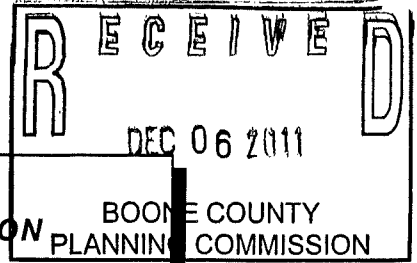


APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Harley Davidson/Quaker Steak and Lube
2. Location of Project 8025 Action Boulevard
3. Total Acreage of Site 3.3+/- Acres
4. Current Zoning of Site "C-3" Commercial Services
5. Proposed Zoning (Classification being requested) "C-3" Special Sign District
6. Proposed Uses (please specify each use) Harley Davidson Dealership & Quaker Steak & Lube Restaurant
7. Names of Applicant(s) Anne F. McBride, FAICP - McBride Dale Clarion
8. Address of Applicant(s) 5725 Dragon Way, Suite 220
9. Name of Property Owner(s) 8025 Action Boulevard LLC
10. Address of Property Owner(s) 8025 Action Boulevard
11. Proposed Building Intensities (please specify) Quaker Steak and Lube: 11,077 SF
12. Are there any existing buildings on the site? Yes
13. Deed Book 833 Page No. 285 Group No. 2040B
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? N/A
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
[X] Florence Public Services Dept.
[X] Duke Energy
Sanitation District #1
[X] Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Anne F. McBride, FAICP - McBride Dale Clarion (applicant)** for **8025 Action Boulevard LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky. The request is for a Special Sign District in a Commercial Services (C-3) zone to allow alternative signage.

January 4, 2012

REQUEST

Article 40 of the *Boone County Zoning Regulations* defines a sign as "a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images."

The applicant is requesting this Zoning Map Amendment for a Special Sign District to allow alternative signage in a Commercial Services (C-3) zone for the redevelopment of the former "Dodgeland" facility. The automobile showroom portion of the facility is to be converted into a Harley Davidson dealership, and the former service portion of the facility will be demolished making room for a new restaurant, Quaker Steak & Lube. The major site plan to construct the Quaker Steak & Lube restaurant was approved on September 29, 2010.

The project narrative and exhibits (attached) request utilizing the existing 50 foot high interstate sign to advertise both Harley Davidson and Quaker Steak & Lube. The current rectangular sign cabinet is approximately 199.26 s.f. and the proposal shows a Harley Davidson logo at 109 s.f. and a Quaker Steak & Lube logo at 106.56 s.f. for a proposed total of 215.56 s.f.

The only monument sign on the property is proposed to be changed to advertise Harley Davidson and include a manually changeable reader board.

The Harley Davidson building is shown having signage on two (2) elevations as well as a roof sign that formerly advertised "746-Dodge." The current sign is approximately 96 s.f. and the proposed Harley Davidson sign is approximately 72 s.f. This roof mounted sign structure is pre-existing and non-conforming and would not be permitted under the current sign regulations or in the proposed Mall Road District Study sign regulations. Total signage for the Harley Davidson building is 241.2 s.f.

The Quaker Steak & Lube restaurant has a projecting sign, neon banding, striped awnings and building mounted signage on all four (4) elevations. If each sign area is totaled individually, the Primary (West) elevation would have 477.37 s.f., Secondary (North) elevation would have 363.88 s.f., Secondary (South) elevation would have 405.88 s.f., and

Secondary (East) elevation would have 56.00 s.f. Total signage for this building (figured individually) is 1,303.13 s.f. The current Mall Road Commercial Sign District allows one (1) building mounted sign area with a maximum of two (2) s.f. per lineal foot of the building width on all four (4) elevations. Using that formula, the Quaker Steak & Lube building would be permitted 200 s.f. of signage on the front and rear elevations (100 l.f.) and 180 s.f. of signage on each side (90 l.f.) for a total of 760 s.f.

This site is within Area 1 of the Mall Road District Study which is still under review. The proposed language pertaining to signage is more liberal than the current sign regulations, but this proposal would still be required to follow the Zoning Map Amendment for a Special Sign District process.

ADJACENT ZONING AND LAND USES

- North: Properties across Burlington Pike (KY 18) zoned Commercial Services/Planned Development (C-3/PD) within the limits of the Houston-Donaldson Study.
- East: Properties across Interstate 71-75, zoned Office Two/Planned Development (O-2/PD) and Commercial Services/Planned Development (C-3/PD) within the limits of the Central Florence Strategic Plan.
- South: The iconic Florence Y'all water tower and the Florence Mall properties zoned Commercial Two (C-2).
- West: Former Volkswagen dealership and Stay Lodge motel across Action Boulevard zoned Commercial Services (C-3).

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 within the 2005 Boone County Comprehensive Plan only refers to this general area by stating:

"The Mall Road area has been recommended through the 2002 Mall Road Corridor Study to become a new urbanism corridor. The Study shows a dense, well designed, urban style of development that should occur over time."

The adopted 2010 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. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).

STAFF COMMENTS

- 1. Total signage for the Quaker Steak & Lube building (figured individually) is 1,303.13 s.f. The current Mall Road Commercial Sign District allows one (1) building mounted sign area with a maximum of two (2) s.f. per lineal foot of the building width on all four (4) elevations. Using that formula, the Quaker Steak & Lube building would be permitted 200 s.f. of signage on the front and rear elevations (100 l.f.) and 180 s.f. of signage on each side (90 l.f.) for a total of 760 s.f.
- 2. The project narrative and exhibits (attached) request utilizing the existing 50 foot high interstate sign to advertise both Harley Davidson and Quaker Steak & Lube. The current rectangular sign cabinet is approximately 199.26 s.f. and the proposal shows a Harley Davidson logo at 109 s.f. and a Quaker Steak & Lube logo at 106.56 s.f. for a proposed total of 215.56 s.f.

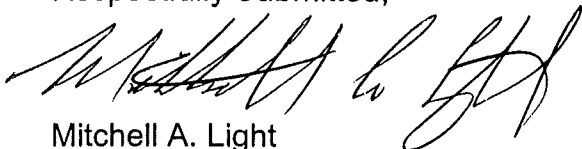
3. The Harley Davidson building is proposing to utilize the pre-existing and non-conforming roof mounted sign structure that formerly advertised "746-Dodge." Staff would like to point out that a roof mounted sign structure would not be permitted under the current sign regulations or in the proposed Mall Road District Study.
4. The Harley Davidson "badge" appears to drop below the fascia on the front elevation. Staff wants clarification if they are proposing any of the signage to drop below the fascia since this is not permitted in the current sign regulations or in the proposed Mall Road District Study.
5. This site is within Area 1 of the Mall Road District Study which is still under review. The proposed language pertaining to signage is more liberal than the current sign regulations, but this proposal would still be required to follow the Zoning Map Amendment for a Special Sign District process.

CONCLUSION

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

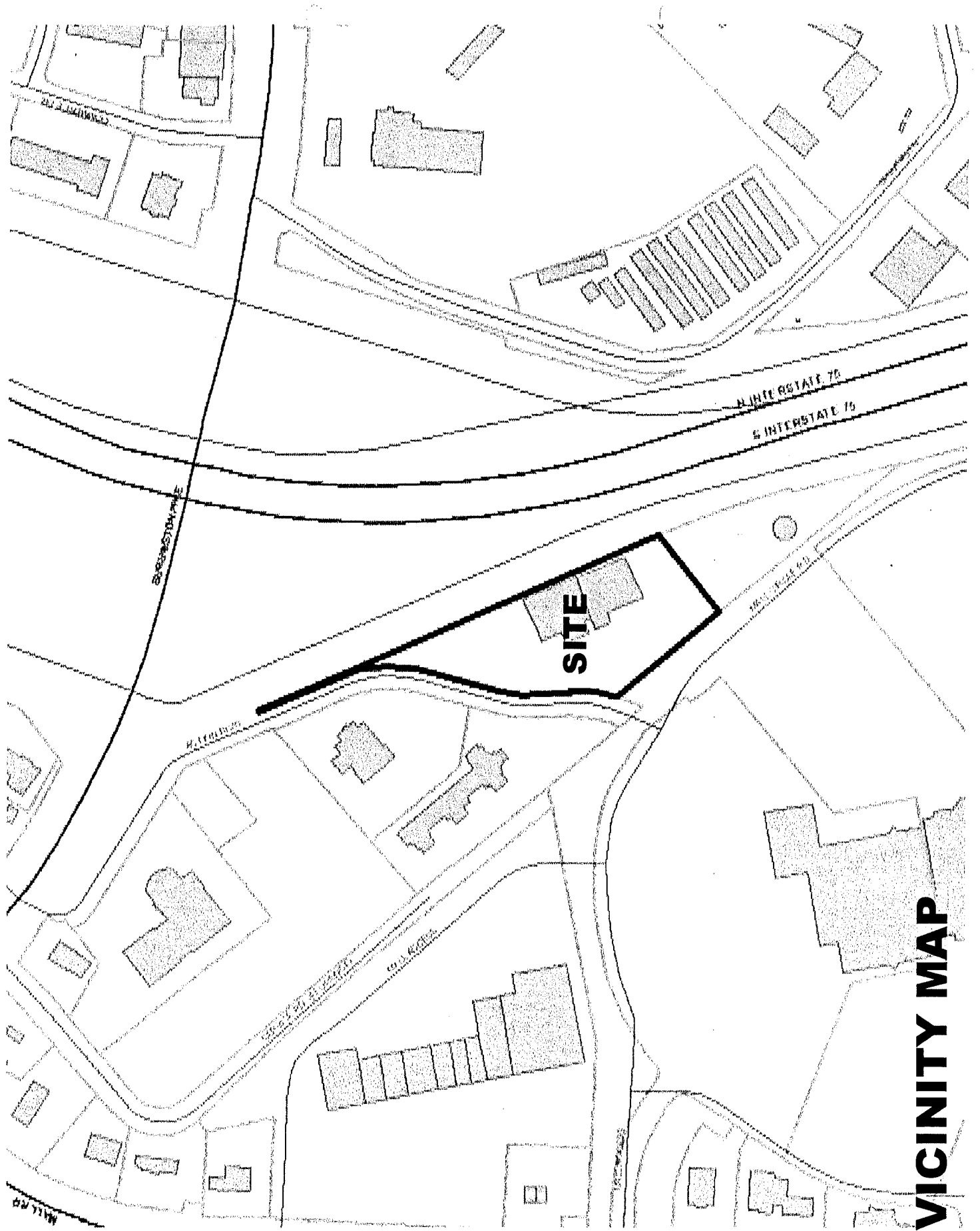


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

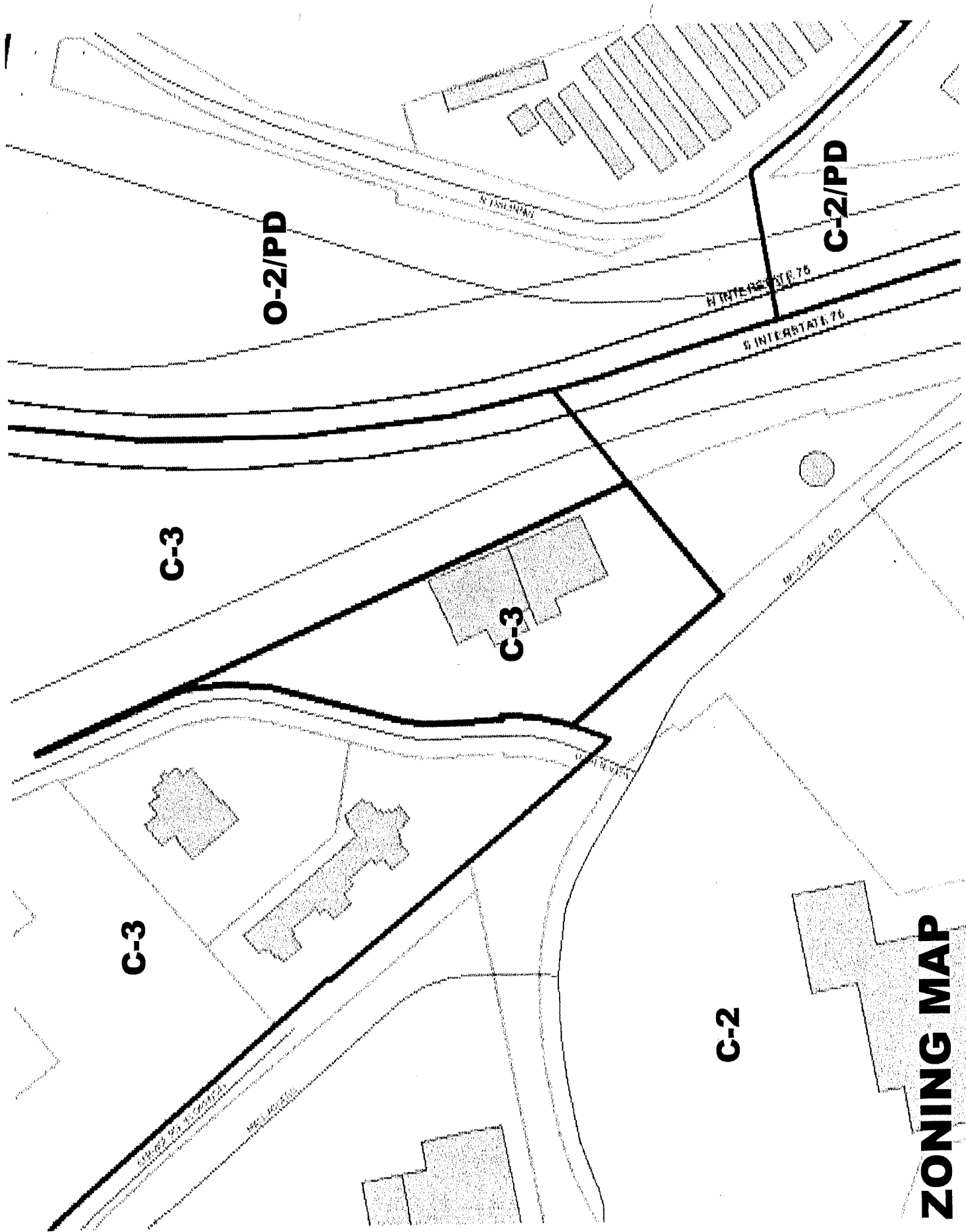
MAL/dw

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Applicants "Special Sign District" Narrative
- Proposed Mall Road District Study, Area 1
- Proposed Mall Road District Study, Signage (Chapter 5)
- Application



VICINITY MAP



O-2/PD

C-2/PD

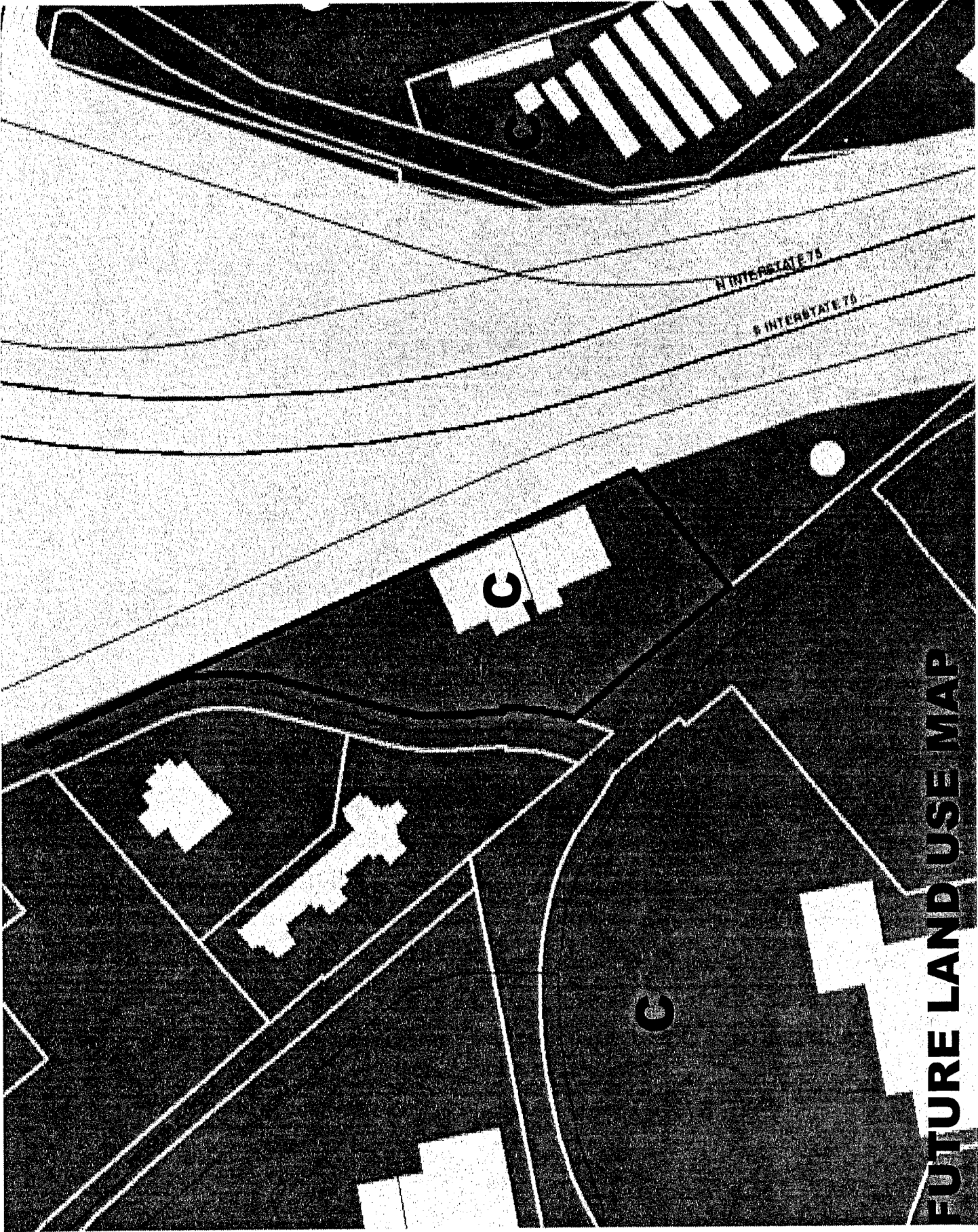
C-3

C-3

C-3

C-2

ZONING MAP



INTERSTATE 75

INTERSTATE 70

C

C

FUTURE LAND USE MAP

**Harley Davidson/Quaker Steak and Lube
8025 Action Boulevard**

Special Sign District

The owner of the 3.3+/- acres of property at 8025 Action Boulevard is requesting consideration of the adoption of a Special Sign District for their property. The site is zoned "C-3" Commercial Services and is currently occupied by a vacant car dealership. Redevelopment of the site is proposed to include a 24,570 square foot Harley Davidson dealership and an 8,709 square foot Quaker Steak and Lube restaurant with 2,368 square feet of outdoor patio area. Due to the unique architectural design of the Quaker Steak and Lube restaurant, which is their national trademark, it is necessary to request a Special Sign District to allow for the construction of the building with its signature identification.

The following signage is proposed for the 3.3 acres at 8025 Action Boulevard:

BUILDING SIGNAGE

Harley Davidson:

Primary Elevation (West):

"Harley Badge" & "Thoroughbred Harley Davidson"	124.20 SF
"Harley Badge" & "Service"	<u>24.00 SF</u>
TOTAL:	148.20 SF

Secondary Elevation (North):

"Harley Badge"	<u>21.00 SF</u>
TOTAL:	21.00 SF

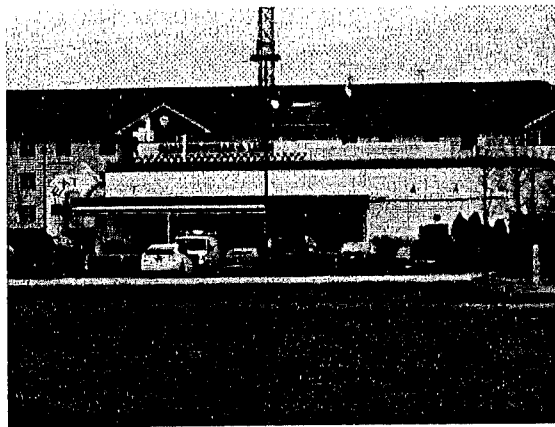
Roof Top Sign (Existing):

"Harley Davidson"	<u>72.00 SF</u>
TOTAL:	72.00 SF

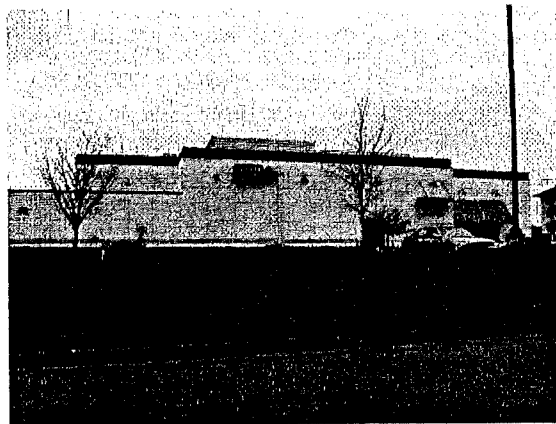
TOTAL BUILDING SIGNAGE: 241.20 SF

Secondary Elevation (South):

Neon:	144.50 SF
“Quaker Steak and Lube”	34.38 SF
“EAT”	27.00 SF
Checkerboard Area:	<u>200.00 SF</u>
TOTAL:	405.88 SF

Secondary Elevation (Rear/East):

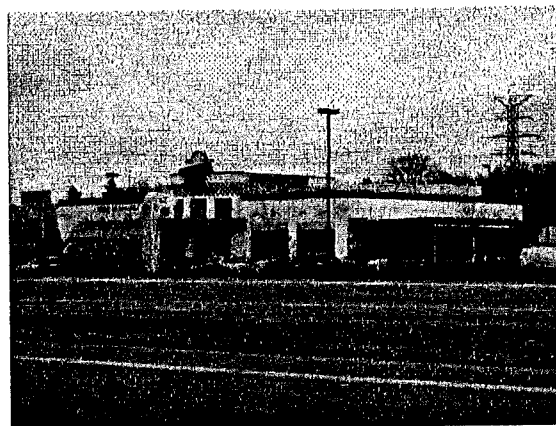
Neon:	56.00 SF
TOTAL:	56.00 SF



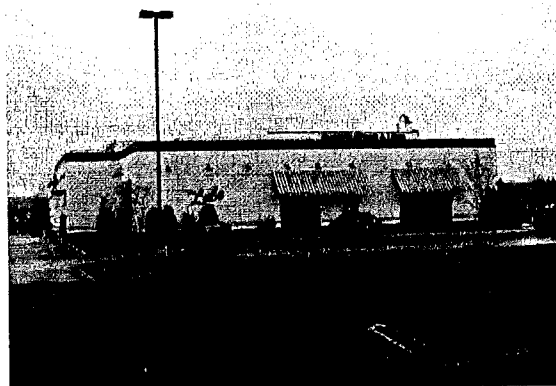
TOTAL BUILDING SIGNAGE: 1,303.13 SF

Quaker Steak & Lube**Primary Elevation (West):**

Neon:	86.00 SF
“Quaker Steak and Lube”	77.80 SF
“Best Wings USA”:	60.47 SF
“Lube”	7.23 SF
“Steak”	9.27 SF
Awnings:	90.00 SF
Checkerboard Area:	77.80 SF
Car Graphic:	<u>68.80 SF</u>
TOTAL:	477.37 SF

**Secondary Elevation (North):**

Neon:	102.50 SF
“Quaker Steak and Lube”	34.38 SF
“EAT”	27.00 SF
Checkerboard Area:	<u>200.00 SF</u>
TOTAL:	363.88 SF



FREE STANDING SIGNAGE:**Ground Mounted:**

One Sign: "Harley Badge" & Manual Changeable Copy

49.68 SF

8'2" Tall

Free Standing Interstate Sign (Existing)

"Quaker Steak & Lube/Best Wings USA" 107.21 SF

"Harley Badge" 109.00 SF

TOTAL: 216.21 SF

Sign Height: 50' 4½"

Given the building design of the uses proposed, the signage for the site is not substantially over the sign area permitted by the Zoning Resolution as indicated below:

BUILDING SIGNAGE ANALYSIS

<u>Harley Davidson</u>	<u>Allowed ("C-3")</u>	<u>Proposed</u>
West Elevation	244.00 SF	148.20 SF
North Elevation	95.00 SF	21.00 SF
East Elevation	122.00 SF	-0-
South Elevation	-0-	-0-
Roof Sign	<u>72.00 SF</u>	<u>72.00 SF</u>
TOTAL:	533.00 SF	241.20 SF
<u>Quaker Steak & Lube</u>	<u>Allowed ("C-3")</u>	<u>Proposed</u>
West Elevation	200.00 SF	477.37 SF
North Elevation	80.00 SF	363.88 SF
South Elevation	80.00 SF	405.88 SF
East Elevation	<u>-0-</u>	<u>56.00 SF</u>
TOTAL:	360.00 SF	1,303.13 SF
	<u>Allowed ("C-3")</u>	<u>Proposed</u>
Building Site Total:	893.00 SF	1,544.33 SF

NOTE: The roof mounted sign and freestanding interstate sign are existing nonconforming signs.

Of the total building sign area proposed for Quaker Steak & Lube, 956.80 square feet, or 73.4%, are architectural design features (neon, striped awnings, checkerboard design) that add character to the Quaker Steak and Lube building which has become their national trademark. Within the proposed "MR" Mall Road Overlay District, the use of neon banding is encouraged with it no longer being counted as one of three signs permitted per elevation. The type of uses, signage and building designs proposed for 8025 Action Boulevard are consistent with the desire to transform this portion of the City from an area known as the "Mall back door" to an exciting eating/entertainment area that will become a destination for the City. The proposed Special Sign District will allow for the redevelopment of the site, bringing new life and employment opportunities to this part of the City while increasing the tax base and approving the aesthetic appearance of the site. It is hoped that the proposed redevelopment may spur reinvestment in adjacent properties creating a more productive use of properties in the area.

Comprehensive Plan may also be consulted in this determination.

- B. The proposal follows all applicable standards and requirements in Chapter 3 "Development Standards" and Chapter 4 "Design Requirements." The proposal also follows any applicable provisions in Chapter 6 "Transportation and Connectivity Improvements."
- C. The proposal does not present unknown or undue impacts on infrastructure or public services based on the recommendations in The Mall Road Study, such as water, sanitary and storm sewer, traffic impacts, public schools, and emergency services.

If the Zoning Administrator determines that any of the above criteria is not met, then the proposal must follow the Long Review Process.

Recommended Land Use and Development Concepts for the 8 Sub-Districts

This section outlines both the recommended land uses and broad-scope development design concepts for each of the Study Area's 8 sub-districts as shown on the Sub-District Areas Map on page 1.4. The text of this section shall be used in determining whether a development proposal qualifies for either the Short Review Process or Long Review Process as described under the "Zoning Administrator Criteria for Determining Review Process" outlined above. The text of this section shall also be considered by the Planning Commission and Florence City Council for any proposal that is subject to the Long Review Process.

Area 1

Commercial and office uses that are Principally Permitted in the respective underlying zone are recommended provided they do not include outside storage or display (including motor vehicle dealer display) along KY 18 or Mall Road, and all business functions occur indoors. Additionally, residential uses are appropriate in this Area, except for on ground floors.

Service Road is recommended to be either: 1.) upgraded and extended as a combination connector road between KY 18 and Mall Circle Road and an access road for the adjoining properties, or 2.) altogether removed with driveway interconnections provided between sites. If upgraded and extended, which is the preferred option from a planning perspective, it should include a defined and channelized right-in/right out intersection at KY 18, and the current right-of-way alignment may need to be adjusted for optimal roadway geometrics. It should also include sidewalk and street tree improvements along the entire alignment. Integral curbswalks are recommended along Service Road.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: February 1, 2012

RE: Request of **Anne F. McBride, FAICP - McBride Dale Clarion (applicant)** for **8025 Action Boulevard LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky. The request is for a Special Sign District in a Commercial Services (C-3) zone to allow alternative signage.

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 2010 Boone County Comprehensive Plan Goals and Objectives for the following reasons:

The Land Use Element ("2. Florence Commercial Area," pp. 144) states "The Mall Road area has been recommended through the 2002 Mall Road Corridor Study to become a new urbanism corridor. The Study shows a dense, well designed, urban style of development that should occur over time."

The Goals and Objectives ("Overall," Objective 3,) states "Proper design principles shall be applied in development." Additionally, Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).

Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).

2. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan, the 2010 Boone County Comprehensive Plan Goals and Objectives and Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee has also concluded that the attached condition is

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.

CONDITION

1. The Property Owner agrees that any signage attached to the fascia of the Harley Davidson dealership will not be installed above or drop below the fascia with the exception of the non-conforming roof mounted sign that is proposed to remain.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
JANUARY 4, 2012
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

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 Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Mark Hicks
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/ZEO

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Mitch Light, Staff

1. Request of **Anne F. McBride, FAICP - McBride Dale Clarion (applicant)** for **8025 Action Boulevard LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky. The request is for a Special Sign District in a Commercial Services (C-3) zone to allow alternative signage.

Staff Member, Mitch Light, presented the Staff Report, which included a Power Point presentation (see Staff Report). Mr. Light referred to a vicinity map of the subject site. It is the old Dodgeland site located off of Action Boulevard near the Florence Y'all water tower. The site is currently zoned Commercial Services (C-3) while the Florence Mall is zoned Commercial Two (C-2). This area is located in the Mall Road District Study, which was just approved by the Planning Commission earlier tonight. The Future Land Use Map designates the site as Commercial. The site sits low against the I-75 southbound entrance ramp. The Site Plan for the Harley-Davidson dealership and Quaker Steak & Lube restaurant was approved on September 29, 2010. The site is not under construction yet. Mr. Light stated the definition of a sign based upon Article 40 of the Boone County Zoning Regulations. The applicant is requesting a Special Sign District to allow alternative signage because the former Dodgeland facility will become Thoroughbred Harley Davidson, which is currently located along Dixie Highway. The former service department of the prior auto dealership will be demolished for a new restaurant - Quaker Steak & Lube. A project narrative and exhibits are attached to the Staff Report. The owners will utilize the existing 50 foot interstate sign to advertise both the Harley Davidson dealership and the Quaker Steak & Lube restaurant. The existing sign is just under 200 square feet. The proposed Quaker Steak & Lube sign is 106.5 square feet and the Harley Davidson dealership sign is 109 square feet in size. The only monument sign on the property will be used for the Harley Davidson dealership only with manually changeable copy. Mr. Light proceeded to show photographs of the site and the surrounding area. The proposed building mounted signage for the Harley Davidson dealership will include signs on 2 elevations and a pre-existing, non-conforming roof sign. The existing roof sign is 96 square feet and the new roof sign will be 72 square feet. The total square footage of building mounted signage for the Harley Davidson dealership is 241.2 square feet. In regard to the Quaker Steak & Lube building, the applicant is proposing a projector sign, neon banding, striped awnings and building mounted signage on all four elevations. The sign on the west (primary) elevation is proposed to be 477.37 square feet, while the north (secondary) elevation sign will be 363.88 square feet. The south elevation sign will be 405.88 square feet, while the east elevation sign will consist of 56 square feet for a total of 1,303.13 square feet. If the proposed regulations related to the Mall Road District Study are approved, the Quaker Steak & Lube building would be allowed a total of 760 square feet. Mr. Light referred to the narrative provided by the applicant, which describes the reasons for supporting the Special Sign District as stated in the Mall Road District Study. The area is described as the "Mall back door" area and this area is recommended to become an exciting eating and entertainment district that will become a destination. Mr. Light referred to the Harley Davidson badge sign located below the roof line. Mr. Light showed photographs of an existing Quaker Steak & Lube restaurant. The words "The Lube" will not be on the building.

In regard to Staff concerns, the total signage for the Quaker Steak & Lube building (figured individually) is 1,303.13 s.f. The current Mall Road Commercial Sign District allows one (1) building mounted sign area with a maximum of two (2) s.f. per lineal foot of the building width on all four (4) elevations. Using that formula, the Quaker Steak & Lube building would be permitted 200 s.f. of signage on the front and rear elevations (100 l.f.) and 180 s.f. of signage on each side (90 l.f.) for a total of 760 s.f.

Second, the project narrative and exhibits (attached) utilize the existing 50 foot high interstate sign to advertise both Harley Davidson and Quaker Steak & Lube. The current rectangular sign cabinet is approximately 199.26 s.f. and the proposal shows a Harley Davidson logo at 109 s.f. and a Quaker Steak & Lube logo at 106.56 s.f. for a proposed total of 215.56 s.f. Third, the Harley Davidson building is proposing to utilize the pre-existing and non-conforming roof mounted sign structure that formerly advertised "746-Dodge." Staff would like to point out that a roof mounted sign structure would not be permitted under the current sign regulations or in the proposed Mall Road District Study. Fourth, the Harley Davidson "badge" appears to drop below the fascia on the front elevation. Staff wants clarification if they are proposing any of the signage to drop below the fascia since this is not permitted in the current sign regulations or in the proposed Mall Road District Study.

Finally, this site is within Area 1 of the Mall Road District Study, which is still under review. The proposed language in the Study pertaining to signage is more liberal than the current sign regulations, but this proposal would still be required to follow the Zoning Map Amendment for a Special Sign District process.

Mr. Light stated that he attached a copy of Area 1 and associated signage requirements (Chapter 5) from the Mall Road District Study to the Staff Report even though it is still under review. The Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and the 3 criteria for evaluating a Zoning Map Amendment application.

At this time, Chairman Rolfsen asked the applicant to proceed with their presentation. Anne McBride, McBride Dale Clarion, stated that she is representing the property owners. Ms. McBride noted that her client has been working on this project for a while. The project will involve utilizing the existing car dealership for the Harley Davidson dealership and constructing a new restaurant - both new to the City of Florence. The restaurant will also have a 2,300 square foot outdoor eating area. This type of restaurant is already located in Milford and Colerain Township.

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 Planning Commission members had any questions or comments? Chairman Rolfsen asked when the project would start? Anne McBride responded in the very near future. It has always been a Harley Davidson dealership and a Quaker Steak & Lube restaurant concept but due to the economic climate, the project has not gotten off the ground.

Chairman Rolfsen asked if motorcycles will be displayed outside? Mr. Robert Nolan, Thoroughbred Harley Davidson, stated that all motorcycles will be stored inside with the

exception of weekends with events and customers. All customer motorcycles are stored inside. He stated that he would close down the Dixie Highway location. It is a smaller facility - 6,000 square feet. Mr. Nolan stated that he owns two dealerships - one in Cincinnati and one in Northern Kentucky. He really likes the location next to the interstate. The closest dealership to the south is about 70 miles in Lexington - Man of War Boulevard. Currently, he employs 5 full-time employees and 2 part-time employees. With the new location, they will have 20 - 25 employees.

Mr. Bunger asked if the use will involve sales and service? Mr. Nolan stated it will include motorcycle sales, service, parts and apparel. Their current location is limited for service. They only have 2 technicians now and they want to have 6 with the new location.

Chairman Rolfsen inquired about the location of the two uses together elsewhere? Mr. Nolan responded there is one location north of Cincinnati where both buildings are located near each other but not adjacent to each other. Both uses are compatible.

Mr. Bunger inquired if the awnings are included as part of the signage? Ms. McBride answered yes. Mr. Bunger stated that if the awnings were solid, they would not be considered signage. What is the square footage of the awnings? Ms. McBride answered that the front awning is about 90 square feet. Ms. McBride stated that her client prefers the striped version of the awnings.

Mr. McMillian asked if the restaurant was a sit down restaurant or a snack bar? Ms. McBride stated that the restaurant is a full service sit down restaurant. Mr. Nolan mentioned it is a franchise restaurant with a race car theme. It is like a TGI Fridays Restaurant.

Mr. Breetz questioned the parking requirements. Mr. Light responded that the Site Plan addressed the number of parking spaces. One use involves motorcycles and utilizes less space and the other use involves automobiles. Mr. Breetz asked about special events and parking everywhere? Mr. Light explained special provisions will have to be made to keep Action Boulevard clear. Mr. Costello noted that the owners could use parking spaces at Florence Mall if given permission.

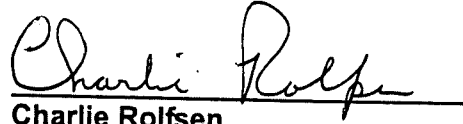
Mr. Longano asked about the hours of operation for the restaurant? Ms. McBride responded that they serve lunch and dinner. Usually, they are open from 11:00 A.M. to midnight or 1:00 A.M. on weekends. Chairman Rolfsen recommended that Ms. McBride verify this information.

Mr. Bunger questioned the left turning movements to and from Action Boulevard with the increase in the volume of traffic flow from the site. Would the two new businesses consider notifying their customers to use Mall Road versus Action Boulevard to get to and from the site for safety reasons? Ms. McBride noted that customers will probably find their way around based upon ease of travel. It is a destination restaurant.


Mr. Schwenke questioned the proposed Quaker Steak & Lube signage. Isn't what is proposed what is recommended in the Mall Road District Study? Mr. Light responded yes as it encourages this type of signage in an entertainment district.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 18, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on February 1, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:04 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 18, 2012

RE: Request of Anne F. McBride, FAICP - McBride Dale Clarion (applicant) for 8025 Action Boulevard LLC (owner) for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky. The request is for a Special Sign District in a Commercial Services (C-3) zone to allow alternative signage.

REMARKS:

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

Janet Kegley

Janet Kegley, Chairwoman
For Project 1 Absent ____
Against Project ____
Abstain ____ Deferred ____

Ben Brandstetter
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Greg Breetz
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Kim Bunger

Kim Bunger
For Project ✓ Absent ____
Against Project ____
Abstain ____ Deferred ____

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Mark Hicks (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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

Jim Longano (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: ____ DEFERRED ✓ FOR PROJECT 2 ABSENT
____ AGAINST PROJECT ____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

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

January 24, 2012

Anne F. McBride, FAICP
McBride Dale Clarion
5725 Dragon Way
Suite 220
Cincinnati, OH 45227

RE: Request of **Anne F. McBride, FAICP - McBride Dale Clarion (applicant)** for **8025 Action Boulevard LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky. The request is for a Special Sign District in a Commercial Services (C-3) zone to allow alternative signage.

Dear Ms. McBride:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their January 18, 2012, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Monday, January 30, 2012.

CONDITION

1. The Property Owner agrees that any signage attached to the fascia of the Harley Davidson dealership will not be installed above or drop below the fascia with the exception of the non-conforming roof mounted sign that is proposed to remain.

Sincerely,

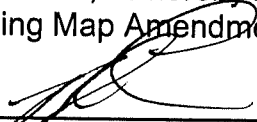
Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/dw

January 24, 2012
Page 2

AGREEMENT

I, Brad Lehman, do hereby agree to the recommended condition of approval stated above for a Zoning Map Amendment for a Special Sign District to allow alternative signage.



Brad Lehman
(owner)

1/24/12

Date

DEVELOPMENT LEGAL DESCRIPTION

Lot 1 -

Situated in the City of Florence, Boone County, Commonwealth of Kentucky and being Lot 1 of the AUTOMANAGE, INC. SUBDIVISION as recorded in Plat 293A in the Public Records of the Court Clerk, Boone County, Burlington, Kentucky.

Group: 3399

PIDN: 061.00-00-121.00

ORDINANCE NO. 0-6-12

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 3.3 ACRE SITE LOCATED AT 8025 ACTION BOULEVARD, FLORENCE, KENTUCKY, IN A COMMERCIAL SERVICES (C-3) ZONE TO ALLOW ALTERNATIVE SIGNAGE. (8025 ACTION BOULEVARD 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-12-002-A recommended approval, with one condition, 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 Anne F. McBride, FAICP - McBride Dale Clarion (Applicant) for 8025 Action Boulevard LLC (Owner) for a zoning map amendment to the Boone County, Kentucky zoning map to establish a special sign district for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky, in a Commercial Services (C-3) zone is approved. 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 special sign district for this subject property.

SECTION II

The approval of this zoning map amendment 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-12-002-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council shall be and is hereby subject to the additional condition that has been agreed to in writing by the property owner/applicant as shown on Exhibit "B", a copy of which is attached and incorporated herein by reference as if fully set out.

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-12-002-A, marked Exhibit "A", and attached hereto.

SECTION V

If the approval for this change in the zoning map 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 March, 2012.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 10th DAY OF April, 2012.

APPROVED:

Shane E. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT – REQUEST OF ANNE F. MCBRIDE, FAICP – MCBRIDE DALE CLARION (APPLICANT) FOR 8025 ACTION BOULEVARD LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 3.3 ACRE SITE LOCATED AT 8025 ACTION BOULEVARD, FLORENCE, KENTUCKY. THE SITE IS IN A COMMERCIAL SERVICES (C-3) ZONE AND THE REQUEST WOULD ALLOW ALTERNATIVE SIGNAGE.

The Planning and Zoning Committee has recommended and the Owner has agreed that the following additional condition will apply to the request described above:

1. Phillips Edison & Company, the acting manager of Action Blvd. Station LLC, acknowledges that the use of the existing roof mounted sign (“Roof Sign”) that is on the existing building shall only be valid and effective during such period of time as Harley Davidson is a tenant under the terms of that certain Agreement of Lease dated February 20, 2012 between Action Blvd. Station LLC as Landlord, and NSJ Motorsports Ltd., dba Thoroughbred Harley-Davidson as Tenant (the “Lease”). The validity of the use of the Roof Sign shall extend through the term of the Lease and any and all exercised options/renewals thereof. The permitted use of the Roof Sign shall not be negated or terminated if Action Blvd. Station LLC or Harley Davidson upgrades or renovates the Roof Sign within the existing allowable square footage during the duration of the Lease. Upon termination or expiration of the Lease, neither Landlord nor Tenant shall have the right to replace the Roof Sign, and the Roof Sign and all signage hardware shall be removed.

Agreed to this 15th day of MARCH, 2012.

ACTION BLVD. STATION, LLC

BY: 

(Owner)

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT - REQUEST OF ANNE F. MCBRIDE, FAICP - MCBRIDE DALE CLARION (APPLICANT) FOR 8025 ACTION BOULEVARD LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 3.3 ACRE SITE LOCATED AT 8025 ACTION BOULEVARD, FLORENCE, KENTUCKY. THE SITE IS IN A COMMERCIAL SERVICES (C-3) ZONE AND THE REQUEST WOULD ALLOW ALTERNATIVE SIGNAGE.

The Committee met in a regular meeting on Wednesday, March 14, 2012, at the Florence Government Center Building to consider Resolution No. R-12-002-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

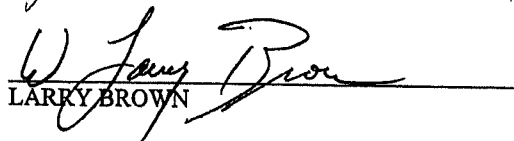
Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to the additional condition which is attached hereto as Exhibit "A" and incorporated 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 condition attached hereto as Exhibit "A" and incorporated herein.

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON


LARRY BROWN

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO.

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-6-12 on April 10, 2012. The title of this Ordinance is as follows:

ORDINANCE NO. 0-6-12

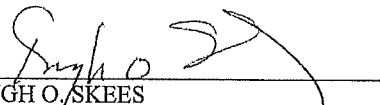
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 3.3 ACRE SITE LOCATED AT 8025 ACTION BOULEVARD, FLORENCE, KENTUCKY, IN A COMMERCIAL SERVICES (C-3) ZONE TO ALLOW ALTERNATIVE SIGNAGE. (8025 ACTION BOULEVARD LLC PROPERTY)

The effect of this Ordinance is to approve a zoning map amendment to the Boone County, Kentucky, zoning map to establish a special sign district for an approximate 3.3 acre site located at 8025 Action Boulevard, Florence, Kentucky, in a Commercial Services (C-3) zone and permit alternative signage.

The full text of Ordinance No. 0-6-12, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-6-12 and that it has been prepared by me on the 23rd day of March, 2012, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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