

DEADLINE
TUES
MARCH 4TH
FOR ABOUT

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

RECEIVED
68356
MAR 04 2014
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 BULLINGTON SQUARE
- 3. Location of Project 5555 N. BEND RD., BULLINGTON KY 41005
- 4. Total Acreage of Site 3.0106
- 5. Current Zoning C-2 Retail & Office
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2003
- 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) NO
- 8. Proposed Uses (please specify each use) C-2 USES WITH SOME EXCEPTIONS
- 9. Proposed Building Intensities (please specify) UP TO 4 TENANTS
- 10. Have you submitted a Concept Development Plan? NARRATIVE - & SIGN PLAN
- 11. Are you also applying for: will follow
 NO Conditional Use Permit
 NO Dimensional Variance
- 12. Name of Applicant(s) MUELLER'S PROPERTIES LLC
 Phone Number 859-743-7325 Fax No. 859-980-0129 E-Mail dmueller@live.com
- 13. Address of Applicant(s) 5555 N. BEND RD
Bullington Ky 41005
 City State Zip
- 14. Name of Property Owner(s) STEVEN J & DEBORAH L MUELLER
 Phone Number 859-743-7325 Fax No. 859-980-0129 E-Mail dmueller@live.com
- 15. Address of Property Owner(s) 3267 ASHAY FUNK RD
Petersburg Ky 41080
 City State Zip
- 16. Are there any existing buildings on the site? YES
 How many? 1 MAIN BUILDING 2 10' x 16' STORAGE SHED
- 17. Deed Book 866 Page No. 754 Group No. 441 2025
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

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

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

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County _____ Walton
 Florence _____ Union

21. ORIGINAL Property Owner's Signature Henry Mueller
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature Henry Mueller
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/4/14 Fee Received \$ 2342.²¹ R# 68356
2. Check what has been submitted:
 Application Fee _____ Legal Description _____
 Concept Development Plan Addresses of Adjoining Property Owners _____
 No. of copies of plan received ** _____
3. Is application complete? YES _____ NO _____
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson JANET KEGLEY
6. Scheduled Public Hearing Date 4/2/14
7. Boone County Planning Commission Action:
 Approved Approved With Conditions 5/7/14
 Denied
8. Other: _____

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

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

EXHIBIT

“A”

STAFF REPORT

Request of **Mueller's Properties LLC (applicant)** for **Steven J. Mueller and Deborah L. Mueller (owners)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract at 5555 North Bend Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow additional commercial uses.

April 2, 2014

PROPOSAL

This proposal is for a Change in an Approved Concept Development Plan for the Burlington Pharmacy property at 5555 North Bend Road. The request is to modify a previous condition of zone change approval to allow all C-2 zone Principally Permitted Uses with the exception of O-1 zone Principally Permitted Use #26 "funeral homes and crematoriums excluding cemeteries or mausoleums." The C-1 and O-1 Principally Permitted Uses are Principally Permitted in the C-2 zone by reference (attached).

Condition #1 in the 8/20/03 Committee Report states:

The use of the property shall be limited to a retail pharmacy with no drive-through facility and associated low turnover retail sales of medical equipment as explained at the public hearing for this request. Any other use of the property must be approved through the normal public hearing procedures.

The 2003 Concept Development Plan, 8/20/03 Committee Report, Planning Commission Resolution R-03-014-A, and Boone County Ordinance No. 03-22 are attached.

The applicant has stated that the interior of the building may be divided into up to four tenant spaces. Other than potential interior renovations to accommodate additional tenants, no changes to the building or site are proposed.

A new freestanding sign concept was provided which would accommodate multiple tenants and the two other lots in the overall development (Rightway Nursery and/or Ohio Mulch). This is an architectural freestanding sign that is 20 feet high and contains approximately 144 square feet of sign area.

Due to the limited scope of the proposal, no graphic plan aside from the sign concept was provided. A narrative which explains the proposal was included with the application materials.

SITE HISTORY

A Zoning Map Amendment from SR-2 to C-2 and a Conditional Use Permit were conditionally approved in 1991 for a 6.69 acre site, of which the pharmacy development now comprises the southern 3.0106 acres, to allow a landscape nursery.

The Change in an Approved Concept Development Plan mentioned above was conditionally approved in 2003 to allow the pharmacy. A Major Site Plan was approved on 2/5/04 for the construction of the pharmacy.

ADJACENT LAND USES AND ZONING

The land use and zoning adjoining the subject site include the following:

- A. Stephens Elementary School is located to the south (PF).
- B. Two residential condominium developments are located to the east and southeast across KY 237 (Tall Trees Condominiums and Meadowood Green Condominiums; both are SR-2/PD), and a subdivision of detached single family residences is located to the northeast across KY 237 (Boone Creeke [sic] Subdivision); SR-2).
- C. The remaining landscape supply properties are located to the immediate north and the Burlington Commons office building is located further to the north (C-2).
- D. A bus lot for Boone County Schools is located to the west (PF).

SITE CHARACTERISTICS

The site contains 3.0106 acres and has approximately 360 feet of frontage along KY 237. The site is developed with the 18,500 square foot pharmacy building and has parking or other vehicular areas on all four sides. The site shares an access point on KY 237 with the landscape supply businesses to the north. The site has a monument style sign along the KY 237 frontage. Wood cover which was retained exists along the south and west property lines.

RELATIONSHIP TO COMPREHENSIVE PLAN

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

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("13. Burlington," pp. 174 - 176).

- A. This section of Boone County contains Burlington, part of new KY 237, and a significant portion of KY 18. KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. Intersections along KY 18 should continue the existing pattern of spacing of major access points of at least 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway. The construction of a Single Point Urban Interchange (SPUI) at KY 237 and KY 18 is scheduled for 2012 and a major new transportation connection is already underway in the form of South Airfield Road. How these two improvements will affect traffic flow and land uses on KY 18 should be examined and planned for.
- B. The intersection area of KY 18 and KY 237 is a high visibility area that already has an office orientation. The Kentucky Transportation Cabinet will construct a SPUI interchange here in 2012, where KY 18 would be a free-flowing route, and KY 237 would have an elevated intersection over the top of KY 18. Because of the central location, and the importance of the area, and the urban nature of the future road system, this area may be more suitable for a mix of office and commercial, rather than residential. Proposed development at this high visibility, central location should not be all retail, and should be comprised of at least one half office. A developer that proposes this concept on the northwest corner must show that it fits with the school uses near the site and does not create traffic issues in this area. Access Management is critical in this area, in fact access to KY 18 and KY 237 will be limited by the future ramp construction. A land use, infrastructure, and architecture study should be conducted for this urban interchange area.
- C. The area bound by KY 18 to the south, KY 237 to the west, Limaburg Road to the east, and Conrad Lane to the north currently contains a variety of land uses. This area should continue to develop in a residential fashion, providing low to high density housing opportunities.
- D. The intersection of KY 18 and KY 237 should predominantly develop as an office-campus and institutional area with supporting commercial uses.

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 163).
- 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 ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Burlington" region where the subject site is located is estimated to change to 29,155 in 2020, and to 34,538 in 2030.

The Business Activity Element makes the following statements regarding the surrounding areas ("Recommended Areas of Commercial Activity," pp. 68 and 69).

- A. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points.
- B. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods.
- C. The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population.

The Housing Element makes the following statements regarding the overall area ("Florence/Burlington area," pg. 84).

- A. The undeveloped land on the southwest quadrant of KY 18 and KY 237 would be an excellent site for a transit-oriented, mixed-use planned development, even with the planned future urban interchange at this location. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 Corridor represents a prime opportunity to promote high density residential uses in a transit corridor.

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

- A. The "KY Transportation Cabinet Six-Year Plan" section lists a project described as "reconstruction of Pleasant Valley Road (KY 237) from Rogers Lane to KY 18 – Construction 2012" (pg. 146).
- B. The "Summary of the 2006 Boone County Transportation Plan Recommendations" lists a Recommended Capacity Project described as "KY 18 & KY 237 intersection lane improvements" (pg. 146).

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

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).

- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- K. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- L. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office] Objective 3).

STAFF COMMENTS

The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates this site as "Commercial." The Land Use Element doesn't discuss this specific site, but it does mention the single point urban interchange (SPUI) at KY 237 and KY 18, the importance of these two roads, and their influence on the area. In this regard, the Land Use Element ("13. Burlington," pg. 176) states:

The intersection area of KY 18 and KY 237 is a high visibility area that already has an office orientation. The Kentucky Transportation Cabinet will construct a SPUI interchange here in 2012, where KY 18 would be a free-flowing route, and KY 237 would have an elevated intersection over the top of KY 18. Because of the central location, and the importance of the area, and the urban nature of the future road

system, this area may be more suitable for a mix of office and commercial, rather than residential. Proposed development at this high visibility, central location should not be all retail, and should be comprised of at least one half office. A developer that proposes this concept on the northwest corner must show that it fits with the school uses near the site and does not create traffic issues in this area. Access Management is critical in this area, in fact access to KY 18 and KY 237 will be limited by the future ramp construction. A land use, infrastructure, and architecture study should be conducted for this urban interchange area.

The governing bodies will also need to consider the alternate statutory findings of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

Staff has no issue with modifying condition #1 to permit additional uses provided all business activities occur indoors. This limitation would prevent outside activities such as storage and display of goods, fuel sales, and drive-through facilities. Drive-through facilities are currently prohibited under Condition #1. The size of the parking area would likely prevent more intensive uses, such as most restaurants, business colleges, and schools, from locating on the site regardless.

The property owner has expressed an intent to divide the building to allow up to four tenants. Provided the use limitations in Condition #1 were met, a multi-tenant building is permissible under the 2003 approval.

The submitted narrative states that "a new sign plan is requested to accommodate the multiple tenant concept." As a parcel within a mixed-use commercial development, Article 34 of the zoning regulations permits the lot to have a maximum 10 foot high, 100 square foot monument style freestanding sign. Condition #5 of the current approval states "any illumination for the permitted monument style sign shall be external only."


As mentioned above, a new freestanding sign concept was submitted which would accommodate multiple tenants and the two other lots in the overall development (Rightway Nursery and/or Ohio Mulch). This is an architectural freestanding sign that is 20 feet high and contains approximately 144 square feet of sign area. The proposed size and height meet the requirements for an architectural freestanding sign which serves an overall commercial subdivision or mixed-use commercial development. The property owner understands that in order for the 20 foot high, pole style sign to be permitted, at least one other lot in the overall development must be advertised on the sign and that business's existing low-rise monument sign would need to be removed.

Condition #3 from the 2003 zone change approval deals with the property owner's financial participation in the future construction of right and left turn lanes into the site. Staff has requested comments on the proposal from the Kentucky Transportation Cabinet, District 6. Such comments have not been received as of this writing. Any written comments received from KTC will be forwarded to the Zone Change Committee for review.

CONCLUSION

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

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

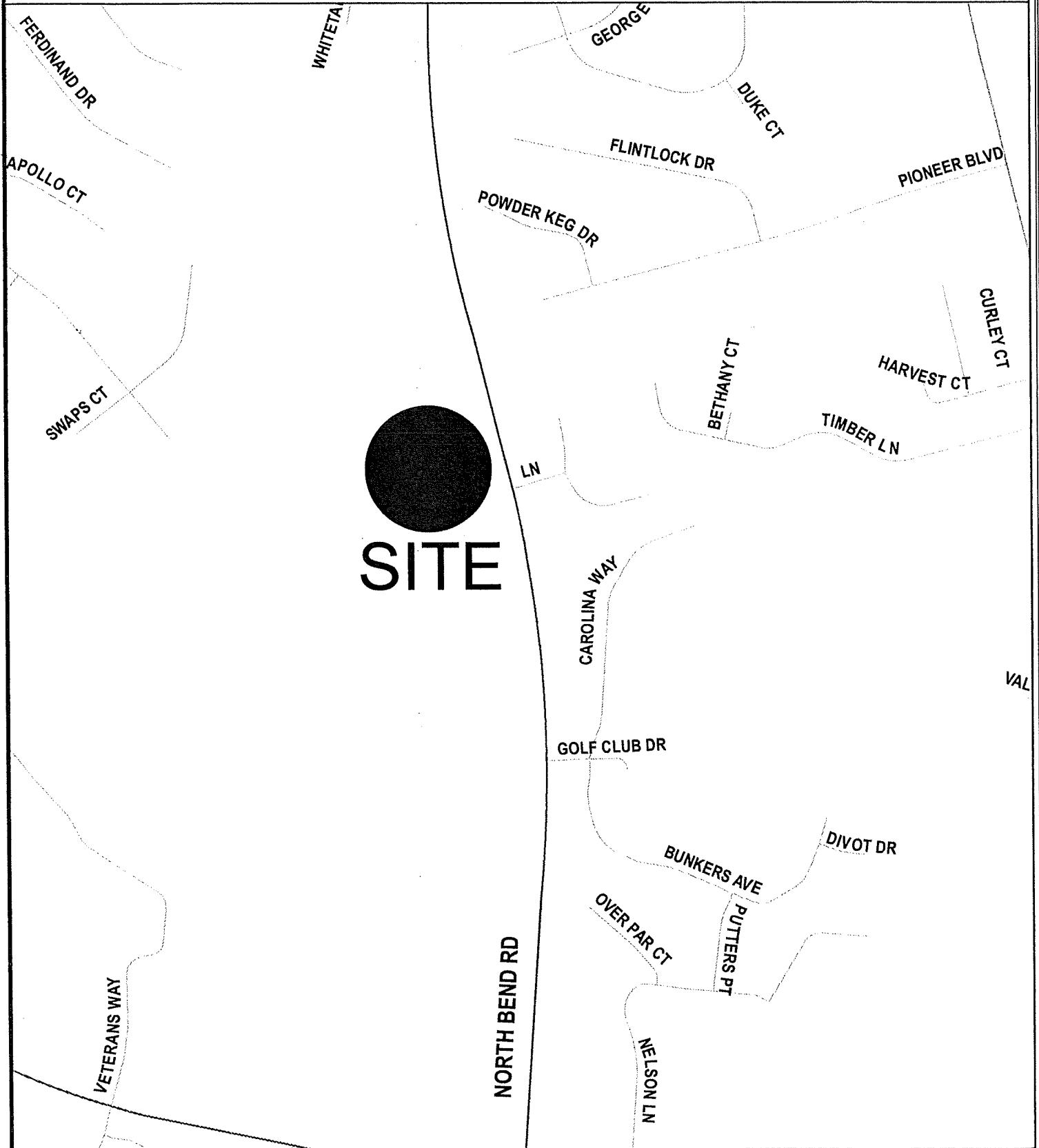
KTW/tlb

Attachments:

- Location Map
- Aerial Photograph with Zoning
- 2035 Future Land Use Map Excerpt
- Topographic Map
- Zoning Regulations Excerpt - Uses Permitted in the C-2 zone
- 2003 Concept Development Plan, 8/20/03 Committee Report, Planning Commission Resolution R-03-014-A, and Boone County Ordinance No. 03-22
- Application Materials

Location

www.boonecountygis.com



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0 287.5 575 1,150 1,725 2,300 Feet

1 inch = 566 feet

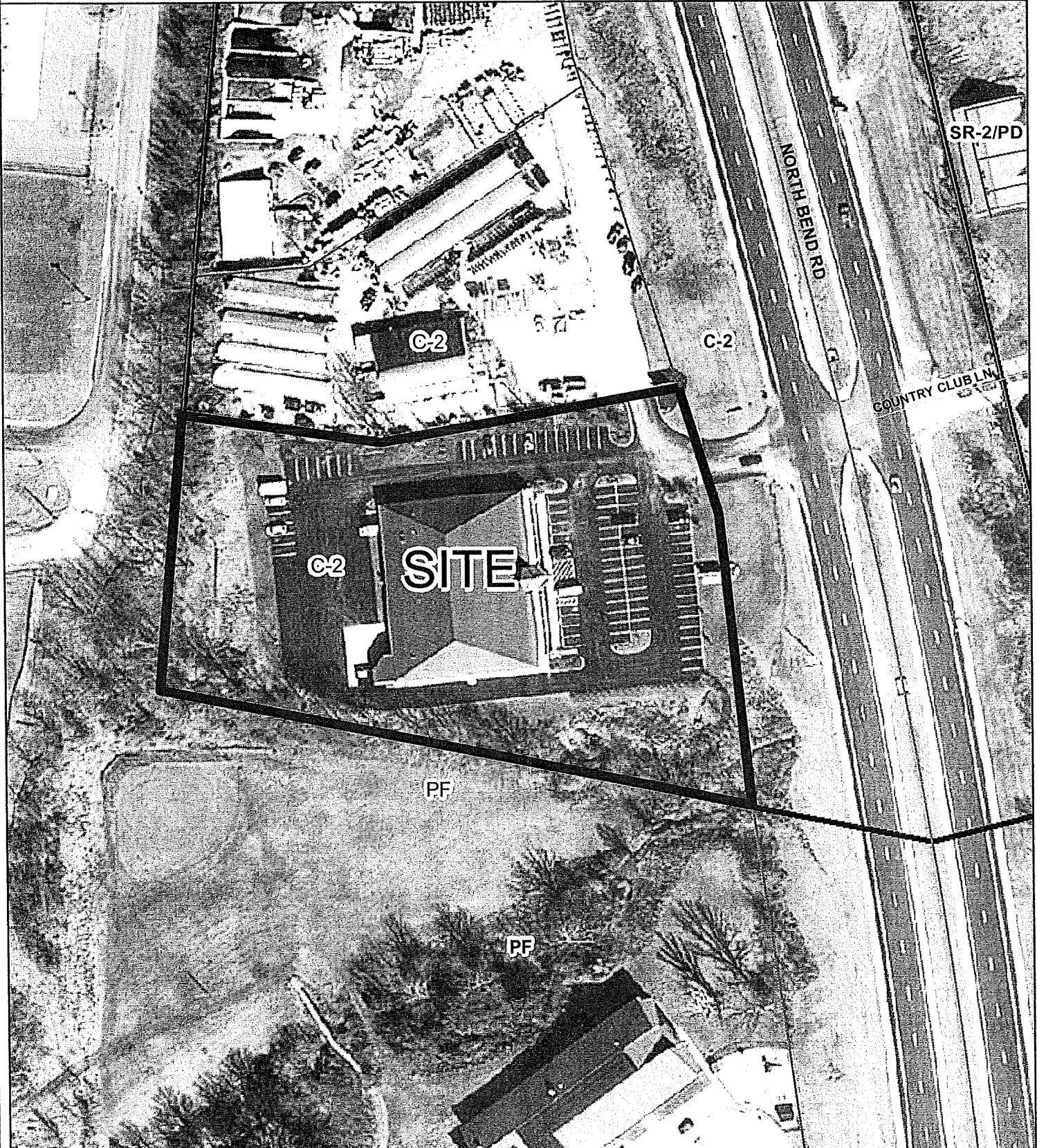


Boone County GIS - Putting Northern Kentucky on the Map



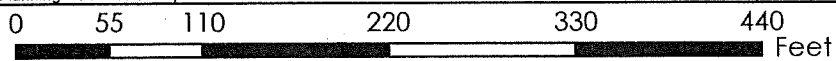
Zoning

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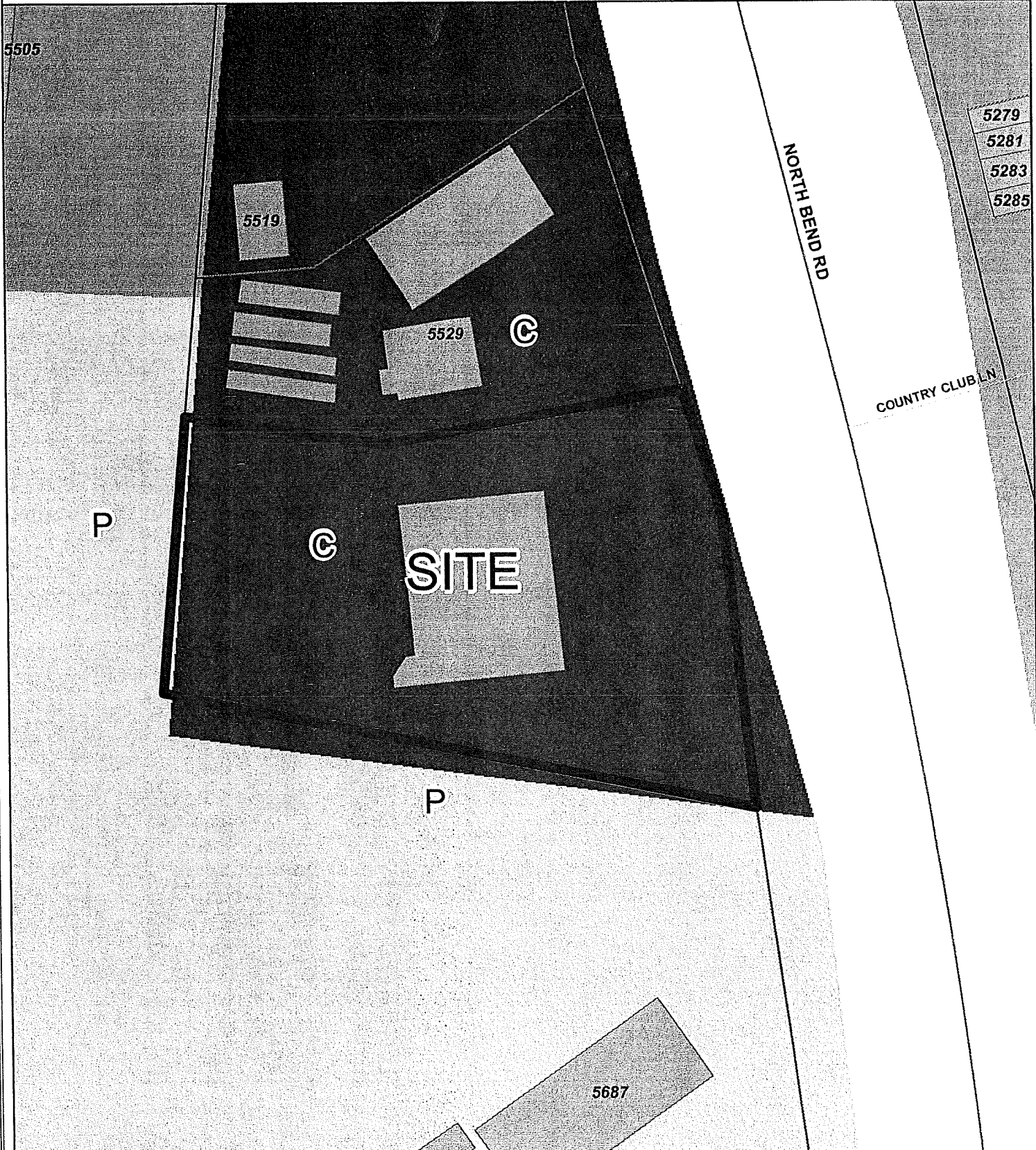


Boone County GIS - Putting Northern Kentucky on the Map



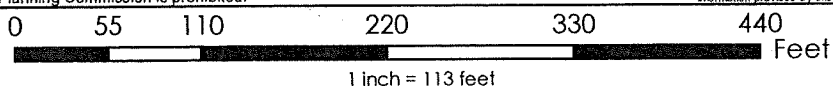
Future Land Use

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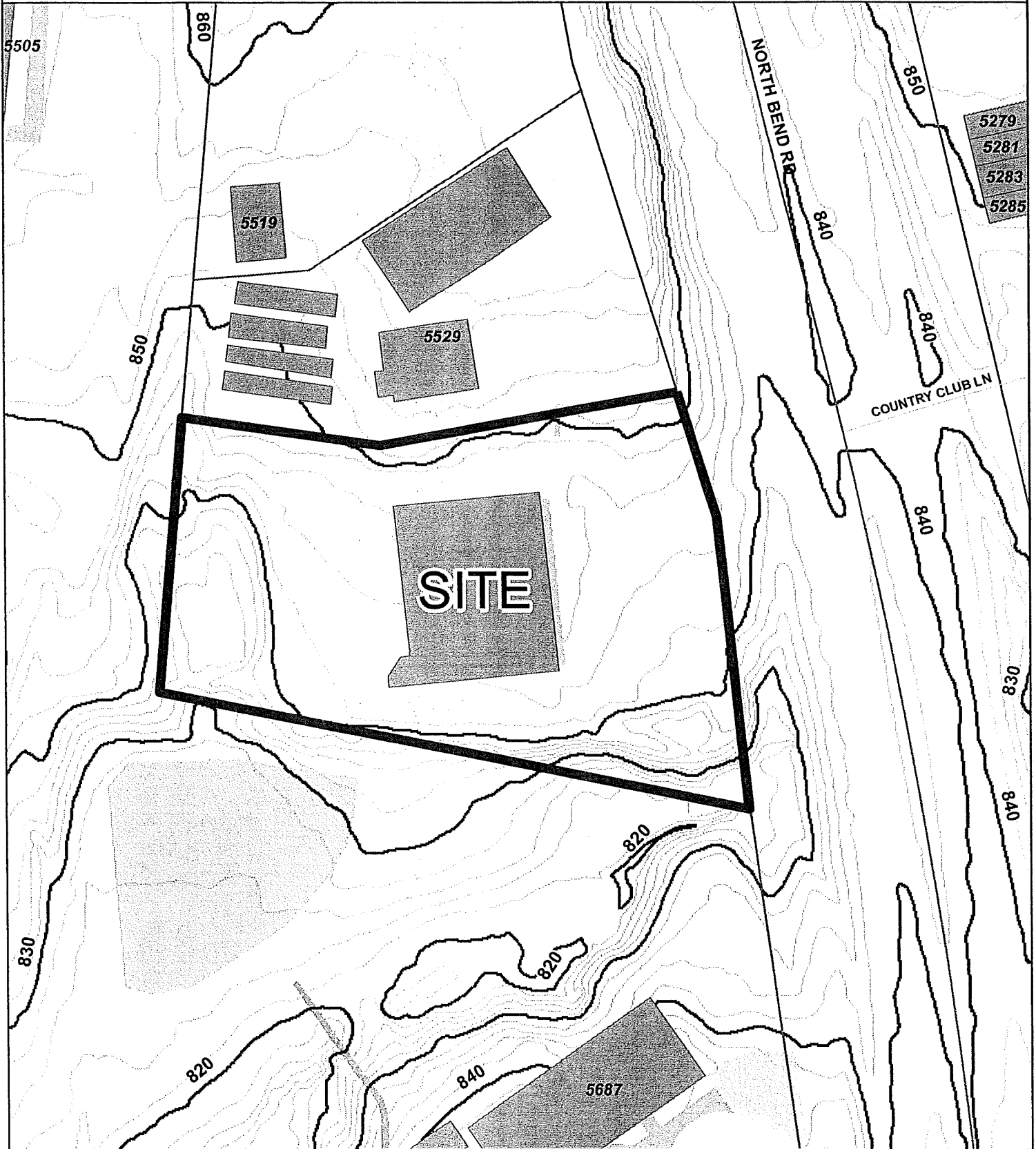
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

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ArcMap Document: BooneMap.mxd

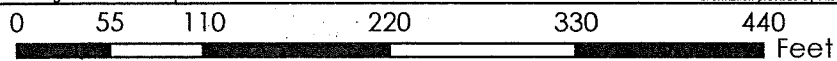
Topography

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1 inch = 113 feet



Boone County GIS - Putting Northern Kentucky on the Map



ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
11. Recycling collection containers.

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.
3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;

7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics, out-patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycle sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;

34. Pawn shops (**Not Applicable within the City of Florence**);
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);

12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
13. Recycling collection containers.

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
4. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);
5. Mini-warehouses or storage facilities (**Does not apply in the City of Florence**);
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
7. Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas.

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110

OFFICE ONE (O-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. Funeral homes and crematoriums excluding cemeteries or mausoleums.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

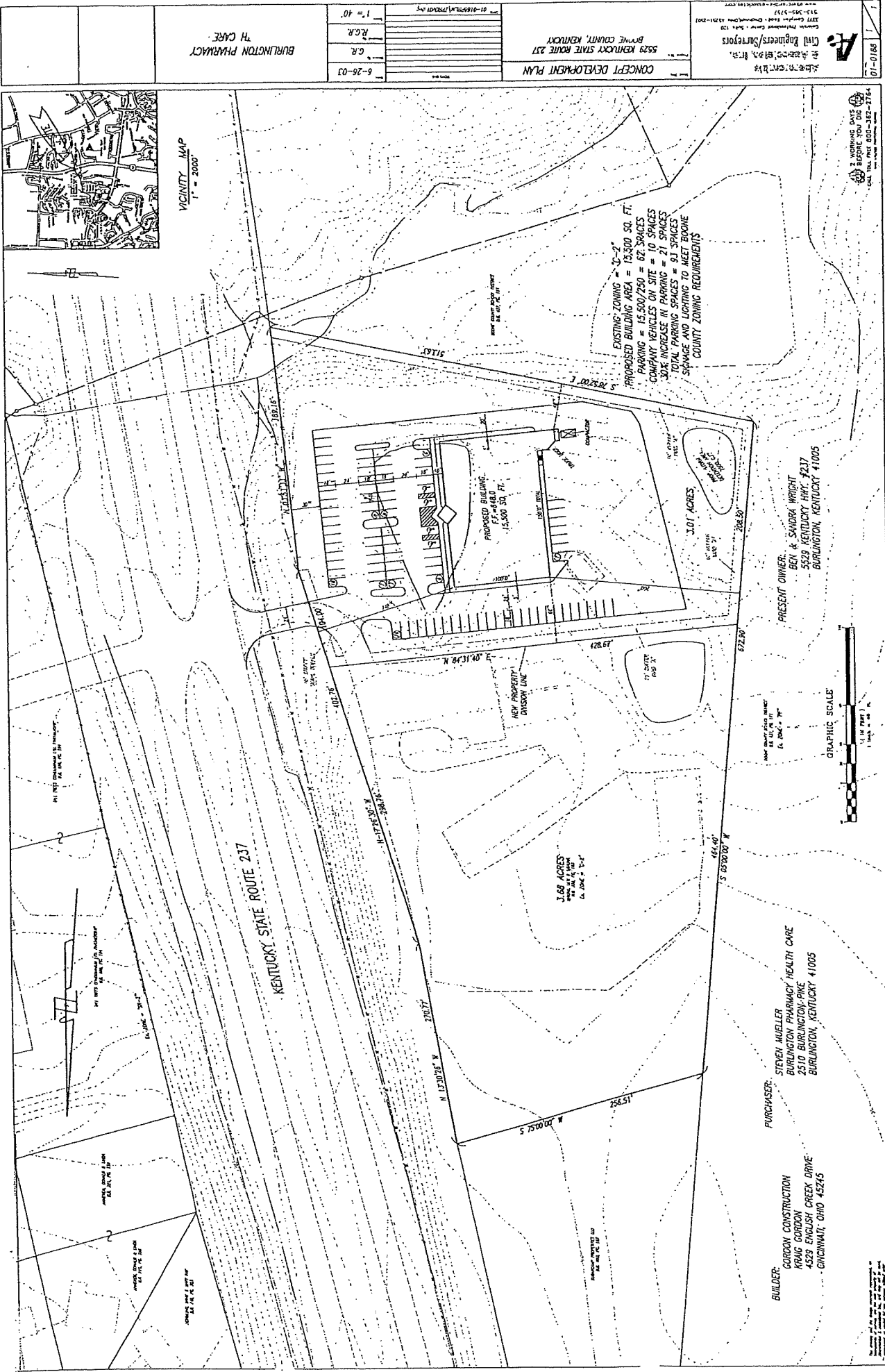
SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);

2003 CONCEPT DEVELOPMENT PLAN



REVISIONS/ISSUES

RECEIVED
JUL - 1 2003
BOWLING GREEN COUNTY
PLANNING COMMISSION

Division: Professional Services
Project: Bowling Green Pharmacy
Date: 06/18/03
Drawing No: 030101-01

Architect: Bowling Green Pharmacy
1000 S. Main Street
Bowling Green, KY 40303
Phone: 252-853-1234

Architect: Bowling Green Pharmacy
1000 S. Main Street
Bowling Green, KY 40303
Phone: 252-853-1234



Professional Engineer
David L. Smith
No. 10000
State of Kentucky

PRELIMINARY
NOT FOR CONSTRUCTION

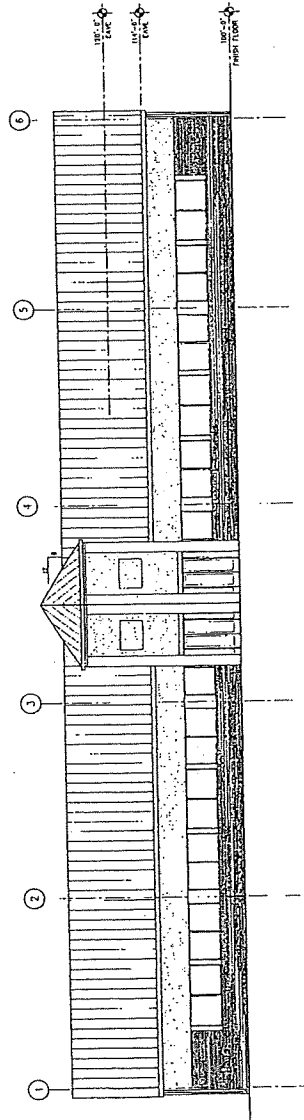
DISCLAIMER: THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

COMMISSION NO. 5003062
BURLINGTON
PHARMACY

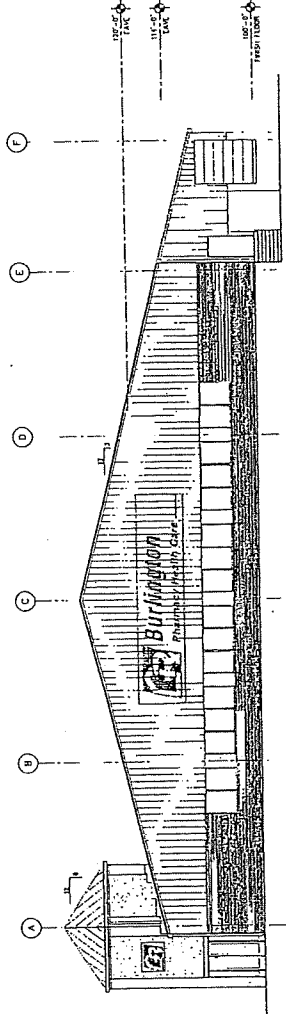
BURLINGTON, KENTUCKY
DATE: 06/18/03

TITLE: EXTERIOR ELEVATIONS

SHEET: A201



ELEVATION
SCALE: 1/8" = 1'-0"



ELEVATION
SCALE: 1/8" = 1'-0"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 20, 2003

RE: Request of Kraig Gordon (applicant) for Ben R. Wright (owner) for a Change in an Approved Concept Development Plan for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a pharmacy and associated retail sales in a Commercial Two (C-2) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions. This recommendation acknowledges the fact that the applicant amended the proposal at the Public Hearing to include an approximate 18,000 square foot building.

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan. The Future Land Use Map designates the site for Commercial uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element states that "KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function" and "the northwest quadrant of the intersection of KY 18 and KY 237 is planned for Office and High Suburban Density uses to provide a suitable transition between Stephens Elementary School and KY 18, and would help establish the public facilities and office orientation of the entire intersection area. Access Management is critical in this area." The Land Use Element also remarks that "the intersection of KY 18 and KY 237 should develop as low traffic-generating office uses."

When considering these statements together, along with the fact that an office building was approved on the adjoining lot to the immediate north in the recent past, it is the Committee's conclusion that the Comprehensive Plan intends for the general area to develop as predominately low traffic generating institutional and office uses, which do not compel short trips between adjoining sites. Based on the applicant's explanation of the proposed use as a pharmacy with associated retail sales of medical products versus a standard high turnover pharmacy which predominately sells a multitude of consumer variety goods, the Committee has concluded that the proposed use is in agreement with the institutional/office character planned for this area.

2. The Committee has concluded that the proposal, with the agreed conditions outlined below, demonstrate agreement with the Comprehensive Plan's Land Use Element's Future Land Use Development Guidelines as well as the applicable Goals and Objectives. Specific references to the Guidelines and Goals and Objectives are outlined in the Staff Report for this request.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The use of the property shall be limited to a retail pharmacy with no drive-through facility and associated low turnover retail sales of medical equipment as explained at the public hearing for this request. Any other use of the property must be approved through the normal public hearing procedures.
2. The shared driveway into the property from KY 237 shall be reconstructed to include one ingress lane and separate left turn and right turn egress lanes (three lanes total width). All turning radii for the shared entrance drive shall be designed to accommodate tractor-trailers.
3. The applicant shall financially participate in the construction of both left and right turn lanes on KY 237 into the property when the remaining part of the nursery property redevelops; the amount of financial participation for each lot shall be proportionate to the size of each tract in terms of acreage. If the construction of such lanes is determined to be warranted by the Kentucky Transportation Cabinet prior to the redevelopment of the remaining part of the nursery property, they shall be constructed by the applicant at their sole expense when warranted.

4. The design of the building shall follow the revised conceptual building elevations, which includes a hipped roof, that were presented by the applicant at the public hearing for this request and submitted at the 8/6/03 Zone Change Committee meeting. The color of the standing seam metal roof shall conform to the sample mutually agreed to by the applicant, Staff, and the Planning Commission.
5. Any illumination for the permitted monument style sign shall be external only.

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

RESOLUTION R-03-014-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF KRAIG GORDON (APPLICANT) FOR BEN R. WRIGHT (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR A 3.01 ACRE SITE LOCATED AT 5529 KY 237, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a change in an approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for a Change in an Approved Concept Development Plan, with conditions, in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone is more particularly described in DEED BOOK 332, PAGE NO. 193 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-03-014-A
PAGE TWO**

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky, the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky, shall be forwarded to Boone County Fiscal Court, Burlington, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 3RD DAY OF SEPTEMBER, 2003.

APPROVED:



**MARK HICKS
CHAIRMAN**

ATTEST:



**VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES**

MH:vlm

Ordinance Of The Boone County Fiscal Court

Ordinance No. 03-22

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF KRAIG GORDON (APPLICANT) FOR BEN R. WRIGHT (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR A 3.01 ACRE SITE LOCATED AT 5529 KY 237, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION UNANIMOUSLY, WITH CONDITIONS, VIA RESOLUTION NO. R-03-014-A.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Fiscal Court as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for a Change in an Approved Concept Development Plan, with conditions, in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone is more particularly described in DEED BOOK 332, PAGE NO. 193 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.01 acre site located at 5529 KY 237, Boone County, Kentucky, the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

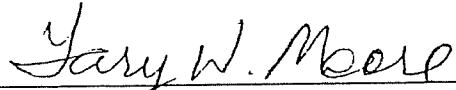
SECTION III

That this Ordinance shall take effect and be in full force when passed and recorded according to law.

**Ordinance
Of
The Boone County Fiscal Court**

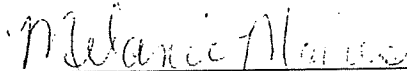
Resolution No. 03-22

Adopted by the Fiscal Court of Boone County at a regular meeting on the 7th day of October, 2003, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

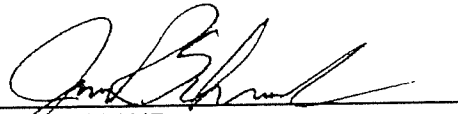


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



MELANIE M. MORRIS
FISCAL COURT CLERK



J.R. SCHRAND
BOONE COUNTY ATTORNEY

Public Date - 10-11-2003

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)

R E C E I V E D

68356
MAR 04 2014

BOONE COUNTY
PLANNING COMMISSION

- 2. Name of Project BULLINGTON SQUARE
- 3. Location of Project 5555 N. BEND RD., BULLINGTON KY 41005
- 4. Total Acreage of Site 3.0106
- 5. Current Zoning C-2 RETAIL & OFFICE
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2003
- 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) NO
- 8. Proposed Uses (please specify each use) C-2 USES WITH SOME EXCEPTIONS
- 9. Proposed Building Intensities (please specify) UP TO 4 TENANTS
- 10. Have you submitted a Concept Development Plan? NARRATIVE - & SIGN PLAN
- 11. Are you also applying for: will follow
 NO Conditional Use Permit
 NO Dimensional Variance
- 12. Name of Applicant(s) MUELLER'S PROPERTIES LLC
 Phone Number 859-743-7325 Fax No. 859-980-0129 E-Mail dmueller@live.com
- 13. Address of Applicant(s) 5555 N. BEND RD
Bullington Ky 41005
 City State Zip
- 14. Name of Property Owner(s) STEVEN J & DEBORAH L MUELLER
 Phone Number 859-743-7325 Fax No. 859-980-0129 E-Mail dmueller@live.com
- 15. Address of Property Owner(s) 3267 ASHBY FORD RD
Petersburg Ky 41080
 City State Zip
- 16. Are there any existing buildings on the site? YES
 How many? 1 MAIN BUILDING 2 10' x 16' STORAGE SHED
- 17. Deed Book 866 Page No. 754 Group No. 441 2025
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

DEADLINE
TUES
MARCH
4TH
FOR APRIL

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

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

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County Walton Union
 Florence Union

21. ORIGINAL Property Owner's Signature Steve Mueller
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature Steve Mueller
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/4/14 Fee Received \$2342.01 R# 68356
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 4/2/14
7. Boone County Planning Commission Action:
 Approved Approved With Conditions
 Denied
8. Other: _____

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

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

MUELLER'S PROPERTIES LLC

February 28, 2014

Boone County Planning Commission
Burlington, KY. 41005

re: Concept Development Plan for Burlington Square (Former Burlington Pharmacy)

With the changes in the N Bend Rd corridor over the last 10 years and the new interchange being developed at Ky 18 and Rt the current Concept Plan requires revision. The property owner request the Concept Plan be adapted for proposed uses that include Commercial Two (C- 2) Principally Permitted Uses with the exception of O-1, Section 1111 # 26.

The owner intends to develop the building to include up to 4 tenants. This change is necessary to attract retail and office suitable tenants.

In addition to this a new sign plan is requested to accommodate the multiple tenant concept.

Sincerely,



Steven Mueller

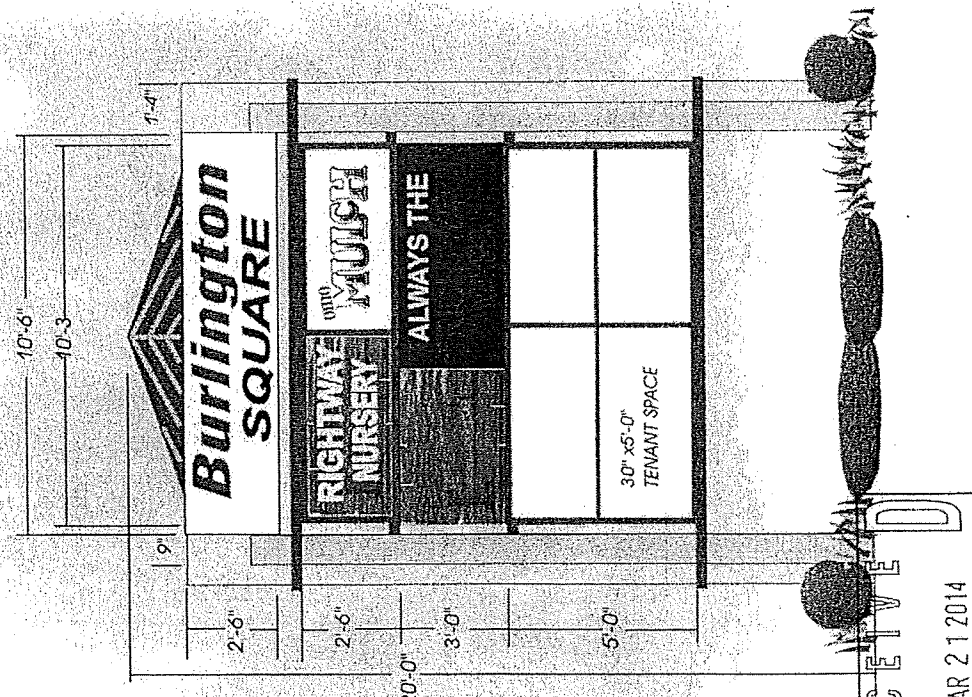
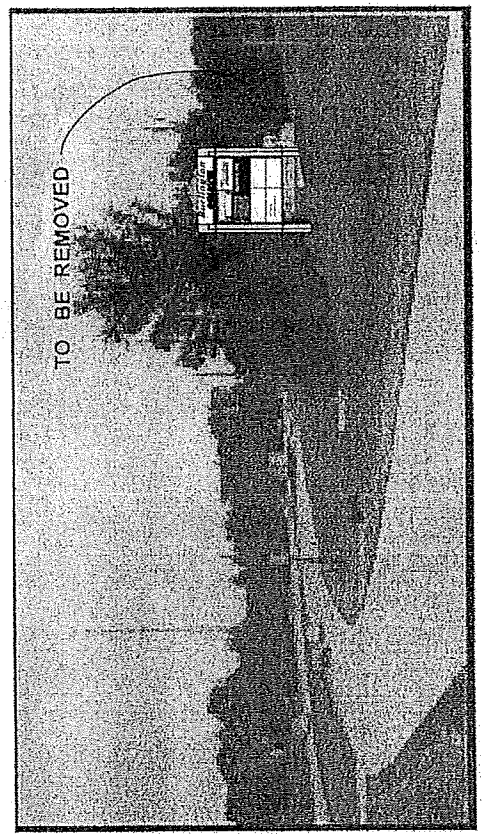
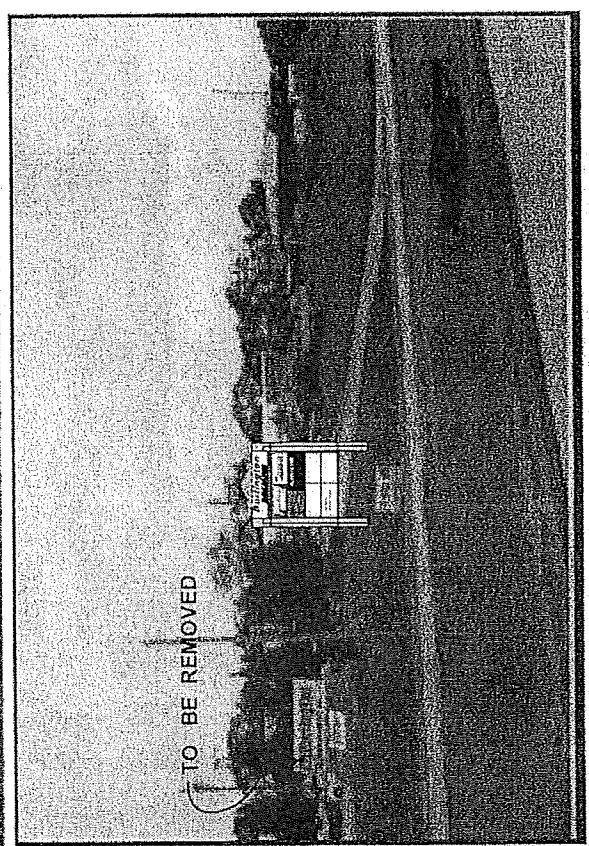
Job Name : **BURLINGTON CENTRE**
 Job Location: **BURLINGTON, KY**
 Design No.: **BurPh-103**
 Date: **03 11 14**
 Scale: **See Drwg. for Dimensions**
 Notes

DESIGN INTENT DRAWING
 These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contractor shall be responsible for all final materials selection, engineering details, fabrication details, permits and installation. The contractor shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

This drawing and the design intent are the property of Preferred Resources and may not be reproduced or used in any way without the expressed written consent of Preferred Resources of the Republic of the United States of America.

Preferred Resources
 P.O. Box 381
 57609 Lee Lane
 Burlington, KY 41005
 (859) 466-2894

Sheet No. **1403**



RECEIVED

MAR 21 2014

BOONE COUNTY COMMISSION

Job Name :

BURLINGTON SQUARE

Job Location:
RT. 237
BURLINGTON, KY
Design No.:

Bursq-1400

Date: 03 11 14

Scale: See Drawg for Dimensions

Notes

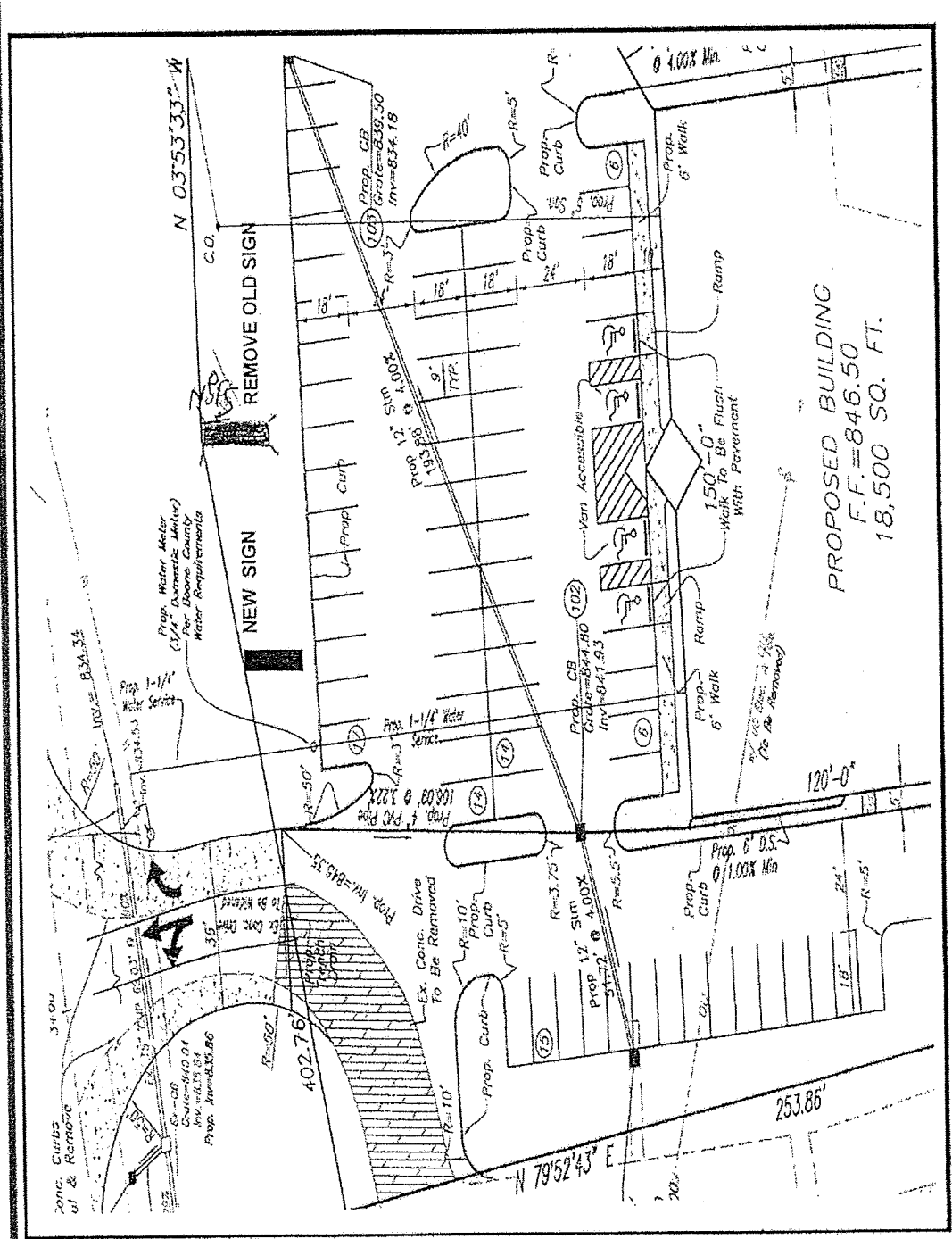
DESIGN INTENT DRAWING
These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contractor shall accept sole and final responsibility for all final materials, selection, engineering details, fabrication details, permits and installation. The contractor shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

This drawing and the designs herein are the property of Preferred Resources and shall not be reproduced or used in any manner without the express written consent of Preferred Resources.

Preferred Resources
P.O. Box 381
5769 Nices Lane
Burlington, KY 41005
(859) 466-2894

1400

Sheet No.



SITE PLAN FOR NEW IDENTIFICATION AND ADVERTISING SIGN

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 7, 2014

RE: Request of **Mueller's Properties LLC (applicant)** for **Steven J. Mueller and Deborah L. Mueller (owners)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract at 5555 North Bend Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow additional commercial uses.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following condition. The request is to modify condition #1 of the 2003 zone change approval to allow all C-2 zone Principally Permitted Uses with the exception of O-1 zone Principally Permitted Use #26 "funeral homes and crematoriums excluding cemeteries or mausoleums." The applicant has also requested that any freestanding sign be permitted to use internal illumination. Condition #5 of the 2003 zone change approval requires external illumination for any freestanding sign.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial ." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposal is to allow additional commercial uses within the existing building and to allow any freestanding sign to be internally illuminated. The proposal will not change the character of the development or how it relates to the surrounding sites.
 - B. The Land Use Element doesn't discuss this specific site, but it does mention the nearby single point urban interchange (SPUI) at KY 237 and KY 18, the importance of these two roads, and their influence on the area. In this regard, the Land Use Element ("13. Burlington," pg. 176) states "the intersection area of KY 18 and KY 237 is a high visibility area that already has an office orientation. The Kentucky Transportation Cabinet will construct a SPUI interchange here in 2012, where KY 18 would be a free-flowing route, and KY 237 would have an elevated intersection over the top of KY 18. Because of the

central location, and the importance of the area, and the urban nature of the future road system, this area may be more suitable for a mix of office and commercial, rather than residential. Proposed development at this high visibility, central location should not be all retail, and should be comprised of at least one half office. A developer that proposes this concept on the northwest corner must show that it fits with the school uses near the site and does not create traffic issues in this area. Access Management is critical in this area, in fact access to KY 18 and KY 237 will be limited by the future ramp construction. A land use, infrastructure, and architecture study should be conducted for this urban interchange area.”

When considering the limited scope of this application and the fact that the Land Use Element text discusses a mix of office and commercial uses for the area at large, the Committee has concluded that the proposal is in agreement with this text. Based on these same reasons, it is also in agreement with the Business Activity Goals and Objectives which are outlined in the Staff Report for this request.

The Land Use Element text outlined above discusses the importance of access management in this area. The existing access point, which is shared with two other commercial lots, is not proposed to change. This aspect of the development is also in agreement with the Future Land Use Development Guidelines (“Access Management,” pg. 163).

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

CONDITION

1. All business activities shall occur indoors with the exception that one drive-through facility which meets the normal requirements of the Boone County Zoning Regulations shall also be permitted.

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mrs. Janet Kegley
Ms. Susan Schultz
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen called the Public Hearing to order at 8:19 P.M. and introduced the second item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

2. Request of **Mueller's Properties LLC (applicant)** for **Steven J. Mueller and Deborah L. Mueller (owners)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract at 5555 North Bend Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow additional commercial uses.

Staff member, Kevin Wall presented the Staff Report (see Staff Report). It included a Powerpoint presentation. The request involves changing an approved Concept Development Plan that was previously approved 10 years ago. It was originally for Burlington Pharmacy. There was a condition placed on the property which limited the uses. It was limited to a retail pharmacy with no drive-through and associated low-turnover retail sales of medical equipment. The applicant just wants to expand the uses in the existing building. There are no planned improvements to the site. The building could be divided up to 4 tenant spaces. There is a proposed sign concept that would advertise the tenants in the building. The site is located across from Tall Trees Subdivision. Mr. Wall showed photographs of the site. The applicant would like to expand the list to allow all C-2 uses with the exception of funeral homes. The Comprehensive Plan's Future Land Use Map designates the site as Commercial ©. In terms of Staff Comments, Mr. Wall referred to the criteria for granting a zone change since it originally involved a Zoning Map Amendment application. Staff doesn't have an issue with modifying Condition #1 as long as all of the business activity occurs indoors. This limitation would prevent outside activities, storage, and display of goods, fuel facilities and drive-thru facilities. Based upon the parking requirements, uses like restaurants and business colleges would most likely not work on the site. Condition #3 dealt with the property owner's participation with the construction of right and left turning lanes into the site in the future. Comments have not been received from the Kentucky Transportation Cabinet regarding this issue.

Chairman Rolfsen asked if the applicant wanted to proceed with his presentation? Mr. Steven Mueller (owner) stated that he was the original owner of the Burlington Pharmacy and owns the existing medical equipment company. He stated that with the changes in health care, his overall goal is to lease some of the empty space in the building. He found that it was difficult to do with the restrictions or conditions. Eventually, he may want to sell it for a C-2 use in the future. It seems that to go through the Public Hearing process now, it would be better to sell the building in the future.

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

Ms. Melinda Cleaver, a resident of Tall Trees Subdivision, asked if the C-2 zoning applies to all four businesses? Do you have to be respectful to the school next door? Can a liquor store be a use? Mr. Costello responded that the applicant wants to use the existing building and lease it for any C-2 use. It could be a retail or office use. It could be any C-2 use with the exception of a funeral home. Mr. Wall recommended that the Planning Commission look at the list of C-2 uses and limit it to indoor activities. It could be a liquor store. Mr. Wall explained that there is a standing condition about road improvements. The relevance of the condition may have changed since the original zone change application. Mr. Wall stated that he may not hear from the State.

Ms. Molly Ferguson, Tall Trees Subdivision, asked when will the Staff receive feedback from the State? Ms. Ferguson stated that it is very difficult to get in and out of her community. She can't imagine what it would be with 4 new businesses. Mr. Wall stated that he doesn't know if the traffic would be different then what it was before the pharmacy was opened. He sent a memo to

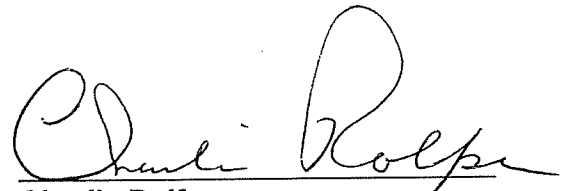
the Kentucky Transportation Cabinet about the request a month ago and has received no response. Mr. Mueller stated that traffic from the site is not much since the Burlington Pharmacy closed. It is 50% less than after the pharmacy closed. It is low level traffic. It has been accident free. There is more traffic at the bus entrance. Traffic won't increase more than what was previously there. There is more traffic from the landscaping company. The Sheriff Department could do a traffic study. If any of the businesses have to pay for improvements, it could be expensive for the small businesses. If the demand comes, it will have to be researched.

Ms. Mary Jean Gunter, Tall Trees Subdivision stated that the back of her house or condo faces KY 237. Originally, the security lighting from the development went directly into her bedroom. She worked with Burlington Pharmacy to solve the problem. Mr. Mueller stated there would be no changes to lighting or the exterior of the building with the new businesses. He also noted there will be no changes to drainage or the storm water system. Ms. Gunter explained there is a drainage problem that goes across or under KY 237. Mr. Mueller noted that his drainage and detention pond have not been a problem. It flows in the opposite direction.

Chairman Rolfsen asked if any of the Board members had questions or comments? Mr. Ford asked if he had any interested parties in leasing space? Mr. Mueller responded no but it would be ideal for a medical office.

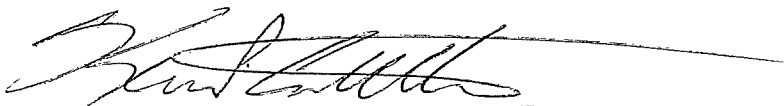
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 16, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 7, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:34 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: Greg Breetz, Chairman

DATE: April 16, 2014

RE: CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Greg Breetz, Chairman, Kevin Wall, Staff

Request of Mueller's Properties LLC (applicant) for Steven J. Mueller and Deborah L. Mueller (owners) for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract at 5555 North Bend Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow additional commercial uses.

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.

Mueller's Properties LLC

April 16, 2014

Ben Brandstetter

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Greg Breetz, Chairman

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Kim Bunger

Kim Bunger

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Janet Kegley

Janet Kegley

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Susan Schultz

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 ___ FOR PROJECT ___ ABSENT

___ AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

57K

RETURN TO:

RETURN TO:
DENNIS C. HELMER
7415 Burlington Pike, Suite B
Florence, Kentucky 41042

Property Transfer Tax Paid \$ _____
EXEMPT: KRS 142.050(7)(e)
MARILYN ROUSE, Clerk D.C. _____

DEED

KNOW ALL MEN BY THESE PRESENTS:

That STEVEN J. MUELLER and DEBORAH L. MUELLER, his wife, grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to them paid by MUELLER'S PROPERTIES, L.L.C., by and through its manager, DEBORAH L. MUELLER grantee, the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the MUELLER'S PROPERTIES, L.L.C., its successors and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

Grantor Mailing Address: 325 Creekwood Drive, Edgewood, Kentucky 41017

Grantee Mailing Address: 325 Creekwood Drive, Edgewood, Kentucky 41017

Property Street Address: █████ Kentucky 237, Burlington, Kentucky 41005

GROUP NO. 441

SEE ATTACHED LEGAL DESCRIPTION

Being the same property conveyed to the Grantor by BEN R. WRIGHT, et ux by deed dated 30th day of October, 2003 and recorded in Deed Book 864, Page 955, in the office of the Boone County Clerk, Burlington, Kentucky.

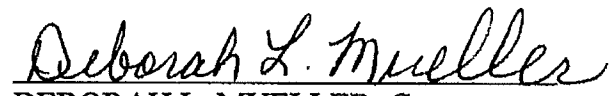
Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said MUELLER'S PROPERTIES, L.L.C., its successors and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said STEVEN J. MUELLER and DEBORAH L. MUELLER, his wife, grantors, hereunto set their hands this 16 day of December, 2003. Grantee executes this instrument for the sole purpose of giving the consideration certificate.

CONSIDERATION CERTIFICATION

We, STEVEN J. MUELLER and DEBORAH L. MUELLER, his wife, grantors, and MUELLER'S PROPERTIES, L.L.C., by and through its manager, DEBORAH L. MUELLER, grantee, do hereby certify, pursuant to KRS Chapter 382, that the full estimated fair cash value of the property herein conveyed is \$552,778.00 and we understand that falsification of the stated consideration or sale price of the property is a felony.


STEVEN J. MUELLER, Grantor

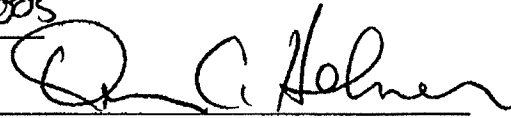

DEBORAH L. MUELLER, Grantor
325 Creekwood Drive
Edgewood, Kentucky 41017

STATE OF KENTUCKY

COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 16 day of December, 2003 by STEVEN J. MUELLER and DEBORAH L. MUELLER, his wife, grantees, herein to be their act and deed.

My commission expires: Feb. 23, 2005



NOTARY PUBLIC

MUELLER'S PROPERTIES, L.L.C.

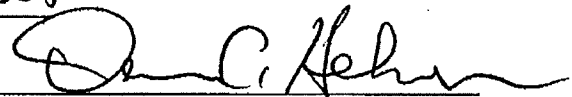
BY: Deborah L. Mueller
DEBORAH L. MUELLER, Manager
Grantee

STATE OF KENTUCKY

COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 16 day of December, 2003 by MUELLER'S PROPERTIES, L.L.C., by and through its manager, DEBORAH L. MUELLER, grantee, herein to be its act and deed.

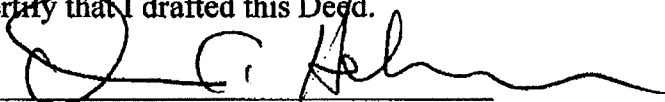
My commission expires: Feb. 23, 2005



NOTARY PUBLIC

NO TITLE EXAMINE WAS PERFORMED

I certify that I drafted this Deed.



DENNIS C. HELMER
Of Dennis C. Helmer, P.S.C.
7415 Burlington Pike, Suite B
Florence, Kentucky 41042
(859) 371-0730

LEGAL DESCRIPTION

The following is a description of a parcel of land located on the west side of KY 237, 0.5 miles north of KY 18, in Boone County, Kentucky and more particularly described as follows:

TRACT 1

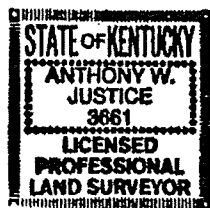
Beginning at an Iron Pin (found) with cap marked "LS 797 - 1781" in the westerly right-of-way line of KY 237, a corner of the Boone County School District Finance Corporation, Deed Book 437, Page 191; thence leaving said right-of-way with the line of the Boone County School District Finance Corporation, N 78°50'53" W - 513.79 feet to an Iron Pin (found) with cap marked "LS 797 - 1781" at a POST; thence N 05°00'00" E - 233.09 feet to an Iron Pin (set); thence leaving the line of the Boone County School District Finance Corporation with a new made line over the land of Ben R. Wright and Sandra K. Wright, Deed Book 332, Page 193, S 81°59'25" E - 171.28 feet to an Iron Pin (set) at a 12" TREE; thence N 79°52'43" E - 253.86 feet to an Iron Pin (set) in the westerly right-of-way line of KY 237; thence with said right-of-way line S 17°26'39" E - 171.49 feet to a POST; thence S 03°53'33" E - 189.16 feet to the Point of Beginning, containing 3.0106 Acres or 131,140 Square Feet, and subject to all right-of-ways and easements of record or in existence.

The above described Tract 1 is subject to a new 40 foot wide ingress and egress easement centered along the existing asphalt drive, to provide access to the remaining lands of the parent tract, Ben R. Wright and Sandra K. Wright, Deed Book 332, Page 193, Group 441.

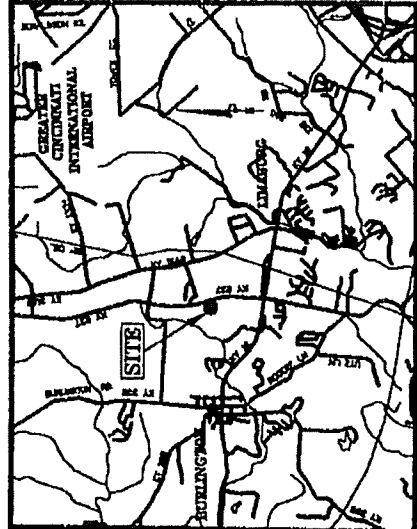
SRR BA 67, page 617

This being a part of the same land conveyed to Ben R. Wright and Sandra K. Wright, husband and wife, from William Fisk and Mary Ann Fisk, husband and wife, by deed dated July 1, 1985, as recorded in Deed Book 332, Page 193, Group 441 of the Boone County Clerk's Records at Burlington, Kentucky.

The above description is in accordance with a survey made by the undersigned on October 4, 2003.



Anthony W. Justice 10-4-03
Anthony W. Justice
Professional Land Surveyor - No. 3661
100 Portsmouth Drive
Georgetown, Kentucky 40324
(502) 863-6381



VICINITY MAP SCALE: 1" = 8,000'

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Statutes governing land surveying and comply with all requirements of the Boone County Zoning and Subdivision Regulations, and that the plat is a true and correct copy of the original as currently on file in the office of the Boone County Clerk.

DATE: 10/4/03
 Anthony W. Justice

Anthony W. Justice
 Professional Land Surveyor # 2461
 100 Portsmouth Drive
 Georgetown, Kentucky 40324
 Phone: 502/863-6381

SURVEYOR CERTIFICATE - BUILDABLE LOTS
 I certify that I have examined the records of the Boone County Clerk and find that this is the FIRST conveyance made under the present ownership of the parent tract.

10/4/03
 Anthony W. Justice, P.L.S. & S.A.S.
 Date

SUGARCAMP PROPERTIES, LLC
 DB 803, PG 225 & 443
 GROUP 2025 & 443
 ZONING = C-2/CD

REMAINDER
 BEN R. WRIGHT &
 SANDRA K. WRIGHT
 DB 332/193 - GROUP 441
 3.6794 ACRES
 ZONING = C-2

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 15th day of October, 2003.

Boone County School District Finance Corporation
 DB 437, PG 191 - GROUP 2025
 ZONING = PF

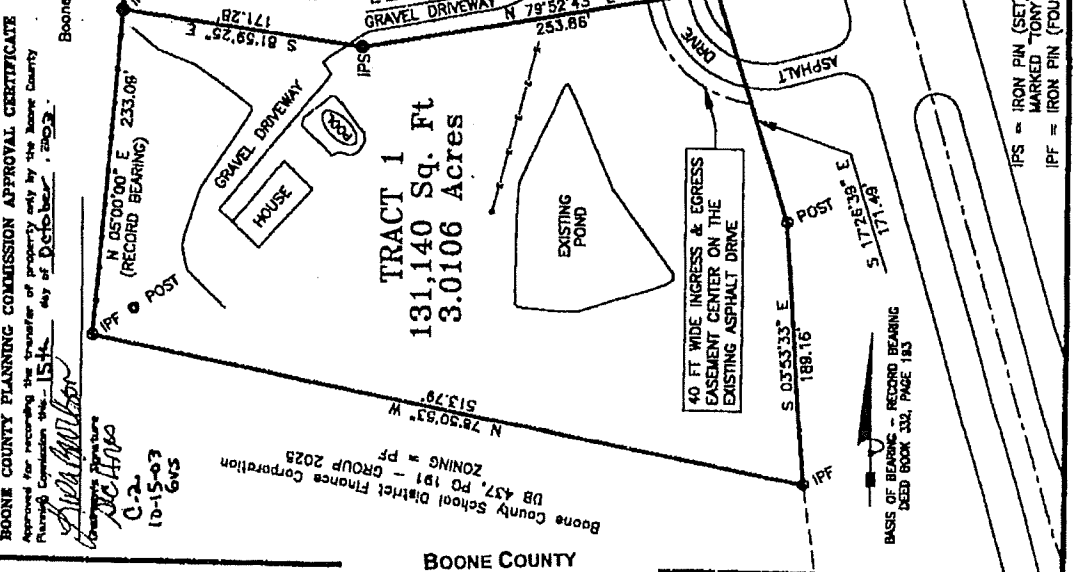
DEDICATION CERTIFICATE
 We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision with our free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, paths, and other open spaces to public or private use as noted. We further certify that title to the property shown herein was acquired by deed recorded in deed book 332, Page 193 of the Boone County Clerk's office.

Notary Public's Certificate
 State of Kentucky, County of Boone
 I, the undersigned, Notary Public for the State of Kentucky, do hereby certify that the foregoing instrument was acknowledged before me on this 10th day of October, 2003.

My Commission Expires April 25, 2006
 Anthony W. Justice
 Notary Public for the State of Kentucky

NOTARY PUBLIC'S CERTIFICATE
 State of Kentucky, County of Boone
 I, the undersigned, Notary Public for the State of Kentucky, do hereby certify that the foregoing instrument was acknowledged before me on this 10th day of October, 2003.

My Commission Expires April 25, 2006
 Anthony W. Justice
 Notary Public for the State of Kentucky



BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission this 15th day of October, 2003.

Boone County School District Finance Corporation
 DB 437, PG 191 - GROUP 2025
 ZONING = PF

P & Z Code No. 4448

NOTE:
 This plat shall be void if not filed with the Boone County Clerk for recording purposes within the 60 days of Planning Commission approval.

OWNER: BEN R. WRIGHT & SANDRA K. WRIGHT		BACK REFERENCE: Deed Book 332, Page 193 Deed 441
SCALE: 1" = 100 FT.	LOCATION: West side of KY 237, 0.3 miles north of KY 18, in Boone County	COUNTY: BOONE
DRAWN BY: Anthony W. Justice	AWJ Anthony W. Justice Professional Land Surveyor 100 Portsmouth Drive - Georgetown, KY 40324 Phone: (502) 863-6381	
DATE: October 3, 2003	DRAWING NUMBER: 03-028	

DEDICATION CERTIFICATE
 We hereby certify that the proposed street right-of-way all be offered to the BOONE COUNTY FLEXION COURT for dedication.

10/10/03
 10/10/03
 Anthony W. Justice
 Notary Public for the State of Kentucky

IPS = IRON PIN (SET) 5/8" REBAR WITH CAP MARKED TONY JUSTICE - PLS 3661
 PF = IRON PIN (FOUND)

GRAPHIC SCALE: 1 IN. = 100 FT.

DOCUMENT NO: 218898
 RECORDED ON: DECEMBER 17, 2003 01:24:06PM
 TOTAL FEES: \$16.00
 GROUP : 441
 COUNTY CLERK: MARILYN K ROUSE
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: BARBARA

BOOK 3856 PAGES 754 - 758

MUELLER'S PROPERTIES LLC

February 28, 2014

Boone County Planning Commission
Burlington, KY. 41005

re: Concept Development Plan for Burlington Square (Former Burlington Pharmacy)

With the changes in the N Bend Rd corridor over the last 10 years and the new interchange being developed at Ky 18 and Rt the current Concept Plan requires revision. The property owner request the Concept Plan be adapted for proposed uses that include Commercial Two (C- 2) Principally Permitted Uses with the exception of O-1, Section 1111 # 26.

The owner intends to develop the building to include up to 4 tenants. This change is necessary to attract retail and office suitable tenants.

In addition to this a new sign plan is requested to accommodate the multiple tenant concept.

Sincerely,



Steven Mueller

Job Name: **BURLINGTON CENTRE**
 Job Location: **BURLINGTON, KY**
 Design No.: **BurPh-103**
 Date: **03 11 14**
 Scale: **See Dwg. for Dimensions**

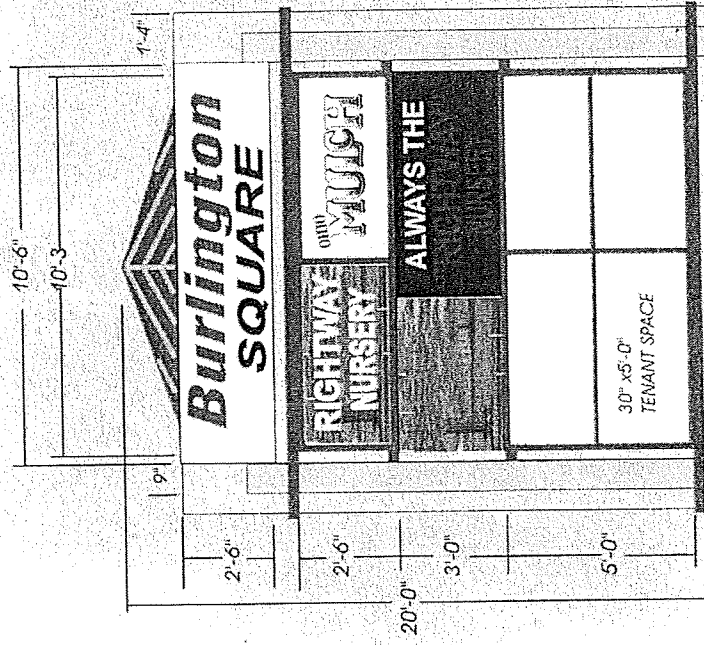
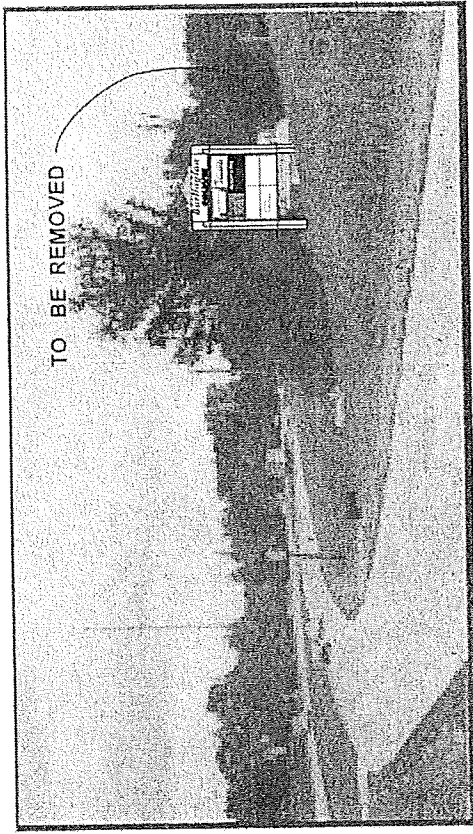
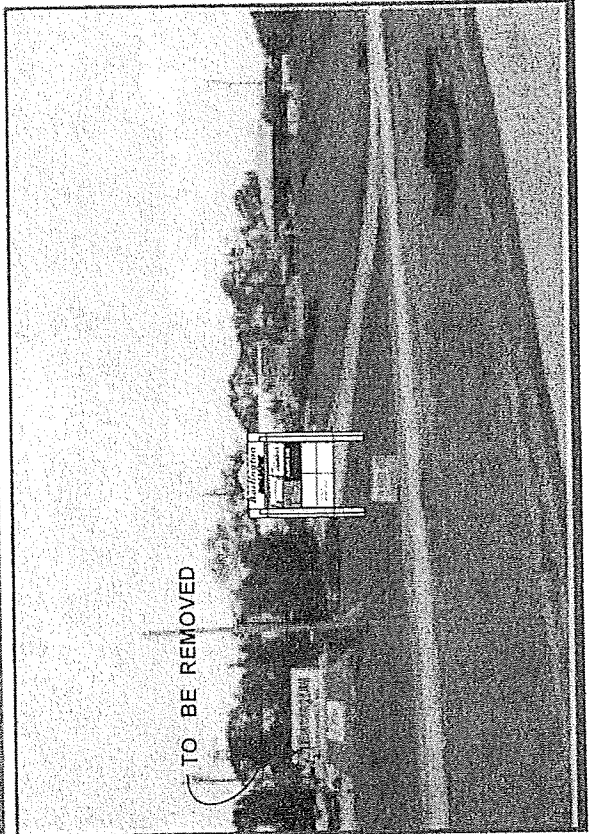
NOTES

DESIGN INTENT DRAWING
 These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contractor shall coordinate and take responsibility for all final materials, selection, sequencing, details, fabrication, installation, permits, and installation. The contractor shall produce the final installation drawings for all signs represented in these design intent drawings.

The drawings and the design herein are published under U.S. Copyright Law and have certain rights reserved by the author and are not to be reproduced without the express written consent of Preferred Resources of the Northwest.

preferred resources
 400 BOWEN
 3700 West Loop
 Burlington, KY 40306
 (859) 488-2884

Sheet No. **1403**



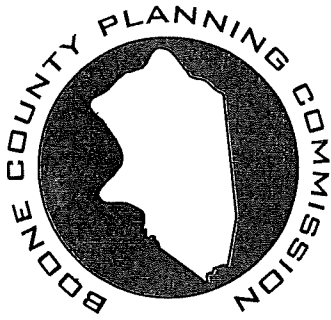
Burlington SQUARE
RIGHTWAY NURSERY
only MURPHY
ALWAYS THE
30' x 5'-0" TENANT SPACE



RECEIVED

MAR 21 2014

BOONE COUNTY
 PLANNING COMMISSION



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

April 17, 2014

Mr. Steven J. Mueller and Mrs. Deborah L. Mueller
Mueller's Properties LLC
3267 Ashby Fork Road
Petersburg, KY 41080

FAX: 980-0129

RE: Recommended Condition of Approval for Mueller's Properties LLC Change in
Concept Development Plan Application, 5555 North Bend Road, Boone County,
Kentucky

Dear Mr. and Mrs. Mueller:

The following represents the condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their April 16, 2014 meeting. If you, as the property owners, agree to this condition, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, May 2, 2014.

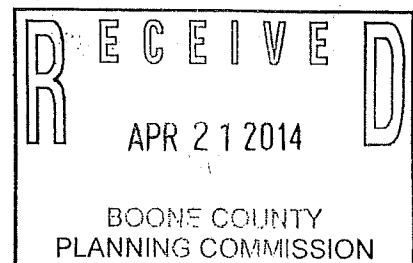
CONDITION

1. All business activities shall occur indoors with the exception that one drive-through facility which meets the normal requirements of the Boone County Zoning Regulations shall also be permitted.

Sincerely,

Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm



Job Name :
BURLINGTON CENTRE
 Job Location:
BURLINGTON, KY

Design No.:
BurPh-103

Date:
03 11 14

Scale:
See Dwg. for Dimensions

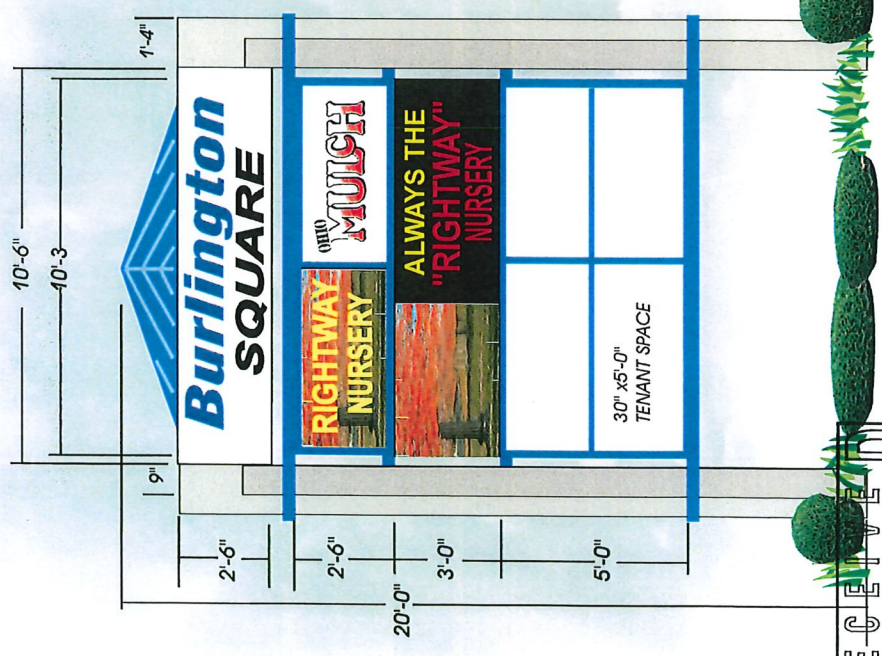
Notes

DESIGN INTENT DRAWING
 These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contracted sign fabricator and installer shall accept sole and final responsibility for all final materials selection, engineering details, fabrication details, permits and installation. The contracted sign fabricator shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

This drawing and the designs herein are protected under U.S. Copyright Law and shall remain the property of Preferred Resources of the Rosebud and may not be reproduced or used in any manner without the expressed written consent of Preferred Resources of the Rosebud.

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Sheet No. **1403**



R E C E I V E D
 MAR 21 2014
 BOONE COUNTY
 PLANNING COMMISSION

ORDINANCE 14-11

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH 1 CONDITION, A REQUEST OF MUELLER'S PROPERTIES LLC (APPLICANT) FOR STEVEN J. AND DEBORAH L. MUELLER (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO (C-2) ZONE FOR A 3.0106 ACRE TRACT LOCATED AT 5555 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract located at 5555 North Bend Road, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with 1 condition, for the Change in an Approved Concept Development Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with 1 condition, in a Commercial Two (C-2) zone for an approximate 3.0106 acre tract located at 5555 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone is more particularly described in DEED BOOK 866, PAGE NO. 754, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That a basis for the approval for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract located at 5555 North Bend Road, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records and same are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

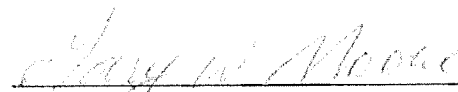
The Boone County Planning Commission Committee recommended approval for this request and its findings of fact and 1 condition as set forth in its Committee Report are marked as "Exhibit B."

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

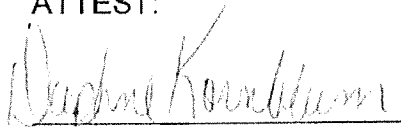
Introduced and given First Reading on the 1st day of July.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 5th day of August and signed by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



DAPHNE KORNBLUM
FISCAL COURT CLERK