Florence Water & Sewer line near the property. Chairman Viox stated that this building is being reviewed with no water.

Mr. Robert Hill, Jr. stated that his father wishes to remove his property from the zoning petition as he had a previous Right of First Refusal with the lessee and the lessee decided to purchase the property. Therefore, the property will not be sold to Mr. Rankin.

Chairman Viox stated that he feels Staff Concern #3 should be addressed first. He asked Mr. Berling for his comments regarding annexation.

Mr. Jim Berling, engineer for the project, stated that the annexation issue has to be addressed. He stated that the developer and owner of the property, Mr. Russell Rankin, is present to answer any questions. Mr. Berling stated that Mr. Rankin was not aware until recently that he was in a Planned Development Zone. He did move dirt onto the property and excavated. He had a permit in 1994 and then renewed the activity on the site earlier this year, for which he was reprimanded. He stated that Grading Plans have been prepared and are being amended. He wants to look at the whole site and get a reasonable plan that would be in conformance.

Mr. Berling stated that they would like to have retail sales on the property with parking in front and two access points. The roadway would be built and dedicated to public use back to the industrial area in the rear. The roadway would then become a private drive to the uses in the rear and would have to follow the subdivision regulations. He stated that the use in the application is concrete fasteners. A buyer would like to locate on Lot #1 and they ask that this use be considered as a possible use in this zone. It is a Permitted Use in the industrial zone to the rear.

Mr. Berling stated that they are not in the city. The water is not available, but that can be rectified with annexation. He stated that this type of zoning requires a Concept Plan and they cannot go to the Building Department and request a permit to build a structure unless they go through this procedure. They are here to begin the process and are showing what they believe would be a good development in this area. The user for Lot #1 markets concrete fasteners both wholesale and retail.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Bill Crouch, owner of the property to the south (the chiropractic office, the garage, and the body shop), stated that there is not sewer out on the road -- the sewer is back behind the property. He stated that if this development results in bringing the sewer out along the highway, that would benefit him and people who want to develop further south. He stated that they have tentatively agreed that his property could tap into the sewer.

Mr. Ross Surratt, the lessee of the proposed building, stated that concrete fasteners are a small part of what they do. They cater to the public with power tools that people use at home and to industry. The use is similar to A & E Door and The Rental Crib, which are closer to town and U.S. 42 and cater more to the industrial user than they do. He questioned what kind of a battle he is facing to locate on this site and if he should get out of it.

Counselor Wilson suggested that Mr. Surratt contact his own lawyer for advice. In regard to annexation, he stated that if the property owner wants water and it is not available through the county, and they will have to talk to the City of Florence. The city's current policy is not to extend water outside the city limits.

Mr. Surratt questioned the likelihood that Mr. Rankin will be able to build the building he proposes.

Mr. Costello stated that when the 1986 Update occurred, the reason this property was in Planned Development is that it was about the time the widening of U.S. 42 happened and it was felt that it was a sensitive area for redevelopment. There were a series of workshops and public hearings in this regard. He stated that it was felt that this would be a future growth area of Florence. He stated that similar projects have been

approved through this same process, such as Auto Zone, Bank One, The Little Red School House, and Star Bank. He stated that this property is in Planned Development and for ten years there was no use on the property. He stated that some work was being done in terms of fill. The PD is the result of the widening of U.S. 42, and other businesses have been established since then that have taken advantage of the PD Zone.

Counselor Wilson stated that the current zoning allows development, but there is an extra layer of review. He stated that the Planning Commission cannot give a percentage as to whether or not they may be successful with this application.

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

Mr. McMillian questioned the part of the site that was withdrawn. Mr. Light indicated the Hill property and advised that it was formerly the Highway Nursery site.

Mr. McMillian stated that concrete fasteners can go into the I-1 Zone, but Mr. Surratt wanted to clear up whether he could go into a C-2 Zone. Mr. Berling stated that the use might be considered a retail use. He stated that Mr. Surratt had explained better what the business is, and it sounds like it is more retail than wholesale. Mr. Ries referred to Staff Concern #6 and questioned how they can request the use if it is not permitted in the zone.

Mr. Light read the note on the Concept Plan to the effect that the development on Lots 1, 2, 3, and 4, or R & B commercial development will include all of the uses in the C-2 Zone and the sale of concrete fasteners, which will be retail and wholesale. No manufacturing or assembly will be done on site. Mr. Light stated that Staff Concern #6 is saying that the sale of concrete fasteners retail and wholesale would be allowed on all four lots, but the potential tenant is only looking at Lot #1. He stated that through this process, they can ask for an extra use that is not in C-2. A condition could be imposed that the use would be only allowed on Lot #1 and not on all four lots.

Mr. Ries stated that if the request is approved, it would be based on water being available to the property and, if the property is not annexed, then the development would not happen.

Chairman Viox stated that the City of Florence is sensitive to annexations that work around them without talking to them and that is the issue here. He stated that the applicant probably did not realize that they needed annexation. The applicant needs to talk to the City of Florence because the city is not going to give them water unless they are annexed, and the city is sensitive to the zoning proceeding first. He stated that he would not want the applicant to spend his money out here and not have water. Mr. Ries questioned if the Planning Commission could proceed on the application.

Counselor Wilson stated that the application is filed and it is entitled to be reviewed and processed. He stated that the Chairman's comments are to the applicant to let them know that they should be talking to the City of Florence about water if that is where they intend to get water. He stated that in an Annexation Ordinance, you look at what the zoning is upon annexation.

Chairman Viox stated that the Grammas center up the street was surrounded by water mains and they could get water from the county or the city, but he does not know of any county water main to serve this site. The only water main he knows of for this property belongs to the City of Florence.

Mr. Ries questioned if he could ask the applicant why he continues to violate the zoning ordinance. Counselor Wilson advised that the Planning Commission's decision on this application should not be based on compliance or violation and that is a matter for another forum. He stated that Mr. Ries can ask the question and the applicant can answer if he wishes.

Mr. Ries questioned why the grading keeps happening.

Mr. Rankin stated that he is in the contracting business and uses the old blacktop as base material. When he is not busy, he runs a scraper on it. He stated that he is not actually grading there and will take the site back down to its original contour. He stated that it is just dirt people dump there. Mr. Ries stated that it is still a violation. Mr. Rankin stated that he has had two or three permits to grade the property. He stated that he will take the dirt off the site and move it into the valley to have more lots, which he tries to do as economically as possible. He uses the material as base for parking lots and blacktop. He stated that he will use a compactor on it and everything will be okay. He will take the property back down to its original contour and even lower.

Mrs. Schaffer questioned what concrete fasteners are and asked if there will be any outside storage.

Mr. Surratt stated that there will not be any outside storage. He stated that their business is also drills, hand tools, wrenches, rain suits, coolers, and other types of construction supplies.

Mrs. Schaffer asked if concrete fasteners are small. Mr. Surratt responded "yes".

Chairman Viox stated that the use sounds like a small tool and equipment facility. Mr. Berling stated that it sounds like it would conform to normal retail sales in C-2 and they would not then need a special exception. He stated that they are only asking for the uses in C-2. He stated that they have a parcel of land with the proper zoning, but no Concept Plan approval.

Mr. Neltner questioned the road that runs back past the commercial sites. He asked if it will serve only the existing industrial uses or if there are plans for the road to go further. Mr. Berling stated that the long range plan would be to provide a private drive back to some rental units

in the rear, and there is the potential for a few more industrial buildings back there. Mr. Neltner asked if the road could be extended and tied into another road. Mr. Berling stated that there is nothing that would be appropriate for it to tie into and the area is fully developed.

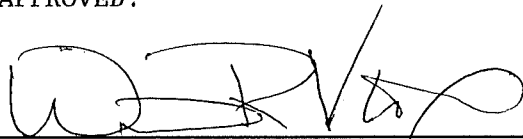
Mr. Bailey questioned innovative design. Mr. Berling stated that the configuration of the land with its irregular shape demands that they be somewhat innovative. He stated that the commercial strip is not a normal configuration. The parking lot has a lot of breaks in it and the landscape islands in front are quite large. He stated that the remaining property to the right provides for three outlots for uses in the C-2 Zone. The shape of the road is not a normal straight line development. He stated that they have tried to be innovative. Mr. Bailey asked if they are putting more into this than if it did not have the PD Overlay. Mr. Berling responded "no, but we are accomplishing the same thing". He stated that the design falls within the realm of what they are looking for.

Mr. Berling apologized for not realizing that they had no water. He stated that if the Planning Commission choses to proceed, during the procedure they can begin working with the city and see what the city's reaction is. They would be willing to defer the Planning Commission's final vote until they have met with the city, if that is the way the Planning Commission would want to proceed.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 28, 1996 at 4 P.M. in the second floor conference room of this building. This item will be on the Agenda for the Business Meeting on November 6, 1996 at 8 P.M..

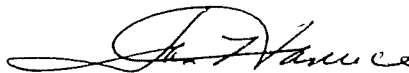
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
November 6, 1996
8 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:04 P.M..

COMMISSION MEMBERS PRESENT:

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
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Ed Coleman
Ms. Jan Hancock, Secretary
Mr. Greg Sketch, Engineer
Mr. Kevin Wall, AICP

Mr. Rush moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Mr. Caddell abstained due to his relationship with Heritage Bank. The motion carried.

UNFINISHED BUSINESS:

Chairman Viox announced that Item #2 is recommended for deferral:

2. Utilization of an Underlying Zone

The request of James W. Berling (applicant) for Russell Rankin and Robert Hill (owners) for the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) Zone for an approximate 5.2-acre site located on the south side of U.S. 42 near Old Toll Road, unincorporated Boone County and Florence, Kentucky. The request is for the Utilization of an Underlying Zone in a Planned Development to allow all uses permitted in the C-2 Zone plus the sale of concrete fasteners.

Mrs. Schaffer moved to defer Item #2 to the November 20, 1996 Business Meeting at 8 P.M.. Mr. McMillian seconded the motion and it carried unanimously.

Chairman Viox introduced the first item on the Agenda:

1. Change in Concept Development Plan

The request of James W. Berling (applicant) for David A. Wolf Associates (owner) for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-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). The applicant has signed the letter agreeing to the conditions.

Mr. Bailey moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Burch seconded the motion.

Mr. McMillian questioned if the use is "office flex". He asked if they might change the offices into a showroom.

Mr. Wolf stated that he was not familiar with the term "office flex". He stated that the office building will be an office building, but he reserves the right to build an office showroom building in the event the first office building does not meet their projections.

Mr. Burch explained that "office flex" is the office space in the front and the warehouse space behind it -- and it may be an office building in the front with a metal warehouse behind.

Mr. Bailey stated that one of the covenants, in addition to the 200 foot buffer and no ingress/egress on Claxon or Joann, is the flow rate of water is to be no greater after this is constructed than it is now.

Mr. Ries stated that a concern of the residents, which was expressed at the Public Hearing, is there being a three-story building so close to the residences. There was also concern from the residents about a privacy fence on the building side of the buffer in addition to evergreens to block the view in the winter. These concerns were also expressed to him in talking with the residents.

Mr. Coleman stated that it is not in the Minutes of the Public Hearing that those concerns were expressed by the residents. He stated that there was discussion at the Committee in regard to evergreen trees as screening, but the Committee did not think it was necessary given the amount of existing trees in the buffer. He stated that with the height and maturity of the existing trees, the height of the building should not be a concern.

Mr. Ries stated that he was there three days ago and with the amount of leaves off the trees now, the residents will be looking at the back of the buildings without the privacy fence and the evergreens. He stated that they can see existing buildings now that are farther away than the end of the street.

Mr. Burch stated that he was on the Committee and recalls the discussion at the Public Hearing. He stated that we are so far beyond the normal buffer zone with the heavily treed area that the fence or evergreen trees is overkill. He stated that he would not disagree that the buildings would be able to be seen from the residences, but it is probably about 300 feet to the closest residence and they are nice brick buildings. He stated that a lot worse things could happen there -- the zone allows metal buildings and there has been prior discussion of apartments there. He noted that Florence has been asking for office buildings and this is an opportunity to do that. He stated that there is 200 feet of thick, wooded buffer and requiring a fence behind it is overkill.

Mrs. Schaffer questioned if there are height restrictions in that area. Chairman Viox advised that they are in the Subdivision Regulations. Mr. Coleman stated that the zoning is SR-2 and the height limitation would be 45 feet. Mrs. Schaffer stated that the request is to allow office uses, which would be defined in O-1 and O-2. Mr. Coleman agreed, but stated that the property is zoned SR-2/PD, which allows for flexibility.

Mrs. Schaffer asked if in approving this amendment allowing office and office showroom uses we are defining office as O-1 and O-2 -- which does not allow car dealerships, as was brought up by Mr. Neltner at the Public Hearing. Mr. Coleman stated that it was asked at the Public Hearing if car dealerships were a potential use and it was indicated at that time that that would not be an option. Mr. Bailey stated that this is in the Minutes. Mrs. Schaffer stated that it is not a condition. Mr. Costello questioned if the Concept Plan says "office only" -- otherwise the Planning Commission can amend the Committee Report and add it as a condition. He stated that the approval is usually restricted to what is

on the Concept Development Plan and any clarification can be written in the Committee Report. Mr. Coleman advised that there is nothing on the Concept Development Plan that specifically states "office".

Chairman Viox asked the applicant to state for the record what they intend to do there.

Mr. Wolf stated that he will not build the auto dealership, but he does not want to limit all other uses. He stated that his present intent is to build offices or office showroom and anything else permitted within those zones. He stated that he does not want to say he will build nothing other than that, but that is his intent.

Counselor Wilson referred to Page 5 of the Public Hearing Minutes (October 23, 1996) and noted that Mr. Ries questioned used car sales and Mr. Wolf responded that he will commit not to have a use of new or used car sales. Counselor Wilson stated that that could be part of the motion. Mr. Wolf stated that he would agree to this. Counselor Wilson advised that if the Planning Commission want to put in a condition that there will not be a use of new or used car sales, it should be put in the Committee Report and in the motion. Mrs. Schaffer stated that she would like to see this amendment, and that it is limited to office uses. Chairman Viox advised that Mr. Wolf did not say that -- he said the he wants to have the other uses in the zone.

Mr. Wolf stated that he will commit not to build an auto showroom, but he wants the other uses that are permitted.

Chairman Viox suggested a recess to allow the Committee to meet. Counselor Wilson advised that the Committee discussion will have to be in open session. At 8:20 P.M., Mr. Bailey moved to temporarily recess for Committee discussion. Mr. Neltner seconded the motion and it carried unanimously.

At 8:30 P.M., Chairman Viox called the meeting back to order following the temporary recess. He stated that there was a motion on the floor to approve the request and asked if Mr. Bailey wished to add language to the motion.

Mr. Bailey added a fourth condition to the motion that the only uses permitted will be those allowed in O-1 and O-2. He stated that Mr. Wolf had agreed to this condition. Counselor Wilson advised that this was discussed in the Committee meeting and the applicant agreed to it. Mr. Burch seconded the amendment to the motion. Counselor Wilson questioned a condition regarding used cars. Chairman Viox stated that it is not a concern.

The Chairman stated that the applicant has agreed to the conditions. He asked for a vote on the amended motion and it carried unanimously.

Counselor Wilson explained that the Planning Commission's recommendation will go to the City of Florence and anyone interested should follow up with the city. The city can go along with the recommendation, change it, or override it.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: November 6, 1996

RE: Request of James W. Berling (applicant) for David A. Wolf Associates (owner) for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-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 Change in the Concept Development Plan, to permit offices and office showrooms, is an appropriate land use for Lot 8 of the Turfway Commercial Park Subdivision and is in agreement with the 1995 Boone County Comprehensive Plan and the Future Land Use Map.

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 and the Interstate 75 Turfway Road Interchange Land Use Study. The conditions are also necessary for the purposed of upholding the protective covenants of the Turfway Commercial Park. 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 200 foot buffer, described in the Turfway Commercial Park's Declaration of Protective Covenants, and a condition of an approved 1986 Change in Concept Development Plan will be maintained as shown on the Concept Development Plan submitted by the applicant. In addition, the Protective Covenants and the conditions for approval of the 1986 Change in Concept Development Plan both state that no ingress or egress shall ever occur between Turfway Commercial Park, specifically Lot 8, and Colonial Estates Subdivision. The only access permitted shall be from Cavalier Boulevard.
- 1A. See Attachment 1A.

2. The three buildings are to be designed in the same style, using the same types of building materials and color combinations.
3. No long term outside storage is permitted on site including behind the buildings.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

William Bailey

William Bailey, Chairman

For _____ Against _____
Abstain _____ Absent _____

Fred Burch

Fred Burch

For _____ Against _____
Abstain _____ Absent _____

Michael McKinney

Michael McKinney

For _____ Against _____
Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For _____ Against _____
Abstain _____ Absent _____

Robert Millay

Robert Millay

For _____ Against _____
Abstain _____ Absent _____

Barry Neltner

Barry Neltner

For _____ Against _____
Abstain _____ Absent _____

TOTAL: 6 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

ATTACHMENT 1A
COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: November 6, 1996

RE: Request of **James W. Berling (applicant)** for **David A. Wolf Associates (owner)** for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-2/PD) zone.

Conditions:

- 1A. The applicant agrees that only principally permitted Office One (O-1) and Office Two (O-2) uses, as defined in the 1996 Boone County Zoning Regulations, shall be permitted to occur on site. *AEC*

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

October 23, 1996
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, and Mrs. Schaffer, and Chairman Viox.

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M. and stated that following the Public Hearings, the next step for these items will be to go to the Zone Change Committee. The Zone Change Committee meeting for these items will be held on Monday, October 28, 1996 at 4 P.M. in the second floor conference room of this building. These items will then be on the Agenda for the business Meeting on November 6, 1996 for possible action.

Following an explanation of the Public Hearing process by Counselor Wilson, Chairman Viox introduced the first item on the Agenda:

1. Applicant: James W. Berling for
David A. Wolf Associates (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for David A. Wolf Associates (owner) for a Change in Concept Development Plan for an approximate 12.5 acre site located on Cavalier Boulevard at Lot 8, Turfway Commercial Park, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow office and office showroom uses in a Suburban Residential Two/Planned Development (SR-2/PD) zone.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). He also showed the Commissioners pictures of the type of buildings the applicant is proposing.

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, Engineer, representing the applicant, stated that the Staff had done an excellent job of presenting the issue and they agree with the Staff's presentation. They do not object to continuing the buffer as recommended by Staff and believe it is in the covenants of the development. He stated that this is a good use for the property -- it is office oriented, which has always been the theme around the Turfway interchange.

Mr. David Wolf, one of the developers, stated that the Staff covered the proposal thoroughly. He offered to answer any questions. He stated that he had submitted several pictures of the concept, which they have built in previous locations. He stated that he intends to build similar buildings on this site. He stated that the office building is different than others in Northern Kentucky in that it is a three-story office building for small and tiny users of less than 1,000 square feet. They will build the space in a way that allows for some flexibility, but not as much as a larger user would get with a long term lease. He stated that they currently have buildings in Springdale, Blue Ash, and Union Township in Ohio. Those areas are happy to have them because they bring in the small businesses and when they grow and get to a size that the building cannot accommodate them, they tend to stay in the municipality. He stated that they attract factory representatives, sales people, professionals, and people who have been laid off from large corporations who are now providing the same services to those corporations as consultants. They are a clean use and tax generative. He stated that they are in conformity with the O-2/PD use proposed on Lot #9. He stated that this site has a lot of history that has been controversial, and the apartment use has been rejected. He stated that they are a use the Planning Commission should be pleased with.

Chairman Viox asked if there was anyone else present who wished to speak either for or against this request. There being no response, he asked if there were any questions from the Commissioners.

Mr. Ries asked if we are looking at development on Lot #8 only. Mr. Wolf responded "yes". Mr. Ries stated that there could be development on the other 9 lots and there could be 10 buildings there at some time. Mr. Coleman advised that the change in Concept Development Plan would be only for Lot #8.

Mr. Ries stated that he is concerned about the closeness of the residential area and wants to be sure the residents are protected. He is concerned about what the residents will be looking at when the leaves fall off the trees. He wants buffering or berming that would protect the residents from looking at the back of a building -- where it is sometimes trashy and where the trash bins may be. He stated that he is concerned with this being a 3-story building versus a 2-story building. The visibility would be a concern.

Mrs. Schaffer stated that Staff had indicated that there were conditions in the beginning. She asked if those conditions would still apply if this change is made. Mr. Coleman advised that Mrs. Schaffer is referring to the protective covenants. He stated that the 200 foot buffer is in addition to any conditions the Planning Commission might impose.

Mrs. Schaffer questioned the depth of the treeline. Mr. Coleman advised that it averages about 200 feet. Mrs. Schaffer questioned the number of trees to be destroyed. Mr. Coleman recommended that none of them be destroyed. Mrs. Schaffer agreed.

Mrs. Schaffer stated that 390 parking spaces appears to be a lot. Mr. Coleman agreed and stated that if they were to build out the three buildings with office uses, the number of spaces could increase to 432, which would be excessive. Mrs. Schaffer stated that she is concerned with the view from the interstate and all the concrete. Mr. Coleman stated that that gets into Staff Concern #4. He stated that he drove I-75 North and I-75 South today and when heading south there is a high point where you can see down into the site and where they are proposing the parking a lot of it can be seen -- as opposed to if they put the buildings in the middle or on the high point and have the parking away from the buildings. Also, if there are overhead doors, there is a need to work with the problem of them facing I-75.

Mrs. Schaffer stated that at previous hearings, the residents were concerned that there be no access on Claxon Drive. Mr. Coleman advised that this access is not proposed on the Concept Plan. He stated that the original study suggested that there be no connection with the residences. Mr. Costello stated that there is an existing condition that does not permit access on Claxon and it would be maintained.

Mrs. Schaffer stated that the Committee needs to look at the number of parking spaces, the greenbelt area, and Staff Concern #4 in regard to innovative design.

Mr. Neltner asked Mr. Wolf to elaborate on the office showroom uses. He asked if the showroom could be driven into and if there is intent to have a car showroom there. Mr. Wolf responded "no". Mr. Neltner asked if the showroom would be divided into small office uses as well. Mr. Wolf responded "yes". Mr. Neltner stated that he is concerned with the number of parking spaces -- there are too many spaces for the little uses that will be there.

Mr. Wolf stated that he only intends to create parking spaces as he needs them and will not put in more than he needs. If they build the buildings as shown, they would want as much parking as they have shown, which is 4 spaces per gross 1,000 -- which is what they would need. He stated that building #1 will be the three-story office building shown, but if it does not rent quickly then they would build the office showroom which would be a one-story building -- and those parking requirements would be considerably less than the office building. He stated that the three-story office building is no different than the other uses that are on Lots 1, 2, 3, 4, and 5 which are three-story motels. He stated that they will commit that they will not ever use Claxon Road. He stated that the 200 foot buffer is as big a buffer as he has ever experienced in the 35 years he has been building and when the leaves are off the trees there is still a healthy buffer there. He stated that they want the visibility from I-75 and it is one of the reasons they chose this site. It is important that their building be seen. They want this to be a high-visibility building. He stated that building #1 will be an office building, but he cannot commit to whether buildings #2 and #3 will be office buildings or office showroom buildings. They could be either.

Mr. Damstrom stated that he did not see any provision for dumpsters. He questioned access to the back of the buildings.

Mr. Wolf stated that they will work out the dumpsters with Staff. He stated that the placement of the buildings will be as shown if they are all built as office buildings. If they end up being office showroom buildings, they would want to locate them differently and there would be access from the rear. They will have fire code ingress/egress, but the primary entrance would be from the front. Mr. Coleman advised that this had been discussed. He stated that there would not be any other access back there other than the 12-foot wide access per the building code. He stated that there was a condition in 1986 that there would not be any connection to Claxon Drive.

Mr. McMillian questioned if the airport buying property on Katherine Drive and in that subdivision would make a difference in regard to access to this project. Chairman Viox advised that the airport is buying those properties with purchase assurance, which means that the people can continue to live there.

Mr. Bailey stated that he was on City Council when the covenants were passed. He stated that the covenants apply today. Mr. Coleman agreed. Mr. Bailey stated that he believes ingress/egress is part of the covenants and would apply even if it were not part of this approval. Mr. Coleman stated that it is his understanding that the covenants would apply no matter what. Mr. Bailey stated that he believes there would be no ingress or egress on Joann either. Mr. Coleman agreed.

Mr. Bailey questioned the 200 foot buffer and the acreage. Mr. Coleman stated that it is 200 feet in each direction, but if you take into account the detention basin it is wider than 200 feet. Mr. Bailey stated that he believes that preserving the open space in the seven acres was part of the covenants. He asked if there is seven acres. Mr. Coleman stated that the area that contains woods is approximately seven acres. Mr. Bailey stated that it is a 12-acre site. He asked how many acres will be involved in the development and how many will be involved in the buffer area.

Mr. Wolf stated that the buffer is 6.5 acres. The whole site is slightly under twelve acres, which gives then approximately six acres of usable plateau.

Mr. Bailey stated that the covenants mention seven acres, but they are close on the buffer. Mr. Berling advised that the covenants do not mention seven acres. Mr. Coleman stated that there is a 200-foot minimum buffer, but not a set amount of acreage. Mr. Bailey advised that he did look this up, but will look it up again to see if it says 7 acres.

Mr. Bailey stated that there is wording in the covenants to the effect that the flow of rain water will be no greater after the development than it is currently. Mr. Coleman agreed and advised that this would be a Site Plan issue.

Mr. Ries referred to the office showroom and questioned if there could be used car sales there. Mr. Wolf stated that they have no intention of doing that. He stated that they build a long building, broken up into small users who have offices in the front and use the space in the rear for multiple purposes -- such as telecommunications, printers, business services, engineers. Some people divide the rear space up into additional office space. He stated that there could be heating and cooling contractors. There could also be a national corporation renting space for their people rather than in a regular office building. He stated that he will commit not to have a use of new or used car sales.

Mr. Bailey asked if it is necessary for the residents of Claxon Road and Joann to be notified in regard to this request. Mr. Coleman advised that the adjoining property owners were notified.

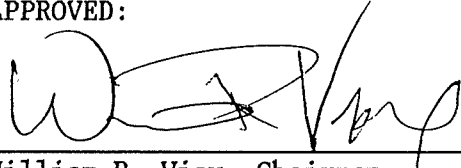
Chairman Viox asked if there were any further comments.

Mr. Berling stated that the contours (Sheet #4) indicate that this area slopes away from the interstate and drops away. He stated that he does not think people will see much of the parking lot since the property drops away in grade. He stated that it would be difficult to see anything more than just the end of the parking.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 28, 1996 at 4 P.M. and this item will be on the Agenda for the Business Meeting on November 6, 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

November 6, 1996

Mr. David A. Wolf
10925 Reed Hartman Highway
Cincinnati, OH 41011

Re: Turfway Commercial Park, Change in Concept Development Plan, Lot 8.

Dear Mr. Wolf:

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, November 6, 1996.

Conditions:

1. The 200 foot buffer, described in the Turfway Commercial Park's Declaration of Protective Covenants, and a condition of an approved 1986 Change in Concept Development Plan, will be maintained as shown on the Concept Development Plan submitted by the applicant. In addition, the Protective Covenants and the conditions for approval of the 1986 Change in Concept Development Plan both state that no ingress or egress shall ever occur between Turfway Commercial Park, specifically Lot 8, and Colonial Estates Subdivision. The only access permitted shall be from Cavalier Boulevard.
2. The three buildings are to be designed in the same style, using the same types of building materials and color combinations.
3. No long term outside storage is permitted on site including behind the buildings.

Sincerely,



Edward Coleman
Planner

EC\par

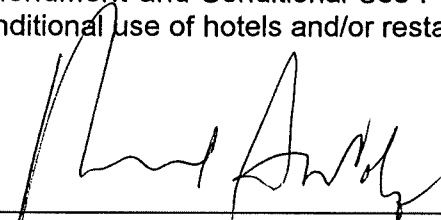
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"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mr. David A. Wolf
November 6, 1996
Page 2

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment and Conditional Use Permit from Commercial Services to Industrial One and the conditional use of hotels and/or restaurants.



David A. Wolf, Property Owner Applicant
David A. Wolf, Associates

ORDINANCE NO. 0-29-96

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT AS A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATELY 12.5 ACRE SITE KNOWN AS LOT 8, TURFWAY COMMERCIAL PARK, ZONED SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) IN THE CITY OF FLORENCE, KENTUCKY. (DAVID A. WOLF ASSOCIATES PROPERTY) (*Cavalier*)

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 that is currently zoned Suburban Residential Two/Planned Development (SR-2/PD), and

WHEREAS, the recommendation of 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 utilization of an underlying zone as a change in concept development plan in a Suburban Residential Two/Planned Development (SR-2/PD) zone for an approximate 12.5 acre site known as Lot 8, Turfway Commercial Park, in the City of Florence, Kentucky, shall be and is hereby approved, subject to the conditions and concept development plan provided by the owner/applicant, this real estate being 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-96-030-A of the Boone County Planning Commission, along with the referenced exhibits to that Resolution. In addition, this approval is subject to the findings and recommended conditions of the Commission and the development plan to which the owners/applicant has agreed.

SECTION III

If this approval to utilize the subject property as a change in concept development plan should be held invalid by any court of property jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this approval and are intended to continue to have effect regardless of any invalidity regarding this particular approval.

SECTION IV

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

PASSED AND APPROVED ON FIRST READING THIS 10th DAY OF December, 1996.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 17th DAY OF December, 1996.

APPROVED:

Edlyn D. Kall
MAYOR

ATTEST:

Steph Conrad
CITY CLERK