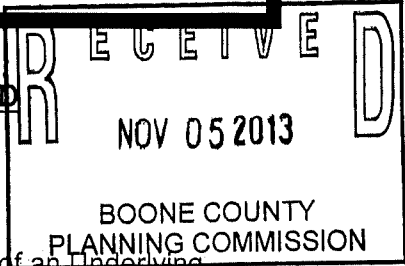


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
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. Check One:

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

2. Name of Project Houston Landing

3. Location of Project Northeast Corner of Intersection of Ted Bushelman Blvd. & Houston Road

4. Total Acreage of Site 6.22 Acres (per GIS)

5. Current Zoning C-2/PD/CD

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) R-97-020-A

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study

8. Proposed Uses (please specify each use) All permitted uses under C-2

9. Proposed Building Intensities (please specify) Not to exceed 6'000 S.F. per acre

10. Have you submitted a Concept Development Plan? Yes, see attached revised concept

11. Are you also applying for: No Conditional Use Permit No Dimensional Variance

12. Name of Applicant(s) Brandicorp, LLC c/o Viox & Viox, Inc. Phone Number 859-727-3293 Fax No. 859-727-8452 E-Mail mbollman@vioxinc.com

13. Address of Applicant(s) 466 Erlanger Road Erlanger KY 41018 City State Zip

14. Name of Property Owner(s) LPF Corporation Phone Number 859-485-6710 Fax No. N/A E-Mail tflotz@hotmail.com

15. Address of Property Owner(s) 10833 Secretariat Run Union KY 41091 City State Zip

16. Are there any existing buildings on the site? No How many? NA

17. Deed Book 684 Page No. 160 Group No. 2033A

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

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Brandicorp, LLC c/o Viox & Viox (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow three multi-tenant commercial buildings.

December 12, 2013

REQUEST

The applicant has submitted for a Change in the Approved Concept Development Plan to allow three multi-tenant commercial buildings. Two (2) options have been submitted. Both of the submitted Concept Development Plans each show three separate buildings.

Option 1 shows two (2) 12,000 square foot "Mixed Restaurant/Retail" buildings oriented toward Houston Road and one 6,000 square foot "Mixed Restaurant/Retail" building oriented toward the north easternmost corner of the property. This option shows 293 proposed parking spaces.

Option 2 shows a 12,000 square foot "Mixed Restaurant/Retail" building and a 17,000 square foot "Mixed Restaurant/Retail" building oriented toward Houston Road and a 6,000 square foot "Mixed Restaurant/Retail" building oriented toward the north easternmost corner of the property. This option shows 277 proposed parking spaces.

Both options show two (2) monument sign locations along Houston Road, however no height, square footage, or design of these signs was provided.

Proposed elevation drawings were not submitted for review with the application submittal, however the narrative (attached) states that the "design character will be that of a village street front of varying parapet heights and shapes, utilizing similar (if not exactly the same) cornice lines and architectural detailing."

PERTINENT SITE HISTORY

1997/1998 - The Boone County Planning Commission recommended approval of a Zoning Map Amendment from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD) and the Utilization of an Underlying Zone in a Planned Development for a 95 acre tract located on both sides of Houston Road, generally between KY 18 and Woodspoint Drive. The approved Concept Plan showed the subject property (lots 19 and 20) would be developed with office/commercial uses (see attachment).

The City of Florence overturned the Planning Commission's recommendation and the applicant filed an lawsuit. A lawsuit settlement agreement between the City of Florence, applicant, and property owners was agreed to on September 8, 1998.

One of the conditions of approval required the approximate 1.5 acre outlots along Houston Road to be developed as individual businesses and prohibited them to be consolidated for the purpose of developing a strip center (see attachments).

- April 2003 - A landscaping master plan was approved for the northwest side of Houston Road. The plan shows the subject property (lot 21) would have 13 street trees in or near the Houston Road right-of-way and an entrance wall monument at the Houston Road/Ted Bushelman Boulevard intersection (see attachment).
- 2011/2012 - Approval with conditions for a request of James W. Berling (applicant) for RCDK Properties, LLC (owner) for the approximate 9.5 acre site located across Ted Bushelman Boulevard. Attached to this Staff Report is the signed condition letter and additional conditions from the City of Florence.

SITE CHARACTERISTICS

The 6.22 acre parcel has approximately 500 feet of frontage on Houston Road and 460 feet of frontage on Ted Bushelman Boulevard. A sanitary sewer main and a creek run through the portion of the property that is unincorporated. Sidewalks currently exist along Houston Road.

ADJACENT LAND USES AND ZONING

- Northeast: Furniture Fair zoned (C-2/PD/CD)
- Northwest: Property owned by the Kenton County Airport Board zoned Airport (A)
- Southeast: Across Houston Road, property owned by the City of Florence (Houston Lakes retention pond) zoned (O-2/C-2/PD/CD)
- Southwest: Across Ted Bushelman Boulevard, property owned by RCDK Properties, LLC zoned (C-2/PD/CD)

RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

The adopted 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- C. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- D. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- E. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- F. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

The Land Use Element (Houston-Donaldson/Mall Road, pg. 167) makes the following statements regarding the general area:

- A. "Regionally-oriented growth should be confined to Mall road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's proposed transit hub at a site on the west (east) side of Mall Road."
- B. "Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development."
- C. "Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts."

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. 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 (Landscaping, pg. 163).
- B. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff (Stormwater Management and Erosion Control, pg. 163).
- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).
- D. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate (Transportation and Pedestrian Network, pp. 163-164).
- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to

avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view (Design, Signs, and Historic Preservation, pg. 164).

The Business Activity Element provides the following comment that relates to the general area:

- A. Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. 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. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Elizabeth-Florence Hospital (Recommended Areas of Commercial Activity, pg. 67).

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The property is located in Site 6 (Main Seligman Property and Foltz Property Remnant) of the Study. The Study states that this area of Houston Road is important because its development will greatly affect the visual character of the middle of Houston Road.
- B. The property is subject to the Site Design Standards and Architectural Design Review standards contained in the Study (see attachments).

PLANNED DEVELOPMENT STANDARDS

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the property is zoned Commercial Two/Planned Development (C-2/PD). A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

STAFF COMMENTS

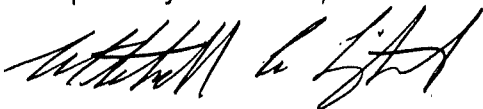
1. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. Staff recommends that the following Planned Development (PD) Standards be further analyzed:

- A. Mixed Use Orientation and Pedestrian Orientation: This standard states that Planned Developments shall have a pedestrian orientation.
 - Staff recommends a sidewalk along Ted Bushelman Boulevard as well as internal connections between buildings/uses.
 - B. Compatibility of Uses: Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites.
 - The Lawsuit Settlement agreement contains a condition pertaining to principally permitted C-2 uses. Staff recommends that the applicant and Planning Commission review this list and determine which uses are appropriate in the multi-tenant building(s)
 - C. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements.
 - Elevation drawings were not provided, however the attached narrative states that "these buildings will borrow from the architectural flavor and palette of the adjacent Houston Shoppes and Houston Plaza developments across Ted Bushelman Blvd." and that the "design character will be that of a village street front of varying parapet heights and shapes, utilizing similar (if not exactly the same) cornice lines and architectural detailing."
 - D. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
 - Both Concept Development Plans show two (2) locations along Houston Road for "signs" with no specifics given.
2. If approved, a thorough site plan review will be conducted by the Boone County Planning Commission Staff as well as the Project Review Committee.

CONCLUSION

The Change in Approved Concept Development Plan request needs to be evaluated by the Boone County Planning Commission as well as Florence City Council and Boone County Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

Respectfully Submitted,



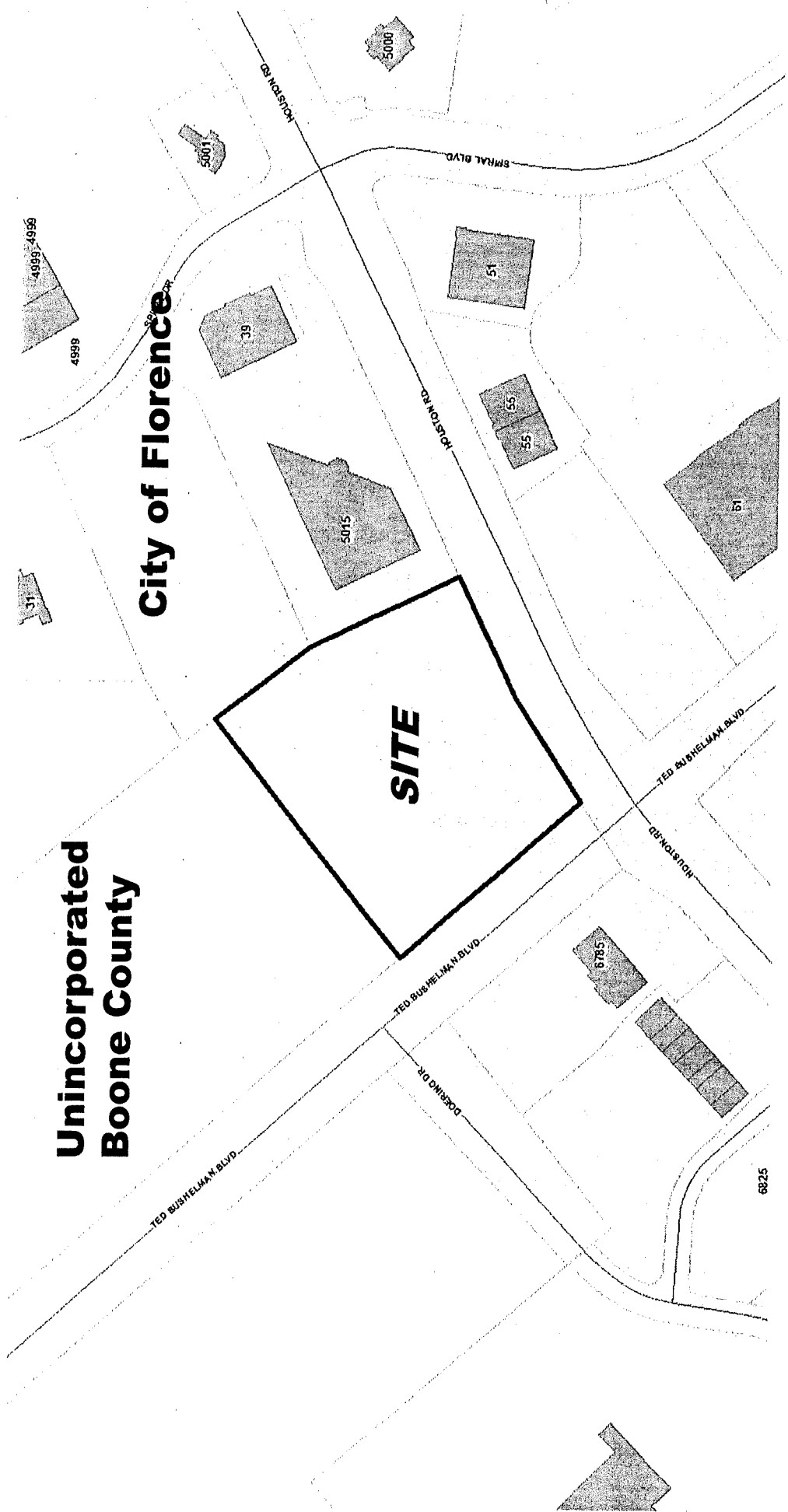
Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

Attachments:

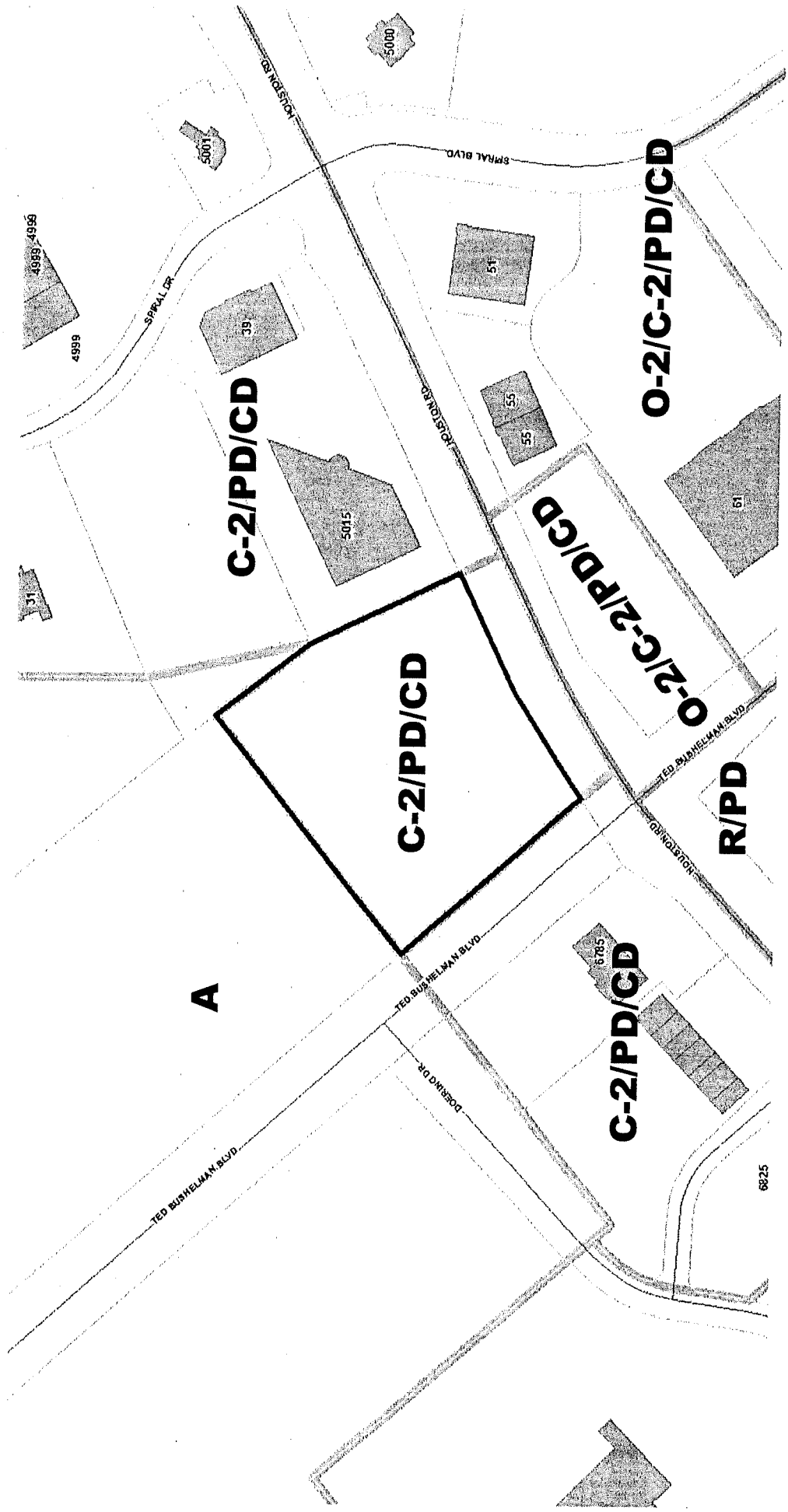
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2013 Aerial Photography
- Concept Development Plan-Option 1
- Concept Development Plan-Option 2
- Applicants Narrative
- 1998 Lawsuit Settlement Agreement
- 4/15/2003 Landscaping Master Plan
- Houston-Donaldson Study Site Design Guidelines
- 2011/2012 Conditions of Approval and Additional Conditions from the City of Florence
- Planned Development Standards
- Application

**Unincorporated
Boone County**

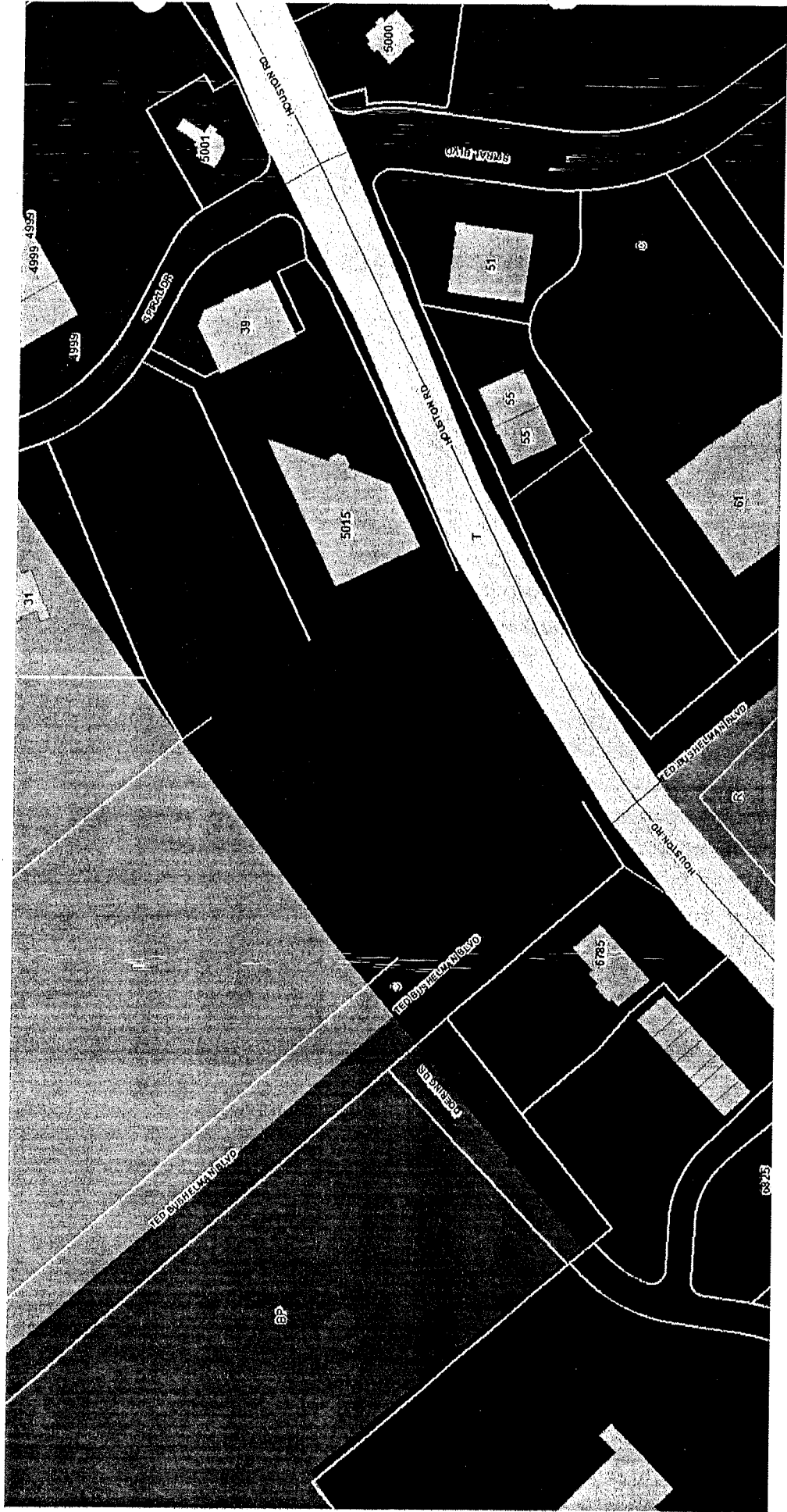
City of Florence



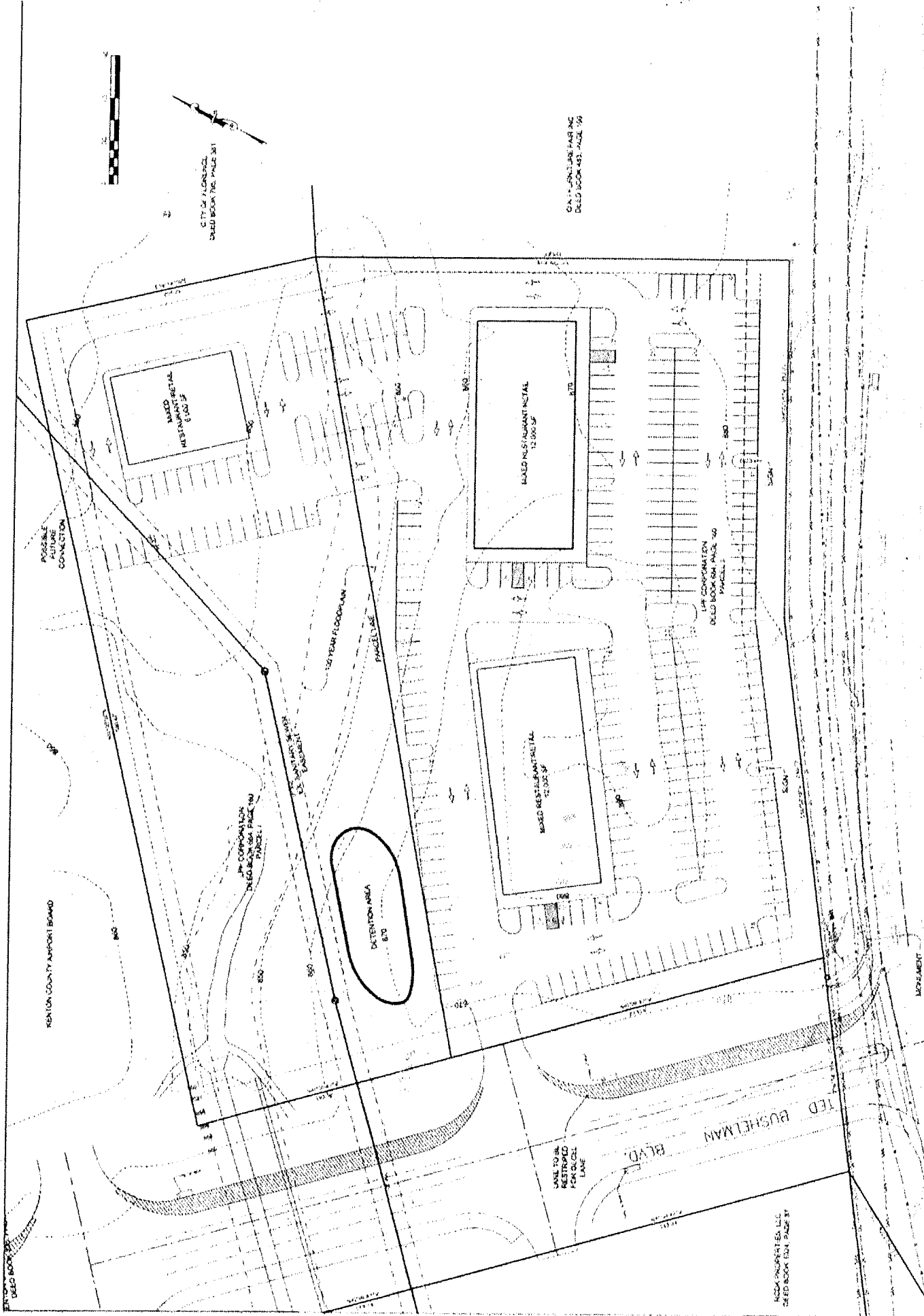
VICINITY MAP



EXISTING ZONING



FUTURE LAND USE MAP



OPTION 1 - CONCEPT DEVELOPMENT PLAN



MILLION ARCHITECTURE, PLLC

109 Woodside Way, Nicholasville, KY 40356

November 25, 2013

Mr. Mitchell Light
Boone County Planning and Zoning
2950 Washington Street
P.O. Box 958
Burlington, KY 41005

Re: **Houston Landing**
Corner of Ted Bushelman Blvd. and Houston Road

Dear Mr. Light,

We are writing on behalf of our client to offer a narrative description of the intended use and appearance of the proposed development listed above. The development will contain three buildings (as currently configured), each containing a mixed use of restaurant and mercantile establishments, totaling 30,000 square feet (two buildings @ 12,000 SF and one building at 6,000 SF).

Our understanding of the client's design thoughts is that these buildings will borrow from the architectural flavor and palette of the adjacent Houston Shoppes and Houston Plaza developments across Ted Bushelman Blvd. So, we will design with an approximate ratio of 80/20 of masonry to EIFS, of those portions of the facades that are not storefront glass. The design character will be that of a village street front of varying parapet heights and shapes, utilizing similar (if not exactly the same) cornice lines and architectural detailing. The colors and types of the materials will stay within the range established next door, or if varying from next door, will stay within the palette of the settlement agreement that governs the area developments.

Included are images of Houston Shoppes and Houston Plaza which illustrate the intended palette of design elements, colors, and materials that we will utilize for Houston Landing.

Should you have any questions or concerns, please contact me.

Sincerely,

Brandon C. Powell, Architect / Member
Million Architecture, PLLC
(859) 582-0827
bcp@millionarchitecture.com



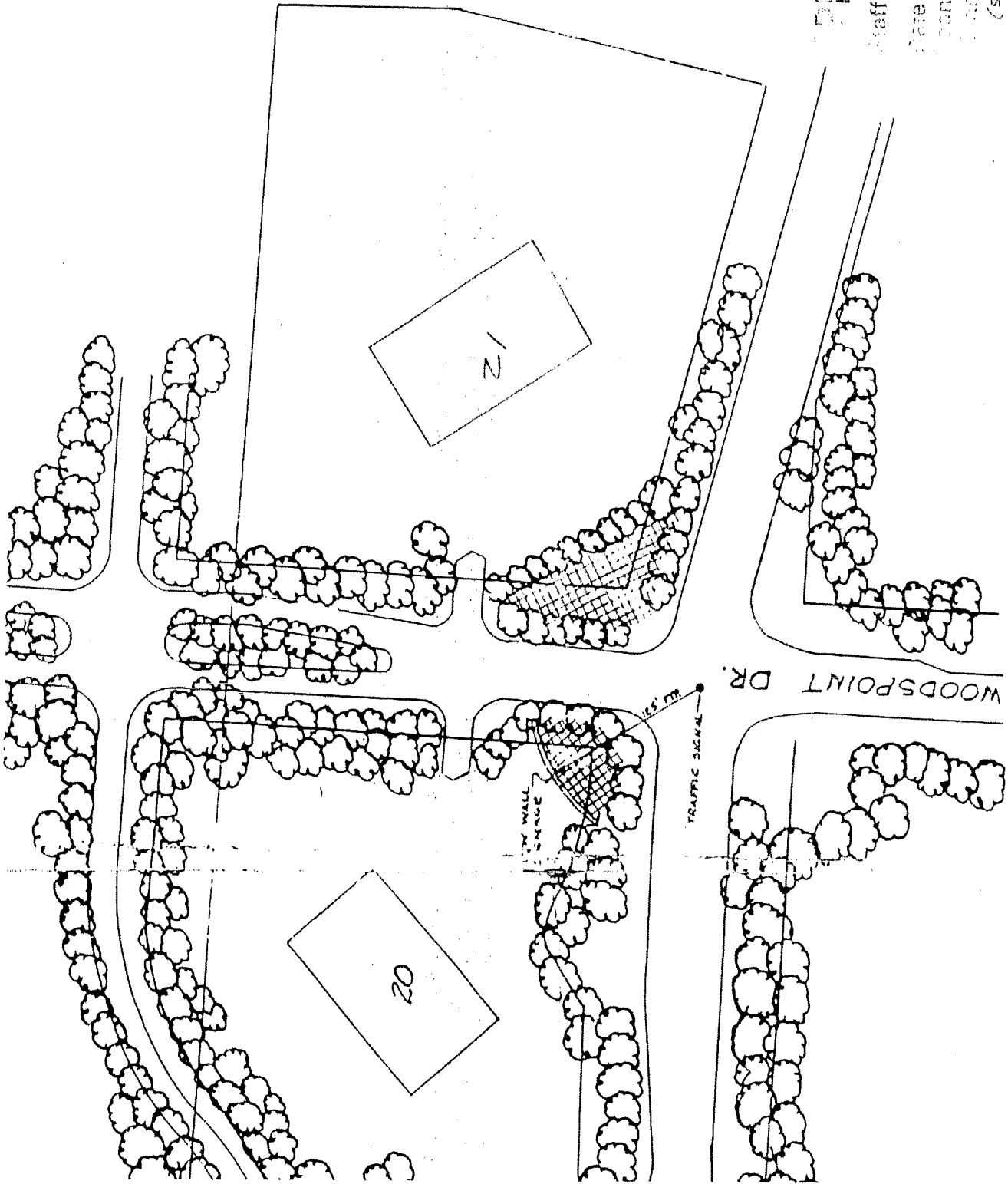
Houston Road Shoppes- Drake*s



Houston Road Shoppes- Overall View (Drake*s unfinished)



Houston Plaza- Overall View (tenant fit-ups still underway)



APPROVED

Staff *[Signature]*

Date 12/10/98

Gene County Planning Commission
 (See documents for
 staff report and comments)

REV 9/1/98

JUNE 16, 1998

SECOND AMENDMENT
 SUBMITTANT PLAN

ORDINANCE NO. 0-18-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 95 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF HOUSTON ROAD BETWEEN KENTUCKY 18 AND WOODSPOINT DRIVE FOR THAT PORTION OF THE SITE WITHIN THE CITY OF FLORENCE, KENTUCKY, AND APPROVING THE UTILIZATION OF THE UNDERLYING ZONE IN ACCORDANCE WITH A CONCEPT DEVELOPMENT PLAN AGREED TO BY THE CITY AND THE OWNERS OF THE SITE PURSUANT TO THE SETTLEMENT OF A PENDING APPEAL IN THE BOONE CIRCUIT COURT. (DOERING, FULLER, FOLTZ, DURR AND CRIST PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution R-97-020A recommended that a request for a zone change for an approximate 95 acre site located on both sides of Houston Road, generally between Kentucky 18 and Woodspoint, being part of the complete tract as recorded in Deed Book 446, Page 301, Deed Book 136, Page 74, and Deed Book 635, Page 68, of the Boone County Clerk's records (the "Site") to Commercial Two/Planned Development (C-2/PD) from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) be approved and utilization of the underlying zone be granted, and

WHEREAS, On January 6, 1998, City Council voted to override the recommendation of the Boone County Planning Commission and deny the zone change request, and

WHEREAS, the zone change applicant and owners of the site filed an action in the Boone Circuit Court being James W. Berling, et al v. City of Florence, et al, Case No. 98-CI-00145 (the "Lawsuit") as an appeal from such denial, and

WHEREAS, settlement negotiations between the parties to that action resulted in agreement on a revised concept development plan which was acceptable to all parties, and

WHEREAS, because the revised concept development plan results in a decrease in the intensity of uses recommended by the Boone County Planning Commission and, on advice of the staff of said Commission, the City and the applicant/owner have determined that, in settlement of the lawsuit, the zone change and utilization of the underlying zone represented by the revised concept development plan can be approved without the necessity of additional Planning Commission review and recommendation, and

WHEREAS, the parties have agreed to settle the lawsuit by granting the requested zone change in accordance with the revised concept development plan and subject to the terms and conditions hereinafter set out.

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

SECTION I

That a zone change for the Site is hereby approved as shown on the concept development plan titled: "June 16, 1998, Second Amendment Concept Development Plan, Seligman/Durr/Crist/Foltz Properties, Houston Road, Florence, Kentucky" (the "Development Plan"), a copy of which is attached hereto as Exhibit "I", subject to the conditions hereinafter set out. 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 that portion of the Site located within the City of Florence, Kentucky, as so approved.

SECTION II

That utilization of the underlying zone for that portion of the Site located in the City of Florence, Kentucky, in accordance with the Development Plan is hereby approved, subject to the conditions hereinafter set out.

SECTION III

The zone change and utilization of underlying zone are subject to all of the terms and conditions of the Committee Report of the Boone County Planning Commission dated October 15, 1997, (the "Committee Report"), a copy of which is attached hereto and incorporated herein as Exhibit "II", except as modified by the following:

A. Condition I is modified to provide that the development shall follow the Development Plan attached hereto as Exhibit "I".

B. Condition 1E is modified to provide that signage for the site shall be permitted in the areas designated on the Concept Development Plan and in compliance with the following criteria:

1. Building Mounted Signage shall be limited to the number and size as permitted by the Zoning Ordinance but must be internally illuminated individual channel letters, mounting raceway optional, and generally of the dimensions and criteria as depicted on Exhibits "A" through "E" to this Ordinance.

2. Project Identification Signage shall consist of a pylon sign maximum 28 feet in height and of materials and architectural details as depicted on Exhibit "F", hereto and of low wall signage not to exceed six (6) feet in height and constructed of masonry, brick or stone identifying only the development and containing only polished metal individual channel letters which may be backlit as depicted on Exhibit "G" to this Ordinance. The developer shall construct an architectural feature at the northeast corner of Houston Road and Kentucky Highway 18 identifying the south entrance to the development. This feature shall be architecturally compatible with the other landscaping and building construction.

3. Low Ground Monument Signage is permitted one per out-lot not to exceed six (6) feet in height and seven (7) feet in width and generally as depicted on Exhibit "H" to this Ordinance.

C. Condition 2 is deleted and the following substituted:

Zoning of the entire tract shall be in accordance with the land use designations on the Development Plan. The 19.20 acre parcel designated Office/Research Park/Light Industrial and the 3.80 acre parcel designated Office shall be zoned O1/PD. The remainder of the Site shall be zoned C2/PD. The following additional uses shall be permitted in the O1/PD and C2/PD areas.

1. Real estate sub-dividing and developing services.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience.
3. Nursery and day care centers.
4. Consumer and mercantile credit reporting, adjustment and collection services.
5. Travel arranging, transportation ticket and public event or promotional booking agencies.
6. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space.
7. Medical clinics with outpatient services.
8. Welfare and charitable services.
9. Aquariums, botanical gardens and other natural exhibitions.

10. Rehabilitation hospital facilities.
11. Micro-brewery.
12. Professional scientific and controlling instruments, photographic and optical goods, watches and clocks.
13. Electric and electronic equipment.
14. Technology and research centers including medical and hospital research establishments.
15. Educational and governmental institutions.
16. Wholesale trade of drugs, drug proprietaries and sundries.
17. Wholesale trade of electrical and electronic parts.
18. Research, development and testing services.
19. Photo finishing and other photographic laboratories.
20. Postal services and related storage, distribution and transfer activities.
21. Microprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services.
22. Fire stations or fire related protective services including rescue services.
23. Warehouse and distribution center-warehouse facilities.

D. The retail commercial center located on parcel no. 22 shall not exceed 296,000 square feet under total roof and the square footage of any single user in the retail commercial center shall not be more than 150,000 square feet.

E. Not less than 22% of the total acreage of the Site shall be green space which may be integrated throughout the other approved uses, provided that green space of 18% of the total acreage shall be contained in the privately owned areas.

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O111D to any commercial use for a period of 5 years from the date of final passage of this Ordinance.

SECTION IV

If these approvals for a zone change and utilization of the subject 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 maps, or comprehensive plan provisions as they are severable from these approvals herein and are intended to continue to have effect regardless of any invalidity regarding these particular approvals.

SECTION V

This Ordinance shall be effective upon final passage, publication by summary, and approval by judgment of the Boone Circuit Court in the Law suit.

PASSED AND APPROVED ON FIRST READING THIS 8th DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF September, 1998.

APPROVED:

Emory M. Kalk
MAYOR

ATTEST:
Betsy R. Conrad
CITY CLERK

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-18-98 as same appears in the official records of my office. Dated this 23rd day of September, 1998.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

RE: Request of James W. Berling (applicant) for Ruth Doering, Harry Fuller, Mary Ellen Foltz, R.C. Durr and Richard Crist (owner) to consider a Zoning Map Amendment and the Utilization of an Underlying Zone in a Planned Development for 95 acres located on both sides of Houston Road generally between KY 18 and Woodspoint Drive, Florence and unincorporated Boone County, Kentucky. The request is for a zone change from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD), and the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) zone, both to allow a retail/commercial development.

Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment and Utilization of an Underlying Zone request based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee believes that the applicant has adequately demonstrated that the restrictive site features, which include topography, geometry, and utilities, make the site unsuitable for industrial development. These site features were not foreseen in the 1995 Boone County Comprehensive Plan or the Houston Donaldson Study, as possible deterrents for industrial development. As a result, the Committee has concluded that the existing Industrial One Planned Development (I-1/PD) zoning classification, which comprises a majority of the site, is not appropriate.

The applicant has demonstrated that the proposed uses within the underlying Commercial Two (C-2) zoning classification, as part of the Concept Development Plan, produce a cohesive and coordinated development of several distinct and separately-owned properties, which would otherwise be difficult to develop individually.

The Committee believes that the applicant has adequately demonstrated that the proposed Commercial Two Planned Development (C-2/PPD) zoning classification is appropriate for the 95 acre site because, the submitted Concept Development Plan along with the attached conditions meets the standards required for a Planned Development within Article 15 of the Boone County Zoning Regulations. The Concept Development Plan with these conditions provides a beneficial interior circulation pattern, a comprehensive landscaping and entry feature package, a tightly controlled and consistent architectural theme and mixture of uses, all of which are consistent with the intent of a Planned Development.

The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

Conditions

1. The development shall follow the revised Concept Development Plan which was submitted by the applicant during the review process to the Zone Change Committee. These changes reflect the issues raised at the Public Hearing on July 23, 1997. In addition to the revised Concept Development Plan, the applicant has provided supplemental design standards for the architectural treatment of all buildings, signage, and landscaping. The revised Concept Development Plan and supporting information contains the following:
 - A. The architectural development guidelines, as submitted by the applicant, outline the minimum design standards for all buildings to be constructed within the development. All proposed buildings shall be reviewed by the Design Review Committee and Planning Commission to determine if the architectural development guideline design standards are being followed. Each proposed building shall receive approval from the Committee and the Planning Commission before any construction occurs. Building types include anchor retailers (Exhibit A), attached retailers (Exhibits B & C), free standing commercial properties (Exhibits D & E), and single use buildings. The guidelines include general building design, roof treatment, building facade materials, colors, exterior lighting, window treatment, and signage. In addition, buildings shall not contain exposed heating or cooling units or other engineering devices. Roof mounted equipment shall not be seen as part of any building silhouette. See Exhibits A, B, C, D, and E of the Architectural Development Guidelines.

- B. Lot 1, which is located at the northeast corner of Houston Road and Hwy 18, will contain an architectural feature and landscaping for the purpose of identifying the southern entrance into the development. The architectural element shall be no taller than 32 feet and shall only identify the development. Advertising is prohibited. See Exhibits F, I, and J of the Architectural Development Guidelines. The existing billboard sign on Lot 1 shall be permanently removed.
- C. The proposed access road behind the Foltz property on the north end of the site shall either be relocated onto the Foltz property so that it runs parallel with the property line or constructed on the airport property as shown on the Concept Development Plan. Construction of this access road shall occur concurrently with the first phase of development of either lot. A four lane divided boulevard that extends from the airport to Houston Road is indicated on the north end of the Concept Development Plan. The applicant has agreed that if either lot on the Foltz property is ready to develop before the start of construction of the airport boulevard, the applicant shall develop the portion of the boulevard that runs the length of the Foltz property from Houston Road to the airport property.
- D. A Landscaping Master Plan has been included as part of the Concept Development Plan. The Master Plan provides uniform landscaping design and treatment along Houston Road, Merchants Street, Seligman Drive, and at all existing and proposed intersections. This landscaping shall be installed during the improvement phase of the development and is independent of, and in addition to landscaping requirements for individual lots that require a Site Plan review. See Exhibits H and J of the Architectural Development Guidelines.
- E. The development will include the following signage:
- One 40' tall pylon sign, identifying the development and tenants within the commercial center, shall be located on the northwest corner of the commercial center-Houston Road signalized intersection. See Exhibit G of the Architectural Development Guidelines.
 - Low profile monument signs identifying only the development shall be located at the non-signalized intersection along Houston Road. The signs shall not exceed 6 feet in height.
 - Low profile wall mounted signs shall be located at the Seligman Street-Merchant Street and Merchant Street-Houston Road intersections, at the southeast corner of the proposed office building complex, and at the southeast and southwest corners of the Houston Road-Woodspoint Drive-

Airport Boulevard intersection. The low profile walls shall be constructed of masonry brick and/or stone and shall only identify the name of the development. The wall mounted signs shall contain only non-illuminated, polished metal, individual channel letters. See Exhibit J of the Architectural Development Guidelines.

Each out lot will be permitted one low profile monument sign. The signs shall not exceed 6 feet in height. All low profile monument signs shall be constructed of the same masonry material, and be of the same height, size, design.

All building mounted signs shall be individual channel letters and internally illuminated.

- F. The development shall contain a pedestrian access network as shown on the Concept Development Plan.
 - G. The development shall also contain a vertical architectural element at the southwest corner of Merchants Street and Houston Road. See Exhibit F of the Architectural Development Guidelines.
2. The Sellgman property, which contains approximately 51 acres including the three major commercial users, storm water detention basin, and 5 out lots on the west side of Houston Road, will develop as commercial uses described within a Commercial Two (C-2) zoning district of the Boone County Zoning Regulations. The applicant has agreed to develop 25% of the remaining 45 acres with uses permitted within the Office One (O-1) zoning district and the following uses that may occur in Commercial One (C-1) or Commercial Two (C-2) zoning district:
- A. Real estate sub-dividing and developing services;
 - B. Postal services and packaging services provided the use is essential for pick-up and delivery convenience;
 - C. Nursery and day care centers;
 - D. Consumer and mercantile credit reporting, adjustment and collection services;
 - E. Travel arranging, transportation ticket and public event or promotional booking agencies;

- F. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space;
- G. Medical clinics with out-patient services;
- H. Welfare and charitable services;
- I. Aquariums, botanical gardens and other natural exhibitions;
- J. Arcades and other amusement centers;

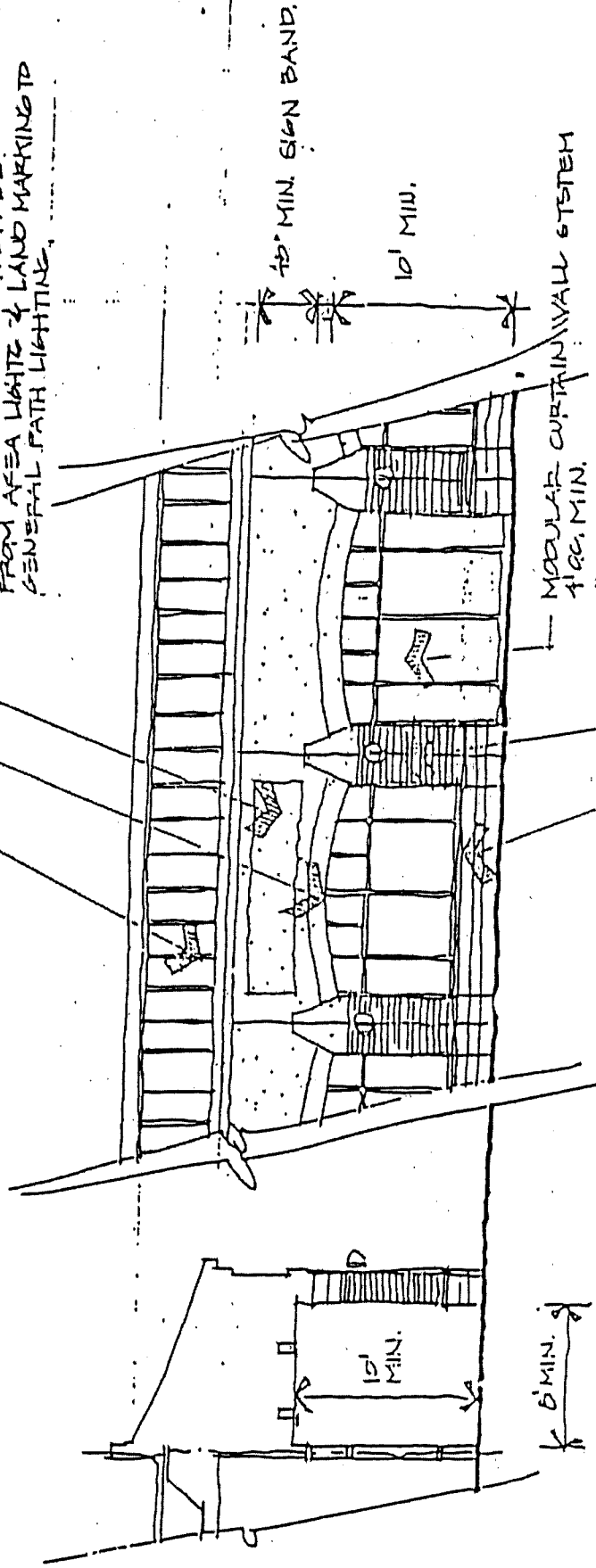
Included as part of this 25% is a proposed office building complex on the east side of Houston Road, immediately across from the three major commercial users on lots 6 and 7. Eleven (11) acres constitutes as a minimum, 25% of the remaining 45 acres that shall be developed with the uses described above.

3. The out lots along Houston Road are to be developed as individual businesses or establishments. The lots, which are approximately 1.5 acres each in size, shall not be consolidated for the purpose of developing a strip center along Houston Road. Any consolidation of lots shall be for a individual business and any additional parking needs or requirements only.
4. The Planning Commission has been informed that grave sites or possibly a cemetery exists somewhere on the site between the proposed storm detention basin and the airport property. The applicant shall be responsible for performing an archeological survey as required in the Boone County Zoning Regulations, to determine the location of any grave sites or a cemetery.
5. The traffic intersections along Houston Road shall be spaced at a minimum of 600' intervals as indicated on the Concept Development Plan.
6. The intensity of the 95 acre development shall will not exceed 10,000 square feet per acre.
7. The applicant will maintain all existing trees on the property lines between the development, the municipal golf course, and the Greenview Subdivision. The applicant shall establish a 15' no disturb limit on the site to the property line with the golf course and a 25' no disturb limit on the site to the property line with the Greenview Subdivision.
8. The applicant shall provide a minimum of 22% greenspace for the development as a whole, including the detention area, in accordance with the open space provisions of the Houston Donaldson Study.

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.

STANDING SEAM METAL ROOF.

2 COLORED VENEER SYSTEM
SIGNAGE BAND, 40' CLEAR MIN.
SIGNAGE MUST BE INDIVIDUAL INTERNALLY
ILLUMINATED CHANNEL LETTERS,
CONSISTANT LIGHTING PACKAGE
FROM AREA LIGHTS & LAND MARKING TO
GENERAL PATH LIGHTING.



MODULAR CURTAIN WALL SYSTEM
4" MASONRY VENEER TO 6' HIGH
MINIMUM
CONTRASTING 2' MASONRY BASE

The Florence Marketplace

Architectural Development Guidelines NTS



B

CONSISTANT CORNICE DETAILING

2 COLOR 'EIFF' VENEER SYSTEM
SIGN BAND, 46" MIN.

SIGNAGE MUST BE INDIVIDUAL INTERNALLY
ILLUMINATED CHANNEL LETTERS,
CONSISTANT LIGHTING PACKAGE OF
'EIFF' DETAILING & MEDALLIONS

45" MIN. SIGN BAND

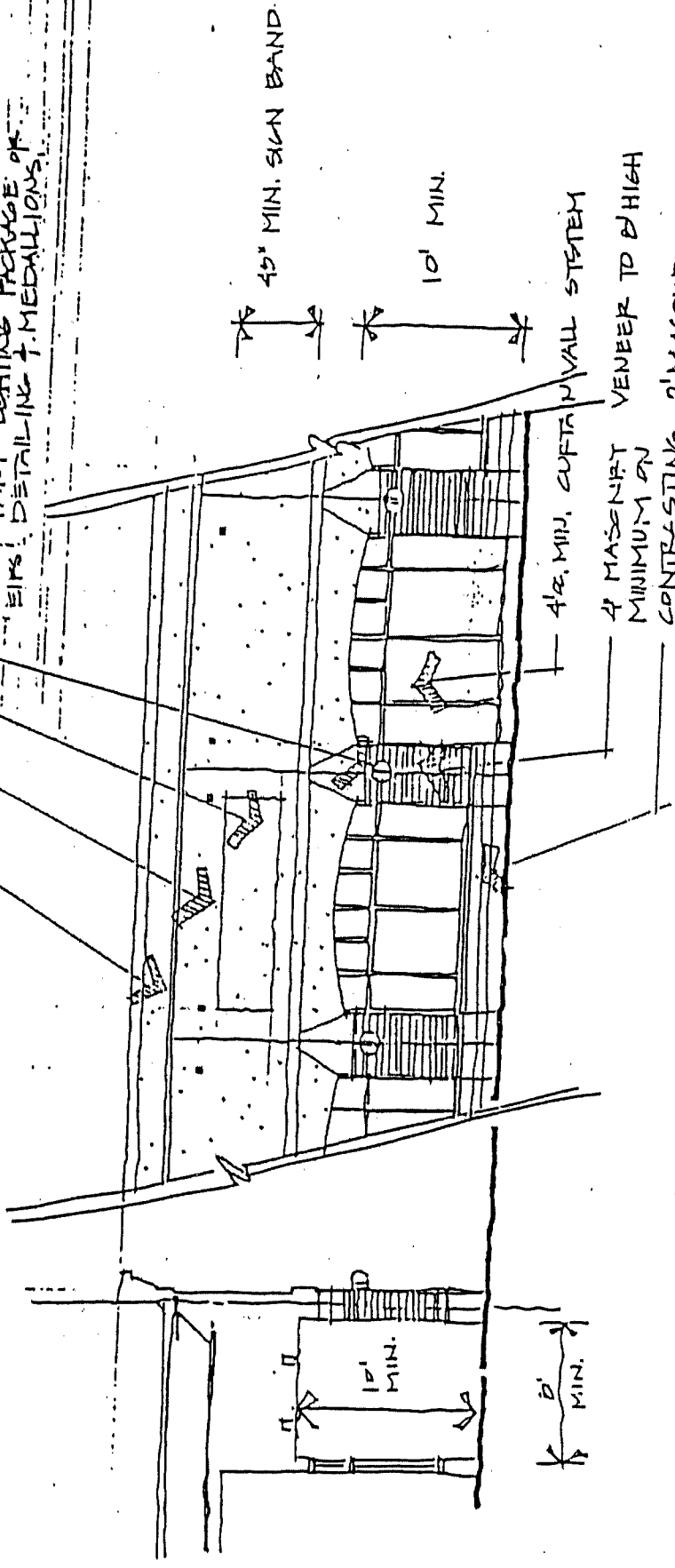
10' MIN.

6' MIN.

10' MIN.

4 1/2" MIN. CURTAIN WALL SYSTEM

4 MASONRY VENEER TO 8' HIGH
MINIMUM ON
CONTRASTING 2' MASONRY BASE.

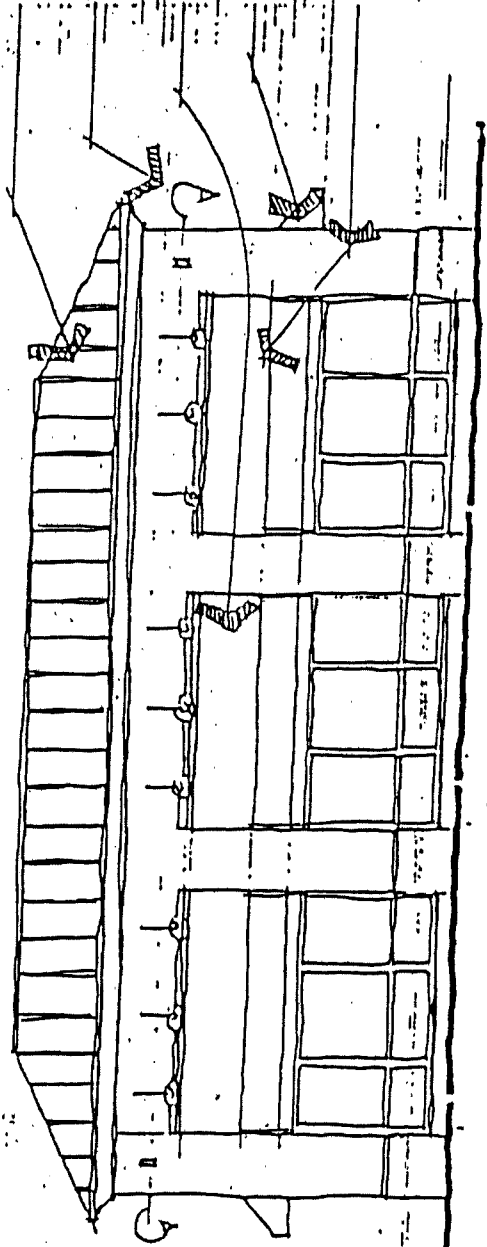


The Florence Marketplace
Architectural Development Guidelines NTS



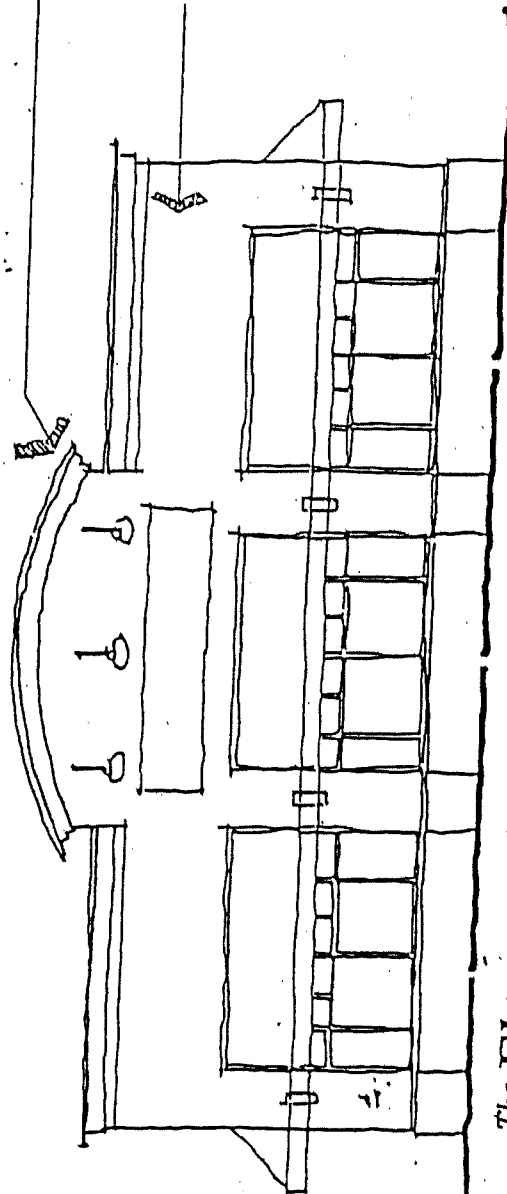
C

STANDING SEAM METAL
 ROOF CONSISTANT W/ PLAZA
 LIGHTING CONSISTANT W/ BLDG.
 MOUNTED SIGNAGE + IMAGE,
 ACCENT LIGHTING.
 SIGNAGE MUST BE INDIVIDUAL
 CHANNEL LETTERS, INTERMOUNT
 ILLUMINATED
 BLDG. MID. FABRIC CANOPY
 MUST BE OF PRESCRIBED
 COLOR
 FULL HGT. FACE BRICK
 VENEER W/ WHITE ACCENT.



SIMPLY SHAPED PARAPET.

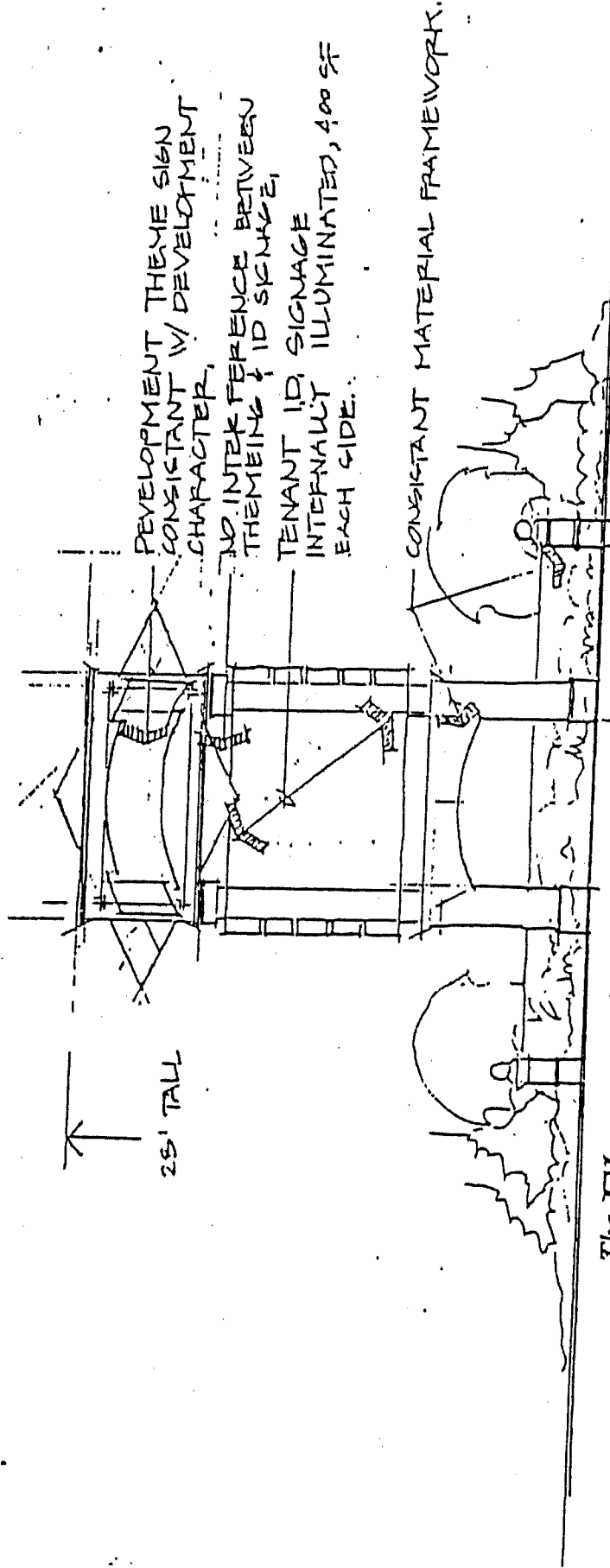
4" MASONRY VENEER
 FULL HEIGHT ON OUTLOT
 BUILDINGS



The Florence Marketplace
 Architectural Development Guidelines NTS



D



DEVELOPMENT THEME SIGN
CONSISTANT W/ DEVELOPMENT
CHARACTER.

NO INTERFERENCE BETWEEN
THEMEING & ID SIGNAGE

TENANT ID SIGNAGE
INTERNALLY ILLUMINATED, 400 SF
EACH SIDE.

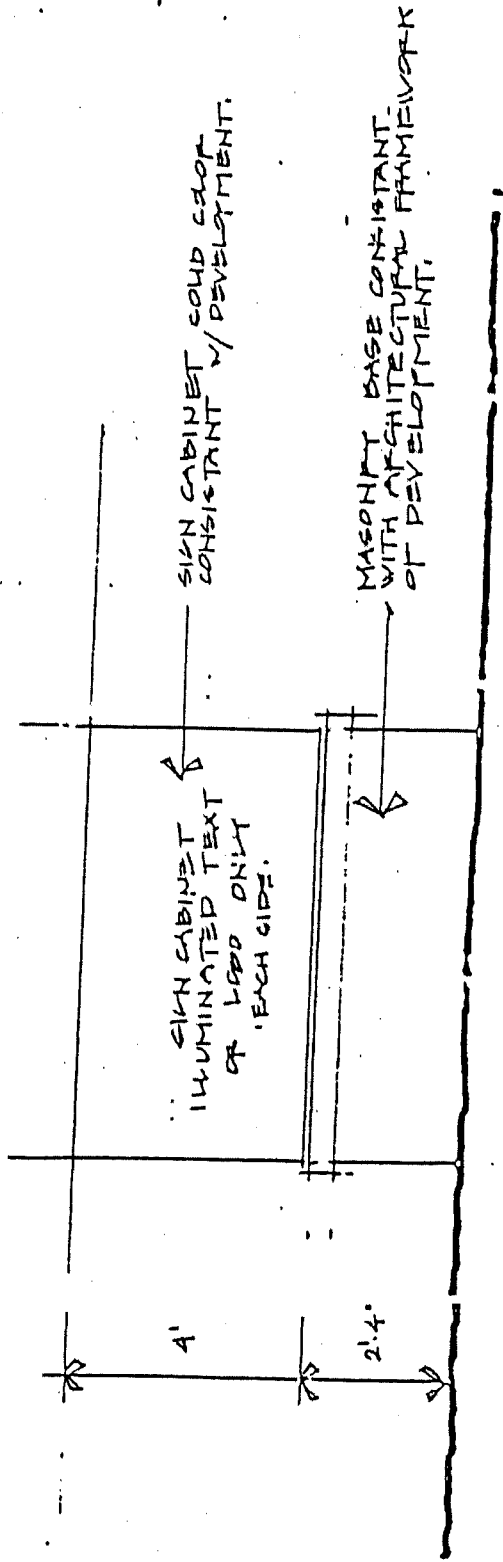
CONSISTANT MATERIAL FRAMEWORK.

↑
25' TALL

The Florence Marketplace

Architectural Development Guidelines NTS





LOW MONUMENT SIGN.

The Florence Marketplace
Architectural Development Guidelines NTS



H

SITE DESIGN IN THE HOUSTON/DONALDSON STUDY AREA

This section is important for the implementation of the Houston-Donaldson Study because much of the Study Area comprises the highly visible Houston Road Corridor. As pointed out in the Mall Road Study of 1990, the roadway corridor shapes the public perception of a community. As described in that study, many commercial, office, and industrial corridors across the United States have experienced a common set of problems, including traffic congestion, confusing driveway alignments, proliferation of strip centers, poor landscaping, lack of corridor identity, and excessive signage. The objective of this section of the Houston-Donaldson Study is to enhance the identity of the Study Area and avoid the above problems.

Each development should meet the following specific development guidelines at Site Plan Review in addition to the standard requirements of Article 30 of the Boone County Zoning Regulations:

1. Placement or location of buildings - Buildings shall be placed on a site so that a) building frontages are diagonal to the street where possible, b) large blank building walls are partially screened with vegetation or made visually less intrusive with architectural treatment, and c) landscaping and planting spaces are created. In addition, restaurant and bank outlot buildings along Houston Road should be placed so that the building frontage is diagonal from the public roadway similar to previously approved Concept Development Plans in the Study Area. A minimum 20 foot landscaped setback should be maintained between the parking area and the public right-of-way.
2. Impervious Area Coverage - Impervious areas include all building and pavement coverage on a site. Green Space areas include all landscape areas that have a meaningful visual impact on a development. Consistent with the previous approvals of Concept Development Plans in the Study Area, all commercial, office, and industrial developments shall contain a minimum of 22 percent of the development site as permanent green space. The computation of this green space ratio can include landscaped parking islands, buffer areas, and aesthetically suitable wet stormwater retention areas, but will not include any area on public right-of-way or dry detention areas that will have a negative visual impact on the development. Interior road systems, sidewalk networks, and parking lots of new developments must be designed with this in mind. In industrial zones, any parking in the front yard area should be devoted to office employee and visitor parking. Other employee parking in industrial zones, will be placed on the side and rear portions of the building. Parking areas should include decorative elements, such as suitable fences, wall extensions, plantings, and/or berms between the public

right-of-way to screen parking areas from public view. Parking lots must be designed with landscaped islands as described under requirement 3. Concrete curbs should be used around the perimeter of the parking lot. Landscaped areas with trees and bushes will be installed at the entrances of any commercial, office, or industrial development. Continuous curbs or wheel blocks should be placed between a parking area and a sidewalk. As approved for the Houston Lakes development in 1990, pedestrian crossings at interior intersections should be constructed of suitable brick, cobblestone, or similar surface to emphasize the crossing location.

3. Landscaping - The simplest and most effective method to enhance the appearance of a roadway corridor is to provide adequate landscaping. Landscaping also reduces glare and the amount of reflected and absorbed sunlight, resulting in a more comfortable environment and reduced energy costs. Landscaping and buffering should meet the requirements under Article 30 Site Plan Review of the 1991 Boone County Zoning Regulations. These requirements were developed for the Mall Road Study in 1990, however, are generally consistent with several approved developments in the Study Area. A list of reference source books for suitable plant species can be found in the Mall Road Study.

4. Pedestrian Connections - Each development or land use within the Study Area will provide pedestrian connections to other developments, recreation facilities, and public open space areas, if appropriate. An area-wide pedestrian network that connects developments, recreation areas, and existing green areas should be developed for the Study Area. Innovative and practical pathway designs other than typical sidewalks are encouraged within developments. Certain sites within the Study Area, such as the Marydale property, World of Sports site, Seligman property, and Houston Lakes site are important to the overall pedestrian network of the corridor, and are addressed in detail in the Individual Site Analysis and Recommendations section of this Study. In addition, pedestrian crossings on public and private roadways within planned developments may be required to be of distinct pavement treatment, such as brick or cobblestone to emphasize these crossings. This feature will provide a safer pedestrian environment because motorists can actually feel the pavement difference at the crossing.

ARCHITECTURAL DESIGN REVIEW

Architectural Design Review is based upon the third goal of the Houston/Donaldson Study, or more specifically, "to ensure that the recommended land uses and the type of development occurs in conjunction with appropriate exterior appearances to the general



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc

www.boonecountygis.com

Boone County Administration Building

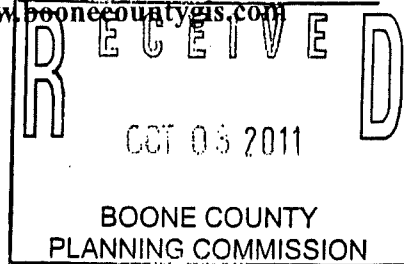
2950 Washington Street, Room 317

P.O. Box 958

Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264

plancom@boonecountyky.org



September 28, 2011

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

RE: Request of **James W. Berling (applicant)** for **RCDK Properties, LLC (owner)** for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 9.5 acre site located on the north/west side of Houston Road to the immediate north/east of the property at 6835 Houston Road, Florence and unincorporated Boone County, Kentucky (annexation into the City of Florence pending). The request is for a change in an approved Concept Development Plan to allow a multi-tenant commercial building and two freestanding restaurants in addition to the previously approved development options.

Dear Mr. Berling:

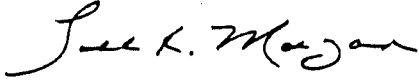
The following letter represents the conditions of approval for the above referenced request. The property owner and you need to sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by October 4, 2011.

CONDITIONS

1. The approval is based on the submitted Concept Development Plan except as modified by the conditions below.
2. A sidewalk connection shall be provided between the building on lot 3 and the public sidewalks on Houston Road or the Connector Road.
3. The 1998 Lawsuit Settlement Agreement indicated that 23 additional uses could be permitted on sites which were zoned O-1/PD or C-2/PD. Use 23 (warehouse and distribution center-warehouse facilities) shall not be permitted in the multi-tenant building.
4. The landscaping islands shown in the parking lots shall contain large trees from Plant List A. One large tree shall be required per 162 square feet of area.
5. Each lot shall comply with the Houston-Donaldson Study's 22% green space requirement.
6. A maximum 18 foot tall freestanding sign shall be permitted on lot 2 to advertise the multi-tenant building tenants. The construction materials and style of the sign shall closely resemble the Florence Marketplace/Wal-Mart sign that is located at the Houston Road/Kiley Place intersection. The full Planning Commission shall review sign height, appropriateness of the proposed sign area, construction materials, and sight distance measurements through the Technical Design Review application process.

Mr. James W. Berling
September 28, 2011
Page 2

Sincerely,

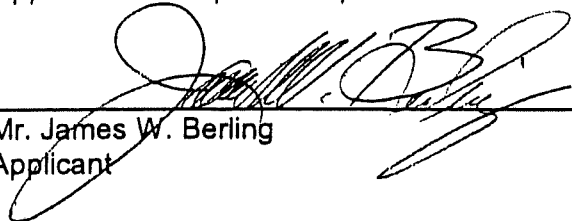


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKMldw

AGREEMENT

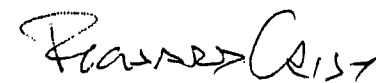
I, James W. Berling, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.



Mr. James W. Berling
Applicant

9/29/11
Date

I, Richard Crist, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.



Mr. Richard Crist
RCDK Properties, LLC

9/29/11
Date

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITIONS - REQUEST OF JAMES W. BERLING (APPLICANT) FOR RCDK PROPERTIES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 9.5 ACRE SITE GENERALLY LOCATED ON THE NORTH/WEST SIDE OF HOUSTON ROAD TO THE IMMEDIATE NORTH/EAST OF THE PROPERTY AT 6835 HOUSTON ROAD, FLORENCE, KENTUCKY. THE SITE IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) AND THE REQUEST WOULD ALLOW A MULTI-TENANT COMMERCIAL BUILDING AND TWO FREESTANDING RESTAURANTS IN ADDITION TO THE PREVIOUSLY APPROVED DEVELOPMENT OPTIONS.

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. Approved and agreed upon City of Florence Special Conditions 1, 2, and 3 from the 2005 concept development plan option for this site, as attached, are hereby incorporated and apply to this concept development plan option.
2. All rooftop equipment shall be screened from public view with materials that are harmonious with the rest of the building. Parapet walls shall be of sufficient height to screen rooftop equipment from public streets.
3. Landscape plan for the rear hillside of the site between the parking lots and Doering Drive shall be pre-approved by the City of Florence.

Agreed to this 15th day of NOVEMBER, 2011.

RCDK PROPERTIES, LLC

BY: RICHARD CRIST, MEMBER
(Title)

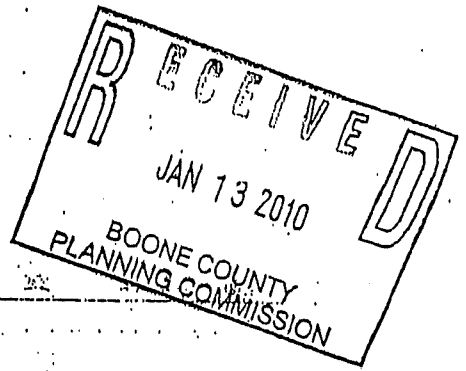


EXHIBIT "C"

City of Florence Special Conditions

The undersigned, on behalf of DC-KY18, LLC hereby agrees to the following special conditions for approval for the requested change in concept development plan for property located at the north/west side of Houston Road, across Houston Road from the City of Florence/World of Sports and the Houston Road/Woodspoint Drive intersection, Florence, Kentucky.

1. That the rear of the building shall be constructed of brick, or a brick like substance such as "quick brick" or other material as approved by the City of Florence, which substantially conforms to the exterior appearance of the rear of the proposed Super Wal-Mart. ~~The front and sides of the building shall be constructed predominately of brick material and other complimentary materials similar to the exterior appearance of the front and sides of the proposed Super Wal-Mart.~~
2. Dumpster enclosure(s) shall be constructed of materials similar to that of the building.
3. A connection from the southwest portion of the site shall be made to Doering Drive.
4. The rear hillside of the site shall be broadcast seeded with black locust. Additionally, a pine/spruce mixture shall be planted. Pines shall be 5' minimum height when planted.

FEB. 25, 2005
Date

RICHARD D. CRIST MEMBER
Member, DC-KY18, LLC (owner)

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. **Historic and Prehistoric Features:** Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. **Signage:** A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. **Transportation Connections and Entry Points:** The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

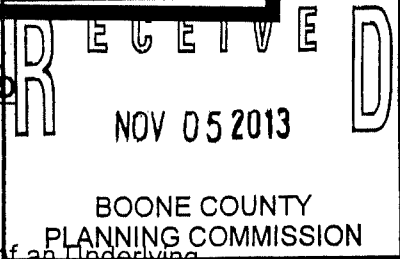
Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Houston Landing
- 3. Location of Project Northeast Corner of Intersection of Ted Bushelman Blvd. & Houston Road
- 4. Total Acreage of Site 6.22 Acres (per GIS)
- 5. Current Zoning C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) R-97-020-A
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study
- 8. Proposed Uses (please specify each use) All permitted uses under C-2
- 9. Proposed Building Intensities (please specify) Not to exceed 6'000 S.F. per acre
- 10. Have you submitted a Concept Development Plan? Yes, see attached revised concept
- 11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 12. Name of Applicant(s) Brandicorp, LLC c/o Viox & Viox, Inc.
Phone Number 859-727-3293 Fax No. 859-727-8452 E-Mail mbollman@vioxinc.com
- 13. Address of Applicant(s) 466 Erlanger Road
Erlanger KY 41018
City State Zip
- 14. Name of Property Owner(s) LPF Corporation
Phone Number 859-485-6710 Fax No. N/A E-Mail tflotz@hotmail.com
- 15. Address of Property Owner(s) 10833 Secretariat Run
Union KY 41091
City State Zip
- 16. Are there any existing buildings on the site? No
How many? NA
- 17. Deed Book 684 Page No. 160 Group No. 2033A
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

STAFF REPORT

Request of **Paul Baumgartner (applicant)** for **Vic Connel (owner)** for a Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 0.341 acre site located at 7670 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to allow auto sales in addition to the established auto repair use.

December 12, 2013

REQUEST

The applicant is requesting this Concept Development Plan approval to "buy and sell antique cars and trucks, along with the repair of these vehicles at this location." The applicant states that "these will be good vintage cars and trucks" and "will not be selling or repairing any cars or trucks newer than 1981." The narrative also states that the applicant "will decorate the property with a 1950's style Mayberry theme." The applicant also proposes to remove the westernmost curb cut along Burlington Pike (KY 18). The applicant has submitted a narrative which is attached to this Staff Report.

The narrative also states, "if that I (Paul Baumgartner) should ever outgrow the location, either the new owners shall continue antique car and truck sales and repair only, or zoning shall revert back to its current auto repair status."

The property is zoned of Commercial Services/Planned Development (C-3/PD) and is located within the limits of the Central Florence Strategic Plan.

SITE HISTORY

Choice Auto Care, Affordable Auto Care, Doug-E-Boys and Saylor's Automotive have all operated from this location (just to name a few). Uses on the property include auto repair, tire sales, and limited towing (integral to the on-site repair with one tow truck only).

The Central Florence Strategic Plan, which includes the subject site, was adopted in 2008. The adoption of the Planned Development overlay zone for the area resulted from the Study.

ADJACENT ZONING AND LAND USES

- North: The Fundome property zoned Commercial Services/Planned Development (C-3/PD).
- East: Angel Animal Hospital property zoned Commercial Services/Planned Development (C-3/PD).
- South: Properties across Burlington Pike (KY 18) zoned Office Two/Planned Development (O-2/PD).
- West: Speedway Food Mart property zoned Commercial Services/Planned Development with an approved Concept Development Plan (C-3/PD/CD).

RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

The adopted 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. 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. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).

The Land Use Element (Florence Central, pg. 144) does not address this specific site but states that "the Parkway Corridor Study, prepared in the 1980's is currently being updated (Central Florence Strategic Plan)." That plan has been completed and adopted and serves as the guidelines for the area.

RELATIONSHIP TO THE CENTRAL FLORENCE STRATEGIC PLAN

As stated above, the site is within the Central Florence Strategic Plan area. The Plan states the following regarding development in the study area as a whole:

The site is located within Area 1 - Commerce Drive/Cardinal Drive on the study land use map. The following excerpt describes the area in question.

"Low to moderate turnover commercial uses are recommended for the commercial portions of this area, and interstate related services such as hotels and restaurants that are not high volume/high turnover (examples of which include restaurants with drive-thru order windows and combination gas/convenience stores) are expected to continue or redevelop along Commerce Drive. For the sites in Area 1 that are not subject to previously approved Concept Development Plans, uses that are Principally Permitted in the respective underlying zone are appropriate provided they do not include outside activities such as storage or display (including auto dealer vehicle supply), and all business functions occur indoors.

The lots which front on KY 18 that are not subject to a Concept Development Plan are recommended to be consolidated and redeveloped into larger sites or centers for local

consumer services and goods with interconnecting parking lots and drives with combined access points on KY 18. Due to the limited depth of these lots, compact and intensive buffer improvements need to be provided where they adjoin residential properties versus wider buffer yards. The redevelopment of sites that face KY 18 which do not accomplish the development objectives in this section are recommended for the Long Review Process (pgs. 7.1-7.2)."

The Area 1 - Commerce Drive section (pg. 8.2) of the Office, Commercial, And Industrial Project Design Requirements chapter outlines the following:

Intent: To reinforce a cohesive commercial district which has varying, unrelated land uses.

Streetscape/Street Frontage Landscaping: A minimum of one large canopy street tree per every 40 feet of street frontage shall be provided within the Commerce Drive and Commerce Place rights-of-way. The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accompanied by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.

Architectural Design:

- a) **Materials/Colors**: Exterior walls shall be constructed of "natural" appearing materials such as stucco/EIFS, architectural grade CMU, or brick which are red red/brown or have light natural tones such as those in the beige/tan/warm grey range; siding type materials shall not be used. Other materials and colors may be used for trim and detailing. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, or standing seam metal.
- b) **Roof Shape**: Parapet designs which have a defined cornice line and pitched roofs are permitted. Mansard or other "stage set" type designs are not permitted.

STAFF CONCERNS/COMMENTS

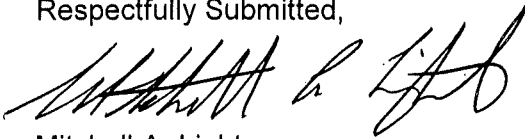
1. If approved, an encroachment permit from the Kentucky Transportation Cabinet as well as a Major Site Plan review will be required in order to remove the westernmost curb cut along Burlington Pike (KY 18).
2. The text of the Central Florence Strategic Plan states "For the sites in Area 1 that are not subject to previously approved Concept Development Plans, uses that are Principally Permitted in the respective underlying zone are appropriate provided they do not include outside activities such as storage or display (including auto dealer vehicle supply), and all business functions occur indoors."

3. Proposed elevation drawings were not submitted with the application, therefore Staff had nothing to review regarding the "1950's Mayberry theme" outlined in the narrative.
4. The applicant states that they "will not be selling or repairing any cars or trucks newer than 1981." Staff feels that the enforcement of this could be rather difficult.
5. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

CONCLUSION

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

Respectfully Submitted,

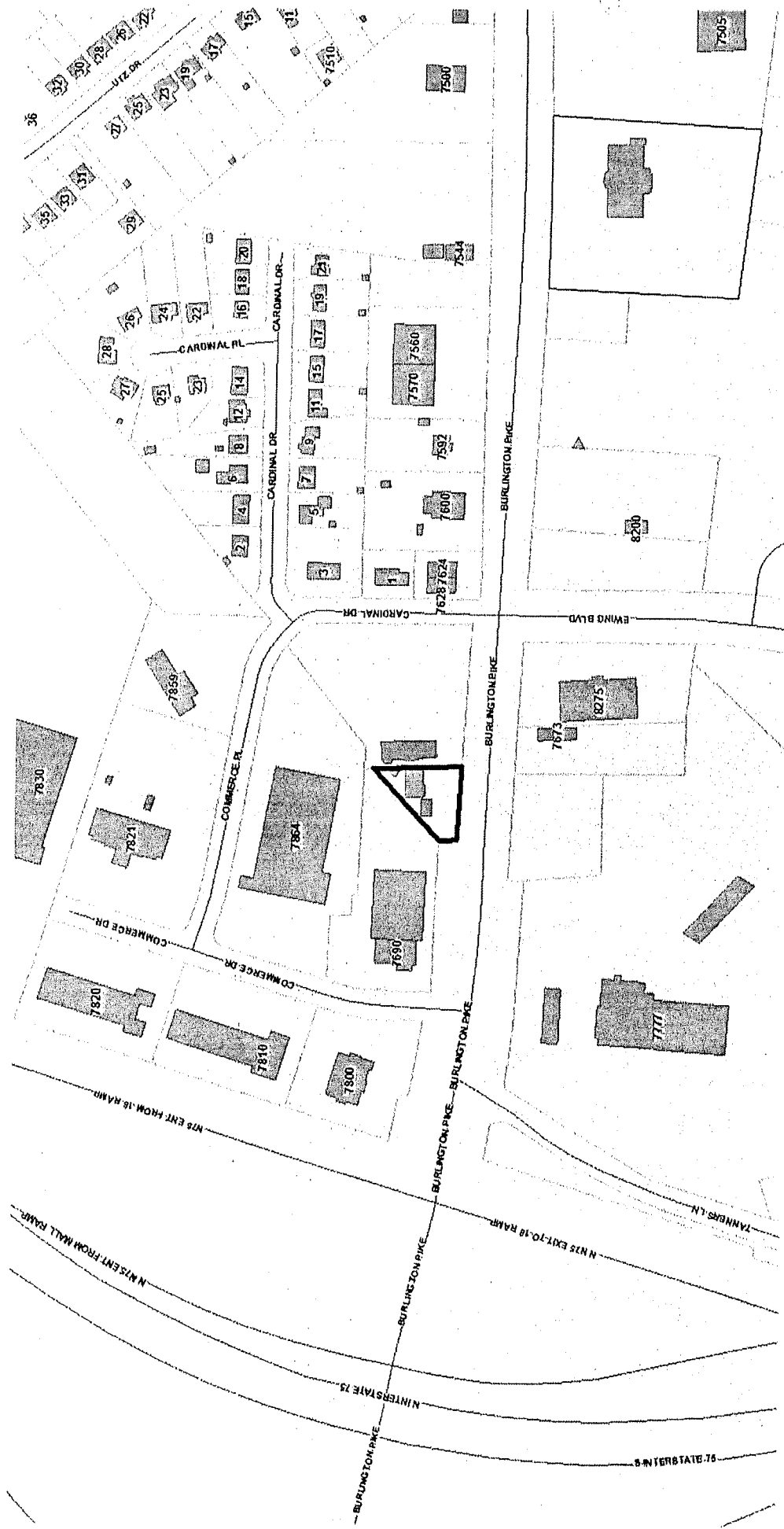


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

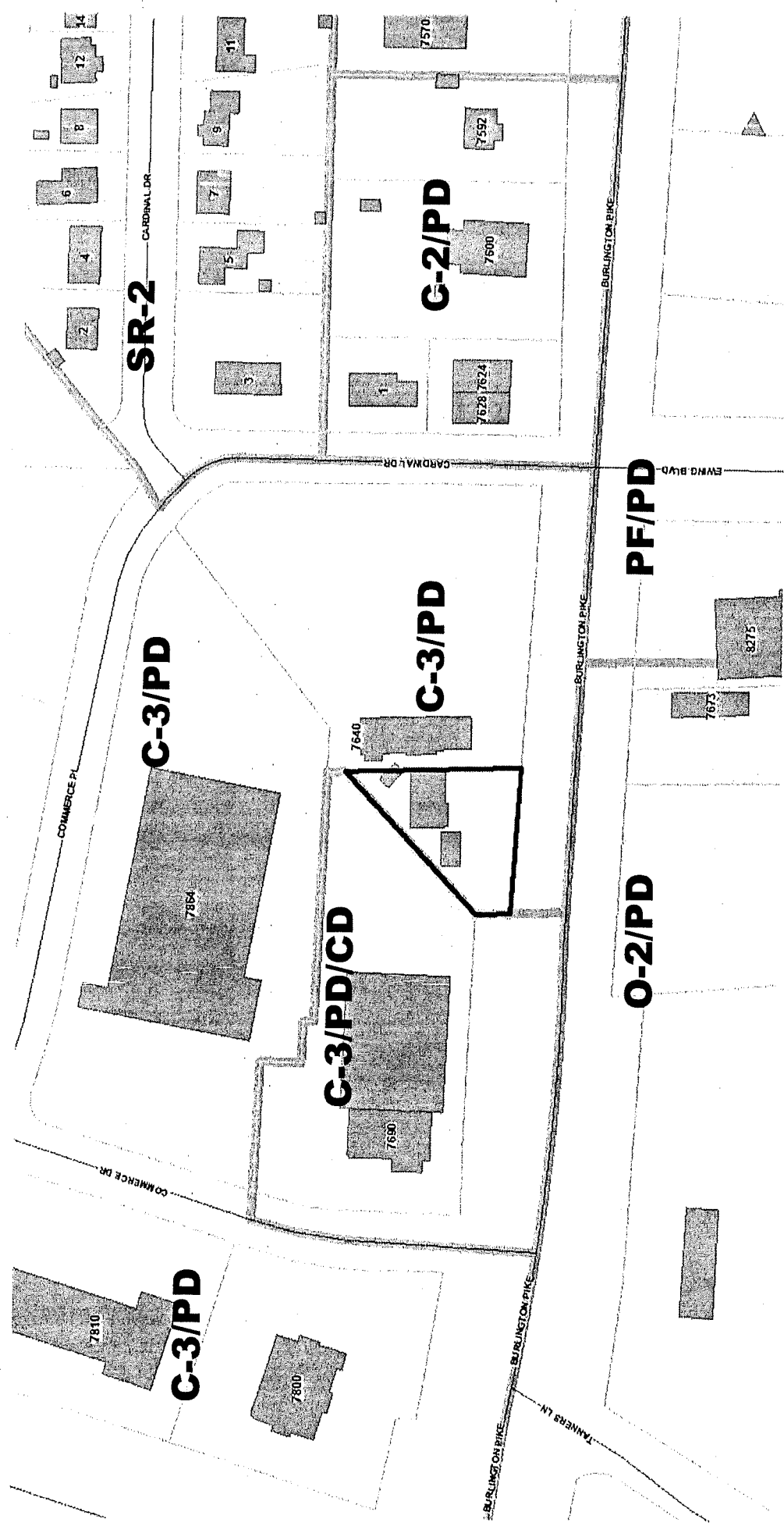
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Attachments:

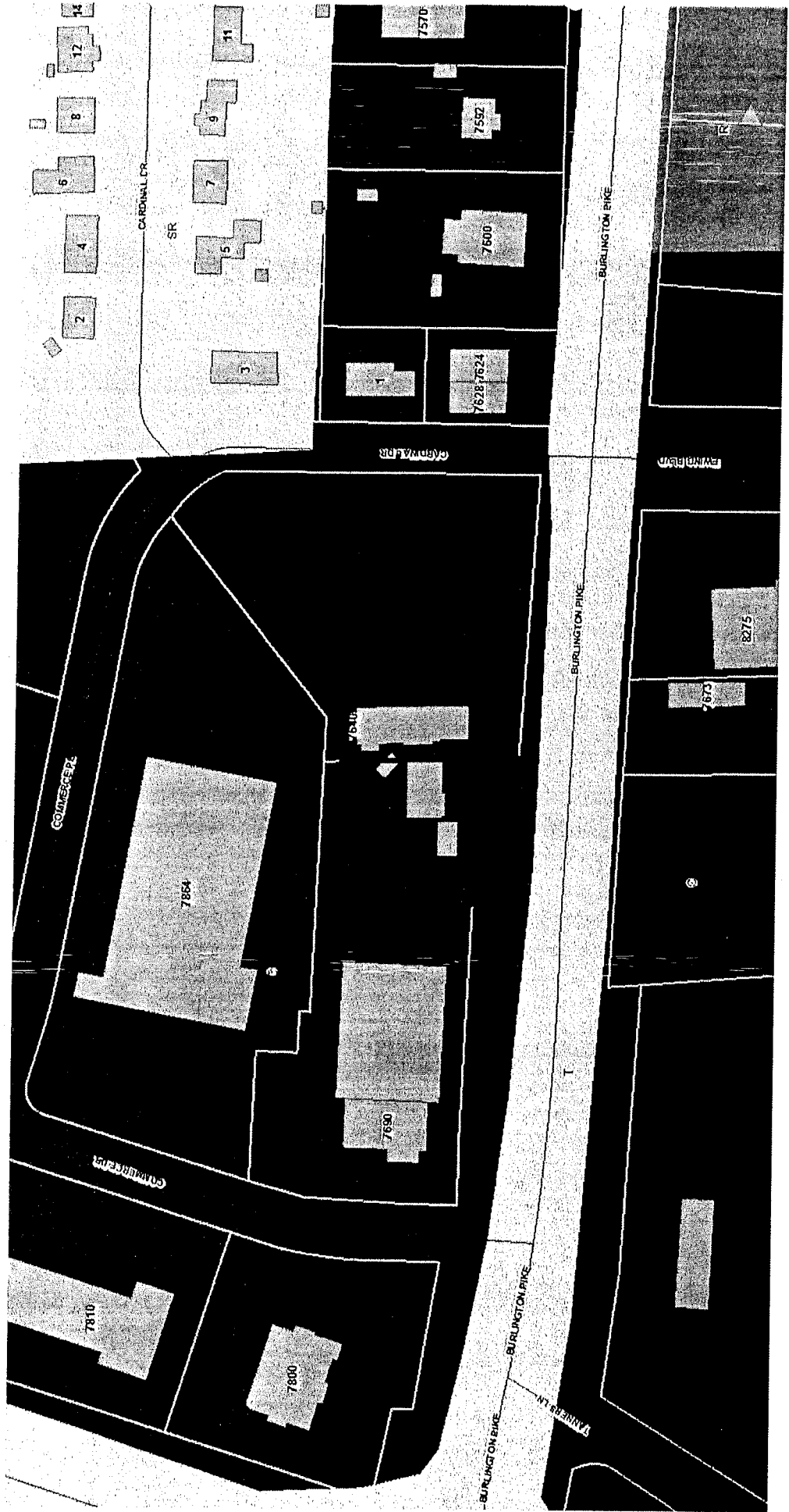
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2013 Aerial Photography
- Concept Development Plan
- Applicants Narrative
- Central Florence Strategic Plan - Study Area 1 Zoning Process
- Planned Development Standards
- Application



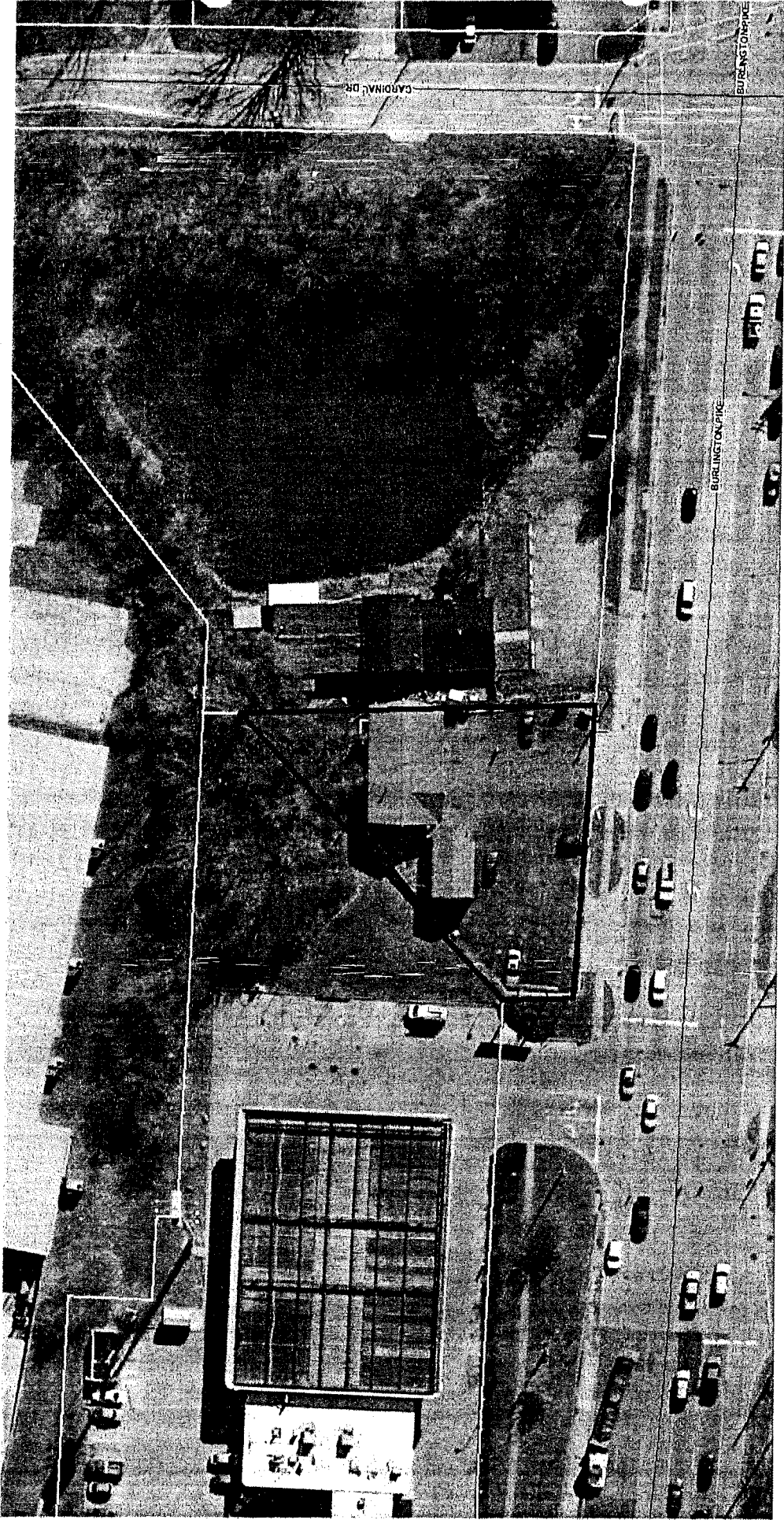
VICINITY MAP



ZONING MAP

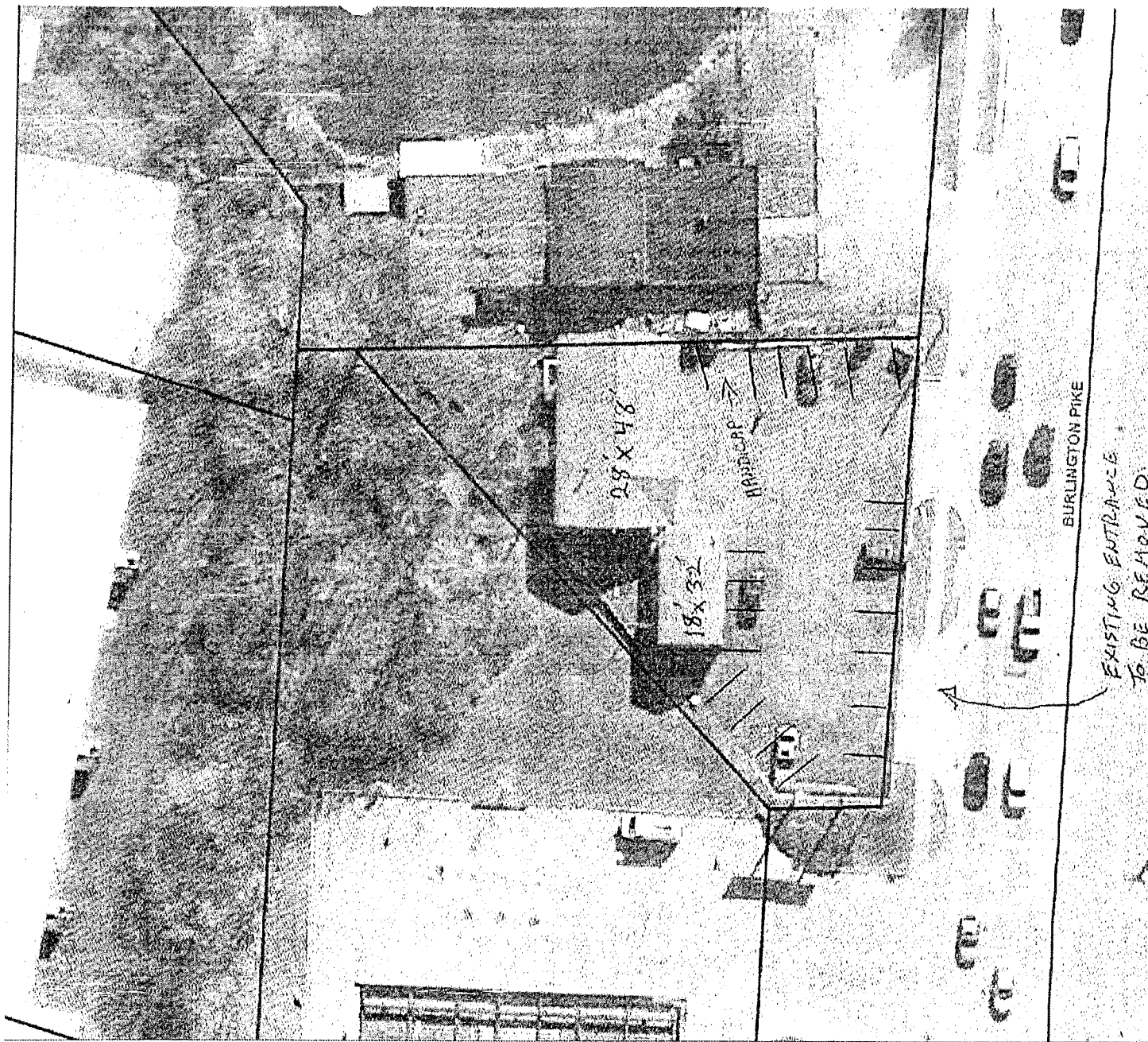


FUTURE LAND USE MAP



2013 AERIAL PHOTOGRAPHY

CONCEPT DEVELOPMENT PLAN



Request for zone change

To: Boone County Planning Commission

Attn: Todd Morgan

Gentlemen,

I would like to change the zoning for 7670 Burlington Pike Florence, Ky 41042. The property is currently zoned for car repair (grandfathered in). I would like to be able to buy and sell antique cars and trucks, along with the repair of these vehicles at this location. These will be good looking vintage cars and trucks that will catch your eye as you drive by. I will decorate the property with a 1950's style Mayberry theme. This will be the place that, when you drive by, you will say "look, that is the same car my father had when I was little!"

I think that this kind of place will certainly look a whole lot better than having a lot full of broken newer vehicles waiting to be repaired as has happened, and will happen again with the current zoning. I am going to buy the property from its current owner, not just lease the property. I am also going to repair the antique vehicles as I buy and sell them, I will not be selling or repairing any cars or trucks newer than 1981. In other words, if asked to work on a 98 cavalier, the answer will be no. I plan on having between 10 and 20 cars on lot at any given time.

The zoning change can be structured so that if ever I should outgrow the location, either the new owners shall continue antique car and truck sales and repair only, or zoning shall revert back to its current auto repair status.

Respectfully,

Paul Baumgartner

THE CURB CUT THAT IS SHOWN BEING
REMOVED ON PLAN WILL BE REMOVED
WITHIN 6 MONTHS OF OCCUPANCY.

P.B.

CHAPTER 7

ZONING PROCESS

Current Zoning/Review Process

The current zoning of the *Parkway Corridor Study* primarily involves the Planned Development process with the exception of the designated single-family areas where uses have existed for a long period of time. The current zoning (March, 2008) is identified on the maps on pages 7.7 - 7.10. Existing commercial zoning is concentrated along Commerce Drive, the north side of KY 18, the south part of Dream Street, Freedom Way, and along I-75. Office zoning exists along the south side of KY 18, Tanners Lane, the north part of Dream Street, and along U.S. 42 to the east of Ewing Boulevard. Public Facilities/ Planned Development (PF/PD) zoning is concentrated on city-owned property on Ewing Boulevard and residential zoning exists towards the eastern portion of the study area. The current review process involves the requirement of a Public Hearing if a site is undeveloped and is zoned Planned Development. With existing buildings, uses are reviewed on a case-by-case basis to determine if the proposed use is appropriate based on the underlying zoning (principally permitted), level of proposed improvements, and the text of the *Parkway Corridor Study*.

Recommended Zoning Approach

The overlay district name "Parkway Corridor Study Overlay District" (PO) is proposed to be retained. The recommended uses and zoning for the individual study areas are outlined below in the "Zoning for Sub-Areas" section. The recommended zoning for the study area as a whole involves the continuation of the Planned Development approach with a few exceptions:

1. The Parkway Corridor Study Overlay District (PO) is proposed to be expanded to include the expansion areas studied as part of the *Central Florence Strategic Plan*, except for existing single family residential districts, the existing multi-family residential area along Hillcrest Drive, Canterbury Drive, and Canterbury Court, and the C-3 zoned area that is on the west side of Industrial Road and south of Safeway Drive. This basically includes the areas that are proposed to be within the Planned Development District (PD) as described in detail below. The *Parkway Corridor Study* Overlay District (PO) and Planned Development District (PD) are not recommended to be added to the zoning for the existing single family residential districts, the existing multi-family residential area along Hillcrest Drive, Canterbury Drive, and Canterbury Court, and the C-3 zoned area that is on the west side of Industrial Road and south of Safeway Drive.
2. Update zoning map to reflect all approved zone changes and concept development plans that have occurred since 1986.

Zoning for Plan Sub-Areas

Area 1 - Commerce Drive/Cardinal Drive

Low to moderate turnover commercial uses are recommended for the commercial portions of this area, and interstate related services such as hotels and restaurants that are not high volume/high turnover (examples of which include restaurants with drive-through order windows and combination gas/convenience stores) are expected to continue or redevelop along Commerce Drive. For the sites within Area 1 that are not subject to previously approved Concept Development Plans, uses that are Principally Permitted in the respective underlying zone are appropriate provided they do not include outside activities such as storage or display (including auto dealer vehicle display), and all business functions occur indoors.

The lots which front on KY 18 that are not subject to a Concept Development Plan are recommended to be consolidated and redeveloped into larger sites or centers for local consumer services and goods with interconnecting parking lots and drives with combined access points on KY 18. Due to the limited depth of these lots, compact and intensive buffer improvements need to be provided where they adjoin residential properties versus wider buffer yards. The redevelopment of sites that face KY 18 which do not accomplish the development objectives stated in this section are recommended for the Long Review Process.

The existing C-2/PD and C-3/PD zones for the commercial portions of this are recommended to be retained. The existing SR-2 zone is recommended to be retained for the Cardinal Drive/Cardinal Place portion of Area 1.

Area 2 - KY 18/Wallace Avenue/Kathryn Avenue

Office, medical, and institutional type uses are recommended to continue in the existing O-2/PF/PD portion of this area along the south side of KY 18 that adjoins the skate park. Aside from Stringtown Park that is located on the north side of KY 18 between Wallace Avenue and Kathryn Avenue, the lots which front on KY 18 are recommended to be consolidated and redeveloped into larger sites or centers for local consumer services and goods with interconnecting parking lots and drives with combined access points on KY 18. Due to the limited depth of these lots, compact and intensive buffer improvements need to be provided where they adjoin residential properties versus wider buffer yards. The reuse of these individual structures for business purposes is not recommended. Except that, the conversion of existing historically sensitive residences to office or other complimentary uses is permitted and should undergo the short review process. The redevelopment of sites that face KY 18 which do not accomplish the development objectives stated in this section are recommended for the Long Review Process.

The existing O-2/PF/PD and C-2/PD zones are recommended to be retained along KY 18 to the west of Glen Street, and the PD overlay zone is recommended to be added to the O-1A and C-2 zones that are located to the east of Glen Street. The current C-2 zoned area along Shaun Alexander Way that is owned by Boone County Schools is recommended to be changed to PF. The current R1F and SR-2 zones are recommended to be retained for the existing residential portions of Area 2 that are located to the north of KY 18.

Area 3 - Tanners Lane

Office uses are advocated in the O-2/PD, C-2/PD, and C-3/PD portions of this area. The redevelopment of the TA truck stop into a high quality office headquarters per the objectives stated in the "Plan Concepts" section is highly recommended. The office headquarters site could be expanded to include the mini-warehouse property and the industrial style buildings along the west side of Tanners Lane, or these other properties could be redeveloped as separate, but complimentary office projects with visibility from I-75 and improved access from KY 18 and Ewing Boulevard. Redevelopment for office purposes in this part of Area 3 should undergo the Short Review Process provided the stated objectives and requirements of this Study are met; otherwise, the Long Review Process should be followed. Additionally, a historically sensitive conversion of the existing historic residence (E.A. Tucker House Circa 1870's) on the west side of Ewing Boulevard to office or other complimentary uses should undergo the Short Review Process.

The City owned properties that are zoned PF/PD are expected to further develop over time for public facility uses. The existing O-2/PD, C-2/PD, C-3/PD, and PF/PD zones in this area are recommended to be retained.

Area 4 - Center Street

The rear of the Florence Executive Centre property is being rezoned from O-1 to O-1/UR-2/PD to match the recommendations of area 6. The existing SR-1 and SR-2 zones in this area are recommended to be retained.

Area 5 - Dream Street

Businesses which cater towards interstate travelers such as restaurants and hotels, and consumer retail uses, are recommended to continue along the southern section of Dream Street which is zoned C-2 and C-3/PD. Neighborhood oriented retail, offices, services, and restaurants are recommended for the US 42 frontage of this area. Office, hotel, and small-scaled local consumer retail or service uses are recommended along the northern section of Dream Street which is zoned O-2 and O-2/PD. These small-scaled consumer retail or

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level; and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

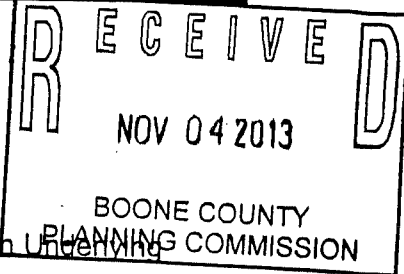
If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

2. Name of Project MUSCLE MOTORS LLC
3. Location of Project 7670 BURLINGTON PIKE FLORENCE KY 41092
4. Total Acreage of Site 0.341
5. Current Zoning C-3/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) CENTRAL FLORENCE STRATEGIC PLAN
8. Proposed Uses (please specify each use) ANTIQUE CAR REPAIR + SALES (SEE ATTACHED LETTER)
9. Proposed Building Intensities (please specify) KEEPING EXISTING BLD'S
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
 - NO Conditional Use Permit
 - NO Dimensional Variance
12. Name of Applicant(s) PAUL BAUMGARTNER
Phone Number 859-393-1591 Fax No. - E-Mail JILL BAUMGARTNER@FUSE.NET
13. Address of Applicant(s) 14106 VEST LN
VERONA KY 41092
City State Zip
14. Name of Property Owner(s) VIC CONNELL
Phone Number 678-687-9287 Fax No. _____ E-Mail VICCONNELL@GMAIL.COM
15. Address of Property Owner(s) 3231 BALLANTREE
VERONA KY 41092
City State Zip
16. Are there any existing buildings on the site? YES
How many? 2
17. Deed Book 864 Page No. 338 Group No. 2034A
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: January 9, 2014

RE: Request of **Brandicorp, LLC c/o Viox & Viox (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow three multi-tenant commercial buildings.

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 request is in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map of the 2010 Comprehensive Plan shows the subject property as Commercial (C) which is defined in the adopted Comprehensive Plan as:

"Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The request is in agreement with the following passage from the Land Use Element:

"Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no

development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.”

2. The request is in conformance with the Planned Development (PD) Standards found in Section 1514 of the Boone County Zoning Regulations. Conditions have been imposed dealing with the mixed use orientation and pedestrian orientation, compatibility of uses, landscaping, and signage standards.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The property owner agrees to install a public sidewalk along Ted Bushelman Blvd. and provide an internal pedestrian connection between the proposed buildings.
2. The 1998 Lawsuit Settlement Agreement indicated that 23 additional uses could be permitted on sites which were zoned O-1/PD or C-2/PD. Use 23 (warehouse and distribution center-warehouse facilities) shall not be permitted on this property.
3. The property owner agrees that the building materials and colors of the proposed buildings will match that of the Houston Plaza development across Ted Bushelman Blvd. The full Planning Commission shall review the building materials and colors through the Technical Design Review application process.
4. An 18 foot tall freestanding sign shall be permitted in front of each of the two buildings fronting Houston Road to advertise the buildings tenants. The construction materials and style of the sign shall closely resemble the Florence Marketplace/Wal-Mart sign as well as the Houston Plaza sign that was granted Design Review approval and not yet constructed. The full Planning Commission shall review sign height, appropriateness of the proposed sign area, construction materials, and sight distance measurements through the Technical Design Review application process.

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
DECEMBER 12, 2013
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Steve-Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen called the Public Hearing to order at 7:00 P.M. and introduced the first item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

1. Request of Brandicorp, LLC c/o Viox & Viox (applicant) for LPF Corporation (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow three multi-tenant commercial buildings.

Staff Member, Mitch Light, presented the Staff Report, which included a power point presentation (see Staff Report). Mr. Light stated that the applicant has submitted an application for a Change in the Approved Concept Development Plan to allow three multi-tenant commercial buildings. The site is located in both unincorporated Boone County and the City of Florence. The applicant is pursuing annexation into the City of Florence. The first reading of an ordinance to annex the property into the City of Florence was held Tuesday night. The site is currently zoned C-2/PD. Mr. Light identified the adjacent zoning. The Future Land Use Map of the Comprehensive Plan shows the entire site as Commercial. The applicant has submitted 2 Concept Development Plans. Option 1 shows two 12,000 square foot "Mixed Restaurant/Retail" buildings oriented towards Houston Road and one 6,000 square foot "Mixed Restaurant/Retail" building oriented towards the northwestern most corner of the property. It includes 293 parking spaces. Option 2 shows a 12,000 square foot "Mixed Restaurant/Retail" building and a 17,000 square foot "Mixed Restaurant/Retail building oriented towards Houston Road and a 6,000 square foot "Mixed Restaurant/Retail building oriented towards the northwestern corner of the property. It includes 277 parking spaces. Both options show 2 monument signs located along Houston Road. However, no height, square footage or design of these signs was provided. Building elevation drawings were not submitted for review with the application, however the attached narrative states that the design character will be that of a village street front of varying parapet heights and shapes, utilizing similar (if not exactly the same) cornice lines and architectural detailing.

Mr. Light proceeded to describe the pertinent site history dating back to 1997/1998 as outlined in the Staff Report. Originally, the Planning Commission recommended approval, but the City of Florence overturned this recommendation resulting in a lawsuit. A settlement agreement was made in September, 1998. In 2003, a Master Landscaping Plan was approved for the entire development and for the subject lot. Mr. Light referred to the approved Master Landscaping Plan. The Plan showed the subject property (Lot 21) having 13 street trees in or around the Houston Road right-of-way and entrance wall monument at the intersection. In 2011-2013, a 9.5 acre development across from the subject site was approved for a retail center. The 6.22 acre parcel has approximately 500 feet of frontage on Houston Road and 460 feet of frontage on Ted Bushelman Boulevard. A sanitary sewer main and a creek run through a portion of the property and sidewalks exist along Houston Road. Mr. Light described the adjacent land uses, which included similar size retail centers using photographs. Mr. Light referred to the Goals & Objectives of the Comprehensive Plan identified on page 3 of the Staff Report. He stated that in the Land Use Element, "regionally oriented growth should be confined to Mall Road and Houston Road." The Houston-Donaldson Study recommends an

employment district to include a mix of office, commercial and industrial uses. The proposed project is in agreement with the Houston-Donaldson Study and is consistent with what was approved across the street - multi-tenant buildings. Commercial development should remain near arterial roads or close to the interstate and the proposed project is consistent with these suggestions. Mr. Light referenced the Future Land Use Development Guidelines from the Land Use Element. These guidelines refer to landscaping and storm water runoff. There is a creek that runs through the property. It outlets on the Furniture Fair property. Mr. Light also mentioned a reference from the Business Activity Element and "Big Box" retail. The property is located in Site 6 of the Houston-Donaldson Study. The Seligman and Foltz properties are located in an area of Houston Road that greatly affects the visual character of the middle part of Houston Road. The site is also subject to the Site Design Standards and Architectural Design Review Standards contained in the Houston-Donaldson Study.

In regard to Staff Concerns, a copy of the Planned Development Standards have been included in the Staff Report. Concept Development Plan proposals in planned developments are to be primarily evaluated in relation to these criteria. Staff recommends that the following Planned Development Standards be further analyzed. In Mixed Use and Pedestrian Orientation, staff recommends a sidewalk be built along Ted Bushelman Boulevard, as well as internal connections between buildings/uses. In Compatibility of Uses, Staff recommends that the applicant and Planning Commission review the list of C-2 uses to determine what is appropriate in multi-tenant buildings. In Architecture, the applicant is offering to use the architectural flavor and palette from the adjacent Houston Shoppes and Houston Plaza. Finally, both Concept Development Plans show 2 sign locations along Houston Road but no specifics. If approved, Site Plan Review will be required by the Planning Commission. Mr. Light concluded that the Change in approved Concept Development Plan request needs to be evaluated by the Planning Commission, as well as the City of Florence and the Boone County Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Ms. Megan deSola, Viox & Viox, Inc. introduced Ms. Michelle Bollman, Viox & Viox, Mr. Chris Canarie, Brandicorp and Mr. Tom Foltz, LPF Corporation. Ms. deSola provided background information about Brandicorp using a power point presentation. In addition, Ms. deSola showed some photographs of the site and neighboring properties. The site is adjacent to the Airport. Ms. deSola collected some data about the need for retail in the Florence area. Information was provided by the Florence Director of Business and Community Development. As a whole, the City of Florence has a retail vacancy rate of less than 4%. The average vacancy rate in the Greater Cincinnati region is 10%. Ms. deSola stated that if you consider Houston Road and Mall Road as one entity, it is one of the largest commercial districts in the State. Building vacancy does not last long on these roads as evidenced by Walmart, Fuji Steak House and Kentucky Shop. Mall Road has a 3% vacancy rate, while Houston Road has a 2.7% vacancy rate. There is a demand for more retail space. Research indicates there is a need for smaller multi-tenant space. Brandicorp has been successful in filling up all of their space. They were able to attract some local businesses as well as new businesses to the Northern Kentucky area. This strategy will occur in the proposed buildings.

Ms. Michelle Bollman, explained that the reason why they wanted to submit two different plans was that it was early in the process of obtaining certain retailer commitments. It leaves the door open for future options. Access to the subject site is off Ted Bushelman Boulevard. A right deceleration lane off Ted Bushelman Boulevard will be restriped as part of the project and future access is planned to the Airport property to the west. In the Airport Master Plan, the property next to the subject site is planned to be retail. All utilities are available on the lot - sanitary sewer, water and electric. Due to the topography, the applicant is proposing to keep the area to the west natural because of the existing creek. An entrance feature matching the other features will be placed on the southeast corner of the site. The plans are virtually the same except for the square footage of the buildings and the number of parking spaces. The original Concept Development Plan showed one building with one user and three buildings are proposed with multi-tenant users. Million Architecture will be designing the proposed buildings and they are proposing the same type of architecture and materials as the buildings on the other site of Ted Bushelman Boulevard. Ms. Bollman submitted a sample of building materials and a color palate, along with a picture of the entrance feature and landscaping plan.

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

Seeing no one, Chairman Rolfsen inquired on whether the Board members had any comments or questions?

Chairman Rolfsen asked if there was a center turn lane on Ted Bushelman Boulevard? Ms. Bollman stated that there was one but she would verify that it exists and whether it needed to be restriped. Chairman Rolfsen asked if a traffic signal would be installed at the access point? Ms. Bollman replied no, because the access point is too close to the existing traffic signal on Houston Road.

Mr. Costello asked if anything would be done to the green area in front of the proposed building facing Ted Bushelman Boulevard? It is an area that is full of trees and underbrush. Will it be a wild natural area because of the creek? Ms. Bollman replied that they hadn't examined the area that closely yet. They had planned to keep it natural because of the creek. Development of the proposed building may be dependent on access to the Airport property and a specific user.

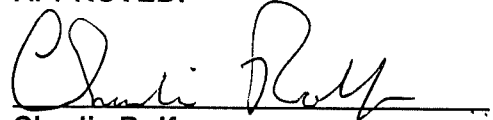
Mr. Bunger commented that he preferred the proposed two small buildings versus one long large building that was previously approved.

Chairman Rolfsen asked if the applicant if Brandicorp had any users in mind? Mr Chris Canarie, Brandicorp, stated they are talking with several restaurants and retailers some of which were interested in the buildings across the street, but for one reason or another could not locate there. There are also new retailers in the market interested in the site as a result of timing. It would be a similar mixed to what they have in Houston Shoppes and Houston Plaza. The buildings on the other side of Ted Bushelman Boulevard are completed leased. They would like to start construction work in late Spring.

Mr. Schwenke asked about the routes to get to the third building facing Ted Bushelman Boulevard. Ms. Bollman responded that there are 2 ways, either behind or in front of the 2 buildings. In addition, the Airport property connection could be used to get to the building. It would be the best or most direct route. Access is difficult due to the existing creek.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 18, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 9, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:34 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: December 18, 2013

RE: Request of **Brandicorp, LLC c/o Viox & Viox (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow three multi-tenant commercial buildings.

REMARKS:

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

Janet Kegley

Janet Kegley, Chairwoman
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Greg Brandstetter
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Greg Breetz

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

Kim Bunger

Kim Bunger
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Schultz
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Charlie Reynolds (Alternate)
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 _____

TOTAL: _____ DEFERRED 3 FOR PROJECT 5 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

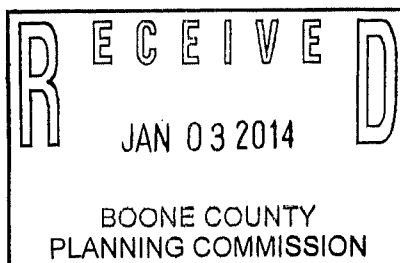
www.boonecountky.org/pc
www.boonecountkygis.com

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

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

December 20, 2013

Ms. Michelle Bollman
Viox & Viox, P.S.C.
466 Erlanger Road
Erlanger, KY 41018



RE: Request of **Brandicorp, LLC c/o Viox & Viox (applicant)** for **LPF Corporation (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow three multi-tenant commercial buildings.

Dear Ms. Bollman:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their December 18, 2013 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner, in the space provided at the end of this letter, and return the original letter to the Planning Commission office by Friday, January 3, 2014.

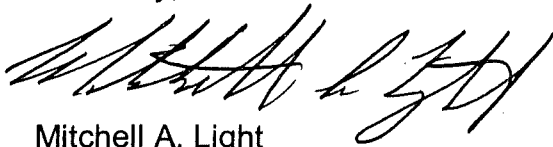
CONDITIONS

1. The property owner agrees to install a public sidewalk along Ted Bushelman Blvd. and provide an internal pedestrian connection between the proposed buildings.
2. The 1998 Lawsuit Settlement Agreement indicated that 23 additional uses could be permitted on sites which were zoned O-1/PD or C-2/PD. Use 23 (warehouse and distribution center-warehouse facilities) shall not be permitted on this property.
3. The property owner agrees that the building materials and colors of the proposed buildings will match that of the Houston Plaza development across Ted Bushelman Blvd. The full Planning Commission shall review the building materials and colors through the Technical Design Review application process.

Ms. Michelle Bollman
December 20, 2013
Page 2

- An 18 foot tall freestanding sign shall be permitted in front of each of the two buildings fronting Houston Road to advertise the buildings tenants. The construction materials and style of the sign shall closely resemble the Florence Marketplace/Wal-Mart sign as well as the Houston Plaza sign that was granted Design Review approval and not yet constructed. The full Planning Commission shall review sign height, appropriateness of the proposed sign area, construction materials, and sight distance measurements through the Technical Design Review application process.

Sincerely,



Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/ss

AGREEMENT

I, Tom Foltz, do hereby agree to the recommended conditions of approval stated above for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky, to allow three multi-tenant commercial buildings.

Tom Foltz LPF Corporation

Tom Foltz, LPF Corporation
(owner)

1-3-14

Date

Property Transfer Tax Paid \$290.00
JERRY W. ROUSE, Clerk D.C. *[Signature]*

DEED

KNOW ALL MEN BY THESE PRESENTS:

That MARY ELLEN FOLTZ, a single person, grantor, for and in consideration of Two Hundred Ninety Thousand Dollars (\$290,000.00) to her paid by LPF CORPORATION, grantee, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to the said LPF CORPORATION, grantee, its successors and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantor Mailing Address: 303 Center Park Drive, Florence, Kentucky 41042

Grantee Mailing Address: 11038 Stirrup Lane, Richwood, Kentucky 41094

Property Street Address: Houston Road, Florence, Kentucky

Group No. 2033A

PARCEL I

Beginning at a point in the common line between Mary Ellen Foltz and the Kenton County Airport Board, said point being the east corner of the Kenton County Airport Board Property (Deed Book 235, page 313, Recorded at Deed Book 240, Page 166); thence with the line between the Airport and Foltz S 53° 42' 00" W 572.59 feet to a point; thence through the Airport Property N 41° 13' 49" W 185.93 feet and N 51° 22' 00" E 580.64 feet to a point in the northeast line of said Airport Board Property; thence along same S 38° 38' 00" E 209.05 feet to the place of beginning. Containing 2.6110 Acres.

Being the 2.6110 acre tract conveyed to the Grantor by Kenton County Airport Board by deed dated 2nd day of June, 1995 and recorded in Deed Book 617, Page 29, in the office of the Boone County Clerk, Burlington, Kentucky.

Kenneth Helmer

10/10/95

RECEIVED
JUN 9 1995
JERRY W. ROUSE
BOONE COUNTY CLERK

168-N-1

5

PARCEL II

Beginning at a point in the northwest line of Houston Road, said point being the common corner between Mary Ellen Foltz (Deed Book 136, Page 74) and the Kenton County Airport Board (Deed Book 235, Page 313, recorded at Deed Book 240, Page 166); thence N 41° 13' 49" W along the common line between the Airport and Foltz 273.19 feet to a point in the southwest corner of the 2.610 acres conveyed to Mary Ellen Foltz (Deed Book 617, Page 29); thence N 53° 42' 00" E along the south line of the 2.610 acres conveyed to Mary Ellen Foltz 572.69 feet to a point in the southwest line of Tipton-Hemmer (TRP Associates) (Deed Book 369, Page 181); thence S 25° 52' 37" E with the line between Tipton-Hemmer and Mary Ellen Foltz 335.88 feet to a point in the northwest right of way lien of Houston Road; thence continuing along the northwest right of way line of Houston Road S 64° 09' 03" W 252.22 feet and S 56° 39' 16" W 240.73 feet to the place of beginning and containing 3.509 acres.

Being part of the property conveyed to the Grantor by CARL FOLTZ, et ux by deed dated 12th day of April, 1957 and recorded in Deed Book 136, Page 74, in the office of the Boone County Clerk, Burlington, Kentucky.

LEO PAUL FOLTZ died 7/8/73 and title vested in his wife, MARY ELLEN FOLTZ, by virtue of their survivorship deed.

PARCEL III

Grantor also conveys herein all easement rights, subject to the assumption of all responsibilities of such agreement as shown by the easement agreement recorded at Easement Book 42, Page 314.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said LPF CORPORATION, grantee, its successors and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said MARY ELLEN FOLTZ, grantor, hereunto sets her hands this 10 day of December, 1997.

CONSIDERATION CERTIFICATION

We, MARY ELLEN FOLTZ, grantor, and LPF CORPORATION, grantee, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$290,000.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a felony.

Mary Ellen Foltz
MARY ELLEN FOLTZ
303 Center Park Drive
Florence, Kentucky 41042

STATE OF KENTUCKY

COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 10 day of December, 1997, by MARY ELLEN FOLTZ, grantor, herein to be her act and deed.

My commission expires: Feb. 23, 2001

Dennis C. Helmer
NOTARY PUBLIC

LPF CORPORATION

BY: Thomas J. Foltz
THOMAS J. FOLTZ
11038 Stirrup Lane
Richwood, Kentucky
41094

STATE OF KENTUCKY

COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 10 day of December, 1997 by LPF CORPORATION, BY AND THROUGH THOMAS FOLTZ its PRESIDENT, grantee, herein to be its act and deed.

My commission expires: Feb. 23, 2001

Dennis C. Helmer
NOTARY PUBLIC

I certify that I drafted this Deed.

Dennis C. Helmer

DENNIS C. HELMER
Of Dennis C. Helmer, P.S.C.
7415 Burlington Pike, Suite B
Florence, Kentucky 41042
(606) 371-0730

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was on the 9 day of March
1998, at 10:00 A.M. lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed
Given under my hand this 9 day of Mar.
1998.

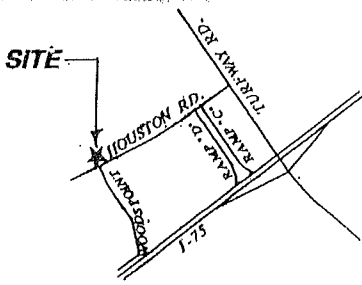
JERRY W. ROUSE, CLERK
BY Dennis C. Helmer D.C.

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

Approved for recording the transfer of the property only by the Boone County Planning Commission the 15th day of October, 1997

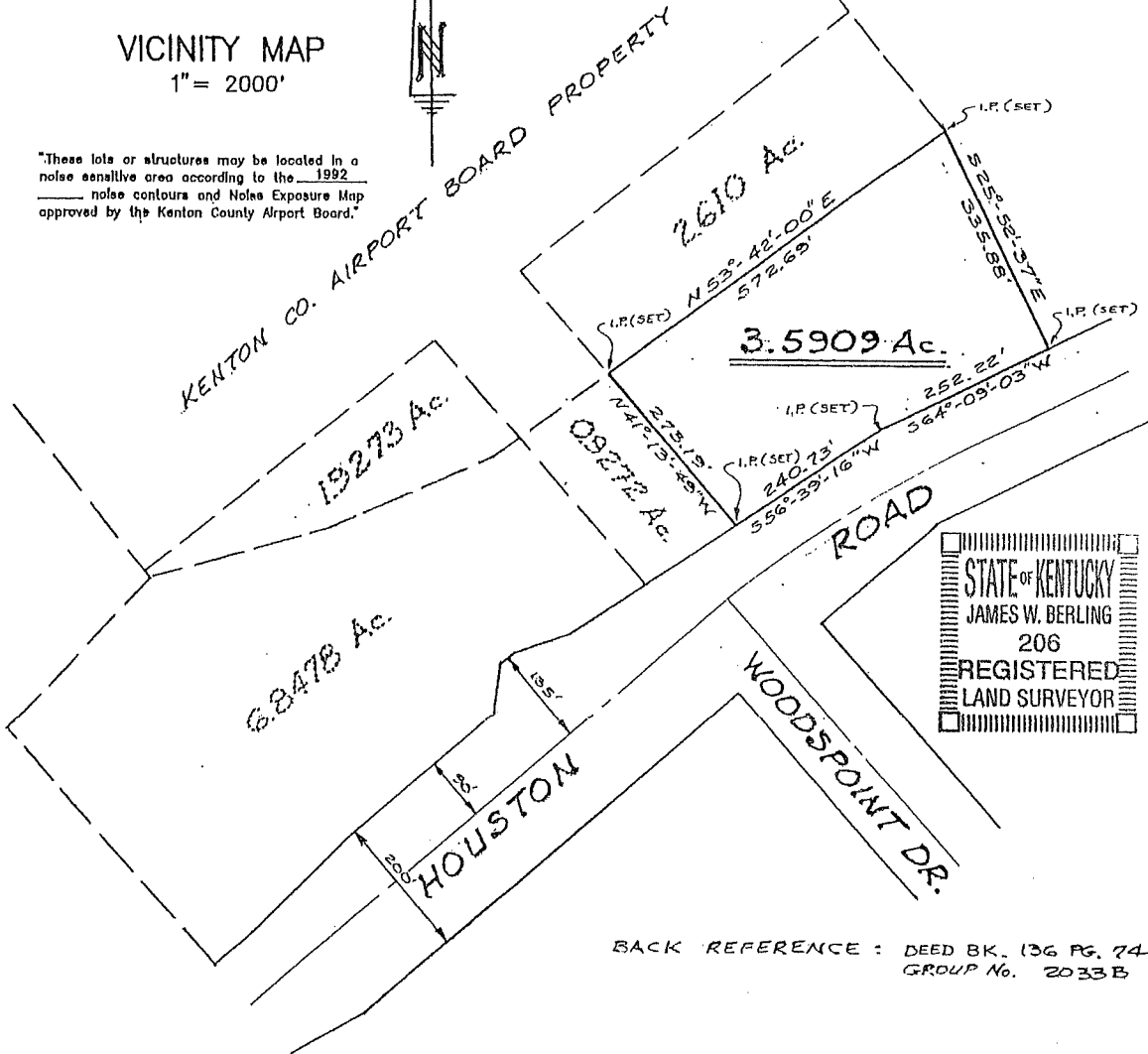
Date 10/15/97 *July C. Bennett* Chairman

I-1/PD 10.15.97 TRN



VICINITY MAP 1" = 2000'

"These lots or structures may be located in a noise sensitive area according to the 1992 noise contours and Noise Exposure Map approved by the Kenton County Airport Board."



STATE OF KENTUCKY JAMES W. BERLING 206 REGISTERED LAND SURVEYOR

BACK REFERENCE : DEED BK. 136 PG. 74 GROUP No. 2033B

LAND SURVEYOR'S CERTIFICATE

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

"I certify that I have examined the records of the Boone County Court Clerk and find that this is the sixth conveyance made under the present ownership and the parent tract since 1986 or from the adoption of KRS 100."

I certify that the 3.5909 Acre tract in and of itself does not meet the current zoning regulations for the use and is being transferred for non-building purposes.

James W. Berling James W. Berling L.S. 206 10-15-97 Date

10-15-97 *James W. Berling* Date James W. Berling, L.S. Ky. Reg. #208

P & Z Code No. 3056

PLAT OF SURVEY FOR: MARY ELLEN FOLTZ HOUSTON ROAD - FLORENCE, KY. SCALE: 1" = 200' OCT. 2, 1997 JAMES W. BERLING, KY SURVEYOR # 206

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-7-14

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-7-14 on March 11, 2014. The title of this Ordinance is as follows:
ORDINANCE NO. 0-7-14

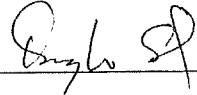
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 6.22 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE HOUSTON ROAD/TED BUSHELMAN BOULEVARD INTERSECTION, AND TO THE SOUTH OF THE PROPERTY AT 5015 HOUSTON ROAD (FURNITURE FAIR), FLORENCE AND UNINCORPORATED BOONE COUNTY, KENTUCKY, TO ALLOW THREE MULTI-TENANT COMMERCIAL BUILDINGS. (BRANDICORP, LLC/LPF CORPORATION)

The effect of this Ordinance is to allow three multi-tenant commercial buildings in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky, in conjunction with proposed annexation of the 6.22 acres into the City of Florence, Kentucky.

The full text of Ordinance No. 0-7-14, 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. 0-7-14 and that it has been prepared by me on the 21st day of February, 2014, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-7407

ORDINANCE NO. 0-7-14

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 6.22 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE HOUSTON ROAD/TED BUSHELMAN BOULEVARD INTERSECTION, AND TO THE SOUTH OF THE PROPERTY AT 5015 HOUSTON ROAD (FURNITURE FAIR), FLORENCE AND UNINCORPORATED BOONE COUNTY, KENTUCKY, TO ALLOW THREE MULTI-TENANT COMMERCIAL BUILDINGS. (BRANDICORP, LLC/LPF CORPORATION)

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-14-002-A recommended approval for a change to an approved concept development plan, and

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

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

SECTION I

That the request of Brandicorp, LLC, c/o Viox & Viox (Applicant) for LPF Corporation (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development (C-2/PD) zone, for a 6.22 acre site located on the northwest corner of the Houston Road/Ted Bushelman Boulevard intersection, and to the south of the property at 5015 Houston Road (Furniture Fair), Florence and Unincorporated Boone County, Kentucky, in conjunction with proposed annexation of the 6.22 acres into the City of Florence, Kentucky, shall be and is hereby approved, this change in concept development plan being to allow three multi-tenant commercial buildings. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-14-002-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-14-002-A, marked Exhibit "A", and attached hereto.

SECTION IV

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

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 25th DAY OF February, 2014.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF March, 2014.

APPROVED:

Deane & White
MAYOR

ATTEST:

Joe Caldwell
CITY CLERK

CITY OF FLORENCE, KENTUCKY

READING SUMMARY

ORDINANCE NO. 0-20-13

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 2.61 ACRES LOCATED ON THE NORTHEAST SIDE OF TED BUSHELMAN BOULEVARD NORTHWEST OF HOUSTON ROAD, ADJACENT TO THE CITY LIMITS. (FOLTZ/LPF, CORPORATION PROPERTY)

SUMMARY

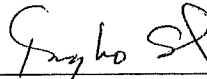
This Ordinance annexes and makes a part of the City a tract of approximately 2.61 acres located on the northeast side of Ted Bushelman Boulevard northwest of Houston Road, adjacent to the City limits.

This annexation is in response to a request by LPF, Corporation, the owner, to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance.

After annexation the 2.61 acre tract shall continue to be zoned Commercial Two/Planned Development (C-2/PD), with a change in the currently approved Concept Development Plan.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 6th day of December, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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Phone: (859) 371-7407
Fax: (859) 371-9872

ORDINANCE NO. 0-20-13

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 2.61 ACRES LOCATED ON THE NORTHEAST SIDE OF TED BUSHELMAN BOULEVARD NORTHWEST OF HOUSTON ROAD , ADJACENT TO THE CITY LIMITS. (FOLTZ/LPF, CORPORATION)

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

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

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

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

SECTION I

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

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

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

This ordinance shall be published in full.
PASSED AND APPROVED ON FIRST READING THIS 10th DAY OF December, 2013.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF March, 2013.

APPROVED:

Dean E. White
MAYOR

ATTEST:

Gee Christyfield
CITY CLERK



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859.727.3293
Fax: 859.727.8452
www.vioxinc.com

EXHIBIT "A"

November 5, 2013

**DESCRIPTION OF 2.61 ACRES
TO BE ANNEXED BY
FLORENCE, KENTUCKY**

Located in Boone County, Kentucky, lying on the northeast side of Ted Bushelman Boulevard northwest of Houston Road and being all of Parcel I heretofore conveyed to LPF Corporation by deed recorded in Deed Book 684, page 160, in the Boone County Clerk's office and is more particularly described as follows:

Beginning at a point in the northeast right-of-way line of Ted Bushelman Boulevard at the corner of Parcel I and Parcel II of Deed Book 684, page 160 heretofore conveyed to LPF Corporation and in the northwest line of the existing City of Florence boundary; thence leaving said boundary and with said right-of-way line North 41°00'47" West 185.92 feet to a point at the common corner of LPF Corporation and the Kenton County Airport Board (Deed Book 235, page 313); thence with the common line of LPF Corporation and the Kenton County Airport Board North 51°35'02" East 580.62 feet to a point in the existing City of Florence boundary and in the south line of a parcel conveyed to the City of Florence, Kentucky (Deed Book 795, page 381); thence with the existing City of Florence boundary line South 38°24'58" East 209.05 feet to a point at the common corner of Parcel I and Parcel II of LPF Corporation; thence continuing with the existing City of Florence boundary and the common line of Parcel I and Parcel II South 53°55'02" West 572.67 feet to the point of beginning containing 2.61 acres.

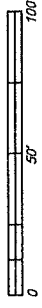
STATE of KENTUCKY
GREGORY A.
LARISON
3357
LICENSED
PROFESSIONAL
LAND SURVEYOR
A 11/5/13

PLAT OF 2.61 ACRES
TO BE ANNEXED BY
FLORENCE, KENTUCKY

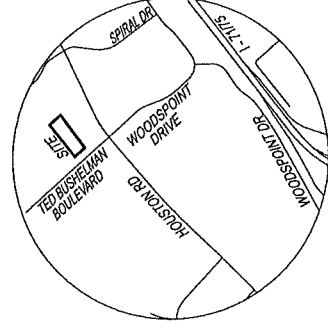
BOONE COUNTY KENTUCKY

NORTHEAST SIDE OF BUSHELMAN BOULEVARD
NORTHWEST OF HOUSTON ROAD

NOVEMBER 5, 2013 SCALE: 1"=50'



Note: This plat was prepared using existing plans of record for 1st Bushelman Boulevard, deeds and plats of record and a partial field survey.



VICINITY MAP
SCALE: 1"=2000'

Existing City of Florence Boundary

KENTON COUNTY AIRPORT BOARD
DEED BOOK 235, PAGE 313

N51°35'02"E 580.62'

LPF CORPORATION
DEED BOOK 584, PAGE 160
PARCEL I

N: 551,338.01
E: 1528402.16

S38°24'58"E 209.05'

CITY OF FLORENCE
DEED BOOK 795, PAGE 381

S53°55'02"W 572.67'

Existing City of Florence Boundary

N: 551000.73
E: 1527939.34

N41°00'47"W 185.92'

R/W LINE

LPF CORPORATION
DEED BOOK 684, PAGE 160
PARCEL II

O K I FURNITURE FAIR INC
DEED BOOK 483, PAGE 189

R/W LINE

HOUSTON ROAD

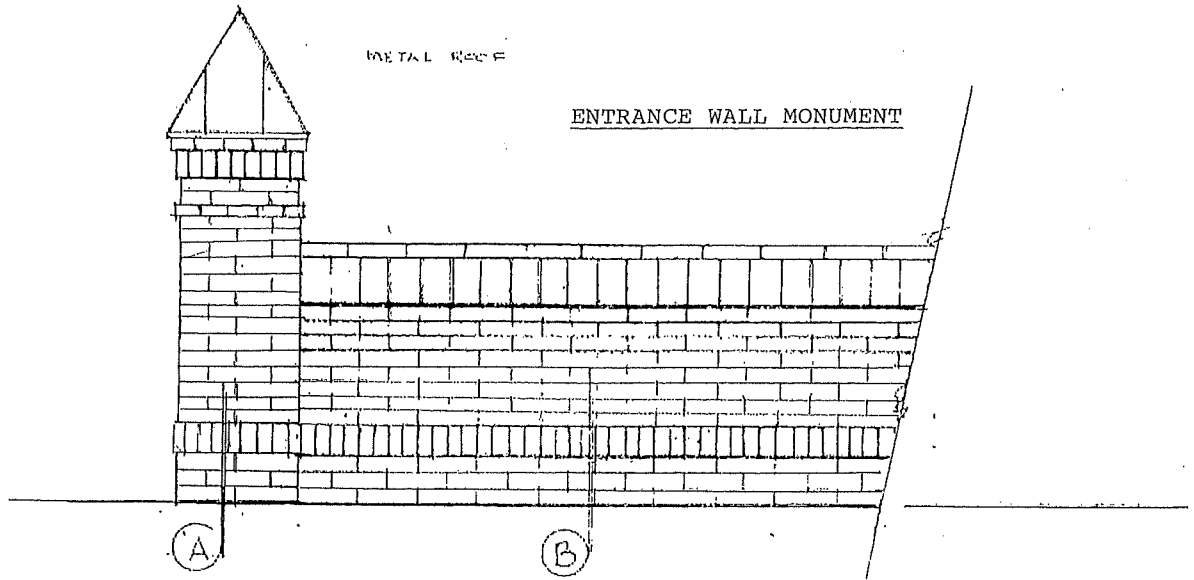
TED BUSHELMAN BOULEVARD

Existing City of Florence Boundary

STATE OF KENTUCKY
GREGORY A. LARISON
3357
LICENSED PROFESSIONAL LAND SURVEYOR

ASD 11/6/13

EXHIBIT "B"



ELEVATION

