

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project: Ewing Blvd. Professional Center
2. Location of Project: 7760 Ewing Blvd., Florence, KY
3. Total Acreage of Site: .5338 Acre 2.2138
4. Current Zoning of Site: A) UR-2 B) C-3/PD C) UR-2 B) C-2(PF/PD)
5. Proposed Zoning (Classification being requested): 02/PF/PD PF/PD
6. Proposed Uses (please specify each use): Office Building Development

7. Names of Applicant(s): Ewing Enterprises, LLC
Phone Number: 859-341-5523 Fax No.: 859-341-5582

8. Address of Applicant(s): 2333 Anderson Rd. 41017
Crescent Springs, KY
City State Zip

9. Name of Property Owner(s): see attached SAME
Phone Number Fax No.

10. Address of Property Owner(s):
City State Zip

11. Proposed Building Intensities (please specify)

12. Are there any existing buildings on the site? no 1 single family home to be removed
How many? removed

13. Deed Book see attached Page No. Group No.

14. Are you also applying for:
no Conditional Use Permit
no Dimensional Variance

15. Have you submitted a Concept Development Plan? Yes

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

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
Florence Water and Sewer Commission
Union Light Heat and Power
Cincinnati Bell
Owen County Rural Electric
Boone County Public Works Department
Kentucky Transportation Cabinet
City of Florence Public Services Department
Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

Request of Ewing Enterprises, LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

August 28, 2002

REQUEST

This application is for two (2) Zoning Map Amendments to Public Facilities/Planned Development (PF/PD) and approval of a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone to allow an office building on a 2.403 acre site at an intensity of approximately 18,000 square feet per acre with the required parking, circulation and landscape areas.

The applicant is proposing a three (3) story office building and has expressed to staff that the building will be constructed of masonry and glass with a pitched roof. The final design elevations were not presented to staff, however several options were shown.

SITE HISTORY

The Parkway Corridor Study, which includes the subject site, was adopted in 1986. The adoption of the Planned Development overlay zone for the area resulted from the Study.

ADJACENT LAND USES AND ZONING

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

- North: The Florence Government Center and the future Aquatic Center within the Parkway Corridor Study area zoned Public Facilities/Planned Development (PF/PD).
- East: Plantation Apartment complex located off Ewing Boulevard within an Urban Residential Two (UR-2) Zone.
- West: Single family residences on Miriam Drive within a Suburban Residential Two (SR-2) zone.
- South: Plantation Apartment complex located off Ewing Boulevard within an Urban Residential Two (UR-2) Zone.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Public/Institutional" (P), "Suburban Residential" (SR), and "Urban Density Residential" (UD) uses. These designations are described on page 158 of the Comprehensive Plan as:

- P "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."
- SR "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision."
- UD "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("Florence Central" area, pg. 162).

- A. The City of Florence developed from an aggregate of residential subdivisions, and is the population center of Boone County. The city is experiencing considerable residential growth due primarily to annexation. Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city. This is evidenced by continuing annexation of developable property.
- B. Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor(s?) of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed.
- C. Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property.
- D. In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two.

The Land Use Element provides the following general statements which relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 159).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Designs, Signs, and Historic Preservation," pg. 160).

The site is within the "Florence, US 25 Corridor" area described in the Geographic Housing Issues section of the Housing Element (pg. 88). This section states "there will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners."

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- H. 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 ("Business Activity," Overall Objective).
- I. 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 ("Business Activity," Commercial [Retail and Office] Objective 1).

- J. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood . . . ("Business Activity," Commercial [Retail and Office] Objective 2).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

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

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

The site is located within area "5E:PF/O2/PD" on the study land use map. The following excerpt describes the area in question.

Two features in particular stand out about this parcel. First, it includes a long frontage along the Parkway while it also fronts on KY 18. Consequently, it has high accessibility and visibility. Second, it borders for a long stretch on the residential area to its east. The narrower parts of this parcel are along the Parkway where it leaves Tanners Lane and begins its pass to the north. Where the Parkway approaches KY 18 the parcel broadens out and becomes much more suitable for higher density kinds of development in the parcel and the nearby residential areas. In particular, open spaces properly landscaped are very desirable in key locations of this parcel. Also, the parcel can be easily accessed by pedestrians and offers a very good opportunity to enhance the pedestrian network of the study area.

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas;

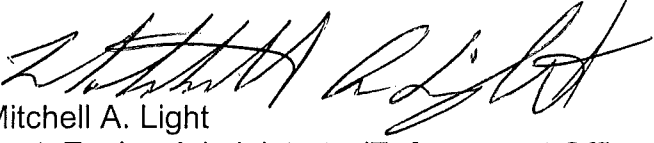
instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments." The Future Land Use Map designates the site as "Suburban Residential."

2. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
3. Due to the conceptual nature of the plan, an exhaustive "site plan" type review was not conducted. Therefore, the applicant will need to consider that all normal site plan requirements will need to be met.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

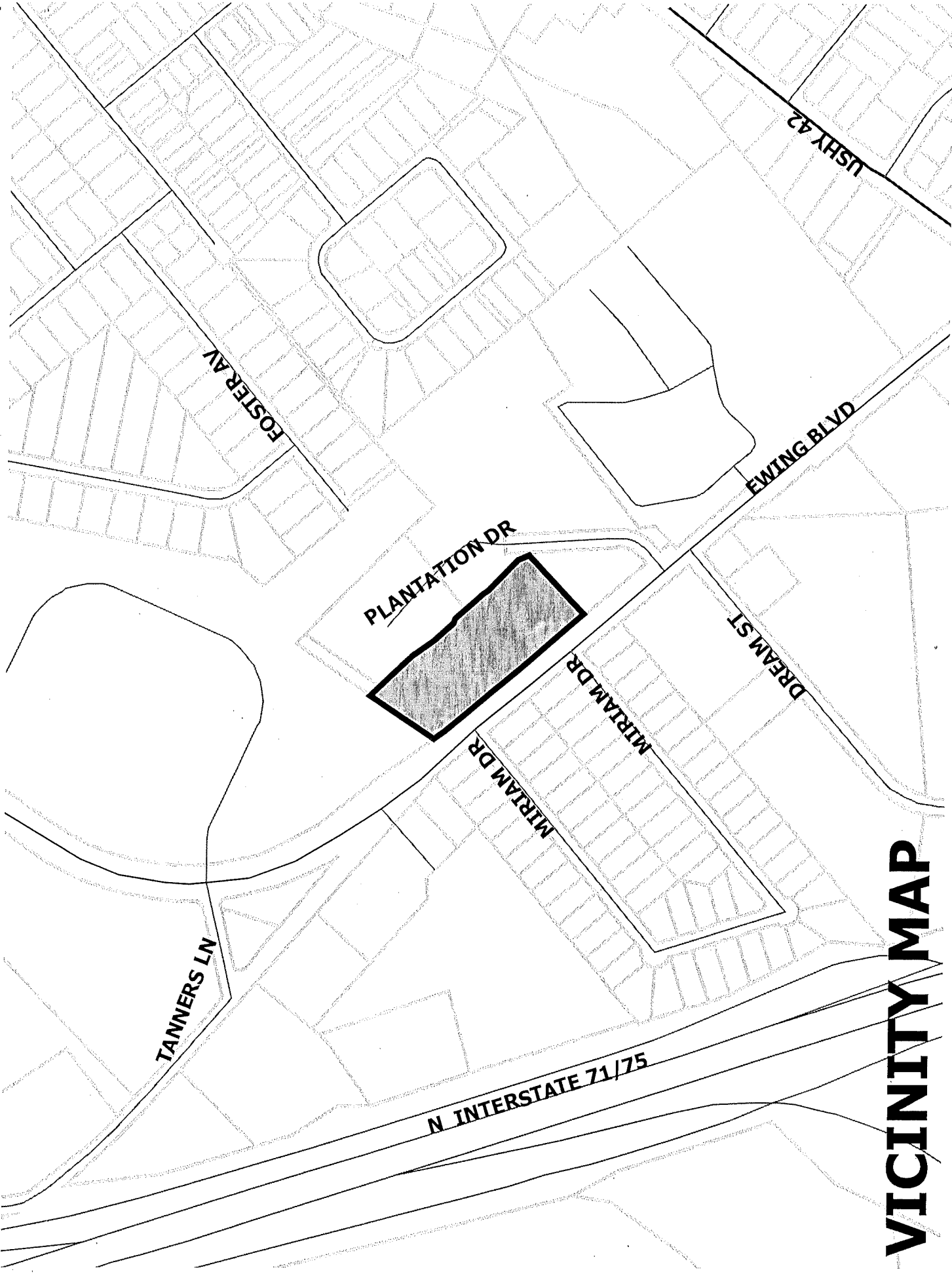
Respectfully submitted,


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

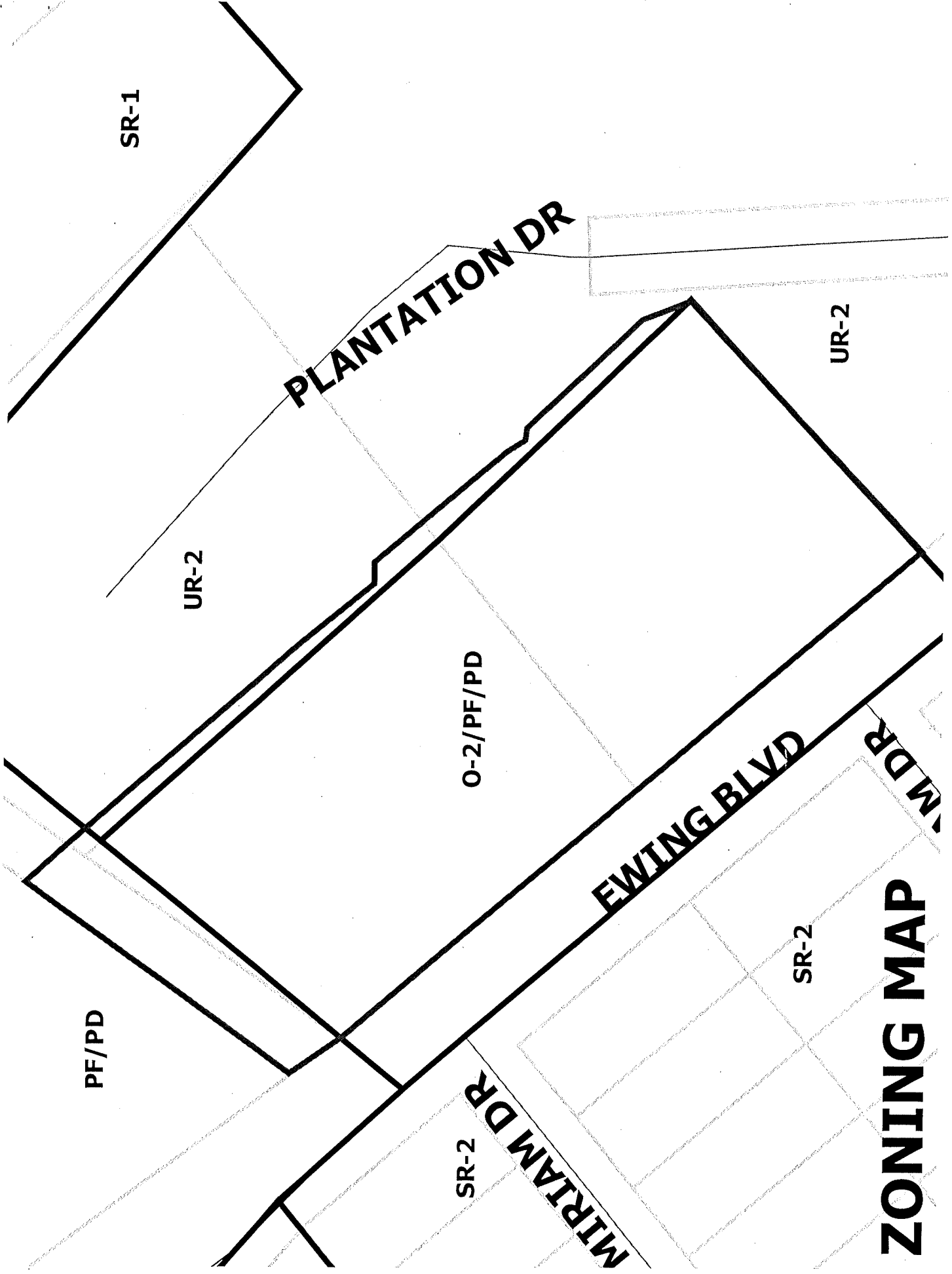
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Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography & Drainage
- Concept Development Plan
- Planned Development Standards
- Application



VICINITY MAP



SR-1

PLANTATION DR

UR-2

UR-2

O-2/PF/PD

EWING BLVD

MIRIAM DR

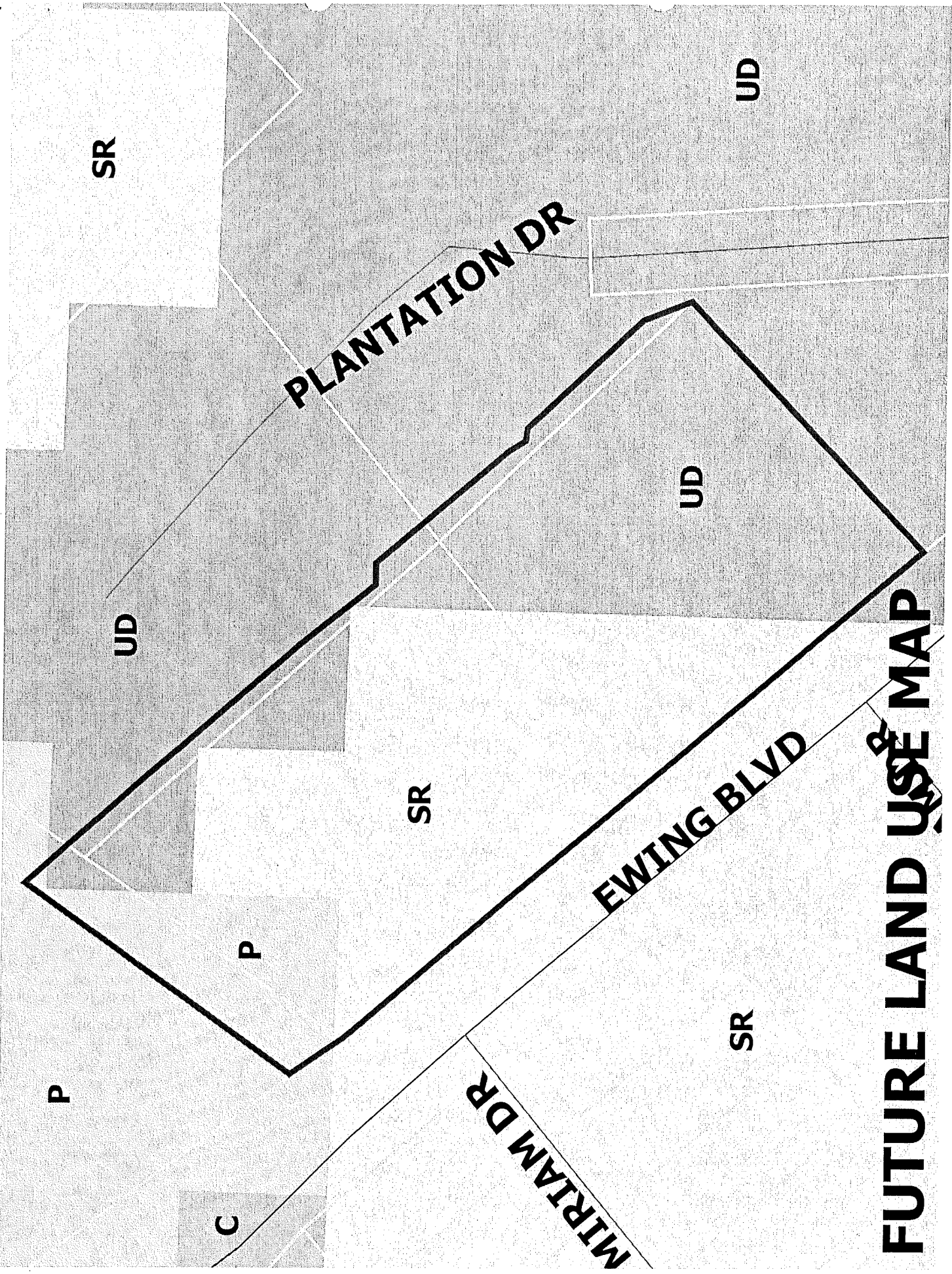
PF/PD

SR-2

SR-2

MIRIAM DR

ZONING MAP



SR

UD

PLANTATION DR

UD

UD

SR

EWING BLVD

P

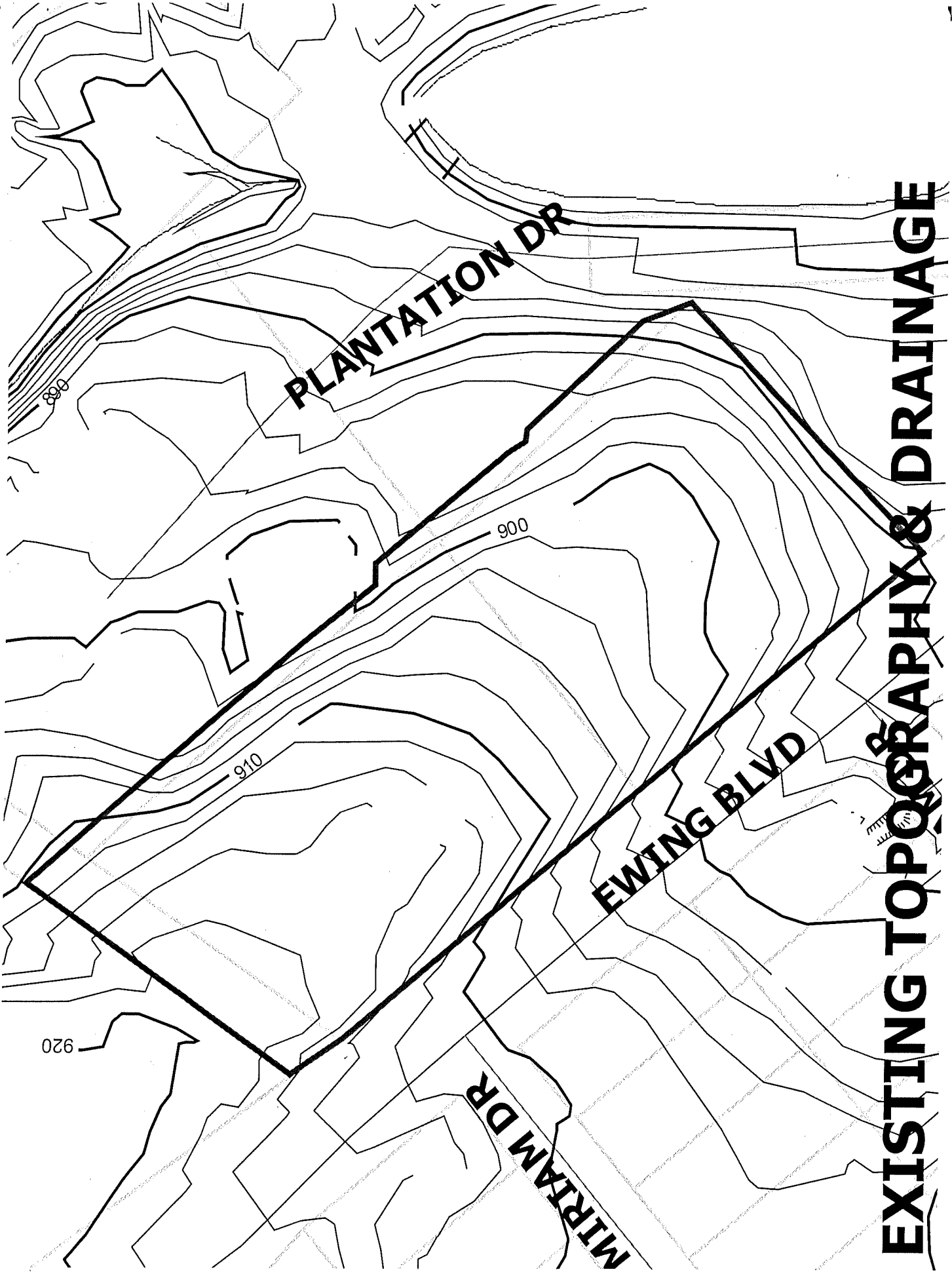
SR

P

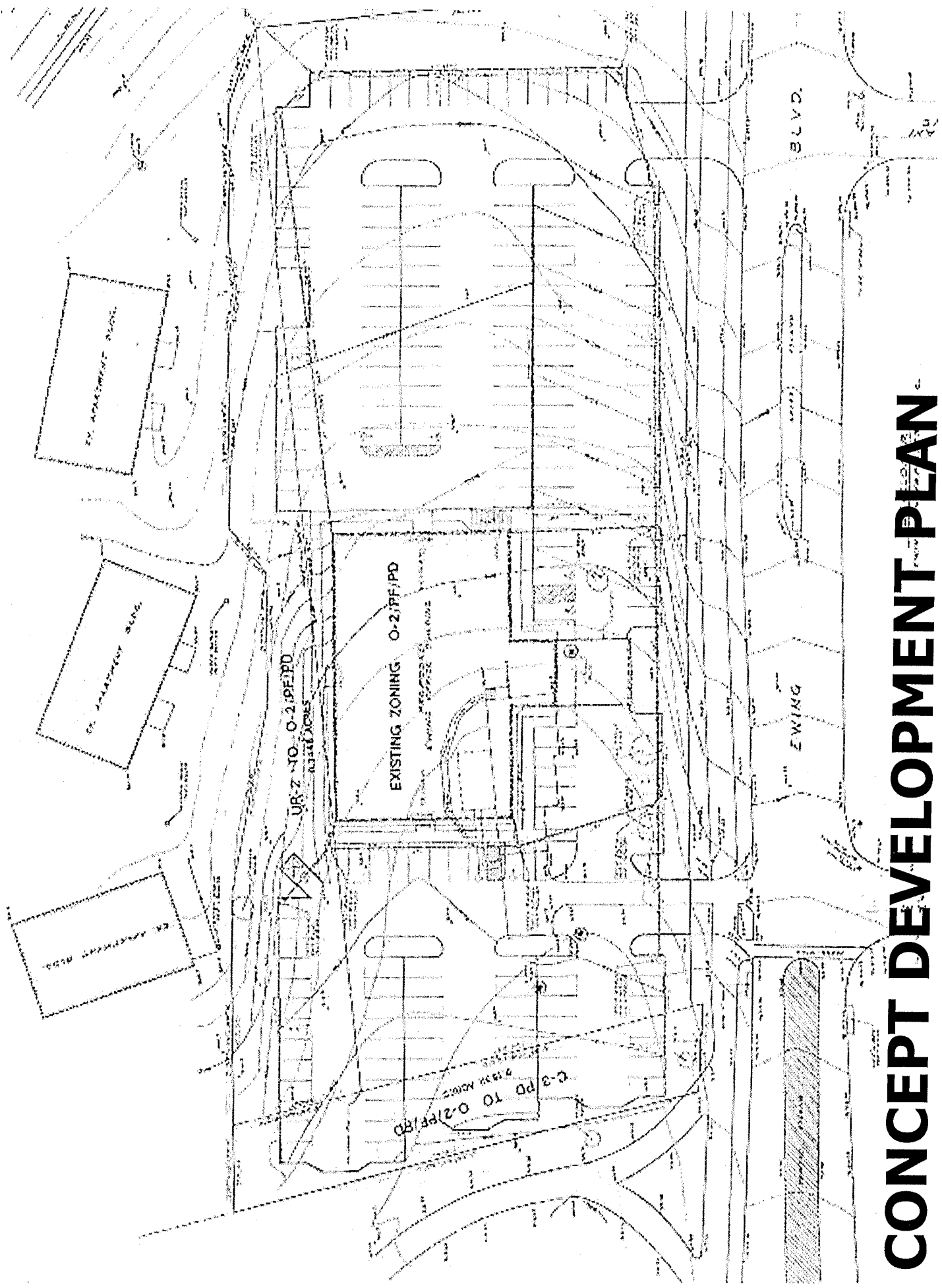
MIRIAM DR

C

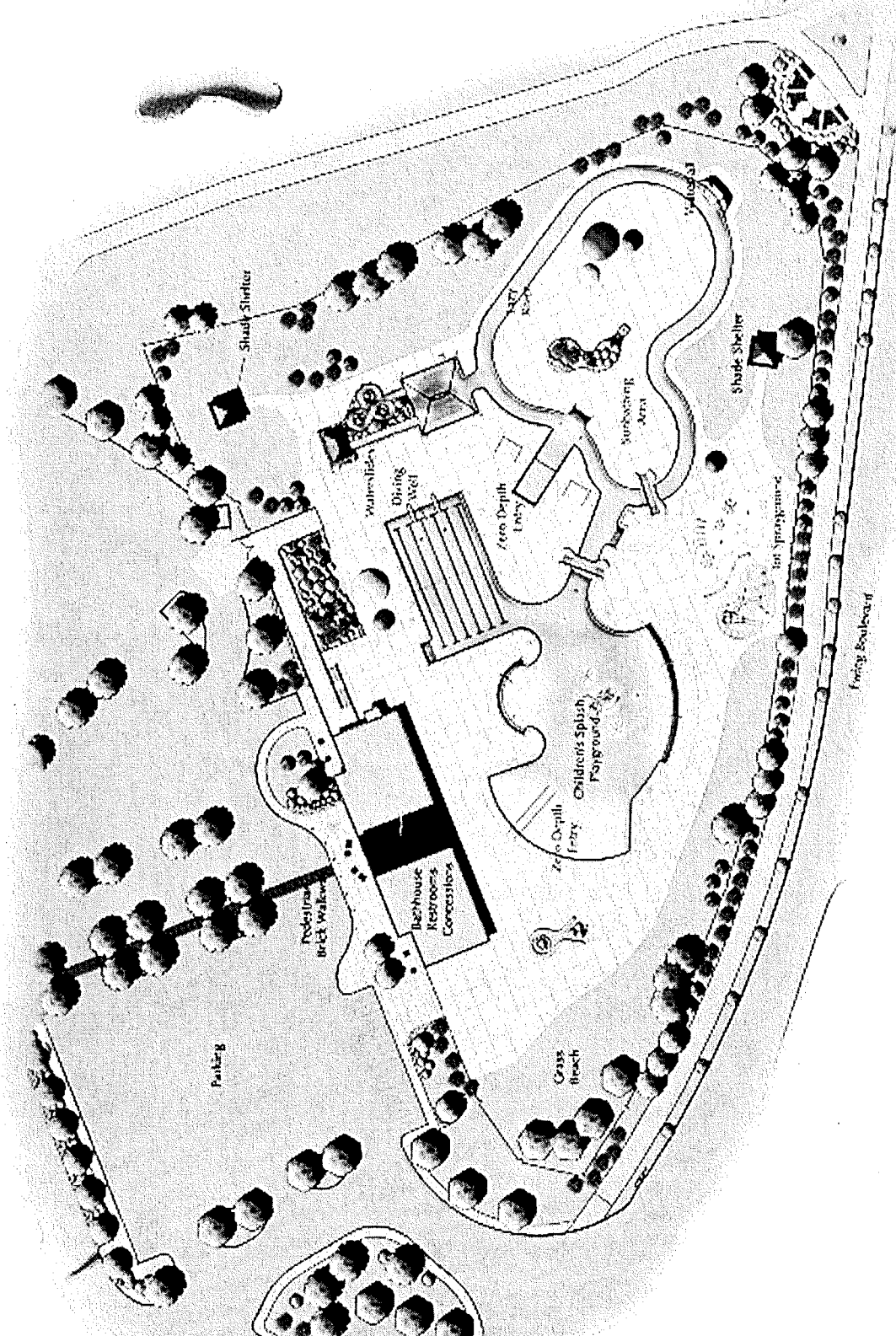
FUTURE LAND USE MAP



EXISTING TOPOGRAPHY & DRAINAGE



CONCEPT DEVELOPMENT PLAN



July 30, 2002

Aquatic Center
 Florence Government Center
 Florence, Kentucky

Brandstetter Carroll Inc.
 Architects Engineers Planners
 Lexington Cincinnati Cleveland



SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal:

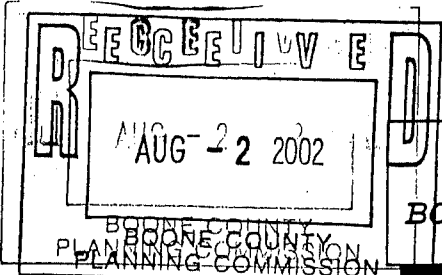
1. **Mixed Use Development and Pedestrian Orientation:** Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable 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 courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **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.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. **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, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.



APPLICATION FORM

APPLICATION FORM PAGE 2

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project Ewing Blvd. Professional Center
- 2. Location of Project 7760 Ewing Blvd., Florence, KY
- 3. Total Acreage of Site .5338 Acre 2-2138
- 4. Current Zoning of Site A) UR-2 B) C-3/PD C) UR-2 D) O-2(PF/PD)
- 5. Proposed Zoning (Classification being requested) O-2/PF/PD PF/PD
- 6. Proposed Uses (please specify each use) Office Building Development

7. Names of Applicant(s) Ewing Enterprises, LLC
 Phone Number 859-341-5523 Fax No. 859-341-5582

8. Address of Applicant(s) 2333 Anderson Rd.
Crescent Springs, KY 41017
 City State Zip

9. Name of Property Owner(s) see attached same
 Phone Number Fax No.

10. Address of Property Owner(s)
 City State Zip

11. Proposed Building Intensities (please specify)

12. Are there any existing buildings on the site? no 1 single family home to be removed
 How many? removed

13. Deed Book see attached Page No. Group No.

14. Are you also applying for:
 no Conditional Use Permit
 no Dimensional Variance

15. Have you submitted a Concept Development Plan? Yes

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

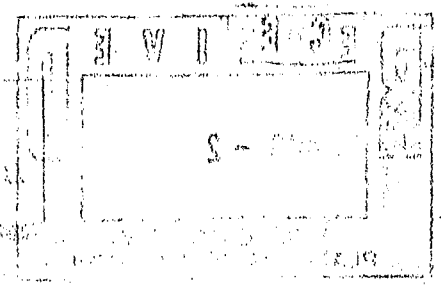
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

BOONE COUNTY

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2



- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County
 - Florence
 - Walton Union

19. Applicant's Signature David P. Hendrick *Managing Member*

Property Owner's Signature David P. Hendrick
DAVID P. HENDRICK

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-2-02
2. Review Fee \$ 130.00 R# 32849 \$ 30.14 add'l fee R# 32334
3. Check what has been submitted:
- Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received** 5
4. Is application complete? Yes No
5. Staff Reviewer MICHAEL
6. Committee Chairman EARL WHITE
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
- Approval
 - Approval with Conditions
 - Denial
9. Other: _____

**** Five (5) Copies Are Required**

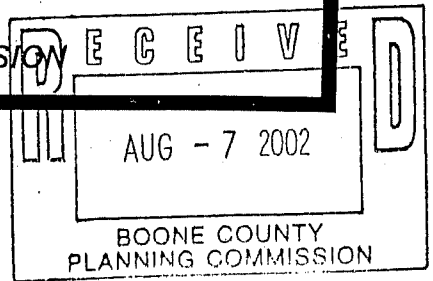
Please check the information you have discussed the proposed development within the last 12 months.

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

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project EWING BLVD PROF. CENTER
- 3. Location of Project 7760 EWING BLVD
- 4. Total Acreage of Site 2.403 TOTAL, 0.1892 AC FOR CDP
- 5. Current Zoning PP/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____

8. Proposed Uses (please specify each use) OFFICE BUILDING

9. Proposed Building Intensities (please specify) 215,000 sq ft/acre

10. Have you submitted a Concept Development Plan? yes

11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

12. Name of Applicant(s) Ewing Enterprises, LLC

Phone Number 512-3500 Fax No. 341-5582

13. Address of Applicant(s) 2333 ANDERSON RD
Hill Cross Spgs Ky 41017
City State Zip

14. Name of Property Owner(s) Same

Phone Number _____ Fax No. _____

15. Address of Property Owner(s) _____

16. Are there any existing buildings on the site? Single family home to be removed
How many? _____ City State Zip

17. Deed Book _____ Page No. _____ Group No. _____

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

(over)

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

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. Applicant's Signature(s)

[Handwritten Signature] Authorized Member

22. Property Owner's Signature(s)

[Handwritten Signature]

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-7-02 Fee Received \$1001.89 RH 32334
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - No. of copies of plan received**
3. Is application complete? YES NO
4. Staff Reviewer _____
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 - Approved
 - Approved With Conditions
 - Denied
8. Other: _____

** Five (5) Copies Required

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org

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

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Planner.

Legal Counsel Present: Mr. Dale Wilson

Chairman Hicks left the meeting at this time due to a conflict of interest with the engineer for this request. Mrs. Poston chaired the meeting and introduced the third item on the Agenda:

Applicant: Ewing Enterprises, LLC (owner)
Request: Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that the Staff Report was very thorough. They agree with the Staff Report. He stated that this is the same people who are developing the office park on Buttermilk Pike, east of the Drawbridge, where the Chamber of Commerce is located. They have experience in office construction and leasing and have been very successful. They take pride in the architecture of their buildings and he believes people will be pleased with the product. They have been talking to the city about this property and everyone is on-line that this is an appropriate product for the site and provides a good transition between the multi-family and single-family. The landscaping is sufficient and parking is proper. He stated that the property slopes from north to south and there is a difference of exposure. He reviewed the grade transition of the site and stated that the north side has a lower level exposure for a walkout entry. He stated that the entry points are good and they have no conflicts with other properties in regard to drainage. All utilities are there.

Mrs. Poston asked if was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition or ask questions. There was no response. Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Barlow stated that the existing zoning is O-2/PF/PD and asked if the entire property was in that zone, would it be appropriate for this use? Mr. Light responded that they would still need approval of the Concept Development Plan. He stated that the UR-2 zoning at the rear has to be changed and they wanted all one zone, so they were advised to ask for the O-2/PF/PD zone on all of the property. Counselor Wilson advised that the Concept Development Plan would be required because the PD is an overlay zone.

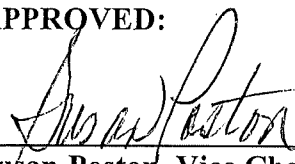
Mrs. Poston asked if this building would be taller than the apartment behind it. Mr. Light responded that it sets up higher than that building. If you drive by Ewing Boulevard now, you do not see all of that building behind it. Mrs. Poston asked if it will be the tallest structure on Ewing Boulevard – will it set up higher than Florence City Building? Mr. Berling responded that Florence City Building is at a higher elevation and it is a three-story structure. Mr. Light stated that the aquatic center is between them and it is a single-story building.

Mr. Costello questioned the design. He stated that the rendering was not in the packet and should be entered into the record. Mr. Light and Mr. Berling reviewed the design drawings with the Commissioners. In response to questions from Mr. Reynolds, Mr. Berling stated that he believes it will be an asphalt shingle roof. Mr. Light stated that it could be standing seam metal, but he will find out for the Committee Meeting. Mr. Light stated that there will be final renderings in color for the Committee Meeting and the construction materials will be identified.

Mr. Lesley Jacobs, owner of Plantation Apartments in the rear, wants to be sure that the drainage and the greenbelt are addressed. He stated that the apartments are occupied.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM. Mr. Barlow will be Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 18, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

3. Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

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

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

Chairman Hicks returned to the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Staff Member Patty Bachman 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.

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 18, 2002

RE: Request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

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 request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element of the 2000 Boone County Comprehensive Plan states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Florence Central" area, pg. 162) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.

September 18, 2002

Ewing Enterprises, LLC

7766 Ewing Blvd.

- C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
2. The Committee has concluded that the request reasonably agrees with the Parkway Corridor Study as it relates to this request. Specific references to the Study are outlined in the Staff Report for this request.
3. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the 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 property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The building materials will be poured concrete, brick, EIFS with a dimensional asphalt shingle roof as was presented to the Zone Change/Concept Plan Committee at their September 4, 2002 meeting.
2. No glare from any of the lighting fixtures will leave this site and a photometric plan will be reviewed as part of the Major Site Plan review to insure compliance with this requirement.

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. Attached is the signature page for the Zone Change Committee Vote.

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Planner.

Legal Counsel Present: Mr. Dale Wilson

Chairman Hicks left the meeting at this time due to a conflict of interest with the engineer for this request. Mrs. Poston chaired the meeting and introduced the third item on the Agenda:

Applicant: Ewing Enterprises, LLC (owner)
Request: Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that the Staff Report was very thorough. They agree with the Staff Report. He stated that this is the same people who are developing the office park on Buttermilk Pike, east of the Drawbridge, where the Chamber of Commerce is located. They have experience in office construction and leasing and have been very successful. They take pride in the architecture of their buildings and he believes people will be pleased with the product. They have been talking to the city about this property and everyone is on-line that this is an appropriate product for the site and provides a good transition between the multi-family and single-family. The landscaping is sufficient and parking is proper. He stated that the property slopes from north to south and there is a difference of exposure. He reviewed the grade transition of the site and stated that the north side has a lower level exposure for a walkout entry. He stated that the entry points are good and they have no conflicts with other properties in regard to drainage. All utilities are there.

Mrs. Poston asked if was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition or ask questions. There was no response. Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Barlow stated that the existing zoning is O-2/PF/PD and asked if the entire property was in that zone, would it be appropriate for this use? Mr. Light responded that they would still need approval of the Concept Development Plan. He stated that the UR-2 zoning at the rear has to be changed and they wanted all one zone, so they were advised to ask for the O-2/PF/PD zone on all of the property. Counselor Wilson advised that the Concept Development Plan would be required because the PD is an overlay zone.

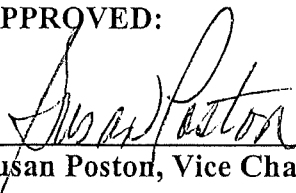
Mrs. Poston asked if this building would be taller than the apartment behind it. Mr. Light responded that it sets up higher than that building. If you drive by Ewing Boulevard now, you do not see all of that building behind it. Mrs. Poston asked if it will be the tallest structure on Ewing Boulevard – will it set up higher than Florence City Building? Mr. Berling responded that Florence City Building is at a higher elevation and it is a three-story structure. Mr. Light stated that the aquatic center is between them and it is a single-story building.

Mr. Costello questioned the design. He stated that the rendering was not in the packet and should be entered into the record. Mr. Light and Mr. Berling reviewed the design drawings with the Commissioners. In response to questions from Mr. Reynolds, Mr. Berling stated that he believes it will be an asphalt shingle roof. Mr. Light stated that it could be standing seam metal, but he will find out for the Committee Meeting. Mr. Light stated that there will be final renderings in color for the Committee Meeting and the construction materials will be identified.

Mr. Lesley Jacobs, owner of Plantation Apartments in the rear, wants to be sure that the drainage and the greenbelt are addressed. He stated that the apartments are occupied.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM. Mr. Barlow will be Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

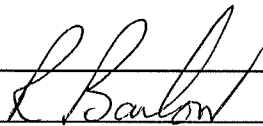
FROM: Randy Barlow, Chairman

DATE: September 4, 2002

RE Request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

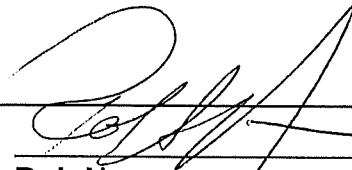
REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.



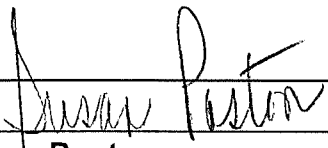
Randy Barlow, Chairman

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



Bob Newman

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

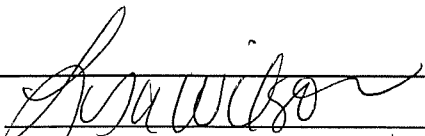


Susan Poston

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

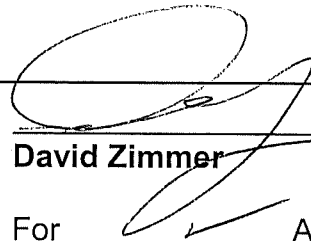
Earl White

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



Lisa Wilson

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



David Zimmer

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

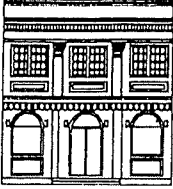
Janet Kegley (Alternate)*

For	<input type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>
Deferred	<input type="checkbox"/>		

TOTAL:	<input type="checkbox"/> DEFERRED	<input checked="" type="checkbox"/> 5 FOR	<input type="checkbox"/> AGAINST	<input type="checkbox"/> ABSTAIN
	<input checked="" type="checkbox"/> 1 ABSENT			

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

September 6, 2002

Mr. David P. Heidrich
2333 Anderson Road
Crescent Springs, KY 41017

RE: Recommended Conditions of Approval for the request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky

Dear Mr. Heidrich:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their September 4, 2002 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, September 13, 2002.

CONDITIONS

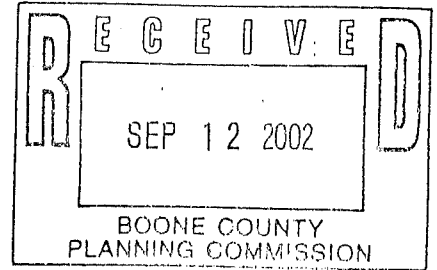
1. The building materials will be poured concrete, brick, EIFS with a dimensional asphalt shingle roof as was presented to the Zone Change/Concept Plan Committee at their September 4, 2002 meeting.
2. No glare from any of the lighting fixtures will leave this site and a photometric plan will be reviewed as part of the Major Site Plan review to insure compliance with this requirement.

Sincerely,

Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

Mr. David P. Heidrich
September 6, 2002
Page 2



AGREEMENT

I, David P. Heidrich, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky.

A handwritten signature in black ink, appearing to read "David P. Heidrich".

David P. Heidrich (owner)
Ewing Enterprises, LLC

9/12/02
Date



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY Registration No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor Registration KY 206

February 11, 2002

LEGAL DESCRIPTION

PARCEL "B"

FROM: JACOBS MANAGEMENT CO., L.L.C.
TO: EWING ENTERPRISES, L.L.C.

Beginning at the most northerly corner of the grantor's 2.13 acre parcel of land on Ewing Boulevard in Florence, Kentucky, as recorded in Deed Book 357 at Page 265 of the Boone County Clerk's records at Burlington, Kentucky; thence leaving said parcel N-39°-00'-00"-E 60.00 feet to a point; thence through the grantor's property S-37°-16'-59"-E 102.30 feet, S-25°-56'-03"-E 86.39 feet, S-37°-16'-59"-E 60.90 feet, S-77°-38'-51"-E 26.25 feet, S-37°-16'-59"-E 86.00 feet, S-19°-16'-42"-E 21.03 feet, S-55°-17'-14"-E 21.03 feet, S-37°-16'-59"-E 62.97 feet, and S-17°-14'-38"-E 36.33 feet to the east corner of said 2.13 acre parcel; thence N-42°-46'-30"-W along the northeast line of said 2.13 acre parcel 478.97 feet to the place of beginning.

Containing 0.3446 Acres

Back Reference: Deed Book 310, Page 320

BOONE COUNTY
D828 PG 352

DOCUMENT NO: 120361
RECORDED ON: MAY 23, 2002 09:34:43AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$5.00
GROUP : 2041B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D828 PAGES 348 - 352

Legal Description

Beginning at a point in the southeast line of the grantor's property as described in Deed Book 365 at Page 132 of the Boone County Clerk's records, said point being the most northerly corner of Jacobs' 2.13 acre parcel as described in Deed Book 357 at Page 265 of said records; thence along the grantor's southeast line N-39°-00'-00"-E 60.00 feet to a point; thence through the land of the grantor N 37°-16'-59"-W 38.61 feet and S-38°-59'-50"-W 218.40 feet to a point in the northeast line of Ewing Boulevard; thence along the northeast line of Ewing Boulevard S-34°-04'-00"-E 39.28 feet to a point; thence leaving Ewing Boulevard, running along the southeast line of the grantor and the northwest line of Jacobs' 2.1314 acre parcel, N-38°-58'-22"-E 160.68 feet to the place of beginning. Containing 0.1892 acres.

192186.1

BOONE COUNTY
D828 PG 347

DOCUMENT NO: 129368
RECORDED ON: MAY 23, 2002 09:34:26AM
TOTAL FEES: \$15.00
TRANSFER TAX: \$5.00
GROUP : 2041B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D828 PAGES 343 - 347

5

DEED

KNOW ALL MEN BY THESE PRESENTS:

That JACOBS MANAGEMENT COMPANY, LLC the GRANTOR, for and in consideration of Five Thousand and No/100th (5,000.00) Dollars

paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEE, EWING ENTERPRISES, LLC,

its successors and assigns forever, the following described real estate, in the City of Florence, County of Boone, and State of Kentucky, to wit:

Street Address: 7766 Ewing Blvd FLORENCE KY 41012

Grantee Address: 1881 Dixie Highway, Suite 350, Fort Wright, Kentucky 41011

Grantor Address: 7740 Plantation Drive, Florence, Kentucky 41042

Group No.: 2041B Plat No.:

SEE EXHIBIT "A"

Being part of the same property conveyed to Grantor herein by Deed dated 4-25-02 and recorded in Deed Book 0928 Page 338 of the Boone County Clerk's records at Burlington, Kentucky.

City Parcel

RETURN TO:

**CORS & BASSETT
1881 DIXIE HIGHWAY
SUITE 350
FT. WRIGHT KY 41011**

**BOONE COUNTY
D828 PG 343**

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.


GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 13th day of December, 2001.

GRANTOR:
JACOBS MANAGEMENT COMPANY, LLC


GRANTEE:
EWING ENTERPRISES, LLC

By: 
LESLIE R. JACOBS, Member

By: 
WILLIAM R. ZALLA, Manager

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]

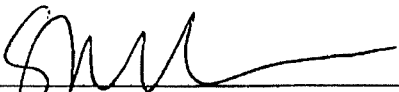
The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.



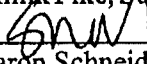
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTEE]

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by WILLIAM R. ZALLA, as Manager of EWING ENTERPRISES, LLC, a Kentucky limited liability company, for and on behalf of said company.



NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

MAIL TO: This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law,
541 Buttermilk Pike, Suite 500, P.O. Box 175710, Covington, Kentucky 41017-5710
by 
_____, Attorney.
Sharon Schneider Elliston

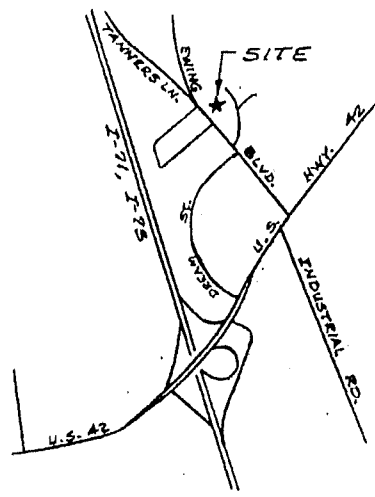
H:\DEEDS\CityParcel

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

"I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

5/7/02
 Date James W. Berling, L.S. Ky. Reg. #206



VICINITY MAP
 SCALE 1" = 2000'

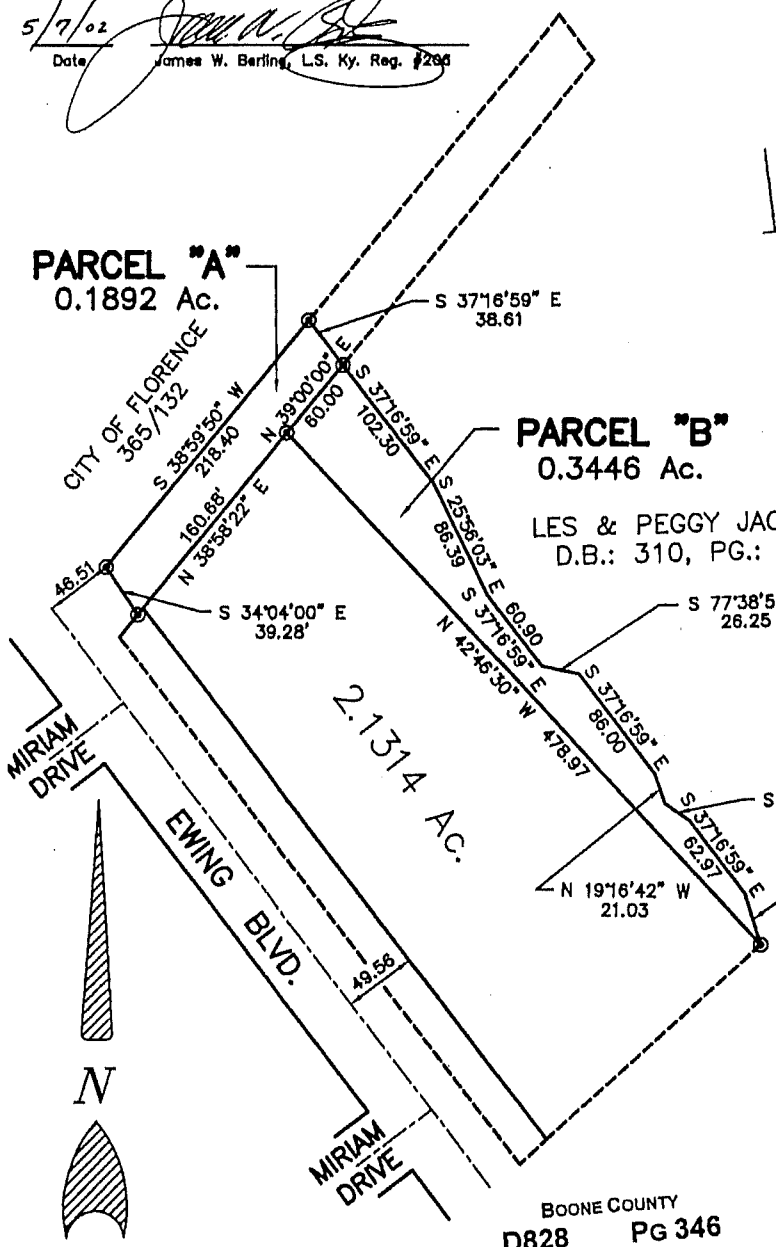
PARCEL "A"
 0.1892 Ac.

PARCEL "B"
 0.3446 Ac.

LES & PEGGY JACOBS
 D.B.: 310, PG.: 20

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 5-8-02 Current Zoning D-2 P/F/A
 TRM



BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE

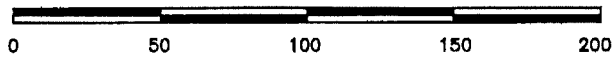
Approved for recording the transfer of the property only by the Boone County Planning Commission the 8th day of May, 2002.

5-8-02 James W. Berling
 Date Vice Chairman

BOONE COUNTY
 D828 PG 346

© - IRON PIN SET

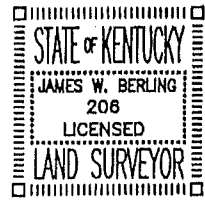
GRAPHIC SCALE



"This plat shall be void if not filed with the Boone County Clerk For recording purposes within two (2) years of Planning Commission approval."

BACK REFERENCE:
 D.B.: 310 PG.: 20
 D.B.: 365 PG.: 132
 GROUP No. 2041-B

PLOT OF SURVEY
 FROM: JACOBS MANAGEMENT Co., L.L.C.
 TO: EWING ENTERPRISES, L.L.C.



EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING

P & Z Code No. 3938 1671 PARK ROAD - SUITE ONE
 FT. WRIGHT KY 41011
 KY SURVEYOR 206

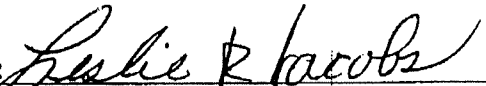
Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.


GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 13th day of December, 2001.

GRANTOR:
JACOBS MANAGEMENT COMPANY, LLC

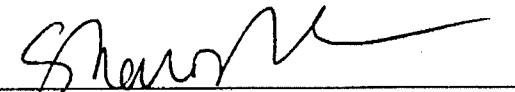
GRANTEE:
EWING ENTERPRISES, LLC

By: 
LESLIE R. JACOBS, Member

By: 
WILLIAM R. ZALLA, Manager

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]

The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.



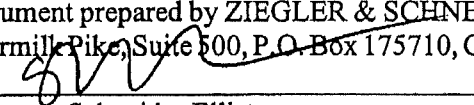
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTEE]

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by WILLIAM R. ZALLA, as Manager of EWING ENTERPRISES, LLC, a Kentucky limited liability company, for and on behalf of said company.



NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

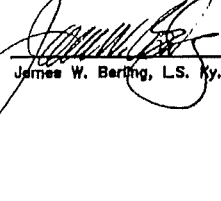
MAIL TO: This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law,
541 Buttermilk Pike, Suite 500, P.O. Box 175710, Covington, Kentucky 41017-5710
by , Attorney.
Sharon Schneider Elliston

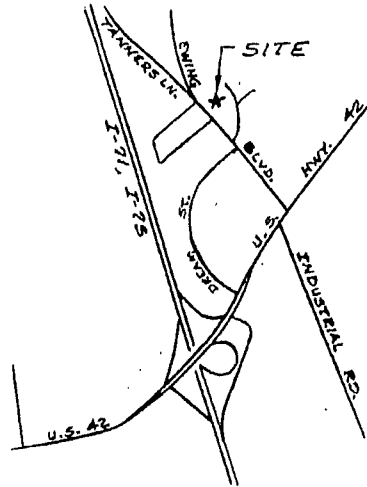
H:\DEEDS\PlantationParcel

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

"I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

5/7/02
 Date 
 James W. Berling, L.S. Ky. Reg. #206



VICINITY MAP
 SCALE 1" = 2000'

PARCEL "A"
 0.1892 Ac.

PARCEL "B"
 0.3446 Ac.

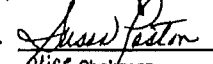
Jacobs Management Co., LLC
~~LES & PEGGY JACOBS~~
 D.B.: 310, PG.: 20
 664 286

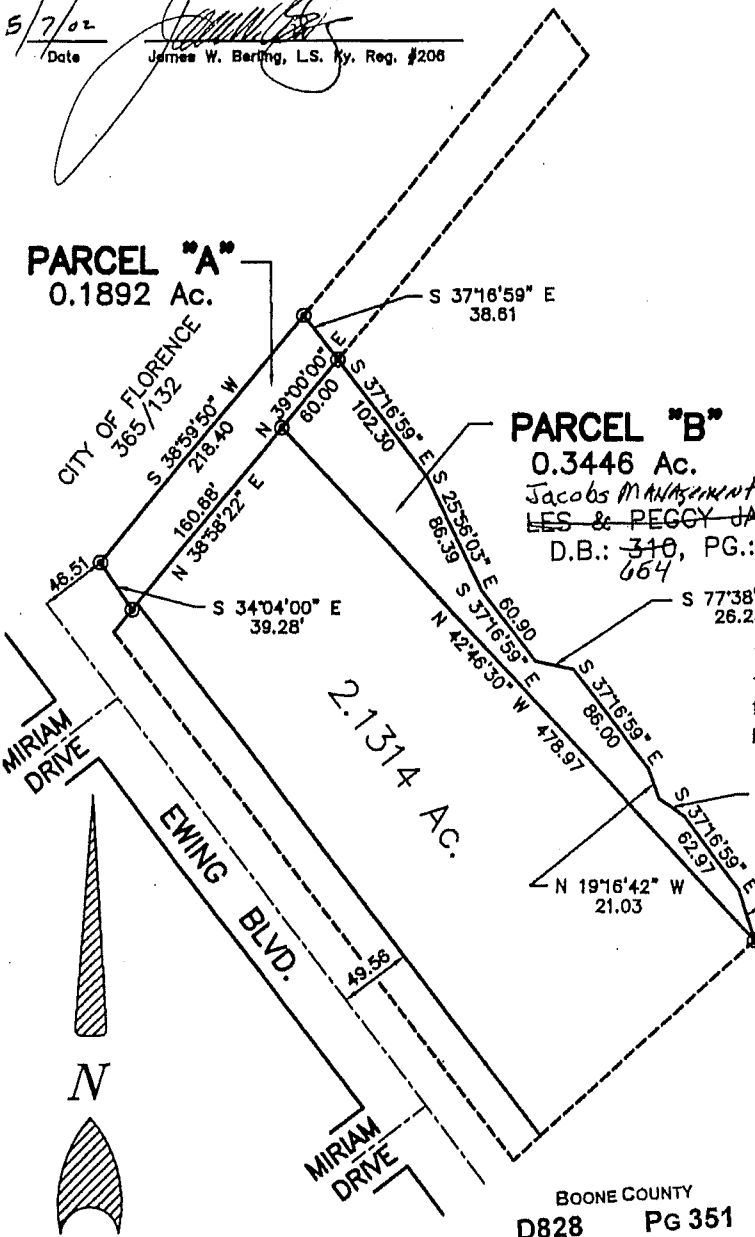
This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 5-8-02 Current Zoning 0-2/PF/PC
 TRM

BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE

Approved for recording the transfer of the property only by the Boone County Planning Commission the 3rd day of May, 2002.

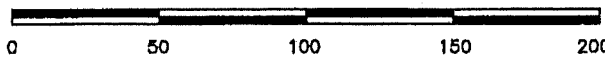
5/8/02 
 Date Vice Chairman



BOONE COUNTY
 D828 PG 351

◎ = IRON PIN SET

GRAPHIC SCALE



"This plat shall be void if not filed with the Boone County Clerk For recording purposes within two (2) years of Planning Commission approval."

BACK REFERENCE:
 D.B.: 310 PG.: 20 DR 654 pg 386
 D.B.: 365 PG.: 132
 GROUP No. 2041-B

PLOT OF SURVEY
 FROM: JACOBS MANAGEMENT Co., L.L.C.
 TO: EWING ENTERPRISES, L.L.C.



EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING
 P & Z Code No. 3938 1671 PARK ROAD - SUITE ONE
 FT. WRIGHT KY 41011
 KY SURVEYOR 206

MARLAN DRIVE

BLVD.

DEVELOPER
EWING ENTERPRISES L.L.C.

EWING

MARLAN DRIVE

G-3 PD TO O-2 PF/PD
0.7892 ACRES

UR-2 TO O-2 PF/PD
0.3448 ACRES

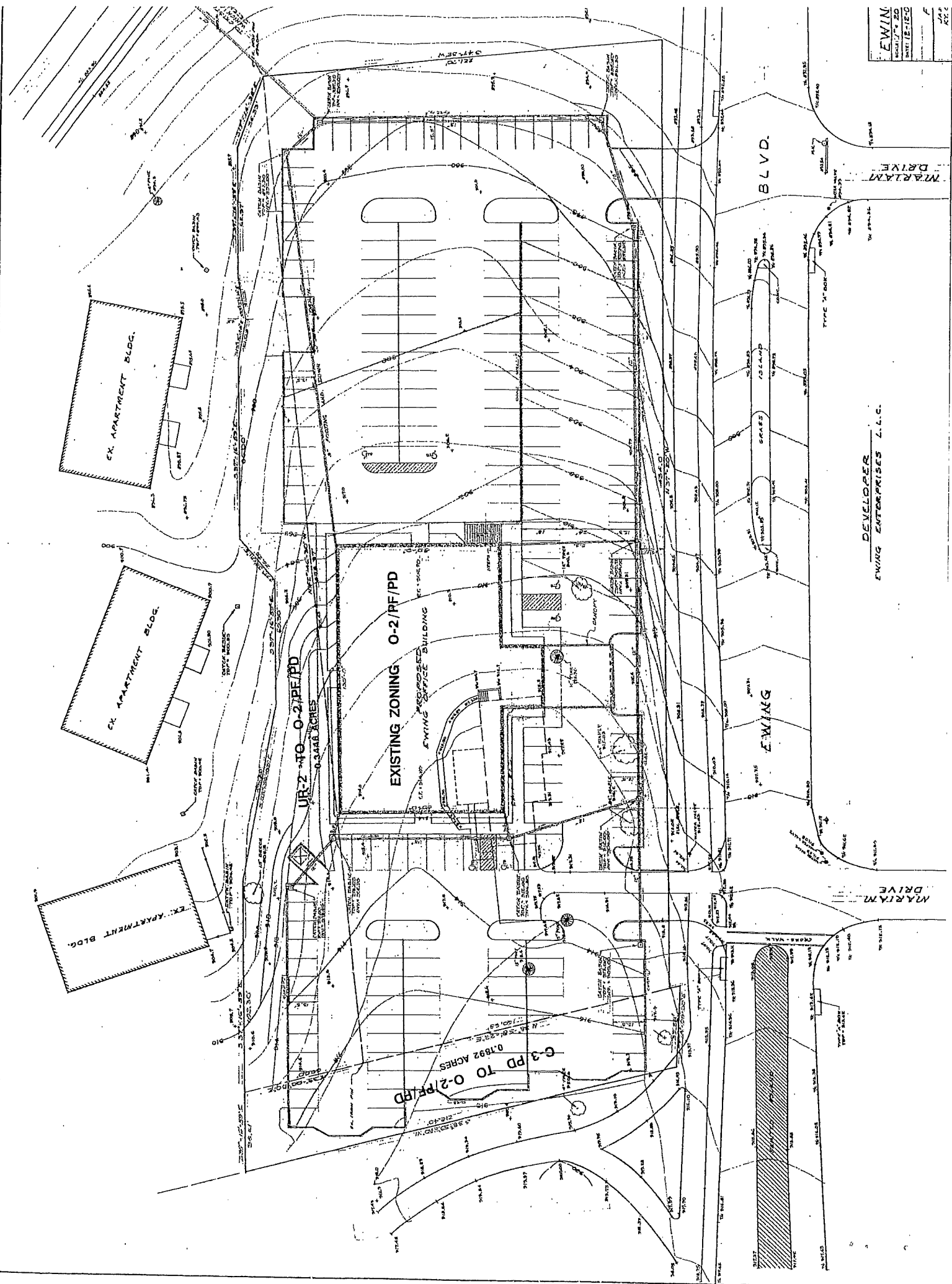
EXISTING ZONING O-2/PF/PD

EXISTING OFFICE BUILDING

EX. APARTMENT BLDG.

EX. APARTMENT BLDG.

EX. APARTMENT BLDG.



ORDINANCE NO. 0-30-02

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 0.3446 ACRE SITE FROM URBAN RESIDENTIAL TWO (UR-2) TO PUBLIC FACILITIES PLANNED DEVELOPMENT (PF/PD); A ZONING MAP AMENDMENT FOR AN APPROXIMATE 1.8692 ACRE SITE FROM OFFICE TWO/PUBLIC FACILITIES/PLANNED DEVELOPMENT (0-2/PF/PD) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD); AND APPROVAL OF A CONCEPT DEVELOPMENT PLAN FOR A 0.1892 ACRE SITE THAT IS ZONED PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD), ALL LOCATED AT 7766 EWING BOULEVARD IN THE CITY OF FLORENCE, KENTUCKY. (EWING ENTERPRISES, LLC PROPERTY)

WHEREAS, the City of Florence, Kentucky is a member of the 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 approval of a zoning map amendment for an approximate 0.3446 acre site from its current zoning of Urban Residential Two (UR-2) to Public Facilities Planned Development (PF/PD), and a zoning map amendment for an approximate 1.8692 acre site from its current zoning of Office Two/Public Facilities/Planned Development (0-2/PF/PD) to Public Facilities/Planned Development (PF/PD), both of which are located at 7766 Ewing Boulevard in the City of Florence, Kentucky, and

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a concept development plan for an approximate 0.1892 acre site located at 7766 Ewing Boulevard in the City of Florence, Kentucky, zoned Public Facilities/Planned Development, to allow an office building.

WHEREAS, the recommendations for approval of the Boone County Planning Commission are based upon certain findings and conditions attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the zoning map amendment for the approximate 0.3446 acre site to rezone the subject property from its current zoning of Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD), and the zoning map amendment for the approximate 0.18692 acre site to rezone the subject property from its current zoning of Office Two/Public Facilities/Planned Development (0-2/PF/PD) to Public Facilities/Planned Development (PF/PD), both of which are located at 7766 Ewing Boulevard in the City of Florence, Kentucky, shall be and are hereby approved.

That the concept development plan for the approximate 0.1892 acre site located at 7766 Ewing Boulevard in the City of Florence, Kentucky, shall be and is hereby approved to allow an office building, subject to the concept development plan and other agreed conditions for this site currently zoned Public Facilities/Planned Development (PF/PD).

The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning and approval of the concept development plan for this subject property.

SECTION II

This approval of these zoning map amendments and the concept development plan 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 of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-02-021-A of the Boone County Planning Commission along with the referenced Exhibits to that Resolution.

SECTION III

This approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report made a part of that recommendation, and all other provisions comprising the development plan herein, a copy of that recommendation and committee report, being attached, Marked "B", and incorporated herein by reference as if fully set out, this recommendation being in the form of Resolution No. R-02-021-A of the Boone County Planning Commission.

SECTION IV

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION V

This approval is granted based upon the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the committee report of that Commission, which is attached and part of the Commission's Resolution No. R-02-021-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION VI

If this approval for these zone changes and approval of the concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance and this particular zone change approval.

SECTION VII

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

PASSED AND APPROVED ON FIRST READING THIS 26th DAY OF November, 2002.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
3rd DAY OF December, 2002.

APPROVED:

Dean E. Whalen
MAYOR

ATTEST:

Betsy R. Conrad
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of 0-30-02 as same appears in the official records of my office.

Dated this 17th day of December, 2002.

Betsy R. Conrad
City Clerk

**AGREED ADDITIONAL CONDITIONS -
CONCEPT DEVELOPMENT PLAN APPROVAL**

IN RE: REQUEST OF EWING ENTERPRISES, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL TWO (UR-2) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) FOR A 0.3446 ACRE TRACT, A ZONING MAP AMENDMENT FROM OFFICE TWO/PUBLIC FACILITIES/PLANNED DEVELOPMENT (O-2/PF/PD) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) FOR A 1.8692 ACRE TRACT, AND APPROVAL OF A CONCEPT DEVELOPMENT PLAN FOR A 0.1892 ACRE SITE THAT IS ZONED PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD), ALL LOCATED AT 7766 EWING BOULEVARD, FLORENCE, KENTUCKY, TO ALLOW AN OFFICE BUILDING ON A 2.403 ACRE SITE.

WHEREAS, Ewing Enterprises, LLC, as Owner of a tract of approximately 2.403 acres located at 7766 Ewing Boulevard, Florence, Kentucky have, applied to the Boone County Planning Commission for zone changes and approval of a Concept Development Plan which would allow an office building, and

WHEREAS, the Commission has recommended approval of the application tot he City of Florence and the Planning and Zoning Committee of the City has issued its report in support of such recommendations, subject however, to the additional conditions hereinafter set out, and

WHEREAS, the Owner and Applicant have agreed to said additional conditions.

NOW, THEREFORE, the Owners and Applicant identified above doe hereby agree that the following conditions shall be incorporated into approval by the City of Florence, Kentucky, of the recommendation of the Boone County Planning Commission contained in Resolution No. R-02-021-A for said tract and that this Agreement shall become part of the Ordinance of approval. It is further agreed that, to the extent that these additional conditions shall be inconsistent with the conditions of approval contained in the record from the Boone County Planning Commission, these additional conditions shall take precedence and apply:

1. Applicant shall comply with all applicable landscaping requirements contained in the Boone County Zoning Regulations.
2. That the site plan shall be revised to move the covered entranceway from the Ewing Boulevard side of the building to the northwest side of the building as shown on the attached Exhibit.

Dated this 26th day of NOV., 2002.

EWING ENTERPRISES, LLC

BY: 



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

KY Registration No. 3745

Land Surveyor Registration KY 206

Exhibit "A"

February 11, 2002

LEGAL DESCRIPTION

PARCEL "B"

FROM: JACOBS MANAGEMENT CO., L.L.C.
TO: EWING ENTERPRISES, L.L.C.

Beginning at the most northerly corner of the grantor's 2.13 acre parcel of land on Ewing Boulevard in Florence, Kentucky, as recorded in Deed Book 357 at Page 265 of the Boone County Clerk's records at Burlington, Kentucky; thence leaving said parcel N-39°-00'-00"-E 60.00 feet to a point; thence through the grantor's property S-37°-16'-59"-E 102.30 feet, S-25°-56'-03"-E 86.39 feet, S-37°-16'-59"-E 60.90 feet, S-77°-38'-51"-E 26.25 feet, S-37°-16'-59"-E 86.00 feet, S-19°-16'-42"-E 21.03 feet, S-55°-17'-14"-E 21.03 feet, S-37°-16'-59"-E 62.97 feet, and S-17°-14'-38"-E 36.33 feet to the east corner of said 2.13 acre parcel; thence N-42°-46'-30"-W along the northeast line of said 2.13 acre parcel 478.97 feet to the place of beginning.

Containing 0.3446 Acres

Back Reference: Deed Book 310, Page 320

BOONE COUNTY
D828 Pg 352

DOCUMENT NO: 129361
RECORDED ON: MAY 23, 2002 09:34:43AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$5.00
GROUP: 2841B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D828 PAGES 348 - 352

Legal Description

Beginning at a point in the southeast line of the grantor's property as described in Deed Book 365 at Page 132 of the Boone County Clerk's records, said point being the most northerly corner of Jacobs' 2.13 acre parcel as described in Deed Book 357 at Page 265 of said records; thence along the grantor's southeast line N-39°-00'-00"-E 60.00 feet to a point; thence through the land of the grantor N 37°-16'-59"-W 38.61 feet and S-38°-59'-50"-W 218.40 feet to a point in the northeast line of Ewing Boulevard; thence along the northeast line of Ewing Boulevard S-34°-04'-00"-E 39.28 feet to a point; thence leaving Ewing Boulevard, running along the southeast line of the grantor and the northwest line of Jacobs' 2.1314 acre parcel, N-38°-58'-22"-E 160.68 feet to the place of beginning. Containing 0.1892 acres.

192186.1

DOCUMENT NO: 128368
RECORDED ON: MAY 23, 2002 09:34:26AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$5.00
GROUP : 2841B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA

BOONE COUNTY
D828 PG 347

BOOK D828 PAGES 343 - 347

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 13th day of December, 2001.

GRANTOR:
JACOBS MANAGEMENT COMPANY, LLC

GRANTEE:
EWING ENTERPRISES, LLC

By: Leslie R Jacobs
LESLIE R. JACOBS, Member

By: William R Zalla
WILLIAM R. ZALLA, Manager

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]


The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.

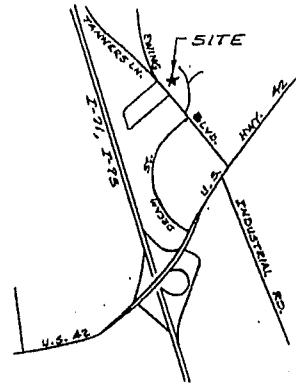
Sharon
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

"I certify that this plot of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

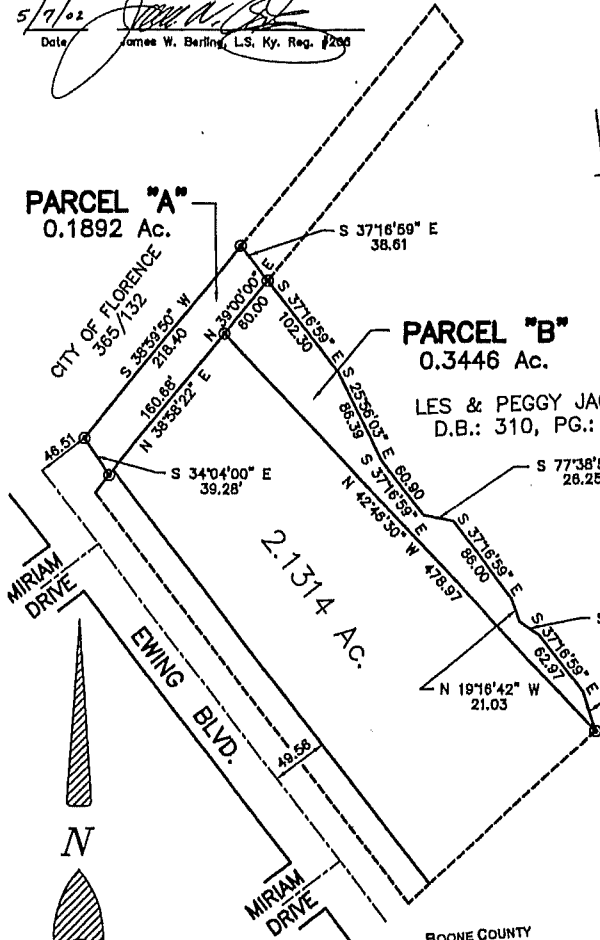
5/7/02 
 Date James W. Berling, L.S. Ky. Reg. #206



PARCEL "A"
 0.1892 Ac.

PARCEL "B"
 0.3446 Ac.

LES & PEGGY JACOBS
 D.B.: 310, PG.: 20




VICINITY MAP
 SCALE 1" = 2000'

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.
 Date 5-8-02 Current Zoning D-2 PFA
 77m

BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE

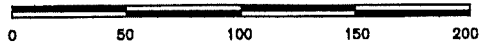
Approved for recording the transfer of the property only by the Boone County Planning Commission the 8th day of May, 2002.

5-8-02 
 Date Vice Chairman

BOONE COUNTY
 D828 PG 346

⊙ = IRON PIN SET

GRAPHIC SCALE



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BACK REFERENCE:
 D.B.: 310 PG.: 20
 D.B.: 365 PG.: 132
 GROUP No. 2041-B

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 FROM: JACOBS MANAGEMENT Co., L.L.C.
 TO: EWING ENTERPRISES, L.L.C.



EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING
 1671 PARK ROAD - SUITE ONE
 FT. WRIGHT KY 41011
 KY SURVEYOR 206

P & Z Code No. 3938

(5)

D E E D

KNOW ALL MEN BY THESE PRESENTS:

That JACOBS MANAGEMENT COMPANY, LLC the GRANTOR, for and in consideration of Five Thousand and No/100ths (\$5,000.00) Dollars

paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEE, EWING ENTERPRISES, LLC,

its successors and assigns forever, the following described real estate, in the City of Florence, County of Boone, and State of Kentucky, to wit:

Street Address: 7766 Ewing Blvd FLORENCE 41042

Grantee Address: 1881 Dixie Highway, Suite 350, Fort Wright, Kentucky 41011

Grantor Address: 7740 Plantation Drive, Florence, Kentucky 41042

Group No.: 2041B

Plat No.:

SEE EXHIBIT "A"

Being part of the same property conveyed to Grantor herein by Deed dated 6-20-97 and recorded in Deed Book 25, Page 26 Deed B 654, p. 286 of the Boone County Clerk's records at Burlington, Kentucky.

Plantation Parcel

1

CORB & BARNETT
1881 DIXIE HIGHWAY
SUITE 350
FT. WRIGHT KY 41011

RETURN TO:

BOONE COUNTY
D828 PG 348

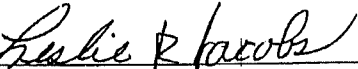
Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

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JACOBS MANAGEMENT COMPANY, LLC

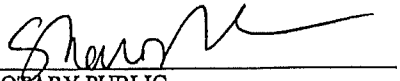
GRANTEE:
EWING ENTERPRISES, LLC

By: 
LESLIE R. JACOBS, Member

By: 
WILLIAM R. ZALLA, Manager

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]

The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.


NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTEE]

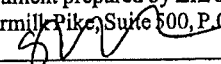
The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by WILLIAM R. ZALLA, as Manager of EWING ENTERPRISES, LLC, a Kentucky limited liability company, for and on behalf of said company.



NOTARY PUBLIC

Kentucky State at Large

My Commission expires: February 5, 2004

MAIL TO: This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law,
541 Buttermilk Pike, Suite 500, P.O. Box 175710, Covington, Kentucky 41017-5710
by , Attorney.
Sharon Schneider Elliston

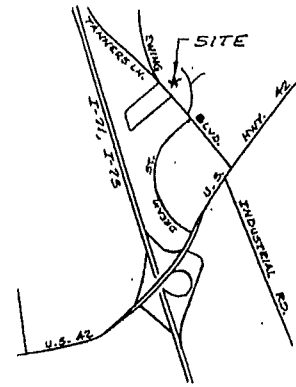
H:\DEEDS\PlantationParcel

LAND SURVEYOR'S CERTIFICATE

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"I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

5/7/02
Date
James W. Berling, L.S. Ky. Reg. #208

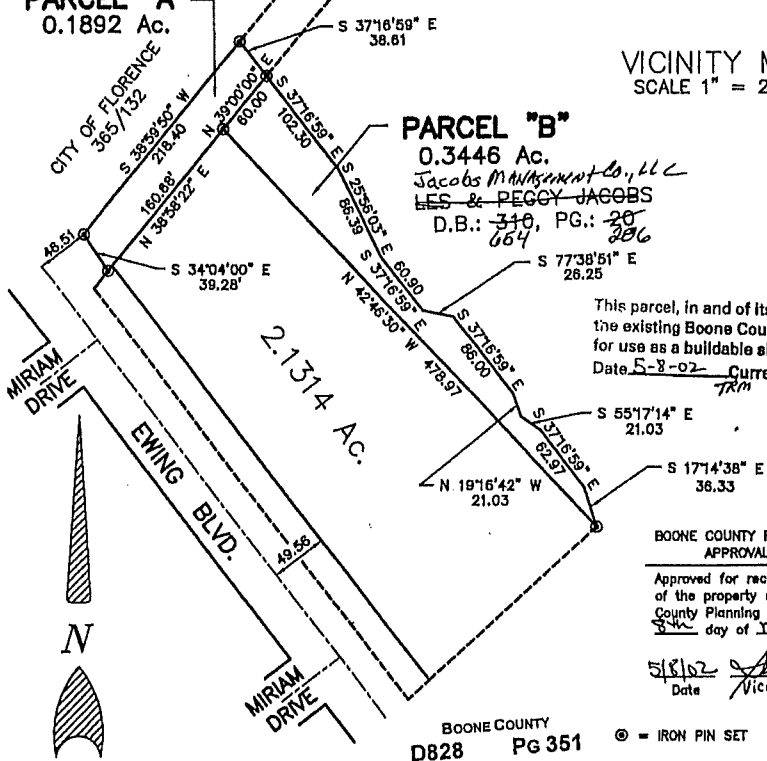


PARCEL "A"
0.1892 Ac.

PARCEL "B"
0.3446 Ac.

Jacobs Management Co., LLC
LES & PEGGY JACOBS
D.B.: 340, PG.: 28
664 286

VICINITY MAP
SCALE 1" = 2000'



This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 5-8-02 Current Zoning 0-2/PE/PO TRM

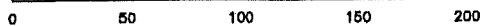
BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE

Approved for recording the transfer of the property only by the Boone County Planning Commission the 3rd day of May, 2002.

5/8/02
Date
Vice Chairman

BOONE COUNTY
D828 Pg 351 © = IRON PIN SET

GRAPHIC SCALE



"This plat shall be void if not filed with the Boone County Clerk For recording purposes within two (2) years of Planning Commission approval."

BACK REFERENCE:
D.B.: 340 PG.: 28 02654 pg 386
D.B.: 365 PG.: 132
GROUP No. 2041-B

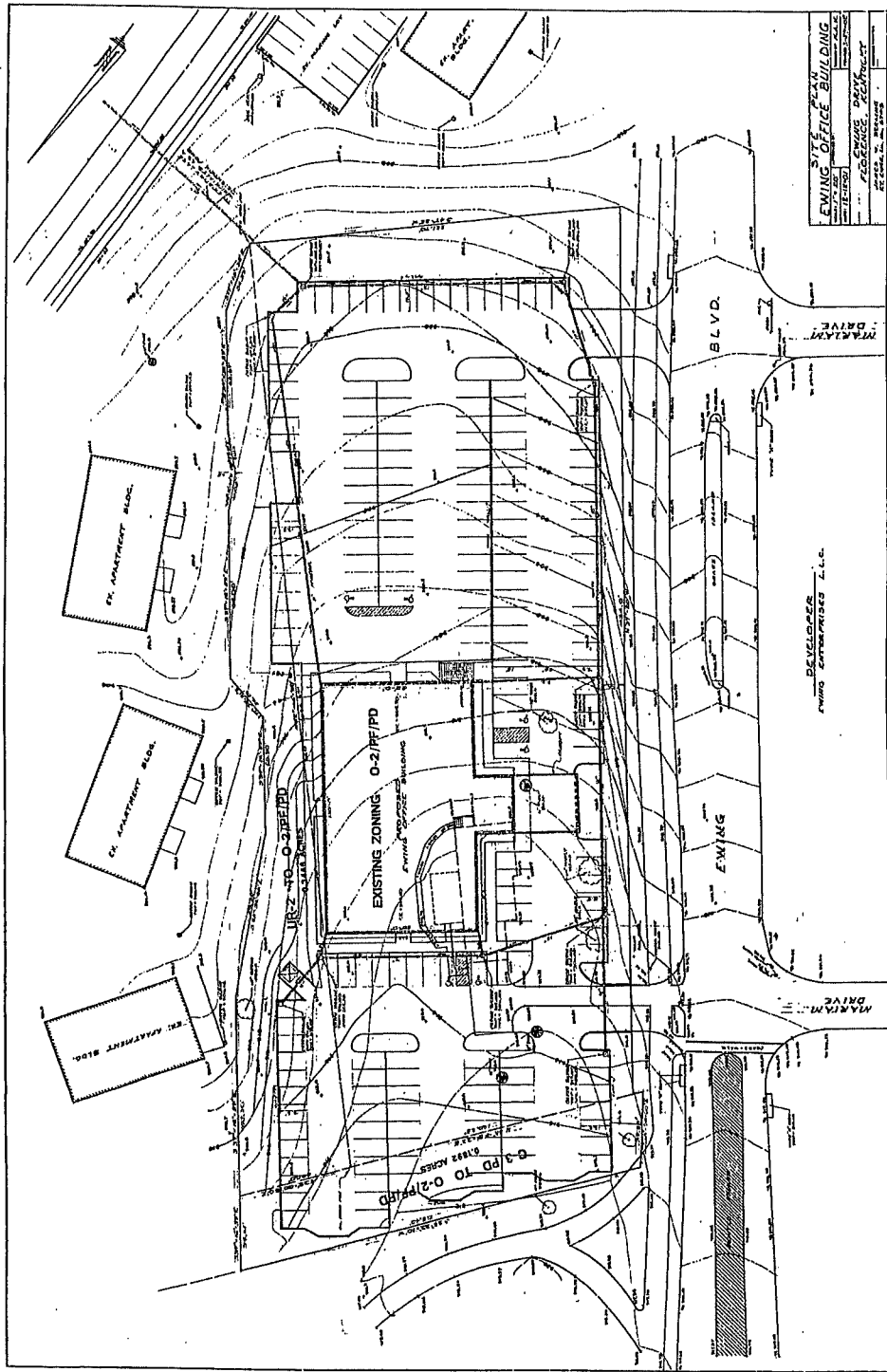
PLOT OF SURVEY
FROM: JACOBS MANAGEMENT Co., L.L.C.
TO: EWING ENTERPRISES, L.L.C.



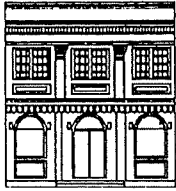
EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING
P & Z Code No. 3938 1671 PARK ROAD - SUITE ONE
FT. WRIGHT KY 41011
KY SURVEYOR 206



BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 2, 2002

The Honorable Diane E. Whalen
Mayor, City of Florence
8100 Ewing Boulevard
Florence, KY 41042-7588

Dear Mayor Whalen:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and approval of a Concept Development Plan for a 0.1892 acre site that is zoned Public Facilities/Planned Development (PF/PD), all located at 7766 Ewing Boulevard, Florence, Kentucky. The application involves three requests, or two Zone Changes and approval of a Concept Development Plan in Planned Development to allow an office building on a 2.403 acre site.

At their meeting of September 18, 2002, the Boone County Planning Commission voted unanimously to recommend approval by **Resolution R-02-021-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Florence is **Tuesday, December 17, 2002**.

The approved minutes of the August 28, 2002 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,


Susan Poston
Vice-Chairwoman

SP/vlm

Enclosures

RESOLUTION R-02-021-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF EWING ENTERPRISES, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL TWO (UR-2) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PR/PD) FOR A 0.3446 ACRE TRACT, A ZONING MAP AMENDMENT FROM OFFICE TWO/PUBLIC FACILITIES/PLANNED DEVELOPMENT (O-2/PF/PD) TO PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD) FOR A 1.8692 ACRE TRACT, AND APPROVAL OF A CONCEPT DEVELOPMENT PLAN FOR A 0.1892 ACRE SITE THAT IS ZONED PUBLIC FACILITIES/PLANNED DEVELOPMENT (PF/PD), ALL LOCATED AT 7766 EWING BOULEVARD, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for two Zoning Map Amendments to the Boone County Zoning Map and such Zoning Map Amendments being a zone change from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and approval of a Concept Development Plan for a 0.1892 acre site that is zoned Public Facilities/Planned Development (PF/PD), all located at 7766 Ewing Boulevard, Florence, Kentucky which is more particularly described below; and, .

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendments and Concept Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for two Zoning Map Amendments for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a second Zoning Map Amendment from Office Two/Public

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-02-021-A
PAGE TWO**

Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and approval of a Concept Development Plan for a 0.1892 acre site that is zoned Public Facilities/Planned Development (PF/PD), all located at 7766 Ewing Boulevard, Florence, Kentucky. The real estate which is the subject of this request is more particularly described in DEED BOOKS 822, 828 & 828, PAGE NOS. 617, 343 & 347, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for two Zoning Map Amendments and a Concept Development Plan request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

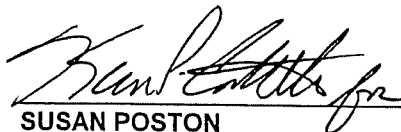
SECTION III

That a copy of this Resolution recommending approval for a Zoning Map Amendment for a zone change from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and approval of a Concept Development Plan for a 0.1892 acre site that is zoned Public Facilities/Planned Development (PF/PD), all located at 7766 Ewing Boulevard, Florence, Kentucky shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-02-021-A
PAGE THREE

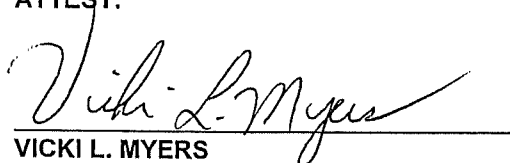
PASSED AND APPROVED ON THIS 2ND DAY OF OCTOBER, 2002.

APPROVED:



SUSAN POSTON
VICE-CHAIRWOMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

SP:vlm

EXHIBIT

“A”

STAFF REPORT

Request of Ewing Enterprises, LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

August 28, 2002

REQUEST

This application is for two (2) Zoning Map Amendments to Public Facilities/Planned Development (PF/PD) and approval of a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone to allow an office building on a 2.403 acre site at an intensity of approximately 18,000 square feet per acre with the required parking, circulation and landscape areas.

The applicant is proposing a three (3) story office building and has expressed to staff that the building will be constructed of masonry and glass with a pitched roof. The final design elevations were not presented to staff, however several options were shown.

SITE HISTORY

The Parkway Corridor Study, which includes the subject site, was adopted in 1986. The adoption of the Planned Development overlay zone for the area resulted from the Study.

ADJACENT LAND USES AND ZONING

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

- North: The Florence Government Center and the future Aquatic Center within the Parkway Corridor Study area zoned Public Facilities/Planned Development (PF/PD).
- East: Plantation Apartment complex located off Ewing Boulevard within an Urban Residential Two (UR-2) Zone.
- West: Single family residences on Miriam Drive within a Suburban Residential Two (SR-2) zone.
- South: Plantation Apartment complex located off Ewing Boulevard within an Urban Residential Two (UR-2) Zone.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Public/Institutional" (P), "Suburban Residential" (SR), and "Urban Density Residential" (UD) uses. These designations are described on page 158 of the Comprehensive Plan as:

- P "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."
- SR "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision."
- UD "Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("Florence Central" area, pg. 162).

- A. The City of Florence developed from an aggregate of residential subdivisions, and is the population center of Boone County. The city is experiencing considerable residential growth due primarily to annexation. Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city. This is evidenced by continuing annexation of developable property.
- B. Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor(s?) of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed.
- C. Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property.
- D. In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two.

The Land Use Element provides the following general statements which relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 159).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Designs, Signs, and Historic Preservation," pg. 160).

The site is within the "Florence, US 25 Corridor" area described in the Geographic Housing Issues section of the Housing Element (pg. 88). This section states "there will likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners."

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- H. 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 ("Business Activity," Overall Objective).
- I. 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 ("Business Activity," Commercial [Retail and Office] Objective 1).

- J. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood . . . ("Business Activity," Commercial [Retail and Office] Objective 2).

RELATIONSHIP TO PARKWAY CORRIDOR STUDY

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

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

The site is located within area "5E:PF/O2/PD" on the study land use map. The following excerpt describes the area in question.

Two features in particular stand out about this parcel. First, it includes a long frontage along the Parkway while it also fronts on KY 18. Consequently, it has high accessibility and visibility. Second, it borders for a long stretch on the residential area to its east. The narrower parts of this parcel are along the Parkway where it leaves Tanners Lane and begins its pass to the north. Where the Parkway approaches KY 18 the parcel broadens out and becomes much more suitable for higher density kinds of development in the parcel and the nearby residential areas. In particular, open spaces properly landscaped are very desirable in key locations of this parcel. Also, the parcel can be easily accessed by pedestrians and offers a very good opportunity to enhance the pedestrian network of the study area.

STAFF COMMENTS

1. First, the Planning Commission and City Council will need to consider the Comprehensive Plan as it relates to this request. The Land Use Element states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas;

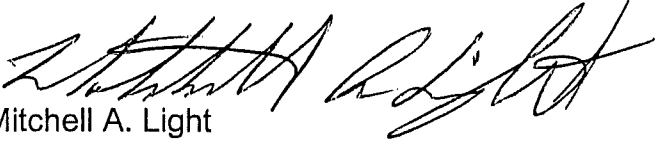
instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments." The Future Land Use Map designates the site as "Suburban Residential."

2. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
3. Due to the conceptual nature of the plan, an exhaustive "site plan" type review was not conducted. Therefore, the applicant will need to consider that all normal site plan requirements will need to be met.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

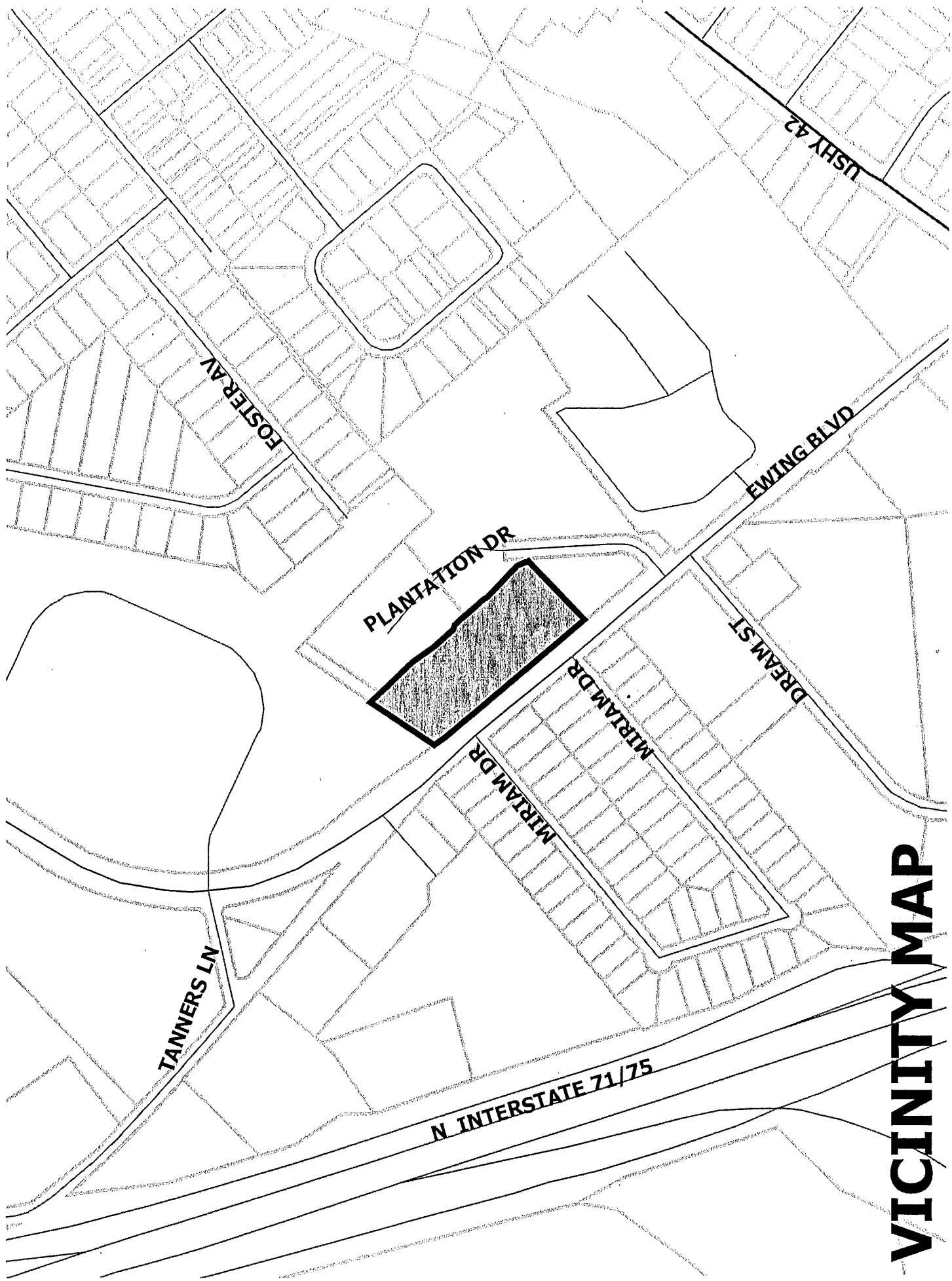


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL\pr

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography & Drainage
- Concept Development Plan
- Planned Development Standards
- Application



FOSTER AV

USHY 42

PLANTATION DR

EWING BLVD

DREAM ST

MIRIAM DR

TANNERS LN

N INTERSTATE 71/75

VICINITY MAP

SR-1

PLANTATION DR

UR-2

UR-2

O-2/PF/PD

EWING BLVD

M DR

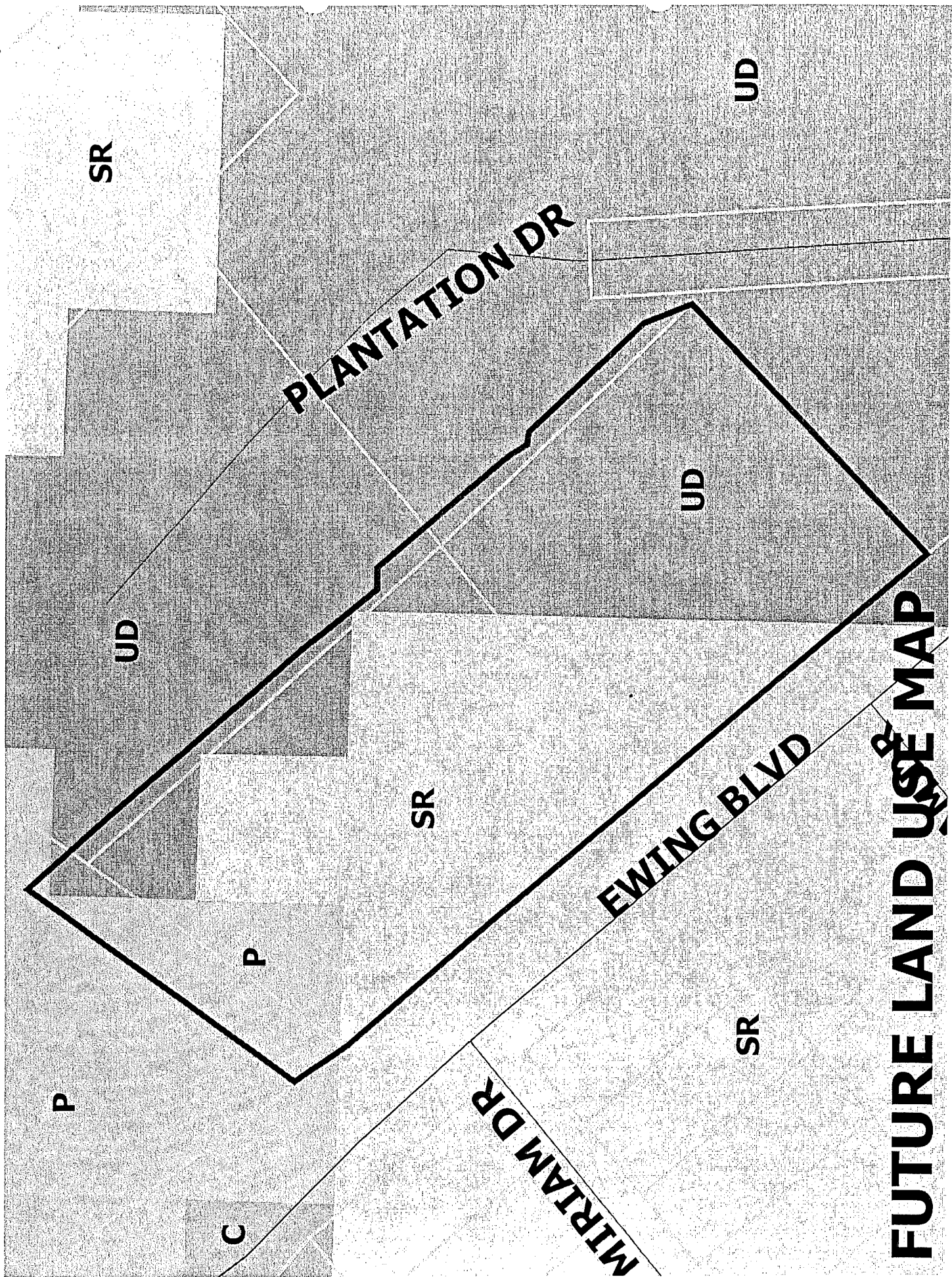
PF/PD

SR-2

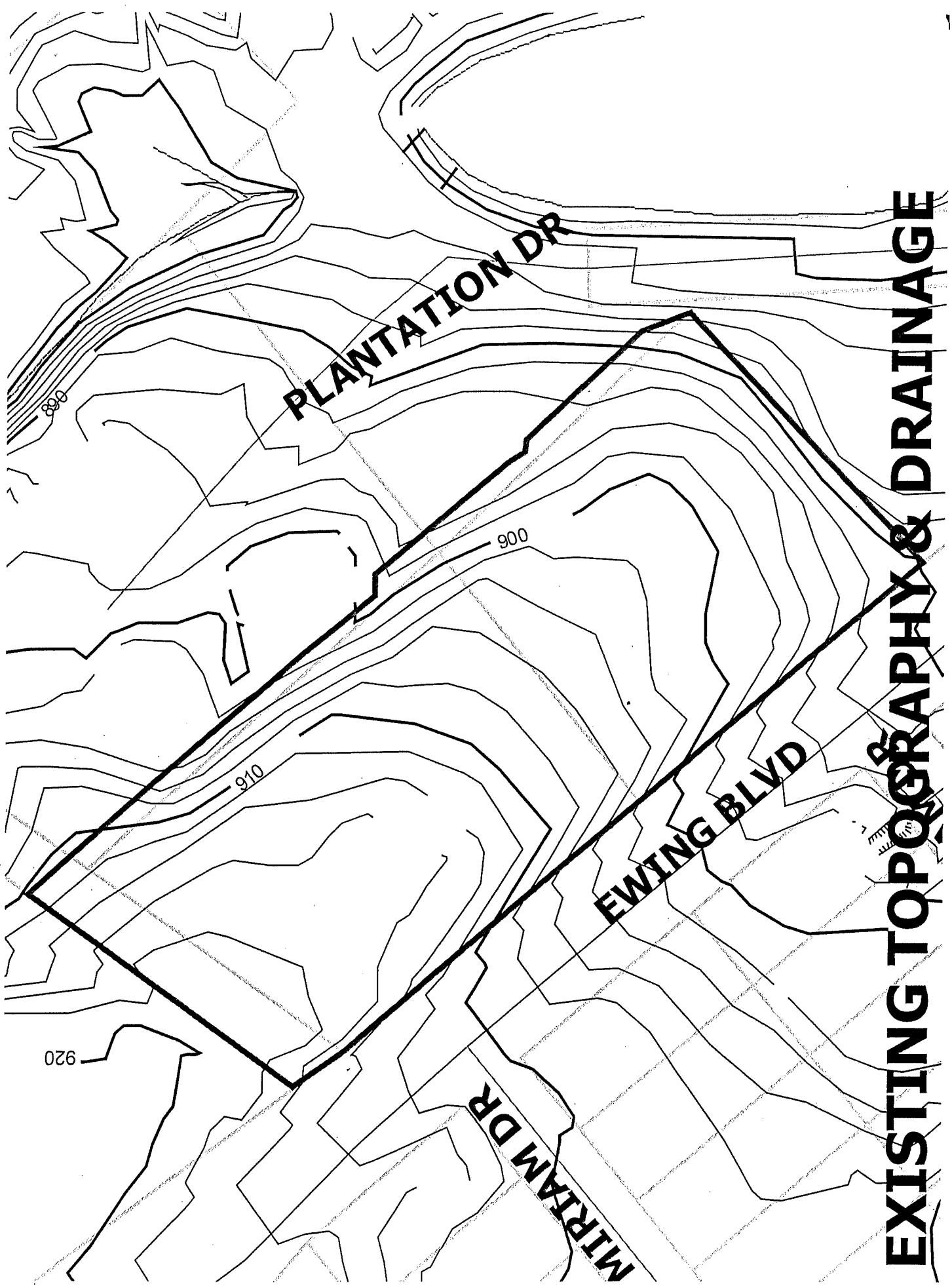
MIRIAM DR

SR-2

ZONING MAP



FUTURE LAND USE MAP



PLANTATION DR

EWING BLVD

MIRIAM DR

920

910

900

EXISTING TOPOGRAPHY & DRAINAGE

SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal:

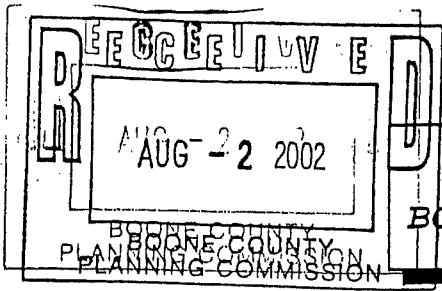
1. **Mixed Use Development and Pedestrian Orientation:** Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable 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 courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **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.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. **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, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.



APPLICATION FORM

BOONE COUNTY PLANNING COMMISSION APPLICATION FORM PAGE 2

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project Ewing Blvd. Professional Center
- 2. Location of Project 7760 Ewing Blvd., Florence, KY
- 3. Total Acreage of Site .5338 Acre 2-2138
- 4. Current Zoning of Site A) UR-2 B) C-3/PD C) UR-2 B) O-2 (PF/PD)
- 5. Proposed Zoning (Classification being requested) 02/PF/PD PF/PD
- 6. Proposed Uses (please specify each use) Office Building Development

- 7. Names of Applicant(s) Ewing Enterprises, LLC
- Phone Number 859-341-5523 Fax No. 859-341-5582
- 8. Address of Applicant(s) 2333 Anderson Rd.
- Crescent Springs, KY 41017

- 9. Name of Property Owner(s) see attached same
- Phone Number _____ Fax No. _____
- 10. Address of Property Owner(s) _____
- _____ City _____ State _____ Zip _____

11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? no single family home to be removed

13. Deed Book see attached Page No. _____ Group No. _____

14. Are you also applying for:
no Conditional Use Permit
no Dimensional Variance

15. Have you submitted a Concept Development Plan? Yes

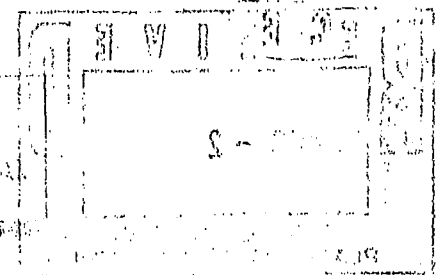
16. Have you had a pre-application meeting with BCPC Staff? Yes

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

NOTICE: An applicant must file an application form...

ZONING MAP AMENDMENT
APPLICATION
PAGE 2



- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County
 - Florence
- Walton Union

19. Applicant's Signature David P. Hendrick Managing Member

Property Owner's Signature David P. Hendrick

DAVID P. HENDRICK

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-2-02
2. Review Fee \$130.00 R# 32849 \$30.14 add'l fee R# 32334
3. Check what has been submitted:
- Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer RICH LIGHT
6. Committee Chairman EARL WHITE
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
- Approval
 - Approval with Conditions
 - Denial
9. Other: _____

**** Five (5) Copies Are Required**

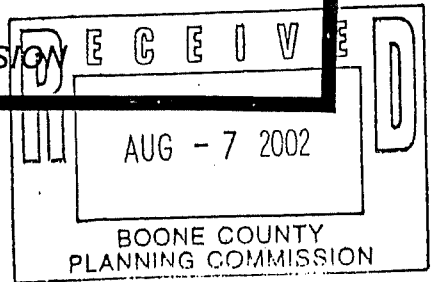
Please check the Inconsistency with the following information:

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

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project EWING BLVD PROF. CENTER
- 3. Location of Project 7760 EWING BLVD
- 4. Total Acreage of Site 2.403 TOTAL, 0.1892 AC FOR CDP
- 5. Current Zoning PF/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____

8. Proposed Uses (please specify each use) OFFICE BUILDING

9. Proposed Building Intensities (please specify) 212,000 sq ft/acre

10. Have you submitted a Concept Development Plan? yes

11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

12. Name of Applicant(s) EWING ENTERPRISES, LLC
Phone Number 512-3500 Fax No. 341-5582

13. Address of Applicant(s) 2333 AMBERSON TRW
Still Creek Spgs Ky 41017
City State Zip

14. Name of Property Owner(s) Same
Phone Number _____ Fax No. _____

15. Address of Property Owner(s) _____
City State Zip

16. Are there any existing buildings on the site? single family home to be removed
How many? _____

17. Deed Book _____ Page No. _____ Group No. _____

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

(over)

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Planner.

Legal Counsel Present: Mr. Dale Wilson

Chairman Hicks left the meeting at this time due to a conflict of interest with the engineer for this request. Mrs. Poston chaired the meeting and introduced the third item on the Agenda:

Applicant: Ewing Enterprises, LLC (owner)
Request: Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that the Staff Report was very thorough. They agree with the Staff Report. He stated that this is the same people who are developing the office park on Buttermilk Pike, east of the Drawbridge, where the Chamber of Commerce is located. They have experience in office construction and leasing and have been very successful. They take pride in the architecture of their buildings and he believes people will be pleased with the product. They have been talking to the city about this property and everyone is on-line that this is an appropriate product for the site and provides a good transition between the multi-family and single-family. The landscaping is sufficient and parking is proper. He stated that the property slopes from north to south and there is a difference of exposure. He reviewed the grade transition of the site and stated that the north side has a lower level exposure for a walkout entry. He stated that the entry points are good and they have no conflicts with other properties in regard to drainage. All utilities are there.

Mrs. Poston asked if was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition or ask questions. There was no response. Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Barlow stated that the existing zoning is O-2/PF/PD and asked if the entire property was in that zone, would it be appropriate for this use? Mr. Light responded that they would still need approval of the Concept Development Plan. He stated that the UR-2 zoning at the rear has to be changed and they wanted all one zone, so they were advised to ask for the O-2/PF/PD zone on all of the property. Counselor Wilson advised that the Concept Development Plan would be required because the PD is an overlay zone.

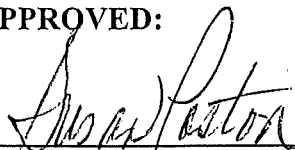
Mrs. Poston asked if this building would be taller than the apartment behind it. Mr. Light responded that it sets up higher than that building. If you drive by Ewing Boulevard now, you do not see all of that building behind it. Mrs. Poston asked if it will be the tallest structure on Ewing Boulevard – will it set up higher than Florence City Building? Mr. Berling responded that Florence City Building is at a higher elevation and it is a three-story structure. Mr. Light stated that the aquatic center is between them and it is a single-story building.

Mr. Costello questioned the design. He stated that the rendering was not in the packet and should be entered into the record. Mr. Light and Mr. Berling reviewed the design drawings with the Commissioners. In response to questions from Mr. Reynolds, Mr. Berling stated that he believes it will be an asphalt shingle roof. Mr. Light stated that it could be standing seam metal, but he will find out for the Committee Meeting. Mr. Light stated that there will be final renderings in color for the Committee Meeting and the construction materials will be identified.

Mr. Lesley Jacobs, owner of Plantation Apartments in the rear, wants to be sure that the drainage and the greenbelt are addressed. He stated that the apartments are occupied.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM. Mr. Barlow will be Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 18, 2002
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Richard Knock, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

3. Zoning Map Amendment and Concept Development Plan

The request of Ewing Enterprises LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403-acre site.

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

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

Chairman Hicks returned to the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of Mike Redman (applicant) for Terry Colcord and Sharon Colcord (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Commercial Two (C-2) for a 0.45 acre tract at 7276 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow a chiropractic office.

Staff Member Patty Bachman 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.

There being no discussion, Mrs. Wilson moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 18, 2002

RE: Request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

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 request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element of the 2000 Boone County Comprehensive Plan states rather generally that "Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential areas; instead, the uses were intermixed. For instance, the city's central business district is not a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a "suburban city" and that "a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."
 - B. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element ("Florence Central" area, pg. 162) as it relates to this request. Specific references to the Land Use Element are outlined in the Staff Report for this request.

September 18, 2002
Ewing Enterprises, LLC
7766 Ewing Blvd.

- C. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
2. The Committee has concluded that the request reasonably agrees with the Parkway Corridor Study as it relates to this request. Specific references to the Study are outlined in the Staff Report for this request.
3. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the 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 property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The building materials will be poured concrete, brick, EIFS with a dimensional asphalt shingle roof as was presented to the Zone Change/Concept Plan Committee at their September 4, 2002 meeting.
2. No glare from any of the lighting fixtures will leave this site and a photometric plan will be reviewed as part of the Major Site Plan review to insure compliance with this requirement.

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. Attached is the signature page for the Zone Change Committee Vote.

Public Hearing Item No. 3:

Commission Members Present: Mr. Barlow, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Ries, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Planner.

Legal Counsel Present: Mr. Dale Wilson

Chairman Hicks left the meeting at this time due to a conflict of interest with the engineer for this request. Mrs. Poston chaired the meeting and introduced the third item on the Agenda:

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Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). Mrs. Poston asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that the Staff Report was very thorough. They agree with the Staff Report. He stated that this is the same people who are developing the office park on Buttermilk Pike, east of the Drawbridge, where the Chamber of Commerce is located. They have experience in office construction and leasing and have been very successful. They take pride in the architecture of their buildings and he believes people will be pleased with the product. They have been talking to the city about this property and everyone is on-line that this is an appropriate product for the site and provides a good transition between the multi-family and single-family. The landscaping is sufficient and parking is proper. He stated that the property slopes from north to south and there is a difference of exposure. He reviewed the grade transition of the site and stated that the north side has a lower level exposure for a walkout entry. He stated that the entry points are good and they have no conflicts with other properties in regard to drainage. All utilities are there.

Mrs. Poston asked if was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition or ask questions. There was no response. Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Barlow stated that the existing zoning is O-2/PF/PD and asked if the entire property was in that zone, would it be appropriate for this use? Mr. Light responded that they would still need approval of the Concept Development Plan. He stated that the UR-2 zoning at the rear has to be changed and they wanted all one zone, so they were advised to ask for the O-2/PF/PD zone on all of the property. Counselor Wilson advised that the Concept Development Plan would be required because the PD is an overlay zone.

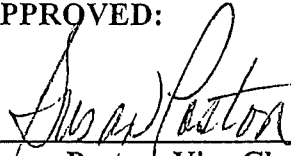
Mrs. Poston asked if this building would be taller than the apartment behind it. Mr. Light responded that it sets up higher than that building. If you drive by Ewing Boulevard now, you do not see all of that building behind it. Mrs. Poston asked if it will be the tallest structure on Ewing Boulevard – will it set up higher than Florence City Building? Mr. Berling responded that Florence City Building is at a higher elevation and it is a three-story structure. Mr. Light stated that the aquatic center is between them and it is a single-story building.

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Mr. Lesley Jacobs, owner of Plantation Apartments in the rear, wants to be sure that the drainage and the greenbelt are addressed. He stated that the apartments are occupied.

There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on September 4, 2002 at 5:00 PM. Mr. Barlow will be Chairman of the Committee. This item will be on the Agenda for the Business Meeting on September 18, 2002 at 7:30 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: September 4, 2002

RE Request of Ewing Enterprises, LLC (owner) for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky. The request is for two zone changes and a Concept Development Plan to allow an office building on a 2.403 acre site.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

September 4, 2002

Ewing Enterprises, LLC

7766 Ewing Blvd.

Randy Barlow

Randy Barlow, Chairman

For Against
 Abstain Absent
 Deferred

Bob Newman

Bob Newman

For Against
 Abstain Absent
 Deferred

Susan Poston

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

For Against
 Abstain Absent
 Deferred

Lisa Wilson

Lisa Wilson

For Against
 Abstain Absent
 Deferred

David Zimmer

David Zimmer

For Against
 Abstain Absent
 Deferred

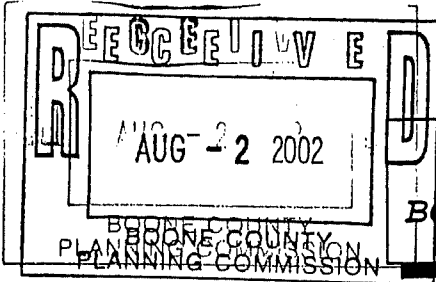
Janet Kegley (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
 ABSENT

EXHIBIT

“C”



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

- 1. Name of Project Ewing Blvd. Professional Center
- 2. Location of Project 7760 Ewing Blvd., Florence, KY
- 3. Total Acreage of Site .5338 Acre 2.2138
- 4. Current Zoning of Site A) UR-2 B) C-3/PD C) UR-2 B) O-2/PF/PD
- 5. Proposed Zoning (Classification being requested) O2/PF/PD PF/PD
- 6. Proposed Uses (please specify each use) Office Building Development

- 7. Names of Applicant(s) Ewing Enterprises, LLC
- Phone Number 859-341-5523 Fax No. 859-341-5582

- 8. Address of Applicant(s) 2333 Anderson Rd.
- Crescent Springs, KY 41017

- 9. Name of Property Owner(s) see attached same
- Phone Number _____ Fax No. _____

- 10. Address of Property Owner(s) _____
- _____ City _____ State _____ Zip _____

- 11. Proposed Building Intensities (please specify) _____

- 12. Are there any existing buildings on the site? no single family home to be removed
- How many? _____

- 13. Deed Book see attached Page No. _____ Group No. _____

- 14. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance

- 15. Have you submitted a Concept Development Plan? Yes

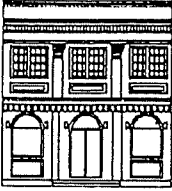
- 16. Have you had a pre-application meeting with BCPC Staff? Yes

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

September 6, 2002

Mr. David P. Heidrich
2333 Anderson Road
Crescent Springs, KY 41017

RE: Recommended Conditions of Approval for the request of **Ewing Enterprises, LLC (owner)** for a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky

Dear Mr. Heidrich:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their September 4, 2002 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, September 13, 2002.

CONDITIONS

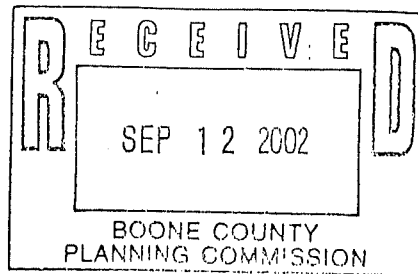
1. The building materials will be poured concrete, brick, EIFS with a dimensional asphalt shingle roof as was presented to the Zone Change/Concept Plan Committee at their September 4, 2002 meeting.
2. No glare from any of the lighting fixtures will leave this site and a photometric plan will be reviewed as part of the Major Site Plan review to insure compliance with this requirement.

Sincerely,

Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

Mr. David P. Heidrich
September 6, 2002
Page 2



AGREEMENT

I, David P. Heidrich, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and a Concept Development Plan in a Public Facilities/Planned Development (PF/PD) zone for a 0.1892 acre site, all located at 7766 Ewing Boulevard, Florence, Kentucky.

David P. Heidrich (owner)
Ewing Enterprises, LLC

9/12/02

Date



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY Registration No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor Registration KY 206

February 11, 2002

LEGAL DESCRIPTION

PARCEL "B"

FROM: JACOBS MANAGEMENT CO., L.L.C.
TO: EWING ENTERPRISES, L.L.C.

Beginning at the most northerly corner of the grantor's 2.13 acre parcel of land on Ewing Boulevard in Florence, Kentucky, as recorded in Deed Book 357 at Page 265 of the Boone County Clerk's records at Burlington, Kentucky; thence leaving said parcel N-39°-00'-00"-E 60.00 feet to a point; thence through the grantor's property S-37°-16'-59"-E 102.30 feet, S-25°-56'-03"-E 86.39 feet, S-37°-16'-59"-E 60.90 feet, S-77°-38'-51"-E 26.25 feet, S-37°-16'-59"-E 86.00 feet, S-19°-16'-42"-E 21.03 feet, S-55°-17'-14"-E 21.03 feet, S-37°-16'-59"-E 62.97 feet, and S-17°-14'-38"-E 36.33 feet to the east corner of said 2.13 acre parcel; thence N-42°-46'-30"-W along the northeast line of said 2.13 acre parcel 478.97 feet to the place of beginning.

Containing 0.3446 Acres

Back Reference: Deed Book 310, Page 320

BOONE COUNTY
D828 PG 352

DOCUMENT NO: 128361
RECORDED ON: MAY 23, 2002 09:34:43AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$5.00
GROUP : 2841B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D828 PAGES 348 - 352

Legal Description

Beginning at a point in the southeast line of the grantor's property as described in Deed Book 365 at Page 132 of the Boone County Clerk's records, said point being the most northerly corner of Jacobs' 2.13 acre parcel as described in Deed Book 357 at Page 265 of said records; thence along the grantor's southeast line N-39°-00'-00"-E 60.00 feet to a point; thence through the land of the grantor N 37°-16'-59"-W 38.61 feet and S-38°-59'-50"-W 218.40 feet to a point in the northeast line of Ewing Boulevard; thence along the northeast line of Ewing Boulevard S-34°-04'-00"-E 39.28 feet to a point; thence leaving Ewing Boulevard, running along the southeast line of the grantor and the northwest line of Jacobs' 2.1314 acre parcel, N-38°-58'-22"-E 160.68 feet to the place of beginning. Containing 0.1892 acres.

192186.1

BOONE COUNTY
D828 PG 347

DOCUMENT NO: 128368
RECORDED ON: MAY 23, 2002 09:34:26AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$5.00
GROUP : 2841B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BARBARA
BOOK D828 PAGES 343 - 347

5

DEED

KNOW ALL MEN BY THESE PRESENTS:

That JACOBS MANAGEMENT COMPANY, LLC the GRANTOR, for and in consideration of Five Thousand and No/100th (5,000.00) Dollars

paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEE, EWING ENTERPRISES, LLC,

its successors and assigns forever, the following described real estate, in the City of Florence, County of Boone, and State of Kentucky, to wit:

Street Address: 7766 Ewing Blvd FLORENCE KY 41012

Grantee Address: 1881 Dixie Highway, Suite 350, Fort Wright, Kentucky 41011

Grantor Address: 7740 Plantation Drive, Florence, Kentucky 41042

Group No.: 2041B Plat No.:

SEE EXHIBIT "A"

Being part of the same property conveyed to Grantor herein by Deed dated 4-25-02 and recorded in Deed Book 028 Page 338 of the Boone County Clerk's records at Burlington, Kentucky.

City Parcel

RETURN TO:

**CORS & BASSETT
1881 DIXIE HIGHWAY
SUITE 350
FT. WRIGHT KY 41011**

**BOONE COUNTY
D828 PG 343**

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 13th day of December, 2001.

GRANTOR:
JACOBS MANAGEMENT COMPANY, LLC

GRANTEE:
EWING ENTERPRISES, LLC

By: Leslie R Jacobs
LESLIE R. JACOBS, Member

By: William R Zalla
WILLIAM R. ZALLA, Manager

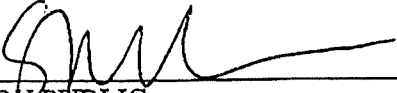
STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]

The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.

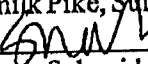
Sharon
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTEE]

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by WILLIAM R. ZALLA, as Manager of EWING ENTERPRISES, LLC, a Kentucky limited liability company, for and on behalf of said company.



NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

MAIL TO: This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law,
541 Buttermilk Pike, Suite 500, P.O. Box 175710, Covington, Kentucky 41017-5710
by , Attorney.
Sharon Schneider Elliston

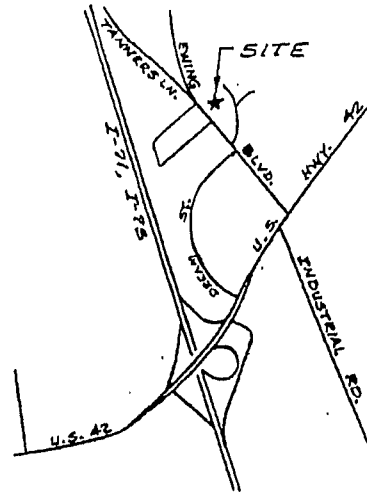
H:\DEEDS\CityParcel

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

"I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

5/7/02
 Date: James W. Berling, L.S. Ky. Reg. #266



VICINITY MAP
 SCALE 1" = 2000'

PARCEL "A"
 0.1892 Ac.

PARCEL "B"
 0.3446 Ac.

LES & PEGGY JACOBS
 D.B.: 310, PG.: 20

This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 5-8-02 Current Zoning D-21 P/F/A
 TRM

BOONE COUNTY PLANNING COMMISSION
 APPROVAL CERTIFICATE

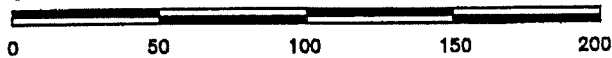
Approved for recording the transfer of the property only by the Boone County Planning Commission the 8th day of May, 2002.

5-8-02
 Date James Factor
 Vice Chairman

BOONE COUNTY
 D828 PG 346

© = IRON PIN SET

GRAPHIC SCALE



"This plat shall be void if not filed with the Boone County Clerk For recording purposes within two (2) years of Planning Commission approval."

BACK REFERENCE:
 D.B.: 310 PG.: 20
 D.B.: 365 PG.: 132
 GROUP No. 2041-B

PLOT OF SURVEY
 FROM: JACOBS MANAGEMENT Co., L.L.C.
 TO: EWING ENTERPRISES, L.L.C.



P & Z Code No. 3938

EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING
 1671 PARK ROAD - SUITE ONE
 FT. WRIGHT KY 41011
 KY SURVEYOR 206

5

DEED

KNOW ALL MEN BY THESE PRESENTS:

That JACOBS MANAGEMENT COMPANY, LLC the GRANTOR, for and in consideration of Five Thousand and No/100ths (\$5,000.00) Dollars

paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEE, EWING ENTERPRISES, LLC,

its successors and assigns forever, the following described real estate, in the City of Florence, County of Boone, and State of Kentucky, to wit:

Street Address: 7766 Ewing Blvd FLORENCE 41042

Grantee Address: 1881 Dixie Highway, Suite 350, Fort Wright, Kentucky 41011

Grantor Address: 7740 Plantation Drive, Florence, Kentucky 41042

Group No.: 2041B Plat No.:

SEE EXHIBIT "A"

Being part of the same property conveyed to Grantor herein by Deed dated 6-20-97 and recorded in Deed Book 210, Page 20 Deed B 654, p. 206 of the Boone County Clerk's records at Burlington, Kentucky.

Plantation Parcel

COBB & BARNETT
1881 DIXIE HIGHWAY
SUITE 350
FT. WRIGHT KY 41011

RETURN TO:

BOONE COUNTY
D828 PG 348

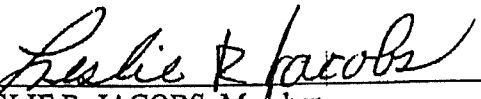
Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.


GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 13th day of December, 2001.

GRANTOR:
JACOBS MANAGEMENT COMPANY, LLC


GRANTEE:
EWING ENTERPRISES, LLC

By: 
LESLIE R. JACOBS, Member

By: 
WILLIAM R. ZALLA, Manager

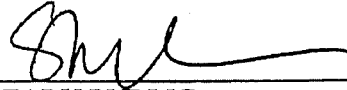
STATE OF KENTUCKY, COUNTY OF KENTON [GRANTOR]

The foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by LESLIE R. JACOBS, as Member of JACOBS MANAGEMENT COMPANY, LLC, a Kentucky limited liability company, for and on behalf of said company.


NOTARY PUBLIC
Kentucky State at Large
My Commission expires: February 5, 2004

STATE OF KENTUCKY, COUNTY OF KENTON [GRANTEE]

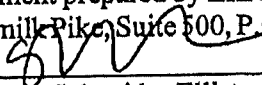
The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 13th day of December, 2001, by WILLIAM R. ZALLA, as Manager of EWING ENTERPRISES, LLC, a Kentucky limited liability company, for and on behalf of said company.



NOTARY PUBLIC

Kentucky State at Large

My Commission expires: February 5, 2004

MAIL TO: This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law,
541 Buttermilk Pike, Suite 500, P.O. Box 175710, Covington, Kentucky 41017-5710
by , Attorney.
Sharon Schneider Elliston

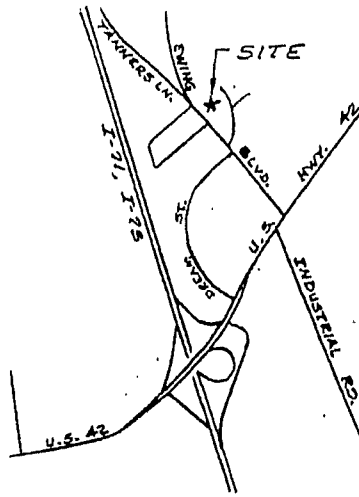
H:\DEEDS\PlantationParcel

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

"I certify that this plat of land in and of itself does not meet the current zoning regulations for use and is being transferred for non-building purposes."

5/7/02
Date
James W. Berling
James W. Berling, L.S. Ky. Reg. #208

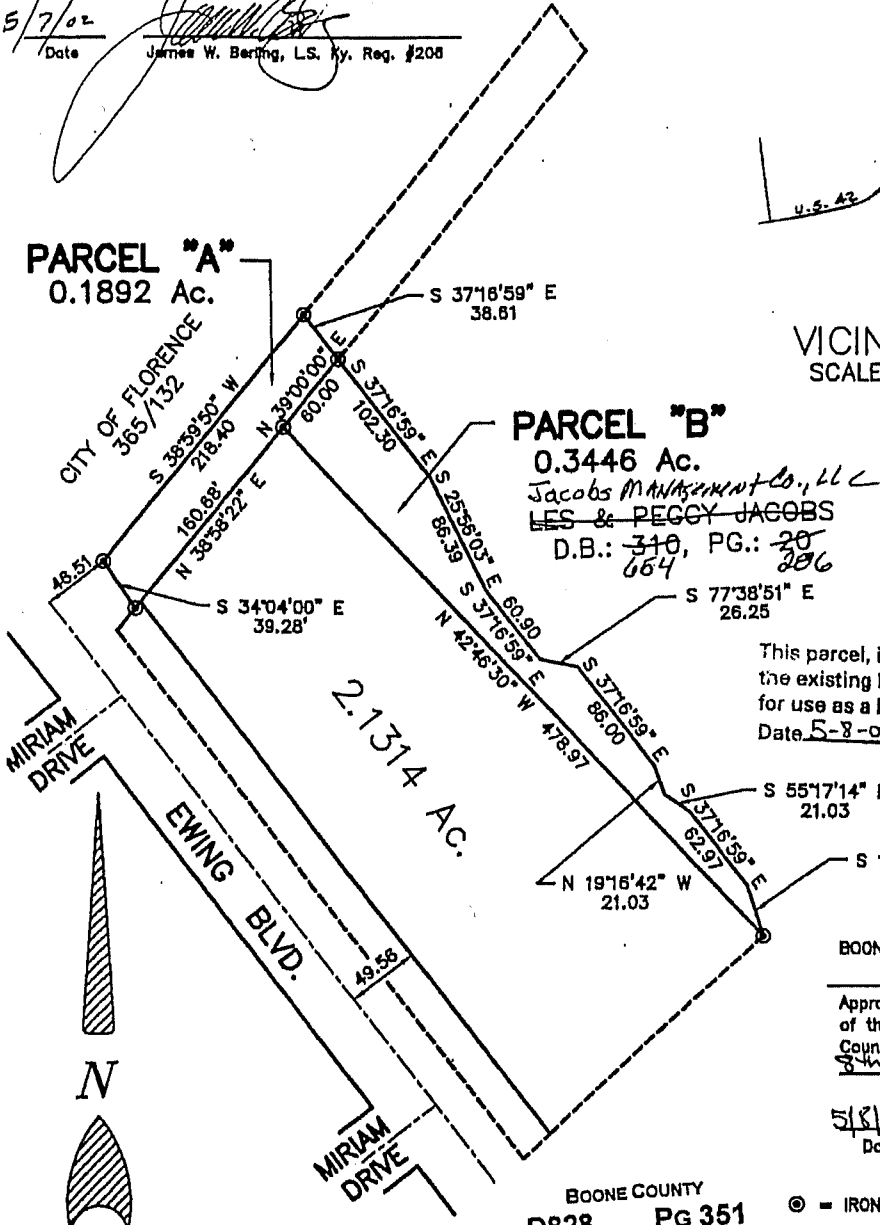


PARCEL "A"
0.1892 Ac.

PARCEL "B"
0.3446 Ac.

Jacobs Management Co., LLC
~~LES & PEGGY JACOBS~~
D.B.: ~~340~~, PG.: ~~20~~
664, 206

VICINITY MAP
SCALE 1" = 2000'



This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

Date 5-8-02 Current Zoning 0-2/PF/PC
TRM

BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE

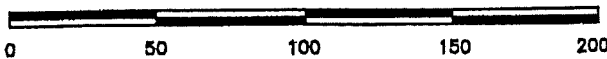
Approved for recording the transfer of the property only by the Boone County Planning Commission the 8th day of March, 2002.

5/8/02
Date *James W. Berling*
Vice Chairman

BOONE COUNTY
D828 PG 351

© = IRON PIN SET

GRAPHIC SCALE



"This plat shall be void if not filed with the Boone County Clerk For recording purposes within two (2) years of Planning Commission approval."

BACK REFERENCE:
D.B.: 340 PG.: 20 DR654 pg 286
D.B.: 365 PG.: 132
GROUP No. 2041-B

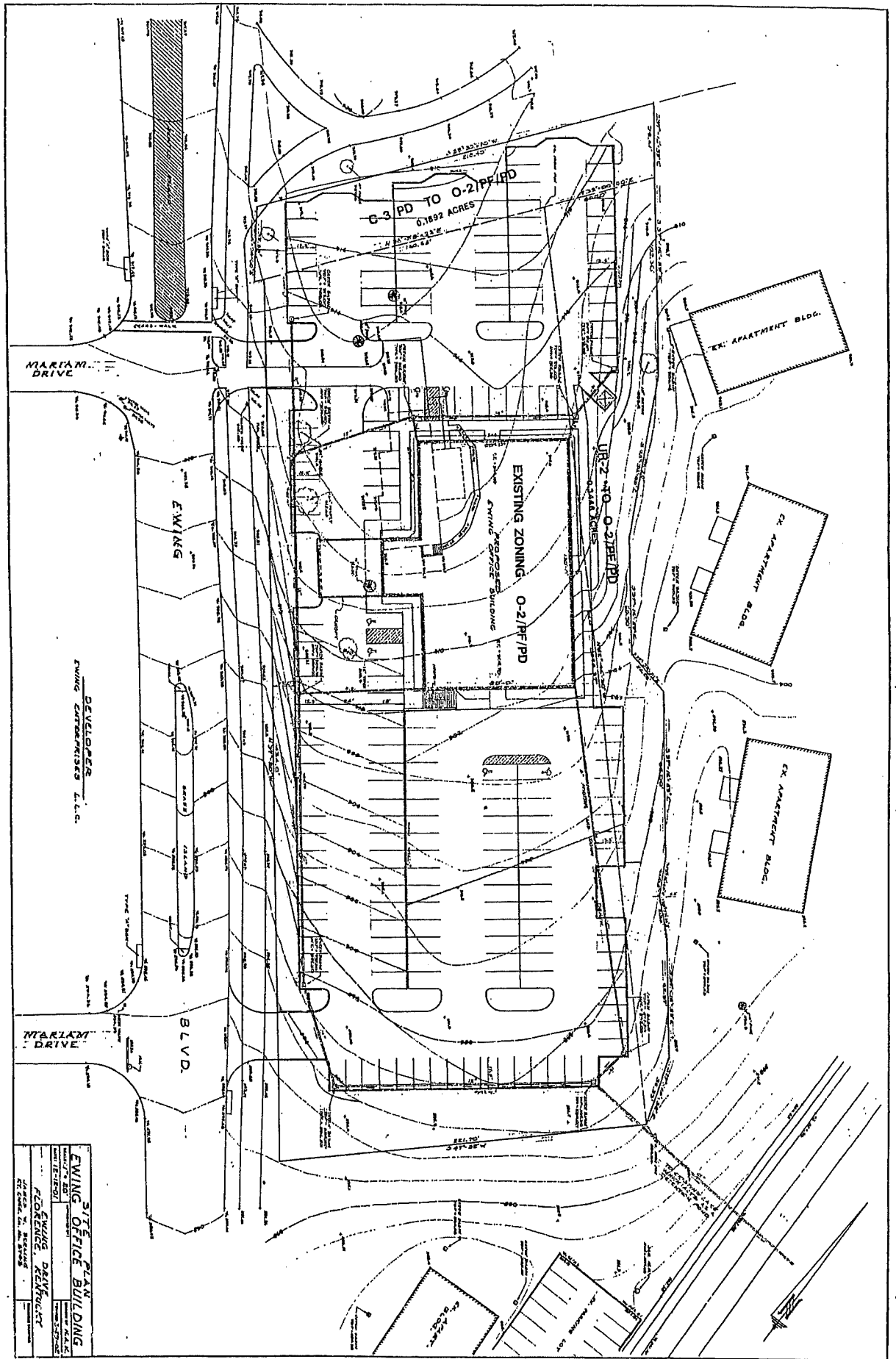
FROM: JACOBS MANAGEMENT Co., L.L.C.
TO: EWING ENTERPRISES, L.L.C.



EWING BLVD. FLORENCE, BOONE Co. KY

SCALE: 1" = 100' MARCH 2002

JAMES W. BERLING
P & Z Code No. 3938 1671 PARK ROAD - SUITE ONE
FT. WRIGHT KY 41011
KY SURVEYOR 206



3756 PLAZA	
EWING OFFICE BUILDING	
DATE: 12-15-01	BY: EWING DEVELOPMENT
FLORENCE, PENNSYLVANIA	
OFFICE: 200 E. WING	



CITY CLERK/HUMAN RESOURCES DEPARTMENT

December 17, 2002

VIA FIRST CLASS MAIL:

Judge/Executive Gary Moore
County of Boone
P.O. Box 900
Burlington, KY 41005

Kevin Costello, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Vicki Myers, Mgr. Of Adm. Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Dan Richards, Director of GIS Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Jim Key, Chief Building Official
Boone County Building Inspection Office
5958 Garrard Street
Burlington, KY 41005

Bill Viox, City Engineer
Viox & Viox Inc.
466 Erlanger Road
Erlanger, KY 41018

Bob Hall, Acting General Manager
FLORENCE WATER & SEWER COMMISSION
Florence Government Center
8100 Ewing Blvd.
Florence, KY 41042

Ewing Enterprises, LLC
2333 Anderson Road
Crescent Springs, KY 41017

Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. O-30-02 adopting and approving a Zoning Map Amendment from Urban Residential Two (UR-2) to Public Facilities/Planned Development (PF/PD) for a 0.3446 acre tract, a Zoning Map Amendment from Office Two/Public Facilities/Planned Development (O-2/PF/PD) to Public Facilities/Planned Development (PF/PD) for a 1.8692 acre tract, and approval of a Concept Development Plan for a 0.1892 acre site that is zoned Public Facilities/Planned Development (PF/PD), all located at 7766 Ewing Boulevard, Florence, Kentucky, to allow an office building on a 2.403 acre site, as requested by Ewing Enterprises, LLC (owner). (Boone County Planning Commission Recommendation, Resolution R-02-021-A)

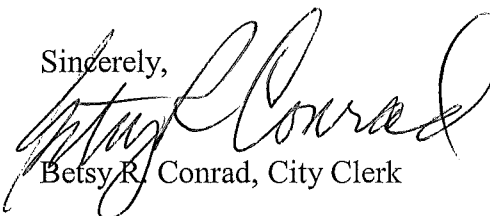
Additional conditions were agreed to by the applicant, and a copy of the signed agreement to those additional conditions is included herewith.

First reading of Ordinance No. O-30-02 was held on November 26, 2002. Second reading was held on December 3, 2002, and the Ordinance summary will be published in the *Boone County Recorder* on December 12, 2002, at which time the Ordinance will become statutorily official.

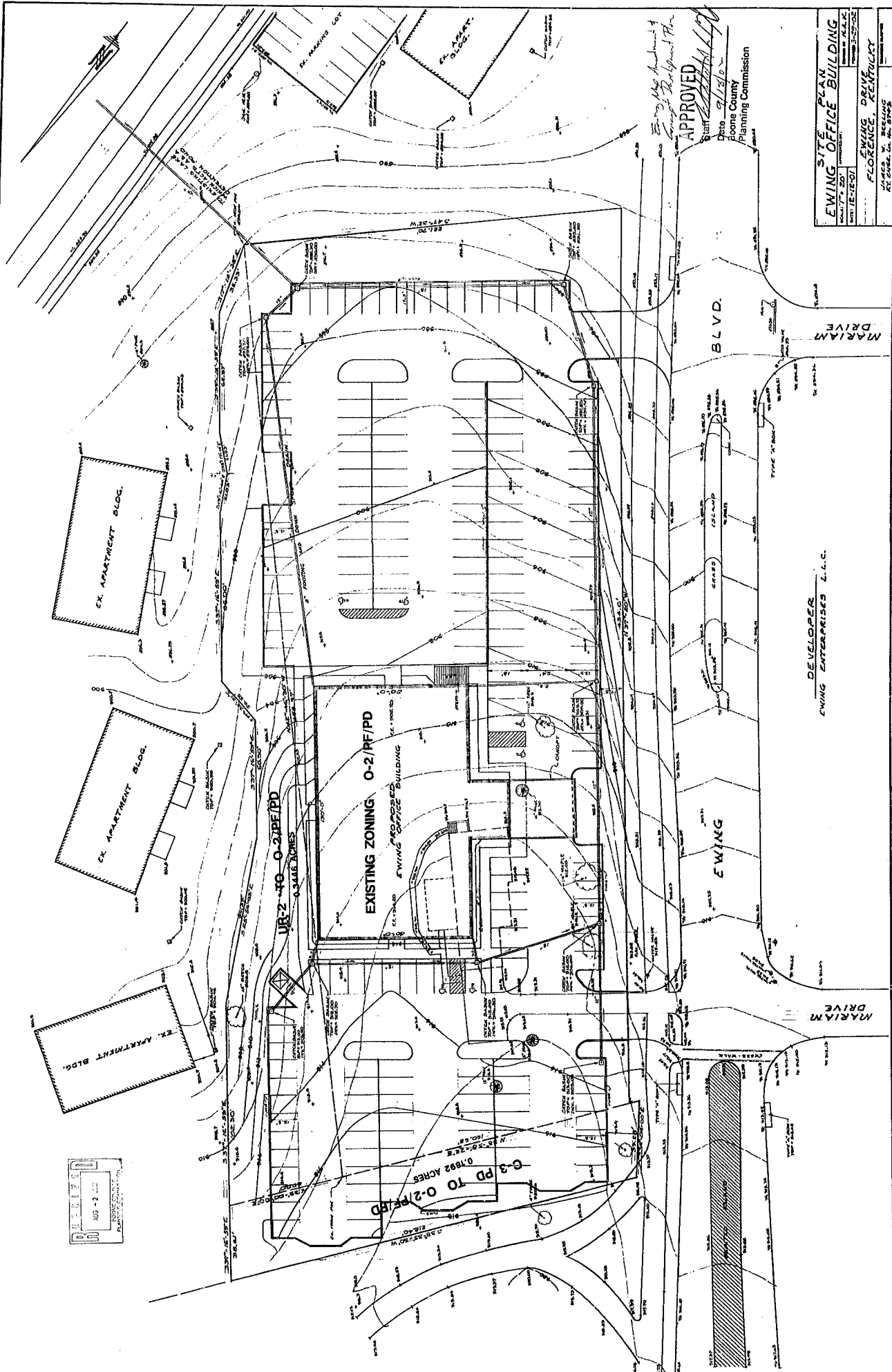
The Florence City Council meeting minutes are available at the Florence City Clerk's office, or online at www.cityofflorenceky.com, and hard copies of the minutes of November 26 and December 3, 2002 are being forwarded herewith to Ms. Vicki Myers at the Boone County Planning Commission.

If you require additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betsy R. Conrad".

Betsy R. Conrad, City Clerk



APPROVED
 Date 07/15/16
 Boone County
 Planning Commission

SITE PLAN	
EWING OFFICE BUILDING	
NO. 178	DATE 7/15/16
NO. 178	DATE 7/15/16
FLORENCE, KENTUCKY	
NO. 178, 2, 3, 4, 5, 6	

DEVELOPER
 EWING ENTERPRISES L.L.C.



