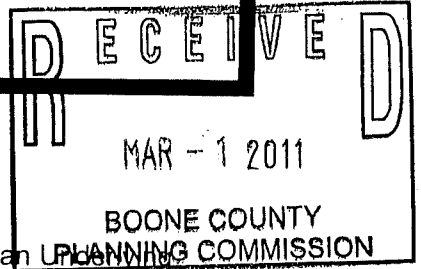


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

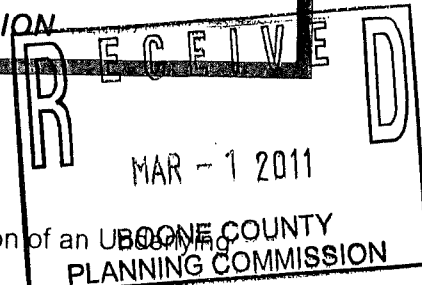
- Concept Development Plan (Includes Utilization of an Urban Zone in a Planned Development)
- XXX Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- 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 Sherwin Williams
- 3. Location of Project 8522 U. S. 42, Florence, Kentucky 41042
- 4. Total Acreage of Site 0.2570 Acres
- 5. Current Zoning C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) Retail Sales
- 9. Proposed Building Intensities (please specify) 8,000 S.F./Ac.
- 10. _____
- 11. Have you submitted a Concept Development Plan? _____
- Are you also applying for:
 - Conditional Use Permit
 - XXX Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 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) Melvin C. & Mary A. Gillenwater Trust
Phone Number 812-421-0101 Fax No. 812-428-3766
- 15. Address of Property Owner(s) 3300 Claremont Avenue
Evansville, Indiana 47712
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? Two
- 17. Deed Book 301 Page No. 287 Group No. ~~880~~ 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

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 Urban Planning 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 Sherwin Williams
- 3. Location of Project 8522 U. S. 42, Florence, Kentucky 41042
- 4. Total Acreage of Site 0.2374 Acres
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) Retail Sales
- 9. Proposed Building Intensities (please specify) 8,000 S.F./Ac.
- 10. _____
- 11. Have you submitted a Concept Development Plan? _____
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 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) Melvin C. & Mary A. Gillenwater Trust
Phone Number 812-421-0101 Fax No. 812-428-3766
- 15. Address of Property Owner(s) 3300 Claremont Avenue
Evansville, Indiana 47712
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? Two
- 17. Deed Book 655 Page No. 67 Group No. ~~880~~ 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

April 6, 2011

REQUEST

The applicant is proposing a 4,000 square foot retail building identified on the plan as a Sherwin Williams store. A right-in/right-out access on US 42 and a full access point on Old Toll Road are proposed. The details indicate an approximate 10 foot high and 70 square foot monument style sign. Since these properties are not located within a commercial subdivision, a 15 foot high and 80 square foot architectural freestanding sign would be permitted. The Concept Development Plan approval for the lot fronting Old Toll Road has a condition limiting them to an 8 foot high and 60 square foot monument sign.

At the time these applications were submitted, the property fronting on US 42 was in unincorporated Boone County and the property fronting Old Toll Road is located within the City of Florence. Staff suggested that the applicant contact the City of Florence regarding annexation.

SITE HISTORY

In 1986, the majority of this corridor was changed to Commercial Two/Planned Development (C-2/PD) through the Zoning Update.

A Concept Development Plan for the parcel fronting Old Toll Road was approved in July of 2004. A site plan to develop the property was never submitted. A copy of the conditions of approval are attached.

ADJACENT ZONING AND LAND USES

- North: Across Old Toll Road, Panorama Plus Apartments zoned Urban Residential One/Planned Development with an approved Concept Development Plan (UR-1/PD/CD) and an existing residence zoned Industrial One (I-1).
- East: Auto Zone zoned Commercial Two/Planned Development with an approved Concept Development Plan (C-2/PD/CD).

South: Across US 42, Gunpowder Center, Key Bank and Brusters Ice Cream zoned Commercial Two/Planned Development with an approved Concept Development Plan (C-2/PD/CD).

West: Taco Bell zoned Commercial Two/Planned Development with an approved Concept Development Plan (C-2/PD/CD).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map still shows the subject property as Suburban Density Residential (SR). The Boone County Comprehensive Plan defines this classification as:

SR: "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

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

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

The Land Use Element (Pleasant Valley-West Florence, pg. 145) states:

“Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road.”

STAFF CONCERNS/COMMENTS

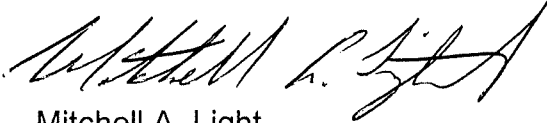
1. The proposed building materials should be consistent on all four elevations. The privacy fence on the Auto Zone property was not required and therefore could be removed exposing a portion of the rear elevation of the proposed Sherwin Williams.
2. A 10 foot high and 70 square foot monument style sign is shown on the elevation and detail sheet. Since these properties are not located within a commercial subdivision a 15 foot high and 80 square foot architectural freestanding sign would be permitted. The monument sign is a better fit with the surrounding business signage.
3. Building Mounted Signage is permitted on three elevations at a ratio of 2:1 (2 s.f. of signage per linear foot of building) for the primary elevation and 1:1 (1 s.f. of signage per linear foot of building) for two secondary elevations.
4. The concept development plan shows, at its narrowest, a 5' landscape buffer on both side property lines between the neighboring developments. Staff recognizes that these properties individually are small and fortunately have been combined to allow for better access. If this proposal is approved, an extensive site plan review will be performed including landscaping.
5. Both applications list “Retail Sales” as proposed uses for these combined properties. The Conditions of Approval from 2004 for the Old Toll Road parcel are attached to this Staff Report which limited the uses at that time. A copy of the permitted use list from the Boone County Zoning Regulations are also attached.
6. Staff has attached to this report, a copy of the standards set forth in Section 1514 “Planned Development Standards” of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the City of Florence in terms of Article 3 and the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and

planned uses in the area. If approved, the Future Land Use map will need to be changed.

Respectfully Submitted,

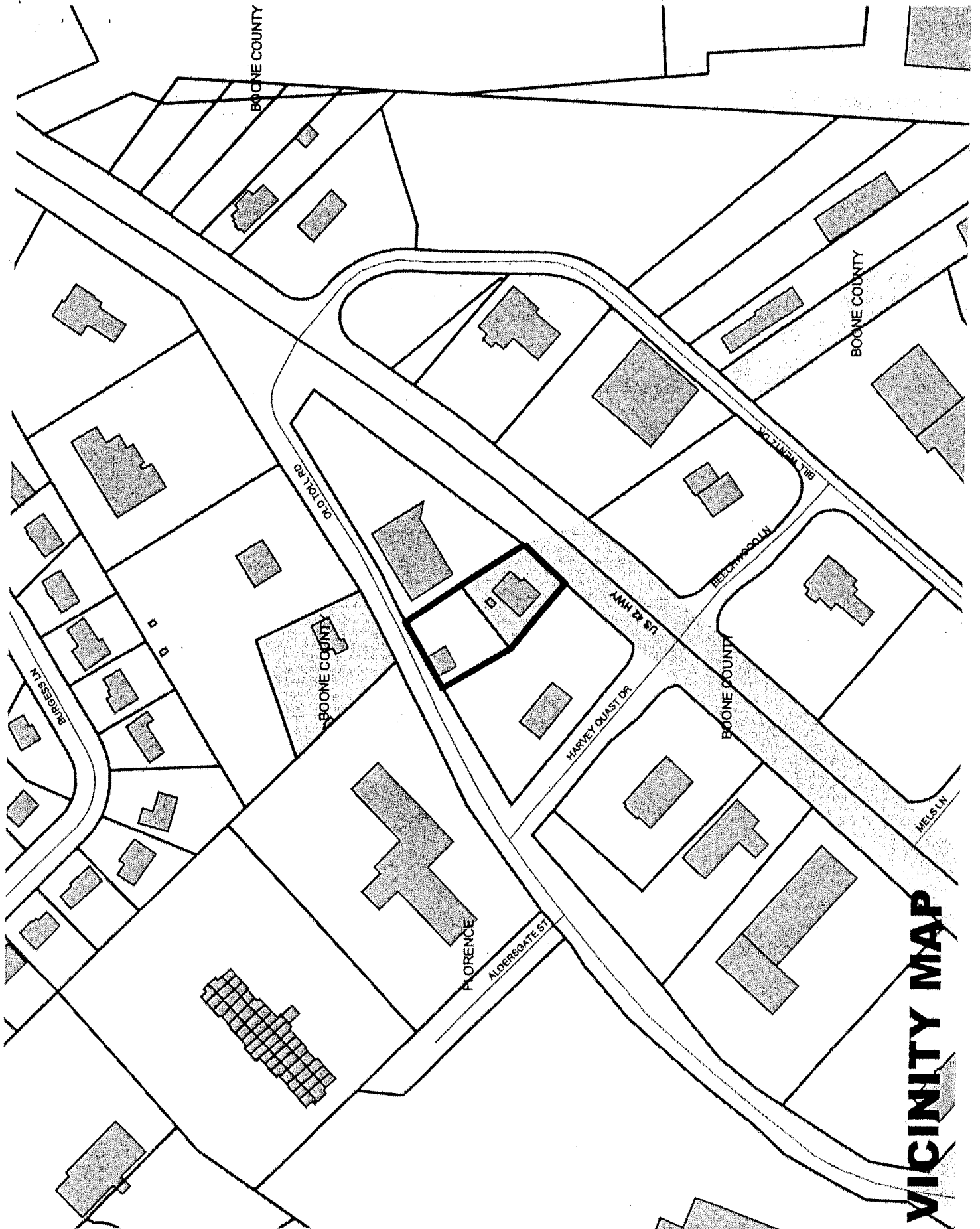


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

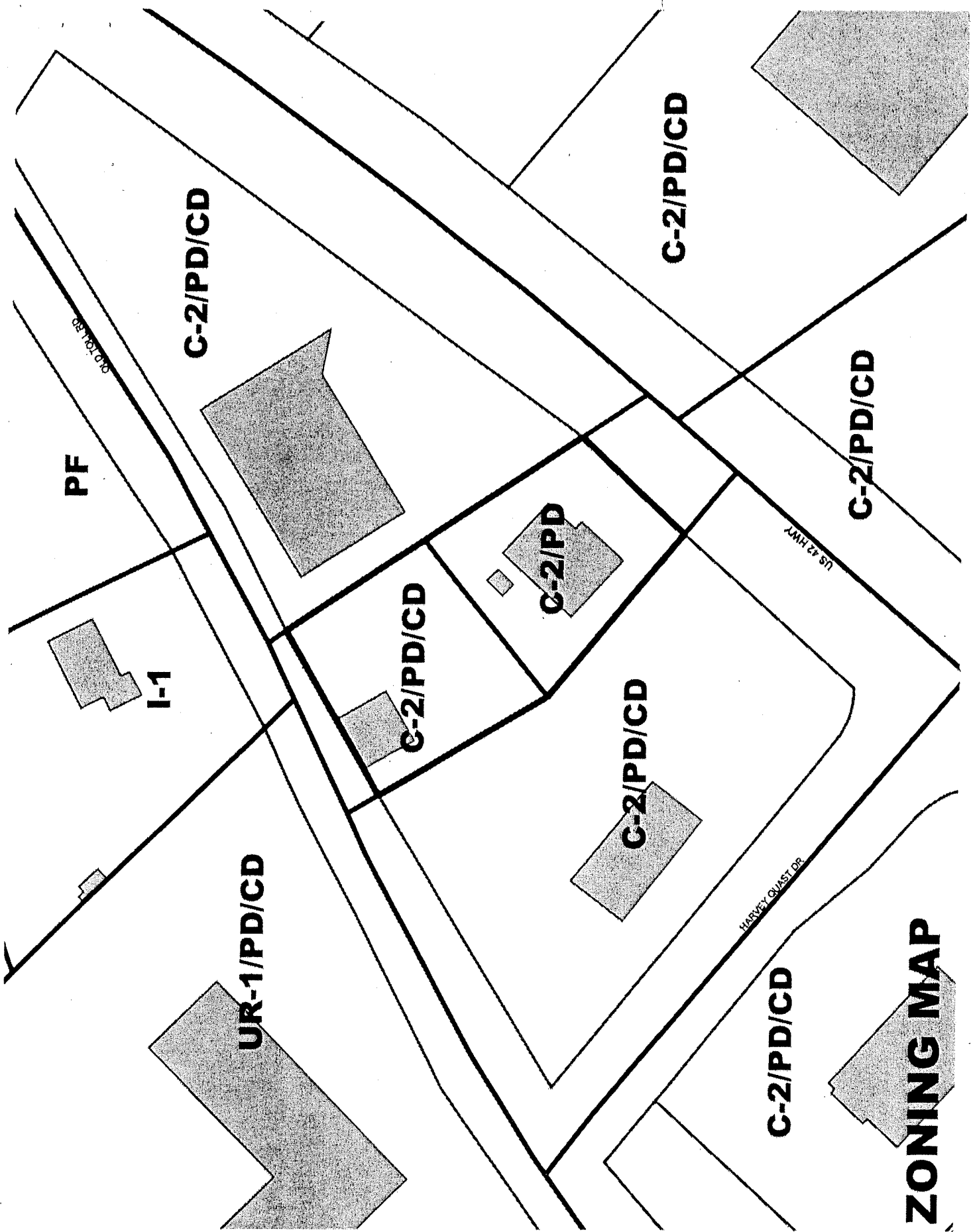
MAL/dw

Attachments:

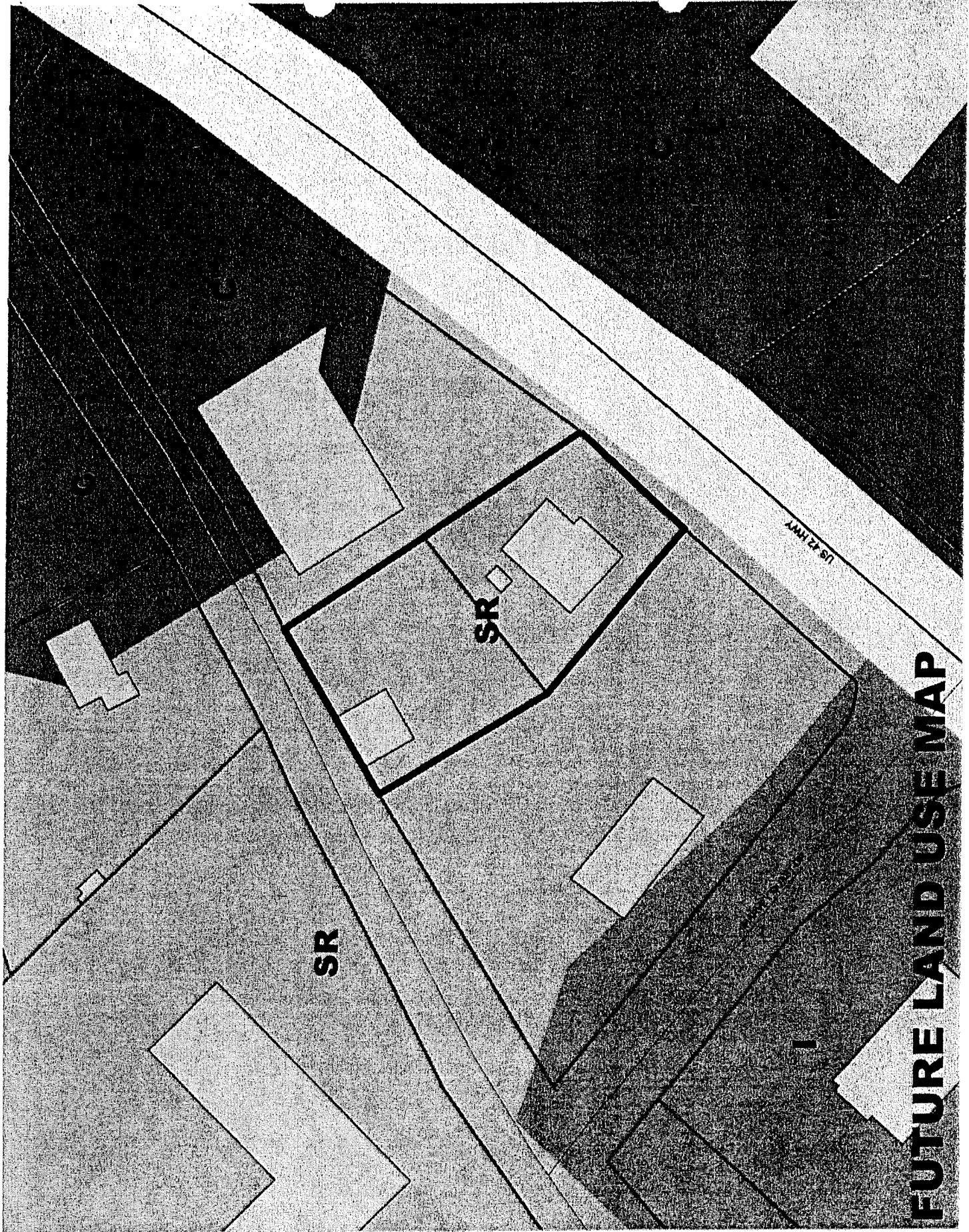
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2009 Aerial Photography
- Concept Development Plan
- Proposed Elevations and Materials
- Comments from the Kentucky Transportation Cabinet
- Conditions of Approval from 2004 for the Old Toll Road parcel
- Permitted Uses for the C-1, C-2 and O-1 zones
- Planned Development Standards
- Application



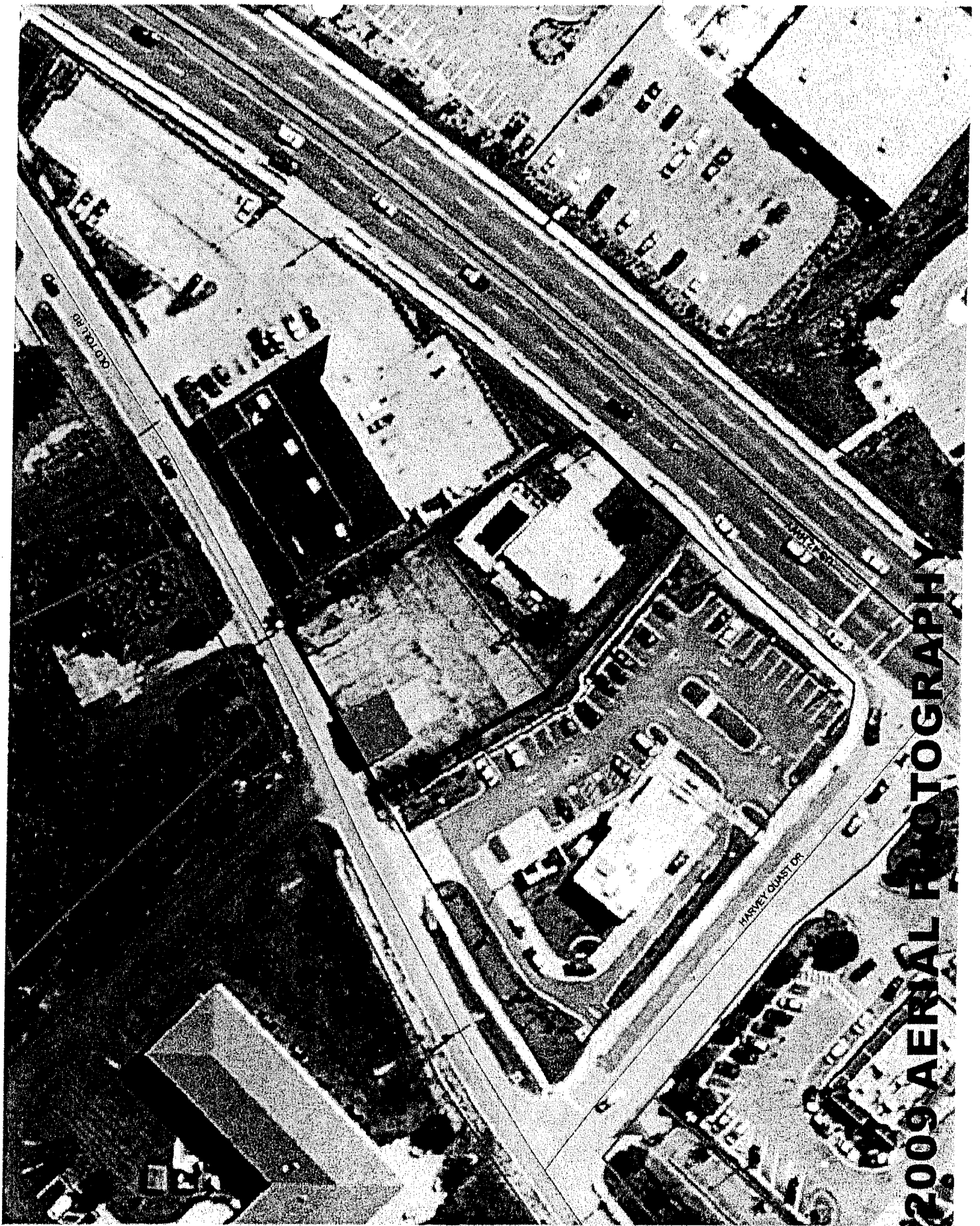
VICINITY MAP



ZONING MAP

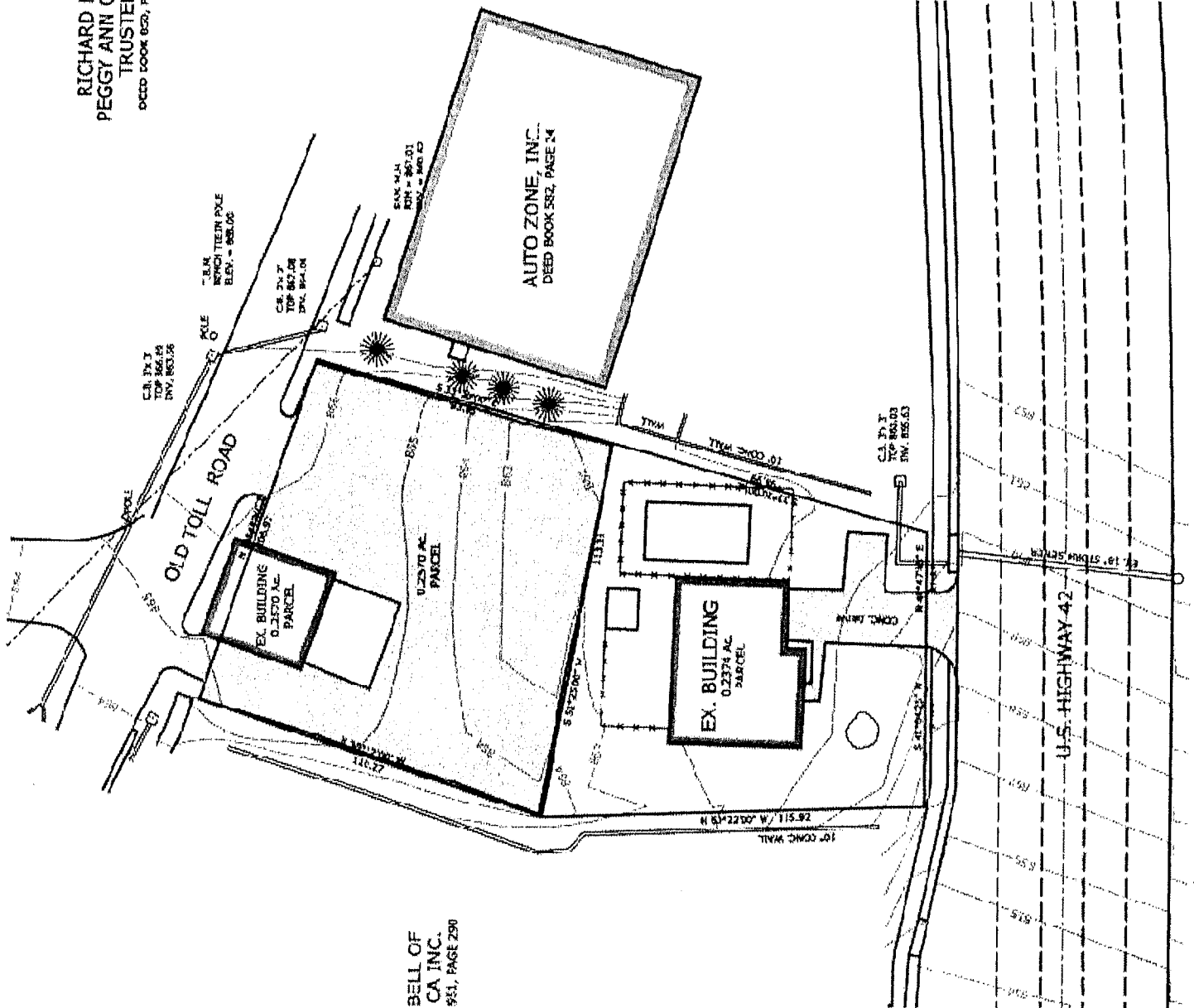


FUTURE LAND USE MAP

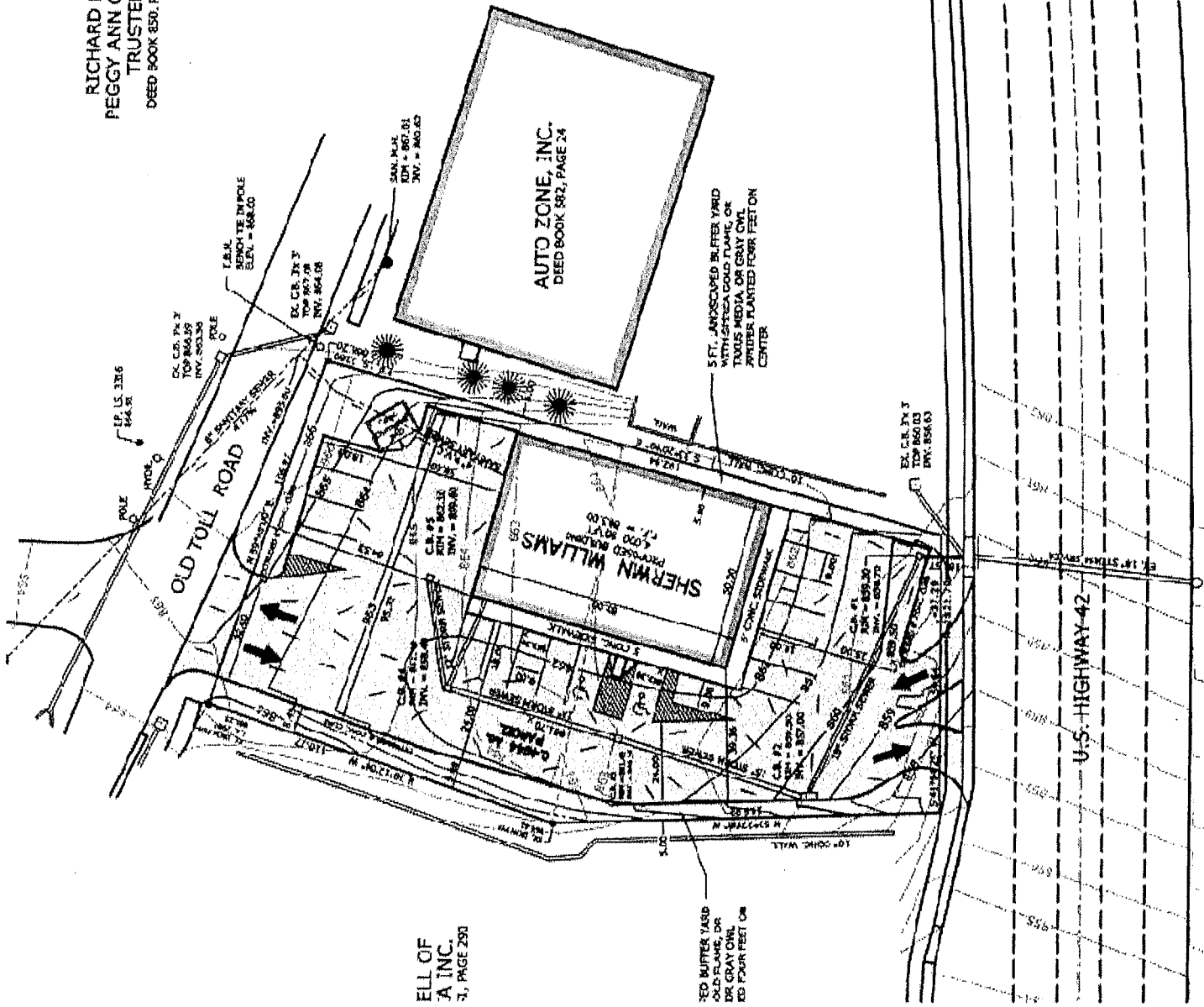


2009 AERIAL PHOTOGRAPHY

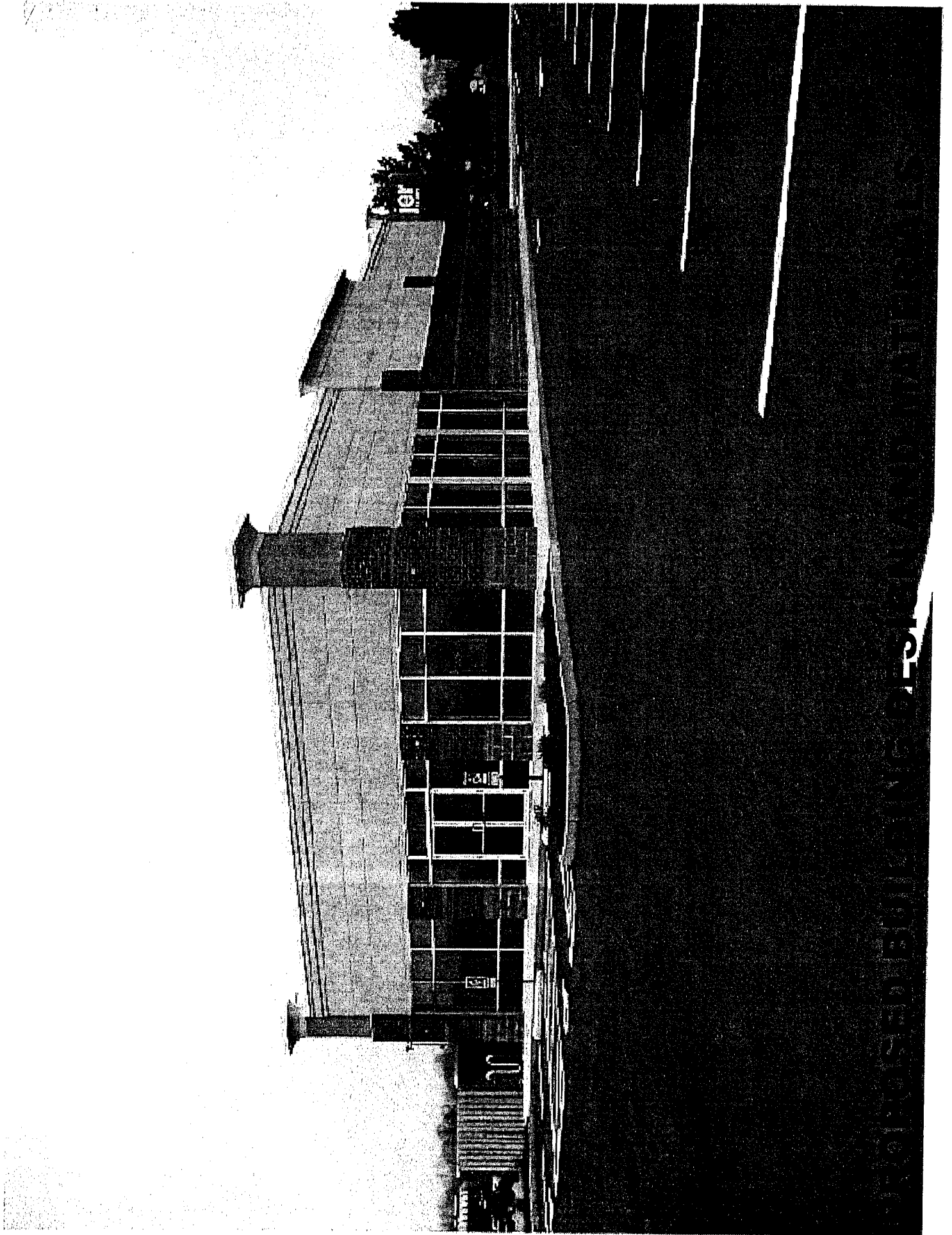
RICHARD I
PEGGY ANN C
TRUSTEES
DEED BOOK 650, P



RICHARD I
PEGGY ANN C
TRUSTEES
DEED BOOK 850, P



CONCEPT DEVELOPMENT PLAN



Mitch Light

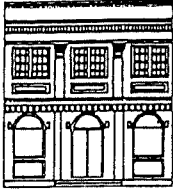
From: Bezold, Mike (KYTC-D06) [Mike.Bezold@ky.gov]
Sent: Monday, March 28, 2011 2:22 PM
To: Mitch Light
Subject: James W. Berling (applicant) for Melvin C. & Mary A. Gillenwater Trust (owner)

The Kentucky Transportation Cabinet has received your letter concerning the above mentioned zone change. KYTC has been working with this developer and the proposed site development matches the drawing KYTC has been working with the developer to approve. All recommendations from KYTC concerning entrance configurations have been incorporated into this plan and we have no comment concerning this zone change.

Mike Bezold, P.E.
Planning Supervisor
District 6 Covington

For more information, please contact the Planning Supervisor at (502) 562-2200. If you have any questions, please contact the Planning Supervisor at (502) 562-2200. If you have any questions, please contact the Planning Supervisor at (502) 562-2200. If you have any questions, please contact the Planning Supervisor at (502) 562-2200.

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

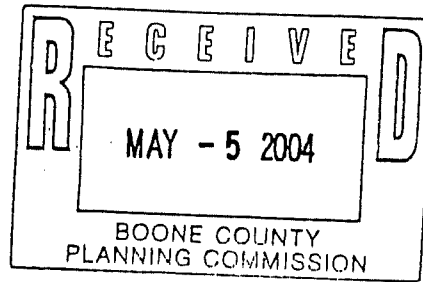
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

April 26, 2004



Mr. George Van Horne
Ms. Jean Van Horne
2312 Pinnacle Court
Hebron, KY 41048

RE: Request of George Van Horne and Jean Van Horne (applicants) for Donald C. Jackman and Rachel M. Jackman (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky. The request is for a Concept Development Plan to allow a multi-tenant commercial building.

Dear Mr. & Ms. Van Horne:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their April 21, 2004 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Monday, May 3, 2004.

CONDITIONS

1. The property owners agree that the storm water for this project will be discharged to the north side of Old Toll Road.
2. The property owners agree that there will be no dumpster for this project. Tenants will use curbside garbage collection and will store garbage containers within their suite.
3. The property owners agree that the roof units will be adequately screened so as not to be visible from Old Toll Road or US 42.
4. The property owners agree that there will be no lighting in the rear of the building as there are no doors located along the rear of the building.
5. The property owners agree that the required trees in the Buffer Yard "A" landscaping along the rear of the building will consist of only evergreens in order to better screen the residence to the rear.
6. The property owners agree that the building will be constructed of EIFS (dryvit) and textured concrete block per the revised elevations presented to the Planning Commission's Zone Change Committee at their April 21, 2004 meeting. This includes the "earth tone" colors presented to the Committee.

7. The property owners agree to one (1) monument sign of 8 feet high and 60 square feet of sign area to be consistent with the colors and design of the building.
8. The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Commercial One (C-1) zone:
 9. Insurance carriers and agents;
 10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
 11. Accounting, auditing and bookkeeping services;
 17. Laundering, dry cleaning and dyeing services including self-service;
 18. Alteration and garment repair and custom tailoring;
 19. Shoe repair, shoe shining and hat cleaning services;
 21. Jewelry stores;
 28. Draperies, curtains, upholstery and floor coverings;
 30. Photo finishing services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Commercial Two (C-2) zone:

6. Specialized upholstery and furniture repair or refinishing services;
9. Radio, t.v., watch, clock, and jewelry repair;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
15. Business and management consulting services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Office One (O-1) zone:

2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;

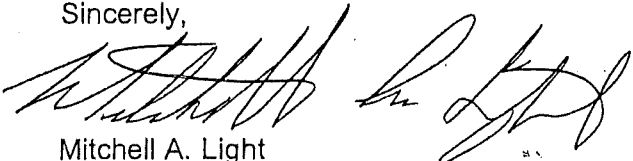
Mr. George Van Horne
Ms. Jean Van Horne
April 26, 2004
Page 3

5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;

The property owners agree to limit the use of the site to the following Principally Permitted Uses in the Office Two (O-2) zone:

6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;

Sincerely,

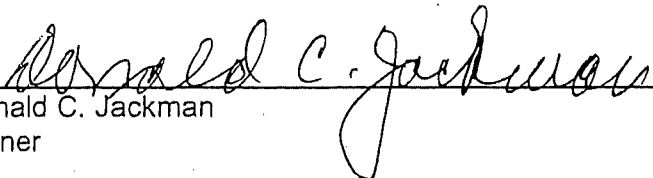


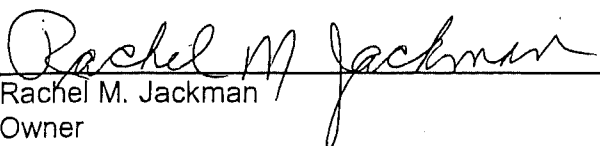
Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

We, Donald C. Jackman & Rachel M. Jackman, do hereby agree to the recommended conditions of approval stated above for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.26 acre tract located at 8519 Old Toll Road, Boone County, Kentucky, to allow a multi-tenant commercial building.

 _____ 5-4-04
Donald C. Jackman Date
Owner

 _____ 5/4/04
Rachel M. Jackman Date
Owner

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

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

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
11. Recycling collection containers.

SECTION 1013

Conditional Uses and Criteria

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

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 1014

Intensity

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

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

SECTION 1015

Minimum Size

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

SECTION 1016

Minimum Standards

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

SECTION 1020

COMMERCIAL TWO (C-2)

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

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.
3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;

7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics, out-patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycle sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;

34. Pawn shops (**Not Applicable within the City of Florence**);
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

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

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

12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;

13. Recycling collection containers.

SECTION 1023

Conditional Uses and Criteria

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

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
4. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
5. Mini-warehouses or storage facilities (**Does not apply in the City of Florence**);
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
7. Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.

SECTION 1024

Intensity

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

SECTION 1025

Minimum Size

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

SECTION 1026

Minimum Standards

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

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas.

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (0-1)

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

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112

Accessory Uses

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

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);

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 dependence 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 dominant. 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 dependance 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

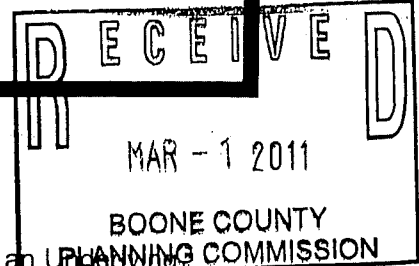
Pre-Application Meeting

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.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

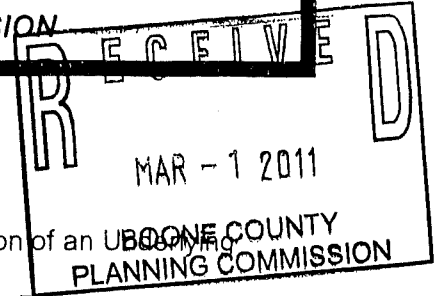
- Concept Development Plan (Includes Utilization of an Unplanned Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- 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 Sherwin Williams
- 3. Location of Project 8522 U. S. 42, Florence, Kentucky 41042
- 4. Total Acreage of Site 0.2570 Acres
- 5. Current Zoning C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) Retail Sales
- 9. Proposed Building Intensities (please specify) 8,000 S.F./Ac.
- 10. _____
- 11. Have you submitted a Concept Development Plan? _____
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 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) Melvin C. & Mary A. Gillenwater Trust
Phone Number 812-421-0101 Fax No. 812-428-3766
- 15. Address of Property Owner(s) 3300 Claremont Avenue
Evansville, Indiana 47712
City _____ State _____ Zip _____
- 16. Are there any existing buildings on the site? Yes
How many? Two
- 17. Deed Book 301 Page No. 287 Group No. ~~880~~ 2039
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

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 UBOONE COUNTY
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 Sherwin Williams
3. Location of Project 8522 U. S. 42, Florence, Kentucky 41042
4. Total Acreage of Site 0.2374 Acres
5. Current Zoning C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
8. Proposed Uses (please specify each use) Retail Sales
9. Proposed Building Intensities (please specify) 8,000 S.F./Ac.
- _____ 10.
- Have you submitted a Concept Development Plan? _____
11. Are you also applying for:
 Conditional Use Permit
 XXX Dimensional Variance
12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 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) Melvin C. & Mary A. Gillenwater Trust
Phone Number 812-421-0101 Fax No. 812-428-3766
15. Address of Property Owner(s) 3300 Claremont Avenue
Evansville, Indiana 47712
City State Zip
16. Are there any existing buildings on the site? Yes
How many? Two
17. Deed Book 655 Page No. 67 Group No. ~~880~~ 2039
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 HEARING
APRIL 6, 2011
7:35 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO

Chairman Rolfsen called the Public Hearing to order at 7:35 P.M. and introduced the first item on the Agenda:

CONCEPT DEVELOPMENT PLAN AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

1. Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

Staff Member, Mitch Light, presented the Staff Report (see Staff Report). Mr. Light stated that the site is located between AutoZone and Taco Bell. The site has frontage on U.S. 42 and Old Toll Road. It is located in the City of Florence and in unincorporated Boone County. The request is to review a Change in Concept Development Plan for the rear portion of the site and a Concept Development Plan for the front portion of the site. There is a house and pool located on the front parcel facing U.S. 42. The applicant is proposing a 4,000 square foot retail building for a Sherwin Williams store. There is a planned right in and right out curb cut along U.S. 42 and a full access point off Old Toll Road. The applicant is proposing a 10 foot high, 70 square foot monument sign on the site. It meets the requirements. Previously, there was a condition for the same site limiting the signage to an 8 foot high and 60 square foot monument sign. The applicant has begun the process of annexing the front portion of the site into the City of Florence. In 1986, a majority of the U.S. 42 corridor was rezoned Commercial Two/Planned Development (C-2/PD). The original Concept Development Plan for the rear portion of the site was approved by the Planning Commission in July, 2004. Mr. Light stated that the Site Plan to develop the site based upon the 2004 approval was never submitted. He continued to show photographs and maps of the properties next to the site and outlined the zoning of each adjacent property. Mr. Light noted that the Future Land Use Map shows the site as Suburban Density Residential. If the project is approved the Future Land Use Map would have to be updated. Mr. Light also showed a photograph and drawings of what the building would look like in terms of color and materials. The proposed building will be placed close to the AutoZone store due to the size of the lot. All the buildings in the area have been built based on a step pattern.

In terms of Staff concerns, Mr. Light stated that the proposed building materials should be consistent on the four elevations. The privacy fence on the AutoZone property was not required and therefore could be removed exposing a portion of the rear elevation of the proposed Sherwin Williams store. A 10 foot high and 70 square foot monument style sign is shown on the elevation and detail sheet. Since these properties are not located within a commercial subdivision, a 15 foot high and 80 square foot architectural freestanding sign would be permitted. Mr. Light explained that a monument sign is a better fit with the surrounding business signage. There are a lot of monument style

signs in the area. Building mounted signage is permitted on three elevations at a ratio of 2:1 (2 s.f. of signage per linear foot of building) for the primary elevation and 1:1 (1 s.f. of signage per linear foot of building) for two secondary elevations. The Concept Development Plan shows, at its narrowest, a 5' landscape buffer on both side property lines between the neighboring developments. Staff recognizes that these properties individually are small and fortunately have been combined to allow for better access. If this proposal is approved, an extensive site plan review will be performed including landscaping. Both applications list "Retail Sales" as proposed uses for these combined properties. The Conditions of Approval from 2004 for the Old Toll Road parcel are attached to the Staff Report which limited the uses at the time. A copy of the permitted use list from the Boone County Zoning Regulations is also attached. This is important if the paint store goes out of business and other uses are proposed. A restaurant with a drive-thru would not work on the same site. Staff has attached to the Staff Report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

In conclusion, Mr. Light stated that the request needs to be evaluated by the Boone County Planning Commission, the City of Florence and Boone County in terms of Article 3 and the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. If approved, the Future Land Use Map will need to be changed. Mr. Light noted that an e-mail message from Kentucky Transportation Cabinet officials was submitted related to their review and approval of the right in and right out access point.

At this time, Chairman Rolfsen asked if the applicant wanted to make his presentation. Mr. Jim Berling, applicant and engineer for the development, explained that he met with Kentucky Transportation Cabinet officials to see about their access options. Mr. Berling stated that drainage from the site would be directed to the State storm water system or an existing 18 inch storm water line. Mr. Berling stated that the use is a good fit for a small site. Not much could be built on the site. Mr. Brian Hutchinson, developer of the site, was present to answer any questions.

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

Mr. Reynolds asked where the dumpster was located? Mr. Berling stated that it would be located in the rear along Old Toll Road.

Mr. Bunger asked what type of building materials will be used? Mr. Brian Hutchinson responded that it would be EIFS, brick and split face block. He distributed a drawing showing the building elevations. The back of the building will be made of split face block and EIFS. The building will have an overhead door to get material in and out of the building.

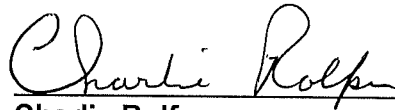
Mr. Ford asked about the location of HVAC systems? Mr. Hutchinson responded that it will be either on the roof top or in a mechanical room stored inside. There is a tall parapet on the building and some of the equipment may be located near the restrooms or in the center of the building if the units are placed on the roof.

Mr. Costello asked whether there will be a sidewalk located on the south side of Old Toll Road since the property owners in the area have installed sidewalks. Mr. Berling stated that a sidewalk would be included.

Mr. Breetz asked if the proposed store is a replacement of the existing U.S. 42 store. Mr. Hutchinson thought it is a new store in addition to the existing store.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 20, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 4, 2011 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:50 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
MAY 4, 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 Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Susan Poston, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the April 6, 2011 Business Meeting and Public Hearing. He asked if there were any comments or corrections. There being no changes to the minutes, Mr. Ford moved that the minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CONCEPT DEVELOPMENT PLAN AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff; Kim Bunger, Chairman

1. Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

Staff Member, Mitch Light, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Light noted that the Committee voted unanimously for the project with Mr. Bunger, Mrs. Kegley, Mrs. Poston and Mr. Breetz voting 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. Jim Berling (applicant), introduced Mr. Mel Gillenwater, who will own the property and will be leasing the property to Sherwin Williams. Mr. Berling stated that Mr. Gillenwater has reviewed the Committee Report and is in agreement with it. He has signed the Condition Letter.

Chairman Rolfsen asked if there was anyone in the audience opposed to the request who wanted to speak.

Seeing no one, Mr. Bunger moved that the request be approved with conditions by Resolution to the Boone County Fiscal Court and to the City of Florence. Mrs. Kegley seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW - Todd Morgan, Staff; Charlie Reynolds, Chairman

2. **Shearer Dental - 1335 Hansel Avenue**

Staff Member, Todd Morgan, presented the request. The applicant is requesting Design Review to make improvements to the former Fuddruckers building located at 1335 Hansel Avenue. Mr. Morgan showed photographs of the existing building. Mr. Morgan stated that the color and facade of the building will change. Also, the two existing parking lots will be connected and the Hansel Avenue facade will be the main entrance. The submitted request is for the building improvements only. It will not include signage. The applicant will have to submit a separate application for signage. The building will be repainted and new EIFS will be installed along with a parapet. In addition, black fabric awnings will be installed along with faux stone at the bottom of the building. The new colors will be a brown and beige scheme. Sample colors were submitted. Mr. Morgan stated that the Committee met prior to the Business Meeting and voted unanimously in favor of the request. Chairman Rolfsen inquired about the extent of the parking lot improvements. Mr. Morgan explained that the improvements include connecting both parking lots, the completion of the sidewalk connection, moving the handicapped parking spaces and adding landscaping.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 4, 2011

RE: Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The Committee has concluded that the proposal is in agreement with the text of the Land Use Element (Pleasant Valley - West Florence, pg. 145) as it relates to this request which states:

“Commercial development in the U.S. 42, Pleasant Valley Road intersection area should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road.”
 - B. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives.
2. The Committee has concluded that the request, along with the agreed conditions, fulfill the applicable requirements of Article 15 “Planned Development District” of the Boone County Zoning Regulations.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Article 15 "Planned Development District" 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 property owner agrees to construct a sidewalk along their Old Toll Road frontage which will be shown and reviewed as part of the required Major Site Plan.
2. The building materials and colors will be consistent with the revised elevation drawings (see attached). The color of the overhead door will match one of the primary colors of the building materials.
3. The dumpster enclosure will be constructed of the same masonry materials used on the building.
4. The property owner agrees to screen all roof mounted equipment so as not to be visible from US 42.
5. The property owner agrees that there will be no outside storage.
6. The property owner agrees to an 80 square foot monument style sign with a maximum overall height of 10 feet.
7. The site lighting will consist of wall packs on the building and be directed downward to prevent glare. A photometric plan will be reviewed as part of the required Major Site Plan.
8. Permitted Commercial One (C-1), Commercial Two (C-2) and Office One (O-1) uses for this development are listed as follows, prohibited uses are stricken (all conditional uses have been stricken as well):

COMMERCIAL ONE (C-1)

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;

18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
- ~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

COMMERCIAL TWO (C-2)

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

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

2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.
3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;

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

OFFICE ONE (O-1)

SECTION 1111

Principally Permitted Uses

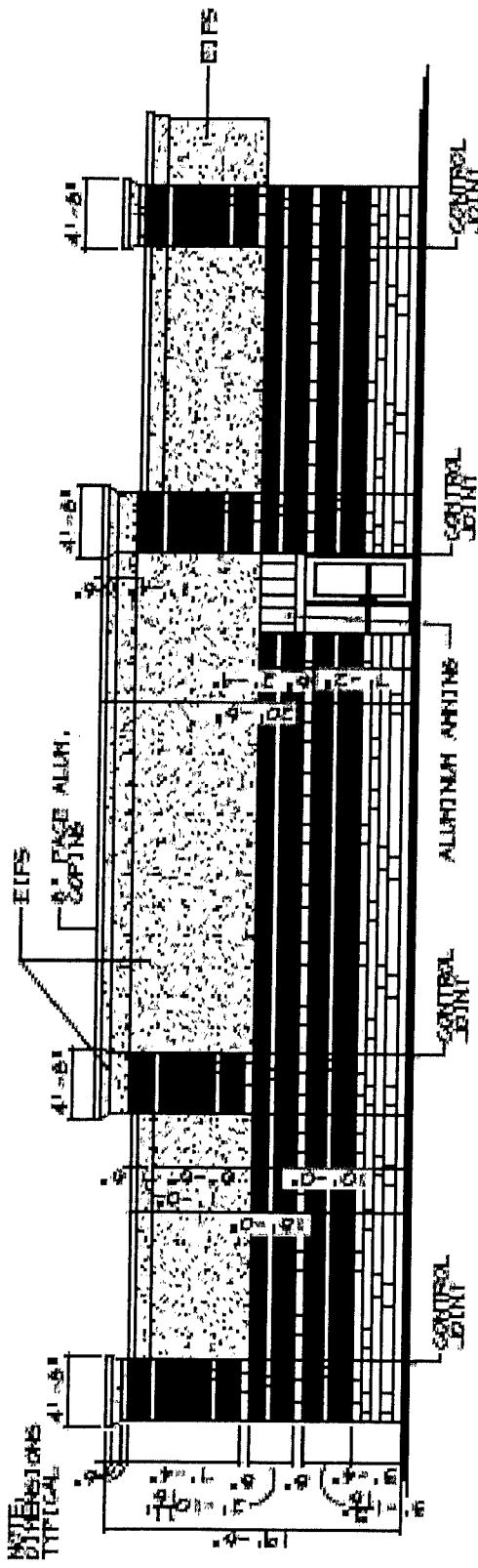
The following uses are permitted:

1. Bank related services or credit unions;

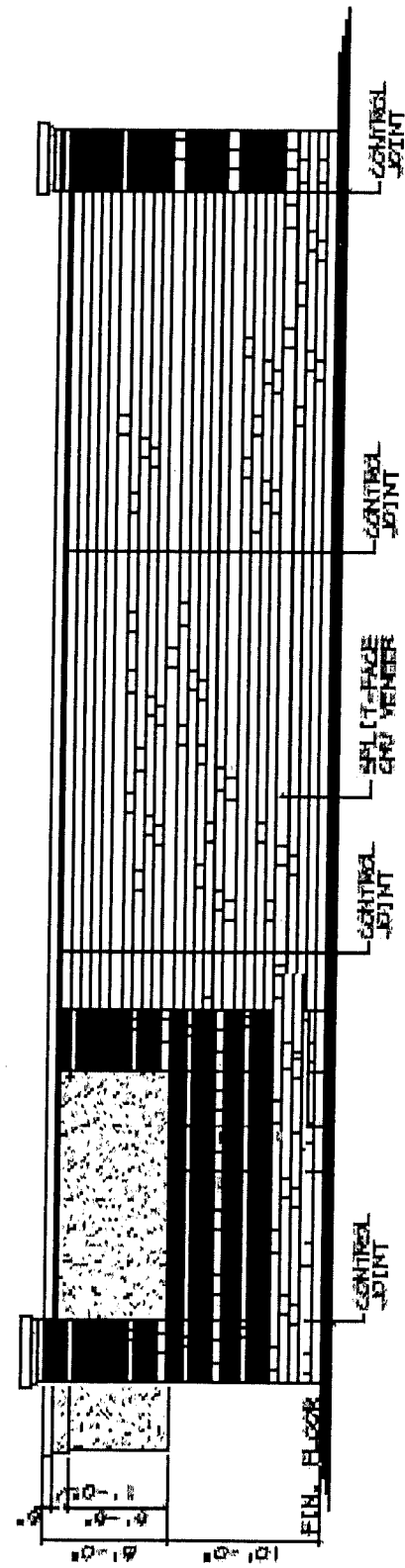
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
- ~~24. Recreation centers, gymnasiums and other related recreational facilities;~~
25. The retail sale of office supplies and equipment;
- ~~26. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~
- ~~27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 34.~~

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



1 WEST ELEVATION (Taco Bell)
 1/8" = 1'-0"



3 EAST ELEVATION (AutoZone)
 1/8" = 1'-0"

REVISED ELEVATION DRAWING PER 4/20/2011 COMMITTEE MEETING

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
APRIL 6, 2011
7:35 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:35 P.M. and introduced the first item on the Agenda:

CONCEPT DEVELOPMENT PLAN AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

1. Request of James W. Berling (applicant) for Melvin C. & Mary A. Gillenwater Trust (owner) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of James W. Berling (applicant) for Melvin C. & Mary A. Gillenwater Trust (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

Staff Member, Mitch Light, presented the Staff Report (see Staff Report). Mr. Light stated that the site is located between AutoZone and Taco Bell. The site has frontage on U.S. 42 and Old Toll Road. It is located in the City of Florence and in unincorporated Boone County. The request is to review a Change in Concept Development Plan for the rear portion of the site and a Concept Development Plan for the front portion of the site. There is a house and pool located on the front parcel facing U.S. 42. The applicant is proposing a 4,000 square foot retail building for a Sherwin Williams store. There is a planned right in and right out curb cut along U.S. 42 and a full access point off Old Toll Road. The applicant is proposing a 10 foot high, 70 square foot monument sign on the site. It meets the requirements. Previously, there was a condition for the same site limiting the signage to an 8 foot high and 60 square foot monument sign. The applicant has begun the process of annexing the front portion of the site into the City of Florence. In 1986, a majority of the U.S. 42 corridor was rezoned Commercial Two/Planned Development (C-2/PD). The original Concept Development Plan for the rear portion of the site was approved by the Planning Commission in July, 2004. Mr. Light stated that the Site Plan to develop the site based upon the 2004 approval was never submitted. He continued to show photographs and maps of the properties next to the site and outlined the zoning of each adjacent property. Mr. Light noted that the Future Land Use Map shows the site as Suburban Density Residential. If the project is approved the Future Land Use Map would have to be updated. Mr. Light also showed a photograph and drawings of what the building would look like in terms of color and materials. The proposed building will be placed close to the AutoZone store due to the size of the lot. All the buildings in the area have been built based on a step pattern.

In terms of Staff concerns, Mr. Light stated that the proposed building materials should be consistent on the four elevations. The privacy fence on the AutoZone property was not required and therefore could be removed exposing a portion of the rear elevation of the proposed Sherwin Williams store. A 10 foot high and 70 square foot monument style sign is shown on the elevation and detail sheet. Since these properties are not located within a commercial subdivision, a 15 foot high and 80 square foot architectural freestanding sign would be permitted. Mr. Light explained that a monument sign is a better fit with the surrounding business signage. There are a lot of monument style

signs in the area. Building mounted signage is permitted on three elevations at a ratio of 2:1 (2 s.f. of signage per linear foot of building) for the primary elevation and 1:1 (1 s.f. of signage per linear foot of building) for two secondary elevations. The Concept Development Plan shows, at its narrowest, a 5' landscape buffer on both side property lines between the neighboring developments. Staff recognizes that these properties individually are small and fortunately have been combined to allow for better access. If this proposal is approved, an extensive site plan review will be performed including landscaping. Both applications list "Retail Sales" as proposed uses for these combined properties. The Conditions of Approval from 2004 for the Old Toll Road parcel are attached to the Staff Report which limited the uses at the time. A copy of the permitted use list from the Boone County Zoning Regulations is also attached. This is important if the paint store goes out of business and other uses are proposed. A restaurant with a drive-thru would not work on the same site. Staff has attached to the Staff Report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

In conclusion, Mr. Light stated that the request needs to be evaluated by the Boone County Planning Commission, the City of Florence and Boone County in terms of Article 3 and the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. If approved, the Future Land Use Map will need to be changed. Mr. Light noted that an e-mail message from Kentucky Transportation Cabinet officials was submitted related to their review and approval of the right in and right out access point.

At this time, Chairman Rolfsen asked if the applicant wanted to make his presentation. Mr. Jim Berling, applicant and engineer for the development, explained that he met with Kentucky Transportation Cabinet officials to see about their access options. Mr. Berling stated that drainage from the site would be directed to the State storm water system or an existing 18 inch storm water line. Mr. Berling stated that the use is a good fit for a small site. Not much could be built on the site. Mr. Brian Hutchinson, developer of the site, was present to answer any questions.

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

Mr. Reynolds asked where the dumpster was located? Mr. Berling stated that it would be located in the rear along Old Toll Road.

Mr. Bunger asked what type of building materials will be used? Mr. Brian Hutchinson responded that it would be EIFS, brick and split face block. He distributed a drawing showing the building elevations. The back of the building will be made of split face block and EIFS. The building will have an overhead door to get material in and out of the building.

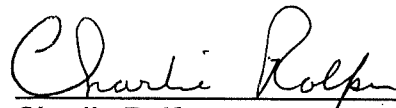
Mr. Ford asked about the location of HVAC systems? Mr. Hutchinson responded that it will be either on the roof top or in a mechanical room stored inside. There is a tall parapet on the building and some of the equipment may be located near the restrooms or in the center of the building if the units are placed on the roof.

Mr. Costello asked whether there will be a sidewalk located on the south side of Old Toll Road since the property owners in the area have installed sidewalks. Mr. Berling stated that a sidewalk would be included.

Mr. Breetz asked if the proposed store is a replacement of the existing U.S. 42 store. Mr. Hutchinson thought it is a new store in addition to the existing store.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 20, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 4, 2011 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:50 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: Kim Bunger, Chairman

DATE: April 20, 2011

RE: Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

REMARKS:

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

Kim Bunger
Kim Bunger, Chairman

For Project Absent
Against Project
Abstain Deferred

Janet A. Kegley
Janet Kegley

For Project Absent
Against Project
Abstain Deferred

Ben Brandstetter
Ben Brandstetter

For Project Absent
Against Project
Abstain Deferred

Susan Poston
Susan Poston

For Project Absent
Against Project
Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
Against Project
Abstain Deferred

Mark Hicks (Alternate)
Mark Hicks (Alternate)

For Project Absent
Against Project
Abstain Deferred

Jim Longano (Alternate)
Jim Longano (Alternate)

For Project Absent
Against Project
Abstain Deferred

Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)

For Project Absent
Against Project
Abstain Deferred

TOTAL: DEFERRED 4 FOR PROJECT 1 ABSENT
 AGAINST PROJECT ABSTAIN

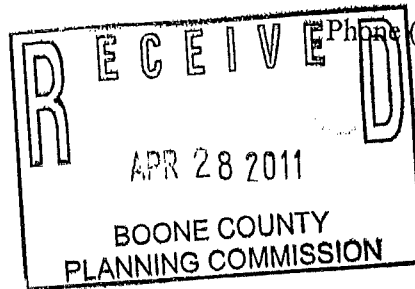
SUPPORTING INFORMATION



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

April 21, 2011

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

RE: Request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of **James W. Berling (applicant)** for **Melvin C. & Mary A. Gillenwater Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

Dear Mr. Berling:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their April 20, 2011, Zone Change Committee Meeting. Provide the signature of the property owner, in the space provided at the end of this letter, and return to the Planning Commission office by Monday, May 2, 2011.

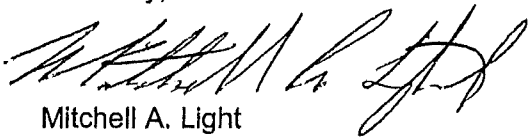
CONDITIONS

1. The property owner agrees to construct a sidewalk along their Old Toll Road frontage which will be shown and reviewed as part of the required Major Site Plan.
2. The building materials and colors will be consistent with the revised elevation drawings (see attached). The color of the overhead door will match one of the primary colors of the building materials.
3. The dumpster enclosure will be constructed of the same masonry materials used on the building.
4. The property owner agrees to screen all roof mounted equipment so as not to be visible from US 42.
5. The property owner agrees that there will be no outside storage.
6. The property owner agrees to an 80 square foot monument style sign with a maximum overall height of 10 feet.
7. The site lighting will consist of wall packs on the building and be directed downward to prevent glare. A photometric plan will be reviewed as part of the required Major Site Plan.

James W. Berling
April 21, 2011
Page 6

16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. ~~Recreation centers, gymnasiums and other related recreational facilities;~~
25. The retail sale of office supplies and equipment;
26. ~~Funeral homes and crematoriums excluding cemeteries or mausoleums.~~
27. ~~Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.~~

Sincerely,

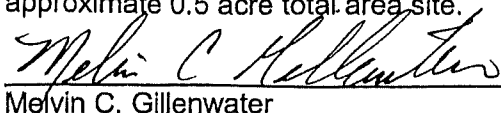


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/dw

AGREEMENT

I, Melvin C. Gillenwater, do hereby agree to the recommended conditions of approval stated above for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky, and for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky to allow a retail development on an approximate 0.5 acre total area site.



Melvin C. Gillenwater

PROPERTY TRANSFER TAX PAID \$ Ex
JERRY W. ROUSE, CLERK (Signature)

DEED

CLERK'S OFFICE
SHORT * FORM
DEED

Know All Men By These Presents:

That RONALD HAARMAN, A MARRIED MAN WHOSE WIFE'S NAME CONNIE HAARMAN

whose mailing address is: 8522 US. HIGHWAY 42, FLORENCE, KY 41042

for and in consideration of ONE DOLLAR AND OTHER GOOD VALUABLE CONSIDERATION to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

RONALD HAARMAN AND CONNIE HAARMAN, HUSBAND AND WIFE FOR THEIR JOINT LIVES REMAINDER TO THE SURVIVORSHIP OF THEM

heirs and assigns forever, the following described Real Estate, in the City of FLORENCE

County of BOONE and Commonwealth of Kentucky, to-wit: Group No. 880

Present Street Address 8522 U. S. HIGHWAY 42, FLORENCE, KY 41042 Plat No.

Grantee Mailing Address 8522 U. S. HIGHWAY 42, FLORENCE, KY 41042

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

RECEIVED 1997
JERRY W. ROUSE
BOONE COUNTY CLERK

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

TO HAVE AND TO HOLD the same to the said RONALD HAARMAN AND CONNIE HAARMAN

heirs and assigns, forever, the Grantor S heirs, executors and administrators, HEREBY COVENANTING with the grantee S heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that THEY will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantor
RONALD HAARMAN AND CONNIE HAARMAN

hereunto set their hand, this 23rd day of June in the year 1997.

<u>(Signature)</u>	<u>Ronald Haarmann</u> RONALD HAARMAN
<u>(Signature)</u>	<u>Connie Haarmann</u> CONNIE HAARMAN

RETURN TO:

Return to: Ti Hequest
445 EXECUTIVE DR #100
CINCINNATI OH 45201

①

State of ~~Kentucky~~ OHIO
County of ~~Kenton~~ HAMILTON

BOOK 655 PAGE 68



The foregoing instrument was acknowledged before me this 23rd day of June
by the Grantor RONALD HAARMAN AND CONNIE HAARMAN

1997

Robert M. Kristof

(Title)

Commission expires: **ROBERT M. KRISTOF**
Notary Public, State of Ohio
My Commission Expires Nov. 26, 2001

CERTIFICATE OF CONSIDERATION

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

Sworn to this 23rd day of JUNE in the year 19 97

GRANTOR

GRANTEE

Exp. and J. H.

Ronald

RONALD HAARMAN <i>Ronald Haarmann</i>	RONALD HAARMAN <i>Ronald Haarmann</i>
CONNIE HAARMAN <i>Connie Haarmann</i>	CONNIE HAARMAN <i>Connie Haarmann</i>

State of ~~Kentucky~~ OHIO
County of ~~Kenton~~ Hamilton

The foregoing certification was acknowledged before me this 23rd day of June
by Ronald Haarmann & Connie Haarmann

1997



Robert M. Kristof

(Title)

Commission expires: **ROBERT M. KRISTOF**
Notary Public, State of Ohio
My Commission Expires Nov. 26, 2001

~~STATE OF KENTUCKY,
KENTON COUNTY~~

~~SCT.~~

~~I, BILL AYLOR, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from~~

~~to~~

~~was this day presented to me in my office,~~

~~certified as above, and this day left for the record at~~

~~Whereupon it seems, the foregoing certificate, and this certificate were duly recorded in my office.~~

~~Given under my hand this~~

~~day of~~

~~in the year 19~~

~~BILL AYLOR, Clerk~~

~~By~~

~~D.C.~~

Recorded in Deed Book No _____ Page _____

GENERAL INDEX	
GROUP _____	Index Clerk _____

For recording purposes only.

This Deed Prepared By

Missy Bain (CB)

Missy Bain

Titograd

4755 Ex. 16

Cent. OH

KNOW ALL MEN BY THESE PRESENTS: **DEED**
THAT

Property Transfer Tax Paid \$ 20.00
JERRY W. ROUSE, Clerk D.C. 944

EBB WALLING and WILMA WALLING, his wife **BOOK 301 PAGE 287**

for and in consideration of Twenty Thousand (\$20,000.00) Dollars
the receipt whereof is hereby acknowledged, do(es) hereby bargain, sell and convey to

DONALD C. JACKMAN and RACHEL M. JACKMAN, his wife, jointly for and
during their lives with the remainder in fee simple to the survivor
of them, his or her
heirs and assigns forever, the following described real estate, lying and being in Florence Boone County, Kentucky to-wit:

Grantee Mailing Address 515 Beckridge Drive, Edgewood, Ky 41017 Group No. 880
Property Address Old Toll Road, Florence, Kentucky Plat Book 7 Page 2

Being all of Lot No. Three (3) of the Hamilton Resubdivision of
Midway Place lots as shown on plat recorded in Plat Book 7, Page 2,
Boone County Clerk's records at Burlington, Kentucky.

Being the same property conveyed to the Grantor(s) by Donald J. Renaker & Beverly Renaker
by deed dated 5th day of August, 19 76 and recorded in Deed Book 221 Page 128, in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

DONALD C. JACKMAN and RACHEL M. JACKMAN, his wife, jointly for and
during their lives with the remainder in fee simple to the survivor
of them, his or her

heirs and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said EBB WALLING and WILMA WALLING, his wife,

hereunto set their hand & this 22nd day of March, 1983.

EBB WALLING

WILMA WALLING

STATE OF KENTUCKY
SCT.
County of Kenton

The foregoing instrument was acknowledged before me this 22nd day of March, 19 83, by
Ebb Walling and Wilma Walling, his wife.

My Commission Expires

February 2, 1984

STATE OF KENTUCKY
SCT.

COUNTY OF BOONE

Charles W. Denny
Notary Public

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing
instrument of writing from Ebb Walling and Wilma Walling, his wife
to Donald C. Jackman & wife was this 24th day of March, 1983
produced to me, certified as above and lodged for record at 2:32 o'clock P.m.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 24th day of March, 1983.

This Instrument was Prepared by:

John H. Klette Jr. Attorney
106 E. 3rd St., Cov., Ky. 41011
Address F.A.S.

JERRY W. ROUSE, Clerk
By Brenda Cape D. C.
Grantees at
Return to 515 Beckridge Drive, Edgewood,
Kentucky 41017

ORDINANCE NO. 0-6-11

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF LOT 4 OF THE HAMILTON RESUBDIVISION LOCATED AT 8522 U.S. 42, ADJACENT TO THE CITY LIMITS. (HAARMAN PROPERTY)

WHEREAS, Ronald Haarman and Connie Haarman, being the owners of record of the hereinafter described territory (the "territory"), have requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owners have given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that prior to final action of annexation, the comprehensive plan and official zoning map of the City shall be amended to incorporate and establish zoning of Commercial Two/ Planned Development/Concept Development Plan (C-2/PD/CD) with respect to the territory.

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

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION III

The owners of record of the territory have filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1) the comprehensive plan and official zoning map of the City shall be amended to establish zoning for the territory as Commercial Two/Planned Development/Concept Development Plan (C-2/PD/CD).

SECTION V

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 19th DAY OF April, 2011.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF June, 2011.

APPROVED:

Sham & Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK



JAMES W. BERLING ENGINEERING, PLLC

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

KY License No. 5745

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

Land Surveyor License KY 206

April 4, 2011

LEGAL DESCRIPTION

LOT NO. 4

HAMILTON RESUBDIVISION (PLAT BOOK 7, PAGE 2)

Being all of Lot No. 4 of the Hamilton Resubdivision as shown on the plat of same recorded in Plat Book 7 at Page 2 of the Boone County Clerk's records in Burlington, Kentucky, and being more particularly described as follows:

Beginning at a point in the northwest right of way line of U. S. Highway 42 in Florence, Kentucky, said point being the east corner of Lot No. 4 of the Hamilton Resubdivision as shown in Plat Book 7 at Page 2 of the Boone County Clerk's records in Burlington, Kentucky; thence S 43° 15' W along the northwest right of way line of U. S. Highway 42, a distance of 80.00 feet to a point; thence leaving said highway and following along the common line between Lot Nos. 4 and 5 of Hamilton Resubdivision N 50° 22' W 119.57 feet to the west corner of said Lot No. 4; thence N 51° 27' E along the common line between Lot Nos. 3 and 4 of Hamilton Resubdivision 113.31 feet to the north corner of said Lot No. 4; thence S 33° 20' E along the northeast line of said Lot No. 4, a distance of 106.08 feet to the place of beginning.


STATE OF KENTUCKY
JAMES W. BERLING
206
LICENSED
LAND SURVEYOR

EXHIBIT "A"

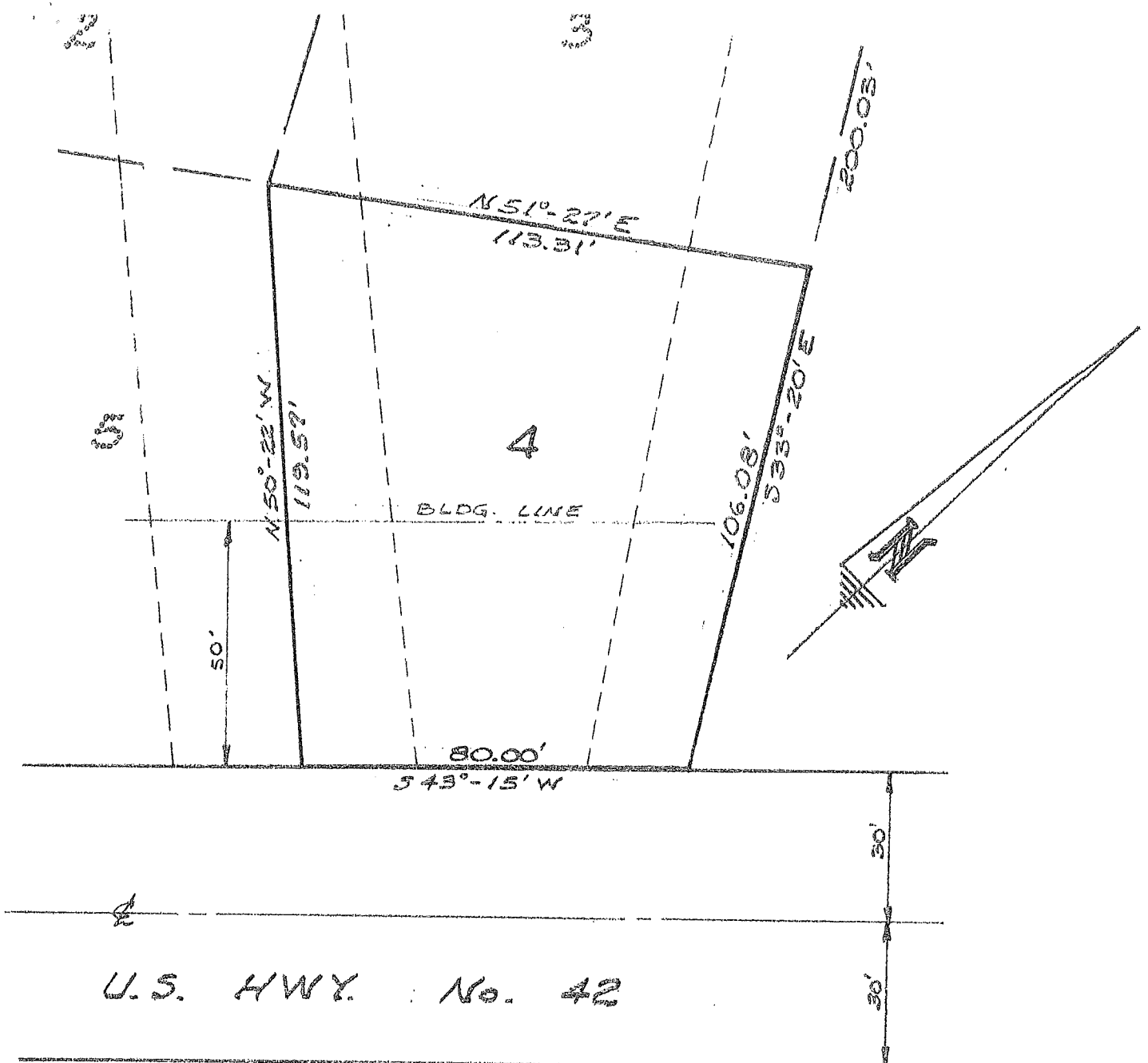
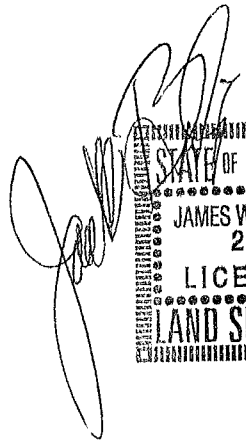


EXHIBIT " B "


 STATE OF KENTUCKY
 JAMES W. BERLING
 206
 LICENSED
 LAND SURVEYOR

PLAT OF LOT 4
 HAMILTON RESUBDIVISION
 FLORENCE, KY.
 SCALE: 1" = 30' APRIL 4, 2011
 JAMES W. BERLING
 LAND SURVEYOR KY. 206

ORDINANCE NO. O-11-11

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 0.2374 ACRE TRACT LOCATED AT 8522 U.S. 42, BOONE COUNTY, KENTUCKY; AND ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 0.2570 ACRE TRACT LOCATED AT 8519 OLD TOLL ROAD, FLORENCE, KENTUCKY, TO ALLOW A RETAIL DEVELOPMENT ON AN APPROXIMATE 0.5 TOTAL ACRE SITE. (BERLING/GILLENWATER 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-11-007-A recommended approval, with conditions, for a concept development plan, and a change in an approved concept development plan for the real estate, 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 Melvin C. & Mary A. Gillenwater Trust (Owner), for a concept development plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract located at 8522 U.S. 42, Boone County, Kentucky; and the request of James W. Berling (Applicant) for Melvin C. & Mary A. Gillenwater Trust (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract located at 8519 Old Toll Road, Florence, Kentucky, to allow a retail development on an approximate 0.5 total acre site, shall be and is hereby approved, subject to agreed conditions. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of the concept development plan and the change in concept development plan for this subject property, in conjunction with the proposed annexation of 0.2374 acres into the City of Florence, Kentucky.

SECTION II

The approval of this concept development plan and the approval of the change in an approved 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-11-007-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-11-007-A, marked Exhibit "A", and attached hereto.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF June, 2011.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF June, 2011.

APPROVED:

Shane E. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

City of Florence, Kentucky

Special Condition of Approval

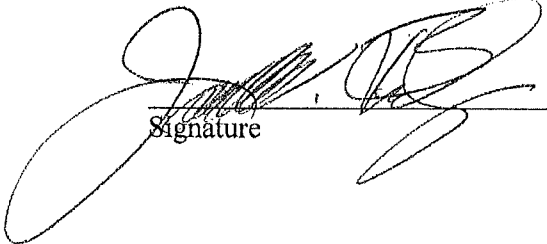
Regarding the request of James W. Berling (applicant) for Melvin C. & Mary A. Gillenwater Trust (owner) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2374 acre tract at 8522 US 42, Boone County, Kentucky; and the request of James W. Berling (applicant) for Melvin C. & Mary A. Gillenwater Trust (owner) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.2570 acre tract at 8519 Old Toll Road, Florence, Kentucky. Both applications are for a retail development on an approximate 0.5 acre total area site.

The undersigned, on behalf of Melvin C. & Mary A. Gillenwater Trust (owner), hereby agrees to the following Special Condition of Approval placed on this Concept Development Plan by the City of Florence, Kentucky:

No electronic signage with changeable messaging capabilities shall be permitted anywhere on the site, including the building.

6/14/11

Date



Signature

Exhibit B.

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF JAMES W. BERLING (APPLICANT) FOR MELVIN C. & MARY A. GILLENWATER TRUST (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 0.2374 ACRE TRACT LOCATED AT 8522 U.S. 42, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF JAMES W. BERLING (APPLICANT) FOR MELVIN C. & MARY A. GILLENWATER TRUST FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 0.2570 ACRE TRACT LOCATED AT 8519 OLD TOLL ROAD, FLORENCE, KENTUCKY, BOTH REQUESTS WOULD ALLOW A RETAIL DEVELOPMENT ON AN APPROXIMATE 0.5 TOTAL ACRE SITE.

The Committee met in a regular meeting on Wednesday, June 8, 2011, at the Florence Government Center Building to consider Resolution No. R-11-007-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.

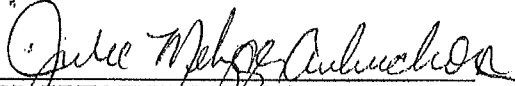
The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

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

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON

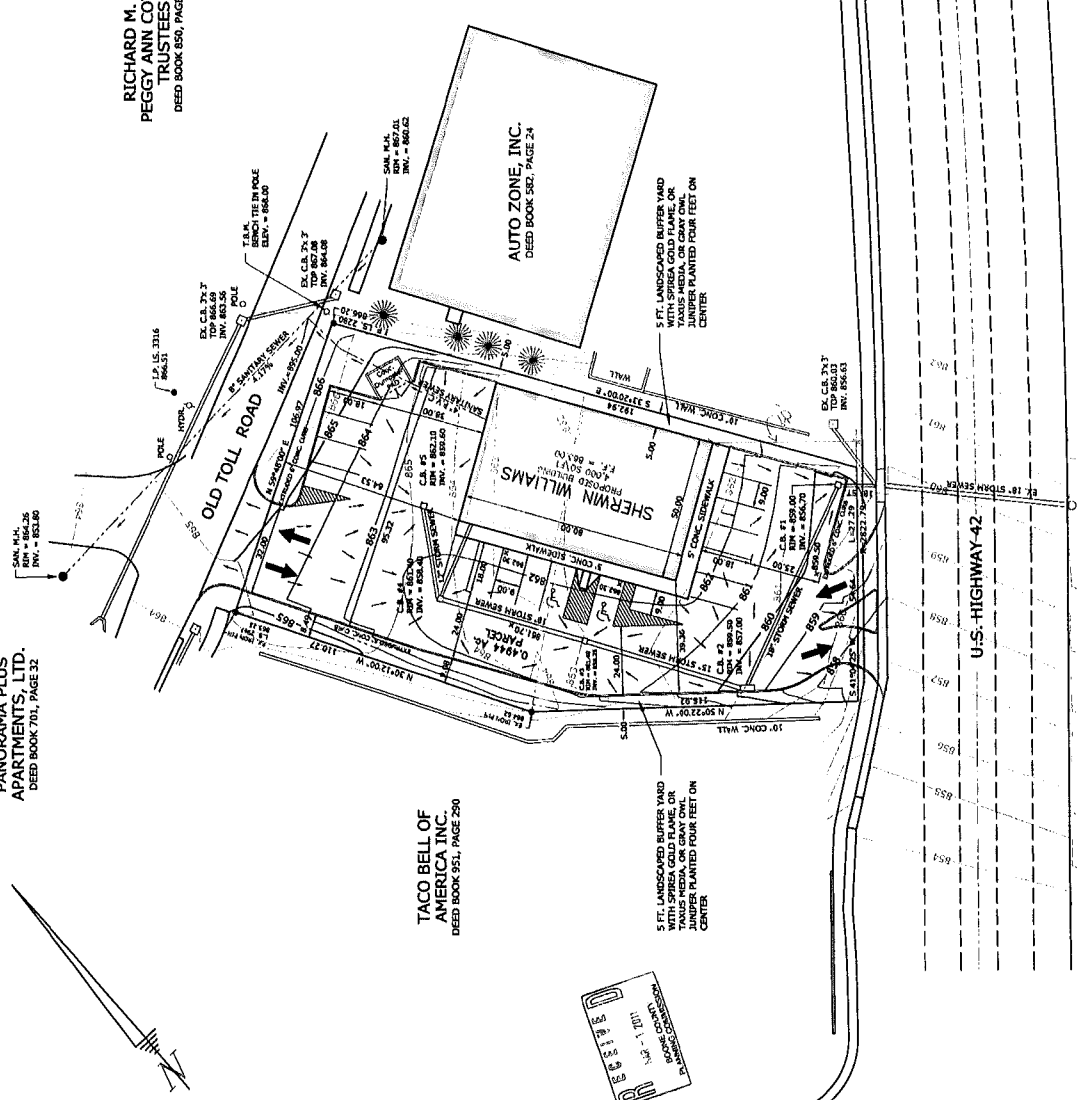

LARRY BROWN

PANORAMA PLUS
APARTMENTS, LTD.
DEED BOOK 701, PAGE 32

RICHARD M. &
PEGGY ANN COYNE,
TRUSTEES
DEED BOOK 850, PAGE 296

TACO BELL OF
AMERICA INC.
DEED BOOK 951, PAGE 290

AUTO ZONE, INC.
DEED BOOK 582, PAGE 24



5 FT. LANDSCAPED BUFFER YARD
WITH SPIREA GOLD FLAME OR
JUNIPER PLANTED FOUR FEET ON
CENTER

5 FT. LANDSCAPED BUFFER YARD
WITH SPIREA GOLD FLAME OR
JUNIPER PLANTED FOUR FEET ON
CENTER

5 FT. LANDSCAPED BUFFER YARD
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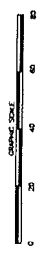
5 FT. LANDSCAPED BUFFER YARD
WITH SPIREA GOLD FLAME OR
JUNIPER PLANTED FOUR FEET ON
CENTER



NOTE:
STORM WATER DETENTION FOR THE ADDITIONAL
RUNOFF FROM THIS PROPOSED DEVELOPMENT WILL
BE PROVIDED BY THE EXISTING DETENTION BASIN
AND 2.2 IN THE 1ST PIPE BETWEEN CDS 3 AND 4.

SURVEYOR
JAMES W. BERLING, ENGINEERING P.L.L.C.
1071 W. WOODS, KY, SUITE 1
LONDON, KY 40301
PH. (606) 331-9731

OWNER & DEVELOPER
MURRAY E. & MARIE A. LINDSEY TRUST
3300 CLARKSON AVENUE
LONDON, KY 40302
PH. (606) 421-0101



CONCEPT DEVELOPMENT PLAN	
SHERWIN WILLIAMS	
JAMES W. BERLING	DATE: 11-20-11
SURVEYOR, KY 206	BY: Chris B. Berling
U.S. 42 & TOLL ROAD - FLORENCE, KENTUCKY	
3/1/11	



[Handwritten signature]