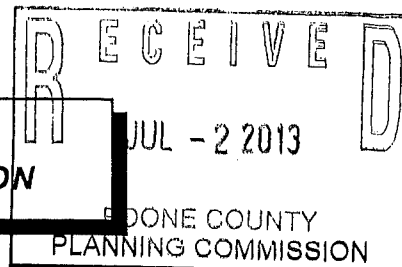


APPLICATION FORM

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 Family Dollar
2. Location of Project 7502 Dixie Highway
3. Total Acreage of Site 1.8986 acres
4. Current Zoning of Site SR-2 Residential
5. Proposed Zoning (Classification being requested) C-2 Commercial
6. Proposed Uses (please specify each use) Single Tenant Retail Building  
and Parking Lot
7. Names of Applicant(s) Morning Star Partners, LLC (Josh Allen)  
Phone No. 513-699-8859 Fax No. 513-731-8885 E-Mail jallen@core-1.com
8. Address of Applicant(s) 1404 Vine Street  
Cincinnati Ohio 45202  
City State Zip
9. Name of Property Owner(s) John Reynolds and Suzanna Toll  
Phone No. 859-371-9354 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
10. Address of Property Owner(s) 30 Circle Drive  
Florence Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify) One building at 8320 s.f.  
Intensity = 8320 s.f. / 1.8986 ac = 4382.18 s.f./ac.
12. Are there any existing buildings on the site? Yes  
How many? 2
13. Deed Book 958 Page No. 904 - 907 Group No. 2042
14. Are you also applying for:  
No Conditional Use Permit  
No 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:  
X Boone County Water District  
X Florence Public Services Dept.  
X Duke Energy  
X Sanitation District #1  
X Cincinnati Bell  
Owen Electric Cooperative, Inc.  
X Boone County Public Works Department  
X Kentucky Transportation Cabinet  
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Morning Star Partners, LLC (Josh Allen) (applicant) for John Reynolds and Suzanna Toll (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow a commercial building.

August 7, 2013

### PROPOSAL

This request is for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre tract located at 7502 Dixie Highway in Florence. The site has frontage on both Dixie Highway and Alan Court. The request is for a zone change to allow a commercial building. The application form states that the proposal is for a "single tenant retail building and parking lot." The intended occupant is a Family Dollar store.

A Concept Development Plan was submitted with this application. This plan shows a one story (approximately 20' high), 8,320 square foot building (80' X 104') near the south property line, and in the approximate center of the site from east to west. The building has a uniform design theme on all four sides. The sides and rear of the building have a tan/beige/sand colored knee wall constructed of split face CMU, and red-brown brick for the remainder of the walls. A decorative horizontal red strip is shown on the upper portions of these facades. The front facade uses this same basic scheme but has a tan/beige stepped EIFS parapet, a metal framed storefront unit, and a small red metal awning over the storefront. One channel letter style building mounted sign is shown (dimensions are not stated).

A parking area is shown along the front and north side of the building, with the access point aligned with Glenn Rose Avenue which intersects Dixie Highway on the opposite side of the street. A large dumpster enclosure constructed of masonry which matches the building is proposed at the rear of the parking area. A bike rack and a sidewalk link between the public walk along Dixie Highway and the parking area are shown. A freestanding sign is conceptually shown on the Concept Development Plan and submitted perspective drawings (dimensions and materials are not stated)

Landscape areas are shown around the perimeter of the site. A detention basin/rain garden is shown in the southeast corner of the site along the Dixie Highway frontage. The approximate western one third of the site along Alan Court to the rear is proposed to be a landscape area.

### ADJACENT LAND USES AND ZONING

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

- A. A house that was converted to a car rental business is located to the immediate north along Dixie Highway (C-2), and a vacant area with a single row of parking is located to the north along Alan Court (UR-2). A vacant lot and several detached single family residences are located further to the north along Dixie Highway and Valley Drive (SR-2).
- B. An apartment complex is located to the west across Alan Court (UR-2).
- C. A bank is located to the immediate south (SR-2 and C-1) and a multi-family dwelling and several detached single family residences are located further to the south along Circle Drive (SR-2).
- D. A gun store is located across Dixie Highway on the northeast corner of the intersection with Glenn Rose Avenue (C-1), and a flooring store is located across Dixie Highway on the southeast corner of the intersection (C-2).

### SITE CHARACTERISTICS

The site contains 1.8986 acres and has approximately 244 feet of frontage along Dixie Highway and approximately 224 feet of frontage along Alan Court. The site is developed with a frame residence that is located in the approximate center of the tract, and a two story carriage house/garage structure at the rear along the Alan Court frontage. There are several large hardwood and evergreen trees around the property.

The high point of the site is in the approximate middle at el 934. The topography of the site is gently sloping downward in each direction, with the low point in the southeast corner at approximately el 927. Rossmoyne silt loam is the soil type on this site (RsB and RsC). Public water and sanitary sewer service are available in the area.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates approximately thirty percent (30%) of the site as "Commercial." This area is in the northeast corner of the lot. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation,

restaurants, services, etc." The remaining approximately seventy percent (70%) of the site is designated as "Suburban Residential." This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element provides the following quotes that relate to the proposal and/or general area.

- A. The City of Florence developed from an aggregate of residential subdivisions, and is the main population concentration of Boone County. Florence did not develop in the traditional manner of cities, with established areas of concentrated commercial, industrial, and residential uses; instead, the uses were intermixed. For instance, the city's central business district is not in a precise location, but rather is a combination of suburban business districts. This factor, above all others, has molded Florence into a suburban city ("Florence Central," pg. 166).
- B. Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property ("Florence Central," pg. 166).
- C. In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two ("Florence Central," pg. 166).

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 should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. 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).

- C. 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).

- D. 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).
- E. 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).

- F. 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 "Florence" region where the subject site is located is estimated to change to 32,385 in 2020, and to 34,153 in 2030.

The Business Activity Element states the following regarding development and established commercial areas.

- A. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts ("Recommended Areas of Commercial Activity," pg. 68).
- B. Other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union ("Recommended Areas of Commercial Activity," pg. 70).

The Housing Element provides the following comments that relate to the general area

- A. Florence has to continue to stabilize and improve older housing stock. There will

likely be a major transition in ownership patterns for the houses of subdivisions built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners ("Florence/U.S. 25 Corridor," pg. 84).

No transportation related projects for the immediate vicinity around the subject site were identified in the Transportation Element.

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," 2<sup>nd</sup> Goal).
- N. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

#### BOONE COUNTY TRANSPORTATION PLAN 2030

No transportation related projects for the immediate vicinity were identified in either Chapter 5 "Operational Improvement Plan" or Chapter 6 "Recommended Long-Range Transportation Improvements" of the Transportation Plan. Exhibit 6-7 "Year 2030 Traffic Volumes and Levels of Service - Recommended Transportation Plan Network" (pg. 6-10) illustrates the part of Dixie Highway that adjoins the subject site as LOS E (related text is outlined in Exhibit 6-9).

## STAFF COMMENTS

### 1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

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 approximately thirty percent (30%) of the site at the northeast corner as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The remaining approximately seventy percent (70%) of the site is designated as "Suburban Residential." This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element discusses the overall area in a general sense. Of particular relevance to this proposal, the "Florence Central" section (pg. 166 ) states "overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property." This section also states "growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two."

The focus of the Business Activity Element for this area is the maintenance and rehabilitation of established business districts and corridors, including Dixie Highway. In this regard, the "Recommended Areas of Commercial Activity" section (pg. 68) states "it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts." This same section (pg. 70) continues by stating "other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union." The Business Activity Goals and Objectives outlined in the body of this report also discuss the proper placement of commercial uses and compatibility with neighboring non-commercial uses.

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 form states that the proposal is for a "single tenant retail building and parking lot." The application materials do not outline specific uses categories which could potentially occupy the building in future. Based on this issue Staff recommends that the governing bodies consider a condition which would allow the property to be used for commercial and office uses that are principally permitted in the C-2 zone, and which are wholly conducted indoors (including any cart storage). This recommendation is based on the smaller scale of the neighboring properties and the close proximity to residential uses.

3. DESIGN ISSUES

Staff has the following comments on design related issues.

- A. The 1994 zone change from SR-2 to C-1 for the adjoining bank to the south included a condition (#2) which states "the development design will accommodate a shared cut or interconnecting parking lot and provide easements with the property to the north on US 25 when (or if) that lot develops commercially" (7/20/94 Committee Report, Ordinance #0-24-94, and site plan excerpt for Columbia Federal are attached). The drive connection would cross the subject property at the low point where the detention/water quality basin is now proposed. Conceivably, the plan could be adjusted to accommodate both the connection and the basin. The 1994 zone change materials and site plan excerpt were previously forwarded to the project engineer. Staff requests that the applicant discuss the feasibility of the contemplated drive connection with the Zone Change Committee.

The Columbia Federal zone change also included a stipulation which retained the original SR-2 zoning for the rear (west) portion of the site. This is explained in the attached ordinance.

- B. The internal driveways are noted as 40 feet and 42 feet wide, whereas only 24 feet is required by Article 33 of the zoning regulations. The applicant should explain the motivation for the additional drive width, such as for delivery truck circulation, and attempt to minimize the additional pavement if possible.

- C. Because the site immediately adjoins a multi-family residential development to the west along Alan Court, and is further connected to a larger residential area, Staff recommends that a pedestrian connection across the rear of the site to Alan Court be evaluated. This type of connection is advocated by the Comprehensive Plan's Future Land Use Development Guidelines. Such a walk or path would be a more expedient route for foot traffic than walking around the block to enter the site from Dixie Highway, and could potentially avoid the creation of a worn path through the development's lawn and landscaping for those who would not walk around the block.
  
- D. A conceptual building design was submitted with this request as described above. This site is subject to the building design requirements in Section 3199 "Design Standards for Business Districts" of the zoning regulations. The portions of the Comprehensive Plan which deal with design issues also need to be consulted.

While the basic building materials and color scheme meet the requirements of Section 3199, there are several aspects of the architectural design which need to be further developed to meet all applicable requirements. These items deal with thematic character or expression beyond just the basic building envelope. Specific items to be addressed include:

- I. Design details and three dimensional relief through the use of pilasters, an arcade on the front, gabled or hipped roof elements at the entrance or building corners, heavy cornice line, brick/masonry detailing, architectural grade wall sconces, brackets, decorative mullions in the storefront unit/windows, additional windows with defined sills and/or headers, relief panels on the side and rear facades, etc., need to be provided on all facades (Subsection 2 "Architectural Style and Detail"). In this regard, Staff recommends that the EIFS panel on the front facade be replaced with a more substantial material such as complementary brick. An alternate color could still be used to help highlight the building mounted sign. The red stripe that is shown on all four facades is considered signage under the zoning regulations, and could be readily replaced with some type of masonry detailing. Signage is not permitted on all facades.
- ii. The windows/storefront unit will need to meet certain transparency requirements (Subsection 4 "Windows").
- iii. The roof line will need to be further enhanced with an "articulated" parapet and cornice (Subsection 5 "Roofs").

- iv. A small red metal awning is shown across the storefront, and is subject to the requirements in Subsection 6 "Awnings." In light of the other requirements in Section 3199, Staff recommends that either this awning be replaced with a more substantial, functional awning which projects further over the front walk, or that it be replaced with an arcade with columns that is covered with a solid roof structure.
  - v. Architectural grade fixtures are required for building lighting (Subsection 8 "Building Lighting"), and are recommended by Staff for the freestanding fixtures as well. The fixtures on the conceptual elevations appear to be utility style wall packs. Lighting will also need to meet the footcandle standards in Section 3316.
  - vi. Loading areas and docks need to be designed as an integral part of the overall building (Subsection 10 "Loading Areas/Docks"). No specific loading dock or area is apparent on the plan. This aspect of the operation should be explained by the applicant. This topic would apparently overlap with the driveway width/delivery truck movement question outlined above.
  - vii. Mechanical equipment will need to be screened per Subsection 11 "Mechanical Equipment."
- E. One channel letter style building mounted sign is shown on the building elevations and perspective drawings, and a taller monument sign is shown on the perspectives. Because this site is in a neighborhood setting versus a regional retail or interchange district, Staff recommends that a more conservative approach be taken, such as by using externally illuminated building mounted signage or backlit pin-mounted sign letters.
- No size or height was stated for the freestanding sign, although it appears to be in the 15 to 20 foot high range based on its relative size in the perspective drawings. Based on the setting as discussed above, Staff recommends that any freestanding sign follow the C-1 zone requirements (monument style and 10 feet high, 100 square feet maximum), and that it use materials, colors, and design details which relate to the building.
- F. As stated previously, there are several large hardwood and evergreen trees on the property. The applicant should address whether any of these trees could be incorporated into the development design without damaging them. Healthy, mature existing trees which are retained can be credited towards the landscaping requirements.
- G. For the applicant's information, there are several code requirements that are

not met on the Concept Development Plan, but could be readily fulfilled with minor adjustments. These include:

- i. The handicap parking spaces need to be the closest to the accessible building entrance.
- ii. The southwest corner of the building encroaches into the required Buffer Yard C that is required between this site and the adjoining SR-2 zone.

#### 4. EXISTING CARRIAGE HOUSE

As noted previously, there is an existing two story carriage house/garage at the rear of the property along Alan Court. This building is believed to be a mid 19<sup>th</sup> century structure. This building would be demolished if the submitted Concept Development Plan was approved. The Boone County Historic Preservation Review Board has asked for the opportunity to document both this structure and the existing residence on the site prior to demolition (7/25/13 memo from Matt Becher, AICP, Rural/Open Space Planner, is attached). The memo provided on behalf of the Board also provides some historical information regarding the site and carriage house.

#### 5. KENTUCKY TRANSPORTATION CABINET COMMENTS

Matt Bogen, P.E., with the Kentucky Transportation Cabinet, District 6, Traffic Section, has stated that the District has no comments from a traffic standpoint and is willing to grant conceptual approval, pending a full Encroachment Permit review. In a note to the applicant, he commented that they will need to provide trip generation figures and turn lane warrants for the store (7/19/13 e-mail from Matt Bogen, P.E. is attached).

#### 6. FLORENCE FIRE DEPARTMENT COMMENTS

Robert Krebs, Fire Marshal with the Florence Fire/EMS Department, has reviewed the plan and stated that the department has no comments.

### 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 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

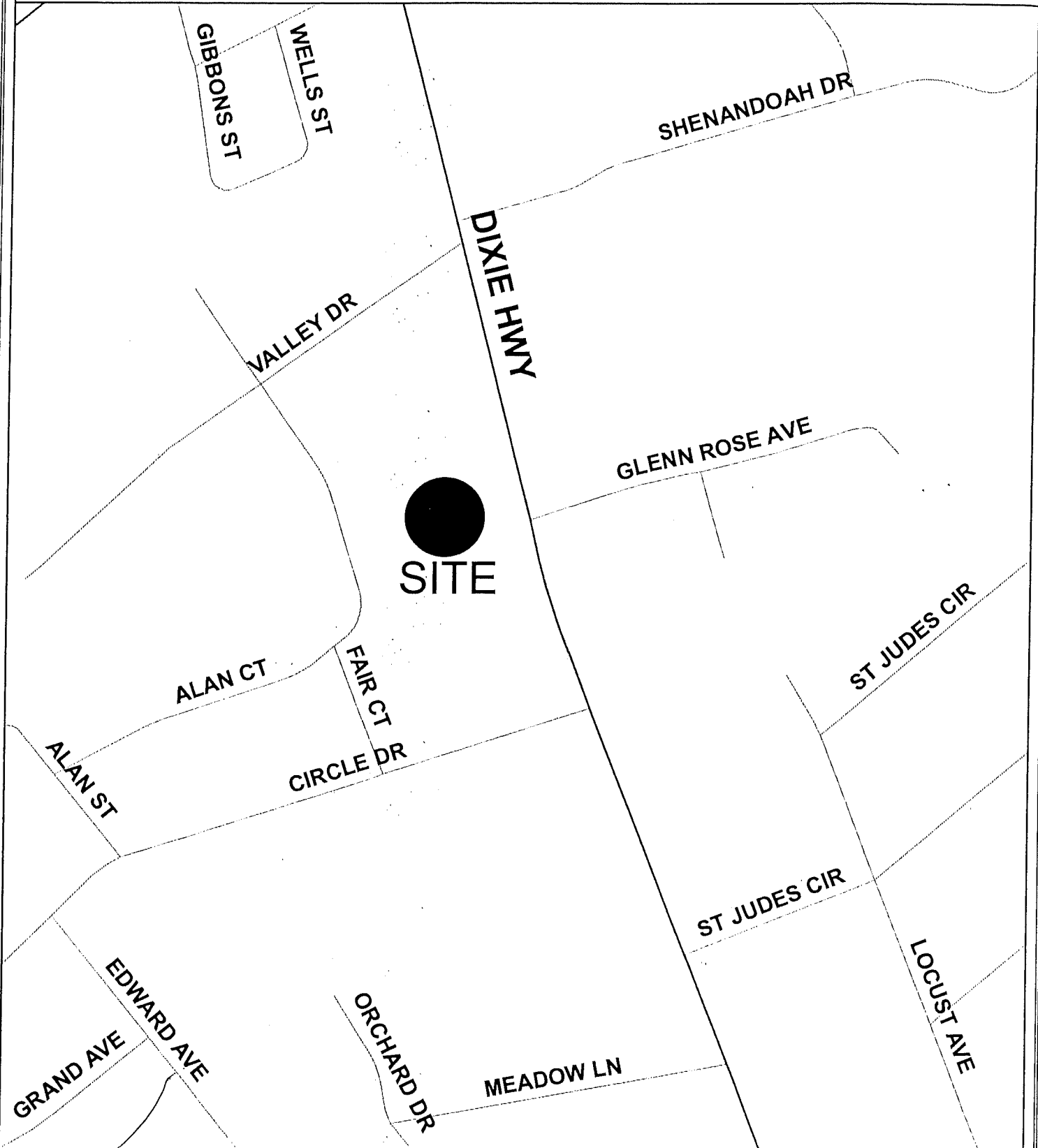
KTW/dw

Attachments:

- Location map
- Aerial photograph w/ zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- Application materials including Concept Development Plan
- 7/20/94 Committee Report, Ordinance #0-24-94, and site plan excerpt for adjoining Columbia Federal site
- 7/25/13 memo from Matt Becher, Rural/Open Space Planner, to Kevin Wall
- 7/19/13 e-mail from Matt Bogen, KTC District 6, to Kevin Wall

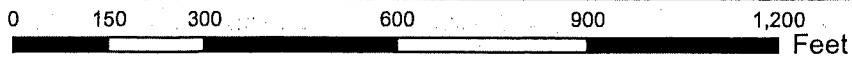
# Location

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1 inch = 301 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 09/02/2013

Map Document: \*.mxd

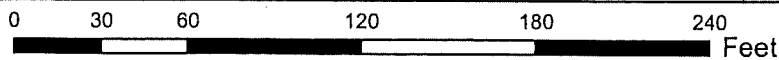
# Zoning

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1 inch = 66 feet



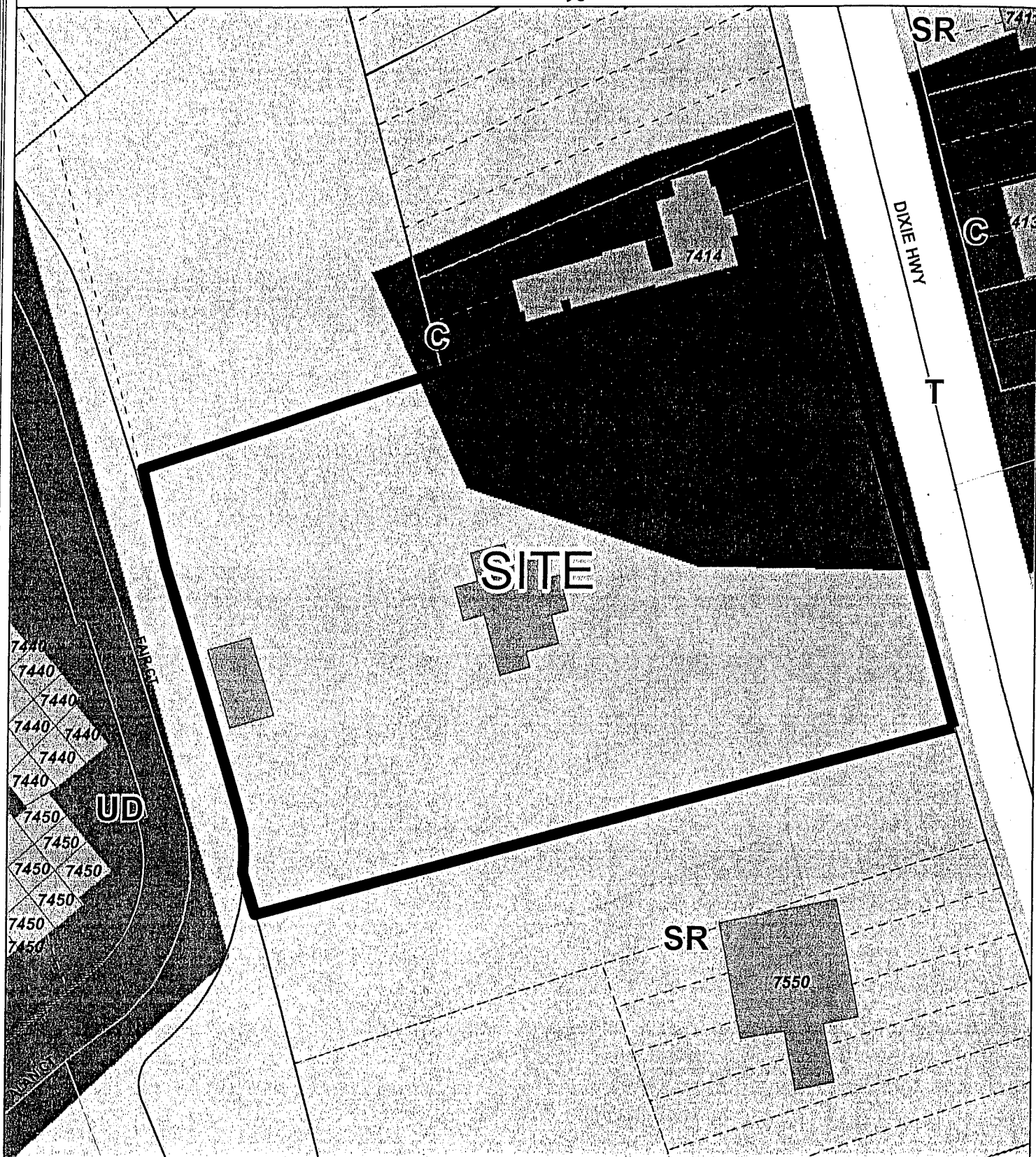
**Boone County GIS - Putting Northern Kentucky on the Map**

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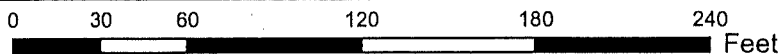
# Future Land Use

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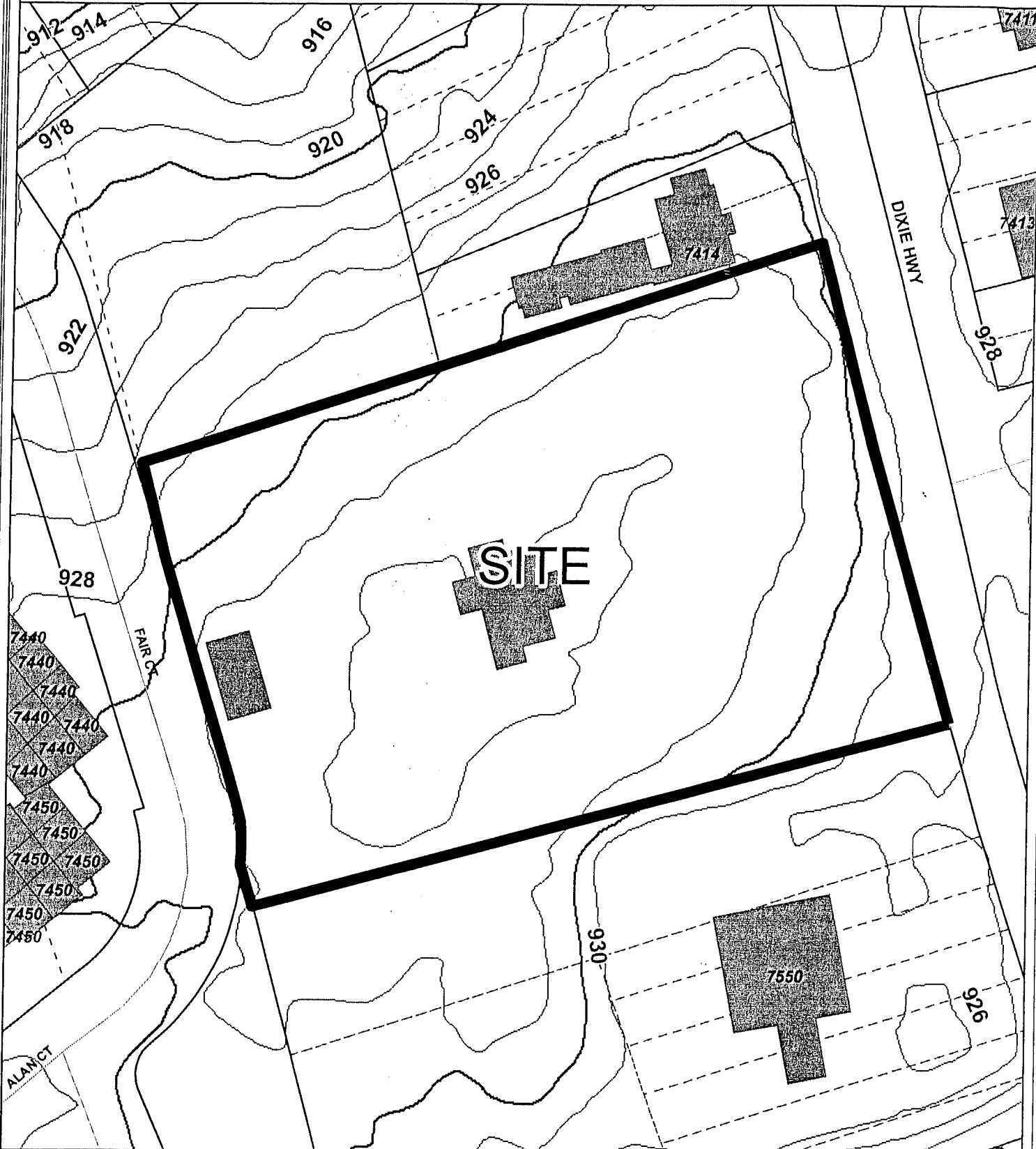
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**Boone County GIS - Putting Northern Kentucky on the Map**

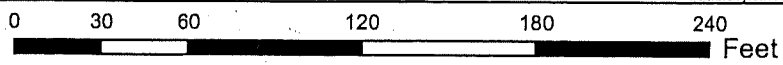
# Topography

www.boonecountygis.com



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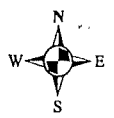


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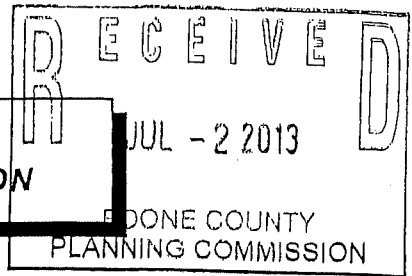
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**Boone County GIS - Putting Northern Kentucky on the Map**



ArchMap Document - 1.mxd

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 Family Dollar
2. Location of Project 7502 Dixie Highway
3. Total Acreage of Site 1.8986 acres
4. Current Zoning of Site SR-2 Residential
5. Proposed Zoning (Classification being requested) C-2 Commercial
6. Proposed Uses (please specify each use) Single Tenant Retail Building  
and Parking Lot
7. Names of Applicant(s) Morning Star Partners, LLC (Josh Allen)  
Phone No. 513-699-8859 Fax No. 513-731-8885 E-Mail jallen@core-1.com
8. Address of Applicant(s) 1404 Vine Street  
Cincinnati Ohio 45202  
City State Zip
9. Name of Property Owner(s) John Reynolds and Suzanna Toll  
Phone No. 859-371-9354 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
10. Address of Property Owner(s) 30 Circle Drive  
Florence Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify) One building at 8320 s.f.  
Intensity = 8320 s.f. / 1.8986 ac = 4382.18 s.f./ac.
12. Are there any existing buildings on the site? Yes  
How many? 2
13. Deed Book 958 Page No. 904 - 907 Group No. 2042
14. Are you also applying for:  
No Conditional Use Permit  
No 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
  - Florence
  - Walton Union
  - Union

19. ORIGINAL Property Owner's Signature *Theresa Tall + John Raymond*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature *John J. Wall*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 7/2/13
2. Review Fee ~~\$120~~ \$2,319.97
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 8/7/13
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.



**Abercrombie  
& Associates, Inc.**

Civil Engineering + Surveying

July 1, 2013

Boone County Planning Commission  
2950 Washington Street  
Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

Attn: Kevin Wall

Ref: Proposed Zone Change for Family Dollar  
7502 Dixie Highway, Florence, Kentucky  
Our Job No.: 13-0046

Dear Kevin:

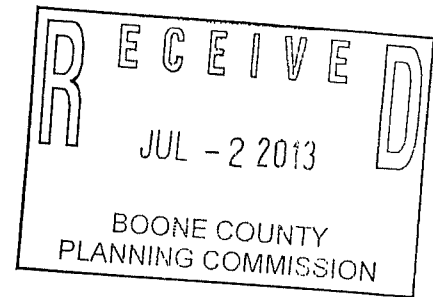
Attached please find 5 copies of the concept development plan, application for zoning map amendment, adjoining owners list and check for application fee. As discussed at our pre-application meeting on June 18th, we are submitting for a zone change for the property located at 7502 Dixie Highway in the City of Florence. The property contains 1.8986 acres and is presently zoned SR-2 Residential. We are proposing a zone change to C-2 Commercial. The subject site abuts property to the north zoned C-2 Commercial and UR-2 Residential, to the west zoned UR-2 Residential, to the south zoned C-1 Commercial and SR-2 Residential and across Dixie Highway to the east zoned C-1 and C-2 Commercial.

The property is presently owned by John Reynolds and Suzanna Toll. The site gently slopes in a northwest and southeast direction with the center of the property being the high point. There are a number of trees on the site. Some of these will be saved and enhanced with the landscape buffer requirements. The existing residence and detached garage will be removed.

Access to the site will be from Dixie Highway opposite Glenn Rose Avenue. The property also has frontage on Fair Court to the west but no access to this road is proposed.

Land use characteristics in this area have changed over the years. This existing residential property is now surrounded by more intense uses. There is multifamily to the west and various commercial uses adjoining to the north, south and east. The proposed development on the site will have approximately 0.7 acres of hard surface including building, parking and sidewalks. The remaining 1.2 acres will be lawn and landscaping. The proposed building will be 8320 s.f. with a height of approximately 20 feet.

Existing utilities are available along the right of way of Dixie Highway. A sanitary sewer extension will be necessary to serve the site.



The proposed zone change will conform and complement the existing Comprehensive Plan. A portion of the site is shown as proposed commercial with adjoining properties along Dixie Highway already zoned commercial.

With this application we are not requesting any variances or conditional use permits. We look forward to presenting our proposal to the commission. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

ABERCROMBIE & ASSOCIATES, INC.



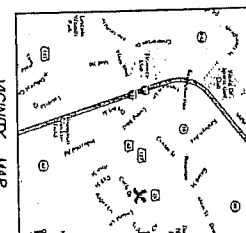
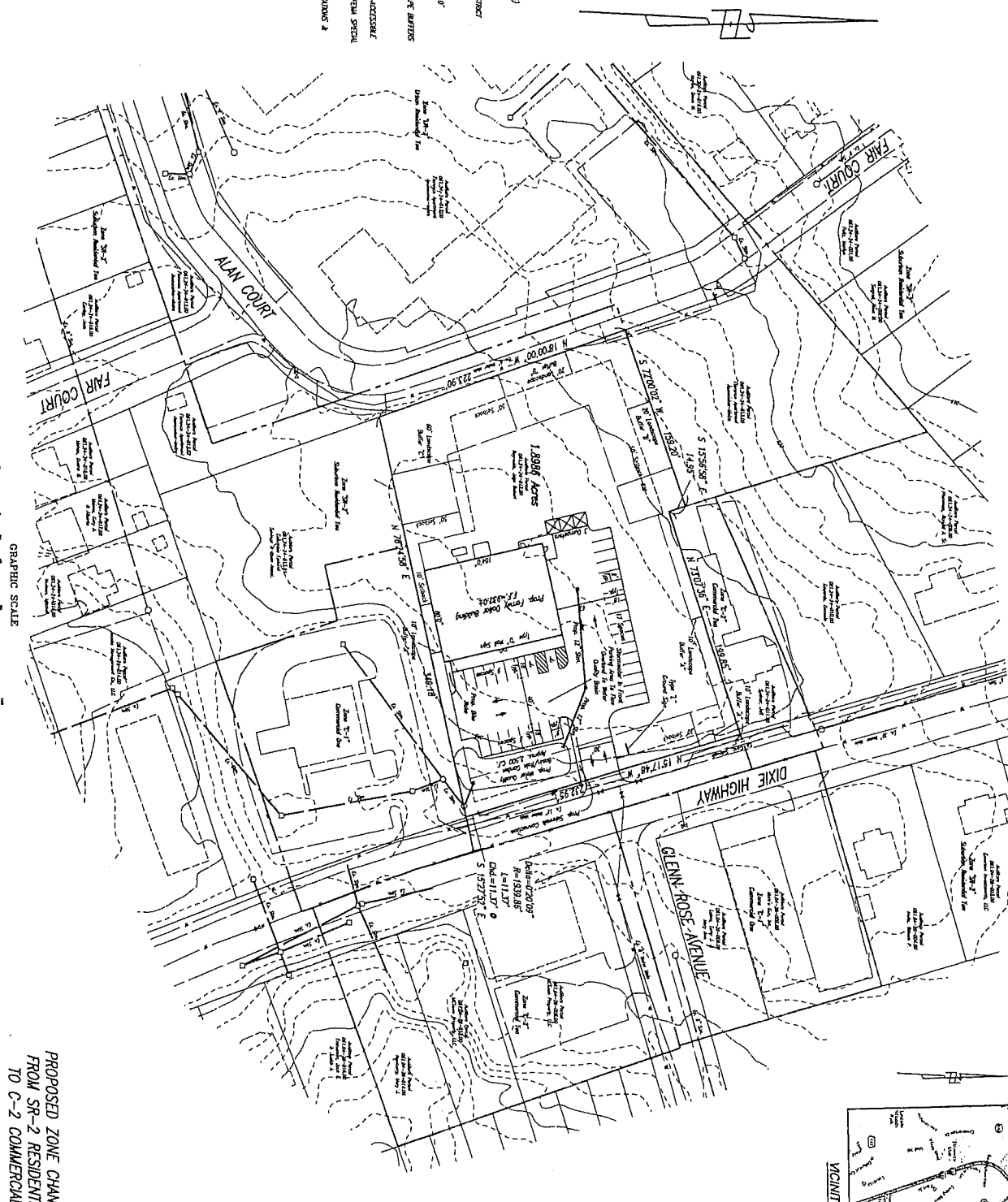
Robert G. Rothert, PE

Attachment

**GENERAL NOTES & LIMIT CONDITIONS**

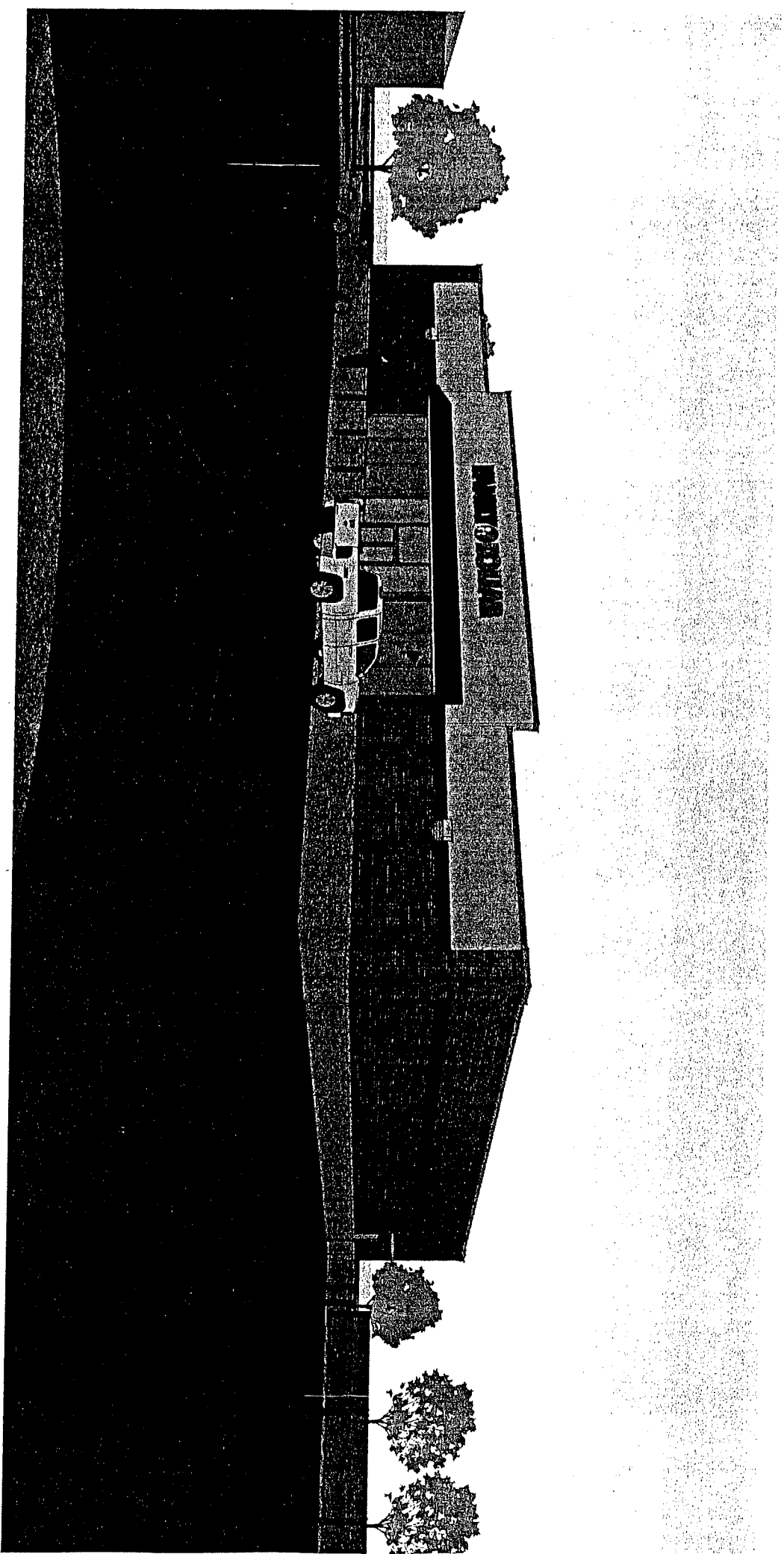
- ZONE: BOONE COUNTY PLANNING COMMISSION
- APPLICANT: MICHAEL LEWIS
- PHONE: (606) 334-2195
- PROPERTY ADDRESS: 7502 DIXIE HIGHWAY (U.S. HIGHWAY 25)
- PROPOSED ZONE: C-2 COMMERCIAL
- PROPOSED USE: SMART-RETAIL RETAIL BUILDING
- PROPOSED LOT: 1.896 ACRES
- PROPOSED SETBACKS: FRONT - 30', SIDE - 30', REAR - 10'
- PROPOSED STORIES: 5 ONE STORY & 10 TEN LAMPSHORE BARRIOS
- PROPOSED PARKING: 33 SPACES
- PROPOSED SIGNAGE: 14 SIGNAGES INCLUDING (2) MANAGED-ACCESSIBLE
- PROPOSED FLOODPLAIN: THIS SITE DOES NOT LIE WITHIN THE FEMA SPECIAL
- PROPOSED FLOOD HAZARD AREA
- PROPOSED EROSION CONTROL: PERMANENT 4,500 CF (PERMANENT)
- PROPOSED WATER QUALITY: 2,500 CF (PERMANENT)

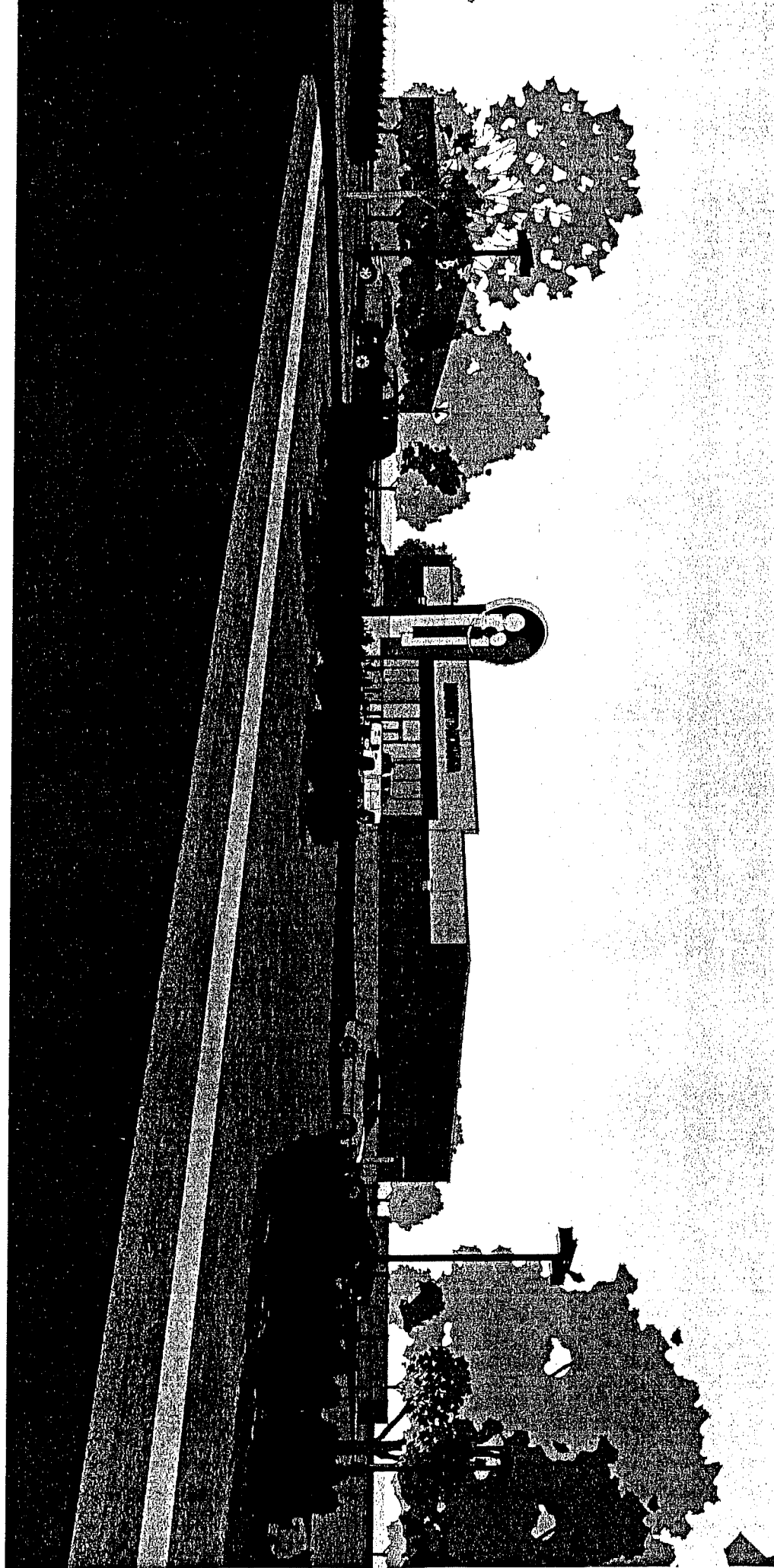
- PROPOSED ELECTRICAL: DATE ENERGY
- PROPOSED TELEPHONE: CHANGING RELAY TELEPHONE
- PROPOSED FIRE: FLORENCE FIRE DEPT.
- PROPOSED HEALTH: HANCOCK HOSPITAL HEALTH DEPT.
- PROPOSED WATER: CITY OF FLORENCE PUBLIC SERVICES
- PROPOSED SANITARY SEWER: CITY OF FLORENCE PUBLIC SERVICES
- PROPOSED EROSION CONTROL: DATE ENERGY
- PROPOSED FLOODPLAIN: THIS SITE DOES NOT LIE WITHIN THE FEMA SPECIAL
- PROPOSED FLOOD HAZARD AREA
- PROPOSED EROSION CONTROL: PERMANENT 4,500 CF (PERMANENT)
- PROPOSED WATER QUALITY: 2,500 CF (PERMANENT)

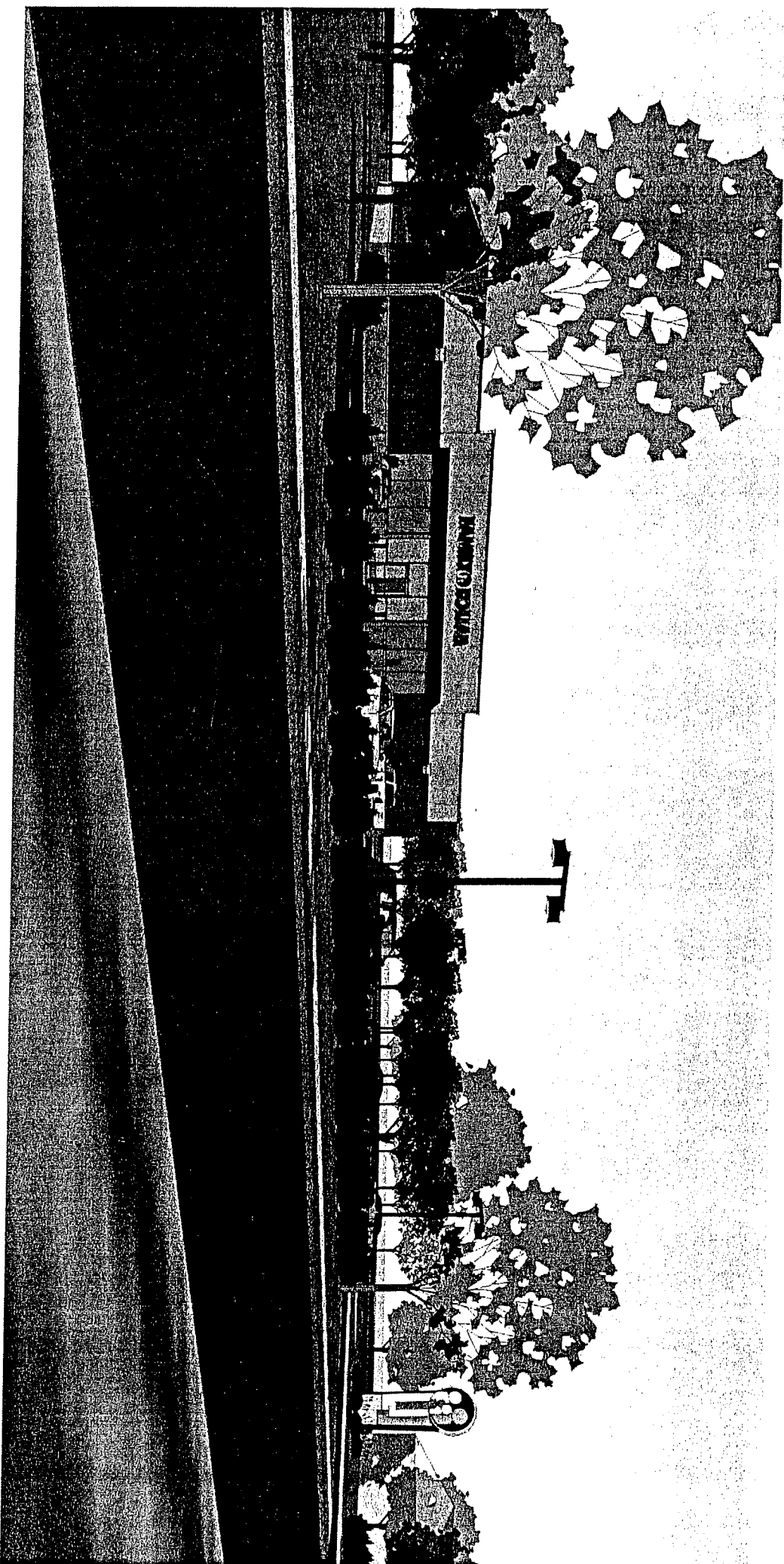


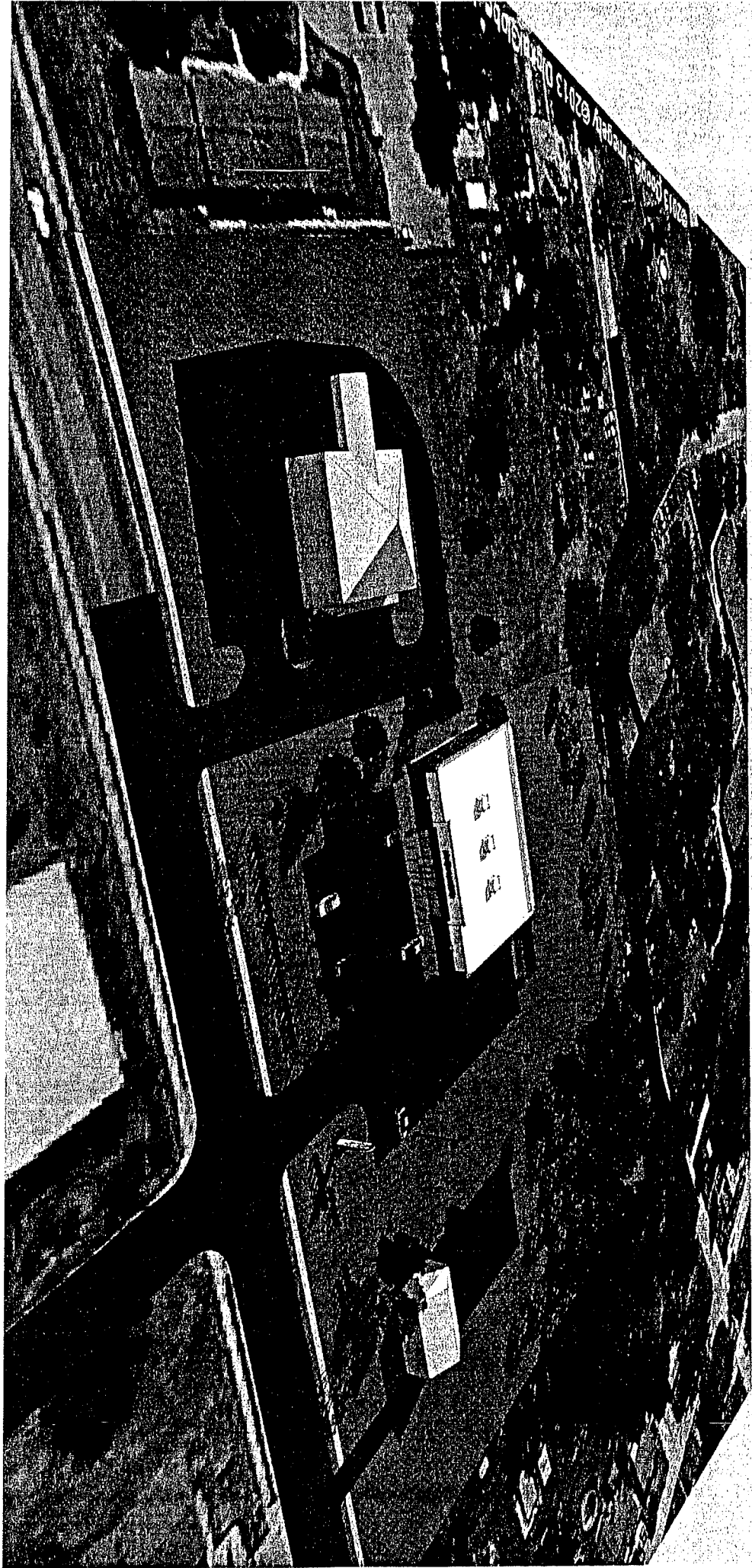
PROPOSED ZONE CHANGE  
FROM SR-2 RESIDENTIAL  
TO C-2 COMMERCIAL

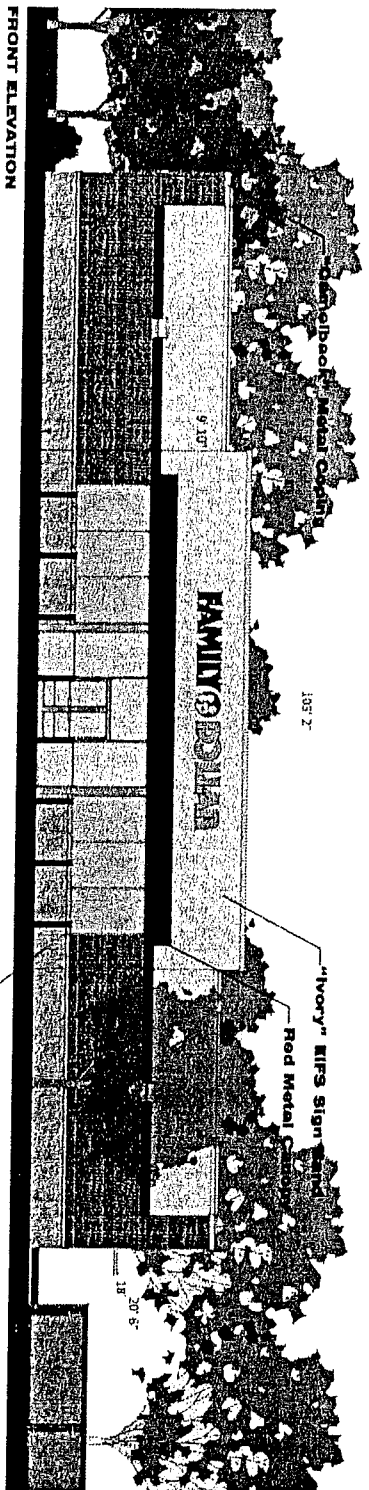
	<b>ZONE CHANGE PLAT</b> FAMILY DOLLAR 7502 DIXIE HIGHWAY CITY OF FLORENCE BOONE COUNTY, KENTUCKY	6-10-13 G.R. R.C.R. 1" = 40'	
	Abercrombie & Associates, Inc. Civil Engineering & Surveying 3377 Corvorn Place, Suite 100 Florence, KY 40304 613-344-1337 www.abercombieandassociates.com	13-COM(6)PLA(DR)-10PT	7-1-13



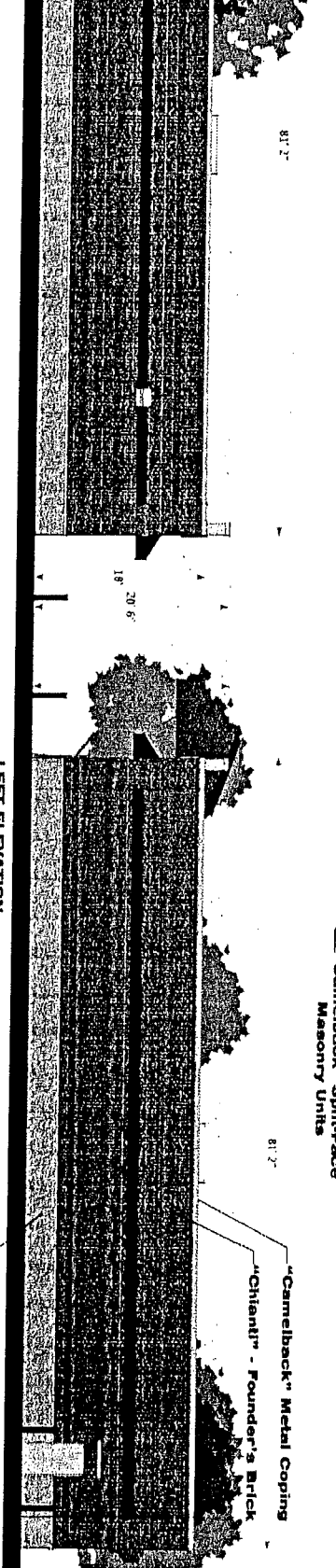






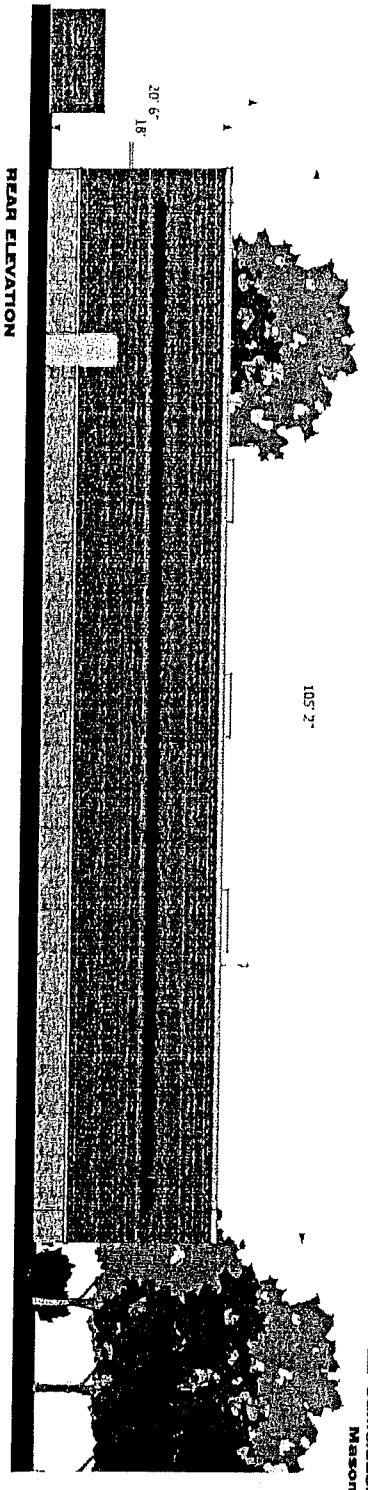


FRONT ELEVATION



RIGHT ELEVATION

LEFT ELEVATION



REAR ELEVATION

**FAMILY DOLLAR - FLORENCE, KENTUCKY**



# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: July 20, 1994

RE: Request of Columbia Federal Savings & Loan Association (applicant) for Mark H. Berliant, Trustee (owner) for a Zoning Map Amendment on a 1.63 acre site located on U.S. 25, just north of Circle Drive, Florence, Kentucky. The request is to change the zone from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow a drive-thru bank.

## Remarks:

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

### Findings of Fact

1. Although this request is not in conformance with the 1990 Boone County Comprehensive Plan, the Committee feels that the proposed Commercial One (C-1) zoning is appropriate and the existing Suburban Residential Two (SR-2) zoning is not appropriate.
2. The Committee believes that the conditions contained in this report satisfy the Business Activity element of the Comprehensive Plan which states that commercial development shall have adequate and maintained buffer spaces between the business and other land uses.
3. The Committee also believes that the conditions appropriately address the Land Use element of the Comprehensive Plan which calls for the use of landscaping, buffering, and building setbacks to minimize the visual and sound impacts of a business on adjacent mixed land uses.

### Conditions

These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the June 29, 1994 Public Hearing.

1. The rear portion of the lot shall remain undeveloped as shown on the applicant's Concept Development Plan. This area shall be maintained in an orderly manner by the property owner.
2. The development design will accomodate a shared curb cut or interconnecting parking lot and provide easements with the property to the north on U.S. 25 when (or if) that lot develops commercially.

3. Low level screening is to be provided in the 10' landscaping strip between the parking lot and U.S. 25 so as to screen internal vehicle headlights from the roadway and adjacent properties.
4. The existing trees on the lot are to remain as shown on the submitted Concept Development Plan. If it is determined by the applicant and Planning Commission that any of the trees are in an unhealthy condition and unable to be saved, appropriate replacement tree planting shall be installed in its place.
5. The development must maintain the 40' buffer yard along the southern property boundary as shown on the submitted Concept Development Plan.
6. Lighting must be directed internally and must not produce glare on adjacent properties.
7. A detailed landscaping plan must be submitted at Site Plan Review and must address visual appearance from Dixie Highway and buffering along adjacent properties. Buffering shall be designed to the satisfaction of the Planning Commission.
8. Stormwater and sanitary sewer issues must be addressed at Site Plan Review.

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.

William Bailey, Chairman

Phil Damstrom  
Phil Damstrom

Barry Neltner  
Barry Neltner

Fred Burch  
Fred Burch

Thurman Owens  
Thurman Owens

Gayle McElroy  
Gayle McElroy

RAJ\par

ORDINANCE NO. 0-24-94

BC. Planning Com.

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 1.2 ACRE SITE LOCATED ON U.S. 25, JUST NORTH OF CIRCLE DRIVE, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL ONE (C-1), SUBJECT TO AGREED CONDITIONS OF DEVELOPMENT PLAN, AND BY AGREEMENT OVERRIDING COMMISSION RECOMMENDATION FOR REZONING REMAINING PORTION OF 1.6 ACRE PARCEL. (COLUMBIA FEDERAL 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 be approved for an approximate 1.63 acre parcel located on U.S. 25, just north of Circle Drive in the City of Florence, Kentucky, from current zoning of Suburban Residential Two (SR-2) to Commercial One (C-1), 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, and the owner/applicant has agreed to conditions as part of its development plan for this zone change, and

WHEREAS, the City Council of Florence, Kentucky, and the owner/applicant have agreed to modify conditions of the development plan so that only approximately 1.2 acres of the 1.63 acre parcel is rezoned, the remaining balance to remain zoned Suburban Residential Two (SR-2).

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 1.2 acre parcel from Suburban Residential Two (SR-2) to Commercial One (C-1) zoning classification, subject to a development plan and its conditions. 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 property, subject to the agreed development plan.

#### SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change 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, including those conditions recommended by the Commission and made a part of the development plan, except as otherwise provided herein.

#### SECTION IV

This rezoning is specifically subject to and conditioned upon the agreement of owner/applicant for only approximately 1.2 acres of the 1.63 acre parcel being rezoned to Commercial One (C-1), subject to the terms and provisions of the development plan, and that the remainder of the 1.63 acre parcel as shown on the attached Exhibit "B" is not rezoned by virtue of this Ordinance, and retains its current zoning of Suburban Residential Two (SR-2), without the previously agreed conditions as part of the Boone County Planning Commission recommendation applying to that portion remaining zoned Suburban Residential Two (SR-2).

By agreement with owner/applicant, this Ordinance overrides the Boone County Planning Commission recommendation to the extent that the recommendation was to rezone the entire 1.63 acre parcel. Owner/applicant agrees as part of its development plan that the portion as shown and identified on Exhibit "B" is to retain its current zoning of Suburban Residential Two (SR-2) and further agrees to the City Council of Florence overriding the Commission recommendation as it applies to this particular portion of the 1.63 acre parcel.

#### SECTION V

In the event that the 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 23<sup>rd</sup> DAY OF August, 1994.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 6<sup>th</sup> DAY OF September, 1994.

APPROVED:

Evilyn McKelb  
MAYOR

ATTEST:

[Signature]  
CITY CLERK

EXHIBIT "A"

Being in the City of Florence, County of Boone, Commonwealth of Kentucky, and

Beginning at a point in the west line of Dixie Highway (U.S. Route 25), N 21° 53' W 100 feet from the northwest corner of Circle Drive and Dixie Highway (the point of beginning); thence S 72° W 200 feet; thence N 21° 53' W 45 feet; thence S 72° W 50 feet to a point; thence N 18° W 201.01 feet more or less to the north boundary line of the property described in Deed Book 185, page 67, Boone County Clerk's records; thence S 78° 55' W 250 feet more or less to the west line of Dixie Highway; thence N 15° 13' W 56.20 feet; thence N 21° 53' W 150 feet to the point of beginning.

It is the intent of the parties that the above describes the first 250 feet of the subject property starting at Dixie Highway, specifically excluding the owner's property to the rear of said 250 feet.

APARTMENTS

N 12° W 201.01'

SINGLE FAMILY HOMES (3)  
FRONTING ON  
CIRCLE DR



SINGLE FAMILY HOME

N 72° 53' E

390.00'

2' 4 1/2" TAND  
AND WIFFS LINE

5' HIGH BUSHWOOD  
HOOPS

APARTMENTS

5 7/8" W

298.00'

3' HIGH BUSHWOOD  
HOOPS

2' 4 1/2" TAND  
AND WIFFS LINE

5' FRONT TAND

DIXIE HIGHWAY  
(U.S. 25)

150.00'

3 1/2" W

255.17'

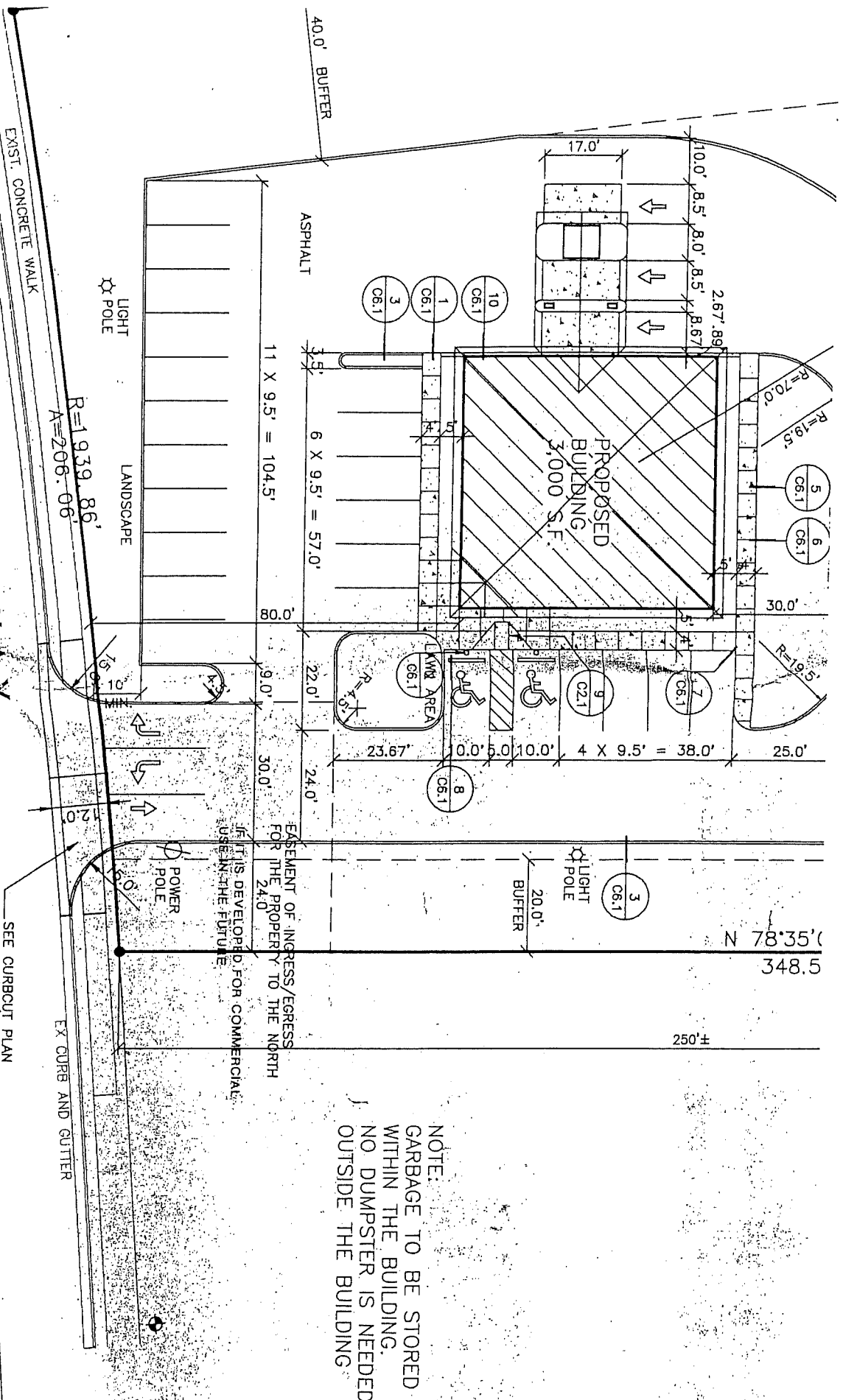


# Sheet #4 - Concept Plan

Columbia Federal Savings & Loan

# DIXIE HIGHWAY

SEE CURBOUT PLAN  
DETAIL SHEET C4.1  
FOR DETAILS OF THIS  
AREA



NOTE:  
GARBAGE TO BE STORED  
WITHIN THE BUILDING.  
NO DUMPSTER IS NEEDED  
OUTSIDE THE BUILDING.

IF THIS DEVELOPED FOR COMMERCIAL  
USE IN THE FUTURE,  
EASEMENT OF INGRESS/EGRESS  
FOR THE PROPERTY TO THE NORTH  
24.0'  
IS DEVELOPED FOR COMMERCIAL  
USE IN THE FUTURE.

# BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

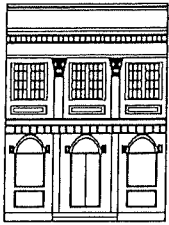
2950 Washington Street, Room 317, Burlington, KY 41005

859-334-2111

FAX 859-334-2264

E-Mail:

mbecher@boonecountyky.org



## MEMORANDUM

**TO:** Kevin Wall, AICP, Zoning Administrator  
**FROM:** Matthew E. Becher, AICP, Rural/Open Space Planner *MEB*  
**DATE:** July 25, 2013  
**RE:** 7502 Dixie Highway - William H. Carpenter Site

These comments are provided on behalf of the Boone County Historic Preservation Review Board. The subject property includes a mid-20th Century house of frame construction and an older garage building that likely dates to the mid-19th Century. The house has been altered to an unknown extent and is covered in aluminum siding.

The garage building at the rear of the property pre-dates the house and is of greater historical interest. It is a 2 story brick structure covered in stucco and with a gabled roof. The walls appear to be thick and of substantial construction, suggesting that the original function was more than that of a garage - perhaps something industrial. While it's original function is uncertain, it was remodeled to serve as a 3 car garage/carriage house, probably when the current house was built in the mid-20th Century

Lake's *1883 Atlas of Boone, Kenton, and Campbell Counties, Kentucky* shows the residence of Wm. H. Carpenter on the site. According to preliminary research conducted by the Boone County Public Library, "William Henry Carpenter (1815-1897) was the son of the Reverend William C. Carpenter. In 1850 and 1860, William Carpenter was a farmer with \$50,000 worth of land and personal property. A great deal of his personal property was invested in his 10 slaves." A 1938 aerial photograph of the site shows that the original house was much closer to the smaller "garage" building in the back than the current house. Such layouts were common in the 19<sup>th</sup> Century, where cooking took place in a separate summer kitchen built to reduce the risk of fire in the adjacent main house. Slave quarters were often incorporated into these structures in slave-holding states such as Kentucky.

The current house on the site replaced the original residence shown on the 1883 Atlas and 1938 aerial. However, the brick garage building is likely associated with the earlier Carpenter house and was probably built sometime in the mid-19th Century. The Carpenter site has not been investigated or recorded for the Kentucky Historic Inventory. Given what is known about William H. Carpenter and the unusual nature and construction of the brick garage building on the property, Review Board staff requests access and sufficient time to fully document the house and garage structure through drawings and photographs. Staff requests a minimum of 45 days notice prior to demolition of the property to accommodate this request. This notification can be made to myself, as staff of the Review Board.

## Kevin Wall

---

**From:** Bogen, Matthew (KYTC-D06) [Matthew.Bogen@ky.gov]  
**Sent:** Friday, July 19, 2013 10:56 AM  
**To:** Kevin Wall; 'brothert@abercrombie-associates.com'  
**Cc:** Minckley, James (KYTC-D06); Mitchell, Laura (KYTC-D06); Brannon, Mark (KYTC-D06)  
**Subject:** Family Dollar, US 25 @ Glenn Rose Ave.

Kevin, we have reviewed the zone change plan for the proposed Family Dollar store on US 25 across from Glenn Rose Ave. Based on this plan, we have no comments from a traffic standpoint and are willing to grant conceptual approval for this zone change, pending a full encroachment permit review.

Bob, when you are ready to proceed with approval for this store, please contact Laura Mitchell about the permit application. Also, I will need to see trip-generation numbers and turn lane warrants for the store. Feel free to call Laura or myself if you have any questions.

Thanks,

Matt Bogen, PE  
KYTC District 6  
Traffic Section  
Phone: (859) 341-2700 x303  
Cell: (859) 462-8718

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 4, 2013

RE: Request of **Morning Star Partners, LLC (Josh Allen) (applicant)** for **John Reynolds and Suzanna Toll (owner)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow a commercial building.

## REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the 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 approximately thirty percent (30%) of the site at the northeast corner as "Commercial." The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The remaining approximately seventy percent (70%) of the site is designated as "Suburban Residential." This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

Although part of the site is designated for Commercial uses and the remainder for Suburban Residential uses, the proposed C-2 zone is compatible with the adjoining sites. These include C-1 and C-2 zones to the immediate south and north along Dixie Highway, and C-1 and C-2 zones across Dixie Highway on the northeast and southeast corners of the intersection with Glenn Rose Avenue. The uses on these adjoining sites include a bank, a former car rental business, a gun shop, and a flooring store, which are comparable in scale and character to the development that is outlined on the submitted Concept Development Plan and limited in the agreed conditions.

- B. The Land Use Element discusses the overall area in a general sense. Of particular relevance to this proposal, the "Florence Central" section (pg. 166) states "overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property." This section also states "growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two."

As noted above, the Committee has concluded that the proposal is compatible with the adjoining commercial zoned sites. The approximate western one third of the site along Fair Court (noted as Alan Court on the Concept Development Plan) to the rear is proposed to be a landscape area, therefore a substantial buffer area between this development and the apartment complex to the west will be provided. Additionally, the proposal is subject to the building design requirements in Section 3199 "Design Standards for Business Districts" of the Boone County Zoning Regulations. Compliance with these requirements will help assure that the building will use an articulated design and substantial materials that are compatible with a neighborhood commercial district setting. The property owners have also agreed to a condition which will result in signage that is conducive to this neighborhood commercial district setting. When considering these facts, land use in the immediate area will be reasonably balanced.

Based on the reasons outlined above, the Committee has also concluded that the proposal is in agreement with the following Goal and Objective:

- i. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
  - ii. 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).
- C. The focus of the Business Activity Element for this area is the maintenance and rehabilitation of established business districts and corridors, including Dixie Highway. In this regard, the "Recommended Areas of Commercial Activity" section (pg. 68) states "it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of

older business districts, instead of creating new commercial districts." This same section (pg. 70) continues by stating "other types of projected commercial activity include the eventual restoration and redevelopment of older commercial areas, developments and corridors. This includes sites along Dixie Highway, U.S. 42 (in Florence), KY 18 (in Florence), Dream Street, downtown Burlington, and Union."

When considering that the subject property is somewhat of an infill site between several existing commercial zones, the Committee does not view this zone change as the establishment of a new commercial district. Rather, it is a reinforcement of an established neighborhood commercial district, in conformance with contemporary standards and expectations, as sought by the Business Activity Element.

2. Because this site is a single lot surrounded by commercial zones and business uses to the north, south and east as discussed in paragraph 1.A above, and a multi-building apartment complex to the west, the Committee has concluded that the existing SR-2 zoning classification is inappropriate and that the proposed C-2 zoning classification is appropriate.
3. The 1994 zone change from SR-2 to C-1 for the adjoining bank to the south at 7550 Dixie Highway included a condition which states "the development design will accommodate a shared curb cut or interconnecting parking lot and provide easements with the property to the north on US 25 when (or if) that lot develops commercially" (Condition #2 in 7/20/94 Committee Report). The "property to the north" is the subject of the current application. The applicant's engineer evaluated a potential driveway connection between the two sites and provided a diagram which demonstrated that it would have a slope of twenty percent (20%). The Committee concluded that this slope is unreasonably steep for a driveway and that the connection should not be required at this time due to that reason.

This conclusion does not void or eliminate the driveway connection condition for the adjoining property at 7550 Dixie Highway. Rather, the Committee has determined that the required driveway connection is not conducive to the proposed Concept Development Plan and the condition should not be activated at this time. Such a drive connection may be proper at some point in the future based on redevelopment or other improvements.

4. Based on the discussion at the 8/21/13 Committee meeting, the applicant understands that the design of the building will need to be further enhanced to meet the requirements of Section 3199 "Design Standards for Business Districts" of the zoning regulations. A discussion on how the building design can be further developed to meet these standards is in the Staff Report for this request. Since Section 3199 outlines generally applicable standards which must be met by

developments along the Dixie Highway corridor in Florence, the Committee did not recommend a specific condition regarding the building design. However, the Committee recommends that the applicant further refine the architectural concept for review by the City of Florence through this zone change process.

5. 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 owners have signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. Uses on the site shall be limited to commercial and office uses that are principally permitted in the C-2 zone, and which are wholly conducted indoors (including any cart storage).
2. A sidewalk connection shall be provided between the building or parking lot and Fair Court (labeled as Alan Court on the Concept Development Plan). A concept of this sidewalk connection is shown on the attached Exhibit A.
3. The freestanding sign for the site shall be a monument style sign which follows Option "O" on the attached Exhibit B (7.5' high x 4' wide cabinet with an area of 29.94 square feet). This sign shall be mounted on a masonry base which matches the building in terms of materials, colors, and design detailing. The total height of this sign shall be 10 feet maximum.
4. The existing trees/vegetation which are highlighted on the attached Exhibit C shall be retained and incorporated into the overall development design. It is understood that the existing tree labeled as "X" on Exhibit C will be retained if possible, but that it may need to be removed as a result of construction activities.
5. The Boone County Historic Preservation Review Board shall be granted the opportunity to document the existing residence and two story "carriage house" prior to their demolition. The Board shall be given at least forty five (45) days notice prior to the demolition of these structures to accommodate the documentation.
6. The freestanding exterior light fixtures shall be turned off no later than one (1) hour after the business closes to the public each day.

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.

# EXHIBIT A

Fr. ce Apartme  
Associates-Metro

Zone "C-2"  
Commercial Two

S 15°56'58" E  
14.95'

N 73°07'36" E

S 72°00'02" W 159.20'

20' Landscape  
Buffer "B"

50' Setback 930

N 18°00'00" W  
20' Landscape  
Buffer "B"

Prop. 4' Conc. Sidewalk

3 Dumpsters

**1.8986 Acres**

Additors Parcel  
061.24-24-012.00  
Reynolds, John Robert

Prop. Family Dollar Building  
F.I.F.=932.04

Ex. 6" Water Main  
223.90'

50' Setback

60' Landscape  
Buffer "C"

50' Setback

104'0"  
80'0"  
10' Setback

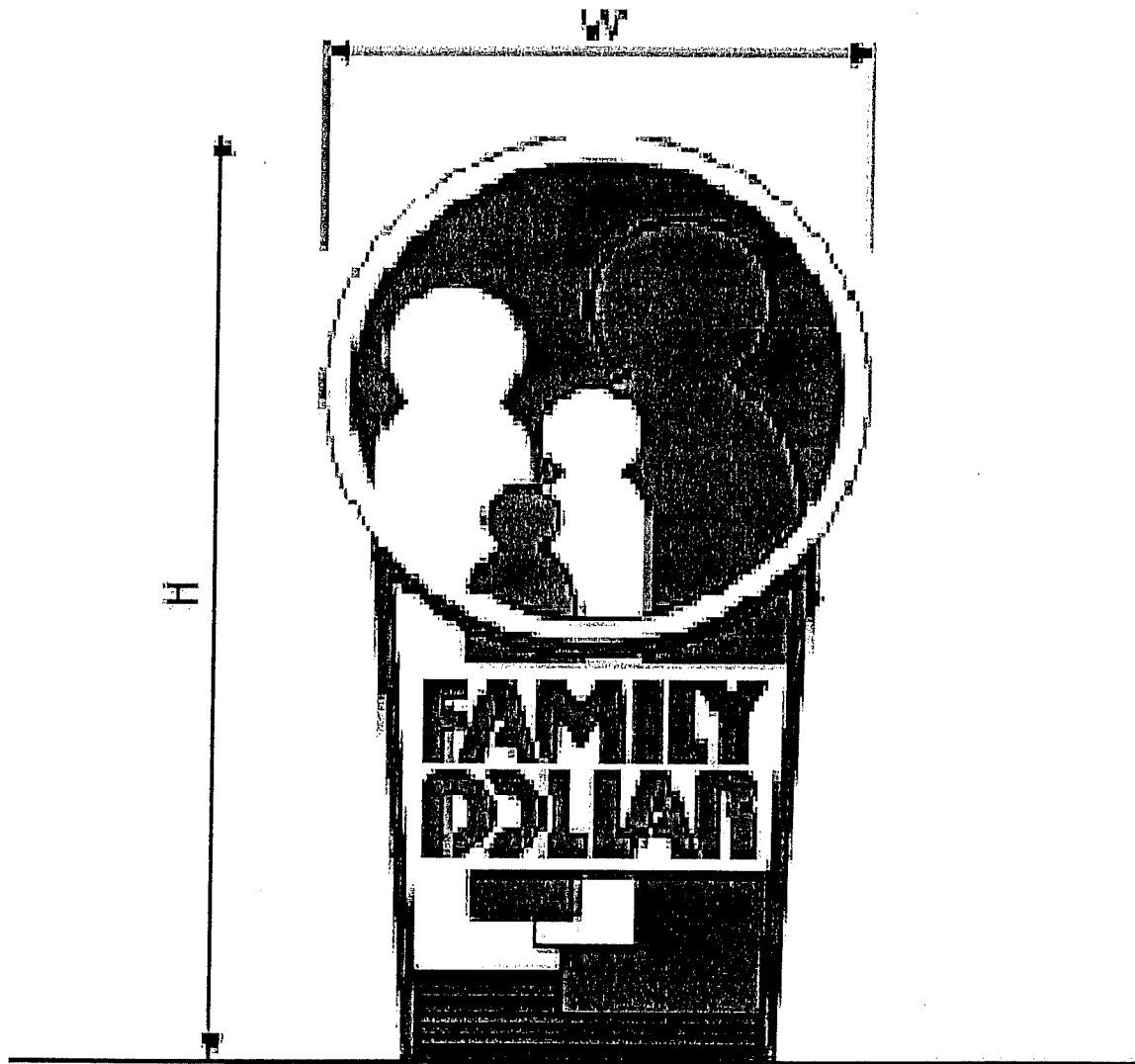
N 78°24'58" E

10' La  
Buff

Zone "SR-2"  
Suburban Residential Two

# EXHIBIT B

## MONUMENT SIGNAGE DOUBLE FACE OPTIONS



⓪ 7'-6" H x 4'-0" W

AREA = 29.94 SQ. FT.

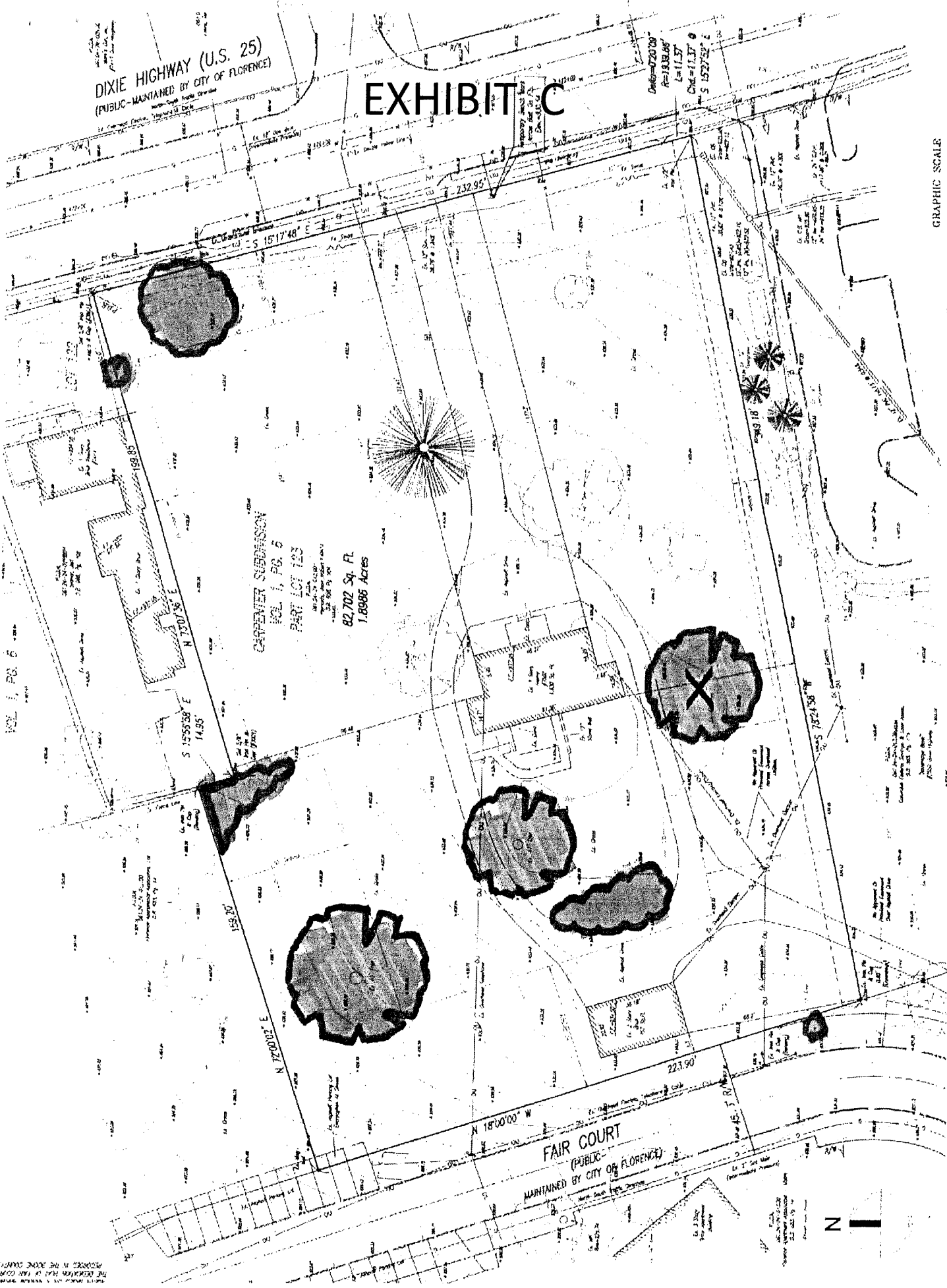
Ⓟ 10'-0" H x 5'-6" W

AREA = 49.96 SQ. FT.

DIXIE HIGHWAY (U.S. 25)  
(PUBLIC-MAINTAINED BY CITY OF FLORENCE)

# EXHIBIT C

GRAPHIC SCALE



AS SHOWN ON THE MAP AND THE RECORDS OF THE CITY OF FLORENCE, SOUTH CAROLINA.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
AUGUST 7, 2013  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Greg Breetz  
Mrs. Janet Kegley  
Ms. Susan Schultz

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services

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

**ZONING MAP AMENDMENT - Kevin Wall, Staff**

1. Request of **Morning Star Partners, LLC (Josh Allen) (applicant)** for **John Reynolds and Suzanna Toll (owner)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow a commercial building.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Wall stated that the site is a little less than 2 acres and is located at 7502 Dixie Highway. It is located across the street from the intersection of Glenn Rose Avenue and Dixie Highway. The site has a house located in the center of the parcel and a carriage house near the rear property line or Fair Court. The Comprehensive Plan's Future Land Use Map recommends Commercial (C) on about 30% of the site while the remaining portion of the site indicates Suburban Residential (SR). The Commercial designation is located on the northeast portion of the site. Topography of the site is relatively flat. The high point of the site is in the center area. The submitted Concept Development Plan shows an 8,300 square foot Family Dollar store. The proposed access point would be aligned with Glenn Rose Avenue. About a third of the western portion of the site will be vacant or reserved for landscaping. Mr. Wall referred to building elevations. Building materials will include split-faced CMU on the bottom and mostly brick on each side including a red stripe. The store has a small awning on the front and an EIFS parapet on the front. Mr. Wall proceeded with showing photographs of the site and surrounding properties. The site has many mature trees. A bank exists just south of the site. North of the site is a house that was converted to a car rental business. Across the street is a gun shop and a flooring store. On the west side is an apartment complex located off Fair Court.

In terms of Staff Comments, Mr. Wall referred to the text of the Comprehensive Plan. There is no specific reference to the site but there is a reference to business or commercial districts. "It is important to encourage the reuse of vacant commercial buildings and on going maintenance and rehabilitation of older business districts, instead of creating new commercial districts." Mr. Wall also stated the alternate findings of fact identified in KRS 100 as a basis for the zone change. This includes whether the current zoning is inappropriate and the proposed zoning is more appropriate and whether there have been any physical, social or economic changes that the Comprehensive Plan didn't anticipate. Other staff comments include the proposed use - a Family Dollar Store. Mr. Wall recommended that the Planning Commission review the overall setting of the property. It is a neighborhood commercial area with neighboring residential properties. He suggested that in the event the Family Dollar store goes away, the Planning Commission should look at a possible condition that would allow the property to be used for commercial or office uses that are principally permitted uses in the C-2 zoning district and are conducted indoors and with no outside storage.

Mr. Wall further explained other related design issues. The bank property to the south was re-zoned in 1994 and had a condition that the owners needed to install a driveway connection to the north if the site in question developed commercially. Mr. Wall asked the Planning Commission to examine this item more closely to make sure it makes sense. City of Florence officials felt that the connection was doable but the applicant's engineer must examine the grade difference and the exact location because of the proposed detention basin/rain garden. Mr. Wall questioned the 40 - 42 foot wide driveways versus the required 24 feet. He asked if the applicant could address this issue. Because the site is adjacent to Fair Court, Florence Apartments and a larger residential area, Mr. Wall recommended that the applicant consider constructing a pedestrian connection across the rear of the site to Fair Court. Mr. Wall felt that if it wasn't done, a worn path to the store would occur. This type of connection is advocated in the Comprehensive Plan's Future Land Use Development Guidelines. In regard to building design, the site is subject to Section 3199, "Design Standards for Business Districts," which are architectural requirements for commercial buildings for some of the main corridors in the City of Florence. Mr. Wall mentioned there are 6 - 7 items dealing with building design in the Staff Report on pages 10 - 11. Overall, the applicant will have to address these items to give the proposed building more personality. Relative to signage, the applicant is proposing a channel letter building mounted sign. Because it is a neighborhood type store, Mr. Wall recommended that the applicant use an externally illuminated building mounted sign or back-lit pin-mounted sign letters. Since no sign size or height was shown for the free standing sign, Mr. Wall recommended that the applicant follow the C-1 zone requirements. In addition, there are several large hardwood and evergreen trees on the property. Mr. Wall suggested that the applicant retain them if possible and they would be credited towards the landscaping requirements.

Mr. Wall noted that there are a couple of code requirements that must be met as stated on page 12 of the Staff Report. Further, the Boone County Historic Preservation Review Board asked for the opportunity to document the carriage house and the residence on the subject site prior to demolition. Mr. Wall noted that he received feedback from Kentucky Transportation Cabinet officials in which they expressed no comments from a traffic standpoint and was willing to grant conceptual approval of the proposed curb cut pending a full Encroachment Permit review. However, the applicant must provide trip generation figures and turn lane warrants for the proposed store when an encroachment permit is submitted. There were no comments from the Florence Fire Department. Mr. Wall concluded that the Planning Commission and the City of Florence need to evaluate the application in terms of the 3 criteria necessary for approving a Zoning Map Amendment, Article 3 of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. Mr. Wall stated that the Future Land Use Map would need to be amended if the request is approved.

Chairman Rolfsen asked if the applicant was present in the audience.

Mr. Josh Allen of Morning Star Partners, LLC stated that he is the applicant and the developer for Family Dollar. He explained that the main reason why he is present is to pursue a zone change for the site. He noted that both properties to the north and south were already zoned Commercial - C-1 and C-2 as well as across the street. The only residential zoning is in the rear and on the bank property. The proposed project seems to be a very good fit for the neighborhood. The project will not generate significant traffic that would disrupt the neighborhood that is not already there. Mr. Allen stated that the building would be located in line with the existing bank building in order to keep the commercial buildings together. Their intent is not to spread out and create a large commercial area. There is a good buffer between the residential area and the commercial area based upon the proposed building location. Mr. Allen stated that they would keep as many trees as possible. They will leave trees because of the expense and the site looks better with mature trees. They will install additional landscaping features. The reason why the driveway widths are larger than normal is because Family Dollar uses a large truck for deliveries once a week. It is usually a 75 foot, 18 wheeler truck. Mr. Allen stated that they could make the driveway aisles smaller but then they would have to create a larger area to turn around thus creating a larger footprint and the developed portion of the site would get bigger. Because the site is more compact, they had to make the driveway aisles wider. A delivery truck will come off the road and then take a left in front of the store and then reverse around to the delivery door and then pull straight out.

Chairman Rolfsen asked if Family Dollar had deliveries during the night? Mr. Allen responded no. Normal operating hours for the store are from 9:00 a.m. to 8:00 p.m.

Mr. Allen stated that his company would look at a potential driveway connection with the existing bank. Family Dollar would not have a problem with it as long as the neighboring property would allow it and grant them an easement. It would also have to be physically possible with the grade change.

Mr. Ford asked about the potential for a pedestrian connection from the residential area? Mr. Allen responded that Family Dollar would be open to it. Their business model is to be a neighborhood type business. They want surrounding residents to use the business. They would have to find the best location for the sidewalk. In regard to the carriage house, there is no need to do anything in the back except for grading work. They are going to keep as many trees as possible. Mr. Allen stated that he would allow the Historic Preservation Review Board to document the building and Morning Star may keep the structure. It would depend on the civil or grading work. Maybe the sidewalk could be integrated with the historic building.

Chairman Rolfsen asked about the dumpster system and location? Mr. Allen referred to the Concept Development Plan and the area labeled by an "X". It would include a masonry enclosure with gates. Lighting in the rear will be limited to security lighting where the mechanical equipment sits. Chairman Rolfsen asked about the parking lot

lights being turned off after 8:00 p.m. Mr. Allen responded that he believed so but needed to check with Family Dollar.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Mary Ann Lohre stated that she lives off Glenn Rose Avenue. She is not opposed to the zone change from residential to commercial. She asked why is a dollar store being proposed when there is one located across the street? It is not the most attractive store. She asked is that what we need in Florence? It is good that the applicant will be saving a few trees on the site. It may work out well.

Ms. Jamie (no last name given), 7550 Dixie Highway, stated that she is representing the bank next door. She asked how the proposed use affects the bank's customers entering and exiting their site while they are constructing the building - their entrance and parking area? Chairman Rolfsen asked whether the bank had an opinion on the "cut-through" or driveway connection? She responded no as long as it doesn't affect their customers.

Mr. Allen responded that he didn't foresee any issues affecting the bank customers during construction since the construction trailer and access to the property will be on their site. A temporary curb cut will be established with gravel and then later replaced with asphalt. They are not planning on using the bank property during construction. There won't be any impact on customer parking. Soil erosion measures such as a silt fence will be installed along the property line. The dollar store concept is the market today. It is a convenience store similar to the construction of many Walgreen and CVS stores about 10 years ago. Dollar General, Family Dollar and Dollar Tree are in a building boom due to the market. It isn't a true dollar store where everything is a dollar. It is more of a convenience store with name brand goods - a smaller store compared to a larger Walmart with 20 aisles. They are considered a mini Target store. It will have home goods, food and clothing. In regard to the aesthetics, the proposed building is an upgrade to the standard look. Their standard look or prototype is a metal building.

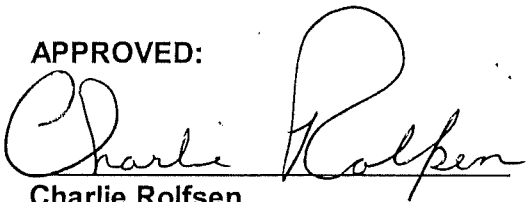
Chairman Rolfsen asked why do we need another dollar store in the County and how many dollar stores do we have in Boone County? Mr. Allen stated he didn't know the total number of stores since he didn't develop them all. Chairman Rolfsen asked if that number could be researched for the Committee meeting? He asked what is the basis for selecting a site? Mr. Allen responded that Family Dollar has a seed point identifying a potential neighborhood to locate a store. It doesn't necessarily have to do with competition. It is about having a core neighborhood that meets their needs and the neighborhood needs. Where that works best is where they would like to be.

Mr. Hicks asked who is obligated to pursue the driveway connection? Mr. Costello answered that the driveway connection was a condition of approval for the existing bank. The bank is obligated to install it if the property to the north is developed as

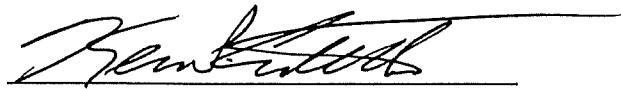
commercial. Mr. Costello also stated that we could also require it from Family Dollar because they are requesting a zone change. Because the driveway connection involve 2 property owners, both of them would have to agree. As proposed, a logical connection may affect the proposed detention basin/rain garden unless it is relocated. Also, storm water could be stored underground in the parking lot. Both property owners would have to discuss options.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on September 4, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:02 P.M.

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

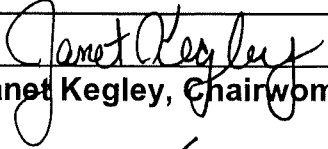
FROM: Janet Kegley, Chairwoman

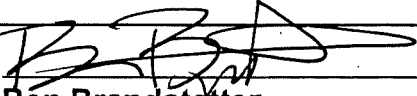
DATE: August 21, 2013

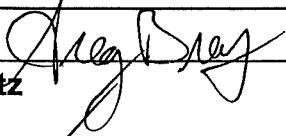
RE: Request of Morning Star Partners, LLC (Josh Allen) (applicant) for John Reynolds and Suzanna Toll (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow a commercial building.

### REMARKS:

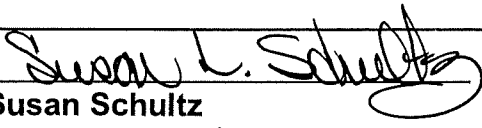
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

  
Janet Kegley, Chairwoman  
For Project  Absent   
Against Project   
Abstain  Deferred

  
Ben Brandstetter  
For Project  Absent   
Against Project   
Abstain  Deferred

  
Greg Breetz  
For Project  Absent   
Against Project   
Abstain  Deferred

\_\_\_\_\_  
Kim Bunger  
For Project  Absent   
Against Project   
Abstain  Deferred

  
Susan Schultz  
For Project  Absent   
Against Project   
Abstain  Deferred

\_\_\_\_\_  
Mark Hicks (Alternate)  
For Project  Absent   
Against Project   
Abstain  Deferred

\_\_\_\_\_  
Jim Longano (Alternate)  
For Project  Absent   
Against Project   
Abstain  Deferred

\_\_\_\_\_  
Charlie Reynolds (Alternate)  
For Project  Absent   
Against Project   
Abstain  Deferred

TOTAL:  DEFERRED 4 FOR PROJECT 1 ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**



# **BOONE COUNTY PLANNING COMMISSION**

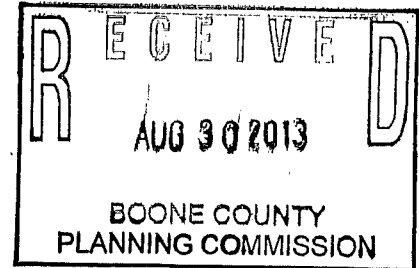
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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](mailto:plancom@boonecountyky.org)

August 26, 2013

Mr. John Reynolds and Ms. Suzanna Toll  
30 Circle Drive  
Florence, KY 41042



RE: Recommended Conditions of Approval for Morning Star Partners, LLC Zone Change Application from SR-2 to C-2 for 1.8986 Acre Site at 7502 Dixie Highway, Florence, Kentucky

Dear Mr. Reynolds and Ms. Toll:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their August 21, 2013 meeting. If you, as the property owners 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 Friday, August 30, 2013.

## CONDITIONS

1. Uses on the site shall be limited to commercial and office uses that are principally permitted in the C-2 zone, and which are wholly conducted indoors (including any cart storage).
2. A sidewalk connection shall be provided between the building or parking lot and Fair Court (labeled as Alan Court on the Concept Development Plan). A concept of this sidewalk connection is shown on the attached Exhibit A.
3. The freestanding sign for the site shall be a monument style sign which follows Option "O" on the attached Exhibit B (7.5' high x 4' wide cabinet with an area of 29.94 square feet). This sign shall be mounted on a masonry base which matches the building in terms of materials, colors, and design detailing. The total height of this sign shall be 10 feet maximum.
4. The existing trees/vegetation which are highlighted on the attached Exhibit C shall be retained and incorporated into the overall development design. It is understood

Mr. John Reynolds and Ms. Suzanna Toll  
August 26, 2013  
Page 2

that the existing tree labeled as "X" on Exhibit C will be retained if possible, but that it may need to be removed as a result of construction activities.

5. The Boone County Historic Preservation Review Board shall be granted the opportunity to document the existing residence and two story "carriage house" prior to their demolition. The Board shall be given at least forty five (45) days notice prior to the demolition of these structures to accommodate the documentation.
6. The freestanding exterior light fixtures shall be turned off no later than one (1) hour after the business closes to the public each day.

Sincerely,



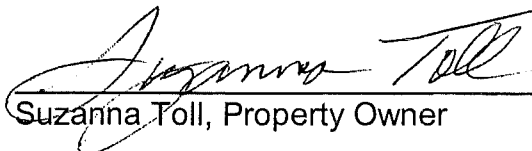
Kevin T. Wall, AICP  
Director, Zoning Services

AGREEMENT

We, the property owners of the 1.8986 acre site at 7502 Dixie Highway, Florence, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.

  
\_\_\_\_\_  
John Reynolds, Property Owner

8-29-13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Suzanna Toll, Property Owner

8/29/13  
\_\_\_\_\_  
Date

enclosures

cc: Josh Allen, Morning Star Partners, LLC; FAX: 513-731-8885

# EXHIBIT A

Florence Apartments  
Associates-Metro

Zone "C-2"  
Commercial Two

S 15°56'58" E  
14.95'

N 73°07'36" E

S 72°00'02" W 159.20'

20' Landscape  
Buffer "B"

50' Setback 930

N 18°00'00" W

20' Landscape  
Buffer "B"

Prop. 4' Conc. Sidewalk

3 Dumpsters

Prop. Family Dollar Building  
F.F. = 932.0±

**1.8986 Acres**

Additors Parcel  
061.24-24-012.00  
Reynolds, John Robert

50' Setback

Ex. 6" Water Main

223.90'

60' Landscape  
Buffer "C"

50' Setback

104'0"

80'0"  
10' Setback

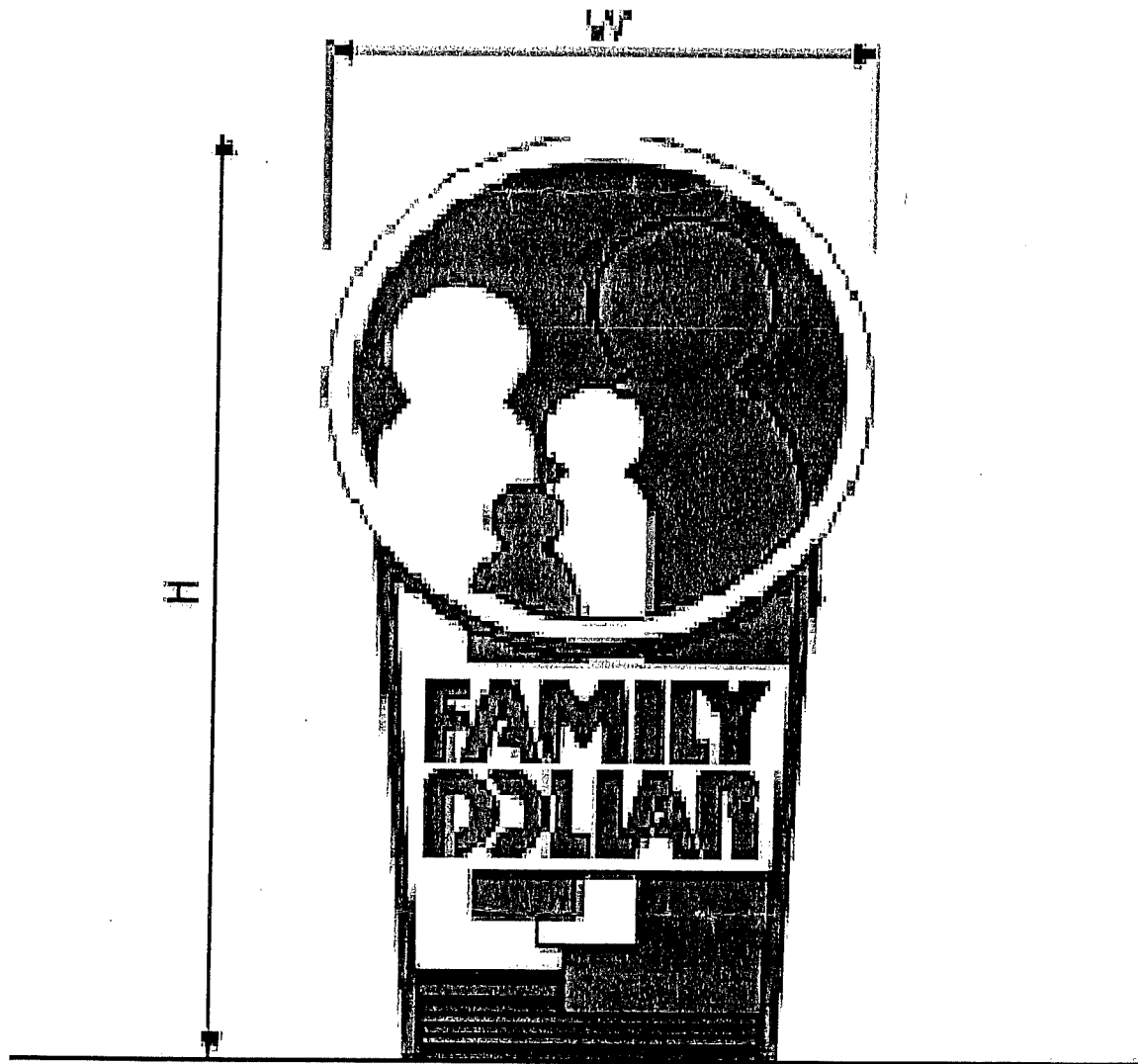
N 78°24'58" E

10' La  
Buff.

Zone "SR-2"  
Suburban Residential Two

# EXHIBIT B

## MONUMENT SIGNAGE DOUBLE FACE OPTIONS:



Ⓞ 7'-6" H x 4'-0" W

AREA = 29.94 SQ. FT.

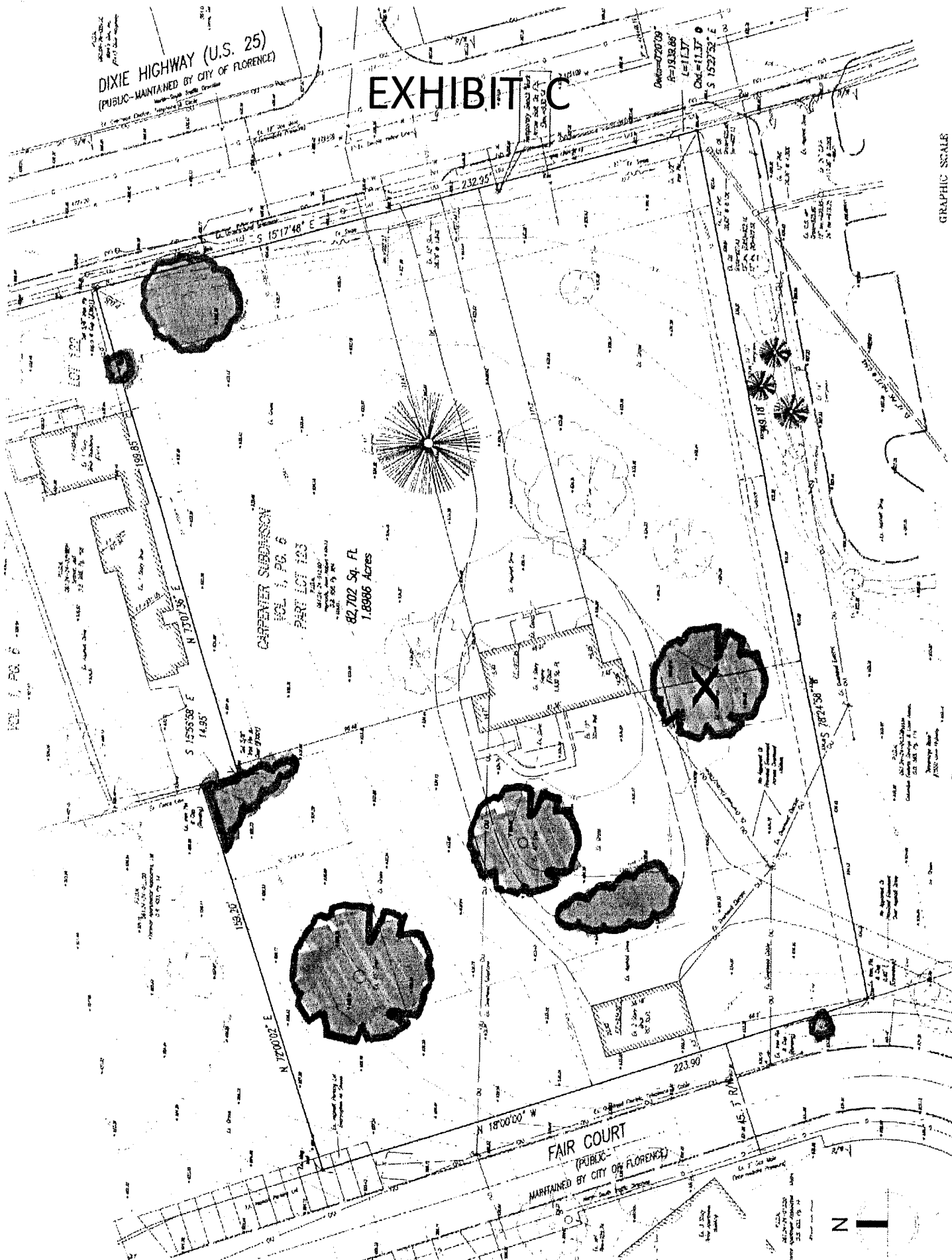
Ⓟ 10'-0" H x 5'-6" W

AREA = 49.96 SQ. FT.

DIXIE HIGHWAY (U.S. 25)  
(PUBLIC-MAINTAINED BY CITY OF FLORENCE)

# EXHIBIT C

GRAPHIC SCALE



RECORDED IN THE PUBLIC RECORDS  
RECORDED IN THE PUBLIC RECORDS

JULY 1, 2013

**LEGAL DESCRIPTION  
1.8986 ACRES**

SITUATE IN CITY OF FLORENCE, BOONE COUNTY KENTUCKY, IN GROUP 2042 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF VALLEY VIEW SUBDIVISION AS RECORDED IN PLAT CABINET 2, PAGE 29 OF THE BOONE COUNTY, KENTUCKY RECORDS; SAID POINT BEING IN THE WESTERLY RIGHT OF WAY OF DIXIE HIGHWAY (U.S. 25); THENCE LEAVING THE SOUTHERLY LINE OF SAID VALLEY VIEW SUBDIVISION ALONG THE WESTERLY RIGHT OF WAY OF DIXIE HIGHWAY (U.S. 25); SOUTH 15°17'50" EAST, 315.00 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY AS CONVEYED TO JEFF SYDNOR IN DEED BOOK 988, PAGE 108 OF THE BOONE COUNTY KENTUCKY RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING THE SOUTHERLY LINE OF SAID SYDNOR TRACT, CONTINUING ALONG THE WESTERLY RIGHT OF WAY DIXIE HIGHWAY (U.S. 25) THE FOLLOWING TWO COURSES AND DISTANCES, SOUTH 15°17'48" EAST, 232.95 FEET TO A POINT AND ALONG A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 1,939.86 FEET A DISTANCE OF 11.37 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 15°27'52" EAST, 11.37 FEET TO AN EXISTING 1/2" IRON PIN IN THE NORTHERLY LINE OF THE PROPERTY AS CONVEYED TO COLUMBIA FEDERAL SAVINGS AND LOAN ASSOCIATION IN DEED BOOK 565, PAGE 114 OF THE BOONE COUNTY, KENTUCKY RECORDS; THENCE LEAVING THE WESTERLY RIGHT OF WAY OF DIXIE HIGHWAY (U.S. 25) ALONG THE NORTHERLY LINE OF SAID COLUMBIA FEDERAL SAVINGS TRACT, SOUTH 78°24'58" WEST, 349.18 FEET TO THE NORTHWEST CORNER OF SAID COLUMBIA FEDERAL SAVINGS TRACT, SAID POINT BEING IN THE EASTERLY LINE OF THE PROPERTY AS CONVEYED TO FLORENCE APARTMENTS ASSOCIATES - METRO IN DEED BOOK 683, PAGE 14 OF THE BOONE COUNTY, KENTUCKY RECORDS AND BEING WITNESSED BY AN EXISTING IRON PIN AND CAP (ERPENBECK) WHICH IS 0.60 FEET EAST; THENCE LEAVING THE NORTHERLY LINE OF SAID COLUMBIA FEDERAL SAVINGS TRACT ALONG THE EASTERLY LINE OF SAID FLORENCE APARTMENT TRACT AND THE EASTERLY RIGHT OF WAY OF FAIR COURT, NORTH 18°00'00" WEST, 223.90 FEET TO AN EXISTING MAG NAIL AT A CORNER OF SAID FLORENCE APARTMENTS TRACT; THENCE LEAVING THE EASTERLY RIGHT OF WAY OF FAIR COURT CONTINUING ALONG THE LINES OF SAID FLORENCE APARTMENT TRACT, NORTH 72°00'02" EAST, 159.20 FEET TO AN EXISTING IRON PIN AND CAP (BERDING); SAID POINT BEING IN THE WESTERLY LINE OF THE AFOREMENTIONED SYDNOR TRACT; THENCE LEAVING THE EASTERLY LINE OF SAID FLORENCE APARTMENT TRACT ALONG THE WESTERLY LINE OF SAID SYDNOR TRACT, SOUTH 15°56'58" EAST, 14.95 FEET TO THE SOUTHWEST CORNER OF SAID SYDNOR TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID SYDNOR TRACT, NORTH 73°07'36" EAST, 199.85 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 1.8986 ACRES AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

I HEREBY CERTIFY THAT THE DESCRIPTION OF THE PROPERTY PROPOSED TO BE DEVELOPED IS A COMPLETE, PROPER AND LEGAL DESCRIPTION THEREOF.

FILE:13-0046.LD1-1.8986AC

ORDINANCE NO. 0-14-13

**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) FOR A 1.8986 ACRE SITE LOCATED AT 7502 DIXIE HIGHWAY, FLORENCE, KENTUCKY. (MORNING STAR PARTNERS, LLC/JOHN REYNOLDS & SUZANNA TOLL PROPERTY)**

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-13-008-A recommended approval for a zoning map amendment, and

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

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

**SECTION I**

That the request of Josh Allen for Morning Star Partners, LLC (Applicant) for John Reynolds and Suzanna Toll (Owners), for a zoning map amendment for a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) for a 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky, shall be and is hereby approved, subject to agreed conditions for this site. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this zoning map amendment for this subject property.

**SECTION II**

The approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-13-008-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

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

**SECTION IV**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-13-008-A, marked Exhibit "A", and attached hereto.

**SECTION V**

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

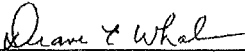
**SECTION VI**

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

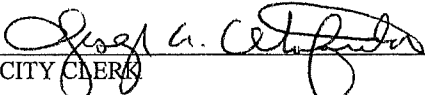
PASSED AND APPROVED ON FIRST READING THIS 22<sup>nd</sup> DAY OF October, 2013.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 29<sup>th</sup> DAY OF October 2013.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE:       **REPORT AND RECOMMENDATION – REQUEST OF MORNING STAR PARTNERS, LLC, (JOSH ALLEN) (APPLICANT) FOR JOHN REYNOLDS AND SUZANNA TOLL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) FOR A 1.8986 ACRE SITE LOCATED AT 7502 DIXIE HIGHWAY, FLORENCE, KENTUCKY.**


The Committee met in a regular meeting on October 8, 2013, at the Florence Government Center Building to consider Resolution No. R-13-008-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, subject to the additional conditions which are attached hereto and incorporated herein marked as Exhibit "A."

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, subject to the additional conditions attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:

  
LARRY BROWN

  
GARY B. WINN

EXHIBIT "A"

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITIONS – REQUEST OF MORNING STAR PARTNERS, LLC, (JOSH ALLEN) (APPLICANT) FOR JOHN REYNOLDS AND SUZANNA TOLL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) FOR A 1.8986 ACRE SITE LOCATED AT 7502 DIXIE HIGHWAY, FLORENCE, KENTUCKY.

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

1. Condition #1 from the Boone County Planning Commission Zone Change/Concept Plan Committee report of September 4, 2013, shall be amended as follows:

“Uses of the site shall be limited to retail commercial and office uses that are principally permitted in the C-2 zone, and which are wholly conducted indoors (including any cart storage).”

2. Condition #2 from the Boone County Planning Commission Zone Change/Concept Plan Committee report of September 4, 2013, shall be amended as follows:

“A sidewalk connection shall be provided between the building or parking lot and Fair Court (labeled as Alan Court on the Concept Development Plan). A concept of this sidewalk connection is shown on the attached Exhibit A. This 4' sidewalk shall continue with a curb and sidewalk connection along the north side of the

EXHIBIT "A"

building and shall merge with the proposed curb and sidewalk along the front of the building. The Applicant may expand the parking lot 4' on the north side of the lot to better accommodate the addition of the sidewalk on the side of the building."

3. Condition #3 from the Boone County Planning Commission Zone Change/Concept Plan Committee report of September 4, 2013, shall be amended as follows:

"The freestanding sign for the site shall be a monument style sign which follows Option "O" on the attached Exhibit B (7.5' high x 4' wide cabinet with an area of 29.94 square feet). This sign shall be mounted on a masonry base, which matches the predominant masonry used on the building, ~~in terms of materials, colors, and design detailing.~~ The total height of this sign shall be 10 feet maximum."

4. The building shall be constructed as depicted in the attached rendering.
5. The light fixtures on the building shall be small-scale, wall-mounted light fixtures with a decorative architecture grade that shall closely resemble the attached light fixture example.
6. No sidewalk sales shall be permitted.
7. No Temporary Advertising Displays (TADs) shall be permitted.
8. No vending machines or similar items (i.e., DVD rental machine, drink vending machine, etc.) shall be permitted outside the building.
9. No outside sales or storage of any type shall be permitted.

**EXHIBIT "A"**

10. No signage of any type shall be permitted on the sides or rear of the building or property.

11. Signage shall be limited to the building mounted signage shown in the design rendering and a freestanding monument sign at the entrance of the parking lot. No electronic or changeable copy signage of any type shall be permitted.

Agreed to this 11 day of October, 2013.

APPLICANT:

Josh Allen  
Signature

JOSH ALLEN  
Printed Name

DESIGN + DEVELOPMENT MGR  
Title & Company

10.11.13  
Date

CITY OF FLORENCE, KENTUCKY  
SUMMARY OF ORDINANCE NO. 0-14-13

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-14-13 on October 29, 2013. The title of this Ordinance is as follows:

ORDINANCE NO. 0-14-13

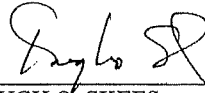
**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO (C-2) FOR A 1.8986 ACRE SITE LOCATED AT 7502 DIXIE HIGHWAY, FLORENCE, KENTUCKY. (MORNING STAR PARTNERS, LLC/JOHN REYNOLDS & SUZANNA TOLL PROPERTY)**

The effect of this Ordinance is to allow a zone change from Suburban Residential Two (SR-2) to Commercial Two (C-2) for an approximate 1.8986 acre site located at 7502 Dixie Highway, Florence, Kentucky, to allow a commercial building.

The full text of Ordinance No. 0-14-13, 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 Blvd., Florence, Kentucky, during regular office hours.

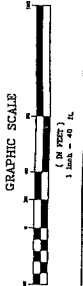
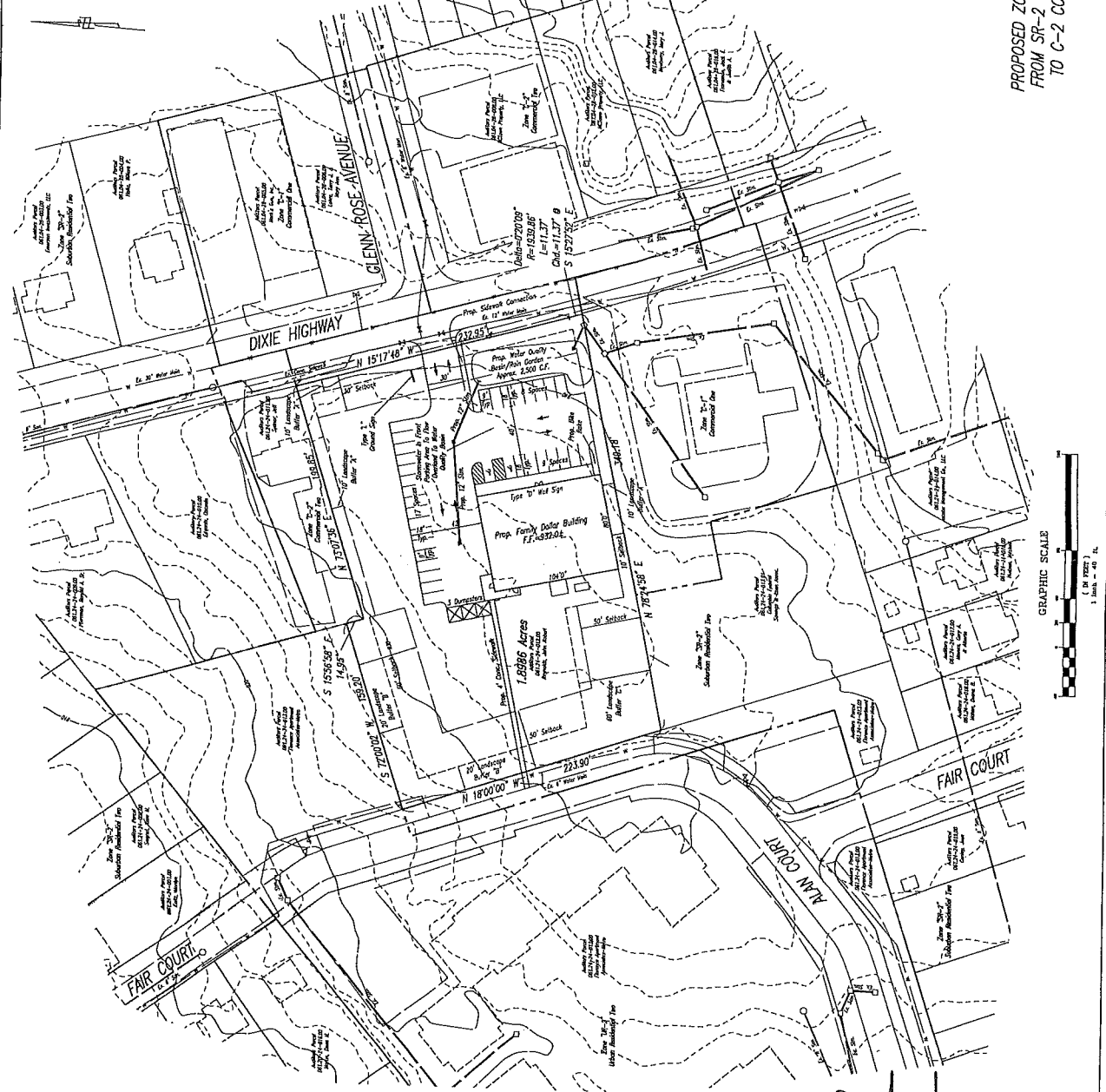
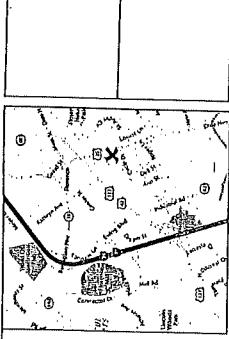
CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-14-13 and that it has been prepared by me on the 18<sup>th</sup> day of October, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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



PROPOSED ZONE CHANGE  
 FROM SR-2 RESIDENTIAL  
 TO C-2 COMMERCIAL

**GOVERNING AGENCIES & LOCAL OFFICES**

**ZONING:** BOONE COUNTY PLANNING COMMISSION (606) 334-2165

**TRAFFIC/ACCESS:** KENTUCKY TRANSPORTATION CABINET (KTC) (606) 314-2900

**FIRE PROTECTION:** FIRE DEPT. (606) 647-5650

**HEALTH DEPT.:** HERRING KENTUCKY HEALTH DEPT. (606) 333-2027

**WATER:** CITY OF FLORENCE PUBLIC SERVICES AREA RELIANT (606) 371-5714

**SEWER/SOLID WASTE:** CITY OF FLORENCE PUBLIC SERVICES (606) 647-5116

**ELECTRIC:** DAVE ENERGY (606) 334-1380

**NATURAL GAS:** DAVE ENERGY (606) 334-1380

**STORM SEWER:** CITY OF FLORENCE PUBLIC SERVICES (606) 647-5116

**TELEPHONE:** COUNCILWELL BELL TELEPHONE (606) 647-5116

**PROPERTY DATA**

PARCEL ID NUMBER: 06L24-24-01220

ADDRESS: 7302 DIXIE HIGHWAY (U.S. HIGHWAY 25)

PROPERTY AREA: 1.8986 ACRES

ZONING: SR-2 SUBURBAN RESIDENTIAL TWO DISTRICT

PROPOSED USE: SINGLE-FAMILY RETAIL BUILDING

C-2 BUILDING SETBACKS: FRONT - 30', SIDE - 30', REAR - 10'

PROPOSED SETBACKS: 5' MIN. SETBACK & 10' FOR LANDSCAPE BUFFERS

PARKING REQUIREMENT: 33 SPACES

PARKING PROVIDED: 34 SPACES INCLUDING (2) HANDICAP-ACCESSIBLE

FLOODPLAIN: THIS SITE DOES NOT LIE WITHIN THE FEMA SPECIAL FLOOD HAZARD AREA

NOTE: ALL DATA ON THIS SHEET IS FOR C-2 DEVELOPMENT OBSERVATIONS & DOES NOT REPRESENT ANY ACTUAL SURVEY DATA

ENVIRONMENTAL QUANTITIES: EXCAVATION: 4,500 C.Y. (APPROX.)  
 FILL: 4,500 C.Y. (APPROX.)

WATER QUALITY VOLUME: 2,500 C.Y. (APPROX.)

**APPROVED**

Staff: *[Signature]*

Date: 6/13/13

Boone County  
 Planning Commission  
 WITH CONDITIONS

This drawing was prepared by the undersigned professional engineer and surveyor, and it is hereby certified that the same are true and correct to the best of his knowledge and belief, and that he is a duly licensed professional engineer and surveyor in the State of Kentucky.