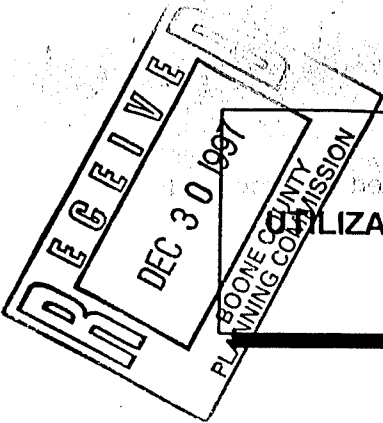


APPLICATION FORM



CHANGE IN CONCEPT DEVELOPMENT PLAN OR 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 Colonial Sq Plaza - Ewing Bldg.
3. Location of Project 7635 Ewing Blvd
4. Total Acreage of Site .898 Ac.
5. Current Zoning ~~OR~~ OR-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) N/A
8. Proposed Uses (please specify each use) Office Bldg.
9. Proposed Building Intensities (please specify) 9600 sq. ft.
10. Have you submitted a Concept Development Plan? yes - Attached
11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
12. Name of Applicant(s) George Higdon / Jim Griffith dba G.H. ENT. L.L.C.
Phone Number 371-8666 Fax No. 371-8871
13. Address of Applicant(s) 7730 US 42 Suite C8B
Florence Ky 41042
City State Zip
14. Name of Property Owner(s) G.H. Enterprises L.L.C.
Phone Number 371-8666 Fax No. 371-8871
15. Address of Property Owner(s) 7730 US 42 Suite C8B
Flore. Ky 41042
City State Zip
16. Are there any existing buildings on the site? NO
How many? —
17. Deed Book 642 Page No. 246 Group No. 2041A
18. Have you had a pre-application meeting with BCPC Staff? yes Kevin Wall

(over)

EXHIBIT "A"

STAFF REPORT

Request of George Higdon and Jim Griffith dba G.H. Enterprises L.L.C. (applicants) for G.H. Enterprises L.L.C. (Owner) to consider a Concept Development Plan for an approximate 0.9 acre site located at 7635 Ewing Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit a 9,600 square foot office building in an Office Two/Planned Development (O-2/PD) zone.

March 18, 1998

Location

The site is located at 7635 Ewing Boulevard approximately 250 feet north of the U.S. 42/Ewing Boulevard intersection in Florence, Kentucky (See Map 1).

History

- 1986** The Parkway Corridor Study, which includes the subject site, was adopted. The adoption of the Planned Development Overlay zone for the area resulted from the study.
- 4/5/95** The Boone County Planning Commission recommended denial of a zoning map amendment request of the Collett Partnership from Office Two Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD). The request was to utilize the existing Collett's store for office space and to construct a new 7,200 square foot building for commercial uses on the subject site (See Appendix A - Committee Report).

Site Characteristics

A stone house was razed over one year ago leaving the site vacant. The site is flat with mature trees along the northern, western and southern property lines and contains approximately 160 feet of road frontage along Ewing Boulevard.

Surrounding Zoning and Land Uses (See Map 1)

- West:** West of the site is wooded vacant land zoned O-2/PD.
- North:** North of the site is Kentucky College of Business and the Vineyard Christian Fellowship zoned O-2/PD.
- East:** Across Ewing Boulevard, east of the site, is a mixed-use commercial center. This area is zoned Office Two/Urban Residential One/Planned Development (O-2/UR-1/PD).

South: South of the site is the Collett's store (a small beer/wine/retailer/delicatessen operation), Frisch's Restaurant and Penn Station Restaurant. This area is zoned O-2/PD.

Request/Concept Development Plan (See Concept Development Plan)

The applicant is requesting to construct a 9,600 square foot one-story brick office building (see Elevation Sheet). The Concept Development Plan indicates a parking lot of 48 spaces, one (1) curb-cut onto Ewing Boulevard and a storm water detention pond. The Concept Development Plan indicates that the existing vegetation along the northern, western and southern property lines will remain.

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map identifies the site for "Commercial" which is defined as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.".

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

Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well-maintained buffer spaces between the business use and other land usage.

Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space.

The text of the Land Use Element (D-4) states:

The area east of I-75, north of U.S. 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. This area, which contains a large tract of undeveloped land, is accessed by the newly constructed Ewing Boulevard, and will be the future location of the new Florence City Building. The Parkway Corridor Study, which was developed for this area, should be updated and a more definitive direction should be developed for the area. A mixture of office, retail, commercial, recreation, and residential development is the goal.

Relationship to the Parkway Corridor Study

The Parkway Corridor Study makes no specific land use recommendation for the subject site, however it does contain language regarding development potential in the study area as a whole:

The 1990 Boone County Land Use Map indicates that there are no environmentally unsuitable lands for development in the study area. The lands in the study area should be able to accommodate development consistent with appropriate engineering standards and public service/infrastructure requirements. The site is located in an urban service area, so the presence of public services and infrastructure or its logical extension can allow for development as well.

The site is located within area "1E" on the study land use map. The text of the study provides the following statements regarding land use issues in this area:

The boundaries of this site are U.S. 42 to the south, Tanners Lane (Ewing Boulevard) to the east, and the curve of the Parkway to the west and north. The parcel is directly accessible from Tanners Lane (Ewing Boulevard) and by way of the Parkway access point with Tanners Lane (Ewing Boulevard). It has easy access to U.S. 42 via Tanners Lane and then also to I-75 via U.S. 42. Large portions of the parcel are already developed. Further development in this parcel requires that careful attention be paid to access management guidelines and regulations.

Relationship to the Planned Development Standards of the Boone County Zoning Regulations

Planned Development Standard #3 of the Boone County Zoning Regulations states the following regarding Open Space:

Usable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports court or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc.

Planned Development Standard #5 of the Boone County Zoning Regulations states the following regarding the Preservation of Existing Site Features:

Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.

Planned Development Standard #7 of the Boone County Zoning Regulations states the following regarding architecture:

A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites . . .

Staff Concerns and Comments

1. The Boone County Zoning Regulations require one (1) parking space per 250 feet of gross floor office space. This calculates to approximately forty (40) parking spaces for this site. Staff finds that the applicant could remove up to (approximately) eight (8) parking spaces and dedicate that area as green space in the form of a small picnic area or landscaped area helping the applicant meet Planned Development Standard #3 of the Boone County Zoning Regulations.
2. Staff recognizes that the one of the most efficient ways to buffer an area is with existing mature vegetation and emphasizes that the mature vegetation along the southern, western and northern property lines remain. Furthermore, additional landscaping may be required when this site participates in the Site Plan Review Process.

Conclusion

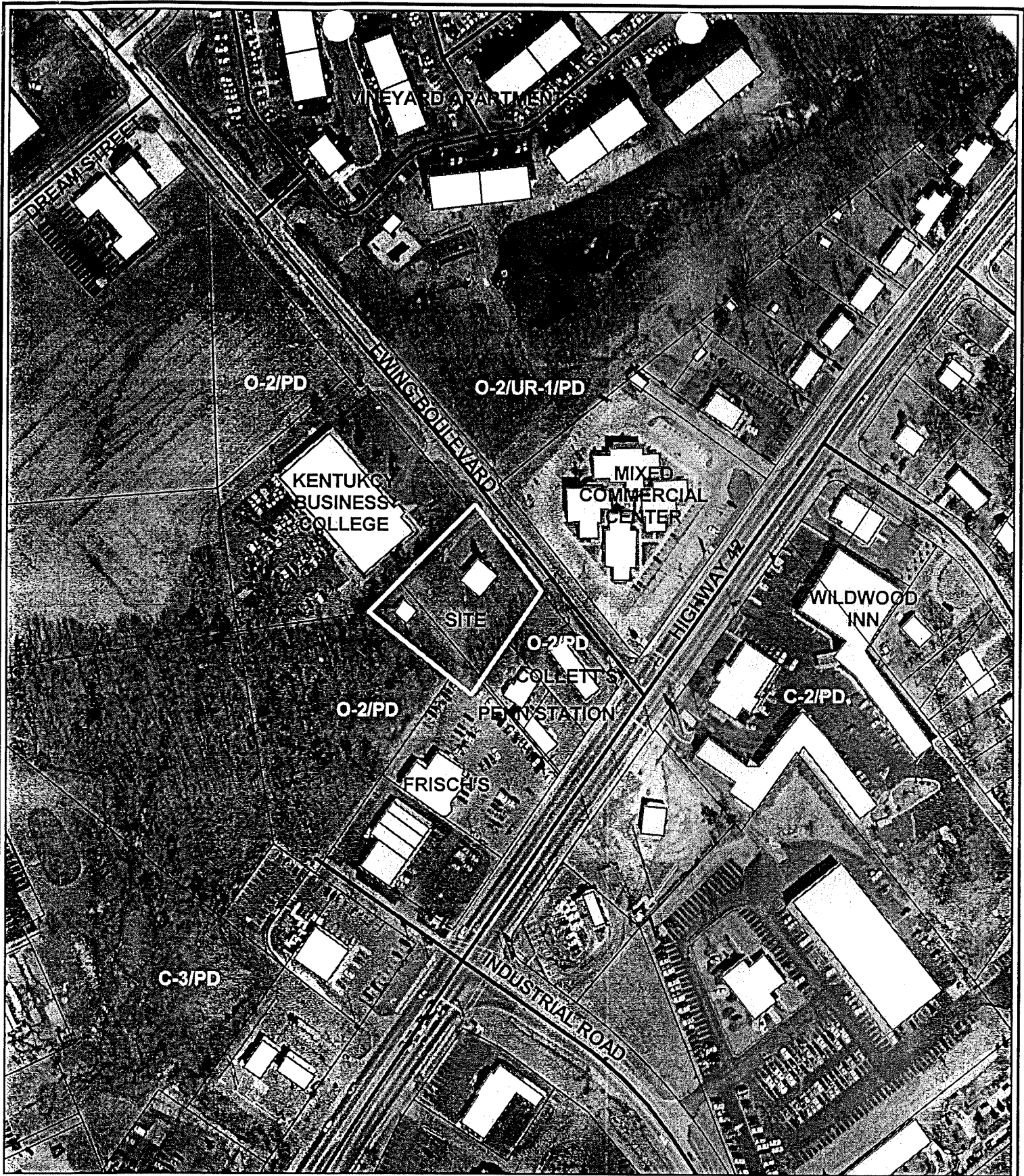
This request needs to be evaluated by the Boone County Planning Commission in terms of the criteria necessary for approving a Concept Development Plan and the intent of the Office Two/Planned Development (O-2/PD) zone as stated in Article 11, "Employment Districts," and Article 15 "Planned Development District" of the Boone County Zoning Regulations. Should the Planning Commission recommend, and the Florence City Council approve this request for a Concept Development Plan, the Boone County Comprehensive Plan's Future Land Use Map will not need to be changed.

Respectfully Submitted,



John Huth
Planner

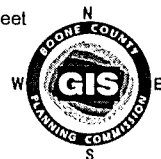
JH\par



MAP 1 - Colonial Square Utilization of an Underlying Zone

200 0 200 Feet

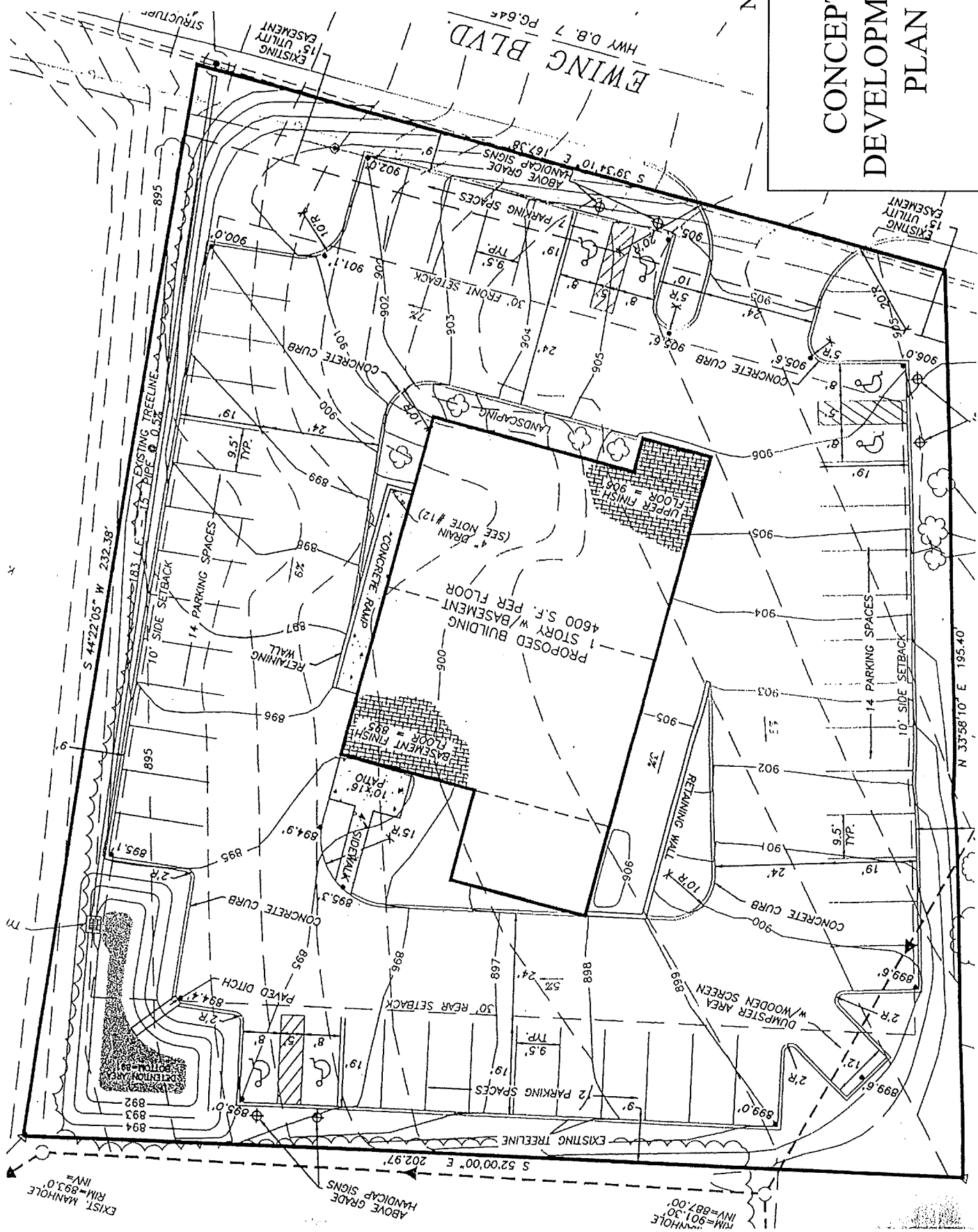
1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 28, 1998



CONCEPT DEVELOPMENT PLAN

NORTH

EWING BLVD.
HWY D.B. 7 PG. 645

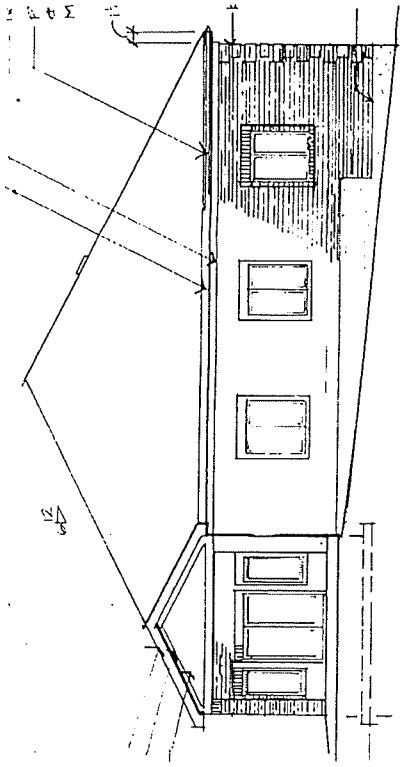


EXIST. MANHOLE
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INV=

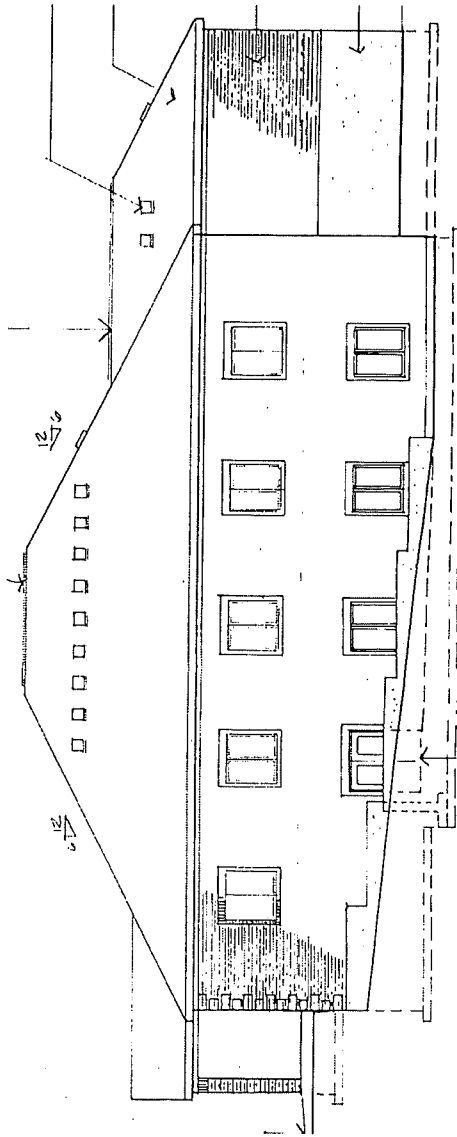
ABOVE GRADE
HANDICAP SIGNS

MANHOLE
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INV=887.00

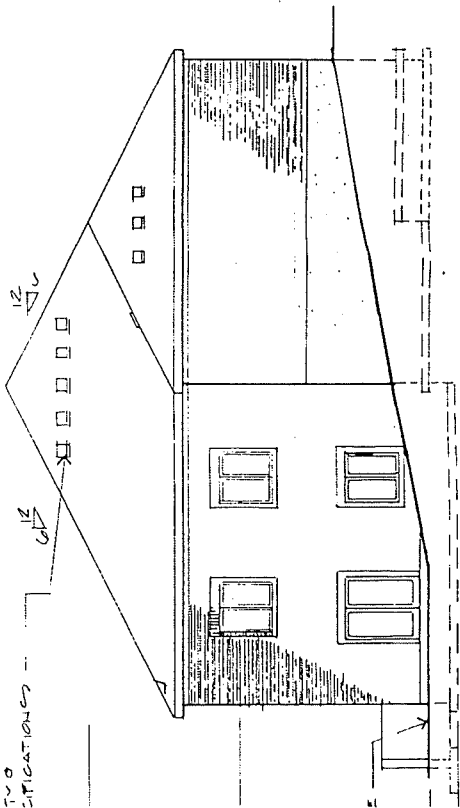
BUILDING
ELEVATIONS



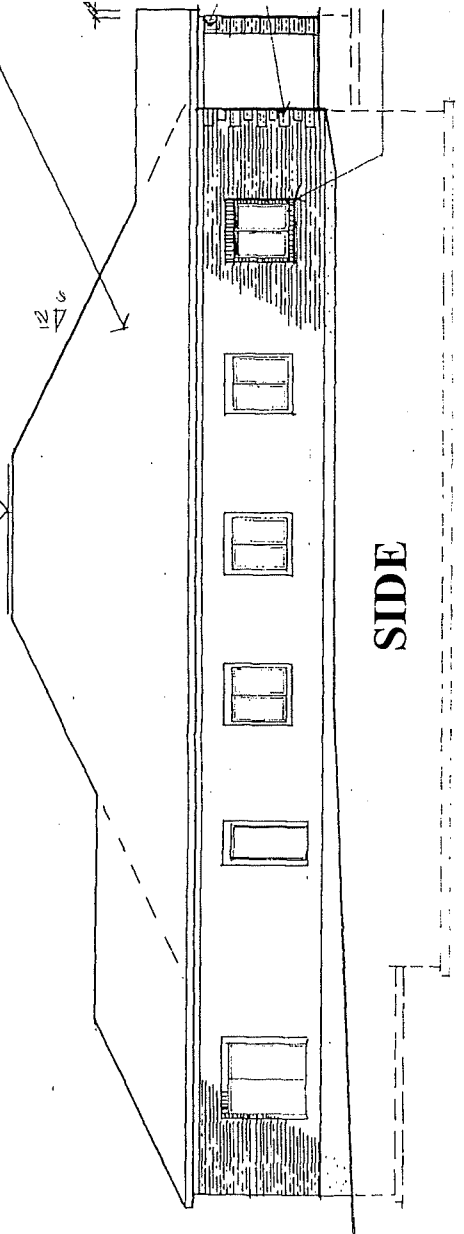
FRONT



SIDE



REAR



SIDE

TWO
SITUATIONS -

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: April 5, 1995

RE: Request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett, Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36 acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen and general retail and general office uses.

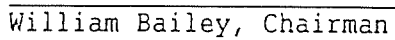
REMARKS:

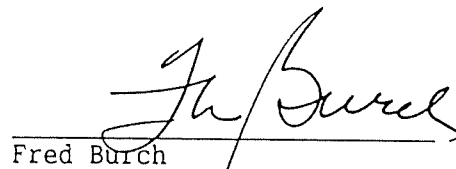
We, the Committee, recommend denial of the above referenced request based upon the following findings of fact:


FINDINGS OF FACT

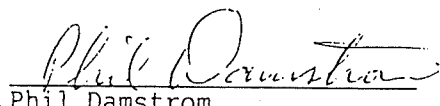
1. The Committee has concluded that although the proposed land uses are in conformance with the 1990 Boone County Comprehensive Plan's Future Land Use Map, conditions that relate to appropriate screening, landscaping, vehicular and pedestrian access, parking, signage, and architectural design are necessary for the proposed Concept Development Plan to achieve consistency with the text of the Comprehensive Plan, the Parkway Corridor Study, and Article 15 "Planned Development District" of the Boone County Zoning Regulations.
2. Because the applicant has not agreed to the conditions recommended by the Committee that address the land use issues listed in #1 above, the Committee has concluded that the proposal has not achieved consistency with the Comprehensive Plan, Parkway Corridor Study, or Article 15 of the Zoning Regulations. The Committee has not found that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, or that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.


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

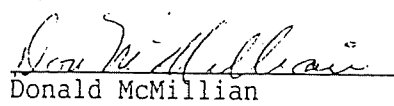

William Bailey, Chairman


Fred Burch


Robert Millay


Phil Damstrom


Barry Nelner


Donald McMillian

BOONE COUNTY PLANNING COMMISSION
ELLIS COOPERATIVE EXTENSION CENTER
February 22, 1995
7:00 P.M.

PUBLIC HEARINGS

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

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman stated that the Committee Meetings for the items to be heard this evening will be held on March 6, 1995 in the second floor conference room of the Administration Building. These items will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. at the Administration Building, third floor. The items on the Agenda this evening will be heard in the following order: Item 1, Item 2, Item 4, and Item 3. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Collett Partnership for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners)

Request: Zoning Map Amendment

The request of Collett Partnership (applicant) for Estate of Russell Tanner, Charles Collett and Robert W. Collett (owners) for a Zoning Map Amendment for a 1.36-acre site located at the northwest corner of the intersection at U.S. 42 and Ewing Boulevard, Florence, Kentucky. The request is to rezone the site from Office Two/Planned Development (O-2/PD) to Commercial One/Office Two/Planned Development (C-1/O-2/PD) to allow a beer/wine retailer/delicatessen, general retail, and general office uses.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Since the Staff Report was prepared, Mr. Wall has been advised by the Public Service Department that a sidewalk is not proposed in the area of Ewing Boulevard. He stated that a sidewalk in that area could be considered as part of the zone change request. Mr. Wall amended Staff Concern 4. D. in regard to this information.

Chairman Viox asked for the applicant's presentation.

Mr. Tom Nienaber, attorney, representing the Collett Partnership, presented an exhibit of the plan. He stated that the submitted application is consistent with the Comprehensive Plan. In regard to the Staff Concerns, he stated that the applicant would be more than willing to work with the Commission in regard to the parking spaces, which he does

not believe are needed for the rest of the project. In regard to ingress/egress, he stated that they can align the entrance with the shopping center across the street. He indicated the locations of the signs on the exhibit and stated that they were intended to be directional signs. He stated that they would be happy to agree to the historic sign in the area he indicated. He stated that Staff Concern #3 is no problem. He indicated a landscaping area on the exhibit and stated that there are no problems with the landscaping in that area. He stated that the plan is a concept and possibly some of the parking spaces do not meet the requirements of the Zoning Ordinance. He stated that Collett's started in the 1960's and they have outgrown their facilities. The only way they can expand is to go into the property at the back, which is for sale. They want to move their building back and increase it to about 3,600 square feet and convert the existing space to light office use. There would be additional retail space in the back. Collett's is a pre-existing, non-conforming use and needs the zone change to accomplish their plan. He stated that they have no problem with the architectural, landscaping, access, and other items.

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

Miss Susan Cabot, County Historic Preservation Planner, speaking in behalf of the Historic Preservation Review Board, was neither for nor against the request. She reiterated the Staff Concern in regard to preservation of the existing Collett sign. She stated that the business started in 1960 and the sign is attractive and a good example of that period. They would like the sign preserved. She asked the applicants to consider salvaging any reusable architectural details, including interior details, from the existing residence for possible reuse in another structure.

Mr. Nienaber stated that, if there is anything worth saving, they have no problem with Miss Cabot's request.

Chairman Viox asked if anyone else wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Neltner questioned the historic marker in front of the proposed Collett building. Mr. Nienaber advised that it is an historic marker for the Tanner property.

Mr. Kirby arrived at this time.

Mr. Bailey asked if there is access through this development to Frisch's. Mr. Wall advised that there is a driveway proposed in the southwest corner of the Tanner lot to the Frisch's lot. Mr. Bailey asked if the restaurant next door would also be served. Mr. Wall advised that it would not.

Mr. Bailey stated that there will be widening of Ewing Boulevard. He asked if there is a new sidewalk in the plan for that widening and questioned how it would tie in with this development.

Mr. Nienaber stated that they met with the city engineer and Roger Rolfes to discuss the widening project. It is requested that they give an easement to the city for the corner of the property, which they have no problem with, and there has to be a relocation of some of the easements -- water, sewer, catch basin easements, etc. -- and they also have no problem with that. He stated that no more of the property will be taken because the right-of-way goes up to the edge of the lot on one side and all of their development is on the other side. They have worked out an arrangement with the city to give them the property they need.

Mr. Wall stated that he discussed the widening of the road with Jeff Koenig at the City of Florence and it is not necessary to take additional right-of-way from the west side of Ewing Boulevard. The new roadway would encompass the existing right-of-way, but temporary construction easements would be necessary. He stated that Mr. Koenig was in favor of the Commission considering provision of the sidewalk through this proposal, possibly to be located within a sidewalk easement rather than the right-of-way. Mr. Nienaber stated that sidewalks were not mentioned when they met with Mr. Koenig.

Mr. Bailey stated that pedestrian traffic is a major consideration as this is the other entrance into the parkway area. He stated that Florence is in the process of developing that area and this is the access back to that area. Mr. Nienaber stated that if the city would want to put sidewalks through as part of their overall development of the Tanner Lane area, they can work out something with the city. It would not have a major impact on the development.

Mr. Neltner stated that there are two unspecified businesses in the new building. He noted that the service dock looks large enough for four large trucks and questioned what type of businesses they anticipate for that much dock space.

Mr. Nienaber stated that they do not need that much dock space and emphasized that the plan is a concept. They do not know that they will need any dock space. He stated that the largest truck serving Collett's now is a beer truck or Pepsi truck and they do not need service dock space. He stated that "dock space" is a wider garage entry and there will not be a traditional loading dock. The use will be C-1 retail and the zoning does not permit any heavy uses -- there will not be a gas station or any use that has a lot of traffic. They would like a real estate agency, but they do not know the use at this time.

Mr. Neltner stated that in the Staff Report the building intensity range was 6,000 to 9,000 feet, but they are asking for up to 9,000 feet. Mr. Nienaber stated that 7,500 feet is probably more than enough.

Mrs. Schaffer asked if the cross-hatching in regard to Ewing Boulevard, Phase I, has any significance. Chairman Viox advised that it is temporary reconstruction.

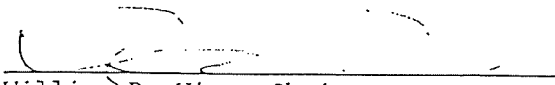
Mr. Nienaber noted that the Staff Report says the existing Collett's is 2,000 square feet. He stated that 2,500 square feet would be more correct.

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

Counselor Wilson advised that the Public Hearing is a gathering of facts and the Committee will review the record. The Committee Meeting is a public meeting, but not a Public Hearing. The public can attend but does not necessarily have the right to speak. The Committee will make a report to the full Commission and the Commission may or may not go along with the report. The Commission's recommendation will go to the City of Florence for their final action.

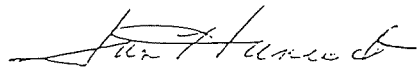
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
March 18, 1998
6:30 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Ries, Mr. Rush, and Mr. Viox.

Mr. Robert Millay, Chairman, called the meeting to order at 6:30 and introduced the first item on the Agenda:

1. Applicant: George Higdon and Jim Griffith dba G.H. Enterprise L.L.C. (applicants) for G.H. Enterprises L.L.C. (owner)
Request: Concept Development Plan

The request of George Higdon and Jim Griffith dba G.H. Enterprises L.L.C. (applicant) for G.H. Enterprises L.L.C. (owner) to consider a Concept Development Plan for an approximate 0.9 acre site at 7635 Ewing Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit a 9,600 sq. ft. office building in an Office Two/Planned Development (O-2/PD) Zone.

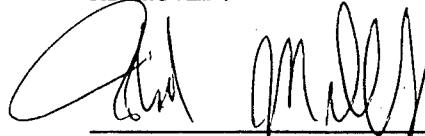
Staff Member John Huth presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Millay asked for the applicant's presentation. There was no response. Mr. Caddell stated that he knows both of the applicants and they are out of town at this time.

Chairman Millay 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 or questions from the Commissioners.

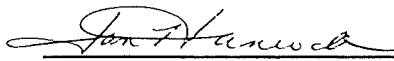
There being no questions from the Commissioners, Chairman Millay stated that the Committee Meeting for this item will be on March 24, 1998 at 5 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 1, 1998 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:



Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
April 1, 1998
7:30 P.M.

Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Terry Blades
Mr. Arnold Caddell
Mr. Phil Damstrom
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay, Chairman
Mr. Barry Neltner, Vice Chairman
Mr. Robert Newman
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Ed Coleman
Mr. Dave Geohegan, AICP
Mr. John Huth
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

2. Concept Development Plan

The request of George Higdon and Jim Griffith dba G.H. Enterprises L.L.C. (applicants) to consider a Concept Development Plan for an approximate 0.9 acre site at 7635 Ewing Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit a 9,600 sq. ft. office building in an Office Two/Planned Development (O-2/PD) Zone.

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

The Chairman asked if there were any comments or questions.

Mrs. Schaffer asked if they would still be subject to the landscaping requirements. Mr. Huth responded "yes" and advised that the landscaping will be addressed at Site Plan Review.

Mrs. Schaffer questioned the signage. Mr. Huth stated that they would be allowed monument style signage only, which can be no more than ten feet high. Mrs. Schaffer commented "no pole signs". Mr. Huth agreed.

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

3. Zoning Map Amendment

The request of Sugarcamp Properties (owner) to consider a Zoning Map Amendment from Commercial Services (C-3) to Commercial Two (C-2) for the 2.5 acre site at 8072 and 8074 U.S. 42, Florence, Kentucky. The request is for a zone change to permit uses allowed in the C-2 zone to be utilized within the existing structures on the site.

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

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

EXHIBIT "B"

COMMITTEE REPORT

To: Boone County Planning Commission

From: Barry Neltner, Chairman

Date: April 1, 1998

Re: Request of **George Higdon and Jim Griffith dba G.H. Enterprises L.L.C. (applicants)** for **G.H. Enterprises L.L.C. (Owner)** to consider a Concept Development Plan for an approximate 0.9 acre site located at 7635 Ewing Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit a 9,600 square foot office building in an Office Two/Planned Development (O-2/PD) zone.

Remarks:

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

Findings of Fact:

1. The Committee has concluded that the proposed Concept Development Plan to allow a 9,600 square foot one-story brick office building is in general agreement with the Boone County Comprehensive Plan's Future Land Use Map which identifies the site for "Commercial" which is defined as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.".
2. The Committee has concluded that the proposed Concept Development Plan is in general agreement with the text of the Land Use Element section of the Boone County Comprehensive Plan which states, "The area east of I-75, north of U.S. 42, and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence . . . A mixture of office, retail, commercial, recreation, and residential development is the goal."
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the planned development standards stated in Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The development shall be limited to office uses as indicated on the submitted Concept Development Plan.

2. The existing vegetation located within ten (10) feet of the eastern, western, and southern property lines shall remain as indicated on the submitted Concept Development Plan.

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

For _____ Against _____
Abstain _____ Absent _____

Terry Blades

Terry Blades

For _____ Against _____
Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell

For _____ Against _____
Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For _____ Against _____
Abstain _____ Absent _____

Bill Viox

Bill Viox

For _____ Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR _____ AGAINST _____ ABSTAIN _____ ABSENT _____

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
March 18, 1998
6:30 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Caddell, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Ries, Mr. Rush, and Mr. Viox.

Mr. Robert Millay, Chairman, called the meeting to order at 6:30 and introduced the first item on the Agenda:

1. Applicant: George Higdon and Jim Griffith dba G.H. Enterprise L.L.C. (applicants) for G.H. Enterprises L.L.C. (owner)
Request: Concept Development Plan

The request of George Higdon and Jim Griffith dba G.H. Enterprises L.L.C. (applicant) for G.H. Enterprises L.L.C. (owner) to consider a Concept Development Plan for an approximate 0.9 acre site at 7635 Ewing Boulevard, Florence, Kentucky. The request is for a Concept Development Plan to permit a 9,600 sq. ft. office building in an Office Two/Planned Development (O-2/PD) Zone.

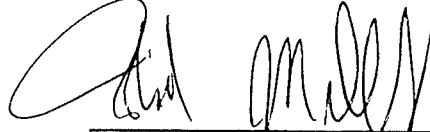
Staff Member John Huth presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Millay asked for the applicant's presentation. There was no response. Mr. Caddell stated that he knows both of the applicants and they are out of town at this time.

Chairman Millay 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 or questions from the Commissioners.

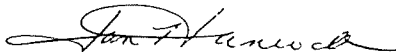
There being no questions from the Commissioners, Chairman Millay stated that the Committee Meeting for this item will be on March 24, 1998 at 5 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 1, 1998 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:



Robert Millay, Chairman

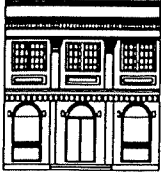
Attest:



Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

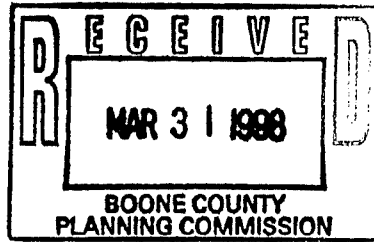
BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196
FAX 606-334-2264
E-Mail plancom@one.net

March 26, 1998



Mr. George Higdon
7730 U.S. 42
Florence, KY 41042

RE: Recommended Conditions of Approval for a utilization of an underlying zone to permit a 9,600 square foot one-story brick office building for an approximate 0.9 acre site located at 7635 Ewing Boulevard, Florence, Kentucky


Dear Mr. Higdon:

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 faxing the signed copy back to the Planning Commission office by Monday, March 30, 1998, and returning this original letter to the Planning Commission office by 4:00 P.M. Wednesday, April 1, 1998 or bringing it to the Business Meeting scheduled for that day at 7:30 P.M.

Conditions

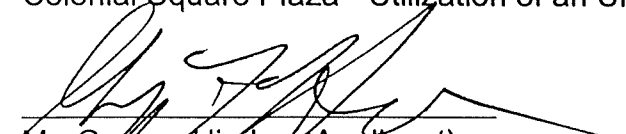
1. The development shall be limited to office uses as indicated on the submitted Concept Development Plan.
2. The existing vegetation located within ten (10) feet of the eastern, western, and southern property lines shall remain as indicated on the submitted Concept Development Plan.

Sincerely,


John Huth
Planner

JH\pr

I, the applicant, agree to the above listed conditions for approval of the request for the Colonial Square Plaza - Utilization of an Underlying Zone in Planned Development.


Mr. George Higdon (Applicant)

TO: BOONE COUNTY RECORDER
283-2536

DATE: FEBRUARY 20, 1998

FROM: BOONE COUNTY PLANNING COMMISSION
JOHN HUTH *JH*
PLANNER

BILL: BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

PUBLISH: BOONE COUNTY RECORDER LEGAL NOTICES
FEBRUARY 26, 1998

NOTICE PUBLIC HEARING

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a request by **George Higdon/Jim Griffith dba G.H. Ent. LLC** for certain real estate owned by **G.H. Enterprises LLC**. The request is for a Concept Development Plan in a Planned Development Overlay Zone to allow an office building in an Office Two/Planned Development (O-2/PD) zone. The Public Hearing is to be held Wednesday, **March 18, 1998**, at 6:30 p.m., in the third floor auditorium, courtroom 3A, of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Concept Development Plan is requested is located at 7635 Ewing Boulevard, Florence, Kentucky. The legal description for this property is represented as a part of or the complete tract as recorded in DEED BOOK 642 PAGE 246 of the Boone County Clerk's Office, as supplied by the applicant for this application. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this request.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the request, if approved, would be consistent with the Comprehensive Plan. If such a request would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the request, if approved, will be reviewed. All interested persons are encouraged to attend and be heard. (BCR022698)

ORDINANCE NO. 0-11-98

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT BASED ON A CONCEPT DEVELOPMENT PLAN SUBMITTED FOR AN APPROXIMATE 0.9 ACRE SITE LOCATED AT 7635 EWING BOULEVARD IN THE CITY OF FLORENCE, KENTUCKY, THIS SITE BEING ZONED OFFICE TWO/PLANNED DEVELOPMENT (O-2/PD), THE DEVELOPMENT PLAN APPROVAL BEING FOR A 9,600 SQUARE FOOT OFFICE BUILDING. (G.H. ENTERPRISES, L.L.C. PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of a county-wide planning unit with a county-wide planning commission 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 based on approval of a concept development plan be approved, with conditions, for an approximate 0.9 acre site in the City of Florence, Kentucky, zoned Office Two/Planned Development (O-2/PD), subject to the development plan as submitted containing agreed conditions, 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 for the 0.9 acre site located at 7635 Ewing Boulevard in the City of Florence, Kentucky, shall be and is hereby approved based on the concept development plan as submitted, with agreed conditions, to allow construction of a 9,6000 square foot office building on this site which is more particularly described in Exhibit "A", and is zoned Office Two/Planned Development (O-2/PD).

SECTION II

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, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-98-011-A of the Boone County Planning Commission.

SECTION III

In the event the approval of the utilization of the underlying zone for the approximate 0.9 acre site herein should be held invalid, in whole or in part, 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 Ordinance and they are intended to continue to have effect regardless of any invalidity relating to this particular Ordinance.

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 12th DAY OF May, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9th DAY OF June, 1998.

APPROVED:

Edlyn McKeel
MAYOR

ATTEST:

Steph R. Conrad
CITY CLERK

