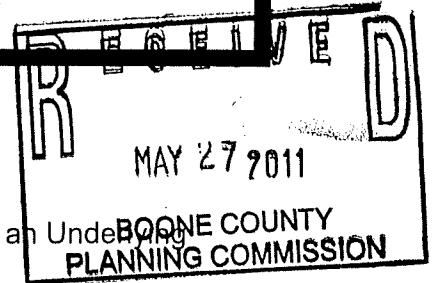


CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Houston Lakes
- 3. Location of Project 77-87 Spiral Drive
- 4. Total Acreage of Site 6.536 acres
- 5. Current Zoning O-2/C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Unknown
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) We are looking to add 2 signs (one monument, one pylon) in which the uses will not change.
- 9. Proposed Building Intensities (please specify) N/A
- 10. _____

11. Have you submitted a Concept Development Plan? Yes

Are you also applying for:
 Conditional Use Permit
 Dimensional Varjance

12. Name of Applicant(s) Mike Cassidy

Phone Number (859) 466-2894 Fax No. _____
13. Address of Applicant(s) P.O. Box 381, 5769 Vice Lane

Burlington, KY 41005

14. Name of Property Owner(s) Spiral Drive Retail, LLC / City of Florence

Phone Number 513-699-8829 Fax No. 513-563-9288

15. Address of Property Owner(s) 2135 Dana Avenue, Suite 200

Cincinnati OH 45207

16. Are there any existing buildings on the site? Yes

How many? 2 which are part of a larger shopping center

~~Parcel~~ 986/204 & ~~Parcel~~ 402/224 Group No. 2033 B

18. Have you had a pre-application meeting with BCPC Staff? Yes

Parcel 1: 061.00-21-005.00 (Spiral Drive Retail, LLC) (over)
Parcel 2: 061.00-21-000.00 (City of Florence)

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

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: City of Florence

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. ORIGINAL Property Owner's Signature

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 5-27-11 Fee Received \$2423.80 R# 62904 CA
2. Check what has been submitted:
 - Application \$2423.80 Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer MITCH LIGHT
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 - Approved
 - Approved With Conditions
 - Denied
8. Other: * See Signed Condition Letter Dated 7/28/11

** Five (5) Copies Required

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone (859) 334-2196 - Fax (859) 334-2264
plancom@boonecountyky.org - E-Mail
www.boonecountyky.org - Web Page

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“A”

STAFF REPORT

Request of **Mike Cassedy (applicant)** for **Spiral Drive Retail, LLC and the City of Florence (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

July 6, 2011

REQUEST

This request is for a Change in an Approved Concept Development Plan to allow a multi-tenant pylon style freestanding sign along Houston Road (the primary sign) and a multi-tenant monument style freestanding sign along Spiral Drive (the secondary sign). The location of the primary sign is proposed near the detention pond along Houston Road on property owned by the City of Florence. The location of the secondary sign is proposed at the access point for 77 and 87 Spiral Drive. The applicant has supplied a narrative (attached) describing why they feel the need for these additional signs.

The proposed primary sign is a 26' high, 197.5 s.f. multi-tenant pylon style freestanding sign, located along Houston Road, near the detention pond. The applicant has indicated that if the primary sign is approved, they would remove the "Houston Lakes" monument sign at the corner of Houston Road and Woodspoint Drive. The proposed secondary sign is a 13' high, 61.5 s.f. multi-tenant monument style freestanding sign, located along Spiral Drive across from the Meijer Store access.

The approved free standing signage for Houston Lakes included the 48'-6" high and 470 square foot multi-tenant pylon style freestanding sign located along I-71/75 for the overall development, the concrete "Houston Lakes" monument signs at the corners of the development along Houston Road and the two (2) Meijer monument signs at Meijer Drive and Spiral Drive where they intersect Houston Road.

SITE HISTORY

1990 In 1990, the Boone County Planning Commission approved a Utilization of an Underlying Zone (Concept Development Plan) request for the 101 acre site that is the Houston Lakes development.

1993 A change in the approved 1990 Concept Development Plan from office to retail which allowed the Home Depot, Media Play, Office Max and Kohl's development. Design Review approval granted for the 48'-6" high, 470 square foot sign along I-71/75, the concrete "Houston Lakes" monument signs at the corners of the development along Houston Road and the two (2) Meijer monument signs at Meijer Drive and Spiral Drive where they intersect Houston Road.

ADJACENT ZONING AND LAND USES

- North: Across Houston Road, Furniture Fair zoned Commercial Two/Planned Development (C-2/PD/CD) and properties owned by LPF and Crist zoned Commercial Two/Planned Development (C-2/PD/CD) with the South Airfield Road/Houston Road connection between them.
- East: Across Spiral Drive, Meijer zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD/CD).
- South: Home Depot zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD/CD).
- West: Across Woodspoint Drive, the World of Golf property zoned Recreation/Planned Development (R/PD) and the Bridgepoint retirement community zoned Office One/Planned Development (O-1/PD).

RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

The Land Use Element text makes the following statements that relate to the overall area:

- A. Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial

in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development...

- B. The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process ("2. Florence Commercial Area," pp. 144 and 145).

The Land Use Element does refer to signage by stating:

"Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation, p.142).

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

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. 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).
- E. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).

- F. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- G. 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).

RELATIONSHIP TO HOUSTON-DONALDSON STUDY

Site 9, Houston Lakes, of the 1992 Houston-Donaldson Study "incorporates the approved Concept Development Plan into the recommended land use and zoning scheme. The approved corporate office center in the southeast section of the site and Campus Office portion along Houston Road are necessary for the development to retain the proper character and maintain a suitable mixture of traffic types and patterns. Without these approved office uses, the Woodspoint Nursing Home site and the World of Sports site will be less likely to develop as office sites because of the emphasis on retail development in surrounding areas. If changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail and greater setbacks on the proposed retail portion immediately at the corner of Houston Road and the I-75 interchange ramps."

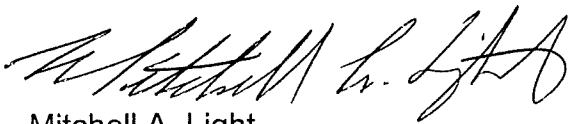
STAFF CONCERNS/COMMENTS

1. During pre-application meetings, Staff expressed concerns regarding the proposed location of the primary sign. Staff is of the opinion that the primary sign may be better received if its proposed location were at the intersection of Houston Road and Spiral Drive replacing the Sears Outlet monument sign and not between the Castle and the detention pond. Staff's opinion is that if the primary sign can be approved in some fashion, it should be located at the intersection of Houston Road and Spiral Drive, not between Woodspoint Drive and Spiral Drive along Houston Road.
2. The applicant has indicated that if the primary sign is approved, they would remove the "Houston Lakes" monument sign at the corner of Houston Road and Woodspoint Drive.
3. Conceptual signage designs are attached to this Staff Report.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of 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

Respectfully Submitted,

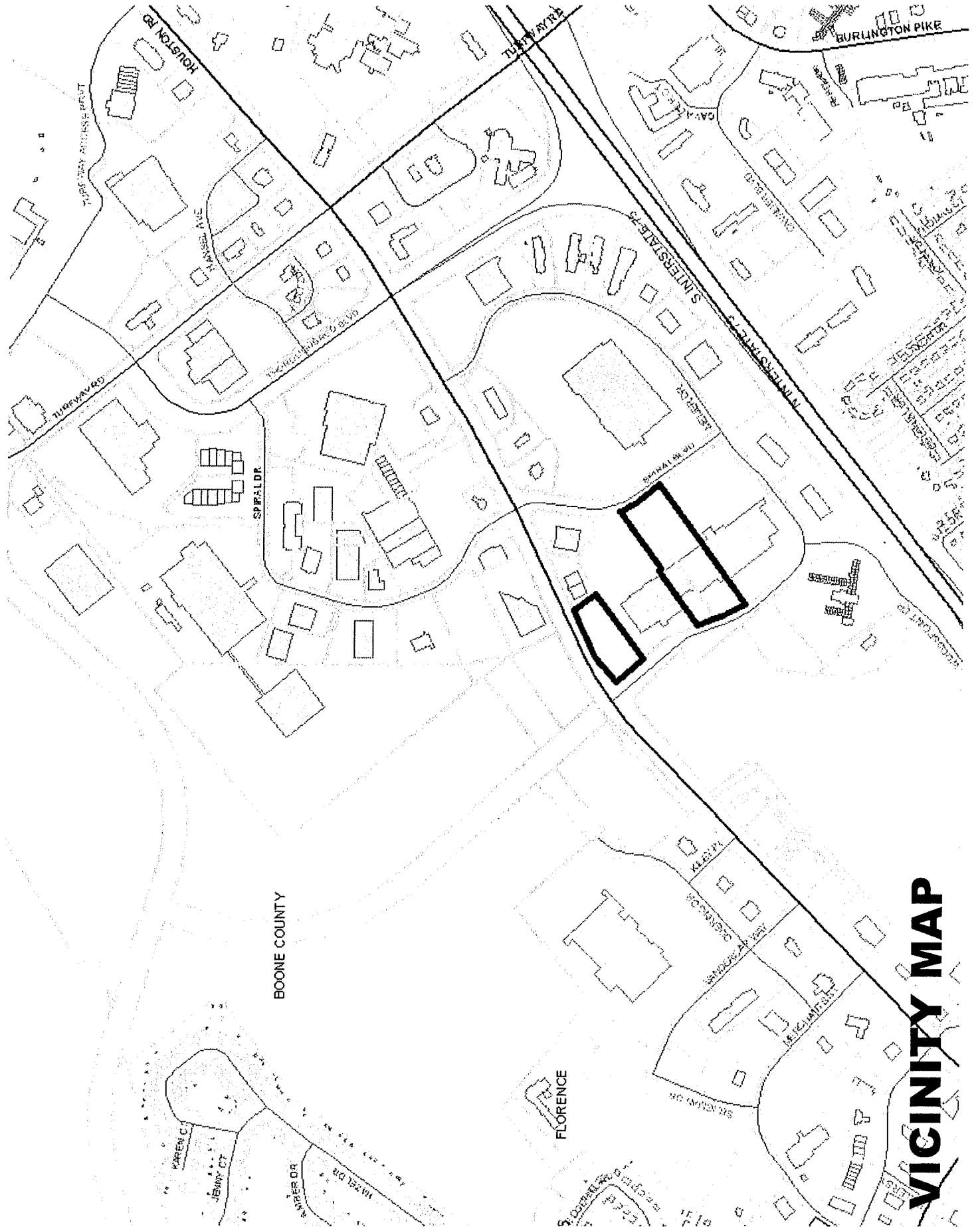


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/dw

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Aerial Photograph
- Conceptual Sign Drawings
- Narrative from Applicant
- Site 9, Houston Lakes, 1992 Houston-Donaldson Study
- Application



BOONE COUNTY

VICINITY MAP

Houston Rd

Town of Wayne

Burlington Pike

Spraldr

Sinters/Arms

Florence

Karen Ct

Jenny Ct

Kinder Dr

Mazel Dr

Mary

George

Samuel

McCamment

Stacy

William

John

Robert

James

Thomas

Charles

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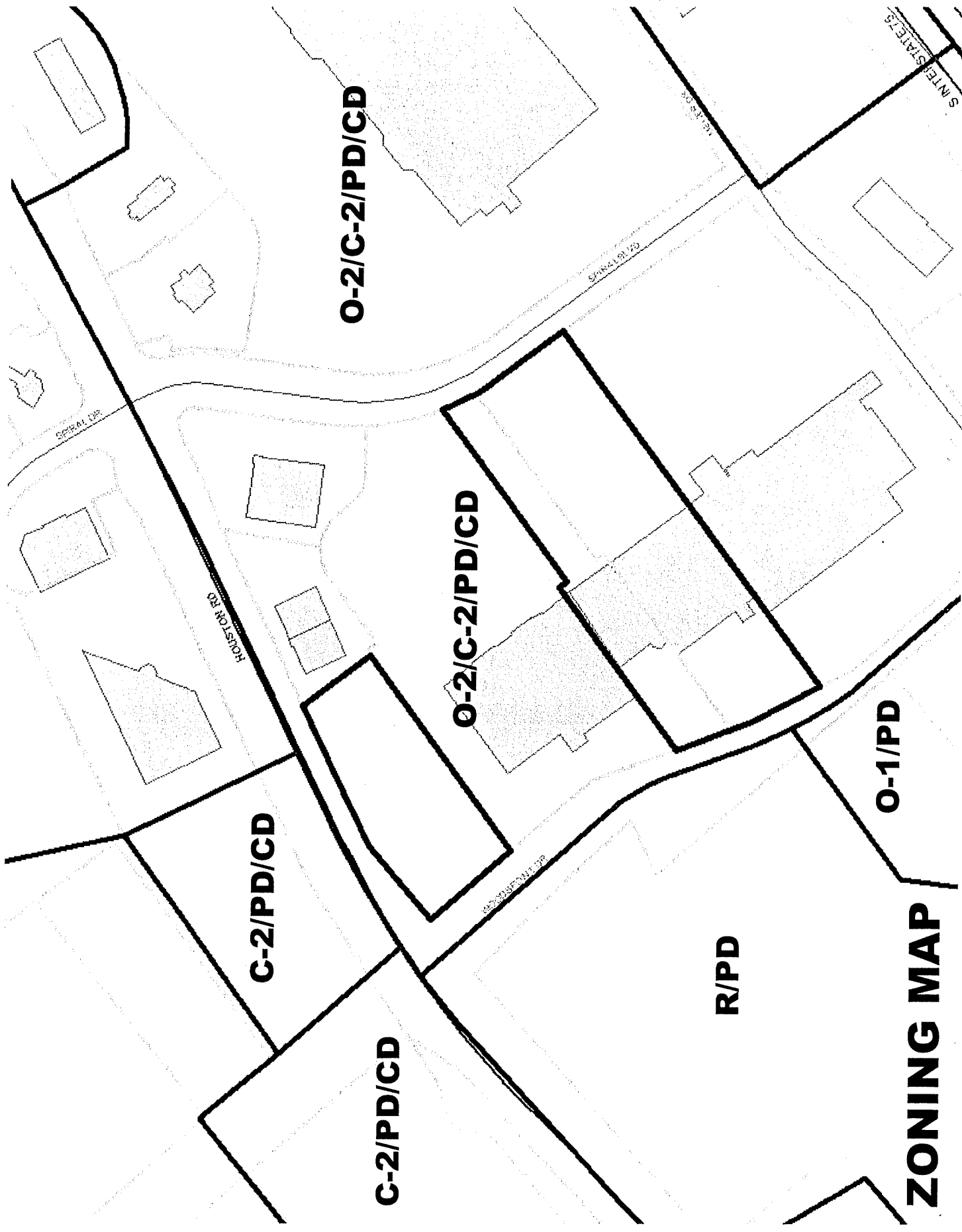
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John

Robert



O-2/C-2/PD/CD

O-2/C-2/PD/CD

C-2/PD/CD

C-2/PD/CD

R/PD

O-1/PD

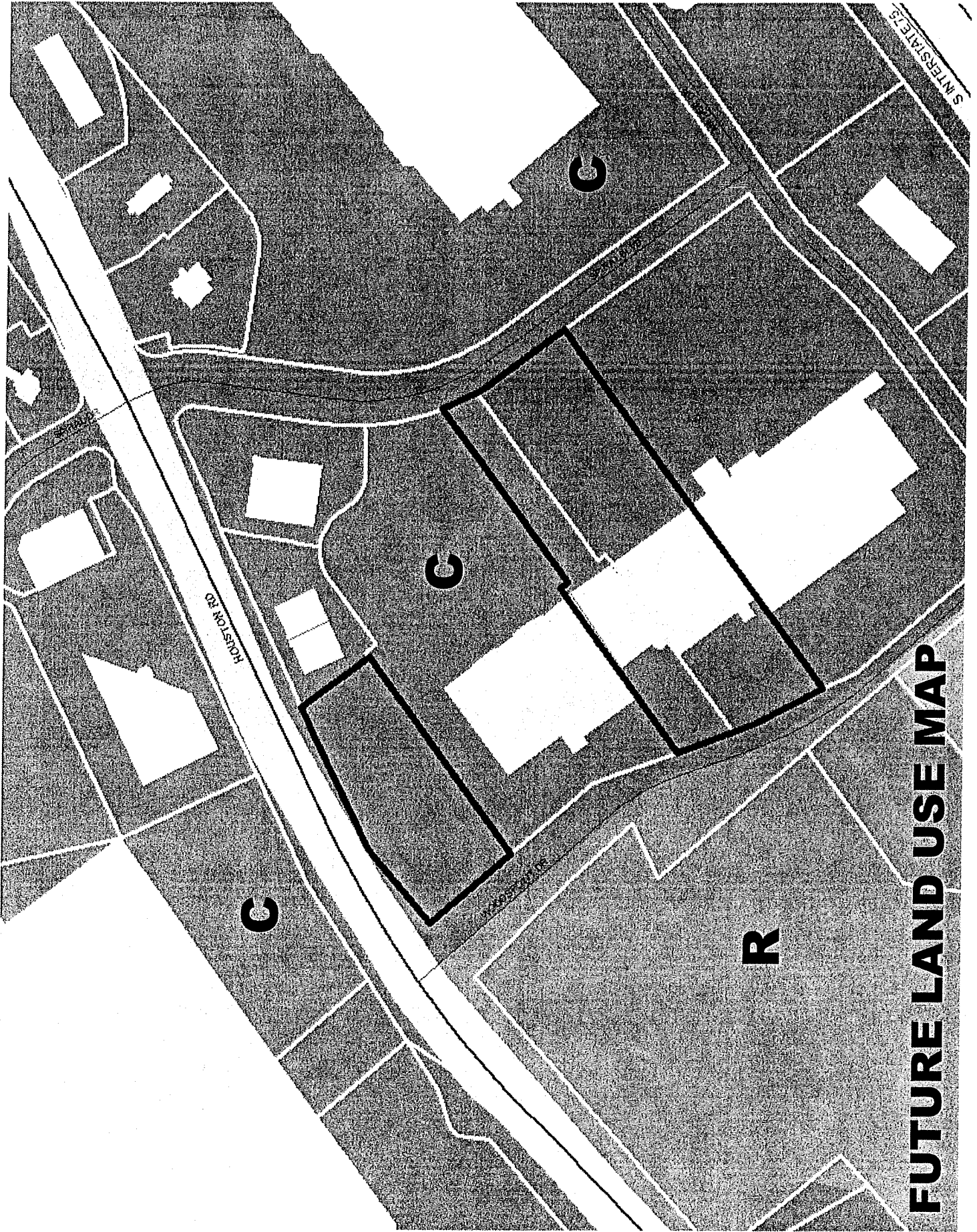
ZONING MAP

SPEAR DR

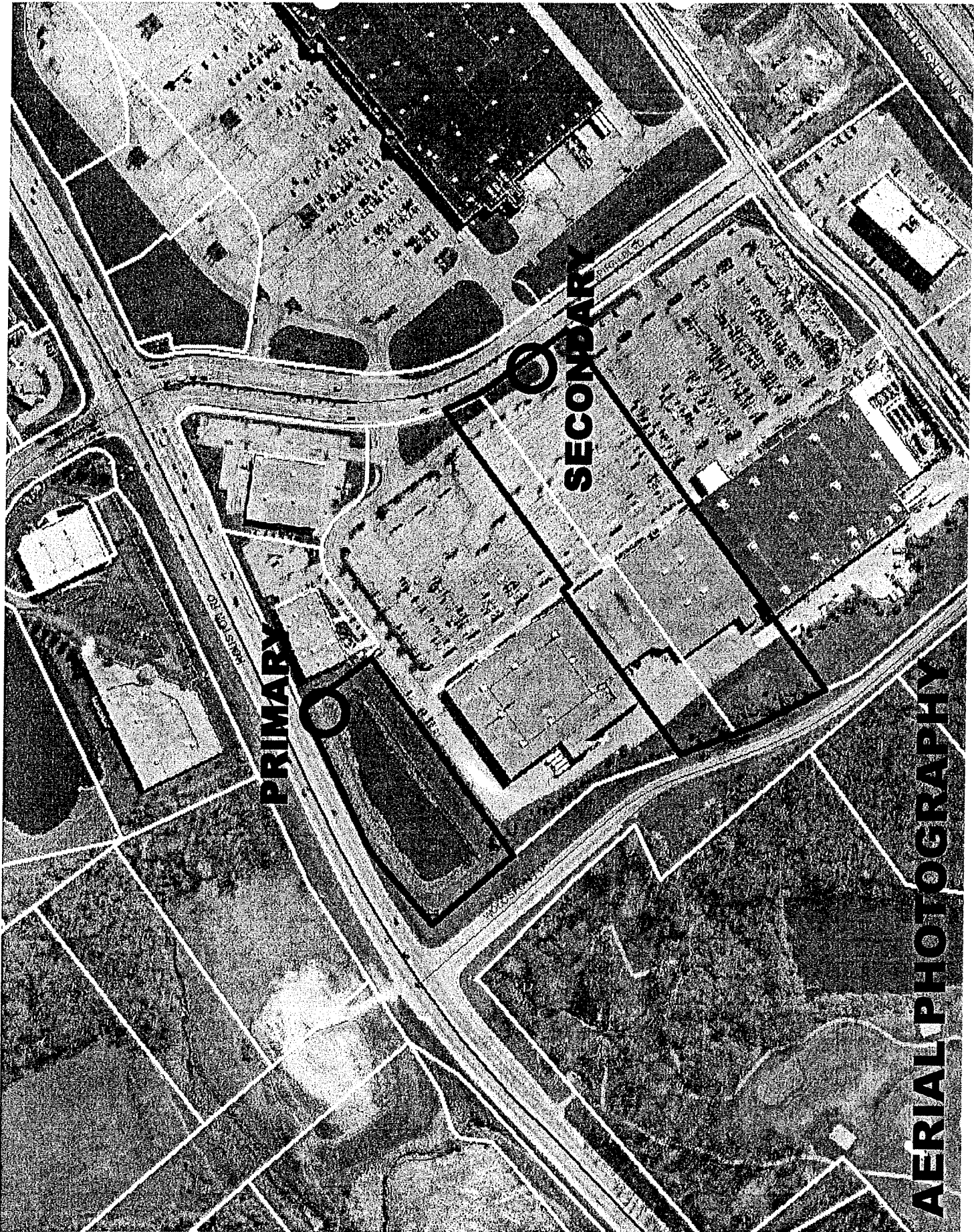
HURSTON RD

SPANGLER DR

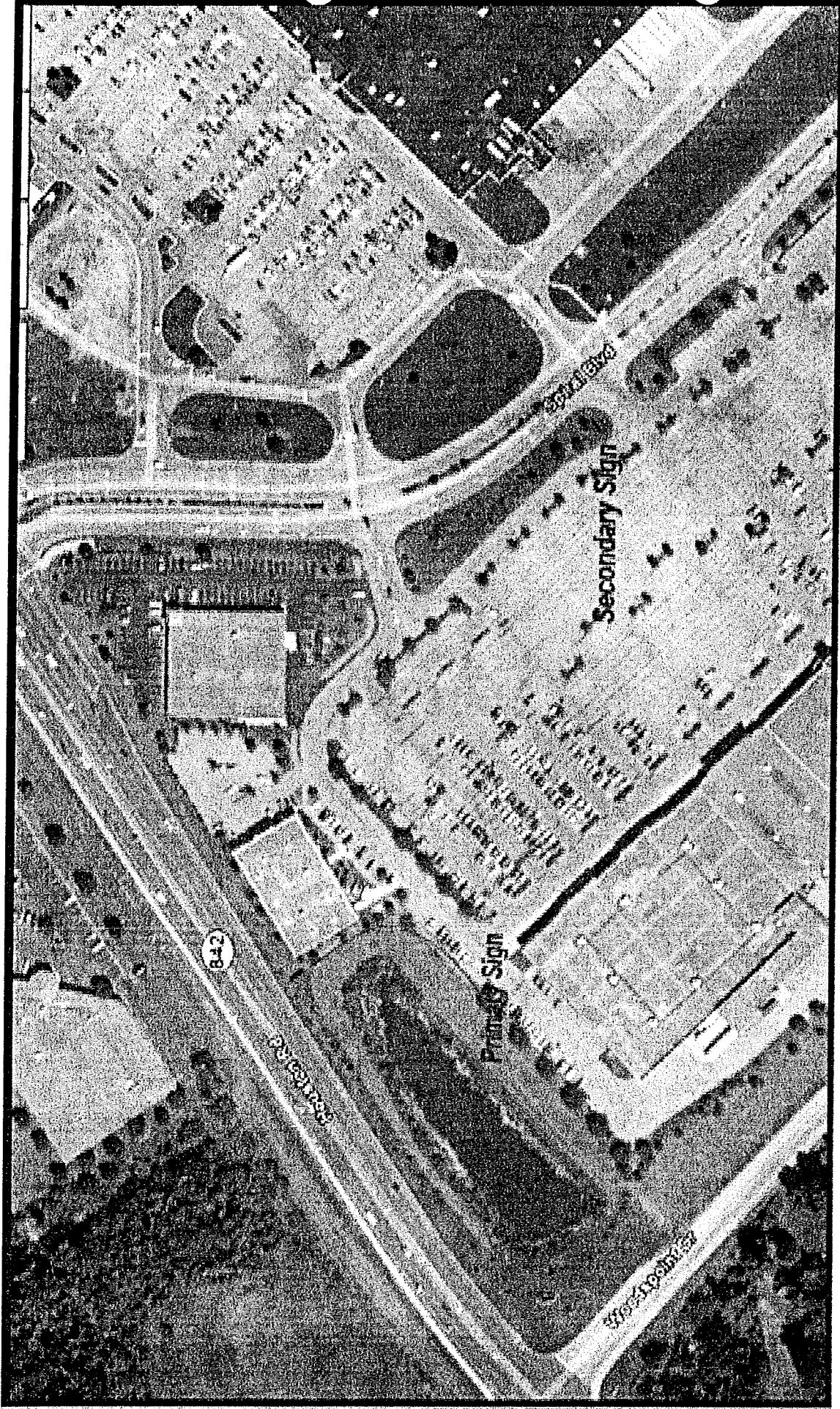
STATE ST



FUTURE LAND USE MAP



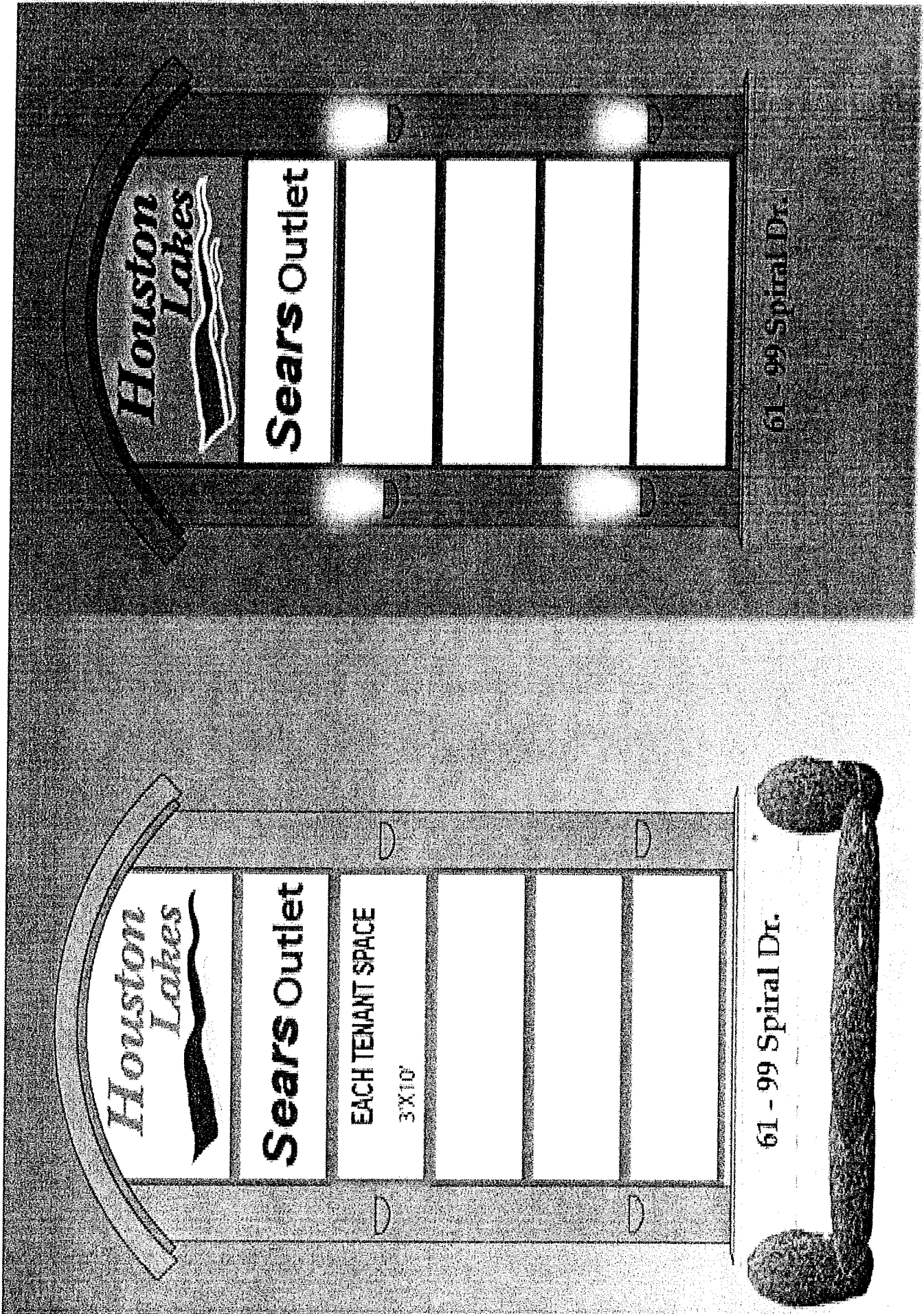
AERIAL PHOTOGRAPHY



SITE PLAN

REV 12 16 10
REV 04 24 11

PROPOSED SIGN LOCATIONS



*Houston
Lakes*

Sears Outlet

EACH TENANT SPACE

3'X10'

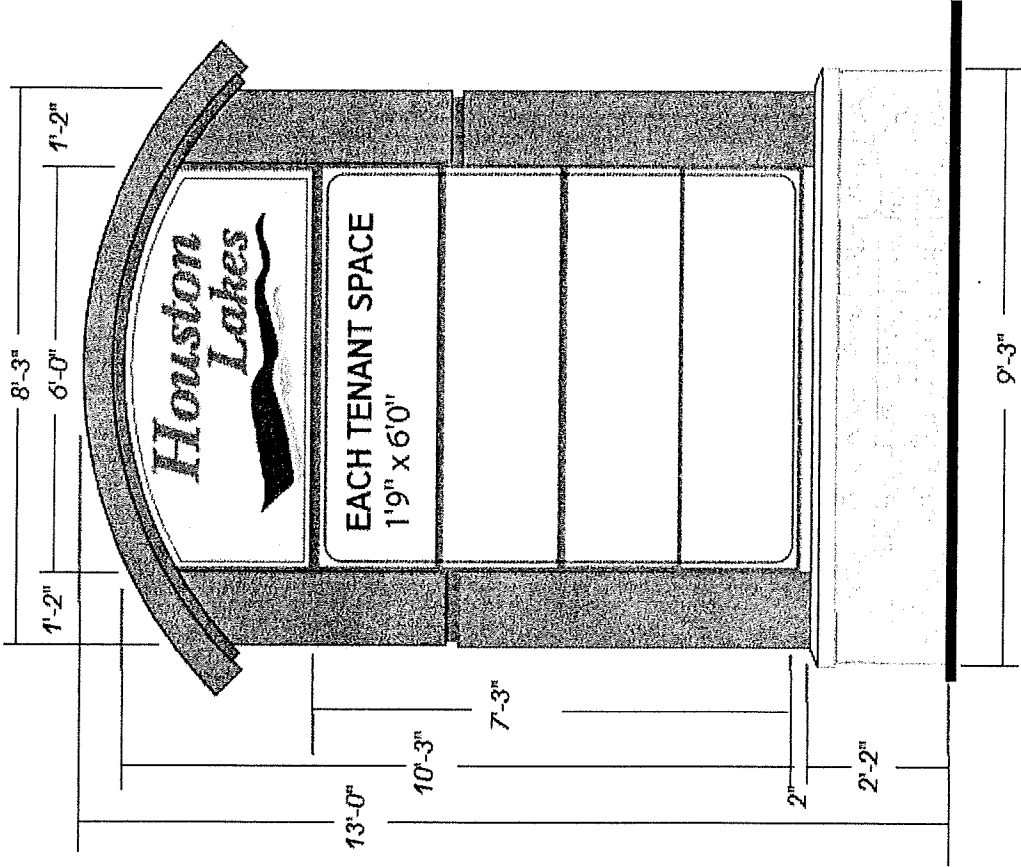
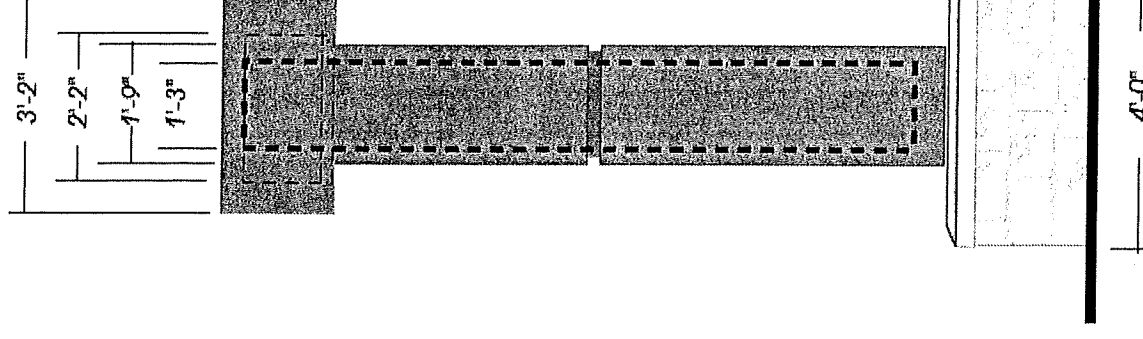
61 - 99 Spiral Dr.

*Houston
Lakes*

Sears Outlet

61 - 99 Spiral Dr.

PROPOSED PRIMARY SIGN (26' h x 197.5 s.f.)



SECONDARY SIGN

REV 04 04 11

PROPOSED SECONDARY SIGN (13' h x 61.5 s.f.)



June 6, 2011

Mr. Mitch Light, Assistant Zoning Administrator
Boone County Planning Commission
Burlington, KY 41005

RE: Needed Signage for the Houston Lake Development
Houston Road
Florence, KY 40142

Mr. Light:

The purpose of this letter is to request the consideration of the Boone County Planning Commission for a change in the PUD of the Houston Lake Center in order to incorporate (2) additional signs for the proper identification of the retail businesses.

The Primary Sign will be located on Houston Road just north of the retention pond of the Houston Lake Center. This sign would be located on the property of the overall development.

The Secondary Sign will be located on Spiral Drive on the same development at the second curb cut access to the Center.

Both signs are being requested for the reasons stipulated below.

The Houston Lake Center is the only development on the Houston Road Corridor that does not have an Identification Freestanding Sign. As time has moved forward, this development has been challenged by competition and traffic patterns. Tenant spaces have been vacant throughout the last 5-12 years.

The opening of the southern corridor of the Houston Road has created an increase in competition which has in some sense left the appeal of the tenant areas less appealing than the Centers initial inception.

With substantial traffic movement throughout the area, existing treescaping along Spiral Dr., introduction of a Secondary Sign will improve identification and advertising of the existing tenants and improve the "leasability" of the vacant tenant spaces.

Careful studies, logistics have formulated our request for this additional signage which will improve the presence of our existing tenants and marketability of the available tenant spaces.

We respectfully request the approval of our submittals for the addition of a Primary and Secondary Sign for this development.

Sincerely,

Mike Cassidy
Preferred Resources, LLC

SITE 9, HOUSTON LAKES

Existing Conditions/Site Analysis - The 101 acre site is currently undeveloped, however, is subject to an approved Concept Development Plan for commercial and office development, approved in 1990. The approved plan and table of square footage are contained in the Traffic Analysis section of the Study. These uses have been determined to be appropriate for the site, if developed under agreed conditions, by the Boone County Planning Commission and the City of Florence.

Recommended Uses/Zoning - This Study incorporates the approved Concept Development Plan into the recommended land use and zoning scheme. The approved corporate office center in the southeast section of the site and Campus Office portion along Houston Road are necessary for the development to retain the proper character and maintain a suitable mixture of traffic types and patterns. Without these approved office uses, the Woodspoint Nursing Home site and the World of Sports site will be less likely to develop as office sites because of the emphasis on retail development in surrounding areas. If changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail and greater setbacks on the proposed retail portion immediately at the corner of Houston Road and the I-75 interchange ramps. Existing trees should be designed into the corporate office center. This Study recommends that the approved number of outlots along Houston Road and along I-75 not be increased. This development was required, through approval of the Concept Development Plan, to include improvements to Woodspoint Drive to accommodate turning movements and eliminate any sight distance limitations. The existing zoning of Office Two/Commercial Two/Planned Development is recommended for the site.

SITE 9 - TRIP GENERATION

LAND USE	24 HOUR	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
[714] CORPORATE HEADQUARTERS					
543,000 GSF	3,254	697	52	74	596
[310] HOTEL					
150 ROOMS	1,261	52	35	61	52
[312] BUSINESS HOTEL					
200 ROOMS	1,454	68	48	74	50
[820] SHOPPING CENTER					
438,000 GSF	17,790	244	143	841	841

[912] DRIVE-IN BANK							
3,650	GSF	1,001	19	15	76	83	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
[832] HIGH TURNOVER RESTAURANT							
5,150	GSF	1,058	40	40	45	39	
TOTAL		27,933	1,202	415	1,262	1,737	

SITE 10, TURFWAY BUSINESS PARK

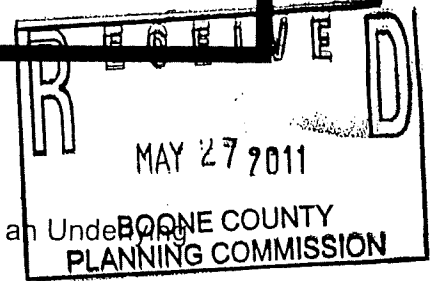
Existing Conditions/Site Analysis - A significant portion of this 106 acre development is constructed, including the retail center and several of the office research buildings. Sach's Automotive Components, a light manufacturing/assembly facility is under construction at the end of Spiral Drive and is scheduled to be in operation during 1991. Several outlots, including a restaurant and a bank are also under construction. A furniture outlet and garden store have been approved in place of the previously approved Office Campus on Houston Road. The current status and remaining development potential are included in the Traffic Analysis portion of this study. This development, as approved, is important in determining the character of the Houston Road corridor because it is the first major development to be constructed in this area. The approved planned development establishes a variety of uses generally indicative of healthy business districts.

Recommended Uses/Zoning - This development is recommended to continue to develop according to approved plans.

Access/Improvements - Site driveways are already determined by the approved development plans. According to previous agreements, the developer has been adding lanes to Houston Road which will taper back to two lanes south of Woodspoint Drive. Any access to Turfway Road must include adequate deceleration and turn lanes on Turfway Road.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Houston Lakes
- 3. Location of Project 77-87 Spiral Drive
- 4. Total Acreage of Site 6.536 acres
- 5. Current Zoning O-2/C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Unknown
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston - Donaldson Study
- 8. Proposed Uses (please specify each use) We are looking to add 2 signs (one monument, one pylon) in which the uses will not change.
- 9. Proposed Building Intensities (please specify) N/A

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

12. Name of Applicant(s) Milce Casseedy

Phone Number (859) 466-2894 Fax No. _____

13. Address of Applicant(s) P.O. Box 381, 5769 Vice Lane
Burlington, KY 41005

14. Name of Property Owner(s) Spiral Drive Retail, LLC / City of Florence

Phone Number 513-699-8824 Fax No. 513-563-9288

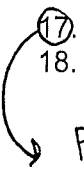
15. Address of Property Owner(s) 2135 Dana Avenue, suite 200
Cincinnati OH 45207

16. Are there any existing buildings on the site? Yes

How many? 2 which are part of a larger shopping center

17. ~~Parcel~~ 986/204 ~~Parcel~~ 402/22 Group No. 2033 B

18. Have you had a pre-application meeting with BCPC Staff? Yes



Parcel 1: 061.00-21-005.00 (Spiral Drive Retail, LLC)
(over)

Parcel 2: 061.00-21-000.00 (City of Florence)

May 27, 2011

Mr. Jared Wendling
Neyer Properties
2135 Dana Avenue, Suite 200
Cincinnati, Ohio 45207

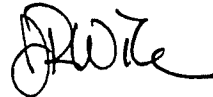
Dear Jared:

The City of Florence is aware that Neyer Properties will be submitting a concept development plan for its property at Houston Lakes in Florence, Kentucky.

We are also aware that the location of one of the proposed signs in the concept plan would be on property owned by the city.

The City of Florence will consider the concept plan at the time we receive the recommendation from the Boone County Planning Commission.

Sincerely,



Joshua R. Wice
Development Director

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mr. Kim Bunger, Secretary/Treasurer, called the meeting to order at 9:31 P.M. and introduced the second item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

2. Request of **Mike Cassedy (applicant)** for **Spiral Drive Retail, LLC and the City of Florence (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

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Mr. Bunger asked why Sears Outlet is shown on the freestanding sign if they are not part of this request? Mike Cassedy stated that this is an older version of the proposed sign and they were using it to try and convince the Sears Outlet to replace their monument sign near Spiral Drive with the proposed free standing sign.

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Mr. Cassedy presented a PowerPoint (Exhibit #3) of signage and developments on the Houston Road and Mall Road corridors. He stated that this is the only development in those areas, other than the Florence Mall, without its own free standing sign. Potential tenants are concerned about visibility on the main thoroughfare and these signs will be able to address that issue. He also stated that "tree scaping" along the roads are blocking the view. The secondary sign would be located on Spiral Drive at the second access point.

Mrs. Poston asked if the secondary sign would impede a motorist view trying to pull out onto Spiral Drive? Mr. Cassedy indicated that it would not since it would be located approximately 15' behind the curb line at Spiral Drive.

Mr. Costello stated that this development has a free standing sign located along I-75 with tenant panels. Meijer was first and they wanted monument signs at their entrance. Mr. Costello asked why is this additional signage necessary if Kohl's and Home Depot are successful? Mr. Costello also asked if the proposed signs are for Home Depot and Kohl's also or just for Neyer? Mr. Cassedy stated that Neyer would allow Home Depot and Kohl's on these signs as they are part of the same development.

Mr. Cassedy indicated that the 3' x 10' panel on the primary sign is smaller than the tenant

panels on the Target and Turfway Commons signs. Mr. Cassedy stated the strip center is located perpendicular to Houston Road making their storefronts less visible to motorists on the main thoroughfare. These signs will not only help Neyer properties, they will also increase Home Depot and Kohl's sales anywhere from 7% to 15%. Mr. Jared Wendling of Neyer Properties answered as to which parcels Neyer Properties owns and addressed that they are willing to remove the two (2) "Houston Lakes" concrete monument signs.

At this time, Secretary/Treasurer Bunger asked whether any of the Board members had any questions.

Mr. Reynolds asked who would be responsible for removing the two (2) "Houston Lakes" concrete monument signs? Mr. Wendling responded that Neyer Properties would be responsible for their removal. Mr. Reynolds asked about ownership of those signs and Mr. Wendling answered that the southernmost sign is on the detention lot, which is owned by the City of Florence, but he was not aware of the ownership of the northernmost sign. Mr. Reynolds asked that they determine the ownership of the northernmost sign for the Committee Meeting.

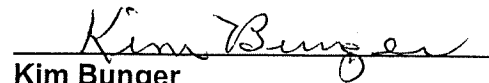
Mr. Schwenke asked if the Castle property was considered in lieu of the detention lot? Mr. Wendling responded that the Castle property is similar to the Sears parcel, where they would need permission.

Mr. Morgan asked why does one sign show 4 panels and the other show 5 panels? Mr. Cassedy responded that the owner would negotiate space with the businesses who are part of the Houston Lakes development. Mr. Wendling stated the possibility of splitting the former Media Play into two (2) tenant spaces.

Mr. Donald Aaron, an attorney in Florence with an office on Houston Road, questioned why do they need more signs and why are they requesting to locate the primary sign on the City of Florence lot? Why don't they put the sign on their own property? The sign should be located at the entrance or where you can access their business. What about putting the sign where the Meijer sign is located?

There being no further comments, Mr. Kim Bunger, Secretary/Treasurer stated that the Committee Meeting for this item will be on July 20, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 3, 2011 at 7:00 P.M. Mr. Bunger closed this Public Hearing at 10:25 P.M.

APPROVED:


Kim Bunger
Secretary/Treasurer

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
AUGUST 3, 2011
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes of the July 6, 2011 Business Meeting and the July 27, 2011 Special Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Ms. Reeves moved that the Minutes be approved as written. Mr. Ford seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

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

1. Request of Mike Cassedy (applicant) for Spiral Drive Retail, LLC and the City of Florence (owners) for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

Staff Member, Mitch Light, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Light displayed the revised design concept of the proposed sign along Houston Road. Mr. Light noted that the Committee voted unanimously for the project with Mr. Bunger, Mrs. Poston, Mr. Brandstetter, 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. Cassedy, applicant, stated that he and Neyer Properties worked extensively with the Committee. The site is the only major multi-tenant retail development that doesn't have a primary identification on the main thoroughfare. There are a couple buildings in front of the shopping center. There is extremely limited visibility from the main thoroughfare. The proposed sign is limited to five tenant panels. These panels are small compared to ones at Target, Lowes and Garden Ridge. The base will have masonry columns. Mr. Cassedy noted that Home Depot and Kohl's have expressed interest in this sign. The Spiral Drive sign has been eliminated even though there is landscaping in the parking lot.

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

TECHNICAL/DESIGN REVIEW - Mitchell A. Light, Staff; Charlie Reynolds, Chairman

2. Walmart - 7625 Doering Drive

Chairman Rolfsen, stated that the Technical/Design Review Committee met prior to the Business Meeting and is recommending deferral of the request to the September 7, 2011 Business Meeting.

Mr. McMillian moved to defer the request to the September 7, 2011 Business Meeting. Mr. Brandstetter seconded the motion and it passed unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 3, 2011

RE: Request of **Mike Cassedy (applicant)** for **Spiral Drive Retail, LLC and the City of Florence (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

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 and the Goals and Objectives of the Houston-Donaldson Study for the following reasons:

The Land Use Element ("2. Florence Commercial Area," pp. 144 and 145) states "the visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process."

The Land Use Element ("Design, Signs, and Historic Preservation," pg. 142) also states "developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact on the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor." Additionally, the Goals and Objectives ("Overall,"

Objective 3) state "proper design principles shall be applied in development."

The Houston-Donaldson Study's Goals and Objectives (Goal III, Objective B) state "to provide a alternative to conventional zoning requirements for signage, which could be implemented to allow unique and imaginative signage requirements, in an area that is highly visible from major public thoroughfares. This alternative would at the same time protect the public and enhance community visual appearance."

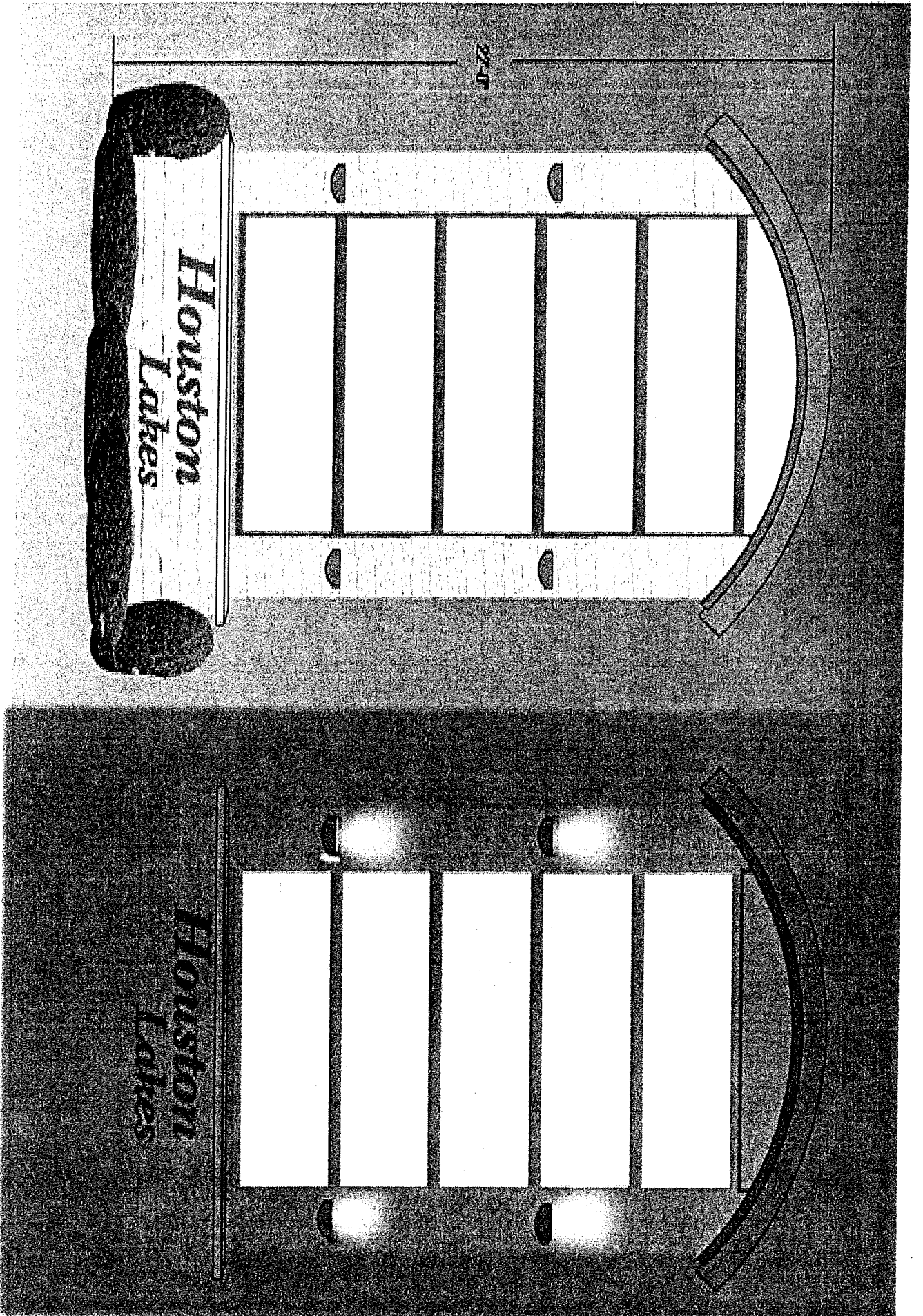
When considering these statements, it is the Committee's conclusion that the proposed sign, which has been redesigned in response to comments made at the public hearing, will be highly visible from motorists on Houston Road as well as the South Airfield Road connection across from Woodspoint Drive.

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, the Houston-Donaldson Study, 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 owners have signed a letter demonstrating agreement with these conditions.

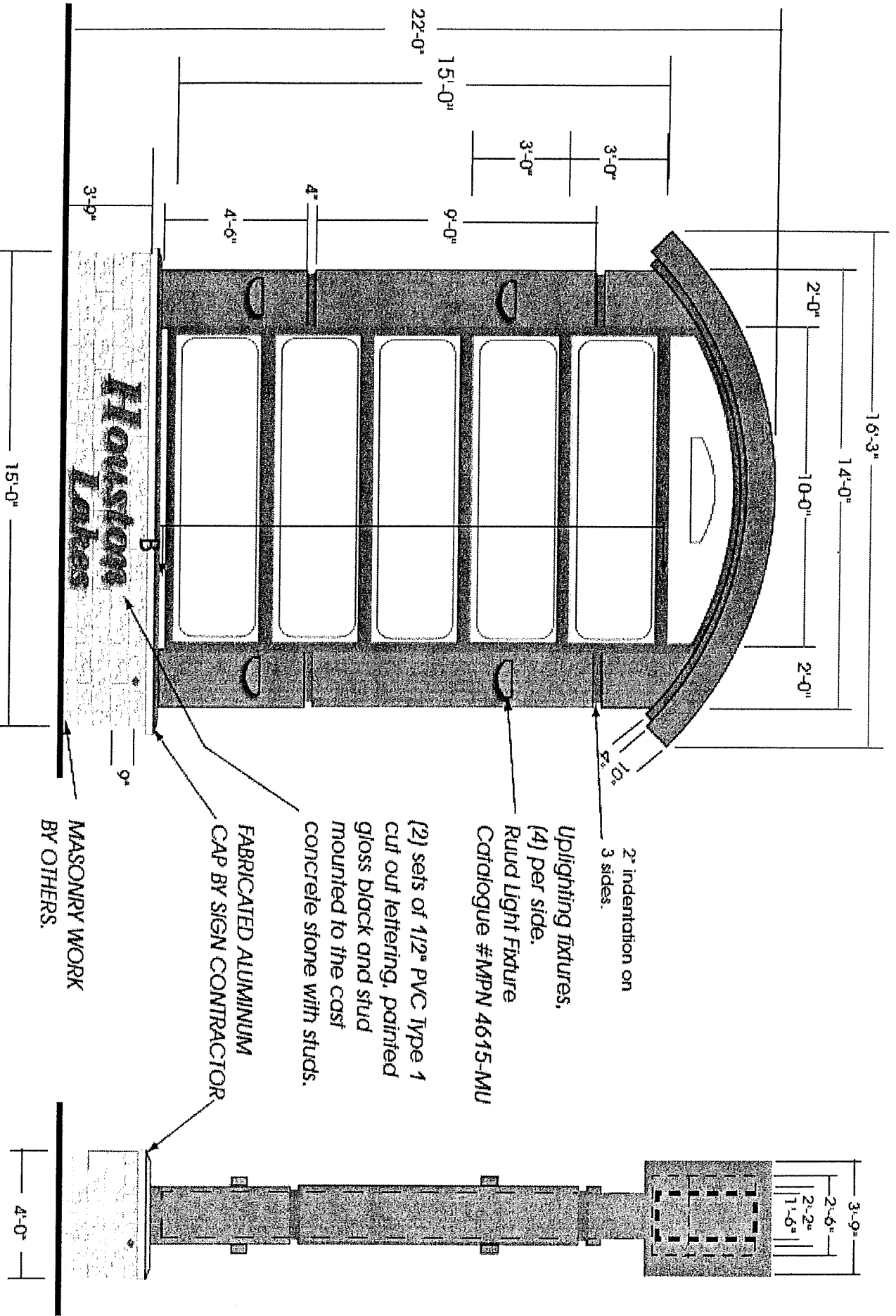
CONDITIONS

1. The property owners agree to eliminate the secondary sign proposed along Spiral Drive.
2. The property owners agree to a maximum of five (5) tenant panels on the primary sign.
3. The property owners agree to lower the arch feature at the top of the primary sign for a maximum overall height of 22 feet from the originally proposed 26' (see attached). The backlit "Houston Lakes" feature may be relocated to the sign base.
4. The property owners agree that the sign base and columns will be constructed of a masonry material and that the colors will be consistent with the revised elevation drawings (see attached).
5. The property owners agree that the concrete "Houston Lakes" monument sign near the corner of Houston Road and Woodspoint Drive must be removed prior to the construction of the proposed primary sign.

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.



REVISED PRIMARY SIGN ELEVATION (MATERIALS)



REVISED PRIMARY SIGN ELEVATION (DIMENSIONS)

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

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Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

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Mrs. Poston asked if the secondary sign would impede a motorist view trying to pull out onto Spiral Drive? Mr. Cassedy indicated that it would not since it would be located approximately 15' behind the curb line at Spiral Drive.

Mr. Costello stated that this development has a free standing sign located along I-75 with tenant panels. Meijer was first and they wanted monument signs at their entrance. Mr. Costello asked why is this additional signage necessary if Kohl's and Home Depot are successful? Mr. Costello also asked if the proposed signs are for Home Depot and Kohl's also or just for Neyer? Mr. Cassedy stated that Neyer would allow Home Depot and Kohl's on these signs as they are part of the same development.

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At this time, Secretary/Treasurer Bunger asked whether any of the Board members had any questions.

Mr. Reynolds asked who would be responsible for removing the two (2) "Houston Lakes" concrete monument signs? Mr. Wendling responded that Neyer Properties would be responsible for their removal. Mr. Reynolds asked about ownership of those signs and Mr. Wendling answered that the southernmost sign is on the detention lot, which is owned by the City of Florence, but he was not aware of the ownership of the northernmost sign. Mr. Reynolds asked that they determine the ownership of the northernmost sign for the Committee Meeting.

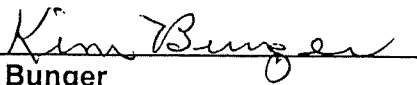
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There being no further comments, Mr. Kim Bunger, Secretary/Treasurer stated that the Committee Meeting for this item will be on July 20, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 3, 2011 at 7:00 P.M. Mr. Bunger closed this Public Hearing at 10:25 P.M.

APPROVED:



Kim Bunger
Secretary/Treasurer

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: July 20, 2011

RE: Request of **Mike Cassedy (applicant)** for **Spiral Drive Retail, LLC and the City of Florence (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

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 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 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.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@boonecountky.org

July 28, 2011

Mr. Mike Cassedy
5769 Vice Lane
P.O. Box 381
Burlington, KY 41005

RE: Request of **Mike Cassedy (applicant)** for **Spiral Drive Retail, LLC and the City of Florence (owners)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.

Dear Mr. Cassedy:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their July 20, 2011, Zone Change Committee Meeting. Provide the signatures of the property owners, in the space provided at the end of this letter, and return to the Planning Commission office by Monday, August 1, 2011.

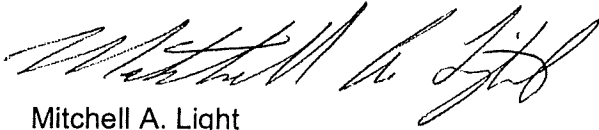
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Mr. Mike Cassedy
July 28, 2011
Page 2

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Sincerely,

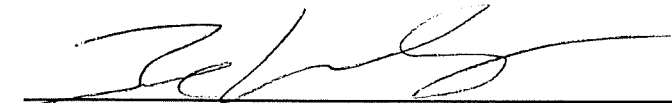


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/vlm

AGREEMENT

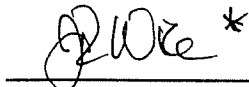
We, Josh Wice & Jared Wendling, do hereby agree to the recommended conditions of approval stated above for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for a 6.55 acre site located at 77 and 87 Spiral Drive, and the 2.589 acre lot on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky to allow a multi-tenant monument style freestanding sign along Spiral Drive and a multi-tenant pylon style freestanding sign along Houston Road.



Jared Wendling (Spiral Drive Retail, LLC)

7/28/11

(Date)

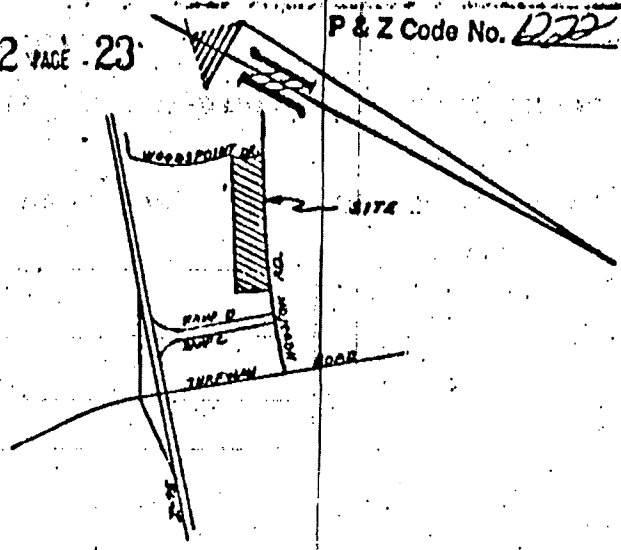
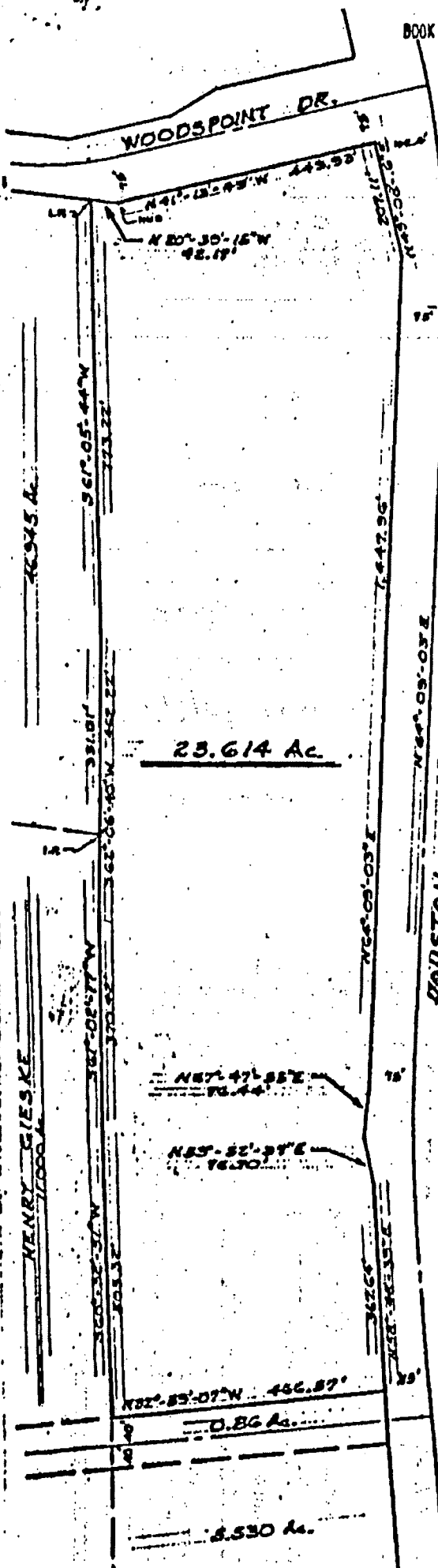


Josh Wice (Development Director, City of Florence)

07/28/11

(Date)

*The city signing this condition letter merely acknowledges the conditions of approval from BCPC. The city will still take action on the BCPC recommendation that may amend the plan or terms of use of city property.
JW



VICINITY MAP
SCALE: 1" = 2000'

**BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE**

Approved for recording the transfer of the property only by the Boone County Planning Commission the 30 day of Jan, 1989.

James W. Berling, L.S.
Chairman

ZONED C-2/PD
FRM 1-30-89

LAND SURVEYOR'S CERTIFICATE

"I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner."

I certify that I have examined the records of the Boone County Court Clerk and find that this is the 3rd Conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.

1-24-89
Date

James W. Berling, L.S.
James W. Berling, L.S., Reg. #206

STATE OF KENTUCKY
JAMES W. BERLING
206
REGISTERED
LAND SURVEYOR

BACK REF. DB 106 PL 7
GROUP NO. 2023

PLAT OF SURVEY
FOR: **MARY ELLEN FOLTZ**
HOUSTON ROAD - FLORENCE, KY.
SCALE: 1" = 200' DEC. 7, 1988
JAMES W. BERLING
L.S. SURVEYOR No. 206

IN WITNESS WHEREOF, The said Grantor, Mary Ellen Foltz, an unmarried widow,

hereunto sets her hand, this 31st day of January in the year 1989.

STAMPS

	<i>Mary Ellen Foltz</i>
	Mary Ellen Foltz

State of Kentucky
County of Kenton

The foregoing instrument was acknowledged before me this 31st day of January, 1989
by Mary Ellen Foltz.

Eddie W. Brown
Notary Public
(Title)
My commission expires 10/9/91

COMMONWEALTH OF KENTUCKY,
~~KENTON COUNTY~~ BOONE
JERRY W. ROUSE

I, ~~XXXXXXXXXX~~ WOOD, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from MARY ELLEN FOLTZ

to NORTHERN KENTUCKY MANAGEMENT, INC

was this day presented to me in my office, certified as above, and this day left for record at 3:42 P M.
Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office.
Given under my hand this 31 day of JANUARY in the year 1989

JERRY W. ROUSE ~~XXXXXXXXXX~~, Clerk
By Eddie W. Brown, D. C.

WARRANTY DEED

From
MARY ELLEN FOLTZ
TO
NORTHERN KENTUCKY MANAGEMENT, INC.

Acknowledged
RECEIVED
1989 JAN 31 PM 3:42
Clerk
JERRY W. ROUSE
BOONE COUNTY CLERK D. C.

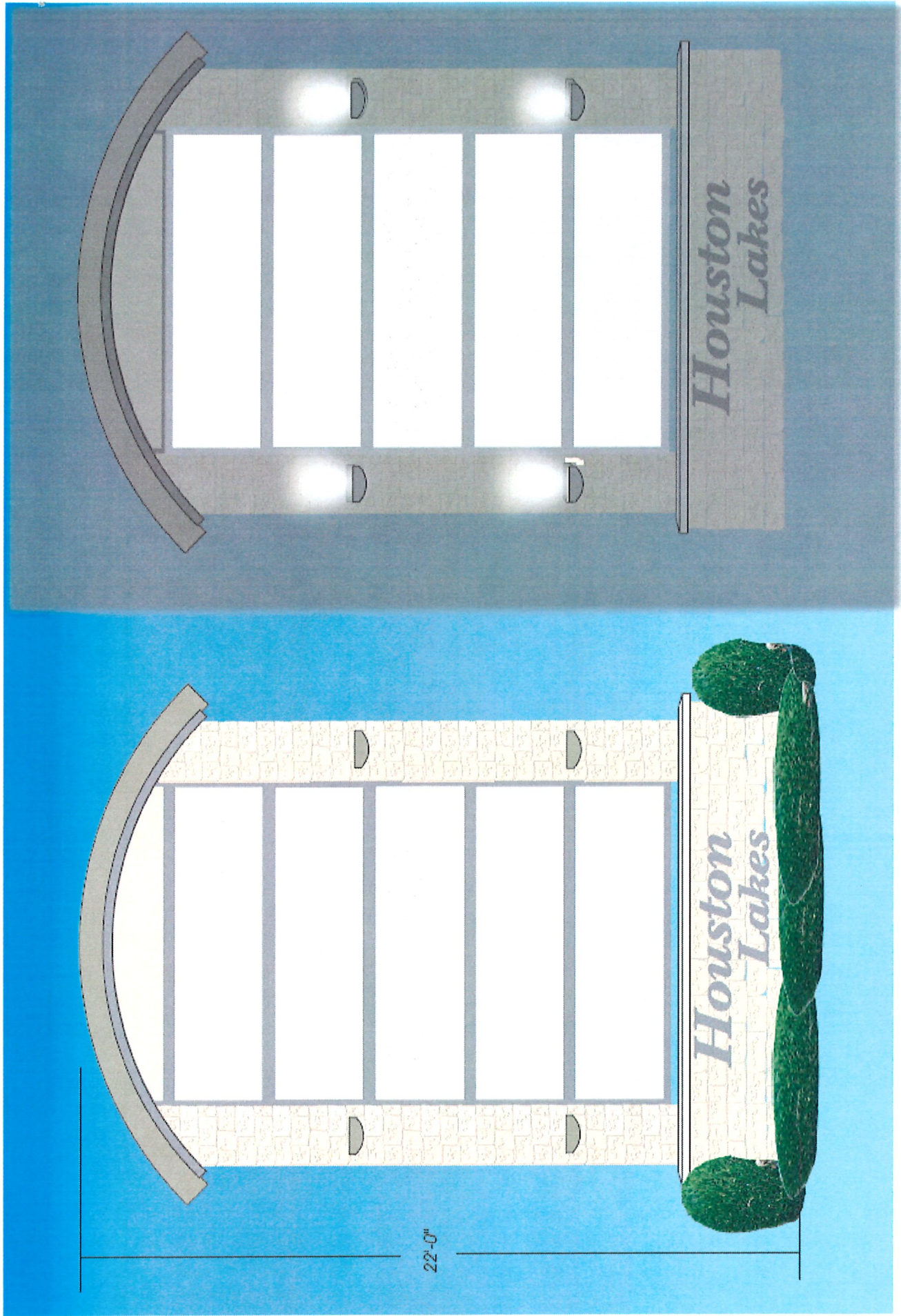
Left for Record
10. Syd.
21w. wpt.

Recorded in Deed Book No. 402 Page 22

GENERAL INDEX
GROUP _____
Index Clerk _____

This Deed Prepared By
Eddie W. Brown - attorney
Florence, Ky.

Michael Stamen



REVISED PRIMARY SIGN ELEVATION

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-18-11

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-18-11 on October 11, 2011. The title of this Ordinance is as follows:
ORDINANCE NO. 0-18-11


AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR THE 2.589 ACRE LOT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE HOUSTON ROAD/WOODSPOINT DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT PYLON STYLE FREESTANDING SIGN ALONG HOUSTON ROAD. (SPIRAL DRIVE RETAIL, LLC PROPERTY)

The effect of this Ordinance is to allow a multi-tenant pylon style freestanding sign along Houston Road in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for the 2.589 acre lot generally located on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky. This change in an approved concept development plan is subject to additional conditions that have been agreed to in writing by the property owner/applicant.

The full text of Ordinance No. 0-18-11, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 2011 and that it has been prepared by me on the 23rd day of September, 2011, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
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ORDINANCE NO. 0-18-11

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR THE 2.589 ACRE LOT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE HOUSTON ROAD/WOODSPOINT DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW A MULTI-TENANT PYLON STYLE FREESTANDING SIGN ALONG HOUSTON ROAD. (SPIRAL DRIVE RETAIL, LLC PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-11-009-A recommended approval, with conditions, for a change in an approved concept development plan, and

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

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

SECTION I

That the request of Mike Cassedy (Applicant) for Sprial Drive Retail, LLC and the City of Florence (Owners), for a change in an approved concept development plan in an Office Two/ Commercial Two/Planned Development (O-2/C-2/PD) zone, for the 2.589 acre lot generally located on the northeast corner of the Houston Road/Woodspoint Drive intersection, Florence, Kentucky, shall be and is hereby approved, subject to additional conditions, this change in concept development plan being to allow a multi-tenant pylon style freestanding sign along Houston Road. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-11-009-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-11-009-A, marked Exhibit "A", and attached hereto.

SECTION IV

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 V

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

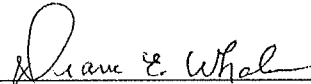
SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 27th DAY OF September, 2011.

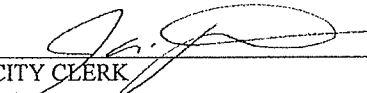
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF October, 2011.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF MIKE CASSEDY (APPLICANT) FOR SPIRAL DRIVE RETAIL, LLC, AND THE CITY OF FLORENCE (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR THE 2.589 ACRE LOT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE HOUSTON ROAD/WOODSPOINT DRIVE INTERSECTION TO ALLOW A MULTI-TENANT PYLON STYLE FREESTANDING SIGN ALONG HOUSTON ROAD.


The Committee met in a regular meeting on September 14, 2011, at the Florence Government Center Building to consider Resolution No. R-11-009-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

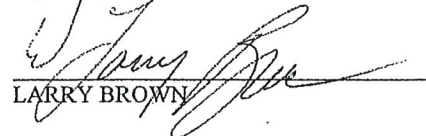
Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to additional conditions that are attached hereto and incorporated herein.

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

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

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON


LARRY BROWN

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE


IN RE: AGREED ADDITIONAL CONDITIONS - REQUEST OF MIKE CASSEDY (APPLICANT) FOR SPIRAL DRIVE RETAIL, LLC, AND THE CITY OF FLORENCE (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR THE 2.589 ACRE LOT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE HOUSTON ROAD/WOODSPOINT DRIVE INTERSECTION TO ALLOW A MULTI-TENANT MONUMENT STYLE FREESTANDING SIGN ALONG SPIRAL DRIVE AND A MULTI-TENANT PYLON STYLE FREESTANDING SIGN ALONG HOUSTON ROAD.

The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

1. Applicant will acquire proper legal access to the real estate on which the sign is to be located prior to construction of the sign.
2. The flag, shown on the drawings at the top of the sign, which is similar to the City of Florence logo shall be deleted and shall not appear on the sign.

Agreed to this 4 day of October, 2011.

SPIRAL DRIVE RETAIL, LLC

BY: 
(Title)

COMMONWEALTH OF KENTUCKY

COUNTY OF Boone

The foregoing instrument was acknowledged before me this 4 day of October, 2011, by Jared Wendling, the Representative of Spiral Drive Retail, LLC, a Kentucky limited liability company, on behalf of the company.

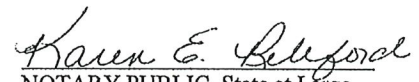

NOTARY PUBLIC, State at Large
My Commission Expires: 3-24-12

EXHIBIT 'B'