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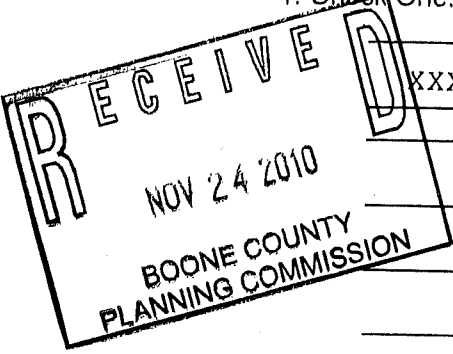
11-CCDP-003-A

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

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

1. Check One:



- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
Change in an Approved Concept Development Plan
Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
Long Range Planning Committee Review (As stated in the Union Town Plan)
Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project Shearer Dental (Formerly Fuddrucker's)
3. Location of Project 1335 [redacted], Florence, Kentucky 41042
4. Total Acreage of Site 1.1698 Acres HANSEL AVE.
5. Current Zoning C-2/PD/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) February 3, 1993
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson
8. Proposed Uses (please specify each use) Dental Office (3 Dentists)
9. Proposed Building Intensities (please specify) No changes to the exterior of the building except for painting and signage (see elevation view). The parking and open space will not be changed.
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
12. Name of Applicant(s) James W. Berling
Phone Number 859-331-9191 Fax No. 859-344-7422
13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
14. Name of Property Owner(s) LPF Corporation
Phone Number 859-485-6710 Fax No.
15. Address of Property Owner(s) 10833 Secretariat Run
Union, Kentucky 41091
City State Zip
16. Are there any existing buildings on the site? Yes
How many? One
17. Deed Book 577 Page No. 200 Group No. 2033 B
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

January 5, 2011

REQUEST

The applicant has requested a Change in Approved Concept Development Plan to allow the former Fuddruckers restaurant, located at 1335 Hansel Avenue, to be converted to a dental office. The application and submitted Concept Development Plan show that no changes are proposed to the parking lot or landscaping. A photo of the northwest facade shows the building will be painted a different color and that new building mounted signage will be installed.

PERTINENT SUBDIVISION AND SITE HISTORY

- April 1993 - Florence City Council approves a Concept Development Plan for Turfway Island Subdivision. The approved plan shows four restaurants and a gas station/convenience store. A condition was imposed which removed the gas station/convenience store use from the application.
- Nov. 1994 - Boone County Planning Commission approves a Major Site Plan application for a Fuddruckers restaurant on the subject lot. The approved plans show a 5,785 square foot restaurant, 90 parking stalls, and perimeter landscaping (see attachments).

SITE CHARACTERISTICS

The 1.1698 acre parcel has approximately 394 feet of frontage on Turfway Road, 146 feet of frontage on Hansel Avenue, and 161 feet of frontage on Foltz Drive. The lot contains a 5,785 square foot building, 90 parking stalls, access points on Hansel Avenue and Foltz Drive, a retaining wall between Turfway Road and the parking lot, and some perimeter landscaping. Boone County G.I.S. shows that the topography of the site falls from 918 feet above seal level at Turfway Road/Hansel Avenue intersection to 904 feet above sea level at Foltz Drive.

ADJACENT LAND USES AND ZONING

Northeast: Turfway Road, Tumbleweed, Red Roof Inn, and Wendy's

Northwest: Hansel Avenue, Dick's Sporting Goods, and the Christmas Tree Shop

Southeast: Foltz Drive and Famous Dave's Barbeque (C-2/PD)

Southwest: Skyline Chili

RELATIONSHIP TO COMPREHENSIVE PLAN

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."

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

- A. "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 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. "Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development."
- C. "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. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts."

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. 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 in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- B. 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).

The Business Activity Element provides the following comment that relates to the general area:

- 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. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital (Recommended Areas of Commercial Activity, pp. 62-65).

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

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- C. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- D. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- E. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- F. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The property is located in Site 11 (Thoroughbred Boulevard Island Area) of the Study. The Study recommends that the area should develop as a number of small commercial and office uses. Recommended uses for the site include a mixture of office, office/research, hotel, freestanding retail, restaurants, convenience markets, and entertainment uses that compliment Turfway Park (see attachments).
- B. The property is subject to the Site Design Standards, Architectural Design Review, and Special Sign Regulations (see attachments).

PLANNED DEVELOPMENT STANDARDS

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the property is zoned Commercial Two/Planned Development (C-2/PD). A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

STAFF COMMENTS

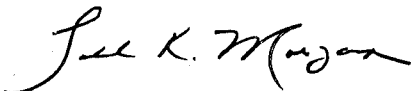
1. Staff would like the applicant to approximate how many employees and patients could be in the building at any given time. The parking requirement for a 5,785 square foot dental office is 29 stalls (5,785/200) and there are 90 parking stalls on the site.

2. Staff recommends that the following Planned Development (PD) Standards should be analyzed:
 - A. Mixed Use Orientation and Pedestrian Orientation: This standard states that Planned Developments shall have a pedestrian orientation.
 - Staff recommends that the sidewalk connection that goes through the parking lot should be extended all the way out to Hansel Avenue.
 - B. Landscaping: This standard states that substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.
 - It appears that most of the landscaping that was required with the 1994 Site Plan died and was never replaced (see attachment).
 - The Site appears to be far short of the 22% green space requirement that is required by the Houston-Donaldson Study.
 - The site doesn't comply with the Vehicular Use Area (VUA) landscaping requirements that are found in Section 3625 of the Boone County Zoning Regulations. This section requires 5% of the parking lot to be in the form of landscaping islands. It also requires a landscaping island when a row of parking is unbroken for 180 linear feet.
3. A Technical Design Review application will be needed to change to exterior sign package and color of the building if the Change in Approved Concept Development Plan application is approved.

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 Article 3 and 15 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

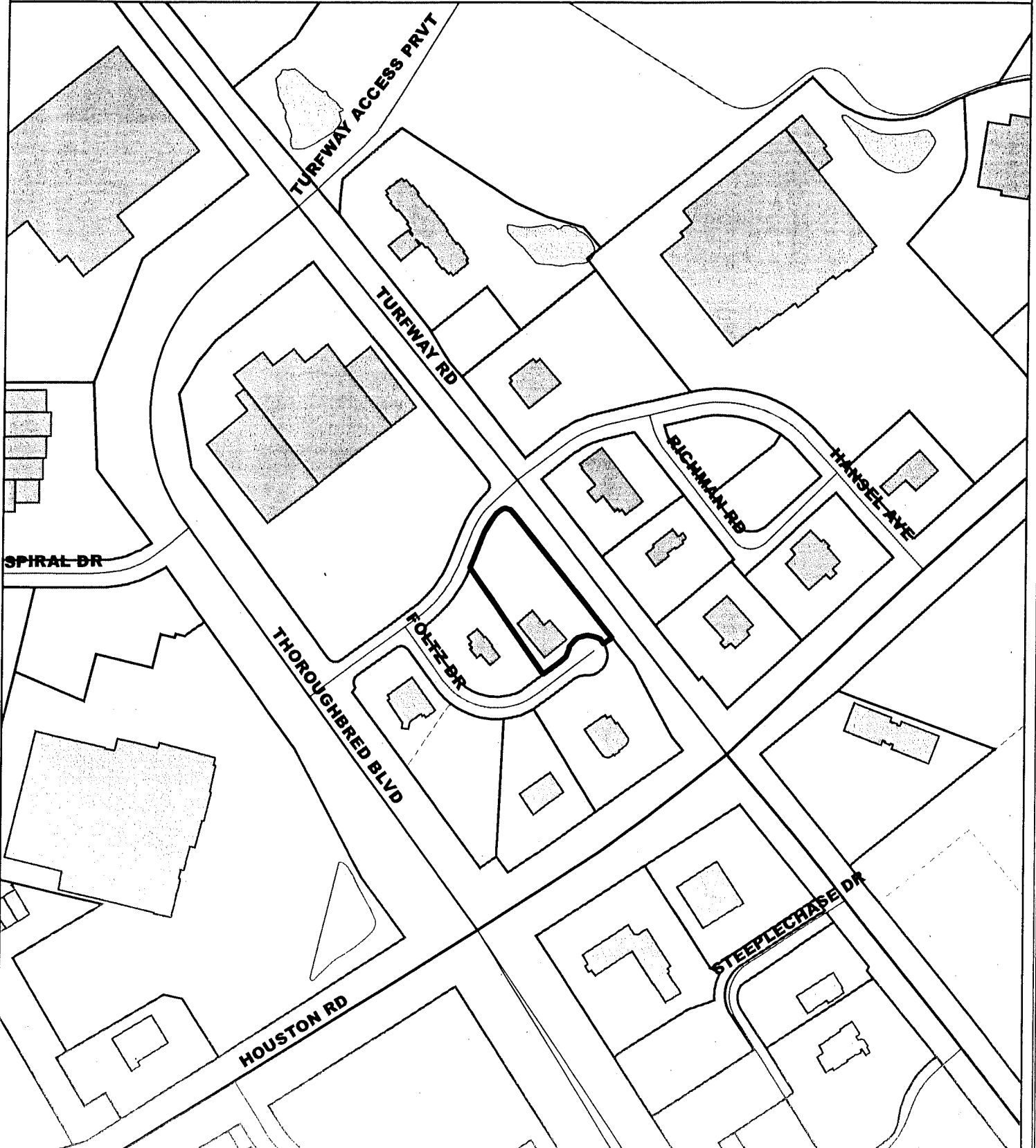
TKM/pr

Attachments:

- *Site Vicinity Map
- *Concept Development Plan
- *Proposed Paint Color and Signage
- *2009 Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Site 11, Houston-Donaldson Study
- *Planned Development Standards
- *1994 Site Plan (Landscaping Plan)
- *Application

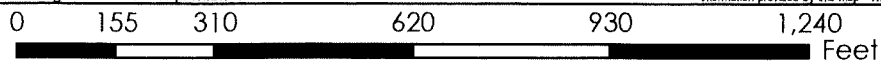
SITE VICINITY MAP

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NOKY INCORPORATED
D.B. 756, PG. 40

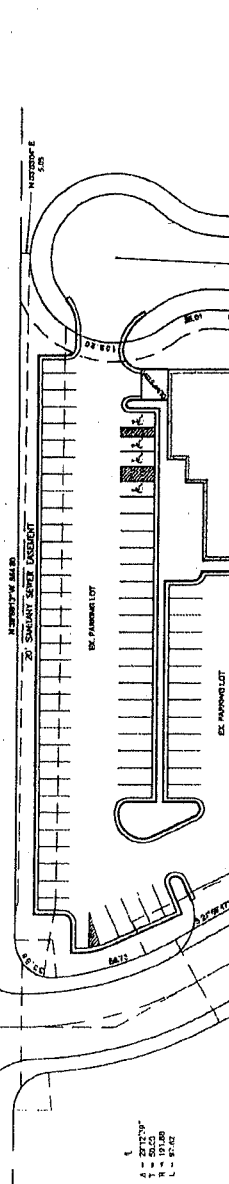
SINKULA INVESTMENTS LTD WENDYS
D.B. 597, PG. 68

TURFWAY ROAD

LOT No. 4

LOT No. 3

LOT No. 2



SPM REAL ESTATE APT LLC
D.B. 822, PG. 321

FLORENCE SKYLINE LLC
D.B. 883, PG. 813

TURFWAY CROSSINGS LLC C/O KIMCO REAL
D.B. 874, PG. 728

A = 27' 12.00"
 B = 19' 12.00"
 C = 87' 02"

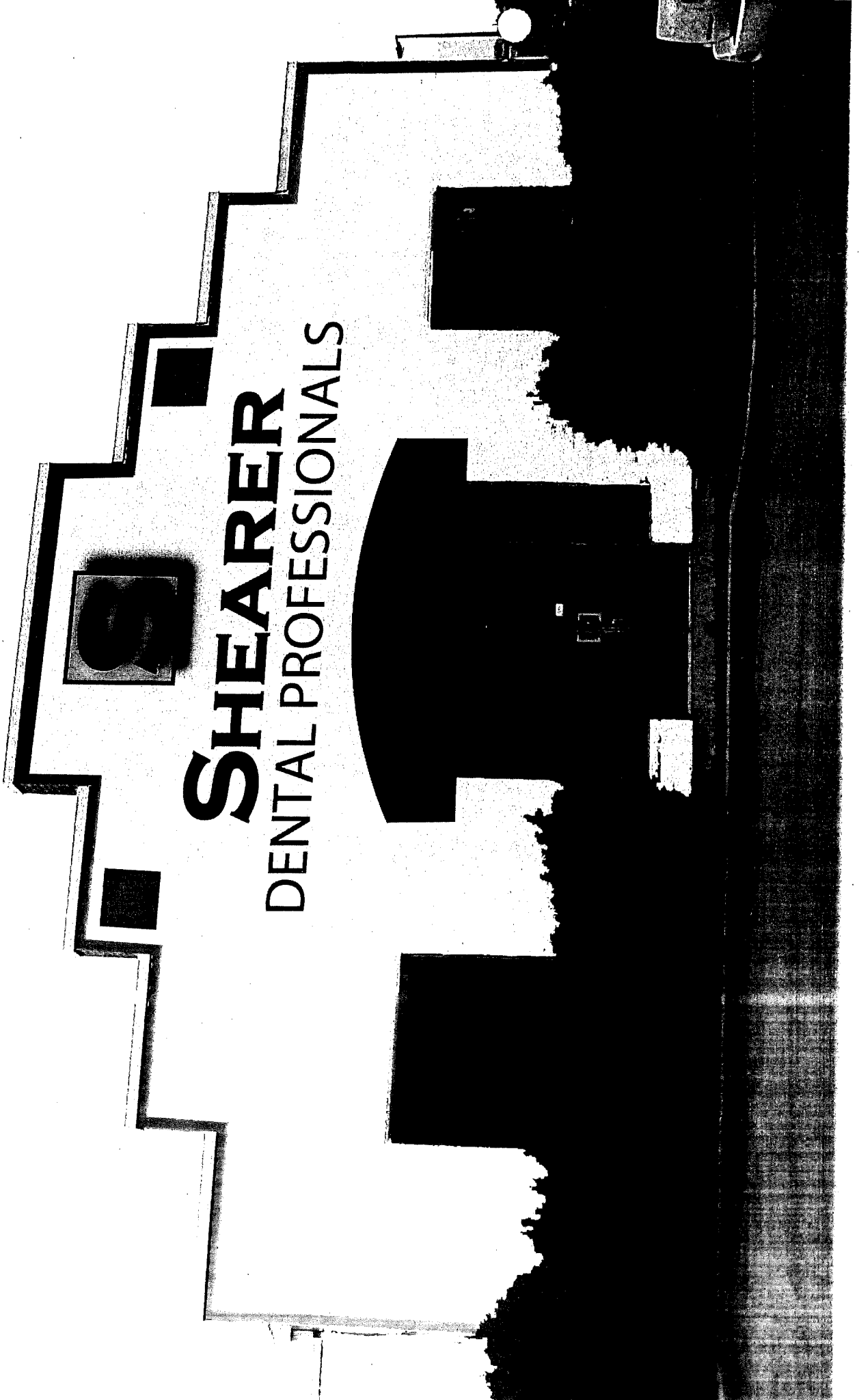
A = 100' 00"
 B = 143.00"
 C = 224.77"

A = 100' 00"
 B = 143.00"
 C = 224.77"



SITE PLAN	
SHEARER DENTAL PROFESSIONALS	
JAMES W. BEBIC P.L. SURVEYOR	11/29/20
1335 FOLTZ DRIVE - FLORENCE, KENTUCKY	

SHEARER
DENTAL PROFESSIONALS



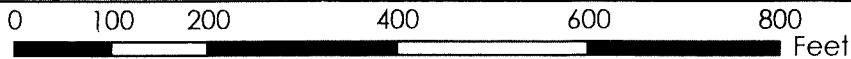
2009 AERIAL MAP

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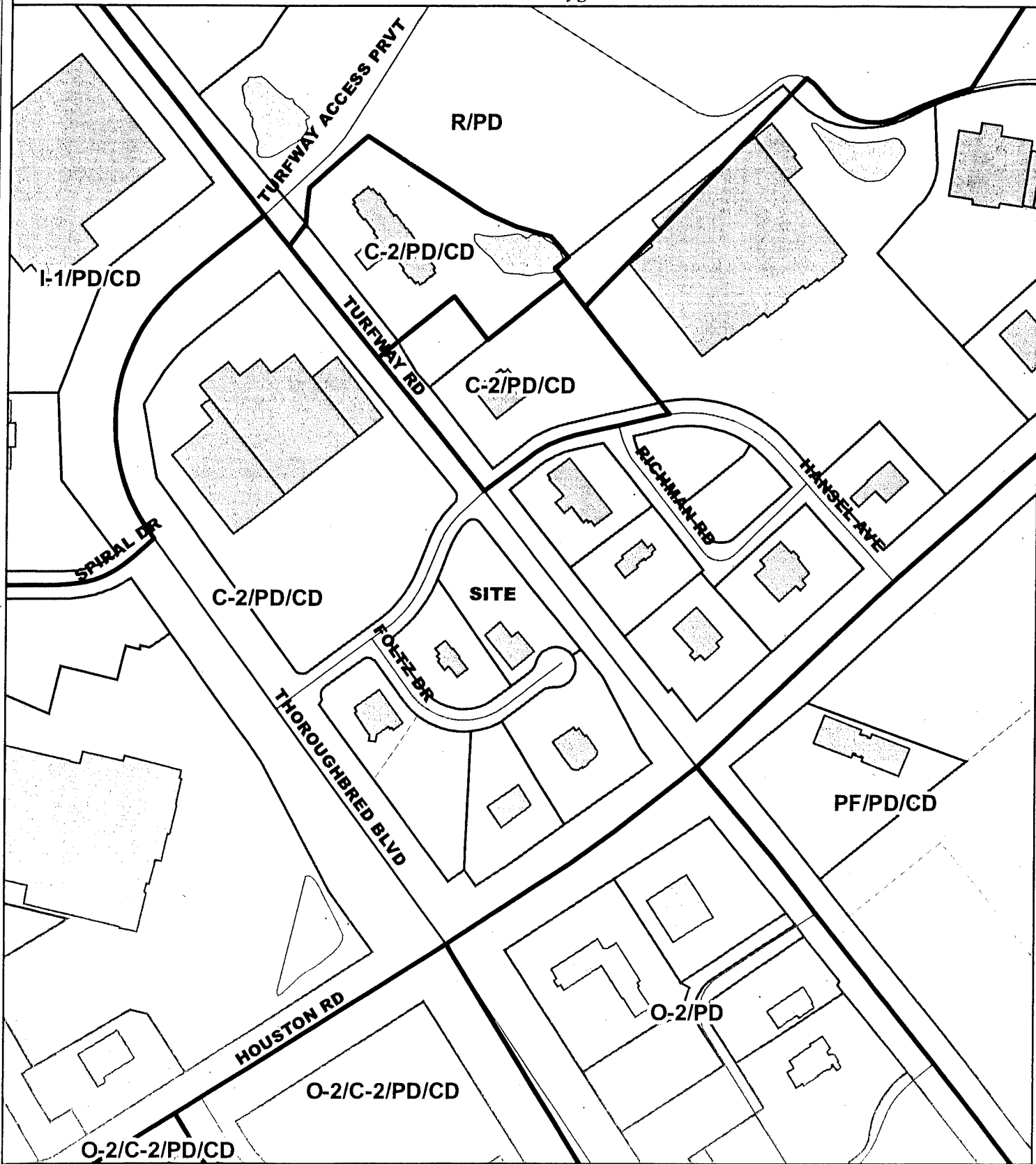
1 inch = 200 feet



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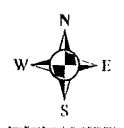
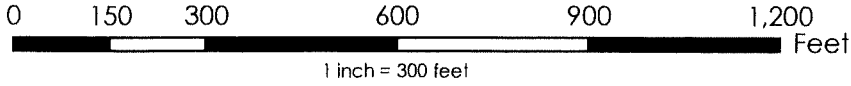
ZONING MAP

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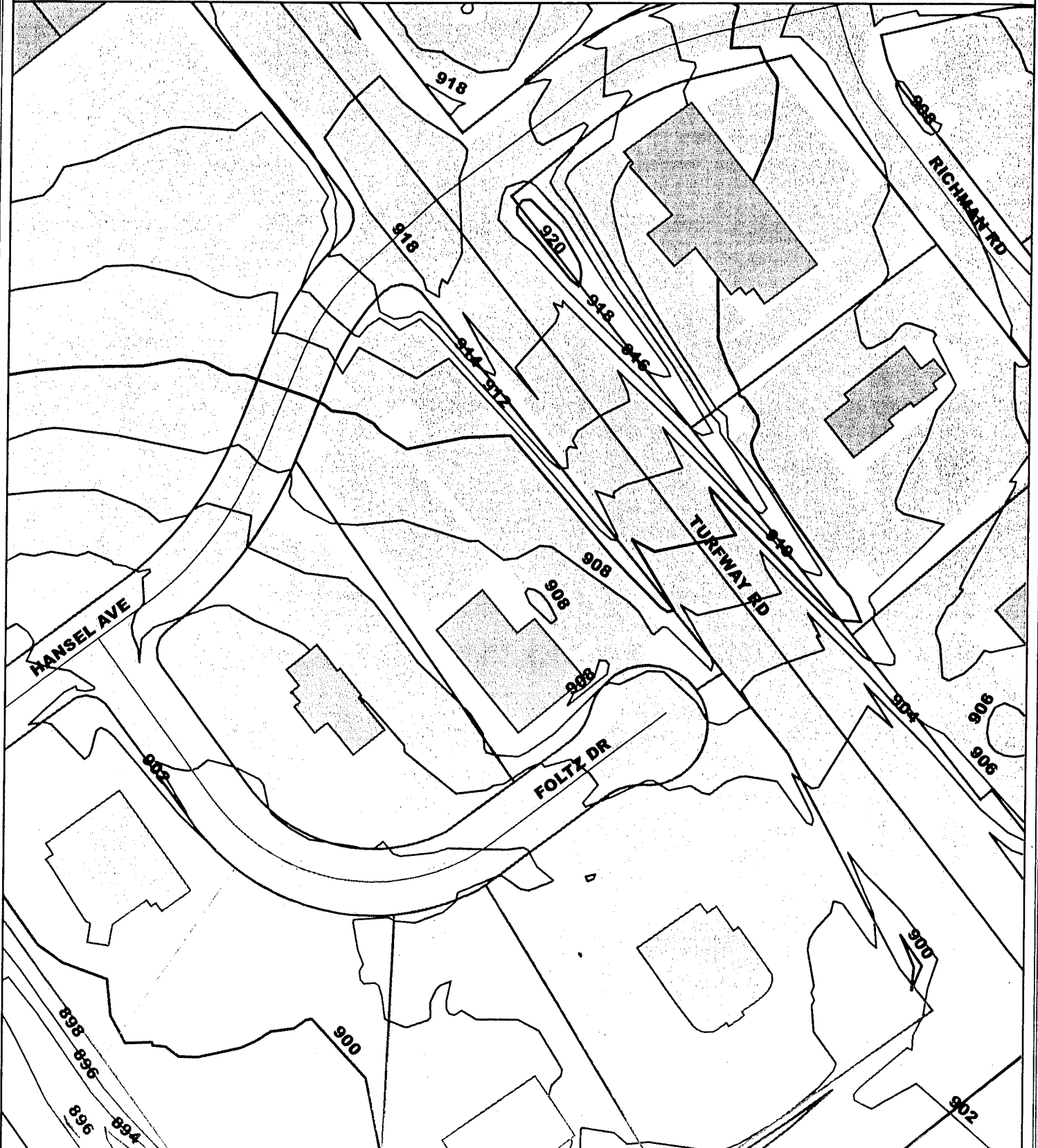
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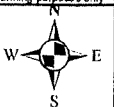
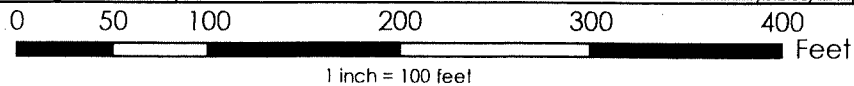
TOPOGRAPHICAL MAP

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Map Created 01/01/2008

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ArcMap Document * mxd

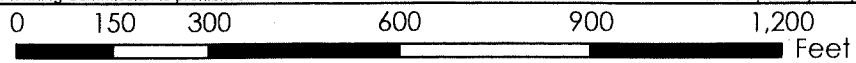
FUTURE LAND USE MAP

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1 inch = 300 feet



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SITE 10 - TRIP GENERATION

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[110] GENERAL LIGHT INDUSTRY					
362,867 GSF	2,608	282	58	43	314
[750] OFFICE PARK					
102,000 GSF	1,476	210	26	28	159
[760] RESEARCH CENTER					
291,056 GSF	2,371	285	58	48	274
TOTAL	6,455	776	142	119	747

SITE 11, THOROUGHBRED BOULEVARD ISLAND AREA

Existing Conditions/Site Analysis - The island area actually consists of two distinct properties, but totals approximately 15 acres. The site is surrounded on all sides by significant roadways, and enjoys excellent visibility. The west property, located in unincorporated Boone County, has been approved for Home Quarters, a home improvement outlet. The east property, within the City of Florence, is undeveloped. Grading has occurred on this property to prepare it for development. The excellent visibility and the topography of this site lend it to two elevations of development, the eastern portion being situated lower than the west. The eastern portion of the site is highly visible from the intersection of Houston Road and Thoroughbred Boulevard, and therefore needs to be carefully developed.

Recommended Uses/Zoning - Because of the high visibility and the potential visual impact of this site on the entire Study Area, the remainder of the site is recommended to develop as a number of small commercial and office uses. A single large commercial use that would have an overpowering visual impact on the exit ramp intersection area is not recommended for the undeveloped eastern portion of Site 11. The uses recommended for the site include a mixture of office, office/research, hotel, freestanding retail stores, restaurants, convenience markets, and particularly entertainment uses that compliment or are related to the Turfway Race Track. Although the site is recommended for a number of individual uses, the architecture of all buildings should be consistent on the 15 acre site. The Study also acknowledges that the 15 acre area, or part of it, may be used as medical offices or services to compliment the St. Luke West Hospital complex and make use of the site's easy accessibility. Fast food restaurants are recommended to undergo the normal public hearing process to

adequately evaluate the visual and traffic impacts on this important intersection area. The other uses mentioned above may be permitted the shortened review process, but should be carefully reviewed per the **Site Design** section. The corner of the site at Houston Road and Thoroughbred Boulevard should contain a development entrance feature similar to that at Turfway Business Park.

Access/Improvements - The entire 15 acre island site should be limited to two access points on Thoroughbred Boulevard that are coordinated with entrances to Turfway Business Park. Access to Turfway Road will be limited to one entrance opposite the approved entrance to the Saratoga Square development.

SITE 11 - TRIP GENERATION.

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[820] SHOPPING CENTER					
110,000 GSF	7,501	108	64	349	349
[851] CONV. MARKET					
5,000 GSF	3,690	163	163	134	134
[832] HIGH TURNOVER RESTAURANT					
7,000 GSF	1,438	55	55	61	52
TOTAL	12,629	327	282	544	535

SITE 12, COMMONWEALTH PARK

Existing Conditions/Site Analysis - This approximate 18 acre development includes the Commonwealth Hilton, Hampton Inn, Cracker Barrel Restaurant, and Applebee's Restaurant. A 99 room Microtel has been approved for the site. Several acres remain undeveloped near the center of the site. A special sign district has previously been approved for the site. The development has historically experienced traffic congestion and difficult left-turns into and out of the development as a result of the heavy interstate exit traffic and continuous right turn from Houston Road onto Turfway Road. Therefore uses that generate significant driveway traffic should be discouraged. Likewise, uses that generate little traffic and that are consistent with the intended corporate character of this development may be appropriate.

Recommended Uses/Zoning - The undeveloped portion of the site is approved for one additional sit-down restaurant.

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. **Historic and Prehistoric Features:** Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. **Signage:** A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. **Transportation Connections and Entry Points:** The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. **Conformance with Comprehensive Plan:** All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

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

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

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

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

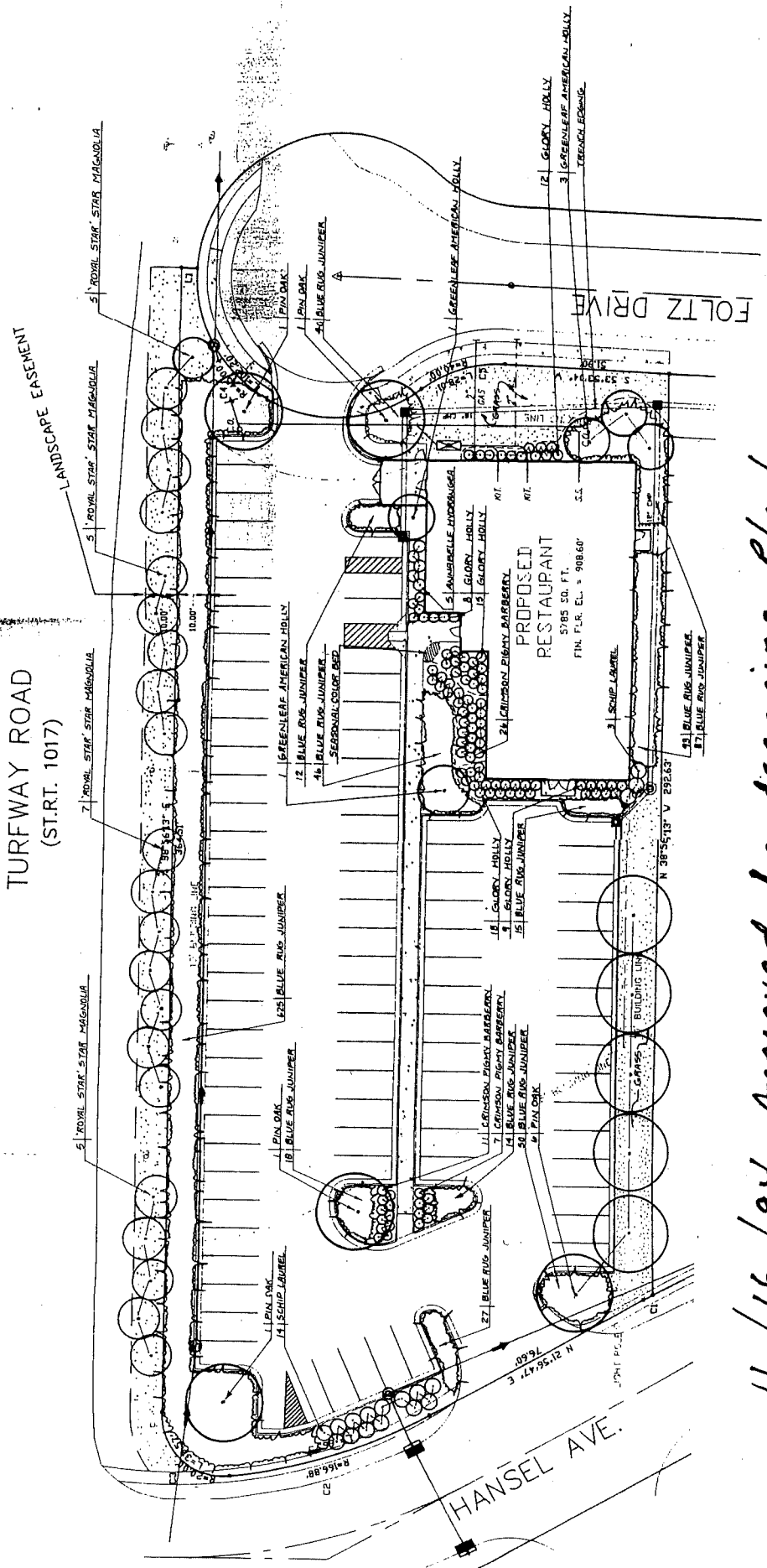
SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

TURFWAY ROAD
(ST. RT. 1017)



11/16/94 Approved Landscaping Plan

11/24/10

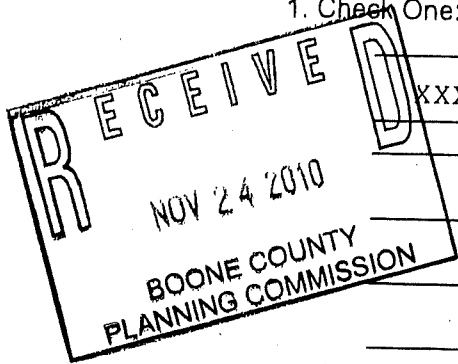
APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:



- XXX 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
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project Shearer Dental (Formerly Fuddrucker's)
- 3. Location of Project 1335 [REDACTED], Florence, Kentucky 41042
- 4. Total Acreage of Site 1.1698 Acres HANSEL AVE.
- 5. Current Zoning C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) February 3, 1993
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson
- 8. Proposed Uses (please specify each use) Dental Office (3 Dentists)
- 9. Proposed Building Intensities (please specify) No changes to the exterior of the building except for painting and signage (see elevation view). The parking and open space will not be changed.
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
- Phone Number 859-331-9191 Fax No. 859-344-7422
- 13. Address of Applicant(s) 1671 Park Road, Suite One
- Ft. Wright, Kentucky 41011
- City State Zip
- 14. Name of Property Owner(s) LPF Corporation
- Phone Number 859-485-6710 Fax No. _____
- 15. Address of Property Owner(s) 10833 Secretariat Run
- Union, Kentucky 41091
- City State Zip
- 16. Are there any existing buildings on the site? Yes
- How many? One
- 17. Deed Book 577 Page No. 200 Group No. [REDACTED] 2033 B
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JANUARY 5, 2011
8:07 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Herald
Mr. Mark Hicks
Mr. Charlie Reynolds
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:07 P.M. and introduced the first item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

1. **Request of James W. Berling (applicant) for LPF Corporation (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.**

At this time, Mr. Hicks announced he would have to abstain from this request due to his business relationship with the applicant. Mr. Hicks left the meeting room.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is the former Fuddruckers restaurant. The request is for a Change in Approved Concept Development Plan to allow a dental office within the existing building. The site has frontage on Hansel Avenue, Foltz Drive and Turfway Road. The building is 5,785 square feet in size and has 90 parking spaces. Access is off Hansel Avenue and Foltz Drive. The applicant wants to paint the building and install new signage. In order to do this, the applicant would have to submit a Design Review application. The history of the site involves approval of Fuddruckers restaurant in 1994 and included perimeter landscaping. A lot of the landscaping originally approved in 1994 does not exist today. There is a sidewalk that could be extended to Hansel Avenue. There are sidewalks on Foltz Drive and Turfway Road. The site received a Seasonal Temporary Commercial Display Permit to sell Christmas trees during the holidays. Mr. Morgan showed photographs of the site and noted the lack of landscaping features. The Future Land Use Map of the Comprehensive Plan suggests the site be developed for commercial uses. The Houston-Donaldson Study recommends that the area be developed for small offices and commercial uses. The site is also zoned Planned Development and Section 1514 applies to the request. In terms of Staff Concerns, Mr. Morgan inquired about the number of employees. The parking requirement for a 5,785 square foot dental office is 29 parking spaces, and 90 spaces exist on site. The Staff also recommends that the following Planned Development (PD) standards should be analyzed. First, mixed use and pedestrian orientation. Staff recommends that the sidewalk in the parking lot should be extended through the island to the sidewalk on Hansel Avenue. Second, substantial landscaping shall be provided in Planned Developments with an emphasis given to streetscape areas and buffer zones. It appears that most of the landscaping that was required in 1994 died and was never replaced. The site also appears to be far short of the 22% green space requirement that is required by the Houston-Donaldson Study. Also, the Vehicular Use Areas (VUA) should be analyzed to see that the applicant complies with Section 3625 of the Zoning Regulations, where 5% of the parking lot be in the form of landscaping islands. There is a requirement for a landscaping island when a row of parking is unbroken for 180 linear feet. Lastly, a Technical/Design Review application would need to be submitted to change the exterior sign package and color of the building if the Change in Approved Concept Development Plan Application is approved.

At this time, Chairman Rolfsen asked the Applicant to make his presentation. Mr. Berling stated that he is the Engineer for the proposed dental office for Dr. Shelley Shearer. Dr. Shearer has a successful dental practice in the area and wants to expand. The site has been vacant for over 6 years. The landscaping has been "let go" or not maintained for a while. The site needs someone to take good care of it. The building will be refurbished inside and painted outside. The plan is to have Dr. Shearer's practice in the building with two other dentists. It has potential to grow into a larger practice. The City of Florence and the County are fortunate to have Dr. Shearer buy the property, refurbish it and use it in a professional manner. The original owner, the Foltz Family, built the building and leased it in the past. This project will be a sale. The existing parking is much larger than what Dr. Shearer initially needs to occupy. She shouldn't be penalized and have to remove some of the parking spaces for landscaping purposes. Dr. Shearer may need the parking in the future. She will address the landscaping and sidewalk issues and possibly stripe the parking lot. The process is overwhelming for Dr. Shearer since she simply wants to occupy the building and refurbish it. They will make every effort to comply with Staff recommendations.

Mr. David Wallace, Wallace & Biggs, representing Dr. Shelley Shearer stated that he wanted to touch on some of the legal aspects of the request. Mr. Wallace stated that the proposed office use fits in better with a mixed-use Planned Development zone. Originally, a gas station use was approved for the site but was withdrawn. Later, only a restaurant use was approved for the site. The underlying zone, Commercial Two (C-2), allows a dental office. The Comprehensive Plan also references the economic times the City and County are currently experiencing with the utilization of vacant buildings (see page 3 of the Staff Report). There will be no major structural changes to the property. There will be some aesthetic changes to the building. Some of the issues previously mentioned existed since 1994 or prior to the green space requirements.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request. Seeing no one, he asked whether any Board members had any comments or questions?

Mr. Ford stated that the existing building is large and asked what is the plan for it? Is it going to be a regular office building or extended surgical facility? What is the purpose or design of the building? Dr. Shearer responded that it will be for family and cosmetic dentistry. There may be oral surgery.

Mrs. Poston asked if the parking lot landscaping islands would help meet their 22% green space requirement? Mr. Morgan replied yes, and said the original plan did not have a green space calculation. Mr. Berling responded that he thought the entire development probably met the 22% requirement. It represented 4 or 5 parcels on one side of Hansel Avenue.

Mr. Schwenke asked about the current 22% green space requirement and whether all developments in the area met it? Mr. Morgan responded that the Houston-Donaldson Study requires all new developments to meet the 22% requirement. He requires a green space analysis when Site Plans are submitted for review. Mr. Schwenke stated that it would be nice to see the building used again.

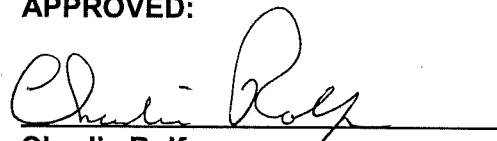
Mr. Berling explained that the building is large and over the years, there may be other general office uses other than dentistry offices. He questioned if it would be necessary to go through the same process again or could it be reviewed by Staff? Mr. Morgan stated that the property owner would have to submit a letter to the Zoning Administrator and he would determine whether it is a major or minor change. Mr. Costello recommended that the Applicant consider the functionality of the building - current use, proposed expansion of the use in the future, and expected vacant space available to other office uses. Mr. Berling stated that it would be fair to do this and to allow the Zoning Administrator to make a decision to follow either process. Mr. Berling noted this method was used on a project down the street-Walmart and the settlement agreement. The Zoning Administrator handled the whole thing. It went very smoothly.

Mr. Breetz noted that if the applicant had multiple uses in the building, then signage could be an issue.

As a follow-up, Dr. Shelley Shearer stated that it will strictly be a dental office. It could be a dental/dermatologist office in the future.

There being no further questions or comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on January 19, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on February 2, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:28 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
FEBRUARY 2, 2011
7:00 P.M.**

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Ms. Janet Kegley
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the January 5, 2011 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Reynolds moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously. Mr. Hicks and Mr. McMillian were not yet present.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT

1. Request of Daniel Rich (applicant) for 84 Financial, LP (owner) for a Zoning Map Amendment from Commercial Services (C-3) to Industrial Two (I-2) for 7.06 acres located at 8299 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a manufacturing building.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Wall noted that the Committee voted unanimously for the project with Mrs. Kegley, Mr. Breetz and Mr. Brandstetter voting in favor of the request. Mr. McMillian entered the meeting room.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit. Mr. Hicks entered the meeting room.

Mr. Dan Rich, BL Spille Construction, stated that he concurred with the conditions. About half of the property is already zoned Industrial Two (I-2). The project consists of manufacturing. It will be a state-of-the-art mill. It will produce blanks of metals that will be shipped to automotive manufacturers. It is a light weight material used for fuel mileage and for crash testing. The project will add 100 jobs to the community. They have no problems with the conditions.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak against the request. Seeing no one, Mr. Brandstetter moved that the request be approved with conditions by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mr. Reynolds seconded the motion and it passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of James W. Berling (applicant) for LPF Corporation (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

Mr. Hicks announced that he would abstain from voting on this request due to his business relationship with the applicant. Mr. Hicks left the meeting room.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. David Wallace, attorney for the buyer, responded that he had no further comments except that he was in agreement with the Committee conditions. Chairman Rolfsen asked if there was anyone in the audience who wanted to speak against the request. Seeing no one, **Mr. McMillian moved that the request be approved with conditions by Resolution to the City of Florence based upon the Committee Report. Mr. Breetz seconded the motion and it passed unanimously.** Mr. Hicks was not present in the meeting room.

ZONING MAP AMENDMENT

3. **Request of ECE, Inc. (applicant) for Rolling Hills Crossing, LLC (owner) for a Zoning Map Amendment from Office One/Planned Development (O-1/PD) to Office Two/Planned Development (O-2/PD) for an 8.95 acre site located at 1090 Vandercar Way, Florence, Kentucky. The request is for a zone change to allow an additional hotel and other permitted uses.**

At this time, Mr. Hicks returned to the meeting room.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Wall noted that the Committee voted 4-1 to approve the project with Mr. Bunger, Mrs. Poston, Mrs. Kegley and Mr. Brandstetter voting in favor of the request and Mr. Breetz voting against the request.

At this time Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. Brandon Raybourne, ECE (applicant), stated that he had no further comments and that he was in agreement with the conditions. He felt the first condition adequately addressed the comments, which arose at the Public Hearing and at the Zone Change Committee meeting. In fact, Mr. Raybourne noted that he has already met with the adjoining property owner, Mr. Flannery to address the first condition.

Chairman Rolfsen asked if there was anyone in the audience against the request who wanted to speak. Seeing no one, Mr. Bunger moved that the request be approved by Resolution to the City of Florence based upon the Committee Report. Mrs. Poston seconded the motion.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: February 2, 2011

RE: Request of James W. Berling (applicant) for LPF Corporation (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

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 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 request is in agreement with the following passages from the Land Use Element and Houston-Donaldson Study:

"Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study." "The uses recommended for this site (Thoroughbred Boulevard Island Area) include a mixture of office, office/research, hotel, freestanding retail stores, restaurants, convenience markets, and particularly entertainment uses that compliment or are related to the Turfway Race Track."
 - C. The request is in agreement with the following passage from the Business Activity Element:

"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. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area."

James W. Berling/LPF Corporation

February 2, 2011

2. The request is in conformance with the following Planned Development (PD) Standards which are found in Section 1514 of the Boone County Zoning Regulations:
 - A. Mixed Use Orientation and Pedestrian Orientation: This standard states that Planned Developments shall have a pedestrian orientation.
 - B. Landscaping: This standard states that substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.

See the conditions below dealing with pedestrian orientation and landscaping.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The approval allows the building to be occupied by office uses or a restaurant.
2. The parking lot shall be brought into compliance with the Vehicular Use Area (VUA) landscaping requirements found in Section 3625 of the Boone County Zoning Regulations.
3. The November 16, 1994 landscaping plan shall serve as a guide for the amount of perimeter landscaping that is required on site. Planning Commission Staff may allow alternative plantings to be selected or plantings to be relocated if warranted by existing site features (retaining wall, overhead utilities, etc.).
4. The sidewalk connection that runs between the building entrance and rows of parking shall be extended all the way out to the public sidewalks along Hansel Avenue. As a result, a sidewalk shall be constructed in the landscaping island near the Hansel Avenue entrance.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JANUARY 5, 2011
8:07 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
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LEGAL COUNSEL PRESENT:

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Mr. Kevin P. Costello, AICP, Executive Director
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Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:07 P.M. and introduced the first item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

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Mr. Schwenke asked about the current 22% green space requirement and whether all developments in the area met it? Mr. Morgan responded that the Houston-Donaldson Study requires all new developments to meet the 22% requirement. He requires a green space analysis when Site Plans are submitted for review. Mr. Schwenke stated that it would be nice to see the building used again.

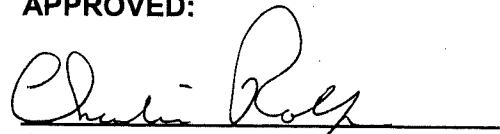
Mr. Berling explained that the building is large and over the years, there may be other general office uses other than dentistry offices. He questioned if it would be necessary to go through the same process again or could it be reviewed by Staff? Mr. Morgan stated that the property owner would have to submit a letter to the Zoning Administrator and he would determine whether it is a major or minor change. Mr. Costello recommended that the Applicant consider the functionality of the building - current use, proposed expansion of the use in the future, and expected vacant space available to other office uses. Mr. Berling stated that it would be fair to do this and to allow the Zoning Administrator to make a decision to follow either process. Mr. Berling noted this method was used on a project down the street-Walmart and the settlement agreement. The Zoning Administrator handled the whole thing. It went very smoothly.

Mr. Breetz noted that if the applicant had multiple uses in the building, then signage could be an issue.


As a follow-up, Dr. Shelley Shearer stated that it will strictly be a dental office. It could be a dental/dermatologist office in the future.

There being no further questions or comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on January 19, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on February 2, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:28 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 19, 2011

RE: Request of **James W. Berling (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

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.

Berling/LPF Corporation

January 19, 2011

Janet Kegley
 Janet Kegley, Chairwoman

For Project Absent
 Against Project
 Abstain Deferred

Ben Brandstetter
 Ben Brandstetter

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
 Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
 Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
 Susan Poston

For Project Absent
 Against Project
 Abstain Deferred

Linda Herald (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 5 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

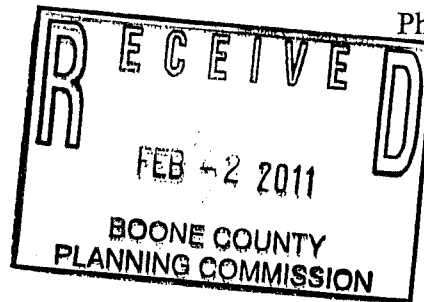


BOONE COUNTY PLANNING COMMISSION

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



January 21, 2011

Mr. James W. Berling
1671 Park Road, Suite One
Ft. Wright, KY 41011

RE: Request of **James W. Berling (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre lot located at 1335 Hansel Avenue, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a dental office within an existing building.

Dear Mr. Berling:

The following represents the conditions of approval for the above referenced Change in Approved Concept Development Plan application as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as applicant, agree to these conditions, please have the current property owner sign the appropriate space on the last page of this letter. Please return this letter with the property owner's original signature to the Boone County Planning Commission office by February 1, 2011.

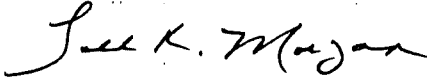
CONDITIONS

1. The approval allows the building to be occupied by office uses or a restaurant.
2. The parking lot shall be brought into compliance with the Vehicular Use Area (VUA) landscaping requirements found in Section 3625 of the Boone County Zoning Regulations.
3. The November 16, 1994 landscaping plan shall serve as a guide for the amount of perimeter landscaping that is required on site. Planning Commission Staff may allow alternative plantings to be selected or plantings to be relocated if warranted by existing site features (retaining wall, overhead utilities, etc.).

Mr. James W. Berling
January 21, 2011
Page 2

4. The sidewalk connection that runs between the building entrance and rows of parking shall be extended all the way out to the public sidewalks along Hansel Avenue. As a result, a sidewalk shall be constructed in the landscaping island near the Hansel Avenue entrance.

Sincerely,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

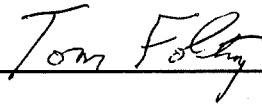
TKM\pr

Attachment

AGREEMENT

I, Tom Foltz, agree to the listed conditions of approval for the Change in Approved Concept Development Plan application for the 1.1698 acre lot which is described on the first page of this letter.

Mr. Tom Foltz
LPF Corporation



2/1/11
Date

RECORDED
INDEXED
JUN 15 1995
BOONE COUNTY CLERK

Property Transfer Tax Paid \$ 870.00
JERRY W. ROUSE, Clerk D.C. [Signature]

M. Foltz

DEED

KNOW ALL MEN BY THESE PRESENTS:

That MARY ELLEN FOLTZ, a single person, grantor, for and in consideration of Eight Hundred Seventy Thousand Dollars (\$870,000.00) to her paid by LPF CORPORATION, grantee, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to the said LPF CORPORATION, grantee, its successors and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantee Mailing Address: 11038 Stirrup Lane, Richwood, Kentucky 41094

Grantor Mailing Address: 303 Center Park Drive, Florence, Kentucky 41042

Present Street Address: Foltz Drive, Florence, Kentucky

Group No. 3342
Plat 270A

Being Lot #5 Parcel II of Turfway Island, Section 2, as shown on the plat attached hereto.

Subject to easements and restrictions of record.

Being part of the property conveyed to the Grantor by CARL FOLTZ, et ux by deed dated 12th day of April, 1957 and recorded in Deed Book 136, Page 74, in the office of the Boone County Clerk, Burlington, Kentucky.

LEO PAUL FOLTZ died 7/8/73 and title vested in his wife, MARY ELLEN FOLTZ, by virtue of their survivorship deed.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said LPF CORPORATION, grantee, its successors and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said MARY ELLEN FOLTZ, grantor, hereunto sets her hand this 1st day of June, 1995.

CONSIDERATION CERTIFICATION

We, MARY ELLEN FOLTZ, grantor, and LPF CORPORATION, grantee, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$870,000.00 is the true, correct and full consideration paid for the property herein

Dennis Helmer

Q

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-4-11

0-4-11 The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-4-11 on April 19, 2011. The title of this Ordinance is as follows:

ORDINANCE NO. 0-4-11


AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.1698 ACRE SITE LOCATED AT 1335 HANSEL AVENUE, FLORENCE, KENTUCKY, TO ALLOW A DENTAL OFFICE WITHIN AN EXISTING BUILDING. (JAMES W. BERLING/LPF CORPORATION PROPERTY)

The effect of this Ordinance is to allow a dental office within an existing building in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1698 acre site located at 1335 Hansel Avenue, Florence, Kentucky.

The full text of Ordinance No. 0-4-11, 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. 0-4-11 and that it has been prepared by me on the 30th day of March, 2011, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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

ORDINANCE NO. 0-4-11

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.1698 ACRE SITE LOCATED AT 1335 HANSEL AVENUE, FLORENCE, KENTUCKY, TO ALLOW A DENTAL OFFICE WITHIN AN EXISTING BUILDING. (JAMES W. BERLING/LPF CORPORATION 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-11-003-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 James W. Berling (Applicant) for LPF Corporation (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development (C-2/PD) zone, for a 1.1698 acre site located at 1335 Hansel Avenue, Florence, Kentucky, shall be and is hereby approved, this change in concept development plan being to allow a dental office within an existing building. 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-11-003-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

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-11-003-A, marked Exhibit "A", and attached hereto.

SECTION IV

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 V

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

PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF April, 2011.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19th DAY OF April, 2011.

APPROVED:

Deane P. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

