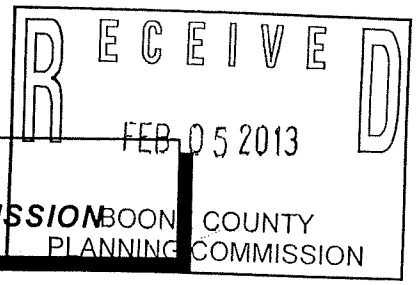


APPLICATION FORM



ZONING MAP AMENDMENT
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 None 8727
 2. Location of Project 8427 U.S. Highway 42, Florence, KY 41042
 3. Total Acreage of Site 4.0576
 4. Current Zoning of Site C2/PD/CD
 5. Proposed Zoning (Classification being requested) C2
 6. Proposed Uses (please specify each use) See attached Exhibit A.
-
7. Names of Applicant(s) Old US 42 Development, LLC
Phone No. (859) 341-5523 Fax No. (859) 341-5582 E-Mail dheidrich@zallacompanies.com
 8. Address of Applicant(s) 2333 Anderson Road
Crescent Springs Kentucky 41017
City State Zip
 9. Name of Property Owner(s) Old US 42 Development, LLC
Phone No. (859) 341-5523 Fax No. (859) 341-5582 E-Mail dheidrich@zallacompanies.com
 10. Address of Property Owner(s) 2333 Anderson Road
Crescent Springs Kentucky 41017
City State Zip
 11. Proposed Building Intensities (please specify) See attached Exhibit A.
-
12. Are there any existing buildings on the site? Yes
How many? 1 primary building, 2 accessory buildings
 13. Deed Book 1014 Page No. 435 Group No. 2047
 14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
 15. Have you submitted a Concept Development Plan? Yes
 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
 Florence Public Services Dept.
 Duke Energy
 Sanitation District #1
 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 **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8427 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

March 6, 2013

PROPOSAL

This request is for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2), and dimensional Variances, for the 4.0576 acre site at 8427 US 42 in Florence, which is the former Natorp's landscape site. A Concept Development Plan with the following two options has been submitted.

1. This option shows a two story building labeled "office/medical building" at the corner of the US 42/Old US 42 intersection. The submitted narrative states that this could be a three story building. The size of this building would be in the range of approximately 30,000 to 45,000 square feet. Parking is shown on most of the remaining parts of the lot to the west of the building, with a driveway looping around the north, south, and east sides of the building along the two street frontages.
2. This option shows a building labeled "proposed office/medical" near the rear of the site, and another building labeled "proposed restaurant" near the US 42/Old US 42 intersection. The approximate size of the office/medical building is 12,000 to 20,000 square feet, and approximate size of the restaurant is 6,000 to 12,000 square feet. Parking is shown across the site's US 42 frontage and on each side of the office/medical building, with a driveway shown across the rear of this building.

The existing access points along Natorp Drive and Old US 42, and the existing detention basin at the northwest corner of the site, would be reused under both options. A landscape perimeter and landscape islands/peninsulas in the parking areas are also shown for both options.

Although intended uses have been labeled on the Concept Development Plan options, the application seeks to permit other uses allowed in the C-2 zone as well. The submitted narrative proposes to permit all C-2 zone uses with the following exclusions.

C-2 Principally Permitted Uses

19. Radio and television broadcasting studios excluding transmitting stations and towers;

27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
31. Motorcycle sales or bike shops excluding outside storage;
33. Hotels and motels including convention facilities;
35. Auto parts and accessories stores;
36. Gasoline filling station;

C-2 Conditional Uses

2. Automotive repair facility and wash services for vehicles;

C-1 Principally Permitted Uses (Principally Permitted in the C-2 zone by reference)

3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;

O-1 Principally Permitted Uses (Principally Permitted in the C-2 zone by reference)

20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

Several Variances were requested that would apply to both Concept Development Plan options. These include the following.

1. Reduce the front yard building setback along the US 42 frontage from 30 feet to a minimum of 20 feet (Table 31.1).
2. Reduce the corner side yard building setback along the Old US 42 frontage from 15 feet to a minimum of 10 feet (Section 3121).
3. Reduce the street frontage landscape area width for paved areas along US 42 from 10 feet to a minimum of 5 feet, and allow the street frontage landscape area width for paved areas along Old US 42 to be reduced up to the right-of-way line (0' width) (Section 3620).

Concept images and/or descriptive text for the proposed architecture, signage and landscape design were not included with the application. The Citizens Bank which adjoins the subject site at the US 42/Natorp Drive intersection is on a separate lot and is not part of this application.

SITE HISTORY

A Zoning Map Amendment from SR-1 to C-2 and a Conditional Use Permit to allow landscape/garden sales in the C-2 zone were recommended for conditional approval by the Boone County Planning Commission on May 6, 1992. This application was granted final conditional approval by the Florence City Council on June 23, 1992 (1992 Concept Development Plan, 5/6/92 Committee Report, and Ordinance No. 0-20-92 are attached).

A Zoning Map Amendment from C-2 to C-2/PD was recommended for conditional approval by the Planning Commission on May 19, 1999. This application was granted final conditional approval by the City Council on July 27, 1999. The purpose of this zone change was to add the PD overlay zone to the site so that a greenhouse structure with a retractable roof could be placed in the front yard area, as the conventional zoning requirements allow accessory structures to be placed in side and rear yards only (1999 Concept Development Plan, 5/19/99 Committee Report, and Ordinance No. 0-16-99 are attached). Condition 5 that is outlined in the ordinance states "any use other than the existing garden store on the site shall require an application for change in the Concept Development Plan."

A Change in Concept Development Plan in the C-2/PD zone to permit a branch bank (Citizens Bank) at the US 42/Natorp Drive intersection was recommended for conditional approval by the Planning Commission on November 19, 2003. This application was granted final conditional approval by the City Council on February 3, 2004 (2003 Concept Development Plan, 11/19/03 Committee Report, and Ordinance No. 0-3-04 are attached).

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. The previously mentioned branch bank is located immediately to the southwest on the northeast corner of the US 42/Natorp Drive intersection (C-2/PD). A vacant area is located further to the west in the area bound by Natorp Drive, Farmview Drive, US 42, and Old US 42 (C-2/PD and RSE).
- B. Plantation Pointe Commercial Subdivision is located to the south across US 42 (O-1/PD and C-2/PD).
- C. Several detached single family residences on large lots are located to the north across Old US 42 and to the east along US 42 across the intersection with Old US 42 (RS and SR-1). A residential condominium development (Village at South Fork Creek) is located to the northwest along Old US 42 (UR-1).

SITE CHARACTERISTICS

The site contains approximately 4 acres and has approximately 400 feet of frontage along US 42, approximately 670 feet of frontage along Old US 42, and approximately 375 feet of frontage along Natorp Drive. The site is currently developed with the garden center sales building, outside storage and display areas, parking area in the west part of the site, service area in the north/northeast part of the site, and a detention basin in the northwest corner of the site. The site has existing access points on Old US 42 and Natorp Drive. Aside from the detention basin, the topography of the site as a whole is relatively level. Public water and sanitary sewer service are available on the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("3. Pleasant Valley/Oakbrook," pg. 168).

- A. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site

features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact ("Buffering," pp. 162 and 163).

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

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pg. 163).

- D. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets.

Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to

adjoining uses where appropriate ("Transportation and Pedestrian Network," pp. 163 and 164).

- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Union" region where the subject site is located is estimated to change to 33,568 in 2020, and to 41,886 in 2030. The population of the "Florence" region is estimated to change to 32,385 in 2020, and to 34,153 in 2030.

The Business Activity Element states the following regarding the general area ("Recommended Areas of Commercial Activity," pg. 68).

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area.
- B. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses.
- C. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas.

The Housing Element provides the following comments that relate to the general area ("Union/West Florence/West Richwood Area," pg. 84).

- A. The factors that helped fuel growth in this area include the improvements to U.S. 42 from Florence to the Ryle High School campus near Frogtown Road; the extension of water and sanitary sewer lines, access to the interstate highway system, and the vast amount of developable land. The Union Town Plan sets the stage for development in this area as sanitary sewer has become widely available.

The Transportation Element lists the following projects for the overall area.

- A. The "KY Transportation Cabinet Six-Year Plan" section lists a project described as "reconstruction of Pleasant Valley Road (KY 237) from U.S. 42 to Rose Petal Drive - construction underway" (pg. 146).
- B. The "Summary of the 2006 Boone County Transportation Plan Recommendations" lists an Operational Improvement described as "US 42 & KY 237 intersection lane improvements" (pg. 146).
- C. The "Summary of the 2006 Boone County Transportation Plan Recommendations" lists a Recommended Capacity Project described as "Gunpowder Rd improvements" (pg. 147).

The 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. 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).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. 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).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).

- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- H. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- I. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- J. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office] Objective 2).
- K. 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 [Retail and Office] Objective 3).
- L. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- M. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system ("Transportation," 2nd Goal).

BOONE COUNTY TRANSPORTATION PLAN 2030

"KY 237 Pleasant Valley Road at US 42" is included among "problem locations that are

contained within Six Year Plan projects, yet are included in the OIP" (Operational Improvement Plan) (pg. 5-1).

Exhibit 5-3 "Operational Improvement Plan Project List" lists a project identified as "Map ID 15 - KY 237 Pleasant Valley Road at US 42" (shown on map exhibit on page 5-4). This project is described as "add southbound left turn lane and adjust signal timing. Application for CMAQ funding was made" (pg. 5-6).

Exhibit 6-1 (pg. 6-2) lists the following "Recommended Projects" that are in the general area.

Map ID 19 - Gunpowder Road: Widen/improve from US 42 to KY 536 Mt. Zion Road (project text on page 6-7). This is listed as a high priority project (within 10 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Map ID 26 - Longbranch Road: Widen/improve from Camp Ernst Road to US 42 (project text on pages 6-8 and 6-9). This is listed as a high priority project (within 10 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Exhibit 6-7 "Year 2030 Traffic Volumes and Levels of Service - Recommended Transportation Plan Network" (pg. 6-10) illustrates the part of US 42 that adjoins the subject site as LOS E (related text is outlined in Exhibit 6-9).

The "Intersection Projects" section (pg. 6-27) lists "US 42/Gunpowder Road" as an intersection "where actions are needed to improve pedestrian and bicycle safety" per the recommendations of the "2002 Florence Plan." This section also states "the Florence study also recommends a list of specific actions designed to improve pedestrian and bicycle safety along the major arterials - KY 18, US 42, and Mall Road."

STAFF COMMENTS

1. COMPREHENSIVE PLAN

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates the site as "Commercial."

The Land Use Element is fairly specific about the intended development in the area along US 42 to the southwest of the US 42/Pleasant Valley Road intersection. In this regard, the Element states "mixed-use development, that has commercial uses

focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union" (pg. 168).

Similar objectives are also stated in the Business Activity Element. This Element states "commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area" and "commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly." It also states "commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly" (pg. 68).

This application proposes to permit all C-2 uses with the exceptions noted in the Proposal section. Relative to the site's proximity to Farmview Subdivision where the Land Use Element calls for "smaller-scaled office and institutional uses," the midpoint of the subject site's frontage is approximately two thirds of the distance from the US 42/Pleasant Valley Road intersection to the US 42/Farmview Drive intersection.

Both the Land Use and Business Activity Elements recommend using Planned Development Overlay Districts/PUDs. The current PD overlay district is proposed to be removed. As stated in the Site History section, the PD overlay zone was added in 1999 at the request of the property owner at the time to permit a shade structure in the front yard for the landscape business. This fact does not negate the Comprehensive Plan's basic objective of seeking development which has the quality level sought by the PD overlay zone/PUDs, which is discussed further below. If the zone change was granted, Article 15 Planned Development District and Section 1514 "Planned Development Criteria" specifically would no longer apply to the site.

The governing bodies will also need to consider the alternate statutory findings for

the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. PROPOSED USES

The application proposes all uses permitted in the C-2 zone with the exception of those noted in the submitted narrative, including several C-1 and O-1 zone Principally Permitted Uses which are also Principally Permitted in the C-2 zone by reference (excluded uses are outlined in the Proposal section above). The narrative also proposes to eliminate several Conditional Uses from the C-1 and O-1 zones, although these are not incorporated in the C-2 zone by reference.

Based on the direction of the Comprehensive Plan's text and the fact that residential uses are both existing and shown on the Future Land Use Map to the north across Old US 42, Staff has a few questions regarding potential outdoor activities. These include whether there could potentially be: 1.) any outside storage or display (if so, an enclosure screen per Section 3154 is required); 2.) any type of canopy or fueling station (gasoline filling stations are excluded in the application, but retail sales of motor fuels is a permitted accessory use); 3.) with the possible exception of a bank, any other type of drive-through; and 4.) any other type of outdoor business activities. The indication from the graphic Concept Development Plan options is that these types of activities would not occur, but these plans are currently at a programmatic level and not all end users have been determined at this point.

3. VARIANCE CRITERIA

Several Variances have been requested with this application. These include reductions to the front yard and corner side yard building setbacks, and reductions to the street frontage landscape areas along US 42 and Old US 42 as outlined in the Proposal section. These requests need to be evaluated by the Planning Commission relative to the Variance criteria in Section 251 "Application and Standards for Variances" of the zoning regulations (attached).

Relative to special circumstances which do not generally apply to land in the general vicinity, or in the same zone, the Old US 42 right-of-way near the intersection with US 42 is extraordinarily wide between the property line and edge of road pavement. The distance between the existing Natorp improvements at the US 42/Old US 42 intersection and the edge of pavement along Old US 42 is approximately 50 feet when scaled on an air photo. Some of these existing improvements appear to be within the right-of-way, meaning that the Old US 42 right-of-way itself is even wider at this point than would be apparent on casual observation (approximately 100' wide near the intersection when scaled from an air photo).

Additionally, the tract has a public or private street frontage on each side. The Planning Commission will need to consider these facts along with any other pertinent circumstances which may or may not warrant approval of any or all of the requested Variances. The fact that the site contains approximately 4 acres and has nominal widths of approximately 465 feet from east to west ($\pm 360'$ when excluding the width of the Citizens Bank lot), and approximately 415 feet from north to south, are also relevant in context of the Variance requests.

A primary Staff concern with the requested Variances is whether all of the required street frontage landscape plant materials will be provided within a minimum 10 foot wide space, even if part of this 10 foot wide space is within the adjoining road right-of-way. In circumstances where there is a wide right-of-way with a substantial grass space between the road pavement and right-of-way line, it is Staff's preference to place at least a portion of the required woody plants in the right-of-way itself to visually disperse the plants and to minimize a broad, "barren" type appearance along the roadway. Mark Brannon with the Kentucky Transportation Cabinet, District 6, has commented that the Cabinet does not have an issue with landscaping in the right-of-way, but it must be placed behind the sidewalk and an Encroachment Permit must be obtained. For the applicant's information, the developer/property owner would be responsible for the maintenance of any plants installed in the road rights-of-way.

Since setback reductions are sought to allow building placement that is closer to the two main roadways, another concern regarding the Variances is the quality of the architectural design and that the building is not out of place or scale from the perspectives of both motorists and pedestrians. Architectural design is discussed further immediately below.

4. DESIGN ISSUES

Staff has the following comments on design related issues. These comments stem from the discussion in #1 above regarding the Comprehensive Plan's objectives of seeking the quality level expected in a PUD type development, even if a formal type of PUD such as the PD overlay zone is not used.

- A. Architectural Design: No architectural concept(s) or program was included with this application. Based on the more recent developments in the area, including the commercial phases of Plantation Pointe North, Union Village, Village Terrace, the medical office building near the entrance to Farmview Subdivision, and the adjoining Citizens Bank, a somewhat consistent yet flexible theme has been developing. This theme is "substantial" in character and is also indicative of smaller scaled office/commercial buildings which are intended to be compatible with residential developments.

The existing structures in question tend to primarily use brick or other architectural grade masonry, pitched roofs with dimensional shingles or standing seam metal, natural color palette, contrasting architectural details made with materials such as precast concrete and/or stone, consistent materials and detailing on all facades, and have screened mechanical equipment. Due to the Comprehensive Plan's direction and the traits of the surrounding area, and absent a proposal from the applicant, Staff recommends that any structures in the development incorporate these items or characteristics, including accessory structures, dumpster enclosures, and mechanical equipment screens.

- B. Landscaping: Provided the applicable requirements of Article 36 "Landscaping" of the Boone County Zoning Regulations are fulfilled, Staff's only comment on landscaping is discussed above under #3 in context of the requested Variance to the street frontage landscaping area width.
- C. Signage: No signage concept(s) or program was included with this application. Staff recommends that a consistent building mounted sign type which complements the architectural design be used throughout the development, such as individual channel or metal pin mounted letters. Similarly, the base of any monument sign is recommended to use the same basic materials, colors, and design details as the building it serves.

5. FIRE DEPARTMENT COMMENTS

Robert Krebs, Fire Marshal with the Florence Fire/EMS Department, has commented that the department has no comments based on the conceptual level plan options submitted at this point. The proposal will need to be further reviewed relative to fire safety issues when an engineered plan is provided at the site plan stage.

6. OTHER

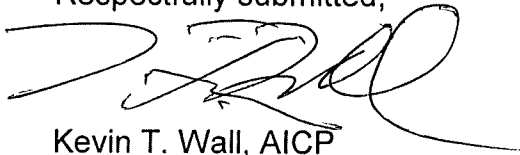
For the applicant's information, it is understood that the submitted plan options are conceptual in nature. Assuming that the application is approved, all applicable current development standards including storm water management/detention, parking lot, landscaping, and pedestrian circulation requirements will need to be met at the formal site plan stage. Several development standards are not met on the submitted plan options. These standards could be met with adjustments that would not change either fundamental concept. Also, the plan options are ambiguous as to how the new improvements will relate to or integrate with the improvements on the adjoining Citizen's Bank site. A defined buffer yard is required. The Florence Public Services Department has made comparable observations (refer to 2/22/13 e-mail and memo from Peter Glenn, Project Manager, Public Services Department).

Lastly, it would be worthwhile for the applicant to explain the terms of the shared drive/private road along the west property line (Natorp Drive) to assure that proper access is maintained for all adjoining properties.

CONCLUSION

The Boone County Planning Commission and the Florence City Council need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Variance criteria as stated in Article 2 "Administration" of the zoning regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

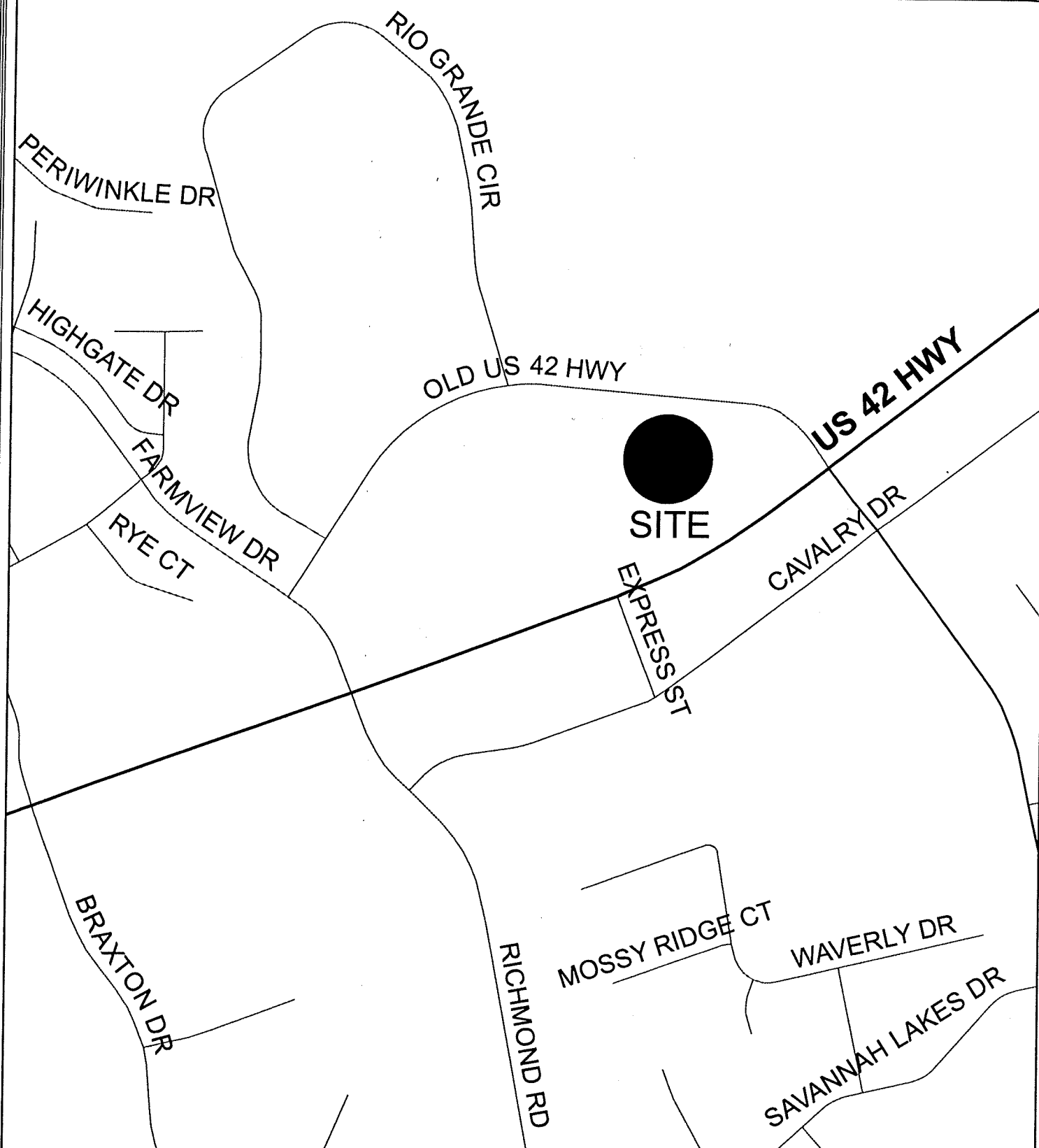
KTW/dw

Attachments:

- Location map
- Aerial photograph w/ zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- 1992 Concept Development Plan, 5/6/92 Committee Report, and Ordinance No. 0-20-92
- 1999 Concept Development Plan, 5/19/99 Committee Report, and Ordinance No. 0-16-99
- 2003 Concept Development Plan, 11/19/03 Committee Report, and Ordinance No. 0-3-04
- Section 251 "Application and Standards for Variances"
- 2/22/13 e-mail and memo from Peter Glenn, Project Manager, Public Services Department
- Application materials including Concept Development Plan options and narrative

Location

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet
1 inch = 83,333 feet

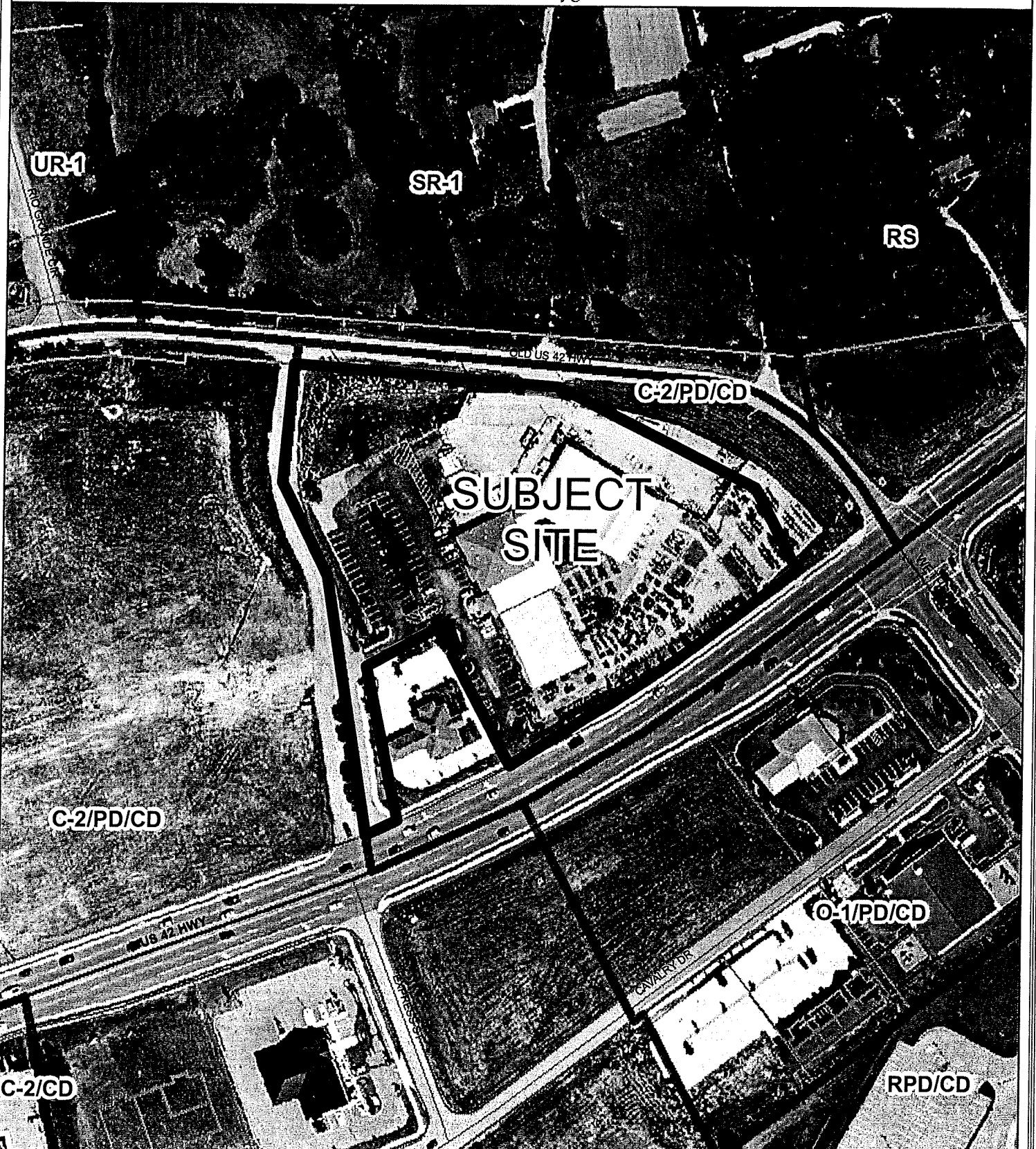


Boone County GIS - Putting Northern Kentucky on the Map



Zoning

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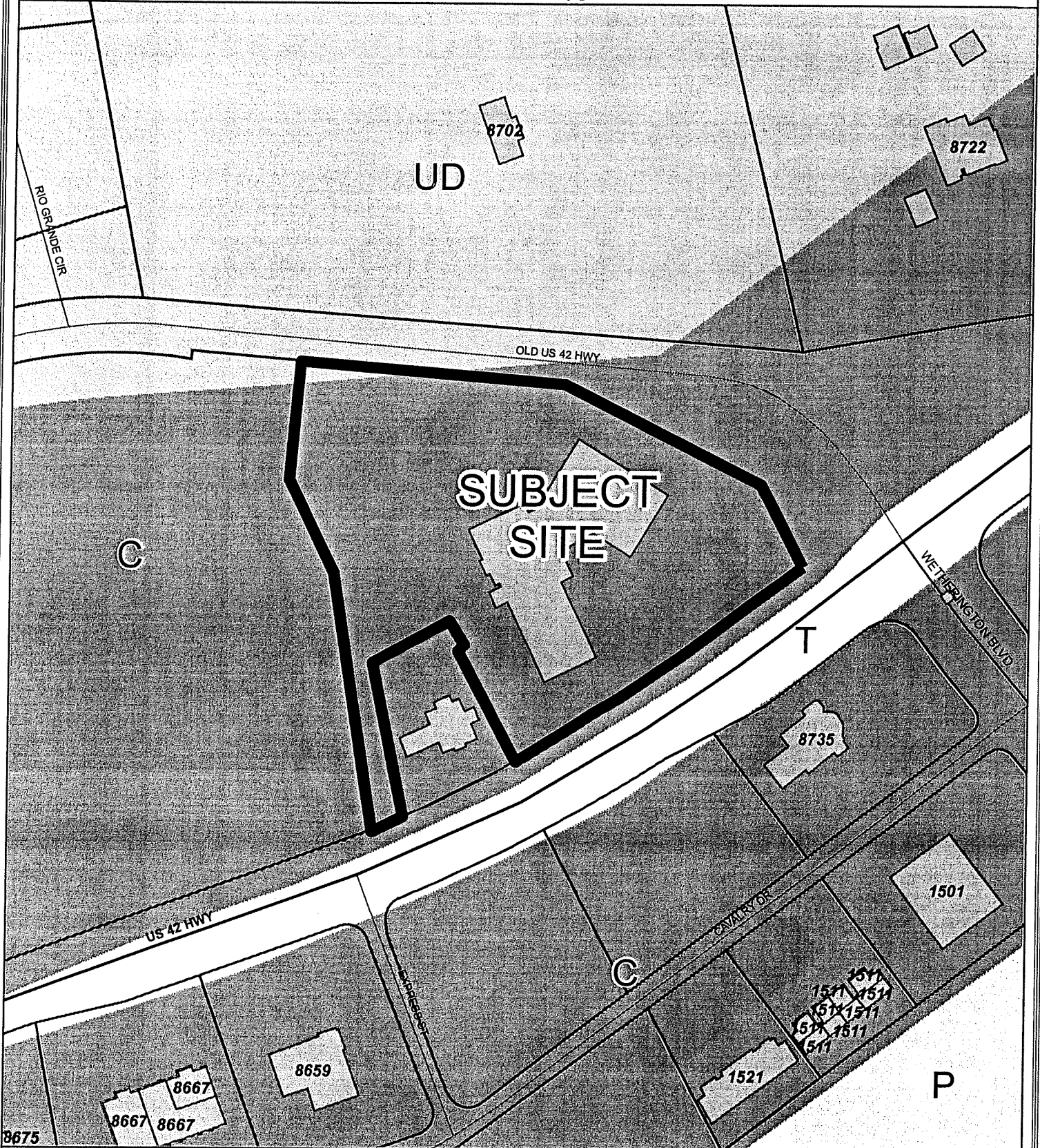
Feet
1 inch = 83,333 feet

Boone County GIS - Putting Northern Kentucky on the Map



Future Land Use

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet
1 inch = 83,333 feet

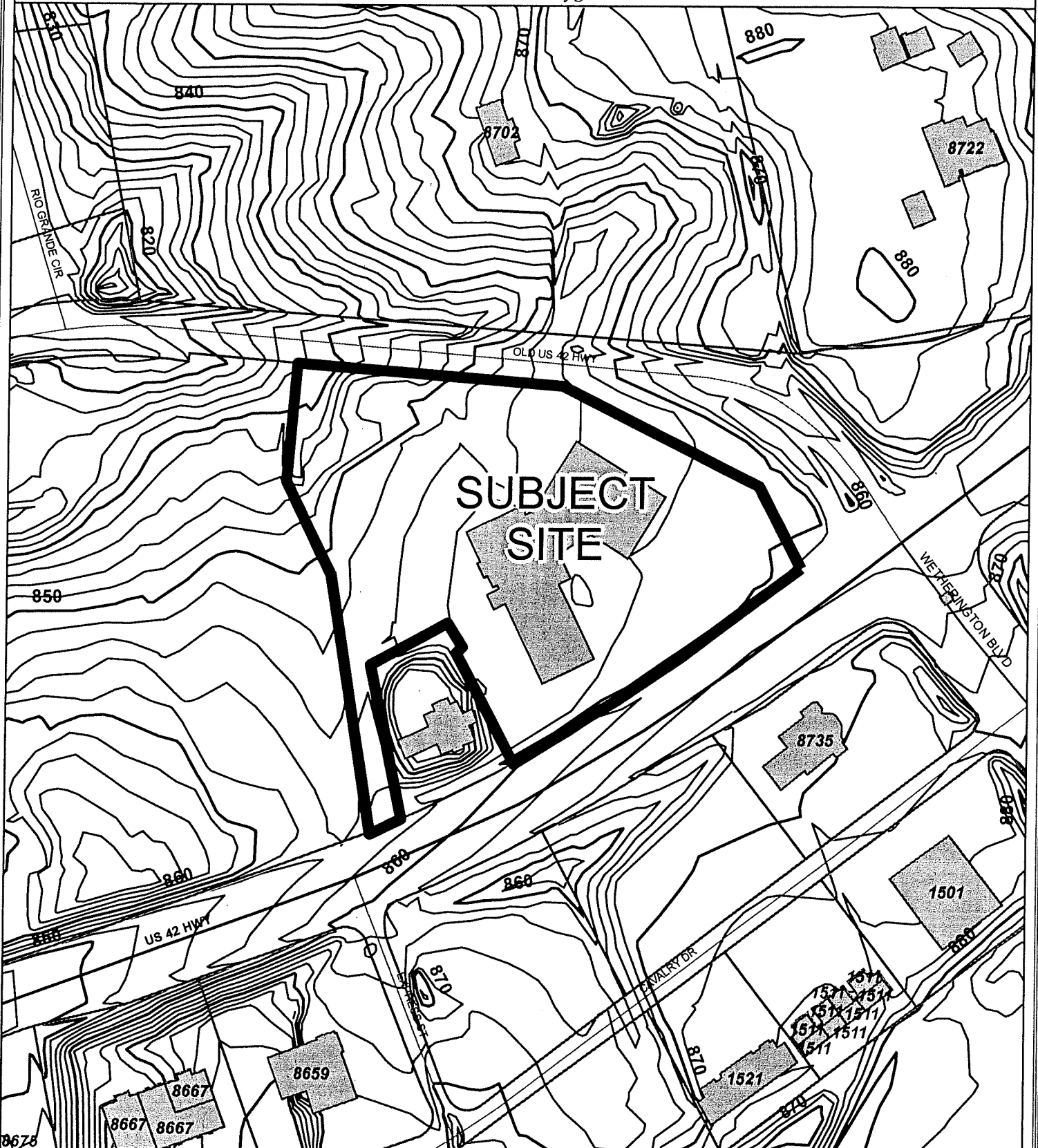


Boone County GIS - Putting Northern Kentucky on the Map



Topography

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Date used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 8,750 17,500 26,250 35,000 43,750 52,500 61,250

Feet

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: May 6, 1992

RE: Request of Samanna Corporation (applicant) for Erpenbeck et al (owners) for a Zoning Map Amendment and a Conditional Use Permit for a Natorp's Garden Store located on the north side of new U.S. 42, Florence, Kentucky. The 5 acre site is currently zoned Suburban Residential One (SR-1) and is requested to be zoned Commercial Two (C-2).

REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment and Conditional Use Permit based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The existing zoning of Suburban Residential One (SR-1) is inappropriate for the 5 acre site because of the site's location between a five-lane arterial road and the existing and planned High Suburban Density Residential uses across old U.S. 42. Single family residential uses, permitted under the existing zoning, would not present a logical transition of density between a major arterial road and an area of planned higher density residential uses to the north and east of the site. The proposed zoning of Commercial Two (C-2) is appropriate for the 5 acre site because the proposed use with the attached conditions, will be residential and rural in appearance, will serve nearby residential development, will be a relatively low traffic generator, and will protect the safety and capacity of the adjacent roadways.
2. Furthermore, the Committee believes that the request, with the attached conditions, sufficiently addresses the criteria necessary in review of a Conditional Use Permit. The request, as approved, will contain a commercial use, but will blend with the existing and planned residential character of the area and not cause adverse impacts on surrounding land uses or infrastructure.

CONDITIONS:

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the April 22, 1992 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

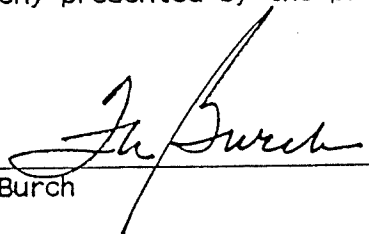
1. Any proposed use other than the garden store on the 5 acre site shall ~~be~~ require application for Change in Concept Development Plan.

*Omitted on original
Added at meeting
to reflect condition
letter. P.D.*

2. The development shall provide a right-turn deceleration lane on new U.S. 42. The applicant shall work with the Department of Transportation and the Planning Commission to determine the dimensions of the required lane. The Committee recommends a lane with 150 feet of storage and 150 feet of deceleration taper.
3. The design of the sales building shall be residential in appearance, and consistent with photos submitted at the April 22, 1992 Public Hearing. The greenhouses will also be consistent in design with the submitted photos, and contain the wood trellis architectural treatment proposed by the applicant. As indicated by the applicant, no poly huts or temporary green houses will be utilized.
4. The applicant agrees to utilize alternative stormwater detention formulas, other than the current rational method, in arriving at a detention basin outlet size. In addition, detention shall be provided by the time that the pavement is constructed on the site. The applicant shall be required to visually monitor the condition of the stormwater runoff during, and immediately after construction. Silt and/or oil film shall be removed from the runoff during this period before the runoff reaches the lake at South Fork Condominiums.
5. The proposed driveway intersection with old U.S. 42 shall be as close to 90 degrees as appropriate.

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.

Barry Neltner, Chairman



Fred Burch



Phil Damstrom

Thurman Owens



Floyd Sharp

Carol Smith

BN:kat

ORDINANCE NO. 0-20-92

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 5 ACRE SITE FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL TWO (C-2), SUBJECT TO A CONCEPT DEVELOPMENT PLAN, THIS PROPERTY BEING LOCATED ALONG OR NEAR OLD U.S. HIGHWAY 42 AND RELOCATED U.S. HIGHWAY 42 IN THE CITY OF FLORENCE, KENTUCKY. (NATORP GARDEN STORE/ERPENBECK PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change for an approximate 5 acre parcel located at or near old U.S. Highway 42 and relocated U.S. Highway 42 in the City of Florence, Kentucky, be granted, subject to an agreed concept development plan, and that a conditional use permit be issued upon such zone change being approved, this zone change being from the current zoning of Suburban Residential One (SR-1) to a Commercial Two (C-2) zone, and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 5 acre parcel to a Commercial Two (C-2) zoning classification, subject to an agreed concept development plan and a conditional use permit that is to be issued by the Commission upon final approval of this zone change. The subject real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of the subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change and its concept development plan shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including the development plan as presented before the Boone County Planning Commission and agreed to by the applicant/property owner. This zone change is conditioned upon the foregoing as provisions agreed to as part of the development plan.

SECTION V

In the event that this rezoning of this property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect regardless of any invalidity relating to this particular rezoning.

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 9th DAY OF June, 1992.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 23rd DAY OF June, 1992.

APPROVED:

Earl Kalb
MAYOR

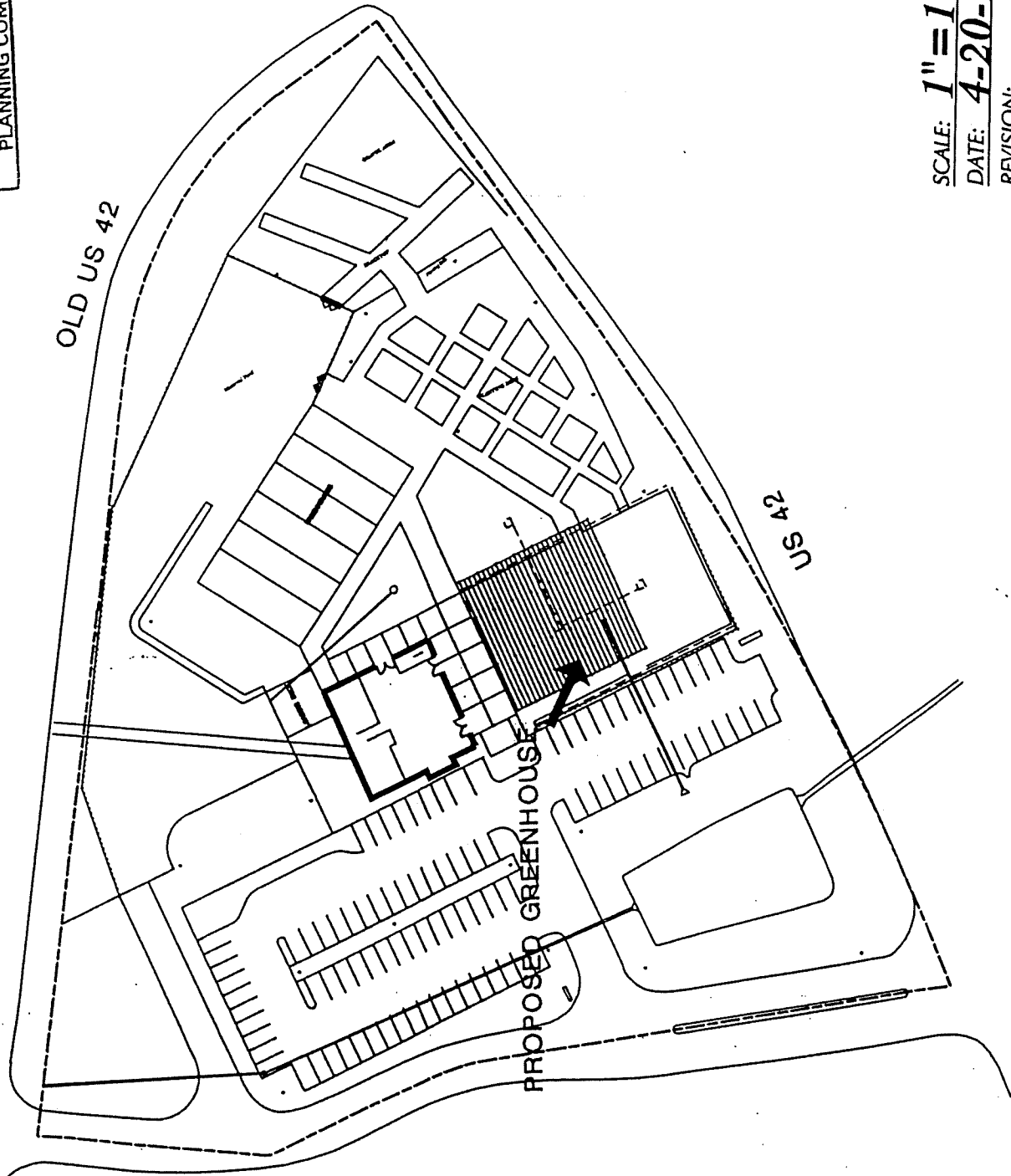
ATTEST:

Patricia Coura
CITY CLERK

BR

APR 22 1999

BOONE COUNTY
PLANNING COMMISSION



SCALE: **1" = 100'**
 DATE: **4-20-99**
 REVISION:

Natorp's
 since 1910

Note: This drawing and all ideas herein contained are the sole property of Natorp's Inc.. Any use of this drawing without the express consent of Natorp's Inc. is prohibited.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: May 19, 1999

RE: Request of Natorp's, Inc. (owner) to consider a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for a 4 acre site located at 8727 US 42, Florence, Kentucky. The request is for a zone change to allow a greenhouse structure with a retractable roof to be located in the front yard area.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee has concluded that the request is in agreement with the 1995 Boone County Comprehensive Plan. The Future Land Use Map designates the site for Commercial uses and the proposal involves a structural improvement to an existing commercial use. In addition, the Land Use Element text (Area C-4: Camp Ernst Area, pp. 222 and 223) states the following regarding this area:

Mixed-use development, that has commercial uses focused along US 42 and that has varying types of residential uses, should occur to the southwest of this intersection (US 42/Pleasant Valley/Gunpowder Road) on both sides of US 42.

It is the Committee's conclusion that the existing landscape nursery business, along with the proposed greenhouse structure, help create this mixed-use environment discussed in the Land Use Element.

The Land Use Element also discusses the need for landscaping within developments ("Future Land Use Guidelines," pp. 210 and 211). As discussed below, the applicant has agreed to a condition which requires the entire site for the existing development to be brought into conformance with the current landscaping requirements in the City of Florence.

2. The Committee has concluded that the request fulfills the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations. Acknowledging that the entire site is currently developed, the Committee has concluded that the proposal adequately fulfills the applicable requirements of Section 1514 "Planned Development Standards," notably subsection 6 "Landscaping" when considering the landscaping condition noted below, and subsection 7 "Architecture" as it relates to the proposed greenhouse structure.

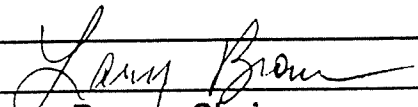
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 1995 Boone County Comprehensive Plan and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.


CONDITIONS:

1. No sides or walls will be provided on the retractable roof greenhouse structure.

2. The entire site for the existing landscape business shall be brought into conformance with Article 36 "Landscaping" (landscape requirements for the City of Florence) of the Boone County Zoning Regulations. This additional landscaping shall be installed by the end of 1999. It is understood that the construction/installation of the retractable roof greenhouse structure and the additional landscaping must be reviewed and approved through the Minor Site Plan process.

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.

	
Larry Brown, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Phil Damstrom	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

Mark Hicks
Mark Hicks
For ✓ Against
Abstain Absent

Earl White
Earl White
For Against
Abstain Absent ✓

TOTAL: 3 FOR — AGAINST — ABSTAIN / ABSENT

ORDINANCE NO. O-16-99

AN ORDINANCE ADOPTING AND APPROVING A REZONING FOR AN APPROXIMATE 4 ACRE SITE LOCATED AT 8727 U.S. HIGHWAY 42 IN THE CITY OF FLORENCE, KENTUCKY, THIS REZONING BEING FROM COMMERCIAL TWO (C-2) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), SUBJECT TO A CONCEPT DEVELOPMENT PLAN AND AGREED CONDITIONS BY THE PROPERTY OWNER, TO ALLOW A GREENHOUSE STRUCTURE WITH A RETRACTABLE ROOF TO BE LOCATED IN THE FRONT YARD AREA. (NATORP'S PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval, with agreed conditions, of a zone change request from an approximate 4 acre tract from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) at 8727 U.S. Highway 42 in the City of Florence, Kentucky, subject to a development plan, the purpose of this change to allow a greenhouse structure with a retractable roof to be located within the front yard area, and

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

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

SECTION I

That the requested zone change for the approximate 4 acre tract located at 8727 U.S. Highway 42, in Florence, Kentucky, shall be and is hereby approved to rezone this property from its current zoning of Commercial Two (C-2) to Commercial Two (C-2/PD), subject to a Concept Development Plan and other agreed conditions, to allow a greenhouse structure with a retractable roof to be located within the front yard area. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of this 4 acre tract.

SECTION II

This approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission, including the Committee Report made a part of that recommendation, and all other provisions comprising the development plan herein, a copy of that recommendation and Committee Report being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-99-013A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

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

1. There will be no sides or walls on the retractable roof structure.
2. The entire site shall be brought into compliance with Article 36 Landscaping (landscape requirements for City of Florence) of the Boone County Zoning Regulations by the end of 1999.
3. The perimeter poles of the retractable roof structure shall be enclosed in wood on the sides which can be seen from the public right of ways so as to conceal the poles in order to make the structure more residential in appearance and aesthetically pleasing.
4. Construction/Installation of the retractable roof structure shall go through site plan and architectural review.
5. Any use other than the existing garden store on the site shall require an application for change in the Concept Development Plan.
6. There shall be no increase in density or intensity of the site.

SECTION IV

This approval is granted upon the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission which is attached and part of the Commission's Resolution No. R-99-013-A, marked Exhibit "B" and incorporated herein as if fully set out.

SECTION V

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

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 13th DAY OF July, 1999.

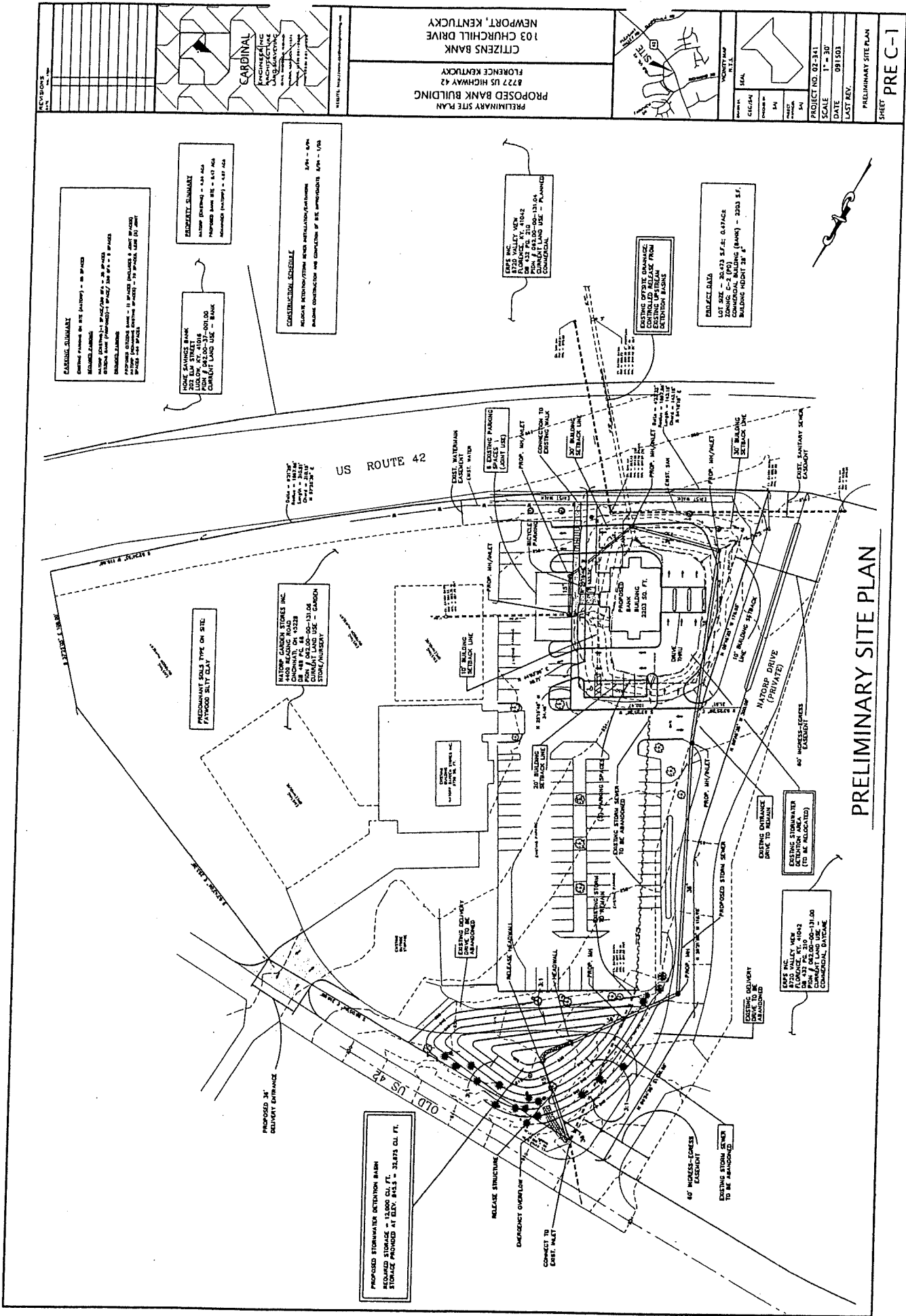
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 27th DAY OF July, 1999.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Kathy Howard
CITY CLERK



EXISTING SUMMARY
 EXISTING PARKING ON SITE (HATCH) - 18 SPACES
 EXISTING BUILDING - 2000 SQ. FT. COMMERCIAL BUILDING (BANK)
 EXISTING STORMWATER DETENTION AREA - 11 SPACES (INCLUDES 4 ABOVE GROUND SPACES AND 7 BELOW GROUND SPACES)
 EXISTING STORMWATER DETENTION AREA - 11 SPACES (INCLUDES 4 ABOVE GROUND SPACES AND 7 BELOW GROUND SPACES)

PROPOSED SUMMARY
 PROPOSED BANK BUILDING - 2303 SQ. FT. COMMERCIAL BUILDING (BANK)
 PROPOSED BANK SITE - 817 SQ. FT. (HATCH)
 PROPOSED BANK SITE - 817 SQ. FT. (HATCH)

CONSTRUCTION SCHEDULE
 INITIAL CONTRACTOR WORK: 10/01/03 - 10/31/03
 BUILDING CONTRACTOR WORK: 11/01/03 - 11/30/03
 MAJOR CONTRACTOR WORK: 12/01/03 - 12/31/03

PROPOSED STORMWATER RETENTION BARN
 REQUIRED STORAGE = 12,000 CU. FT.
 STORAGE PROVIDED AT ELEV. 851.5 = 32,875 CU. FT.

EXISTING BANK BUILDING
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)

PROPOSED BANK BUILDING
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)

PROPOSED BANK BUILDING
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)

PROPOSED BANK BUILDING
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)
 2303 SQ. FT. COMMERCIAL BUILDING (BANK)

REVISIONS
 NO. DATE BY

CABORNAL
 ARCHITECTURE
 103 CHURCH HILL DRIVE
 NEWPORT, KENTUCKY 40051
 (502) 261-1111
 WWW.CABORNAL.COM

PROPOSED BANK BUILDING
 103 CHURCH HILL DRIVE
 NEWPORT, KENTUCKY
 8727 US HIGHWAY 42
 FLORENCE, KENTUCKY

PRELIMINARY SITE PLAN
 PROJECT NO. 03-341
 SCALE 1" = 30'
 DATE 08/15/03
 LAST REV. 08/15/03

PRELIMINARY SITE PLAN
 SHEET PRE C-1

2003 CONCEPT DEVELOPMENT PLAN

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission
FROM: Janet Kegley, Chairwoman
DATE: November 19, 2003

Request of Joseph G. Kramer, Cardinal Engineering (applicant) for Natorp Garden Stores, Inc. (owner) for a Change in an Approved Concept Development Plan for an approximate 0.5 acre site located at 8727 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a bank in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS

We, the Committee, recommend approval of the proposed Concept Development Plan, based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has determined that the proposed Concept Development Plan is in agreement with the 2000 Boone County Comprehensive Plan. The Future Land Use Map designates the lot as "commercial," which permits retail, corporate, and professional office land uses, as well as interchange commercial, indoor commercial, recreation, restaurants, and services.

The Land Use Element calls for mixed-use commercial development to the southwest of the intersection of US 42 and Pleasant Valley Road. The market for this development should not be regional; rather, it should be drawn from the adjoining neighborhoods. The Element prescribes that commercial uses of a greater magnitude and higher level of impact should be located near the intersection. As one approaches Union from US 42, the intensity of land uses should decrease. Office uses and commercial uses should be developed near the corporate boundaries between Florence and Union. Planned developments with innovative building design and site layout should be encouraged in this location as a means of avoiding the standard strip retail center. The Element further notes that the area near Farmview subdivision should be viewed as the gateway to both the City of Florence and the City of Union.

The Business Activity Element echoes the Land Use Element, noting that the commercial developments along the US 42 corridor, west of Mall Road, should be locally-oriented rather than regionally-oriented. It reiterates the concern that the intensity of development decrease heading westbound on 42 toward Union and that planned developments be implemented in the area. Business Activity Objective One, Commercial (Retail and Office) states that commercial land uses should be strategically located to serve local trade areas and should feature ample parking and safe access.

The proposal amounts to a locally-oriented land use. The bank would draw its customer base from the residential properties in the southwestern Florence and Union vicinity rather than from the County as a whole. The request represents a mixing of land uses, in that the proposed bank would be built on the lot of the existing Natorp's garden center. Additionally, the proposed use, at 2200 square-feet in area, is a smaller-scale use. Both the Land Use Element and the Business Activity Element state that Planned Developments should be established in the area. The proposed bank is part of a planned development.

2. The Committee has concluded that the proposed Concept Development Plan, with the attached conditions noted below, generally fulfills the applicable requirements outlined in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations.
3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable impacts that the proposal may create.

CONDITIONS:

1. Buffer Yard "A" will be provided on the eastern property boundary of the bank through a shared buffer yard between the property owners, with each property owner providing 5 feet of the buffer yard's total 10-foot width. The applicant will supply the shared buffer yard agreement to the City of Florence prior to final action.
2. The landscaping islands shown on the Conceptual Landscaping Plan will be developed and will adhere to the requirements of Section 3625 of the Boone County Zoning Regulations ["Interior Landscaping for Vehicular Use Areas (VUAs)"].
3. A geotechnical engineer will be responsible for the design of the foundation and for the methods used to fill the existing retention pond on the site. The geotechnical engineer will also monitor and inspect construction on the site for compliance with the engineered design. The Boone County Planning Commission, the City of Florence, and Boone County shall be held harmless due to any effect resulting from the grading, filling or subsurface construction on the site.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
NOVEMBER 5, 2003
Cardinal Eng./Natorp Garden Stores

Janet K. Kegley
Janet Kegley, Chairwoman
For Project Absent
Against Project
Abstain Deferred

Randy Barlow
For Project Absent
Against Project
Abstain Deferred

Greg Breetz
Greg Breetz
For Project Absent
Against Project
Abstain Deferred

Kim Bunger
Kim Bunger
For Project Absent
Against Project
Abstain Deferred

Susan Poston
For Project Absent
Against Project
Abstain Deferred

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

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

TOTAL: DEFERRED 4 FOR PROJECT 2 ABSENT
 AGAINST PROJECT ABSTAIN

ORDINANCE NO. 0-3-04

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 0.5 ACRE SITE LOCATED AT 8727 U.S. 42, FLORENCE, KENTUCKY, CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), TO ALLOW A BANK. (NATORP GARDEN STORES, INC.)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a change in concept development plan described above, and

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

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

SECTION I

That the requested change in concept development plan for the approximate 0.5 acre site located at 8727 U.S. 42, in the City of Florence, Kentucky shall be and is hereby approved to allow a bank, subject to the concept development plan and other agreed conditions for this site currently zoned Commercial Two/Planned Development (C-2/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be changed to reflect the approval of this concept development plan.

SECTION II

The approval of this change in concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-03-021-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations 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 "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-03-021-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION V

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

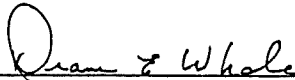
SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 27th DAY OF January, 2004.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 3rd DAY OF February, 2004.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

**AGREED ADDITIONAL CONDITIONS
CONCEPT DEVELOPMENT PLAN APPROVAL**

Natorp Garden Store Inc., property owner, hereby agrees to the conditions of approval placed on this project by the Boone County Planning Commission in Exhibit "B" of Resolution R-03-021-A dated December 3, 2003, and to the Special Conditions of Approval placed on this project by the City of Florence, Kentucky as setout below:

1. A five (5) foot wide sidewalk shall be constructed along the private entry drive providing access to the proposed site from U.S. 42 to the parking lot entry point for the proposed bank.
2. Landscaping equivalent to that required in a "Buffer Yard A" as outlined in Article 36 of the Boone County Zoning Regulations shall be required around the relocated detention pond on the site. Shrubs required by the "Buffer Yard A" shall be substituted for trees at a ratio of one (1) tree for every three (3) shrubs.

Signed: Natorp Garden Stores Inc.

By: Dr. I. L. Natorp 1/9/04
 (Title) President (Date)

SECTION 251

Application and Standards for Variances

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

SECTION 252

Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under Section 430 of this ordinance.

SECTION 253

Notice of Hearing

Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

Also, all adjoining property owners involved in an appeal and a variance request shall be notified in writing of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. In addition, a written notice of the appeal shall be made to the applicant or appellant and the Zoning Administrator and a sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing if a specific site is being reviewed and subject to an appeal.

SECTION 254

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.

Kevin Wall

From: Peter Glenn [Peter.Glenn@Florence-KY.gov]
Sent: Friday, February 22, 2013 4:22 PM
To: Kevin Wall
Cc: Bob Townsend
Subject: 8727 US 42 Zone Change
Attachments: 8727 US 42 Concept Plan Memo 2-22-013.doc

Kevin: Josh Wice has asked that we, here in the Public Services Department, review the 8727 US 42 concept development/zoning change plans. I've attached a list of City comments that may, or may not, be pertinent at this time.

Please let know if you have any questions,

Peter M. Glenn

Public Services Department
E.I.S. Division - Project Manager

City of Florence
8100 Ewing Blvd.
Florence Kentucky 41042
859- 647- 5416 - Office

Memorandum

To: Kevin Wall

From: Peter Glenn

CC: File

Date: February 22, 2013

Re: 8727 US 42 - Zone Change

The City of Florence, Public Services Department, has reviewed the Concept Development plans submitted for the property located @ 8727 US 42 and offer the following comments for consideration;

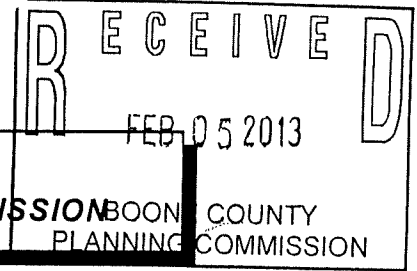
1. Concept Plan # 1

- a. Detention Basin must be revised to meet current water quantity and quality regulations.
- b. Please provide plan note; "owner responsible for maintenance" for any trees or plantings located in public rights of way.
- c. The internal drive connection to "Old US 42 is not properly defined (flow wise). Very congested at the point of entry from multitude of parking lot drive isles.
- d. The use of the existing parking lots is somewhat confusing. Please provide additional details for these areas as to what improvements are actually being proposed (there are no end islands to match proposed islands etc...).
- e. Provide internal pedestrian access pathways.
- f. Provide required buffer area between this property and existing bank property.
- g. Need approval from KYTC for RW plantings.
- h. The proposed driveway located around the building is extremely too close to the sidewalk along US 42. The clear distance is less than 6' in some areas. This driveway is also located in this sites front buffer yard which will create landscaping spatial issues.
- i. The parking stalls located closes to the existing detention basin exceeds the maximum distance between landscape islands.
- j. Doesn't appear that some of the drive isles meet minimum width requirements.

2. Concept Plan # 2

- a. Detention Basin must be revised to meet current water quantity and quality regulations.
- b. Please provide plan note; "owner responsible for maintenance" for any trees or plantings located in public rights of way.
- c. The internal drive connection to "Old US42 is not properly defined (flow wise). Very congested at the point of entry from multitude of parking lot drive isles.
- d. The use of the existing parking lots is somewhat confusing. Please provide additional details for these areas as to what improvements are actually being proposed (there are no end islands to match proposed islands etc...).
- e. Provide internal pedestrian access pathways.
- f. Provide required buffer between this property and existing bank property.
- g. The proposed parking lot drive isle is too close to the sidewalk along US 42. Virtually no buffer in some areas.
- h. Need approval from KYTC for RW plantings.
- i. Doesn't appear that some of the drive isles meet minimum width requirements.
- j. The existing detention basin's overflow elevation appears to be dangerously close to proposed parking lot elevation/building slab elevation.

APPLICATION FORM



ZONING MAP AMENDMENT
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 None
2. Location of Project 8427 U.S. Highway 42, Florence, KY 41042
3. Total Acreage of Site 4.0576
4. Current Zoning of Site C2/PD/CD
5. Proposed Zoning (Classification being requested) C2
6. Proposed Uses (please specify each use) See attached Exhibit A.
7. Names of Applicant(s) Old US 42 Development, LLC
8. Address of Applicant(s) 2333 Anderson Road, Crescent Springs, Kentucky 41017
9. Name of Property Owner(s) Old US 42 Development, LLC
10. Address of Property Owner(s) 2333 Anderson Road, Crescent Springs, Kentucky 41017
11. Proposed Building Intensities (please specify) See attached Exhibit A.
12. Are there any existing buildings on the site? Yes
13. Deed Book 1014 Page No. 435 Group No. 2047
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
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, Florence Public Services Dept., Duke Energy, Sanitation District #1, 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)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- 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: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton Union
 Florence
19. ORIGINAL Property Owner's Signature David P. [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
- ORIGINAL Applicant's Signature David P. [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 2/5/13 \$ 2,303.15 P# 66266
2. Review Fee _____
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 3/6/13
8. Boone County Planning Commission Action:
 Approval
 Approval with Conditions
 Denial
9. Other: _____

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

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT A
OLD US 42 DEVELOPMENT, LLC
Supplement to Application for Map Amendment

1. Background

This is a request by Old US 42 Development, LLC (the “Developer”) for a land use map amendment for approximately 4.0576 acres (See attached Exhibit B for legal description) located at 8427 U.S. Highway 42, in the City of Florence, Boone County, Kentucky (“the Site”). The Site is currently zoned C-2/PD/CD, and the applicant seeks to change the zoning designation to the underlying C-2 zone. The property was formerly the site of the Natorp Garden Center. The current zoning designation of C-2/PD/CD limits the use of the property solely to a garden store.

2. Proposed Development

Site Development Scenario One:

Scenario One would entail the development of a single two – three story building upon the site consisting of approximately 30,000 to 45,000 plus or minus square feet. The principal uses would be intended to be professional office space with a primary focus on medical/healthcare users.

Site Development Scenario Two:

Scenario Two would entail the development of two buildings upon the site. The first would be a professional office structure of approximately 12,000 to 20,000 plus or minus square feet. The principal uses would be intended to be professional office space with a primary focus on medical/healthcare users; however, other uses could include other permitted uses within the C-2 zone.

The second building would be approximately 6000 to 12000 plus or minus square feet and the Developer's preference would be to secure a food service oriented use, however other uses could include other permitted uses within the C-2 zone.

The Developer, as part of the approval of the Map Amendment, agrees to exclude the following uses:

Commercial Two, Section 1021 and 1023: Principally Permitted Use Number 19, 27, 28, 29, 31, 33, 35 and 36. Conditional Use Number 2

Commercial One, Section 1011 and 1013: Principally Permitted Use Number 3 and 4. Conditional Use Number 1 and 3.

Office One, Section 1111 and 1113: Principally Permitted Use Number 20. Conditional Use Number 7.

Under either Site Development Scenario One or Site Development Scenario Two, the Developer requests a dimensional variance from the setback requirements of Table 31.1, Section 3121 and 3122 such that the principal structure setback along US Highway 42 will be a minimum of 20 feet and the setback along Old US 42 will be a minimum of 10 feet. The paved areas within the Site and along US Highway 42 be allowed within five (5) feet of the property boundary line and along Old US 42 be allowed up to the property boundary line.

3. Conformance with the Comprehensive Plan:

The Proposed Map Amendment is in conformance with the dictates of the 2010 Boone County, KY Comprehensive Plan (the "Comprehensive Plan"). The Land Use section of the Comprehensive Plan at page 168 states as follows:

"Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial

development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.”

Further, the Future Land Use Map designates this property as Commercial. The Site's current zoning, C-2/PD/CD, so limits the use of the site that it is in conflict with the current Comprehensive Plan.

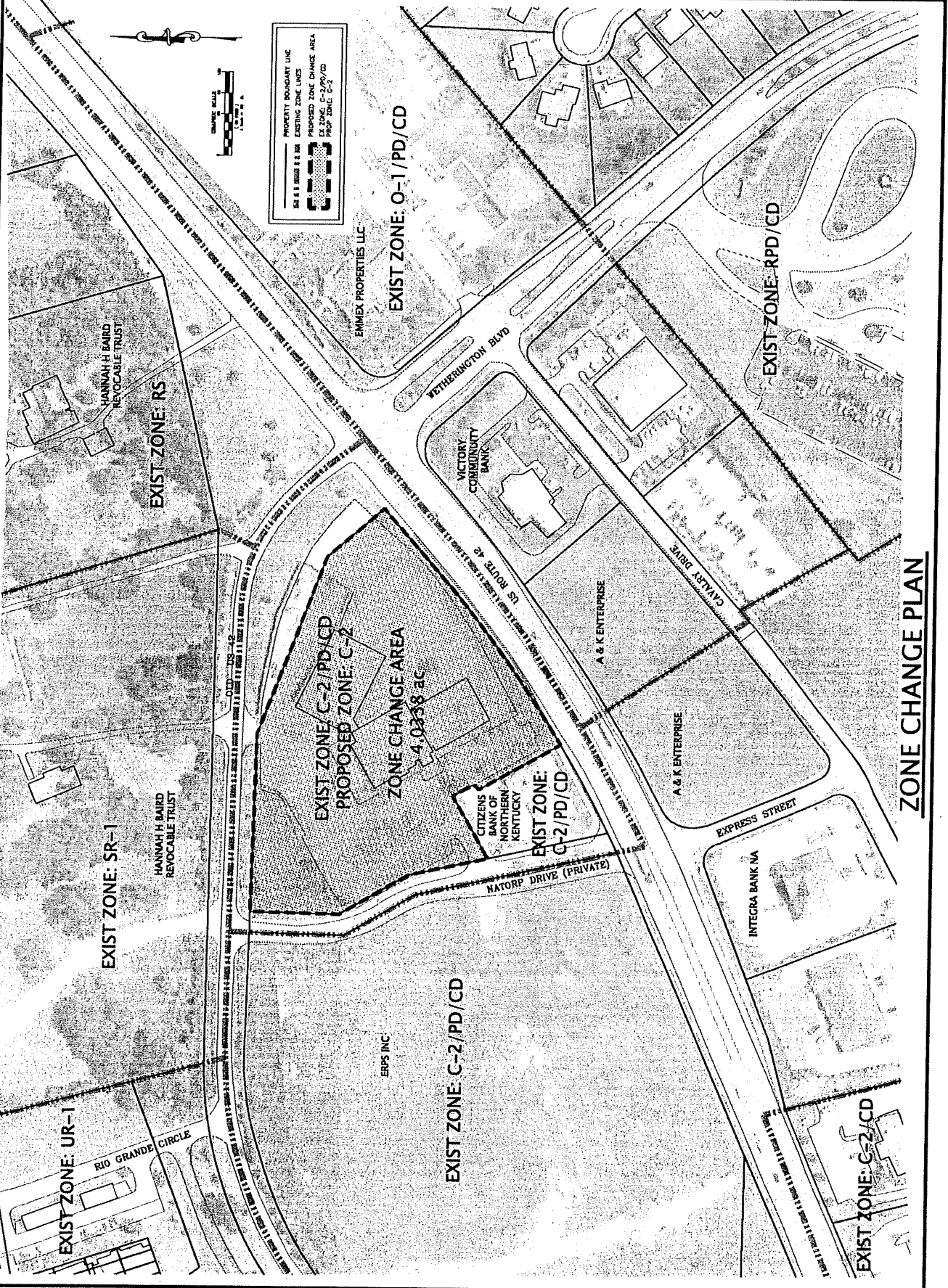
The Proposed Map Amendment, Density, and Land Use are in harmony to the surrounding area.

All necessary utilities are available to the Site and access to the Site is excellent with ingress and egress available from either Natorp Drive or Old US 42.

4. Summary:

In Summary, the requested Map Amendment is in conformance with the 2010 Comprehensive Plan, the Future Land Use Map, surrounding land uses and pursuant to the dictates of the Comprehensive Plan has available all necessary infrastructure.

<p>ZONE CHANGE PLAN</p> <p>8727 US HIGHWAY 42 FLORENCE, KY 41042</p> <p>ZALLA COMPANIES 2333 ANDERSON CRESCENT SPRINGS, KENTUCKY 41017</p>			<p>PROJECT NO: 12-185 SCALE: 1" = 60' DATE: 02-05-2013 LAST REV: --</p>
<p>ZONE CHANGE PLAN</p> <p>SHEET ZC-1</p>			



LEGEND

- PROPERTY BOUNDARY LINE
- EXISTING ZONE LINES
- PROPOSED ZONE CHANGE AREA
- EXIST ZONE: C-2/PD/CD
- PROP ZONE: C-2

CARDINAL
Engineering & Surveying
1000 S. 10th Street
Florence, KY 41042
Phone: 502-833-1111
Fax: 502-833-1112
www.cardinaleng.com

SCALE
1" = 60'

DATE
02-05-2013

PROJECT NO
12-185

ZONE CHANGE PLAN

SHEET **ZC-1**

ZALLA COMPANIES
8727 US HIGHWAY 42
FLORENCE, KY 41042

2333 ANDERSON
CRESCENT SPRINGS, KENTUCKY 41017

LEGEND

- PROPERTY BOUNDARY LINE
- EXISTING ZONE LINES
- PROPOSED ZONE CHANGE AREA
- EXIST ZONE: C-2/PD/CD
- PROP ZONE: C-2

SCALE
1" = 60'

DATE
02-05-2013

PROJECT NO
12-185

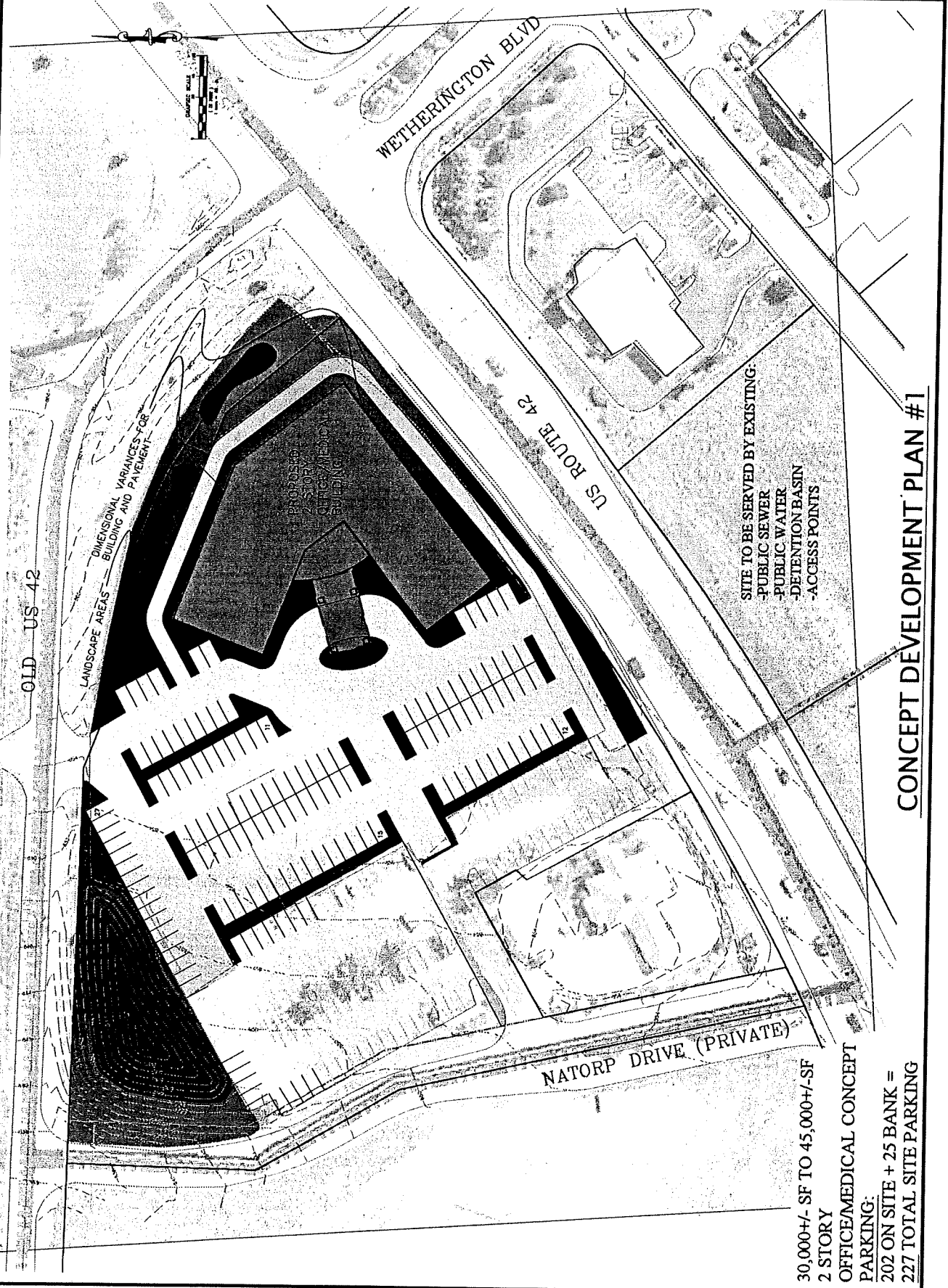
ZONE CHANGE PLAN

SHEET **ZC-1**

ZALLA COMPANIES
8727 US HIGHWAY 42
FLORENCE, KY 41042

2333 ANDERSON
CRESCENT SPRINGS, KENTUCKY 41017

DIVISIONS 1" = 100' 	CARDINAL ARCHITECTURAL 2333 ANDERSON CRESCENT SPRINGS, KENTUCKY 41017 PHONE: 502-833-2800 FAX: 502-833-2801 WWW.CARDINALARCHITECT.COM	ZALLA COMPANIES 2333 ANDERSON CRESCENT SPRINGS, KENTUCKY 41017		SCALE 1" = 30' DATE 2-06-2013 LAST REV.
				PROJECT NO. 12-185 CONCEPT DEVELOPMENT PLAN #1 SHEET C-1



DIMENSIONAL VARIANCES FOR BUILDING AND PAVEMENT
 LANDSCAPE AREAS

PROPOSED 2 STORY OFFICE/MEDICAL BUILDING

SITE TO BE SERVED BY EXISTING:
 -PUBLIC SEWER
 -DETENTION BASIN
 -ACCESS POINTS

CONCEPT DEVELOPMENT PLAN #1

30,000+/- SF TO 45,000+/-SF
 2 STORY
 OFFICE/MEDICAL CONCEPT
 PARKING:
 202 ON SITE + 25 BANK =
 227 TOTAL SITE PARKING

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 6, 2013
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Charlie Reynolds
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
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 AND VARIANCES - Kevin Wall, Staff

1. Request of **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8727 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Wall referred to a vicinity map of the subject site. It is the old Natorp's site. The new owner wants to redevelop the site. He showed slides which included an aerial photo, the Future Land Use Map and a topographic map. The site is fairly level with the exception of an existing detention pond in the northwest corner. The owner submitted options for redevelopment of the site. The first option involves a two story or three story office/medical building. It would consist of 30,000 - 45,000 square feet. The second option consists of a 12,000 - 20,000 square foot medical/office building and a 6,000 - 12,000 square foot restaurant or retail building. The applicant has requested all C-2 uses with a few exceptions as stated in the submitted narrative. Mr. Wall stated that the owner will utilize the existing curb cuts and detention pond. As part of the zone change application, the owner has asked for 3 variances. The first variance involves reducing the front yard building setback along the U.S. 42 frontage from 30 feet to a minimum of 20 feet. The second variance involves reducing the corner yard building setback along Old U.S. 42 frontage from 15 feet to a minimum of 10 feet. The third variance includes reducing the street frontage landscape area width for paved areas along U.S. 42 from 10 feet to a minimum of 5 feet, and allow the street frontage landscape area width for paved areas along Old U.S. 42 to be reduced up to the right-of-way line - 0' width. Mr. Wall showed photographs of the site and adjoining properties. The site is vacant now but there is a plan to lease it to another landscaping company on a short-term basis. Mr. Wall explained the history of the site as identified on page 3 in the Staff Report. The site has two previous Concept Development Plan approvals. In 1999, the Planned Development (PD) zone was added to allow the shade structure in the front yard.

In regard to Staff Comments, Mr. Wall noted that the Comprehensive Plan's Future Land Use Map designates the site as Commercial.

Mr. Wall referred to the text of the Land Use Element, which suggests the corridor be developed as a "mixed-use development" and for commercial uses. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. It also suggests using a creative building layout and orientation and the Planned Development (PD) overlay district. The Business Activity Element also encourages planned unit developments. The application proposes to permit all C-2 uses

with the exceptions noted in the first part of the Staff Report. Relative to the site's proximity to Farmview Subdivision, the Comprehensive Plan recommends a "smaller-scaled office and institutional uses" for the area. Because the request is for a zone change, the Planning Commission will have to consider the alternate statutory findings for the requested zone changes stated in KRS 100 and the Staff Report.

Mr. Wall stated that the application proposes all uses permitted in the C-2 zone with the exception of those noted in the submitted narrative. Based upon the direction of the Comprehensive Plan's text and the fact that residential uses are both existing and shown on the Future Land Use Map to the north across Old U.S. 42, Staff had a few questions regarding potential outdoor activities. These include any outdoor storage or display; any type of canopy or fueling station; any type of drive-through; and any other type of outdoor business activity. Several variances have been requested by the applicant. These include reductions to the front yard and corner side yard building setbacks and reductions to the street frontage landscape areas along U.S. 42 and Old U.S. 42. These requests need to be evaluated according to the variance criteria, which are included in the Staff Report. There are some special circumstances which would apply to the application. The Old U.S. 42 right-of-way near the intersection of U.S. 42 is extraordinarily wide. In one area, it is about 100 feet in width. Some of the existing landscaped display areas are located in the Old U.S. 42 right-of-way. The tract has a public or private street on all sides. The lot consists of 4 acres and a nominal width of approximately 465 feet. A primary Staff concern of the variance requests is whether all of the required street frontage landscape plant materials will be provided within a minimum 10 foot wide area even if the right-of-way is used. Mr. Wall stated that he received feedback from the Kentucky Transportation Cabinet indicating that the landscaping has to be placed behind the sidewalk and an encroachment permit is needed. The property owner is responsible for the maintenance. Further, Mr. Wall noted that more information is needed regarding building architectural design, landscaping and signage. Characteristics from other developments in the area should be identified and used for comparison and design purposes. The Fire Department offered no comments on the proposed uses or project. The final comment involves the two conceptual options and meeting all applicable development standards. Mr. Wall concluded that the Planning Commission and the City of Florence must act in accordance with criteria for a Zoning Map Amendment request and a Variance request.

Mr. Kevin Costello inquired how the applicant would address the proposed temporary use if the zone change is approved and such use becomes non-conforming. How would the business owner of the temporary use follow the conditions imposed upon Natorp's but are no longer valid? Is there a commitment for only 1 year? Also, why did the applicant apply for a zone change versus a Change in Concept Development Plan? Mr. Wall responded that he would have the applicant address the temporary use. Mr. Wall further explained that the applicant didn't think the Planned Development (PD) was the best approach for them based upon the proposed uses.

Mr. David Wallace, Wallace & Boggs, Attorney stated he is representing the Zalla Company and Old U.S. 42 Development, LLC. He introduced the CEO of the Zalla Companies - Mr. David Heidrich and Mr. Don Stegman, engineer for the project. Mr.

Wallace distributed a booklet to all of the Board members (Exhibit A). The site is 4 acres. Both prior approvals (1992 & 1999) of the site limited the use of the property to a garden center only. It is the reason why they applied for a zone change to Commercial Two (C-2) to match the changes in the community. The temporary use of the property will be a garden center until June 30, 2013. If everything goes right, a building will be completed by the end of the year. It is on a tight time schedule. Two Concept Development Plans have been submitted and the site will be developed based upon the market. Many uses have been excluded from being built on the site. No gas stations are being planned for the site and they are agreeable to a condition. There will not be a fast food drive-thru restaurant. A bank or a drug store may have a drive-thru. Mr. Wallace referred to the booklet and the 3 statutory criteria for granting a zone change. He believes that the proposed plan is in conformance with the current Comprehensive Plan, especially the Future Land Use Map. This type of development with multiple office and commercial uses is much more in conformance with the current Comprehensive Plan than a site that is limited to one use - a landscaping business. The current zoning is inappropriate because it limits the property to one use. Mr. Wallace indicated that Natorp Drive is a private and there is a written maintenance agreement between ERP's Inc., Natorp's and Citizen's Bank. There is also a joint parking and access agreement between the bank and the old Natorp site.

Mr. David Heidrich, co-owner of the property, mentioned several of his previous office projects - Ewing Boulevard next to the Florence Aquatic Center, a medical building in the Walton Town Center, buildings off Chandler Drive and an office building in the Chamber Office Park. His company builds brick buildings and he submitted photographs of some of his projects to get an idea of building scale and architecture. St. Elizabeth is interested in occupying the proposed office building. Their plans change regularly. Currently, they are interested in 15,000 - 17,000 square feet. They may want to double the amount of square footage and that is why there is one plan depicting one large building. They want to open up January 1, 2014 so they are on the fast track. Pipkin's will operate a garden center at the site until the end of June.

It is a great site with a good strategic visible location. In regard to the Variance request, Natorp's has been using the right-of-way to sell plant material for 21 years, since 1991. There is at least one-half acre of extra State right-of-way. There was a verbal agreement for Natorp's to use the property. Zalla Companies would like to use the right-of-way to put their landscaping material on the site. The State has given them a verbal okay.

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?

Mr. Bunger asked if the applicant could identify exactly where the landscaping would be planted and if there would be enough parking spaces given the building setback variance requests? Mr. Heidrich responded by showing the location of the proposed landscaping features on a map. Mr. Heidrich stated that they can meet the parking

requirements even if the building needs to be brought in 20 feet. They have excess parking on the plan that is above the code.

Chairman Rolfsen asked if the proposed use would include emergency treatments via ambulance that would affect the neighborhood? Mr. Heidrich stated that it is not an emergency room accepting ambulances. However, the St. Elizabeth business model is changing. They are interested in competing with the walk-in clinics like you see at Kroger and Walgreen's stores.

Mr. Costello asked if the applicant was planning to use the existing curb cut off Old U.S. 42? Mr. Heidrich responded yes. It was awkwardly designed 22 years ago. The radius may be widened up later.

Mr. Bunger referred to item #6 under "Other" in the Staff Report, which noted that several development standards have not been met on the submitted options. Does the staff have information that can be shared with the applicant? Mr. Wall stated that the suggestions are mentioned in a memo from the Florence Public Services Department.

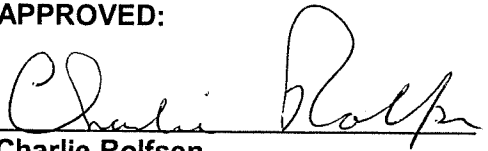
Mr. Costello noted that one of the options shows the proposed building located close to the road or the intersection of Old U.S. 42 and U.S. 42. It is a tremendous visual impact. Are there any design features like windows going to be facing Old U.S. 42 and U.S. 42? Will it be a 2 story building? Mr. Heidrich answered that it will be 2 story building if that option is built. He mentioned that when you drive north on I-71, there are a couple of medical office buildings near the Rookwood area. They are attractive looking because they have a nice facade. There is a plan to have a visual interest at the intersection with a good looking facade because of the building location. He submitted some photographs of similar projects.

Mrs. Kegley asked if the office building will be 2 or 3 stories as stated in the narrative? Mr. Heidrich responded that it could be either 2 or 3 stories.

Mr. Breetz asked if the applicant has inquired about why the State right-of-way area was so wide along Old U.S. 42 and whether they have discussed purchasing excess right-of-way? Mr. Wallace responded that they have not discussed purchasing excess street right-of-way. Also, Mr. Wallace explained that he didn't know the reason why the street right-of-way was so wide. He further noted that Natorp's planted landscaping in the area many years ago. Mr. Breetz expressed a concern that if improvements occurred in the right-of-way in the future, then the landscaping would go away. Mr. Costello noted that there is property that could be developed in the future on Old U.S. 42, the Baird property. Should that occur, improvements to Old U.S. 42 may need to occur in the right-of-way where the landscaping is located. Mr. Wallace responded that if such improvements were needed, you would not lose 100 feet of right-of-way. There would still be some landscaping in the area. If you lose 100 feet, then you are probably talking about 5 - 6 additional lanes and they may also need to take street right-of-way on both sides of the road. Mr. Heidrich stated that if the intersection was rebuilt like the Wetherington entrance, there would still be enough room for landscaping. Mr. Breetz asked if this could be discussed with the State before the scheduled Committee meeting?

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 3, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:12 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



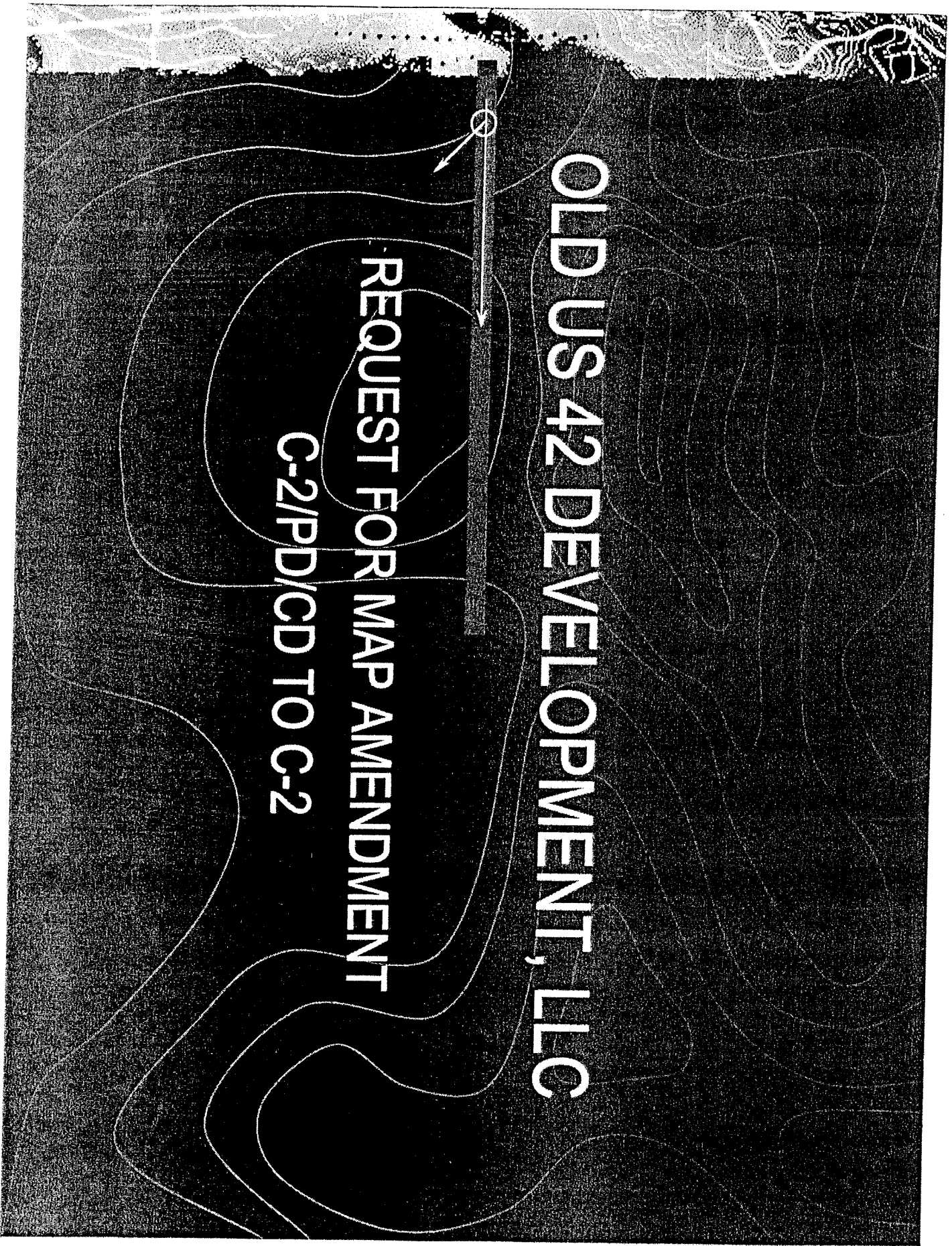
Kevin P. Costello, AICP
Executive Director

Exhibit A - Printed Slides of Old U.S. 42 Development, LLC

OLD US 42 DEVELOPMENT, LLC

REQUEST FOR MAP AMENDMENT

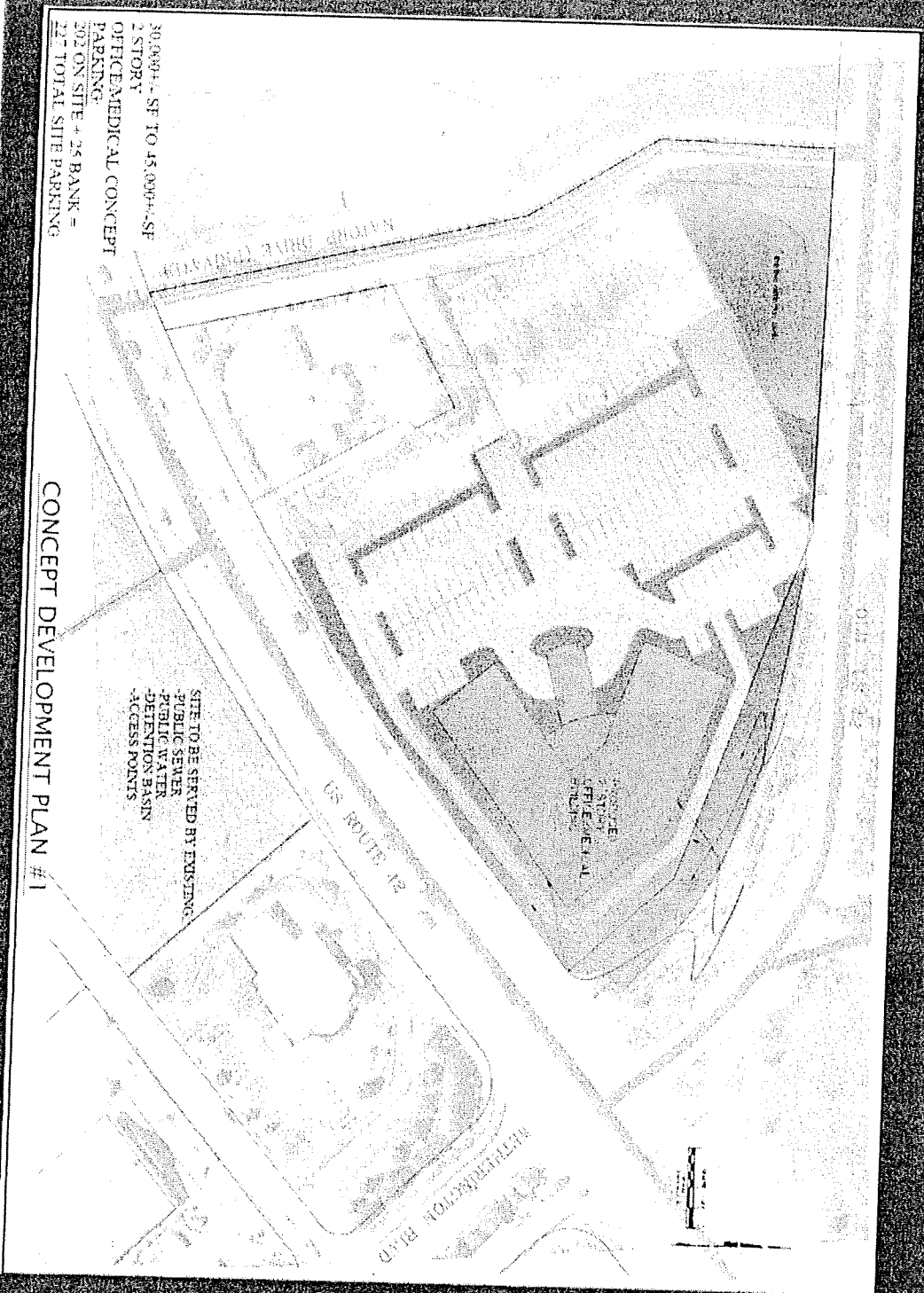
C-2/PD/CD TO C-2



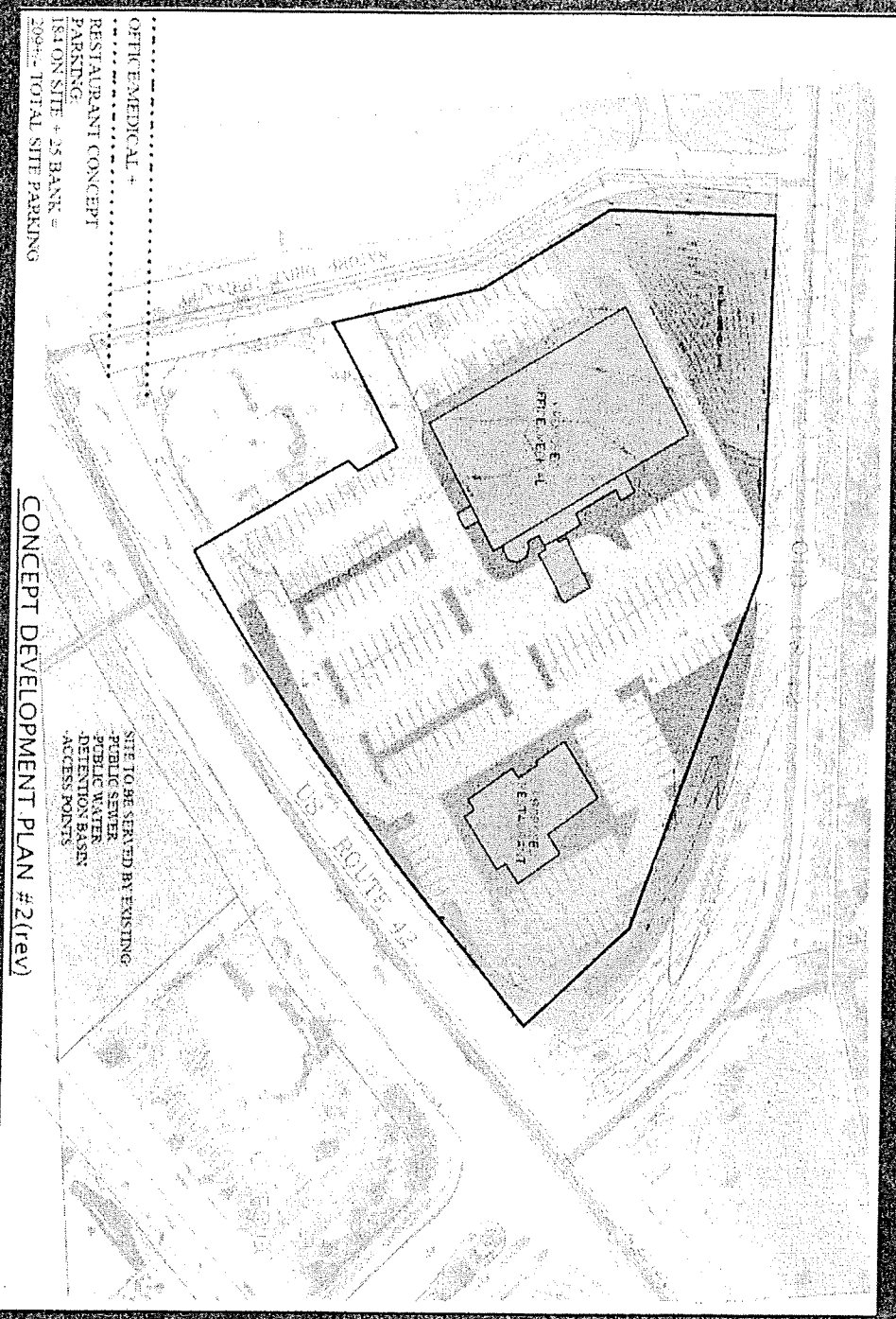
THE PROJECT

- ADDRESS: 8427 US 42, FLORENCE, KY
- TOTAL PROJECT AREA -- 4.0576 ACRES
- CURRENT ZONING -- C-2/PD/CD
- FORMER NATORP GARDEN CENTER
- THE DEVELOPER PROPOSES TWO ALTERNATIVE CONCEPT DEVELOPMENT PLANS

CONCEPT DEVELOPMENT PLAN #1 WOULD ENTAIL THE DEVELOPMENT OF A SINGLE TWO-THREE STORY BUILDING UPON THE SITE CONSISTING OF APPROXIMATELY 30,000 TO 45,000 PLUS OR MINUS SQUARE FEET. THE PRINCIPAL USES WOULD BE INTENDED TO BE PROFESSIONAL OFFICE SPACE WITH A PRIMARY FOCUS ON MEDICAL/HEALTHCARE USERS.



CONCEPT DEVELOPMENT PLAN 2 WOULD ENTAIL THE DEVELOPMENT OF TWO BUILDINGS UPON THE SITE. THE FIRST WOULD BE A PROFESSIONAL OFFICE STRUCTURE OF APPROXIMATELY 12,000 TO 20,000 PLUS OR MINUS SQUARE FEET. THE PRINCIPAL USES WOULD BE INTENDED TO BE PROFESSIONAL OFFICE SPACE WITH A PRIMARY FOCUS ON MEDICAL/HEALTHCARE USERS; HOWEVER, OTHER USES COULD INCLUDE OTHER PERMITTED USES WITHIN THE C-2 ZONE. THE SECOND BUILDING WOULD BE APPROXIMATELY 6000 TO 12000 PLUS OR MINUS SQUARE FEET AND THE DEVELOPER'S PREFERENCE WOULD BE TO SECURE A FOOD SERVICE ORIENTED USE, HOWEVER OTHER USES COULD INCLUDE OTHER PERMITTED USES WITHIN THE C-2 ZONE.



CONCEPT DEVELOPMENT PLAN #2 (rev)

As a part of its application and as a condition to approval, the Applicant has agreed to exclude the following uses:

COMMERCIAL TWO (C-2)

Principally Permitted Uses

- 19. Radio and television broadcasting studios excluding transmitting stations and towers;
- 27. Arcades and other amusement centers;
- 28. Motion picture theaters (indoor);
- 29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges and skateboard facilities;
- 31. Motorcycle sales or bike shops excluding outside storage;
- 33. Hotels and motels including convention facilities;
- 35. Auto parts and accessories stores;
- 36. Gasoline filling station.

Conditional Uses

- 2. Automotive repair facility and wash services for vehicles;
- 7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111(5)(c).

COMMERCIAL ONE (C-1)

Principally Permitted Uses

- 3. Grocery stores and supermarkets;
- 4. Stores with retail sales of meat, fish, seafood, dairy and poultry products.

Accessory Uses

- 7. Retail sale of motor fuels;
- 9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);

Conditional Uses

- 1. Gasoline filling stations and automotive repair facilities;
- 3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

OFFICE ONE (O-1)

Principally Permitted Uses

- 1. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment.

Conditional Uses

- 7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111(5)(c).

STATUTORY REQUIREMENTS FOR MAP AMENDMENT

100.213. Findings necessary for proposed map amendment -- Reconsideration

(1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that

finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

THE PROPOSED MAP AMENDMENT IS IN AGREEMENT WITH THE ADOPTED COMPREHENSIVE PLAN

The Land Use Element is intended to provide general guidelines for all future development and to permit the management of growth in Boone County. ... All sites should be designated for the appropriate land use and density of development to assure efficient use of infrastructure and services. (Comp. Plan page 159)

Pleasant Valley/Oakbrook – "Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses near the Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union. ... (Comp. Plan page 168)

The Future Land Use Map designates the site Commercial.

FUTURE LAND USE MAP



**THE EXISTING ZONING CLASSIFICATION IS
INAPPROPRIATE AND THE PROPOSED ZONING
CLASSIFICATION IS APPROPRIATE**

- **The Site's current zoning, C-2/PPD/CD, so limits the use of the site that it is in conflict with the current Comprehensive Plan.**

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
APRIL 3, 2013
7:00 P.M.**

Chairman Rolfsen welcomed the audience to the Planning Commission's April 3rd Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the March 6, 2013 Business Meeting and Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, **Mr. Ford moved that the Minutes be approved as written. Mr. Bunger seconded the motion and it carried unanimously.**

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff; Ben Brandstetter, Chairman

1. Request of **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8427 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions. Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Brandstetter and Mr. Bunger 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. David Wallace, attorney representing the owner, thanked the Committee and stated that his client was in agreement with the Committee's recommendation.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action on the request?

Mr. Brandstetter moved to approve both the Zoning Map Amendment request and the Variance requests by Resolution to the City of Florence based upon the Committee Report. Mr. Bunger seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT - Mitch Light, Staff; Kim Bunger, Chairman

2. Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions. Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Brandstetter and Mr. Bunger 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. Michael Butler, owner, stated that he was in agreement with the Committee's recommendation.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: April 3, 2013

RE: Request of **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8727 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The Land Use Element ("3. Pleasant Valley/Oakbrook," pg. 168) states "access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial

development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.”

Both submitted Concept Development Plan options propose to reuse the existing access points on Old US 42 and Natorp Drive. There will be no access points on US 42. The design, size, and scale of the proposed buildings in both plan options will relate to the commercial, office, and institutional buildings along US 42 in the vicinity. The narrative submitted with this application limits potential uses on the site, and outside activities are further controlled by the agreed conditions. The uses proposed for this site generally serve immediate local needs versus a broader regional market. Thus, the proposal agrees with the Land Use Element’s direction regarding narrowing the range of commercial activities from east to west from the US 42/Pleasant Valley Road intersection to Farmview Subdivision. Based on the configuration shown on both plan options, the development of this specific site will not present itself as strip-style commercial development. Due to these facts, the Committee has also concluded that the request is in agreement with the Business Activity overall goal and overall objective, and the Business Activity Commercial (Retail and Office) objectives 1 and 2.

- C. The Business Activity Element (“Recommended Areas of Commercial Activity,” pg. 68) makes several comments that reiterate the Land Use Element as it pertains to this site and general area. These include:
 - i. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area.
 - ii. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses.
 - iii. Commercial developments that occur in the KY 18 and U.S. 42

corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas.

Based on the conclusions outlined in Section 1.B above regarding the Land Use Element, it is the Committee's conclusion that the proposal is in agreement with the Business Activity Element as well.

- D. The Land Use Element as outlined in Section 1.B above discusses the use of the Planned Development Overlay District, and the Business Activity Element as outlined in Section 1.C above discusses the use of Planned Unit Developments in a more general sense. The current PD overlay zone was added in 1999 at the request of the property owner in order to allow an accessory structure related to the nursery business to be placed in the front yard area. It is the Committee's conclusion that based on the submitted Concept Development Plan and the agreed conditions, the fundamental quality level sought by the PD overlay zone will be achieved by this development.
 - E. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Future Land Use Development Guidelines and the Goals and Objectives. These are outlined in the Staff Report for this request.
2. This application also requested the following dimensional Variances:
- A. Reduce the front yard building setback along the US 42 frontage from 30 feet to a minimum of 20 feet (Table 31.1).
 - B. Reduce the corner side yard building setback along the Old US 42 frontage from 15 feet to a minimum of 10 feet (Section 3121).
 - C. Reduce the street frontage landscape area width for paved areas along US 42 from 10 feet to a minimum of 5 feet, and allow the street frontage landscape area width for paved areas along Old US 42 to be reduced up to the right-of-way line (0' width) (Section 3620).

The Committee has concluded that each of the requested Variances fulfill the criteria in Section 251 "Application and Standards for Variances" of the zoning regulations based on special circumstances which do not generally apply to land in the general vicinity or in the same zone. These circumstances include the fact that the site is bound by a public or private road on each side, and the fact that the Old US 42 right-of-way is extraordinarily wide, especially near the intersection with US 42. These circumstances hinder potential development on the site and the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

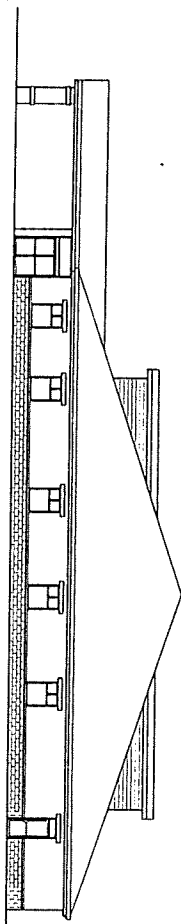
CONDITIONS

1. The development of this site shall follow the submitted Concept Development Plan narrative and either one of the Concept Development Plan options.
2. The architectural design of the building(s) on this site shall follow the attached concepts which used the adjoining Citizen's Bank building as a model. A consistent architectural treatment shall be provided on all sides of each building. The potential restaurant/outlot style building shown on Concept Development Plan Option 2 shall be substantially brick and use design details which visually relate to the office building with the understanding that this structure may have a flat roof. If a flat roof is used, all roof top mechanical equipment shall be screened in a manner which is integral with the overall design of the structure. Dimensional shingles shall be used on all pitched roofs. The design of the dumpster enclosure, signage, and similar improvements will relate to the basic architectural design on the site.
3. An interior pedestrian system which connects to the public sidewalk along US 42 shall be provided.
4. The property owner shall be responsible for the maintenance and any necessary replacement of landscaping in the US 42 and Old US 42 rights-of-way. All street

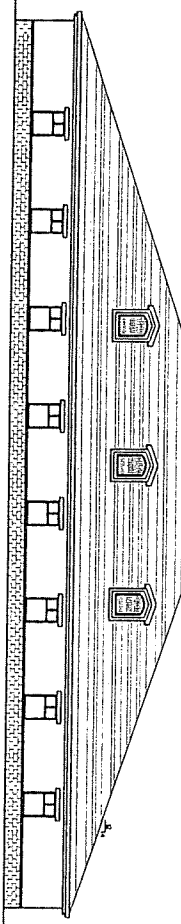
frontage plantings required by Section 3620 of the Boone County Zoning Regulations shall be provided in these areas.

5. The following use restrictions shall apply to this site:
 - A. No drive-through facilities for fast food restaurants shall be permitted on the site. Drive-through facilities are permitted for a bank, pharmacy, and comparable uses.
 - B. Fuel sales and/or freestanding canopies are prohibited on this site.
 - C. No outside storage or display of goods shall occur on this site.
 - D. Medical office uses on the site shall not be primarily for emergency care which receives ambulances.

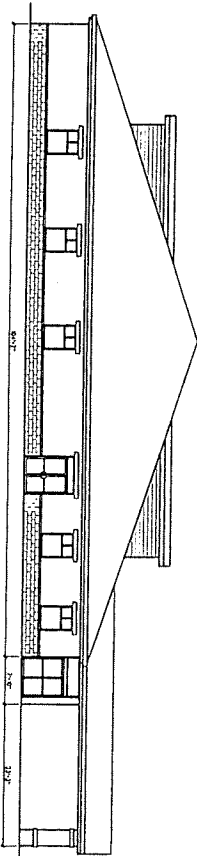
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.



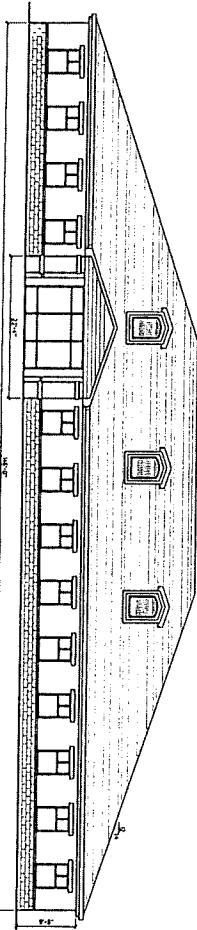
RIGHT
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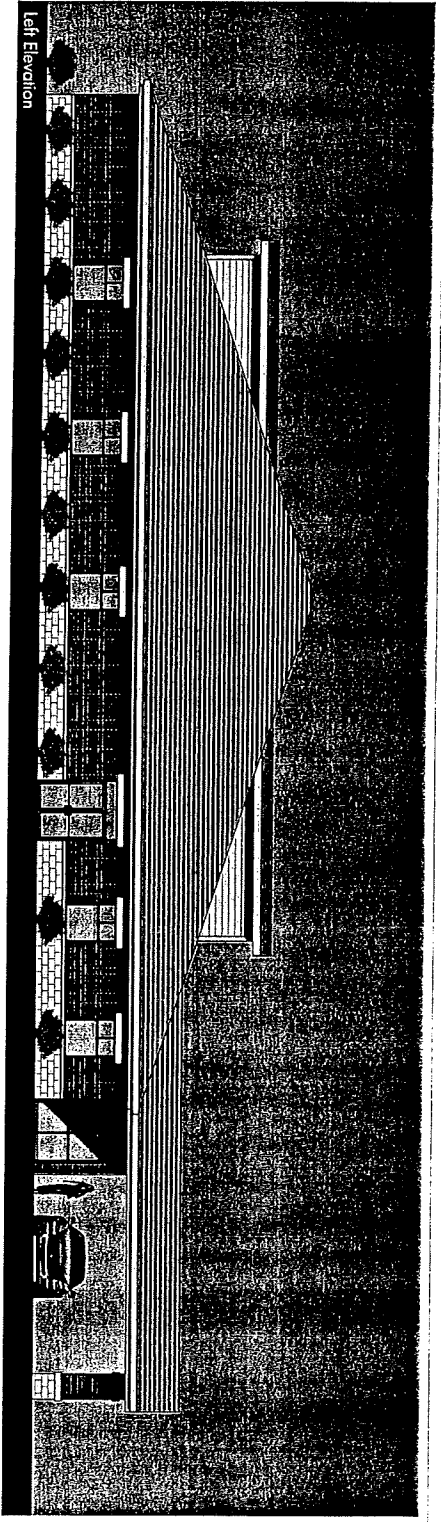
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A.201 NN

PREPARED BY: [Name]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 PROJECT: [Project Name]
 SHEET: [Sheet Number]
 TOTAL SHEETS: [Total Sheets]

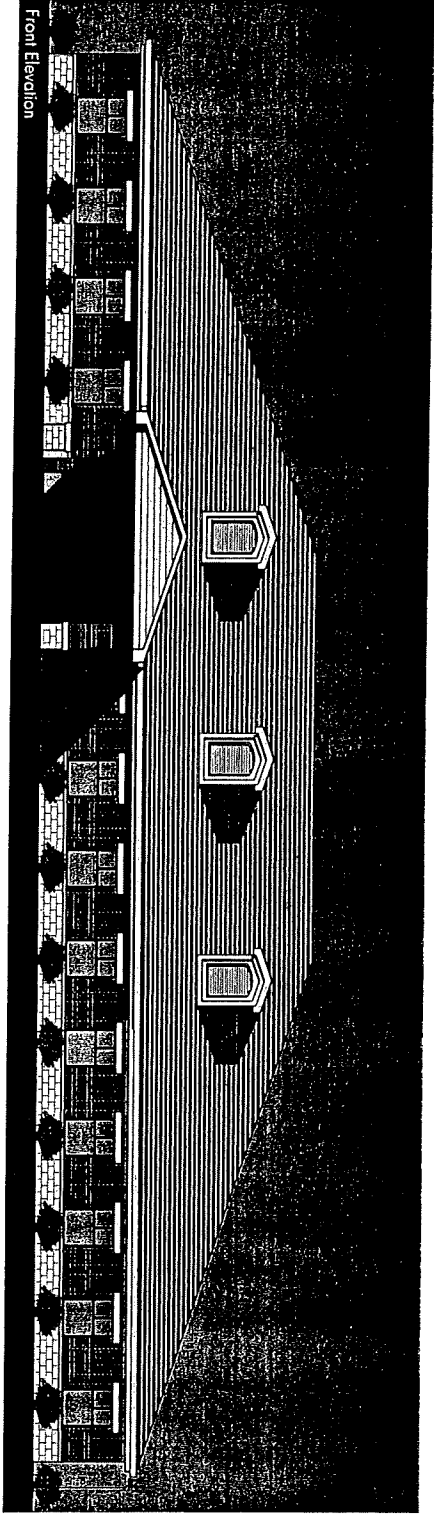
KZF DESIGN
 ARCHITECTS
 127 ELIZABETH INC.
 702 BROADWAY, SUITE 400
 CHARLESTON, OH 43022
 TEL: 614.831.8211
 FAX: 614.831.8200
 WEB: WWW.KZF.COM



St. Elizabeth MOB
 Natorp Drive
 Fort Thomas, KY 41075



Left Elevation

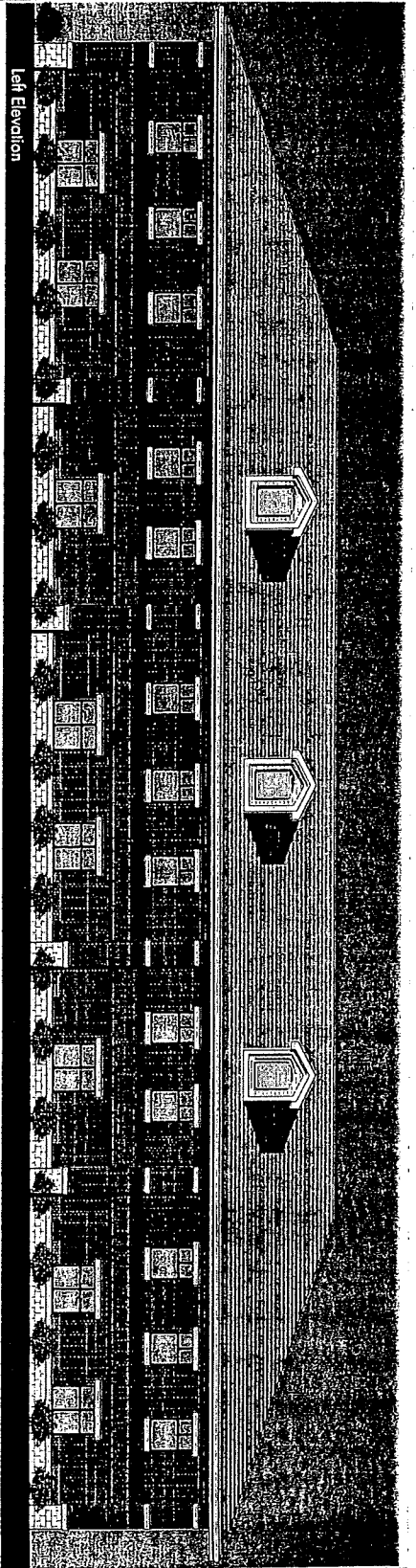


Front Elevation

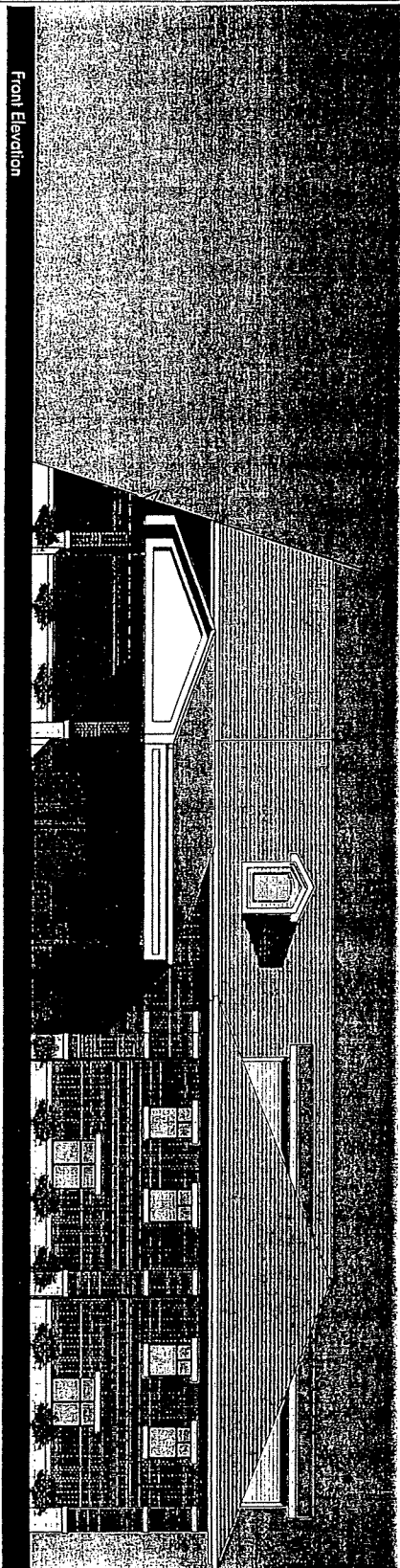
KZF DESIGN
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 200 Laurel Oak Avenue
 Crescent Springs, KY 41017
 866.343.4311
 www.kzfdesign.com

ZALLA
 C O M P A N I E S
 2333 Anderson Road
 Crescent Springs, KY 41017

St. Elizabeth MOB
 One Story Option
 6160.00
 20 March 2013



Left Elevation



Front Elevation

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 2333 Anderson Road
 Crescent Springs, KY 41017

St. Elizabeth MOB
 Two Story Option
 \$150,000 20 March 2013

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 6, 2013
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Charlie Reynolds
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
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 AND VARIANCES - Kevin Wall, Staff

1. Request of Old US 42 Development, LLC (owner) for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8727 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Wall referred to a vicinity map of the subject site. It is the old Natorp's site. The new owner wants to redevelop the site. He showed slides which included an aerial photo, the Future Land Use Map and a topographic map. The site is fairly level with the exception of an existing detention pond in the northwest corner. The owner submitted options for redevelopment of the site. The first option involves a two story or three story office/medical building. It would consist of 30,000 - 45,000 square feet. The second option consists of a 12,000 - 20,000 square foot medical/office building and a 6,000 - 12,000 square foot restaurant or retail building. The applicant has requested all C-2 uses with a few exceptions as stated in the submitted narrative. Mr. Wall stated that the owner will utilize the existing curb cuts and detention pond. As part of the zone change application, the owner has asked for 3 variances. The first variance involves reducing the front yard building setback along the U.S. 42 frontage from 30 feet to a minimum of 20 feet. The second variance involves reducing the corner yard building setback along Old U.S. 42 frontage from 15 feet to a minimum of 10 feet. The third variance includes reducing the street frontage landscape area width for paved areas along U.S. 42 from 10 feet to a minimum of 5 feet, and allow the street frontage landscape area width for paved areas along Old U.S. 42 to be reduced up to the right-of-way line - 0' width. Mr. Wall showed photographs of the site and adjoining properties. The site is vacant now but there is a plan to lease it to another landscaping company on a short-term basis. Mr. Wall explained the history of the site as identified on page 3 in the Staff Report. The site has two previous Concept Development Plan approvals. In 1999, the Planned Development (PD) zone was added to allow the shade structure in the front yard.

In regard to Staff Comments, Mr. Wall noted that the Comprehensive Plan's Future Land Use Map designates the site as Commercial.

Mr. Wall referred to the text of the Land Use Element, which suggests the corridor be developed as a "mixed-use development" and for commercial uses. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. It also suggests using a creative building layout and orientation and the Planned Development (PD) overlay district. The Business Activity Element also encourages planned unit developments. The application proposes to permit all C-2 uses

with the exceptions noted in the first part of the Staff Report. Relative to the site's proximity to Farmview Subdivision, the Comprehensive Plan recommends a "smaller-scaled office and institutional uses" for the area. Because the request is for a zone change, the Planning Commission will have to consider the alternate statutory findings for the requested zone changes stated in KRS 100 and the Staff Report.

Mr. Wall stated that the application proposes all uses permitted in the C-2 zone with the exception of those noted in the submitted narrative. Based upon the direction of the Comprehensive Plan's text and the fact that residential uses are both existing and shown on the Future Land Use Map to the north across Old U.S. 42, Staff had a few questions regarding potential outdoor activities. These include any outdoor storage or display; any type of canopy or fueling station; any type of drive-through; and any other type of outdoor business activity. Several variances have been requested by the applicant. These include reductions to the front yard and corner side yard building setbacks and reductions to the street frontage landscape areas along U.S. 42 and Old U.S. 42. These requests need to be evaluated according to the variance criteria, which are included in the Staff Report. There are some special circumstances which would apply to the application. The Old U.S. 42 right-of-way near the intersection of U.S. 42 is extraordinarily wide. In one area, it is about 100 feet in width. Some of the existing landscaped display areas are located in the Old U.S. 42 right-of-way. The tract has a public or private street on all sides. The lot consists of 4 acres and a nominal width of approximately 465 feet. A primary Staff concern of the variance requests is whether all of the required street frontage landscape plant materials will be provided within a minimum 10 foot wide area even if the right-of-way is used. Mr. Wall stated that he received feedback from the Kentucky Transportation Cabinet indicating that the landscaping has to be placed behind the sidewalk and an encroachment permit is needed. The property owner is responsible for the maintenance. Further, Mr. Wall noted that more information is needed regarding building architectural design, landscaping and signage. Characteristics from other developments in the area should be identified and used for comparison and design purposes. The Fire Department offered no comments on the proposed uses or project. The final comment involves the two conceptual options and meeting all applicable development standards. Mr. Wall concluded that the Planning Commission and the City of Florence must act in accordance with criteria for a Zoning Map Amendment request and a Variance request.

Mr. Kevin Costello inquired how the applicant would address the proposed temporary use if the zone change is approved and such use becomes non-conforming. How would the business owner of the temporary use follow the conditions imposed upon Natorp's but are no longer valid? Is there a commitment for only 1 year? Also, why did the applicant apply for a zone change versus a Change in Concept Development Plan? Mr. Wall responded that he would have the applicant address the temporary use. Mr. Wall further explained that the applicant didn't think the Planned Development (PD) was the best approach for them based upon the proposed uses.

Mr. David Wallace, Wallace & Boggs, Attorney stated he is representing the Zalla Company and Old U.S. 42 Development, LLC. He introduced the CEO of the Zalla Companies - Mr. David Heidrich and Mr. Don Stegman, engineer for the project. Mr.

Wallace distributed a booklet to all of the Board members (Exhibit A). The site is 4 acres. Both prior approvals (1992 & 1999) of the site limited the use of the property to a garden center only. It is the reason why they applied for a zone change to Commercial Two (C-2) to match the changes in the community. The temporary use of the property will be a garden center until June 30, 2013. If everything goes right, a building will be completed by the end of the year. It is on a tight time schedule. Two Concept Development Plans have been submitted and the site will be developed based upon the market. Many uses have been excluded from being built on the site. No gas stations are being planned for the site and they are agreeable to a condition. There will not be a fast food drive-thru restaurant. A bank or a drug store may have a drive-thru. Mr. Wallace referred to the booklet and the 3 statutory criteria for granting a zone change. He believes that the proposed plan is in conformance with the current Comprehensive Plan, especially the Future Land Use Map. This type of development with multiple office and commercial uses is much more in conformance with the current Comprehensive Plan than a site that is limited to one use - a landscaping business. The current zoning is inappropriate because it limits the property to one use. Mr. Wallace indicated that Natorp Drive is a private and there is a written maintenance agreement between ERP's Inc., Natorp's and Citizen's Bank. There is also a joint parking and access agreement between the bank and the old Natorp site.

Mr. David Heidrich, co-owner of the property, mentioned several of his previous office projects - Ewing Boulevard next to the Florence Aquatic Center, a medical building in the Walton Town Center, buildings off Chandler Drive and an office building in the Chamber Office Park. His company builds brick buildings and he submitted photographs of some of his projects to get an idea of building scale and architecture. St. Elizabeth is interested in occupying the proposed office building. Their plans change regularly. Currently, they are interested in 15,000 - 17,000 square feet. They may want to double the amount of square footage and that is why there is one plan depicting one large building. They want to open up January 1, 2014 so they are on the fast track. Pipkin's will operate a garden center at the site until the end of June.

It is a great site with a good strategic visible location. In regard to the Variance request, Natorp's has been using the right-of-way to sell plant material for 21 years, since 1991. There is at least one-half acre of extra State right-of-way. There was a verbal agreement for Natorp's to use the property. Zalla Companies would like to use the right-of-way to put their landscaping material on the site. The State has given them a verbal okay.

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?

Mr. Bunger asked if the applicant could identify exactly where the landscaping would be planted and if there would be enough parking spaces given the building setback variance requests? Mr. Heidrich responded by showing the location of the proposed landscaping features on a map. Mr. Heidrich stated that they can meet the parking

requirements even if the building needs to be brought in 20 feet. They have excess parking on the plan that is above the code.

Chairman Rolfsen asked if the proposed use would include emergency treatments via ambulance that would affect the neighborhood? Mr. Heidrich stated that it is not an emergency room accepting ambulances. However, the St. Elizabeth business model is changing. They are interested in competing with the walk-in clinics like you see at Kroger and Walgreen's stores.

Mr. Costello asked if the applicant was planning to use the existing curb cut off Old U.S. 42? Mr. Heidrich responded yes. It was awkwardly designed 22 years ago. The radius may be widened up later.

Mr. Bunger referred to item #6 under "Other" in the Staff Report, which noted that several development standards have not been met on the submitted options. Does the staff have information that can be shared with the applicant? Mr. Wall stated that the suggestions are mentioned in a memo from the Florence Public Services Department.

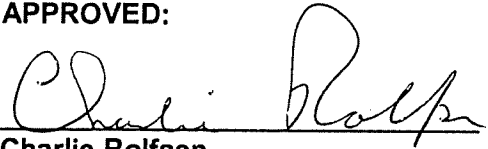
Mr. Costello noted that one of the options shows the proposed building located close to the road or the intersection of Old U.S. 42 and U.S. 42. It is a tremendous visual impact. Are there any design features like windows going to be facing Old U.S. 42 and U.S. 42? Will it be a 2 story building? Mr. Heidrich answered that it will be 2 story building if that option is built. He mentioned that when you drive north on I-71, there are a couple of medical office buildings near the Rookwood area. They are attractive looking because they have a nice facade. There is a plan to have a visual interest at the intersection with a good looking facade because of the building location. He submitted some photographs of similar projects.

Mrs. Kegley asked if the office building will be 2 or 3 stories as stated in the narrative? Mr. Heidrich responded that it could be either 2 or 3 stories.

Mr. Breetz asked if the applicant has inquired about why the State right-of-way area was so wide along Old U.S. 42 and whether they have discussed purchasing excess right-of-way? Mr. Wallace responded that they have not discussed purchasing excess street right-of-way. Also, Mr. Wallace explained that he didn't know the reason why the street right-of-way was so wide. He further noted that Natorp's planted landscaping in the area many years ago. Mr. Breetz expressed a concern that if improvements occurred in the right-of-way in the future, then the landscaping would go away. Mr. Costello noted that there is property that could be developed in the future on Old U.S. 42, the Baird property. Should that occur, improvements to Old U.S. 42 may need to occur in the right-of-way where the landscaping is located. Mr. Wallace responded that if such improvements were needed, you would not lose 100 feet of right-of-way. There would still be some landscaping in the area. If you lose 100 feet, then you are probably talking about 5 - 6 additional lanes and they may also need to take street right-of-way on both sides of the road. Mr. Heidrich stated that if the intersection was rebuilt like the Wetherington entrance, there would still be enough room for landscaping. Mr. Breetz asked if this could be discussed with the State before the scheduled Committee meeting?

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 3, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:12 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A - Printed Slides of Old U.S. 42 Development, LLC

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: March 20, 2013

RE: Request of **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8727 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

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.

Old US 42 Development, LLC

March 20, 2013

Ben Brandstetter
Ben Brandstetter, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Schultz
Susan Schultz

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 2 FOR PROJECT 3 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

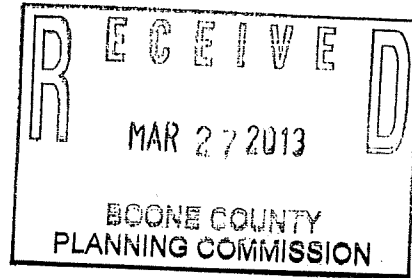
www.boonecountyky.org/pc
www.boonecountygis.com

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

March 22, 2013

Mr. David Heidrich
Old U.S. 42 Development, LLC
2333 Anderson Ferry Road
Crescent Springs, KY 41017



FAX: 341-5582

RE: Recommended Conditions of Approval for Old U.S. 42 Development, LLC Zone Change Application from C-2/PD To C-2 and Variances for Approximate 4 Acre Site at 8727 U.S. 42, Florence, Kentucky (Former Natorp's Site)

Dear Mr. Heidrich:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their March 20, 2013 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Thursday, March 28, 2013.

CONDITIONS

1. The development of this site shall follow the submitted Concept Development Plan narrative and either one of the Concept Development Plan options.
2. The architectural design of the building(s) on this site shall follow the attached concepts which used the adjoining Citizen's Bank building as a model. A consistent architectural treatment shall be provided on all sides of each building. The potential restaurant/outlot style building shown on Concept Development Plan Option 2 shall be substantially brick and use design details, which visually relate to the office building with the understanding that this structure may have a flat roof. If a flat roof is used, all roof top mechanical equipment shall be screened in a manner which is integral with the overall design of the structure. Dimensional shingles shall be used on all pitched roofs. The design of the dumpster enclosure, signage and similar improvements will relate to the basic architectural design on the site.
3. An interior pedestrian system which connects to the public sidewalk along U.S. 42 shall be provided.

Mr. David Heidrich
March 22, 2013
Page 2

4. The property owner shall be responsible for the maintenance and any necessary replacement of landscaping in the U.S. 42 and Old U.S. 42 rights-of-way. All street frontage plantings required by Section 3620 of the Boone County Zoning Regulations shall be provided in these areas.
5. The following use restrictions shall apply to this site.
 - A. No drive-through facilities for fast food restaurants shall be permitted on the site. Drive-through facilities are permitted for a bank, pharmacy, and comparable uses.
 - B. Fuel sales and/or freestanding canopies are prohibited on this site.
 - C. No outside storage or display of goods shall occur on this site.
 - D. Medical office uses on the site shall not be primarily for emergency care which receives ambulances.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

Enclosures

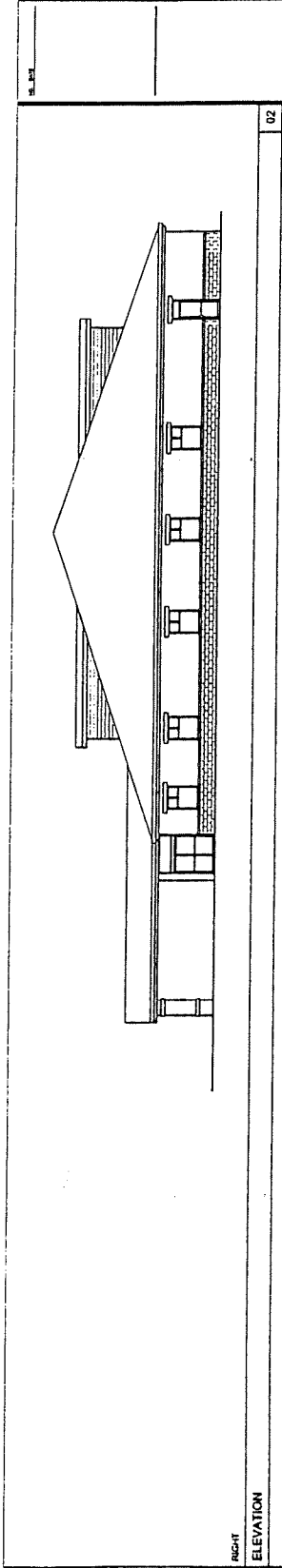
AGREEMENT

I, the authorized representative of the property owner of the approximate 4 acre site at 8727 U.S. 42, Florence, Kentucky (former Natorp's site), agree to the conditions listed herein for the above referenced Zoning Map Amendment and Variance application.



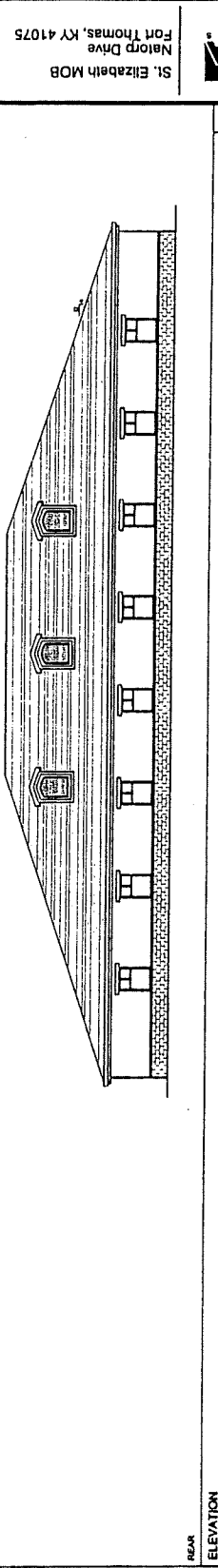
David Heidrich, Authorized Representative for
Old U.S. 42 Development, LLC, Property Owner

3/25/13
Date



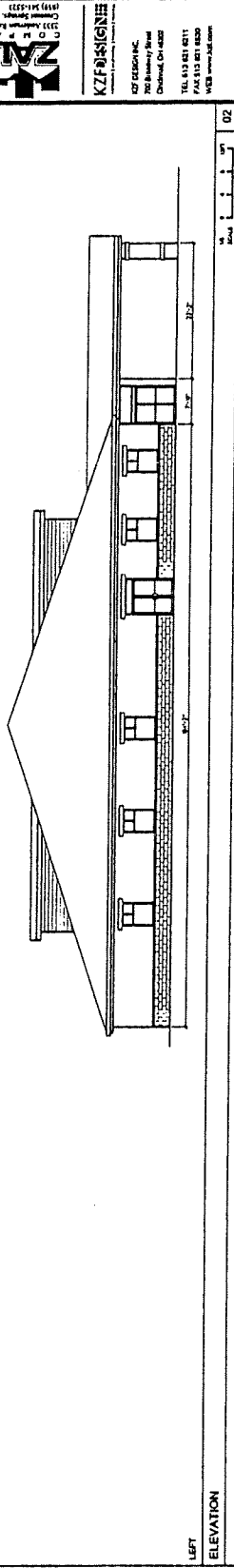
RIGHT
ELEVATION

02



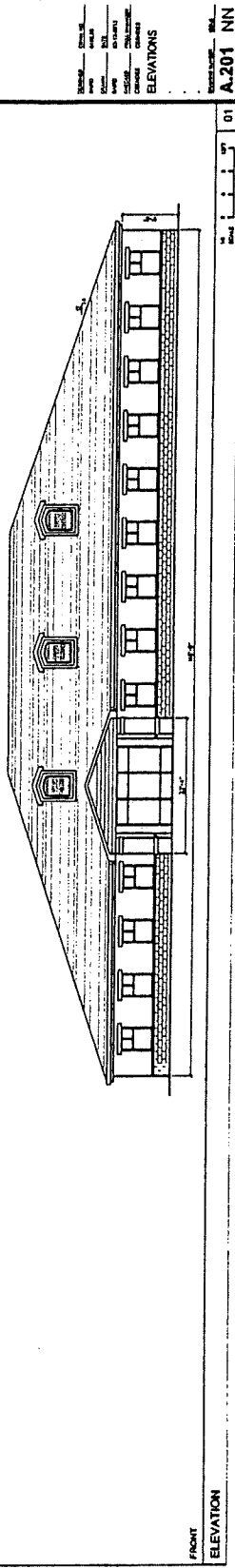
REAR
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02



LEFT
ELEVATION

02



FRONT
ELEVATION

01

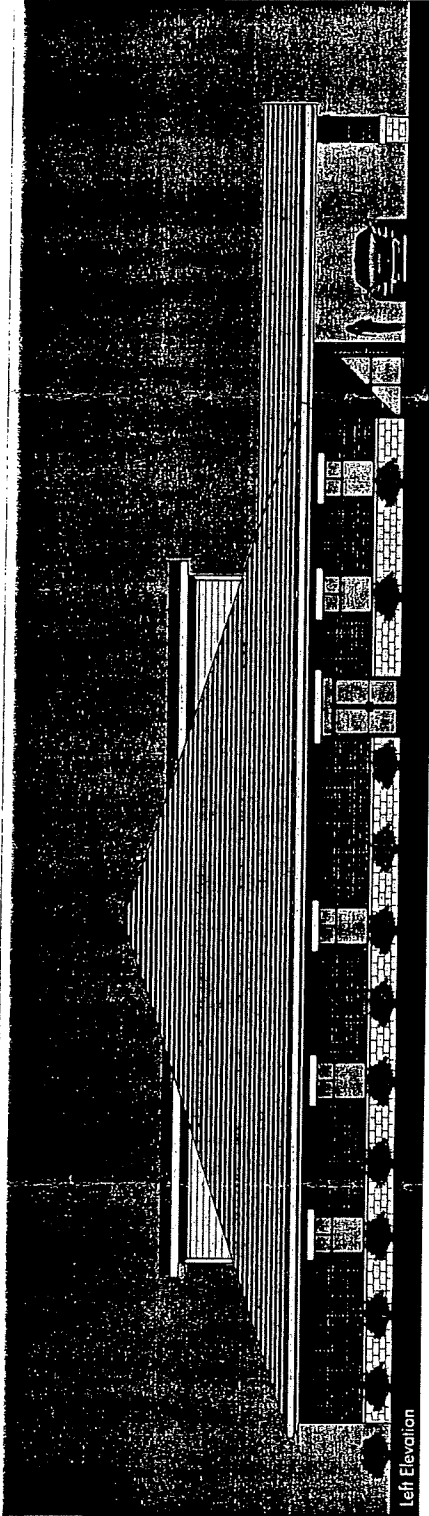
St. Elizabeth MOB
Neirop Drive
Fort Thomas, KY 41075



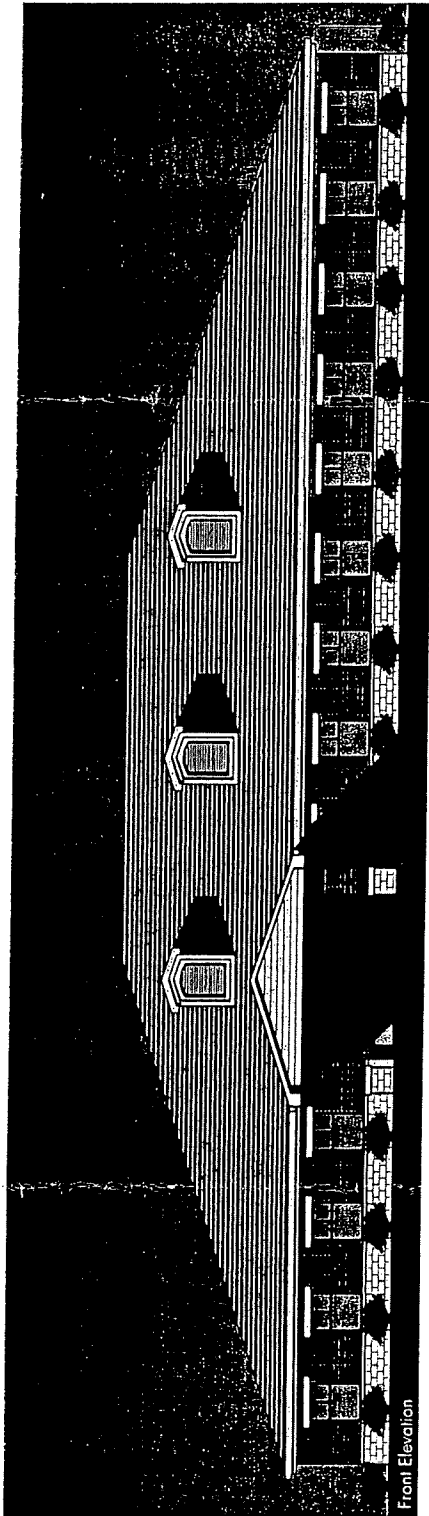
K7ENGINERS
K7 ENGINEERING
10000
Cincinnati, OH 45240
TEL: 513 831 8111
FAX: 513 831 8330
WEB: www.k7.com

ELEVATIONS
ARCHITECT
DATE
SCALE
PROJECT
SHEET NO.

A.201 NN



Left Elevation



Front Elevation

KZFD|SIGN
 Architects | Engineers | Interiors | Planning

200 Broadway, Suite
 Cincinnati, OH 45202
 Tel: 513.447.4211
 Fax: 513.447.4212

ZALLA
 C O M P A N I E S
 2333 Anderson Road
 Crescent Springs, KY 41017

St. Elizabeth MOB
 One Story Option
 6160.00 20-March 2013

DATE: 08/11/09
 DRAWN BY: J. HARRIS

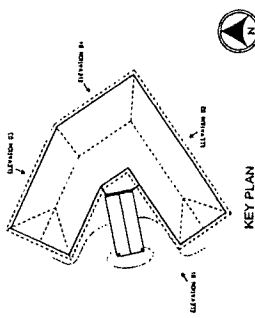
St. Elizabeth MOB
 Two Story Option
 Natrop Drive
 Fort Thomas, KY 41075



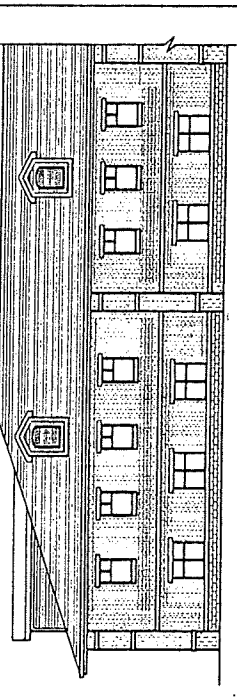
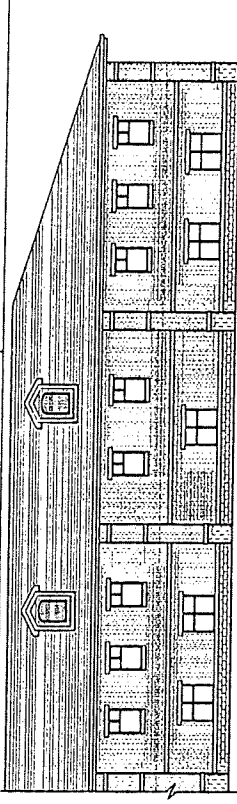
KZP DESIGN INC.
 ARCHITECTS
 1500 W. Main Street
 Louisville, KY 40202
 TEL: 502.581.4111
 FAX: 502.581.4800
 WEB: www.kzp.com

ARCHITECT: KZP DESIGN INC.
 DATE: 08/11/09
 PROJECT: ST. ELIZABETH MOB
 SHEET: ELEVATIONS

DATE: 08/11/09
 SHEET: A.202

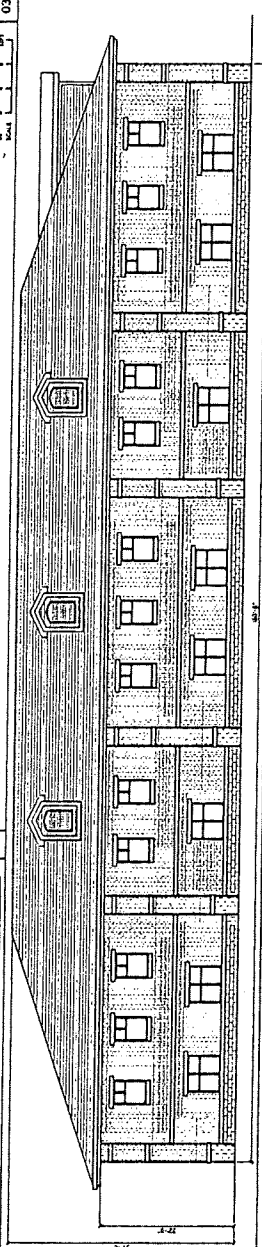


KEY PLAN



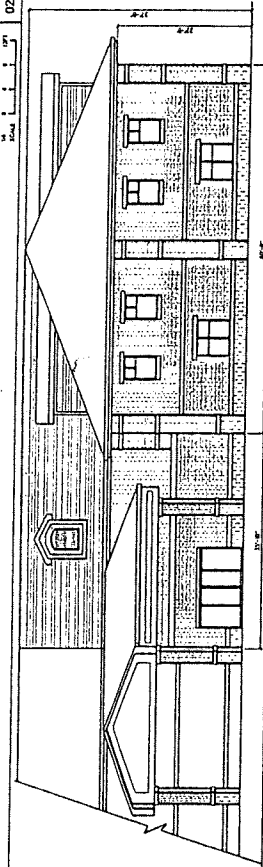
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ELEVATION 02

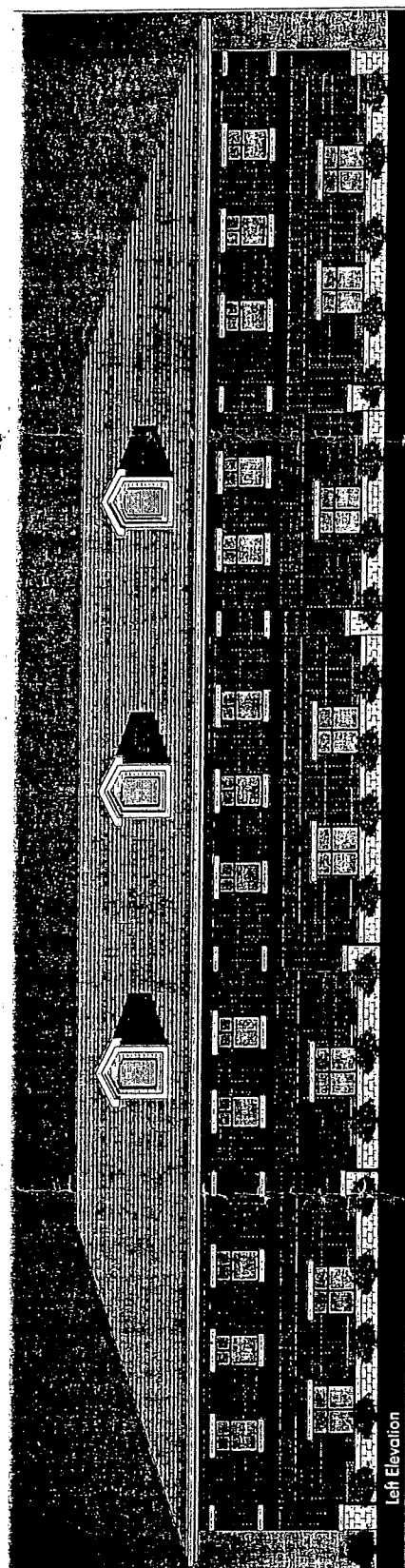


ELEVATION 03

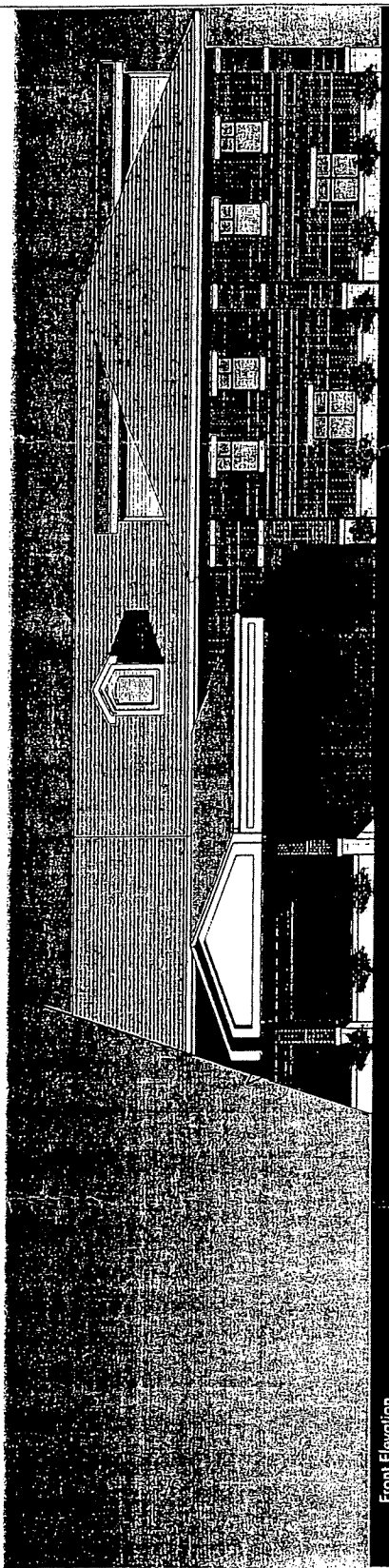
ELEVATION 04



ELEVATION 04



Left Elevation



Front Elevation

KZP DESIGN
 Architects | Engineers | Interiors | Planning
 200 Riverside Ave
 Raleigh, NC 27601
 919.833.4211
 www.kzp.com

ZALLA
 COMPLETES
 2333 Anderson Road
 Crescent Springs, KY 41017

St. Elizabeth MOB
 Two Story Option
 \$1,600,000 20 March 2013

EXHIBIT B

PIDN: 062.00-00-131.21
Group: 2047

A parcel of land located between Old U.S. 42 and Relocated U.S. 42 in the City of Florence, Boone County, Kentucky and being more particularly described as follows:

Beginning at a point in the north right of way of Relocated U.S. 42 and its intersection with the right of way of Old U.S. 42; thence with the north right of way of Relocated U.S. 42 S 52° 34' 55" W, 119.68 feet to a P.C. of a curve; thence with the curve to the right 484.63 feet (R = 1867.86 Δ = 14° 54' 28") to a point; thence with the new division line of ERPS N 8° 46' 35" W, 300.00 feet to a point; thence N 26° 21' W, 118.78 feet to a point; thence N 4° 54' 56" W, 136.88 feet to a point in the south right of way of Old U.S. 42; thence with Old U.S. 42 S 85° 05' 04" E, 310.00 feet to a point; thence S 63° 43' 06" E, 253.38 feet to a point; thence S 37° 25' 05" E, 108.00 feet to the point of beginning. Containing 4.54 acres.

Included in this conveyance is all of the Grantor's right, title and interest in all of the oil, gas and other minerals, and any and all other mineral rights, acquired by the Grantor in and to the above-described real estate, conveyed to the Grantor, on March 31, 1991 by a deed recorded in Deed Book 507, page 158 of the Boone County Clerk's records at Burlington, Kentucky, and all of the Grantor's right, title and interest previously conveyed to the Grantee on August 7, 1992 by a deed recorded in Deed Book 489, page 68 of the Boone County Clerk's records at Burlington, Kentucky. The references to Grantor and Grantee in this paragraph refer to the predecessors in the chain of title.

Save and except the following:

Lying in the City of Florence, Boone County, Kentucky, at the north intersection of Natorp Drive and U.S. Highway 42, more particularly described as follows:

Commencing at the south corner of the grantor, in the northwest line of U.S. Highway 42 and in the center of Natorp Drive as it now exists;

Thence with the northwest line of U.S. Highway 42 along a curve to the left with a radius of 1867.86 (Δ = 0° 56' 57", Chord Bearing of North 63° 26' 27" East, a chord distance of 30.95 feet) an arc distance of 30.95 feet to the east line of a sixty feet wide ingress and egress easement (30 feet east of the centerline of Natorp Drive), the Point of Beginning of the description:

Thence leaving the northwest line of said U.S. 42 and through the lands of the grantor with the east line of said ingress and egress easement, North 12° 21' 02" West a distance of 179.30 feet to a set MAG nail;

Thence leaving the east line of said ingress and egress easement and continuing through the lands of the grantor along a new division line of four (4) calls:

North 59° 51' 01" East a distance of 103.70 feet to set MAG nail;
South 28° 54' 15" East a distance of 34.46 feet to a set MAG nail;
South 40° 28' 59" West a distance of 10.71 feet to a set MAG nail;
South 28° 54' 15" East a distance of 135.01 feet to a set MAG nail in the northwest right of way of U.S. Highway 42;

Thence with said northwest right of way, along a curve to the right with a radius of 1867.86 (Δ = 04° 26' 27", Chord Bearing = South 60° 44' 45" West a chord distance of 144.73 feet) an arc length of 144.77 feet to the Point of Beginning.

Said parcel contains 0.4824 Acres

Boone County
MC1214 PG 377

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-6-13

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-6-13 on May 28, 2013. The title of this Ordinance is as follows:

ORDINANCE NO. 0-6-13


AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 4.0576 ACRE SITE LOCATED AT 8727 U.S. 42, FLORENCE, KENTUCKY, TO REZONE THE SITE FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO COMMERCIAL TWO (C-2), AND VARIANCES FOR REDEVELOPMENT OF THE SITE FOR USES PERMITTED IN THE C-2 ZONE, AND FOR DIMENSIONAL VARIANCES FOR REDUCTIONS FROM THE 30 FOOT FRONT YARD AND 15 FOOT CORNER SIDE YARD BUILDING SETBACKS, AND 10 FOOT STREET FRONTAGE LANDSCAPE AREAS ALONG U.S. 42 AND OLD U.S. 42. (OLD U.S. 42 DEVELOPMENT, LLC)

The effect of this Ordinance is to allow a zoning map amendment for an approximate 4.0576 acre site located at 8727 U.S. 42, Florence, Kentucky, to rezone this site from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2), and variances for redevelopment of the site for uses permitted in the C-2 zone, and for dimensional variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas along U.S. 42 and Old U.S. 42.

The full text of Ordinance No. 0-6-13, 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 Boulevard, Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. and that it has been prepared by me on the 10th day of May, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

ORDINANCE NO. 0-6-13

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 4.0576 ACRE SITE LOCATED AT 8727 U.S. 42, FLORENCE, KENTUCKY, TO REZONE THE SITE FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO COMMERCIAL TWO (C-2), AND VARIANCES FOR REDEVELOPMENT OF THE SITE FOR USES PERMITTED IN THE C-2 ZONE, AND FOR DIMENSIONAL VARIANCES FOR REDUCTIONS FROM THE 30 FOOT FRONT YARD AND 15 FOOT CORNER SIDE YARD BUILDING SETBACKS, AND 10 FOOT STREET FRONTAGE LANDSCAPE AREAS ALONG U.S. 42 AND OLD U.S. 42. (OLD U.S. 42 DEVELOPMENT, LLC)

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

WHEREAS, the Boone County Planning Commission has recommended approval of the request described above to the City of Florence and the Planning and Zoning Committee of the City has issued its report in support thereof, and

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

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

SECTION I

That the request of Old U.S. 42 Development, LLC (owner) for a Zoning Map Amendment for an approximate 4.0576 acre site located at 8727 U.S. 42, Florence, Kentucky, to rezone the site from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2), and variances for redevelopment of the site for uses permitted in the C-2 zone, and for dimensional variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas along U.S. 42 and Old U.S. 42, shall be and is hereby approved. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be shall be amended or changed to reflect the zoning map amendment for this subject property.

SECTION II

The approval of this rezoning is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-13-004-A of the Boone County Planning Commission along with the referenced exhibits 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, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-13-004-A, marked Exhibit "B" hereto.

SECTION IV

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

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF May, 2013.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF May, 2013.

APPROVED:

Deann E. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF OLD U.S. 42 DEVELOPMENT, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO COMMERCIAL TWO (C-2), AND VARIANCES FOR A 4.0576 ACRE SITE LOCATED AT 8727 U.S. 42, FLORENCE, KENTUCKY, FOR A REDEVELOPMENT OF THE SITE FOR USES PERMITTED IN THE C-2 ZONE, AND FOR DIMENSIONAL VARIANCES FOR REDUCTIONS FROM THE 30 FOOT FRONT YARD AND 15 FOOT CORNER SIDE YARD BUILDING SETBACKS, AND 10 FOOT STREET FRONTAGE LANDSCAPE AREAS ALONG U.S. 42 AND OLD U.S. 42.

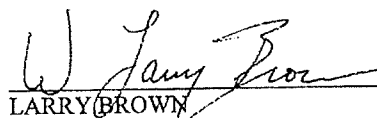
The Committee met in a special meeting on May 7, 2013, at the Florence Government Center Building to consider Resolution No. R-13-004-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

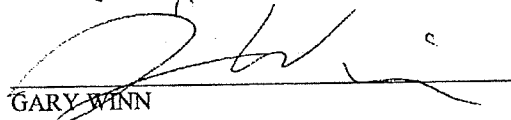
Further, the Committee determined that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission.

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, and the request described above be approved.

MEMBERS OF THE COMMITTEE:


LARRY BROWN


GARY WINN

CABRINNAL
ENGINEERING INC.
1000 W. WASHINGTON ST.
COLUMBUS, KY 40304
TEL: 606.335.1111
WWW.CABRINNAL.COM

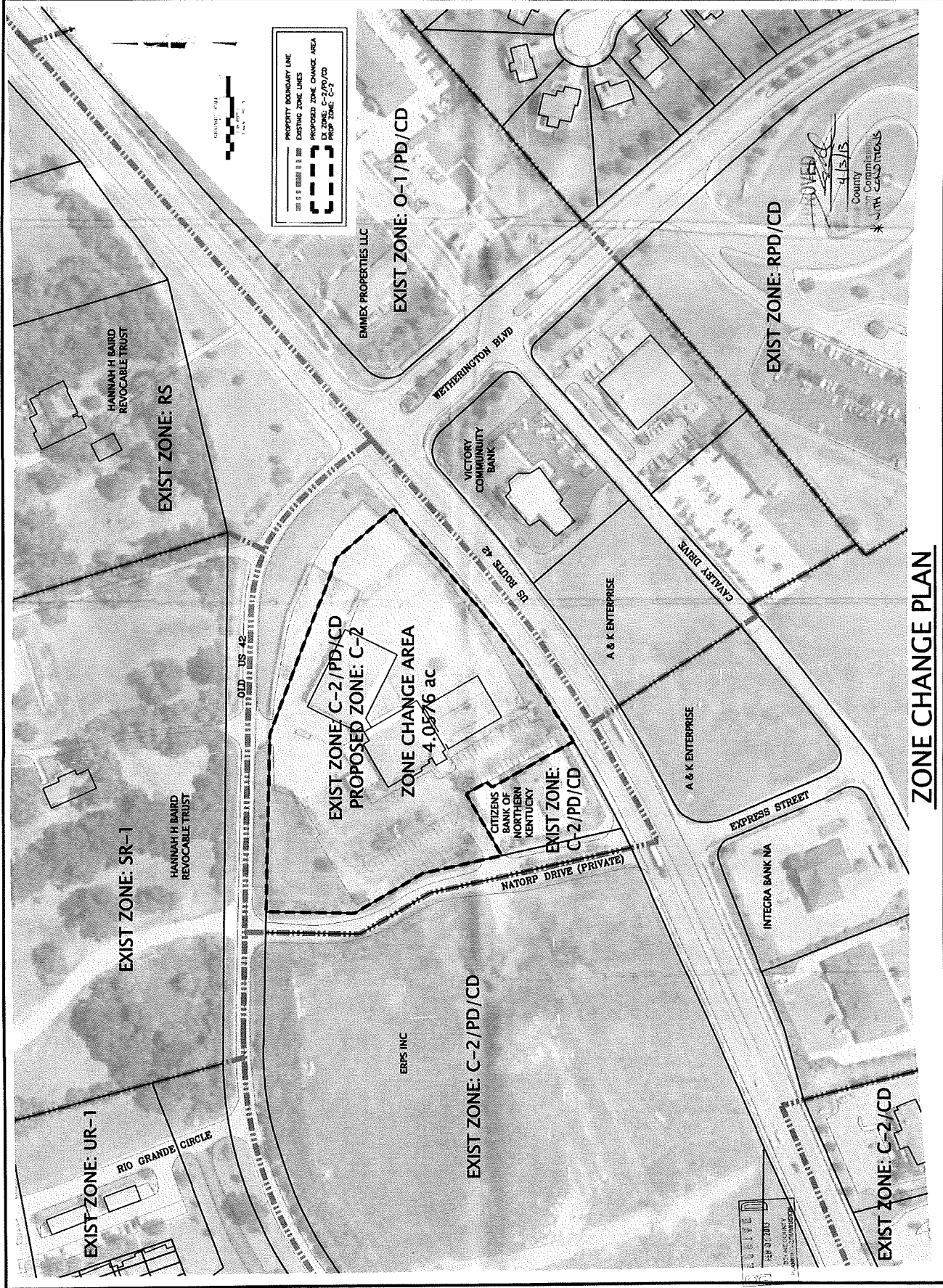
ZONE CHANGE PLAN
8727 US HIGHWAY 42
FLORENCE, KY 41042

ZALLA COMPANIES
2333 ANDERSON
CRESCENT SPRINGS, KENTUCKY 41017

PROJECT NO. 12-183
SCALE 1" = 60'
DATE 02-05-2013
LAST REV. -

ZONE CHANGE PLAN

SHEET ZC-1



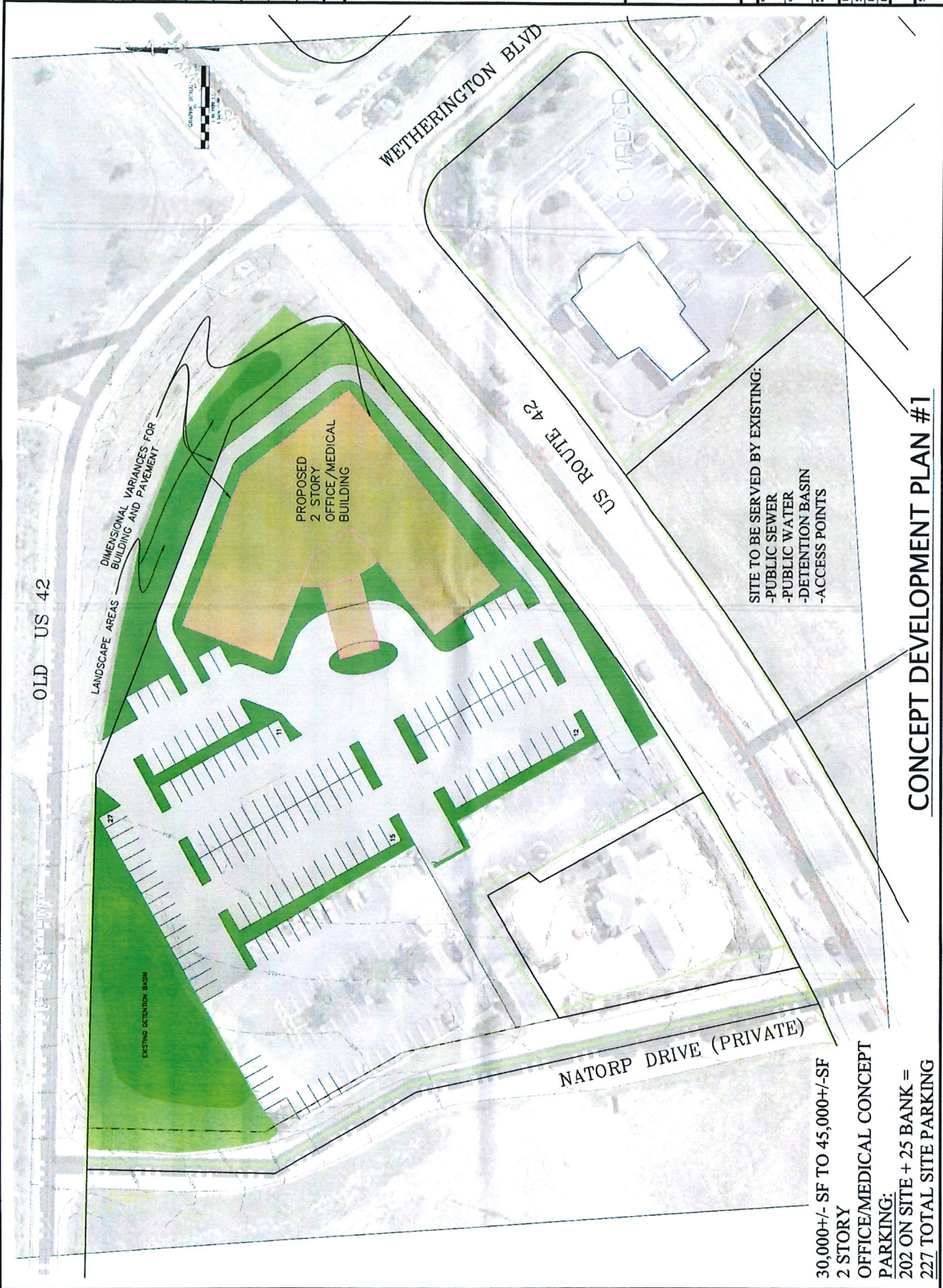
ZONE CHANGE PLAN

APPROVED
4.15.13
County Comm. with Conditions

CARDINAL
 ENGINEERING
 ARCHITECTURE
 1000 W. MAIN ST.
 COLUMBIANA, KY 40306
 PHONE: 502-223-1111
 FAX: 502-223-1112
 WWW.CARDINALKY.COM

CONCEPT DEVELOPMENT PLAN #1
 ZALLA COMPANIES
 2333 ANDERSON
 CRESCENT SPRINGS, KENTUCKY 41017

PROJECT NO. 132-185
 SCALE 1" = 30'
 DATE 2-05-2013
 LAST REV. -
 CONCEPT DEVELOPMENT PLAN #1
 SHEET C-1



30,000+/- SF TO 45,000+/-SF
 2 STORY
 OFFICE/MEDICAL CONCEPT
 PARKING:
 202 ON SITE + 25 BANK =
 227 TOTAL SITE PARKING

CONCEPT DEVELOPMENT PLAN #1

