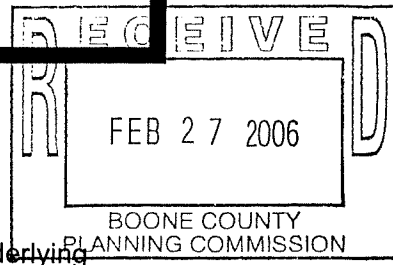


06-COP-014-A

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 Renovation of Formerly Known Produce Patch
- 3. Location of Project 7570 Burlington Pike (KY18)
- 4. Total Acreage of Site 1.5 Acres
- 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) Parkway Corridor Study Overlay
- 8. Proposed Uses (please specify each use) Retail / Future Office
- 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) Tony Hause
Phone Number (937) 416-8888 Fax No. (937) 223-5187
- 13. Address of Applicant(s) 100 S. Clinton
Dayton Ohio 45402
City State Zip
- 14. Name of Property Owner(s) TED RICHARDSON
Phone Number 859-393-1075 Fax No. _____
- 15. Address of Property Owner(s) P.O. Box 17323
FF Mitchell, Ky 41017
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? 1
- 17. Deed Book 899 Page No. 558 Group No. 2033B
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Tony Hause (applicant)** for **Ted Richardson (owner)** for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses

April 19, 2006

REQUEST

The applicant has submitted a Concept Development Plan to allow the redevelopment of the site of the former Produce Patch grocery store. The Plan notes that a portion of the existing building shell, 96 feet x 56 feet, would remain. An existing building addition that was constructed in 1990, approximately 940 square feet in area, located at the northwest corner of the building, would be removed. Two new building additions are proposed through the Plan: an area of 19 feet x 96 feet, in the front of the existing building; and an area of 55 feet by 75 feet, on the western side of the building. The existing asphalt and concrete that is on site would be removed. Much of the parking lot would be resurfaced.

The Concept Development Plan indicates that the remodeled structure would total 11,325 square feet in area and would consist of two lease spaces: an area of 7,200 square feet (96 feet x 75 feet) would house a health food store. A medical office, 4,125 square feet in area, is proposed for the western portion of the building. The Plan also proposes a future retail or office space, 4,125 square feet in area, to be constructed ten feet to the east of the existing building. A detention pond would be located in the northwest corner of the lot.

Landscaping buffer yards are shown along the east and west property lines, and landscaping islands are shown in the middle of the front yard. However, species and number of plants were not depicted. The number of parking spaces was not shown on the plan. Landscaping islands may be required for the Vehicular Use Area (VUA).

A brick veneer would be installed on the front of the remodeled structure. New shingles would be installed on the roof.

SITE HISTORY

1986 The Boone County Planning Commission prepared the Parkway Corridor Study, which recommended Land Uses and planning concepts for the area that adjoins the existing Ewing Boulevard and for the corridor in which Ewing Boulevard is located. The subject site is within the study area.

The Boone County Planning Commission approved a Site plan to allow the construction of a 2,570 square foot addition to the Produce patch, to replace a storage shelter.

1989 The Planning Commission approved a Site Plan to allow a parking lot expansion for the produce Patch site.

SITE CHARACTERISTICS

Much of the site is level, with paved surface on all sides of the building. The topography slopes downward at the location of the proposed detention pond. Elevations range from 924 to 936 feet above sea level. The existing pavement has deteriorated in parts of the site, and parking-stall striping has faded in certain locations. In particular, the pavement is broken in portions of the front lot, with a 2-3 foot deep hole where the asphalt has worn away. The facade of the building has been removed; the shell remains. There is an outdoor display area located on the east side of the building. Several bushes and mature trees are located on the rear of the lot, adjoining the residential property.

ADJACENT LAND USES

North: Single-family, detached residences, located at 9,11,15,17, and 21 Cardinal Drive, zoned Suburban Residential Two (SR-2)

South: Vacant property, 0.34 acres, owned by the Kentucky Department of Highways, zoned Public Facilities/Planned Development (PF/PD)

The Florence Government Center facility, including the Florence Aquatic Center, totaling 29.45 acres, zoned Public Facilities/Planned Development (PF/PD)

Southeast: Mi Salon, 2.78 acres, zoned Office Two/Planned Development/Concept Development (O-2/PD/CD)

East: Florence Auto Mart, 2.52 acres, zoned Commercial Two/Planned Development (C-2/PD) and Suburban Residential Two (SR-2)

West: Newman Tucker insurance agency, 0.52 acres, zoned Commercial Two/Planned Development (C-2/PD)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2030 Future Land Use Map of the 2005 Boone County Comprehensive Plan designates the majority of the site as "Commercial," which allows the following:

"Retail, corporate, and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc (p. 140.)"

A portion of the site, totaling approximately 2,300 square feet, located along the northern property boundary, is designated as Suburban Residential, allowing single family residences at up to 4 dwelling units per acre.

The Land Use Element provides the following quotes that are applicable to the site:

- A. "The Parkway Corridor Study, prepared in the 1980's, is currently being updated (Central Florence Strategic Plan). The Study should address the future of the truck stop area and recommend improvements to improve the traffic circulation of that area along KY 18 (p. 144 'Florence Central')."
- B. Much of Florence's future growth will occur from annexation; however, the City should balance this annexation growth with high-density infill and redevelopment growth along the major transportation corridor of the City. As described in the Housing Element, the condition of older housing in Florence should be specifically addressed. Florence should continue to enforce codes affecting the condition of properties in residential areas and in older business districts of Turfway Road (p. 144 'Florence Central')."
- C. "In summary growth in this section of Boone County must be balanced among three major land users: commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two (p. 144 'Florence Central')."
- C. "Regionally-oriented growth should be confined to Mall Road and Houston Road and should not expand onto U.S. 42, KY 18, or Hopeful Church Road. (p. 144 'Florence Commercial Area')."
- D. "Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads (p. 145 'Florence Commercial Area')."

The Land Use Element's Future Land Use Development Guidelines provide the following general statements that relate to the proposal:

A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (p. 140 'Utilization of Existing Vegetation and Topography')."

B. "As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development.

"Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed-use development should serve side streets for businesses rather than serving individual businesses directly, include a curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development but be readily marketed.

"The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

"Highly visible portions of the proposed development site should consider green space. The style of green space, including the trees, fencing, or other similar features, should imitate the existing road corridor views (p. 140-141, 'Development Layout, Lot Sizes, and Setbacks')."

- C. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate.

"Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. (pg. 141, 'Buffering')."

- D. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps to purify the air of harmful pollutants, reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species should be used wherever possible to minimize pesticides and other high impact forms of maintenance.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (p. 141 'Landscaping')."

- E. "Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff. Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff effects (p. 142 'Storm water Management and Erosion Control')."

- E. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials, or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial systems. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (p. 142, 'Access Management')."

- F. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access but should be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative

to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian uses. These networks should not only provide internal paths but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element and should be examined as a future direction in Boone County development patterns (p. 142 'Transportation and Pedestrian Network')."

- G. "Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County.

"The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines (p. 142, 'Design, Signs, and Historic Preservation)."

The Business Activity Element contains the following quotes that pertain to the subject property:

- A. "Since the immediate Florence area figures so prominently in Boone County's Commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies are visible

along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts (p. 62-63, 'Recommended Areas of Commercial Activity')."

- B. "Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally-oriented nor should they attract additional traffic but rather be served by the existing or future population of the area. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points (p. 63, 'Recommended Areas of Commercial Activity')."
- C. "Existing business districts need to be supported through market analysis and realistic recommendations. Overall the commercial economy of Boone County has become more diversified (p. 63 'Recommended Areas of Commercial Activity')."
- D. "Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly (p. 63, 'Recommended Areas of Commercial Activity')."
- E. "Other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments, and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union (p. 64, 'Recommended Areas of Commercial Activity')."
- D. "Existing sites should also be examined to enable adaptive re-use or redevelopment of buildings. There are numerous older vacant industrial buildings and sites or under-utilized commercial sites that provide redevelopment opportunities. These areas are often referred to as grayfields or brownfields because they have older structures or pavement that are not functioning as effective business use (p. 65, 'Recommended Areas of Industrial and Office Activity')."

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

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments (Overall Objective 2, p.4)."
- B. "Proper design principles shall be applied in development ('Overall' Objective 3, p.4)
- C. "Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall" Objective 4, p.4)"
- D. "Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ('Overall' Objective 6, p. 4)."
- E. "Innovative development design methods shall continue to be pursued ('Overall' Objective 9, p. 4)."
- F. "The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ('Population' Goal, p. 4)."
- G. "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. ('Physical Environment' Objective 2, p. 5)."
- H. "Existing vegetation shall be considered as both an important site characteristic and a community resource ('Social Environment' Objective 4, p. 5)."
- I. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ('Business Activity' Goal, p. 6)."

- J. "Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial, and office) with appropriately-sized and well-maintained buffer spaces between the business use and other land usage ('Business Activity' Overall Objective, p. 6)."
- K. "Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity,' Commercial [Retail and Office] Objective 1, p. 6)."
- L. "The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation Goal, p. 12)."
- M. "Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ('Transportation' Objective 3, p. 12.)"

STAFF COMMENTS / CONCERNS

1. The Planning Commission and Florence City Council will need to determine whether the proposal is in agreement with the 2005 Boone County Comprehensive Plan. Highlights of issues raised in this review include the following:
 - A. The Future Land Use Map designates the site as "Commercial," allowing retail and office uses. The Land Use Element discusses the importance of in-fill development and site redevelopment to balance the growth that taking place in the City of Florence through annexation. The Element states that traffic circulation along the KY 18 corridor should be examined through the update of the Parkway Corridor Study. The "Buffering" Future Land Use Development Guideline notes that notes that appropriate buffering should be provided between incompatible land uses. In a similar vein the "Landscaping" Future Land Use Development Guideline notes that landscaping should be used to diminish the visual impact of new developments on adjoining properties and to limit the amount of run-off that a particular land use may generate, with specific attention to street frontages. The applicant has indicated generally that landscaping will be provided along the perimeter of the property; however, the quantity and species and types of plants have not been indicated on the Concept Development Plan.

The "Design, Signs, and Historic Preservation" Future Land Use Development Guideline speaks about the importance of quality design in site development, noting that the use of signage should be minimal, providing information to motorists rather than distracting them. Further, the Guideline states that commercial development should be designed to complement adjoining land uses. The applicant has not provided a sign package at this time. The submitted conceptual building elevations indicate that brick veneer will be provided along the front of the building. However, no provision has been made to provide brick along the side of buildings. While samples of construction materials have been submitted along with the building elevations, the submitted elevations do not adequately address how the materials will be used on the building. Staff requests that color architectural elevations be provided for the Zone Change Committee to better convey the finished appearance of the building.

- B. The Business Activity Element highlights the importance of redeveloping older commercial and industrial sites, specifically noting that the KY 18 corridor in Florence should be rehabilitated. The Element notes that redevelopment should be encouraged, where possible, in lieu of the construction of new commercial land uses. Business Activity [Commercial (Retail and Office)] Objective #1 notes that commercial uses should be designed to complement the adjoining properties and to provide adequate parking. The submitted Concept Development Plan does not indicate the number of parking spaces that will be provided on the plan. Staff requests that this information be provided to the Zone Change Committee.

Transportation Objective # 3 notes that access should be provided to adjoining developments, where possible, in the event of the redevelopment of a site. Staff communicated this information to the applicant prior to the submission of the Concept Development Plan. However, no connections to the adjoining commercial properties on the east or west were shown on the Concept Development Plan. Staff suggests that the Concept Development Plan be revised to provide connections to the adjoining properties.

The site is located within an area defined as "3KY" in the Parkway Corridor Study (see attached excerpt). The Study notes that this area is easily accessible, given the proximity of both KY 18 and Turfway Road. The importance of pedestrian accessibility is stated within the recommendations for development of Site 3KY, as is the idea that the area should be developed with sensitivity to adjoining residential property. Further, the Study highlights the opportunity for quality site design and architecture that the area presents.

2. The Concept Development Plan should be evaluated according to the provisions of Section 1514 of the Boone County Zoning Regulations ("Planned Development Standards"). The following is an evaluation according to these standards:
 1. **Mixed Use and Pedestrian Orientation:** The Standard states that a mixture of land uses should be provided on a single development and that the proposed land use should contribute to the overall diversity of land uses in the area. The development should provide appropriate pedestrian access. The proposed Concept Development Plan depicts existing sidewalk along KY 18, as well as a sidewalk along the proposed building that would eventually connect the building to the future retail or office building. A walkway from the existing sidewalk to the building is required through Section 3327 of the Zoning Regulations. This can be examined through the Site Plan Review process.
 2. **Compatibility of Uses:** This Standards indicates that the subject property should be developed with sensitivity to the adjoining properties to ensure that there is an appropriate level of transition between incompatible land uses. The use of landscaping is suggested as a means of providing transition. As noted previously, the specifics of the landscaping plan were not communicated in the Concept Development Plan.
 3. **Open Space:** The Standard calls for provision of open space above what would be required through typical building setbacks. The Concept Development Plan depicts a 50-foot rear yard building setback, which is required in the "straight" Commercial Two zoning district (i.e. a C-2 zoning district that is not within a Planned Development overlay zoning district). However, the side and front yard setbacks exceed the minimum requirements of the C-2 zoning district.
 4. **Multi-Modal Transportation System:** This Standard requires the applicant to provide facilities for modes of transportation other than automobiles, including transit stops, pedestrian facilities, and bicycle paths and parking. As discussed above, the Concept Development Plan indicates sidewalks around the proposed building and shows the existing sidewalk along KY 18. A bicycle rack will be required on site through the Site Plan review process.
 6. **Landscaping:** The Standard states that "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 quality and quantity of landscape materials) within the developed portion of the site (p. 15.4)." As was noted previously, the Concept Development does not indicate quantities or species of plants to be provided. Section 3645 of the Boone County Zoning Regulations ("Buffer Yards") requires Buffer Yard "C" when developing Commercial Two (C-2) land uses adjoin residential property. This buffer yard must be 60 feet wide or 30 feet wide with a 6 foot high berm, fence, or masonry wall.

7. Architecture: The Standard requires that a consistent architectural theme be provided for the development. Structures must relate to one another and to adjoining land uses. The proposal calls for the use of the shell of the existing building. A new brick facade would be installed on the front of the building; the existing sides and rear of the building would not be bricked. The properties immediately adjoining to the west are a predominantly brick structure, as is Mi Salon, located across KY 18 from the subject property. Additionally, the Florence Government Center, located across the street from the subject property, is a predominantly brick building, as is the former Social Security building, located to the southwest from the site across KY 18. Given the relatively high visibility of the subject property and the prevalence of brick on the buildings in the immediate area, Staff suggests that the brick veneer extend onto the side elevations as well as the front of the building.
 8. Historic and Prehistoric Features: This Standard is not applicable to the subject property.
 9. Signage: This Standard states that a sign package should be submitted with a Planned Development application. Signage should follow a consistent theme. No sign package was submitted with this application. Staff suggests that a consistent sign package for all the tenants on the building be addressed at the Zone Change Committee meeting. A monument sign that architecturally correlates with the proposed structure should be erected in place of the existing sign. At a minimum, the replacement freestanding sign should be designed to match the building facade.
 10. Transportation and Entry Points: The Standard discusses the need to provide entry points into the development for multiple modes of transportation. Additionally, the entrances into the development should be clearly delineated through the use of landscaping or architectural elements. There are currently two existing curb cuts on site. These could be replaced with a single curb cut at the center of the lot's frontage on Burlington Pike that is better spaced. If two curb cuts are needed for truck circulation, the applicant should address this issue at the Zone Change Committee Meeting. Further, the applicant should address the possibility of driveway connections to the adjoining properties on the east and west.
 11. Conformance with the Concept Development Plan: This is discussed above.
3. No potential tenants or land uses have been specified for the proposed future retail center. The Planning Commission may wish to consider prohibiting the development of restaurants/eating drinking establishments; funeral homes and crematoriums; churches and other places of religious worship; hotels and motels; auto parts and accessory stores; gasoline filling stations; auto repair facilities and car washes;

automobile sales and leasing; the sale and leasing of recreational vehicles; and mini-warehouses, all of which are either Principally Permitted or Conditional Uses in the Commercial Two (C-2) district. Any intended uses beyond the general retail and office uses that are Principally Permitted in the C-2 zoning district should be addressed at the Zone Change Committee meeting.

4. District 6 of the Kentucky Transportation Cabinet received a copy of the proposed Concept Development Plan and had no comments.
5. The Florence Fire District, the City of Florence Engineer, and the Boone County Building Department received copies of the proposal. Any comments from these agencies will be forwarded to the Zone Change Committee.

CONCLUSION

The Boone County Planning Commission and the Florence City Council 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.

Respectfully submitted,



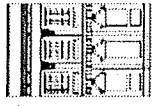
Patty Bachman
Planner

PB/pr

Attachments:

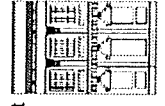
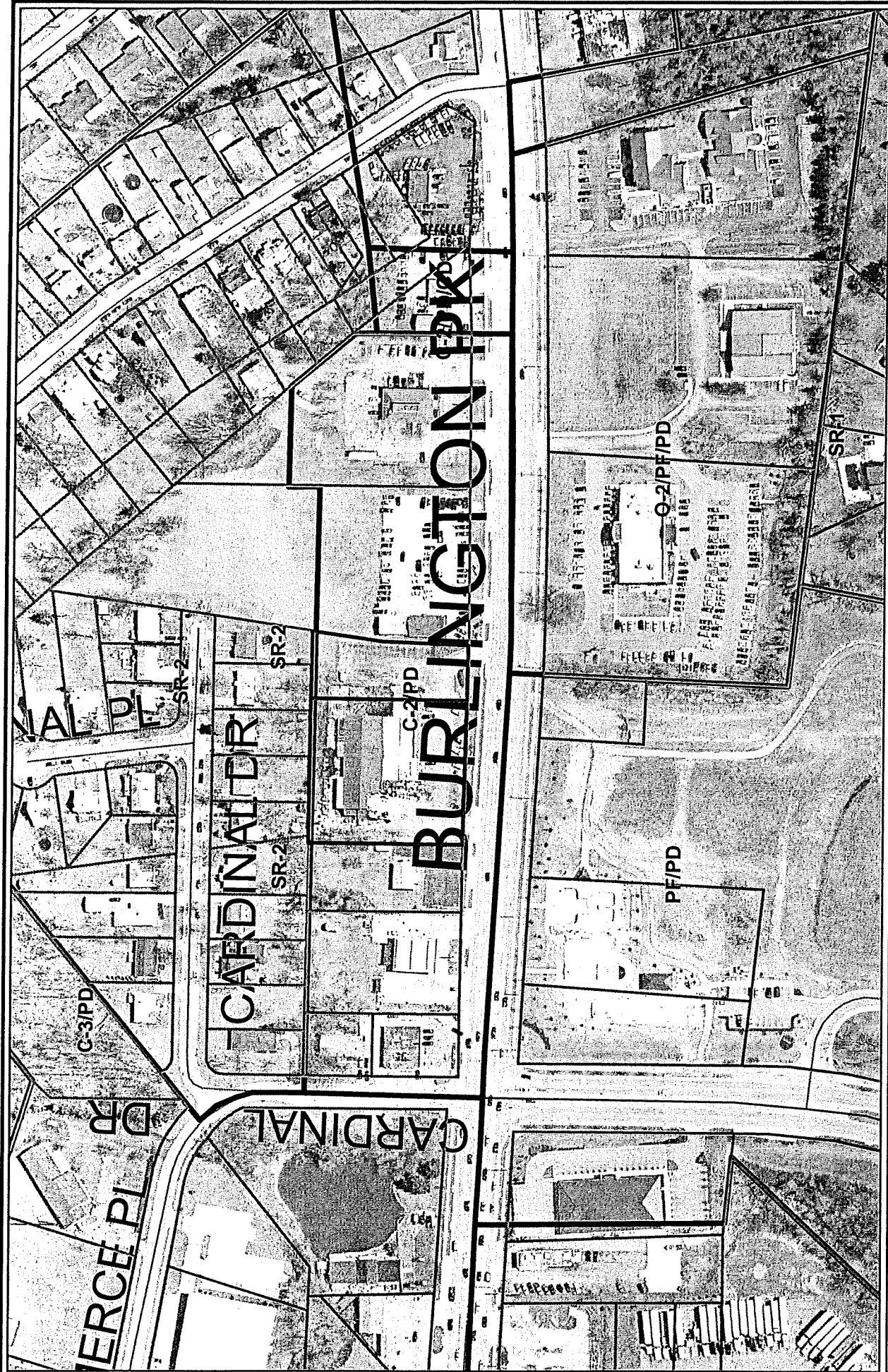
- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including Concept Development Plan
- building elevations
- Section 1514 of the Boone County Zoning Regulations ("Planned Development Standards")
- Section 3645 of the Boone County Zoning Regulations ("Buffer Yards")
- map and excerpt from the Parkway Corridor Study
- Sections 1020-1023 of the Boone County Zoning Regulations ("Principally Permitted Uses," "Accessory Uses," and "Conditional Uses" of the Commercial Two [C-2] zoning district)

- Section 1011 Boone County Zoning Regulations (“Principally Permitted Uses” of the Commercial One [C-1] zoning district)
- Section 1110 of the Boone County Zoning Regulations (“Principally Permitted Uses” of the Office One [O-1] zoning district)
- letter to Kevin T. Wall from Gary Richardson, dated December 15, 2005
- letter to Gary Richardson from Kevin T. Wall, dated December 16, 2005
- letter to Kevin T. Wall from Anthony Hause, dated January 16, 2006
- letter to Anthony Hause from Kevin T. Wall, dated January 19, 2006
- Sign Permit for existing sign on site



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
March 28, 2006

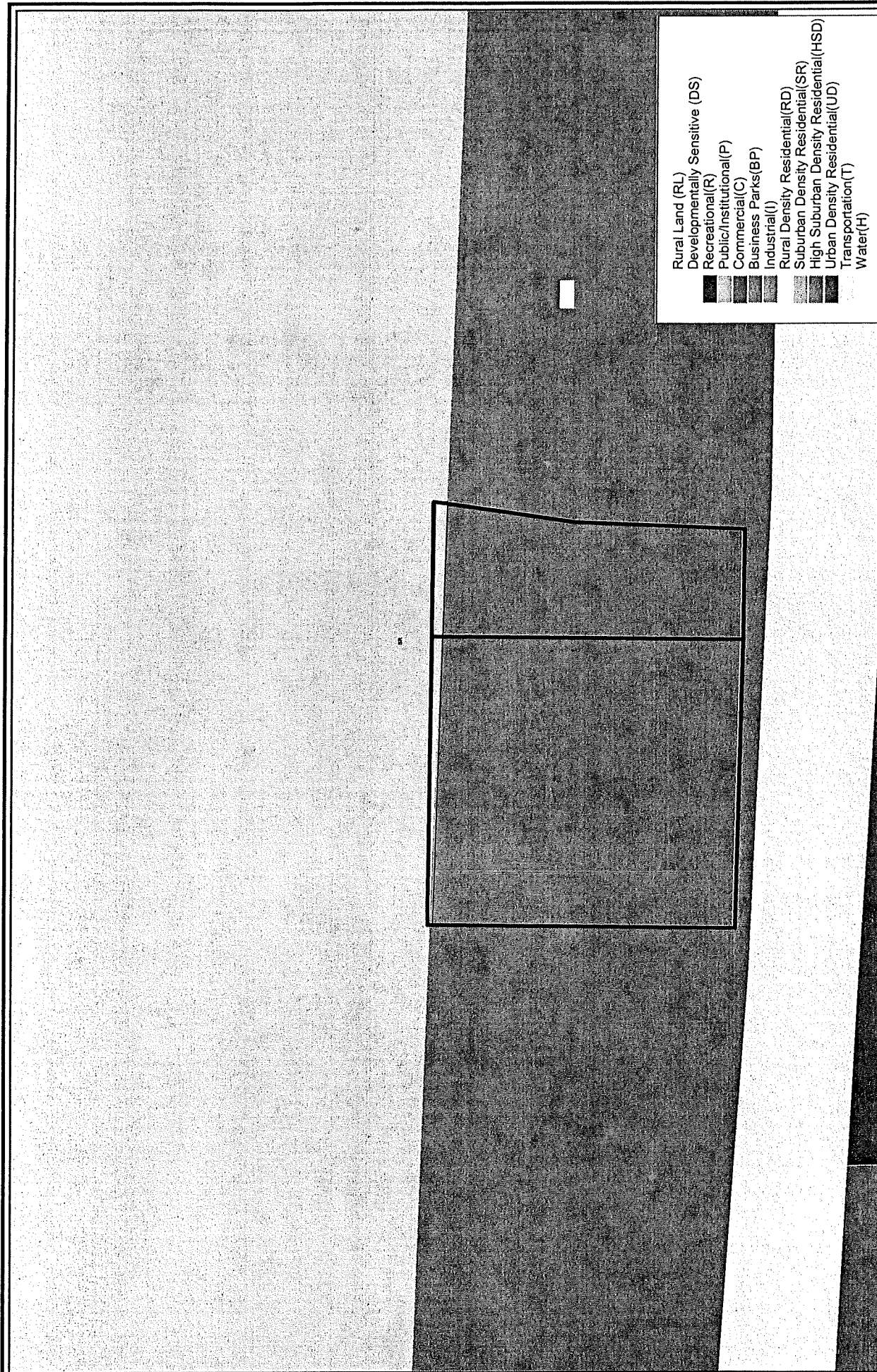
7570 Burlington Pike-Vicinity



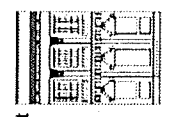
200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 17, 2006

Produce Patch-Zoning



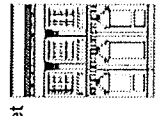
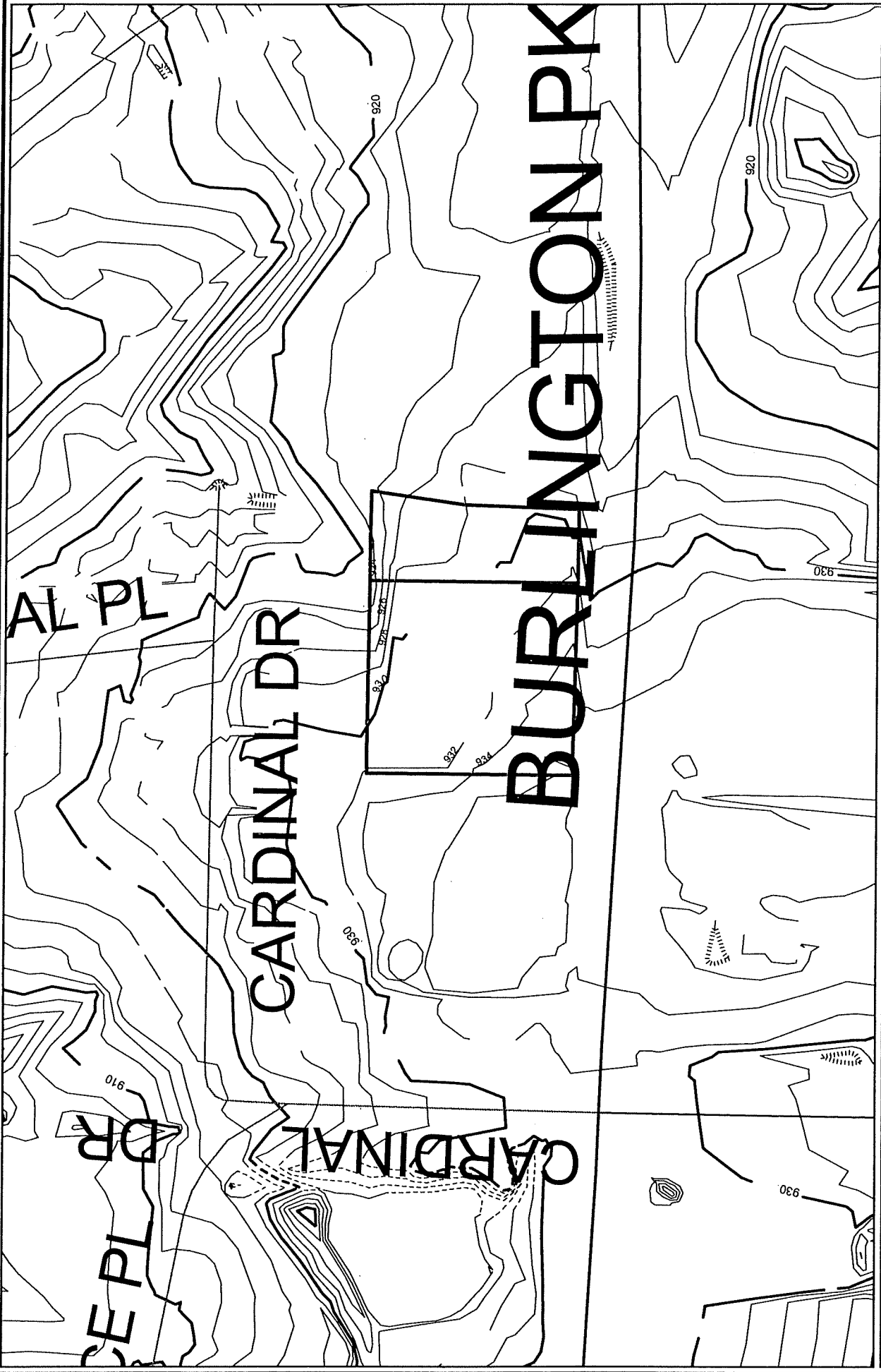
- Rural Land (RL)
- Developmentally Sensitive (DS)
- Recreational(R)
- Public/Institutional(P)
- Commercial(C)
- Business Parks(BP)
- Industrial(I)
- Rural Density Residential(RD)
- Suburban Density Residential(SR)
- High Suburban Density Residential(HSD)
- Urban Density Residential(UD)
- Transportation(T)
- Water(H)



100 0 100 Feet

1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 April 17, 2006

Produce Patch-Future Land Use

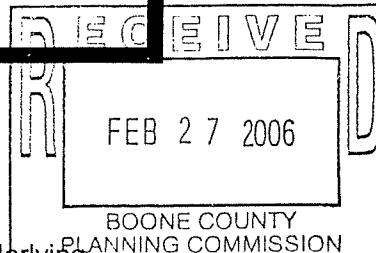


1 inch equals 150 feet
Produced by the
Boone County Planning Commission
GIS Services Division
April 13, 2006

Produce Patch-Topography

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 Renovation of Formerly Known Produce Patch
- 3. Location of Project 7570 Burlington Pike (KY18)
- 4. Total Acreage of Site 1.5 Acres
- 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) Parkway Corridor Study Overlay
- 8. Proposed Uses (please specify each use) Retail / Future Office
- 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) Tony Hause
Phone Number (937) 416-8888 Fax No. (937) 223-5187
- 13. Address of Applicant(s) 100 S. Clinton
Dayton Ohio 45402
City State Zip
- 14. Name of Property Owner(s) TED RICHARDSON
Phone Number 859-393-1075 Fax No. _____
- 15. Address of Property Owner(s) P.O. Box 17323
FF Mitchell, Ky 41017
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? 1
- 17. Deed Book 899 Page No. 558 Group No. 2033B
- 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: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union
- Union

21. Applicant's Signature(s)

[Handwritten Signature] member

22. Property Owner's Signature(s)

[Handwritten Signature]

SECTION B (To be completed by BCPC Staff)

1. Date Received 2-27-04 Fee Received \$ 1424.00 R# 45066
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer PATTY BACHMAN
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.

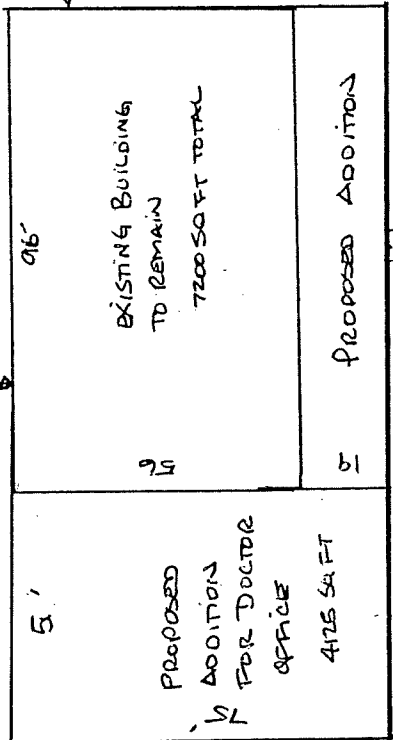
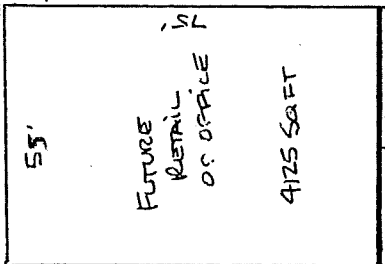
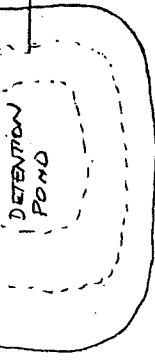
PROPERTY LINE

EXISTING MAIN PIPE
CONNECT TO STORM
SEWER TO LE

FUTURE
CONCRETE
PAD

LANDSCAPE BUFFER

NEW ASPHALT



5' SIDEWALK

CONCRETE
DUMPS
PAD

FENCE

NEW ASPHALT

LANDSCAPE

A THICK
HURT
TRUCKS

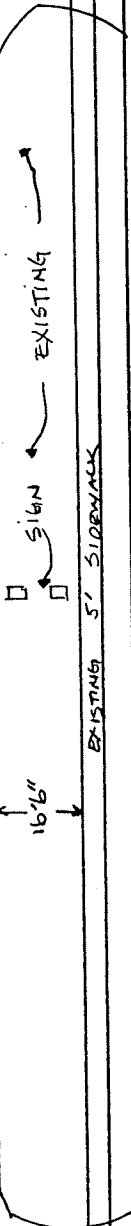
224'

NEW ASPHALT

GRADE CHANGE 10' LANDSCAPE BUFFER

PAVE
THRU

EXISTING ASPHALT



EXISTING 5' SIDEWALK

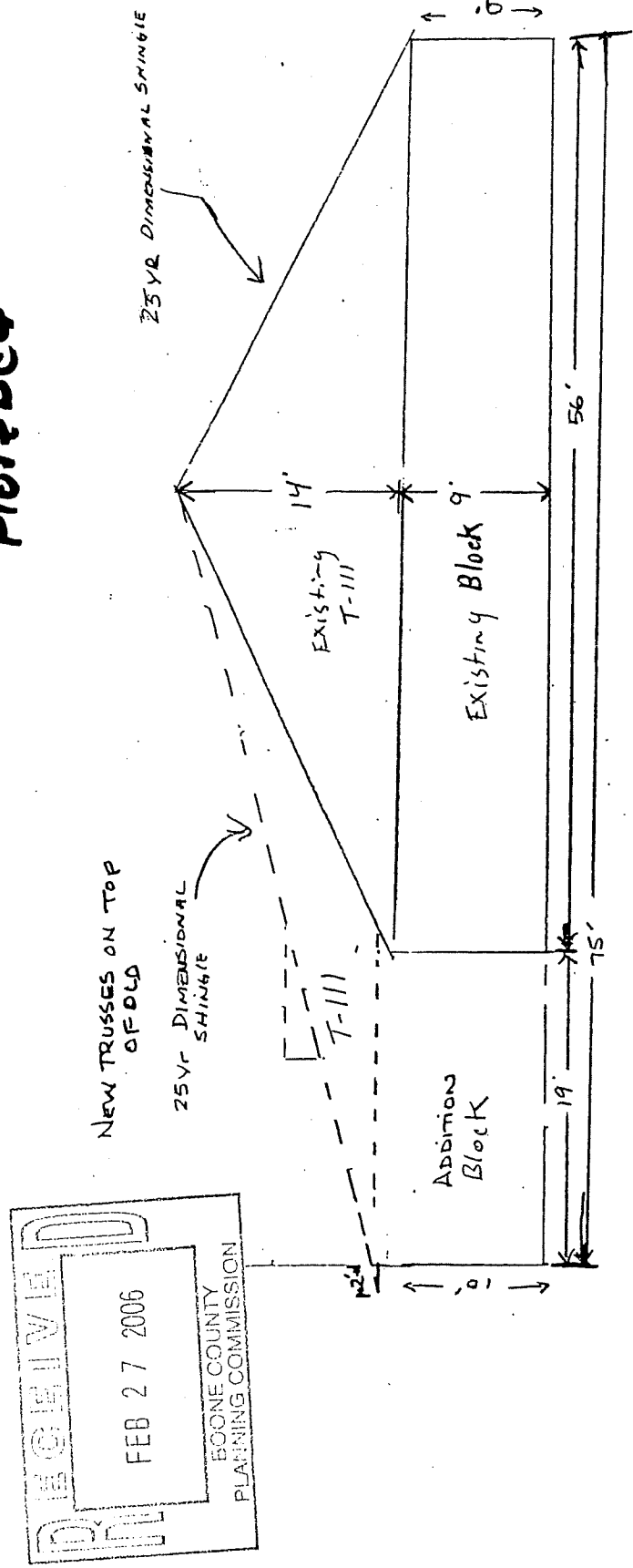
16'6"

SIGN EXISTING

RADIUS CONST

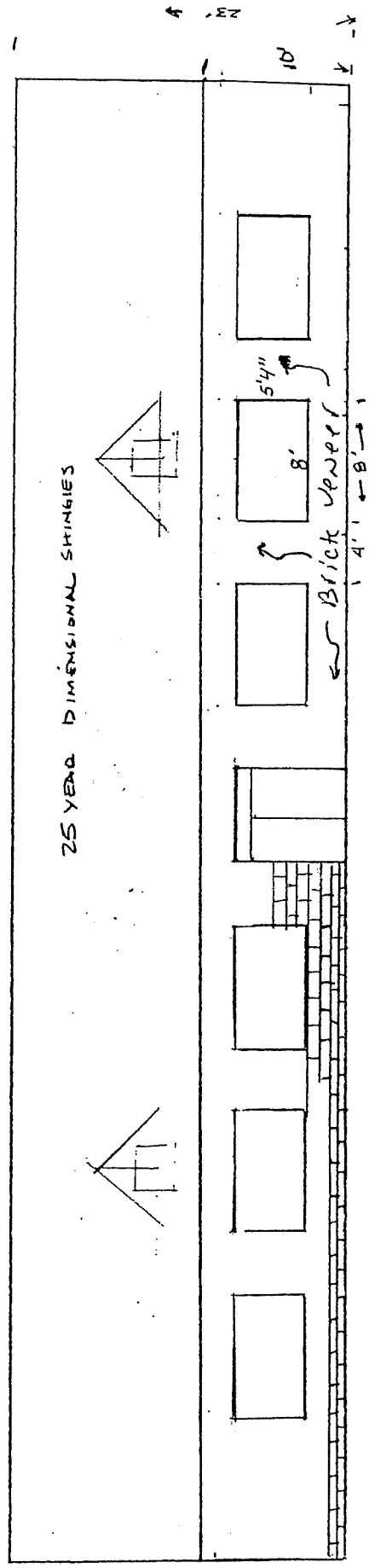
Health Food Store
7570 Burlington Pike
Florence

3/32 SCHE



RECEIVED
FEB 27 2006
BOONE COUNTY
PLANNING COMMISSION

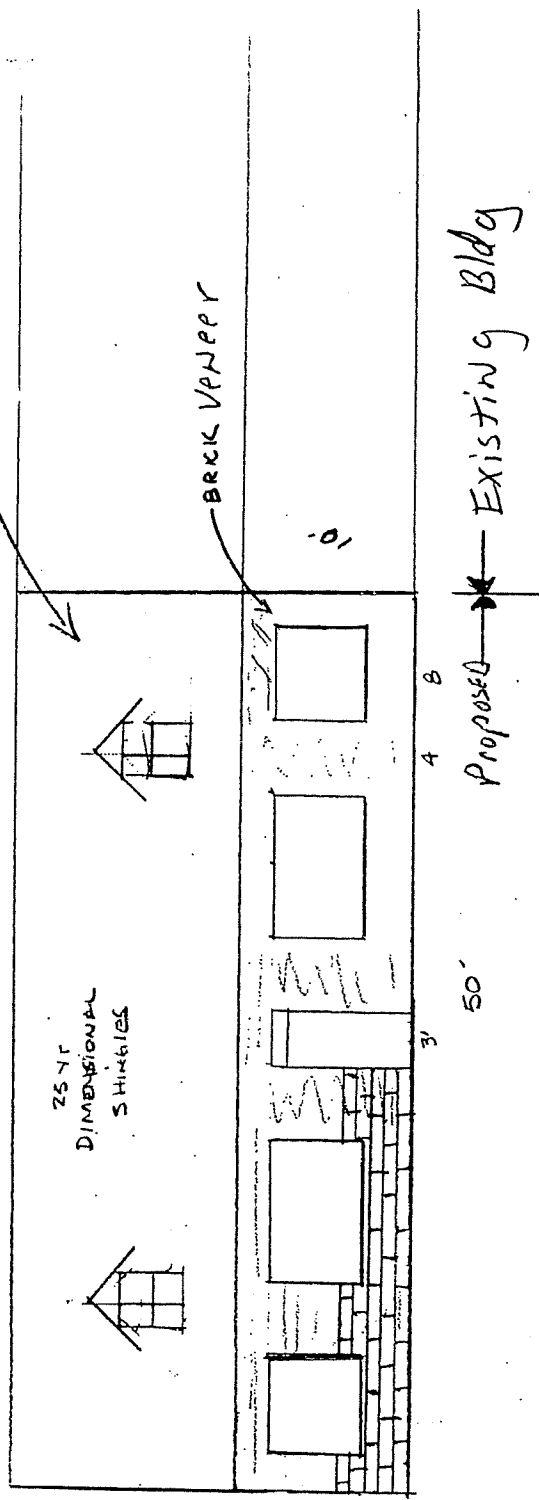
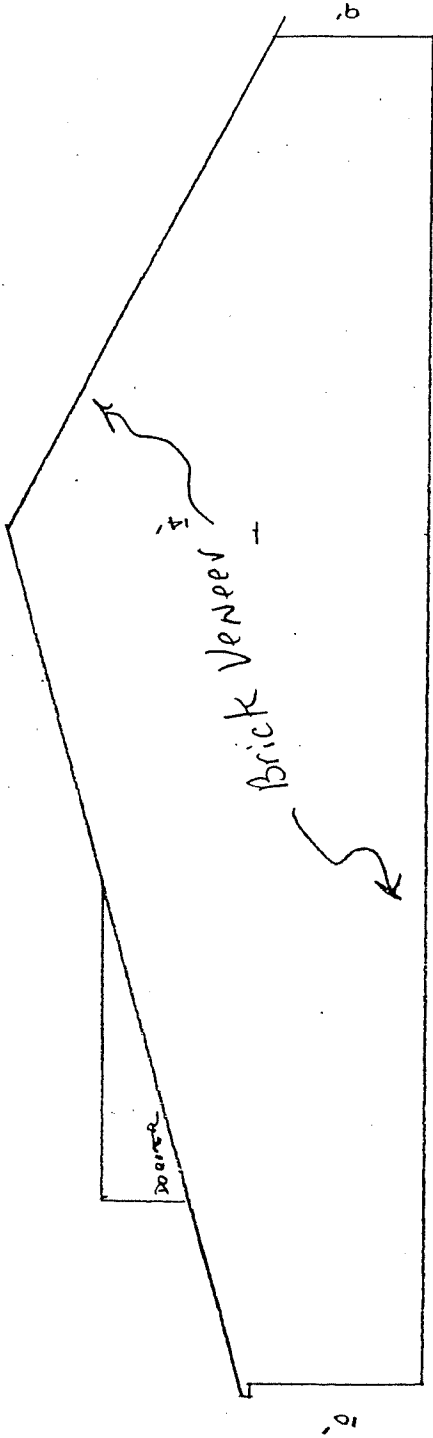
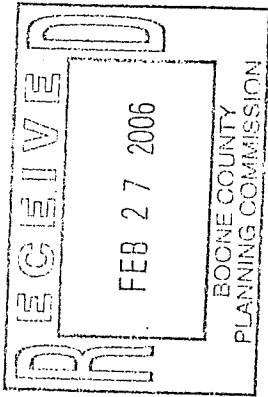
Two or three dormers



RADIUS CONST.

ALTERNATE

DR OFFICE
55.X75



Brick Veneer

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

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.

required buffer yard can be used to adequately reduce the view of the facade from the public right-of-way no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Boone County Planning Commission Staff.

2. Facades that abut VUAs shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.
3. The landscaping materials that are selected shall be able to tolerate their specific planting environment and be easily maintained. Also, all landscaping should permit access for repairs, renovations or needed maintenance to the building. Landscaping should not be installed in an area that is intended for future expansion and shall not be installed in an area that is used for an emergency exit from the building.

SECTION 3635

Loading/Unloading Areas, Storage Areas, Utility and Mechanical Equipment and Trash Collection Areas

The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection areas shall be screened from any public street right-of-way or if visible to an adjoining property. This screening shall be accomplished by continuous solid closed fence, wall, earthen berm, hedging, evergreen plant materials or combination thereof which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principle building.

SECTION 3640

Sign Landscaping

Landscaping shall be located around the base of free-standing signs. This landscaping should be ornamental in nature with small trees from Plant List C and shrubs from Plant List E, (See Table #2) flowers and other ornamental plant materials. Landscaping for free-standing signs shall be required only when Site Plan Review is required and shall be reviewed as part of this procedure. This landscaping is not required to be installed for existing free-standing signs. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area. At least 50 percent of the required landscaping area shall be planted with trees and/or shrubs.

SECTION 3645

Buffer yards

Table #1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table #2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard.

A buffer yard is defined as a planted area that is used to separate uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year- round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall

or fence or any combination of these. Buffer yards shall be required in addition to any other landscaping requirement listed in this Article except Section 3620.

1. The buffer yard shall extend along the entire property line which abuts another or an incompatible land use.
2. A proposed use may reduce the required buffer yard width by one-half if the developing use adjoins an existing use which has an established mature buffer which meets or exceeds the buffer yard required for the adjoining developing use. However, the same quantity of plant material shall still be required within the buffer yard if a healthy planting environment can be provided.
3. The elimination or reduction of buffer yard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation which exists on the site. However, the maximum reduction which can be made in the buffer yard width is 50 percent. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed buffer yard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening if required within that buffer yard. The determination regarding whether a buffer yard is not required or regarding the amount of reduction which can be permitted shall be made during the Site Plan Review process.
4. Buffer yards can be located within building setbacks, and in some circumstances can be located within utility easements or rights of ways. However, this will require approval by the Planning Commission Staff and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these areas shall require a written agreement from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No activity can be conducted within the buffer yard except for ingress and egress to the site (including driveway connections between adjoining sites), sidewalk and bicycle trail connections between adjoining sites, and passive recreation uses. In addition, detention and retention system can also be located within the required buffer yards, however, the visual screening requirements shall not be altered or diminished. Activities not permitted within buffer yards shall include parking, loading, storage, paving except for that mentioned above or accessory structures.
5. The design and exact placement of the buffer yard shall be the decision of the designer or developer, but shall be reviewed during Site Plan Review procedure to ensure compliance with this article. However, trees and shrubs should be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property.
6. When a proposed use adjoins an undeveloped parcel of property the required buffer yard shall be determined by the adjoining property's zoning designation and shall be installed in the time period required by this Article as if the adjoining property were developed.

7. Buffer yards can be shared between uses in commercial or employment zones if an easement is provided and recorded which indicates how maintenance and replacement of unhealthy plants will be accomplished. Buffer yards shall not be shared between residential and non-residential zones. The more restrictive buffer yard width and plant material shall be provided between the two properties in this instance if different requirements would normally apply.

**Table #1
BUFFER YARDS**

<u>ADJOINING ZONES</u>	<u>DEVELOPING USE ZONE</u>	<u>BUFFER YARD REQUIRED</u>
I-1, I-2, I-3	I-1, I-2, I-3	A
O-1, O-2, C-1 thru C-4, PF, R, FMS	I-1, I-2, I-3	B
UR-1 thru UR-3, MHP	I-1, I-1, I-3	C
All other residential & agricultural	I-1, I-2, I-3	D
I-1 thru I-3	O-1, O-2	B
O-1, O-2	O-1, O-2	A
C-1 thru C-4, PF, R, FMS	O-1, O-2	A
UR-1 thru UR-3, MHP	O-1, O-2	B
All other residential & agricultural	O-1, O-2	C
All other residential & agricultural	O-1, O-2 (if larger than 50,000 square feet)	D
I-1 thru I-3	C-1 - C-4, PF R, FMS	B
O-1, O-2	C-1 - C-4, PF, R, FMS	A
C-1, C-2, C-3, C-4, PF, R, FMS	C-1 - C-4, PF, R, FMS	A
UR-1, UR-2, UR-3, MHP	C-1 - C-4, PF, R	B
All other residential & agricultural	C-1 - C-4, PF, R	C
All other residential & agricultural	C-1 - C-4, PF, R (if larger than 50,000 square feet)	D
I-1 thru I-3	UR-1 - UR-3, MHP	C
O-1, O-2	UR-1 - UR-3, MHP	B
C-1, C-2, C-3, C-4, PF, R, FMS	UR-1 - UR-3, MHP	B
If over 50,000 sf.	UR-1 - UR-3, MHP	C
UR-1, UR-2, UR-3, MHP	UR-1 - UR-3, MHP, FMS	A
All other residential & agricultural	UR-1 - UR-3, MHP, FMS	B
All other residential & agricultural	UR-1 - UR-3, MHP (if more than 80 apartment units or 25 mobile home lots)	C

No buffer yard is required for single-family residential homes.

O-1A for the purpose of this table shall be the same as O-1.

I-1A for the purpose of this table shall be the same as I-1.

TABLE # 2 BUFFER YARD TYPES

The numbers shown are the minimum quantities required for each plant type. Smaller trees may be replaced with larger varieties. Buffer yards are established in 100 foot increments with the number of plants specified. The number of plants required for a given buffer yard shall be determined by dividing the actual length of the buffer yard by 100 and multiply that number by the number of plants from each plant list required and rounding to the next whole number. A minimum of two genera (a group of species possessing fundamental traits in common, but differing in other lesser characteristics) shall be used from each plant list required at an even ratio per 100 linear feet of buffer yard required. Fences or walls which are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

BUFFER YARD A - 10 FOOT WIDTH

Landscaping required per 100 linear feet at 10 feet wide.

- 5 Small Trees - Plant List C
- 3 Large Trees / 3 Medium Trees /or 3 Evergreen or any combination of 3 - Plant List A, B, or D
- 30 Shrubs - Plant List E
- Ground Cover (Required in all areas not covered with grass)
- Mulch (Temporary)

BUFFER YARD B - 20 FOOT WIDTH

Landscaping required per 100 linear feet at 20 feet wide.

- 10 Small Trees - Plant List C
- 5 Large Trees / 5 Medium Trees / or 5 Evergreens or any combination of 5 - Plant List A, B, or D
- 60 Shrubs - Plant List E or 20 shrubs - Plant List E and 15 shrubs - Plant List C
- Mulch (Temporary)
- Ground Cover (Required)

BUFFER YARD C - 60 FOOT WIDTH

Landscaping required per 100 linear feet at 30 and 60 feet wide.

- 10 Evergreen - Plant List D
- 5 Small Trees - Plant List C
- 5 Large or Medium Trees - Plant List A or B
- 90 Shrubs - Plant List E or 40 shrubs - Plant List E and 20 shrubs - Plant List C

30 FOOT WIDTH

The same number of trees, are required as for the 60 feet width buffer yard, but the width may be reduced to 30 feet if a 6 foot high berm, fence, or masonry wall is used and the number of shrubs may be reduced to 30 from Plant List E or 10 from Plant List C. The maximum slope for the berm is 2.5 to 1.

BUFFER YARD D - 80 FOOT WIDTH

Landscaping required per 100 linear feet at 80 and 40 feet wide.

20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration.

10 Small Trees - Plant List C

5 Large Trees - Plant List A

90 Shrubs - Plant List E or 40 shrubs - Plant List E and 20 shrubs - Plant List C

40 FOOT WIDTH

The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 30 from Plant List E or 10 from Plant List C. The maximum slope for the berm is 2.5 to 1.

SECTION 3655

Fences

1. All fences shall have the finished side facing out. No structural supports shall be visible from adjoining properties or right-of-way unless fence is designed so that such supports are visible from both sides.
2. Fences shall be permitted within all districts. The maximum height for fences within residential zones is six (6) feet and fences shall be required to be located within the side or rear yards. Fences within commercial and office zones shall be permitted at a maximum height of eight (8) feet while fences within industrial zones shall be permitted a maximum height of 12 feet.
3. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times.
4. Fences shall be permitted within the front yard and corner side yard (except within the City of Florence) according to the following standards:
 - a. No fence can be taller than four (4) feet;
 - b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.
 - c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.
5. Fences for Agricultural purposes are exempt from the requirements of this section.

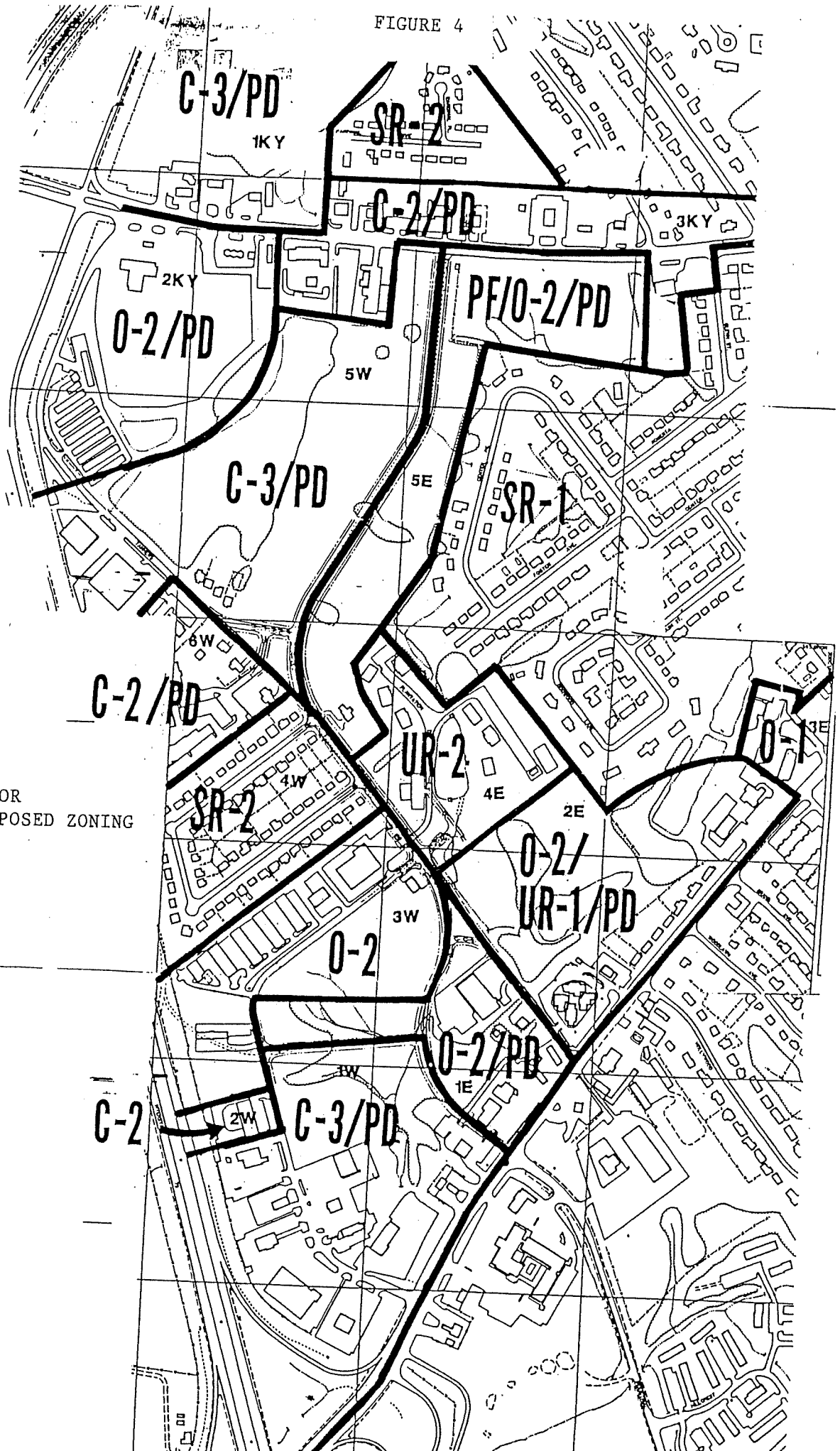
SECTION 3660

Plant Lists

The following list includes the Scientific Name and Common Name of plants arranged by size with a list of characteristics for each plant and places where to use and not use the particular plant. The following Plant Lists are copied from the Lexington-Fayette Urban County Kentucky Zoning Regulations December 15, 1983, Amended June 3, 1993. Plant Lists A thru E found within this Article are defined as follows:

- Plant List A: Large deciduous trees over 50 feet in height at maturity;
- Plant List B: Medium sized deciduous trees 25 to 50 feet in height at maturity;
- Plant List C: Large Shrub or Small Tree 10 to 25 feet in height at maturity;
- Plant List D: Large evergreen trees over 50 feet in height at maturity;
- Plant List E: Shrubs which include all sizes and ground cover;
- Plant List F: Trees and shrubs of all sizes which should not be used.

FIGURE 4



PROPOSED CORRIDOR
STUDY AREA: PROPOSED ZONING

the road configuration of this part of the study area, development in this area needs to be carefully planned in order to maintain an adequate relationship with the capability of the local road system. Unless the existing conditions were to change in a significant way, high density development is not recommended for this parcel.

KY 18 PARCELS

1KY: C3/PD

Development of this parcel is currently in progress. The major access points of this development are along KY 18 and Cardinal Drive and its proximity to I-75 makes it an attractive site for commercial development. Its relatively close location to the Parkway will enhance its accessibility for local traffic as well.

2KY: O2/PD

This parcel is the site of the Union 76 Truck Stop and is currently zoned C3. Its zone change to O2/PD is based upon and is consistent with (a) the plan concept of this report and the policy objective to develop the study area as a business, cultural, and civic center and (b) changing demographic and economic conditions. The site is well situated for office use. It is easily accessible from I-75 and KY 18 as well as from the Parkway. It also enhances the mixed use development of KY 18 in particular and the study area in general.

3KY: C2/PD

In this district, parcels along both sides of Ky 18 are designated C2/PD. The accessibility of these sites is well served by KY 18, Turfway Road, and the Parkway. Development of these sites needs to take into consideration the specific local conditions of nearby residential areas and streets. In addition, development in this zone should also enhance pedestrian use of the area and contribute to the pedestrian network of walkways located throughout the study area. Like the other office and commercial districts in the study area, this zone offers the potential to establish attractive ground level conditions for retail, restaurant, and other consumer and pedestrian oriented service uses.

7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

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 compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

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

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)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. 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 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
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;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;

11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112

Accessory Uses

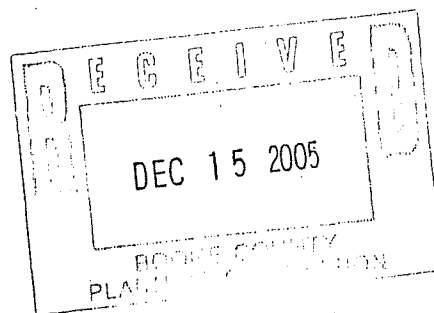
Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;



Stratford Development Company

618 Buttermilk Pike
P.O. Box 17323
Fort Mitchell, KY 41017
Phone: (859) 341-2559 • Fax: (513) 751-4077



December 15, 2005

Kevin T. Wall, AICP CDT
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: Building Renovations 7570 Burlington Pike

Dear Kevin:

Sorry we could not meet with you last Tuesday, December 6th as planned. I hope you are feeling better. Todd Morgan was very helpful to us.

Our purpose in the meeting was to discuss our planned renovation of the store formerly known as the Produce Patch. The store was a supermarket selling produce, groceries and other items with a small snack bar and food carry out. It is in a C-2 commercial zone.

We plan to renovate the building and give it a "face lift" to create better market appeal. The building as it was previously operated contained 12,500 square feet of floor space. We plan to raze a part of the building that is older and put on a small addition. When the renovation is complete the building will be slightly smaller – 11,760 square feet (see preliminary renovation site plan enclosed).

Todd was kind enough to give us some helpful advice. The uses we foresee are small business uses as allowed under C-2 zone uses, similar to the uses that were previously there.

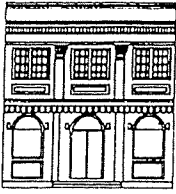
We plan to use the property as it is now, with the same paved areas, the small change in the building and improved storm water facilities. If this preliminary meets with your approval, please advise.

We will be glad to meet with you to answer any questions you may have. Our next step will be to submit a complete renovation site plan for your review.

Regards,

Gary Richardson

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

December 16, 2005

Mr. Gary Richardson
Stratford Development Co.
618 Buttermilk Pike
P.O. Box 17323
Ft. Mitchell, KY 41017

RE: Proposed Building Renovations at Former Produce Patch, 7570 Burlington Pike, Florence, Kentucky

Dear Mr. Richardson:

I have reviewed the letter and plan that you dropped off regarding the renovation of the old Produce Patch building, and I discussed with Todd Morgan the previous meeting you had with him.

First, it is commendable that you are attempting to make the building and site more viable and improve its appearance. That said, the site is located within a Commercial Two/Planned Development (C-2/PD) zone and the Parkway Corridor Study Overlay District. Article 15 "Planned Development District" of the Boone County Zoning Regulations requires approval of a Concept Development Plan through a public hearing process before a development, redevelopment, change of use, expansion of use, etc., may occur, although it has been our policy in the Parkway overlay zone to administratively permit use changes which involve only uses that are Principally Permitted in the underlying zone and which have no exterior alterations, construction, or additions (refer to enclosed letters and e-mail regarding three other projects in the Parkway overlay zone - the Goodwill project went through the Concept Development Plan process and was much smaller than your proposed renovation; one of the proposed projects would have involved the Produce Patch site).

Because your proposal includes substantive exterior alterations (both partial demolition and new construction), the proposal needs to first be approved through the Concept Development Plan process. This process involves the submission of a complete application package, a public hearing by the Planning Commission, a decision by the Planning Commission which serves as a recommendation to the Florence City Council, and final action by the Council. The entire process takes between four and six months to complete. Afterwards, a site plan application needs to be submitted for actual construction.

Based on the draft plan provided, I have the following comments to consider when preparing the Concept Development Plan application.

- A. The design of the building should use consistent colors, materials, and design details between both the existing structure and the addition (should appear as one structure of substantive construction). Based on the width of the structure, a scheme which repeats identical storefronts (or other repetitive scheme) across the entire building front should be

avoided to prevent a monotonous appearance. Masonry in general and brick in particular, with deeper colors in natural ranges, have been opted for the more recent projects in this area.

- B. Landscaping is an important issue. I understand that the project is a partial redevelopment, which can make meeting all current landscape requirements difficult. While I recommend that the project follow as many of the applicable requirements of Article 36 of the zoning regulations as possible, I believe that the street frontage landscaping along Burlington Pike and the perimeter buffer yards are most important, especially the rear buffer yard by the neighboring residential properties. The area along the rear property line should be filled out with as many evergreen trees and possibly hedges comprised of large shrubs as possible.
- C. Signage is a continuing concern in this corridor. While I recommend that you replace the existing freestanding sign with a monument style that architecturally correlates to the new building design as sought by Section 1514 of the zoning regulations (and has been favored by the governing bodies when dealing with other projects), I understand that a larger or taller sign can be important for tenants. At the very minimum, I believe that a replacement freestanding sign which is designed to match the new building facade should be included in the proposal.
- D. Driveway connections to the adjoining properties to both the east and west should be discussed with the adjoining property owners and included in the proposal if feasible. Additionally, I recommend that the two curb cuts be replaced with a single access point placed in the center of the lot's Burlington Pike frontage.
- E. The proposed uses for the facility should be outlined. Any intended uses beyond general retail and office uses that are Principally Permitted in the underlying C-2 zone should be explained.
- F. The elimination of the various types of outdoor storage/display that has occurred on the site in the past would be viewed very favorably.

Lastly, I recommend that you thoroughly review Article 15, particularly the Planned Development Standards in Section 1514. Todd Morgan may have expressed concerns in your meeting which should be considered as well. Rick Lunnemann at the City of Florence would additionally be able to give you the City's expectations for the project.

Sincerely,



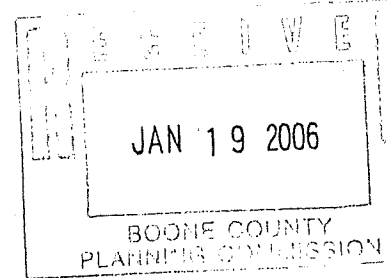
Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Enclosure

cc: Rick Lunnemann, Asst. City Coordinator/Community Development Director
Todd Morgan, Planner

*Healthy Alternative Group
100 S. Clinton
Dayton, Ohio 45402*



January 16, 2006

Kevin T. Wall, AICP CDT
Boone County Planning Commission
2995 Washington St
Burlington, KY 41005

Re: Produce Patch property

Dear Kevin:

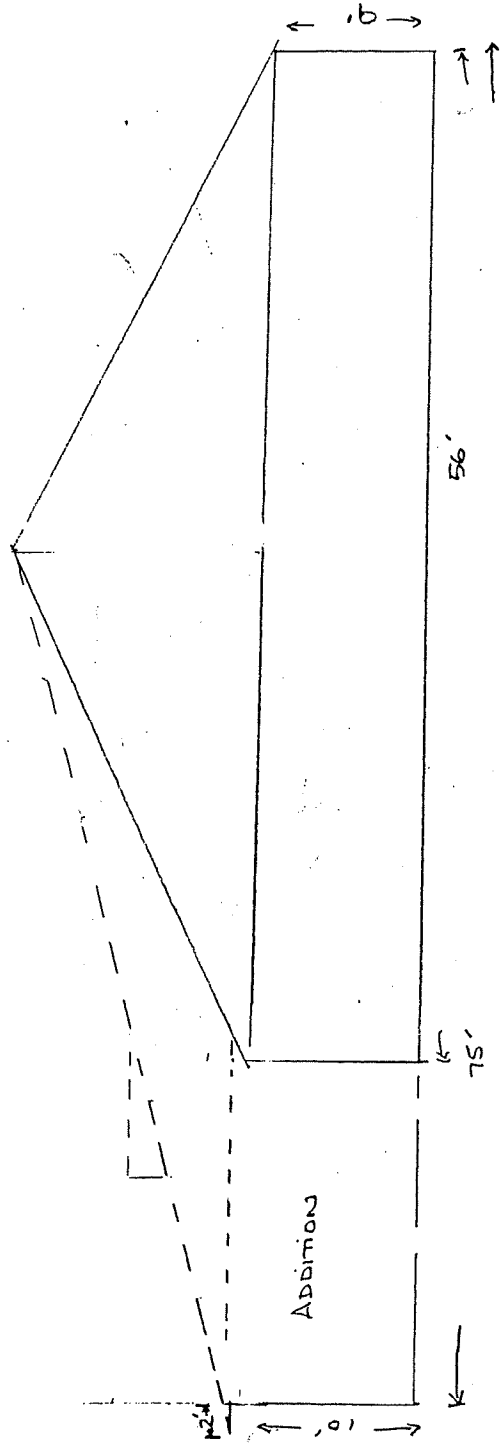
I have a accepted contract to purchase the property formerly known as the Produce Patch. I talked to Todd last week and he had you forward your correspondence with the current owners. I would like to address your concerns in your letter dated December 16, 2005 with the current owner. First, a little information about us. We have had a successful business on Mall Rd since 1996. We are a health food store. We are the same type use as the former Produce Patch. In addition to selling vitamins, we sell produce and full grocery just like the Produce Patch. It is our intent to renovate and improve this parcel, make it a property that we can all be proud to have in Florence.

I would like to comment on your concerns:

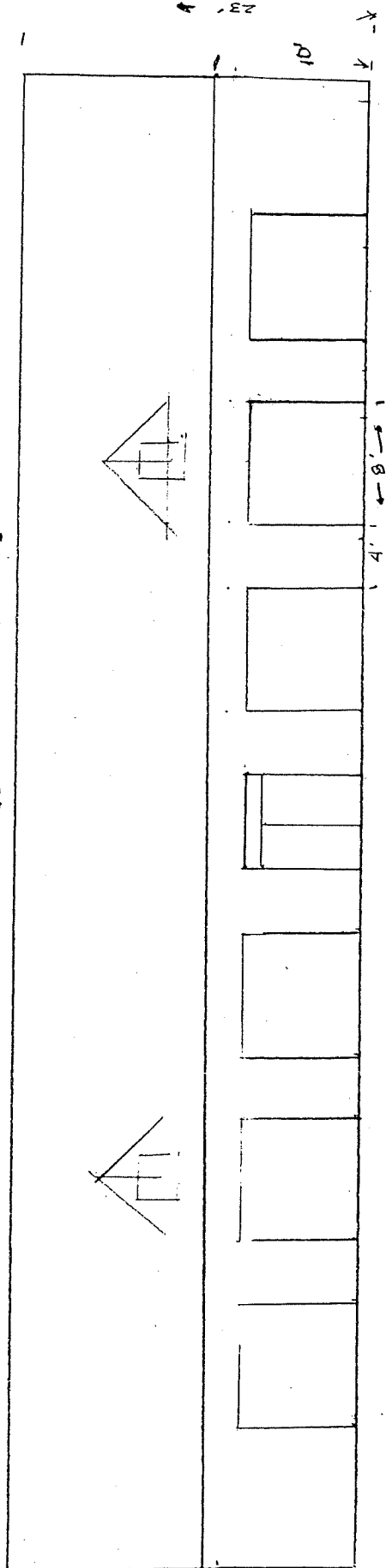
- A. The structure will be the existing building at its width (96 feet) and enlarged toward the street about nineteen feet. This is short of the front addition that was previously attached to the building, but removed by its current owner. The concrete block eyesore to the west will be removed. The building will have a green metal roof with brick and glass across the front. The brick to be used is Belden Brick "charwood". This brick is a deep rich red color. Any future additions would maintain a similar look from the front, but may be separate buildings.
- B. Landscaping. We would like to have a much better road appearance out front. The landscaping out front would incorporate flowers and low to the ground plants. We do not want large trees and shrubs out front to block the view of the building(s). Planting some shrubs and evergreens in the back as a screen is a good idea, but could be costly considering the amount of frontage in the rear. We would like to do that in stages due to financial reasons.
- C. Signage is also a big concern for this project. I don't feel that a monument sign is adequate for this project. Attached to this letter you will see a photograph of my other store in Dayton Ohio and a photograph of the

3/32 SCALE

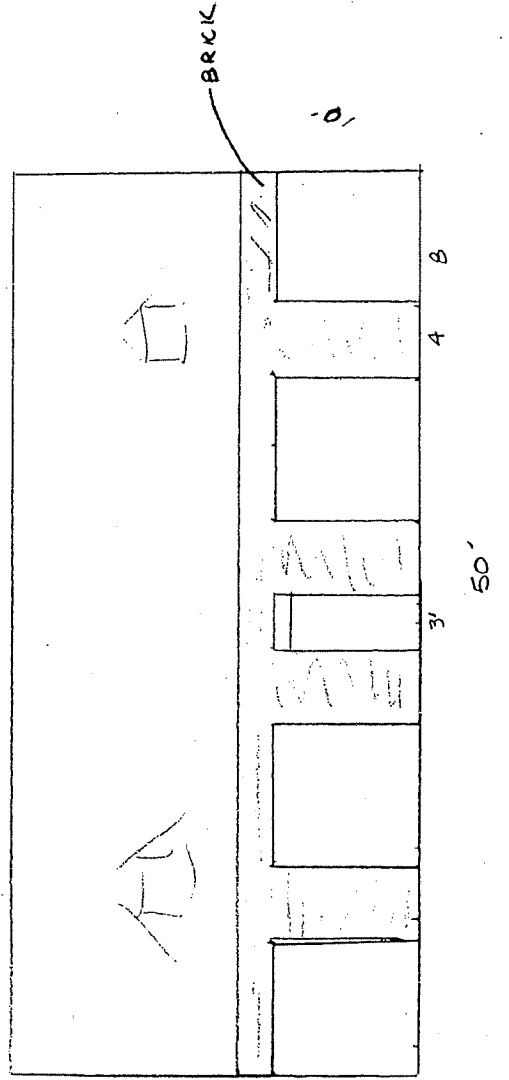
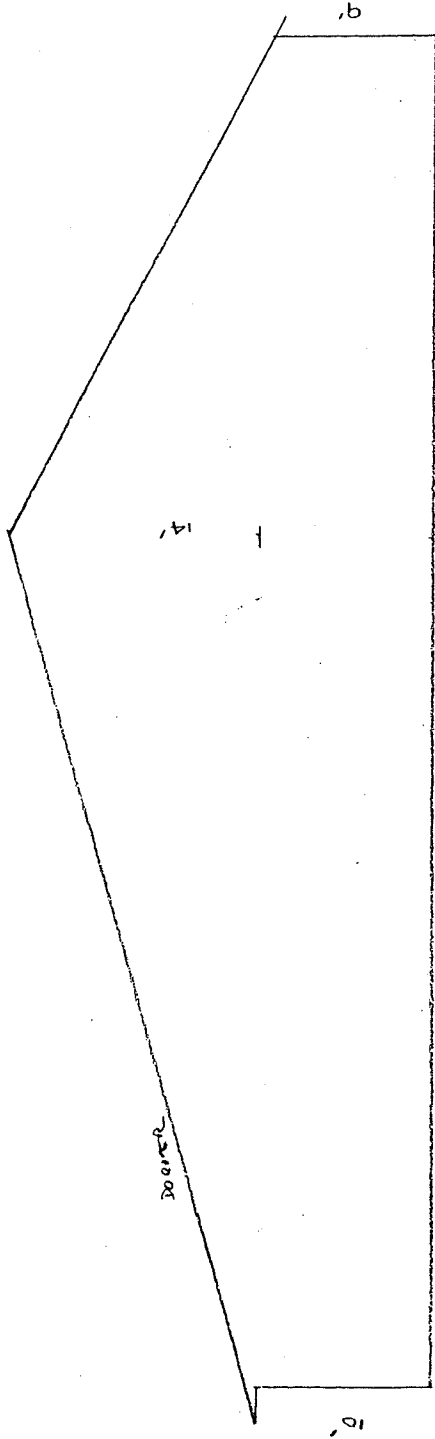
NEW TRUSSES ON TOP OF OLD



Two or three DOORMEN



DR OFFICE
50x75



proposed sign. You will be able to tell what kinds of projects we do and I think you will appreciate the good attractive sign and how it works with the design of the building. We would love to replace that sick sign that is currently in place, but it would better to rebuild it than have a monument sign in our opinion.

- D. We intend to do extensive parking lot grading and excavating because now it is awful. I don't see how it would be feasible to tear out both curb cuts and create a new central entrance. That would greatly increase my costs and if it were not for the fact that we will be owner occupied this project as it stands does not make financial sense. That is why the current owner is selling. The amount of money it takes to fix this mess did not make financial sense to them.
- E. The proposed use of the property is as follows:
Phase 1. Health Food Store in the existing footprint.
Phase 2. Doctor's office to the west attached to existing Health Food Store. Doctor's office to have the same roofline and front elevation. We have the interested party pending zoning and cost projections.
Phase 3. A separate free standing retail store approximately 4,000 sq ft. There is a distinct chance that Phase 3 will never happen. I hope it does, and we will try to make that happen. It may be later than sooner.
- F. The various outdoor displays have been removed by the current owner. There is still a considerable amount of debris that will be cleaned up. It is our intent not to have any outdoor storage or displays. The only items that will be in the rear of the building in air conditioning condensers and refrigeration condensers for our equipment.

Lastly, I will request from your department the documents you mentioned in the letter you sent to the current owners. I have one major problem. I need to start construction no later than March 1st. The reason for the rush is the space that I currently lease on Mall Rd expires in April 06. The Landlord is very unreasonable and wants to double my rent on any holdover. This would create severe financial hardship and force me to lease another space and forgo this project. I do have a back up plan to lease another space but it would be for a minimum of two years. I am hoping that since we are the same use as the Produce Patch that the zoning and planning approval will not be a time problem. The building department of Mr. Jim Key knows of my situation and have been very cooperative and helpful. I am available at all hours by my cell phone 937-416-8888. I need your help. Thank you in advance. I hope we can get together on Monday the 23rd of January.

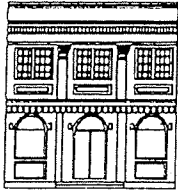
Sincerely,



Anthony Hause, President Healthy Alternative

Cc: Rick Lunnemann, Todd Morgan, Jim Key, Dr Cathy Gratkowski, Bieser Greer Landis LLP

BOONE COUNTY PLANNING COMMISSION



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E-mail: plancom@boonecountyky.org

January 19, 2006

Mr. Anthony Hause
Healthy Alternative Group
100 S. Clinton
Dayton, OH 45402

RE: Proposed Building Renovations at Former Produce Patch for Healthy Alternative,
7570 Burlington Pike, Florence, Kentucky

Dear Mr. Hause:

As requested in your 1/16/06 letter, the enclosures from my letter to Gary Richardson are enclosed. Regarding your comments, I understand the time restraints that you are under, but I am not authorized (nor is anyone else for that matter) to waive the Concept Development Plan process as discussed in the Richardson letter. This process takes between four and six months to complete, and is followed by a site plan review which has a thirty (30) day time frame. My comments regarding the redevelopment of the site were offered in light of the PD overlay district and other requirements (in addition to improvements required of past projects in the area) to aid in the preparation of a hopefully successful Concept Development Plan. If you opt to move forward with this site, I recommend that you hire a design professional who will make every reasonable attempt to tangibly address the issues noted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin T. Wall', with a long, sweeping underline that extends to the right.

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Rick Lunnemann, Asst. City Coordinator/Community Development Director

BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT

****NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.*

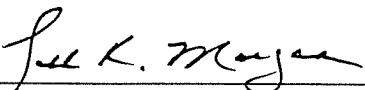
A Sign Permit is hereby granted to Steve Micheli for Micheli's Produce Patch
for property located at 7570 Burlington Pike, Florence, Kentucky
and zoned C-2/PD, for the purpose of erecting signage in accordance with Article 34,
Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following
special conditions/descriptions:

*Two permits to replace two 32 square foot manually changeable copy reader boards on
a free-standing manually changeable copy reader board on a free-standing sign.

*One permit to replace an existing sign cabinet on a free-standing sign with a new 36
square foot cabinet.

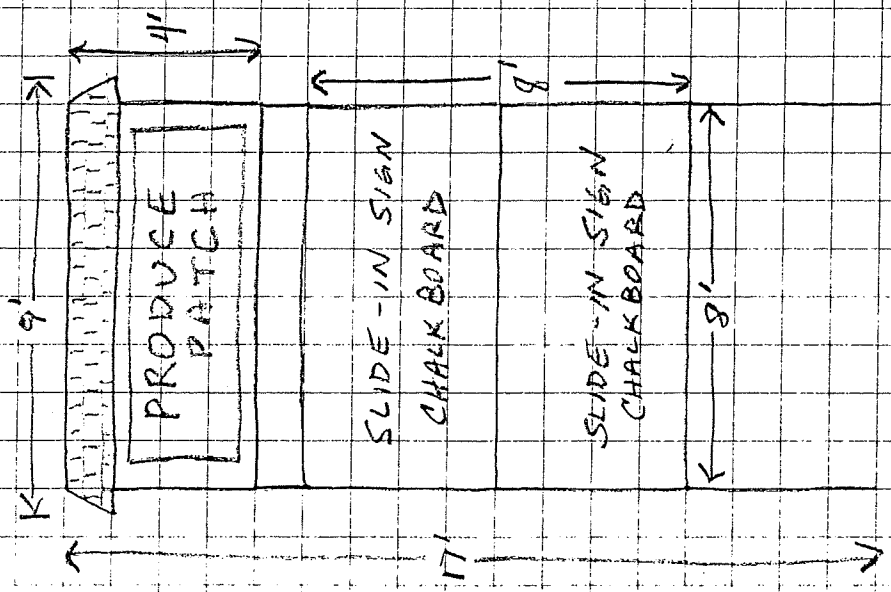
Failure to comply with the above cited Zoning Regulations and special conditions, shall
render this permit null and void and to no effect.

9/12/03
DATE



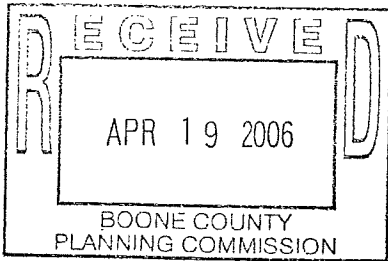
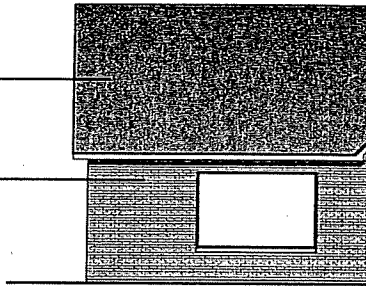
Todd K. Morgan, AICP
Planner

SEP - 8 2003
BOONE COUNTY
PLANNING COMMISSION



ASPHALT ROOF TO MATCH EXISTING

BRICK - TO MATCH EXISTING



T-111 SIDING TO MATCH EXI

CMU BLOCK TO MATCH EXI



ARCHITECTURAL GROUP INTERNATIONAL



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Revisions:

Mark	Date	By	Description
△	_____	_____	_____
_____	_____	_____	_____

HEALTH FOODS

FLORENCE, KY

Architect's Project No 060422

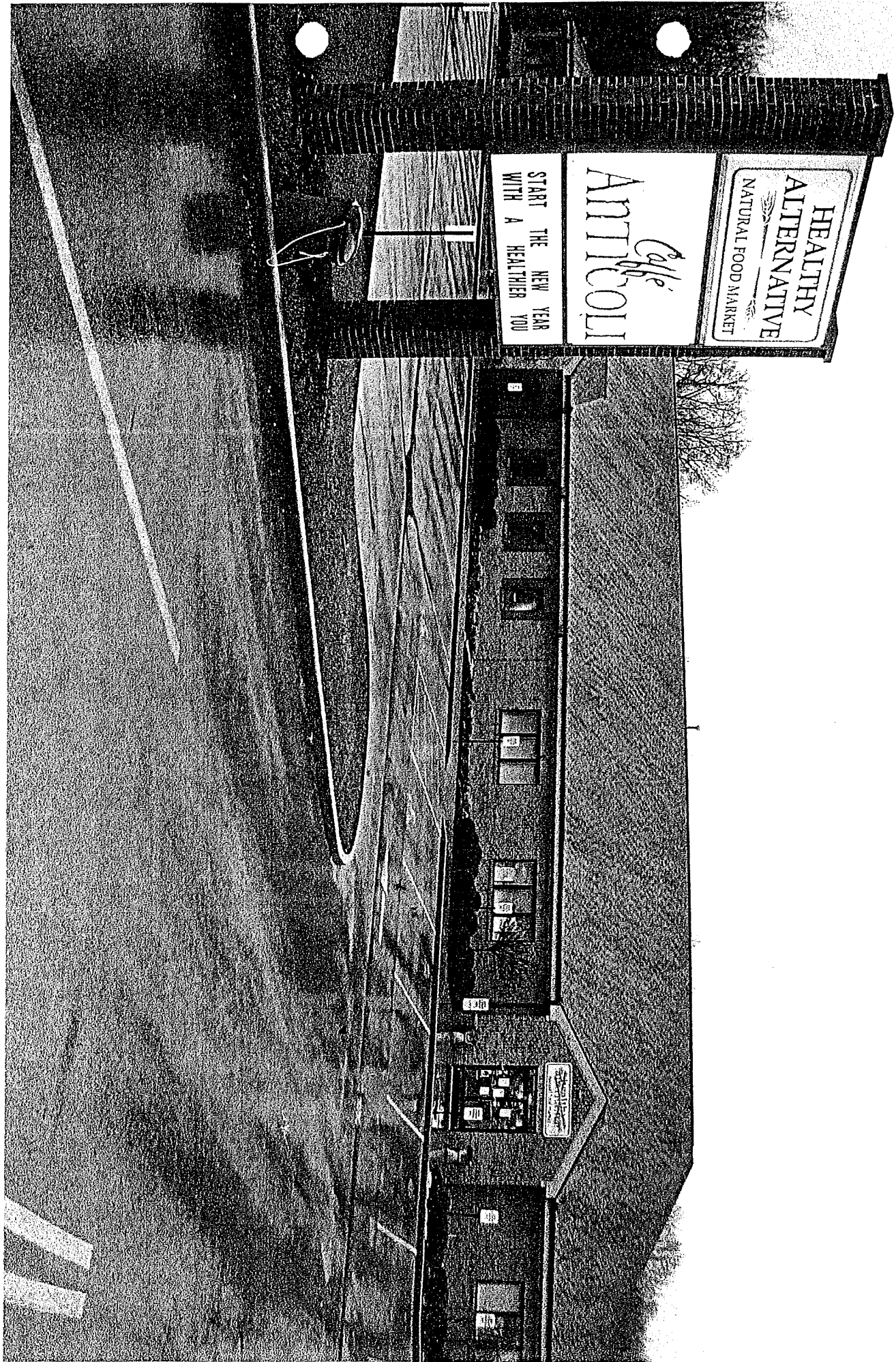
Title

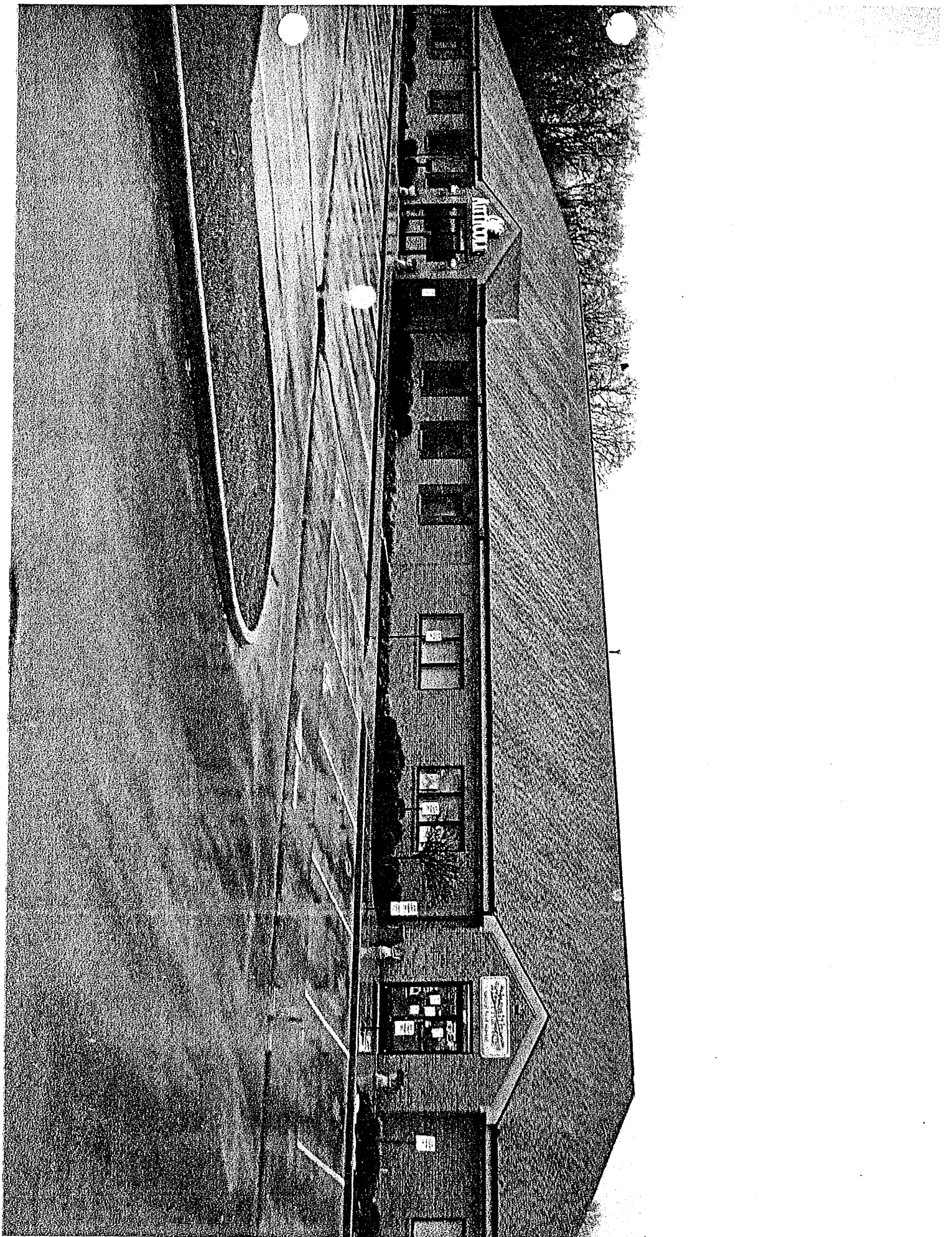
- Preliminary
- Bid Set
- App'd. for Construction

Sheet

Date : _____

Drawn By : _____





HEALTHY
ALTERNATIVE

NATURAL FOOD MARKET

Caffe
ANTICOLI

START THE NEW YEAR
WITH A HEALTHIER YOU



**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**April 19, 2006
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:05 PM and introduced the first item on the Agenda:

Applicant: Tony Hause for
Ted Richardson (owner)

Request: Concept Development Plan

The request of Tony Hause (applicant) for Ted Richardson (owner) for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). She stated that since the Staff Report was prepared, the applicant has indicated that he will put brick veneer on the front and side elevations of the building, but the rear elevation will remain as it is now. She stated that there should be a consistent sign package for the tenants in the building.

In response to a question from Chairman Caddell, Ms. Bachman stated that a Demolition Permit would have been required for the partial demolition that has

occurred on the site. Mr. Tony Hause stated that the demolition work occurred before he purchased the property and he does not know if a Demolition Permit was obtained. Chairman Caddell commented that it is a shame that people in the community had had to look at the unsightly mess on this site for a number of months.

The Chairman asked for the applicant's presentation.

Mr. Tony Hause, 100 South Clinton Street, Dayton, Ohio stated that he purchased the property on March 21, 2006. He has been in business at 7508 Mall Road for ten years. He selected this location because he wants to stay in Florence, but he wants to get off of Mall Road.

Mr. E. J. Foltz, Cartec Engineering, reviewed the slide of the Concept Plan and stated that an improved drawing will be submitted in time for the Zone Change Committee Meeting. He stated that Mr. Hause has retained Radius Construction as the General Contractor and hired AGI to do the architectural work and Cartec Engineering to do the civil engineering and survey work. Cartec just started on the survey work last week. He stated that the site will not work as shown and it will have to be downsized. The building on the right will not work. He reviewed the parking requirements for the proposed doctor's office and for the retail use. He stated that they will have to get parking along the front in an L-shaped pattern. He indicated the area where there will be double-loaded parking. He stated that a lot of the existing parking lot will be removed and there will be more green space along the boundary line and in the rear. The site currently discharges to the north through someone's back yard and that will be changed. All of the stormwater on the site will be collected and go into the retention pond and into the storm sewer system. This will be shown on the drawing they submit to Staff next week.

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

Mr. Daniel Horton, 19 Cardinal Drive, which is directly behind the subject site, stated that he moved into his home in August and he had to put in a drain because of the water. He feels that the pond should be removed because it is a health hazard. He submitted pictures (see Exhibit 1).

There being no one else present who wished to speak in opposition, the Chairman asked if there were any comments or questions from the Commissioners.

The Chairman asked the engineers and contractors to consider, as they prepare for the Zone Change Committee meeting, that this property is zoned PD. He stated that this is a high traffic area and this site has a lot of visibility. He asked them to create the best situation they can on the site in the approval process for this project.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 3, 2006 at 6:00 PM. This item will be on the Agenda for the Business Meeting on May 17, 2006 at 7:00 PM.

The Chairman closed this Public Hearing at 8:30 PM.

APPROVED:

Susan Pastor for Arnold Caddell
Arnold Caddell, Chairman *Caddell*

Attest:

Jan Hancock
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 17, 2006
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mr. Richard Knock, Temporary Presiding Officer
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Janet Kegley
Mr. Don McMillian

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Senior Planner

3. Concept Development Plan

The request of Tony Hause (applicant) for Ted Richardson (owner) for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. Ms. Bachman passed around color elevations that were received after the Committee Report was prepared.

Chairman Caddell stated that the rendering shows building-mounted signage and a free-standing sign. He asked if the approval of the request would include signage. Ms. Bachman responded that the proposed free-standing sign would be part of the Concept Development Plan, but the building-mounted signage would need to follow Article 34 of the regulations. Mr. Costello questioned the height of the free-standing sign. Mr. Tony Hause, the applicant, responded that it is 18 feet tall. In response to questions from the Chairman, Ms. Bachman stated that the height of the free-standing sign meets the regulations, and the sign is internally illuminated. Mr. Bunger stated that the Committee did not address the illumination of the sign. He stated that the base of the sign would be brick.

Mr. Tony Hause, 1005 Clinton in Dayton, stated that the sign would be fluorescently illuminated from the inside. He stated that the application included a color photograph taken at another location that is identical to what they want to do on this site. He stated that they are lexan panels that are lit from behind and visible from the east and west. Chairman Caddell stated that the vacant panel on the top would be for the second user. Mr. Hause agreed.

The Chairman questioned the building-mounted signage shown on the rendering. Ms. Bachman stated that building-mounted signage was not discussed as part of the application. Chairman Caddell asked if the Committee wants to approve the building-mounted signage based on its location and the testimony given by the applicant. Mr. Bunger, Chairman of the Committee, responded "yes".

The Chairman offered the applicant the opportunity to make a summary statement. Mr. Hause offered to answer any questions.

The Chairman asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

There being no further discussion, **Mr. Bunger moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions and based on further discussion this evening regarding the free-standing sign only. Mr. Reynolds seconded the motion.**

Mrs. Poston stated that the colored rendering shows some changeable copy on the sign, but it is not being approved. Mr. Hause agreed and commented that only the two panels are being approved.

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

4. Concept Development Plan

The request of Art Collins (Tri-Tech Associates, Inc.) (applicant) for Speedway Super America LLC (Jack Harmon) (owner) for a Concept Development Plan for a 1.48 acre site located at 7690 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone to allow a building addition.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

The Chairman offered the applicant the opportunity to make a summary statement. The applicant had no comments.

The Chairman asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

There being no discussion, **Mr. Bunger moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Reynolds seconded the motion and it carried unanimously.**

5. Union Town Plan Review

The request of Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders Inc. (owner) for a Union Town Plan review of a 42.2 acre site located between the east side of US 42, Arbor Springs Boulevard, Richmond Road, and Union Village Subdivision, Union, Kentucky. The request is a revised proposal for a subdivision for detached, single-family residences in a Rural Suburban Estates/Union Town Overlay (RSE/UTO) zone (Arbor Springs at Plantation Pointe, Phase 4).

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 17, 2006

RE: Request of **Tony Hause (applicant)** for **Ted Richardson (owner)** for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposal is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

The Future Land Use Map designates the site as "Commercial," allowing retail and office uses. The Land Use Element discusses the importance of in-fill development and site redevelopment to balance the growth that is taking place in the City of Florence through annexation. The Business Activity Element states that the prominence of new big-box retail along major corridors in Florence has created vacant commercial property along these corridors. The Element also notes that the re-use of existing buildings should be encouraged and states that development along KY 18 should be limited in scale, designed to serve neighborhood interests.

The "Buffering" Future Land Use Development Guideline notes that appropriate buffering should be provided between incompatible land uses. In a similar vein the "Landscaping" Future Land Use Development Guideline notes that landscaping should be used to diminish the visual impact of new developments on adjoining properties and to limit the amount of run-off that a particular land use may generate, with specific attention to street frontages. The landscaping plan provides the required number of plant materials in the respective Buffer Yards as noted in Section 3645 of the Boone County Zoning Regulations. Additional landscaping beyond what is required per Section 3645 is provided in portions of the buffer yard.

2. The Committee has concluded that the proposed Concept Development Plan, with the attached conditions noted below, generally fulfills the applicable requirements outlined in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and requirements of the Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Buffer Yard "C" as noted in Section 3645 of the Boone County Zoning Regulations will be required at the rear property line. This buffer yard will be 30 feet wide with a 6-foot high berm.
2. Driveway connections to the adjoining properties to the east and the west will be stubbed on subject property.
3. The applicant will obtain the necessary Demolition Permit from the Boone County Building Department prior to the removal of any remaining portion of the existing building for the construction of the proposed building.
4. Red brick veneer will be installed on the front and side elevations of the building, as depicted on the building elevations shown at the May 3, 2006 Zone Change Committee Meeting. Additionally, the applicant will modify the proposed design of the building to include the following:
 - A. Mullions will be installed in the picture windows.
 - B. A contrasting course of brick will be placed around the windows.
 - C. Coin corners will be installed at the corners of the building.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.



ARCHITECTURAL GROUP INTERNATIONAL
 100 E. RIVERCENTER BLVD., SUITE 200
 COVINGTON, KENTUCKY 41011
 PH 859-261-5400 FAX 859-261-5530



The drawing is the property of ARCHITECTURAL GROUP INTERNATIONAL. It is to be used for the project and site specifically identified herein. It is to be returned upon completion of the project. Bids as stated herein are valid on the original drawing only. Contractor shall carefully review all drawings and specifications and at once report to the Architect any errors, omissions, ambiguity or omission the may discover.

Revisions:	Date	By	Description
1			

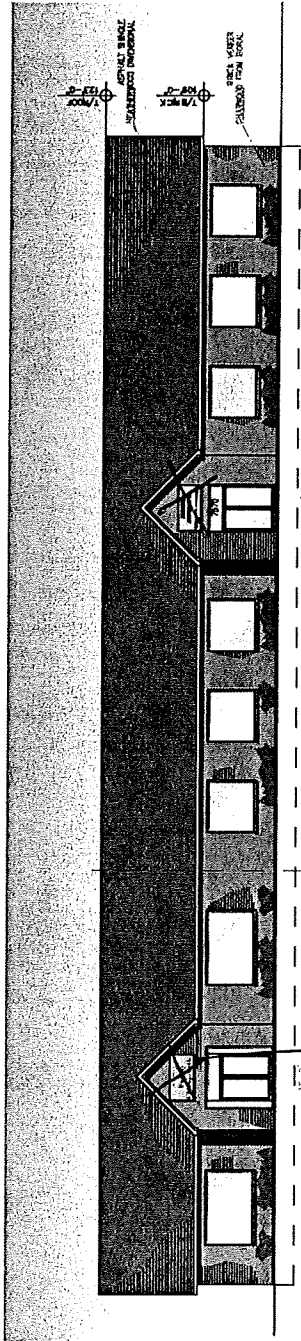
HEALTH FOODS

FLORENCE, KY

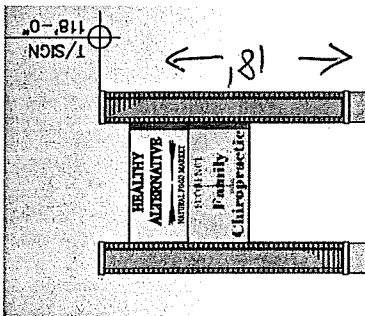
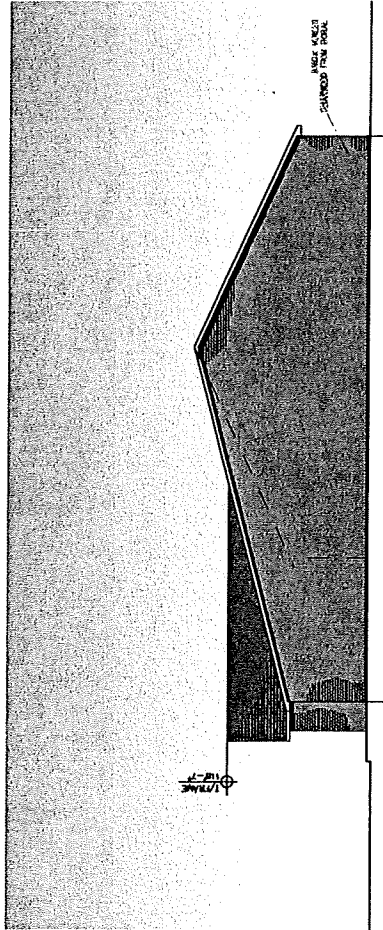
Architect's Project No. 086502

PROPOSED ELEVATIONS

<input checked="" type="checkbox"/> Preliminary	Sheet
<input type="checkbox"/> Bid Set	A1.0
<input type="checkbox"/> Appt. for Construction	Date
Drawn By	



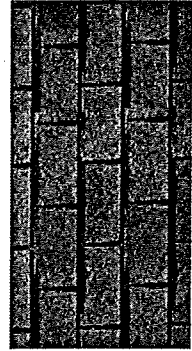
NOT PART OF APPLICATION



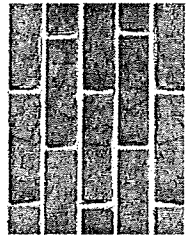
FRONT SIGN SCALE 1/8" = 1'-0"

FRONT SIGN SCALE 1/8" = 1'-0"

Elevations presented at the May 3rd Zone Change Committee Meeting



LEATHERWOOD DIMENSIONAL SHINGLE



CHARWOOD BRICK

No KULL BOARD & INTERMAY LIT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

April 19, 2006
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:05 PM and introduced the first item on the Agenda:

Applicant: Tony Hause for
Ted Richardson (owner)

Request: Concept Development Plan

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The Chairman asked for the applicant's presentation.

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There being no one else present who wished to speak in opposition, the Chairman asked if there were any comments or questions from the Commissioners.

The Chairman asked the engineers and contractors to consider, as they prepare for the Zone Change Committee meeting, that this property is zoned PD. He stated that this is a high traffic area and this site has a lot of visibility. He asked them to create the best situation they can on the site in the approval process for this project.

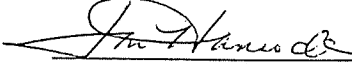
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 3, 2006 at 6:00 PM. This item will be on the Agenda for the Business Meeting on May 17, 2006 at 7:00 PM.

The Chairman closed this Public Hearing at 8:30 PM.

APPROVED:


Arnold Caddell, Chairman 

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 3, 2006

RE: Request of **Tony Hause (applicant)** for **Ted Richardson (owner)** for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office 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.

Hauser/Richardson

May 3, 2006

Kim Bunger
Kim Bunger, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
Judy Arnett

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston

For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds
Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (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

After recording, please return to:

TO:

ARNZEN, WENTZ, MOLLOY, LABER & STORM P.S.C.
600 Greenup Street, P.O. Box 472
Covington, Kentucky 41012-0472
Phone: 859/431-6100

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **THE PRODUCE PATCH**, a Kentucky general partnership, by and through **George Brass and Theresa L. Brass**, its **General Partners**, whose mailing address is 8 Creekstone Circle, Erlanger, Kentucky 41018, for and in consideration of **FIVE HUNDRED EIGHTY-FIVE THOUSAND AND 00/100 (\$585,000.00) DOLLARS**, paid by the Grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to: a one-half ($\frac{1}{2}$) interest to **LEONARD J. ROWEKAMP, TRUSTEE** and the remaining one-half ($\frac{1}{2}$) interest to **STRATFORD DEVELOPMENT, LLC**, a Kentucky limited liability company, their successors and assigns, the following described Real Estate, to-wit:

GROUP NO. 2034A

PROPERTY ADDRESS :

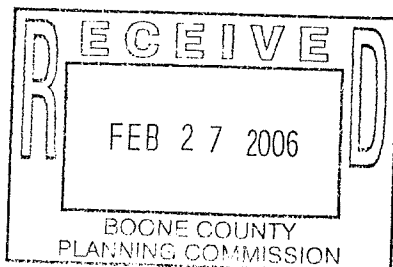
7570 Burlington Pike, Florence, Kentucky 41042

GRANTEE'S MAILING ADDRESS:

P.O. Box 17323, Fort Mitchell, Kentucky 41017

PARCEL ONE:

Located generally on the North side of Kentucky Highway #18 directly west of Florence, Kentucky and described thus: Beginning at the intersection on the East line of the original Joseph Meire acreage tract (see Deed Book 74, page 412, Boone County Clerk's records at Burlington, Kentucky) with the line of 17 feet North at right angles of the centerline of Kentucky Highway #18; thence along Kentucky Route #18 parallel to and 17 feet North of the centerline thereof M. 89-18 W. 81.20 feet; thence at right angles N. 0-42 E. 229.5 feet to a point in the south line of the First Addition to Earlwood Subdivision; thence with said



BOONE COUNTY
D899 PG 558

line S. 89-18 E. 98.85 feet to a corner with said subdivision; thence S. 8-28 W. 103.7 feet, S. 2-21 W. 126.8 feet to the beginning.

EXCEPTED from the foregoing is the property conveyed to the Commonwealth of Kentucky at Highway Deed Book 9, Page 172, of the Boone County Clerk's records at Burlington, Kentucky.

PARCEL TWO:

Located generally on the north side of KY Highway No. 18, directly west of Florence and described thus:

Beginning at the intersection of the west line of a lot of 202.5 feet front of Joseph Meier (See Deed Book 85, page 323) with a line 17 feet north of right angles and parallel to the centerline of KY Highway 18; thence along said line South 88 degrees 18' East 202.5' to a point; thence at right angles North 0 degrees 42' E 229.5' to a point in the south line of the first addition to Earlwood Subdivision; thence with said line North 89 degrees 18' West 202.5 feet to a point; thence South 0 degrees 42' West 229.5 feet to the beginning.

Being the same property conveyed to the Grantor by deed recorded in Deed Book 396, ✓
Page 282 and Deed Book 331, Page 105 of the Boone County Clerk's records at
Burlington, Kentucky.

^{G.}
LEONARD J. ROWEKAMP, TRUSTEE herein is specifically authorized to sell, lease, pledge, mortgage, grant easement for and inter into agreements for the real estate described herein. Such powers are unrestricted and irrevocable and any grantee, conveyes or mortgagee need not look for further authorization or trust agreement or memorandum thereof.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the Grantees in the manner set forth above, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantees, their successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

Grantor and Grantees certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantees execute this deed for the sole purpose of making this certificate about the consideration.

IN WITNESS WHEREOF, this General Warranty Deed has been executed by the above named Grantor and Grantees this, the 13th day of July, 2005.

GRANTOR:

THE PRODUCE PATCH,
a Kentucky general partnership

By: George Brass ~~Gen. Partner~~
GEORGE BRASS, General Partner

By: Theresa L. Brass ~~Gen. Partner~~
THERESA L. BRASS, General Partner

GRANTEES:

Leonard J. Rowekamp TRUSTEE
LEONARD J. ROWEKAMP, Trustee

G. M.
STRATFORD DEVELOPMENT, LLC,
A Kentucky Limited Liability Company

By: Ted R. Richardson
Ted R. Richardson, Authorized Member

COMMONWEALTH OF KENTUCKY, COUNTY OF KENTON: SS

The foregoing was subscribed, sworn to and acknowledged before me this 13th day of July, 2005 by THE PRODUCE PATCH, a Kentucky general partnership, by and through George Brass and Theresa L. Brass, its General Partners.

My Commission expires:

7.22.07

J. C. A.
Notary Public

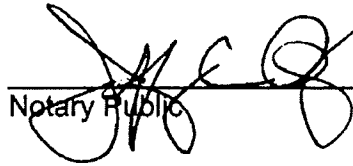
BOONE COUNTY
D899 PG 560

COMMONWEALTH OF KENTUCKY, COUNTY OF KENTON: SS

The foregoing was subscribed, sworn to and acknowledged before me this 13th day of July, 2005 by LEONARD J. ROWEKAMP, Trustee and STRATFORD DEVELOPMENT, LLC, a Kentucky limited liability company, by and through Ted R. Richardson, its Authorized Member.

My Commission expires:

7.22.07

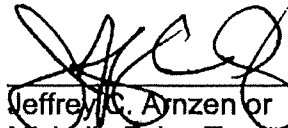


Notary Public

This instrument prepared by:

**ARNZEN, WENTZ, MOLLOY,
LABER & STORM, P.S.C.**

By:



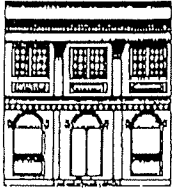
Jeffrey C. Arnzen or
Michelle Foley Turner
Attorney at Law
600 Greenup Street
Covington, Kentucky 41011
Telephone: 859/431-6100

G:\tmw6\data\files\Bank of Kentucky Comm\Sousa Richardson - Produce Patch\Deed.wpd

DOCUMENT NO: 399868
RECORDED ON: JULY 19, 2005 10:34:09AM
TOTAL FEES: \$14.00
TRANSFER TAX: \$585.00
GROUP: 2834A
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: KARLA HORNBECK
BOOK 0899 PAGES 558 - 561

BOONE COUNTY
D899 PG 561

BOONE COUNTY PLANNING COMMISSION



RECEIVED
MAY 08 2006

2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

May 5, 2006

Mr. Tony Hause
100 S. Clinton Avenue
Dayton, OH 45402

FAX (937) 223-5187

RE: Proposed Concept Development Plan, 7570 Burlington Pike, Florence

Dear Mr. Hause:

The following conditions, in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval. If you, as the property owner, agree to the following conditions, please indicate so by signing on the space provided below. Please return this letter to the Planning Commission Office by 5:00 P.M. Monday, May 15, 2006.

1. Buffer Yard "C" as noted in Section 3645 of the Boone County Zoning Regulations will be required at the rear property line. This buffer yard will be 30 feet wide with a 6-foot high berm. ✓
2. Driveway connections to the adjoining properties to the east and the west will be stubbed on subject property. ✓
3. The applicant will obtain the necessary Demolition Permit from the Boone County Building Department prior to the removal of any remaining portion of the existing building for the construction of the proposed building. *(Permit Applied For thru City of Florence) CHT*
4. Red brick veneer will be installed on the front and side elevations of the building, as depicted on the building elevations shown at the May 3, 2006 Zone Change Committee Meeting. Additionally, the applicant will modify the proposed design of the building to include the following:
 - A. Mullions will be installed in the picture windows.
 - B. A contrasting course of brick will be placed around the windows.
 - C. Coin corners will be installed at the corners of the building.

Sincerely,

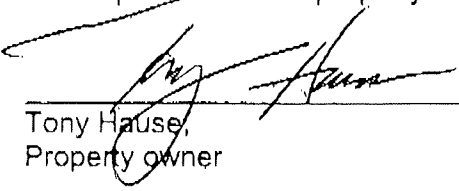
Patty Bachman
Planner

MPB/pr

Mr. Tony Hause
May 5, 2006
Page 2

Agreement

I, the property owner, agree to the above-listed conditions of approval for the requested Concept Development Plan for property located at 7570 Burlington Pike, Florence, KY



Tony Hause,
Property owner

5-8-06

Date

ORDINANCE NO. 0-16-06

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.5 ACRE SITE LOCATED AT 7570 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW FOR THE REDEVELOPMENT OF THE SITE. (TED RICHARDSON PROPERTY)

WHEREAS, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission by Resolution No. R-06-014-A recommended approval, with conditions, for a concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, 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 request of Tony Hause (Applicant) for Ted Richardson (Owner), for a concept development plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky, shall be and is hereby approved, subject to the concept development plan as well as an agreed condition for this site, this concept development plan being for the redevelopment of the site. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this concept development plan for this subject property.

SECTION II

The approval of this 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-06-014-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 recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to the additional condition that has 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-06-014-A, marked Exhibit "A", and attached hereto.

SECTION V

If the approval for this 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 25th DAY OF July, 2006.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 8th DAY OF August, 2006.

APPROVED:

Dean F. Whalen
MAYOR

ATTEST:

J. A. P.
CITY CLERK

EXHIBIT

“A”

RESOLUTION R-06-014-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF TONY HAUSE (APPLICANT) FOR TED RICHARDSON (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.5 ACRE SITE LOCATED AT 7570 BURLINGTON PIKE, FLORENCE, KENTUCKY (FORMER PRODUCE PATCH SITE), AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky.

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

SECTION I

That the request for a Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky. The real estate which is the subject of this request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 899, PAGE NO. 558 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone on a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky, findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

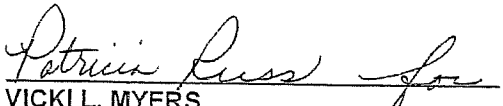
PASSED AND APPROVED ON THIS 7TH DAY OF JUNE, 2006.

APPROVED:



ARNOLD CADDELL
CHAIRMAN

ATTEST:



VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES

AC:vlm

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
April 19, 2006
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Rolfsen, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 8:05 PM and introduced the first item on the Agenda:

Applicant: Tony Hause for
Ted Richardson (owner)

Request: Concept Development Plan

The request of Tony Hause (applicant) for Ted Richardson (owner) for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). She stated that since the Staff Report was prepared, the applicant has indicated that he will put brick veneer on the front and side elevations of the building, but the rear elevation will remain as it is now. She stated that there should be a consistent sign package for the tenants in the building.

In response to a question from Chairman Caddell, Ms. Bachman stated that a Demolition Permit would have been required for the partial demolition that has

occurred on the site. Mr. Tony Hause stated that the demolition work occurred before he purchased the property and he does not know if a Demolition Permit was obtained. Chairman Caddell commented that it is a shame that people in the community had had to look at the unsightly mess on this site for a number of months.

The Chairman asked for the applicant's presentation.

Mr. Tony Hause, 100 South Clinton Street, Dayton, Ohio stated that he purchased the property on March 21, 2006. He has been in business at 7508 Mall Road for ten years. He selected this location because he wants to stay in Florence, but he wants to get off of Mall Road.

Mr. E. J. Foltz, Cartec Engineering, reviewed the slide of the Concept Plan and stated that an improved drawing will be submitted in time for the Zone Change Committee Meeting. He stated that Mr. Hause has retained Radius Construction as the General Contractor and hired AGI to do the architectural work and Cartec Engineering to do the civil engineering and survey work. Cartec just started on the survey work last week. He stated that the site will not work as shown and it will have to be downsized. The building on the right will not work. He reviewed the parking requirements for the proposed doctor's office and for the retail use. He stated that they will have to get parking along the front in an L-shaped pattern. He indicated the area where there will be double-loaded parking. He stated that a lot of the existing parking lot will be removed and there will be more green space along the boundary line and in the rear. The site currently discharges to the north through someone's back yard and that will be changed. All of the stormwater on the site will be collected and go into the retention pond and into the storm sewer system. This will be shown on the drawing they submit to Staff next week.

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

Mr. Daniel Horton, 19 Cardinal Drive, which is directly behind the subject site, stated that he moved into his home in August and he had to put in a drain because of the water. He feels that the pond should be removed because it is a health hazard. He submitted pictures (see Exhibit 1).

There being no one else present who wished to speak in opposition, the Chairman asked if there were any comments or questions from the Commissioners.

The Chairman asked the engineers and contractors to consider, as they prepare for the Zone Change Committee meeting, that this property is zoned PD. He stated that this is a high traffic area and this site has a lot of visibility. He asked them to create the best situation they can on the site in the approval process for this project.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 3, 2006 at 6:00 PM. This item will be on the Agenda for the Business Meeting on May 17, 2006 at 7:00 PM.

The Chairman closed this Public Hearing at 8:30 PM.

APPROVED:

Susan Pastor for Arnold Caddell
Arnold Caddell, Chairman *Caddell*

Attest:

Jan Hancock
Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 17, 2006

RE: Request of **Tony Hause (applicant)** for **Ted Richardson (owner)** for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposal is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

The Future Land Use Map designates the site as "Commercial," allowing retail and office uses. The Land Use Element discusses the importance of in-fill development and site redevelopment to balance the growth that is taking place in the City of Florence through annexation. The Business Activity Element states that the prominence of new big-box retail along major corridors in Florence has created vacant commercial property along these corridors. The Element also notes that the re-use of existing buildings should be encouraged and states that development along KY 18 should be limited in scale, designed to serve neighborhood interests.

The "Buffering" Future Land Use Development Guideline notes that appropriate buffering should be provided between incompatible land uses. In a similar vein the "Landscaping" Future Land Use Development Guideline notes that landscaping should be used to diminish the visual impact of new developments on adjoining properties and to limit the amount of run-off that a particular land use may generate, with specific attention to street frontages. The landscaping plan provides the required number of plant materials in the respective Buffer Yards as noted in Section 3645 of the Boone County Zoning Regulations. Additional landscaping beyond what is required per Section 3645 is provided in portions of the buffer yard.

2. The Committee has concluded that the proposed Concept Development Plan, with the attached conditions noted below, generally fulfills the applicable requirements outlined in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and requirements of the Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Buffer Yard "C" as noted in Section 3645 of the Boone County Zoning Regulations will be required at the rear property line. This buffer yard will be 30 feet wide with a 6-foot high berm.
2. Driveway connections to the adjoining properties to the east and the west will be stubbed on subject property.
3. The applicant will obtain the necessary Demolition Permit from the Boone County Building Department prior to the removal of any remaining portion of the existing building for the construction of the proposed building.
4. Red brick veneer will be installed on the front and side elevations of the building, as depicted on the building elevations shown at the May 3, 2006 Zone Change Committee Meeting. Additionally, the applicant will modify the proposed design of the building to include the following:
 - A. Mullions will be installed in the picture windows.
 - B. A contrasting course of brick will be placed around the windows.
 - C. Coin corners will be installed at the corners of the building.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 3, 2006

RE: Request of Tony Hause (applicant) for Ted Richardson (owner) for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office 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.

Hause/Richardson

May 3, 2006

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

Judy Arnett

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

Susan Poston

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds

Charlie Reynolds (Alternate)

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
May 17, 2006
7:00 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mr. Richard Knock, Temporary Presiding Officer
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Janet Kegley
Mr. Don McMillian

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Senior Planner

3. Concept Development Plan

The request of Tony Hause (applicant) for Ted Richardson (owner) for a Concept Development Plan for a 1.5 acre site located at 7570 Burlington Pike, Florence, Kentucky (former Produce Patch site). The request is for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow two buildings for retail and office uses.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions. Ms. Bachman passed around color elevations that were received after the Committee Report was prepared.

Chairman Caddell stated that the rendering shows building-mounted signage and a free-standing sign. He asked if the approval of the request would include signage. Ms. Bachman responded that the proposed free-standing sign would be part of the Concept Development Plan, but the building-mounted signage would need to follow Article 34 of the regulations. Mr. Costello questioned the height of the free-standing sign. Mr. Tony Hause, the applicant, responded that it is 18 feet tall. In response to questions from the Chairman, Ms. Bachman stated that the height of the free-standing sign meets the regulations, and the sign is internally illuminated. Mr. Bunger stated that the Committee did not address the illumination of the sign. He stated that the base of the sign would be brick.

Mr. Tony Hause, 1005 Clinton in Dayton, stated that the sign would be fluorescently illuminated from the inside. He stated that the application included a color photograph taken at another location that is identical to what they want to do on this site. He stated that they are lexan panels that are lit from behind and visible from the east and west. Chairman Caddell stated that the vacant panel on the top would be for the second user. Mr. Hause agreed.

The Chairman questioned the building-mounted signage shown on the rendering. Ms. Bachman stated that building-mounted signage was not discussed as part of the application. Chairman Caddell asked if the Committee wants to approve the building-mounted signage based on its location and the testimony given by the applicant. Mr. Bunger, Chairman of the Committee, responded "yes".

The Chairman offered the applicant the opportunity to make a summary statement. Mr. Hause offered to answer any questions.

The Chairman asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

There being no further discussion, **Mr. Bunger moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions and based on further discussion this evening regarding the free-standing sign only. Mr. Reynolds seconded the motion.**

Mrs. Poston stated that the colored rendering shows some changeable copy on the sign, but it is not being approved. Mr. Hause agreed and commented that only the two panels are being approved.

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

4. Concept Development Plan

The request of Art Collins (Tri-Tech Associates, Inc.) (applicant) for Speedway Super America LLC (Jack Harmon) (owner) for a Concept Development Plan for a 1.48 acre site located at 7690 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone to allow a building addition.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

The Chairman offered the applicant the opportunity to make a summary statement. The applicant had no comments.

The Chairman asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

There being no discussion, **Mr. Bunger moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Reynolds seconded the motion and it carried unanimously.**

5. Union Town Plan Review

The request of Erpenbeck Consulting Engineers (applicant) for Arlinghaus Builders Inc. (owner) for a Union Town Plan review of a 42.2 acre site located between the east side of US 42, Arbor Springs Boulevard, Richmond Road, and Union Village Subdivision, Union, Kentucky. The request is a revised proposal for a subdivision for detached, single-family residences in a Rural Suburban Estates/Union Town Overlay (RSE/UTO) zone (Arbor Springs at Plantation Pointe, Phase 4).

EXHIBIT


“B”

**City of Florence Special Condition of Approval
For
A Concept Development Plan on a 1.5 Acre Parcel
Located at 7570 Burlington Pike
Former Produce Patch Property**

The undersigned, Tony Hause, as the owner and applicant of the property to which this condition applies, hereby agrees to the following Special Condition of Approval for a Concept Development Plan to allow for the redevelopment of the former Produce Patch property. The property to which the Special Condition of Approval applies is located on 1.5 acres at 7570 Burlington Pike in Florence, Kentucky.

1. The building materials and design of the proposed building for the site shall follow the elevation drawings as agreed to at the July 6, 2006, City of Florence Planning and Zoning Committee Meeting (see attached). The elevations shall provide a single color of brick veneer (charwood brick color) on the front and sides of the building as well as the other architectural features as shown. This Condition of Approval shall be provided for in addition to Boone County Planning Commission Condition of Approval # 4.

7-10-06
Date


Signature
Property Owner



ARCHITECTURAL
GRO UP

INTERNATIONAL
1006 RIVERCENTER BLVD., SUITE 200
COVINGTON, KY 40301
PH: 502-241-1500 FAX: 502-241-1552



The drawing is the property of ARCHITECTURAL GROUP INTL and is not to be reproduced or used for any other project without the written consent of ARCHITECTURAL GROUP INTL. This drawing is for the project and site specifically labeled herein and is not to be used on any other project. All work shall be performed in accordance with the drawings and specifications. Contractor shall carefully review all dimensions and conditions shown herein and if any discrepancy or error is noted, notify ARCHITECTURAL GROUP INTL immediately by written notice or otherwise in writing.

Revisions:

Rev	Date	By	Description
1			

HEALTH FOODS

FLORENCE, KY

Architect's Project No. 060422

Title

PROPOSED
ELEVATIONS

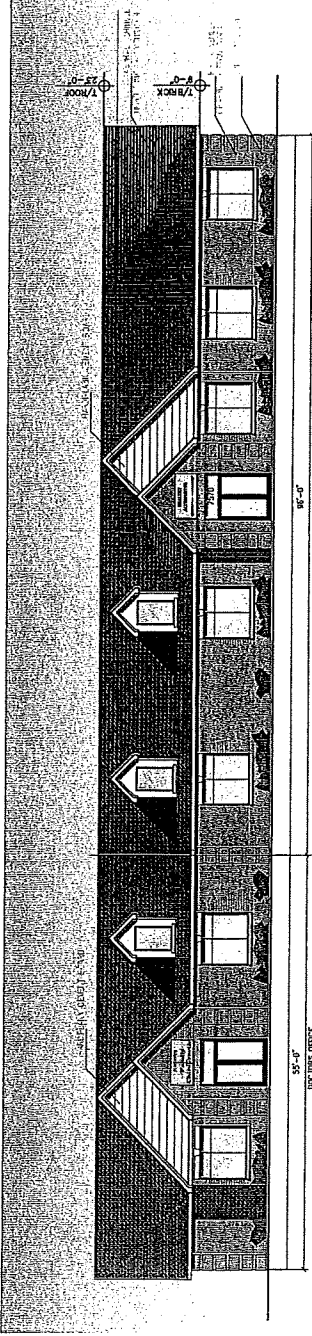
Preliminary
 Bid Set
 Appt. for Construction

Sheet

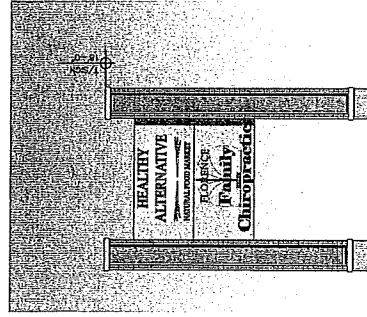
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Date

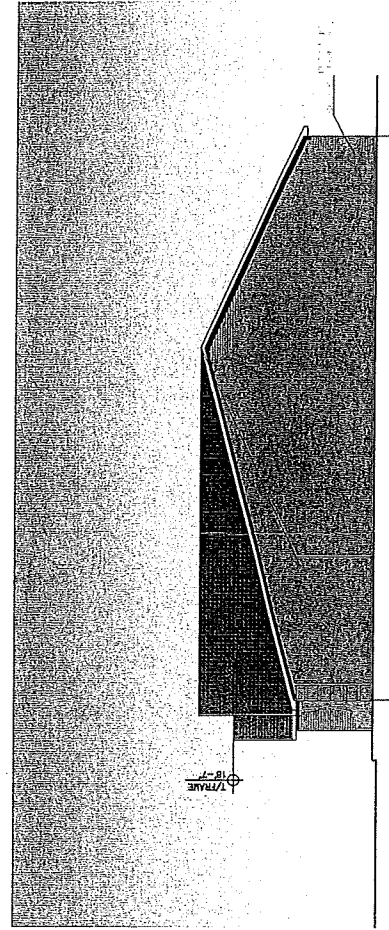
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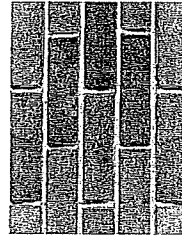
FRONT ELEVATION
SCALE 1/8" = 1'-0"



FRONT SIGN
SCALE 1/8" = 1'-0"



SIDE ELEVATION
SCALE 1/8" = 1'-0"

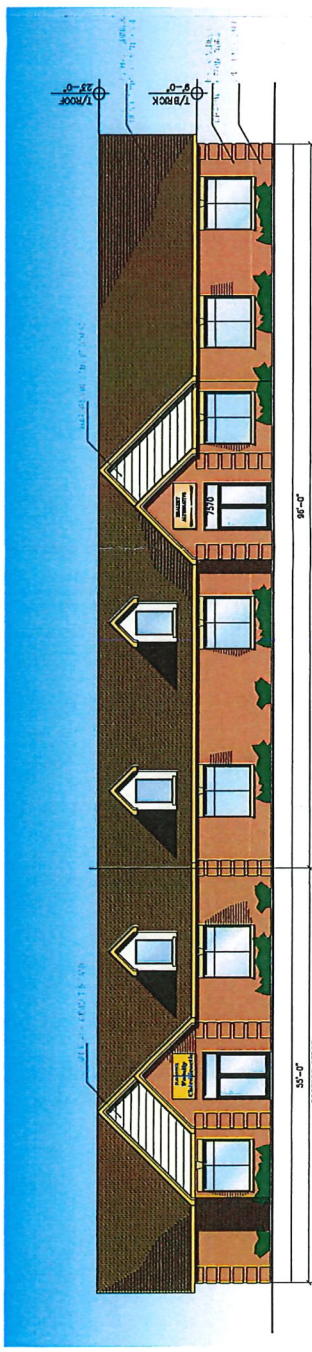


CHARWOOD BRICK

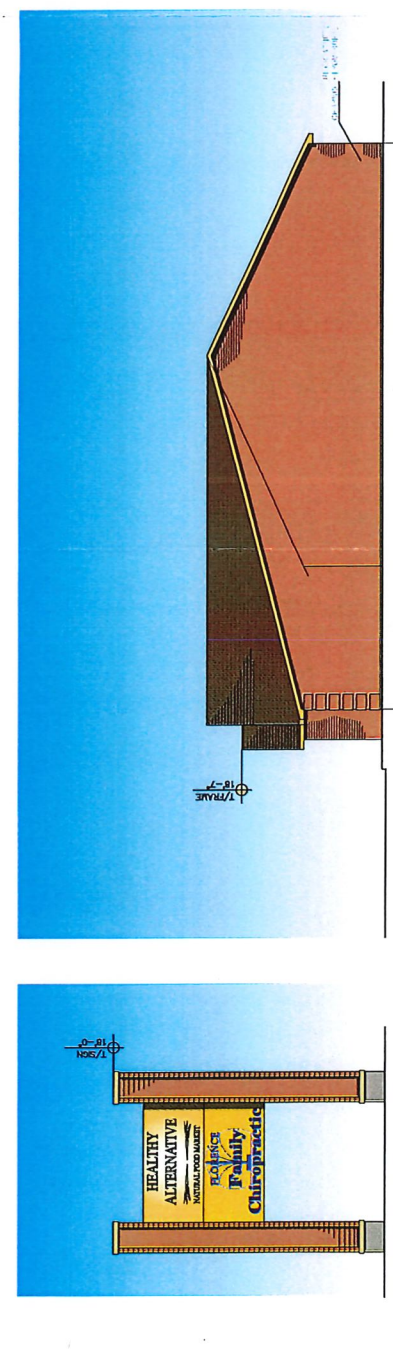


HEATHERWOOD DIMENSIONAL SHINGLE

July 6, 2006 Elevation



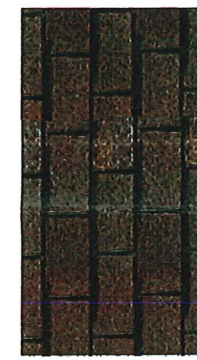
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



CHARWOOD BRICK



HEATHERWOOD DIMENSIONAL SHINGLE

AGI ARCHITECTURAL GROUP INTERNATIONAL
100 E. RIVERCENTER BLVD., SUITE 200
COVINGTON, KENTUCKY 41011
PH 859-261-5400 FAX 859-261-5530



The owner is the property of ARCHITECTURAL GROUP INTL and not to be used for the project and site specifically identified herein. It is to be returned upon completion of the project. Scales as stated herein are valid on the original drawing only. Contractor shall carefully review all drawings and specifications for any errors and at once report to the Architect for any omissions, discrepancy or omission he may discover.

Revisions:

Mark	Date	By	Description
△			

HEALTH FOODS
FLORENCE, KY

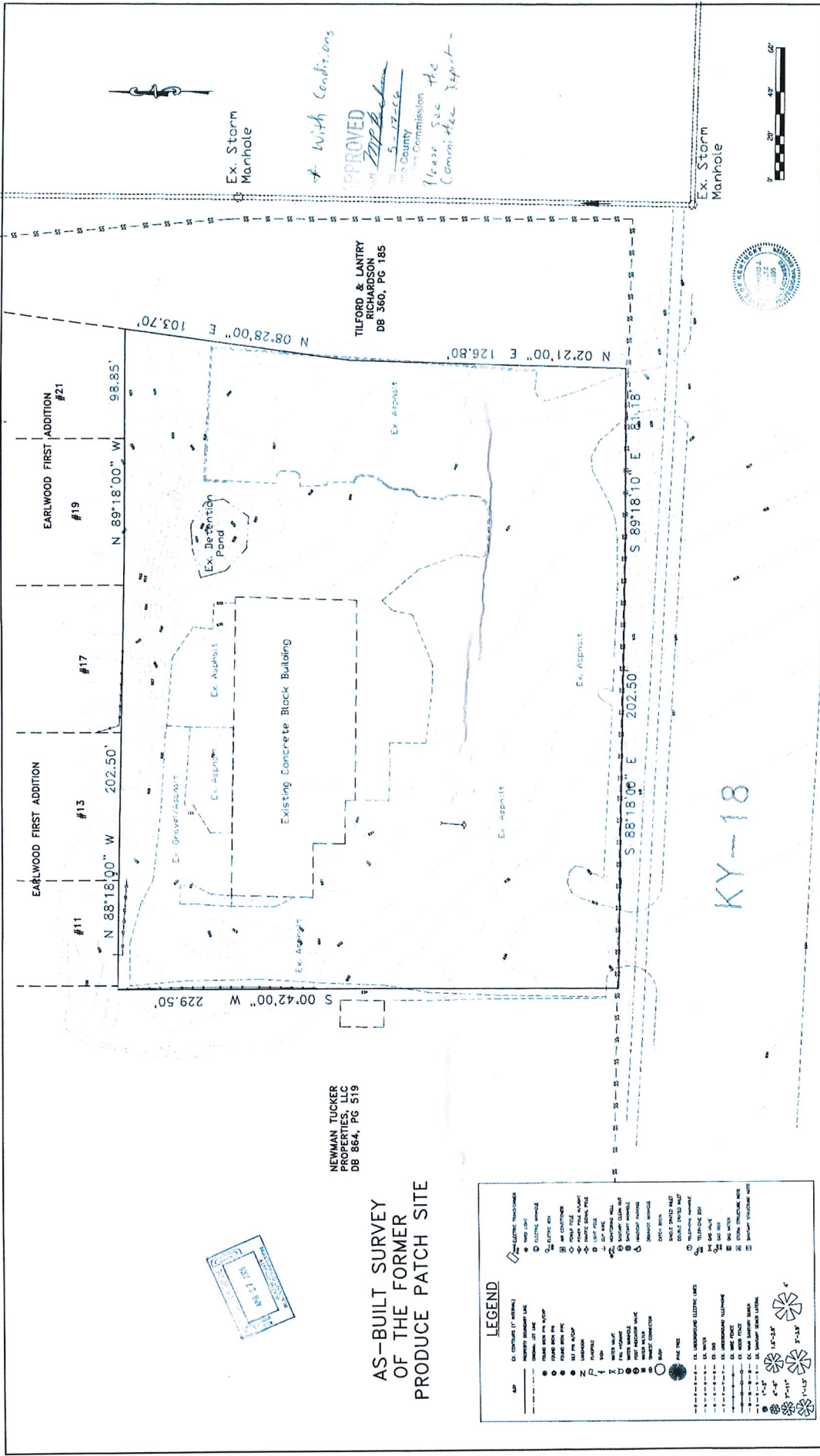
Architect's Project No. 060422
Title

PROPOSED ELEVATIONS

<input checked="" type="checkbox"/> Preliminary	Sheet
<input type="checkbox"/> Bid Set	
<input type="checkbox"/> Appt. for Construction	
Date	
Drawn By	

July 6, 2006 Elevation

A1.2



Ex. Storm Manhole

** With Conditions*

APPROVED
 BY: [Signature]
 DATE: 5-17-06
 This Commission
 Please See the
 Committee Report

NEWMAN TUCKER
 PROPERTIES, LLC
 DB 564, PG 519

**AS-BUILT SURVEY
 OF THE FORMER
 PRODUCE PATCH SITE**

LEGEND

APR	DL CONTIGUOUS (1" METERS)	DL ELECTRIC TRANSMISSION
---	PROPERTY BOUNDARY LINE	DL 11KV LIGHT
---	SEWER LINE	DL 22KV SERVICE
---	WATER MAIN	DL 33KV SERVICE
---	STORM SEWER	DL 44KV SERVICE
---	...	DL 55KV SERVICE
---	...	DL 66KV SERVICE
---	...	DL 77KV SERVICE
---	...	DL 88KV SERVICE
---	...	DL 99KV SERVICE
---	...	DL 110KV SERVICE
---	...	DL 120KV SERVICE
---	...	DL 130KV SERVICE
---	...	DL 140KV SERVICE
---	...	DL 150KV SERVICE
---	...	DL 160KV SERVICE
---	...	DL 170KV SERVICE
---	...	DL 180KV SERVICE
---	...	DL 190KV SERVICE
---	...	DL 200KV SERVICE
---	...	DL 210KV SERVICE
---	...	DL 220KV SERVICE
---	...	DL 230KV SERVICE
---	...	DL 240KV SERVICE
---	...	DL 250KV SERVICE
---	...	DL 260KV SERVICE
---	...	DL 270KV SERVICE
---	...	DL 280KV SERVICE
---	...	DL 290KV SERVICE
---	...	DL 300KV SERVICE

CARTEC ENGINEERING CORP.
 CIVIL-ENVIRONMENTAL-SURVEYING SERVICES
 1000 CRESCENT SPRINGS, KENTUCKY 41017
 (855) 341-6006

SCALE: 1"=20'
 DATE: 04/25/06
 DRAWN: DJF
 CHECK: ECF
 PROJ. #: 05-004
 DWS: TOPP-BLUM



KY-18

REVISIONS

