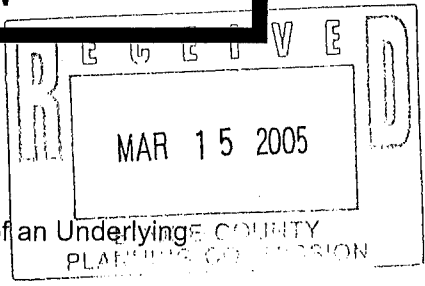


APPLICATION FORM

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 Parts Plus
- 3. Location of Project Lot No. 7 Merchant St., Florence, KY
- 4. Total Acreage of Site 1.7024
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson Study
- 8. Proposed Uses (please specify each use) C-2
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? _____
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Unlimited Development, Lynette Smithson
Phone Number 513-843-2122 Fax No. 513-528-6057
- 13. Address of Applicant(s) 4275 Mt. Carmel-Tobacco Road
Cincinnati, OH 45244
City State Zip
- 14. Name of Property Owner(s) R.C. Durr & Richard Crist dba DC-KY18, LLC
Phone Number 859-283-2260 Fax No. 859-283-2265
- 15. Address of Property Owner(s) 8800 Bankers Street
Florence, KY 41042
City State Zip
- 16. Are there any existing buildings on the site? No
How many? -
- 17. Deed Book 466 Page No. 298 Group No. ~~2043~~ 2033A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

EXHIBIT

“A”

STAFF REPORT

Request of **Unlimited Development, Lynette Smithson (applicant)** for **R.C. Durr and Richard Crist d.b.a. DC-KY18, LLC (owner)** for a Change in Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

April 20, 2005

Request

The applicant is requesting a change in the approved Concept Development Plan for the Merchants Square Subdivision (within the Houston-Donaldson Study) for this 1.7 acre parcel to allow an auto parts store and general C-2 uses. The original concept plan for Merchants Square Subdivision approved this area for the storm water detention basin. The detention basin was never constructed in this location. It was instead located along the east side of Seligman Drive. Therefore, this parcel has no use approved for it at this time (other than detention).

The proposed site improvements include a 10,000 square foot building constructed of split face concrete block with a flat roof design. A "10' x 12' Drive in Garage Door" on the southern building elevation will allow for all deliveries. Parking and landscaping will be provided per the current regulations. The storm water from this project can will be detained in the regional basin.

Site Characteristics

This parcel slopes downhill to the north. The highest point on the property is approximately 893.5 along the southern property line dropping to 882.5 along the northern property line. The rear of the property (west) is a slope that drops from approximately 893.5 (south) to approximately 856 in the northwest corner of the property.

Site History

1988 The original Houston-Donaldson Study was adopted.

1990 The Zoning Map Amendment for Merchants Square Subdivision was approved.

1992 The current Houston-Donaldson Study was adopted.

Surrounding Zoning

- North: Undeveloped property owned by DC-KY18, LLC fronting Merchants Street zoned Commercial Two (C-2/PD) within the Houston-Donaldson Study.
- East: Gateway Rehabilitation Hospital and the former Goodwrench Service Center (now Smith's High Tech Automotive) across Merchants Street zoned Commercial Two (C-2/PD) within the Houston-Donaldson Study.
- South: Quick Stop Oil Lube and a vacant 0.65 acre parcel both owned by Simmons zoned Commercial Two (C-2/PD) within the Houston-Donaldson Study.
- West: The Greenview Subdivision accessed from Burlington Pike (KY 18) and zoned Suburban Residential One (SR-1).

Relationship to the Boone County Comprehensive Plan

The Future Land Use Map shows the subject property as Commercial (C) which is defined in the adopted Comprehensive Plan as:

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. 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).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).

- F. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

Relationship to the Houston-Donaldson Study

This site is located within the Houston-Donaldson Study limits. This development must be evaluated against the standards outlined in the Study. The Study was adopted to provide guidelines for planned development within the area, complementing and furthering the goals and objectives of the Boone County Comprehensive Plan. The proposed development is within "Site 1, Merchants Square" and is recommended to develop according to the approved Concept Development Plan. The proposed Parts Plus is located in the area approved for storm water detention for the commercial portion of Merchants Square. The storm water detention area was never constructed in this location. Instead, it was relocated north and east near the Seligman Drive stub.

Staff Comments

1. Staff is concerned about the visibility of any roof equipment as you are heading north on Merchants Street from KY 18. The elevations provided do not indicate any roof equipment on this building. Given the drop in elevation from KY 18 (approximately 919) to the approximate roof elevation of 900, it may not be possible to screen any roof equipment from view. If the mechanical equipment could be located behind the proposed building, this would not be an issue and possibly a pitched roof design could be explored. This is usually handled as part of the required Design Review application performed in conjunction with the Major Site Plan Review.
2. Even though the adjoining properties to the west and south are in unincorporated Boone County, this project is located within the city limits of Florence which means that the landscaping regulations for this project fall under Article 36 of the *Boone County Zoning Regulations*. The applicant has submitted a Landscaping Plan with their Concept Development Plan that appears to be addressing the requirements. However, an extensive site plan review has not been conducted.

Conclusion

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and in terms of its relationship to 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 not need to be amended if this request is approved.

Respectfully Submitted,

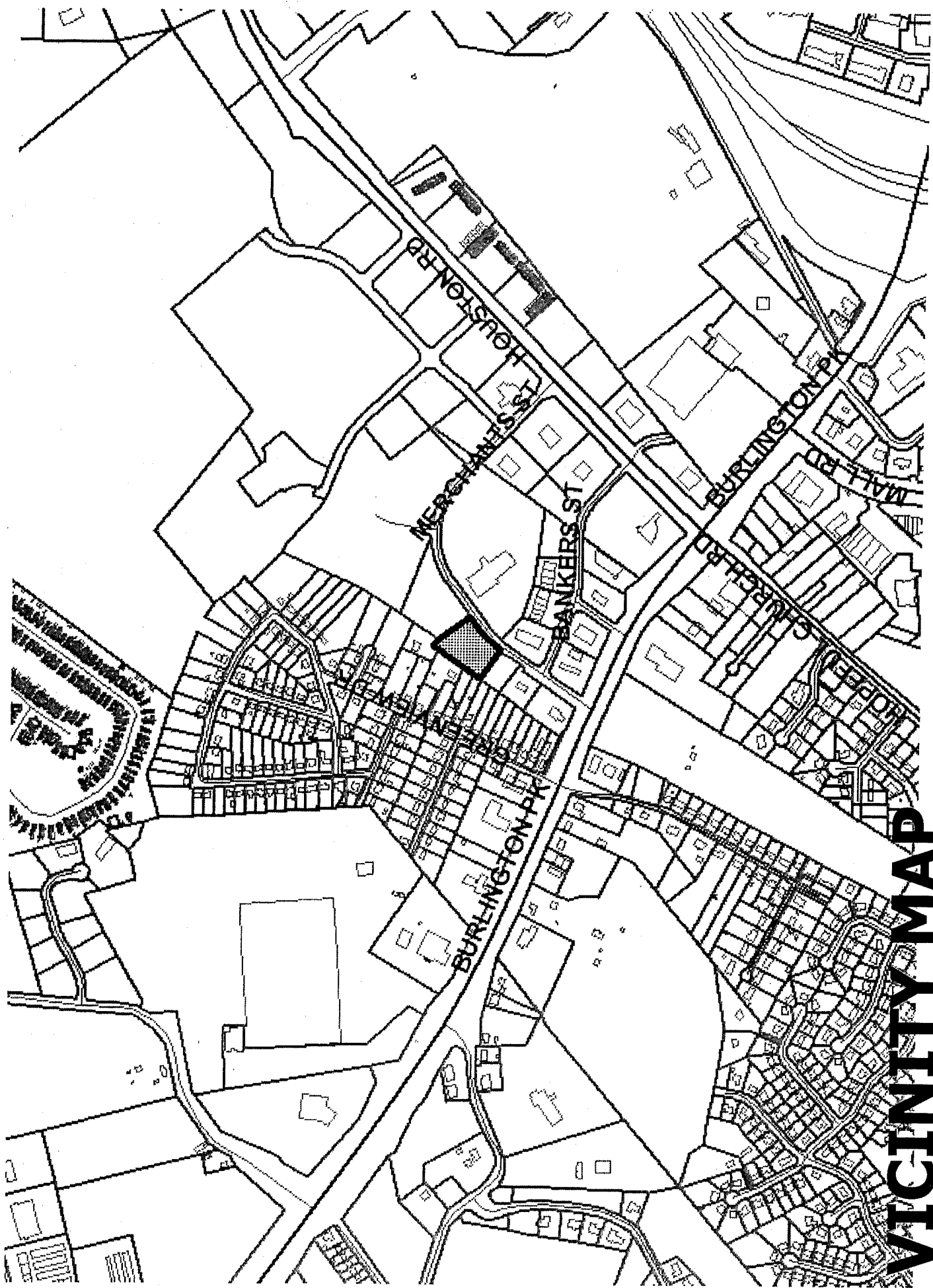


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments

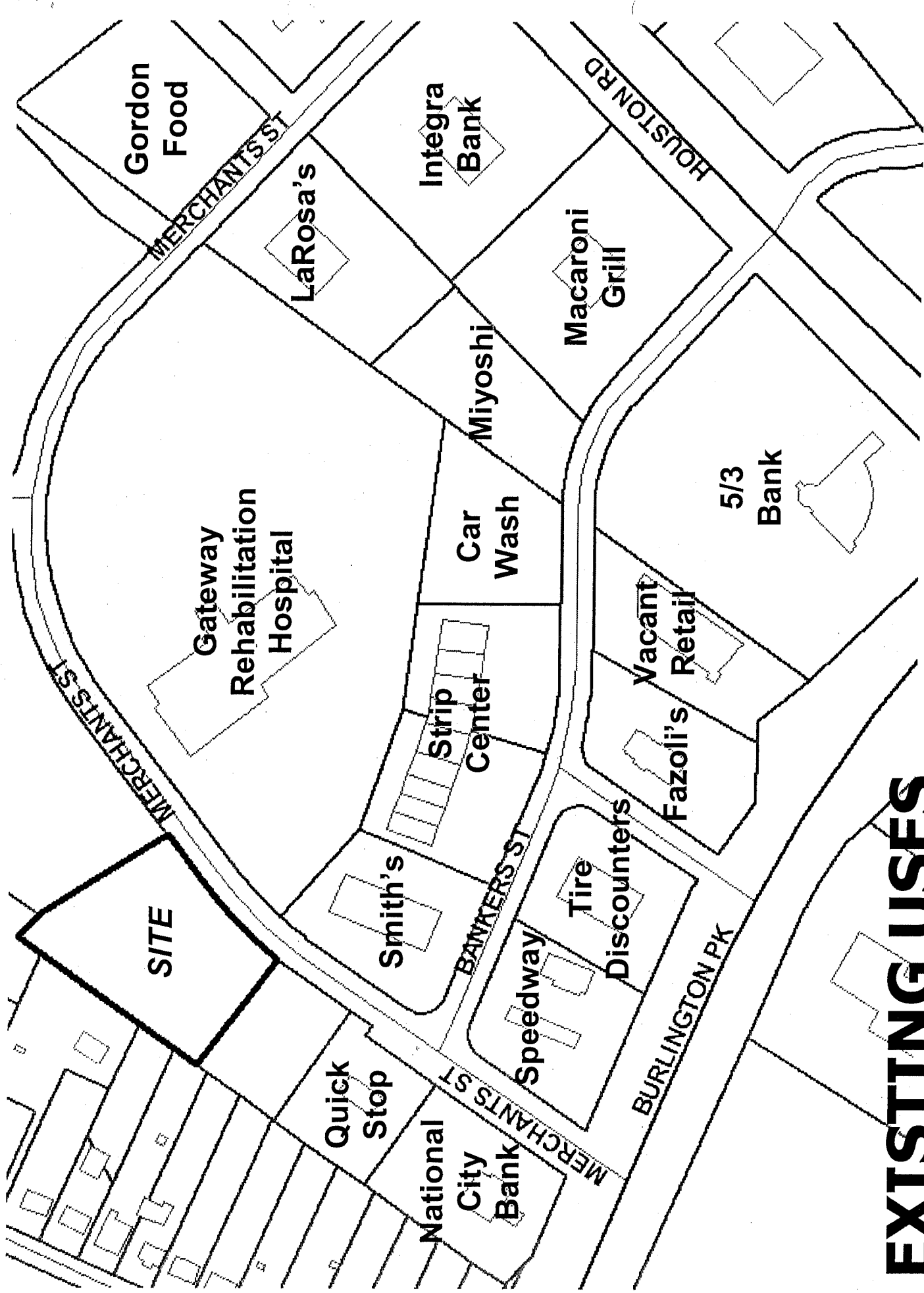
- Vicinity Map
- Zoning Map
- Existing Uses
- Future Land Use Map
- Existing Topography
- 2002 Aerial Photography
- Concept Development Plan
- Proposed Building Elevations
- Commercial Two (C-2) Text
- Applicable Text from the Houston-Donaldson Study
- Planned Development Standards
- Application



VICINITY MAP



ZONING MAP



EXISTING USES



FUTURE LAND USE MAP

UD

HSD

SR

C

C

C

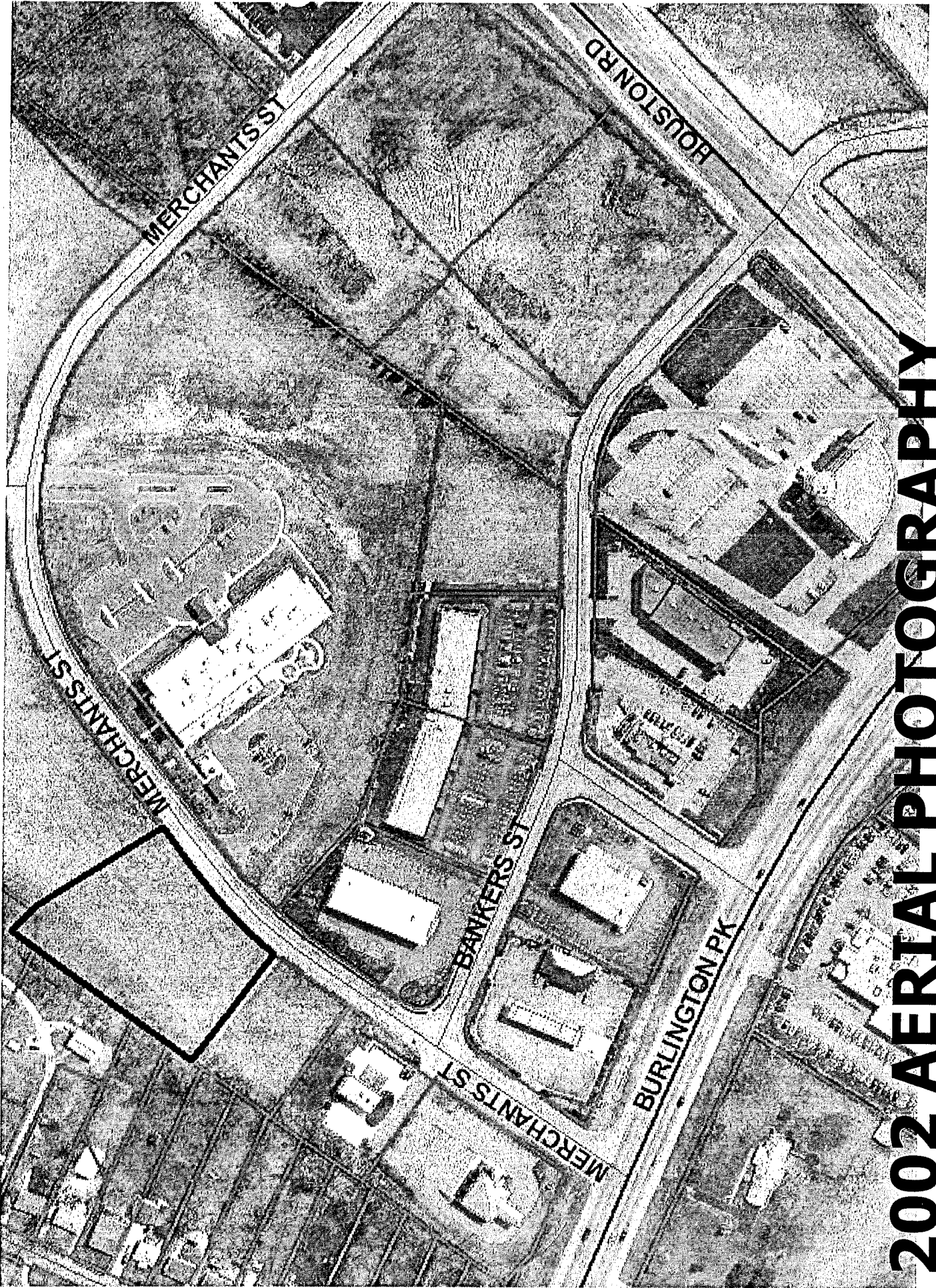
C

C

C



EXISTING TOPOGRAPHY



2002 AERIAL PHOTOGRAPHY

CONCEPT PLAN
FOR A
PROPOSED SMYTH
AUTOMOTIVE

DATE	BY	APP'D	SCALE
03/30/2005	SMYTH	SMYTH	AS SHOWN
PROJECT #	DATE	BY	APP'D
005-020-05-020-A	03/30/2005	SMYTH	SMYTH

LEGEND

1" = 100'	Proposed Building Footprint
2" = 100'	Proposed Parking Lot
3" = 100'	Proposed Driveway
4" = 100'	Proposed Access Lane
5" = 100'	Proposed Stormwater Detention
6" = 100'	Proposed Stormwater Detention
7" = 100'	Proposed Stormwater Detention
8" = 100'	Proposed Stormwater Detention
9" = 100'	Proposed Stormwater Detention
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100" = 100'	Proposed Stormwater Detention

SCHEDULE OF STATISTICS

CURRENT ZONE: C-2/PD
 TOTAL LOT AREA: 10,000 SQ. FT.
 TOTAL PROPOSED AREA: 10,000 SQ. FT.
 TOTAL PROPOSED PAVEMENT AREA: 10,000 SQ. FT.
 TOTAL PROPOSED DRIVEWAY AREA: 10,000 SQ. FT.
 TOTAL PROPOSED ACCESS LANE AREA: 10,000 SQ. FT.
 TOTAL PROPOSED STORMWATER DETENTION AREA: 10,000 SQ. FT.

PROPOSED USE: SMYTH AUTOMOTIVE
 PROPOSED LOT AREA: 10,000 SQ. FT.
 PROPOSED DRIVEWAY AREA: 10,000 SQ. FT.
 PROPOSED ACCESS LANE AREA: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION AREA: 10,000 SQ. FT.

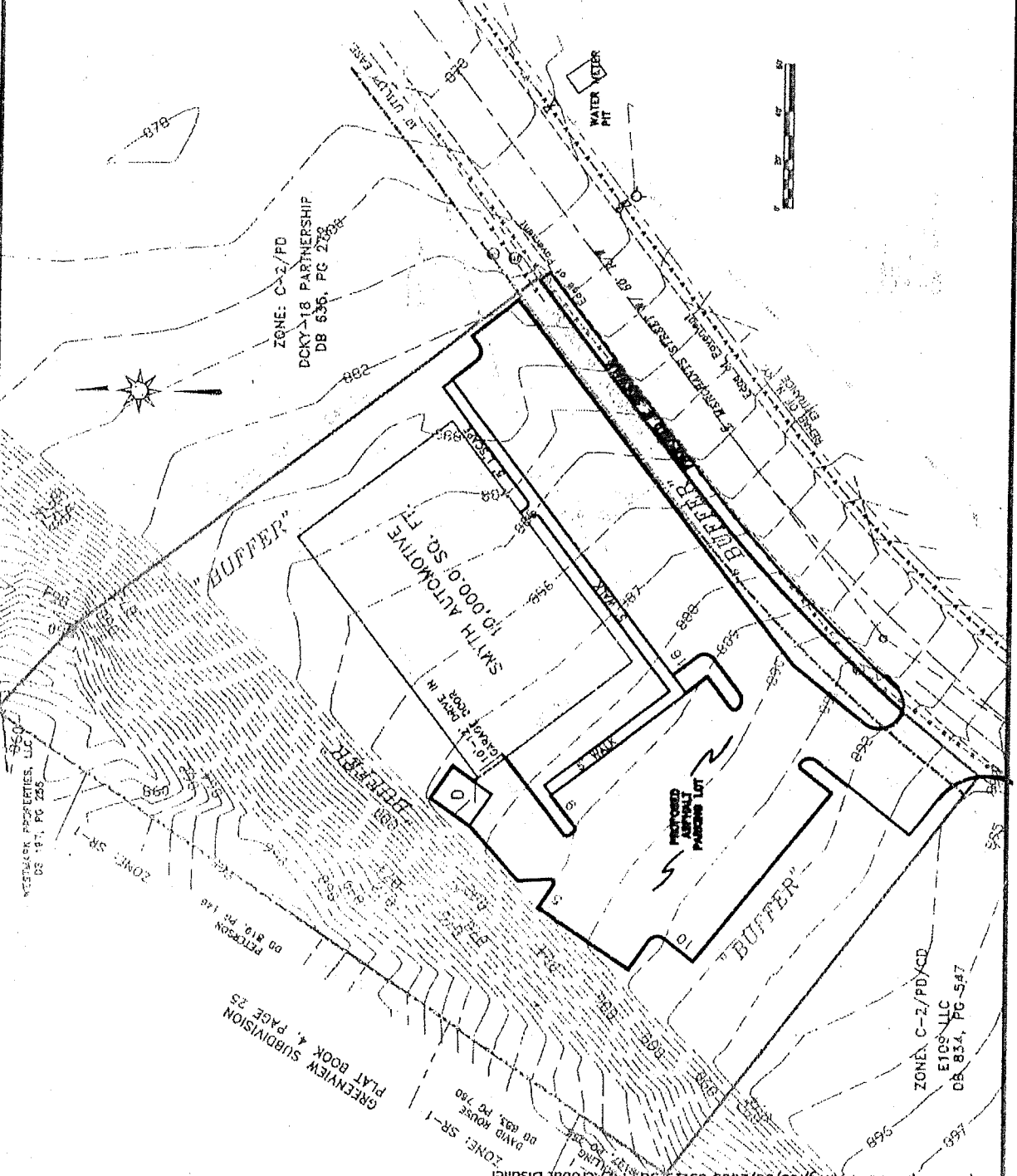
PROPOSED PAVEMENT: 10,000 SQ. FT.
 PROPOSED DRIVEWAY: 10,000 SQ. FT.
 PROPOSED ACCESS LANE: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION: 10,000 SQ. FT.

PROPOSED LOT AREA: 10,000 SQ. FT.
 PROPOSED DRIVEWAY AREA: 10,000 SQ. FT.
 PROPOSED ACCESS LANE AREA: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION AREA: 10,000 SQ. FT.

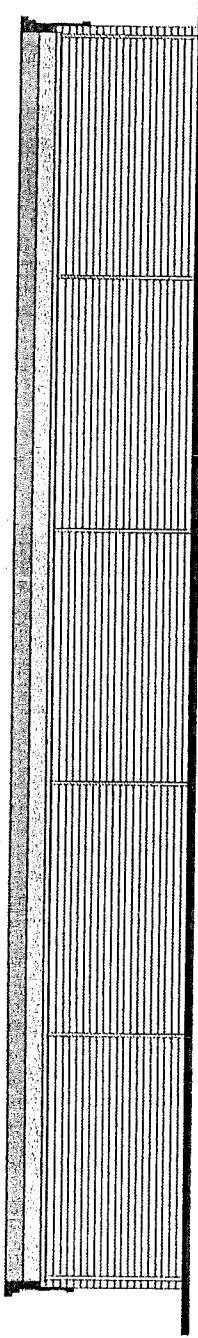
PROPOSED PAVEMENT: 10,000 SQ. FT.
 PROPOSED DRIVEWAY: 10,000 SQ. FT.
 PROPOSED ACCESS LANE: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION: 10,000 SQ. FT.

PROPOSED LOT AREA: 10,000 SQ. FT.
 PROPOSED DRIVEWAY AREA: 10,000 SQ. FT.
 PROPOSED ACCESS LANE AREA: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION AREA: 10,000 SQ. FT.

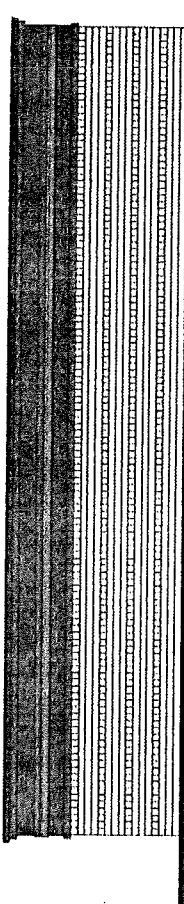
PROPOSED PAVEMENT: 10,000 SQ. FT.
 PROPOSED DRIVEWAY: 10,000 SQ. FT.
 PROPOSED ACCESS LANE: 10,000 SQ. FT.
 PROPOSED STORMWATER DETENTION: 10,000 SQ. FT.



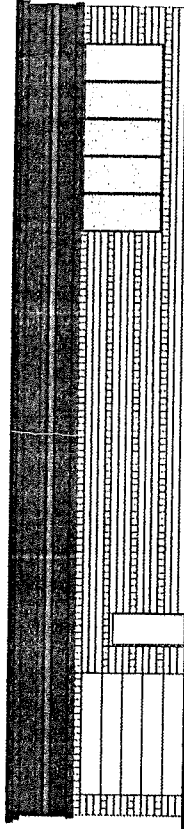
CONCEPT DEVELOPMENT PLAN



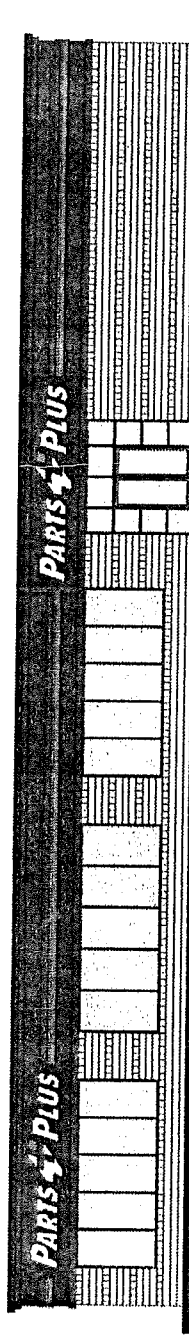
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION (MERCHANT'S STREET)

MILLY & CO., INC.
7410 U.S. 22 FLORENCE, CT. 06032
PHONE: (850) 283-1444
FAX: (850) 283-1421



Hub+Weber
Architects, P.A.

PROPOSED BUILDING ELEVATIONS

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;

18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops **(Not Applicable within the City of Florence)**;
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;

- b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
 3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction ;
 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
 7. Drive-up photo finishing services and automatic teller services;
 8. Indoor target ranges and similar athletic uses;
 9. Recycling collection points (See Article 31);
 10. Garment and Furniture centers (See Article 31);
 11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
 12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the

arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence)**;
4. Sale of satellite dishes;
5. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence)**;
6. Mini-warehouses or storage facilities **(Does not apply in the City of Florence)**;

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

INDIVIDUAL SITE ANALYSIS AND RECOMMENDATIONS

This section contains the actual land use, zoning, site design, access, and signage recommendations for evaluating developments and conducting traffic analysis. The analysis covers a total of twenty-nine Sites which are numbered in order from KY 18 to Donaldson Highway. Each analysis site may contain several properties or only a portion of a property, but is intended to identify a concise area that contains a common set of land characteristics or development issues. Some sites which have more impact on the Study Area have more subsections dealing with design issues or access, while other less vital sites have simplified discussions regarding their development. Traffic generation figures from the ITE Manual, Edition 5, are provided for planned uses on currently undeveloped sites. The AM peak hour is 8 to 9 AM, and the PM peak hour is 5 to 6 PM.

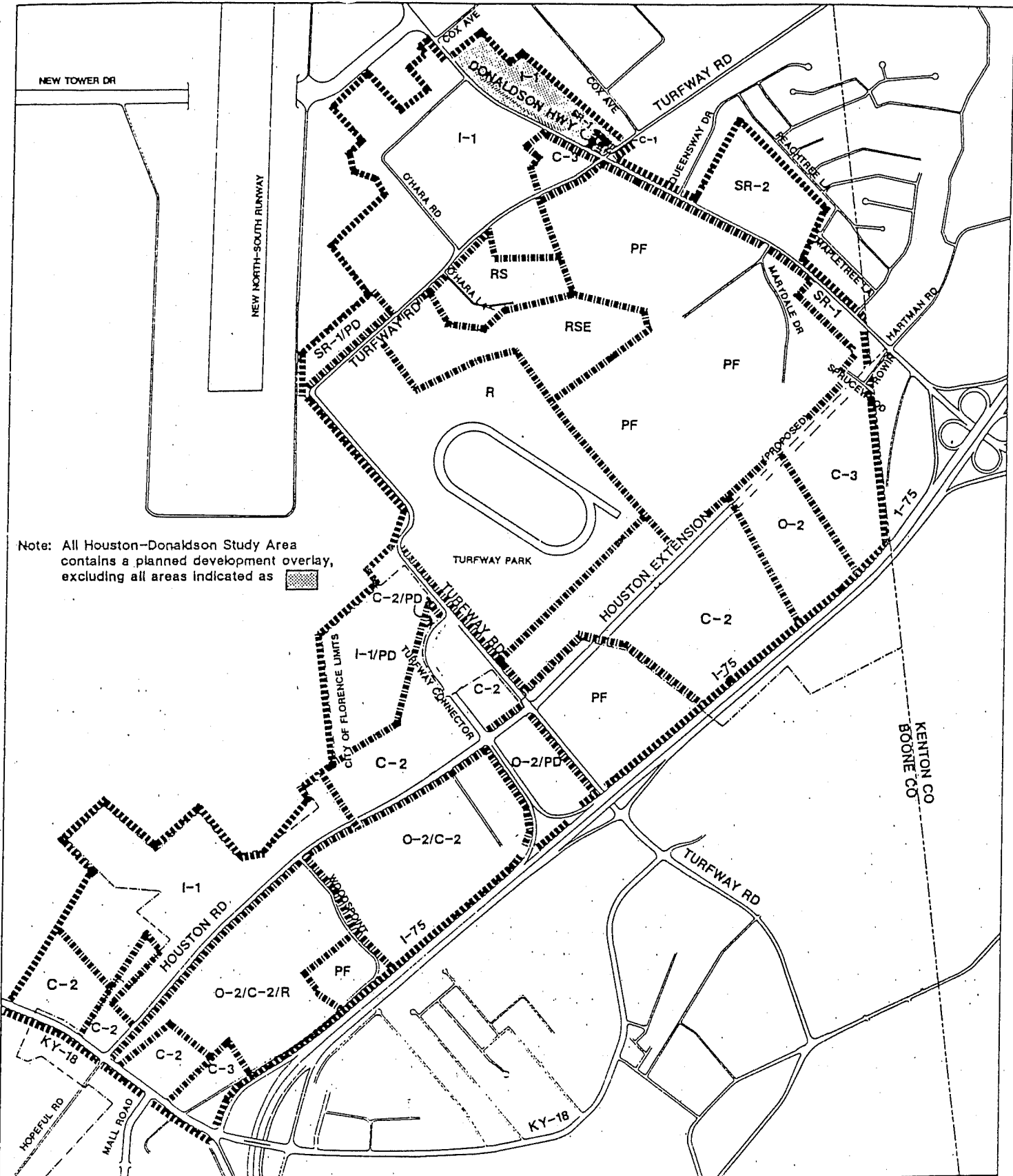
Zoning and access recommendations are shown on three fold-out maps located at the back of this document. Map #1 includes the Houston Road corridor from KY 18 on the south to Turfway Road on the north; Map #2 includes the Houston Extension corridor from Turfway Road to Donaldson Highway; and Map #3 includes the western half of the Marydale property and O'hara Road areas between Turfway Road and Donaldson Highway.


The land use recommendations described in this section are based on the Goals and Objectives of the Boone County Comprehensive Plan, and all of the preceding material of the 1992 Update of the Houston-Donaldson Study. In addition, numerous meetings and phone conversations were held with area property owners, developers, and public officials to help arrive at a well-planned and realistic land use plan. In particular, the planning for the Marydale area, consisting of sites 15 through 22, was aided by the conceptual plan produced by the Covington Diocese through the assistance of consultants. Existing Zoning is shown in Figure 4.

SITES WITHIN MAP #1 AREA


SITE 1, MERCHANTS SQUARE

Existing Conditions/Site Analysis - The approximately 42 acre property, formerly known as the Moore property, is currently under construction. The site contains rough topography and slopes noticeably downward from its frontage on KY 18. Mature trees exist along the perimeter of the site and along fence rows within the site. Visibility of the site interior is limited from KY 18 by the slope and super elevation of KY 18. The site is, however, very visible to the Greenview Subdivision to the west. This site is best suited for two distinct uses because of the topography, which requires that the site be graded into two plateaus to accommodate



Note: All Houston-Donaldson Study Area contains a planned development overlay, excluding all areas indicated as 

CURRENT ZONING
HOUSTON-DONALDSON STUDY
 BOONE COUNTY PLANNING COMMISSION
 BOONE COUNTY, KENTUCKY
 1992

LEGEND
 Zone District Bdry.
ALL ZONING EXCEPT SHADED AREA CONTAINS PD OVERLAY

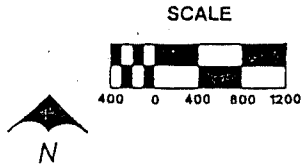


Figure 4

the difference in grade from KY 18 to the rear of the property. The front portion is suitable for commercial uses because of its visibility from KY 18. The rear portion is suitable for light industrial uses because of the airport noise, lack of visibility, and planned industrial uses on the adjacent Seligman property.

Recommended Uses/Zoning - The site is subject to an approved Concept Development Plan which includes commercial uses along KY 18 and light industrial uses for the rear one-half of the site. Preliminary Plat approval has also been granted for the site. This Study incorporates the approved Concept Development Plan into the land use plan and traffic analysis, but suggests that the approved retail anchor on that Concept Development Plan should be oriented toward pass-by traffic and serve growing residential areas to the west, rather than draw new traffic into the KY 18 area. The capacity of adjoining KY 18 should be reserved primarily for through traffic which must access central Boone County. The zoning of the site is recommended to remain Commercial Two/Planned Development and Industrial One/Planned Development.

Site Design Issues - Existing mature trees along the west and north edges of the site must be retained to buffer Greenview Subdivision and to provide a visual break in industrial uses between this site and the adjoining Seligman property.

Access/Improvements - As a condition of the approval of the Concept Development Plan, a collector type roadway was required to be constructed from KY 18 to the adjoining 5/3 Bank property. This roadway should have limited and coordinated access cuts so that it functions as a future main route from KY 18 to the Houston Road area. The actual intersection location with KY 18 is flexible, however, should coordinate with the potential relocation of Hopeful Road, as described in the Existing Traffic Conditions and Needs section. These access cuts must include left turn lanes as a minimum. The proposed minor access to KY 18 on the Concept Development Plan should ideally be located further to the east and combined with the existing Fuller Square drive so that only one curb cut exists between the main access and Houston Road. Access must occur between Site 1 and Fuller Square so that the existing Fuller Square driveway could be eliminated.

SITE 1 - TRIP GENERATION

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[820] SHOPPING CENTER					
130,000 GSF	8,327	119	70	388	388

[832] HIGH TURNOVER RESTAURANT	5,000	GSF	1,027	39	39	44	37
[832] HIGH TURNOVER RESTAURANT	5,000	GSF	1,027	39	39	44	37
[851] CONV. MARKET	2,500	GSF	1,845	82	82	67	67
[912] DRIVE-IN BANK	3,500	GSF	978	19	15	73	79
[760] RESEARCH CENTER	60,000	GSF	671	72	15	13	75
[130] INDUSTRIAL PARK	188,500	GSF	1,698	149	33	34	130
TOTAL			15,573	520	292	664	814

SITE 2, FULLER SQUARE

Existing Conditions/Site Analysis - This approximately 7 acre site contains the 5/3 Bank building and an approved restaurant site to the west of that building. The northern portion of the site is currently utilized as a dry detention basin and has no road frontage. The site contains existing access onto KY 18 and onto Houston Road. Approximately 5.3 acres of the site is subject to an approved 1984 Concept Development Plan, and is zoned Commercial Two/Planned Development. The northern portion of this site was not a part of that 1984 request, and is therefore not subject to an approved Concept Development Plan. This remaining area is zoned Industrial/One/Planned Development. This northern portion currently contains no access or visibility from either Houston Road or KY 18, and is therefore, dependent on development of adjacent properties and/or the construction of the KY 18 Connector Road. This small parcel is suitable for office or commercial uses, and would be best developed in conjunction with adjacent properties. Office uses would be most suitable to compliment the existing 5/3 Bank office site and provide a transition into the planned industrial uses away from Houston Road. The northern portion may contain a cemetery along its boundary with Site 5.

Recommended Uses/Zoning - The 5/3 Bank building and approved restaurant use are appropriate for the site. However, the existing detention area and remainder of the northern portion of the site should be redeveloped in junction with the adjoining Seligman property as office uses when the KY 18 to Houston Collector Road is

SITE DESIGN IN THE HOUSTON/DONALDSON STUDY AREA

This section is important for the implementation of the Houston-Donaldson Study because much of the Study Area comprises the highly visible Houston Road Corridor. As pointed out in the Mall Road Study of 1990, the roadway corridor shapes the public perception of a community. As described in that study, many commercial, office, and industrial corridors across the United States have experienced a common set of problems, including traffic congestion, confusing driveway alignments, proliferation of strip centers, poor landscaping, lack of corridor identity, and excessive signage. The objective of this section of the Houston-Donaldson Study is to enhance the identity of the Study Area and avoid the above problems.

Each development should meet the following specific development guidelines at Site Plan Review in addition to the standard requirements of Article 30 of the Boone County Zoning Regulations:

1. Placement or location of buildings - Buildings shall be placed on a site so that a) building frontages are diagonal to the street where possible, b) large blank building walls are partially screened with vegetation or made visually less intrusive with architectural treatment, and c) landscaping and planting spaces are created. In addition, restaurant and bank outlot buildings along Houston Road should be placed so that the building frontage is diagonal from the public roadway similar to previously approved Concept Development Plans in the Study Area. A minimum 20 foot landscaped setback should be maintained between the parking area and the public right-of-way.
2. Impervious Area Coverage - Impervious areas include all building and pavement coverage on a site. Green Space areas include all landscape areas that have a meaningful visual impact on a development. Consistent with the previous approvals of Concept Development Plans in the Study Area, all commercial, office, and industrial developments shall contain a minimum of 22 percent of the development site as permanent green space. The computation of this green space ratio can include landscaped parking islands, buffer areas, and aesthetically suitable wet stormwater retention areas, but will not include any area on public right-of-way or dry detention areas that will have a negative visual impact on the development. Interior road systems, sidewalk networks, and parking lots of new developments must be designed with this in mind. In industrial zones, any parking in the front yard area should be devoted to office employee and visitor parking. Other employee parking in industrial zones, will be placed on the side and rear portions of the building. Parking areas should include decorative elements, such as suitable fences, wall extensions, plantings, and/or berms between the public

right-of-way to screen parking areas from public view. Parking lots must be designed with landscaped islands as described under requirement 3. Concrete curbs should be used around the perimeter of the parking lot. Landscaped areas with trees and bushes will be installed at the entrances of any commercial, office, or industrial development. Continuous curbs or wheel blocks should be placed between a parking area and a sidewalk. As approved for the Houston Lakes development in 1990, pedestrian crossings at interior intersections should be constructed of suitable brick, cobblestone, or similar surface to emphasize the crossing location.

3. Landscaping - The simplest and most effective method to enhance the appearance of a roadway corridor is to provide adequate landscaping. Landscaping also reduces glare and the amount of reflected and absorbed sunlight, resulting in a more comfortable environment and reduced energy costs. Landscaping and buffering should meet the requirements under Article 30 Site Plan Review of the 1991 Boone County Zoning Regulations. These requirements were developed for the Mall Road Study in 1990, however, are generally consistent with several approved developments in the Study Area. A list of reference source books for suitable plant species can be found in the Mall Road Study.

4. Pedestrian Connections - Each development or land use within the Study Area will provide pedestrian connections to other developments, recreation facilities, and public open space areas, if appropriate. An area-wide pedestrian network that connects developments, recreation areas, and existing green areas should be developed for the Study Area. Innovative and practical pathway designs other than typical sidewalks are encouraged within developments. Certain sites within the Study Area, such as the Marydale property, World of Sports site, Seligman property, and Houston Lakes site are important to the overall pedestrian network of the corridor, and are addressed in detail in the Individual Site Analysis and Recommendations section of this Study. In addition, pedestrian crossings on public and private roadways within planned developments may be required to be of distinct pavement treatment, such as brick or cobblestone to emphasize these crossings. This feature will provide a safer pedestrian environment because motorists can actually feel the pavement difference at the crossing.

ARCHITECTURAL DESIGN REVIEW

Architectural Design Review is based upon the third goal of the Houston/Donaldson Study, or more specifically, "to ensure that the recommended land uses and the type of development occurs in conjunction with appropriate exterior appearances to the general

public." Design review is important because many sites within the Study Area have an enormous amount of public visibility from major public thoroughfares, and the Study Area represents one of the few locations in Boone County where the opportunity exists to achieve a distinct corridor of planned uses.

The purpose or intent of establishing a procedure for reviewing exterior design features of new development, site improvements, and exterior renovations is to protect the existing and planned public investment in the Houston/Donaldson Study Area. The public investment refers to the existing infrastructure such as the road and utility systems and future improvements. Recommended land uses in the Study Area are sensitive to the existing infrastructure and needed improvements. Any future improvements to the existing infrastructure system will most likely be the result of actions by local and state government officials and by developers in the area. What makes this area unique to Boone County is the rapid pace of development and the amount of investment already occurring. A formal design review process would help ensure orderly and compatible development in the Study Area. Architectural Design review is based upon the recommendations of the Study and would only include those sites or structures subject to public view from a public street. This section should not be used as a criteria in determining the review process to be followed for a specific application, as described in the Implementation section. Design review is based upon the following objectives:

1. To formulate a procedure or process which would protect the public's view and create a harmonious development pattern in a specified area.
2. To protect and promote the economic and general welfare of the public and to encourage complementary, orderly and efficient growth and development.
3. To ensure that future development occurs with appropriate exterior appearance because the area has a high level of visibility from major public thoroughfares.
4. To encourage compatibility and visual continuity among structures and land uses in the Study Area.
5. To be consistent with the objectives of Planned Development (PD), Article 15, Boone County Zoning Regulations and the goals and objectives section of the 1990 Boone County Comprehensive Plan, which recommends the utilization of proper design principles among land uses.
7. To create public awareness concerning the importance of aesthetics based upon a study of recommended land uses and zoning.
8. To assure that appropriate design features are built and

maintained according to approved plans.

9. To establish criteria and standards for evaluating the exterior appearance of a proposed or existing building or structure.

Procedure/Application

Submittal is required for any proposed office, commercial, and industrial building(s), exterior building renovations (including painting), or site improvements visible from a public viewpoint in the Study Area. The Zoning Administrator shall make a determination whether Architectural Design Review is required for a specific project. Each applicant will submit four (4) sets of architectural drawings or renderings of the site and proposed building plans showing the external features of the building (including elevations), which are subject to public view or from a public street. These features are described in more detail in the following section.

At the same time a Site Plan is being reviewed by the Boone County Planning Commission, the building plans and architectural drawings or renderings of a site will be reviewed by the appropriate committee of the Boone County Planning Commission. Time limitations will remain the same or in accordance with Site Plan Review unless otherwise indicated. The Committee will be working with Staff and should possess the appropriate technical background to review and evaluate the set of plans. The Committee and/or Staff may at some time seek the technical assistance of experts in reviewing these plans or drawings. The experts and Staff will not vote on the approval or disapproval of any design plans. During the review process, a meeting will be arranged with the applicant to discuss the details of the design plans.

If for some reason an applicant does not submit the building plans, architectural drawings or renderings at the Site Plan Review stage, then the applicant can only receive conditional approval of the Site Plan pending final approval on the building plans, architectural drawings or renderings. The applicant will have up to thirty (30) days to submit the building plans, architectural drawings or renderings from the date of approval of a Site Plan. Upon submittal of the Design Review Drawings, the Boone County Planning Commission will approve or disapprove the Design Review Drawings within forty-five (45) days.

Criteria and Standards Used for Evaluating Architectural Design Plans

Based upon the following standards, the Committee will determine if the submitted plans are consistent with the Purpose, Intent and Objectives sections of this element and the criteria and standards used for evaluating such plans:

1. Height - The height of any structure will be in accordance with the limitation of the underlying zone and will be compatible with the nearby existing buildings in the Study Area. Other restrictions may include airport clearance regulations.
2. Building Facades - Building facades shall be designed in the same architectural style if part of a large commercial, retail or office center. Individual building facades not part of larger development or industrial building facades will be compatible with surrounding structures. If a structure has double-frontage or double entry (faces two or more streets), the type of facade shall be same for both frontages.
3. Windows and Doors - The type, location and size of any window and door should be dependent upon the relationship of width to height of any proposed structure. Service or delivery doors or windows shall be limited from public view or from a public street. Appropriate screening shall be required in order to minimize their visual effect.
4. Relationship of Materials - At least 30 percent of the front elevation portion of a building in industrial areas shall be of non-metal material such as but not limited to brick, refined stone, stucco, wood, decorative masonry, or architectural concrete. An appropriate type of architectural metal siding may be permitted. Regular painted concrete block or smooth face block will not be permitted in the area if open to view from a public street. At least 60 percent of the building in the office and commercial zones should be of non-metal material as previously mentioned above. Materials should be of durable quality and should be in harmony with surrounding buildings in color and texture.
5. Relationship of Color - Consideration should be given to the predominant color that may be of a natural material or a patina color over time. Color refers to trim work and a majority of a building and should be in harmony with adjacent structures and the natural environment. Colors should be harmonious, and only compatible accents should be used for any trim work. Unusually bright colors should not be used on the majority of any building, but may be permitted as a compatible accent to any building.
6. Entrances and Porch Projections - Entrances and porch projections (enclosed or open) should be designed so as to provide rhythm and open space at an intimate scale.
7. Architectural Details - Architectural details including, but not limited to arches, cornices, balustrades, iron work and chimneys shall be designed in relationship to the structure itself and to the architecture of surrounding buildings.

Architectural details may be required to enhance or downplay the shape or size of a building. If adjacent buildings are of inconsistent architectural styles, they may be required to be separated by some sort of buffer.

8. Roof Types and Shapes - Roof types and shapes shall be designed in accordance with the design of surrounding buildings. Utility equipment to be located on building roofs in commercial, office, and industrial zones must be screened from public view with materials harmonious with the building. A parapet of sufficient height should be used in office and commercial zones to screen the roof utility equipment from a public street. Such equipment should be located away from the edge of the building to assist in hiding it. Utility equipment shall also be screened in industrial zones. This equipment should be located in areas not directly visible from public view.
9. Scale - Consideration should be given to the scale of each building and architectural detail, which relates to the size of man and the natural environment. In rendering this decision, emphasis should be given to building mass and how it relates to open space.
10. Elevation - The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side and rear elevation of any building as viewed from a public road. Exposed foundations visible from a public street shall be minimized.
11. Signage - A signage package for the entire site shall be developed in accordance with the Special Sign Regulations of this Study and in uniformity with the existing signs in the Study Area.
12. Detention/Retention Ponds or Lakes - Large detention/retention ponds or lakes shall not be placed in the front yard or in an area subject to public view from a public street, unless also designed for aesthetic purposes.
13. Lighting - Exterior lighting, whether free-standing or building mounted, shall enhance the building design and the adjoining landscape. Lighting fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting will be designed and placed to prevent excessive brightness and glare on adjacent properties or public streets.
14. Retaining Walls - The placement of retaining walls, which are visible to a public street, should be minimized. If located in an area subject to view from a public street, then either brick facing or some other type of decorative masonry or

textured concrete material or appropriate landscaping shall be used.

15. Rear of Buildings and Storage Areas - The rear of buildings and outside storage areas shall be sufficiently screened from public view by the orientation of the building or the use of berms, landscaping, walls of materials similar to the front facade of the building. Any portion of the rear wall or seasonal display area that is visible from public view shall be faced with materials similar in texture and color as the front of the building.
16. Utilities - All utility service lines to the building and main lines to or within the site shall be located and installed underground, or located along a low visibility rear lot line. New development or redevelopment of a site should include the placement of existing overhead utility lines underground.
17. Maintenance - The property owner of each parcel is responsible for the proper maintenance and visual appearance of each building within the development. Documentation shall be provided at the Design Review stage.
18. Registered Kentucky Seal or Stamp - Each set of architectural drawings or renderings and building plans should include the stamp or seal of a registered architect and/or engineer from the Commonwealth of Kentucky.
19. Waiver of Requirement - The Boone County Planning Commission, upon recommendation of the Committee's report, may waive any requirement or standard based upon a sufficient alternate design; the discovery of a new type of technology; or apparent minimal impact on the public. The purpose of this waiver is to allow some flexibility based upon sound design principles and the economic realities of such design.

Committee Recommendation on Architectural Design Review

Based upon the thorough review and evaluation by the appropriate committee of the Boone County Planning Commission and Staff, the Committee shall recommend approval or denial to the full Planning Commission in the form of a report. The Committee decision or report is based upon a majority vote of the Committee. By a majority vote of the members present, the Boone County Planning Commission will vote to approve or deny the building plans, architectural drawings and renderings of the site, which relate to the exterior appearance of the project subject to public view. If the applicant's sign package is ready at the Site Plan stage, it may be incorporated into the Committee's report so that the necessary sign permit(s) may be issued. The signage package may be submitted at a later date and follow the approval procedure described in the next section, Special Sign Regulations - Houston-Donaldson Study Area. The absence of a signage package for the

site under review shall in no way affect the review at this stage.

Approval of the Design Plans (i.e. building plans, architectural drawings and renderings) is dependent upon the approval of a Site Plan. Both the approval or disapproval of the Site Plan and Design Plans will be forwarded to the appropriate Building Inspector's office in an effort to determine if and when the City of Florence or Boone County can issue a building permit to begin construction. A Site Plan can be approved with a condition that the Design Review Drawings be approved by the Boone County Planning Commission at a date specified by the Commission. All Design Review requirements that are approved shall be installed within six (6) months of the Site Plan approval.

If the Committee recommends a denial of the request or disapproval of the design plans, the applicant can appeal the Committee's decision to the full Planning Commission membership. If the building plans, architectural drawings or renderings are disapproved or the request denied, the Committee and Planning Commission shall indicate the reason(s) for such action in the form of a written report.

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. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a mixed use development as described in this standard is provided.
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 dominate. 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.

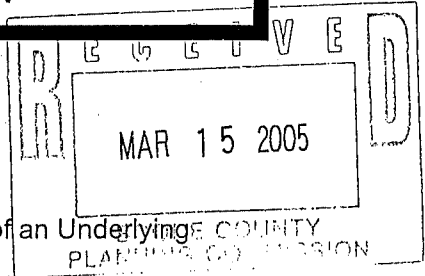
Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

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

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 Parts Plus
- 3. Location of Project Lot No. 7 Merchant St., Florence, KY
- 4. Total Acreage of Site 1.7024
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson Study
- 8. Proposed Uses (please specify each use) C-2
- 9. Proposed Building Intensities (please specify) _____
- 10. Have you submitted a Concept Development Plan? _____
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Unlimited Development, Lynette Smithson
Phone Number 513-843-2122 Fax No. 513-528-6057
- 13. Address of Applicant(s) 4275 Mt. Carmel-Tobacco Road
Cincinnati, OH 45244
City State Zip
- 14. Name of Property Owner(s) R.C. Durr & Richard Crist dba DC-KY18, LLC
Phone Number 859-283-2260 Fax No. 859-283-2265
- 15. Address of Property Owner(s) 8800 Bankers Street
Florence, KY 41042
City State Zip
- 16. Are there any existing buildings on the site? No
How many? -
- 17. Deed Book 466 Page No. 298 Group No. 3943
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

Concept Development Plan
Page 2

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

- Boone County Water District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H & P. Co
- Sanitation District #1
- 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
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: City of Florence Community Development

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton
- Union

21. Applicant's Signature(s) _____

Rynette Smith

22. Property Owner's Signature(s) _____

RE. DURR AND RICHARD CRIST DBA. DC-KY 13U
BY: RICHARD CRIST, MEMBER

SECTION B (To be completed by BCPC Staff)

- 1. Date Received _____ Fee Received _____
- 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 ~~_____~~ MICHAEL LIGHT
- 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 - Web Page

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. 2:

Commission Members Present: Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **Unlimited Development, Lynette Smithson (applicant) for R. C. Durr and Richard Crist dba DC-KY 18, LLC (owner)**

Request: **Change in Approved Concept Development Plan**

The request of **Unlimited Development, Lynette Smithson (applicant) for R.C. Durr and Richard Crist dba DC-KY18, LLC (owner)** for a Change in an Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

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

The Chairman asked for the applicant's presentation.

Mr. E. J. Foltz, Cartec Engineering, stated that they developed the Concept Development Plan. He introduced Mr. Scott Millay with the contractor and Mr. Dan Ritch with the architectural group. They had nothing to add to the Staff Report.

The Chairman asked if there was anyone else present who wished to speak regarding this request.

Mr. Jeff Simmons, 5848 N. Orient Street, stated that he has no objection to the request and believes it is a proper use of the property. He is concerned about the access easement in relation to the vacant lot. The access easement came with his

lot and is a mirror of the access easement on the other side that the bank has. He stated that he will not be able to use the access easement if that whole area is designated as buffer. He stated that the term "general C-2 uses" is vague and questioned what other uses could go on the property. He is concerned about the timing for the traffic light on KY 18 and Merchants Street in regard to this lot and to other lots that develop. He stated that when he built his building, he could not use metal siding, but the Goodwrench building has painted metal siding and he did not know that could be done in the Houston-Donaldson Study area.

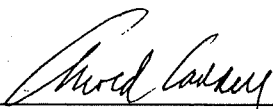
Chairman Caddell stated that the Planning Commission's cannot confirm the schedule for the traffic light. The traffic light is not in the Planning Commission's domain. He asked Staff to address the comments regarding the buffer and the access easement. Mr. Light stated that he discussed with the applicant that the access easement is there for Mr. Simmons also and they understand that. They know about the access easement the bank had. He indicated the curb cut and how Mr. Simmons would access his lot. He stated that the applicant is keeping parking out of that area and keeping it as buffer. He stated that the plan says "Future Access Easement" and it goes all the way to Greenview Subdivision. He stated that Mr. Simmons will have access to the curb cut. Mr. Costello stated that they are obligated to put the landscaping features in to serve the lot and leave room for a future road. Mr. Light stated that the buffer between the two uses is 10-foot wide Buffer Yard A. They will stay off that area because they do not need it. He stated that allowing access to the Simmons property was discussed in the pre-application meeting. Mr. Costello asked if it is on the Final Plat. Mr. Light responded "yes" and stated that it goes all the way to the end of the lot. Mr. Simmons stated that the bank had a 40-foot easement on the lot when he purchased it from Dick Crist and they mirrored the access easement on the next lot. He wants to be sure that he can pave it or put a road in or access the backside of the lot. He stated that the way this is laid out is perfect.

There being no one else present in the audience, the Chairman asked if there were any comments or questions from the Commissioners.

Mr. Bunger questioned the adequacy and planned capacity for the regional detention that is related to Wal-Mart and the industries coming in. Mr. Light responded that is the responsibility of the City of Florence. He will bring information to the Committee Meeting indicating that the detention is adequate for this development and will be able to handle the rest of the lots as they develop. Mr. Bunger asked that consideration be given to the residents behind the facility when the roof equipment is relocated to the back. Mr. Light responded that they may not be able to relocate the roof equipment. Mr. Bunger asked that they consider that others may be able to see the roof equipment if it is relocated.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 4, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 18, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:50 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 18, 2005
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Barlow
Mr. Kim Bunger
Mr. Robert Newman
Mr. Randy Poe

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Mr. Knock asked if the 17.6 acre tract that had the gas station in the front is included. Mr. Riegler responded that it is part of the request.

Mrs. Poston stated that the Committee worked with Dr. Wright and Mr. Riegler and they did a good job of putting information together at the Committee level. She stated that the request did not meet any of the forward looking parts of the Comprehensive Plan. The Committee talked with Dr. Wright about the possibility of some smaller commercial uses. She stated that Dr. Wright is in a dilemma with his office not being in a prominent location now because of the change to U.S. 42, but the Committee felt that this proposal was very much in opposition to what the Union Town Plan and the Comprehensive Plan have to say about that area.

There being no further comments, the Chairman asked for a vote on the motion **and it carried unanimously.**

3. Change in Approved Concept Development Plan

The request of Unlimited Development, Lynette Smithson (applicant) for R.C. Durr and Richard Crist dba DC-KY18, LLC (owner) for a Change in an Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

Mr. Reynolds had a conflict of interest in regard to this request due to his relationship with the owner and left the room at this time.

Staff Member Mitch Light 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 owners have signed the letter agreeing to the conditions.

In response to a comment from the Chairman regarding Condition #3, Mr. Light clarified that it should be the 2000 Boone County Comprehensive Plan and the 2005 Goals and Objectives that have been adopted.

There being no further comments, **Mrs. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Breetz seconded the motion and it carried unanimously.**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 18, 2005

RE: Request of Unlimited Development, Lynette Smithson (applicant) for R.C. Durr and Richard Crist d.b.a. DC-KY18, LLC (owner) for a Change in Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

REMARKS:

We, the Committee, recommend approval of this 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 and the 2005 Boone County Comprehensive Plan Goals and Objectives for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Commercial" uses. This designation is described by the Comprehensive Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Committee has concluded that the request demonstrates 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 fulfills the applicable requirements of the Houston-Donaldson Study and Article 15 "Planned Development District" of the Boone County Zoning Regulations.
3. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The property owners agree that all parking lot and security lighting will be shielded and/or directed away from the adjoining residential neighborhood to the west. A photometric plan will be submitted as part of the required Major Site Plan review.
2. All mechanical units, whether on the roof or behind the building, will be screened from either the right-of-way or the adjoining residential neighborhood to the west. This will be reviewed as part of the required Design Review by the Boone County Planning Commissions' Technical/Design Review Committee.

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/Concept Plan Committee Vote.

Public Hearing Item No. 2:

Commission Members Present: Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **Unlimited Development, Lynette Smithson (applicant) for R. C. Durr and Richard Crist dba DC-KY 18, LLC (owner)**

Request: **Change in Approved Concept Development Plan**

The request of **Unlimited Development, Lynette Smithson (applicant) for R.C. Durr and Richard Crist dba DC-KY18, LLC (owner)** for a Change in an Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

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

The Chairman asked for the applicant's presentation.

Mr. E. J. Foltz, Cartec Engineering, stated that they developed the Concept Development Plan. He introduced Mr. Scott Millay with the contractor and Mr. Dan Ritch with the architectural group. They had nothing to add to the Staff Report.

The Chairman asked if there was anyone else present who wished to speak regarding this request.

Mr. Jeff Simmons, 5848 N. Orient Street, stated that he has no objection to the request and believes it is a proper use of the property. He is concerned about the access easement in relation to the vacant lot. The access easement came with his

lot and is a mirror of the access easement on the other side that the bank has. He stated that he will not be able to use the access easement if that whole area is designated as buffer. He stated that the term "general C-2 uses" is vague and questioned what other uses could go on the property. He is concerned about the timing for the traffic light on KY 18 and Merchants Street in regard to this lot and to other lots that develop. He stated that when he built his building, he could not use metal siding, but the Goodwrench building has painted metal siding and he did not know that could be done in the Houston-Donaldson Study area.

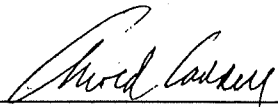
Chairman Caddell stated that the Planning Commission's cannot confirm the schedule for the traffic light. The traffic light is not in the Planning Commission's domain. He asked Staff to address the comments regarding the buffer and the access easement. Mr. Light stated that he discussed with the applicant that the access easement is there for Mr. Simmons also and they understand that. They know about the access easement the bank had. He indicated the curb cut and how Mr. Simmons would access his lot. He stated that the applicant is keeping parking out of that area and keeping it as buffer. He stated that the plan says "Future Access Easement" and it goes all the way to Greenview Subdivision. He stated that Mr. Simmons will have access to the curb cut. Mr. Costello stated that they are obligated to put the landscaping features in to serve the lot and leave room for a future road. Mr. Light stated that the buffer between the two uses is 10-foot wide Buffer Yard A. They will stay off that area because they do not need it. He stated that allowing access to the Simmons property was discussed in the pre-application meeting. Mr. Costello asked if it is on the Final Plat. Mr. Light responded "yes" and stated that it goes all the way to the end of the lot. Mr. Simmons stated that the bank had a 40-foot easement on the lot when he purchased it from Dick Crist and they mirrored the access easement on the next lot. He wants to be sure that he can pave it or put a road in or access the backside of the lot. He stated that the way this is laid out is perfect.

There being no one else present in the audience, the Chairman asked if there were any comments or questions from the Commissioners.

Mr. Bunger questioned the adequacy and planned capacity for the regional detention that is related to Wal-Mart and the industries coming in. Mr. Light responded that is the responsibility of the City of Florence. He will bring information to the Committee Meeting indicating that the detention is adequate for this development and will be able to handle the rest of the lots as they develop. Mr. Bunger asked that consideration be given to the residents behind the facility when the roof equipment is relocated to the back. Mr. Light responded that they may not be able to relocate the roof equipment. Mr. Bunger asked that they consider that others may be able to see the roof equipment if it is relocated.

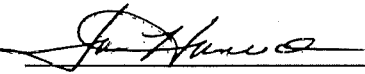
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 4, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 18, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:50 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 4, 2005

RE: Request of **Unlimited Development, Lynette Smithson (applicant)** for **R.C. Durr and Richard Crist dba DC-KY18, LLC (owner)** for a Change in an Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

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.

Janet R. Kegley

Janet Kegley, Chairwoman
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Barlow
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Greg Breetz

Greg Breetz
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Bunger

Kim Bunger
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Poston

Susan Poston
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Charlie Reynolds (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Earl White (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

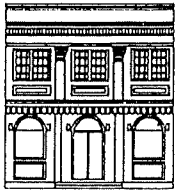
Lisa Wilson

Lisa Wilson (Alternate)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

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

May 11, 2005

Ms. Lynette Smithson
4275 Mt. Carmel-Tobassco Road
Cincinnati, OH 45244

RE: Request of **Unlimited Development, Lynette Smithson (applicant)** for **R.C. Durr and Richard Crist d.b.a. DC-KY18, LLC (owner)** for a Change in Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.

Dear Ms. Smithson:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their May 4, 2005 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Monday, May 16, 2005.

CONDITIONS

1. The property owners agree that all parking lot and security lighting will be shielded and/or directed away from the adjoining residential neighborhood to the west. A photometric plan will be submitted as part of the required Major Site Plan review.
2. All mechanical units, whether on the roof or behind the building, will be screened from either the right-of-way or the adjoining residential neighborhood to the west. This will be reviewed as part of the required Design Review by the Boone County Planning Commissions' Technical/Design Review Committee.

Sincerely,

Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

Ms. Lynette Smithson
May 11, 2005
Page 2

AGREEMENT

We, R.C. Durr and Richard Crist (owners) do hereby agree to the recommended conditions of approval stated above for a Change in Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky, to allow an auto parts store and general C-2 uses.

R. C. Durr 5-13-2005
R.C. Durr Date
Owner

RICHARD D. CRIST 5-13-2005
Richard Crist Date
Owner

DEED DESCRIPTION**1.7024 ACRE TRACT****FOR THE PROPOSED SMYTH AUTOMOTIVE****FROM: DCKY-18 PARTNERSHIP, AS RECORDED IN DB 635, PG 272**

Being a particular tract of land located along the northwesterly side of Merchants Street located in Florence, Boone County, Kentucky, and on the northerly side of Lot-18 as recorded in the Merchants Square Subdivision, Section 4, Slide 430B, and on the easterly side of the Greenview Subdivision as recorded in Plat Book 4, Page 25 of the Boone County Clerks Office in Burlington, Kentucky, being more particularly described as follows:

Beginning at the most northeasterly property corner of Lot-18 (as described above), said corner also being on the northwesterly right-of-way of Merchants Street;

Thence, leaving the right-of-way of Merchants Street, and along the northerly property line of Lot-18 North $52^{\circ}48'38''$ East for a distance of 210.16 feet to a point being on the easterly line of the Greenview Subdivision;

Thence, along the Greenview Subdivision line North $33^{\circ}51'00''$ East for a distance of 337.80 feet to a point;

Thence, continuing along the Greenview Subdivision line South $48^{\circ}09'00''$ East for a distance of 47.06 feet to a recovered $5/8''$ steel pin;

Thence, leaving the Greenview Subdivision line South $37^{\circ}51'07''$ East for a distance of 240.53 feet to a point being on the northwesterly right-of-way of Merchants Street;

Thence, along the northwesterly right-of-way of Merchants Street South $52^{\circ}28'01''$ West for a distance of 105.54 feet to a point;

Thence, continuing along the right-of-way of Merchants Street along a curve having the following data: Radius=656.38 feet, Tangent=86.13 feet, Chord Length=170.80 feet with a bearing of South $44^{\circ}59'28''$ West to the Point of Beginning, containing 1.7024 acres, and subject to easements and restrictions of record.

RECEIVED

JAN 10 P 1:54

JERRY W. ROUSE
BOONE COUNTY CLERK

BOOK 635 PAGE 272

QUITCLAIM DEED

PROPERTY TRANSFER TAX PAID *Exempt*
JERRY W. ROUSE, CLERK *Jan 10 2005*

KNOW ALL PERSONS BY THIS INSTRUMENT:

That R.C. DURR, a single person, and RICHARD D. CRIST and his wife, KAY F. CRIST, the GRANTORS, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration

paid to the GRANTORS by the GRANTEE herein, the receipt of which is hereby acknowledged, do hereby remise, release, quitclaim, and convey to the following named GRANTEE, D C KY 18 PARTNERSHIP, a Kentucky general partnership, its successors and assigns forever, the following described real estate, in the city of N/A, county of Boone, and Commonwealth of KENTUCKY, to wit:

Street Address: Burlington Pike, Florence, Kentucky 41042

Grantee's Address: 8100 Burlington Pike, Suite 260, Florence, Kentucky 41042

Grantors' Address: 8100 Burlington Pike, Suite 260, Florence, Kentucky 41042

Group No.: 2033A, 3234, & 3382 Plat Nos.: 225A & 286B

Being in Boone County, Kentucky, and lying on the northerly side of State Route 18 and being more particularly described as follows:

Beginning at a point in the northerly line of State Route 18, 105.02 feet left of centerline station 217 plus 44.08 and about 210 feet east of Greenview Road; thence North 33° 51' 00" East, 906.80 feet; thence South 48° 09' 00" East, 47.06 feet; thence North 31° 47' 20" East, 518.50 feet; thence North 25° 19' 10" East, 518.92 feet; thence South 69° 18' 00" East, 72.10 feet; thence South 46° 58' 00" East, 288.00 feet; thence South 51° 55' 59" East, 102.00 feet; thence South 72° 46' 00" East, 221.00 feet; thence South 77° 18' 02" East, 84.50 feet; thence North 84° 19' 02" East, 96.00 feet; thence South 76° 11' 00" East, 103.30 feet; thence South 51° 21' 20" West, 392.62 feet; thence South 40° 08' 40" East, 302.14 feet; thence South 34° 57' 00" West, 1490.71 feet to a point in the northerly line of State Route 18, 126.15 feet left of centerline station 227 plus 40.19; thence along the northerly line of State Route 18 the following five courses North 40° 38' 29" West, 98.57 feet; thence North 88° 45' 44" West, 124.43 feet; thence North 55° 34' 24" West, 157.81 feet; thence North 87° 57' 59" West, 606.96 feet; thence North 47° 33' 18" West, 59.40 feet to the Place of Beginning, containing 42.3232 acres.

*See Land Use Restriction See Note 386 625 19/17
635-238
285
280
140*

5-1-

BOOK 635 PAGE 273

This legal description was prepared by Charles T. Sampson, Ky. L.S. 2344, on May 7, 1991.

LESS AND EXCEPT THE FOLLOWING 5 LOTS:

1. Lot 4, Section 1 of Merchant Square Subdivision, as shown on Plat Slide 225A (DB 506/13).
2. Lot 5, Section 1 of Merchant Square Subdivision, as shown on Plat Slide 225A (DB 581/70).
3. Lot 1, Section 3 of Merchant Square Subdivision, as shown on Plat Slide 286B (DB 819/279).
4. Lot 2, Section 3 of Merchant Square Subdivision, as shown on Plat Slide 286B (DB 569/193).
5. Lot 3, Section 3 of Merchant Square Subdivision, as shown on Plat Slide 286B (DB 563/158).

Subject to all easements and restrictions of record.

All references are to records in the Boone County Clerk's Office at Burlington, Kentucky.

Being all the remaining property conveyed to R.C. Durr and Richard D. Crist, as tenants in common, by deed from Marie Moore, an unmarried widow, and Gary R. Moore and Nancy J. Moore, dated November 14, 1991, and recorded in Deed Book 466, page 298. The purpose of this deed is to transfer the property from R.C. Durr and Richard D. Crist, individually, as the sole partners of D C KY 18 Partnership, into the partnership name.

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.

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.

FCV = \$ 1,300,000.00. This transfer is exempt from transfer tax pursuant to KRS 142.050(7)(k).

DATED this 23rd day of December, 1996.

BOOK 635 PAGE 274

GRANTEE:

GRANTORS:

D C KY 15 PARTNERSHIP

[Signature]
R.C. DURR

By: [Signature]
R.C. DURR, Partner

[Signature]
RICHARD D. CRIST

By: [Signature]
RICHARD D. CRIST, Partner

[Signature]
KAY F. CRIST

STATE OF KENTUCKY, COUNTY OF BOONE (GRANTORS)

The foregoing instrument was sworn to and acknowledged before me this 23rd day of December, 1998, by R.C. DURR, a single person.

[Signature]
NOTARY PUBLIC

My Commission Expires: 2/5/00

My Jurisdiction is: State at Large

STATE OF KENTUCKY, COUNTY OF BOONE (GRANTORS)

The foregoing instrument was sworn to and acknowledged before me this 23rd day of December, 1998, by RICHARD D. CRIST and his wife KAY F. CRIST.

[Signature]
NOTARY PUBLIC

My Commission Expires: 2/5/00

My Jurisdiction is: State at Large

STATE OF KENTUCKY, COUNTY OF BOONE (GRANTEE)

The statement about consideration, in the foregoing instrument was sworn to and acknowledged before me this 23rd day of December, 1998, by R.C. DURR and

BOOK 635 PAGE 275

RICHARD D. CRIST, who are all of the Partners of D C KY 18 PARTNERSHIP, a Kentucky general partnership, on behalf of the Partnership.

Sharon S. Elliston
NOTARY PUBLIC

My Commission Expires: 2/5/00 My Jurisdiction is: State of Large

This instrument prepared by ZIEGLER & SCHNEIDER, P.S.C., Attorneys at Law, 505 Turfway Ridge Office Park, 7300 Turfway Road, Florence, Kentucky 41042, by Sharon S. Elliston Attorney.
SHARON SCHNEIDER ELLISTON

STATE OF KENTUCKY)
COUNTY OF BOONE) SCT.

I, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WAS, ON THE 10 DAY OF Jan 1997, AT 1:54 P. M. LODGED IN MY OFFICE FOR RECORD, WHEREUPON THE SAME, THE FOREGOING, AND THIS CERTIFICATE HAVE BEEN DULY RECORDED IN MY OFFICE.

GIVEN UNDER MY HAND, THIS THE 10 DAY OF Jan 1997.

JERRY W. ROUSE, CLERK

BY: Jerry Rouse D.C.

C:\WPWIN\SO\DOCL\DOCUM\2800

ORDINANCE NO. 0-18-05

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.7 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF MERCHANTS STREET, APPROXIMATELY 140 FEET NORTH OF THE PROPERTY AT 5985 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO PARTS STORE. (DC-KY 18, LLC)

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, subject to a development plan and agreed conditions of a change in a previously approved concept development plan, and

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

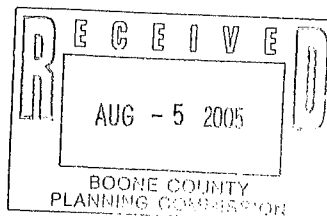
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the requested change in concept development plan for an approximate 1.7 acre site generally located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky, shall be and is hereby approved, subject to the concept development plan previously approved and now amended as well as other agreed conditions for this site, this change in concept development plan being to allow an auto parts store. In all other respects, the previously approved concept development plan for this property shall remain in full force and effect.

SECTION II

The approval of this change in concept development plan 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 provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-05-010-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.



SECTION III

In addition to those conditions set forth in the recommendations 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 "B", a copy of which is attached and incorporated herein by reference as if fully set out.

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-05-010-A, marked Exhibit "A", and attached hereto.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 19th DAY OF July, 2005.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26th DAY OF July, 2005.

APPROVED:

Deane W. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-18-05

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-18-05 on July 26, 2005. The title of this Ordinance is as follows:

ORDINANCE NO. 0-18-05

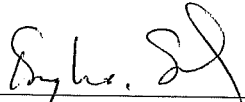
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.7 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF MERCHANTS STREET, APPROXIMATELY 140 FEET NORTH OF THE PROPERTY AT 5985 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO PARTS STORE. (DC-KY 18, LLC)

The effect of this Ordinance is to allow an auto parts store on an 1.7 acre site generally located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. In all other respects, the previously approved concept development plan for this approximate 1.7 acre site remains in full force and effect.

The full text of Ordinance No. 0-18-05, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-18-05 and that it has been prepared by me on the 19th day of July, 2005, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
(859) 371-7407

City of Florence Special Condition of Approval
For
Change in an Approved Concept Development Plan
1.7 Acres, Merchants Street

The undersigned, on behalf of DC-KY 18, LLC hereby agrees to the following special condition of approval for the requested change in concept development plan for 1.7 acres generally located on the west side of Merchants Street in Florence, Kentucky.

1. That the exterior of the building shall be constructed of a combination of brick material, split face concrete block with integral color, and parapet consistent with the color rendering presented to the City of Florence on July 12, 2005 which is attached hereto.

7/17/05

Date

RICHARD D. CRIST

Member, DC-KY 18, LLC (Owner)

