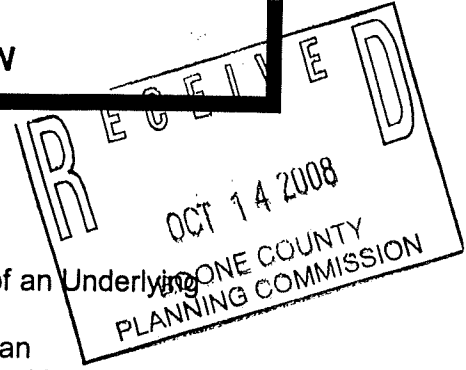


APPLICATION FORM

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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Rio Grande Mexican Restaurant
- 3. Location of Project End of Connector Drive, Mall Road w/in "Swallen's Inc" Parcel 8145 Mall Rd
- 4. Total Acreage of Site Proposed parcel is 0.939 acre. Total site is 12.204 acres
- 5. Current Zoning C-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) September 27, 2000
- 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) NO
- 8. Proposed Uses (please specify each use) Restaurant (K&C use group A-2)
- 9. Proposed Building Intensities (please specify)
4,956 s.f. / 0.939 acres = 5,277.955 s.f./acre
- 10. Have you submitted a Concept Development Plan? Attached
- 11. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
- 12. Name of Applicant(s) Alexander Christoforidis AIA, AICP
Phone Number (513) 675-8706 Fax No. (513) 556-5061
- 13. Address of Applicant(s) 1077 Celestial Street, suite 205
Cincinnati OH 45202
City State Zip
- 14. Name of Property Owner(s) Future Properties, LLC (Mark Conrad)
Phone Number (859) 912 1535
- 15. Address of Property Owner(s) 543 Terry Lane
Crescent Springs, Kentucky 41017
City State Zip
- 16. Are there any existing buildings on the site? NO
How many? 0
- 17. Deed Book 623 Page No. 232 Group No. 240 A 2040A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes (Todd Morgan)

EXHIBIT

“A”

STAFF REPORT

Request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

November 19, 2008

REQUEST

The applicant has requested a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant on a 0.939 acre lot. The subject property is shown as a future outlot in the southeast corner of the Florence Antique Mall Road parking lot.

The submitted Concept Development Plan shows the restaurant will have 176 seats (146 indoor and 30 outdoor). Five parking spaces are shown on site and additional parking will be provided from an agreement with Florence Antique Mall. Access to the site is proposed from a shared access easement that will run to Connector Drive. The submitted building rendering and elevations drawings show that the building will be constructed with varying courses of brick, tile or stucco, and clay tile roofing. The tower element on the building is shown with an overall height of 46'. Landscaping buffers are shown around the perimeter of the site.

PERTINENT SITE HISTORY

12/5/00 - Florence City Council approves a Zoning Map Amendment request from Commercial Two (C-2) to Commercial Services (C-3) for the approximate 12 acre site. The request allows the sales and service of new and used boats and marine craft and other C-3 uses within the former Swallen's Department Store. There were (6) conditions of approval placed on the approval (see attachments).

During the September 27, 2000 public hearing, the applicant stated that the site was fully developed and that new buildings were not being proposed on the site.

12/19/00 - The Boone County Planning Commission approves a Minor Site Plan allowing Hern Marine to convert 98 parking spaces in the rear parking lot into a boat storage area. The plan shows that 294 parking spaces remain on the site.

SITE CHARACTERISTICS

The approximate 12 acre site fronts on Mall Road and contains an approximate 85,000 square foot building which is occupied by Florence Antique Mall, Builders Design Gallery, and Hern Marine. Access to the site is provided from Connector Drive and an access easement that runs through the Florence Center parking lot. Approximately 300 parking spaces exist on site and another 98 spaces have been converted into a boat storage area in the rear parking lot. The rear of the property is heavily wooded and contains a detention basin.

The topography of the area falls from 860' above sea level at the centerline of Mall Road to 838' above sea level in the southeast corner of the parking lot to 816' above sea level where Rosetta Creek runs through the southern portion of the site.

ADJACENT LAND USES AND ZONING

- North: Florence Center and Valvoline (C-2)
- South: Sumeral Tire (C-2), Circuit City (C-3), and Single-Family Dwellings on Airview (SR-2)
- East: Mall Road, Berkshire Farm, and Mall Road Center (C-2)
- West: Preakness Drive, Paddock Place Apartments (UR-1), and Single-Family Residential Dwellings Fronting on Rosetta Drive (C-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the 0.939 acre site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Florence Commercial Area, pp. 144-145) makes the following statements regarding the general area:

- A. The Mall Road area has been recommended through the 2002 Mall Road Corridor Study to become a new urbanism corridor. The Study shows a dense, well designed, urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road.

However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities.

- B. 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 the 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.
- C. The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The 2002 Mall Road Corridor Study recommends a new direction for Mall Road and includes the potential for more entertainment uses, high rise condominium, mixed use, and residential development.

The Land Use Element provides the following Future Land Use Development Guidelines 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 ("Utilization of Existing Vegetation and Topography," pg. 140).
- B. 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. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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

- D. Developments in Boone County must recognize the potential impacts of stormwater 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 in watersheds ("Stormwater Management and Erosion Control, pg. 141).

- 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, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- 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 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. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).
- 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. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in 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 ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element provides the following comments that relate to the proposal:

- 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 and tenant changes 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 (Recommended Areas of Commercial Activity, pp. 62-65).

- B. The City of Florence was the main sponsor of the Mall Road Corridor Study in 2002 and 2003. This study examined the market conditions for Mall Road, and developed a strategic plan based on demographic characteristics of the trade area, competition, and traffic patterns. During the process a week-long design charette was held to bring together citizens, public officials, planners, and designers to produce a master plan for the corridor. The Plan includes traffic improvements, bike and pedestrian improvements, parking lot design, street furniture, tree plantings, signage recommendations, design standards, remedies for unsightly features, and drafted model changes to the zoning ordinance for the corridor. The overall goal of the Study was to re-design Northern Kentucky's largest commercial area into a strong mixed use, urban community with extensive new commercial, office, entertainment, and residential development. A major component of the plan is to develop new urban buildings within the existing large parking lots and implement a grid street system to create a dense, active, successful, focal point for Northern Kentucky. Since the completion of the Study, the City of Florence has moved ahead with the hiring of an Economic Development Coordinator, and has conducted meetings with area property owners and developers to begin implementation of the Master Plan. The City of Florence has become a catalyst in redeveloping this aging area. The major ramifications for land use planning are that increased commercial and office square footage should occur, and significant residential development may occur (Recommended Areas of Commercial Activity, pp. 62-65).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

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

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- C. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).

- D. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective).
- E. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).
- F. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- G. 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, Objectives).
- H. 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, Objectives).
- I. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- J. 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 land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).

Relationship to the Boone County Transportation Plan 2030

The following passages and information relate to the request:

- A. The current level of service (LOS) on Mall Road, between US 42 and KY 18 is LOS D. The average daily trips on this section of road is 20,877 (Exhibit 2-7).
- B. The projected level of service (LOS) on Mall Road in the year 2030 is LOS C (Exhibit 3-8).

Update - The Mall Road project is currently listed on the State's 6 Year Plan. The plan involves curb and gutter improvements, pedestrian improvements, and a landscaped median on Mall Road. The State shows that 13 million dollars of construction money will become available for the project in 2010. However, no right-of-way or utility relocation or design money has been identified.

STAFF COMMENTS

- 1. The proposed occupant of the restaurant is Rio Grande Mexican Restaurant. They currently lease a space in the Florence Center.

2. The property owner informed Staff that Hern Marine will be moving out of the Antique Mall building at years end.
3. Based on the 2006-2008 zoning regulations, the Florence Antique Mall and restaurant have a combined parking requirement of 388 parking spaces.

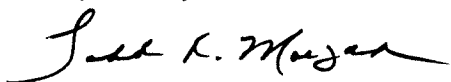
Staff has the following questions and comments regarding parking:

- A. Does the shared parking agreement cover the entire Antique Mall parking lot?
 - B. The applicant's Concept Plan does not show all the parking on site. The 2007 aerial photograph shows that there is additional parking to the rear of the building.
 - C. How many parking spaces will exist on site if the restaurant is constructed as proposed and the boat storage area is removed in the rear parking lot?
 - D. Additional parking will need to be added to the site or a Waiver will need to be approved by the Zoning Administrator if there is insufficient parking on site.
4. The building rendering and elevation drawings show that building will have adobe/southwest architectural characteristics (varying courses of brick and clay tile roofing). A 46' tower has been added to the building to compensate for the difference in topography between Mall Road and that outlot. Boone County G.I.S. shows that the centerline of Mall Road is 860' above sea level and the southeast corner of the parking lot is 838' above sea level.
 5. The proposed outlot is located within the limits of the Mall Road Commercial Sign District and is not eligible to have its own free-standing sign. The building is allowed to have building mounted signage on four facades of the building. The restaurant could continue to advertise on the Florence Center/Florence Antique Mall free-standing sign at Mall Road/Connector Drive intersection if the owner of the sign is agreeable.

CONCLUSION

The Change in Approved Concept Development Plan request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Articles 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments:

- *Site Vicinity Map
- *Concept Development Plan (Overall Site)
- *Concept Development Plan (Outlot)
- *Building Rendering
- *Elevation Drawings
- *Letter From Owner Regarding Shared Parking
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *October 18, 2000 Committee Report
- *City of Florence Ordinance No. O-23-00
- *Application

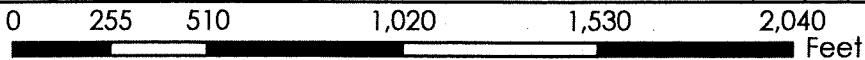
SITE VICINITY MAP

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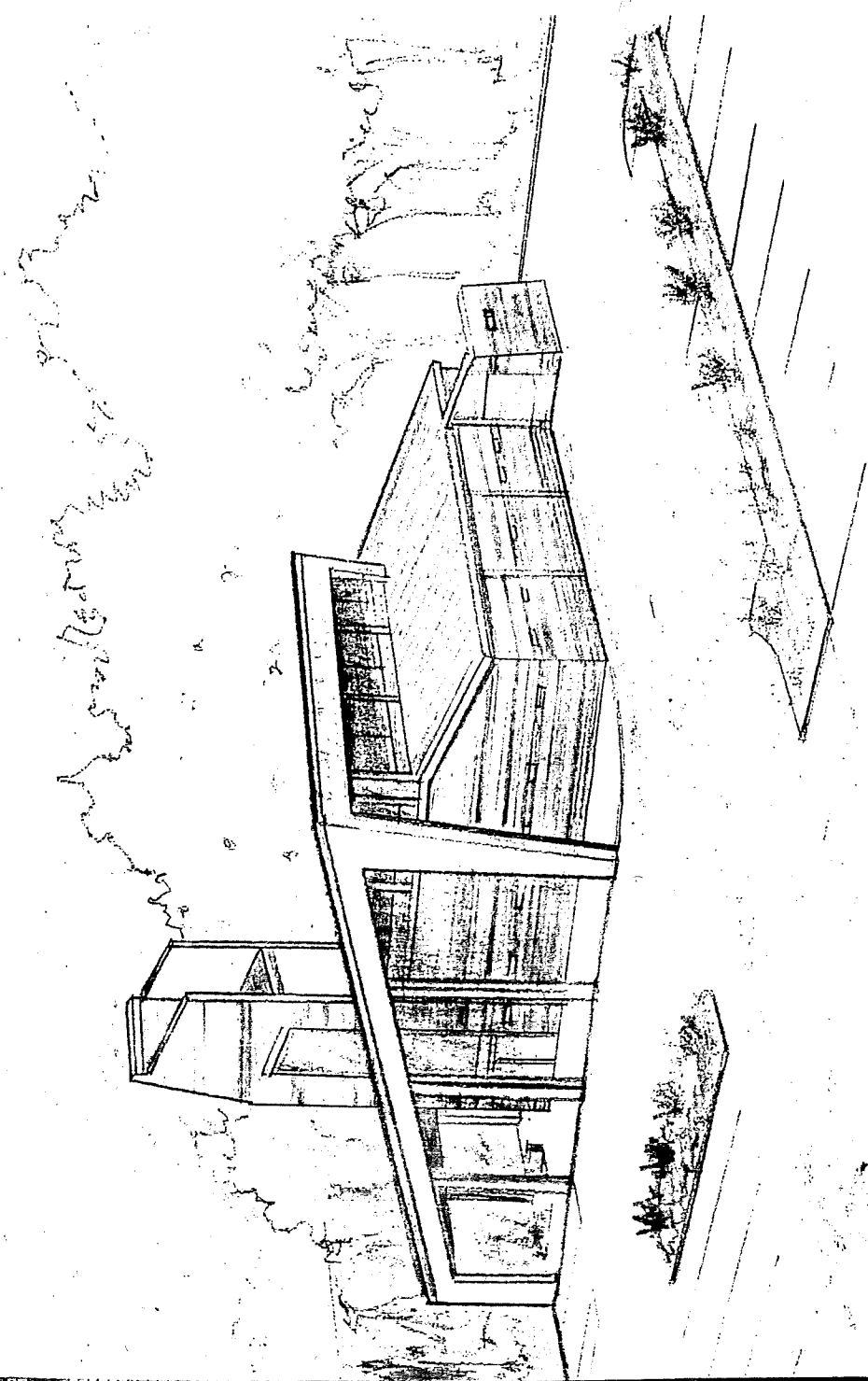
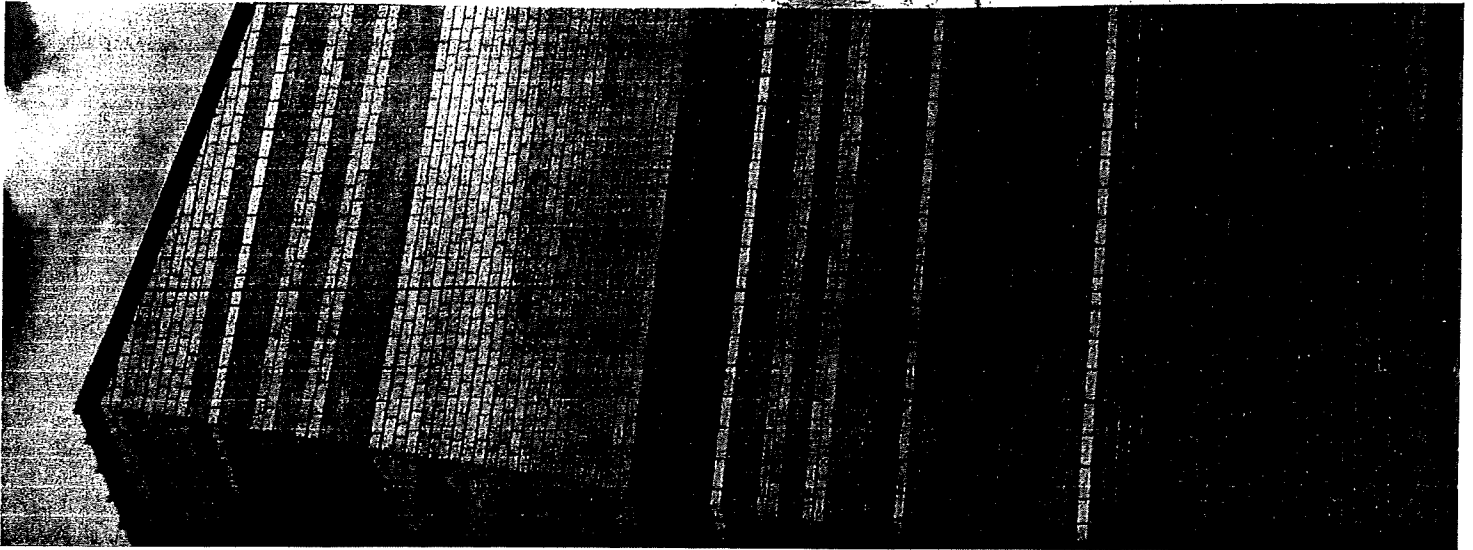
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RIO GRANDE MEXICAN RESTAURANT

CHANGE OF CONCEPT DEVELOPMENT PLAN

OCTOBER 13, 2008



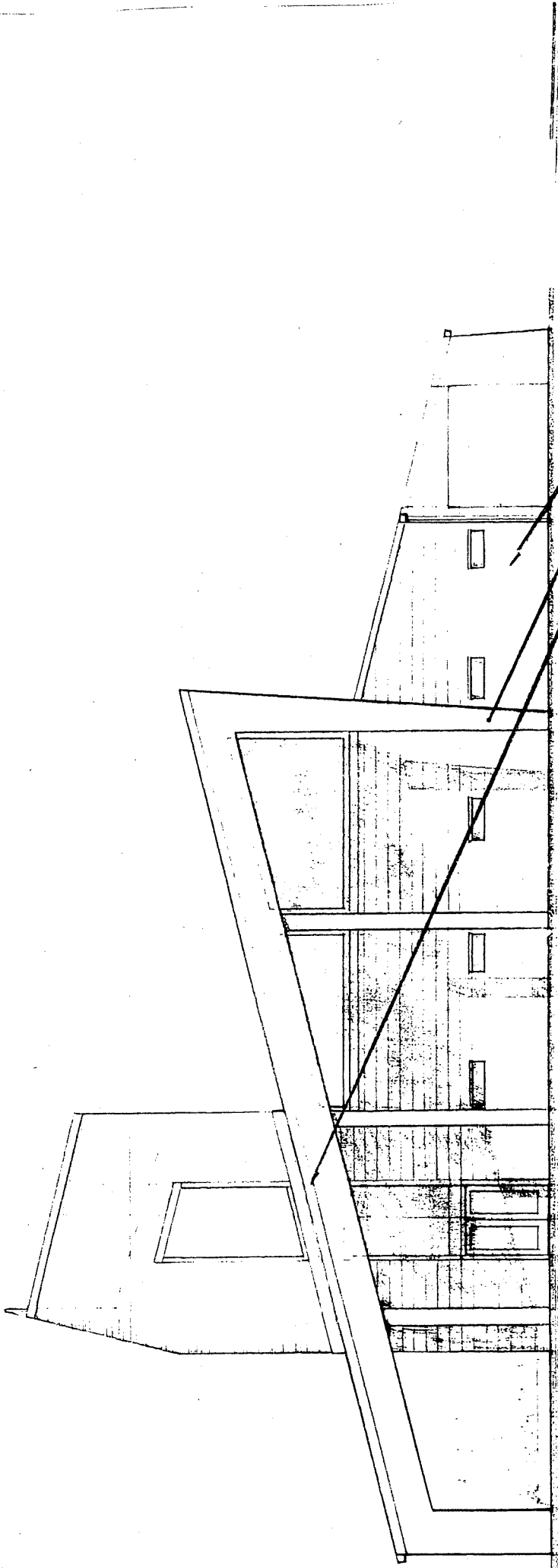
PERSPECTIVE SKETCH

SYNTHESIS

ARCHITECTURE + PLANNING

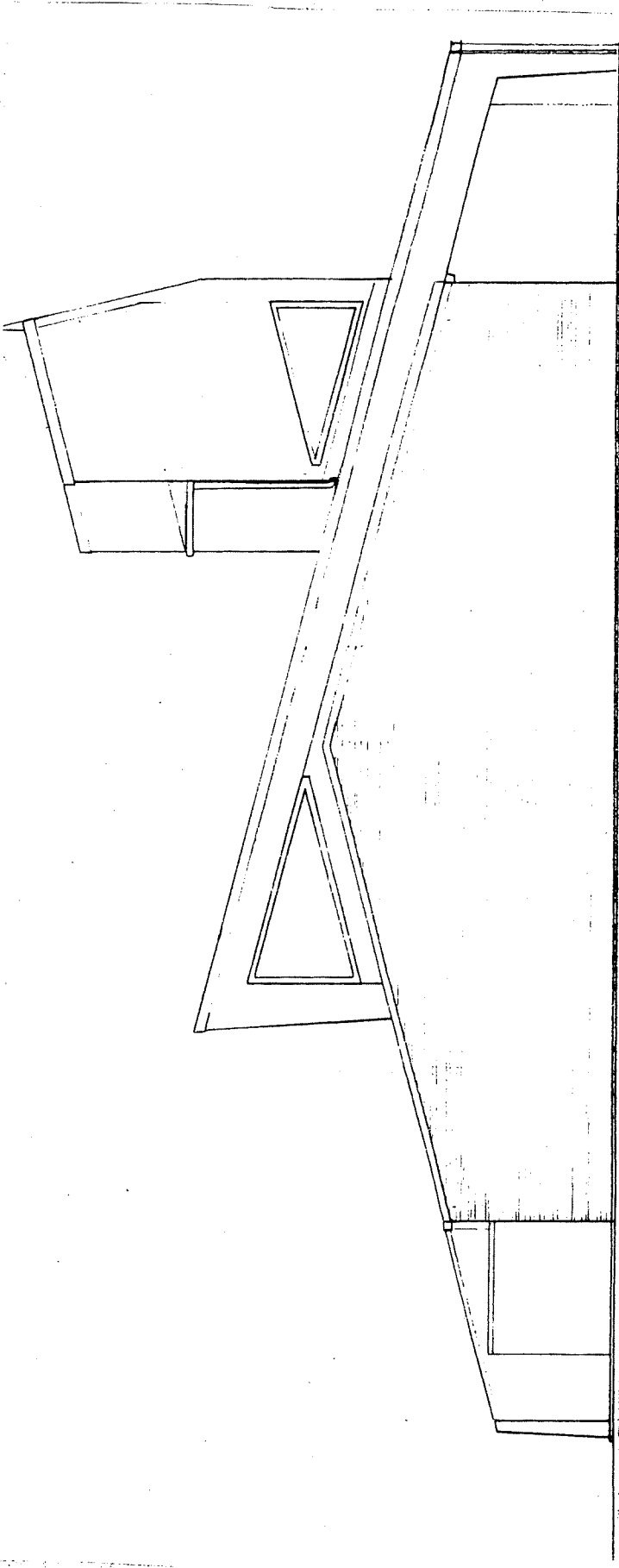
Formerly Carl A. Strauss and Assoc.

Brick with varying courses

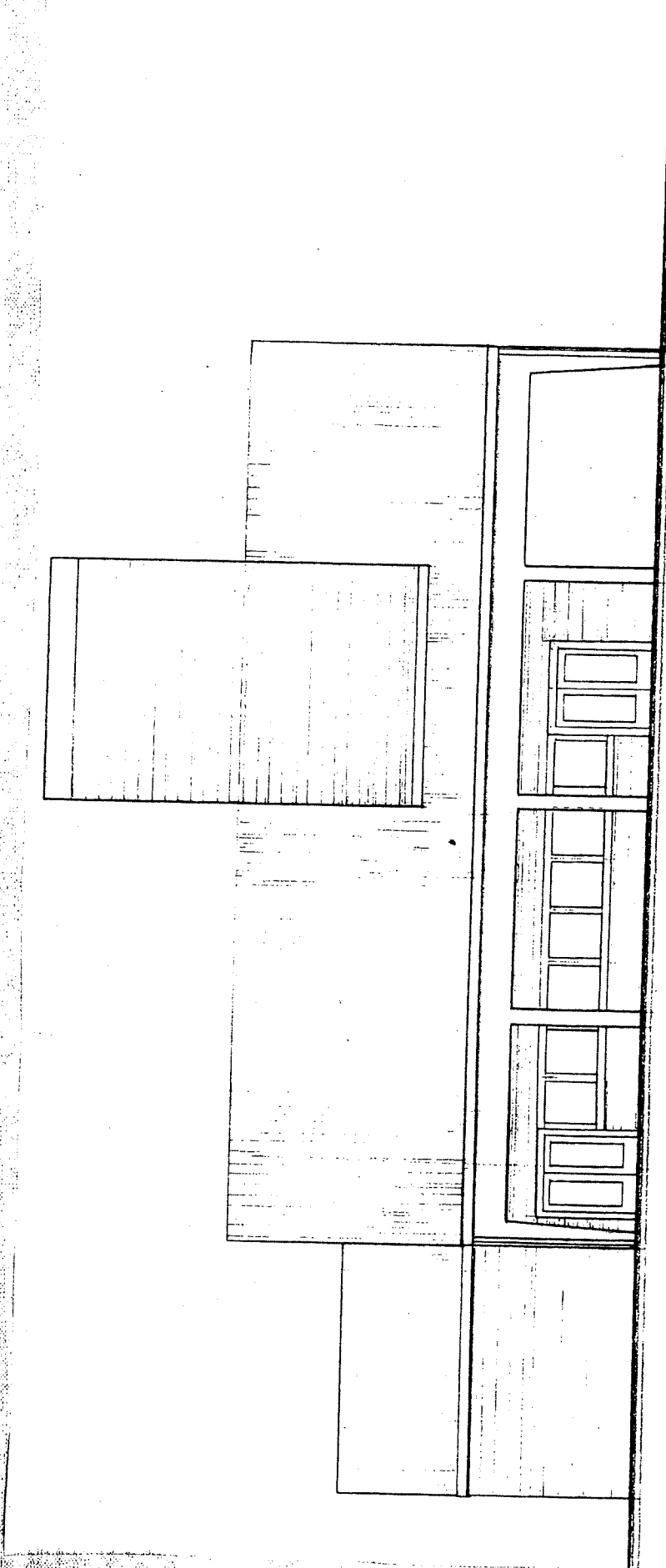


Brick with varying courses
Tile or stucco
Metal Coping
Clay Tile Roofing

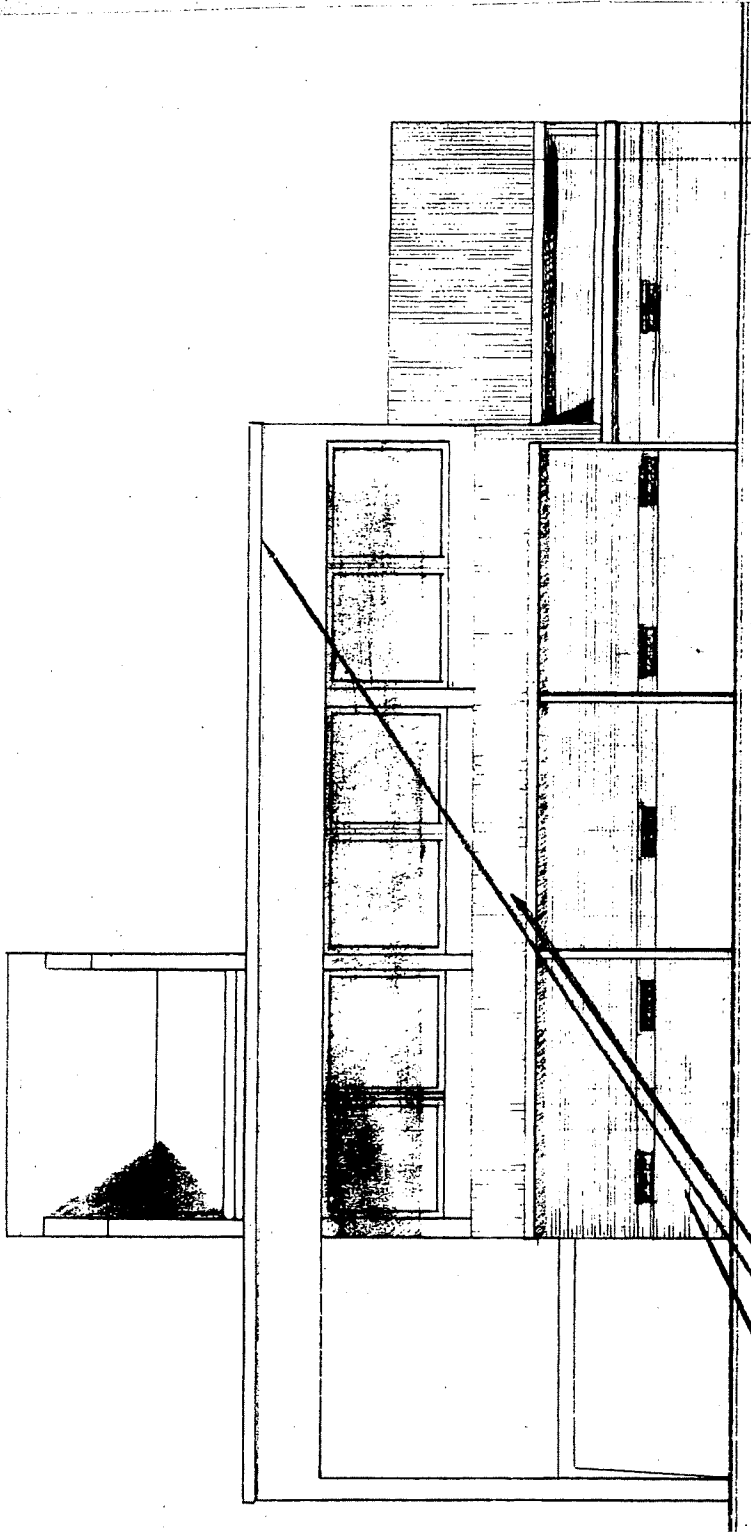
North Elevation scale: 1/8" = 1'-0"



South Elevation scale: 1/8" = 1'-0"



East Elevation scale: 1/8" = 1'-0"



West Elevation scale: 1/8" = 1'-0"

- Brick with varying courses
- Tile or stucco
- Metal Coping
- Clay Tile Roofing

Future Properties, LLC
543 Terry Lane
Crescent Springs, Kentucky 41017

October 10, 2008

City of Florence, Kentucky
8100 Ewing Blvd.
Florence, Kentucky 41042

Re: Sale of Outlot on Mall Road

To whom it may concern:

Please be advised that as the owners of the outlot on Mall Road, we agree to provide cross-easements for ingress, egress and parking to the purchasers of the outlot. Correa Family, LLC has entered into a purchase contract with the undersigned dated August 22, 2008 for the outlot on Mall Road next to the building known as the "old Swallen's building." Simultaneously, with the transfer of the deed and payment of the purchase price, Future Properties will grant to Correa Family a cross easement for the use of 90 parking spaces on the remaining property owned by Future Properties. Additionally, Future Properties will allow ingress and egress to the outlot being sold consistent with the existing easement agreements and other easements and instruments currently of record.

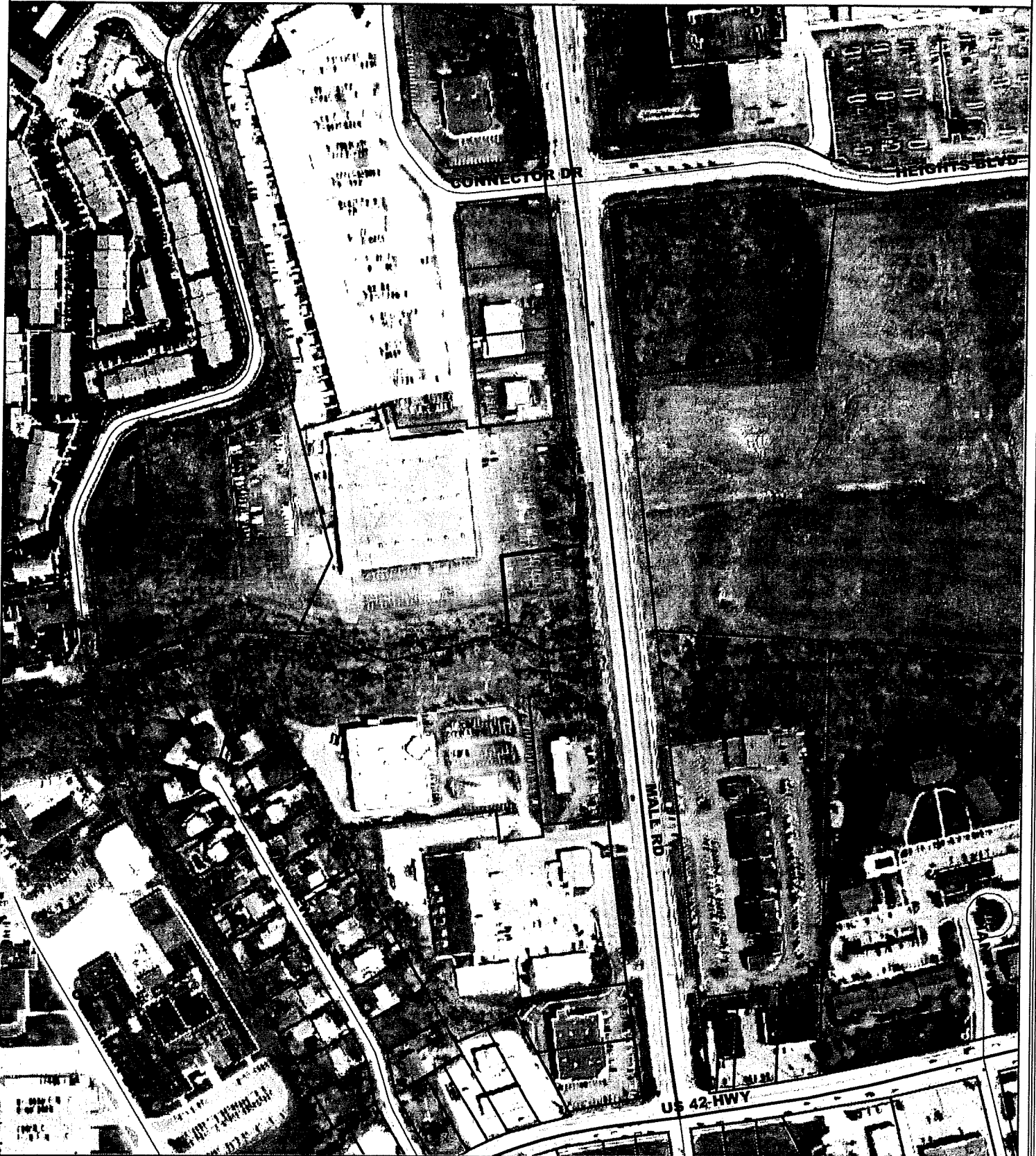
Sincerely,



Member of Future Properties, LLC

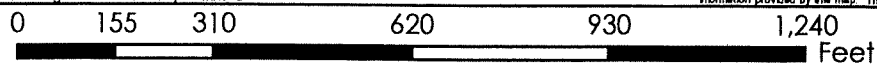
AERIAL MAP

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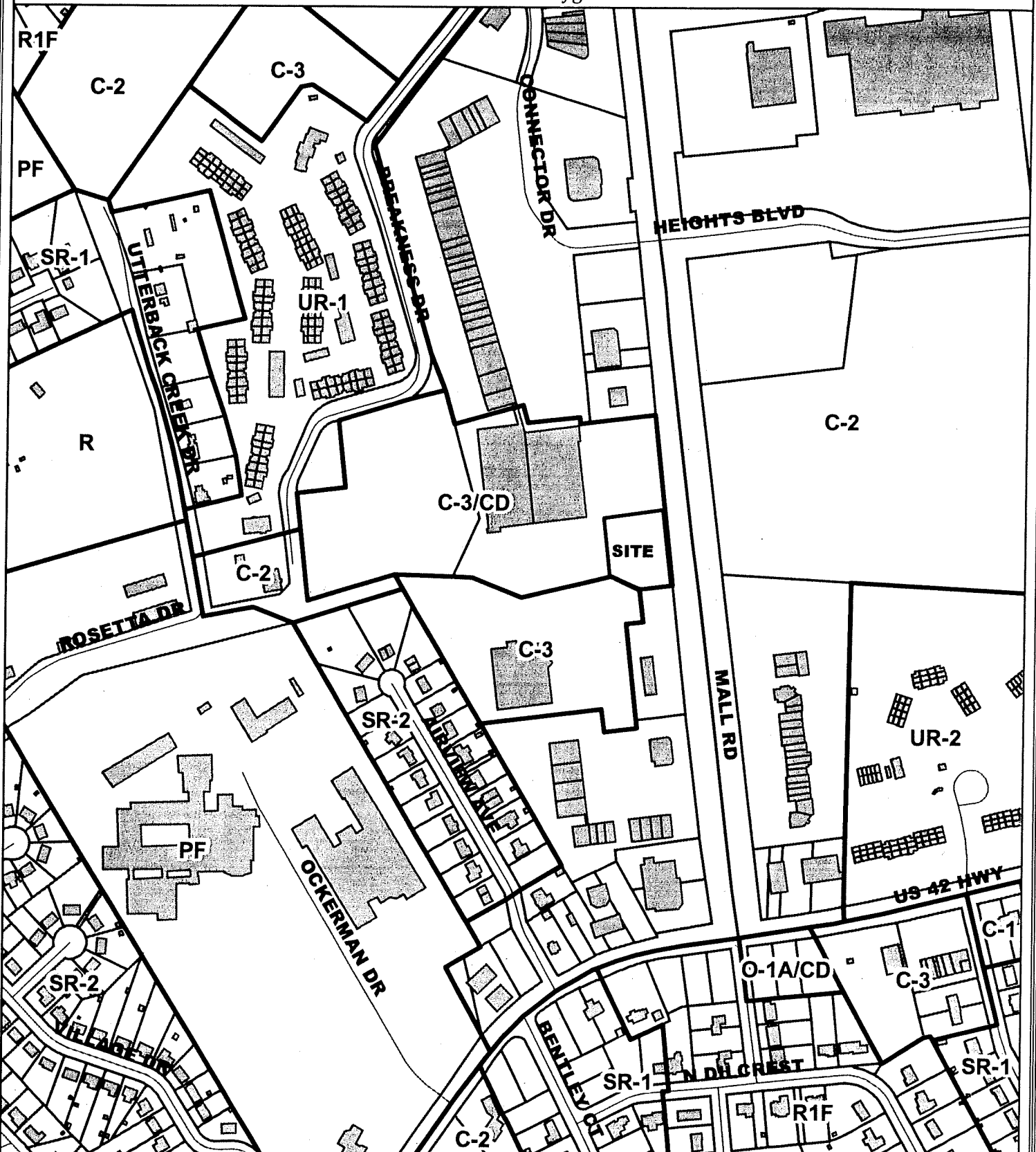
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Map Created: 01/01/2008

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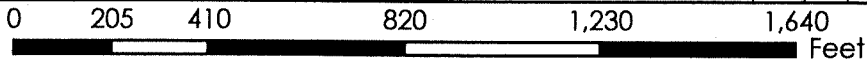
ZONING MAP

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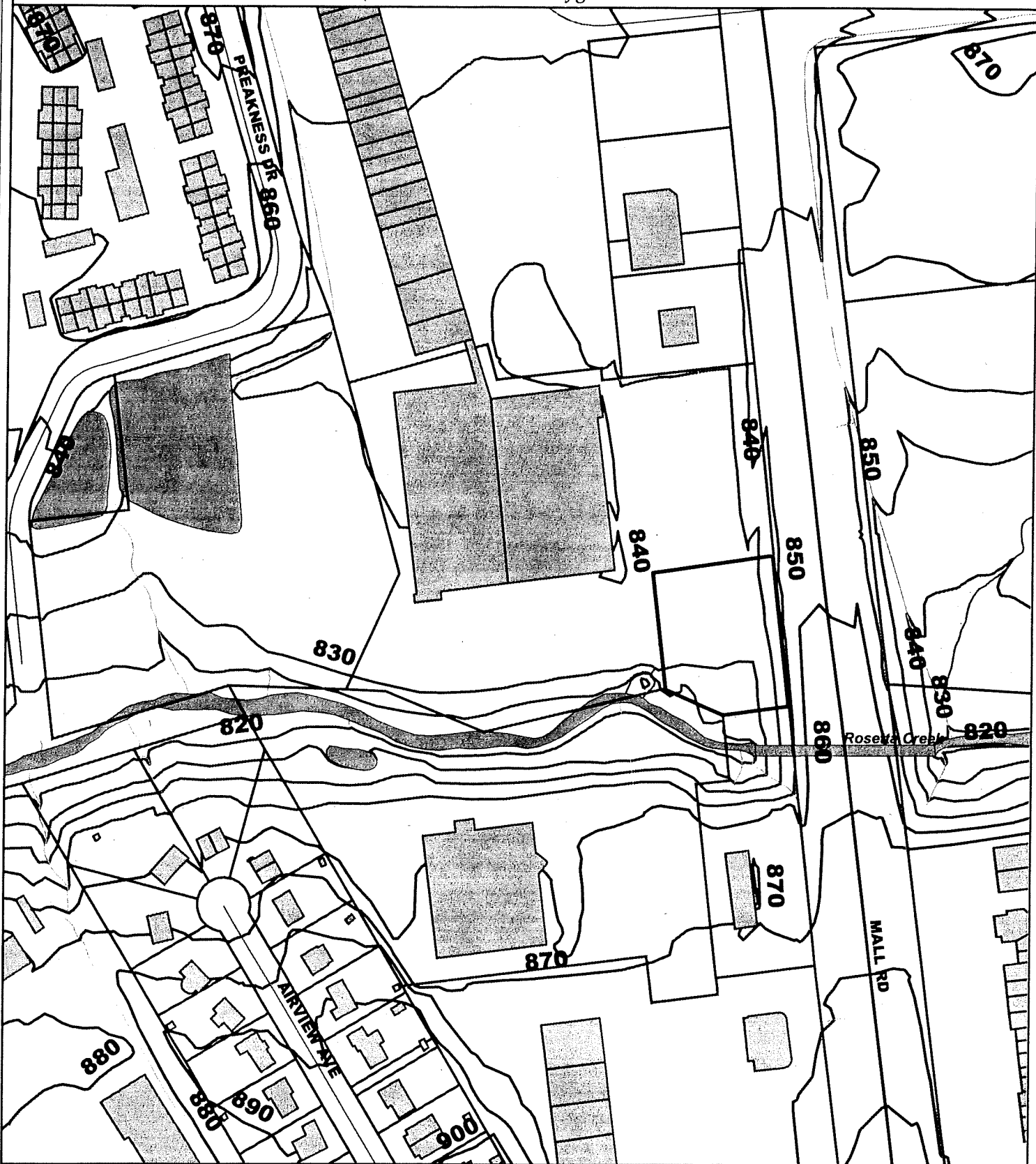


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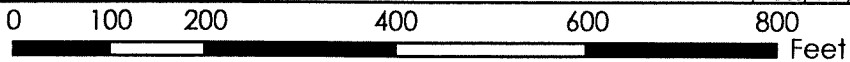
TOPOGRAPHICAL MAP

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1 inch equals 200 feet

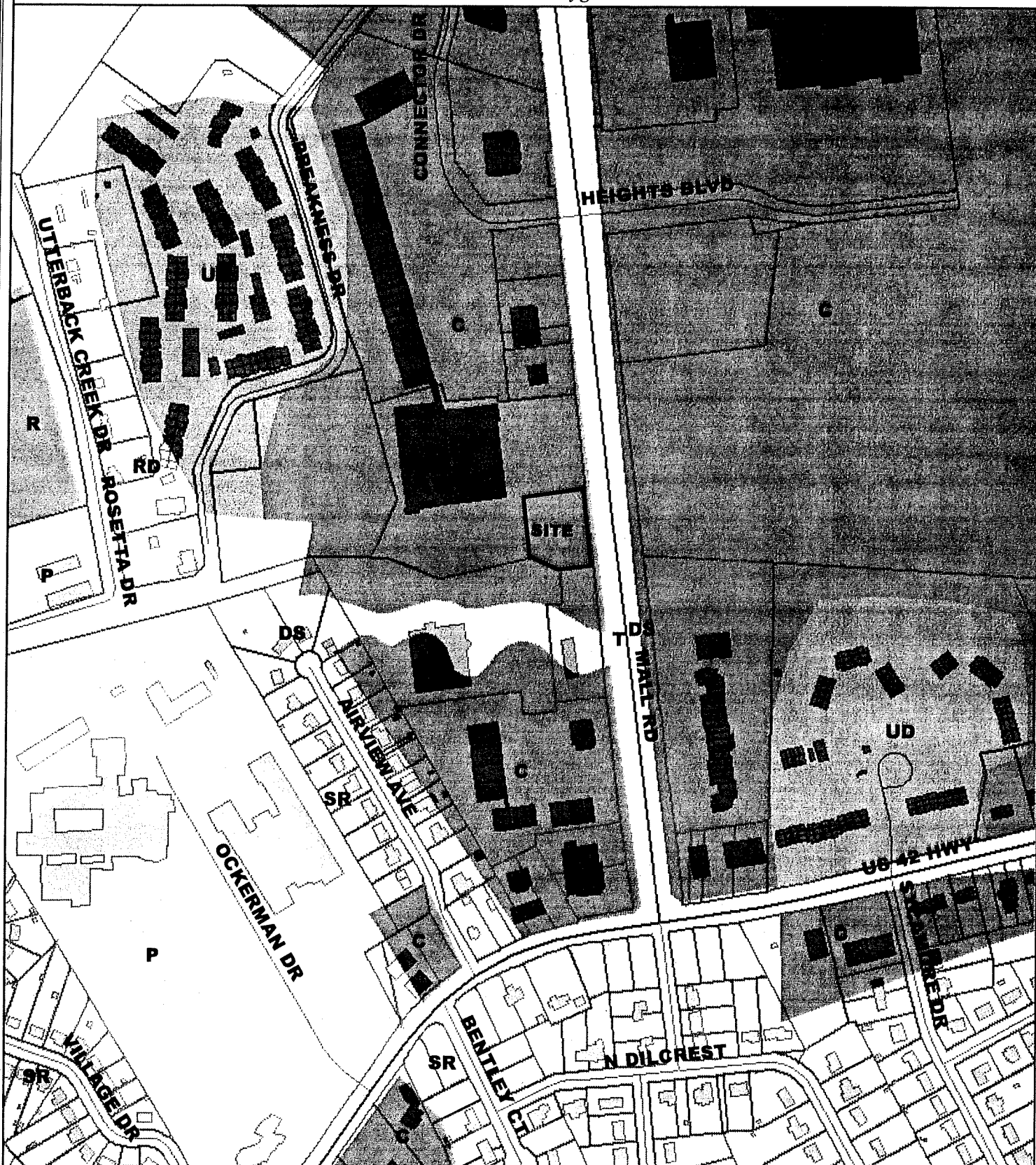


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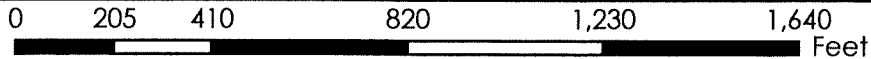
FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: October 18, 2000

RE: Request of Timothy B Theissen, Strauss & Troy (applicant) for Future Properties, LLC (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 12 acre tract located at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine crafts and related accessories and sporting equipment, in addition to existing antique mall and cabinet shop.

REMARKS:

We, the Committee, recommend approval of the above referenced Zoning Map Amendment application based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in general agreement with the 1995 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element (Area C-4: Camp Ernst Area, pp. 222-223) states that the Mall Road area should continue to develop as a regionally-oriented commercial district. This regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Road. However, the highway-scaled, automobile oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road."
 - B. Although the 1995 Boone County Comprehensive Plan's "2020 Land Use Plan" designates the site in question as a mixture of "Commercial", "Urban Density Residential", and "Rural Density Residential", the Committee concluded that the entire parcel needs to be shown as "Commercial". The determination was based on the fact the entire building and parking areas are currently within the "Commercial" designation.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 1995 Boone County Comprehensive Plan. 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. Future tenants in any building will be prohibited from operating a business which performs any of the following Commercial Services (C-3) uses:
 - a. Commercial parking facilities;
 - b. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
 - c. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
 - d. Eating and drinking establishments including alcoholic beverages and with drive-thru franchise style fast food facilities;
 - e. Sales of mobile homes, sheds, car ports and other pre-fabricated buildings;
 - f. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlots including equipment and vehicles;
 - g. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
 - h. Equipment, automobile, truck rental and leasing services;
 - i. Gasoline filling stations, automobile repair facilities, junk yards, wrecking or other storage;
 - j. Convenience stores;
 - k. Nursery and day care centers;
 - l. Hotels and motels including convention facilities;
 - m. Flea markets;
 - n. Funeral homes, crematoriums, cemeteries or mausoleums;
 - o. Welding or limited fabrication of metal products;
 - p. Truck stops.

2. There will be no storage or display of boats in the front yard.
3. The outside storage and display areas which are shown on the Concept Development Plan are limited to boats.
4. Stockade fencing must be used the in the north and western elevations of the 40,000 square foot display and storage area which is located in the rear parking lot. This stockade fencing will screen the view of this storage area from Paddock Club Apartments.
5. No major boats repairs can be made on site. This definition includes overhauling motors, fiberglass repair, painting, and structural repairs.

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.

ORDINANCE NO. D-23-00

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 12 ACRE SITE LOCATED AT 8145 MALL ROAD IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS CURRENT ZONING OF COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3), THIS REZONING BEING TO ALLOW SALES AND SERVICE OF NEW AND USED MARINE CRAFT AND RELATED ACCESSORIES AND SPORTING EQUIPMENT, WHICH ARE IN ADDITION TO THE EXISTING ANTIQUE MALL AND CABINET SHOP, SUBJECT TO A CONCEPT DEVELOPMENT PLAN AND AGREED CONDITIONS. (FUTURE PROPERTIES, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a zoning map amendment for an approximate 12 acre site located at 8145 Mall Road in the City of Florence, Kentucky, to rezone this property from its current zoning of Commercial Two (C-2) to Commercial Services (C-3), to allow sales and service of new and used marine craft and related accessories and sporting equipment, subject to a Concept Development Plan and agreed conditions, these uses being in addition to the existing antique mall and cabinet shop, and

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

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

SECTION I

That the zoning map amendment for the approximate 12 acre site located at 8145 Mall Road in the City of Florence, Kentucky, to rezone the subject property from its current zoning of Commercial Two (C-2) to Commercial Services (C-3), to allow sales and service of new and used marine craft and related accessories and sporting equipment, subject to agreed conditions and a Concept Development Plan, shall be and is hereby approved, these uses being in addition to the existing antique mall and cabinet shop. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence,

Kentucky, shall be designated to reflect the approval of this zoning map amendment for this subject property.

SECTION II

Approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein by reference as if fully set out, this recommendation being in the form of Resolution No. R-00026-A of the Boone County Planning Commission along with the referenced exhibits 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 additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-00-026-A, marked Exhibit "B" hereto.

SECTION V

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

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 28th DAY OF November,
2000.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
5th DAY OF December, 2000.

APPROVED:

Dean E. Whales
MAYOR

ATTEST:

Betty R. Conrad
CITY CLERK

**ADDITIONAL CONDITIONS
TO**

Request of Timothy B. Theissen, Strauss & Troy (applicant) for Future Properties, LLC (owner) to consider a zoning map amendment from Commercial 2 (C-2) to Commercial Services (C-3) for an approximate 12-acre tract located at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine crafts and related accessories and sporting equipment, in addition to existing antique mall and cabinet shop.

1. Add to Condition #1 the following prohibited uses:

R. Dwelling Units

S. Rental of Trucks or Trailers

2. Amend Condition #2 to read as follows:

"There will be no storage or display in the front yard or anywhere else other than in the designated fenced areas."

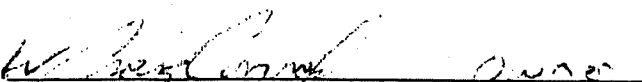
3. Amend Condition #3 to read as follows:

"The outside display areas which are shown on the Concept Development Plan are limited to boats and boat trailers."

4. Add a new Condition #6 as follows:

"The forty thousand square foot (40,000 sq.ft.) boat and boat trailer display area shall conform to the size and location as shown on the Concept Development Plan."

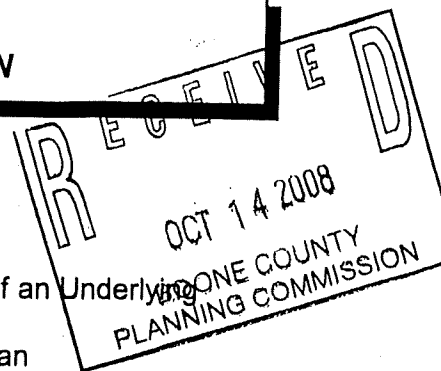
I hereby certify that I am an officer of Future Properties, LLC. My signature indicates that I am in agreement with the above listed conditions of approval for a zoning map amendment from Commercial 2 (C-2) to Commercial Services (C-3) for an approximate 12-acre tract located at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine crafts and related accessories and sporting equipment in addition to existing antique mall and cabinet shop.


Name and Title

11-22-00
Date

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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Rio Grande Mexican Restaurant
- 3. Location of Project End of Connector Drive, Mall Road w/in "Swallen's Inc" Parcel 8145 Mall
- 4. Total Acreage of Site Proposed parcel is 0.939 acre. Total site is 12.204 acres
- 5. Current Zoning C-3
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) September 27, 2000
- 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) NO
- 8. Proposed Uses (please specify each use) Restaurant (see use group A-2)
- 9. Proposed Building Intensities (please specify) 4,956 s.f. / 0.939 acres = 5,277.955 s.f. / acre
- 10. Have you submitted a Concept Development Plan? Attached
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Alexander Christoforidis AIA, AICP
- Phone Number (513) 675-8706 Fax No. (513) 556-5061
- 13. Address of Applicant(s) 1077 Celestial Street, suite 205
- Cincinnati OH 45202
- City State Zip
- 14. Name of Property Owner(s) Future Properties, LLC
- Phone Number (859) 802-4856 Fax No. _____
- 15. Address of Property Owner(s) 543 Terry Lane
- Crescent Springs, Kentucky 41017
- City State Zip
- 16. Are there any existing buildings on the site? NO
- How many? 0
- 17. Deed Book 623 Page No. 232 Group No. 240 A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes (Todd Morgan)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

November 19, 2008
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Bunger, Mr. Carmichael, Mr. Ford, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke – Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:33 PM and introduced the first item on the Agenda:

Applicant: Alexander Christoforidis, AIA, AICP for Future Properties, LLC (owner)

Request: Change in Concept Development Plan

The request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Alexander Christoforidis, 1077 Celestial Street, Cincinnati, OH, architect and planner, stated that Hern Marine is moving out and the 95 parking spaces for this

proposal would be within the amount of parking available on the Swallen's/Hern marine lot and their subdivided area. He stated that they have a parking agreement with the owner of the former Swallen's property. They will meet the parking requirements with the 95 spaces shown. He has counted the parking spaces on the aerial photograph and they match up with the 95 spaces shown on the Site Plan. This concluded the applicant's presentation.

Mr. Morgan asked the applicant to go out to the site and do a physical count of the parking spaces and provide the exact information to the Committee.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request.

Mr. Joe Berkshire, owner of the property located across from where the restaurant would be constructed, stated that it is exciting to have a stand-alone restaurant in this "dead zone" of Mall Road. He hopes that the Planning Commission does not overly challenge the project and cause them to lose enthusiasm for it.

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

Mr. Patrick Reynolds asked if there will be signage on all four sides of the tower. Mr. Morgan responded that they are allowed one building-mounted sign on each facade, and that signage could be placed on the tower. There is nothing in the Sign Code to prevent signage on the tower. Mr. McMillian questioned the size of the allowable signage. Mr. Morgan responded that they are allowed two square feet of signage per the linear width of the building. He stated that they are not permitted a free-standing sign -- which is why they are allowed additional building-mounted signage on this outlot -- and they could continue to advertise on the shared sign near Connector Drive, if the owner is agreeable.

Mrs. Poston asked if the tower is part of the entrance. Mr. Christoforidis responded that the tower is an entry element of the building. He stated that they will be able to place signage on the tower that is visible from Mall Road. He stated that Mall Road is at a higher elevation than the building and they want to use close to the 50-foot height limitation. The tower goes above the level of Mall Road and people will be able to see the signage on the tower. Otherwise, they would only have the signage on the parking lot.

Mr. Rolfsen asked if there would be signage on all sides of the tower. Mr. Christoforidis responded that there will be signage on the side that faces Mall Road. That sign element might be curved so that it is more visible from Mall Road. They may have secondary signage on the project that would be visible from the parking lot.

Mr. Ford questioned how the signage on the tower would be illuminated. Mr. Christoforidis responded that it would not be backlit or a light box – there would probably be exterior lights shining down on the letters.

Mr. Rolfsen asked the applicant to bring to Committee samples of the brick and the proposed brick pattern. He asked if there is another restaurant like this one. Is this a prototype for Rio Grande? Mr. Christoforidis responded that it is a prototype. Mr. Rolfsen asked if there will be a drive-through. Mr. Christoforidis responded that they do not have plans for a drive-through. He stated that he will bring samples of the brick to the Committee Meeting.

Mr. Bunger asked if the parking agreement provides access from Connector Road all the way across the former Swallen's property. Mr. Christoforidis responded "yes" and stated that part of the parking agreement is an easement to be able to come right into the property.

Mr. Bunger asked if the tower would be interpreted as signage since it is multi-colored. Mr. Morgan responded "no" and stated that the tower is brick. Mr. Bunger asked if there is a commitment that the tower will be brick. Mr. Christoforidis responded that it is a thin face brick, which is much lighter and makes the construction of the tower much more reasonable.

Mr. McMillian asked if the tower would be considered a free-standing sign. Mr. Morgan responded that it is a brick tower element of the building and he would not consider it to be signage. If there were illuminated neon bands on the tower, they would be signage.

Mrs. Poston asked if this project would be impacted by the Mall Road reconstruction. Mr. Morgan read from the Staff Report on Page 7 (Relationship to the Boone County Transportation Plan 2030, Item B) in response to Mrs. Poston's question. Mr. Costello stated that he does not think the project would be impacted by the Mall Road reconstruction – they are not going to add lanes on Mall Road in that location.

Mr. Costello asked if the applicant has looked at the existing easements on the property. He stated that there is a huge storm sewer or sanitary sewer there – large enough to walk through. He asked if they have looked into the issue of building over the utility line. Mr. Christoforidis responded that the building would be placed where there is currently parking. No part of the building would be over a green part of the site. Mr. Costello explained that he is referring to a large underground line for possibly a 72" pipe. He stated that there are easements that run throughout the property. Mr. Christoforidis responded that the only easement he is aware of is for a storm sewer and it is a swale between the proposed building and Mall Road. He has not looked into any other utility easements. Mr. Costello recommended that the applicant check into the utility easements because his client would be responsible for relocation of any utilities


affected by the building they propose. He recalls from when the site was developed by Swallen's over twenty years ago that there were utility easements on the property. Mr. Christoforidis stated that no underground utility lines were shown under the building site on the Site Plan done in the 1990's. He has not checked with the local utility companies to verify the information.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 3, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 17, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 7:58 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
January 7, 2009
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBER NOT PRESENT:

Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Ford stated that at the Public Hearing there was discussion about water runoff. He reviewed Condition #3 and questioned how the water will be handled. Mr. Jonathan Brown with Viox & Viox responded that the site goes down hill from Bullittsville Road. The storm water will be detained in the two lakes. He stated that all of their water goes through the site and they also take water from other properties. He stated that they will handle and detain all of the water to the standards with the two lakes.

There being no further discussion, Mrs. Poston asked for a vote on the motion made by Mr. Bunger **and it carried unanimously**. Mr. Charlie Reynolds returned to the meeting at this time.

2. Zoning Map Amendment and Concept Development Plan

The request of Viox & Viox, Inc. (applicant) for EmANon Acres, Limited Partnership, Dennis G. Davis, Don Davis, and Richard Davis (owners) for a Zoning Map Amendment from Commercial Services (C-3) to Employment Planned Development (EDP) for a 2.61 acre area located at 343, 351, 357, and 377 Richwood Road, Boone County, Kentucky; and the request of Viox & Viox, Inc. (applicant) for Anchor Properties (owner by contract) for a Concept Development Plan in an Employment Planned Development (EPD) zone for a 3.045 acre area located at 351, 357, 377, and 391 Richwood Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a commercial and office development on an approximate 5.7 total acre site.

Mrs. Poston stated that Agenda Item #2 is recommended for deferral to the February 4, 2009 Business meeting at 7:00 PM. Mr. Rolfsen so moved. Mr. Bunger seconded the motion and it carried unanimously. The next Committee Meeting for this request is scheduled for January 21, 2009 at 5:00 PM in this room.

3. Change in Concept Development Plan

The request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

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.

Mrs. Poston asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed in Committee before the Planning Commission takes action on this request.

Mr. Alexander Christoforidis, applicant and architect for the project, stated that the Committee Report was thorough and they agreed to all of the conditions. He offered to answer any questions.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

At this time, Mrs. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Ford seconded the motion.

Mr. McMillian asked if there would be a curb cut on Mall Road. Mr. Morgan responded that all access will be directly onto the connector drive. There is no direct access onto Mall Road.

There being no further comments, Mrs. Poston asked for a vote on the motion made by Mrs. Kegley **and it carried unanimously.**

**4. Technical Design Review - Sam's Club
4949 Houston Road**

Staff Member Mitch Light presented the Design Review request for Sam's Club. He indicated the location of Sam's Club on the vicinity map. He presented a Power Point slide showing the original paint and signage on the building and noted that this is the third revision to the signage. He presented a Power Point slide showing the current paint on the building and the older signs. The entry feature (skylight) has been approved, but has not yet been constructed. Mr. Light indicated the 256 and 97 square foot signs on the building which are being exchanged for smaller signs. The logo sign is now 200 square feet, the pharmacy/optical/ photo/tire sign is 64 square feet, and they are proposing a 200 square foot sign towards the end of the building on the front elevation, for a total of 464 square feet of signage – which is approximately 50 square feet larger than the original sign package. He stated that signage is calculated by drawing a box around the widest and tallest parts of the sign. He stated that Staff and the Committee felt that this is a better looking sign package. The second request is for a 10.5 square foot sign (1' x 10'6") to be located over the top of the middle bay. The Committee recommends approval of both requests. He stated that a representative of Sam's Club was present this evening.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 7, 2009

RE: Request of **Alexander Christoforidis, AIA, AICP (applicant)** for **Future Properties, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The proposal is in general agreement with the following passage from the Land Use Element:

"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. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities" (Florence Commercial Area, pp. 144-145).

The proposed building is approximately 5,000 square feet in area and will be located on an outlot in the southeast corner of the Florence Antique Mall parking lot. Landscaping will be provided around the perimeter of the outlot.

- C. The proposal is in general agreement with the following passage from the Business Activity Element:

"The overall goal of the study (Mall Road Corridor Study) was to re-design Northern Kentucky's largest commercial area into a strong mixed use, urban community with extensive new commercial, office, entertainment, and residential development. A major component of the plan is to develop new urban buildings within the existing large parking lots and implement a grid street system to create a dense, active, successful, focal point for Northern Kentucky (Recommended Areas of Commercial Activity, pp. 62-65).

- D. The project is in agreement with the following 2005 Goals and Objectives:

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- 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, Objectives).

Several conditions were imposed dealing with building design, signage, shared parking, and transportation improvements.

2. 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. 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 the conditions.

CONDITIONS

1. The building shall be constructed per the submitted elevations and rendering. Portions of building shown with varying courses of brick shall be constructed with seven (7) to ten (10) of the color samples shown on the attached exhibit.
2. The building shall have a red clay tile roof which is similar to Olive Garden's (see attached exhibit).
3. Mechanical equipment shall not be permitted on the roof.
4. One (1) building mounted sign is permitted on the 46' tall tower. The proposed sign shall be located on the eastern (Mall Road) tower elevation.
5. All proposed building mounted signage shall be constructed with individual channel letters. Sign cabinets and internally illuminated signs are prohibited on the building.

6. A shared parking agreement shall be submitted when the Site Plan is submitted for review.
7. The following transportation improvements shall be made before the restaurant opens for business:
 - A. The driveway aisle that runs between Connector Drive and the Antique Mall parking lot shall be re-stripped to define the traffic lanes. In addition, the stop bar area across from Valvoline shall be re-stripped into 3 traffic lanes (right turn lane toward Hern Marine, ingress lane, and egress lane).

The owner of Florence Center shall provide a letter indicating that they have approved the lane striping design when the Major Site Plan is submitted to Boone County Planning Commission for review.
 - B. A stop sign shall be placed on the northeastern most pillar of the Antique Mall. The sign will stop motorists as they are driving east toward Valvoline.
 - C. A speed bump shall be installed at the Florence Antique Mall property line. The speed bump will slow vehicles down as they enter and exit the site.
 - D. The revised Concept Development Plan shows pavement markings in the Antique Mall parking lot (see attachments). These pavement markings are required.
8. The principally permitted uses in the Antique Mall shall remain unchanged (see the attached 2000 Zone Change Condition Letter)

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 Concept Development Plan Committee Vote.

Summitville Thin Brick

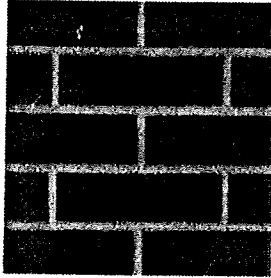
Summitville, America's leading floor brick producer, offers Thin Brick in 14 colors. Each color offers a wide range of shades. Thin Brick is made from select clays and shale chosen for their relative purity, fired strength and proven characteristics.

Custom flashed blends such as light flash, dark flash, vintage flash

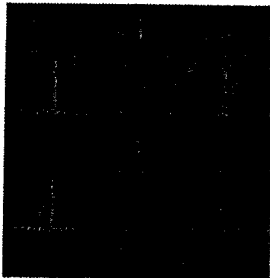
and mixed blends are available by special order: minimum quantity may be required. Always check with the factory before ordering, some inventory may be available.

Thin Brick standard size is $2\frac{1}{4}'' \times 7\frac{5}{8}'' \times \frac{9}{16}''$. Special order sizes are available minimum quantity required.

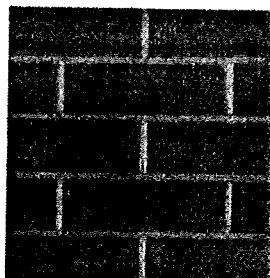
★ Color matching Olde Towne Brick Pavers are available in 12 Thin Brick Colors.



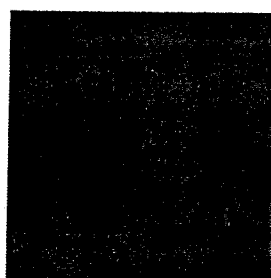
★10 Summitville Red
Range of deep red shades



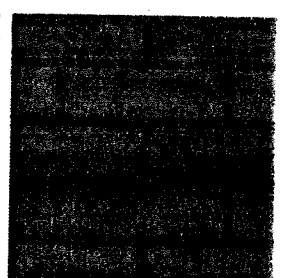
★14 Alexandria
Range of medium red shades



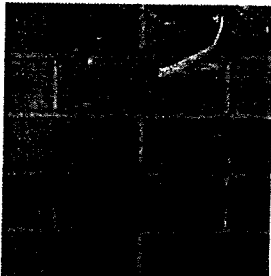
★95 New Bedford
Range of warm red shades



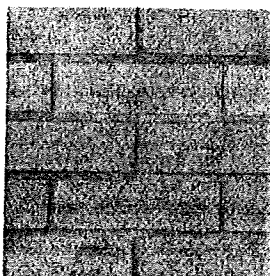
★16 Plymouth
Range of medium red brown shades



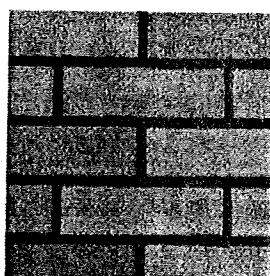
★17 Yorktown
Range of red tan shades



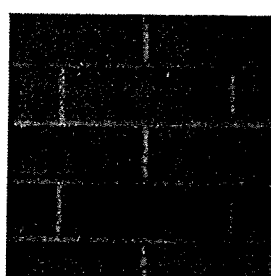
★15 Providence
Range of red brown shades



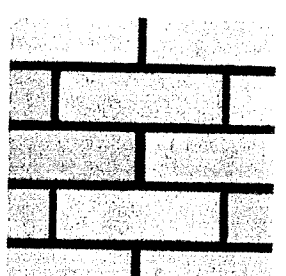
★94 Colony
Range of light tan shades



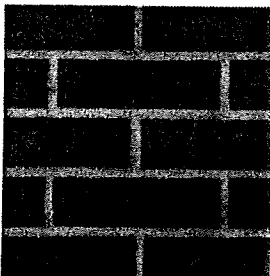
★96 Williamstown
Range of medium tan shades



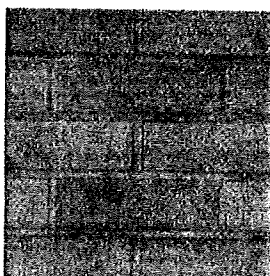
★19 New Amsterdam
Range of light brown shades



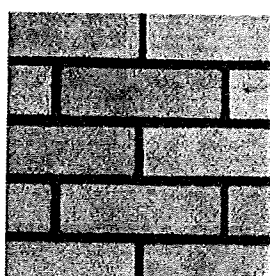
★26 Savannah
Range of light buff shades



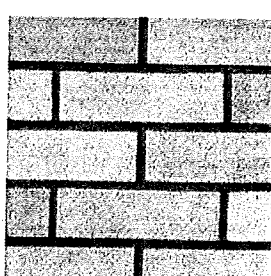
★97 Valley Forge
Range of deep warm brown shades



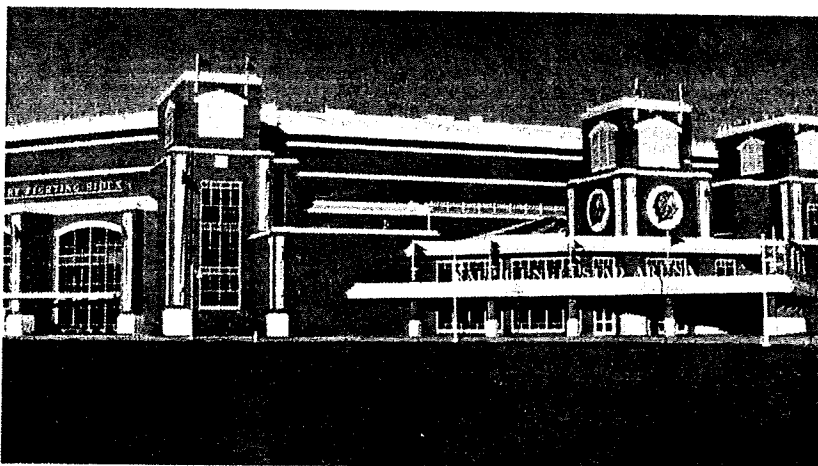
★24 Boston
Range of dark grey shades



★21 Raleigh
Range of light tan grey shades



★27 Georgetown
Range of tan buff shades



STOCK SIZE: $2\frac{1}{4}'' \times 7\frac{5}{8}'' \times \frac{9}{16}''$

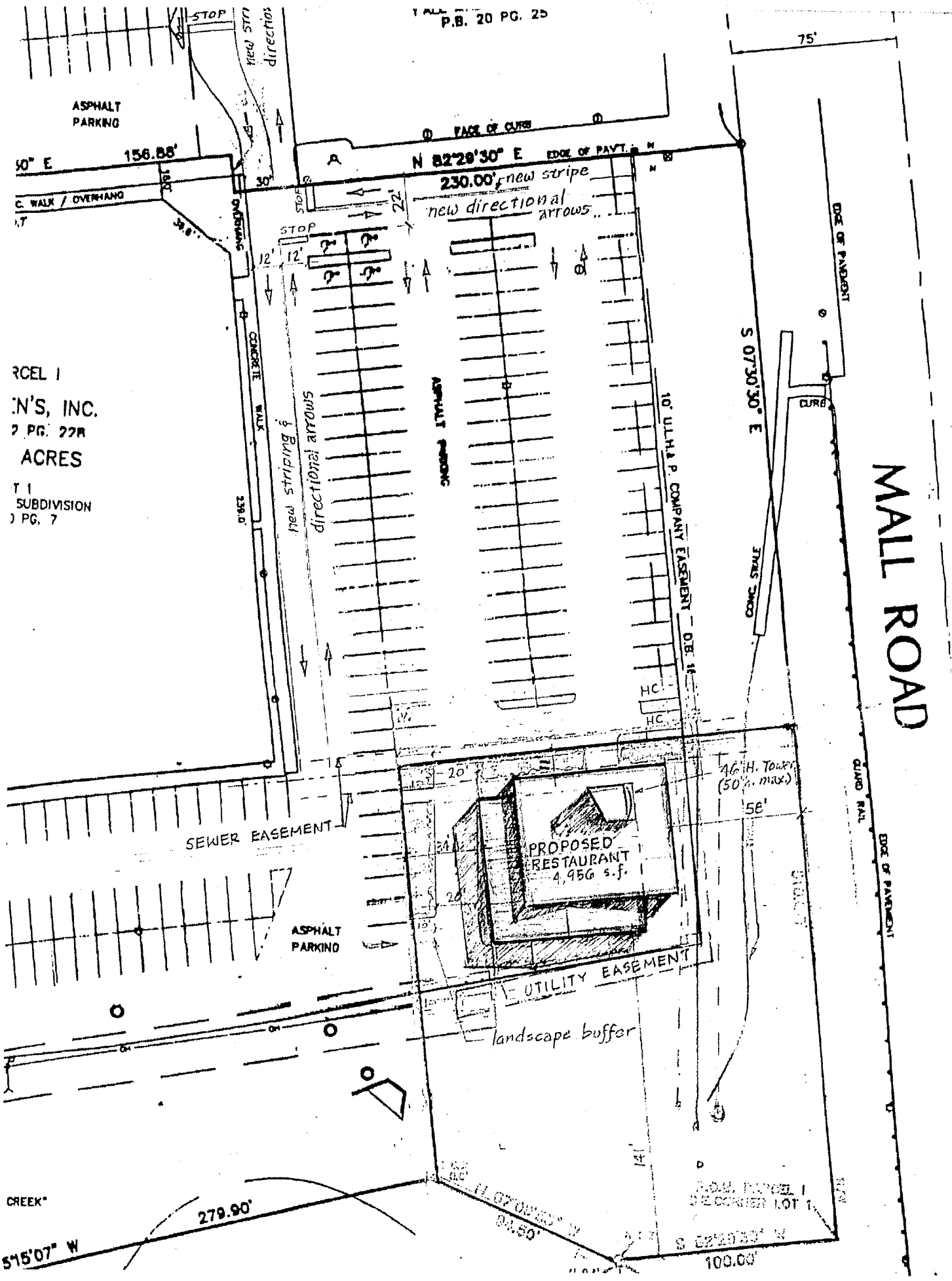
SPECIAL ORDER SIZES

Summitville Thin Brick	Summitville Face Brick
$2\frac{1}{4}'' \times 3\frac{5}{8}'' \times \frac{9}{16}''$	$2\frac{1}{4}'' \times 7\frac{5}{8}'' \times 3\frac{5}{8}''$
$3\frac{5}{8}'' \times 7\frac{5}{8}'' \times \frac{9}{16}''$	$3\frac{5}{8}'' \times 7\frac{5}{8}'' \times 3\frac{5}{8}''$
$3\frac{5}{8}'' \times 11\frac{5}{8}'' \times \frac{9}{16}''$	$3\frac{5}{8}'' \times 11\frac{5}{8}'' \times 3\frac{5}{8}''$

Other sizes and shapes may be available, depending on color choice and quality.

Minimum quantities required - always check factory - inventory may be available.





RCEL 1
 N'S, INC.
 2 PG. 22R
 ACRES
 T 1
 SUBDIVISION
 PG. 7

MALL ROAD

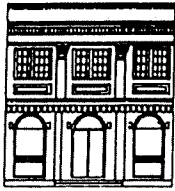
PROPOSED RESTAURANT
 4,956 s.f.

landscape buffer

CREEK*
 545°07' W
 279.90'

10' ULTRA P. COMPANY EASEMENT
 100.00'

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

October 18, 2000

Future Properties, LLC
c/o Timothy B. Theissen
Strauss & Troy
50 East RiverCenter Blvd., Suite 1400
Covington, KY 41011

RE: Request of **Timothy B Theissen, Strauss & Troy (applicant) for Future Properties, LLC (owner)** to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 12 acre tract located at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine crafts and related accessories and sporting equipment, in addition to existing antique mall and cabinet shop.

Dear Mr. Theissen:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. Please have an officer of Future Properties, LLC sign the space provided on the following page if they are in agreement with the following conditions. Please return this signed letter to the Boone County Planning Commission office as soon as possible.

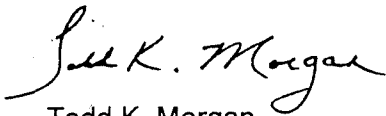
Conditions

1. Future tenants in any building will be prohibited from operating a business which performs any of the following Commercial Services (C-3) uses:
 - a. Commercial parking facilities;
 - b. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
 - c. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
 - d. Eating and drinking establishments including alcoholic beverages and with drive-thru franchise style fast food facilities;
 - e. Sales of mobile homes, sheds, car ports and other pre-fabricated buildings;
 - f. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlots including equipment and vehicles;

Mr. Timothy B. Theissen
October 18, 2000
Page 2

- g. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
 - h. Equipment, automobile, truck rental and leasing services;
 - i. Gasoline filling stations, automobile repair facilities, junk yards, wrecking or other storage;
 - j. Convenience stores;
 - k. Nursery and day care centers;
 - l. Hotels and motels including convention facilities;
 - m. Flea markets;
 - n. Funeral homes, crematoriums, cemeteries or mausoleums;
 - o. Welding or limited fabrication of metal products;
 - p. Truck stops.
2. There will be no storage or display of boats in the front yard.
 3. The outside storage and display areas which are shown on the Concept Development Plan are limited to boats.
 4. Stockade fencing must be used the in the north and western elevations of the 40,000 square foot display and storage area which is located in the rear parking lot. This stockade fencing will screen the view of this storage area from Paddock Club Apartments.
 5. No major boats repairs can be made on site. This definition includes overhauling motors, fiberglass repair, painting, and structural repairs.

Sincerely,

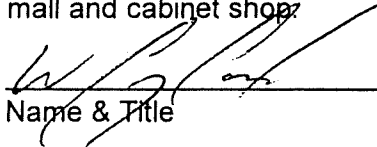


Todd K. Morgan
Planner

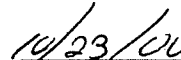
TKM\pr

Mr. Timothy B. Theissen
October 18, 2000
Page 3

I hereby certify that I am an officer of Future Properties, LLC. My signature indicates that I am in agreement with the listed conditions of approval for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) for an approximate 12 acre tract located at 8145 Mall Road, Florence, Kentucky. The request is for a zone change to allow sales and service of new and used marine crafts and related accessories and sporting equipment, in addition to existing antique mall and cabinet shop.



Name & Title



Date

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

November 19, 2008

7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Bunger, Mr. Carmichael, Mr. Ford, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke – Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:33 PM and introduced the first item on the Agenda:

Applicant: Alexander Christoforidis, AIA, AICP for Future Properties, LLC (owner)

Request: Change in Concept Development Plan

The request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Alexander Christoforidis, 1077 Celestial Street, Cincinnati, OH, architect and planner, stated that Hern Marine is moving out and the 95 parking spaces for this

proposal would be within the amount of parking available on the Swallen's/Hern marine lot and their subdivided area. He stated that they have a parking agreement with the owner of the former Swallen's property. They will meet the parking requirements with the 95 spaces shown. He has counted the parking spaces on the aerial photograph and they match up with the 95 spaces shown on the Site Plan. This concluded the applicant's presentation.

Mr. Morgan asked the applicant to go out to the site and do a physical count of the parking spaces and provide the exact information to the Committee.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request.

Mr. Joe Berkshire, owner of the property located across from where the restaurant would be constructed, stated that it is exciting to have a stand-alone restaurant in this "dead zone" of Mall Road. He hopes that the Planning Commission does not overly challenge the project and cause them to lose enthusiasm for it.

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

Mr. Patrick Reynolds asked if there will be signage on all four sides of the tower. Mr. Morgan responded that they are allowed one building-mounted sign on each facade, and that signage could be placed on the tower. There is nothing in the Sign Code to prevent signage on the tower. Mr. McMillian questioned the size of the allowable signage. Mr. Morgan responded that they are allowed two square feet of signage per the linear width of the building. He stated that they are not permitted a free-standing sign -- which is why they are allowed additional building-mounted signage on this outlot -- and they could continue to advertise on the shared sign near Connector Drive, if the owner is agreeable.

Mrs. Poston asked if the tower is part of the entrance. Mr. Christoforidis responded that the tower is an entry element of the building. He stated that they will be able to place signage on the tower that is visible from Mall Road. He stated that Mall Road is at a higher elevation than the building and they want to use close to the 50-foot height limitation. The tower goes above the level of Mall Road and people will be able to see the signage on the tower. Otherwise, they would only have the signage on the parking lot.

Mr. Rolfsen asked if there would be signage on all sides of the tower. Mr. Christoforidis responded that there will be signage on the side that faces Mall Road. That sign element might be curved so that it is more visible from Mall Road. They may have secondary signage on the project that would be visible from the parking lot.

Mr. Ford questioned how the signage on the tower would be illuminated. Mr. Christoforidis responded that it would not be backlit or a light box – there would probably be exterior lights shining down on the letters.

Mr. Rolfsen asked the applicant to bring to Committee samples of the brick and the proposed brick pattern. He asked if there is another restaurant like this one. Is this a prototype for Rio Grande? Mr. Christoforidis responded that it is a prototype. Mr. Rolfsen asked if there will be a drive-through. Mr. Christoforidis responded that they do not have plans for a drive-through. He stated that he will bring samples of the brick to the Committee Meeting.

Mr. Bunger asked if the parking agreement provides access from Connector Road all the way across the former Swallen's property. Mr. Christoforidis responded "yes" and stated that part of the parking agreement is an easement to be able to come right into the property.

Mr. Bunger asked if the tower would be interpreted as signage since it is multi-colored. Mr. Morgan responded "no" and stated that the tower is brick. Mr. Bunger asked if there is a commitment that the tower will be brick. Mr. Christoforidis responded that it is a thin face brick, which is much lighter and makes the construction of the tower much more reasonable.

Mr. McMillian asked if the tower would be considered a free-standing sign. Mr. Morgan responded that it is a brick tower element of the building and he would not consider it to be signage. If there were illuminated neon bands on the tower, they would be signage.

Mrs. Poston asked if this project would be impacted by the Mall Road reconstruction. Mr. Morgan read from the Staff Report on Page 7 (Relationship to the Boone County Transportation Plan 2030, Item B) in response to Mrs. Poston's question. Mr. Costello stated that he does not think the project would be impacted by the Mall Road reconstruction – they are not going to add lanes on Mall Road in that location.

Mr. Costello asked if the applicant has looked at the existing easements on the property. He stated that there is a huge storm sewer or sanitary sewer there – large enough to walk through. He asked if they have looked into the issue of building over the utility line. Mr. Christoforidis responded that the building would be placed where there is currently parking. No part of the building would be over a green part of the site. Mr. Costello explained that he is referring to a large underground line for possibly a 72" pipe. He stated that there are easements that run throughout the property. Mr. Christoforidis responded that the only easement he is aware of is for a storm sewer and it is a swale between the proposed building and Mall Road. He has not looked into any other utility easements. Mr. Costello recommended that the applicant check into the utility easements because his client would be responsible for relocation of any utilities


affected by the building they propose. He recalls from when the site was developed by Swallen's over twenty years ago that there were utility easements on the property. Mr. Christoforidis stated that no underground utility lines were shown under the building site on the Site Plan done in the 1990's. He has not checked with the local utility companies to verify the information.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 3, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 17, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 7:58 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: December 17, 2008

RE: Request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

REMARKS:

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

Janet Kegley
Janet Kegley, Chairman
For Project Absent
Against Project
Abstain Deferred

Judy Arnett
For Project Absent
Against Project
Abstain Deferred

Greg Breetz
Greg Breetz
For Project Absent
Against Project
Abstain Deferred

Kim Bunger
Kim Bunger
For Project Absent
Against Project
Abstain Deferred

Charlie Rolfsen
Charlie Rolfsen
For Project Absent
Against Project
Abstain Deferred

Jim Carmichael
Jim Carmichael (Alternate)
For Project Absent
Against Project
Abstain Deferred

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

Patrick Reynolds (Alternate)
For Project Absent
Against Project
Abstain Deferred

Bob Schwenke (Alternate)
For Project Absent
Against Project
Abstain Deferred

TOTAL: DEFERRED 5 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: December 3, 2008

RE: Request of Alexander Christoforidis, AIA, AICP (applicant) for Future Properties, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

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.

Christoforidis/Future Properties

December 3, 2008

Janet Kegley
 Janet Kegley, Chairman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Judy Arnett

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz
 Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger
 Kim Bunger

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Charlie Rolfsen
 Charlie Rolfsen

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Jim Carmichael
 Jim Carmichael (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Charlie Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Patrick Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Bob Schwenke (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

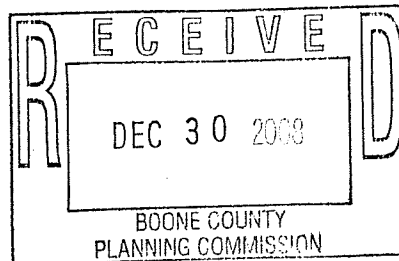
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 23, 2008

Mr. Mark Conrad
Future Properties, LLC
543 Terry Lane
Crescent Springs, KY 41017



RE: Request of **Alexander Christofridis, AIA, AICP (applicant)** for **Future Properties, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an approximate 5,000 square foot restaurant.

Dear Mr. Conrad:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their December 17, 2008 meeting. If you, as the property owner, agree to these conditions, please indicate so by signing the space provided at the end of this letter. Please return this original letter to the Planning Commission's office by January 5, 2009.

CONDITIONS

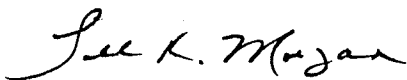
1. The building shall be constructed per the submitted elevations and rendering. Portions of building shown with varying courses of brick shall be constructed with seven (7) to ten (10) of the color samples shown on the attached exhibit.
2. The building shall have a red clay tile roof which is similar to Olive Garden's (see attached exhibit).
3. Mechanical equipment shall not be permitted on the roof.
4. One (1) building mounted sign is permitted on the 46' tall tower. The proposed sign shall be located on the eastern (Mall Road) tower elevation.

Mr. Mark Conrad
Future Properties, LLC
December 23, 2008
Page 2

5. All proposed building mounted signage shall be constructed with individual channel letters. Sign cabinets and internally illuminated signs are prohibited on the building.
6. A shared parking agreement shall be submitted when the Site Plan is submitted for review.
7. The following transportation improvements shall be made before the restaurant opens for business:
 - A. The driveway aisle that runs between Connector Drive and the Antique Mall parking lot shall be re-striped to define the traffic lanes. In addition, the stop bar area across from Valvoline shall be re-striped into 3 traffic lanes (right turn lane toward Hern Marine, ingress lane, and egress lane).

The owner of Florence Center shall provide a letter indicating that they have approved the lane striping design when the Major Site Plan is submitted to Boone County Planning Commission for review.
 - B. A stop sign shall be placed on the northeastern most pillar of the Antique Mall. The sign will stop motorists as they are driving east toward Valvoline.
 - C. A speed bump shall be installed at the Florence Antique Mall property line. The speed bump will slow vehicles down as they enter and exit the site.
 - D. The revised Concept Development Plan shows pavement markings in the Antique Mall parking lot (see attachments). These pavement markings are required.
8. The principally permitted uses in the Antique Mall shall remain unchanged (see the attached 2000 Zone Change Condition Letter)

Sincerely,




Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Mr. Mark Conrad
Future Properties, LLC
December 23, 2008
Page 3

AGREEMENT

I, Mark Conrad, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.

 *Mark Conrad, Member* *12/29/08*

Mr. Mark Conrad Date
Member of Future Properties, LLC

cc: Alexander Christoforidis

Summitville Thin Brick

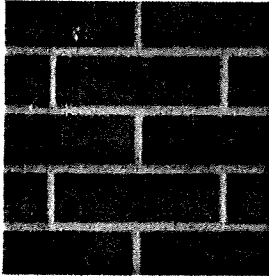
Summitville, America's leading floor brick producer, offers Thin Brick in 14 colors. Each color offers a wide range of shades. Thin Brick is made from select clays and shale chosen for their relative purity, fired strength and proven characteristics.

Custom flashed blends such as light flash, dark flash, vintage flash

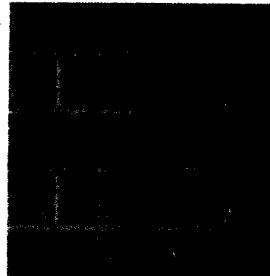
and mixed blends are available by special order: minimum quantity may be required. Always check with the factory before ordering, some inventory may be available.

Thin Brick standard size is 2 1/4" x 7 5/8" x 9/16". Special order sizes are available minimum quantity required.

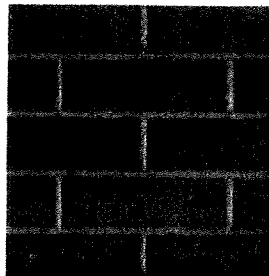
★ Color matching Olde Towne Brick Pavers are available in 12 Thin Brick Colors.



★10 Summitville Red
Range of deep red shades



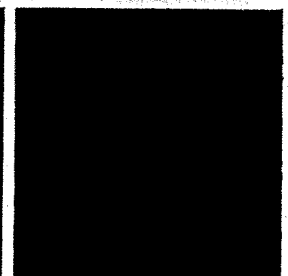
★14 Alexandria
Range of medium red shades



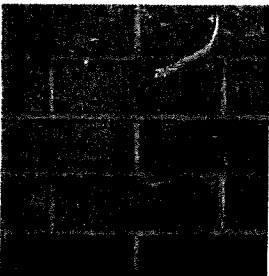
★05 New Bedford
Range of warm red shades



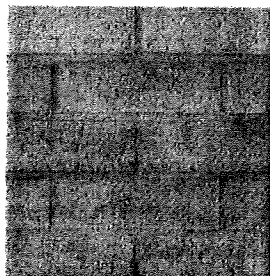
★16 Plymouth
Range of medium rust brown shades



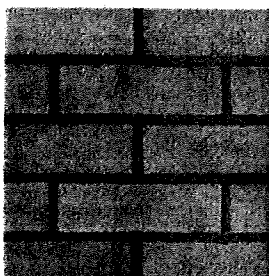
★17 Yorktown
Range of red tan shades



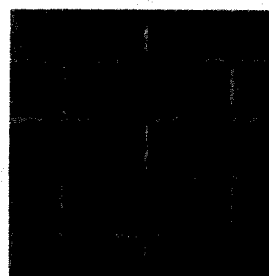
★15 Providence
Range of red brown shades



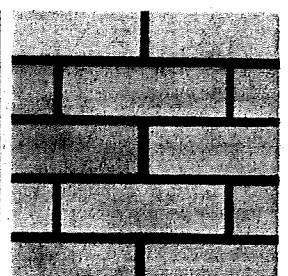
★94 Colony
Range of light tan shades



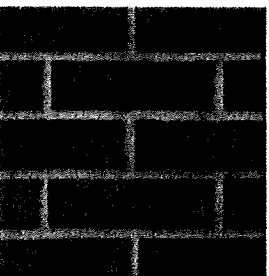
★96 Williamstown
Range of medium tan shades



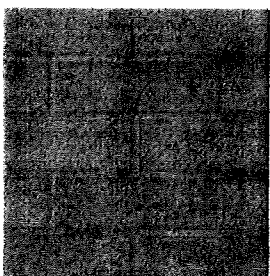
★19 New Amsterdam
Range of light brown shades



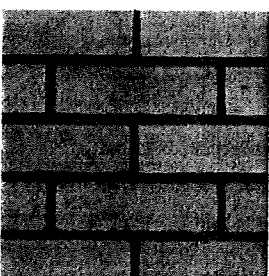
26 Savannah
Range of light buff shades



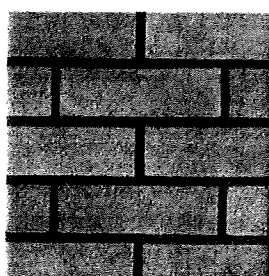
★97 Valley Forge
Range of deep warm brown shades



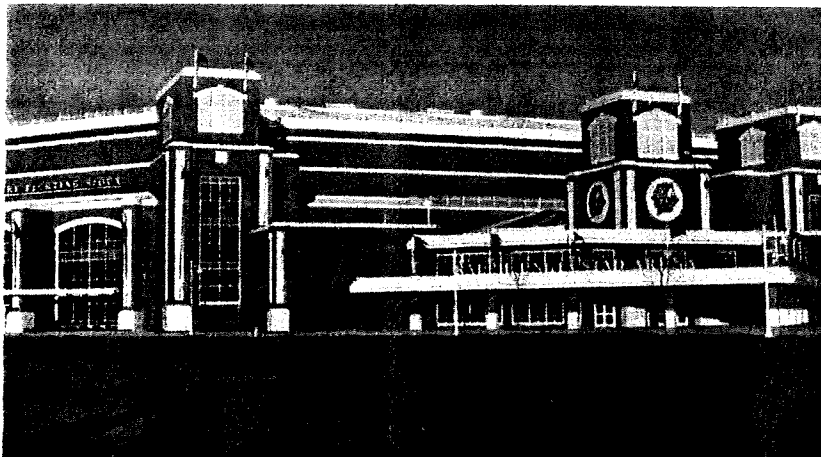
★24 Boston
Range of dark gray shades



★21 Raleigh
Range of light tan gray shades



27 Georgetown
Range of tan-buff shades



STOCK SIZE: 2 1/4" x 7 5/8" x 9/16"

SPECIAL ORDER SIZES

Summitville Thin Brick	Summitville Face Brick
2 1/4" x 3 5/8" x 9/16"	2 1/4" x 7 5/8" x 3 5/8"
3 5/8" x 7 5/8" x 9/16"	3 5/8" x 7 5/8" x 3 5/8"
3 5/8" x 11 5/8" x 9/16"	3 5/8" x 11 5/8" x 3 5/8"

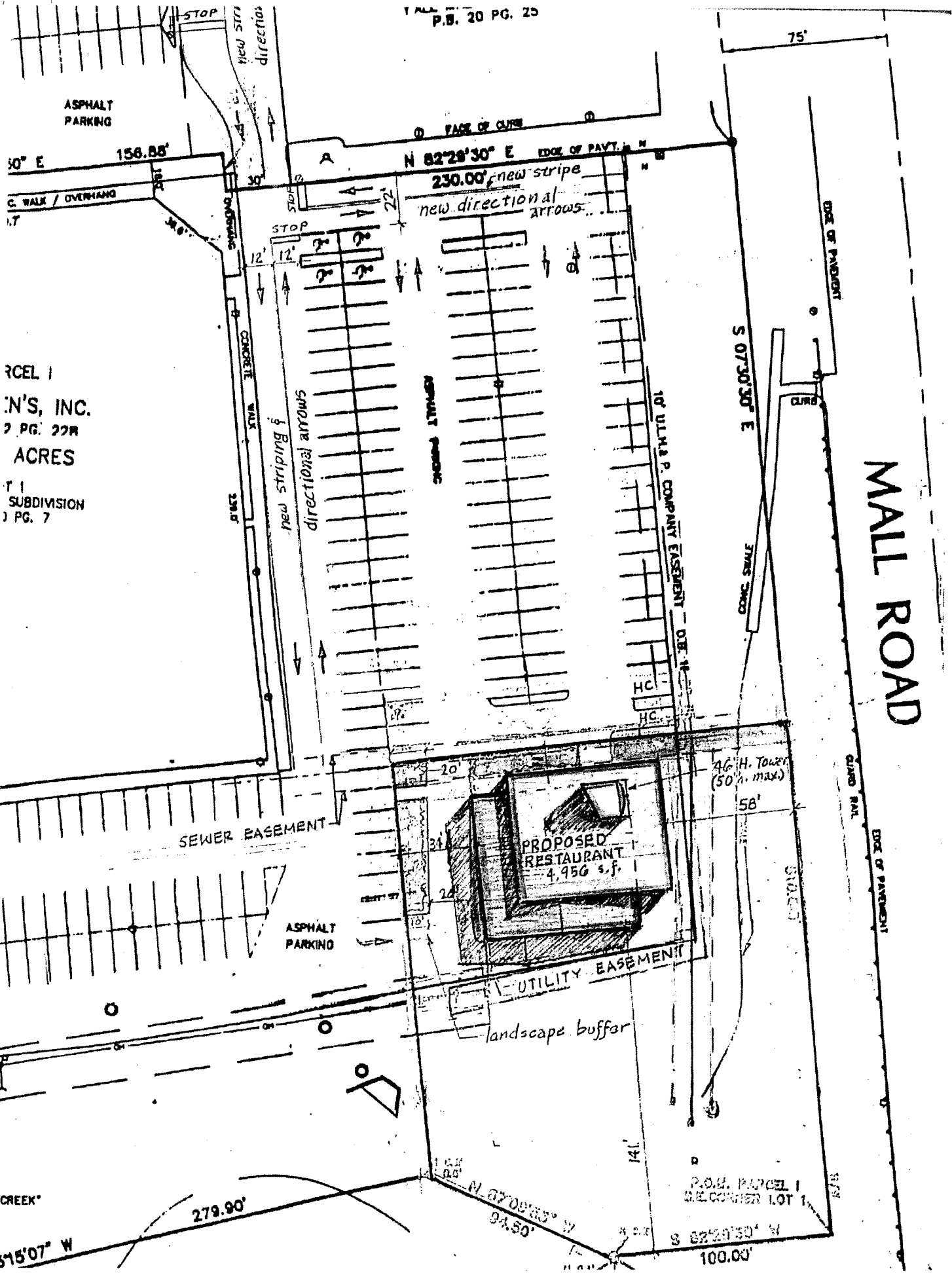
Other sizes and shapes may be available, depending on color choice and quality.

Minimum quantities required - always check factory - inventory may be available.



The Garden
ITALIAN RESTAURANT

STOP



RCEL 1
 N'S, INC.
 2 PG. 22R
 ACRES
 T 1
 SUBDIVISION
 PG. 7

MAIL ROAD

PROPOSED RESTAURANT
 4,950 s.f.

46' H. Tower (50' max.)

UTILITY EASEMENT

landscape buffer

P.O.B. PARCEL 1
 S.W. CORNER LOT 1

LEGAL DESCRIPTION

Property owner: Future Properties LLC
Address: 8145 Mall Road, Florence, Kentucky

PARCEL I

Situate in the City of Florence, Boone County, Kentucky and being more particularly described as follows:

Being all of Lot 1 of Y'all Mall Subdivision as recorded in Plat Book 20, Page 7, Boone County Recorder's Office.

Containing 8.928 acres of land.

Subject to all legal highways, easements and restrictions of record.

PARCEL II

Situate in the City of Florence, Boone County, Kentucky and being more particularly described as follows:

Beginning at the southwest corner of Lot 1 of Y'all Mall Subdivision, recorded in Plat Book 20, Page 7, Boone County Recorder's Office;
Thence North $89^{\circ}16'53''$ West, 175.89 feet to the northeasterly corner of Lot 13 of Fairview Subdivision, recorded in Plat Book 4, Page 26, Boone County Recorder's Office;
Thence along the northerly line of said Fairview Subdivision, South $72^{\circ}02'12''$ West, 265.18 feet to a point in the easterly line of a ten foot (10') right-of-way dedicated in Deed Book 532, Page 181;
Thence along said right-of-way, North $07^{\circ}39'18''$ West, 322.18 feet to a point;
Thence North $82^{\circ}20'43''$ East, 139.66 feet to a point;
Thence North $07^{\circ}49'17''$ West, 209.30 feet to a point;
Thence North $74^{\circ}07'43''$ East, 333.67 feet to a point in the westerly line of Lot 2 of Y'all Mall Subdivision, recorded in Plat Book 20, Page 25, Boone County Recorder's Office;
Thence along said line of Lot 2, South $18^{\circ}42'25''$ East, 106.60 feet to the northwest corner of aforesaid Lot 1 of Y'all Mall Subdivision;
Thence along the westerly line of said Lot 1, South $18^{\circ}42'25''$ East, 293.40 feet and South $23^{\circ}17'35''$ West, 189.25 feet to the point of beginning.

Containing 5.278 acres of land.

Subject to all legal highways, easements and restrictions of record.

ORDINANCE NO. 0-3-09

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) ZONE FOR A 0.939 ACRE PORTION OF AN APPROXIMATE 12.2 ACRE SITE LOCATED AT 8145 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW AN APPROXIMATE 5,000 SQUARE FOOT RESTAURANT. (ALEXANDER CHRISTOFORIDIS/FUTURE PROPERTIES, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-09-002-A recommended approval, with conditions, for a change in an approved concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to 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 Alexander Christoforidis, AIA, AICP (Applicant) for Future Properties, LLC (Owner), for a change in an approved concept development plan in a Commercial Services (C-3) zone, for a 0.989 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky, shall be and is hereby approved, this change in concept development plan being to allow an approximate 5,000 square foot restaurant. 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 change in the concept development plan for this subject property.

SECTION II

The approval of this change to the 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-09-002-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 those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference as if fully set out.

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-09-002-A, marked Exhibit "A", and attached hereto.

SECTION V

If the approval for this change in the 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 10th DAY OF March, 2009.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24th DAY OF March, 2009.

APPROVED:

Dean E. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

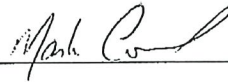
City of Florence Special Condition of Approval
For
A Concept Development Plan on a 0.939 Acre Parcel
Located at 8145 Mall Road

The undersigned, Mark Conrad, 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 for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky.

1. The building materials and design of garbage enclosure to the proposed building for the site shall be indistinguishable from the rest of the building.

2/25/09

Date



Signature
Property Owner

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: **REPORT AND RECOMMENDATION - REQUEST OF ALEXANDER CHRISTOFORIDIS, AIA, AICP (APPLICANT) FOR FUTURE PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR A 0.939 ACRE PORTION OF AN APPROXIMATE 12.2 ACRE SITE LOCATED AT 8145 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW AN APPROXIMATE 5,000 SQUARE FOOT RESTAURANT.**

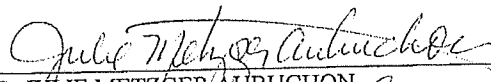
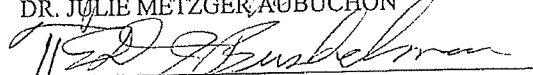
The Committee met in a special meeting on Thursday, February 19, 2009, at the Florence Government Center Building to consider Resolution No. R-09-002-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to additional conditions that are attached hereto and incorporated herein.

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, subject to additional conditions that are attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON

TED BUSHELMAN



NOTICE OF SPECIAL MEETING

TO:

TED J. BUSHELMAN
8 Gibbons Street
Florence, Kentucky 41042

DR. JULIE METZGER AUBUCHON
72 Belmont Court
Florence, Kentucky 41042

You and each of you are hereby notified a Special Meeting of the Planning & Zoning Committee of the City of Florence, Kentucky will be held in the City Council Caucus Room adjacent to the Council Chambers at the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky on **Thursday the 19th day of February 2009 at the hour of 10:00 a.m.** The agenda for this Special Meeting is:

1. Call To Order

2. Roll Call

3. Discussion:

Change in an Approved Concept Development Plan at 8145 Mall Road

4. Adjournment

I hereby certify that I have delivered a true copy of this Notice to each of the following named members of the Planning & Zoning Committee of the City of Florence, Kentucky, this 13th day of February, 2009: TED J. BUSHELMAN AND DR. JULIE METZGER AUBUCHON.


PERSON DELIVERING COPIES OF NOTICE

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-3-09

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-3-09 on March 24, 2009. The title of this Ordinance is as follows:

ORDINANCE NO. 0-3-09

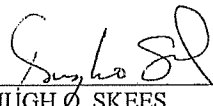
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) ZONE FOR A 0.939 ACRE PORTION OF AN APPROXIMATE 12.2 ACRE SITE LOCATED AT 8145 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW AN APPROXIMATE 5,000 SQUARE FOOT RESTAURANT. (ALEXANDER CHRISTOFORIDIS/FUTURE PROPERTIES, LLC PROPERTY)

The effect of this Ordinance is to approve a change in an approved concept development plan in a Commercial Services (C-3) zone for a 0.939 acre portion of an approximate 12.2 acre site located at 8145 Mall Road, Florence, Kentucky, to allow an approximate 5,000 square foot restaurant.

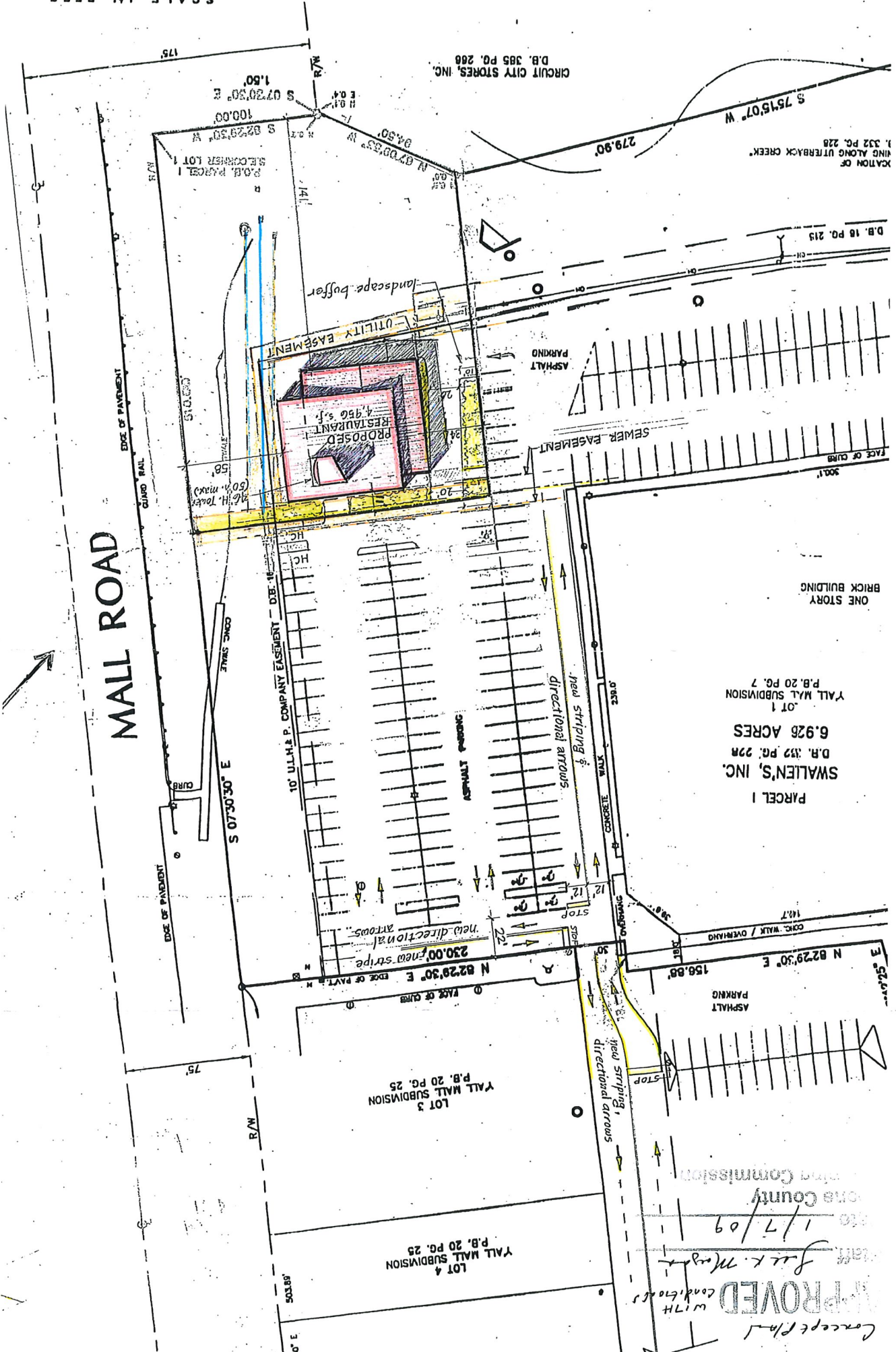
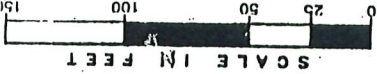
The full text of Ordinance No. 0-3-09, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-3-09 and that it has been prepared by me on the 6th day of March, 2009, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH D. SKEES
SKEES, WILSON & DILMON, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
Phone: (859) 371-7407
Fax: (859) 371-9872



MALL ROAD

PARCEL 1
 SWALLEN'S, INC.
 D.B. 352 PG. 228
 6.926 ACRES
 YALL MALL SUBDIVISION
 P.B. 20 PG. 7

LOT 3
 YALL MALL SUBDIVISION
 P.B. 20 PG. 25

LOT 4
 YALL MALL SUBDIVISION
 P.B. 20 PG. 25

1/7/09

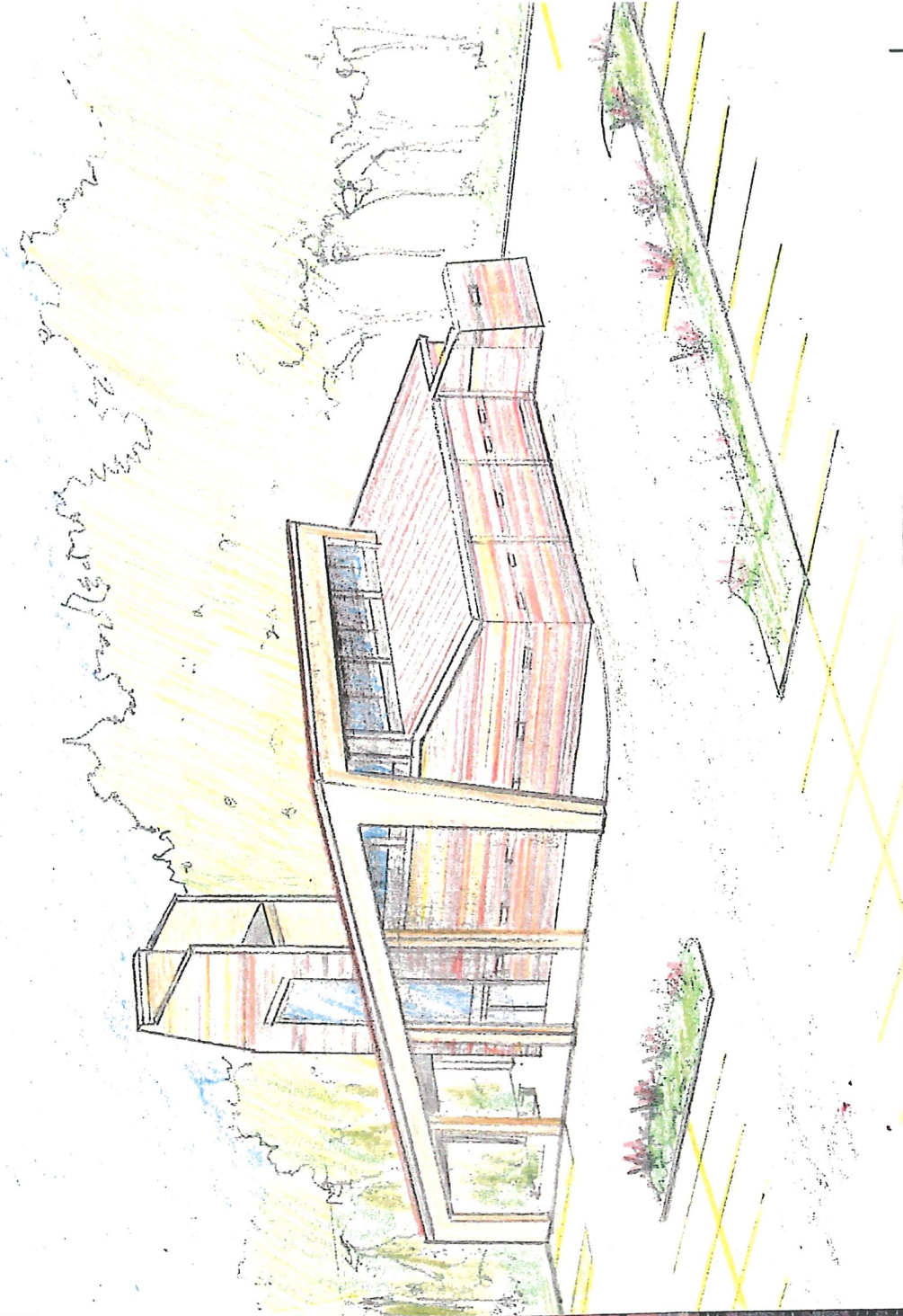
APPROVED WITH CONDITIONS

Concept Plan

RIO GRANDE MEXICAN RESTAURANT

CHANGE OF CONCEPT DEVELOPMENT PLAN

OCTOBER 13, 2008



PERSPECTIVE SKETCH

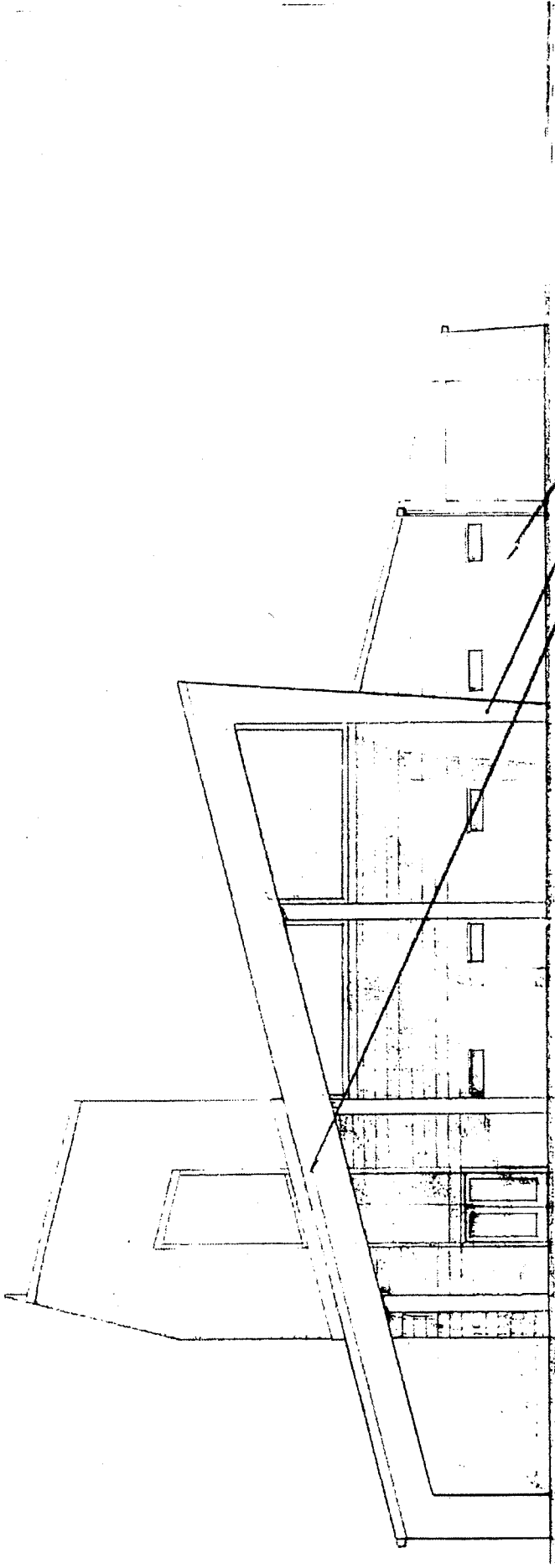
SYNTHESIS

ARCHITECTURE + PLANNING

Formerly Carl A. Strauss and Assoc.



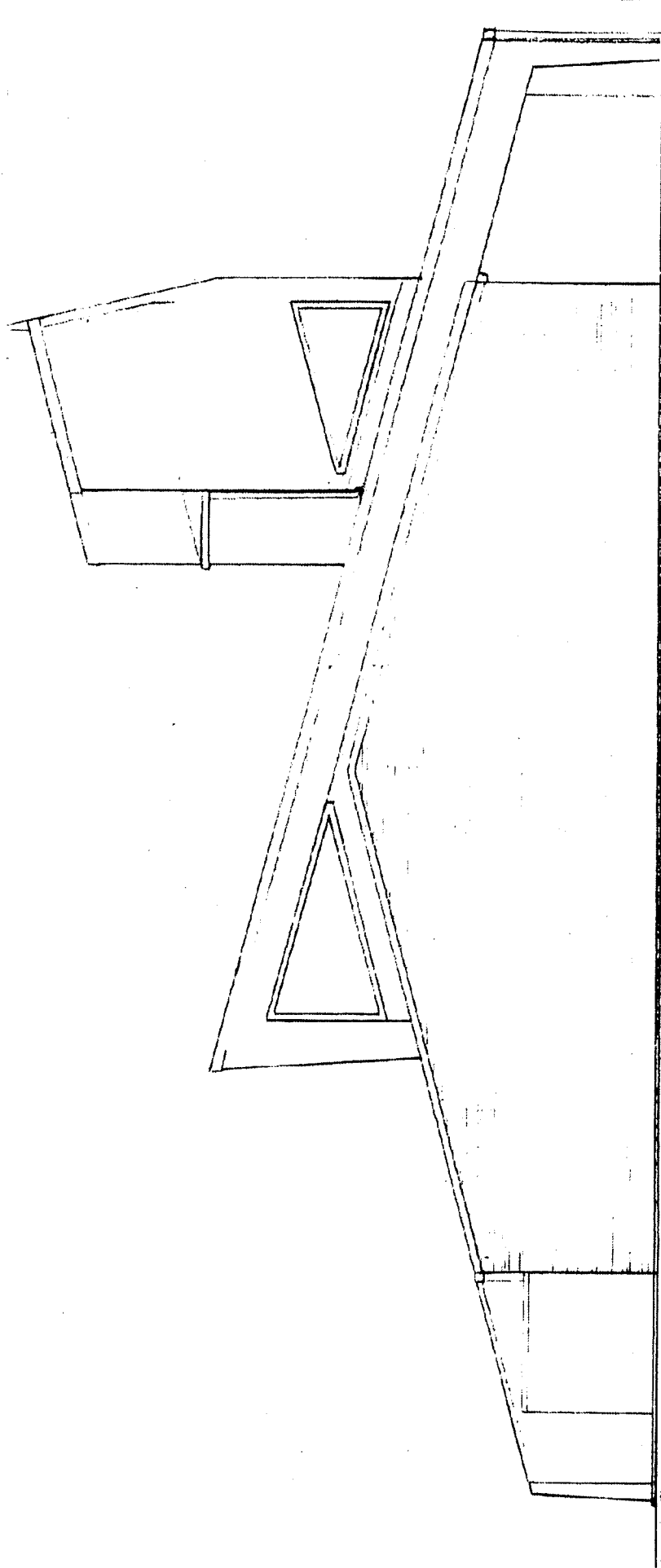
Brick with varying courses



North Elevation scale: 1/8" = 1'-0"

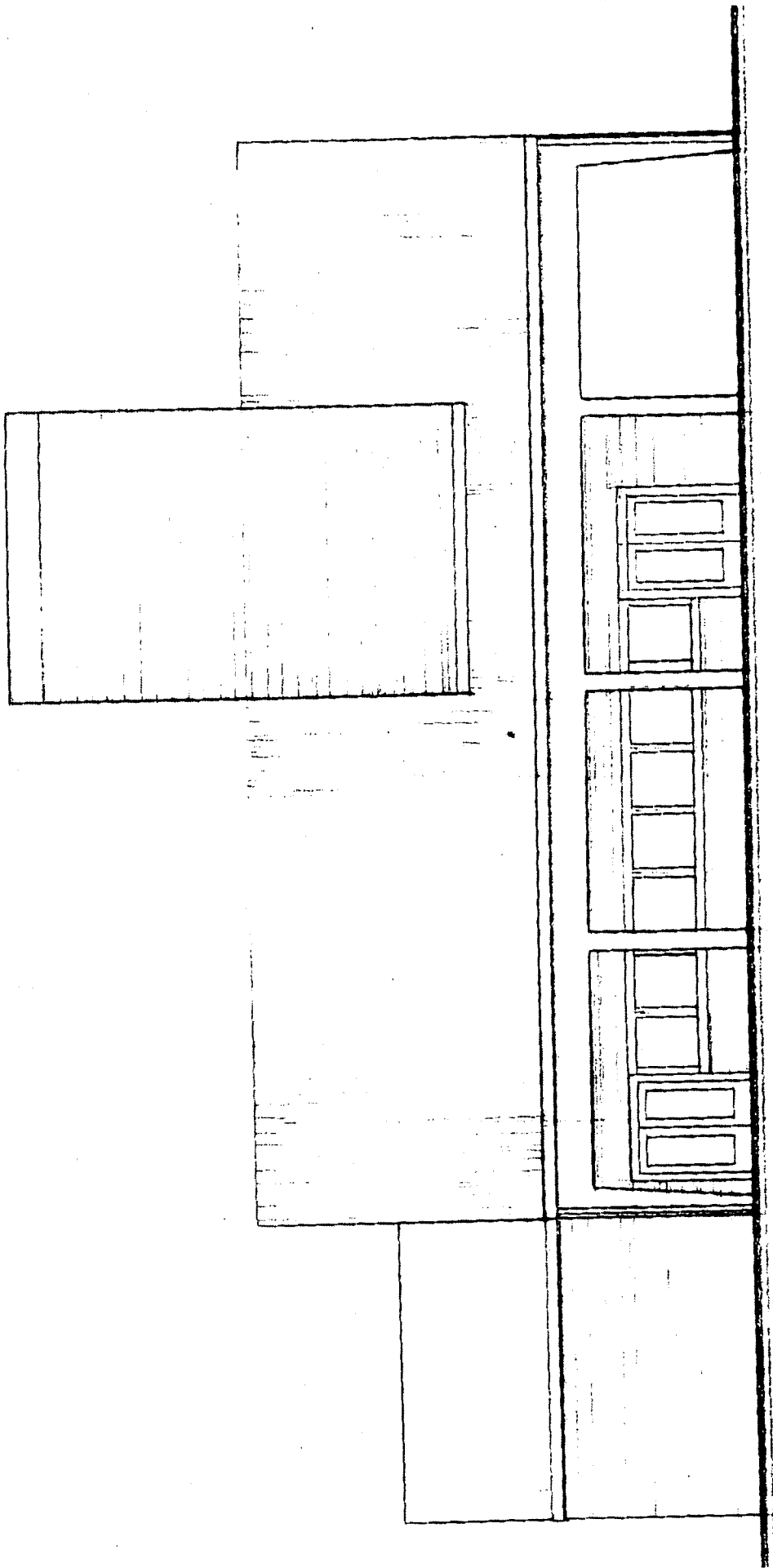
FACING VALVOLINE

- Brick with varying courses
- Tile or stucco
- Metal Coping
- Clay Tile Roofing



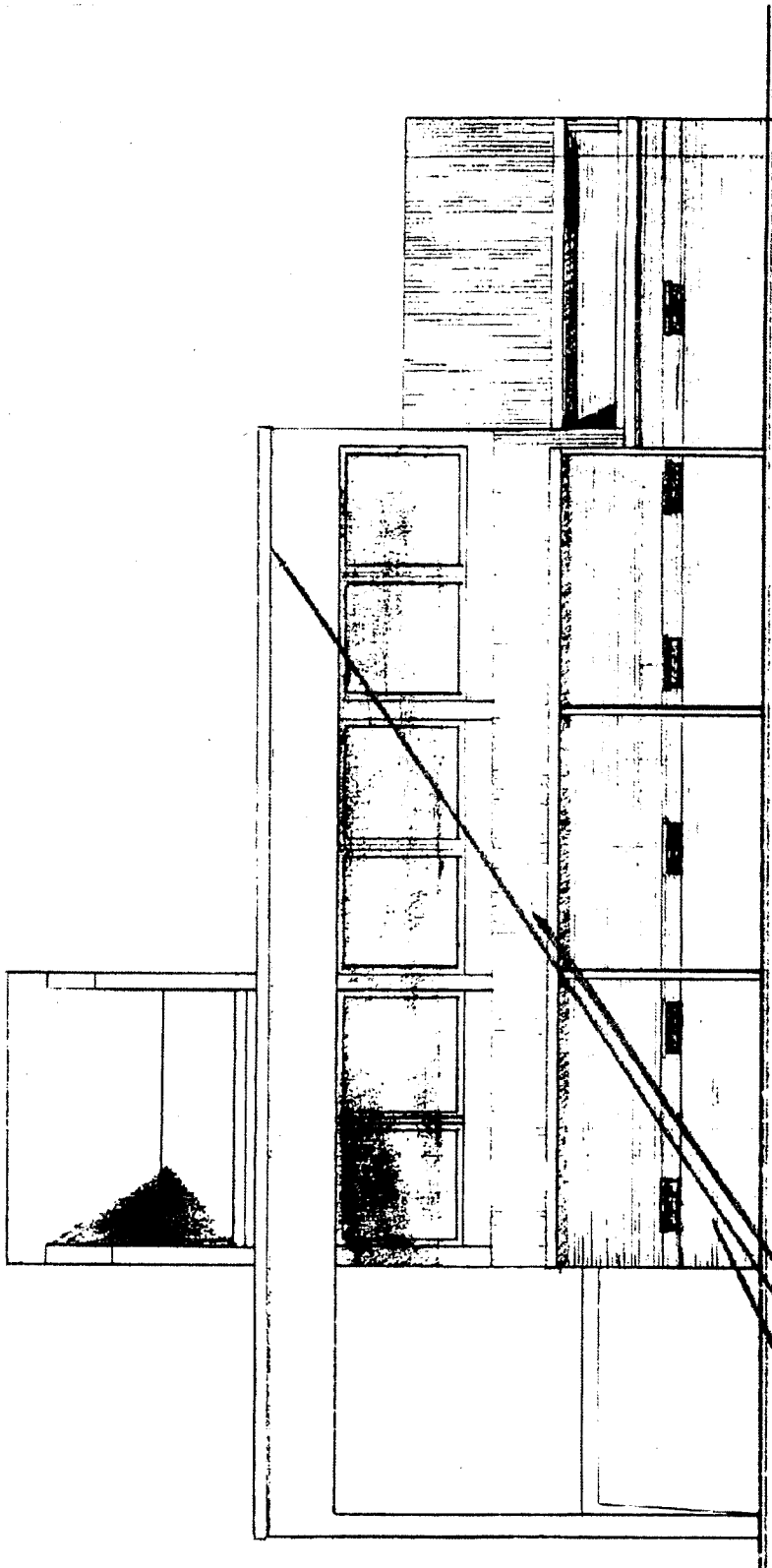
South Elevation scale: 1/8" = 1'-0"

FACING SUMERAL TIRE & CIRCUIT CITY



East Elevation scale: 1/8" = 1'-0"

FACING MALL ROAD



West Elevation scale: 1/8" = 1'-0"

FACING REAR PARKING LOT

- Brick with varying courses
- Tile or stucco
- Metal Coping
- Clay Tile Roofing